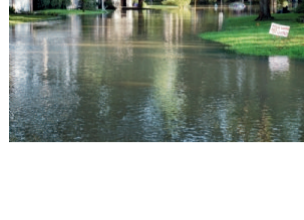


SEPTEMBER 2022 SUBROGATION NEWSLETTER

Subrogating Flood Losses: Flood Victims File Kentucky Class Action

Flooding is the number one natural peril in the U.S. When it comes to natural disasters, subrogation recovery almost always appears impossible. In reality, however, quite the contrary is true. If you are willing to make the investment into uncovering and pursuing subrogation potential in the face of Acts of God which result in claim disasters, it is possible to turn tragedy into triumph. [Read More....](#)



Ohio Court Rules Workers' Compensation Carrier May Not Seek Subrogation Reimbursement Of Record Review And Medical Report



In addition to paying for medical expenses, death benefits, funeral costs and/or indemnity benefits for lost wages resulting from a compensable injury, comp carriers also expend considerable dollars for case management costs, medical bill audit fees, IME fees, expert fees, rehabilitation benefits, behavioral health or social worker support service fees, third-party vendor costs, nurse case management fees, workers' comp case attorneys' fees, and the like. Which of these benefits are recoverable in workers' comp subrogation remains a point of considerable confusion and contention for workers' comp carriers in all 50 states. [Read More....](#)

Virginia Federal Court Conflates Equitable And Legal Subrogation And Establishes The Made Whole Doctrine

Until recently, Virginia courts had not applied or even discussed at length the equitable Made Whole Doctrine. On August 19, 2022, U.S. District Judge John Gibney, sitting in the Eastern District of Virginia, issued a ruling which seemingly releases the made whole virus as a viable defense to subrogation in that state. [Read More....](#)



Matthiesen, Wickert & Lehrer, S.C. Welcomes Brice Nakamura To The Firm



Brice K. Nakamura, a Senior Associate Attorney, has joined MWL's California branch office. Brice is licensed and admitted to practice in California, as well as all four of the Federal Court Districts in California. Brice started his legal profession in the Taxation field where he defended multi-million-dollar companies in California against aggressive tax collection procedures. He then transitioned to the personal injury field, where he gained experience litigating cases involving premises liability, automobile accidents, and real estate issues. At MWL, Brice's practice will focus primarily on handling our personal injury defense cases throughout California. On behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Brice. We would also invite our clients and friends to introduce themselves to Brice, who can be reached at bnakamura@mw-law.com.

Upcoming MWL Webinars



Tips For Successful Fire Loss Subrogation Pursuit From Date of Loss to Trial

Wednesday, October 12th at 10:00-11:00 a.m. (Central). Property Subrogation Series Part 1. Presented by Richard Schuster.

[Register HERE](#)



Health Subrogation Roundtable

Tuesday, October 25th at 11:00-12:00 p.m. (Central). Health Insurance Subrogation Series - Part 9. Presented by Ryan Woody, Nancy Case, and Catherine Dowie.

[Register HERE](#)

New Client Introduction to Matthiesen, Wickert & Lehrer



Ashton Kirsch will be presenting a brief introduction to MWL and an outline of the premier services that we provide to our clients on October 5, 2022 at 10:00 to 10:30 a.m. (Central). 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 register for this webinar, click [HERE](#).

WHEN PRODUCTS FAIL: Monthly Product Recall Updates



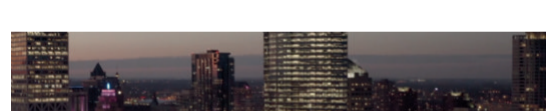
According to the U.S. Consumer Product Safety Commission (CPSC), defective or unsafe products cause 29.4 million injuries and 21,400 deaths every year, resulting in an estimated \$700 billion in injuries, deaths, and property damage. Every one of those claim dollars represents subrogation potential if we know where and how to look for it. When a defective or unsafe product is involved, the fact that the product is or was subject to a recall announced by the CPSC or a voluntary recall by the manufacturer almost always is a big step in helping subrogation counsel meet their burdens of proof in order to recover subrogation dollars. Such recalls help establish a key element of proof in strict product liability cases; viz., that the product was defective when it left the manufacturer's possession and control. MWL has partnered with **Envista Forensics**—a global, multi-disciplinary, and highly-skilled forensic engineering partner trusted by insurance claims and consultants worldwide—to assist in the recognition of subrogation potential for our clients across the hundreds of new product liability subrogation cases entrusted to us each month. Below are some significant product recalls to be aware of.

- **3 Prong Male to Male Extension Cord.** When the extension cords are plugged into a generator or outlet, the opposite end has live electricity posing a risk of severe shock or electrocution. The flow of electric power in the direction reverse to that of the typical flow of power circumvents safety features of the home's electrical system and can result in a fire.
- **Daikin Comfort Technologies Manufacturing Evaporator Coil Drain Pans.** The molded plastic drain pan at the bottom of the evaporator coil can overheat, melt and deform, which can cause a fire.
- **ASUS ROG Maximus Z690 Hero Motherboard.** A capacitor on the motherboard was installed in a reverse position which can lead to a short circuit, overheating or melting, posing fire and burn hazards.

For information on additional product recalls, visit [The Latest Product Recall Guide | Envista Forensics](#). If you should need assistance with product liability cases or if you have any subrogation questions, please contact Gary Wickert at gwickert@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 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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