

## Subrogation

### New Assignment Forms

Property Loss

Workers' Compensation

Surety Recovery Intake Form

Water Loss Program

### After-Hours Contacts

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### Speaker Engagements

Our attorneys have spoken at various industry events or been recognized as leaders in their fields over the last year or so, as follows: Speaker Engagements

### 50 STATE RESEARCH CHARTS

View our Research Charts on Subrogation-Related Topics here.

White and Williams LLP has the oldest and one of the largest subrogation practices in the nation, with 30 lawyers and 9 law clerks/paralegals. Lawyers in the subrogation department practice throughout the United States and provide 24/7 access for assignments. The department offers an aggressive early intervention program, utilizing a vast network of screened experts and consultants and covering a wide variety of subrogation-related disciplines. We routinely receive new referrals in all fifty states.

The subrogation department handles, among other things, high-profile commercial property, inland marine, cargo and construction defect losses as well as losses associated with high-net-worth residential homes. From case referral through the end of each case, our lawyers work with our insurance and self-

### PRACTICE CONTACTS

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### RELATED PRACTICES

Construction Defects  
Cyber Subrogation  
Environmental Losses  
Fidelity  
Food Recall Subrogation  
Inland Marine  
Large Loss Property Subrogation  
Maritime Losses  
Product Liability Losses  
Self-Insured Retention  
Transit/Cargo  
Water Loss  
Workers' Compensation Subrogation

### RELATED INDUSTRIES

Food and Beverage  
Insurance

### PRACTICE HIGHLIGHTS

- After-hours Contacts
- Represents clients in property loss, cargo, inland marine, fidelity, catastrophic commercial loss, cyber and workers' compensation subrogation matters
- One of the largest practice groups dedicated to workers' compensation subrogation

insured clients to develop cost-effective strategies for identifying and pursuing subrogation targets. Our lawyers provide timely and thoughtful reports and pride themselves on being responsive to our clients' inquiries.

In addition to handling large-dollar losses, the department has experienced lawyers focusing on mid-level and arbitration losses involving appliance, chimney and electrical malfunctions as well as pipe failures and other failures common in both commercial and personal lines cases. The department also has a special program for smaller water loss cases, offering our customers reduced expert rates and a cost-effective way to handle cases that qualify for the program.

Partners in the subrogation department are members of the National Association of Subrogation Professionals (NASP), Property Loss Research Bureau (PLRB) and Loss Executives Association (LEA). Our partners are frequent speakers at national conferences on subrogation and litigation related topics for these organizations.

## Value-Added Services

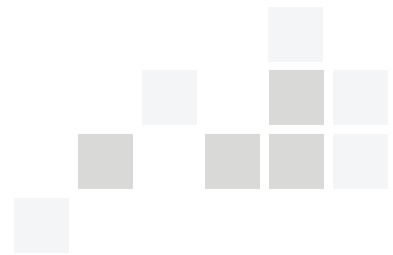
Most subrogation cases are handled on a contingent-fee basis. As an added-value service, we offer our clients closed file reviews and in-house training seminars upon request. We also maintain a policy of providing courtesy "brain storming" teleconferences on matters that are not likely to turn into assignments but are of importance to our clients. In addition, we maintain a blog – Subrogation Strategist – that discusses current subrogation cases and trends. Because we monitor issues that arise around the country, we are able to quickly identify new trends and advise our clients accordingly.

As part of our effort to provide outstanding customer service, the subrogation department provides a quarterly report summarizing each client's pending cases. The department also offers periodic, comprehensive, in-person reviews of each client's pending cases at the client's locale or in our offices. In addition, in recognition of our clients' concerns for securing cost-effective subrogation returns, we track and periodically review expenses for each file to perform a cost-benefit analysis for each case.

As part of our value-added services, we also maintain Research Charts on Subrogation-Related Topics.

The subrogation department has the advantage of access to many other professionals within our 200+ lawyer firm. Our lawyers practice in areas such as environmental law, construction defect litigation, bankruptcy, financing, legal malpractice, class action litigation and other fields. When needed, lawyers from other practice areas are enlisted to assist on subrogation cases as part of the litigation team, or on a consulting basis. Their services, when necessary, are typically included in the services covered under the contingent fee agreement

- Practice group dedicated to small water loss subrogation
- Utilizes special programs with experienced attorneys to represent clients across a wide array of disciplines



applicable to the case.

## Environmental Losses

Our clients encounter a wide variety of environmental contamination claims, ranging from leaking underground storage tanks for residential heating oil to historical industrial pollution uncovered during the redevelopment of a commercial property. Whatever the case may be, our subrogation attorneys delve into the history of the affected site and navigate the often daunting patchwork of state and federal statutes and regulations to identify potential avenues for recovery. Where necessary, they work closely with technical consultants to identify the scope and extent of the pollution and where it came from. The type of contaminant(s) at issue and whether groundwater or navigable waters have been impacted will determine what remedies are available and how much time you have to pursue them. Depending on the circumstances of the loss, you may be entitled to make a claim against the Oil Spill Liability Trust Fund even if there is no outside third party responsible for the loss.

Once potential targets are identified, our subrogation lawyers aggressively pursue recovery and work to overcome potential defenses. When pre-suit settlement negotiations fail, our experienced, multi-disciplinary team of litigators pursue potential targets through litigation.

## Large Loss Property Subrogation

Our lawyers practice throughout the United States and routinely investigate and litigate large losses, including warehouse fires, manufacturing plant fires, apartment and condominium complex fires, lumber mill fires and residential house fires. We also regularly handle losses involving building collapses, construction defects, equipment failures, flooding, water main breaks, gas leaks, windstorms, fire suppression failures and plumbing system failures.

Our lawyers have extensive experience working with insurers, third-party administrators, self-insureds and a nationwide network of highly-qualified investigators and forensic consultants. We quickly and efficiently develop liability theories and evaluate potential recovery impediments, allowing our clients to make educated and cost-effective decisions related to the pursuit of responsible third parties.

White and Williams is a recognized leader in the subrogation industry and our lawyers are active members of the National Association of Subrogation Professionals (NASP), where they frequently lecture at the organization's conferences, present webinars and publish in NASP's industry publications. Our lawyers are also active in other insurance-related groups, including the Property & Liability Resources Bureau (PLRB) and the CLM. The department's lawyers are also frequent lecturers at and instructors for the International Association of Arson Investigators (IAAI), who offer a Certified Fire Investigator (CFI) designation. As leaders in the subrogation industry, our lawyers have unique insights into all aspects of subrogation and have made significant recoveries for our clients on matters that other subrogation firms closed or rejected.

Our large loss property subrogation clients have the added advantage of access, where needed, to over 200 other lawyers in the firm that specialize in environmental law, bankruptcy law, cyber law and class action litigation. These lawyers become part of the litigation team when a loss requires specialized expertise in one of those fields.



## Cyber Subrogation

In light of the almost daily news stories about cybersecurity breaches, cybersecurity is a concern for businesses of all sizes and in every industry. When a data security breach provides subrogation opportunities, our subrogation lawyers work closely with the Cyber Law and Data Protection Group to investigate the cause of the loss and identify potential targets. Depending on the cause of the loss, potential targets include network security companies, vendors providing technology services and businesses or parents who fail to take reasonable measures to guard against viruses that can infect an insured's computer.

Although the investigation of cyber-related loss claims can be a daunting task, utilizing standard subrogation investigation techniques designed to ensure early intervention by cyber-security experts, the preservation of evidence, the development of legal theories and the identification of potential targets helps our clients maximize their recoveries. Working with forensic experts, we oversee the examination of affected computers to identify the virus that attacked the system and its source to discover how the virus got into the insured's computer. Once potential targets are identified, our subrogation lawyers aggressively pursue the targets and work to overcome defenses such as those based on contractual waiver, damages limitation and indemnification clauses. When pre-suit settlement negotiations fail, our experienced, multi-disciplinary team of litigators pursue potential targets through litigation.

## Construction Defects

Whether the matter at issue involves a large loss construction-related subrogation claim – such as a catastrophic condominium loss – or a residential construction loss, our lawyers have the experience to assist you with handling your complex claim. Our subrogation team works with you to promptly investigate the loss and identify possible targets no matter whether the loss at issue results from a fire, water loss, collapse, the removal of lateral support or an equipment failure or an explosion.

As part of our subrogation investigation, we work with a nationwide panel of experts and analyze possible defenses. In construction cases, where there are frequently multiple tiers of contractors, the parties often use American Institute of Architects (AIA) contracts that expressly address subrogation claims. Our lawyers routinely analyze these clauses and, consequently, they understand the nuances of these form contracts' terms and can determine whether the applicable jurisdiction applies these clauses to, for example, post-construction losses or losses to non-work or adjacent property. We are proud to have been involved in one of the leading cases addressing the scope of an AIA subrogation waiver clause (*John L. Mattingly Constr. Co. v. Hartford Underwriters Ins. Co.*, 999 A.2d 1066 (Md. 2010)), where the court, agreeing with our position, found that the phrase "the Work" in the AIA contract clause at issue was ambiguous and, thus, the defendant was not entitled to summary judgment.

In addition to having experience analyzing waiver of subrogation clauses, our lawyers have experience with, among other things, the following:

- arguments based on the insurer being a mere volunteer;
- defense contentions that equitable principles apply to conventional subrogation claims and, thus, the insured should be made whole before the insurer;
- disputes based on the economic loss doctrine;
- arguments contending that a lawsuit should be dismissed in favor of arbitration;
- determining whether a waiver of subrogation or other clause is unenforceable as against public policy;
- analyzing whether the applicable jurisdiction's Right to Repair Act, Residential Construction Liability Act or similar statute impacts the construction defect claim at issue;

- evaluating whether, in addition to contractual claims, an insurer can pursue claims based on state consumer protection or Deceptive Trade Practices Act laws; and
- determining how a state's statute of repose impacts the claim and whether, in cases involving multiple contractors, there are different accrual dates.

Whether your case involves a waiver of subrogation clause, the economic loss doctrine or another construction-related issue, you can be sure that White and Williams stays informed on construction-related developments taking place around the nation. In addition to keeping its lawyers informed on these issues, our subrogation department frequently provides updates regarding construction-related trends and cases in its blog, Subrogation Strategist, which we hope that you follow.

### Fidelity

A business does not expect to suffer losses because of deceit by its employees, but it happens. Our lawyers have many years of experience identifying and pursuing all potential avenues of recovery when an employee steals from his or her employer. Recognizing that claims against financial institutions such as banks have short time limitation periods, our lawyers work closely with insurers and bonding companies to quickly engage forensic accountants to unravel the often-times, complex criminal schemes at issue to determine how thefts were accomplished and quantify the amount of the loss. Once we identify potential targets, our lawyers aggressively pursue recovery from the responsible parties through civil litigation and, where appropriate, work with government authorities to obtain criminal restitution.

To maximize recovery, we also pursue potentially liable third parties, such as outside auditors and accountants who fail to detect the wrongdoer's criminal scheme or weaknesses in the insured's internal controls. Financial institutions such as banks are also potential targets and our lawyers are well-versed in the provisions of the Uniform Commercial Code governing actions against banks in cases involving forged or misappropriated checks.

We have made numerous, significant subrogation recoveries in fidelity matters of this type and are ready to assist you in evaluating all potential recovery targets presented by the specific circumstances of each claim.

### Food Recall Subrogation

When contaminated food claims arise, for example, in cases involving allergens contaminating raw ingredients such as spices, it is important to move quickly to recall and, as appropriate, destroy the contaminated products. Our team of experienced subrogation lawyers works closely with claim professionals, insureds and forensic experts to analyze and minimize the costs involved in an insured's recall efforts. More importantly, our lawyers work with our insurance and food industry clients to maximize the recovery of direct and subrogation claims against the responsible suppliers, vendors or other parties. In conjunction with the pursuit of the responsible parties, our lawyers negotiate and, where appropriate, litigate indemnity claims. In addition, our lawyers analyze and, as needed, defend against defenses based on "other insurance" clauses and, similarly, defenses arguing that a target's insurance is "excess" rather than "primary" insurance.

### Inland Marine

While a standard property insurance policy insures stationery property, such as a home, an inland marine policy insures property in transit, transportation-related property – such as bridges – and some types of moveable property, such as fine arts, construction equipment and jewelry. Despite the differences between a standard property insurance policy and an inland marine insurance policy, the pursuit of an inland marine subrogation claim or a direct claim for self-insured clients operates under principles similar to property

subrogation claims. Under these principles, a prompt and effective investigation helps to maximize a loss recovery when an insurer or a self-insured entity suffers a loss. To assist with the investigation process, we have a national network of skilled and experienced forensic experts who efficiently assist the investigation by providing expert opinions on causation or damages.

In addition to investigating the cause of a loss, our experienced lawyers review contract documents, bills of lading, limitation of liability clauses and subrogation waivers to identify barriers to recovery and to efficiently and cost effectively analyze the merits of each particular claim. Once our investigation identifies subrogation targets and after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers pursue alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the matter, our lawyers aggressively pursue litigation. In pursuit of subrogation targets, our lawyers have experience litigating cases around the country.

### Maritime Losses

Whether you have suffered a loss arising from damage to a pleasure craft, commercial vessel, marina or pier or to cargo shipped pursuant to a marine bill of lading, our experienced admiralty, ocean marine and transportation lawyers can help both insurers and companies with large deductibles or self-insured retention limits recover the amount lost from the responsible parties. Like other subrogation claims, a successful recovery depends, initially, on a prompt and effective loss investigation. Therefore, when we receive a notice of loss, our lawyers work with you and a national network of forensic investigators to promptly investigate the loss and identify the responsible parties. In addition, they promptly review applicable admiralty and cargo-related laws – including the Carriage of Goods by Sea Act – as well as contractual barriers to recovery. Consequently, our lawyers have experience analyzing subrogation waivers, limitation of liability clauses, tariff provisions and contractual, bill of lading defenses such as Himalaya clause defenses. Using their extensive experience, our lawyers can help you identify and analyze the strength and weakness of your particular claim.

Once our investigation identifies subrogation targets and after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers pursue alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the case, our lawyers aggressively pursue litigation. In pursuit of subrogation targets, our lawyers have experience litigating cases around the country.

### Product Liability Losses

Our experienced subrogation lawyers routinely handle products liability cases arising from fires, explosions, water losses and appliance, equipment and machinery failures. The types of product failures that our lawyers are familiar with include, but are not limited to:

- Dishwasher defects that cause fires or flooding
- Alarm/security system failures that allow for the theft of an insured's property or the spread of a fire
- Furnace and boiler part defects that result in fires
- Shredders, loaders and other large equipment failures that cause fires
- Defects in plumbing system components that lead to water losses
- Washer and dryer failures that cause fires or flooding
- Defective product warnings that cause fires, explosions or water damage
- Crane engine and part failures that cause fires or lead to a crane collapse



- Electrical panel failures that cause fires
- Defective solvents and other cleaning products that cause spontaneous combustion fires
- Defects in lithium batteries that lead to fires
- Defects in utility company equipment that lead to fires or explosions
- Solar panel defects that result in fires

When insurers or self-insured clients refer a products liability case to us, our lawyers work with the client to coordinate a prompt investigation that identifies target defendants and preserves evidence. To identify target defendants, our lawyers consider all potential theories of liability, such as liability based on design or manufacturing defects, the malfunction theory, *res ipsa loquitur*, successor liability, breach of implied or express warranties and the defendant's failure to warn of foreseeable risks. In addition, our lawyers analyze potential recovery bars, such as limitation of liability clauses, warranty exclusions, statutes of limitations, the economic loss doctrine and waiver of subrogation clauses. They also analyze the relevant jurisdiction's common law and/or Products Liability Acts to determine the proper standard for imposing liability on target defendants and identify parties in the supply chain who can be held liable for a manufacturer's defective product. In addition, our lawyers analyze potential defenses based on a lack of personal jurisdiction over the target defendants to make informed recommendations as to the best forum in which to pursue the defendants.

Once our investigation identifies subrogation targets and, after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers engage in alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the case, our lawyers aggressively pursue litigation. In pursuit of products liability subrogation targets, our lawyers have experience litigating cases around the country.

### Self-Insured Retention

Many large companies self-insure part of the risks of doing business either through utilizing a self-insured retention (SIR) limit or a high deductible. Whether a company has a high deductible or an SIR limit, the company, like an insurance company, can pursue tortfeasors to recover the amount of money the company paid for a particular loss. Our dedicated subrogation lawyers, operating on a contingency basis and using their extensive experience pursuing subrogation claims against third-party tortfeasors, can work with you to develop a cost-effective recovery program.

Like subrogation claims, the success of a company's pursuit of its SIR limit loss depends, initially, on a prompt investigation, which is the key to maximizing the company's recovery. Working with a nationwide network of forensic experts, our lawyers promptly respond to accident sites and direct the investigation of losses resulting from a multitude of accident scenarios. For instance, our experienced lawyers frequently handle investigations of fire and water damage claims, maritime claims, machinery and equipment failure claims, cargo and transportation claims and construction defect claims. When investigating these claims, our lawyers remain aware of cost concerns associated with recovery efforts and, consequently, promptly investigate barriers to recovery – such as contractual waivers and damages limitations clauses – to eliminate cases that have little or no recovery potential in a timely and cost-effective manner.

### Transit/Cargo

When a cargo shipment is lost or damaged, insurers, trucking companies, freight forwards, and shippers have an opportunity to subrogate and/or otherwise pursue their claims against tortfeasors and other parties within the shipment chain. Cargo and transportation losses implicate a variety of laws, including the Carmack Amendment (now the Interstate Commerce Commission Termination Act) to the Interstate Commerce Act and the Carriage of Goods By Sea Act (COGSA), laws with which our experienced lawyers are familiar. Utilizing their experience, our lawyers assist insurers and self-insured clients with conducting a prompt

investigation of the loss and aggressively pursuing the responsible parties. In addition, our lawyers assist investigations by promptly reviewing bill of lading clauses, tariffs, limitation of liability clauses and analyzing the interplay between various laws - such as the Carmack Amendment and the COGSA - to determine the maximum available recovery and develop an effective strategy for pursuing claims against the responsible parties.

Once our investigation identifies subrogation targets and after analyzing any barriers to recovery, our lawyers aggressively pursue identified targets. Where appropriate, our lawyers pursue alternative dispute resolution (ADR) procedures and, if the ADR process does not resolve the case, our lawyers aggressively pursue litigation. In pursuit of subrogation targets, our lawyers have experience litigating cases around the country.

## Water Loss

### Water Loss Program - New Assignment Form

White and Williams is the industry leader when it comes to subrogating water loss claims. We regularly investigate losses arising from defective water supply lines, water valves, sump pumps, water filters, dishwashers, washing machines, dehumidifiers, toilet tank components, faucets and solenoid-controlled valves.

The advantages of our water loss program include:

- A streamlined process that allows for a greatly reduced period between the time when a claim is reported and the subrogation claim is settled.
- The ability to track and analyze data on similar and/or recurring product failures and defects, thereby increasing subrogation recovery potential.
- Bundling similar claims together, resulting in greater leverage during settlement negotiations.
- A dedicated team of lawyers focused exclusively on the subrogation of water loss claims.
- Online process reporting of claims.
- Cost-effective strategies for handling small water losses.

By taking advantage of negotiated discounts with engineering firms and expert vendors and the efficiencies that come with focusing solely on a single type of claim, our lawyers are able to take cases that would otherwise be closed and, oftentimes, turn them into worthwhile recoveries.

## Workers' Compensation Subrogation

### Workers' Compensation Subrogation - New Assignment Form

Our workers' compensation subrogation lawyers focus exclusively on obtaining workers' compensation lien recoveries for insurance companies and large self-insured companies in all 50 states, the District of Columbia and abroad. White and Williams employs the largest department of full-time lawyers exclusively practicing in this discrete area of the law on a national basis. Our lawyers are skilled at handling the nuances of the various state statutes and laws governing workers' compensation subrogation. We practice a proactive approach to obtaining lien recoveries and are not satisfied waiting for a random third-party attorney to "protect" our clients' liens. Our proactive approach includes immediate and thorough investigation of each referred loss, retention of appropriate and cost-effective



experts and development of all potential theories of liability to pursue the best possible lien recovery results.

Our lawyers have litigated cases, successfully obtaining verdicts, settlements and recoveries in complex and catastrophic workplace accident cases, including products liability, construction site accident, manufacturing facility loss, maritime accident, aviation accident and trucking accident cases to name a few. Our experience with products liability cases includes, among other things, cases involving injuries caused by design and manufacturing defects in a number of industries, including farming, food processing, industrial machinery and others.

Our workers' compensation subrogation lawyers are recognized leaders in the industry and are frequent lecturers at national and regional subrogation conferences, National Association of Subrogation Professionals (NASP) seminars and webinars.

## REPRESENTATIVE MATTERS

Litigated subrogation claims in losses as high as \$70 million arising from fires in large commercial properties and residences

Achieved successful resolution of a multi-million dollar claim in Maryland state court regarding negligent maintenance of a wooden railing that resulted in a traumatic brain injury to a worker who fell and struck his head on the stone pool deck below

Litigated multi-million dollar subrogation claims arising from water losses

Obtained a \$1.45 million recovery from a plumbing contractor for a water loss occurring at an apartment complex in Pittsburgh, PA

Handled several multi-million dollar losses involving train derailments in Pennsylvania, Maryland and Virginia

At pre-suit mediation, favorably resolved a \$2 million sprinkler malfunction loss in New Jersey occurring in a newly constructed university library

Litigated a \$1.9 million subrogation claim arising from a residential fire involving a gas leak in Delaware

Litigated a \$3 million subrogation claim arising from dock collapse in New York

Worked with an insurer to recover damages arising from contaminated, misbranded food (spices) containing allergens, work that included an analysis of complex and detailed financial records

Handled numerous fidelity subrogation matters including multi-million dollar matters in Pennsylvania and Florida

Partnered with an insurer to investigate claimed property damage losses associated with computer virus attacks

Litigated a \$2 million subrogation claim arising from collapse of television station transmission tower in Pennsylvania

Litigated a \$1.9 million subrogation claim arising from roof failure in Delaware

Negotiated a settlement in excess of \$1 million dollars in a complex products liability case filed in Pennsylvania Federal Court against an agricultural manufacturer for injuries involving an arm amputation while operating 40-year old farm equipment

Successfully litigated and resolved a \$1 million water damage loss in Massachusetts involving recently installed HVAC equipment in a bio-medical facility

Negotiated a settlement of \$750,000 dollars in a products liability case filed in Pennsylvania against the supplier of a laundry press for injuries involving significant third-degree burns sustained when press closed down on top of the operator

## CASES & DEALS

Subrogation Department Settles Water Damage Case for Seven Figures  
3.11.24

Subrogation Department Settles Fire Rekindle Case

Million Dollar Lien Recovery in 1% Strict Contributory Negligence State (Alabama)

Subrogation Department Negotiates Seven-figure Settlement

Mediation Leads To Seven-figure Settlement Involving Liability And Excess Insurers

Subrogation Department Settles Another Spontaneous Combustion Case

Subrogation Department Settles Spontaneous Combustion Matter for High Six Figures

Subrogation Department Defeats Motion for Summary Judgment

Subrogation Department Secures Six-Figure Settlement in Food Contamination Case

ATM Software Vulnerability Nets Six-Figure Settlement

Seven-Figure Settlement Reached Against Installer of Fire Protection System

Bakery Explosion Leads to Sweet Settlement

Leak in Temporary Roof at School Leads to Six-Figure Settlement

Negligent Installation Claim Leads to Seven-Figure Settlement

Seven-Figure Settlement for Subrogation Department

Six-Figure Settlement Arising From Hot Work Fire

Ceiling Collapse Nets Seven-Figure Settlement

Subrogation Department Settles Plumbing Failure, Water Damage Case

Multimillion-Dollar Settlement Reached Against Designer and Installer of Sprinkler System

Seven-Figure Settlement Reached Against Spice Ingredient Supplier

Subrogation Department Settles Water Main Break Case

Settlement Reached Against Seasoning Packet Supplier

Subrogation Department Settles a Multi-Leak Water Damage Case

Subrogation Department Settles Listeria Contamination Recall Matter

Subrogation Department Resolves Large Water Loss Case

Subrogation Department Secures a Large Workers' Compensation Lien Recovery on Short Notice

Subrogation Department Secures Favorable Settlement in a Water Loss Case

Subrogation Department Secures Pre-Suit Settlement

Subrogation Department Defeats Statute of Repose-Based Motion for Summary Judgment

Firm Successfully Defends Against National Manufacturer's *Daubert* Challenge to Expert Testimony

White and Williams Secures Seven-Figure Subrogation Settlement Following a Water Leak in a Residential Tower

White and Williams Obtains Favorable Settlement in Electrical Fire Case

\$630,000 Lien Recovery Obtained Following Jury Trial

White And Williams Obtains Pre-Suit Settlement In Dehumidifier Fire Case

White and Williams Secures a Favorable Settlement in a Superstorm Sandy Case

White and Williams Settles Multi-Plaintiff Case Following Fire

\$600,000 Jury Verdict Obtained in Federal Court in Boston

\$300,000 Jury Verdict Obtained in Philadelphia City Hall

## NEWS

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
7.13.22

William Doerler Recognized by JD Supra 2022 Readers' Choice Awards  
3.7.22

White and Williams Announces 15 Lawyer Promotions  
1.3.22

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars  
11.1.21

Subrogation Lawyers Get Real Life Fire Training  
10.27.21

Best Lawyers® Recognizes 38 White and Williams Lawyers  
8.19.21

Anthony Miscioscia Recognized by JD Supra 2021 Readers' Choice Awards  
3.31.21

White And Williams Announces Lawyer Promotions  
Three Lawyers Elected to Partnership and Eight Associates Promoted To Counsel  
1.4.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars  
11.5.20

Insurance Lawyers Recognized by JD Supra 2020 Readers' Choice Awards  
4.29.20

White and Williams Announces Lawyer Promotions  
Two Lawyers Elected to Partnership and Eight Associates Promoted to Counsel  
1.2.20

Christopher Konzelmann Receives 2019 Spirit of NASP Award  
10.30.19

Congratulations 2019 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.17.19

Chris Konzelmann Serves as Co-Chair of NASP 2019 Subrogation Litigation: Skills & Management Conference  
3.28.19

Congratulations 2018 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.18.18

White and Williams Announces Lawyer Promotions  
Two Lawyers Elected to Partnership and Six Associates Promoted to Counsel  
1.4.18

Congratulations 2017 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
11.11.17

Congratulations 2016 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.18.16

White and Williams Participates in American Red Cross "No More Fire Deaths" Campaign  
10.10.16

White and Williams Announces the Election of Five Lawyers to the Partnership and the Promotion of Five Associates to Counsel  
1.14.16

Congratulations 2015 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars  
10.21.15

## PUBLICATIONS

Subrogation Waiver Unconscionable in Residential Fuel Delivery Contract  
*The Subrogation Strategist*, 3.26.24

Missouri Protects Subrogation Rights  
3.19.24

A Matter Judged: Subrogating Insurers Should Beware of Prior Suits Involving the Insured  
*The Subrogation Strategist*, 2.28.24

Fine Art Losses – “Canvas” the Subrogation Landscape  
*The Subrogation Strategist*, 2.7.24

I Spy Claims Against Amazon  
*The Subrogation Strategist*, 12.11.23

Insurer Springs a Leak in Its Pursuit of Subrogation  
*The Subrogation Strategist*, 7.17.23

Improvement or Malpractice? Florida Court of Appeals Addresses Applicable Statute of Limitations  
*The Subrogation Strategist*, 6.30.23

Indiana Appellate Court Allows Third-Party Spoliation Claim to Proceed  
*The Subrogation Strategist*, 6.26.23

Let's Give 'Em Sutton to Talk About: Tennessee Court Enforces Sutton Doctrine  
*The Subrogation Strategist*, 6.21.23

In Pennsylvania, Contractors Can Be Liable to Third Parties for Obvious Defects in Completed Work  
*The Subrogation Strategist*, 6.13.23

ELD Strikes Again! Michigan Court Hits the Brakes on Plaintiffs' Economic Loss Claims  
*The Subrogation Strategist*, 5.30.23

New York Court Enforces Economic Loss Doctrine  
*The Subrogation Strategist*, 5.17.23

Montana Significantly Revises Its Product Liability Laws  
*Subrogation Strategist*, 5.15.23

Waiver of Subrogation and Lack of Contractual Privity Bars Commercial Tenants' Claims  
*The Subrogation Strategist*, 4.25.23

New Mexico Adopts Right to Repair Act

*The Subrogation Strategist*, 4.14.23

A Tort, By Any Other Name, is Just a Tort: Massachusetts Court Bars Contract Claims That Sound in Negligence

*The Subrogation Strategist*, 3.3.23

Michigan Court Waives Goodbye to Subrogation Claims, Except as to Gross Negligence

*The Subrogation Strategist*, 2.28.23

Florida Court Puts the Claim of Landlord's Insurer In The No-Fly Zone

*The Subrogation Strategist*, 2.27.23

Family Matters: United States District Court Extends Sutton Rule to Undefined "Family"

*The Subrogation Strategist*, 12.22.22

Supreme Court of Illinois Clarifies Who Qualifies as a Co-Insured

*The Subrogation Strategist*, 12.16.22

Eggshell Plaintiffs Can Help Maximize Your Subrogation Recovery to Include Building Code Upgrades

*The Subrogation Strategist*, 12.14.22

Too Costly to Be Fair: Texas Appellate Court Finds the Arbitration Clause in a Residential Construction Contract Unenforceable

*The Subrogation Strategist*, 11.16.22

The Final Nail: Ongoing Repairs Do Not Toll the Statute of Repose

*The Subrogation Strategist*, 10.28.22

Public Policy Prevails: Homebuilders and Homebuyers Cannot Agree to Disclaim Implied Warranty of Habitability in Arizona

*The Subrogation Strategist*, 10.26.22

Gone Fishing: Tenant's Insurer Casts A Line Seeking To Subrogate Against The Landlord

*The Subrogation Strategist*, 9.22.22

Part of the Whole: Idaho District Court Holds Economic Loss Rule Bars Tort Claims Related to Water Supply Line that was Part of Home Purchase

*The Subrogation Strategist*, 9.16.22

ASUS Computer International Recalls ASUS ROG Maximus Z690 Hero Motherboards

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How Subrogation Professionals and First-Party Claims Adjusters Can Work Together for Mutual Benefit  
The National Association of Subrogation Professionals Webinar, 9.8.20

The Shield Surrounding Online Retailers: An Update on the Prime Strategies Utilized by Cyber Stores  
The National Association of Subrogation Professionals (Webinar), 5.12.20

Buyer Beware - Lessons Learned from Recent Amazon Cases  
2020 National Association of Subrogation Professionals Spring Conference (Webinar), 4.24.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 1)  
2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

Don't Lose Your Head! Or Arm, Leg, or Other Body Parts: How Workers' Compensation Subrogation Professionals Can Still Obtain Lien Recoveries Despite Worker Error (Part 2)  
2020 National Association of Subrogation Professionals Spring Conference Webinar, 4.24.20

Giving Stronger Deposition and Trial Testimony  
IAAI - New Jersey Chapter (Atlantic City, NJ), 11.5.19

Best Practices for Effective Communications Between Carriers and Counsel: An Industry Panel Discussion on the Relationships and Issues that Lead to Successful Lien Recoveries  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.29.19

How NFPA 921 and NFPA 1033 Can Make Or Break Your Fire Loss Subrogation Claim  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.29.19

Butt Out! Subrogating Careless Smoking Fires  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

Workers' Compensation Subrogation Federal Civil Practice – Tips and Real Case Study  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

Unusual Checks and Balances – Proving Out-of-the-Ordinary Damage  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

In Order to Form a More Perfect Union – How to Utilize the Public Sector Investigation to Support Your Case  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

No Stone Unturned: Finding Recovery When/Where You Didn't Think To Look  
National Association of Subrogation Professionals, Annual Conference (Washington, DC), 10.28.19

The Four Headed Monster – How to Satisfy all Four Elements of a Negligence Claim  
NEFCO Fire Investigation Evidence Lab Facility (Rochester, NH), 9.19.19

Fire Spread – Beyond Origin and Cause  
NASP Webinar, 9.17.19

To a Reasonable Degree of Certainty – An Attorney's Perspective on Effective (and Ineffective) Expert Support  
NEFCO Fire Investigation Evidence Lab Facility (Blackwood, NJ), 9.11.19

Investigating and Litigating Fire Loss Claims for Subrogating Insurance Carriers  
IAAI - Pennsylvania Chapter (State College, PA), 6.19.19

Site UnScene: Strategies for Claims Investigations with Challenging Site Requirements or Limited Evidence  
Subrogation Social (Waltham, MA), 5.30.19

Game of Rooms – Strategies for Conquering Your Next Mediation  
CLM Webinar, 4.24.19

NASP 2019 Subrogation Litigation: Skills & Management Conference  
NASP Spring Conference (Rancho Mirage, CA), 3.28.19

Game of Rooms - Strategies for Conquering Your Next Mediation  
NASP Webinar, 3.19.19

Giving Stronger Deposition and Trial Testimony  
IAAI - Indiana Chapter (South Elgin, IL), 3.6.19

Podcast: Strategies for Conquering Your Next Mediation  
National Association of Subrogation Professionals, Fall 2018

D.O.T. Your I's and Cross Your T's: Maximizing Your Workers' Compensation Subrogation Lien Recoveries in Transportation Industry  
Related Accidents  
NASP Annual Conference, Orlando, FL, 11.13.18

The Shield Surrounding Online Retailers: An Update on the Prime Strategies Utilized by Cyber Stores to Deflect Accountability  
NASP Annual Conference (Orlando, FL), 11.12.18

Necessary Evil or Blessing in Disguise? How Working With Claimant's Counsel Can Avoid Potential Reimbursement Hazards and  
Maximize Your Lien Recovery  
NASP Annual Conference, Orlando, FL, 11.12.18

Effective Deposition and Trial Testimony  
International Association of Arson Investigators (Indianapolis, IN), 8.20.18

The Breaking Point: Managing Expenses with Low-Valued Subrogation Cases  
CLM Webinar Series, 5.9.18

Expert Witness Courtroom Testimony Course  
International Association of Arson Investigators (IAAI), 4.18.18

Don't Get Burned! The Causes And Effects Of Burn Injury Claims

NASP Subrogation Litigation: Skills & Management Conference, New Orleans, LA, 3.23.18

Standard of Care in Fire Loss Litigation

NASP Subrogation Litigation: Skills & Management Conference (New Orleans, LA), 3.22.18

Identification of Critical Issues in the Early Stages of the Subrogation Investigation

NEFCO Fire Investigations (Rochester, NH), 3.15.18

Fire Scene Safety, Preservation, and Relationships: Three Keys to a Safe and Successful Fire Investigation

NASP Annual Conference (Austin, TX), 11.7.17

Y'all Come Back Now, Ya Hear? How to Best Leverage Evidence of Product Recalls In Your Product Liability Claims

National Association of Subrogation Professionals, Annual Conference (Austin, TX), 11.7.17

Missing in Action! What is the Reasonable Person?

A New and Improved Method of Engineering Failure Analysis And Cause Determination To Assist Worker's Compensation Subrogation Professionals In Obtaining Successful Lien Recoveries

NASP Annual Conference, Austin, TX, 11.6.17

Symbiotic Recovery Success: An Interactive Case Study To Max Out Your WC Subrogation Recoveries Through Effective Insurer And Counsel Collaboration

NASP Annual Conference, Colorado Springs, CO, 10.24.17

What Happens After Suppression?

Burlington County Fire Marshal's Association (Westampton, NJ), 9.28.17

Litigating Fire Losses: What Origin and Cause Consultants Should Know

International Association of Arson Investigators (Ames, Iowa), 9.14.17

Depositions: Goals, Strategies, and Pitfalls

Live Burn to Learn (Coatesville, PA), 9.8.17

Live Burn to Learn

County of Bergen Department of Public Safety (Mahwah, NJ), 5.12.17

Multiple Employer Worksites: Overcoming the Challenges and Issues Presented

NASP Subrogation Litigation: Skills & Management Conference, Scottsdale, AZ, 4.28.17

Emerging Trends in Water-Related Construction Defect Litigation

National Association of Subrogation Professionals – Subrogation Litigation Skills and Management Conference (Scottsdale, AZ), 4.27.17

Investigating and Litigating Fire Losses for Subrogated Insurance Carriers

International Association of Arson Investigators International Training Conference (Las Vegas, NV), 4.17

Expert Witness Courtroom Testimony

International Association of Arson Investigators (Crofton, MD), 1.7.17

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**Williams** LLP

## Subrogation

Giving Better Depositions

International Association of Arson Investigators – New Jersey Chapter (Sayreville, NJ), 10.12.16

Live Burn to Learn

Chester County Public Safety Training Facility (Coatesville, PA), 9.16.16

Expert Witness Courtroom Testimony

International Association of Arson Investigators (Crofton, MD), 9.7.16

The Clock is Ticking - Don't Get Burned by Statutes of Limitations/Repose

PLRB/NASP Subro Investigation for Adjusters Webinar Series, 8.16.16

Evaluating Subrogation Claims Against Contractors

In-house Seminar, 5.25.16

Don't Let Negative Corpus Take The Spark Out of Your Expert's Causation Opinion

National Association of Subrogation Professionals (Fort Lauderdale, FL), 4.7.16

