

IN THE CHANCERY COURT OF HINDS COUNTY
FIRST JUDICIAL DISTRICT
STATE OF MISSISSIPPI

FILED
SEP 24 2021

THE STATE OF MISSISSIPPI, EX REL.
LYNN FITCH, ATTORNEY GENERAL

Plaintiff,

v.

ELI LILLY AND COMPANY; NOVO
NORDISK INC.; SANOFI-AVENTIS U.S.
LLC; EVERNORTH HEALTH, INC.
(FORMERLY EXPRESS SCRIPTS
HOLDING COMPANY); EXPRESS
SCRIPTS, INC.; EXPRESS SCRIPTS
ADMINISTRATORS, LLC; ESI MAIL
PHARMACY SERVICES, INC.; EXPRESS
SCRIPTS PHARMACY, INC.; CVS
HEALTH CORPORATION; CVS
PHARMACY, INC; CAREMARK RX,
L.L.C.; CAREMARK PCS HEALTH, L.L.C.;
CAREMARK, L.L.C.; UNITEDHEALTH
GROUP, INC.; OPTUM, INC.; OPTUMRX
INC.

Defendants.

EDDIE JEAN CARR, CHANCERY CLERK

BY Spankin J.C.

Cause No. 21-cv-00738

SECOND AMENDED COMPLAINT

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The Honorable Lynn Fitch, Attorney General, brings this action on behalf of the State of Mississippi (the “State” or “Plaintiff”), in its proprietary capacity and in its capacity as *parens patriae*, for restitution, damages, punitive damages, disgorgement, penalties and injunctive relief under the laws of the State of Mississippi against the above-named Defendants.

I. Introduction

1. Diabetes is an epidemic in Mississippi. Mississippi has the highest prevalence of diabetes in the United States with 13.6% of its population—over 400,000 people—living with diabetes. An additional 750,000 Mississippi residents have prediabetes, which is when a person’s blood sugar level is higher than it should be and signifies that the person is at a much greater risk for developing diabetes.

2. Diabetes is the leading cause of blindness, kidney failure and lower limb amputations and is the seventh leading cause of death in Mississippi despite the availability of effective treatment. Over 22% of all hospitalizations in Mississippi are attributable to diabetes.

3. The economic impact of diabetes is staggering. The total estimated cost of diagnosed diabetes in Mississippi is \$3.5 billion per year. One in four health care dollars is spent caring for people with diabetes.

4. Approximately 100,000 Mississippians rely on daily insulin treatments to survive, and 300,000 diabetics in Mississippi use either oral medications, insulin or a combination of both to treat and control diabetes. As a result, hundreds of thousands of Mississippi residents must rely on the companies that manufacture diabetes medications to stay alive and thus are at the mercy of these manufacturers.

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