

CAROLIN A. PACHECO

ASSOCIATE



AREAS OF PRACTICE

Insurance Services – Coverage & Bad Faith Litigation
Property Litigation
Miscellaneous Professional Liability
Consumer Financial Services Litigation & Compliance
Real Estate E&O Liability

CONTACT INFO

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Orlando, FL 32801

ADMISSIONS

Florida
2015

U.S. District Court Middle District
of Florida
2019

U.S. District Court Southern
District of Florida
2019

EDUCATION

Stetson University College of Law
(J.D., 2015)

University of Central Florida (B.S.,
2008)

HONORS & AWARDS

The Best Lawyers: Ones to
Watch®, Insurance Law
2021-2025

ASSOCIATIONS & MEMBERSHIPS

Orange County Bar Association

National Creditors Bar Association

OVERVIEW

As a member of the Professional Liability Department, Carolin Pacheco focuses a part of her practice on first-party insurance coverage claims, defending insurance carriers in a wide range of disputes. She also defends insurers in matters pertaining to coverage and bad faith claims, and assists them through pre-suit investigations and arbitrations.

Carolin also represents condominium association boards in directors and officers suits, as well as real estate agents, brokers and appraisers in errors and omissions claims. She also concentrates a portion of her practice, litigating FDCPA claims and suits brought by debtors, against the collection services assigned to recover the debt.

Before joining Marshall Dennehey, Carolin was an Assistant Public Defender with the Ninth Judicial Circuit of Florida in Orange and Osceola County. She focused her practice on criminal defense for indigent clients. During this time, she litigated various cases ranging from criminal traffic infractions to property damage and violent crimes from initial arrest to jury trial and sentencing.

Carolin graduated from the University of Central Florida in 2008 with a Bachelor of Arts in Legal Studies and earned her *juris doctor* from Stetson University College of Law in 2015. While in law school, Carolin was a law clerk at a general civil litigation firm, where she worked on cases involving breach of contract, landlord-tenant law, and family law. She was also a law clerk for the U.S. Attorney's Office of the Middle District of Florida. Carolin had an active role in her law school's campus activities where she served as a Student Ambassador, she was the president of the Immigration Law Student Association and the secretary of the Hispanic Bar Student Association.

Outside her law practice, Carolin enjoys exploring Central Florida.

THOUGHT LEADERSHIP

LANGUAGES

Spanish (Fluent)

YEAR JOINED

2018

Thirtieth Circuit Court granted insurer's motion for judgment on the pleadings for failure to comply with § 627.7152, Florida Statutes (2022) and dismissed the case with prejudice due to the incurable defect of the assignment agreement.

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September 1, 2024

The plaintiff's case arose out of an assignment of insurance benefits agreement executed by the insured-assignor and the plaintiff-assignee on April 19, 2022, which was attached to the plaintiff's complaint as an exhibit, along with numerous estim Legal Update for Florida Coverage & Property Litigation – September 2024 is prepared by Marshall Dennehey to provide information on recent legal d

Because a party cannot create causes of action not set forth in Florida Rules of Court, motion to compel appraisal denied because no Florida court has jurisdiction over petition to select an appraiser and policy cannot confer that jurisdiction.

Orlando
Property Litigation
Insurance Services – Coverage & Bad Faith Litigation
August 1, 2024

On March 7, 2024, the Eleventh Circuit Court in Miami-Dade County, Florida, rendered a decision regarding a defendant insurer's motion to compel appraisal. Legal Update for Florida Coverage & Property Litigation – August 2024 is prepared by Marshall Dennehey to provide information on recent legal deve

Fourth District Court upheld that, while the homeowners' Proposal for Settlement was a joint proposal, there was no need for apportionment to comply with rule 1.442.

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Property Litigation
July 1, 2024

On May 15, 2024, the Fourth District Court of Appeals rendered a decision regarding a prevailing homeowners' request for attorney's fees on ground that the Proposal for Settlement (PFS) was valid under Florida Rule of Civil Procedure 1.442(c)(3). Legal Update for Florida Coverage & Property Litigation – July 2024 is prepared by Marshall Dennehey to provide information on recent legal develo

Defendant's request for attorney's fees within its summary judgment motion is insufficient to place plaintiff on notice that defendants are claiming attorney's fees.

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Property Litigation
June 1, 2024

On February 6, 2024, the Fifth Circuit Court in Hernando County, Florida, rendered a decision regarding a prevailing defendant's request for attorney's fees within a motion for summary judgment. Legal Update for Florida Coverage & Property Litigation – June 2024 is prepared by Marshall Dennehey to provide information on recent legal develo

Florida Rule of Civil Procedure 1.442(c)(3)'s apportionment requirement found inapplicable by virtue of Rule 1,442(c)(4) as the complaint explicitly alleged the co-defendant was only constructively liable for its alleged breach of the purchase agreement.

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May 1, 2024

On March 20, 2024, the Third District Court of Appeal rendered a decision concerning the characterization of a “joint proposal” for settlement governed by Florida Rule of Civil Procedure 1.442(c)(3). Legal Update for Florida Coverage & Property Litigation – May 2024 is prepared by Marshall Dennehey to provide information on recent legal develop

PUBLISHED WORKS

“Dodge v. People's Trust Insurance' and Its Effect on Coverage of Cast Iron Pipes Claims,” November 1, 2021, *Daily Business Review*

“Enforceability of Conditions Precedent and the Effect of Edwards v. SafePoint Ins. Co.,” *Defense Digest*, Vol. 27, No. 4, September 2021

RESULTS

Summary judgment achieved in first-party coverage lawsuit.

Insurance Services – Coverage & Bad Faith Litigation

November 1, 2022

We won summary judgment in the U.S.D.C. for the Middle District of Florida in a first-party coverage case challenging the prompt notice of an insurance claim. The plaintiff alleged extensive damage to the insured premises, including the alleged need to tear out and access the cast iron plumbing for its full replacement following a toilet overflow at the property. The plaintiff failed to report the loss for 20 months following the alleged date of loss.