MEALEY’S
Mold Litigation Conference

An in-depth examination of the fundamental, on-going issues challenging all parties in mold litigation

Conference Chaired by
V. Robert Denham, Jr., Esq.
Powell Goldstein LLP
Atlanta

Edward Eshoo, Jr., Esq.
Childress Duffy Goldblatt, Ltd.
Chicago

June 16-17, 2005
The Ritz-Carlton Hotel
Marina del Rey (Los Angeles)
Why you should attend:

A Wisconsin judge has rejected summary judgment arguments that a plaintiff’s expert’s medical causation testimony in a mold injury case should be dismissed, finding that the testimony will assist the trier of fact in the case. Defendants argued, unsuccessfully, that the expert lacked a foundation of facts to support his opinions.

However, presiding Judge Dennis J. Mleziva said this finding does not resolve the issue of what is minimally necessary as far as expert testimony on medical causation in a toxic mold context.

Causation is just one of the challenging mold litigation issues facing plaintiff attorneys, defense attorneys, and insurers across the country. At present, there are more questions than answers regarding causation, expert testimony and a myriad of other topics.

It’s the calm before the storm in mold litigation ... and now is the perfect time to reinforce your case, update your strategies, and broaden your contact network at Mealey’s Mold Litigation Conference.

What you will learn:

Mold litigation is not only growing, it’s changing. And these changes — in the testimony being admitted, the medical claims being pursued, the defendants being named, and the remediation standards being set — will have a direct and dynamic impact on your mold casework.

Get vital updates on the current cases, winning strategies, and emerging issues at Mealey’s Mold Litigation Conference. We have gathered representatives from all of the parties and perspectives involved in mold litigation in one location to offer you the benefit of their diverse knowledge and experience.

This comprehensive program will provide you with expert insights and practical advice on a wide variety of technical, tactical, and strategic topics in mold litigation, including:

- The Dos & Don’ts of Testing
- Technical Aspects of Remediation
- Current Status of the Medical Literature on Mold
- Expert Admissibility
- Prosecuting and Defending a Mold Claim
- The State of the Insurance Market

Our agenda also provides you with many opportunities to ask questions, raise issues, and make valuable contacts. Of particular interest will be our Plaintiff and Defense Break-Out Sessions: Strategies in Mold Litigation. Join a moderated, closed-door discussion among your plaintiff or defense peers on the hot-button issues in mold litigation faced in your day-to-day practice.
Conference Chairs:

V. Robert Denham, Jr. handles a wide range of litigation matters at the trial and appellate level for Powell Goldstein LLP, in Atlanta, where he chairs the Firm’s Product Liability, Personal Injury, and Environmental practice group. Mr. Denham’s experience covers a wide variety of complex matters, including environmental and toxic tort litigation; litigation involving managed health care and health insurance; business litigation, including cases involving trade secret protection; pharmaceutical litigation; and class action and multidistrict litigation. Many of his cases involve medical, scientific or technical issues, to which he is well suited by his science and engineering educational background. In the environmental and toxic tort areas, Mr. Denham has handled matters relating to many kinds of chemical and biological substances, including insecticides, herbicides, fertilizers, lead, arsenic, volatile organic compounds, coal tar and derivatives, dioxin, and mold. In addition to representing clients in litigation, he also helps clients develop strategies for avoiding litigation by identifying and correcting circumstances that may give rise to future claims.

Edward Eshoo, Jr. is a founding partner of Childress Duffy Goldblatt, Ltd. in Chicago, where his areas of practice include insurance coverage, toxic mold litigation, commercial litigation and construction defects. Mr. Eshoo has lectured extensively on a variety of topics related to mold litigation, including seminars on “Mold Litigation from the Policyholder’s Perspective,” “Mold and its Ramifications for the Construction Industry,” “Making Your Insurance Company Pay for Toxic Mold,” “Anatomy of a Mold Case,” and “Challenging Mold-Related Exclusions and Limitations in Homeowners Insurance Policies.” He is a member of the American, Illinois State, and Chicago Bar Associations, the National Association of Public Insurance Adjusters, the National Fire Protection Association, the Illinois Trial Lawyers Association, and the Association of Trial Lawyers of America, for whom he co-chairs the Toxic Mold Litigation Group. Over the past 19 years, he has lectured on insurance related topics and has authored articles and publications on first-party property issues, including chapters four and ten of the Illinois Institute of Continuing Legal Education Property Insurance Practice Handbook.

Thursday, June 16, 2005

8:00  Registration & Continental Breakfast

9:00  Welcome and Introductory Remarks

9:15  Case Round-up – Current Developments & Decisions in Mold Litigation

• Learn about the top cases from different jurisdictions
• The impact of recent mold cases – claims & defenses, verdicts, settlements and the impact on claims across the nation
10:15 Morning Break

10:30 Review of the Current Status of the Medical Literature on Mold
Bryan Hardin, PhD, Principal, GlobalTox, Inc.
Additional speaker to be announced

11:30 The Dos & Don’ts of Testing
• Techniques & practices for effective testing methodology
• When & how you should test
• Proper methods for analyzing the samples
Philip Morey, PhD, MS, CIH, Vice President, Microbiology, Air Quality Sciences, Inc.
Edward Light, CIH, President, Building Dynamics LLC

12:30 Networking Luncheon

1:45 Technical Aspects of Remediation
• Health/Safety implications of remediation
• State of the law on subsequent remedial measures
• State of the law on spoliation of evidence
• “After the fact” Operations & Management (O&M) plans
Frank Silva, Akerman Senterfitt
Arthur Edge, Law Offices of Arthur Edge, III
Patrick Rafferty, MSPH, CIH, President, Rafferty & James, Inc.

2:45 Expert Admissibility – The Latest Developments in the Battle of the Experts
• What experts do you really need and how do you protect them from Daubert/Frye challenges?
• Analysis of the most recent hearings relating to both personal injury & property damage experts
Voris Johnson, Powell Goldstein
Jeff Bouma, Law Offices of Jeff Bouma

3:45 Afternoon Break

4:00 Strategies & Techniques for Prosecuting & Defending a Mold Claim – A Point-Counterpoint Debate
• How do you document the existence of mold, mold exposure, testing and remediation?
• Contrast & compare – the prosecution/defense of property damage vs. personal injury claims
• Determining causation & damages
• Identifying the proper parties to the litigation
• The most effective claims by plaintiffs
• The most effective defenses
  Michael Duffy, Childress Duffy Goldblatt
  Patrick Perrone, McCarter & English
  Kevin Smith, Wood Smith Henning & Berman
  Additional speaker to be announced

5:15 Networking Reception
  Sponsored by JAMS

Friday, June 17, 2005

8:00 Continental Breakfast

9:00 The State of the Insurance Market
  • First Party Coverage & Third Party Issues
  • Trigger & allocation of coverage
  • Applicable exclusions
  • Current & contemplated products
  • Risk Management
  Michael Levine, Hunton & Williams
  Robert Rosenfeld, PhD, CPCU, Managing Director, America Risk Management Resources Network
  David Schack, Kirkpatrick & Lockhart Nicholson Graham

10:15 Morning Break

10:30 Strategies in Mold Litigation – Break-Out Sessions
  Moderators will lead discussions focusing on the hot-button issues in mold litigation faced in your day-to-day practice
  **Plaintiff Moderator:** Michael Childress, Childress Duffy Goldblatt
  **Defense Moderator:** Stephen Henning, Wood Smith Henning & Berman
  (Please indicate Plaintiff or Defense on your registration form. Breakout sessions will be closed to preserve the integrity of the discussion.)

12:00 Adjourn
Conference attendees SAVE 50%* on their new subscription to Mealey’s Litigation Report: Mold

When you register to attend Mealey’s Mold Litigation Conference, you will be eligible to start a one-year print subscription to Mealey’s Litigation Report: Mold at 50% OFF the regular rate – a savings of over $500!

Mealey’s Litigation Report: Mold is the original and premiere monthly information resource for critical case updates, hard-to-find court documents, and exclusive expert commentary. Our team of expert editors surveys the national landscape of mold litigation activity in state and federal courts to provide you with gavel-to-gavel coverage of the significant cases and claims most likely to directly affect your work. Supplementing our news coverage is the full text of key court documents reprinted in every issue, saving you hundreds of hours and thousands of dollars in research and retrieval. The report also features frequent expert commentary articles written by leading mold attorneys from across the country to provide you with keen insights and practical advice on established and emerging issues.

Extend the benefits of your Mealey’s Mold Conference experience throughout the coming year with Mealey’s Litigation Report: Mold and enjoy this Special Savings offer, available only to conference attendees! Reference code 0605CD in comments section if registering online!

* Valid on new print subscription orders only; offer expires June 16, 2005

Get the news, updates, and insights you need at Mealey’s upcoming Toxic Tort Litigation Conferences:

Environmental Litigation
April 18-19, 2005, The Four Seasons Hotel in Houston

Asbestos Bankruptcy
June 9-10, 2005, The Ritz-Carlton, Chicago in Chicago

Asbestos Litigation 101
July 21-22, 2005, The Ritz-Carlton Hotel in New Orleans

National Asbestos Litigation
September 19-20, 2005, The Four Seasons Hotel in Philadelphia

Water Contamination
September 26-27, 2005, The Ritz-Carlton Marina del Rey in Los Angeles

Construction Defect & Mold
November 7-8, 2005, The Ritz-Carlton Hotel in Phoenix

Silica Litigation
November 14-15, 2005, The Ritz-Carlton Hotel in New Orleans
Conference Faculty

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Registration Information

Registration Fee
The registration fee includes continental breakfast each day, one luncheon, attendance at all conference sessions, a copy of the conference handbook on CD, networking reception, and coffee breaks. The registration fee is $1145 for the first attendee.

How to Register
Fax is the best way to enroll, allowing us to attend to your registration immediately. Please fax this form to (610)768-0303, call 1-800-MEALEYS, (610)768-7800, e-mail mealeyseminars@lexisnexis.com or mail this form with payment to Mealey Publications, P.O. Box 62090, King of Prussia, PA 19406-0230. Receipt of payment guarantees your registration.

Special Discounts
• Corporate Discount — $200 off — $945
• Additional registrants from the same firm or company — $150 off — $995
• Government employees — one-third off — $765
• Sitting judges — attend free
• Paralegals — two-thirds off — $380

Special Needs
Should you have any special needs, please contact Mealey’s at least three weeks prior to the conference, to allow us time to make reasonable accommodations.

Hotel Accommodations
The Ritz-Carlton Marina del Rey is located at 4375 Admiralty Way, just 20 minutes from Los Angeles International Airport. Attendees should make reservations directly with the hotel by calling 310-823-1700. When making reservations, indicate that you are attending Mealey’s Mold Litigation Conference, June 16-17, 2005. A block of rooms has been reserved for attendees at a rate of $235 a night for a single or double room. The cut-off date for this rate is May 25th. After that date, this rate will be offered based on space availability. Please note, there are a limited number of rooms in our room block so make your reservations early.

For alternative hotels and rates, please call us at (610) 768-7800.

Cancellation Policy
Registrants who cancel on or before June 2nd will receive a full refund. Registrants canceling from June 3rd-June 9th will receive a full credit towards another Mealey’s conference. Cancellations made after June 9th will be subject to a 25% administrative fee; the remaining amount will be credited towards another Mealey’s conference. Credits must be used within one year of the date of issuance. Attendees who are paid in full and do not attend the conference forfeit a refund or a credit voucher. Substitutions may be made at any time.

Conference on Audiotape
If you cannot attend this conference, take advantage of our new audiotape conference service. For more information call 1-800-MEALEYS or e-mail mealeyseminars@lexisnexis.com

CLE Credit
Credits will be available from all states with mandatory requirements. For more information visit www.mealeys.com/conferences and click on ‘CLE Credit’, or call 1-800-MEALEYS.
Registration Form

❑ Mealey’s Mold Litigation Conference, June 16-17, 2005, at The Ritz-Carlton Marina del Rey, Los Angeles. I understand the conference registration fee is $1145 per attendee for the first paying attendee and $995 for each attendee thereafter from the same firm or company. (Multiple attendees: please copy form and submit for each attendee.)

❑ YES, as a conference attendee I’d like to subscribe to Mealey’s Litigation Report: Mold at a 50% savings. I understand a one year print subscription is only $542.50... a $500 plus savings.

Name _____________________________________________________________________________

Title ______________________________________________________________________________

Firm/Company _______________________________________________________________________

Address _____________________________________________________________________________

_________________________________________________________________________________

City/State/Zip _______________________________________________________________________

Telephone ____________________________ Fax ____________________________

Email ______________________________________________________________________________

Important! Please indicate your primary orientation for breakout sessions:

❑ Defense ❑ Plaintiff

❑ Check enclosed (Please make checks payable to Mealey Publications. Send payment in U.S. funds drawn on a U.S. bank.)

❑ Please bill my: ❑ VISA ❑ MasterCard ❑ American Express

Account # _____________________________________________________________________________

Expiration Date _______________________________________________________________________

Signature ____________________________________________________________________________

❑ Conference Handbook — Each conference attendee will receive one copy of the handbook. You may order additional copies. Non-registrants may purchase the handbook. Please send _______ copies @ $275 each. (U.S.A.: Please add appropriate state sales tax to your order. Canada: Add 7% sales tax.)

❑ Mealey’s Litigation Report: Mold — Yes, send me a free sample and subscription information.