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DID YOU KNOW?

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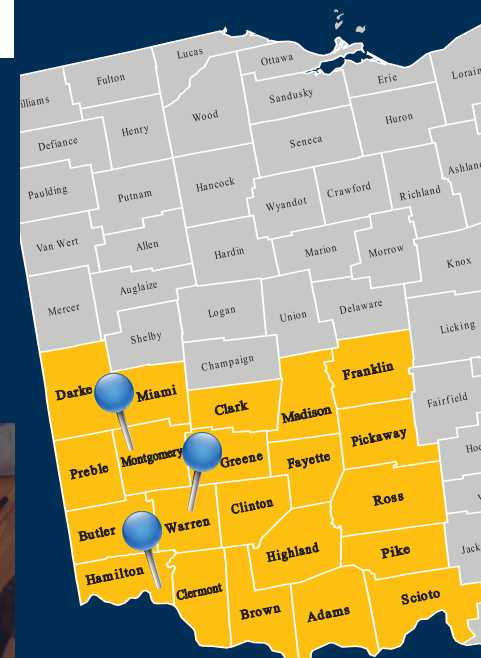
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D&H Digest

Diehl & Hubbell, LLC

A note from Tom . . .

*Happy
4th of July*



Attorney Thomas J. Diehl

I am not “blowing smoke up your “you know what” when I tell you this newsletter is packed with information! But have you wondered how that phrase originated? It's pretty crazy, and you can read about it on the bottom of page 2! Feel free to blow your friends away by sharing this little nugget!

Holiday weekends are always exceptionally busy on the roads and this July 4th will be no exception. Be particularly vigilant of aggressive, possibly impaired, and excessively speeding drivers around you. That being said, Ohio has increased its penalties for speeding-- those changes are laid out inside this edition of the Digest.

Remember too that Ohio's new cell phone law has gone into effect which makes it a primary offense to text, stream, or hold onto the phone to use the GPS function. If you are accustomed to holding onto your phone while driving or your car is not equipped with GPS, now might be a good time to buy a cell phone mount and install it on your dashboard. They are readily available, fairly inexpensive, and very simple to install. For more of the specifics about the new driving and texting law, please read our blog at diehlhubbell.com

With that, I wish you all a Safe and Happy Fourth of July! A big salute to those who fought for the freedoms we enjoy! May they ring true for generations to come!

Tom



FELLOW
LITIGATION COUNSEL
OF AMERICA



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

PROTESTING TOO MUCH

Arrested on a robbery charge, our law firm's client denied the allegations. So when the victim pointed him out in a lineup as one of four men who had attacked him, our client reacted vociferously. *"He's lying!"* he yelled. *"There were only three of us."*



WORDS: A LAWYER'S STOCK IN TRADE

"BLOWING SMOKE UP YOUR @\$*"

Sometimes people will use this rather crude expression to refer to the situation where someone says something that is known to be false but the person says it anyway, because the speaker believes the receiver of the information wants to hear what the speaker is saying. Where did this phrase originate?

It came from the tobacco smoke enema used in the late 1800's. A medical practitioner would infuse tobacco smoke into a patient's rectum for various "medical" purposes. For example, to resuscitate drowning victims. A tube that was inserted into the anus was connected to a fumigator and bellows forced smoke towards the rectum. The warmth of the smoke was thought (incredibly) to promote respiration. As doubts about the legitimacy of this procedure became apparent it led to the popular phrase "blow smoke up one's @\$\$".

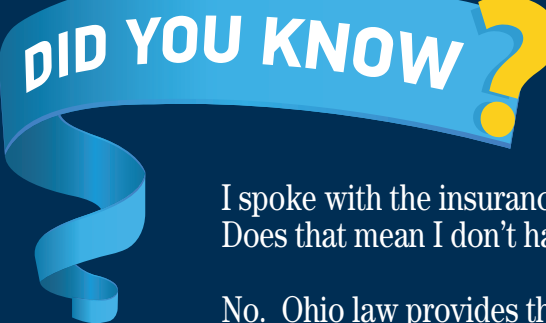
Now if you tell somebody something to make them feel better, even though you know it is not true, you might be accused of blowing smoke up someone's @\$*!

OHIO INCREASES PENALTIES FOR SPEEDING

A typical speeding offense is classified as a minor misdemeanor. However, the Ohio legislature has recently enacted new laws that increase the severity of charges (and penalties) for certain types of speeding. It is now considered a fourth-degree misdemeanor for anyone to exceed: (1) 35 mph in a business district with a 25 mph speed limit; (2) 50 mph inside city limits with 35 mph speed limits; and (3) 35 mph in a school zone during school hours. Additionally, now for any speeding offenses if a person has one or more prior convictions for speeding within the prior year, the second offense would move the penalty to a fourth-degree misdemeanor and three or more prior convictions within one year would move the offense to a third-degree misdemeanor.

It is very easy to envision that many speeding offenses will now be charged as fourth-degree misdemeanors. For instance, someone charged with driving 36 mph in a 20 mph school zone or 35 mph in a central business district could be charged with a fourth-degree misdemeanor. The potential penalties for a fourth-degree misdemeanor are more severe than those for a minor misdemeanor and can include up to thirty days in jail. Additionally, because the charge is more severe, a defendant in this type of case has the right to a jury trial.

What is the significance of this Ohio amendment? For starters, if you are charged with a speeding offense in Ohio, you must be very careful before you enter a plea of guilty to the offense. It would be very advisable to ascertain whether or not the charges you face are classified as a minor misdemeanor or fall under the new more serious 4th degree misdemeanor classification. Also, it looks like a lot more court time for police officers as speeding tickets can now result in jury trials!



TOM DIEHL ANSWERS FREQUENTLY ASKED QUESTIONS ABOUT CAR ACCIDENT CASES

I spoke with the insurance adjuster. The insurance company acknowledged my claim in writing. Does that mean I don't have to worry about the statute of limitations?

No. Ohio law provides that a lawsuit for damages and injuries from a car accident must be brought against the appropriate parties in the appropriate courthouse within two years from the date of the accident. This is known as a statute of limitation. If a case is not filed or settled before the two year deadline, the right to recovery will be forfeited. Merely notifying an insurance company of the existence of a claim or filling out paperwork with the insurance company will not meet the statutory requirements of filing a lawsuit.

UNINSURED MOTORIST COVERAGE: DON'T TAKE NO FOR AN ANSWER (CASE STUDY)

In this issue of the Digest, I discuss a recent case our office completed which illustrates: 1) why underinsured motorist coverage is important; 2) that underinsured coverage can be hidden; and 3) that you must doggedly pursue all potential sources of uninsured/underinsured coverage.

We had the pleasure of representing a 22-year old who was seriously injured in a motor vehicle car accident. Our client was on the job for a company that had a contract with the township to remove trees and brush along the roadway. Our client's job was to retrieve the cut brush and place the debris in a storage box pulled behind a company pickup truck. A careless driver was driving too fast, crested a hill and crashed into our client pushing him against the box. Catastrophic injuries ensued. Unfortunately, the careless driver had state minimum insurance coverage of \$25,000.

We scoured every possible avenue to try to find a source of recovery for our client. Was the negligent driver on the clock at the time of the accident, such that we could pursue a claim against the employer? Did our client have underinsured motorist coverage that could provide recovery? Did our client live with a family member who had underinsured motorist coverage? Unfortunately, none of these sources of recovery were available.

We turned our attention to the car insurance covering the pickup truck. Our client was travelling up and down the roadway that day in a pickup truck owned by his employer. At the time of the accident, our client was not actually inside the pickup truck. Instead, he was outside of the pickup

truck putting brush into a container being towed by the pickup truck. The employer was kind enough to identify the carrier of the insurance policy and we asked the insurance company for a copy of the policy to determine whether there was any underinsured motorist coverage. The insurance company indicated that there was no coverage available and refused to even let us look at the policy. Therefore, we filed suit. Pursuant to discovery rules, the insurance company was required to provide us with a copy of the policy. We discovered that the policy provided a high limit of underinsured motorist coverage and, if the coverage was applicable to our client, would provide a significant recovery. The coverage was available for any person who was occupying the pickup at the time of the accident. The insurance company argued that our client was not occupying the motor vehicle because our client was outside of the pickup truck putting brush and shrubs into the box being towed. The language in the policy defining "occupying" was ambiguous and eventually the Trial Court agreed with our argument that coverage would apply. The insurance carrier appealed and the Appellate Court also ruled in our favor. Ultimately, the insurance company appealed to the Ohio Supreme Court and, fortunately, the Ohio Supreme Court agreed with us as well. We were able to get this young man a very large settlement.

If you are interested in more details about this case, it can be found in Willis v. Gall, 31 NE 3d 678 (Fourth District Court of Appeals).

Honey Garlic Pork Tenderloin Instant Pot

Submitted by: Christine Kinderdine

Ingredients:

1.5 lb pork tenderloin
1 t rosemary
1 t thyme
1 t black pepper
1/3 c soy sauce

1/3 c water
1/4 c honey
2 cloves garlic
1 T olive oil
2 T cornstarch

Cut tenderloin into 1" thick medallions. Stir rosemary, thyme, and pepper together in a bowl. Season both sides of each medallion with the mixture.

Add oil to the Instant Pot and brown the meat on SAUTÉ. Combine all the rest of the ingredients EXCEPT the corn starch and deglaze the pot.

Cook on HIGH for 12 minutes. Then do a SLOW release for 7 minutes. Remove medallions to a platter and make a slurry with the cornstarch and 1 T. of water. Add to the pot, turn to SAUTÉ until the sauce has thickened.

Serve over mashed potatoes along with sautéed green beans. Enjoy!

