

*"Protecting Your Rights"***JAMES F. HUMPHREYS**

ASSOCIATES L.C.,

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

SPRING 2009



## WHAT'S RIGHT ABOUT WEST VIRGINIA'S COURTS

The way some people constantly criticize our courts, you might not realize that West Virginia has one of the best judicial systems in the country, but consider the following:

West Virginia has one of the busiest supreme courts. In 2005, the most recent year for which comparative figures are available, the Supreme Court of Appeals of West Virginia heard 2,983 petitions for appeals and other filings, almost 50% more than Nevada, the next busiest state. In fact, its caseload is greater than the states of Delaware, Maine, North Dakota and Rhode Island combined. Our high court ranks third in appeals per capita, behind the District of Columbia and Louisiana.

West Virginia has one of the most cost-effective court systems in the country. With 1,200 employees, the West Virginia judicial branch uses only 3% of our general revenues. According to the Center for State Courts, we have the third lowest budget of any state court system.

West Virginia has been a leader in exploring the possibilities of the internet. In March of 1997, our Supreme Court launched its Web site, which currently has more than 250,000 pages, and has been repeatedly praised by outside sources. For example, in 2003 it was listed by the Legal Intelligencer as one of the top three court Web sites in America. In September of 2001, our Supreme Court became one of the first appellate courts to offer live webcasts of its proceedings on its Web site.

West Virginia recently initiated electronic case filing (ECF) for asbestos and Digitek cases, and will eventually extend this system to all civil cases. ECF will make it easier to file, reduce paperwork and assist courts in managing their caseloads.

West Virginia has also been a leader in promoting mental health and drug diversion programs, providing assistance to those who wish to represent themselves, and equipping its courts with the latest in court technology.

## RESOURCES

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

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

[www.aduk.org.uk/help\\_and\\_info.php](http://www.aduk.org.uk/help_and_info.php) [www.en.wikipedia.org/wiki/Asbestosis](http://www.en.wikipedia.org/wiki/Asbestosis)

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### *Office Hours:*

Monday - Friday 8:00am - 6:00pm & By Appointment

## PHARMACEUTICAL ALERTS

**AVANDIA** is a drug commonly prescribed to treat patients who suffer from Type 2 Diabetes. Avandia, generically called Rosiglitazone, is manufactured by GlaxoSmithKline. The use of Avandia has been shown to increase the risk of heart attack and heart-related death by 64% in its users.

On October 14, 2007, the United States Food and Drug Administration (FDA) issued a "black box" warning. The FDA issues black box warnings when medical studies indicate that the drug may cause serious or life-threatening effects. If you were diagnosed with Type 2 Diabetes; took Avandia for at least 12 weeks; are 65 years or younger; are not morbidly obese and suffered from heart attack, ischemic stroke, cardiomyopathy (disease of the heart muscle), or congestive heart failure resulting in death or disability, you may be entitled to compensation for your injuries.

If you or a family member took the drug Avandia and suffered from any of the previously listed adverse effects, please contact us.

**LEVAQUIN** (generically, Levofloxacin) and **CIPRO** (generically, Ciprofloxacin), are in a class of antibiotics called Fluroquinolone, which have come under attack as being linked to serious adverse side effects, specifically tendon damage and ruptures in the Achilles tendon, the rotator cuff, the biceps, the hand, and the thumb.

On July 8, 2008, the United States Food and Drug Administration (FDA) issued a "black box" warning on Levaquin and similar antibiotics, citing evidence that they might lead to serious tendon damage and ruptures. The FDA issues black box warnings when medical studies indicate that the drug might cause serious or life-threatening effects. If you were diagnosed with a tendon rupture during or shortly after ingestion of Levaquin, Cipro or a similar antibiotic, you may be entitled to compensation for your injuries.

If you or a family member took the drug Levaquin or Cipro and suffered from any of the previously listed adverse effects, please contact us.

A **FENTANYL PATCH** is an extremely powerful narcotic pain reliever, nearly 80 times more powerful than morphine. Defects in the patch can allow too little or too much of the drug to contact the skin. Too little of the drug can result in uncomfortable withdrawal symptoms, while too much of the drug can result in a coma, depressed respiration, and even death by overdose.

Johnson & Johnson, a manufacturer of Fentanyl patches, issued a voluntary recall of the Fentanyl patch because of a manufacturing defect. If you or a family member was hurt or suffered from any injury from using a Fentanyl patch, please contact us.

**PAXIL** is a **SSRI** prescription drug used by millions of Americans to treat depression and a number of other disorders including, but not limited to, anxiety disorder and obsessive-compulsive disorder (OCD). Recent studies suggest an increased link between Paxil use during pregnancy and severe birth defects, which include the following:

### Congenital Heart Defect

Most of the heart defects reported in these studies are either atrial **septal** defects or ventricular **septal** defects (holes in the walls of the chambers of the heart). Generally speaking, these defects range in severity from ones that resolve by themselves to others that require surgical intervention.

### Persistent Pulmonary Hypertension of the Newborn (PPHN)

A recent study in the New England Journal of Medicine showed that PPHN was six times more common in infants whose mothers took **SSRI** antidepressant during pregnancy compared to babies whose mothers did not take an antidepressant.

### Abdominal & Cranial Birth Defects

Studies suggest that there may be a causal link between two separate congenital (present at birth) abnormalities called Omphalocele and Craniosynostosis. Omphalocele is a congenital abdominal wall defect at the base of the umbilical cord; the infant is born with a sac protruding through the defect that contains the small intestine, liver and large intestine. In turn, Craniosynostosis is a congenital defect that causes one or more sutures on a baby's head to close earlier than normal, resulting in an abnormally shaped head.

### Serious Side Effects

If you or a loved one took Paxil on a regular basis during any part of your pregnancy and have a child who suffers from birth defects as described above, please contact one of our skilled attorneys for an evaluation of your case.

**GADOLINIUM** is the active ingredient in several different brands of contrast dyes injected into the bloodstream to enhance MRI and MRA images. Patients injected with gadolinium dyes may develop a disease called Nephrogenic Systemic Fibrosis (NSF). NSF is a disease that causes a thickening of the skin, connective tissues, muscles and internal organs throughout the body. NSF can progress to the point where a person effectively loses the use of their arms, legs, hands, and/or feet. Skin changes because of the NSF are often characterized by darkened patches and progress to a "woody" texture and are often accompanied by burning, itching, and/or severe pain. NSF symptoms may begin from days to months after the injection of the contrast dye. NSF is a progressive disease that can be fatal. At this time, there is no known cure and no consistently effective treatment. NSF is mostly seen in individuals with impaired kidney functions who were injected with a gadolinium dye as part of a MRI or MRA procedure.

If you or a loved one developed NSF after undergoing an MRI or MRA, please contact us.

**BYETTA** is a drug prescribed to treat patients who suffer from Type 2 Diabetes. Byetta is manufactured by Amylin Pharmaceuticals. The use of Byetta has been linked to Hemorrhagic and/or Necrotizing Pancreatitis.

The side effect of Pancreatitis can appear suddenly and last for a few days or it can be chronic. Pancreatitis is often associated with mild to severe abdominal pain, nausea and vomiting, and fever. Mild cases of Pancreatitis often improve on their own, but more severe cases may cause life-threatening complications.

If you or a family member took the drug Byetta and suffered from Pancreatitis, please contact us.

**PAIN PUMPS** used to deliver medication following arthroscopic shoulder surgery have been linked to permanent shoulder cartilage damage. Research suggests a direct link between the development of Postarthroscopic Glenohumeral Chondrolysis (PACGL) and the use of intra-

articular shoulder pain pumps. The practice of inserting pain pump catheters into the shoulder joint space began in the year of 2000. Chondrolysis is a painful and permanent condition resulting from the disintegration of cartilage covering the bones in the synovial joint. Symptoms from loss of cartilage include the following:

- Shoulder pain
- Clicking, popping or grinding of the shoulder
- Shoulder stiffness or weakness
- Decreased range of motion

To date, the only treatment of Chondrolysis joint replacement. If an intra-articular pain pump injured you or a loved one, if you were diagnosed with Chondrolysis or PAGCL, or if you are experiencing the symptoms associated with Chondrolysis or PAGCL, you may have a claim against the manufacturers of these pain pumps.

**WE MAY BE ABLE TO HELP.** If you or a loved one took any of these drugs and suffered from the serious side effects indicated or death, contact us at *1-800-442-1161* for a **FREE** initial consultation about your claim.

## LITIGATION ALERT

Due to the highly technical nature of personal injury and wrongful death cases, it is vital that you hire an attorney who is experienced in particular areas of law, and who has the resources necessary to develop your case, hire appropriate experts and take your case to trial. The attorneys of James F. Humphreys & Associates are committed to righting the wrongs of others, and we will not stand for the mistakes that their poor judgment caused you. If you or a loved one suffered because of someone else's negligence, contact the personal injury attorneys of James F. Humphreys & Associates.

Personal Injury/Wrongful Death  
 Medical Malpractice  
 Motor Vehicle Accidents  
 Premises Liability/Slip & Fall  
 Traumatic Brain Injury  
 Defective Pharmaceuticals  
 Occupational Disease-  
 Product Liability

# LOSING YOUR NEST EGG: WALL STREET SCAMS

One of the worst results of the recent Wall Street collapse is that millions of American senior citizens, disabled workers and retirees were seriously damaged or lost their nest eggs due to fraudulent practices of Wall Street's investment firms. These firms promised stable returns to clients and pension fund administrators, but put their contributions into high risk mutual funds loaded with toxic mortgages or derivatives that they either did not understand or could not explain, yet knew of their danger.

Many of these high-risk mutual funds were sold to individuals and pension fund administrators as income funds as a way to provide regular income for those who planned to live on a monthly check, though Wall Street knew of the enormous risk of failure.

These types of scams caused retirees and the elderly to miss mortgage payments, needed prescriptions and necessary medical treatments. Many had to ask the state or federal government for help with basic living needs.

The rules of Wall Street itself demand that the seller of any security must know the needs of the buyer and that the risk of the securities they are selling must be made known to insure that the client or pension fund administrator gets what they think they are buying. It is no defense for Wall Street to say they did not know or understand the risks of these securities. They are required by law to know and to tell the buyer or pension fund administrator of the risks.

Many of these senior citizens, retirees and working people ended up losing 60, 70 or 80% of their savings or retirement income, and they now need immediate help.

*There are legal ways to recover financial losses. James F. Humphreys & Associates, LLC, is accepting these cases for a free initial consultation, to determine if the firm's attorneys can be of help to the individual client or pension fund administrator. If you or your loved one were damaged by recent losses of your savings, call our office at 1-800-442-1161 for an appointment and a review of your opportunity to recoup your losses.*



# MESOTHELIOMA

Mesothelioma is a disease that is almost 100% preventable, since the primary cause is exposure to asbestos, a mineral fiber that was commonly used in a variety of building construction materials for insulation and as a fire-retardant. Asbestos fibers can irritate the mesothelium, eventually causing cancerous cells to develop. Mesothelioma is usually fatal, as this form of cancer tends to metastasize, or spread, quickly to other organs and tissue.

The Environmental Protection Agency and other government agencies have banned most asbestos products and manufacturers currently limit the use of asbestos in their products. Still, asbestos is commonly found today in old homes and in older plants and work sites, in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, floor tiles and many other insulating and packing products.

The sad fact is many companies knew there was a link between asbestos exposure and lung disease and cancer long before preventative measures were put in place. Many companies made little or no effort to protect workers from breathing in asbestos particles, putting profits ahead of health and safety. Yet many of these same companies continue to deny medical claims from former employees and their families who suffer from asbestos-related illnesses.

James F. Humphreys & Associates will not allow mesothelioma victims to suffer with financial uncertainty. Our experienced attorneys understand the precedent for asbestos and mesothelioma-related cases and can recommend the best course of legal action.

*To learn more about your legal options, trust a dedicated asbestos and mesothelioma lawyer at James F. Humphreys and Associates.*

*If you or a loved one were diagnosed with mesothelioma or lung cancer, please contact our office immediately at 1-800-442-1161 (if you have not already contacted us about your mesothelioma or cancer).*

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## PRACTICE AREAS

Mesothelioma  
Asbestos-Related Lung and  
Gastrointestinal Cancers  
Personal Injury/Wrongful Death  
Occupational Disease  
Defective Products  
Defective Drugs  
Chemical Exposure  
Environmental Pollution  
Railroad Law  
Insurance/Financial Bad Faith  
Traumatic Brain Injury

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



## SUPREME COURT AGREES TO HEAR APPEAL IN TRAVELERS INSURANCE CASE

As you may recall, the United States Court of Appeals for the Second Circuit overturned a settlement with Travelers Insurance, a company which insured several asbestos companies. On December 12, 2008, the United States Supreme Court agreed to review this ruling by the Second Circuit. We anticipate the court will hear oral arguments in the Spring of 2009 and hopefully rule on this issue by the end of the year, although, of course, we have no control over when the court releases its opinions. If the court upholds the settlement, this ruling will provide some additional funds to compensate asbestos victims. We will let you know when we hear anything from the court, but an appeal such as this can take some time, so please bear with us as we await a final ruling.