



Charles J. Vinicombe

Of Counsel

Cherry Hill

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Charles has over 30 years of experience representing clients in litigation matters and counseling clients. He focuses his practice on insurance matters and commercial litigation.

Charles has prosecuted and defended claims arising out of stranger originated life insurance (STOLI) transactions and defended insurance companies in complex claims and coverage actions. He has counseled insurance clients on underwriting, claims, and marketing practices. He has also represented clients in complex commercial litigation.

Charles earned his undergraduate degree, *summa cum laude*, from Seton Hall University. Charles earned his law degree from Wake Forest University School of Law where he was a member and articles editor of law review.

Experience

Secured a unanimous ruling from the Supreme Court of the State of New Jersey that stranger-originated life insurance policies are void from inception under New Jersey law. In this case, the policy at issue was purchased by an individual with an insurable interest in the insured's life, but ownership was quickly transferred to strangers as per a prior agreement. The matter came to the state high court via certified questions from the U.S. Court of Appeals for the Third Circuit.

Defense on summary judgment of a \$100 million environmental contract dispute for a defendant industrial seller.

Defense through appeal of a lender liability claim against a financial institution.

Resolution of a lawsuit involving environmental claims against an insurance company in connection with over 100 waste sites located in 25 states.

Resolution of a lawsuit seeking \$65 million in damages arising out of retroactive capitation payments in connection with the acquisition of a health maintenance organization.

Defense on appeal of the lien rights of a workers compensation insurance company, as reported in *Ohio Cas. Group v. Owens*, 392 S.E.2d 647 (N.C. App. 1990).

Defense on summary judgment of a \$10 million title insurance claim against a reinsurance company, as reported in *RTC Mort. Trust 1994 N1 v. Fidelity Nat'l Title Ins. Co.*, 58 F. Supp. 2d 503 (D.N.J. 1999).

Defense through appeal of a \$500 million claim against an investment company as reported in *Nemelka v. Questor Management Co., LLC*, 36 N.Y.S. 2d 598 (2007) and *Nightwatch Capital Group v. Questor Management Co., LLC*, 2011 Mich. App LEXIS (2011).

Defense on summary judgment of a \$40 million RICO claim against a life insurance and annuity company, as reported in *Luzerne County Ret. Bd. v. Makowski*, 627 F. Supp. 2d 506 (M.D. Pa 2007).

Defense on summary judgment of a receiver's claim seeking to obtain a premium refund on a STOLI policy, as reported in *Wuliger v. Reassure Am. Life Ins. Co.*, 2011 U.S. Dist. LEXIS 19391 (N.D. Ohio

Practice Areas

- Insurance Coverage
- Bad Faith
- Commercial Litigation
- Life Insurance & Annuities

Industry Sectors

- Software

Education

- Wake Forest University School of Law, J.D., 1987
- Seton Hall University, B.A., *summa cum laude*, 1984

Bar Admissions

- New Jersey

Court Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- Superior Court of New Jersey
- Supreme Court of New Jersey
- U.S. District Court -- New Jersey

Affiliations

American Bar Association, Litigation Section

New Jersey Bar Association

Arbor Glen Continuing Care Retirement Community (Past Board Director)

Jaycees

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2011).

Reversal on appeal of a summary judgment order compelling an insurer to refund \$5 million in premiums on STOLI policies, as reported in *Wuliger v. Manufacturers Life Ins. Co.*, 567 F.3d 787 (6th Cir. 2009).

Obtaining summary judgment for life insurers on medical misrepresentation claims rescinding policies including, for example, *Bhakta v. Hartford Life and Annuity Ins. Co.*, 2015 U.S. Dist. LEXIS 26508 (C.D. Cal. Mar. 3, 2015).

Denial of numerous motions seeking to dismiss STOLI and/or misrepresentation claims by insurance companies.

Obtaining summary judgments declaring multi-million dollar STOLI policies invalid as reported, for example, in *Sun Life Assurance Co. of Canada v. Conestoga Trust*, No. 3:14-cv-00539 (E.D. Tenn. 2017), *aff'd*, No. 17-5877 (6th Cir. 2018) and *U.S. Bank Nat'l Assoc. v. Sun Life Assurance Co. of Canada*, No. 14-CV-4703 (E.D.N.Y. 2017).

Establishing the right of life insurers to make post-contestable challenges to STOLI policies based upon lack of insurable interest.