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D&H Digest

Diehl & Hubbell, LLC

**Volume XVII
Issue 5**

A note from Tom . . .



Attorney Thomas J. Diehl



Does the feeling that summer flew by and the start of another school year have you “out of sorts”? Totally understandable! But how did that phrase originate? I was curious and looked into it. Inside this edition, we share with you what we found. I hope you find it as interesting as I did!

I do hate when summer ends, but I am looking forward to our beautiful September and October weather, football season (Go Bengals!) and our fourth annual “**Hamburgers for Heroes**” which will be on Tuesday, September 12 once again at Bicentennial Park in downtown Lebanon! We bring in the Hamburger Wagon of Miamisburg to serve up delicious crunchy burgers all afternoon.

This year we are excited to also have musical performances from The Delta Kings Barbershop Chorus 11-1 and 4-6. I hope to see every one of you there!! Check out the flyer inside for all the details and be sure to put it on your calendar!

Tom

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Insert... Hamburgers for Heroes 2023

DID YOU KNOW?

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

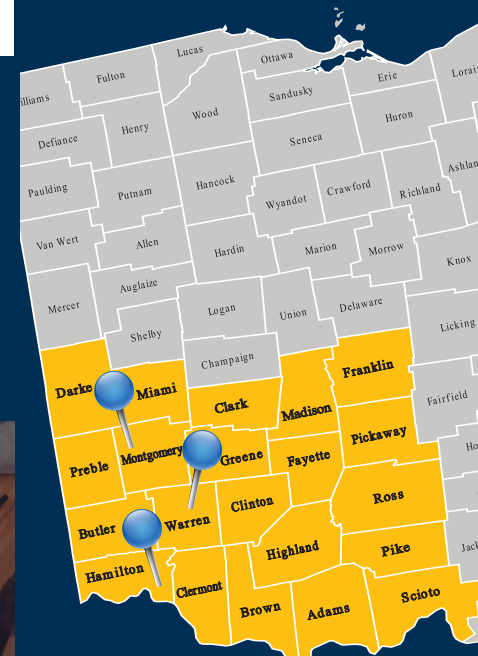
**Vehicle, Truck & Bus Accidents
Motorcycle & Bicycle Accidents
Pedestrian Collisions
Slip & Fall Accidents
Wrongful Death**

**We also have additional
locations to meet with
clients including:**

30 Garfield Place
Cincinnati, OH 45202

2121 Miamisburg-Centerville Rd.
Dayton, OH 45459

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Thank you **For Your Recipes!**
And congratulations to Christine Kinderdine who won a \$50 gift card for submitting this month's winning recipe! See below for details!

JOKES AND PUNS

Q: What do you call a priest that becomes a lawyer?

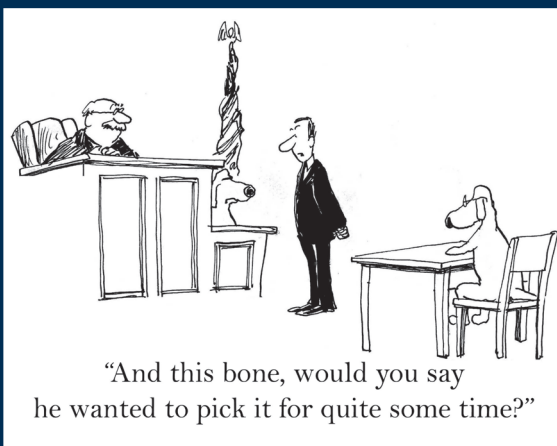
A: A father in law.

Q: What do lawyers wear to court?

A: Lawsuits.

Q: Did you hear about the new sushi bar that caters exclusively to lawyers?

A: It's called Sosumi.



WORDS: A LAWYER'S STOCK IN TRADE

“OUT OF SORTS”

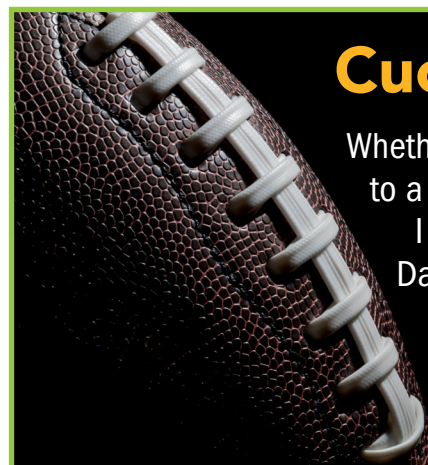
The phrase “out of sorts” is an idiom used to describe feeling unwell, irritable, grouchy, or just not quite right. We might use this phrase if we have a physical ailment or if we are emotionally off balance. Where did this term originate? The answer to that is of some dispute but a prevalent theory is that it originated from printing or typesetting, and the individual metal type called “sorts” that printers used. In the seventeenth century, typesetters would use words which they called “sorts” to describe the set of letters they used to print things. They would have the “sorts” in alphabetical order, for their ease in utilizing them in printing but when a letter was out of place, they would say it was “out of sorts”. Eventually the phrase morphed to be idiomatic and applied to just about anything that was out of place or not like the usual.

WHAT WE HAVE BEEN UP TO

We recently successfully finished a case and the facts of this case illustrate how easy it can be for someone to overlook sources of recovery and unintentionally sabotage their injury claim. Our client was a passenger in a vehicle and the driver of that vehicle was going way too fast and lost control and went off the road. Our client was badly hurt. The driver who caused the accident went to prison over this and didn't have any insurance and also had no way to pay for the damages or injuries that she caused. Our client wasn't a licensed driver and he didn't have any automobile insurance or uninsured coverage. When this young man came to us he was convinced that he could not obtain any recovery because he assumed there was not any insurance available. But when we dug down, we discovered that our client was living with his parents, and the parent's car insurance policy provided uninsured coverage. This applied even though our client was not listed on this policy and even though he was an adult. Our client was able to get coverage because the language in the policy provided uninsured motorist coverage to the policy owner and to any relative who lived in the household of the policy owner. This case illustrates that it's important to have experienced counsel review the facts and circumstances of any serious injury case to make sure that all sources of recovery are pursued and protected.



Be sure YOU don't sabotage your car accident case! Get your FREE copy of our book. Simply call our office at 513-932-2121 or go to our website and send us a chat we'll be happy to mail one out to you!



Cucumber Dill Salad

Whether we like it or not, summer is coming to a close and football season is upon us. I think this recipe is perfect for a Labor Day cookout or a football game tailgate and just making us feel like it is still summer for a little bit longer! I hope you like it too!



HOW PEOPLE SABOTAGE THEIR CAR ACCIDENT CASE

(JUST SOME OF THE MORE COMMON EXAMPLES)

THEY DO NOT GET A POLICE REPORT

It is possible to pursue a claim for damages and injuries from a car accident without the police filing an accident report. In fact, we have successfully handled cases where the police report incorrectly indicated that our client was at fault. The police opinions regarding fault are not dispositive as to the resolution of the case. However, if it is necessary to file a lawsuit in the case, we must be able to identify the driver who caused the accident. When a police report is filed, this information is verified and retained. We have had cases where a police report was not filed, but we knew the name of the Defendant's insurance company. However, the insurance company is not required to identify its driver or to provide identifying addresses or other information. And they usually will not agree to provide this information. Not having a police report can make it difficult to pursue a claim for damages and injuries and, in some cases, can make it impossible.

THEY DO NOT PRESERVE EVIDENCE

After an accident occurs, substantial evidence can be obtained. For instance, eyewitnesses can be identified and interviewed. Photographic evidence of the cars involved in the accident and the accident scene can be obtained and preserved. Video of the accident may have been captured on security cameras of nearby businesses. In cases where the damages are severe, it can be appropriate to obtain an expert to download and analyze the electronic data in the sensor systems of the vehicles involved in the crash. Much of this evidence is fleeting and will be lost if not obtained and preserved promptly after the accident.

THEY MAKE UNNECESSARY STATEMENTS AND ADMISSIONS

After an accident occurs, the insurance adjusters will usually conduct interviews of the participants in the accident. These interviews are recorded, and the statements made in the interview can be used in court. We have had clients come to us and ask for our help on their injury case, and we are disappointed to learn that they have already made unnecessary and unhelpful statements to insurance adjusters. For instance, they might have told the insurance adjuster that they were injury free or feeling better. Now the insurance company has the statement and is in a position to trot it out at trial if necessary. A few days after giving the statement, they are surprised that their pain is not going away and they learn after meeting with their physician that they have a fracture or some other serious injury. In this circumstance, giving the recorded statement creates an unnecessary issue that we must overcome.

THEY OVERLOOK SOURCES OF RECOVERY

We have had clients come to us after being in a serious accident and telling us that they do not believe there is any way to obtain a recovery because the person who caused the accident fled the scene and nobody knows who that person is or because the person who caused the accident is an uninsured driver. But there can be many different sources of recovery which people can utilize. For instance, there might be recovery against an employer's policy if the person that caused the accident was on the clock at the time of the accident. There may also be uninsured motorist benefits that can be available under many different and sometimes unexpected insurance policies. In our “What We've Been Up To” article in this issue of the D&H Digest, we talk about a case we just resolved in which a possible source of recovery was originally overlooked by our client.



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