



Jenifer A. Scarcella

Managing Counsel

she/her/hers

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Jenifer Scarcella has more than a decade of experience with healthcare litigation, complex commercial disputes, Employee Retirement Income Security Act (ERISA) matters and healthcare coverage issues.

In her healthcare litigation and insurance law practice, Jenifer is well versed in guiding healthcare insurers in both ERISA and non-ERISA matters, including insurance coverage disputes, contractual disputes, rescission of policies, declaratory judgment actions, and conflicts with healthcare providers.

In the realm of complex commercial litigation, Jenifer regularly handles disputes related to business torts, including cases involving fraud, breach of contract, defamation and reputational harm, and unfair business practices. Additionally, Jenifer represents clients in cases involving premises liability and advises on claims relating to unsafe conditions, construction defects and other factors contributing to personal injury.

Jenifer previously spent nearly a decade at a Philadelphia-based midsize firm.

Featured Representative Matters

- Secured summary judgment on behalf of a bank in the U.S. Court of Appeals for the Second Circuit in a complex case involving a multimillion-dollar burglary affecting a safe deposit box.
- Secured dismissal on summary judgment of a multimillion-dollar lawsuit in federal court alleging negligence arising out of a bank robbery.
- On behalf of an insurance company, secured dismissal on a pre-answer motion to dismiss in the New York State Supreme Court, Commercial Division, of a coverage dispute alleging breach of contract, bad faith, breach of fiduciary duty and violation of New York General Business Law 349.
- Secured dismissal on a pre-answer motion in federal court of an action alleging over \$15 million in damages for alleged securities fraud, insurance law violations, breach of fiduciary duty and breach of contract.
- Secured dismissal on a pre-answer motion to dismiss of an Article 78 proceeding brought against an independent review organization alleging violations of New York Insurance Law, New York State Human Rights Law and the Equal Protection Clause.

Services

- Complex Commercial & Class Action Litigation
- Insurance & Reinsurance
- Litigation
- Trial Practice

Education

- Hofstra University School of Law (J.D.)
- University at Buffalo (B.A., *cum laude*)

Admissions

- New Jersey
- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Western District of New York

- Secured dismissal on a pre-answer motion to dismiss of New York General Business Law 349 and tortious interference claims brought against a physician and peer review company.
- Secured dismissal on a pre-answer motion to dismiss of a case brought against an expert referral company alleging constitutional violations.
- U.S. District Court for the District of New Jersey

Recognitions

- *The Best Lawyers in America* (Ones to Watch: Commercial Litigation; Insurance Law) (2024-26)
- *The Best Lawyers in America* (Ones to Watch: Insurance Law) (2023)

Experience

Stradley Ronon Secures Summary Judgment Victory for Bank in Multimillion-Dollar Theft Case

After 10 years of litigation, a Stradley Ronon team has secured summary judgment on behalf of a bank in the U.S. Court of Appeals for the Second Circuit in a complex case involving a multimillion-dollar burglary affecting a safe deposit box.

The plaintiff, an LLC formed solely to pursue this lawsuit, filed suit over the theft. Central to the dispute was the ownership of the box's contents and whether the LLC had standing to bring the claim. During discovery, the individuals who rented the box admitted they did not own the items inside and instead asserted they were holding the items for an unidentified third party.

In response, the bank argued the renters lacked the authority to transfer ownership or title to the contents of the box. Furthermore, the bank contended that the assignment on which the lawsuit was based was invalid, as it failed to convey ownership or title of the stolen contents.

On summary judgment, the bank raised defenses for lack of standing and an invalid assignment. The plaintiff opposed the motion and also sought leave to amend its complaint in an attempt to cure the standing deficiencies. The U.S. District Court for the Eastern District of New York ruled in favor of the bank, dismissing the case for lack of standing and denying the plaintiff's request to amend as untimely, prejudicial and futile.

On appeal, the Second Circuit upheld the district court's dismissal, bringing this long-running litigation to a close. The victory reinforces the importance of legal precision and the critical need to assert jurisdictional defenses at the inception of any case.