

AUGUST 2019 SUBROGATION NEWSLETTER

Washington Throws Automobile Subrogation Into Chaos

Daniels v. State Farm Mut. Auto. Ins. Co., 2019 WL 2909308 (Wash. July 3, 2019). The Washington Supreme Court decision of *Daniels* extended the Made Whole Doctrine to deductible reimbursement and more broadly to property damage recoveries where it never has before. Now, whether a reimbursement action or a direct subrogation action, a carrier subrogating under Washington law is precluded from any subrogation recovery unless and until the insured's damages, including, arguably, the insured's unliquidated bodily injury damages, are fully compensated. [Read More....](#)



Even Monkeys Cannot Explain Why Companies Insist on Workers' Comp Waivers of Subrogation



There is much confusion around the purpose of a workers' compensation subrogation waiver endorsement. Contrary to what some believe, a waiver of subrogation does not prevent a subcontractor's employee from suing the contractor. These waivers deprive the small subcontractor of a subrogation recovery and the positive effect such a recovery would have on its risk modifier and future workers' compensation premiums. This article links to our new 50-state chart on *Effect of Workers' Compensation Subrogation Waiver Endorsement*. [Read More....](#)

Delaware Workers' Compensation Subrogation Rights Do Not Extend To PPD And Commutation Benefits



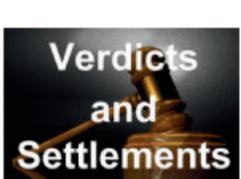
ACW Corp. v. Maxwell, 2019 WL 3024049 (Del. Super. 2019). A Delaware Superior Court has issued what constitutes in this author's opinion one of the top five most illogical workers' comp subrogation decisions in history. With an incorrect reading of a portion of the Delaware workers' comp subrogation statute, the court has gutted the important right of subrogation in Delaware and increased the cost of doing business for Delaware small businesses. [Read More....](#)

MWL Welcomes Bree Madison To The Firm

MWL is pleased to welcome seasoned trial attorney **Bree Madison** to the firm as a senior litigating associate. Bree will be working in our Hartford, Wisconsin office and brings with her a wealth of litigation and insurance claims experience. Bree will be handling complex property and casualty subrogation along with workers' comp and auto subrogation cases in Wisconsin and across the country. Bree's experience includes preparation and trial of cases in both state and federal court and her experience in large, complex property subrogation losses will provide welcome assistance to a burgeoning large loss property subrogation practice here at MWL. [Read More....](#)



Verdicts and Settlements



Eric J. Goelz recently recovered 100% of a mistaken worker's compensation claim payment in the amount of \$272,452.62. Given the complex nature of the contractor's relationships on the job, the benefits were mistakenly paid by our client. The adverse carrier refused to discuss a resolution given a pending statute of limitations or to consider a tolling agreement believing that suit wouldn't be filed. After suit was filed, they became interested in extending times to discuss settlement, which was quickly achieved at 100%.

Webinar | Washington Auto Subrogation After Daniels v. State Farm

This webinar will cover the recent *Daniels v. State Farm* subrogation decision by the Washington Supreme Court and its harmful effect on auto subrogation in Washington. We will review all aspects of Med Pay, PIP, and Collision/Property subrogation in Washington, and then analyze these components in light of the new decision.

Attorney Eric D. Virshbo, who serves as MWL's Oregon and Washington local counsel, will be a special guest speaker.

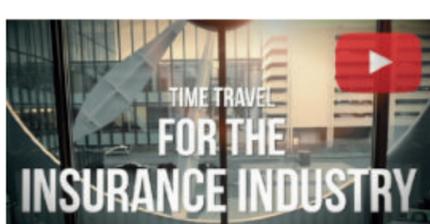


Date: September 11, 2019
Time: 11:30 - 12:30 p.m. (CDT)
Presenter: **Gary L. Wickert**
Special Guest: **Eric Virshbo**
Cost: Complimentary

[Click Here to Register](#)

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!



Join MWL's LinkedIn Subrogation Support Network Group!

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](#).

We Are Social | Follow Us

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 should be changed 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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