



Tiffany L. Powers

Partner

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Related Services

Litigation ■ Commercial ■ Insurance ■ Class Action & Multidistrict Litigation ■ Insurance Litigation & Regulation ■ High Exposure Claims, Coverage & Bad Faith Defense ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ Policy Drafting and Product Development ■ Policyholder Class Action Defense

Tiffany Powers co-leads Alston & Bird's Insurance Litigation & Regulation Team and is a legal strategist instrumental in helping clients plan early exit strategies and achieve resolution of business-critical disputes. For over twenty years, Tiffany has concentrated her practice on complex litigation matters, with a particular focus on insurance and class action litigation. Her practice is national in scope, encompassing state and federal court litigation at both the trial and appellate levels.

Tiffany has extensive experience defending class actions. Serving as lead or co-lead counsel, she has obtained dismissal or defeated class certification in hostile, notoriously plaintiff-friendly jurisdictions. In the life insurance realm, Tiffany has been in the trenches defending the industry against COI class action litigation across the country. Tiffany also regularly represents clients in high-profile coverage and bad faith disputes, including matters involving COVID-19, 9/11/2001, and other significant catastrophic and weather events. Her regulatory experience includes market conduct examinations, attorney general investigations and other enforcement actions. She has been engaged by insurance carriers and large corporate policyholders for counseling and strategic planning in the aftermath of the bid rigging and finite reinsurance investigations, as well as for catastrophe response efforts.

In law school, Tiffany served on the *Georgia Law Review*. She received her J.D., magna cum laude, from the University of Georgia in 1999.

Representative Experience

- Represented top-tier national insurance carriers in putative class actions or mass actions in over 30 states, including Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.
- Defending P&C insurers as national coordinating counsel and MDL counsel in business interruption litigation nationwide relating to the COVID-19 pandemic, at trial and appellate levels, including representation and argument before the MDL panel.
- Defending life insurers in putative class actions nationwide claiming that it is improper to include profits and expenses in the cost of insurance (COI) calculations/deductions on universal life policies, including leading defensive discovery strategy, defending key corporate witnesses at deposition, and consideration of legal strategy for class certification, summary judgment, and potential trial.
- Serving as lead counsel to national insurer in auto premium class actions arising out of the COVID-19 pandemic.

- Serving as co-lead counsel in insurance coverage and bad faith lawsuit claiming losses to hotel property resulting from Hurricane Florence.
- Served as lead counsel in alleged nationwide ERISA class action alleging systemic failure to pay interest.
- Served as co-lead counsel representing a national insurance carrier in a jury trial of individually named plaintiffs' class action claim in federal court in the Western District of Washington after defeating a Washington state putative class. Obtained a defense verdict on all counts. As the first case to go to trial in a series of diminished value class actions across the country, this case was a landmark case for the insurance industry on this issue. *Hovenkotter v. Safeco Ins. Co. of Illinois*, No. C09-0218JLR (W.D. Wash.).
- Won summary judgment, affirmed by the Ninth Circuit Court of Appeals, in a California putative class action alleging violations of the Fair Credit Reporting Act (FCRA). The district court and Ninth Circuit held the plaintiff failed to establish actual harm or material risk of harm, harmonizing principles from the Supreme Court's *Spokeo* ruling.
- Served as coordinating counsel on certain high priority institutional issues for a top tier national insurer on two policyholder class actions, hundreds of individual cases consolidated in an MDL and accompanying regulatory investigations concerning allegations of bad faith failure to pay hurricane-related claims in Texas.
- Won summary judgment on a class action in Pennsylvania alleging that a Fortune 50 auto insurer did not pay appropriately for durable medical equipment under its medical payments coverage.
- Won dismissal of a Florida class action, affirmed by the Eleventh Circuit, challenging a Fortune 50 auto insurer's subrogation practices under its medical payments coverage. The Eleventh Circuit agreed with the district court's opinion that the complaint, even as amended several times, failed to allege an imminent injury. *Vandenbrink v. Voneschen*, No. 13-10829 (11th Cir.).
- Obtained a nominal settlement in Pennsylvania for a top three national property & casualty insurer for a class action lawsuit challenging auto carriers' alleged failure to provide statutorily required premium discounts for antitheft devices.
- Obtained dismissal of a policyholder class action pending in federal court in Arkansas alleging systematic violation of notifying insureds of a Fortune 50 auto insurer of the right to reimbursement.
- Served as lead or co-lead counsel on numerous bad faith lawsuits on time-limited demand issues.
- Assumed a leading role to counsel and advise a university in its recovery and maximization of insurance assets in the wake of Hurricane Katrina.
- Won summary judgment on behalf of a national insurance carrier on a contribution claim presenting an issue of first impression in Georgia.
- Managed a massive internal investigation for a top national insurance carrier in response to various attorney general and Department of Insurance inquiries in the wake of high-profile claims brought by New York Attorney General Eliot Spitzer relating to producer compensation and alleged bid rigging activities.
- Representing, advising and counseling multiple national auto insurance carriers in claims raising potential bad faith issues and in high-stakes bad faith litigation.
- Assumed the leading role in property insurance recovery efforts in the wake of a sugar refinery explosion.
- Serving in a supervising and coordinating role as national counsel to a leading insurance carrier, advising on claims handling and potential bad faith on hurricane coverage issues.

Publications & Presentations

Publications

- “CAFA Creep: Federal Removal Grows After 11th Cir. Case,” *Law360*, April 9, 2014.

Education

- University of Georgia (J.D., 1999)
- Vanderbilt University (B.S., 1995)

Admitted to Practice

- District of Columbia
- Georgia
- Pennsylvania
- Virginia