



# Charles J. Vinicombe

## Of Counsel

## Cherry Hill

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Charles has over 30 years of experience representing clients in litigation matters and counseling clients. He focuses his practice on insurance matters and commercial litigation.

Charles has prosecuted and defended claims arising out of stranger originated life insurance (STOLI) transactions and defended insurance companies in complex claims and coverage actions. He has counseled insurance clients on underwriting, claims, and marketing practices. He has also represented clients in complex commercial litigation.

Charles earned his undergraduate degree, *summa cum laude*, from Seton Hall University. Charles earned his law degree from Wake Forest University School of Law where he was a member and articles editor of law review.

## Experience

Secured a unanimous ruling from the Supreme Court of the State of New Jersey that STOLI policies are void from inception under New Jersey law. In this case, the initial, ultimate beneficiary of the policy at issue was an individual with an insurable interest in the insured's life, but the policy was deemed an illegal wagering policy because it was procured and funded by stranger investors. The matter came to the state high court via certified questions from the U.S. Court of Appeals for the Third Circuit. As reported in *Sun Life v. Wells Fargo*, 238 N.J. 157 (2019) (Bergman).

Obtained multiple summary judgment rulings that life insurance policies were illegal, void STOLI policies as reported in *Sun Life v. Wilmington Trust*, 2022 Del. Super. LEXIS 88 (2022) (Frankel/DeBourbon); *Sun Life v. Wells Fargo Bank.*, 2020 U.S. Dist. LEXIS 55350 (N.D. Ill. 2020) (Corwell); *Sun Life v. U.S. Bank*, 369 F. Supp. 3d 601 (D. Del. 2019) (Sol); *Sun Life v. Conestoga Trust Servs.*, 263 F. Supp. 3d 695 (E.D. Tenn. 2017), *aff'd*, 717 Fed. Appx. 600 (6th Cir. 2018) (Collins); *Sun Life v. Wells Fargo Bank*, 2016 U.S. Dist. LEXIS 135256 (D.N.J. 2016), *aff'd*, 779 Fed. Appx. 927 (3rd Cir. 2019) (Bergman); and *U.S. Bank v. Sun Life*, 2016 U.S. Dist. LEXIS 117799 (E.D. N.Y. 2016) (Van de Wetering).

Successful defense of a receiver's claim seeking to obtain premium refunds on STOLI policies, as reported in *Wuliger v. Reassure Am. Life Ins. Co.*, 2011 U.S. Dist. LEXIS 19391 (N.D. Ohio 2011) and *Wuliger v. Manufacturers Life Ins. Co.*, 567 F.3d 787 (6th Cir. 2009).

Successful defense on summary judgment of a \$40 million RICO claim against a life insurance and annuity company, as reported in *Luzerne County Ret. Bd. v. Makowski*, 627 F. Supp. 2d 506 (M.D. Pa 2007).

Successful defense on summary judgment of a \$10 million title insurance claim against a reinsurance company, as reported in *RTC Mort. Trust 1994 N1 v. Fidelity Nat'l Title Ins.*, 58 F. Supp. 2d 503 (D.N.J. 1999).

Resolution of a lawsuit involving environmental claims against an insurance company in connection with over 100 waste sites located in 25 states.

## Practice Areas

- Life Insurance & Annuities
- Insurance Coverage
- Bad Faith
- Commercial Litigation

## Education

- Wake Forest University School of Law, J.D., 1987
- Seton Hall University, B.A., *summa cum laude*, 1984

## Bar Admissions

- New Jersey

## Court Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- Superior Court of New Jersey
- Supreme Court of New Jersey
- U.S. District Court -- New Jersey

## Affiliations

American Bar Association, Litigation Section

New Jersey Bar Association

Arbor Glen Continuing Care Retirement Community (Past Board Director)

**Charles J. Vinicombe**

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Successful defense through appeal of a \$500 million claim against an investment company as reported in *Nemelka v. Questor Management Co., LLC*, 36 N.Y.S. 2d 598 (2007) and *Nightwatch Capital Group v. Questor Management Co., LLC*, 2011 Mich. App LEXIS (2011).

Successful defense on summary judgment of a \$100 million environmental contract dispute for a defendant industrial seller.

Resolution of a lawsuit seeking \$65 million in damages arising out of retroactive capitation payments in connection with the acquisition of a health maintenance organization.

Successful defense through appeal of a lender liability claim against a financial institution.