

## AUGUST 2020 SUBROGATION NEWSLETTER

### Subrogating Employees' Intentional Act Damage Recoveries From An Employer Or Co-Employee

Effective workers' compensation subrogation requires a complete knowledge of all aspects of workers' compensation law, and an aggressive recovery program must necessarily involve a carrier holding out its hand for reimbursement from an employer whose intentional acts caused the work-related injury. Knowing when and under what circumstances this can be done is an obvious necessity of successful subrogation. [Read More....](#)



### Kansas Decision Reveals Danger Of Not Intervening In Workers' Compensation Third-Party Litigation



**Kansas Decision Introduces Concept of "Statutory Deficit"**. The Kansas Court of Appeals is holding class on why it is important to have subrogation counsel in workers' compensation subrogation third-party cases, even in states which are favorable to carriers, and it's not the first time it has tried to warn the industry of the importance of being represented in third-party lawsuits. [Read More....](#)

### New York Federal Court Clarifies Anti-Subrogation Rule

This new decision doubles down on the fact that simply because an insurance company is subrogating against one of its own insureds, the Anti-Subrogation Rule will not bar a subrogation action if the "risk" for which the defendants were insured by the subrogee was different than the risk for which the subrogee insurance company is suing. [Read More....](#)



### Verdicts and Settlements

Attorney [Bree Madison](#) represented a workers' compensation carrier in their efforts to recover for medical and indemnity damages paid when an employee slipped and fell on a wet floor in her workplace. Somewhat challenging was the fact that the carrier settled with the injured worker for a very high dollar amount; we were not sure we would be able to recover the full value paid. Nevertheless, the adverse party agreed to a \$390,000.00 settlement, netting a fantastic recovery for our client in an often-difficult slip and fall case.



### 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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