



10 MESSA & ASSOCIATES ATTORNEYS NAMED TO SUPER LAWYERS 2022. JOSEPH L. MESSA JR. NAMED TOP 100 PENNSYLVANIA ATTORNEYS

WHAT'S IN THIS MONTH'S ISSUE:

- Messa & Associates Super Lawyers 2022
- Baby Formula Recall
- Gyannie Gonzalez Air Force Achievement
- Mental Health Awareness Month
- Settlements and Verdicts
- MDL Updates

This year we are excited to announce that 10 of our Messa & Associates Attorneys have been selected as 2022 Super Lawyers and Rising Stars!

Founder of Messa & Associates, Joseph L. Messa Jr. was also selected as a Top 100 Philadelphia Attorney and Top 100 Pennsylvania Attorney.

Our other attorneys named Super Lawyers are Richard J. Heleniak, Irene M. McLafferty, Thomas N. Sweeney, Lee D. Rosenfeld, Ramon A. Arreola, and Brett M. Furber.

Alaina A. Gregorio, Ashley B. DiLiberto, and Megan M. Kwak are Super Lawyers Rising Stars!

Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition and professional achievement. The patented selection process includes independent research, peer nominations and peer evaluations.



"Work harder than you think you did yesterday."

Alex Elle

Baby Formula Companies Negligently Failed to Warn of the Risk of Dangerous Neonatal Medical Condition in Premature Babies

By Ashley DiLiberto

Infant formula products, Similac and Enfamil, have been the subject of recent lawsuits for parents and families of premature babies, who suffered or died from necrotizing enterocolitis (NEC) after being fed one of these formulas.

Similac is manufactured and sold by Abbott Laboratories Inc., and Enfamil is manufactured and sold by Mead Johnson Nutrition Company.



Each company has documented millions in sales every year, and both were well aware of the scientific evidence establishing that their cow-milk-based formulas caused a significantly increased risk of NEC in premature infants. Despite being well aware of the link between their formulas and the risk of NEC, Abbott and Mead deliberately chose not to include a warning label about the NEC risk on their product labeling, but rather, to continue to market their products as “safe” in efforts to keep products on the market and keep sales up.

Dangerous Effects of NEC

Effects of NEC can vary widely. However, even a mild case of NEC in premature babies can be very dangerous and potentially life-threatening.

NEC can destroy the baby’s intestinal tissue, allowing the bacteria to leak out of the intestine into the abdominal cavity (peritonitis), and if not immediately and effectively treated, the infection can enter the baby’s bloodstream and become sepsis. Between 15-40% of premature infants with NEC die.

What is the status of the lawsuits?

In April 2022, the Judicial Panel on Multidistrict Litigation (JPML) issued a transfer order which consolidates all pending lawsuits into an MDL (No. 3026), which has been assigned to Judge Rebecca R. Pallmeyer, Chief Judge of the Northern District of Illinois.

Illinois was the venue preferred by the plaintiffs' lawyers, while defendants fought to leave their home state (where they are headquartered) and have the MDL established in Connecticut.

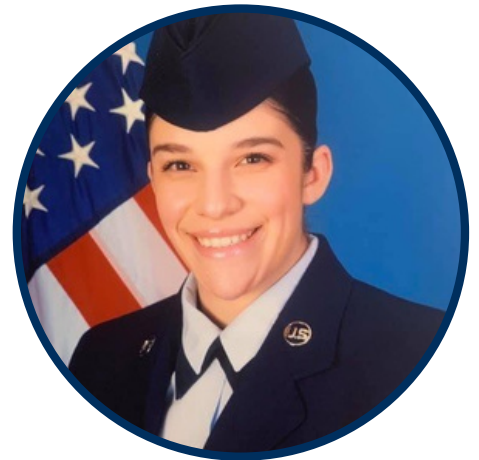
Now every lawsuit in federal court will be transferred into the MDL for consolidated pretrial proceedings.

What to do if you or someone you know has been affected?

Messa & Associates lawyers are pursuing Enfamil and Similac baby formula lawsuits for premature babies who suffered necrotizing enterocolitis (NEC) in all 50 states. If you or someone you know has been affected, please call Messa & Associates, P.C. at (215) 568-3500.

Gyannie Gonzalez Promoted to Senior Airman!

Messa & Associates would like to congratulate our team member, Gyannie Gonzalez, on her promotion to Senior Airman! We commend Gyannie on her commitment to our country and the Airforce. We are very proud to have her as part of the Messa & Associates team!



May is Mental Health Awareness Month!

Depression and post-traumatic stress disorder (PTSD) are the most common mental illnesses that can come from a physical injury, although are not the only ones. After an injury, you're dealing with a change of routine that can take months or even your whole life and the majority of people need to face all the stress coming from.

Studies show a large number of people don't prioritize psychological support since they're more concerned about the physical aspects of their injury.

Messa & Associates encourages anybody who has suffered from an injury to reach out for help. It is important to prioritize your mental health while you are going through a struggling time.

Settlements and Verdicts

\$3 Million settlement for a defective product on a worksite causing physical and emotional injuries.

\$1.15 Million recovery for delay in treating a failed heart valve.

\$725K settlement for a man injured on a saw at work.

MDL Updates



CPAP: During the month of May, a proposed order was submitted to facilitate negotiations with the possibility of resolving claims to avoid thousands of individual jury trials being nationwide held. Judge Diane Welsh was appointed as the settlement special master by the court, giving her the authority to engage in settlement discussion that could facilitate the Philips CPAP recall settlement. FDA says from April 2021 through April 2022 they received 21,000 MDRs including 124 reports of death associated with the PE-PUR foam breakdown, -- since FDA has limitations to check all the claims the number can be inaccurate -- FDA also claims it was necessary to be involved in the recall process.



Zantac: Pretrial Order #77 was issued by Judge Robin Rosenberg which brings the briefing deadlines and hearing schedule for pretrial dispositive motions from either side. The deadline for hearing motions is set for September 20th, and defense motions for June 13th. The plaintiff's motion deadline will be July 6th with a hearing on those motions scheduled for September 28th. These deadlines are a positive sign that the first Zantac lawsuit will go on trial sometime before the end of the year.



3M: On May 20th, the final bellwether trial concluded in favor of Army Veteran, James Beal. The final verdict was \$77.5 million, including \$5 million in compensatory damages and \$72.5 million in punitive damages following the previous verdict for Army Veteran, Luke Vilsmeier, at \$50 Million represented by Messa & Associates attorneys, Joseph L. Messa and Ashley B. DiLiberto. Out of the sixteen rounds of bellwether trials ten of them ended in a plaintiff verdict. Total damages against 3M so far are up to \$300 million.



BOY SCOUTS
OF AMERICA

Boy Scouts of America: When Boy Scouts of America filed for bankruptcy, they were facing about 275 filed lawsuits and were aware of 1,400 pending claims. Prior to bankruptcy, they had more than 82,200 abuse claims. The most recent plan includes \$2.7 billion for the victims but many are not on board and believe they should pay more into the fund. Judge Laurie Selber-Silverstein is expecting to rule a decision on the bankruptcy case in the near future.

Messa & Associates

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