

# THE OHIO MOTORCYCLE BIBLE

**The Guide to  
Protecting Ohio  
Motorcyclists  
and Their Families**



**ANTHONY D. CASTELLI**

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**MOTORCYCLE**  
BIBLE

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ANTHONY D. CASTELLI

ATTORNEY

WORD ASSOCIATION PUBLISHERS

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# FOREWORD

As a biker lawyer myself it's great to see that Tony has written a book that educates bikers on critical aspects of being an Ohio motorcyclist. He starts with some great tips on motorcycle riding. Then he walks you through the tricks and traps insurance will lay for you if you are injured by the fault of another in a motorcycle accident. And he explains how to avoid insurance tricks and critical mistakes that could ruin your case. It's great to read about the good that motorcyclists do and the many motorcycle groups in Southwest Ohio. If you are an Ohio motorcyclist that wants to protect yourself and your family, you owe it to yourself to read Tony's Ohio Motorcycle Bible.

*—Solomon Neuhardt*





## DEDICATION AND DISCLAIMER

As a motorcycle rider, I am acutely aware of the dangers other motorists pose to us as we pursue our passion for living and loving. We can only control how we ride with skill and caution, ever vigilant of car drivers and the hazards they pose. But even with the greatest of skill and care, we can't always prevent that serious life-changing crash caused by a careless cager.

Unfortunately, when we are at our most vulnerable, big insurance cranks up the propaganda machine and marshals their skilled adjusters to prevent you from getting justice. I don't have to tell you that **bikers don't get fair treatment when they're injured**, unless they demand it. You can demand it by arming yourself with knowledge, and finding a pro who identifies with you and wants to help you recover physically, emotionally, and financially.

That is why I have written this book, so you will know the steps to take to protect yourself and your family before and after a crash.

This book is dedicated to justice for the motorcyclist. My life is dedicated to justice for all my sisters and brothers.

### **Please read this note:**

This book is designed to provide motorcyclists in Ohio with useful information. However, it is not a substitute and is not meant to provide legal or medical advice. Remember, each case

is different. Before I can give you legal advice, I must understand the unique facts involved in your case. An attorney-client relationship is not formed just because you read this book. If you have any type of legal issue, you should contact an experienced motorcycle accident lawyer.

Hopefully, by reading this book you will have a better idea of what to do to protect yourself and your family before an accident, and what to do to protect yourself and your family if you are involved in a serious motorcycle accident.

If you have any type of legal issue you should contact an experienced motorcycle accident lawyer.

PART ONE:  
MOTORCYCLE  
SAFETY TIPS



## CHAPTER 1

# TO THE NEW RIDER

So you have decided to learn to ride a motorcycle. You are about to embark on the adventure of a lifetime.

To feel the freedom and the oneness of riding a motorcycle can be mystical. Four wheels move the body, but two wheels move the soul. But riding safely requires more than desire. It requires discipline, knowledge, awareness, and training. Forty years ago, I bought a Honda 350. My only training was in the parking lot after I bought the bike. I laid the bike down within the first fifteen seconds on the sloping blacktop. I still remember my helmet being jarred loose. Embarrassed but undaunted, off I went. Oh, the ignorance of youth.

When I decided to get back in the saddle last year, I wanted to get out of my comfort zone. I had represented a lot of injured motorcyclists from all walks of life. I started touting myself as a biker lawyer. But I felt like a poser. I wanted to be a real biker attorney, not just a lawyer who represented motorcyclists. Now I just don't represent bikers; I am part of the community of motorcyclists—a band of brothers and sisters.

This time around I took the new riders training course. Four hours of class time and twelve hours on a 250 cc motorcycle. That train-

ing was invaluable for learning the basics: how to turn, how to stop in a straightaway and in a turn, and much much more.

Now that you've decided to get a motorcycle, please consider safety first.

## CHAPTER 2

# SAFETY TIPS FOR EVERYONE

### 1. **Learn how to ride your motorcycle.**

Make sure you really learn how to ride. Make sure you can handle that first bike. Make sure you take the new riders course. The Ohio web site to go to for information is <http://www.motorcycle.ohio.gov/>. The new rider class costs only \$25.00.

### 2. **Don't ride your new motorcycle home.**

Since the new rider course uses 250 cc motorcycles and you are probably getting a motorcycle twice that size or more, get someone else to drive it home. When you get it home, practice in your driveway. Practice in your neighborhood. Then, when you are ready, take it out on the highway.

### 3. **Learn how to stop. Stopping is critical.**

Know that your front brake provides 70% or more of the stopping power of your motorcycle. When you go to stop either in an emergency or in a normal stopping situation, both brakes should be applied at the same time. Learn to make smooth, calm, and controlled stops before practicing quick stops. It is important to have a good sense of touch when using the front brake lever and the rear brake lever.

Too much pressure too quickly could cause a skid and loss of control.

#### **4. Make sure you are visible.**

Most motorcycle crashes are the result of a motorist not seeing a motorcyclist until it is too late. Following are some suggestions for becoming more visible to other drivers.

Wear bright-colored clothing and a light-colored helmet. Use reflective material on your clothing, helmet, and motorcycle. I know that many motorcyclists like to ride with “colors” or dark clothing. Just know that this can cause a problem.

I once represented a motorcyclist who was involved in an accident when a car driver turned left in front of him. I called the driver to interview him and recorded his statement. He freely admitted that he was responsible. He said, “I just did not see the motorcyclist. The road was black, the motorcycle was black, and he was wearing black. I just didn’t see him.”

Ride with the headlight on, even during the day. On many of the new motorcycles, the headlight comes on automatically.

Make sure you communicate your intentions with other drivers by signaling. Remember to cancel your turn signals.

#### **5. Keep a safe cushion.**

Many different cushions are recommended between you and what lies ahead. Here are three cushion times that some sug-



gest. They are two-second following distance, the four-second immediate path, and the twelve-second anticipated path.

The first lead time is the two-second following distance. It is considered to be a minimum distance when conditions are ideal. This means that you should pick out a mark up ahead of you and when the object in front of you hits that mark, count two seconds and you should not get to that mark before two seconds; however, it is even better to have a three-second or four-second following distance for a greater margin of safety, especially if riding conditions are less than ideal.

The second lead time is the four-second immediate path. Anything that is within four seconds of your path is considered immediate because a quick response is required. If something should go wrong, four seconds provides time and space to swerve and/or brake for fixed hazards, or for someone or something entering your path.

The third lead time is the 12-second anticipated path. Proper riding techniques require you to scan 12 seconds ahead. This means to look ahead to an area it would take that long to reach. It provides time to prepare for a situation before it becomes immediate.

Some would suggest a minimum three-second following distance and a five-second lead time. Intersections are where most motorcycle car collisions occur. Be prepared.

**6. Be ready for cars turning in front of you at intersections.**

65% of all crashes between motorcyclists and drivers occur at intersections when a driver turns left in front of the motorcyclist. This can occur because the driver either anticipates that the motorcyclist is farther back or just does not see the motorcyclist or tries to beat the motorcyclist or doesn't look twice or look effectively.

Since the greatest potential for a conflict between you and other traffic is at an intersection, it is important to anticipate what might happen. As you approach an intersection, you want to be vigilant and scan to the right and left.

Slow down a bit at intersections and make sure your hand covers the brake. You need to be ready either to swerve or speed up to avoid a car coming into your path or—better yet—be able to brake in the minimum amount of time. Unfortunately, even with the best riding, not much can be done to prevent a crash when a cager turns right in front of you.

**7. Know how to turn in curves.**

Roads that have a lot of curves can be great fun to ride, but the strategy of SEEing always applies. Crash studies show that running off the road, usually in a curve, is the primary situation in which motorcyclists have single vehicle crashes.

The basic turning procedure - slow, look, press, and roll - should be used. When approaching a curve, you must search

for information about the curve, how sharp it is, what its slope is, and what happens beyond the curve.

With this information, you must evaluate the situation. The basic task is to plan an appropriate entry speed, being sure to stay in a good lane position while maintaining a steady speed, and be ready for any problems.

Using the outside, inside, outside technique will cause you to have the most visibility. As you start into the turn, stay as far to the outside of your lane as possible. As you come into the turn, position your bike as close as possible to the inside; as you come out of the turn, go back towards the middle of the lane.

It is also important to reduce your speed as you enter the curve and also to tap on your brake, since this will alert cars behind you that you are slowing down. Setup for the turn by establishing a good entry speed, which is a speed that won't require you to slow down while in a turn.

Remember, if you have to brake while in a turn and you are in a lean, you are going to have problems, since there is less tire surface in contact with the road. If you do have to brake in a curve, you want to try to straighten your bike before you have to hit the brakes.

As you look through the turn, it is important to keep your eyes moving. Make sure you turn your head in the direction of the turn.

To initiate turning, press forward on the hand grip in the direction of the turn. This is referred to as counter steering (the front wheel briefly points in the direction of the turn). Press left hand grip, lean left, go left. Press right hand grip, lean right, go right. This is counter intuitive and is called counter steering. Just try it out as you learn how to ride your bike before you get out into the road and into any trouble.

Finally, you want to lean in the direction of your turn.

## **8. Dealing with a skid.**

So all of a sudden an object comes in front of you and you slam on both brakes. Unfortunately, you slam on the brakes too hard and you are now in a motorcycle skid. The skid is where the wheels are no longer rolling.

Let's talk about a front skid. It is important to emphasize the need to smoothly and progressively squeeze the front brake lever. It takes time for the forward weight transfer to occur during deceleration. If the brake lever is grabbed abruptly and high brake pressure is applied before the extra traction due to the forward weight transfers available, the wheel can lock and a front tire skid will occur. This will result in immediate loss of steering control and the ability to balance.

Rear tire skid. You can prevent a high side by intentionally keeping the rear brake locked and skidding to a stop. If a fall occurs, it will be to the low side and you will have only a short distance to fall. A high side fall pitches you over in front of the motorcycle and can be much worse. The other problem

it causes is that the bike falls over onto you after you have already fallen off the bike. Moreover, in a high side skid, you are going to be pitched over the top of the bike, through the air, possibly colliding with the object without the protection of the bike being in front of you.

If the rear wheel is nearly aligned with the front wheel, it is possible to regain control by releasing the rear brake and allowing the wheel to resume rolling. It's important to emphasize that releasing the rear brake should only be considered if both wheels are nearly aligned with the direction of travel. Even moderate misalignment can produce a high side.

## **9. Learn how to swerve out of danger.**

Good swerving techniques can prevent situations where swerving becomes necessary. Swerving to avoid a crash may be appropriate when stopping isn't a solution. Research has shown that at speeds above about 18 miles per hour, a motorcycle can swerve to avoid a car-sized obstacle in less distance than it can take to stop. However, you have to have enough time and space to swerve and must execute it perfectly.

Swerving is basically two consecutive turns or counter steers, one to avoid an object, followed immediately by another to regain the original direction. As with all turns, both are made by applying forward pressure to the appropriate hand grab. Therefore, if you are trying to go around an object to the right of it, you want to quickly turn the wheel to the left or press right; as the motorcycle dips you want to press left to come back and straighten up after avoiding the object. Once swerv-

ing, keep the motorcycle lean independent of body lean; that is, keep your upper torso upright while the motorcycle leans. This will allow the motorcycle to lean more quickly. Keep your knees against the tank and your feet solidly on the foot rests. Look toward the clear path you are trying to reach to avoid target fixation.

Maintain a steady throttle and do not brake while swerving. Swerving may require maximum-performance turns for which all available traction is needed to turn the motorcycle quickly. Any braking while swerving, even engine braking, may force the tires beyond their traction limit and cause a skid. If you have time and space to slow before swerving, brake first to slow, then completely release the brakes and swerve. If braking is required to avoid a second hazard in the recovery path, it might be best to delay braking until the recovery turn is complete and the motorcycle is going straight.

## **10. Don't drink and drive.**

It goes without saying that riding a motorcycle requires a great amount of mental alertness and physical skill, and alcohol has an extraordinary detrimental effect on a rider's capability. Statistics have shown that single motorcycle crashes are often due to the motorcyclist drinking. It's just that simple. If you're going to ride your motorcycle, don't drink.

## **11. Do not ride in the no zone.**

The no zone is especially problematic for motorcyclists who are riding near trucks. You need to know that when you are on either side of the truck or directly behind it, it is unlikely that

the trucker is going to be able to see you. In addition, when you are riding on more than a one-lane highway and are going in the same direction as other traffic, you want to make sure that you are alert to the traffic. If you come upon a vehicle, know that at some point, just as you start to go past it, there will be a brief blind spot. One thing that you can do is move over a bit, as lane positioning can be a help in many situations so as to avoid objects coming into your path. Keep the front brake covered. Save a single second of reaction time by keeping the front brake covered. At 60 miles per hour, you can stop 88 feet shorter by braking one second sooner.

## **12. Avoid target fixation.**

Target fixation happens when you have gone a bit too fast and are not completing the turn you wanted to make and are heading for an object. Instead of looking where you want to go to avoid the accident people fixate on the target, which causes the motorcycle to drive directly into the target.

## **13. Keep your head up.**

It is always a good idea to keep your head up when you're riding a motorcycle. The old truism is, if you look down, you go down. Therefore, it is important to keep your head up as you ride your motorcycle.

## **14. All gear all the time.**

It is amazing how many times you see people on motorcycles with shorts and thongs and a T-shirt and no helmet. I for one cannot envision myself hitting the pavement without any protection. When you take the rider's course, they require you

to have all skin covered. This means riding boots above your ankle, long sleeve pants, long sleeve shirt, gloves and a motorcycle helmet. I know that many motorcyclists around the country, and especially Ohio, have fought for the right to ride without a helmet. In Ohio, you do not have to use a helmet unless you are a novice rider.

In fact, there are many myths about what you recover if you are not wearing a helmet. Know that as an Ohio motorcycle attorney I will defend your right not to wear a helmet and will fight any attempt by the insurance company to lessen or defeat your recovery by their assertion that you did not wear a helmet.

However, one only has to look at the gear that the motorcycle professionals wear to know that you certainly can lessen the extent of road rash and other injuries by wearing the proper gear. However, it is also true that all the gear in the world cannot protect you from serious injury or death. I have represented motorists who have had all gear and helmets and have had severe and significant injuries, despite the gear that they are wearing.

In fact, motorcycle helmet manufacturers admit that severe head injury or even death can occur with a helmet on.

### **15. Be extremely careful in construction areas.**

Construction sites pose particular problems, not only to motorcyclists, but also to all motor vehicle operators. They are often confusing and can even have debris in the road.



I'm aware of one situation where the state Department of Transportation and the contractor left tape covering a lane line on the road for a year. During that time, the tape became severely slick such that multiple motorists went down. Eventually, a death occurred before the powers that be reacted. You cannot count on the authorities to do the right thing in construction areas. You must be especially vigilant and slow your bike as much as possible, so that you can negotiate construction areas safely.

## **16. Assume you're invisible**

**because to a lot of drivers, you are.**

Never make a move based on the assumption that another driver sees you, even if you've just made eye contact.

## **17. Make sure you do a pre-ride inspection.**

A pre-ride inspection of the motorcycle should be as routine and automatic as checking the weather forecast before heading out for the day. It's easy and quick to check the critical components, and a convenient reminder is the acronym T-CLOCS. T = tires; check the tires and the wheels for air pressure, tread, cracks, bearings, and brakes. C = controls; check the levers, switches, cables, hoses, copper throttles. L = lights and electronics; make sure your lights and electronics are in good working condition. O = oil and other fluids; check your coolant, hydraulics fluid, and fuel levels. C = chassis; check your suspension and drive components. S = stand; is your side stand working? Pre-ride inspection should not take more than a few minutes. If done before every ride, it can

help you identify problems that could cause not only inconvenience, but also a wreck.

## **18. Use the SEE strategy when riding a motorcycle.**

**The acronym SEE stands for search, evaluate, and execute.**

You want to be constantly searching for any problems that could come your way.

Evaluate means to anticipate problems, to constantly try to figure out how factors can accumulate and interact to form a hazard or conflict, which if not dealt with could lead to a crash. It means to predict the worst to get the best results.

Execute. Safe riding requires a superior mental strategy to avoid the need for superior maneuvering skills. Good riders consciously reduce crash-producing factors. Three action steps make up the execute phase:

Adjust speed.

Adjust position.

Communicate your intentions.

## **19. Educate car drivers.**

It's no excuse that motorcyclists are not as big as cars. We are still there to be seen. Some investigators believe that it is not a question of less visibility than a car, it's that car drivers just don't look carefully.

One of the real answers to reducing motorcyclist injuries is to focus on reducing motorcycle accidents, specifically by “motorcycle awareness” programs directed at auto drivers, retraining auto drivers to look for motorcycles.

“Look twice save a life” is not only a great slogan, it’s a great safety practice. Put a bumper sticker on your car that says this or one that says “Watch For Motorcycles.” I offer these free of charge to Ohio residents.



PART TWO:  
PROTECTING YOUR  
FINANCIAL WELL~BEING  
IN CASE OF INJURY



## CHAPTER 3

# MOTORCYCLE INSURANCE EXPLAINED

Bodily Injury & Property Damage Liability (BI/PD) - BI/PD covers you if you are at fault for an accident that injures another person or damages someone's property, up to the limits you select.

Comprehensive & Collision - This motorcycle insurance coverage pays to repair or replace your motorcycle if it's stolen or damaged in an accident, regardless of who is at fault. For each coverage, you select a deductible that you pay out of pocket. The insurance company pays for the remaining damage. So if you are at fault this pays for damage to your motorcycle. Collision pays for anything that you collide with or collides with you. Comprehensive pays for all other calamities to your motorcycle.

Uninsured/Underinsured Motorist (UM/UIM) – When you are injured by the fault of another for an accident and that person does not have insurance or does not any insurance, UM/UIM will cover your injuries and damages that the at-fault party is legally liable for, such as medical treatment and lost wages and pain and suffering. They pay to the extent your uninsured/underinsured policy exceeds the amount of the at-fault party's insurance. In other words, if the person that caused your injuries has only \$12,500

of liability coverage and you have \$100,000 of underinsured/uninsured coverage and your damages were \$125,000, you would be able to collect the difference between \$12,500 and \$100,000, or \$87,500 from your insurance company and \$12,500 from the other person's insurance company

**Medical Payments - MedPay** covers the cost of necessary medical care you receive as the result of a motorcycle accident and can be used regardless of who is at fault. MedPay often is limited to medical treatment received within the first three years after an accident and is limited to a specific dollar amount. In some policies MedPay only applies after other medical insurance is exhausted. If you need the money to live on, a smart attorney will get the check cut directly to you.

You do not have an obligation to use it for medical bills.

**Custom Parts & Equipment -** When you purchase Comprehensive or Collision motorcycle insurance coverage, at least \$3,000 of Accessory coverage for your custom parts and equipment is included in most policies. Additional Accessory coverage can be purchased to cover custom parts that exceed the included value.

**Roadside Assistance -** If your motorcycle breaks down, Roadside Assistance will pay to tow it to the nearest qualified repair facility. Roadside Assistance also covers the necessary labor costs at the place of breakdown when your motorcycle or off-road vehicle is disabled.



Please buy enough coverage. You should at least buy liability coverage in the amount of \$100,000 per person and \$300,000 per accident. The same is true of uninsured/underinsured motorist coverage. Do not buy the minimum liability limits in Ohio of \$12,500 per person/\$25,000 per accident/\$7500 property damage. This will not protect your assets if you really hurt someone.

Also if you get the minimum amount for underinsured/uninsured motorists, you will at most have \$12,500 of protection if an uninsured driver causes your injury. PLEASE DO NOT GET MINIMUM LIMITS FOR LIABILITY OR UNINSURED/UNDERINSURED MOTORIST COVERAGE. I would highly recommend even higher amounts of liability and uninsured/underinsured, such as \$250,000 per person and \$500,000 per accident. Even better is a single limits policy of \$500,000. This is a policy that pays the same amount per person as it does per accident. It depends on the insurance company if you can buy this. I'd recommend single limits of \$500,000.

Umbrella Insurance – There is also a type of coverage called umbrella insurance. It protects you from liability over and above your underlying coverage. You can also buy uninsured/underinsured umbrella coverage. You would be surprised how inexpensive a \$1,000,000 of this coverage is.



## CHAPTER 4

# **16 WAYS BIG INSURANCE MAY ATTEMPT TO DEFEAT YOUR MOTORCYCLE INJURY CLAIM**

If you are involved in a motorcycle accident, the fault of the other party may seem obvious to you. However, the insurance company may tell you otherwise. Here are 16 ways they may attempt to defeat or decrease your claim.

1. The person who caused your accident may say you were going too fast. This is often the case when drivers pull out from a side street into the right of way of a motorcyclist. They will often claim that they looked but did not see the motorcyclist and that the motorcyclist must have been so far back behind the hill or around the curve, that they were out of sight when the offending car driver looked, and the reason that the collision occurred was that the motorcyclist was speeding.

2. The insurance company may argue that the motorcyclist did not make himself or herself more visible by wearing colored garments, or having the headlights on. This is an attempt to say that the motorcyclist was negligent.

3. They may say that if you did not have your helmet on, you are not entitled to damages for injuries that your helmet would have prevented. In Ohio, motorcyclists are not required to wear a helmet unless they are novice riders. In fact, statutes and laws of Ohio specifically provide that this should not be admissible in evidence; however, insurance companies have been known to try to persuade judges that this evidence should be admitted.

4. You failed to move out of the way of the vehicle that rear-ended you. As ludicrous as this sounds, insurance companies have made the argument that you should have left room in front of you when you stopped, so that you could move out of the way of a car coming up on you that rear-ended you.

5. You did not break properly. Insurance companies may argue that you could have avoided the crash if you had adequately used your breaks.

6. Telling you not to hire an attorney. Obviously the insurance company does this for a reason. The reason is to pay you as little as possible.

7. Offering you a quick settlement. In fact, insurance companies have been known to issue a check to you before you even ask for it. Of course, the check is for a very small amount.

8. Signing authorizations for the insurance company to gather any and all records. This allows the insurance company essentially to invade your privacy and get into places where they would ordinarily not be allowed.

9. Arguing that you did not seek treatment immediately and therefore your injury could not have occurred at the time of the motorcycle accident.

10. Claiming that your injury did not show up immediately, and therefore you could not have been hurt in the accident.

11. Claiming that your injury was a part of the natural aging process and not something that occurred in the motorcycle accident.

12. Arguing that something you did after the accident was the cause of your injury.

13. Arguing that after your initial treatment, you failed to see a competent medical physician and that so much time has passed, that your injury could not be attributed to the motorcycle accident.

14. Acting like your friend. They may offer to pay for your bike, and even pay some of your bills if you have been seriously injured. The hope is that they can retain you in their control and ultimately offer you a lowball offer without you realizing it is a lowball offer.

15. Allowing insurance to take a recorded statement from you. You may say something or forget to say something that can be used against you at a later time. You do have a duty to notify your own insurance and give them a statement—but be careful in doing so.

16. Hiring an accident reconstructionist to say that you had been speeding or had not used your brakes properly and therefore your conduct was the cause of the accident.

A word about accident reconstructionists. Accident reconstructionists come in all shapes and sizes. It's sad that almost any opinion can be bought.

As an example of what an accident reconstructionist may try to do, a gentleman who positions himself as a motorcycle safety expert and an accident re-constructionist, wrote an article about a motorcycle rider who was going down a through highway when a motorist came out from a stop side street, violating the right of way of the motorcyclist. The so-called accident reconstructionist determined that the motorcyclist was traveling at a lawful speed. However, the accident reconstructionist also stated that the motorcyclist could have stopped if he had effectively used his brake before the collision occurred. The reconstructionist stated in terms of contributory negligence, the rider provided far more than 50% of the causative negligence, as he had the ability to avoid the collision completely.

The accident reconstructionist stated it was the job of the expert to educate the jury. If a reconstructionist educated the jury properly about the motorcyclist's failure to use his brake properly, then a significant percent of the negligence on the part of the motorcyclist would have saved the defendant a huge amount of money. In fact, if a motorcyclist or any party is found to be more than 50% at fault in Ohio, then he or she cannot recover any damages.

The accident reconstructionist testimony is totally contrary to Ohio law. R.C.4511.01 states: right of way means the right of the vehicle to proceed uninterrupted in a lawful manner in the direction in which it is moving in preference to another vehicle

approaching from a different direction so closely as to cause an immediate hazard.

The Supreme Court in *Deming vs. Osinski* stated that the person with the right of way, as long as they were proceeding lawfully, i.e. not speeding, has an absolute right of way and therefore conduct such as failing to use the brake appropriately or failing to see the car pull out immediately is not a defense. Therefore, this accident reconstructionist's testimony should never be allowed to be admissible in the state of Ohio. However, if you are not prepared for this type of testimony, it may get by. Your lawyer should be prepared.





## CHAPTER 5

# MYTHS AND MISTAKES ABOUT ACCIDENT INJURY CLAIMS

### 7 Myths about Accident Injury Cases

- The insurance adjuster will be on your side.
- If you're unrepresented, the insurance adjuster will provide a reasonable settlement offer in an attempt to resolve your claim.
- You have to give the insurance adjuster a medical release allowing the company to obtain all of your medical records.
- You have to give the insurance adjuster for the wrongdoer a recorded statement. (Caution: you may be required to give your own insurance company a statement by the terms of your policy.)
- You need a lawyer on all motorcycle injury claims.
- All lawyers are equal in handling motorcycle accident injury claims.
- There is a settlement formula for evaluating and paying out on your injury claim.

## **9 Mistakes that Can Ruin Your Motorcycle Accident Claim**

1. Hiring the wrong lawyer. In any case, the lawyer you hire will have a big impact and hiring the right lawyer is critical in motorcycle injury case. Insurance companies know which lawyers are willing to try cases and which lawyers are not. They consider this when evaluating your case. Face it; if your lawyer's not willing to take the case to trial, you might as well handle the case yourself. The whole purpose of hiring an attorney is to have someone to fully and carefully prepare and document your case and negotiates it with the insurance company for fair settlement. If a fair offer is not made, then the attorney must know how to file a lawsuit and handle your case in front of a jury.
2. Settling your case too early. Many people are in a rush to settle their cases. The insurance companies take advantage of this and offer minimal amounts. In this difficult economy there is a great temptation to take the amount the insurance company offers. In fairness to yourself, you ought to wait with the advice and council of a good motorcycle accident attorney as to when you should settle your case. You want to know the complete information about all of your injuries and how they may affect your life in the future.
3. Failing to contact the police. It is critically important that the police come to the scene and document information. If this does not happen, it is possible that you may not get the correct information from the person who causes your accident. If this

happens, your case may be fatally flawed since you may not be able to find the right person to bring a claim against. Although the police are not the final arbitrators of who is right and who is wrong, they can at least document the scene and pertinent information about the parties.

4. **Hiding prior injuries.** Some people get scared and think they will not get a fair settlement if they have prior injuries. The opposite is just the case. The insurance companies know how to research your background to see if you have made other claims in the past. Moreover, it is important not only to tell your attorney, but also your doctors if you have had a prior injury—specifically to the body part that is injured in your motorcycle accident case. This way, they have a complete and full history and their opinion about your injury will not be flawed. Furthermore, your attorney should know how to prepare your case and needs all the information available. There is such a thing as an aggravation of a pre-existing condition that you still can recover for. However, if you do not reveal your prior injuries, they cannot be adequately prepared for.
  
5. **Not seeking timely medical treatment.** There are many people who don't like to go to the doctor. However, if you suffer in silence, the bottom line is that insurance companies often argue that your case has ended and your injury has healed once you stop going to a doctor. People often don't believe that you had much of an injury if you have not sought competent medical treatment.

6. Not following your doctor's advice. Failure to follow your doctor's advice can be critical to your case.
7. Not clearly explaining to your doctor all of your injuries and how they are affecting you.
8. Signing a release for your medical records. This allows the insurance company to go wherever they want and look at whatever they want.
9. Giving a recorded statement. An innocent mistake can be used against you later.

PART THREE:  
WHAT TO DO  
WHEN YOU ARE IN  
AN ACCIDENT



## CHAPTER 6

# TRAGEDY STRIKES

When you are in a motorcycle accident that is not your fault, what steps do you need to take?

It's a beautiful day; you are cruising on a country road going 45 miles an hour, the posted speed limit. You have two fingers covering the hand brake and wham; a cager pulls out from a side street, violating your right of way. All you can do is squeeze your hand and press your foot brakes, but the collision is inevitable.

Now what? You know you are badly hurt because your forearm is at 90 degrees. The ambulance comes and takes you to the emergency room. You are lying there and your thoughts turn to months of rehabilitation, missed work, doctor's visits, medical bills, and the inevitable insurance nightmare. Your life just got more complicated.

Help is on the way. The next part of this book will answer some of your questions. I will walk you through the steps to take to:

Help you get some peace of mind.

Protect your rights to get full and just compensation to make up for your injury.

Achieve your goal of putting your life back together and receiving fair compensation.





## CHAPTER 7

# DO YOU HAVE A CASE?

Not every motorcycle accident is a winnable case. First there has to be a determination that the other party was at fault. The legal term is negligence.

Once there has been a determination that the other driver was negligent, the next question is was the negligence of the other driver the cause of the accident or collision, in the event that the accident involved a motorcycle colliding with another motor vehicle? Normally in these types of cases, we think we know that we have a case, but the real issue is, can we prove it? Therefore, it is important to have someone document the scene on your behalf and interview all witnesses to the event.

In many cases, it seems fairly straightforward to a motorcyclist that a car violated its right of way, either by turning left in front of the biker or by coming out from a side street. However, a simple assertion that the motorcyclist was speeding, if believed, can cause the motorcyclist to lose his or her right of way and even lose the case.

Once responsibility for a collision is established, the next question is, did the collision cause the bodily injury? In many cases, this seems straightforward. The person is taken by emergency squad

from the scene to the hospital. The hospital documents that the person has a broken arm and further medical records document the treatment that was given to the arm.

Also, there are other items that may need to be shown, such as how the injury to the arm affected the person's daily activities and their work life.

In many cases, injuries are not so straightforward. People delay seeking treatment. People have gaps in their treatment once they seek treatment. An injury may not be readily visible on any objective testing, such as a closed-head traumatic brain injury. These injuries can be quite significant, but they are not easy to prove.

Finally, if you have proven everything necessary, the final issue remains. What is your case worth? Again, there can be a broad range between what big insurance wants to pay and what compensation the injury deserves.

So determining whether or not you have a case depends on multiple factors, and even what appears to be a slam-dunk case may have significant issues. An experienced trial attorney will know how to prepare your case so that you are in a position to deal from strength and get a fair settlement once all the evidence is gathered and presented to the insurance company.

## CHAPTER 8

# **WHAT YOU SHOULD DO TO PROTECT YOUR RIGHTS IF YOU ARE IN A MOTORCYCLE ACCIDENT**

If you are in an accident and you are injured, make sure you inform the police, and insist that someone come out to investigate the accident and take a police report. If you are able to, try to get the names and addresses of any and all witnesses. You cannot always count on the witnesses to stick around or the police to gather their names.

Do not make any statements at the scene of the accident to anybody but the police and paramedics.

If you are hurt, call the paramedics or request that someone else call the paramedics for you. It's better to get checked out, rather than to find out later that you are seriously injured. Many times your adrenaline is pumping and you don't feel much pain. But once things calm down you can anticipate that you will feel worse the next day.

Motorcycle accident victims can sustain injuries that could result in internal bleeding or hidden damage that they might not be aware of at the time of the accident.

## NEVER LEAVE THE SCENE OF ACCIDENT WITHOUT EXCHANGING INFORMATION

Ohio law requires that all persons involved in a motor vehicle accident exchange driver's license and insurance information with each other at the scene of an accident.

If you are physically able, you must also provide your driver's license and insurance information to any other persons involved in the accident. In fact, if you were injured by the fault of another, make sure the police are called. That way you have a true record of the other person's information. Then get the police report as soon as possible or have someone get it on your behalf. Fortunately or unfortunately, some ambulance-chasing attorneys who have runners review the police reports for injury victims, will send you their "hire me" letters with the police report in them. It amazes me how many times new clients have come in with several letters from attorneys and chiropractors exhorting the individual to come to them. That could be fatal to your case.

We highly recommend that you leave your motorcycle where it is until the police arrive so that they can observe the position of the motorcycle and do their report. However if your motorcycle poses a danger to others, move it if you can.

What do you do with your motorcycle after an accident?

You should consider having a roadside assistance plan to help you if your motorcycle breaks down or runs out of gas, and to reduce the hassles if you do have a motorcycle accident.

If your motorcycle or vehicle is totaled or not drivable, and you are able, you should call your insurance company from the scene of the accident to report the accident. Your insurance company should be able to give you names of nearby motorcycle shops that can tow your motorcycle, and should cover the cost of the tow. Your insurance company is likely to react faster than the other guy's insurance. Many times, the other person's insurance company does not come forward. Eventually you or an attorney acting on your behalf may need to notify them. Don't worry about contacting an attorney for help, as most will not seek a fee for your property damage. And remember, even your own insurance company is not always an advocate for you.

Of course sometimes you are not so lucky and are seriously injured. You may be carted off to the hospital in serious condition. You may wake up in the hospital. The best thing you can do then is to get in touch with a good motorcycle accident attorney so he or she can act on your behalf. It can be critical to document the scene and the objects involved, interview witnesses, and gather important evidence.



## CHAPTER 9

# DO YOU REALLY NEED TO HIRE AN ATTORNEY?

Not every case needs an attorney. If you have a small injury that heals quickly, it is doubtful that you need an attorney. I take many phone calls of people who have been injured. Some of them have only gone to an emergency room and followed up with a doctor once or twice.

In these kinds of cases, I cannot add value to the client. I do not think it is fair for me to take a fee in cases where I cannot get the clients any more than they can get for themselves. In fact, most serious personal injury attorneys would not take cases that small. Not only can they not add value to the client, but these small cases take an attorney's time away from the primary object of his or her law practice. That is to help seriously injured people put their lives back together and get the compensation they deserve.

The bigger the injury, the more likely you will benefit from using an experienced attorney. That is, if you are seriously injured you will likely recover more compensation for your injuries with the assistance of an attorney than without (even after subtracting the attorney fee). Why is this?

If you do not have an experienced advocate who can take your case to trial if necessary, the insurance company knows your only option is to take what they offer. Insurance companies are in business to make a profit. Therefore, their goal is to take in premiums and pay out as little as possible on claims. Many injury victims do not realize this. Even your own insurance company is not particularly on your side.

Who is speaking the truth? You've heard attorneys on TV tell you to hire them so that you can get fair compensation. On the other hand, the insurance companies and their adjusters say, "Don't hire an attorney." Let's go to the insurance company documents for the answer.

Allstate insurance provided a training manual to adjusters. It can be found on their website. In it they make a gigantic point of trying to steer injury victims away from attorneys. In various parts of their manual and documents they state the represented clients may get two to three times the amounts that claimants get who are unrepresented. Therefore, their profit motive is a big reason why they make a gigantic effort to try to keep injury victims from hiring attorneys.

In 2003 the insurance industry's research organization, the Insurance Research Council (IRC), reported that represented claimants were 47% of the total claimants. These claimants received 79% of the liability payouts. In other words 79% of all liability payouts went to only 47% of the claimants. These were claimants that were represented by attorneys. In short, the most powerful arguments



for hiring an attorney are found in the insurer's own manuals and documents. Those reasons are primarily economic in nature.

So, there is a fair likelihood, based upon the insurance company's own studies and documents, that you will put more money in your pocket with the help of an experienced trial attorney than you would if you negotiated with the insurance company on your own.

When an insurance company tells you, "don't hire a lawyer; we'll treat you fairly," consider whose interest they are protecting. It is not yours.



## CHAPTER 10

# THE IMPORTANCE OF A MOTORCYCLE TRIAL ATTORNEY

Not every attorney can handle your case. Any attorneys can call themselves personal injury attorneys. Any attorneys can call themselves motorcycle accident lawyers. The primary question is whether the attorney is a personal injury trial attorney. In other words, has the attorney taken many personal injury cases to trial?

Although most cases result in settlement, it is fair to say that cases that are prepared by a trial attorney, as if they are going to trial, send a message to the insurance company that they are not easily going to get away with a low-ball offer. However, if you have an attorney who settles every case that he's ever had, then what message do you think this sends to the insurance company? What risk does the insurance company have in giving you a low-ball offer? Essentially none. You might as well represent yourself if you have an attorney who is not willing to prepare your case and do those things necessary to be in a position of strength.

An experienced personal injury trial attorney knows what a fair verdict range is. An experienced personal injury trial attorney knows what it means to be able to push that insurance company to the courthouse steps if necessary.

I know that many people do not want to go to trial. I want to emphasize that just because you hire an attorney does not mean you will go to trial. In fact, 99% of the cases will settle. The question is what will they settle for. If you hire an experienced trial attorney, your chances of a fair settlement are greatly increased.

A biker lawyer will understand you. A biker lawyer will relate to you. You will be able to relate to a biker lawyer. A biker lawyer will understand how your motorcycle works.

Do you really want to look into the blank or disbelieving eyes of your attorney as you explain to your “motorcycle accident lawyer,” how your two-wheel bike turns as a function of its lean and counter-steering? Do you think you should have to explain to your lawyer what would happen if you slammed on your breaks in a turn?

Just as it is desirable to have a very skilled doctor with whom we can talk and to whom we can relate, it is just as desirable to have a skilled lawyer with whom we can talk and to whom we can relate, and for whom we have mutual admiration. There is no doubt that there is a bond between biker brother and sisters.

A motorcycle lawyer is not going to look down on you. A motorcycle lawyer knows that just because you ride a motorcycle does not mean that you are some wild and crazy person.

Face it; there are many myths that some people hold about motorcyclists. It is the motorcycle lawyer’s job to dispel these myths.

What are some of these myths? Motorcyclists are risk takers. Motorcyclists do what they want. Motorcyclists are aggressive and anti-social. Motorcyclists are always looking to party. Motorcyclists don't deserve compensation for their injuries since they assume the risk of injuries by riding motorcycles.

These and many more myths have to be met. You want someone who has looked a jury in the eyes and discussed these myths, frankly and honestly. You need a real biker lawyer.

The 3 biggest mistakes motorcycle injury victims make when confronted with what to do after a motorcycle accident are:

They hire an attorney just because he rides a motorcycle. Face it, not every attorney who rides a motorcycle is a good trial attorney. In fact, an attorney who rides a motorcycle may never have tried a personal injury case, let alone a motorcycle accident case. Therefore, it is a critical mistake to hire an attorney just because he rides.

By the same token, for the reasons I've already stated, it can also be a mistake to hire a trial attorney who does not ride a motorcycle. You will see many attorneys advertising themselves as motorcycle accident attorneys. Take a look around their websites. Do you see them on motorcycles? If not, ask them straight out, "What kind of motorcycle do you ride?"

They believe the insurance company is on their side and they do not hire a lawyer to protect their interests.



## CHAPTER 11

# WHAT A MOTORCYCLE ATTORNEY CAN DO FOR YOU

- Advise you of your rights.
- Answer all of your questions.
- Offer you peace of mind that you have someone on your side to prepare your case for the best possible result.
- Guide you about what you can do to help your case.
- Counsel you against making mistakes that could hurt your case.
- Review the facts and evidence to determine parties at fault, anticipate legal issues that may come up, and prepare for them.
- Investigate your case fully and preserve important evidence.
- Compile all of your medical records, bills, and supporting documentation of lost wages.
- Make sure your medical record are correct and have the pertinent information about your case.
- With the help of a nurse case manager, answer your questions about your injury and medical treatment.
- Speak with your doctors and get special written reports from them with needed information about your injury.
- Review your vehicle insurance policies to see if there are sources of benefits that you can tap for emergency funds.

- Review your medical and motorcycle insurance policies insurance policies to determine what coverages are available to help pay for hospital and medical benefits.
- Hire investigators to track down witnesses and take witness statements.
- Get photos or videos of the scene and the vehicle involved and of your injuries.
- Deal with the vehicle insurance company for the person that caused your injury and your motorcycle insurance company, so you do not have to.
- Put your case together in a completed settlement brochure with all the supporting documentation and start the negotiation process with the insurance company.
- Advise you as to what a fair settlement range is in light of your injuries, the evidence, and the locale of your case.
- Negotiate your case from a position of strength by letting the insurance company know you have a fully documented and prepared case.
- Negotiate potential liens on your case from your medical insurance or other payors or providers and explain the legalities behind the term subrogation (pay back to payors of your bills).
- Advise you of what you will take home in your pocket based on the settlement offer made by the insurance company.
- If a fair offer is not made, allow you to reject it from a position of strength and file suit.
- Once the suit is filed, guide you in the lawsuit process.
- Prepare written questions to send to the other side.
- Help you answer questions that the other side may send you.



- Hire accident reconstructionists and other experts as necessary.
- Interface with your doctors to make sure the testimony of your injuries and the nature and extent of them is clearly portrayed.
- Prepare for your deposition. (A deposition is a sworn statement in front of a court reporter where the other attorney asks you questions with your attorney present.)
- Take your case to alternative dispute resolution, such as mediation, to attempt to get a reasonable settlement more expeditiously.
- If necessary, take your fully prepared case in front of a jury.

The list is not exhaustive, but it gives you a general idea of what I will do for you. You should know that 99% of cases get resolved short of trial. That is because a trial is risky and expensive for everyone. However, the way to get the best results is to prepare the case as though it will go to trial, and be able to back it up if the insurance company will not make a reasonable offer.

You pose no risk to the insurance company if you do not have an experienced trial attorney who can prepare your case and finance the case preparation and litigation expenses.



## CHAPTER 12

# **10 STEPS TO FINDING A GOOD MOTORCYCLE ACCIDENT INJURY LAWYER**

If you have a serious injury because of a motorcycle accident caused by someone else, you should strongly consider hiring an experienced motorcycle accident attorney to help you fight the battle with big insurance. Not every accident needs an attorney. But if you have a serious injury, insurance industry documents reveal you are likely to get a better settlement if you are represented. This chapter is intended to walk you through the steps to take to find the right lawyer.

Determine if you want a lawyer who rides to represent you. While this is not the most critical factor, you and your attorney need to have a relationship. You need to be able to trust and relate to your lawyer. A biker attorney is going to have something in common with you from the very beginning. You also know how giving bikers are to each other and the charities they support. Just as you are more appreciative of a doctor with a good bedside manner, you are likely going to feel more comfortable with a lawyer to whom you relate, and who relates to you.

Additionally, attorneys who ride will understand the dynamics behind riding a motorcycle.

Some lawyers who call themselves biker attorneys have never gotten on a motorcycle. So if it is important to you, ask them if they ride.

Find someone who has represented motorcycle accident victims in the past. You want someone who has real world experience with motorcycle accidents and at least knows motorcycle law. For instance, the Ohio statute does not require you to wear a helmet unless you are a novice rider or riding with a novice. Regardless, if you do not have a helmet on in Ohio, that fact should not be used against you. There are many nonriders and even riders who believe motorcyclists should wear a helmet. But people have fought hard in Ohio for the right to choose. So your lawyer should know the law and make sure that clearly inadmissible evidence not be allowed to be used against you.

The lawyer you choose to represent you should have significant accident injury trial experience. **THIS IS CRITICAL.** You want someone who can level the playing field for you. You want someone who has been to battle and is trial tested. If your lawyer does not have trial experience, that could be a sign that he or she just does not want to go to trial or does not know how to prepare a case for trial. Hiring a lawyer without trial experience is like bringing an unloaded gun to a gunfight. Insurance companies know which lawyers are willing to go to trial. A trial lawyer that prepares your case as if it will go to trial is ready for anything. The insurance company knows this and you will more likely get a fair settlement

without having to go to trial. Face it; most people do not want to go to trial. It's stressful and takes a lot of preparation. So that is all the more reason to hire a trial lawyer.

Find an attorney who is willing to advance the expenses of litigation. The phase prior to filing a lawsuit is usually less costly than after suit is filed. But even pre-lawsuit the expenses can mount up to gather the necessary evidence. After suit is filed, there are even more expenses. Many seriously injured bikers are lucky to get their medical bills paid. But if you are hurt so badly that you cannot work, you are going to have difficulty making ends meet—let alone paying for case expenses. Some lawyers require the client to come up with the money. You want a lawyer who is willing to put up his or her own money for case expenses. Remember, a lawyer cannot ethically pay your medical bills or give you a loan. But he or she can advance case expenses to be paid back out of the settlement or verdict. Some lawyers want you to pay them back even if there is no recovery. In Ohio, either way is permissible. So be sure to ask your lawyer how he or she handles case expenses.

Find an attorney that is AV rated by Martindale Hubbell, an independent company that uses a peer review process. AV is the highest rating they give for legal ability and ethics. There are other private rating companies such as Avvo or Super Lawyers. You can go to these web sites and find out the ratings given to the lawyers you are considering. Avvo rates lawyers from 0-10. Super Lawyers either includes or does not include lawyers on a yearly basis, based on their area of practice. These reviews are a solid indication of what other attorneys think about this lawyer.

Go to the lawyer's web site and see what their clients have said about him or her. These are called testimonials. Just because a lawyer did a good job or the client raves about him or her does not mean that he or she will get you the same result. Every case is different. But it makes sense that a lawyer who has past clients that are willing to talk about how the lawyer helped them is probably a lawyer who is a hard worker and gives personal attention to his or her clients.

Make sure the lawyer you hire is going to be the one to handle your case throughout. Sometimes with larger firms, you can get passed off to a junior associate. That does not mean to say that a lawyer is going to have other personnel that are going to work on your case. But you want to know that one attorney is going to oversee your case all the way through.

You can start your search for an attorney in many ways. References from friends. You might see someone on TV. Just remember that lawyers are on TV because they paid for the advertising, not because they are good—though they very well may be. In this day and age, an Internet search is a good place to start. If you are looking for a Cincinnati motorcycle accident attorney, just type those words into Google. You will have several pages to start with and can readily access the web sites.

Review the lawyer's website in detail. Many lawyers provide a lot of educational information that can help you learn a little about what you need to do, what you need to avoid, and what to expect. They may also have videos about different issues that come up in motorcycle cases. Knowledge is power and it's good to see a

lawyer who tries to empower his clients with articles and videos about issues accident injury victims face.

Every lawyer in this field of law should offer you a free consultation. That fact, in and of itself, should not influence your decision to hire a lawyer or not.

Many people do not think they can afford to hire a motorcycle injury attorney. They are concerned that they are going to end up with a big bill from the attorney. However, most personal injury attorneys will offer you a free consultation so you can get your questions answered and see if the attorney you speak with is a competent and experienced motorcycle personal injury trial attorney.

If the attorney decides to take your case, he or she normally will take this on what is called a contingency fee. That means that you do not pay the attorney any fee unless he or she recovers money for you. Most attorneys charge anywhere from 25% of the gross settlement to 40% of the gross settlement, depending upon the facts of the case and other matters they may take into consideration.

In addition, there are expenses of prosecuting your case, whether or not it does proceed to trial.

Some attorneys are willing to advance these expenses. Other attorneys are not. It is important to find out if your attorney is willing to advance these expenses, so that your case can properly be prosecuted. Most accident injury victims are not in a position

to advance the cost of litigation. These costs, in some cases, can be up to thousands of dollars.

Do not be afraid to contact an attorney. It will not cost you anything to speak with me about a case. If you do retain my services, I handle all accident cases on a contingency fee basis.

The contingent fee is a great vehicle since it opens the doors to hire an attorney without a large hourly bill looming or the requirement of a retainer. Many people say that it “opens the door”—it provides you with the key to the court house.

Will you have to go to trial if you hire a lawyer?

Most people do not want to go to the courthouse and have a jury trial. This is the farthest thing from their minds. Just because you hire an attorney does not mean your case is going to go to trial. In fact, the chances are that your case will probably not go to trial. Most insurance claims are settled pre-suit, or prior to a jury trial.

However, it is also important that the attorney that you hire is experienced at trial. The insurance companies know who takes cases to trial and who does not take cases to trial and will factor this in in terms of a settlement offer.

If your attorney is not preparing your case to go to trial or is not a trial attorney, then you're not getting yourself the best chance to get a fair settlement. I have found that the best settlements come when a case has been fully prepared and documented.



PART FOUR:  
PROTECTING YOUR  
HEALTH AND THOSE  
YOU LOVE



## CHAPTER 13

# CONCUSSIONS AND MOTORCYCLE RIDING

A concussion is a **BRAIN INJURY**. You might think you are fine, but if you get back on your motorcycle and suffer another concussion while your brain is still healing from the first concussion, you could die.

Don't count on a helmet to save you. You can still have a concussion, even with a helmet.

Concussions occur when the jelly-like brain impacts the bony inside of the skull. Some signs of a concussion are: headache, vision changes, dizziness, loss of balance, confusion, memory loss (called amnesia), ringing in ears (tinnitus), difficulty concentrating, nausea/vomiting, sleepiness and any loss of consciousness. Unfortunately, severe or recurrent concussions can result in death.

You can have a concussion without loss of consciousness. Grade 1 concussions consist of symptoms lasting less than 15 minutes with no amnesia and no loss of consciousness. Grade 2 concussions consist of symptoms lasting longer than 15 minutes, and may or may not involve post-traumatic amnesia (memory loss) that lasts less than 30 minutes and with no loss of consciousness. Although

some would say that Grade 1 concussions do not require medical care, it would be prudent to get checked by a doctor if you have any signs of a concussion after you go down on your bike. Grade 3 concussions are based on post-traumatic amnesia lasting longer than 30 minutes and/or any loss of consciousness. This individual requires immediate transport to a hospital for a CAT-scan or MRI of the brain. Returning to activity too soon may also increase the likelihood of post-concussive syndrome, characterized by headaches, fatigue, balance issues, and difficulty concentrating that may last weeks to months after the injury. Any individual who continues to have symptoms of concussion for more than one week, no matter how mild, should see a medical doctor for a neurological evaluation and possibly a CAT-scan or MRI.

Second Impact Syndrome is one of several serious risks associated with a premature return to activity. When an individual returns to activity before symptoms of the initial concussion have resolved, a second blow to the head—even a very minor one—can result in a loss of the auto regulation of the brain's blood supply, leading to vascular engorgement (swelling of the brain) and subsequent herniation of the brain, which is usually fatal.

When the brain is healing from a concussion, it is in an energy crisis. It has restricted the flow of blood to the damaged areas, thereby limiting the amount of glucose reaching the cells. The brain needs energy to begin healing itself. This takes rest and limitation of significant mental activity.

Take the case of Ben Rothlisberger. Six years in the National Football League, 242 sacks, four serious head traumas—three on

the field and one from a nearly fatal 2006 motorcycle crash--and two sexual assault allegations after boozy evenings in Nevada and Georgia. Medical experts consulted by the Pittsburgh *Tribune-Review* refused to diagnose the root causes of Roethlisberger's pattern of self-destructive behavior. But frontal lobe brain trauma has long been known to affect mood, judgment, interpersonal relations, foresight and the inhibition that keeps most others from displaying inappropriate social behavior—what's called “executive function” by neurologists and psychiatrists.

People who suffer repeated head injuries often exhibit signs of aggression, childishness, impaired self-control, inappropriate sexual activity, and alcohol abuse, according to the National Institutes of Health. Post-mortem examinations of the brains of Steelers Terry Long, Justin Strzelczyk and Hall of Fame center Mike Webster found evidence of the syndrome. The NFL recently donated \$1 million to Boston University to study chronic traumatic encephalopathy. Known simply as “CTE” or “punchdrunk syndrome,” it's a degenerative brain condition that affects cognition and player conduct, eventually leading to dementia. Strzelczyk died in a fiery 2004 explosion after ramming his vehicle into a truck filled with acid while trying to evade pursuing police cruisers. His marriage had ended in divorce, and he was dogged by rumors of drug use and depression.

Long committed suicide by drinking antifreeze in 2006, having previously suffered from broken relationships and facing federal charges of defrauding lenders and accusations that he burned down a chicken-processing plant. Webster experienced dementia, sleep problems, memory loss and a broken marriage before

succumbing to a heart attack in 2002. “With Mike Webster, you had all the signs—a failed business and marriage. He had become homeless. He was suicidal, depressed. This is typical of chronic traumatic encephalopathy,” said West Virginia University neurosurgeon Julian Bailes and Iron Mike’s physician.

Bailes refuses to weigh in on Roethlisberger but encourages more research into repetitive concussions and sub-concussive blows to the head and how they affect behavior. “We’ve looked at 23 brains through autopsy now,” said Bailes, who serves on the union’s brain trauma committee. The syndrome “seems to manifest by affecting the emotional circuitry of the brain, and we need to look more into that.” More and more information is coming out about concussions involving the military. Their concussions can occur just from being too close to a blast. Also youth football players have died because of the second concussion syndrome. The moral of this story for bikers is, even if you are only briefly dazed from a fall, you should get checked out by a doctor. And until you are cleared medically you should not be back on that motorcycle, risking the possibility of a second concussion, long-term symptoms, and even death.

## CHAPTER 14

# ACCIDENT SCENE EMERGENCY MANAGEMENT

This chapter deals with the immediacy of what you can do to save a life or reduce the seriousness of a critical injury.

Motorcyclists often ride in groups. That means in case an accident befalls one of your fellow bikers, you may be the one whose actions could save his or her life. Feeling helpless and/or panicking may be normal for many. But with proper training, you can work through that fear and provide critical emergency care.

The National Agenda for Motorcycle Safety (NAMS) was developed in 2003 as a result of seminars held by the National Highway Traffic Safety Administration (NHTSA) and the Motorcycle Safety Foundation (MSF) to determine how motorcycle safety could be improved.

One of the items identified as a problem in the NAMS report was first response accident scene management.

Though CPR and first aid skills can be helpful at a crash scene, neither address specific issues related to motorcycle trauma response, such as helmet removal, jaw thrust rescue breathing (a

technique used to protect the neck in the event breathing must be supported), how to handle the crash scene, how to remove the bike from someone who is still under it, and how to best move someone to safety if deemed necessary.

The following is no substitute for taking a CPR course and an emergency assistance course. It is provided as general information you need to learn.

### **Steps to Take in an Emergency Motorcycle Crash**

1. The first thing you have to do is move the injured biker out of harm's way. The best way to do this is not by moving the biker, but by stopping traffic. Most accidents are going to be highly visible and traffic will slow, stop, and move around naturally. But if someone has crashed around the blindside of a turn, you have to make sure that no one comes speeding around the bend. If you have another rider with you, one of you can take care of traffic, the other can take care of the rider. One of you should call 911.
2. The best-trained individual (medically) should attend to the victim. Assuming the victim is lying on the ground, this person should sit behind the victim and should stabilize his or her head to avoid unnecessary movement (i.e. hold his or her head still). Assume the person has a back/neck injury and any unnecessary movement could risk paralysis. This person should also be doing "ABC" at arrival on the scene and every five minutes thereafter.



- A. Airway. Open and clear the airway. Is there something to impede the airway? Gravel in the helmet, something down the throat? This needs to be cleared immediately, without helmet removal if at all possible.
  
- B. Breathing. Is the person breathing? You can determine by listening, watching his or her chest, feeling for breath, etc. The brain can only go 4 minutes without oxygen before brain damage begins to occur.
  
- C. Circulation. Check the pulse on the throat initially and subsequently on his or her wrist. This is the carotid artery, right next to the wind pipe/Adam's apple on either side. If pulse is not present, remove helmet if necessary and begin CPR immediately. When checking pulse on the victim's wrist, do not check with your thumb; use the two fingers next to your thumb.

If they are not choking, and they are not breathing, begin CPR.

Tilt the chin up, to open the passageway. Pinch their nose shut, then breathe slowly, twice, into their mouth. If CPR is working, you should see their chest rise and fall as you breathe into their mouth. Check for heartbeat. The ideal place to check for a heartbeat is below the jaw on the neck. If you feel a pulse, you do not have to do the chest pump part of the procedure. Just continue to blow air into their mouths.

If you do not feel a pulse, you need to do chest compressions. CPR guides recommend a 15:2 ratio when doing solo CPR. This means that you do 15 chest compressions, than breathe twice into their mouth, and repeat. You want to press down on the xiphoid process, the point where the ribs meet the breastbone. (Some recent research suggests that mouth breathing is no longer necessary.)

Cervical spine immobilization. Support the victim's head and make sure he or she doesn't move it. **CONSIDER EVERY MOTORCYCLE ACCIDENT A HEAD INJURY. CONSIDER EVERY MOTORCYCLE ACCIDENT A CERVICAL/BACK INJURY!** This is important even if the victims feel they can move their heads normally! If breathing is taking place normally, **LEAVE HELMET ON!** It is very dangerous to remove someone's helmet if they have some type of cervical/back injury. The only time it should be removed is if the airway is blocked and cannot be cleared with the helmet on or if it is necessary to perform CPR.

This method recommended by the American College of Orthopedic Surgeons for helmet removal to get to a blocked airway or if there is no breathing requires two people.

Remove glasses and unbuckle the chinstrap. One person should be to the side of the head of the victim and the other person should be directly behind the head of the victim, stabilizing the head to avoid excess movement.

The person on the side puts one hand behind the victim's head supporting at the base of the skull (not on helmet). They put their other hand on the jaw bone/chin (again, not on helmet). They will be supporting the head, so it is important to get a good solid grip. Keep some tension in the arms so that if the person pulling the helmet slips, the victim's head won't drop. The person sitting behind the head will then slowly pull the helmet directly back and off of the head. Watch out for catching the nose on the chin-guard on full-face helmets, as well as ears and earrings.

After the helmet is off, put a leather jacket or something under the head of the victim! If the person supporting the victim's head lets go, the head will drop a good four inches or so. This would not be good. If possible, it would be best to have a third person ready with something to place under the victim's head once the helmet is off.

After the helmet is off, the person behind the head should again hold the victim's head to promote cervical immobilization.

4. Stop bleeding, using sterile bandages/dressings if available. Apply direct pressure to excessive bleeding. If there is a stick, a piece of metal, or something else sticking into the victim, do not remove it. You are more likely to create more damage by removing the object. Try to stabilize it instead.

Two important things here are to (a) stop any bleeding as soon as possible, and (b) keep the wounds sanitary as much as possible. (a) is far more important than (b). Peripheral limbs

are commonly lost to infection, but given the choice between stopping bleeding and using a nonsanitary cover, using the nonsanitary wrapping is preferred. Blood loss is bad. Wounds can be cleaned at a hospital.

If sterile dressings are not immediately available, women in the group may be carrying sanitary tampons, or Kotex napkins. Either can be used as a sterile dressing, although obviously the sanitary napkins would be superior.

5. Watch for signs of a person going into shock.

*Signs of shock:*

- Inability to answer questions coherently (who are you? where are you? what day is it?).
- Pale, cool, clammy skin.
- Delayed capillary refill. Press the victim's fingernail so that it turns white. It should turn back to pink in less than 2 seconds. If it takes longer, that is not a good sign.
- Radial pulse (pulse at the wrist) goes away but there is still a pulse on the neck.

There isn't much we can do once someone starts going into shock, but a few minor things that may help:

- Assure adequate breathing.
- Loosen restrictive clothing.
- Reassure victim.
- Keep the person warm (but not too hot).

- Elevate the feet about six inches. (This is actually a judgment call since you shouldn't really do that with suspected spinal injuries.)
  - Control bleeding. (This is probably obvious but if you don't realize the victim is bleeding and he or she is rapidly going into shock, this should tell you something.)
  - Immobilize fractures. (This helps relieve pain and control bleeding.)
6. In case of femur injuries, check for blood loss. Femur ("thigh bone") injuries are very frequent. There are huge arteries that run along the inner thigh; if these are opened the person can bleed to death in a very short amount of time. It is important to minimize bleeding in this region! Use a pressure point above the cut to control blood flow out of the femur artery.
7. Before the ambulance arrives, send people to watch for the ambulance. When the ambulance arrives, it is important to stay out of the crew's way as much as possible. Meet them and identify yourself as being "in charge" and to be the person to contact if they need anything (bikes moved, people moved, whatever). Make sure you give factual information.

All motorcyclists should take basic first aid and CPR courses! They are offered periodically through the Red Cross and several other organizations. Go with some riding buddies or get your club to have a class!

Also, you can contact Accident Scene Management, Inc. to come to your town and give their course. The purpose of

ASMI's "Bystander Assistance Programs" is to reduce injuries and fatalities to motorcyclists through first response education. They also expect to reduce rescuer injury through proper training. Their programs, based upon the US DOT First Responder Curriculum, are focused on *trauma* rather than first aid (which is low level trauma) and CPR (heart attack and choking). All classes include a lead instructor who is EMT or higher in medical training. For the price of a piece of chrome, you can receive this invaluable training in just one day. Don't put off YOUR training.

I'm a biker-lawyer, not a doctor. This book is not intended to be legal advice—let alone medical advice. It's simply information that can lead you to the right steps and the right experts, if you need them.

PART FIVE:  
THE POLICE AND YOU





## CHAPTER 15

# **SURVIVING A POLICE MOTORCYCLE CHECKPOINT YOUR RIGHTS THE BACKDROP**

Police in many states conduct roadside stops of motorcycles. They check for proper licenses, safety helmets, exhaust systems, and other safety and regulatory violations. They say the checkpoints are to increase motorcycle safety by insuring compliance with applicable traffic laws.

Roadblocks are used to stop individuals who otherwise would not be stopped. The courts in many circumstances have found them legal and a legitimate law enforcement tactic, but this does not mean you don't have rights once you enter a roadblock.

In Ohio, our Supreme Court has determined that stops of motor vehicles to check if the driver is licensed are lawful. This must be puzzling to many in light of the Fourth Amendment.

The Fourth Amendment to the United States Constitution, as applied to the states through the Fourteenth Amendment, provides, "The right of the people to be secure in their persons,

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” Section 14, Article I of the Ohio Constitution, which contains language nearly identical to its federal counterpart, also prohibits unreasonable searches and seizures.

A number of federal and state courts have upheld the seizure of motorists at driver’s license checkpoints. Although the United States Supreme Court has never fully considered the constitutionality of a driver’s license checkpoint, it has repeatedly suggested that it would uphold properly administered driver’s license checkpoints. For instance the United States Supreme Court held that the Fourth Amendment prohibits a police officer from arbitrarily stopping an automobile for the sole purpose of checking the driver’s license and registration. The court stressed, however, that this did not prevent states from developing methods for spot checks, including the “questioning of all oncoming traffic at road-block-type stops.” The Court evaluates the following three factors: (1) the particular checkpoint’s intrusion on privacy, (2) the state’s interest in maintaining the checkpoint, and (3) the extent to which the checkpoint advances the state’s interest.

Based on the three-pronged test, the state has an interest in preventing motorcycle accidents and therefore, arguably, can legally stop a motorcyclist at fixed check points to check for violations of motorcycle laws. There is no specific case in Ohio as yet on this. But many of these checkpoints are made on the way to and from major motorcycle events.

## **What You Should Do at a Motorcycle Checkpoint**

First of all, be prepared. Make sure you have your driver's license with you with your motorcycle endorsement and proof of insurance.

Second, stay on your bike. Do not take your helmet or your safety glasses off if you are wearing them. If you are stopped, keep your hands on your handlebars, for your own protection. How many people have been shot because a cop thought they were reaching for a gun?

Ask the officer if it's okay to reach in your pocket to get your driver's license and proof of insurance. If these documents are in a locked storage unit, tell the officer and request permission to get them. Move slowly. You can lock your storage after removing your documents. If the officer instructs you to get off your bike, do so.

Law enforcement does not have the authority to search you or your bike without probable cause. This is your Fourth Amendment right. If the officer asks you for permission, then it's likely he or she don't have a reason to do so. Never permit a voluntary search of your person or bike. Many times an officer will persist or will say something like, "If you don't have anything to hide, why object to a search?" This should be met with the response that you do not consent to any searches of your private property.

If the law enforcement officer suspects some other crime, you do not have to answer questions about where you have been or where you are going, or whether or not you have contraband in your bike.

The Fifth Amendment protects you against self-incrimination and you do not have to answer any questions that the police ask you.

You have a right to end your encounter with police unless you are being detained under police custody or have been arrested. You can ask the officer, “Am I free to go?” If the answer is yes, leave promptly. The officer may avoid the question or ask you unrelated questions, so ask again, “Am I being detained, or can I go now?” If you are detained and placed under arrest, do not answer any questions other than name, address, and place of employment, without your attorney present. Assert your Fifth and Sixth Amendment rights by saying, “I have nothing to say until I speak with a lawyer.”

Remain calm, courteous, and non-confrontational at all times. Hopefully, after a brief intrusion everything will check out and you will be on your way.

PART SIX:  
THE CYCLING  
COMMUNITY



## CHAPTER 16

# THE GOOD THAT MOTORCYCLE GROUPS DO

Motorcycle enthusiasts know about the good that bikers do. This chapter is for those who are not motorcyclists and may need their consciences raised. The motorcycle community is truly amazing to me in how they seek freedom to enjoy life in their own way, but at the drop of a hat will do whatever they can to give to others.

There's a poem and a video called "You Didn't See Me." The author is unknown. Here is an excerpt that makes the point that prejudices towards bikers are unwarranted.

I saw you hug your purse closer to you in the grocery store line.

But, you didn't see me put an extra \$10.00 in the collection plate last Sunday.

I saw you pull your child closer when we passed each other on the sidewalk.

But, you didn't see me playing Santa at the local mall.

I saw you change your mind about going into the restaurant.

But, you didn't see me attending a meeting to raise more money for the hurricane relief.

I saw you frown at me when I smiled at your children.

But, you didn't see me when I took time off from work to run toys to the homeless kids.

I saw you stare at my long hair.

But, you didn't see me and my friends cut ten inches off for Locks of Love.

I saw you roll your eyes at our leather coats and gloves.

But, you didn't see me and my brothers donate our old coats and gloves to those that had none.

I saw you look in fright at my tattoos.

But, you didn't see me cry as my children were born and how I have their names written upon my heart.

The biker community is wide and deep. Not every one who rides a motorcycle is a saint. But there are a lot of saints who ride motorcycles. Here are a few of the groups in Southwest Ohio that do a lot for people.



## THE FREE MOTORCYCLE RIDERS

I found this group on Yahoo!. It's an Ohio-based group started by Tammy Mathews. I asked Tammy to tell me a little about the group. These are her words:

"I started FMR in August of 2004. I wanted to be free to ride when I wanted and with whoever I wanted. I wanted to name the group Free Riders, but it was already taken, so I thought I'd specify what exactly I was riding. Free Motorcycle Riders was born. Today we have 381 members; the majority are lurkers—but the active ones, those are the people that make this group special. There are many events that take place, some are yearly, some are spur of the moment, some are rides that someone heard about and passed on the information.

Anyone is welcome to suggest a ride - whenever and where ever - never know who might show up. Many of us ride in poker runs that raise money for someone in need - like most all of the biker community does. We do plenty of rides just to go for ice cream. The first yearly event we started is the Christmas party, a few of our members were members of the Missing Links MC, their Christmas party is a fund raiser for kids in the Columbus area so a bunch of us started going to that - a good way for us to get together, enjoy some good food prepared by Missing Links and do something good for the community. Now we also have our own Christmas party. We do these things because we want to, it's who we are, we ride.

Whenever any of us is hurt in an accident, or stricken by illness, members show up day after day at the hospital and at their homes with words of encouragement and offers of help with everything from paying a few bills to cooking a meal, cleaning a house or even cutting and stacking firewood for their wood stove. This group also strongly supports Patriot Guard Riders and our founder, Tammy, is a district ride captain for PGR. And there are so many women riders in this group, which illustrates the independence and strength of members.”

— *Tammy Mathews*

## **THE CINCINNATI CHROME DIVAS**

Nicole Seta, AKA Charley, is the Director and Founder of the Cincinnati Chrome Divas. She also holds the National Secretary position for the Chrome Divas, Inc. (nationwide). Her passion was to start an organization for women who ride their own motorcycles and wanted to make a difference in our community by doing charity work for our locals and for the Susan G. Komen Foundation Cincinnati. She is proud of the fact they have been together now for five years and have raised over \$40,000! If you would like to learn more, check out their website at [www.chromedivas.com](http://www.chromedivas.com). Here is what you will find out about the Chrome Divas when you go to their web site:

Chrome Divas are a ladies-only motorcycle group, consisting of both riders and passengers and even some non-riding women who just love motorcycles and participating in charity functions. Originating in Tallahassee, Florida in 2002, Chrome Divas, a female

motorcycle organization, was formed to provide a means of camaraderie, community participation, and a national link to all women who ride motorcycles and strive to be known as outstanding citizens in their communities with a preference to ride, have fun and share their talents and compassion in group effort. Chrome Divas are incorporated and has a trademark logo that identifies them as a female motorcycle organization. However, Chrome Divas do not wear colors and is not a “MC.”

We as an organization, support motorcycling and the freedom of motorcycling but we do not endorse any other group or organization; however we do respect the rights of our members to do so on an individual basis.

Chrome Divas and its chapters are located throughout the US, Canada and Australia. The Chrome Divas have raised hundreds of thousands of dollars in their communities and are always eager to meet new women riders looking to join them in their efforts.

## **THE PATRIOT GUARD**

Patriot Guard Riders Mission Statement:

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America’s freedom and security. If you share this respect, please join us.

We don't care what you ride or if you ride, what your political views are, or whether you're a hawk or a dove. It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is; you don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives:

- Show our sincere respect for our fallen heroes, their families, and their communities.
- Shield the mourning family and their friends from interruptions created by any protestor or group of protestors.
- We accomplish the latter through strictly legal and non-violent means.

To those of you who are currently serving and fighting for the freedoms of others, at home and abroad, please know that we are backing you. We honor and support you with every mission we carry out, and we are praying for a safe return home for all.

Many people have asked how the Patriot Guard Riders got started. Here's what is stated on their web site.

It all started back in early August of 2005 with the American Legion Riders chapter 136 from Kansas. They were appalled to hear that a fallen hero's memory was being tar-

nished by misguided religious zealots who were protesting at funerals. They decided to do something about it. At the ALR 136 August meeting, Director: Chuck "Pappy" Barshney appointed members, Terry "Darkhorse" Houck, Cregg "Bronco 6" Hansen, Steve "McDaddy" McDonald, and Bill "Wild Bill" Logan to form a committee to strategize and form a battle plan to combat Fred Phelps and the Westboro Baptist Church.

When they heard that the WBC was going to protest at the funeral of Sgt. John Doles in Chelsea, Oklahoma, they established a Mission Statement, which included getting the families permission and contacting Law Enforcement and other Motorcycle Groups in Oklahoma. They agreed that their ultimate goal was to get veterans and motorcycle organizations involved in every state so that each state could handle the situation internally and not rely on other states to do the job. They were very successful in mustering riders to honor Sgt. Doles and limiting the intrusion by the WBC.

The growth has been phenomenal. Within a week their membership included many riders from associations like the VFW, American Legion, Rolling Thunder, ABATE, Combat Vets Motorcycle Association, Intruder Alert, Leathernecks Motorcycle Club, and almost five hundred individual riders. To the credit of Hugh and "Waldo", the PGR website had received almost 566,000 hits in the first two weeks! Patriots from all over America and several foreign countries responded. Emails were pour-

ing in from people wanting to support and join the newly formed PGR.

So, that's a pretty concise picture of where we came from and where we are today. A great deal of credit goes to that small group of Kansas American Legion Riders, but none of this could have ever been accomplished without the patriot member who takes time out of their life to honor a fallen soldier and their family.

Ohio has its own chapter of the patriot guard. The Ohio State captain is Bob Woods. The district 1 captain for southwest Ohio is Jon Williams. The Ohio web site is <http://www.ohiopgr.com/>

## **TRAIN MRO, Inc.**

Welcome to TRAIN MRO, Inc. TRAIN stands for Training Rider Awareness Is Necessary. We are a Motorcycle Rights Organization (MRO) with a focus on Safety and Education. Our charter is to train drivers of vehicles and motorcyclists on how to operate their vehicles safely around each other. We believe that the single best course of action to survive an automobile accident, is to prevent the accident in the first place. <http://www.trainmro.org/>

## **THE IRON SAMARITANS**

This is a Christian biker group started and led by Donna and Randy Ivans. They walk the walk. They don't need to talk about what they do. Their example speaks for itself. Utterly human but

with a divine light in their eyes they minister to anyone that needs to be uplifted. The homeless, the bikers, non-bikers. This is what they say on their web site:

**Our Mission**

To love people into a relationship with Jesus Christ and to give away to the world what God has given us.

**Our Vision**

To be seedthrowers and firestarters, hope peddlers and grace-givers, risktakers and dreamers, young and old. To link arms with anyone who tells the story of Jesus. To empower the poor, strengthen the weak, embrace the outcast, and seek the lost. To serve together, play together, worship together, live life together. They are us. The Iron Samaritans.

We believe that small things done with great love will change the world.

## **THE AMERICAN FEDERATION OF RIDERS**

<http://www.afr-1982.org/>

The AFR was originally formed by a small group of motorcyclists in Cheviot, Ohio to raise money for a small girl who was orphaned by the untimely death of her parents. Money was raised at a poker run for this young child and a brotherhood was formed with the determination to start a group to help children.

The AFR is a 501-c3 publicly funded charitable organization compiled of all types of motorcyclists, dedicated to helping needy, neglected, abused and handicapped children. They have no paid members or officers. Established in 1982, the AFR has helped thousands of children in the tri-state area.

They have provided medical grants to families with children in need of life-saving surgery or treatment. Annually, we adopt several families and provide them with Christmas dinner and gifts, sometimes Santa Claus even stops by! These families are chosen through local parishes and would normally not be financially able to have their own Christmas.

On a group basis, the AFR sponsors activities like Easter egg hunts and trips to the zoo. They also do repairs at private and county funded centers for less fortunate children. In 1989, we started the AFR scholarship fund. High school students who are college bound may apply for this financial assistance through their school counselors.

Their primary source of income is our Poker Run, held in June. At our largest event we put over 4000 motorcycles on the road and played host to some 8000 plus at our party.

In the past twenty-five years they have raised over \$2 million for needy children in the tri-state area.



## **REBEL ROSES M C**

<http://www.rebelrosesm.com/aboutus.html>

R Founded in 2005 by a group of women in the greater Cincinnati area who were passionate about motorcycles and the brotherhood and sisterhood of the biker lifestyle. They aim to inspire women with the courage to break free from the chains of limiting belief patterns and societal conditioning that have traditionally kept women suppressed and unable to see their true beauty and power.

Their mission is to promote a positive image to the public; to unite with friends of common interests; to educate our members in safe riding skills and to come together with a commitment to ride and have fun; and to host charity events in our area to support various causes.

If you have any questions on the commitment or the group itself, you have but to ask. Be it known, that we are more interested in the quality of our members, then we are in the quantity.

With that fact, membership is possible for those living outside of a chartered area.

## **THE WARTHOGS**

<http://www.warthogsmc.com>

Here's what the Warthogs say on their website.

### Club History

The Warthogs® Motorcycle Club was established on May 8th, 2001 in Detroit, Michigan. The founding members of this club consist of active and retired city and federal Law Enforcement Officers that were formerly members of the Wild Pigs Motorcycle Club established in California in 1987. Due to a legal war regarding rights to ownership of name and logo by a private enterprise, the National Membership of the WPMC was forced to disband or become a franchise of R&R Enterprise. These options led to the division of the Original Wild Pigs into several different Public Safety Motorcycle Clubs.

Having reviewed the options of joining one of the new clubs formed, or beginning a fresh new start, the Detroit Chapter of the Original Wild Pigs concluded that we did not want to be 'Iron' and we did not want to be 'Pigs'. So a new club was formed. We hold no grudge or animosity to anyone for the past and would like to thank R&R Enterprise, because if not for them, we would not have evolved from pigs to WARTHOGS.

Our primary goals in becoming a Public Safety motorcycle club are to develop a bond between Law Enforcement Officers, Firefighters and Officers of the court, to assist Officers and Firefighters in their time of need and to assist the orphans and widows of those who lost their lives in the line of duty.

We are a non-profit organization that supports “ALL” Public Safety and Military Motorcycle Clubs and will respect the colors they wear. We are not affiliated with Harley Davidson nor any other motorcycle company. However, in support of American made motorcycles, we require our members to own and operate a V-twin motorcycle manufactured by a North American Owned Company.

## **BIKERS AGAINST CHILD ABUSE**

<http://bacaworld.org/>

### **BACA Mission Statement**

Bikers Against Child Abuse (BACA) exists with the intent to create a safer environment for abused children. We exist as a body of Bikers to empower children to not feel afraid of the world in which they live. We stand ready to lend support to our wounded friends by involving them with an established, united organization. We work in conjunction with local and state officials who are already in place to protect children. We desire to send a clear message to all involved with the abused child that this child is part of our organization, and that we are prepared to lend our physical and emotional support to them by affiliation, and our physical presence. We stand at the ready to shield these children from further abuse. We do not condone the use of violence or physical force in any manner, however, if circumstances arise such that we are the only obstacle preventing a child from further abuse, we stand ready to be that obstacle.

## **ROLLING THUNDER INC OHIO CHAPTER 9**

<http://www.rollingthunderoh9.org>

Rolling Thunder® Inc.'s major function is to publicize the POW-MIA issue:

- To educate the public of the fact that many American prisoners of war were left behind long after all past wars.
- To help correct the past and to protect the future veterans from being left behind should they become prisoners of war-missing in action.
- We are committed to helping American veterans from all wars!

They hold fundraisers to support the Joseph House for homeless Vets.

To apply for membership with Rolling Thunder® Inc.:

Attend any Chapter 9 Ohio meeting held on the 1st Sunday of every month at 10:00 AM (EST)

American Legion  
5129 Montgomery Road  
Norwood Ohio  
45212-2237

## **CHRIST'S CRUISERS #53**

Cincinnati, Ohio

<http://cmaner5.org/OH/CHRISTSCRUISERS>

## **DAMASCUS ROAD WARRIORS #627**

Milford, Ohio

<http://cmaner5.org/OH/DAMASCUSROADWARRIORS>

## **CINCINNATI TEAMSTERS MOTORCYCLE ASSOCIATION**

Local 100 joint council 26

<http://cintitma.com>

The Teamsters riders group has members from all walks of life. One thing they have in common is love for the open road on two wheels, and that's about the only requirement they have.

In the past they have raised funds for the following:

St. Rita's School

Cincinnati Children's Hospital

Shriners burns institute

Pine Ridge Indian Reservation

These are just a few of the motorcycle groups in Ohio. In fact, this is just some of those in the greater Cincinnati area. The list of all Ohio groups can be sourced from the internet.

I'm sure I missed many from the Cincinnati area. If I missed your group, please don't be upset. If you send me your name and web site, I will include it on the Motorcycle Safety Awareness and Injury Help of Ohio Blog.

CHAPTER 17

# SOUTHWEST OHIO MOTORCYCLE BUSINESS RESOURCES

**Anarchy Motorcycle Co.**

1745 State Route 125  
Amelia, OH  
(513) 947-0000  
Custom bikes.

**Beechmont Motor Sports**

646 Mount Moriah Drive  
Cincinnati, OH 45245  
(513) 752-0085  
[www.beechmontms.net](http://www.beechmontms.net)  
Dealership

**BRC Custom Cycles**

1608 State Route 28  
(513) 561-0680  
Vintage Harley repair and accessories.

**Brentwood Leather & Shoe Repair**

395 W. Pike  
S. Lebanon, OH 45065  
(513) 229-0205 or (513) 289-1003  
Clothing Repair Shop

**Chopper Works**

6055 Branch Hill Guinea Pike  
554-1222  
Repair

**Cinn City Choppers**

791-2520  
[www.cinncitychoppers.com](http://www.cinncitychoppers.com)  
Custom motorcycle shop.

**Classic Iron Cycle Center**

3220 Dixie Highway # A Rt. 4  
Fairfield, OH 45014  
(513) 887-1011  
[www.classicironcyclecenter.com](http://www.classicironcyclecenter.com)  
Service/Accessories

**CPS Promotions**

700 W. Pete Rose Way  
Cincinnati, OH 45203  
(513) 702-8778  
Accessories Sales

**Cycle Specialties**

7220 Dixie Highway  
Fairfield, OH 45014  
(513) 860-3232

6175 Harrison Avenue  
Cincinnati, OH 45247  
(513)574-7878

[www.bestcycledeals.com](http://www.bestcycledeals.com)  
Dealership/Accessories

**Evening Illusions**

11 Donna Drive  
Amelia, OH 45102  
(513) 405-2835  
[www.eveningillusions.com](http://www.eveningillusions.com)  
LED Kits Installed



**Fatt Boys**

3578 South Kettering Blvd.  
Dayton, OH 45439  
(937) 294-(BOYZ) 2699  
[www.fattboyzdayton.com](http://www.fattboyzdayton.com)  
Service Garage

**Harley-Davidson of Cincinnati**

1799 Tennessee Avenue  
Cincinnati, OH 45229  
(513) 641-1188  
[www.harley-davidsonofcincinnati.com](http://www.harley-davidsonofcincinnati.com)  
Dealership

**Harley-Davidson of Eastgate**

699 Old St RT 74  
Cincinnati, OH 45245  
(513) 528-1400  
[www.eastgateharley.com](http://www.eastgateharley.com)  
Dealership

**Harrison House of Thunder**

1143 Harrison Avenue  
Harrison, OH 45030  
(513) 367-9555  
[www.harrisonhouseofthunder.com](http://www.harrisonhouseofthunder.com)  
Dealership/Shop

**Honda of Fairfield**

5467 Dixie Highway  
Fairfield, OH 45014  
(513)858-1000  
[www.hondaoffairfield.com](http://www.hondaoffairfield.com)  
Dealership

**Iron Hogz Power Sports**

6387 N. State Rt. 48  
Lebanon, OH 45036  
(513) 836-3824  
[www.ironhogz.com](http://www.ironhogz.com)  
Repair Shop

**J & J Cycles**

2020 Langdon Farm Road  
Cincinnati, OH 45237  
(513) 351-5959  
[www.jandjcycles@yahoo.com](mailto:www.jandjcycles@yahoo.com)  
Dealership

**Just Hangin'**

4039 Harrison  
351-5959  
Full Service.

**Kings Kustoms**

3325 State Route 222  
797-8900  
[www.kingskustomsmotorcycles.com](http://www.kingskustomsmotorcycles.com)  
Fabrication.

**Kraig Haplea**

[www.visualjustice.com](http://www.visualjustice.com)  
368-5581  
Videographer.

**Lake Bailee Motorcycle Park**

2070 Jackson Road  
Hamilton, OH 45011  
(513) 893-5585  
[www.lakebailee.com](http://www.lakebailee.com)  
Park/Accessories

**Luckey's Irish Pub**

3722 Harrison Cheviot  
Restaurant/bar.

**Middletown Cycle**

3711 Commerce Dr.  
Franklin, OH 45005  
(513) 422-5471  
Dshipp@middletowncycle.com  
Motorcycle Sales

**Motorcycle Parts Outlet**

10060 Springfield Pike  
772-8333

**Ohio Riders**

**Ohioriders.net**

**Ohio motorcycle forum.**

**Paradise Bikes, Trikes, and Trailers**

1673 E. St. Rt. 73  
Waynsville, OH 45068  
(800) 551-1364  
sales@paradisebikesandtricks.com  
Bike Garage

**Powder Keg Harley Davidson**

Kings Center Court  
Mason, Ohio 45040  
Dealer.

**Quaker Steak & Lube**

3737 Stone Creek Blvd  
Cincinnati, OH 45251  
(513) 923-9464

590 Chamber Drive  
Milford, OH 45150  
(513) 831-5823

www.quakersteakandlube.com  
Restaurant

**Racers Edge**

2860 State Route OH 125  
Bethel, OH 45106  
(513) 734-4777  
[www.racersedge.com](http://www.racersedge.com)  
Parts/Dealership/Service

**Road Wheeler**

[www.roadwheeler.com](http://www.roadwheeler.com)  
Motorcycle Magazine

**Sports Tour**

11386 Reading Road  
Cincinnati, OH 45241  
(513) 761-0936  
[www.sportstour.com](http://www.sportstour.com)  
Accessories

**The Army Store Inc.**

4836 Dixie Highway, Rt. 4  
Fairfield, OH 45014  
(513) 829-7888  
[www.thearmystoreinc.com](http://www.thearmystoreinc.com)  
Clothing Sales

**The Knotty Pine**

6947 Cheviot Road  
741-3900  
Food and Drinks.

**Thunder Roads Ohio**  
**[ThunderroadsOhio.com](http://ThunderroadsOhio.com)**  
**Ohio motorcycle magazine.**

**Tommy's Deuces Grill**

9956 Escort Drive, Mason

336-0002

[www.deucesgrill.com](http://www.deucesgrill.com)

Restaurant.

**Tri-County Harley-Davidson**

5960 Dixie Highway

Fairfield, OH 45014

(513) 874-4343

[www.tri-countyharleydavidson.com](http://www.tri-countyharleydavidson.com)

Dealership

**Two Wheel Thunder TV**

Jimmy and Pat Kay

513-465-6555

[www.twowheelthundertv.com](http://www.twowheelthundertv.com)

Motorcycle products review and marketing.

**Western Hills Honda Yamaha**

3100 Harrison Avenue

Cincinnati, OH 45211

(513) 662-7759

[www.westernhillshondayamaha.com](http://www.westernhillshondayamaha.com)

Dealership/Accessories/ Apparel



## CHAPTER 18

# A LAST WORD OR TWO

Although this book is called *The Ohio Motorcycle Bible*, it's obviously not a religious book. It's meant to be a resource especially for Ohio motorcyclists. It doesn't matter to me what religion you practice or whether you don't practice any. It only matters what you want to do about and with your life.

No doubt there's a spiritual connection for many who ride. My belief is that there's only one God and many paths to get to this higher power. Maybe yours, if you honor it, is through your motorcycle.

I know that Great Spirit,  
Of the brightness of the sun  
Beyond the Darkness,  
Only by knowing the Spirit  
one goes beyond death.  
There is no other way to go.





## ABOUT THE AUTHOR

Anthony Castelli has been fighting for the rights of injury victims for 29 years. Anthony feels rewarded by helping people seriously injured by the carelessness of others. His clients are often facing the biggest challenge of their lives to survive the consequences of a bodily injury they did not deserve. He helps them meet these challenges by demanding big insurance pay what is fair to make up for the suffering and loss caused to his clients. When he was a young child, Anthony's parents instilled in him the duty to help others in need. His career path has exemplified this calling, taking him from social worker, helping disadvantaged adults and abused and neglected children, to lawyer, helping accident injury victims.

With over 25 civil injury trials, Anthony is uniquely positioned to fight big insurance. When results matter, Anthony has helped thousands of clients recover millions of dollars. Anthony knows it's not just about money for his clients. Money can help, but it cannot take away their pain and the effects their injuries have had on their families. His clients want to know that they have someone who cares and believes in them. He promises with all his heart that he will be there for them every step of the way.

Anthony and his staff invest 100% of their time and energy to delivering first-class service to his clients. As a result, his valued clients and friends refer their family, friends and work associates

to him for advice on their legal matters. Anthony is interested in building strong, life-long relationships, one person at a time. He expends substantial resources to advance his clients' interests and is one of only a few attorneys who has on his team a nurse case manager to review his clients' medical records and help analyze and explain their injuries and the effects on their lives. He is rated highly by peer review organizations such as Martindale-Hubbel, which awards Anthony their highest rating—preeminent, and by AVVO with a Superb rating. He has been listed in the Ohio super lawyers magazine as a super lawyer in personal injury. Anthony is married to the love of his life, Victoria, and is the father of three children. He is active in the community, having been on the Board of Directors of Power Inspires Progress and Serenity House. He is an avid motorcyclist, active in the motorcycle community, and rides a Harley Davidson Dyna lowrider. Anthony is a Greater Cincinnati personal injury accident trial attorney with over 25 personal injury trials. He focuses on helping folks injured in car, truck, motorcycle, and other accident injury cases. His law practice also includes workers' compensation and social security disability. He writes educational articles on the law so that legal consumers can educate themselves about insurance tactics and personal injury cases and the steps to take. His web site [www.castellilaw.com](http://www.castellilaw.com) has articles as well as videos on topics such as "What damages for personal injury can you recover in Ohio?" "Four deadly sins that can ruin your car accident case," and many others.

Anthony has many memorable clients and memorable cases. He loves making a difference in his clients' lives. He considers it an honor to represent his clients. His mission is to answer their questions, solve their problems, and get them great results.

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800.447.6549

**Free Consultation**

513.621.2345

[www.ohiomotorcyclegarage.com](http://www.ohiomotorcyclegarage.com)

[www.castellilaw.com](http://www.castellilaw.com)

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# WATCH FOR MOTORCYCLES

In his new book for Ohio motorcyclists, *The Ohio Motorcycle Bible*, personal injury trial attorney Anthony Castelli gives motorcyclists an invaluable resource, covering everything from biker safety to biker insurance to biker clubs - as well as solid advice about what to do in case of an accident.

As an experienced trial attorney and motorcycle rider, Anthony knows the unique risks motorcyclists face from other drivers and from big insurance. Anthony explains what steps to take to protect yourself financially, so that you can be prepared to overcome even the most serious motorcycle injury in the unfortunate event of a crash that is a result of the carelessness of another driver.

Anthony exposes myths about motorcyclists. He exposes big insurance dirty tricks. Motorcyclists are not second-class citizens. They do great things because they are great people, from all walks of life. Anthony is tired of bikers not getting fair treatment just because they ride a motorcycle. This book is intended to help you, the motorcyclist, get justice.

For more educational articles, e-books, and videos, Anthony welcomes you to his website, [www.castellilaw.com](http://www.castellilaw.com). For some motorcycle fun, as well as education, he invites you to the website he created, [www.ohiomotorcyclegarage.com](http://www.ohiomotorcyclegarage.com), where you can build a bike, plan a road trip, join a motorcycle safety group, and much, much more.

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