



# Clifton R. Gruhn

SHAREHOLDER

MIAMI

P : 305.347.6990

F : 305.530.0055

CONNECT

cgruhn@carltonfields.com

## Overview

Cliff Gruhn's practice involves defending financial services institutions in complex litigation matters and class actions in federal and state courts throughout the United States.

Cliff litigates cases involving a variety of issues surrounding life, long-term care, and property-casualty insurance, including coverage disputes and bad faith allegations at both the trial and appellate levels. In addition, he litigates matters involving allegations of trade secrets, fraud, breach of contract, breach of fiduciary duty, and violations of federal statutes, including RICO, ERISA, RESPA, and the TCPA, as well as state statutes governing unfair trade practices, suitability, sales and marketing, and debt collection.

Cliff is regularly involved in complex motion practice, large-scale electronic discovery, and trial preparation, as well as client counseling to ensure compliance with federal and state statutes and regulations.

## Experience

- *PDVSA U.S. Litig. Trust v. Lukoil Pan Americas, LLC*, No. 1:18-cv-20818 (S.D. Fla. Mar. 8, 2019) (dismissing case alleging RICO and antitrust violations, as well as numerous other common law and statutory claims, based on purported bid-rigging and price-fixing involving international oil companies and banks).
- *Pruco Life Ins. Co. v. Baggs*, No. 3:16-cv-00206 (N.D. Fla. Aug. 29, 2017) (granting declaration of entitlement to rescind and reform life insurance policy based on material misrepresentations and misstatements in applications).
- *Epstein v. Transamerica Life Ins. Co.*, No. 2010-015515 (Fla. Cir. Ct. Mar. 6, 2017) (partially dismissing complaint alleging underpayment of benefits under health insurance policy).
- *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), *aff'd*, 693 F. App'x 855 (11th Cir. 2017) (granting summary judgment in defamation and tortious interference action brought by former agent of life insurance and annuity company); 2019 WL 932264 (M.D. Fla. Feb. 26, 2019) (awarding attorneys' fees

to insurer).

- *Patel v. Pruco Life Ins. Co.*, No. 1:16-cv-23520 (S.D. Fla. Dec. 5, 2016) (granting interpleader and awarding attorneys' fees in favor of insurer).
- *Direct Gen. Ins. Co. v. Houston Cas. Co.*, 139 F. Supp. 3d 1306 (S.D. Fla. 2015), *aff'd*, 661 F. App'x 980 (11th Cir. 2016) (granting final summary judgment in favor of professional liability insurance carriers based on broad interpretation of "related claims" provision).
- *Office Depot, Inc. v. AIG Specialty Ins. Co.*, No. 2:15-cv-02416, 2016 WL 6106408 (C.D. Cal. June 6, 2016) (granting judgment in favor of media liability insurer holding that insurer had no duty to reimburse \$15 million in defense expenses or to indemnify \$77.5 million settlement of a whistleblower suit; court found that Section 533 of the California Insurance Code precluded any duty to defend or indemnify the qui tam lawsuit alleging violations of the California False Claims Act).
- *Eisenberg Dev. Corp. v. City of Miami Beach*, 95 F. Supp. 3d 1376 (S.D. Fla. 2015) (finding entitlement to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1927, Federal Rule of Civil Procedure 11, and the court's inherent authority after obtaining final summary judgment).
- *Club Madonna, Inc. v. City of Miami Beach*, No. 1:13-cv-23762, 2015 WL 5559894 (S.D. Fla. Sept. 22, 2015) (awarding more than \$100,000 in attorneys' fees under 42 U.S.C. § 1988).
- *Mann v. Unum Life Ins. Co. of Am.*, 129 So. 3d 895 (Fla. 2d DCA 2014) (affirming dismissal with prejudice in favor of defendant in statewide class action regarding long-term care insurance rate setting).
- *Doe v. Ejercito De Liberacion Nacional*, No. 1:10-cv-21517 (S.D. Fla. Aug. 11, 2014) (report and recommendation to dissolve writ of garnishment seeking to garnish cash value of whole life insurance policy), *withdrawn following settlement* (S.D. Fla. Sept. 17, 2014) (recommending award of attorneys' fees incurred by insurer in defending writ of garnishment proceedings), *adopting report and recommendation* (S.D. Fla. Oct. 14, 2014).
- *Allianz Life Ins. Co. of N. Am. v. Cain*, No. 3:12-cv-00264, 2013 WL 3880217 (W.D.N.C. July 26, 2013) (granting motion for entry of temporary restraining order).
- *Hunter v. Transamerica Life Ins. Co.*, No. 4:10-cv-04906, 2011 WL 4621111 (S.D. Tex. Sept. 27, 2011) (dismissing national class action collaterally attacking prior class action settlement), *aff'd* 498 F. App'x 430 (5th Cir. 2012).
- *Landon v. Orange Clothing Co.*, No. 10-20310 (Fla. Cir. Ct. Aug. 8, 2012) (granting final default judgment as sanction for discovery misconduct in action alleging misappropriation of funds from business).
- *Baba Lodging LLC v. Wyndham Worldwide Operations, Inc.*, No. 5:10-cv-01750, 2011 WL 1598910 (W.D. La. Apr. 26, 2011) (dismissing case against client due to lack of personal jurisdiction because defendant was not joint venturer with co-defendant and passive website was insufficient for exercise of personal jurisdiction).
- *Global Towers, LLC v. Telecom Rentals, Inc.*, No. 10-80726 (S.D. Fla.) (obtained voluntary dismissal of action alleging breach of contract concerning sale of wireless communications towers after filing or motion to dismiss).

## All Insights

07.11.2019	Proposed Revisions to ASOP 2 May Impact Your Product Pricing and Litigation Exposure
10.17.2018	Inexperienced Class Counsel Stalls Class Certification While Defendants Attempt to Employ EEOC Conci
10.16.2018	Court Denies Class Certification Based on Judicial Estoppel
10.01.2018	Classified: The Class Action Blog Editor
06.21.2018	No Refund For You! Voluntary Payment Defense Precludes Class Certification in Florida Red Light Came
06.14.2018	District Court Denies Motion for Preliminary Approval of Class Action Settlement Citing Dearth of Information and Failure to Follow Court's Settlement Guidelines
05.24.2018	Food for Thought: A Review of 2017 Litigation
05.14.2018	Supreme Court to Determine Whether An Arbitration Clause Must Explicitly Authorize Class-wide Arbitration
02.20.2018	Conflict of Interest Renders Spouse of Former Class Counsel Inadequate Class Representative
01.30.2018	Second Circuit Reiterates: Defendants Must Satisfy Burden of Persuasion Through a Preponderance of the Evidence to Rebut Basic Presumption in Securities Fraud Class Actions
12.21.2017	Putative Class Member's Spoliation of Evidence Disqualifies Him as a Class Representative
08.10.2017	Fifth Circuit Vacates Settlement Approval in ERISA Class Action, Remanding With Instructions to Reexamine the Legitimacy of Promised Future Payments
05.30.2017	Dish Network Liable for \$61 Million After North Carolina District Court Trebles Damages in TCPA Clas
05.18.2017	District Court Denies Certification of Nationwide Class, Finding Individual Retail Stores' Alleged Failures to Follow Internal Policies Not Suitable for Class Relief

- 04.18.2017 2017 Carlton Fields Class Action Survey Highlights
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- 03.24.2017 Play Ball! California Federal Court Reconsiders Order Denying Minor League Baseball Players' Motion For Class Certification
- 
- 03.24.2017 Two Second Circuit Cases, Two Applications of Campbell-Ewald, Two Different Results, Three Weeks Apart
- 
- 02.22.2017 Third Circuit Affirms Denial of Class Certification Because Expert's Exclusion of Relevant Data From Analysis of Classwide Antitrust Impact Precluded a Finding of Predominance
- 
- 01.17.2017 Ninth Circuit Parses "Administrative Feasibility" and "Ascertainability" – Refuses to Acknowledge Either as a Prerequisite to Class Certification
- 
- 01.06.2017 State Law Prohibiting Class Actions Does Not Preclude Court From Maintaining Certification and Approving Settlement Agreement
- 
- 01.04.2017 Ninth Circuit Denies Rehearing En Banc, Requires Ex-Uber Drivers to Arbitrate Claims Individually
- 
- 09.02.2016 Adding to Circuit Split, Divided Ninth Circuit Finds Concerted Action Waiver in Ernst & Young's Employment Agreement Unenforceable Under NLRA
- 
- 07.06.2016 Declined: Second Circuit Panel Shreds Visa and MasterCard Antitrust Settlement
- 
- 07.06.2016 Court Orders Additional Notice to Class Regarding Counsel's Request for Fees Based on Work Performed Following Initial Fee Award
- 
- 03.29.2016 Questions About Delivery Drivers' Employee/Independent Contractor Status Preclude Commonality and P
- 
- 06.01.2013 LTC Insurance Update: Failure to Pay Claims a Form of Elder Abuse?
- All News**
- 12.07.2018 Carlton Fields Receives 2018 Lawyers for Children America Pro Bono Law Firm Award
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- 02.15.2018 Seven Carlton Fields Attorneys Elected to Shareholder

## Recognition

- Recognized by the Cuban American Bar Association for Outstanding Service and Dedication to the CABA Pro Bono Project

## Professional & Community Involvement

- American Bar Association
- Dade County Bar Association

## Pro Bono

- Frequently represents minors in dependency proceedings.

## Credentials

### EDUCATION

- University of Miami School of Law (J.D., *magna cum laude*, 2009)
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- Bellevue University (B.S., 2006)

### BAR ADMISSIONS

- Florida

### COURT ADMISSIONS

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

## Background

- Judicial Intern to the Honorable Linda Ann Wells, Florida Third District Court of Appeal

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Class Actions
- ERISA Employee Benefit Plan Litigation
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance
- Real Property Litigation

### INDUSTRIES

- Banking, Commercial, and Consumer Finance

