

# Life, Annuity, and Retirement Litigation

## Overview

For close to three decades, we have been at the forefront of defending life insurance and annuity issuers and other financial services companies in every major genre of litigation affecting the industry. Such representation includes national litigation challenging the determination of cost of insurance rates and other non-guaranteed elements, "vanishing premium" and other life insurance and annuity sales practices/market conduct cases, ERISA fiduciary duty suits, and litigation over lender-placed insurance. Our lawyers not only understand the legal issues relevant to these cases but also have a deep background in our clients' products, business practices, and regulatory challenges. We work closely with our colleagues in other practice areas, including the firm's Financial Services - Regulatory, Class Actions, and Securities and Derivative Litigation practices, to ensure we bring the highest level of expertise to every matter.

As a result, the industry knows us well. Our lawyers have represented the vast majority of the top 25 life and annuity companies (by assets) in class action and high-stakes individual product cases. The firm has represented dozens of national and international insurers in hundreds of class actions throughout the United States. Indeed, our clients have consistently recognized us as among the top "go-to" firms for national class action and high-stakes litigation for the life insurance industry.

We have appeared as lead counsel in state and federal courts in nearly every state, including in appeals in all 12 of the federal circuit courts of appeal and the U.S. Supreme Court. But we are not simply litigators: our lawyers are prepared to try cases. We defended as lead counsel what is believed to be the largest jury trial of a certified national class action involving the life insurance industry, a case involving a nationwide class of approximately 400,000 annuity contract holders seeking \$2 billion in damages, in which the jury returned a verdict for our client.

## Cost of Insurance and Other Challenges to Non-Guaranteed Element Determinations

- We have extensive experience defending the life insurance industry in matters involving challenges to insurers' determinations regarding the cost of insurance (COI) rates in fixed and variable universal life insurance policies, including litigation regarding COI rate increases.
- We have defended against challenges to insurers' exercises of discretion with regard to other non-guaranteed elements, e.g., interest/dividend crediting, and expense allocation-related claims.

Learn more about our experience defending life insurers against challenges to their exercises of discretion in setting [non-guaranteed elements](#).

## Sales Practices - Market Conduct Litigation

- Our litigators have wide-ranging experience defending insurers in lawsuits alleging the improper sale or marketing of life insurance and annuity products.
- Our attorneys have dismissed, settled, and won trial victories in class actions claiming, *inter alia*, that the sales of annuities and long-term care policies were misleading; that life insurance policies were marketed as having "vanishing premiums" and/or were improperly replaced; that the insurer allegedly violated the TCPA; and that plans were improperly sold as complying with IRS Sections 412(i) and 409.

Learn more about our experience defending life insurance and financial services companies against [sales practices and other market conduct claims](#).

## ERISA Fiduciary Duty Litigation

- The firm's practice in this area is devoted to representing insurers, financial institutions, and employee benefit plan sponsors in the areas of class action and other complex litigation, financial product development, regulatory compliance, and regulatory monitoring and advocacy.
- We have extensive experience litigating fiduciary and prohibited transaction claims, as well as other alleged violations of ERISA and other federal and state laws in connection with the management of pension or welfare plan funds, the provision of trust, custodial, actuarial, accounting, and other services to plans, and the administration of employee benefit claims.

Learn more about our experience defending financial services companies against [ERISA claims](#).

## Lender-Placed Insurance Litigation

- Competing groups of class action lawyers have filed approximately 150 high-profile class actions in venues all across the United States challenging aspects of lender-placed insurance programs (LPI). A team of our lawyers have represented the largest LPI underwriting group of specialty insurers, and several banks and servicers, in defending these cases.

- In addition to achieving early dismissal of several of these cases (at both the trial and appellate levels), the LPI litigation teams have developed an effective settlement strategy for the defendants, and implemented that strategy in nationwide settlements for most of the major lenders and loan servicers. Trial and appellate courts in numerous jurisdictions

## Insights

05.09.2024

Insurer Must Consider “Expectations of Future Mortality Experience” When Reassessing, Redetermining, and Changing COI Rates

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05.09.2024

Litigation Lineup: Recent Decisions in Life and Disability Insurance Run into Policy Lapse, COVID-19, and Conflict of Interest Issues

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01.11.2024

Ringmaster’s Review: Fall 2023 Litigation on Parade

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01.11.2024

Federal Rule Amendment Clarifies Requirements for Admitting Expert Testimony

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11.03.2023

A Bird’s Eye View of the SEC’s New Tailored Shareholder Reports Rule

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11.02.2023

ETFs in Variable Contracts: Still a Round Peg in a Square Hole?

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09.28.2023

SCOTUS Removes Burden Handicapping Appeals Seeking Arbitration

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09.28.2023

Texas Doubles Down on “Intent to Deceive” as Requirement to Void Insurance Policy

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09.28.2023

Against All Odds Alpine Wins Important Injunction Against FINRA

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09.28.2023

New California Lapse Statute Decision Highlights the Importance of Where Insurance Policies are “Issued or Delivered”

---

09.28.2023

Stakes Are High: Lawsuits Expose Deficient COBRA Notices

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09.28.2023

NLRB Stacks Deck in Favor of Employees: Employers Must Play Cards Defensively or Go Bust

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06.20.2023

Colorado DOI Summer Reading for Life Insurers

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05.25.2023

Proposed Rule Provides Guidance for Initial Case Management in MDLs

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05.25.2023

STOLI Fallout: Stepping Into the Post-Void

---

05.25.2023

Medical Incapacity Does Not Toll Life Insurance Conversion Period

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02.16.2023

Suicide-By-Cop Precludes Death Benefits

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11.03.2022

What Can Insurers Do to Engage With Insurance Consumer

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11.03.2022

SEC Plants New Cybersecurity Regulations; Time Will Tell What Will Bloom

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11.03.2022

The Founding of the American Law Institute Conference on Life Insurance Company Products: 40 Year History

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09.08.2022

Circuit Courts Continue to Navigate ERISA's Murky Waters

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09.08.2022

Recent Developments in Life Insurance Litigation

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08.04.2022

SEC Budget Request Seeks 400 New Staff; More than Half for Enforcement and Examinations  
*The Investment Lawyer*

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05.11.2022

DOL Stakes Out New Fiduciary Concept: Plaintiffs Would Uproot It

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05.11.2022

When Hidden Truths Become Material Misrepresentations

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05.11.2022

Life Insurance Lapse Notice Class Actions Fail to Take Root: California Court Denies Certification

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05.11.2022

Must ERISA Actuarial Equivalence Be "Reasonable"?

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01.11.2022

Admissions of Wrongdoing Back in Vogue: SEC Enforcement Pendulum Swings

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01.11.2022

Universal Life Policyowner Not Entitled to Pro Rata Premium Refund Following Insured's Death

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01.11.2022

Gag Orders, Part II: When the SEC Silences Critics

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01.11.2022

California Decisions Kick Off Parade of Life Insurance Lapse Notice Cases

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12.20.2021

Chinese Insurers Look Beyond Infrastructure Risk in Latin America

*Business Law Today*

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11.04.2021

“Reasonable” Does Not Mean Perfect: Recent FINRA Regulatory Developments and Interpretive Questions

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10.15.2021

Life Insurance and Annuity Developments

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09.16.2021

The Three R’s of LTC Insurance and Wellness: Regulation, Rebates, and RBOs

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09.16.2021

Annuity Litigation Roundup

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09.16.2021

SEC Takes ESG Disclosure Plunge: An Ocean of Issues Swirls

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09.16.2021

State Law Steers STOLI Cases, Drives Federal Court Outcomes

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06.10.2021

Regulatory Monitor: Life Insurance and Annuity Developments

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05.05.2021

New Hampshire Supreme Court Invalidates Long-Term Care Rate Caps

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05.05.2021

Life Insurer Has No Duty to Investigate Forged Policy Change Form

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05.05.2021

California Becomes Hotbed for Policy Lapse Notice Claims

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05.05.2021

Recent Trends and Defense Strategies in Agent Sales Practice Suits

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05.05.2021

ERISA Fiduciary Duty Claim Against Plan Not Subject to Arbitration

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12.15.2020

DOL to Plan Sponsors: "It's All About the Benjamins!"

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12.15.2020

California Privacy Rights Act: Compliance Objectives for 2021

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12.15.2020

Arbitration Provision Survives Agent Termination

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12.15.2020

New Jersey Enacts Anti-STOLI Law

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12.15.2020

COVID-19 Class Actions Update

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12.15.2020

Eleventh Circuit Decisions May Chill Future Data Breach Class Actions

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12.15.2020

A New Era for Insurtech in Latin America

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12.15.2020

Not If, But When: Applying the ADA's Accessibility Requirements to Mobile Apps

---

12.15.2020

Revived Prospects for Patenting Financial Product Inventions

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09.03.2020

Life Industry Class Action Trends in the First Half of 2020

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09.03.2020

Supreme Court Shuts Door on Defined-Benefit Plan Participants' ERISA Suits

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09.03.2020

ERISA Disability Plan Insurers Score Important Circuit Court Victories

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09.03.2020

Supreme Court to Settle Circuit Split on TCPA Autodialer Prohibitions

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09.03.2020

Third and Eleventh Circuits Show No "Lapse" in Judgment

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06.10.2020

Insurers' Successful Challenge to 2016 Amendments to Florida's Unclaimed Property Act Reversed on Appeal

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04.13.2020

Policy Lapse Notice Claims on the Rise in California

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04.13.2020

New Jersey Springs Into Action: New Bill to Ban STOLI Policies

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04.13.2020

Long Jail Term for Crooked Insurance Agent: Claimed Comp for Phony Policy Sales

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04.13.2020

Did Your Text Message or Phone Call Campaign Use an Illegal “Autodialer”?

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02.14.2020

Suitability Model Crosses the Finish Line

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02.06.2020

Out of the Gate Fast

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02.06.2020

2019 Year-End Class Action Roundup

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02.06.2020

Clarity on Application of California Usury Law: Insurers Not Subject to Compound Interest Limitations

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02.06.2020

Second Circuit Opens Door to Lawsuits Based on Contract Violating 1940 Act

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02.06.2020

Not So Fast: Court Upholds Denial of Request for Accelerated Life Insurance Payment

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02.06.2020

The Risk and Reward of Life Insurance

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02.06.2020

Third Circuit Application of Certified Questions Confirms STOLI Policies Void in New Jersey

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02.06.2020

No Saving Grace for Policyholders

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10.04.2019

Defendants Fend Off Challenge to FIA’s Proprietary Index

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10.04.2019

Autoerotic Asphyxiation Ruling Brews Circuit Split on Coverage

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10.04.2019

Class Action Roundup

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10.04.2019

Ninth Circuit Steps In-Line on Arbitrability of ERISA Claims

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10.04.2019

Court Sheds Light on ERISA's Fiduciary Exception to Attorney-Client Privilege

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10.04.2019

Multiple Plaintiffs Take Shot at SEC Regulation Best Interest

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10.04.2019

Intentional Killing a Grave Mistake Under Slayer Statutes

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07.11.2019

On Cybersecurity, Grab the Low-Hanging Fruit

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07.11.2019

STOLI Policies Void in New Jersey

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07.11.2019

Life Insurer Defeats Bid to Apply Policy Lapse Statute Retroactively

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07.11.2019

Supreme Court Casts a Wide Net with Rule 10b-5

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07.11.2019

Illinois Supreme Court Nails Down Status in Big Market: Indexed Annuities Are Not Securities

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07.11.2019

Class Certification Denied in Universal Life “Risk Rates” Litigation

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06.20.2019

SEC Proposes Summary Prospectus for Variable Insurance Products  
*The Review of Securities & Commodities Regulation*

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04.04.2019

Life Insurer Permitted to Adjust Policy Proceeds Pursuant to Misstatement-of-Age Provision

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04.04.2019

UCL and Financial Elder Abuse Claims Against Life Insurer Are Time-Barred

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04.04.2019

Read Your Policy Carefully: UL Policy’s Plain Language Requires Dismissal of Putative Class Action Challenging Increased Premiums and COI Rates

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04.04.2019

Building an Ark: Protecting Employee Data in the Data-Breach Era

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04.04.2019

Individual Indexed Annuities Viewed as Installment Contracts for Statute-of-Limitations Purposes

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04.04.2019

Circuit Court Rules Insurance Agents Are Not “Employees” Under ERISA

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12.19.2018

Court Upholds California Department of Insurance’s Expansive Interpretation of Claims Practices Statute

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12.19.2018

Defendants Not Liable for Insurance Agent’s Ponzi Scheme

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12.19.2018

Life Insurer's Early Dispositive Motion Achieves Narrowed Fraud Claim in COI Suit

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12.19.2018

Class Certification Denied in Suitability Class Action

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12.18.2018

Eleventh Circuit Reverses Dismissal of Insurer's Fraud and Racketeering Claims Against Premium Financer

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12.18.2018

Sixth Circuit Holds Employer Has No Duty to Notify of Conversion Options

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12.04.2018

Negligent Bad Faith? Limiting Insurance Bad Faith to Its Roots

*Georgia Defense Lawyers Association 2018 Law Journal*

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10.09.2018

NAIC Big Data WG Shifts Its Gaze to the Use of Big Data in Life Insurance Underwriting

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10.01.2018

Second Circuit Affirms Summary Judgment for Bona Fide Purchaser in STOLI Action

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10.01.2018

Court Invalidates California Unclaimed Property Law Regulations

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10.01.2018

Even Disclaiming 'Magic Words' Won't Save Plaintiffs from SLUSA Preclusion

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10.01.2018

SEC Proceedings Face Uncertainty After Supreme Court Holds ALJs Unconstitutional

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10.01.2018

Louisiana Appeals Court Affirms Class Certification in Lingering Litigation Against Department of Insurance

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06.25.2018

To Preempt or Not to Preempt - Courts Issue Competing SLUSA Rulings

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06.25.2018

Ninth Circuit: Face Amount Controls Amount-in-Controversy Questions Where Policy's Validity is Disputed

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06.25.2018

Win for MassMutual in Rare Class Action Trial

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06.25.2018

COI Litigation Update

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03.31.2018

Plaintiffs' Notice That the 'Taxman Cometh' Was Sufficient to Trigger Statute of Limitations

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02.01.2018

Life Insurance Industry's 'SEC Wish List' for Trump's Tilt With the 'Nanny State' of Excessive Regulation

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01.02.2018

New York Department of Financial Services Rings in the New Year With New Suitability Requirements for Insurance Companies

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12.29.2017

COI Litigation Review – Early Dismissals Remain Elusive in Rate Increase Actions

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12.29.2017

The Continuing Representation Doctrine Does Not Apply to Fraud Allegations

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12.29.2017

Based on Principles of Fairness, Court Dismisses Putative Class Action RICO Claims Asserted Years After Initiation of Suit

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12.29.2017

Denial of Reinstatement of Lapsed Life Insurance Policy Affirmed Due to Failure to Satisfy Required Underwriting Standard

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09.26.2017

Eleventh Circuit Affirms Summary Judgment for Insurer in STOLI Case

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09.26.2017

Sticking Firmly to Contract Terms, Court Dismisses Premium and COI Overcharge Claims

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09.26.2017

Plaintiffs Survive Standing-Based Challenge to California Senior Notice and Financial Elder Abuse Claims

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09.26.2017

Dismissal of Individual Claims Cap Insurer's Winning Streak in Action Challenging FIA Product Features

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09.26.2017

Summary Judgment Win for Insurer in "Stable Value" Interest Rate Setting Case

---

09.20.2017

New York DFS Tightens Cybersecurity Gaps

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06.23.2017

Eighth Circuit Affirms Dismissal of RICO Claim in So-Called Shadow Insurance Suit

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06.23.2017

Eleventh Circuit to Weigh in on 'Business Email Compromise' Coverage Under Fidelity Bond

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06.23.2017

Summary Judgment for Insurer in Annuity Sales Practices Action

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06.23.2017

Recent Ninth Circuit Rulings Uphold Plaintiffs' Efforts to Predicate Claims on Alleged Insurance Code Violations – Likely More to Come

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04.10.2017

The Ninth Circuit Finds California's Illustration Statutes Can Serve as the Predicate for UCL Liability

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04.10.2017

Transparency Watch: Federal District Court Mandates Automatic Disclosure of Third-Party Funding Arrangements for Class Actions

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04.10.2017

Court Applies "Fiduciary Exception" to Mutual Fund Trustees' Attorney-Client Privilege

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04.10.2017

Second Circuit Affirms Dismissal of "Shadow Insurance" Lawsuits

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04.10.2017

Cost of Insurance Litigation Review

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12.22.2016

FINRA Fines Firms For Not Supervising L-Share Annuity Sales

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11.18.2016

NY DFS Proposes New Regulation for Life and Annuity Non-Guaranteed Elements

---

10.13.2016

Potential Secondary Effects of Regulatory Examinations: Evidentiary Issues and Preclusion in Parallel Litigation

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08.16.2016

AML Update: The NYDFS's New Anti-Money Laundering Regulation and its Annual Compliance Certification Requirement

---

08.15.2016

Brexit's Impact on the Insurance Industry

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08.15.2016

Changes in Cuba May Impact the Insurance Industry

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07.11.2016

Trial Pros: Carlton Fields' Markham Leventhal

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06.30.2016

Recent Florida Legislation Will Allow for Creation of Specialty Sinkhole Coverage Lines

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06.30.2016

New York Appellate Court Finds "Electronic Data" Exclusion Applies to Data Breach

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06.13.2016

Court Finds that False Claims Act Suit Alleges Uninsurable "Willful Acts"

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06.03.2016

2016 Florida Legislative Post-Session Report

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05.13.2016

FinCEN Unveils "Fifth Pillar" of Anti-Money Laundering Compliance

---

04.15.2016

Still No Consensus On Price Optimization In Calif.

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04.07.2016

Court Holds Insured vs. Insured Exclusion Unambiguous, Precluding Coverage

*D&O Diary*

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02.23.2016

Storm Clouds Gather for Life Insurers' Cost of Insurance Rate Increases

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02.10.2016

Subrogation Claims Aren't 'Consumer Debts' Under Fla. Law

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02.03.2016

Miss. Makes More Trouble For Reservation Of Rights

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01.25.2016

Bill to Amend Florida's Unclaimed Property Act Regarding Unclaimed Insurance Benefits Moves to Senate Floor

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01.05.2016

Florida's OIR Provides Guidance on Annuity Maturity Date Extensions

---

12.23.2015

California Passes Life and Annuity Electronic Transactions Law

---

12.23.2015

To Stay or Not to Stay ... That Is the Question

---

12.23.2015

The More the Merrier: Court Rejects Waiver Argument, Enforces Arbitration Clause in Consumer Contract

---

12.23.2015

For Whom the Contractual Suit Limitation Period Tolls

---

12.23.2015

Under a Spotlight, "Shadow Insurance" Lawsuit Fails Scrutiny

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12.23.2015

NAIC Adopts "Roadmap for Cybersecurity Consumer Protections"

---

12.23.2015

Perks, Prizes, and Loopholes: Sen. Warren's Report on Annuity Sales Practices

---

12.23.2015

Federal Court of Appeals Deems Policies STOLI, Refuses to Order Return of Premiums

---

12.23.2015

Solicitors Argue to U.S. Supreme Court That Vermont Health Care Reporting Law Is Not Preempted By ERISA

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12.23.2015

NAIC Evaluates Insurer's Use of Variable Annuity Captives, Price Optimization, and Big Data

---

12.23.2015

Individual Inquiries Predominate in 401(k) Litigation

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12.15.2015

NAIC's Market Regulation Committee Adopts Broad Charge to Explore Insurers' Big Data Use

---

12.03.2015

Life Insurance Policies Were STOLI and Void Ab Initio

---

12.03.2015

Will the UK's Scrutiny of Insurers' Use of Big Data Impact US Regulators?

---

11.11.2015

Companies, Through Best Practices, Can Help Keep Cyber Insurance Prices Reasonable

---

11.09.2015

Data Breaches: Companies, Through Best Practices, Can Help Keep Cyber Insurance Prices Reasonable

---

10.27.2015

What the Recent NAIC Financial Condition Examiners Handbook Changes Mean for Insurers

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10.22.2015

McCarran-Ferguson Lands A Jab On Federal Arbitration Act

---

10.20.2015

Hot Topics in Cyber Coverage

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10.20.2015

Hot Topics in Cyber Coverage [PODCAST]

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10.09.2015

The Prospect for a Legislative Fix in the Case of Certain Promoters Using Micro Captives Deemed Abusive by the IRS

---

10.02.2015

Court Finds Statutory PIP Demand is "Related Claim" to Later-Filed Class Action Suits

---

09.28.2015

Phantom Injury Dooms "Shadow Insurance" Case

---

09.28.2015

A Summary of Predicted Litigation Under the DOL's Proposed Fiduciary Rule

---

09.28.2015

Insurer Victory in IUL Class Action

---

09.28.2015

Rhode Island Supreme Court Decides STOA Case

---

09.28.2015

A Moral Victory But No Damages Awarded in AIG Bailout Litigation

---

09.28.2015

FFIEC Weighs in on Cybersecurity in Light of Unprecedented Risk of Cyber Threats

---

09.28.2015

Catching Up To Insurers' Use of Big Data

---

09.28.2015

Florida District Court Affirms Bankruptcy Court Bar Order In Favor Of Former Ds & Os

---

09.11.2015

Variable Annuity with a No-lose Death Benefit Is Not Subject to the Statutory and Common Law Insurable Interest Requirement

---

09.11.2015

The Practical Need for Managers of Micro Captives and the Allure of 'Off Label' Uses

---

09.08.2015

The Importance Of 'The' In Crafting Insurance Exclusions

---

08.31.2015

The IRS Has Declared War on the Abusive Use of Micro Captive Insurers

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08.27.2015

Two Key Insurance Considerations For Startups

---

08.24.2015

CFPB and New York Department of Financial Services Sue Pension Loan Companies for Deceptive Marketing

---

08.18.2015

New York-Based Marine Insurer Settles Potential U.S. Sanctions Violations

---

07.17.2015

Doctrinal Tools the IRS Will Use to Challenge Claimed Tax Benefits of 'Micro' Captive Insurance Companies

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06.19.2015

Standards the IRS Will Apply in its Campaign Against 'Micro' Captive Insurance Companies

---

06.15.2015

Ninth Circuit Finds Bonus Indexed Annuity Delivers Exactly What was Promised

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06.15.2015

\$84 Million Settlement in Northwestern Mutual Annuity Class Case

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06.15.2015

Appellate Courts + STOLI = Mixed Results

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06.15.2015

Litigation Finance on the Rise—But Questions Abound

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06.15.2015

For Life Insurers and Agents – A Summary of Predicted Litigation Under the DOL's Proposed Fiduciary Rule

---

06.05.2015

Claims-Made Policies and the Notice-Prejudice Rule

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05.29.2015

Expect Focus, International, Spring 2015

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05.29.2015

FCPA: Anti-Bribery Provisions

---

05.29.2015

Taking Your Business International

---

05.27.2015

Watch What You Say About Insurance Claims

---

05.20.2015

Supreme Court Clarifies Scope of Fiduciary Duty Under ERISA

---

05.15.2015

The Efficient Market Theory—§ 10(b)'s Double-Edged Sword

---

05.08.2015

Follow the Settlements Doctrine Applies to Ceding Insurer's Decisions Regarding Allocation of Settlement among Multiple Reinsurance Agreements

---

05.07.2015

Pros And Cons Of Telematics And Usage-Based Auto Insurance

---

04.16.2015

Wake up Call for Regulators and Insurers

---

04.10.2015

Employment Settlement "Don't Reapply" Clauses Threatened by Ninth Circuit Expansion of California's Business and Professions Code Section 16600

---

03.25.2015

Policy Language Aside, Insurer is Obligated to Pay in California

---

03.25.2015

Court Rejects Attenuated Argument of Automobile Insurer Liability

---

03.25.2015

Morgan Stanley Agrees to Resolution of Multi-State Unclaimed Property Audit

---

03.25.2015

Florida Court of Appeal: Photos on Facebook are Fair Game in Discovery

---

03.25.2015

FSOC's Designation of Nonbank SIFIs: More New Developments

---

03.25.2015

NCOIL Revises Unclaimed Property Model Act

---

03.25.2015

First Circuit's RAA-Friendly Ruling Stands

---

03.25.2015

The Big Deal About Big Data: What Life Insurers Must Know

---

03.25.2015

At the State Level, Is a Fixed-Index Annuity a Security?

---

03.25.2015

Protecting the Data Lode: NAIC Addresses Cybersecurity

---

03.25.2015

STOLI Schemers Must Make Good on Damages Caused

---

03.25.2015

Up, Up, and Away: Insurance Market for Commercial Drones Set to Take Off

---

03.23.2015

New York's Banking Regulator Proposes Tougher Anti-Money Laundering and Cybersecurity Enforcement Rules

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02.06.2015

Minority Powerbrokers Q&A: Carlton Fields' Patterson-Strachan

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02.05.2015

Dollar Limit of Liability in Facultative Reinsurance Certificates Encompassed Both Loss Reimbursement and Expense Reimbursement

---

01.23.2015

Six Defenses to International Child Abduction

---

12.31.2014

New Year, New Disclosures

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12.22.2014

Proposed Anti-Inversion Regulations Would Affect Foreign Insurers

---

12.22.2014

Third Circuit Limits ERISA Fiduciary Liability

---

12.22.2014

Florida Courts Offer Different Opinions on "Policy Conditions"

---

12.22.2014

Life Insurer Settles Nationwide "Junk Fax" Class Actions

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12.22.2014

Florida Remains a Non-Member of The Interstate Insurance Product Regulation Commission

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12.22.2014

New York Law Governs STOLI Dispute In Texas

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12.22.2014

Will Any Matters Addressed at the NAIC's 2014 Fall National Meeting Reach the Playoffs?

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12.22.2014

New York's Late Notice Statute Leaves No-Prejudice Rule Intact for Out-of-State Policies

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12.22.2014

A Life Settlement Investment Shell Game?

---

12.22.2014

Suing for Bad Faith Gets a Little Easier in Florida

---

12.22.2014

Life Insurers Gain Ground in Legislative Fix

---

12.22.2014

Money Market Fund Reform Complicates Insurance Product Fund Offerings

---

12.17.2014

Minority Powerbrokers Q&A: Carlton Fields' Ann Black

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11.12.2014

Maryland Insurance Administration Prohibits Use of Price Optimization to Rate Property & Casualty Insurance Policies

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11.04.2014

Trick or Treat? Halloween Meeting of NAIC's Contingent Deferred Annuity Working Group

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10.27.2014

Treasury Department and IRS Allow Lifetime Annuity Contracts as Investments by Target Date Funds

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10.20.2014

National Union Prevails on \$40 Million Coblenz Enforcement Action in D&O Case

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10.08.2014

Florida Modifies Its Annuity Suitability Rule

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09.19.2014

NAIC Unclaimed Life Insurance Benefits Working Group Recommends Development of Model Law and Comment Letter to Uniform Law Commission

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09.17.2014

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09.16.2014

Louisiana Issues Advisory Letter Regarding Use of the Social Security Administration's Death Master File

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09.08.2014

Florida Proposes Rule for Annuity and Life Insurance Surrender Disclosures

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09.01.2014

Class Litigation of Lender-Placed Hazard Insurance

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08.08.2014

Florida Court Rejects "Date of Death" Trigger for Escheating Life Insurance Death Benefits Under Florida's Unclaimed Property Act

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07.08.2014

First Circuit Finds for Life Insurer in ERISA Class Action Challenging Retained Asset Accounts to Pay Life Insurance Benefits

---

06.12.2014

2014 Florida Post-Session Report Released

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05.21.2014

A Court May Not, under the Guise of Adjudicating a Breach of Contract Dispute, Stay an Arbitration Which Is in Process Based upon Complaints as to How the Arbitration Is Being Conducted

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04.17.2014

Considerations for Insurers in the Aftermath of the MetLife Consent Decree

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03.31.2014

Summary Judgment Victory for Life Insurer in Annuity Class Action

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03.31.2014

Federal Appellate Courts Address Stranger-Oriented Policies with Mixed Results

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03.31.2014

Seventh Circuit: Profit-Related Considerations OK in Setting COI Rates

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03.31.2014

Case Closed: No More Neasham

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03.31.2014

Spring Sprouts a Renewed Review by the NAIC

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Q&A With Carlton Fields' Steven Brodie

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Protecting Trade Secrets: Intersection of Florida's Public Records Laws and Regulatory Document Demands under the Florida Insurance Code

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Florida Enacts New Captive Insurance Law

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Confusion of Source

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12.31.1994

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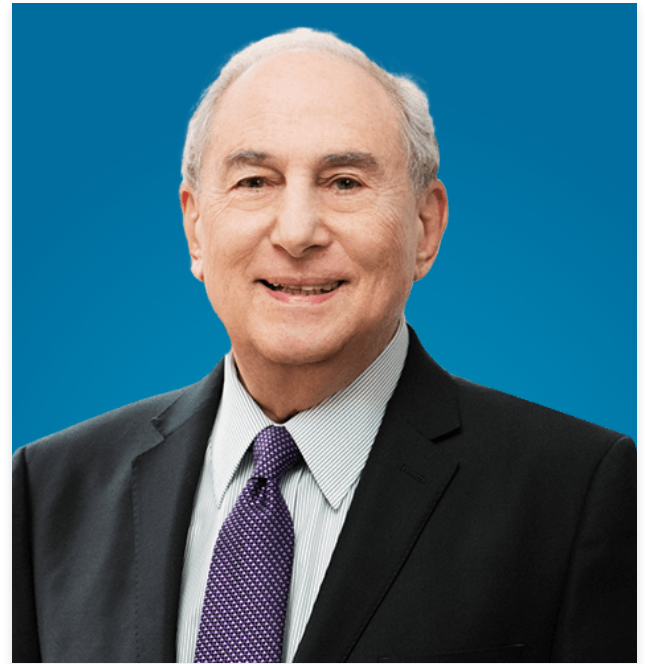
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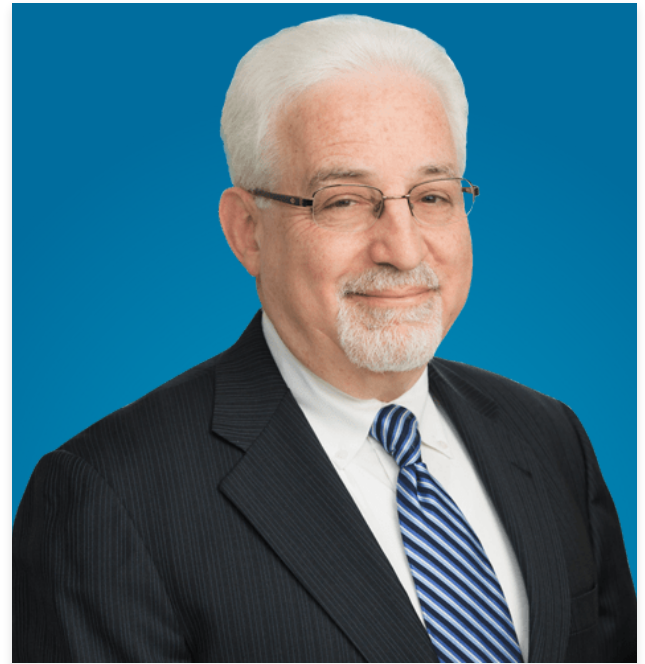
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## Related Capabilities

### Practices

- Cost of Insurance and Other Challenges to Non-Guaranteed Element Determinations
- Cyber Insurance Coverage Disputes
- Employee Benefits, Compensation & ERISA
- ERISA Employee Benefit Plan Litigation
- Financial Services Regulatory
- Litigation and Trials
- Sales Practices – Market Conduct Litigation
- Securities Litigation and Enforcement

### Industries

- Life, Annuity, and Retirement Solutions
- Health Care
- Property & Casualty Insurance
- Life, Annuity, and Retirement Solutions
- Securities & Investment Companies

- Pharmaceuticals and Medical Devices
- False Claims Act, Qui Tam, and Whistleblower Defense
- Digital and E-Commerce Engagement and Innovation
- Consumer Finance
- Insurtech
- Health Care
- Reinsurance
- Appellate & Trial Support
- Life, Annuity, and Retirement Solutions
- Class Actions