

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 2021 • VOLUME 8

OVER 35 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

# Pandemic Hangovers

No doubt, historians will be discussing the effects of the global pandemic for decades to come. We thought we would be out of it by now. And yet, here we are, still uncertain about what the future will hold with the rise of the Delta variant.

No doubt, no one wants to go back to being stuck at home, being scared to go to the grocery store, and having to wear masks everywhere. But it seems pretty clear we're not out of the woods yet.

To me, the most remarkable phenomenon about the whole pandemic has been how quickly the news cycle can change. Just a couple of weeks ago, things looked like they were getting back to normal. Companies were working on plans to transition their employees from working remotely to bringing them back into the workplace. Many employees, on the other hand, were expressing resistance, having developed a preference for working from home. Of course, some businesses are more suited for remote working than others. On the other hand, day-to-day personal interaction with co-workers is important to maintaining a sense of corporate culture and accountability. A lot of companies are looking closely at how to deal with these issues, and it's a tricky balance.

Now, however, these same companies are pumping the brakes, and the bigger issue that's rising to the surface is whether to implement a vaccine mandate. The federal and state government has done all it can do to encourage vaccines, but they can't outright order it, unlike the private sector. All of our local hospital providers - Norton, Baptist Health, and U of L Health - have already announced vaccine mandates for all employees, and I expect more companies will follow suit if things keep getting worse. Already, Churchill Downs has also announced a vaccine mandate for its employees at its corporate headquarters. And the Mayor of New York City has announced a vaccine mandate for anyone wishing to patronize indoor activities such as restaurants, shows, etc.

It's going on in the sports world, too. Nobody makes more money than the NFL. Although the league hasn't issued an outright vaccine mandate, it



has implemented protocols so strict that those who don't get vaccinated are getting weeded out.

Our court systems are also getting nervous again. In recent weeks a number of counties have gone back to in-person attendance for all proceedings. In Jefferson County, it is still optional whether to appear in person or via conference call. Masks have been optional for the vaccinated. Just yesterday, however, I received an e-mail from the federal court mandating masks for everyone, vaccinated or unvaccinated.

I think the biggest shame of where we find ourselves right now is that the whole mask thing and vaccination thing have become politicized. That doesn't make any sense to me. It seems rooted in a fundamental distrust of the government. I can understand where that comes from, having lived through Vietnam and Watergate, but now it seems to have gone to a whole new level where we berate our scientific community who are just trying to do their jobs and communicate the most accurate information they can based on the available data. Really, all they care about is the public health and welfare.

By the way, the vaccines work. The latest figure is that 165 million people in the United States have now been vaccinated. If the vaccines had any ill effects of any significance, we would all know about it by now. The FDA is just weeks away from full approval of the Pfizer vaccine.

I also think it took a heroic effort for the federal government and the drug companies to produce the vaccines as quickly as they did. For that we should all be very grateful.

• BDH

# THE STORY OF MARY DRAPER INGLES

One of my wife's all-time favorite books is *Follow the River* by James Alexander Thom, which was published in 1981. It was also made into a TV movie in 1995, starring Sheryl Lee and Ellen Burstyn (of *Exorcist* fame).

The book is a work of historical fiction, based upon the real-life story of Mary Draper Ingles. Born in Philadelphia in 1732 to Irish immigrants, her family later settled in the Allegheny Mountains. In 1750, she married William Ingles at age 18 in present-day Blacksburg, Virginia, which at that time was at the westernmost edge of colonial America. She gave birth to two sons, Thomas, in 1751, and George, in 1753.

The French and Indian War then broke out in 1754, putting the settlers on the frontier in grave danger. Fate befell Mary's family on July 8, 1755, when her life changed forever. On that day, while William was working in the wheat fields, Shawnee warriors attacked her settlement. The war party killed four settlers, wounded two, and took five of them captive, including Mary and her two sons, along with her sister-in-law, Bettie Draper.

Following the raid, the Indians and their captives embarked on a month-long journey to a Shawnee village on the banks of the Ohio and Scioto rivers, near present-day Portsmouth, covering a distance of some 250 miles or so. There, Mary was forced to part with her two young sons, who were adopted by Shawnee families. Her sister-in-law was also taken away to be the wife of a Shawnee widower.

Mary, meanwhile, found a way to make herself useful. According to accounts of her story, French traders came to the Shawnee village and offered bolts of cloth in exchange for other goods. Mary, a resourceful woman, sewed these bolts of cloth into clothing, which made her highly valued among the Shawnee.

In the fall of 1755, the Indians, along with their captives, traveled down the Ohio River another 100 miles west to Big Bone Lick in Boone County, Kentucky, where the Shawnee gathered salt for the winter to preserve food. It was here that Mary decided to make her escape. In late October, 1755, she persuaded a fellow captive, an older Dutch or German woman, to escape with her. In the movie, this woman, played by Ellen Burstyn, is named "Gretel," but in reality her name is unknown. They told the Shawnee they were going to gather food, left a false trail, and doubled back to the Ohio River, equipped with only two blankets and a single tomahawk. They set out on a 500-mile trek back to southwest Virginia, avoiding Indian paths for fear of

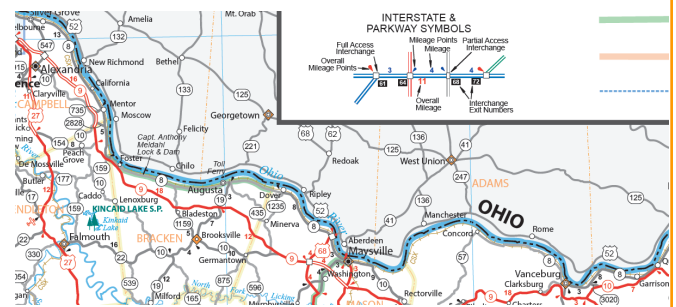


*Mary Draper Ingles' historical marker at Big Bone Lick State Park*

recapture, but following the rivers as Mary remembered them. The trip took 43 days. She suffered innumerable setbacks, including the onset of winter, pain of exposure, and incessant hunger. Without revealing too many spoilers, she also ran into difficulty with her traveling companion.

In early December, Mary finally reached the cabin of a family friend, Adam Harmon. Soon she was reunited with her husband, William. They had 4 more children, and were reunited with Thomas at age 17, when he had to become reacclimated into colonial society. Mary lived in the same log cabin that she and William shared together after they were reunited until she died in 1815 at age 83.

In 2005, Mary's descendants dedicated the historical marker at Big Bone Lick State Park shown in the above photograph, to commemorate the 250th anniversary of her escape. You can read a newspaper article about this event at [nkytribune.com](http://nkytribune.com). There is also a state highway in northern Kentucky, Kentucky Route 8, which is known as the "Mary Ingles Highway." This highway runs along the same route as Mary's escape from Big Bone Lick.



*Kentucky Route 8 - the Mary Ingles Highway*

## Current Trends in Personal Injury Law

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.

Uninsured motorist ("UM") coverage under your auto insurance policy pays benefits if you are injured by an uninsured motorist on the road, just the same as if the uninsured motorist had liability coverage.

But that doesn't mean UM coverage will pay if you are injured in an accident with something other than another motor vehicle on the road. For example, I once had someone call me and ask if he had a case after he had struck a deer with his car. I had to tell him, "not unless the deer had insurance."

In *Davis v. Progressive*, decided in

June, a lady riding a motorcycle in Wayne County, Kentucky, found this out the hard way. She was in an accident with an Amish horse-and-buggy. As she approached the horse-and-buggy, the horse became spooked and jumped into her path, injuring her severely.

Of course, the Amish man driving the horse-and-buggy had no insurance, so the injured woman, Davis, made a claim for UM benefits against her own insurance company, Progressive. Progressive denied the claim, saying that its UM coverage did not apply to a horse-and-buggy. Progressive moved to have the case dismissed, which the trial court

granted, and the Court of Appeals affirmed.

For some reason, the Ky. Supreme Court agreed to hear the case, and reached the same conclusion. The Court held that the purpose of UM coverage is "to protect insureds from damage by vehicles 'on which liability insurance is customarily carried,'" which does not include non-motorized forms of transportation.

The moral of the story seems to be: be careful if you find yourself driving in Amish country! There is no UM coverage for you if you are injured in an accident with a horse-and-buggy.

## Stupid-Easy Recipe of the Month

Who doesn't love a casserole?

### Easy Broccoli-Rice Casserole

Ingredients:

- 2- 16 oz bags chopped frozen broccoli (steamed)
- 8 oz pkg shredded Sharp Cheddar cheese
- 1 cup of diced/cubed ham or chicken
- 1 sleeve of Ritz crackers, crushed
- 1-2 tbsp butter (melted)
- 1 can chicken broth (reserve 1/3 cup)
- 1 cup cooked white rice (use water and remaining can of broth to prepare rice)
- 1/3 cup of chicken broth

Directions: Preheat oven to 350°. Spray a 13 x 9 pan. Cook 1 cup of white rice using water and chicken broth (after reserving 1/3 cup). Steam both bags of broccoli as directed. Mix cheese, broccoli, rice, ham or chicken, 1/3 cup chicken broth and half of crushed crackers in the pan. Pour melted butter over remaining crackers and sprinkle on top. Add more cheese if desired before topping with crackers! Bake for 30-35 min or until golden brown. Yum!



## Favorite Pet of the Month

Looking for something fun to do that will help rescue dogs and cats?

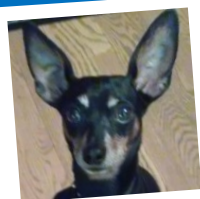
Barktown Rescue is having a golf scramble on August 22, 2021 at My Old Kentucky Home Country Club in Bardstown. \$300 per foursome! 8 am registration, tee time 9am. To register go to:

<https://barktowngolfscramble.rsvpify.com/>

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!



Casey's Ky. Trivia Question:  
What is the hottest temperature ever recorded in Kentucky?

- A. 108°
- B. 111°
- C. 114°
- D. 117°

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!

### BARKTOWN RESCUE GOLF SCRAMBLE

AUG 22ND





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>Pandemic Hangovers</b>	<b>1</b>
<b>The Story of Mary Draper Ingles</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>