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Ohio Chamber of Commerce Files Amicus Brief in Ohio Supreme Court Opioid Case

COLUMBUS, OHIO — This week, the Ohio Chamber of Commerce filed an amicus brief in support of petitioners in a case pending before the Ohio Supreme Court. The case comes to the Court after the justices accepted a request for certification of a state law question from the United States Court of Appeals for the Sixth Circuit. Specifically, the federal court asked for a determination of when Ohio’s Product Liability Act supersedes a party’s public nuisance claim.

The Ohio Chamber’s amicus brief supports the pharmacies that are currently a party in the multi-district opioid litigation that originated from Ohio’s Northern District Court. In this case, two Ohio counties have alleged that the pharmacies created a public nuisance for their role in dispensing opioid prescriptions. The Ohio Chamber’s brief argues that state law requires the counties’ claim to proceed under Ohio’s Product Liability laws rather than relying on a public nuisance claim, which is traditionally reserved for litigation based upon someone’s use of land.

In its amicus brief, the Ohio Chamber urges the Ohio Supreme Court to determine that Ohio’s product liability statutes invalidate the county’s public nuisance claims. The Chamber argues that Ohio’s tort reform laws, notably Senate Bill 80 and Senate Bill 117 from the early 2000s, expressed the legislature’s intent to prohibit plaintiffs from disguising product liability lawsuits as public nuisance claims.

“Reining in the abuse of public nuisance lawsuits was one of Senate Bill 80’s primary objectives,” said Ohio Chamber President & CEO Steve Stivers, who was the primary sponsor of the bill during his time in the Ohio Senate. “We accomplished this by requiring an alleged public nuisance arising from a product to follow Ohio’s product liability laws. The Ohio Chamber filed the amicus brief in the pending case to reiterate that original intent and to stop the misapplication of our statutes from harming Ohio businesses and our state’s legal climate.”

The law firm Dickinson Wright authored this brief on behalf of the Ohio Chamber. The brief was joined by the Ohio Alliance for Civil Justice. [You can read it in full here.](#)