

CONFERENCE CHAIRS:

Michael Ryan, Esq., Krupnick Campbell Malone Buser Slama Hancock Liberman & McKee, P.A., Fort Lauderdale

Hilarie Bass, Esq., Greenberg Traurig, LLP, Miami

7:30	Continental Breakfast and Morning Registration Sponsored by Building Health Sciences, Inc. -A Division of NMAS	12:00	The Crowded Defense Table <ul style="list-style-type: none"> <li>Who is brought into the fray, who usually gets out, and how to coordinate among the defendants left standing</li> <li>How to build up a cogent defense story and case roadmap</li> <li>Assessing case strength and when to consider settlement</li> <li>Possible indemnity claims for defendants and how to pursue them</li> <li>Ways to minimize costs and time spent, to help the client in these hard economic times</li> </ul> Glenn L.M. Swetman, Esq., Aultman, Tyner, Ruffin & Swetman, Ltd., New Orleans Kay Baxter, Esq., Aultman, Tyner, Ruffin & Swetman, Ltd., New Orleans Leigh Ann Schell, Esq., Kuchler Polk Schell Weiner & Richeson, LLC, New Orleans
7:50	Introduction and Opening Remarks	12:45	Networking Luncheon
8:00	Latest on Class Actions and the MDL <ul style="list-style-type: none"> <li>How cases are being phased and tried in the MDL</li> <li>The first set of bellwether cases in the MDL- the case details, current status and where we will be in 2010</li> <li>Where are cases being filed-directly with the MDL or transferring in?</li> <li>Big discovery issues and the results of coordinated inspections from the MDL</li> <li>Where have class actions been filed, against whom and what is the status of the pending cases?</li> <li>Do you want to be part of or defending against a class action in state court?</li> <li>The benefits of being in federal court or part of the MDL</li> </ul> Justin Witkin, Esq., Aylstock, Witkin, Kreis & Overholtz, P.L.C., Gulf Breeze, FL Hilarie Bass, Esq., Greenberg Traurig, LLP, Miami	1:45	CDW, the Numbers and its Impact on All Parties <ul style="list-style-type: none"> <li>Assessing the potential costs nationwide, potential claims and settlements</li> <li>What public agencies are seeing on the front lines, how they are handling the onslaught of cases, and what this means to your case</li> <li>The builder's perspective-motivated it help but drowning in an economic downturn</li> <li>The homeowner-the practical side of dealing with CDW in your home</li> </ul> Katherine Ann Cahill, Global Managing Director, Product Risk Services, Marsh USA, Inc., New York Paul Hinton, Vice President, NERA Economic Consulting, New York
8:45	Toxicity and Health Damages: Proving Causation <ul style="list-style-type: none"> <li>Toxicity and the distinction between regulatory risk assessment and toxicologic causation analysis</li> <li>What needs to be proven or disproven on toxicity: studies and reports needed, threshold numbers and the data that will make or break your case</li> <li>Determining if there are additive or synergistic effects from the potential toxicants</li> <li>The CPSC-the kinds of studies they are doing, what will they reveal or have revealed and next steps</li> <li>New inspection protocols, confounding factors and possible alternative causes</li> <li>Courses of treatment for health injuries, injury diagnosis, the standard of care and living during treatment</li> <li>Relocation recommendation decisions and costs of care</li> </ul> Hung Cheung, MD, MPH, FACOEM, President, Dr. Cheung/OEM Advisor, LLC, Baltimore Additional speaker to be announced.	2:30	Important Coverage Considerations for Chinese Drywall Claims <ul style="list-style-type: none"> <li>When multiple claims are made, do the deductibles and SIRs eat up the whole loss?</li> <li>Are the fumes harmful enough to trigger the pollution exclusion and how to deal with jurisdictions not requiring "harmful fumes" for trigger</li> <li>Do the "your work" or "your product" exclusions take away the central cost of replacing the drywall?</li> <li>Other important exclusions: ongoing operations; damage to impaired property or property not physically damaged; and recall of products, work or impaired property</li> </ul> Michael Packer, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, Fort Lauderdale Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York
9:45	Morning Break sponsored by Marsh	3:30	Afternoon Break
10:00	Home and Property: What Happens When CDW Hits <ul style="list-style-type: none"> <li>Product identification: required tests and lessons learned</li> <li>Why we are not seeing the same effects in commercial buildings and other residential area builds?</li> <li>Property damage: appliances and electrical damage, potential fire hazards, and cross-contamination issues</li> <li>How much does remediation cost, avoiding unnecessary costs, and determining the proper project scope</li> <li>Phosphogypsum</li> <li>Risk reduction: how to prevent future liability</li> <li>The real estate valuation implications of CDW (both pre and post-remediation)?</li> <li>How should appraisals be conducted in the MDL and after the bellwethers?</li> </ul> Russell Nassof, Esq., Principal, TRC, Phoenix William Longo, Ph.D., MAS L.L.C., Suwanee, GA John Kilpatrick, Ph.D., MRICS, Chief Executive Officer, Greenfield Advisors, Seattle	3:45	Service Obstacles, Alternative Case Structures and Judgments Involving Chinese Defendants <ul style="list-style-type: none"> <li>Builders, manufacturers and distributors: the pros and cons of bringing them together into one action or in separate ones</li> <li>Dealing with diversity issues in federal court</li> <li>Service difficulties and mitigating costs in state court: service of process and "informal" service-when is it an option?</li> <li>Potential leverage points against Chinese defendants</li> <li>Enforcing judgments in China and enforcing judgments against Chinese companies in the US and elsewhere</li> <li>Pursuing discovery in China</li> </ul> Daniel Harris, Esq., Harris & Moure, PLLC, Seattle
11:00	Claims Processing-Special Considerations for the Various Parties <ul style="list-style-type: none"> <li>Special coverage considerations for homeowners-does your homeowner's policy cover Chinese drywall and strategies for pursuing claims</li> <li>Is there a "legal obligation" if the homebuilder is seeking to mitigate existing damage and prevent further damage?</li> <li>Allocating damages across multiple parties-whose policy will likely provide coverage</li> <li>Which policies to place on notice - contractor and subcontractor (if contractor is an additional insured?)</li> <li>Consideration of so-called "voluntary payments" condition</li> <li>Consideration of so-called "no action" condition</li> <li>Underwriting and adjuster considerations for all parties-how to utilize these resources effectively</li> </ul> Matthew Jacobs, Esq., Jenner & Block LLP, Washington, DC Carol Kreiling, Esq., Assistant Vice President-Claims & Liability, Swiss Reinsurance America Corporation, Overland Park, KS Owen Shean, Esq., Akerman Senterfitt, Vienna, VA	4:45	Dealing with Chinese Drywall During an Insolvency <ul style="list-style-type: none"> <li>The characterization of claims arising from allegedly defective China wallboard in a Chapter 11 proceeding</li> <li>The liquidation and treatment of China wallboard claims (both personal injury and property damage) in bankruptcy</li> </ul> Craig Averch, Esq., White & Case LLP, Los Angeles Michael Ryan, Esq., Krupnick Campbell Malone Buser Slama Hancock Liberman & McKee, P.A., Fort Lauderdale
		5:30	Networking Reception

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