

THE WARREN REPORT

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ELECTRIC SCOOTERS RENTALS ARRIVE IN CHARLOTTESVILLE

The city of Charlottesville welcomed electric scooter company, Lime, to town last month, joining a growing list of cities around the globe.

The California-based company uses an app-based rental system that allows users to unlock stationed electric scooters, or e-scooters, for \$1 and rent per minute. The e-scooters are GPS located, so rather than going to set docking stations, users find them using the Lime app. It's this feature that makes Lime unique, but the Lime app still has preferred parking areas to encourage proper parking.

With the responsibility of safely stationing the e-scooters falling to the rider, a number of regulations have been put in place. The current

pilot program will end in July of 2019, at which point city officials will evaluate the overall effectiveness, and determine whether to continue with permanent regulations or shut it down.

The Charlottesville city government website includes an overview of Lime and answers some frequently asked questions about the program.

The e-scooters are currently not allowed on the Downtown Mall or sidewalks, but are allowed in certain areas around the University of Virginia. In an email to students and staff, Gloria Graham, Associate Vice President for Safety and Security, listed a number of safety recommendations and said the University

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ARE THEY COVERED BY INSURANCE?

While the City of Charlottesville attempts to answer a number of FAQs, they didn't answer an important one: *are these e-scooters covered by insurance?* The short answer is, they are not. Most automobile insurance policies will not cover two-wheel vehicles.

So, in the event an accident, the coverage would fall to potential health or homeowners insurance – or in the case of an automobile accident where the driver of the car is at fault, auto insurance may cover some expenses. But there are a number of scenarios, all with different potential outcomes:

- If you are riding an e-scooter and are hit by a car and the driver of the car is at fault, then their car insurance should be responsible.
- If you are riding an e-scooter and are hit by a car but you are at fault, then no automobile insurance is responsible. Your health insurance may pay for your bills.
- If you are riding an e-scooter and hit a pedestrian and the accident is your fault, there is likely no insurance to protect you. You would be personally responsible for your injuries and theirs. While homeowners coverage sometimes provides insurance for personal liability away from home, almost all have an exclusion for motorized vehicles.
- If you are riding an e-scooter and are hit by another scooter and the other rider is at fault, there is no coverage from the other rider to provide coverage to you. They would be personally responsible for your injuries.



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would monitor the use of scooters around
Grounds.

In addition to the e-scooters, 50 electronic
bikes were also placed around the city.

Lime has a fleet of local employees who
are tasked with collecting e-scooters and
e-bikes by 9 p.m. each day and recharging
them for the next morning's use.

Should one land on your property, improv-
erly parked devices can reported to Lime
for removal. As a condition with their per-
mit, they are required to move the device
within 2 hours.

LIME USER AGREEMENT PROVISIONS

Should you decide to use Lime, you'll be asked, as with most mobile applications, to sign a user agreement before use. A review of the user agreement for Lime shows they are attempting to pass ALL liability to the users.

While some of the provisions may not be valid under Virginia Law, many of them will be. Some of the provisions include:

- Indemnification: You agree to indemnify and hold harmless, the scooter company for "and any and all consequences, claims, demands, causes of action, losses, liabilities, damages, injuries, fees, costs and expenses, penalties, attorneys' fees, judgments, suits settlements or disbursements of any kind or nature arising from: (a) Your negligence or willful misconduct; or (b) Your breach of this Agreement."
- Assumption of the risk: you agree that you are solely responsible for liability for all claims of any nature, foreseeable or unforeseeable.
- Mandatory Arbitration: any dispute by between the user and the scooter company must be handled by arbitration and the claim must be made in 1 year.

VADEN'S HOLIDAY HIGHLIGHTS

*We were able to enjoy some good time
with friends and family over the holidays,
and we even celebrated a milestone.*

*My daughter got her full driver's license
the day after Christmas. She took her first
voyage to the TasteeFreez for ice cream in
my hometown of Crewe, Virginia, with
her brother in tow. Nevermind that it was
the middle of winter!*

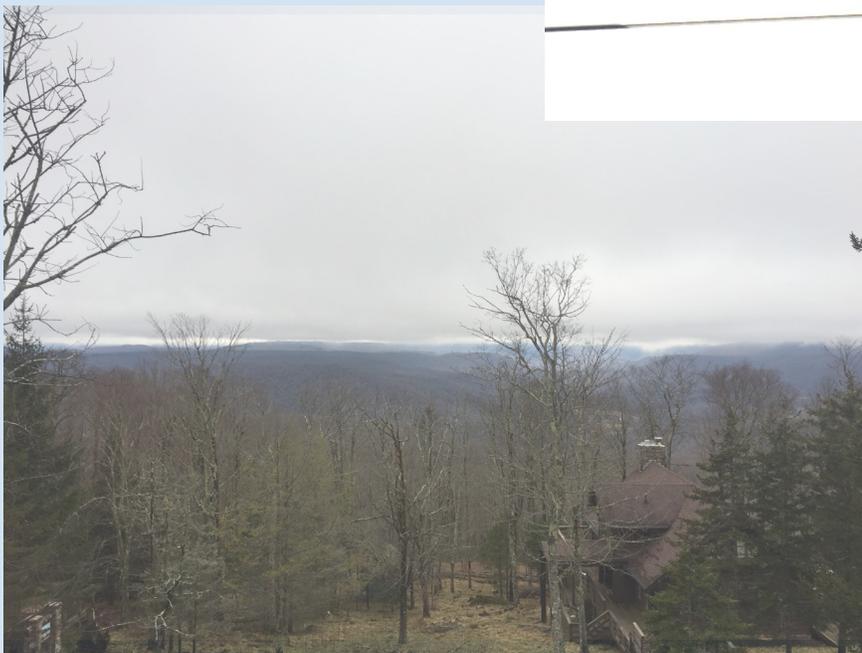
*She was so ready to show us all how well
she could drive after her many hours of
learner's permit practice.*



*We spent New Year's at the Snowshoe
Mountain Resort in West Virginia. The
cabin we stayed in had an incredible
view of the mountains ...*

*but I happened to grab my camera only
moments before the fog rolled in over
them.*

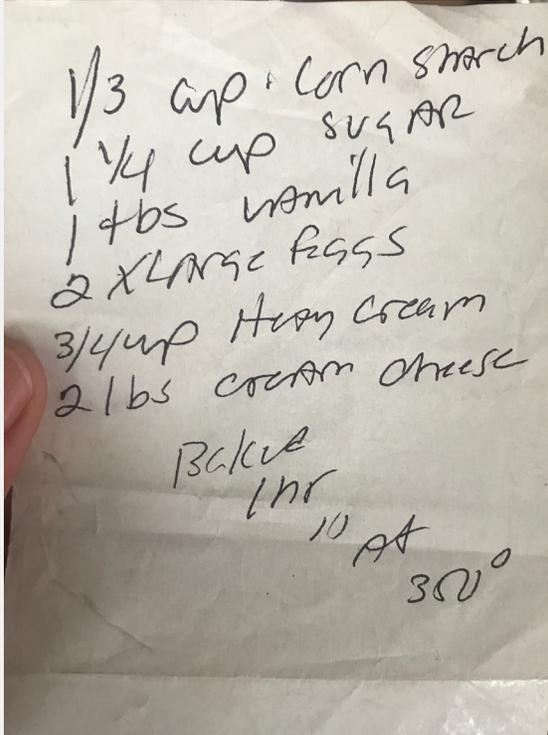
*All in all, it was a wonderful holiday
season with many memories made. I
wish you and yours a safe, happy and
properous 2019.*



NEW YORK STYLE CHEESECAKE

Our marketing assistant, Emilie, is a 15-year veteran of the restaurant industry – and even did a stint as a baker here in Charlottesville. Her tried and true recipe for cheesecake doesn't come from a chef or masterbaker, but from a customer.

Years ago, as a thank you for working as a server for a birthday party, she was given a slice of "the best cheesecake she had ever had." She had to have the recipe and begged the customer for it, who was not only happy to oblige, but knew it by memory. With only receipt printer paper at her disposal, she tore a sheet for him to jot it down... and has it taped to her fridge to this day.



Unlike some cheesecake recipes, this one does not need the extra step of a water bath (where you set the baking dish with the cheesecake inside of another baking pan partially-filled with water), making it simple enough for novice bakers.

After following a recipe for the crust of your choice, blend the above ingredients completely and fill the baking pan. Bake at 350 degrees for approximately 70 minutes, but keep an eye on it as ovens vary and cheesecake is delicate.

After removing from heat, allow it to cool for at least 4 hours in the refrigerator before serving. Top with fresh fruit compote or caramel sauce to make it even more delicious.

Enjoy!

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For those that have referred clients to us, we thank you.

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Vaden and his team are the best! I do not know how I would have gotten through my case or gotten the great outcome I did without them. I highly recommend Vaden to anyone that needs a great lawyer.

-B.D.

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ANOTHER 5 STAR REVIEW!

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