



THE PLAINTIFF'S ESSENTIAL GUIDE TO OHIO  
**BICYCLE ACCIDENTS**

 **CHARLES E. BOYK**  
OHIO PERSONAL INJURY LAWYERS

**The Plaintiff's Essential Guide to  
Ohio Bicycle Accidents**

**Charles E. Boyk Law Offices, LLC**

**[www.BoykLaw.com](http://www.BoykLaw.com)**

Copyright © 2017 by Charles E. Boyk.

All rights reserved. This informational book is intended for educational purposes and not offered for sale or resale. With the exception of information that is contained in the public domain, no part of this publication may be reproduced, stored, or transmitted, in any form or by any means, without the prior written permission of the Charles E. Boyk. Inquiries concerning reproduction should be sent to:

Charles E. Boyk Law Offices, LLC  
405 Madison Avenue, Suite 1200  
Toledo, Ohio 43604

Printed in the United States of America

ISBN: 978-1-5323-2287-7

Visit our website at [www.charlesboyk-law.com](http://www.charlesboyk-law.com)

## DISCLAIMER

We have made every effort to ensure that the information in this book is in accordance with the current state of knowledge at the time of publication. However, the fields of law and medicine are ever-changing. Likewise, each injury and each case is unique. As such, this guidebook is not intended to fully describe the science of injuries or the laws that may apply in the litigation of such injuries. The book is meant to be instruction, but it is not legal advice and should not serve as a substitute for the counsel of an experienced attorney or physician.

That said, we do hope after reading this book, you are in a better position to understand bicycle accident injuries in the context of litigation and participate in the process of protecting and pursuing your rights. Should you have any questions or need assistance with your case, please call us directly at 1-800-637-81700. We'd be happy to help you.

# Table of Contents

---

<b>Forward</b>	<b>3</b>
<b>Introduction</b>	<b>6</b>
<b>Chapter 1 - Anatomy of a Bicycle</b>	<b>8</b>
<b>Chapter 2 - Know the Laws</b>	<b>18</b>
<b>Chapter 3 - Bike Accidents and Safety</b>	<b>24</b>
<b>Chapter 4 - Stories from Real Clients</b>	<b>31</b>
<b>Chapter 5 - Bicycle Injury Claims</b>	<b>37</b>
<b>Chapter 6 - Hiring the Right Attorney</b>	<b>39</b>
<b>Chapter 7 - The Bikes for Kids Program</b>	<b>47</b>

# Forward

---

## **Things to think about before you ride**

*By: Jill Wersell, Owner of Wersell's Bike & Ski Shop*

Wersell's Bike Shop has been serving Toledo, Ohio and surrounding areas since 1945, when founder Harold Wersell opened it. My dad's dream was cut short when he suffered a massive heart attack in the shop in 1976.

Over the past decades, I have seen generations of families returning to the shop for their cycling needs. In 1983, I took on the challenge to run the bike shop. I love what I do, I love my customers, I'm grateful to my many employees over the years, and I'm honored to carry on the Wersell's legacy that started with my parents.

With all of these years of experience, I've seen it all! My biggest concern is safety first. I dislike seeing kids and adults on bikes that are too big, a bike that does not have working brakes, when wheels are not true and tires are dry-rotted; a dirty bike does affect the working mechanics of a bike. We don't like seeing riders not wearing closed-toe shoes (no flip-flops!), not wearing their helmets, or not having lights on their bikes. There are so many factors that contribute to an unsafe bike, people need to remember that a bike is a machine, not a toy. A bicycle needs to be serviced yearly, to ensure the safety of it and for the person riding on it.

So when Wersell's was asked to contribute to this book, we were happy to oblige. We've worked with Charles Boyk Law Offices on their Bikes for Kids campaign since 2009 and we've always been huge advocates for the message that they are trying to send through that program: bike safety, especially for kids, should be number one priority for any person getting on a bicycle.

I see over and over parents who don't take child riders as seriously as adult riders. Parents don't do it on purpose, but they think that kids can just jump on any old bike and be on their way. In reality, kids need to be even more cautious than adults since they are smaller and less likely to be seen, which means that they need to be protected more.

I will share with you what I share with my customers every day:

1. Always wear your helmet, no matter what. Even if it's hot, even if your child says that their helmet isn't "fun" or "cool" – if you are on a bike, a helmet should be on your head.
2. Check your bike each and every time you get on it. Make sure the brakes work, check your tires, look for broken spokes, and ensure your chain is connected.
3. Never wear flip flops when riding. This is especially important for children who like to wear sandals in the summer. Wearing closed-toe shoes is the best way to prevent feet injuries.

4. Don't assume that drivers can see you. Ride defensively and always make eye contact with drivers.

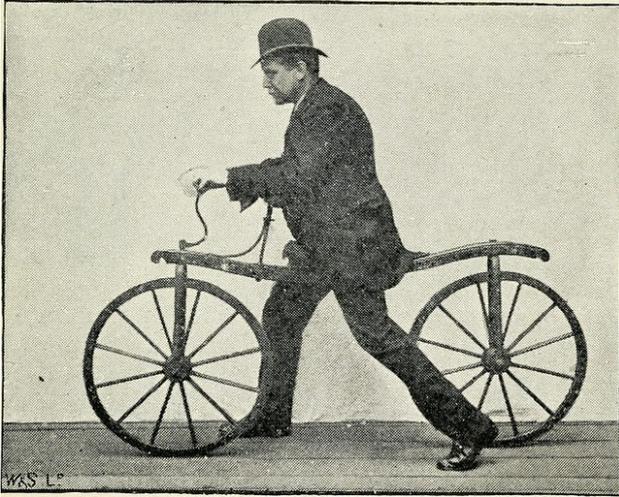
5. Obey the laws as a rider *and* as a driver, especially the three-foot rule that states cars must keep a distance of at least three feet from cyclists. As more and more laws are created to protect riders, it is even more important to make sure to obey all traffic rules in both city and rural areas.

6. Be smart and don't take risks. Having a safe ride may be boring compared to some alternatives, but you will stay alive.

Cheers!

## Introduction

---



The popularity of cycling has grown considerably in the last 200 years since its invention. To date, more than 1 billion bikes have been produced worldwide – twice as many as the number of automobiles produced. In the United States alone, nearly 70 million of us have ridden a bike within the last 12 months.

Unfortunately, as the popularity of bikes continue to rise, so do cycling injuries. The major issue is that cyclist and motor vehicles often share the same road. As you would expect, when a crash occurs between a motor vehicle and a bike, it is the bicyclist who is most likely to be injured – often seriously injured. Many of these accidents occur because motorist and cyclist simply do not understand the laws that are in place to help us all safely share the road.

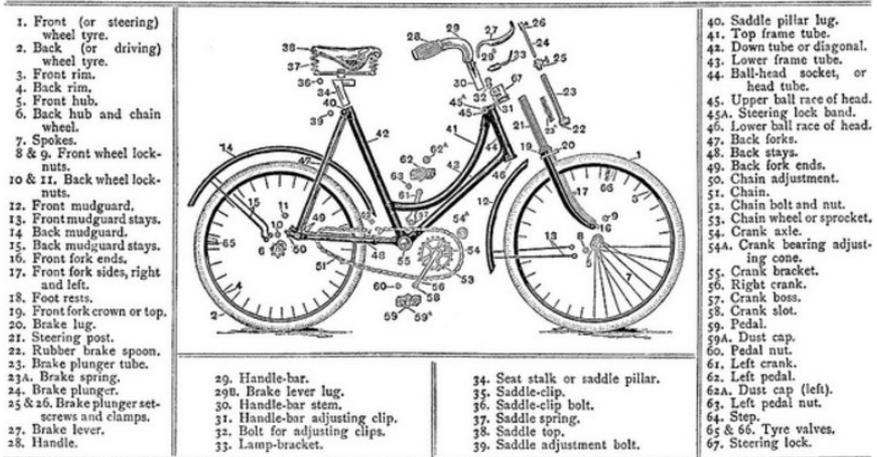
We wrote this book to draw awareness to the importance of bike safety. Our primary goal is that the information we provide in this book will help to prevent many bicycle accidents from ever happening in the first place. With the cycling on the rise in Ohio, knowing how to safely share the road is more important than ever.

This book provides an overview of bike safety and the laws that govern bicyclist in Ohio. Understanding this information is a critical first step towards preventing accidents and injuries. Unfortunately, while practicing bike safety may help reduce accidents, it will not completely eliminate them. Accordingly, we also cover the common causes of cycling accidents, what you should do if you are in accident, and breakdown the legal rights you may have if you have been injured.

While this guidebook is not meant to be exhaustive or cover every situation, we do think you will find the information in it beneficial. If you would like more detailed information, have specific questions, or would like a free consultation, please feel free to contact us. We would be happy to help you.

# Chapter 1

## Anatomy of a Bicycle



So, what is a bicycle? Seems like a silly question, and for the most part it kind of is. Still, both the federal government and the State of Ohio have taken the time to legally define it. Basically, as far as the law is concerned, a bicycle includes practically every wheeled vehicle that is capable of being peddled and propelled by human power – even if it has more than two wheels.

Although there are numerous styles, there are five basic types of bicycles on the market today: road bikes, mountain bikes, hybrids, cruisers, and BMX bikes.



**Road Bike**

Road bikes are primarily built for pavement riding. They often have smooth, narrow tires and are not usually durable or comfortable enough to ride “off-road”.



**Mountain Bike**

Mountain bikes are primarily built for off-road use on rugged terrain. Most mountain bikes have shock absorbers or suspension systems and are built to be very durable.



**Hybrid**

Hybrid bikes are designed to combine elements of both road bikes and mountain bikes. They can be ridden on the road or off-road. They are popular for casual riding, bike trails, and short distance commuting.



**Cruiser**

Cruiser bikes are designed for casual riding and focus on comfort by using large seats, wider tires, and upright handlebars. Some have fenders and chain guards. Many kids’ bikes are cruiser-type bikes.

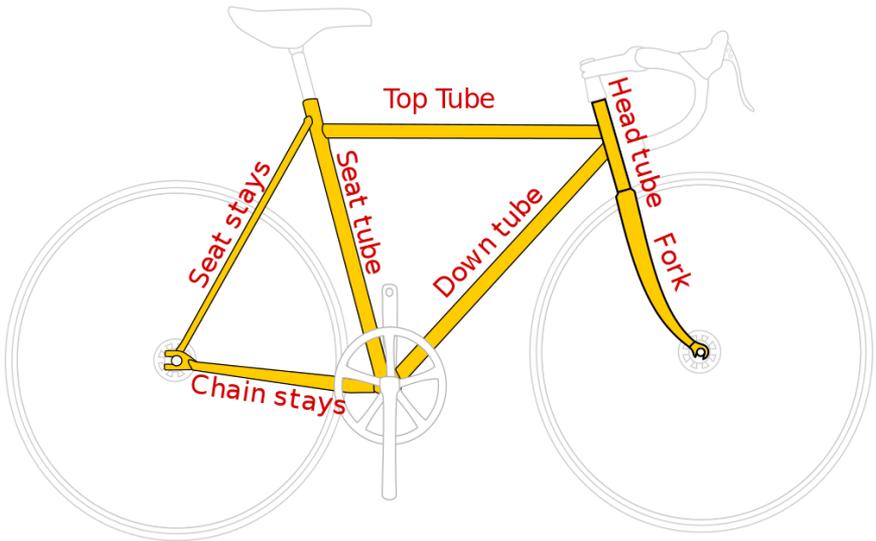


**BMX**

BMX bikes (bicycle motocross) are popular with youth. These are sport bikes that can ridden on- or off-road and are often use for racing and stunts.

With respect to each of the major bike types, the federal government has set out numerous consumer protection regulations governing their design and manufacture. Following is an overview of some of the regulated major components of a bike.

## Bike Frame



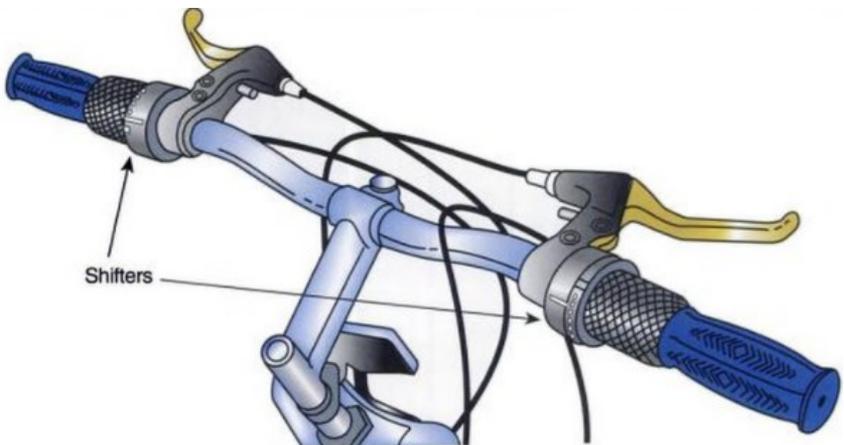
The frame is the skeleton of a bike and one of the most critical parts. Frames come in different sizes and are constructed with different materials. The most common frame materials are:

- **Steel (High Tensile):** Steel is the most commonly used material in bike frames. Steel is generally strong, but it is heavy. It is also more prone to bending or cracking than other materials.

- **Chromoly Steel:** Chromoly is a light, strong steel alloy. Chromoly is stronger, more flexible and lighter than plain steel, but still heavier than other material.
- **Aluminum:** Aluminum is light and strong. However, it is very stiff and does not absorb shock as well.
- **Titanium:** Titanium is an expensive material that is lighter than steel but just as strong. It flexes well and absorbs shock better than other materials.
- **Carbon Fiber:** Carbon fiber is another expensive material found on high-end bikes. It is very light and strong. However, it tends to be brittle.

Regardless of the material, federal regulations require that bike frames undergo stringent testing and be capable of withstanding various levels of force without fracturing or deforming.

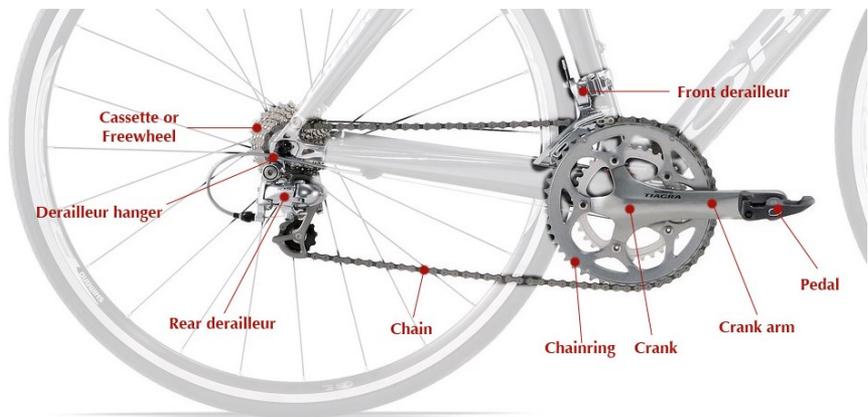
## Bike Steering System



If the frame is the skeleton of a bike, the front end of the bike is the central nervous system. The foundation for all the controls of a bike are located here. It makes up the means for steering and leverage, and is where braking and gear selection is located. Many other accessories are also located on the steering system, including horns/bells, lights, and mirrors.

Like the frame, the handlebars and fork assembly must undergo and pass stringent testing. Handlebars must allow for comfortable and safe control of the bike. While most handlebars are adjustable, federal regulations require that they are to be located no more than 16" above the bike seat and be inserted into the stem at a minimum depth clearly marked on the bike.

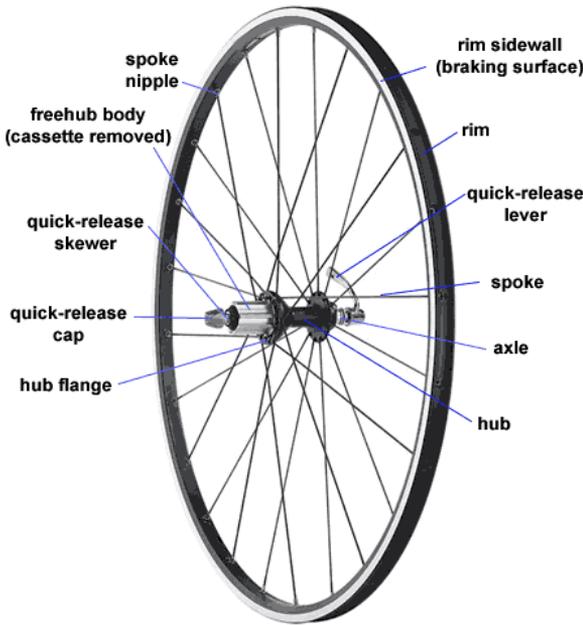
## Bike Drivetrain



The “transmission” of a bike is where your energy is converted to speed. There are numerous components that are generically part of a bike’s drivetrain. They include the sprockets, chains, derailleurs, and pedals.

Regulations require that pedals should generally have a tread on the top and bottom and be equipped with reflectors. Chains are required to be able to operate over sprockets without catching or binding. Chains are also required to be guarded on most single-speed bikes. Multi-speed bikes have derailleurs that allow a rider to “de-rail” the chain and shift it to another gear. Derailleurs are also required to be guarded.

## Bike Wheels



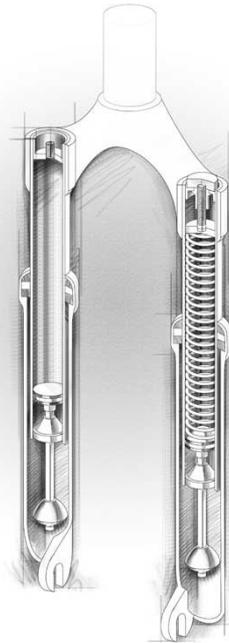
The wheel assembly of a bike is comprised of the hub, rim, spokes, and tire. Bike hubs are the center part of the bicycle wheel. They generally consist of an axle, bearings, and a hub shell. The rim is the outer hoop of a bike wheel that interlocks with the tire to hold the inner tube in place. There are many different types of rims, but most are metal and all must meet minimum government strength requirements.

The spokes of a wheel basically provide support to the rider. While spokes are also constructed from a variety of materials, it generally holds true that the more spokes a wheel has, the stronger it is.

There are a variety of tire options for bikes. Road bikes generally have smooth tires, while mountain bikes have knobs for traction. There are all sorts of tread patterns in between. The federal government requires that all tires have the recommended inflation pressure molded onto the sidewall of the tire. Proper tire inflation is an important safety item.

## **Bike Suspensions**

Many bikes are equipped with a front and/or rear suspension system. Bikes with only a front suspension are often referred to as “hardtail” bikes. A front suspension bike helps to alleviate rider fatigue. However, riders must insure they have a suspension that is adequate for their weight. Otherwise, a heavier rider could bottom out

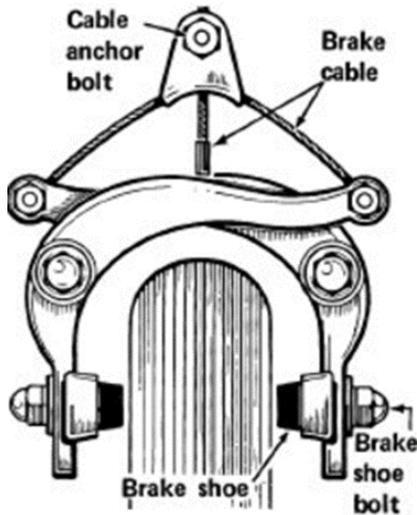


the suspension which could throw the rider’s weight too far forward during braking resulting in a crash.

A bike that uses a front suspension as well as a rear shock/coil is referred to as a full suspension bike. Full suspension

bikes, while heavier than hardtails, help absorb more of the impact of rougher terrain.

## Braking System



The braking system on a bike is extremely important for safety. There are many different types of brakes, but generally most brake types fall into one of three distinct categories:

- Rim Brakes: Rim brakes work by clamping down on the metal rim, slowing or stopping its rotation.
- Disc Brakes: Disc brakes consist of a metal disc attached to the wheel that rotates with the wheel. Brake calipers squeeze the disc, slowing or stopping its rotation.
- Drum Brakes: Drum brakes work by applying braking

pressure against the inside surface of the wheel hub. The “footbrake” or “back pedal brake” is a type of drum brake.

Much like motor vehicles, federal regulations set out maximum stopping distances for bikes. Generally, the manufacturers are required to ensure that their braking systems can bring a 150-pound cyclist to a stop within 15 feet from the point of braking.

### **Reflectors**



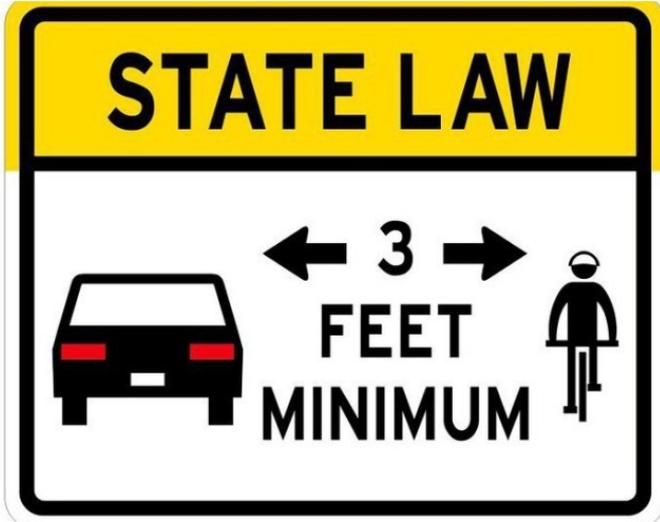
Other than certain youth bikes designed strictly for sidewalk use, bikes are required by federal regulations to be equipped with reflective devices that illuminate under a motor vehicle’s headlights. Reflectors should be located on the pedals, wheels, and on the front and rear of the bike. Red reflectors on the back of a bike are required to be visible for up to 600 feet of vehicles with head lamps on.

Unfortunately, reflectors only work under specific conditions. While reflectors should be situated to pick up a driver's headlights, that is not always the case. Weather conditions can obscure the reflector or a driver may have a headlight out. Accordingly, Ohio law requires not only reflectors, but also that bikes be equipped with lights if riding at night. Specifically, bikes must have a white light that is visible at least 500 feet to the front and 300 feet to the sides.

## Chapter 2

---

### Know the Laws



Most people are familiar with the traffic laws for motor vehicles. However, most people are not aware that bicycles are also defined as vehicles under the traffic code and governed by the same set of rules that are common to all vehicles. In addition, there is also a small set of laws that are specific to bicycles. Together, these form the “rules of the road”. Understanding these laws is the first step you can take in avoiding an accident.

### Know the Laws

Title 45 of the Ohio Revised Code contains the state laws governing the operation of vehicles on Ohio roadways.

## **Definitions**

*(G) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having two tandem wheels, or one wheel in the front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter. R.C. 4511.01(G)*

## **Share the Road, but Not Freeways**

A bicycle is permitted to be ridden on roadways, but cyclists are required to obey all traffic rules applicable to vehicles. This includes obeying all traffic signals and control devices. Bicycles cannot be ridden on freeways. R.C. 4511.051; R.C. 4511.53; R.C. 4511.55.

## **Direction of Traffic**

Some people think it is safer to ride on the left side of the road in order that they can see oncoming traffic. While this may be fine for pedestrians, is not only illegal for cyclists, it is dangerous. The law requires cyclists to follow the same laws on the roadway as motor vehicles. This includes riding on the right half of the road. Further, bicyclists are required to ride as near to the right side of the roadway as possible. R.C. 4511.25; R.C. 4511.55.

## **Speed Limits**

Ohio law not only limits the maximum speed that vehicles can travel on roadways, it also provides that vehicles can-

not be operated at an unreasonably slow speed. While cyclists are required to adhere to speed limits, cyclist and motorist are simply not able to operate speeds of motor vehicles. However, the law provides that the capabilities of the vehicle and the operator should be taken into account in determining whether the speed was unreasonable. As such, cyclists generally are not held to the same standard as motor vehicles as far as maintaining a minimum speed goes. R.C. 4511.22.

### **Passing – The 3-Foot Rule**

Cyclists, particularly in heavy, slow-moving traffic, often pass slow or stopped traffic on the right. This is not only dangerous, it is illegal. Ohio law requires that when overtaking another vehicle on the roadway, the operator shall pass to the left of the vehicle and return to the right die of the road after it is safe.

This same rule applies to bicycles on the road. Motor vehicles must be cautious when passing bicycles. Ohio law provides that when a motor vehicle overtakes or passes a bicycle, it must do so at a distance of at least three feet. R.C. 4511.27.

### **Two Abreast**

No more than two cyclists may ride side by side. If a lane is too narrow to safely travel side by side, single file rules must be followed. R.C. 4511.55.

## Turn and Stop Signals

	<p><b>Left Hand Turn:</b> left hand and arm extended horizontally. R.C. 4511.40(A)(1)</p>
	<p><b>Right Hand Turn:</b> left hand and arm extended upward. R.C. 4511.40(A)(2) Or <b>Right Hand Turn:</b> right hand and arm extended horizontally. R.C. 4511.40(B).</p>
	<p><b>Stop or Slowing:</b> hand and arm extended downward. R.C. 4511.40(A)(3)</p>

## Bicycle Signaling Devices

Every bicycle that is operated on a roadway from sunset to sunrise, or when weather conditions affect visibility, should have their bikes equipped with and utilize a lamp mounted on the front that emits a white light that is visible from at least 500 feet to the front and 300 feet to the sides. They are also required to have a reflector that is visible from 600 feet to the rear of the bike, as well as a rear red light that is visible from a distance of 500 feet. If the red light is visible from 600 feet a reflector is not required.

Additional lamps may be used except that white lamps may not be used in the rear of the bike and red lamps may not be used in the front.

Bicycles are permitted to be equipped with a device that emits an audible signal (i.e., a bell or horn). However, they may not be equipped with sirens or whistles. R.C. 4511.56

### **Brakes**

Ohio law requires that bicycles must have proper, functioning brakes when they are used on roadways. R.C. 4511.56

### **Bikes and Moving Vehicles**

A cyclist may never be attached to or grab onto another vehicle on the roadway. No person riding a bike is permitted to pull someone on roller skates or a sled. R.C. 4511.54

### **Bike Passengers**

A bicycle may only carry the number of persons for which it was designed. A single-rider bike is not permitted to carry another person. However, a person may carry a child in a seat or trailer that is specifically designed for carrying children and is firmly attached to the bicycle. R.C. 4511.53

### **Both Hands on the Handlebars**

All cyclist must keep at least one hand upon the handlebars. A person is not permitted to carry any package or article that prevents him from keeping at least one hand on the handlebars. R.C. 4511.53.

### **Sidewalks**

Ohio law does not prohibit riding a bike on a sidewalk.

However, municipalities are able to pass their own laws regarding bikes on sidewalks, provided that they not pass any law that requires a bicycle to be operated on sidewalks. R.C. 4511.711.

Many municipalities have passed ordinances that restrict the riding of bicycles on sidewalks. Often these restrictions are located to certain district, applicable to riders over a certain age, or dependent on what the speed limit is of the adjacent roadway.

### **Traffic Tickets**

Just like operators of motor vehicles who violate traffic laws, bicyclist can be issued tickets. Unlike motorists, however, bicyclists are not normally subject to having points assessed their driver's license. R.C. 4511.52

Again, this chapter is not meant to list every law related to bicycles. Rather it is merely meant to highlight some of the more notable laws. It is necessary that cyclist not only familiarize themselves with all applicable state traffic laws, but also local traffic regulations.

## Chapter 3

---

### Bike Accidents and Safety



Each and every year, there is an increasing number of bicyclists in the United States. Some of these people regularly ride bicycles as a form of transportation. Many others ride simply as outdoor recreation.

Unfortunately, as many as 500,000 people each year end up in the emergency room due to bike accident related injuries.

A study reported by the journal *Injury Prevention* found that 3.8 million non-fatal bicycle injuries and 9,839 deaths had occurred from 1997 to 2013, causing the costs of bicycle injuries to rise steadily. Among the key findings:

- The toll for bicycle injuries during the study period was

\$209 billion for non-fatal accidents and \$28 billion for fatal injuries

- Annual costs over the study period increased by 137 percent for non-fatal injuries and 23 percent for fatal injuries
- There were approximately 6,500 more adult cycling injuries annually
- Medical costs increased by 137 percent for non-fatal bike crashes
- Bicycling deaths increased by an average of 19 cases a year
- Older riders accounted for a great proportion of total costs and a larger share of inpatient admission costs

In 2013, nearly 54 percent of the total costs of bicycle accidents were due to riders 45 and older, up from 26 percent in 1997, the researchers reported.

Most of these injuries and fatalities resulted in traumatic brain injuries and many of these injuries could have been avoided by using a helmet.

In this chapter, we will look at the most common causes of bicycle accidents and safety tips for reducing risk of injuries.

### **Common Causes of Accidents**

Accidents can occur at any time and in any situation. However, there are a few situations in which preventable accidents occur more frequently:

**Driveway Ride Outs:** These accidents often occur when

a child rides out of the driveway and into the roadway without looking or when their view or the view of oncoming traffic is obstructed in some manner. These accidents can be avoided by teaching children to stop before they enter the street and look in both directions. Parents can also reduce the risk of these accidents by clearing obstructions in line with the end of the driveway.

**Failing to Stop at Stop Signs:** Children are generally unaware of traffic laws and the need to stop at stop signs when riding bicycles. They are also generally unaware of the dangers associated with failing to stop. Again, these accidents are preventable by teaching children that they must always stop and look for oncoming vehicles and only proceed when the coast is clear.

**Nighttime Cycling:** A significant portion of biking accidents happen in the early evening. As it gets darker out, motorists have a more difficult time seeing cyclist. If it is raining or foggy, it can also affect a motorist's visibility. Often, by the time the motorist sees the bicyclist, it is too late for them to avoid a collision. The risk of these types of accidents can be reduced by avoiding riding in the dark if possible. When riding in less than ideal conditions, the cyclist must ensure they and their bike are visible. Use of bright, reflective clothing, lamps and reflectors on the bike can help.

**Drinking and Riding:** While it surprises many people,

drinking and riding a bike on the roadway is against the law and it is dangerous. About one in five bicyclists killed have a blood alcohol level above the legal limit.

**Falls:** Next to being hit by a car, falls are the most popular cause of injury. Falls can happen due rider error, distraction, encountering uneven pavement, or attempting to avoid an obstacle such as a dog running out in front of you. Even low speed falls on a bike can cause brain trauma. These types of accidents can be reduced by avoiding distractions with electronics or phones, by paying closer attention to the terrain, by not speeding, and by wearing a helmet.

### **Importance of Helmets**

The United States does not have a federal law mandating that cyclists wear protective safety helmets. Nationwide, most states have enacted laws requiring the use of helmets. However, Ohio is not currently one of those states. Within Ohio, there are several municipalities that have passed ordinances requiring children under a certain age to wear helmets. However, it remains the right of a majority of Ohioans to choose to wear a helmet or not.

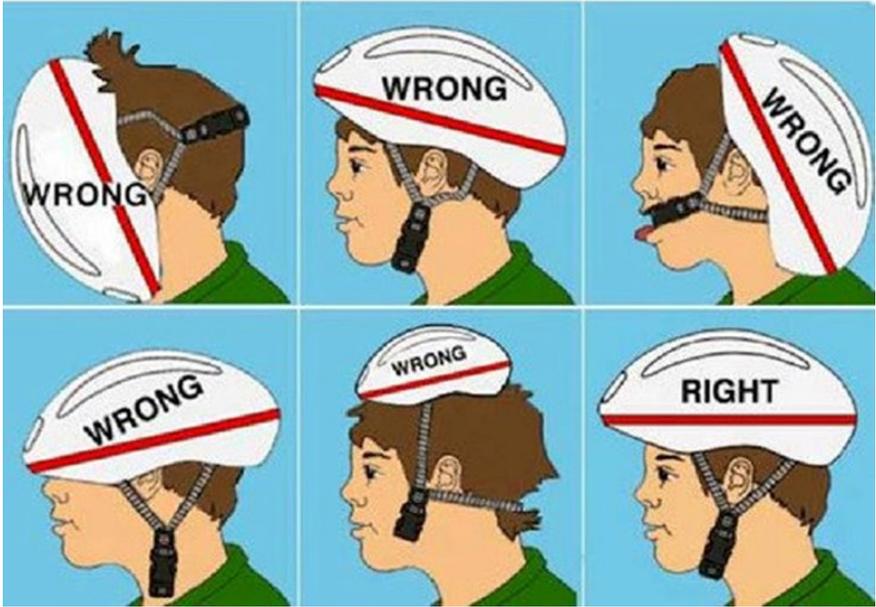
Statistics show that helmets substantially help prevent serious injuries and death. It is estimated that 90% of bicycle deaths resulted from accidents involving a motor vehicle. And most of those involved a cyclist who was not wearing a safety helmets. Studies have shown that helmets reduce the risk of head trauma by as much as 85%. Despite the

risk of injury and the clear benefit of helmets, more than half of the 70,000,000 riders in the United States do not wear helmets on a regular basis.

Although Ohio law does not require you to wear a helmet, we strongly encourage you to buy a properly fitted helmet and use it whenever you ride your bicycle.

**Helmet Tips:**

- Look for bike helmets that have labels stating they are CPSC, ANSI, ASTM, or Snell certified. These certifications mean that the helmet has been tested for safety and meets safety standards.
- Always take your child with you when purchasing a helmet, even if you think you know their head size. Sizes vary brand to brand and model to model.
- Help young children put their helmets on.
- Ensure older children know how to properly put on the helmet and enforce them wearing it every single time they ride their bike.
- Bike helmets are only designed to withstand one serious impact. Inspect helmets before each use and replace if there is any damage or they have been involved in any accident.



## Safety Tips

Because of all the risks associated with cycling, it is beneficial to know some basic safety guidelines before you head out on your next bicycle ride. Cyclists in urban areas are especially susceptible to injury and should take extra precautions. While you can never completely prevent a negligent motorist from hitting you, you can reduce your chances of being severely injured in a bicycle accident by following some basic safety tips:

- **Follow the rules of the road** – Cyclists are required to obey all traffic laws. Know and follow all traffic laws.
- **Always ride with the flow of traffic** – It is an all too common sight to see cyclist riding against the flow of traffic. This is dangerous and illegal. Never ride against the flow of traffic, as motorists don't expect to see you coming towards

them. Instead, ride on the right-hand side of the road.

- **Don't pass on the right** – Ohio law requires cyclists to pass vehicles on the left. Passing on the right places you in the motorist's blind spot. This is not only dangerous, but often illegal.

- **Don't use headphones while cycling** – Listening to music while you are cycling might seem appealing, but you need to be able to hear what is going on around you. Cyclist should avoid compromising their safety by having headphones on, particularly in heavy traffic.

- **Dress to be seen** – When you're cycling, wear fluorescent or brightly-colored clothing so motorists can easily see you. When riding in the evening, avoid dark clothes. Instead, find and wear reflective clothing.

- **Use lights at night** – As mentioned in the earlier chapter, when cycling during the night, Ohio law requires that your bicycle is equipped with reflectors, a headlight on the front and a rear red reflector and/or light on the back. Motorists have a difficult time seeing cyclists at night, and using lights and reflectors, and wearing reflective gear will increase your visibility.

- **Use hand signals**– Bikes are not equipped with brake lights or turn signals. As such, it is very important to make sure that you communicate with vehicles around you. Using hand signals is your way of communicating your intentions to motorists. Protect yourself by using appropriate and timely signals.

## Chapter 4

---

### Stories from Real Clients

Majority of the bicycle accidents that happen in this country are just that: accidents. A mistake was made and a collision occurred, resulting injuries.

In our office, we have helped clients with many different types of accidents, but they all have one thing in common; that the cyclist was not seen by the person who caused the wreck.

#### Robert

Take for instance our client Robert. He was constantly on his bicycle, often using his bike as a main mode of transportation as well as for recreation and exercise.

“I loved riding my bike,” Robert said. “I enjoyed being outside and I would ride everywhere. Then that all changed.”

On May 1, 2007, Robert was waiting to cross the street on his 26” bicycle when the driver of a car also waiting at the intersection waved him across. When Robert was halfway through the intersection, the woman assumed that Robert had passed and she proceeded through without checking to make sure her path was clear. She struck Robert and knocked him to the ground, seriously injuring his knee. Yet when the police came to the scene, she claimed that she never saw Robert and denied waving him across, attempt-

ing to blame him for the accident.

Robert was taken to the hospital by ambulance where he was checked over and given X-rays. Shortly thereafter, he enlisted the help of our office and we were able to get the woman's auto insurance company to accept liability for the accident as Robert continued to deal with the pain from being thrown from his bike. He was seeking treatment from a local chiropractor but his knee simply wouldn't heal. We put him in contact with a trusted orthopedic surgeon who discovered that his knee was so damaged that he would need to undergo a complete reconstruction of his ACL, the main ligament in the knee that helps to stabilize the leg and allow the knee to bend.

"The injury took me out for a full year and a half," Robert said. "After surgery, I had to be in a full locked brace for 18 months. I had to do almost nine months of physical therapy and of course I couldn't ride my bike. It was really tough."

Luckily Robert's main concern about having to deal with paperwork and medical bills was solved by having Boyk Law handle everything.

"I never had to worry about all of the legal stuff, which helped me make sure that I could go to every one of my doctors' appointments," Robert said. "Knowing that the attorneys were handling everything made it easier for me to be at the appointments and focus on my recovery. Plus, everyone was always really courteous and kind which was nice."

Not only was Boyk Law able to get Robert's medical bills

covered, we were also able to secure for him compensation for all the pain and suffering he went through while struggling to recover and for the emotional toll it took on him.

“The accident changed my life,” Robert said. “Whenever I hear a car coming I’m afraid I’m going to be hit and am always looking over my shoulder. My advice to any rider out there is to always pay attention. Always have safety in mind. Check your tires; make sure your brakes work. Don’t cross unless you know that you can cross safely. I let everyone go ahead of me even if they try to wave me through because I don’t trust anyone on the road.”

## **Dameion**

While Robert faced surgery to repair physical damage done to his body after the bike accident, our client, Dameion, faced damage that is often harder to see with the naked eye – that of a traumatic brain injury.

Dameion was riding his bike down the street when a UPS truck ran a stop sign, causing him to strike the side of the truck. He was knocked unconscious and remembers flipping over the bike, then the next thing he knew he was on the ground, surrounded by people asking if he was OK. Dameion was taken by ambulance to the hospital where he spent two days recovering and undergoing MRIs and CT scans.

As days passed, his symptoms of slurred speech, memory loss, and mood swings made it apparent that his injuries weren’t limited to just his neck and back. Dameion was suffering from a severe concussion and underwent addi-

tional cognitive evaluations and quickly began speech therapy that lasted for months, as well as treatment for his back and neck pain. Having to go to doctors' appointments twice per week on top of dealing with constant headaches was taking its toll on Dameion. He and his wife were not happy with their current attorney and they called Boyk Law for more information on how else they could be helped.

Boyk Law took the reins on the case, obtained a copy of video surveillance from the accident, and filed a lawsuit on Dameion's behalf against UPS. We secured for him additional medical treatment with a neuropsychologist as he fought to recover and we were able to obtain compensation that not only covered his medical bills, but also allowed for additional money for the pain and suffering caused by daily headaches.

## **Braelon**

Even though our client Braelon was riding a skateboard and not a bicycle at the time of his accident, we wanted to include his story in this book since many kids his age use both to get to and from school and to visit friends.

The 14-year-old was on his way home from school on his skateboard when a passing motorist hit him with her passenger rearview mirror, throwing him from the skateboard, and causing him to strike his head on the ground. By the time EMS arrived, Braelon was confused and disoriented and he was initially taken to a local, rural hospital. He was nauseous and vomiting – clear signs of a traumatic brain injury – and his minor concussion was upgraded to a se-

vere one as he was transferred to a trauma hospital 45 minutes away. During his five day stay, a brain bleed was discovered and he underwent round after round of testing and evaluation by neurosurgeons while a treatment plan was formulated.

While Braelon started traumatic brain injury therapy at a concussion clinic and visits with a neuropsychologist as part of his neurorehabilitation, Boyk Law took over the task of proving that the insurance company for the driver who struck Braelon should pay for his medical bills. The woman behind the wheel claimed that Braelon was skateboarding in the middle of the road when she struck him, but we proved that he was, in fact, on the side of the road like he claimed to be. We gathered proof and got the insurance company to accept liability, while Braelon struggled to manage problems like:

- Migraines
- A reverse sleep/wake cycle
- Persistent nightmares about the accident
- Dizziness
- Insomnia
- Attention and concentration deficits
- Irritability, depression, and anger
- Memory loss

We relayed to the insurance company all of the problems that he was struggling with and negotiated a settlement to cover the medical costs, in addition to money for pain and suffering. While no amount of money can make up for the terror caused by being struck by a car, at least the family

was able to receive compensation for all they went through.

## Chapter 5

---

### Bicycle Injury Claims

In Ohio, it is illegal to drive any motor vehicle without insurance or other proof of financial responsibility. Ohio requires that the minimum coverage a motorist can carry is \$25,000 per person injured in any one accident and \$50,000 for all persons injured in any one accident.

Since bicycle accidents can be serious and medical expenses high, these minimum insurance amounts may not be sufficient. Further, it is often the case that a negligent motorist may not have any insurance at all.

Most cyclists do not realize that if they are involved in an accident, their own personal car insurance may cover the damages. It is important that cyclists review their policies in order to understand the coverage they have. Specifically, they should ensure they have Uninsured/Underinsured coverage. This coverage pays for damages incurred from an at-fault driver who has inadequate or even no car insurance at all. The cost of purchasing this coverage is often relatively inexpensive and can cover the costs associated with:

- Medical bills, including those from the ER, primary care physician, physical therapist, surgeons, and radiologists, among others
- Replacing your damaged bike and helmet
- Lost wages from being unable to work
- Co-pays and co-insurance that must be paid out of

pocket

- Travel expenses getting to and from medical treatment
- The time and effort family members must put into your care
- Pain and suffering

If you are not sure how to go about the process of getting compensated for all of the medical issues caused by your bicycle accident, contact the attorneys in our office at 419-241-1395 and we would be happy to walk you through it.

## Chapter 6

---

### Hiring the Right Attorney



We hope this book has helped you understand bicycle accidents, how to prevent them, and how to talk to your children about bike safety. By now you have learned that bicycle accidents leave riders open to a number of serious injuries, even when helmets are worn and the laws are followed. And while families try to help the victim navigate recovery from a traumatic brain injury or broken bones, tough questions can still remain, like:

- Who is going to pay my medical bills?
- Why is my recovery taking so long; will I ever be able to ride a bicycle again?
- Who is going to pay my expenses now that I can't work?
- What do I tell the insurance company that won't stop calling me?

That's where we can help. The attorneys at Charles E. Boyk

Law Offices, LLC have secured millions of dollars in compensation for victims of serious injury accidents, like those that happen on bicycles. Our goal is to help our clients through what is often the most difficult period of their life – recovering from an injury caused by someone else’s negligence. We work hard to help clients manage life after a bicycle accident, by showing them ways to protect themselves and their families, and by showing them firsthand that hiring an experienced injury lawyer can mean the difference between struggling to make ends meet and obtaining maximum compensation for what happened.

Our clients are at the forefront of our firm. We work hard to keep in contact with our clients and if you place a call to our office that we are not able to immediately take, we will return the call within 24 hours.

Time and time again, our clients have told us that one of the most important reasons they would hire us again is a simple, intangible quality: the fact that we truly care. We genuinely care about people and the attorneys and staff in our office have chosen to pursue careers centered on helping others.

While we have been extremely successful at securing some of the largest settlements and jury awards for our clients, our practice is and has always been centered on one simple goal: helping our clients get the justice that they rightfully deserve.

Because our practice is centered on the goal of helping our clients get justice, success has followed naturally. We be-

lieve it is this intangible quality that sets us apart from the vast majority of Ohio law firms, and we pride ourselves on keeping our clients' interests first, and having everything else come second.

Our goal is to exceed the expectations of every client that walks through our door. This means discovering what their worries are, what keeps them up at night, and what they hope to have changed with the help of our firm. We are dedicated to doing the following for each client:

1. Go through an in-depth Intake Process. This means sitting down with a team of attorneys and paralegals to go over every aspect of the injury accident, including the events leading up to the accident, the medical treatment, and the problems the client is facing now. After signing a contract with our office, you will be sent home with the contact information of all staff you will be working with, as well as other information on your case.
2. Determine the amount of insurance coverage. We will contact the insurance company on your behalf to determine coverage and will send the insurance company a letter of representation and set up your accident claim.
3. Prepare an Accident Injury Claim. We will gather all necessary documentation related to the incident and develop a game plan and timeline with strict deadlines to ensure that all paperwork is filed with the state and federal government in a swift and timely manner.
4. Preserve evidence by obtaining any existing photographs

and video surveillance in addition to taking our own photos and video on-site and of all parties involved. This includes sending a Preservation Letter to ensure that evidence is preserved by all potential defendants.

5. Conduct accident site visits and compare them to accident reports.

6. If you don't have a doctor, we can refer you to respected medical providers who can help you recover from your injuries. We have access to the best neuropsychiatrists, neurologists, neurosurgeons, orthopedic surgeons, and physical therapists in the area who will ensure that your or your loved one's injury is treated with the best care possible.

7. Our four attorneys and multiple staff members – including experienced paralegals, legal assistants, medical records analysts, and nurse paralegals - will investigate your case by obtaining police reports, interviewing witnesses, and gathering medical records.

8. All necessary costs to pursue your case will be advanced on your behalf. If no money is collected for you and you have followed our advice, you will not be asked to repay the costs advanced to you.

9. Our attorneys are always available to discuss the progress of your case. We provide clients with personal cell phone numbers and the attorneys are available after normal business hours and on weekends.

10. Our medical records specialist will contact you regular-

ly to get an update on your medical treatment.

11. We will perform legal research to strengthen your case.

12. We will notify all insurance adjusters of your claim through letters of representation. This ensures that the at-fault party's insurance company will not bother you anymore.

13. After compiling all medical bills and records, we will send a letter to the at-fault party's insurance company that details your injuries and demands fair compensation. The demand letter will include an impact statement on how the injury has affected your life.

14. Our best negotiators will negotiate your settlement with the insurance company to ensure maximum recovery.

15. Our office will negotiate with your medical providers to reduce the amount of money you have to pay for your medical bills.

16. Your attorney will keep you updated about any offers that are made to settle your case.

17. At the end of your case, you will be provided with a full explanation of all case expenses, medical expenses, and legal fees so you can see exactly how much money you'll receive from the settlement or jury verdict.

18. At your direction, we will use a portion of your settlement or jury award to pay outstanding medical bills.

19. If a settlement cannot be reached, your attorney will consult with you about whether a lawsuit should be filed, and what it means to you.

20. If a lawsuit is filed, we will help you respond to interrogatories and discovery requests.

21. Your attorney will help you prepare you for your deposition.

22. Your attorney will conduct depositions of the defendant and key witnesses.

23. Your attorney will consult with you to prepare your case for trial.

24. Your attorney will be at your side during the trial, protecting your rights and fighting for fair compensation.

25. At the conclusion of your case, we will ask you to grade our performance and give us feedback regarding your experience with us.

26. After your case is completed, we would like to stay in touch by sending you our monthly newsletter and periodic legal information that may be of interest to you.

27. Free books, magazines, videos, and special reports will be available to you on subjects such as auto accident injuries, brain injuries, trucking accidents, and worker's compensation claims.

28. Our toll-free 800 number may be called 24 hours a day to request our books and other information.

29. We will enroll you in our free key protection program, Toledo VIP. If you lose your keys, we'll pay a reward to anyone who returns them to our office. We also offer this service free to friends and family by visiting [www.ToledoVIP.com](http://www.ToledoVIP.com).

30. Our clients and past clients are encouraged to come to us with any legal question or concern they may have while they are a client and any time after they have been a client. We do not charge for this service. We will either help you, or find someone who can.

### **A Bit About Attorney Charles Boyk**

Licensed to practice law in Ohio since 1983, my major areas of practice involve plaintiff personal injury, including car accidents, wrongful death, medical malpractice, slip and falls (premises liability), and construction accidents. My other areas of practice include worker's compensation, criminal defense, and general civil litigation.

A lifelong resident of Ohio and licensed in all Ohio courts and the Eastern District of Michigan in Federal Court, I have spent the past 34 years acting as counsel or co-counsel in numerous cases in other states, including California, Florida, Indiana, South Carolina, Michigan and New York. Born in Toledo, Ohio, I graduated from Start High School in 1976 and attended Bowling Green State University on a debate scholarship and graduated with a Bachelor of Arts in

Communication with a specialization in Political Science. After college, I went directly to the University of Toledo College of Law and graduated with a Juris Doctorate Degree in 1983. While in law school, my activities included moot court participation and in the Prosecutor's clinic in Perrysburg, Ohio. As a legal intern, I participated in numerous judge and jury trials before becoming an attorney. I'm a member of the Toledo Bar Association, Ohio Academy of Trial Lawyers, and the American Association for Justice.

For the past five years, my firm has received a 10.0 "Superb" rating from the Avvo lawyer ranking system. Avvo is one of the leading websites that provides information about lawyers to consumers. My Avvo profile also provides more information on some of our firm's other awards and recognitions.

We ask that you keep us in mind when you are making the important decision of choosing the law firm that will handle yours or your loved one's injury case. If you would like to have me or one of the attorneys at the Charles Boyk Law Offices, LLC provide a free case evaluation, call us today at 419-241-1395 or toll free at 1-800-637-8170. We are always here to help answer any questions that you may have.

## Chapter 7

---

### The Bikes for Kids Program

When we wrote the book *Little Kids, Big Accidents: The Ultimate Guide to Child Injury Cases in Ohio* in 2009, our main goal was to educate parents on what they should do if their child is ever faced with a serious injury.

We realized that of the instances where kids are hurt due to someone else's negligence, many of them occur while the child is riding a bike. That is why we started the Bikes for Kids program in northwest Ohio: to bring awareness to bicycle safety among children and to encourage drivers to be extra diligent in looking out for these young riders, especially during the summer months.

Started in 2009, Bikes for Kids has provided one bicycle to a deserving child each week of summer and we have given away over 75 bicycles to date. While there are no specific guidelines on what makes a nominee deserving of a new bike, we encourage nominators to think about any kind things that the child has done for others, or how the child has positively impacted his or her family, friends, community, or classroom. Parents, teachers, neighbors, and loved ones can simply fill out a nomination form at [www.bikesforkidstoledo.com](http://www.bikesforkidstoledo.com) and tell us in 150 words or less about the child's good deeds. If the child is chosen, the entire family, the nominator, and the media are all invited to Wersell's Bike & Ski Shop for the surprise bike reveal,

which Boyk Law captures on camera. In addition to receiving the bicycle from Boyk Law, each week's winner is also given a free helmet and lock, compliments of Wersell's. Most summers, each week's child is highlighted on various nightly news channels for the positive impact they've made, and are often invited to be featured the next day live at the news station.



*Kyler Koopman and his family after his bike win.*

For the past two years, our Bikes for Kids program has kicked off with a Boyk Law Safety Day held during Ohio's Bike Helmet Safety Awareness Month. Thanks to the Ohio Chapter of the American Academy of Pediatrics (AAP), we were able to give away over 200 free bicycle helmets to kids across northwest Ohio. The helmets were made possible through a grant from the Ohio Chapter of the AAP and the Ohio Department of Transportation, as part of their "Put a Lid on It! Protect Before You Pedal" campaign. According to the AAP, 51,000 people in the United States were injured by

not wearing a bike helmet in 2010. Universal use of bicycle helmets by children ages four to 15 could prevent between 135 and 155 deaths; between 39,000 and 45,000 head injuries; and between 18,000 and 55,000 scalp and face injuries annually.

At the Boyk Law Bike Safety Days, we also gave kids and parents the chance to interact with emergency room nurses, pediatricians, firefighters, and bike experts to have their questions answered.

For more information on how you can receive a free bicycle helmet or bicycle through our Bikes for Kids program, call 419-241-1395 or visit [www.bikesforkidstoledo.com](http://www.bikesforkidstoledo.com).



*Aunesti Sullivan being interviewed by 13abc.*

