

OCTOBER 2020 SUBROGATION NEWSLETTER Special Florida Edition

MWL Launches New Florida Branch Office And Welcomes Partner Elizabeth Hernandez To The Firm

MWL is proud to announce the opening of its new Florida subrogation law office located at 1301 Riverplace Blvd., Ste. 800, Jacksonville, FL 32207. MWL is also pleased to announce that Florida attorney **Elizabeth Hernandez** has joined the firm as the managing partner of the new office, which opened October 12, 2020. We are excited about the experience and insight Elizabeth brings to the firm, and eagerly welcome her to our new Jacksonville office, which is already very busy. The increased need for subrogation representation of our Florida clients has long pointed to this expansion into Florida. Jacksonville joins New Orleans, Los Angeles, Hartford, and Austin as the latest MWL branch office. [Read More....](#)



Florida PIP On Chopping Block Once Again



Despite the good intentions of the Florida Legislature, no-fault insurance has created the problem of PIP insurance fraud throughout the state. In an effort to hold down premiums—an effort which has clearly failed—Florida’s no-fault scheme requires the insured to meet certain verbal thresholds before suing. As a result of PIP fraud and high insurance premiums, there has been a legislative battle brewing over the PIP insurance system. [Read More....](#)

Florida PIP Subrogation And The Mysterious Commercial Vehicle Exception

Florida PIP subrogation is a pain in the butt. PIP insurance covers the insured - regardless of fault. To file suit against a negligent tortfeasor who caused an accident, Florida’s no-fault law requires the insured to meet verbal thresholds. As an indirect result of limitations on tort actions, the general rule in Florida is that PIP benefits may not be subrogated, but there are two exceptions. [Read More....](#)



Understanding The Use Of Experts In Florida Subrogation Cases



Florida is a property subrogation mecca and understanding how to effectively document, inspect, and preserve subrogation potential in the Sunshine State is indispensable knowledge for any recovery professional. When a property damage loss occurs, subrogation possibilities should be at the forefront of any insurance professional’s mind. Experts must be qualified and thoroughly vetted to be sure that the judge in a subrogation suit will allow them to testify. [Read More....](#)

Florida's Subrogation Trap

Subrogation professionals must be aware that Florida’s collateral source statute contains a trap for the unwary. Under F.S.A. § 768.76 (6), if a provider of collateral source benefits does not respond to the insured’s request for a statement asserting the subrogated lien amount within thirty days, the carrier may be barred from recovering its subrogation lien in the matter. The fine print is buried in Florida’s collateral source laws thousands of pages away from laws and case decisions authorizing Med Pay and health insurance subrogation in Florida. Not being aware of it can be fatal to your subrogation aspirations. [Read More....](#)



Webinar | California Automobile Subrogation: The Nuts and Bolts

This webinar will cover the nuts and bolts of automobile subrogation in California, touching on every topic imaginable, including PIP, Med Pay, UM/UIM, property claims, loss of use, Made Whole Doctrine, Economic Loss Doctrine, deductible reimbursement, negligent entrustment, 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: November 5, 2020
Time: 11:00 - 12:00 p.m. (CDT)
Presenter: **Katherine Sandoval**
Cost: Complimentary

[Register For Webinar](#)

Verdicts and Settlements

Richard Schuster was recently successful in settling a case involving alleged damages sustained in an incident at the insured’s residence wherein a water line allegedly failed causing damage to the residence. An investigation determined that the cause of the water damage was due to an improper installation of the water line and that the defendant – a Florida company - was in fact the contractor who installed this line. The plaintiff believed the defendant was negligent because it breached its duty to the insured by improperly installing a supply line in the insured’s residence. Mediation took place and in August 2020, it settled for more than \$695,000.



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 us 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 ❖ Jacksonville
Phone: (800) 637-9176
www.mwl-law.com

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