

Attorney General Balderas' Opening Remarks Opioid Trial

For the last eight years, I've had the privilege of protecting the interests of the people of the State of New Mexico by serving as their Attorney General. It's in that role and on their behalf that I appear before you today.

For background, the opiate crisis has been in the news for many years. Parties up and down the opiate supply chain have accepted responsibility for their roles in the opiate epidemic. The remaining defendants in this case, Walmart, Walgreens and Kroger are responsible for one out of every two pills sold in New Mexico, yet they steadfastly claim that they've done nothing wrong. More importantly, they refuse to shoulder any responsibility, and instead Walmart, Walgreens and Kroger point the finger at everyone else.

No matter how much they try to put blame elsewhere, we will show during this trial that the Defendants, Walgreens, Walmart and Kroger, were in one of the most important and vital positions when it came to releasing these dangerous narcotics into the State of New Mexico and into our communities.

These pharmacies, in essence, were supposed to serve like a dam. For a state that survives generations without a lot of water, we've got quite a few dams throughout New Mexico. These dams are vitally important to our way of life because they protect us. They turn massive surges into carefully

measured safe levels released in the public interest for the benefit of the general public. The defendants, in essence, by metaphor, smashed those dams wide open.

No matter what crazy storms and flooding the drug manufacturers could throw at these organizations, the defendants had a legal duty, I believe, to hold back the flood and protect New Mexicans from harm. The evidence will show that Walgreens, Walmart and Kroger ignored their responsibilities and allowed the flood gates of prescription opiate pills to surge throughout the State of New Mexico into our communities, into our schools and into our homes. In essence, they failed to fulfill their responsibilities to the people of New Mexico.

You will learn throughout this trial that each one of those Defendants did nothing to stop the flow of pills. You'll see the internal documents and hear the evidence. Ultimately, the Defendants did not care about the responsibilities to their patients and to the people of New Mexico. You'll hear how these companies tied their pharmacists' hands with corporate policies that value profits over patient safety.

You will also learn how they watched as pills poured out and money poured in. You are going to learn about a single Walgreens pharmacy in Espanola here in northern New Mexico which I know you know has a population of 10,000 people. Yet, they dispensed over 12.4 million opiate pills from 2006 to

2019. That's enough to give every man, woman and child in Espanola 841 pills for that time frame. Truly dangerous.

You are going to hear about another single Walmart pharmacy in Silver City in western New Mexico, which has a population of about 10,000 people. They dispensed over 8 million opiate pills from 2006 to 2019. That's enough to give every New Mexico man, woman and child in the small Silver City community 732 pills during that time frame.

We are going to hear about a Kroger pharmacy in the town of Taos, which barely has a population of 6,000 people. They dispensed over 4.8 million opiate pills from November of 2008 to 2019. That's enough to give every man, woman, and child in Taos 595 pills during that time frame.

Those are the numbers of just three pharmacies.

These communities have survived generations in homesteading, Taos Pueblo over a thousand years, yet this type of danger and risky conduct persisted in our rural communities.

You will see the numbers of even more pharmacies and see the incredible number of pills throughout all our communities that the Defendants let run and flood through this state. The evidence will show that the opiate epidemic has effectively squeezed our state in a vice, slowly deteriorating and destroying the quality of life for so many New Mexicans. I've seen those heart breaks firsthand and dealt with those tears.

Once the Defendants started dispensing prescription narcotics into our state, the leading cause of opiate overdose became prescription drugs. New Mexico has had one of the worst drug overdose deaths per capita, even exceeding West Virginia, for most of the decade between 2000 and 2010. From the mid-2000s to 2018, prescription opiate drugs were the core driving force behind overdose deaths in New Mexico, lost generations. And recently, now more cheap and dangerous heroin and fentanyl have also filled the huge opiate demand created by this wave and flooding of prescription pills.

The evidence will show that the worst thing about this crisis, as bad as the tragedy has been, is that this could have been stopped and managed before it ever got started. The defendants could have fulfilled their responsibilities and held back all of the illegitimate and unsafe prescriptions. But they didn't. They saw an opportunity for historic, historic profits, and they took it.

So, we are here today to demand justice, to make the Defendants abate the nuisance they created and hold them accountable for their unfair and deceptive business practices.

To go back to the earlier analogy, floods leave carnage, they leave trauma in their wake, and they also include harms that long remain after waters from flooding recede. Maybe black mold has started to grow and needs to be remediated, maybe the foundations of homes have been compromised that must be now

shorn up, maybe irreplaceable family heirlooms and histories have been swept away. It's never enough to simply pump out water and clear away the debris. To actually recover from a disaster like this, a tragedy, we have to investigate, identify and repair all the insidious effects that remain long after we stem the tide. Multiple generations lost.

The evidence today will show no question that New Mexico has been on the cutting edge of survival and developing responses to this crisis in our communities. But as families have struggled, there is no question that our efforts have been easily and consistently overwhelmed by the crush and flooding of pills year after year in a callous disregard these Defendants have shown for the safety in our communities.

I was raised in northern New Mexico where we relied on small mom and pop stores, retail, to protect us and buy product lines. And yet, some of these businesses on our own street corners and our own street fronts, our own main streets, these are the same communities that the Defendants claim to serve today.

At the end of this trial, we will ask Your Honor to hold the Defendants accountable for their failures and force them to close the flood gates once and for all, to stem the flow of pills into our communities and reduce this flood back down to a responsible flow. Simply stopping the flood will not be enough to repair the lost generations, broken communities and

broken homes. What we'll need is the resources to actually rebuild oversight protections, restore and rebuild trust, what the Defendants' actions have taken away from us. It's going to take a very long time. A lot of money and funding will be necessary, there is no question. But the opiate epidemic has gone far too long with too many lost generations without companies like these Defendants accepting responsibility.

Your Honor, we brought this case here today to ensure justice for the people.