



**ALFA International**  
THE GLOBAL LEGAL NETWORK

# INSURANCE PRACTICE GROUP REGIONAL SEMINAR



**New York, New York | April 25, 2024**

# SEMINAR PROGRAM SCHEDULE

## Thursday, April 25, 2024

### Program at The View at the Battery

1 Battery Place | New York, NY | Liberty Ballroom

1:30 P.M. – 2:00 P.M.

**REGISTRATION**

2:00 P.M. – 2:05 P.M.

**WELCOME AND OPENING REMARKS**

**Speaker:**

**Alex Tilling**, Regional Program Chair, LEAKE & ANDERSSON, L.L.P.,  
New Orleans, LA

2:05 P.M. – 2:50 P.M.

**JOINED AT THE HIP (OR NOT)**

**Speakers:**

**Marcie Schout**, QUILLING, SELANDER, LOWNDS, WINSLETT &  
MOSEY, P.C., Dallas, TX

**Cassidy Page**, GERMAN, GALLAGHER & MURTAGH, P.C.,  
Philadelphia, PA

As a strategy, insureds will often add non-diverse insurance adjusters or insurance agents as defendants to destroy diversity and thwart attempts at removal to federal court. This presentation will look at how improper joinder or fraudulent joinder arguments can support removal and how courts are considering these arguments in this context.

2:50 P.M. – 3:35 P.M.

**INSTITUTIONAL DISCOVERY AND THE CORPORATE REPRESENTATIVE**

**Speakers:**

**Kathryn Terry**, PHILLIPS MURRAH P.C., Oklahoma City, OK

**Matthew Gray**, YOUNG, MOORE AND HENDERSON, P.A.,  
Raleigh, NC

With verdicts rising in liability and coverage disputes, institutional discovery issues and corporate representative witness depositions are becoming critical factors in managing exposure. Adding to the significance are challenges related to ESI and the production of high volumes of data. The presenters will explore practical guidance for identifying and managing these issues from the onset of litigation through the post-resolution reclamation of company information.

3:35 P.M. – 3:50 P.M.

**BREAK**

# SEMINAR PROGRAM SCHEDULE

3:50 P.M. – 4:35 P.M.

## DECLARATORY JUDGMENT ACTIONS: STRATEGIC CONSIDERATIONS BEFORE FILING

### *Speakers:*

**George Fagan**, LEAKE & ANDERSSON, L.L.P., New Orleans, LA

**Michael Shunk**, BAKER STERCHI COWDEN & RICE LLC, Kansas City, MO

The decision to proceed with a declaratory judgment action to resolve a coverage dispute often hinges on several critical factors. This session will address those factors, while also providing insight and updates on recent developments and trends in the law in this area.

4:35 P.M. – 5:00 P.M.

## COMPANY OR CROWD?: HOW TO MAKE THE PARTS OF THE TRIPARTITE RELATIONSHIP FIT

### *Speakers:*

**Ellen Nimaroff**, LESTER SCHWAB KATZ & DWYER, LLP, New York, NY

**Alex Tilling**, LEAKE & ANDERSSON, L.L.P., New Orleans, LA

The tripartite relationship of insurer, insured and attorney is not meant to be a complex puzzle; however, sometimes conflicts and mixed signals can keep the pieces from fitting together as they should. This panel will explore the tripartite relationship in more detail and address how to navigate potential conflicts and other obstacles so that the relationship stays smooth all the way to the end.

5:00 P.M. – 8:00 P.M.

## DINNER

# SOCIAL EVENT



**Reception | Liberty Ballroom**

**Cocktails 5:00 P.M. - 6:00 P.M.**

**Dinner 6:00 P.M. - 8:00 P.M.**



# SPEAKERS



**GEORGE FAGAN** is a founding partner of ALFA International member firm, Leake & Andersson LLP in New Orleans, Louisiana. He is the firm's practice group leader for insurance coverage litigation and consultation, including matters involving bad faith, CGL, construction defects, disability, EPL, errors and omissions, executive liability/D&O, life and health, professional liability and property litigation. George was recognized with the alfa 2011 Nathan Fischbach service award for his outstanding individual contributions and leadership to alfa. He is a past chair of the alfa insurance practice group, and has served on alfa's board of directors, executive committee and several other committees. George graduated from Washington & Lee University with honors in 1981, and received his law degree from Louisiana State University Law School in 1984. George lives in New Orleans with his wife, son and daughter, and still plays guitar in a rock n' roll band with some very good friends.



**MATTHEW GRAY** is a shareholder of Young, Moore and Henderson, PA, ALFA International's member firm in Raleigh, North Carolina. Matt's practice includes complex insurance coverage analysis and counseling, bad faith litigation, employment counseling and litigation, long-term care claims, and administrative law. Matt represents his clients in the trial and appellate divisions of the state and federal courts throughout North Carolina. Matt's insurance practice involves advising insurers on complex first- and third-party coverage matters, including, among others, Commercial and Residential Property policies, Condominium policies, Commercial General Liability policies, Farm policies, Tobacco policies, Crime policies and EPLI policies. He routinely advises insurers on coverage matters involving those policies. He frequently provides coverage opinions, assists with Examinations Under Oath and represents insurers in coverage litigation throughout North Carolina. Matt also has extensive experience in drafting insurance policies, including Commercial and Residential Wind policies, Crime policies and many different Residential and Commercial policy endorsements. Matt's employment practice includes all aspects of employment and labor law counseling and litigation. This includes advising and representing companies on EEOC litigation matters, Wage and Hour disputes and Department of Labor complaints. He advises a wide variety of businesses on day-to-day employment matters, including appropriate Performance Improvement Plans (PIPs), Wage and Hour issues, various ERISA issues and the requirements of the Patient Protection and Affordable Care Act (PPACA). Matt also counsels companies on employment policies and procedures and has extensive experience drafting policy and procedures manuals, employment agreements and severance packages.

# SPEAKERS



**ELLEN NIMAROFF** is a partner with Lester Schwab Katz & Dwyer, LLP, ALFA International's member firm in New York, New York. Her practice is focused on the areas of insurance brokers and agents errors & omissions, insurance coverage and professional liability. She represents insurance agents and brokers in New York and New Jersey in both state and federal courts in complex errors & omissions litigation and claims. She also represents insurance agents and brokers at administrative proceedings before the New York State Insurance Department, State Insurance Fund and Worker's Compensation Board. She represents national insurers in complex insurance coverage disputes. She analyzes insurance coverage issues, renders opinions for insurers and defends and prosecutes declaratory judgment actions. She received her BA degree from Wellesley College and her JD from Brooklyn Law School.



**CASSIDY PAGE** is an attorney with German, Gallagher & Murtagh, P.C., ALFA International's member firm in Philadelphia, Pennsylvania. She is part of the firm's professional and product liability and catastrophic injury team. She also handles both sides of complex commercial matters. Prior to joining German Gallagher & Murtagh, she represented individuals in toxic tort and catastrophic injury cases. Cassidy is originally from Wisconsin and is a graduate and former student-athlete of Northern Illinois University where she obtained her B.S. in Marketing. She earned her JD from Penn State Law. In her free time, Cassidy trains for races. This fall, she is competing in an Ironman 70.3 in Madison, Wisconsin.



**MARCIE SCHOUT** is a shareholder of Quilling, Selander, Lownds, Winslett & Moser, P.C., ALFA International's member firm in Dallas, Texas. A significant portion of Marcie's practice focuses on representing insurers in both first-party property and third-party liability coverage disputes. Marcie is often called upon to assist her clients in formulating their coverage positions based on analysis of complex coverage issues and, where necessary, represents insurers in litigation to resolve coverage disputes and to fend off bad faith allegations. Marcie earned her BS, *magna cum laude*, from Grand Valley State University and a JD, *summa cum laude*, from Baylor University.

# SPEAKERS



**MICHAEL SHUNK** is a member of Baker Sterchi Cowden & Rice LLC, ALFA International's member firm in Kansas City, Missouri. He defends individuals, insurance carriers and other corporate clients in cases involving personal injury, contract and commercial disputes, construction defects, insurance bad faith and insurance coverage issues. He is a co-chair of the firm's Insurance Coverage Practice Group. Michael obtained his law degree from the California Western School of Law and earned his undergraduate degree in journalism at the University of Kansas. Michael has successfully tried many cases in Kansas and Missouri and has argued appeals before the Missouri Supreme Court as well as the Tenth Circuit Court of Appeals. He is admitted to practice law in the United States Supreme Court, as well as the state and federal courts of Kansas and Missouri.



**KATHRYN TERRY** is a director with Phillips Murrah P.C., the ALFA International member firm in Oklahoma City, OK. Her practice focuses on insurance coverage, defense and training, labor and employment defense and training, bet-the-company litigation and crisis management. Kathy's insurance practice includes representing both major insurance companies and their insureds in coverage and liability disputes for commercial, personal, life and specialty lines. In addition to coverage advice and defense, including extra-contractual defense, she also provides claims handling training and consultation for her insurance clients. For policyholders, mostly businesses, Kathy gives guidance on risks and exposures for which insurance is recommended, coverage audits, and helps resolve questions of coverage between her clients and their insurance companies. Kathy also advises clients in large loss, existential impact litigation and public management of company crises.



**ALEX TILLING** is a partner with Leake & Andersson, L.L.P., ALFA International's member firm in New Orleans, Louisiana. His insurance practice spans bad faith, construction defect, disability, EPL, errors and omissions, executive liability/D&O, life and health, casualty, occupational accident, professional liability and property litigation. He is also involved in the consulting and compliance/regulatory side, dealing with issues involving securities, customs and border patrol, federally qualified health centers and non-profit organizations. He has been a member of the American Health Lawyers Association since 2016 and is on the Board of the New Orleans Association of Defense Counsel. Alex graduated from Ohio State University in 1999 and obtained his law degree from Temple University in 2002. He also has a biology degree from the University of New Orleans.