

"Protecting Your Rights"

JAMES F. HUMPHREYS & ASSOCIATES L.C.

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FALL 2010



UNFAIR DEBT COLLECTION PRACTICES

You have a legal right to sue harassing debt collectors

Debt collectors are required to treat you with truth, fairness, dignity, and respect. Debt collectors who cross the line and abuse you while collecting a consumer debt can be sued in federal court and West Virginia state court for damages under two laws, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and the West Virginia Consumer Credit and Protection Act, W.Va. Code § 46A-1-101 et seq.

Debt collectors are banned from doing many things such as:

- Lying, threatening, or harassing you in any way
- Threatening to sue you, garnish your pay, file liens, or arrest you for not paying a bill
- Telephoning your family members, friends, neighbors, or employers to collect a debt
- Leaving abusive telephone and voicemail messages
- Yelling, insulting or swearing at you
- Telephoning your employer after being told not to call you there

If you or a loved one has been subjected to any of these abusive collection practices, you could be entitled to compensation. Our firm can help any consumer who is currently in collections or has been harassed by a bill collector. Call us today at (800) 453-7900 to speak with a lawyer and get a free telephone consultation on your case.

What you can do if you are being abused by a collector?

If a debt collector contacts you, you have a legal right to dispute the debt in writing or verbally. To preserve some of your rights under the FDCPA, you must send a written dispute letter within 30 days of

your receipt of the first "validation notice" from the bill collector. Even if you legally owe the debt, and even if you cannot pay, you still have rights under these laws. Many of our clients owe the debt being collected but due to financial hardships or disputes over the goods or services provided, they cannot or will not pay the debt. To keep your rights under these laws, it is critical that you to keep good records of all contacts by debt collectors, including letters and voice-mail messages.

Things you can do to help your case:

- Keep copies of all letters and notices from the debt collector
- Keep all telephone messages and voice mails – critical!
- Take good notes of your conversations with bill collectors (i.e., dates, times, names, etc.)
- Contact a consumer rights attorney to get help in recovering damages

No fee is collected unless we recover damages for you.

The federal FDCPA states that any debt collector who violates your rights may be required to pay you up to \$1,000 in statutory damages, actual damages, and attorney's fees and costs, if you are successful in your FDCPA case. If our firm takes your FDCPA case, you will not be required to pay any attorneys' fees unless we recover for you. However, you may be responsible for any other costs in your case.

To contact us concerning a possible new claim, call 877-381-3014

DEFECTIVE DRUGS AND MEDICAL DEVICES

ACUTANE

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.

CHANTIX

Chantix is a prescription drug manufactured and distributed by Pfizer. Chantix is predominately used to help people quit smoking. However, the Food and Drug Administration (FDA) has linked the use of Chantix to depression, suicidal thoughts, and violent behavior in some users.

- 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 has taken Chantix and suffered from agitation, mood changes, suicidal thoughts or suicide you may be entitled to compensation for your injuries.

NUVARING

NuvaRing is a birth control ring that is inserted once a month and releases low levels of estrogen to prevent pregnancy. Side effects of NuvaRing have been linked to increased risk of pulmonary embolism, deep vein thrombosis, heart attacks, strokes and blood clot-related death.

Serious Side Effects

If you or a loved one has used NuvaRing and suffered from these side effects, 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 has used Raptiva and been diagnosed with PML, bacterial sepsis, viral meningitis, or other infections you may be entitled to compensation for your injuries.

REGLAN

Reglan (metoclopramide) is often prescribed to treat individuals with gastrointestinal problems and heartburn. In February of 2009, the United States Food and Drug Administration (FDA) issued an advisory requiring the manufactures of Reglan to update their label. The advisory called for a black box warning, the strongest warning issued by the FDA, regarding the risk of individuals developing Tardive Dyskinesia.

Tardive Dyskinesia is most often characterized by repetitive, involuntary movements which include lip smacking, tongue thrusting, eye blinking and bulging, head jerking, and facial grimacing, among others. Tardive Dyskinesia is a devastating and sometimes lifelong syndrome. At this time, there is no known treatment for Tardive Dyskinesia. It is important to know that the FDA has only approved Reglan for short-term use (4 to 12 weeks) and only when conservative treatment fails.

Serious Side Effects

If you or a loved one have taken Reglan and been diagnosed with Tardive Dyskinesia 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:

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, or other side effects, you may be entitled to compensation for your injuries.

MERIDIA

Meridia (sibutramine) is a prescription weight loss drug marketed and sold in the United States by Abbot Laboratories. Meridia was approved in November 1997 for weight loss and weight management. A recent study indicates an increased risk of heart attack and stroke in Meridia users. The study showed a sixteen percent (16%) increase in the risk of non-fatal heart attacks and non-fatal strokes. On October 8, 2010, based upon this study, Abbot issued a recall of this medication. Meridia is not to be used in patients with a history of cardiovascular disease, including:

- History of coronary artery disease (e.g., heart attack, angina)
- History of stroke or transient ischemic attack (TIA)
- History of heart arrhythmias
- History of congestive heart failure
- History of peripheral arterial disease
- Uncontrolled hypertension (e.g., > 145/90 mmHg)

Serious Side Effects

If you or a loved one have taken Meridia and suffered from a heart attack, stroke or other serious injury you may be entitled to compensation.

PAIN PUMP

Pain Pumps are used to deliver medication following arthroscopic shoulder surgery, and 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 of chondrolysis is joint replacement.

Serious Side Effects

If you or a love one has 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

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 has 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 Effexor, 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, Zegerid 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.

To contact us concerning a possible new claim, call 877-381-3014

Responsible attorney, James F. Humphreys.



HIP IMPLANT RECALL

Johnson & Johnson has issued a massive recall covering an estimated 93,000 hip replacement systems. It is alleged that officials at J&J's DuPuy Orthopaedics 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 needed "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

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.

CONTACT US

Our attorneys are here to help you obtain compensation. Please contact us today by calling James F. Humphreys & Associates, L.C. at 1-877-341-2595.

PLEASE LET US KNOW

We need to know how to reach you, particularly to obtain reports as to changes in your medical condition. Be aware that any development in your case may entitle you to additional compensation.

Call our offices immediately if you move, change your mailing address, add to or change your telephone numbers, or change your last name. Most importantly, if you develop symptoms or receive a diagnosis of lung cancer or mesothelioma, call our attorneys at James F. Humphreys & Associates, L.C. at 1-877-341-2595.



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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.

MESOTHELIOMA FACTS

Mesothelioma is a disease in which cells in the mesothelium become abnormal and divide without order or control. The cancer cells can invade nearby tissues and organs or spread to other areas of the body.

Decades ago, researchers connected the development of mesothelioma to asbestos exposure in South African miners. In this country, asbestos exposure is almost the only known cause of mesothelioma. Mesothelioma cases have been reported among many occupations, including people who worked at chemical plants, powerhouses, glass plants, steel mills and other industrial sites; shipyard workers; railway workers; and, housewives who washed their husband's work clothes.

In the United States, approximately 2,000 to 3,000 cases of mesothelioma are diagnosed annually. Men are more likely to be diagnosed with mesothelioma than women, although the gap is closing. Before regulations concerning asbestos were established, workers carried home asbestos fibers on their clothing, exposing their family members as well. In addition, those living or working near asbestos-related operations can be exposed to asbestos released into the environment.

- In 1999, The Federal Government began tracking mesothelioma as a cause of death.
- According to a 2007 report by NIOSH (National Institute of Occupational Safety and Health), 149 mesothelioma deaths were reported in West Virginia between 1999 and 2004.
- According to the same report, West Virginia ranked fourth in the nation for crude death rate per million from mesothelioma.
- According to a 2009 report by the Center for Disease Control, West Virginia ranked third for mesothelioma deaths per million between 1999 and 2005.

If you or a loved one were diagnosed with mesothelioma, contact James F. Humphreys and Associates today to arrange a free consultation.

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).

VISITING LAWYER DEBUNKS “HELLHOLE” MYTH

For years, The American Tort Reform Association (ATRA), has been condemning West Virginia as a “judicial hellhole,” claiming that defendants do not get a fair shake in the Mountain State, but an excellent article in the Spring 2008 issue of the West Virginia Law Review skillfully exposes this myth.

Elizabeth G. Thornburg, who normally teaches law at Southern Methodist University, Dedman School of Law (SMU), was a visiting professor at the West Virginia University College of Law during the 2007-2008 school year.

“As an outsider coming to West Virginia to teach civil procedure (she) was surprised to learn that the entire state of West Virginia had been named by the American Tort Reform Association as a ‘Judicial Hellhole.’ It caused (her) to investigate (ATRA’s) ‘hellhole’ project generally and the treatment of West Virginia in particular.” This research culminated in an article, which explains how interest groups such as ATRA use half-truths and distortions to promote their agenda to limit the ability of persons injured by corporate greed to obtain fair compensation.

As Professor Thornburg observed, the point of the hellhole campaign is not to create an accurate snapshot of reality. The point of the hellhole campaign is to motivate legislators and judges to make laws

that will favor repeat corporate defendants and their insurers, and to spur voters to vote for those judges and legislators who will do so. As long as ATRA believes that West Virginia politics is vulnerable to this type of pressure, and as long as it seeks additional changes in the law or the judiciary, West Virginia’s hellhole stardom will continue.

Among other things, Thornburg concludes that:

- “There is no ‘litigation explosion,’ especially not of product liability and medical malpractice claims.” In fact, case filings in West Virginia have actually declined in recent years. “In 2005, only four states had a lower number of cases filed per capita.”
- “Awards of punitive damages are rare, and even when they occur they are often small both in absolute terms and relative to actual damages.”
- “Many of the oft-repeated horror stories are merely urban myths, others are distorted through omission of important information, and some are outrageous claims that were immediately dismissed by the trial courts.”

To contact us concerning a possible new claim, call 877-381-3014