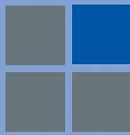


Thursday, October 3, 2013 • Pennsylvania Convention Center

 **White** and
Williams LLP

PRESENTS

2013

COVERAGE

COLLEGE



Approved for 4.5 hours of Pennsylvania Continuing Legal Education Credits (including 1 hour ethics)

The seventh annual White and Williams LLP Coverage College® is coming to the Pennsylvania Convention Center on October 3, 2013. The College provides an opportunity for insurance claims professionals to engage in a rigorous study of a diverse insurance coverage curriculum. Last year's Coverage College brought together 500 students representing 150 companies from 19 states.

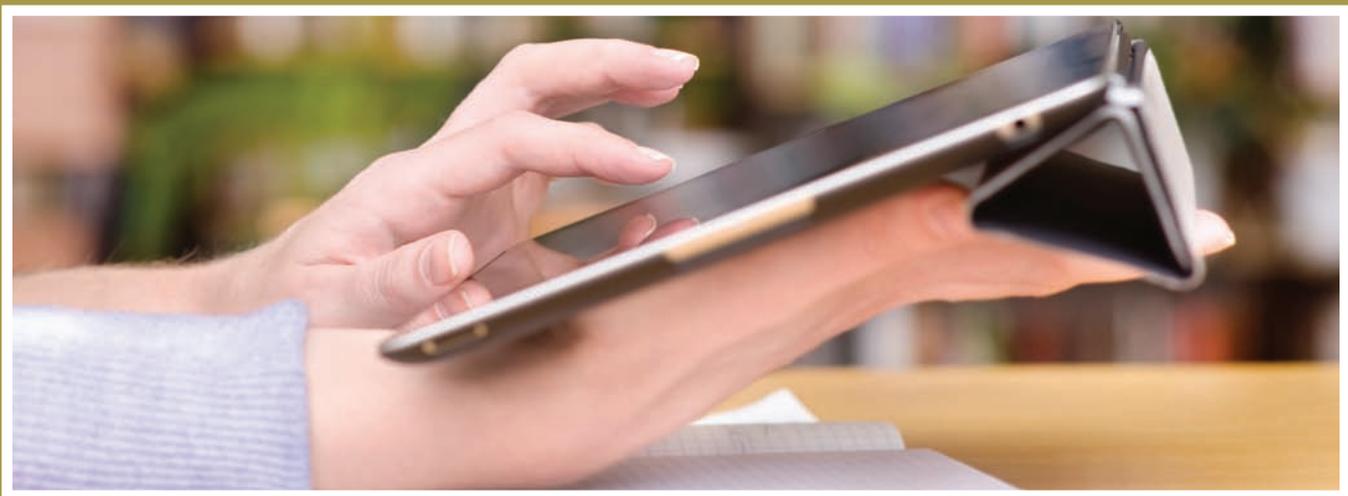
Students can choose from 16 Masters Classes taught by experienced White and Williams lawyers. In addition, General Sessions will address: the most talked-about topic in coverage circles today – the ALI's "Principles of the Law of Liability Insurance" and renowned policyholder counsel will discuss the most prevalent mistakes and miscalculations made by insurers and their counsel.

The College also includes breakfast, lunch, two breaks and a cocktail reception, allowing students to interact and engage with the faculty, fellow students and sponsors throughout the day.

Students at last year's Coverage College had this to say about their day on campus:

- *"Each year the program is better and focuses on cutting edge issues."*
- *"The courses spark good conversation."*
- *"This is the one event every year that I never miss."*
- *"This forum mixes relevant updates with good networking."*

Scan the QR code for access to the on-line registration and mobile website.



We Look Forward To Seeing You Back At School This Fall!
Space for Coverage College is limited and has "sold out" every year. Be sure to Register Today.

CURRICULUM

8:00 AM

REGISTRATION AND BREAKFAST

9:00 AM

WELCOME AND INTRODUCTIONS

Gale White, Dean of the College

9:15 AM

GENERAL SESSION

Coming Soon To A Claim Near You: The ALI's "Principles Of The Law Of Liability Insurance"

Randy J. Maniloff

The American Law Institute's "Principles of the Law of Liability Insurance" is the most talked-about topic in coverage circles today. The Principles are designed to set forth a single statement of what the law should be on numerous liability coverage issues – including many addressing the duty to defend and reservation of rights. It might sound like academic mumbo-jumbo that is the stuff of only law professors. It is not. The Principles are going to be raised in the claims context. This General Session will look at the Principles – how they were developed and the ones that are most likely to be relevant to your claims.

10:15 AM **MASTERS CLASS I** (Choose one)

A. A Year In The Life Of Litigating Long-Tail Coverage Claims: Annual Update On Asbestos/LTE/Environmental Liability And Coverage

Robert F. Walsh and Michael E. DiFebbo

Coverage litigation continues over "long-tail" claims and shows little sign of slowing down. This class will highlight key decisions over the past year on significant issues in the long-tail coverage context.

B. When The Company Is On The Hot Seat

Michelle D. Coburn and Gale White

I do solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth... Through the use of videotaped vignettes, this class will demonstrate the most common pitfalls that face claims professionals called upon to give deposition testimony in coverage litigation and ways to respond, both before and during the deposition process.

C. Perspectives On Stacking And Non-Cumulation Of Insurance

John S. Anooshian and Thomas M. Going

It is not at all unusual for insurance claims to potentially implicate multiple policies. When that occurs, policyholders and insurers are likely to wrangle over the number of insurance policies that can be called upon to respond to a particular claim — that is, whether the limits of multiple policies can be "stacked." These disagreements often center on "non-cumulation" or "anti-stacking" policy language. This class will explore what stacking means, when it can come into play, and how resolution of these disputes can dramatically affect the rights and obligations of policyholders and insurers.

D. Construction Defect Claims – Insurance Coverage Update; Proactive Versus Reactive Claims Handling

Anthony L. Miscioscia and Mark L. Parisi

The class will build on last year's popular construction defect program and focus on steps that a contractor and insurer can take to transfer or minimize exposure to liability by being proactive even before construction or litigation begins. Contractor education and data organization and the use of contractual language, such as indemnity provisions and requiring the right kind of additional insured coverage, will be discussed. We will also include our annual review of recent significant construction defect coverage decisions and new state statutes.

11:00 AM

BREAK

11:20 AM **MASTERS CLASS II** (Choose one)

A. Everything You Wanted (Or Didn't Want) To Know About Insurance Insolvency

Daryn E. Rush

Navigating the waters of insurance insolvency can be a daunting and difficult task for policyholders, reinsurers, agents and other parties. This class will provide an overview of fundamental concepts of insolvency, including helpful information regarding: priority of claims; guaranty funds; the termination, transfer or assumption of contracts; and the effect on related lawsuits. The class will also review the different forms of receivership and also address issues affecting cedents and reinsurers, including: offset and recoupment; cut-throughs; collateral; commutation; and, the right to arbitrate disputes.

B. Bad Faith Update: A Review Of Recent Decisions And Their Practical Implications For Handling Claims In Pennsylvania, New York, New Jersey, Delaware And Massachusetts.

John D. Balaguer, Christopher P. Leise, Anthony L. Miscioscia, Karen B. Mariscal and Rafael Vergara

An experienced panel of insurance coverage and bad faith attorneys will examine recent trends in bad faith decisions, discuss best practices for avoiding or minimizing bad faith claims, and explore potential future trends in bad faith case law and legislation.

C. Tales From The Crypt - Death, Dismemberment, Gore And More

Elizabeth A. Venditta, Andrew I. Hamelsky and Robert T. Pindulic

This class will take you on a journey through the Slayer Statute, the Dead Man's Act, accidental death claims (or maybe not so accidental) and more. You will also learn the potential impact, from a practical, procedural and evidentiary standpoint, when your insured or the claimant dies during a claim or pending litigation. Abandon hope all ye who enter...

D. All Together Now: Capping Tort Exposure, Resolving Indemnity Rights And Determining Coverage Obligations In One Agreement

Andrew F. Susko and Luke A. Repici

A catastrophic injury at a work site typically involves multiple parties with different roles and legal and contractual responsibilities. A single

CURRICULUM

accident can result in a tort suit, a contractual rights/indemnification action and declaratory judgment coverage litigation. Utilizing a case study where three lawsuits were resolved through a single agreement and trial in the Philadelphia Commerce Court, this class will discuss strategies to efficiently and comprehensively resolve the multiple claims that flow from a serious injury, and avoid the expense and aggravation of two or three distinct lawsuits.

12:00 PM

LUNCH (buffet style to facilitate mingling and networking)

1:15 PM MASTERS CLASS III (*Choose one*)

A. Reinsurance Issues Not Often Thought About

Michael S. Olsan

It is too often the case that reinsurance professionals do not think about certain issues that seem small at the time but can lead to significant consequences. During this class, we will address some of those issues including the statute of limitations and confidentiality. Recent court decisions highlight that the statute of limitations may begin to run well before a reinsurer denies payment. Confidentiality in reinsurance arbitrations can create a false sense of security given some courts' increasing reluctance to seal proceedings that follow a confidential arbitration like a motion to confirm or vacate. This can result in overly sensitive materials, expected to remain confidential, becoming public. Through this class, we hope to open your eyes to these issues and give you some suggestions on how to deal with them.

B. Technology And Cyber Liability Policies – Emerging Legal Issues, Including Clouds, Internet, And Data Breaches

Joshua A. Mooney and Jesse R. Dunbar

Cyber threats are real and growing in frequency and sophistication. Threats of liability stemming from websites and e-commerce are increasing, as is the commercial insured's interest in exploring insurance options. Many insurance companies offer technology and cyber liability policies, which provide up to three types of coverages: technology errors and omissions liability, network and information security liability, and/or communications and media liability. This class will discuss the extensive coverages provided by these policies, as well as emerging legal issues in this growing and expanding type of insurance.

C. Managing The Medicare Morass: How Smart Is The "SMART Act"?

William D. Kennedy

When it makes sense to settle a liability claim or suit, the last thing you need is a Medicare reimbursement problem. This class will discuss how insurers can best manage the problems posed by the Medicare Secondary Payer Act and the 2013 Strengthening Medicare And Repaying Taxpayers (SMART) Act. This class will also discuss how to manage risks associated with issues left unresolved by the legislation, such as a plaintiff's comparative negligence, joint and several liability, joint tortfeasor settlements, and future medical expenses.

D. Don't Forget About Us – Mass Tort Insurers Have Rights Too!

Robert G. Devine and Michael W. Horner

This class will explain how insurers involved in mass tort litigation (e.g., medical devices, pharmaceuticals, nutraceuticals, construction products, etc.) can protect their unique interests in federal court multi-district litigation and state court multi-county litigation throughout the country today and in the future through utilization of associated-in counsel to supplement the defense arranged by the defendant insured or to monitor.

2:00 PM

BREAK

2:15 PM MASTERS CLASS IV (*Choose one*)

A. What Is The "Occurrence" And How Many Occurrences Are There?

Steven D. Urgo and Gregory S. Capps

This class will focus on current trends in coverage litigation addressing the "occurrence" definition in liability insurance policies. We will discuss how courts have recently wrestled with defining *what* is the occurrence and determining *how many* occurrences there are in various contexts, such as product liability, discrimination, construction defect, environmental and asbestos claims. The presentation also will discuss the general tests courts apply in determining what the "occurrence" is, the number of "occurrences," and how those tests in many instances have led to different conclusions from one jurisdiction to another.

B. Attorney-Client Privilege In Bad Faith Insurance Litigation

Platte B. Moring, III and Stephan A. Cornell

This class will provide guidance on the tripartite nature of attorney-client privilege between insurer, insured and counsel representing the insured, discuss implied waiver of the privilege in any subsequent bad faith claim, and offer best practices for protecting the privilege. In insurance bad faith cases, the issue of an implied waiver of the attorney-client privilege is of serious concern. Courts have articulated various tests for determining whether there has been an implied waiver of the privilege. Insurers and their counsel can avoid an implied waiver by steering clear of the common pitfalls, such as a defense based on the advice of counsel or situations where an attorney acted as a claims adjuster during the claim investigation, which may expose those communications with the insurer to discovery.

C. Nuts And Bolts Of A Libel And Slander Case In The Internet Age

Michael N. Onufrak

In the internet age, the likelihood of a libel and slander claim is increased due to the popularity of various kinds of social media, blogs and consumer forums. In addition, internet users constantly forward emails that may themselves be slanderous, or they may even "link" to a libelous statement. These are just some of the issues that courts are wrestling with for the first time. In unraveling these issues courts apply legal principles that originated in the ancient English common law, the United States Constitution and case law that culminated in *New York Times v. Sullivan* and its progeny. This class

will review the basics of a libel and slander case and survey some of the new developments in applying traditional legal principles to the internet.

D. Insurer Headaches: The Many Coverage Issues Being Tackled In The NFL Concussion Litigation

Michael O. Kassak and Edward M. Koch

Professional football is a violent game. Over 4,500 former NFL players are suing the NFL and other parties for traumatic brain injuries suffered during their playing careers. The NFL has now tendered those suits to its liability insurance carriers over the last 40 years. The presenters, who are involved in the coverage litigation, will discuss generally the myriad of challenging issues presented in such complex progressive injury cases, including choice of forum, choice of law, triggers of coverage, allocation of defense costs, horizontal and vertical exhaustion of coverage, the known loss doctrine, the impact of lost policies or unidentified carriers, athletic participant exclusions, medical monitoring, and special challenges of determining coverage in class actions.

3:00 PM

GENERAL SESSION

Halloween Is Coming: Policyholder's Perspective On Common Mistakes Made By Insurers And Their Counsel That Should Frighten Them

William Passannante of Anderson Kill & Olick, P.C.

Last year's class looking at coverage from a policyholder counsel's perspective got rave reviews. We do it again with one of the nation's foremost lawyers representing policyholders. The co-chair of Anderson Kill's insurance recovery group, William Passannante, will afford a unique opportunity to hear a policyholder counsel's perspective regarding the most prevalent mistakes and miscalculations made by insurers and their counsel. The session will cover what policyholders like to see when they are trying to maximize coverage.

4:00 PM

PRIZES, DIPLOMAS & NETWORKING COCKTAIL RECEPTION

White and Williams LLP

COVERAGE COLLEGE FACULTY

DEAN of the COLLEGE
Gale White

DEAN of STUDENTS
Randy J. Maniloff

DEAN of CURRICULUM
Michelle D. Coburn

ASSOCIATE DEAN
David E. Edwards

John S. Anooshian
John D. Balaguer
Gregory S. Capps
Stephan A. Cornell
Michael E. DiFebbo
Robert G. Devine
Jesse R. Dunbar
Thomas M. Going
Andrew I. Hamelsky
Michael W. Horner
Michael O. Kassak
William D. Kennedy
Edward M. Koch
Christopher P. Leise
Karen B. Mariscal

Anthony L. Miscioscia
Joshua A. Mooney
Platte B. Moring, III
Michael S. Olsan
Michael N. Onufrak
Mark L. Parisi
William Passannante
Robert T. Pindulic
Luke A. Repici
Daryn E. Rush
Andrew F. Susko
Steven D. Urgo
Rafael Vergara
Elizabeth A. Venditta
Robert F. Walsh



Give It The
OLD COLLEGE DIE
for a chance to win
\$25,000

Be sure to join us for the cocktail reception and roll the Coverage College dice for a chance to win \$25,000 (and learn about how this is related to insurance)!

Details and rules to be provided at the event.

PROGRAM INFORMATION AND REGISTRATION

COVERAGE COLLEGE Now Mobile!

An interactive event deserves an interactive app!

The official mobile app for Coverage College is your all-in-one tool to get in on the action. Download the app at <http://tinyurl.com/covcol2013> and then browse all sessions, leverage networking opportunities, and connect with Faculty and other Students on social media. Keep up to date with conference information, and much more.

App features Include:

Registration Information: Easily register and select your personal class schedule here

Class Information: Read detailed descriptions of all General Session and Masters Classes. Each class is conveniently sorted by track, day and time

Faculty Information: Check out the information for faculty or see which classes your favorite teachers are presenting

Sponsor Information: Easily locate and obtain information on our Featured Lunch and Dean's Circle Sponsors

Maps: Access overhead custom maps of the Convention Center and the Philadelphia area

Social Media: Like us on . Follow us on  - update your status and share a link to the College. Connect with everyone in real time before, during, and after Coverage College via  @WhiteandWil #CovCol2013

Recognizing our SPONSORS

Featured Lunch Sponsor



Dean's Circle



There is no cost to attend Coverage College® for most students.* However, class size is limited. Please register early to ensure your seat at this year's Coverage College®!

When: Thursday, October 3, 2013

Where: Pennsylvania Convention Center
1101 Arch Street
Philadelphia, PA 19107

Ways to Register

We have gone mobile! For your convenience, register on-the-go using your mobile phone. Look to our spotlight at the left for features, and register at <http://tinyurl.com/covcol2013>

You can also submit your registration online at www.whiteandwilliams.com. Click on the Coverage College® link located in the "Events" section of the home page. You may also complete the attached form and fax it to 215.789.7523, attention John Barber.

WAYS TO GET THERE

Located in the heart of Philadelphia at 1101 Arch Street, the Pennsylvania Convention Center is easy to reach by plane, train and car. The Pennsylvania Convention Center is located just 20 minutes from the Philadelphia International Airport where taxi cabs are readily available. Alternatively, SEPTA's Airport Line provides an easy ride to Market East Station (at 11th and Market Streets), which is within walking distance of the Convention Center.

SEPTA Rail Line

The Pennsylvania Convention Center is within walking distance of SEPTA's Market East Station (at 11th and Market Streets).

Amtrak Rail Transportation

The Pennsylvania Convention Center is less than 10 minutes from Amtrak's 30th Street Station. Taxi cabs are readily available at 30th Street Station. Alternatively, many SEPTA rail lines at 30th Street Station provide a quick connection to Market East Station (at 11th and Market Streets), which is within walking distance of the Convention Center.

Parking

For detailed driving directions and local parking information, please visit <http://www.paconvention.com/explore-philadelphia/directions-and-parking>

Hotel Special Rate

We have secured a limited number of rooms at a special rate of \$249 per night excluding tax at the Loews Philadelphia Hotel (1200 Market St Philadelphia, PA 19107). Call 1.888.575.6397 or visit <http://tinyurl.com/covcol2013hotel> for reservations.

Coverage College Eve Cocktail Party

If you'll be in town early, please join us at the Coverage College Eve Cocktail Party. Be sure to register for this pre-event which starts at 6:30 p.m. on October 2, 2013.

*There is no charge to attend Coverage College® except for attorneys in private practice and non-sponsor vendors for whom tuition is \$995. White and Williams LLP reserves the right to limit the number of attendees from a single company.

REGISTRATION FORM

Register Online at www.whiteandwilliams.com

Registration is easiest online at www.whiteandwilliams.com. You may also fax this completed form to John Barber at 215.789.7523. Questions? Email us at events@whiteandwilliams.com or call 215-864-6365. There is no charge to attend Coverage College® except for attorneys in private practice and non-sponsor vendors for whom tuition is \$995. White and Williams LLP reserves the right to limit the number of attendees from a single company.

First Name _____ Last Name _____

Name as You Would Like it to Appear on Badge _____

Title _____

Company _____

Address _____

City _____ State _____ Zip _____

Email (required) _____ Phone _____

Number of years experience in claims _____ Types of claims handled _____

Will you be attending the pre-event cocktail reception on Wednesday, October 2nd from 6:30 – 9:00? ___ Yes ___ No

How did you hear about Coverage College? _____

Please Pre-Register For Your Masters Classes By Selecting One Per Session

MASTERS CLASS I *(Choose one)*

A **A Year In The Life Of Litigating Long-Tail Coverage Claims: Annual Update On Asbestos/LTE/Environmental Liability And Coverage**

Robert F. Walsh and Michael E. DiFebbo

B **When The Company Is On The Hot Seat**

Michelle D. Coburn and Gale White

C **Perspectives On Stacking And Non-Cumulation Of Insurance**

John S. Anooshian and Thomas M. Going

D **Construction Defect Claims – Insurance Coverage Update; Proactive Versus Reactive Claims Handling**

Anthony L. Miscioscia and Mark L. Parisi

MASTERS CLASS II *(Choose one)*

A **Everything You Wanted (Or Didn't Want) To Know About Insurance Insolvency**

Daryn E. Rush

B **Bad Faith Update: A Review Of Recent Decisions And Their Practical Implications For Handling Claims In Pennsylvania, New York, New Jersey, Delaware And Massachusetts.**

John D. Balaguer, Christopher P. Leise, Anthony L. Miscioscia, Karen B. Mariscal and Rafael Vergara

C **Tales From The Crypt - Death, Dismemberment, Gore And More**

Elizabeth A. Venditta, Andrew I. Hamelsky and Robert T. Pindulic

D **All Together Now: Capping Tort Exposure, Resolving Indemnity Rights And Determining Coverage Obligations In One Agreement**

Andrew F. Susko and Luke A. Repici

MASTERS CLASS III *(Choose one)*

A **Reinsurance Issues Not Often Thought About**

Michael S. Olsan

B **Technology And Cyber Liability Policies - Emerging Legal Issues, Including Clouds, Internet, And Data Breaches**

Joshua A. Mooney and Jesse R. Dunbar

C **Managing The Medicare Morass: How Smart Is The "SMART Act"?**

William D. Kennedy

D **Don't Forget About Us – Mass Tort Insurers Have Rights Too!**

Robert G. Devine and Michael W. Horner

MASTERS CLASS IV *(Choose one)*

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Steven D. Urgo and Gregory S. Capps

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Platte B. Moring, III and Stephan A. Cornell

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Michael N. Onufrak

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Michael O. Kassak and Edward M. Koch

Your registration permits White and Williams LLP to provide your contact information to the event sponsors. Photos may be taken at the event. Registration permits White and Williams LLP to use these photos for publicity or general information purposes.



**White and
Williams** LLP

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Philadelphia, PA 19103

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Enrollment for the Seventh Annual White and Williams Coverage College®

IS OFFICIALLY OPEN!

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