



# CONFERENCE

## Product Liability

Make Your Products  
Practice Bloom



April 3-5, 2013

Gaylord National Resort

National Harbor, Maryland



### IN-HOUSE SPEAKERS INCLUDING

Steven R. **Davis**  
IMMI

Courtney Carter **Fletcher**  
Doosan Infracore International Inc.

Robert L. **Kollar**  
Kawasaki Motors Corp. USA

Nan **Meyer**  
Markel Corporation

Carrie E. **Watt**  
Teleflex Incorporated

Todd I. **Woods**  
Nissan North America Inc.

Rich **Young**  
Johnson Controls



DRI  
delivers  
**resources**  
to build  
your practice■

**R**esponding to the requests of in-house and outside counsel alike, DRI is excited to move the Product Liability Conference east of the Mississippi for 2013. Come enjoy the blooming of the cherry blossoms in the Washington, D.C., area, while learning the latest trends and decisions affecting product liability cases. Regulators from the National Transportation Safety Board (NTSB), National Highway Traffic Safety Administration (NHTSA), and Consumer Product Safety Commission (CPSC), along with manufacturers and lawyers who navigate these agencies regularly, will discuss best practices for minimizing liability before and during litigation. Experienced professionals will demonstrate voir dire, story theme development, and closing arguments in an interactive format. Offering 18 hours of CLE credit, attendees will receive valuable practice tips, strategies, and trial techniques to gain an advantage in defending modern product liability cases.

The specialized litigation group (SLG) sessions will offer detailed analysis in 18 different practice areas. A concurrent Young Lawyers Breakout on Wednesday offers an alternative track for lawyers of any age who are looking for high quality nuts-and-bolts presentations. On Thursday, the Corporate Counsel Committee will hold a program and roundtable, open only to in-house counsel, to cover issues unique to corporate counsel. This conference offers unmatched opportunities to keep abreast of current issues, earn CLE, and network.



Anne M. **Talcott**  
Program Chair



James E. **Weatherholtz**  
Program Vice Chair



Charles A. **Stewart III**  
Committee Chair



Patrick J. **Sweeney**  
Committee Vice Chair



Paul M. **Lavelle**  
Law Institute

#### WHAT YOU WILL LEARN

- How the 2012 election will affect product liability law from an insider on the Hill
- Best trial practices from national product liability superstars
- Tips for handling recalls and minimizing their effect on litigation
- Practical advice from the trenches for navigating the CPSC
- Latest trends in product liability law
- In-depth, specific content at the SLG sessions

PRESENTED BY **DRI's Product Liability Committee**

THIS SEMINAR BROCHURE IS SPONSORED BY

**Nelson Mullins**  
Nelson Mullins Riley & Scarborough LLP

## PROGRAM SCHEDULE

## TUESDAY, APRIL 2, 2013

6:00 p.m. **Registration**6:00 p.m. **Networking Reception**SPONSORED BY **Bradley Arant Boult Cummings LLP**

## WEDNESDAY, APRIL 3, 2013

**Boarding Pass Kiosk**SPONSORED BY **Hiltgen & Brewer PC****Internet Café**SPONSORED BY **Butler Snow O'Mara Stevens & Cannada PLLC****Mobile Device Charging Kiosk**SPONSORED BY **Carr Maloney PC**7:00 a.m. **Registration**7:00 a.m. **Continental Breakfast**SPONSORED BY **Whyte Hirschboeck Dudek SC**7:00 a.m. **First-Time Attendees Breakfast**PRODUCT LIABILITY COMMITTEE CHAIR | **Charles A. Stewart III**8:00 a.m. **Welcome and Introduction****Paul M. Lavelle**, *Winstead PC*, New Orleans, Louisiana**Charles A. Stewart III**, *Bradley Arant Boult Cummings LLP*, Montgomery, Alabama**Anne M. Talcott**, *Schwabe Williamson & Wyatt*, Portland, Oregon8:15 a.m. **Introduction of Case Study Fact Pattern****Charles A. Stewart III**, *Bradley Arant Boult Cummings LLP*, Montgomery, Alabama8:20 a.m. **Reap What You Sow: Using Technology to Pick the Right Jurors**

Top national product liability trial lawyers and an experienced jury consultant will discuss strategies for identifying the right jurors for a product liability case and demonstrate different voir dire techniques using the hypothetical case, fact pattern, and mock jurors.

**Jerry W. Blackwell**, *Blackwell Burke PA*, Minneapolis, Minnesota**Rick R. Fuentes, Ph.D.**, *R&D Strategic Solutions LLC*, Atlanta, Georgia**Patrick J. Sweeney**, *Sweeney & Sheehan PC*, Philadelphia, Pennsylvania**E. Wayne Taff**, *Law Offices of E. Wayne Taff*, Blue Springs, Missouri9:15 a.m. **2013 Almanac: How Will Product Liability Law Be Affected by the 2012 Election?**

A veteran lobbyist for manufacturers will provide his view from the Hill on how the industry will be affected by November's election.

**Rosario A. Palmieri**, *National Association of Manufacturers*, Washington, D.C.10:00 a.m. **Refreshment Break**SPONSORED BY **Ericksen Arbuthnot**10:30 a.m. **Risks and Responsibilities in Products Cases from Product Development Through Trial**

Applying the hypothetical fact pattern, an in-house lawyer and an insurer will offer insight on product development, marketing, underwriting, and the effect that claims and lawsuits have on innovation.

**Nan Meyer**, *Markel Corporation*, Deerfield, Illinois**Carrie E. Watt**, *Teleflex Incorporated*, Limerick, Pennsylvania10:30 a.m. **Young Lawyers Breakout** (*See schedule on page 7*)11:15 a.m. **Planes, Trains, Boats, and More: How the NTSB Investigates Catastrophic Accidents**

NTSB's general counsel and a seasoned product liability litigator will discuss the nuts and bolts of how the NTSB investigates catastrophic accidents, the scope of publicly available related materials, and the extent to which these materials can be used in litigation.

**Thomas W. Tobin**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, New York, New York**David K. Tochen**, *National Transportation Safety Board*, Washington, D.C.12:00 p.m. **Lunch** (*dine-arounds or on your own*)1:30 p.m. **Navigating the CPSC: Advice from the Trenches**

Databases, investigations, reporting, and recalls—what every product liability lawyer should know about navigating the Consumer Product Safety Commission from the initial investigation to collateral effects on litigation.

MODERATOR | **John F. Kuppens**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

PANEL

**Jeffrey S. Eden**, *Schwabe Williamson & Wyatt*, Portland, Oregon**Marc J. Schoem**, *U.S. Consumer Product Safety Commission*, Washington, D.C.**Kelly Van Veldhuizen**, *Deere & Company*, Moline, Illinois

- 1:30 p.m. **Young Lawyers Breakout** (*continues*)
- 2:15 p.m. **Bad Husbandry: How Strict Liability Has Morphed to Include Design and Warnings Claims**  
While design and warnings claims are routinely understood to be strict liability theories, a public policy rationale has never existed for an extension beyond manufacturing defect claims. Learn how to challenge these arguments through the use of the Restatement Third.  
**Janice D. Lai**, *LeClairRyan*, Hartford, Connecticut
- 3:00 p.m. **Refreshment Break**  
SPONSORED BY **Coronado Katz LLC**
- 3:30 p.m. **Specialized Litigation Workshops**  
(See page 4 for session descriptions.)  
**Agricultural/Construction/Mining/Industrial Equipment**  
**Aviation and Aerospace**  
**Fire Science and Litigation**  
**International Legal Issues**  
**Recreational Products**
- 5:30 p.m. **Adjourn**
- 5:30 p.m. **Product Liability Committee Meeting** (*open to all*)
- 6:00 p.m. **Networking Reception**  
SPONSORED BY **Balch & Bingham LLP**
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*no host*). More details on-site.

**THURSDAY, APRIL 4, 2013**

- Boarding Pass Kiosk**  
SPONSORED BY **Hiltgen & Brewer PC**
- Internet Café**  
SPONSORED BY **Butler Snow O'Mara Stevens & Cannada PLLC**
- Mobile Device Charging Kiosk**  
SPONSORED BY **Carr Maloney PC**
- 7:00 a.m. **Registration**
- 7:00 a.m. **Continental Breakfast**  
SPONSORED BY **Frost Brown Todd LLC**
- 7:00 a.m. **Diversity Breakfast**
- 8:00 a.m. **Announcements**  
**Anne M. Talcott**, *Schwabe Williamson & Wyatt*, Portland, Oregon

- 8:15 a.m. **Crisis Management and Recall Planning: Complying with Governmental Oversight**  
Learn the best practices for recall planning and reporting to control the potential damage to a manufacturer's reputation and minimize the effect on product liability litigation.  
MODERATOR | **Lee Mickus**, *Snell & Wilmer LLP*, Denver, Colorado  
  
PANEL  
**Steven R. Davis**, *IMMI*, Westfield, Indiana  
**Robert L. Kollar**, *Kawasaki Motors Corp. USA*, Irvine, California  
**O. Kevin Vincent**, *National Highway Traffic Safety Administration*, Washington, D.C.  
**Todd I. Woods**, *Nissan North America Inc.*, Franklin, Tennessee  
**Rich Young**, *Johnson Controls*, Glendale, Wisconsin
- 9:00 a.m. **Twenty-first Century Warnings in a Global World: Another Tool in the Shed**  
The modes for communicating warnings and safety information now include product manufacturer websites, smartphone apps, QR codes, dynamic animations, and video. Learn the impact of this new technology and how increased consumer responsibility can be a risk prevention strategy.  
**Eric J. Boelhouwer, Ph.D., CSP**, *Dorris and Associates International LLC*, Atlanta, Georgia  
**Nathan T. Dorris, Ph.D, CPE**, *Dorris and Associates International LLC*, Atlanta, Georgia  
**Courtney Carter Fletcher**, *Doosan Infracore International Inc.*, Atlanta, Georgia

- 9:45 a.m. **Refreshment Break**  
SPONSORED BY **Greenberg Traurig LLP**
- 10:15 a.m. **Specialized Litigation Workshops**  
(See pages 4-5 for session descriptions.)  
**Automotive**  
**Consumer Goods and Office Equipment**  
**Food Law**  
**Hand and Power Tools**  
**Mass Torts and Class Actions**
- 12:15 p.m. **Lunch** (*dine-arounds or on your own*)

- 1:45 p.m. **Corporate Counsel Breakout**  
(*open to in-house counsel only*)  
This interactive session will discuss building relationships with your business clients, demonstrating value to your company, and taking credit for your legal department's contributions.  
**Miriam B. Grogan, PCC, ORSCC, CPCC,**  
*Stellar Coaching, Silver Spring, Maryland*
- 1:45 p.m. **Case Law Update**  
Recent decisions and trends in product liability law from across the country will be highlighted.  
**Hope Thai Cannon, Bradley Arant Boult Cummings LLP, Birmingham, Alabama**  
**Paul F. Gordon, Coronado Katz LLC, Kansas City, Missouri**
- 2:30 p.m. **Spin a Yarn: Telling Your Story Effectively**  
Learn how to use a story model to convey a product manufacturer's case effectively to a jury. Ms. Bacon will share her tips on theme selection and persuasion.  
**Rebecca Weinstein Bacon, Bartlit Beck Herman Palenchar & Scott LLP, Chicago, Illinois**
- 3:15 p.m. **Refreshment Break**  
SPONSORED BY **Exponent**
- 3:45 p.m. **Specialized Litigation Workshops**  
(*See pages 5–6 for session descriptions.*)  
**Building Products**  
**Chemical and Toxic Torts**  
**Manufacturers' Risk Prevention**  
**Scaffolding, Cranes, and Aerial Devices**
- 5:45 p.m. **Adjourn**
- 6:00 p.m. **Networking Reception**  
SPONSORED BY **ESI—Engineering Systems Inc.**
- 7:30 p.m. **Dine-Arounds** | Join colleagues and friends at selected restaurants for dinner (*no host*). *More details on-site.*
- FRIDAY, APRIL 5, 2013**
- Boarding Pass Kiosk**  
SPONSORED BY **Hiltgen & Brewer PC**
- 7:45 a.m. **Registration**
- 7:45 a.m. **Continental Breakfast**
- 8:30 a.m. **Specialized Litigation Workshops**  
(*See page 6 for session descriptions.*)  
**Biomechanics and Injury Causation**  
**Children's Products**  
**Electronic Discovery**  
**Trial Techniques and Technology**
- 10:30 a.m. **Refreshment Break**  
SPONSORED BY **Baker Donelson Bearman Caldwell & Berkowitz PC**
- 10:45 a.m. **Showdown: Products Masters Demonstrate Their Closing Styles**  
Observe national product trial lawyers give closing arguments in the same case using the hypothetical fact pattern (each made without hearing the others' arguments).  
**Rebecca Weinstein Bacon, Bartlit Beck Herman Palenchar & Scott LLP, Chicago, Illinois**  
**Jerry W. Blackwell, Blackwell Burke PA, Minneapolis, Minnesota**  
**Patrick J. Sweeney, Sweeney & Sheehan PC, Philadelphia, Pennsylvania**  
**E. Wayne Taff, Law Offices of E. Wayne Taff, Blue Springs, Missouri**
- 11:45 a.m. **Ethical Lessons from Lincoln**  
Known for his integrity, the life and writings of "Honest Abe" provide meaningful lessons on professionalism and ethics for lawyers today.  
**Nicholas C. Pappas, Frost Brown Todd LLC, Indianapolis, Indiana**
- 12:45 p.m. **Discussion, Evaluation, and Analysis of the Mock Voir Dire and Closing Arguments**  
Hear feedback from mock jurors, attendees, and a top trial consultant on what worked in jury selection and closing argument and how to incorporate take aways for your practice.  
**Rebecca Weinstein Bacon, Bartlit Beck Herman Palenchar & Scott LLP, Chicago Illinois**  
**Jerry W. Blackwell, Blackwell Burke PA, Minneapolis, Minnesota**  
**Rick R. Fuentes, Ph.D., R&D Strategic Solutions LLC, Atlanta, Georgia**  
**E. Wayne Taff, Law Offices of E. Wayne Taff, Blue Springs, Missouri**
- 1:15 p.m. **Adjourn**

## 2013 SLG PROGRAMS

WEDNESDAY, APRIL 3, 2013  
3:30-5:30 P.M.

### ■ Agricultural/Construction/Mining/Industrial Equipment

CHAIR | **J.K. Leonard**, *Naman Howell Smith & Lee PLLC*,  
San Antonio, Texas

VICE CHAIR | **Brian A. Comer**, *Collins & Lacy PC*, Columbia,  
South Carolina

### Shifting Gears on the Opposition's Experts— Deposition, *Daubert*, and Trial

**Kurt W. Meaders**, *Sedgwick LLP*, Dallas, Texas

**Jaime Myers**, *Caterpillar Inc.*, Peoria, Illinois

### From the Trenches: Trial Strategies in High Exposure, Bad Venue ACMIE Cases

**Emily K. Muceus**, *Deere & Company*, East Moline, Illinois

**Robert J. Walker**, *Gallagher Walker Bianco & Plataras*,  
Mineola, New York

### And the Winner Is...The Annual ACMIE Top 10 Cases

**D. Christopher Robinson**, *Frost Brown Todd LLC*,  
Louisville, Kentucky

### ■ Aviation and Aerospace

CHAIR | **John Patrick O'Flanagan**, *Banker Lopez Gassler PA*,  
Tampa, Florida

VICE CHAIR | **Donald R. Andersen**, *Stites & Harbison PLLC*,  
Atlanta, Georgia

### Recent Developments in Aviation Product Liability Law

**Donald R. Andersen**, *Stites & Harbison PLLC*, Atlanta, Georgia

### Trial of *Lidle v. Cirrus Design Corporation*: Liability and Damages Defense

**Oliver Beiersdorf**, *Reed Smith LLP*, New York, New York

**Patrick E. Bradley**, *Reed Smith LLP*, Princeton, New Jersey

**Susan Ellis**, *Global Aerospace*, Parsippany, New Jersey

**Bill King**, *Cirrus Design Corporation*, Duluth, Minnesota

**Robert C. Winn, Ph.D., PE**, *Engineering Systems Inc.*,  
Colorado Springs, Colorado

### ■ Fire Science and Litigation

CHAIR | **Jeannine L. Lee**, *Leonard Street and Deinard PA*,  
Minneapolis, Minnesota

VICE CHAIR | **Lisa P. Gruen**, *Ericksen Arbutnot*, Los Angeles,  
California

### Lightning Strikes Twice: Design and Warnings Claims Expand to Flexible Gas Connectors

**Diane Bicknese**, *Schaefer Engineering Inc.*, Wentzville,  
Missouri

**Tim Mulligan**, *BrassCraft Manufacturing Company*,  
Taylor, Michigan

**Rick Pacynski**, *BrassCraft Manufacturing Company*,  
Taylor, Michigan

### NFPA 921 and Implementing Reliable Rapid Response Processes for Multidisciplinary Fire Scene Assessments

**Stephen Frauen**, *Emerson*, St. Louis, Missouri

**John L. Tate**, *Stites & Harbison PLLC*, Louisville, Kentucky

### ■ International Legal Issues

CHAIR | **Glenn M. Zakaib**, *Cassels Brock &  
Blackwell LLP*, Toronto, Ontario

VICE CHAIR | **Peter J. Henein**, *Cassels Brock &  
Blackwell LLP*, Toronto, Ontario

### Emerging Issues in Product Liability in Latin America

**Rosangela Delgado**, *Veirano Advogados*,  
Rio de Janeiro, Brazil

**Luis Enrique Graham**, *Chadbourne & Parke LLP*,  
Mexico City, Mexico

**Eduardo Vasconcelos**, *Fiat Group*, Sao Paulo, Brazil

### ■ Recreational Products

CHAIR | **Fred E. "Trey" Bourn III**, *Butler Snow O'Mara  
Stevens & Cannada PLLC*, Jackson, Mississippi

VICE CHAIR | **Michael L. Reitzell**, *Duane Morris LLP*,  
San Francisco, California

### Trying and Winning a Recreational Products Case in 2023

**Amy Decker**, *Jarden Corporation*, Wichita, Kansas

**Graeme F. Fowler, Ph.D., PE**, *Exponent*, Phoenix,  
Arizona

**Victoria Webster**, *Yamaha Motor Corp., USA*, Newnan,  
Georgia

THURSDAY, APRIL 4, 2013

10:15 A.M.-12:15 P.M.

### ■ Automotive

CHAIR | **Jeffrey A. Curran**, *GableGotwals*, Oklahoma City,  
Oklahoma

VICE CHAIR | **Denise A. Dickerson**, *Sutter O'Connell Co. LPA*,  
Cleveland, Ohio

### Recent Supreme Court Decisions and Appellate Strategies

**Thomas H. Dupree, Jr.**, *Gibson Dunn & Crutcher LLP*,  
Washington, D.C.

### Class Action Developments: What Automotive Product Liability Defense Lawyers Need to Know

**Terri Reiskin**, *Dykema Gossett PLLC*, Washington, D.C.

### Roadside Safety Design Features, Their Influence on Vehicle Dynamics, and the Challenges They Present

**Steven M. Bailo, PE**, *Accident Reconstruction  
Engineering Consultants Inc.*, South Lyon, Minnesota



### ■ Consumer Goods and Office Equipment

CHAIR | **H. Michael O'Brien**, *Wilson Elser Moskowitz Edelman & Dicker LLP*, White Plains, New York

VICE CHAIR | **Hope T. Cannon**, *Bradley Arant Boult Cummings LLP*, Birmingham, Alabama

#### Product Packaging in Litigation: The Science and Human Factors Behind Consumer Product Packaging

**Brian L. Calistri**, *Weber Gallagher Simpson Stapleton Fires & Newby LLP*, Philadelphia, Pennsylvania

**David McNeal, PE**, *CED Investigative Technologies Inc.*, Annapolis, Maryland

**Clyde Richard, Ph.D., PE**, *CED Investigative Technologies Inc.*, Annapolis, Maryland

#### Overview of 2011 Edition of NFPA 921 “Guide for Fire & Explosion Investigations”

**David S. Osterman**, *Goldberg Segalla LLP*, Princeton, New Jersey

**Randy Watson**, *CFEI, CFII, CVFI, SEA Ltd.*, Atlanta, Georgia

### ■ Food Law

CHAIR | **Shawn K. Stevens**, *Gass Weber Mullins LLC*, Milwaukee, Wisconsin

VICE CHAIR | **Joshua E. Swiger**, *Weinberg Wheeler Hudgins Gunn & Dial LLC*, Atlanta, Georgia

#### Food Law Year in Review

**Joshua E. Swiger**, *Weinberg Wheeler Hudgins Gunn & Dial LLC*, Atlanta, Georgia

#### Screening Tests and Food Safety: Are the Increased Costs Resulting in Safer Products? (roundtable)

**James Rushing**, *University of Maryland*, College Park, Maryland

**Bradley W. Sullivan**, *L+G LLP Attorneys at Law*, Salinas, California

**Trevor Suslow**, *University of California, Davis*, Davis, California

**Nicholas White**, *JBS USA LLC*, Greeley, Colorado

### ■ Hand and Power Tools

CHAIR | **Joseph Pappalardo**, *Gallagher Sharp*, Cleveland, Ohio

VICE CHAIR | **Steven Y. Leinicke**, *Wicker Smith O'Hara McCoy & Ford PA*, Fort Lauderdale, Florida

#### Handling a Catastrophic Products Case

**J. Randall Davis**, *Cassiday Schade LLP*, Chicago, Illinois

**Steven Y. Leinicke**, *Wicker Smith O'Hara McCoy & Ford PA*, Fort Lauderdale, Florida

**James E. Singer**, *Bovis Kyle & Burch LLC*, Atlanta, Georgia

#### Medicare in a Catastrophic Case: Best Practices

**Paul Berne**, *Lancer Insurance Company*, Cleveland, Ohio

**Joseph Pappalardo**, *Gallagher Sharp*, Cleveland, Ohio

**Jessica Cook Smythe**, *Crowe Paradis Services Corporation*, Raleigh, North Carolina

### ■ Mass Torts and Class Actions

CHAIR | **Glenn S. Kerner**, *Goodwin Procter LLP*, New York, New York

VICE CHAIR | **Frederick W. Rom**, *Womble Carlyle Sandridge & Rice PLLC*, Raleigh, North Carolina

#### Challenges Involving Foreign Entities as Defendants

**Beth S. Rose**, *Sills Cummis & Gross PC*, Newark, New Jersey

#### E-Discovery: Predictive Coding—Friend or Foe?

**Sherry A. Knutson**, *Sidley Austin LLP*, Chicago, Illinois

#### Avoiding the Landmines with Your 30(b)(6) Witness

**Phillip M. Hymanson**, *Greenberg Traurig LLP*, Las Vegas, Nevada

#### Labeling, Social Media, and the First Amendment

**Michael A. Walsh**, *Strasburger & Price LLP*, Dallas, Texas

THURSDAY, APRIL 4, 2013  
3:45–5:45 P.M.

### ■ Building Products

CHAIR | **William J. Hubbard**, *Thompson Hine LLP*, Cleveland, Ohio

VICE CHAIR | **Alan R. Levy**, *Buckley Law Group*, New York, New York

#### LEED v4 and Similar Green Building Standards: A Slippery Slope in the Regulation of Building Products

**Karyn M. Schmidt**, *American Chemistry Council*, Washington, D.C.

#### In Defense of Component Part Manufacturers: The Essentials of the Integrated Product Doctrine

**Harris Neal Feldman**, *Schnader Harrison Segal & Lewis LLP*, Cherry Hill, New Jersey

#### An Expert's Perspective of Persuasive Evidence in Support of Decertification of a Putative Class

**Mark S. Kellogg, PE**, *Scientific Construction Laboratories Inc.*, Lafayette, California

### ■ Chemical and Toxic Torts

CHAIR | **R. Craig Mayfield**, *Hill Ward Henderson*, Tampa, Florida

VICE CHAIR | **Daniel M. Long**, *Frost Brown Todd LLC*, Indianapolis, Indiana

#### Handling Airborne Exposures: Strategies, Trends, Exposure Assessments, Causation

**Joseph V. Rodricks, Ph.D., DABT**, *ENVIRON*, Arlington, Virginia

#### An In-House Perspective on Current Airborne Toxic Exposures and Case Handling

**Matthew S. Winings**, *Cummins Inc.*, Indianapolis, Indiana

#### Litigating Air Exposure Claims

**Katherine L. Rhyne**, *King & Spalding LLP*, Washington, D.C.

■ **Manufacturers' Risk Prevention**

CHAIR | **Gretchen N. Miller**, *Greenberg Traurig LLP*, Chicago, Illinois

VICE CHAIR | **Michael R. Walker**, *Gallagher Walker Bianco & Plataras*, Mineola, New York

**Mitigating the Risks of Product Liability and Class Action Litigation**

**Robert J. Herrington**, *Greenberg Traurig LLP*, Los Angeles, California

**Shawn Stewart**, *Grant Thornton LLP*, Los Angeles, California

**Practical Advice for Conducting Client Training Programs**

**Mark A. Kinzie**, *Averture*, St. Louis, Missouri

**Marie-Claude Simard**, *BRP*, Valcourt, Quebec

■ **Scaffolds, Cranes, and Aerial Devices**

CHAIR | **John C. S. Pierce**, *Butler Pappas Wehmuller Katz Craig LLP*, Mobile, Alabama

VICE CHAIRS | **Deirdre S. McCool**, *Nelson Mullins Riley & Scarborough LLP*, Charleston, South Carolina

**Adam M. Shienvold**, *Eckert Seamans Cherin & Mellott LLC*, Harrisburg, Pennsylvania

**Five Most Common Serious Scaffold Hazards: Common Themes, Proximate Cause, Defenses**

**John R. Jordan**, *John Jordan Consulting*, San Antonio, Texas

**Recent Developments in Scaffolding, Crane, and Aerial Device Product Liability Law**

**Sarah T. Eibling**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

**Adam M. Shienvold**, *Eckert Seamans Cherin & Mellott LLC*, Harrisburg, Pennsylvania

**FRIDAY, APRIL 5, 2013**  
**8:30–10:30 A.M.**

■ **Biomechanics and Injury Causation**

CHAIR | **Cynthia P. Arends**, *Nilan Johnson Lewis PA*, Minneapolis, Minnesota

VICE CHAIR | **James F. Marrion**, *Pietragallo Gordon Alfano Bosick & Raspanti LLP*, Pittsburgh, Pennsylvania

**Maximizing Your Biomechanical Expert**

**Lisette M. Ruberte, Ph.D., PE**, *Exponent*, Phoenix, Arizona

**Brian T. Weaver, PE**, *Armstrong Forensic Engineers*, Detroit, Michigan

**The New ANSI Standard on Compliant Safety Glasses and What It Means from a Biomechanical Viewpoint**

**Robert Cargill, Ph.D.**, *Cargill Bioengineering LLC*, West Deptford, New Jersey

■ **Children's Products**

CHAIR | **Sean W. Shirley**, *Balch & Bingham LLP*, Birmingham, Alabama

VICE CHAIR | **Jane A. North**, *Deasey Mahoney Valentini & North Ltd.*, Philadelphia, Pennsylvania

**First Do No Harm...and Then Get Sued Anyway? No Injury Class Actions for Loss of Economic Value**

**Patrick F. Haggerty**, *Frantz Ward LLP*, Cleveland, Ohio

**The Virgin Birth Mule: Trying the Class Action**

**Stephen G. Morrison**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

**After the Ballots Are Counted—How Will the Focus of the CPSC Change?**

**Shelley G. Hurwitz**, *Holland & Knight LLP*, Los Angeles, California

**Kathleen A. "Kate" Stimeling**, *Schiff Hardin LLP*, San Francisco, California

■ **Electronic Discovery**

CHAIR | **Joseph D. Cohen**, *Porter Hedges LLP*, Houston, Texas

VICE CHAIR | **Eric L. Probst**, *Porzio Bromberg & Newman PC*, Morristown, New Jersey

**Managing E-Discovery: From Complaint to Production**

**The Honorable Theresa C. Buchanan**, *U.S. District Court, Eastern District of Virginia*, Alexandria, Virginia

■ **Trial Techniques and Technology**

CHAIR | **James T. Irvin III**, *Nelson Mullins Riley & Scarborough LLP*, Columbia, South Carolina

VICE CHAIR | **Amanda M. Cialkowski**, *Nilan Johnson Lewis PA*, Minneapolis, Minnesota

**Connecting with Your Jury: Ways Jurors Learn, Remember, and Make Decisions**

**Merrie Jo Pitera, Ph.D.**, *Litigation Insights*, Kansas City, Missouri

**Using Exhibits and Technology to Your Advantage**

**Steven F. Coronado**, *Coronado Katz LLC*, Kansas City, Missouri

**Blair A. Jones**, *Germani Martemucci Riggle & Hill*, Portland, Maine

**Jeanne F. Loftis**, *Bullivant Houser Bailey PC*, Portland, Oregon



## YOUNG LAWYERS BREAKOUT

### WEDNESDAY, APRIL 3, 2013

- 10:30 a.m. **Welcome and Introduction**  
**Christiane R. Fife**, *Schwabe Williamson & Wyatt*,  
 Portland, Oregon  
**Anthony J. Novak**, *Larson King LLP*, St. Paul,  
 Minnesota
- 10:35 a.m. **Get the Picture: Tips for Attending Product Inspections**  
**Patrick P. Clyder**, *Swanson Martin & Bell LLP*,  
 Chicago, Illinois
- 11:00 a.m. **Supersized: Procedural and Strategic Considerations for Complex Lawsuits**  
**Michelle M. Full**, *Squire Sanders (US) LLP*,  
 San Francisco, California
- 11:30 a.m. **Economic Loss Rule: Planes, Trains, and Steamships**  
**W. Rick Griffin**, *Martin Pringle Oliver Wallace & Bauer LLP*, Wichita, Kansas

- 12:00 p.m. **Lunch** (*on your own*)
- 1:30 p.m. **Possibility vs. Probability: The Evisceration of the Causation Element in Tort**  
**D. Christopher Robinson**, *Frost Brown Todd LLC*,  
 Louisville, Kentucky
- 2:00 p.m. **The Attorney-Client Privilege: An In-House Perspective**  
**Annie Jacob**, *Bayer HealthCare LLC*, Tarrytown,  
 New York
- 2:30 p.m. **Risk Management, Landing and Expanding Product Liability Clients**  
**Christina M. Jones**, *McGuireWoods LLP*, Richmond,  
 Virginia
- 3:00 p.m. **Adjourn**

## FACULTY

**Rebecca Weinstein Bacon**, a litigation partner in the Chicago office of Bartlit Beck Herman Palenchar & Scott LLP, focuses on pharmaceutical product liability, consumer class actions, and commercial disputes for Fortune 50 companies. She excels at identifying, assessing, and implementing legal strategy in line with her clients' core business objectives.

**Jerry W. Blackwell** is chairman of Blackwell Burke PA, a Minneapolis trial firm. He serves as national trial and class counsel for several Fortune 500 companies. Mr. Blackwell recently won a defense verdict in the nation's first consumer microwave popcorn case tried to a jury. He routinely defends large corporations in high-stakes, nationwide, class actions.

**Eric J. Boelhouwer, Ph.D., CSP**, is a human factors consultant at Dorris and Associates International LLC in Atlanta. His doctoral research focused on the pending adoption of the GHS by OSHA that will influence further chemical hazard communications. Dr. Boelhouwer is currently providing warning and safety consultative services to the automotive and chemical industries.

**Hope Thai Cannon**, a partner in Bradley Arant Boult Cummings LLP's Birmingham, Alabama, office, represents manufacturers, financial institutions, and businesses in tort, product liability, employment, fraud, breach of contract, and unfair competition matters at both trial and appellate levels. She is active in DRI, serving as vice chair of the Product Liability Committee Consumer Goods SLG.

**Steven R. Davis** is the general counsel and vice president of legal and human resources at IMMI in Westfield, Indiana. IMMI is the global leader of advanced occupant safety systems for heavy truck, child seating, and school bus markets. Mr. Davis leads the company's legal strategy in all areas, including product liability defense.

**Nathan T. Dorris, Ph.D., CPE**, is vice president and principal consultant at Dorris and Associates International LLC in Atlanta. A human factors specialist with experience in product safety and the evaluation of instructions, warnings, and other safety communications, his responsibilities include the design and implementation of product safety research, including evaluations of human-machine interfaces and the usability of precautionary information.

**Jeffrey S. Eden**, a partner at Schwabe Williamson & Wyatt in Portland, Oregon, has 25 years of legal experience. His extensive civil litigation practice includes product liability, professional liability, and catastrophic injury. Mr. Eden has been listed in *Best Lawyers in America* (2007-2012) for product liability litigation.

**Courtney Carter Fletcher** has been assistant general counsel for Doosan Infracore International Inc. in Atlanta since 2009. She is responsible for global product liability matters, including product safety and litigation for Bobcat Company, a subsidiary of Doosan Infracore International Inc.

**Rick R. Fuentes, Ph.D.**, is a founding partner of R&D Strategic Solutions LLC in Atlanta. He has specialized in jury behavior, decision-making, and the evaluation of complex evidence for over 23 years. Dr. Fuentes has worked with trial teams on over 1,200 civil and criminal cases involving issues of tort, contracts, anti-trust, intellectual property, product liability, and professional malpractice.

**Paul F. Gordon** is a member at Coronado Katz LLC in Kansas City, Missouri, and is licensed in Missouri and Kansas. His civil litigation practice emphasizes product liability, premises liability, construction litigation, employment law, trucking accidents, governmental liability, and general personal injury. He is the sponsorship chair of DRI's Product Liability Committee.

**Miriam B. Grogan, PCC, ORSCC, CPCC**, is principal of Stellar Coaching in Silver Spring, Maryland, an executive coaching company that assists organizations in grooming high performing staff for executive and managerial positions. Ms. Grogan serves on the faculty of the Center for Nonprofit Advancement. She is the coauthor of more than two dozen articles and two books.

**Robert L. Kollar** is legal counsel at Kawasaki Motors Corp. USA in Irvine, California, where, on a global scale, he provides executive management with legal advice and services on governmental compliance, risk forecasting, and litigation. He is an experienced, team focused attorney with a solid understanding of the relationship between law and business.

**John F. Kuppens** is a partner in the Columbia, South Carolina, office of Nelson Mullins Riley & Scarborough LLP. His practice focuses on product liability litigation, preventive counseling, and regulatory compliance. Mr. Kuppens is a national director of DRI, and chair of its Membership Committee.

**Janice D. Lai** is a partner with LeClairRyan, a national law firm. Based in the Hartford, Connecticut, office, she focuses on product liability, complex litigation, insurance defense, and food litigation. Ms. Lai formerly served as a national director for DRI and as a board member for the Connecticut Defense Lawyers Association.

**Paul M. Lavelle** is a member of Winstead PC's commercial litigation practice group and the managing shareholder at its New Orleans office. His extensive trial experience includes product liability, construction, environmental law, and general civil litigation. Mr. Lavelle is the chair emeritus of DRI's Law Institute, a former DRI officer, and past board member.

**Nan Meyer**, the managing director, product liability for Markel Corporation in Deerfield, Illinois, is responsible for establishing underwriting approach and monitoring profitability, acting as a referral underwriter for larger accounts, and providing guidance to Markel International. Her 30 years of experience includes underwriting for primary and excess and surplus lines companies.

**Lee Mickus**, a partner at Snell & Wilmer LLP in Denver, defends manufacturers during the discovery, trial, and appellate stages of product liability lawsuits. He has handled products cases involving automobiles, pharmaceuticals, medical devices, and industrial machinery. Mr. Mickus has successfully tried cases to juries in many states, including Colorado, Texas, California, New York, and Montana.

**Rosario A. Palmieri** is the vice president for infrastructure, legal and regulatory policy with the National Association of Manufacturers (NAM) in Washington, D.C. He works with its members to develop the association's position on regulatory, civil justice, antitrust, and infrastructure issues. Mr. Palmieri leads the NAM's efforts on product safety.

**Nicholas C. Pappas** is a member of Frost Brown Todd LLC in Indianapolis, and chair of its product liability practice group. Mr. Pappas focuses on product liability and commercial litigation. He defends clients in state and federal courts nationwide, recently trying cases to defense verdicts in Alabama, Indiana, Iowa, and Wisconsin.

**Marc J. Schoem**, Deputy Director, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission, is presently serving as acting director. He is responsible for directing CPSC investigations of potentially defective non-regulated and violative regulated consumer products. He directs the negotiation and implementation of product recalls.

**Charles A. “Chuck” Stewart III**, a partner in the Montgomery, Alabama, office of Bradley Arant Boult Cummings LLP, is admitted to practice in Alabama and Tennessee. He has extensive trial experience representing corporations in product liability, employment, large personal injury, and business litigation. Mr. Stewart is the chair of DRI’s Product Liability Committee.

**Patrick J. Sweeney**, a partner with Sweeney & Sheehan PC in Philadelphia, focuses his practice on transportation, product liability, and general liability matters. Mr. Sweeney is the president of the Pennsylvania Defense Institute. He is a past DRI board member and former DRI state representative for Pennsylvania. Mr. Sweeney is currently the vice chair of DRI’s Product Liability Committee.

**E. Wayne Taff**, principal at the Law Offices of E. Wayne Taff in Blue Springs, Missouri, has tried lawsuits throughout the country. He served as lead trial lawyer in the lawsuit following Missouri Governor Carnahan’s death in an aircraft crash. Mr. Taff serves as national and local trial counsel for numerous product and chemical manufacturers. He is a former DRI officer and board member.

**Anne M. Talcott**, a shareholder at Schwabe Williamson & Wyatt in Portland, Oregon, focuses on complex business, product liability, and pharmaceutical litigation. Licensed in Oregon and Washington, she serves as northwest regional counsel for several clients. Ms. Talcott is the program chair of this conference, and a past chair of the Oregon State Bar Product Liability Section.

**Thomas W. Tobin**, a partner in Wilson Elser Moskowitz Edelman & Dicker LLP’s New York metropolitan offices, is a seasoned trial lawyer and engineer. Mr. Tobin has spent his entire career defending the design and manufacturing decisions of fellow engineers before juries throughout the United States. He has counseled clients with regard to more than a dozen NTSB investigations.

**David K. Tochen** joined the National Transportation Safety Board as general counsel in August 2011. Since 1980, he served in various legal positions in the U.S. Department of Transportation (DOT). Most recently, Mr. Tochen served as the deputy chief counsel in DOT’s Federal Motor Carrier Safety Administration. From 1991 to 2008, he was a deputy assistant general counsel in DOT.

**Kelly Van Veldhuizen** is an attorney in the product liability group of Deere & Company’s Law Department in Moline, Illinois. She handles North American and Australian product litigation and legal support for the Tractor Platform, loaders and handheld products. Ms. Van Veldhuizen previously worked on commercial contracts, privacy, and corporate compliance legal matters.

**O. Kevin Vincent** was appointed chief counsel of the National Highway Traffic Safety Administration in July 2009. Prior to his appointment, he was in private practice for 15 years with a global law firm, specializing in government contracts law. He began his legal career in the Pentagon as a captain in the Office of the General Counsel of the Air Force. Mr. Vincent also has a degree in electrical engineering.

**Carrie E. Watt** is associate general counsel and compliance officer of Teleflex Incorporated in Limerick, Pennsylvania. Her litigation and compliance practice includes FDA regulatory matters and the prevention of fraud and abuse. Previously, Ms. Watt was an associate with a national firm in Philadelphia, concentrating on white-collar criminal defense and associated civil litigation.

**James E. Weatherholtz** is an attorney in the Charleston, South Carolina, office of Womble Carlyle Sandridge & Rice LLP. He represents construction product manufacturers, contractors, homebuilders, and sureties. Mr. Weatherholtz has defended manufacturers of engineered wood siding, elastomeric coatings, laminated beams, and metal roof shingles. He is the program vice chair of this conference.

**Todd I. Woods** is a director and assistant general counsel with Nissan North America Inc. in Franklin, Tennessee. Mr. Woods has strategic oversight for Nissan’s litigation in the Americas and manages legal teams responsible for product liability and safety, commercial litigation, intellectual property, labor and employment, and dealer relations.

**Rich Young** is a director of Legal Product Safety Compliance at Johnson Controls in Glendale, Wisconsin, a \$40 billion global manufacturer of automotive interiors, building efficiency systems, and batteries, operating in over 150 countries. Mr. Young has global and enterprise wide responsibility for product safety and regulatory compliance counseling, casualty litigation, risk management support, and litigation support processes.

## GENERAL INFORMATION

### CLE/CLAIMS ADJUSTERS ACCREDITATION

This seminar has been approved for MCLE credit by the State Bar of California in the amount of **15** 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

The registration fee is **\$895** for members and those who join DRI when registering and **\$1,125** for nonmembers. The registration fee includes course materials, continental breakfasts, refreshment breaks and networking receptions. 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 **March 14, 2013** (*please allow 10 days for processing*). Registrations received after **March 14, 2013**, will be processed on-site.

### REFUND POLICY

The registration fee is fully refundable for cancellations received on or before **March 14, 2013**. Cancellations received after **March 14** and on or before **March 21, 2013**, will receive a refund, less a \$100 processing fee. Cancellations made after **March 21** will not receive a refund, but the course materials on CD-ROM and 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 to DRI's Accounting Department at 312.795.0747. All refunds will be mailed within four weeks after the date of the conference. Substitutions may be made at any time without charge and must be submitted in writing.

### HOTEL ACCOMMODATIONS

A limited number of discounted hotel rooms have been made available at the **Gaylord National Resort, 201 Waterfront Street, National Harbor, Maryland 20745**. For reservations, visit [dri.org](http://dri.org) and go to the **Product Liability Conference** page or **contact the hotel directly at 301.965.2000**. Please mention **DRI's Product Liability Conference** to take advantage of the group rate of **\$254 Single/Double**. The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **March 5, 2013**, to be eligible for the group rate. Requests for reservations made after **March 5** are subject to room and rate availability.

### SPECIAL 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 **\$845**, regardless of membership status. All registrations must be received at the same time to receive the discount.

#### 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 and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

#### Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program.

**Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

#### Travel Discounts

DRI offers discounted meeting fares on various major air carriers for **DRI's Product Liability Conference** attendees. To receive these discounts, please contact Hobson Travel Ltd., DRI's official travel provider, at 800.538.7464. 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.*

*DRI policy provides there will be no group functions sponsored by others in connection with its seminars.*

## 2013 SEMINAR SCHEDULE

January 24-25	<b>Fire Science and Litigation</b> <i>FireSky Resort, Scottsdale, AZ</i>	May 9-10	<b>Business Litigation</b> <i>InterContinental Chicago, Chicago, IL</i>
January 31- February 1	<b>Civil Rights and Governmental Tort Liability</b> <i>Arizona Biltmore, Phoenix, AZ</i>	May 9-10	<b>Intellectual Property</b> <i>InterContinental Chicago, Chicago, IL</i>
February 28- March 1	<b>Toxic Torts and Environmental Law</b> <i>The Ritz-Carlton, New Orleans, New Orleans, LA</i>	May 16-17	<b>Drug and Medical Device</b> <i>Sheraton New York Hotel, New York, NY</i>
March 13-15	<b>Women in the Law</b> <i>Eden Roc Renaissance Miami Beach, Miami Beach, FL</i>	May 16-17	<b>Retail and Hospitality Litigation and Claims Management</b> <i>InterContinental Chicago, Chicago, IL</i>
March 20-22	<b>Trial Tactics</b> <i>Paris Las Vegas, Las Vegas, NV</i>	May 30-31	<b>Diversity for Success</b> <i>Swissôtel Chicago, Chicago, IL</i>
March 21-22	<b>Medical Liability and Health Care Law</b> <i>Eden Roc Renaissance Miami Beach, Miami Beach, FL</i>	June 6-7	<b>Insurance Bad Faith and Extra- Contractual Liability</b> <i>Westin Boston Waterfront, Boston, MA</i>
April 3-5	<b>Product Liability Conference</b> <i>Gaylord National Resort, National Harbor, MD</i>	June 13-14	<b>DRI International</b> <i>Prague Marriott Hotel, Prague, Czech Republic</i>
April 10-12	<b>Insurance Coverage and Claims Institute</b> <i>Swissôtel Chicago, Chicago, IL</i>	June 20-21	<b>Young Lawyers</b> <i>The Cosmopolitan of Las Vegas, Las Vegas, NV</i>
April 24-26	<b>Life, Health, Disability and ERISA Claims</b> <i>Westin Copley Place, Boston, MA</i>	June 27-28	<b>Government Enforcement and Corporate Compliance</b> <i>Hotel TBD, Washington, D.C.</i>
May 1-3	<b>Employment and Labor Law</b> <i>Arizona Biltmore, Phoenix, AZ</i>	July 25-26	<b>Class Action</b> <i>Hotel TBD, Washington, D.C.</i>



### 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 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.

## SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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## Product Liability Conference

April 3-5, 2013

Gaylord National Resort | National Harbor, Maryland

For inclusion on the preregistration list and to receive course materials in advance, **register by March 14, 2013.**

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### REGISTRATION FEE

Registration fee includes seminar attendance, networking events and course materials. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar. The CD will be included in the registration packet on-site. You can order additional copies by checking the appropriate box below or going online at [dri.org](http://dri.org).

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### **Free registration for DRI In-House Counsel and Claims Executives\***

#### **In-House Counsel**

All in-house counsel who are members of DRI and members of the DRI Corporate Counsel Committee are eligible for free registration to DRI seminars. To redeem your free registration, please login to your member account and register for the seminar(s) of your choice. As a member, you are eligible to attend as many seminars as you would like free of the registration fees.

#### **Claims Executives**

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free registration at any DRI program. Limited to one seminar per calendar year. To redeem your free registration, please login to your member account and register for the seminar of your choice.

**\*Offers exclude the DRI Annual Meeting. See page 10 for eligibility requirements.**

**For questions or more information, contact DRI Customer Service at 312.795.1101.**

#### **Not a member?**

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