

# THE WARREN REPORT

434-972-9090

www.warren-law.com

516 Locust Avenue, Charlottesville, VA 22902

February 2021

## Mini Law School: The Key to Your Ski Case

Skiing is one of the most popular winter sports, but also inherently dangerous. As such, you do take on an assumption of risk when you hit the slopes. However, that doesn't mean you won't have a chance at financial recovery if you are injured in a ski accident. Proving *negligence* can tip the scale in your favor after a serious or catastrophic ski injury. Negligence infers that another person was not using proper care. For example: If you're following all posted signs at a ski resort and someone comes careening down the hill behind you, not paying attention or traveling at dangerous speeds, and collides with you, you could prove that they were not using proper care in following posted instructions and staying aware of their surroundings.

Often these types of collisions can result in serious or even catastrophic injuries. It is crucial to contact an



experienced personal injury attorney if you're injured while skiing as the result of someone else's negligence. An attorney could help you prove negligence as well as help ensure you're rightfully compensated.

The Warren Firm has successfully handled a number of ski accident cases where our clients were badly injured. These cases are not actually against the ski resort, but against the

individual skier and possibly their homeowner's insurance policies. There is a possibility of proving negligence against the resort but those cases can be more difficult. A 2012 law codified some of the case laws through the years. The code section and the case law history provide some protection to resorts in Virginia such as Wintergreen and Massanutten.



### PLEASE HELP US SPREAD THE WORD!

It may have been a while since we've worked with you, but we really value your feedback! Our goal at The Warren Firm is always to provide a 5-star experience for our clients. This may not always mean the outcome of the case is perfect, but we hope your experience with our law firm is seamless, honest, and genuine and that you feel represented, heard, and fought for. We would be incredibly grateful if you could take a couple of minutes to write a Google review about us. Simply point your smart phone camera at the QR code on the right and a link will appear at the top of your screen. Click on the link and it will take you directly to a review box. Thank you for your support!



# Time Heals All Wounds

We recently settled a case on behalf of a 14-year-old child who was injured in a car accident at the age of three. This 11-year-old case is the longest open case our firm has ever had. While normally we would not wait so long to pursue a case for a client, this case was unusual.

As a result of this car accident 11 years ago, our client's leg was broken and required a full-leg cast. The family's insurance policy only had a \$25,000 policy limit. Despite repeated demands, the insurance company would not pay out their policy limits. Unfortunately, Virginia does not have "good faith laws" that force insurance companies to act in good faith. That often leaves two options: filing a lawsuit or to waiting out the insurance company.

We opted to wait. We could have moved forward by filing suit, but that would've cost the family, ultimately coming out of the

child's settlement money. While we waited, my main goal was to make sure our three-year-old client healed well. Finally, after a little over a decade, the insurance company tendered their \$25,000 policy limits and we were able to get another \$25,000 from the driver of the other vehicle. When a child's case is settled the proceeds go to the clerk of the court who will hold the money until the child turns 18 years old.

Of course, we don't pursue this path in many cases, but every case is different and requires a unique strategy for proceeding. The main reason we could wait this one out was Virginia's Statute of Limitations. In Virginia, a child has two years from their 18th birthday (or until their 20th birthday) to file a lawsuit. This differs for an adult, who must file suit normally within two years of the incident.

**Type of case:**  
Car Accident

**Place of incident:**  
Albemarle County, VA

**Injuries sustained:**  
Broken leg (three-year-old child)

**Verdict or settlement:**  
Settlement

**Amount:** \$50,000

## Five Things to Do if You're in an Accident

- 1. Address any injuries you have.**
- 2. Call 911 if they have not already arrived.** Calling the police ensures that there will be documentation of the accident because law enforcement will file an accident report.
- 3. Document all available evidence.** Write down the names and phones number of any witnesses, including the other driver. This is an important step because the police do not always make a record of all the witnesses. Taking pictures of the damage to your car and your bodily injures can also strengthen you case if you decide to pursue compensation. In the event of a severe accident, you will likely be unable to gather contact information or take pictures. In these cases, it can be helpful for any passengers in the car to document these things for you. If no one else was in the vehicle, you can should record as much evidence as you can after your condition stabilizes.
- 4. Seek medical treatment.** Once the emergency medical technicians (EMTs) arrive at the scene of the accident,



they may request to take you to the emergency room. It is best to go with them. As medical professionals, the EMTs will likely be able to identify certain injuries that you do not notice.

- 5. Consult with a lawyer.** After you have received short-term medical care and are stabilized, you may discuss your legal rights and obligations with a skilled attorney who is familiar with major roadway accidents. The other party's insurance company may push you to give or record a statement. However, most attorneys advise against doing that. Though any statement you give to them will be inadmissible in court, it can still be used against you in other ways.

# Healthcare Heroes Nomination

We recognize how hard healthcare professionals have been working to keep our community safe during the COVID-19 pandemic. We are offering the Healthcare Heroes Nomination to show our appreciation and acknowledgment for their hard work. The winner of this award will receive \$500. These individuals have sacrificed time with their families, their own safety, and the safety of their loved ones. To nominate a deserving and selfless healthcare professional in the Charlottesville area, please visit [warren-law.com/our-community/](http://warren-law.com/our-community/) to complete the form.



The deadline for this nomination is March 31, 2021.

## Cupid's Cookie Recipe

### INGREDIENTS

- 1 box Devil's Food cake mix
- 2 eggs
- 1/3 Cup oil or melted butter
- 12 large marshmallows cut in half with scissors
- 24 chocolate peanut butter hearts

### INSTRUCTIONS

1. Preheat oven to 350 degrees and line two cookie sheets with parchment paper.
2. Combine cake mix, eggs and oil.
3. Make dough balls about the size of a tablespoon and place on cookie sheets 2 inches between each one.
4. Bake for 6-8 minutes.
5. Top your cookies with marshmallows that have been cut in half, cut side down.
6. Set the oven to BROIL and place the marshmallow-topped cookies into the oven. WATCH your cookies because they're only need 1-2 minutes until they're toasted.
7. Press chocolate hearts into toasted marshmallows and serve!



**We focus our practice on cases involving:**  
**Personal Injury**  
**Wrongful Death**  
**Children's Injuries**  
**Bicycle Accidents**  
**Auto Accidents**



Please recycle!

After you are done with this newsletter, don't throw it away – give it to a friend.

**We value your privacy.**

If you no longer want to receive this newsletter, please let us know.

Call 434-972-9090  
or visit us online at

**[www.warren-law.com](http://www.warren-law.com)**

**The Warren Firm**  
**516 Locust Avenue**  
**Charlottesville VA 22902**

PRSR STD  
US POSTAGE  
**PAID**  
CARLE PLACE, NY  
PERMIT NO 35

**Inside this Issue**

**Snow Skiing:  
Fun but Perilous**

**Five Things to Do if  
You're in an Accident**

**Make Cupid's Cookies for  
Your Valentine**

