



Brian W. Fernandez

Associate

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Brian W. Fernandez concentrates his practice in the areas of commercial and business disputes, insurance services, health care, aviation, and financial services litigation.

Brian W. Fernandez is an experienced litigator and trial attorney with an emphasis on representing and counselling businesses, insurance companies, and financial institutions.

Brian handles a broad range of commercial litigation, contractual disputes, and business tort cases, including labor and employment, aviation, and health care matters, in both state and federal court. He also represents insurance carriers throughout the claim handling and litigation process. Brian's insurance practice includes litigating coverage disputes, providing coverage opinions, and defending insureds.

Prior to beginning his legal career, Brian spent nearly a decade in marketing and advertising, spearheading campaigns for clients in the financial, automotive, and telecommunications industries.

Brian is an active member of [BakerPride](#) and is a member of the Baker Donelson Diversity Scholarship Selection Committee. Brian is also a member of the Cuban American Bar Association.

Brian is fluent in Spanish, and conversational in French.

Representative Matters

Insurance/Tort Litigation

- Secured a dismissal with prejudice in federal court on an assignment of benefits lawsuit, successfully arguing that the subject policy's anti-assignment provision was valid and enforceable. This is a significant ruling in view of Florida's long-standing common law prohibition on restricting post-loss insurance benefits. The court held that the carrier's status as a surplus carrier, coupled with recent legislative changes indicating an intent to abrogate Florida common law, rendered the assignment of benefits ineffective.
- Received a complete defense verdict following a five-day jury trial on behalf of two insured business owners accused of negligence in the installation of a granite monument.
- Awarded a summary judgment in federal court to the carrier's affirmative defenses to the insured's lawsuit for breach of contract, and to carrier's counterclaim for declaratory relief, following denial of an insurance claim resulting from a total fire loss to a residential property insured under a commercial policy. The federal court ruled that the carrier's interpretation of the policy's safeguard protection endorsement was correct, and that the insured was required to have multiple fire extinguishers at the loss location in order to satisfy the policy's terms and maintain coverage for the claimed loss.
- Secured voluntary dismissal of multiple lawsuits after the vigorous defense of questionable claims against an insurance carrier.
- Obtained a significant order granting summary judgment in favor of a property carrier, finding that the insured's eleventh hour attempt to satisfy Florida's supplemental claims statute by providing a "notice of intent to seek additional proceeds" was insufficient. This ruling prevented the carrier from being exposed to an appraisal where damages could have exceeded \$3 million dollars.

- Secured a dismissal with prejudice of a lawsuit filed by a water mitigation vendor, with the court finding that the subject insurance policy's anti-assignment provision was enforceable, which also led to an award of entitlement to attorney's fees to our client.



Professional Honors & Activities

- Member – Cuban American Bar Association
- Member – The Florida Bar, Young Lawyers Division
- Member – American Bar Association



Publications

- "Does Your Water Damage Sublimit Really Limit Your Water Damages? It Depends..." republished in *Property Casualty 360* (July 2022)



Education

- University of Miami School of Law, J.D., 2019
 - Member, Charles C. Papy, Jr. Moot Court Board
- The George Washington University, B.B.A., 2007



Admissions

- Florida
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Northern, Middle and Southern Districts of Florida