

# MATTHIESEN, WICKERT & LEHRER, S.C.

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## ATTORNEYS AT LAW

### JULY 2018 INSURANCE LITIGATION NEWSLETTER

#### New Legislation On Discovery And Statutes Of Limitations

On April 3, 2018, the Wisconsin Legislature enacted 2017 Wis. Act 235 which substantially changes certain rules governing civil litigation in Wisconsin. Included in this Act are new rules regarding discovery practice and the Rules of Civil Procedure. As these new rules take effect, it is anticipated that these changes will result in uncertainty and increased motion practice. It is important that all Wisconsin litigators and insurance carriers become aware of these changes. [Read More....](#)



#### Wisconsin Supreme Court Clarifies Event Triggering Notice-of-Claim Requirement In UIM Policy

On April 5, 2018, the Wisconsin Supreme Court held that the operative event which triggers a notice of claim requirement in an underinsured motorist (UIM) policy is the tender of the tortfeasor's underlying policy limit and not the accident itself. This holding overrules a published Wisconsin Court of Appeals' decision that required an insured to provide notice to their carrier of a UIM claim "as soon as possible after the incident." [Read More....](#)

#### Employer Business Auto Policy Coverage Of Employee Personal Vehicles

Who covers what when an employee is involved in an accident while driving a personal vehicle for business purposes? It is a question as old as insurance itself. It should come as no surprise that the Holy Grail for trial lawyers is obtaining coverage for an employee's personal vehicle through the employer's commercial auto policy. Not only are policy limits usually significantly higher, but the dynamics of engaging a commercial policy in litigation are often considered more favorable than a claim against the employee's personal auto policy alone. [Read More....](#)

#### Another State Bans Hand-Held Devices While Driving

Georgia has joined fifteen other states which have outlawed the use of hand-held cellphones and mobile devices while driving. A new law signed by Governor Nathan Deal makes watching movies, shooting video, and even the mere "holding" of hand-held devices while in the vehicle—even while stopped—illegal. [Read More....](#)

## Slower Traffic Keep Right: A Summary of State "Keep Right" Traffic Laws

Driving in the left lane for anything other than passing is not only illegal, its unsafe and results in thousands of accidents annually. If a driver is parked in the left lane on a four-lane highway and isn't passing someone or making a left turn, the driver is breaking the law in most states and can be ticketed - no matter what speed they're traveling. When looking for deeper pockets or additional defendants in auto collision litigation, don't overlook the driver who violates Left Lane Laws as a possible defendant should an accident and damages result from an accident that otherwise could have been avoided. This article contains a link to our newest chart on Left Lane Laws in all 50 states. [Read More...](#)



## Verdicts and Settlements

Attorney [Eric Goelz](#) recently tried a worker's comp third-party lawsuit in Dane County (Madison) Circuit Court. MWL's client was the comp carrier for an employee injured in a slip and fall on ice in January 2013 at the Pilot Travel Center in Mauston, Wisconsin. The lien was \$275,000. Attorney Goelz picked a jury and tried the case without help from the employee or employee's counsel. The jury awarded \$621,000 and found 100% liability against Pilot Travel Center. The employee stopped at the travel center during a ten-inch snow storm. The employee proceeded to clear his truck of snow and while walking around his truck, he fell. Another driver helped him up and they brushed away the snow to reveal the ice. The defense stated the accident was the driver's fault and that the defect was obvious given the ongoing snow storm. They claimed to have inspected for hazards every hour that day, that the property was plowed earlier that day, and the plows had returned just prior to the driver's slip and fall. They also argued heavily that they weren't given notice of the loss until suit was filed thus depriving them of the opportunity to investigate or retrieve the surveillance footage.



## Matthiesen, Wickert & Lehrer, S.C. Now Offers Mediation Services

Believing there is a need for mediation services outside the Milwaukee area, we have established Matthiesen, Wickert & Lehrer, S.C. Mediation Services in Hartford, Wisconsin. With Hartford's central and convenient location, it allows us to provide reasonably priced (\$275 per hour) mediation services throughout Southeastern and Central Wisconsin. [Read More...](#)

## Time Travel For The Insurance Industry

See [HERE](#) for a provocative 60-second video explaining why Matthiesen, Wickert & Lehrer views the handling of your subrogation claims - large and small - as time travel for the insurance industry. We help turn back the hands of time and attack the enemy of our industry - claims - utilizing our experience and expertise. Check it out!



## Matthiesen, Wickert & Lehrer, S.C. Launches A Subrogation

## Support Network Group In LinkedIn!

We welcome you to join our LinkedIn **Subrogation Support Network** Group! It is a community managed by Matthiesen, Wickert & Lehrer, S.C., that offers insurance professionals a place to interact, discuss subrogation insurance-related topics and issues, ask subrogation questions, and keep abreast of new developments and/or changes in the subrogation law for all 50 states. If you would like to join this LinkedIn group, please click [HERE](#).

## Follow Matthiesen, Wickert & Lehrer, S.C. on Facebook, LinkedIn, Twitter, and YouTube!

We are asking our clients and friends to help us expand our social media presence by following our firm's **LinkedIn**, **Facebook**, **Twitter**, and **YouTube** pages. The legal face of insurance litigation in our industry seems to change almost daily. Following our social media pages will assist you in keeping up-to-date and informed on developments and changes in the law that effect the industry, which is key to obtaining the best results.

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MATTHIESEN, WICKERT & LEHRER, S.C.  
Wisconsin ✦ Louisiana ✦ California  
Phone: (800) 637-9176  
[www.mwl-law.com](http://www.mwl-law.com)

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