



## LAWSUIT FILED IN WEST VIRGINIA FOR A NEW JERSEY STUDENT WHO WAS SHOT AND KILLED IN A CAMPUS APARTMENT BUILDING

Messa & Associates are currently representing a mother after her son was shot and killed while in a West Virginia University (WVU) apartment. The New Jersey family was shocked and devastated to hear about the loss of their loved one while he was away at college.

This tragic incident occurred when two men were able to enter the residential student housing apartment building that Eric Smith, a WVU student, was inside of. Eric Smith, originally from Clementon, New Jersey, was a sophomore at WVU majoring in multidisciplinary studies.

The building, owned by West Virginia University, has a lock system on the entryways and lobbies to prevent non-residents from entering the building, however, the entryways were not locked.

The issue of the doors to this building remaining unlocked was ongoing and known throughout the University when other non-residents gained entry previously including homeless people.

Due to the negligence of WVU, two armed men, who were not students at the university were able to freely enter the building and fire multiple shots into an apartment, killing Eric Smith.

It is the responsibility of the University to keep its students safe. Not only were the doors left unlocked, but the security cameras went unmonitored. This tragedy could have been avoided if WVU took the proper precautions to protect its students. A young man lost his life because the school failed to protect him.

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

- WVU Student Shot and Killed on Campus
- When to seek medical treatment
- Messa & Associates Attorneys appointed to Committee for Phillips CPAP MDL



Attorney, Brett M. Furber

"I cannot say whether things will get better if we change; what I can say is that they must change if they are to get better."

*Georg Lichtenberg*



## The Importance of Prompt Medical Treatment After being Involved in an Accident

By: Alaina A. Gregorio

You are on your way to work driving down a road you've driven every day on autopilot, while your mind wonders to all the things you have to get done in your day. You are stopped at a light waiting for it to turn green when suddenly a vehicle crashes into the back of your vehicle. What do you do? Jump out of the vehicle with your adrenaline flowing, look around to assess the damage of the vehicles, exchange license and insurance, maybe you call the cops, or maybe you don't even because you don't think you have time to wait for the cops to arrive because your day was already overbooked.

You may deem the accident to be "minor" and do not think it is necessary or even appropriate to go to the emergency room. While it is clear in a catastrophic accident, where the jaws of life are needed to pry the individual out of the vehicle, that individual is going to the hospital and getting immediate and often emergent treatment. But should you go to the emergency room after a seemingly "minor" accident? The short answer is yes.

Oftentimes people are in a state of shock immediately following an accident, with adrenaline pumping you are not able to fully process what happened. It may not be until hours, days, or even weeks post-accident that an individual fully feels the impact of the accident. For that reason, seeking prompt medical treatment after an accident is crucial to protect your health and well-being as well as any future personal injury claims you may make.

You want to make sure you have a thorough medical exam and document all areas of your body that were injured during the accident no matter how minor they may seem at the time. This is important if things progress and what seemed to be a minor injury develops into a significant health problem later. Now, the doctors will be able to better treat you, and you are protected if you bring a personal injury action against the third party who caused the accident and your injuries in the future.

If you are involved in an accident, which according to the National Highway Traffic Safety Administration, car accidents happen every 60 seconds, you should seek prompt medical treatment. First, and most importantly, to protect your health, and second, to protect your financial and legal interests.

### About the author:

Alaina A. Gregorio, Esq. concentrates her law practice on complex personal injury and medical malpractice litigation in addition to labor and employment disputes.

## Settlements and Verdicts

\$300 thousand reward after Philadelphia cop falls off police horse and injures back when the horse stepped into a pothole.

\$295 thousand verdict after a motor collision causing a concussion to a young woman.

\$250 thousand settlement for a dog bite injury.

\$175 thousand settlement after driver ran over a pedestrian's foot causing a fracture and requiring surgery.

## Messa & Associates Attorney, Ashley B. DiLiberto, appointed to the Leadership Development Committee for Philips CPAP MDL

On March 3rd, 2022, Ashley B. DiLiberto was appointed by the court to the leadership development committee for the Philips CPAP MDL. She will also serve on the science and expert committee. DiLiberto also works on a number of other MDLs including Zantac and 3M earplugs. Ashley is a member of the Messa & Associate' Mass Tort Litigation Team.

In addition, the founder of Messa & Associates, Joseph L. Messa, Jr. was selected to the Bellwether Trial Committee for the Philips CPAP mass tort for his experience and expertise in trying product liability and other significant cases to offer representation on behalf of the plaintiffs.



The machine that was meant to protect people with sleep apnea and other breathing difficulties and help them breathe and sleep better, ended up doing much worse. It caused severe illness, respiratory injuries, and cancer due to the insulation degrading and entering the respiratory system of unsuspecting people who used the Philips Dreamstation machines.

Many of the plaintiffs are suffering from life-altering illnesses and cancers that could cost them their lives, or already have. The cost of medical care to these victims is just one more undertaking that should be the responsibility of Philips for manufacturing the device causing harm. This is why we are fighting.

We are looking forward to the future as this Multi-District Litigation continues to move forward to help the tens of thousands of victims receive justice and reimbursement for their harms.

### Baby Formula Recall!

Many cow-based baby formulas, including Similac, are being recalled due to infants developing illnesses that may lead to death. If your child became sick or lost their life after using a cow-based baby formula, we can help you get justice.



# MDL Updates



**CPAP:** On March 10, 2022, the FDA issued a notification order to Philips Respironics requiring the company to notify patients and others of the company's June 14, 2021, recall of certain Philips Respironics ventilators, CPAP, and BiPAP machines, and the unreasonable risk of substantial harm to the public health posed by the degradation of the PE-PUR sound abatement foam used. The FDA has determined that this order is necessary to eliminate the unreasonable risk of harm posed by the recalled products, because the company's notification efforts to date have been inadequate.

A few weeks ago, the Judge has chosen the leadership committee for this MDL, including Messa & Associates Attorneys, Ashley B. DiLiberto and Joseph L. Messa Jr.



**Zantac:** Rulings were recently made on Daubert Motions, and the MDL steering committee now intends to pursue the following five types of cancer: bladder, liver, pancreatic, stomach, and esophageal. The Plaintiffs' Leadership Steering Committee (PSC) added 9 new members from the original Leadership Development Committee (LDC) created for these lawsuits.



**3M:** Today, on March 14, 2022, Messa & Associates attorneys Joseph L. Messa, Jr. and Ashley DiLiberto began trial in the 12th Bellwether trial in this litigation, which is currently taking place in the United States District Court for the Northern District of Florida, before Judge Roy B. Dalton, Jr.



BOY SCOUTS  
OF AMERICA

**Boy Scouts of America:** The judge presiding over the Boy Scouts of America bankruptcy has delayed the start of a trial to determine whether the BSA's reorganization plan should be confirmed after an agreement with the official committee representing more than 80,000 men who say they were molested as children by Scout leaders and others resulted in several new plan provisions

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