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A MESSAGE FROM JOSEPH L. MESSA...

As the year comes to an end, it's important to take the time to reflect on our accomplishments this year and the people dear to us, our clients, team members, friends, and family.

While it is certainly a noble cause to fight the big corporations in the medical, manufacturing and insurance industries, it never gets easier to see the continuous suffering of people due to negligence, poor medical care, and corporate wrongdoing. Our driving purpose is to relieve the burden of injury in the lives of everyday people; to help families get back on their feet, regain stability, and find personal and financial stability in the face of a tragedy. We at Messa & Associates pride ourselves on our reputation as aggressive, diligent, and skilled trial lawyers known for outstanding results, our relationship with our clients, our responsiveness to their individual needs and considerations, and for fostering confidence and mutual respect.

This year we continued our efforts in helping people across the country who were harmed by Phillips Respironics CPAP machines. A \$1.7 billion settlement was reached in the litigation resolving both personal injury claims and medical monitoring claims related to recalled Philips Respironics devices. Throughout this litigation, Plaintiffs' counsel revealed the significant dangers posed by defendants' recalled devices. These devices emitted toxic particles and fumes directly into Plaintiffs' respiratory systems. This settlement specifically addresses the injuries caused by the toxic exposure, which includes respiratory injuries and respiratory cancers. This settlement underscores the importance of holding corporations accountable for the safety of their products. Our clients' well-being is our top priority, and we will always do everything we can to ensure they are fairly compensated.



We represented a man who was permanently disabled due to a doctor's failure diagnose his spinal injury. While this cannot make up for this loss, the recovery of 18-million-dollars will enable him to secure the care he needs.

We also represented a woman who suffered a partial amputation of her hand on a defective piece of industrial machinery. We were able to obtain an \$11.2 million recovery for her, and while money will never replace what she lost, it will enable her to secure the care and resources that she needs for the rest of her life.

We also represented a family of a man who died due to medical complications after being prematurely discharged from the hospital. Our team obtained a \$7 million recovery for this family.

Whether it is the negligence of a company or medical malpractice, no one should get away with endangering innocent people and we will continue to fight every day to make sure they do not.

In this season, it's important for us to give back. As we have done in previous years, we partnered with the Salvation Army's Adopt-a-Family Program. This program was designed to help individuals who are in desperate need of financial help, hope, and care during the holiday season. It serves a limited number of families in the Philadelphia area. The families who are chosen to participate in this program may have experienced a crisis during the past few months including death or illness in the immediate family, fire, recent long-term incarceration of parents, or women leaving severe abusive situations.

We also continued our tradition of partnering with the Marine Corps Toys for Tots, a community action program that aims to bring joy and hope to children at Christmastime and beyond. The objectives of the foundation are to help economically disadvantaged children throughout the United States experience the joy of Christmas; to play an active role in the development of one of our Nation's most valuable resources - our children; to unite all members of local communities in a common cause for three months each year during the annual toy collection and distribution campaign; and to contribute to improving communities in the future. Our donation drive was able to collect well over 200 toys for families in financial need.

In 2025, we will continue to fight every day. Every year our firm grows, now with 18 attorneys and over 30 staff members, further strengthening our team and ability to fight for those who need it most.

Thank you to everyone who has been part of this journey. We look forward to the many years to come. We wish you a safe and happy new year from all of us at Messa & Associates!

INVESTIGATING A MEDICAL MALPRACTICE CASE

By: Angelo M. Theodosopoulos

You took your father to the hospital for heart surgery -- a procedure to replace the valve that controls the flow of oxygenated blood from the heart to the body. After eight hours in the waiting room, a nurse arrives to bring you to an office so that you can speak with the surgeon. It becomes harder to listen what the surgeon is telling you after he begins the conversation by telling you “we encountered some unexpected bleeding during the procedure” ... Thankfully, your father awakes in the ICU, but he cannot move the left side of his body and he tells you he cannot see; everything is dark. Your father’s physicians have never been able to explain what happened and, unfortunately, your father’s long recovery following his unexpected surgical outcome has turned your parents’ life upside down. You contact a lawyer for help and, at the very least, to get some answers.

Generally, here is what you can expect after you contact a lawyer to investigate a potential medical malpractice case:

1. Initial Consultation and Case Evaluation

If possible, the patient should meet with the attorney so that the lawyer can assess the full extent of the patient’s injuries. Provide the attorney with: (1) the timeline of events at issue; (2) details of the patient’s medical history in the years before the medical event at issue and medical appointments and visits after the events at issue; (3) the identities of the patient’s health care providers (hospitals, rehabilitation facilities, doctors’ offices, physical and occupational therapists, visiting nurses, etc.); and (4) a description of the patient’s injuries suffered. The lawyer will ask questions to clarify aspects of the potential case as well as to obtain background information that will help determine the viability of any potential claim. Those topics may include the patient’s work history, income, family life, and hobbies.

The purpose of an initial meeting to determine early whether there is a viable potential case for the law firm to investigate. If the attorney feels there may be a case, the investigation will begin after the contract between the patient and the law firm is signed.

2. Gathering Medical Records and Documentation

After an initial meeting, the next step is to gather relevant medical records and documents. This is crucial and can be a time consuming part of the investigative process. Lawyers may request these documents from the health care providers directly. Unfortunately, some health care providers take between thirty (30) to sixty (60) days to fulfil a request for medical records and, on occasion, may take longer. The process may be expedited if the patient can obtain the record from their providers and then supply the records to the law firm.

The records will be reviewed by the law firm in order to provide insight to the care that was provided. These details will help the lawyer determine whether the care provided was appropriate.

3. Consulting Medical Experts

One of the most critical steps in investigating a medical malpractice claim is consulting with medical experts. In Pennsylvania and in New Jersey, Plaintiff's lawyers almost always need to rely on medical experts to evaluate whether the patient's healthcare provider provided appropriate medical care and treatment.

The medical expert cannot be just any medical doctor, the lawyer must consult with physicians who practice in the same field as the health care providers under investigation and who have experience and training in the areas of medicine relevant to the case (e.g., neurology, surgery, obstetrics). These medical experts will review the medical records and provide their opinions about whether the treatment provided met the established medical standards of care.

A core aspect of a medical malpractice case is determining whether the healthcare provider breached the "standard of care." This refers to the level of care that a competent healthcare provider with similar training and experience would have provided in similar circumstances. The lawyer must rely on his or her medical experts to understand the standard of care for the specific medical procedure or treatment under investigation. If the healthcare provider's actions fell below the standard of care, this could be considered negligence, which is a key component of a malpractice claim. The expert may also be asked to evaluate whether the patient's injuries were caused by a health care providers' conduct or inaction. Causation is another core aspect of a medical malpractice claim.

The relationship between the lawyer and the medical expert consultant is an important one and necessary for any potential medical malpractice claim to get off the ground. Not only does the expert need to supply the lawyer with a written statement attesting to the merit of the patient's potential medical malpractice claim in both Pennsylvania and New Jersey so that the lawyer may proceed with the litigation, but also the expert will provide the lawyer with their opinions and related feedback throughout the litigation. Communications between the lawyer and the medical expert consultant is a necessary step in every medical malpractice investigation.

4. Investigating the Impact of the Injury

The lawyer will also work to understand the full scope of the patient's injuries or damages. This is an important consideration in evaluating the viability of a potential claim during the investigation of a potential medical malpractice lawsuit. The investigation may include evaluation of:

- The physical impact of the injury (e.g., worsened health, chronic pain, disability)
- The emotional and psychological toll (e.g., anxiety, depression, trauma)
- Financial losses (e.g., medical expenses, lost wages, loss of earning capacity)

The lawyer must attempt to determine the potential compensation that a client could receive in a lawsuit to assess the full extent of harm caused by the alleged malpractice. Unfortunately, medical malpractice litigation can be prohibitively expensive to undertake. These considerations need to factor into the viability of a potential claim.

5. Deciding on Legal Action

At any point during an investigation or at the conclusion of the lawyer's investigation, the lawyer will contact the client to discuss the results of his/her investigation. If the investigation revealed evidence which strongly supported that medical malpractice occurred and that the client suffered significant harm -- backed by a medical expert, the lawyer will likely proceed with filing a lawsuit. However, if the evidence is not strong enough to meet the legal threshold for malpractice, the lawyer may provide his or her opinion that there is not a viable claim to pursue on the patient's behalf.

Whatever the results of the law firm's investigation into a patient's potential medical malpractice claim, the patient and his/her family may gain a better understanding of the medical events which brought them to the lawyer's office in the first place. If the law firm who investigated the case advised they did not believe there to be a viable case to pursue on behalf of the patient and the patient still wishes to pursue a claim, they should contact another law firm for a second opinion.



About the Author:

Angelo Theodosopoulos, Esq. concentrates his practice on catastrophic injury litigation, with emphasis on medical malpractice, motor vehicle collisions, and products liability. Angelo is also fluent in Greek. He received his undergraduate and graduate degrees in five years, earning a Bachelor of Arts Degree in Political Science and a Master's Degree in Public Administration. In 2011, Mr. Theodosopoulos earned his juris doctor from The Dickinson School of Law at Penn State University. He is licensed to practice in the Commonwealth of Pennsylvania, the State of New Jersey, and in Federal Court for the Eastern District of PA.

Settlements and Verdicts

\$3.77M Recovery for the family of a 44-year-old woman whose doctors failed to timely diagnose and treat a spinal cord lesion leading to permanent paralysis which required her to live in a nursing home where further neglect caused her to develop infections that ultimately led to her death at the age of 48.

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