

Counterclaims

WORKFLOW STEPS

- Confirm Incident Details and My Party Information
- Add Additional Parties
- Recovery Arguments
- Coverage Response - Collision
- Feature Response - 2021 HONDA
- Add My Damages
- Filing Options & Billing
- Review & Submit

When to add counterclaims under the **Concurrent Coverage Right of Recovery.**



ARBITRATION FORUMS, INC.
Membership driven. Innovation focused.

An Adverse Party may add a Counterclaim when;

- ❖ Two co-insurers pay for damages to the same covered auto under the **collision** portion of the policy.

Example: Carrier A pays physical damage; Carrier B pays rental and towing.

Carrier A (Filing Party)



Pays physical damage

Covered Auto



Pays rental and towing

Carrier B (Adverse Party)



- ❖ When filing a response, the Adverse Party seeking to recover its damages may add a counterclaim against the co-insurer only and not the parties believed to be negligent.



Do not file a counterclaim against a negligent 3rd Party. A separate filing should be initiated under the **Negligence** Right of Recovery against the parties believed to be negligent for the loss.

✓ Right of Recovery

Negligence



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When to add counterclaims under the **Concurrent Coverage Right of Recovery.**

The following examples illustrate how damages are awarded based on the arbitrator's ruling.

Carrier A is Primary

Arbitrator Ruling:

Who has priority of payment for Carrier A (Filing Party)?

✓ Is Carrier A (Filing Party) a Primary Carrier? Yes No

✓ Is Carrier B (Adverse Party) a Primary Carrier? Yes No

No recovery of Carrier A's payment for physical damage. Carrier B's rental and towing recoverable if counterclaim added by response due date.

*See Rule 2-2 for exceptions.

Carrier B is Primary

Arbitrator Ruling:

Who has priority of payment for Carrier A (Filing Party)?

✓ Is Carrier A (Filing Party) a Primary Carrier? Yes No

✓ Is Carrier B (Adverse Party) a Primary Carrier? Yes No

Carrier A's payment for physical damage recoverable. Carrier B's collision deductible will be reduced from award and counterclaim barred.

*Deductible will not be reduced if entered in wrong field.

Carrier A & B Co-Primary

Arbitrator Ruling:

Who has priority of payment for Carrier A (Filing Party)?

✓ Is Carrier A (Filing Party) a Primary Carrier? Yes No

✓ Is Carrier B (Adverse Party) a Primary Carrier? Yes No

Carrier A & B's payments are apportioned based on the payments made to the covered auto.

*Deductible will not be reduced if entered in wrong field.

For questions, call Member Services at 866-977-3434

Carrier A (Filing Party)



Pays physical damage

Covered Auto



Pays rental and towing

Carrier B (Adverse Party)

