



ALFA International
THE GLOBAL LEGAL NETWORK

PRODUCT LIABILITY & COMPLEX TORTS PRACTICE GROUP
REGIONAL SEMINAR



BUSINESS RISK FROM CRADLE TO COURT
Cleveland, OH | May 9, 2024

SEMINAR PROGRAM SCHEDULE

Business Risk from Cradle to Court

Managing supply-side issues and liability risks through effective screening and procurement, negotiation and management of contracts, and efficient litigation strategies.

Hear from three teams of professionals about their experiences and strategies in navigating the interplay of business and legal risks faced in the lifetime of a product, from developing supplier relationships, negotiating and drafting effective contracts with appropriate protections and risk transfers, and litigation strategies when things do not go as planned.

Thursday, May 9, 2024

Program at The Cleveland Metroparks Zoo

3900 Wildlife Way | Cleveland, OH | Windows on the World (Near Main Gate)

10:00 A.M. – 1:30 P.M.

OPTIONAL ZOO VISIT

1:30 P.M. – 2:00 P.M.

REGISTRATION

2:00 P.M. – 2:10 P.M.

WELCOME AND OPENING REMARKS

Speakers:

Beth Rose, *Practice Group Chair*, SILLS CUMMIS & GROSS, Newark, NJ

Adam Cooper, *Regional Program Chair*, MONACO COOPER LAMME & CARR, PLLC, Albany, NY

Jackie Welch, *VP - Litigation*, THE J.M. SMUCKER COMPANY, Orrville, OH

SEMINAR PROGRAM SCHEDULE

2:10 P.M. – 3:10 P.M.

PROCUREMENT NEGOTIATIONS

Procurement Speakers:

Steve Getzoff, *Moderator*, LESTER SCHWAB KATZ & DWYER, LLP, New York, NY

Eddy Hayes, *ALFAI Chair*, LEAKE & ANDERSSON, L.L.P., New Orleans, LA

Ernie Wetzler, *Senior Counsel*, GENUINE PARTS COMPANY, Atlanta, GA

Rowdy White, *Senior Manager*, THE J.M. SMUCKER COMPANY, Orrville, OH

Jay Thompson, MURPHY & GRANTLAND, P.A., Columbia, SC

Contract Speakers:

Colleen Murnane, *Moderator*, FRANTZ WARD LLP, Cleveland, OH

Katie Russell, *Senior Attorney, Commercial Contracts*, BATH & BODY WORKS, Columbus, OH

Hillary Steward, *Senior Corporate Counsel*, The J.M. SMUCKER COMPANY, Orrville, OH

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

A team of outside and in-house experts will discuss an integrative approach to:

1. Identifying and selecting sources of products, components, raw materials, and services. The panel will discuss taking into account price, quality and domestic and international compliance issues, as well as multiple vs single sources.
2. Aligning contractual terms with the business team's needs. The panelists will analyze strategies for negotiating essential legal terms, including performance metrics, renewal and termination options, informal dispute requirements, indemnification, and limitations of liability, which allow the company to monitor the vendor's performance and best position the company when the vendor fails to deliver as promised.
3. Managing the contract and relationship, addressing ongoing supply and reliability, traceability, early termination, and tender.

SEMINAR PROGRAM SCHEDULE

3:10 P.M. – 3:20 P.M.

BREAK

3:20 P.M. – 4:00 P.M.

PROCUREMENT NEGOTIATIONS CONTINUED

4:00 P.M. – 4:50 P.M.

INDEMNITY AND ENFORCEMENT LITIGATION STRATEGIES

Speakers:

Jake Lehman, *Moderator*, GERMAN, GALLAGHER & MURTAGH, P.C., Philadelphia, PA

Jackie Welch, *VP - Litigation*, THE J.M. SMUCKER COMPANY, Orrville, OH

David Warnick, JOHNSON & BELL, LTD., Chicago, IL

Product liability, warranty and other litigation is an unfortunate reality for most manufacturers. However, with proper advance work and a sound litigation strategy, savvy companies can shift risk away from their own bottom lines. In this panel, a team of outside counsel and in-house experts will discuss best practices for defending litigation, including enforcing indemnity and other insured agreements, engaging experts and other effective strategies.

4:50 P.M. – 5:00 P.M.

THANK YOU AND CONCLUDING REMARKS

Speakers:

Beth Rose, *Practice Group Chair*, SILLS CUMMIS & GROSS, Newark, NJ

Adam Cooper, *Regional Program Chair*, MONACO COOPER LAMME & CARR, PLLC, Albany, NY

Jackie Welch, *VP - Litigation*, THE J.M. SMUCKER COMPANY, Orrville, OH

5:00 P.M. – 8:00 P.M.

PRIVATE ZOO TOUR & DINNER



SOCIAL EVENTS



OPTIONAL ZOO VISIT
10:00 A.M. - 1:30 P.M.

Attendees may walk around the Cleveland Metroparks Zoo before programming begins.

PRIVATE ZOO TOUR & DINNER
5:00 P.M. - 8:00 P.M.

Exclusive private walking tour with the Cleveland Zoological Society, including the African Elephant Crossing, Daniel Maltz Rhino Reserve and more! The tour is from 5-6pm with dinner following from 6-8pm.



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SPEAKERS



ADAM COOPER is a member of Monaco Cooper Lamme & Carr, PLLC, ALFA International's member firm, in Albany, New York. Adam concentrates his practice in the fields of product liability, food law and liability, professional liability, personal liability and premises liability. His clients include commercial retailers, industrial manufacturers, food producers and processors. He also represents professionals before administrative licensing boards in the context of investigations and disciplinary hearings. He has achieved successful results for his clients at the trial and appellate levels and has extensive experience in motion practice. He has an "AV" rating from Martindale Hubbell and is listed as a New York "Super Lawyer." He is past president of the Federation of Bar Associations for the Fourth Judicial District of New York and Past President of the Defense Research Institute of Northeastern, New York. Mr. Cooper obtained a bachelor's degree from St. Lawrence University and his law degree from the Albany Law School of Union University.



STEVE GETZOFF is a senior litigation partner with Lester Schwab Katz & Dwyer, LLP, the ALFA International member firm in New York, New York. Steve focuses his practice in product liability, with an emphasis on consumer and recreational products. His clients include manufacturers, distributors and national trade associations. For years, he has represented manufacturers seeking to clarify and comply with federal and state product and safety legislation, including the new CPSIA and the Virginia Graeme Baker Pool and Spa Safety Act. He regularly serves as national and regional coordinator for multi-state litigations on behalf of nationally known product manufacturers. Steve has substantial experience in regard to manufacturer issues before the US Consumer Product Safety Commission. He has frequently served on CLE programs addressing product liability law issues.

SPEAKERS



EDDY HAYES is a partner with Leake & Andersson, L.L.P., the ALFA International member firm, in New Orleans, Louisiana, where he leads the firm's international trade and business practice. The firm's international trade and business practice focuses on a wide variety of international issues, including customs matters, import/export transactions, international sales of goods and services, disputes under bilateral investment treaties, antidumping and countervailing duty proceedings before the Department of Commerce and International Trade Commission and World Trade Organization dispute settlement. Eddy also maintains an active international public policy and government relations practice, advising businesses and local governments on international trade capacity and economic development issues, including the business implications of international multilateral and regional free trade agreements. In January 2014, the country of Ukraine appointed Eddy to serve as the Honorary Consul to Ukraine for the State of Louisiana. Eddy is charged with promoting and preserving the interests of Ukraine and her citizens throughout the State of Louisiana. He serves on ALFA International's Board of Directors as ALFAI's Chair.



JAKE LEHMAN is a trial lawyer and partner with German, Gallagher & Murtagh P.C., the ALFA International member firm in Philadelphia, Pennsylvania. He focuses his practice on complex civil litigation, splitting his time between claims of professional negligence, product liability and other matters involving catastrophic injury. He also has significant commercial litigation practice. Jake's focus is on creativity, aggressive advocacy, and, most of all, client service. He is a 2006 graduate of Temple University and completed his law degree at Rutgers University School of Law in 2009. In 2017, he obtained an LLM in trial advocacy with honors from Temple University's nationally-ranked trial advocacy program. He is an active member of the Pennsylvania and Philadelphia Bar Associations and the Temple American Inn of Court. He writes and presents on legal topics in various venues and publications. Jake has been honored by his peers, including selection in 2016 as one of 35 "Lawyers on the Fast Track" by the Philadelphia Legal Intelligencer and by repeated inclusion in Law & Politics Magazine as a Super Lawyer: Rising Star, a distinction given to only 2.5% of Pennsylvania Attorneys under 40.

SPEAKERS



COLLEEN MURNANE is a partner with Frantz Ward LLP, the ALFA International member firm in Cleveland, Ohio. Colleen counsels clients on anticipating and avoiding liabilities and managing their business risks in the areas of product liability, business torts, commercial contract, construction, class actions and beer and alcohol operations. She has extensive experience litigating product defect cases involving all ranges of products, from home appliances to commercial tools to industrial bearings and other equipment. She has obtained defense verdicts in catastrophic injury and property damage cases in both state and federal court. Her approach involves building strategic partnerships with her clients to develop efficient game plans to avoid disputes prior to litigation and to implement tactical defense strategies to prevail at trial and minimize losses when litigation arises. She has represented craft breweries in all facets of their business. Colleen is a trusted advisor to companies of all sizes, from closely held family businesses to Fortune 500 companies. She delivers the answers, support and results they require in the manner best tailored to their needs. Colleen practices law because of her desire to defend and protect what people value most—their principles and reputations.



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, including breach of contract claims, shareholder disputes, corporate governance disputes, misappropriation of trade secrets and UCC matters, while his torts practice includes product defects cases, truck and auto accidents, defamation and premises liability. He also handles disputes regarding real estate and wills & trusts. John is currently the vice chair & marketing chair for ALFAI's Business Litigation Practice Group. He is an active member of ALFAI's Product Liability & Complex Torts and Business Litigation Steering Committees. He has presented at several ALFAI International Client Seminars, Business Litigation and Product Liability & Complex Torts seminars. John previously served on ALFAI's Board of Directors and as its treasurer, along with several other ALFAI committees.

SPEAKERS



BETH ROSE is a member of Sills Cummis & Gross P.C., the ALFA International member firm in Newark, New Jersey, where she chairs the Product Liability Practice Group and co-chairs the Litigation Practice Group. She has tried complex product liability cases to verdict in state and federal courts throughout the country. Beth has over 25 years of experience successfully defending complex product liability matters for consumer products, pharmaceuticals, medical devices, foods, chemicals and construction/ industrial machines, to name a few. During her career, she has served as national counsel to several companies, including those in the pharmaceutical, medical device and contract research organization spaces, defending mass tort litigation. She has also served as New Jersey counsel to entities defending complex product liability claims in New Jersey's Multi-County Litigation system. Since 2008, she has been recognized in the Chambers USA® Guide to America's Leading Lawyers for Business. Since 2014, she has been named in Benchmark's Top 250 Women in Litigation: The Definitive Guide to the Leading Female Attorneys in the U.S.® Beth received her B.A. with honors from Wesleyan University and her J.D. from Georgetown University Law Center.



KATIE RUSSELL is a Senior Attorney, Commercial Contracts at Bath & Body Works. Katie drafts and negotiates a wide variety of commercial contracts including product sourcing and supply, development, warehousing, distribution and fulfillment services, transportation and logistics, information technology and licensing. Prior to her role at Bath & Body Works, Katie served as Senior Counsel at American Honda Motor Co., Inc. providing legal support in the areas of contracts, corporate governance, trade compliance, hazmat and environmental.

SPEAKERS



HILLARY STEWARD is Senior Corporate Counsel on the Legal, Advisory and Transactions team at The J. M. Smucker Company based in Orrville, Ohio. As a transactional in-house attorney for Smucker, Hillary supports the contract and legal counseling needs of various business areas, including Smucker's handhelds and spreads division, coffee division, contract manufacturing team, logistics and procurement. Hillary has been an attorney at Smucker since earning her J.D. from The University of Akron School of Law in 2015. Prior to law school, she earned a B.S. in Management with a concentration in Marketing from Case Western Reserve University.



JAY THOMPSON is a shareholder of Murphy & Grantland, P.A., the ALFA International member firm, in Columbia, South Carolina, where his practice focuses on the defense of product liability, construction and dram shop claims in state and federal courts. Prior to joining Murphy & Grantland, he litigated cases across the Southeast for 16 years with an AmLaw 75 law firm. Jay believes strongly in the value of skilled leadership to motivate a team to achieve more than the sum of its parts. Both from personal experience and from observations of others, he has seen many times the sharp distinction between success brought about by quality leadership and organizational health, as well as the challenges that can occur in its absence. He serves on the Board of Directors for the South Carolina Defense Trial Attorneys' Association, has spoken at numerous continuing legal education seminars, and has provided numerous articles and publications for attorneys. Prior to practicing law, Jay's background was in computer science. Before law school, he worked as a systems analyst and programmer for a major tire manufacturer.



DAVID WARNICK is a shareholder of Johnson & Bell, Ltd., the ALFA International member firm in Chicago, Illinois. David concentrates his practice in premises liability, general liability and product liability. His cases have involved personal injuries associated with elevators, ladder accidents, and automobile accidents. David also handles transportation and general negligence litigation for refuse and recycling companies, food companies and over-the-road haulers. In addition, he represents clients in healthcare law, focusing on medical malpractice defense. These cases cover a wide range of claims brought against hospitals and skilled nursing facilities.



SPEAKERS



JACKIE WELCH is Vice President - Litigation at The J. M. Smucker Company based in Orrville, Ohio. She graduated from John Carroll University in 2001, followed by The Moritz College of Law at The Ohio State University in 2004. Following law school, Jackie joined Flaherty Sensabaugh Bonasso PLLC in Charleston, West Virginia. In 2010, she joined Tucker Ellis LLP in Cleveland, Ohio, followed by Smucker in October 2011. Her practice entails managing the Company's litigation portfolio and claims, including class action litigation, California's Proposition 65 litigation, and commercial disputes.



ERNIE WETZLER is Senior Counsel at Genuine Parts Company for the past 10 years. Prior to seeing the light and going in-house, he was an attorney at Hawkins, Parnell and Young for seven years concentrating in toxic tort, legal malpractice and general liability. Ernie's duties at GPC include overseeing: general liability matters in half of the United States and Canada, store acquisition and construction disputes, business disputes, collection matters, as well as reviewing internal contract and insurance matters.



ROWDY WHITE is Senior Manager, Indirect Procurement at The J. M. Smucker Company based in Orrville, Ohio. In his role at Smucker, Rowdy leads Procurement activities for all spend rolling up through the Human Resources, Finance, and Legal departments. Prior to joining Smucker, he spent years as an employee benefits consultant with Chelko Consulting Group in Cleveland, Ohio. Rowdy holds a B.S. in Marketing Management from Case Western Reserve University and an M.B.A. from Baldwin Wallace University.