

*"Protecting Your Rights"*

JAMES F. HUMPHREYS & ASSOCIATES L.C.

Brought to you by James F. Humphreys & Associates Attorneys At Law

WINTER 2006



*"We represent families who work hard. We work hard to make sure that your rights are always protected."*

## Prescription Drug UPDATE: Are You Taking "Bad Medicine?"

Prescription medicines Vioxx, Bextra, and Celebrex (called COX-2 inhibitors) are anti-inflammatory drugs taken most often for arthritis. But some people who have taken the drugs have had adverse side effects. Vioxx was voluntarily pulled from the market by Merck & Co. in September 2004 when a study found an increased risk of heart attack, stroke, blood clots, and other cardiovascular complications. In April 2005, the Food and Drug Administration (FDA) asked Pfizer to remove Bextra from the market based on the potential increased risk for cardiovascular problems and an increased risk of a rare and potentially fatal skin disease called Stevens Johnson Syndrome.

One study on Celebrex found that dosages of 400mg and 800mg more than doubled or tripled heart problems and stroke. "If you or a loved one has a significant injury (heart attack, stroke, or death) and took Vioxx, Bextra, or Celebrex for at least three months, you are encouraged to contact our firm for a free case evaluation," said attorney Tom Urban. "You or your loved one should not suffer due to the negligence of a pharmaceutical company or drug manufacturer." We are attempting to

file claims related to these medicines by June 30, 2006, to avoid the effect of a recent federal regulation that could preempt claims, so please contact us now.



### RESOURCES

[www.jfhumphreysfv.com](http://www.jfhumphreysfv.com)

[www.jfhumphreys.com](http://www.jfhumphreys.com)

[www.webmd.com/content/article/95/103159.htm](http://www.webmd.com/content/article/95/103159.htm)

[www.legis.state.wv.us/index.cfm](http://www.legis.state.wv.us/index.cfm)

[www.peopleoverprofits.org/facts/Asbestos.pdf](http://www.peopleoverprofits.org/facts/Asbestos.pdf)

<http://www.wvrecord.com/news/newsview.asp?c=17452>

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Mesothelioma

## Poisoned Breath—"WHITE DEATH"

Asbestos is a mineral compound that has been used in more than 3,000 products. The most common product is insulation used in buildings like schools and offices. One thing that makes asbestos so dangerous is its invisible nature. Its fine fibers cannot be seen by the naked eye but can cause serious illnesses and death when breathed by humans.

Mesothelioma, asbestosis, lung cancer, and pleural disease are all illnesses caused by breathing asbestos, also called "White Death" due to its white appearance. Surely the use of such a dangerous material would have been outlawed by now, right? Wrong. Approximately 136 million pounds of asbestos have been imported into the United States since 2000 despite the fact that 300,000 Americans have died of asbestos disease, and asbestos continues to kill about 10,000 people a year.

Now, in addition to fighting their asbestos-related diseases, victims are forced to fight legislation at both the federal and state levels that would bail out asbestos corporations. At the federal level, a bill (S. 852) that would have given asbestos companies a \$20 billion bailout was returned to committee on February 14, 2006, after only 58 Senators of the 60 required voted to

waive the Congressional Budget Act point of order. The proposed legislation would have eliminated all asbestos lawsuits and created a government-run \$140 billion fund to compensate asbestos victims, but there were some big problems with this plan.

First, the fund could have crumbled from the start with the load of 500,000 pending claims. A bankrupt fund would leave sick and dying people with no help and taxpayers with a huge burden. Most important, many victims would have been excluded due to the circumstances of their exposure or the bill's unreasonable eligibility requirements. Those who would have been covered would have faced long delays and many barriers. For these reasons and more, 100 asbestos victims and their families traveled to Washington, DC, to voice their opposition to the bill and to present a petition of approximately 150,000 signatures against it as well.

Asbestos bills have also been presented in the West Virginia Legislature. Bills in the House (H.B. 4348) and Senate (S.B. 474) are similar to the federal bill and inaccurately claim there are problems that require new legislation. However, West Virginia courts and

## Did You Know?

—300,000 Americans have died of asbestos disease, and asbestos continues to kill about 10,000 people a year.

# lioma

Legislature have already handled these concerns about the number of cases and the ability of West Virginia courts to handle them and the alleged depletion of funds by people who are not truly sick.

"In fact," says attorney Jim McKowen, "the state has a very efficient system that could be used as a model for other states." The current system would be derailed by the new legislation, which would impose very narrow medical eligibility criteria preventing many victims from receiving compensation for their injuries. The proposed certification process would also cause significant delays for current cases and deserving victims. McKowen adds, "Those delays would essentially move West Virginians to the 'back of the line' while other states continue to move forward on behalf of their workers. This would increase the risk that companies or funds would go bankrupt before West Virginians could be compensated." Another Senate bill, S.B. 649, sponsored by Senator Michael Oliverio (D - Monongalia County, (304) 357-7919) would make it more difficult to collect judgments against asbestos companies.

## Mesothelioma Victims and Their Families Go to D.C.



a)



b)

a) FROM LEFT: Kris and Linda Maynard, the son and wife of mesothelioma victim, David Maynard; and, Loretta and Chris Carter, the wife and son of mesothelioma victim William Carter; recently met with representatives from Senator Byrd's and Senator Rockefeller's offices in Washington, D.C., to explain why the asbestos bill is so unfair to asbestos victims and their families.

b) Mesothelioma victim, Frank Modley, sits at Senator Byrd's desk in Washington, D.C., after discussing the pitfalls of the asbestos bill with representatives from Senator Byrd's office. Our firm and our clients are working hard to spread the word to our legislators about the unfairness of the asbestos bill to asbestos victims. Join in our fight against the state and federal asbestos bills. Contact your legislators today.

PLEASE CALL YOUR LEGISLATORS! *Tell Them You Oppose The Asbestos Bill!*

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## PRACTICE AREAS

Mesothelioma  
Personal Injury/Wrongful Death  
Occupational Disease  
Defective Products  
Defective Drugs  
Chemical Exposures  
Environmental Pollution  
Mold  
Railroaders  
Employment Law  
Nursing Home Negligence  
Insurance/Financial Bad Faith  
Securities

***These are only some of the types of cases we handle. We represent the victims in all types of serious injury and death cases. Please call us for a free case evaluation.***

**PLEASE CALL YOUR LEGISLATORS! *Tell Them You Oppose The Asbestos Bill!***

The proposed state legislation—like the federal bill that was halted—is no good for victims of asbestos-related diseases. We care about West Virginians. We care about workers who have been exposed to **"White Death."** That is why we strongly oppose these bills. Please call your legislators to tell them you, too, oppose these bills.

Please call your legislators to tell them you are against the state asbestos bill. Ask your legislator to send you something in writing letting you know if they are for or against the asbestos bill. Ask your legislator to promise you that they will withdraw their support of this bad bill and join you in opposing the asbestos bill.

## West Virginia Senators

### Sponsoring S.B. 474:

Dan Foster - D Kanawha County	(304) 357-7866	Don Caruth - D Mercer County	(304) 357-7854
Sarah M. Minear - R Tucker County	(304) 357-7914	John Pat Fanning - D McDowell County	(304) 357-7867
Vic Sprouse - R Kanawha County	(304) 357-7901	Charles C. Lanham - D Mason County	(304) 357-7843
Jesse O. Guills - R Greenbrier County	(304) 357-7959	Evan H. Jenkins - D Cabell County	(304) 357-7956
William R. Sharpe, Jr. - D Lewis County	(304) 357-7845	Walt Helmick - D Pocahontas County	(304) 357-7980
Clark S. Barnes - R Randolph County	(304) 357-7973	Billy Wayne Bailey - D Wyoming County	(304) 357-7807
Andy McKenzie - R Ohio County	(304) 357-7984	Russ Weeks - D Raleigh County	(304) 357-7831
Donna J. Boley - R Pleasants County	(304) 357-7905	Karen L. Facemyer - D Jackson County	(304) 357-7855
Brooks McCabe - D Kanawha County	(304) 357-7990	Shirley Love - D Fayette County	(304) 357-7849
Larry J. Edgell - D Wetzel County	(304) 357-7827	Frank Deem - D Wood County	(304) 357-7970
Roman Prezioso - D Marion County	(304) 357-7961	Tracy Dempsey - D Lincoln County	(304) 357-7939

## West Virginia Delegates

### Sponsoring H.B. 4348:

Kevin J. Craig - D Cabell County	(304) 340-3248	Tim Armstead - R Kanawha County	(304) 340-3124
Marshall Long - D Mercer County	(304) 340-3120	Harold Michael - D Hardy County	(304) 340-3230
Jon Amores - D Kanawha County	(304) 340-3252	K. Steven Kominar - D Mingo County	(304) 340-3378
Kelli Sobonya - R Cabell County	(304) 340-3175	Greg Howard - D Kanawha County	(304) 340-3121
John Pino - D Fayette County	(304) 340-3114	Jim Morgan - D Kanawha County	(304) 340-3123
Charles S. Trump, IV - R Morgan County	(304) 340-3240		