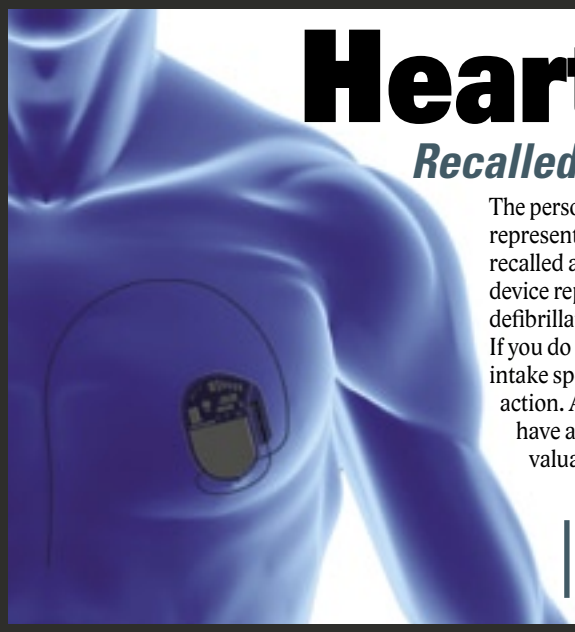
THE

VERDICT

a publication of the mass tort / personal injury law firm of ***Napoli Bern Ripka*** *LLP*

In This Issue



Hearts at Risk:

Recalled Defibrillators/Pacemakers/ICDs

The personal injury law firm of Napoli Bern Ripka LLP is currently representing patients whose Guidant defibrillators/pacemakers were recalled and who potentially suffered harm or had to have the defective device replaced. If you or a loved one were implanted with a Guidant defibrillator (also called ICDs), please call today for more information. If you do not know if the device was part of the recall advisories, our intake specialists can help you find out. Contact us today to begin taking action. A list of recalled devices is included below; other devices may have also been subject to advisories. You or your loved one may have a valuable claim if implanted with a recalled heart device.

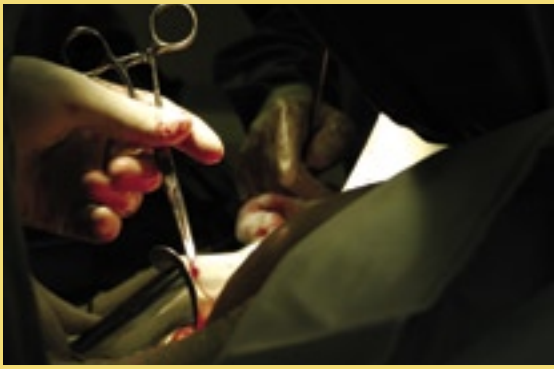
Guidant Contak Renewal 3 HE CRT-Ds (H177 & H179)
Guidant Contak Renewal 3 CRT-Ds (H170 & H175)
Guidant Prizm2 (1861)

Dangers Connected to Trasylol Blood Loss Prevention Drug

Trasylol is manufactured by Bayer Pharmaceuticals and is designed to prevent blood loss in patients who undergo Cardiopulmonary Bypass (CPB) for Coronary Artery Bypass Graft (CABG) surgery. Trasylol has been linked to adverse events including stroke, encephalopathy, heart attack and kidney damage. Studies have shown that there are cheaper and safer generic options available.

See the official Trasylol website and the FDA's Public Health Advisory about the drug for more complete information.

Check with your doctor if you have experienced serious side effects associated with Trasylol. In addition, it may be important to contact Napoli Bern Ripka LLP and consult with an attorney who can help you protect your legal rights. Please keep in mind that there may be time limits within which you must commence suit.



Tune in to *60 Minutes* on CBS this February to watch the heartbreaking story of Joseph Randone, a Napoli Bern Ripka client fatally injured by Trasylol.

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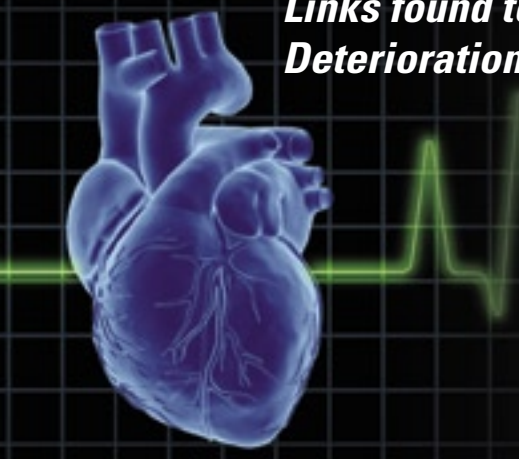
Avandia Diabetes Drug

Links found to Heart Attacks, Cardiac Death, Significant Bone Deterioration and Bone Fractures, and Macular Edema of the Eye



On May 21, 2007, the *New England Journal of Medicine* published an article from the lead cardiologists at the Cleveland Clinic indicating that Avandia has been linked with a significantly increased risk of heart attacks and cardiovascular deaths.

Napoli Bern Ripka LLP is investigating claims on behalf of persons seriously injured as a result of taking Avandia. If you or a loved one suffered a heart attack, or if a loved one died from cardiac complications while taking Avandia, call our office today. Our firm is also investigating claims of persons who have suffered bone fractures in the upper and lower extremities, as well as premature macular edema of the eye. A valuable claim may be available if you or a loved one was injured from taking Avandia. Call today at **1-888-529-4669** or submit a request online at www.**NapoliBern**.com.

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Paxil Linked to Birth Defects

Paxil (generically paroxetine) is prescribed for the treatment of depression, anxiety disorder, obsessive-compulsive disorder (OCD) and panic disorder. Manufactured by GlaxoSmithKline, Paxil has become the most widely used SSRI (selective serotonin reuptake inhibitor) for treating anxiety disorders. Several studies have shown that women treated with Paxil have a higher risk of delivering a child with birth defects than women taking other antidepressant drugs.

In recent studies, Paxil has been associated with ingestion during pregnancy and birth defects. The risk of cardiovascular defects is significantly higher for babies of women taking paroxetine. Most cardiovascular defects in infants exposed to Paxil have been ventricular septal defects and other cardiovascular and pulmonary disorders, including the potentially fatal persistent pulmonary hypertension.

A ventricular septal defect occurs when the wall between the bottom chambers of the heart fail to form properly, resulting in a hole between those chambers or ventricles. Similarly, an atrial septal defect, or a hole between the two upper chambers of the heart or atria, may also occur. Both of these disorders have been linked to Paxil use.

Small ventricular or atrial septal defects typically repair themselves. However, surgery is recommended for larger septal defects to prevent future heart related diseases. In addition to this, ongoing cardiology monitoring and treatment is necessary for the remainder of the child's life.

The FDA has recently required the manufacturer to place a stronger warning on Paxil regarding pregnancy.

If you or a loved one took Paxil while pregnant, and the baby was born with any of these birth defects, contact the law firm of Napoli Bern Ripka LLP right away, as you may have a valuable legal claim.

Antibiotic Drug Ketek Found to Cause Liver Damage

Ketek (telithromycin) is an antibiotic produced by Sanofi-Aventis. The drug was approved in 2004 for the treatment of pneumonia, bronchitis, sinusitis and respiratory tract infections.

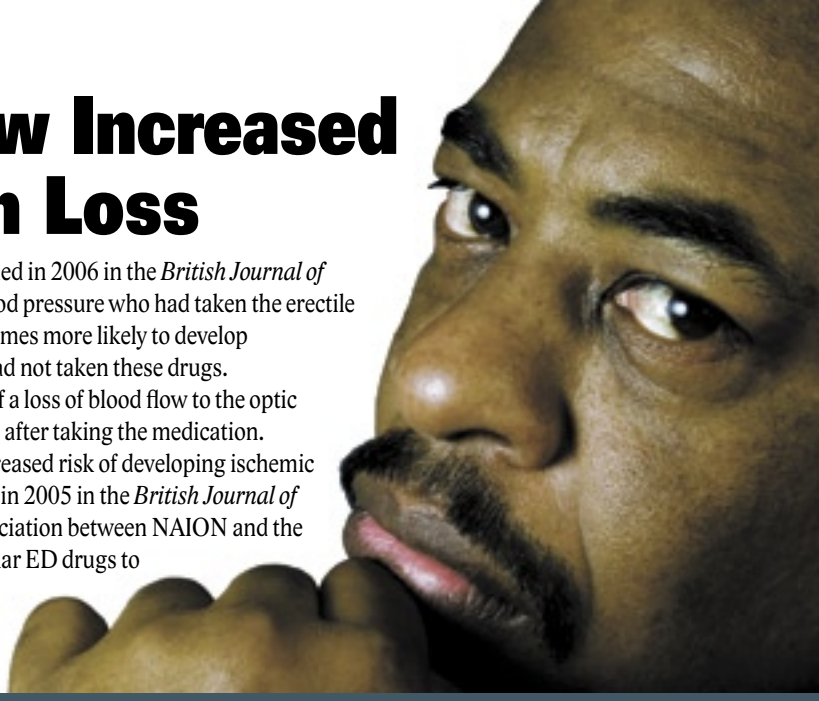
Recently it has been discovered that intentionally errant clinical trials may have been performed when Sanofi-Aventis was seeking FDA approval for Ketek.

The manufacturer was aware of an increased risk of serious liver damage associated with the medication when they released it.

Only after reports of liver failure and death began to surface did they at last add a liver damage warning. An FDA committee has recommended that the manufacturer not be allowed to market Ketek for sinusitis nor bronchitis, and a stronger warning is required.

If you believe that you or a loved one has suffered from liver damage as a result of Ketek, contact the law firm of Napoli Bern Ripka LLC right away using the phone numbers above, or visit our website at www.NapoliBern.com.

Viagra and Cialis Show Increased Risk of Sudden Vision Loss



A study performed by the University of Alabama at Birmingham and published in 2006 in the *British Journal of Ophthalmology* found that men who had a history of heart attack or high blood pressure who had taken the erectile dysfunction drugs Viagra (Sildenafil) or Cialis (Taldenafil) were up to 6-10 times more likely to develop non-arteritic anterior ischemic optic neuropathy (NAION) than men who had not taken these drugs.

NAION causes a sudden loss of eyesight (typically in one eye) because of a loss of blood flow to the optic nerve, often appearing upon first awakening, and usually within 12-24 hours after taking the medication. The UAB study adds to the ever-increasing body of evidence showing an increased risk of developing ischemic optic eye diseases in men who use these ED drugs. Earlier reports published in 2005 in the *British Journal of Ophthalmology* and the *Journal of Neuro-Opthamology* also reported an association between NAION and the use of these drugs. The FDA has since required the makers of the most popular ED drugs to add label warnings for sudden vision loss. Patients are advised to stop taking the drugs and see a doctor immediately if they experience sudden blindness or decreased vision in one or both eyes.

FDA Recalls Parkinson's Drugs Permax and Dostinex

Link with valvular heart disease discovered

Recent studies have implicated two Parkinson's drugs—Permax (generically pergolide) and Dostinex (generically cabergoline)—with the development of valvular heart disease. These two drugs are chemically related to the diet drugs "Fen-phen," which were also related to development of valvular heart disease and another condition called Primary Pulmonary Hypertension (PPH). Because of these findings, the FDA has requested the removal of Permax from the U.S. market.

Dostinex was approved for use in the U.S. primarily for the treatment of endocrine disorders but is sometimes prescribed off label to treat Parkinson's disease and restless leg syndrome. Doses of Dostinex used to treat Parkinson's can be more than 20 times higher than those used for endocrine related disorders. Dostinex will remain on the U.S. market for the limited purpose of treating only certain endocrine disorders.

Patients being treated with Permax and Dostinex are warned that they should not stop taking the medications before consulting with their healthcare providers due to the dangers associated with discontinuing the medications too quickly.

Valvular heart disease can be present without symptoms. Therefore, we encourage anyone who has been treated with Permax or Dostinex to speak with his or her physician right away about having an echocardiogram and about the nature of the risks associated with taking these two drugs.

It is the responsibility of medical device and drug manufacturers to ensure that their products are safe before marketing them to the general public. Failure to do so is deemed negligent and grounds for litigation. Those who are injured as a result of a product defect may be eligible to receive personal injury compensation from all negligent parties. The law offices of Napoli Bern Ripka LLP boast some of the most experienced personal injury lawyers in the nation. Contact Napoli Bern Ripka LLP today toll free at **1-888-529-4669** or any local number listed on the cover page of this newsletter to get additional information regarding your rights. You may also submit a request via our website at www.**NapoliBern**.com.

Ortho Evra Associated with Blood Clots, Heart Attacks and Strokes

The Ortho Evra birth control patch is a weekly hormonal contraceptive that is worn on the skin to prevent pregnancy. Although blood clotting is a risk known to be associated with most oral contraceptives, a recent study published in the *Journal of Obstetrics & Gynecology* has determined that women using the contraceptive patches may be more than twice as susceptible to blood clotting as women who take oral contraceptives. Last year the Associated Press reported that patch users die and suffer blood clots at a rate three times higher than women taking the pill. Ortho McNeil, a division of Johnson & Johnson, aggressively marketed the patch as a convenient alternative to oral birth control pills, claiming that the patch's health risks were similar to those associated with oral contraceptives. On November 10, 2005, however, Ortho McNeil warned the millions of women using Ortho Evra that the birth control patch may put them at greater risk for blood clots and other serious side effects that were not previously disclosed.

Fosamax Side Effects:
Osteonecrosis

Fosamax (alendronate sodium tablets) is a medication manufactured by Merck & Company that is usually prescribed to post-menopausal women to prevent and/or treat a number of bone diseases including osteoporosis and osteitis deformans (Paget's disease). Fosamax is supposed to reduce bone fractures by increasing bone density. However, it has been linked with the onset of a serious bone condition called osteonecrosis of the jaw (ONJ). ONJ is a rare condition that involves the loss, or breakdown, of the jaw bone. Symptoms of ONJ include pain, swelling or infection of the gums; loosening of teeth; poor healing of the gums; and numbness or the feeling of heaviness in the jaw. Patients currently taking Fosamax are encouraged to discuss their health and medical history with their physicians.

FDA recalls IBS Drug
Studies show high risk for heart attack or stroke for Zelnorm users

March 30, 2007—The FDA requested a recall of the anti-constipation drug Zelnorm (generically tegaserod maleate), manufactured by Novartis Pharmaceuticals Corporation. Zelnorm was approved for sale in the United States in 2002 for the short term treatment of women with irritable bowel syndrome with constipation and for patients younger than 65 years with chronic constipation. Novartis agreed to stop selling Zelnorm after a Swiss government analysis of 29 studies found that patients treated with Zelnorm had a higher chance of having serious and life-threatening side effects than did those who were treated with a sugar pill. Patients who are taking Zelnorm should consult with their healthcare providers to discuss alternative treatments but should seek emergency assistance immediately if they experience severe chest pain or any other symptoms of a heart attack or stroke.

Now For Some Good News...

When you have suffered as a result of the negligence of pharmaceutical companies, medical device manufacturers and others, you have someone to turn to for help. The attorneys at Napoli Bern Ripka LLP are highly skilled and aggressive with the experience and strength you need to get fair and just compensation. We're here to help.

Give us a call at 1–888–529–4669
or visit our website at www.NapoliBern.com.

Bard Kugel Hernia Patch Recalled

The Bard Kugel Hernia Patch is a medical device that was designed and manufactured by Davol, Inc., a division of the C.R. Bard Corporation. Davol, Inc. is a leader in the medical product industry. The patch is constructed from a double layer of monofilament polypropylene, and its placement aids in the prevention of new hernias at the three potential sites. The implant's patented "memory recoil ring" is designed to allow the hernia patch to spring open after insertion while also maintaining its shape throughout the procedure. The Bard Kugel Hernia Patch serves as a reparative device for existing hernias while also acting as a preventative device, minimizing the potential for new hernia formation. The FDA issued its first recall of the patch on December 22, 2005, after a troublesome pattern surfaced with regards to a defective memory recoil ring within the device. It was determined that a manufacturing defect affecting this ring could potentially lead to rupture, causing bowel perforations and/or chronic intestinal fistulae (abnormal connections or passageways between the intestines and other organs). Symptoms associated with ring breakage may include chronic abdominal pain, prolonged fever or tenderness at the implant site. The recall, which was expanded in March of 2006 and again in January 2007, was ultimately upgraded by the FDA to "Class I" because the defects associated with the Bard Kugel Hernia Patch have a reasonable probability to cause serious adverse health consequences, including death.

"We Would Do It Again."

9/11 heroes suffer respiratory illnesses as a result of disaster rescue and cleanup efforts.

Every American—indeed, most people around the world—can tell you where they were and what they were doing at the moment they found out that the World Trade Center had been attacked by terrorists. The scars of that horrific morning—both visible and internal—will be with us all forever. Today, years later, the effects of 9/11 still overwhelm the United States. A massive war against terrorists is ongoing, forcing hundreds of thousands of American soldiers to assist in the rebuilding process in Afghanistan and Iraq.

Here at home, a new danger exists as the brave men and women involved in the recovery and rescue effort after the terrorist attacks in New York have begun to suffer from illness and disability as a result of their exposure to multiple toxic substances while working at the various worksites during the rescue, recovery and cleanup operations.

Millions of minute toxic particles were released into the environment when the twin towers collapsed. Firefighters, police officers and construction workers assisting in rescue operations in the days and weeks following the attacks were exposed to these toxic substances, many of which caused serious illness and injury—some of which we have only barely begun to recognize as the aftermath of the attacks. Health officials say that rescue and cleanup workers may have inhaled asbestos, mercury, lead, silica, polyvinyl chloride and other harmful particles in the days and weeks after the tragedy. These exposures may lead to a variety of disorders, including occupational asthma ("WTC Cough"), chronic bronchitis, asbestosis, mesothelioma, silicosis, emphysema and various cancers.

See your doctor if you believe that your health has been severely impacted by exposure to toxic materials. In addition, it may be important to contact an attorney who can help you protect your legal rights. Please keep in mind that there may be time limits within which you must commence suit.

Attorneys associated with Napoli Bern Ripka LLP will evaluate your case free of charge.

The law firm of Napoli Bern Ripka LLP is proud to support the troops as they serve our country in Iraq and Afghanistan. As the memories of 9/11 will never fade, neither will the persistence and dedication of our legal team to stand beside the heroes of that sad day and its aftermath.

Medical Malpractice

Health Careless

Healthcare is no longer the personal affair it was even only ten years ago.

Today, with the pervasiveness of managed care companies and other insurers, your doctor—the one person who should know your healthcare needs the best—is often beholden to your HMO or PPO. While doctors have access to more medical devices, diagnostic tests and drugs than ever before, the insurance companies have been, and will continue to be, motivated not by your best interests but rather their own bottom line. Because of the increased pressure placed on doctors by insurers to operate highly efficient offices, personal time spent with your doctor has likely declined over the past several years. The result? More misdiagnoses and medical errors.

In fact, statistics on medical malpractice reveal that for every medical error reported, more than 50 go unreported. Don't pay for your healthcare provider's negligence.

If you have been injured by the actions of a doctor, insurance company, hospital, nurse or other medical professional, it is important to contact an attorney who can help you protect your legal rights. Remember, there may be time limits within which you must commence suit.

Personal Injury

Life, Interrupted

When your life is interrupted—*disrupted,* in fact—by an injury caused by the negligence or wrongdoing of others, it is time to seek the counsel of a personal injury attorney.

Personal injury attorneys and lawyers typically represent clients (plaintiffs) who have been injured either financially or physically due to the fault of another. A personal injury lawyer is usually experienced in a wide variety of personal injury topics, ranging from automobile accidents and medical malpractice to drug litigation and defective products. Personal injury attorneys often work on a contingent basis, acquiring no fees unless a recovery is made in a case.

While it is impossible to predict an exact monetary figure when determining how much a personal injury claim is worth, a formula used by insurance claim adjusters will help a plaintiff calculate an amount that may prove useful when negotiations begin.

Understanding what injuries a defendant is liable for is extremely important. A plaintiff may seek compensation for a number of damages, including medical expenses, property damage, lost income and non-monetary damages such as pain and suffering. Because there is not a price tag on pain and suffering, which includes emotional damages, a formula is required to determine the amount of a claim.

Insurance company adjusters add total medical expenses to lost income and multiply this figure by a number between 1.5 and 5. The multiplier varies on the seriousness of the injury. Injuries that cause permanent damage, lead to long-term treatment with lengthy recovery periods or are more painful require a higher multiplier. Adjusters will use multipliers as high as 10 when extremely severe injuries are involved.

Once the plaintiff adds in the potential costs of a long court battle and an expensive legal team, he is ready to predict the value of his claim.

Wrongful Death

Needlessly Cut Short

Tragic. Unexpected. Senseless. When these words surround the death of a loved one, they make the pain more poignant—grief magnified by the fact that the death was not a result of failing health, an unexpected accident or a battlefield injury. Rather, it was caused by someone's negligent, reckless or aggressive actions.

A suit for wrongful death may be filed when a person dies as the result of someone else's negligent, reckless or intentional act. Most wrongful death suits are based on negligence, and as with all negligence suits, you will need to prove that the wrongdoer had a duty to act in a certain manner, failed to act in such a responsible manner (breached the duty), and such failure caused the death of your loved one.

Each state has different rules regarding who can sue for wrongful death. Generally you must be either the personal representative (a person who manages the affairs of another because of incapacity or death), child, spouse, or parent of the person killed. In other words, if your friend is killed you cannot sue for wrongful death. However, if your husband or wife is killed you likely can. Typically, the person suing for wrongful death can recover the value of lost monetary support. Additionally, some states allow certain close family members to recover for their own mental anguish caused by the death of the loved one.

Tiny Victims

Birth injuries, or injuries suffered by the infant during the delivery process, can cause serious and life threatening complications. Newborns' physical features are not fully developed at delivery, so almost any part of the newborn can be easily injured by the delivering doctor or assisting hospital staff.

Birth injuries, or injuries suffered by the infant during the delivery process, can cause serious and life threatening complications. Newborns' physical features are not fully developed at delivery, as such, almost any part of the newborn can be easily injured by the delivering doctor or assisting hospital staff.

While most birth injuries are minor (such as bruises), some can be much more serious (traumatic brain injuries). Additionally, nerves and bones can be easily damaged or fractured. Scarring can also result from improper delivery.

Neurologic disorders, often called developmental disabilities, include mental retardation, cerebral palsy, epilepsy, autism, learning disabilities, and general brain damage. Neurologic disorders caused by medical malpractice during delivery account for the largest lawsuit damage awards. In addition, cerebral palsy is the most common birth injury leading to legal action, however, half of all cerebral palsy cases are the result of genetics, not medical malpractice.

Birth injury related cerebral palsy is often caused by birth asphyxia, a condition in which the infant suffers from a lack of oxygen during delivery. If cerebral palsy or other medical conditions result from birth asphyxia, obstetricians and medical staff who fail to conduct electronic fetal monitoring (EFM) or fail to follow proper post-birth observations of the infant, may be liable for medical malpractice.

In addition to complications relating to birth asphyxia, obstetricians and other medical professionals must remain vigilant in order to prevent birth related infections. Such infections can cause cerebral palsy and other conditions.

If your child suffers from a serious medical condition caused by medical malpractice during delivery, it may be important to contact a birth injuries lawyer who can help you protect your child's legal rights. Please keep in mind that there may be time limits within which you must commence suit.

Labor Law and Job Site Accidents

Beyond Job Woes

Today there are over 105 million workers employed in the United States by some 7 million employers. Despite these huge numbers, workplace safety has improved over the last 30 years.

Through the efforts of industry and government agencies such as the Occupational Safety & Health Administration (OSHA), American workers are better protected than ever before.

Despite this, there were nearly 6 million occupational injuries and illnesses among U.S. workers in 1999 alone. Put differently, 6 out of every 100 workers experienced a job-related serious injury or illness. 6,023 workers died on the job.

Some employers still use shoddy equipment, practice poor safety procedures and fail to provide their employees proper training. In addition, other non-physical workplace injuries such as sexual harassment and racial discrimination are receiving increased attention. You work hard for your employer. In turn, your employer should work hard to see that you are treated with the dignity and respect you deserve.

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WHAT'S THE VERDICT?

It's a hot off the presses newsletter from the mass tort/personal injury law firm of Napoli Bern Ripka LLP. Read inside to get valuable information about issues that may very well affect you or a loved one.

Napoli Bern Ripka LLP is ready to fight for your legal rights in the following areas:

- **Mass Tort**
- **Medical Malpractice**
- **Products Liability**
- **Wrongful Death**
- **Personal Injury**
- **Birth Injury**
- **Defective Medical Devices**
- **Labor Law & Job Site Accidents**
- **Negligence Actions**

This Issue:

Medtronic pacemakers/IUDs and their deadly malfunction

Anti-blood loss drug **Trasylol** linked to various health hazards

Help for heroes suffering ill effects of **9/11** rescue and recovery efforts

More crucial info inside!