



MESSA & ASSOCIATES, P.C.
Attorneys at Law

TRIAL ATTORNEYS

VOLUME 2 ISSUE 9

SEPTEMBER 2009

We Never Forget that Behind Every Case, are Real People

Joseph L. Messa, Jr.
Richard J. Heleniak
Irene M. McLafferty
Lee D. Rosenfeld
Thomas N. Sweeney
Noelle L. Palazzo

Of Counsel

Steven Friedman
Vincent DiCioccio
Jennifer Messa
Brian Kelly
Andrew D. Swain
Anastasia Buccino-Roth

Messa & Associates, P.C.
1-877-MESSALAW

123 S. 22nd. Street
Philadelphia, PA
215-568-3500

2901 Springdale Rd
Cherry Hill, NJ
856-810-9555

Driving While In'text'icated?

It's illegal to talk on a cell phone while driving in many states, but not texting while driving. Momentum, however, is gathering to stamp out the practice. By January, New York and eight other states will have joined the list when laws awaiting enactment go into effect.

Utah's legislature has taken one of the toughest stances, passing a law that imposes a penalty of up to 15 years in prison on texting drivers who cause an accident that kills someone.

In New Jersey, text driving is a primary offense for all drivers. But according to the Philadelphia Inquirer, a bill, that would fine drivers \$100 if they are caught texting as part of a more serious driving offense,

was passed by the Pennsylvania State Senate. Many states allow drivers to talk on a cell phone as long as



they are using headphones or wireless headsets, so it's not enough for an officer simply to see a driver holding a phone. They have to have some way to know that the driver was reading or writing a text, as opposed to using the phone for an allowable reason, like following driving directions,

a service commonly available on modern handsets. One of the difficulties of enforcing the texting while driving law is being able to determine whether someone is texting or dialing a number. The question is, how can one prove if they are texting or dialing a number? It is easy to delete a text message in seconds, or just hit the end key and it will be gone by the time one has been pulled over.

But advocates say that it IS possible to prove that a driver was texting even if officers never saw it. It is a laborious process, by obtaining a subpoena for the driver's cell phone records to pinpoint the time a message was sent or received.

(continued on the back page)

Recent Settlements & Verdicts

Messa & Associates, P.C. was successful in obtaining a \$90,000 settlement for two children involved in a school bus accident in Maryland. Each child sustained only minor physical injuries but required emotional counseling due to their emotional distress.



Lee Rosenfeld of Messa & Associates, P.C., recently obtained a verdict of \$175,000, in Camden County, New Jersey, for 45 year-old woman involved in a rear-end motor vehicle accident. As a result of the accident, our client suffered an aggravation of degenerative disease in her neck and back.

RECENT RECALLS

Messa & Associates, P.C.

Phone: 215-568-3500

Fax: 215-568-3501

E-mail: JNeff@messalaw.com



CHECK OUT OUR BLOG!

www.messaandassociates.blogspot.com



Walmart has recently recalled 4.2 million of its

Durabrand DVD players

because the circuit boards can overheat and start fires.

The Chinese-made DVD players were selling for \$29 exclusively at Walmart stores nationwide.

Black & Decker has recalled their **8-cup programmable thermal coffeemakers**

with model number *TCM1000IKT* printed on the rating plate on the bottom of the coffeemaker.

The coffeemakers can overheat and melt, posing a burn hazard to consumers. They have been sold at Walmart and small retail stores nationwide from April 2008 through July 2009 for between \$50 and \$65.



Driving While In'text'icated...continued

Numerous localities have text-driving bans, some limited to novice drivers or vehicles passing through school zones. But the practice is prohibited statewide in only 10 states according to the Governors Highway Safety Association, an organization of state highway officials that endorsed nationwide prohibitions.

The National Highway Traffic Safety Administration concluded that in 2002, a quarter-million accidents and 955 deaths could be attributed to drivers' use of cell phones, either texting or talking. It was not until August that the first large-scale research on sending text messages while behind the wheel appeared.

That study, by the Virginia Tech Transportation Institute at Virginia Polytechnic Institute and State University, concluded that the risk of an accident was four times greater for a driver typing out a text message than for a driver dialing a cell phone – and more than 23 times greater than for a driver who wasn't distracted by a phone at all.