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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**

### 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

## "To Every Thing There is a Season"

*Ecclesiastes 3:1*

Seasons Greetings! Yes, it's Christmas season once again! There is so much going on this time of year, it is hard to keep up with it all. Black Friday, Cyber Monday, all of this pressure to buy nice things for your loved ones and get a great bargain. Do we need more stuff?! Retailers want you to think so. No one wants to sit next to the tree on Christmas morning and not get anything! Heaven forbid!

And then there are Christmas dinners. Pot lucks. Getting together with extended family. Phone calls with those who can't make it. Christmas parties. Office gifts. Christmas cards you send to folks you haven't seen for the last decade. Making sure you take the kids to see Santa. And the dog, too.

Christmas can be a lot of pressure, right? But that isn't the way you are supposed to look at it.

Christmas is supposed to be a time for great joy. Joy over what? Well, over the birth of Christ, of course. That's the message Linus gets across in the Peanuts Christmas special when he goes onstage and quotes Luke 2 verses 8-14. When that special first



aired on December 9, 1965, the producers were sure it would flop because of its Christian message. Instead, it's still running 54 years later.

But why do Christians rejoice over the birth of Christ? It would have no meaning if not for His death and resurrection. There would be no Christmas without Easter. By overcoming death, Christ offers the promise of forgiveness of sins and everlasting life.

Do you see the balance? It is an inherent property of our universe. There is no light without the dark. No winning without defeat. No happiness without sadness. No joy without despair. No health without sickness. No love without hate. No life without death. This is the yin and the yang of life. None of these things would have any meaning without their opposite counterpart.

I would even go so far as to say that seeking the balance point is inherent in practicing law. Most of our practice is representing personal injury

victims who have endured mental, physical and economic hardships, and our efforts are devoted to seeking compensation for them to help them regain balance in their lives.

I say these things because as Christmas approaches, many of us may look back at the past year as a mixed bag. I know I do. Our youngest son graduated from WKU, and then two months later we lost our beloved dog. Here again, you can see the balance point. Clay's graduation would not have had the same feeling of accomplishment if it hadn't been for the struggles he had overcome. Casey's loss would not still hurt so much if not for how much we loved him and all the good times we shared together. I think this must be true for everyone's experiences, good and bad.

So Christmas is a time to be joyful. Christmas exists to balance out the darkness in our lives. It is a time to remind ourselves of what gives us meaning and purpose, the love we have for one another, and the promise of everlasting peace. May Christmas offer that same hope to you and your family this holiday season.

• BDH

# THE CRAZIEST GUBERNATORIAL ELECTION EVER

See if this sounds familiar: A non-Kentucky native, from a northern state, runs for governor. Possessing an uncompromising personality, he antagonized his opponents and stirred up strong opposition. His opponent in the general election was the state attorney general. A third party candidate also ran and cost him enough votes to keep him from winning by a clear margin. As it was, the results on election day were too close to call. He refused to concede defeat, claiming evidence of fraud.

Matt Bevin? No, William Goebel, the only governor of any state in the US ever assassinated while in office.

How crazy is that? While there have been four sitting presidents assassinated - Lincoln, Garfield, McKinley and Kennedy - Kentucky owns the dubious distinction of being the only state in the history of this country to have a sitting governor assassinated. And, while the presidential assassins were all "officially" identified, at least, the true identity of Goebel's killer(s) remains unsettled.

Goebel, for his part, took things a lot further than Bevin. Before he ran for governor in 1899, he was a leader in the state Senate. In 1898, the year before the election, he pushed through a law establishing a Board of Election Commissioners, with members selected by Goebel, which would judge disputed governor's elections.

The other difference between Bevin and Goebel is that Goebel was a Democrat, not a Republican. His Republican opponent, the state attorney general, was William S. Taylor, a native of Butler County.

With the election results being so close, both Taylor and Goebel claimed victory, and accused the other of fraud. To everyone's surprise, the Board of Election Commissioners, thought to be Goebel's puppets, declared that Taylor was the winner by 2,383 votes. Taylor was then inaugurated as governor in December.

But Goebel wasn't done. The Democratic majority in the state legislature voted to investigate the election. A committee was formed, and in a fixed drawing, 10 out of the 11 committee members chosen were Democrats. The committee was expected to remove enough votes to give Goebel a majority, with the legislature approving that finding. Both sides issued threats and counterthreats.

Amid this broiling controversy, Goebel and two supporters were walking toward the state capitol on January 30, 1900. Shots rang out from a nearby building, one of them striking Goebel in the chest and wounding him seriously. Governor Taylor declared a "state of insurrection," called out the militia, and barred legislators from meeting in the capitol. Instead, the Democratic legislators convened in secret at a Frankfort hotel, with no Republicans present. They accepted the committee's report regarding the disputed election, threw out enough votes to reverse the results, and on January 31, 1900, declared that Goebel was the rightful governor. He was sworn in from his deathbed, and in his only official act he ordered the militia to disband and the legislature to reassemble.

Meanwhile, armed forces of more than one thousand men on each side faced off on the capitol lawn, threatening to spark a state civil war along party lines.

Goebel then died from his wounds on February 3, 1900. He had been chief executive of the Commonwealth for only three days. Following his death, cooler heads began to prevail, and the danger of warfare passed. The Kentucky Court of Appeals ruled that the legislature acted legally in declaring Goebel the winner of the election, and the U.S. Supreme Court declined to hear the case because no federal question was involved. The once and former governor Taylor was indicted as an accessory to the crime, and fled the state. Three other men were convicted of the crime, but after numerous trials and appeals, all three were eventually pardoned. One of them ended up as a representative in the U.S. Congress for many years.

As far as the ultimate question of who actually shot William Goebel, I would defer to Professors Lowell H. Harrison of Western Ky. University and James C. Klotter of Georgetown College, authors of *A New History of Kentucky*, which is the source for most of the information in this article. These distinguished Kentucky historians conclude: "Because of the contradictory evidence and partisanship surrounding the case, the answer to the question of who killed William Goebel still remains mired in mystery and intrigue."

The plaque in the sidewalk outside the old capitol building where Goebel was shot still stands. There is also an impressive bronze statue of Goebel on a nearby lawn, notwithstanding that his only claim to long-lasting fame is rooted in his demise.

So, yes, in case you were wondering, Kentucky has witnessed uglier elections for governor than the one we just saw in November.



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

Service of process in civil cases is a really boring topic that most non-lawyers never have any reason to think about, but it's a fundamental requirement as far as filing a lawsuit. You can pay the court clerk your \$250 for the filing fee and issue summonses against the defendants, but if you can't find the defendants and get them served your lawsuit will never get off the ground.

Generally speaking, there are two ways of serving a defendant with service of process: certified mail and personal service. I generally go with certified mail as the easiest and cheapest option, but if the certified mail is unclaimed or refused, then I have to take the next step of getting

the sheriff or a special bailiff involved to serve the defendant personally.

There is also a special means of service for out-of-state defendants, called the "long-arm" statute, [KRS 454.210](#). Basically, this statute says that an out-of-state defendant subject to personal jurisdiction in Ky. for an act committed here appoints the Ky. Secretary of State as his/her/its agent for service of process. This requires certified mail service upon the Ky. Secretary of State which then tries to serve the defendant at the address provided. The catch is that the address must be correct. If it's not, it's bad service. But if it is, then it doesn't matter if the defendant claims it or not, it's good service.

The perils of an out-of-state defendant refusing "long-arm" service were recently illustrated in a Ky. Supreme Court case, [Veralab v. Cemerlic](#). In that case, the defendant refused "long-arm" service and the plaintiff took a default judgment against him. The defendant then tried to set aside the default judgment, but the trial court refused. On appeal, the Ky. Supreme Court agreed, noting that the "long-arm" service via the Ky. Secretary of State was valid, and refusing service was not "good cause" in order to set aside the default judgment. Therefore, the defendant who refused service remained liable on the judgment.

## Stupid-Easy Recipe of the Month

Quick and  
tasty holiday  
cookies!

### Easy Peanut Butter Cookies

Need a quick recipe for some holiday cookies?

Here you go:

### Ingredients:

- 2 cups peanut butter
- 2 eggs
- 1 cup oats
- 1 cup sugar



### Directions:

Preheat oven to 350°. Mix ingredients in large bowl. Line cookie sheet with parchment paper. Use a cookie scoop or roll dough into 1 inch balls. Use a fork to flatten and create a criss-cross pattern. Bake 10-12 minutes or until tops of cookies appear dry. Makes 3 dozen.

## Pictures with Santa!

Create a Lasting Holiday Memory of Your Pet

AND

Support Barktown Rescue!

Saturday December 7: 11:00 am-3:00 pm

Sunday December 8: 11:00 am-3:00 pm

Saturday December 15: 11:00 am-3:00 pm

Sunday December 16: 11:00 am-3:00 pm

Feeder's Supply

128 Midland Blvd • Shelbyville, KY

Assorted picture packages available for purchase!

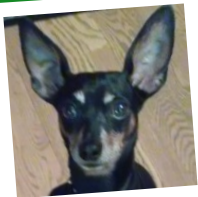
Dana Skaggs serves on the Board of Directors of [Barktown Rescue](#).

Brad and his family love pets, too!

For more information, check out:

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

Merry Christmas to you and your pet!!!



Casey's Ky. Trivia Question:  
What natural disaster struck  
Kentucky on December 16, 1811?

- A. Tornadoes
- B. Earthquakes
- C. Forest fires
- D. Floods

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!





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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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