



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

The "Best of" Newsletters Issue

This issue marks the end of 5 years since I began mailing this newsletter in January, 2016. That's right, this is the 60th issue! Coming up with content has often been a challenge, but on the whole I have learned a lot from the articles I have written. They have helped me in my practice and in serving all of you. To commemorate, I am reprinting selected articles from the past 5 years that I found to be the most important or entertaining, starting with the cover article below from

June 2018. On page 2 is a reprint of my article from April 2019 about NBA HOFer Dennis Rodman's contribution to American jurisprudence. And page 3 is from my very first newsletter in January, 2016, which includes one of the most important articles about carrying enough insurance, my all-time favorite Stupid-Easy recipe, and my all-time Favorite Pet, my beloved Casey. I would love to hear from any of you if you enjoy getting the newsletter. Overall it has been a labor of love, although you can't appreciate how

quickly a month goes by unless you write a monthly newsletter. Finally, I wish to express my gratitude to all of you for the many kind reviews on my website, and for the privilege of representing you. Our commitment has always been to work with our clients on a personal basis so you understand how the legal process works, and can appreciate the results when your case is successfully resolved. Our best wishes to all of you this Christmas season and for the coming new year!

The #1 Case Killer

If you are in a car crash due to someone else's fault, and you're feeling a little stiff and sore but you're not sure you're really hurt, here is the one thing you must NOT do: Tell yourself, "Oh, I think I will be OK. I'll just give it a few days and see if I get over it."

Wrong answer! If you think you will self-heal from your injuries, you are making a big mistake! It just doesn't work that way. By the time you figure out that you really are hurt, and weeks later you decide you should go see a doctor, you will be punished for trying to tough it out. No one, especially an insurance company, will believe you if you make a personal injury claim but did not see a doctor right after the wreck or within the next day or two.

This is the #1 case killer: Not seeking medical attention right away after an accident. It will get thrown up in your face every time.

There are very good reasons why you should get checked out as soon as possible if



"No problem, I'll be OK"

you have been hit in a crash. First of all, a crash triggers "fight or flight" syndrome, which means your body releases adrenalin and endorphins that can mask any immediate symptoms. Neck and back soreness may also take a day or two to really set in, sort of like working out and feeling sore the next day, only worse. There may also be the possibility of a concussion, if you are feeling foggy after the crash, even if you did not lose consciousness.

There is also no excuse for not seeking treatment right away if you live in the Louisville area. There are hospital

emergency rooms, immediate care clinics, accident clinics and doctors everywhere. All they need is your car insurance information.

Also, seeking medical treatment sooner rather than later will give you a head start on managing and recovering from your symptoms. I recently asked a specialist in physical medicine why physical therapy was helpful, and he said that targeted physical therapy brings about faster and more lasting relief than an untrained person trying to go it alone.

The reason we have no-fault insurance in Kentucky in the first place is to encourage victims of car crashes to seek medical treatment right away before worrying about hiring a lawyer. If you don't seek treatment promptly, it will absolutely kill any personal injury claim you wish to make after weeks go by and you realize you are hurt a lot worse than you thought. • BDH

DENNIS RODMAN AND CONFIDENTIALITY AGREEMENTS IN PERSONAL INJURY SETTLEMENTS



Some of you under the age of 30 may not have heard of Dennis Rodman, but he is one of the more intriguing figures in American sports. Nicknamed “The Worm,” he was one of the greatest rebounders in NBA history and is in the Basketball Hall of Fame. During his career, he played on five championship teams, two with the Detroit Pistons “Bad Boys” and three with the Michael Jordan-led Chicago Bulls.

Rodman gained even more publicity for his outrageous personality. Midway during his professional basketball career, which spanned from 1987 to 1998, he began dyeing his hair various colors and accumulated numerous tattoos and body piercings, wore a wedding dress and makeup at a New York bookstore to promote his autobiography, and dated Madonna. More recently, he has been in the news for being a personal friend of North Korea dictator Kim Jong-un and President Trump, and appeared in Singapore during their 2018 Summit wearing a MAGA cap and a “Potcoin” T-shirt to promote a marijuana bitcoin company.

Rodman has even gained some measure of fame in legal circles. On January 15, 1997, during an away game between the Bulls and the Timberwolves, Rodman was going up for a rebound and fell out of bounds, landing alongside a line of cameramen seated on the floor.

One of them, Eugene Amos, Jr., was filming Rodman as he started to get back on his feet, when a visibly angry Rodman delivered a swift kick to Amos’s groin, causing Amos to double over in pain (you can watch the video at <https://www.youtube.com/watch?v=I-NDZGtU7So>).

Amos was then taken by ambulance to the Hennepin County Medical Center. He reported that he had been kicked in the groin but the pain was subsiding. While there, he also contacted a lawyer who agreed to represent him. He then left the hospital and filed a police report with the Minneapolis Police Department, asserting that Rodman had assaulted him. Rodman’s attorney subsequently contacted Amos’s attorney, and, six days later, on January 21, 1997, they reached a settlement agreement in which Rodman agreed to pay Amos the tidy sum of \$200,000. The settlement agreement included a confidentiality clause, which required Amos not to disclose terms of the agreement.

It didn’t stay very confidential, did it? What happened?

Well, Amos did not report the settlement on his tax return in reliance upon Section 104(a)(2) of the Internal Revenue Code, which provides that personal injury settlements are not taxable as income. Citing the fact that Amos’s injury and treatment were minimal, the IRS contended that most of the consideration paid for the settlement was for the confidentiality provision, not Amos’s personal injuries, and therefore most of it was taxable. The case was litigated before the United States Tax Court, which agreed with the IRS and determined that \$80,000 of the settlement was for Amos’s personal injuries and the remaining \$120,000 was for the confidentiality provision, for which Amos had to pay income tax. Ouch!

This is an important consideration anytime you settle a personal injury case and the other side wants a confidentiality agreement. Nursing homes and hospitals will always insist on a confidentiality agreement as a condition to any settlement. Although there are strong public policy concerns about confidentiality agreements - mainly the fact that they nullify any incentive for wrongdoers to alter their harmful conduct - the fact remains that if a substantial settlement offer is on the table, clients don’t want this issue to stand in the way of getting their cases resolved.

So what are you supposed to do? Well, you must review the confidentiality provision very carefully to make sure it steers clear of any interpretation that confidentiality is part of the settlement consideration. If it doesn’t, you must insist on language that neither party has requested or agreed that confidentiality is a part of the consideration paid in settlement, but that the parties voluntarily agree not to disseminate information about the settlement unless required by law, even though this voluntary agreement is not a condition of the settlement and is not legally enforceable.

Do You Have Enough Auto Insurance?

COVERAGE	COVERAGE LIMIT	PREMIUM
Bodily Injury Liability	\$50,000 each person/\$100,000 each accident	\$61.80
Property Damage Liability	\$50,000 each accident	35.90
Medical Payments	\$1,000 each person/\$5,000 each accident	2.40
Auto Damage-Collision	\$500 deductible	45.90
Auto Damage-Other than Collision	\$250 deductible	28.70
Transportation Expenses	\$35 daily/\$1,050 total	
Uninsured Motorist	\$25,000 each person/\$50,000 each accident	8.90
Personal Injury Protection		44.20
Limit of Liability	\$10,000 aggregate/no deductible	
Work Loss, Replacement Services Loss, Survivor's Economic Loss and Survivor's Replacement Service Loss	\$200 each person, per week, subject to the limit of liability	
Funeral Expense	\$1,000 each person, subject to the limit of liability	

See Endorsement section below for Total Aggregate Limit - All Personal Injury Protection Benefits.

They are among the most disappointing cases I have seen in over 30 years of practice. All of these were clear liability cases:

Example #1: Young man, 13 years old. Catastrophic injuries, over \$1 million in

medical bills. Total amount of liability and underinsured motorist coverage available for his injuries: \$100,000.

Example #2: Young woman, 19 years

old. Broken leg, internal injuries. Hospital bill alone was over \$100,000. Total amount of coverage available for her injuries: \$50,000 in liability insurance.

Example #3: 58 year old man, victim of hit-and-run, broken femur and forearm, over \$100,000 in medical expenses. Total amount of uninsured motorist coverage available for his injuries: \$25,000.

Many people think they have "full coverage." Too often this means they only have minimum coverage.

The main reason you should buy auto insurance is to protect you and your family from serious accidents, not just the minor ones. Higher limits do not cost that much more than the minimum coverage.

Make sure you and your family are fully protected by purchasing all the auto insurance you can reasonably afford.

If you would like for us to review your auto coverage, please give us a call!

An excerpt from a "dec page"



Stupid-Easy Recipe of the Month

A recipe in a lawyer newsletter? Why not? We've all got to eat, don't we?

Easy Parmesan Chicken

This may be my family's all-time favorite. I make enough for 2 servings, cook one of them one night and stick the other in the fridge to bake 2-3 nights later. Makes about 2 servings for 4 people:

Ingredients:

- 2 to 2.5 lbs. boneless chicken strips
- 1 jar favorite pasta sauce
- 1 package sliced provolone cheese
- Mozzarella and/or parmesan cheese
- Shake n' Bake original chicken coating

1 box penne pasta (gluten-free now available)

Directions:

1. Shake n' bake the chicken strips for 10-12 minutes
2. Pour 1/2 jar of pasta sauce apiece into 2 casserole bowls
3. Arrange baked chicken on top of sauce
4. Layer provolone cheese on top of chicken to cover (about 4-5 slices); sprinkle with mozzarella and/or parmesan cheese
5. Bake at around 350 degrees with lid off until cheese starts to brown
6. Serve over pasta. Enjoy!

A quick, easy and delicious recipe that you prepare once and eat twice!



Favorite Pet of the Month

Name: Casey (also answers to "Caseydog" "Buddy" "Teesh" or anything else if you've got a treat)

Owners: Harville family

Age: Around 10 (a rescue dog, he was about 2 when we got him)

Breed: Miniature Pinscher ("min pin"), weighs ~ 12 lbs.

Favorite food: Salmon (loves it)

Favorite treat: Greenies

Favorite activity: Playing "stairs"; running up and down stairs to retrieve his squeaky toy

Personality: Loves his family, but barks incessantly at guests

Are you a pet lover? We are! Dana Skaggs serves on the Board of Directors of Barkstown 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!

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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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