



DRI delivers **resources** to build your practice

# Turning the Tables on Plaintiffs in Trucking Litigation

- Walk through a live plaintiff automobile technology “experience”
- Discover how to secure data related to a plaintiff’s actions at the time of an accident
- Defeat the reptile and learn how to establish a plaintiff’s societal obligation to drive safely
- Explore the “Dark Arts” of medical billing
- Watch a live neuro psych exam and understand how to refute a plaintiff’s fake TBI



April 26–27, 2018

Hilton Chicago

Chicago, IL

**G**et ready for a seminar like no other! This DRI trucking conference kicks off with a seasoned trucking plaintiffs' lawyer's candid perspective and a fantastic "counterpoint" response by a trucking defense counsel, along with a series of presentations focused on turning the tables on trucking plaintiffs. This entire seminar is focused on helping all trucking practitioners, practically and methodically, to defend and to mitigate trucking loss risk.



**Clint V. Cox IV**  
Program Chair



**MaryJane Dobbs**  
Committee Chair



**Terrence L. Graves**  
Program Vice Chair



**Matthew S. Hefflefinger**  
Committee Vice Chair



**John J. (Jack) Laffey**  
Law Institute

PRESENTED BY  
**DRI's Trucking Law Committee**

## What You Will Learn

- How to respond to the "plaintiffs' playbook" in trucking cases
- How to develop supportive evidence from a plaintiff's vehicle
- How to address reptile theory attacks practically and before discovery
- How to attack a plaintiff's damages

## Plaintiff's Vehicle "Experience!"

Walk through a live, interactive plaintiff automobile technology "experience." The exhibit will showcase modern vehicles, which a plaintiff might operate, and provide you with the details of the technology onboard these vehicles and the specific kinds and locations of certain data. This will allow you, in defending trucking companies, to obtain data from plaintiff vehicles quickly, which goes well beyond the typical "black box" data. This experience is a do-not-miss for clients and attorneys alike!



## Members Get More

- Access to committee newsletters, seminar course materials and other publications via **DRI Online** at **dri.org**.
- Access to the **DRI Trucking Law Committee Community**: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to **dri circles**, where lawyer-to-lawyer connections happen. Search **dri circles** in your app store:



## Use dri™ Dividends Points to **reduce your registration fee:**

- Recruit a member
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- Participate on a committee
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Get engaged, get recognized, and get rewarded.

## PROGRAM SCHEDULE

*Click on any speaker name to view bio.*

### WEDNESDAY, APRIL 25

6:00 p.m. **Registration**

6:00 p.m. **Networking Reception**

SPONSORED BY **Clark Hill LLP**  
**Rimkus Consulting Group Inc.**

### THURSDAY, APRIL 26

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Exponent**

8:00 a.m. **Welcome and Introduction**

**John J. (Jack) Laffey**, *Laffey Leitner & Goode LLC*, Milwaukee, WI

**Clint V. Cox IV**, *Fee Smith Sharp & Vitullo LLP*, Dallas, TX

8:15 a.m. **Keynote Presentation: The Plaintiff Lawyer's Candid Perspective**

Sometimes the best way to learn about how to litigate a case is by listening to your adversary. Hear a seasoned plaintiffs' attorney candidly address trial and pre-trial issues, the state of trucking litigation today, and his perspective on what drives large verdicts.

**Joseph A. Fried**, *Fried Rogers Goldberg LLC*, Atlanta, GA

9:10 a.m. **Keynote Counterpoint: Defending the Plaintiffs' Playbook and Winning the Case**

How should defense practitioners respond to the plaintiffs' attack on trucking companies and their drivers? Hear a response to the plaintiffs' litigation playbook and learn how to highlight a plaintiff's weaknesses.

**Michael L. Miller**, *Drew Eckl & Farnham LLP*, Atlanta, GA

10:05 a.m. **Refreshment Break**

10:25 a.m. **Data Is a Two Way Street**

Are you tired of responding to discovery requests about cameras, GPS whereabouts, and black boxes? The same data can now be mined from a plaintiff's automobile. Stop accepting a plaintiff's claim that he or she was

driving the "speed limit" and get the data you need to defeat the claim.

**Michael Arnett, PE**, *S-E-A Limited*, Elk Grove Village, IL

**John M. Nunnally**, *Ragsdale Liggett PLLC*, Raleigh, NC

11:15 a.m. **The Distraction Dilemma**

Given the proliferation of massive vehicle and device technology breakthroughs, human distraction now plays a key role in many accidents. This segment will address the human-factors side of driver distraction and how written and oral discovery can be used to establish plaintiff distraction as an important defense.

**Bryson F. Datt, Jr.**, *Burns White*, Pittsburgh, PA

**Jason D. Jupe, PE**, *Rimkus Consulting Group Inc.*, Austin, TX

12:15 p.m. **Lunch (on your own)**

1:45 p.m. **When Plaintiffs Trigger All the Coverages**

"I want more" is an unfortunate theme heard today in trucking litigation. No longer satisfied with the insurance coverage provided by a trucking company, plaintiffs' attorneys are looking for more insurance. Explore the new trends in coverage disputes and why you cannot assume that your policy is "safe."

 **Jennifer D. Eubanks**, *Canal Insurance Co.*, Greenville, SC

**Lee Murray Hall**, *Jenkins Fenstermaker PLLC*, Huntington, WV

2:30 p.m. **Breakouts (see page 3)**

5:00 p.m. **Announcements and Adjourn**

**Clint V. Cox IV**, *Fee Smith Sharp & Vitullo LLP*, Dallas, TX

5:15 p.m. **Trucking Law Committee Meeting (open to all)**

6:00 p.m. **Networking Reception**

SPONSORED BY **Drew Eckl & Farnham LLP**  
**HRYCAY Consulting Engineers Inc.**

7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*on your own*). More details on-site.

BREAKOUTS

Thursday, 2:30 p.m.–5:00 p.m. (choose one)

In May 2017, the DRI Trucking Law Committee presented a one-day seminar on how to litigate a case in a reptile environment. The seminar provided practical and hands-on techniques on how to address discovery, depositions, motions, and trials in reptile cases. In the 2018 Liability breakout, discover more real-life techniques to shut down a reptile case and turn the table on plaintiffs. Plaintiff lawyers not only try to control the liability portion of a case, but their clients’ damages and medical treatment. In the 2018 Damages breakout, explore strategies and techniques to challenge a plaintiff’s medical treatment and the records that “support” it.

	■ LIABILITY	■ DAMAGES
2:30 p.m.	<b>Answering Discovery and Repelling a Plaintiff</b> The scaly reptile can actually raise its head in initial pleadings and written discovery. This presentation will assist you in identifying reptilian strategies, lodging objections appropriately, and laying the foundation to educate the judge in excluding such improper tactics. <b>Matthew G. Moffett</b> , <i>Gray Rust St Amand Moffett &amp; Brieske LLP</i> , Atlanta, GA	<b>Attacking Plaintiffs’ Lawyer-Driven Treatment and How to Stop the Cutting</b> Finding a connection between a plaintiff, a lawyer and a “plaintiff-friendly” doctor could save your case. Learn how to unravel the relationship between plaintiff attorneys and the doctors that they use. <b>Bradford G. Hughes</b> , <i>Clark Hill</i> , Los Angeles, CA  <b>Charles R. Wendland, CCP, SCLA</b> , <i>National Interstate Insurance Company</i> , Richfield, OH
3:15 p.m.	<b>Refreshment Break</b> SPONSORED BY <b>Laffey Leitner &amp; Goode LLC</b>   <b>Ragsdale Liggett PLLC</b>	
3:30 p.m.	<b>Drafting Motions to Preclude Reptile Attacks in Jury Selection and Trial</b> Although many judges are aware of the long-known “golden shoe” doctrine, the reptile approach can be more subtle and confusing to the inexperienced judge. Ms. Bechtold will share her experience working with plaintiffs. <b>Jill F. Bechtold</b> , <i>Hall Booth Smith PC</i> , Jacksonville, FL	<b>Attacking Plaintiffs’ Medical Records: Evaluating Medical History</b> Plaintiffs’ medical records can often be incomplete or intentionally void of the entire medical history. This segment will reveal the litany of sources of medical and medically related records that you can use to gather a complete history and effectively defend damages. <b>Bryan C. Garcia</b> , <i>Garcia Law Group LLC</i> , Albuquerque, NM
4:15 p.m.	<b>Trial Dos and Don’ts</b> Even experienced judges do not always exclude the reptile strategies of everyday plaintiffs. This discussion will address methods of skinning the reptile during the early stages of jury selection, opening statement, and even closing arguments. <b>Kurt M. Rozelsky</b> , <i>Smith Moore Leatherwood LLP</i> , Greenville, SC <b>Eliza M. Shepherd</b> , <i>Livingston &amp; Shepherd Trial Consulting LLC</i> , Denver, CO	<b>The Dark Arts of Medical Billing</b> What doctors charge and what they are willing to accept as payment for that charge are two different things. Learn how to attack medical bills and how to determine what is “fair and reasonable.” <b>Michael H. Bassett</b> , <i>The Bassett Firm</i> , Dallas, TX <b>Beth Morgan, CPC, MCS-P</b> , <i>Medical Bill Detectives</i> , Wilton, CT
5:00 p.m.	<b>Announcements and Adjourn</b>	

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**FRIDAY, APRIL 27**

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

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**Sands Anderson PC**

8:00 a.m. **Announcements**

**Terrence L. Graves**, *Sands Anderson PC*,  
Richmond, VA  
**Matthew S. Hefflefinger**, *Heyl Royster Voelker &*  
*Allen PC*, Peoria, IL

8:05 a.m. **Strategies for Resolving Serious  
Losses Within Days**

With advances in technology, it is now easier than ever to get the information needed to resolve a matter quicker for your client. Learn why faster and smarter may be the best approach to case resolution and total risk mitigation.

 **Clarence C. Easterday**, *Western Express Inc.*, Nashville, TN

**Stephen G. (Steve) Pesarchick**, *Sugarman Law Firm LLP*, Syracuse, NY

8:50 a.m. **Mining a Plaintiff's Cell Phone Data:  
What the Cell Is This?**

This is not your grandma's big brown brick cell phone! Today's smartphones can provide you with information that you could never get during a deposition about what a plaintiff was doing before and during an accident.

**Matthew J. Peterson, CFCE, CCME**,  
*Robson Forensic Inc.*, Seattle, WA

9:30 a.m. **The Future of Trucking Litigation: What's  
My Job Going to Look Like in 10 Years?**

Driverless vehicles and trucking load assignment apps are on the way, and trucking professionals must consider how these disruptive revolutions will affect accident litigation. Transportation litigators and claims specialists need to prepare for technology failure claims and whether there will be liability for not "keeping up with the Joneses."

 **Chip Campbell**, *Old Dominion Freight Line Inc.*, Thomasville, NC

 **Rocky Coe**, *Claims Services Inc./McLane Company Inc.*, Temple, TX

 **Edwin S. Norris**, *Protective Insurance Company*, Carmel, IN

**June J. Essis**, *Fineman Krekstein & Harris PC*,  
Philadelphia, PA

10:25 a.m. **Refreshment Break**

10:45 a.m. **Is the Plaintiff Faking a TBI?**


Concussion? TBI symptoms and sequelae? Learn the pros and cons with a "live" neuropsychological exam to uncover what plaintiffs are doing to create claims that do not exist.

**Sarah E. Hansen**, *Burden Hafner & Hansen LLC*,  
Buffalo, NY

 **Steven E. Rothke, PhD**, *Northwestern University Feinberg School of Medicine*,  
Northbrook, IL

11:15 a.m. **Spoliation and Social Media:  
Flipping the Script on Plaintiffs**

The "all about me" environment could save your trucking case. Spoliation applies to plaintiffs as well as defendants. Learn how to force plaintiffs to preserve their social media accounts and how to compel production of their posts when they claim that they have been deleted.

 **Eric Nau**, *Prime Inc.*, Springfield, MO

**Brett A. Ross**, *Carr Allison*, Birmingham, AL

12:05 p.m. **Emails, Emojis, Text Messages, and  
Technology: Ethical Violations?**

The current technology used by attorneys and other professionals is a minefield of potential ethical trouble. Explore the ethical implications and other considerations that you and your team need to consider before you hit "send."

**Diana C. Manning**, *Bressler Amery & Ross PC*,  
Florham Park, NJ

1:00 p.m. **Closing Remarks and Adjourn**

**MaryJane Dobbs**, *Bressler Amery & Ross PC*,  
Florham Park, NJ

**Clint V. Cox IV**, *Fee Smith Sharp & Vitullo LLP*,  
Dallas, TX

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 Denotes medical professional



## GENERAL INFORMATION

### In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee *or* be sponsored by a DRI member who is both registered and has paid for the seminar.

**Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.**

### Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership *or* be sponsored by a DRI member who is both registered and has paid for the seminar. **Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.**

### CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **11.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; **please check the DRI website at [dri.org](http://dri.org)** for the latest information for your state.

### Registration Policy

**Save \$100 when you register by March 27, 2018.** (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course

materials in advance, DRI must receive your registration by **April 3, 2018** (*please allow 10 days for processing*). Registrations received after **April 3, 2018**, will be processed on-site.

### Refund Policy

The registration fee is fully refundable for cancellations received on or before **April 3, 2018**. Cancellations received after **April 3**, and on or before **April 10, 2018**, will receive a refund, less a \$100 processing fee. Cancellations made after **April 10** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email ([seminars@dri.org](mailto:seminars@dri.org)) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

### Discounts

**Group Discount** The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$775**, regardless of membership status if received on or before **April 3, 2018**. After **April 3**, the group rate is **\$875**. All registrations must be received at the same time to receive the discount.

**Travel Discounts** DRI offers discounted meeting fares on various major air carriers for **DRI Trucking Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

### Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **Hilton Chicago, 720 S. Michigan Avenue, Chicago, IL 60605** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$249 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit [dri.org](http://dri.org) and go to the **DRI Trucking Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 312.922.4400** and mention the **DRI Trucking Law Seminar**.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 27, 2018**, to be eligible for the group rate. Requests for reservations made after **March 27** are subject to room and rate availability.

## FACULTY *Click on any name to view bio.*

**Michael Arnett, PE**, S-E-A Limited, Elk Grove Village, IL

**Michael H. Bassett**, The Bassett Firm, Dallas, TX

**Jill F. Bechtold**, Hall Booth Smith PC, Jacksonville, FL

➤ **Chip Campbell**, Old Dominion Freight Line Inc., Thomasville, NC

➤ **Rocky Coe**, Claims Services Inc./McLane Company Inc., Temple, TX

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**Bryan C. Garcia**, Garcia Law Group LLC, Albuquerque, NM

**Terrence L. Graves**, Sands Anderson PC, Richmond, VA

**Lee Murray Hall**, Jenkins Fenstermaker PLLC, Huntington, WV

**Sarah E. Hansen**, Burden Hafner & Hansen LLC, Buffalo, NY

**Matthew S. Hefflefinger**, Heyl Royster Voelker & Allen PC, Peoria, IL

**Bradford G. Hughes**, Clark Hill, Los Angeles, CA

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⚕ Denotes medical professional

**Jason D. Jupe, PE**, Rimkus Consulting Group Inc., Austin, TX

**John J. (Jack) Laffey**, Laffey Leitner & Goode LLC, Milwaukee, WI

**Diana C. Manning**, Bressler Amery & Ross PC, Florham Park, NJ

**Michael L. Miller**, Drew Eckl & Farnham LLP, Atlanta, GA

**Matthew G. Moffett**, Gray Rust St Amand Moffett & Brieske LLP, Atlanta, GA

**Beth Morgan, CPC, MCS-P**, Medical Bill Detectives, Wilton, CT

➤ **Eric Nau**, Prime Inc., Springfield, MO

➤ **Edwin S. Norris**, Protective Insurance Company, Carmel, IN

**John M. Nunnally**, Ragsdale Liggett PLLC, Raleigh, NC

**Stephen G. (Steve) Pesarchick**, Sugarman Law Firm LLP, Syracuse, NY

**Matthew J. Peterson, CFCE, CCME**, Robson Forensic Inc., Seattle, WA

**Brett A. Ross**, Carr Allison, Birmingham, AL

⚕ **Steven E. Rothke, PhD**, Northwestern University Feinberg School of Medicine, Northbrook, IL

**Kurt M. Rozelsky**, Smith Moore Leatherwood LLP, Greenville, SC

**Eliza M. Shepherd**, Livingston & Shepherd Trial Consulting LLC, Denver, CO

➤ **Charles R. Wendland, CCP, SCLA**, National Interstate Insurance Company, Richfield, OH

**View faculty bios on the [Trucking Law Seminar webpage](#); click on “View speakers” button.**



### Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

### Harassment and Discrimination

DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.



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### **Toxic Torts and Environmental Law**

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### **Insurance Coverage and Claims Institute**

*Swissôtel Chicago, Chicago, IL*

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*The Ritz-Carlton Denver, Denver, CO*

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*The Ritz-Carlton Denver, Denver, CO*

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### **Retail and Hospitality Litigation and Claims Management**

*Loews Chicago, Chicago, IL*

May 16–18

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*Loews Chicago, Chicago, IL*

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April 26-27, 2018  
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Are you a first-time attendee at this DRI seminar? ☐ Yes ☐ No

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## REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Mar. 27, 2018	After Mar. 27, 2018
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*For inclusion on the preregistration list and to receive course materials in advance, register by April 3, 2018.*

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## Turning the Tables on Plaintiffs in Trucking Litigation Seminar

April 26-27, 2018  
Hilton Chicago  
Chicago, IL

*DRI is the place to secure lawyer-  
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