



**MESSA & ASSOCIATES, P.C.**  
Attorneys at Law

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

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***Messa & Associates Handles Dram Shop (Alcohol-Related) Cases***

Dram shop liability laws cover places of business including bars, clubs, liquor stores and restaurants as well as private events that serve alcohol to someone who is already visibly intoxicated or underage who then goes on to break the law or get in an accident that injures themselves or someone else. So, where does the name "dram shop" come from? It refers an old term used in England, where gin used to be sold by the spoonful, or "dram."

Although the laws on dram shop laws differ in every state, in many states including Pennsylvania, a business or individual who gives alcohol to a visibly intoxicated person is also legally responsible for any damage that person might cause and may be held liable in a civil suit.

For more information on dram shop cases or if you or a loved one has been injured in an alcohol-related accident, call one of us 1-877-MessaLaw to discuss your case.

**Recent Settlements and Verdicts**

**Confidential \$625K Settlement in Camden County, NJ**

**\$625,000** settlement, for a man who was struck by a drunk driver who was a patron at a bar where she was visibly intoxicated and continued to be served. The Defendant consumed approximately nine drinks in a three-hour timeframe. Minutes after leaving the bar, the Defendant struck the Plaintiff as he and a friend were standing on the shoulder of the road next to his friend's disabled vehicle after it had run out of gas. The vehicle was legally parked on the shoulder and had its hazards lights flashing. According to a blood test, the Defendants' blood alcohol level was more than three times the legal limit. The Plaintiff sustained severe injuries including multiple rib fractures, leg fractures, lung contusions and a concussion.

**Wilson, Estate of Edwin v. Starting Gate Lounge et al.**

**\$561,000** verdict in Gloucester County, NJ for the family of a man who was involved in a motor vehicle accident after being served alcohol at an excessive level while a patron at the Defendant's bar. At no time was the Plaintiff refused alcohol by bartenders or any other employee of the bar and he was significantly intoxicated and impaired cognitively when he left the bar. The Plaintiff was ultimately involved in an accident that caused severe and fatal injuries to his pelvis, lungs, kidneys and heart, he eventually died three months after the crash, in part due to the crash and also, subsequent malpractice at Crozer Chester Medical Center. A separate malpractice claim is currently being prosecuted against Crozer Chester.

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## Black & Decker Fined by the CPSC

Black & Decker Inc. has been fined \$960,000 by the Consumer Product Safety Commission after an investigation has determined the company failed to alert regulators about a defective weed trimmer. The device's spool, spool cap and pieces of trimmer string could come loose, becoming projectiles. It could also overheat and burn consumers.

Approximately 158 people between 2005 and 2009 were injured as a result of Black & Decker's Grasshog XP electric trimmer which sold for about \$70 from November 2005 through 2007.

According to the CPSC, the company "knowingly failed to report several safety defects and hazards" relating to the model, and it withheld information as the agency tried to investigate reports of injury. The CPSC also said Black & Decker did not provide complete information about incidents and injuries until October 2006 even though they became aware of the problem in May 2006.

The trimmer was first recalled in July 2007 after more than 700 reported incidents and 58 injuries. The power tool company re-announced the recall in August 2009 after an additional 100 injuries.

### Consumer News: *The Recall Report*

Messa & Associates noticed several large recalls from the auto industry in recent weeks. These vehicles pose a hazard to you or your loved ones and could cause serious injury.

- **2.5 Million** Hondas for a software issue that could cause the engine to stall
- **1.1 Million** Ford pickup trucks because the metal straps holding up gas tanks can rust, break, hit the ground, rupture and catch fire.
- **300,000** Chrysler minivans for a heating and air conditioning problem that could trigger the air bag

The attorneys at Messa & Associates have handled dozens of cases involving recalled products which have caused significant injuries and death. If you or a loved one has suffered serious injuries as a result of using a recalled product, please contact us at 1-877-MessaLaw.

### Hot Coffee Spills into the Tort Reform Battle

Stella Liebeck is hardly a household name, but mention the McDonald's coffee case and without a doubt, most people know who she is. In 1994, Ms. Liebeck suffered severe, life-threatening burns after the McDonald's coffee she purchased spilled onto her lap. She later pursued a personal injury lawsuit against the fast food restaurant to recover her damages.

Ms. Liebeck's case is discussed in the HBO documentary "Hot Coffee," which explores the issue of tort reform and its effects. The documentary also examines medical malpractice lawsuits by looking at the case of a family who was expecting twin boys. After a delayed delivery caused the deprivation of oxygen to one of the babies, he was born with a serious brain injury. Though a jury awarded damages to the family in the amount of \$5.65 million, they live in Texas where a cap on damages caused the award to be reduced to \$1.25 million. The reduced amount was not enough to cover the costs of his care over the course of his life and thus taxpayers, not the wrongdoers who caused the injury, will end up paying for it.

The tort reform movement has taken on several different forms and will have a major impact on personal injury victims. Under the Joint and Several Liability rule, an injured victim can recover the full-amount of damages from any one of the wrongdoers. If states either repeal joint and several liability or place caps on damages, some victims will undoubtedly suffer from not being able to cover medical expenses or the cost of care in the future. It puts a victim and their family in a position where someone else's mistake costs them, and that's unfair and irresponsible. No injured party should ever have to take on additional costs because big businesses and insurance companies want to enjoy a lower business cost.

\*\*This is an excerpt from a previous Messa & Associates blog post. To read this article in its entirety, visit our blog at [www.messalaw.com/blog](http://www.messalaw.com/blog).\*\*

"We know you want and *deserve* the best when it comes to representation. At Messa & Associates, we strive for nothing short of perfection."



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