

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

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Supreme Court to Settle Circuit Split on TCPA Autodialer Prohibitions

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

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

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

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

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

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

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

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Court Holds Insured vs. Insured Exclusion Unambiguous, Precluding Coverage

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

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Hot Topics in Cyber Coverage [PODCAST]

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

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Florida Modifies Its Annuity Suitability Rule

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

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Iowa Issues Bulletin on Index Annuity Marketing Materials

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

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

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Q&A With Carlton Fields' Steven Brodie

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Fourth Circuit Court of Appeals Puts Teeth into the "In Fact" Exclusions of a D&O Policy

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Federal court holds that “Single Loss” and retroactive date provisions precluded coverage for fraudulent scheme that began prior to retroactive date, despite insured's intention to seek damages for on

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Florida Supreme Court Declares Hospital Lien Law Unconstitutional Under Florida Constitution's Prohibitions Concerning Special Laws, But Upholds Local Ordinance With Same Effect As Law

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Florida Supreme Court Rejects Common Law First Party Bad Faith Cause of Action

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Georgia Court of Appeals Announces 'Safe Harbor' for Holt Demands and Unsatisfied Medical Liens

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Connecticut Cost of Insurance Legislation Voted Out of Committee

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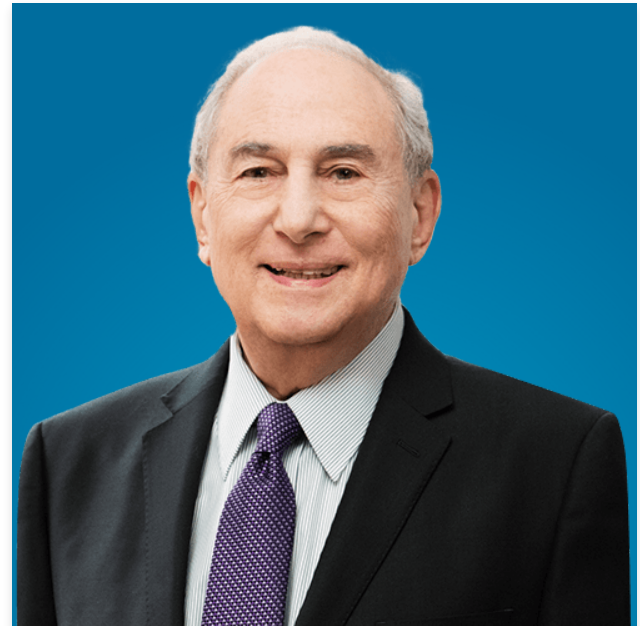


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