

Messa & Associates  
TRIAL ATTORNEYS WITH A REPUTATION FOR RESULTS

# The Legal Outlook

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## WHAT'S INSIDE

- ◆ WRONGFUL DEATH SUIT FILED IN VIRGINIA
- ◆ JUNE IS NATIONAL SAFETY MONTH
- ◆ A PARENT'S WORST NIGHTMARE: TIP OVER ACCIDENTS
- ◆ SETTLEMENTS AND VERDICTS
- ◆ AROUND THE OFFICE

### Consumer News:

## RECALL REPORT



### OXO Issues Voluntary Recall of Booster Seats

**OXO Nest Booster Seats** recalled due to a falling hazard brought on by loosening straps. So far, no injuries reported. Five incidences of undone stitching reported. Seats were sold through April 2015 at buybuy Baby, Toys "R" Us, Babies "R" Us, specialty stores, and Amazon.

Consumers should immediately discontinue use and contact OXO for free replacement straps at **800-545-4411**.

## JOSEPH L. MESSA, JR. INDUCTED AS 55th PRESIDENT OF THE PHILADELPHIA TRIAL LAWYERS ASSOCIATION



On Wednesday, the Philadelphia Trial Lawyers Association – the oldest trial lawyer organization in Pennsylvania – inducted Messa & Associates, P.C. founder, Joseph L. Messa, Jr., as their 55<sup>th</sup> President for the 2015-2016 year. Mr. Messa spent the last year serving as *President Elect* under outgoing President Lawrence R. Cohan.

"I am honored and humbled as I take on the position of the Philadelphia Trial Lawyers Association President," said Mr. Messa of his upcoming role. "I have been a member of the organization for over twenty years and I recognize the importance of our mission to protect the rights of victims to seek and obtain justice." During a speech he delivered on the day of his induction, Mr. Messa vowed to, "not only protect the rights of citizens to civil justice, but also to broaden the rights of victims and expand the reach of [the] organization with a focus on youth in membership as well as in legislation." Mr. Messa went on to say that he hopes to encourage increased membership of young lawyers and recent law school grads during his tenure to grow the organization and further its goals of preserving the civil justice system and combatting the continuing assault on the rights of individual citizens to seek and obtain justice.

The Philadelphia Trial Lawyers Association (PTLA) is dedicated to the preservation of Civil Justice System and every citizen's right to jury by trial. In addition to its work for victims of negligence, the PTLA supports continuing legal education for attorneys in Philadelphia by sponsoring a Luncheon Lecture Series and numerous seminars. The organization also honors exemplary law school seniors with trial advocacy awards.

Mr. Messa has successfully litigated multiple serious injury cases to seven- and eight-figure verdicts and settlements in medical malpractice, products liability, fire and burn injury, brain injury, and construction/work injury matters, including a \$35 million settlement for a 27 year old man who was rendered a quadriplegic after both the brakes and seatbelt of his tractor trailer failed him.

Joseph L. Messa, Jr. is an AV-rated attorney, listed in the Bar Register of Preeminent Lawyers. He is a member of the Million Dollar Advocates Forum and was named a Top 100 Trial Lawyer by The National Trial Lawyers. Mr. Messa is also an advocate of the American Board of Trial Advocates. He has been recognized as a Pennsylvania Super Lawyer from 2009 to 2015 and was selected to the Top 100 Pennsylvania and Top 100 Philadelphia lists for 2012, 2013, and 2015. This past year, Mr. Messa was certified by the American Board of Professional Liability Attorneys and awarded Diplomat status.

TRUE PEACE IS NOT MERELY THE ABSENCE OF TENSION:  
IT IS THE PRESENCE OF JUSTICE.

MARTIN LUTHER KING, JR.

# NATIONAL SAFETY MONTH 2015

The National Safety Council (NSC) sponsors National Safety Month annually during the month of June. The council, along with a number of additional organizations throughout the US, focus their efforts in June on reducing leading causes of injury and death in the home, in the workplace, and on the road.

This year's focuses for National Safety Month are prescription painkiller abuse, transportation safety, ergonomics, emergency preparedness and slips, trips and falls. The theme is **"What I Live For."** The NSC hopes to encourage safe behavior and precautionary habits based on what it is that matters most to any individual.

The NSC's campaign features everyday citizens explaining what safety precautions they take in their own lives and why they do so; the hockey mom lives for Saturday morning hockey games and teaches her teenagers safe driving to keep up their Saturday morning traditions. The choir member lives for Sunday Gospel Choir and so he makes sure he uses his position at work to regularly practice safety drills. The dedicated daughter lives for quality time with her mother so she installed handrails and no-slip mats in her home.

These are just a few of the many examples on the NSC website helping to promote the importance of real safety to our families and communities. If you want to learn more, visit [www.nsc.org](http://www.nsc.org) to sign up for their free mailing list. The NSC will provide you with free e-mails to help keep you up-to-date on how to keep yourself and your family safe.

## MESSA & ASSOCIATES FILES LAWSUIT ON BEHALF OF VIRGINIA MAN KILLED IN POLICE CUSTODY



Messa & Associates has filed a claim against the South Boston, VA Police Department on behalf of the Estate of Linwood Raymond Lambert, Jr., a 46-year-old African American man who died in police custody on the morning of May 4, 2013.

Linwood Lambert was taken into police custody around 4:30am on May 4, 2013 after reports that he had caused property damage in his room at the South Boston Super 8 Motel. Police found him agitated and erratic and determined he was in need medical attention. Lambert, peacefully and without weapons, accompanied the officers to Halifax Regional Hospital.

Because South Boston PD has continually failed to provide a police report or other investigative materials under the guise of an "ongoing investigation," it is unclear exactly what transpired in the following hour of time, but medical records and an autopsy report outline the evening thusly: After leaving the Super 8, Lambert got as far as the door to the Halifax Regional Emergency Department before he was tased by officers, loaded back into a police vehicle, and transported to Blue Ridge Regional Jail, never having received any medical treatment. Lambert was then brought, via ambulance, back to the Halifax Regional ED unresponsive and in full cardiac and respiratory arrest at 6:06am. Rescue efforts, initiated by paramedics at approximately 5:28am and continued by Halifax Regional emergency personnel, were unsuccessful. Lambert was pronounced dead at 6:23 am.

An autopsy report discovered "three punctures, suggestive of tazer barb sites." This means that Mr. Lambert was tased multiple times between the time he was picked up from the Super 8 and the time he went into cardiac arrest at the Blue Ridge Regional Jail. Three times, Mr. Lambert's body was hit with an excess of 50,000 electrical volts between 5:00 am and 5:28 am. Mr. Lambert was unarmed, non-threatening, never observed to have committed any crime, and in need of medical treatment from the Police Officers' first encounter with him at 5:00 am on May 4, 2013. By 5:30 am, he was essentially tased to death by South Boston, VA police.

The case was filed in the Western District of Virginia Danville Division by Ramon A. Arreola, Esq. Mr. Arreola spoke of his case, saying,

*"The death of Linwood Lambert, Jr. is tragic because it could have been prevented. The use of TASER weapons by law enforcement officers has resulted in hundreds of unnecessary deaths across the United States. This is unacceptable. Citizens in any community should not fear the law enforcement officers that are sworn to protect them. The Town of South Boston and the South Boston police department have a responsibility to prevent the unnecessary, inappropriate, or gratuitous use of TASER weapons by inadequately trained law enforcement officers."*

# BREAKING IT DOWN

## A PARENT'S WORST NIGHTMARE: TIP-OVER ACCIDENTS

■ **By Noelle L. Palazzo**

It is unfortunately becoming all too commonplace to hear about the death of a young child as a result of a tipping incident involving a piece of unsecured furniture in the home. Just recently, this issue was local news as a products liability lawsuit was filed in the Philadelphia Court of Common Pleas by the family of 2 year old West Chester, PA boy who was killed after a Malm model dresser, which was purchased at Ikea's Conshohocken, PA store fell and crushed him. The suit alleges that the dresser came without hardware to secure it to the wall despite Ikea having knowledge of the tip-over hazard. A similar incident occurred in 2005 when a 3 year old Huntingdon Valley, PA girl was killed by a falling 200 pound Ikea dresser.

According to the United States Consumer Product Safety Commission ("CPSC"), 430 reported fatalities associated with TV, furniture, and appliance tip-overs occurred between 2000 and 2013. In 2011 alone, 49 children died according to hospital data gathered by the CPSC. The CPSC reports that every 15 minutes someone in the US is injured by a furniture tip-over and that on average, one child dies every two weeks when a television or piece of furniture falls on them. Although unclear why there has been an increase in tip-over incidents in recent years, it is believed that consumers buying flat screen televisions are putting

their old, bulky sets on furniture never intended to carry the weight.

The CPSC recently launched 'Anchor It'— a national public education safety campaign aimed at creating awareness and reducing the number of deaths and injuries from tipping furniture and TVs.

The CPSC advises that a child could be saved from injury or death by following these simple steps;

- Only place televisions on sturdy furniture designed to hold a television such as a media center or television stand;
- Flat screen televisions should be mounted to the wall, and if not mounted, should still be anchored to the wall;
- Follow manufacturer's instructions to secure TV's and furniture properly;
- Existing furniture can be mounted with inexpensive anti-tip brackets that can be purchased at a retail store;
- Install new furniture with the anti-tip devices that come with them right away;
- Store heavier items on lower shelves or in lower drawers;
- Remove items from the tops of furniture and televisions that may tempt kids to climb, such as toys and remote controls; and

- Supervise children in rooms where these safety tips have not been followed.

As a result of an ASTM (American Society for Testing Materials) International standard developed in 2009, furniture manufacturers are now encouraged to include anti-tipping devices and installation instructions with pieces that are more than 30 inches tall. The test requires that a unit will not tip when a drawer is extended and 50 pounds, simulating the weight of a child, is added. Although this standard can certainly help prevent injuries and death as a result of a tip-over, compliance with this standard is unfortunately voluntary. However, ASTM standards are considered baseline safety 'best practices' and as such, failure to comply with them can create legal liability and serve as a basis for a products liability lawsuit.

The attorneys at Messa & Associates, P.C. are experienced with cases involving defective products as well as injuries to children. If you or a loved one has been injured in a tip-over incident or by a defective or faulty product, please do not hesitate to contact us.



**Noelle L. Palazzo**  
([npalazzo@messalaw.com](mailto:npalazzo@messalaw.com)) is a personal injury and medical malpractice attorney, representing catastrophically injured clients in PA and NJ.

## Settlements and Verdicts

### **CONFIDENTIAL**

**\$850,000 settlement** for a woman who was left permanently disfigured after her doctors and nurses missed textbook signs of an allergic reaction. She was continuously administered an antibiotic drug for over 60 hours before she was diagnosed with Stevens-Johnson's Syndrome, a life threatening allergic reaction to medications. The patient suffered burns to her skin, eyes, vagina, and mouth. It wasn't for another 36 hours after the SJS diagnosis that the patient was given steroids to fight the allergic reaction and transferred to the burn unit to treat the severe burns to her body.

# AROUND THE OFFICE



Messa & Associates welcomes two new members to our skilled team of paralegals! Donna Trunk, paralegal to Rich Heleniak and Irene McLafferty, joins us with 17 years of experience in various areas of law. Kelly Feil, paralegal to Tom Sweeney and Jenimae Almquist, joins us after 5 years with a Philadelphia firm. Welcome aboard!



With heavy hearts, attorneys and staff of Messa & Associates say goodbye to dear friend, attorney A. Christine Giordano. Christine has decided to move on from Messa & Associates to pursue different areas of the legal field. We'll miss you Christine! We wish you all the best!



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June is bustin' out all over, and with it, June Birthdays! We wish happy, happy birthdays to paralegals Darla DiCrecchio and Brittany Kaplan and to attorney Jenimae Almquist! Enjoy your day!

## 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

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