



Todd H. Stitt

Partner

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Profile

Todd Stitt leads M&R's Class Action & Complex Litigation Practice Group. He uses his in-depth knowledge of the insurance and professional services industries to litigate cases on behalf of his clients in a wide range of matters. Todd's clients include Fortune 500 companies, prominent insurance providers, brokers, general agents and small to mid-size companies.

Todd is intimately acquainted with the inner workings of the insurance industry and represents many of the largest national insurers, managing general agents, third party administrators, software companies, premium finance companies, claims companies, and brokers and agents in insurance-related cases. He has successfully defended multiple insurance companies against actions by the Department of Insurance.

A specialist in Proposition 103 issues, Todd secured a decision in which the court found that the California Department of Insurance sought to implement an “underground regulation.” He has an unmatched track record of defending insurance companies and brokers against consumer and employment class actions, and errors and omissions claims.

Todd is a member of M&R’s Executive Committee.

Associated Industries

Insurance

Associated Practices

Class Action & Complex Litigation

Representative Matters

Class Action Defense: Defended numerous insurance companies and producers against class actions for utilizing a broker distribution channel when the “brokers” were alleged to be de facto “agents.” In each case, we convinced the court to deny the motion for class certification, reducing damages claims in excess of \$100 million to nominal amounts, causing plaintiffs to seek dismissals., **Insurance Brokerage Enforcement Action:** A large regional insurance brokerage was alleged to have inadequate customer service standards, have “dipped” into trust funds worth millions of dollars, and have employed unlicensed insurance professionals. The Department of Insurance sought to put the brokerage out of business. M&R tried the case over multiple months, in four different cities. Part of the strategy was to compare the Department’s service levels to that of the brokerage. This strategy proved successful, with the court dismissing the allegations and ruling that the license remain intact without sanctions. The brokerage received a nominal penalty of \$16,000., **Insurance Brokerage Enforcement Action:** Former California Insurance Commissioner, Chuck Quackenbush, publicly accused a large personal lines insurance brokerage of defrauding consumers, subsequently starting an enforcement action to revoke its license and fine its principals. During the course of the trial, which included hundreds of witnesses, it was discovered that Commissioner Quackenbush may have violated the law. As a result, the defense was entitled to his deposition, a unique and highly unusual request of a sitting insurance commissioner. Insurance Commissioner Quackenbush subsequently left office under a cloud of suspicion for alleged kick-backs, and the case was dismissed in its entirety., **Insurance Company Administrative & Regulatory Enforcement Actions:** A large national insurance company received an enforcement action by the Department of Insurance alleging that it was violating Proposition 103, which pertains to automobile insurance rates. The department sought significant change of business practices and a \$25 million fine. M&R sued the department, contending that the enforcement action was illegal as it was trying to enforce an “underground regulation”; a regulation that is not law. In a lengthy decision, the court held that the department’s actions were illegal and dismissed the case., **Misappropriation of Trade Secrets, Unfair Competition:** On behalf of national insurance company, successfully sued former New York employee for misappropriation of trade secrets, unfair competition, unlawful solicitation and rescission of stock options., **Over-Billing:** Received a nominal settlement for a national insurance carrier in a million dollar action brought by an insurer of insulation

contractors that claimed it was over-billed for premiums on several years' worth of comprehensive general liability policies., Private Equity Fund Governmental Investigation: A high profile private equity firm was being investigated by various agencies, including the SEC, the Department of Justice and multiple offices of the Attorney General, which sought to fine the fund by over \$30 million. A large and well-known national law firm was unable to resolve the investigations, so the client retained M&R. After years of litigation in eight different jurisdictions, against numerous agencies, the case was resolved with "closing letters" received from certain agencies, stating that the investigation was over. M&R later obtained a \$9 million investigation reimbursement for the client from a third party., Shareholder Dispute: Successfully brokered settlement in an action by former company shareholder seeking to rescind 50 percent sale of membership interests, so that the 50 percent sale stood, and the defendant was kept out of the company., and Trademark Infringement/Sanctions Award: Obtained a massive \$250,000 sanctions order for the failure of a defendant and its attorney in a trademark infringement case to participate in discovery. A Judge in the United States District Court issued his staggering ruling after the defendant neglected to respond to our client's discovery requests and then refused to abide by the Court's order to provide responses to interrogatories and produce documents, which was requested by way of our comprehensive motion to compel.

Bar & Court Admissions

- State Bar of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

Industry Associations Industries

- Latin American Agents Association
- Property Casualty Insurers Association of America
- Professional Liability Underwriters Society

Professional Affiliations

- Orange County Bar Association (Business Litigation Section)

Community Involvement

- Cystic Fibrosis Foundation

Education

- Southwestern University School of Law, J.D.
- University of California, Irvine, B.S.

Award & Special Recognition

- Super Lawyer, *Southern California Super Lawyers Magazine* (2006, 2009 and 2015-2022)

- Recommended by *The Legal 500* along with M&R's Commercial Litigation practice (2018)

Newsroom