

THE LEGAL OUTLOOK

April 2018 | Volume 10 | Issue 4

FOLLOW AND INTERACT WITH US ONLINE



INSIDE THIS ISSUE

- ⇒ Joe Messa a *Legal Eagle* in Philadelphia Style Magazine
- ⇒ CPSC updates infant bouncer safety standards
- ⇒ Prom Season: Social Host Liability
- ⇒ Settlements & Verdicts

“The beautiful spring came; and when Nature resumes her loveliness, the human soul is apt to revive also.”

**HARRIET ANN
JACOBS**

MESSA & ASSOCIATES FILES LAWSUIT ON BEHALF OF AMTRAK CRASH VICTIM



Joseph Messa and Thomas Sweeney have filed a lawsuit in the Philadelphia Court of Common Pleas on behalf of 27-year-old Katherine McMillen who suffered catastrophic and disabling injuries as the result of an April 2016 Amtrak train crash in Chester, Pennsylvania. Miss McMillen sustained a number of serious injuries including a traumatic brain injury, permanently disfiguring lacerations to her face, orthopedic injuries to her spine, hips, neck, back, and wrist, and other internal injuries after an Amtrak train crashed into a backhoe while traveling southbound to Washington, D.C. from Philadelphia. Miss McMillen was one of 39 people injured in the crash.

Three of the four defendants named in the case tested positive for drugs, including the engineer, Alexander Hunt, who tested positive for THC (Marijuana), an Amtrak Supervisor, Peter Adamovich, who tested positive for oxycodone, morphine, and codeine, and a backhoe operator, Joseph Carter, who tested positive for Cocaine. This conduct raises significant issues related to punitive damages, in addition to the claims of recklessness and negligence discussed in the complaint. Additional negligence was discovered on the part of Michael Franklin, the day train dispatcher on the morning of the accident, who was taking and placing personal calls all morning while on-duty. Franklin even made a call to his wife to tell her he noticed a light indicating an “abnormal situation” on his display board but did nothing to follow-up or investigate what that abnormal situation might be. This absence of action, combined with the impaired judgement of a train engineer and two employees under the influence of drugs, directly led to the collision that permanently injured Katie McMillen.

JOSEPH MESSA RECOGNIZED AS ONE OF PHILADELPHIA STYLE MAGAZINE'S LEGAL EAGLES

This April, Philadelphia Style Magazine featured Joseph Messa as one of eleven Philly attorneys celebrated in their special *Legal Eagles* section.

The selection of attorneys included those who are leaders in their field; not just distinguished and accomplished lawyers, but also social influencers and contributors to their communities.

Joe Messa highlighted is upbringing as a catalyst for his success. He also noted his love for his hometown of Philadelphia that drives his desire to work on behalf of fellow Philadelphians who are injured, grieving, or suffering the various and burdensome effects of negligence.



A NEW FEDERAL SAFETY STANDARD FOR INFANT BOUNCER SEATS NOW IN EFFECT

A new federal safety standard has taken effect in an effort to make infant bouncers safer in the United States. The new mandatory standard will apply to any infant bouncer chair manufactured or imported after March 19, 2018.

The new rules included in this updated standard revolve around fall hazards. Warnings will be placed on the front of the seat near where the baby's head and shoulders would be in order to provide optimum visibility. Warning labels must include the following statements:

- "Use bouncer ONLY on floor."
- "ALWAYS use restraints and adjust to fit snugly, even if baby falls asleep. "
- "STOP using bouncer when baby starts trying to sit-up or has reached [insert manufacturer's recommended maximum weight, not to exceed 20lbs.], whichever comes first."

WHY A NEW STANDARD?

Between January 2006 and July 2016, there were 347 incident reports to the Consumer Product Safety Commission (CPSC) involving bouncer seats, including 12 fatalities and 54 injuries. The major cause of fatality was suffocation caused by unrestrained babies turning over in a bouncer, or bouncers tipped over onto soft surfaces when placed on adult beds or cribs. The majority of the remaining incidents were caused by infants falling from bouncers placed in hazardous locations like countertops, tables, and other elevated surfaces.

The CPSC recommends the following tips when using infant bouncer seats;

- Always use the bouncer on the floor.
- Never place the bouncer on a soft surface like a bed or sofa.
- Always use restraints and adjust so they fit snugly, even if the baby is asleep.
- Keep the bouncer seat within eyesight while in use.

PROM SEASON:

Social Host Liability

By Angelo M. Theodosopoulos

March and April arrived quickly for parents as they prepare their children, and homes, for high school prom. Parental responsibilities attendant with high school prom may exceed shopping for a prom dress or tuxedo and go beyond talking with children about the dangers of drunk driving to include monitoring your teenagers' post-prom house guests to prevent them from consuming alcohol and causing injury to themselves or others. According to statistics published by the Insurance Institute for Highway Safety, teenage motor vehicle fatalities not only rise but are among the highest from the months of April through June.

Pennsylvania law may hold homeowners liable for injuries caused by their intoxicated underage house-guests.¹ This means that adults who are unable to monitor or restrict their post-prom guests' alcohol consumption may have to find creative ways to promote safety. Practical tips include taking the car keys from teenage guests upon their arrival to your home after prom, enlisting other parents or adults to offer rides from your home for

guests who are ready to leave, and ordering ride share services for your guests.

Of course, responsibility for injuries caused by an intoxicated post-prom partygoer may not fall solely with the homeowner who hosts the post-prom party. Pennsylvania law may also hold liquor and beer distributors liable for injuries caused by an intoxicated minor when the distributor sells liquor or beer indirectly to a minor through an adult.² Recognizing that minors cannot be trusted to consume or handle alcohol responsibly, Pennsylvania law imposes responsibility for our teenagers' safety on the adults.

If you are not the parent who is hosting the post-prom party for your teenage son or daughter, calling the parents who are hosting the post-prom party to find out if they are serving alcohol at their home is a proactive measure you can take to promote a safe prom night. The perhaps inevitable embarrassment you will cause your teenager by calling their friends' parents pales in comparison to the benefits gained by helping your teenager make informed and safe post-prom plans.

Though it may seem obvious, it is also wise to tell your teenager repeatedly that they can call you at any hour of the night or morning for a ride if they need one; keep your phone close.

The importance of safe post-prom plans must not be understated. A serious injury or death suffered or caused by your teenager may result in irreversible hardship for you and your family. If your teenager or a loved one suffers injuries at the hands of another promgoer you should contact a personal injury lawyer to help you face the tumultuous uncertainty and hurdles that lie ahead for you and your family.

¹Congini v. Portersville Valve Co., 504 Pa. 157, 470 A.2d 515, 518 (1983); Orner v. Malick, 515 Pa. 132, 527 A.2d 521 (1987)

²Thomas v. Duquesne Light Company, 396 Pa. Super. 1, 545 A.2d 289 (1988); see also, Reber v. Pennsylvania Liquor Control Board, 101 Pa. Cmwlth. 397, 516 A.2d 440 (1986)



Angelo M. Theodosopoulos is a catastrophic injury attorney handling personal injury and medical malpractice cases in Pennsylvania and New Jersey. ATheodosopoulos@messalaw.com

SETTLEMENTS & VERDICTS: MOTOR VEHICLE SETTLEMENTS



Lee Rosenfeld recently secured a **\$450,000 motor vehicle settlement** on behalf of Messa & Associates client, Valerie Cline, who sustained serious and permanent cervical spine, lumbar spine, and closed head injuries in a motor vehicle accident caused by an uninsured motorist.



Angelo Theodosopoulos recently secured a **\$400,000 motor vehicle settlement** on behalf of a client who sustained a closed head injury after she was hit by an uninsured motorist. The victim experienced concussion symptoms that affected her family life.

AROUND THE OFFICE



On April 23rd, Joe Messa will be a Guest of Honor on the *Weinerman Pain and Wellness Hour* radio show, speaking with Joe Docherty and Sonny Banks. Tune-in to AM860 at Noon on Monday, April 23rd to catch the show!



Messa & Associates only has one Happy Birthday to wish in April, and that is to attorney Justin L. Groen, who celebrates his birthday on April 28th. Happy Birthday, Justin—hope it's the best one yet!



Messa & Associates welcomes Caitlin Staunton to the team! Caitlin is joining us as a Receptionist and File Clerk. We're so happy to have her aboard!

MAIN LOCATIONS

PHILADELPHIA
123 S 22nd St
Philadelphia, PA 19103
P: 215-568-3500

CHERRY HILL
2091 Springdale Rd. , Ste. 2
Cherry Hill, NJ 08003
P: 856-810-9500

SATELLITE LOCATIONS

GERMANTOWN
6000-6002 Germantown Ave
Philadelphia, PA 19144
P: 215-844-1614

PITTSTON
309 Wyoming Ave
Pittston, PA 18643
P: 570-883-0800

CONSHOHOCKEN
923 Fayette St.
Conshohocken, PA 19246
P: 215-940-7700

LINWOOD
605 New Road
Linwood, NJ 08221
P: 609-601-1644

ROSELLE
520 West First Ave
Roselle, NJ 07203
P: 908-300-3900

COLLINGSWOOD
475 White Horse Pike
Collingswood, NJ 08107
P: 877-637-7252

Messa & Associates
TRIAL ATTORNEYS WITH A REPUTATION FOR RESULTS