



SUCCESSFUL SUBROGATION OUTCOME THROUGH PERSISTENCE AND THOROUGH INVESTIGATION



This claim highlights how perseverance, detailed investigation, and strong evidentiary support can drive a favorable recovery outcome despite initial liability challenges.

LOSS OVERVIEW:

- **Loss Type:** Intersection Motor Vehicle Accident
- **Client Vehicle Damages:** \$28,877.00
- **Injuries:**
 - **WC Subrogation Claim #1:** \$12,742.43
 - **WC Subrogation Claim #2:** \$2,166.34

The client was operating an **emergency vehicle with lights and sirens activated** at the time of loss. The adverse driver entered the intersection, stating they neither saw the lights nor heard the sirens, resulting in a collision shortly after entry.

Although witnesses confirmed emergency lights and sirens were active—and that the client slowed to approximately **12 mph before entering the intersection**—the responding officer, after reviewing dash cam footage, opined that the emergency vehicle was at fault. Based on this report, the adverse carrier issued a **full liability denial** and initially refused to consider additional evidence.

SUBROGATION STRATEGY AND INVESTIGATION:

A comprehensive and strategic approach was taken to challenge the denial:

- **Legal Support:** Secured and applied the applicable state statute confirming that motorists are required to yield to emergency vehicles operating with lights and sirens.
- **Coverage Confirmation:** Verified the adverse party did **not carry first-party coverage**, eliminating risk associated with filing inter-company arbitration in a **51% modified comparative negligence state**.
- **Accident Analysis:** Established critical facts that:
 - The client vehicle had **nearly cleared the intersection at impact**
 - **Surrounding traffic had already yielded**, reinforcing that the emergency vehicle's presence was visible and acknowledged



POINTS OF SUCCESS:

- **Critical Evidence Secured:** Witness accounts, dash cam interpretation, and statutory support strengthened the liability argument
- **Clear and Comprehensive Documentation:** Detailed file handling and well-supported position
- **Strong Arbitration Presentation:** Accurate and persuasive contentions submitted
- **Cost-Effective Resolution:** Total cost to pursue arbitration was only \$42
- **Maximum Recovery Achieved:**
 - **WC Subrogation Claim #1:** \$12,742.43
 - **Full \$25,000 award granted in Auto Arbitration**

EXTENDED IMPACT:

The favorable arbitration outcome established a strong liability foundation, allowing for subsequent **Inter-Company Arbitration filings on both Workers' Compensation subrogation claims.**

- These matters have been filed leveraging the favorable liability determination
- The adverse carrier has **deferred both**, and they remain pending hearing

SUCCESS STORY: DRIVING RECOVERY THROUGH PERSISTENCE AND CLIENT ADVOCACY

Following an intersection MVA involving an emergency vehicle, the adverse carrier issued a full liability denial based solely on the police report—despite clear evidence that lights and sirens were active. Rather than accepting the denial, a detailed subrogation investigation was launched, incorporating witness statements, dash cam analysis, and applicable state statutes requiring motorists to yield to emergency vehicles.

The investigation established that the client had slowed significantly and was nearly through the intersection at impact, while surrounding traffic had already yielded—directly challenging the adverse carrier's position. Armed with strong documentation and clearly supported arbitration contentions, the case proceeded to inter-company arbitration at minimal cost.

Outcome: A full policy limits recovery of \$25,000 was awarded, successfully overturning the denial.

Client Impact: This recovery significantly reduced the client's financial exposure on nearly **\$29,000 in vehicle damages** and positioned them for additional recovery on associated Workers' Compensation claims. By securing a favorable liability determination, the client is now better protected from loss and has a clear path to pursue further reimbursement—demonstrating the value of persistence, strategic investigation, and strong advocacy.

KEY TAKEAWAY:

This case exemplifies how strong investigative work, strategic decision-making, and persistence in challenging unfavorable initial determinations can overturn liability disputes and maximize recovery—even when facing firm carrier denial based solely on a police report.