

NOVEMBER 2020 SUBROGATION NEWSLETTER

Settling Subrogation Claims And The Dreaded Release

Release Language, Indemnity, Hold Harmless, and Other Concerns. The bane of any subrogation professional's existence is the dreaded release. It is no coincidence that when Zeus uttered the words, "Release the Kraken!" in the 1981 fantasy adventure film *The Clash of the Titans*, he chose the word "Release." The meme itself connotes setting loose utter destruction on one's enemy—a description which can be woefully accurate to describe the potential aftermath of signing releases which are overbroad and contain terms, conditions, and obligations which a subrogated carrier has no business agreeing to or assuming. If you're not careful, you will wish you had never settled the case in the first place. [Read More....](#)



Understanding War Hazard Act Subrogation Claims



The War Hazards Compensation Act (WHCA) applies to DBA employees who are injured as a result of hostile actions. While WHCA claims can be substantial, the statute provides a detailed set of procedures and requirements which, if performed properly, allow the employer or carrier to see 100% reimbursement of such claims including allocated and unallocated expenses—not from a responsible tortfeasor, but from the government itself. [Read More....](#)

Arizona Rules Med Pay Carrier Only Responsible For Paying Reasonable Medical Expenses—Not Amount Billed To Insured

In the continuing struggle between recovery of medical expenses billed vs. recovery of discounted medical expenses paid by insurers, an Arizona federal court has sounded off on the duty and obligation of a Med Pay carrier with respect to paying its insured for medical bills. The implication of this evolving area of law is having a profound impact in the area of subrogation, and recovery professionals would do well to be aware of these laws from state to state. [Read More....](#)



Verdicts and Settlements

Matthew Spolsky, J.D. recently settled a workers' comp lien claim on behalf of a healthcare service plan against the State Compensation Insurance Fund for \$501,220.66. After an initial offer of \$27,326.90, Mr. Spolsky set and appeared at a hearing at the Workers' Compensation Appeals Board in Redding, California to discuss our client's ability to subpoena medical reports to support their claim. Not all lien claimants may subpoena for medical reports, but this healthcare service plan could. After extensive discussions, subpoenaed medical reports, and bill reviews, he was able to negotiate the offer to \$501,220.66. Should you have any Workers' Comp Appeals Board lien claims you want to refer to MWL, feel free to contact either Douglas Lehrer at dlehrer@mw-law.com or Matthew Spolsky at mspolsky@mw-law.com.



Matthew Spolsky, J.D., operates under the supervision of both Douglas Lehrer, Esq., and Katherine Sandoval, Esq.

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, WI ❖ New Orleans, LA ❖ Santa Ana, CA ❖ Austin, TX
 Jacksonville, FL ❖ Boston, MA
 Phone: (800) 637-9176
www.mwl-law.com

[View Online](#)



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