



FDLA's 25th Annual Florida Liability Claims Conference

**June 15-17,
2022**

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ED CARBONE
2022 FLCC Event Chair

WELCOME

On behalf of the Florida Defense Lawyers Association, it is my privilege to invite you to attend the 25th Annual Florida Liability Claims Conference (FLCC), which will be held June 15-17 at *Disney's BoardWalk Inn at Walt Disney World® Resort*. FLCC has grown to become the signature annual event of the Florida Defense Lawyers Association and the leading educational conference for civil defense attorneys and claim professionals. This year we are happy to return to *Disney's BoardWalk Inn*, which provides a wide variety of dining and entertainment options for our conference attendees while not attending sessions. Join us as we celebrate 25 years of education, networking, and fun in the Most Magical Place on Earth!

CONFERENCE AT A GLANCE



WEDNESDAY, JUNE 15, 2022

1:00-3:00 pm	UPC Panel Counsel Meeting	TBD
3:00-5:00 pm	FDLA Board Meeting	Board Room
5:00-6:00 pm	Past Presidents Meeting	Board Room

THURSDAY, JUNE 16, 2022

7:00-7:55 am	Registration/Full Breakfast - Exhibit Hall - <i>Sponsored by Dutton Law Group</i>	Promenade East
7:55-8:00 am	Opening Remarks	Promenade West
8:00-8:30 am	FDLA Members Business Meeting	Promenade West

SESSIONS

8:30-9:30 am	Deconstructing The (Not So) New Florida Summary Judgment Standard	Promenade West
9:30-10:30 am	Florida Sunshine in Litigation Act	Promenade West
9:30-10:30 am	Compassionate Professionalism: The Time Has Come to Embrace and Tend to Our Shared Humanity	Marvin Gardens
9:30-10:30 am	Litigating Tile Roof Claims	St. James
10:30-10:45 am	Networking Break - Exhibit Hall	Promenade East
10:45-11:45 am	CRN – Deal or No Deal	Promenade West
10:45-11:45 am	The Anatomy of a Trial: Jury Selection Process - Trial and Appellate Perspectives	Marvin Gardens
10:45-11:45 am	Being Secure in Defense of Negligent Security Claims	St. James
11:45 am-1:00 pm	Lunch - Exhibit Hall	Promenade East
1:00-2:00 pm	Dynamics of Policy Limit Demands in the Context of the Tri-Partite Relationship	Promenade West
1:00-2:00 pm	Post-Covid Trial Environment - What Has Changed in Jury Verdicts	Marvin Gardens
1:00-2:00 pm	Using 3D Scanning in Support of Your Reconstruction	St. James
2:00-3:00 pm	How a Catastrophic Aviation Accident Resulted in a Successful Defense Settlement	Promenade West
2:00-3:00 pm	Working Effectively and Efficiently with Experts in Today's E-Discovery World	Marvin Gardens
2:00-3:00 pm	Cast Iron Drain Lines – Best Practices for a Defensible Inspection	St. James
3:00-3:15 pm	Networking Break - Exhibit Hall	Promenade East



THURSDAY, JUNE 16, 2022 (Continued)

3:15-4:15 pm	NICA: An Exclusive Remedy, Recent Statutory Changes, Case Law, and Practice Recommendations	Promenade West
3:15-4:15 pm	Deposition Workshop <i>(1st Hour)</i>	Marvin Gardens
3:15-4:15 pm	Coverage Spotlight: Enforceability and Prevalence of the “Carrying Persons or Property for a Fee” Exclusion in the Era of Covid	St. James
4:15-5:15 pm	Investigating a Claim Under a Reservation of Rights - Strategies for Managing Claims that May Not be Covered	Promenade West
4:15-5:15 pm	Deposition Workshop <i>(2nd Hour)</i>	Marvin Gardens
4:15-5:15 pm	Dangerous Instrumentality and The Graves Amendment	St. James
5:30-7:00 pm	Welcome Reception	Atlantic Dance Hall
7:00-8:30 pm	Past Presidents Reception <i>(By invitation only)</i>	The Attic

FRIDAY, JUNE 17, 2022

7:00-8:30 am	Registration/Full Breakfast - Exhibit Hall	Promenade East
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SESSIONS

8:30-9:30 am	Hot Topics in Employment Law 2022	Promenade West
8:30-9:30 am	Indemnification, Defense, and Vouching: The Rules of the Game You Need to Know	St. James
9:30-10:30 am	The Aftermath of Geico V. Harvey	Promenade West
9:30-10:30 am	Tactics and Tools to Achieve Your Mediation Goals	Marvin Gardens
9:30-10:30 am	When Life Throws You a Curve...Lean Into It – Reconstructing Motorcycle Operation and Dynamics for the Courtroom	St. James
10:30-10:45 am	Networking Break – Exhibit Hall	Promenade East
10:45-11:45 am	Hindsight is 2021 – How Property Carriers Can Leverage New Tools From SB76 to Set up the Ideal Claim for Defense Counsel	Promenade West
10:45-11:45 am	Diversity Jurisdiction: Remove Your Case from State to Federal Court, and Keep It There	Marvin Gardens
10:45-11:45 am	Defending Constitutional Challenges to Florida’s Medicaid Cap for Noneconomic Damages in Medical Malpractice Cases	St. James
11:45am-1:00 pm	Lunch - Exhibit Hall	Promenade East
1:00-2:00 pm	Defusing the Nuclear Bomb: Minimizing Runaway Trucking Verdicts	Promenade West
1:00-2:00 pm	Whose Burden Is It Anyway? Using the Florida Summary Judgment Standard to Judgment Standard to Defend Claims and to Draw Out xpts and Evidence – Discussion and Case Studies	Marvin Gardens
1:00-2:00 pm	Neuroradiology 101 and Nothingburgers	St. James
2:00-3:00 pm	The X-Factor – Discovery and Use of Medical Funding Payments	Promenade West
2:00-3:00 pm	Special Considerations When an Out-of-State Driver has an Accident in the Sunshine State	Marvin Gardens

CONFERENCE SCHEDULE

THURSDAY, JUNE 16, 2022

7:00-7:55 am Registration and Full Breakfast
7:55-8:00 am Opening Remarks
8:00-8:30 am FDLA Members Business Meeting

8:30-9:30am

■ Deconstructing The (Not So) New Florida Summary Judgment Standard

John Richards, Partner - *Boyd Richards Parker Colonnelli*
Elaine Walter, Partner - *Boyd Richards Parker Colonnelli*

This presentation will deconstruct the new summary judgment standard through a three point analysis, with a discussion of its application by the trial courts.

9:30-10:30am

■ Florida Sunshine in Litigation Act

Traci McKee, Partner - *Faegre Drinker Biddle & Reath LLP*
Bryan D. Pasciak, Associate - *Faegre Drinker Biddle & Reath LLP*

The Florida Sunshine in Litigation Act, as it currently stands, may permit a trial court to declare an everyday product a “public hazard,” a label that can have far-reaching consequences for defendants.

■ Compassionate Professionalism: The Time Has Come to Embrace and Tend to Our Shared Humanity

Rebecca Bandy, Director - *The Florida Bar's Henry Latimer Center for Professionalism*
Don Blackwell, Of Counsel - *Bowman and Brooke*

A candid look at attorney mental health, including: obstacles to self-care; everyday practices that can be utilized to be more mindful of our and others' mental and emotional well-being; and the Florida Bar resources available to assist those in need of mental health counseling, support, and professional guidance.

■ Litigating Tile Roof Claims

D. Grayson Kelly, Sr. Associate - *Butler Weihmuller Katz Craig LLP*
Paul R. Marsenison, P.E., CGC - Division Manager of the Construction Division - *Rimkus Consulting Group*
Jamie Combee Novaes, Sr. Associate - *Butler Weihmuller Katz Craig LLP*

A discussion on ways to navigate tile roof claims and avoid potential pitfalls. Learn the real truths versus the common myths of tile roof damages and repairs directly from an expert.

10:30-10:45am Networking Break

10:45-11:45am

■ CRN – Deal or No Deal

Pam Nelson, Partner - *Boyd & Jenerette PA*
Kathryn Oughton, Shareholder - *Boyd & Jenerette PA*

This presentation will focus on a variety of issues surrounding CRN responses, current trends, updated case law, “gotcha” areas and practice pointers to achieve ultimate resolution and seal the deal.

■ The Anatomy of a Trial: Jury Selection Process - Trial and Appellate Perspectives

Mihaela Cabulea, Partner - *Butler Weihmuller Katz Craig, LLP*
Amber Inman, Partner - *Ramey & Kamp, P.A.*

Jury selection is a complex process, during which attorneys can aid or hinder their cases. Learn how to navigate this process and how to create a proper record and preserve potential errors for appellate review.

■ Being Secure in Defense of Negligent Security Claims

John Fervier, VP of Risk Management - *Waffle House, Inc.*
Ryan Ingram, Partner - *Moore Ingram Johnson & Steele, LLP*
Kimberly Young, Associate - *Moore Ingram Johnson & Steele, LLP*

Tactics and strategies for defense of negligent security claims, including discovery angles to consider and strategy for defense of corporate representative depositions.

11:45am-1:00pm Lunch

1:00-2:00pm

■ Dynamics of Policy Limit Demands in the Context of the Tri-Partite Relationship

Gabrielle R. Mercadante, Counsel - *Robinson+Cole*
Eugene P. Murphy, Partner - *Robinson+Cole*

This presentation will focus on the implications of Policy Limit Demands (specifically within Florida), emphasizing the underlying relationship among the insurer, insured, and defense counsel.

■ Post-Covid Trial Environment - What Has Changed in Jury Verdicts

Michael Gross, Managing Director - *CogentEdge*
Jerrod Mills, COO - *Trial Exhibits, Inc*

This program exposes new trial tactics and themes that have emerged in the post Covid trial environment.

Using 3D Scanning in Support of Your Reconstruction

Dr. Austin Folley, Biomechanics Expert - *BRC*

Elizabeth Myers, Associate - *Smith Bigman Brock*

This presentation will provide a case study on using cutting edge 3D scanning of a subject vehicle, exemplar vehicle, and surrogate to create overlays that answer critical questions and reconstruct what occurred during the crash event.

2:00-3:00pm

How a Catastrophic Aviation Accident Resulted in a Successful Defense Settlement

Brady Held, President - *Courtroom Animation*

Juan Serrano, Managing Partner - *Griffin & Serrano, PA*

Michael Siboni, Partner - *Siboni Law Group*

Using powerful exhibits to simplify complex cases. An in-depth look at how forensic animation was used to obtain a defense verdict in a fatal aviation collision.

Working Effectively and Efficiently with Experts in Today's E-Discovery World

Rose Figueroa, PhD, CHFP, Senior Human Factors Scientist - *Explico Engineering*

Jason R. Hull, Partner - *Wicker Smith*

Steve Rundell, PhD, PE, Principal Engineer - *Explico Engineering*

Attendees will learn tips and tricks to develop and maintain professional relationships with technical experts in accident investigation by understanding the expert's process, resources, and needs – especially when working on large-scale or multi-disciplinary cases.

Cast Iron Drain Lines – Best Practices for a Defensible Inspection

Cassandra Gallegos, AIC, CEO/President and Chief Claims Officer - *CCMS & Associates*

David Grindley, MCE, P.E., Executive Partner- *Grindley Williams Engineering*

Jonathan Williams, P.E., Executive Partner - *Grindley Williams Engineering*

An adjuster and engineering perspective of claims involving cast iron drain lines, the methods used to identify deficiencies, and the roles each party has in the investigation to support the ultimate findings.

3:00-3:15pm **Networking Break**

3:15-4:15pm

NICA: An Exclusive Remedy, Recent Statutory Changes, Case Law, and Practice Recommendations

Daniel D'Alesio, Jr, Senior Litigation Attorney -

University of Florida Healthcare Education Insurance Co

Jennifer Miller-Louw, Senior Litigation Attorney -

University of Florida Healthcare Education Insurance Co

Discussion of the exclusivity of the NICA Plan for birth-related brain injury compensation, eligibility criteria, recent statutory changes, case law interpretation, and practice recommendations

Deposition Workshop (1st Hour)

Daniel Barton, Geotechnical Division Manager - *Rimkus Consulting Group*

Nicole Fluet, Director - *Galloway Johnson Tompkins Burr & Smith*

Tayxha Gonzalez, Litigation Specialist - *FedNat*

Ian Zeller, PhD, Biomechanical Engineer - *Rimkus Consulting Group*

A workshop designed to discuss and try out tips and tricks, along with pitfalls to avoid, when taking and defending depositions for attorneys and when being deposed as a client representative. During the first hour, we will have a lively discussion by our panel consisting of attorneys, experts, and claim representatives, followed by our second hour where we will put our discussion points to use during an interactive deposition workshop.

Coverage Spotlight: Enforceability and Prevalence of the "Carrying Persons or Property for a Fee" Exclusion in the Era of Covid

CJ Gomes, Partner - *Boyd & Jenerette PA*

Since Covid arrived, there has been a significant increase in delivery services and a corresponding increase in coverage issues involving this exclusion. Let's talk about the exclusion and offer tips for your coverage analysis.

4:15-5:15pm

Investigating a Claim Under a Reservation of Rights - Strategies for Managing Claims that May Not be Covered

Tracey Latson, CLMP, Director of Litigation - *Olympus Insurance*

Michael A. Packer, Shareholder, Ft Lauderdale Office Managing Attorney, and Co-Chair, Insurance Services Practice Group - *Marshall Dennehey Warner Coleman & Goggin*

This presentation will focus on best claims handling practices when investigating a claim which may not be covered, and continuing the investigation once a Reservation of Rights has been issued.

THURSDAY, JUNE 16, 2022

4:15-5:15pm

Deposition Workshop (2nd Hour)

Daniel Barton, Geotechnical Division Manager - *Rimkus Consulting Group*

Nicole Fluet, Director - *Galloway Johnson Tompkins Burr & Smith*

Taysha Gonzalez, Litigation Specialist - *FedNat*

Ian Zeller, PhD, Biomechanical Engineer - *Rimkus Consulting Group*

Hour 2 of this deposition workshop will include an interactive collaboration of deposition questions and answers for attorneys and claims professionals, applying the principals and discussion topics from the first hour. Attendees who did not attend the first hour are welcome to sit in for hour 2.

Dangerous Instrumentality and The Graves Amendment

Rina Clemens, Partner - *Traub Lieberman*

Stephanie Kaufer, Partner - *Roberts, Reynolds, Bedard & Tuzzio, PLLC*

An overview of Florida's dangerous instrumentality doctrine and the effect of the Graves Amendment and recent statutory amendments on strict vicarious liability for vehicle owners in Florida.

5:30-7:00 PM

Welcome Reception

Atlantic Dance Hall



Past Presidents Reception

7:00-8:30pm – The Attic

(By invitation only)

FRIDAY, JUNE 17, 2022

7:00-8:30 am Registration and Full Breakfast

7:00-8:30 am Character Meet and Greet

8:30-9:30am

Hot Topics in Employment Law 2022

Alison Sausaman, Shareholder - *Carr Allison*

Kayla Scarpone, Counsel - *Carr Allison*

An overview of hot topics and recent developments in employment law for employers, adjusters and lawyers.

Indemnification, Defense, and Vouching: The Rules of the Game You Need to Know

Gregory J. Kahn, Partner - *Boyd & Jenerette PA*

This presentation explains the importance and nuances of indemnity, defense, and vouching, as well as recent changes to the rules of the game in Florida that everyone needs to know.

9:30-10:30am

The Aftermath of Geico V. Harvey

Josh Hartley, Partner - *Boyd & Jenerette PA*

By deconstructing the case, surveying recent trends in bad faith, and reviewing claims handling tips, this presentation will provide an in-depth analysis on the impact Geico v. Harvey has had on bad faith law in Florida.

Tactics and Tools to Achieve Your Mediation Goals

Drew J. Lewis, Certified Mediator & Partner - *Miles Mediation and Arbitration / Quintairos, Prieto, Wood & Boyer, P.A.*

Blane McCarthy, Certified Circuit Mediator - *Miles Mediation and Arbitration*

This presentation will evaluate the various goals of different mediation participants, and then identify negotiation tactics and tools that can be effectively utilized to achieve those mediation goals.

When Life Throws You a Curve...Lean Into It – Reconstructing Motorcycle Operation and Dynamics for the Courtroom

Bill Fischer, President - *Fischer Forensic Engineering*

Ken Oliver, Equity Partner - *Kubicki Draper*

A discussion on mechanical and mental aspects of motorcycle operation with respect to available training literature and operator situational awareness, as it relates to reconstructing an accident and informing a jury.

10:30-10:45am Networking Break

10:45am-11:45am

Hindsight is 2021 – How Property Carriers Can Leverage New Tools From SB76 to Set up the Ideal Claim for Defense Counsel

Dixie Daimwood, Partner - *Dunlap & Shipman*

W. Daniel Finlayson, Director of Litigation - *United Property & Casualty Insurance Company*

Kelly Humphrey, Managing Attorney - *Skyway Legal Services*

Matt Scanlan, Sr. Associate - *Dunlap & Shipman*

Sweeping 2021 legislative changes to Florida's Property Insurance Law provide valuable tools to mitigate exposure, reduce likelihood of attorney fees recovery, and disincentivize litigation. This panel will discuss how to effectively use the statutory reform.

Diversity Jurisdiction: Remove Your Case from State to Federal Court, and Keep It There

Christian Lee Gonzalez-Rivera, Associate - *Butler Weihmuller Katz Craig, LLP*

Hudson Jones, Partner - *Butler Weihmuller Katz Craig, LLP*

An analysis of three critical opportunities for defense counsel who wants to remove a case from state to federal court based on diversity jurisdiction.

Defending Constitutional Challenges to Florida's Medicaid Cap for Noneconomic Damages in Medical Malpractice Cases

Travis Edmands, Associate - *Beytin, McLaughlin, McLaughlin, O'Hara & Bocchino, P.A.*

Alan Mirelman, Partner - *Beytin, McLaughlin, McLaughlin, O'Hara & Bocchino, P.A.*

A discussion on how to defend against attempts to have Florida's Medicaid Cap on noneconomic damages in medical malpractice cases deemed unconstitutional.

11:45am-1:00pm

Lunch

1:00-2:00pm

Defusing the Nuclear Bomb: Minimizing Runaway Trucking Verdicts

Pam Copley, Senior Litigation Manager - *Chubb/ESIS*

Frank Pierce, IV, Partner - *Bowman and Brooke*

Shawn P. Ray, Senior Mechanical Engineer - *SEA*

An in depth legal and technological analysis of how to defend trucking claims to avoid excessive verdicts including case studies and initial response strategies.

Whose Burden Is It Anyway? Using the Florida Summary Judgment Standard to Defend Claims and to Draw Out Experts and Evidence—Discussion and Case Studies

Carlos Carmona, Founding Partner - *Bronstein and Carmona, P.A.*

William Gutek, Partner - *Bronstein and Carmona, P.A.*

Learn how the new summary judgment standard allows the moving party to draw out experts and evidence, allowing insurers to evaluate claims and defend suits.

Neuroradiology 101 and Nothingburgers

Daniel Cousins, MD, President - *Radsurity & Medsurity Experts*

You don't always need to hire a radiologist to read an MRI! Learn 8 easy ways for lawyers, paralegals, adjusters, and other industry professionals to evaluate your case imaging for merit, without going to medical school.

2:00-3:00pm

The X-Factor – Discovery and Use of Medical Funding Payments

Derek J. Angell, Partner - *Roper, PA*

Joseph D. Tessitore, Partner - *Roper, PA*

How to discover what funding companies pay for medical bills and how to use that information at trial.

Special Considerations When an Out-of-State Driver Has an Accident in the Sunshine State

Catherine Carson-Freyman, Partner - *Goodman McGuffey LLP*

Nerizza Miyamoto, Associate - *Goodman McGuffey LLP*

A discussion of what the implications are for UM coverage and settlement when out-of-state residents get into accidents on Florida roads.

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