



# 2019 RISK MANAGEMENT SUMMIT

## BRIEFING

### **Aggressive Claims Management & Legal Defense**

Friday, June 7<sup>th</sup>

11:00 AM -12:00 PM

Florida Ballrooms

#### **Description**

This session will examine strategies to appropriately manage the claims and litigation process. The continued involvement of Members in the process is a key component of positive claims disposition and overall success.

#### **Moderator**

John Ferrante, Esq., General Counsel, Energi and Senior Vice President, eClaims Management

#### **Panelists**

Alex Basilevsky, Partner, Obermayer Rebmann Maxwell & Hippel LLP

Paul Bigley, Partner, Freeman Mathis & Gary

Jonathan H. Colman, Managing Attorney, Colman Law Group

Nicholas B. Kosiavelon, Shareholder, Boyle, Shaughnessy & Campo, PC Kantor

Melissa Richardson, Member, Walters Meadows Richardson, PLLC

#### **Panelist Background Information**

##### **Alex Basilevsky – Partner, Obermayer Rebmann Maxwell & Hippel LLP**

Alex is a partner in Obermayer's Litigation Department. He concentrates his practice in the areas of complex litigation and environmental law. He often represents clients in litigation driven by complex expert testimony of a technical and/or scientific nature, including both environmental and non-environmental litigation. Alex represents clients dealing with litigation arising from environmental contamination and resultant toxic torts. This includes representing clients alleged to have caused or contributed to environmental contamination, as well as representing clients who have been harmed by environmental contamination. He has represented a number of energy companies in New Jersey and Pennsylvania in litigation regarding fuel spills. He also has first chair trial experience, under both State and Federal law, with a focus on soil and water contamination. Alex has also guided clients through litigation against large financial services companies and investment banks. He served as special litigation counsel to the Chapter 7 Bankruptcy Trustee of American Business Financial Services, Inc. (ABFS) in litigation against ABFS's former officers, directors, lenders, attorneys and accountants, amongst others, with respect to allegations of breaches of fiduciary duty, fraud, aiding and abetting, and negligence associated with the 2005 collapse of ABFS. The litigation resulted in the recovery of more than \$140 million for ABFS's creditors.

The logo features the year '2019' in a large, white, sans-serif font. The '0' is replaced by a blue chess king piece. To the right of the year, the words 'RISK MANAGEMENT' are written in a smaller, blue, sans-serif font, stacked above the word 'SUMMIT' in a larger, white, sans-serif font. Below this, the word 'BRIEFING' is written in a large, white, sans-serif font. A thin blue horizontal line is positioned above the word 'BRIEFING'. The background of the logo is a dark, blurred image of chess pieces.

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### **Paul Bigley – Partner, Freeman Mathis & Gary**

Paul Bigley is a Partner of Freeman Mathis & Gary and is Chair of the Downtown Los Angeles office. He has 35 years of experience defending cases in California's state and federal courts involving: catastrophic injuries in the transportation, products and premises liability arenas; insurance bad faith claims; professional liability; directors' and officers' liability, sexual abuse, and entertainment litigation. Mr. Bigley dedicated three years to prosecuting a civil RICO suit on behalf of the insurance industry, has prosecuted cable piracy actions on behalf of the cable and television industry against international business organizations, and has defended a number of production companies in the reality show genre. He holds Martindale-Hubbell's Preeminent AV<sup>®</sup> rating and was featured in Forbes magazine. In addition to Mr. Bigley's courtroom experience, he is the current Chairman of the Methodist Hospital Foundation Board of Directors. He has also spoken at national conferences and written extensively on a variety of litigation matters, including co-authorship of the California legislation governing expedited jury trials.

### **Jonathan H. Colman – Managing Attorney, Colman Law Group**

Jonathan H. Colman has been practicing law in California since 1980 and is the managing attorney for Colman Law Group. He is rated AV Preeminent<sup>®</sup> by Martindale-Hubbell, the highest peer rating for lawyers in the United States. In addition to civil litigation, Jon began specializing in the investigation and litigation of suspect claims in 1986, a concentration on which he has continued to focus. Jon has testified as an expert witness on SIU procedures and before the California State Assembly on the scope and purpose of the examination under oath. He lectures extensively across the U.S. on matters relating to the evaluation and investigation of suspect claims. His areas of specialty include examinations under oath, automobile theft, arson, suspect medical and chiropractic treatment and the avoidance of “bad faith” in the investigation of first party claims. In addition to defending general liability claims, Jon has firstchaired countless jury trials, arbitrations and mediations involving suspect losses of all types. His experience extends to unlawfully operated medical facilities clinics, illegal and upcoded medical billings, suspect chiropractic and medical treatment, staged automobile accidents and staged slip-and-fall incidents. Jon obtained his undergraduate degree from U.C.L.A. in 1975 and his law degree from Southwestern University School of Law in 1980.

### **John Ferrante, Esq. - General Counsel, Energi and Senior Vice President, eClaims Management**

Mr. Ferrante is an honorably discharged Veteran of the U. S. Army Corps of Engineers and a graduate of Boston College and New England Law/Boston. He served in various legal capacities with the U.S. Department of Justice, the U.S. Treasury Department (Chief Counsel of the Internal Revenue Service), GTE Corporation (Verizon); Liberty Mutual Insurance Group and the Ferrante Law Office. He is admitted to practice before several state and federal courts.



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### **Nicholas B. Kosiavelon, Shareholder, Boyle, Shaughnessy & Campo, PC**

Nick Kosiavelon is a Shareholder at Boyle | Shaughnessy Law, practicing in the Firm's Boston office. Nick focuses his practice on environmental litigation, products liability litigation, construction defect litigation and subrogation recovery. Prior to Boyle | Shaughnessy Law, Nick worked as an Assistant Attorney General for Massachusetts with the Environmental Strike Force. As a prosecutor, he was responsible for state-wide enforcement of all Massachusetts environmental laws. Nick also worked as a Chemical Engineer for Johnson Matthey, Inc. before attending law school, supervising chemical processes at the world's largest catalytic converter plant. Nick began his career as a trial attorney as a prosecutor and he has continued with his trial practice to the present. Over the course of his legal career, Nick has tried over forty cases to verdict, including both environmental and product.

### **Melissa Richardson – Member, Walters Meadows Richardson, PLLC**

Mrs. Richardson is a trial attorney. In her practice, she handles all aspects of litigation with a strong focus on insurance defense, including trucking litigation, wrongful death, and bad faith claims. Mrs. Richardson has tried over a dozen cases and has the distinction of being identified as the "Most Prolific Trial Attorney" in 2011, when she tried five cases to verdict. Mrs. Richardson led the list of the top twenty-five attorneys identified and was the only female to receive that distinction. Ms. Richardson routinely tries several cases per year. The bulk of her work is in Kentucky, where she has lived the majority of her life. She also handles matters in other states upon obtaining limited admission from other courts. Most recently she obtained a favorable verdict for her clients in a sizeable claim that stemmed from an accident between two semis just north of New Orleans, LA.

### **Questions & Discussion**

- Discuss successful case stories including strategies to combat fraud and litigation financing.
- Discuss advice that you would give to Members and Policyholders about proactive strategies when a case goes to trial.
- Can you provide general advice once a claim occurs and how to aid from potential litigation?

### **Session Formatting**

- 45 minutes of Moderated Panel Discussion
  - Moderator Asks Question: 30 seconds – 1 minute
  - Panelists Response: 1-2 minutes
  - Panelists Response: 1- 2 minutes
  - 4-5 Minutes per Question