



Published on *East Lansing Info* (<https://eastlansinginfo.org>)

Home > As Opioid Overdoses Mount, Attorney Seeks to Represent East Lansing in Lawsuit

---

## As Opioid Overdoses Mount, Attorney Seeks to Represent East Lansing in Lawsuit <sup>[1]</sup>

Monday, December 11, 2017, 8:39 am

**By:**

Kepler Domurat-Sousa



A Lansing-based personal injury lawyer made a special presentation to City Council last week in the hopes of representing East Lansing in a case to recover the costs the City has incurred from the opioid epidemic.

The attorney, David Mittleman of Church Wyble, would like to sue the manufacturers and distributors of opioids on behalf of the City. East Lansing's Council gave Mittleman time to present his credentials and ideas, but did not take any vote on the matter at that meeting. The

issue is shown on the agenda for Council's "discussion only" meeting <sup>[2]</sup> this Tuesday, December 12.

The lawsuit that Mittleman hopes to bring is based on the argument that the overdoses constitute a public nuisance, which he says is the fault of the way opioids were advertised by drug manufacturers and made available by pharmaceutical distributors.

Mittleman told Council that opioids have been marketed to be used for treating chronic pain while not approved by the FDA for that purpose. Contrary to his remarks, several opioids (including long-lasting preparations of morphine, fentanyl, codeine, and oxycodone) have been approved by the FDA for treating prolonged or chronic pain. Experts generally agree that the opioid crisis has as one of its roots the problematic marketing and distribution of prescription narcotics.

The goal of the lawsuit would be to recover from manufacturers and distributors the cost of sending emergency services to opioid overdose cases, along with other related costs. Mittleman said that this is more difficult in Michigan than in other states because Michigan has more restrictive laws on medical product liability.

Mittleman is offering his services on a contingency basis. He seeks to be paid thirty percent of whatever the City might be awarded in the lawsuit. The case would cost the city nothing upfront if an attorney took it on a contingency basis.

According to a memo <sup>[3]</sup> from East Lansing Police Lieutenant Scot Sexton, provided to Council, ?ELPD spends countless hours investigating deaths by overdose. Time is spent interviewing witnesses, obtaining search warrants, and inventorying suspected drugs. Cuts in staffing have made this a strain on the detective bureau but we will continue to put efforts into these cases. ELPD has already obtained one death by delivery warrant for a dealer from an overdose in late 2016.?

*Below: Prescription drug drop-off station at the East Lansing Police Department.*



East Lansing has been feeling the impact of the opioid epidemic. In conjunction with Mittleman's presentation, Mayor Mark Meadows noted that, last month, an MSU student who overdosed was found in the Delta section of Chesterfield Hills by his sister. The student died of the overdose despite ELPD and ELFD personnel administering Narcan, a pharmacological antidote to opioids.

According to the memo from Sexton, during the period this year from January 1 to November 28, ELPD has responded to nine opioid overdoses. In three of the cases, the subject died.

In January of 2017, a man overdosed in the bathroom of Georgio's Pizza on Charles Street. Four days later, a woman overdosed in a bathroom at 115 Albert Avenue, the building that houses Menna's Joint and Black Cat Bistro. (She was one of the three people who died.) The next day, an employee of Harper's Brew Pub overdosed in the women's bathroom while she was working.

February saw an overdose of a man in the Boardwalk condominiums on Saginaw Street. In June, a man overdosed at his child's birthday party in the Northern Tier.

Since August, ELPD officers have been carrying Narcan [4] to treat overdoses prior to the arrival of paramedics. They have now used it for an overdose in the Pinecrest neighborhood and another near the Lake Lansing Meijer store. But it doesn't always work, particularly if not administered in time. In August, when an MSU student overdosed in the Bailey neighborhood, Narcan was administered but that young man died.

Narcan is available without a prescription at participating pharmacies, including many in East Lansing. People who think they themselves or someone they know might overdose can obtain it and carry it with them.

### **Related Categories:**

Public Safety and Crime [5]

City Council [6]

Finance and Taxes [7]

Government [8]

MSU [9]

## **ELi is a member of INN and LION Publishers**



**Institute for  
Nonprofit News**



This news is brought to you by our financial supporters!

---

**Source URL:** <https://eastlansinginfo.org/content/opioid-overdoses-mount-attorney-seeks-represent-east-lansing-lawsuit>

### **Links**

[1] <https://eastlansinginfo.org/content/opioid-overdoses-mount-attorney-seeks-represent-east-lansing-lawsuit>

[2] [http://eastlansing.granicus.com/GeneratedAgendaViewer.php?view\\_id=2&event\\_id=1191](http://eastlansing.granicus.com/GeneratedAgendaViewer.php?view_id=2&event_id=1191)

[3] [http://eastlansing.granicus.com/MetaViewer.php?view\\_id=2&event\\_id=1190&meta\\_id=56268](http://eastlansing.granicus.com/MetaViewer.php?view_id=2&event_id=1190&meta_id=56268)

[4] <http://eastlansinginfo.org/content/elpd-managing-opioid-crisis-overdose-devices>

[5] <https://eastlansinginfo.org/safety>

[6] <https://eastlansinginfo.org/citycouncil>

[7] <https://eastlansinginfo.org/finance>

[8] <https://eastlansinginfo.org/government>

[9] <https://eastlansinginfo.org/msu>