

CONNECTICUT LOIS SUBROGATION TEAM SECURES 100% LOSS TRANSFER AWARD DESPITE PRIOR FINDING OF NO LIABILITY



In a case where two claimants were injured in the same motor vehicle accident and the adverse automobile liability insurance carrier denied both loss transfer claims on the basis of a prior arbitration award, Lois Law Firm Partner Christopher Major, Esq. and Senior Paralegal Jenifer Andrews were able to obtain full reimbursement via intercompany loss transfer arbitration on both claims. There was a prior third-party settlement with the at-fault driver that was inadequate to compensate the claimant's damages, resulting in the claimant making an application for underinsured motorist benefits (SUM/UIM) against the UIM carrier. While that claim was pending, the UIM carrier sought intercompany loss transfer against the adverse carrier for property damage sustained in the accident. In that arbitration, the arbitrator ruled that the case was "word vs. word" and, therefore, there was inadequate evidence of liability on the part of the adverse carrier's insured.

After Lois Law Firm served the required intercompany reimbursement notifications on the adverse carrier, they denied both claims in full based upon the prior arbitration decision. This resulted in having to file for formal intercompany arbitration. In the claimant's UIM claim, a motion for summary judgment on the issue of liability was filed, which included evidence that was previously unavailable (including an affidavit from the claimant-driver on the facts of the accident). The civil court granted the summary judgment motion, finding that the UIM carrier was liable to reimburse the claimant for the damages that were not covered by the prior third-party settlement.

Senior Paralegal Jenifer Andrews included the prior summary judgment motion and order, as well as the police report, accident photos and "dashcam" video, proof of the loss transfer "qualifier" (both weight and livery), and proof of the carrier's damages (Workers' Compensation Board awards, SROs, payment ledgers,

etc.), as evidence in support of the arbitration application. During the arbitration, Partner Christopher Major, Esq. argued that the case was not at all analogous to the prior intercompany arbitration, as there was now clear and convincing evidence of liability on the part of the adverse carrier's insured by virtue of the summary judgment motion and order in the UIM claim.

Following the intercompany arbitration, the arbitrator rendered a decision finding 100% liability against the adverse carrier, resulting in full reimbursement to the workers' compensation carrier on both claims. This result was obtained despite the outright denial by the adverse carrier, the weight of the prior arbitration decision working against the workers' compensation carrier, and the fact that the adverse carrier was not even a party to the UIM claim in which summary judgment was granted on liability!



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