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### Consumer News:

## RECALL REPORT



### Lululemon recalls 300k Women's Tops Due to Injury Hazard

Lululemon has issued a voluntary recall of 300,000 Women's tops due to an injury hazard regarding the elastic draw cord. The aglets (tips at the end of the cord) are made of metal. The elastic cord can snap back if pulled, causing the metal aglet to potentially injure the wearer's face or eyes.

Consumers are asked to remove the cord or contact lululemon for a non-elastic cord replacement at 1-877-263-9300.

## PHILADELPHIA JURY AWARDS \$3 MILLION VERDICT TO PERMANENTLY INJURED VICTIM OF CONSTRUCTION SITE NEGLIGENCE



A Philadelphia jury awarded \$3 million in compensatory damages to a Pennsylvania man who was permanently injured after a set of temporary stairs on a construction site collapsed underneath him.

In January 2012, the plaintiff, John White, was employed as a carpenter on a residential construction project at 11th and Bainbridge Streets in Philadelphia. At the time, no permanent staircases had been

installed at the worksite. Instead, temporary staircases were designed, constructed, and installed without adequate mid-span support by Beiler Construction, LLC. A number of carpenters and subcontractors had noticed that these stairs were shaky from the beginning. A plumber even referred to the use of the stairs as "a joke," noting that two men could never use them at the same time. Mr. White approached his supervisor about the potentially dangerous condition of the stairs five times. Nothing was ever done.

Drywall, Inc., a company hired to install drywall at the worksite, disturbed the stability of the mid-span support of the temporary stairs during the course of their installation. After their work was completed, a safety re-inspection never took place at the construction site or of the stairs. A number of crew members noticed an increased wobbliness when ascending or descending the stairs after the drywall was installed.

On January 19, 2012, Mr. White was descending the stairs from the third floor with another worker behind him when the stairs suddenly collapsed. Mr. White fell two stories to the ground floor, violently striking his head, shoulder, and back. He sustained a concussion with post-concussion syndrome, a broken shoulder blade, a torn rotator cuff, and herniated discs in his lower back. Mr. White also underwent arthroscopic surgery to the shoulder to repair nerve entrapment.

The jury found Beiler Construction, LLC liable for 40% of Mr. White's damages, having negligently designed, constructed, and installed the temporary stairs. The jury also found Drywall, Inc., and Drywall Inc. subcontractor Guadalupe Hernandez 40% and 20% liable, respectively, for Mr. White's damages, having disturbed the stability of the stairs' supports and therefore contributing to the collapse. The jury awarded \$2.5 million in compensatory damages to Mr. White and \$500,000 to Mrs. White for loss of consortium.

The case was tried before The Honorable Kenneth J. Powell, Jr. in the Philadelphia Court of Common Pleas. Attorneys Joseph L. Messa, Jr. and Jenimae Almquist of Messa & Associates, P.C. represented the plaintiffs. The trial lasted 14 days. The jury took one day to deliberate.

DEEP SUMMER IS WHEN LAZINESS FINDS RESPECTABILITY.

SAM KEEN



JULY IS

## UV SAFETY MONTH

The *United States Department of Health and Human Services* (HHS) uses the month of July to spread knowledge and awareness regarding the required safety precautions when dealing with intense UV rays during the summer season.

It has become more and more clear over the years that over-exposure to the sun's UV light plays a major role in the development of skin cancer. But what you may not know is that these damaging rays can also cause additional problems, such as eye problems, a weakened immune system, age spots, wrinkles, and leathery skin. Fortunately, by making simple and smart decisions, you can protect yourself from dangerous overexposure to the sun.

1. Choose a broad-spectrum sunblock and reapply throughout the day. Experts say that sunscreen should be applied at least every 2 hours and always after swimming, even if the sunblock is labeled as Water Resistant.
2. Choose shade or proper clothing coverage between the hours of 10am and 4pm, when the sun is at it's strongest during the day.
3. Be mindful of reflective surfaces like sand, water, and snow, which can reflect UV rays and cause the same damage as direct sunlight.
4. Use caution at higher altitudes, where UV exposure is more likely due to less atmospheric protection.
5. Choose wide-brimmed hats and wrap-around sunglasses for total eye protection from the sun.
6. Remember that overcast (clouds) do not prevent exposure to the sun. Always apply sunscreen, even on cloudy days.



For more information, visit

<http://www.foh.hhs.gov/Calendar/july.html>

## Messa & Associates Welcomes New Attorney, Suzanne H. dePillis, Adds to Medical Malpractice & Personal Injury Team



Messa & Associates, P.C. is pleased to announce that Suzanne H. DePillis, Esq. has joined its team of experienced and skilled personal injury and medical malpractice attorneys as a Senior Associate. Ms. DePillis will concentrate her practice on complex injury cases, including medical malpractice, products liability, and premises liability. Messa & Associates founder, Joseph L. Messa, Jr., called DePillis an asset to the firm's consistently growing practice.

*"We all very excited to welcome Ms. DePillis to this team. She is a skilled, hardworking, and accomplished attorney and she has much to offer our clients."*

Ms. DePillis received her *juris doctor* from the Villanova University School of Law. She is admitted to the bars of the Commonwealth of Pennsylvania and the State of New Jersey and has litigated a number of cases to million and multi-million dollar awards for clients throughout Pennsylvania and New Jersey.

Suzanne H. DePillis joins Messa & Associates from Philadelphia personal injury law firm, Kline & Specter, where she represented catastrophically injured victims of medical malpractice, products liability, and automobile accidents.

DePillis is a member of the Pennsylvania Association for Justice, the Philadelphia Association for Justice, and the Philadelphia Bar Association, where she was the former Secretary of the Executive Committee, Young Lawyers Division. She is a member of the fundraising committee of For Pete's Sake (formerly Crossing the Finish Line), a non-profit organization that provides vacation respites for cancer patients and their families.

### CASE UPDATE: *Lambert v. South Boston PD*



Just last month, Messa & Associates filed a case against the South Boston Police Department on behalf of the sister of a deceased Virginia man who was tased to death outside a hospital Emergency Department by police. Messa & Associates has now received video footage from the hospital security cameras showing Mr. Lambert being tased by two police officers simultaneously while standing at the ER doors. He was then dragged back to the police vehicle and taken away. The footage also shows Mr. Lambert's return to the hospital in an ambulance, unresponsive. The wrongful death action, filed by Joseph Messa and Ramon Arreola, accuses South Boston Police of denying Mr. Lambert his rights to medical treatment and of misuse of deadly taser weapons, which ultimately led to his death.

# BREAKING IT DOWN

## THREE CONCERNS AFTER A CAR ACCIDENT

■ **By Matthew Y. Rong**

In the initial moments and days after you've been in a car accident, you're probably pre-occupied with a couple of big concerns.

1. "There is damage to my car, who is going to pay for the repairs?"
2. "I'm hurt, where should I go to have myself examined for potential injuries?"
3. "Who is going to pay for my medical treatment?"

Luckily, these are easy questions to answer.

- 1.) If you've purchased collision coverage for your vehicle, your car insurance company will pay for the repairs. Depending on the type of coverage that you've purchased, you will likely have to pay a deductible out-of-pocket to your car insurance company, after which they will cover the costs of the repairs. If a second vehicle was involved, that vehicle was insured at the time of the crash, and it is later determined between your car insurance company and their car insurance company that the other driver was at fault for causing this accident, the deductible that you have paid will be returned to you.
- 2.) If you were fortunate enough to not be taken from the scene by ambulance and are unsure about where to have yourself examined for potential injuries, the Emergency Department at the nearest hospital is a good option. The Emergency Department at a hospital does not require an appointment and is likely the place where you will be able to obtain the earliest evaluation of your condition.

A second option is to contact your family doctor or general practitioner. While an appointment may take a few days to schedule, your family doctor or general practitioner will be more knowledgeable about your past medical history and provide you with a more personal evaluation. It is typically good practice to visit your family doctor or general practitioner even after having been evaluated at an Emergency Department so that your doctor is aware of any ongoing problems and able to give you the best advice regarding medical treatment and follow-up that is needed.

3.) After addressing the first two issues, however, the next most concerning issue is how you are going to pay for the medical treatment you may need. While all of us should, by law, maintain health insurance at this point, this is not always the case, and even when we have health insurance, it is still unclear what insurance information should be given to a hospital or a doctor's office. There is then a concern regarding co-pays that will have to be paid, which can pile up and become a headache.

If you are involved in a car accident while driving in the Commonwealth of Pennsylvania, the law provides that your car insurance company must provide you with a minimum of Five Thousand Dollars (\$5,000.00) in No-Fault Benefits, also known as Personal Injury Protection (PIP). This means that the first Five Thousand Dollars (\$5,000.00) worth of medical treatment that you receive will be paid in full by your car insurance company. This requires that you report the accident to your insurance company, who will open a claim and provide you with a claim

number. All you have to do then is provide your claim number to your medical providers, who will submit their bills to your car insurance company for payment, up to Five Thousand Dollars (\$5,000.00). This is termed "no-fault" benefits because your car insurance company will pay these benefits regardless of whether the accident was your fault or not. Your car insurance company is responsible for paying these benefits even if the accident was not your fault.

No-fault benefits are important because you do not have to reimburse your car insurance company for these benefits. If, for instance, you use all of the Five Thousand Dollars (\$5,000.00) available to you from your car insurance company, you will be personally responsible for any medical bills that exceed the Five Thousand Dollars (\$5,000.00). If you have health insurance, you will most likely have to reimburse your health insurance company for any medical expenses they pay on your behalf. So keep in mind that you have no fault benefits available to you! It is possible that you will receive all of the medical treatment that you need without using up all of your no-fault benefits – in that case, you will not have had to pay any money out of pocket for your medical expenses! Better yet, you can elect to purchase more than Five Thousand Dollars (\$5,000.00) in no fault benefits when you renew your car insurance policy and put your mind at ease that your medical expenses will be paid the next time that you are in a car accident.



**Matthew Y. Rong**

([mrong@messalaw.com](mailto:mrong@messalaw.com)) is a motor vehicle and premises liability attorney for Messa & Associates, representing catastrophically injured clients in PA and NJ.

## Settlements and Verdicts

### **CONFIDENTIAL**

**Irene M. McLafferty—\$400,000 settlement** in a dram shop case on behalf of the Estate of a young man killed in a motor-cycle accident after leaving a Pennsylvania bar. Decedent was served alcohol for hours past the point that he was visibly intoxicated and was permitted to leave the bar on his motorcycle after last call.

# AROUND THE OFFICE

## BACK to SCHOOL BASH! feltonville | 2015

Messa & Associates is hosting its 3rd annual Back-to-School Bash, in partnership with the Boys & Girls Clubs of Philadelphia, on Friday, August 7th from 2 to 6. The event is free to all who attend and the first 1,000 students will receive backpacks stuffed with school supplies.



MessaLaw July babies get a shout out! Happiest of birthdays to Sochil “Nani” Cuevas, Kelly Fiel, and Denise Diaz. Thanks for all of your hard work ladies. Hope you enjoy your special days!



Many congratulations to Katie Steffa, daughter of Paralegal Manager, Cathy Steffa, who married Jeff Kuempel on June 27th. Family and friends enjoyed a beautiful ceremony at the Chapel at Nazareth Academy before a reception at the Franklin Institute. Katie and Jeff: We wish you a lifetime of love and happiness!

### MAIN LOCATIONS

#### PHILADELPHIA

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

#### CHERRY HILL

2091 Springdale Rd.  
Suite 2  
Cherry Hill, NJ 08003  
P: 856-810-9918

### SATELLITE LOCATIONS

#### COLLINGSWOOD

475 White Horse Pike  
Collingswood, NJ 08107  
P: 856-833-0600

#### GERMANTOWN

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

#### 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

# Messa & Associates

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