

# The **BOYK** LAW REPORT

11 Offices >>> NW Ohio & SE Michigan

## CO-COUNSEL OPPORTUNITIES WITH Charles E. Boyk Law Offices



### Co-Counsel Opportunities

Whether you have an injury case that is outside your core practice area, a case you do not have time or the resources to pursue on your own, or a case outside your geographic area, our firm would love to talk with you about a referral or being associated as co-counsel.

We are proud to work with co-counsels throughout the country. When those cases are resolved, we are honored to pay significant referral and co-counsel fees.

*If you would like to speak to someone about referring us cases:*  
**Email:** [referceb@charlesboyk-law.com](mailto:referceb@charlesboyk-law.com)  
**Phone:** 419-241-1395  
[www.charlesboyk-law.com/referral](http://www.charlesboyk-law.com/referral)

### Types of Cases We Are Currently Investigating

**NEC Baby Formula:** Cow milk-based formulas given to premature infants greatly increase the risk of serious/potentially fatal intestinal disease called necrotizing enterocolitis (NEC).

**PFAS:** Toxic PFAS chemicals have contaminated water systems across the U.S. The largest manufacturers of the chemicals, 3M and DuPont have offered \$12.5B and \$1.2B, respectively, to settle with water providers. Utilities need to quickly assess their legal options as there are upcoming deadlines that can bind cities/water systems.

**AFFF:** Firefighting foam that contained PFAS chemicals has caused many firefighters to serious health issues, including many kinds of cancer. While some manufacturers, such as 3M, have reached settlements regarding contaminated water systems, AFFF personal injury, and wrongful death cases have not yet been resolved.

**Asbestos:** Many manufacturers knew of the health dangers that asbestos exposure posed to workers and military service members, including causing mesothelioma, a rare and deadly cancer linked to asbestos exposure. There are often multiple avenues to seek recovery for those diagnosed with asbestos-related disease.

**Silicosis:** Stone/countertop manufacturers knew about the dangers that silica dust exposure posed to their workers and failed to follow necessary safety precautions to protect them. Many have developed silicosis, a progressive, incurable lung disease that causes scar tissue to build up in the lungs. It may take decades to appear.

**Camp LeJeune:** Between 1953 and 1987, the drinking water at the U.S. Marine base, Camp Lejeune, was contaminated with toxic chemicals. Anyone (service members, family, contractors, etc..) who resided at Camp Lejeune for at least 30 days and later developed certain serious medical conditions may be eligible to pursue a claim.

**Allergan Breast Implants:** Certain breast implants and expanders have been linked to causing "breast implant-associated anaplastic large-cell lymphoma (BIA-ALCL). This is a rare type of non-Hodgkin's lymphoma.

**Abbott Trifecta Heart Valves:** After an FDA warning earlier this year, Abbott announced that it was pulling its line of Trifecta replacement heart valves from the market. While expected to last more than a decade, the valves deteriorated at a significant rate within the first 5 years. Many have suffered serious injuries and face difficult surgeries. The FDA has also noted reports of death linked to the failed valves.

**Sexual Abuse:** Our firm fights for justice for sexual abuse victims. While we understand that no amount of compensation can change the past, we understand that obtaining justice can help change the future. We know how to hold responsible parties accountable.

**Catastrophic Injuries:** We understand that serious personal injuries, whether at the workplace, on a construction site, as a result of a truck/vehicle accident, or from a medical device or drug can affect a person's entire life. When it is the fault of another, the injured party or their loved ones are left to deal with the consequences. We are skilled and experienced in successfully recovering.

### ATTORNEYS

Charles Boyk, Michael Bruno, Wes Merillat, Andrea Young, Abagale McCurdy & Sam Bolotin, Fredric Boyk, of counsel

### CONTACT US TODAY!

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#### WEST TOLEDO

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123 E. Jackson St.  
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AUTO ACCIDENTS • MEDICAL MALPRACTICE  
WORKERS' COMPENSATION • DOG BITES  
WRONGFUL DEATH • PRODUCT LIABILITY  
ATV & MOTORCYCLE ACCIDENTS  
MASS TORTS • SEXUAL ASSAULT VICTIMS



## \$1M+ Recovered for Family in Motorcycle – Farm Tractor Wrongful Death Case

During planting and harvest seasons, collisions between motor vehicles and farm equipment frequently occur in the Midwestern U.S. Often, these accidents are serious, even fatal.

While farming is a critical industry, the presence of oversized farm equipment on our roads, particularly when operated by youth – as is common in family farming operations – can put other drivers in danger.

Our firm recently brought and resolved a suit on behalf of the estate of a man who suffered

catastrophic injuries when a tractor, which was being unlawfully operated by a youth, suddenly turned in front of the path of his motorcycle. Our client was unable to avoid the violent collision. The impact caused him extensive trauma – which he ultimately succumbed to.

The lawsuit sought to hold the commercial farming operation accountable for negligently permitting an unqualified youth to operate the tractor. We were able to identify multiple policies providing potential coverage and, after extensive litigation, were able to recover a very significant settlement for the family.

## The 2023 Boyk Law Veterans Scholarship Winner Will Be Selected on November 13th.

Charles E. Boyk Law Offices are committed to supporting our service members, veterans, and their families. We will award \$2,000 to help continue the education of a student currently attending an accredited college or university, who has either served in the Armed Forces or is the child of a Veteran of the United States Armed Forces.

Charles Boyk Law is honored to offer this scholarship to the individuals and families who have given so much to our country. The Boyk Law Veteran Scholarship was created in 2015 to help those who have served in the United States Army, Navy, Marines, Air Force, Coast Guard, Space Force, or Reserves and their children or stepchildren.

“We hope this scholarship brings hope to those struggling to pay for their education and encourages students to continue pursuing their educational goals,” says Chuck Boyk. “Thank you to all those who serve and continue to serve our country.” Applicants must have a minimum 3.0 GPA and have completed at least one semester of classes at an accredited college or university. More information on application requirements is available on our website, [www.charlesboyk-law.com/2023-boyk-law-veteran-scholarship/](http://www.charlesboyk-law.com/2023-boyk-law-veteran-scholarship/)

**The 2023 Boyk Law Veteran Scholarship winner will be selected on Veteran’s Day and announced in next month’s newsletter.**

## Abbott Pulls Trifecta Heart Valves from U.S. Market



Following an FDA warning issued earlier this year, Abbott Labs announced it was removing its controversial Trifecta heart valves from the market and recalling any valves that medical providers may still have on hand.

The replacement heart valves are a “bioprosthetic” device made from bovine pericardial tissue (a membrane that surrounds the heart of a cow). Tissue valves can serve as an alternative to mechanical valves - which may be last longer, but require you take blood thinners the rest of your life. Given that a cow’s life span may be 15 years or so, those who get a bovine tissue valve can expect a 10-to-15-year use.

Earlier this year, the FDA announced that adverse event reports and medical literature regarding the safety and effectiveness of the Trifecta valve revealed that it was significantly more prone to early deterioration (3 to 4 years after implant) than other commercially available tissue valves (10 to 15 years). Outcomes of the failures included deaths.

Abbott responded by announcing it was withdrawing and discontinuing Trifecta valves. Our firm is currently representing numerous individuals with Trifecta valves who have been advised that they need valve replacement due to deterioration.



# SEXUAL ASSAULT LITIGATION: BOYK LAW OBTAINS \$27.5 MILLION JUDGMENT

In November 2022, Boyk Law filed suit against Christopher Wyant, a Wood County Man for sexually assaulting his adopted daughter. The complaint alleged that Wyant exploited the adoption system and sexually abused his daughter from the ages of 8-13.

On August 30, 2023, the Wood County Common Pleas Court awarded judgment in favor of our client,

Jane Doe, against the defendant in the amount of \$27,500,000.

Boyk Law attorney Wes Merillat said the client was so grateful that the Court listened to her story and felt the pain and suffering she endured, adding:

“This defendant abused his authority as an adoptive father to prey upon the innocence and vulnerability of a

child — his own child. While she is a survivor in every sense of the word, she is forever traumatized. The Court heard the evidence of his despicable acts and sent a powerful message in its judgment.”

The defendant pled guilty to two counts of rape and was sentenced to a minimum term of 18 years in prison.

# INSURANCE CARRIER PAYS MORE THAN \$3.5M TO SETTLE SEXUAL ABUSE SUITS AGAINST SCHOOL DISTRICT

Our firm reached an agreement with Springboro School District to settle sexual abuse claims involving one of its former teachers.

The teacher, who was a physical education teacher at an elementary school in the District, was accused of sexually touching first-grade girls. A jury convicted the teacher on 34 counts of gross sexual imposition.

It was alleged that the District had significant knowledge of the teacher’s misconduct. It was known that the teacher kept the gym doors locked during class and that he installed a doorbell on the doors to alert him when any school personnel wanted in. It was also discovered that the District had security footage of the teacher engaging in more than 100 instances of sexualized contact with the young students.

While the District’s insurer has paid more than \$3.5M

to resolve these claims, the identity of the children, including our client, and settlement amounts are confidential. Charles Boyk noted: “Our firm is committed to protecting the rights of victims. We are committed to holding individuals and entities in positions of trust, accountable for betraying that trust and causing harm. These are very young children, and this outcome is somewhat of a validation of the courage these girls had to come forward.”

## Attorney Referrals: Due Diligence on Personal Injury Referral Uncovers Mesothelioma Claim in Medical Records

Our firm was referred a potential PI claim from an out-of-state firm. Unfortunately, it was discovered during the course of our intake that the potential client was not a very good historian of his own health.

Based on our staff’s thorough intake, we were able to track down relevant diagnosis/treatment records, but also priors to screen for pre-existing conditions.

To our surprise, we discovered the client had been previously diagnosed with mesothelioma. When we confronted the client about whether he had any history

of cancer, he generically advised he had been diagnosed with lung cancer. We questioned him about whether he had ever been diagnosed with mesothelioma and he indicated he had, but since he never worked around asbestos, he did not think there was anything he could do.

The client, who was a lifelong farmer, was surprised to know that farmers often encounter asbestos fibers in repairing older farm machinery, from working around older farm buildings built with asbestos construction materials, and from exposure to certain fertilizers.



Our firm is now actively pursuing a mesothelioma claim and expecting to bring additional value to the client and referring counsel.

### Contact Charles Boyk Law Offices

For more information about Co-Counsel Opportunities, contact Charles E Boyk Law Offices, by phone at 419-241-1395, email at [referceb@charlesboyk-law.com](mailto:referceb@charlesboyk-law.com) or visit our website, [www.charlesboyk-law.com/referral](http://www.charlesboyk-law.com/referral)

### Colleen Dooley, Toledo Attorney



“I am an attorney who has had Chuck represent many of my clients in personal injury matters. Chuck is a very good attorney, easy to reach, and very attentive to the cases I have referred. My clients always have had very positive feedback.”



**CHARLES E.  
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A Newsletter by Attorneys, For Attorneys

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## The Benefits of Having A Nurse Paralegal on Staff

Nurse Paralegal, Emma Sullivan plays a pivotal role at Charles Boyk Law Offices. Her previous experience in hospital settings and insurance processing provides a unique, invaluable perspective to our team.

As the title suggests, she is a paralegal and a registered nurse, familiar with medical documentation, standards, and procedures.

Emma has experience in long-term care, emergency medicine, acute care, health education nursing for chronic disease management, and SANE nursing (Sexual assault nurse examiner).

Boyk Law's resident nurse paralegal assists our attorneys and staff with analyzing and comprehending complex medical issues. She is skilled at reviewing and synthesizing medical records, creating medical chronologies, conducting investigative medical research, and collaborating with clients, team members, and other medical experts.

Her ability to create a cohesive timeline of treatment, from the date of an incident to recovery—review what is sometimes hundreds of medical record documents, and piece together each appointment, diagnosis, prescription, and procedure, gives Boyk Law a distinct competitive advantage.



*Nurse Paralegal, Emma Sullivan*