

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO: CACE19-018882 (07)

FLORIDA HEALTH SCIENCES
CENTER, INC., *et al.*,
Plaintiffs,

v.

RICHARD SACKLER, *et al.*,
Defendants.

**ORDER ON DEFENDANTS' JOINT MOTION FOR JUDGMENT IN
ACCORDANCE WITH THE MOTION FOR DIRECTED VERDICT**

THIS CAUSE came before the Court for hearing on April 27, 2026 upon Defendants' Joint Motion for Judgment in Accordance with the Motion for Directed Verdict (the "Motion"). The Court, having considered the Motion, the Plaintiffs' Response in Opposition, the Reply, the complete trial record and the applicable law, having heard argument of counsel, and being otherwise duly advised in the premises, hereby rules as follows:

Procedural Background

This case proceeded to trial in September 2025 on Plaintiffs' Florida RICO enterprise and conspiracy claims pursuant to sections 772.103(3) and (4), Florida Statutes. Plaintiffs sought damages for alleged underpayment for opioid-related visits. At the close of Plaintiffs' case, Defendants moved for a directed verdict. *See* Defendants' Joint Motion for Directed Verdict filed on October 30, 2025. Then at the close of evidence, Defendants renewed its motion for directed verdict. *See* Defendants' Renewed Motion for Directed

Verdict filed on November 12, 2025. On November 14, 2025, the jury began deliberations. On the 12th day of deliberations, the jurors indicated that they had “reviewed [the] instructions, all the evidence, exhibits, testimonies and voted several times” but could not “unanimously render a verdict.” *See* Exhibit 1 to Defendants’ Motion; *see also*, Trial Transcript, at 10272. The Court gave an *Allen* charge to the jurors, asking them to “try again to reach a verdict if you reasonably can.” *Id.* at 10275. On December 8, 2025, after two additional days of deliberations, the jury again indicated they were at a deadlock, and the Court declared a mistrial. *Id.* at 10511. On December 22, 2025, Defendants filed the instant Motion. On January 20, 2026, Plaintiffs filed its Response in Opposition. On February 13, 2026, Defendants filed its Reply.

Legal Standard

In accordance with Florida Rule of Civil Procedure 1.480(b), “when a motion for a directed verdict is denied or for any reason is not granted, the court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion.” “If a verdict was not returned, a party who has timely moved for a directed verdict may serve a motion for judgment in accordance with the motion for a directed verdict within 15 days after discharge of the jury.” Fla. R. Civ. P. 1.480(b).

A directed verdict is appropriate only when, viewing the evidence and all reasonable inferences in the light most favorable to the non-moving party, “no reasonable jury could render a verdict for the nonmoving party.” *Lipsig v. Ramlawi*, 760 So. 2d 170, 175 (Fla. 3d DCA 2000) (quoting *Houghton v. Bond*, 680 So. 2d 514, 522 (Fla. 1st DCA 1996)).

While the Court previously denied summary judgment on proximate cause, a directed verdict motion allows the Court to assess the sufficiency of the evidence based on the complete trial record. *See AMERISEAL OF N. E. Fla., INC. v. LEIFFER*, 738 So. 2d 993, 995 (Fla. 5th DCA 1999) (“Once the trial commences, the defendant then tests the sufficiency of the plaintiff’s evidence by a motion for directed verdict.”).

Analysis

Defendants argue the Court should grant its Motion on Plaintiffs’ Florida RICO enterprise and conspiracy claims because Plaintiffs cannot satisfy the direct-injury requirement. Defendants contend that the trial evidence shows how Plaintiffs’ alleged injuries are indirect and merely derivative of harm to third parties—namely, patients with opioid use disorder (“OUD”). Defendants further argue that, because Plaintiffs’ trial evidence does not establish direct injury necessary to prove proximate cause under Florida’s RICO, a directed verdict is warranted.

In response, Plaintiffs argue its experts testified that the evidence suggested a direct causal link between Defendants’ predicate acts and Plaintiffs’ damages. Plaintiffs further argue the jury heard testimony that caring for OUD patients is “very complicated,” requiring, for example, “additional resources, additional length of stay,” as well as “more medicines, more social workers, [and] more staff.” *See* Plaintiffs’ Response, p. 21; Trial Tr. at 3781-82. Moreover, the additional resources and length of stay for these patients translated into increased costs—harms that only hospitals suffer.

Florida’s RICO requires proof by clear and convincing evidence of injury “by reason of” a violation of section 772.103. *See* § 772.104(1), Fla. Stat. Florida courts

interpret “by reason of” to incorporate common law proximate cause and require a “direct relation” between the alleged RICO violation and the plaintiff’s injury. *See Bortell v. White Mts. Ins. Grp., Ltd.*, 2 So. 3d 1041 (Fla. 4th DCA 2009). Where the plaintiff’s injury is contingent on harm to others, the injury is not “direct” in the sense required by Florida’s RICO proximate cause requirement. *See O’Malley v. St. Thomas Univ., Inc.*, 599 So. 2d 999 (Fla. 3d DCA 1992).

Applying these principles to the evidence presented at trial, the Court finds that Plaintiffs’ alleged injuries are indirect because they do not flow as an immediate consequence of the alleged predicate acts. Instead, Plaintiffs’ injuries arise only after OUD patients are harmed and admitted for treatment, at which point Plaintiffs may incur additional medical-care expenses. For example, Plaintiffs presented evidence by its expert, Dr. Andrew Kolodny, who testified that Defendants participated in a scheme to decrease perceived opioid risks and influence physician prescribing. *See* Plaintiffs’ Response at p. 18; *see also*, Trial Tr. Sept. 24, 2025 at 1083-84; Sept. 26, 2025 at 1702-03. Moreover, Dr. Joseph Mason testified that “his statistical analysis demonstrated that for every 1% increase in opioids dispensed, hospital admissions increased 1.06%, with 99% confidence.” *See id.* at p. 19; *see also*, Trial Tr. October 28, 2025 at 6850, and 6845-46. Additionally, Plaintiffs’ expert, Dr. Noa Krawczyk, testified that the “increased opioid supply was ‘mostly coming through pharmacies’ like Defendants, and as a result, there were ‘high level of hospitalizations.’” *See id.*; *see also*, Trial Tr. October 13, 2025 at 4361. The testimony referenced herein and the relied upon evidence, supports the conclusion that Plaintiffs incurred extra medical-care expenses solely because of the harm to OUD patients. That

dependency on third-party harm is the hallmark of an indirect injury that fails the proximate cause requirement.

For example, in *O'Malley v. St. Thomas University, Inc.*, 599 So. 2d 999 (Fla. 3d DCA 1992), the appellants, former employees of St. Thomas University, alleged that they were terminated because they refused to participate in the university's purported RICO violations. They argued that the termination constituted an injury indirectly caused by the predicate acts. *Id.* However, the Third District Court of Appeal rejected this argument, emphasizing that Florida RICO, patterned after the federal RICO statute, requires a direct causal connection between the predicate acts and the injury. *Id.* The Court clarified that while the predicate acts may have been the "but for" cause of the appellants' termination, such a tenuous relationship between the harm and the predicate acts was insufficient to confer standing. *Id.*

Although Plaintiffs in this action contend that their injuries were directly caused by the alleged predicate acts, the same conclusion still applies here: Defendants' alleged improper dispensing and distribution may have been a "but-for" cause of Plaintiffs' injuries; however, absent harm to patients with opioid use disorder, Plaintiffs would have suffered no injury. Plaintiffs cannot suffer harm from Defendants' alleged predicate acts unless OUD patients are first injured—the harm to OUD patients is a necessary prerequisite to any injury suffered by Plaintiffs. Consequently, Plaintiffs' injuries are indirectly caused by Defendants' alleged predicate acts and fail to satisfy Florida's RICO direct relationship requirement. *See Hemi Grp., LLC v. City of New York, N.Y.*, 559 U.S. 1, 9 (2010) (quoting *Holmes v. Securities Investor Protection Corporation*, 503 U.S. 258 (1992)) ("A link that

is ‘too remote,’ ‘purely contingent,’ or ‘indirec[t]’ is insufficient to satisfy RICO's direct relationship requirement.”) (emphasis added); *see also*, *San Miguel Hosp. Corp. v. Publix Supermarket, Inc.*, No. 1:23-CV-00903 KWR/JFR, 2025 WL 872972, at *13 (D.N.M. Mar. 19, 2025); *Serv. Emps. Int'l Union Health & Welfare Fund v. Philip Morris Inc.*, 249 F.3d 1068, 1074 (D.C. Cir. 2001); *Laborers Loc. 17 Health & Benefit Fund v. Philip Morris, Inc.*, 191 F.3d 229, 239 (2d Cir. 1999); and *Perry v. Am. Tobacco Co.*, 324 F.3d 845, 849 (6th Cir. 2003) (Courts finding Plaintiff failed to plausibly allege proximate causation for similar RICO violations where the damages are entirely derivative of the harm suffered by third parties.)

Therefore, after reviewing the complete trial record—including all evidence and testimony, viewed in the light most favorable to Plaintiffs—the Court concludes that no reasonable jury could find direct proximate cause by clear and convincing evidence. Plaintiffs’ alleged injuries are purely contingent on harm to OUD patients, making them indirect and therefore insufficient to satisfy Florida’s RICO proximate cause requirement.

Accordingly, it is hereby:

ORDERED AND ADJUDGED:

1. Defendants’ Joint Motion for Judgment in Accordance with the Motion for Directed Verdict filed on December 22, 2025 is hereby **GRANTED**.
2. Final Judgment is hereby entered in favor of Defendants CVS, Walgreens and Walmart. Plaintiffs shall take nothing by this action, and the Defendants shall go hence without day.

3. Jurisdiction over this matter is retained to address appropriate motions such as an award for attorney's fees and costs, and any other matters the Court deems appropriate.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 26 day of
May, 2026.



CAROL-LISA PHILLIPS
CIRCUIT COURT JUDGE

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