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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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Dealing with Change

Boy, there's a lot of change in the news, isn't there? To all of you who think the sky is falling, let me remind you: The only thing that never changes is change. Change is a constant in all of our lives.

This past month, my family lost my wife's mother to cancer. She was the last of our parents and she will be greatly missed. It has also cast my wife and I in the unfamiliar role of no longer having any parents around at all. We no longer get to be anyone's children anymore. As we have said to each other, we are now the "grown-ups!" It's about time, as we are both in our fifties!

Helping other people deal with major life changes is also a part of our practice at Harville Law Offices. Without exception, every person we represent has been the object of some event that has brought about unwelcome change in their lives. This event may be an automobile accident that has



caused significant or serious injuries, an on-the-job accident that has affected an employee's ability to work, or perhaps a death in the family where an estate has to be set up and administered.

We see our job as helping our clients deal with these changes and to move on with their lives. If someone is injured in a car or truck accident, it's our job to help them make sure that their medical expenses are covered, help guide them in getting the treatment they need, and gather all of the available information we need in order to resolve their case. The process is similar in workers' compensation cases. In probate cases, it's a matter of tracking down all of the assets and making sure they are properly distributed under the law.

It can be a long and stressful process. As I said in last month's column, it requires patience. In the meantime, don't wish your life away. Take each day one at a time. And only worry about what you have to worry about each day. Those decisions you will have to make six months from now will have to wait until six months from now.

In Gary Keller's bestselling book, *The ONE Thing*, he offers this focusing question for each moment of your life: "What's the ONE Thing I can do such that by doing it everything else will be easier or unnecessary?" And I would also add this verse from the Sermon on the Mount (Matthew 6:34): "Therefore do not worry about tomorrow, for tomorrow will worry about itself. Each day has enough trouble of its own." You can only take care of what you can take care of each day. As long as you do that, it will all work out. Give it time.

• 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

I've got a case going on now where the major issue is whether someone who waves at someone else in traffic that the coast is clear can be held liable if that person relies upon the signaling driver and is then involved in an accident.

We've all seen this happen as we drive around town. Maybe the most common example is when cars stopped in traffic will leave enough space for someone coming from the opposite direction to make a left turn into a side street or a parking lot. Just

don't wave at them!

To my surprise, there really aren't any reported cases from our Kentucky appellate courts that address this issue. There appears to be a difference of opinion in other states as to whether someone who waves at somebody else in traffic that the coast is clear can result in liability or not.

One of the more recent out-of-state decisions I've seen comes from our neighboring state of Indiana. In *Key v. Hamilton*, 963 N.E.2d 573 (Ind. App. 2012),

the Indiana Court of Appeals held that a signaling driver could be held liable to a third party motorist as a matter of law "when his actions result in the reasonable reliance by the signaled driver that traffic is clear." Basically, that tells you that under the right set of facts, it would be up to a jury to decide if the act of waving or signaling to another driver could result in liability for a subsequent accident. My guess is that our Kentucky appellate courts would take a similar view if they addressed this issue.



Casey's Kentucky Trivia Question:
What UK basketball player played on 7 NBA championship teams?

- A. Pat Riley
- B. Frank Ramsey
- C. Nazr Mohammed
- D. Tayshaun Prince

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 - Groundhog Day

What if the Groundhog sees his shadow? How do we get through 6 more weeks of winter? Here's some tips from drugs.com (no kidding!):

1. Get Outside Often. Go outside when the sky is clear or not raining. Dress warm and feel that winter sunshine.
2. Keep Up the Exercise. Try a new gym or group class. Make the most of a sunny winter's day, dress warmly, and run in the cold.
3. Make the Most of Nutritious

Winter Fruits and Vegetables. They are full of nutrients, antioxidants and fiber which increase your energy and help keep that winter-weight at bay.

4. Protect Your Skin From the Inside-Out and Outside-In. Keep moisturizer on your face and skin.

5. Watch Your Vitamin D Levels. Our immune system and mood rely on vitamin D, which is made in our bodies after exposure to the sun.

6. Try to Keep a Regular Sleep

Schedule. Try to go to bed at the same time each night.

7. Thwart That Cold or Flu In Its Tracks. Get a flu shot, wash hands often and keep some Zicam handy!
8. Be Mindful of Your Heart. Don't overexert yourself shoveling snow!
9. Stay in Control of Your Asthma. Cold and viruses can trigger asthma attacks.
10. Shine Some Light on Those Winter Blues. A light therapy box may help fight off Seasonal Affective Disorder.

Just a few more weeks and Spring will be here!

Favorite Pet of the Month



One of Barktown Rescue's own has been named to the starting lineup of Animal Planet's 2017 Puppy Bowl!

Meet Woody, aka "Buck." He plays on team "Ruff." He is a Blue Healer/Cattledog mix. He is still a puppy and ready for action!

Be sure and tune in to Animal Planet's Puppy Bowl on Super Bowl Sunday to cheer Woody to victory! It airs on February 5 @ 3pm ET/2pm CT on Animal Planet network.

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!

Added Reparation Benefits - Are They Worth It?

I've talked a lot about automobile insurance coverage in this newsletter and how you should buy as much as you can afford. If you're involved in a serious accident, you simply can't have too much coverage to protect yourself and your family.



However, there's one type of automobile coverage that I'm on the fence about, and that is "added reparation benefits."

What are "added reparation benefits," anyway? Well, as you may know, every Kentucky automobile policy is required to

provide "basic reparation benefits" (aka "no-fault"), which cover medical expenses and lost wages (@ \$200/week) up to \$10,000.

Well, if you buy more than the basic "no-fault" coverage, that's called "added reparation benefits." Under the statute, you can buy up to \$40,000 in additional coverage for your medical expenses and/or lost wages, and this coverage typically provides a higher lost wages benefit than the basic \$200/week.

On the plus side, "added reparation benefits" coverage is really cheap in terms of the additional premium paid. This additional coverage can spare you from having to pay co-pays

and deductibles under your health insurance.

On the other hand, under current Kentucky law, your insurer can refuse to pay these benefits except for unpaid medical expenses or to reimburse health insurance liens. That issue is still on appeal. If the Kentucky Supreme Court decides that you have the right to receive added reparation benefits for your medical expenses, then by all means you should buy as much of this coverage as you can get. That way you have the right to decide how that money gets paid and pocket any savings.

Stupid-Easy Recipe of the Month

Buffalo Chicken Dip

This is a Super Bowl party dip that is wicked good! I have changed a few of the original ingredients to suit my tastes!

Ingredients:

- 2 (8 ounce) packages neufachtel cheese (located next to the cream cheese in the store, but more flavor and fewer calories)
- 1 cup ranch dressing (I like Great

- Value light, cheap and good!)
- 3/4 cup Texas Pete buffalo wing sauce
- 1 pound grilled chicken strips
- Blue cheese crumbles
- Your favorite dipping chips

Directions:

- Beat neufachtel cheese, ranch dressing, and wing sauce.
- Fold in shredded chicken.
- Spread mixture into pie plate or casserole dish sprayed with Pam.

Bake at 350 degrees Fahrenheit for 20-25 minutes.

Add blue cheese crumbles to top
Serve hot with your favorite dipping chips. Yum!



*A wickedly
delicious
Super Bowl
dip!*

Shaker Village at Pleasant Hill

Guys, are you feeling any Valentine's Day pressure? If your wife says she isn't expecting anything special for Valentine's Day, are you dumb enough to believe her?

Why not get out of Louisville and enjoy a part of "real" Kentucky for a change? A road trip that's sure to please is a trip to Shaker Village at Pleasant Hill in Mercer County, better known as "Shakertown." This is a place that is unique to Kentucky, and the restaurant is fabulous. It's about

an hour and a half drive from Louisville, and well worth the trip. Try to get there early enough to walk around and enjoy the build-



ings and the grounds.

For those of you who aren't familiar with the history of Shakertown, it was the home of a 19th century religious sect that required sexual abstinence and kept men and women separate. No wonder they're not around any more! But the history of the place is fascinating.

For more information, check out shakervillageky.org.



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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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Lyman T. Johnson v. UK Board of Trustees

In reflecting upon Black History month, I came across the written opinion of [*Johnson v. Board of Trustees of University of Kentucky*](#). This decision was handed down by the federal court in Lexington in 1949. This was the decision that integrated the University of Kentucky, 15 years before the Civil Rights Act of 1964.

The case was brought as a class action, with Lyman T. Johnson as the named plaintiff. I found the written opinion rather fascinating, and remarkable for its brevity. I hope I don't offend anyone if I quote directly from this opinion, as it contains some terminology that is no longer considered appropriate. Paragraph 5 of the Court's Findings of Fact states:

"5. The plaintiff, Lyman T. Johnson, a colored citizen and resident of the Commonwealth of Kentucky, of African descent and of Negro blood, was at all times herein referred to and is in all respects duly qualified for admission to the Graduate School of The University of Kentucky and was and is ready, willing and able to pay all lawful charges and to comply with all lawful

rules and regulations requisite for such admission."

This was followed by paragraph 7, which reads:

"7. The plaintiff's application for admission to and enrollment in the Graduate School of The University of Kentucky at Lexington, Kentucky, was denied by the defendants solely on the ground of his race and color."

The opinion goes on to observe that the graduate school at Kentucky State College in Frankfort (which was established solely for African-Americans at that time) did not offer the same advantages as those for white students at the University of Kentucky.

The Conclusions of Law are likewise succinct. Paragraph 6 and 7 read as follows:

"6. The refusal to admit plaintiff to the graduate school of The University of Kentucky solely because of his race and color consti-



Lyman T. Johnson

tutes a denial of rights secured under the Fourteenth Amendment."

"7. Plaintiff and all other Negroes similarly qualified and situated are, upon proper application, entitled to be admitted to the graduate and professional schools of The University of Kentucky until such time as the Commonwealth of Kentucky shall provide and make available graduate and professional training for qualified Negroes at a separate institution of learning located within the State equal or substantially equal to that provided by the graduate and professional schools of The University of Kentucky."

Isn't it interesting that this decision did not outlaw segregation *per se*? Mr. Johnson was allowed to enroll at UK only because the other educational opportunities available for African Americans at that time were not "equal or substantially equal." Still, this decision was a major victory for Civil Rights in Kentucky at that time, and one that was gained through the legal process.