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Harville
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

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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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18-Wheeler Cases

According to the Insurance Institute of Highway Safety, of all the traffic fatalities on America's highways, 1 in 10 are caused by truck accidents.

It's a matter of simple physics. Big trucks can weigh 20 to 30 times more than your average passenger vehicle. They also have a much higher clearance above the roadway than normal passenger cars, which means in many accidents, cars can underride an 18-wheeler trailer resulting in serious injuries or death.

Truck braking capability can also be a factor in truck accidents. Big trucks can take 20 to 40 percent more distance to come to a complete stop from the same speed than a passenger vehicle, or more with slippery wet roads or poorly maintained brakes.

Truck driver fatigue is also a known risk. Federal regulations allow interstate truck drivers to

drive up to 11 hours at a stretch, or up to 77 hours within a 7 day period.

Surveys indicate that many truck drivers violate these regulations and drive longer than permitted by law. This is why it is important to get driver logs in every truck accident case.

At Harville Law Offices we have handled many truck accident cases over the years involving serious injury or death. We've represented both sides in truck accident cases so we know how insurance companies defend these cases. And we know what evidence is important to prove negligence or even gross negligence in these cases.

It is important to take steps to preserve evidence in every truck accident case as soon as it comes



into the office. This is usually accomplished by sending the trucking company a "preservation of evidence" letter, instructing the trucking company to maintain and preserve critical evidence. In certain cases it may be necessary to hire an expert right away to inspect the scene or download speed data from the truck's ECM module.

Another aspect of trucking litigation is that these cases often end up in federal court. Many trucking companies are from out-of-state, which means there is usually federal court jurisdiction. The rules are different in federal court and it is important to know the differences and be familiar with the federal judges and magistrate judges. We have practiced and tried many cases in federal court, both in the Western and Eastern Districts of Kentucky, which is of great benefit to us and our clients in managing their cases properly and successfully. • 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

Current Trends - Dog Bite Law

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.

The 2017 Kentucky State Legislature has passed a law that would eliminate landlord liability in dog bite cases. This bill was delivered to Governor Bevin and signed into law on March 20.

[House Bill 112](#) basically changes the definition of who is the "owner" of a dog contained in [KRS 258.095\(5\)](#). The old version defined "owner" as "every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him."

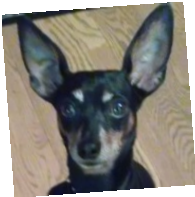
Based on this definition, the Kentucky Supreme Court ruled in a 2012 case, [Benningfield v. Zinsmeister](#), that a landlord could be held liable within the above definition of an "owner" if a tenant's dog bit someone on or near the leased property.

The new version of the statute, which will become effective this summer, defines "owner" as "(a) Every person having a right of property in the dog; and (b) Every person who: 1. Keeps or harbors the dog; 2. Has the dog in his care; 3. Permits the dog to remain on or about premises

owned and occupied by him; or 4. Permits the dog to remain on or about premises leased and occupied by him."

Thus, the key change is that a landlord is now liable only if the dog is on premises "owned and occupied by him," instead of owned or occupied by him,"

Supporters did not feel it was fair for landlords to be held liable if their tenants unknowingly purchased a dog. However, an opponent of the bill felt that the new law leaves little protection for dog bite victims.



Casey's Kentucky Trivia Question:
What is the official state fossil of Kentucky?

- A. Trilobite
- B. Brachiopod
- C. Ammonite
- D. Sea Lily

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!

Allergy Season Advice

The Ohio Valley is one of the worst areas for seasonal allergies, and April is one of the worst months for them, too. Some tips from me and from everydayhealth.com:

1. Find symptom relief.

My doctor prescribed Stahist which works wonders and has no noticeable side effects.

2. Buy a Neti Pot. Sounds disgusting but it works! Mix warm saline solution in a little

plastic teapot, lean your head to one side over a sink and pour it in one of your sinuses so it drains out the other and then alternate. You will feel like a new person!

3. Don't drag allergens

into your home. Kick off your shoes and change clothes. Shower at night to wash off any lingering pollen from your body and hair before you get into bed. Have a dog or cat?

Wipe their paws and fur when they enter your home too, since pollen can cling to them.

4. Check pollen counts. Try to stay indoors when they're high and run the A/C.

5. Wear a mask for outdoor chores. When you're tending your garden or yard, a surgical mask can help minimize your exposure to pollen particles.

Achoo! Gesundheit!



Aiden

Favorite Pet of the Month

Meet Aiden! Aiden is an 8 month old Beagle mix. Aiden is great with other dogs. He is in a foster home with kids, and LOVES them. He is crate trained, and is working on his house training.

If you would like to make Aiden a part of your family please go to

barktownrescue.org and fill out an adoption application.

Aiden's adoption fee: \$150.

Are you a pet lover? We are!

Dana Skaggs serves on the Board of Directors of

Barktown Rescue. 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!

Med Pay Coverage

Many auto, homeowner's and commercial liability policies may include an optional coverage known as medical payments or "med pay" coverage.



Well, what is "med pay" coverage, anyway?

An adjuster in a case I had a few years ago gave a great explanation for what "med pay" coverage is. It is basically a "bucket of cash" that applies to your medical expenses if you are injured due to an accident that is covered under the policy. And, the most important thing to know about "med pay" coverage is that it is normally payable without regard to fault, unlike liability coverage. So if you are

over at your friend's house helping him move a couch, and you throw your back out and have to go to the emergency room, you may be entitled to "med pay" coverage under his homeowners' policy (if available), even though your injury isn't anyone's fault.

That's the good part about "med pay" coverage. The bad part is that the maximum limits are usually low, typically \$5,000 or \$10,000. Also, in many policies a claim must be submitted within a year from the date of the accident or injury.

However, the other good part is that insurers will typically pay this money to you if you present them with the medical bills justifying payment. In other words, unlike

health insurance, they usually don't insist on paying your medical providers directly for what you owe. That means you can use that money to cover your co-pays and deductibles under your health insurance coverage, and keep any money left over.

In Kentucky, we don't often think about "med pay" in car accident cases because we have "no-fault" coverage. However, many Kentucky auto insurers may still offer "med pay" coverage, and it's a good idea to purchase that coverage if available. It can help to cover your medical bills and isn't subject to the same rules as no-fault.

Stupid-Easy Recipe of the Month



A lighter version of Bonefish Grill's Bang-Bang Shrimp!

Bangin' Good Shrimp

I found this recipe in my neighborhood magazine. It is a copycat recipe of Bonefish Grill's "Bang-Bang Shrimp," but a lot less fat and calories. It's great, I just tried it! Serves 4:

Ingredients:

- 1 lb. raw/peeled shrimp
- 5 tbsp. olive oil mayonnaise
- 3 tbsp. Thai sweet chili sauce

- 1 tsp. sriracha sauce (to taste)
- 2 tsp. cornstarch
- 1 tsp. cooking oil (I use grapeseed for high heat cooking)
- 3 cups shredded lettuce
- 1 cup shredded purple cabbage
- 4 tbsp. chopped scallions

Directions:

- Combine mayo, chili sauce and sriracha sauce and set aside.

- Combine lettuce and cabbage and divide between 4 plates or large bowls
 - Coat shrimp with cornstarch
 - Sear shrimp in hot oil for 2-3 minutes until done
 - Toss cooked shrimp in sauce coating and place on top of lettuce
 - Top with scallions
- Easy and delicious! Enjoy!

Fishing Season is Here!

April means spring fishing! Kentucky offers many great fishing opportunities!

You name it, I've probably fished it. I've fished in the Ohio, Kentucky Lake, Lake Barkley, Barren River Lake, Cumberland Lake, Dale Hollow Lake, Lake Herrington, Cave Run Lake, Greenbo Lake, Beaver Lake, Guist Creek Lake, Wilgreen Lake, Elkhorn Creek, Boone Creek, Cumberland River, Licking River, Salt River, Dix River, and no telling how many ponds, just to name a few.



Doug caught the big one out of his uncle's pond!

My son, Doug, has caught the fever and is a far better fisherman than me. He caught the lunker you see in the picture a little over a year ago. He released it without weighing it, but that is at least a 7-8 lb. Bass.

April is a particularly good month to go crappie fishing. Fishing lore in these parts is that the crappie bite when the dogwoods are in bloom. Nearby Taylorsville Lake has an excellent crappie forecast for this year.

Have fun and go fishing!



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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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Famous April Fool's Day Hoaxes

From hoaxes.org, here are the top 5 all-time April Fool's Day Hoaxes:

April

1

#5: San Serriffe. On April 1, 1977, the Guardian magazine published a 7-page supplement devoted to San Serriffe, a small republic said to consist of several semi-colon-shaped islands located in the Indian Ocean. Its two main islands were named Upper Caisse and Lower Caisse. Its capital was Bodoni, and its leader was General Pica. The Guardian's phones rang all day as readers sought more information about the idyllic holiday spot.

#4: The Sydney Iceberg. On April 1, 1978, a barge towing a giant iceberg appeared in Sydney Harbor. Dick Smith, a local adventurer and millionaire businessman, had been loudly promoting his scheme to tow an iceberg from Antarctica for quite some time. Only when the berg was well into the harbor was its secret revealed. It started to rain, and

the firefighting foam and shaving cream that the berg was really made of washed away, uncovering white plastic sheets beneath.

#3: The Eruption of Mount Edgumbe. On April 1, 1974, the residents of Sitka, Alaska woke to the sight of black smoke rising from the crater of Mount Edgumbe, a long-dormant volcano nearby. They became terrified that it was active again and might soon erupt. Luckily it turned out that a local practical joker had flown hundreds of old tires into the volcano's crater and then lit them on fire.

#2: Instant Color TV. On April 1, 1962, Sweden's SVT (Sveriges Television) brought their technical expert, Kjell Stensson, onto the news to inform the public that, thanks to a new technology, viewers could convert their existing sets to display color reception. At the time, there was only one TV channel in Sweden, and it broadcast in black and white. Stensson explained that all viewers had to do was pull a nylon stocking over their TV

screen, and the mesh would cause the light to bend in such a way that the image would appear to be in color. He proceeded to demonstrate the process. Thousands of people were taken in. Many Swedes still report remembering their fathers rushing through the house trying to find stockings to place over the TV set.

#1: The Swiss Spaghetti Harvest. On April 1, 1957, the respected BBC news show Panorama announced that Swiss farmers were enjoying a bumper spaghetti crop. It accompanied this announcement with footage of Swiss peasants pulling strands of spaghetti down from trees. Huge numbers of viewers were taken in. Many called the BBC wanting to know how they could grow their own spaghetti tree. To this the BBC diplomatically replied, "place a sprig of spaghetti in a tin of tomato sauce and hope for the best."