

# MATTHIESEN | WICKERT | LEHRER, S.C.

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MONTHLY ELECTRONIC SUBROGATION NEWSLETTER

DECEMBER 2009

## TO CLIENTS AND FRIENDS OF MATTHIESEN, WICKERT & LEHRER, S.C.:

*This monthly electronic subrogation newsletter is a service provided exclusively to clients and friends of Matthiesen, Wickert & Lehrer, S.C. The vagaries and complexity of nationwide subrogation have, for many lawyers and insurance professionals, made keeping current with changing subrogation law in all fifty states an arduous and laborious task. It is the goal of Matthiesen, Wickert & Lehrer, S.C. and this electronic subrogation newsletter, to assist in the dissemination of new developments in subrogation law and the continuing education of recovery professionals. If anyone has co-workers or associates who wish to be placed on or removed from our e-mail mailing list, please provide their e-mail addresses to Rose Thomson at [rthomson@mwl-law.com](mailto:rthomson@mwl-law.com). We appreciate your friendship and your business.*

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### INSURANCE SUBROGATION

## SUBROGATION WEBINARS TO BEGIN SOON!



### MWL Offers Live CE-Approved Subrogation Training

At Matthiesen, Wickert & Lehrer, S.C., we strongly believe that education is the key to a successful recovery program and that the more educated and well-trained our clients are, the better our subrogation results become. For decades, MWL's Subrogation College has provided our clients with an opportunity to receive the most up-to-date training that claims handlers and insurance professionals can receive. Beginning in February of 2010, MWL will be offering a regular schedule of live subrogation webinars that you and your subrogation team can attend and watch either from a central location (conference room, etc.) or from the comfort of their own computer terminals. For those states where CE credits are required, many of these exciting new course offerings will be pre-approved for Continuing Education credits.



The best in subrogation education, taught by the experienced subrogation professionals, will soon be coming directly to your desk at the office. There is no longer a need to incur significant expenses sending a select few subrogation professionals to national conferences. The subrogation education and training you are seeking is coming to you. Our first webinar, entitled *WC-101, Basics of Workers' Compensation Subrogation*, is scheduled for Wednesday, February 23, 2010, at 10:00 a.m. (CST). If you received this newsletter, an electronic invitation will be sent directly to you in January which will provide you with a link to register online for this

webinar. Other webinars will be offered on a regular basis thereafter, covering a variety of topics relating to subrogation. Future course offerings will be announced in our newsletters and on our website.



Most of these courses will be pre-approved for CE credits with the states of Texas and Wyoming, the states with the easiest CE reciprocity recognized by most other states. If your office needs a particular subject covered, (one of the courses listed below or something tailored to meet your needs), feel free to submit suggested course titles and subjects to Jamie Breen at [jbreen@mwl-law.com](mailto:jbreen@mwl-law.com) and we will do our best to accommodate all requests. In addition, as a service to our clients and potential clients, if your office desires a seminar on a particular subject given solely to the members of your company, MWL can go that route too. For a tailored webinar, please provide sufficient lead time to allow for the planning and preparation of the webinar.

For years, MWL has been the subrogation education leader. However, we have not always been able to accommodate all of the requests for seminars and training we have received. Today's technology, however, now allows us to bring the many benefits of subrogation education to more and more subrogation professionals at a fraction of the cost. This is exciting to us because we have long recognized that the better educated the subrogation team is, the better subrogation results they can produce.

If you need a webinar approved by a particular state that does not recognize Texas and/or Wyoming CE reciprocity, MWL will provide the materials needed to apply for CE credits with your respective state insurance agency. Each webinar is accompanied by a PowerPoint presentation and course outline, syllabuses and/or handouts, which will be provided prior to the webinar. MWL also works closely with in-house counsel or TPAs engaged by clients, and coordinates with and/or supplements the training offered by in-house personnel.

With 50 separate bodies of law to be familiar with, why not engage the educational and training services of the leader in multi-state and national insurance litigation and gain confidence in knowing that your insurance team is armed with the best education and training available? Webinar attendees will be able to ask questions during the presentation and we can even take snap polls on certain subrogation issues to gather information that will allow us to pinpoint the attendees needs, interests or level of knowledge during the presentation in order to make the webinars even more beneficial and targeted to all who attend. If you have a scheduling conflict with the time and date of an offered webinar, never fear. Each webinar will be recorded and preserved and, after the webinar takes place, we will provide links on our website to those webinars that can be viewed by simply contacting us and obtaining a password to access them. Our instructors are experienced insurance litigation and subrogation trial lawyers who make the complicated understandable, relevant, and easily digestible. Below are some of the course offerings you will be seeing in the future. Please feel free to click on the links below for course details and descriptions.



### **WORKERS' COMPENSATION SUBROGATION**

<a href="#"><u>WC - 101 Basics of Workers' Compensation Subrogation</u></a>	2 Hours
<a href="#"><u>WC - 201 Advanced Workers' Compensation Subrogation</u></a>	2 Hours
<a href="#"><u>WC - 301 Extraterritorial Subrogation</u></a>	1 Hour
<a href="#"><u>WC - 401 Subrogation Investigation In Workers' Compensation Claims</u></a>	2 Hours

### **HEALTH INSURANCE SUBROGATION**

<a href="#"><u>HE - 101 Intro to ERISA and Health Insurance Subrogation</u></a>	2 Hours
<a href="#"><u>HE - 201 ERISA Preemption</u></a>	2 Hours
<a href="#"><u>HE - 301 Subrogating Fully-Insured and Non-ERISA Plans</u></a>	1 Hour
<a href="#"><u>HE - 401 Understanding and Applying Knudson, Sereboff &amp; Carillo</u></a>	1 Hour

<u>HE - 501 Occupational Accident and Multiple-Employer Plan Subrogation</u>	1 Hour
<u>HE - 601 Improving Your Health Plan Language</u>	1 Hour
<u>HE - 701 Avoiding the Made Whole and Common Fund Doctrines</u>	1 Hour
<u>HE - 801 Advanced ERISA and Health Insurance Subrogation</u>	2 Hours

### PROPERTY SUBROGATION

<u>PR - 101 Investigation and Subrogation of Large Fire Losses</u>	2 Hours
<u>PR - 201 Subrogating Against God</u>	1 Hour
<u>PR - 301 Understanding the Economic Loss Doctrine</u>	1 Hour
<u>PR - 401 Landlord/Tenant Subrogation In All 50 States</u>	1 Hour

### SUBROGATION BASICS

<u>SU - 101 Recognizing Subrogation Potential and Third Party Liability</u>	2 Hours
<u>SU - 201 Defeating the Made Whole Doctrine</u>	1 Hour
<u>SU - 301 Motor Vehicle Laws and Liability</u>	1 Hour
<u>SU - 401 The Complete Guide To Taking A Future Credit In All 50 States</u>	2 Hours

In order to arrange for presentation of these classes and webinars, please contact Jamie Breen at [jbreen@mwl-law.com](mailto:jbreen@mwl-law.com) or (800) 637-9176. We look forward to bringing the weapons and tools necessary for a successful subrogation program to your doorstep. As always, your feedback and any questions are certainly welcome.



#### INSURANCE SUBROGATION

### PENNSYLVANIA DODGES ANTI-SUBROGATION RULE



As reported in our September, 2009 newsletter, the Pennsylvania Rules Committee had proposed and was considering an amendment to Rule 1020, which would have required that when a person suffers both personal injuries and property damage from the same tortious act, that person must seek recovery for both types of damages in a single action. This created a potential problem because after payment of a property damage insurance claim, the right to pursue the property loss claim belongs to the insurance carrier.

The good news here is that the Pennsylvania Supreme Court Rules Committee has decided not to proceed with the proposed amendment to Rule 1020. Dodging this bullet does nothing to guarantee that the proposal won't be revisited and proposed again in the future, so we must keep up our vigilance and be on constant alert for such surreptitious anti-subrogation measures.

#### INSURANCE SUBROGATION

### IS THE SUDDEN EMERGENCY DOCTRINE ALIVE IN VIRGINIA?

By Mike Sinnen

Virginia is a pure contributory negligence state, not a pure comparative fault state as it is often mistaken for. The difference is night and day. Because it is a pure contributory





negligence state, comparative fault has no applicability. If a plaintiff is 1% at fault, they simply recover nothing. Having said that, comparative fault principles may be applicable in the limited areas of railroad crossing cases, FELA, and admiralty cases. However, Virginia's strange status as a pure contributory negligence state also throws into question a very familiar defense—the Sudden Emergency Doctrine.

The Sudden Emergency Doctrine, which is extremely dependant on the individual facts of any particular case, is the doctrine that a person who is confronted with a sudden and unexpected perilous situation not of his or her own making and who acts as would a reasonably prudent person under the circumstances will not be held liable even if later reflection shows that the wisest course was not chosen. Whether or not it still exists in Virginia has been the subject of some debate.

Recently, we have had confrontations with trial lawyers in Virginia who claim that the defense of sudden emergency in Virginia is dead. Clearly, this is a case of wishing something into existence, as the sudden emergency doctrine can provide a formidable defense to personal injury and property subrogation claims of all sizes. When you take the time to sift through the misdirection and distractions, however, you realize that the death of the Sudden Emergency Doctrine has been grossly exaggerated thanks to one particular Supreme Court decision.



On September 15, 2006, the Supreme Court of Virginia announced its decision in *Herr v. Wheeler*, 634 S.E.2d 317 (Va. 2006). In that case, a passenger in a westbound vehicle brought a personal injury action against an eastbound motorist, whose vehicle allegedly hydroplaned and subsequently crossed the centerline. Wheeler had known of the slipperiness of the roadway, and was being "cautious." On June 20, 2001, at approximately 9:50 p.m., Gene Robert Herr, II was a passenger in a vehicle driven by Jeffrey Scott Gibson traveling west on Route 250 in Albemarle County near the intersection of that two-lane highway and Turner Mountain Road. Gibson was towing a boat on a trailer behind his vehicle. At this location, Route 250 was straight and level with a right turn lane onto Turner Mountain Road branching off from the westbound lane. The intersection was not controlled by a stoplight or stop sign. The speed limit on Route 250 at this location was 55 miles per hour. As Gibson approached the intersection, Frances Stuart Wheeler was operating her vehicle along Route 250 in the eastbound lane. It was "pouring down rain" and Gibson and Wheeler were operating their vehicles between 35 and 40 miles per hour. Wheeler lost control of her vehicle when it hydroplaned on the wet road surface, crossed the centerline, and struck Gibson's vehicle. The impact



forced Gibson's vehicle backward across the right turn lane and caused the boat on the trailer to jackknife as the vehicle came to rest on the side of the road. Wheeler's vehicle skidded back into the eastbound lane and came to rest on the opposite side of Route 250. Herr was injured in the collision and subsequently filed suit in the Circuit Court of Albemarle County against Wheeler asserting that the accident was caused by Wheeler's negligent conduct and she was seeking \$400,000 damages for the injuries. In her answer, Wheeler alleged that, among other defenses, she would rely on the Sudden Emergency defense.

Plaintiff Herr asked for and the court allowed the following "sudden emergency" Jury Instruction No. 12 to the jury:

*"When abnormal conditions are known and the heightened hazards they create are reasonably foreseeable, the standard of ordinary care the law imposes is higher. Where nature has created hazardous conditions on a highway, and such hazardous conditions are known and the heightened hazards they create are reasonably foreseeable, the standard of ordinary care the law imposes is higher. Where nature has created hazardous conditions on a highway, and such hazardous conditions are open and obvious, the operator of a motor vehicle is required to take care in the operation of his vehicle proportionate to the known dangerous condition of the highway."*



During the jury trial conducted in the trial court, Defendant Wheeler testified that she “was . . . being cautious because it was pouring down rain and when I started hydroplaning . . . my car slipped on water, lost contact with the road and I skidded into the other lane.” Wheeler maintained that although she had both hands on the steering wheel, she was unable to bring the vehicle back into her lane of travel because “you can’t steer when you hydroplane.” She further testified that her vehicle “drifted into the other lane . . . It was really fast . . . [T]he [other] car was right there when I hit-

I drifted over, so it happened really quickly.” Gibson testified that “when it’s raining, carrying a boat, I’ve always been taught to be cautious and I always [am].” Gibson further testified that while traveling on Route 250 that night his vehicle did not hydroplane and he did not observe any other vehicles hydroplaning until Wheeler’s vehicle did so, causing the accident.

Defendant Wheeler insisted on the following Jury Instruction No. 18, which the court allowed:

*The defendant contends that she was confronted with a sudden emergency. A sudden emergency is an event or a combination of circumstances that calls for immediate action without giving time for deliberate exercise of judgment.*

*If you believe from the evidence that the defendant, without negligence on her part, was confronted with a sudden emergency and acted as a reasonable person would have acted under the circumstances of this case, she was not negligent.*



The jury came back with a defense verdict in favor of Wheeler, and Plaintiff Herr appealed. This case presented as an issue of first impression the question whether the “hydroplaning” of a vehicle on obviously wet pavement gave rise to a sudden emergency defense.

Wheeler had admitted knowing the generally dangerous conditions but argued that the sudden emergency was not knowing about the “one isolated spot” of standing water. The Supreme Court rejected Wheeler’s argument and noted that hydroplaning results from a combination of factors including the depth of the water, the speed of the vehicle, the depth of the tire treads, and the type of road surface, and further noted that “the danger of hydroplaning is a matter of common experience.” A reasonable driver knows, or should know, that tire traction is greatly reduced on wet roads and that the exercise of ordinary care requires the driver to respond appropriately when proceeding along a wet roadway to avoid hydroplaning. The occurrence of standing water on a roadway during a heavy rainstorm is simply another matter of common experience. The hazard this occurrence presents, including the possibility of hydroplaning, is one the driver of a vehicle along the roadway must anticipate and exercise reasonable care to avoid. Although Wheeler had not encountered standing water on the roadway as she traveled along Route 250 and may not have seen the accumulation of water, at the point on the roadway her vehicle began to hydroplane, such an occurrence was not an “unexpected happening.”



So, is the Sudden Emergency Doctrine dead in Virginia? No, but in the many cases where a defendant claims that weather conditions created a sudden emergency, there will have to be something that is truly “sudden” and truly creates an “emergency” if the defense is going to succeed. If a defendant knows of the dangerous conditions generally and was merely surprised by an isolated spot of the same condition – such as a patch of black ice - he has a sudden emergency not of God’s making but of his own making.

The Supreme Court didn’t totally eliminate the Sudden Emergency Doctrine in Virginia, but the Court did make the defense much less likely to succeed for any defendant who knew of the dangerous conditions generally but claims a specific dangerous condition is a “sudden” emergency.



## A SERIES OF UNFORTUNATE EVENTS:

### The Increasingly Rare Unavoidable Accident Defense

By Jeannine Anderson

The Sudden Emergency Doctrine should not be confused with the defense of “unavoidable accident.” The former involves a person who is confronted with a sudden and unexpected perilous situation not of his or her own making and who acts as would a reasonably prudent person under the circumstances. That person will not be held liable even if later reflection shows that the wisest course was not chosen. The latter - an “unavoidable accident” - is an accident in which ordinary care and diligence could not have been prevented or is one occurring in the absence of negligence upon the part of all the parties involved. Put another way, an unavoidable accident is the risk that remains even though the actor has exercised due care. Understanding the difference between the two legal defenses is not always simple. It often depends on the facts and what the judge or jury consider to be “common knowledge.” Examples of a sudden emergency could include being confronted by a patch of black ice under conditions wherein the ordinary prudent person would not have expected it. An example of an unavoidable accident is disappointingly similar to that of sudden emergency, such as a clay-surfaced road made slick by rain.



More and more jurisdictions are abandoning the unavoidable accident defense, not only because it is very similar to that of sudden emergency, but also because they claim that it merely restates the law of negligence. It has a tendency to afford a jury an easy way of avoiding instead of deciding the issue made by the evidence in the case. Unlike an unavoidable accident instruction, a sudden emergency instruction does not merely repeat the law of negligence, it adds new considerations to the negligence equation - a person confronted with a sudden emergency must act as

an ordinarily prudent person would have done under the same or similar circumstances. This additional requirement is not addressed in the general negligence instructions ordinarily given.

Virginia recently rejected the unavoidable accident defense outright while holding on to sudden emergency by a slim thread. *Hancock-Underwood v. Knight*, 277 Va. 127 (2009). Many other states disapprove unavoidable-accident instructions, because such an instruction merely restates the law of negligence, serves no useful purpose, overemphasizes the defendant's case, and is apt to confuse and mislead the jury. The various states are split on the propriety of giving an unavoidable accident instruction.

Upon review of the decisions of the highest courts of the various states, it appears that twenty states and the District of Columbia do not permit such an instruction under any circumstance. Those states are **Alaska**: *Alaska Brick Co. v. McCoy*, 400 P.2d 454, 456 (Alaska 1965); **Arizona**: *City of Phoenix v. Camfield*, 97 Ariz. 316, 400 P.2d 115, 120-21 (Ariz. 1965); **California**: *Butigan v. Yellow Cab Co.*, 49 Cal.2d 652, 320 P.2d 500, 505 (Cal. 1958); **Colorado**: *Lewis v. Buckskin Joe's, Inc.*, 156 Colo. 46, 396 P.2d 933, 941-42 (Colo. 1964); **District of Columbia**: *Andrews v. Forness*, 272 A.2d 672, 674 (D.C.1971); **Georgia**: *Tolbert v. Duckworth*, 262 Ga. 622, 423 S.E.2d 229, 229-30 (Ga. 1992); **Idaho**: *Schaub v. Linehan*, 92 Idaho 332, 442 P.2d 742, 746 (Idaho 1968); **Indiana**: *Miller v. Alvey*, 246 Ind. 560, 207 N.E.2d 633, 636-37 (Ind. 1965); **Iowa**: *Koll v. Manatt's Transp. Co.*, 253 N.W.2d 265, 268-69 (Iowa 1977); **Kentucky**: *Sloan v. Iverson*, 385 S.W.2d 178, 179 (Ky.1964); **Maine**: *George v. Guerette*, 306 A.2d 138, 143 (Me.1973); **Maryland**: *Fry v. Carter*, 375 Md. 341, 825 A.2d 1042, 1043 (Md. 2003); **Montana**: *Graham v. Rolandson*, 150 Mont. 270, 435 P.2d 263, 274 (Mont. 1967); **New Hampshire**: *Dyer v. Herb Prout & Co.*, 126 N.H. 763, 498 A.2d 715, 717 (N.H.1985); **New Jersey**: *Vespe v. DiMarco*, 43 N.J.



430, 204 A.2d 874, 882 (N.J. 1964); **New Mexico:** *Alexander v. Delgado*, 84 N.M. 717, 507 P.2d 778, 780-81 (N.M. 1973); **Oregon:** *Fenton v. Aleshire*, 238 Or. 24, 393 P.2d 217, 222-23 (Or. 1964); **Rhode Island:** *Camaras v. Moran*, 100 R.I. 717, 219 A.2d 487, 489-90 (R.I. 1966); **Utah:** *Randle v. Allen*, 862 P.2d 1329, 1336 (Utah 1993); **Vermont:** *Mattison v. Smalley*, 122 Vt. 113, 165 A.2d 343, 347-48 (Vt. 1960); and **West Virginia:** *Hunter v. Johnson*, 178 W.Va. 383, 359 S.E.2d 611, 613 (W.V. 1987).



On the other hand, fifteen states have strongly criticized the instruction but allow it in rare circumstances. Those states are **Alabama:** *Socier v. Woodard*, 264 Ala. 514, 88 So.2d 783, 785 (Ala. 1956); *Tyler v. Drennen*, 255 Ala. 377, 51 So.2d 516, 524 (Ala. 1951); **Arkansas:** *Burdette v. Madison*, 290 Ark. 314, 719 S.W.2d 418, 419 (Ark. 1986); **Connecticut:** *Dinda v. Sirois*, 166 Conn. 68, 347 A.2d 75, 77 (Conn. 1974); **Delaware:** *Univ. of Delaware v. Munson*, 316 A.2d 206, 207 (Del.1974); **Florida:** *Smith v. Canevary*, 553 So.2d 1312, 1313-15 (Fla. Dist. Ct. App.1989) (characterizing Supreme Court of Florida Jury Instructions Doctrine); **Hawaii:** *Guanzon v. Kalamau*, 48 Haw. 330, 402 P.2d 289, 296-97 (Haw. 1965); **Kansas:** *Kline v. Emmele*, 204 Kan. 629, 465 P.2d 970, 972 (Kan. 1970); **Minnesota:** *Holten v. Parker*, 302 Minn. 167, 224 N.W.2d 139, 143 (Minn. 1974); **Mississippi:** *Tillman v. Singletary*, 865 So.2d 350, 352-53 (Miss. 2003); **Missouri:** *Hogan v. Kansas City Pub. Serv. Co.*, 322 Mo. 1103, 19 S.W.2d 707, 712 (Mo. 1929); **Oklahoma:** *Athey v. Bingham*, 823 P.2d 347, 350 (Okla.1991); **South Dakota:** *Howard v. Sanborn*, 483 N.W.2d 796, 798-99 (S.D. 1992); **Texas:** *Reinhart v. Young*, 906 S.W.2d 471, 472-73 (Tex. 1995); **Washington:** *Brewer v. Berner*, 15 Wash.2d 644, 131 P.2d 940, 943 (Wash. 1942); and **Wisconsin:** *Van Matre v. Milwaukee Elec. Ry. & Transp. Co.*, 268 Wis. 399, 67 N.W.2d 831, 833 (Wis. 1955).

Only nine remaining states appear to allow the unavoidable accident defense. Those states are **Illinois:** *Carson, Pirie, Scott & Co. v. Chicago Rys. Co.*, 309 Ill. 346, 141 N.E. 172, 174-75 (Ill. 1923); *Flanagan v. The Chicago City Ry. Co.*, 243 Ill. 456, 90 N.E. 688, 689-90 (Ill. 1909); **Michigan:** *Lober v. Sklar*, 357 Mich. 166, 97 N.W.2d 617, 619 (Mich. 1959); *McClarren v. Buck*, 343 Mich. 300, 72 N.W.2d 31, 32 (Mich. 1955); **Nebraska:** *Maloney v. Kaminski*, 220 Neb. 55, 368 N.W.2d 447, 457 (Neb. 1985); **North Carolina:** *Gregory v. Lynch*, 271 N.C. 198, 155 S.E.2d 488, 491 (N.C. 1967); **North Dakota:** *Reuter v. Olson*, 79 N.D. 834, 59 N.W.2d 830, 835-36 (N.D. 1953); **Ohio:** *Grindell v. Huber*, 28 Ohio St.2d 71, 275 N.E.2d 614, 617-18 (Ohio 1971); **South Carolina:** *Collins v. Thomas*, 244 S.C. 128, 135 S.E.2d 754, 754-55 (S.C. 1964); **Tennessee:** *Blackburn v. Murphy*, 737 S.W.2d 529, 534 (Tenn.1987); *DeMauro v. Tusculum College, Inc.*, 603 S.W.2d 115, 120 (Tenn.1980); and **Wyoming:** *Friesen v. Schmelzel*, 78 Wyo. 1, 318 P.2d 368, 371-72 (Wyo. 1957).



The highest courts of five states have not addressed the issue. Those states are **Louisiana, Massachusetts, Nevada, New York, and Pennsylvania.**

Subrogation professionals must have a working knowledge of these two amorphous defenses and their treatment in the jurisdictions in which they are working. Culpable defendants do not usually raise the white flag and admit fault, unless they are recorded as doing so at the scene of the accident or shortly thereafter. Getting recorded statements from defendants soon after an accident is critical. Ask them who or what they think caused the incident and whether they think they could have reacted differently and thereby avoided the accident. The candid answers you get might surprise you.



Whenever possible, the key to avoiding the unavoidable accident defense and the sudden emergency defense is prompt investigation and careful recording and preservation of the specific conditions under which the accident occurred. Roads visibly and obviously covered with inches of water will not be as conducive to a successful defense as a roadway which looked normal but contained a thin layer of water which could cause hydroplaning. While there is probably no such thing as a true “unavoidable accident”, a vehicle parked on a highway at night without lights might be the fault of the

uninsured owner of the vehicle who left it there, but you're most concerned about the sudden emergency defense available to the truck driver with \$3 million in insurance who swerved into your insured in order to avoid it.

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## UPCOMING EVENTS.....

## Upcoming Events

**February 10-12, 2010** - MWL will be exhibiting at the NAMIC 2010 Claims Conference being held in St. Petersburg, Florida. Jamie Breen will be at our exhibit booth so stop by if you plan on attending this conference. For more information on this conference, please go to <http://www.namic.org/seminars/10claimsexhibit.asp>.

**February 23, 2010** - Gary Wickert will present MWL's first live webinar, entitled "WC-101, Basics of Workers' Compensation Subrogation" at 10:00 a.m. (CST). A registration link will be provided to everyone on our newsletter list in early January. The link will also be available on the Seminar/Education page of our website.

**April 27-30, 2010** - Gary Wickert will be presenting at the 2010 NOPLG Conference in Savannah, Georgia. He will be presenting "Recent Developments In Workers' Compensation Subrogation". For more information on this conference, please go to <https://www.signup4.net/public/ap.aspx?EID=2008838E&OID=147>.

**May 11-14, 2010** - MWL will be exhibiting at the 5<sup>th</sup> Annual Claims Education Conference being held in New Orleans, Louisiana. Jamie Breen will be at our exhibit booth so stop by if you plan on attending this conference. For information on this conference, please go to <http://www.claimseducationconference.com>.

**June 22-24, 2010** - MWL will be exhibiting at the 14<sup>th</sup> Annual America's Claim Event in Las Vegas, Nevada. Jamie Breen will be at our exhibit booth so stop by if you plan on attending this conference. For information on this conference, please go to <http://www.summitliveevents.com/sites/ace09/pages/default.aspx>.

**November 10-11, 2011** - MWL will be exhibiting at the 19<sup>th</sup> Annual National Workers' Compensation and Disability Conference Expo in Las Vegas, Nevada. Jamie Breen will be at our exhibit booth so stop by if you plan on attending this conference. For information on this conference, please go to [www.WWConference.com](http://www.WWConference.com).

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## MERRY CHRISTMAS AND HAPPY NEW YEAR!



Matthiesen, Wickert & Lehrer, S.C. would like to thank the many local counsel members of our national recovery program who sent gifts and cards over the holiday season. Your generosity and thoughtfulness are appreciated and serve as a constant reminder of the great subrogation team we make on behalf of our many clients. We wish you and yours a Merry Christmas and a joyful Holiday Season.

The best part of the holiday season is remembering those who make the holidays meaningful. Matthiesen, Wickert & Lehrer, S.C. would like to wish you and your families all the happiness and prosperity this season can bring and may it follow you throughout the coming year!



This electronic newsletter is intended for the clients and friends of Matthiesen, Wickert & Lehrer, S.C. It is designed to keep our clients generally informed about developments in the law relating to this firm's areas of practice and should not be construed as legal advice concerning any factual situation. Representation of insurance companies and/or individuals by Matthiesen, Wickert & Lehrer, S.C. is based only on specific facts disclosed within the attorney/client relationship. This electronic newsletter is not to be used in lieu thereof in any way.