



Melissa M. Cowan

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Pronouns: she, her, hers

Melissa M. Cowan is a highly skilled litigator with decades of experience representing a broad spectrum of clients. She has achieved success for first-party insurers, third-party administrators, and employee benefit plans at national, state, and local levels. Her results – including two separate jury verdicts for punitive damages against fraudulent insureds – have contributed to the development of insurance law within the Ninth Circuit and California. Her broad expertise includes long-term care, disability, accident, life, health, critical care, and ERISA.

Her practice also includes representation of public and private employers in discrimination, retaliation, wage and hour class action, and sexual abuse matters.

Melissa combines her deep experience in investigating and uncovering fraud with her litigation expertise to advise and represent clients on fraud-related issues. She is accredited as a Certified Fraud Examiner (CFE).

As a veteran speaker at national and regional forums, Melissa strives for new ways to keep fraud, best practices, and industry issues reasonable and thought-provoking. Her special interests include fraud/false claims, “bad faith”, ERISA, litigation tactics, legal trends, and claims practices.

Melissa serves on Burke’s Personnel Committee and co-leads the Insurance Practice Group. She is likewise an active member of the DEI Committee and Education Sub-Committee.

When not working tirelessly for clients, Melissa enjoys adventures with her family, musical theater, and UCLA Bruin volleyball and basketball. Her views on life and the law are exemplified in the philosophies of the great UCLA Coach John Wooden, who said, “It takes time to create excellence. If it could be done quickly, more people would do it.”

PRACTICES

Insurance Coverage and Litigation

Litigation

Real Estate and Business Law

Workplace Investigations

EDUCATION

J.D., University of California, Los Angeles School of Law, 1994

B.S., summa cum laude, Finance California State University, Long Beach, 1991

ADMISSION

State Bar of California

United States Court of Appeals for the Ninth Circuit

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States District Court for the Southern District of California

AFFILIATIONS

Defense Research Institute
 International Claim Association
 The Association of Life
 Insurance Counsel
 Association of Certified Fraud
 Examiners

PUBLICATIONS

Strategies for Enforcing the Mental Illness Limitation under De Novo Review

RECOGNITIONS

Super Lawyers Rising Star - 2008

REPRESENTATIVE MATTERS

- ***Lincoln Benefit Life Insurance Company v. Dallal***, 22 WL 605709 (9th Cir. Mar. 1, 2022) (affirming judgment in issue of first impression to void joint long-term care insurance policy held by elderly couple for prevalent fraud in 12-year claim for benefits, equitably determine the insured was not entitled to long-term care benefits, and uphold a jury verdict against the couple for nearly \$1 million in fraud and punitive damages).
- ***Lincoln Benefit Life Insurance Company v. Dallal***, 2017 WL 5635423 (C.D. Cal. Apr. 11, 2017) (denying defendants' motion to dismiss complaint for fraud in long-term insurance claim).
- ***Gonda v. Permanente Medical Group, Inc.***, 691 Fed.Appx. 397, 2017 WL 2241824 (9th Cir. May 22, 2017) (affirming judgment in favor of plan administrator and plan to bar plaintiff's ERISA lawsuit due to waiver of ERISA claims under his settlement with employer).
- ***Tom v. Hartford Life and Accident Insurance Company***, 2017 WL 778681 (N.D. Cal. Feb. 28, 2017) (after hearing live testimony at bench trial, court held that ERISA preempted plaintiff's state law claims).
- ***Colman v. American International Group, Inc. Group Benefit Plan***, 87 F.Supp.3d 1250 (N.D. Cal. Apr. 9, 2015), *aff'd* 691 Fed. Appx. 453, 2017 WL 2533411 (9th Cir. June 12, 2017) (affirming judgment for insurer and ERISA plan in long-term disability case involving mental illness limitation).
- ***Arko v. Hartford Life and Accident Insurance Company***, 2014 WL 5514183 (N.D. Cal. Oct. 10, 2014), *aff'd*, 672 Fed.Appx. 693. (9th Cir. Dec. 23, 2016) (affirming judgment in insurer's favor regarding denial of long-term disability benefits).
- ***Armstrong v. Hartford Life and Accident Insurance Company***, 63 F.Supp.3d 1191 (E.D. Cal. Oct. 30, 2014) (granting summary judgment to insurer to legally bar lawsuit based on contractual limitations provision).
- ***Cain v. Hartford Life and Accident Insurance Company***, 890 F.Supp.2d 1246 (C.D. Cal. 2012) (affirming insurer's removal to federal court and denying motion to remand).
- ***Cook v. The Hartford***, 2012 WL 2921198 (E.D. Cal. 2012) (granting insurer's motion to transfer venue).
- ***Whinery v. Life Insurance Company of North America***, 2012

- WL 8652619 (C.D. Cal. Nov. 7, 2012) (upholding LINA's denial of accidental death benefits).
- **Campbell v. Hartford Life Insurance Company**, 825 F.Supp.2d 1005 (E.D. Cal. 2011) (affirming insurer's removal to federal court and denying motion to remand).
 - **Bates v. Hartford Life and Accident Insurance Company**, 765 F.Supp.2d 1218 (C.D. Cal. 2011) (granting motion to dismiss on plaintiff's claims for unfair business practices and negligent infliction of emotional distress).
 - **Wessman v. Provident Life and Accident Insurance Company**, 606 F.Supp.2d 1098 (C.D. Cal. 2009) (finding insurer did not abuse its discretion in denying long-term disability benefits).
 - **Kushner v. Lehigh Cement Co.**, 572 F.Supp.2d 1182 (C.D. Cal. 2008) (finding insurer did not abuse its discretion in denying long-term disability benefits).
 - **Sousa v. Unum Life Insurance Company of America**, 528 F.Supp.2d 999 (C.D. Cal. 2007) (granting judgment to Unum on long-term disability claim when plaintiff failed to exhaust administrative remedies and failed to provide ongoing proof of loss).
 - **Schwartz v. Life Insurance Company of North America**, 2006 WL 6185656 (S.D. Cal. 2006) (in hospital indemnity case, granting insurer's motion to dismiss plaintiff's claims for false promise, conversion, and California Business & Professions Code § 17200, and granting motion to strike treble and punitive damage claims).
 - **Sussman v. UnumProvident Corp.**, 65 Fed.Appx.123 (9th Cir. 2003) (affirming jury verdict in insurer's favor in dispute regarding plaintiff's individual disability claim).
 - **Light v. Provident Life and Accident Insurance Company**, 2003 WL 22718206 (2d Dist. Cal.Ct.App. 2003) (affirming trial court's judgment in insurer's favor in dispute regarding plaintiff's individual disability claim).
 - **Sussman v. UnumProvident Corp.**, 2001 WL 1352789 (C.D. Cal. 2001) (denying plaintiff's motion for new trial after jury verdict in insurer's favor).