

The Boyk Bulletin

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We Have Six Offices to Serve You

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612 Main Street
Suite 101
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Mud Hens, Boyk Law Offices team up for 2008 season

Our office is proudly teaming up with the Toledo Mud Hens to sponsor a broadcast segment that runs down the list of injured players for each game.

The Charles E. Boyk Law Offices Injury Report will be featured on the Hens' TV broadcast during home games at Fifth Third Field.

"I've been going to Mud Hens' games since I was a kid," Chuck Boyk said. "I'm excited that our office will be associated with a team that has been such a fantastic representative of the Toledo community for



so many years."

We hope the Charles E. Boyk Law Offices Injury Report will provide a valuable service to fans who are tracking whether their favorite players have been sidelined with an injury and how long it will be before they'll be back in the lineup.

Aired live on the Buckeye CableSystem's all-sports network, BCSN, during at least 50 of the 72 home games, the Injury Report will identify any injuries Mud Hens players may have. The Mud Hens TV personalities will talk about the players on the disabled list and their injuries.

The Injury Report is similar to the Sports Injury Report sponsored by WebMD.com, which can frequently be seen during football season on ESPN and Fox Sports.

The Mud Hens are the only
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Be cautious when turning on yellow light

By Dale Emch

Dear Dale: If a driver turns left on a yellow light, then an oncoming car strikes him at an intersection, who is at fault? Note that in this case, the turn was made before the light changed to red. This is a true experience that happened to someone I know, but the person still got cited for turning on a caution light.

ANSWER: Just who would be at fault in a situation like this is the type of issue we

Legal Briefs is a question and answer column in the Toledo Blade, authored by Attorney Dale Emch. It is reprinted by The Boyk Bulletin with permission from the Blade.

deal with in our personal injury law office regularly. And, if the attorneys involved in these types of cases can't agree who is at fault, it's a question they have to put before jurors to decide.

It's impossible for me to give you a definitive answer on whether the turning driver - let's call him Driver A - was at fault here, but I can tell you I'd rather be handling the case for Driver B. It might be helpful to look at the instructions that jurors would receive from a judge in this situation.

According to the standard jury instruction dealing with left-hand turns, a driver making such a turn is
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10 tips to maximize recovery in an injury accident

If you've been injured in an accident, the initial steps you take can make a big difference to the outcome of your case.

The Ohio Accident Book offers readers ways to ensure that an accident injury case is handled properly.

We've compiled ten tips in *The Ohio Accident Book* to help you avoid insurance company traps and receive fair compensation for your injury. Our office believes that knowledge is power. Through these tips, which will be periodically highlighted in *The Boyk Bulletin*, a person can gain control of their own case.

The first tip is **Seek Treatment Immediately**. "It is important to receive medical treatment from the best qualified doctors," Attorney Chuck Boyk said. "It makes common sense, it helps shorten the treatment period, and it will generate the best results. Seeking proper treatment also lends credibility and value to your case."

Here is an excerpt from our book, which was co-authored by attorneys Chuck Boyk, Mike Bruno, and Dale Emch:

The best thing you can do for both your physical and financial health is to get the proper medical treatment for

your injuries. This isn't a time to tough it out and hope that you'll miraculously heal. Returning to health should be your top priority. You need to go to your family physician or to the emergency room to make sure that you get the treatment you'll need to recover from the injuries you suffered in the accident.

Once you go to the doctor, follow his or her orders so you can make the best recovery possible. If your doctor tells you to go to a physical therapist, do it. If you visit a chiropractor, complete the recommended treatment plan.

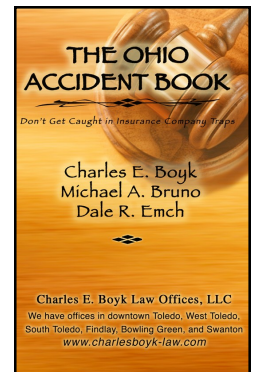
This makes sense not only for your physical health, but for your financial health as well. An insurance adjuster is going to base any settlement offer to you on the medical care you've received because it provides a way to measure your injuries and resulting pain. Getting treatment demonstrates to the insurance company that you're not faking your injury and that you're taking the process seriously. Compensation for the pain and suffering you've endured as a result of your accident will be based to some degree on the amount of your medical bills.

Once you've started treatment, see it through to the end. Don't stop the second you start to feel better if your doctor has recommended that you complete a certain amount of rehabilitation. If

you stop early, you may not be fully healed. Resuming treatment months after you've stopped sends a message to the insurance company that you may not have been hurt in the first place or that you're trying to take advantage of the process.

Don't want to wait for the next issue of *The Boyk Bulletin* to learn the other 9 tips?

Order your **FREE Ohio Accident Book** to learn 10 Tips to Maximize Recovery



Call Today
800.479.8203
Code 8223
or visit
OhioAccidentBook.com

Hens

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baseball team in the minor leagues to produce the entire television broadcast in-house, according to the team's website.

Injury Report will also air on all taped delay and replayed broadcasts of the Mud Hens games on BCSN in case a fan missed chance to be at the game. The official website for Minor League Baseball, MiLB.com, also broadcasts the games online, free of



Fifth Third Field, home of the Mud Hens
charge.

Listen to AM radio for the Injury

Report to be mentioned on Fox Sports Radio, 1230 WCWA.

The Hens also are pleased with the new sponsorship. "The Mud Hens are very excited about our new corporate partnership with the Charles E. Boyk Law Offices. We thank the Charles E. Boyk Law Offices for their support of the Mud Hens and can't wait for the start of the season with a great community partner," said Ed Sintic, Corporate Sales Associate for the Mud Hens.

Employee Spotlight

Patsy Ferguson

Patsy Ferguson's attitude is contagious. Even the tone of her voice seems to smile.

As paralegal to Attorney Michael Bruno for the past four years, Patsy handles everything from setting up new cases to preparing settlement documents. But even during the daily grind of overseeing more than 200 cases, Patsy is always upbeat and always smiling.

"Patsy has all the qualities one would want in a paralegal: energy,

quality work product, efficiency, and a wonderfully pleasant attitude," Mike said. "She is a joy to work with. I'm really lucky to have her."

"Charles Boyk Law Offices is more than a place to work - it's like a second family," Patsy said. "I love the work environment and the friendships that keep it together."

Patsy is a proud mom to Travis, who is a freshman at Hocking College, and a licensed charter boat captain on Lake Erie.

Patsy also takes her kindness and hard work out of the office and into the horse stables. She volunteers at Vail Meadows Equestrian Riding Center in Oregon, a therapeutic riding stable for people of all ages.



Patsy Ferguson

Employee Spotlight runs periodically in the Boyk Bulletin, as part of an ongoing feature highlighting our staff.

Emch

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supposed to yield the right of way to an oncoming driver who is within the intersection or so close to the intersection as to create an immediate hazard. Failure to yield the right of way is negligence, according to the jury instruction.

Another instruction the jury likely would be given states that a driver facing a steady yellow signal is warned that the light is about to change to red.

In the situation you've described it seems to me that Driver A should have yielded to Driver B if both of them entered the intersection on a yellow light. If I were representing Driver B, I'd argue that the rule is a driver making a left-hand turn must yield to oncoming traffic. I'd tell the jury that according to the instructions given by the judge, Driver A was negligent.

But often there's a bit of a twist in cases like these. Driver A will be waiting to make a left-hand turn on a yellow light and the light will turn red before Driver B enters the intersection. Once the light turned red, Driver B

should have stopped and Driver A would have the right of way to clear the intersection.

Your question seemed to indicate that both drivers entered the intersection on a yellow light. So, it looks like Driver A should have yielded to Driver B rather than assuming B was going to stop on the yellow.

Even if Driver A were found to be negligent, he would still have some cards to play at trial. His attorney likely would raise the issue of comparative negligence, which means that the jury would be asked to determine whether each driver shared some fault. Specifically, the jury would be asked to determine if the other driver's conduct also was negligent and, if so, apportion the



Attorney Dale Emch

negligence between the two drivers.

For example, the jury might find that Driver B didn't act as a reasonably prudent driver in this situation by entering the intersection on a yellow when Driver A was indicating he was about to turn. Let's say the jury thought Driver A was 75 percent responsible for the accident by making the left turn and Driver B was 25 percent responsible by not stopping at the yellow light. In that case, any award to Driver B would be reduced by 25 percent.

But, in comparative negligence situations, if the person bringing the lawsuit is found to be more at fault than the defendant, the plaintiff collects nothing. So, in our example, if the jury found that Driver B was more than 51 percent negligent for not stopping at the yellow light and letting Driver A make his left turn, Driver B would collect nothing on his claim.

If there's a practical lesson here, I guess it's that none of us should assume that it's safe to make a left turn on a yellow light until you see that the oncoming traffic has stopped completely.



FREE MOVIE TICKETS! Congratulations to Rhonda G. of Toledo!

Rhonda won a pair of movie passes for submitting a question for consideration in Legal Briefs! If you would like to go to the movies on us, send in your general legal question to Attorney Dale Emch at 405 Madison Ave., Suite 1200, Toledo, Ohio 43604 or via email at demch@charlesboyk-law.com.

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RETURN SERVICE REQUESTED

We're on the Web!

www.CharlesBoyk-law.com

Cherry German Chocolate Cake

1 Package German Chocolate cake mix

(Duncan Hines or Pillsbury)

1 can cherry pie filling

1/4 cup oil

3 eggs

3/4 cup chopped walnuts

Chocolate frosting, optional



1. Preheat oven to 350°F.
2. Beat eggs with hand mixer.
3. Add cake mix and pie filling, beat on slow speed until well-blended.
4. Slowly add walnuts by hand.
5. Pour batter into greased and floured 9 x 12 pan.
6. Bake for 45 minutes, allow to cool completely.
7. Add frosting and enjoy!

One of Grandma's favorites!

Cases of Interest our office is handling

62-year-old woman must undergo leg amputation after nursing home incorrectly uses wound vac.

49-year-old man walking on side of street has arm shattered when passing motorist strikes his left side.

39-year-old wife and mother of four suffers wrongful death after doctors fail to diagnose cancer when improper blood work was performed.

28-year-old man falls and injures right side after his leg gives out while moving large parts at work.

63-year-old woman breaks leg, resulting in need for surgery, after falling through a porch.

US Postal worker breaks ankle after falling on covered hole in ground during mail delivery.