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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**

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

Trusting the Insurance Company

During my second year at UK law school, in 1983-1984, I took the class on Insurance Law taught by Professor Richard Underwood. Professor Underwood, who is still around today, was one of the most popular and entertaining professors and is highly respected in legal and academic circles.

There was one line that Professor Underwood repeated in almost every lecture that I can still hear him saying in my head today:

"Insurance companies are in the business of collecting premiums, not paying claims."

Repeat this line to yourself:

"Insurance companies are in the business of collecting premiums, not paying claims."

Now, if you have a claim against an insurance company - I don't care what kind of claim it is - what do you think this means when it comes to dealing with the insurance company? It means, they don't want to pay your claim! If there is any reason they can avoid paying your claim, they will. And

if they can't avoid paying your claim, they will only want to pay you as little as possible.

As most of you know, I have worked for insurance companies for many years. I know their mindset. I remember one claims manager telling me: "How much do we pay? What we owe. And not a penny more!" And that's the rub, because what they think they owe and what you think they should pay are two different things.

This is why it drives me insane when I hear people say that they don't want to make a claim against their insurance, because they are afraid their premiums will go up, or that they trust their insurance companies to deal with them fairly. Let me be clear, I'm not saying that people who work for insurance companies are bad people. But insurance companies care about their shareholders. They don't care about you or your claim.

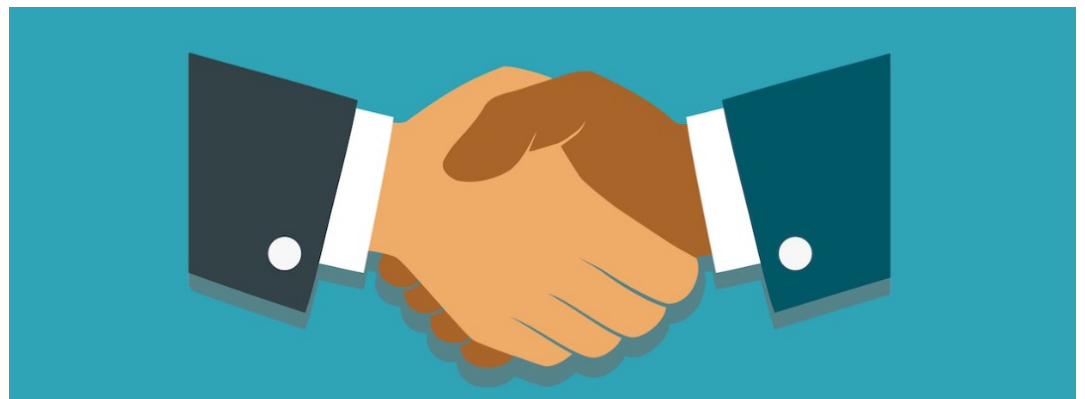
On several occasions, I have spoken with people who dealt with insurance companies on their own,

before deciding to talk to a lawyer. One had accepted a small payment for her workers' compensation claim that was worth much more if she had hired a lawyer. When I asked her why she accepted the settlement, she said "I trusted them."

Just the other day, another lady called who had a workers' compensation claim. She had been dealing with the insurer on her own for over 2 years. They didn't tell her about the 2-year statute of limitations from the date of injury, which they are not required to do. Once the 2 years went by, they cut her off. They win! She loses.

The moral of the story is, don't trust insurance companies. Remember, they are in the business of collecting premiums, not paying claims.

Don't go it alone. At the very least, talk to a lawyer about whether you need representation. Our initial consultation is always free.



BARKTOWN RESCUE COMPETES IN THE PUPPY BOWL FOR THE FIFTH STRAIGHT YEAR

Puppy Bowl XV comes to you live at 3 p.m. Sunday February 3rd on Animal Planet! For the fifth straight year, Barktown Rescue has two pups who have made it to the big game. Pippi and Austin storm the GEICO gridiron and make the cutest ear pulls and tail tugs as part of Team Ruff, as they compete to win the chewy.com Lombarky Trophy.

Pippi and Austin are siblings. Their mother, Olive, was found abandoned in a vacant home by Marion County Animal Control. When they tried to take her away, Olive became distressed and led them to her puppies. All of them were then taken to Barktown Rescue.

Pippi and Austin auditioned and were chosen for Puppy Bowl XV! What makes this duo even more special is that Pippi was born blind and her brother Austin behaves like her guide dog. Even though she's blind, Pippi still is quite sassy, not recognizing she has a disability. Both are 7 months-old now and have been adopted by their foster family together.

Pippi and Austin, along with the rest of the 93 adoptable puppies from 51 shelters and rescues across the country, go paw-to-paw and nose-to-nose for the ultimate match up: "Team Ruff" vs. "Team Fluff."



Pippi

Austin

Be sure and root for Pippi and Austin in this year's Puppy Bowl! GO TEAM RUFF!!!

If you want to add a pet to your family, may we suggest [Barktown Rescue](#)? 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 with a photo and we'll try to put this in a future issue!



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

Cases involving falls in hospitals and nursing homes are common. Every time we handle one of these cases, the first thing we do after we get the records are to get a nursing expert involved. They can cost thousands of dollars, but the recent case of [Chamis v. Ashland Hospital Corporation](#) illustrates why an expert is required in these cases.

In *Chamis*, a patient fell out of his hospital bed and suffered from right-sided paralysis. He sued the hospital for negligence, claiming that the staff failed to follow a care plan that required all four of his bed rails to be raised. He later died and his estate took over his case. However,

the trial court dismissed the case because the estate offered no expert testimony as to the applicable standard of care. The trial court rejected the estate's argument that this was an ordinary negligence case that did not require expert testimony, and that the doctrine of *res ipsa loquitur* (i.e. "the thing speaks for itself") applied because the patient had limited mobility and could not have fallen out of the bed if the rails had been in the "up" position. By a 2-1 vote, the Court of Appeals affirmed, holding that expert testimony is necessary in a case involving professional judgment as to whether the patient

was at a high risk of falling, what position the bed rails should have been in, and what other measures and precautions were needed. Otherwise, jurors would not automatically know of other options and whether they were advisable. Therefore, expert testimony as to the standard of care was required, and without it the case was correctly dismissed.

The moral of the story is, if you or a loved one is injured as a result of a fall in a nursing home or hospital, your lawyer is going to need to hire an expert. If he doesn't, you should be looking for another lawyer.

Stupid-Easy Recipe of the Month

A tasty,
super-
easy
appetizer!

Easy Shrimp Dip

This recipe couldn't be any easier and is a sure Super-Bowl party pleaser!

Ingredients:

- 1 8-oz. package cream cheese, softened
- 1 8-oz jar cocktail sauce
- 1 4.5 oz. can small shrimp, drained
- Salt and pepper to taste

Directions:

Place the cream cheese in the middle of a serving platter. In a small bowl, gently blend the shrimp and cocktail sauce. Pour the mixture over the cream cheese. Refrigerate until serving. Serve with crackers.

Delicious! Enjoy!



Daniel Boone's Grave

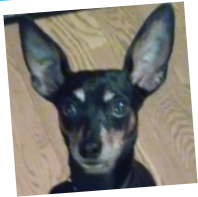
Is Daniel Boone really buried in Frankfort? According to KET.org, historians aren't sure. Here's the story:

Boone died in 1820 near Defiance, Missouri, and was buried in nearby Marthasville. 25 years later, however, Kentuckians brought his bones, and those of his wife, Rebecca, back to Kentucky. The bones were reinterred at Frankfort Cemetery on a scenic spot overlooking the Kentucky River. A granite monument was erected, and it is the number one tourist attraction in the city - but is Daniel Boone really buried there?

Friends of Daniel Boone's Burial Site in Marthasville, Missouri, aren't so sure, and the controversy has simmered

for years. Some say that back in Missouri, Daniel was originally buried at Rebecca's feet, so the bones next to her weren't Daniel's. Over the years, researchers have pored over old records trying to solve the mystery. The skull buried in the Frankfort grave has even been exhumed and examined, but results were inconclusive.

Finally, some say that not all of Daniel's bones were removed to Frankfort. In fact, some Missouri historians say their research shows that only the larger bones were taken by the Kentucky delegation - which would mean that Daniel Boone has two graves.



Casey's Ky. Trivia Question:
Where was Abraham Lincoln's grandfather killed by Indians?

- A. Boonesborough
- B. Long Run Park
- C. Cumberland Gap
- D. Knob Creek

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!



Daniel Boone's grave, Frankfort



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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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