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**POTHITAKIS**  
LAW FIRM P.C.

**SPRING**  
**2015**

If you need our services,  
please contact us at  
**319-524-7500, 319-754-6400,**  
or **866-PLF-IOWA**  
[www.pothitakislaw.com](http://www.pothitakislaw.com)



*Front, left to right:*  
Kayla Krow, Ann Kirk,  
Lana Strahn, Cindi Muff

*Back, left to right:*  
Niko Pothitakis,  
Carrie Pothitakis,  
Janet Schafer,  
Stacey Wachter

## RECENT SUCCESS BY POTHITAKIS LAW FIRM

**Pothitakis Law Firm** was fortunate enough to be hired by H.N., a client who was involved in an industrial accident and sustained a left shoulder injury. H.N. initially did not believe it was going to be a significant problem, but unfortunately the condition continued to progress to the point where shoulder pain and headaches became severe. H.N. ultimately was found to have a ligament tear in his shoulder and underwent a surgical procedure to correct it. Unfortunately, the surgery did not provide significant relief, and H.N. was able to obtain an appointment at the University of Iowa Hospitals and Clinics. The doctors at University of Iowa Hospitals and Clinics determined that H.N. needed additional surgery. In addition to the physical injuries, H.N. was suffering from posttraumatic stress disorder. The industrial accident was very traumatic for him, creating many emotional and psychological difficulties.

Under Iowa workers' compensation laws, mental and psychological injuries are compensable in the same fashion as physical injuries are. Pothitakis Law Firm filed a claim with the Iowa Workers' Compensation Commissioner seeking benefits based upon how the shoulder and posttraumatic stress disorder prevented H.N. from working. The defendants vigorously fought the claim, contending that the incident was not significant enough to cause posttraumatic stress or the severe shoulder injury.

The parties scheduled a mediation, at which point attempts were made to settle the case. At the mediation, the parties were over \$200,000 apart. The defendants indicated that if the case was not settled at mediation, they would likely proceed to hearing. H.N. walked away from the mediation expecting to go to trial with the case. Over the next few months, Pothitakis Law Firm continued to negotiate with the defendants for resolution of the case. The case was ultimately settled, and H.N. received a lump-sum payment that closed out his right to any additional funds. However, H.N.'s medical care in the future was left open and remained the responsibility of the workers' compensation insurance carrier.

H.N. was happy with the results of the case, as he has continued need of medications associated with his condition.

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#### **PRACTICE IS PRIMARILY PERSONAL INJURY AND WORKERS' COMPENSATION**

- free consultation
- contingency fee available
- Vice President, Iowa Association of Workers' Compensation Lawyers, Inc. (2013-2014)
- President, Iowa Association of Workers' Compensation Lawyers, Inc. (Oct. 2014-Oct. 2015)
- Best Lawyers In America—2013 and 2014 Listing
- Super Lawyers—2013-2014
- 2013-2014 National Trial Lawyers—Top 100 Trial Lawyers
- Member, American and Iowa Associations for Justice

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



## ARMOR UP!

When warm weather is in the picture, there is nothing like a long motorcycle ride to enjoy the fresh air and take in the scenery. It's tempting to soak up the sun in a T-shirt and ride without a helmet, but when the only thing between you and the road is a seat and a pair of tires, it's not safe.

*Here are a few ways to protect against common motorcycle injuries:*

### ROAD RASH

There's a reason why motorcyclists wear leather, and it isn't fashion! Wearing a leather (or Kevlar®) jacket, leather pants or chaps, a full-face helmet, and gloves will help protect skin in the event a rider is thrown from the bike.

### BROKEN BONES

Special armor for the neck, head, and back, and strategically placed armor and inserts in riding clothing for the pelvic area and joints help protect bones from fractures. Always wear reinforced gloves and a good pair of riding boots.

### SPINAL INJURY

Getting thrown from a motorcycle can damage the spine and cause lifelong medical conditions or paralysis. Using an armored collar can help stabilize your neck and upper back, but add rigid back armor for better protection.

### BRAIN INJURY

According to the Centers for Disease Control and Prevention, helmets are estimated to prevent 37 percent of crash deaths for motorcycle riders and 41 percent of crash deaths for motorcycle passengers. Helmets protect the head and brain by absorbing impact. Look for a helmet that meets DOT and Snell standards.



## ANOTHER coffee lawsuit

In May 2014, Hedy Chen, of California, filed a suit against In-N-Out Burger because she suffered burns after dropping a coffee served to her at the drive-thru.

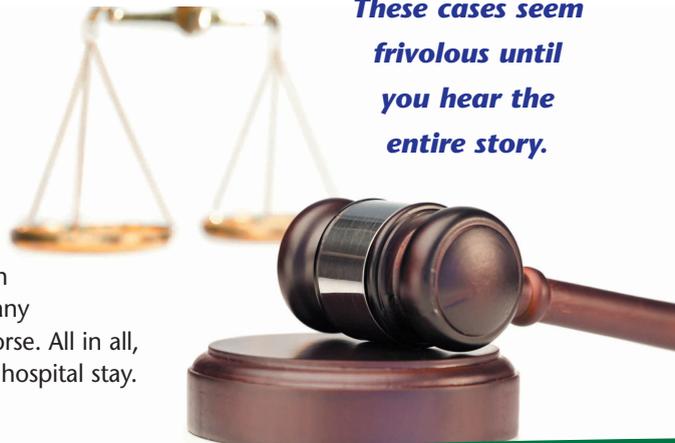
You are probably thinking, "Here we go again." Remember when a jury awarded 79-year-old Stella Liebeck \$3 million in 1992 when she spilled coffee on herself in a car? These cases seem frivolous until you hear the entire story.

For example, did you know that Liebeck wasn't driving? She was a passenger in a parked vehicle, and the coffee spilled when she removed the lid to add cream and sugar, not because she was driving with it between her legs. You also may not be aware that Liebeck suffered third-degree burns that required numerous skin grafts and an extended hospital stay, or that she

offered to settle the case for \$20,000. At the

trial, the McDonald's quality assurance manager testified that the coffee, at the temperature at which it is served, was not fit for consumption because it would burn the mouth and throat. The \$3 million awarded to Liebeck was later reduced and, ultimately, settled privately for reportedly around \$500,000.

In Chen's case there is also more to the story. She didn't just clumsily spill the coffee; she says that it was handed to her in a paper cup with no protective sleeve, and the cup was so hot that she couldn't hold on to it. In the drive-thru she asked employees to call 911. They refused, citing company policy, and gave her a bag of ice, which is known to make severe burns worse. All in all, Chen suffered burns to her abdomen and thighs that required a three-day hospital stay. She is suing the corporation for negligence and failure to come to her aid.



*These cases seem frivolous until you hear the entire story.*

## The thrill of the chase can be a threat to joggers and walkers

There's nothing quite as satisfying as getting outside for a springtime stroll or jog. Dogs are a great exercise partner. They help motivate owners to get moving and are enthusiastic about getting outside. While a pet can add to exercise experience, someone else's pet can be a nuisance—and even a deadly threat—to walkers and joggers.

Tragically, Craig Sytsma, a 46-year-old Michigan man and father of three, was killed in July 2014 after being attacked by two dogs while jogging. The dogs had bitten before, and the owners were charged with second-degree murder.

While most dog bites aren't fatal, according to the Centers for Disease Control and Prevention, of the 4.5 million people bitten by dogs every year, 885,000 require medical attention.



### If you are threatened by an aggressive dog:

- Try to remain calm, slow down, and slowly walk away with your face toward the dog.
- Do not try to stare down a dog; it will invite aggression.
- Do not smile at the dog; baring teeth can be mistaken for aggression.
- If you are being bitten, try not to pull away, as this action encourages more biting.
- Try to put clothing, a water bottle, or bag between you and the dog.

## Blown away

Inflatable bounce houses have become a fun, inexpensive way to keep children entertained at community events, fundraisers, birthday parties, and even in their own backyard. Unfortunately, as their popularity soars, bounce houses have become an injury—and flight—risk.

Who could forget the chilling images from spring 2014 of a bounce house being swept 50 feet in the air by a gust of wind with three children inside? Not a month later, a bounce house was sent tumbling 300 feet across an open stretch of grass, sending one of the two children inside to the hospital. According to reports, both structures were set up and secured properly.

Between 1995 and 2010, 62,159 children went to the emergency room after sustaining an injury in or near a bounce house. During that time, these injuries increased 1,500 percent.

### Here are a few tips from the Child Injury Prevention Alliance to keep your children safe while jumping:

- ★ Limit bounce houses to children 6 years of age and older.
- ★ Only allow a bounce house to be used when an adult trained on safe bouncer use is present.
- ★ The safest way to use a bounce house is to have only one child in it at a time.
- ★ If more than one child will be in the bounce house at the same time, make sure that the children are about the same age and size (weight).
- ★ Take off shoes, eyeglasses, and jewelry, and remove all sharp objects from your pockets before entering the bounce house.
- ★ No rough play, tumbling, wrestling, or flips. Stay away from the entrance or exit and the sides or walls of the bounce house while inside.
- ★ If the bounce house begins to lose air, stop play and carefully exit it.



Today, phone use is a frequent factor in auto accidents. If you were in an accident and think that the other driver may have been texting or talking, here are a few things you should do:

- Write down the accident time. This will be important when reviewing phone records.
- Tell the officer writing the accident report the time of the accident and that you witnessed the driver using a phone.
- If you are able, see if anyone at the scene witnessed the driver using his or her phone.
- Ask the driver if they were using their phone.
- Ask the police officer to get the driver's phone number and carrier name on your behalf, but note that a driver does not have to provide the information.
- If you do get the number, provide it to your insurance company and to your attorney.

Be aware that in order to obtain records, you must file a lawsuit and subpoena the phone company for the records. If you've been in an accident and believe it was caused by a distracted driver, call our office for a consultation.

## Nicholas G. Pothitakis elected president of IAWC

**Nicholas Pothitakis** was elected president of the Iowa Association of Workers' Compensation Lawyers, Inc. (IAWC) for 2015. IAWC is an association of attorneys actively engaged in the area of workers' compensation law on behalf of employers, insurance carriers, and injured workers. IAWC's objective is to promote the administration of justice, provide continuing legal education in the area of workers' compensation law, and enhance the effectiveness of the workers' compensation laws and their administration. Mr. Pothitakis has been a member of the Association for several years and has served on the Board of Directors of the organization for some time. He is excited to be elected to this position, and as an officer of the IAWC, hopes to further the objectives of the organization.

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.*

## When the help ends up hurting

So much happens so fast in an emergency. Good communication and skilled first responders are essential to help those affected by an emergency. Unfortunately, mistakes made in haste can result in serious or deadly consequences.

In some states, first responders are protected by sovereign immunity, meaning that private citizens cannot sue a first responder. In other states, they are protected by limited immunity, which means that they can only be sued if they act in gross negligence or bad faith. The burden of proof falls on the victim.



In 2010, a New York City jury awarded \$172 million to the family of a 12-year-old girl who has severe brain damage as a result of the actions of a paramedic crew.

Despite receiving a dispatch to the home where the girl was in cardiac arrest and anaphylactic shock, the ambulance dispatched had no oxygen or a defibrillator. The mother begged for the ambulance to drive her daughter to a nearby hospital, but the medics advised the family to wait for another ambulance, which took an additional 20 minutes to arrive. As a result, the girl has severe brain damage, is paralyzed, and cannot speak, but is fully aware.

If you have been hurt by the negligence of a first responder, please contact our office to discuss your rights.