



# Julianna Thomas McCabe

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## Overview

Julianna Thomas McCabe is a class action litigator and appellate lawyer with experience representing life insurance companies and other clients in the financial services industry. In addition to her work in insurance and financial services, she defends clients across a range of other industries in consumer class actions, where her expertise is nationally recognized. Julianna has defended complex cases in high-stakes litigation, including punitive damage and bad faith lawsuits in Florida, Mississippi, Arkansas, Oklahoma, Texas, West Virginia, Georgia, Illinois, Washington, California, and other venues. She has prepared briefs filed in the U.S. Supreme Court, several U.S. Courts of Appeals, and in various state supreme courts and intermediate appellate courts.

Julianna has represented clients at arbitration and has litigated the enforceability of contractual arbitration clauses under the Federal Arbitration Act. She has also mediated and settled numerous complex cases on behalf of the firm's financial services clients. Julianna is licensed to practice in all Florida state and federal courts and in the U.S. Court of Appeals for the Fifth, Sixth, Ninth, and Eleventh Circuits.

Julianna is the chair of the firm's National Class Actions Practice.

## Experience

- *Transamerica Life Ins. Co. v. Slee*, 2020 WL 7872067 (W.D. Wash. Dec. 11, 2020), *report and recommendation adopted by*, 2021 WL 22614 (Jan. 4, 2021) – Summary judgment granted in favor of long-term care insurer in declaratory judgment action filed by insurer to resolve coverage dispute and bad faith claims of insured residents of assisted living facilities seeking to recover nursing home benefits.
- *Howisey v. Transamerica Life Ins. Co.*, No. 17-36045, 2019 WL 1375171 (9th Cir. Mar. 21, 2019). Affirming district court's summary judgment prior to class certification in favor of insurer in putative class action alleging that assisted living facility care should be covered under the nursing home-only provisions of a long-term care insurance policy.
- *Howisey v. Transamerica Life Ins. Co.*, No. 2:17-cv-00009, 2017 WL 5900356 (W.D. Wash. Nov. 30, 2017). Granting final summary judgment prior to class certification in favor of insurer in putative class action

alleging that assisted living facility care should be covered under the nursing home-only provisions of a long-term care insurance policy.

- *Lewis v. Knology, Inc.*, 799 S.E.2d 247 (Ga. Ct. App. 2017), *cert. denied*, (Ga. Sept. 13, 2017). Affirming trial court's denial of plaintiff's motion for national class certification in shareholder litigation alleging breaches of fiduciary duty in connection with corporate merger.
- *Crosby Valve, LLC v. Dep't of Ins.*, 131 A.3d 1087 (Pa. Commw. Ct. 2016). Affirming insurance commissioner's denial of motions to intervene filed by several policyholder objectors seeking to prevent the sale of several insurance companies.
- *Weller v. HSBC Fin. Corp.*, 187 F. Supp. 3d 1263 (D. Colo. 2016). Enforcing class action settlement against a class member attempting to relitigate claims related to lender-placed flood insurance in a Mississippi action, and enjoined the settlement class member from further pursuing released claims in the Mississippi action.
- *Griffin v. HSBC Mortg. Servs., Inc.*, No. 4:14-cv-00132, 2016 WL 1090578 (N.D. Miss. Mar. 18, 2016). Dismissing consumer claims asserted against insurer for breach of contract, breach of fiduciary duty, violations of federal RESPA statute, violations of Mississippi consumer protection statutes, and for an accounting.
- *Lyons v. Litton Loan Servicing, LP*, 158 F. Supp. 3d 211 (S.D.N.Y. 2016). Granting motion to dismiss consumer claims against insurer based on filed rate doctrine.
- *Clarizia v. Ocwen Fin. Corp.*, No. 1:13-cv-02907, 2016 WL 439018 (S.D.N.Y. Feb. 2, 2016). Granting motion to dismiss consumer claims against insurer based on filed-rate doctrine.
- *In re Knology, Inc.*, No. 12-cv-0564, 2015 WL 9666753 (Ga. Super. Ct. Dec. 3, 2015). Denying plaintiff's motion for national class certification in case filed by former shareholders involving alleged breaches of fiduciary duty in connection with corporate merger.
- *Saccoccio v. JP Morgan Chase Bank, N.A.*, No. 1:13-cv-21107, 2013 WL 5585230 (S.D. Fla. Oct. 9, 2013). Denying motion to intervene filed by settlement class members in consumer class action resolved between consumers, lenders, and insurers.
- *Allianz Life Ins. Co. of N. Am. v. Cain*, No. 3:12-cv-00264, 2013 WL 3880217 (W.D.N.C. July 26, 2013). Entering permanent injunction prohibiting former life insurance agent from accessing or using life insurer's confidential information or soliciting insurer's customers.
- *Hunter v. Transamerica Life Ins. Co.*, No. 4:10-cv-04906, 2011 WL 4621111 (S.D. Tex. Sept. 27, 2011), *aff'd*, 498 F. App'x 430 (5th Cir. 2012). Affirming dismissal of national class action collaterally attacking prior class action settlement.
- *Transamerica Life Ins. Co. v. Moore*, 274 F.R.D. 602 (E.D. Ky. 2011). Denying insured's motion to compel the production of life insurer's confidential and attorney-client privileged information.
- *Hunter v. Runyan*, 382 S.W.3d 643 (Ark. Feb. 9, 2011), *cert. denied*, *Crager v. Runyan*, 565 U.S. 879 (2011). Affirming orders denying intervention by objecting class members to national class action settlement of contract and tort claims and dismissing appeal of objector who failed to successfully intervene.
- *Wright v. Life Inv'rs Ins. Co. of Am.*, No. 2:08-cv-00003, 2010 WL 481003

(N.D. Miss. Feb. 4, 2010). Denying insured's motion to compel production of insurer's confidential and privileged documents and rejecting alleged applicability of crime-fraud exception to the attorney-client privilege.

- *In re Life Inv'rs Ins. Co. of Am.*, 589 F.3d 319 (6th Cir. 2009). Reversing district court's order enjoining defendants from pursuing approval of national class action settlement in parallel state court litigation.
- *Pipes v. Life Inv'rs Ins. Co. of Am.*, 254 F.R.D. 544 (E.D. Ark. 2008); 711 F. Supp. 2d 964 (E.D. Ark. 2009). Class certification denied in case alleging breach of contract and bad faith; denying motion to intervene and to enjoin state court class action settlement filed by absent class member from parallel national class action.
- *Smith v. Life Inv'rs Ins. Co. of Am.*, No. 2:07-cv-00681, 2009 WL 3756913 (W.D. Pa. Nov. 6, 2009). Class certification denied in case alleging breach of contract, bad faith, and declaratory relief in relation to claims practices.
- *Adams v. S. Farm Bureau Life Ins. Co.*, 493 F.3d 1276 (11th Cir. 2007). Affirming district court finding that claims alleging, *inter alia*, fraud and breach of contract were barred by earlier class action settlement and release.

## All Insights

12.15.2020 COVID-19 Class Actions Update

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07.06.2020 From COVID-19 to Defense Strategies: The Latest Class Action Trends

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05.05.2020 The Litigation Curve Does Not Flatten: COVID-19 Class Action Filings Approach 300

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05.05.2020 Class Actions Against Colleges and Universities Demanding Reimbursement of Tuition and Fees: What Schools Need to Know to Be Prepared and Are Independent Schools Next?

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04.14.2020 COVID-19 Class Actions by State

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04.14.2020 The Next Wave Crashes Ashore With a Rising Tide of 70 New COVID-19 Class Actions

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04.13.2020 Policy Lapse Notice Claims on the Rise in California

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08.13.2019 Labor and Employment Cases Top the Class Action List in Latest Carlton Fields Survey  
*Westlaw Journal Employment*

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05.29.2019 Companies Battle Rising Class Action Costs With Aggressive Management  
*Bloomberg Law*

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05.10.2019	Carlton Fields Defends Transamerica in Putative Class Action Involving Long-Term Care Insurance
03.01.2019	Recent Developments in Business and Corporate Litigation, Class Actions Chapter (2019 Edition)
10.29.2018	Employers and Employees Look Ahead to Potential Impact of SCOTUS Rulings on Arbitrations vs Class Action Cases
04.23.2018	More Product Liability and Antitrust Class Actions, Rising Class Action Spending Among Trends in Latest Class Action Survey
03.13.2018	Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
01.14.2017	SCOTUS to Determine Enforceability of Class Action Waivers in Employment Contract Arbitration Clause
06.03.2016	CFPB Rule Will Ban Use of Arbitration Agreements to Block Class Actions
05.06.2016	CFPB Publishes Proposed Rule Banning Pre-Dispute Arbitration Agreements in Consumer Class Actions
05.04.2016	CFPB Publishes Proposed Rule Banning Pre-Dispute Arbitration Agreements in Consumer Class Actions
03.22.2016	2016 Carlton Fields Class Action Survey Reveals Important Trends in Class Action Management
03.21.2016	2016 Class Action Survey: Best Practices in Reducing Cost and Managing Risk in Class Action Litigation
12.23.2015	The More the Merrier: Court Rejects Waiver Argument, Enforces Arbitration Clause in Consumer Contract
12.14.2015	Supreme Court Confirms Enforceability of Class Action Waivers
11.01.2015	Recent Developments in Appellate Advocacy
12.22.2014	Motions In Limine, Contemporaneous Objections, and the Need to Adequately Preserve the Record
10.01.2013	Recent Developments in Appellate Advocacy

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- 12.31.2007 Chapter 3: Preemption, Handbook on ERISA Litigation
- 
- 12.31.2002 Recent Developments in Credit Insurance Litigation: An Update
- 
- 12.31.2001 Operating in the Sub-Prime Market: Ancillary Products Issues
- 
- 04.30.2000 Fifteen Years After Weintraub: Who Controls the Individual's Attorney-Client Privilege in Bankruptcy

### **All News**

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- 07.08.2020 2020 Carlton Fields Class Action Survey Findings Featured in Media
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- 07.07.2020 U.S. Corporate Class Action Defense Spend Exceeds Projections, Survey Says
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- 03.16.2020 Rising Wave of Data Privacy, Security Class Actions Threatens Insurers
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- 10.21.2019 Carlton Fields' Julianna Thomas McCabe Discusses Class Action Trends in the Life Insurance Industry with Life Annuity Specialist
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- 08.13.2019 Class Action and Labor & Employment Attorneys Publish Article in Westlaw Journal of Employment and Thomson Reuters: L&E Cases Top Class-action List in Latest Carlton Fields Class Action Survey
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- 07.10.2019 Recent Developments in Appellate Advocacy
- 
- 04.22.2019 Carlton Fields' 2019 Class Action Survey Featured in Top Business and Legal Publications
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- 04.16.2019 Carlton Fields Releases Annual Class Action Survey Results
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- 04.12.2019 Carlton Fields Defends Transamerica Life Insurance Company in Putative Class Action Involving Long-Term Care Insurance
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- 10.29.2018 Chair of Carlton Fields' National Class Actions Practice Quoted by CNBC on Upcoming SCOTUS Arbitration Rulings
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- 06.12.2018 Carlton Fields' 2018 Class Action Survey Featured in Top Business and Legal Publications
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04.24.2018	Rise in Class Action Defense Spending Continues for Third Consecutive Year
04.18.2018	Carlton Fields Class Action Survey Cited in The Intercept
07.16.2017	Class Action Survey Cited in The Mercury News
03.14.2017	Class Action Spending on the Rise
03.07.2017	Carlton Fields' 2017 Class Action Survey Featured in the Wall Street Journal Market Talk
03.06.2017	Class Action Defense Spending Increases for Second Consecutive Year
01.31.2017	Attorney: U.S. SC Review Of Arbitration Agreements to Impact Businesses
01.19.2017	SCOTUS To Decide Arbitration Issue

## Recognition

- *JD Supra* Readers' Choice Award as a Top Firm for thought leadership in class actions for the *Carlton Fields Class Action Survey* and *Classified: The Class Action Blog* (2018)
- Most Effective Lawyers Award, Appellate, *Daily Business Review* (2017)
- Outstanding Contributor Award, Lawyers for Civil Justice (2016)
- Pro Bono Service Award, Dade County Bar Association (2009)
- Florida Rising Stars, *Super Lawyers Magazine* (2009)

## Professional & Community Involvement

- American Bar Association
  - Section of Litigation
  - Tort Trial and Insurance Practice Section
    - Vice Chair, Appellate Advocacy Committee
    - Trial Techniques Committee

## Speaking Engagements

- "The Long Reach of Class Actions: Trends in Class Action Litigation," New York State Bar Association Annual Meeting, New York, NY (January 2019)
- "Class Action Survey and Trends," Carlton Fields In-House Counsel

Forum, Orlando, FL (March 2017)

- "Recent Developments in Annuity and Life Insurance Litigation," Insured Retirement Institute Webinar, Washington, D.C. (May 2016)
- "Class Action Survey and Recent Developments," Carlton Fields In-House Counsel Forum, Orlando, FL (March 2016)
- "2015 Carlton Fields Class Action Survey and Supreme Court and Rule 23 Update," Client Focus Forum, Boston, MA (October 2015)
- "Supreme Court and Rule 23 Update," Client Focus Forum, Newport Beach, CA (October 2015)
- ALI-CLE Conference on Life Insurance and Financial Services Litigation (2013)
- "Winning Strategies for Jury Instructions," ABA Tort Trial and Insurance Practice Section Annual Spring CLE and Leadership Forum (2011)
- "Punitive Damages After *Philip Morris USA v. Williams*," ABA Tort Trial and Insurance Practice Section and Section of Litigation (2007)
- "Silencing the Court: Judicial Impartiality v. Free Speech," A Mock Supreme Court Oral Argument, ABA Annual Meeting (2006)

## Credentials

### EDUCATION

- Boston University School of Law (J.D., magna cum laude, 2000)
- University of Connecticut (M.A., 1995)
- University of Akron (B.A., magna cum laude, 1993)

### BAR ADMISSIONS

- Florida

### COURT ADMISSIONS

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Class Actions

### INDUSTRIES

- Banking, Commercial, and Consumer Finance

- Consumer Finance
- Financial Services Regulatory
- Life, Annuity, and Retirement Litigation
- Life, Annuity, and Retirement Solutions
- Litigation and Trials
- Property & Casualty Insurance
- Real Property Litigation
- Securities and Derivative Litigation
- Life, Annuity, and Retirement Solutions