# [Albertsons Loses Bid For Midtrial Win In Wash. Opioid Case]

By **Ben Adlin**

Law360 (August 27, 2026, 10:50 PM EDT) -- Albertsons can't escape the state of Washington's lawsuit accusing the pharmacy chain and its Safeway subsidiary of contributing to the state's opioid crisis, a state judge ruled Thursday in denying the company's bid to dismiss the case midtrial.

King County Superior Court Judge Janet Helson, who's presiding over a bench trial that **[began July 13]**, said in her oral ruling that Washington had presented sufficient evidence to allow the case to proceed.

"I'll be rendering judgment at the close of all the evidence," she said, according to a transcript obtained by Law360. Albertsons is currently presenting its defense at trial, which is expected to stretch into mid-September.

Washington has argued at trial that Albertsons and Safeway failed to adequately investigate or report opioid prescriptions over nearly two decades, allowing the diversion of prescription pills and fueling the state's opioid epidemic. The companies, for their part, have maintained that they did nothing wrong and were simply filling valid prescriptions at a time when the medical community broadly embraced opioids as an effective treatment for pain.

Judge Helson explained that she weighed Albertsons' dismissal motion as though jurors were considering the matter.

"If I did have a jury sitting in this box, would I find that no reasonable fact-finder could determine, based on the facts presented, that the plaintiff is entitled to relief?" she said. "Framed in that way, I am not granting the motion to dismiss, and I am instead effectively denying it."

Albertsons "raises some serious issues related in particular to causation and damages," the judge continued — echoing skeptical comments she made **[during Monday's oral argument]** on the company's motion — but she acknowledged that a reasonable finder of fact could still side with the state.

"I certainly hope and presume I'm reasonable," the judge quipped.

Judge Helson also ruled that Washington's **[proposed $44 billion plan]** to abate harms from the opioid crisis "as a general matter … is a proper remedy," though she added that "the notion that Albertsons is going to pay $44 billion does not necessarily — or, really, probably appropriately — take into account the complexity of the issues and the many substantial factors."

"Should I ultimately find that there is liability and get to the abatement portion, there may be reasons why parts of the plan do not appear appropriate," she told the parties. "I think I've been given enough information in the plan so that I will be in a position to fashion an appropriate abatement remedy."

Albertsons had argued in its **Aug. 18 dismissal motion** — which came on the heels of Washington resting its case against the companies — that the state failed to prove its public nuisance or Washington Consumer Protection Act claims.

"Albertsons is not liable for harm resulting from what now appears, in hindsight, to be good-faith overprescribing," it said in the Aug. 18 filing. "Only if the pharmacist knows or should know that the prescription was not in the course of professional treatment does dispensing violate the regulations."

The company also pointed out that Washington law creates a duty for pharmacists to fill valid prescriptions.

"Because Washington regulations not only permit, but require, pharmacists to fill good-faith prescriptions, Albertsons cannot be liable under the CPA for filling such prescriptions," it said.

Judge Helson **ruled in June** that Albertsons, as an opioid distributor and dispenser, had a duty to prevent diversion of controlled substances, including by investigating unusual prescriptions and reporting suspicious orders. She also ruled that Washington must show that the company was a "substantial factor" in the state's overdose crisis rather than satisfying a higher, "but-for" standard.

At Monday's hearing on the company's motion to dismiss, the judge said she believed the state had demonstrated that Albertsons lacked certain systems to **identify and stop suspicious orders**, but she questioned the degree to which Washington proved that Albertsons actually caused the state's opioid-related harms.

Counsel for the parties did not immediately respond to requests for comment Thursday. The Washington State Office of the Attorney General also did not immediately respond.

Washington is represented by Kelsey E. Endres, Jonathan J. Guss, Alison E. Cordova and Jonathan Tebbs of the state attorney general's office, Russell W. Budd, Christine C. Mansour, Michael Thakur, Daniel Alberstone, Mark Pifko, Peter Klausner, Evan Zucker, Jay Lichter, Elizabeth Smiley, Sterling Cluff, Catherine H. Dorsey and Marco A. Palmieri of Baron & Budd PC, Peter J. Mougey and Jeffrey R. Gaddy of Levin Papantonio Proctor Buchanan O'Brien Barr Mougey PA, Kathleen Clark, Amy Quezon and Allan J. Elkins Jr. of McHugh Fuller Law Group PLLC, and Anthony J. Majestro, Christina L. Smith and Graham B. Platz of Powell & Majestro PLLC.

Albertsons and Safeway are represented by Mary Re Knack and Alexandrea M. Smith of Ogden Murphy Wallace PLLC, George A. Borden, Olivia L. Campbell, Richard S. Cleary Jr., Jack H. Danon, Sarah S. Gallant, William Hawkins, Loryn Helfmann, Enu A. Mainigi, Carl Metz, Steven M. Pyser and Jennifer Wicht of Williams & Connolly LLP, and Francis A. Citera, Gretchen Miller, Emily Mankowski, Brett Doran, Meredith Mandell, Linda Ricci, Bryan Harrison, Akiesha Gilcrist Sainvil and Christopher Torres of Greenberg Traurig LLP.

The case is State of Washington v. Rite Aid Corp. et al., case no. 22-2-20910-1, in King County Superior Court.

--Editing by Michael Watanabe.