

THE LEGAL OUTLOOK

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“Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence.”

Helen Keller

Messa & Associates Partner, Irene M. McLafferty, Settles Medical Malpractice Case for \$1 Million



Messa & Associates Partner, Irene M. McLafferty, has settled a medical malpractice case against a prominent Pennsylvania health system for \$1 million dollars.

The case, on behalf of clients who shall remain confidential, involved the premature death of a wife and mother of three adult children after an aortic valve replacement procedure.

The decedent underwent a successful valve replacement but was prematurely extubated despite clear contradiction. Appropriate precautions and preparation for re-intubation were not taken, leading to an emergent tracheostomy during full code resuscitation efforts and the ultimate and tragic demise of the

patient. The case was set to go to trial in the Philadelphia Court of Common Pleas, but defendants settled with the decedent’s family for \$1 million.

Irene M. McLafferty is a trial attorney with over 25 years of experience in the courtroom, vigorously representing her clients. Her experience extends to a variety of complex trial matters with current focus on catastrophic injury, medical negligence, products liability, and dram shop. Ms. McLafferty is an experienced litigator admitted and licensed to practice law in the Commonwealth of Pennsylvania and State of New Jersey. She is a member of the Bars of the Supreme Court of the United States, the United States Court of Federal Claims, the Supreme Courts of Pennsylvania and New Jersey, and the U.S. District Court for the districts of Eastern Pennsylvania, Middle Pennsylvania, and New Jersey.

Is MiraLAX responsible for neurological changes in children?



Since 2014, the Children's Hospital of Philadelphia (CHOP) has been conducting a study, funded by the FDA, on the disturbing effects of over-the-counter laxative, MiraLAX, on children. The hospital refuses to release any information on the study or the individual families involved until it is concluded. Specifically, the study is trying to determine whether MiraLAX, a common over-the-counter treatment for constipation, is responsible for extreme neuro-psychiatric problems in children under 17 who have treated with the drug.

The study is surrounding a chemical found in MiraLAX powder called *Polyethylene glycol 3350* (PEG 3350) which can potentially degrade into ethylene glycol or diethylene glycol - both toxic ingredients found in anti-freeze. In its grant description, the FDA noted that they had received a number of reports of adverse events related to children who had ingested PEG products.

"The agency has conducted a review that documented a number of reports of neurological and psychiatric events

associated with chronic PEG use in children. A number of these pediatric patients received an adult dose of PEG (17 grams) for a duration ranging from a few days to a couple of years."

On Tuesday, February 14th, Action News in Philadelphia interviewed parents of children who underwent rapid and disturbing neuro-psychotic changes after being prescribed Miralax as toddlers, including outbursts of manic rage and aggression. Parents described their once happy and laughing children as angry, dark, and paranoid.

"We saw a lot of the anger, a lot of the rage, a lot of the aggression," parent Mike Kohler said.

"Near psychiatric events with paranoia, mood swings, aggression, rage," parent Jeanie Ward said.

"I feel like my son was absolutely robbed of most of his childhood," parent Jessica Aman of Chester Springs, PA said.

These parents are not the only ones to have witnessed these changes in

their children. A Facebook group titled *Parents Against MiraLAX (PEG 3350)* contains over 4,500 members, many of whom joined to share similar experiences and voice concerns about the potentially toxic ingredient found in MiraLAX.

While there is no class action lawsuit filed to date, Philadelphia products liability attorneys are reviewing potential MiraLAX cases. If you have questions about possible legal recourse regarding MiraLAX, or any other drug products or medical devices, call a products liability attorney at Messa & Associates. The team of Philadelphia personal injury attorneys at Messa & Associates is highly experienced in handling dangerous medical malpractice, drug, and medical device cases. The firm has earned multiple seven-, eight-, and nine-figure verdicts and settlements for clients injured by defective drugs, including Topamax mass tort cases in Philadelphia that earned over \$14 million for victims of Topamax-related birth defects.

RECALL REPORT: SARGENTO CHEESES

SARGENTO has recalled seven of their popular cheese products after an outbreak of Listeria at one of the company's providers affected sliced and shredded varieties of colby, jack, and taco cheese.

Listeria is a bacteria found in soil, water, and some animals. It can be present in raw milk and products made

from raw milk, and can live in processing plants. Eating food contaminated with Listeria can cause a serious infection (called listeriosis), with symptoms including fever, stiff neck, confusion, weakness, vomiting, and sometimes diarrhea. According to the United States Centers for Disease Control and Preven-

tion (CDC), approximately 260 people die of listeriosis each year. Pregnant women, organ transplant patients, those with weakened immune systems, and the elderly are the most vulnerable to infection. Sargento's recall includes;

Sliced Colby-Jack Cheese
Sliced Pepper Jack Cheese

Chef Blends Shredded Taco Cheese

Off The Block Shredded Fine Cut Colby-Jack Cheese

Off The Block Shredded Fine Cut Cheddar Jack Cheese

Ultra Thin Sliced Longhorn Colby

Chef Blends Shredded Nacho & Taco Cheese

Investigating unexpected death following a medical procedure.

It is estimated that at least 440,000 people die every year as a result of preventable medical errors.

■ **By Angelo Theodosopoulos**

One day before the 2017 Academy Awards, it was reported that actor Bill Paxton, only 61 years old, died of complications following heart surgery. His death was referenced throughout the awards ceremony and Hollywood paid an emotional tribute to Bill Paxton's memory during an *In Memoriam* segment shown at the awards. There was little additional information provided regarding the actor's death, and it is possible that additional information may be revealed in time, but questions surrounding an unexpected death following surgery are not new or unique to Hollywood.

The medical malpractice lawyers at Messa & Associates regularly meet with people who have lost loved ones unexpectedly following a routine medical procedure. During free and confidential consultations, we gather background information and begin the steps necessary to investigate an unexpected death. The investigation almost always begins with a review of the decedent's medical records by the lawyers and our team of nurse paralegals. If, after reviewing the medical records, the firm determines that a preventable medical error may have caused your loved one's death, we invite board-certified medical doctors to participate in our review process and comment on the medical records.

Medical malpractice lawsuits begin with questions; our lawyers endeavor to provide clients with answers and with justice. *It is estimated that at least 440,000*

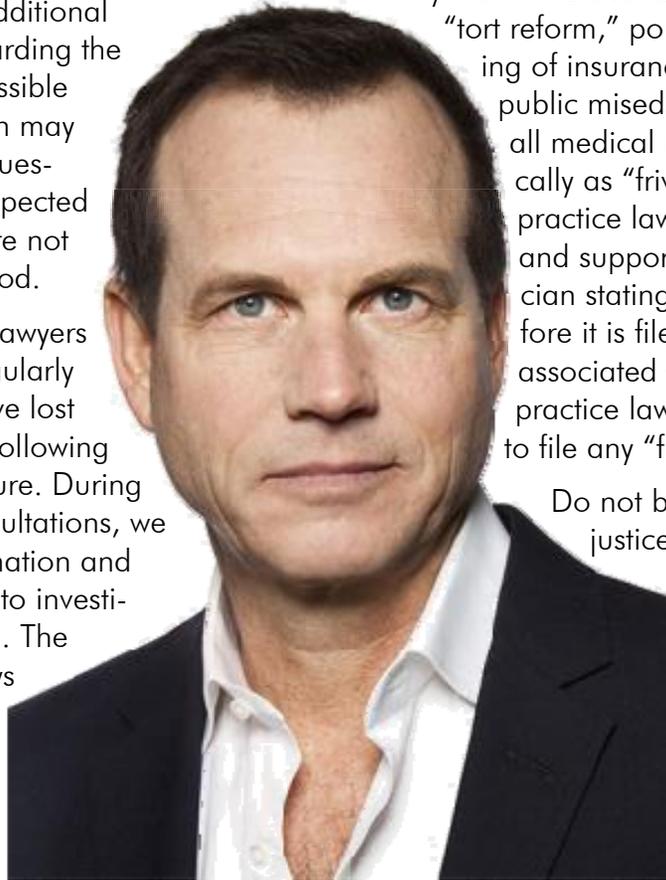
people die every year as a result of preventable medical errors. In fact, a recently published study conducted by researchers at Johns Hopkins Medicine revealed that medical mistakes are the third leading cause of death in the United States, and suggests that difficulty tracking statistics may keep the problem out of the public eye. What is surprising, then, is the traction and staying power of the myth of "frivolous lawsuits." Under the guise of "tort reform," politicians armed with the backing of insurance companies fund massive public miseducation campaigns dismissing all medical malpractice lawsuits categorically as "frivolous." Yet, a medical malpractice lawsuit requires investigation and support from a board-certified physician stating that the lawsuit has merit before it is filed. Moreover, the expenses associated with prosecuting medical malpractice lawsuits make it cost prohibitive to file any "frivolous" actions.

Do not be deterred in your pursuit of justice or misled by the false advertising of "tort reformers." Contact our office to set up a free and confidential meeting with an attorney if your family member, or a loved one, has died unexpectedly after a medical procedure. Please be certain to schedule your meeting as soon as you

are able to do so, as a medical legal investigation involving an unexpected death may take several months, or even longer, to complete, and there are important time limitations which prevent the filing of court action for medical mistakes that are more than two years old.



Angelo Theodosopoulos is a medical malpractice and personal injury attorney representing catastrophically injured clients in Pennsylvania and New Jersey .



AROUND THE OFFICE



Messa & Associates welcomes a new legal nurse consultant to the team! Kate Blumenthal is joining the firm with 15 years experience as a labor & delivery nurse. Kate received her Legal Nurse Consulting Certificate in 2013 from Widener University School of Law.

Rodgers & Hammerstein's
Cinderella
Camden Catholic High School
Cherry Hill, NJ
March 3, 4, 10, 11 - 7:30pm
March 5, 12 - 2:00pm
Tickets \$12.00 each

Messa & Associates Marketing and PR Coordinator, Angela Leone, is directing the 2013 Broadway Revival of *Cinderella* at Camden Catholic High School in Cherry Hill, NJ. For tickets, visit www.cchsp Performingarts.com.



We are celebrating just two birthdays this month at MessaLaw! Nurse Consultant, Meghan McCall, shared her big day with Punxsutawny Phil on February 2nd, and Ashley B. DiLiberto celebrated her day on February 4th. Happy Birthday!!

MAIN LOCATIONS

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

CHERRY HILL
2091 Springdale Rd., Ste. 2
Cherry Hill, NJ 08003
P: 856-810-9500

SATTELITE LOCATIONS

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

PITTSBURGH
309 Wyoming Ave
Pittston, PA 18643
P: 570-883-0800

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

COLLINGSWOOD
475 White Horse Pike
Collingswood, NJ 08107
P: 877-637-7252

Messa & Associates

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