



Matthews Legal News



The Official Newsletter of Matthews & Associates Law Firm

2905 Sackett St., Houston, Texas 77098

Gadolinium – MRI-MRA Cases Filed in Ohio

CLEVELAND, OHIO – Matthews & Associates have filed several cases so far for victims of gadolinium chelates, contrast dyes used in magnetic resonance imaging. The firm will argue in court that the makers failed to properly study and research Gadolinium and the impact it could have on those with impaired kidney function. They also failed to warn of Gadolinium’s life-altering, potentially fatal problems.

The FDA has indicated all five available Gadolinium MRI contrast agents could cause several serious problems, including nephrogenic systemic fibrosis (NSF). This potentially fatal disease has no FDA-approved cure, but diagnosis can lead to treatment options.

Brighter Days Ahead: 2008 Election Good for Citizens

In our last issue, we called on clients and other readers to reject the failed policies of the last administration that had so shamelessly abused the United States Constitution as well as the right of ordinary citizens to have their fair day in court. The whole country answered that call, voting out the likes of Bush and Cheney (Senator McCain voted with Bush more than 90 percent of the time, so there was no real difference between the two), in favor of someone with a more hopeful message for citizens. (p. 2)



David P. Matthews

David Matthews has a top rating in Martindale-Hubbell and is board-certified in personal injury trial law. Voted a “Texas Super Lawyer” by his peers, he has more than 100 jury verdicts.

Oil Rig Explosion Kills 21, Injures 63

MEXICO – Matthews & Associates are representing 28 people in a tragic oil rig explosion that killed 21 oil industry workers and injured at least 63 others.

This is a personal injury and death case involving an evacuation and subsequent explosion of an offshore platform named Usumacinta in the Bay of Campeche, Mexico. On or about October 23, 2007, a mobile platform collided with a stationary platform, damaging the stationary rig’s valve shaft, resulting in a crude oil and natural gas leak. The oil and gas leak caused the well to explode, igniting the mobile platform where a crew of approximately 85 offshore employees worked. (p. 2)

Airliner Crash Kills 153

MADRID, SPAIN – A jetliner headed to a Canary Islands vacation resort crashed during takeoff in October, turning the wooded area off the end of a runway into a nightmare scene of smoldering wreckage and charred bodies. At least 153 were believed dead, and only 19 people survived in Spain’s worst airline disaster in nearly 25 years.

Matthews & Associates have been retained to represent two of the injured passengers and the families of ten people killed in the Spanair crash. (p. 2)

\$1 Million Awarded in Motorcycle Accident

BARABOO, WIS. – Matthews and Associates’ attorney Adam Funk recovered \$1 million in Nov. 2008 for a 48-year-old Wisconsin man who was struck on his motorcycle in July last year. A motorist hit the cyclist on a country road, breaking his back, pelvis and one arm. (p. 2)

Hablamos Español 888/520-5202 18-Wheeler Accident

CARNEY’S POINT, NJ – A 29-year-old Maryland man was killed and three of his passengers seriously injured when an 18-wheel semi-tractor trailer veered across two lanes of traffic and crushed a 2000 Honda Accord against a retaining wall on New Jersey’s I-295 on Dec. 2, 2008. Matthews & Associates represent the man killed as well as two of the passenger survivors. (p. 2)

Bextra-Celebrex Claims Settled with Pfizer

USA – Matthews & Associates have negotiated a group settlement with Pfizer, the maker of Bextra/Celebrex. We have negotiated this settlement on behalf of our clients, and believe we have obtained the best terms possible. The settlement includes several conditions and strict timelines that must be met on behalf of each of our clients before offers are approved and paid. (p. 2)

Vioxx Payments: Merck Reviewing Documents

USA – Merck Pharmaceuticals announced to the world last year that it was beginning to pay out Vioxx claims in August 2008, but only 6.3 percent of the total claims have been paid so far. More than 45,000 people have yet to be compensated as the BigPharma giant continues to review documents. (p. 3)

Table of Contents

Vioxx Payments.....	p. 3
Dangerous Drugs/Devices.....	p. 2
Heart Defibrillator Recall.....	p. 2
Bextra/Celebrex Settlement.....	p. 2
Employees’ Corner.....	p. 3
Mesothelioma/Asbestos.....	p. 3
Diet-Drug Client Alert.....	p. 3
Obama and Dem’s Big Win.....	p. 4

Bextra-Celebrex Settle

(from p. 1)

One condition of the settlement requires that each client provide records proving use of Bextra (any dosage) or Celebrex (400 milligrams) AND proof of having suffered a heart attack or ischemic stroke. Claimants who do not meet these specific gate criteria may also be compensated, at a reduced dollar amount, if they meet certain conditions. Under the terms, the defendant will NOT approve a claim for someone qualified for the Vioxx settlement.

Qualifying factors include injury (a heart attack or stroke); drug dosage; date(s) of use and date(s) of injury. Other factors include medical studies, clinical trials, and recent court rulings.

Review the information we sent in Dec. 2008, including your medical records, as this will determine your final individual settlement offer. Contact our office NOW if any of the information is NOT accurate. If it is accurate, there is nothing further you should do now.

If you have any questions about your claim, we've set up a specific toll-free Celebrex-Bextra line: **1-888-552-2550**.

Labor Cases: FLSA Claims

The fair labor standards act states that "salaried" employees are entitled to be paid during plant shutdowns or "holiday" time. All salaried employees who are ready, willing and able to work but are denied access, not paid, and forced to take vacation time could be entitled to compensation. We may be able to help. Please call for a free consultation.

18-Wheeler Accident *(from p. 1)*

Police issued a summons for careless driving to the 66-year-old driver of the 2008 Peterbilt tractor-trailer who told them he swerved to avoid another car. The alleged other car was never identified by anyone, and the black box that many truckers now carry was erased by Carolina Tank Lines Trucking, the rig's owner. A police spokesman said toxicology reports are pending.

Dangerous Drugs

Gadolinium Dye – MRI/MRA

NSF, the disease caused by Gadolinium dye, can involve burning, itching, swelling, hardening and tightening of the skin; red or dark patches on the skin; yellow spots on the whites of the eyes; stiff joints and limbs; hip and rib pain; and/or general muscle weakness.

Trasylol

A blood-clotting agent used in heart surgeries, Trasylol can increase the risk of heart attack, kidney complications and stroke not only during surgery but up to five years after the fact.

Avandia

Avandia users are 43 percent more likely to suffer a heart attack and 67 percent more likely to die of CV causes than non-users, according to the New England Journal of Medicine. As leaders in the US with similar cases involving **Rezulin**, we handle Avandia cases.

Seroquel

Seroquel has been linked to a high incidence of type 2 diabetes, pancreatitis, hyperglycemia and other blood sugar disorders, leading the FDA to request that manufacturer AstraZeneca clearly list dangers on Seroquel packaging. We are currently litigating these cases.

Medtronic/Sprint Fidelis Leads

Medtronic has suspended sales of the Sprint Fidelis family of defibrillator leads because of potential lead fractures, reports of life-threatening complications and at least five patient deaths. Four of the Sprint Fidelis family of defibrillator leads have been recalled: models 6930, 6931, 6948 and 6949. The lead may also have been used to connect defibrillators made by Guidant, Boston Scientific and St. Jude.

FDA recommends Sprint Fidelis lead patients see their doctor, especially if experiencing multiple shocks, lightheadedness, fainting or palpitations.

Call us for a free consultation.

Brighter Days *(from p. 1)*

This time, Americans voted overwhelmingly for those who have their best interests at heart. We're grateful to those voters, and we plan to continue to do everything we can to make things better for individual citizens throughout the United States.

An old axiom teaches us that through the combined wisdom of all, calm is restored in the land. The abuses of constitutional rights that followed Sept. 11, 2001 must now give way to the virtues of Democratic ideals and reason.

Spanish Air Crash *(from p. 1)*

Of the 19 who survived the midafternoon crash of the Spanair MD-82 at Madrid's Barajas International Airport, some were in critical condition, said Development Minister Magdalena Alvarez, whose department oversees civil aviation in Spain. The airline didn't release a death toll, but said the plane carried 172 crew members and passengers, including two babies and 20 youngsters.

Spanair, a Spanish company owned by Scandinavian Airlines, said it did not know what caused the accident. The jet veered hard right just as it got airborne, then crashed and broke into pieces.

Rig Explosion *(from p. 1)*

Besides the 21 confirmed dead, one person is still unaccounted for and presumed dead. Matthews & Associates have filed two separate motions to intervene and be added to the original petition filed by Hubert Oxford in Beaumont, Texas. Motions were filed in U.S. District Court, Eastern District of Texas, Lufkin Division. The law firm represents both injured survivors and family members of the deceased.

Motorcycle Crash *(from p. 1)*

Surgeons inserted a metal rod into the man's back and also fused vertebrae T6 – T11. The resulting injuries robbed the man of the ability to walk without the aid of a walker. He also suffers mid-body numbness and lower extremity weakness.

Diet Drug Client Alert: Fen-Phen Valve Surgery can Increase Benefits

Fen-Phen clients who have open heart surgery to repair or replace mitral or aortic heart valves may have additional benefits worth thousands of dollars. Contact Matthews & Associates if this situation applies in your case.

In case of death, a client's family could receive even more compensation if the death is heart-valve related. These benefits for the opt-out clients who filed law suits are available until March 31, 2010.

Benefits for Matrix clients whose cases were submitted to the Nationwide Settlement Trust are available until Dec. 31, 2011, or 15 years from the date one last took Pondimin or Redux.

Mesothelioma/Asbestos

Matthews & Associates continue to pursue mesothelioma cases throughout the country. Mesothelioma is caused by exposure to asbestos, which is present in many work places such as construction, ship building, automotive and other manufacturing industries. People with a history of extended asbestos exposure are at the highest risk for developing malignant mesothelioma.

Even minor exposure to cancer-causing asbestos can result in malignant mesothelioma. However, mesothelioma has a latency of up to 40 years. Many people previously exposed to asbestos are only now showing symptoms; the average age of meso victims is 50 – 70.

Asbestos consists of tiny fibers that can find their way to the outside lining of the lung and damage the cells pleura is made of. These fibers can also be carried on clothing, which also makes them dangerous to family members.

Symptoms may include, but are not limited to, respiratory distress and a lasting cough and pneumonia. Symptoms are often mistaken for less serious ailments, and many patients show no signs at all. Diagnosis is usually made by chest x-rays and CT scans. Anyone with concerns should seek medical help.

Call us for a free consultation

Vioxx Settlement Status *(from p. 1)*

As of the last status conference before Judge Eldon Fallon on Nov. 21, 2008, the Vioxx Fund Administrator had received more than 48,316 enrollment packages to review and was behind in the review process. To date, only 3,055 of the 48,316 claimants nationwide (6.3%) have received Interim Payment benefits. None of these benefits have been paid to any of our firm's claimants.

The Claims Administrator and Merck underestimated the amount of time to receive, process, and review all Claims Packages and Pharmacy, Medical, and Event ("PME") records. The Claims Administrator posts any review results and any deficiencies on a Vioxx portal which our law firm monitors daily. We expect the Fund Administrator will not complete claim reviews until late 2009, with the Interim Payments for our Claimants pushed back to Spring 2009 at the earliest, and the final disbursement of settlement funds to be late 2009 at the *earliest*. We will notify each claimant immediately when we receive the claimant's review notification on the Vioxx portal.

No one can tell you at this time the amount that you (or anyone else) will receive under the Settlement Program. The settlement fund for the Claims Administrator cannot determine the value of any claim until he reviews all claims packages from all the people in the United States who accepted the settlement. Before the Claims Administrator can calculate your case's value (or any other case), he must know each claimant's injury type, injury level, duration of Vioxx use; and other factors that affect claim values. Because of the thousands of cases the Claims Administrator must review, the claims process could take one to two years from the deadline, which was Nov. 30, 2008, to submit the claims packages. We appreciate your patience with the process. Our Vioxx hotline: **1-877-535-4040**.

Matthews & Associates Welcome New Attorneys

Matthews & Associates are proud to welcome Adam Funk and Rachal Rojas as new lawyers to the firm. Both passed the Texas Bar in Nov. 2008 after attending law school at the Univ. of Houston. Each also law clerked with M & A, working on mass torts and more.

Adam Funk graduated with honors in just three years (BA - Business) from the Univ. of Texas at Austin, where he also worked with a personal injury firm. He won several awards with the Univ. of Houston Law Center's Mock Trial and Moot Court teams, including the Order of the Barristers, a rare honor bestowed for excellence in the art of courtroom advocacy. At Matthews & Associates, he has already secured several settlements for clients, including one million dollars for a man hurt in a motorcycle accident (*see p. 1 story*). He also acts as lead counsel for the Foodborne Illness Mass Tort



Adam T. Funk



Rachal G. Rojas

Docket and the Hormone Replacement Therapy Drugs Docket.

Rachal Rojas, a native of Corpus Christi, Texas, earned her B.A. in Political Science from Columbia University. She worked as a paralegal in Corpus Christi and Houston. While attending the Univ. of Houston Law Center, she worked for the Office of the Attorney General – Consumer Protection and Public Health Division, the Katrina Hotline, the Texas Consumer Complaint Center and the Department of Veterans Affairs. She also volunteers, introducing middle school students to basic legal principals and speaking to university students about law school and law careers. At M & A, she focuses on drug litigation such as the Trasylol Drug Docket, product and premises liability and more.

A New Day Dawns in America: Barack Obama Renews Hope for U.S.

USA – Americans dispirited by economic failures on the heels of deregulation, crony capitalism and such anti-citizen legislation as “pre-emption” can hopefully take heart in newly-elected U.S. President Barack Obama. If the reign of George Bush confirmed cynical notions that success here depends less on the quality of one’s character than old-guard money and family connections, the election of Obama and gains by other Democrats help reassert the American ideal that hard work and a commitment to working people can comple-



Barack Obama at an April 2007 Houston fundraiser with Richard, Peggy and David Matthews.

ment humble beginnings and lead to political success. Bush appointed pro-corporation cronies to turn the main function of the FDA on its head. For more than 100 years, the agency worked in complementary fashion with tort law, so that people injured by bad drugs or devices had recourse in the courts. All that changed with pre-emption, a scheme that actually uses the FDA to shield drug companies from the people they injure. One hopeful sign for our clients is that Obama was *not* born to privilege, and remembers, if his books and speeches are an indication, that it is people, not corporate entities, who do the working and the bleeding and the suffering in this country. Let’s hope and pray his election marks a return to fairness for injured citizens. – *Richard Matthews*

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Matthews Legal News gives clients and other friends across the country up-to-date information about our firm’s litigation as well as late-breaking national news. **Matthews & Associates** is a law firm of trial lawyers, consultants, investigators and medical personnel. We help people harmed by negligence, greed or incompetence. With more than 100 years of combined legal experience, our lawyers have practiced law in nearly all 50 states and Puerto Rico. We have the financial resources to handle any personal injury case.

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