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Harville
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

AUGUST 2017 • VOLUME 8

OVER 30 YEARS EXPERIENCE

We gladly accept
and appreciate
your referrals

- We are counselors,
not just attorneys
- We meet with our
clients personally -
not caseworkers
- We want you to
understand how the
legal system works as
it applies to your case
- We will keep you
informed and guide
you every step of the
way

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Hanging On to Your Money

It's usually a very happy time and a source of great relief to our clients when we get their case settled, hand them a check for their recovery and they walk away feeling satisfied that they received the compensation they deserved.

But after that, what happens?

Well, we certainly wish to maintain a connection with all of you wonderful people whom we have represented in the past, which is the purpose of this newsletter. Once your case is over, however, what you do with your money is your business. We are lawyers, not financial advisors, and it's really not our place to tell you how to manage your money.

Even so, that doesn't stop me from trying to share a few pearls of wisdom with my clients when I hand them their settlement check, especially when it involves a lot of money. If their recovery is just a few thousand dollars, that money may help make ends meet or buy

something they want. But when we're talking about amounts well into five or six figures, that money can make a big difference in their lives if they manage it well.



Here's an example of what not to do: Years ago, I recovered over \$37,000 for a client in a workers' comp case. Maybe six months later, he called me asking me if I could loan him some money (which I can't do because it's an ethical violation). I asked him, "Jack (not his real name), what happened to that \$37,000 I got you a few months ago?" His answer: "I've been living like a rock star!" Wrong answer!

Recently, this came home to me again in another workers' comp case, in which we obtained a very substantial recovery for a client, well into

six figures. Our fee, by statute, was capped at \$12,000. But his wife was so grateful (God bless her), she asked me if she could pay Dana a bonus for their recovery. I told her, no, that would be illegal and unethical for us to accept, but more importantly, that was their money and don't start throwing it around. I told her: 1) Read Dave Ramsey, 2) Get out of debt, 3) Buy a house, and 4) Invest the rest.

For almost all of us, money is too hard to come by in this life to fritter it away. The legal purpose of compensation is to restore the injured person to the place where they would have been if they had not been injured. That's great in theory, but the financial truth is that a personal injury claim should be viewed as an asset for your well being and that of your family. Not only do you want to make the best financial decision you can when hiring a lawyer and deciding whether to settle your case, it is just as important to be careful with your money after the case is over to make sure it helps you in the long run. - BDH

Why a Newsletter?

We hope you will find this newsletter to be entertaining and informative. We thought it would be a great way to stay in touch with people who have had a relationship with our firm. We care about the people we have helped and we want you to know that our relationship with you is very valuable to us, even if your case is over.

The reason you are receiving this newsletter is because you are an existing or past client of our firm, or you have contacted us about prospective representation. For this reason, this newsletter is not considered to be an "advertisement" under Kentucky Supreme Court Rule 3.130-7.02 (1)(h). (But this doesn't mean you can't give it to someone you

know!)

We hope to share a little more about who we are and what we do, and not just in our law practice. We would love to hear from you if you like our newsletter!

Our best to all of you!

Brad Harville Dana Skaggs

BRADLEY D. HARVILLE LAW OFFICES PLLC

20 Questions about Kentucky No-Fault

The key to understanding how the legal and medical system works in personal injury cases resulting from motor vehicle accidents in Kentucky.

Current Trends - Uber/Lyft Coverage

For years I defended many cases for the largest taxicab company in the Louisville area. Kentucky law requires taxicab companies to carry liability insurance above that required for personal vehicles. Now, along come “ride-share” companies like Uber and Lyft, which pose a huge threat to the taxicab companies. Anyone with an eligible 4-door vehicle, a driver’s license, proof of registration and proof of insurance can become an Uber driver, once they pass the screening of their driving record and criminal history. But there are differences in how insurance coverages work for a

cab driver versus an Uber driver. Both the cab companies and Uber take the position that drivers are independent contractors, so they don’t provide workers’ compensation coverage for their drivers. However, the cab companies have to provide financial responsibility on their vehicles. Since Uber drivers drive their own personal vehicles, Uber provides coverage only when the Uber driver is online awaiting a rider or while a rider is in the driver’s car. It does not provide coverage for personal use. And, although Uber requires

proof of insurance on their drivers’ vehicles, that insurance probably won’t provide any coverage if they are involved in an accident. The standard ISO policy contains an exclusion if an insured vehicle is being operated for commercial use. That exclusion hasn’t been tested under Kentucky law for an Uber driver, but would most likely be considered valid, at least above the minimum limits required by statute. Commercial driver insurance is available for Uber drivers, but it can be very expensive. Know the facts if you are thinking about becoming an Uber driver.

Eclipse Viewing Safety Tips

From the official NASA website, here are some safety tips for viewing the August 21 solar eclipse: Looking directly at the sun is unsafe except during the brief total phase of a solar eclipse when the moon entirely blocks the sun’s bright face, which will happen only within the narrow path of totality. The only safe way to look directly at the uneclipsed or partially eclipsed sun is through special-purpose solar filters, such as “eclipse glasses” (see photo).



(You can purchase these on Amazon while supplies last!) Homemade filters or ordinary sunglasses, even very dark ones, are not safe for looking at the sun. Make sure your eclipse glasses meet the ISO 12312-2 international standard. Stand still and cover your eyes with your eclipse glasses before looking up at the bright sun. Do not look at the uneclipsed or partially eclipsed sun through an unfiltered camera, telescope, binoculars, or other optical device. Similarly, do not look at the sun

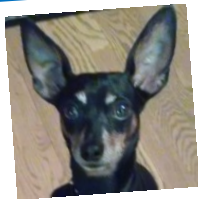
through a camera, a telescope, binoculars, or any other optical device while using your eclipse glasses - the concentrated solar rays will damage the filter and enter your eye(s), causing serious injury. Seek expert advice from an astronomer before using a solar filter with a camera, a telescope, binoculars, or other optical device. If you are within the path of totality remove your eclipse glasses only when the Moon completely covers the sun’s bright face and it suddenly gets quite dark. Experience totality, then, as soon as the bright sun begins to reappear, replace your glasses to view the remaining partial phases.

Favorite Pets - Dippin’ Dogs!

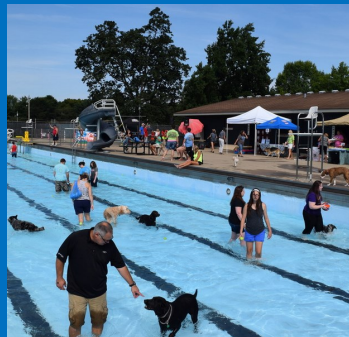
Harville Law Offices is proud to be a sponsor of Dippin’ Dogs in Bardstown, KY, and encourages our dog owning family, friends, and clients to attend on August 19, 2017. As the City of Bardstown drains its public pool for the summer, it sets aside a day for dog owners to bring their pets to swim in the large pool!

Registration and admission fees are very reasonable and as long as your dog is up to date on its shots, it is welcome to attend. Fun for families and dogs alike, 100% of proceeds from Dippin’ Dogs benefit 4 local animal charities. To find out more about this event, go to www.dippindogs.org.

Are you a pet lover? We are! Dana Skaggs serves on the Board of Directors of [Barktown Rescue](http://BarktownRescue.org). Brad and his family love pets, too! If you want to tell us about your pet(s), send an e-mail to bdh@harvillelaw.com with a photo and we’ll try to put this in a future issue!



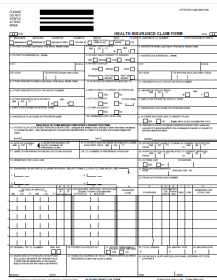
Casey’s Kentucky Trivia Question:
What is the tallest mountain in Kentucky?
A. Pine Mountain
B. Black Mountain
C. Muldraugh Hill
D. Ryans Creek Mountain
Be the first person to answer correctly by sending an e-mail to bdh@harvillelaw.com and we’ll mail you a \$5 Starbucks gift card!



Take your dog for a swim!

Billing Insanity - No-Fault and HCFA forms

This little document is known as a Health Care Financing Administration Form (HCFA). It is an invention of the federal government, of course, as it is the required billing form for Medicare and Medicaid, and throughout the health care and health insurance industry. Somewhere along the line, auto insurers have gotten the idea that they are health insurers, too. They won't pay no-fault benefits for medical and hospital expenses unless they receive the bills on a HCFA form so they can review the diagnostic codes. I have encountered this issue with both GEICO and State Farm.



No big deal, right? Ha!
 For starters, when lawyers request billing records from area hospitals - a process that takes 3-4 weeks at a minimum - they never provide lawyers with the actual HCFA bills. Instead, we get billing summaries. (The ones from KentuckyOne Health don't even put the name of the hospital on the summary!) They don't send the HCFA bills to our clients, either. Instead, they get past due notices, some of which don't even contain the date of service.
 This means that when we send the no-fault carriers the billing summaries, which show the dates of service, diagnostic codes and medical treatment received, along with the supporting records, the no-fault carrier still won't pay the bills while they try to get the

HCFA forms directly from the hospitals. Worse, under Kentucky law, the no-fault carrier has no right to sit on the bills while it waits to get the HCFA forms. The law requires them to issue payment within 30 days upon receipt of "reasonable proof of the fact and amount of loss realized." Delay in payment can result in 12% interest, or 18% interest and attorney fees if the delay is without "reasonable foundation." However, suing the no-fault carrier for these penalties is generally not worth the trouble. Eventually the bills get paid, and the potential for recovery offers little or no benefit to the client. Thus, the problem persists, and I don't see it getting any better unless some legislative changes are made to address these issues.

Stupid-Easy Recipe of the Month

Summer Vegetable Stir-Fry

Do you have a vegetable garden? Has a friend given you a bunch of squash and peppers that you don't know what to do with? Here's a super-easy "recipe" (using the term loosely) that's tasty and healthy:

Ingredients:

- 1 yellow squash and/or 1 zucchini, cut into round slices
- 1 red and/or green pepper, sliced into strips
- 1 crown broccoli, chopped into florets

- 1/2 red onion, sliced into rings
- 3-4 new potatoes, cut in round slices
- 2-3 mushrooms, sliced
- ~ 6-10 asparagus spears, sliced into 1-2" pieces
- 1 turkey sausage, sliced into bite sizes

Instructions:

- Heat large non-stick skillet on medium to medium high heat
- Add ~ 1 tbs. olive oil to coat skillet
- Add potatoes first
- When potatoes start to soften, add

remaining vegetables, with just enough olive oil to lightly coat
 • Add turkey sausage
 • Season while stir-frying with seasoned salt, garlic powder and onion powder
 Enjoy!



Food that makes you feel good!

The Stephen Foster Story

Kentucky's official outdoor musical, The Stephen Foster Story, has been going on for nearly 60 years since its debut in 1959, and is still going strong! It's hard to believe there was a time when Bardstown was more well-known for this outdoor production, located at Federal Hill a.k.a. My Old Kentucky Home, than for being part of the Bourbon Trail, but that's the truth!

Dana (a Bardstown native) and I are all too familiar with this show, and we still find it delightful. The musical celebrates the life of Stephen Foster in Pittsburgh, where he became America's first great composer. Legend has it that he visit-



ed Federal Hill, home of his cousin, John Rowan, which inspired him to write our venerable state song, "My Old Kentucky Home." You will hear this tune performed along with other timeless works by wonderful singers, accompanied by the sound of cicadas buzzing in the background. This summer's shows end on Saturday, August 12. Don't miss it while it lasts! Check out the show's website at stephenfoster.com.



We want to help you secure the best possible outcome out of a difficult situation that you wish had never happened. If you have been injured, our goal is to obtain maximum recovery in the shortest amount of time it takes to get your case resolved.

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The ABCs of ATVs



Kentuckians love their ATVs. They love to use them to go fishing, hunting, or just riding around on a farm.

However, here are some sobering facts: According to the Consumer Product Safety Commission, 135,000 people are injured every year due to ATV accidents. Over 700 people are killed in ATV accidents every year. Approximately 1/3 of the people killed in ATV accidents each year are under the age of 16. Many of these accidents could have been prevented if proper safety advice was followed. That's not all. Kentucky, which ranks 26th in population among the 50 states, ranks 5th in the nation in number of deaths from ATVs from 1982 through 2012 (see graphic below):

Where People Die on ATVs
1982 through 2012 — 31 years



The advice on the CPSC website is simple:

- Wear a helmet.
- Never allow more riders than the ATV was designed for.
- Get training from a qualified instructor.
- Stay off paved roads intended for motor traffic.
- Never, ever let anyone under age 16 ride an adult ATV.

In the course of my career, I have defended ATV cases and have also represented a young man who suffered a serious injury when he fell off the back of an ATV driven by his friend. There are a couple of things to keep in mind in an injury case involving an ATV.

First of all, ATVs aren't going to be covered under your automobile policy. By statute and case law, ATVs are not considered to be motor vehicles, so anyone injured while riding one is considered to be a pedestrian. In addition, automobile policies commonly exclude any coverage for injuries from ATVs. These exclusions will be considered valid since there

is no mandatory insurance coverage for ATVs under state law. So, if you own an ATV, you should buy ATV insurance which is available through most major insurance companies, the same as motorcycle or boating insurance. Look to buy as much medical payments coverage as possible.

The other thing that lawyers look for in ATV cases involving an injured person under the age of 18 is some basis for a negligent supervision claim against the person who permitted the use of the ATV, typically the owner of the ATV and/or the owner of the property where the injury occurred. This sort of liability is usually covered by the ATV or property owner's homeowners policy or farmowners policy. The point is, ATVs are dangerous and can cause traumatic injury or death. Make sure you understand the risks and practice good safety. And, if you or someone you know is injured on an ATV, please contact our office. We will do what we can to help.