

## Insurance Defense

One of the largest insurance defense practices in Michigan serving Fortune 100 and 500 insurance companies.

Our team focuses on all aspects of insurance defense - from first- and third-party auto accident litigation, premises liability, general negligence, medical malpractice and professional liability, to trucking, commercial and contractual defense work.

### FIRST- AND THIRD-PARTY NO-FAULT

Our insurance defense team was built on the success we've had in the first- and third-party litigation arena. Under Michigan's No-Fault Act, a person injured in a motor vehicle accident can make several claims – a first-party action for their medical expenses against their insurer, a third-party action against a negligent driver for their pain and suffering, and an uninsured/underinsured motorist action against their insurer for residual damages if the driver is not insured or is insured at low limits. We've successfully defended all of these claims, both in motion practice and at trial, and are proud to have obtained “no-cause” verdicts from juries even in cases where liability is clear or the exposure is significant.

Our attorneys have studied the in-flux nature of the Michigan No-Fault Act extensively in order to provide national clients with coverage opinions and legal analysis of their claims. We can handle these disputes either pre-suit, with an extensive investigation of the claim, or in litigation as well. Interpretation of the No-Fault Act can often involve complex issues regarding priority over a claim, and we are well-versed in these issues to assist clients.

### INSURANCE FRAUD/SIU

A signature aspect of our practice is our dogged pursuit of fraud and misrepresentation in insurance claims. We have worked with governmental agencies and various Special Investigations departments of client carriers to research fraudulent schemes, medical provider rings, and paybacks that medical providers and plaintiffs' attorneys all too often receive. We are known for our

### PRACTICE CONTACTS



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approach - we go on the offensive to attack these schemes. We've obtained dismissals against a variety of providers, some now the subject of various federal lawsuits.

## GENERAL NEGLIGENCE

Defending companies, individuals, and carriers from a variety of negligence claims is one of our hallmarks. In these cases, a plaintiff must establish several elements – that there was a duty owed and a breach that flowed from that duty. We diligently track down all of the facts to undermine their ability to establish these elements. When individuals and companies are involved, we also take the opportunity to learn about your business, livelihood, and lifestyle so that we can represent you to the fullest extent and communicate with you effectively.

## PREMISES LIABILITY

Our team has vast experience in defending homeowners, businesses, and other entities from lucrative slip and fall or other premises-based claims. An individual may claim that a defect on your property caused them injury. However, we've had successes in defeating these cases not only at trial, but also early on through effective Motions for Summary Disposition based on the unique legal standards involved.

## ASSIGNED CLAIMS

With new changes to the No-Fault Act's priority scheme (MCL 500.3114), we are prepared to handle claims that have been assigned to our insurance carrier clients by the Michigan Assigned Claims Plan, as well as the Plan itself. These claims often involve complex facts of vehicle ownership, family relationships, or other issues that create priority disputes. They may also involve significant injuries with pedestrians now claiming benefits from the MACP. We use a diligent approach to address these complex claims and obtain favorable results.

## CATASTROPHIC CLAIMS

We have experience assisting clients with the most severe injuries and claims. Many of our attorneys have handled claims where the exposure may be in the millions due to significant injuries, hospitalizations, and treatment. Defense of these claims requires a careful, fact-focused approach which we have mastered, finding key defenses that may lead to a dismissal or favorable resolution.

## MEDICAL MALPRACTICE/PROFESSIONAL LIABILITY

Michigan Malpractice law has unique and sometimes complex requirements to both bring a claim and to defend a claim. Our team has the experience to navigate the law and use the law to the advantage of health care professional clients. In addition to complying with the complex requirements under the law, plaintiffs must also establish the standard of care, a breach of the standard of care, proximate cause and damages. Our team will zealously defend the doctor or other health care professional by forcing the plaintiff to prove all of these elements. We welcome the opportunity to work with clients to "learn the medicine," so that the appropriate strategy to defend the case can be utilized and the plaintiffs' experts effectively cross-examined. We

understand that even the most frivolous malpractice suit is extremely traumatic -- we will be there as an advocate and a counselor to make the experience as "pain-free" as possible.

## PROFESSIONAL LICENSING

Like malpractice, Michigan has a unique procedure when responding to licensure complaints against Michigan-licensed health care professionals. The Michigan Department of Licensing and Regulatory Affairs (LARA) does not reduce initial complaints to writing. Instead, one of LARA's investigators will simply call the health care professional on the phone and request an interview. They may refuse to tell the professional who made the complaint and refuse to disclose what the allegations are based upon confidentiality. Thus, a health care professional can walk into an interview totally unprepared for the interrogation. Hiring an experienced attorney before your interview is imperative. It is possible that a professional's statement without representation will constitute an admission that may cause disciplinary action. Our team can prepare and then obtain dismissals of licensing actions before a formal, written complaint is ever filed. We can also provide aggressive representation at a hearing should the state attempt to impose discipline on a professional.

## LIQUOR LIABILITY/DRAMSHOP

The holder of a liquor license can be sued if a sale of an alcoholic beverage is made to a minor or a person who is visibly intoxicated. Many times it is difficult, if not impossible, to determine if someone is intoxicated when they are ordering or buying alcohol at a restaurant, bar or store. The Dramshop Act is the exclusive remedy for the alleged illegal sale of alcoholic beverages. It is a minefield for attorneys who do not regularly practice in this area. Our experienced team, well versed in Liquor Liability law, will aggressively pursue these unique defenses and engage expert toxicologists and pharmacologists to testify in support of liquor licensee clients.

## WORKERS' COMPENSATION

Our workers' compensation practice includes appeals in the Michigan Court of Appeals and Michigan Supreme Court; litigated and non-litigated claims; and protection of No-Fault and third-party liens.