

Interpleader Litigation with DO&CB

d'Arcambal Ousley & Cuyler Burk, LLP ("DO&CB") is national counsel for three large life insurance companies in connection with handling & resolving life insurance (group and individual) and annuity interpleader matters.

Here's what we do...

- We provide nationwide management of life and annuity interpleaders with the goal of securing deposit of the proceeds and obtaining a discharge and release as quickly and as efficiently as possible.
- We resolve and litigate, if necessary, interpleader actions to secure deposit of the proceeds and discharge and release, including defending against allegations of bad faith resulting from the facts leading to a contested claim.
- We select and manage local counsel from our comprehensive national network.

...and here are some of the successes we've had:

- Bad faith and fraud claims were dismissed in action arising out of a dispute between the ex-spouse and children of the insured, and our motion to interplead was granted.
- Central District of California dismissed improperly filed anticipatory lawsuit in favor of a later-filed interpleader action filed by the insurer in the District of New Jersey.
- In several matters, obtained a preliminary injunction and constructive trust over funds paid to a putative beneficiary in the face of a competing claimant's post-payment claim for the proceeds.
- Eastern District of Kentucky applied the arbitrary and capricious standard of review with respect to decision to interplead ERISA-governed life insurance benefits.



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About d'Arcambal, Ousley & Cuyler Burk LLP

For over twenty years, d'Arcambal Ousley & Cuyler Burk, LLP (DO&CB) has provided exceptional legal counsel to Fortune 500 companies and large financial institutions. For each client engagement, DO&CB emphasizes cost-effective approaches, early case assessments, and strategic planning and expertise. Our lawyers previously practiced in corporate legal departments and large law firms, so we understand the voice of the customer and its business and legal objectives. DO&CB is women-owned with offices in New York City, New Jersey and Philadelphia.

Featured Partners Handling Interpleader Litigation

Jodie L. Ousley (Partner)

Ms. Ousley has co-managed the firm's nationwide interpleader program since 2011 for Prudential and managed the firm's nationwide interpleader program since 2013 for New York Life. For over 15 years, Ms. Ousley has represented clients in both state and federal court in a variety of disputes, including life and disability matters, and counseled clients on risk assessments and mitigation. In addition, she has successfully represented the interests of financial institutions in federal actions involving fraud, negligence, and ADA and DTPA claims. She began her legal career in New York City as an examining attorney for the Public Assistance and Grants Unit of the New York City Department of Investigation (DOI). Ms. Ousley attended Oxford University and Southern Methodist University School of Law, where she graduated cum laude in 1997. She received a B.A. degree in 1992 from the University of Texas.



Jaclyn DiLascio Malyk (Partner)

Ms. Malyk has co-managed the firm's nationwide interpleader program for Prudential since 2011. She is a seasoned litigator with experience in the state and federal courts of New Jersey, New York and Pennsylvania. Ms. Malyk has a deep understanding of insurance products and regulations, and she strategically advises clients on state insurance and annuities regulations in the context of new product development and the operation of existing products. Ms. Malyk leveraged her strategic and client focused approach in a partnering with a client to develop a programmatic and proactive approach to discovery to increase success and cost-effectiveness. Ms. Malyk gained invaluable experience during her tenure in the in-house law department at Prudential. She continues to provide transactional advice on state insurance and annuities regulations in connection with the development of new products and the operation of existing products, and has been instrumental in fostering program-wide proactive approaches to discovery to increase success and cost-effectiveness. Ms. Malyk graduated from Rutgers University in 1998 with a B.A., and received her J.D. from Seton Hall University School of Law in 2002.



Kimberly A. O'Toole (Partner)

Ms. O'Toole manages the nationwide interpleader program for AXA-Equitable. An experienced and strategic commercial and insurance litigator, Ms. O'Toole represents insurance companies in variety of life and health insurance matters, including ERISA and interpleaders. Ms. O'Toole previously practiced law for more than six years as a litigator with Shearman & Sterling, representing financial institutions in complex civil litigations, and for two years as a transactional real estate attorney in solo practice. She graduated cum laude from Georgetown's Law Center in 1991, and graduated summa cum laude from Georgetown University's McDonough School of Business in 1988.



Nada Maalouf Peters (Partner)

Ms. Peters provides supervision and oversight to interpleader matters nationwide. Her practice focuses on life, health, and disability litigation, other insurance coverage litigation and tort defense litigation and products liability. Ms. Peters has litigated numerous matters in State and Federal Courts throughout New Jersey, New York and Pennsylvania and other jurisdictions across the country. Prior to joining DO&CB in 2007 Ms. Peters worked in the litigation department at Paul, Weiss, Rifkind, Wharton & Garrison LLP, where she was centrally involved in a two-year internal investigation of Fannie Mae. She is a graduate of City University of New York School of Law and State University of New York at Albany.

