

# Stephanie A. Fichera

SHAREHOLDER

MIAMI

305.347.6810

305.530.0055

CONNECT

sfichera@carltonfields.com

LinkedIn

## Overview

Stephanie Fichera's practice focuses on defending insurance carriers and financial services companies in class actions, complex civil litigation, and appeals in federal and state courts throughout the United States.

Stephanie represents life, annuity, and long-term care companies in litigation relating to sales practices and post-sale administration of insurance products, including actions involving breach of contract, fraud, bad faith, breach of fiduciary duty, statutory consumer protection, financial elder abuse, and RICO claims. She has handled interpleader actions and cases related to the payment of benefits under life insurance, annuity, and long-term care insurance contracts. Her experience also includes matters involving defamation, misappropriation of trade secrets, tortious interference, and wrongful termination claims by or against insurance sales agents, investment adviser representatives, and insurance company employees. Stephanie has defended financial services companies in industry arbitrations before the Financial Industry Regulatory Authority (FINRA). She also has experience representing insurance companies in wage and hour collective actions under the Fair Labor Standards Act (FLSA).

In addition to her work on behalf of life, annuity, and long-term care insurance carriers, Stephanie defends property and casualty insurers in class actions involving the construction of homeowners' policies, Florida's no-fault (PIP) statute, and the Medicare Secondary Payer Act.

## Experience

- Represented life insurer in FLSA misclassification action. *Yoder v. Fla. Farm Bureau*, No. 1:19-cv-00070, 2023 WL 3151107 (N.D. Fla. Apr. 28, 2023) (affirming summary judgment).
- Represented life insurance and annuity company in defamation and tortious interference action brought by former agent. *Hill v. Allianz Life Ins. Co. of N. Am.*, 51 F. Supp. 3d 1277 (M.D. Fla. 2014) (denying motion to remand); 2016 WL 872936 (M.D. Fla. Feb. 17, 2017) (granting summary judgment), *aff'd*, 693 F. App'x 855 (11th Cir. 2017); 2019 WL 932264 (M.D. Fla. Feb. 26, 2019) (awarding attorneys' fees to insurer).
- Represented long-term care insurer in putative class action disputing construction of policy rider. *Gelfound v. MetLife Ins. Co. of Conn.*, 313 F.R.D. 674 (S.D. Fla. 2016).
- Represented insurer in discovery dispute in declaratory judgment action relating to benefits payable under a supplemental cancer insurance policy. *Transamerica Life Ins. Co. v. Moore*, 274 F.R.D. 602 (E.D. Ky. 2011).
- Defended life insurance and annuity company in action involving a Florida statutory claim of financial elder abuse.

## Areas of Focus

### Practices

- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Appellate & Trial Support
- Financial Services Regulatory
- Class Actions

### Industries

- Property & Casualty Insurance
- Life, Annuity, and Retirement Solutions

## Insights

01.11.2024

Ringmaster's Review: Fall 2023 Litigation on Parade

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09.08.2022

Recent Developments in Life Insurance Litigation

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05.11.2022

DOL Stakes Out New Fiduciary Concept: Plaintiffs Would Uproot It

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09.03.2020

Life Industry Class Action Trends in the First Half of 2020

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04.09.2020

Price Gouging During the COVID-19 Pandemic: Armas v. Amazon Inc.

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04.08.2020

New Putative Class Action in South Florida Tackles COVID-19 Outbreak Head-On

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02.06.2020

Clarity on Application of California Usury Law: Insurers Not Subject to Compound Interest Limitations

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10.04.2019

Multiple Plaintiffs Take Shot at SEC Regulation Best Interest

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07.11.2019

Class Certification Denied in Universal Life “Risk Rates” Litigation

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04.04.2019

Life Insurer Permitted to Adjust Policy Proceeds Pursuant to Misstatement-of-Age Provision

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04.04.2019

Read Your Policy Carefully: UL Policy’s Plain Language Requires Dismissal of Putative Class Action Challenging Increased Premiums and COI Rates

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01.22.2019

Against the Wait: Failure to Object to Jury’s Award of Future Lost Wages Precludes Verdict Challenge

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05.03.2018

For Want Of A Deadline: Avoiding A Jurisdictional Pitfall

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11.14.2017

Taking a Toll: The Effect of Post-Judgment Motions on Appeal Deadlines

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08.15.2016

Post-Daimler: Are Non-U.S. Companies Safe from Suit in U.S. Courts? What if the Non-U.S. Parent Registers to Do Business in a State?

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06.01.2016

Seeing is Believing: Preserving Your Argument as to Audiovisual Evidence and Demonstrative Aids in the Courtroom

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03.25.2015

Morgan Stanley Agrees to Resolution of Multi-State Unclaimed Property Audit

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12.22.2014

Life Insurer Settles Nationwide "Junk Fax" Class Actions

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09.19.2014

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

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09.19.2014

Legislation Reforms California's Insurance Community Investment Program

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09.16.2014

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

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08.08.2014

Florida Court Rejects "Date of Death" Trigger for Escheating Life Insurance Death Benefits Under Florida's Unclaimed Property Act

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06.01.2014

Eleventh Circuit Report - Summer 2014

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03.31.2014

Unclaimed Property Round Up

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03.14.2014

NAIC's Newly Appointed Unclaimed Life Insurance Benefits Working Group Seeks Comments Before the Spring National Meeting

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03.05.2014

Department of Commerce Seeks Public Comment on Certification Program for Death Master File Access

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03.01.2014

Eleventh Circuit Report - Spring 2014

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01.31.2014

Recent STOLI Decisions Come to Different Conclusions

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01.03.2014

West Virginia Court Dismisses Lawsuits Challenging Life Insurers' Unclaimed Death Benefits Practices

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01.01.2014

Eleventh Circuit Report - Winter 2014

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12.01.2013

The Battle Over Unclaimed Life Insurance Benefits Continues to Expand and Evolve

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08.20.2013

Life Insurers Win Dismissal of Class Action Challenging Death Benefit Payment Practices

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06.30.2013

Third Circuit Affirms Denial of Disability Benefits

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04.02.2013

Staking Claims: Unclaimed Property Update Q1 2013

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01.28.2013

Hold the "Processes": N.Y.'s New Unclaimed Benefits Law May Be Changing

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## News

02.15.2018

Seven Carlton Fields Attorneys Elected to Shareholder

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## Recognition

- Florida Rising Stars, *Super Lawyers Magazine* (2021–2023)
- Most Effective Lawyers Award, Appellate, *Daily Business Review* (2017)
- Leadership Miami, Class of 2014–2015

## Professional & Community Involvement

- Association of Life Insurance Counsel
- American Bar Association
  - Tort Trial and Insurance Practice Section
    - Life Insurance Law Committee
      - Technology Vice Chair (2017–2019)
      - Chair (2016–2017)
      - Chair-Elect (2015–2016)
      - Vice Chair and Newsletter Editor (2013–2015)
- DRI
- Miami-Dade Bar

## Speaking Engagements

- “Stealing From Grandma – Hot Topics in Elder Abuse & Annuity Claims and Litigation,” ABA 44th Annual TIPS Midwinter Symposium on Insurance and Employee Benefits (January 12, 2018)
- “Class Action Issues in Life and Disability Insurance,” ABA 42nd Annual TIPS Midwinter Symposium on Insurance and Employee Benefits (January 15, 2016)

## Credentials

### Education

- University of Miami School of Law (J.D., magna cum laude, 2008)
  - Articles & Comments Editor, *University of Miami Law Review*
- Boston University (B.A., magna cum laude, 2005)

### Court Admissions

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

### Bar Admissions

- Florida