



June 2025 Subrogation Newsletter

The Right Expert Can Make or Break Your Subrogation Claim

In subrogation, cutting corners on expert selection is a shortcut to summary judgment. Time and again, we've seen claims derailed not by bad facts or bad law, but by bad experts. A recent MWL case highlights the danger: a vague engineering report failed to identify the responsible party in a water loss, sending the claim down a costly dead end. The cheaper expert? Cheaper for a reason. Success in subrogation—especially in fire, water, and product defect cases—demands more than a warm body with a CFI title.



As *Progressive v. Adventurer* illustrates, even a reversed summary judgment underscores the risk of relying on experts who can say “what” but not “why.” Subrogation isn't the place to go cheap—it's where knowing which screw to tighten makes all the difference. For catastrophic losses, success starts with engaging subrogation counsel early, directing the investigation, and selecting an expert who can carry the claim all the way to trial.



The New York “Highway Work” Rule: How § 1103 Changes Auto Collision Subrogation

Subrogation professionals handling auto collision claims in New York face added complexity when a municipal vehicle is involved, especially one engaged in “highway work” like snowplowing or trash collection.

Under New York Vehicle and Traffic Law § 1103(b), these vehicles are protected from ordinary negligence claims and can only be held liable if their conduct rises to the level of “reckless disregard”—a higher legal threshold that demands proof of willful indifference or grossly improper behavior. Courts have repeatedly affirmed this elevated standard in cases involving municipal vehicles actively engaged in tasks related to road maintenance, requiring subrogation professionals to gather detailed evidence such as dispatch logs, GPS data, internal emails, video footage, and potentially expert testimony to support a recklessness finding. The statute's legislative history makes clear that its standard mirrors that applied to emergency vehicles under § 1104(e), further emphasizing the difficulty of these cases. However, this challenge also presents an opportunity: professionals who proactively assess whether the vehicle was truly “engaged in work,” identify any internal policy violations, and collect time-sensitive documentation may successfully overcome the statutory defense or use it in favor of their own insured if applicable. Whether building a case against a municipal defendant or defending one, § 1103(b) requires strategic, early investigation and a clear understanding of how facts align with the legal framework. In short, this statute doesn't end the possibility of subrogation recovery—it simply raises the bar, and those who understand its nuances can still achieve successful outcomes.

Who Let the Claims Out? Subrogating Dog Bite and Dog Fright Injuries

Dog bite and dog fright cases represent a significant but often overlooked opportunity for subrogation, with over \$1.6 billion paid out in 2024 alone and millions more potentially recoverable through workers' comp and health claims. Subrogation professionals must navigate a complex patchwork of laws that differ widely by state, including “One Bite” rules, strict liability statutes, premises liability doctrines, and mixed frameworks, depending on factors such as where the incident occurred and the dog's history.



In addition to traditional dog bites, “dog fright” cases, where a person is injured while reacting to a dog's threatening behavior or even its unexpected presence, have resulted in major verdicts, including multimillion-dollar awards for injuries sustained without any actual bite. Courts have increasingly recognized liability in situations involving dogs that chase, startle, or obstruct individuals, even when the dog isn't aggressive. The key to successful recovery lies in understanding each jurisdiction's legal standards and acting early to secure facts and evidence.

Upcoming Webinars

MWL
Webinar

LOAD-SHIFT
ACCIDENTS IN
TRUCKING CASES

Presented by Don Henderson

REGISTER NOW

11 AM | July 22, 2025

Free to Attend

** This webinar will NOT provide CE or CLE, but it WILL provide valuable information for carriers who handle these types of claims.

Load-Shift Accidents In Trucking Cases

Join us for an insightful webinar focused on load shift subrogation claims, where we'll break down the legal and practical aspects of these complex cases. This session will cover when the shipper/loader of the cargo may be held liable for damages, the duties and responsibilities of carriers/drivers, and the best practices for investigating these claims to determine recoverability. Whether you're handling subrogation in-house or for a carrier, this webinar will provide the knowledge and tools you need to spot strong claims, assign liability appropriately, and maximize recovery potential.

[Register Now](#)

Brush Up on The Basics – Download Our Free Chart

When it comes to workers' compensation subrogation, knowing which benefits are recoverable can make or break your case. That's why we've created a comprehensive, easy-to-use chart that breaks down exactly which workers' comp benefits can be subrogated — state by state. Download it today and take the guesswork out of your subrogation process.

[Click Here to View Chart](#)

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