

INSURANCE CLASS ACTIONS

OVERVIEW

We are well-positioned to handle nationwide class actions for insurance companies facing an onslaught of lawsuits addressing coverage issues. Our lawyers routinely represent insurance industry clients in high-stakes litigation, arbitration and regulatory investigations nationwide. We have a strong and deep bench with vast experience in the insurance industry, including transactional, regulatory, reinsurance and coverage matters. Over the years, we have provided training programs to in-house counsel, underwriting and marketing teams on insurance financial issues, regulatory and reinsurance issues.

In addition, under our “one firm” model of operation, we team with our insurance regulatory, financial services regulatory and investigations lawyers firmwide, as appropriate.

MEET THE TEAM



Meridyth M. Andresen

Partner, Phoenix

meridyth.andresen@bclplaw.com

+1 602 364 7022

EXPERIENCE

- Representing AARP in its defense of consumer class actions brought in federal courts in seven different states and the District of Columbia. We represent an American multinational

healthcare and insurance company that offers Medicare Supplement Insurance (Medigap) to AARP members and pays AARP a royalty for the use of AARP trademarks and other intellectual property in marketing the insurance. Plaintiffs contend that the royalty is actually an unlawful commission paid to AARP for the sale of insurance and are seeking, among other things, a refund of that portion of the premiums used by United to pay the royalty on behalf of the alleged classes over a multiyear period. To date, our team of over 20 lawyers in five BCLP offices has obtained dismissal of five of the eight actions.

- Represented a leading provider of financial services as defendant in connection with a lawsuit filed by members of the Candler family alleging breach of fiduciary duty related to distributions from a trust. We handled the trial and subsequent appellate win.
- We have a panel appointment to serve as counsel for American Family in the areas of class action litigation, claims litigation and transactional matters. Our representative litigation matters on behalf of American Family include:
 - Defended American Family against all individual and classwide claims under Missouri statute regarding payment of medical expenses related to accidents. Obtained full dismissal.
 - Defended American Family against Washington statewide class action alleging improper reimbursement of insureds' deductibles in accidents where two parties are at fault.
 - Defended American Family against claim for wrongful death related to alleged failure to warn following property inspection.
 - Represented American Family in negligence action relating to the death of two firefighters and injury of two other firefighters while responding to an arson fire on the novel theory that American Family was purportedly negligent in issuing an insurance policy because it allegedly incentivized the arsonist to start the fire.
 - Representing American Family in litigation in Colorado involving two claimants with conflicting claims for the same life insurance proceeds.
- Defending a class action pending in federal district court in Missouri alleging that American Family engages in unlawful subrogation practices when it negotiates settlements and obtains recovery from tortfeasors' insurance companies on behalf of their insureds.
- Served as counsel, including at trial and on appeal, for one of the largest health insurers in the country in nearly 80 lawsuits in Nevada relating to the nation's most substantial hepatitis C outbreak in recent years. In the litigation, BCLP secured dismissal of various individual lawsuits against multiple Medicare Advantage health plans for negligent credentialing and negligent network management claims based on Medicare's preemption of the underlying

common law negligence claim. The dismissals were upheld on appeal before the Nevada Supreme Court and resulted in the first published state Supreme Court decision of its kind.

- Represented a United States-based non-governmental organization and interest group as defendant in a class action lawsuit alleging violation of California's unfair competition law, conversion, and money had and received related to purchased or renewed AARP-branded Medigap policy.
- Defended one of the world's largest manufacturers of batteries against class action challenging termination of retiree medical and life insurance benefits.
- Represented title insurance company defendants in group of eight coordinated cases in which plaintiffs claimed defendants violated New York General Business Statute §349, committed fraud and were unjustly enriched when they were charged more than the discounted rate for title insurance associated with a refinancing transaction.
- Represented a leading provider of title insurance and settlement services as defendant in a class action lawsuit alleging that the client failed to file certain forms with the insurance commissioner as well as improperly denied coverage in connection with insurance regulations.
- Representing title insurance company in class action alleging discrimination relative to rates charged for policies in refinancing transactions.
- Represented a leading provider of title insurance and settlement services as defendant in a class action lawsuit alleging an overcharge from the client resulting from a failure to disclose a lower rate in connection with loan fraud.
- Represented insurance company defendant in breach of contract class action challenging the amount of policyholder losses paid by defendant relative to California earthquake damage.
- Represented a leading provider of title insurance and settlement services as defendant in a class action lawsuit alleging an unauthorized practice of law by issuing the lender's policy in connection with insurance fraud.

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