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# Families Impacted By The Opioid Crisis Testified At Johnson & Johnson Trial

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Heard on Morning Edition

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Johnson & Johnson was ordered to pay Oklahoma \$572 million in a landmark opioid trial. NPR's Rachel Martin talks to Gary Mendell, who testified at the trial. He lost his son Brian to addiction.

RACHEL MARTIN, HOST:

It was a landmark trial - Johnson & Johnson, ordered to pay \$572 million to the state of Oklahoma. On Monday, a judge ruled that the drugmaker helped create the state's opioid epidemic by deceptively marketing painkillers. During the trial, families of those affected by the national crisis testified, among them Gary Mendell. He lost his son Brian to addiction and has since founded a nonprofit called Shatterproof to help families coping with drug abuse.

Brian went through eight treatment programs in eight years. And he'd been clean for more than a year. But in 2011, at the age of 25, he took his own life. I talked with Gary about the impact this trial could have on the national opioid epidemic. But we started with his son.

Can you tell us - tell me about Brian? Who was he as a kid?

GARY MENDELL: He was every father's dream. I mean, smiling - always smiling that big smile of his, very curious, always hugging me as he grew up - just everything a father could ask for. And he was just a fighter.

MARTIN: Can I ask how you first found out that he had developed this addiction to opioids?

MENDELL: Sure. It was in phases. The first real event that started - we started to realize there was a problem was his junior year in high school. We got called to the principal's office and told that your son is using much more than others, and we got a real problem here. It started out with pot. It moved to Xanax, which moved to Vicodin, which moved to heroin.

What's different about Brian's story is he didn't die of an overdose. He hadn't used a substance in 13 months. And he took his own life. And he wrote about, in a suicide note, the shame that goes along with someone addicted - the waking up every morning feeling like an outcast all day long. That's what he felt. And that's what everyone who is addicted feels. And because of that, it creates social isolation. So there's a large segment of the population who's addicted that does not go to treatment because of the shame and the stigma.

MARTIN: After Brian's death, did you look to place blame?

MENDELL: No. I was really more focused on what could be done to help others. I mean, it was - I couldn't bring Brian back. And I knew Brian. I mean, I was told a story by his sober coach that the last time he saw Brian when they had dinner, Brian walked out of the restaurant. And Brian had almost no money. He walked out of the restaurant with \$5 bills and started handing it to the homeless. That's who Brian was. I knew he wouldn't want me to be thinking about working backwards about what caused this - more about what can we do to go forward to help others?

MARTIN: Nevertheless, even though your focus has been on creating a national support mechanism for families and those who suffer from addiction, you testified at this trial. I'm going to play a clip. We had an attorney on for Johnson & Johnson who represented the company in this trial.

MENDELL: Sure.

MARTIN: Let's listen to what she had to say, and I'll ask you to respond.

MENDELL: Sure.

(SOUNDBITE OF ARCHIVED RECORDING)

SABRINA STRONG: Look. This is a serious public health crisis, and it's something that needs to be addressed. But litigation is not the answer. We need public and private partnerships. We need collaboration. We need people to come together to address this serious public health crisis.

MARTIN: How do you respond to that?

MENDELL: I respond to that that because of what was done by many categories of organizations, which certainly, I would suspect, includes organizations like J&J, but not just J&J, there are already somewhere between 3 and 6 million people in this country addicted to opioids. So of course we need public private partnerships to do so, but we need money to do so also.

MARTIN: And money comes from litigation.

MENDELL: It doesn't have to if money was voluntarily given. But if money is not voluntarily given, then we need litigation to do so. And I would suspect there's blame in some aspects of the health care industry, sure. But until 2016, when the new CDC guideline came out on prescribing, doctors were continually being taught that we're not treating pain enough. We need to prescribe more opioids. So we can look in many different places for blame. And I suspect there's blame in a lot of different places. And we need money to fix it.

MARTIN: Do you think this trial and this judgment against this particular company, Johnson & Johnson, sets a precedent that will facilitate those kind of payments?

MENDELL: Yes. Clearly, it creates a precedent that those who create a public nuisance, those who market inappropriately drugs without properly describing the

risks along with the benefits will be held accountable.

MARTIN: If I may ask - it's a lifetime to remember - but when you think about your son, when you think about Brian, is there an image that your mind settles on?

MENDELL: Sure. Thank you so much for asking. What I focus on usually is thinking about his last visit home. He came home for a few days. And that last day, we played golf in the morning, had a great time. We had a family barbecue in the afternoon. And that night, after everyone went home, it was just the two of us. And we're sitting in the back porch. And we were talking about his favorite topic, the New York Giants...

MARTIN: (Laughter).

MENDELL: ...And Eli Manning (laughter). And then the conversation turned to his recovery. And Rachel, he looked at me, and he said, Dad, I wish that someday people would realize I'm not a bad person. I'm a good person with a bad disease. And I want you to know, Dad, I am trying my absolute hardest. I promise.

That's what I think about, Rachel. And I think about that being seven years ago and how many people in the country today feel what Brian felt, that feeling that - people not understanding that it's a chronic illness just like any other, and that it's treatable. So that's what I think about. And thank you so much for asking.

MARTIN: Gary Mendell, thank you for your time.

MENDELL: Thank you. Thanks, Rachel.

(SOUNDBITE OF DAIGO HANADA'S "UNDER THE STARRY SKY")

MARTIN: Gary Mendell, the founder and CEO of Shatterproof, a nonprofit working to tackle addiction.

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