

Messa & Associates

TRIAL ATTORNEYS WITH A REPUTATION FOR RESULTS

The Legal Outlook

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Consumer News:

RECALL REPORT



Craftsman Recalls Blower/Vac due to Fire Hazard

The motors of the blower/vac units are at risk of catching fire.

Seven incidents of the blower/vacs catching fire have been reported. One injury has been reported.

Consumers should immediately stop using the recalled blower/vacs and contact the Craftsman brand hotline for a full refund at 888-266-7096 .

PHILADELPHIA JURY AWARDS \$4.2 M VERDICT TO KNEE REPLACEMENT PATIENT AMPUTEE



On Monday, a Philadelphia jury awarded \$4.2 million in damages to a Pennsylvania woman who lost her leg to an infection after she underwent a bilateral knee replacement at Temple University Hospital in 2010.

On December 1, 2010, the plaintiff, Annabelle Glasgow, who had a history of non-insulin dependent diabetes and hypertension, underwent a bilateral knee replacement performed by Orthopedic surgeon, Easwaran Balasubramanian, at Temple University Hospital.

On December 4th, three days after her surgery, Ms. Glasgow was transferred to Temple's Acute Rehabilitation center to begin her rehabilitation. Pressure ulcers (bedsores) developed and progressed at Temple University Hospital Rehabilitation and were not properly documented or treated. Dr. Frederick Nissley, her attending physician during rehabilitation, failed to note or place orders for care of the ulcers upon Ms. Glasgow's discharge on December 22, 2010.

Over the next 6 months, Dr. Balasubramanian performed multiple surgeries on Ms. Glasgow in an attempt to repair damage in her leg caused by vascular insufficiencies in her lower extremities, as well as to repair damage caused by a MRSA infection in her left leg. She was admitted to twelve different rehab facilities. The infection was not timely and/or appropriately addressed and ultimately, Annabelle Glasgow required an amputation of her left leg above the knee.

The case was tried before The Honorable Rosalyn Robinson in the Philadelphia Court of Common Pleas. Attorney Irene M. McLafferty of Messa & Associates, P.C. represented the plaintiff. The trial lasted seven days. The jury found all of the defendants (Drs. Balasubramanian and Nissley and Temple University Hospital) liable for Ms. Glasgow's injuries.

Irene M. McLafferty is a trial attorney with over 25 years of experience as a trial attorney. 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.

WHAT THE NEW YEAR BRINGS TO YOU WILL DEPEND A GREAT DEAL ON WHAT YOU BRING TO THE NEW YEAR.

VERN MCLELLAN

A Letter from our Founder



As the end of 2015 draws near, I look back at the great strides that Messa & Associates has made as a mid-sized personal injury law firm in Philadelphia. While the medical malpractice and personal injury legal practices face threatening blows in the ways of tort reform and dangerous legislation changes, Messa & Associates grows and continues to thrive. We have increased our staff, our areas of practice, our client base, our charitable giving, and our community reach. Messa & Associates is a proud leader among mid-sized law firms in Philadelphia.

We at Messa & Associates come to work every day for our clients – those without a voice – those dealing with the life changing consequences of medical negligence, unscrupulous insurance companies, irresponsible manufacturers, etc. I am proud of the work that we do to help people and I am thankful every day that I chose to make it my career. I am certainly one of the lucky ones.

I am also thankful to the team of dedicated people that share this task with me. Without my committed and resourceful staff of attorneys, paralegals, and assistants, Messa & Associates would not be the successful firm it is today. From the bottom of my heart, I thank you.

I look forward with enthusiasm to a new year, filled with potential and new possibilities. Happy New Year!



HOLIDAY DECORATING SAFETY

It's here! The holiday season is upon us. Many of us, if we haven't already, will begin taking out our lights, ornaments, wreaths, garland, trees, and stockings to adorn our houses, hallways, and doors with the staples of the season.

Unfortunately, this yearly tradition can be dangerous and end tragically. In 2014, twelve deaths were attributed to holiday decorations. Additionally, there were 14,500 injuries treated in hospitals across the United States during the months of November and December that were attributed to holiday decorations. Common injuries included falls, lacerations, back strains, and ingestion of foreign objects. The Consumer Product Safety Commission (CPSC) has assembled a list of safety precautions in hopes that the number of injuries and deaths due to holiday decorating will significantly decline.

TAKE SPECIAL CARE WITH SHARP, WEIGHTED, OR BREAKABLE DECORATIONS.

These items can cause lacerations that can range from scratches to severed limbs. Act with extra care and caution when handling these items while decorating, especially when standing on a ladder.

AVOID TRIMMINGS THAT RESEMBLE FOOD OR CANDY

Small children can be confused and ingest decorative items that they mistake for food or candy. This is an accident that can result in injury or even death caused by poisoning or choking. Just like decorations that can be taken for food, small objects that are within reach of inquisitive young children can pose a choking and/or poisoning hazard. Be sure to keep all small decorative items out of reach of young children.

EXAMINE NEW AND OLD LIGHT SETS FOR DAMAGE

Light sets with cracked or broken sockets, frayed or exposed wires, and loose connections pose a fire hazard. Throw them away.

KEEP BURNING CANDLES IN SIGHT AND OUT OF REACH OF CHILDREN OR PETS, AND AWAY FROM FLAMMABLE ITEMS

Between 2010 and 2012, candles were the source of an estimated 6,500 residential fires annually, resulting in 80 deaths, 650 injuries, and \$237 million in property loss *per year*. Flammable items such as trees, other evergreens, decorations, curtains, and furniture can ignite if you aren't careful about the placement of burning candles. Do not sacrifice safety for holiday ambiance.

MAKE SURE THAT YOUR ARTIFICIAL TREE HAS AN AUTHENTIC "FIRE RESISTANT" LABEL.

You should also check live trees for freshness. Dried out trees are quite flammable. A few reminders about fresh trees include: **1.** A fresh tree is green. **2.** Fresh needles are hard to pull from branches. **3.** When bent between your fingers, fresh needles do not break. **4.** The trunk butt of a fresh tree is sticky with resin. **5.** When the trunk of a tree is bounced on the ground, there is no shower of falling needles.

USE EXTREME CAUTION ON LADDERS!

Thirty-six percent of holiday decorating injuries involve falls and ladders are the cause of about half of these incidents.

The holidays should be a time to enjoy family and friends and the giving spirit of the season. Don't let a preventable accident darken your holidays with an injury (or worse). Here at Messa & Associates, we wish you a happy and safe holiday season. Follow these recommendations to avoid any unnecessary personal injury this joyful time of year.



BREAKING IT DOWN

UNDERSTANDING CAR INSURANCE IN NEW JERSEY

■ **By Lee D. Rosenfeld**

Before purchasing or renewing your automobile insurance coverage in New Jersey, it is important to understand your options, as different coverage choices can be confusing. Your decisions will greatly affect your legal rights if you are involved in a motor vehicle accident.

LIABILITY COVERAGE

This is the most important type of coverage in a motor vehicle insurance policy. “Liability” or “Bodily Injury” coverage is what your insurance company will pay to someone else in the event that you cause an accident. This type of coverage is required by New Jersey law and is meant to protect you and your assets in the event you are held responsible for an automobile accident. When deciding upon the amount of coverage to purchase, you need to carefully consider how much that you need to protect. The more assets that you have, the more coverage you will need. A simple rule of thumb is to purchase as much coverage that you can afford.

UNINSURED AND UNDERINSURED COVERAGE

This is also a very important type of insurance coverage which is aimed at making sure that you are not left without compensation when someone else causes an accident which injures you or your family.

Uninsured motorist (UM) coverage is paid to you or your family members by your own insurance company, if you are injured by an uninsured car or if you are the victim in a hit and run accident.

Underinsured motorist (UIM) coverage is paid to you or your family members by your own insurance company, if you are injured by a driver who does not have sufficient coverage to pay for all of your injuries. It is included in your UM coverage.

When considering whether to buy this type of coverage and how much to purchase, please understand that it is quite often the case that those at fault for an

accident do not have sufficient coverage to fairly compensate those who are injured. In those circumstances, UM/UIM coverage protects you and your family. Without it, you may not have the ability to make a claim. Like liability coverage, a rule of thumb is to purchase as much UM/UIM coverage as you can afford.

NEW JERSEY INSURANCE POLICIES DETERMINE YOUR LEGAL RIGHTS!

In New Jersey, there are three different types of automobile insurance policies available:

No Limitation on Lawsuit Policy

Limitation on Lawsuit Policy

Basic Policy

NO LIMITATION ON LAWSUIT POLICY

Also called a “zero threshold” policy, this is absolutely the type of insurance policy that you want! It costs a bit more, but it fully protects all of your legal right under New Jersey Law:

It permits all personal injury claims regardless of the nature or extent of the injuries;

It does not require a sworn statement from your doctor certifying that the injuries are permanent; and

You maintain all of your important legal rights.

LIMITATION ON LAWSUIT POLICY

You do **NOT** want this type of coverage! It cost a bit less, but you get what you pay for and you have just allowed an insurance company to take away your legal rights:

In order to recover any non-economic (pain and suffering) compensation for your injuries, you must prove by objective evidence that it is a qualifying injury. This restriction applies to your spouse and all of your children and step-children living in your household.

To recover, you must obtain a sworn statement from your doctor when filing a lawsuit.

Qualifying Injuries:

Death

Dismemberment (loss of a body part)

Loss of a fetus

Significant disfigurement"or significant scarring."

Displaced fracture

“Permanent injury”. This is defined as an injury which has not healed, and will never heal despite further medical care. This is an extremely difficult standard to meet.

BASIC POLICY

This is also **NOT** the type of coverage that you want! It provides the **minimum** coverage that you can buy and still comply with the law. Here are its features:

Least expensive type of policy—this is a trap to get you to surrender your rights.

Satisfies New Jersey's compulsory insurance law.

Provides very little or no liability coverage if someone else sues you;

Provides only minimal coverage to pay for your medical expenses;

You need the same type of qualifying injury listed above

OUR RECOMMENDATION

Messa & Associates strongly recommends that you purchase an insurance policy with the following features:

No Limitation on Lawsuit Option

As much Liability coverage as you can afford

As much UM/UIM coverage as you can afford.



Lee D. Rosenfeld

(rosenfeld@messalaw.com) is a motor vehicle accidents attorney representing catastrophically injured victims in PA and NJ.

AROUND THE OFFICE



Messa & Associates welcomes new paralegal Dena Kline to our team! Dena will be working with attorneys Jenimae Almquist and Suzanne dePillis. We're happy to have you and we wish you luck, Dena!



The attorneys and staff at Messa & Associates wish you and your loved ones the happiest of holidays and health and prosperity in 2016!



Happy Birthday to all of our December babies; Lee Rosenfeld (6), Dana Gallo (6), Donna Feltman (11), and Christine Nabal (12).

MAIN LOCATIONS

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123 S 22nd St
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Suite 2
Cherry Hill, NJ 08003
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SATELLITE LOCATIONS

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