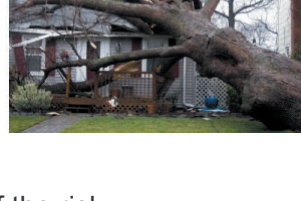


AUGUST 2021 SUBROGATION NEWSLETTER

Hurricane Ida Special Report - Damage from Falling Trees

We've seen an uptick in cases where a tree has fallen on a neighbor's house, with calamitous results. Hurricane Ida will likely only increase such claims. As the first-party claim by the homeowner is processed, subrogation professionals are usually involved to determine if the tree owner was at fault and if there is a viable third-party subrogation claim. Typically, the knee-jerk defense is a blanket denial based upon the Act of God defense. In most states, the Act of God defense can be overcome if the tree owner had prior knowledge of the risk.


[Read More](#)

“Ultimate Sanction” Achieved Against Gree for Discovery Failures



In a matter still pending, my clients recently achieved default judgment as a sanction for egregious discovery conduct against Gree USA, Inc., Gree Zhuhai, Hong Kong Gree, and MJC America. Default judgment as a sanction is rare, which is probably why *Bloomberg* authored a piece on the decision, which can be found [HERE](#). For our part and the community's benefit, we are hosting the briefing that led to the recent default judgment, along with Judge

Dinsmore's report and recommendation, which can be viewed [HERE](#). If you have a loss involving a dehumidifier, please read this short article and do me the honor of being involved to ensure those responsible are held fully to account by contacting me, **Rich Schuster**, at rschuster@mw-law.com.

[Read More](#)

Avoiding The Sutton Rule: Michigan Decision Makes Landlord/Tenant Subrogation Easier



In the recent case of *Westfield, Inc. Co. v. Ritcher*, the court held that the tenant was an implied coinsured—and thus shielded from a subrogation suit by the landlord's insurer — but only with regard to the tenant's own apartment or condo. It does not shield the tenant from a subrogation claim for damages to the rest of the buildings, the contents of other residents, and the landlord's loss of profits/rents.

[Read More](#)

Texas Residential Construction Liability Act 101

We have seen too many cases in Texas where insurers have waived claims and defeated their own subrogation claims for failing to comply with the RCLA which results in a closed file without a recovery. The RCLA as a statute is favorable to contractors. It is a burden to overcome for subrogation professionals and makes recovery on residential construction defect cases difficult. Knowing how to comply with the Act's requirements will increase recoveries, make claims go smoothly, and will keep your insureds well-informed and happy.


[Read More](#)

Webinar | Texas Residential Construction Liability Act 101

This webinar is focused on the basic overview of the Texas Residential Construction Liability Act. It will cover the terms and definitions used in the Act, notice requirements, deadlines, what types of cases are applicable, what damages and remedies are available, how to successfully assert a claim, potential issues one may expect to come up against, and the subtle nuances which make this a unique piece of legislation that is difficult to understand. This presentation will benefit claims professionals in all levels of experience. Register today!



Date: September 21, 2021
Time: 10:00 - 11:00 a.m. (CDT)
Presenter: **Mark Solomon**
Cost: Complimentary

[Click HERE To Register For Webinar](#)

MWL's NOLA Office Working Remotely During Hurricane Ida

Our NOLA office is without power and MWL's attorneys and staff are safe and working remotely while power is restored and damage repaired. They are responding to emails and will receive voicemails. The hurricane has not slowed us down. After all, this isn't our first rodeo. Below is a picture of MWL's Partner Jim Busenlener, who oversees the NOLA branch office, walking through his neighborhood after Hurricane Katrina. The NOLA Branch and MWL personnel have the experience to address all your subrogation questions arising from Hurricane Ida. If you should have questions, please contact Jim Busenlener at jbusenlener@mw-law.com.



Introduction to Matthiesen, Wickert & Lehrer, S.C.



Ashton Kirsch will be presenting a brief introduction to MWL and an outline of the premier services that we provide to our clients on September 14, 2021 at 10:00 to 10:30 a.m. (CDT). If you or your company are new to MWL and have considered working with our firm, then this will be a great opportunity for you to get to know more about us. The presentation will introduce you to our national recovery program and explain why our unique practice will allow you

to maximize subrogation recoveries. Ashton will be available for a brief Q/A following the presentation. To learn more or to register for this presentation, click on the below link.

[Click HERE To Register for Webinar](#)

Verdicts and Settlements

In the past two months, **Rich Schuster** has made recoveries totaling over \$1,700,000 for clients who have been forced to step in to protect insureds who have endured dehumidifier fires. In light of last week's recall by New Widetech of two million more dehumidifiers, the preventable fires caused by these dangerous appliances seem likely to continue, unfortunately. If you have a claim involving a dehumidifier, please contact Rich at rschuster@mw-law.com.



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](#), [Instagram](#), 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.
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