

OCTOBER 2022 SUBROGATION NEWSLETTER SPECIAL EDITION: HURRICANE IAN

AOB Insurance Scams In The Wake Of Hurricane Ian

Following a storm or other natural disaster, canvassers hired by lawyers or opportunistic general contractors can be found blanketing neighborhoods and knocking on doors. Policyholders are misinformed, contractors circumvent statutory and policy guidelines, contractors and general adjusters inflate damages, and attorneys apply mass tort models with the promise of large attorney's fees to simple property damage claims. Claim solicitation efforts such as these have ensnared innocent homeowners in unnecessary lawsuits in recent years by promising big payouts at no cost following natural disasters. The mess they create complicates and makes more difficult the carrier's efforts to subrogate a loss. [Read More....](#)



PERFECT STORM: The Science Behind Subrogating Catastrophic Flood Losses



Natural disasters, especially major flood losses, remain the nemesis of most insurance carriers. The damages can be astronomical, and the chances of subrogation appear slim when everyone has suffered similar damage. However, when it seems that only God is responsible for sending devastation of such magnitude, it is time for subrogation professionals to roll up their sleeves and get to work. [Read More....](#)

Subrogating Against God: Recovering Claim Dollars When Natural Disasters Strike

The devastation of Hurricane Ian reminds us that the opportunity for property subrogation success is often disguised as an Act of God. However, rather than throwing in the towel, these losses present tremendous recovery potential for the proactive claims professional. It is said that opportunity is missed by most because it is dressed in overalls, carries a lunch pail, and is disguised as hard work. Nowhere is that adage truer than when it comes to subrogating natural disasters. If a carrier is willing to invest the time and effort necessary to investigate third-party potential in the face of disaster, it is possible to turn tragedy into triumph. [Read More....](#)



Ranking Hurricane Ian Among The Ten Worst Natural Disasters In U.S. History



We are busy sifting through the debris of Hurricane Ian and calculating the financial and human toll it took after coming ashore in Southwest Florida with 150 mph winds and 20 inches of rain. The insured losses expected to flow from this natural disaster are still being calculated, but estimates range from \$60 billion to more than \$80 billion and some are speculating as to where this storm ranks among the top ten natural disasters in U.S. history. [Read More....](#)

Matthiesen, Wickert & Lehrer, S.C. Welcomes Brianna Law To The Firm

Matthiesen, Wickert & Lehrer, S.C. is pleased to welcome **Brianna Law**, a new litigation associate, to the firm's New Orleans, Louisiana branch office. Brianna is licensed to practice law in Louisiana. Her practice focuses on handling automobile, maritime, property and casualty, and workers' compensation subrogation cases throughout the country, out of the New Orleans office. Brianna received her Bachelor of Arts in Legal Studies from the University of West Florida in Pensacola, Florida and her law degree from Tulane University Law School in New Orleans, where she also received a Maritime Law certificate. On behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Brianna to our growing family of subrogation professionals. [Read More....](#)



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 December 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](#).

Verdicts and Settlements

The **Second Circuit Court of Appeals** issued a big win for Medicare Advantage Organizations ("MAOs"). Attorney **Ryan Woody** represented America's Health Insurance Plans in the appeal. On October 26, 2022, the Court concluded that Medicare Advantage Organizations are entitled to use the Private Cause of Action for Double Damages. This is a big win for taxpayers, beneficiaries, and MAOs alike. This is now the third major appeals court to reach this conclusion while no courts have held otherwise. For questions regarding ERISA or health insurance subrogation, contact Ryan Woody at woody@mwllaw.com or (800) 637-9176.



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.

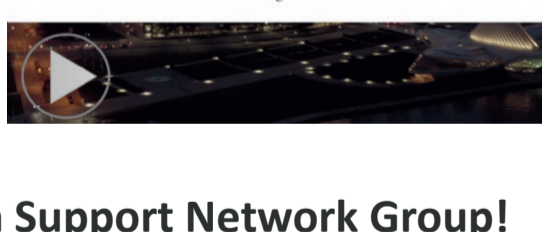
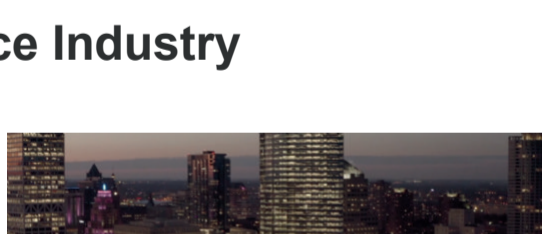
Ancheer E-Bikes: The lithium-ion batteries can ignite, explode or spark, posing fire, explosion and burn hazards to consumers.

ASUS ROG Maximus Z690 Hero Motherboard: A capacitor on the motherboard 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@mwllaw.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 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 linking our friends and followers 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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