

Bond Case Briefs

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MUNICIPAL CORPORATIONS - GEORGIA

Hospital Authority of Wayne County v. AmerisourceBergen Drug Corporation

Supreme Court of Georgia - August 21, 2023 - S.E.2d - 2023 WL 5337867

County hospital authority brought actions against pharmaceutical companies, seeking to recover unreimbursed amounts it purportedly expended in treating opioid-dependent patients.

Actions were consolidated into multidistrict litigation (MDL). After seven of companies moved to dismiss, the United States District Court for the Northern District of Ohio certified questions.

The Supreme Court held that authority did not have legal authority to challenge Settlement Act's preemption provision on grounds that it violated Georgia Constitution's bar against retroactive laws.

County hospital authority did not have legal authority to challenge Settlement Act's preemption provision, which barred past, present or future claims on behalf of governmental entity seeking to recover against any business or person that was released entity under terms of settlement between State of Georgia and certain pharmaceutical companies, on grounds that it violated Georgia Constitution's bar against retroactive laws; General Assembly's passage of Act and its preemption provision took away any general statutory power the authority might otherwise have had to pursue such claims.