

# Messa & Associates

ATTORNEYS WITH A REPUTATION FOR RESULTS

# The Legal Outlook

November 2015 | Volume 7 | Issue 11

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### Consumer News:

## RECALL REPORT



### General Electric Issues Voluntary Recall of Heating/Air Conditioning Units Due to Fire Hazard

35,500 GE Zoneline® Air Conditioners and Heating Units have been recalled due to fire hazard.

The fire hazard is posed as moisture from outside air can accumulate near the unit's heater. The moisture can short electrical components within the unit, creating an "electrical ground path and arcing, posing a risk of fire."

Consumers should call 866-723-2697 for repair information.

## MESSA & ASSOCIATES NAMED TO U.S. NEWS AND WORLD REPORT'S LIST OF BEST LAW FIRMS 2016



Messa & Associates, P.C. is proud to announce that the firm has been named by **U.S. News and World Report** as one of the nation's Best Law Firms in 2016 for our notable and distinctive performance in the area of Personal Injury litigation.

Messa & Associates' rating was based on a collection of client and lawyer evaluations as well as additional peer reviews. Clients were asked to provide information related to firm responsiveness, firm civility, cost effectiveness,

and understanding of needs. They were also asked to comment on whether or not they would refer the firm to other clients. Lawyers and peers were asked to state whether or not they'd refer important cases and whether or not they consider the firm a worthy competitor.

In order for a firm to be considered in a practice area, it is required that at least one of its attorneys be voted by peers into the *Best Lawyers in America*®, a distinction awarded to both Joseph L. Messa, Jr. and Eric Weitz of Messa & Associates in August of this year.

"We are really proud of the work we do here," said Joseph L. Messa, Jr., founder of Messa & Associates. "It's an honor to receive this kind of recognition, especially when it's based on the reviews of not only clients, but peers as well."

Messa & Associates received the same honor from U.S. News and World Report last year, making this the firm's second consecutive nomination.



IF YOU ARE REALLY THANKFUL, WHAT DO YOU DO?  
YOU SHARE.

W. CLEMENT STONE

November is  
**Pancreatic Cancer  
Awareness Month**

According to the Pancreatic Cancer Awareness Network (PCAN), pancreatic cancer is diagnosed in an average of 134 Americans every day. Sadly, 111 of those cancer patients will lose their battle *every day*. Pancreatic cancer is the fourth-leading cause of cancer related deaths in the United States. According to PCAN, the five-year survival rate after a pancreatic cancer diagnosis is only 7%, likely because diagnosis usually comes after the cancer has advanced and spread. Early diagnosis is essential when trying to beat pancreatic cancer. Symptoms include weight loss, jaundice, dark urine, itching, vomiting, abdominal pain, back pain, and large lymph nodes in the neck. Generally, these symptoms are not overwhelmingly apparent until the cancer has advanced and/or spread, so diligence in responding any of one them is very important. If you have a family history of cancer and are experiencing any one of these symptoms without explanation, see your doctor immediately.

For more information about treatment of pancreatic cancer or how you can help fund research, visit [www.pancan.org](http://www.pancan.org)

## MESSA & ASSOCIATES CASE GETS NATIONAL AND INTERNATIONAL NEWS COVERAGE



Linwood Lambert, Jr. died in police custody during the early morning hours of May 4, 2013 in the parking lot of the Halifax Regional Hospital in Halifax County, Virginia. Two years later, Messa & Associates filed a wrongful death lawsuit in federal court in Virginia against the South Boston, Virginia Police Department. The lawsuit argues that Mr. Lambert died due to the excessive use of TASER weapons by two of the three responding officers.

Two weeks ago, MSNBC did an exclusive story of the events surrounding Mr. Lambert's death. Using surveillance footage from the Halifax Regional Emergency Department entrance and the dash cam footage from the officers' vehicles, MSNBC showed national viewers the events that took place that evening. National and international news outlets followed and soon, #LinwoodLambert took form and the case became another topic in the long discussion of police brutality and race relations in America.

Joe Messa and Tom Sweeney appeared on numerous news talk shows on CNN and MSNBC as well as local news outlets in Virginia. The interviews were different but their message was the same; Mr. Lambert was the victim of excessive force. He died in the back of a police vehicle, hands and ankles bound, after being tased multiple times by multiple officers. His death could absolutely have been avoided, had the officers taken him inside the hospital, as they were planned to do from the first moment they took Mr. Lambert into custody.

Mr. Lambert's death was tragic and we are hopeful that this case will end in justice for Linwood, his sister, and then rest of the Lambert family.

Happy  
Thanksgiving

# BREAKING IT DOWN

## NURSING HOME ABUSE AND NEGLECT RATES CONTINUE TO CLIMB

■ By **Suzanne H. dePillis**

Older adults are moving into nursing homes and other residential care facilities at an increasing rate, according to a recent study by the *Centers for Disease Control and Prevention* (CDC) which notes that in 2012, 1.4 million people lived in nursing homes, and this number is rising. Unfortunately, injury, neglect and abuse claims against nursing homes and their staff also continue to climb, and we at Messa & Associates are committed to championing the rights of these most vulnerable members of our society and their families. If you are considering bringing a lawsuit for yourself or a loved one for injury or abuse at a nursing care facility, you should be aware of a recent favorable court decision and its potential implications for your case.

Last month, in *Dubose v. Willowcrest Nursing Home, et. al*, the Pennsylvania Superior Court upheld a punitive damages verdict in a wrongful death and survival action against a Philadelphia area nursing home. The appellate court also held that the two year statute of limitations did not begin to run for both claims until the patient's death from her injuries. In the *Dubose* case, the plaintiff's wife was admitted to the nursing home with serious injuries from a fall at home as well as Stage II bedsores (also called pressure sores), for which her physician had ordered a flexor bed and frequent repositioning. However, evidence presented at trial showed that the physician's orders were not followed by the nursing home, causing her bedsore to worsen

and numerous other bedsores to develop on her heels, shins and other areas of her body. Evidence was also introduced that the nursing home used a licensed practical nurse to provide wound care, a violation of the Nurse Practice Act. The nursing home resident was also malnourished and dehydrated and suffered from a bone infection and sepsis, ultimately causing her death from organ failure.

At trial, the jury awarded over \$1.1 million dollars for the wrongful death and survival action claims, and almost \$900,000 in punitive damages. The nursing home appealed the punitive damage award, claiming that the evidence did not support this verdict, but the Superior Court disagreed and held that the following evidence introduced at trial was sufficient for the jury to award punitive damages: numerous bedsores had developed during her nursing home stay; she suffered conscious pain due to her bedsores, and she was dehydrated and malnourished. This case demonstrates that punitive damages can be awarded against a nursing home even without a showing of any intentional misconduct by its staff.

All claims involving the negligent care, abuse or neglect of a nursing home resident should be investigated. In addition to claims for avoidable bedsores, we handle cases involving a nursing home's failure to appropriately supervise or monitor the resident, resulting in falls, wandering or other injuries; physical abuse or improper use of restraints; failure to protect the resident

from the aggressive acts of other residents; failure to adequately nourish or hydrate a resident; negligent administration of prescription medications; failure to notify a physician or family member of a significant change in condition, and failure to properly create and implement a plan to meet the resident's special needs.

When a resident is injured at a nursing care facility, it can be difficult to determine how the injury occurred and who is to blame, and the nursing home's own records are often incomplete and may be self-serving in their description of what happened. It is therefore important to document everything that occurred, which may help prove a claim against the nursing home, including: photographs of bedsores, bruises or other injuries; notes of conversations with the nursing home resident, staff and physicians; notes of observations of family members during visits, and photographs or lists of medications given to the resident.

At Messa & Associates, our lawyers are dedicated to handling nursing home negligence, abuse and neglect cases and medical negligence cases for individuals and families who have been harmed, injured or died as a result of the carelessness or negligence of a medical provider. Call us for a free consultation.



**Suzanne H. dePillis**  
([sdepillis@messalaw.com](mailto:sdepillis@messalaw.com)) is a personal injury attorney representing catastrophically injured victims in PA and NJ.

## Settlements and Verdicts

Joseph L. Messa, Jr. and Jenimae Almquist reached a **confidential settlement** with defendants in the amount of **\$5.2 Million** on behalf of a client who was run-over by a garbage truck in a dimly lit and poorly designed parking lot, and dragged for more than 10 feet. The client underwent 12 surgeries in an attempt to repair the damage done to her leg, including numerous skin grafts. Today, the client is mostly bedridden, in constant pain, and suffers from ongoing lymphedema and bilateral frozen shoulders. She is unable to return to her previous job, where she had been employed for more than 25 years as a food service worker.

# AROUND THE OFFICE



Secretarial Manager, Elaine Hopkins, is expecting her seventh (!) grandchild on December 17th and her first (!!) *great* grandchild March 7, 2016—both boys.

Many congratulations to you and your growing family, Elaine!



The attorneys and staff at  
Messa & Associates wish you  
and your loved ones a happy  
and healthy  
Thanksgiving Holiday.  
Be safe and enjoy!



We've got some November  
birthdays to commemorate!  
Happiest of birthdays to  
Sheryl Decarlo (4), Laura  
Zaffiri (8), and Ramon  
Arreola (26).  
Happy day to you all!

## 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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