

The BOYK BULLETIN

Small Smiles Dental Abuse Settlement Helps To Bring Some Closure To Families Across U.S.

Happier days are now here for children who were abused as patients of the Small Smiles dental clinics. After years of battling in court, the Small Smiles claims finally secured a global settlement of \$43 million, bringing closure to thousands of families across the United States.

With locations nationwide as well as in Toledo, Small Smiles dental centers specialized in pediatric dentistry and were one of the few dental firms that accepted Medicaid insurance.

But instead of helping children and families who could not afford private dental insurance, Small Smiles dentists took advantage of the kids by performing unnecessary treatment in order to fraudulently bill Medicaid and make more money. An FBI investigation found that Small Smiles dentists nationwide were drilling and filling cavities that never existed, performing painful root canals and other dental procedures without any local anesthesia or “laughing gas”, strapping down children’s arms and legs so that they could not move during the procedures, and refusing to stop treatment or soothe the children even after they urinated and vomited on themselves, all in the name of corporate profit.

The dentists would not allow parents to accompany their kids during treatment, even after repeated requests, rarely did they ask parents’ permission before beginning the dental work, and they would often threaten to call Child Services when parents would object to the excessive or unnecessary treatment.

A select group of highly skilled attorneys from across the country spearheaded an effort that finally led them to being able to secure the

payment of more than \$43 million from Small Smile’s insurers.

That group included one of our own attorneys, Wes Merillat, who was one of three attorneys selected and appointed by the Federal Court to oversee the litigation, negotiation, and settlement with Small Smile’s insurers.

Pursuant to court order, the settlement has been placed into a Trust Account for the more than 3,000 children nationwide who had qualifying claims against the dental chain.

We took on more than 500 child dental injury cases on behalf of kids from across the country. Since the settlement money will be put into trusts until the kids turn 18, our hope is that the awards will allow them to pay for college, create savings accounts, and get a head start on adulthood.

“Children are the most vulnerable of us all – they depend on adults to care, provide, and protect them.”
– Attorney Wes Merillat

When we took on this litigation, we encountered barrier after barrier after barrier. Clinics moved. Doctors left the state. Small Smiles tried to throw us out of court multiple times. They finally filed bankruptcy. Then we were left to chase down insurance coverage by locating and fighting Small Smiles’ insurance companies. For six years, we dedicated ourselves to exhausting every avenue and committed



Hailee Sloan recovers from a surgery to repair damage done to her mouth at Small Smiles

ourselves to busting through every barrier. At the end of the day, what we were able to recover, particularly given the bankruptcy, was significant – very significant.

However, while it does give these children something, it does not fix the trauma they suffered. The lasting tragedy of this case is that many of these children suffered permanent damage and many will never go back to a dentist again.

“It was a flagrant abuse of power,” Wes said. “Children are the most vulnerable of us all – they depend on adults to care, provide, and protect them. Purposely hurting and abusing children for profit is a tragedy that ought to infuriate everyone to action.”

Throughout this month’s issue of the Boyk Bulletin are stories of the kids who overcame the abuse they endured at the hands of dentists and where their families are today. It is important to note that many of the children photographed smile without showing their teeth, which is an clear sign of how poorly they were treated at Small Smiles.

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A Father Recounts His Daughter's Struggle With Autism & Her Fear of Small Smiles

“Before going to Small Smiles, my daughter Amanda had a pretty smile and then everything started falling apart.”

— Michael Stuck



Michael Stuck is a soft-spoken man who works hard to care for his 27-year-old daughter, Amanda, who has developmental disabilities and is on the autism spectrum. When she started going to Small Smiles at 18, the dentists ground down her teeth so badly that she needed dentures. Her father had no idea what was going on until after the work was done, since he was not allowed to accompany his daughter to the back treatment rooms.

“When I first heard about what Small Smiles was doing to kids, I was pretty upset,” Michael, Amanda’s father, said. “Before going to Small Smiles, my daughter Amanda had a pretty smile and then everything started falling apart. They wouldn’t let me go back there with her and that was suspicious to me but I never thought that there would be a lawsuit. Amanda is autistic and she told me that they strapped her arms down but that she was scared to tell me until after the last visit was done.”

He didn’t know what was really going on until our office alerted parents that their kids may have been abused behind closed doors.

“When I read the Boyk newsletter I saw the story about the case against Small Smiles and I called in to join the lawsuit because I was so mad,” Michael said. “I’m glad we did because I was really happy with the way that the case was handled. The most important part was that everyone was courteous to my daughter. With Amanda being autistic, it’s sometimes hard to talk to her but she felt comfortable with everyone there, especially Attorney Wes Merillat. He did a wonderful job with the case; he’s a really good attorney. I would recommend him to anybody.”

RECIPE: Tiffany’s Tried-and-True Potato Soup

Tiffany Ratliff, our Intake Specialist, swears by this easy, crock pot soup all Fall and Winter long. It is a family favorite!

INGREDIENTS

- 1 – 30oz bag frozen hash-brown potatoes (cubed work best!)
- 2 – 14oz. cans chicken broth
- 1 – 10.75oz can cream of chicken soup
- ½ cup chopped onion
- ¼ teaspoon black pepper
- 1 – 8oz package cream cheese (softened)
- 1 cup shredded cheddar cheese
- 6 slices bacon, cooked and crumbled
- 2 green onions, sliced

DIRECTIONS

1. In a crock pot, combine potatoes, chicken broth, soup, onion, and pepper.
2. Cover and cook on low 5-6 hours.
3. Add the cream cheese and cook 30 minutes or until cream cheese is melted, stirring occasionally, until combined.
4. When serving, top with cheese, bacon, and green onions.

A Grandmother Works To Give Normal Life To Grandson After Small Smiles Capped Most Of His Teeth



When you hear Barbara Nelson talk about her grandson, Jontae Pryor, the passion for protecting him rings through loud and clear even though her tone is quiet.

Like other parents and guardians, Barbara had no idea when she took Jontae to Small Smiles that the 5-year-old was strapped down when he was given root canals and caps on his baby teeth. She didn’t learn the truth until the boy was brave enough to speak up.

“When my grandson told me what was going on, I went down to Small Smiles and told them that that is not the way it should be,” Barbara said. “You shouldn’t strap someone down or hold someone down just to put something on their mouth.”

Jontae, now an 8th grader who loves basketball and is aspiring to play in the NBA, remembers very clearly what was like to go to Small Smiles.

“I was nervous all the time when I was there,” Jontae said. “I always felt like I was going to throw up because it was so scary to be strapped down.”

Barbara and Jontae were happy with the settlement because they finally feel like justice was served.

“The treatment they was doing to the kids – that’s not a way to treat kids,” Barbara said. “A friend told me that they heard that Small Smiles was being sued for how they treated the kids and that’s when I called the firm and we told them all about what happened to my grandson. They handled everything and they get the job done. I’m thankful that the attorney took it upon himself to have a lawsuit against Small Smiles. How would they [Small Smiles dentists] feel if that was done to their own kids? No parents in their right mind would want their child to go through something like that.”



Single Mom Talks About Aftermath Of A Single Visit To Small Smiles

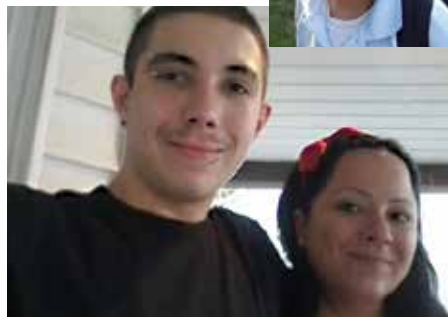
When Tiffany Walters received a phone call from Attorney Wes Merillat one night while making dinner, the last thing on her mind was the Small Smiles lawsuit. It had been 11 years since that fateful day when both of her children ran out of the clinic screaming and three years since the lawsuit began.

So when Wes told her that a settlement had finally been reached, Tiffany burst into tears and called to her kids to join her in the kitchen.

"I never expected anything to come out of this," Tiffany said. "I just wanted their stories to be heard. When I first learned about the Small Smiles lawsuit, I had no idea that there were other kids who were abused, too. It's taken us years to get over what was done to them. My son is psychologically damaged and because of Small Smiles he refuses to see another dentist at all. Both of my kids had to have surgeries on their mouths as a result of the abuse and my daughter was teased for years at school because she was always too scared to go to a dentist to get her teeth fixed. After five attempts at finding someone she was comfortable with, she finally built up the courage to go."

Cain as a child, shortly after the Small Smiles nightmare (right)

Cain, now 16, with his mom, Tiffany (below)



Tiffany's son Cain was just five-years-old when he was strapped down and given root canals without any anesthesia. He suffered an asthma attack while restrained, making it impossible for him to breathe. At the same time, her two-and-a-half-year-old daughter Hailee was strapped down in another room, having all of her front teeth yanked out of her mouth without being numbed at all. When Tiffany finally got to go back, she found her children hysterical, blood pouring from their mouths. Hailee ran straight past her own mother and out of the front door of the clinic, desperate to escape.

It was their first and only visit to Small Smiles. Tiffany was told they would only be there for cleanings.

"The settlement is a blessing and to know that my kids will be financially stable and will be able to buy a working car to get to college just means so much," Tiffany said. "I've been a single mother throughout this whole process. I've done this all by myself. But this means so much for me after all we went through with Hailee's multiple surgeries. You guys were so great about keeping in contact and making sure that I always had updates. I really feel like you guys are family to us. I can't thank you enough."

Hailee with the braces she finally had the courage to get (right)



Hailee, now 14, with Tiffany (below)



Birthday Fun At Boyk Law



Congratulations to Attorney Leah Michael who celebrated her September 24th birthday with a photoshoot at Side Cut Metropark to commemorate turning 30!



Boyk Law celebrated the September birthdays with lunch from Chipotle on September 27th. Emily Revenaugh was dared by Josh Nagel to see if she could fit in the Chipotle bag – **challenge accepted!**

Happy birthday to:
Cindy White (9/27)
Lisa Blackburn (9/29)
Tiffany Ratliff (9/19)
Josh Nagel (9/6)
Leah Michael (9/24)

CASES OF INTEREST: OCTOBER 2016

Driver Pulls Out In Front Of Motorcycle Rider, Tosses Him 20 Feet & Lands Him In ICU

Our client was traveling down Glendale Avenue on his motorcycle when another driver pulled out in front of him, causing him to strike her car and fly 20 feet off of the bike. He was transported to Toledo Hospital where he spent three days in the Intensive Care Unit to treat a traumatic brain injury, six rib fractures, a bruised lung, and fractured toe. Surgery was needed to repair the toe and our client is still facing months of recovery.

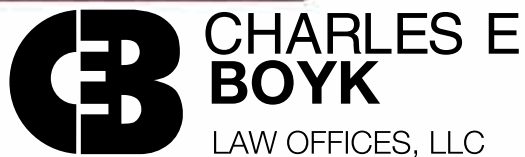
Surgery Complications Result In Paralysis As Man Waits To Find Out What Went Wrong

Our firm is investigating what went wrong during our client's spinal stenosis surgery that caused various complications and the need for additional surgeries. Our client has been confined almost exclusively to a wheelchair and has been in a nursing home since the surgery months ago and he faces permanent damage to his spine and paralysis that may prevent him from ever walking again.

Truck Fails To Yield Before Pulling Out Into Traffic, Causes Fatal Accident

A young woman lost her life in a car accident on State Route 51 in Genoa after a pick-up truck pulled out in front of her, causing her to spin out and hit a utility pole. Our goal is to handle all legal aspects of the case, including correspondence with the insurance company, so that her husband may focus on her legacy and the family's grief as they remember their beautiful loved one.





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IN THIS ISSUE

- Small Smiles Dental Settlement Helps Bring Closure
- Small Smiles: A Father Recounts His Daughter's Fears
- Small Smiles: A Grandmother Works To Give Grandson A Normal Life
- Small Smiles: A Mom Talks Aftermath From A Single Visit
- Tiffany's Tried-and-True Potato Soup
- October Cases of Interest
- Boyk Birthday Fun

October's Raving Fan of the Month

"Pleasant experience, they always called me I never had to call them. Everything was handled appropriately! I would recommend anyone call Boyk's office because they will get you what you deserve."

- Sherronda Overton



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New address or phone number?

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Meet Boyk Law's Unofficial New Office Dog, Emma



Attorney Chuck Boyk makes faces while Attorney Leah Michael holds Emma

A 2012 Virginia Commonwealth University study showed employees who bring dogs to work produced lower levels of cortisol (the hormone released during times of stress), which is why we are trying out having Emma, Anneke Godlewski's five-year-old Pug Shar Pei mix, visit us at the office. Feel free to come to our downtown office to visit her a visit!

We want to see photos of your pets! Send in a pic of your dog, cat, fish, or other pet, along with your name, address, and phone number, to community@charlesboyk-law.com or text it to 567-395-2212 and we will choose one of the entries to win a set of four movie tickets!