



2018 NRRDA Lighthouse Seminar

Discovery in Columbus

Hilton Columbus at Easton

3900 Chagrin Drive, Columbus, Ohio 43219

Wednesday 10/10

7:00-8:30 pm

Welcome reception @ McCormick & Schmick's Seafood & Steaks



McCormick & Schmick's Seafood & Steaks
Easton Town Center
3965 New Bond Street
Columbus, OH 43219

Thursday 10/11

8:00 – 3:30 pm

Registration and Vendor Exhibit Tables

8:00 - 8:30 am

Breakfast

General Sessions

8:30 -10:30 am

A. **The Devil is in the Doors: Automatic Door Claims in Retail and Elevator Settings**

Automatic doors found in restaurants and retail establishments offer a convenience that most have come to take for granted. Although they are designed to make life easier, automated doors can pose dangers. If defective they can cause harm. This panel will discuss the problems that can occur from several points of view- an engineering expert who has worked on automatic door accident claims, an attorney who represents retail establishments with automatic doors, a technical expert who services automatic doors and a retail industry claims representative who has dealt with claims involving such accidents.

Panel: George Wharton, P.E., CFEI, CVFI, CFPS, CED Technologies, Inc.; Dan Eisert, Midwest Elevator Company, Inc.; Chandler Atkins, Roberts Perryman, P.C.

B. Res Ipsa Loquitur – How Plaintiffs Try to Use It and What Facts Can Help Defeat Them

This presentation will provide an overview of the doctrine of res ipsa loquitur and how such claims arise in the retail and restaurant litigation context. The course will also provide techniques and tips on how to defend and potentially prevent against such claims. The presentation is intended to assist industry professionals, including claims professionals and risk managers, with the handling and defense of claims involving allegations of res ipsa loquitur.

Panel: Nicole Perez-Lengel, Bennett, Bricklin & Saltzburg LLC; Scott Bermack, Weber Gallagher; John Kempainen, Ryneason, Suess, Schnurbusch & Champion ; Brian Chance, ECBM Insurance Brokers & Consultants

Break

10:30-10:45 am

Breakout Sessions (choose one)

10:45-11:45 am

1. Food Safety and Claims Overview

This session covers foodborne illnesses due to biological, chemical or physical hazards. We will provide a brief overview of the most common types of foodborne illness claims, and specific pre and post litigation handling techniques, including when an expert can assist in the defense of the claim. The overview will include prevention, origination, initial communication with the alleged victim and the insured, as well as securing evidence, and determining the need for third party expertise such as laboratories or consulting experts.

Panel: Janci C. Lindsay, PhD, Rimkus Consulting Group, Inc.; Matthew Tobin, Wendy's; Kevin Murch, Perez & Morris, LLC

2. Exploring the New World of Shelving Claims: Discovering the Scientific and Legal Nuances of these Unique Types of Claims

This is designed to help adjusters understand why retail displays are considered differently from other constructed elements, including discussion of the industry standards most often cited by experts. Topics will help adjusters understand intended human interactions affecting display design, as well as the unintended human interactions that often lead to accidents and incidents. The most frequent causes of incidents and accidents will be reviewed, along with the steps to be taken in performing a complete incident evaluation, so the adjuster can be in a better position to handle the claims process.

Panel: Benjamin T. Irwin, Rimkus Consulting Group, Inc.; Brian Cafritz, KPM Law

Break

11:45am-12:00 pm

Lunch and General Session

12:00-1:00 pm

A. Beyond the Rainbow: Forensic Web Capture - How to obtain social media gold and how to use it in light of FRE 902(13) and (14)

In this program, we will present the latest forensic capabilities for capturing comprehensive social media content. We will also debate strategies for optimizing your use of that information, and discuss the admissibility of such information under Federal Rule of Evidence 902(13) and (14).

Panel: Joe Hassinger, Galloway, Johnson, Tompkins, Burr & Smith; Miriam Rich, Hennessey Roach, PC; Joe Buchholz, Aspen Litigation Support

Break

1:00 pm – 1:15 pm

Breakout Sessions (choose one)

1:15-2:15 pm

3. Retail Safety Experts Who Slip And Fail

"Retail Safety Experts Who Slip And Fail -- Experts to testify about safety in premise claims have been increasingly used by plaintiffs' attorneys to opine about their "best practices" when inviting the public into retail and restaurant establishments. These experts are used to defeat viable dispositive motions and attempt to provide damning trial testimony. Please join us to discuss our own best case "best practices" on how to Avoid these claims overall. A litigator will also discuss how to deal with and combat these hired guns if litigation ensues. The discussion will look at recent case rulings, as well as a review of deposition and other discovery strategies to build a case for a successful Daubert Motion. Discussion will include insight from a senior risk professional within the industry. Panel: John Wutz, The Chartwell Law Offices; Dan Chizever, Abercrombie & Fitch"

Panel: John M. Wutz, The Chartwell Law Offices; Dan Chizever, Abercrombie & Fitch

4. Kitchen Culture Update

Certainly kitchens have been in the news of late and kitchen culture has always been a unique employment environment. Late hours, hard drinking and an attitude of "what happens in the kitchen stays in the kitchen" used to define this aspect of the restaurant industry, but times are certainly changing. The session would encompass most of the hot topic employment issues including #metoo and on the clock alcohol consumption claims. This is especially true now that many upscale restaurants are offering customers the option of "buying a round for the kitchen" right on the menu.

Panel: Holly Marie Wilson, Reminger Co, LPA

Break

2:15-2:30 pm

General Session

2:30-3:30

A. Failure Analysis in Metals, What the Evidence Shows About How and Why an Accident Occurs

Case studies will be used to present from the standpoint of large losses and interesting material failure modes in some different metal alloys. Some types of failures to be discussed will be corrosion cracking, which can cause failures in unexpected circumstances, corrosion and fatigue failure. In addition, testing methods will be discussed.

Panel: Lisa Gentile, Mazanec, Raskin & Ryder; Thomas C. Easley, PhD, SEA Limited, Kathy Hawkinson, Cedar Fair

This meeting is under consideration to provide Adjuster and CLE credits by the appropriate accrediting bodies and the exact amount will be posted soon.

Lighthouse Seminar

Brian Cafritz, Education Committee Advisor
Domenic Dalla Riva, Education Committee Chair

Speakers

Chandler Atkins, Roberts Perryman, P.C.
Scott Bermack, Weber Gallagher
Joe Buchholz, Aspen Litigation Support
Brian Cafritz, KPM Law
Brian Chance, ECBM Insurance Brokers & Consultants
Dan Chizever, Abercrombie & Fitch
Thomas C. Easley, PhD, SEA Limited
Dan Eisert, Midwest Elevator Company, Inc.
Lisa Gentile, Mazanec, Raskin & Ryder
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George Wharton, P.E., CFEI, CVFI, CFPS, CED Technologies, Inc.
Holly Marie Wilson, Reminger Co, LPA
John M. Wutz, The Chartwell Law Offices

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*See you for the NRRDA Annual Conference in
West Palm Beach, March 6-8, 2019
#NRRDA2019*