

# The **BOYK** BULLETIN

**CHARLES E BOYK**  
LAW OFFICES, LLC

10 Offices >>> NW Ohio & SE Michigan

## THE RULES OF THE ROAD

To say Janet and Jack Bielefeld are avid cyclists would be a major understatement. Though in their 70s, they put an average of 25-50 miles on their bicycles every week during the summer.

All of that changed on a beautiful afternoon in July 2020. The couple was enjoying a cycling trip in Southwest Ohio and had stopped at an intersection in Wayne County, Ohio. A driver waiting to turn at the intersection saw Jack cross within the marked crosswalk. She did not notice Janet close behind him.

The driver struck Janet in the intersection, causing compound fractures to both of her ankles. Janet was rushed to the emergency room where she underwent major surgery to repair her legs. She spent several days in the hospital.

After more than two weeks in a therapy facility and months of intensive physical therapy, Janet continues to deal with the consequences of this driver's negligence.

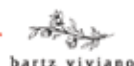
Initially, the driver's insurance company tried to claim Janet was responsible for the accident.

That's when Janet and Jack called on Boyk Law to help them.

Attorney Mike Bruno and the Boyk Law legal team fought tirelessly for Janet to receive fair compensation for the damages she suffered and were able to get the driver's insurance company to reverse its position. Earlier this year, Janet was awarded the full amount we requested.

Mike says Jack and Janet meet and exceed the very definition of "active seniors," and we hope to see them out on the trails very soon!

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# Ask an Attorney: How Do Compensatory Differ from Punitive Damages?

In a typical personal injury case, compensatory damages are the standard damages awarded. Another less commonly awarded form of damages are punitive damages. Punitive damages are designed to punish the defendant for outrageous conduct and/or deter the defendant from engaging in similar conduct again.

In order to bring a punitive damages claim, it must be shown that the defendant acted with malice. One way to prove malice is to show that the defendant acted with a conscious disregard for the rights and safety of other persons that has a great probability of causing substantial harm. Recently our office has alleged punitive damages in the following circumstances:

- *A driver drunk who was also high on fentanyl swerved into our client's lane of travel, striking her vehicle head-on. Our client was*

*life-flighted to the hospital and was found to have suffered a broken foot, broken leg, five broken ribs, along with breaking both wrists and hands.*

- *Our client was violently assaulted by a loss prevention officer while shopping at Dick's Sporting Goods. Our client was grabbed by the neck and slammed to the ground. He was then placed in a chokehold against the floor and was beaten in an attack that lasted for approximately five minutes.*

- *A semi-truck driver purposefully ran a stop sign at a county road intersection and smashed into our client's vehicle, sending the vehicle rolling several times before coming to rest on its side. Opposing counsel attempted to dismiss the punitive damages, claiming that the driver's actions were merely*



*negligent and that these accidents happen every day of the week. Attorney Andrea Young successfully argued that the issue of whether the driver acted with a conscious disregard for the rights and safety of others had to be decided by a jury, and the judge ruled that the punitive damages claim remain in the case.*

## MASS TORT UPDATE: CPAP RECALL ANNOUNCED

Millions of people rely on CPAP, BiPAP, or other mechanical ventilators to help treat sleep apnea. Tragically, the very machine they rely on to treat breathing problems may actually be causing them far greater harm.

Medical device manufacturer Royal Philips announced a recall of several of its sleep apnea devices amid findings that certain components in the machine may degrade and release toxic particles that are inhaled and that could cause respiratory illness or even lung cancer.

Philips estimates that 3 to 4 million devices may be affected, the majority of which are first-generation DreamStation products sold before April 2021.

If you or a loved one use a recalled Philips device, you should immediately consult with your healthcare provider. You may also want to hold on to your device and consult with an attorney.

### Contact Us Today

*If you have questions regarding this recall or believe you have suffered a respiratory injury from one of the recalled devices, please contact our firm for a free consultation.*





*Brenda Kelly from Oakleaf Village Retirement Community*

## CareGivers360 July Winner!



Congratulations to Brenda Kelly from Oakleaf Village Retirement Community on her selection as the winner of July's

Caregivers360 giveaway! We are very appreciative of all of Brenda's work throughout the past year, and hope she enjoys all her well-deserved recognition.

### Nominate a caregiver today!

*Give the caregiver in your life the chance to win some love and papering at [caregivers360.com](http://caregivers360.com).*

## RECIPE: Katie's Mom's Legendary Zucchini Bread

### INGREDIENTS:

- 3 eggs
- 2 cups granulated sugar
- 1 cup vegetable oil
- 2 cups grated, peeled raw zucchini
- 3 tsp vanilla extract
- 3 cups all-purpose flour
- 1 tsp salt
- 1 tsp baking soda
- 1/4 tsp baking powder
- 4 tsp ground cinnamon
- (1 cup coarsely ground/chopped walnuts if desired)

### INSTRUCTIONS:

Beat the eggs until light and foamy. Add the sugar, oil, zucchini, and vanilla and mix lightly but well. Combine the flour, salt, baking soda, baking powder, and cinnamon and add to the egg-zucchini mixture. Stir until well-blended. Add nuts if desired. Pour into two 9x5x3 inch loaf pans. Bake in a preheated 350-degree oven for 1 hour. Cool on a rack.



## CASES OF INTEREST: AUGUST 2021

### COUPLE ENDURES CARBON MONOXIDE POISONING WHILE LIVING IN RENTAL PROPERTY

Our clients, a young husband and wife, began having health issues while living in a townhouse they rented in Cincinnati, Ohio. For several months, the wife reported loss of concentration, vision problems, sleep disturbance, dizziness, and nose bleeds. After going to the ER, the wife was diagnosed with carbon monoxide poisoning and the tissue in her nose was found to be necrotic. The fire department inspected the home and found there to be 350 PPM of carbon monoxide. The furnace and hot water tank were condemned, and the couple were forced to evacuate their home. Our office is investigating the proper parties to be held accountable.

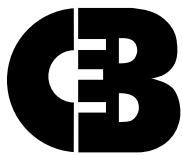
### TRACTOR TURNS IN FRONT OF MOTORCYCLIST RESULTING IN DEATH

A tractor operated by a fifteen-year-old was traveling southbound on State Route 65 in Henry County, Ohio. At the same time, a motorcyclist was traveling northbound on State Route 65. As the fifteen-year-old attempted a left turn, he entered the motorcyclist's path of travel, causing the motorcyclist to smash into the tractor. The motorcyclist suffered extensive injuries and was life-flighted to a hospital in Toledo. There, he was found to have broken his left leg, left foot, and both arms. Tragically, the motorcyclist succumbed to his injuries and died shortly after. Our office is helping the family pursue a wrongful death claim.

### YOUNG WOMAN DIES AFTER BEING EJECTED FROM MOTORCYCLE

A young woman was on the back of a motorcycle, traveling on I-475 in Toledo, Ohio. As the motorcycle traveled on the flyover ramp from east to north, it clipped another vehicle and lost control. The young woman was ejected from the motorcycle and came to rest several feet below the bridge, suffering injuries that took her life. Our office is working with the family to pursue a claim for wrongful death.





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## IN THIS ISSUE

- The Rules of the Road
- Ask an Attorney: How Do Compensatory Differ from Punitive Damages?
- Mass Tort Update: CPAP Recall Announced
- CareGivers360 July Winner!
- Recipe of the Month: Katie's Mom's Legendary Zucchini Bread
- August's Cases of Interest

# August's Raving Fan of the Month

**“Charles Boyk did a wonderful job pertaining to my case! He did everything he could to make sure I was taken care of and that what I wanted/needed was a main priority to him. I definitely would recommend this Law office to anyone! Thank you again for all that you did.” - Rodman S.**

Have a positive review to share?

Go to [boykreviews.com](http://boykreviews.com) to tell us about your experience!

## Employee Spotlight:

# SOREN GENOT

Soren Genot started as an intern at Boyk Law and was offered a full-time position this spring after completing her Paralegal Studies degree from Stautzenberger College. Soren says she's been drawn toward the legal profession since she was a little girl. She hopes to attend law school someday! Soren and her fiancé Don have two sons and a pair of dogs. They love the outdoors and hope to find a farmhouse with some land where they can raise their family, horses, and livestock.



*Soren Genot*

**New address or phone number? Help us stay current by letting us know!** Call Desmond Strooh at (419) 241-1395 or e-mail him at [marketing@charlesboyk-law.com](mailto:marketing@charlesboyk-law.com)