

June 2019 Subrogation Newsletter

The Red Light Traffic Camera Controversy

There is an ongoing and heated national debate over the growing practice of law enforcement using red light traffic cameras. While most of the attacks on red light camera systems focus on their use as an aid to law enforcement, from a legal perspective, their use is invaluable when it comes to litigation involving intersection collisions.



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Uber, Lyft, And New York Loss Transfer



Ridesharing in New York has created confusion over New York no-fault insurance and PIP Loss Transfer. In April 2019, the New York Department of Financial Services issued "Insurance Circular Letter No. 4" opining that an insurer should *not* invoke intercompany loss transfer provisions solely based on one of the vehicles being a rideshare vehicle. [Read More....](#)

Kansas Declares Damage Caps Unconstitutional

On June 14, 2019, the Kansas Supreme Court issued a landmark decision that changes the landscape of personal injury and workers' compensation third-party cases. This decision will have significant ramifications for Kansas tort and third-party action lawsuits, because liability carriers intentionally stingy in Kansas due to the limited downside will now have to rethink how they approach and settle liability cases. [Read More....](#)



Louisiana Supreme Court Limits Medical Damages for Tort Claimants



On May 9, 2019, the Louisiana Supreme Court issued an important opinion restricting application of the Collateral Source Rule in personal injury lawsuits. This case will impact workers' compensation subrogation recoveries in Louisiana by reducing the overall pool of recovery money subject to subrogation. [Read More....](#)

Settlements and Verdicts

Attorney **Jim Busenleener** recently overcame the Texas 51% comparative fault bar to recover \$160,000 in a property subrogation case where the insured convenience store owner had violated local code requirements by using an extension cord and adaptor to plug in a freezer. Experts blamed the resulting fire on the use of the extension cord and adaptor, but Jim was able to recover against the company that serviced and installed the freezer because they didn't warn the insured to plug the freezer directly into an electrical outlet.



Webinar | Texas Automobile Subrogation: The Nuts and Bolts

This webinar will go into great detail on the nuances of automobile insurance subrogation in Texas, touching on every topic imaginable, including PIP, Med Pay, UM/UIM, property claims, deductible reimbursement, no-fault subrogation, suspension of driver's licenses, and more.

Whether you are sharpening your subrogation tools or new to the industry, this is a webinar you won't want to miss!

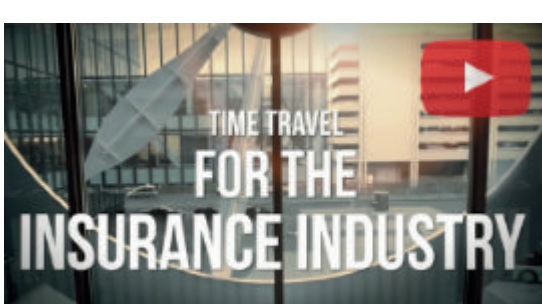


Date: July 16, 2019
Time: 10:00 - 11:00 a.m. (CDT)
Presenter: **Lee R. Wickert**
Cost: Complimentary

[Register Now](#)

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 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](#).

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.

