



Andrew Daechsel

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Overview

Andrew Daechsel is a litigator and counselor with a focus on the insurance industry. He is often called upon to represent insurers in connection with complex matters involving significant amounts in controversy. He represents insurers in lawsuits involving coverage disputes as well as allegations of bad faith and fraud. He also provides pre-suit coverage advice and serves as monitoring counsel for insurers. Andrew has experience representing both primary and excess insurers in matters involving a broad range of policies, including cyber, media, technology, directors and officers, professional liability, employment practices liability, commercial general liability, commercial property (including business interruption), and homeowners.

In addition to his work in the insurance industry, Andrew has represented clients in a variety of commercial litigation matters, including business disputes, financial services litigation, and patent litigation.

Experience

Insurance

- Obtained judgment on the pleadings for insurer in putative nationwide class action lawsuit seeking coverage under commercial property insurance policies for purported business interruption losses allegedly sustained in connection with the COVID-19 pandemic. *Cafe Int'l Holding Co. v. Westchester Surplus Lines Ins. Co.*, No. 1:20-cv-21641, 2021 WL 1803805 (S.D. Fla. May 4, 2021), *aff'd*, No. 21-11930, 2022 WL 1510441 (11th Cir. May 13, 2022).
- Obtained judgment on the pleadings for insurers in lawsuits seeking coverage under commercial property insurance policy for purported business interruption losses allegedly sustained in connection with the COVID-19 pandemic. *Walsh Haupt & Assocs., Inc. v. Westchester Surplus Lines Ins. Co.*, No. 2:21-cv-00265, ECF No. 46 (M.D. Fla. Mar. 4, 2022); *Ice House Pub, Inc. v. Westchester Surplus Lines Ins. Co.*, No. 2:21-cv-00264, 2021 WL 3169151 (M.D. Fla. July 26, 2021); *Fontainebleau Fla. Hotel LLC v. Westchester Surplus Lines Ins. Co.*, No. 2021-016874-CA-01 (Fla. Cir. Ct. June 25, 2023).
- Obtained dismissal with prejudice of lawsuit against insurers seeking coverage under commercial property insurance policy for purported business interruption losses allegedly sustained in connection with the COVID-19 pandemic. *AE Mgmt., LLC v. Ill. Union Ins. Co.*, No. 1:20-cv-22925, 2021 WL 827192 (S.D. Fla. Mar. 4, 2021).
- Obtained dismissal of lawsuit against insurer seeking coverage under employment practices liability policy based on plaintiffs' failure to comply with policy's pre-suit ADR provision. *Robinson v. Nat'l Union Fire Ins. Co. of Pittsburgh*, No. 9:19-cv-81584 (S.D. Fla. Dec. 20, 2019).

Other Industries

- Represented foreign alcoholic beverage distributor in contract dispute with foreign supplier.
- Represented cooking equipment company in patent infringement lawsuit against competitor.
- Represented four whistleblowers in qui tam lawsuit alleging for-profit university defrauded U.S. government out of hundreds of millions of dollars in student loan/grant funds.
- Represented mortgage loan servicer in appeals and state and federal court litigation involving alleged violations of consumer protection statutes and contested foreclosure matters.

Areas of Focus

Practices

- [Litigation and Trials](#)
- [Representations and Warranty Insurance](#)
- [Life, Annuity, and Retirement Litigation](#)
- [Insurance](#)

Industries

- [Property & Casualty Insurance](#)
- [Insurance](#)

Insights

12.20.2023

California Court Holds Intentional Acts Exclusion Bars Coverage for Shooting Claim Even Though Shooter Believed Gun Unloaded

09.08.2023

Alabama Federal Court Finds No Duty to Defend Lawsuit Alleging Concealment of Defects in Sale of Home

05.31.2023

Fifth Circuit Holds No Liability Coverage for Negligence Claim Premised on Allegations of Intentional Conduct

03.03.2023

Florida Appellate Court Affirms Work Product Protection for Insurer's Claim File

11.18.2022

Third Circuit Holds Assault or Battery Exclusion Bars Coverage for Sex Trafficking Claims

08.19.2022

Sixth Circuit Finds Unregistered Security Exclusion Bars Professional Liability Claim

03.25.2022

Illinois Appellate Court Finds No CGL Coverage for Defective Elevator Suit

12.23.2021

Sixth Circuit Finds No Coverage for Alleged Losses Related to COVID-19

07.02.2021

Insurer Prevails in First Substantive Appellate Ruling in COVID-19-Related Insurance Coverage Litigation

04.30.2021

No More Runway for Florida COVID-19 Insurance Coverage Lawsuit

01.22.2021

Florida Judges Find COVID-19 Does Not Cause Direct Physical Loss or Damage

11.20.2020

Florida Appellate Court Affirms Dismissal of First-Party Bad Faith Suit Based on Insured's Deficient Statutory Pre-Suit Notice

08.18.2020

Coverage Claim Bites the Dust: Seventh Circuit Finds No Coverage for \$50 Million Judgment Resulting From Dust Pollution Due to Known Claim and Expected or Intended Injury Exclusions

06.05.2020

Recent Developments in Property Insurance Coverage Litigation

Tort Trial & Insurance Practice Law Journal

05.22.2020

Two Early Rulings in Favor of Insurers in COVID-19 Insurance Coverage Litigation

05.13.2020

D&O Coverage for Coronavirus Claims

01.10.2020

Ohio Appellate Court Rejects Policyholder's Notice-Prejudice and Continuity of Coverage Arguments

09.24.2019

Appraise Away Says Florida's Fifth DCA

04.30.2019

Florida Legislature Passes Sweeping Assignment of Benefits Legislation

04.26.2019

Florida Legislature Passes Sweeping Assignment of Benefits Legislation

01.18.2019

Beware Of The Warranty – Second Circuit Relies On Terms Of Warranty, Not Policy, To Make Coverage De

06.27.2018

To Defend or Not to Defend? Northern District of Ohio Provides Guidance for Determining Whether to Defend an Arbitration

News

02.16.2024

Carlton Fields Shareholder Class Featured in Law360: “Carlton Fields Taps 12 for Shareholder Roles Across 7 Offices”

06.05.2020

Heidi Hudson Raschke and Andrew Daechsel Author Article in ABA Tort Trial & Insurance Practice Law Journal on Property Insurance Coverage Litigation

05.30.2018

Carlton Fields Adds Two Lawyers, Continues Growth of Property & Casualty Insurance Practice

Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Insurance Law (2021–2024)
- Florida Rising Stars, *Super Lawyers Magazine* (2023–2024)

Professional & Community Involvement

- Greater Miami Chamber of Commerce
 - Leadership Miami, Class XLII (2020–2021)

- United Way of Miami-Dade

Credentials

Education

- University of Florida Fredric G. Levin College of Law (J.D., cum laude, 2015)
 - Senior Managing Editor, *Florida Law Review*
- University of Florida (B.S., cum laude, 2012)

Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

Bar Admissions

- Florida

Background

- Associate, Wargo French LLP, Miami, FL (2015–2018)