

Nationwide Life and Annuity Interpleader Program

d'QM serves as national counsel in life insurance, annuity, and retirement account interpleader actions for several major insurance and annuity companies throughout the country, including ERISA group coverage, non-ERISA group, and individual products.

When serving as national counsel in these interpleader actions, d'QM substantively handles each case from matter inception, beginning with initial investigative work to determine the necessary party-claimants and legal issues involved, through case resolution, requiring deposit or other distribution of the proceeds at issue and dismissal of all claims against the company. These matters often include successful defense of bad faith, breach of contract and other extra-contractual claims alleged.

d'QM relies on its knowledgeable partners and senior associates and the firm's decades of experience handling interpleaders to effectively and efficiently resolve matters. Although many interpleaders can be resolved quickly and efficiently, some interpleaders can and do become complex, particularly where they involve allegations of company error. d'QM's depth of knowledge and experience result in more efficient identification and resolution of these complicating issues. d'QM also has significant experience resolving novel and complex matters through trial and appellate work.

d'QM personally litigates and handles all matters venued in New York, Florida, New Jersey, Texas, Georgia, and Pennsylvania. In all other cases, d'QM remains lead counsel and engages attorneys from our local counsel network of law firms to assist, many of which have longstanding relationships with the firm. d'QM has extensive experience in this lead counsel role, managing and collaborating with local counsel firms throughout the country, which leads to greater consistency and more effective results for our clients.

REPRESENTATIVE MATTERS

- Obtained dismissal of a lawsuit pending in the Central District of California on the basis that it was an improperly filed anticipatory lawsuit in favor of a later-filed interpleader action filed by the insurer.
- 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 in a New Jersey State Court action.
- Successfully argued to the District Court, Eastern District of Kentucky that the standard of review was arbitrary and capricious with respect to decision to interplead ERISA-governed life insurance benefits.
- Successfully resolved through motion practice an interpleader action in U.S.D.C., S.D. Ala. concerning a dispute over the proper beneficiaries to a Transfer on Death mutual fund. Jurisdiction was contested and counterclaims for breach of fiduciary duty were asserted. The company succeeded on its motion to dismiss all counterclaims. The court determined that jurisdiction was proper, and our client was awarded its attorneys' fees and costs.
- Successfully mediated claim brought by wife against life insurance company seeking annuity funded through estranged husband's deferred compensation plan plus punitive damages. The annuitant, who took his own life, changed the beneficiary designation from his wife to his brother despite restraining order issued in pending divorce proceeding. Not being aware of the restraining order, Company rolled annuity over into new account for brother.



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