

THE WARREN REPORT

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WHEN IS A DEATH CONSIDERED WRONGFUL?

Under Virginia law, a wrongful death claim arises whenever a death is caused by an act of negligence, recklessness, or deliberate wrongdoing. A wrongful death lawsuit is a personal injury claim filed on behalf of deceased persons since they are not able to file the claim themselves.

Wrongful death may be caused by circumstances such as:

- Slip and fall incidents
- Medical errors
- Motor vehicle accidents
- Defective products
- Pedestrian accidents
- Drowning

Damages in a wrongful death claim are distributed to the deceased person's spouse and children (or grandchildren if a child is also deceased). If parents of the deceased person regularly received essential support or services from their deceased child, they also may be entitled to a share of compensation from the claim. If there are no family members that meet this definition, then compensation would be awarded to siblings,

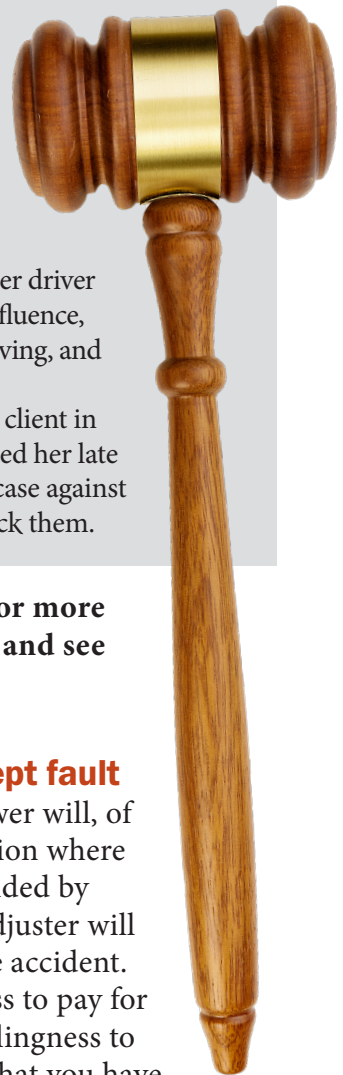
parents, or any other relatives depending on the deceased person for primary support.

PAST CASE: Fatal Motorcycle Accident

Our client was traveling as a passenger on her husband's motorcycle in Page County, VA when they were hit by a drunk driver. Tragically, her husband died from the impact at the scene of the collision.

Additionally, she sustained serious and permanent injuries. She suffered the loss of her left leg, a left humerus fracture, left wrist fracture, a concussion, and various contusions to her liver and adrenal gland. The other driver was charged with driving under the influence, involuntary manslaughter, reckless driving, and failure to stop at an accident.

The Warren Firm represented this client in her injury case, and we also represented her late husband's estate in a wrongful death case against the driver of the automobile that struck them.



What to Ask After an Accident

It is important to know when you are talking with insurance adjusters that they are highly trained and skilled negotiators that begin setting the parameters of settlement on the very first conversation with you. Many people have already attempted to work with an insurance company. However, when it came time to settle the case, they found they were left with nothing but a very unreasonable offer. If you're unsure whether the insurance company you're dealing with is

being sincere, try asking one or more of these questions from them and see what kind of answer you get.

1. "Are you willing to accept fault for the accident?" The answer will, of course, be "no". Even in a situation where you are a passenger and rear-ended by another driver, the insurance adjuster will not accept responsibility for the accident. Do not mistake their willingness to pay for property damage with their willingness to accept liability for the injuries that you have.
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What to Ask an Insurance Adjuster

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2. “If you want to record a statement from me, may I please take a recorded statement from your driver?”

Again, the answer will probably be “no”. The insurance company wants to take your statement and may even tell you that they need to take it to proceed with the claim. They do this knowing that most people are not prepared when they give a recorded statement to the insurance company. If there’s any doubt in your mind of whether or not you should give your statement, consider their response to you when you ask to take a statement from their driver. They know that taking a statement from their driver will not be helpful to them. It is information they want, but they do not want to share with you.

3. “Why do I need to give a recorded statement if all the information about the accident is included in the police accident report?” You’re likely to get many different answers when asking this question. The truth is the adjuster has probably already spoken to their insured, maybe spoken to the police officer, and likely has the accident report in front of them. The reason they want to take your statement, which is not admissible in court, is that they are hoping that you will give them some information that they can use against you when negotiating your claim.

4. “Why do you need an open medical authorization to consider my personal injury claim?” If you’re handling your claim by yourself, an adjuster will ask you for a medical authorization so they can get your medical records and bills. If you look closely at the medical authorization, you’ll see that the authorization has no timeline, no specification of which medical records they can collect, and it does not



restrict to any particular medical providers. Ask the adjuster why they need medical authorization instead of the medical records from the treatment you received because of your injuries. They won’t tell you, but the answer is that they want to look into your medical history to try to find some pre-existing problem that they can relate some of your injuries to.

5. “How much insurance does your insured have?” If you aren’t yet convinced that discussing your case with an insurance adjuster is a one-way street, ask this question. I can almost assure you that the adjuster is not authorized by their insurance company to tell you what the insurance policy of their insured is. Meanwhile, they will likely know your insurance policy limits and whether or not you have uninsured or underinsured motorist coverage and whether or not you have medical expense coverage for your vehicle. This is simply how insurance companies operate. They want to control the information and let you have it when and if they want you to have it. However, they also want you to fully cooperate with them and will be very friendly at the onset by assuring you that they will make a fair offer to you.

HELMETS FOR KIDS

Last month, in conjunction with The Virginia Trial Lawyers Bike Helmet Foundation, we happily donated 325 kids bicycle helmets to Charlottesville Community Bikes!

Charlottesville Community Bikes is a nonprofit bicycle shop that promotes environmentally-sound transportation, recycles bicycles, and makes cycling accessible in Charlottesville, VA. They believe bicycles can be a means to social change, addressing issues of equity, access, and inclusion. Community Bikes gives away hundreds and hundreds of bicycles and helmets each year to adults and children in need. They also refurbish bicycles to sell at affordable prices to the community. Along with furnishing bikes and helmets, they host clinics to teach proper riding technique and lessons on bike maintenance and repairs.

We look forward to more opportunities in the future to assist this incredible, local organization. If you’re interested in learning more about the work they do, scan this QR code with your phone’s camera, and it will take you directly to their website!



Summer Smoothies

Stay cool through the end of summer with some delicious fruit smoothies!

Summer Berry Smoothie

Ingredients

- 1 1/4 cup frozen raspberries
- 1 large ripe, sliced and frozen banana (1 banana yields ~1 cup)
- 1/2 cup pomegranate juice
- 3/4 cup orange juice
- 3/4 cup almond milk

Instructions

1. Preheat the oven to 350°F and butter a Add all ingredients to a blender and blend until creamy and smooth, scraping down sides as needed.
2. Taste and adjust flavor as needed. Add more milk or fruit juice if too thick. Add more frozen banana if not sweet enough. Serve immediately.

Tropical Summer Smoothie

Ingredients

- 1 ½ cups frozen mango chunks
- 1 cup frozen strawberries
- 1 cup frozen sweet pineapple
- 2 cups orange juice

- 1 cup vanilla yogurt (I'm currently a big fan of adding plain Kefir instead!)

Instructions

1. Pour the orange juice into a blender. Add fruit and blend until fully puréed.
2. Add yogurt and blend again until completely combined.
3. Pour and enjoy!



Strawberry Banana Smoothie

Ingredients

- 1 1/2 cup raspberries
- 1 cup strawberries
- 1/2 frozen banana
- 1 cup almond milk
- 1 tablespoon honey or maple syrup
- 1 1/2 cups ice

Instructions

1. Combine the raspberries, strawberries, banana, almond milk, honey or maple, and ice in a blender. Blend until smooth.
2. Taste. If it's too tart for you, add another 1/2 cup or so of almond milk and another tablespoon of honey or maple.

Third Annual Survivor Scholarship

Our firm is proud to offer The Survivor Scholarship! This scholarship is an opportunity for students to share their story of a difficult time in their life and how they have grown from it, and how they hope to use their past experiences to make a difference for others in the future. One winner will be selected and receive \$1,000! Visit warren-law.com for more information. Share it with anyone you think may be interested!



"We were very grateful for Mr. Warren's expertise and guidance in seeing us through successfully in a long and complicated matter. We, alone, could not have done it. Thank you so much!"

— J. Tansey

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



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