

13th Annual National Asbestos Litigation Conference

October 7-8, 2010 | The Westin New York at Times Square

CONFERENCE CHAIRS:

Hon. Martin Shulman, New York Supreme Court
 Joseph Belluck, Esq., Belluck & Fox LLP, New York
 Michael Pietrykowski, Esq., Gordon & Rees, LLP, San Francisco



Wednesday, October 6, 2010

5:30 Opening Night Reception
 SPONSORED BY BELLUCK & FOX and GORDON & REES

Thursday, October 7, 2010

7:30 Morning Registration and Continental Breakfast

8:00 Welcome and Opening Remarks

8:15 Insights from the MDL Judge
 • Insights on the global impact the MDL cases will have on the national litigation
 Hon. Eduardo Robreno, United States District Court for the Eastern District of Pennsylvania, Philadelphia

9:00 Remembering Yesteryear and Looking Forward to Tomorrow with Asbestos Litigation Leaders
 • Our first exposure to asbestos cases-did we think we'd still be here today-why or why not?
 • Primary differences between an asbestos case today and yesterday
 • The mistakes and advances of the past and how to learn from them
 • Hurdles and hopes for the future of asbestos litigation
 • What will be the next asbestos? Will there be another asbestos? How do we prepare for it, given lessons learned?
 W. Mark Lanier, Esq., Lanier Law Firm PLLC, Houston
 Dave Speziali, Esq., Speziali Greenwald & Hawkins, Williamstown, NJ

10:00 Medical Debate and an In-Depth Look at the Doctor as the Expert
 • Uncommon types of mesotheliomas: Tunica Vaginalis, Liver
 • The state of mesothelioma treatment-advances made with mesothelioma cases and extended life expectancies
 • New pathology literature on clinical criteria for diagnosis
 • The role of amphibole & chrysotile in asbestos-related diseases
 Thomas Sporn, M.D., Associate Prof. of Pathology & Thoracic Pathology, Duke University Medical Center, Raleigh-Durham, NC
 Arthur Frank, MD, Ph.D., Chair, Dept. of Environmental and Occupational Health, Drexel University School of Public Health, Philadelphia

10:45 Morning Break

11:00 Understanding the Critical Pieces of Your Case
 • Case selection – “Plaintiff Beware”
 • The early pieces of a case, determining a case’s trajectory
 • The Plaintiff’s deposition-the formidable components and how to use them effectively
 • The Defense’s perspective on the plaintiff’s deposition
 • Getting the meat of the deposition on record and how it impacts juror responses
 • Working with outdated CMO’s
 • Depositions & jurisdictional variances: video, perpetuating, discovery vs. evidentiary depositions
 • Depositions and end of life preparedness counseling
 -When to fast track a deposition?
 -Best practices for executing a dying deposition
 -The technical and logistical considerations
 -Dealing with dying witnesses-compassionately and respectfully-things both sides should consider
 -Medical perspectives on disease stages, mental states and concerns of dying declarants
 -Ability to give depositions
 Rebecca Shull Vinocur, Esq., The Lipman Law Firm, Coral Gables, FL
 Maryellen Connor, Esq., Malaby & Bradley, LLC, New York
 Hon. Elihu Berle, Civil Supervising Judge, Los Angeles Superior Court, Los Angeles
 Hon. Daniel Stack, Madison County Circuit Court, Edwardsville, IL
 Hon. Mark Davidson, Texas MDL Asbestos Judge, Houston

12:00 New Directions in Asbestos Litigations – Where is the Litigation Heading
 • New defendants – suppliers, electrical companies, phenolic resins
 • New exposures – electricians, printers, oil workers, plastic workers
 • New twists on the old dogs – equipment cases, friction cases, insulation cases
 Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia
 Rick Nemeroff, Esq., DeLuca & Nemeroff, LLP, Dallas
 Joseph Satterley, Esq., Sales & Satterley, Louisville, KY

12:30 Networking Lunch

1:30 Defendant In-House Counsel Perspectives
 • Hot jurisdictions-Illinois, Philadelphia, New York, California and others
 -Are there changes in the law which influence where cases are being filed?
 • Migration of meso filings
 • Forum non-conveniens motions
 • Corporate preferences on docket management, predictability, settlement efforts, etc. and why
 • Factors affecting settlement
 -New bankruptcies and their impact on settlement
 • Cooperation on the Medicare issue
 • Verdicts and their impact on settlement demands
 Michael Glackin, Esq., General Counsel, Dow Chemical, New York
 Joseph O’Hara, Jr., Esq., V.P. & Associate G.C., Owens-Illinois, Inc., Perrysburg, OH
 Paul Slater, Esq., Counsel, General Electric, Fairfield, CT
 Jeffrey Koenig, Esq., Chief Litigation Counsel, Cytec Industries, Inc., West Patterson, NJ
 R. Harding Erwin, Jr., Esq., Senior Counsel-Litigation Management Group, Chevron Products Company, Houston
 Mary Kate Campbell, Esq., Senior Counsel, DuPont Legal, Wilmington, DE

2:30 Motions in Limine
 • Use by Plaintiffs
 • Do we really need them?
 • Can I get a stipulation?
 -Why can’t we stipulate to more foundational evidence regarding expert admissibility
 • Is there anything really new or state of the art?
 • Making them happen earlier in the game
 • Focusing more on the important issues vs. filing for the sake of filing
 • Judicial resources/streamlining motion filing
 • Qualification vs. weight-expert testimony-game changer-can it be a jury question
 • The impacts of these motions on the case, the jury, the court and the clients
 • Unusual in limine rulings across jurisdictions and unusual trial circumstances-what can we learn from them
 -Their impacts on the trials and/or settlement
 Hon. Victor DiNubile, Philadelphia Court of Common Pleas, Philadelphia
 Hon. Ann Taddeo, New York Supreme Court, Rochester
 Hon. John Glynn, Baltimore City Circuit Court, Baltimore City, MD
 Jonathan Ruckdeschel, Esq., The Ruckdeschel Law Firm, LLC, Ellicott City, MD
 Craig Blau, Esq., Reed Smith LLP, New York

3:15 Afternoon Break

3:30	<p>Insurance Carrier In-house Counsel Perspectives</p> <ul style="list-style-type: none"> • CMO's-benefits of making them more consistent across jurisdictions and how to enforce them more • Discovery and the bankruptcy trusts • Settlement issues: <ul style="list-style-type: none"> -Who should be present, from both sides, to resolve a case? -How to get to the real number, sooner? • The new Medicare reporting requirement and its impact on litigation, as well as operating costs and procedures • Jurisdictions: What are the problematic ones and what does the future hold there • Legislative update: Will the legislation come through and will it help resolve new peripheral defense cases <p>Linda Tatka, Asbestos Claims Director, Allianz of America Resolution Services, Fireman's Fund Insurance Company, Novato, CA Marco Spadacenta, Senior Vice President, Asbestos Claims Dept., Chartis Claims, Inc., New York John Kinney, Senior Vice President, Heritage Holdings, Inc., Hartford Robin Segal-Gonzalez, Esq., Claims Examiner and Claims Officer, Environmental Claims Department, Chubb Insurance, Warren, NJ Michael Sehr, Senior Vice President, Environmental & Mass Tort Claims, CNA Insurance, Chicago Vincent Biancamano, Director, Zurich North America, New York</p>	9:15	<p>Consolidation-The End All, Be All-Why or Why Not</p> <ul style="list-style-type: none"> • Is consolidation a meaningful tool for all parties, including the court • How to make consolidation cost effective • Minimizing prejudicial impacts of consolidation • Analysis of due process, what it means and how it is affected with consolidation • Useful alternatives to consolidation, if any? • Reverse bifurcation, time limits and "other procedural devices" <p>Moderators: Joseph Belluck, Esq., Belluck & Fox LLP, New York & Michael Pietrykowski, Esq., Gordon & Rees, LLP, San Francisco Robert Komitor, Esq., Levy Phillips & Konigsberg, LLP, New York Bethann Schaffzin, Esq, Shein Law Center, Ltd., Philadelphia Timothy McGowan, Esq., Kelley Jasons McGowan Spinelli & Hanna, LLP, Philadelphia Terry Budd, Esq., K&L Gates, Pittsburgh Hon. Martin Shulman, New York Supreme Court Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia</p>
4:30	<p>Judicial Session: Early Intervention</p> <ul style="list-style-type: none"> • Effective case management • What other mass torts have set better examples? • How to get to closure, sooner? • What do all sides need to settle typical cases before reaching the court steps <ul style="list-style-type: none"> -Agreeing on what is a typical case-can it be done? • Settling cases-does the approach need to vary by jurisdiction? If so, how and which jurisdictions should be targeted? • Should parties be concerned with macro or micro level impacts? <p>Moderators: Joseph Belluck, Esq., Belluck & Fox LLP, New York & Michael Pietrykowski, Esq., Gordon & Rees, LLP, San Francisco Gary Galiher, Esq., Galiher DeRobertis Ono, Honolulu Judith Perritano, Esq., Pierce, Davis & Perritano, LLP, Boston Hon. Elihu Berle, Civil Supervising Judge, Los Angeles Superior Court, Los Angeles Hon. Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District, New York State Supreme Court -Civil Branch Hon. Mary Johnston, Superior Court of Delaware, Wilmington Hon. Martin Shulman, New York Supreme Court, New York Hon. Daniel Stack, Circuit Judge, Madison County Circuit Court, Edwardsville, IL Hon. Kenneth Burr, Superior Court of Alameda County, Oakland, CA Hon. Mark Davidson, Texas MDL Asbestos Judge, Houston Hon. Sandra Mazer Moss, Philadelphia Court of Common Pleas, Philadelphia Hon. John Glynn, Baltimore City Circuit Court, Baltimore City, MD</p>	10:15	<p>What the Statistics and the Leading Analysts Say About Filings and Bankruptcy Trusts</p> <ul style="list-style-type: none"> • Filing trends, the gross numbers, by disease and by jurisdiction • Mesos: Where and how many? • Named defendants rising? • Overview of bankruptcy trust activity • Issues regarding the affect of trusts on overall claims and compensation • Impact of the trusts on solvent defendants • Asbestos exposure representations following the early 2000 bankruptcy wave • The impact of well funded 524(g) trusts on claimant recoveries <p>Lloyd Dixon, Ph.D. Rand Corporation, Santa Monica A. Rachel Grinberg, Ph.D., Manager, Bates White, LLC, Washington, DC Bradley Drew, Managing Director, PACE Claims Services, Hamilton, NJ</p>
5:30	<p>Networking Reception SPONSORED BY PACE INFORMATION</p>	11:00	<p>Morning Break</p>
Friday, October 8, 2010			
7:45	<p>Continental Breakfast</p>	11:15	<p>National Survey of Recent Equipment Case Decisions</p> <ul style="list-style-type: none"> • Reverse migration-a survey of appellate decisions in equipment cases from the west coast to the east coast • A survey of pending appellate decisions concerning replacement parts and external insulation • What's next? A list of appellate cases pending? • How will these decisions change the claims against the equipment defendants? <p>Seth Dymond, Esq., Belluck & Fox LLP, New York Roger Podesta, Esq., Debevoise & Plimpton LLP, New York</p>
8:15	<p>The Bankruptcy Connection</p> <ul style="list-style-type: none"> • The history of supplier suits • Discovery issues and current trust claims: what you want, from whom, why you want it and how to use it • CMO's and verdict form issues • Claim forms-Class actions and class proof of claim forms-Are they needed in light of 524 (g) <p>Hon. Judith Fitzgerald, U.S. Bankruptcy Court for the Western District of Pennsylvania, Pittsburgh Lisa Busch, Esq., Weitz & Luxenberg, P.C., New York Michael John Ramirez, Esq., K&L Gates, Dallas</p>	12:00	<p>Are We Nearing the End of MDL 875--Where Do We Go from Here?</p> <ul style="list-style-type: none"> • Report on Most recent rulings and activity and current statistics for pending MDL cases • Moving beyond show cause hearings-now what? • Settlement conferences within the MDL-What happens before, during and after • The use of magistrate judges and discovery in the MDL -MDL website and EDPA website -Rule 26f conferences and orders -Discovery Issues including authorizations, interrogatories, depositions, and requests to produce • Dismissals and their impact on the litigation • Removal and remand • Developments in the MARDOC cases • The future of MDL 875 <p>John Herrick, Esq., Motley Rice LLC, Mt. Pleasant, SC Walter Watkins, Jr., Esq., Forman Perry Watkins Krutz & Tardy LLP, Jackson, MS</p>
		12:45	<p>Adjourn</p>

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