

## THE LEGAL OUTLOOK

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### INSIDE THIS ISSUE

- ⇒ PA Super Lawyers 2017
- ⇒ What is White Coat Marketing?
- ⇒ Graco car seat recall
- ⇒ Around the office

### \$2 Million settlement reached for Philadelphia man who cut off one finger and injured another while using a defective Ryobi table saw



half, he experienced a “kick-back incident” that resulted in his hand making contact with the blade.

Mr. Mai’s injuries were primarily the result of two defects in Ryobi’s BTS-10 table saw; the absence of flesh detection technology, and a faulty, ineffective guard design. In January 2002, Ryobi signed a contract to license “SawStop” technology, a simple technology developed by Dr. Stephen Gass that, once it detects the presence of human flesh, sets off a chain reaction of events that stops the spinning blade within 5 milliseconds of detection. However, Ryobi never moved forward with implementing this technology in their table saws because the company didn’t want to pay royalties to Dr. Gass.

“Justice is conscience, not a personal conscience but the conscience of the whole of humanity .”

**ALEKSANDR SOLZHENITSYN**

Messa & Associates has settled a products liability case against Ryobi Technologies, Inc. and One World Technologies, Inc. on behalf of the firm’s client, Alex Mai, who lost his right middle finger at the knuckle and sustained permanent nerve damage to the index finger on his right hand as a result of a defective Ryobi table saw.

On March 25, 2012, then 19 year-old Alex Mai was instructed to use a Ryobi table saw on a jobsite in South Philadelphia. As he was nearly finished cutting a piece of wood in

*continued on inside cover*

# Messa & Associates Attorneys Named to Super Lawyers, *Rising Stars*, and Top 100 Lists, Firm Features Client Stories on [www.WhyMessa.com](http://www.WhyMessa.com)

Philadelphia personal injury attorneys at Messa & Associates, P.C. proudly announce that five of the firm's attorneys have been selected to the 2017 Pennsylvania Super Lawyers list, two of those five have also been selected as Top 100 in Philadelphia and Top 100 in Pennsylvania, and an additional two Messa & Associates attorneys were named to the Pennsylvania *Rising Stars* list for 2017. Less than 5 percent of the attorneys in Pennsylvania are selected by Super Lawyers to receive these prestigious honors.

*"We at Messa & Associates strive to ensure that our focus remains on the needs of our clients,"* said Joe Messa today. *"I am pleased to work with such a talented group of lawyers who are recognized by their peers, year after year, for the outstanding work they do every day to serve the clients of our firm."*

In addition to the announcement of the Super Lawyers and Rising Stars selections, the firm has added client testimonials to [www.WhyMessa.com](http://www.WhyMessa.com), a website focusing on accounts from former clients regarding why they chose MessaLaw and how the firm fought for their needs. Among the clients highlighted is Francisca Muñoz Garcia, a 56 year-old woman who suffered permanent and debilitating injuries after being struck by a Ford F-450 while crossing the street on her way home from work. Ms. Muñoz Garcia is featured in the firm's Pennsylvania Super Lawyers ad.

**Messa & Associates** PHILADELPHIA ATTORNEYS WITH A REPUTATION FOR EXCELLENCE **TODDO ES POR NUESTROS CLIENTES**  
IT'S ALWAYS BEEN ABOUT OUR CLIENTS

**¿Por qué escogí a la firma Messa & Associates?**  
*Why did I choose Messa & Associates?*

- Honestidad** honesty
- Capacidad de respuesta** responsiveness
- Tenacidad** tenacity
- Todo lo mencionado** all of the above

*"Me hicieron ver que aún en mi condición de inmigrante tengo derechos, y que hay personas en la comunidad dispuestas a ayudarme."*  
*"They made me see that even as an immigrant, I have rights, and there are people in my community who want to help me."*

**-Francisca Muñoz Garcia**

**MESSA & ASSOCIATES IS PLEASED TO ANNOUNCE THE FIRM'S SELECTIONS TO 2017 PENNSYLVANIA SUPER LAWYERS:**  
Joseph L. Messa, Jr.\*  
Richard J. Heleniak  
Irene M. McLafferty  
Lee D. Rosenfeld  
Thomas N. Sweeney\*

**MESSA & ASSOCIATES IS PLEASED TO ANNOUNCE THE FIRM'S SELECTIONS TO 2017 PENNSYLVANIA RISING STARS:**  
Ramon A. Arreola  
Angelo M. Theodosopoulos

\*RECENT SELECTION TO TOP 100 PHILADELPHIA and TOP 100 PENNSYLVANIA

FROM OTHER SATISFIED CLIENTS AT [www.WhyMessa.com](http://www.WhyMessa.com) | Call 877-MESSALAW (837-7252) OR VISIT [www.MessaLaw.com](http://www.MessaLaw.com) FOR MORE INFORMATION.  
PENNSYLVANIA LOCATIONS: PHILADELPHIA, GERMANTOWN, COXSACK/CHOCOMA, HERSHEY, HILL, COLLEGEWOOD, ROSELLE, LEWISWOOD

Attorneys from Messa & Associates named to the Pennsylvania Super Lawyers list include Joseph Messa, Richard Heleniak, Irene McLafferty, Lee Rosenfeld, and Tom Sweeney. Additionally, Ramon Arreola and Angelo Theodosopoulos were named to the Pennsylvania *Rising Stars* List.

Joe Messa and Tom Sweeney were also selected as Top 100 in Philadelphia and Top 100 in Pennsylvania.

## ***Ryobi, continued from cover***

Additionally, despite several warnings from the Consumer Product Safety Commission regarding the high number of table saw injuries which were occurring due to the ineffective guard design, the company chose to ignore the advice and instead continued to market and sell the dangerous saws to the public for several more years before implementing a new guard design which Ryobi's former director of engineering had patented almost 10 years before Mr. Mai's incident.

Two additional cases are pending against Ryobi involving table saws. Joseph Messa and Ramon Arreola are representing plaintiffs in those cases in the Eastern District of Pennsylvania and Albany, NY.



## **GRACO RECALL**

25,000 Graco My Ride 65 car seats recalled due to potential harness failure. More info: [www.messalaw.com/recall](http://www.messalaw.com/recall).

# Preventable Medical Errors Kill Patients

*200,000 patients die each year in the United States as a result of preventable medical errors*

■ By Angela Leone

**A**n article in the March edition of the **Journal of Patient Safety** discussed medical error related deaths in the US, citing the leading causes to be highly preventable occurrences; including pressure ulcers (bedsores), hospital-acquired infections, blood clots (embolism), surgical errors, and misdiagnosis.

One of the article's contributors, Dr. Kevin T. Kavanagh, commented,

*"Our utmost concern is that – despite having the knowledge to prevent adverse events – many health systems do not adequately invest in patient safety to put well-known safety improvement strategies in place."*

Many in the healthcare industry refute the findings, criticizing the measures with which data was analyzed and the fact that these outcomes are included without consideration of the patient's state of well-being at the time adverse events occur. Dr. Kavanagh believes these criticisms are unfounded.

*"As a whole, concerns with data are unfounded since the data tend to underestimate, not overestimate, the number of preventable deaths. In addition, the context of the patient is irrelevant and must be dissociated from medical error."*

While both sides do agree that better data are needed, only patient-safety advocates are working to collect it. *"The onus should not be on consumers but on the healthcare industry to generate comprehensive data to demonstrate that their product is safe."* A comparison drawn within the Journal article pits the

healthcare industry against the transportation industry, calling on healthcare oversight not unlike the National Transportation Safety Board which provides consumer protections by investigating *all* aircraft accidents. At 200,000 deaths per year, Dr. Kavanagh asks, *"In what other industry would such a record be tolerated, let alone defended? Would the airline industry and public ever tolerate even a single preventable airline crash? We can and must do better."*

## So how do we do better?

The **Journal of Patient Safety** article notes solutions to help reduce the risk of fatal adverse events, including investment in adequate nursing levels and implementing a "culture of safety."

Medical malpractice attorneys at Messa & Associates litigate cases every day on behalf of family members who lost loved ones to preventable medical errors in hospitals, nursing homes, and rehabilitation centers. If you have suffered a loss due to medical negligence, contact an attorney and let them fight for you.



# AROUND THE OFFICE



On May 25th, the attorneys and staff hosted a surprise bridal shower for Jahaan Ameen, who's getting married June 10th to her fiancé, James! Congratulations, Jahaan!



Messa & Associates extends a warm welcome to Virginia Duda, better known as V around the office. V started at the firm last month as a secretary and has been doing a great job. Welcome and good luck!



We are wishing a Happy, Happy Birthday to the MessaLaw staff members born in May: Dhara Patel (9th) and Meg Knysh (1st). Wishing you both a great year! 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

## SATELLITE LOCATIONS

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

PITTSTON  
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

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