

Food, Drug and Medical Device Litigation Forum



April 23-24, 2012 | The Grand Hotel, Minneapolis, MN

Conference Chairs:

Sarah Brew, Faegre Baker Daniels

Tara Sutton, Robins, Kaplan, Miller & Ciresi LLP

Stephen Weisbrod, Weisbrod Matteis & Copley PLLC

Monday, April 23, 2012

8:00 Morning Registration & Continental Breakfast

8:30 Welcome & Chair Introductions

8:45 Regulatory Developments Affecting the Food, Drug and Medical Device Industries

- Food Safety Modernization Act
- Reportable Food Registry
- Medical device pre-market approval
- Medical device reporting

Greg Thompson, Chief Food Law Counsel, General Mills

Elizabeth Wroe, Vice President, FaegreBD Consulting

David Royster, Assistant General Counsel, Zimmer, Inc.

9:45 Responding to Government Enforcement Actions and Investigations

- Challenges of parallel proceedings
- Internal investigations
- The Park Doctrine, strict liability and criminal prosecution
- An era of heightened enforcement action

Brian Dickerson, Roetzel & Andress

Robert Van Kirk, Williams & Connolly LLP

Gerald Wilhelm, U.S. Attorney's Office, District of Minnesota

10:30 Morning Break

10:45 Resolving Claims & Mass Torts

- Mechanisms for coordinating a national defense
- Achieving global resolutions
- MMSEA issues
- Claims administration

Bradley Drew, Pace Claims Services (Moderator)

Joshua Becker, Alston & Bird LLP

Elizabeth Grande, Garretson Resolution Group

Ron Simon, Simon Luke LLP

Tara Sutton, Robins, Kaplan, Miller & Ciresi LLP

Hon. John Tunheim, U.S. District Court Judge, District of Minnesota

12:15 Networking Lunch

1:30 Marketing and Labeling Claims: Mitigating Risks and Defending Litigation

- Recent FDA and FTC policies and enforcement priorities
- Claims evaluation and substantiation
- Consumer fraud class action update

Sarah Brew, Faegre Baker Daniels (Moderator)

Brent Robbins, Assistant General Counsel, General Mills, Inc.

Sarah Nelsen, Corporate Attorney, Hormel Foods Corporation

Nancy Husnik, Senior Counsel, Target

2:15 Who Pays for Food, Medical Device & Drug Claims and Recalls

- Supply chain issues
- Indemnification contracts
- Insurance coverage considerations
- Multi-party alternative dispute resolution

Sarah Brew, Faegre Baker Daniels

Stephen Weisbrod, Weisbrod Matteis & Copley PLLC

Joseph Bermudez, Wilson Elser Moskowitz Edelman & Dicker LLP

Arthur Liederman, Morrison Mahoney LLP

3:15 Afternoon Break

3:30 Recent Supreme Court Decisions Affecting Food, Drug and Medical Device Claims

- Pleading requirements
- Class actions
- Preemption

Robert Peck, Center for Constitutional Litigation

Paul Benson, Michael Best & Friedrich LLP

M.C. Sungaila, Snell & Wilmer

4:30 Crisis Management Issues

- Crisis management and recall plans
- Dealing with a crisis using social media
- Pitfalls of failing to address crises early

Brooke Tassoni, Cargill, Inc.

Amy Rotenberg, Rotenberg Associates LLC

Michael Heyl, Hogan Lovells LLP

Cynthia Kretz, General Counsel, Cook Group Incorporated

5:15 Adjourn & Reception

Tuesday, April 24, 2012

8:30 Continental Breakfast

9:00 Calculating and Presenting Damages

- Individual damages: Medical costs, medical monitoring, lost wages
- The uncertain future damages
- Punitive damages
- Corporate damages: Assessing business interruption, recall costs, lost product, lost profit
- Unseen costs: Reputational impacts, market share costs, and boardroom impacts
- The role of a jury consultant when it comes to damages

Christopher Picone, Principal, Picone Advisory Group
Esther Berezofsky, Williams Cuker Berezofsky
Joseph Arnold, Cozen O'Connor

10:00 Morning Break

10:15 Judicial and In-House Roundtable

- ADR
- Class actions
- MDLs

M.C. Sungaila, Snell & Wilmer (Moderator)
Hon. John Tunheim, U.S. District Court Judge, District of Minnesota
Kenneth Odza, Corporate Counsel - Food Safety, Kellogg Company
Hon. Janice Symchych, (Retired), JAMS

11:30 Hypothetical Ethics Exercise: Preserving Privilege in a Food, Drug or Medical Device Case

- Preserving attorney client privilege in the context of insurance coverage & Model Rule 1.6
- To share or not to share information with business people?
- Privilege analysis with multiple defendants and insureds, including common interest agreements

Stephen Weisbrod, Weisbrod Matteis & Copley PLLC (Moderator)
Bryce Friedman, Simpson Thacher & Bartlett, LLP
Gary Wilson, Robins, Kaplan, Miller & Ciresi LLP
Abigail Butler, Faegre Baker Daniels

12:30 Adjourn

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