



ALFA International
THE GLOBAL LEGAL NETWORK

**BUSINESS LITIGATION PRACTICE GROUP
REGIONAL SEMINAR**



Dallas, TX | June 7, 2023

SEMINAR PROGRAM SCHEDULE

Wednesday, June 7, 2023

Program at Quilling, Selander, Lownds, Winslett & Moser, P.C.

2001 Bryan Street, Suite 1800 | Dallas, TX

1:45 P.M. – 2:00 P.M.

REGISTRATION

2:00 P.M. – 2:10 P.M.

WELCOME AND OPENING REMARKS

Speaker:

Christopher Page, YOUNG MOORE AND HENDERSON P.A., Raleigh, NC

2:10 P.M. – 2:35 P.M.

INTELLECTUAL PROPERTY ROUNDUP

Speakers:

Joseph G. Fortner, Jr., HALLORAN SAGE, Hartford, CT

Scott D. Stimpson, SILLS CUMMIS & GROSS P.C., New York, NY

The world of intellectual property – patents, trade secrets, copyrights, trademarks and unfair competition – is a dynamic, rapidly shifting one. Not only is intellectual property of ever-increasing importance to businesses regardless of industry, but each area has its own benefits (and traps). In this session, we will discuss cutting-edge issues and recent developments in the arena of intellectual property, compare how different doctrines may serve your business's needs, and offer practical suggestions, both to protect your IP and to try to avoid claims by others.

2:35 P.M. – 3:05 P.M.

OVERSIGHT DUTIES OF CORPORATE OFFICERS AFTER *MCDONALD'S*

Speaker:

John H. Newcomer, Jr., MORRIS JAMES LLP, Wilmington, DE

Delaware courts recognize that corporate directors have oversight duties under the good-faith component of the fiduciary duty of loyalty. In the seminal *Caremark* decision, the Delaware Court of Chancery held that directors have an oversight duty to ensure that information and reporting systems exist that are reasonably designed to provide accurate information to management and the board so they can reach informed judgments concerning the corporation's compliance with the law and business performance. The Court of Chancery's recent decision *re McDonald's Corp. Shareholder Derivative Litigation*, No. 2021-0324-JTL (Del. Ch. Jan. 25, 2023), imposed the same duty of oversight on corporate officers within their area of responsibility. We will explore what this means for corporate officers going forward.

SEMINAR PROGRAM SCHEDULE

3:05 P.M. – 3:20 P.M.

BREAK

3:20 P.M. – 3:45 P.M.

BUSINESS TORTS: DECEPTION, FRAUD AND INTERFERENCE

Speaker:

Carlos Vera, JOHNSON & BELL, LTD., Chicago, IL

Under common law, a person or entity has a property interest in its contracts, its business expectations and its reputation. Thus, where one's wrongful conduct causes damage to any one of these business interests, the injured party may be entitled to damages under one or more common law tort theories. Additionally, states have adopted statutes designed to protect consumers against fraud and/or deceptive practices, which can apply to business-to-business transactions, depending on the state's definition of "consumer" and the nature of the transaction. These tort claims often become the center of a business dispute, shaping the narrative of the litigation, broadening the scope of discovery, and inviting unwanted publicity. Additionally, such claims can increase litigation costs and expose parties to special damage categories such as punitive damages and, sometimes statutorily provided attorney's fees. We will discuss some of the most common business torts and strategies for bringing or defending against business tort claims.

3:45 P.M. – 4:10 P.M.

HOT TOPICS: CASE LAW UPDATE, INCLUDING ATTORNEY-CLIENT PRIVILEGE IN INTERNATIONAL JURISDICTIONS

Speakers:

John Osgathorpe, TAYLOR, DAY, GRIMM & BOYD, Jacksonville, FL

Jennifer Pedevillano, HALLORAN SAGE, Hartford, CT

We are all familiar with the attorney-client privilege doctrine in the United States, but in-house attorneys increasing participation in communications involving both legal and non-legal advice and more frequent cross-border communications require additional analysis. Failing to recognize the differences at the inception of a matter can create issues unnecessarily and perhaps catastrophic disclosures. In this session, we will explore the nuances of attorney-client privilege with respect to the multiple hats worn by in-house counsel as well as cross-border communications in a sample of jurisdictions.

SEMINAR PROGRAM SCHEDULE

4:10 P.M. – 5:00 P.M.

ETHICAL DILEMMAS FOR IN-HOUSE COUNSEL: BEING A GOOD LAWYER IN A STICKY WICKET

Speakers:

Christopher Page, YOUNG MOORE AND HENDERSON P.A., Raleigh, NC

Matthew C. Burke, YOUNG MOORE AND HENDERSON P.A., Raleigh, NC

In-house attorneys face ethics questions that are significantly different from outside counsel. From dealing with knowledge of potential insider trading, to offering recommendations on retention and contracts of executive staff post-mergers, to dealing with executives being vetted for major government jobs, to dealing with the press, to dealing with investigations of sexual or racial harassment by senior executives, the list is endless. In this session, we will look at some challenging hypotheticals that will give our attendees a chance to roundtable alternative solutions to difficult problems.

5:00 P.M. – 5:10 P.M.

CLOSING REMARKS

Speaker:

Christopher Page, YOUNG MOORE AND HENDERSON P.A., Raleigh, NC

6:00 P.M.

SOCIAL EVENT AT MONARCH

S O C I A L E V E N T



MONARCH

Cocktails & Buffet Dinner

1401 Elm Street, 49th Floor

6:00 - 9:00 PM



ALFA International
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SPEAKERS



MATTHEW C. BURKE is an associate with Young Moore and Henderson, P.A., the ALFA International member firm in Raleigh, North Carolina. Matt is a trial lawyer who advises and represents clients in a variety of practice areas, including commercial disputes, business torts, employment claims, construction defects, insurance coverage, product liability, and various personal injury matters. Matt graduated with high honors from the University of North Carolina School of Law. Prior to joining Young Moore, Matt clerked for Associate Justice Cheri Beasley on the Supreme Court of North Carolina and worked in the North Carolina Solicitor General's Office. In addition, Matt served as the compendium editor for the ALFAI Business Litigation Practice Group's recent compendium on trade secrets claims.

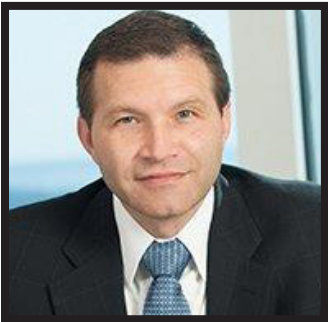


JOSEPH G. FORTNER, JR. is co-chair of the Commercial Litigation Practice Group of Halloran Sage, the ALFA International member firm in Hartford, Connecticut. He is a member of the ALFAI Board of Directors and a past chair of ALFAI's Business Litigation Practice Group. Joe is an experienced business litigator and trial lawyer who has litigated a wide range of business, intellectual property and related commercial matters in state and federal courts, including trade secret claims, contract disputes, commercial fraud and torts, technology and cybersecurity matters, trade regulation, unfair trade practices, employee termination and product-related commercial disputes. Joe represents clients in trademark and trade dress, copyright, patent, cyber defamation, domain name, licensing and other intellectual property matters, and uses his experience to counsel clients regarding intellectual property issues and other business relationships. He also prosecutes trademark matters at the Patent & Trademark Office, and negotiates licenses, assignments and other intellectual property agreements. Joe is a regular speaker at ALFAI and other events, is the program chair for the 2025 ALFAI International Client Seminar. Joe has written and lectured on trademarks, trade secrets, copyrights, antitrust issues, cybersecurity, pandemic-related matters, contracts and e-commerce, including authoring the Connecticut portions of several ALFAI compendiums regarding trade secrets and product liability. He is a graduate of Duke University and received his JD from Vanderbilt. When he is not practicing law and developing hypotheticals, he performs music with his wife, Holly (also a lawyer), in their duo, "Blind Date."

SPEAKERS

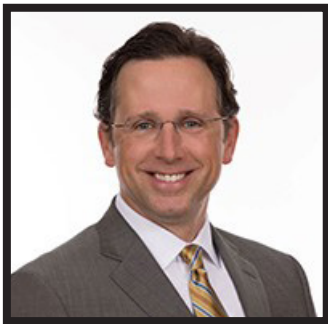


JOHN H. NEWCOMER, JR. is a partner with Morris James LLP, the ALFA International member firm in Wilmington, Delaware, and serves on the firm's Executive Committee. John practices in the areas of commercial litigation and real estate. His experience in these dual fields provides his clients with a rare perspective in dealing with complex business and real estate matters. Understanding the dynamics of litigation and how it impacts his clients' business strategies gives John the ability to draft transactional documents to avoid problems before they arise. John's litigation practice involves a wide range of corporate, business and contract disputes. His experience as a certified mediator of the Delaware Superior Court gives John the additional insight to resolve his clients' disputes before they turn into costly litigation. Outside the practice of law, John enjoys riding motorcycles locally, nationally and internationally. John currently serves as chair of the ALFAI Business Litigation Practice Group.



JOHN OSGATHORPE is a shareholder and serves as the president and managing partner of Taylor, Day, Grimm & Boyd, the ALFA International member firm in Jacksonville, Florida. In his business litigation and complex torts practice, he protects the interests of companies, management teams, business owners, and stakeholders in a diverse array of commercial and torts disputes. His practice includes most types of business and commercial disputes ranging from breach of contract claims, shareholder disputes, corporate governance disputes, misappropriation of trade secrets, and UCC matters, while his torts practice ranges from product defects cases, truck and auto accidents, defamation, and premises liability. He also handles disputes regarding real estate, wills & trusts and title insurance, along with construction defects litigation. John is currently the vice chair & marketing chair for ALFAI's Business Litigation Practice Group. He is also an active member of ALFAI's Product Liability & Complex Torts Steering Committee. He has presented at several ALFAI International Client Seminars, Business Litigation Seminars and Product Liability & Complex Torts Seminars. John previously served on ALFAI's Board of Directors and as its treasurer, as well as several other ALFAI committees.

SPEAKERS



CHRISTOPHER PAGE is a partner with Young Moore and Henderson P.A., the ALFA International member firm in Raleigh, North Carolina. Chris is an experienced trial attorney, with special emphasis on representation of clients in the hospitality and retail industries, where he represents several national clients with all their legal needs, including claims relating to employment, business disputes, product liability, premises accidents, insurance coverage and construction defects. Chris has been named as a “Super Lawyer” in business litigation for many consecutive years and is listed in “Best Lawyers” for insurance law. After graduating *summa cum laude* from Duke University, Chris earned his law degree from Yale Law School where he served as senior editor for the *Yale Law Journal*. Chris is a frequent speaker at ALFAI seminars and has created many presentations on a variety of litigation and management topics. Chris was named ALFAI’s “Attorney of the Year” in 2017. Chris is the former chair of ALFAI’s Hospitality & Retail Practice Group, former chair of ALFAI’s Marketing Committee, a former member of ALFAI’s Board of Directors and was ALFAI’s 2022 International Client Seminar program chair.

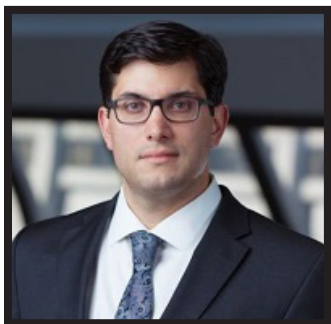


JENNIFER PEDEVILLANO is a partner with Halloran Sage, the ALFA International member firm in New Haven, Connecticut. She focuses her practice in the areas of Construction, Labor & Employment and Litigation. She has extensive experience in contract disputes, products liability, complex commercial and corporate litigation matters as well as representing employers in all areas of labor and employment law. Jen’s clients range from large corporations to individuals. She has experience trying cases before arbitrators, judges and juries. In addition, she frequently handles large complex matters involving significant electronic discovery. Jen uses technology to the client’s benefit in the preparation of a case for litigation as well as during trial/arbitration. She earned her BA, *magna cum laude*, from DeSales University and her JD, *magna cum laude*, from Quinnipiac University School of Law.

SPEAKERS



SCOTT D. STIMPSON is chair of the Intellectual Property Practice Group with Sills Cummis & Gross P.C., an ALFA International member firm in New York, New York. Scott has practiced intellectual property litigation and counseling for 30 years, involving a wide range of IP issues, including patents, trademarks, copyrights and trade secrets. He has significant trial (jury and nonjury), arbitration and mediation experience. He has successfully litigated many patent infringement and other technology cases, serving as lead litigation counsel in numerous matters. Scott's litigation experience has involved technologies such as LEDs, medical and other mechanical devices, semiconductors, cameras, cell phones, flash memories, chemical compositions, biotechnology and computer science. Scott's licensing and counseling work has similarly involved a wide range of technical disciplines and clients. Scott also has significant experience in general commercial litigation, including causes of action such as a breach of contract, unjust enrichment, and other state and federal claims. He is a Registered Patent Attorney. Apart from his experience representing American clients, Scott has also served as lead counsel for clients in Japan, China and Korea. Scott has lectured on American patent litigation, giving presentations in the United States, Asia and Australia. Prior to joining Sills Cummis & Gross, Scott was an equity partner in Morgan Lewis & Bockius' Litigation and Intellectual Property Practices where he was lead counsel in numerous litigations and had considerable jury and nonjury trial experience. Prior to that, he was an equity partner at Pennie & Edmonds where he chaired the Mechanical Technologies Group.



CARLOS VERA is an attorney with Johnson & Bell, Ltd., the ALFA International member firm in Chicago, Illinois. He concentrates his practice in general and complex commercial litigation, particularly in the areas of business torts, professional liability, white collar defense and contractual disputes. Carlos has represented individuals and business entities in state and federal court dealing with issues concerning breach of contract, breach of fiduciary duty, trade secrets, unfair competition, shareholder rights, commercial development disputes and UCC disputes. Carlos recently defended a client in a UCC/Food Recall jury trial where the purchaser of recalled goods claimed \$25 million in damages. Carlos has also represented clients in regulatory matters before the Illinois Department of Financial and Professional Regulations, and the Illinois Attorney Registration & Disciplinary Commission. Prior to joining Johnson & Bell, Carlos worked as an Assistant State's Attorney in Cook County where he gained vast trial experience from prosecuting over 200 bench trials and seven jury trials to verdict. Carlos' skills as a trial attorney have been recognized by his peers in civil practice. Carlos was named as one of the "Forty Illinois Attorneys Under Forty to Watch" for 2020 by Law Bulletin Publishing Company, publishers of *Chicago Lawyer* and the *Chicago Daily Law Bulletin*.