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## **Nicholas Pothitakis elected Vice President of the Iowa Association of Workers' Compensation Lawyers**



In October 2013, **Nicholas Pothitakis** was elected Vice President of the Iowa Association of Workers' Compensation Lawyers (IAWC). The objective of the IAWC is to promote the administration of justice, to provide continuing legal education in the area of Iowa workers' compensation law, and to take such further actions to enhance the effectiveness of workers' compensation laws and their administration in the State of Iowa. The IAWC is made up of lawyers from the State of Iowa who focus on Iowa workers' compensation injuries and cases. Mr. Pothitakis has been a member of the group for several years and was excited to be elected as a member of the executive council.

"It is a great honor to serve in this capacity, in a group of such highly distinguished lawyers," said Mr. Pothitakis.

## **Nicholas Pothitakis admitted to the 2013 National Trial Lawyers Top 100 Trial Lawyers**

**Mr. Pothitakis** was admitted to the 2013 National Trial Lawyers Top 100 Trial Lawyers in an invitation-only national organization composed of America's top trial lawyers. Membership is extended solely to the select few of the most qualified attorneys from each state who exemplify superior qualifications of leadership, reputation, influence, stature, and profile as civil plaintiff or criminal defense trial lawyers. It is the mission of National Trial Lawyers to provide networking opportunities, advocacy training, and the highest-quality educational programs for trial lawyers.

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- free consultation
- contingency fee available
- Vice President, Iowa Association of Workers' Compensation Lawyers, Inc. (2013-2014)
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- 2013 National Trial Lawyers Top 100 Trial Lawyers
- Member, American and Iowa Associations for Justice

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

## Cyclists should look out...for other cyclists

Whether you are a casual bike rider or an avid cyclist, you are probably aware of the dangers presented by other vehicles and even pedestrians, but you should also be aware of other cyclists. Injuries sustained in a bike-on-bike collision can be very serious and even fatal.

In summer 2013, such a collision killed a 20-year-old Pasadena man. He was hit by another cyclist who was riding against the flow of traffic, or riding salmon, as it is called among cyclists. The victim sustained a serious head injury when his head hit the pavement. He was not wearing a helmet. Even so, the rider riding against traffic, which is illegal, could be held liable for the man's death.

### Ride well with other cyclists

- Follow the rules of the road; bike with traffic.
- Pass on the left and not the right.
- Slow traffic should stay to the right.
- Ride single file for safety.
- Maintain a safe distance between you and other bikes.
- Wear a helmet.



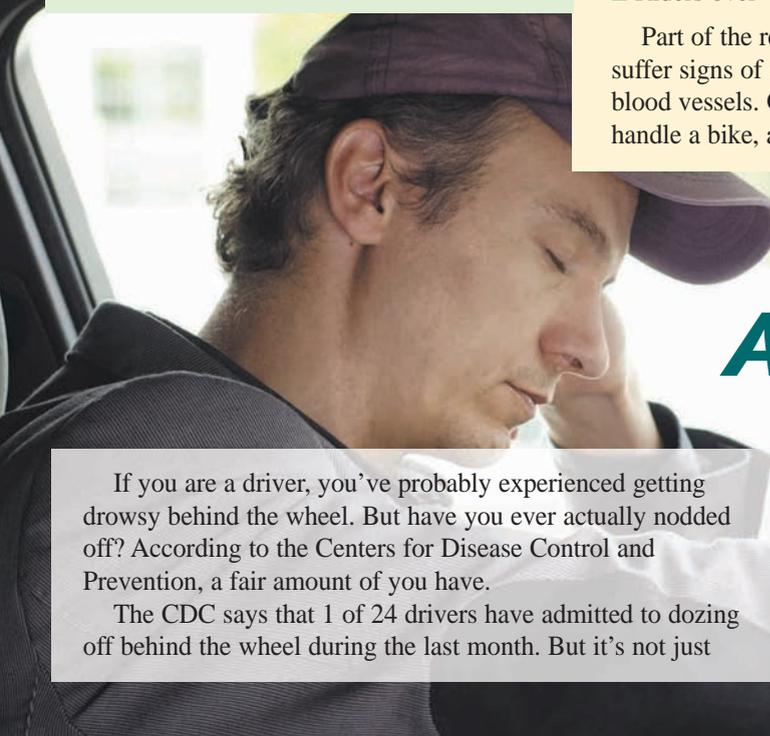
## MOTORCYCLISTS OVER 40 at higher injury risk

Riding a motorcycle is risky. The freedom and the connection to the environment that the rider experiences comes at the price of increased risk of injury or death in an accident. Those over the age of 40 are at higher risk.

The over-40 crowd is the fastest-growing age group of motorcyclists. People over 40 tend to have more time and more money. For some, this translates into a bike. The journal *Injury Prevention* found that in comparison to younger age groups, those over 40 are three times more likely to suffer from serious injuries in an accident. A 2010 study by the University of Rochester Medical Center found that hospital stays were longer and chance of death higher for riders over 40. Other findings from the study include:

- Fractures are twice as common in riders over age 40 than younger bikers.
- 32 percent of injured riders over 40 are treated in the intensive care unit, compared with just 27 percent of riders under 40.
- Riders over 40 are more likely to experience complications, such as pneumonia, blood clots, and infections.
- Riders over 40 are up to twice as likely to die from less severe injuries.

Part of the reason for higher injury risk may be that older bikers may start to suffer signs of aging, such as delayed reaction time, declining vision, and thinner blood vessels. Other factors include overconfidence in the ability to ride and handle a bike, and riding larger bikes that are more prone to flip.



## ASLEEP at the wheel

If you are a driver, you've probably experienced getting drowsy behind the wheel. But have you ever actually nodded off? According to the Centers for Disease Control and Prevention, a fair amount of you have.

The CDC says that 1 of 24 drivers have admitted to dozing off behind the wheel during the last month. But it's not just

falling asleep that can be deadly; the organization reports that driving drowsy is comparable to driving drunk. Next time you find yourself sleepy at the wheel, pull over and take a break.

If you or a loved one has been injured in an accident involving a drowsy driver or someone who has fallen asleep at the wheel, call our office to discuss your rights.

# When animals **BITE**

A little girl's dream turned into a nightmare when she was bit during an encounter with an overeager dolphin in late 2012. The girl's injuries weren't serious, but it got many thinking: What responsibilities do zoos, aquariums, and other theme parks and facilities featuring animals have in protecting guests, and what are the responsibilities assumed by the guest when entering the facility or participating in an animal encounter?

Parks and zoos do have a duty to keep their guests safe, despite the inherent danger of the attractions. For example, guests at the dolphin encounter at SeaWorld are repeatedly told to keep trays of food hidden on the sloped edge of the dolphin pool. The 8-year-old in this example innocently held up her empty container—to show her mom that she was done—near the edge and a dolphin jumped for it, biting the girl.

The family said it had no plans to file suit, but if they would and could were topics of debate.

## **Here are some questions that a lawyer will explore when considering such a case:**

Did the park demonstrate negligence by not providing reasonable care that contributed to or caused an injury? It could be argued that SeaWorld failed its duty to protect guests by not explaining why the food trays should be hidden from the dolphins. It's plausible that the girl may not have been as likely to forget to keep her tray on the ledge had she been told that she could get bitten. This would be weighed against the assumed risk taken by the guest. It's reasonable to assume that by participating in an up-close feeding encounter with an animal, one could be bitten.

## **PROVING emotional distress**

Emotional distress is a tough concept to grasp. It affects everyone differently and it is hard to measure. You can't document it with an X-ray or other test. In fact, sometimes emotional distress is more prominent and longer-lasting than physical injuries. Here is how attorneys are able to show emotional distress:

**Medical documentation:** Sometimes people suffer from stress-related injuries such as ulcers or headaches. Medical records can be used to show such injuries. In addition, or in the absence of physical injuries, a letter from a physician or psychiatrist commenting on emotional well-being can go a long way toward supporting a claim of emotional distress.

**Cause:** When distress is caused by an extreme or unusual event—being mauled by a zoo animal or surviving a bombing, for example—it is easier to prove than an event like a car accident. Also, when you are physically harmed, proving emotional damage is easier than if you don't have a physical injury. In fact, in many cases mental distress awards are only allowed if physical harm is caused. Although in some cases, libel for example, emotional damages can be won if the distress caused is severe.

**Intensity:** It's easier to show emotional distress when it's extremely evident and intense.



# \$750K verdict for Pothitakis Law Firm client

On March 22, 2011, J.M. was living in a boarding house in Columbus Junction, Iowa, and paid a weekly rent for a room within the boarding house. The landlords of the facility collected rent from nine tenants. The configuration of the boarding house included a kitchen at the front of the building, by the front door. The rooms were all behind the kitchen, towards the back of the building. Unfortunately, the only exit and entrance to the space was through the front door, by the kitchen. Other exits had been locked and closed off.

On March 22, 2011, a fire started in the kitchen. J.M. was in his room at the time. Because the fire consumed the kitchen area, which is where the front door was located, he was unable to exit the building. For approximately 15 minutes, J.M. made phone calls in an attempt to escape the fire. Unfortunately, he was unable

to escape and suffered fatal injuries from the smoke and fire.

Because of the complexity of Iowa's wrongful death statute, the only damages that could be sought and obtained from the landlord was for the pain and suffering for the period from when J.M. was aware of the fire until his death. This was roughly 15 minutes. The landlords claimed that they were not at fault and vigorously defended the case.

In December 2013 **Pothitakis Law Firm**, assisted by co-counsel, commenced the trial in Louisa County, Iowa. Ultimately, the jury agreed that the landlords were negligent and awarded \$750,000 (\$500,000 in actual damages and \$250,000 in punitive damages).

Pothitakis Law Firm prides itself on working hard for its clients, trying to right wrongs and making sure that justice is done.

The results from the cases of the Pothitakis Law Firm P.C. are diverse, and the results vary considerably. The case results are not a guarantee of future results, as they are specific to facts and legal circumstances of each client's case, and for this reason should not form the basis for future expectations on a different case. These cases may not be typical, and there are many factors that determine the result of a case. The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. All potential claimants are urged to make their own independent investigation or evaluation of any lawyer being considered.

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*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.*

## WHIPLASH: What is it?

Whiplash is almost a stereotype in accident claims. Many old TV shows and movies portrayed someone faking a neck injury who was ultimately tricked into revealing the truth when a lawyer purposely dropped a heavy object to prod them to suddenly turn their head. But in reality, whiplash can be serious.

Whiplash is caused by an abrupt, whip-like jerking of the head back and forth. According to WebMD, "In whiplash, the intervertebral joints (located between vertebrae), discs, ligaments, cervical muscles, and nerve roots may become

damaged." Because damage to soft tissue is hard to diagnose, those with whiplash may need a CT scan or MRI for diagnosis.

If you experience neck pain or stiffness, dizziness, headaches, or back pain after an accident, see a physician right away. Sometimes symptoms occur days after an accident and can seem to go away and reappear. These days, whiplash is treated with physical therapy, not immobility and neck braces.

