



Aggregating Losses to SUCCESSFULLY LITIGATE High-Profile Cases

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AS ONE OF THE FIRST SUBROGATION ATTORNEYS TO SUCCESSFULLY ACCOMPLISH CLAIMS AGGREGATION

back in the early 90s, I have made it a point to share with other subrogation counsel this strategy in an effort to expand upon industry-wide successful recoveries – all the while keeping consumer safety top-of-mind.

In fact, being at the forefront of case aggregation helps the subrogation attorney play a significant role in changing the way the insurance industry recovers claims. Often times, the force and effect of an aggregated loss are the only way to shed light on a safety issue and prevent future losses from occurring.

My first aggregated loss case was *Allstate Insurance Company v. Hechinger Stores*. In this instance, Torchiere halogen lamps were sold at a particular Hechinger store and, on several occasions, these lamps ignited fires in homes. Through an

aggregated case, Allstate was able to pool its resources, hire the best experts, and shed light on this dangerous product. While Allstate did regain its losses, this wasn't about dollars and cents. It was about saving lives. Torchiere halogen lamps are arguably the most dangerous products you could have in your home. We were finding in this instance and other fires involving Torchiere lamps that while the fires resulted in small dollar claims, people were at times severely injured or even killed in these fires. What began, as a single lawsuit became a nationwide safety crusade to bring awareness to the Consumer Product Safety Commission and to the general public of the dangers associated with this products normal and intended use.

Being able to aggregate losses is very important for two main reasons:

- It brings public awareness to important safety issues.
- It permits going ahead with one case, where one would otherwise be forced into cost-prohibitive case-by-case litigation.

Armed with this information, as subrogation counsel, we now have the ability to bring cases forward and, most times, resolve disputes without having to go to trial. It's a win-win for our clients and for their insureds.

Aggregating losses allows subrogation counsel to be consumer safety watchdogs, enhance public awareness, provide economic recoveries for clients and prevent tragic events from occurring in the future.