

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



Harville  
LAW OFFICES, PLLC

The Louisville Accident Lawyer Journal

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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

## Practicing Law during COVID-19

First of all, let me say how sorry I am for all of those working people who have been displaced by the COVID-19 epidemic. If I tried to name them all I'm sure I would overlook a few, but you know who you are: those of you who work in restaurants, "non-essential" businesses, and everyone else who has faced unemployment during this time.

I can't imagine how it must be to work in healthcare these days. I met an ICU nurse this past month who deals with COVID-19 cases, but she hasn't been able to wear PPE because there isn't enough of it to go around.

I also have clients who work in grocery stores, which are getting more customer traffic than anywhere else these days, and it must be unnerving to have to go to work under these circumstances. I am very fortunate and count my blessings to be among those least affected by all of this madness. We work in a small office where social distancing is no problem, and we have met with clients in the past month who come in wearing appropriate PPE. Most of our work under normal circumstances involves telephone calls, e-mails, correspondence and reviewing records. So our work-day really hasn't been affected much at all.

The main impact upon our practice, and lawyers everywhere, has been that we can't go to court.



With everything else that's been going on, a lot of people may not realize that our courts are closed, except for emergency hearings. The Ky. Supreme Court issued the first Order closing the courts on April 1, through April 30, and on April 15 they extended the closure through May 31. That means we won't be able to file any motions to be heard before the Court until June. I don't expect the closure to be extended again. Most businesses are expected to reopen this month for economic reasons, and in a way that's true for the courts as well. The current closure has already created a nearly 2-month backlog, and it's just going to get worse if we don't get back to business soon. For example, in Jefferson County there are 13 divisions of Circuit Court that hold a "motion hour" each week to hear criminal and civil cases, and it usually takes an hour or more for the court to get through its docket. Sometimes the courts are closed for a holiday or some other reason, so that all of

the cases get rolled over to the next week, along with the next week's cases, so you have a "double docket" which can take twice as long. So I can't imagine how long the dockets are going to be after an 8-week layoff. Is it going to take a day for each division to get through its docket if normal proceedings resume in June? The courtrooms won't be able to hold all of the lawyers, much less allow for social distancing. Someone in the court administrator's office is going to have to figure out a plan on how they are going to handle this. Depositions have also come to a halt. Lawyers, court reporters and witnesses are not real keen right now about sitting together in a conference room. I have heard of some lawyers and court reporters trying to do this with Microsoft Zoom, but Zoom can have a lot of technical issues, and it's not the same as examining a witness face-to-face. Trial dates, too, are getting rolled. I have a case, already rescheduled a couple of times, that was set for June 23, but that's gone by the boards. Bottom line, I've been getting a lot of work done in the office, because I don't have any hearings or depositions getting in the way. That has been a good thing. But I hope things are going to get a little more back to normal soon. Hang in there! • BDH

# THINGS WE USED TO TAKE FOR GRANTED

OK, I've tried to think of something to write about besides the coronavirus epidemic, but why should this newsletter be any different? It's the only story out there, right?

So, let me pose this question: What things did you used to take for granted that you don't anymore? Here's my list:

1. **Church.** Going to church every Sunday morning is important to my family and me. We believe we were put here to do the Lord's will, and going to church keeps us grounded. Although we are livestreaming our services, we miss seeing all of our friends.
2. **Schools.** My sons are grown, but both of them are schoolteachers. They worry a lot about their kids and how they are doing.
3. **Graduations.** I feel especially sorry for high school and college seniors in the Class of 2020. My son, Clay, graduated from WKU last year, and it was such a special time. I hate it that this year's seniors and their families are missing out on that experience.



4. **Weddings.** I have no idea how young couples who were planning to get married are dealing with this.
5. **Funerals.** It is sad to have to suspend the privilege of paying respects to family and friends we have lost during this time.
6. **Sports.** No basketball? No golf? Not even bowling? ARRGHH!!
7. **Extended family.** This one is tough for a lot of folks, especially families with elderly relatives in assisted living and nursing homes.
8. **Friends.** This has been particularly hard on my younger son, Clay, who is used to hanging out with a large group of friends on weekends. They haven't gotten together in weeks.
9. **Greeting People.** No more handshakes or hugs, just "air elbows"
10. **Work.** This one doesn't affect me so much, but my heart goes out to everyone who has been laid off. It's also weird for people having to work remotely out of their homes.
11. **Restaurants.** Who doesn't love eating out? I know this is an especially difficult time for the restaurant business.
12. **Wine Tastings.** My wife, Mary, really enjoys getting together with her friends at local wine tastings. Now there's no good reason for her to drink during the week!
13. **Hair Styling.** This one comes from Mary, too. She loves to get her hair done every month or so on Friday nights after work. Another business going through a rough time.

14. **Workout Classes.** I have been going to Orangetheory Fitness for over 3 years. I was looking forward to working out on my 60th birthday (May 7), but that isn't going to happen.
  15. **Movies.** You can't go to the movie theater, either. Loved the reclining seats and the popcorn.
  16. **Doctor Visits.** Have you tried to see your doctor or dentist lately? Fuhgeddaboutit. It's a drag on our practice, too, since we can't get our clients evaluated by medical professionals.
  17. **Vacations.** One of the things I miss the most. I had planned a fishing trip in Florida with my older son, Doug, over JCPS's Spring Break. Then they closed the beaches. Didn't happen.
  18. **Flights.** Same thing. Who wants to get on a plane right now?
  19. **State Resort Parks.** After the Spring Break trip fell through, I thought it might be nice to spend a couple of nights at a State Park. But then those closed, too.
  20. **24-Hour Grocery Stores.** Yes, Kroger and Wal-Mart are still open, but you can't go late at night anymore.
  21. **Playgrounds.** You can't even leave your playground equipment open. Our church received complaints about the basketball goal, so we had to take the rim down.
  22. **Retail.** I hardly ever go to the shopping malls or strip malls anymore, but I bet they are ghost towns.
  23. **Newspapers/Magazines.** Do you miss reading articles about something else besides the coronavirus?
  24. **Cleaning Supplies.** I have no reason to believe that I will ever be able to purchase another container of Clorox wipes.
  25. **Looking Forward to the Future.** Planning a trip is half the fun, but I'm not comfortable planning anything right now. I'm scared the neighborhood pool will be closed this summer!
- Well those are some of the things we miss, but here are some things we don't:
1. **Traffic.** I'll bet you don't miss those rush hour commutes.
  2. **Getting Ready for Work.** If you're working remotely, all you need to put on is a decent shirt. Just don't stand up so your colleagues on Zoom can see your underwear.
  3. **Being Overscheduled.** Be honest, isn't your life a little less hectic? Enjoy it while you can.
  4. **April 15 tax deadline.** I get to hang onto my cash a little longer, until July 15. Nice!
  5. **Not Spending Enough Time at Home.** Your dog never had it so good. And aren't things a little tidier than usual? 😊



## Current Trends in Personal Injury Law

My wife, Mary, is a senior vice-president and general counsel for the Kentucky Lottery. Like many business executives, she has had plenty to worry about lately. We've had some interesting discussions about all of the legal issues raised by the current COVID-19 crisis.

One thing we've talked about is the possibility of a Workers' Comp claim if an employee came down with the virus. It's an interesting question. The lottery has a number of sales reps who travel around to their retailers to make sure they have what they need.

I think it would be a difficult case to make for a number of reasons.

First of all, you would have to have a medical opinion that someone contracted the virus while on the job. I'm not sure you could find a doctor who would say this within reasonable medical probability. One possibility might be an ICU nurse who works with patients infected with the virus. Still, I think it would be difficult for a doctor to identify the source of the infection with any degree of certainty.

We also hear about people who have tested positive for the virus but report no symptoms. Then you have people who have become very ill. Some cases even result in death, although it seems there are usually complicating factors such as age and

other health conditions. And then we hear about people who have symptoms but aren't tested.

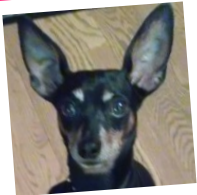
So, even if you test positive for the virus, and have a doctor who thinks you probably got it on the job, what are you looking at? In most cases, there really isn't any treatment available, and you're just looking at a 14-day quarantine period. That's not much of a claim. If the illness results in death, I suppose there might be the possibility of a death benefit, but how many of those people are employed?

I won't say a COVID-19 workers' comp case is impossible, but I do think it's pretty unlikely.

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: 1945 was the only other year that the Ky. Derby was postponed. Who won?

- A. Count Fleet
- B. Assault
- C. Hoop Jr.
- D. Whirlaway

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

### Simple Pulled Pork BBQ

Here's a dish that you and the family can stay and home and eat all week!

Lightly spray a 6 qt slow cooker with cooking spray (or use a no mess liner) Place a 3-4 lb. boneless pork shoulder in the slow cooker. Pour in an 18 oz bottle of your favorite BBQ sauce and a 12 oz can of cola. Cook for 8-10 hours on low. Remove pork to platter, shred with 2 forks, removing any fat. Using a large serving spoon, skim any fat from the sauce in the cooker. Transfer pork back to sauce. Add salt

and pepper to taste. WONDERFUL on buns or by itself!



Great with pickles and cole slaw!

## Favorite Pet of the Month

Save the date! Kentucky Gives Day is **May 12, 2020** and we are hoping that you will remember our rescue friends at Barktown Animal Rescue.



Since starting our newsletter, we have featured multiple rescue dogs and cats from the non-profit in Boston, KY. They could really use your help on May 12<sup>th</sup> – no donation is too small. They appreciate anything anyone can give during these tough times!

Just go to [www.kygives.org](http://www.kygives.org) and enter "Barktown" in the search cue. Since its inception in 2009, Barktown has saved over 3,000 animals! With your help, dogs like Houdini get the medical help they need and a new lease on life.

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](mailto:bdh@harvillelaw.com) with a photo and we'll try to put this in a future issue!



\$150

Houdini's level- this covers one therapy treatment!



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

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

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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.**



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

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