

# THE LEGAL OUTLOOK

MAY 2009

VOLUME 2 ISSUE 5

## Messa & Associates, P.C. are now Expanding its Practice Area to Estate Planning

In an effort to better serve you and provide thorough legal services to our clients, Messa and Associates, P.C. is pleased to introduce you to one of our Of Counsel attorneys, Vincent S. DiCioccio, Esquire, who focuses his practice in Wills, Probate, Estate and Trust Administration.

Effective wills should be reviewed by an attorney every few years so that changes in probate and tax laws can be addressed. Wills should be revised when one marries or divorces, wills should be revised when children are born, or when beneficiaries pass away. So long as the will writer is of sound mind, a will can be changed. Prospective heirs should be reminded of this fact on a regular basis.

Whether you are married, single, young, old, healthy or ill, a living will is an inexpensive way of insuring that your wishes are carried out in the event that something unpleasant happens. It could also spare your loved ones the emotional distress of being forced to make such an important decision for you.

Granting someone you trust the **Power of Attorney** allows that person - known as your "agent" or "attorney in fact" - to manage your financial affairs if you are unable to do so. Your agent is empowered to sign your name and is obligated to be your fiduciary - meaning they must act in your best financial interest at all times and in accordance with your wishes.

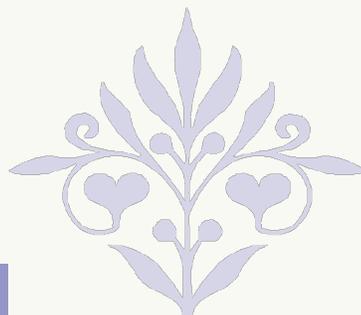
There are different kinds of powers of attorney, but in estate planning there are two essential types you should know: The first is the "springing power of attorney," which only goes into effect under circumstances that you specify, the most typical being when you become incapacitated. That often means your agent cannot act until he or she provides doctors' letters and sometimes a court orders to prove you are incapable of making decisions for yourself. There is also the "durable power of attorney." It is effective immediately, and your agent does not need to prove your incapacity in order to sign your name.

If you would like to make an appointment with Mr. DiCioccio to discuss a will or estate plan, please contact him at Messa & Associates, P.C.



## Recent Settlements

**Green v. City of Philadelphia**  
\$475,000 settlement for a man who was severely injured after a Philadelphia Water Department truck collided with his motorcycle. Harold Green suffered a left tibia/fibula fracture with compartment syndrome and multiple comminuted fractures requiring a skin graft.



## Atlantic City, N.J. Hepatitis Alert

15 cases of potentially fatal hepatitis C have been reported so far by officials at AtlantiCare Regional Medical Center, City Campus. Administrators from the AtlantiCare Regional Medical Center's City Campus contacted the state this month after learning about the five recent cases of hepatitis C during an annual federally mandated hepatitis C testing of dialysis patients. Reports state that the 15 patients contracted the serious, sometimes deadly, liver disease since 2005 at the AtlantiCare Regional Medical Center. For more information, visit [www.Messalaw.com](http://www.Messalaw.com).

## Drug Recalls

The U.S. Food and Drug Administration recently announced its recall for the weight loss pill, Hydroxycut. The FDA is warning consumers to immediately stop using Hydroxycut products, as these products have been associated with a number of serious liver injuries. Liver injuries, although rare, were reported by patients at the doses of Hydroxycut recommended on the bottle.

One death has been reported, along with 23 cases of serious health problems ranging from jaundice and elevated liver enzymes, an indicator of potential liver injury, to liver damage requiring liver transplant. Other health problems reported include seizures, cardiovascular disorders, and rhabdomyolysis, a type of muscle damage that can lead to other serious health problems such as kidney failure.



In addition to Hydroxycut, Caraco Pharmaceutical Laboratories has issued a nationwide recall of DIGOXIN, a medicine used to treat heart failure and

abnormal heart rhythms. The tablets are being recalled because they may differ in size and could have more or less of the active ingredient, digoxin.

This March 31 press release from Caraco, a generic pharmaceutical company, states that: "All tablets of Caraco brand Digoxin, USP, 0.125 mg, and Digoxin, USP, 0.25 mg, distributed prior to March 31, 2009, which are not expired and are within the expiration date of September 2011, are being voluntarily recalled to the consumer level. The tablets are being recalled because they may differ in size and therefore could have more or less of the active ingredient, digoxin."

Almost a year ago, in late April 2008, all digoxin pills manufactured by Actavis Totowa were recalled due to this so-called "double-dose" manufacturing problem. Those Digitek pills were distributed by Mylan Pharmaceuticals under the Bertek and UDL labels. The existence of double-strength pills pose a risk of digitalis toxicity, which can result in nausea, vomiting, low blood pressure, cardiac instability, bradycardia and even death.

For more information please contact Messa & Associates, P.C. at 215.568.3500.

\*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)