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Randi F. Knepper

Shareholder

randi.knepper@stevenslee.com

Bergen County

Phone: 201.857.6770

Areas of Focus

Practice

Double Litigation

Randi is a highly experienced litigator in the areas of commercial, insurance and ERISA disputes. She serves as a strategic ally to fiduciaries, insurers and other corporate entities with a particular focus on life and disability insurance, financial services and health insurance disputes. Randi has extensive civil litigation and trial experience before various state and federal courts and has a particular depth of experience litigating appeals before the Second and Third Circuit Court of Appeals. She has handled a range of issues surrounding life, health and disability law, contract disputes, pension and retirement benefits, rescission, insurance fraud, class actions, consumer fraud and bad faith.

Randi is an authority on ERISA, life, health and disability law. She has edited and co-authored prolifically for American Bar Association publications, including chapters discussing the Second and Third Circuit in multiple volumes of the *ERISA Survey of Federal Circuits*; the Delaware, New Jersey, Pennsylvania and Third Circuit chapters of *Misrepresentations in the Life, Health, Disability Insurance Application Process: A National Survey*; and the New Jersey chapter of *The Law of Life Insurance Key Issues in Each State*.

Randi served as a Judicial Clerk to Hon. Joseph C. Messina of the Superior Court of New Jersey.

Representative Experience

- **Daly v. Metropolitan Life Insurance Company:** District Court of Delaware decision holding that a wrap-around to a certificate of insurance is part of the ERISA plan document and can give discretionary authority to the claim administrator.
- **Karzai v. Metropolitan Life Insurance Company:** S.D.N.Y. decision holding that the arbitrary and capricious standard of review applies to FEGLIA, and that the claim administrator's decision to pay benefits in accordance with a divorce decree was neither arbitrary nor capricious.
- **Alkon v. CIGNA Health & Life Insurance Company:** D.N.J. decisions granting motion to dismiss and denying motion for reconsideration holding that non-assignment clauses in ERISA governed plans are enforceable and prohibit a non-network provider from maintaining litigation on behalf of its patient.
- **Cohen v. Metropolitan Life Insurance Company:** E.D.Pa. decision holding that it is neither arbitrary nor capricious to apply a 24-month neuromuscular maximum benefit period to a claim involving failed back surgery.
- **N'Diaye v. Metropolitan Life Insurance Co.:** ERISA action in S.D.N.Y. which we successfully limited third party discovery including quashing a subpoena served in the employer/plan administrator.
- **Greifenberger v. Hartford Life Ins. Company:** ERISA action in S.D.N.Y. dismissed with prejudice for failure to exhaust. Affirmed by the Second Circuit.
- **Peterson v. Continental Casualty Co.:** ERISA suit in S.D.N.Y. and affirmed in the Second Circuit, limiting attorneys' fees to the fees incurred during the litigation and rejecting plaintiff's assertions that the interest should be awarded based upon what the credit care companies charge or the CPLR rate of 9 percent.
- **Guardian Life Ins. Co. of America v. Jaye:** interpleader decision holding that Guardian should be reimbursed its fees because it did everything possible to limit its involvement in the matter.
- **Metropolitan Life Insurance v. Kubichek:** Third Circuit decision affirming the fees awarded to MetLife in this interpleader action.
- **Haase v. Metropolitan Life Insurance Company:** M.D.Pa. ERISA decision holding that MetLife paying interest at the post judgment rate was neither arbitrary nor capricious.
- **Carlson v. Principal Life Ins. Co.:** Second Circuit decision holding that if the word ERISA appears in the complaint there is federal court jurisdiction regardless of whether ERISA actually applies to the claims. The case was subsequently tried to verdict with a decision in Principal's favor, which was upheld by the Second Circuit.
- **Delso v. Trustees of Retirement Plan for Hourly Employees:** D.N.J. decisions establishing what proofs are required to obtain discovery in an ERISA matter and that an attorney cannot ghost write papers for a plaintiff that is representing to the court that she is pro se.
- **Nichols v Verizon Communications Inc.:** Third Circuit ERISA decision holding it is neither arbitrary nor capricious to require objective proof of a participants functional limitations.
- **Hunter v. Cellco Partnership Inc.:** E.D.Pa dismissal with prejudice of a severance claim, holding that there was no viable cause of action that could be asserted under ERISA.
- **Quinones v. First Unum Life Ins Co.:** S.D.N.Y. ERISA discovery decision rejecting plaintiff's efforts to obtain discovery beyond the administrative record.
- **Metropolitan Life Ins. Co. v. Price:** lead Third Circuit authority holding that there is federal court jurisdiction regardless of the exhaustion of administrative remedies where there are competing claimants and the plan at issue is an employee welfare benefit plan as defined and governed by ERISA.

- **Searles v. First Fortis Life Ins. Co.:** S.D.N.Y. case holding that it is proper (and efficient) to rely upon an affidavit to explain the content of an administrative record in support of a summary judgment motion in an action governed by ERISA.
- **Zurawal v. Johnson & Johnson:** D.N.J. decision limiting discovery to the administrative claim file.
- **Miller v. Fortis Benefits Ins Co.:** Third Circuit authority on when an ERISA claim accrues for purposes of determining whether the period of limitations expired and affirming the District Court's decision in favor of Fortis, holding that the action was time barred.
- **Blasband v. Atlantic City Showboat:** D.N.J. decision granting summary judgment in favor of MetLife, holding ERISA coverage was not converted into an individual policy within the time permitted by the applicable plan.

Affiliations

- American Bar Association
 - Health and Disability Committee, past Chair
 - Life Insurance Committee
- Defense Research Institute
 - Committee on ERISA, Life Health and Disability Law

Recognition

- Named to the *New Jersey Law Journal's* "40 Under 40" list in 2005

Education

- Hofstra School of Law, J.D., with distinction
 - *Hofstra Law Review*, Editor and author
- University of Wales, Aberystwyth, Diploma in International Law & Relations
- University of Pittsburgh, B.A., *magna cum laude*

Bar Admissions

- New York
- New Jersey
- Pennsylvania

Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania