

# The **BOYK** BULLETIN

**CHARLES E BOYK**  
LAW OFFICES, LLC

10 Offices >>> NW Ohio & SE Michigan

## Employee Spotlight: **JESSE SCOTT**



*Jesse Scott*

Jesse Scott was born in Portsmouth, Ohio, a small, post-industrial steel town from which few families ever left. He was raised by a stay-at-home mother and a hard-working, 80-hours-a-week father. Both of his parents instilled within him the importance of going to college, and Jesse knew that if he ever wanted to see the world, education would be essential.

Jesse hoped his talent on the football field would lead to a scholarship, and that plan looked promising. By his junior year, he was touring Division 1 schools, and speaking with talent scouts. Unfortunately, those offers evaporated after a

severe knee injury ended his promising football career.

He enrolled at Shawnee State University to study international relations and talked to his local Army recruiter to help him pay for it. Jesse enlisted as a Psychological Operations Specialist, a regiment falling under Army Special Operations Forces, and was sent off to basic training. When that was complete, he returned to Shawnee State to complete his courses. However, just before his senior year, the Army shipped him overseas.

He completed his degree online, while also serving in Djibouti, on the east coast of Africa in 2018. He was sent to Nairobi, where he trained their national partner forces in psychological operations, and then to Somalia where he worked in propaganda analysis.

As a fledgling democracy, Somalia was vulnerable to manipulations through media, literature, and radio, particularly from the terrorist organization Al-Shabaab. It was Jesse's job to report on those manipulations and advise on how best to counter and prevent them.

He returned to the states in July of 2018 and took a job as a corrections officer at the Southern Ohio Correctional Facility, the site of the largest prison riots in US history, which occurred in 1993.

Jesse faced 70-hour work weeks, witnessed violent attacks between prisoners, and a score of challenges that came with maintaining order in such a chaotic workplace. During that tumultuous year, Jesse spent what little free time he had studying for college admissions and the LSATs. And in August of 2019, he was admitted

to the College of Law at the University of Toledo. He is now the managing editor of the Law Review at Toledo.

Jesse studied several aspects of law, but his career in the military still called to him. He began to search for ways to become involved again that wouldn't hamper his ability to go to school.

Jesse applied and was offered a direct commission as a Naval Reserve Intelligence officer. He was assigned to the National Air and Space Intelligence Center in Dayton.

Jesse then began looking for a firm that would value his contribution and put him in a position to help others. Though there was no advertised position available, he submitted his resume to our offices. Within an hour, someone had contacted him for an interview.

His previous experience was primarily working with solo practitioners, so seeing Boyk Law's team of aides, paralegals, and clerks bustling around the office was entirely foreign to him. He realized rather quickly, however, that each individual within our offices is a person ready to collaborate, support, and work to overcome any obstacle for our clients. Our pack of office dogs made him feel welcome, too!

"Jesse is the total package," says Chuck Boyk. "He produces great quality work, has a fantastic attitude, and his work ethic is top-notch."

Though currently a Law Clerk, Jesse plans to take the Ohio Bar Exam in July of this year, and we all know he will pass with flying colors, and fully begin a long successful career in law!

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# Similac, Enfamil Baby Formula Makers Facing Serious Lawsuits

The makers of Similac and Enfamil are facing a growing number of lawsuits alleging their popular cow-milk based baby formulas have caused pre-term infants to develop a serious infection called necrotizing enterocolitis (NEC). NEC is an aggressive gastrointestinal bacterial infection that can lead to decay of the tissue of an infant's intestinal walls. The most serious cases of NEC are life-threatening and require immediate medical attention and treatment as the infection can cause a hole to form in the intestine. If the intestine is perforated, it allows harmful bacteria to escape into the abdominal cavity – causing a deadly bloodstream infection called sepsis - which is very often fatal for the baby.

While the makers of these baby formulas have promoted their products as safe, even superior substitutes for breast milk for premature infants, evidence suggests that they knew their formulas posed serious risks of NEC. Specifically, the manufacturers were aware of

scientific research finding that pre-term infants given cow-milk based formulas are 10 times more at risk for NEC than those fed with breast milk. Despite this knowledge, these manufacturers made a business decision to not include any warnings on their labels.

The American Academy of Pediatrics is strongly cautioning against feeding these cow-milk formulas to premature infants.

Our firm is investigating NEC claims. Contact us for a free and confidential consultation.



## Andrea Young Invited to Ohio State Bar Association Leadership Course



Attorney Andrea Young has been invited to attend the Ohio State Bar Association Leadership Academy, a premier legal development program designed to nurture and prepare lawyers for effective leadership in the Association, the profession, and their communities. This selective interactive leadership training course takes place over a five-month period from January to June 2022. The sessions are designed to cultivate the next generation of leadership in Ohio's legal community. Attendees will discuss issues of civility, ethics, professionalism and further develop their skills in problem-solving, industry networking, and examine the future of the legal profession in Ohio. "2022 is an exciting year for me" said Boyk Law Attorney Andrea Young. "I was named a Super Lawyers Rising Star and chosen as a participant for the OSBA Leadership Academy. I look forward to being trained as an effective leader and contributing to my community."

## Part-Time Puppy Spotted Around the Holland Office



We'd like to wish a formal welcome to our newest pup-tern, Frankie Freckles! Frankie is a bit shorter than most (being a dachshund), but he manages to pack a lot of personality into such a small frame! Around the office, he's affectionately called "Mister Man", "Little Monster", and "Low-Rider" (again, with the dachshund thing). He'll be working hard in our office on a part-time basis for the foreseeable future, and we're thrilled to have him as part of our team!

## New Boyk Bulletin Podcast Episodes in Production



New Episodes of the Boyk Brief podcast are now in production. The local podcast's first season featured 22 episodes and covered a range of topics based in the legal profession. The Boyk Brief, which was hosted by Chuck Boyk along with lawyers Andrea Young and Mike Bruno, featured interviews with local judges, attorneys, celebrities, experts, and community activists. The Boyk Brief offered a unique insider's perspective of the local legal community with background biographies, and behind the scenes stories of famous cases, and prominent legal figures.

The new season will also highlight local entrepreneurs working in a variety of businesses.

"We are storytellers for our client's stories to insurance companies and juries to get full value of their claim," says Chuck Boyk. "Our goal in the podcast is to tell the stories of local businesses, professions, and inform the local community of hot topic issues."

The Boyk Brief will also continue a video podcast which began during the first season,

giving audiences the chance to see and hear the hosts and guests along with the ability to integrate photos and video in support of the discussion. The Boyk Brief video podcast is available on YouTube and the audio only version is available through Apple Podcasts, Spotify, Buzzsprout and Stitcher. Links to all past episodes of the Boyk Brief are available through the Boyk Law website at [www.charlesboyk-law.com/BoykBrief/](http://www.charlesboyk-law.com/BoykBrief/)

If you have a story or topic for the new season of the Boyk Brief that would interest and engage our audiences, please contact us at 419-241-1395 or [marketing@charlesboyk-law.com](mailto:marketing@charlesboyk-law.com).



# Civil Claims Possible for Victims of Alec Baldwin Shooting Case



*Alec Baldwin and Cinematographer Halyna Hutchins*  
Photo credit: [hillgrace.myz.info](https://hillgrace.myz.info)

While filming a movie in New Mexico, Alec Baldwin was handed a loaded firearm, which he discharged, killing a forty-two-year-old cinematographer, who happened to be a mother. The discharge also injured one of the directors of the movie.

While the law can never fully make things right when an injury or death occurs, there are some potential recoveries that the victim's families and the surviving victim can pursue under civil law in an attempt to be made as whole as they can be after such an unfortunate event.

First, let's look at the cinematographer that was killed in the line of work. Assuming that New Mexico has a workers' compensation system similar to that of Ohio and assuming the cinematographer has an employer-employee relationship with someone involved in this particular filming, her heirs are going to be able to recover a survivor's benefit to the extent

medical bills are incurred. There could also be a funeral benefit under the workers' compensation system. If she was an independent contractor, then we must look at third-party claims. With third-party claims, normally we are referring to negligence.

For negligence, someone must have a duty to do something, they failed to undertake that duty, and harm to another person occurred as a direct result of that failure. Alec

Baldwin had a duty not to shoot anyone on the set, and arguably had the duty to check the weapon to ensure it was not loaded with live ammunition. Mr. Baldwin clearly failed to do this, and harm clearly occurred as a result of it.

What about the production company responsible for overseeing the making of the film? Under Ohio Law, the production company would be culpable if the acts of Mr. Baldwin were negligent. We look towards the employee and then the principal, or employer, which would be the production company here, and may hold the principal liable for acts of its employee. We call this Respondeat Superior.

There is a third avenue for liability, which may apply in this situation, called strict liability. Strict liability is essentially the law saying, "We don't have to prove who is at fault here," according to Boyk Law Attorney Mike Bruno. "A firearm is an inherently dangerous instrument of causing death, and we are going to hold the person

in control of the firearm, or those people in control, strictly liable for any bad stuff that happens." In this situation, there may be strict liability present for negligent, reckless, willful, and wanton conduct.

Separate from any workers' compensation claims, the injured director will be able to recover medical bills, lost income to the extent he was not able to work, and recovery for pain and suffering. In the wrongful death case for the cinematographer, the estate will be able to recover funeral expenses and for the mental anguish of the survivor's loss of the services from the deceased.

Interesting to this case is the possibility of punishment damages, called punitive or exemplary damages, under Ohio law. Exemplary damages are not designed to compensate the survivors or the victims, but instead to punish the wrongdoer. Lawyers, in this case, could ask the jurors to award a significant number, well in excess of compensatory or compensation damages. This is because there were some alleged problems on the set before the incident, which are red flags. If these prior incidents are all proven, and the production company, Mr. Baldwin, and those involved in the filming knew about these problems and failed to take corrective measures to implement remedies for those problems, then there is a basis for seeking punitive damages.

In this case, you may see legal claims in the civil realm for compensatory and punitive damages under multiple different theories of liability. Hopefully, this will bring about the change necessary so that these sets can be safe in the future, and so the victims and families impacted can somewhat be made whole again.

## CASES OF INTEREST: FEBRUARY 2022

### Young Man Shot in the Eye with a BB Gun

Our client was visiting a friend at their home and while there the friend began playing with a BB gun which he believed to be empty. When our client was only a couple feet away, the friend pulled the trigger and shot our client in the eye. Our client's eye began to bleed, and he suffered excruciating pain. He was initially taken to Henry County Hospital but then later transferred to St. Luke's Hospital where he was informed that a BB was lodged in his eye. He underwent three eye surgeries including reconstructive surgery to repair his eye but continues to suffer from significant injuries. Our office is pursuing a claim against the homeowners for compensation.

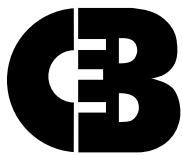
### T-bone Accident Leads to Emergency Surgery

Our client was traveling at approximately 40 mph on Navarre Avenue in Oregon, Ohio. As he proceeded through an intersection another driver failed to yield and made a left turn into his path of travel, causing a T-bone collision. Our client was taken by ambulance to Bay Park Hospital and then transferred to Toledo Hospital. His right leg was found to be shattered in four places requiring emergency surgery. Following surgery, he was placed in a rehab facility for two weeks while he recovered.

### Vehicle Carrying 8 Passengers Ran Off Road and Into Ditch

Our client was traveling on Hayes Avenue in Ballville Township, Ohio, in a vehicle which included seven other people. As our clients traveled eastbound, another vehicle exiting a private drive turned into them, forcing them off road and into a ditch. The most severely injured was a minor child who suffered a fractured nose and cheekbone. Our office is pursuing a claim on behalf of all the occupants to compensate them for their medical bills and pain and suffering.





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## February's Raving Fan of the Month

**“Chuck and the team treat you as family! Tammy made me feel especially cared for. Definitely not a number with this firm. Thank you so much for turning a rotten situation into a great learning experience and showing me that there are indeed people who genuinely care.” – Lexi K.**

**Have a positive review to share?** Go to [boykreviews.com](http://boykreviews.com) to tell us about your experience!

## RECIPE: Unbelievable Super Snickers Salad

*Looking for a Super dish to serve during the big game? Look no further than a bowl of Super Snickers Salad. Combining some of Boyk Law's favorite foods; apples, pudding and Snickers. This salad really Satisfies!*



### INGREDIENTS:

- 6 regular size Snickers Candy Bars
- 6 Granny Smith Apples
- 1 (5 oz.) box of Vanilla Instant Pudding (dry, do not prepare)
- ½ cup of milk
- 1 (12 oz.) tub of Cool Whip
- ½ cup of caramel ice cream topping

### INSTRUCTIONS:

1. Whisk vanilla pudding packet, ½ cup of milk and cool whip together until well combined.
2. Chop Apples and Snickers bars.
3. Stir chopped apples and Snickers into pudding mixture.
4. Place in a large bowl and drizzle with caramel ice cream topping
5. Chill for at least 1 hour before serving

**New address or phone number? Help us stay current by letting us know!**

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