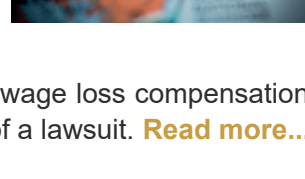


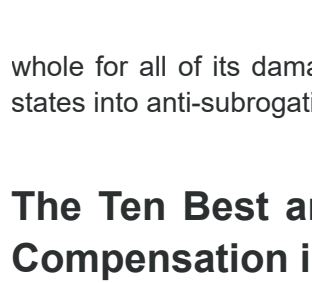
JULY SUBROGATION NEWSLETTER

THE CONFUSING STATE OF DELAWARE PIP VS. WORKERS' COMPENSATION SUBROGATION: Amguard Insurance Company A/S/O Richard E. Cleveland, 2023 WL 3789445 (Del. Super. 2023)

As is the case in many no-fault states, Delaware employees injured in an automobile accident in the course and scope of employment might be entitled to both workers' compensation and PIP benefits simultaneously. The Worker's Compensation Act requires every employer in the state, unless excluded, to provide statutory workers' compensation benefits to an injured employee. The philosophy of the Act is to give an injured employee, irrespective of the merits of any third-party negligence claims available, a prompt and certain source of wage loss compensation and medical care without subjecting himself to the hazards and delays of a lawsuit. [Read more...](#)



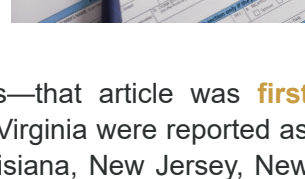
A VOICE OF REASON CRIES OUT IN THE MADE WHOLE WILDERNESS: It's Not Illegal to Subrogate in Missouri Before Insured Made Whole



For years, trial lawyers have been threatening and filing class action lawsuits in multiple states in an effort to thwart their arch nemesis—subrogation. A growing list of states such as Montana, Washington, Arkansas, and New York have seen class action and bad faith lawsuits filed simply because an insurance company made a subrogation demand or took some efforts to recover its subrogated interest before it was established that its insured had been made whole for all of its damages. Trial lawyers in other states have undertaken efforts to flip those states into anti-subrogation paradises by attempting the same thing. [Read more...](#)

The Ten Best and Ten Worst States for Subrogating Workers' Compensation in 2023

It has been seven years since we published our [rankings of the ten best and ten worst](#) states for workers' compensation subrogation. Since then, case decisions and legislatures have been busy trying to help trial lawyers destroy workers' compensation subrogation liens in third-party personal injury cases. Therefore, it is time to revisit our rankings taking everything that has happened since then into consideration. Note that this is not an assessment of which states do the best and worst jobs of handling workers' compensation claims—that article was [first published in 2009](#), at which time Iowa, Kansas, Minnesota, Utah and Virginia were reported as doing the best job handling workers' compensation injuries, while Louisiana, New Jersey, New York, Oklahoma, Rhode Island, Texas and Wyoming perform the worst. [Read more...](#)



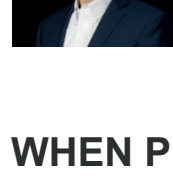
The Subrogation Support Network Podcast



Tune in to the latest episode on the Subrogation Support Network Podcast as [Ashton Kirsch](#) is joined by [Gary Wickert](#), Shareholder and founding member at Matthiesen, Wickert & Lehrer, S.C., to discuss The Top 10 Mistakes in Subrogation. You can listen to all of the latest podcast episodes [HERE](#).

Host Ashton T. Kirsch

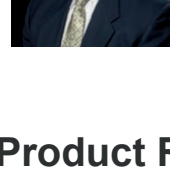
Ashton T. Kirsch is an insurance litigation attorney and shareholder with the law firm of Matthiesen, Wickert & Lehrer, S.C. Ashton has been with MWL's Hartford office since 2015, concentrating his practice on litigation of subrogation cases involving large loss casualty, commercial auto, transportation 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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Special Guest Gary L. Wickert

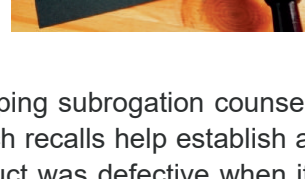
Gary L. Wickert is an insurance trial lawyer and shareholder with the law firm of Matthiesen, Wickert & Lehrer, S.C. Gary has nearly four decades of litigation experience and is regarded as one of the world's leading experts on insurance subrogation. He is the author of several subrogation books and legal treatises and is a national and international speaker and lecturer on subrogation and motivational topics.



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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.



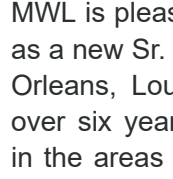
John Deere Utility Vehicles: Fuel can leak from under the fuel cap, posing a fire hazard.

Party Time Collection Loveseats: The power loveseats, sofas, and recliners' cupholder with LED lighting can overheat, posing a fire hazard.

Arctic Cat 8000 Series Snowmobiles: The fuel rail dampener snap ring can become loose and leak fuel, posing a fire hazard.

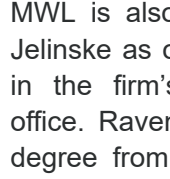
For information on additional product recalls, visit [The Latest Product Recall Guide | Envista Forensics](#). If you should need assistance with product liability cases or if you have any subrogation questions, please contact Gary Wickert at gwickert@mwl-law.com.

MWL Welcomes Two New Associates!



Louis H. Thomas III
Sr. Associate
 New Orleans, LA
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lthomas@mwl-law.com

MWL is pleased to welcome Louis Thomas as a new Sr. Associate Attorney in our New Orleans, Louisiana branch office. He has over six years of civil litigation experience in the areas of personal injury, auto injury, wrongful death, insurance, slip and fall, and trucking accidents. Throughout his career, Louis has taken hundreds of depositions, participated in countless mediations, and written numerous appellate briefs. Louis has also received multiple favorable jury verdicts following trial. Louis brings a wealth of insurance subrogation and defense litigation experience to MWL, having worked as an in-house attorney for GEICO insurance Company, where he litigated a large caseload of personal injury matters. Louis is licensed to practice law in all state courts of Louisiana, as well as the United States District Court for the Eastern District of Louisiana.



Raven R. Jelinske
Associate
 Hartford, WI
 (262) 673-7850
rjelinske@mwl-law.com

MWL is also pleased to welcome Raven Jelinske as our newest Associate Attorney in the firm's Hartford, Wisconsin home office. Raven received her undergraduate degree from the University of Mississippi and her J.D., *cum laude*, from the University of Massachusetts where she was a member of the Sally McDonnell Barksdale Honors College and the recipient of numerous awards, including the Leader for Justice Award, the Delta Theta Phi "Most Outstanding Student in the Nation" Award, and the Louise M. Goodrum Unsung Hero Award — among others. Raven most recently worked as an Associate Attorney with Leavell & Borton, S.C. in Racine, Wisconsin, where she represented a large caseload of complex civil litigation cases. Raven is licensed in Wisconsin, where she will help MWL with its growing book of nationwide subrogation litigation.

[Attorney Profile](#)
[Attorney Profile](#)


Matthiesen, Wickert & Lehrer, S.C. joins its clients and friends in celebrating Independence Day. On July 4, 1776, the Second Continental Congress unanimously adopted the Declaration of Independence, announcing the American colonies' separation from Great Britain. This simple act was an extraordinary testament to the bravery and resilience of the American revolutionaries in the face of tyranny. Comprising individuals such as Thomas Jefferson, John Adams, and Benjamin Franklin, these men embarked on a perilous journey by appending their names to this pivotal document that set America on its course.

Signing the Declaration was an act of extraordinary courage, as it effectively declared war against the mightiest empire on earth; and the brave individuals who affixed their names publicly to this document understood the immense risks they were taking, facing potential retribution such as imprisonment, torture, or even death. Yet, motivated by their unwavering belief in the rights of self-governance and freedom, they chose to make an indelible mark on history.

The signing of the Declaration of Independence holds profound significance as it not only symbolized the birth of a new nation, but the Declaration's principles served as a beacon of hope for oppressed peoples around the world, laid the foundation for the establishment of a democratic nation, and served as a reminder that the courageous act of signing one's name can change the course of history. The unwavering commitment and generation of 56 men and their willingness to confront oppression head-on continues to inspire generations. The Declaration's significance lies not only in its role in the birth of the United States but also in its enduring impact as a symbol of defiance against tyranny worldwide.

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!



MATTHIESEN, WICKERT & LEHRER, S.C.
 America's Subrogation Law Firm



Join MWL's LinkedIn Group: Subrogation Support Network

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're 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 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.