

SUBROGATION

**2013 Safety and Loss Control
Conference**

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SUBROGATION

- Worker's Compensation Subrogation
- Property Damage Subrogation
- Health Care Subrogation
- Medicare Subrogation

**WORKER'S COMPENSATION
SUBROGATION
M.S.A. §176.061**

FAULT / NEGLIGENCE

- Negligence is the failure to use reasonable care
- Who's more at-fault?
M.S.A § 604.02
- Most injuries won't involve subrogation

IDENTIFYING SUBROGATION OPPORTUNITIES – TORT CLAIMS

- Motor Vehicle Accidents
- Pedestrian Accidents
- Dog bites
- Slip and Fall Accidents
- Assaults
- Products Liability
- Medical Malpractice

MANY CASES AREN'T WORTH PURSUING

- Can't prove negligence or fault on behalf of the potential Defendant
- The employee's fault is greater than the fault of potential Defendant
- The State of Minnesota has fault over and above the employee's fault
- Lambertson Contribution claims

HOW TO PURSUE SUBROGATION CLAIMS

- Try to negotiate a settlement:
Participate in mediation
- File a lawsuit
- Intervene in the employee's lawsuit
- Henning v. Wineman Distribution Hearing

SPLITTING THE CAUSE OF ACTION

DON'T DO IT

HOW TO SETTLE SUBROGATION CLAIMS

MANY OPTIONS

RELEASES

- General Release
- Naig Release
- Reverse Naig Type Release
- Pierringer Release
- Assignment of Worker's Compensation subrogation claims
- Close out or partial closeout of the employees Worker's Compensation claims
- Employee resignation

QUESTIONS?
