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WHAT'S IN THIS MONTH'S ISSUE:

Sepsis Awareness
Wrongful Death Claims
Settlements & Verdicts

SEPTEMBER IS SEPSIS AWARENESS MONTH

Did you know one of the most serious medical emergencies is preventable? That's why September is Sepsis Awareness Month. Sepsis occurs when the body's response to an infection injures its own tissues and organs. It can lead to shock, multiple organ failure, and sometimes death, especially if not recognized early and treated promptly. The World Health Organization has cited this as one of the most frequent causes of death worldwide. In their 2020 study, there were 48.9 million cases and 11 million sepsis-related deaths worldwide, representing 20% of all global deaths.

Sepsis: It's About TIME™ is a national initiative to raise awareness of sepsis from the Sepsis Alliance. The acronym stands for **Temperature** (higher or lower than normal), **Infection** (signs of infection), **Mental decline** (confusion, sleepiness), and **Extremely ill** (severe pain or discomfort).

Hospitals play a very important role in preventing sepsis by adhering to evidenced based infection control. These best practices include timely use of antibiotics, strict hand hygiene, proper wound care, and monitoring for early signs of infection or sepsis. Patients and families can help prevent sepsis by practicing good hygiene, staying up to date on vaccinations, cleaning and monitoring wounds, and seeking medical care promptly for infections.

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While prevention is the most important step, after diagnosis, early and thorough treatments raise the likelihood of recovery. People experiencing sepsis need to be monitored and treated in the intensive care unit, so they have access to life-saving measures. The Mayo Clinic outlines treatments including medications (antibiotics, fluids, vasopressors), supportive care (oxygen or dialysis), and surgery.

The attorneys at Messa & Associates are experienced at handling cases involving medical malpractice cases resulting from failure to treat hospital infections. Our extremely skilled team of attorneys and medical experts is dedicated to ensuring you receive proper compensation for your personal injuries. If you or a loved one has suffered personal injuries due to a hospital infection that was not properly treated, a medical error, or any other type of negligent care received from a medical provider, contact us for a free consultation.

Settlements and Verdicts

$1,020,000 on behalf of two adult survivors of childhood sexual abuse in unanimous jury verdict

UNDERSTANDING WRONGFUL DEATH CLAIMS

By: Richard J. Heleniak, Esq.

When someone suffers an injury caused by another's negligence, the law provides that the negligent person is responsible for any damages suffered by the injured person. Negligence is the failure to act as a reasonably careful or prudent person would act under the circumstances, whether that is in driving a car, maintaining a property, or operating a business. In the case of a professional, such as a doctor or an engineer, negligence or "malpractice" is the failure to act in accordance with the accepted standard of care applicable to the profession and the particular specialty of the professional. In order to prove professional malpractice, the injured party must present expert testimony to establish that the doctor or other professional did not meet the standard of care, and that the failure to do so caused a specific injury.

In the typical negligence claim, the jury is asked to award damages which will fairly compensate the injured person for the damages sustained as the result of the injuries, that is, to try through a monetary award to put the injured person back in the same position as if the injury had not occurred. The law permits the award of economic damages, such as for loss of earnings past and future, past medical expenses as well as the projected cost of future medical care. In addition, the jury can make a monetary award of non-economic damages, which include compensation for pain, suffering, disability, disfigurement and loss of life's pleasures endured by the injured person.

But what happens when a person dies as the result of injuries caused by negligence? Both Pennsylvania and New Jersey law recognize that the losses go beyond that suffered directly by the victim, and both states allow for the recovery of losses suffered by family members as the result of the loss of their loved one. These are commonly known as wrongful death damages.

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A Wrongful Death Claim is one which is brought on behalf of the estate of a deceased person through the executor named in the will or, where there is no will by the administrator appointed by the court. The beneficiaries of a Wrongful Death Claim are limited to the spouse and children of the deceased, or to the parents where there is neither spouse nor children. In order to recover damages, all of the elements of a negligence must be proven. If the jury finds that negligence caused the death, the wrongful death beneficiaries can recover damages for their personal losses of support they would have received from their spouse and parent, including financial and emotional support as well as for the loss of the society, comfort and services which would have been provided to each had the negligence not taken their loved one. In addition, damages for reasonable hospital, nursing, medical, funeral and administrative expenses necessitated by reason of the injuries causing death can be recovered.

In conjunction with a Wrongful Death Claim, both Pennsylvania and New Jersey law permit the estate to assert a Survival Claim, through which the estate can recover damages for losses which the deceased would have been able to recover had they been able to bring their own lawsuit for their injuries. Under the Survival Act, damages can be recovered for the total amount the deceased would have earned from the date of the negligence until the date of death, the net amount that the deceased would have earned up until the date of trial, and the net earnings form the time of trial through the normal work life expectancy had the negligence not occurred. The estate can also recover for the non-economic losses which the deceased experienced from the date of negligent injury until the date of death, including for the pain, suffering, embarrassment, humiliation, disfigurement and loss of life's pleasures. Survival damages go to the estate, and are distributed to beneficiaries named in the will or if no will then in accordance with the Intestate Statutes.Wrongful death damages, on the other hand, are personal to and go directly to the wrongful death beneficiaries as designated under the Wrongful Death Statute of the individual state.

In all cases involving Wrongful Death and Survival Claims, in addition to presenting medical experts to provide evidence of the negligence and cause of injury, we also present the testimony of economic and vocational experts to provide the jury with the evidence they need to determine the amount of both economic and non-economic losses, including the value of the service which the deceased loved one would have provided to the family.

About the Author:
Richard J. Heleniak is a Partner at Messa & Associates. He is an AV-rated attorney (highest rating available), listed in the Bar Register of Preeminent Lawyers. Mr. Heleniak represents injured persons and their families in complex personal injury cases involving medical malpractice; nursing home malpractice; defective products; construction workplace injuries; and civil rights violations. He is licensed in Pennsylvania, New Jersey, New York, Delaware, Virginia, Georgia, and Florida.

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