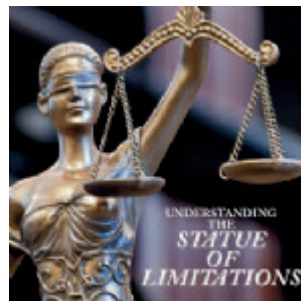


## NOVEMBER 2019 SUBROGATION NEWSLETTER

### Beating The Statute of Limitations: Filing Suit Is Only Half The Battle

An action is usually commenced within the applicable statute of limitations by filing a summons and/or complaint. Filing the complaint, however, is only the first step. Where service of the complaint on defendant isn't pursued with reasonable diligence or obtained within a prescribed number of days after filing, defendant may argue the statute of limitations has run and the lawsuit should be dismissed, even if it was timely filed. [Read More....](#)



### Oregon Senate Bill 421's Effect On PIP And Health Insurance Subrogation Sounds Worse Than It Actually Is



The new Senate Bill 421, signed on June 20, 2019, amends several aspects of PIP subrogation under either O.R.S. § 742.536 (PIP lien) or O.R.S. § 742.538 (direct PIP subrogation). However, the only real changes the subrogation practitioner will notice in the wake of Senate Bill 421 is that PIP carriers will never again be named together with the insured on settlement checks for PI claims inclusive of PIP. Plaintiffs' attorneys will feel more emboldened about signing off on indemnity/hold harmless releases where settlements were inclusive of PIP, and then can be expected to stubbornly resist reimbursement arguing their client has not been made whole. Beyond that, you may choose your Shakespearean reference to describe it: either (1) "Full of sound and fury, signifying nothing", or (2) Much Ado About Nothing. [Read More....](#)

### Pennsylvania Finally Picks A Side On Landlord/Tenant Implied Co-Insured Issue



The ability of a landlord's property insurer to subrogate against a tenant for property damage caused by the negligence of the tenant depends on which state the loss occurs in and the nature and language of the lease involved. Until recently, Pennsylvania had only one case speaking to this issue, but Pennsylvania has finally picked a side on this issue in the 2019 Superior Court decision of *Joella v. Cole*, 2019 WL 5287987 (Pa. Super. 2019). [Read More....](#)

### Happy Thanksgiving From Matthiesen, Wickert & Lehrer

Thanksgiving has its historical roots in religious and cultural traditions, and has long been celebrated in a secular manner as well. In Ephesians 5:20 it reads, "Giving thanks always and for everything to God the Father in the name of our Lord Jesus Christ." Life wasn't meant to always be pleasant or easy. Yet we have so much to be thankful for. America is blessed. For everyone at Matthiesen, Wickert & Lehrer, Thanksgiving is far more than a special day on the calendar. We are each reminded to live a life of thanksgiving each day we are given, thankful to God for all of His blessings. Even in the midst of misfortune we can find time and reason to give thanks. Join us this Thanksgiving in giving thanks in the words of Ralph Waldo Emerson: "For each new morning with its light, for rest and shelter of the night; For health and food, for love and friends; for everything Thy goodness sends." [Read More....](#)



### Verdicts and Settlements

**Ashton Kirsch** recently made full recovery on a Wisconsin subrogation claim against a marina for damage caused to an insured boat while stored in the marina's warehouse over the winter. The adverse carrier initially denied the claim assuming the subrogated carrier couldn't prove negligence. Kirsch provided a concise and strong statement of law, outlining bailment theories, and responsibilities associated with a bailor/bailee relationship. The adverse carrier reviewed the legal memorandum and promptly issued payment for the entire claim amount.



### 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.