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**Harville**  
 LAW OFFICES, PLLC

*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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# An Expression of Gratitude

This issue marks the first full year of my practice newsletter. We hope everyone who has read this newsletter has found it informative and entertaining.

For our last column of this year, what we really want to express is our sincere gratitude to each and every one of you whom we have served in 2016, or in years past.

We are grateful that you have put your trust in our office to represent you in your particular case.

We are grateful that you appreciate the fact that we are a small office and pride ourselves in providing personal service and forming relationships with our clients.

We are grateful that you appreciate the value of our many years of experience in handling personal injury cases of all kinds.

We are grateful that you understand that our top priority is that we are here to help you.

We are grateful that you appreciate the need for you to be educated concerning your legal rights under the laws that apply to your particular case, so you can make the best financial decision you can under the circumstances.



We are grateful that you realize that insurance companies do not treat unrepresented people with personal injury claims with the same respect as those who have a lawyer.

We are grateful that you appreciate that the legal system can be a difficult and daunting undertaking.

We are grateful that you understand that insurance companies can be difficult adversaries.

We are grateful that you understand that you need an advocate to guide you through the legal process.

We are grateful for the patience you have shown us as the legal system can be a long and tedious process.

We are grateful that you understand we will do the very best we can to achieve the best possible outcome for you in your case.

We are grateful for the patience you have shown us when we are working on other cases, and that we will do our very best for our other clients the same as we will for you.

We are grateful for the kind testimonials you have given us that we have posted on our website.

We are grateful that you have referred other people to our office for their personal injury claims. There is no greater compliment for us than "word-of-mouth" referrals.

We feel truly blessed and privileged to have served each and every one of you. May God bless all of you and your friends and families during this holiday season!

• 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

As a result of last month's statewide election, Republicans now control both the House and Senate in our state legislature, along with the Governor's seat. How might this affect Kentucky's personal injury laws?

In recent years, a number of states have enacted sweeping "tort reform" laws, placing caps on non-economic damages (pain and suffering) and punitive damages. Could this now happen in Kentucky?

Well, it might, but if it did, it probably won't "stick." This is because of Kentucky's "jural rights" doctrine,

which is based upon Kentucky's last state constitution that was enacted in 1891.

What the "jural rights" doctrine means is that our state legislature can't pass any laws that would infringe upon people's legal rights to sue for personal injuries as they existed in 1891, when Kentucky's last constitution was enacted.

In fact, Kentucky has "been there, done that." In 1988 the state legislature passed a law, KRS 411.184, which attempted to redefine the evidentiary standard required to

establish a claim for punitive damages. However, in the Ky. Supreme Court case of Williams v. Wilson, this statute was held unconstitutional (under Kentucky's 1891 constitution), because the right to claim punitive damages existed under Kentucky common law in 1891. Therefore, the state legislature could not enact legislation that would alter that right.

In short, it would take an amendment to our state constitution to open the door for real "tort reform," which probably isn't going to happen.



Casey's Kentucky Trivia Question:  
What Kentucky Park is known as the "birthplace of paleontology?"

- A. Falls of the Ohio
- B. Big Bone Lick
- C. Mammoth Cave
- D. Cumberland Gap

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!



Tiny Tim

## Advice Column - Positive Thinking

The winter months can get you down. Here are some old school tips from the master himself, "Norman Vincent Peale's Top 10 Positive Pearls of Wisdom":

1. **Focus on today.** "Don't take tomorrow to bed with you."
2. **Don't walk around with the world on your shoulders.** "The world would go on even without you. Don't take yourself so seriously."
3. **Just step up and face your obstacles.** "You will find that they haven't half the strength you think they have."
4. **Understand to overcome.**

"Understanding can overcome any situation, however mysterious or insurmountable it may appear to be."

5. **Expect to get what you expect.** "Any fact facing us is not as important as our attitude toward it, for that determines our success or failure."

6. **Find the upsides of the problem.** "Problems are to the mind what exercise is to the muscles, they toughen and make strong."

7. **Check your phraseology.** "Start each day by affirming peaceful, contented and happy attitudes and your days will tend to be pleasant and

successful."

8. **Don't go too fast.** "To go fast, row slowly."

9. **Develop the most useful habits of thinking.** "Our happiness depends on the habit of mind we cultivate. So practice happy thinking every day."

10. **Learn not only from your mistakes.** "We've all heard that we have to learn from our mistakes, but I think it's more important to learn from successes. If you learn only from your mistakes, you are inclined to learn only errors."

## Favorite Pet of the Month

Just in time for the holidays, meet Tiny Tim!

Tiny Tim's mom, Alice (also available for adoption), was super smart. She showed up on the doorstep of a Barktown Rescue volunteer. Pregnant and nowhere to go, our volunteer made room for Alice at her inn.

Born in May, Tiny Tim is a 6 month old gray and white domestic shorthair that loves to play! Do you have room in your home and heart for this little fella?

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](http://www.barktownrescue.org)

[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](mailto:bdh@harvillelaw.com) with a photo and we'll try to put this in a future issue!

# Renters Insurance

Winter officially arrives this month, which means an increase in the use of space heaters, holiday lights, and candles and therefore, an increase in the number of fires. Here's something to think about: Homeowners usually are required to maintain an active policy of insurance, but renters rarely do so. In fact, one study found that less than 25% of renters in Kentucky have renters' policies. That same source, <http://www.rentersinsurance.net/kentucky.html>, states that on average, a Kentucky renter's insurance policy costs less than \$15.00 per month for \$25,000 in coverage. The same amount of coverage for a homeowner would cost almost five times that amount.

We urge our clients who rent apartments and/or homes to get a few quotes on insuring your personal belongings and add renters insurance to your monthly budget. People, especially young adults, tend to live in the moment and underestimate the value of their personal belongings, such as i-pads, cell



phones, computers, furniture, gaming systems, clothes, etc. If there were a fire that destroyed or damaged your rental property, be aware that landlords are responsible for maintaining and insuring the structure itself, as well as common areas, but their policies do not protect the personal belongings of their tenants. The only way you can be sure that your personal belongings are protected is to insure them yourself. Finally, renters insurance also provides liability coverage that protects the tenant against claims by the landlord if the tenant negligently damages or destroys the landlord's property.

## Stupid-Easy Recipe of the Month

*A crunchy, sweet and salty treat!*

### Dana's Peanut Brittle

Peanut brittle is always a favorite around the holidays! Here is Dana's family recipe:

#### Ingredients:

- 1 cup white sugar
- 1/2 cup of light corn syrup
- 1 and 1/2 cups of peanuts (more if you so desire)
- Tbsp. Butter
- 1 tsp. Baking soda
- 1 tsp. Vanilla extract

#### Directions:

- Spray a cookie sheet and wooden spoon with cooking spray before you get started.
- In a microwave safe bowl, mix sugar and corn syrup together and heat for 5 minutes on high.
- Stir in peanuts and butter. Heat for another 3-4 minutes.
- Immediately add vanilla and baking soda (mixture will be a little foamy). QUICKLY pour entire mixture onto prepared cookie sheet.
- Let the brittle harden and then break into pieces.

- (Note: you can use roasted, salted, or unsalted peanuts depending on taste. My mom also made this recipe with 2 Tbsp. molasses added to sugar and corn syrup)



## Winter Folklore

As winter approaches, we are reminded of the various winter predictors shared



among family over the years. Do you recognize any of these? A particularly harsh winter is forecast if the brown band on the woolly worm is narrow or the summer

corn crop has more silk. If your flowers have bloomed twice (spring and fall) "then you will have colder winter nights." Watch out if acorns fall heavily on the ground or pine cones are larger than usual. Did you know that the taller the weeds in the summer, the more snow you will see in winter; and this one: "The higher the hornets' nests go, then you can count on deeper snow."

Many of these were passed on from one generation to the next, well before weather satellites and fancy gauges, but some have proven to be accurate.

For more on weather folklore and predictions, visit [farmersalmanac.com](http://farmersalmanac.com) or pick up the most recent volume at your local grocery store.



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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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## Pearl Harbor Day - December 7, 1941

Last winter, my son, Clay, got to go to Hawaii as part of a “study away” program at WKU. Among the highlights was his trip to Pearl Harbor. He also had to present a report to his class which was very informative. Here are some parts from his report:



*Clay Harville at Pearl Harbor*

Japan’s desire for economic security and expression of their nationalism is what motivated it to launch the Pacific War. Japan wanted to control all of China, Southeast Asia, and the entire Pacific Ocean. The USA was already helping the British survive during their war against Germany in Europe, so it could not focus on Japan’s

aggression toward China. However, the USA threatened to cut off Japan’s supply of oil if it continued to persist in pursuing its imperial goals.

Japan did not want to continue economic dependence on the USA. Japan needed not only oil but also aluminum, iron, and steel. Japan also feared the American Pacific fleet in Pearl Harbor would be a major threat to its fuel supply in conquering all of Southeast Asia and all of the Pacific. Once the USA threatened to cut off Japan’s supply of oil, war became inevitable.

The mastermind behind the plan of the attack on Pearl Harbor was Isoroku Yamamoto of the Japanese Navy. He knew exactly what he was up against if the attack on Pearl Harbor failed, but he did not have any choice. Yamamoto had prior knowledge about America because he had lived there. He knew that even if the attack were successful, it still might not be possible for Japan to win the war it had started against the USA.

One of the forgotten heroes at Pearl Harbor was Al Brick, a professional cameraman. On the morning of the attack, he was on his way to the Arizona battleship with his camera when he saw planes flying over. He did not realize they were Japanese until they started attacking when the bombing started. Brick began filming when the attack started around 8 a.m. until it ended around 10 a.m. He kept filming all of that day and including the next day after the attack.

After the attack, the U.S. military withheld Brick’s footage of the attack. However, it was released to the public one year later on December 7, 1942 by Fox Movietone News, in a newsreel entitled “Now It Can Be Shown!” Brick’s film had a major impact on how destructive the attack was and how it motivated the American people to go into war.

Brick’s newsreel can be seen on Youtube at: <https://www.youtube.com/watch?v=xaBeEP5Y018>