

# Heidi Hudson Raschke

SHAREHOLDER

TAMPA

813.229.4271

813.229.4133

CONNECT

hraschke@carltonfields.com

LinkedIn

## Overview

Heidi Raschke has spent her legal career representing commercial insurance clients in complex coverage disputes. She partners with her clients, developing close relationships with them, and enabling the collaboration that best serves their unique needs. Depending on the case or client, the approach could range from pre-litigation counseling, to alternative dispute resolution, through discovery, summary judgment, trial, and appeal. Heidi's goal is always to resolve disputes in an efficient and cost-effective manner. She has significant experience representing commercial insurers in sophisticated first-party property coverage matters and other complex coverage disputes involving directors and officers liability insurance, errors and omissions liability insurance, professional liability insurance, comprehensive general liability insurance, financial institution bonds, and bad faith litigation.

Heidi is an editor of the firm's *PropertyCasualtyFocus* blog, covering legal developments in the property-casualty industry, and the *Property Insurance Litigator's Handbook*, published by the American Bar Association. She devotes time to a variety of professional organizations, and regularly speaks and authors articles regarding the commercial insurance industry. She is a past chair of the ABA Tort Trial and Insurance Practice Section's Property Insurance Law Committee.

## Experience

**Property & Casualty and Specialty Lines Insurance Dispute and Coverage Experience**

Heidi Hudson Raschke acts as coverage counsel for, and litigates on behalf of, commercial insurers in matters involving many different lines of business, including property, directors and officers liability, errors and omissions liability, professional liability, employment practices liability, commercial general liability, representations and warranties insurance, financial institution bonds, cyber, business interruption, and pollution. She has substantial experience, at both the primary and excess layer, with traditional insurance coverage issues, as well as with both standard and unique exclusions or endorsements used in the industry.

She has represented and counseled insurers on many different types of claims, including property damage, business interruption losses, construction defect, third-party property damage, antitrust and statutory violations, environmental damage, product contamination, pollution, sexual/physical abuse, molestation and assault claims, personal and advertising injury claims, and bad faith exposure.

### **Representative Decisions and Engagements**

- Obtained judgment on the pleadings for insurer, ruling that directors and officers liability insurance policy did not provide coverage for claims, losses, or other damages in underlying antitrust multidistrict litigation, described as one of the largest antitrust class actions in the country, saving client's \$15 million of policy limit.
- 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.
- 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.
- 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.
- Trial counsel for insurers in \$53 million coverage dispute arising out of the construction of a high-end assisted living facility in Miami. General contractor sought coverage from owner's post-construction property insurers. Summary judgment for insurers affirmed by Eighth Circuit Court of Appeals.
- Obtained summary judgment in \$11 million coverage dispute involving builder's risk policy. Claim involved mold in a luxury condominium complex in South Florida. Affirmed by the Eleventh Circuit Court of Appeals.
- Part of trial team that obtained summary judgment resulting in dismissal of \$25 million property insurance claim; judge in the Northern District of Georgia issued insurer-favorable order upholding exclusion for flood coverage under "all risks" policy.
- Obtained summary judgment ruling for first-party property carrier based on insured's breach of condition precedent to coverage. Affirmed by the Florida Fourth District Court of Appeal.
- Trial counsel in first-party commercial property insurance coverage and bad faith dispute involving defective construction of multifamily apartment buildings in South Carolina.

- Represented boiler and machinery insurer in commercial arbitration against first-party property insurer regarding scope of coverage under respective policies.
- Represented first-party property insurer in multimillion-dollar dispute involving scope of coverage for claimed electronic data processing losses.
- First-chaired business litigation arbitration and obtained defense ruling for client in \$1 million contract dispute.

## Areas of Focus

### Practices

- [Cyber Insurance Coverage Disputes](#)
- [Insurance](#)
- [Litigation and Trials](#)

### Industries

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

## Insights

07.19.2023

New Attestation for Florida Residential Property Insurers

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02.02.2022

Property Insurance Litigator's Handbook, Third Edition

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09.08.2020

Defining Indemnity in the Context Of Actual Cash Value Calculations

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08.07.2020

DC Court Finds No Coverage for COVID-19 Losses Where Plaintiffs Could Not Show That Property Sustained Direct Physical Loss

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06.05.2020

Recent Developments in Property Insurance Coverage Litigation

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04.27.2020

COVID-19 Insurance Coverage Class Actions

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03.27.2020

Business Interrupted: Policyholders Seek to Avoid the “Direct Physical Loss or Damage” Requirement for Business Interruption Insurance in the Wake of the COVID-19 Pandemic

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03.24.2020

Coronavirus Coverage Conundrums

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05.02.2019

Tennessee Supreme Court Holds That Replacement Cost Less Depreciation Does Not Allow for Depreciation of Labor When Calculating Actual Cash Value of a Property Loss

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03.29.2019

Recent Developments in Property Insurance Coverage Litigation

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09.07.2018

Florida Court Enforces Condition on Post-Loss Assignment of Benefits, Creating Conflict Between District Courts of Appeal

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02.26.2018

Defining Indemnity in the Context Of Actual Cash Value Calculations

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12.04.2017

Florida Court Rejects Property Insurer’s Effort to Limit Assignment of Benefits

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10.06.2017

Georgia Federal Court Rules on Questions of Efficient Proximate Cause, Manifestation/Continuous Trigger and Pro Rata Allocation of Damages

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09.22.2017

Navigating Florida Property Coverage Waters After Hurricane Irma

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06.30.2017

WV Court Rules Earth Movement Exclusion Unambiguously Precludes Coverage Regardless of Whether Landslide Was a Man-Made or Naturally-Occurring Event

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04.21.2017

New York Court Upholds Suit Limitation Period, Ruling Appraisal is Not a Condition Precedent to Filing Suit

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10.12.2016

Post-Hurricane Matthew: Insurance Statutes and Regulations

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03.22.2016

Case Note: Coverage for Direct Physical Loss Does Not Necessarily Include 'Matching' or Require 'Aesthetic Uniformity

*Property Insurance Law Committee Newsletter*

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01.14.2015

Adding Sublimits To Coverage Extensions May Not Be Enough

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01.01.2015

Recent Developments in Property Insurance Law

*Tort Trial & Insurance Practice Law Journal*

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08.01.2013

Recent Developments in Property Insurance Coverage Litigation

*Tort Trial & Insurance Practice Law Journal*

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08.01.2012

Recent Developments in Property Insurance Coverage Litigation

*Tort Trial & Insurance Practice Law Journal*

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08.01.2011

Recent Developments in Property Insurance Law

*Tort Trial & Insurance Practice Law Journal*

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08.01.2010

The Valuation of Losses Under Builder's Risk Policies

*The Brief*

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06.03.2010

Sometimes, An Exclusion is Just an Exclusion

*Law360*

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04.01.2007

Discovery Ordered from Consulting (Non-Testifying) Expert

*Property Insurance Law Committee Newsletter*

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04.01.2007

No Replacement Cost Recovery if Property Not Replaced

*Property Insurance Law Committee Newsletter*

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04.01.2007

No Business Interruption in Absence of Total Cessation of Operations

*Property Insurance Law Committee Newsletter*

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## News

10.08.2021

Court Divide Deepens For Insurer's Labor Cost Battles

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09.08.2020

Heidi Hudson Raschke Authors Article on Insurance Indemnity and Actual Cash Value Contributions

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06.05.2020

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

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03.27.2019

Property & Casualty Attorney Heidi Hudson Raschke Quoted in Law360, Discusses Assignment of Benefits

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02.20.2017

Carlton Fields Promotes Tampa Attorney Heidi Hudson Raschke to Shareholder

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## Recognition

- *The Best Lawyers in America*, Insurance Litigation (2023–2024)

## Professional & Community Involvement

- American Bar Association
  - Tort Trial and Insurance Practice Section
    - Chair, Property Insurance Law Committee (2015–2016)
    - Chair-Elect, Property Insurance Law Committee (2014–2015)
    - Vice Chair, Property Insurance Law Committee (2010–2014)
- Leadership Tampa Bay, Class of 2016
- TGH Foundation Gala Committee
- The ArtReach Foundation Inc.
  - Board of Directors and Secretary (2010–2011)
- Savage Tree Arts Project
  - Board of Directors (2007–2008)

## Speaking Engagements

- "Reformation of Insurance Policies: Expanding or Reducing Coverage, Grounds for Relief, Defenses, Standards of Proof," Strafford Publications Inc. (March 14, 2023)
- "Supply Chain: Interrupted," Reinsurance Association of America (March 23, 2022)

- "Property Insurance: Loss Valuation and Avoiding Valuation Mistakes," Strafford Publications Inc. (March 2, 2021)
- "Advanced Depreciation of Labor," J.S. Held (January 12, 2021)
- "First Party Property Claims Issues Arising out of COVID-19," Reinsurance Association of America Re Claims 2020 Virtual Seminar (October 15, 2020)
- "COVID-19 Direct Insurance Issues," ARIAS-U.S. Spring Seminar (May 7, 2020)
- "COVID-19 Insurance Coverage Class Actions," Carlton Fields (April 27, 2020)
- "Depreciation of Labor," Verisk Elevate 2020 Conference, Salt Lake City, UT (February 11, 2020)
- "Depreciation of Labor in Property Insurance Claims: Guidance From Recent Cases," Advocating From Insurer and Policyholder Perspectives, Strafford Publications Inc. (October 30, 2019)
- "Building Valuation Challenges," Property and Liability Resource Bureau Claims Conference, Orlando, FL (April 17–18, 2018)
- "Emerging Issues – Assignment of Benefits," Reinsurance Association of America Claims Conference, New York, NY (October 13, 2017)
- "Adjusting Property Losses Involving Faulty Workmanship and Water Damage," Loss Executives Association Annual Meeting, Tampa, FL (January 26–27, 2017)
- "Using Experts to Prove or Disprove Exclusions in All-Risk Insurance Policies," ABA Property Insurance Law Committee Annual Spring CLE Meeting, Palm Beach Gardens, FL (May 18, 2013)
- "Property Insurance Case Update," Loss Executives Association Annual Meeting, Tampa, FL (January 19–20, 2012)
- "Valuation Provisions Under a Builder's Risk Policy," ABA Property Insurance Law Committee Annual Spring CLE Meeting, Austin, TX (May 15, 2009)
- "Ethics for Adjusters," PLRB/LIRB Central Regional Adjusters Conference, Des Moines, IA (September 9–10, 2008)
- Mock Mediation Demonstration for Lloyd's of London 30 Under 30 Tour, Atlanta, GA (May 8, 2007)

## Credentials

### Education

- Emory University School of Law (J.D., 2001)
- Florida State University (B.A., magna cum laude, 1996)

### Bar Admissions

- Florida

### 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
- U.S. District Court, Middle District of Georgia



- Georgia

- U.S. District Court, Northern District of Georgia