

# The BOYK BULLETIN

## Federal Lawsuit Filed After 2nd Grade Girl Sexually Assaulted On Bus Is Told By School: “Boys Will Be Boys”



at Otsego Elementary School, including:

- *Being taken to the ground by one of the brothers who held her down, pulled down her pants exposing her genitals, and spanking her bottom in front of the entire bus. He held his hand over her mouth during the incident and asked “if she liked it” while his brother spanked her. The bus driver stopped the bus, pulled up the girl’s pants, and continued with the route without any report to the girl’s parents.*

repeated periods of threat, and causing her grades to drop, behavior problems, and the need for on-going psychological help to deal with her diagnosis of anxiety and Post Traumatic Stress Disorder. Eventually her parents had to withdraw her from the school. The failed plan and description of the accusations can be found in the lawsuit. To view a file-stamped copy of the lawsuit filed against Otsego School District, type “Otsego” in the search bar at the bottom of the [www.boyklaw.com](http://www.boyklaw.com) homepage.

Attorney Chuck Boyk is urging all parents to communicate with their children’s schools to make sure that this does not happen to someone else.

The Associated Press, 13abc, Toledo Blade, NBC 24, and other news outlets were quick to report after Boyk Law filed a lawsuit in the U.S. District Court Western Division on behalf of parents alleging that the Otsego School District failed to protect their daughter from sexual assault and severe harassment over a three-year period. The case has been assigned to the Honorable Judge Jeffrey J. Helmick.

- *Having the school destroy video footage of the incident*
- *Repeated chasing, choking, and physical assault that at one time resulted in a bloody nose*
- *Being told repeatedly by school authorities to stop “whining” and “being a tattletale”*
- *Being told by school authorities that “boys will be boys”*
- *Threats by the brothers that they would kill her*

Due to the sensitive nature of the case, the parents’ and child’s names have been redacted to protect the child’s identity.

“Under federal law, schools have a duty to provide an education without discrimination,” Chuck said. “If a school is aware of sexual harassment but does not respond and the child suffers, that child loses their educational benefit and, as a result, the school is liable. Otsego knew what was going on, but didn’t do anything about it. The child suffered, she fell behind, and the parents had to leave. The teachers failed this child, the superintendent failed this child, and so did everyone else around her – the school board, the principal, the recess monitors, the bus drivers. School should be a place where children feel safe  
*(continued on page 2)*

The now 11-year-old endured unthinkable treatment by two male classmates (also brothers) starting in 2nd grade while a student

Despite the parents demanding that a plan be put into place and utilized to prevent contact with the boys and their daughter, the school failed multiple times, exposing the girl to

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**ATTORNEYS**

Charles Boyk, Michael Bruno,  
Wesley Merillat, & Leah Michael

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(continued from page 1)



enough to trust those providing their education. The measures that Otsego claimed they took were not enforced, they failed to protect her, and destroyed the trust that she and her parents had in the school."

We are hopeful that the lawsuit will inform parents to insist that their own children's schools be held accountable for their actions and establish and enforce protocol that allows for full communication between parents, teachers and the administration, in and out of the classroom.

We also believe that there are still Otsego students out there who may have witnessed what happened and we urge parents to help them come forward so that we can continue our investigation.



## HAPPY 60th BIRTHDAY TO ATTORNEY MIKE BRUNO!

Boyk Law helped Mike ring in his 60th with lunch from Michael's Café and Bakery, German beer (to be enjoyed after work!), and a well-decorated office! Mike's wife, Renee, also joined us for the celebration. Here's to many more, Mike!



## CASES OF INTEREST: APRIL 2017

### Hospital Fails To Follow Protocol With A Dementia Patient, Leaving Him With A Broken Hand & Need For Surgery

A patient transporter disregarded hospital protocol by leaving our client unattended in the lobby after being discharged, despite the fact that he has dementia. Our client walked out of the building on his own, fell, and severely injured his hand just as his relative pulled up in her car to take him home. She discovered our client bloodied and with his hand dangling at a weird angle and it was soon discovered that the fracture would require surgery to repair. He was then re-admitted to the hospital for another five days and still faces a long recovery.

### Mold At Client's Apartment Leaves Her Hospitalized Multiple Times

Airborne tests conducted in our client's apartment showed that the fungi and mold presence was well above the universal standard and often the cause of respiratory problems in the elderly. Our 89-year-old client found herself facing those same problems after being hospitalized multiple times with one of the visits lasting for weeks. She is still undergoing treatment with a cardiologist as doctors work to find out how badly the mold has affected her health.

### Crushing Injury Causes Serious Harm To Our Client Due To Lack Of Machine Guard

Our client was working on a machine at work when the lack of a guard caused the roller to suck his hand into the machine, crushing his fingers and breaking his wrist. After the incident, our client was told by co-workers that the machine was old and there is reason to believe that years ago, OSHA ordered the company to put a new guard up since another worker had previously lost his hand on the same machine.





# TPS Proud Student & Teacher of the Month for March Celebrated at Jones Leadership Academy

The TPS Proud Student and Teacher of the Month contest is a joint effort between Charles E. Boyk Law Offices, LLC and Toledo Public Schools. Each month, one teacher and one student from one of TPS's high schools are awarded with a \$150 Visa gift card. To watch the heart-warming teacher nomination videos or if you are a TPS educator who would like to nominate a student, visit [www.TPSProud.com](http://www.TPSProud.com).



**Student winner:** *Dante Moore, Senior*  
**Nominator:** *Deanna Davis*

"Dante works very hard to achieve his goals. He is our only senior and will be attending college on scholarship next fall. Though Dante faces many difficulties in his personal life, you will never hear of them. He comes to class with a positive attitude, is always willing to help, and wants to achieve as much as he can. Dante's high school career began with many struggles and low-achievement. Since then, he has earned straight A's every quarter. Dante also puts his family first and never complains. He is a joy and an inspiration to have as a student."



**Winning Teacher:** *Steven Becker*  
**Nominator:** *Tarrence Madden*

"He knows me. He knows what I've been through. It's the teacher I usually talk to and he helps me with my work. He takes one-on-one time to help me. He taught me how to write and email and he's preparing us for college. He's doing good at his job and he should keep it up."



**Principal's Award:** *Ward Barnett*  
**Nominator:** *Alicia Vargas*

"He's taught me to be a leader and he's taught me what it takes to become a leader. He's a person you can go to for anything. When you need him, he's here. I like the way he leads us. Our school is so much different than other high schools. I can say I'm proud to be here. He taught us to never stop trying and to always be a leader, never a follower. I appreciate everything he's done for me and I hope to see him in my future."

## RECIPE:

# Betty's Beef Tenderloin with Horseradish Cream Sauce

### INGREDIENTS

- One 5 ½ lb beef tenderloin, with "silver" removed (ask your local butcher to trim it for you to save time!)
- ½ stick of butter
- 2-3 Tablespoons olive oil
- Salt and pepper

### For horseradish sauce:

- ¾ cup sour cream
- 2 Tablespoons prepared horseradish
- 1 small clove crushed garlic
- 1 teaspoon pepper
- ½ teaspoon salt

### DIRECTIONS

1. Allow the beef to sit out at room temperature for at least an hour. Preheat oven to 475° F.
2. Pat the beef dry with paper towels then coat with lots of kosher salt and black pepper (don't be afraid to use too much, the beef by itself is rather bland)

3. Heat a few tablespoons of butter and a couple tablespoons of olive oil in a large skillet until the pan is searing hot.

4. Sear the beef on all sides for 2-3 minutes each. Since it's a big piece of meat, just move it around until all the sides are brown. Don't worry too much if the tail part isn't very brown, that will cook later in the oven. Add more butter to the pan if needed.

5. Once brown, put in a roasting pan and tuck the end piece under. Pour the juices from the frying pan over the meat. Top with the roast with 5-6 pats of salted butter.

6. Roast in the oven for 40 minutes for a 5-6lb cut, or 25-30 minutes for a 3lb cut. Try not to open the oven at all - I know, it's tempting!

7. While the beef is roasting, mix together all ingredients for the sauce,

cover, and refrigerate.

8. Remove roast from the oven and allow to rest for at least 20 minutes before cutting and serving. You should have medium rare pieces in the thickest part of the roast, with medium and medium-well pieces on the ends. Enjoy!



# CHARLES E BOYK

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## IN THIS ISSUE

- Federal Lawsuit Filed After 2nd Grade Girl Sexually Assaulted On Bus Is Told By School: "Boys Will Be Boys"
- Happy 60th Birthday to Attorney Mike Bruno
- April Cases of Interest
- TPS Proud Student & Teacher of the Month for March Celebrated at Jones Leadership Academy
- Recipe: Betty's Beef Tenderloin with Horseradish Cream Sauce

## April's Raving Fan of the Month

**"A friend referred me to Boyk Law and I called right away. They got back to me immediately and answered all my questions in depth. They took care of everything fast and efficiently. I got everything I wanted and they kept me informed while we waited on the outcome." – Dannielle L.**



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[marketing@charlesboyk-law.com](mailto:marketing@charlesboyk-law.com)

## Learn About The Boyk Law Offices Dogs With Their New "Business Cards"

Each dog in our office got to have their own little photo shoot and "interview" for their new business cards last month. (And yes, photographing dogs really is as hard as it seems!). Visitors can now take home cards that feature the dogs' stats (just like real baseball cards!) with info like height, weight, and favorite hobbies. For example, Biscuit's favorite thing to do is steal the treats that Penny hides around the office. Want us to send your kids some Doggy Business Cards? Just email [info@charlesboyk-law.com](mailto:info@charlesboyk-law.com) or call Anneke at 419-720-4456 to request yours today!

