

A Newsletter by Attorneys, For Attorneys



CHARLES E. BOYK  
LAW OFFICES, LLC

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# The **BOYK** LAW REPORT

11 Offices >>> NW Ohio & SE Michigan

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## BOYK LAW FILES SUIT AGAINST CITY OF TOLEDO For Deadly Police Pursuit Practices

Toledo Police engage in vehicle pursuits at a rate 350% higher than the national average, as per the U.S. Bureau of Justice Statistics. The majority of their high-speed chases often stem from minor traffic violations. The tragic case of Mohamed Souare exemplifies the severe consequences of TPD's pursuit practices and the need for change.

A U.S. citizen and Army National Guard member, Souare was an innocent bystander that fell victim to a pursuit initiated after a minor infraction. Despite knowing the driver's identity, residence, and only a minor offense being involved, a pursuit was initiated by TPD and conducted at speeds in excess of 110 mph through residential neighborhoods. Ultimately, the chase ended with TPD units crashing into each other, and a fatal collision involving Mr. Souare.

Boyk Law filed a civil suit on behalf of Mr. Souare's family in federal court. "Toledo's pursuit practices prioritize suspect apprehension over public safety, deviating from the practices in other major cities and placing innocent citizens in harm's way," said the family's attorney Charles Boyk. "Our suit not only seeks to recover wrongful death damages for Mr. Souare's widow and his two young children, but also seeks to help drive needed changes in TPD pursuit policies to protect the public."

According to the U.S. Bureau of Justice Statistics, local police agencies nationwide conduct an average of 8 pursuits per 100 officers employed. Toledo Police annually conduct close to 28 pursuits per 100 officers – 350% more than the national average. Most of these pursuits are for a minor traffic infraction.

Over 36% of TPD's pursuits result in an accident. These pursuits not only result in injuries to suspects and officers, but the vast majority of pursuit injuries are suffered by innocent bystanders who happen to be in the wrong place at the wrong time.

While other cities restrict pursuits unless it involves violent felony offenders who present a greater and immediate danger to human life, TPD's pursuit practices place apprehension of the fleeing suspect, not public safety, as the paramount objective. When injuries occur to innocent citizens, TPD justifies its actions and blames the fleeing driver.

Our firm filed suit against the City of Toledo on behalf of Mr. Souare's family. We are hopeful that, in addition to bringing justice to Mr. Souare's family, that the City of Toledo is forced to confront and change its practices for the safety of the citizens it is sworn to protect.

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

## \$180,000 Settlement for Dog Chase Victim



Our client was walking her small dog when a large dog came running out of a nearby home chasing our client. Our client began to run, tripped, and landed face first. The result was a fractured shoulder resulting in surgery.

Unfortunately, the client did not file any police or dog warden report. She came to us 2 years after the incident. She initially had no idea who owned the dog.

Boyk Law canvassed the neighborhood and found a witness. We also obtained an affidavit of the incident.

We found the house where the dog ran from and determined that a visitor owned the dog. Even though the dog owner denied that the event happened, we finally obtained the insurance coverage information.

Boyk Law developed a relationship with the treating Michigan orthopedic surgeon, and he wrote a great report.

## \$850,000 Settlement for EMS Worker Injured in Truck-Ambulance Accident

Our client was on his first day on the job as an EMT in the back of an ambulance with a patient with lights and sirens on. The driver of a commercial vehicle pulled out in front of them. The ambulance took evasive action and ran into a brick building. Our client suffered a concussion, multiple rib fractures, a torn rotator, and constant headaches. Negotiation with the insurance company was a waste of time so we filed the lawsuit.

Charles Boyk Law handled the workman's compensation and the personal injury claim. We went to over 15 workman's compensation hearing, won them all, and kept the client on temporary total disability till the end of the case.

We won the disputed liability issue. If the driver of the ambulance was found to be responsible, we would have no liability case because of fellow employee immunity.

Boyk Law obtained excellent vocational and economic expert reports which put the insurance carrier at risk.

Our staff also negotiated the workman's compensation lien down over 75%.

Because our client had a felony theft conviction after the accident, the defense argued that

no one would hire him. We expunged that record during the lawsuit.

Charles Boyk Law settled the case after a second round of mediation shortly before trial.



## \$300,000 Settlement for Wheelchair Patient Dropped By Transit Van Employee

Our 73-year-old client, wheelchair bound, was being unloaded from a transit van when the employee failed to lock the wheels of her chair and our client fell backwards to the ground. The result was that our client suffered 2 compression fractures and a subdural hematoma. She spent 12 days in the hospital.

The Medicare lien was originally over \$100,000, but Boyk Law removed the vast majority of the claims by showing they were for unrelated matters. The final lien was less than \$25,000.

None of the treating doctors would write a report. We therefore had no proximate cause or permanency testimony. Charles Boyk Law located an expert to review the records and provide a valuable report putting the case together.

Our client ended up with over \$150,000 net to herself.



# Michigan Governor Signs Law Repealing Immunity for Drug Manufacturers



On December 7, 2023, Michigan Governor Gretchen Whitmer signed Senate Bill No 410. This bill repeals a 1995 law that provided immunity to drug manufacturers from product liability. Previously, the Michigan Product Liability Act (1995) exempted drug manufacturers and sellers from liability if the drug at issue obtained FDA approval and had compliant labeling. The only exception to immunity was if the FDA determined that fraud or bribery influenced the approval process — making it nearly impossible for Michiganders to sue big pharma.

For nearly 30 years, this law prohibited

Michigan residents from recovering in state or federal courts for injuries caused by prescription drugs. Under the new law, this immunity is repealed. Michigan plaintiffs are now afforded the opportunity to claim and prove a product defect.

Michigan Attorney General Dana Nessel celebrated the new law in a statement: *“The Michigan Product Liability Act has been used for far too long to shield pharmaceutical companies from accepting responsibility when they knowingly defraud and harm the public[.] I applaud the legislature for finally addressing this one-of-a-kind bill that placed protections for large corporations over the safety of Michigan residents.”*

## Boyk Law Alumni Spotlight: Chris Drees



Chris Drees: 2023, Bar Admissions Ceremony

We’re committed to building lifelong relationships with our attorneys and professional staff. We recognize their contributions helped us become the firm we are today. We are proud of our alumni and proud to highlight their accomplishments.

graduate of Vanderbilt University Law School. He was recently admitted to the Ohio bar and has started as an associate attorney at global powerhouse firm Jones Day, in its Cleveland office.

In 2018, Chris, a junior at Miami University, reached out to us and expressed that he had an interest in potentially going to law school after he graduated and was looking for a summer internship.

Impressed with him, his credentials, and ambition, we invited Chris to join us that summer, and then for the next two summers after that, until he left for law school in 2020.

firm was really like. I worked with amazing people on interesting and rewarding matters,” said Chris. “When I started law school, I had perspective as to how the topics we were discussing in class applied in the real practice of law. I am eternally grateful to have had the opportunity to work at Boyk Law, and I attribute much of the success I have had in the start of my career to my experience there.”

To watch Chris develop from a college intern to law student to lawyer has been a great source of pride for our firm. We continue to look forward to watching his career grow.

We would like to offer a big congratulations to our former intern/clerk, Chris Drees. Chris is a 2023

“Working at Boyk Law allowed me to see what a law

### 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-counsel throughout the country. And when those cases resolve, we are honored to pay significant referral and co-counsel fees.

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)

### ABOUT THE CO-COUNSEL NEWSLETTER

Charles Boyk Law was founded more than 20 years ago with the intent of helping people in need. Behind a team of outstanding lawyers, professional support staff, and state-of-the-technology, our firm has grown to become one of the leading personal injury law firms in NW Ohio and SE Michigan.

We consider it an honor to be contacted by attorneys, both locally and across the U.S., who are seeking co-counsel to help litigate complex personal injury cases. It is an even greater honor when those attorneys refer us a case involving their loved ones or friends.

Our co-counsel newsletter is tailored to attorneys. It highlights examples of cases we are handling and provides updates on litigation. If you have a personal injury case you are looking to refer, we invite you to consider our firm. Our team of attorneys and professional staff have the experience, knowledge and resources to provide your clients with the best representation and maximize the recovery.



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*Greg Tye*

## Charles Boyk Has Emmy-Nominated Video Producer on Staff

Charles Boyk Law Offices uses a variety of methods to help our clients. Sometimes it involves our resident storyteller, Greg Tye.

As Boyk Law's Marketing Content Producer, he shares the story of how our firm helps our clients and community through digital video and print media.

Before coming to Boyk Law, Tye was director of video production at the Toledo Mud Hens and Walleye, and he also created dozens of local history

documentaries for Toledo's PBS TV station. His Emmy-nominated work includes histories of the Toledo Bar Association, Zoo, Museum, Metroparks, and Jeep.

Today, Tye uses his years of experience at Boyk Law to create documentary-style videos that accurately and emotionally convey our client's story before and after their accident or injury. This unique service means Charles Boyk Law Offices can resolve cases quicker with better results for our clients.

**New address or phone number? Help us stay current by letting us know! Call 419.241.1395 or e-mail [marketing@charlesboyk-law.com](mailto:marketing@charlesboyk-law.com)**