

# Cozen O'Connor Expands Commercial Litigation Practice in Philadelphia with Group from Drinker Biddle

Thursday, April 26, 2018

**Philadelphia, April 26, 2018** — Cozen O'Connor announced today that three nationally recognized commercial litigators — Michael J. Miller, Gregory J. Star, and Stephen R. Harris — along with 11 others have left Drinker Biddle to join Cozen O'Connor's Commercial Litigation practice. Highly regarded as accomplished trial lawyers in the financial services and software industries, Miller, Star, and Harris, will join the firm as partners and will work out of Cozen O'Connor's Philadelphia office. Miller will serve as Chair and Star as Vice-Chair of the firm's newly created Life Insurance and Annuities Practice Group. Miller and Star will also Co-Chair the firm's newly formed Software Industry team.

Also joining Cozen O'Connor's new Life Insurance and Annuities Practice are partners Joseph M. Kelleher, Jenifer Smith, and Susan Stauss, counsel Nicole Calabro, Jessica Goebeler, and Lisa Stern, and associates Alex Hayden, Sarah Kalman, Daniel Thiel, and Laura Zulick. Charles Vinicombe, who retired from Drinker Biddle at the end of January 2018, will join Cozen O'Connor as of counsel.

These 14 attorneys bring to Cozen O'Connor substantial litigation experience and solid track records of success advising and representing a wide range of commercial clients, including major insurance, financial services, and software providers. The practice is national in scope, and Miller, Star, and Harris are regularly involved in international commercial arbitration matters.

In the financial services and insurance space, this team is nationally recognized for their work in the secondary market for life insurance and annuity products. The team has led the charge against stranger-originated life insurance (STOLI), which involves the procurement of large life insurance policies by investors who hope to reap a profit when a stranger passes away. Not only has the team achieved a number of precedent-setting victories across the country, but they have invalidated well over \$100 million of STOLI policies along the way. They also represent annuity owners and annuity issuers in the wide variety of litigation arising out of the purchase by investors of personal injury structured settlement annuities and income streams.

"We are thrilled to welcome Mike, Greg, Steve, and their team to the firm. Their impressive track records as litigators in the financial sector and software industry will further enhance and solidify our standing as the go-to firm for sophisticated clients with complicated business litigation," said Michael J. Heller, Executive Chairman and Chief Executive Officer of Cozen O'Connor. "What they provide for our financial services and insurance industry clients is a tremendous asset — they are creating law on these types of matters."

"This is a fantastic opportunity for our clients and for us. Through the process of getting to know Michael Heller, Vince McGuinness, and the rest of the leadership team at the firm, it became clear that Cozen O'Connor is a special firm with a significant amount to offer its lawyers and clients," said Miller. "Cozen O'Connor is run like a business," he continued, "not a traditional law firm partnership. The legal landscape is becoming increasingly more competitive and clients want more value from their legal counsel than many firms are willing to invest. Cozen O'Connor's entrepreneurial approach coupled with their top-notch lawyers sets the firm apart. I believe it is what has led them to the successful firm they are today, and I am convinced it is what will lead them, and us, successfully into the future. We are thrilled to be a part of the firm."

## Related Practice Areas

- Commercial Litigation
- Life Insurance & Annuities

## Industry Sectors

- Insurance
- Software

For the last 20 years, Miller has concentrated his practice on major insurance and software litigation cases. He has represented insurers in property, casualty, and commercial and environmental insurance coverage cases, life and disability insurance coverage cases, alleged agent and broker fraud and Ponzi scheme cases, RICO cases, and countless cases involving annuities. With an insurance litigation practice that is national in scope, he has a record of successfully litigating the full spectrum of cases involving the sale of life insurance policies and annuities in the secondary market — often representing clients in connection with attempts by “factoring companies” to effectuate purchases of structured settlement payment streams. Miller also has an impressive track record representing software firms involved in software defect, implementation, and licensing disputes. These cases are litigated and tried in courts all across the country and in international arbitration centers. In addition to his experience in a wide range of commercial litigation issues, Miller has also taken the lead in complex insurance transactional matters, including complex environmental risk transfer issues, owner- and contractor-controlled insurance programs, and captive issues.

Along with Miller, Star litigates complex disputes for life insurance companies, software providers, and other commercial clients. He has been at the forefront of cutting-edge life insurance issues and has significant experience in the area of STOLI transactions. Star has played a key role in many recent carrier successes in STOLI litigation, including a string of summary judgment victories where fraudulently procured policies have been declared void *ab initio* as illegal human life wagers. He has also recouped millions of dollars paid to STOLI investors. Since 2007, he has focused his practice on representing software industry clients in disputes arising from software implementations, alleged software defects, and licensing issues. With considerable experience in Enterprise Resource Planning (ERP) software implementation project management, Star is well versed in the relationships between software developers, systems integrators, and other third parties involved in software licensing and implementation. As such, he advises clients on project management issues that may arise during software implementations, including warranty claims and defect resolution matters. He also litigates real estate disputes, unfair trade practices claims, disputes within partnerships and limited liability companies, and claims arising from professional negligence, fraud, and employment disputes.

Harris represents insurers and other corporate clients in a range of commercial disputes, including putative class actions, tortious interference, breach of contract, and technology issues. He represents more insurers in structured settlement litigation throughout the nation than any other attorney in the country. Like Miller and Star, Harris also represents insurance companies in cases involving the sale of life insurance policies in the secondary market. As an active member of the National Structured Settlements Trade Association Legal Committee, Harris meets regularly with trade association members, structured settlement brokers, and judges to discuss the latest structured settlement legal issues. Further, he has litigated numerous ERISA, long-term disability, and environmental coverage cases and acted as counsel to insurers and brokers on significant coverage claims across the country.

Joseph Kelleher represents clients in a variety of commercial and insurance matters with a focus on the software industry, STOLI policies, and other complex business disputes. Kelleher earned his law degree from Temple University Beasley School of Law and his B.A. from Wake Forest University.

Jenifer Smith represents national insurance companies in litigation involving complex issues related to structured settlements and annuities throughout the country. Smith earned her law degree from Widener University School of Law and her B.A. from American University.

Susan Stauss represents major insurance and annuity companies in cases involving complex issues presented by structured settlements, as well as exposure created by the secondary market for life insurance. Stauss earned her law degree from Temple University Beasley School of Law and her B.S. from Drexel University.

Nicole Calabro is experienced in resolving matters involving the attempted transfer of structured settlement payment rights, including transfers of structured settlement payments involving minors. She also handles disputes involving claims over entitlement to structured settlement payments; commutations of annuity payments; worker's compensation claims, bankruptcy claims, child support, and other third-party garnishments; and a host of other issues that arise out of the life insurance and annuities context. Calabro earned her J.D. from Widener University School of Law and her undergraduate degree from La Salle University.

Jessica Chong Goebeler represents life insurance and annuity companies in disputes arising out of the transfer of structured settlement payment rights in various jurisdictions throughout the United States, including representing insurance and annuity companies as the owners or issuers of annuities in cases where factoring companies purchase structured settlement annuity payment rights. Goebeler earned her law degree from New York University School of Law and her B.A. from the University of Virginia.

Lisa Stern represents major insurers in a wide variety of matters involving third-party garnishments, interpleader claims, interstate compacts, and other matters arising out of structured settlements, life insurance, and annuities. Stern earned her J.D. from Boston University School of Law and her B.A. from Bowdoin College.

Charles Vinicombe prosecutes and defends claims arising out of STOLI transactions and defends insurance companies in complex claims and coverage actions. Vinicombe earned his undergraduate degree from Seton Hall University and his law degree from Wake Forest University School of Law.

Alex Hayden represents domestic and international software industry clients in disputes arising from the licensure and implementation of integrated business software solutions, as well as related software issues. He has defended multi-state class action lawsuits and has advised clients in connection with international and domestic arbitration proceedings. Hayden earned his J.D. and his M.B.A. from Drexel University and his B.A. from the University of Pennsylvania.

Sarah Kalman assists clients with complex insurance and commercial litigation in both state and federal courts. Kalman is actively involved with life insurance-related secondary market issues, including STOLI issues, fraud, and premium financing litigation. Kalman earned her J.D. from Temple University Beasley School of Law and her B.S. from Drexel University.

Daniel Thiel represents clients in insurance coverage actions involving STOLI policies. Thiel earned his J.D. from the University of Pennsylvania Law School and his B.A. from Villanova University.

Laura Zulick regularly counsels life insurers in connection with underwriting issues, policy administration, and death claims. She has successfully challenged hundreds of millions of dollars in life insurance policies that were tainted by fraud or lacked an insurable interest at inception. Zulick earned her law degree from Rutgers University School of Law — Camden and her undergraduate degree from Pennsylvania State University.

### **About Cozen O'Connor**

Established in 1970, Cozen O'Connor has more than 925 attorneys who help clients manage risk and make better business decisions. The firm counsels clients on their most sophisticated legal matters in all areas of the law, including litigation, corporate, and regulatory law. Representing a broad array of leading global corporations and middle market companies, Cozen O'Connor services its clients' needs through 33 offices across two continents.

Cozen O'Connor is one of the country's most successful commercial litigation firms. With more than 400 highly respected litigators, including numerous fellows of the American College of Trial Lawyers, it is the go-to firm for sophisticated clients with complicated and consequential business litigation. Its lawyers routinely appear in courtrooms across the world. In 2017, Cozen O'Connor had record revenues, in part, due to aggressive and strategic lateral acquisitions. The firm added more than 70 lateral attorneys in 2017 and opened two new offices in the United States and one in Canada.