

## Representative Clients

### *Representative Clients in Life, Health, Disability Insurance, and ERISA Matters*

With respect to life, health, disability insurance and ERISA, our attorneys have represented, among others:

- A life insurer in multi-district litigation proceedings regarding allegations of discrimination in the sale and administration of industrial life insurance. The multi-district litigation involves seven separate national class actions. Jones Walker is representing the client in all aspects of these proceedings, including handling the proceedings before the Multi-District Litigation Panel.
- A plan sponsor and its former executive officers in a class action brought on behalf of ESOP participants alleging that defendants breached their fiduciary duties under ERISA by diversifying ESOP assets in a secondary public offering and engaged in a prohibited transaction by accepting plan sponsor stock in response to a Dutch auction self-tender offer. After the District Court dismissed plaintiffs' federal securities fraud claims for pleading deficiencies under the Private Securities Litigation Reform Act, the District Court entered a partial summary judgment in favor of defendants on the prohibited transaction claims. The rest of the claims were dismissed after trial.
- An insurer that provided life insurance to company employees under ERISA in a class action claim alleging the failure to pay interest on the delayed payment of life insurance benefits. Jones Walker was successful in having claims for penalties and interest under state law dismissed as preempted by ERISA. After the partial dismissal, the parties negotiated a confidential settlement and amicable dismissal of the plaintiff's individual claim.
- An insurer in a class action involving alleged "market conduct" misrepresentations in connection with the sale of interest-sensitive life insurance products. Jones Walker postured this case for summary judgment, then assisted in negotiating a favorable settlement of this and other cases on a nationwide basis.
- A disability insurer against claims that it misrepresented and misinterpreted the offset provisions of its disability policy, and obtained a dismissal of the class allegations.

- An insurer in a class action involving alleged "market conduct" misrepresentations in the sale of interest-sensitive life insurance. Jones Walker negotiated a transfer to our client's home state, where the case ultimately settled.
- The defendant in class action asserting claims for breach of contract and unjust enrichment, among others, based on the alleged improper administration of a health insurance plan. Represented an insurer in class action involving interpretation of cancer insurance policies and prevailed for the insurer on summary judgment.
- The defendant in this recently filed class action alleging the defendant failed to pay health care providers in a timely and reasonable manner and asserting claims for willful and negligent breach of contract.
- A sponsor of a large reinsurance pool in consolidated suits involving claims against its reinsurance broker and underwriter, and their professional liability insurers, alleging mismanagement, piercing the corporate veil, and other issues, and negotiated a confidential resolution.
- A life insurer in a claim by the original owner of the policy, which had been issued on the life of a youth. When the youth reached the age of 21, pursuant to the policy terms, the ownership of the policy reverted to him, and he changed the beneficiary and sold the policy to a viatical company before he died. We successfully defended a claim by the original owner, successfully arguing that the ownership had changed and the facility of payment law allowed the insurer to pay the benefits to the named beneficiary.
- An accidental insurer in a successful defense on the ground that the insured had died due to his intoxication, and that the death was excluded under the policy.
- An ERISA plan insurer in a case holding, for the first time, that the claims under Louisiana Rev. Stat. 22:1220 were preempted by ERISA.
- A disability insurer in a successful declaratory judgment against a chiropractor, rescinding his disability policy, on the ground that he had made material misrepresentations in the application regarding his health with the intent to deceive the company.

***Representative Clients in Homeowners and Automobile Insurance Matters***

With respect to homeowners and automobile insurance, our attorneys have represented, among others:

- An insurance company, one of 16 defendants, in a class action alleging race discrimination in the setting of automobile insurance rates. Jones Walker, acting as lead defense counsel for all insurers, successfully briefed and argued a dispositive motion seeking the dismissal of all claims for refunds of premiums. Once the motion was filed, Jones Walker negotiated a no-money, walk-away in which the plaintiffs simply dismissed the action.
- A defendant in a class action brought by insured homeowners alleging claims of mishandling against multiple insurance companies following a hail storm.

*Representative Clients in Insolvency Matters*

With respect to insolvency, our attorneys have represented, among others:

- Life and other insurance carriers' directors and officers, outside counsel, and other professionals in litigation arising from the insurers' insolvency.