

## DECEMBER 2019 SUBROGATION NEWSLETTER

### Florida PIP Subrogation And The Mysterious “Commercial Vehicle” Exception

Let’s just say it. Florida PIP subrogation is a pain in the butt. The PIP carrier isn’t subrogated to or has a lien on any tort recovery against the “vehicle” owner, subject to two exceptions: (1) where the third-party tortfeasor is uninsured, and (2) where a commercial vehicle which is not required to have PIP coverage is one of the vehicles involved in the accident. The former is straightforward; but the latter exception is where all the confusion arises.. [Read More....](#)



### Idaho Joins Minority of States Recognizing Third-Party Independent Tort of Spoliation



For many years, Idaho courts had discussed this tort but never formally recognized it. On October 18, 2019, however, the Idaho Supreme Court finally adopted third-party spoliation as an independent tort, which now allows an action for spoliation damages against third parties who are not part of the underlying civil lawsuit. [Read more....](#)

### Employer Immunity and Other Urban Legends

**Maryland Court Confuses Wisconsin Exclusive Remedy Rule.** For years, lawyers, judges, and state courts have been confused over the Exclusive Remedy Rule that exists in Wisconsin. The confusion is because prior to 1978, the Exclusive Remedy Rule didn’t apply to actions brought against co-employees, but in 1978 the Act was amended to make the Exclusive Remedy Rule applicable to an action against “any other employee of the same employer.” [Read More....](#)



#### Webinar | Ethics For Adjusters And Attorneys In The Claims Handling Process

In Texas, there are no formal rules, policies, or professional conduct standards formalized for licensed insurance adjusters. This course seeks to teach the basics ethics that attorneys are expected to be held to and how to apply those standards to a licensed insurance adjuster. It will focus on the duty of good faith, unfair settlement practices, and implications of failing to pursue subrogation on auto losses in Texas. This webinar will benefit claims professionals in all levels of experience.



**Date:** January 22, 2020  
**Time:** 10:00 - 11:00 a.m. (CST)  
**Presenter:** [Mark A. Solomon](#)  
**Cost:** Complimentary

[Register Now](#)

### Merry Christmas and Happy New Year!!!

Matthiesen, Wickert & Lehrer would like to thank our clients and local counsel for a wonderful year and wish you all a Merry Christmas, Happy Hanukkah, and a blessed Holiday Season. Regardless of what Christmas means to you, we hope your Christmas is full of holiday cheer shared with family and friends. For us at Matthiesen, Wickert & Lehrer, S.C., Christmas is just the beginning – a simple, yet wonderful reminder of Christ’s humble beginning as a human child in this world. It’s only a beginning because His birth merely set the stage for the power, glory, and salvation that would be revealed in His life, death, and resurrection come Easter morning. An important part of the holiday season is remembering those who make the holidays meaningful to us. We would like to wish you and your family all the happiness and prosperity this Season can bring and may it follow you throughout the coming year!



### Verdicts and Settlements

[Stephen Smith](#) recently settled a complex case in Ohio for more than \$200,000 involving a large loss that occurred while our client’s insured was drilling on a large construction site. While drilling the insured was confronted with a gas pocket that ignited causing extensive property damage. We retained a niche expert to offer an initial opinion and engaged in extensive prelitigation discussions on liability and eventually settlement. Ultimately, we secured the recovery without the client expending additional resources on litigation or expert costs.



### 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.

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