

People



Marcy Levine Aldrich

Chair, Class Action Defense Practice

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” She’s an absolutely great litigator: very knowledgeable about insurance in the context of litigation.

- *Chambers USA*

With experience defending over 500 class action cases in state and federal courts throughout the United States, Marcy Levine Aldrich is chair of Akerman’s Class Action Defense Litigation Practice. Noted by *Chambers USA* for her “strong reputation,” Marcy litigates complex disputes, including class action litigation and complex insurance litigation with a focus on serving national and regional insurers.

Marcy has defended insurers in litigation involving homeowners insurance, automobile insurance, personal articles insurance, disability insurance, life insurance, commercial lines, and other types of insurance. Marcy has handled cases covering a wide range of issues such as compliance with statutory notice requirements, the application of policy deductibles, the handling of subrogation claims, the handling of uninsured motorist claims, the adjustment of hurricane claims under homeowners’ policies, the adjustment of vehicle total losses, and a wide variety of issues arising under the Florida No-Fault (PIP) Statute. Marcy also defends insurers in class actions involving underwriting issues, coverage issues, insurance agency issues, disability insurance issues, and claims handling issues.

Beyond insurance class action litigation, Marcy prosecutes and defends significant appeals on behalf of insurers in both state and federal appellate courts, and defends extra-contractual and bad faith

Areas of Experience

Class Action Defense
Consumer Protection Litigation
Insurance Litigation
Litigation
Financial Services

Education

J.D., Emory University School of Law, 1988, Order of the Coif; *Emory Law Journal*, Member of the Board
B.S., Cornell University, 1985

Admissions

Bars

Florida
Massachusetts

Courts

U.S. Court of Appeals, First Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Northern District of Florida
U.S. District Court, District of Massachusetts

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August 22, 2023

claims against insurers in state and federal courts. She also has experience in handling other complex commercial disputes, including class action disputes involving tax, securities, warranty issues, products liability, RICO, and contract matters.

Notable Work

Automobile Insurance

- Represented insurer in class action challenging the alleged failure to pay travel expenses associated with medical treatment arising from auto accidents. *Rivera Cruz v. Security Nat. Ins. Co.*, 2023 WL 2252758 (Fla. 17th Jud'l Cir. Feb. 24, 2023), *aff'd*, 381 So. 3d 602 (Fla. 4thDCA 2024)
- Represented insurer in appeal addressing whether Statute requiring auto insurers to offer Florida no-fault (PIP) deductibles required an insured's election or rejection of a deductible in writing. *USAA Cas. Ins. Co. v. Emergency Physicians, Inc.*, 393 So. 3d 257 (Fla. 5thDCA 2024)
- Represented insurer in uninsured motorist class action addressing compliance with UM selection form requirements. *Belidor v. Clay*, 2021 WL 1023111 (Fla. 17thJud'l Cir. Jan. 21, 2021); *aff'd*, *Belidor v. Progressive Express Ins. Co.*, 338 So. 3d 897 (Fla. 4thDCA 2022)
- Represented insurer in Florida Supreme Court appeal addressing issue of whether insurer is permitted to cap reimbursement of medical expenses based on the statutory fee schedule contained in the Florida No-Fault (PIP) Statute. *MRI Assocs. of Tampa, Inc. v. State Farm Mut. Auto. Ins. Co.*, 334 So. 3d 577 (Fla. 2021)
- Represented insurer in two appeals addressing the application of the Medicare Multiple Procedure Payment Reduction (MPPR) to medical bills *State Farm Mut. Auto. Ins. Co. v. Stand Up MRI of Boca Raton, Inc.*, 322 So. 3d 87 (Fla. 4th DCA 2021) and *State Farm Mut. Auto. Ins. Co. v. Pan Am Diag. Servs., Inc.*, 321 So. 3d 807 (Fla. 4th DCA 2021).
- Represented insurer in appeal addressing the application of the Florida No-Fault (PIP) Statute's pre-suit demand requirement. *Rivera v. State Farm Mut. Auto. Ins. Co.*, 317 So. 3d 204 (Fla. 3d DCA 2021)
- Represented insurer in class action challenging insurer's alleged use of non-treating physician opinions to determine that claimants did not have emergency medical conditions. *AA Suncoast Chiro. Clinic, P.A. v. Progressive Am. Ins. Co.*, 938 F.3d 1170 (11th Cir. 2019)
- Represented national insurer in class action challenging the constitutionality of a provision of the Florida No-Fault Statute. *Scenic Health Alliance, Inc. v. State Farm Mutual Auto. Ins. Co.*, No. 14-021668 CACE (07), 2018 WL 6004364 (Fla. 17th Jud'l Cir. Oct. 23, 2018)
- Represented an insurer in a class action challenging the insurer's application of the emergency medical condition provision of the Florida No-Fault Statute. *Enivert v. Progressive Select Ins. Co.*, 62 F. Supp.3d 1352 (S.D. Fla. 2014), *aff'd*, *Robbins v. Garrison Prop. and Cas. Ins. Co.*, 809 F. 3d 583 (11th Cir. 2015)
- Represented an insurer in a class action seeking to bring a class of "opt-outs" from an earlier auto insurance class action. *Bay Area Injury Rehab Specialists Holdings, Inc. v. USAA*, 173 So. 3d 1004 (Fla. 2d DCA 2015)
- Represented auto insurers in class actions challenging insurer practices in connection with wage loss coverage. *Cortes v. Progressive Am. Ins. Co.*, 2015 WL 1344668 (S.D. Fla. Feb. 20, 2015)

and *Pierce v. State Farm Mutual Auto. Ins. Co.*, 2014 WL 7671718 (S.D. Fla. Dec. 17, 2014)

Homeowners' Insurance

- Represented homeowners' insurer in class action alleging that insurer violated the interest provisions of Fla. Stat. § 627.70131. *Riley Heritage Prop. & Cas. Ins. Co. and Williams v. Universal Prop. & Cas. Ins. Co.*, No. 23-23383, 2025 WL 574244 (11th Cir. Feb. 21, 2025).
- Represented homeowners' insurer in remediation services class action. *911 Dry Solutions, Inc. v. Universal Prop. & Cas. Ins. Co.*, 2021 WL 4130172 (Fla. 17th Jud'l Cir. Sept. 3, 2021).
- Represented insurer in homeowners' class action alleging insurer improperly denied hurricane coverage for interior water damage by requiring a visible opening to trigger coverage. *Doremus v. Universal Prop. & Cas. Ins. Co.*, 2020 WL 1822231 (Fla. 17th Jud'l Cir. Mar. 31, 2020)
- Represented a national insurer in a class action challenging the adjustment of claims for a general contractor's overhead and profit in connection with hurricane claims. *Mills v. Foremost Ins. Co.*, 269 F.R.D. 663 (M.D. Fla. 2010)
- Represented an insurer in a class action challenging the application of hurricane deductibles under condominium policies. *Fabricant v. Kemper Independence Ins. Co.*, 474 F. Supp.2d 1328 (S.D. Fla. 2007)

Sales Practices Litigation

- Represented auto insurers in a class action challenging sales practices. *Integon Corp. v. Gordon*, 953 So. 2d 725 (Fla. 1st DCA 2007)

Subrogation Claims

- Represented insurers in two class action suits dealing with the handling of subrogation claims under auto insurance policies. *Monte De Oca v. State Farm Fire & Casualty Co./Snell v. Allstate Indemnity Co.*, 897 So. 2d 471 (Fla. 3d DCA 2004)
- Represented a national auto insurer in a class action challenging the handling of subrogation claims under auto insurance policies. *Kendrick v. State Farm Mutual Auto. Ins. Co.*, 822 So. 2d 516 (Fla. 3d DCA 2002)

Depreciation

- Represented an insurer in a class action challenging the deduction of depreciation for repairs under auto insurance policies. *Rodriguez v. Amstar Ins. Co.*, 888 So. 2d 760 (Fla. 3d DCA 2004)

Cancellation Practices

- Represented a national auto insurer in a class action challenging policy cancellation practices. *Hernandez v. State Farm Fire and Casualty Co.*, 762 So. 2d 551 (Fla. 3d DCA 2000)

Published Work and Lectures

- American Bar Association, Regional Coordinating Editor, "ABA Survey of State Class Action Laws," 2001-2019
- *Defense Research Institute*, Author, "Florida Supreme Court Addresses the Issue of Automobile Diminished Value Coverage," 2002

- *Industrywide Liability News*, Defense Research Institute, Author, “Still Breathing: Class Action Settlements after *Ortiz v. Fibreboard, Corp.*,” Fall 1999
- American Bar Association, Section of Litigation, Class Action & Derivative Suits, Author, “From A Defense Standpoint: The Florida Supreme Court’s Decision To Permit Aggregation of Claims,” April 1995
- 37 *Emory Law Journal* 171, Author, “Comment, Summary Judgment: The Majority View Undergoes A Complete Reversal In The 1986 Supreme Court,” 1988

Affiliations

- Dade County Bar Association, Member
- Florida Defense Lawyers Association, Member

Honors and Distinctions

- *Best Lawyers*, 2006-2025, Listed in Florida for Insurance Law and Litigation - Insurance
- *Chambers USA*, 2006-2025, Ranked in Florida for Insurance
- *Super Lawyers* Magazine, 2006-2008, 2012-2022, Listed in Florida for Class Action/Mass Torts
- *Daily Business Review*, 2015, Most Effective Lawyer Finalist for Class Action
- *Super Lawyers* Magazine, 2014, Listed in Florida as a “Top 50 Women Lawyer”