

***Wilson v. ACUITY, A Mut. Ins. Co.***

Decision Date: 8/9/07

State of Wisconsin/Milwaukee County

Contested Arbitration Hearing before 3 Arbitrator Panel

Attorney(s): Stuart R. Deardorff

S&D prevailed in a contested arbitration hearing in which the claimant was seeking UIM benefits for injuries sustained in a rear-end collision. Claimant alleged a shoulder injury in the accident requiring surgery and future disability. Claimant sought \$175,000 in damages. S&D successfully defended the matter resulting in an arbitration award of only \$31,000.

***Machnik v. ACUITY, A Mut. Ins. Co.***

Decision Date: 2/10/06

State of Wisconsin/Waukesha County

Contested Arbitration Hearing before 3 Arbitrator Panel

Attorney(s): Thomas J. Binder

S&D obtained a defense decision in this contested arbitration. The insured claimed injuries from a low speed impact. The insurer for the other driver, American Family, paid the insured its \$25,000 policy limits. The insured sought underinsured motorist benefits. She had incurred about \$12,000 in medical bills, but the subrogation lien amounted to only \$6,000. The arbitrators were persuaded, pursuant to *Heritage Mutual Insurance Company v. Graser*, 2002 WI App 125, 254 Wis.2d 851, 647 N.W.2d 385, that only the \$6,000 in medical bills could be considered in evaluating the UIM claim. The arbitrators accepted the opinion of the IME physician, rather than the treating physicians, finding no permanency and further finding that the insured had been made whole by the payment from American Family.