

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FEATHER RIVER TRIBAL HEALTH, INC.
and RIVERSIDE-SAN BERNARDINO
COUNTY INDIAN HEALTH, INC.,

Plaintiffs,

vs.

MCKINSEY & COMPANY, INC.,

Defendant.

MDL Member Case No. _____

COMPLAINT

JURY TRIAL DEMANDED

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. JURISDICTION AND VENUE.....	2
III. PARTIES	2
A. PLAINTIFF FEATHER RIVER TRIBAL HEALTH, INC.....	2
B. PLAINTIFF RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.	4
C. Defendant	7
IV. FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS	8
A. The Corporate Integrity Agreement	8
B. McKinsey's Role Following the Corporate Integrity Agreement	8
1. The Sacklers seek to divert money to themselves.....	8
2. McKinsey supplied Purdue with Granular Sales and Marketing Strategies and Remained Intimately Involved in Implementation.....	9
C. Project Turbocharge	10
D. McKinsey Knew About the Dangers of Opioids and Acted to Maximize OxyContin Prescriptions Anyway	12
E. Purdue's 2020 Guilty Plea and McKinsey's Recent Statement	13
F. Impact of Opioid Abuse, Addiction and Diversion on American Indians and Alaska Natives	15
G. The Impact of McKinsey's Work with Opioid Manufacturers on Plaintiff FRTH.....	17
H. The Impact of McKinsey's Work with Opioid Manufacturers on Plaintiff RSBCIHI	21
I. Tolling of Statutes of Limitations	24
1. Equitable Estoppel and Fraudulent Concealment	24
2. McKinsey and Purdue Persisted in The Fraudulent Scheme Despite a Guilty Plea and Large Fine	25
V. FACTUAL ALLEGATIONS PERTAINING TO CLAIMS UNDER THE RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS (RICO) ACT: THE OPIOID MARKETING ENTERPRISE	26

TABLE OF CONTENTS

(continued)

	<u>Page</u>
A. The Common Purpose and Scheme of the Opioid Marketing Enterprise.....	26
B. The Conduct of the Opioid Marketing Enterprise Violated Civil RICO	29
C. Pattern of Racketeering Activity	31
VI. CAUSES OF ACTION.....	35
A. Racketeer Influenced and Corrupt Organizations (RICO) 18 U.S.C. § 1961, et. seq.....	35
B. Negligence under California Law	44
C. Public Nuisance - Cal. Civ. Code §§ 3479 and 3480.....	45
D. False Advertising Law (Ca. Bus. & Prof. Code § 17500).....	49
E. Unjust Enrichment.....	50
F. Unfair Competition Law (Ca. Bus. & Prof. Code § 17200)	51
VII. PRAYER FOR RELIEF	53
VIII. JURY DEMAND.....	54

I. INTRODUCTION

1. This case arises from the worst man-made epidemic in modern medical history—the misuse, abuse, and over-prescription of opioids. This crisis arose from the opioid manufacturers' deliberately deceptive marketing strategy to expand opioid use.

2. McKinsey and Company, Inc. ("McKinsey" or "Defendant") played an integral role in creating and deepening the opioid crisis.

3. In the years following Purdue Pharma L.P.'s ("Purdue") 2007 guilty plea for misleadingly marketing OxyContin, McKinsey worked closely with Purdue to dramatically increase OxyContin sales to the benefit of McKinsey, Purdue, and the Sackler family, the wealthy family that has owned and controlled Purdue for decades. McKinsey specifically sought to maximize OxyContin sales by working around the requirements of the Corporate Integrity Agreement that Purdue entered as part of its guilty plea. McKinsey also performed related work for other manufacturers of opioids, including Johnson & Johnson. Through the conduct described in this complaint, McKinsey participated in and helped orchestrate a broad scheme to deceptively market opioids.

4. McKinsey knew of the dangers of opioids and of Purdue's prior misconduct, but nonetheless advised Purdue to improperly market and sell OxyContin, supplying granular sales and marketing strategies and remaining intimately involved throughout implementation of those strategies. McKinsey's actions resulted in a surge in sales of OxyContin and other opioids that fueled and prolonged the opioid crisis.

5. In a series of agreements, McKinsey has recently settled opioid-related claims with 49 states (including California), the District of Columbia, and five U.S. territories.

6. The Plaintiffs are intertribal consortia responsible for providing healthcare services to citizens of their constituent tribes. Native Americans have disproportionately borne

the toll of the opioid crisis. Plaintiffs bring suit to hold McKinsey responsible for its role in that crisis, which has posed an existential threat to tribes and tribal communities.

II. JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action because the Plaintiffs bring a federal cause of action that raises a federal question pursuant to 28 U.S.C. § 1331. The Court also has supplemental jurisdiction over the Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367 because the state law claims are part of the same case or controversy.

8. This Court has personal jurisdiction over McKinsey because at all relevant times, McKinsey has purposely availed itself of the privilege of doing business in the State of Ohio and in this District, including by engaging in the business of researching, designing, and implementing marketing and promoting strategies for various opioid manufacturers, including Purdue, in support of their sales and marketing of opioids in Ohio.

9. Venue is proper in the United States District Court for the Northern District of Ohio under 28 U.S.C. § 1391(g) and 18 U.S.C. § 1965, and pursuant to paragraph 6(a) of Case Management Order 1, issued by this Court on April 11, 2018 in case number 1:17-CV-2804. Plaintiff hereby asserts that, but for that Order permitting direct filing in this District, Plaintiffs would have filed their cases in the U.S. District Court for the Central District of California because a substantial part of the events or omissions giving rise to this action occurred in California and because the Defendant is subject to the jurisdiction of the United States District Court for the Central District of California.

III. PARTIES

A. Plaintiff Feather River Tribal Health, Inc.

10. Feather River Tribal Health, Inc. ("FRTH") is a Tribal government non-profit Indian health program with its principal place of business in Oroville, California. FRTH was

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