

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 Konkol, Esq.

Morgan, Lewis and Bockius LLP

Peter Walden

Manager, Complex Claims Unit
The Hartford

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

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 Konkel, 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
Sponsored by: Wilmer Hale

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

- Bankruptcy Primer
- Whether Financial Distress Is Required
- Insurance Carrier Standing
- Third-party releases in non-asbestos claims

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, Washington, DC

Mark D. Plevin, Esq., Crowell & Moring LLP, Washington, DC

Russell W. Roten, Esq., Duane Morris, Los Angeles, CA

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?

Gabriel E. Darwick, Esq., White and Williams LLP, New York, NY

Perla Heady, AVP, U.S. Professional Lines, Sompo, New York, NY

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

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

Hillary Ladov, Esq., MGC, Philadelphia, PA
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 – The Rise of Large Verdicts

- The major allocation issues arising from large 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, Ironshore Insurance, New York, NY

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
- PFAS litigation
- CCR Rule and Coal Ash Recovery Litigation
- Hair relaxer litigation

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

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

Milind Parekh, Assistant Vice President, Associate General Counsel, Resolute Management, Inc., Chicago, IL

Annette P. Rolain, Esq., Ruggeri Parks Weinberg LLP, Washington, D.C.

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

5:15 PM – 6:15 PM – Networking Cocktail Reception (Grant Room – Union League)
Sponsored by: Kennedys and Morgan, Lewis & Bockius LLP

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**Speaker and Agenda are subject to change.*

CONFERENCE LOCATION

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

Union League of Philadelphia Dress Code:

For MEN: Jacket and tie are strongly preferred. Jacket and collared shirt are required at all times on the first floor members-only section of the League House.

For WOMEN: Business suits, tailored pant or skirt ensembles and dresses.

Not Permitted: Spandex, open midriiffs, halter tops, shorts, leggings, extremely short hemlines (not more than 3" above the knee), jeans, t-shirts, athletic attire, sneakers, and flip-flops.

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) 610-220-1817 or Lynnsey Perrin (lperrin@perrinconferences.com) 610-804-6165 with questions or to register at the complimentary rate.

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Mail to: Perrin Conferences, 214 Orchard Way, Wayne, PA 19087

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.

[Reservation Link Perrin Conferences Room Block](#)

CLE & CE CREDIT INFORMATION

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 Oklahoma for CE Adjuster credit and approved for Florida, New Hampshire, and Texas CE 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 Miner (kaminer@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.

Cancellations received on April 30, 2024 and after will not be refunded. You may enroll a substitute at any time before the conference starts. Cancellations received on April 30, 2024 and after may receive a credit for \$200 less than the registration amount paid and can be used by their firm/company within one year from the conference date.

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