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Hearing Loss and Tinnitus Case Results in Significant Award

The claimant, W.M., pursued benefits based upon a hearing loss and tinnitus claim. Tinnitus is ringing in one's ears that is sometimes associated with excessive noise exposure. The claimant had worked for the employer for over 30 years. A good portion of his work was in a very noisy environment. Although hearing protection was provided, including earmuffs and earplugs, at times he had to take those out to talk to other employees and at times they were not available. Over the years, the claimant noticed that his ability to hear was decreasing and the ringing in his ears was increasing.

These two things together made it difficult for him to hear others in noisy environments, such as restaurants or places where there was significant background noise. After hiring the **Pothitakis Law Firm**, the law firm had him evaluated by an expert on hearing loss and tinnitus. That doctor set forth his opinion that the hearing loss and tinnitus were connected to the noise exposure at work and that it resulted in a significant disability.

The defendants had the claimant's hearing loss evaluated. Their expert indicated that a portion of the hearing loss was related to aging and to preexisting issues.

Prior to the hearing, the defendants did not make an offer of settlement, as they felt confident that they would win the case. After evidence was presented to the judge, a decision was ultimately rendered in favor of W.M., finding that he had sustained a 35 percent industrial disability as a result of the hearing loss and tinnitus. This entitled him to 175 weeks of benefits. At his rate, this entitled him to an approximate award of \$123,000.

While on appeal, the case was settled for close to the value of the judge's award. The claimant and the Pothitakis Law Firm were extremely satisfied with the result and believe that it fairly compensated the claimant for his hearing loss and ear ringing.

Permanent Total Disability Award

The **Pothitakis Law Firm** was hired by D.D., who sustained an injury to his neck when he slipped and fell while leaving work. He ultimately underwent neck surgery as a result of the injury and, unfortunately, was left with chronic pain. As a result of the chronic pain, the claimant also began suffering from significant anxiety and depression. The claimant was taking pain medications as well as medications for his mental-health condition to try and obtain some relief.

Prior to a hearing, the defendants made an offer of settlement that was rejected based upon the recommendation of Pothitakis Law Firm. The defendants sought to pay a lump sum and close out the claimant's entitlement to weekly benefits, as well as close out his medical care. Given the cost of the claimant's medications, the claimant was unwilling to close out the claim for the amount offered. The parties proceeded to a hearing and presented extensive evidence concerning the claimant's injury and how that injury affected his ability to be able to return to the labor force. Pothitakis Law Firm argued that the claimant was unemployable and was permanently and totally disabled. The defendants argued that the claimant had been in a sales position and, therefore, his physical limitations and physical pain did not prevent him from returning to that type of work.

After the hearing, the Deputy Workers' Compensation Commissioner entered an award fully in favor of the claimant, finding him permanently and totally disabled. The decision resulted in an award, with the present value in excess of \$1 million. In addition, the defendants were ordered to pay the claimant's medical expenses for the remainder of his life.

The case is now on appeal. Pothitakis Law Firm hopes to be successful in defending the appeal.

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We take pride in the quality of our legal work.

Changes to Iowa Workers' Compensation Laws

On July 1, 2017, the new Iowa workers' compensation statutes will go into effect. The new law significantly restricts benefits that can be obtained under the Iowa workers' compensation statutes. Big business and the insurance industry were successful in their attempts to change laws that protect injured workers in the state.

One of the changes is that the law was modified so that injuries to a worker's shoulder are no longer compensated based upon how the injury affects that worker's ability to work or earn a living in the future. The compensation is limited to the impairment rating assigned as a result of the injury, times 400 weeks. The 400 weeks was a number that was pulled out of the air by the legislature and results in a significant limitation on benefits for workers with shoulder injuries. In the past, benefits for shoulder injuries were in relation to how the future earnings of that worker were impacted because of the injury and any limitations associated with the same. The analysis

for injuries after July 1, 2017, will only be as to the extent of the impairment rating and the percentage of 400 weeks associated with the same.

Another limitation imposed by the legislature is that if an injured employee returns to work after their injury and receives the same or similar earnings, their compensation for a whole body injury is only the impairment rating issued. In the past, benefits were payable based upon the impact that the injury would have on their future earnings. The law change results in benefits only being paid based upon the impairment rating assigned. Again, this results in a significant limitation to benefits for injured workers.

There are other changes to the law that protect insurance companies and business and reduce benefits to injured workers. It should be noted that the law only applies to injuries that occur after July 1, 2017, and will not affect those injuries that occurred before July 1, 2017.



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Be Like a Tree!

When dogs bite, kids are often on the receiving end. In a recent release, Doggone Safe, a Canadian not-for-profit that offers support for child dog-bite victims and their families, offers the following tips for children, parents, and dog owners to help keep kids safe:

CHILDREN

Dogs don't typically like hugs and kisses— Teach your kids not to hug or kiss a dog on the face. Instead, teach kids to scratch the dog on the chest or the side of the neck.

Be a tree if a strange dog approaches— Teach kids to stand still like a tree. Trees are boring and the dog hopefully will lose interest.

Never tease a dog— Don't tease a dog and never disturb a dog that's sleeping, eating, or protecting something.

PARENTS

Supervise— Don't assume your dog is good with kids. If a toddler must interact with your dog, you should have your hands on the dog, too. Many children get bit by family dogs that are typically very friendly and easygoing.

Train the dog— Take your dog to obedience classes where positive reinforcement is used.

DOG OWNERS

Spay or neuter your dog— Neutered pets are calmer, healthier, and less likely to be aggressive.

Condition your dog for the world— Give a puppy lots of new, positive experiences. Train using positive methods like clicker training.

Supervise your dog— Supervise your dog at all times around children. Do not allow children to hug and kiss the dog. If visiting children are bothering your dog, put the dog away or send the children home.



Injured? Change the Way You Socialize Online

Yes, social-media posts can be used as evidence against you. If you are a plaintiff in a personal injury accident, you can assume that insurance adjustors and defense attorneys are keeping a close tab on your social-media feeds. They are looking for photographs and any interactions that could suggest that you are exaggerating an injury or got an injury doing something other than what you claim, or any posts that might discredit you or your case.

ARCHIVE

If you are in the middle of a case, you really should stop using social media and archive the content of your accounts. This means that it isn't available online, but the content is available if it is requested as evidence. If you delete your content, or destroy devices, it will come across like you have something to hide.

STOP USING SOCIAL MEDIA

Your best bet is to stop using social media by archiving and deactivating your accounts. If you don't do that, consider not posting or commenting, and just follow your friends. Set your privacy settings to high, remove people you don't know from your friend lists, and don't accept requests from people or organizations that you don't know.

DELETE PHOTOS

Remove photos and tags to photos of you engaged in any kind of activity. These can be taken out of context easily by a defense attorney.

PROCEED WITH CAUTION

If you maintain accounts and continue to post, assume that every post, like, and comment will be read by the opposing legal team, a judge, and a jury. Don't post anything regarding your accident, injury, or personal injury case online.



Injured Worker Receives Significant Award

The claimant, B.J., sustained an injury in 2014 to her low back. The injury did not result in surgery but caused chronic pain and discomfort for the claimant. She sought medical care, which included medications, physical therapy, and injections. She ultimately was told that she would have a restriction limiting her lifting to 30 pounds. The claimant was able to maintain her employment with her employer, as she was able to modify her job duties to work within her restrictions. But for these accommodations, the claimant would have been unemployable in any of her past employment. At the time of the hearing, the claimant was earning more than she had been earning at the time of her injury.

Shortly before the hearing, the defendants made an offer to the claimant of a 15 percent industrial disability. The claimant, on the advice of **Pothitakis Law Firm**, rejected that offer and chose instead to proceed to the hearing.

After the hearing, the judge set forth a decision awarding the claimant a 50 percent industrial disability. This entitled her to benefits for 250 weeks. These 250 weeks resulted in an award of over \$100,000. This was five times as much as the insurance company's best and final offer shortly before the hearing.

The decisions made before a hearing as to whether to settle a case or proceed to a hearing are very important and can result in significant differences in the ultimate payout. For that reason, it's important to understand all of your options before a hearing and make a decision based on all of the available evidence.



Soft-Tissue Injuries

When injured in a car accident, not all injuries are as obvious as lacerations and broken bones. The impact can also damage muscles, tendons, and ligaments, resulting in expensive treatment. Unfortunately, these are the types of injuries that don't show up on an X-ray; in fact, they may not become apparent for days after an accident.

Whiplash and shoulder injuries are two common soft-tissue injuries sustained in car accidents. While your entire body is affected by a collision, the head, neck, and arms, which aren't restrained, snap forward and back during a collision. This motion can strain and tear tendons, ligaments, and muscles in the neck, upper back, and shoulders and damage joints.

Because soft-tissue injuries can take days to manifest and may not be detectable during an initial medical evaluation, it is important to get back to the doctor as soon as symptoms appear. If you are in an auto accident and begin to experience pain, burning, tingling, numbness, muscle spasms, or have trouble moving your neck, upper back, or shoulders, see a doctor right away. Treatment can be costly, and having to immobilize your neck or shoulder to recover can result in missed work.

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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.

Driverless Car Liability—Who Is to Blame?

Reading about driverless fleets of cars and trucks kind of makes you feel like the future is here. But it isn't here yet, and there a lot of kinks to be worked out. For example, who is to blame when things go wrong? It seems like an overly pessimistic approach, but it is a valid point.



According to the National Safety Council, an estimated 35,200 people died in vehicular accidents in 2013. Because human error is typically the cause of automotive accidents, Google made it a mission to make driving safer by becoming an innovator of autonomous vehicles. But if human error is taken out of the equation, who is to blame when an autonomous vehicle crashes?

Some of the companies supplying the technology—Volvo, Google, and Mercedes-Benz—have all pledged to be liable for accidents caused by self-driving technology. But, if it's a semi-autonomous vehicle, where the driver should be monitoring the road, how can blame be determined? What if an autonomous car is in an accident with a conventional vehicle? Also, what if an accident is due to software developed by a third party or affected by a hacker?

These and many other questions must be answered before driverless cars become the norm.