

MATTHIESEN, WICKERT & LEHRER, S.C.

ATTORNEYS AT LAW

FEBRUARY 2019 SUBROGATION NEWSLETTER

"Matching Regulations" Affecting Homeowners' Insurance Claims

Homeowners' insurance policies usually contain a provision obligating the carrier to repair or replace the insured's damaged property with "material of like kind and quality" or with "similar material." When damage caused by fire, hail, water or other causes results in a small portion of a home or building being damaged (e.g., shingles, siding, etc.), whether and when a carrier must replace non-damaged portions of a building to get a perfect "match" remains a point of contention. [Read More....](#)



Pennsylvania Supreme Court Destroys Compensation Carrier's Ability To Initiate Filing Of Third-Party Action

A long-standing tug-of-war over whether a workers' comp carrier can initiate a third-party subrogation action against a third-party tortfeasor on behalf of an injured employee to recoup the amount paid in workers' comp benefits where the employee did not independently sue the tortfeasor, did not join in the insurer's action, and did not assign her cause of action to the insurer, has ended with a disappointing Supreme Court decision. [Read More....](#)



Minnesota Clarifies Third-Party Allocation Procedure When The Employer Is Negligent

The Minnesota Court of Appeals has confirmed how a third-party tort recovery is to be apportioned procedurally when the employer is found to be comparatively at fault. The confusing state of affairs in Minnesota has undergone changes in recent years, but the new decision in *Fish v. Ramler Trucking, Inc.*, 2019 WL 272865 (Minn. App. Jan. 22, 2019), clarifies once and for all that the "Johnson procedure", which turned 40 on February 16th, is still applicable and should be followed. [Read More....](#)



Verdicts and Settlements

Attorney **Lee Wickert** recently settled a Virginia slip and fall claim involving a truck driver slipping on the wet floor of a gas station suffering injuries to her knee. Despite Virginia being a 1% pure

contributory negligence state and the injured employee having a history of degenerative joint disease, we were able to settle this case for \$85,000. MWL argued that the injured employee was an “egg shell” claimant and that the slip and fall aggravated the degenerative joint disease to the point that partial knee replacement surgery was required. This case is a great example that even the most unlikely of files can have major subrogation potential.



Join MWL For A Webinar On MCS-90 Claims Against Uninsured Operators

Ashton Kirsch, an attorney at MWL, will be presenting a live webinar on "*Subrogation Magic: Creating Something Out of Nothing - MCS-90 Claims Against Uninsured Operators*" on March 5, 2019 at 10:00 to 11:00 a.m. (CST). As with all MWL live webinars, they are free to attend and provide Texas CE credits. To learn more about this webinar and/or register for it, click [HERE](#).

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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