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Digest

Diehl & Hubbell, LLC

**Volume XIV
Issue 10**

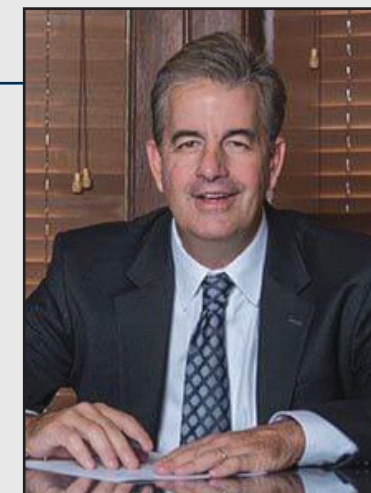
A note from Tom . . .

Words: A Lawyer's Stock in Trade.

Home builders build houses with lumber, bricks, and nails. Doctors heal patients with medicine and therapies and surgeries. Chefs create great meals with meat, poultry, vegetables, and spices. Lawyers represent the interests of their clients and win cases with words. I have always been fascinated by words. Not just the strict dictionary definition but also the connotation and feel of words. What emotion does a specific word evoke? What word best represents the meaning and intentions of the writer?

You will see that I have added a new section to our Digest that is all about words. How we as a society started using a certain word to express an idea or describe an object or communicate about an event we just experienced. What a word means and how it should be used is fascinating to me. In this edition of the Digest, I include a very interesting tidbit of information about how we came to use the word "calculate". I hope you find this and every section in the Digest interesting and informative.

Tom



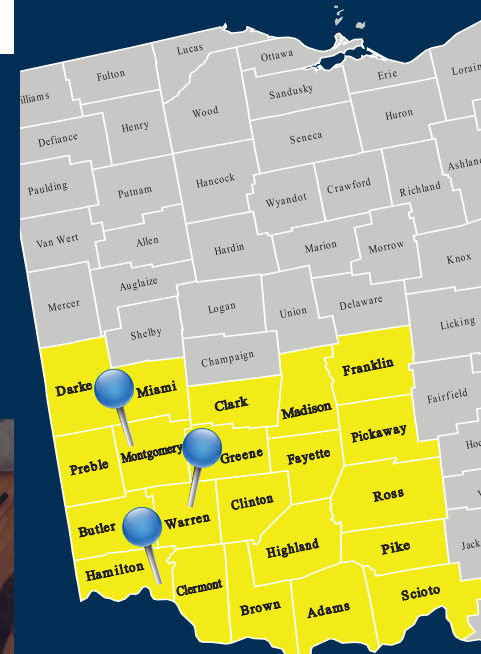
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In this issue:

pg 1 ... Note from Tom
pg 2 ... Accident Tip #10
pg 2 ... Recipe: Sweet Potato Soufflé
pg 3 ... What We Have Been Up To...
Words: Meanings, Usage, History

**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

Digest

Diehl & Hubbell, LLC

*Happy
Thanksgiving*



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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!



An old, stingy lawyer was dying and was determined to prove wrong the old saying; “You can’t take it with you.” He told his wife to go down to the bank and withdraw enough money to fill two pillowcases. His plan: Put the bags directly over his bed and when he died grab them on his way up to heaven. One day the old ambulance chaser died. When his wife was up cleaning in the attic one day, she came across the forgotten pillowcases. She then said to herself, “That old fool. I knew he should have had me put them in the basement!”



WHAT WE HAVE BEEN UP TO:

ALL THE WAY TO THE OHIO SUPREME COURT FOR FULL RECOVERY

We had the pleasure of representing a hardworking young man who received terrible injures while working for a tree trimming company. His job involved walking along behind the work truck and picking up tree trimmings left along the roadway by another crew ahead. He would place the trimmings in a shredder being pulled behind a pick-up truck. In the middle of his work, a motor vehicle crested a hill and struck him. He sustained serious injuries and was air cared to a major hospital. Unfortunately, the driver of the motor vehicle who negligently hit him, had limited insurance.

We assisted our client by bringing a claim against the insurance company who covered the pick-up truck used by the work crew. This was a difficult case because the insurance company fought us every step of the way. The insurance company refused coverage, indicating that the policy did not provide any coverage for underinsured damages. We requested a copy of the insurance policy so that we could verify the insurance company position, but we were denied.

We filed suit and obtained a copy of the policy through the pretrial discovery process. Our review of the policy determined that there was a significant amount of underinsured coverage, and that our client was entitled to protection under this policy if he met the definition of occupying the pickup truck. The insurance company argued that our client did not meet this definition because he was walking outside behind the pickup truck at the time of the accident.

After countless depositions and multiple briefs and arguments, the trial court agreed with our interpretation that the insurance policy provided coverage for our client. The insurance policy defined “occupying the vehicle” as being “in or on the vehicle” and the trial court agreed with our interpretation that being “on” involved those individuals who were inside the cab and those persons who were at, near, or around the vehicle. The insurance company appealed to the Court of Appeals. The insurance company lost. The insurance company appealed to the Ohio Supreme Court. The insurance company lost. After these extensive rounds of litigation and fighting over the insurance policy, this led up to a settlement conference which resulted in a settlement in excess of \$800,000, helping our client care for himself well into his future.

Motor Vehicle Accidents - What to do - Tip #10

PLAN FOR A SAFE HOLIDAY SEASON

As we embark upon another holiday season, we wish you and your family a joyous and wonderful holiday experience. Holidays are a time for college students to return home. Parties to attend. Daylight hours are decreasing and the weather is turning worse. This, unfortunately, can be a recipe for serious traffic accidents.

A major contributor to holiday motor vehicle accidents is impaired driving. In my 32 years of handling traffic accident cases and seeing the terrible aftermath of impaired driving, I have never met anyone involved in an impaired driving incident who wanted that to happen and who was not filled with remorse.

I believe the most prevalent reason a person drives impaired is because that person failed to plan properly. When I interview clients after impaired driving incidents as to why he/she drove intoxicated, the answer is almost

always some variant of “I was not expecting to do that.” In my opinion, the problem was not the two cocktails at dinner. The problem was not that somebody had a really good time, got a little carried away, and had too many beers at the office party. The problem was the failure to devise a transportation plan before the evening started. When people fail to plan before the evening starts, they find themselves at a bar at closing time and decide at the last minute to drive home and hope for the best.

This holiday season, we all need to plan accordingly. Make sure you and your returning college students have a plan. Use a designated driver. If you do not have a designated driver, plan on spending the night at the host’s home or taking an Uber home. Make sure, before the evening starts, that if you plan on having a drink, you will not end up behind the wheel of a car.

Southern Sweet Potato Soufflé

This recipe has been a Thanksgiving Day tradition in our house since I found it almost 20 years ago! Even those who say they don't like sweet potatoes often end up asking for seconds! It's so sweet and rich, it really could be served as dessert.

- 10 medium or 5 to 7 large sweet potatoes, peeled

6 eggs

2 cups granulated sugar

1/3 cup milk, warmed
- 3 tablespoons vanilla

4 tablespoons butter

1/2 cup chopped pecans

1/4 cup flour

2-1/2 tablespoons butter

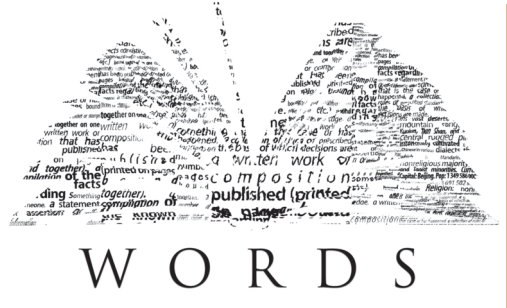
1/2 cup brown sugar

DIRECTIONS
Preheat oven to 325°. Place sweet potatoes in a large pot and cover with water. Bring to a boil and cook until tender; drain well. Transfer potatoes to a large mixing bowl; thoroughly beat with an electric mixer. Add eggs, granulated sugar, warmed milk, vanilla, and 4 tablespoons of butter. Beat until smooth. Pour mixture into a 2-quart casserole dish that has been sprayed with non-stick cooking spray. In a small bowl, combine pecans, flour, 2-1/2 tablespoons butter, and brown sugar to make a topping. Sprinkle evenly over potato mixture. Bake for 30 to 45 minutes or until set.

✱ Can be baked and frozen up to 2 months which is very handy for freeing up your time on Thanksgiving Day!



Recipe Notes:
This recipe is printed as I found it, but I cut the sugar in half (using only 1 cup) and it's still plenty sweet.
Be sure to thoroughly beat the potatoes before adding other ingredients.



WORDS:

THEIR MEANINGS, USAGE, AND HISTORY

From time to time you will say that you have “calculated” the cost of something. How we came to use the word “calculate” is very interesting. The ancient Romans used an instrument called an odometer. A odometer is basically a road measurer that is similar to the taxi meter used by a cab driver. If you hired an ancient Roman to carry you in a two-wheeled carriage, the carriage driver might have used a odometer which was a tin can that held a bunch of pebbles and had a revolving bottom cover filled with holes. Each time the carriage wheel moved, the cover of the tin can would rotate and a pebble would fall into a cup. At the end of the trip the driver would count the number of pebbles to figure out the charge. You see, the Latin word for pebble was “calculus” and that is where our word “calculate” comes from.

