



## PRESIDENT BIDEN SIGNS CAMP LEJEUNE JUSTICE ACT!

Earlier in the month, President Biden made an announcement that will impact the lives of our military members and their families! The new act permits those affected by the contaminated water at Camp Lejeune to file a claim for compensation.

It was between the years of 1953-1987 that the exposure took place. Those who spent 30 or more days at Camp Lejeune during this time are at risk, or have already faced injury and illness due to the exposure.

The act was introduced in June of 2021, proposing to help veterans and their families exposed to chemicals during their time on the property.

The contaminated water is directly linked to injuries and illness to those exposed. According to MTMP, the injuries include the following:

- Cancer
- Neurological defects, such as Parkinson's disease
- Amyotrophic Lateral Sclerosis (ALS)
- Miscarriages
- Birth defects
- Other injuries

In 2019, Richard V. Spencer, former US States Secretary of the Navy, denied almost 5,000 claims brought by individuals that were exposed to the contaminated water. Spencer stated that due to the statute of limitations, their claims were unviable. Now that the Camp Lejeune Justice Act is signed, those claimants and hundreds of thousands of others have the opportunity to file a claim.

In light of the recent findings regarding the water contamination at Camp Lejeune, Messa & Associates is now filing claims on behalf of military members and their families who spent 30 or more days at Camp Lejeune. If this sounds like you and you are interested in filing a claim, please contact our offices by calling 215-568-3500 or submit a case online.

### WHAT'S IN THIS MONTH'S ISSUE:

Camp Lejeune Contaminated Water  
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Yo' South Philly Phestival  
MDL Updates



“Injustice anywhere is a threat to justice everywhere.”

— Martin Luther King Jr.

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# The Pennsylvania Supreme Court reverses decades old decision regarding venue in Medical Malpractice cases

Written by Irene M. McLafferty

On August 25, 2022, the Supreme Court of Pennsylvania reversed a rule that limited the rights of injured plaintiffs to choose the venue for filing a lawsuit involving medical malpractice. The decades old rule required that malpractice cases be filed only in the county where the negligent medical treatment which harmed the patient occurred. In reversing this rule, the Supreme Court adopted amendments proposed by the Civil Procedure Rules Committee to return Pennsylvania Rule of Civil Procedure 1006 to its pre-2003 status such that medical malpractice defendants will be subject to the same venue requirements that apply to any non-governmental defendant. As set forth in the Civil Procedure Rules Committee's Adoption Report:

A majority of the Committee did not find justification for the continued disparate treatment of victims of medical malpractice as it pertains to venue. The impact of the restrictive venue rules was such that the savings accruing to defendants represents less than full compensation to plaintiffs for their injuries. Instead, a majority concluded that medical malpractice claims should be subject to the same venue rules applicable to other professional liability claims and tort claims in general. Likewise, defendants in medical malpractice actions can avail themselves of procedural mechanisms to seek a change in venue that are available to a other defendants in other types of actions.

*See Civil Procedural Rules Committee Adoption Report; Amendment of Pa.R.Civ.P. 1006, 2130, 2156 and 2179, page 5.*

While there is speculation that the August 25, 2022 decision may increase the number of lawsuits in venues such as Philadelphia and Pittsburgh, where jurors are considered to be more sympathetic to injured Plaintiffs, the Rules Committee pointed out that:

There appears to be a misconception that patients harmed by the negligent actions of healthcare providers somehow enjoy a windfall verdict in more populous counties. Many of these patients have endured substantial injuries seriously lessening their quality of life in perpetuity, requiring permanent medical care and assistance in activities of daily living and causing the patient and their families to endure lifelong pain, suffering and loss of companionship. These are serious, complicated and tragic cases. There is no windfall; no one gains. The stark reality is that patients and their family members would forgo all to avoid the injury caused by medical malpractice in the first place. A verdict can never make them whole.

*See Civil Procedural Rules Committee Adoption Report; Amendment of Pa.R.Civ.P. 1006, 2130, 2156 and 2179, page 4.*

This decision by the Supreme Court is a victory for Plaintiffs who have been limited in their choice of venue in medical malpractice cases for the past two decades.

The amendments will become effective on January 1, 2023.



## Meet the Author!

Irene M. McLafferty is a Partner at Messa & Associates with over 25 years of experience in the courtroom, vigorously representing her clients. Her experience extends to a variety of complex trial matters with current focus on catastrophic injury litigation including medical negligence and malpractice, defective products, mass tort, and vaccine litigation.

## Settlements and Verdicts

- \$975K Recovery after hospital failed to provide the correct dosage of medication.
- \$425K Settlement after surgeon failed to screw in hardware properly, causing further wrist damage.
- \$200K verdict for a woman struck by a school bus while walking in a crosswalk.

# Join Us for the Yo' South Philly Phestival!

Sunday, September 18th

Join us for a day full of live music  
and fun for the whole family!

### Featuring Appearances from:

- ★ The Business
- ★ Charlie Grace
- ★ Billy Carlucci
- ★ Carmine Yusko
- ★ and many more!



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# MDL Updates



**CPAP:** The parties are readily preparing for “science day” on September 1. Science day will allow both Plaintiffs and Defendants to educate the court about the specific science issues that come with the CPAP cases. It has also been disclosed that just throughout the months of May-July there have been 44 reported deaths and thousands of more reports of injury due to the PE-PUR foam in the recalled Philips CPAP devices.



**Zantac:** The first settlement in the Zantac lawsuit has been offered. Plaintiff, Joseph Bayer, was offered a \$500,000 settlement from a group of 3 generic Zantac manufacturers. Bayer was lined up to be the first claim to go to trial. It appears the defendants are working to avoid trial, which suggests that the future verdicts may be more than originally anticipated.



**Bankruptcy judge denies stay of combat arms cases against 3M** 3M subsidiary Aearo Technologies LLC filed for bankruptcy protection in Indiana on July 26, seeking to resolve lawsuits alleging that 3M's Combat Arms Earplugs Version 2 (CAEv2) caused hearing loss. On Friday, bankruptcy Judge Jeffrey J. Graham in Indianapolis denied Aearo's motion for a preliminary injunction as to 3M, and held that Aearo's bankruptcy restructuring could proceed in parallel with the MDL lawsuits against 3M. Judge Graham's decision is a complete rejection of 3M's attempt to evade accountability and hide in bankruptcy and a huge victory for MDL Plaintiffs.



BOY SCOUTS  
OF AMERICA

**Boy Scouts of America:** Parts of the Chapter 11 bankruptcy plan proposed by the Boy Scouts of America organization have been approved by Judge Silverstein. However, there are many other parts of the plan which still need to be sorted out before any final decisions will be made. Currently, there is a \$2.7 billion settlement fund to be distributed to the claimants if the rest of the plan gets approved. The Boy Scouts of America organization recently sold two of their Massachusetts camps, coming up with \$6.45 million to contribute to the settlement fund. The rest of the fund will be made up by its local councils and insurers.

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