

**SPRING
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POTHITAKIS LAW FIRM, P.C.

A t t o r n e y A t L a w

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**PRACTICE IS PRIMARILY
PERSONAL INJURY AND
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RECENT SUCCESS FOR A POTHITAKIS LAW FIRM, P.C., CLIENT

Recently, **Pothitakis Law Firm, P.C.**, was successful in the resolution of a workers' compensation claim for one of our clients. We represented an employee who was injured when her foot was run over by a forklift. The injury resulted in fractures that required surgery. Under the Iowa Workers' Compensation statutes, if the injury was just to the claimant's foot, her entitlement would be her impairment rating percentage loss multiplied by 150 weeks. Under Iowa law, a foot, if 100 percent impaired, is worth 150 weeks.

With respect to this employee, she was given a 50 percent loss of use to her foot, which would entitle her to 50 percent of 150 weeks, or 75 weeks of benefits. The workers' compensation insurance carrier contended this was all that she was entitled to receive, which would have amounted to approximately \$25,000.

When Pothitakis Law Firm, P.C., took on the case, we realized that the workers' compensation insurance carrier was incorrectly calculating the benefits that were due the injured employee. Further, even using the defendant's calculations, they failed to pay the benefits in a timely manner.

Pothitakis Law Firm, P.C., filed a workers' compensation petition and scheduled the matter for hearing to seek additional benefits. Pothitakis Law Firm, P.C., contended that because of the claimant's foot injury, she was limping, which resulted in pain and discomfort in her back. Pothitakis Law Firm, P.C., was able to obtain opinions from physicians who confirmed the same. The importance of these medical opinions was that the case was no longer treated as simply a foot injury, but was treated as a foot injury that also caused a back condition. By obtaining

medical evidence that the employee's injury was beyond just a foot injury, the focus was no longer on the extent of the foot injury, but on how the injury affected the claimant's ability to earn a wage in the competitive labor market.

If accepted by the judge, this would result in significantly more benefits for the injured employee.

In addition, because the benefits that the workers' compensation carrier did pay were late, Pothitakis Law Firm, P.C., sought what is called *penalty benefits* on behalf of the employee. Penalty benefits are damages that can be awarded if the workers' compensation carrier fails to pay benefits when due.

The case went to trial and was presented to a Deputy Workers' Compensation Commissioner for a decision. Pothitakis Law Firm, P.C., and the client were extremely satisfied with the decision in that it awarded the claimant 250 weeks of benefits, which would total in excess of \$84,000. In addition, the workers' compensation insurance carrier was ordered to pay the employee \$7,000 for failing to pay the initial benefits when due.

Not being happy with the decision, the workers' compensation insurance carrier filed an appeal to the Workers' Compensation Insurance Commissioner asking that the decision be overturned. After submitting briefs, Pothitakis Law Firm, P.C., was successful in maintaining the decision, as the appeal was denied.

As illustrated, workers' compensation cases can be very complicated; it's very important to speak with a competent workers' compensation attorney when you sustain any injury at work.

We take pride in the quality of our legal work.

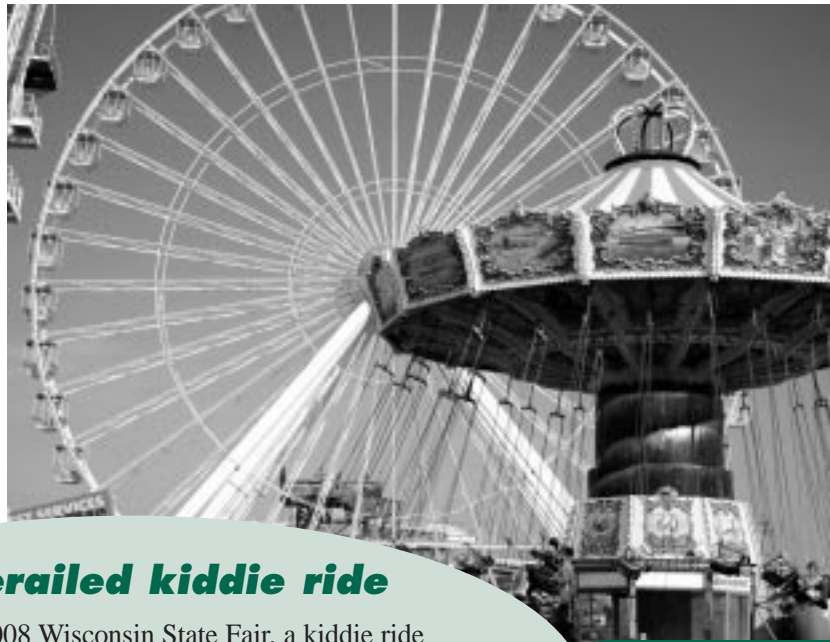
Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

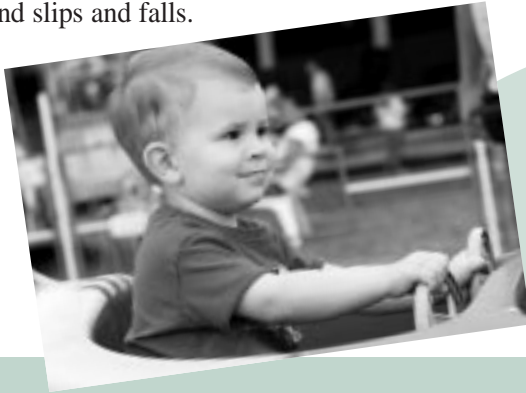
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

If you have been injured at an amusement park, please contact legal counsel.



NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.



When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.

ID THEFT

The Federal Trade Commission’s (FTC) 2006 Identity Theft Survey Report showed that 8.3 million adults were victims of some form of identity theft in 2005.

According to the FTC’s Consumer Response Center, five common ways that wrongdoers steal unsuspecting victims’ legal, financial, and personal information are:



If you believe you have been a victim of fraud through ID theft, seek legal counsel.

- 1 Dumpster diving**—rummaging through trash containers for bills or other personal papers.
- 2 Skimming**—stealing credit/debit card numbers using special electronic storage devices while processing actual transactions.
- 3 Phishing**—imitating real financial institutions or companies by sending fraudulent e-mails or pop-ups to computers.
- 4 Changing addresses**—using postal forms to divert mail to unlawful addresses.
- 5 Theft**—stealing purses, wallets, and mail—even employee records.

AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.



HOW SOME PEOPLE SEE IT.

- Insurance companies vs. trial lawyers
- Pharmaceutical manufacturers vs. trial lawyers
- Car makers vs. trial lawyers
- Doctors vs. trial lawyers
- Nursing homes vs. trial lawyers
- Manufacturers vs. trial lawyers
- Railroads vs. trial lawyers
- Corporations vs. trial lawyers
- Small businesses vs. trial lawyers

HOW WE SEE IT.

- HMOs vs. patients needing care
- Drug makers vs. patients requiring safe medications
- Car makers vs. driver and passenger safety
- Physicians vs. health insurers
- Nursing homes vs. elderly residents and their families
- Manufacturers vs. injured consumers
- Railroads vs. drivers injured at crossings
- Unsafe products vs. harmed consumers
- Small businesses vs. injured employees

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DANGEROUS *automobile accident myths*

Myth #1 If you didn't cause the accident, you have no obligation to do anything.

You still need to protect your rights by checking for injuries, calling the police, notifying your insurance agent, making notes about the accident, and never admitting fault or signing anything.

Myth #2 If the accident was the other driver's fault, you will be compensated for your injuries. This often depends on whether the at-fault driver or the owner of the at-fault car has liability insurance or whether you have uninsured motorist coverage.

Myth #3 A fast settlement is always in your best interests. By signing off on a settlement too quickly, you may give up important rights, particularly if medical conditions appear weeks or months later.

Myth #4 If the accident is really minor, you can probably negotiate a settlement on your own, without an attorney. The other driver's insurance company will assign legal representation to protect its interests. Who will protect your legal rights?



Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

Broadsided After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.