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Retail and Hospitality Litigation

- Hear from in-house counsel at Starbucks, Kimpton Hotels & Restaurants, Ryman Hospitality, McDonald's Corporation, and Publix Super Markets
- Learn what every executive and lawyer should know about e-commerce and cybersecurity
- Understand the state of the industry after several natural disasters
- Update your knowledge about transgender bathrooms, service versus therapy animals, ADA compliance, and more!



May 3-4, 2018

Loews Chicago

Chicago, IL

The retail and hospitality industry is unlike any other. Providing goods and services to a wide variety of possible customers is challenging enough, but doing so by opening up your doors to anyone who desires to enter creates a new level of challenge for a company. From keeping your premises safe, to keeping your customers safe from others, the responsibility that these companies shoulder often results in issues beyond their direct control. The industry is constantly evolving, often ahead of other industries. These are some of the reasons that practicing in this industry is so rewarding and challenging, and why it attracts some of the best lawyers in the country. Attending this seminar is your chance to learn from some of the very best retail and hospitality lawyers in the country. Whether you are new to this industry, or a seasoned veteran, you will come away a better retail and hospitality industry attorney.



Richard J. Keating, Jr.
Program Chair



Stephanie Gaston Poley
Committee Chair



Stacy D. Fulco
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Sara M. Turner
Committee Vice Chair



Jennifer Snyder Heis
Law Institute

PRESENTED BY **DRI's Retail and Hospitality Committee**

Register online now at dri.org or complete the form in the back.

What You Will Learn



- The differences between service animals and therapy dogs, and how your company should handle the different types of requests without violating the ADA and keeping your customer happy
- The variety of challenges related to the long recovery that comes after a natural disaster, from notable industry professionals
- The legal and logistical challenges associated with going “green”
- The current status of the traditional brick-and-mortar retail establishments with the continued advancement of e-commerce shopping, from a leader in the retail industry

Members Get More

Access to **LegalPoint**™ at **dri.org**: Committee newsletters, seminar course materials, and other publications.

- Access to the **DRI Retail and Hospitality Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



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Get engaged, get recognized, and get rewarded.

PROGRAM SCHEDULE

WEDNESDAY, MAY 2

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **McVey & Parsky LLC**

THURSDAY, MAY 3

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Cranfill Sumner & Hartzog**

8:00 a.m. **Welcome and Introduction**


Jennifer Snyder Heis, *Ulmer & Berne LLP*, Cincinnati, OH

Richard J. Keating, Jr., *Swanson Martin & Bell LLP*, Chicago, IL

8:10 a.m. **Maintaining Your Liquor License**

For many in the retail and hospitality industry, a liquor license is a valuable commodity to the business. But once you obtain a liquor license, what does it take to keep it? What issues crop up that put your liquor license in jeopardy? Can issues outside the area of liquor liability affect the ability to maintain a liquor license?

Dimitrios G. Christopoulos, *Christopoulos Law Group LLC*, Chicago, IL

 **Ryan Shea**, *House of Blues Chicago*, Chicago, IL

9:05 a.m. **Keeping It Confidential: A Primer on Confidential Settlements and Discovery Orders**

Confidentiality is a frequent requirement from clients when dealing with any manner of litigation. However, protecting corporate information and keeping settlements confidential in the ever-growing public space is often at odds with the public's right to know or plaintiffs' litigation goals.

The Honorable Jorge L. Alonso, *US District Court Northern District of Illinois*, Chicago, IL

Robert M. Bodzin, *Burnham Brown*, Oakland, CA

 **Lauren R. McBride**, *Publix Super Markets Inc.*, Lakeland, FL


Click on any speaker name to view bio.

10:00 a.m. **Refreshment Break**

10:15 a.m. **Mediation Strategy: How to Make the Most of Your Attempt to Settle**

Mediations and other alternative dispute resolution techniques are growing in popularity and becoming the most common way to resolve personal injury litigation. This panel will discuss every aspect of the ADR process and provide useful techniques and insights on how to increase your chances of case resolution.

MODERATOR | **Stacy D. Fulco**, *Cremer Spina Shaughnessy Jansen & Siergert LLC*, Chicago, IL

 **Andrew A. Boros**, *McDonald's Corporation*, Oak Brook, IL

The Honorable Keith Brown (Ret.), *ADR Systems*, Chicago, IL

 **Megan Backer Kelley**, *Target Corporation*, Minneapolis, MN

11:15 a.m. **Keynote Speech: The State of Retail in the Digital Age**

As more shoppers turn to their computers and devices for the goods and services that they need, is the good old-fashioned brick-and-mortar store on the way out? Hear from an industry leader about disruptions in the industry and what to expect from the retail sector in the technology age.

Deborah White, *Retail Industry Leaders Association*, Arlington, VA

12:00 p.m. **Lunch (on your own)**

1:30 p.m. **After the Rain: What to Do in the Wake of a Natural Disaster**

Surviving a hurricane is no small endeavor. What happens after you survive and the rain and wind stops? How do you triage the myriad issues facing a retail or hospitality company, from dealing with cleanup and repair, to reopening for business, to replacing staff who is now displaced, or simply dealing with the

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swell of cancellations and refund requests? And this is all before the inevitable coverage fights with the insurance carriers and brokers. Hear how hospitality industry veterans deal with these issues.

➔ **Scott J. Lynn**, *Ryman Hospitality Properties Inc.*, Nashville, TN

➔ **William Teas**, *Willis Towers Watson*, Nashville, TN

2:20 p.m. **Ethical Considerations Regarding Medicare and Medicaid Liens**

Medicare liens and set aside programs continue to be a major issue associated with resolution of personal injury matters. And now plaintiffs' attorneys are objecting more often to providing information needed for a defendant to report properly and protect against a possible CMS lien. Learn the current requirements placed on defendants and plaintiffs' objections surrounding repayment of the lien.

➔ **Brian Bargender**, *Humana*, Green Bay, WI

Catherine E. Goldhaber, *Hawkins Parnell Thackston & Young LLP*, Chicago, IL

3:20 p.m. **Refreshment Break**

SPONSORED BY **Robson Forensic Inc.**

3:35 p.m. **It's Not Easy Being Green: How to Achieve Sustainability in the Hospitality Industry**

Sustainable, farm to table, green, certified organic, and eco-friendly have become important terms in the hospitality industry. But what exactly does it mean when your restaurant "goes green"? More importantly, what legal issues will a company face when it decides to be more environmentally friendly?

Christian E. Hardigree, PhD, *Kennesaw State University*, Kennesaw, GA

4:30 p.m. **How Biomechanical Evidence Can Enhance the Defense Theory**

In the age of *CSI*, jurors at times expect a scientific explanation for everything. Although that is not realistic, biomechanics can help fill in the gap between witness testimony and jurors' scientific expectations. Learn about the capabilities of biomechanical evidence, and hear how to make sure that this type of scientific evidence passes the *Frye* and *Daubert* tests.

Manuel A. Forero Rueda, PhD, PE, *S-E-A Ltd.*, Elk Grove Village, IL

Christian Stegmaier, *Collins & Lacy PC*, Columbia, SC

IN-HOUSE COUNSEL ROUNDTABLE

4:30 p.m.–5:30 p.m.

(For in-house counsel only)

Join your colleagues in an open discussion of issues affecting in-house counsel in the retail and hospitality industry.

- When the GC becomes the Chief Privacy Officer: Where to get the knowledge needed to handle this role, what insurance is needed to protect against a breach, and how to instruct your team.
- The importance of video surveillance: Is there a duty to actively monitor surveillance, and does signage provide an implication that someone is indeed watching?

MODERATOR | **Alan Carroll (A.C.) Nash**, *Marshall Dennehey Warner Coleman & Goggin PC*, Fort Lauderdale, FL

5:30 p.m. **Adjourn**

5:30 p.m. **Retail and Hospitality Committee Meeting**
(open to all)

6:00 p.m. **Networking Reception**

SPONSORED BY **Burnham Brown**

7:00 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

“The seminar provided excellent networking opportunities. It allowed me to meet and learn from many accomplished attorneys.”

FRIDAY, MAY 4

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Baker Donelson Bearman
Caldwell & Berkowitz PC**

8:00 a.m. **Announcements**

Stacy D. Fulco, *Cremer Spina Shaughnessy
Jansen & Siergert LLC*, Chicago, IL

8:05 a.m. **Who Let the Dogs Out?? Service
Animals Versus Therapy Dogs**

The use of service animals is not new in the retail and hospitality industry. But with the rise in use of therapy dogs and comfort animals, many retailers and hospitality companies are struggling to understand the differences. Experts in the industry will explain how these two categories are different, and how to handle guests and patrons with these needs legally, fairly, and compassionately.

MODERATOR | **Jennifer Anderson Hoffman**,
Marlow Adler Abrams Newman & Lewis,
Coral Gables, FL

Karen R. Glickstein, *Polsinelli PC*,
Kansas City, MO

Jessica Madrigal, *Kimpton Hotels &
Restaurants*, San Francisco, CA

Angela C. Winfield, *Cornell University*,
Ithaca, NY

9:00 a.m. **Transgender Bathrooms:
Where Can We Go Wrong?**

As some legislative bodies address the issue of transgender bathrooms, its effect is being felt very strongly in the retail and hospitality industry. This panel will discuss how current legislation is driving their decisions on implementation, and where this issue is headed in the future.

MODERATOR | **Leon B. Silver**, *Gordon Rees Scully
Mansukhani LLP*, Phoenix, AZ

Christopher Clark, *Lambda Legal*, Chicago, IL

Katina C. Thornock, *Starbucks
Corporation*, Seattle, WA

Kristen M. Wilson, *Nordstrom Inc.*,
Seattle, WA

9:55 a.m. **Refreshment Break**

10:10 a.m. **Legal Strategies When Your Company Works
in an Inherently Dangerous Industry**

Adventure and thrills are a large part of the hospitality industry. Whether it is a ski resort, a water park, or a family entertainment center, many guests push for bigger, scarier, more intense attractions, while others seeking a tamer adventure mistakenly assume that they can enjoy the thrill without the risk of injury. With these enhanced thrills comes the possibility of significant injuries and substantial litigation exposure. Learn some strategies for managing risk in this ultra-risky environment.

Carl W. Dowdy, *Winter Park Resort*,
Winter Park, CO

Sean J. Milano, *Morrison Mahoney LLP*,
Boston, MA

11:10 a.m. **E-Commerce and Cybersecurity:
What Every Retail and Hospitality
Executive and Lawyer Should Know**

As more and more retail and hospitality transactions involve e-commerce, what do these companies need to do to stay ahead of hackers, ransomware, and other cyber problems? Learn about the current risks and how to protect against them, including good practices to deal with these inevitable issues. Also learn how cyber issues affect vendor management, sales, and valuation for funding or acquisition.

Lori S. Nugent, *Greenberg Traurig LLP*, Dallas, TX

12:00 p.m. **Adjourn**

“While most topics are not necessarily new, they are informative and good refreshers on issues that I may not have thought about in a while.”

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

CLE Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save \$100 when you register by April 3, 2018. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **April 10,**

2018 (please allow 10 days for processing). Registrations received after **April 10, 2018,** will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 10, 2018.** Cancellations received after **April 10** and on or before **April 17, 2018,** will receive a refund, less a \$100 processing fee. Cancellations made after **April 17** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775,** regardless of membership status if received on or before **April 3, 2018.** After **April 3,** the group rate is **\$875.** All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Retail and Hospitality Litigation Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Loews Chicago Hotel, 455 North Park Drive, Chicago, IL 60611** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$289 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Retail and Hospitality Litigation Seminar** page and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.840.6600** and mention the **DRI Retail and Hospitality Litigation Seminar.**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **April 3, 2018,** to be eligible for the group rate. Requests for reservations made after **April 3, 2018** are subject to room and rate availability.

FACULTY *Click on any name to view bio.*

The Honorable Jorge L. Alonso, US District Court Northern District of Illinois, Chicago, IL

▶ **Brian Bargender**, Humana, Green Bay, WI

Robert M. Bodzin, Burnham Brown, Oakland, CA

▶ **Andrew A. Boros**, McDonald's Corporation, Oak Brook, IL

The Honorable Keith Brown (Ret.), ADR Systems, Chicago, IL

Dimitrios G. Christopoulos, Christopoulos Law Group LLC, Chicago, IL

Christopher Clark, Lambda Legal, Chicago, IL

▶ **Carl W. Dowdy**, Winter Park Resort, Winter Park, CO

Stacy D. Fulco, Cremer Spina Shaughnessy Jansen & Siergert LLC, Chicago, IL

Karen R. Glickstein, Polsinelli PC, Kansas City, MO

Catherine E. Goldhaber, Hawkins Parnell Thackston & Young LLP, Chicago, IL

Christian E. Hardigree, PhD, Kennesaw State University, Kennesaw, GA

Jennifer Snyder Heis, Ulmer & Berne LLP, Cincinnati, OH

Jennifer Anderson Hoffman, Marlow Adler Abrams Newman & Lewis, Coral Gables, FL

Richard J. Keating, Jr., Swanson Martin & Bell LLP, Chicago, IL

▶ **Megan Backer Kelley**, Target Corporation, Minneapolis, MN

▶ **Scott J. Lynn**, Ryman Hospitality Properties Inc., Nashville, TN

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▶ **Jessica Madrigal**, Kimpton Hotels & Restaurants, San Francisco, CA

▶ **Lauren R. McBride**, Publix Super Markets Inc., Lakeland, FL

Sean J. Milano, Morrison Mahoney LLP, Boston, MA

Alan Carroll (A.C.) Nash, Marshall Dennehey Warner Coleman & Goggin PC, Fort Lauderdale, FL

Lori S. Nugent, Greenberg Traurig LLP, Dallas, TX

Stephanie Gaston Poley, Cranfill Sumner & Hartzog LLP, Raleigh, NC

Manuel A. Forero Rueda, PhD, PE, S-E-A Ltd., Elk Grove Village, IL

▶ **Ryan Shea**, House of Blues Chicago, Chicago, IL

Leon B. Silver, Gordon Rees Scully Mansukhani LLP, Phoenix, AZ

Christian Stegmaier, Collins & Lacy PC, Columbia, SC

▶ **William Teas**, Willis Towers Watson, Nashville, TN

▶ **Katina C. Thornock**, Starbucks Corporation, Seattle, WA

Sara M. Turner, Baker Donelson Bearman Caldwell & Berkowitz PC, Birmingham, AL

Deborah White, Retail Industry Leaders Association, Arlington, VA

▶ **Kristen M. Wilson**, Nordstrom Inc., Seattle, WA

Angela C. Winfield, Cornell University, Ithaca, NY

View faculty bios on the Retail and Hospitality Litigation Seminar webpage; click on "View speakers" button.

FACULTY



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.

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Life, Health, Disability and ERISA
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April 25-27
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April 26-27
Business Litigation
The Ritz-Carlton Denver, Denver, CO

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Trucking Law
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Loews Chicago, Chicago, IL

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How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

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Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Apr. 3, 2017	After Apr. 3, 2017	
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