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SEPT. 16-18, 2015

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mc conference agenda

WEDNESDAY SEPTEMBER 16 - FRIDAY SEPTEMBER 18, 2015 - MANCHESTER GRAND HYATT SAN DIEGO

2015 West Region Conference Advisory Board

Conference Chair:

J.D. Turner, Esq., Lorber, Greenfield & Polito, LLP

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Kenneth S. Kasdan, Esq., Kasdan LippSmith Weber Turner LLP
Richard L. Righi, Esq., Righi Fitch Law Group
John E. Zehnder, Esq., Scheer & Zehnder LLP
Adrienne E. Nordstrom, Esq., Clapp Moroney Vucinich
Beeman Scheley

Wednesday, September 16

Registration & Welcome Reception

Manchester Grand Hyatt San Diego

5:30pm - 7:00pm - Coronado Ballroom Foyer & Terrace

Welcome Reception

Hosted By:

Bremer Whyte Brown & O'Meara LLP

Centext Legal Services

Ericksen Arbuthnot

Esquire Deposition Solutions

Gartner + Bloom, P.C.

Litigation Services

Phipps Reporting

U.S. Legal Support

Wood Smith Henning & Berman LLP

Thursday, September 17

Registration & Continental Breakfast Plus!

7:30am - 8:45am - Coronado Ballroom Foyer & Terrace
(Sponsored by Grand Sponsors)



Opening Remarks

8:45am - 8:50am - Coronado Ballroom

Dan Ducommun, President and CEO, MC Consultants, Inc.

Agenda Briefing

8:50am - 9:00am - Coronado Ballroom

J.D. Turner, Esq., Lorber, Greenfield & Polito, LLP

9:00am - 10:30am - Coronado Ballroom

GENERAL SESSION #1

West Region Gavels Speak!

West Region Judicial Review of Construction Defect Issues and Recent Case Rulings

Panel Moderator:

Irene Yesowitch, Esq., Cozen O'Connor

Panelists:

Hon. Susan H. Johnson, Eighth Judicial District Court, NV
Hon. John W. Madden, IV, Second Judicial District Court, Denver, CO
Hon. Judith H. Matarazzo, Multnomah County Circuit Court, OR
Hon. Jim Rogers, King County Superior Court, Seattle, WA
Hon. Jeff Shadwick, 55th Civil District Court, Houston, TX
Hon. Ronald L. Styn, San Diego County Superior Court, CA
Hon. Christopher T. Whitten, Superior Court of Arizona, Phoenix, AZ

- Judge's Points of Views and Perspectives
- Judges Share Recent Regional CD Case Rulings
 - Arizona Rulings
 - California Rulings
 - Colorado Rulings
 - Nevada Rulings
 - Oregon Rulings
 - Texas Rulings
 - Washington Rulings

Morning Break

10:30am - 10:45am - Coronado Ballroom Foyer & Terrace

10:45am - 12:00pm - Coronado Ballroom

GENERAL SESSION #2

Strategies for Case Resolution - Pre-Trial

Panel Moderator:

Christian Lucia, Esq., Sellar Hazard & Lucia

Panelists:

David S. Blau, Esq., Blau & Associates, P.C.
Timothy C. Earl, Esq., Sullivan Hill Lewin Rez & Engel
Thomas M. Johnson, Esq., Vial Fotheringham LLP
J. Nathan Owens, Esq., Newmeyer & Dillion LLP
Jerry R. Satran, Esq., Koeller, Nebeker, Carlson & Haluck, LLP
John H. Toohey, Esq., Bremer Whyte Brown & O'Meara LLP

- Pre-Trial Strategies From the Developer Point of View
- Pre-Trial Strategies From the Plaintiff Point of View
- Pre-Trial Strategies From the Subcontractor Point of View
- Pre-Trial Strategies From the Coverage Attorney Point of View

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mc conference agenda

WEDNESDAY SEPTEMBER 16 - FRIDAY SEPTEMBER 18, 2015 - MANCHESTER GRAND HYATT SAN DIEGO

Express Lunch Break

12:00pm - 12:45pm - Coronado Ballroom Foyer & Terrace
(Sponsored by Premier Sponsors)

LUNCH/BREAK

Exhibitor & Food / Beverage Area
Coronado Ballroom Foyer & Terrace
Thursday, September 17th

12:00pm - 12:45pm

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12:45pm - 2:00pm - Coronado Ballroom

GENERAL SESSION #3

Life After The Judgment - Now What?

Panel Moderator:

Diane O. Palumbo, Esq., Palumbo Bergstrom LLP

Panelists:

Miles C. Holden, Esq., Hanson Bridgett LLP
Dirk Holt, Esq., Scheer & Zehnder LLP
Kenneth S. Kasdan, Esq., Kasdan LippSmith Weber Turner LLP
Natasha A. Landrum, Esq., Lee, Hernandez, Landrum & Garofalo
Richard L. Righi, Esq., Righi Fitch Law Group
J.D. Turner, Esq., Lorber, Greenfield & Polito, LLP
Mark R. VonderHaar, Esq., Haight Brown & Bonesteel LLP

- Bench Trials
- Jury Trials
- Arbitration Award
- Judicial References
- Direct Action

Afternoon Break

2:00pm - 2:15pm - Coronado Ballroom Foyer & Terrace

2:15pm - 3:30pm - Coronado Ballroom

GENERAL SESSION #4

Insurance Industry's Perspective - From 35,000 Feet

Panel Moderator:

Keith G. Bremer, Esq., Bremer Whyte Brown & O'Meara LLP

Panelists:

Trisha Davis, Empirical Loss Management LLC
Thomas Gesner, Liberty Mutual Insurance
Phyllis Modlin, Markel
Terri Moran, Vela Insurance Services, LLC
Emma Tortorici, ACE Group
Mary Ann Vorndran, Navigators Insurance
Robert Weingarten, Certus Claims Administration
Eric R. Whiteside, CoverX Specialty Insurance Services

- Claims Handling Pre-litigation
- Changing Trends in Marketplace
- I have Expectations of Counsel and My Adjuster!
- Emerging CD Hot Spots
- Continuing Evolution of Coverage

Mid-Afternoon Coffee & Cookie Break

3:30pm - 3:45pm - Coronado Ballroom Foyer & Terrace

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3:45pm - 5:00pm - Coronado Ballroom

GENERAL SESSION #5

West Region Developer & Builder's Point of View

Panel Moderator:

Stephen J. Henning, Esq., Wood Smith Henning & Berman LLP

Panelists:

John Bowles, Webcor Builders
Colleen E. Cummings, The Hanover Company
Richard Daniels, The Ryland Group, Inc.
William E. Mayer, Esq., D.R. Horton
Mark Reynolds, Meritage Homes Corporation
Susan Thorne, Swinerton Incorporated
Rick Young, Shea Homes

- Why Defect Litigation is on the Decline
- Right to Repair Statutes – Emerging Issues
- Wraps vs. Non Wraps – The Future of Risk Transfer
- Battlegrounds in 2016 and Beyond

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Conference Networking Party – Caribbean Nights! 6:00pm - 7:30pm - Grand Hyatt 4th Level Pool Deck

Conference Networking Party

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9:30am - 10:30am - Coronado Ballroom D

Concurrent Breakout Session

3D, Animation & Other Technologies Used in Trial

Panel Moderator:

Jason C. Gless, Esq., Wood Smith Henning & Berman LLP

Panelists:

Aaron B. Booth, Esq., Law Offices of Aaron B. Booth

Peter Fitzgerald, U.S. Legal Support

David J. Frankenberger, Jr. Esq., Ericksen Arbuthnot

Paul S. Guthorn, Vollmer-Gray Engineering Laboratories

Hon. Rex Heeseman, (Ret.), JAMS

Randolph M. Paul, Esq., Berding Weil LLP

- 3D Demonstration and Discussion
- Animation Demonstrations and Discussion
- Digital Photography Enhancements



9:30am - 10:30am - Coronado Ballrooms A

Concurrent Breakout Session

Summary Judgments & Their Impact Across Multiple West Region States

Panel Moderator:

Betsy A. Gillaspay, Esq., Gillaspay & Rhode PLLC

Panelists:

Jennifer A. Boldi, Esq., Resnick & Louis, P.C.

Stacy L. La Scala, Esq., AMCC

Arthur S. Moreau, III, Esq., Klinedinst PC

James C. Prichard, Esq., Ball Janik LLP

R. Scott Rasmussen, Esq., Hansen Rasmussen, LLC

Luke P. Ryan, Esq., Shinnick & Ryan, LLP

- Statutes of Limitation/Repose
- Declaratory Judgments
- Corporate Dissolution
- AI/Indemnification

Morning Break

10:30am - 10:45am - Coronado Ballroom Foyer & Patio

Friday, September 18

Continental Breakfast Plus!

8:00am - 9:30am - Coronado Ballroom Foyer & Terrace

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WEDNESDAY SEPTEMBER 16 - FRIDAY SEPTEMBER 18, 2015 - MANCHESTER GRAND HYATT SAN DIEGO



10:45am - 12:00pm - Coronado Ballroom B
Concurrent Regional Breakout Session
Arizona Breakout Session 7A
Coverage and Current Trends

Panel Moderator:
Holly P. Davies, Esq., Lorber, Greenfield & Polito, LLP

Panelists:
Kevin C. Barrett, Esq., Graif Barrett & Matura, P.C.
Mark A. Holmgren, Esq., Carpenter, Hazlewood, Delgado & Bolen, PLC
Kyle A. Israel, Esq., Israel & Gerity, PLLC
Lisa I. Streu, Esq., Welsh Law Group, PLC

- Coverage Update on Insurer's Duty to Defend
- Update on Revisions to the Right to Repair Statute
- Where Does the Negligence Cause of Action Stand in Construction Defect Claims



10:45am - 12:00pm - Coronado Ballroom D
Concurrent Regional Breakout Session
California Breakout Session 7B
Coverage and Current Trends

Panel Moderator:
John K. Schlichting, Esq., Sooy & Schlichting, APC

Panelists:
Robert V. Closson, Esq., Hirsch Closson, APLC
Matthew S. Constantino, Esq., Clapp Moroney Vucinich Beeman Scheley
Robert M. Freedman, Esq., Tharpe & Howell, LLP
Tami G. Vail, Esq., Liedle, Lounsbury, Larson & Lidl, LLP
Brandt L. Wolkin, Esq., Wolkin Curran, LLP

- Insurer's Duty to Defend
- Disputes Between Primary and Excess Insurers
- Loss-of-Use Coverage
- Additional Insureds and SIR Satisfaction
- Notice and Tender, Control of the Defense, and the Duty to Cooperate



10:45am - 12:00pm - Coronado Ballroom A
Concurrent Regional Breakout Session
Nevada Breakout Session 7C
Coverage and Current Trends

Panel Moderator:
Shannon G. Splaine, Esq., Lincoln Gustafson & Cercos, LLP

Panelists:
Mark J. Bourassa, Esq., The Bourassa Law Group, LLC
Jeffrey A. Garofalo, Esq., Lee, Hernandez, Landrum & Garofalo
Craig A. Marquiz, Esq., Marquiz Law Office PC
Les W. Robertson, Esq., Robertson & Associates, APC
Elizabeth A. Skane, Esq., Skane Wilcox LLP

- The Impact of AB 125
- Does Chapter 40 apply to Condos
- Copper Sands Ruling
- Logan v Abe Decision
- Nutton v Sunset Station
- NRS 116
- Coyote Springs Ruling

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WEDNESDAY SEPTEMBER 16 - FRIDAY SEPTEMBER 18, 2015 - MANCHESTER GRAND HYATT SAN DIEGO

10:45am - 12:00pm - America's Cup Ballroom B
Concurrent Regional Breakout Session
Pacific Northwest Breakout Session 7D
Coverage and Current Trends

Panel Moderator:

Klarice A. Benn, Esq., Abbott Law Group, P.C.

Panelists:

Kevin A. Eike, Esq., Aldrich Eike, PC

Jim L. Guse, Esq., Barker Martin

Thomas Lether, Esq., Lether & Associates, PLLC

Daniel J. Nichols, Esq., Gordon & Rees LLP

Lindsey M. Sabec, Esq., Chock Barhoum LLP

- Evolving State of SOL and SOR in OR
- Impact of Eclectic Investments Decision on Common Law Indemnity in CD cases
- OR and WA Coverage Law Update Including Meaning of "Collapse" in First Party Property
- Updates on Bad Faith Law in OR and WA



Conference Adjourned

12:00pm



10:45am - 12:00pm - Regatta Ballroom B
Concurrent Regional Breakout Session
Rocky Mountain Breakout Session 7E
Coverage and Current Trends

Panel Moderator:

Patrick J. Casey, Esq., Fox Rothschild LLP

Panelists:

Jeffrey P. Kerrane, Esq., Benson, Kerrane, Storz & Nelson, P.C.

Ted W. McBride, Jr., Esq., Vial Fotheringham LLP

Joe A. Ramirez, Esq., Holland & Hart

Jane E. Young, Esq., McElroy, Deutsch, Mulvany & Carpenter, LLP

- Arbitration v. Jury Trials
- Statute of Repose - Emerging Decisions Post Shaw Construction
- Insurance Coverage Issues for Firewalls and Sprinkler Defects
- The Return of Plan B's
- What is Covered and How CD Claims are Settling Given the Current State of the Law



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