

NEWS RELEASE

Released by: Attorney General John M. Formella

Subject: State Attorneys General Reach \$450 Million Nationwide Settlement as Part of Opioid Maker Endo's Bankruptcy

Date: August 17, 2022

Contacts: Michael S. Garrity, Director of Communications
Michael.S.Garrity@doj.nh.gov / (603) 931-9375

James T. Boffetti, Deputy Attorney General
James.T.Boffetti@doj.nh.gov / (603) 271-0302

Concord, NH – Attorney General John M. Formella has reached an agreement in principle with opioid maker Endo International plc and its lenders that would provide up to \$450 million to participating states and local governments, ban promotion of Endo's opioids, and require Endo to turn over millions of documents related to its role in the opioid crisis for publication in a public online archive.

“New Hampshire remains committed to taking strong action to hold those responsible for this crisis accountable,” said Governor Chris Sununu. “This agreement with Endo will help provide further resources to Granite Staters who have been harmed by their actions.”

The agreement in principle with Endo, which filed for Chapter 11 bankruptcy protection Tuesday night in the Southern District of New York, resolves allegations that Endo boosted opioid sales using deceptive marketing that downplayed the risk of addiction and overstated the benefits. Endo, an Ireland-based drugmaker with its U.S. headquarters in Malvern, Pennsylvania, makes generic and branded opioids including Percocet and Endocet, and also made Opana ER, which was withdrawn from the market in 2017. The states allege that Endo falsely promoted the benefits of Opana ER's so-called abuse-deterrent formulation, which did nothing to deter oral abuse and led to deadly outbreaks of Hepatitis and HIV due to its widespread abuse via injection.

“This settlement continues our efforts over many years to hold opioid manufactures, distributors and dispensers responsible for their role in fueling the opioid crisis in New Hampshire,” said Attorney General Formella. “That crisis continues to wreak havoc in our communities and results in significant numbers of drug overdoses and deaths. The funds from this settlement will be dedicated to abating the opioid crisis in our state.”

The resolution, which is contingent on final documentation and Bankruptcy Court approval, involves the following:

- Requires payment of \$450 million in cash over 10 years to participating states and subdivisions.

- Requires Endo to turn over its opioid-related documents for publication online in a public document archive and pay \$2.75 million for archival expenses.
- Bans the marketing of Endo's opioids forever.

The negotiations are being led by the following states: New Hampshire, Maine, Massachusetts, Pennsylvania, Tennessee, Vermont, and Virginia. The settlement is also joined by the attorneys general of Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Utah, Washington, Wisconsin, Wyoming, and the U.S. Virgin Islands.

New Hampshire previously filed complaints against opioid manufacturers Purdue Pharma and Mallinckrodt. Both filed for bankruptcy protection. The Mallinckrodt bankruptcy plan, under which New Hampshire will receive payments, has been confirmed by the court. The Purdue bankruptcy plan is awaiting court confirmation. New Hampshire filed complaints against the major national opioid distributors (McKesson Corp, Cardinal Health, and Amerisource Bergen). Those cases were resolved when New Hampshire joined the attorneys' general multistate settlement under which New Hampshire will receive approximately \$115 million over 18 years. New Hampshire's case against opioid manufacturer Johnson & Johnson is scheduled for trial in early September. The Attorney General's office also announced recently that it had filed a complaint against three major pharmacy chains (CVS, Walgreens and Rite Aid) for their opioid related distribution and dispensing practices.