

MICHAEL A. PACKER

OFFICE MANAGING ATTORNEY
CO-CHAIR, INSURANCE SERVICES PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith
Litigation
Architectural, Engineering & Construction
Defect Litigation
Product Liability
Appellate Advocacy & Post-Trial Practice

CONTACT INFO

(954) 847-4921
MAPacker@mdwgc.com

2400 E. Commercial Boulevard
Suite 1100
Fort Lauderdale, FL 33308

ADMISSIONS

Florida
1997

U.S. District Court Southern
District of Florida
1997

U.S. District Court Middle District
of Florida
2006

U.S. District Court Northern District
of Florida
2007

EDUCATION

University of Miami School of Law
(J.D., cum laude, 1997)

State University of New York at
Albany (B.A., 1994)

OVERVIEW

Michael is the firm's supervising attorney for the Insurance Services Practice Group in the state of Florida. The group assists insurers in all aspects of a coverage dispute, including responses to civil remedy notices of insurer violations, pre-suit investigations and coverage evaluations, declaratory judgment and bad faith litigation. In particular, Michael defends property insurers throughout Florida in first party coverage matters, where he responds to claims for sinkhole, windstorm, fire, mold, theft, and water losses. Michael's group also conducts examinations under oath and SIU investigations.

In both the state and federal courts, Michael has participated in a number of bench and jury trials through verdict, all of which resulted in either a defense verdict or a verdict which was less than the amount demanded.

In addition, Michael is often asked to serve as coverage and bad faith counsel in third party actions, including monitoring the defense of litigation, as well as trial. As part of this role, Michael is often asked to draft reservation of rights, declinations and prosecute declaratory relief actions.

Michael has substantial experience in alternative dispute resolution, having represented clients in thousands of mediations, neutral evaluations and arbitration proceedings. Michael routinely advises clients on the evaluation and resolution of multi-claimant matters, often times where the injuries and damages exceed the available policy limits.

Over the past ten years, Michael and his group have defended in excess of three hundred sinkhole lawsuits, as well as hundreds of other first party lawsuits. The group has defended a number of cases through trial and appeal, including four sinkhole trials during recent years. In addition, the group represents more than ten statewide insurance carriers in first party property damage lawsuits, including four out of the five largest carriers in Florida.

Michael routinely speaks at regional and nationwide industry conferences, specifically addressing coverage issues under first party property and third party liability policies. He has also presented a number of seminars on auto negligence, uninsured motorist and bad faith claims. Michael frequently travels around the country to provide in-house claims seminars with claims professionals. In addition, he has lectured on defending first party property damage claims including sinkhole and mold claims, which included review and analysis of claims handling procedures, as well as recommendations for the same. Michael has also written numerous articles for industry publications addressing Florida-specific claim handling issues and insurance companies' rights and obligations in defending first and third party coverage actions.

In 1994 Michael earned his Bachelor of Arts from the State University of New York at Albany. Subsequently, Michael obtained his juris doctor in 1997 from the University of Miami School of Law,

HONORS & AWARDS

AV® Preeminent™ by Martindale-Hubbell®

South Florida Legal Guide - Top Lawyers in Insurance Litigation Defense
2016, 2017, 2019, 2020, 2021

South Florida Legal Guide – Top Lawyers in Insurance Litigation
2014

South Florida Legal Guide - Top Lawyers
2013

Florida Trend's Legal Elite - Top Up and Comer
2012

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Defense Research Institute, 2013

Florida WIND, 2012, 2013

The Florida Bar

YEAR JOINED

2007

Coral Gables, Florida, where he graduated cum laude.

Michael is married to Nicole Packer and they live with their three children in Weston, Florida.

THOUGHT LEADERSHIP

If you do not object to appraiser's partiality timely, you waived the objection.

**Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation**

September 1, 2024

In this recent decision, the Eleventh Circuit Court of Appeals found the carrier waived its objection to the partiality of the insured's appraiser when it did not object immediately upon the disclosure the appraiser was to receive payment on a con Legal Update for Florida Coverage & Property Litigation – September 2024 is prepared by Marshall Dennehey to provide information on recent legal d

Affidavits in support of motions for summary judgment must be based on personal knowledge and provide underlying facts.

**Fort Lauderdale
Property Litigation
Insurance Services – Coverage & Bad Faith Litigation**

August 1, 2024

In this case, an action for declaratory relief to find the insured committed certain material misrepresentations in its insurance application, the Circuit Court struck the insurance company's underwriter's affidavit and granted the insured's motio Legal Update for Florida Coverage & Property Litigation – August 2024 is prepared by Marshall Dennehey to provide information on recent legal deve

A preferred contractor endorsement in a homeowners policy applies to the contractor hired by the insured.

**Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation
Property Litigation**

July 1, 2024

In this appeal, the Second District Court of Appeals affirmed summary judgment in favor of the insurer when a mitigation and remediation company hired by the insureds, pursuant to an assignment of benefits, attempted to challenge an endorsement in Legal Update for Florida Coverage & Property Litigation – July 2024 is prepared by Marshall Dennehey to provide information on recent legal develo

District court grants motion for rehearing but maintains its prior decision that affirmed the trial court's decision in favor of defendant in a subrogation dispute.

**Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation
Property Litigation**

June 1, 2024

In this interesting dispute, the Second District Court of Appeal took the unusual step of granting a motion for rehearing but maintained its prior decision that affirmed the trial court's decision in favor of Laguna Riviera in a subrogation disput Legal Update for Florida Coverage & Property Litigation – June 2024 is prepared by Marshall Dennehey to provide information on recent legal develo

Without a judicial determination that the insurer acted in bad faith, it was reversible error for the trial court to enter a final judgment in excess of the policy limits.

**Fort Lauderdale
Insurance Services – Coverage & Bad Faith Litigation**

May 1, 2024

This appeal followed a trial for underinsured motorist (UM) benefits in which the judge entered a final verdict in the amount of \$1,052,593.21, despite the fact that the policy only provided \$100,000 in UM benefits. Legal Update for Florida Coverage & Property Litigation – May 2024 is prepared by Marshall Dennehey to provide information on recent legal develop

CLASSES/SEMINARS TAUGHT

Examinations Under Oath - What Claims Professionals Need to Know to Conduct an Effective EUO, ALM/PropertyCasualty360 Complex Claims Conference, February 26, 2024

Investigating a Claim Under a Reservation of Rights - Strategies for Managing Claims that May Not be Covered, Florida Defense Lawyers Association's Florida Liability Claims Conference, Lake Buena Vista, FL, June 16, 2022

What You Need to Know After you Go – Parts 1 and 2, CLM Claims College School of Property - Level 1 – Coverage, Virtual, 2021

Current Issues and Case Law Affecting the Property Claims Arena, CLM Claims College School of Property - Level 3, Virtual, 2021

Covid 19: To Be Property Damage or Not to Be Property Damage, CLM, January 2021

Insurance Coverage and Bad-Faith Insurance Issues Under Florida Law, Marshall Dennehey Florida Claims Symposium - *The Best Defense is a Good Offense*, Orlando, FL, September 17, 2014

Protecting Your Clients' Interest During Settlement, WIND Conference, 2013

American Conference Institute Bad Faith Litigation Conference (co-chairperson and lecturer) 2012

American Conference Institute Bad Faith Litigation Conference (lecturer) 2011

PUBLISHED WORKS

"What Florida's 'Omnibus Insurance Bill' Means for the Duty to Defend, Appraisal Process," *Insurance Journal*, June 17, 2019

"Relief in Sight for Florida's Assignment of Benefits Crisis," *Daily Business Review*, May 7, 2019

"Constant or Repeated Seepage Over a Period of 14 Days or More," *Defense Digest*, Vol. 24, No. 2, June 2018

"Solving One of the Greatest Mysteries of Florida Property Law--Florida's Valued Policy Law," *Defense Digest*, Vol. 22, No. 1, March 2016

"Bill Would Change How Mitigation Companies Do Business," *Daily Business Review*, March 3, 2015

"Make Effective Mediation Your New Year's Resolution," *Claims Journal*, Windstorm Conference Edition, January 2015

Case Law Alerts, regular contributor, 2015-present

"Why Insurers Shouldn't Produce Claims Files in Florida," *Claims Journal*, September 2014

MEDIA COMMENTARY

"Florida High Court Says Appraisals Can be Compelled Before Coverage Decided," *Insurance Journal*, February 2, 2024

"Florida Appeals Court Says Pre-suit Notice Requirement Not Retroactive," *Insurance Journal*, November 29, 2023

"What to Expect From Florida's AOB Reform Law," *Insurance Journal*, June 17, 2019

"Florida Supreme Court Rules Against Insurer in Concurrent Loss Case," *Insurance Journal*, December 6, 2016

RESULTS

Defense verdict for insurance carrier in first party property, breach of contract dispute in the Circuit Court of Palm Beach County.

Insurance Services – Coverage & Bad Faith Litigation

March 1, 2020

A water heater leak in a garage caused direct physical damage to the property, and our client paid the plaintiffs \$956.95 for damages sustained to the garage, after applying the \$1,000 policy deductible. The plaintiffs claimed that the defendant breached the contract of insurance by failing to fully indemnify them for all the property damage caused by the water leak.