

## Two Causes - One Defendant - Subrogation Department Still Settles Suit

In the ordinary case, when an expert cannot eliminate two of the probable causes of a loss, the expert's opinion is excluded. However, that is not always the case as Bill Schmidt, a partner in the Subrogation Department, recently proved when he settled a case in Nebraska. In the case at issue, there were two potential causes – careless smoking and improper use of a fire pit – and his expert could not eliminate either one as the cause of the fire. Bill and his expert established, however, that both causes were attributable to the same defendant - a neighboring property owner. Bill was able to settle the case after arguing that regardless of which cause started the fire, the defendant was negligent with respect to both causes. Bill Schmidt was assisted in this matter by Bill Doerler, Counsel in the Subrogation Department.