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*The Louisville Accident Lawyer Journal*

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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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# May This Christmas Be Your Heyday

In late October, Mary and I traveled to the Golden Lamb Inn, in Lebanon, Ohio. Our former pastor and his wife now serve a church in Cincinnati, and we went there to meet them for a wonderful meal together. Mary and I then spent the night before coming home the next day.

The Golden Lamb is a wonderfully historic establishment. It has been in continuous operation since 1803. Many famous people have stayed there, including several presidents, Samuel Clemons a.k.a. Mark Twain, Charles Dickens, and Kentucky's own Henry Clay, whose daughter Eliza died there and is rumored to haunt the place (we didn't see her).

It was a great reunion with our former pastor and his wife. We probably hadn't seen the two of them for maybe 4 years. It reminded us of the good times we shared together. His son and my younger son were managers together on

Trinity High School's basketball team. We used to attend those games and functions together and had a great time. He was pastor at our church for 10 years, when my sons were growing up from elementary school through high school.



The church showed a lot of love to both of my sons while they were growing up, and I am very devoted and grateful to it for that reason.

I look back and realize that during those years, my church and my family were experiencing a sort of "heyday." That's an interesting word to me. According to the online dictionary, "heyday" means "the period of a person's or thing's greatest success, popularity, or vigor." It dates back to the 16th century, meaning "good spirits." To me, the word describes a period of time

when everything in your life seems to be going well.

That may be a troublesome idea for some of you. The holidays can be difficult for people who are experiencing stress in their lives, the loss of a loved one, or suffering from an injury or illness. When we feel overwhelmed or overburdened with everything that seems to be going wrong in our lives, it is easy to lose sight of those things that are still going right.

My message to everyone this Christmas is this: If you are experiencing your own "heyday" in your life when everything seems to be going well, take a moment to fully appreciate that fact and be grateful for your blessings. As the Joni Mitchell song says, "don't it always seem to go, that you don't know what you've got till it's gone." And for those of you who are going through a rough time, remember to hang in there. There are always better days ahead. May your life, like the Golden Lamb, be filled with many "heydays." • 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 January, 2016, I reported on the case of *Chambers vs. Hughes and Coleman* that had been decided by the Kentucky Court of Appeals (KCA). The Kentucky Supreme Court (KSC) granted review of the KCA's opinion, and has now decided that the KCA was wrong. However, the [KSC's opinion](#) isn't as clear as I hoped on the point of law I was most interested in.

The facts of *Chambers* were that a client, Underwood, fired his law firm, Hughes and Coleman, claiming they had mishandled his claims

for PIP benefits. The KCA agreed, and held that Hughes and Coleman was not entitled to part of the fee out of a liability settlement that Underwood later recovered through another attorney, Chambers.

The KSC, however, said that Hughes and Coleman did not mishandle Underwood's PIP claims, and held that Hughes and Coleman was entitled to part of Chambers' attorney fee.

That's fine as far as it goes, but what I wanted to see from the KSC was a more direct rejection

of the KCA's opinion that a claimant is only entitled to recover PIP benefits for medical expenses actually owed, or for reimbursement of any health insurance lien.

Instead, the KSC's opinion focused on what it takes to fire an attorney for "cause," stating that "cause" requires some sort of "culpable conduct" by an attorney before he will be denied any claim to part of the fee from a settlement recovered by another attorney. Still, I'm glad the KCA's opinion was overturned, as it was bad law.



Casey's Kentucky Trivia Question:

Who is the only president buried in Kentucky?

- A. Abraham Lincoln
- B. Zachary Taylor
- C. Andrew Jackson
- D. Henry Clay

Be the first person to answer correctly by sending an e-mail to [bdh@harvillelaw.com](mailto:bdh@harvillelaw.com) and we'll mail you a \$5 Starbucks gift card!



Simon

## Advice Column - Holiday Safety Tips

From [parents.com](http://parents.com), here are some holiday safety tips:

- 1. Merry and Bright:** Carefully inspect holiday light strings each year. Discard any with frayed cords, cracked lamp holders, or loose connections.
- 2. Lights Out:** Turn off holiday lights when you leave the house unattended or when going to bed.
- 3. Fresh Is Best:** Freshly cut trees are more resistant to ignition. Keep your tree watered and away from open candles.
- 4. Timing Is Everything:** Use an outdoor timer to switch lights on and off.
- 5. Check for the Certification Mark:** Make sure light strings, extension cords, etc. are certified to ensure that the products comply with safety standards.
- 6. One and Done:** Do not connect more than one extension cord together.
- 7. The Great Outdoors:** Keep electrical connectors off the ground and away from metal gutters.
- 8. Climbing Up:** Using a ladder? Choose the correct one for the job. Make sure it is certified to comply with applicable safety standards.

**9. Keep Gas Behind Glass:** Do not use your gas fireplace if the glass panel is removed, cracked, or broken.

**10. Sound the Alarm:** Test your smoke alarms monthly.

**11. Filter-Friendly Furnace:** Replace your furnace filter frequently during the heating seasons.

**12. Clean the Clutter:** Do not store combustible materials such as gasoline, propane, paper, chemicals, paint, rags, and cleaning products near your gas furnace. Gasoline or propane cylinders should be stored outside the home.

## Favorite Pet of the Month

Meet Simon, a sweet dog currently residing with Dana's family. They are fostering him until he finds his forever home.

Simon is a wirehaired fox terrier mix. He is 2 years old and is the perfect lap-sized dog. Simon loves to run and play with other dogs and would be a perfect fit for young children or a family with

other active dogs needing a playmate. He is learning manners and would make a GREAT addition to a loving family at Christmas.

For more information, check out [www.barktownrescue.org](http://www.barktownrescue.org).

If you want to add a pet to your family, may we suggest [Barktown Rescue](#)? 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](mailto:bdh@harvillelaw.com) with a photo and we'll try to put this in a future issue!

# Protect Your Stuff

When you are finished unwrapping all of those nice gifts under the tree, don't forget to protect them from theft.



For expensive electronics, you may want to think about purchasing an engraver and putting your name on it. That discourages thieves because marked property is much harder to sell. It is also easier to catch and prosecute

thieves in possession of goods that are easily identifiable as stolen.

What about insurance?

Well, most stolen items from your residence should be covered under your homeowner's or renter's policy. More expensive items, such as jewelry, should be listed on the policy and state the value.

You should also be aware of whether your homeowner's or renter's policy provides actual cash value (ACV) or replacement value coverage. ACV coverage will pay for the item less depreciation, whereas replacement value coverage (which costs more) will pay for the cost to purchase a similar item.

Finally, don't forget that an insurance company will never take your word for anything if you have to submit a claim. Everyone these days takes photos and videos of just about everything, so be sure to take plenty of photos or videos of those nice Christmas gifts (and everything else in your home) and save the receipts.

If you are the victim of a theft, contact the police and file a police report. Take inventory of your property damage or loss, and call your insurance company promptly to report the claim. The insurance company should investigate and settle the claim, less any applicable deductible.

## Stupid-Easy Recipe of the Month

*There won't be any leftovers!*

### Hash Brown Casserole

This is a copycat recipe of the popular Cracker Barrel dish. Great to take to your pot luck dinner!

Ingredients:

- 2 pounds frozen hash potatoes - thawed
- 1/2 cup melted butter or margarine
- 1 teaspoon salt
- 1/2 teaspoon black pepper
- 1/2 cup onion - chop fine
- 1 can cream of chicken soup

- 2 cups grated Colby cheese

Directions:

- Preheat oven at 350F.
- Spray a 9x13 baking pan with non-stick cooking spray.
- Combine soup, butter (or margarine), salt, pepper, onions and cheese.
- Gently mix in the potatoes and pour into prepared pan or dish.
- Bake uncovered at 350F for 35 minutes

Yum! Enjoy!



## Christmas at Federal Hill

Christmas is a great time to visit Federal Hill in Bardstown, a.k.a. My Old Kentucky Home!

According to the Ky. State Park's [website](#), the mansion is adorned and decorated with beautiful 12' tall Christmas trees, each with a unique Kentucky theme in every room, including the Commonwealth Tree, Meadows in the Bloom, Birds Make Music All the Day, & more! There are garlands, mistletoe, stockings full of toys, a ginger-



bread model of the mansion made by their own pastry chef, and nutcrackers which stand guard over the mansion's many rooms! This highly interesting tour is one you will want to check out and it's great for the whole family!

The tours start on the hour from 9 am to 4 pm, daily, and run through December 31st (closed December 24-29). Regular admission is \$12 with discounts for military and seniors.



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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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## National Handwashing Week December 4-10

Want to know one of the most important things you can do to get through the winter without a bad cold or the flu? Just ask my son who is the orchestra conductor at a local middle school, where kids have their hands all over everything! Wash your hands!

In fact, believe it or not, December 4-10 is National Handwashing Awareness Week!

Here is some more information about this week from the website [normgroup.org](http://normgroup.org):

### **Why is this event held the first week in December?**

December is a busy time for most people. Between the rush of the holidays, the end-of-the-year excitement, and the turn in the weather, it's easy to become run down and exhausted—perfect conditions for illness to take hold. When your system is compromised, it's extra important to stay healthy by avoiding germs, and the best way to do that is by washing your hands. By keeping up with these good habits, you can easily decrease your risk of flus, viruses, and the



common cold.

### **When should you wash your hands?**

Most people are good about washing their hands when they use the restroom or are about to prepare food, but there are many other moments throughout your day in which a good washing will go a long way. For example, if you're caring for someone who is sick, about to or just finished treating a wound, cleaning up after a child or changing a diaper, in contact with animals or their waste, or just took out the trash, you should absolutely wash your hands. All of these everyday activities could spread germs and disease, so

make sure to wash up!

### **What is the best way to wash your hands?**

Think you know everything about handwashing? Think again! The Center for Disease Control outlines the five steps to proper handwashing. They are as follows:

1. Wet your hands with clean, running water (warm or cold), turn off the tap, and apply soap.
2. Lather your hands by rubbing them together with the soap. Be sure to lather the backs of your hands, between your fingers, and under your nails.
3. Scrub your hands for at least 20 seconds. Need a timer? Hum the "Happy Birthday" song from beginning to end twice.
4. Rinse your hands well under clean, running water.
5. Dry your hands using a clean towel or air dry them.

Now, go wash your hands!