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P
POTHITAKIS
LAW FIRM P.C.



If you need our services, please contact us at...

319-524-7500, 319-754-6400, or 866-PLF-IOWA

www.pothitakislaw.com



The staff of Pothitakis Law Firm has 113 combined years of experience in the legal profession. The staff is pictured here. *Standing, l to r:* Niko Pothitakis (attorney), 21 years; Carrie Pothitakis (bookkeeper), 11 years; Stacey Wachter (legal secretary), 9 years; Janet Schafer (paralegal), 21 years; *Sitting, l to r:* Amanda Dupuis (special projects assistant), 1 year; Kayla Krow (receptionist), 1 year; Cindi Muff (paralegal), 28 years; and Ann Kirk (legal secretary), 21 years.

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Significant award despite limited wage loss

The claimant was employed by a steel company, performing heavy production work. His work required him to use his upper extremities and included the use of air hammers and grinders. While performing his work, the claimant began having pain and discomfort in both of his arms and shoulders.

The claimant reported the problems but did not seek any care for several months. The claimant was hoping that his condition would get better and that he had just sustained a minor strain. The claimant did not get better and ultimately had to seek medical care. Medical care was obtained from a local orthopedic surgeon who performed multiple surgeries on the claimant's elbows and shoulder.

Pothitakis Law Firm was asked to assist in the valuation of the claim. The claimant's ultimate entitlement was based on how his injury affected his ability to work and earn money. The legal term is "industrial disability." Pothitakis Law Firm assisted the claimant by obtaining a second-opinion examination from a physician who evaluated the claimant's injury as well as his impairment and restrictions. Pothitakis Law Firm also contacted the claimant's treating doctors to obtain opinions supportive of the limitations that the claimant would face in the future as a result of his injuries.

In late 2011, the parties went before a Deputy Workers' Compensation Commissioner and presented their case. A decision was entered in early 2012, awarding the claimant a significant industrial disability. This was all despite the fact that the claimant, who had continued working for the employer, was earning a higher hourly wage after his injury. Not happy with the decision, the Workers' Compensation Insurance Company filed an appeal asking that the decision be reduced. Pothitakis Law Firm assisted the claimant on filing briefs supporting the decision and asked the judge to deny the appeal. Unfortunately, the appeal took over one year to be decided. In April of 2013, the appeal was decided in favor of the claimant. The decision resulted in a significant award.

This case illustrates that simply because an injured employee is able to return to work and earn a similar or higher wage does not mean that the claim has no value. The fact that the claimant had to work with significant pain and was unable to accept or take on as much overtime as he previously had undertaken were significant factors resulting in a significant award.

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.

ATTORNEYS SAVE YOU MONEY

Most people think only about the bill, but there are a number of ways in which attorneys save you money. You read that right, an attorney can save you money.

Representing yourself in a personal injury claim may seem like a great way to save some money, especially if your case seems clear, but it's not. Ask yourself these questions:

- How well do you know the law?
- Are you familiar with defense tactics and strategies?
- Would you know a truly fair settlement?
- Do you know the best resources for expert witnesses?
- For that matter, do you know if you would benefit from an expert witness?

For the same reasons that you wouldn't diagnose and treat a disease using books and the Internet, you shouldn't try to be your own counsel. In personal injury cases, consultation is almost always free.

There is simply nothing to gain by not utilizing a qualified attorney.

Birth injuries

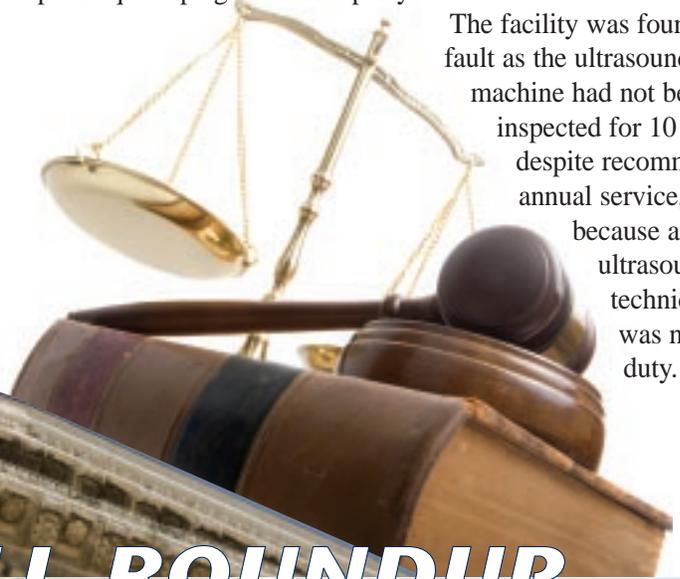
Going to the hospital to give birth should be a joyous occasion. But for soon-to-be parents, an injury caused by the medical staff responsible for the safety of the infant can change the course of their lives.

It's not just negligence on the part of the medical staff that can cause birth injuries, but the quality, condition, and age of the medical and diagnostic equipment at their disposal.

A Pennsylvania mother and her 3-year-old daughter, who suffered severe birth injuries, were recently awarded \$78 million. The woman arrived at the hospital bleeding, nearly full term. An ultrasound determined that the baby died in utero, presumably from placenta abruption; however, the mother insisted that she felt the baby kicking and moving. Over an hour later a heartbeat was detected and the baby was delivered via C-section. Because of the delay, the child has spastic quadriplegic cerebral palsy.

It's not just negligence on the part of the medical staff that can cause birth injuries, but the quality, condition, and age of the medical and diagnostic equipment at their disposal.

The facility was found at fault as the ultrasound machine had not been inspected for 10 years, despite recommended annual service, and because an ultrasound technician was not on duty.



SUMMER RECALL ROUNDUP

Master Forge gas grills sold at Lowe's

If improperly installed, the hose connecting the gas tank and regulator to the burner control can touch the burner box and cause the hose to melt and rupture when the grill is lit. Consumers should stop using the grill and call or go online for instruction.

888-584-3628, www.94227info.com

Banana Boat UltraMist Sport SPF 30 and SPF 50

Spray-on Banana Boat sunscreen voluntarily pulled 23 Banana Boat continuous sprays from retailers last year because they can catch fire if exposed to a flame or spark before drying on the skin. Consumers who have any of the products purchased between January 2010 and September 2012 should dispose of them and call or e-mail for refund information.

800-723-3786, e-mail SUNCARE@customerfollowup.info

Wilson & Fisher garden swings sold at Big Lots

The wooden swing's seat can break while in use, posing a fall hazard. Consumers should stop using the swing, detach the bench seat, and return it to Big Lots for a refund.

(866) 244-5687, www.biglots.com, click "recalls"

Children's water bottle sold at H&M

The water bottle spout can break off, posing a choking hazard. Consumers should stop using the water bottle and return it to H&M for a refund.

(855) 466-7467, www.hm.com



The right protection

Are concussions becoming a dangerous norm in football? Hearing stories of teens and adults suffering concussions in high school, college, and professional football is nothing new. But last fall, the media reported extensively on a game in which five players sustained concussions in a single game—in the Peeewe League.

As a new season approaches, take some time to make sure your kids have the proper protective equipment to reduce the risk of concussion. Be sure that used helmets and pads are in good shape and fit well. The helmet is the most important piece of equipment that your child will wear. No matter how good the condition, if it doesn't fit properly, it won't provide adequate protection.

PROPER HELMET FIT

- Measure the circumference of a child's head right above the eyebrows. Sizing among manufacturers varies, so this number is important.
- When the helmet is on, it should not move easily and should fit tight without being uncomfortable.
- The helmet should rest directly against the temple and the jaw, and the chin strap should fit snugly.
- When pushed on the top, the wearer should feel pressure on the crown of the head but not on the forehead.



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TAILGATING DRIVERS

There is nothing quite as annoying as a driver riding your bumper. Tailgaters cause a lot of accidents and are the number-one cause of road rage. Tailgating is aggressive driving and is illegal. According to Smartmotorist.com, most rear-end collisions are caused by one vehicle following another too closely.

Get out of the way

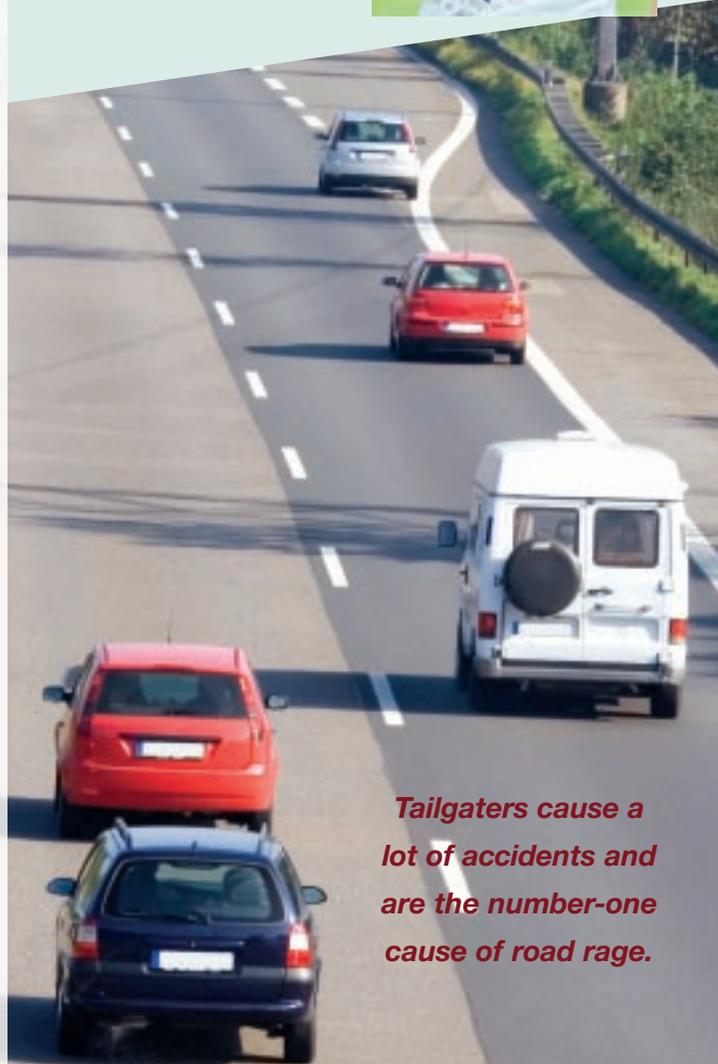
Your life, and the lives of your passengers and others on the road, is too precious to get stubborn with a driver who is already showing irresponsible behavior.

Don't tap the brakes

Sure, you know you aren't really using the brakes, but tapping the pedal to activate brake lights could cause an accident behind you if the tailgating driver panics and loses control of their vehicle.

Follow the two-second rule (or more!)

One car length for every 10 miles per hour is suggested, but this can be difficult to judge. For noncommercial motorists, the two-second rule is a good way to gauge distance. When a vehicle in front of you passes a sign, you should be able to count two full seconds before your vehicle reaches the sign. Double the time in cases of rain, maybe even more when conditions are snowy, foggy, or icy.



Tailgaters cause a lot of accidents and are the number-one cause of road rage.

Insurance company denies claim for two years, then pays

In March of 2011, the claimant was injured while driving a semi. Part of his duties as a truck driver were to climb on top of the trailer to open the tops of tankers. He felt pain and discomfort in his neck and back. He informed his employer and went to a doctor on his own. The claimant ultimately underwent a 2-level fusion of his cervical spine. The workers' compensation insurance carrier denied the claim, indicating that the condition was preexisting. They contacted a local orthopedic surgeon and obtained an opinion, which was that the condition was not work related.

Pothitakis Law Firm contacted the claimant's treating surgeon and obtained a detailed report from him explaining why the condition was work related. The surgeon indicated that despite the fact that the claimant had preexisting degenerative changes in his cervical spine, the injury had aggravated that underlying condition, resulting in his need for surgery.

The claim was scheduled for hearing almost two years from the date of injury. Shortly before the hearing, the parties participated in a mediation to try and resolve the claim. At the mediation, the Pothitakis Law Firm presented the evidence that supported the claim, as well as additional medical opinions from doctors hired by the Pothitakis Law Firm to evaluate the claim. The claim was ultimately resolved after a lengthy day of mediation for approximately \$250,000.

It is important to note that the insurance company was unwilling to pay anything until the case was fully prepared by the Pothitakis Law Firm and ready to go before a judge. Some insurance companies wait until they are sure that the claimant and his attorney are ready and willing to go to trial before they make a settlement offer.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

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.*

TOP 5 THINGS TO DO *if you are in a* **BICYCLE ACCIDENT**



They say once you learn to ride a bike, you never forget...but do you know what to do if you are in an accident? Chances are, you don't. *Here is a list of five things to do if possible if you are struck while on your bike:*

1. Take photos of the scene.

If you or a witness has a camera, take photos of the scene from every angle you can think of.

2. Talk to the police only.

If a driver tries to talk you out of calling the police, explain to them that you need to call the police to make a report to protect yourself. Do not discuss the accident with the driver, and do not talk with the driver's insurance company under any circumstances.

3. Get information from the driver and witnesses.

Get the driver's name, phone number, and insurance

information. Ask for names and numbers of witnesses who can't remain on the scene until the police arrive.

4. Go to the doctor or ER.

If you are experiencing pain, see a physician right away.

5. Get an estimate for property damage.

Take your bike to a shop that will put a number value on the damage. Don't fix the damage and, likewise, keep broken helmets, ripped and bloodied clothing, torn shoes, or any other piece of property that could be considered evidence to the severity of the accident.