

Harville Law Offices, PLLC  
2527 Nelson Miller Pkwy, Suite 102  
Louisville, KY 40223  
**(502) 245-2333**  
[harvillelaw.com](http://harvillelaw.com)



The Louisville Accident Lawyer Journal

AUGUST 2019 • VOLUME 8

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

#### 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

## This Issue is Dedicated to Casey

As you will read on page 2 of this month's issue, my family lost our beloved dog, Casey, on July 20. I have enjoyed featuring Casey in this newsletter. He was my first "Favorite Pet of the Month" when I launched this newsletter in January 2016. I have also included "Casey's Ky. Trivia Question" in every issue of this newsletter, which just seemed to make it more fun. I am struggling with great sadness over losing him, as is the rest of my family. This is a tough issue of the newsletter for me to write. In the first few days after he was gone, it was too painful for me to see his things around the house. I put all of them away to try to help me cope with my grief.

However, as each day goes by, I am coming around little by little to celebrating his memory. I don't want to pretend we never had him. I find more and more that I want to be reminded of him and how good he always made us feel when he was with us. For this reason, I have decided to keep "Casey's Ky. Trivia Question" as part of this newsletter, to honor his

memory and to keep his adorable picture as a permanent fixture.

My family and I are also going to have a private memorial service for him. That may seem a little weird to some of you, but I don't think so. In Chapter 14 of the Book of Romans, the Apostle Paul addresses the concept of religious liberty within the Christian framework, and cautions Christians not to pass judgment on one another simply because they have different viewpoints on different things. I see nothing wrong in having a memorial service among family for a beloved pet. It will be our way of honoring him and thanking God for blessing us with him during the precious years we had him. I would encourage anyone experiencing grief over the loss of a pet to consider doing the same thing.

For those of you who have beloved pets at home, treasure the time you have with them. They love you unconditionally, through good times and bad. You won't find that anywhere else. • BDH



Casey's First Trip to the Beach  
July, 2012

## COPING WITH OUR GRIEF

Last month I wrote about when things don't seem to be going your way. I just didn't know how bad it was going to get.

On July 20, we lost our precious, beloved Casey dog. We got him as a rescue dog in 2008 when he was about 2 years old. We were blessed with him for 11 years.



*The Casey Dog  
2006-2019*

I loved him as much as any person could love a dog, or for that matter another person. He was the cutest, warmest, smartest, funniest, most loving dog we've ever had. I've had many dogs, but he was just that special to all of us in our family. To borrow a quote from our Lord in John 1:47, there was no guile in him. He was so pure in heart and loving, and all he wanted to do was to please you and be with you.

Of course, Casey's love for us, and our love for him, stayed within the family. If anyone else came into the house, he barked at them incessantly and jumped up and down on them, although he would never bite. If he liked you, he would settle down, grab his rawhide, and sit in your lap to let you know you were in his house and you were merely a guest. But he could tell if you were not a dog person, and if you weren't, all you got was the constant barking treatment.

Casey and I were always close, but we became super close when I closed my downtown office in the summer of 2014 and moved to my current office in the East End, 10 minutes from my home. My youngest son, Clay, graduated from Trinity HS in May of that year, with the intention of going away to college at WKU. Come that fall, he wasn't going to be home in the afternoons anymore to keep Casey company, so I wanted to be closer to home to look after him. I can't tell you how many mornings I walked him before coming into work and thought about how blessed I was to have this wonderful little dog and how important it was to treasure every walk we shared together. I always knew that the hardest thing about owning and loving a dog is that you only get to be with them for a few short years, and the sorrow of losing them is devastating.

It especially hurts to lose them when it is unexpected. We never thought that when we took him in for cataract surgery on June 4, we would lose him due to complications just 6 1/2 weeks (and \$20,000) later. The vet ophthalmologist assured us that the surgery had a 90-95% success rate. She did point out that he had an increased risk of developing glaucoma. When I questioned her further, she acknowledged there was a more complicated procedure that would have mitigated the risk, but she wasn't qualified to do this procedure and it would have required us to take Casey out-of-state. Still, she seemed unconcerned about the risk of this complication occurring, and gave us no information to prepare us if this complication arose. In hindsight, I can see that she wanted to do the

surgery and didn't want to refer it out, regardless of the risk.

Within a few days after the surgery on June 4, Casey began having pressure spikes from glaucoma. The situation escalated over the next couple of weeks. We ended up going to Atlanta where we met with a more skilled surgeon. On July 2, he performed a 4-hour surgery to save Casey's eyes. The most excruciating thing about the whole experience is that Casey seemed to be recovering well after the second surgery, until more than a week later when his appetite dissipated and he began having nausea. Mind you, during that same week he was seen on 3 consecutive days by his eye doctor, his heart doctor, and his regular vet. I told each doctor that I was concerned about his appetite and weight loss, but none of them seemed particularly concerned. The last doctor I saw, his regular vet, prescribed an appetite enhancer and some prescription food, but that was it.

Three days later, on a Tuesday, Casey was back in the emergency room, and was diagnosed the following day with pancreatitis, which was causing clotting in his lungs. Again, he seemed to improve during the week, until he took another turn for the worse on Friday evening. At that point, it was clear his chances for recovery were not good, and prolonging the situation would have only meant more suffering.

So, apart from all of the heartache, here is what I've learned from this experience:

First of all, veterinary medicine lags far behind human medicine. That is understandable because there is far less medical research and experience in treating animals. I get that.

But the other thing is, vets are far less accountable than human doctors. They don't care as much because they don't have to. They just do their thing and if it doesn't work out, well, that's just how it goes. Seriously, that is the attitude many of them seem to have. Human doctors, on the other hand, know that if they don't provide the best care and advice for their patients, it could mean big trouble in the form of a malpractice claim. That doesn't mean that human doctors get away with poor advice and treatment. That happens all the time, because a malpractice case has to be a slam dunk with catastrophic damages to be worth pursuing. Still, the threat of a malpractice claim provides a level of accountability that does not exist in veterinary medicine. A pet is merely considered personal property in the eyes of the law, as opposed to the value of a human life.

So, the next time you hear about how terrible malpractice suits are, and how awful tort reform is, you'd better think twice. That's the difference between how human doctors treat people versus how vets treat their patients.

I loved my Casey dog so much. I miss him dearly. But, as Billy Graham once said, if heaven is a place of perfect happiness, then we will be together again. Casey was the best little boy ever. And I told him that all the time.

# Current Trends in Personal Injury Law

Last month I wrote about the first of two significant opinions from the Ky. Supreme Court in June. The second one is *Miller v. House of Boom*, which was rendered on June 13.

The facts of this case are that Ms. Miller took her 11-year-old daughter to the House of Boom indoor trampoline park in Middletown. Before buying the tickets, the House of Boom required Ms. Miller to sign off on a waiver of liability on behalf of herself, her daughter, and every other living being on Planet Earth for that matter, as is typical of such agreements.

Of course, as Ms. Miller's daughter was jumping on the trampolines,

another girl landed on her ankle and broke it. The mother hired Grover Cox, a friend of mine, and Grover sued the House of Boom for negligence in causing the injury. In response, the House of Boom pled the waiver as an affirmative defense, and the issue before the Ky. Supreme Court was whether a parent who signs such a waiver is binding upon the minor child.

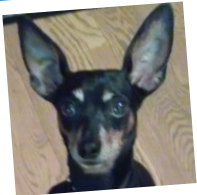
The Ky. Supreme Court held that absent special circumstances, such as a guardianship, a parent has no authority to enter into contracts on a child's behalf. They rejected the House of Boom's public policy arguments that such waivers should be

upheld to encourage affordable recreational activities provided by a commercial business, which can purchase liability insurance to protect itself from such risks. Bear in mind that the Ky. Supreme Court's decision is limited to parents who sign waivers on behalf of their minor children. Presumably, such waivers signed by persons 18 years of age or older would still be legally binding. The Ky. Supreme Court's opinion also does not mean that the child won her case. It simply meant that the child's case should not be dismissed because of the waiver.

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.



Casey's Ky. Trivia Question: How many native-born Kentuckians are in the Baseball Hall of Fame?

- A. 3
- B. 4
- C. 7
- D. 12

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!

# Stupid-Easy Recipe of the Month

*Close your eyes and pretend you're on the beach!!*

### Light Sea Breeze Cocktail:

Do you enjoy a refreshing cocktail during the hot summer months, but worry about the calories? This cocktail is for you, almost all of the calories are in the alcohol!

Mix all of the ingredients in a highball glass with crushed ice. Enjoy!

### Ingredients:

- 1 1/2 Parts Vodka
- 2 1/2 Parts Ocean Spray Diet Grapefruit Juice
- 1 1/2 Parts Ocean Spray Cranberry Juice
- Slice of Lime



# Favorite Pet of the Month

Honcho is a male domestic short-hair kitty who loves to cuddle and play! When he came to Barktown, he was less than a pound! Now, he's growing and would love to find his forever home.

Dana serves on the Board of Directors at Barktown Rescue.

Brad and his family love pets, too!

Would you consider letting Honcho into your heart? If so, visit [www.barktownrescue.org](http://www.barktownrescue.org) and fill out an application.

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!



Honcho



Anchorage Office Plaza  
2527 Nelson Miller Parkway  
Suite 102  
Louisville, KY 40223

Phone: 502-245-2333  
Fax: 502-245-2399

To be removed from our mailing list,  
please call (502) 245-2333

**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.**



E-mail: [bdh@harvillelaw.com](mailto:bdh@harvillelaw.com) [dts@harvillelaw.com](mailto:dts@harvillelaw.com)

visit us at [harvillelaw.com](http://harvillelaw.com)

## **INSIDE THIS ISSUE:**

<b>This Issue is Dedicated to Casey</b>	<b>1</b>
<b>Coping with Our Grief</b>	<b>2</b>
<b>Current Trends</b>	<b>3</b>
<b>Casey's Ky. Trivia Question</b>	<b>3</b>
<b>Stupid Easy Recipe</b>	<b>3</b>
<b>Favorite Pet</b>	<b>3</b>