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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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The Importance of Venue

In legal terms, “venue” means the county where a lawsuit must be filed.

In Kentucky, the general rule is that a lawsuit over a motor vehicle crash must be filed in the county where the crash takes place. If it occurred in Jefferson County, Ky., then a lawsuit must be filed with the Jefferson Circuit Court in downtown Louisville. That’s probably the simplest venue rule.

Another option is that you can file the lawsuit where the defendant lives, if he lives in a different county and you’re not crazy about the county where the crash occurred. But that can have its drawbacks if you’re suing a local resident in his own backyard, so this isn’t usually done.

In terms of settlement value, venue can make a difference. In the Louisville Metro area, juries are drawn from the largest and most diverse population base in the state. This means you can try the



same case in front of 10 different juries and get 10 different results. In general, the larger and more diverse the population base, the wider the potential jury verdict range.

Jury verdicts in smaller, more rural counties tend to be more conservative and less volatile. But there are exceptions. Certain counties in Eastern Ky., for example, have reputations for large jury verdicts in personal injury cases.

I have practiced cases in most of Ky.’s 120 counties, from Pikeville to Paducah. For the most part I have been treated fairly across the Com-

monwealth. As someone who was born and raised in Lexington, has family from Eastern Ky. (mother’s side), married into my wife’s family from Western Ky., and has lived most of my adult life in Louisville, I usually feel at home pretty much anywhere throughout the state. Also, having attended UK Law School, I tend to know lawyers and judges in many parts of the state, too, not just in Louisville or Lexington.

I have also practiced in several courts in Southern Indiana, and have been treated very courteously there as well. Indiana’s venue rules are a little different. In Indiana, you can theoretically file a lawsuit anywhere in the state. But if the other side objects, the court can order that the case be transferred to a county with “preferred venue.” In a personal injury case, that usually means – guess what? – the county where the accident occurred. So as a practical matter that’s where most car and truck accident cases end up getting filed in Indiana, too.

• 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 - Legislative Update

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.

Well, we can all breathe a sigh of relief. The Kentucky legislature has perhaps realized that it's got more important things to worry about than tort reform. You know, things like the underfunded teacher pension plan, a staggering state budget deficit, and legislative sex scandals.

The 3 tort reform bills that were proposed in this session - Senate Bills 2, 20 and 121 - have all been "adjourned sine die," which basically means they have been tossed into the waste paper basket where they belong.

I wrote about Senate Bill 2 on the cover of my last issue. That was the one that wanted Kentuckians to vote on a constitutional amendment that would essentially give the legislature the power to rewrite all of the tort laws of the Commonwealth.

Senate Bill 20 was another stab by Sen. Alvarado (the rich doctor who moved from California to Winchester, Ky.) at throwing up more roadblocks in medical malpractice cases, after his failed effort last year with the Medical Review Panel ("MRP") Act. The

Ky. Supreme Court is expected to render an opinion that officially declares that Act to be dead sometime this month.

The last of these 3 bills, Senate Bill 121, is the one I wrote about in this space last month. That was the bill that basically wanted to take away the rights of persons injured in car accidents to receive no-fault benefits for treatment from a health care provider of their choice, and took away the presumption that any treatment expense was reasonable. Good riddance!

Tomato Growing Advice

I don't know if the weather is ever going to warm up, but when it does, here is some tomato-growing advice from bonnieplants.com:

- Devote a prime, sunny spot to growing tomatoes. Tomatoes need at least 6-8 hours of sun to bring out their best flavors.
- Stake, trellis, or cage most tomato plants to keep them off the ground.
- Give each plant enough room

to grow. If growing in containers, you'll need at least a 24-inch pot for most varieties. Fill containers with premium quality potting mix, such as Miracle-Gro®.

- Use a continuous-release fertilizer with calcium, like Miracle-Gro® Shake 'n Feed® Tomato, Fruit & Vegetable Plant Food. This helps protect against blossom end rot, which can occur if the plant doesn't get enough

calcium.

- Bury 2/3 of the stem when planting for a stronger plant.
- Water seedlings immediately after planting.
- Water regularly, aiming for at least an inch of moisture per week (through rain or watering), more in the summertime. Feel the soil; if the top inch is dry, it's time to water.

Plant now and enjoy them later!

Favorite Pet of the Month

Meet Pumpkin, our foster dog! This sweet little beagle is 2 years old and weighs about 13 pounds. She was dumped on busy Louisville Road and currently resides with the Skaggs' family waiting for her forever home. She is really loving, does well with other dogs, and loves to be on your lap or near you.

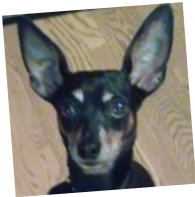
Understandably, she was a little timid at first, but her personality is really starting to shine!

Are you a pet lover? We are!

Dana Skaggs serves on the Board of Directors of [Barktown Rescue](http://BarktownRescue.com).

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 largest private employer in Kentucky?

- A. UPS
- B. Toyota
- C. Humana
- D. Ford

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!



Pumpkin

Do You Need Earthquake Insurance?

On December 16, 1811, a series of some of the largest earthquakes in US history began along the New Madrid fault. The epicenter of those earthquakes was close to the westernmost part of Kentucky. There were no seismographs at that time, but according to usgs.gov, the area of strong shaking associated with those earthquakes is estimated to be 2 to 3 times as large as that of the 1964 Alaska earthquake and 10 times as large as the 1906 San Francisco earthquake. The quakes caused church bells to ring as far away as Charleston, SC, and toppled chimneys in Cincinnati. The Mississippi



River itself was rerouted and created Reelfoot Lake.

Could it happen again? Scientists think so.

So, that raises the question: Should you buy earthquake insurance for your home? We have had earthquakes since I moved to Louisville. One time my desk started vibrating, and it took me a minute before I realized it was an earthquake.

But earthquake insurance isn't that cheap. A lot of carriers won't offer it. For example, Ky. Farm Bureau writes its earthquake coverage through Lloyds of London. The annual premium costs about 1% of the value of your home, so for a \$200,000 home it's about \$200.

But the kicker is, if you have a claim there is a 10% deductible. That means you have to pay for the first 10% of the damages yourself, which means for a \$200,000 home you would pay for the first \$20,000 in damages.

I'm not sure the coverage is worth it with that high of a deductible. It would take a lot of damage to get above that deductible before the insurer would pay out anything.

Bottom line, the risk of a catastrophic earthquake causing more than 10% damage to my home just doesn't seem worth the cost of the premium to me.

Hope I'm right!

Stupid-Easy Recipe of the Month

Springtime is the perfect time for wraps! This recipe is simple and versatile, too!

Easy Chicken Caesar Wraps

Ingredients:

- 2.5 cups chopped cooked chicken (prepackaged, or prep yourself using 3 chicken breasts)
- 2.5 cups shredded romaine lettuce
- ½ cup Caesar dressing
- ¼ cup grated parmesan cheese

- 1/3 cup of real bacon pieces (prepackaged, or crumble about 4 slices)
- ¼ cup of garlic and herb croutons
- Salt and pepper to taste
- 4-8 inch flour tortillas (I prefer spinach)

Directions:

In a bowl combine all ingredients. Spoon out the mixture onto your tortillas and wrap tightly. Eat after prep, or refrigerate in a sealed container or bag for up to 24 hours. Have fun with this one! You can

add diced avocado, diced tomatoes, crumbled blue cheese, etc. Perfect for lunch or a quick grab and go dinner!



*Great for a
delicious
meal
anytime!*

The Kentucky Museum at WKU

If you are ever in Bowling Green and enjoy discovering hidden gems, check out The Kentucky Museum on WKU's campus.

Open from 9 am to 4 pm Monday through Saturday, it costs just \$10 for adults, \$5 for children 6-16, or \$20 for the whole family.

The museum has something for everyone - period clothing, Civil War history, quilts, fine art, arts and crafts, local history - anything and everything that's all about Kentucky.



The Duncan Hines Exhibit at The Kentucky Museum on WKU's campus

One of the most entertaining exhibits is the Duncan Hines exhibit. Known as the "Cake Mix" king, Duncan Hines was a native of Bowling Green. Although he is best known for his cake mixes, he actually rose to fame for publishing a guidebook to the best hotels and motels in America, after spending years as a traveling salesman. He has a story to rival Kentucky's more famous entrepreneur, Colonel Sanders!



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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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April 1865

The United States has seen a lot of major historical events in its day, but you could argue that there has never been a month like April 1865 in this nation's history.

The book that first drew my attention to this fact was [*April 1865: The Month That Saved America*](#) by Jay Winik, which I read a few years ago.

Consider the fact that these two events happened with the span of one week: On Sunday, April 9, Lee surrendered to Grant at Appomattox Court House, signaling the end of the 4-year Civil War, the bloodiest period in our nation's history. Just 5 days later, on Friday, April 14, John Wilkes Booth, a famed actor and Confederate sympathizer, shot President Lincoln in the back of the head during a performance of *Our American Cousin* at Ford's Theatre. The mortally-wounded Lincoln was taken to the Peterson House across the street, where he died 9 hours later.

In fact, it was not the first time that Lincoln had watched Booth perform on stage. On November 9, 1863, Lincoln watched Booth perform in the play *Marble Heart* while sitting in the same box at Ford's Theatre where Booth would assassinate him 1 1/2 years later.



You can visit all of these historical landmarks today. I've not been to Appomattox, but I have been to Ford's Theatre and the Petersen House. The room where Lincoln died is surprisingly small and cramped by today's standards.

Another amazing fact about that month is that Lincoln's assassin, Booth, almost got away. That is the subject of another great book, [*Manhunt*](#) by James L. Swanson. Booth led Union cavalry and detectives on a wild 12-day chase through the swamps of Maryland, across the Potomac River and into Virginia, where he was finally gunned down at a farmhouse owned by Richard Garrett.

The history of the United States is fascinating, and for my money, I can't think of a more fascinating month than April 1865. If the United States could survive and endure after that month, then I think it can survive just about anything.