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# Digest

Diehl & Hubbell, LLC

**Volume XV  
Issue 7**

*A note from Tom . . .*



Attorney Thomas J. Diehl

## HAMBURGERS FOR HEROES EVENT BIG SUCCESS

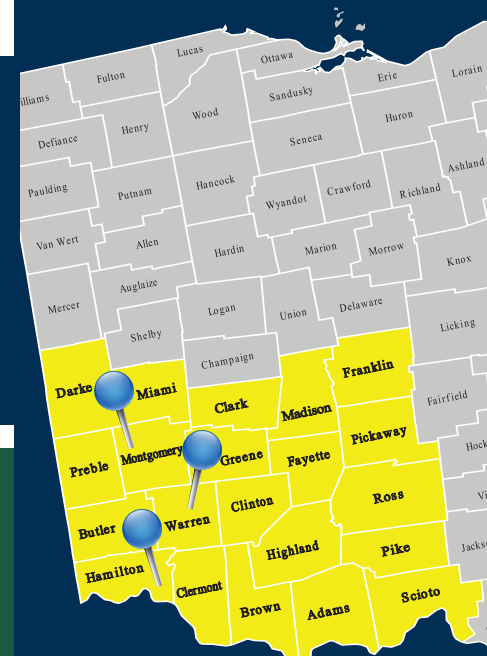
Well, as I sit here looking out my window, the days are getting cooler and leaves are starting to fall. I know winter is surely coming, but a few weeks ago on September 9, we couldn't have asked for a more perfect and beautiful day! I want to thank all of you who came out to our Hamburgers for Heroes event. We gave away hundreds of delicious burgers from Miamisburg's very own Hamburger Wagon to our everyday heroes in the military, police, fire, and healthcare. Additionally, through generous donations, we were able to present a check for \$1524 to BOGG.org who in turn, will use that money to provide over 3000 meals for underserved, hungry people throughout the Miami Valley. Thank you everyone! We hope to see YOU there next year as we look to make this event even BIGGER and BETTER!

And a special THANKS to Jack Sperry and the Hamburger Wagon for making this possible!

*Tom*

### In this issue:

- pg 1 ... Note from Tom
- pg 2 ... Accident Tip #17
- pg 2 ... Recipe: Crockpot Italian Beef Sandwiches
- pg 3 ... Customer's Words  
Hamburgers for Heroes photos
- pg 4 ... Words: Meanings, Usage, History



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# Digest

Diehl & Hubbell, LLC

## WORDS: THEIR MEANINGS, USAGE, AND HISTORY “MORTGAGE”

When you borrow money to buy a house, the bank makes you sign a note in which the terms of repayment are set forth. The bank wants to make sure that its going to get repaid, even if you die, so it insists on a mortgage for security. The mortgage is a lien that attaches to the property and is filed at the recorder's office and signifies that the holder of the mortgage, the bank, has a right to the proceeds from the sale of the real estate if the terms of the note are not completed.

Does it sometimes feel like a mortgage is a black death around your neck? Well, the word “mortgage” can literally be traced to the phrase “death pledge.” Mort is a Latin prefix meaning death. Think of words like mortician or mortal. Gage is derived from the Germanic word for “pledge.” Put it together and you literally have a death pledge.



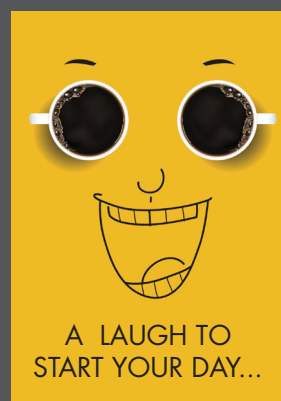
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## WAITING FOR THE FINE

The judge had not yet put in an appearance in the San Diego traffic court. When the bailiff entered the courtroom, he sensed the nervousness of the traffic offenders awaiting their ordeal.

“Good morning, ladies and gentlemen,” he said. “Welcome to ‘What’s My Fine?’”



**"I don't have a point of order. I just wanted to see your chambers."**

## NICE WORDS FROM OUR CLIENT

“We contacted Tom Diehl to help us with the situation where I sustained serious injuries when I tripped and fell leaving my manufactured home. I sustained a serious injury to my leg and was left with large medical bills and a lot of pain and suffering. I wanted to see if there was any way that a claim could be brought against the company for the injuries and pain I suffered. I am really glad we reached out to Tom Diehl. He came to our property right away. The architect took pictures and interviewed us and gathered evidence. He hired a very qualified architect who also came out to our property. It wasn't easy for Tom to get to our house because we live about an hour and a half away from his office, and took pictures and studied the Ohio Building Codes and wrote a report that established the steps were not built safely. Attorney Diehl interviewed witnesses, got my medical records, and obtained expert reports and submitted all of this information to the negligent company. Upon receiving this information, the negligent company requested a meeting to discuss settlement

and we were able to sit down with a neutral mediator and reach a fair resolution. It was very easy to work with attorney Diehl. I felt like he cared about our case and would always respond to our calls and I am very glad that we reached out to him.

## Motor Vehicle Accidents - What to do - Tip #17

### DON'T GIVE A RECORDED STATEMENT

This advice is so important, we are repeating it. (Albeit, with a fresh new coat of paint.) If you are involved in a motor vehicle accident caused by someone else's negligence, the insurance company for that negligent driver, most likely, will attempt to reach you by telephone to interview you regarding your damages and injuries. Don't do it. You are under no duty, legal or otherwise, to give this recorded statement. This recorded statement can absolutely come back and hurt the case. How? Because in the seemingly pleasant and cordial conversation between you and the adjuster, your statements are being recorded. If your case ever is contested, your statement will be transcribed and, if necessary, read to the jury to bring into question the damages you are claiming.

We recently concluded a case in which our client sustained a serious shoulder injury ultimately requiring rotator cuff surgery. He was interviewed a few days after the accident. The conversation was recorded and had an “unofficial” feel, as encouraged by the insurance adjuster's playful banter. Our client stated that he was feeling much better and didn't think he was going to need future medical attention. Well, it turned out that when he got out of the hospital, his

arm continued to hurt, and over time it didn't get better. He couldn't sleep at night, and when he eventually saw an orthopedic surgeon, it was determined that he had suffered a torn rotator cuff and needed surgery. The insurance company used this recorded interview as their chief exhibit to argue that this torn rotator cuff wasn't from the car accident.

The insurance company will also ask questions about how the accident happened. I have come across many recorded interviews that actually took place in the hospital. Sometimes our client is under the influence of medication when giving the statement. This sometimes leads to confusing descriptions of how an accident occurred. Even though the facts were clear and the other driver was absolutely negligent, the insurance company tries to cast doubt upon that by referring to the distorted statements our client gave in the recorded interview under the fog of medication.

If you were seriously in a motor vehicle accident, it is almost universally advisable to refrain from giving any recorded statement without the assistance of counsel. These recorded statements often end up as evidence that defense lawyers play up to try to minimize recovery.

## Crockpot Italian Beef Sandwiches

3lb chuck roast, trimmed of visible fat and cut into large hunks  
1 envelope Good Seasons Zesty Italian salad dressing mix  
8oz pepperoncini pepper slices + splash of juice (plus extra for serving)  
8oz mild Giardiniera (Chicago-Style Italian Sandwich Mix) drained (plus extra for serving)  
14.5oz can beef broth or consommé  
provolone cheese slices  
hoagie buns

Place chuck roast into the bottom of a crockpot and sprinkle with salad dressing mix. Add pepperoncini peppers plus a splash of juice, Giardiniera, and beef broth. Lift up chuck roast pieces to get broth underneath. Place a lid on top and slow cook overnight or 8 hours on low or until meat shreds easily with a fork. Shred then place meat back into crock pot and cook on low for 1 more hour. Split buns in half and add provolone cheese slices. Scoop the hot meat on top—this will melt the cheese. Top with additional pepperoncini peppers and Giardiniera, if desired, then serve.



## A fun time had by all at the “Hamburgers for Heroes” event



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