



ALFA International
THE GLOBAL LEGAL NETWORK

TRANSPORTATION PRACTICE GROUP REGIONAL SEMINAR



Phoenix, AZ | April 21, 2022

S O C I A L E V E N T



DINNER AT BLANCO - BILTMORE

April 20, 2022 @ 6:00 P.M. - 9:00 P.M.

Cocktails and Dinner

2052 E. Camelback Road #122

Phoenix, Arizona 85016



ALFA International
THE GLOBAL LEGAL NETWORK

980 NORTH MICHIGAN AVENUE, SUITE 1180 | CHICAGO, ILLINOIS 60611 | 312.642.2532

SEMINAR PROGRAM SCHEDULE

Thursday, April 21, 2022

Program at Knight-Swift

2200 S. 75th Avenue | Phoenix, Arizona

8:30 A.M. – 9:00 A.M.

REGISTRATION AND BREAKFAST

9:00 A.M. – 9:40 A.M.

EDR ON PASSENGER VEHICLES

Speakers:

Julie J. Busch, JOHNSON & BELL, LTD, Chicago, IL

Matthew R. Parsons, STOLL KEENON OGDEN PLLC, Lexington, KY

Steven M. Tuskan, *Senior Consultant*, RIMKUS CONSULTING GROUP INC., Phoenix, AZ

This presentation includes an overview of event data recorder (EDR) types, functions, and uses in passenger vehicles manufactured throughout the United States. The presentation also includes an analysis of federal regulatory law regarding EDRs, as well as state data privacy laws that affect the acquisition and use of EDR data in litigation. Finally, the presentation also includes practical tips for effectively advocating for the admissibility of EDR data into evidence and avoiding spoliation allegations.

9:40 A.M. – 10:00 A.M.

CHOICE OF LAW

Speaker:

Scott B. Novak, LORANCE THOMPSON, P.C., Houston, TX

Choice of law is not only applied in contracts, many states allow for the application of foreign law in tort cases when there is a clear connection between the case facts or the parties and foreign state or country. Even when jurisdiction is fixed, some courts may apply the liability or damage laws of a foreign state or country. The decision may integrate a public policy focused balancing test that considers the interest of the forum in applying its laws versus the interests of a claimant's domicile state or country in ensuring the claimant is made whole. A choice of law analysis should be made when the tort or claimant's connection to the forum is fortuitous, and may aid the defense if the location of the tort has damages-limiting laws, or the claimant's domicile disallows certain remedies. Consequently, it should not be overlooked as a possible pressure point in a defense.

SEMINAR PROGRAM SCHEDULE

10:00 A.M.– 10:10 A.M.

BREAK

10:10 A.M.– 10:45 A.M.

BEWARE THE TROJAN HORSE? LATEST TACTICS FROM THE PLAINTIFFS' BAR

Speakers:

Jeffrey E. Levine, MATHENY SEARS LINKERT & JAIME LLP,
Sacramento, CA

Nicholas D. Brauns, HIGGS FLETCHER & MACK, LLP, San Diego, CA

The “Trojan Horse” is the latest trial tactic by the plaintiffs’ bar designed to maximize damages at trial. It is premised on one thing: emotional congruence. “The best part,” according to the Trojan Horse literature, is that “the defense never sees it coming!” This panel will discuss how to recognize and combat Trojan Horse tactics, and to avoid an “emotionally congruent” jury sending a message you won’t soon forget.

10:45 A.M. – 11:20 A.M.

MEDICAL FUNDING

Speakers:

Daniel J. Bristol, HALL & EVANS, LLC, Denver, CO

Third-party funding companies play a prominent role in personal injury litigation. This presentation will offer a brief overview of funding companies and describe the relationships between plaintiff attorneys, medical providers and the funding companies. We will provide examples of how funding companies affect the overall value of claims. We will also discuss recent developments and offer recommendations regarding the defense of claims involving funding companies.

SEMINAR PROGRAM SCHEDULE

11:20 A.M. – 12:00 P.M.

MANAGING THE STEALTH TBI CLAIM

Speakers:

Ryan T. Sanders, BUTT THORNTON & BAEHR PC, Albuquerque, NM
Jacqueline E. Campbell, GERMAN, GALLAGHER & MURTAGH, P.C.,
Philadelphia, PA

This presentation will provide information on the medicine and science of traumatic brain injuries and how understanding the current state of the literature is helpful in defending such claims. It will also address general case strategy and discovery considerations, as well as the importance and role of experts on both sides of these claims.

12:00 P.M.– 1:00 P.M.

LUNCH

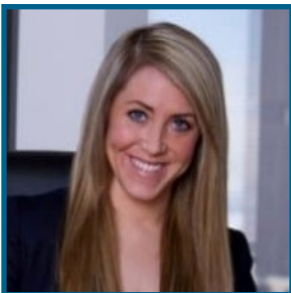
SPEAKERS



NICHOLAS D. BRAUNS is a partner with Higgs Fletcher & Mack, LLP, the ALFA International member firm in San Diego, California. Nick is a tenacious trial attorney with a successful practice focused on litigating complex commercial disputes and assisting with the investigation and defense of industrial accidents, personal injuries or other catastrophic losses for various companies in the transportation industry.



DANIEL J. BRISTOL is a member of Hall & Evans LLC, the ALFA International member firm in Denver, Colorado. Daniel practices civil litigation, particularly in the contexts of trucking and transportation, premises liability, construction, and commercial litigation. He focuses on providing unique strategies to address case-specific issues. Recently, Daniel obtained a landmark victory for the defense community in the Colorado Supreme Court case of Gill v. Swift, 2021 CO 20, limiting windfall claims by plaintiffs who receive workers' compensation benefits. Daniel practices in Colorado state and federal trial courts as well as Colorado state appellate courts and the 10th U.S. Circuit Court of Appeals. His practice ranges from representing individuals and small businesses to large corporations, and he has litigated and tried cases with small amounts in controversy or millions of dollars at stake.



JULIE J. BUSCH is a shareholder of the ALFA International member firm of Johnson & Bell, Ltd., located in Chicago, Illinois. Julie concentrates her practice in general negligence, as well as transportation and retail litigation. She has assisted with all aspects of litigation, mediation, settlement, and jury trials for large, complex disputes in transportation litigation, complex brain injury, and retail litigation. Her clients include transportation companies, refuse and recycling companies, food companies and retailers.

SPEAKERS



JACQUELINE E. CAMPBELL is a partner with German, Gallagher & Murtagh, P.C., the ALFA International member firm in Philadelphia, Pennsylvania. Jacqueline defends insured and self-insured companies in commercial vehicle, construction accident, employment, premises liability and product liability cases. She leads real-time catastrophic accident investigations to identify any potential claims early on and secure the evidence needed to defend them. Her unique approach involves finding creative ways to move cases forward, be cost-effective, and identify pathways for early resolution or dismissal. To that end, she frequently discovers opportunities for tendering defense or transferring risk, removes cases to federal court, and moves for dismissal based on lack of personal jurisdiction or improper venue. Jacqueline has successfully tried several complex injury cases to verdict in Philadelphia and its surrounding counties.



JEFFREY E. LEVINE is a partner with Matheny Sears Linkert & Jaime, LLP, ALFA International's member firm in Sacramento, California. He focuses his practice on trucking and transportation, product liability, public entity defense and premises liability. He has represented individuals as well as international, national, and local companies. Mr. Levine regularly litigates cases in California State Court and Federal District Court. He has been lead trial counsel in several trials to verdict and has also litigated several appeals.



SCOTT B. NOVAK is an attorney with Lorance Thompson, P.C., ALFA International's member firm in Houston, Texas. Scott divides his time between defending catastrophic personal injury matters in the commercial transportation arena, cargo claims, premises claims, healthcare medical matters, and commercial matters. While maintaining a strong trial advocacy practice, Scott is equally involved in handling complex matters at the appellate level, whether they be post-judgment appeals, appealing interlocutory orders, and managing contentious discovery matters via mandamus. Scott represents clients in all phases of pre-litigation, litigation, trial and appeal, often counseling clients in the wake of incidents or accidents to aid in the preservation of evidence and to prepare for imminent claims.

SPEAKERS



MATTHEW R. PARSONS has been a member of Stoll Keenon Ogden PLLC, ALFA International's member firm in Lexington, Kentucky, since 2008. His practice focuses on civil litigation, with experience in the areas of trucking litigation, products liability and business negligence, and business litigation. Matt has represented clients across a broad range of industries, including transportation logistics, manufacturing and distribution, and professional and financial services. Matt is a graduate of the Indiana University Kelley School of Business (B.S.) and the University of Kentucky College of Law. Matt currently serves as Chair of ALFA International's Future Leaders Forum (FLF). He is also active in the Fayette County Bar Association and has been honored as a Kentucky Super Lawyers Rising Star.



RYAN T. SANDERS is a Shareholder with Butt Thornton & Baehr PC, ALFA International's member firm in Albuquerque, New Mexico. His practice covers many areas of complex personal injury/wrongful death civil defense litigation and non-litigation matters throughout the State of New Mexico, including trucking and transportation, oil and gas, products, medical negligence, dram shop, and sports and recreation. His penchant for legal diversification allows him to serve in multiple and varying roles at BTB, including on the Firm's Client Emergency Response Team and the Firm's Business and Commercial Transactions group. With an office conveniently located in central New Mexico, Ryan and BTB's Client Emergency Response Team are able to quickly respond to client incidents, involve necessary consultants, gather real-time evidence, assist clients in early and ongoing investigations, and put clients in the best position for resolution from the time of incident through trial.



STEVEN M. TUSKAN is a senior consultant with Rimkus Consulting Group, Inc. and has over 35 years' experience in the transportation industry. He has a wide range of knowledge gained through positions in fleet operations, manufacturing, and forensic consulting. He specializes in the investigation, analysis, and reconstruction of vehicular incidents involving passenger vehicles, trucks, trailers, motorcycles, pedestrians, and bicycles. His expertise also includes construction, agriculture, industrial, and specialized vehicles and equipment. He has testified as an expert witness in state and federal courts throughout the United States.