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Diehl & Hubbell, LLC

# Digest

Diehl & Hubbell, LLC

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**Answers to frequently asked questions regarding:**

- Car accidents
- Motorcycle accidents
- Domestic Relations
- Criminal Law

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- ☞ Weekly FAQs answered by Attorney Diehl
- ☞ Legal humor
- ☞ Crazy Laws you probably didn't know
- ☞ Time sensitive legal information



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**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 Rise to  
the Challenge*

**3000+ CLIENTS HAVE  
COUNTED ON US**

We've seen it all.  
Put our skill, expertise  
and knowledge to  
work for you.

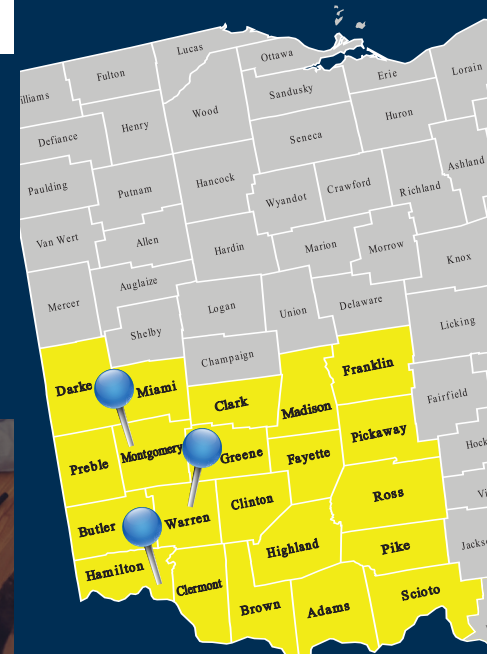
**Volume XIV  
Issue 7**

**DIEHL & HUBBELL, LLC**

**Since 1988 located at:**

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**HOURS**  
Mon-Fri 8am - 5pm



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124 W. 8th Street  
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**We will also come to you!**  
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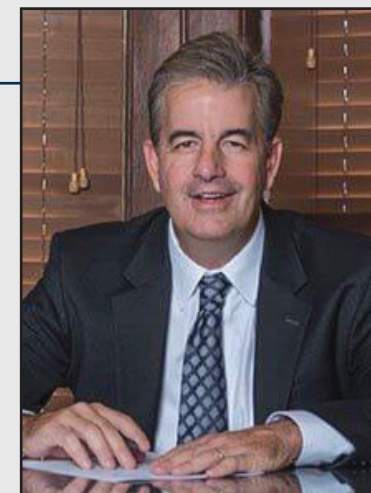
*A note from Tom . . .*

**Come join us for our  
salute to first responders,  
healthcare workers and  
other heroes!**

It has been a crazy and tumultuous  
five months as our country, our  
communities, and our families grapple  
with the emotional and economic devastation brought upon  
by the Coronavirus pandemic.

On September 10, 2020 we are partnering with the Hamburger  
Wagon of Miamisburg, Ohio to express our appreciation to  
the heroes who have fought on the frontline of this battle.  
We are providing free burgers and drinks to nurses, hospital  
aids, doctors, and all the first line responders who have been  
heroic in this community effort.

Check out the enclosed flyer about the event and let your  
friends and neighbors know. All the proceeds from hamburger  
sales will be donated to the Lebanon Food Pantry.  
We hope to see you on September 10th!



Attorney Thomas J. Diehl

*Tom*



FELLOW  
LITIGATION COUNSEL  
OF AMERICA





Thank you

For Your Referrals

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

A LAUGH TO START YOUR DAY...


When my 88-year-old mother was called for jury duty, she had to submit to questioning by the opposing lawyers.

"Have you ever dealt with an attorney?" asked the plaintiff's lawyer.

"Yes. I had an attorney write my living trust," she responded.

"And how did that turn out?"

"I don't know," she said. "Ask me when I'm dead."



"This case poses a very difficult choice ... I know, coin toss!"

# INSURANCE POLICIES

We recently resolved a case for a resident of Virginia who was involved in a serious motor vehicle accident in Ohio. Unfortunately, the driver who caused the accident had a limited amount of insurance coverage and did not have other assets sufficient to fully compensate our client for the damages and injuries sustained. Our client had two different automobile policies with the same insurance company. One policy was issued in Ohio and the other was issued in Virginia. Both policies had uninsured motorist coverage. After resolving the claim with the negligent driver's insurance company, we presented a claim for uninsured coverage under the Virginia and Ohio policies.

The insurance company providing our client's coverage balked at

providing what we believed to be full compensation. It was our position that our client sustained a serious thoracic (mid-back) injury requiring surgery and 14 days of hospitalization. The insurance company was arguing that that treatment, which happened about three months after the motor vehicle accident, was not related to the motor vehicle accident and in support of that position it referred to documents and records from our client's physicians which discussed a thoracic injury predating the motor vehicle accident. It turned out that these references to a thoracic injury predating the accident were incorrect entries in the physicians' medical records. The physicians entered the wrong date of treatment in their records and as a result it looked like the thoracic injury actually preceded the motor vehicle accident. We were able to work with the physicians and hospitals to obtain letters and reports correcting this information.

After somewhat protracted litigation over the issues of uninsured coverage and significant efforts to clear up the confusion regarding the medical records, we were able to obtain a sizeable and considerable recovery for our client.



## Motor Vehicle Accidents - What to do - Tip #7 OVERCOME STATUTORY DAMAGES CAP

The Ohio Legislature, under the guise of "tort reform" passed Ohio Revised Code § 2305.18. This legislation capped or limited the amount an injured person can receive for pain and suffering damages. Generally speaking, the compensation for pain and suffering damages, except in certain circumstances, is capped at \$250,000 - \$350,000 for each injured person. For someone with a serious physical injury this cap can be very unfair.

There are specific ways that the workings of this damages cap can be limited or overcome. It is important that in any significant injury case where the cap on damages could limit the amount of recovery, that the injured party takes all steps to address this damages cap issue. For instance, the following two rules can be very important. (1) The cap on damages does not apply to economic losses. In other words,

expenses incurred for past and future medical bills and past and future lost wages are not limited or capped. (2) The cap on damages does not apply if the physical injuries meet certain threshold criteria regarding the severity of the injury. If the injured person sustained a permanent and substantial physical deformity, a loss of use of a limb or the loss of a bodily organ system it is possible to circumvent the limitations imposed by the cap.

If you have been injured in a serious accident resulting in significant pain and suffering damages, it is important that you and your counsel fully understand the ways to limit the effect the Ohio cap on damages has on your claim.

## Garden Veggie Pasta Alfredo (vegan)

Alfredo

INGREDIENTS

3 1/2 cups almond milk  
1/4 cup olive oil  
6-8 cloves garlic large  
3/4 cups nutritional yeast  
1/2 cup raw cashews  
1/3 cup arrow root or corn starch  
1 1/2 tsp. fine sea salt  
1 tsp. garlic powder  
1/2 tsp. ground black pepper  
Squeeze of lemon

Pasta

INGREDIENTS

1/4 cup water more as needed  
1 bunch spinach  
2 summer squash large, chopped,  
zucchini and/or yellow squash  
8 oz. sliced mushrooms  
1 cup cherry tomatoes sliced in half  
1 cup frozen peas  
16 oz. pasta of choice



**DIRECTIONS**  
Add Alfredo ingredients to a high-speed blender and blend on high for 3-4 minutes until smooth. Leave the sauce in the blender while you prepare the pasta and veggies. Add ¼ cup of water to a large non-stick sauté pan. Add spinach, squash & mushrooms (& any other veggies you choose) and sauté until soft. Prepare your pasta according to the package directions & drain. Add the blended alfredo sauce to a large pot and whisk while heating until it becomes thickened. Add pasta, veggies, cherry tomatoes and frozen peas and stir until heated through. Garnish with fresh basil if desired. Contributed by Karen Kress.

## RECOVERY FOR CHILD IN DOG BITE ATTACK

We recently represented a 14-year-old boy who sustained serious injuries to his face when he was savagely attacked by a dog. The circumstances of the case provided several challenges our office had to overcome. The owner of the dog lived in the same neighborhood as did our 14-year-old client. The dog owner was going out of town and asked the young boy to come by his house daily to water flowers and to feed and let his dog outside. Our client took these responsibilities seriously and every day he went over to the house and watered the flowers, fed the dog, and walked her around outside. Unfortunately, on one of the visits, the dog reacted abruptly and attacked the boy, savagely biting the boy's face, leaving permanent and significant scarring.

Under Ohio law, the owner, keeper, or harbinger of a dog is automatically liable for damages and injuries that dog causes. The homeowner felt terrible about the injury and requested that his insurance carrier compensate the teenage boy for his medical bills and permanent injuries. The homeowner's insurance company refused. The homeowner's insurance company argued that because the 14-year-old boy was feeding the dog regularly that the 14-year-old boy qualified as the keeper of the dog and that, therefore, was not permitted to bring a claim for damages and injuries. We knew this was a complete misreading of the Ohio statute because the intent of the Ohio Legislature was to hold the owner of the dog liable for the damages and injuries caused by the animal. We filed multiple motions in the Common Pleas Court on this issue and ultimately the trial court agreed that the minor child had a valid and legitimate claim against the homeowner. Only after those proceedings, did the homeowner's insurance company agree to be fully compensate our client for his damages and injuries. We were able to establish a considerable structured settlement for the minor child that will provide a steady stream of income to the minor child starting when he turns 18, enough so that his college tuition and many other obligations will be fully funded.

