

# Matthews Legal News



The Official Newsletter of Matthews & Associates Law Firm

2905 Sackett St., Houston, Texas 77098

## Corporate Lawsuit Abuse Violates Citizens' Rights

*In December last year, Matthews and Associates represented a 22-year-old woman who won a case in a Houston civil courthouse. A 12-person jury awarded our client, a victim of kidnap and rape, a \$3.65 million verdict against a security company and the largest shopping mall in Houston. After a two-week trial, the jury voted unanimously for the plaintiff. Justice seemed to prevail with that decision; but as with so many cases these days, our client has yet to receive a dime. The corporations denying her justice are practicing lawsuit abuse.*

*These people shamelessly abuse the appeals process, yet they righteously fly the banner for so-called tort reform. Their ploy is to smear trial lawyers, while their real target is citizens' rights.*



*Their goal is to eventually make it impossible for citizens to face corporations in court.*

*Such lawsuit abuse can be curtailed this fall. Dating back to Reagan and Bush I, Republicans have loaded Federal and Supreme Courts with judges who rule for corporations at the expense of citizens. Another Republican President will mean more pro-corporation judge appointments. Democratic candidates across the board are far from perfect, but almost every vote for a Republican is a sure vote against the best interests of all of us citizens in U.S. courts. Let's vote for those who have our best interests at heart.*

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**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.**

## Cooper Tire Explosion Kills Texas Woman

**TEXAS** – Matthews & Associates have been retained by the husband of a 28-year-old Texas woman who was killed in May 2006 when a violent tire blowout caused a truck to spin and flip. The woman, a mother of three, was a passenger in a 2000 Mazda pickup when one of its tires malfunctioned. The tread separated from the tire in the blowout and precipitated the tragedy.

Cooper Tire & Rubber Co., an Ohio corporation, made the tire in question, which is believed to have been manufactured in Texarkana, Ark., after being designed and tested in Pearsall, Texas.

Matthews & Associates filed the suit in U.S. District Court in east Texas. The charges in part: "[T]he tire contained unreasonably dangerous design defects and was not reasonably safe, (and) was insufficiently tested."

## Gadolinium Injuries

**HOUSTON** – Matthews & Associates have accepted several cases for victims of Gadolinium MRI/MRA, a contrast dye used in magnetic resonance imaging. The firm will argue in court that the makers failed to properly study and research Gadolinium or evaluate 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), which 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 with trouble straightening or moving the limbs; pain in the hip bones or ribs; and/or generalized muscle weakness.

*Hablamos Español 888/520-5202*

## Trasyol Tragedy

**USA** – A CBS "60-Minutes" story in March about a man who lost his legs and then his life has put Trasyol on the map and shown its terrible costs. Bayer announced in November 2007 that it was halting worldwide sales of Trasyol, a blood clotting agent used in heart surgeries. Already under intense scrutiny, Trasyol was pulled after an Ottawa-based clinical trial was abruptly stopped when researchers found that Trasyol could be linked to a higher risk of death than cheaper drugs made for the same purpose.

Introduced in 1993 and known generically as aprotinin, Trasyol has come increasingly under the microscope since January of last year when safety concerns indicated it increased the risk for heart attack, kidney complications and stroke.

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## Pantex Overtime Trial

**AMARILLO, TEXAS** – Matthews and Associates will represent at least thirty Pantex workers in a labor lawsuit this fall. The security company is charged with failing to follow the federal guidelines of the Fair Labor Standards Act. Among the lawsuit's many charges: "[F]or more than three years, [Pantex] willingly, deliberately and intentionally refused to pay workers and class members for time and one-half pay for overtime worked."

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## Actor Dennis Quaid slams Pre-emption

WASHINGTON, D.C. – Houston native Dennis Quaid testified before the House Oversight and Government Reform Committee in May to ask lawmakers to support legislation that would essentially nullify any pre-emption ruling the Supreme Court may make this fall. Quaid and his wife filed a lawsuit against Baxter Healthcare after their newborn twins were given 1,000 times the intended dosage of Baxter's blood-thinner Heparin. The Quaid's claim the company knew the product had confusing labeling, and that it had previously led to the deaths of six infants in Canada.



When Republicans on the committee repeatedly complained that the hearing was slanted against their party's views on pre-emption, Quaid calmly explained that for most of his life he has considered himself a Republican. "Like many Americans, I believed that a big problem in our country was frivolous lawsuits," Quaid testified. "But now I know that the courts are often the only path to justice."

## Bextra & Celebrex Update

HOUSTON – Matthews and Associates continue to work toward positive outcomes in this litigation. To date, there are no settlement agreements on the table, so we remain committed to bringing these cases to court. Pfizer, the manufacturer of both Bextra and Celebrex, has initiated discussions concerning a settlement. We urge that our clients remain patient while we battle this Big Pharma giant.

## Dangerous Drugs

### 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.

### Ortho Evra

The Ortho Evra Birth Control Patch is still on the market despite alarming "side effects." Its maker, Johnson & Johnson, is facing hundreds of lawsuits related to strokes, heart attacks and deaths caused by the patch. We're reviewing these cases.

### Zyprexa

Eli Lilly's Zyprexa, purported to treat schizophrenia, has been shown to cause weight gain, high blood sugar, high cholesterol and other metabolic problems. The American Diabetes Association says Zyprexa causes diabetes.

### 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.

### Gadolinium MRI/MRA

An MRI contrast dye, Gadolinium-based injections can impair kidneys and lead to a potentially fatal disorder involving formation of thick and hard skin on limbs and scarring to internal organs. *(See story on page 1)*

### Medtronic/Sprint Fidelis Leads

Medtronic has suspended sales of the Sprint Fidelis family of defibrillator leads because of the potential for lead fractures, reports of life-threatening complications and at least five patient deaths. *(See story on page 4.)*

**Call us for a free consultation**

## Vioxx Settlement Deadline Extended

USA – The first condition of the Vioxx settlement proposal, announced in December 2007, required that at least 85 percent of a given law firm's clients sign releases agreeing to accept the proposal. Drawing on years of experience in mass tort litigation, Matthews & Associates accomplished that task within the initial deadline, which was Feb. 29, 2008. Many other firms throughout the country, however, failed to achieve the 85 percent mandate. As a result, the deadline was extended until June 30.

That new deadline moves all the payments back, which means those clients who suffered a heart attack and/or died from taking Vioxx won't receive any payment until at least January or February of 2009. Those who suffered a stroke after taking Vioxx probably won't receive any payment until at least July 2009. Merck also retains the right to additionally push back the payment dates at any time; so no date is set in stone, and the best that we can do is be patient and understand the payments will probably come sometime next year for qualifying claims.

## Trasylol Tragedy *(from p.1)*

Trasylol was often used "off-label" during certain types of heart bypass surgery, and its "side effects" have been tragic, including kidney problems requiring dialysis or leading to amputations and death, and strokes during surgery and within five years after the fact. In addition, Trasylol costs more than \$1,000 per dose, while two other products made for the same purpose and which have shown no tragic side effects cost only \$50.

Trasylol has also been shown to increase the incidence of strokes not only during surgery but also within five years after the fact. Bayer also stands accused of withholding evidence that demonstrated Trasylol's increased risk of harm. Matthews and Associates have taken on several Trasylol cases

## Abused Again (from p. 1)

*The corporate attorneys working overtime (and billing accordingly) to keep a jury's award from our client are banking on a Republican appeals judge to completely overturn the jury verdict and give her nothing. There is no more egregious example of lawsuit abuse than of letting one judge override the will of the people in a jury trial. That's a perversion of our entire judiciary system, and it's just plain wrong.*

*So the abuse of our client continues with backdoor politics. The security company and the Galleria Mall, from which our client was kidnapped and raped, are now arguing to appeals judges that neither the mall nor the security company has any responsibility for mall guests' security. How many women would shop at any mall whose owners and operators announced that in advance? And that same argument that these corporate attorneys are now making is the very same argument, this time out of earshot of the press, that a constitutional jury of 12 men and women already heard and rejected.*

*Remember this example the next time you hear terms such as "lawsuit abuse" or "tort reform." Corporations practice lawsuit abuse with endless appeals of cases they fairly lose; then they work behind the scenes to promote "tort reform," which is nothing more than demonizing trial lawyers in an effort to fool citizens into voting against their own best interests in the courts.*

## Employees' Corner – Newlyweds Help

### Brant and Candace Capilongo

There's typically little love lost between lawyers squaring off in the courtroom, but sometimes within a law firm itself, love finds a quiet place to light. Some corporations make rules against inter-office romance, fearing personal matters may interfere with harmony and productivity. At Matthews and Associates, Brant and Candace Capilongo prove such fears groundless.

The firm wouldn't run smoothly without huge contributions from the young couple, who were married in Hawaii last year. A paralegal with six years of experience, Candace has worked closely with attorney Julie Rhoades on many individual cases and mass tort projects, including the ongoing Vioxx settlement. Brant has also headed mass tort projects, such as the recent Oxycontin settlement. Their work together has not only helped thousands of the firm's clients, but also added to the crucial element that no couple can afford to be without – empathy.

"I think working together has shown us how strong our relationship really is," Brant says. "Not a lot of couples, be they newlyweds or not, can say they spend almost 24 hours a day within 100 feet of their spouse."

Brant says the toughest part is that he is a morning person while Candace is a night owl. He likes to rise early and spend extra hours working in the morning, while she starts feeling more energetic toward evening.

Candace says the best thing about plaintiffs' law firm work is that there are always new things to learn. The toughest part is trying not to talk about office time. "When you're dealing with so many clients who have personal stories to tell you about their lives and various injuries, it's difficult not to get involved to the point where it overwhelms your own private life," she says. "But I suppose that's true with a lot of jobs."

Candace practices Chi Gong and kickboxing and plays guitar hero to unwind, while Brant thrashes around the countryside on his motorcycle.

"You've got to find your own way to get away," Brant says.



## Mesothelioma/Asbestos

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

Even a small exposure to cancer-causing asbestos can result in malignant mesothelioma. However, mesothelioma has a latency of up to forty years. Many individuals previously exposed to asbestos are only now displaying symptoms, so the average age of mesothelioma victims is between 50 and 70 years.

Asbestos consists of tiny fibers which can find their way to the outside lining of the lung and damage the cells that pleura is made of. These fibers can also be carried on clothing, which makes them dangerous not only to the person exposed, but also to family members. Symptoms may include, but are not limited to, respiratory distress and a lasting cough and pneumonia. In addition, 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**

## Q & A with Dr. Jeb Wait

**Question:** I'm 52 and recently developed back and leg pain. A friend says it's my statin drug. Could he be right?

**Answer:** We represent people who have taken Baycol, a statin which has been linked to at least 52 deaths. Baycol was linked with rhabdomyolysis, a condition that can lead to kidney and other organ failure and death. Other effects include muscle pain and weakness, fever, malaise, abnormal urine color, and nausea and/or vomiting. The FDA stated that Baycol-related deaths in the United States "have been reported significantly more frequently than for other approved statins." Other statins that have been associated with back and leg pain include Zocor, Lipitor, Crestor and Pravachol. Consult your doctor about potential problems with your statin therapy.



Dr. Jeb Wait, a physician and attorney, is of counsel to **Matthews and Associates**.

## Medtronic Sprint Fidelis Leads Recalled

Medtronic has suspended sales of the Sprint Fidelis family of defibrillator leads because of the potential for lead fractures, reports of life-threatening complications and at least five deaths.

Four of the Sprint Fidelis family of defibrillator leads have been recalled: model numbers 6930, 6931, 6948 and 6949. The lead may also have been used to connect defibrillators manufactured by other companies such as Guidant, Boston Scientific, and St. Jude.

FDA recommends that those with the Sprint Fidelis lead contact their physician immediately, especially if they have experienced multiple shocks, lightheadedness, fainting or palpitations. For legal recourse, Matthews & Associates are handling these cases.



Matthews Legal News gives clients across the country up-to-date information about our firm's litigation and 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 90 years of combined legal experience, we have represented victims in most of the 50 states and Puerto Rico. We have the financial resources to handle personal injury cases of any size.

### Call us for a Free Consultation

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