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Digest

Diehl & Hubbell, LLC

**Volume XV
Issue 3**

A note from Tom . . .

THINGS ARE LOOKING UP

As this newsletter goes to press, 24.7% of all U.S. citizens have had at least one dose of the Coronavirus vaccine. Supplies of the vaccine are ramping up so much that by early May the vaccine will be available for anyone in the United States over the age of 18 who wishes to be vaccinated. The increasing vaccination rates coupled with the significant segment of the population who have developed immunities via exposure, gives us a realistic chance that the United States will be close to herd immunity before the start of summer. Hopefully, our schools, restaurants and sporting events will soon be back to normal. It has certainly been a very trying event.

In this edition of the Diehl & Hubbell Digest, we look at the unique history of the word "gerrymander". This seems timely as state legislatures are busy redrawing legislative lines as a follow-up to the recent census results.

In February we were excited to honor our second Teacher of the Month, Jerome Noe of Donovan Elementary. We heard from many students, parents, and coworkers about Mr. Noe positively impacting his students. It was exciting to receive over 100 nominations this month for teachers throughout Southwest Ohio and we look forward to receiving many more nominations for our April Teacher of the Month. Keep 'em coming in!



We are pleased to report that our Kelly McKoy was recently appointed to the board for the Abuse and Rape Crisis Shelter (ARCS) of Lebanon, Ohio. ARCS is dedicated to safety, healing and empowerment of domestic violence and sexual assault survivors as well as creating a knowledgeable and supportive community through prevention and education. We know Kelly will be a wonderful addition to this organization and will be instrumental in playing a part in helping these victims.

Tom



FELLOW
LITIGATION COUNSEL
OF AMERICA



Digest

Diehl & Hubbell, LLC

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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

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Diehl & Hubbell, LLC

Monthly Teacher Appreciation Contest
Congratulations to our February Teacher of the Month, Jerome Noe, of Donovan Elementary! We heard from so many parents, students and co-workers about Mr. Noe's passion for teaching, the lasting positive impact he has made, and how much FUN he brings to learning! We learned about him personally driving out of his way to a quarantined family's home to hand-deliver a student's work when they were unable to come to the school to pick it up. Another parent shared that Mr. Noe has transformed their student from one who previously struggled to get up in the morning and never wanted to talk about his day, into a boy who now enjoys and looks forward to school and is excited to talk about what he has learned!

Congratulations and well done, Mr. Noe!

To nominate your favorite teacher, simply go to diehlhubbell.com and click on Monthly Teacher Appreciation Contest!

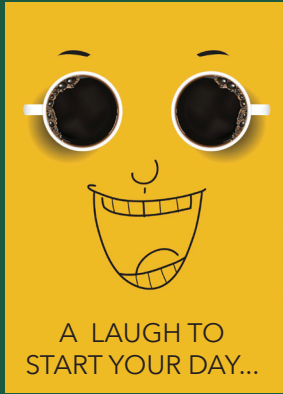


Principal Clifford Franz (left) and Teacher of the Month, Jerome Noe (right)

Thank you

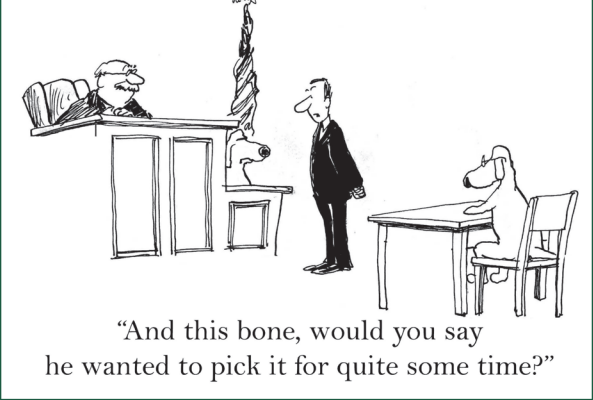
For Your Referrals

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



CAN'T FOOL A WOMAN!

A defendant who had pleaded not guilty saw the jury that had been empaneled, and he announced that he was changing his plea to guilty. When the judge asked why, the defendant pointed to the eight women and four men in the jury box. “When I pleaded ‘not guilty,’ I didn’t know women would be on the jury. Judge, I can’t fool even one woman, so I know I can’t fool eight of them.”



RECOVERY FROM MOTOR VEHICLE ACCIDENT

We recently concluded a claim for a client who was injured in a motor vehicle accident in which the injury had some complicated twists and illustrates the importance of not resolving a claim too quickly or giving a recorded statement to the insurance company.

The motor vehicle accident was not particularly unusual. Our client was struck from behind and the collision was only moderately violent. Our client was taken by ambulance to the

hospital, was checked out, released and felt fine expecting a quick recovery. But pains persisted and, after a few weeks, our client got rechecked by a physician and, almost two years after the crash, had invasive surgery.

This case demonstrates a few important points. First, an accident victim should refrain from giving a recorded statement to the negligent driver’s insurance company. Fortunately, in this case, our client did not give a statement to the insurance company but instead came directly to us. Had our client discussed this case with the insurance company early in the stages of treatment, our client would have reported being sore but feeling fine and expecting a full recovery. No doubt that recorded statement would have been replayed back to the jury as Defense exhibit “A”.

Second, the case also demonstrates the importance of not resolving a case too quickly. As it turns out, within a few weeks of the crash our client started developing some severe medical issues that ultimately required a surgical procedure. Again, had our client resolved this case early, this would have resulted in severe under-compensation because our client did not receive significant medical treatment for the injuries until about a year after the accident.

Motor Vehicle Accidents - What to do - Tip #13

UNDERSTAND THE SIGNIFICANCE OF ROBINSON V. BATES

When you are involved in a motor vehicle accident, one significant component of your claim will be your medical bills. (Other significant components will be future medical bills, lost wages, and compensation for the permanent injuries and pain and suffering.) It is important that you understand how medical bills are computed and analyzed in determining what is a fair recovery in your motor vehicle accident case. Until December 20, 2006, Ohio followed a very strict collateral source rule pertaining to medical bills. Basically, that meant that before December 20, 2006, the medical bills would be considered to be the amount charged by the doctors, hospitals or physical therapist. It did not matter if insurance paid part of the bill or if the medical provider adjusted the bill because of insurance contracts. The fact that the original bill was reduced because of insurance adjustments or Medicaid or Medicare payments could not be presented to a judge or jury.

In a case called Robinson v. Bates, the Ohio Supreme Court rendered a decision that greatly weakened the collateral source rule. The Ohio Supreme Court, breaking with over one hundred years of precedent, declared that the original bill from the medical provider and the evidence of write-off or adjustments could be presented to the judge or the jury. That meant that jurors would be told about the existence of health insurance.

If you need to determine your likely recovery in a car accident case, it is important that you know what your adjusted medical bills are. It is also important you understand how to utilize these “Robinson v. Bates” numbers to your best advantage. This can be a complicated exercise and if you ever have questions about how medical bills apply to a motor vehicle accident, always feel free to reach out to us.

Chocolate and Butterscotch Chip Banana Bread

Delicious banana bread recipe from my friend Kellie.

- 4 ripe bananas, mashed
- 1 cup sugar
- 3/4 cup vegetable oil
- 2 eggs, lightly beaten
- 1/2 teaspoon vanilla
- 2 cups self-rising flour
- 1/2 cup mini semi-sweet chocolate chips
- 1/2 cup butterscotch chips

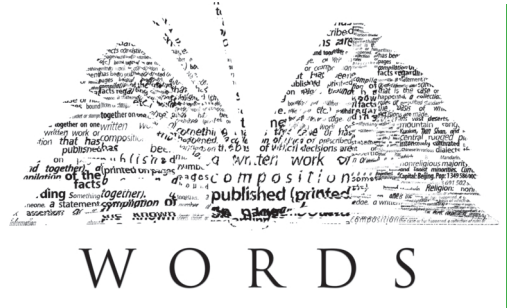
Instructions

Preheat oven to 350°. Grease and flour 4 miniature loaf pans or 1 regular size pan.

In a large bowl, mash the bananas leaving some chunks (think applesauce consistency) and mix in the oil, vanilla and eggs. Stir in the flour and sugar and then fold in the chips. Do not over stir!

Bake at 350° until a toothpick inserted into the center comes out clean; 28-35 minutes for mini pans, about 70 minutes for full-size pan.

Let rest about 10 minutes before removing bread from pan and letting it cool on a wire rack.



WORDS: THEIR MEANINGS, USAGE, AND HISTORY “GERRYMANDER”

With the 2020 census complete, the legislatures in each state are busy drawing up legislative districts. Some of these legislative districts will have the oddest shapes and configurations, as the party in charge in that state attempts to draw the boundaries for these legislative districts so as to ensure the most success for its particular party. This process of drawing districts has come to be known as gerrymandering. How did that word ever come about? Well, in the early 20th century, Elbridge Gerry, a connected politician from Massachusetts requested that his Democratic legislature take steps to secure increased representation in the state senate of Massachusetts. The Massachusetts state senate redrew the state lines dividing it up so that the federalist minority would not be able to impact the legislative races. As a result, the districts of Massachusetts were formed with very irregular outlines. A Massachusetts newspaperman, looking at these configurations, remarked that the odd shape in one district looked like a salamander. The words Elbridge Gerry and salamander were combined and over time “gerrymander” was born.

