

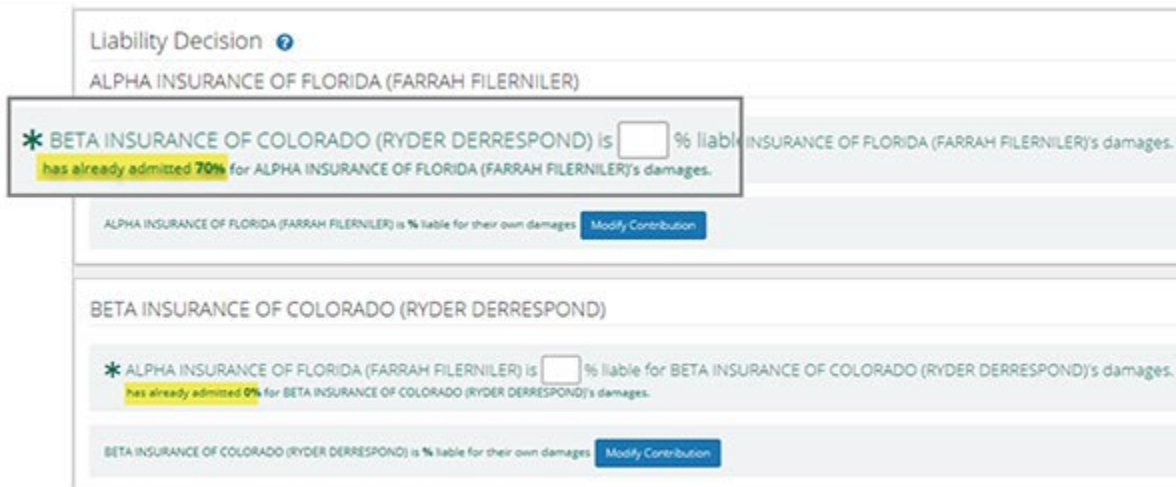
Liability Admissions and Prior Payments

Most cases with both liability and damages in dispute are relatively straightforward: decide liability first. Damages may not be an issue if the Recovering party fails to prove liability or state negligence law bars recovery, but what about the occasional case that isn't straightforward? For example, one involving a percentage of liability admitted or liability not specifically admitted, but no alternative liability theory provided?

We're sharing some scenarios and guidance below. In these examples, Alpha Insurance is the Recovering party and Beta Insurance is the Adverse party.

Scenario 1: The Adverse party admits to a percentage of liability.

If the Adverse party entered 100% liability, no further consideration of liability is necessary. If the Adverse party admitted partial liability (as shown below) enter a number **equal to or greater than** the percentage admitted. In the example below, a percentage of 70% or more is acceptable.



The screenshot displays a 'Liability Decision' interface. At the top, it identifies 'ALPHA INSURANCE OF FLORIDA (FARRAH FILERNILER)'. Below this, a highlighted box shows: '* BETA INSURANCE OF COLORADO (RYDER DERRESPOND) is % liable for ALPHA INSURANCE OF FLORIDA (FARRAH FILERNILER)'s damages. has already admitted 70% for ALPHA INSURANCE OF FLORIDA (FARRAH FILERNILER)'s damages.' Below this, there is a button 'Modify Contribution' and a line 'ALPHA INSURANCE OF FLORIDA (FARRAH FILERNILER) is % liable for their own damages'. The second section identifies 'BETA INSURANCE OF COLORADO (RYDER DERRESPOND)'. A highlighted box shows: '* ALPHA INSURANCE OF FLORIDA (FARRAH FILERNILER) is % liable for BETA INSURANCE OF COLORADO (RYDER DERRESPOND)'s damages. has already admitted 0% for BETA INSURANCE OF COLORADO (RYDER DERRESPOND)'s damages.' Below this, there is a button 'Modify Contribution' and a line 'BETA INSURANCE OF COLORADO (RYDER DERRESPOND) is % liable for their own damages'.

Scenario 2: The Adverse party did not admit to any liability (0%) and stated the Recovering party has the burden to prove liability, but did not offer an alternative liability position. In addition, the Adverse party acknowledged a prior payment made to the Recovering party, and disputed the unpaid amount (please see the first three visuals below).

If the Recovering party **included liability arguments** regarding the loss, and proved one or more of them that will result in a recovery based on state negligence law, enter the breach/breaches of duty where provided in TRS and continue to hear the damage dispute.

If the Recovering Party **did not include liability arguments**, or you are unable to determine a breach of duty, your liability decision entry can be worded to reflect what was entered. For example, “[Adverse party company name] has not made a specific and supported challenge to liability.” Please see the last visual below. Then, continue to hear the damage dispute.

[Hide Adverse Party's Arg](#)

Liability Argument ?

ALPHA INSURANCE OF FLORIDA (JAX MONTANA)

Arguments:

This is a damage dispute.

Beta admitted liability, and sent us a reduced payment without a attempt to discuss with us/negotiate a settlement.

This filing is for the balance due.

BETA INSURANCE OF COLORADO (SUKI WEISSMAN)

Arguments:

Alpha Insurance must prove liability.

Liability Decision ?

ALPHA INSURANCE OF FLORIDA (JAX MONTANA)

* BETA INSURANCE OF COLORADO (SUKI WEISSMAN) is % liable for ALPHA INSURANCE OF FLORIDA (JAX MONTANA)'s damages. has already admitted 0% for ALPHA INSURANCE OF FLORIDA (JAX MONTANA)'s damages.

ALPHA INSURANCE OF FLORIDA (JAX MONTANA) is 0% liable for their own damages [Modify Contribution](#)

Payments			
Party	Acknowledged: \$0.00	Alleged: \$8,000.00	Proven: \$0.00
* BETA INSURANCE OF COLORADO (SUKI WEISSMAN), 100% Liable		\$8,000.00	

[Show Details](#) [Review](#)

Duties Breached	
ALPHA INSURANCE OF FLORIDA (JAX MONTANA)	
✓ Duties Breached	No duties breached
BETA INSURANCE OF COLORADO (SUKI WEISSMAN)	
✓ Duties Breached	Beta has not made a specific and supported challenge to liability.

Scenario 3: The Adverse party enters 0% liability and states, “this is a damage dispute” or “see damage dispute” in its liability argument, and its damage dispute is argued where provided in TRS.

It is clear the sole issue in dispute is damages, even though the “% Liability Admitted” field was zero. As noted above, enter the breach of duty in the liability decision field if you are able to identify one. If not, it is acceptable to enter “Liability not disputed.”

Liability Argument ?	
ALPHA INSURANCE OF FLORIDA (JAX MONTANA)	BETA INSURANCE OF COLORADO (SUKI WEISSMAN)
Arguments: This is a damage dispute. Beta admitted liability, and sent us a reduced payment without a attempt to discuss with us/negotiate a settlement. This filing is for the balance due.	Arguments: This is a damage dispute.

Liability Decision 

ALPHA INSURANCE OF FLORIDA (JAX MONTANA)

* BETA INSURANCE OF COLORADO (SUKI WEISSMAN) is % liable for ALPHA INSURANCE OF FLORIDA (JAX MONTANA)'s
has already admitted for ALPHA INSURANCE OF FLORIDA (JAX MONTANA)'s damages.

ALPHA INSURANCE OF FLORIDA (JAX MONTANA) is % liable for their own damages [Modify Contribution](#)