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**Volume XVI
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**DID YOU
KNOW?**

**We Handle All of These
Types of Cases?**

**Vehicle, Truck & Bus Accidents
Motorcycle & Bicycle Accidents
Pedestrian Collisions
Slip & Fall Accidents
Wrongful Death**

Digest

Diehl & Hubbell, LLC

A note from Tom . . .

SO MUCH TO CELEBRATE!

Our own Marty Hubbell was recently sworn in as Lebanon Municipal Court Judge and began his term on January 1. It is part-time so he will still very much continue his private practice work at Diehl & Hubbell. All of us at Diehl & Hubbell want to congratulate Marty and wish him the best in this added position. We know he will serve the court and the community very well! And, YES, he will also continue to serve clients at Diehl & Hubbell!



Attorney Thomas J. Diehl

In other good news, we were thrilled to honor Springboro's Five Points Elementary second grade teacher, Tiffany Page, as our first Teacher of the Month for 2022! We have had so much fun surprising and recognizing many great teachers in districts from Lebanon, Centerville, Miamisburg, and Springboro and look forward to continuing to celebrate one outstanding teacher each month throughout southwest Ohio! According to a 2021 Teacher Spending Survey (AdoptAClassroom.org), teachers spent an average of \$750 of their own money to buy school supplies for their classrooms, home and students during the past school year and that 30% spent more than \$1000. For that reason, we decided to increase the award check to \$500! See inside for details on how to nominate an amazing teacher you know!

And, as of this writing, the Cincinnati Bengals still have a chance to win the Super Bowl! I hope that is still true by the time this makes it to your mailbox. Who Dey!

Tom

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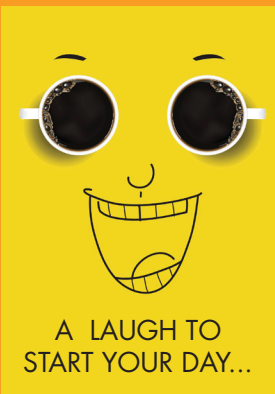
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LONG TOUR OF DUTY

I work in a courthouse, so when I served jury duty, I knew most of the staff. As I sat with other prospective jurors listening to a woman drone on about how long the process was taking, a judge and two lawyers passed by, giving me a big hello. A minute later, a few maintenance workers did the same.

That set off the malcontent: “Just how long have you been serving jury duty?”



NICE WORDS FROM OUR CLIENT

“I was injured in a motor vehicle accident in December of 2020. The accident was not my fault but the insurance company that was defending the negligent driver was very difficult to work with. It was very stressful to try to handle the issues with my car accident.

I was worried about my medical bills and whether I should give a statement to the insurance company. A friend recommended that I meet with Tom Diehl of Diehl & Hubbell. My friend had used the firm before and highly recommended their services. Because my injuries prevented me from traveling, Mr. Diehl met with me at my residence. Mr. Diehl was able to negotiate a fair and full recovery on my behalf and he was also able to handle other matters involved like dealing with my health insurance company seeking reimbursement. I am very glad that I retained Tom Diehl of Diehl and Hubbell on my auto accident case. I be-

lieve he is extremely knowledgeable about auto accident cases. He kept in constant contact with me regarding the case and I was able to speak to him whenever I wanted to. In fact, Mr. Diehl provided me with his personal cell phone.”

C.M., Port William, Ohio

THE EVIDENTIARY TREASURE TROVE OF THE BLACK BOX AND PRIVACY ISSUES

Most vehicles now have “black boxes” that are in some ways like airplane flight recorders. These devices are officially known as Event Data Recorders (EDR) and they are installed in cars and trucks to record technical vehicle and occupant information for brief periods of time (seconds not minutes) before, during and after a crash. Federal law requires that every new vehicle be equipped with an EDR. The EDR records vehicle speed, throttle position, airbag deployment times, brake applications, seatbelt use, engine speed, and steering angles. If the black box is retrieved promptly, the data can be analyzed. Analyzing the data is expensive. Typically, an automotive technologist with equipment to retrieve all of the EDR data is necessary and this costs from \$2,000 to \$10,000. However, the technology and the data retrieval are becoming cheaper as they become more ubiquitous.

Privacy issues are involved in EDR application. In 2014, the U.S. Supreme Court determined that police need a warrant to search mobile phones, finding that they hold massive amounts of private and personal information that represent a deep invasion into the personal privacy of the individual. However, the 2014 decision didn’t address data contained in an EDR.

Cars are becoming more connected to driver’s mobile phones. Call logs, text messages, location history and contact lists are often connected to the vehicle’s infotainment systems. While the United

States Supreme Court decided that police need a warrant to search that type of information when it’s on mobile phones, generally speaking, that protection does not extend to the information when stored on a car’s EDR systems. That’s because of the “automobile exception” to the Fourth Amendment, which allows police to search cars without a warrant on the basis that the drivers could get away in the time it takes to permit the search. That exception goes all the way back to a 1925 Supreme Court Case, Carol v. United States.

We recently concluded a wrongful death case. Our client was driving on a street in an industrial area where the speed limit was 45 miles per hour. Our client was approaching a T-intersection, and he did not have any traffic control devices in his lane of travel. The other driver had stopped at a stop sign and was making a left turn and failed to see our client coming. A bad accident ensued. It was our position that our client was driving safely and at a reasonable speed and properly braked and that the driver turning left was negligent. The attorneys representing the driver turning left argued that our client was driving too fast and was not keeping a proper lookout. The data retrieved from the EDR established that our client was driving only 2-3 miles per hour over the speed limit. Using an accident reconstructionist we were able to show that our client was driving safely and braked responsibly and there was nothing our client could have done to avoid this motor vehicle accident.

Beef Sliders

Okay, so this is a great and easy dish to take to a Super Bowl party! Because this event is as much about the food (and the commercials and the half-time show) as it is the football! A friend shared this recipe about 5 years ago and it never disappoints!

- 2 pounds ground beef

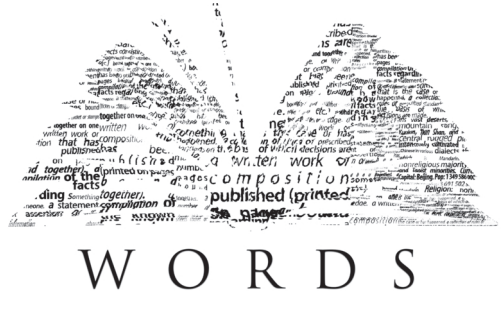
1 (1.25 ounce) envelope onion soup mix

1/2 cup mayonnaise
- 2 cups shredded Cheddar cheese

24 dinner or Hawaiian rolls, split

1/2 cup sliced pickles (optional)

Preheat oven to 350 degrees. Cover a baking sheet with foil and spray with cooking spray. Cook and stir the meat and onion soup mix in a large skillet until the beef is browned and crumbly. Drain any excess grease from pan and remove from heat. Add in the mayonnaise and cheese and mix thoroughly. Lay the bottoms of the rolls on the baking sheet and spread the cheese and beef mixture on top and then cover with the tops. Spray another sheet of foil with cooking spray and cover the sandwiches. Bake in the oven for about 30 minutes or until heated and cheese is melted. If desired, add a slice of dill pickle to each sandwich.



WORDS: A LAWYER’S STOCK IN TRADE

“SPILL THE BEANS”

When we use the phrase “spill the beans”, we are typically referring to sharing some kind of information that should otherwise be kept secret or discreet. Normally, we are not referring to matters of grave importance. A senator rarely “spills the beans” on matters of national importance, for an example. The saying is quite common in more whimsical contexts.

How did this phrase originate? “Spill the beans” is not the only food related saying used today. Other examples include “upper crust”, which means quality or something belonging to high society. At one time, the top half of a loaf of bread, or the “upper crust” was the most desirable slice. We also use the phrase “not worth his salt”. This dates to the Roman Empire where, in those days, soldiers were paid in salt so a soldier who was not very effective, was not worth his salary or “not worth his salt”.

The origin of “spill the beans” however, takes us all the way back in time to the Ancient Greeks. It most likely comes from the way Ancient Greek tallied votes. The Greeks, who were responsible for many of our modern democratic ideals, would vote anonymously: white beans equaling a “yes” and black beans signaling a “no” vote. The beans would be counted, and the will of the people would be heard. If somebody tipped the jar over before all of the votes were counted, thus divulging the results prematurely, they were said to have “spilled the beans.”



Monthly Teacher Appreciation

Congratulations

Congratulations to Five Points Elementary's Tiffany Page!, Diehl & Hubbell Teacher of the Month for January 2022!

Mrs. Page was selected as the Diehl & Hubbell Teacher of the Month for January 2022! We know teachers spend a lot of their own money to buy school supplies. And according to multiple sources, those expenditures have really risen over the past several years. Depending on which survey or study you read, it is anywhere from \$500-750 on average of non-reimbursed costs. For that reason, we decided to increase the award check to \$500 in 2022! Tiffany Page could not have been any more stunned or humbled by this recognition. A special thanks to Scott Marshall for sharing the contest information with the Springboro community, Principal Alisha Jung for her support, and to Swapnil Kulkarni for a very strong and heartfelt nomination letter! Mr. Kulkarni wrote that "Mrs. Page is unarguably the best teacher amongst all the other good teachers in the district." Mr. Kulkarni could not be more pleased with the experience his daughter has had and he as a parent has had this year. He cited Tiffany's unbelievable organization, communication, clarity of information and her nurturing nature among others as reasons Tiffany absolutely deserved this recognition. **Again, congratulations to Tiffany Page and thank you!**



If you know of an amazing teacher deserving of some special recognition, nominating is super easy! Just go to our website diehlhubbell.com and click on the Teacher Appreciation Contest tab to nominate him or her! Tell us their name, school, and why he or she should be the Diehl & Hubbell Teacher of the Month!