

The Legal Outlook

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Consumer News:

RECALL REPORT



Angelcare Movement and Sound Monitors with Sensor Pads

The Facts:

Recalled Model Numbers:
AC1100, AC201, AC300,
AC401 AC601, 49255

A cord attaching the sensor to the pad is meant to be placed underneath the infant's mattress pad and poses a strangulation risk.

Two infant deaths have resulted from strangulation and others similar, non-fatal events have been reported.

Owners should contact Angelcare for a repair kit: 855-355-2673

Missed Diagnosis Leads to Paralysis, Death of Former SEPTA Police Officer

Abington Memorial Hospital, Radiology Group of Abington, P.C., along with treating physicians and their related professional medical associations have been named in a medical malpractice action filed in the Montgomery County Court of Common Pleas by Joseph L. Messa, Jr. and Jenimae Almquist of Messa & Associates, P.C. The suit is concerning the paralysis and ultimate death of a former SEPTA transit police officer, Craig Price, after his spinal cord injury went undiagnosed following his admission to Abington Memorial Hospital. A radiologist at Abington, despite reviewing Mr. Price's CT scan, did not recognize an obvious abnormality shown on the cervical CT image and misread the films; and Mr. Price was sent home only to return seven days later as a quadriplegic.

"This is a yet another example of a professional missing a diagnosis, and the hospital rushing to discharge the patient without providing the additional care that is required," said Attorney Joseph L. Messa, Jr. today. "That critical mistake and the failure of anyone else to recognize that a mistake had been made delayed Mr. Price's medical treatment an additional week. Unfortunately, by the time the injury was properly diagnosed, Mr. Price's medical condition had already severely worsened and his prognosis was grim."

On October 15, 2012, Mr. Price was admitted to Abington Memorial Hospital where he underwent a CT of the cervical spine. Following the scan, the images were read by a radiologist who incorrectly reported that there were "no fractures or suspicious bony lesions" and that Mr. Price had suffered "no traumatic injury." Mr. Price was discharged from Abington on October 17, 2012. One week later, on October 24, 2012, Mr. Price began experiencing weakness in his legs and, unable to move, was taken back to Abington. Later that evening, he was emergently transported to Thomas Jefferson University Hospital in Philadelphia.

Mr. Price underwent multiple spinal surgeries at Jefferson, and was rendered a quadriplegic following the surgeries due to a spinal cord injury that was present but not treated during his admission to Abington. Due to his injuries and subsequent care, Mr. Price became dependent on a ventilator and was later discharged to a rehab facility.

As his condition worsened, he spent additional time at Jefferson and was later sent back to the rehab facility. Mr. Price passed away on January 18, 2013, just three months after his initial visit to Abington Memorial Hospital where his spinal cord injury should have been diagnosed and properly treated.

"The paralysis and death of Mr. Price was a direct result of reckless and negligent care provided to him by Abington Memorial Hospital, Radiology Group of Abington, P.C., and the other physicians who were responsible for his medical care," said Attorney Messa in closing. "Mr. Price's family deserves to see that the parties responsible for failing to provide that care are justly held accountable for his death."

THOSE WHO ARE HAPPIEST ARE THOSE WHO DO THE MOST FOR OTHERS.

BOOKER T. WASHINGTON

MEET THE ATTORNEYS

A. Christine Giordano



Q: What is your favorite cocktail?

A: Pomegranate Martini.

Q: You were a nurse before. What made you decide to go law school?

A: I worked in nursing administration as the patient care manager of a coronary care unit for several years and had very close contact with risk management and hospital attorneys. That is what peaked my interest. I believed that by combining nursing and law I could have an impact on the quality of patient care.

Q: What is your preferred "lazy-day" activity?

A: Spending a day on the beach with a good book.

Q: Describe yourself in three words:

A: Loyal, Effective, Driven

Q: What is your proudest moment as an attorney?

A: Obtaining a favorable recovery for a 2 year-old boy who lost part of his foot as a result of a failure to diagnose cancer, thereby allowing him to obtain prosthetics he needed to have a normal childhood.

Q: What exotic pet would you want to adopt?

A: A parrot.

Q: What is the best part of your job?

A: Making a difference in people's lives.

Q: If you could take your family on a month long vacation, where would you go?

A: Italy.

W.A.T.C.H. Issues 2013 Dangerous Toys List

World Against Toys Causing Harm Inc. (WATCH) has issued its annual list of the ten most dangerous toys.

POTENTIAL HAZARDS OF 2013

- **Boomerang "Throw & Catch"**
by *Kole Imports*
Hazard: Potential for impact injuries
- **Disney Baby Snow White**
by *Tollytots Limited*
Hazard: Potential for choking injuries
- **Army Force Automatic Rifle**
by *Chuangfa Toys Factory*
Hazard: Realistic toy weaponry
- **Big Rock and Roll Ball Pit**
by *The Little Tikes Company*
Hazard: Potential impact injuries
- **N-Strike Jolt Blaster**
by *Hasbro*
Hazard: Potential for eye injuries
- **Max Steel Interactive Steel with Turbo Sword**
by *Mattel*
Hazard: Potential impact injuries
- **The Spooner- Freestyle**
by *Spooner, Inc.*
Hazard: Potential for head or other impact injuries
- **Disney Princess Backpack Fishing Kit**
by *Disney; Pure Fishing*, a subsidiary of Jarden Corporation
Hazard: Potential for chemical ingestion injuries
- **Little Drummer**
by *Hape Toys*
Hazard: Potential for ingestion and choking hazards
- **Black Widow Folding Slingshot**
by *Barnett Outdoors, LLC*
Hazard: Potential for serious injuries



W. A. T. C. H.
world against toys causing harm, inc.

Flavor of the Month: Holiday Safety

The holiday season is a time for giving, spending time with loved ones, and creating special memories. However, then season also increases the risk of fires, falls, and burn injuries.

According to a report issued last month by the National Fire Protection Association, Christmas trees are the leading cause of holiday time fires. Officials estimate that home Christmas tree fires caused an average of six civilian deaths and 22 civilian injuries, each year from 2007-2011. Researchers say the risk of fire is higher with natural trees than artificial ones. They recommend keeping natural trees moist so that they do not easily burn as a dry tree would.



Electrical failures or malfunctions were also found to be a leading cause of home Christmas tree structure fires. In some cases, a fire occurred because some type of heat source was too close to the tree. In approximately 12 percent of the cases, decorative lights were involved in these incidents. A smaller portion of the fires were caused by candles. From 2007-2011, nine civilian deaths and 16 civilian injuries per year were attributed to fires involving holiday or decorative lights with line voltage. Remember to use caution this holiday sea-

BREAKING IT DOWN

PROTECTING YOUR LEGAL RIGHTS AFTER A MOTOR VEHICLE ACCIDENT

Nearly all of us are destined to be in some sort of motor vehicle accident during our lives. While we all hope that it will be minor, the unfortunate reality is that major collisions occur every day and often result in serious injuries and property damage.

The aftermath of an accident is very chaotic and stressful. Many people are in shock following a collision. However, it is usually only minutes before police and rescue personnel arrive and begin to investigate the accident and your injuries. This is **NOT** the time to first consider how to protect your legal interests. As with most unforeseen events, it is extremely important to plan ahead. Taking the following **FIVE** steps can greatly improve your chances of success in any legal claims you may bring due to an accident

I. TAKE PICTURES OF EVERYTHING!

In a courtroom, a photograph is worth more than a thousand words. Pictures are not biased and can't be cross-examined. After an accident, you should document everything that could help your cause. Think like an accident investigator. Take photos of where the vehicles came to rest; capture street signs for landmarks, photograph skid marks to demonstrate stopping distances and, most importantly, fully document any significant property damage to the vehicles involved. **The most valuable piece of evidence in any motor vehicle case is the vehicle damage photo. Photographs showing real damage strongly suggest more severe injuries. If there is real damage, take the picture.**

II. SEARCH FOR WITNESSES!

After a motor vehicle accident, it is not unusual for each driver to have a different "version" of what occurred. At trial, a jury is asked to determine which party is being truthful. Without an impartial witness supporting you, you will be at the mercy of a "credibility determination" and this may not go well even if you are telling the truth. However, witness support provides the critically important tie-breaker. Don't rush away from the accident scene. Take the time to find someone who may have witnessed what happened. Obtain their complete contact information and keep it in a safe place. Tell the police officer if there is witness who supports you.

III. THINK BEFORE YOU SPEAK!

In moments of chaos, we all say things that seem silly to us later. After an accident, you will be interviewed by police, rescue personnel and physicians and nurses. You will be asked what happened in the accident and whether you are injured. These initial questions after an accident really matter! Everything you say is memorialized forever in records and will be used against you later in the courtroom. Instead of saying, "I am not hurt" to the investigating police officer, it is far better to say "I am not sure if I am hurt because I am shaken up". Shock can mask pain following an accident. Choose your words carefully. Also, never give a statement to the opposing insurance company.

IV. STOP STAYING THINGS ON FACEBOOK!

Our society has fully shifted into the social media age. Many of us view FACEBOOK as an opportunity to share our lives with family and friends. While posting is fun and a great

way to stay connected, it is also a treasure trove for opposing lawyers who are trying to minimize your legal claims. Do NOT talk about your accident on FACEBOOK. Do NOT discuss your injuries or medical treatment either. Keep these things private and please remember that everything that you post online can be used against you.

V. HIRE A LAWYER RIGHT AWAY!

Ok, I mean me. But, regardless of who you hire, please realize that, following an accident, insurance companies may offer you "quick" money. They may even apologize to you and act nice. Do not be fooled! Insurance companies exist to make themselves money. They do not have your best interests in mind and only seek to pay you as little as possible. They have lawyers ready to support the person who caused your accident. Don't you need someone on your side?

Everyone at Messa & Associates truly hopes that you will never need this advice. But, if the unexpected does happen, take a minute, collect yourself and remember that you do have a plan. Use these suggestions. They just might make the difference between winning and losing your personal injury case.

Have a safe, healthy and happy holiday season.

Lee D. Rosenfeld is an experienced motor vehicle and personal injury attorney, representing clients in Pennsylvania, and New Jersey.



Settlements and Verdicts

Topamax Mass Tort Litigation

Two Philadelphia juries have awarded verdicts to plaintiffs against Janssen Pharmaceuticals for birth defects caused by the drug Topamax. Janssen Pharmaceuticals is a unit of pharmaceutical giant, Johnson & Johnson. According to attorneys, Janssen knew that the drug could cause birth defects for several years before they warned the public of the drug's risk.

\$4.02 million verdict for April Czimmer, a Virginia resident, whose son underwent four surgeries after birth to correct his cleft lip. Czimmer was taking Topamax when she became pregnant.

\$10.9 million verdict for Haley Powell, a South Carolina woman who used Topamax from about March 2006 to about May 2011 including during her pregnancy. Powell's son, Brayden Gurley, was born with a cleft lip in 2008.

The verdicts are the first two of more than 130 cases filed against Janssen Pharmaceuticals in the Philadelphia Court of Common Pleas. Two more cases are scheduled for trial in February and March. Messa & Associates attorney, Eric H. Weitz, is co-counsel in the mass tort cases.

AROUND THE OFFICE



Messa & Associates founder, Joseph L. Messa, Jr, has been voted an Awesome Attorney for the fourth consecutive year and was featured in December issues of both Suburban Life and Philadelphia Life Magazines. Congratulations Joe!



New associate Megan M. Kwak recently attended a Continuing Legal Education event at the Wanamaker building in Philadelphia entitled *Bridge the Gap*, a course for all new attorneys regarding professional responsibility.



Internet Marketing Coordinator Angela Leone is currently starring as “Mrs. Fezziwig/Mrs. Dilber” in The Walnut Street Theatre’s annual production of Charles Dickens’ *A Christmas Carol*. The show runs through December 22nd. For tickets, visit www.walnutstreettheatre.org.

MAIN LOCATIONS

PHILADELPHIA

123 S 22nd St
Philadelphia, PA 19103
P: 215-568-3500

CHERRY HILL

2091 Springdale Rd.
Suite 2
Cherry Hill, NJ 08003
P: 856-810-9918

SATELLITE LOCATIONS

COLLINGSWOOD

475 White Horse Pike
Collingswood, NJ 08107
P: 856-833-0600

GERMANTOWN

6000-6002 Germantown Ave
Philadelphia, PA 19144
P: 215-844-1614

CONSHOHOCKEN

923 Fayette St.
Conshohocken, PA 19246
P: 215-940-7700

LINWOOD

605 New Road
Linwood, NJ 08221
P: 609-601-1644

ROSELLE

520 West First Ave
Roselle, NJ 07203
P: 908-300-3900

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