

# Perrin Conferences Insurance Coverage and Allocation Issues Conference



May 08, 2024

The Union League of Philadelphia | Philadelphia, PA



## CONFERENCE CO-CHAIRS

**Melissa A. King**

Vice President - Direct Claims Audit  
Resolute Management, Inc.

**Elaine Whiteman Klinger, Esq.**

Kennedys

**Jay Konkell, Esq.**

Morgan, Lewis and Bockius LLP

**Peter Walden**

Manager, Complex Claims Unit  
The Hartford

**Perrin Conferences**  
**Insurance Coverage & Allocation Issues Conference**  
**May 8, 2024**  
**Union League of Philadelphia**

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**8:15 AM – 9:00 AM – Registration**

**9:00 AM – 9:15 AM – Welcome & Opening Remarks by Co-Chairs**

**Melissa King**, Vice President – Direct Claims Audit, Resolute Management, Inc., Boston, MA

**Elaine Whiteman Klinger, Esq.**, Kennedys, Philadelphia, PA

**Jay Konkell, Esq.**, Morgan, Lewis & Bockius LLP, Washington, D.C.

**Peter Walden**, Manager, Complex Claims Unit, The Hartford, Timonium, MD

**9:15 AM – 10:15 AM – Risk Transfer Allocation Issues**

- How are defense costs and indemnity payments allocated in the context of contractual indemnity and additional insured risk transfer scenarios?
- Possible allocation formulas and strategies
- The impact of certain policy provisions and various claims scenarios
- Who retains the liability and how to identify historical coverage

**Gary Kull, Esq.**, Kennedys, Basking Ridge, NJ

**Rejo Mathew**, Senior Consultant, Arcina Risk Group, Los Angeles, CA

**Michael S. Savett, Esq.**, Butler Weihmuller Katz Craig LLP, Philadelphia, PA

**Alexa J. Schmid**, Coverage Litigation Counsel, Selective Insurance Company of America, Branchville, NJ

**10:15 AM – 11:00 AM – Interrelated Wrongful Actions**

- History and development of Interrelated Wrongful Acts provisions contained in professional liability policies
- Relevance of such provisions on various aspects of professional liability coverage including claims made and reported requirements, retroactive dates, limits of liability, and retentions
- Approaches by the courts to Interrelated Wrongful Acts provisions
- Recent decisions in this regard and possible future developments

**Richard J. Rogers, Esq.**, Traub Lieberman, Hawthorne, NY  
**Christopher M. Wolfe, Vice President/Director, Claims**, FAIRCO, New York, NY  
**Jessica Zimmerman**, Senior Claim Examiner, Professional Liability Claims, Arch Insurance Group Inc., Garden City, NY

### 11:00 AM – 11:15 AM – Break

### 11:15 AM – 12:15 PM – Bankruptcy Update

- Insurance neutrality
- J&J
- How it effects coverage

**Moderator: Melissa King**, Vice President – Direct Claims Audit, Resolute Management, Inc., Boston, MA  
**David Christian, Esq.**, David Christian Attorneys LLC, Mission, KS  
**Isley M. Gostin, Esq.**, Wilmer Hale, New York, NY

### 12:15 PM – 1:30 PM – Lunch (*on your own*)

### 1:30 PM – 2:15 PM – Cyber Coverage

- Cyber claims that may trigger coverage under multiple policies and coverages
- How are these issues resolved?

**Judith A. Selby, Esq.**, Kennedys, New York, NY

*Additional Speakers to be Added.*

### 2:15 PM – 3:15 PM – Role of Coverage Counsel When Handling a Claim

- Who should issue declination of coverage or reservation of rights letters?
- *Cedell v. Farmers Ins. Co. of Washington*
- *Travelers Prop. Cas. Co. of Am. v. 100 Renaissance, LLC*
- Insurance company attorney-client privilege
- The differences among jurisdictions such as South Carolina

**Sarannah McMurtry**, SVP, General Counsel, First Acceptance Insurance Company, Nashville, TN

**Deborah Rosenthal, Esq.**, Senior Claims Consultant, Nationwide, Somerville, NJ  
**Michael Young, Esq.**, Reichardt Noce & Young, St. Louis, MO

### 3:15 PM – 3:30 PM – Break

### 3:30 PM – 4:15 PM – Nuclear Verdicts

- The major allocation issues arising from nuclear verdicts
- How does it play out in a coverage dispute?
- Alignment
- Ethical considerations and the tripartite relationship
- The insurer's dilemma with trying to settle claims made by multiple claimants and insufficient limits to do so
- What should insurers do when there is not enough insurance and factors that they should consider

**Kimberly Acevedo**, Claims Officer, Healthcare Claims, Liberty Mutual Insurance

**John Goldwater**, Managing Director, Alan Gray LLC, Boston, MA

**Elaine Whiteman Klinger, Esq.**, Kennedys, Philadelphia, PA

**Edward A. Smallwood, Esq.**, Post & Schell, P.C., Pittsburgh, PA

### 4:15 PM – 5:15 PM – Hot Topics and Regulatory Update

- Opioid litigation and insurance coverage
- CCR Rule and Coal Ash Recovery Litigation
- Litigation funding and disclosure requirements
- PFAS litigation

**Teri J. Diaz, Esq.**, Morgan, Lewis & Bockius LLP, Washington, D.C.

**Jay Konkel, Esq.**, Morgan, Lewis & Bockius LLP, Washington, D.C.

**Kate Vaughn**, Assistant Vice President, Manager, APO Claims, The RiverStone Group, Manchester, NH

*Additional Speaker to be Added.*

### 5:00 PM – 6:00 PM – Networking Cocktail Reception (Grant Room)

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*\*Speaker and Agenda are subject to change.*

**CONFERENCE LOCATION**

**Union League of Philadelphia**  
**140 S. Broad Street**  
**Philadelphia, PA 19102**

**REGISTRATION**

**Registration Rate:** \$945

**Paralegal Rate:** \$295

All in-house counsel and insurance claims professionals receive complimentary registration at Perrin Conferences live programs.

Contact Bethany Corio ([bcorio@perrinconferences.com](mailto:bcorio@perrinconferences.com)) 610-220-1817 or Lynnsey Perrin ([lperrin@perrinconferences.com](mailto:lperrin@perrinconferences.com)) 610-804-6165 with questions or to register at the complimentary rate.

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Each registration includes private website access to course materials and admission to all sessions and networking events such as refreshment breaks and cocktail receptions. *Group discounts available, please inquire.*

**HOTEL ROOM BLOCK**

**W Philadelphia Hotel**  
**1439 Chestnut St., Philadelphia, PA 19102**

Please make your room reservations through the group booking link. The group rate is \$316/night. We suggest making your reservations as soon as possible, the discounted room block rates are ending soon.

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Applications are being made to all CLE states as requested by attendees. Perrin cannot guarantee accreditation in every state. Approval is determined by each jurisdiction's

governing body.

This conference is pending approval in Texas, Florida, Oklahoma and New Hampshire for CE Adjuster credit.

Please note, there will be no partial credit awarded for CE credit – The full conference must be attended to earn CE credit. Please send CLE requests for state specific accreditation to Kelsey Minernd ([kaminernd@perrinconferences.com](mailto:kaminernd@perrinconferences.com)).

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If you cannot attend the conference, please notify us prior to April 29, 2024 and we will refund your fee or provide a credit for a future conference. The credit needs to be used within one year from the conference date.

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Mail-in Registration Form

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