

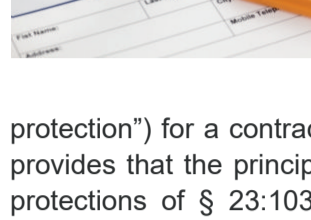
## AUGUST SUBROGATION NEWSLETTER

### MASSACHUSETTS SUPREME COURT PROTECTS DEALERSHIP FROM VICARIOUS LIABILITY FOR NEGLIGENCE OF CUSTOMER DRIVING COURTESY VEHICLE: *Garcia v. Steele*, 2023 WL 4188359 (Mass. 2023)

Auto subrogation and car dealerships are no strangers to one another. Car dealerships and their insurers routinely seek to hold vehicle test drivers, customers, and other permissive users liable for physical damage to the dealers' courtesy and rental vehicles and as well as for damages to third parties resulting from the negligent operation of dealership vehicles. Unfortunately, the rules with regard to which coverage is primary for first-party and third-party claims are complex and depend on a nuanced comprehension of case law, statutes, and insurance policy language. They do not lend themselves to black or white answers. When the negligence of a test driver or other permissive user causes damage to the dealership vehicle, a third person, or other property, the owner's insurance carrier may have subrogation and/or indemnity rights to recover the damages from the permissive user. Knowing when you can and cannot subrogate is indispensable to any successful auto subrogation program. [Read more...](#)



### STATUTORY EMPLOYER IMMUNITY AND THE TWO-CONTRACT THEORY IN LOUISIANA: *Stonetrust Com. Ins. Co. v. TBT Contracting, Inc.*, 2023 WL 4067496 (La. App. 2023)



In Louisiana, when a company undertakes to execute any work which is a part of its trade, business or occupation, and contracts with any subcontractor for the execution of such work, the company is entitled to the exclusive remedy protection of § 23:1032. The company will be liable to pay workers' compensation benefits to any such statutory employee, just as if the statutory employee had been immediately employed by it. Statutory employer immunity ("exclusive remedy protection") for a contractor in a typical construction setting is governed by § 23:1061(A), which provides that the principal, as a statutory employer, is granted the traditional exclusive remedy protections of § 23:1032; and shall be liable to pay workers' compensation benefits to any employee employed in the execution of the work or to his dependent. [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 [Katherine Sandoval](#), Partner and Branch Manager at Matthiesen, Wickert & Lehrer, S.C.'s Santa Ana, California office, to discuss wildfire claims in subrogation.

### 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.



**MWL | Hartford, WI**  
**Shareholder**  
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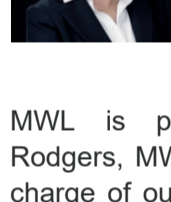
### Special Guest Katherine A. Sandoval

Katherine A. Sandoval is an insurance litigation attorney and managing partner of MWL's California office. Katherine's practice focuses on insurance litigation, especially nationwide insurance subrogation involving workers' compensation, automobile, health insurance and ERISA, property and casualty, premises liability, UM/UIM litigation, insurance coverage, civil litigation, business litigation, and contract interpretation.



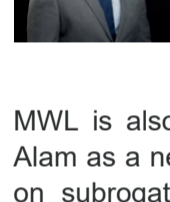
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## MWL Welcomes New Team Members to the Firm



**Laura Rodgers**  
**Partner**  
 Jacksonville, FL  
[lrogers@mw-law.com](mailto:lrogers@mw-law.com)

MWL is pleased to welcome Laura Rodgers, MWL's new managing partner in charge of our Jacksonville, Florida branch office. In addition to overseeing the Jacksonville office, Laura will be bringing her 25 years of litigation experience to bear on handling automobile, maritime, property and casualty, and workers' compensation subrogation cases throughout Florida and the southeastern United States. In addition, Laura is also licensed in the challenging jurisdictions of Washington State and the District of Columbia, where she will also put her subrogation acumen to work.



**Nabeel Alam**  
**Associate**  
 Santa Ana, CA  
[nalam@mw-law.com](mailto:nalam@mw-law.com)

MWL is also pleased to welcome Nabeel Alam as a new associate attorney focusing on subrogation litigation out of our fast-growing California branch office. Nabeel is provisionally licensed in California and his practice focuses on workers' compensation, property, and automobile subrogation cases in California. We look forward to Nabeel's contributions as a subrogation attorney at MWL, and we would like to welcome him. We would also invite our clients and friends to introduce themselves to Nabeel!

### Attorney Profile



**Benjamin Bauman**  
**Associate**  
 Hartford, WI  
[bbauman@mw-law.com](mailto:bbauman@mw-law.com)

MWL is also pleased to welcome Benjamin Bauman as one of our newest litigation associates. Ben will be working out of the firm's home office in Hartford, Wisconsin. Ben is licensed to practice in Wisconsin and his practice now focuses on workers' compensation, property, and automobile subrogation cases across the country. We look forward to Ben's contributions as a subrogation attorney at MWL, and on behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Ben. We would also invite our clients and friends to introduce themselves to Ben!

### Attorney Profile



**Nicole Jennings**  
**Associate**  
 Hartford, WI  
[njennings@mw-law.com](mailto:njennings@mw-law.com)

Finally, MWL is also pleased to welcome Nicole Jennings as one of our newest litigation associates. Nicole will be working out of the firm's home office in Hartford, Wisconsin, focusing on fire loss subrogation and liability defense for product manufacturers. She strives to resolve claims without lengthy litigation; and feels as though MWL's strength is in its team approach to litigation. On behalf of the partners, associates, legal assistants, and support staff here at MWL, we would like to welcome Nicole. We would also invite our clients and friends to introduce themselves to Nicole!

### Attorney Profile

## 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.



**Bose Acoustimass, Lifestyle and Companion bass modules (produced before April 2006):** The speaker's electrical components can fail, posing a fire hazard.

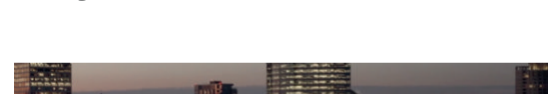
**VRURC portable chargers:** The recalled portable chargers can ignite, posing a fire hazard.

**Frigidaire Gas Laundry Centers:** The felt seal on the dryer drum can be folded inward which can lead to lint accumulation, creating 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@mw-law.com](mailto: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!



**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 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 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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