



April 2025 Subrogation Newsletter

FIGHTING FIRE WITH FAIRNESS: Why Subrogation Rights Must Survive the Maui Blaze

On August 8, 2023, multiple wildfires ignited across Maui, with the most catastrophic blaze engulfing Lahaina, a historic town on the island's northwest coast. The fires were exacerbated by dry, gusty conditions created by a strong area of high pressure to the north and Hurricane Dora passing to the south. These factors contributed to the rapid spread of the flames, overwhelming local firefighting resources and leaving residents with little time to evacuate. The Lahaina fire alone resulted in the deaths of at least 102 people, making it one of the deadliest wildfires in U.S. history. In addition to the tragic loss of life, the fires destroyed approximately 2,200 structures, the majority of which were residential homes, and caused an estimated \$5.5 billion in damages.

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HOLDING NEGLIGENT ROOFERS ACCOUNTABLE: Subrogating Water Losses from Poor Rain Protection

When homeowners hire roofing contractors to repair or replace their roofs, they expect professionalism and care. However, water damage caused by a roofer's failure to protect a roof during inclement weather is a common, costly problem.

For Insurance carriers pursuing subrogation, overcoming the defenses asserted by roofers, including claims that roofing work cannot always be protected against rain, can be challenging. However, roofers have a duty to plan for foreseeable weather conditions and take reasonable steps to mitigate potential damage. This article will explore subrogation opportunities in roofing-related water loss cases, analyze the defenses raised by roofers, and discuss strategies for insurance carriers to maximize their recovery potential. [Read more...](#)

PROTECTING WORKERS' COMPENSATION SUBROGATION RIGHTS: Preserving the Grand Bargain for Nevada's Small Businesses

Workers' compensation subrogation is more than a legal doctrine; it is a fundamental component of the grand bargain struck over a century ago in our country between employers and employees. This grand bargain ensured that injured workers would receive timely benefits without the need for litigation while protecting businesses from potentially crippling lawsuits. At the same time, employers (and the insurance companies who are paid insurance premiums to shoulder that burden) were given a statutory right of reimbursement (not traditional subrogation) when a third-party tortfeasor was responsible for causing the injury or death. However, recent legislative efforts driven by trial lawyers in Nevada threaten to unravel this delicate balance, particularly in response to the landmark and sorely needed decision in *AmTrust N. Am., Inc. v. Vasquez*, 2024 WL 4233423 (Nev. 2024). If Nevada legislators move forward with proposals to neuter the pro-business ruling in *Vasquez*, they will be breaking a historic legislative promise.. [Read more...](#)



Nicholas J. DeStefanis
Senior Counsel

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MWL's Nicholas DeStefanis Featured in *Business Insurance* Magazine Video Interview on Workers' Comp and Undocumented Workers

Matthiesen, Wickert & Lehrer, S.C. is proud to announce that Senior Associate Nicholas DeStefanis was interviewed by *Business Insurance* magazine on the complex issue of undocumented employees and their eligibility for workers' compensation benefits, which intersects with both employment and insurance law.

In this video interview, Nick discussed the legal complexities surrounding undocumented workers injured on the job and the often-overlooked role of subrogation in these cases. Referencing MWL's state-by-state chart on workers' compensation rights ([found here](#)), the article highlighted varying laws and recovery options based on immigration status. This issue is especially relevant in border states like California and Texas, where MWL handles subrogation cases involving undocumented labor. Nick's feature in *Business Insurance* is a tremendous honor and a testament to the depth of knowledge MWL attorneys bring to cutting-edge legal issues impacting insurers and employers nationwide.

Happy Easter

FROM ALL OF US AT MATTHIESEN, WICKERT & LEHRER



Matthiesen, Wickert & Lehrer, S.C. Wishes Everyone A Blessed Easter!

MWL would like to extend warm wishes to our clients and friends this Easter season. While Easter holds different meanings for different people, it is often a time of reflection, renewal, and hope. For many worldwide, it represents an important moment of inspiration and celebration. We hope this season brings you peace, joy, and a renewed sense of purpose.

Time Travel For The Insurance Industry

Don't miss this eye-opening 60-second video that reveals why Matthiesen, Wickert & Lehrer believes handling your subrogation claims is like time travel for the insurance industry. We turn back the clock and tackle the industry's toughest enemy, claims, with unmatched experience and expertise. Watch now to see how we can transform your claims process!

[Watch Now](#)



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We are asking our clients and friends to help us expand our social media presence by following our firm's [LinkedIn](#), [Facebook](#), [X](#), [YouTube](#), and [Instagram](#) 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 affect the industry, which is key to obtaining the best results.

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