

The Legal Outlook

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Consumer News:

RECALL REPORT



IKEA Recalls Crib Mattresses due to entrapment hazard

IKEA has recalled VYSSA style crib mattresses due to the potential for entrapment, suffocation, and death.

Consumers can test their mattresses by measuring the gap between mattress and crib. If the gap is larger than 2 fingers' width apart, it is defective. Affected consumers should discontinue use immediately and visit their nearest IKEA for an exchange or full refund.

JENIMAE ALMQUIST, ESQ. OF MESSA & ASSOCIATES, P.C. IS APPOINTED TO BOARD OF DIRECTORS OF THE RENDELL CENTER FOR CIVICS AND CIVIC ENGAGEMENT



Jenimae Almquist, a personal injury associate with Messa & Associates, has been appointed to the Board of Directors of the Rendell Center for Civics and Civic Engagement, an organization with the mission of promoting an informed and responsible citizenry that actively engages in democratic practices.

The center is located on the campus of Arcadia University in Glenside, PA and is a "collaborative effort between the National Constitution Center and Arcadia University." In order to promote civics education, the Rendell Center offers opportunities to develop an engaged citizenship to all those on the Arcadia Campus, the community at large, and all students at all levels of education. The Rendell Center also offers teaching tools for educators, including a literacy-based civics curriculum called "We The Civics

Kids," a program born of the collaboration between Arcadia and the National Constitution Center.

In addition to the Rendell Center, Ms. Almquist dedicates significant time to bar service and other community activities. She is a former co-chair of the Advancing Civics Education (ACE) Program of the Philadelphia Bar Association which utilizes volunteer lawyers and judges to teach high school students basic concepts of citizenship and dispute resolution. She is a board member of the Hispanic Bar Association of PA and engages in *pro bono* service for Spanish speaking clients through the Philadelphia Volunteers for the Indigent Program (Philadelphia VIP). Ms. Almquist is also an active member of the Philadelphia Bar Association, the Minority Law Day Committee of the Pennsylvania Bar Association, Pennsylvania Association for Justice, and Philadelphia Trial Lawyers Association.

Jenimae Almquist concentrates her practice in complex personal injury litigation, representing victims of catastrophic accidents, explosions, medical malpractice and pharmaceutical products liability, as well as burn victims and individuals who have been harmed by defective products. Additionally, she is fluent in Spanish and handles cases on behalf of Spanish-speaking clients.

THE NEW YEAR STANDS BEFORE US, LIKE A CHAPTER
IN A BOOK, WAITING TO BE WRITTEN.

MELODY BEATTIE

January is National Birth Defects Prevention Month

The **National Birth Defects Prevention Network** (NBDPN), along with The Centers for Disease Control (CDC), the American Academy of Pediatrics (AAP), and the Teratology Society (TS), uses every January to spread awareness about the prevention of birth defects. This year, the theme is “Making Healthy Choices to Prevent Birth Defects—Make a PACT for Protection.”

The organizations worked together to create reading materials to help all women increase their own chances of giving birth to healthy babies. The NBDPN released a pamphlet this year using PACT as an acronym.

Plan Ahead

- Get as healthy as possible before getting pregnant
- Get at least 400g of Folic Acid everyday.

Avoid Harmful Substances

- Avoid drinking alcohol and smoking
- Be careful with harmful exposures at work or home.

Choose a healthy lifestyle

- Eat a healthy diet that includes fruits, vegetables, whole grains, low-fat dairy, and lean proteins.
- Be physically active
- Work to get medical conditions like diabetes under control.

Talk to your Doctor

- Get a medical check-up
- Discuss all medications, both prescription and over-the-counter.
- Talk about family history.



MESSA & ASSOCIATES WELCOMES NEW ATTORNEY, RAMON A. ARREOLA

Philadelphia catastrophic injury law firm Messa & Associates, P.C. is pleased to announce that Ramon A. Arreola, Esq. has joined its team of experienced and skilled personal injury and medical malpractice attorneys. Mr. Arreola will concentrate his practice on complex injury cases, including medical malpractice, products liability, premises liability, construction injury, and mass tort cases. Mr. Arreola is fluent in Spanish and will work with the firm’s growing number of Spanish speaking clients together with our other Spanish speaking lawyers and staff. “We are very excited to have Ramon join our firm,” said Joseph L. Messa, Jr., founding partner of Messa & Associates. “Ramon offers us a chance to extend our reach into the severely underrepresented Hispanic populations in Philadelphia and throughout Pennsylvania and New Jersey. His skill set is a great match for Messa & Associates and I know he will be a valuable addition to our already talented and dedicated team.”

Mr. Arreola received his juris doctor from the University of Baltimore, School of Law in 2007. He is admitted to the bars of the Commonwealth of Pennsylvania and the State of New Jersey and has litigated a number of cases to seven- and eight-figure awards for clients throughout Pennsylvania, New Jersey, and other states.

Ramon A. Arreola joins Messa & Associates from Philadelphia personal injury law firm, Golkow & Hessel, where he was an associate for five years. Mr. Arreola was also an associate with the Law Offices of Peter G. Angelos in Baltimore, Maryland from 2007 to 2009.

Mr. Arreola was selected for inclusion in the Pennsylvania Super Lawyers Rising Stars list in 2013 and 2014. He was also named one of the National Trial Lawyers “Top 40 under 40” in 2014 and 2015, and is a member of the Million Dollar Advocates Forum. Mr. Arreola is a current member of the Philadelphia Trial Lawyers Association, a board member of the Hispanic Bar Association of Pennsylvania, a board member of the Hispanic Bar Association of PA Legal Education Fund, a member of the Philadelphia Compulsory Arbitration Committee, a certified arbitrator in Philadelphia County, and a board member of the Asociación Puertorriqueños en Marcha.

Ramon A. Arreola was born in San Antonio, TX but raised in Bethlehem, PA. He now lives in South Philadelphia with his wife and their two dogs. When out of the office, he enjoys walking his dogs, working out, and playing squash.

BREAKING IT DOWN

CRUISE LINES NOW LIABLE FOR NEGLIGENT MEDICAL TREATMENT ON BOARD

■ **By Angela Leone**

A December 2014 ruling by the United States Court of Appeals has opened up the possibility of monetary recovery after medical negligence on board a cruise ship.

Before the landmark ruling by Judge Stanley Marcus in the eleventh circuit of the United States Court of Appeals, cruise lines had been virtually immune from medical malpractice lawsuits thanks to a 1988 decision in *Barbetta v. Bermuda Star*, holding that the only way a victim of medical negligence aboard a cruise line could sue for damages was to privately sue the medical provider who treated them; the cruise line itself was not considered liable. A recent ruling, however, in the *Franza v. Royal Caribbean, LTD.* case changed the way cruise ship malpractice victims can seek to recover damages.

FRANZA V. ROYAL CARIBBEAN, LTD.

In 2011, Pasquale Vaglio was an elderly passenger aboard the "Explorer of the Seas," a Royal Caribbean Cruise Ship. The ship docked in Bermuda and as Vaglio was boarding a trolley from the deck, he slipped and hit his head. From there, a nurse aboard the ship allowed Vaglio to return to his cabin. Vaglio's son and daughter-in-law, fearing that Vaglio's condition was deteriorating, had him transported back to the cruise ship's

infirmary. A ship doctor examined Vaglio and ordered that he be transferred to a Bermuda Hospital but he did not arrive at the hospital until 6 hours after his first examination by the nurse. Patricia Franza, Vaglio's daughter (and the plaintiff in the case against Royal Caribbean), claims that after this severe delay in treatment, it became too late to save her father's life. Vaglio was airlifted to a New York Hospital the next day where he died a week later.

Franza's claim was dismissed by U.S. District Court Judge Joan Lenard who applied the original "Barbetta Doctrine," saying that the cruise line could not be held liable for the negligence of its medical staff because the nurse and doctor were not agents of Royal Caribbean but instead were independent contractors.

Franza appealed her case to the eleventh circuit where Judge Stanley Marcus overruled Judge Lenard's decision, noting that the Barbetta rule is outdated in an age of dwindling independent medical practices and rapidly emerging urgent care centers and corporate run medical facilities. He also likened cruise lines to universities, saying that universities are not immune from liability when patients are injured in school health clinics even though their primary business is not to provide medical treatment. In addition, Judge Marcus

noted that immunity is not feasible considering the potential profits that can be made from offering onboard medical treatment, citing a survey that showed nearly 30% of cruise-goers to be over the age of 60. Lastly, Judge Marcus pointed to evidence in Franza's complaint that painted a very different picture from that of Royal Caribbean's independent contractor defense, noting that medical personnel were paid directly from the cruise line and were provided mandatory uniforms by Royal Caribbean.

NO MORE IMMUNITY FOR VACATION CRUISE LINERS

Judge Marcus' ruling has opened a door for victims of medical negligence aboard cruise ships. For years, these victims could only hope to find justice by suing doctors directly, but often, because cruise ships routinely hire foreign-domiciled and foreign-educated doctors, the process was too difficult and time consuming to see through. With the rejection of the out-of-date "Barbetta Doctrine," cruise lines will rightly be held responsible for the actions of those they entrust with the lives of their passengers.



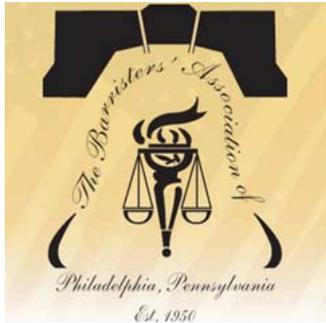
Angela D. Leone
(aleone@messalaw.com) is the Marketing and Public Relations Coordinator at Messa & Associates. She is a contributor to & design editor of *The Legal Outlook*.

Settlements and Verdicts

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Lee D. Rosenfeld garnered a \$225,000 truck accident settlement for a plaintiff who suffered permanent and life-altering injuries after a bus and a truck collided, throwing plaintiff, who was seven months pregnant at the time, into the seats behind her and onto a passenger sitting by the window. Plaintiff suffered permanent injuries to her neck, shoulders, back, and spine. The child was not injured.

AROUND THE OFFICE



Attorneys from Messa & Associates attended the Barristers Assoc. of Philadelphia's Annual Martin Luther King, Jr. Memorial Breakfast on January 19th at the Loew's Hotel. The Barristers host the event to honor exemplary legal professionals in Philadelphia .



Attorneys Joseph L. Messa, Jr. and Richard Heleniak were recognized as *Philadelphia's Top Rated Lawyers* in 2014 as well as National Trial Lawyers' Top 100 Trial Lawyers! Selections are based on ratings and peer reviews. Congratulations!!!



This month, we celebrate the birthdays of secretary Linda East, paralegal Jahaan Ameen, and attorney, Eric Weitz!

HAPPY BIRTHDAY TO YOU!

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