

Chinese Drywall Litigation and Coverage Conference

May 18, 2010 | The Ritz-Carlton Hotel, New Orleans



CONFERENCE CHAIRS:

Jan Douglas Atlas, Esq., Adorno & Yoss LLP, Fort Lauderdale, FL

Thomas McKay, III, Esq., Cozen O'Connor, Cherry Hill, NJ

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| 8:30 | Registration and Continental Breakfast | 2:30 | Insurance Coverage and Proper Forums-Where Do Cases Belong? <ul style="list-style-type: none"> • Overview of the Judicial Panel on Multidistrict Litigation • Finding a friendly forum-why carriers are filing first and where? • Recent MDL transfer requests – the real scoop • An insurance steering committee in the MDL and other approaches to resolving CDW insurance cases Stephen Mysliwicz, Esq., DLA Piper, Washington, DC Ryan Hilton, Esq., Butler Pappas Weihmuller Katz Craig LLP, Tampa |
| 9:00 | Introductions & Opening Remarks | 3:15 | Afternoon Break |
| 9:15 | A Closer Look at the First Set of MDL Trials and State Cases <ul style="list-style-type: none"> • What is going on in the MDL? -How the Daubert hearings played out -The impact of Knauf's service and what is their position on claims? -Trial update-What claims and defenses "weathered the CDW storm" and why? -Now what? Will we see another waive of trials on personal injuries claims-why or why not -The inspection protocols -What are the next big hurdles to clear? • Where are the state cases heading and where have they been? -Have cases been decided? If so, where and what is the score card? -Are cases settling-if so, where and what is the average claim size? -Builders Warranties & New Home Warranty acts • A closer look at the tie between the state and federal MDL progression Gary Baumann, Esq., Fulmer, Leroy, Albee, Baumann, & Glass, Fort Lauderdale, FL Jan Douglas Atlas, Esq., Adorno & Yoss LLP, Fort Lauderdale, FL Scott Galante, Esq., Galante & Bivalacqua LLC, New Orleans | 3:30 | Evolving Legal Theories-How the Debates will Frame the Litigations <ul style="list-style-type: none"> • The Economic Loss Doctrine • Other legal theories framing the litigation Leigh Ann Schell, Esq., Kuchler Polk Schell Weiner & Richeson, LLC, New Orleans Jeffrey Backman, Esq., Adorno & Yoss LLP, Fort Lauderdale, FL |
| 10:15 | What is Happening or not Happening at the State Capital <ul style="list-style-type: none"> • An attorney general's role in the Chinese Drywall (CDW) vortex- service of process and remediation oversight as it relates to state economies • Economic losses of states, their agencies, and political subdivisions • CDW-tax assessments, millage fees, and health and environmental impacts on a state level Bryan McMinn, Esq., Assistant Attorney General, Louisiana Department Of Justice-Public Protection Division, New Orleans | 4:30 | The Ins and Outs of Drafting an Ethical Release and Apportioning Fees <ul style="list-style-type: none"> • Zealous advocacy-what does it mean? • Considerations for drafting a release of claims relating to Chinese drywall-understanding your duty to your client, opposing counsel and other co-parties • Apportioning fees • Addressing these objectives in light of Model Rules 1.2, 1.3, 1.5, 3.2, 3.3, 3.4 and 4.2 W. Edgar Spivey, Esq., Kaufman & Canoles, P.C., Norfolk, VA Additional speaker to be announced. |
| 10:45 | Morning Break | 5:30 | Networking Reception |
| 11:00 | Remediation Protocols and Cost Estimations <ul style="list-style-type: none"> • The evolution of the science • What protocols are being utilized within the MDL vs. state matters • The most reliable processes thus far and why • What are the costs associated with the most reliable remediation methods and its impact on home values • Who is covering the cost of remediating? • Addressing real estate values and stigma removal following successful remediation Kay Baxter, Esq., Swetman Baxter Massenburg, LLC, New Orleans Gary Rosen, Ph.D., Certified Mold & Allergen Free Corp., Davie, FL Allan E. Burt, MBA, Chief Operations Officer, Building Health Sciences, Rockville, MD | <h3>About the Chairs</h3> <p>Jan Douglas Atlas is a Partner in the Firm's Fort Lauderdale office and is a member of the Commercial Litigation department in charge of all securities adversary proceedings. He is Managing Partner of the firm's Fort Lauderdale office. Mr. Atlas is a member of the defense steering committee in the Chinese Drywall Litigation. He has practiced law for more than 40 years, primarily securities and commercial litigation. Mr. Atlas began his career in New York representing clients in complex litigation matters in both federal and state courts. Mr. Atlas has represented clients in the areas of securities, corporate, and white collar defense. Mr. Atlas is active in civic and community organizations in Broward County.</p> <p>Thomas McKay, III joined Cozen O'Connor in January 1982 and is the Office Managing Partner of the Cherry Hill, New Jersey office, where he practices with the Global Insurance Group. His practice focuses primarily on insurance coverage, insurance fraud investigations and defense, and first party bad faith defense. Mr. McKay has tried in excess of 100 jury and non-jury trials and participated in numerous arbitrations. He has secured numerous defense verdicts in actions involving six-figure and multimillion-dollar claims against his clients. He holds the designation of Certified Civil Trial Attorney by the Supreme Court of New Jersey. Mr. McKay represents clients across the United States. In 2005, he obtained a complete defense verdict on behalf of his client against a claim in excess of \$150 million. Mr. McKay also acted as lead counsel on behalf of one of the insurance company defendants in the World Trade Center insurance coverage litigation, obtaining a verdict in favor of his client and thereby saving the client over \$200 million. Mr. McKay earned his bachelor of arts degree from Rutgers University in 1969 and his law degree from Temple University School of Law in 1972.</p> | |
| 12:15 | Networking Lunch | | |
| 1:30 | On the Rise-Coverage Cases and the Claims Asserted <ul style="list-style-type: none"> • The recent influx of cases filed-what kind of cases are being filed and where? • The WCI Trust Case-the only insurance recovery case in the MDL • The typical exclusions and coverage disputes getting the most play-first and third party • Dealing with additional insureds-vendors, priority and the unavoidable issue of insolvencies • Understanding the impact of choice of law Barry Buchman, Esq., Gilbert LLP, Washington, DC Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York David Woll, Esq., Simpson Thacher & Bartlett LLP, New York Michael Packer, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, Fort Lauderdale, FL | | |