

# THE LEGAL OUTLOOK

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## *Happy New Year from Messa & Associates!*

On behalf of the attorneys and staff of Messa & Associates, P.C., we would like to wish you a happy and healthy New Year. The New Year is a time to reflect on the changes we want or need to make and resolve to follow through on those changes. This coming year, we will strive to continue our commitment to serving the needs of our clients and providing personalized legal representation.

## Product Recall: Lasko Fans and Heaters

In cooperation with the U.S. Consumer Products Safety Commission (CPSC), Lasko Products, Inc. of West Chester, PA, is recalling approximately 5.6 million fans manufactured between 1999 and 2001. A potential electrical failure in the fan motor can pose a fire hazard. The recall includes several models of fans which were sold at major retail stores, home improvement centers, hardware stores and other retailers nationwide between 1999 and as late as 2004.

In addition, Lasko Products, Inc. is also recalling approximately 1.2 million ceramic heaters manufactured in 2005. Localized heating may occur in the power cord where the cord enters the base of the unit, creating a potential fire hazard. The recall includes several models of heaters which were sold at major retail stores, home improvement centers, hardware stores and other retailers nationwide in late 2005 and early 2006.

Messa & Associates, P.C. strongly suggests that you immediately discontinue use of these Lasko products. If you or someone you know has been injured by this or any other defective product, please contact our offices immediately, or visit [Messalaw.com](http://Messalaw.com) for more information on product recalls.

## Statute of Limitations

New Years is about new beginnings, resolutions, and a way to start over with a clean slate. "Being more organized" came in at number nine on a list of top ten New Years resolutions, among others. Recently, Messa & Associates has had many questions aimed at issues regarding statute of limitations; when statutes run and why, how to get an extension, if you can or cannot get an extension and why, and rules depending on the type of claim being pursued. With this in mind, we have decided to address these questions in order to better serve and educate our clients.

Statute of limitations are laws that set the deadline or maximum period of time within which a lawsuit or claim may be filed. The deadlines vary depending on the circumstances of the case and the type of case or claim, and the state.

Statutes may vary by state, in which case, it is always best to contact an attorney immediately following any incident in which you believe legal action may need to be taken. In Pennsylvania, professional negligence actions, including medical malpractice, must be filed within two years. In New Jersey, medical malpractice claims must be commenced within two years from the date of the act or omission giving rise to the complaint, or two years from the date the injury was or reasonably should have been discov-

ered. On the other hand, fraud has up to six years. If you wish to know how the statute of limitations applies to a specific situation, you should verify the statutory time period and its relevance to your situation with a qualified lawyer in your area.

There are several instances when statutes can and/or will be extended, one of the most important being called "the discovery rule." Sometimes it is not reasonably possible for a person to discover the cause of an injury, or even to know that an injury has occurred, until considerably after the act which causes the injury. When it applies, the "discovery rule" permits a suit to be filed within a certain period of time after the injury is discovered, or reasonably should have been discovered. The discovery rule does not apply to all civil injuries, and sometimes the period of time for bringing a claim post-discovery can be short, so it is important to seek legal assistance quickly in the event of the late discovery of an injury.

There are also other exceptions for statutes being "tolled", meaning that something has stopped it from running. The victim of the injury was a minor at the time, mental incompetence, or bankruptcy.

If you have any further questions or concerns about statutes of limitations, please do not hesitate to contact someone at Messa & Associates, P.C. at 215.568.3500.



## Recent Settlements and Verdicts:

Messa & Associates, P.C. obtained a \$550,000 settlement for a man who was working as a machine operator on a rail gang when the brakes of a scrapper machine he was riding failed, collided with another machine, and derailed. Problems with the brakes on the equipment were reported before the accident. The plaintiff suffered a herniated disc in his neck and had to have a spinal fusion surgery. Defendants failed to provide the plaintiff with a safe work place, in accordance with the Federal Employers Liability Act

## Tips for deciding on an attorney



**We know that looking for an attorney is an important decision that could ultimately affect**

**your life forever. Here are a few simple tips that Messa & Associates, P.C. recommend for people to consider when they are deciding on representation:**

1. Ask around from people who have had to hire an attorney in the past. They can tell you first hand how their experience was.
2. Do research. Find out what kind of attorney you need, and take the time to research the firm and attorneys who represent that firm.
3. Talk to the bar association, and see who they recommend for your type of claim.
4. Go to the law firm and meet the attorney to see if they have the right expertise and experience to represent you and, just as important, you are

**\*For more information please contact Messa & Associates, P.C. toll free at 1.866.403.4LAW or visit [www.Messalaw.com](http://www.Messalaw.com)**