



## JAMES F. HUMPHREYS & ASSOCIATES

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### PRACTICE AREAS

Mesothelioma	Defective Drugs
Asbestos-Related Lung and Gastrointestinal Cancers	Chemical Exposure
Personal Injury/Wrongful Death	Environmental Pollution
Occupational Disease	Railroad Law
Defective Products	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.***

*continued*

## RECORDS AND INFORMATION YOUR MESOTHELIOMA LAWYER WILL WANT

10. Work History – Your attorney will want to know all the jobs you have had and where you might have been exposed to asbestos, including any military service.

The more you can recall about where and when you worked, who your employers were, what you did, what safety training and equipment you received, the better. Your attorney will also want to know of any people you worked with who are still alive, because they may remember some things you do not.

11. Other Records – In cases where a loved one is now deceased, it is often helpful to have copies of the obituaries and guest books from the funeral home (a good way to locate possible co-workers). If you have medical records or bills, funeral bills, or EOB (Explanations Of Benefits) from your insurance company about mesothelioma related treatment, those may also be helpful.

Your attorney will need other records and information as he or she works on your case, but these are some of the basic types of documents they will need.

*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).*



## TRAVELERS UPDATE

As you may remember from our earlier updates, the Travelers Indemnity (Travelers) settlement was set aside by a federal appellate court in New York, and after extensive briefing and argument, this appellate court ruling was reversed by the Supreme Court of the United States. The case then returned to the bankruptcy court in the Southern District of New York for further proceedings.

On December 16, 2010, the bankruptcy court granted claimant’s motion to compel payment of the settlement proceeds. On January 20, 2011, the bankruptcy court entered a final judgment setting out the amounts due, awarding interest, and staying execution of the judgment for 14 days during which time Travelers could file an appeal. In addition, the judgment provided that if Travelers filed a timely appeal and provided adequate security, the execution of the judgment would be stayed until the appeal had been resolved.

In addition, on January 20, 2011, Travelers filed its Notice of Appeal with the United States District Court for the Southern District of New York. If Travelers loses its appeal in the District Court, it is possible that it may seek further review in the Circuit court and the Supreme Court. We appreciate your continued patience during this process, and we will let you know when this matter is finally resolved.

*“Protecting Your Rights”*

INFORMATION FROM YOUR COMMUNITY’S TRIAL LAW FIRM

JAMES F. HUMPHREYS & ASSOCIATES L.C.

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

SPRING 2011



## HAS YOUR HIP IMPLANT BEEN RECALLED?

Johnson & Johnson has issued a massive recall covering an estimated 93,000 hip replacement systems. It is alleged that officials at J&J’s DePuy Orthopedics knew for many years that individuals with their implants required corrective surgeries. Recalled devices include the following:

- ASR Hip Resurfacing System
- ASR XL Acetabular System

Researchers have found that within five years, many individuals need “revision surgery” because of design defects. To find out if your implant has been recalled, contact your orthopedic surgeon or the facility where your surgery was performed.

### Serious Injury

The ASR implant can fail as follows:

- Becoming loose and fracturing the bone around the implant
- Dislocation of the implant’s ball and socket
- Causing pain, swelling and difficulty walking
- Metal particles can flake off and enter the blood stream resulting in metal poisoning

If you or a loved one has had a hip replacement and had to have a second surgery due to defective components or are currently suffering from what you believe is hip implant failure, you may be entitled to compensation for your injuries. We are also investigating DePuy’s Pinnacle hip implant systems.

To contact us concerning a possible hip implant claim, call 877-381-3014 for a free case evaluation. Responsible attorney, James F. Humphreys.

## MRI DYE MAY LEAD TO SERIOUS DISEASES

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) or Nephrogenic Fibrosing Dermopathy (NFD). NSF/NFD 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 use of arms, legs, hands, and/or feet. Skin changes because of NSF/NSD are often characterized by darkened patches and progress to a “woody” texture and are often accompanied by burning, itching, and/or severe pain. NSF/NSD symptoms may begin from days-to-months after the injection of the contrast dye. NSF/NSD is a progressive disease, which can be fatal. At this time, there is no known cure and no consistently effective treatment. NSF/NSD has been mostly seen in individuals with impaired kidney function who have been injected with a gadolinium dye as part of a MRI or MRA procedure.

### Serious Side Effects

If you or a loved one has developed NSF after undergoing an MRI or MRA, you may be entitled to compensation for your injuries.

To contact us concerning a possible MRI Dye claim, call 877-381-3014 for a free case evaluation. Responsible attorney, James F. Humphreys.

## DEFECTIVE DRUGS AND MEDICAL DEVICES

### CHANTIX

Chantix is a prescription drug manufactured and distributed by Pfizer. Chantix is predominately used to help people quit smoking. This drug hit the market with a high degree of promise but, since then, the Food and Drug Administration (FDA) has linked the use of Chantix to depression, suicidal thoughts and violent behavior in some users.

- In November 2007, the FDA announced the results of its preliminary assessment of Chantix noting an association between suicide and attempted suicide.
- Chantix revenues rose from \$101 million in 2006 to \$883 million in 2007. Approximately 2.5 million patients had filled a Chantix prescription as of June 15, 2007.
- February 1, 2008, Pfizer instituted a label change regarding warnings related to changes in behavior including, but not limited to, suicidal ideation and suicide.

### Serious Side-Effects

If you or a loved one have taken Chantix and suffered from agitation, mood changes, suicidal thoughts or suicide you may be entitled to compensation for your injuries.

### RAPTIVA

Raptiva (efalizumab), is a drug prescribed to treat individuals with Psoriasis. In October of 2008, the United States Food & Drug Administration (FDA) required the manufacturer, Genentech Inc, to place a “black box” warning on Raptiva concerning the risk of progressive multifocal leukoencephalopathy (PML), bacterial sepsis, viral meningitis, invasive fungal disease and other infections. On April 8, 2009, Genentech began a phase out of Raptiva from the U.S. market which was to be completed by June 8, 2009. PML is a rare, serious, progressive neurologic disease caused by a virus that affects the central nervous system. PML is a brain disease that gets worse overtime. There is no effective treatment for PML.

### Serious Side-Effects

If you or a loved one have used Raptiva and been diagnosed with PML, bacterial sepsis, viral meningitis, or other infections you may be entitled to compensation for your injuries.

### MULTAQ

Multaq (dronedarone) is often prescribed to treat individuals with atrial fibrillation or atrial flutter. On January 14, 2011, the United States Food and Drug Administration (FDA) issued a warning that some patients using Multaq may have suffered severe liver injury and liver failure leading to liver transplant.

### Serious Side-Effects

If you or a loved one have taken Multaq and were hospitalized with liver damage or liver failure, if you required a liver transplant, or a loved one has died from liver damage, please contact us as you may be entitled to compensation for your injuries.

### PAXIL

Paxil is a SSRI (Selective Serotonin Reuptake Inhibitor) 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:

#### 1. 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.

#### 2. Persistent Pulmonary Hypertension of the Newborn

A recent New England Journal of Medicine study released results that 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.

#### 3. 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 which 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 has taken Paxil on a regular basis during any part of your pregnancy and have a child who suffers from birth defects as describe above please contact one of our skilled attorneys for an evaluation of your case.

### YAZ, YASMIN, & OCELLA

Yaz, Yasmin, & Ocella are oral contraceptives. These drugs have been touted as birth control for those with serious menstrual problems and/or acne. The use of Yaz, Yasmin, or Ocella may increase one’s risk of stroke, death or thromboembolism.

### Serious Side-Effects

If you or a loved one have taken Yaz, Yasmin or Ocella and suffered from a stroke, heart attack, severe blood clots, deep vein thrombosis, pulmonary embolism, or organ failure you may be entitled to compensation for your injuries.

### PAIN PUMPS

PAIN PUMPS used to deliver medication following arthroscopic shoulder surgery have been linked to permanent shoulder cartilage damage. Research has suggested 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 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 for chondrolysis is joint replacement.

### Serious Side-Effects

If you or a loved one have been injured by an intra-articular pain pump, have been diagnosed with chondrolysis or PAGCL, or if you are experiencing the symptoms associated with chondrolysis or PAGCL, you may be entitled to compensation for your injuries.

### WELLBUTRIN PERSONAL INJURY ATTORNEY

Wellbutrin/Zyban (bupropion), is an antidepressant prescription drug. A recent study in the American Journal of Obstetrics and Gynecology suggests that women who take this drug during the early part of their pregnancy may be at a greater risk of having a child born with heart defects.

### Serious Side-Effects

If you or a loved one have taken Wellbutrin, or generically bupropion, while pregnant and have had a child who suffers from a heart related birth defect, you may be entitled to compensation for your injuries.

### EFFEXOR

Effexor (venlafaxine), is an antidepressant prescription drug. Recent studies suggest that women who take this drug during

pregnancy may be at a greater risk of having a child born with defects including, but not limited to, heart and/or lung defects.

### Serious Side-Effects

If you or a loved one have taken Wellbutrin, or generically venlafaxine, while pregnant and have suffered a miscarriage or have a child who suffers from a birth defect, you may be entitled to compensation for your injuries.

### PROTON PUMP INHIBITORS

Nexium, Prilosec and Prevacid are common heartburn drugs used by millions. These drugs are known as proton pump inhibitors (PPI’s) and have been linked to an increased risk of fractures of the hip, spine, and wrist. In fact, in May 2010, the U.S. Food & Drug Administration (FDA) announced that it would be revising the labels of these drugs to reflect the increased fracture risk. The label revision includes the following prescription PPI’s:

- Nexium, Prilosec, Prevacid, Dexilant, Zegerid, Protonix, Aciphex, Vimovo; and over-the-counter versions,
- Prilosec OTC, Zegrid OTC and Prevacid 24HR.

Several studies have shown that individuals, especially women over 50, are more likely to suffer fractures if they’ve also taken PPI’s longer than a year.

### Serious Side-Effects

If you or a loved one has broken a wrist, hip, or spine, while taking one of these PPI’s, you may be entitled to compensation for your injuries.

### ACCUTANE

Accutane is a prescription drug used to treat severe acne. Serious adverse conditions can develop from the use of Accutane. Unfortunately, these conditions may require life-long therapies and treatments. Serious conditions associated with the use of Accutane include Crohn’s disease, inflammatory bowel disease (IBD) and ulcerative colitis.

### Serious Side-Effects

If you or a loved one has been diagnosed with Crohn’s disease, inflammatory bowel disease (IBD) or ulcerative colitis, after taking Accutane, you may be entitled to compensation for your injuries.

To contact us concerning a possible new claim, call 877-381-3014. Responsible attorney, James F. Humphreys.



## RECORDS AND INFORMATION YOUR MESOTHELIOMA LAWYER WILL WANT

If you or a loved one has recently been diagnosed with mesothelioma, you may be thinking about contacting an attorney to see if you may be entitled to compensation from companies that manufactured, distributed or used asbestos-containing materials. If so, you can help your attorney when he or she evaluates or prepares your case by being ready to discuss your medical, military and work histories, and by gathering relevant documents you may have around the house.

For example, if you have union logs, work diaries, photos of your workplace or any workplace documents, having those documents readily accessible for your lawyer would be a tremendous help.

If a loved one has recently died from mesothelioma, you may want to make sure that useful records are not lost or destroyed when you are sorting through old papers. In evaluating potential cases, we find it very helpful to have:

1. Pathology reports which diagnose mesothelioma
2. Death certificates
3. Appointment papers putting you or another family member in charge of your loved one’s estate
4. Autopsy reports in cases where an autopsy was performed
5. Any work records or union records
6. Military Records – In naval cases, these can be an excellent source of information about what ships you or your loved one served on. If we know the names and/or types of ships, it can be much easier to figure out what products were used on them.
7. Medicare and insurance cards
8. Photographs and Videos – Many clients have pictures of themselves working or enjoying activities they can no longer engage in, such as fishing, hunting, traveling or gardening.
9. Medical History – Be prepared to discuss how and when you or your loved one first learned that you had mesothelioma, your physical symptoms, what treatments you have received and any side effects, what health care providers have examined or treated you for mesothelioma, and how your condition has changed over time.

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