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**We Never Forget that
Behind Every Case,
are Real People**

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Delta Enterprise Re-Announces Recall After a Second Infant Dies

Delta Enterprise Corp. has re-announced its 2008 recall of more than 985,000 drop-side cribs with "Crib Trigger Lock and Safety Peg" hardware. In January 2011, Delta learned of a 2009 death in which 7-month-old girl became entrapped and suffocated between the detached drop-side and mattress of her recalled crib. The crib was purchased secondhand and re-assembled without safety pegs in the bottom tracks.

Missing safety pegs can create a situation where the crib's drop-side rail disengages from the track. This can create a hazardous space in which an infant can become entrapped and suffocate.

The initial recall in October 2008 was prompted by the death of another infant who also became entrapped and suffocated when the drop side of the crib detached. That crib was also re-assembled without safety pegs. At the time of the October 2008 recall, there were reports of two entrapments and nine detachments in cribs without safety pegs.

The re-announcement involves cribs made in Taiwan and Indonesia and sold at major retail stores including Kmart, Target and Walmart between January

(Continued on back)

Recent Verdicts and Settlements

UPA Electrical Specialists, Inc. v. Mumma Realty

\$1.4 Million for a company leasing space from a realty company who failed to adhere to safety codes and ordinances set forth by the township. The property with not equipped with fire retardant walls or partitions, and lacked sprinklers or any other sufficient fire suppressant systems. The fire destroyed a portion of the property UPA was leasing as well as the business equipment, inventory and personal possessions and tools of the Plaintiffs, resulting in the near total destruction of UPA's business capabilities and caused the loss of significant income and profits to their business.

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State Senator Defends Joint and Several Liability

Pennsylvania State Senator Daylin Leach recently wrote a piece in response to Governor Corbett's efforts to have "Joint and Several Liability" repealed. Under the joint and several rule, an injured victim can recover the full-amount of damages from any one of the wrong-doers. Here are a few excerpts from his article, *Repealing Joint and Several Liability is Irresponsible*:

Supporters of repealing joint and several claim it is unfair to make a defendant pay 100% of the damages when the jury found they were only 40% at fault. This argument has some superficial appeal, but does not withstand scrutiny when one considers the harm repealing joint and several would do to two categories of people the sponsors of repeal never mention, victims and taxpayers.

Obviously, a perfect result in an injury case is that a plaintiff is compensated fully and fairly for the losses he has suffered, and each defendant pays their precise fair share of the damages as apportioned by the jury. However, whenever a defendant is unable or unavailable to pay their share, a perfect result is no longer possible. Either a victim is not going to be fully compensated, or another negligent party is going to pay more than their percentage of fault. It is unavoidable that some party in the case will bear the burden and suffer the risk of a defendant who can't pay.

The consequences of an underpayment to a victim are usually much more devastating than a well-insured or corporate defendant paying more than their apportioned liability.

If joint and several liability is repealed we will all pay for some of what wrong-doers will no longer be responsible for. For other losses, there are no government programs to fill the gap. Victims will suffer so big corporations and insurance companies can enjoy a "friendlier business climate".

As I debated this issue when it was last considered, I asked the prime sponsor of the repeal to just tell me what would happen to a victim who couldn't pay his bills if repeal passed. He refused to answer the question. That's because currently, there is no answer. Real people will be hurt without any consideration of what becomes of them and their families. That is why repealing joint and several liability without any attempt to address the harm this would do is so horrifically irresponsible.

Delta Re-Announces Recall (*continued*)

January 1995 and December 2005 (through September 2007 for model 4624) for about \$100.

The attorneys at Messa & Associates have pursued dozens of cases involving injuries to children as a result of products with manufacturing and design defects. If your child has suffered serious injury or death as a result of one of the recalled Delta cribs, please contact us at 1-877-MessaLaw. For more information, contact us at 1-877-MessaLaw.

Important Message from Consumer Product Safety Commission:

Parents should not use any crib with missing, broken or loose parts. Make sure to tighten hardware from time to time to keep the crib sturdy. When using a drop-side crib, parents should check to make sure the drop side or any other moving part operates smoothly. Always check all sides and corners of the crib for parts separating that can create a gap and entrap a child. Never try to repair any side of the crib. Babies have died in cribs where repairs were attempted by caregivers. Crib age is a factor in safety. CPSC recommends you do not use a crib more than 10 years old.



Next Month is the
2011 Municipal Primary for
Pennsylvania. Don't forget to
vote on Tuesday, May 17th!

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