

## FEBRUARY 2022 SUBROGATION NEWSLETTER

### Subrogation Investigation Heats Up Following Colorado Wildfire

The Colorado Marshall Fire damaged over 6,000 acres, resulted in the destruction of 1,084 homes, and caused a combined half-billion dollars in property damage. As the insurance industry begins the arduous task of adjusting and paying thousands of insurance claims, subrogation professionals are searching for a cause and a target. Investigation into the Colorado wildfire has turned up some interesting information which may be helpful to potential subrogation claims. One mine—known as the Marshall Coal Mine—is now the focal point of investigators as a potential source of the Marshall wildfire. Prompt and thorough investigation of a fire such as this along with the retention of the necessary experts is indispensable to recovery efforts.



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### The Price of Courtesy: Liability For Waving Driver Into Traffic When It Isn't Clear



A slow-moving truck signals the all-clear for the vehicle behind to pass. Who is at fault when it isn't clear and tragedy strikes? The vehicle in the left lane, the vehicle entering the roadway, or the kind-hearted motorist who was simply trying to be courteous and let somebody merge in front of him? The answer might make you a little less courteous the next time you are feeling generous.

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### YOU LOSE IT, YOU BUY IT: Spoliation By Insurer Can Destroy Subrogation Potential



Insurance companies, third-party adjusting companies, and subrogation vendors are increasingly undertaking subrogation investigation at an early stage of a claim's life. Understanding that early recognition and action on third-party recovery potential is often won or lost in the first few days following an insurance claim or loss, companies are learning to obtain and retain key evidence necessary for proof of its subrogation case against a third party. However, if companies are going to undertake the role of safekeeping key evidence in large losses, it is important to remember the law regarding spoliation and do everything in its power to avoid committing losing, damaging, or compromising evidence necessary to win.

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## Verdicts and Settlements

**Matthew T. Fricker** recently settled a high-value Wisconsin workers' comp subrogation claim on behalf of a self-insured trucking firm. Matt recovered the full value of the approximately \$150,000 lien. The employee was seriously injured in a multiple vehicle accident on a Wisconsin highway. The employee's truck was struck from behind at a high rate of speed by another truck. The rear of the employee's trailer was crumpled in and the employee sustained a permanent back injury. Matt, working with the employee's personal injury counsel, quickly took the necessary steps to establish the fault of the other truck driver and the extent of treatment the employee received. Matt's work resulted in a quick settlement without the need to file a lawsuit. In addition to recovering the full lien, Matt also secured a \$39,000 cushion in favor of the employer which will be a credit against any additional workers' comp claim by the injured employee.



### 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.

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