

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

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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

# Dealing with Insurance Companies

So many lawyer TV commercials talk about "taking on the insurance company" and "we'll make them pay." It strikes me as a little ironic that these TV lawyers talk about insurance companies like they are some sort of evil empire.

The truth of the matter is that there would be no such thing as personal injury lawyers if it weren't for the fact that the law requires liability insurance on cars and workers' comp insurance on employees. Other forms of liability insurance, such as homeowners or commercial may not be required by law, but are typically required by banks who provide the financing.

Back in 2011, the year before President Obama's reelection, his opponent, Sen. Mitt Romney, famously said, "corporations are people too." Well, when it comes to insurance companies, that's true and it isn't true. True, people who work for insurance companies are people just like anyone else. Some are nicer than others. Some are more professional than others. Some are more straightforward than others. On the other hand, insurance companies themselves are not people. They run their business like any other corporation. They have to have agents to sell their insurance, an underwriting department to determine premiums, and a claims department to handle claims. They have to follow standard business practices and industry guidelines. That's not something that the people who work for insurance companies have any control over.



XYZ INSURANCE

And yet, the leadership of any company sets the tone for that company's corporate culture, just like every individual has a certain personality. For example, a few years ago the [NY Times](#) ran an article about the intense corporate culture instilled by Jeff Bezos at Amazon, which it described as "bruising" and "purposeful Darwinism," and turned its employees into "Amabots."

Insurance companies are no different. I know this from years of doing insurance defense and my practice now doing mainly plaintiffs' work. Some insurance companies take a hard line against paying a reasonable settlement for an injury case, because they want to discourage lawyers from taking cases against them and don't want to be known as an easy mark. Of course, that never works. A lawyer is going to take a good case regardless of who the insurance company is. It just means it is going to be more difficult to be able to settle that case without filing a lawsuit, and you are probably going to have to litigate that case before you can get it to mediation and try to settle for something acceptable.

What insurance companies am I talking about? Well, I won't name names, but don't be misled by those commercials from the "Good Hands" people, that friendly Gecko, the Emu, or those folks from All Around Kentucky. None of the big players are easy, but these four are consistently among the toughest when it comes

to pre-suit negotiations. And, they make up 4 of the top 6 car insurers in Kentucky in terms of market share, which means I deal with all four of them frequently. There can be regional differences, too. For instance, I don't think the Like a Good Neighbor people are all that bad in Kentucky, but if you get a case against them in Southern Indiana, they don't want to pay anything and will fight you tooth and nail.

Which companies are the best ones to deal with? Hands down, it is always the smaller companies who don't write a lot of business in Kentucky, or they don't write any business here at all and one of their insureds just happened to wander into our state and cause an injury accident. These companies don't care about getting a reputation for paying settlements because they don't get many claims here, and they don't want to hire a lawyer they don't know to defend a case.

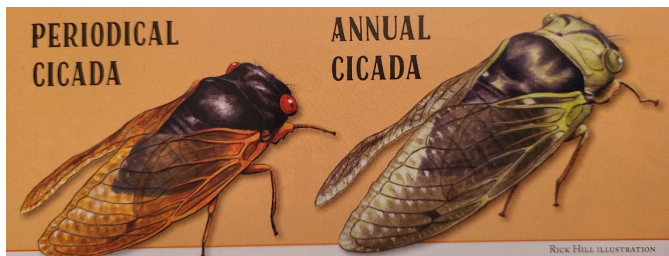
The bottom line is, the name of the insurance company on the other side can make a big difference in how easy or difficult it can be to settle a personal injury case. If you ever have the bad luck to be injured in a car accident and have a liability claim, I hope you at least don't have to deal with an insurance company that isn't interested in paying you anything reasonable. But if you do, we will still take them on. • BDH

# FISHING WITH “BROOD X” CICADAS

The news media has produced lots of stories this spring about the 17-year “Brood X” cicadas. The best article I have read about it was in my “Kentucky Afield” magazine, a quarterly publication by the Kentucky Department of Fish & Wildlife Resources. The article is entitled “Periodical Cicadas Reemerge,” by Ciara Knisley.

You may ask, who subscribes to print magazines anymore? Well, I do. Go ahead and call me “Boomer,” but I love my “Kentucky Afield” magazine. I read every issue from cover to cover.

What I really like about the magazine is that doesn’t just talk about wildlife, it provides a lot of interesting biological information that you don’t find in other media outlets. Ms. Knisley’s article contains a lot of interesting information that I didn’t know. “Brood X” cicadas belong to the genus “Magicicada,” which consists of the 13-year and 17-year periodical cicadas found in the Eastern United States. They are a different species from the annual “dog day” cicadas that emerge every year during the late summer. As shown in the illustration from this article, below, the “Brood X” cicadas look quite different from the annual cicadas.



One thing that got me excited about the emergence of the “Brood X” cicadas was the fact that they make great fish bait. When the pandemic shut everything down last year, I rediscovered my love for fishing as something I could do to enjoy some recreation and not run any risk of being exposed to the coronavirus. There is a nice lake just down the road from my office, which was surrounded by deserted office buildings. I threw my rod-and-reel into the trunk of my car, and on my way home I stopped by the lake, ignoring the “no-fishing” signs, and threw a few bass lures. It was a nice way to relax at the end of the day, and I caught a few small but feisty and fun bass.

Well, the impending arrival of the “Brood X” cicadas rekindled my desire to throw my fishing rod into the trunk of my car all over again. After all, you only get fish bait this good every 17 years. I have been keeping an eye out for them when I let my dog out in the morning. Sure enough, I discovered a tree in my next-door neighbor’s front yard where they emerged by the dozens. I retrieved a plastic take-out container, poked a few holes in the lid, and before I knew it, I had collected at least a couple dozen of them, and a few of their larvae, and I was ready to go fishing!

They didn’t disappoint. I rigged just a simple bobber, a split shot sinker, and a small #6 bluegill hook, because I thought that’s what I

would be most likely to catch. I was wrong about that. The bass loved them just as much if not more than the bluegill. I tried the lake near my office and had a small bass and a nice bluegill after maybe 20 minutes of fishing. The next day I tried a pond in the middle of a neighborhood near my house, which gets a lot of fishing pressure and I had never had any luck. Darned if I didn’t pull out a nice 12” bass, which you see in the picture below.



The only thing I find disappointing about the “Brood X” cicadas this year is that there doesn’t seem to be nearly as many of them as the reports said there would be. Mary and I were just talking about when they came out in 1987, and again in 2004, and there seemed to be a lot more of them than there are now. We were living in Lexington in 1987, and she was working in Louisville that summer, and both of us can remember driving back and forth on I-64 and hearing them buzzing along the highway.

Anyway, if you like to fish, don’t miss this opportunity to grab the best free fish bait you can only find every 17 years, and go wet a line at the closest lake or pond near your home. You will be amazed at the results. Don’t forget to take some needle-nose pliers, because the fish like the cicadas so much that they will swallow the hook whole.

Hey, it’s been a tough year. Want to relax and connect with nature? Go grab some “Brood X” cicadas and go fishing!

## Current Trends in Personal Injury Law

By Order entered May 18, 2021 - over a year after its March 13, 2020, which closed all courts in Kentucky for 2 1/2 months - the Kentucky Supreme Court (“KSC”) officially reopened the court system for business as (almost) usual.

Consistent with current CDC guidelines, masks or other facial coverings are no longer required for fully vaccinated individuals entering a court facility. Continued use of masks or other facial coverings is strongly encouraged for those who are not fully vaccinated.

Judges retain the discretion to limit the number of people or to enforce social distancing in a courtroom as health and safety condi-

tions or circumstances necessitate. They are also allowed to resume jury trials at their discretion. Evictions are also allowed to proceed.

The KSC also encouraged courts to continue conducting proceedings remotely using available telephonic and video technology.

It all seems to have happened very quickly. For more than a year, lawyers who practice civil litigation, myself included, were operating under the assumption that jury trials were off the table for this year. Judges have told us for months that criminal cases would get priority when jury trials resumed, as they should, and so there is a year-long backlog of criminal cases that have to go first. For

example, I have one case that was supposed to go to trial in June - it had gotten continued just before COVID - that just got rolled again, to February 2022.

But that case is in Louisville. Courts out in the state with less crowded dockets may be up and running sooner. I have another case in Pulaski County that is set to go to trial August 9. I thought there was no way that date was going to stick. But, just to be on the safe side, I requested a status conference with the Court, and was told we were going to go to trial as scheduled.

So now it's time to get busy again, not that I mind. It feels pretty good to be getting back to normal.

## Stupid-Easy Recipe of the Month

**Lemon Blueberry Dump Cake.** Here's an easy, delicious, summer dessert recipe:

### Ingredients:

- 3/4 cup butter, melted
- 6 cups fresh or frozen blueberries
- 1 teaspoon ground cinnamon
- 1 package lemon cake mix

### Topping:

- 1- 8-oz tub whipped topping
- 12 oz. lemon yogurt
- 1/2 cup marshmallow cream
- lemon zest (to taste)

Preheat oven to 350°, spray 13x9 baking pan with cooking spray. Toss blueberries with cinnamon, spread into bottom of baking pan. Drizzle with half the melted butter. Sprinkle with lemon cake mix then drizzle remaining butter over top. Bake until golden brown and fruit is bubbly, 45-55 minutes. Cool. Mix all topping ingredients together. Serve dump cake with yogurt mixture and, if desired, additional blueberries. Yum!!!



*The best  
summer  
dessert  
EVER!*

## Favorite Pet of the Month

Meet Thelma and Louis - two sweet and playful kittens, about 8 weeks old, who need a loving home.

The male is long-haired and the female is short-haired domestic.

If you would like to add these cuties to your family, go to [www.barktownrescue.org](http://www.barktownrescue.org) to fill out an application!

Dana serves on the Board of Directors at Barktown Rescue.

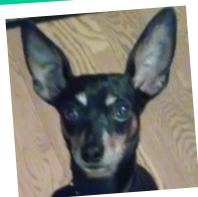
Brad and his family love pets, too!

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!

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:  
What is the oldest Ky. State Park?

- A. Cumberland Falls
- B. Pine Mountain
- C. Buckhorn
- D. Natural Bridge

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!



Thelma and Louis



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

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

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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)

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