

**SPRING  
2008**

# **POTHITAKIS LAW FIRM, P.C.**

## **A t t o r n e y   A t   L a w**

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## **IOWA TRIAL LAWYERS SEMINAR SPEECH**

Mr. Pothitakis was invited to speak at the 17th Annual Workers' Compensation Seminar, presented by the Iowa Trial Lawyers Association. The seminar took place on January 31 and February 1, 2008. Mr. Pothitakis spoke at the seminar and presented on the topic of "Work Comp 101: Boning Up On The Basics." Janet Schafer and Cindi Muff, paralegals for Pothitakis Law Firm, also attended the seminar.



## **AUTO ACCIDENT investigation**

Careless drivers injure hundreds of thousands of others and inflict enormous property damage annually. An experienced auto-accident attorney can help injured parties obtain fair compensation for medical expenses, property damage, lost wages and earning capacity, enjoyment of life, and pain and suffering. A lawyer's investigation can determine the cause and liability of an auto accident by examining the accident scene, the automobiles, and questioning witnesses.



**Evidence that investigators may obtain includes:**

- Victims' injuries
- Scene photographs
- Car-damage photos
- Accident debris
- Skid marks
- Traffic-control signage
- Roadway design
- Police or other surveillance video
- Eyewitness reports
- Angles of vision and other relevant indicators of cause

**Contact an experienced auto-accident attorney to conduct your case review.**

**We take pride in the quality of our legal work.**



# FOR YOUR SAFETY

## Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Simplicity Inc.** has recalled about one million cribs whose drop-side may detach and entrap and suffocate infants.
- ✓ **Back to Basics Products, LLC**, voluntarily called back 10,000 IT400 Iced Tea Makers. Components can fail and burn users.
- ✓ **Wal-Mart, Inc.**, asks buyers to return 138,000 Ceramic Oil Torch Lamps with ceramic torch heads that can loosen or dislodge and lacerate or burn consumers.
- ✓ **Robert Bosch Tool Corporation** has recalled 811,000 Skil® circular saws. Users may turn the power tools on without a safety lockout, causing unexpected operation of the saw and injury.
- ✓ **Keystone Manufacturing Co., Inc.**, and **QVC** called back 32,000 Cook's Essentials Convection Ovens with Pull-Out Rotisserie and Deni Convection Ovens with Rotisserie. The control panel can overheat and pose fire and electric-shock hazards.

## Auto seatback failure INJURIES

National safety standards fail to require sufficiently strong seatback construction in some cars and SUVs.

Vehicle makers tend to design, construct, and install less expensive seatbacks, recliner apparatus, and seat tracks in lower-end models. As a result, drivers and passengers may be injured when seatbacks collapse rearward during rear-end collisions and while accelerating, as seat-mountings or floors buckle and deform. When a car's seats collapse, the driver and passengers may not be able to get out of the vehicle quickly or safely.

Passengers involved in seatback failures may suffer serious injuries, including head trauma, spinal cord injury, broken bones, organ damage, disfigurement, and scarring.

### Defectively designed SUV seats

A front-seat SUV passenger was rendered paraplegic when her seatback collapsed in a rear-end collision, throwing her into the back seat and breaking her neck. When her attorney demonstrated that the SUV's design and manufacture, different from higher-end models, were defective and unreasonably dangerous, a jury awarded significant damages.

**Anyone involved in an accident in which seats collapsed should contact an attorney. No one should suffer because of an automobile manufacturer's negligence.**

## Child day care

When both parents must work, they want their young children to enjoy safe, educational, and productive experiences at day care.

Parents should investigate children's day-care centers to be certain that providers understand child learning and growth, administer discipline consistently and positively, recognize when a child is ill, and maintain a clean and safe operation.

On occasion, a parent may drop in on day care to feel assured that the center has sufficient and well-trained and motivated caregivers, to observe activities and programs, and to examine books, toys, and facilities.

### When there's a problem

When day care fails to meet expectations, parents can usually work out problems by speaking with operators or caregivers, writing letters, or filing complaints. When his child was injured after being pushed from a slide by another child, a father had to sue a day-care center for resolution. His attorney demonstrated that caregivers failed to provide adequate supervision and discipline for an aggressive child who had previously pushed other children during activities. The parties settled on the day of trial.





## Words we live by

The late U.S. Supreme Court Justice William H. Rehnquist had immense respect for each American's right to trial by a jury of peers. Here are some of his words we can all live by:

★ The right to trial is *“so fundamental and sacred to citizens, where guaranteed by the Constitution or provided by statute, [it] should be jealously guarded.”*

★ *“Those who oppose the use of juries in civil trials seem to ignore [that] the founders of our nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or, it might be added, to that of the judiciary.”*

★ *“The guarantees of the Seventh Amendment [right to civil jury trial] will prove burdensome in some instances...but as with other provisions of the Bill of Rights, the onerous nature of the protections is no license for contracting the rights secured by the Amendment.”*

**In short, our firm is committed to preserving the right to a jury trial for each of our clients, just as we are dedicated to battling large corporations, which, every day, try to whittle away rights protected by our Constitution. If you are a victim of personal injury from another's negligence, please call us.**

## Assisted-living RESIDENCES

When concerned family members search for a care residence for a beloved grandparent or parent, they need to look past pleasant decor.

They should investigate resident-care assessment and planning, medication treatment, dressing and bathing assistance, nutrition needs and dining experiences, discomfort assessment, and social engagement and activity plans.

### Bed side rails

A 66-year-old nursing home resident suffering from Parkinson's disease fell from her bed and was asphyxiated after becoming wedged between the bed and a wall. Her two children, individually and on behalf of their mother's estate, sued the nursing home, alleging the facility failed to provide their mother with a bed equipped with side rails, in contravention of her care plan. A jury awarded damages and court costs.



## Recreation product LIABILITY

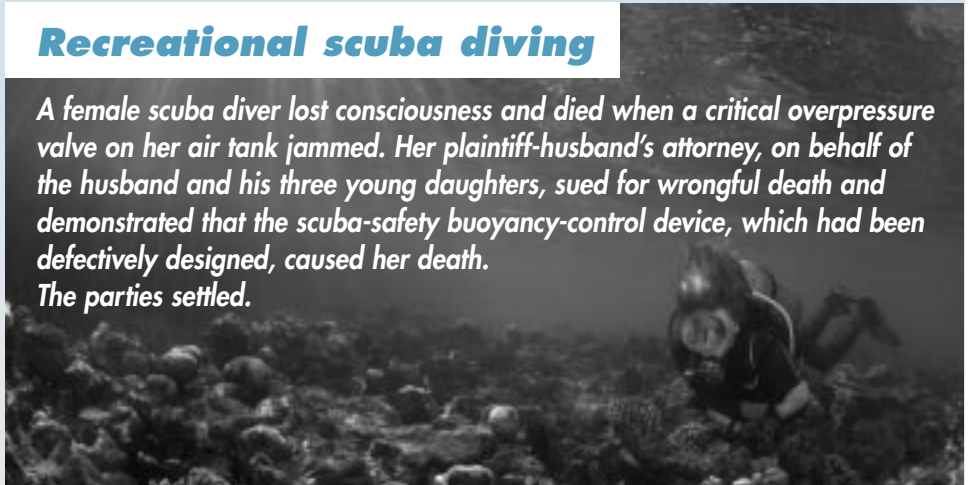
Our nation's civil justice system can hold manufacturers of defective products liable for harming users. Consumers injured by products with serious defects in design, manufacture, or improper or incomplete explanation of dangers or proper use can hold manufacturers and marketers accountable.

The long list of recreational products that have harmed consumers include all-terrain vehicles, bicycles, boats, campers, helmets, playground equipment, pools, snowmobiles, swing sets, trampolines, and many more. Children, who may assume products are always safe and who may impulsively take risks, are in particular jeopardy.

### Recreational scuba diving

*A female scuba diver lost consciousness and died when a critical overpressure valve on her air tank jammed. Her plaintiff-husband's attorney, on behalf of the husband and his three young daughters, sued for wrongful death and demonstrated that the scuba-safety buoyancy-control device, which had been defectively designed, caused her death.*

*The parties settled.*



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## Foreign objects in food

Many diners can recount discovering a hair, bone chip, pebble, glass shard, or other foreign object that wasn't supposed to be in a restaurant meal. Usually, the most that consumers can do about finding unexpected objects in food is to complain to a manager or refuse to patronize the dining establishment again.

However, if a diner suffers a cut in the mouth or throat, dental damage, or illness resulting from an object in commercially prepared food, he or she can consult a personal injury lawyer.

### ***A ball bearing in a burrito***

A fast-food restaurant patron suffered temporomandibular jaw joint dislocation after biting down on a steel ball bearing in a burrito. The patron complained to the store's manager, who acknowledged that the bearing came from one of the restaurant's food-product dispensers. Later, after the patron began suffering pain and headache, his dentist ordered an MRI, which revealed a jawbone dislocation. He sued, alleging the restaurant provided a defective product adulterated with a foreign object. A jury recommended an award with interest.

*If a diner suffers a cut in the mouth or throat, dental damage, or illness resulting from an object in commercially prepared food, he or she can consult a personal injury lawyer.*



## Home security tip

Even if your home is equipped with a security system, you can still use your car-key clicker fob as an alarm. Keep it nearby, during the day and especially at night, ready to activate.

If you hear a suspicious noise outside your home or you suspect someone is trying to enter illegally, press the fob's alarm or panic button. Your car horn alarm will start beeping loudly and won't stop until you press a button again to stop it.

The car alarm's noise might be a sufficient deterrent to anyone trying to break into your property. Chances are, they won't want to hang around with the car alarm sounding. Plus, your neighbors may hear the noise and look out their windows to see what all the commotion is about.

Your car keys could prevent a crime.