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JUNE SUBROGATION NEWSLETTER

Recovery of In-House Repair Costs and Loss of Use for Damage to Fleet/Commercial/Dealership Vehicles

encounter involves recovery of the reasonable cost of repairs performed in-house by a commercial fleet, trucking company, auto dealership, or rental car company whose vehicle has been damaged due to the negligence of a negligent third party. The liability carrier for the tortfeasor frequently balks at paying the commercial fleet owner's reasonable repair costs simply because they were able to take advantage of its own in-house employees and replacement parts rather than incurring the cost of a third-party repair shop. This article will discuss the proper standard for determining the

One of the most heavily contested types of subrogation cases we



measure of damage to a repairable fleet or commercial vehicle, especially when the commercial vehicle is repaired in-house by its owner. Read more.... **Automobile Third-Party Diminution in Value Claims**

When an automobile is damaged in an accident and then repaired, the resale value may be less than a comparable automobile that has



not been damaged. In other words, the damage results in a reduction or "diminution" in the resale value of the automobile. An insured's claim for this reduction in value may be made against a third party that negligently caused the damage to the insured's automobile, or it may arise from a first-party claim against the insured's own physical damage coverage. The term "diminished value" can be confusing. There are three types of diminished value: Immediate Diminished Value, Inherent Diminished Value and Repair-Related Diminished Value, Read more....

Verdicts and Settlements

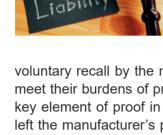
Springtime brings dehumidifier claim time. With recalls by Midea, Gree, and most recently New Wide Tech impacting over 5 million

dehumidifiers sold over the past decade, it is inevitable claims will persist for years. However, this spring has also been one of recoveries on dehumidifier claims at MWL. In the past ~60 days, Attorney Richard Schuster has secured settlements, verdicts, and judgments of more than \$6,000,000 on claims involving defective dehumidifiers. No firm has done more to hold dehumidifier manufacturers accountable than MWL. Attorney Schuster, supported by a steadfast client, recently forced the public production of hundreds of thousands of documents documenting Gree's failures to timely alert the CPSC of



defects and its crimes in covering up defects for the better part of a year. Their production limits the games Gree can play in discovery aimed at stalling payment of meritorious claims. If you have a dehumidifier implicated fire, please let us help you achieve the strongest recovery to which you are entitled. WHEN PRODUCTS FAIL: Monthly Product Recall Updates

defective or unsafe products cause 29.4 million injuries and 21,400 deaths every year, resulting in an estimated \$700 billion in injuries,



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

According to the U.S. Consumer Product Safety Commission (CPSC),

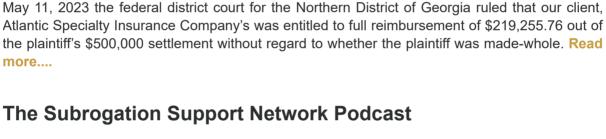
deaths, and property damage. Every one of those claim dollars

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. Ski-Doo Snowmobiles: The fuel injector hose retainer screw can loosen and cause a fuel leak, posing a fire hazard. Polaris Recreational Off-Road Vehicles: A fuel leak can occur at the fuel pump assembly joint on the fuel tank in close proximity to a hot surface, posing a fire hazard.

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@mwl-law.com.

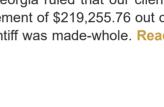
MWL Defeats Made-Whole in Georgia! Georgia has long been the bane of a subrogation professional's

anti-subrogation laws for our clients. We are happy to report that this work has finally paid off. On



existence. The State features both an anti-subrogation law and a complete compensation ("made-whole") statute. The combination of these two laws have led many insurers to simply write off the hope of

any recoveries on their subrogation claims. If you've given up all hope of recovering in Georgia, we've got good news for you! MWL has been working for a decade on developing arguments around these



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attorney and shareholder with the law firm adjuster at Crawford & Company. She of Matthiesen, Wickert & Lehrer, S.C. handles cargo and subrogation losses as Ashton has been with MWL's Hartford well as downtime claims. Her passion is

Tune in to the latest episode on the Subrogation Support Network Podcast as Ashton Kirsch is joined by Valorie Steibeck, Team Manager for Inland Marine/Cargo at Crawford & Company, to discuss Cargo Claims in Subrogation. You can listen to all of the latest podcast episodes HERE. Host Special Guest Ashton T. Kirsch Valorie Steinbeck Valorie Steinbeck is a third party loss Ashton T. Kirsch is an insurance litigation office since 2015, concentrating his cargo claims because unrecovered claims practice on litigation of subrogation cases have a direct impact on the bottom line of a



involving large loss casualty, commercial

auto, transportation and cargo, and

workers' compensation. He has built and

grown the MWL commercial auto and

cargo/transportation group into the thriving

sector of our firm's subrogation practice.

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company and transportation carriers need

much assistance when navigating cargo

losses. Valorie's focus is helping to identify

innovative partners in claims processing to

better serve commercial transportation and

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the moving of freight.





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!

See HERE for a provocative 60-second video explaining why Matthiesen, Wickert & Lehrer views the handling of your subrogation claims - large and small - as

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

industry, which is key to obtaining the best results.

We are asking our clients and friends to help us expand our social media presence by following our firm's LinkedIn, Instagram, 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

We welcome you to join our LinkedIn Subrogation Support Network Group! It is a community

you in keeping up-to-date and informed on developments and changes in the law that effect the

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