



Julianna Thomas McCabe

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Overview

Julianna Thomas McCabe is a class action litigator and appellate lawyer with experience representing life insurance companies and other clients in the financial services industry. In addition to her work in insurance and financial services, she defends clients across a range of other industries in consumer class actions, where her expertise is nationally recognized. Julianna has defended complex cases in high-stakes litigation, including punitive damage and bad faith lawsuits in Florida, Mississippi, Arkansas, Oklahoma, Texas, West Virginia, Georgia, Illinois, Washington, California, and other venues. She has prepared briefs filed in the U.S. Supreme Court, several U.S. Courts of Appeals, and in various state supreme courts and intermediate appellate courts.

Julianna has represented clients at arbitration and has litigated the enforceability of contractual arbitration clauses under the Federal Arbitration Act. She has also mediated and settled numerous complex cases on behalf of the firm's financial services clients. Julianna is licensed to practice in all Florida state and federal courts and in the U.S. Court of Appeals for the Fifth, Sixth, Ninth, and Eleventh Circuits.

Experience

- *Transamerica Life Ins. Co. v. Slee*, 2020 WL 7872067 (W.D. Wash. Dec. 11, 2020), *report and recommendation adopted by*, 2021 WL 22614 (Jan. 4, 2021) – Summary judgment granted in favor of long-term care insurer in declaratory judgment action filed by insurer to resolve coverage dispute and bad faith claims of insured residents of assisted living facilities seeking to recover nursing home benefits.
- *Howisey v. Transamerica Life Ins. Co.*, No. 17-36045, 2019 WL 1375171 (9th Cir. Mar. 21, 2019). Affirming district court’s summary judgment prior to class certification in favor of insurer in putative class action alleging that assisted living facility care should be covered under the nursing home-only provisions of a long-term care insurance policy.
- *Howisey v. Transamerica Life Ins. Co.*, No. 2:17-cv-00009, 2017 WL 5900356 (W.D. Wash. Nov. 30, 2017). Granting final summary judgment prior to class certification in favor of insurer in putative class action alleging that assisted living facility care should be covered under the nursing home-only provisions of a long-term care insurance policy.
- *Lewis v. Knology, Inc.*, 799 S.E.2d 247 (Ga. Ct. App. 2017), *cert. denied*, (Ga. Sept. 13, 2017). Affirming trial court’s denial of plaintiff’s motion for national class certification in shareholder litigation alleging breaches of fiduciary duty in connection with corporate merger.
- *Crosby Valve, LLC v. Dep’t of Ins.*, 131 A.3d 1087 (Pa. Commw. Ct. 2016). Affirming insurance commissioner’s denial of motions to intervene filed by several policyholder objectors seeking to prevent the sale of several insurance companies.
- *Weller v. HSBC Fin. Corp.*, 187 F. Supp. 3d 1263 (D. Colo. 2016). Enforcing class action settlement against a class member attempting to relitigate claims related to lender-placed flood insurance in a Mississippi action, and enjoined the settlement class member from further pursuing released claims in the Mississippi action.
- *Griffin v. HSBC Mortg. Servs., Inc.*, No. 4:14-cv-00132, 2016 WL 1090578 (N.D. Miss. Mar. 18, 2016). Dismissing consumer claims asserted against insurer for breach of contract, breach of fiduciary duty, violations of federal RESPA statute, violations of Mississippi consumer protection statutes, and for an accounting.
- *Lyons v. Litton Loan Servicing, LP*, 158 F. Supp. 3d 211 (S.D.N.Y. 2016). Granting motion to dismiss consumer claims against insurer based on filed rate doctrine.
- *Clarizia v. Ocwen Fin. Corp.*, No. 1:13-cv-02907, 2016 WL 439018 (S.D.N.Y. Feb. 2, 2016). Granting motion to dismiss consumer claims against insurer based on filed-rate doctrine.
- *In re Knology, Inc.*, No. 12-cv-0564, 2015 WL 9666753 (Ga. Super. Ct. Dec. 3, 2015). Denying plaintiff’s motion for national class certification in case filed by former shareholders involving alleged breaches of fiduciary duty in connection with corporate merger.
- *Saccoccio v. JP Morgan Chase Bank, N.A.*, No. 1:13-cv-21107, 2013 WL 5585230 (S.D. Fla. Oct. 9, 2013). Denying motion to intervene filed by settlement class members in consumer class action resolved between consumers, lenders, and insurers.

- *Allianz Life Ins. Co. of N. Am. v. Cain*, No. 3:12-cv-00264, 2013 WL 3880217 (W.D.N.C. July 26, 2013). Entering permanent injunction prohibiting former life insurance agent from accessing or using life insurer's confidential information or soliciting insurer's customers.
- *Hunter v. Transamerica Life Ins. Co.*, No. 4:10-cv-04906, 2011 WL 4621111 (S.D. Tex. Sept. 27, 2011), *aff'd*, 498 F. App'x 430 (5th Cir. 2012). Affirming dismissal of national class action collaterally attacking prior class action settlement.
- *Transamerica Life Ins. Co. v. Moore*, 274 F.R.D. 602 (E.D. Ky. 2011). Denying insured's motion to compel the production of life insurer's confidential and attorney-client privileged information.
- *Hunter v. Runyan*, 382 S.W.3d 643 (Ark. Feb. 9, 2011), *cert. denied*, *Crager v. Runyan*, 565 U.S. 879 (2011). Affirming orders denying intervention by objecting class members to national class action settlement of contract and tort claims and dismissing appeal of objector who failed to successfully intervene.
- *Wright v. Life Inv'rs Ins. Co. of Am.*, No. 2:08-cv-00003, 2010 WL 481003 (N.D. Miss. Feb. 4, 2010). Denying insured's motion to compel production of insurer's confidential and privileged documents and rejecting alleged applicability of crime-fraud exception to the attorney-client privilege.
- *In re Life Inv'rs Ins. Co. of Am.*, 589 F.3d 319 (6th Cir. 2009). Reversing district court's order enjoining defendants from pursuing approval of national class action settlement in parallel state court litigation.
- *Pipes v. Life Inv'rs Ins. Co. of Am.*, 254 F.R.D. 544 (E.D. Ark. 2008); 711 F. Supp. 2d 964 (E.D. Ark. 2009). Class certification denied in case alleging breach of contract and bad faith; denying motion to intervene and to enjoin state court class action settlement filed by absent class member from parallel national class action.
- *Smith v. Life Inv'rs Ins. Co. of Am.*, No. 2:07-cv-00681, 2009 WL 3756913 (W.D. Pa. Nov. 6, 2009). Class certification denied in case alleging breach of contract, bad faith, and declaratory relief in relation to claims practices.
- *Adams v. S. Farm Bureau Life Ins. Co.*, 493 F.3d 1276 (11th Cir. 2007). Affirming district court finding that claims alleging, *inter alia*, fraud and breach of contract were barred by earlier class action settlement and release.

Areas of Focus

Practices

- [Banking, Commercial, and Consumer Finance](#)
- [Life, Annuity, and Retirement Solutions](#)
- [Litigation and Trials](#)
- [Securities Litigation and Enforcement](#)

Industries

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- [Consumer Finance](#)
- [Class Actions](#)

Insights

05.02.2022

[COVID-19 Class Action Heat Map Shows More Than 2,800 Pandemic-Related Putative Class Actions](#)

03.17.2022

[2022 Carlton Fields Class Action Survey Review - Class Action Trends and Best Practices](#)

02.24.2021

[Should Defendants Seek Stays of Class Actions Pending the Supreme Court's Upcoming Decision on Article III Standing for Absent Class Members?](#)

12.15.2020

[COVID-19 Class Actions Update](#)

07.06.2020

[From COVID-19 to Defense Strategies: The Latest Class Action Trends](#)

05.05.2020

[The Litigation Curve Does Not Flatten: COVID-19 Class Action Filings Approach 300](#)

05.05.2020

[Class Actions Against Colleges and Universities Demanding Reimbursement of Tuition and Fees: What Schools Need to Know to Be Prepared and Are Independent Schools Next?](#)

04.15.2020

COVID-19 Class Actions by State

04.14.2020

The Next Wave Crashes Ashore With a Rising Tide of 70 New COVID-19 Class Actions

04.13.2020

Policy Lapse Notice Claims on the Rise in California

08.13.2019

Labor and Employment Cases Top the Class Action List in Latest Carlton Fields Survey
Westlaw Journal Employment

05.29.2019

Companies Battle Rising Class Action Costs With Aggressive Management
Bloomberg Law

03.01.2019

Recent Developments in Business and Corporate Litigation, Class Actions Chapter (2019 Edition)

10.29.2018

Employers and Employees Look Ahead to Potential Impact of SCOTUS Rulings on Arbitrations vs Class Action Cases

04.23.2018

More Product Liability and Antitrust Class Actions, Rising Class Action Spending Among Trends in Latest Class Action Survey

03.13.2018

Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation

06.03.2016

CFPB Rule Will Ban Use of Arbitration Agreements to Block Class Actions

05.05.2016

CFPB Publishes Proposed Rule Banning Pre-Dispute Arbitration Agreements in Consumer Class Actions

03.22.2016

2016 Carlton Fields Class Action Survey Reveals Important Trends in Class Action Management

03.21.2016

2016 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation

12.23.2015

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

12.15.2015

Supreme Court Confirms Enforceability of Class Action Waivers

11.01.2015

Recent Developments in Appellate Advocacy

12.22.2014

Motions In Limine, Contemporaneous Objections, and the Need to Adequately Preserve the Record

10.01.2013

Recent Developments in Appellate Advocacy

12.31.2007

Chapter 3: Preemption, Handbook on ERISA Litigation

12.31.2002

Recent Developments in Credit Insurance Litigation: An Update

12.31.2001

Operating in the Sub-Prime Market: Ancillary Products Issues

04.30.2000

Fifteen Years After Weintraub: Who Controls the Individual's Attorney-Client Privilege in Bankruptcy

News

06.08.2021

U.S. Class Action Spending Reaches New High of \$2.9B; Companies Report Spike in Volume and Complexity of Matters, Survey Says

06.08.2021

Carlton Fields' 2021 Class Action Survey Findings Featured in Media

07.08.2020

2020 Carlton Fields Class Action Survey Findings Featured in Media

07.07.2020

U.S. Corporate Class Action Defense Spend Exceeds Projections, Survey Says

03.16.2020

Rising Wave of Data Privacy, Security Class Actions Threatens Insurers

10.21.2019

Carlton Fields' Julianna Thomas McCabe Discusses Class Action Trends in the Life Insurance Industry with Life Annuity Specialist

08.13.2019

Class Action and Labor & Employment Attorneys Publish Article in Westlaw Journal of Employment and Thomson Reuters: L&E Cases Top Class-action List in Latest Carlton Fields Class Action Survey

05.10.2019

Carlton Fields Defends Transamerica in Putative Class Action Involving Long-Term Care Insurance

04.22.2019

Carlton Fields' 2019 Class Action Survey Featured in Top Business and Legal Publications

04.16.2019

Carlton Fields Releases Annual Class Action Survey Results

04.12.2019

Carlton Fields Defends Transamerica Life Insurance Company in Putative Class Action Involving Long-Term Care Insurance

10.29.2018

Chair of Carlton Fields' National Class Actions Practice Quoted by CNBC on Upcoming SCOTUS Arbitration Rulings

06.12.2018

Carlton Fields' 2018 Class Action Survey Featured in Top Business and Legal Publications

06.12.2018

Carlton Fields' 2018 Class Action Survey Featured in Top Business and Legal Publications

04.24.2018

Rise in Class Action Defense Spending Continues for Third Consecutive Year

04.18.2018

Carlton Fields Class Action Survey Cited in The Intercept

07.16.2017

Class Action Survey Cited in The Mercury News

03.14.2017

Class Action Spending on the Rise

03.07.2017

Carlton Fields' 2017 Class Action Survey Featured in the Wall Street Journal Market Talk

03.06.2017

Class Action Defense Spending Increases for Second Consecutive Year

01.31.2017

Attorney: U.S. SC Review Of Arbitration Agreements to Impact Businesses

01.19.2017

SCOTUS To Decide Arbitration Issue

Recognition

- *JD Supra* Readers' Choice Award as a Top Firm for thought leadership in class actions for the *Carlton Fields Class Action Survey* and *Classified: The Class Action Blog* (2018)
- Most Effective Lawyers Award, Appellate, *Daily Business Review* (2017)
- Outstanding Contributor Award, Lawyers for Civil Justice (2016)
- Pro Bono Service Award, Dade County Bar Association (2009)
- Florida Rising Stars, *Super Lawyers Magazine* (2009)

Professional & Community Involvement

- American Bar Association
 - Section of Litigation
 - Tort Trial and Insurance Practice Section
 - Vice Chair, Appellate Advocacy Committee
 - Trial Techniques Committee

Speaking Engagements

- "2022 Carlton Fields Class Action Survey Results: Class Action Trends and Best Practices," Carlton Fields (March 15, 2022)

- "2021 Carlton Fields Class Action Survey Results," Carlton Fields and the National Bar Association Commercial Law Section (September 29, 2021)
- "The Long Reach of Class Actions: Trends in Class Action Litigation," New York State Bar Association Annual Meeting, New York, NY (January 2019)
- "Class Action Survey and Trends," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2017)
- "Recent Developments in Annuity and Life Insurance Litigation," Insured Retirement Institute Webinar, Washington, D.C. (May 2016)
- "Class Action Survey and Recent Developments," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2016)
- "2015 Carlton Fields Class Action Survey and Supreme Court and Rule 23 Update," Client Focus Forum, Boston, MA (October 2015)
- "Supreme Court and Rule 23 Update," Client Focus Forum, Newport Beach, CA (October 2015)
- ALI-CLE Conference on Life Insurance and Financial Services Litigation (2013)
- "Winning Strategies for Jury Instructions," ABA Tort Trial and Insurance Practice Section Annual Spring CLE and Leadership Forum (2011)
- "Punitive Damages After *Philip Morris USA v. Williams*," ABA Tort Trial and Insurance Practice Section and Section of Litigation (2007)
- "Silencing the Court: Judicial Impartiality v. Free Speech," A Mock Supreme Court Oral Argument, ABA Annual Meeting (2006)

Credentials

Education

- Boston University School of Law (J.D., magna cum laude, 2000)
- University of Connecticut (M.A., 1995)
- University of Akron (B.A., magna cum laude, 1993)

Bar Admissions

- Florida

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Nebraska
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Southern District of Texas