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**Harville**  
LAW OFFICES, PLLC

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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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## Your Rights are Under Assault

The Ky. legislature is at it again!



Still smarting from the failure of the Medical Review Panel (MRP) Act that he sponsored last year, Sen. Ralph Alvarado, a Winchester physician, is trying to get the legislature to pass Senate Bill 2. This bill seeks to put a referendum on a statewide ballot asking voters if they are willing to let the legislature rewrite all of the tort laws in the Commonwealth.

If passed, voters would be asked: "Are you in favor of permitting the General Assembly to: (1) Place limits on the amount to be recovered for injuries resulting in death; (2) Place limits on the amount to be recovered for injuries to person or property; and (3) Create statutes of limitations or statutes of repose as to how

long after the incident a law suit may be commenced?"

This bill would give the legislature the power to eliminate the rights of people to recover full and fair compensation if they are injured due to someone else's fault. Do you really want the legislature to set a cap on how much your loved ones' lives and health are worth, if, God forbid, they are killed or injured because of a drunk driver, someone texting on their cell phone, or even a rapist? How would you like to be facing a million dollars in medical bills from a truck accident and being told you could only recover \$300,000?

Alvarado's motives are transparently self-serving. He is a wealthy physician who was born and raised in the San Francisco Bay area. He came here to do his residency at the UK Medical Center and decided to stay. Having failed in his bid to curtail med mal lawsuits, he now wants voters to basically turn the power of the courts over to the legislature so it can control the whole system.

But the idea that there is some sort of runaway court system is hog-wash. As I've noted, fewer and fewer civil cases ever even go to trial anymore. Almost all are settled. And don't try to sell the idea of high malpractice premiums due to outsized verdicts, etc. That argument was rejected in the *Claycomb* case that shot down the MRP Act, because it just wasn't true.

Tort reform isn't needed, folks. As reported by the [Courier-Journal](http://www.courier-journal.com), it didn't lower the cost of medical care in Indiana, and it won't here. All it does is provide less incentive for people to be careful when they are involved in an activity that could injure somebody. That's why we have our tort system in the first place, so people will conduct themselves with reasonable care, and will be held responsible for the harm they cause if they don't.

Call the Legislature Hotline, 1-800-372-7181, to let them know you strongly disapprove of Senate Bill 2.

• 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 in Personal Injury 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.

Not only is the Ky. legislature attempting to take over the tort system (p. 1), it is also trying to gut the Ky. No-Fault law as we know it.

As readers know, the “No-Fault” Act requires every auto policy to provide at least \$10,000 in “no-fault” coverage for medical bills and lost wages due to a motor vehicle accident. The Act is liberal when it comes to allowing injured persons to seek treatment with health care providers of their own choosing.

That will change if Senate Bill 121 passes into law. It will open a Pandora’s box of litigation.

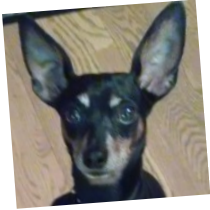
First of all, the proposed amendment takes away the presumption that any medical bill is reasonable. It then says that a medical bill must be within the provider’s “legally authorized scope of practice.” Does that mean an ER physician can’t operate an accident clinic, as many have? It also requires bills to contain diagnostic codes, which has never been required, and will justify delays in payment. It also requires bills to be discounted according to the Workers’ comp fee schedules, which is a new wrinkle.

But the big kicker is that medical expenses must be for treatment

that is “a. [N]ecessary to achieve maximum medical improvement for the injury; b. Commonly and customarily recognized throughout the medical profession within the United States of America as appropriate for the treatment of the injury; (and) c. Primarily designed to serve a medical purpose.” That obviously opens the door for an insurer to argue, for example, that pain relief isn’t for “maximum medical improvement,” or “approved throughout the USA,” etc.

Insurers must be donating a lot to these legislators’ campaigns. They are trying to kill the No-Fault Act,

## Advice Column - When Your Team Loses



Casey’s Kentucky Trivia Question:

What is the longest bridge in Kentucky?

- Natcher bridge (O’boro)
- Clark Memorial bridge (L’ville)
- Clay’s Ferry bridge (Lexington)
- Henderson RR bridge

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!

Let’s face it, UK/UL fans. I don’t see any new banners this year.

[Wikihow.com](http://www.wikihow.com)

offers these coping tips for when your team loses:

- Acknowledge your feelings. It sucks when your team loses!
- Talk to other fans. Misery loves company.
- Eat some comfort food. Just don’t overdo it.



4. Turn off the TV. Just don’t take a gun and shoot it, Elvis-style.

5. Get some exercise. You will feel better and it will help you get your mind off of that @!#\$ game!

6. Remember it’s just a game.

Isn’t it amazing how you can feel depressed over watching a bunch of guys you’ve never met? Like Jerry Seinfeld said, aren’t we really cheering for laundry?

7. Accept your impotence. (No, I’m not talking about ED.) Your team didn’t lose because of where you sat on the sofa.

8. Stay loyal to your team. When they do win it all, you can feel good about sticking with them.

9. Remember the good times. Go watch a YouTube of that last national championship game.

10. Prepare to be taunted. Hey, their team lost, too!

11. Be optimistic. We’ll get ‘em next year!

12. Talk to a therapist. If you’re that messed up over your team losing, then you really should. Go Team!



Winston

## Favorite Pet of the Month

Meet Winston, a hound that is about 2 years old. Found roaming and hungry, a good Samaritan brought Winston to the Rescue when no one claimed him. This handsome boy would love to be part of a loving family! He does well with humans and other dogs (not sure about cats). Like most hounds, he is curious and loyal.

If you would like to meet Winston or make him part of your family, visit [www.barktownrescue.org](http://www.barktownrescue.org) and fill out an application!

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!

# Kentucky vs. Indiana Auto Insurance - Stacking

Last month I talked about differences between Indiana and Kentucky auto coverages. This month I am going to talk about “stacking.”



First of all, what is “stacking?” It’s pretty simple. The idea behind “stacking” is that when you pay premiums for certain types of coverage on more than one vehicle, you should be able to combine (or “stack”) those coverages together if you are injured and that coverage applies.

It’s easier to explain it by looking at the premium notice for your policy (or for all of

your policies, if you have more than one). You are looking for your Uninsured Motorist (UM) and your Underinsured Motorist (UIM) coverage, if you have that coverage (which you should!). This page will show if you paid one premium for these coverages on all of your vehicles, or if you paid a separate premium for these coverages for each of your vehicles.

If you just paid one premium for UM/UIM coverage on all of your vehicles, that is known as a “single premium” policy which you cannot stack. However, if you paid a separate premium for these coverages on each vehicle, then that is a “stackable” policy under Kentucky law.

For example, let’s say I am hit by an unin-

sured motorist and my case is worth \$75,000. I have a policy covering 3 vehicles with \$25,000 UM coverage on each vehicle. If I paid one premium for all 3 vehicles, then I can only recover \$25,000 in UM benefits. But, if I paid a separate premium on each vehicle, then I can “stack” those 3 coverages and can recover \$75,000 in UM benefits.

Most Ky. policies have gone to the “single” premium policies to avoid stacking, but there are still many insurers who haven’t. Stacking is not allowed for liability coverage.

As for Indiana, the answer is simple: Stacking is not allowed, period.

## Stupid-Easy Recipe of the Month

*A Healthy Way to Eat Italian!*

### Eggplant/Spaghetti Squash Parmesan

Want a recipe for a super-healthy “Italian” dish? Give this one a try. Serves 4:

Ingredients:

- 1 spaghetti squash
- eggplant
- Kroger Gluten-free Italian bread crumbs
- 1 jar your favorite marinara sauce
- Low fat Provolone slices (at Wal-Mart)
- Egg beaters

Directions:

- Microwave spaghetti squash ~ 4 minutes,

slice in half lengthwise and bake face down for 1 hour

- Cut eggplant crosswise into 1/4-1/2 inch slices, dip in egg beaters and roll in bread crumbs, bake at about 350° for ~ 15 minutes until slightly brown
- Allow squash to cool slightly, spoon out seeds and rake squash into large casserole dish (or 2); arrange in an even layer at bottom of dish
- Pour pasta sauce in an even layer over squash, then arrange half-baked eggplant slices on top

- Layer cheese on top of eggplant (add parmesan cheese if desired)
  - Bake for another ~ 15-20 minutes @ 350° until cheese starts to brown
- Not bad for guilt-free eating! Enjoy!



## Rock Fences of the Bluegrass

Anyone who has ever driven down Central Kentucky’s beautiful country roads has no doubt noticed the rock fences that were created by Irish stonemasons back in the 19th century. These are unique to our countryside and are found in only a few places throughout the world.

Believe it or not, there has been a book written about these fences by a UK geology professor, Karl Raitz, and his assistant, Carolyn Murray-Wooley, available on [Amazon](https://www.amazon.com).



Rock Fences near Shakertown, Ky.

You can also watch a video by Dr. Raitz about these fences at [vimeo.com/91306317](https://vimeo.com/91306317). He explains that they were built because timber was scarce and trees were needed to provide shade for the pastureland. They are built without any mortar.

So, if you have in mind a leisurely drive to Lexington, why not take a detour down Old Frankfort Pike - one of the prettiest drives in the state - and take in these historical structures.



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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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## Limerick, Kentucky

WARNING: Bad Poetry Alert:

*There once was a man from the 'Ville  
 Who went by the name of Harville  
 When Easter drew near  
 He ate fish and drank beer  
 Until he ingested his fill*

OK, that was pretty bad, but did you know that Limerick was also the name of a 19th century Irish neighborhood in Louisville? Located about a mile south of downtown, the neighborhood flourished when the L & N Railroad bought the Kentucky Locomotive Works at 10th and Kentucky Streets in 1858. Within a decade, the railroad built repair shops and a planing mill. The majority of Louisville's Irish population were employed at L & N and moved to the area from Portland to be closer to their jobs. It is thought that the community was named after the city of Limerick on the west coast of Ireland, but many historians believe it was named by a neighborhood resident, Tom Reilly.



It is no coincidence that during this same time period, the Diocese was relocated from Bardstown to Louisville by Benedict Joseph Flaget, "The First Bishop of the West," who had overseen significant Catholic growth in Nelson, Washington, and Marion counties. A lasting fixture in the Limerick neighborhood is St. Louis Bertrand Church on S. Sixth Street, built in 1872. Limerick was known as the predominant Irish neighborhood in Louisville until

1905, when L & N Railroad moved its repair shops to the Highland Park neighborhood. Some notable facts:

- The neighborhood had its own weekly newspaper, *The Kentucky Irish American*
- The Louisville Colonels, a major league baseball team that existed from 1882 to 1899, played at Eclipse Park at the north-west corner of Seventh and Kentucky Streets.
- During the Civil War, Union military forces built an arsenal at the northeast corner of Seventh and St. Catherine Streets. Barracks were also built along Seventh Street between St. Catherine and Oak streets.

For more reading, check out these articles:

[louisville.edu/cepm/westlou/west-louisville-general/a-place-in-time-courier-journals-history-of-neighborhoods/](http://louisville.edu/cepm/westlou/west-louisville-general/a-place-in-time-courier-journals-history-of-neighborhoods/)  
[www.irishcentral.com/roots/ancestry/irish-spirit-alive-and-well-in-limerick-kentucky](http://www.irishcentral.com/roots/ancestry/irish-spirit-alive-and-well-in-limerick-kentucky)

Happy St. Patrick's Day!