

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

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## BIG NEWS FOR PLAINTIFFS PURSUING CLAIMS AGAINST JOHNSON'S BABY POWDER!

After almost 40,000 claimants came forward after falling ill due to harmful ingredients in their popular baby powder product, the multi-billion-dollar company tried to pull a 'Texas Two Step' and use bankruptcy to avoid the lawsuits. The federal appeals saw right through it and rejected the effort, now allowing plaintiffs to move forward with their claims stating "We start, and stay, with good faith. Good intentions—such as to protect the J&J brand or comprehensively resolve litigation—do not suffice alone."



The phrase 'Texas Two Step' is used when large corporations are facing claims against their product(s), so they assign the liability to a spin-off company and immediately file that company for bankruptcy. The goal of the corporation is to avoid the responsibility and fiscal consequences for their harmful products.

The bankruptcy filing was dismissed by the Third U.S. Circuit Court of Appeals and mentioned that the spin-off company was still connected to Johnson & Johnson, currently worth over \$61 billion, so there is no cause for bankruptcy.

Johnson's Baby Powder faced its first lawsuit over ten years ago. One of the main ingredients in the product is talcum powder which is connected to increased risks of cancer. Since then, approximately 38,000 Johnson's Baby Powder consumers have come forward after developing chronic illnesses.

Now that the attempt to avoid the repercussions of their harmful products has been smashed, plaintiffs and their attorneys can get back to fighting for justice and compensation.

Philadelphia Product Liability and Injury Attorneys at Messa & Associates are currently handling cases against Johnson and Johnson regarding the Johnson's Baby Powder. We are experienced at handling product liability cases resulting in injury or wrongful death. 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 is facing chronic illness after using Johnson's Baby Powder contact the attorneys of Messa & Associates for a free consultation. Call toll free at 1-877-MessaLaw, or submit a free online inquiry.

**"Never underestimate the power you have to take your life in a new direction."  
—Germany Kent**

# Settlements and Verdicts

\$1.25 Million Recovery in Montgomery County for failure to diagnose life threatening illness

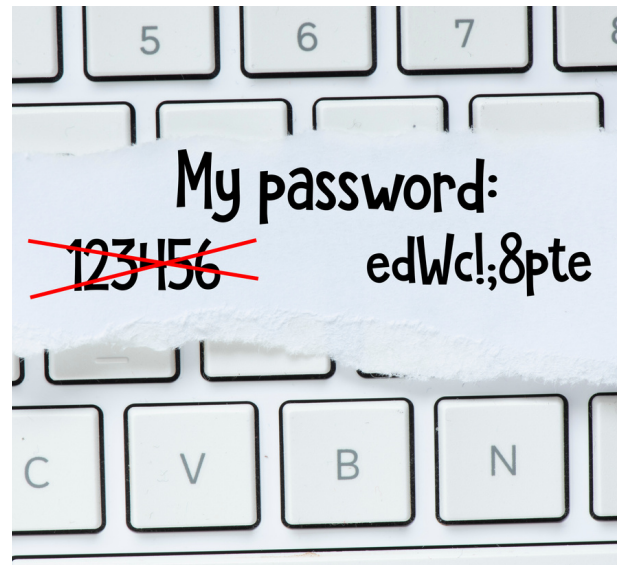
\$900k Recovery from a civil rights case arising out of a police chase

\$1.325 Settlement in Montgomery County when doctors failed to discover fatal spinal cord injury

## Cyber Security – Keep Yourself Protected!

By: Paul Brandes

A company with a popular program for managing computer and internet/website passwords -- delivered a terrible holiday message. It suffered a breach in security where computer hackers (also known as cyber criminals) accessed the LastPass databases and stole copies of customer password storage accounts, potentially putting in jeopardy millions of people's online data. When someone uses a password manager like LastPass, the company stores a list containing all the user names and passwords for the websites and apps that person uses (for example, credit card accounts, bank accounts, health care record portals, social media accounts, email, etc.).



This data theft by the hackers was one of the worst things that can happen to a company whose business is designed to take care of your user names and passwords. So what are the solutions?

1. If you are a LastPass user, you should immediately change your LastPass Master Password.
2. If you are a LastPass user, you should immediately change ALL your passwords for every account you stored in LastPass. That means going directly to every website and app you use and changing your password for that website and app. For example, if you stored your American Express credit card account username and password in LastPass, you need to go to the American Express website, log in to your account and change your password there.
3. If you are not a LastPass user, you do not need to worry about the LastPass data theft. **However, we all need to worry about making our passwords safer and more secure so we don't become victims of computer hackers or cyber criminals.**

## How to make passwords safer and more secure?

- a. Create a complex, unique and strong password for every account that will be hard for someone to guess, but very easy for you to remember.
  - b. Keep in mind that most websites and apps require passwords that are at least 8 characters long, and need to include a number, a capitalized letter and a wildcard character like #, \$, %, @, or !.
  - c. Think of your favorite saying or a favorite quote from a movie or a favorite song lyric -- one you will always remember and that is several words long. For example, "If at first you don't succeed, try try again."
  - d. Create the start of your root, master password by taking the first letter of each word in the quote, capitalizing the first letter. In this example, it would be "lafydstta"
  - e. Next, add your favorite wild card. In this example, it becomes "lafydstta#"
  - f. Next, add a memorable number, like the last two digits of your birth year. In this example, it becomes "lafydstta#75". This is now your memorable root, master password. But how do you make it unique for every website or app account you use, and still remember them all? Easy.
  - g. Let's say you need to create your password for your Visa credit card account. Use your root password and tack on the name of the website. In this example, "lafydstta#75VISA" For your American Express account, perhaps "lafydstta#75AMEX" For your YouTube account, perhaps "lafydstta#75YT"
1. For very sensitive accounts like bank and credit card accounts, or medical record portals, add a second level of protection by using two-factor authentication offered by the bank, credit card company, etc. This typically involves the company's website or app generating and sending you (via text message or email) a temporary code that you must enter in addition to your user name and password before you can log on to your account.
  2. Lastly, information technology and security experts suggest you change all of your passwords every year to protect against anyone stealing your information from your computer or from any companies with whom you have an account. While that may be a few hour chore, better to be safe than sorry. If you are one who will keep to such a schedule, perhaps instead of using your birth year in your root, master password, use the last two digits of the current year. In other words, in 2023 for your Visa account it would be "lafydstta#23VISA" When we enter 2024, you just need to change the 23 to 24, so it becomes "lafydstta#24VISA"



**About the Author:** Paul is a Partner at Messa & Associates. Born and raised in New York City, Paul attended Temple University Law School in Philadelphia, and chose to make Philadelphia his home upon graduation in 1990. For more than 30 years he has dedicated his career to representing clients who are the victims of permanent injury caused by medical malpractice, defective products, civil rights violations and catastrophic tractor-trailer and motor vehicle collisions. He is licensed to practice law in Pennsylvania, New Jersey, New York and Washington, D.C., and has also represented clients in major cases in many other states around the country.

# MDL Updates



**CPAP:** Last week, the Court held a Status Conference, where the parties addressed discovery issues, including a number of outstanding documents which Defendants still have not turned over to Plaintiffs. Both parties submitted very different case management proposals to Judge Conti, with Plaintiffs wanting to move the case forward towards Bellwether trials, and with Defendants apparently wanting more time. Plaintiffs intend to begin taking 30(b)(6) depositions in the near future, and compelling Defendants to turn over the additional necessary discovery as soon as possible in their fight for justice.



**Zantac:** We are currently awaiting the Judge's ruling on the appeal regarding the 2,000 filed cases that were previously dismissed for lack of admissible causation evidence. Plaintiff attorneys presented a motion asking the judge to allow the Zantac claims to be bundled for the appeal, to which the judge denied. This means that each suit will have to be filed separately.



**3M:** Judge M. Casey Rodgers issued an Order formally terminating the court-sponsored settlement mediation. In her Order, Judge Rodgers explains that after years of efforts to mediate a settlement, 3M has recently advised the court that it is determined to force the claims to be settled in the Aearo bankruptcy and, therefore, "it has no desire to reach a global resolution in the MDL." Talks are ongoing in the bankruptcy court. 3M appears to be doubling down on its hopes of a successful appeal on the contrived bankruptcy scheme that two federal judges have already rejected.



BOY SCOUTS  
OF AMERICA

**Boy Scouts of America:** The \$2.46 billion sex abuse settlement, approved in September by U.S. Bankruptcy Judge Laurie Selber Silverstein, had the support of the Boy Scouts' largest insurers and 86% of the abuse victims who voted in the youth organization's bankruptcy case, but it has been challenged by appeals from minority factions of insurers and abuse victims. Briefing on the appeal is ongoing.

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