



|| No-Fault Litigation

From the beginning of the Michigan No-Fault insurance system in Michigan, Foster Swift attorneys have been at the forefront of practice in this area. We are routinely called upon by our clients to analyze and help resolve claims, as well as to provide representation in litigated matters. Our experience, both in and out of the courtroom, includes:

- Evaluation of "threshold" injuries
- Analysis of liability and causation issues
- Representation in catastrophic claims
- Review of insurance policy exceptions and exclusions
- Defend first party "PIP" claims
- Representation of servicing insurers in assigned claims
- Declaratory judgment actions involving coverage disputes
- Indemnity and subrogation matters
- Property damage claims
- Uninsured and underinsured motorist claims
- Motor carrier and heavy trucking litigation

In order to achieve the optimal outcome for our clients, our attorneys utilize the expertise of outside accident reconstructionists, medical examiners, engineers, toxicologists, human factors experts and independent investigators.

Finally, we keep our clients apprised of the latest developments in Michigan No-Fault law by continually monitoring appellate court decisions and pending legislation and by providing regular "e-blasts" and in-house seminars. If you would like to receive our *Foster Swift No-Fault E-News* go to Newsletters Sign up to complete the form and check off No-Fault E-news or you may contact the marketing department at info@fosterswift.com or call 517-371-8116.

PUBLICATIONS & ALERTS

A Practical Approach to Preserving and Asserting No-Fault Fraud Defenses in the Wake of Haydaw, Fortson and Glasker-Davis, *State Bar of Michigan (SBM): The Journal of Insurance and Indemnity Law*, September 2, 2020

Is the Fraud Defense in First-Party Litigation a Thing of the Past?, *Foster Swift Litigation News Update E-blast*, July 16, 2020

ATTORNEYS

Shareholder

Dirk H. Beckwith
Adam A. Fadly
Stefania Gismondi
Lawrence Korolewicz
Ray H. Littleton
Paul J. Millenbach
Rachel G. Olney
Hilary J. Stafford
Thomas R. TerMaat

Senior Attorney

Daniel S. Zick

Associate

Melanie A. Assad
Dina D. Kashat
Danielle N. Romano

Paralegal

Kendra Dixie, MLS, CP
Melissa M. Francis
Lorri A. Rosier
Sherry L. Sancricca

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What the New Michigan No-Fault Laws Mean for Employees Injured in Accidents while Occupying an Employer-Owned Vehicle, *Foster Swift Agricultural Law News*, June 3, 2020

Recent Updates to Michigan No-Fault Act Changes, *Foster Swift Litigation News Update E-blast*, June 20, 2019

Jury: Defendants at fault for crash, not injuries, *Michigan Lawyers Weekly*, May 30, 2019

Court of Appeals: *Dunn* Controls Unless Michigan Supreme Court Rules Otherwise, *Foster Swift No-Fault E-News*, November 1, 2012

Michigan Supreme Court Overturns Itself on Application of Tolling to "One Year Back" Rule, *Foster Swift No-Fault E-News*, June 14, 2012

Michigan Court of Appeals Gives Guidance for Setting Attendant Care Rates, *Foster Swift No-Fault E-News*, December 8, 2011

A Plaintiff's Failure to Provide Timely Notice of Intent to File Suit Under the Court of Claims Act is Grounds For Dismissal Even When No Prejudice Has Resulted, *Foster Swift Litigation E-News*, February 8, 2011

Michigan Supreme Court Holds No-Fault Damages Limitation Does Not Apply to State Actors or Minors, *Foster Swift No-Fault E-News*, August 3, 2010

No-Fault Work Loss Benefits Are Not Barred by Lack of Sworn Earnings Statement or Failure to File Income Tax Return, *Foster Swift No-Fault E-News*, April 1, 2010

No-Fault Insurers Must Strictly Comply with Statute Requiring Warning Language for Named Driver Exclusion, *Foster Swift No-Fault E-News*, March 25, 2010

Car Dealership's Insurer is Priority Insurer in Third Party Suit Brought Against Test-Driving Customer, *Foster Swift No-Fault E-News*, June 18, 2009

Michigan Court of Appeals Clarifies Application of No-Fault Act's One Year Back Rule to Fraud Claims, *Foster Swift No-Fault E-News*, May 15, 2009

No-Fault Insurers May not "Bypass Legal Process" to Seek Reimbursement from Uninsured Owners, *Foster Swift No-Fault E-News*, February 26, 2009

Michigan Court of Appeals Interprets No-Fault Act's "Unlawfully Taken Vehicle" Exclusion, *Foster Swift No-Fault E-News*, February 16, 2009

Michigan Supreme Court Limits the MCCA'S Obligation to Indemnify Insurers for "Unreasonable" Expenses, *Foster Swift No-Fault E-News*, December 31, 2008

Court of Appeals Limits No-Fault Insurers' Liability for Homecare Expenses, *Foster Swift No-Fault E-News*, December 17, 2008

Court of Appeals Addresses Family Member Joyriding Exception in Published Opinion, *Foster Swift No-Fault E-News*, December 9, 2008

Confusion Surrounding Michigan's No-Fault Automobile Act Can Preclude Providers From Obtaining Payment For Services Rendered, *Foster Swift Health Care Law Report*, June 2008

Court of Appeals: Serious Impairment Not Established, *Foster Swift No-Fault E-News*, February 7, 2008

Court Affirms Provision in No-Fault Act Prohibiting Damages for Uninsured Motorists is Constitutional, *Foster Swift No-Fault E-News*, February 6, 2008



Kerr v Citizens Insurance Company of America, *Foster Swift No-Fault E-News*, January 24, 2008

Hill v L.F. Transportation, *Foster Swift General Litigation E-News*, January 17, 2008

NEWS

Preparing Women Business Leaders for 2024 Legal Challenges, *Meltwater Newswire*, February 20, 2024

Foster Swift Welcomes Assad to Grand Rapids Office, *Grand Rapids Legal News*, February 5, 2024

Litigation Attorney Romano Joins Foster Swift in Southfield, November 2, 2023

Millenbach Named to 2022 Class of "Leaders in the Law", October 27, 2022

Millenbach Appointed Detroit Bar President, June 16, 2022

Firm Continues to See Steady Growth Entering 2022, January 11, 2022

Foster Swift Elects Four Shareholders, January 10, 2022

Forbush "Comes Home" to Foster Swift, *Ingham County Legal News*, December 15, 2021

Foster Swift Welcomes Litigation Attorney to Southfield, November 2, 2021

Millenbach Appointed DBA Vice President, June 23, 2021

Fadly and Littleton Named Michigan Bar Fellows, *Michigan Business Network*, August 26, 2020

Millenbach Appointed Detroit Bar Association Secretary/Treasurer, August 18, 2020

Gismondi Shares What New Michigan No-Fault Laws Mean For Employees, *Michigan Business Network*, June 9, 2020

Foster Swift Welcomes Joseph B. Gale to Firm, February 17, 2020

Foster Swift Elects Badalucco and Gismondi as Shareholders, January 13, 2020

Olney Named as Up and Coming Lawyer for 2019, October 17, 2019

Confusion Lingers After Signing of Auto Insurance Bill, *Michigan Lawyers Weekly*, June 20, 2019

Southfield Attorney Sworn in at Supreme Court, October 11, 2018

Michigan Court of Appeals Reiterates That Worker's Compensation Claims Are the Exclusive Remedy for Injured Employees, *Detroit Legal News*, May 1, 2018

Attorney Russell Appointed as Litigation Practice Group Co-Leader, January 29, 2018

Court Dismisses Case Where Real Property Damage Was Caused by Tractor-trailer's Use as a Motor Vehicle, September 21, 2016

EVENTS

2019 No-Fault Reforms in Focus - Q & A, *Insurance Alliance of Michigan (IAM) Claims Seminar*

The Evolution and Transformation of Black Entrepreneurship, *National BMLS Leadership Summit*, August 17, 2023

Transforming Law Firms: DE&I Intent Into Real Progress, *Michigan Diversity Council Legal Diversity Summit*, October 18, 2022



Motor Vehicle Accidents And Your Business, *Foster Swift Second Wednesday Lunch Break*, October 12, 2022

Who is Liable When No One is Behind the Wheel?, *Foster Swift 2nd Wednesday Morning Break*, February 9, 2022

Diversity: From Adversity to Unity, *Michigan Lawyers Weekly*, March 30, 2021

No-Fault Reform, *PACE Association of Michigan*, July 10, 2020

Michigan's 2019 No-Fault Reform, *Client Risk Control Workshop*, September 2019

Overview of Commercial General Liability Insurance Policies, *Client Leadership Academy*, July 2019

Defending, Cross-Examining, and Everything in Between, *Institute of Continuing Legal Education Seminar: The Independent Medical Examiner - Moderator and Speaker*, April 27, 2016

Michigan No-Fault and Insurance Carriers, August 2009
