

Kroger Will Pay \$1.4 billion to Resolve its Opioid Cases

Attorney who led the prosecution against Kroger said it failed to adequately train & equip its pharmacists to identify and react to red flags on prescriptions.

PENSACOLA, FL, UNITED STATES, September 8, 2023 /EINPresswire.com/ -- Levin Papantonio Rafferty (LPR), the trailblazing mass torts law firm that has marched at the forefront of the national prescription opiate addiction litigation (Case No. 17-md-2804, aka MDL 2804), is pleased to announce a nationwide settlement agreement with Kroger. The American retail company will pay \$1.28 billion in abatement and \$1.4 billion total to state and local governments across the country to help communities recover from the opioid crisis.



The supermarket giant will pay \$1.2 billion in abatement and \$1.4 billion total to governments nationwide to help communities recover from the opioid crisis.

LPR attorney [Jeff Gaddy](#) led the prosecution of the case against Kroger and managed the multi-year litigation that culminated in today's settlement announcement. "Today's announcement is another step toward fulfilling our commitment to hold responsible all entities that contributed to the opioid epidemic that has taken so many lives and impacted far too many," Gaddy said.

The total national settlement value for this litigation, when combined with [earlier settlements](#) by opioids distributors and manufacturers, as well as pharma companies Walgreens, CVS, Walmart, Teva, and Allergan, approaches \$61.4 billion.

LPR attorney [Peter Mougey](#), who serves as a member of the court-appointed leadership and negotiating team in the National Prescription Opiate Litigation multidistrict litigation (MDL), commented:

"One by one, the dominoes are falling. It's beyond rewarding to know that with a mission-driven dedication, we have been able to bring about the financial resources to help opioid-addiction-ravaged communities through settlements with the corporations who caused this crisis."



Kroger claimed that its pharmacy was offered as a mere convenience to its grocery customers, but ... if you are dispensing dangerous and addictive opioid drugs, you must do so responsibly.”

*JEFF GADDY, ATTORNEY, LEVIN
PAPANTONIO RAFFERTY*

The national prescription opiates addiction litigation was brought by a consortium of law firms nationwide. The agreement took years of negotiations, according to Mougey, who was one of the lead negotiators on the deal. Mougey, along with other members of the PEC’s Negotiation Committee, led the settlement negotiations on behalf of more than 35 states and their communities that comprised the federal opioid litigation.

Not Just a Grocery Store

Unlike the national pharmacy chains that previously

entered into opioid settlements, Kroger is the first settling defendant that is primarily in the grocery business. However, Kroger has more than 2,000 pharmacies within its stores across the country, and discovery into Kroger’s pharmacy operations produced evidence that Kroger failed to adequately train and equip its pharmacists to identify and react to red flags on opioid prescriptions.

“Kroger claimed that its pharmacy was offered as a mere convenience to its grocery customers, but this settlement makes clear that if you are dispensing dangerous and addictive opioid drugs, you must do so responsibly,” Gaddy commented.

Injunctive Terms of the Kroger Settlement Agreement

Funds from government opioid lawsuit settlements are earmarked for battling the opioid crisis through treatment, education, and prevention.

However, the injunctive measures the plaintiffs' counsel drafted and attached to settlement negotiations play an equally important role in this litigation, and such relief will be imposed in the future, according to Gaddy.

"Financial settlements resolve the past. Injunctive relief protects the future," he said.

New Mexico Opioids Trial Set the Stage

In June 2023, LPR announced a \$500-million settlement agreement with Walgreens, the pharmaceutical giant accused of recklessly dispensing opioids and, in so doing, facilitating the State of New Mexico's opioid crisis.

The settlement news came after a two-month trial against pharmacy powerhouses Walgreens, Walmart, and Kroger. The three pharmacy giants are said to be responsible for over half the

opioid pills in New Mexico, according to New Mexico Attorney General Hector Balderas, who opened the bench trial in September 2022. During the course of the trial, Walmart and Kroger paid settlements of \$150 million and \$85 million, respectively.

"This national settlement with Kroger would not have been possible without the trial pressure LPR and other leading firms applied," said Gaddy, who, along with Mougey was Co-Lead Counsel for the State of New Mexico in the trial against Walgreens.

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