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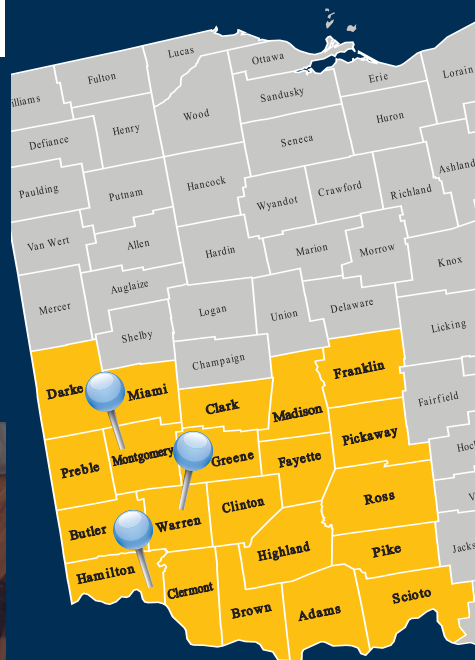
**Volume XVII
Issue 6**

DIEHL & HUBBELL, LLC

Since 1988 located at:

304 E Warren Street
Lebanon, OH 45036-1854
Phone: 513-932-2121
Fax: 513-932-3355

HOURS
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Digest

Diehl & Hubbell, LLC

A note from Tom . . .



Attorney Thomas J. Diehl

A HUGE THANK YOU to all who helped make our 4th Annual Diehl & Hubbell Hamburgers for Heroes event a success! We served up every last one of the 1200 burgers that The Hamburger Wagon brought down for the day!! We are so happy to have given away almost 700 of those burgers to so many of our dedicated police officers, firefighters, emergency medical personnel, doctors, nurses, and active and retired military! We loved getting to treat you to lunch!

In addition, 100% of purchases and donations went directly to the Lebanon Food Pantry! We gave LFP a check for \$3,500! That will help provide a lot of meals to those in need.

Thank you to the City of Lebanon for all of their support, the Lebanon police department, Sheriff Larry Sims, former Mayor Amy Brewer, so many of our downtown Lebanon businesses who helped spread the word, Jack Sperry and The Hamburger Wagon and all of you who came out to our Hamburgers for Heroes event!

We look forward to seeing you next September!

Tom

**HOW DID YOU
LIKE US?**



**Scan this
QR code
and leave
us a review!**



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Teacher of the Month

**DID YOU
KNOW?**

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Types of Cases?**

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Motorcycle & Bicycle Accidents
Pedestrian Collisions
Slip & Fall Accidents
Wrongful Death**

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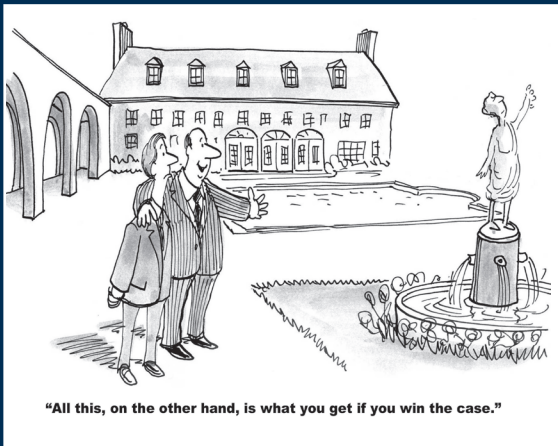
Most of our business comes from word of mouth. We are so appreciative of you sharing your good experience with the people you know!

JOKES AND PUNS

Many years back, a man by the name of Joshua had to go before my uncle, who was a judge in magistrate court, to be sentenced for a crime he had committed.

Uncle Walter jokingly said, “Are you the Joshua that made the sun stand still?”

The man seriously replied, “No, sir, Your Honor. I’m the Joshua that made the moonshine.”



WORDS: A LAWYER’S STOCK IN TRADE

“MINDING YOUR P’S AND YOUR Q’S”

When we use the phrase “mind your P’s and Q’s”, we are saying that you need to pay attention to what you are doing. From where did this phrase originate? This is the subject of significant dispute. One theory is that in English pubs, ale is ordered by pints and quarts. A customer’s order summary was tallied with P’s for pint and Q’s for quarts on a chalk board near the bar. The customers were advised to keep an eye on the count, lest the barkeep or someone else might sneak a few extra marks onto it, thereby inflating the bill.

A more prevalent theory is traced back to early printing presses when type was set by hand. Printers could easily mistake lower case p’s for lower case q’s. It was suggested that experienced printers would remind the apprentice printers to “mind their P’s and Q’s.” There doesn’t appear to be any clear-cut agreement on how this phrase originated but we do know that it is important for a lawyer to “mind his/her P’s and Q’s” when zealously representing a client.

WHAT WE HAVE BEEN UP TO

We recently resolved a case in which our client, a motorcyclist, had been proceeding down a roadway when a large SUV made a left turn in front of him in exiting from a church parking lot. In trying to evade the turning vehicle, the motorcyclist slid on the ground, was separated from the motorcycle and the motorcycle crashed into the SUV. The driver of the SUV denied entering the roadway and denied that she had started her left turn. When the police arrived at the accident scene, the SUV was parked innocently in the church parking lot. As a result, the police did not issue a citation to the SUV driver. In the accident, our client sustained a lacerated spleen, necessitating a splenectomy. The procedure went well, and he did not develop any significant complications and was released from the hospital the day after the accident. He recovered well and went back to work within 30 days. Most splenectomy patients live a full and complete life without limitations, but they do need to be careful about developing a fever or infections as, in very rare cases, a serious condition known as post-splenectomy syndrome can occur.



In any event, this case involved many interesting issues.

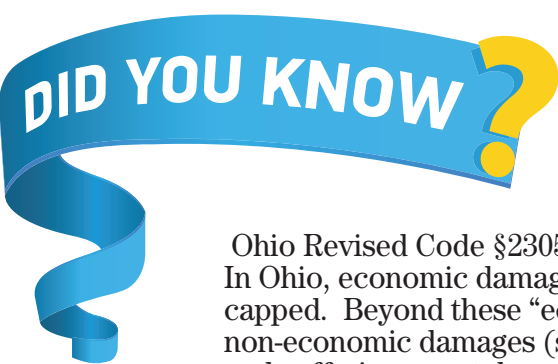
First, we had to prove that the SUV driver negligently made a left turn and caused the accident. We were able to locate an eyewitness who established that the SUV began to make a left turn and that there was nothing that our client could do to avoid the accident. Furthermore, this witness testified that the SUV driver, after the accident, went in reverse and backed into the church parking lot!

Second, we had to deal with the potential issue of caps on damages. In Ohio, pain and suffering damages are capped at \$250,000 (see the section about damages caps in this issue of the Digest.) In order to establish that the damages from the splenectomy were significant enough to overcome the limit on damages, we had to become spleen experts. We retained the services of an emergency room physician with Afghanistan emergency medical care service to provide expertise and information about what is involved with the traumatic removal of spleens. We retained the services of an emergency room physician who had combat emergency medical care service experience in Afghanistan while serving as an ER doctor in the Marines. He provided expertise and information about what is involved with the traumatic removal of spleens.

We retained the services of an immunologist in the Columbus area to provide expertise on post-splenectomy complications. These experts educated us about the risks and concerns about post-splenectomy infections and we were able to use their reports to get past the caps argument.

The insurance company initially insisted that its client was not at fault and denied recovery. Only after we were able to establish these points through the eyewitness and the experts were we able to obtain a full and complete recovery for our client, in excess of the caps.

We were so fortunate to be involved in this case. Our client is a fantastic young man. Thankfully he is living a full and complete life. He has graciously allowed us to discuss his case in this Digest and we have reprinted herein some words he said about our services in this case.



CAPS ON DAMAGES
(WHAT IT MEANS AND HOW TO AVOID IT)

Ohio Revised Code §2305.18 imposes a cap on certain pain and suffering awards in injury cases. In Ohio, economic damages such as lost wages and out of pocket medical expenses are not capped. Beyond these “economic losses,” however, limits are placed on the recovery available for non-economic damages (sometimes referred to as “pain and suffering”). Generally speaking, pain and suffering, mental angst and disfigurement damages are capped at \$250,000 to \$350,000.

When we face a case with a significant pain and suffering component, it is important that we address the potential that the statutory cap on damages could limit recovery. There are multiple ways we address these caps on damages and try to overcome them.

The caps on damages do not apply to economic losses. So, we make certain that we fully flesh out all economic losses such as past and future medical bills, lost wages, future lost wages, and loss of earning ability. This often requires expert testimony from physicians about the future medical care that will be necessary and the anticipated cost of that care. We also use vocational experts to provide testimony that our client’s physical injuries have resulted in permanent loss of earnings ability, and we then bolster that information with economists to quantify the loss of earnings ability.

The caps on damages do not apply if the physical injuries are sufficiently severe. Ohio Revised Code §2315.18 provides that the caps do not apply in a situation where a person suffers a “permanent substantial physical deformity, a loss of use of a limb, loss of a bodily organ system or permanent physical functional injury that permanently prevents the injured person from being able to independently care for him/herself and performing life sustaining activities.” It can be surprisingly difficult to establish that an injury meets this threshold. For instance, Ohio courts have held that the loss of an eye, serious spinal injuries requiring discectomy and fusion, and pronounced scarring, are not significant enough to overcome the caps on damages. Therefore, it is important to have qualified medical experts to establish that the damages and injuries are severe and that the caps on demands should not apply.

We have handled many cases in which we overcame the potential cap on damages and we have the experience and expertise to address (and overcome) injury cap arguments favored by insurance companies and defense lawyers.

A FEW WORDS FROM OUR CLIENT ABOUT A RECENT CASE

I was involved in a serious motorcycle accident. I believe that the accident was caused by a lady that was operating an SUV. The police did not cite the SUV driver and the insurance company for the SUV driver denied my claim. Tom Diehl was my lawyer on this case, and he deposed an eyewitness who verified that the accident was not my fault. Mr. Diehl met with several experts in the medical community who were knowledgeable about my medical condition (splenectomy). Mr. Diehl advanced all of the costs in obtaining the expert medical reports. Mr. Diehl deposed the eyewitness and the negligent driver and after the completion of all of these tasks, the insurance company finally made a fair and reasonable settlement in this case. I am very pleased with the efforts and work of Thomas J. Diehl on my case, and I would recommend his services to anyone involved in a serious accident.



Pesto Chicken Pasta

Pesto Chicken with Bowtie Pasta, Spinach and Sundried Tomatoes.

INGREDIENTS:

- 1 pound chicken breast cut into 1 inch pieces
- 2 T. butter
- 2 cloves garlic, minced
- 8 oz. bow tie pasta
- 1 ½ C. chicken broth

- 1 C. milk
- 3 oz. cream cheese, cut into 4 slices
- ½ C. basil pesto
- 3 C. fresh spinach
- ½ C. Sundried tomatoes
- ¼ - ½ C. Toasted pine nuts

Melt butter over medium heat in a deep skillet. Cook chicken over medium heat until lightly browned on all sides. Add minced garlic and sautéed for about 1 minute. Add the uncooked pasta and chicken broth to the skillet with the chicken and garlic. Place a lid on the skillet, turn the heat up to medium-high, and bring the broth to a boil.

Once the broth comes to a full boil stir the pasta, replace the lid and turn the heat down to medium-low. Let the pasta simmer over medium for about 8 minutes or until the pasta is tender and most of the broth is absorbed. Give the pasta a quick stir every couple of minutes and then quickly replace the lid each time.

Once the pasta is tender and most of the broth is absorbed, add the milk, cream cheese(cut into slices), and pesto Stir and cook over medium heat until the cream cheese has fully melted into the sauce. Then, add the grated parmesan and stir until fully combined.

Lastly, add the fresh spinach and sundried tomatoes and stir until the spinach has wilted. Remove from heat and top with toasted pine-nuts.



Monthly Teacher Appreciation

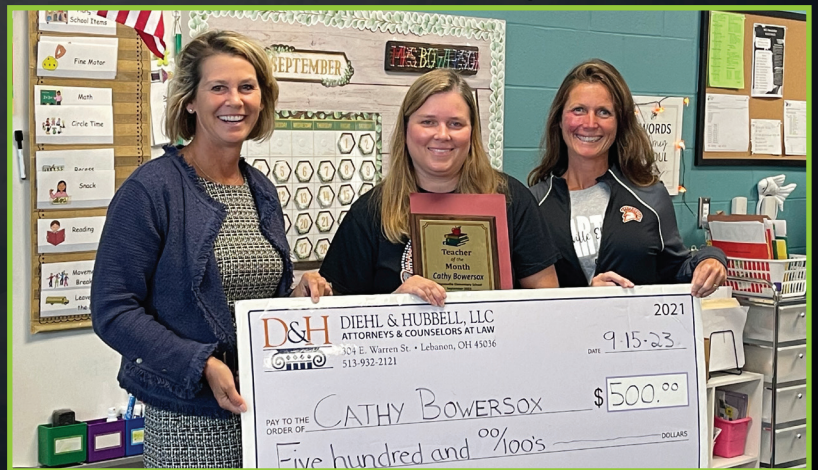
Congratulations

Congratulations to Diehl & Hubbell Teacher of the Month Waynesville Elementary Cathy Bowersox



Please join us in CONGRATULATING Waynesville Elementary's Cathy Bowersox!! Diehl & Hubbell Attorneys at Law was so proud to recently honor Cathy as our September 2023 Teacher of the Month and present her with a \$500 check! We know teachers spend a lot of their own money to buy school supplies. In fact, according to the NEA, educators spent more than \$822 on average in the 2022-23 school year on unreimbursed classroom supplies.

We also know that there are many truly outstanding teachers who deserve special recognition and may not always get it. We received multiple nominations for Cathy Bowersox and one said exactly that—that Cathy is “a quiet achiever whose accomplishments are often overlooked.” We are honored to give Cathy some special recognition for her “exemplary work.”



As always, you may nominate the most amazing teacher you know at:
www.diehlhubbell.com/monthly-teacher-appreciation-contest, or scan the QR code with your phone's camera and tell us why your favorite teacher stands out! Maybe he or she will be our next winner!



Another Successful Hamburgers for Heroes Event in the books!



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