

MIAMI

Jeannine C. Jacobson

SHAREHOLDER



Jeannine's Profile

Jeannine is a Shareholder in Maynard Cooper's ERISA and Group Insurance Litigation practice in Miami, Florida. For more than 20 years, she has focused her practice on litigation related to the Employee Retirement Income Security Act (ERISA); managed care; insurance coverage; and life, health, disability, and accidental death and dismemberment (AD&D) benefits. She is an experienced and successful trial and appellate lawyer, achieving favorable results for clients in state and federal courts and through alternative dispute resolution.

She regularly represents life, health, and disability benefit plans, insurance companies, claim administrators, and self-funded plan sponsors. In addition to ERISA cases, she routinely handles cases brought under Florida state law, the Federal Employees Health Benefits Act (FEHBA), and the Federal Employees' Group Life Insurance (FEGLI) program. Her experience also includes litigation involving payor-provider disputes and behavioral health claims, including those alleging violations of federal and state Mental Health Parity and Addiction Equity laws.

Jeannine handles litigation at all stages, from the initial claim through trial and appeal, and she has handled more than 20 appeals in federal and state courts. She has frequently obtained summary judgment rulings and favorable appellate rulings, resulting in significant financial savings for clients. She gives presentations on topics involving ERISA and group benefits at conferences and seminars around the country.

As a proponent of community work, Jeannine has volunteered with the Posse Foundation, an organization that identifies public high school students with extraordinary academic and leadership potential who might otherwise be overlooked by the traditional college selection process. She also has served as a Florida election observer since 2004.

Jeannine's Experience

Contact

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RELATED INDUSTRIES/SERVICES

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Trial Court Rulings

- Obtained dismissal of complaint alleging breach of fiduciary duty under ERISA for plan drafting which included mental illness limitation – *Fogle v. Metro. Life Ins. Co.*, 2020 WL 4260988 (M.D. Fla. 2020).
- Obtained decision in ERISA matter that insurer's denial of additional common carrier life insurance benefit was reasonable and not adversely affected by conflict of interest – *Perera v. Metro. Life Ins. Co.*, 2020 WL 1430921 (M.D. Fla. 2020).
- Denial of class certification motion brought by mental health provider and similarly situated providers for alleged violation of federal mental health parity laws in administration of health plans – *Malvern Inst. for Psych. & Alc. Studies, Inc. v. Magellan Healthcare, Inc.*, 2018 U.S. Dist. LEXIS 136484 (E.D. Pa. 2018).
- Defeated motion to remand action against health insurer to state court where plan participant contended that ERISA no longer governed after plan ceased to cover non-owner employees – *Raab v. UnitedHealthcare Ins. Co.*, 2017 U.S. Dist. LEXIS 136506 (M.D. Fla. 2017).
- Obtained summary judgment for medical plan and its claims administrator in ERISA matter upholding medical necessity determination as to level of care for eating disorder treatment and finding no conflict of interest due to self funded nature of plan – *Pagnozzi v. JPMorgan Chase & Co.*, 2016 WL 2735677 (S.D. Fla. 2016).
- Obtained decision allowing reinsurer to pursue claims as equitable subrogee of its reinsured – *Imagine Int'l Reins., Ltd. v. Windhaven Underwriters, LLC*, 2015 U.S. Dist. LEXIS 188099 (S.D. Fla 2015).
- Obtained summary judgment for insurer in accidental death case where felony exclusion precluded coverage – *Breedlove v. Hartford Life & Acc. Ins. Co.*, 2012 WL 5355640 (M.D. Fla. 2012).
- Obtained dismissal with prejudice of claim for breach of implied covenant of good faith and fair dealing in first party insurance dispute – *Breedlove v. Hartford Life & Acc. Ins. Co.*, 2011 WL 6132254 (M.D. Fla. 2011).
- Obtained summary judgment for insurer in ERISA action where claimant provided only attending physician's post hoc certification of disability, which was unsupported by records contemporaneous with date of disability – *Bumpas v. UNUM Life Ins. Co. of Am.*, 2005 WL 2428537 (M.D. Fla. 2005).

Appeals

- Obtained affirmance of decision for health insurer where plaintiff challenged use of level of care guidelines in decision involving behavioral health benefits under ERISA plan, and court concluded that insurer's decision following external review was not merely ministerial act which stripped insurer of its discretion – *Alexandra H. v. Oxford Health Ins., Inc.*, 2018 U.S. Dist. LEXIS 26811 (S.D. Fla. 2018), *aff'd*, 778 Fed. App'x 797 (11th Cir. 2019).
- Obtained affirmance of decision for insurer in accidental death case where medical examiner could not determine cause of death and

insured failed to prove death was the result of an accident — Jackson v. Hartford Life & Acc. Ins. Co., 2013 WL 1249547 (N.D. Fla.), aff'd, 543 Fed. App'x 977 (11th Cir. 2013).

- Obtained affirmance of decision for insurer in ERISA action where medical and vocational reviews supported claimant's ability to perform own occupation as vice president of operations for construction company despite heart condition — Reeve v. UNUM Life Ins. Co. of Am., 170 Fed. App'x 108 (11th Cir. 2006).
- Obtained affirmance of decision for insurer in ERISA action where home health care nurse was not disabled due to fibromyalgia/chronic fatigue syndrome from "any gainful occupation" based on her sedentary work capacity — Muzyka v. UNUM Life Ins. Co. of Am., 195 Fed. App'x 904 (11th Cir. 2006).
- Obtained affirmance of decision exempting loan proceeds requested by debtor under whole life insurance policy from garnishment due to statutory exemption for cash surrender value in "whatever form" — Tech. Chems. & Products, Inc. v. Porchester Holdings, Inc., 785 So. 2d 636 (Fla. 4th DCA 2001).
- In case of first impression, obtained reversal of decision prohibiting health insurer from denying claim based on failure to timely pay where interest was only penalty afforded by statute requiring claims decision within 45 days — Pioneer Life Ins. Co. v. Heidenfeldt, 773 So. 2d 75 (Fla. 2nd DCA 2000).

Jeannine's Affiliations and Civic Involvement

- Florida Bar Association
- Defense Research Institute (DRI for Life Co-Chair, Life, Health, and Disability Marketing Subcommittee)
- American Bar Association (Vice-Chair, Tort and Insurance Practice Health & Disability Committee)
- Federal Bar Association
- Posse Foundation

Bar Admissions

State Bar: Florida

U.S. District Court: Florida (Northern, Middle, Southern)

U.S. Court of Appeals: Eleventh Circuit

U.S. Supreme Court

Education

- Duke University School of Law
 - (J.D., Articles Editor - Duke Journal of Gender Law and Policy)
- Cornell University
 - (B.A., English)