

The **BOYK**  
**BULLETIN**

# Boyk Law Investigates: Serious Injuries & Fatality Due To Falls At Nursing Facilities



It's a hard thing, entrusting the care of loved ones to strangers at a nursing home or other skilled nursing facility. Family members believe that when a parent, grandparent, or spouse is at a nursing facility, their needs will be addressed by caring professionals in an environment designed to keep them safe. This is especially true with older people, who are vulnerable and all too often have known instability or confusion issues that lead to them being a fall risk. People expect that if their loved one is known to be in danger of falls, appropriate precautions will be taken at all times to minimize the chance of falls and prevent injuries. Sadly, facilities often fall short of their obligations to patients. When they make mistakes, people fall – sometimes with truly devastating consequences. Boyk Law is currently investigating several severe injuries due to falls at nursing facilities to assess where mistakes were made, why they were made, how the trauma to the patient and family could have been prevented, and how we can hold the facilities accountable.

One of our clients came to us after his spouse fell twice at the same facility within a single week. When she was first admitted to the skilled nursing facility, the facility knew she was a fall risk. Because of this, they were required to create a care plan that would address the risk of falls so as to ensure her safety at the facility. They failed to

do this, and our client's wife suffered a fall within hours of admission. The fall was so severe that it resulted in a head injury that required transportation to a local emergency room before she could return to the nursing facility. Once again – even though they knew she had just suffered a fall that required emergency treatment – the facility failed to put fall precautions in place. When staff arrived at her room to check on our client's wife, they found her face down on the floor with her head toward the foot of her bed, unable to answer questions. She had fallen again, suffering another head injury that this time caused serious facial fractures.

The daughter of another client reached out to Boyk Law after her mother suffered fractures in a fall at a different nursing facility. Our client is an elderly lady, and it was well-known that she fell frequently. Eventually, a facility used a fall care plan that really worked to prevent injuries – a cushioned fall mat placed next to her bed. Although our client continued to fall frequently, she was never injured in these falls as long as the cushioned mat was there to protect her. Unfortunately, when she returned to another facility it utterly failed to implement the precaution that was known to work. Our client's daughter fought to have the cushioned floor mat implemented for her mother and made it clear to the facility that the floor mat had prevented injuries. Despite this, and despite knowing of our client's frequent falls, the facility failed to use the correct mat. Without the mat in place, when our client fell again, she fractured her right femur – a terribly painful and devastating injury.

Sometimes, falls at nursing facilities lead to even

more catastrophic consequences. One of our clients was admitted to a skilled nursing facility after she had suffered injuries in a recent fall. The facility knew she was at risk for further falls, but nevertheless failed to put precautions or an appropriate plan in place to ensure our client's safety. Staff found her on the floor in her room after she had fallen and fractured her wrist, along with vertebrae in her neck and back. She was hospitalized, but her condition dramatically deteriorated in a very short period of time. Less than a week after falling at the nursing facility, she had entered hospice and passed away. The coroner determined that she died from a pulmonary embolism due to prolonged immobilization due to her neck and back fractures after the unwitnessed fall at a nursing home. In other words, our client died because the nursing home failed to protect her from falling.

In each of these cases we are investigating, someone's loved one suffered a terrible injury – or even death – because nursing facilities failed to take simple precautions to prevent falls or minimize injuries when they knew the people in their care were in danger of falling. Unfortunately, these kinds of preventable tragedies happen all too often. When the people and facilities our clients trusted fall short of their obligations, we owe it to them to investigate thoroughly, pinpoint what went wrong, get the right experts on our side, and hold the people responsible accountable for the terrible consequences of their errors. If you or a loved one have been hurt in a fall at a nursing facility, our team knows exactly where to start and how to help you move forward. We hope you call us so we can fight for you just like we are fighting for our current clients.

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# Congratulations to Josh Nagel Productions – Voted Best of Toledo for the Third Year in a Row!



Boyk Law is happy to announce that Josh Nagel Productions has been named Best Videographer/Cinematographer in Toledo for the third straight year in the Toledo City Paper's annual contest!

Josh grew up in Defiance, Ohio and has always been interested in fine arts. Around 2011, he got his first camera and started taking photos and video. Josh is a self-taught videographer and has developed his dynamic, compassionate video storytelling style through experience, his own unique vision, and the personal connections he forges with people. Telling stories through video is Josh's passion, and his production company gives him the opportunity to do that in so many ways. He has told people's love stories through wedding

videography both locally and in stunning Caribbean destinations, the Great Lakes' story through a documentary created in connection with the EPA, and the story of the heroin and opioid epidemic that has ravaged our region and the nation. In addition to Josh Nagel Productions, Josh is starting another local media company – JONA Creative. Through his team at JONA Creative, Josh will be able to tell

more stories and bring his unique vision to even more people.

We know Josh because he started working for Boyk Law in 2012. Originally hired as a graphic designer, Josh and Chuck quickly realized that his great talent for video could be used to help our clients and highlight our firm's successes. In addition to producing attorney bio videos and other pieces for the firm, client videos are the true highlight of Josh's work with Boyk Law.

We often say that as attorneys, our job is to tell our clients' stories. Josh's passion for video storytelling is an integral part of that when he sits down with our clients and helps them tell their



stories up close and personal in a way only video can convey. "Words on paper can only do so much but they're often all we have in a case until it's time to testify," says Attorney Katie Harris. "I have seen the raw emotion from a client telling Josh how a devastating car crash affected not only her but her entire family. There is nothing like it."

Josh helps our clients tell their stories in a beautifully compelling way. There is no question that his passionate attention to detail works wonders for achieving the best results for our clients. We are beyond lucky to have him on our team, and Toledo is lucky that such a creative, talented videographer calls our city home.

Josh is a perfect example of what hard work, vision, and passion can achieve. We congratulate him on his great success and can't wait to see what the future holds for him!

## RECIPE:

# Grandma Marge's Baked Beans

**My grandmother Marge has been gone nearly 4 decades, and unfortunately, passed before I was born. One way my mother kept her memory alive throughout all these years is through her recipes. Although, most of the family now calls this recipe, "Kathy's Baked Beans," it's truly a favorite and goes excellent with meals from all seasons. I hope you enjoy! - Lisa Blackburn**

## INGREDIENTS

- 3 16 oz. cans of Campbell's Baked Beans
- ¾ to 1 cup Brown Sugar (depending on how sweet you want it)
- 1 Tsp Plochman's Mustard
- ¾ cup Ketchup
- 3 tsp Minced Onion
- 1 lb. Bacon fried, drained, & crumbled

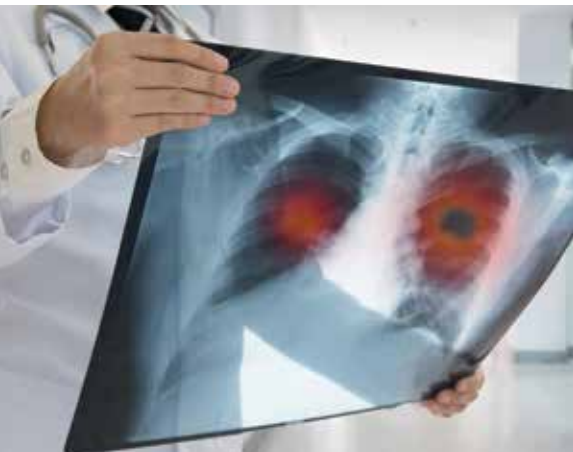
## DIRECTIONS

Stir all ingredients together. Bake in 350 degree oven for 45 minutes.





# Mesothelioma/ Lung Cancer



Mesothelioma is an aggressive type of cancer that occurs in the thin linings of the lungs, heart, or other organs. It is caused by the inhalation of asbestos fibers. Before 1980, asbestos was a popular material used in thousands of products due to its heat resistance, strength, and relatively low cost. However, when asbestos-containing products are disturbed, tiny asbestos fibers can be released into the air. These fibers, which often look like dust, are easily inhaled or swallowed. Once in the body, asbestos fibers can settle in the lungs. Asbestos lodged in the lung tissue can cause lung cancer, while asbestos lodged in the pleural linings of organs can cause pleural mesothelioma. An estimated \$30 billion has been set aside for mesothelioma victims.

**Who may have a claim:** *If you or a loved one had a mesothelioma/lung cancer within the last 5 years and were exposed to asbestos before 1980, you may have a claim.*

# EMPLOYEE SPOTLIGHT: GABRIELA SANTOS TOSCANO

Boyk Law welcomed Gabriela Santos Toscano as one of our prelitigation paralegals in July of 2018. Gabby came to us right after receiving her undergraduate degree from Tiffin University, where she double-majored in Criminal Justice and Business Administration and was involved in numerous organizations and volunteer activities.

Originally from Sao Paulo, Brazil, Gabby came to the United States for college to pursue her dream of learning about the U.S. legal system. She worked for the Cuyahoga County Prosecutor's Office before coming to our office, and she quickly became an indispensable team member here. As a prelitigation paralegal at Boyk Law, Gabby works as a day-to-day liaison with our clients, helps prepare our demands, works closely with the attorneys, and communicates with insurance adjusters.

Everyone Gabby interacts with appreciates her kindness and dedication to her job. We know we are lucky to have her here.



Gabby hopes to continue her education in the near future and is in the process of applying to law school.

### **Getting to Know Gabby**

**Favorite food:** Anything Italian!

**Favorite movie:** Legally Blonde

**Hobbies:** Netflix, eating and napping

**Favorite holiday:** New Year's

## CASES OF INTEREST: APRIL 2019

### Our Firm's Persistence Turns Up \$1 Million Insurance Coverage For Injured Driver

A head-on collision on U.S. 68 in Kenton, Ohio left our client with serious injuries and seemingly, with no insurance coverage. According to police, a 45-yr. old driver made an unsafe attempt to pass a vehicle by pulling out into the direct and immediate path of our client – an over-the-road Canadian truck driver. Our firm discovered that the at-fault driver was uninsured. We also discovered that our client's employer, an Indiana Corporation, failed to maintain "uninsured motorist" coverage on its vehicle. Continued efforts by the firm proved successful as we discovered \$1 million of applicable insurance coverage under our client's personal Canadian automobile policy.

### More & More Come Forward With Roundup Cancer Claims

Our firm is representing a 68-yr. old female who, after using Roundup weed killer for more than 10 years for gardening, developed non-Hodgkin's lymphoma. Monsanto's Roundup has widespread agricultural, commercial, and residential usage. Research has linked its active ingredient, glyphosate, to causing non-Hodgkin's lymphoma. In March, a jury awarded a man \$80 million in damages after finding the weed killer caused his cancer. In August of last year, a jury awarded another man \$289 million in his Roundup suit. More trials are coming this year. If you or a family member would like to learn more about these cases, please reach out to us for a free consultation.

### Our Firm Stands to Fight for Child Victim In Sex-Abuse Case

Our firm is representing a minor child against a 64-yr. old man who has been criminally charged for sexually assaulting her. During a sleepover at her friend's house, the friend's grandpa sexually assaulted her. Our client and her family have been traumatized. We are now preparing a civil action against the offender. Studies have found that 7 in 10 girls endure some form of sexual harassment by age 18 and 1 in 4 have been or will be sexually abused. If you or anyone you know has been sexually assaulted, you may contact us for a free consultation to learn about what rights you may have and how we can help.



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## IN THIS ISSUE

- **Boyk Law Investigates: Serious Injuries & Fatality Due To Falls At Nursing Facilities**
- **Congratulations to Josh Nagel Productions – Voted Best of Toledo for the Third Year in a Row!**
- **Recipe: Grandma Marge's Baked Beans**
- **Mesothelioma/Lung Cancer**
- **Employee Spotlight: Gabriela Santos Toscano**
- **April Cases of Interest**

## April's Raving Fan of the Month

**"If you want a confident lawyer that will fight for you, give Boyk Law a call."**

*– Howard Armstrong*

**New address or phone number?**

**Help us stay current by letting us know!**

Call Sarah Sharpe at (419) 241-1395

or e-mail her at

[marketing@charlesboyk-law.com](mailto:marketing@charlesboyk-law.com)

## Boyk's Featured Pups!

It doesn't get more beautiful than sweet Nala! She's a lover of fine coffee, fine cuddles, and fine company. She is a huge art lover, and you may even find her exploring the murals of Toledo's Warehouse district! Nala was born and raised in the 419 and is full of Toledo pride. She's only about 2-3 years-old and is a total flirt with everyone two and four-legged! All that's missing in her life is a committed relationship and loving home. She's not picky, and she'll even let you pick out what to watch on Netflix.

Sweet senior Dutch may have a bit of a frosted muzzle, but that doesn't slow her down at all! She went on a DOTT (Dogs on the Town) field trip recently and had a blast, and even enjoyed her first pupp-i-cuino! She's 11 years young and waiting to go on her next big adventure with you! Come meet her! How could anyone resist this face? We can't believe that she has been waiting more than two months to find a home!

To help these adorable pooches quickly find their fur-ever families, our office will pay the adoption fees associated with adopting with one of these dogs.

**To meet these pups please contact:**  
**Lucas County Canine Care & Control**  
**410 S Erie St, Toledo, OH 43604**  
**(419) 213-2800**  
[lucascountydogs.com](http://lucascountydogs.com)

