

BIRMINGHAM

Christopher C. Frost

SHAREHOLDER



Christopher's Profile

Christopher is a Shareholder with a trial practice focusing primarily on the insurance coverage/bad faith arena and is a member of several litigation practices at Maynard Cooper.

Christopher joined the firm after a seven-year stint as an Army officer and Apache helicopter pilot. Putting to work the attention to detail and ability to “see the field” he developed as an aviator, Christopher has successfully tried cases to juries in multiple jurisdictions throughout the country, both state and federal. Named to the list of Alabama Super Lawyers for Insurance Coverage, Christopher concentrates his practice on defending insurance and financial services companies against complex, bad-faith, fraud, class and punitive damages claims.

In the coverage arena, Christopher routinely handles high-stakes cases involving a wide variety of coverage lines including professional and commercial liability, life, health, disability, property, and fidelity/crime coverage.

Christopher is a proven leader who has served as first or second chair on lead trial counsel teams in cases pending in more than 20 states nationwide including Alabama, California, Florida, and New York.

His industry peers call on his knowledge frequently as Christopher is routinely asked to speak at insurance industry meetings as well as in-house training events. His written scholarship on civil discovery topics has been cited in the bedrock treatise of Wright & Miller's Federal Practice and Procedure as well as in published trial and appellate court opinions from across the country.

Military Service

Christopher served more than seven years as a commissioned officer and attack helicopter pilot in the United States Army where he attained pilot-

Contact

T 205.254.1186

F 205.254.1999

cfrost@maynardcooper.com

ASSISTANT

Katy Webster

kwebster@maynardcooper.com

205.488.3566

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in-command status in the AH-64 Apache helicopter and graduated from several combat arms schools including the Airborne and Air Assault Schools. Christopher held various command positions during his service, including Attack Platoon Leader and Infantry Brigade Liaison Officer in the 101st Airborne Division and later as Airfield Commander in the Republic of South Korea, concluding his service as an instructor in the Attack, Cavalry, and SERE sections of the Aviation Officer Basic Course at the U.S. Army's flight school.

Judicial Service

Christopher had the honor of serving as a law clerk to the Chief Judge of the United States Court of Appeals for the Eleventh Circuit, the Honorable J.L. Edmondson, immediately upon graduating from law school. During his third year of law school, Christopher served as an extern and assistant district attorney in Athens, Georgia where he tried felony cases and secured numerous convictions for the State.

Christopher is recognized for his talents in Insurance Coverage and Litigation by both The Best Lawyers in America® and Super Lawyers, which has distinguished him as a leader in the Insurance Coverage area since 2011.

Christopher's Experience

- Complete defense victory in a multi-week jury trial on bad faith/claims issues involving employee theft coverage following a \$50 million pretrial damages claim. McLarand Vasquez Emsiek & Partners, Inc., et al. v. The Hartford Financial Services Group, No. 30-2011-00463182 (California Superior Court, County of Orange) (Hon. Mary Fingal Schulte / Dept. C6).
- Recently obtained \$11.4 million jury verdict in the Circuit Court of Jefferson County, Alabama as part of trial team in a commercial dispute involving the supply of industrial hydraulic cylinders.
- Obtained a complete dismissal with prejudice of bad-faith fidelity bond coverage suit. Great Southern Bank v. Hartford Fire Insurance Co., No. 6:13-cv-03230-BCW (W.D. Mo., Oct. 30, 2013).
- Defended multi-million dollar bad faith suit to trial in January 2012 in hostile jurisdiction in Oklahoma, which settled favorably for major insurer after one day of trial testimony.
- Obtained a complete dismissal with prejudice of bad-faith legal malpractice coverage suit followed by successful defense of that result on appeal including oral argument in the United States Court of Appeals for the 11th Circuit. David Band v. Twin City Fire Ins. Co., No. 8:11-cv-02332-EAK-TBM, 2012 WL 1142396 (M.D. Fla., April 4, 2012) (affirmed on appeal to the 11th Circuit, No. 12-14402, Dec. 3, 2013).
- Obtained favorable, early settlement in complex, international fidelity/crime coverage case for major insurer.
- Obtained summary judgment for life insurer in bad-faith failure-to-reinstate action involving \$5MM policy that had been purchased in the secondary market for life insurance (STOLI) by foreign life settlement company. Watershed LLC v. Columbus Life Ins. Co., No.

1:09-cv-01496-MSK-MEH, 2011 WL 4048779 (D. Colo. Sep. 10, 2011).

- Obtained complete dismissal with prejudice of a purported nationwide class action involving bad faith, sales practices and claims handling in catastrophic major medical coverage. *Schandler v. New York Life Ins. Co. et al.*, No. 09 Civ. 10463, 2011 WL 1642574 (S.D.N.Y. Apr. 26, 2011).
- Obtained summary judgment for insurer in coverage and bad-faith action on a fidelity coverage with claimed damages of \$60 million, involving complex real-estate “flipping” scheme allegations. *The Hartford Fire Ins. Co. v. The Mitchell Company, et al.*, No. 08-00623-KD, 2010 WL 5239246 (S.D. Ala. Dec. 15, 2010), affirmed on appeal to the 11th Circuit, *Hartford Fire Ins. Co. v. The Mitchell Co., Inc. , et al.*, No. 11-10185, 2011 WL 3925363 (11th Cir. Sep. 8, 2011).
- Obtained strategically critical transfer of venue between federal circuits and then a complete dismissal with prejudice of a purported nationwide class action alleging bad-faith claim handling and potentially billions of dollars in damages over interpretation of “incurred medical expenses” in catastrophic major medical coverage. *Metz v. The United States Life Insurance Company in the City of New York*, 674 F. Supp. 2d 1141 (C.D. Ca. 2009) (granting transfer); *Metz v. The United States Life Insurance Company in the City of New York*, No. 09 Civ 10250 (BSJ), 2010 WL 3703810 (S.D.N.Y. Sept. 21, 2010), affirmed on appeal to the 2d Circuit, *Metz v. The United States Life Insurance Company in the City of New York*, 662 F.3d 600, (2d Cir. 2011).
- Obtained summary judgment for life insurer in claims and bad faith case in Nevada state court on a \$10MM policy based on suicide exclusion and involving SSRI drugs. *Flaherty v. Protective Life Ins. Co., et al.*, No. A-09-594697, Dep't XXI, District Court of Clark County, Nevada (Oct. 27, 2010).
- Obtained summary judgment for life insurer on plaintiff's theory of class liability in a purported nationwide class action involving allegations that insurer charged “smoker rates” to juveniles. Although this so-called “juvenile smoker” class action litigation had been filed against several major life insurance companies across the country, the Thompson case was the first complete litigation victory for any life insurer in this litigation wave. *Thompson v. American General Life and Accident Insurance Co.*, 448 F. Supp. 2d 885 (M.D. Tenn. 2006) (plaintiff's appeal dismissed with prejudice based on voluntary motion following appellate briefing (6th Cir. Nov. 21, 2007)).
- Defeated motion to dismiss for plaintiff life insurer filed by out-of-state defendant investment trusts seeking to avoid personal jurisdiction in multi-party, complex Stranger Owned/Originated Life Insurance (“STOLI”) case, keeping defendants grouped in a single forum and contributing to early, favorable settlement for insurer. *AXA Equitable Ins. Co. v. Infinity Financial Group, LLC, et al.*, 608 F. Supp. 2d 1349 (S.D. Fla. 2009).

- The Best Lawyers in America® for Commercial Litigation (2021)
- Mid-South Super Lawyers for Insurance Coverage (2016-2017)
- Alabama Super Lawyers® - Insurance Coverage, 2015
- Alabama Super Lawyers® - Rising Star, Insurance Coverage, 2011-2014

Christopher's Affiliations and Civic Involvement

Affiliations

- American Bar Association, Insurance Coverage Litigation Committee (ICLC) Co-Chair; Subcommittee on Life, Health and Disability; Tort, Trial and Insurance Practice Committee
- Defense Research Institute
- Alabama State Association
- Birmingham Bar Association
- Army Aviation Association of America
- 101st Aviation Regiment (Attack)

Civic Involvement

- Briarwood Presbyterian Church (P.C.A.); Elder, Adult S.S. Teacher, College Ministry Leadership Team

Bar Admissions

State Bar: Alabama, California, Georgia

U.S. Court of Appeals: Second Circuit, Sixth Circuit, Eleventh Circuit

Education

- University of Georgia School of Law
 - (2004, J.D., summa cum laude; Editor in Chief, Georgia Law Review; Order of the Coif)
- University of Alabama
 - (1994, B.A., English Literature, magna cum laude; Phi Kappa Phi; Mortar Board; Omnicron Delta Kappa; Anderson Society; Distinguished Military Graduate)