

2009 EAST REGION

Construction Defect and Construction Law Conference

MAY 27-29, 2009
THE BOCA RATON
RESORT & CLUB
BOCA RATON, FL

**PANEL
ADDED!
CHINESE
DRYWALL**

PRESENTED BY **MC CONSULTANTS** IN ASSOCIATION WITH

SEA, LTD.

ESQUIRE DEPOSITION SOLUTIONS

JDi DATA CORPORATION

FORENSIC ANALYTICAL CONSULTING SERVICES

FULMER, LEROY, ALBEE, BAUMANN, & GLASS

KRAMON & GRAHAM, P.A.

SHENDELL & POLLOCK, P.L.

MECKLER BULGER TILSON MARICK & PEARSON LLP

mc²
CONSULTANTS®

cePRIMEinc®

mc³
CONSULTANTS®

aquaFORENSICS™

mc conference agenda

WEDNESDAY MAY 27 & THURSDAY MAY 28, 2009 - THE VALENCIA & GALERIA SOUTH

Wednesday May 27

WELCOME RECEPTION

The Valencia, The Boca Raton Resort & Club

5:30 p.m. - 7:00 p.m.

Hosted by:

Esquire Deposition Solutions

JDi Data Corporation

Fulmer, LeRoy, Albee, Baumann & Glass

Thursday May 28

Conference Moderator:

Gary F. Baumann, Esq., Fulmer, LeRoy, Albee, Baumann & Glass

7:45 a.m. - 9:00 a.m. Conference Registration and
Continental Breakfast

8:45 a.m. - 9:00 a.m. Welcome & Introduction

9:00 a.m. - 2:15 p.m. Sessions

9:00 a.m. - 10:30 a.m.

Top National Appellate Decisions

Panel Leader:

Susan M. Hogan, Esq., Kramon & Graham, P.A.

Panelists:

Hon. Mark Gibbons, Nevada Supreme Court

Hon. Gill S. Freeman, Eleventh Judicial Circuit, Miami, FL

Hon. Clifton B. Newman, South Carolina Circuit Court

Hon. Juan Ramirez, Jr., Third District Court of Appeal, Miami, FL

• Property Damage/Occurrence

• Trigger of Coverage

• Allocation

• Duty to Defend

• Exclusions

• Additional Insured Coverage

• Miscellaneous Coverage Issues

10:30 a.m. - 10:45 a.m. Break

10:45 a.m. - 12:15 p.m.

New Coverage Issues

Panelists:

Jill Chesney, Amerisure Insurance

T. Tucker Hobgood, Esq., Johnson Hobgood & Rutherford, LLC

John W. Jacks, Travelers Insurance

Joseph L. Oliva, Esq., Oliva & Associates

Steve D. Pearson, Esq., Meckler Bulger Tilson Marick & Pearson
LLP

Jeffrey J. Vita, Esq., Saxe Doernberger & Vita, P.C.

• Trigger of Coverage

• All Issues (Arising Out of Work and/or Negligence)

• No-Contribution Case Law

• The Intersection Between GL Coverage and Surety

• Interpretation of CGL Exclusions Regarding Defective Construction

• Priority of Coverage Issues – Horizontal Exhaustion

(Especially in the Context of WRAPs)

BOX LUNCH/BREAK

Galeria South

12:15 p.m. - 12:45 p.m.

Hosted by:

Shendell & Pollock, P.L.

12:45 p.m. - 2:15 p.m.

Bankruptcy v. Limited Insurance Proceeds

Panelists:

Hon. A. Jay Cristol, US Bankruptcy Court, So. District of Florida

David C. Cimo, Esq., Genovese Joblove & Battista, P.A.

Ronald L. Kammer, Esq., Hinshaw & Culbertson LLP

Mary Rowe, Markel Corporation

Robert A. Schatzman, Esq., Gray Robinson, PA

• Case Review

2:15 p.m. - 2:30 p.m. Break

2:30 p.m. - 3:30 p.m.

Chinese Drywall - Dollars and Scents

Panelists:

Mark A. Boyle, Esq., Boyle & Gentile, P.A.

Ben Kollmeyer, MPH, CIH, Forensic Analytical Consulting Services

Dr. Dennis McGarry, Ph. D., P.E., SEA, Limited

Steve W. Mullins, Esq., Luckey & Mullins

Steve Rawls, Esq., Butler Pappas Weihmuller Katz Craig LLP

• Source of Suspect Gases

Materials Used in Making Drywall

Potential Causes of Problems

• Damages Alleged

Material Property

Bodily Injury

• Anticipated Factual Issues

Extent of Nature and Component Damage, Including Electrical
Components, HVAC and Copper Piping

Nature of Proper Remediation of Component Damage

Nature of Bodily Injury Claims and Treatment

Gas Levels and Duration and Effect of These Factors upon

Claims for Property Damage and Bodily Injury

- Odor Dynamics

- Exposure Dynamics

- Health Effects

- Sampling

• Coverage Issues

Does a Pollution Exclusion Apply?

Other Coverage Defenses

• Bad Faith Implications

Effect of Claims for Remediation

Claims Handling Issues

• Multi District Litigation

Processing Mass Tort Claims

• Class Action

CAFA

NETWORKING COCKTAIL PARTY

Estates Ballroom

5:30 p.m. - 7:00 p.m.

Hosted by:

Esquire Deposition Solutions

JDi Data Corporation

Fulmer, LeRoy, Albee, Baumann & Glass

mc conference agenda

FRIDAY, MAY 29, 2009 - THE VALENCIA & GALERIA NORTH

Conference Moderator:

Gary F. Baumann, Esq., Fulmer, LeRoy, Albee, Baumann & Glass

7:45 a.m. - 9:00 a.m. Continental Breakfast

9:00 a.m. - 12:15 p.m. Sessions

9:00 a.m. - 10:30 a.m. Breakout Sessions

Session 1

Mediated Case Management in Complex Cases

Panelists:

Mark A. Boyle, Esq., Boyle & Gentile, P.A.
John C. Briggs, Esq., Upchurch Watson White and Max
Donna M. Greenspan, Esq., Schwarzberg & Associates
Deborah B. Mastin, Esq., Miami Dade County
R. Wayne Thorpe, Esq., JAMS®

- Pre-Litigation Mediated Case Management
- Mediated Case Management During Suit
- Multiple Parties, Multiple Disputes, and Multiple Issues:
Using Special Masters
- Special Concerns Arising From Coverage Disputes

Session 2

Experts - Maximize Contributions

Panelists:

John S. Freud, Esq., Mediation Solutions, Inc.
Donald H. Gibson, Esq., Gibson Law
Paul Halyard, P.E., Peninsula Forensic Engineering, Inc.
Ben Kollmeyer, MPH, CIH, Forensic Analytical Consulting Services
Edward D. Martinet, AIC, CPC, MC Consultants, Inc.

- Efficient Use of Experts
 - CORE
 - Allocation
 - Demands to Subcontractors

- How to Choose and Maximize Expert Contributions, Keeping in Mind the Cost and Budget
- Separate Meetings of Defense and Plaintiff Experts – The Pitfalls and Advantages

10:30 a.m. - 10:45 a.m. Break

10:45 a.m. - 12:15 p.m. Breakout Sessions

Session 1

Claims Handling

Panelists:

Paul A. Amirata, AXA Insurance Company
Joseph F. Fogarty, York Claims Services, Inc.
Gary R. Shendell, Esq., Shendell & Pollock, LLP
Raymond J. Weisse, Navigators Management Company Inc.

- Inherent Problems in Handling Claims
- Working with Law Firms
- Product Liability v. Negligence Claims
- Review of States with Claims Increases
 - Housing Crisis Impact

Session 2

Risk Transfer

Panelists:

Barbara Cross-Smith, Travelers Insurance
Thomas S. Dultz, CPCU, C.V. Starr & Co., Inc.
Phyllis Modlin, Markel Corporation
Steve Rawls, Esq., Butler Pappas Weihmuller Katz Craig LLP

- Areas of Risk Transfer
- Indemnity and Subrogation Issues
- All Issues

Client Activities

Along with luxurious accommodations and spectacular service, The Boca Resort and Club offers an unparalleled array of activities for our guests. To speak with the Concierge call 561.447.3700 or go to www.bocaresort.com to request information.

Golf: 561.447.3719
Marina: 561.447.3700
Spa: 561.447.4772

CONFERENCE BREAKFAST

Galeria South
Thursday and Friday
May 28-29, 2009
7:45 a.m. - 9:00 a.m.

Hosted by:

**Forensic Analytical Consulting Services
Meckler Bulger Tilson Marick & Pearson LLP**

2009 EAST REGION CONSTRUCTION DEFECT AND CONSTRUCTION LAW CONFERENCE

MAY 27-29, 2009 – BOCA RATON RESORT & CLUB, BOCA RATON, FL

Name: _____ Title: _____

Company Name: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

E-Mail: _____ Fax: _____

Name on Credit Card: _____

Credit Card Billing Address: _____

Visa/Mastercard/American Express Account #: _____

CCV Code (see back of card, front of card on Amex): _____ Expiration Date: _____

Signature: _____

CONFERENCE REGISTRATION FEE

Attorney Attendee: \$795.00

3 or more Attorneys from same firm: \$650.00

Insurance Company Attendee: \$395.00

(Groups of 5 or more call for reduced rates)



CONSULTANTS INC.

2055 Corte del Nogal
Carlsbad, CA 92011
800-729-0355

CONFERENCE REGISTRATION INFORMATION

Register by mailing the form above, with check payment, to the address above, or faxing completed form to 760-930-9973. Conference registration confirmed after fee payment is received. Conference Fee includes continental breakfast for registered attendee, attendance at all conference sessions, a copy of the conference handbook, attendance at Welcome Reception and Networking Cocktail Party. Contact our Conference Department at 800-729-0355 or via email at conferences@mconsultants.com with any questions. Space is limited, so register early. Special room rates are available at the Boca Raton Resort & Club by calling 888-491-2622 and mentioning our group name, MC Consultants, or by going online at <http://www.mconsultants.com/about/seminars.html> and clicking on the link provided for Hotel Reservations.

MCLE CREDITS

MC Consultants' 3rd Annual Conference is approved for 7.5 MCLE credits by the State Bars of CA & NV. Approval pending for credit by the State Bars of AL, CO, CT, FL, GA, IL, NC, OR, PA, SC. Certificates of attendance available for AZ.

Insurance Department Continuing Education Credits (CE)

MC Consultant's 3rd Annual Conference has applied for continuing education from 6 different State Insurance Departments requiring education for adjusters, agents and brokers and we are awaiting approval. (Various state insurance departments require us to inform all interested parties that an application for CE credits does not guarantee approval which is subject to the various insurance department rules, guidelines and regulations.

Refunds

A full refund will be provided to those who request same up to fifteen (15) days prior to the first day of the conference. There will be no refunds within fifteen (15) days of the first day of the conference.