

[Richard L. Fowler et al v. Caliber Home Loans et al](#)

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

Case Number: 16-16585

In general, state insurance regulators must approve an insurer's rates before their insurance products are sold to the public. The effect of this is that generally plaintiffs are barred from bringing claims against insurers for unfair or discriminatory rates. This is known as the "filed-rate" doctrine. However, in Florida, force-placed insurance, that is, insurance that is placed by the mortgage lender on a property when a homeowner does not provide substitute insurance, is not subject to regulatory approval. Therefore, an insurer or mortgage lender may not rely on the filed-rate doctrine as a defense to a class action lawsuit alleging unfair or discriminatory rates (here, specifically - authorized charges and commissions). In this consolidated appeal, UP reminded the 11th Circuit that the District Court erred by relying on the filed rate doctrine to bar the plaintiffs' claims.

UP's brief was authored pro bono by Dennis J. Wall Esq.