

The Boyk Bulletin

Inside this Issue

Local dentist helps kids in need	2
She's The Best contest winner	3
Letter to the Editor	3
Fun kids recipe	4
Safety Events this Summer	4
Cases of Interest	4

We Have Six Offices to Serve You

Downtown Toledo

405 Madison Avenue
Suite 1200
Toledo, Ohio 43604
419.241.1395
1.800.637.8170 Toll-free
419.241.8731 Fax

West Toledo

4032 Secor Road
Suite A
Toledo, Ohio 43623

South Toledo

5241 Southwyck Boulevard
Suite 108B
Toledo, Ohio 43614

Bowling Green

121 E. Wooster Street
Suite 255
Bowling Green, Ohio 43402

Swanton

110 W. Airport Highway
Suite 208
Swanton, Ohio 43558

Findlay

612 Main Street
Suite 101
Findlay, Ohio 45840

Children under 7 years old not responsible for causing their own injury accidents

What if your small child runs out in front of a car and they are injured? What if your 3-year-old is visiting a neighbor and the dog bites the child's hand after the dog's tail gets pulled?

Is your child at fault for those types of accidents?

Read the following excerpt from *Little Kids, Big Accidents: The Ultimate Guide to Child Injury Cases in Ohio* to learn when a child is exempt from responsibility for causing their own injury:

Children under the age of 7 are not liable for their conduct as a matter of law. For example, if a child less than 7 years old injures someone by running into them with a bicycle, the

injured person will not be able to succeed on a negligence claim against the child, no matter how severe the injuries.

The idea behind the rule is that the children who are less than 7 years old are simply incapable of fully appreciating how their acts may impact others.

Therefore, the reasoning goes, it would be unfair to hold them responsible for injuries caused by accidental or even reckless behavior.

This can be an important issue if a child under 7 gets injured in an accident caused partially by the child's actions. Under Ohio law, juries can weigh the negligence of the person. The



concept is called comparative negligence.

So, let's say that the driver of a car runs a stop sign at a four-way stop intersection, and a 6-year-old child on a bicycle also fails to stop at the intersection

See *Child Accident*, page 2

Safety quiz: Is your child a safe bike rider?

You're kids have been waiting for it all year. School is out, homework is over, and the weather is warm.

As your kids pull out their bicycles in anticipation of summer, it is important to remind them that safety is imperative when having a good time.

Kids need to be careful while bike riding, even



when their parents aren't around.

We've created the following quiz to take with your child to determine whether or not they are a good bike rider.

Answer yes or no to the following questions, keeping track of the number of correct answers you have.

1. Do you wear your helmet at all times, and does it fit you properly?
2. Do you avoid riding at night unless you have on bright, reflective clothing?
3. Do you obey all traffic rules and stop at stop lights

See *Bike Quiz*, page 3

Family dentist helps parents keep kids' teeth healthy

Dr. Tracy Poole knew at a young age what her career path would be, and that she would follow in her father's footsteps.

"I started working with my father, who is a dentist, at age 14," Dr. Poole said. "I knew immediately that was what I wanted to do."

Dr. Poole is one of those dentists who has a gift when it comes to treating children.

Her enthusiasm is passed on through the exceptional way she treats her patients. Recently she combined her love of dentistry with her compassionate nature by co-chairing the annual Give Kids A Smile event sponsored by the Toledo Dental Society.

"At this event, we have a collective 40 dentists working on local children performing free dental work for those kids who would otherwise not receive these services," Dr. Poole said. "We treat approximately 500 children in the one-day annual event, and perform over \$100,000 worth of dental work on some great kids!"

She is part of the Dental Group West, at 5532 Central Ave. in Toledo, and attended Ohio State University for both her undergrad and dental school. She is an avid OSU fan and even served as the OSU foot-

Local Business Spotlight

ball team's dentist for the 1994-95 season.

Approximately 35 percent of her patients are children, and she stresses the importance of healthy teeth and gums even at a young age. Dr. Poole offers these tips to good dental hygiene:

1. Starting young, never put a child to bed with a bottle.
2. Start brushing their teeth as soon as they receive them, using a natural or non-fluoride baby toothpaste.
3. A child's first visit to the dentist should be no later than age two.
4. As children get older, diet plays an integral part in the rate of tooth decay. Sticky, chewy food such as fruit snacks, taffy, and sugared gum are all very bad for teeth. So are beverages high in sugar, like pop and sports drinks. Many of these beverages have ingredients listed as "fructose corn syrup" or "sucrose." Those are just fancy words for sugar and should be avoided.
5. Brush with a soft tooth brush twice a day and floss daily.
6. Visit your dentist twice a year for professional cleanings and exams, including oral cancer screenings.

Parents appreciate the extra care Dr. Poole give her patients.

"Tracy is absolutely great at what she does," Brian Fowler, whose family goes to Dr. Poole, said.

"She is so thorough and is the best dentist I have ever known. Dr. Poole is way better than any dentist I had growing up!"

Attorney Chuck Boyk knows that Dr. Poole's kindness extends out of the office and into her daily life.

"Tracy is a caring dentist and a great sports mom," Chuck Boyk said. "She and her husband Andy are great people, and their kids Morgan, Drew, and Aaron are fantastic athletes who play with joy and passion."

Dr. Poole is currently accepting new patients, and she has received the *Boyk Bulletin* Local Business stamp of approval. Contact her at **Dental Group West** by calling **419.539.2168**.

Local Business Spotlight is a feature that will run periodically in *The Boyk Bulletin*. If you know of a business you would like to see highlighted, contact Anneke at 419.720.4452 or at akurt@charlesboyk-law.com



Dr. Tracy Poole

Child Accident, cont. from page 1 and is struck while crossing the car's path. In that situation, the 6-year-old cannot, as a matter of law, be found to be contributorily negligent. Therefore, the driver of the vehicle would be solely responsible for causing the child's injuries.

Children seven years and older - and adults for that matter - also cannot be held liable for causing injuries that occur during recreational activities such as games of tag or baseball,

unless their conduct was somehow reckless.

In other words, a child who injured someone during some type of play activity won't be held liable for a run-of-the-mill accident. And, the recreational activity doesn't have to be confined to sports. For example, if the child accidentally wacked someone with a hammer while building a tree fort, they likely couldn't be found negligent. That may not seem fair to the injured person, but that's the law in Ohio.

In some situations, a parent can be liable for a child's negligent conduct. If the parent entrusts the child with something like a gun or a car that is potentially dangerous to others because of the child's age or inexperience, a claim can be made against the parents. Parents can also be liable if they don't exercise the proper control over a child despite knowing that the child's conduct could cause an injury, or if the parent somehow consents or directs a child's wrongdoing.

Mom's courage is contagious and an inspiration to kids

Hearthwarming stories are hard to come by during a time when the bad economy, unemployment, and tragic crimes are usually front-page news.

That is why we were so moved by the story sent in by Sammy, Noah, and Mikael Stahl, in response to the She's the Best contest in last month's issue of *The Boyk Bulletin* in honor of Mother's Day.

"I really liked writing this story because we love our mom and we think that she should know how much we love her," 10-year-old Mikael Stahl said. "I just want my mom to know that no matter what happens, we will

always love her with all our hearts."

Read the Stahl brothers' award-winning essay:

Not all Mother's are created equal. Some have one child some have a dozen. My mom is right in the middle she has six children. The only kids left at home are me and my two younger brothers. My mom is the best mom ever because she has taught us not to give up no matter what the life tosses your way.

Six years ago just after my baby brother was born my mom had breast cancer. She never gave up, with all the surgery's and chemotherapy and radiation, she was always



Anne Stahl and her sons (left to right) Sammy, Noah, and Mikael

there for us.

She taught us that which doesn't kill you makes you stronger. She spends as much time as she can with us, going places, having fun, enjoying life, not giving up and giving us memories that will last our entire lives. SHE'S THE BEST!!!!

LETTER TO THE EDITOR

Who will shovel the horse manure?

Dear Dad Editor:

Every night when I am on Facebook.com, you ask me, "What is so great about that site? What is the big deal?"

Business owners across the country have seen the benefits of having "friends" on Facebook, being able to link to their websites from Facebook, and posting photos of their publications.

You might think that Facebook is just another lame juvenile fad, but I really think that it will help your clients see what you do and how you can help them.

So, I have a challenge for you this summer.

If I can get to you jump from 50 to 1,000 Facebook friends before school starts on August 20th, you have to shovel the manure from the three horses until it snows. If I can't get you the 1,000 friends, then I'll shovel the horse poo. You know how much I hate to do that, so you know that I am confident that I'll win!

The winner will also have to donate money to their favorite charity.

I'll even help you by posting on Facebook all of the great things that the firm is doing. That way I get to spend my summer on Facebook, and do something productive for you, so you don't think I am being lazy. Bring it on, Dad!

Sincerely,

Emily Boyk, Chuck Boyk's 13-year-old daughter, and the oldest of four kids.

Help Emily win her challenge! Go to Facebook.com and type "Charles Boyk" in the search box. Make him your friend, and we'll send you a yo-yo!



facebook
face-off



Bike Quiz, cont. from page 1

and signs just like cars do?

4. Are you extra careful at intersections?
5. Do you avoid riding close to parked cars and never in between cars parked in the street?
6. Do you always ride with a friend and let your parents know where you will be at all times?
7. Do you always ride WITHOUT headphones in your ears?
8. Do you only ride your bike by yourself - never with someone else on the handlebars?
9. Do you use the proper signals when turning and stopping? For a left turn, you stick your left arm straight out. For a right turn, you hold your left arm in an upwards "L" shape, and to stop you keep your left elbow bent, making an upside down "L" shape.

So, how safe of a bike rider is your child? If answered all nine questions were answered with a "yes," your child is a perfectly safe bike rider. Great job!

Six to eight questions answered with a "yes" means that while your child is safe for the most part, you still need to work with them on being safe at all times, in all aspects of riding.

If five or less questions were answered with a "yes," your child needs a safety training on how to properly ride a bike. They should not ride their bike until they fully understand how important it is to be safe while riding.

Charles E. Boyk

Law Offices, LLC

405 Madison Avenue

Suite 1200

Toledo, Ohio 43604

Phone: 419.241.1395

Toll-Free: 1.800.637.8170

Fax: 419.241.8731

RETURN SERVICE REQUESTED

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www.CharlesBoyk-law.com

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 Call Anneke at 419.720.4452 or email her at akurt@charlesboyk-law.com**



Charlie's Favorite Cheeseburger Pizza

- 1 1/2 lbs. ground beef
- 1 can pizza sauce
- 2 (8 oz.) tubes crescent rolls
- 2 cups shredded mozzarella cheese
- 1 cup shredded cheddar cheese
- 1/4 cup minced onion
- 1/2 teaspoon salt
- 1 teaspoon chili powder (optional)

1. Preheat over 375°F.
2. Over medium heat, brown beef and onion.
3. Add pizza sauce, salt, and chili powder to meat.
4. Lightly grease a pizza pan or stone. Form a crust using the crescent rolls. Pat together to seal seams.
5. Pour meat mixture on top of crust. Sprinkle with cheese.
6. Bake for 20-25 minutes.

Summer Safety Events

Teaching your kids about safety is one of the most important lessons you can give them.

Take advantage of local safety programs going on throughout the summer, where police officers and other professionals teach your kids all about bicycle, pedestrian, and stranger safety. Our office has teamed up with the following safety programs this summer to hand out free copies of *Little Kids, Big Accidents: The Ultimate Guide to Child Injury Cases in Ohio* and free yo-yo's.

- Safety Town, Perrysburg** - June 8-20
- Safety Town, Rossford** - June 22-26
- Safe-T-City, Toledo** dates June 10 to Aug. 16
- Safety Village, Swanton** – end of July
- Kids Fest in Findlay** - July 23



**Need someone to talk to
 your group about kids and
 accidents? Call Anneke to
 schedule a free speech
 by Attorney Chuck
 Boyk, complete with
 FREE books & yo-yo's.**

Cases of Interest our office is handling

4-year-old boy is bit by a dog while visiting mother's friend. The dog bit off the tip of the middle finger on the boy's writing hand.

2-year-old boy is injured after car accident. The impact caused the safety seat to injure his groin area, requiring surgery for the little boy.

10-year-old girl is bit by a dog while playing at her friend's house. The dog bite caused the girl to need facial plastic surgery, and resulted in permanent scarring.

21-year-old girl suffers severe injuries to wrist after a car accident. The accident caused her to need surgery requiring 15 screws and a plate in her wrist.

17-year-old woman suffers blood clot running full length of leg, while taking Yaz birth control. The injury caused hospitalization and need for blood thinners.