

JULY 2019 SUBROGATION NEWSLETTER

Subrogation Counsel, Data Breaches, And Cybersecurity

Carriers Are Only As Secure As Their Weakest Link. Cyber attackers have actively begun turning their sights on insurance companies and law firms. What do you know about the strengths and weaknesses of the cybersecurity measures taken by your subrogation counsel and recovery vendors? This article has ten questions you should ask and, if the answers are not complete and verified, you may be at risk. [Read More....](#)



Auto Insurer Argues Drunk Driving Accidents Not Covered Under Liability Policy: 5th Circuit Disagrees



Frederking v. Cincinnati Ins. Co., 2019 WL 2751700 (5th Cir. 2019). There is a new 5th Circuit opinion concluding that drunk driving collisions are "accidents." Had the 5th Circuit upheld the coverage denial by Cincinnati, the ramifications for automobile accident liability coverage would have been cataclysmic. [Read More....](#)

Texas Comp Carrier And Subrogation Attorney Sued For Fraud For Including Case Management Fees In Subrogation Lien

In re Old Republic Risk Management, 2019 WL 2462486 (Tex. Civ. App.-Tyler 2019). This new decision is an important reminder to carriers and subrogation counsel that care should be taken in representing the payments that are included in a workers' compensation lien. [Read More....](#)



Amazon.com And The Liability Shield



In the subrogation world, it's common knowledge that, in states that allow strict liability claims against entities in the supply chain, Amazon attempts to preclude liability by arguing that it's not a "seller" of a product. Instead, Amazon has successfully argued that it only provides a platform for a buyer and seller to connect for purchase of a product, so it shouldn't be subject to strict products liability. However, in two recent decisions, this argument has failed. [Read More....](#)

MWL Welcomes Mark Solomon To The Firm



We are pleased to welcome trial attorney **Mark A. Solomon** to the firm. Mark, who is licensed to practice in Texas and Colorado, is the managing partner of MWL's new Austin, Texas branch office. Mark's practice focuses on complex property and casualty subrogation, workers' comp subrogation, and auto subrogation. He brings with him a wealth of litigation and insurance claims experience. Just prior to joining MWL, he was the Supervising Attorney at Farmers Insurance Group, managing a team of seven attorneys, paralegals, and collection specialists throughout the country. [Read more....](#)

MWL Welcomes Jake Simon To The Firm

We are also pleased to welcome **Jake Simon** to the firm. Jake has joined our insurance litigation team as a litigating subrogation associate in our Hartford, Wisconsin office. In 2018, he worked as a law clerk in the Wisconsin office so he isn't really "new" to the firm. Jake is handling insurance litigation focusing on nationwide insurance subrogation involving health insurance, ERISA, occupational accident claims, workers' comp, fire and casualty, and auto. [Read More....](#)



Settlements and Verdicts

Jim Busenleener recently settled an equitable subrogation claim for Underwriters at Lloyds, recovering \$337,000. Lloyds had paid a liability settlement for its insured, an environmental assessment company, to resolve claims that its insured had failed to warn its bank client about environmental pollution damage to property the bank was purchasing. Following that settlement, the bank sued the prior property owners for not disclosing the same pollution damage. Jim argued to the bank that Lloyds held a right of equitable subrogation to recover what it had paid from any recovery the bank realized against the former property owners, because the former property owners were actively at fault for causing the pollution, whereas Lloyds' insured was only passively at fault for not discovering the pollution.



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 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.