



Enrique D. Arana

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Overview

Enrique Arana's practice includes major litigation involving insurance companies and other financial institutions; reinsurance litigation and arbitration; commercial contract disputes; and constitutional, environmental, and land use law.

Enrique represents insurance carriers and financial institutions in a range of complex litigation matters in state and federal courts throughout the United States, including substantial class action litigation as well as reinsurance disputes. He has extensive experience in consumer fraud, sales practices, ERISA claims, high-exposure punitive damages, and appellate litigation. He also has extensive experience in First Amendment and other constitutional cases, local government land use disputes, and major environmental litigation.

Following law school graduation, Enrique clerked for the Honorable Kenneth L. Ryskamp of the U.S. District Court for the Southern District of Florida. Following his clerkship, Enrique joined Carlton Fields as an associate in the Miami office.

Experience

Sections 419 and 412(i) litigation experience:

- *In re Indianapolis Life Ins. Co. I.R.S. § 412(i) and § 419 Plans Life Ins. Mktg. Litig.*, 581 F. Supp. 2d 1364 (J.P.M.L. 2008) (successfully petitioned the MDL panel to establish this MDL proceeding in the Northern District of Texas for claims against Indianapolis Life relating to the design, sale, and marketing of Indianapolis Life insurance policies used to fund employee benefit plans under Sections 412(i) and 419 of the Internal Revenue Code).
- *Berry v. Indianapolis Life Ins. Co.*, 600 F. Supp. 2d 805 (N.D. Tex. 2009) (*Berry I*) (granting Indianapolis Life's motion to dismiss in § 412(i) class action).
- *Berry v. Indianapolis Life Ins. Co.*, 638 F. Supp. 2d 732 (N.D. Tex. 2009) (*Berry II*) (granting Indianapolis Life's motion to dismiss plaintiffs' fraud-based claims with prejudice in § 412(i) class action).
- *Berry v. Indianapolis Life Ins. Co.*, No. 3:08-cv-00248, 2009 WL 10677870 (N.D. Tex. Dec. 22, 2009) (*Berry III*) (granting Indianapolis Life's motion for

reconsideration and dismissing plaintiffs' remaining claim against Indianapolis Life with prejudice).

- *Paul v. Aviva Life & Annuity Co.*, No. 3:09-cv-01490, 2010 WL 5105925 (N.D. Tex. Dec. 14, 2010) (*Paul I*) (successful motion to dismiss plaintiffs' RICO and common law fraud-based complaint in § 419A(f)(6) and § 419(e) class action).
- *Paul v. Aviva Life & Annuity Co.*, No. 3:09-cv-01490, 2011 WL 2713649 (N.D. Tex. July 12, 2011) (*Paul II*) (successful motion to dismiss plaintiffs' RICO and common law fraud-based amended complaint with prejudice in § 419A(f)(6) and § 419(e) class action).
- *Paul v. Aviva Life & Annuity Co.*, 487 F. App'x 924 (5th Cir. 2012) (affirming district court's dismissal with prejudice in § 419A(f)(6) and § 419(e) class action).
- *Chau v. Aviva Life & Annuity Co.*, No. 3:09-cv-02305, 2011 WL 1990446 (N.D. Tex. May 20, 2011) (*Chau I*) (successful motion to dismiss plaintiffs' fraud-based claims in § 419 mass action).
- *Chau v. Aviva Life & Annuity Co.*, No. 3:09-cv-02305, 2011 WL 3156702 (N.D. Tex. July 25, 2011) (*Chau II*) (successful motion to dismiss fraud-based claims in plaintiffs' amended complaint in § 419 mass action with prejudice).
- *Chau v. Aviva Life & Annuity Co.*, No. 3:09-cv-02305, 2012 WL 6522150 (N.D. Tex. Dec. 14, 2012) (*Chau III*) (successful motion to dismiss plaintiffs' third amended complaint in § 419 mass action with prejudice).
- *Bhatia v. Indianapolis Life Ins. Co.*, No. 3:09-cv-01086, 2011 WL 3820825 (N.D. Tex. Aug. 29, 2011) (successful motion for judgment on the pleadings in § 412(i) action).
- *Ricupito v. Indianapolis Life Ins. Co.*, No. 3:09-cv-02389, 2011 WL 3820970 (N.D. Tex. Aug. 30, 2011) (successful summary judgment on plaintiffs' remaining breach of contract claim in § 412(i) and § 419 action).
- *Hildebrandt v. Indianapolis Life Ins. Co.* (secured voluntary dismissal based upon rulings in *Berry* case).
- *Zarella v. Pacific Life Ins. Co.*, 755 F. Supp. 2d 1218 (S.D. Fla. 2010) (*Zarella I*) (successful motion to dismiss plaintiffs' fraud-based claims in § 412(i) class action).
- *Zarella v. Pacific Life Ins. Co.*, 755 F. Supp. 2d 1231 (S.D. Fla. 2011) (*Zarella II*) (successful motion to dismiss plaintiffs' amended complaint in § 412(i) class action).
- *Zarella v. Pacific Life Ins. Co.*, 809 F. Supp. 2d 1357 (S.D. Fla. 2011) (*Zarella III*) (successful motion to dismiss fraud-based claims in plaintiffs' second amended complaint in § 412(i) class action).
- *Zarella v. Pacific Life Ins. Co.*, 820 F. Supp. 2d 1371 (S.D. Fla. 2011) (*Zarella IV*) (successful motion for summary judgment on plaintiffs' remaining breach of contract and California UCL claims in § 412(i) class action).
- *Zarella v. Pacific Life Ins. Co.*, 498 F. App'x 945 (11th Cir. 2012) (affirming district court's summary judgment).
- *Zarella v. Pacific Life Ins. Co.* (S.D. Fla.) (favorable resolution of plaintiffs' ERISA-based complaint in § 412(i) action).
- *Drilling Consultants, Inc. v. Pacific Life Ins. Co.*, 806 F. Supp. 2d 1228 (M.D. Fla. 2011) (granting motion to dismiss plaintiffs' claims for breach of contract, breach of fiduciary duty, and violations of California's CLRA and FAL).
- *Drilling Consultants, Inc. v. Pacific Life Ins. Co.*, No. 8:10-cv-02873, 2012 WL 3522607 (M.D. Fla. Aug. 14, 2012) (granting summary judgment with respect to

plaintiffs' breach of contract and negligent misrepresentation claims).

- *Espinosa v. Pacific Life Ins. Co.*, No. 1:07-cv-20936 (S.D. Fla. Oct. 15, 2008) (granting Pacific Life's motion to dismiss plaintiffs' complaint in § 412(i) action).
- *Denenberg v. Bankers Life Ins. Co. of N.Y.* (Supreme Court of the State of New York, County of New York) (the trial court dismissed all claims against Indianapolis Life and dismissed all claims against Bankers Life with the exception of plaintiff's claims for unjust enrichment, for deceptive practices under GBL § 349, and for false advertising under GBL § 350 in § 412(i) action; the appellate court dismissed the remaining unjust enrichment and GBL §§ 349 and 350 claims against Bankers Life).
- *Goldstein v. Bankers Life Ins. Co. of N.Y.* (Supreme Court of the State of New York, County of New York) (granting Bankers Life's motion to dismiss).
- *Kasos Inc. v. Bankers Life Ins. Co. of N.Y.* (Supreme Court of the State of New York, County of Delaware) (favorable resolution of § 412(i) action).
- *Sawaged v. Indianapolis Life Ins. Co.* (Superior Court of New Jersey, Essex County) (favorable resolution of § 412(i) action).
- *Elemuren v. Pacific Life Ins. Co.* (District Court of Dallas County, Texas) (favorable resolution of § 412(i) action).
- *Alonso v. Pacific Life Ins. Co.* (District Court of Dallas County, Texas) (favorable resolution of § 412(i) action).
- *Patel v. Pruco Life Ins. Co.* (192nd Judicial District of Dallas County, Texas) (successful resolution of § 419 action).
- *Patel v. Pruco Life Ins. Co.* (298th Judicial District of Dallas County, Texas) (successful resolution of § 419 action).
- *Genesis Specialty Tile & Accessories v. Aviva Life & Annuity Co.* (Superior Court of California, County of Sacramento) (successful resolution of § 419 action).
- *Narayan v. Pruco Life Ins. Co.* (Superior Court of State of California, County of Tulare) (successful resolution of § 419 action).
- *Getman v. Indianapolis Life Ins. Co.* (Chancery Court for Davidson County, Tennessee) (favorable resolution of § 419(e) action).
- *Kushnir v. Aviva Life & Annuity Co.* (E.D. Pa.) (granting Aviva's motion to dismiss plaintiffs' fraud-based claims in § 412(i) action).
- *Muse v. Aviva Life & Annuity Co.* (District Court of Oklahoma County, State of Oklahoma) (favorable resolution of § 412(i) action).

Other representative matters include:

- *Nation Motor Club, Inc. v. Stonebridge Cas. Ins. Co.*, No. 9:10-cv-81157 (S.D. Fla. 2014) (obtained a \$5.8 million jury verdict against reinsurer in connection with a tire loyalty rewards program insured by client).
- *Adams v. Stonebridge Cas. Ins. Co.*, No. 4:05-cv-00132 (M.D. Ga. 2009) (denying class certification in putative class action against insurer arising from insurer's alleged failure to refund unearned GAP insurance premiums to its insureds).
- *Madigan v. Prudential Annuities Life Assurance Corp.*, No. 2014-CA-005458-NC (Fla. Cir. Ct.) (counsel to Prudential in a suit alleging fraud, breach of contract, and Florida RICO claims relating to a variable life insurance policy and several variable annuities).

- *Breslow v. Prudential Ret. Ins. & Annuity Co.*, No. 0:16-cv-61821 (S.D. Fla.) (successful resolution of an ERISA breach of fiduciary duty claim).
- *Todorovic v. Hartford Life & Annuity Ins. Co.*, No. 5:17-cv-00157 (M.D. Fla.) (successful resolution of a breach of contract suit arising out of the rescission of a life insurance policy).
- *Lasky v. Stonebridge Life Ins. Co.*, No. 1:12-cv-20599 (S.D. Fla.) (successful resolution of a breach of contract suit arising out of the rescission of a life insurance policy).

All Insights

04.04.2019 UCL and Financial Elder Abuse Claims Against Life Insurer Are Time-Barred

11.14.2012 Recent Decisions in § 419 and § 412(i) Litigation

11.15.2011 Recent Decisions in § 412(i) and § 419 Litigation

04.30.2000 Jurisdiction in Cyberspace: The U.S.A. as Testing Ground

All News

10.12.2018 City of Fort Myers Reaches Settlement in Dispute Over Downtown Property; Agrees to Create “Legacy Island Park”

08.15.2017 78 Carlton Fields Attorneys Named “Best Lawyers in America”

Recognition

- Listed in *Florida Super Lawyers* as a "Rising Star" (2014-2016)
- Listed in *The Best Lawyers in America*, Commercial Litigation (2015-2020)

Professional & Community Involvement

- American Bar Association
- Dade County Bar Association

Speaking Engagements

- “Life, Annuity, and Retirement Litigation Update,” Client Focus Forum, Newport Beach, CA (October 2015).
- NAVA Government & Regulatory Affairs Conference (June 2009).
- NAVA Government & Regulatory Affairs Conference (June 2008).

Credentials

EDUCATION

COURT ADMISSIONS

- Harvard Law School (J.D., *cum laude*, 1998)
- University of Illinois (B.A., *cum laude*, 1994)

BAR ADMISSIONS

- Florida

- United States Supreme Court
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fifth Circuit
- 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

CLERKSHIPS

- Hon. Kenneth L. Ryskamp, U.S. District Court, Southern District of Florida

Background

- Law Clerk to the Honorable Kenneth L. Ryskamp, U.S. District Court, Southern District of Florida (1998-1999)

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Class Actions
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance