

# The Boyk Bulletin

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## 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

## Be extra cautious on roads with start of school

The start of a new school year means new books, new supplies, and new friends. But it also means more children will be walking or riding their bikes to school, or waiting for a school bus.

Follow these tips to keep kids traveling to and from school safe this year.

### • Pay extra attention

Drivers need to pay extra attention to the road, due to the increased number of children standing near the street.

### • Train your eyes to look for small children

Many drivers are not used to seeing children out and about in the early morning hours. Their eyes are not trained to look for small bod-



ies, only for other cars. Teach your eyes to look for kids first.

### • Check behind your car

Before even leaving your driveway, make sure that there are no children near or behind your car.

Kids and Cars, a child advocacy group, estimate that vehicular backovers take the lives of two children per week. Vehicular backover deaths occur when a driver is unaware that a person is be-

hind their car, and they proceed to leave a driveway or parking spot in reverse, striking them or running them over.

“Small children are very likely to be at the wrong place at the wrong time,” Attorney Chuck Boyk said. “Extra caution is essential to protect everyone. Rollover accidents are devastating for entire families and will gravely impact them forever.”

### • Know where your kids are

Make sure your children as well as those nearby your home are aware of your departure. Encourage them to stand at a safe, visible distance to “wave goodbye,” to ensure that you know where they are before backing up. See **Back to School**, page 3

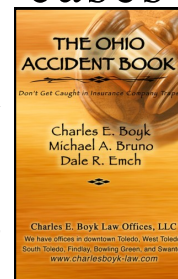
## Honesty is best policy for injury cases

“Honesty is the best policy” may sound cliché, but when dealing with an injury case, the phrase couldn’t be closer to the truth.

*The Ohio Accident Book’s* Tip #8, “Honesty is the best policy,” discusses the importance of being up front with your attorney about everything - even those things you think may have nothing to do with your injury.

“As attorneys, we can deal with ‘known’ problems or uncomfortable issues,” Attorney Chuck Boyk said. “A client caught in a lie, even if it was unintentional, is the kiss of death for a personal injury case. I have seen defense counsel make the argument that if someone will lie about a small issue, then why should anyone believe them on the seriousness of their injury or how the accident happened?”

Read the following excerpt from *The Ohio Accident Book*, written by Attorneys Chuck Boyk, Michael Bruno, and Dale Emch, to learn the importance of being honest and upfront:



Be honest when it comes  
See **Honesty**, page 3

## In sudden emergency, accident victim may be out of luck

**D**ear Dale: An acquaintance of my wife recently was involved in a traffic accident after she blacked out while at the wheel. We wondered whether she could be held responsible for the injuries caused to the other drivers or the damage to their vehicles.

Answer: Your question raises an interesting legal issue. It speaks to whether it's fair, on the one hand, to hold someone responsible for the consequences of events over which they had no control or, on the other hand, to say innocent accident victims are barred from recovering for their injuries.

In Ohio and most other states, a person who loses consciousness and causes an accident generally cannot be found to have acted negligently and therefore won't have to compensate the injured person. Under what's called the sudden-emergency defense, the driver who blacked out can only be found negligent if he or she had reason to anticipate the loss of consciousness.

It's not enough, though, for someone who lost consciousness to simply declare she passed out so she shouldn't be held liable. The person asserting the defense has the burden of proof to show the loss of consciousness caused the accident and that the blackout couldn't have been anticipated.

An example might help to illustrate

*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.*

how this could play out. Let's say that Betty was driving down Monroe Street one afternoon when she had a heart attack, lost consciousness, then crossed the centerline and crashed into Bob, causing serious personal injuries. If Betty can show she actually lost consciousness before the accident, the sudden-emergency defense will work in her favor and Bob will be out of luck.

If, though, Betty was driving down Monroe Street after a visit to her cardiologist and the doctor told her she had severe heart problems and shouldn't be driving because she could pass out at any moment, she'd have a tough time using the defense. Her cardiologist's warning would be reason for her to anticipate the loss of consciousness and she could be found negligent.

The rule is understandable and most courts across the country recognize the sudden-emergency defense. People who pass out from a medical emergency aren't acting irresponsibly or driving dangerously, so they shouldn't be held liable.

The problem with the rule is that it can produce an unfair result for the

person who was injured. As a personal injury attorney, I naturally sympathize with the people like Bob in the example above. Even if the injuries are severe, no recovery is possible, which could be devastating to a family if the injured person was the breadwinner and is no longer able to work or will live in pain for the rest of his life.



Attorney Dale Emch

Even accident victims who carry uninsured and underinsured motorist coverage are out of luck as a result of the sudden-emergency defense. This seems particularly troubling given that people buy this insurance to protect themselves when coverage isn't available from the at-fault driver. But the only way that coverage kicks in is if the other driver could be deemed negligent, which doesn't apply in the scenario we're talking about. It would seem that the Ohio General Assembly could tweak the uninsured and underinsured motorist statute so coverage would be available in such circumstances. Bipartisan legislation to do just that has been introduced, but it may be tough to get through a legislative body whose majority often seems beholden to insurance companies at the expense of regular folks.



## Meet Gus the Doberman

The stuffed animal pictured on the left is the **newest prize** available to readers who **submit general legal questions** to Attorney Dale Emch for consideration in his "Legal Briefs" column in the Toledo Blade. Send your questions to 405 Madison Ave., Suite 1200, Toledo, Ohio 43604 or to [demch@charlesboyk-law.com](mailto:demch@charlesboyk-law.com) and we'll send you this 8" toy modeled after Attorney Chuck Boyk's own Doberman!



Attorney Chuck Boyk and Gus  
(Gus is the one on the right)

## Employee Spotlight

## Cynthia Walborn

**F**irst impressions often make the greatest impact, especially when a person is looking for help with a life-changing injury.

That is why we are so happy to have Cynthia Walborn as our receptionist. We think the way she handles new callers, as well as current clients, ensures that a great first impression is made by our office.

“Cynthia’s voice is the first one clients hear when they call our firm,” Attorney Chuck Boyk said. “She is pleasant, helpful, and conscientious, and she does an excellent job of providing friendly and helpful service to our clients.”

Handling the large influx of calls

that flood in daily is not an easy task. Giving each caller personal attention and courtesy when numerous lines are ringing takes true talent.

“Cynthia has true grace under fire,” Office Manager Leslie Rombkowski said. “It takes a patient and compassionate person to take all of the calls that come in, pinpoint the caller’s problem, and route them to the right person who can help them.”

Cynthia has worked in the legal field for more than five years. A lot of her experience is in workers’ compensation, which allowed her to work closely with clients.

“It is nice working for a compassionate and caring firm,” Cynthia

said. “My co-workers are very caring people and they show this everyday to the clients we represent. I am looking forward to learning more from all of them.”



Cynthia Walborn

Julia and Katlyn, Cynthia’s granddaughters, are the favorite part of her life, and the family frequently goes camping together on the weekends. Cynthia also loves to travel with her husband, Evan, and the pair is looking forward to celebrating their 25th wedding anniversary by taking a Caribbean cruise this December.

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

**Honesty**, cont. from page 1  
to dealing with your injury. Be honest with the insurance adjuster, be honest with your doctor, and be honest with your lawyer. Nothing will kill your claim faster than being caught in a lie. Your credibility will be crucial in resolving your case, particularly if you have to go to trial. If you’re not in pain, don’t get unnecessary medical treatment to drive up your bills.

That doesn’t mean you shouldn’t follow your doctor’s orders, but don’t exaggerate the extent of your injuries. The truth eventually will come out, and when it does your case might become worthless. If your case goes to trial, your credibility with the jury carries tremendous value. If jurors feel you’re not being honest, they won’t give you the fair compensation you deserve.

You also have to be straight with your lawyer, who won’t handle your case if he thinks you’re lying. The attorney needs to know what’s really happening with your case in order to represent you fairly and aggressively.

## Learn how to Protect yourself after an Injury

Order

*The Ohio Accident Book*

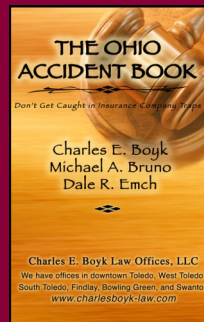
Visit

*OhioAccidentBook.com*

Call

**800.479.8203**

Code 8224



**Back to School**, cont. from page 1

- **Be cautious when backing out**

When backing out, always roll down the window to listen for children playing near or behind your car, who you may not be able to see.

- **Practice intersection safety**

Be extra attentive when crossing an intersection. Sometimes children dart from behind cars, or fail to use crosswalks. Wait an extra few seconds before advancing after a light turns green, to make sure that the road is clear. Also be sure to stop early at a yellow light, even if you think you could make it through the intersection before the light turns red.

- **Help bus drivers and crossing guards**

Obey all school bus stop signs and crossing guards. They are there to help children travel to and from school safely, and their job depends on drivers following their lead. Help kids have a safe start back to school!

# Charles E. Boyk

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**RETURN SERVICE REQUESTED**



**New address or phone number? Help us stay current by letting us know!  
 Call Anneke at 419.720.4452 or email her at akurt@charlesboyk-law.com**

## Football Cheese Ball

- 5 oz dried beef or chopped lunch meat
- 2 - 8oz packages cream cheese, softened
- 6 green onions, chopped
- 1 Tablespoon Worcestershire sauce
- 1/2 teaspoon seasoned salt
- 2 cups chopped pecans

1. Mix together beef, cream cheese, green onions, Worcestershire sauce, and seasoned salt.
2. Form mixture into ball and roll in pecans, covering all sides.
3. Place pecan-covered ball on serving plate and mold into shape of football. Serve with crackers or veggies.



## There is still time left to Join our Team!

**Susan G. Komen 5K Run/Walk Race for the Cure**  
**Sunday, Sept. 28**  
**9am, Downtown**

*The cost is \$25\* and includes a Race for the Cure t-shirt*

Contact Anneke at 419.720.4452 or akurt@charlesboyk-law.com to join our walking team or for more information.

\*\$25 goes directly to Race for the Cure

## Cases of Interest our office is handling

**Family suffers loss of their 33-year-old daughter/mother** after she is killed as a passenger on a motorcycle.

**39-year-old passenger is almost paralyzed from fractures to back and ribs** after being T-boned by an allegedly drunk driver.

**9-year-old boy needs surgery on nose, also suffering facial lacerations**, after car accident causes his face to hit the dashboard.

**25-year-old man suffers severe gash to arm**, requiring need for staples and plastic surgery, after glass on apartment door breaks.

**35-year-old man is rear-ended**, causing fractured shoulder blade, injured back, and need for physical therapy.

**Would you like a FREE Football Schedule magnet? Keep track of OSU, U of M, BGSU, and UT football right on your fridge! Call Anneke at 419.720.4452 or email her at akurt@charlesboyk-law.com for your free magnet!**