

2010 Food Claims & Litigation Conference:

*Emerging Issues in
Food-Related Litigation*

February 23–25, 2010
Austin, Texas



www.gmalitigationconference.com

2010 Food Claims & Litigation Conference:

Emerging Issues in Food-Related Litigation

CONFERENCE PROGRAM

Tuesday, February 23

5:30 p.m. **Welcome Reception**
Sponsored by Michael, Best & Friedrich, LLP

Wednesday, February 24

7:30–8:30 a.m. **Breakfast**
Sponsored by Bonner Kiernan Trebach & Crociata

8:30–8:45 a.m. **Welcome and Opening Remarks**
David J. Herman, Esq.
Senior Counsel
Grocery Manufacturers Association

8:45–9:30 a.m. **Recent Developments in Product Liability Cases**
Paul E. Benson, Esq.
Michael Best & Friedrich, LLP

■ Michael Best & Friedrich's Paul Benson will set the stage for the conference, discussing the trends observed in product liability litigation and related legislation affecting the food industry over the past year and also providing a preview of issues that may impact the industry in the near future.

9:30–10:15 a.m. **Emerging Trends in Foodborne Illness Litigation**

William D. Marler, Esq.
Marler Clark, L.L.P., P.S.

Al Maxwell, Esq.
Weinberg, Wheeler, Hudgins, Gunn & Dial

■ In this session, the top plaintiff and defense attorneys in the foodborne illness litigation arena will discuss recent trends and where related litigation is headed in the coming year. They will provide insight into the types of actions they are focusing on and will help you prepare for and respond to new and innovative claims. Highlights of this session will include an update on PCA peanut paste litigation; the pistachio recall; the impact of dietary supplement recalls on foodborne illness litigation; outlook for the proposed irradiation of leafy greens; legislative updates and much more.

10:15–10:30 a.m. **Networking Refreshment Break**
Sponsored by Stael Rives LLP

Visit the hospitality suite sponsored by
Clinton & Clinton
Dorsett Swift, LLP
Magna Legal Services
Sheehy, Ware & Pappas, P.C.
open to all attendees throughout the conference.

10:30–11:15 a.m.

**Micro-Contaminants in Food:
Emerging Legislative, Regulatory and Litigation Trends**

Barry Boss, Esq.
Cozen O'Connor
Richard Fama, Esq.
Cozen O'Connor
Scott Rickman, Esq.
Associate General Counsel
Del Monte Foods

■ More than ever before, micro-contaminants are making news. Salmonella, mercury, acrylamide, diacetyl, melamine, bisphenol-A (BPA) and others are generating headlines and consumer concern. The products impacted most by micro-contaminants are those we eat every day. This panel will provide an update and insight on emerging trends from a legislative, regulatory and litigation perspective.

11:15 a.m.–12:00 p.m.

A Thirty-Year Retrospective on Trial Sciences

George Speckart, Ph.D.
National Director of Consulting
Courtroom Sciences, Inc.

■ George Speckart of Courtroom Sciences, one of the nation's premier litigation consulting firms, will trace the evolution of pre-trial research over three decades with emphasis on how scientific goals of predictive validity are achieved and how practical goals of improved trial outcomes for litigators are met. The vital importance of, and techniques used in, witness effectiveness training will be reviewed, as well as the latest developments in the science behind identifying favorable and unfavorable juror profiles in jury selection. Speckart will conclude with a summary of recent advances in the study of memory and cognition, focusing on how jurors store, retain and retrieve information in making decisions, and the keys roles played by multimedia, graphics and visual aids.

12:00–1:00 p.m. **Networking Luncheon**
Sponsored by Weinberg, Wheeler, Hudgins, Gunn & Dial LLC

1:00–1:45 p.m.

**Food Allergens: Understanding the Science
and Avoiding the Pitfalls**

Joe Bottiglieri, Esq.
Bonner Kiernan Trebach & Crociata

■ In this session, conference attendees will gain a better understanding of the complex role of food allergens in food safety; the labeling requirements of the Food Allergen Labeling and Consumer Protection Act (FALCPA); the current state of the law as it relates to the definition of gluten free; the potential pitfalls of labeling "allergen free" or "gluten free;" and the potential liability for mislabeling or inaccurate advertising.

1:45–2:30 p.m.

Mass Tort 911: The Company's Been Sued! Now What?

Paul La Scala, Esq.
Shook, Hardy & Bacon, LLP

Frank Rothrock, Esq.
Shook, Hardy & Bacon, LLP

- Seasoned litigators from Shook, Hardy & Bacon will provide participants with practical new insights into the following litigation strategies: seeking or opposing multidistrict litigation or coordinated-proceeding status; maximizing the advantages of the status chosen; defeating class certification at the outset of litigation; and applying innocent seller and sealed container laws in litigation against both manufacturers and retailers.

2:30–2:45 p.m. **Networking Refreshment Break**
Sponsored by Gwin Steinmetz & Baird

2:45–3:30 p.m.

What the Federal Government Is Doing to Improve Food Safety: Fact and Fiction

Robert Brackett, Ph.D.
Chief Science Officer
Grocery Manufacturers Association

3:30–4:30 p.m.

What Every Food Industry Defense Lawyer Needs to Know about Bankruptcy

Jonathan M. Cohen, Esq., *Gilbert LLP*
Craig J. Litherland, Esq., *Gilbert LLP*
Stephen A. Weisbrod, Esq., *Gilbert LLP*

- Attorneys from Gilbert will update attendees on recent bankruptcy developments of interest to food industry defense attorneys. They also will address the impact corporate bankruptcies can have on the litigation and settlement of tort claims, plaintiffs' selection of defendants, indemnification obligations owed by companies in the supply chain, and related insurance issues.

6:00–9:00 p.m. **Reception and Dinner**
Reception Co-sponsored by Shook, Hardy & Bacon, LLP and Ringler Associates
Dinner Sponsored by The Dickerson Law Group

Thursday, February 25

7:30–8:30 a.m. **Breakfast**
Sponsored by Cozen O'Connor

8:30–9:15 a.m.

A Label of Their Own? Recent Preemption Rulings May Be Opening the Floodgates of State Law Consumer Fraud in Labeling Class Litigation

Ken Ozda, Esq.
Stoel Rives LLP

- Stoel Rives' Ken Ozda will deliver a detailed review of the types of state consumer fraud claims that may threaten CPG companies, why the frequency of these types of lawsuits is increasing, and successful strategies for responding to these claims.

9:15–10:15 a.m.

The Recall Playbook: Offense and Defense

Lori Cohen, Esq.
Greeberg Taurig

- In the face of a product recall, manufacturers must move quickly and judiciously to execute the many moving parts of a recall. These already complex efforts may be further complicated by a maelstrom of investigations, regulatory action, and inquiries from the press and concerned consumers. Attendees of this session will learn strategies for preparing to address these issues before they develop, including crisis communication planning and analysis of the applicable statutes and regulations to determine when and how recalls should be implemented.

10:15–10:30 a.m. **Networking Refreshment Break**
Sponsored by Arnold & Porter

10:30–11:15 a.m.

Flavoring Litigation: Current Status and Latest Regulations and Their Effect on Future Litigation

Ron Lee, Esq.
Roetzel & Andress

Moiria Pietrowski, Esq.
Roetzel & Andress

- Today, there are numerous lawsuits across the country alleging injuries due to exposure to flavoring ingredients such as diacetyl. This session will provide an update on the current landscape of flavoring litigation, as well as an overview of the latest regulations and their effect on current and future litigation.

11:15 a.m.–12:00 p.m.

Trends in Global Food Litigation: Class Actions and Collective Redress

Amy Crouch, Esq.
Shook, Hardy & Bacon, LLP

Greg Fowler, Esq.
Shook, Hardy & Bacon, LLP

- Participants will hear from lawyers on the front lines of international and class action litigation on topics such as the potential impact on food producers of developments in aggregate litigation around the world; the plaintiff bar's global "forum shopping" initiatives; litigation funding trends abroad and how they affect the availability of collective redress; and perspectives on punitive damages outside the U.S.

12:00 p.m. **Adjourn**

MCLE CREDIT:

Many states have approved the GMA Food Claims and Litigation Conference for MCLE credits. Certificates of attendance will be provided to each registered attendee upon conclusion of the conference.

ABOUT THE CONFERENCE:

The challenges and opportunities of defending food and consumer product liability cases have never been greater. The past several years have seen high-profile product recalls of beef, peanut butter paste, pistachios, spinach and other foods, raising significant concerns among consumers about the safety and quality of the food supply. To bolster consumer confidence in the wake of these recalls, food, beverage and consumer product companies, restaurants, retailers and distributors must aggressively resist unfounded product liability litigation and do so in a cost-effective manner.

The robust conference agenda focuses on practical, "how-to" litigation management strategies and it is the only industry event exclusively dedicated to food and consumer product litigation management for:

- Food, Beverage and Consumer Product Companies
- Defense Attorneys
- Restaurants
- Foodservice Suppliers
- Distributors
- Retailers

WHO FROM YOUR COMPANY SHOULD ATTEND:

The broad scope of the conference program makes it a can't-miss event for:

- In-House Counsel
- Corporate Claims Representatives
- Corporate Quality Control Experts
- Casualty Claims Adjusters
- Insurance and Risk Managers
- Litigation Management Experts
- Litigation Support Specialists
- GMA Defense Counsel
- Others Involved in Litigation Management

BARTON CREEK RESORT AND SPA

All conference activities and programs will take place at the Barton Creek Resort and Spa. Located in the renowned Texas Hill Country, Barton Creek boasts some of the region's most breathtaking views and the best in genuine Texas hospitality.

Barton Creek Resort and Spa
8212 Barton Club Drive
Austin, Texas 78735
www.bartoncreek.com
(512) 329-4000

HOTEL RESERVATIONS

GMA is holding a block of rooms at the Barton Creek Resort and Spa for all conference attendees. The discounted GMA room rate is \$259 + tax (this rate will also be available to guests three days before and three days after the conference).

All conference attendees are responsible for making their own accommodation arrangements. For reservations, please call (800) 604-6563 and reference the GMA Food Claims and Litigation Conference to secure the group rate.

The deadline for securing accommodations at the discounted conference rate is January 31, 2010.



GOLF

Barton Creek Resort and Spa boasts four championship courses designed by masters of the game. The signature Fazio Foothills and its companion, the Fazio Canyons, have been named the top two courses

in Texas by the *Dallas Morning News*. To schedule tee times, please contact Teresa Whitten, Conference Services Manager, at (512) 329-4567.

TRANSPORTATION

Barton Creek is located 18 miles west of the Austin-Bergstrom International Airport. Cab fare is approximately \$42 each way; Super Shuttle shared ride is approximately \$19 each way; and ExeuCar sedan is \$54 each way. All major car rental companies are available at Austin-Bergstrom International and self-parking is complimentary at the resort.

SPONSORSHIP

Sponsorship opportunities for the conference are still available. Please contact David Herman at (202) 639-5950 or dherman@gmaonline.org for information.

Thank You to Sponsors of the 2010 Food Claims & Litigation Conference

Arnold & Porter

Bonner Kiernan Trebach & Crociata

Clinton & Clinton ☆ Cozen O'Connor

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Weinberg, Wheeler, Hudgins, Gunn & Dial LLC

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REGISTRATION

The registration fee covers all conference materials and events, including: welcome reception, breakfasts, Wednesday luncheon, Wednesday reception and dinner, refreshment breaks.

You may register for the conference online, by mail or by fax.

Online: Visit www.gmalitigationconference.com.

Mail: Send completed form with payment to:
Mary Olsen
Senior Director, Meetings
GMA
1350 I Street NW, Suite 300, Washington, DC 20005

Fax: Fax to (202) 639-5902 (faxed registration forms will be accepted only when accompanied by credit card payment)

REGISTRATION FORM (one per person)

Attendee Name: _____

Title: _____

Name to appear on badge: _____

Spouse/Guest Name (if registering): _____

Company: _____

Company Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Fax: _____

E-mail Address: _____

REGISTRATION FEES

☐ \$945 GMA Member ☐ \$1,145 Non-Member ☐ \$1,595 Outside Defense Counsel

☐ \$645 Spouse (Spouse package includes all food and beverage functions and the option to attend the educational programs.)

Conference Registration Fee: \$ _____

Spouse/Guest Registration Fee: \$ _____

Total Amount Due: \$ _____

PAYMENT

☐ My check payable to GMA is enclosed. (or)

☐ Please charge my credit card:

☐ MasterCard ☐ VISA ☐ American Express

Credit Card No.: _____ Exp. Date: _____

Verification Code _____ (security code on back/signature side of card)

Credit Card Billing Address (must include Zip Code): _____

Cardholder's Signature: _____

INSTRUCTIONS: The registration deadline is **February 8, 2010**. No refunds will be made after that date; however, we will allow and encourage substitutions if you need to cancel your registration. GMA reserves the right to cancel the event at any time and unfortunately cannot reimburse for travel expenses. For special assistance, please call (202) 639-5968.



The Association of Food, Beverage
and Consumer Products Companies

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www.gmaonline.org
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February 23–25, 2010 ★ Austin, Texas

Schedule-At-A-Glance:

TUESDAY, FEBRUARY 23

5:30 p.m. **Welcome Reception**

WEDNESDAY, FEBRUARY 24

7:30–8:30 a.m. **Breakfast**
8:30 a.m.–12:00 p.m. **General Session**
12:00–1:00 p.m. **Lunch**
1:00–4:30 p.m. **General Session**
6:00–9:00 p.m. **Reception and Dinner**

THURSDAY, FEBRUARY 25

7:30–8:30 a.m. **Breakfast**
8:30 a.m.–12:00 p.m. **General Session**
12:00 p.m. **Adjourn**

Contact Information

PROGRAM AND SPONSORSHIP:

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REGISTRATION:

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