

Personal Jurisdiction Coverage Update

January 5, 2026

Personal Jurisdiction – Florida

USAA Cas. Ins. Co. v. MSP Recovery Claims, Series LLC

-- So.3d --; Case No. 2025 WL 3650282 (Fla. App. Dec. 17, 2025)

The Florida Court of Appeal reversed the trial court's decision denying the insurers' motions to dismiss for lack of personal jurisdiction. The appellate court concluded that the trial court did not have personal jurisdiction over the insurers for the equitable lawsuits filed against them. The appellate court consolidated three appeals from underlying defendants USAA Casualty Insurance Company, USAA General Indemnity Company, MGA Insurance Company and Progressive Advanced Insurance Company (collectively defendant insurers). The appeals arose out of lawsuits filed by plaintiffs MSP Recovery Claims, Series LLC, MSPA Claims 1, LLC, MSP Recovery Claims Series 44, LLC, and Series PMPI (collectively MSP plaintiffs).

The MSP plaintiffs filed lawsuits against the defendant insurers seeking information about unspecified insureds who were involved in auto accidents and who had Medicaid coverage. The MSP plaintiffs purportedly obtained assignments from managed care organizations and related entities. The MSP plaintiffs eventually amended their lawsuits and sought relief as a class action, seeking declarations that, contrary to federal requirements, the defendant insurers are required in the future to coordinate benefits with secondary payors, and to advise secondary payors of their primary obligations, that they are not obligated to submit a demand for reimbursement on a properly completed standard form, and that they do not need to comply with strict requirements of the PIP statute. The defendant insurers filed motions to dismiss, arguing the trial court did not have personal jurisdiction because the defendant insurers are not incorporated in Florida and do not operate their principal places of business in Florida. The trial court denied the motions, concluding that the defendant insurers had waived personal jurisdiction.

The appellate court reversed and held that the trial court erred in denying the motions to dismiss because the MSP plaintiffs did not allege any basis for the trial court to assert jurisdiction over the non-resident insurers. The appellate court noted that the long-arm statute in Florida was not satisfied because the MSP plaintiffs could not show that the defendant insurer had done one of the enumerated acts within Florida (e.g., executing an insurance contract in Florida), and that the MSP plaintiffs' cause of action arose out of one of the enumerated acts occurring in Florida. Instead, the MSP plaintiffs filed equitable claims that did not connect to the defendant insurers' alleged Florida activities. The MSP plaintiffs only sued for a pure bill of discovery and declaratory relief. The MSP plaintiffs, who held

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assignments from secondary payors and not the insureds, did not assert legal claims in their actions. The appellate court specifically stated that there were no assertions of any breach of a Florida insurance contract. Therefore, the trial court did not have personal jurisdiction over the defendant insurers.

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