

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Jury Trial Demanded
)	
v.)	Case No. _____
)	
WALMART INC. AND WAL-MART STORES)	
EAST, LP,)	
)	
Defendants.)	
)	

COMPLAINT

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The United States of America files this Complaint against Walmart Inc. and Wal-Mart Stores East, LP (collectively “Walmart”), and alleges as follows:

INTRODUCTION

1. The United States of America brings this civil enforcement action against Walmart for violations of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (“Controlled Substances Act” or “CSA”), 21 U.S.C. §§ 801 *et seq.*

2. The CSA comprehensively regulates every participant in the supply chain for controlled substances, from manufacturers to wholesale distributors to retail pharmacies. Because controlled substances by definition are drugs with the potential for abuse, this comprehensive scheme is designed to prevent the “diversion”—*i.e.*, the illegal misuse—of controlled substances, including prescription opioids. Under the CSA, every participant in the supply chain bears responsibility for preventing the misuse of controlled substances.

3. Walmart operates more than 5,000 pharmacies nationwide that dispense prescription opioids and other controlled substances. In addition, until 2018, Walmart acted as a wholesale distributor of controlled substances for its own pharmacies.

4. As both a pharmacy and a distributor, Walmart assumed critical gatekeeping responsibilities under the CSA. At two stages—when deciding whether to fill its pharmacies’ wholesale orders for controlled substances from its distribution warehouse, and when deciding whether to fill individuals’ prescriptions for controlled substances—Walmart was required by the CSA to take steps to prevent the diversion of the prescription drugs it sold.

5. As a nationwide dispenser *and* distributor of opioids, and given the sheer number of pharmacies it operates, Walmart was uniquely well positioned to prevent the illegal diversion of opioids. Yet, for years, as the prescription drug abuse epidemic ravaged the country, Walmart

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