

SEPTEMBER 2019 SUBROGATION NEWSLETTER

Zen And The Art Of Hospital Lien Maintenance: Understanding Hospital Liens In All 50 States

Hospital liens can affect all parties to litigation and can dramatically affect the outcome of litigation. If not properly perfected and “maintained”, hospital liens can be expensive problems for hospitals, physicians, and other health care providers. This article is an overview of hospital lien laws across the country and culminates with a link to a chart detailing the lien laws of all 50 states. [Read More....](#)



The General Contractor Problem: Paying Overhead and Profit in First-Party Claims



When and how non-material items like labor and general contractor overhead and profit (GCOP) should be included and/or depreciated during the first-party ACV calculation process remains a challenge in every state. This article provides an overview of available state law and precedent regarding inclusion, quantification, and potential depreciation of GCOP in ACV calculations, as well as a link to a 50-state chart on the topic. [Read More....](#)

New Jersey's Dangerous "Entire Controversy Doctrine"

Subrogation rights can be lost before they are pursued. New Jersey common law employs an equitable doctrine known as the Entire Controversy Doctrine, that can be a trap for the unwary and used as a secret weapon to destroy subrogation claims. Similar to other states' prohibitions against “splitting” a cause of action, this doctrine bars a party from commencing multiple lawsuits arising out of a single event or transaction. [Read More....](#)



Matthiesen, Wickert & Lehrer Welcomes Catherine Dowie To The Firm



Catherine W. Dowie has joined Matthiesen, Wickert & Lehrer (MWL) as an insurance litigation attorney in our Wisconsin office. Catherine is licensed to practice law in Massachusetts and Vermont and her practice focuses on national insurance subrogation with an emphasis on ERISA and health insurance subrogation. Catherine has a vast amount of insurance industry experience, including her 6+ years working with Phia Group. On behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Attorney Catherine Dowie to our firm. [Read More....](#)

Verdicts and Settlements

Eric J. Goelz recently settled a claim for \$265,000 that involved a dryer fire at a salon that destroyed several businesses in the surrounding strip mall, including a credit union. The various claims exceeded the known coverage of the salon resulting in a likely recovery of pennies on the dollar. Based upon a document, we were able to pursue another carrier that normally only wrote medical malpractice coverage and found additional coverage sufficient for the combined coverage to exceed all the losses. There were significant liability hurdles as well as damages issues but, after years of investigation and pressure, we were able to achieve a favorable settlement.



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.

MATTHIESEN, WICKERT & LEHRER, S.C.
Hartford ❖ New Orleans ❖ Los Angeles ❖ Austin
Phone: (800) 637-9176
www.mwl-law.com

[View online](#)



[Update my Preferences](#) | [Forward to a friend](#) | [Unsubscribe](#)