

Life, Annuities & Disability Products Litigation

With a deep understanding of life, disability, and annuity insurance companies gained from serving as both inside and outside counsel for over 30 years, we proactively represent our clients in a variety of actions from inception through motions, trials and appeals, and mediations, including:

- Rescission actions (obtained judicial rescissions of more than 50 life insurance policies based on material misrepresentations).
- Life and disability claim litigation, lapse, suicide, other policy exclusions and provisions, and disability waiver of premium riders.
- Interpleader matters (see practice area).
- Bad faith claims.
- Sales practices and agent/broker matters, including vicarious liability claims.
- Stranger-Owned Life Insurance (STOLI).
- Structured settlement disputes.

REPRESENTATIVE MATTERS

Medical Misrepresentations

- Court rejected plaintiff's claim that court must balance the "equities" as it does with mandatory car insurance matters where material misrepresentation is undisputed.
- Court declared policy void ab initio because owner planned to and did kill the insured, his wife; death benefit remained with insurer.
- Obtained Appellate Court decision holding that insurer must have actual, not constructive, knowledge of misrepresentation during underwriting, and rejecting claims that insurer should have ascertained health issues from records available. Court rejected allegation of post claim underwriting.
- Obtained Court of Appeals decision affirming rescission of a million-dollar policy based upon

material misrepresentations (smoking) where the plaintiff's primary argument was that the insured did not understand the English language.

- Trial court granted partial summary judgment, dismissing extra-contractual damage claims, fraud claims, and failure to speak English claims. The court rendered judgment, rescinding the policy after trial.
- Obtained summary judgment rescinding a life insurance policy based upon health misrepresentations, holding that where the applicant complained to his doctor of chest pain and the applicant's physician diagnosed the applicant with a shoulder injury, the applicant's negative response to a question pertaining to whether he sought treatment for chest pain was nonetheless a material misrepresentation.

Financial misrepresentation

- District Court granted Summary Judgment rescinding the policy in its entirety based upon material misrepresentations made in the application for insurance regarding the decedent's employment status, salary, medical history, and drug addiction. The court dismissed claims that agent's knowledge was imputed to insurer.
- Obtained Appellate Court decision affirming rescission of life policy based on material financial misrepresentations. Trial and Appellate Court rejected the claim that there was no financial misrepresentation because tax returns did not reflect actual earnings, and misrepresentation as to existing other insurance was not material.
- Trial court granted summary judgment holding that "earned income" did not include projected or potential income.



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