

**SASKATCHEWAN COURT OF APPEAL SAYS  
LTD PLAN HAS SUBROGATED INTEREST**

Reported Case:	Saskatchewan Health Care Assn. v. Zipchen
Citation:	2007 SKCA 136
At Issue:	Whether a personal injury settlement received by defendant was exempt from disability insurer's contractual right of subrogation.
The Court:	Saskatchewan Court of Appeal
Judgment Rendered:	November 20, 2007
Factual Summary:	Defendant received benefits pursuant to disability plan administered by plaintiff. Defendant subsequently settled civil actions relating to the accidents that gave rise to her disability. The plaintiff claimed a subrogated interest in the settlement funds. Defendant argued the plaintiff had no right of subrogation due to certain provisions of the Saskatchewan <i>Insurance Act</i> .
Disposition By Lower Court:	Claimant was ordered to repay the plaintiff the amount she had received in disability benefits out of her tort settlement.
Appellate Decision:	Appeal dismissed. Even if the disability plan were a contract of insurance it would not attract the provisions of the Saskatchewan <i>Insurance Act</i> because it would be a contract of accident and sickness insurance or life insurance and would be exempt from the Act.