



# Daniel G. Enriquez

OF COUNSEL

MIAMI

305.539.7401

305.530.0055

CONNECT

denriquez@carltonfields.com

LinkedIn

## Overview

Daniel Enriquez is a litigator whose practice focuses on the insurance and financial services industries. He serves as coverage and monitoring counsel in complex insurance coverage matters including litigating claim disputes and analyzing coverage under cyber, media, technology, professional liability, general liability, and directors and officers policies. Daniel has assisted in drafting cyber, media and professional liability policies, and has spoken at leading cyber risk and information technology conferences.

In addition to his work in the insurance industry, Daniel has represented diverse client bases ranging from large institutional lenders and telecommunications companies to media personalities, and college football coaches. He is also involved in pro bono representation, having obtained a six-figure judgment in favor of a client who was the victim of excessive force at the hands of a police officer.

Daniel is a regular contributing writer to *PropertyCasualtyFocus*, the firm's blog focused on legal developments in property casualty insurance.

## Experience

- *ECB USA, Inc. v. Chubb Insurance Company of New Jersey*, 587 D.Supp.3d 1165 (S.D. Fla. Feb. 25, 2022). Obtaining summary judgment for insurer in \$4.8 million coverage case based on location of comma in policy and series-qualifier canon.

- *Ditech Fin. LLC v. AIG Specialty Ins. Co.*, No. 8:20-cv-00409, 2021 WL 4263330 (M.D. Fla. Sept. 20, 2021). Obtained summary judgment finding no coverage for \$24 million settlement between loan servicer and federal government because claim was first made before the policy period.
- *Office Depot, Inc. v. AIG Specialty Ins. Co.*, No. 2:15-cv-02416, 2019 WL 4570011 (C.D. Cal. June 21, 2019), *aff'd*, 829 F. App'x 263 (9th Cir. 2020). Won summary judgment on behalf of carrier against a claim for insurance coverage and indemnification with regard to a \$77.5 million settlement of a qui tam action under California's False Claims Act. Summary judgment was upheld after appeal to the Ninth Circuit.
- *PAMC Ltd. v. National Union Fire Insurance Co. of Pittsburgh*, No. 2:18-cv-06001, 2019 WL 2158229 (C.D. Cal. Apr. 12, 2019). Obtained dismissal of policyholder's claim for coverage of \$42 million False Claims Act settlement. Court found policyholder failed to provide timely notice.
- *Direct Gen. Ins. Co. v. Houston Cas. Ins. Co.*, 139 F. Supp. 3d 1306 (S.D. Fla. 2015), *aff'd*, 661 F. App'x 980 (11th Cir. 2016). Obtained judgment in favor of professional liability insurer on insured's \$10 million claim based on broad interpretation of "related claims" provision.
- *Windhaven Managers, Inc. v. Chartis Specialty Ins. Co.*, No. 8:14-cv-01808, 2014 WL 6674609 (M.D. Fla. Nov. 24, 2014). Obtained an order of dismissal with prejudice in favor of professional liability insurer in a coverage dispute in Southern District of Florida. The policyholder, an automobile insurer, sought coverage for a bad faith suit brought by one of its insureds. The coverage dispute involved whether a civil remedy notice of insurer violation constituted a bad faith claim in the context of a claims-made policy. The court found that the civil remedy notice — and not the later-filed bad faith suit — constituted the "claim first made" under the policy. Because this claim was first made before the policy period, the court found no coverage and dismissed the policyholder's complaint with prejudice.
- *Treece v. JPMorgan Chase Bank, N.A.*, No. 1:14-cv-22602, 2014 WL 7661506 (S.D. Fla. Oct. 31, 2014). Obtained an order of dismissal with prejudice in favor of lender-placed insurance provider. The plaintiff alleged that the lender-placed insurer had been unjustly enriched by its receipt of the premium for lender-placed insurance. The court held that the plaintiff's unjust enrichment claim against the insurer was legally deficient in light of the two written contracts governing the dispute — the mortgage and the insurance policy. Accordingly, the court dismissed the sole count levied against the insurer client.
- *Foley v. Wells Fargo Bank, N.A.*, No. 0:11-cv-62314, 2012 WL 4829124 (S.D. Fla. Sept. 28, 2012). Obtained verdict in favor of loan servicer in action brought under the Truth in Lending Act, 15 U.S.C. § 1641(g). The court found that the transfer of an assignment of mortgage to the servicer from Mortgage Electronic Registration Systems Inc. did not constitute a transfer of the "debt" and thus did not trigger any obligations under § 1641(g).
- *Mercado v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 215 So. 3d 67 (Fla. 3d DCA 2016). Denial of petition for writ of prohibition alleging lack of subject-matter jurisdiction.

## Areas of Focus

## Practices

- [Telephone Consumer Protection Act](#)
- [Life, Annuity, and Retirement Litigation](#)
- [Cyber Insurance Coverage Disputes](#)

## Industries

- [Property & Casualty Insurance](#)

## Insights

02.28.2020

Flooded: Court Finds “Named Windstorm” Coverage, and Not Flood Sublimit, Applies to Superstorm Sandy Water Damage Claim

---

09.18.2019

Florida Court Holds It Was “Miscarriage of Justice” to Deny Insurer Award of Appellate Fees

---

05.17.2019

Destination Arbitration: Court Holds Service-Of-Suit Clause Does Not Conflict With Policy’s Arbitration Requirement

---

02.25.2019

Court Finds No Coverage for \$42 Million False Claims Act Suit Due To Late Reporting

---

11.30.2018

Related Decisions: Three Recent Cases Emphasize Breadth of “Related Wrongful Acts”

---

07.06.2018

Defining ‘Logical Connection’: NC Federal Court Tackles ‘Related Claims’

---

11.03.2017

Ninth Circuit Confirms Privacy Exclusion Bars TCPA Claims

---

07.28.2017

“Arising” tide for insurers: 11th Circuit takes expansive view of Prior Acts Exclusion

---

03.31.2017

Blowing the Whistle on Willful Misconduct: California Court holds that False Claims Act Suits Are Uninsurable Due to Public Policy

---

06.13.2016

Court Finds that False Claims Act Suit Alleges Uninsurable “Willful Acts”

---

10.02.2015

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

---

01.12.2013

Fundamentals of Construction Law

---

## News

03.08.2021

Carlton Fields Attorneys Named to Leadership Council on Legal Diversity 2021 Fellows and Pathfinders Programs

---

05.01.2020

Carlton Fields Recognized as 2020 Top Firm for Insurance for Third Consecutive Year

---

02.25.2020

5 Carlton Fields Attorneys Elected to Shareholder

---

07.11.2019

Court Finds No Coverage for False Claims Act Suit

---

## Recognition

- *The Best Lawyers in America: Ones to Watch*, Insurance Law (2024)
- "[Court Finds No Coverage for \\$42 Million False Claims Act Suit Due To Late Reporting](#)" recognized as a Top Article in Healthcare by the 2020 *JD Supra* Readers' Choice Awards

# Professional & Community Involvement

- The Florida Bar
- Future Professional Liability Underwriting Society
  - Co-Chair, Southeast Chapter
- Leadership Council on Legal Diversity
  - Pathfinder (2016); Fellow (2021)

## Speaking Engagements

- "Trustee Luncheon: Impact of Property Insurance Legislation," Greater Miami Chamber of Commerce, Miami, FL (March 1, 2023)
- "Cyber Insurance InfoSec Requirements: What's changing?" ITEXPO (February 15, 2023)
- "Claims-Handling Duties as Primary and Excess Insurer- Tackling Time/Policy Limit Demands, Disclosures and Bad Faith Claims," Carlton Fields Client Presentation (January 25, 2023)
- "Building Your Privacy Program," The Master's Conference (January 24, 2023)
- "The Latest Cyber Threats and Coverage Issues," Carlton Fields Client Presentation (June 28, 2022)
- "Navigating Incident Response with the Uninsured," NetDiligence, Cyber Risk Summit (February 17, 2022)
- "We Need To Talk About Cyber Insurance," TitleNow PopUp Webinar (August 27, 2020)
- "Bitcoin, Blockchains, and Insurance Opportunities," Carlton Fields Client Presentation (September 26, 2019)
- "Ransomware: The Latest Threats and Efforts to Stem the Tide," Carlton Fields Client Presentation (September 27, 2021)
- "Recent Cases and Developments in Bad Faith Law From Across the Country," Carlton Fields (May 28, 2020)
- "Cybersecurity and Privacy Litigation and Enforcement in the COVID-19 Era," Carlton Fields (May 20, 2020)

## Pro Bono

- Obtained six-figure judgment under Civil Rights Act in favor of pro bono client alleging excessive force by a former police officer. The former police officer moved for summary judgment and argued that plaintiff's claims were barred by the doctrine of *Heck v. Humphrey*. The court denied the motion and, following the subsequent withdrawal of the officer's attorney, entered judgment in favor of the pro bono client. *Robert Taylor v. David Wright*, No. 11-14401 (S.D. Fla).

## Credentials

### Education

- Georgetown University Law Center (J.D., 2010)
- University of Florida (B.S., cum laude, 2007)

### Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida