

BIRMINGHAM

Thomas Julian Butler

SHAREHOLDER



Tom's Profile

Tom is a Shareholder in Maynard Cooper's Litigation Practice with a wide-range of trial and class action experience in state and federal courts across the United States, as well as in the Second, Fourth, Fifth, Tenth, and Eleventh Circuit Courts of Appeal. His diverse practice includes class actions, life insurance, and annuity sales practice litigation, mass tort, bad faith, ERISA, securities, product liability, general business litigation, and landlord/tenant disputes.

With significant experience representing some of the largest property and casualty life insurance and retirement companies in the United States in claims, interpleaders, sales practices, rescission, bad faith, and punitive damages matters, Tom has earned recognition by Best Lawyers® in the area of Insurance Law. He also devotes a substantial amount of his practice to defending all aspects of consumer class actions, serving as a co-lead counsel in various nationwide settlements. Tom has served as trial counsel in numerous venues, including California, Illinois, Mississippi, and Alabama.

Tom's reputation and skills as a lawyer are widely recognized. In addition to his consistent inclusion in The Best Lawyers in America® for Insurance Law, he was one of the youngest lawyers named to Alabama Super Lawyers for his success in defending class action/mass tort litigation. He is a current member of Maynard Cooper's Board of Directors and also serves as an Adjunct Professor of Trial Advocacy at the University of Alabama School of Law.

Tom's Experience

- Lovelace v. Ameriprise Auto & Home Ins. Agency, Inc., –No. 4:19-CV-150-JM (E. D. Ark. 2019) – Obtained a voluntary dismissal with prejudice after conducting limited discovery in putative multi-state class action alleging insurer incorrectly depreciated labor costs

Contact

T 205.254.1063

F 205.714.6425

C 205.413.2053

tbutler@maynardcooper.com

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when calculating actual cash value.

- *Davis v. RiverSource Life Ins. Co.*, No. 4:16-CV-02801-JSW (N.D. Cal. 2018) – Class certification denied in case arising from alleged nondisclosure of penalties and charges associated with deferred annuities sold to senior citizens.
- *Sabbah v. Nationwide Mutual Ins. Co.*, 2018 WL 1856173 (N.D. Ala. April 18, 2018) (granting motion to dismiss in lawsuit brought by insured for alleged failure to settle underlying dram shop lawsuit)
- *Archuleta v. USAA Casualty Ins. Co.*, 2017 WL 3157947 (D. Colo. July 25, 2017) *aff'd* 896 F.3d 1166 (10th Cir. 2018) (obtained dismissal prior to discovery in class action relating to alleged improper reduction of settlement offers by taking into account prior MedPay benefits)
- *Ware v. Metropolitan Property and Casualty Insurance Co.*, __F. Supp. 3d__, 2016 WL 7209816 (M.D. Ala. Dec. 7, 2016). Obtained dismissal of purported statewide class action against property and casualty insurer alleging claim for breach of contract for depreciating labor costs when calculating the actual cash value of the insurance policy.
- *Trigg v. USAA Casualty Insurance Co.* No. 2:16-CV05206-R-AS (C.D. Cal. Oct. 3, 2016) (granting motion to dismiss in California statewide class action based upon alleged inconsistencies between policy and California's insurance regulation requiring that repairs achieve a "reasonable uniform appearance" within the damaged area).
- *Kraetsch v. USAA*, 4:14-CV-264-CEJ, (E.D. Mo. March 30, 2015) (granting USAA'S motion to strike plaintiffs' class action claims before commencement of discovery upon finding that the question of how an insurance policy provision is to be interpreted cannot predominate over the multitude of individual inquiries involved in determining a policyholder's claim).
- *Lewis v. Principal Financial Group, Inc.*, 1:14-CV-1779-KAM-JO (E.D.N.Y. March 31, 2015) *aff'd* 2016 WL 944358 (2nd Cir., March 14, 2016) (after procuring a transfer of case from the District of Nevada to Eastern District of New York, trial court granted defendants' motion to dismiss in purported nationwide class action alleging breach of contract, breach of trust, breach fiduciary duty, negligence, fraudulent misrepresentation and negligent misrepresentation claims).
- *Saunders v. USAA Life Insurance Co.*, 2014 WL 5339205 (N.D. Cal. Oct. 17, 2014) (granting defendant's motion to transfer venue from Northern District of California to Western District of Texas – USAA Life's headquarters – despite the fact that plaintiffs were California residents and complaint alleged California statutory claims).
- *Bliss & Glennon, Inc. v. Ashley*, 420 S.W. 3d 379 (Tex. App. – Hous. (1 Dist.), Jan. 7, 2014) (reversing trial court's order certifying a nationwide class action in data breach case against insurance brokerage agency) [our law firm was first engaged after the trial court's class certification order was entered and appeal notice was filed].

- Lawson v. Life of the South Insurance Co., 286 F.R.D. 689 (M.D. Ga. Sept. 28, 2012). (granted defendant's motion to strike plaintiff's nationwide class action allegations and rejected plaintiff's attempts to aggressively pursue far-reaching and incredibly expensive discovery from defendant and numerous third-parties).
- Burkhalter Transport v. AIG Aviation (United States District Court, Northern District of Mississippi) – Served as co-lead counsel in defense of nationwide class action case arising from cancellation of war-risk coverage rider after events of September 11, 2001. We obtained summary judgment on all claims prior to the plaintiff filing a motion for class certification.
- Underwood v. American General Life and Accident Ins. Co., 886 So.2d 807 (Ala. 2004) – Assisted in defense and successful appeal of case filed in Barbour County, Alabama arising from alleged discriminatory pricing of industrial life insurance policies. On appeal, the Alabama Supreme Court determined the common law rule of repose barred all actions that had not been commenced within twenty years from the time they could have been brought.
- Walden, et al. v. American General Life and Accident Ins. Co., 244 F.Supp.2d 689 (S.D. Miss. 2003) and Booker, et al. v. American General Life and Accident Ins. Co., 257 F.Supp.2d 850 (S.D. Miss. 2003) – Served as lead counsel in developing successful removal and jurisdictional discovery strategy in multi-plaintiff life insurance sales practice cases originally filed in Holmes County, Mississippi. The cases settled on favorable terms to the defendant after defeating plaintiffs' motion to remand.

Tom's Awards

- The Best Lawyers in America® for Insurance Law (2013-present)
- Mid-South Super Lawyers for Class Action (2016-present)
- B-Metro, Selected as a Top Attorney (2020)
- Alabama Super Lawyers for Class Action/Mass Torts, Consumer Law (2009-2015)

Tom's Affiliations and Civic Involvement

Affiliations

- American Bar Association
- Alabama State Bar
- Birmingham Bar Association

Civic Involvement

- Birmingham Chamber of Commerce Project Corporate Leadership, Class of 2005
- Mountain Brook Athletic League, Youth Coach

Bar Admissions

State Bar: Alabama, Mississippi

U.S. Court of Appeals: Fifth Circuit, Eleventh Circuit

Education

- University of Alabama School of Law
 - (1999, J.D., magna cum laude; Order of the Coif; Alabama Law Review, Special Works Editor)
- Birmingham-Southern College
 - (1995, B.A.)