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## Removing Insurance Cases to Federal Court

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April 18, 2023

STRAFFORD WEBINARS

### *Strategic Considerations and Recurring Challenges*

A live 90-minute CLE video webinar with interactive Q&A

This CLE webinar will discuss why federal court may or may not be a better forum for insurers and review recurring challenges with effecting removal, such as citizenship of limited liability companies, inactive or dissolved entities, improper joinder, and resisting remand.

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### DESCRIPTION

Plaintiffs will often file coverage and bad faith matters in state court, and insurers typically seek to remove them to federal court. Federal court, however, may or may not be a better forum for an insurance case. Defendants have to consider many factors, taking into account the specific case, the specific jurisdiction, and the specific experience and track record of the judges.

Removal is most often based on diversity jurisdiction which presents its own challenges. In smaller cases, it may be difficult to establish the amount in controversy using the evidence that can be introduced. In other cases, the cost and difficulty of establishing diverse citizenship of limited liability companies or complex organizations may be cost prohibitive, if not impossible to ascertain.

If removal is the better course, then counsel for the defendant must be able to spot and address fraudulent joinder, deal with problems related to the citizenship of various types of entities, and be intimately knowledgeable about local rules.

Listen as this experienced panel of insurance litigators shares how to analyze the removal question and provides best strategies for accomplishing removal and avoiding remand.

### DATE & TIME

**Tuesday, April 18, 2023 | 1:00 pm - 2:30 pm EDT, 10:00am-11:30am PDT**

### SPEAKER

**John Koch**, Shareholder, Flaster Greenberg

**Greg E. Mann**, Partner, Rivkin Radler

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**Jennifer Martin**, Partner, Wilson Elser

## OUTLINE

- I. Introduction
- II. Factors affecting remand
- III. Overcoming removal stumbling blocks
- IV. Opposing remand

## BENEFITS

The panel will review these and other key issues:

- When does the deadline to remove begin to run? Are there second chances?
- Does it matter if the litigation raises novel state law coverage issues?
- What is required to fully allege complete diversity of citizenship as required by 28 U.S.C. Section 1332(a)?
- Does the Rooker-Feldman doctrine apply to a properly removed case?
- May a federal appeals court review state court orders entered before removal?
- Which Defendants must consent to removal?
- What is the forum defendant rule? Does “snap removal” provide a way around it?

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## ATTORNEYS MENTIONED

John Koch