



# SIXTEENTH ANNUAL CONFERENCE

**Union League Club  
Chicago, Illinois**

**September 30 -  
October 2, 2009**

## Wednesday, September 30, 2009

6:00-8:00 p.m. Networking Reception

***GREEN IS THE WORD***

## Thursday, October 1, 2009

7:00 – 8:00 a.m. Continental Breakfast

8:00 – 8:15 a.m. Welcome and Overview

### **The Courtship of Toxic Torts – Seeing the Forest for the Trees**

8:15 – 9:15 a.m.	<b>Pollution 2009: What's New in the Courts</b> • National Case Law Developments	Michael Aylward Morrison Mahoney LLP Boston, Massachusetts	Tab 1
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9:15 – 9:45 a.m.	<b>Toxic Torts – Experts, Counsel and Creativity</b> • Working with Experts in Toxic Tort Matters • Plaintiffs' New "Property Damage" Claims • Checklist for In-House Counsel Before and During a Toxic Tort Matter	Kurt Stitche Levenfeld Pearlstein, LLC Chicago, Illinois  Jennifer Nijman Nijman Franzetti LLP Chicago, Illinois	Tab 2
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9:45 – 10:00 a.m. Break

### **You are What You Drink...and Breathe – Fresh Perspectives**

10:00 – 10:30 a.m.	<b>Contaminants in Drinking Water Supply</b> • Historical Perspective - History, Laws and Regulations, and Trends in Detecting and Regulating Contamination • Litigation and Liability and the Role of Insurers • Case Studies – How to Manage the Defense Counsel, Expert's Costs and Likely Indemnity Issues	Alborz Wozniak Johnson Wright, Inc. Lafayette, California  Peter Mintzer Cozen O'Connor Seattle, Washington	Tab 3
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**Thursday, October 1, 2009 (cont'd)**

10:30 – 11:15 a.m.	<b>Vapor Intrusion</b> <ul style="list-style-type: none"><li>• Regulatory Overview</li><li>• Vapor Intrusion Investigation</li><li>• Ramifications to Insurers / Policy Holders</li></ul>	George Cartwright Stantec Consulting Corporation Lombard, Illinois	Tab 4
11:15 a.m. – Noon	<b>Benzene Facts and Strategies</b> <ul style="list-style-type: none"><li>• Medicine and Science Behind Benzene Claims</li><li>• Critical Facts in Evaluating Benzene Claims</li><li>• Trial Strategies and Techniques in the Defense of Benzene Cases</li></ul>	T.H. Lyda and Edwin B. Palmer Burns, White & Hickton, LLC Pittsburgh, Pennsylvania  Stacy Yates Coats, Rose, Yale, Ryman & Lee, PC Houston, Texas  Scott Hengesbach Murchison & Cumming, LLP Los Angeles, California	Tab 5
Noon – 1:00 p.m.	<b>Lunch</b>		
	<b>We're Doing Asbestos We Can – Red Light...Green Light...Stop</b>		
1:00 – 1:30 p.m.	<b>Lipke to Nolan – Taking Off the Blinders</b> <ul style="list-style-type: none"><li>• Local and National Implications of the <i>Clarence Nolan v. Weil McLain</i> and <i>Ready v. United/Goedecke Services</i> Supreme Court Decisions</li><li>• Interpretations of These Decisions by the Trial Courts</li><li>• Plaintiff's Counsel Continued Creative Efforts to Maintain the <i>Lipke</i> Exclusionary Rule and Ways to Combat Same</li></ul>	Steven Hart Segal, McCambridge, Singer & Mahoney Chicago, Illinois	Tab 6
1:30 – 2:00 p.m.	<b>Asbestos Coverage and Defense Hot Issues</b> <ul style="list-style-type: none"><li>• Brief Introduction to Bankrupt Trusts</li><li>• What are the Trusts Paying?</li><li>• How Defendants Can Use Trust Payments in Settlement Negotiations and Trial</li></ul>	Tony Goldner Wilson Elser Moskowitz Edelman & Dicker LLP Chicago, Illinois	Tab 7

Thursday, October 1, 2009 (cont'd)

2:00 – 2:30 p.m.	<b>Erionite – And You Thought Crocidolite Was Bad?</b> <ul style="list-style-type: none"><li>• Properties</li><li>• Carcinogenicity</li><li>• Exposure</li><li>• The North Dakota Connection</li><li>• Litigation Impact</li></ul>	Jeff Hebrank HeplerBroom LLC St. Louis, Missouri	Tab 8
2:30 – 2:45 p.m.	Break		
2:45 – 3:30 p.m.	<b>Stop Gap Liability</b> <ul style="list-style-type: none"><li>• History of Environmental Insurance Coverage</li><li>• New Environmental Insurance Coverage</li><li>• Types of Policies</li><li>• Issues with New Policies and Case Law</li></ul>	Dan Willis Swanson, Martin & Bell, LLP Chicago, Illinois	Tab 9
3:30 – 4:15 p.m.	<b>The Interplay Between Primary &amp; Excess Insurers</b> <ul style="list-style-type: none"><li>• Obligations of an Excess Insurer Who Sits Above an Insolvent Primary Carrier and When an Excess Insurer Must “Drop Down”</li><li>• The Circumstances when an Excess Insurer will be Required to Contribute to a Settlement</li><li>• An Overview of an Excess Insurer’s Right to Equitable Subrogation from an Underlying Primary Carrier</li></ul>	Robert N. Hermes Butler, Ruben, Saltarelli & Boyd LLP Chicago, Illinois	Tab 10
4:15 – 4:45 p.m.	<b>Jury Persuasion: How Jurors Form Decisions</b> <ul style="list-style-type: none"><li>• Research</li><li>• How Do Jurors Reach a Verdict?</li><li>• Communication &amp; Technology</li><li>• Presentation &amp; Technology</li><li>• Case Studies</li></ul>	Mark Calzaretta Magna Legal Services Philadelphia, Pennsylvania	Tab 11

**Friday, October 2, 2009**

7:00 – 8:15 a.m. Continental Breakfast

**Your Future Awaits – Growing Torts and Grass Roots**

- 8:15 – 8:45 a.m. **Diacetyl Litigation: If You Can't Stand the Heat, Get Out of the Microwave** Mary Jo Pullen Tab 12  
Dinsmore & Shohl LLP  
Cincinnati, Ohio
- Diacetyl & Microwave Popcorn Production
  - Recognition of Potential Inhalation Hazards
  - Additional NIOSH Work
  - Interventions
  - The Future
- 8:45 – 9:15 a.m. **Chinese Drywall: Coverage Implications** Matt Barrett and Jeff Kershaw Tab 13  
Fields, Howell, Athans & McLaughlin LLP  
Atlanta, Georgia
- Background of Chinese Drywall Claims
  - CGL Coverage Issues
  - Pollution Liability Insurance Coverage Issues
- 9:15 – 10:00 a.m. **Direct Action Statutes and Defense Implications** Alan Ezkovich Tab 14  
Ezkovich & Co., LLC  
New Orleans, Louisiana
- Background & Purpose of Direct Action Statutes
  - What Happens in a Direct Action Lawsuit
  - Extra-Contractual Issues
  - Retention of Counsel, 1-2-3
  - Declination of Coverage
  - Role of *Cumis* Counsel
- 10:00 – 10:15 a.m. Break
- 10:15 – 11:00 a.m. **Tort Reform** Mark Behrens Tab 15  
Shook, Hardy & Bacon LLP  
Washington, D.C.
- Grass Roots Take Hold
- 11:00 – 11:15 a.m. Break
- 11:15 a.m. – Noon **Business Meeting**

*This is a Business Casual Event*

**Business Casual Attire** or better is permitted throughout the clubhouse with the exception of specific events for which a higher mode of dress (such as business Dress Attire, Black Tie or White Tie) is specified.

**Business Casual Attire** is defined as, for men, a collared shirt (including turtleneck) and slacks (without jacket or necktie); for women, **Business Casual Attire** includes slacks or skirt with a blouse or sweater.

The following are specifically prohibited (**except on floors 10 and above and when checking in or out of the Club guestrooms**):

Overalls, tee-shirts, trading jackets, cut-offs, sweatshirts, denim jackets and any clothing that is tattered or contains inappropriate messages. Blue jeans are not permitted in the clubhouse except on Saturdays before 6:00 p.m., on Sundays and on Holidays.

If you must enter or exit the Club in Athletic Attire, please use the Athletic Entrance, located on Federal Street just south of the revolving-door entrance. To leave the club, take the elevator to the first floor and follow the signs marked "Athletic Exit."



# SIXTEENTH ANNUAL CONFERENCE

September 30 -October 2, 2009

Union Leage Club of Chicago  
65 West Jackson Boulevard, Chicago, IL 60604-3598

Conference Cost: \$250 per attendee  
Group Discount: 3 or more attendees from same company or firm are \$225 each

Name(s): \_\_\_\_\_  
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Please mail FETTI Registration Form with your check (sorry, no credit cards) to:

FETTI  
c/o Michael Bolechowski, Esq.  
Wilson, Elser, Moskowitz, Edelman & Dicker  
525 Market Street, 17th Floor, San Francisco, CA 94105  
415-433-0990  
michael.bolechowski@wilsonelser.com

For hotel information, special rates (\$190 plus tax per night) and reservations, please call the Union League Club at 1-800-443-0578 and reference the FETTI Conference.

**All reservations must be made prior to Friday, September 4, 2009  
(Possible limited availability until September 11, 2009).  
Please make your reservations early!!!!**

Please provide the following to ensure proper CE and/or CLE certification:

CE States Needed: \_\_\_\_\_

CLE States Needed: \_\_\_\_\_

(Note: Although FETTI cannot guarantee CE or CLE certification, to date it has successfully secured such certification in all requested states.)

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