

Estate of Rochow v. Life Insurance Co. of North America

Year: 2014

Court: U.S. Court of Appeals, 6th Circuit

Case Number: 12-2074

Where an insurer has wrongfully delayed or denied a covered claim, extra-contractual remedies are necessary to punish the conduct at issue and deter similar conduct in the future. UP argued in its brief that disgorgement of profits is an appropriate remedy for bad faith denial of a valid ERISA claim. UP reminded the Court of the Panel Majority's own recognition that "...if no remedy beyond the award of benefits were allowed, insurance companies would have the perverse incentive to deny benefits for as long as possible, risking only litigation costs in the process." Rochow I, 737 F.3d at 417. See DeBofsky and Associates' blog for a full case summary.

UP's brief was authored pro bono by Mark DeBofsky, Esq. and Martina Sherman, Esq. of DeBofsky and Associates. Of Counsel: UP Exec. Dir. Amy Bach, Esq. and Dan Wade, Esq.