



# Stephanie A. Fichera

SHAREHOLDER

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## 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) and has experience in 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.

Stephanie is an editor of and contributor to *Expect Focus: Life, Annuity, and Retirement Solutions* and *Classified: The Class Action Blog*. She was an editor of the ABA TIPS Life Insurance Law Committee's newsletter from August 2013 to August 2015, and the Committee's chair from August 2016 to August 2017. As chair, Stephanie worked with other TIPS leaders in planning and developing programming for the 43rd Annual Midwinter Symposium on Insurance and Employee Benefits, a two-day CLE and networking program focusing on issues and trends in life, health, and disability insurance litigation and regulation and ERISA. Stephanie is currently the Life Insurance Law Committee's Technology Vice Chair.

## Experience

- 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 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 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.

## All Insights

09.03.2020	Life Industry Class Action Trends in the First Half of 2020
04.09.2020	Price Gouging During the COVID-19 Pandemic: <i>Armas v. Amazon Inc.</i>
04.08.2020	New Putative Class Action in South Florida Tackles COVID-19 Outbreak Head-On
02.06.2020	Clarity on Application of California Usury Law: Insurers Not Subject to Compound Interest Limitations
10.04.2019	Multiple Plaintiffs Take Shot at SEC Regulation Best Interest
07.11.2019	Class Certification Denied in Universal Life "Risk Rates" Litigation
04.04.2019	Life Insurer Permitted to Adjust Policy Proceeds Pursuant to Misstatement-of-Age Provision
04.04.2019	Read Your Policy Carefully: UL Policy's Plain Language Requires Dismissal of Putative Class Action Challenging Increased Premiums and COI Rates
01.22.2019	Against the Wait: Failure to Object to Jury's Award of Future Lost Wages Precludes Verdict Challenge
05.03.2018	For Want Of A Deadline: Avoiding A Jurisdictional Pitfall
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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09.18.2014 Legislation Reforms California's Insurance Community Investment Program

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09.15.2014 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
- 
- 08.20.2013 Life Insurers Win Dismissal of Class Action Challenging Death Benefit Payment Practices
- 
- 06.30.2013 Third Circuit Affirms Denial of Disability Benefits
- 
- 04.02.2013 Staking Claims: Unclaimed Property Update Q1 2013
- 
- 01.27.2013 Hold the "Processes": N.Y.'s New Unclaimed Benefits Law May Be Changing

### All News

- 02.15.2018 Seven Carlton Fields Attorneys Elected to Shareholder

### Recognition

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

### Professional & Community Involvement

- American Bar Association
  - Tort Trial and Insurance Practice Section
    - Life Insurance Law Committee
      - ▫ Technology Vice Chair (2017–present)
      - ▫ Chair (2016–2017)
      - ▫ Chair-Elect (2015–2016)
      - ▫ Vice Chair and Newsletter Editor (2013–2015)
- Association of Life Insurance Counsel
- Dade County Bar Association
- Defense Research Institute

### 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)
  - Best Casenote, University of Miami Law Review Writing Competition
  - 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
- Florida State Courts

### BAR ADMISSIONS

- Florida

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Class Actions
- Financial Elder Abuse
- Financial Services Regulatory
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance