

MATTHIESEN, WICKERT & LEHRER, S.C.

ATTORNEYS AT LAW

DECEMBER 2018 SUBROGATION NEWSLETTER

An Earthquake Shouldn't Shake Your Subrogation Claim

On November 30th, a magnitude 7.0 earthquake struck Alaska, about 10 miles northeast of Anchorage. The damage appears to be limited mainly to property loss - thanks to Alaska's stringent building codes and standards. While an "Act of God" would typically not allow for subrogation recovery, claims involving structural damage or require structural engineering should be investigated for subrogation potential. Alaska has a statute of repose for real property improvements that bars any claim ten years after date of completion of the work, so any subrogation claim must be made prior to that time expiring. [Read More....](#)



Illinois Supreme Court Opens Door To Employee Intervention After Statute Of Limitations Runs

The Illinois Supreme Court has somewhat clarified an injured employee's rights to pursue a third-party case by intervening into a third-party subrogation suit filed by the workers' comp carrier, even after the personal injury Statute of Limitations runs. [Read More....](#)



New Jersey Court Confirms Workers' Compensation Carrier Can Subrogate Against No-Fault Driver

A recent New Jersey Superior Court Appellate Division decision has ostensibly settled a long-standing subrogation question regarding whether a worker's compensation carrier is entitled to subrogation and/or reimbursement from a third-party tortfeasor who is covered by New Jersey no-fault insurance, even if the employee doesn't meet the verbal threshold allowing them to sue the tortfeasor. [Read More...](#)



Merry Christmas and Happy New Year!

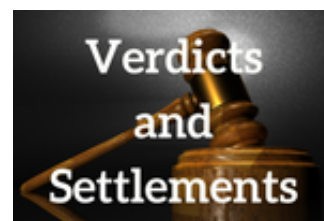
We would like to thank our clients and local counsel for a wonderful year and wish you all a Merry Christmas, Happy Hanukkah, and a

blessed Holiday Season. Regardless of what Christmas means to you, we hope your Christmas is full of holiday cheer shared with family and friends. For us at Matthiesen, Wickert & Lehrer, S.C., Christmas is just the beginning – a simple, yet wonderful reminder of Christ’s humble beginning as a human child in this world. It’s only a beginning because His birth merely set the stage for the power, glory, and salvation that would be revealed in His life, death, and resurrection come Easter morning. An important part of the holiday season is remembering those who make the holidays meaningful to us. We would like to wish you and your family all the happiness and prosperity this Season can bring and may it follow you throughout the coming year!



Verdicts and Settlements

Attorney **Jim Busenlener** recently obtained a significant recovery in excess of \$500,000 in a case where a fast food worker was severely burned after an errant motorist struck the building, splashing hot grease from the fryer over the worker. While the motorist maintained low liability limits, recovery was obtained from the company that built and designed the structure on the theory that there were inadequate safeguards to prevent drive-in customers from striking the building's kitchen area. Attorney Busenlener was able to successfully navigate New Mexico’s tricky *Gutierrez* made whole formula to not only negotiate a significant recovery but also a waiver of future workers’ comp benefits by the injured worker, allowing the client to close its workers’ comp file and avoid future exposure.



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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