

Elizabeth A. Venditta

Partner

Chair, Life, Health, Disability and ERISA Group

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Liz Venditta concentrates her practice on the vigorous defense of life, accident, health and disability claims, particularly the defense of insurers, third-party administrators and employers in ERISA litigation involving benefit denial, fiduciary liability and related issues.

Client responsiveness, attention to detail and a proactive approach are the hallmarks of Liz's successful ERISA practice, all of which lead to practical and efficient resolutions for her clients. She has handled litigation matters throughout the northeast region in federal and state courts, has represented clients at mediations and arbitrations, has counseled clients pre-litigation on fiduciary obligations and plan administration and has assisted clients in employee benefit plan design and compliance.

Liz has been a frequent speaker at national ERISA conferences, as well as at complimentary client seminars, on everything from "ERISA Litigation 101"—the elementary primer, to "Hot ERISA Topics"—tracking the latest developments. She has written on a variety of ERISA litigation issues and collaborated in the production of the ERISA Law Case Digest.

Liz is an elected and/or appointed member of various firm committees. She chairs the Operations Committee and Budget Committee, and is a member of the Pension Committee.

During law school, Liz was a published member of the principal Law Review, *The Delaware Journal of Corporate Law*, "Ethics Ruling on Legal Opinions in Tax Shelter Investment Offerings," 7 Del.J.Corp.L. 449 (1982).

Representative Matters

- *Bowerman v. National Life Insurance Co.*, 654 Fed. Appx. 550 (3d Cir. 2016). The summary judgment granted our client, National Life, was upheld by the Third Circuit which concluded that the trial court had properly ruled that the insured was no longer contractually eligible for residual disability benefits under the terms of a clear and unambiguous policy and rider. The decision of the ERISA claims administrator, which had utilized a change in the definition of disability found in the policy's residual disability benefits rider, was

Practice Areas

Insurance Coverage and Bad Faith
Life, Health, Disability and ERISA
Bad Faith and Extra-Contractual Liability

Bar and Court Admissions

Pennsylvania Supreme Court
New Jersey Supreme Court
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 Pennsylvania
U.S. District Court for the Middle District of Pennsylvania
U.S. District Court for the Western District of Pennsylvania
U.S. Supreme Court

Education

Widener University School of Law, JD, 1981
Immaculata College, B Mus., *cum laude*, 1975

Memberships

American Bar Association; Health Law Section
Defense Research Institute; Life, Health and Disability Committee
Philadelphia Bar Association

validated, with the language of the rider, incorporating the policy, found unequivocal. In addition to the significant financial value to the insurer-client, this case also had a value in affirming its interpretation of the rider vis-à-vis the policy, with the finding of no ambiguity.

- *Laughman v. Black & Veatch Corp. and Overland Contracting, Inc.*, 2010 WL 4514318 (M.D.Pa., Nov. 2, 2010); defended ERISA plan administrator on claims for significant ERISA statutory penalties and fiduciary breach for alleged failures to timely provide plan documents
- *Bayer v. Fluor Corp., Connecticut General Life Ins. Co.*, 2010 WL 2766843 (E.D. Pa. Jul. 12, 2010); summary judgment granted in favor of insurer on alleged wrongful denial of ERISA group universal life and term life insurance claims involving multiple beneficiary designations
- *Tannenbaum v. Unum Life Ins. Co.*, 2006 WL 2671405 (E.D. Pa. Sept. 15, 2006); successfully argued ERISA applicability to physician long term disability claims, gaining dismissal of all state law and bad faith causes
- *Innovative v. Unum Life Ins. Co.*, U.S.D.C, W.D. of Pa., No. 06-cv-866; international ERISA litigation matter satisfactorily mediated before Queen's Counsel in the United Kingdom in late 2008
- *Licon v. Metropolitan Life Ins. Co.*, 2007 WL 3405696 (E.D. Pa. Sept. 13, 2007); early, conclusive dismissal of insurer in life insurance benefits matter where coverage was terminated by divorce but plaintiff continued to pay, and insurer continued to accept, premiums
- *Klimas v. Connecticut General Life Ins. Co.*, U.S.D.C., E.D. Pa., No. 04-cv-05408; Motion for Summary Judgment granted in ERISA long term disability benefits case complicated by the Court's attempt to consider evidence outside the administrative record
- *Trabucco v. Unum Life Ins. Co.*, U.S.D.C. E.D. of Pa., No. 09-cv-00448; successfully secured ERISA applicability to claims by an attorney-shareholder resulting in denial of Plaintiff's Motion for Removal and grant of Defendant's Motion to Dismiss as to all claims against client
- *Cetel v. Kirwan Financial Group Inc.*, 460 F.3d 494 (3rd Cir. 2006); represented a financial planner and broker sued for common law fraud and statutory fraud as well as under ERISA and RICO arising from the sale of an employee benefit life insurance plan; the allegations included deceptive design of the product and improper "springing value"; achieved a dismissal of the matter at the trial court level, and the dismissal was affirmed by the 3rd Circuit Court of Appeals.
- Assisted employer in drafting amendments to its self-insured health plan
- Assisted national insurer in amending its short term disability and long term disability policies and summary plan descriptions
- Multiple pre-litigation coverage opinions for multiple insurers, third-party administrators and employers throughout the continental U.S. and Puerto Rico

Recognition & Involvement

Liz is rated AV® preeminent™, the highest rating in legal ability and ethical standards, by the Martindale-Hubbell peer review rating system. She was selected by *American Lawyer Media* as a "2013 Top Rated Lawyer" and selected for inclusion in "Women Leaders in the Law."

For the past several years Liz has represented homeless clients on a pro bono basis through the Homeless Advocacy Project at Our Brothers Place, Philadelphia, and has been a shadowing mentor for high school students interested in legal careers through Octorara High School.

In the News

Sean Mahoney and Liz Venditta Co-Author Chapter of *The Law of Life Insurance: Key Issues in Each State*
April 26, 2017

Events

Life, Health, Disability and ERISA: Benefit Claims Litigation and The New DOL Disability Claims Regulations
Client Presentation | February 21, 2019

Tales from the Crypt...Death, Dismemberment, Gore and More
White and Williams Coverage College | October 3, 2013

Uncovering the Mystery of Brewster's History
University of Pennsylvania, New Bolton Center, BVDC General Meeting (Kennett Sq., PA) | November 18, 2012

Publications

Cross-Plan Offsetting to Recoup Overpayments to "Out-Of-Network" Providers Held Unreasonable
Life, Health, Disability and ERISA Alert | January 16, 2019

Purported Assignment and Power of Attorney Held Invalid in Provider's Suit to Recover Health Benefits
Life, Health, Disability and ERISA Alert | December 13, 2018

Third Circuit Issues Precedential Ruling: "Anti-Assignment" Clauses in ERISA-Governed Health Insurance Plans Are Enforceable
Life, Health, Disability and ERISA Alert | May 23, 2018

DOL's Year-End Mic Drop: Final Rule Amending ERISA Disability Claim Procedure Regulations Released
Employee Relations Law Journal, Vol. 43, No. 1 | Summer 2017

Supreme Court Blesses Church-Affiliated Nonprofits With ERISA Exemption Decision
Life, Health, Disability and ERISA Alert | June 15, 2017

Cyberspace, the Marlboro Man and The Ever-Broadening Nature of 'Advertising Injury' in the Computer Age
Executive Newsletter | Spring 2005

Cases & Deals

MIS Training Institute Acquires LeaderQuest
April 1, 2019