

THE LEGAL OUTLOOK

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“It is during our darkest moments that we must focus to see the light.”

Aristotle Onassis

Joseph L. Messa, Jr. Selected for Membership in America's Top 100 Attorneys®



America's Top 100 Attorneys® has selected Joseph Messa of Messa & Associates, P.C. as an esteemed and skilled attorney in his areas of practice, naming him for membership in the prestigious and selective group of America's most skilled lawyers.

America's Top 100 Attorneys® membership, which is awarded to only one-half of one percent of attorneys in the nation, requires a careful and rigorous screening process that does not include peer nominations or membership fees. Nominated candidates are selected based on lifetime legal achievements, professional experience, significant case results and/or verdicts, peer reputation, client satisfaction, notable honors, media notoriety, and community impact. Attorneys who are selected for membership are proven through this screening process to be highly effective attorneys with stand-out successes.

The nomination and selection of Mr. Messa for membership in this distinctive group is a testament not just to his continued hard work and dedication to clients, but also to his devotion to service. Mr. Messa recently completed his year-long tenure as President of the Philadelphia Trial Lawyers Association, is a Fellow of the American Bar Foundation, a Diplomat for the American Board of Professional Liability Attorneys, an Advocate of the American Board of Trial Advocates, and serves on the Pennsylvania Association for Justice Board of Governors. Mr. Messa is also very dedicated to serving his community, hosting a yearly event to provide school supplies for underprivileged students in Philadelphia and annually donating to many organizations, including Toys for Tots, The Salvation Army, Philabundance, The Boys & Girls Clubs of America, and more.

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Fire settlement, cont'd

Joe Messa is a skilled litigator, earning a number of seven- and eight-figure settlements and verdicts for clients, including a \$120 Million settlement in orthopedic bone screw litigation; \$35 Million in a single vehicle commercial truck product liability case for a man who was paralyzed; one \$18 Million medical malpractice settlement for a US Marine who suffered multiple amputations after a missed diagnosis; \$12.9 Million medical malpractice verdict for complications leading to brain damage that arose from a physician's failure to diagnose H1N1; \$12.2 Million for a truck driver whose spine was severely damaged due to an infection; \$8 Million products liability settlement for the family of a young girl who was killed in a fire caused by defective products; \$6.1 Million premises liability settlement for a child who lost her eye at daycare; and a \$2.25 Million medical malpractice settlement for the family of a man who died after the ER failed to timely diagnose and treat a cerebellar stroke.

Messa, Sweeney settle fire death case in Philly for \$5.25 million

On April 15, 2012, just after midnight, smoke and flame began to fill a West Philadelphia row-home where seven people— three adults and four children—slept. Four ionization smoke detectors correctly installed in the basement, first, and second floors, failed to sound as a fire in the kitchen grew larger and more threatening to the house's sleeping inhabitants. After a family member awoke to the smell of smoke and vocally alerted the sleeping adults and children, five of the seven family members were able to get out of the burning building safely. Tragically, a grandmother and her four year-old granddaughter became trapped in a front bedroom and perished in the fire.

The failure of ionization smoke detectors is, according to a pre-trial memorandum in the case, "a

phenomenon known to [the manufacturer of the smoke detectors] and to the firefighting community." Still, these defective, undependable, and essentially useless alarms are manufactured and sold by numerous companies as products that can effectively sound to provide sufficient warning and enough time to escape a fire.

The case against the defective smoke detectors manufacturer and the retailer that sold them settled for \$5.25 million on January 13, 2017, just a day after a Trial Judge was assigned and a jury sworn in. The estates of the deceased were represented by children of the perished homeowner and the mother of the perished toddler. The plaintiffs were represented by Joseph L. Messa, Jr. and Thomas N. Sweeney of Messa & Associates, P.C., who have litigated similar cases together in the past, earning a number of multi-million dollar settlements and verdicts against negligent smoke detector retailers and manufactures in cases where defective equipment caused permanent injury and death.



Joseph L. Messa, Jr.



Thomas N. Sweeney

Were YOU the Victim of Crime?

-Personal injury attorneys can help you get your life back.

Brett M. Furber, personal injury attorney at Messa & Associates, P.C., joined our firm last year with extensive experience prosecuting major crimes and homicides in Philadelphia, PA. This position gave him a unique view of the negative effects that violent crimes have on their victims. In our latest installment of MessaTV live, Mr. Furber answered some common questions about compensation for crime victims in civil and criminal court.

1. WHAT IS THE DIFFERENCE BETWEEN RESTITUTION AND COMPENSATION?

Restitution is money paid to a crime victim by the offender, ordered by a criminal court. Usually, it is part of the offender's sentence. *Compensation* is money paid to a crime victim, ordered by a civil court as the result of a law suit.

2. CAN A VICTIM RECEIVE BOTH RESTITUTION AND COMPENSATION?

Yes. A criminal can be sentenced to restitution by a judge in criminal court to reimburse a victim for costs related to medical treatment and lost wages. The offender can also be sued in civil court for non-economic or punitive damages related to the injuries they caused.



3. HOW IS RESTITUTION OR COMPENSATION PAID?

Often, a judge will look at whether or not a criminal has the means to pay before they order them to pay restitution. In some cases, a court will parse out a total amount into smaller monthly installments so that the restitution can feasibly be paid. In civil court, if an offender doesn't have the means to pay, it is unlikely a civil case can be brought.

4. WHAT DOES IT COST TO SUE A PERPETRATOR FOR DAMAGES RELATED TO A CRIME?

As is the case with all other personal injury claims filed by Messa & Associates, obtaining a lawyer to represent you in a civil case against an offender costs nothing. There are no up-front fees or hourly charges. You'd pay for services provided only if a settlement or verdict is reached. In other words, if you are the victim of a crime and find yourself struggling to regain your former quality of life, you have nothing to lose by seeking out an attorney. **877-637-7252.**

New guidelines suggest feeding your infant egg and peanut may prevent dangerous allergies.

JAMA study releases new information regarding a number of common allergens and previous notions that delaying exposure is safer/better.

■ **By Angela Leone**

In 2000, the American Academy of Pediatrics (AAP) published guidelines suggesting that parents not introduce common food allergens to their children until later in life. The AAP recommended introducing milk at one year, eggs at two years, and peanuts, tree nuts, fish, and shellfish at three years. With no evidence that this delay actually helped prevent food allergies, the guidelines were changed in 2008, this time with no real direction as to when and how to introduce certain foods to infants and toddlers.

A recent article in the Journal of the American Medical Association (JAMA), however, has revealed that postponing exposure to common food allergens might actually be doing more harm than good. The JAMA study looked at data from 146 allergy studies involving more than 200,000 children. Researchers from Imperial College London, working on behalf of the United Kingdom Food Standards Agency, discovered that feeding children small samples of peanut butter between the ages of four and eleven months *reduced* the risk of peanut allergy. Babies that were fed eggs between the ages of four and six months also had a significantly lower incidence of allergy later in life. A British study by LEAP (Learning Early About Peanut Allergy) found that peanut consumption that started in infancy and continued through five years of age led to an 81% decrease in the rate of peanut allergy for high-risk children.

While fewer studies have been conducted

concerning other common food allergens like cow's milk, fish, and tree nuts, Robert Boyle, lead author of the London study, believes that early introduction is worth trying for all foods. Boyle did say that when it came to wheat allergies, early feeding did not prevent celiac disease. A 2013 study came to the same conclusion after studying children who were introduced to wheat before six months of age and after six months of age.

Statistics reported by Food Allergy Research & Education (FARE) state that nearly 15 million Americans are affected by food allergies at the cost of about \$25 billion per year. Food allergy is noted as the leading cause of Anaphylaxis, (extreme allergic reaction that involves flushing of the skin, hives, swelling of the throat, altered heart rate, and asthma) outside the hospital, and responsible for roughly 20 child deaths per year. One in every 13 children under the age of 18 is affected by food allergies, and teenagers and young adults with food allergies are at the highest risk of fatal food-induced anaphylactic shock.

In light of these statistics, it's clear that preventing food

allergies in your children can be responsible for much more than a decreased need for peanut-free classrooms. It can save lives.

Jonathon Spergel, chief of CHOP's allergy section, said to philly.com that there is no research which supports postponing the introduction of common food allergens. "It's pretty consistent that early food is better," Spergel said. Spergel also suggested that parents who are feeling especially nervous about the possibility of extreme allergic reaction when introducing allergens to their infants for the first time could simply introduce the food at the pediatrician's office, where nurses and doctors are on stand-by with epinephrine for emergency intervention.

For more information, you can view the Imperial College London study at http://www3.imperial.ac.uk/newsandeventspggrp/imperialcollege/newssummary/news_20-9-2016-14-46-0 or by following the link in our blog.

If your child currently suffers from a food allergy that was mishandled in school or day care and your child suffered medical consequences as a result, call the personal injury lawyers at Messa & Associates for a free consultation at 877-MessaLaw (877-637-7252).



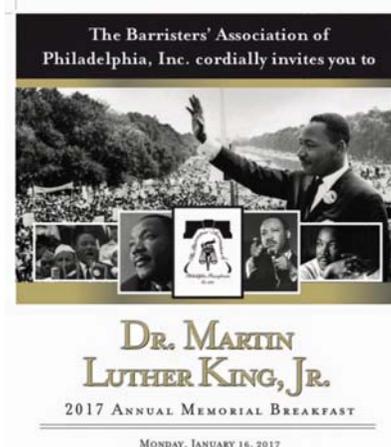
AROUND THE OFFICE



Messa & Associates welcomes new legal nurse consultant to the team! Margaret A. Gibbons-Lashendock is joining the firm after 36 years in patient care—19 of which were spent as a Nurse Practitioner. Welcome, Meg!



The office celebrated two 30th birthdays this month! Happy Birthday to Jahaan Ameen (January 24th) and Sheila Zier (January 2nd). Wishing you both a fantastic 30th year.



The Attorneys at Messa & Associates attended the Barristers' Association's Dr. Martin Luther King Annual Memorial Breakfast on January 16th, 2017. The event is held each year to honor the memory of Dr. King and to honor the contributions of local attorneys and judges to the legal community and the city of Philadelphia.

MAIN LOCATIONS

PHILADELPHIA
123 S 22nd St
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P: 215-568-3500

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Philadelphia, PA 19144
P: 215-844-1614

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Pittston, PA 18643
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CONSHOHOCKEN
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Conshohocken, PA 19246
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Linwood, NJ 08221
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