

135 S. LASALLE ST., STE. 2200  
CHICAGO, IL 60603

INSIDE THIS ISSUE

Play Ball! page 1

A Big Win for Working Families page 2

Southsiders Win the Chicago Cup page 2

Why Getting the Flu Shot Is More Important Than Ever This Year page 3

PHOTO OF THE MONTH



Jon Svitak (left) and Pat Cummings (right) take the Chicago Cup.

PLAY BALL!



Life is more than work productivity, a lot more. When we advocate for our clients whose normal lives have been devastated, our No. 1 message to the jury is this: Our clients' biggest loss is their ability to enjoy their normal life. They've lost the ability to interact with the ones they love the most. Over the last six months, does it seem that some of our intangible relationships have been taken from us, too?

Like most of his classmates during this difficult time, my son Johnny has been indoors "e-learning" and playing with electronics. Through this last six months, our young people have lost a lot. In-person learning is so important. Not only have they lost the normalcy of school, but they also lost the ability to just be kids and hang out together ... in person.

A few months ago, Kelly and Brian Carr, parents of one of Johnny's classmates at St. Joan of Arc, encouraged all of our sons to play fall baseball. Johnny had stopped playing baseball a few years ago. When I received the message, I knew that baseball had to happen. Some fellow parents put together a team of 13 kids from Johnny's school, and we entered a team in the Lisle Fall Bronco league. We played a dozen games. Our won-loss record was not stellar, but I will tell you that the whole short season was nothing short of spectacular. The boys have had the time of their lives, just playing a game outside together ... without COVID hanging over their heads.

Thank you to Lisle Baseball for providing games under the lights for these boys. You've provided some great memories for 13 boys who had their time to shine and all of us parents who were thrilled to see our boys outside again. I hope we will do it again.

Gratefully yours,

- Joseph Shannon

## ILLINOIS SUPREME COURT PROVIDES BIG WIN FOR WORKING FAMILIES

On Sept. 24, 2020, the Illinois Supreme Court issued a decision that provides relief for working families in the state of Illinois whose loved ones or sole providers have been injured on the job and have been denied benefits.

In the last few years, the Illinois Workers' Compensation Commission (IWCC) has issued a line of cases stating that injured workers would be denied benefits if their injury occurred due to "common bodily movements or routine everyday activities," unless the worker could show that they're exposed to this risk to a greater extent than the general public. These injuries include bending, twisting, reaching, or standing up from a kneeling position.

In the McAllister case, a sous-chef injured his knee while standing up from a kneeling position. It was undisputed that the sous-chef was in a kneeling position because he was looking for a lost tray of food inside a walk-in cooler. The IWCC denied McAllister benefits stating that it was an everyday common occurrence and therefore did not arise out of his employment.

The Illinois Supreme Court overruled that line of cases, also known as neutral risk cases. They ruled that common bodily movements, including everyday activities, are compensable and employment-related if the common bodily movement had its origin and some risk connected with, or incidental to, employment, thus creating a causal connection between the employment and the accidental injury.

The court said that the law would no longer require an injured worker to provide additional evidence establishing that the worker was exposed to the risk of injury to a greater degree than that of the general public, as long as the worker proved they were involved in an employment-related accident. In the McAllister case, the injured worker's knee popped as he was getting up from a kneeling position. The worker was in the kneeling position because they were performing a work-related activity while looking for food.

Not only did the court make this ruling and overrule prior cases that wrongfully denied injured workers' families desperately needed benefits while they're off work. The court also went out of its way to remind the IWCC and other courts within the workers' compensation system that the Act in the state of Illinois is a remedial statute and should be liberally construed.

The McAllister decision should, and will, be used by everyday workers' compensation practitioners in reminding courts that the IWCC Act is designed to protect injured workers, and it should be liberally construed to provide the proper protection when the working men or women and their families in the state of Illinois need it most.



- Jack Cannon

## WHY GETTING THE FLU SHOT IS MORE IMPORTANT THAN EVER THIS YEAR



It is more important than ever to get the influenza vaccine this year. The Centers for Disease Control and Prevention (CDC) is strongly encouraging everyone 6 months and older get the flu vaccine, especially this year, because of the similarities between flu symptoms and COVID-19 symptoms. Both viruses manifest as respiratory illnesses.

Resources like hospital beds and ventilators, which would normally accommodate a typical flu season easily, are already being stretched thin in response to the COVID-19 pandemic.

Also because the symptoms are similar, contracting the flu will likely mean being tested for COVID-19 and quarantining while test results come back, which will cause more people to miss work on top of testing shortages. All of these reasons make it particularly important that the public receive the influenza vaccine this year.

Across the county, clinics and pharmacies are gearing up for a large volume of influenza vaccinations. Mobile clinics are also being used to try to reach as many people as possible. Vaccine manufacturers are also responding to the increased demand for vaccines. It is expected that 194-198 million doses of the flu vaccine will be provided this year, which will break the previous record of 175 million doses set in 2019-2020.

The CDC recommends that everyone 6 months of age and older get an influenza vaccine every flu season. However, there are some

rare exceptions. Some may have concerns about the flu shot, like "What happens if I am injured by the flu shot?"

The influenza vaccine is very safe. Every year millions of people receive the flu shot without issue. However, on extremely rare occasions, the flu shot can result in injuries. For instance, some people who receive the influenza vaccine experience severe pain and reduced range of motion in the shoulder where the vaccine was administered. This injury is called Shoulder Injury Related to Vaccine Administration (SIRVA). The shoulder joint becomes inflamed, which can be a very painful and limiting injury.

In other cases, the flu vaccine can cause Guillain Barre Syndrome (GBS). GBS is a rare disorder in which your body's immune system attacks the nerves, causing weakness in your extremities that eventually progresses to paralysis. Most patients will regain the ability to move their extremities and walk, but not without some residual effects.

For those folks who are unfortunate enough to experience one of these injuries, the federal government has set up the Vaccine Injury Compensation Program (VICP) to compensate victims of vaccine injuries. If you'd like to learn more about this unique program, I'll send you a free copy of my latest book on the VICP. Text us at (312) 847-2428 if you'd like one.



- Jonathan Svitak

## SOUTHSIDERS WIN THE CHICAGO CUP

In September, Jon Svitak and I took home the soon-to-be-coveted Chicago Cup. Long before the COVID-19 outbreak, our friend Dave Aufferberg (SLU High, Boston College) decided to organize a 24-person Ryder Cup style tournament for his friends and colleagues. Fortunately, Jon and I made the cut for the final roster.

Throughout the golf season, the Cup's founder sent constant emails to all "Chicago Cuppers" to make sure everyone stayed excited for the Cup and ensure each player was logging their weekend scores so fair teams could be assembled. Fortunately, golf has been one of the few activities this year in which everyone could responsibly participate. Accordingly, the Chicago Cup has been one of the few social events Jon and I looked forward to all summer long.

A few months before the Cup, it was revealed that Jon and I, along with several of our Marquette friends and Jon's cousin Tom, would be part of the Southsiders team. The 2020 Chicago Cup can only be described as over-the-top. Dave, the captain of the Southsiders, hired a digital marketing consultant and a photographer to document the event. He arranged for uniforms and hats for both teams. Our high school friend John Gallagher even volunteered to make a promotional video for the Cup. I highly recommend giving it a look on Instagram@thechicagocup — seriously, it's better than promos you might see for the U.S. Open. But my favorite excessive part of the Cup? The bagpiper Dave hired to play us off the first tee.

The tournament was a two-day, 54-hole, socially distanced team tournament. Saturday was two rounds of two-versus-two team golf. Each match was worth a point. On Sunday, each of the 12 Southsiders faced off in a one-on-one singles matchup against a Northsider.

On Saturday morning, it looked bleak for the SLG guys and the Southsiders in general. Jon and I both lost our morning matches. However, we both recovered to win our Saturday afternoon matches, and the Southsiders found themselves down a point going into Sunday's singles matches. Sunday was a sea of red. Of the 12 matches, the Southsiders won nine of them to run away with the Cup by a final score of 14.5 to 10.5. Even better, our good friend from Marquette — Jack Kelly — won the Most Outstanding Player award.

The Cup victory was great, but the whole weekend really was one of the best of this otherwise challenging year. Jon and I had the chance to meet some terrific people and had a great time while doing so. Honestly, the only downside of winning the Chicago Cup is that we have to wait 12 more months to defend it.



- Pat Cummings

## QUESTIONS?

Text me at my personal number: 312-847-2428.



## SUDOKU

		4						
					3			
6		8		3			2	5
	6			1		7		
			7				5	
5			2			9		
		6	4					
	4	9	6					8
					2		3	

7	5	1	8	9	2	4	3	6
3	4	9	6	5	1	2	7	8
8	2	6	4	7	3	5	9	1
4	1	3	7	8	9	6	5	2
5	8	7	2	4	6	9	1	3
9	6	2	3	1	5	7	8	4
6	7	8	9	3	4	1	2	5
2	9	5	1	6	8	3	4	7
1	3	4	5	2	7	8	6	9