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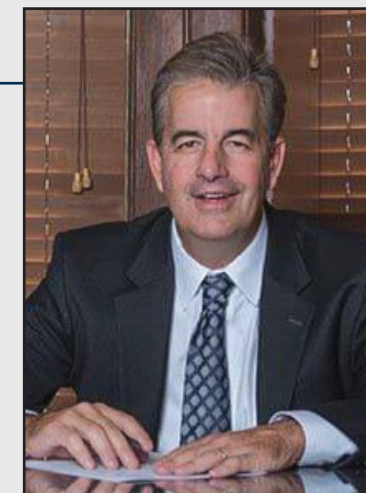
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# Digest

Diehl & Hubbell, LLC

**Volume XIV  
Issue 4**

*A note from Tom . . .*



Attorney Thomas J. Diehl

## Call Your Auto Insurance Agent About This Right Now!

If you have both car insurance and health insurance, in my opinion, there is no need to carry Med Pay, and I can assure you there are times when you definitely don't want to use it!

In representing people injured in Ohio car accidents for 32 years, I often see scenarios involving insurance coverage that is not financially smart or well thought out. Let me explain...

Many people pay extra to have Med Pay coverage on their car insurance as it can be used to pay medical bills incurred from a motor vehicle crash, but if you have health insurance it may be very costly to use this "benefit" for medical bills following a car accident in Ohio.

How can that be? Well, most health insurance companies (think Aetna, Blue Cross/Blue Shield, Medical Mutual, etc.) have negotiated rates with most hospitals, diagnostic facilities, and doctors. So let's say you need to go to the emergency room for a broken arm following a car accident and your bills add up to \$3500. If your car insurance plan pays it (and hospitals ALL prefer this route), the hospital receives the full unnegotiated amount of, you guessed it, \$3500!

Now if the hospital is reimbursed through your health insurance's negotiated rate, they may receive something like \$1200 (although these numbers are for illustrative purposes only and do not refer to any particular hospital or insurance company, they are representative of actual differentials).

Okay, who cares? Well, the hospital definitely cares and would much prefer to receive the larger non-negotiated payment of \$3500, and you should also care (aside from the societal interest in reducing healthcare costs and not having the hospital get a windfall from your case) because if this accident was not your fault and you receive a settlement from it, guess what you would have to pay back? You will need to reimburse either the car insurance company \$3500 or the health insurance company \$1200. Which bill would you prefer to pay?

Ask your agent. If I have health insurance, why do I need Med Pay? My guess is you don't need it, and you could delete the \$100 (or more) premium.

*Tom*

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**DID YOU  
KNOW?**

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Types of Cases?**

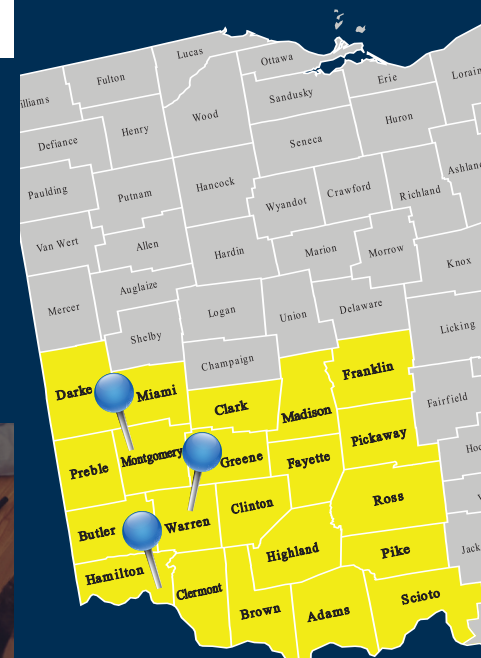
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## HAVE YOU BEEN INJURED? HAVE QUESTIONS? WE HAVE THE ANSWERS!

If you have a serious medical issue you immediately see a physician trained to handle that specific problem, right? Of course you do! So, if you have received serious injuries because of someone else's negligence, make sure you get the advice and counsel you need. If you ever have a question about any injury claim, please call me. I'll be happy to discuss the problem with you. Don't make a big mistake with your injury claim. Call for a free copy of my recently-published book.

### GET YOUR FREE "MUST-READ" BOOK

A new book published by Thomas J. Diehl reveals several factors that will help anyone dealing with an auto accident avoid serious and common mistakes.

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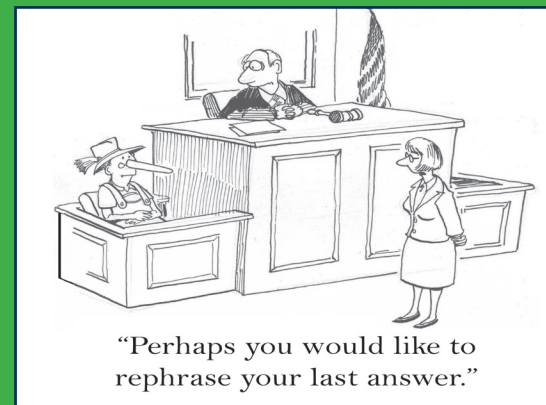
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### Schoolteacher in Court.

When asked for her occupation, a woman charged with a traffic violation said she was a schoolteacher. The judge rose from the bench. "Madam, I have waited years for a schoolteacher to appear before this court," he smiled with delight. "Now sit down at that table and write I will not pass through a red light five hundred times."



## Amusement Park Calamity

We recently represented a teenage girl and her family with regard to a claim of injuries that occurred at a large amusement/water park. Our client and her brother climbed the steps to the top of a four-story water slide that went down a fully enclosed tube. As the two children walked up the steps, their mother waited below, ready to see the children pop out from the tube at the end of the ride. The young boy came down first, splashed into the water and excitedly exited. Unfortunately, the young girl did not appear. After an interminable wait, a larger man came through the tube, ran up to the mother and said,

"I'm so sorry. I went down the tube and struck your daughter. I think she may be hurt very badly."

It turned out that the amusement park employee at the top of the ride failed to follow protocol to ensure that the young girl completed the trip before allowing the next patron to proceed. The young girl sustained very serious orthopedic injuries. We were able to successfully bring a claim against the large amusement park for the damages and injuries sustained by the young girl.



## Motor Vehicle Accidents - What to do - Tip #4

**DO NOT GIVE A RECORDED STATEMENT TO THE INSURANCE COMPANY (NO MATTER HOW MUCH HE OR SHE TELLS YOU THIS WILL HELP YOU)**

If you are involved in a motor vehicle accident, you should expect that sometime very soon after the accident, both your insurance company and the insurance company for the negligent driver will ask you to give a recorded statement. You have no legal or contractual obligation to give any statement to the insurance company for the negligent driver. However, your insurance policy may impose certain contractual obligations to cooperate with your insurance company. Be mindful that giving a recorded statement, without the assistance of counsel, can expose yourself to unexpected

negative consequences.

You might wonder, if I just tell the truth, how will that hurt me? Unfortunately, these statements may be taken out of context and used against you later. You may not understand the significance of the question, you might forget an important detail or you may inaccurately guess at a fact such as time, speed or distance. It is nearly impossible to go back later and correct any omissions or mistakes you may make. It is much easier to be thorough and complete by providing a written statement later.

For these reasons, if you were seriously injured in a motor vehicle accident, it is almost universally advisable to refrain from giving any recorded statement without the assistance of counsel. These recorded statements often end up as the chief evidence defense lawyers play up at trial to try to minimize recovery.



## Super Easy and Delicious French Dip Sandwiches

Whether you hate the crockpot or you've had it working overtime during #StayHomeOhio, you will love what it does for these sandwiches.

### INGREDIENTS

|   |                                    |
|---|------------------------------------|
| Any boneless beef roast (I recommend 4 lbs. but any size will do) | 2 cups water                       |
| 1/2 cup soy sauce   | 1 packet dry French onion soup mix |
|   | 6 hoagie rolls                     |
|   | 6 slices provolone or Swiss cheese |

### DIRECTIONS

Trim any visible fat from your roast.

Place first four ingredients in crock pot and cook on low all day--about 8-10 hours.

Shred the meat, place in toasted hoagie rolls and top with cheese.

Serve with a side of the au jus from your crockpot.



## Driver Fleeing Police in Stolen Vehicle Causes Serious Accident

We recently concluded a case in which we had the pleasure of representing a nice young woman who sustained significant injuries from a motor vehicle accident caused by a juvenile fleeing police in a stolen vehicle. In a surprise to no one, the juvenile was driving without insurance. (Even if the juvenile was insured, the insurance carrier would not pay damages because automobile insurance will not cover someone driving a stolen vehicle.)

Our client sustained extensive injuries, but, thankfully, not life-threatening. She was hospitalized, however, and she incurred considerable medical bills. Some of her bills were paid by health insurance, and she had some copayment responsibilities.

We knew we could not get any recovery from the juvenile as the juvenile was uninsured and was looking at a lengthy prison term, and, therefore, was uncollectible. We realized our task in this case would be to obtain the full potential recovery under our client's uninsured automobile coverage. We also knew that our client's health insurance carrier would be making a claim for reimbursement of benefits paid (under its subrogation clause) if we obtained a recovery through the underinsured coverage. We needed to maximize the underinsured coverage and minimize the reimbursement to the health insurance carrier if we were going to be effective in helping our client obtain meaningful recovery. It would not do our client any good to obtain a full recovery under the automobile policy but have to turn around and hand it to the health insurance company.



After several rounds of negotiations with the health insurance, we were able to get a significant reduction to the health insurance reimbursement allowing our client to receive a sizable net settlement from this unfortunate automobile accident.

