



WHAT'S IN THIS
MONTH'S ISSUE:
A message from Joe Messa
Beware of the Fine Print
Settlements & Verdicts

END OF YEAR REFLECTION WITH JOE MESSA

As we bid farewell to 2025, it's important to acknowledge the milestones and achievements that have marked our journey with the people dear to us, our clients, team, friends, and family.

Whether due to negligence, poor medical care, defective products or corporate wrongdoing, we take pride in holding those responsible accountable and relieving the burden of injury for our clients. Although it never gets easier to see how our clients suffer due to the negligence of others, it's an honor to fight for those who need it most.

Many of our clients stories and the harm they suffer leave an indelible mark on all of our lives as we work to help them shoulder the burdens their losses and harms cause.

We represented a man whose foot was mangled after getting caught in a defective machine. While money will never replace what he lost, the \$12 million recovery will enable him to secure the care and resources he needs.

An elderly woman who tripped and fell due to unsafe conditions in an airport, resulting in a traumatic brain injury. We were able to secure a \$5 million recovery, enabling her and her family to heal.



A teenage girl who was sexually abused as a student by a staff member at her public school bravely came forward with these allegations, and we were able to aggressively prosecute the case, obtaining a \$4.5 million recovery on her behalf.

An elderly woman was unable to be rescued in a fire due to a defective personal emergency response system and died as a result. Our team obtained a \$4.5 million recovery for her family.

In the spirit of the holiday season, it's important for us to give back. As in previous years, we partnered with the Salvation Army's Adopt-a-Family Program, designed to help individuals who are in desperate need of financial help, hope, and care. We also continued our tradition of partnering with the Marine Corps Toys for Tots, collecting well over 200 toys for families in financial need.

In 2026, we will continue to fight for those who need us. Every year, our firm grows. Today, we have 19 attorneys and over 30 staff members, further strengthening our practice. Thank you to those who have been part of the Messa & Associates journey. We look forward to many years to come. Have a safe and Happy New Year!



Beware of the Fine Print

By: Thomas N. Sweeney, Esq.

On January 21, 2026, the Pennsylvania Supreme Court ruled that if you sign up for a ride share platform like Uber or Lyft—and the terms and conditions of that mobile application contains an arbitration clause—you will not be able to exercise your constitutional rights to a jury trial if you are injured. The consequences of this decision are severe. Pennsylvania's highest court determined that you may be required to go to arbitration first, before you can challenge whether you saw, read or knew about the arbitration clause in Pennsylvania's appellate courts.

You may be asking, "What is arbitration? And how does that affect me?" Arbitrations are private proceedings that do not involve everyday citizens to make a just decision. Usually, the arbitrator is selected by the corporate defendant (or at least with the corporate defendant's input) to determine the extent of your injuries. Because companies are often involved in lawsuits all of the time, arbitrators want to be hired again and again.

There is an unstated, yet well known, bias for companies in arbitrations. While arbitrators may not acknowledge any bias in favor of corporation, regardless of the facts, they will never enter a decision which that will jeopardize their own livelihoods. Juries serve as the conscience of the community. Jurors serve and then go home. Arbitrators never do that. Arbitrators want future business. The decisions of juries, on the other hand, are not affected by the question of whether they will be hired by the parties in a future case. Jurors are paid a few dollars a day (and parking, maybe). Arbitrators are paid (handsomely) by the parties. Therefore, conflict with the arbitration system that disfavors the rights of the injured. So, if you are injured in a Lyft/Uber, you can expect to have your claim heard by an arbitrator paid for by Uber/Lyft—not a jury of your peers.

The American jury system is one our country's greatest inventions. The Pennsylvania Supreme Court just weakened your constitutionally protected right to a jury trial. It is important that you know that.



About the Author:

Tom Sweeney concentrates his practice on complex personal injury litigation including premises liability, toxic tort, products liability, construction injuries, civil rights, and other catastrophic injury cases. Mr. Sweeney is licensed to practice law in Pennsylvania, New Jersey, and Virginia. He is also admitted to practice before the United States Supreme Court; the United States Court of Appeals for the Third, Fourth, and Eighth Circuits; and in the United States District Court for the Eastern and Middle Districts of Pennsylvania, the District of New Jersey, the District of Nebraska, and the Eastern and Western Districts of Virginia.

Settlements and Verdicts

- \$23 Million Recovery in a birth injury case resulting in cerebral palsy
- \$30.55 Million Settlement in a dram shop case where two people died in a crash caused by a drunk driver

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