



# Joseph M. Kelleher

## Member

## Philadelphia

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Joe represents clients in a variety of commercial matters with a focus on the software industry, stranger-originated life insurance (STOLI), and other complex business disputes.

In the insurance area, Joe represents insurers in declaratory judgment actions seeking to have STOLI policies declared void *ab initio*. He also represents insureds and/or their families in connection with the proceeds of such policies.

In the software area, Joe represents clients in civil actions arising from the licensure and/or implementation of integrated business software solutions (ERP). Working closely with top experts in the field, he litigates across a broad spectrum of issues, including those related to license compliance, project management, solution architecture, hardware sizing, defect remediation, performance testing, and software maintenance and support. Joe's practice goes beyond merely litigating these issues by providing real-time counsel to clients during on-going projects.

Between his undergraduate studies and law school, Joe served as a scout platoon leader in Ramadi, Iraq during Operation Iraqi Freedom IV.

## Experience

Obtained summary judgment for plaintiff life insurance carrier, with the court finding that the carrier was not obligated to pay the death benefit on a \$5 million policy because it was a stranger-originated life insurance (STOLI) policy lacking insurable interest that was void *ab initio* under Illinois law as an illegal human-life wager. The investor policyholder also brought breach of contract and bad-faith counterclaims against the carrier, which the court dismissed on summary judgment. *Sun Life Assurance Company of Canada v. Wells Fargo Bank, N.A., et al.*, 17-cv-0658, 2020 WL 150364, 2020 U.S. Dist. LEXIS 55350 (N.D. Ill. March 30, 2020).

Obtained summary judgment for the plaintiff life insurance company voiding a \$5 million policy on grounds that it was an illegal wager which lacked insurable interest, and secured affirmance of the judgment on appeal. *Sun Life Assurance Company of Canada v. U.S. Bank N.A.*, No. 14-62610, 2016 WL 161598 (S.D. Fla. Jan. 14, 2016), *as clarified by* 2016 WL 3948059 (S.D. Fla. June 9, 2016), *upheld on all merits issues by* 693 Fed. Appx. 838 (11th Cir. June 12, 2017).

Obtained a complete defense verdict for an ERP firm after a federal jury trial with more than \$10 million at issue. *Hodell-Natco Industries, Inc. v. SAP America, Inc.*, No. 1:08-2755, 2015 WL 5321078 (N.D. Ohio July 9, 2015).

Obtained a significant monetary award for the family of a senior citizen who was drawn into an illegal STOLI scheme prior to the senior citizen's passing.

Obtained multiple favorable settlements for business software companies in cases with amounts at issue ranging from \$3 million to \$500 million and in jurisdictions ranging from Florida state court to the International Chamber of Commerce's (ICC) International Court of Arbitration in Paris, France.

Obtained dismissal of putative class action against a credit card company in a civil RICO case arising

## Practice Areas

- Life Insurance & Annuities

## Industry Sectors

- Software

## Education

- Temple University School of Law, J.D., *magna cum laude*, 2009
- Wake Forest University, B.A., *cum laude*, 2004

## Bar Admissions

- New Jersey
- Pennsylvania

## Clerkships

Honorable Robert B. Kugler, U.S. District Court  
-- New Jersey

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out of alleged internet gambling activities of an online merchant. *Hertzog v. QuiBids LLC*, No. 5:12-786 (D. Okla. Sept. 9, 2013).

Obtained numerous dismissals of stranger-originated life insurance (STOLI) and cost of insurance (COI) claims on jurisdictional and other grounds. *E.g.*, *AMT Capital Holdings, S.A. v. Sun Life Assurance Company of Canada*, No. 654756/16, 161 A.D.3d 465 (N.Y. App. Div. 2018); *Robert S. Appel Irrevocable Insurance Trust v. Banner Life Ins. Co.*, No. 17-759 (D. Md. May 15, 2017); *Karl Anderson v. Sun Life Assurance Co. of Canada*, No. 1:15-04422 (S.D.N.Y. Nov. 13, 2015).

Obtained numerous orders striking proposed expert witness candidates, particularly involving proposed opinions relating to business valuation, lost profits, and lost opportunities.

Obtained a plaintiff's verdict in a trespass action following a bench trial.