



## John M. Aerni

Senior Counsel

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### *Related Services*

Class Action & Multidistrict Litigation ■ Commercial ■ Insurance Litigation & Regulation ■ Financial Services Litigation ■ Litigation ■ Insurance ■ Policyholder Class Action Defense ■ High Exposure Claims, Coverage & Bad-Faith Defense ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ Policy Drafting and Product Development

John Aerni has served as lead counsel for major insurer and financial services clients in dozens of complex litigation matters, particularly class actions involving life, health and long-term care insurance, annuities, property/casualty insurance and other financial products. He has been lead counsel in more than 20 trials and argued numerous appeals. John's representative matters include numerous defenses of class actions in which his clients prevailed on dispositive motions or by defeating class certification.

John has sat on the boards of several organizations that provide legal services to the indigent, including chairing the boards of South Brooklyn Legal Services and Volunteers of Legal Service Inc. He is also board chair of the Peace of Heart Choir Inc.

### *Representative Experience*

- Co-lead counsel in a putative class action alleging deceptive sales of deferred annuities to elderly purchasers. The court denied the plaintiff's motion for class certification and dismissed the action. *Johnson v. Bankers Life & Casualty Co.*
- Co-lead counsel in two putative class actions alleging improper increases in the cost of insurance rates for universal life insurance policies. *Yue v. Consec Life Insurance Co.*
- Obtained summary judgment in a putative class action involving the allegedly deceptive sale of deferred annuities to fund tax-qualified accounts. *Castillo v. Nationwide Life Insurance Co.*
- Defeated class certification and then obtained summary judgment in a putative class action alleging improper retention of life insurance and deferred annuity benefits. *Quinn v. Nationwide Life Insurance Co.*
- Obtained dismissal on a dispositive motion of a putative class action alleging improper retention of life insurance and deferred annuity benefits. *Fuller v. Nationwide Life Insurance Co.*
- Defeated class certification in a "gap premium" class action alleging deceptive practices in the sale of permanent life insurance contracts, leading to dismissal of the action. *Haase v. Principal Life Insurance Co.*
- Obtained a favorable settlement in a putative class action after filing a summary judgment motion to dismiss claims involving allegedly unfair and improper insurer demutualization. *Marrara v. Western & Southern Life Insurance Co.*
- Obtained dismissal on a dispositive motion of a putative life insurance class action involving vanishing premium allegations. *Grika v. Paul Revere Life Insurance Co.*
- Co-lead counsel in a life insurance class action involving vanishing premium allegations. *Grove v. Principal Mutual Life Insurance Co.*

- Obtained victory in the New York Court of Appeals for the insurance industry on a constitutional Takings Clause claim against the state of New York, leading to substantial recovery of proceeds of insurance guaranty funds. *AAI v. Chu*.
- Obtained summary judgment on a bad-faith claim involving insurers' appointment of counsel to represent multiple insureds in one action. *Kaufman v. Medical Liability Mutual Insurance Co. and Dinhofer v. Medical Liability Mutual Insurance Co.*

## ***Education***

- New York University (J.D., 1985)
- Princeton University (B.A., 1978)

## ***Admitted to Practice***

- New York