

All Sums, Reallocation & Settlement Credits

Wednesday, October 21, 2009

The Hub Cira Centre at 30th Street Station, Philadelphia



CONFERENCE CHAIRS:

Eileen McCabe, Esq., Mendes & Mount, LLP, New York

Franklin Cordell, Esq., Gordon Tilden Thomas & Cordell LLP, Seattle

MEETING ROOM: HUNTINGTON

- | | |
|--|---|
| <p>10:00 Registration and Refreshments</p> <p>10:30 The Fundamentals: “All Sums” Versus Pro Rata Allocation, Terminology, and a Look Ahead</p> <ul style="list-style-type: none">• “All sums” versus “pro-rata” allocation: the policy-language underpinnings of the competing approaches, and how they play out in practice• Relationship with the governing “trigger” of coverage and divisibility of covered harm• Discussion of other allocation approaches• Mastering the terminology: all sums, pro-rata, Owens-Illinois, the “spike,” Keene, reallocation through contribution claims, settlement credits, claim-bar orders, and more• The state scorecard• Trends in case law and legislative approaches <p>Seth Tucker, Esq., Covington & Burling LLP, Washington, D.C.</p> <p>Jodi McDougall, Esq., Cozen O’Connor, Seattle</p> <p>11:45 The Fundamentals Part II: Exhaustion of Limits and Related Issues-How Triggered Primary and Excess Policies Respond to Claims in an All Sums Environment</p> <ul style="list-style-type: none">• Methods of exhaustion: vertical versus horizontal, policy-language underpinnings, case law, and practical results• “Stacking” of limits - permitted? Effect of anti-stacking clauses• How do multi-year policies respond to continuous-injury claims?• Differences between treatment of primary and excess policies• Number of occurrences <p>Mary Licari, Esq., Bates & Carey LLP, Chicago</p> <p>Michael Ginsberg, Esq., Jones Day, Pittsburgh, PA</p> <p>Patrick McGrath, Managing Director, Navigant Consulting, Inc., Chicago</p> <p>1:00 Networking Luncheon - REVOLUTION</p> | <p>2:00 What Happens After the “Spike”? Reallocation and Application of All Sums in the Settlement Context</p> <ul style="list-style-type: none">• Reallocation options for the “spiked” insurer: contribution claims against other insurers• Can a non-settled insurer sue a settled insurer for contribution?• Credit to the non-settling insurer for settled policy limits - methods and practical results• Credit based on pro-rata limits• Credit based on actual amounts of settlements• The all sums rule in the settlement context: strategies and practical tools for reaching non-global coverage settlements <p>Martin Pentz, Esq., Foley Hoag LLP, Boston</p> <p>David Schoeggl, Esq., Mills Meyers Swartling, Seattle</p> <p>Elizabeth Hanke, Vice President, Kenesis Corporate and Information Consulting, Washington, D.C.</p> <p>3:00 Afternoon Break</p> <p>3:15 Adopting an All Sums or Pro Rata Approach - Mock Oral Argument on Summary Judgment Motion</p> <p><i>Two of the nation’s leading coverage attorneys will face off in a cross summary judgment argument on whether the court, in a case of first impression, should adopt an “all sums” or “pro-rata” approach in an asbestos coverage lawsuit. The case involves progressive, latent bodily injury occurring over decades, with some years in which the policyholder is uninsured and other years in which it has significant layers of excess coverage.</i></p> <p>Robert Horkovich, Esq., Anderson Kill & Olick, P.C., New York</p> <p>Steven Crane, Esq., Berkes Crane Robinson & Seal LLP, Los Angeles</p> <p>John Sullivan, Esq., Post & Schell, P.C., Philadelphia</p> <p>Hon. James T. Vaughn, Jr., President Judge of the Superior Court of Delaware</p> <p>4:45 Question and Answer Wrap Up with Speakers and Chairs</p> <p>5:00 Networking Reception - THE YARD</p> <p>Sponsored by: Kenesis Corporate and Information Consulting</p> |
|--|---|

THANK YOU TO OUR SPONSORS AND EXHIBITORS

