

THE LEGAL OUTLOOK

A Monthly Newsletter from Messa & Associates, P.C.

Starting the New Year Strong

We are officially out with 2021 and in with 2022!

Messa & Associates is coming into 2022 stronger and tougher than ever; we are prepared and ready to fight for our clients!

Currently, we are seeing a spike in fatal fires, most of which could have been prevented with the use of proper smoke detectors. Large corporations are marketing ionization smoke detectors for home use when they take up to 45 minutes to detect smoke. These smoke detectors are for detecting fast spreading fires, which are not the typical type of house fire.

Families are not being notified of the fire quick enough, which is the reason they are not able to escape and lose their lives to the fire.

Messa & Associates is fighting to stop these big companies from encouraging people to use ionization smoke detectors in their homes. In the meantime, we encourage you to check your smoke detector and be sure you are using a **photoelectric smoke detector or dual sensor smoke detector** that incorporates both ionization and photoelectric technology.

Later in this newsletter, you will read about multiple fatal fires that occurred recently.

The Philadelphia personal injury lawyers at Messa & Associates have experience at handling personal injury cases involving serious injuries resulting from fires, burns, and explosions. Our extremely skilled team of personal injury lawyers and medical experts is dedicated to ensuring you receive proper compensation for your personal injuries.

A German Shepherd dog is shown in mid-air, jumping towards the left. The dog has black and tan fur, a black collar, and its mouth is open as if barking or playing. The background is white.

Philadelphia's
Hungriest Injury Firm

"Hungry dogs run faster." – Jason Kelce

Messa and Associates Attorney, Angelo Theodosopoulos, Successfully Defeats Summary Judgement in Federal Court against Philadelphia Police Officer

A Philadelphia police officer caused a fatal traffic collision with a 19-year-old dirt biker at an intersection in North East Philadelphia. The police officer chased the dirt bike rider illegally and intentionally crashed his police SUV into the dirt bike intending to cause, and causing, the 19-year-old to suffer catastrophic and fatal injuries.

The crash caused the dirt bike rider both broken legs and arms, a skull fracture, and a serious brain injury suffering from unconscionable pain for three days before falling into a coma. The 19-year-old died nine months later.

In 2013 a Philadelphia Police spokesperson stated that officers should not be chasing dirt bike riders because it puts innocent motorists in danger. There have been several fatal events after police officers crash into dirt bike riders while pursuing them.

The Philadelphia Police Department refuses to release the crash investigation report, police report, and other investigative materials that they have exclusive access to. This is an inappropriate withholding of public information.

The officer in question used his SUV as a barricade knowing that the collision would result in death or serious bodily injury to the rider of the dirt bike. The 19-year-old was propelled across the intersection into a parked vehicle.

After suffering for months, the rider died in the hospital.

We are working with the family of the rider to help gain justice after they lost a member of their family due to excessive force from the Philadelphia police officer.

Philadelphia Personal Injury Attorneys

If you or a loved one have been treated wrongly by law enforcement, or apprehended with unnecessary or even deadly force, contact the personal injury attorneys at Messa & Associates. Call for a free consultation at **1-877-MessaLaw**. You may also obtain a **free case evaluation** by submitting a **free online inquiry**.

Let the skilled and dedicated personal injury attorneys at Messa & Associates fight for the justice you and your family deserve.



Defective Smoke Detectors to Blame as Fatalities Continue to Rise in House and Building Fires

By: Ramon A. Arreola

On January 9, 2022, 19 residents of a New York apartment complex lost their lives in a fire which was caused by a defective space heater. In total 63 people were injured by the fire, with 32 people suffering “life threatening” injuries. According to initial reports, the building’s fire alarms had a history of malfunctioning. Additionally, the building had been equipped with “self-closing” doors that were designed to prevent the spread of smoke and fire. Here, preliminary reports indicate that the doors failed to close which resulted in the rapid spread of smoke and fire which likely played a role in the loss of life associated with this tragedy.



On January 5, 2022 a fire in a Philadelphia row home resulted in the death of 12 people. The smoke alarms in the building were not functioning or had been disabled. The fires in Philadelphia and New York were two of the deadliest fires in the United States in the last several decades.

Sadly, the malfunctioning of smoke alarms and smoke protection systems is not a novelty. Residents who experience frequent false alarms are lulled into a false sense of security which can be fatal in the event of an actual fire. This condition is easy to correct if the alarm company simply inspects the property and traces the location of the fault. In my experience handling fire cases, alarm companies do not always adequately notify property owners of the significance of defects in the fire alarm system.

Additionally, inadequate conditions of residential apartment facilities are nothing new. Prior to selecting an apartment, it is imperative to search the applicable Licenses and Inspections agency to determine if a particular property has a history of violating building and fire codes.

Finally, the space heater which caused the New York fire likely lacked an automatic shut-off which may have prevented the tragedy. Home appliance manufacturers are well-aware of the danger fires pose, yet several fail to incorporate this relatively inexpensive safety feature into their products.

Things to look at in a fire case:

- The condition of the building – functioning fire escapes, doors, electrical system, L&I violations, etc.
- Smoke detectors - photoelectric smoke detectors should be used in homes, not ionization.
- Smoke alarms – history of false alarms, maintenance history of the system, faults in the system which were not corrected prior to the fire.
- Appliances that could have caused the fire – space heaters, curling irons, irons, etc.



Ramon Arreola concentrates his practice on complex personal injury litigation, including products liability, toxic tort, transportation accidents, construction accidents, and other worksite injuries.

MDL Updates



The MDL judge in the Zantac lawsuit held a “science day” last month. Lawyers for both sides got an opportunity to educate the court about the technical and scientific evidence in the litigation, specifically regarding the link between NDMA in Zantac and various types of cancer.

The MDL judge approved the plan for selecting “bellwether” cases from pending Zantac lawsuits. The plan is for 25 Zantac cancer lawsuits to be randomly selected by a computer from each cancer type group to create an initial pool of 200 cases. These 200 lawsuits will then go through a fact discovery and vetting process to eliminate cases that do not meet certain eligibility criteria. This vetting process will be completed by August 1, 2022 and bellwether Zantac trials will be selected from the remaining cases in the pool.



Just before Christmas, the judge in the Philips CPAP Recall MDL issued an order setting out the procedure and schedule by which she will select attorneys for appointment to the Plaintiffs’ Steering Committee. Applications for the steering committee were due on January 4, 2022. Judge Conti will interview applicants on January 27th and 28th. The Plaintiffs’ Steering Committee is a panel of lawyers from the plaintiffs’ side that makes certain decisions on behalf of all plaintiffs in the MDL, including coordinating discovery, selecting core issue experts, motions practice, and the selection of bellwether trial cases.



The 3M earplug bellwether trials continue. On Monday, January 11, simultaneous trials featuring plaintiffs Ronald E. Sloan and Williams Wayman began. Wayman is an Army veteran who is claiming that 3M’s defective earplugs

caused him to develop tinnitus which has made his PTSD condition worse. Sloan is another Army vet who is alleging that the Combat Arms earplugs failed to protect him resulting in both hearing loss and tinnitus.



BOY SCOUTS
OF AMERICA®

The Boy Scouts of America fell short of winning the level of support it sought from sex-abuse victims for the nearly \$2.7 billion settlement plan that would lift the organization out of bankruptcy, according to a preliminary vote count released this month.

The vote means that the parties to the proposed \$2.7 billion settlement will have to return to the negotiating table to come up with additional compensation for the sex-abuse victims.

Messa & Associates

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Securing peace of mind and financial security for families burdened by injury.