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Harville
 LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

JANUARY 2017 • VOLUME 2 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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Have a Blessed and Patient New Year!

But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.



- Isaiah 40:31

It's hard to soar like an eagle when you're surrounded by turkeys!

- Unknown

These two quotes are occupying my mind as we enter into another New Year, 2017.

The first quote from the Bible contains a lot of wisdom, whether you consider yourself a religious person or not. One thing that each passing year drives into our heads is that things do not always happen when we want them to. Many situations force us to wait for something to happen in its own time no matter what we might do.

I know this as a lawyer. Law is time-consuming. No matter how much I beg, nag, push, plead, whine or cajole, there's only so much I can do to move other people along, such as medical records clerks and adjusters, to get my clients' cases resolved. So much depends on other people's time, attention, availability, workload, attitude, and any number of other variables. It can seem like a minor miracle when you finally get a case across the finish line.

The same is true for judges. I've had cases where I've had to wait for over a year for a judge to make an important ruling. Most lawyers, like myself, tend to leave them alone. You don't want to call up the judge's office one day and ask, "when is he/she going to rule?" and then get an Order the next day telling you that you lose. Be careful what you ask for!

I'm onto this patience idea because I just finished writing a 23-page brief for the Ky. Court of Appeals. (That's why I'm late sending out this month's newsletter.) Once it's filed, I will have to wait months for the Court to do anything. That's par for the course.

But the other thing to remember, as the Bible verse says, is that if you remain patient, you may be rewarded. It's a beautiful thing when that happens. Many years ago I lost a case in federal court. I had never appealed to the Sixth Circuit in Cincinnati, and thought it would be a waste of time. But I decided to file the appeal, anyway, and a year later I ended up winning the appeal! So a case that was worth nothing if I hadn't appealed ending up being worth a \$175,000 settlement.

Have a blessed and patient 2017!

• 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 in Personal Injury Law

In previous columns I've talked a lot about the dangers of "distracted driving."

Now, in a lawsuit that appears to be the first of its kind, a Texas couple has sued Apple over a fatal crash in which they suffered severe injuries and their 5-year-old daughter was killed. They were slowed or stopped in traffic on I-35 near Dallas, when they were struck from behind by an SUV going 65 mph. The driver of the SUV was allegedly using Apple's FaceTime video chatting app when the crash

occurred. The Face Time app was reportedly still active when police arrived on the scene.



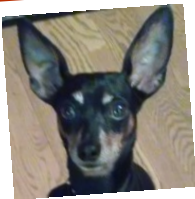
The lawsuit, filed on December 23, 2016 in Santa Clara County, California, is claiming that Apple's FaceTime feature on the iPhone was a "substantial factor" in causing the couple's injuries as well as the death of their 5-year-old daughter. They charge that Apple failed to use "lock-out" technology that

could stop Face Time from being used by motorists while driving.

The lawsuit further claims that Apple was granted a patent in 2014 for a never-used FaceTime design that would have used GPS tracking to determine speed of travel to prevent people from using the app while driving.

You can view a copy of the 43-page Complaint using this link:

<http://courthousenews.com/wp-content/uploads/2016/12/FaceTime.pdf>



Casey's Kentucky Trivia Question:
What Baptist preacher is credited with being the inventor of bourbon?

- A. Elijah Craig
- B. Evan Williams
- C. Augustus Bulleit
- D. Jim Beam

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!

Advice Column - Cold and Flu Season

From [WebMD](http://www.webmd.com), here are some tips for trying to avoid colds and flu this winter:

- Get a flu shot. WebMD says it's the No. 1 thing you can do to prevent the flu.
- Wash your hands -- a lot.

No matter what line of work you're in, if you come in contact with people who are contagious, you have to wash your hands over and over. To completely get rid

of viruses from your skin, you need to scrub hard for 20 seconds or more.

- Use alcohol-based hand sanitizer. If you can't get to soap and water, sanitizer can kill cold and flu germs.
- Avoid getting close to people who are sick. For example, don't shake hands.
- Keep your surroundings clean. Sanitize doorknobs and light switches.

- Keep up a healthy lifestyle. It's important to look after your own health. Get adequate rest, get good nutrition, don't smoke, and keep your allergies controlled. If they're out of control, then your upper respiratory tree is already inflamed, which makes it easier to catch a virus.

Good luck and stay healthy this winter!

Favorite Pet of the Month

New year, new pet?? If you are looking to add a pet to your family this year, why not consider this handsome fellow? Captain and his siblings lived in an outside pen for their entire lives. When their family lost their home, they asked Barktown Rescue to find them a new home. Captain is a one year old German Shepherd mix. He

looks to have some Golden Retriever features, too. He gets along well with other dogs. He needs a loving family who can be patient while he learns to enjoy life indoors!

For more information, check out www.barktownrescue.org.

If you want to add a pet to your family, may we suggest [Barktown Rescue](http://www.barktownrescue.org)? Dana Skaggs serves on the Board of Directors.

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



How to Get and Read a Police Report

I've got a detailed video on my website about how to read a police report, but here are the basics.



First of all, you have to get a copy of the report. The easiest way to do this is through buycrash.com. You will have to have a credit card, and a copy of the report will cost \$10.

You will have to have certain information to get a copy of the police report on buycrash.com. It will ask you for the state in which the accident occurred. You will then need to know the last names of one of

the parties, the date of the accident, the investigating agency (e.g. Louisville Metro Police Dept.) and either the report number (also known as "Local Code"), or the last name and driver's license number of one of the drivers.

Once you get a copy of the report, there is a lot of valuable information in there.

Customarily, the investigating officer will usually list the driver whom the officer believes is primarily at fault as Unit 1, and the driver who is not at fault as Unit 2. This is not always true, and if the police officer does not believe he or she can determine which driver was at fault this

will usually be stated in the report.

The police report will also contain information about lighting conditions, weather conditions, any medical injuries at the scene, whether photographs were taken, and each driver's insurance information which is very important to determine.

If you have been in a recent accident, we at Harville Law Offices will obtain a complimentary copy of the police report for you at our cost if it is available on buycrash.com.

Let us know if we can help!

Stupid-Easy Recipe of the Month

Red Beans and Rice

Whether you are stuck inside because of the snow or having friends over for the Super Bowl, this hearty recipe is a crowd-pleaser and oh so easy! Get your slow cooker out, turn on medium. If cooking on stovetop, slow simmer on low. This recipe easily feeds 5-6. Make adjustments for more!

- 2 cans of dark red kidney beans
- 2 cans of light red kidney beans
- 1 cup of chicken broth
- 1 package of smoked sausage (beef or turkey) – cut into ½ inch slices
- Half a medium white or red onion, diced
- 1 can Rotel tomatoes, drained
- Half a red or green pepper,



diced

- 1 box of white or brown rice (cook as directed)
- Hot sauce (optional)

Mix all ingredients in your slow cooker and let simmer for 4-5 hours. If stovetop, cover and simmer on low for about 2 hours. Cook rice as directed then serve over rice with salad and/or cornbread.

A great, hearty meal for the coldest winter day!

Louisville Youth Orchestra

Do you think you might have a budding musician on your hands? Check out the Louisville Youth Orchestra ("LYO") on its website at lyo.org.

As it says on its website:

"The LYO, founded in 1958, provides an extraordinary musical experience for young people from grade school through age 21. The LYO is made up of four orchestras, an elementary string program,

and various ensembles in which students advance according to their own musical progression and interests. There are nearly 350



LOUISVILLE YOUTH ORCHESTRA

musicians from 60 schools and 15 counties in the Louisville & Southern Indiana metro area."

Our oldest son, Doug, an oboist, was a member of LYO for 5 years, from 8th grade until he graduated from high school. Yes, it was a big commitment, but the experience and improvement in his playing skills were invaluable. And we thoroughly enjoyed all of the LYO's performances!

LYO is truly a local gem! Even if you don't have a son or daughter who might be interested, the concerts are delightful!



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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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visit us at harvillelaw.com



New Year's Legal Resolutions

From Lawyers.com, here are some New Year's "legal" resolutions to think about:

1. Review and Update Your Will.

Did you get married this year? Divorced? Did you have a baby or adopt? Are your children now young adults? Your will may need to be updated!

2. Insurance.

Homeowner's and Renter's insurance. Did you make any improvements to you home? Buy a new TV? Make sure that your homeowner's or renter's insurance covers them.

Car insurance. Should you reduce your collision on an older car? Increase your deductible?

Life and health insurance. Do you have enough life insurance to take care of your family in case something happens to you?

3. Taxes.

It's never too early to start gathering receipts and other documents for next year's taxes. Most employers send out W-2's or

"earnings statements" before January 31st. If you're ready before then, you can file fast and get your refund early.

4. Credit Reports.

Each year you're entitled to one free report. Get it and read it carefully. Any errors, like credit accounts that you didn't open, should be reported to the agency in writing. The agency will investigate the matter, usually within 30 days, and will let you know how the matter was resolved.

5. Credit Cards.

Rearrange your budget and try to pay-off your cards in full. At the very least, find a credit card with a lower rate. and transfer the balance to the new card. This could save you thousands of dollars in interest.

6. Licenses, Permits and Leases.

Practically all of these important documents have expiration dates, such as driver's licenses, business licenses and permits. Make sure these are kept up to date.

7. Leases.

Contact your landlord to see if a rent increase is planned for the next lease term and try to negotiate. If you lease a car, check the mileage to see if you're in danger of going over the number of miles given by the lease.

8. Computer Security.

Keep your computer's security settings and software up-to-date. Learn how to protect yourself from viruses, phishing attacks, scams and even exposing you and your family to legal risks from participating in social networking. This goes for your kids' computer and cell phone activities, too.

9. Personal Health.

See your family doctor at least once a year for a regular check-up. Make sure your medical records are kept safe and your living will and health care power of attorney are in order.