

# The Boyk Bulletin

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## Trucker receives justice with \$1.25 million verdict

Sean McMahon fought for justice for more than six years after losing his leg in a truck accident.

Last month, Attorney Mike Bruno helped him win that fight when a jury awarded him \$1.25 million - one of the largest jury verdicts ever in Wood County. "It was remarkable to see Mike in the courtroom," Sean McMahon said. "He did a great job."

Sean was an over-the-road trucker who witnessed a confrontation between two other truck drivers at Stony Ridge truck stop late one night in April 2002. Mr. McMahon saw that Raymond Blake, one of the

truckers, was about to run over Elmer DeForge, the other trucker. Sean knocked Mr. DeForge out of the path of the truck, but put himself in harm's way. His leg was trapped under the wheel of the rig, which led to an amputation below the knee.

The judgment was against Continental Express, which had employed Mr. Blake. The company refused to accept responsibility for the incident, arguing that Mr. Blake was not acting in the scope of employment at the time of the accident.

Continental Express contended that since Mr. Blake had signed out of his logbook and was under the influence of alcohol, he was

no longer considered on duty. Mr. Bruno argued that the fact that Mr. Blake was

behind the wheel of a moving Continental truck put him back on the clock.

He asked the jury to consider similar situations.

For example, if a truck driver is speeding and violating company policy, is he no longer under the scope of employment? If an Amtrak driver sends text messages against company policy and then causes a train wreck, is he considered

See **Verdict**, page 2



Attorney Mike Bruno

## New book offers guidance to families who have lost a loved one

### 'The Ohio Wrongful Death Book' brings hope during a time of tragedy

A family member's passing causes tremendous pain, but the emotional and financial fallout of a death caused by another's negligence can be devastating.

That is why the attorneys at Charles E. Boyk Law Offices wrote *The Ohio Wrongful Death Book*.

We know that most people have never been through this process and, understandably, don't understand what they're up against when they decide to pursue a wrongful death claim.

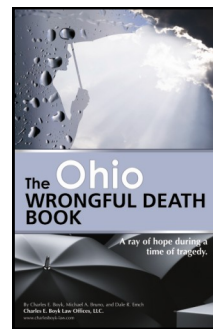
"It is difficult to find answers to the overwhelming number of questions that arise after someone passes away," Attorney Chuck Boyk said. "But it is even harder to deal with those questions at the same time you are grieving a loss resulting from tragic circumstances. We wrote this book to bring comfort and information to those mourning a loved one."

This book helps level the playing field between insurance companies and those who have lost loved ones as

a result of someone else's wrongful acts.

We subtitled the book, "A ray of hope during a time of tragedy," because we hope the book does just that - bring hope to grieving families, letting them know that they are not alone.

Wrongful death cases are See **Wrongful Death**, page 3



## Hire a lawyer to ease hassle, provide fair compensation

**S**ometimes it is hard to determine whether or not you need an attorney to handle your car accident case.

Depending on who is at fault for the accident, whether or not there is adequate insurance coverage, and if the accident was documented are all factors in determining the need for a lawyer.

But since many people aren't aware of these factors, it is important to consult an attorney who specializes in personal injury.

"Consulting an attorney can save you a lot of trouble, and possibly save your case," Attorney Chuck Boyk said.

Read **Tip #10** from *The Ohio Accident Book*, **Hire an attorney who devotes his practice to personal injury cases.**

*Earlier, we wrote about insurance adjusters who negotiate settlements every day. They're good at it because it's their profession. That's why you'll need a lawyer to*

*handle your case. Your lawyer not only will deal with the insurance adjuster, but he'll navigate you through the complex world of personal injury litigation.*

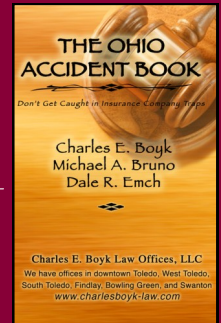
*Armed with knowledge of the law and the ploys of adjusters, a lawyer can help you obtain a fair settlement for your case.*

*Numerous studies have shown that you're far more likely to end up with more money at the end of a case if you hire a lawyer rather than trying to settle the case on your own. By virtue of handling injury cases every day, lawyers develop a sense of how much a case is worth.*

*Furthermore, you're not likely to have experience with the types of arguments you're going to hear from insurance adjusters. Hiring a lawyer lessens the amount of hassles you'll face and you'll almost certainly net more money, even after attorney fees and expenses are subtracted.*

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**Verdict**, *Cont. from Page 1*  
not in the scope of employment?

Mr. Bruno said his heart was pounding as he waited for the judge to read the verdict because he knew how much Sean needed the money because of the extent of his injuries.

"Here's a guy who waited six years to deliver his message to a jury and his message is validated finally," Mr. Bruno said. "That's a great feeling from his standpoint, and of course mine. It was a great feeling because Sean finally got fair compensation – well beyond what was being offered."

The jury deliberated for only two hours before reaching a verdict, which is relatively quick in a long trial like this one.

Mr. Bruno's paralegal, Patsy Fer-

guson, who was also at the trial, was afraid that the fast deliberation meant a poor verdict for Sean.

"Usually a short deliberation means that the verdict is in favor of the defense, in this case, Continental," Patsy said. "It was very nerve-racking, especially since it was not a cut-and-dry case. It was not about the liability of the driver. Raymond Blake was not on the stand. Continental Express was. It was a big deal to try and get a large corporation to stand up and take responsibility for their employee."

The jury found that Raymond Blake caused the injuries that Mr. McMahon sustained. The verdict also reflected that the jury felt that Mr. Blake was acting within the scope of his employment, therefore making

Mr. Blake's employer Continental Express also liable for the loss of Mr. McMahon's leg, along with his other injuries.

"There have been so many ups and downs," Sean McMahon said. "It's been six and a half years. Sometimes you lose faith that you are going to win. Mike was great - everyone was great. And Patsy was my support block, always optimistic. When I was frustrated and upset, she always knew what to say to keep me grounded."

The case almost didn't make it to trial.

A judge dismissed the case against Continental in the Wood County Court of Common Pleas in February of 2006, but the Court of Appeals reversed its decision.

# Attorneys celebrate 25 years of practicing law

Chuck Boyk and Mike Bruno, who launched their legal careers 25 years ago this month, took two different paths on their way to representing the rights of injured people.

Chuck originally planned to be a criminal defense lawyer, but he continued to gravitate toward the challenging but interesting world of personal injury law. Mike started his career as Lucas County prosecutor before spending 15 years as an insurance-defense lawyer. He has been representing injured people for the last five years.

Chuck still practices criminal law, and has handled numerous serious felony cases over the years. His focus remains, though, on helping injured people.

"The allure of helping people who have been injured captured my interest," Chuck said. "Injury cases are always interesting and challenging. Looking forward to the next challenge and finding a solution to the next problem is what keeps me going."

Even after 25 years of practicing law, Chuck is still passionate about his profession.

"I look forward to coming to work every day and I still like working on the weekends," Chuck said. "I've had

a great 25 years and am looking forward to the next 25 years being even better."

An avid runner and owner of four horses, Chuck enjoys spending time as a soccer dad to his four children, traveling all over the state with his wife, Joann, to soccer and field hockey tournaments. The Boyk family lives in a rural area of Bowling Green, with their four horses, three dogs, two goats, one sheep, and countless barn cats.

Chuck graduated from Bowling Green State University with a Bachelors of Science degree in Communications with a specialization in Political Science. He earned his law degree from the University of Toledo in 1983.

Mike didn't plan on being a lawyer when he was growing up. Ever practical, his plan was to become a rock star or a professional baseball player. Tragically for the worlds of rock and baseball, Mike's attention turned to becoming a trial lawyer.

He's shocked that he's celebrating 25 years as an attorney.

"When I started practicing law, my dad had been a lawyer for 19 years," Mike said. "I still consider myself one of the young lawyers. But it's like waking from a long slumber realizing

you have been practicing for 25 years!"

Mike and his wife, Renee, have three boys and live in Sylvania. Mike is a huge Detroit Tigers fan, and can often be found listening to a baseball game on his radio. He is also very active in the Italian American Sports Club, of which he was recently elected President.

Mike graduated from Ohio University with a Bachelors of Science Degree in Communications in 1979, and the University of Toledo College of Law in 1983. He worked as an Assistant Prosecuting Attorney in the Lucas County Prosecutor's Office from 1983 to 1989, and has been handling personal injury and insurance cases ever since.



Attorneys Chuck Boyk and Mike Bruno

**Wrongful Death**, cont. from Page 1 inherently complicated, involving everything from probate matters to negligence issues.

These types of cases are often made more difficult because insurance companies representing the wrongdoer often try to avoid liability or offer unfair or inadequate compensation.

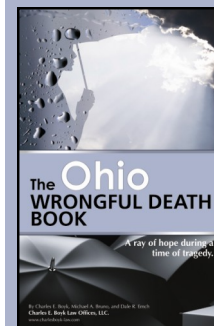
*The Ohio Wrongful Death Book* helps to answer questions such as, "What is a beneficiary?" and "Who will help me pay the funeral costs?"

The book will also help you find out whether or not you need an attorney,

and what an attorney will do for you in your wrongful death case.

We hope that you don't need *The Ohio Wrongful Death Book* because you've lost a loved one through traumatic circumstances. If that is the case, we're sorry for your loss.

But if you need help navigating the confusing world of a wrongful death and the insurance company matters that accompany the tragic loss of a loved one, please don't hesitate to order *The Ohio Wrongful Death Book*. It is offered free of charge, and all information you provide is kept strictly confidential.



**If you need help in a time of tragedy**

**Call  
800.479.8203  
Code 9292**

or visit  
**OhioWrongfulDeathBook.com**  
to order

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## Thanksgiving Leftovers Casserole

- 5 tablespoons butter
- 2 tablespoons all-purpose flour
- 1 - 12oz. can evaporated milk
- 1 cup water
- 1/4 teaspoon EACH salt, pepper, onion powder
- 2 tablespoons butter
- 1 cup finely crushed dry stuffing mix
- 1 cup cooked, diced turkey meat
- 1 cup shredded Cheddar cheese
- 2 cups leftover mashed potatoes

cheese. Spread mashed potatoes over cheese. Top mashed potatoes with the stuffing mixture.

5. Bake 45 minutes.



1. Preheat oven to 350°F. Lightly grease 9x13 baking dish.
2. Melt 3 tablespoons butter in a saucepan over low heat. Blend in the flour. Slowly stir in evaporated milk & water, then add salt, pepper, and onion powder. Stir sauce over low heat for 5 minutes.
3. In a separate saucepan over low heat, melt 2 tablespoons butter. Blend in the dry stuffing mix.
4. Place the turkey in baking dish. Pour the sauce over turkey, then sprinkle with



## Would you like a FREE 2009 Calendar Magnet?

Contact Anneke at 419.720.4452 to be added to our 2009 Calendar Magnet mailing list, or to request any of the other free services we offer.

## Cases of Interest

our office is handling

**22-year-old student and motorcycle rider cannot use fractured hands** for eight weeks after driver pulls out in front of him on his way to school.

**49-year-old pedestrian is transferred to nursing home** after long hospital stay, suffering numerous injuries including a broken pelvis and ribs, after being struck by a car while crossing the street.

**Family is struck by an oncoming car**, causing 51-year-old mother's broken arm and wrist, and 25-year-old daughter's dislocated hand.

**26-year-old city worker suffers fractures and torn ligaments** after garbage truck runs over right foot.

**58-year-old woman undergoes brain MRI and physical therapy** after car accident causes numbness in arm and face, as well as a torn rotator cuff.