



Reported Decisions

Partell v. Lawyers Title Ins. Corp., No. 08-CV-166S, 2011 WL 4974730 (W.D.N.Y. Sept. 30, 2011). Dismissal of putative class action alleging violations of RESPA and New York General Business Law, and claims for money had and received, unjust enrichment and breach of implied contract, based on alleged overcharging for title insurance.

Corwin v. Lawyers Title Ins. Co., --- F. Supp. 2d ---, No. 09–13897, 2011 WL 3346824 (E.D. Mich. Aug. 1, 2011). Denial of class certification in putative statewide consumer class action against title insurance underwriter alleging overcharging for title insurance premiums.

Calbough v. Fidelity Nat'l Title Ins. Co., Case No. 05-6642 (Fla. 18th Judicial Cir. Ct. 2011). Order granting motion to abate, holding that “the reasons underlying the proposition that an insured may reject an insurer’s defense under a reservation of rights do not apply to an insurer’s right to establish an insured’s right of title.”

Chicago Title Ins. Co. v. Lerner, Case No. 05-6642 (S.D. Fla. 2010). Order denying motion to abate action for breach of personal undertaking against principals of bankrupt developer for failure to remove liens on insured property pending resolution of state court lien cases and holding that, absent the bankruptcy court’s extension of the automatic stay to principals, insurer’s action may proceed.

Macula v. Lawyers Title Ins. Co., 264 F.R.D. 307 (N.D. Ohio 2009). Denial of putative statewide consumer class action against title insurance underwriter alleging overcharging for title insurance premiums.

Hoving v. Lawyers Title Ins. Corp., No. 07-15322, 2009 WL 877690 (E.D. Mich. Mar. 30, 2009). Denial of class certification in putative multistate class action alleging overcharging for title insurance premiums.

Smith v. Lawyers Title Insurance Corp., No. 07-12124, 2009 WL 514210 (E.D. Mich. Mar. 2, 2009). Dismissal of putative multistate class action alleging violations of RESPA, unfair trade practices, and unjust enrichment based on alleged overcharging for title insurance.

Commonwealth Land Title Ins. Co. v. Higgins, 975 So. 2d 1169 (Fla. 1st DCA 2008). Reversal of class action discovery order requiring production of over 300,000 title agent closing files.

Hwang v. Junron Florida, Inc., 965 So. 2d 132 (Fla. 2d DCA 2007). Dismissal of action by buyer against title insurer and closing agent in “flip” transaction – affirmed on appeal.

©2012 Carlton Fields, PA. All rights reserved.

Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information purposes only and may not be quoted or referred to in any other publication or proceeding without the prior written consent of the Firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our “Contact Us” form, which can be found on our website at www.carltonfields.com. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship. The views set forth herein are the personal views of the author and do not necessarily reflect those of the Firm.



*Title Insurance Litigation
Reported Decisions*

Lehman Bros. Holdings, Inc. v. Hirota, 2007 WL 1471690, No. 8:06-CV-2030 (M.D. Fla. May 21, 2007). Dismissal of fraud, conspiracy and negligence claims against title insurer and closing agent on economic loss rule grounds.

Mickens v. Stewart Title Guaranty Co., 902 So. 2d 804 (Fla. 2d DCA 2005). Imposition of equitable lien after bench trial - affirmed on appeal.

Chicago Title Insurance Co., Inc. v. Alday-Donalson Title Co. of Florida, Inc., 832 So. 2d 810 (Fla. 2d DCA 2002). Summary judgment for title insurer in interference with contract action - affirmed on appeal.

Gulf Island Resort, L.P. v. Yale Mortgage Corp., 783 So. 2d 259 (Fla. 2d DCA 2001). Summary judgment for lender in challenge to validity of mortgage - affirmed on appeal.

Washington Enterprises v. DiMaria, 773 So. 2d 550 (Fla. 2d DCA 2000). Summary judgment recognizing priority of mortgage under equitable subrogation doctrine - affirmed on appeal.

Chicago Title Insurance Co. v. S. Clark Butler, 770 So. 2d 1210 (Fla. 2000). Adverse summary judgment finding anti-rebating statute for title agent's share of title insurance premium unconstitutional - affirmed on appeal.

For more information, please contact:

Mark A. Brown
mbrown@carltonfields.com
www.carltonfields.com/mbrown
813.229.4317

Marty J. Solomon
msolomon@carltonfields.com
www.carltonfields.com/msolomon
813.229.4238