

Massachusetts Mutual Life Ins. Co. v. San Francisco Superior Court

Year: 2018

Court: California Court of Appeal, First Appellate District, Division Two

Case Number: A153198

UP wrote in opposition to a writ sought by the insurance company that would overturn a trial court ruling that held that an insurance company may not rescind a long term care insurance policy after the contestability period based on impermissible application questions. The trial court recognized that the legislative intent of the statute at issue prohibited such conduct. In fact, an insurance company may be fined for including impermissible questions on its application, therefore those same impermissible questions may not be grounds for rescission. UP argued in its letter that this practice of “post claims underwriting” that is, the scrutiny of a policyholder’s application only after a claim is made, all the while collecting premiums, is insidious and must be prohibited by courts of law.

UP's letter brief was authored pro bono by Daniel J. Veroff, Esq. of Kerr and Wagstaffe LLP