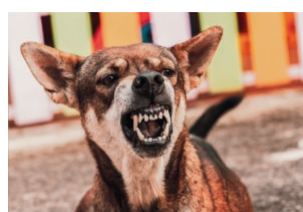


JULY 2024 SUBROGATION NEWSLETTER

DOES YOUR DOG BITE? Subrogating Dog Bite Cases

Approximately 65 million U.S. households own dogs, according to the American Pet Products Association, and there are 90 million dogs in the U.S. as of 2023. Every year, over 4.5 million people are bitten by dogs, and dog bite liability claims account for over one-third (1/3) of all homeowner liability claim dollars paid out—an astonishing \$1.2 billion in 2023. Moreover, dog bite liability claims also represent a significant piece of subrogation dollars which are overlooked and not pursued in workers' compensation or health insurance claims. It is axiomatic, then, that subrogation professionals should have a working knowledge of the variety of dog bite laws that exist across the fifty U.S. states. [Read more...](#)



"MY INSURED'S BRAKES FAILED!": The Oldest and Newest Excuse in Denying Auto Liability Claims



If you are a subrogation professional sending out demand letters and attempting to recover property damage, medical payments, or PIP benefits from a tortfeasor who is obviously at fault in an automobile collision, your worldview is one in which 50% of vehicle brakes in America are seemingly defective. It isn't possible to go a week, or even a day, during which you do not receive a liability claim denial advising that the tortfeasor's brakes just happened to fail at the instant prior to striking your insured. It's a tale as old as automobiles themselves. Therefore, subrogation professionals should be aware of how the defense of failed brakes works, how states each approach the defense differently, and how to combat a claim defense as overused and frequently fabricated as, "The dog ate my homework." [Read more...](#)

TEXAS COURT MAKES IT EASIER FOR WORKERS' COMPENSATION CARRIER TO SETTLE DIRECTLY WITH THE TORTFEASOR AND AVOID PAYING ATTORNEYS' FEES TO THE EMPLOYEE: *Sentry Casualty Company v. Bravin*, 2024 WL 3083299 (Tex. App. 2024)

A new Texas Court of Appeals decision has clarified the process by which a workers' compensation carrier can settle directly with a third-party tortfeasor and thereby avoid having to reduce its lien by a pro rata share of the employee's attorneys' fees. Meanwhile, the process of "selling your lien" has never been less complicated and more attractive to the liability carrier for the tortfeasor. and still get a "credit" against Workers' compensation subrogation in Texas is controlled by Chapter 417 of the Texas Labor Code. Chapter 417 governs third-party litigation and the subrogation/reimbursement rights of employers and the workers' compensation carrier. Section 417.001 gives a subrogation interest or a direct right of recovery to the workers' compensation carrier, providing the carrier with the authority to file suit against the tortfeasor independent of the employee. [Read more...](#)



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.



Kawasaki Motors USA Engines: The recalled engines can overheat, posing fire and burn hazards.

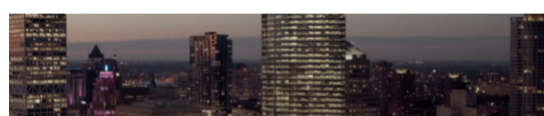
Good Earth Rechargeable Integrated Lights: The recalled light's battery can overheat and ignite the light's plastic housing, posing fire and burn hazards to consumers.

KIA Telluride SUVs: Some affected vehicles were equipped with defective front seat power motors under the driver's seat, which may overheat because of a stuck power seat slide knob that continuously operates. This could potentially result in a fire while the car is parked or being driven.

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!



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



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 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.

MATTHIESEN, WICKERT & LEHRER, S.C.
Hartford, WI ❖ New Orleans, LA ❖ Santa Ana, CA ❖ Austin, TX
Jacksonville, FL ❖ Boston, MA
Phone: (800) 637-9176
www.mw-law.com

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