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The Louisville Accident Lawyer Journal

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and appreciate
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- 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

Why a Newsletter?

You are receiving this newsletter because you are an existing or past client of our firm, or have contacted us about representation. For this reason, this newsletter is not an "advertisement" under Ky. Supreme Court Rule 3.130-7.02(1)(h). It is our way of staying in touch with people who have had a relationship with our firm. We care about the people we have helped and want you to know your relationship is valuable to us, even after your case is over. We hope you find it entertaining and informative, and would love to hear from you if you enjoy it! Our best,
Brad Harville
Dana Skaggs

Announcing the Winner of the Harville Law Offices Car Crash Recovery Scholarship

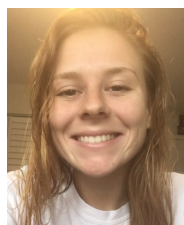
Harville Law Offices is proud to announce the winner of our Car Crash Recovery Scholarship, Alison Norris, who is enrolled as an undergraduate student at Florida Atlantic University.

Alison's essay, "My Aunt Marcey," was selected as the winning essay from among 61 entries from college students attending 15 different schools across the USA. All of these essays contained inspiring and heartfelt stories of young people who have had to deal with serious injuries from car crashes, either to themselves, family members or friends. In many cases, the effects of these injuries upon their lives have been profound and devastating. Selecting the winning

essay proved to be no easy task.

Alison's essay, however, stood out as being unique. You will find her essay reprinted in full on page 2 of this issue.

First of all, the crash she wrote about occurred years before she was born. Her essay vividly illustrates that a moment of thoughtlessness by a careless driver can not only affect the life of the person injured, it can also create a ripple effect that affects that person's family across generations. The crash that she wrote about, which occurred some 35 years ago, is some-



Alison Norris

thing that her family is still dealing with to this day. I can think of no better example of how important it is for people to respect the safety of others while driving on the road, and how important it is to purchase as much insurance coverage as you can to help protect you and your family from economic disaster if you or a loved one are ever in a serious accident.

Again, we are pleased to award our first \$1,500 scholarship to Alison which will be paid toward her Spring 2019 tuition. She is an intelligent and gifted writer with a bright future, and we wish her all the best!



My Aunt Marcey

by Alison Norris

It was a cold, icy morning in New Lexington, Ohio. The roads were windy and slight hills were scattered along the road to the college which my aunt Marcey and her car of classmates were destined to go. She was nineteen years old, her first daughter was born only three months earlier. While her mother tended to the baby at home, Marcey went to school to earn a nursing degree which would help her support the baby she just had and herself in the years to come. She is the youngest of six kids my grandmother has and was always the angel of the group. When I hear stories about when she was young, before the accident, everybody says what a bright future she had. It all came crashing down that morning she was on her way to school, innocent to the traumatic accident that was soon to happen.

It was a two-lane road and there was not much room for error in driving on an icy day like that. As fate had it, a truck was speeding going the opposite way that Marcey's car was going. The driver of truck had to pass the person in front of him, so he didn't have to slow down. As he drove out of the designated lane and onto the side of the road, his truck hit a sheet of black ice. The truck spun, the driver obviously had lost control, and smashed the back end of the car Marcey was in. It happened to hit the exact spot she was sitting. The truck continued to spin and managed to again smash the back of the car, trapping Marcey in the far back seat. The driver had a slight concussion and the other girls in the car with Marcey had minor cuts and bruises. But Marcey was to be affected for the rest of her life.

Over an hour later, the use of the "jaws of life", and an airlift to a nearby trauma center Marcey was in critical condition. My mom and all of her siblings, along with their parents, were frightened nearly to death. They couldn't have known that a nine-month long coma, countless surgeries, and a hyperbaric oxygen chamber would be in store. It was a long hard journey for everybody, and nobody knew if Marcey would ever even wake up. Luckily, she did. She was in a fetal position, could not walk or talk, and had extensive physical and mental damage. She re-learned everything, like a baby who has just entered the world. Her left hand is partially paralyzed, she has short-term memory loss, her vocal chords were nearly sliced in half leaving her speech sounding different, her left leg is shorter than her right, and she moves slowly due to the brain damage.

Not only did Marcey's life change in the blink of an eye, her daughter was now left to be raised by my mom. My grandmother became Marcey's full-time caretaker, and she now lives with me and my mom. This accident happened over 35 years ago, and she still to this day faces challenges because of it. My mom has to get up two or three times a night to help her use the restroom, she faces exhaustion and the struggle of being a full-time caretaker with no breaks. Sometimes Marcey will look at me, a healthy young woman close to the age her life was drastically stolen from her, and tell me that she envies my ability to live my life. I never know what to say.

All of this heartache and loss, just because a random man in New Lexington, Ohio thought getting to work five minutes faster was more important than road safety. I am told constantly by friends that I drive like I'm 85, but I don't mind the jokes. I learned a hard lesson to take my time and be careful from growing up around somebody who has forever been affected by a careless driver. She is an amazing person, still. She is funny, and surprisingly witty and sarcastic, she's loving and can be very deep and meaningful. It's hard to tell how much she understands or where her mind goes, because brain damage is rather mysterious, but I know she remembers her life before the accident. She remembers running, dancing, taking care of her baby girl, and just being a normal young woman with a whole life ahead of her. She can now only walk with a walker and can not express herself as extensively as I know she would like. It's very sad to think about what could have been. Luckily, she's mostly happy, the brain damage doesn't allow her to get stuck in a sour mood (for whatever reason, I don't know).

Current Trends in Personal Injury Law

According to a recent Ky. Supreme Court case, dog owners are now strictly liable for injuries caused when their dogs attack another person.

The case is *Maupin v. Tankersley*, 540 S.W.3d 357 (Ky. 2018). The plaintiff in that case was attacked by dogs while crossing over a large plot of land owned by the defendant.

The case went to trial, and the trial court gave the jury instructions that the defendant was not liable if he either did not have reason to anticipate the plaintiff's presence or he exercised due care to protect

the public from his dogs. The jury found that the defendant was the owner of the dogs, but, based upon the given jury instruction, did not find liability on his part.

The plaintiff appealed. The Court of Appeals affirmed the trial court's ruling. However, the Ky. Supreme Court granted discretionary review, and held that under KRS 258.235(4), a dog owner is strictly liable for injuries caused when his dog attacks a person. Following the finding of liability on the part of the dog owner, a comparative fault analysis of the damages in dog bite cases is mandated by KRS 411.182

(2). The trial court is also required to give a jury instruction that any comparative fault of the dog bite victim may be considered in the calculation of damages.

Accordingly, the Court reversed the Court of Appeals and remanded the case back to the trial court for a new trial, directing the trial court to give jury instructions consistent with its opinion.

Thus, liability is no longer an issue in dog bite cases. The only issue is whether the victim is guilty of any comparative fault in causing a dog to bite him.

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.

Stupid-Easy Recipe of the Month

Black Bean Soup

Here's a hearty dish to help you get through the winter:

Ingredients:

- 1 tablespoon olive oil
- 1 cup thinly sliced green onions
- 2 (15-oz) cans of black beans, rinsed and drained
- 2 cups vegetable broth
- 2 cups of prepared salsa (mild, medium, or hot)
- Salt and pepper to taste

Directions:

Add olive oil to a large pot on medium heat. Add green onions and cook until softened, about 2-4 minutes, stirring frequently. Add black beans, salsa, and broth to the pot and turn heat to medium-high. Bring to a boil, then reduce heat and let simmer for 10 to 15 minutes. Add salt and pepper to taste. Serve with the topping of your choice (shredded cheese, sour cream, chopped cilantro). Great with cornbread!



A tasty bowl of soup for a cold night!

Favorite Pet of the Month

Meet Tara, a 3 year-old hound mix!

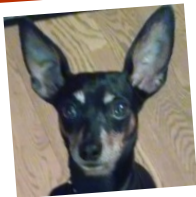
Tara is one of the sweetest dogs at Barktown Rescue. She loves to play outside and is just as happy snuggling on the couch.

If you would like to make Tara a part of your family, visit www.barktownrescue.org and fill out an application.

Dana serves on the Board of Directors at Barktown Rescue.

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 Ky. Trivia Question:
What settler built the first cabin in Kentucky?

- A. Daniel Boone
- B. James Harrod
- C. Thomas Walker
- D. Simon Kenton

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!



Tara



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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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visit us at harvillelaw.com

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