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POTHITAKIS
LAW FIRM P.C.



SPRING 2013

If you need our services, please contact us at...
319-524-7500, 319-754-6400, or 866-PLF-IOWA
www.pothitakislaw.com

Occupational hearing loss results in significant award

The claimant suffered from hearing loss and tinnitus associated with noise exposure at work. As a result of the hearing loss and tinnitus, the claimant suffered from depression. The employer and insurance carrier denied the claim and that the condition was related to noise exposure at work. The parties proceeded to hearing before an Iowa Workers' Compensation Deputy, who awarded the claimant lifetime weekly benefits.

The insurance company was not happy with the decision and appealed it to the Iowa Workers' Compensation Commissioner, the Iowa District Court, and to the Iowa Supreme Court. In all instances **Pothitakis Law Firm** was successful in keeping the award.

In 2010, Pothitakis Law Firm pursued what is called a "partial commutation," seeking the payment of all benefits in a lump sum. The case again proceeded to hearing and the Deputy awarded benefits to be paid in a lump-sum amount of approximately \$600,000. Again the defendants appealed and asked that the decision be overturned. Pothitakis Law Firm defended the appeal and won on behalf of the client. The claimant's total award of benefits has been approximately \$1 million as a result of the hearing loss, tinnitus, and depression.

This case has been ongoing since 2001. After many years of battle, Pothitakis Law Firm obtained success and satisfaction for the injured employee.



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PRACTICE IS PRIMARILY PERSONAL INJURY AND WORKERS' COMPENSATION

- Free consultation
- Contingency fee available
- Board member, Workers' Compensation Section of the Iowa State Board Association (2000-2002)
- Board member, Iowa Association of Workers' Compensation Lawyers, Inc. (2005-2011)
- Board of Governors, Iowa Trial Lawyers Association (2006-2007)
- Member, American Trial Lawyers Association
- Treasurer, Iowa Association of Workers' Compensation Lawyers, Inc. (2011-2012)

We take pride in the quality of our legal work.



HIT and run!

Being involved in a serious traffic accident—whether you are a pedestrian or in a vehicle—is traumatic, but what

happens when the person who caused the accident doesn't bother to stop? Who pays for the damages?

There are hit-and-run laws in every state, though they vary slightly, but all require that a driver stop, whether an accident is as minor as bumping into a parked car or as serious as inflicting injury or causing the death of another driver, passenger, or pedestrian.

Drivers have a legal duty to report an injury accident to the police and, if necessary, call emergency medical services. If another driver flees an accident that has caused property damage, injury, or death, the penalty can range from a ticket to a felony hit-and-run.

Uninsured motorist coverage pays for damages such as medical treatment, rehabilitation, and lost wages caused by a driver who flees the scene of an accident. Policies vary, as do state requirements, so be sure that your insurance policy covers uninsured motorists.

Here are a few things that you should do if you become a victim in a hit-and-run accident:

- Try to remember as many details as you can about the driver, the vehicle (make, model, color, dents, scratches, decals, bumper stickers), and license plate number to report to law enforcement. If you are able, ask witnesses if they were able to get any identifying information, and ask for their contact information if they can't stay to talk with the police.
- See a physician, even if you feel all right. Injuries from auto accidents often present themselves days or weeks later.

A physician may be able to identify injuries up front or offer suggestions that will help minimize pain and mobility issues in the event that an injury presents itself.

- Call us so we can help you understand how to recover damages through auto insurance and to help file suit against the driver should they be found.
- Alert the media. Any coverage will increase the chance of finding the driver.

CONSUMER REPORTS: “Legal DIY websites no match for a pro”

When it comes to routine legal documents, some websites offer do-it-yourself options that allow consumers to create wills, power of attorney, leasing contracts, and more. The idea of creating seemingly simple documents at home and for less money is appealing, but experts say that they are far too general to meet the needs of individuals in differing circumstances and in some cases contain language that could have unintended consequences.

In September of 2012, *Consumer Reports* drafted legal documents using online tools and asked law professors to review the process and the resulting documents. The organization found that while having something—a will, for example—was better than having nothing, the documents didn't compare to those that could be created by a professional.

Some issues included not having a federal lead-paint disclosure in fixed-term lease instructions, being able to add special directives that contradict what is stated in the body of a will, and, in one case, advising conflicting parties to go to a nonexistent judiciary office.

Wear a HELMET, SAVE A LIFE (and money!)

Motorcyclists who wear a U.S. Department of Transportation-compliant helmet are less likely to die in a motorcycle accident. This is old news—most bikers, whether they wear a helmet or not, understand the risks.

The National Highway Traffic Safety Administration reports that head injuries are the leading cause of motorcyclists' deaths. The organization says that helmets reduce fatalities by 37 percent and are 67 percent effective in preventing brain injuries. Furthermore, motorcyclists without helmets who are involved in nonfatal crashes are three times more likely to suffer brain injuries.

But there is another cost involved in the helmet debate. According to the Centers for Disease Control, the financial costs for states without a helmet law is in the billions.

“Increasing motorcycle helmet use can save lives and money,” CDC Director Thomas R. Frieden said in a statement released by the organization. “In 2010, more than \$3 billion in economic costs were saved due to helmet use in the United States. Another \$1.4 billion could have been saved if all motorcyclists had worn helmets.”

The cost-savings estimates in the \$1.4 billion figure included medical and emergency services costs, work-related and household productivity losses, insurance administration costs, and legal costs resulting from deaths and injuries from motorcycle crashes.

Spring RECALL roundup



Before starting spring projects or using spring and summer outdoor gear, check and make sure that you aren't using any of these recently recalled items:

BATTERIESPLUS BATTERY PACKS USED WITH CORDLESS TOOLS

Rayovac® NI-CD and Rayovac® NI-MH Cordless Tool Battery Packs sold exclusively at BatteriesPlus and online at www.batteriesplus.com between June 2008 and July 2012 have been recalled due to an explosion hazard. This is the second recall issued for these battery packs. Consumers should stop using them and remove the packs from cordless tools. Contact BatteriesPlus for instructions on how to return the product for a store credit.

(877) 856-3232, www.batteriesplus.com

KICKBOARD USA MINI MICRO SCOOTER

The three-wheeled Mini Micro Scooter has been recalled due to a laceration hazard, as the one-piece plastic platform that covers the front wheel base can break. The scooters were sold at toy stores, Amazon.com, and kickboardusa.com from May to July 2012. Stop using the product and contact Kickboard USA for a free replacement.

(888) 236-5657, www.kickboardusa.com

TRAVELLER RECREATIONAL TUBES

Inflatable recreational tubes used for snow and water tubing have been recalled due to the possibility of chemical burn and irritation hazard when touched. They were imported and sold by Tractor Supply Company from May to June 2012. Consumers should stop using the product and return it to any Tractor Supply Company store for a refund.

(877) 872-7721, www.tractorsupply.com/TravellerTireRecall

ZEST GARDEN WILSON & FISHER BISTRO SETS

Zest Garden has recalled its three-piece white patio sets in rose pattern sold exclusively at Big Lots. The chairs can break during normal use. The sets were sold from November 2011 to May 2012. Consumers should stop using the set and return it to any Big Lots store for a full refund.

Zest Garden (800) 893-3006, www.biglots.com

Help STOP teen drinking

The end of the school year is fast approaching, and for parents of teenagers this means looking forward to (and worrying about!) proms and graduation parties. Turns out parents have more influence on kids than they might think. A recent study by The

Century Council, a group dedicated to stopping underage drinking, found that 80 percent of kids between the ages of 10 and 19 said that parents were an influence when it comes to drinking alcohol.

Here are a few steps that parents can take to deter teens from drinking:

- Talk to kids about the dangers of alcohol and driving under the influence.
- Set strict rules against drinking and riding in the car with someone who has been drinking.
- Know when and where your teen is going, and check up on them. When they get home, hug them (smell for alcohol), check for red eyes, ask about their night (check speech patterns), and be aware of gum or mints used to cloak alcohol smell, or eyedrops to mask red eyes.
- Get to know your children's friends' parents. Ask if there will be alcohol at events and parties.
- Supervise parties at your home closely. Parents can and have been held liable for teen alcohol consumption in the home, even when they weren't aware that it was happening.
- Have a plan to help your teen out of a situation that involves alcohol. Students Against Drunk Driving suggests having a code phrase that a teen can text if they are in trouble but don't feel comfortable talking.
- Don't ever serve alcohol to someone underage.



Pothitakis Law Firm client injured while riding a motorcycle

In the summer of 2012, a **Pothitakis Law Firm** client was riding his motorcycle on a city street. As he approached a local park, a vehicle backed into his path, causing a collision. The incident resulted in significant injuries, including fractures that required ongoing treatment and therapy.

The insurance carrier for the negligent driver took the position that the motorcyclist should have avoided the collision. Pothitakis Law Firm undertook an investigation to clarify the circumstances of the accident. After discussions with witnesses and the investigating officer, Pothitakis Law Firm solidified the opinion that the motorcyclist was operating his motorcycle appropriately and safely before the collision. Further discussion with the insurance company resulted in a significant settlement for the injured motorcycle rider.

This case illustrates how insurance companies look for each and every out when it comes to paying damages to those injured by the negligence of their insureds. Any defense that they can raise or argument that they can make will be set forth to try to reduce the damages that they will have to pay on the claim. For this and other reasons, it's important to thoroughly investigate the claims to determine fault as well as the true value of the claims.



Insurance carrier says no value (They were wrong.)

In January of this year, the **Pothitakis Law Firm** received an appeal decision finding in favor of our injured client. The employee was injured in 2009 while performing work for his employer. He sustained a left shoulder injury that resulted in a surgical procedure. After surgery, the claimant's treating physician recommended that he return to work full duty without restrictions. The physician also set forth a 1% impairment.

Although the claimant was able to return to work and perform his job duties, he did so with significant pain and discomfort. The employer and insurance carrier took the position that since the claimant was able to return to work and earn more money than he had prior to the injury, he was not entitled to an industrial disability award.

The claim proceeded to hearing before the Iowa Workers' Compensation Commissioner. The Deputy Workers' Compensation Commissioner entered an order awarding the claimant over 100 weeks of benefits, which with interest amounts to in excess of \$65,000. Not happy with the decision, the defendants appealed the matter to the Iowa Workers' Compensation Commissioner.

In January of this year, an appeal decision was filed affirming the Deputy's decision and award. This case illustrates that the employer and insurance carrier's position that the case is worth nothing does not end the inquiry nor establish the true value of the claim.

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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.

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