



Matthews Legal News

The Official Newsletter of Matthews & Associates

2905 Sacket St., Houston, Texas 77098

Summer 2007

Thank you for taking the time to read Matthews Legal News. We're mailing it to clients across the country to give up-to-date information about our firm's litigation and late breaking national news. Matthews & Associates is a law firm of trial lawyers, researchers, consultants investigators and medical personnel. All of us work together to help people harmed by negligence, greed or incompetence. With more than 70 years of combined legal experience, we have represented injured victims in most of the 50 states and Puerto Rico. If you or a loved one has been injured, call us at 1-888-222-7052.



David 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 since the award's inception, he has more than 100 jury verdicts.**

Recent Settlements

HOUSTON – Matthews & Associates are currently negotiating settlements on behalf of our **Oxycontin** clients and also, in principle, for our **Zyprexa** clients. We are also participating in recent settlements with the manufacturers Guidant and Medtronic in regard to defective heart defibrillators. (p. 4)

Dangerous Drugs!

Avandia

Avandia users are 43 percent more likely to suffer a heart attack and 67 percent more likely to die of cardiovascular causes than non-users of Avandia, according to a May 2007 release from the New England Journal of Medicine. We are now reviewing these cases, and were leaders in the country handling similar cases involving **Rezulin**.

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.

(More dangerous drugs on page 2)

Botulism/Chili Alert

The FDA has issued an alert warning consumers not to eat certain chili, hot dog chili sauces or canned meat products due to the risk of botulism contamination. Individuals who recently ate Castleberry Foods (sold under various labels) chili, chili sauces or canned meats and sought medical attention for botulism symptoms can call us for a free consultation. Symptoms may include blurred vision, muscle weakness, slurred speech, and trouble swallowing that moves progressively down the body and can also cause paralysis of the breathing muscles which can result in death. We're now filing suit on behalf of victims.

Priests Violate Trust

IOWA – After successfully concluding recent abuse cases in Iowa, we are currently interviewing several cases in other states. (p. 2)

Hablamos Español 888/222-7052

Mesothelioma/Asbestos

Matthews & Associates are currently pursuing 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 this cancer-causing material 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. This means the average age of mesothelioma victims is between 50 and 70 years. (p. 3)

Poison Peanut Butter

Anyone injured in the recent peanut butter poisonings is invited to call us for help. The salmonella outbreak in two popular peanut butter brands – Peter Pan and Great Value – first reported in February, now includes 628 cases in 47 states, according to the Centers for Disease Control and Prevention. (p. 2)

Gold's Gym Death

AUSTIN – A 49-year-old Texas woman died recently after losing consciousness in a Gold's Gym on Bee Caves Road. Our client was exercising with a trainer when she complained of dizziness and lost consciousness. It was a classic case of atrial fibrillation, an irregular heartbeat that led to a cardiac episode. (p. 3)

Baycol Deadline

BAYCOL, a member of a class of cholesterol-lowering drugs commonly referred to as “statins,” was removed from the market because it can cause a life-threatening condition called “rhabdomyolysis.” Symptoms include muscle pain, weakness, tenderness, malaise, fever, dark urine, nausea, vomiting and kidney failure. If you took BAYCOL and were diagnosed with or experienced symptoms of rhabdomyolysis, the deadline to claim compensation for your BAYCOL-related injuries is rapidly approaching. Anyone with a legitimate case should contact us.

Contact Lens Solution Tied to Serious Eye Infection

The Centers for Disease Control and Prevention reported in May that at least 138 cases of an eye infection that can lead to blindness are associated with a contact lens solution. Following the report, Advanced Medical Optics, Inc. (AMO), pulled its eye product, Complete Moisture Plus, off the market.

Although the infection, Acanthamoeba keratitis (AK), can occur naturally, the CDC estimated that Complete Moisture Plus users have a much greater risk of developing it. The infection may eventually cause severe pain and vision loss; and if not adequately treated, some patients may require a corneal transplant.

Peanut Butter *(from p.1)*

Peter Pan peanut butter and Wal-Mart's Great Value Brand were recalled from the market. Salmonella symptoms include headache, fever, diarrhea, dehydration, abdominal cramping, vomiting and nausea. Deaths have also been linked with the poisoned product. Don't be fooled by letters offering to settle your claim for \$50. Anyone signing off on this loses all further rights to sue the ConAgra Foods Corporation for damages.

Celebrex/Bextra Update

We are currently reviewing the massive boxes of documents produced in the case and will keep you informed of this summer's very important hearings in San Francisco. The judge's rulings will define which cases, if any, can go forward. We continue to collect medical records from providers, but as always, your assistance is crucial. Please respond promptly to requests from our offices concerning plaintiff fact sheets and medical record requests

The Missing Contribution

by Ken Jones

As Senator Trent Lott slept
Numberless Katrina victims wept,
"The insurance companies can do no wrong!"
Was bought off Trent's paid for song.
But when State Farm denied the claim
Of a place O! Trent knew by name
His righteous shout could've woken the Klan.
"My God! Do these companies have a plan?"
Quickly, the Senator got his recompense
And used it to build an electric fence.

Vioxx Update

We continue to push cases for trial in our Vioxx litigation. We have trials in New Jersey coming up in the next 6-9 months. Texas trials have stalled due to a “pre-emption” ruling from the state judge overseeing all Texas cases. We have vigorously fought this ruling and have filed an appeal in Houston. If the ruling stands, we would no longer have any “warnings” claims for toxic drugs in Texas. This would be a tremendous blow to all drug cases in Texas. We remain confident we will prevail on appeal. Meanwhile, we continue to collect medical records for our clients and review the more than 20 million pages produced in this litigation. We are 100 percent committed to these cases and will fight to the end.

Dangerous Drugs! *(from p. 1)*

Permax/Dostinex*

Permax and Dostinex, which have been used to treat Parkinson's Disease, can cause cardiac-valve dysfunction, according to studies in the January 4, 2007 issue of The New England Journal of Medicine. Extra strength Tylenol can cause liver failure even at the recommended dosage, according to a recent study by the American Medical Association. Long-term use can cause kidney damage.*

Gadolinium MRI/MRA*

An MRI contrast dye, Gadolinium based injections can impair kidney function and lead to a potentially fatal disorder which results in formation of thick and hard skin on the limbs and could involve scarring to internal organs.

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.

Fosomax*

Studies have shown that the long term use of Fosomax can cause a serious side effect in the jawbone, osteonecrosis of the jaw. This painful condition results in a surgery to remove exposed portions of the jaw bone inside the mouth.

***Contact us for a free consultation**

Priest Abuses *(from p.1)*

We are also pursuing similar cases involving Catholic Priests and Big Brothers of San Francisco. The courts can't fix all the terrible, personal repercussions of an elder's violating a child's trust, but at least bringing these perpetrators to justice can help bring this terrible secret out into the cleansing light of day.

Plant Poisons Residents

MISSISSIPPI – Central Industries, which is controlled by Tyson Foods, faces our suit which charges the chicken rendering plant with poisoning the air and water around the town of Forest. Central Industries operates a rendering plant that annually processes thousands of tons of chicken entrails, blood, feathers, and other waste, referred to as “offal.” CI’s history is awful: In 2000, Central pled guilty to violations of the Clean Water Act and was fined \$13 million. We’re currently trying to prove up personal injury and property devaluation claims. We’ve done evaluations of property before and after the plant poisoned the air and water. Tyson, meanwhile, is trying to throw up a “corporate veil” defense to shield itself from liability.

Man Loses Arm

STRAFFORD – A 69-year-old Texas man lost his arm last year while attempting to fix jammed machinery used to flake corn for a sweet mix feed made to fatten cows. The Walter Lasley & Sons Grain Company had welded an after-factory step to the machine in order to allow workers to reach into the maw. We contend that both the machinery and the safety procedures were problematic to the point of placing our client in an impossible position, one that cost him his arm.

Editor’s note: We successfully settled this case in late July.

Rape Case

HOUSTON – The infamous “Galleria Rapist” assaulted our client last year in Houston’s fashionable west side shopping district. At least two previous attacks occurred in the same area shortly before our client was brutally attacked. Our damage claims include premises liability, inadequate security, and failure to warn of prior attacks. At trial in October, we plan to hold Galleria ownership, management and security accountable.

Security Company Abuses Workers

AMARILLO – Matthews & Associates filed suit in June in U.S. District Court in the Northern District of Texas on behalf of workers maligned by the security company Pantex. The suit charges that Pantex forced its employees to work overtime without providing proper pay. Workers who complained were threatened with firing.

The Fair Labor Standards Act of 1938 guarantees certain worker rights which include overtime pay of time and a half for each hour worked beyond the legally-mandated standard of 40. That means if a man makes \$10 per hour and he works 45 hours in a given week, he should be paid an additional \$5 per hour or \$15 per hour for each of those five hours worked beyond the 40.



When workers questioned Pantex management about not being paid properly for overtime, Pantex told them the company was in compliance with FLSA. The suit further charges that Pantex also used at least four different pay methods in a direct attempt to deprive workers of their proper overtime pay.

The suit also charges that Pantex “for more than three years, willingly, deliberately and intentionally refused to pay workers and class members for time and one-half pay for overtime worked.”

It’s good to know that even in these economically uncertain times, some still have the courage to stand up for what they know is right. The FLSA went into effect only after many workers risked their livelihoods. Some risked their very lives. Pantex employees continue a proud American tradition of speaking truth to power.

Mesothelioma/Asbestos

(from p. 1)

Men are typically affected more, due to the common presence of asbestos in industrial .Asbestos is a very dangerous substance and can cause great damage to your health. It consists of very small fibers, which 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 makes them dangerous not only to the person exposed, but also to family members.

Symptoms may include, but are not limited to respiratory distress, 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 is urged to seek professional medical help and contact us for a free consultation.

Gold’s Death

(from p.1)

As our client, a mother of three, lay motionless and turned blue, neither her personal trainer nor any other Gold’s employee did anything vitally needed to assist her. One called 911. No one administered CPR. No one made use of the life-saving cardiac paddles on a nearby wall. It took EMT personnel somewhere between eleven and 17 minutes to arrive on the scene. At normal room temperature, a person without oxygen to the brain for three minutes can suffer irreparable brain damage.

Our client lingered for two weeks on a ventilator before succumbing to her injuries. We contend that proper response by Gold’s Gym employees could have and should have saved the woman’s life. Our firm represents the woman’s surviving husband and kids.

In our next issue. . . Dr. Jeb Wait, our of counsel licensed physician, offers medical advice that could save your life.

Matthews & Associates Opens New Offices in New York and Houston

At the first of this year, I left my partnership in the law firm of Abraham, Watkins – where I had worked for 16 successful years – in order to start my own firm, Matthews & Associates.



With more than 30 employees, including trial attorneys, paralegals, medical professionals and support staff, we remain committed to providing the best legal representation for our clients.

We have established an excellent reputation as trial attorneys in areas including pharmaceuticals, petro-chemical accidents, product liability, truck and auto accidents, construction accidents, electrocutions, explosions, birth injury, and nursing home and clergy abuse.

After many years fighting the drug industry, I realized that these cases often center around Philadelphia, New York

and New Jersey. We now have a presence in New York which bolsters our position where we can interrogate witnesses on our home turf. You can contact us at 1-888-222-7052.

House Explosion

HOUSTON – We are again investigating a house explosion that killed a young woman who was home alone. We have handled more than ten such tragic cases. We have worked with petrochemical, metallurgical, construction, and products design experts for many years in uncovering how and why these accidents occur. Natural gas is odorless and colorless. Gas companies typically add mercaptan to the gas which has a distinct odor most people associate with natural gas. If this is detected in your home, immediately leave the property and contact the gas company. Turning on light switches or any electrical equipment can be an ignition source for an explosion.

Recent Settlements

(Continued from page 1)

The settlement agreements are confidential, and each includes conditions and strict timelines which must be met before the claims are proved and paid. If you took Oxycontin or Zyprexa and are represented by Matthews & Associates, look for important information in the mail during the next two months. Please return any correspondence promptly. In cases where clients fail to properly respond in a timely manner, those clients will not receive the funds won after hard-fought legal battles.

Call us for a Free Consultation.

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