

Winston Obtains Dismissal of Policy Fees Suit for Life Insurance Company

APRIL 15, 2015

The United States District Court for the Northern District of California recently dismissed all claims against Winston & Strawn client Conseco Life Insurance Co. and its parent CNO in a putative class action. The case was brought by life insurance policyholders who surrendered their policies after a premium increase.

Conseco tapped Winston to replace another law firm after the court granted summary judgment to a class of non-surrendering policyholders and denied a motion to dismiss the surrendering policyholders' action. After negotiating a favorable settlement with the non-surrendering class, Winston faced the class of surrendering policyholders, who sought \$100-200 million in damages based on Judge Susan Y. Illston's previous ruling that the premium increase breached the policies.

When plaintiffs filed an amended complaint two years later, Winston got another chance to move to dismiss the case. The firm argued a key legal defense that was not previously presented: policyholders who voluntarily surrender their policies can no longer bring pre-existing claims for breach of contract. Ultimately, after years of ruling against Conseco, Judge Illston agreed on the merits of the defense and dismissed all of plaintiffs' claims with prejudice.

The New York- and San Francisco-based team representing Conseco Life and its affiliates included Winston & Strawn partner Jeffrey Amato and associate Jeanifer Parsigian.

1 Min Read

Related Locations

New York

San Francisco

Related Topics

Conseco

District Court for the Northern District of California

Life Insurance

Related Capabilities

Class Actions & Group Litigation

Insurance

Related Regions

North America

Related Professionals



Jeffrey J. Amato



Jeanifer Parsigian