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**POTHITAKIS**  
 LAW FIRM P.C.

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## *Shoulder Injuries Result in Large Award*

Pothitakis Law Firm was contacted by R.P. with respect to an injury he sustained in early 2015. On that date, R.P. was performing his work for a local steel manufacturing facility. While moving a large piece of steel, the steel part came back towards him. He pushed away from it with both his right and left arms. R.P. felt pain and discomfort in both arms as a result of the incident. R.P. immediately reported the matter to his supervisor and to plant personnel. He was driven to the hospital that same day by his employer. The X-rays that were completed at that time did not show any significant damage. Approximately a month after the injury, the workers' compensation insurance carrier denied the claim, saying that the explanation of the injury did not fit with the facts of the investigation completed by the employer. At that time, February of 2015, the workers' compensation insurance carrier and employer denied the claim and informed R.P. that all future medical care would be at his own expense. The workers' compensation insurance carrier also indicated that they would not be providing any weekly workers' compensation benefits. This resulted in a significant hardship and financial disaster for R.P. He contacted the Pothitakis Law Firm for assistance. At the direction of Pothitakis Law Firm, R.P. sought care on his own through a local orthopedic surgeon. The orthopedic surgeon determined that surgery was necessary with respect to the right shoulder, right elbow, and left shoulder. R.P. was ultimately released with a permanent 10-pound lifting restriction.

In order to prove the case, R.P.'s counsel obtained detailed medical opinions from R.P.'s orthopedic surgeon. The orthopedic surgeon confirmed that the work injury is what resulted in R.P.'s condition and need for surgery on his shoulders. R.P.'s counsel further obtained the services of a vocational expert so that she could provide opinions about how R.P.'s injury and

restrictions would affect his ability to work in the future. This expert for Pothitakis Law Firm concluded that R.P. would not be able to return to most of his past relevant employment positions. Pothitakis Law Firm scheduled and took a number of depositions of co-employees of R.P. Pothitakis Law Firm was able to establish that the mechanism of the injury as described by R.P. was consistent with the way the steel would move on a hoist.

After reviewing all of the evidence, the deputy agreed with Pothitakis Law Firm that the injury had occurred and that R.P. was left with a significant disability as a result of the injury. The fact that R.P. had two significant shoulder injuries that required surgery resulted in a significant impact on R.P.'s ability to work and earn a living. Given R.P.'s age of 56 years old and his high school education, R.P.'s right and left shoulder injuries and restrictions would significantly limit his ability to find employment. The deputy workers' compensation commissioner ordered the defendants to pay weekly workers' compensation benefits for the year that R.P. was off work and undergoing medical treatment. The judge ordered the defendants to pay a 65-percent industrial disability, which entitled the claimant to over six years of benefits into the future. Further the judge ordered the defendants to pay all medical expenses.

The award totaled well over \$300,000. Prior to the hearing the defendants were so confident in their position that they made no reasonable offer of settlement on the claim. Pothitakis Law Firm is now awaiting to see if the defendants will appeal the decision.

As illustrated in this decision, it is important for injured workers to obtain assistance with claims from an experienced Iowa workers' compensation attorney, who can investigate, obtain evidence, and garner medical opinions that support the claim in the face of a denial by an insurance company.

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#### **NATIONALLY RECOGNIZED WORKERS' COMPENSATION AND PERSONAL INJURY ATTORNEY**

- *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—2014, 2015, and 2016 Listing*
- *Super Lawyers—2013, 2014, 2015*
- *2013, 2014, 2015 National Trial Lawyers—Top 100 Trial Lawyers*
- *Member, American and Iowa Associations for Justice*

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

## Hearing Loss and Tinnitus Award

On December 28, 2016, **Pothitakis Law Firm** received an excellent award for one of our clients. The case was based upon a claim of hearing loss and tinnitus (ringing ears). The claimant, W.M., had been employed by a local manufacturing company since 1977. He worked in an environment that was extremely noisy. Although the employer provided hearing protection, it was not sufficient to avoid the long-term effects of the noise on the claimant's ears. In addition to the claimant's hearing decreasing over time, the claimant began suffering from ringing in his ears. This ringing affected his ability to concentrate and sleep. The claimant was told that there was nothing that could be done to stop the ringing and that it was a permanent condition. The ringing is referred to as tinnitus by physicians.

In April of 2015 the claimant decided to retire. At that time the claimant contacted the Pothitakis Law Firm. Under Iowa law, the date of injury for a hearing-loss claim is the date of retirement, the date the person has transferred from the excessive-noise environment, or the termination date. The date of injury for a tinnitus claim is a different date. That date is based upon when the claimant realizes that the tinnitus is a serious condition connected to his employment that may have an impact on his future earnings.

The claim was highly contested, and the defendants did not make an offer of settlement before the hearing. The parties proceeded to a hearing before a Deputy Workers' Compensation Commissioner on August 29, 2016. The deputy's decision on December 28, 2016, found in favor of the claimant, W.M. The judge awarded W.M. a 35-percent industrial disability (loss of future earning capacity) as a result of his hearing loss and tinnitus. This entitled the claimant to 175 weeks of benefits, an award of approximately \$125,000. Further, the defendants will be responsible for the claimant's hearing aids associated with his occupational hearing loss. Pothitakis Law Firm believes an appeal will be filed by the defendants.

As the decision illustrates, it is very important for long-term employees who suffer hearing loss or tinnitus to discuss the matter with a qualified Iowa workers' compensation lawyer, as they may be entitled to significant benefits as a result of the same.



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## I Can Act as My Own Car Accident Lawyer...

### ***How Hard Could It Be?***

If you've been in a car accident, it is really easy to just forgo hiring an attorney and let the insurance company take control. This could be a big mistake. The attorneys hired by the insurance company are hired to protect the best interests of the insurance company, not its clients.

If fault isn't being contested, injuries are nonexistent or minimal, and vehicle damage is less than \$5,000, some accident victims may opt to work solely with their insurance company, but with the exception of noninjury fender benders, it isn't advisable to skip hiring an attorney for several reasons.

If you've been injured, have expensive medical bills, have lost time at work, and expect to incur more time off and medical bills for future procedures and treatments, you really need an attorney familiar with automotive law to represent you during the settlement process. He or she will know what losses can be recovered, understand the tactics used by insurance companies to minimize settlement offers, and know the statute of limitations for filing a claim should that become necessary. When negotiating your settlement, an experienced attorney will collect evidence on your behalf and prepare a demand letter that considers your current and future needs.

If you or a loved one needs representation after an automotive accident, call our office for a confidential consultation.

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## Drivers and Pedestrians Distracted by Pokémon Go App



Chances are you've noticed groups of tweens, teens, and even adults huddled together over phones and tablets in search of Pokémon. Pokémon Go took the country by storm last summer. The game offers individuals and groups the opportunity to virtually collect Pokémon at many locations in their neighborhoods and communities. While it doesn't get people off their devices, it does get them together and moving.

It is a great way to use technology to encourage an active lifestyle, face-to-face socialization, and community interaction, but the app has also been a distraction to pedestrians and drivers. Two boys in Los Angeles walked off a cliff (they weren't seriously hurt) while chasing virtual creatures, and a handful of auto accidents have occurred as a result of drivers using the app behind the wheel. A Baltimore man even drove his vehicle into a police car while playing the game.

**The Auburn Police Department, New York, offered the following tips for safe play:**

- Do not use the application when you are operating a motor vehicle or bicycle.
- Do not trespass on private property when trying to catch a Pokémon.
- Be aware of your surroundings when walking, and do not stare down at your phone. Hazards like roadways, drop-offs, waterways, etc., may suddenly and rudely interrupt.
  - Use caution when sharing your location, as strangers can see your location information.
  - Travel in groups in public/well-lit locations.



## TAKE A HIKE! Park and Trail Safety

During the springtime, many people travel to local, state, and national parks to hike, bike, and enjoy the outdoors. Those looking for outdoor fun count on government parks to be well maintained and to have appropriate signage regarding potential hazards. Keep in mind that winter thaws, spring rains, and trails that haven't been prepared for busy spring and summer seasons can be slick. After the winter, hazard and trail signs may have fallen or faded.

According to the National Park Service, 1,025 people died in national parks from 2007 to 2013. The majority of deaths were from accidental drownings, slip-and-fall accidents, and vehicle crashes. But those injured on trails that weren't maintained or labeled correctly may feel that the park is liable for all or part of their injuries. When determining if the government is partially or fully to blame, investigators will be interested in the maintenance records of the trail, proper placement of warning signs, whether hikers ignored posted warning signs, and whether there is a history of accidents occurring in the area of the park in question.



**Here are tips that hikers can take to preserve the trails and stay safe, from the Pennsylvania Department of Conservation and National Resources:**

- ◆ **Do not overestimate your abilities.** If you are a beginner or haven't been active in a while, don't take a long, grueling climb to the top of a mountain.
- ◆ **Wear comfortable shoes** with soles that provide good traction.
- ◆ **Bring a friend.** Although hiking can be a valuable solitary escape, many times the enjoyment and safety doubles when you hike with a friend.
- ◆ **Stay on the trail.** Wandering off the trail can have serious consequences. You could become injured or lost. Some trails have also been built through very delicate habitats. Wandering off the trail could disturb and destroy parts of the habitat you came to see.
- ◆ **Be sensible.** Take into consideration the weather and the duration of your hike. Bring along any extra clothing, water, or insect repellent in accordance with the conditions.

# Nicholas Pothitakis Speaks at Seminar

**Nicholas Pothitakis** was invited to speak at the Iowa Association for Justice Workers' Compensation Seminar held on February 17 and 18 at the Prairie Meadows Convention Center in Altoona, Iowa. Approximately 200 lawyers and legal professionals from across the state attended the two-day seminar.

Mr. Pothitakis spoke on the topic of commutations. Commutations are a procedure where an injured workers' compensation claimant may seek the payment of all of their benefits in a lump sum as opposed to weekly payments. Mr. Pothitakis also gave practice pointers and advice on how to successfully pursue the same under Iowa law. **Cindi Muff** and **Janet Schafer**, paralegals from the Pothitakis Law Firm, also attended the seminar.



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.*

## **WITNESS an Accident? HERE'S WHAT TO DO**

When you see an accident happen, your first instinct may be to stop and help or, if it was a fender bender, you may feel like you should mind your own business. Legally, either is allowable, but here is what to do (and not do) should you stop to offer assistance:

- **Park a safe distance away**—leave plenty of space for emergency-response vehicles—turn on your hazard lights, and call the police or 911. For noninjury accidents, call the police.
- **Carefully approach the vehicles.** This is especially important in the case of a serious accident that involves fire, but you should also be aware of broken glass, leaked fuel, and passing traffic.
- It is okay to **talk to the victims** and to try to help them remain calm. If someone is injured, do not attempt to move them; wait for a professional.
- **Do not confront anyone** about causing the accident, no matter how obvious it may seem to you. Provide all the information that you have to the police, and be sure to leave your contact information for further questions.
- **Move or stabilize vehicles** involved. If an accident is minor and no one is injured, it is preferable to move vehicles to the side of the road. If the vehicles are badly damaged or if there is an injured person inside, try to put the vehicles in park and turn them off.
- **What if I don't stop?** If you choose not to stop, as long as you weren't involved in the accident in any way, you can't be sued for not stopping. Likewise, if you do stop to help, most states have Good Samaritan laws to protect you from being held liable for emergency care provided (or not provided) at the scene of an accident.