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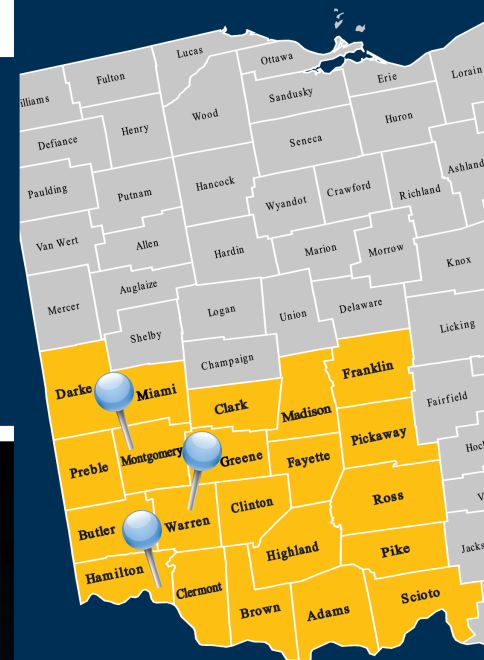
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Since 1988 located at:

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HOURS
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Digest

Diehl & Hubbell, LLC

A note from Tom . . .

WE WANT YOUR RECIPES!

We have heard from lots of you how much you enjoy the recipes in our newsletter. Now we are turning the tables and want YOU to share your best recipe with our readers. Please send us one that you and your friends and family love whether it's an appetizer, dessert, soup, salad entree or snack. We like them all! Please send us the list of ingredients, step-by-step instructions on how to make it and any other little tips. We'd love a photo too, if possible! Email them to us at donna.diehl.dhlaw@gmail.com Diehl & Hubbell will give you a \$50 grocery gift card if we publish your recipe!



Attorney Thomas J. Diehl

St. Patrick's Day is coming up and that means Green Beer will be flowing! Although St. Paddy's Day is not considered one of the Top Ten most dangerous days to drive, it is associated with a fair amount of drinking. If you are hitting any of those Green Beer festivities, please have a plan on how to get home—whether it's a designated driver, alternate transportation, or spending the night, planning ahead is key! That being said, get your GREEN on, be safe, have fun, and send us those recipes!

Tom



Please join us in congratulating Lebanon High School's Randi Michna on her selection as our Teacher of the Month for January 2023

We were so inspired to hear about Randi's passion for teaching literature and her ability to bring stories to life and "lighting the curiosity in her students" but Randi also does so much more to show how much she cares about these kids. Every year she organizes a Secret Santa program to ensure that EVERY student is remembered and feels loved! She is also one of those teachers who students feel comfortable coming to for guidance about some of their most serious concerns. Thank you, Mrs. Michna, for all you do and congratulations again!



Pictured are LHS Principal Robert Reynolds and Randi Michna.

If you have an outstanding teacher who you think deserves some special recognition, please visit:
www.diehlhubbell.com/monthly-teacher-appreciation-contest,
or scan the QR code at the right with your phone's camera and tell us why your favorite teacher stands out! Maybe he or she will be our next winner!



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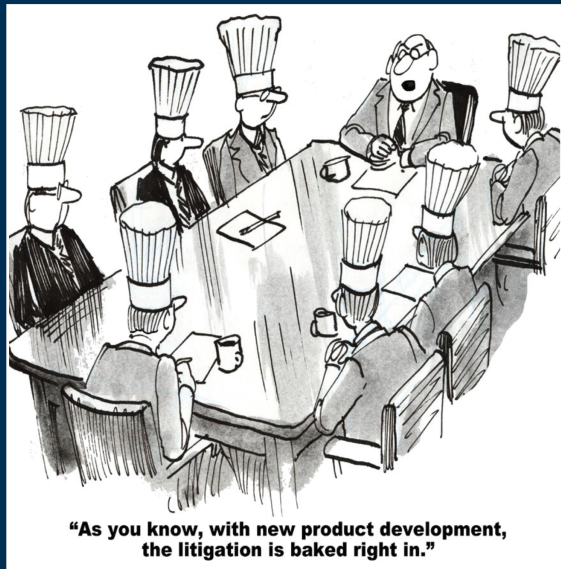
Most of our business comes from word of mouth. We are so appreciative of you sharing your good experience with the people you know!

JOKES AND PUNS

What do you call a priest who becomes a lawyer? A father-in-law!

What did the eye doctor prescribe for a lawyer having trouble reading documents at work? Contract lenses!

What does a lawyer order to drink? Just-ice.



WORDS: A LAWYER'S STOCK IN TRADE "DUST, SEED, OVERSIGHT"

This is a little departure from the usual Diehl & Hubbell word etymology. In this edition we are looking at words that can actually be their exact opposite. For instance, oversight is a noun which means to supervise or to look over. Oversight can mean the exact opposite thing, to fail to see or observe. For instance, "I missed that number in the report because it was an oversight."

Dust is another word that has two exactly opposite meanings. Dust is a noun turned into a verb meaning either to add or remove the thing in question. Only context will tell you whether you are adding or removing. When you dust your furniture, you are removing dust from the wood. If you are dusting crops, you are adding chemicals to the plants.

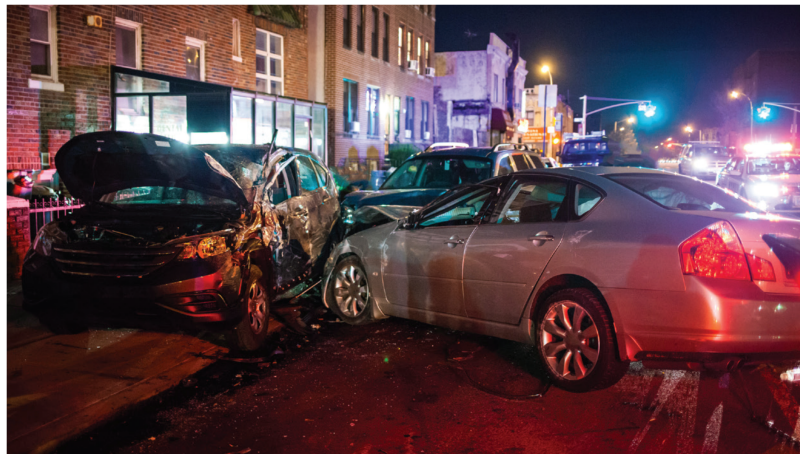
Seed is another word that can go either way. If you seed the lawn, you are adding seeds but if you seed a tomato, you are removing them.

DID YOU KNOW?

THE AMOUNT OF UNDER-INSURED COVERAGE YOU ARE ENTITLED TO RECEIVE IS COMPUTED ODDLY

You are in a car accident in which you should receive \$150,000 in compensation, but the negligent driver has only \$12,500 in insurance coverage. You were prudent, and you purchased \$100,000 of uninsured/underinsured coverage. You might (logically) assume that since you have a claim worth \$150,000, and the negligent driver can only pay \$12,500, your insurance company is obligated to pay the full \$100,000 coverage. While this would be logical, it would be incorrect.

In Ohio, the underinsured motorist coverage would be reduced by the amount received from the negligent driver. In this example, you would be entitled to only \$87,500.



Chipotle Guacamole

How about something green and delicious for St. Paddy's Day? No food coloring needed! While there are many copycat Chipotle guac recipes out there, this is the actual recipe as shared on Instagram via Chipotle Executive Chef, Chad Brauze on April 23, 2020. He posted a tutorial on how to make their oh so delicious guac. It is made with just 6 simple ingredients.

Here it is.

Ingredients:

2 large avocados
2 teaspoons lime juice

2 T. fresh chopped cilantro
1/4 c. diced red onion
1/2 tsp.jalapeno

WHAT WE HAVE BEEN UP TO:

POLITICAL SUBDIVISION LIABILITY, PLEASANT ROOT CANAL, FAMOUS LEFT-HANDED CATCHERS AND OTHER OXYMORONS: INFORMATION ABOUT AN IMPORTANT CASE WE HANDLED

A claim against a political subdivision should be entered into cautiously. Tread lightly. In many cases, even in situations with significant injuries and egregious conduct, recovery is barred. It is, indeed, difficult to fight city hall. Take, for instance, the difficulties a plaintiff faces in bringing a claim against a police officer who negligently causes a motor vehicle accident that causes injuries.

As a general rule, a political subdivision in Ohio is immune from liability for tortious conduct. Ohio Rev. Code §2744.02(A)(1). "[A] political subdivision is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the political subdivision or an employee of the political subdivision . . ." The actions of on-duty police officers, EMT crews, and fire departments are included in this immunity. Ohio Rev. Code §2744.02(A)(2).

Ohio Rev. Code §2744.02(B)(1)(a) provides an exception to immunity in circumstances where a government employee, in the course and scope of employment, causes injuries through the negligent operation of a motor vehicle. Thus, one might think that the plaintiff injured by the poor driving of a police officer can prevail in a claim. But, what the government giveth, it can take away. Ohio Rev. Code §2744.02(B)(1)(a) provides that the government and the employee are not liable (i.e. immunity reattaches) for injuries caused by the negligent operation of a motor vehicle occurring in an "emergency call." Thus, when a police officer responding to a fire or a crime in progress negligently causes a motor vehicle accident, the injured party has no redress against the officer or government. This is well settled. More problematic, the Ohio Supreme Court has defined "emergency" as responding to any "call of duty" and

that such response is "not limited to inherently dangerous situations demanding an immediate response. Colbert v. City of Cleveland (2003), 99 Ohio St. 3d 215. Ohio Courts have held that an officer was responding to an "emergency" when: (1) the officer was following suspected drug dealers. Colbert supra; (2) on patrol in a high crime area. Swesey v. City of Toledo (1998) WC 290232; and (3) transporting a prisoner, Rutledge v. O'Toole, 2005-Ohio-1010 (8th Dist.)

The law is unsettled on just what "emergency" encompasses. We represented a woman who was walking in a town hall parking lot when she was struck by a police officer who was heading to court to testify. The defense argued this was an "emergency" and immunity should attach. As silly as that sounds, in light of the Supreme Court's Colbert decision, the defense thinking was understandable. Fortunately, the 12th District Court of Appeals disagreed. Burnell v. Dulle, (2006), 69 Ohio App. 3d 792. The Ohio Supreme Court denied certiorari on this case.

Recently, the Ohio legislature took this issue up in proposed legislation (SB 56 – Blessing). This legislation was proposed to revised the term "emergency call" and to limit sovereign immunity from negligent car crashes caused by law enforcement officers by correcting language broadly defined by the Ohio Supreme Court in Colbert v. City of Cleveland. The bill was passed by the House but the Senate did not concur with the House amendments. As a result, this expansive definition of "emergency call" remains the law in Ohio.

1. Cut the avocados in half.
2. Scoop the avocados into a bowl.
3. Toss and coat with lime juice.
4. Add the salt and mash until a smooth consistency is achieved(Tip: He uses a metal whisk rather than a fork or a spoon to break up the avocado halves which leaves those awesome little chunks you get occasionally)
5. Fold in the remaining ingredients and mix.
6. Taste and adjust seasoning per your preference.

https://www.instagram.com/tv/B_WCnykjfSD/



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