

## **Lemy v. Direct General Finance Company**

Year: 2014

Court: U.S. Court of Appeals, 11th Circuit

Case Number: 12-14794-FF

UP weighed in to prevent insurers from abusing the surplus lines marketplace to circumvent consumer protections and sell policies to Florida consumers that the former FL Insurance Commissioner labeled as a “scam.” In UP’s amicus brief, we point out that the lower court’s holding will incentivize unscrupulous people and companies to sell products illegally in the surplus lines market to avoid rate and form regulation costing Floridians millions of dollars for essentially worthless insurance. The legal issue(s) in this case are: (1) Whether Florida Law renders a surplus lines insurance policy, sold in blatant violation of the Florida Insurance Code, void and illegal based on Florida Supreme Court precedent; and (2) Does such a violation entitle a private plaintiff to assert a claim for common law restitution and unjust enrichment.

UP's brief was drafted pro bono by Ed Zebersky, Esq. of Zebersky/Payne.