

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



April 4, 2025 -- Issue 271

In this week's issue:

- Let's All Help **Travis Jackson** & His Family
- Drug, Device & Biotechnology Section Update
 - Property Insurance Section Update
- Webinar: Preserving the Defense to Coverage due to the Insured's Failure to Cooperate - April 10th at 12:00PM ET
- Member in the Spotlight: **Alan Rutkin**
 - On the Federation Docket
- Have a Nice Day: **John Seymour!**

Good Morning!

Here are your top 5+ things to know about developments, upcoming events and progress being made on initiatives the Federation of Defense & Corporate Counsel is undertaking on behalf of all our members.

#1 Let's All Help Travis Jackson & His Family





At 2:15 am last Friday morning, FDCC Defense Counsel member [Travis Jackson](#) of Lanier Ford Shaver & Payne, P.C. in Huntsville, AL was awakened by a strange sound in his home. As he went to investigate, Travis encountered intense flames and heavy smoke.

Quickly waking his wife Emily, and sons, Griffin (who turned 10 on Wednesday), and Graham (2), Travis was able to get everyone out of the house safely.

They escaped with just their pajamas as firefighters made a valiant, but unsuccessful, attempt to save the home. They have lost everything.

The Federation Family always comes together to celebrate in times of triumph, and to comfort one another in times of tragedy. If you are able, would you please consider joining with us in helping the Jackson Family to get back on their feet?

How to Help:

- **By Venmo:** to [@Travis-Jackson-98](#) (for confirmation, the last 4 digits of his phone number are: "1415").
- **By Check:** Make checks payable to "**Travis Jackson**," and send to: **FDCC, 610 Freedom Business Center - Suite 110, King of Prussia, PA 19406**. All checks will be delivered directly to Travis and his family.

As we hold Travis, Emily, Griffin and Graham in our thoughts and prayers, please consider how your financial support can transform this family's darkest hour into a

testament of our community's unwavering concern and compassion for one another.

Thank you for demonstrating another important aspect of what being a part of the Federation Family truly means.

#2 Drug, Device & Biotechnology Section Update

By: Kelly S. Crawford



This week, let's give a shout out to New York.

You either love New York, or you hate it. Even most New Yorkers feel that way. But in the pharmaceutical and medical device defense world, we should give props where props are due. New York has been pretty good to defendants in the device and pharma world when it comes to things like statute of limitations analyses and holding the plaintiffs' feet to the fire to properly plead their claims. Let's take a quick look at two examples. [Silverstein v. Coolsculpting – Zeltiq Aesthetics, Inc.](#), 2025 N.Y. App. Div. Lexis 1118 (N.Y. App. Div., First Dep't, Feb. 27, 2025).

In this case, the plaintiff claimed that a medical device manufacturer had a duty to warn about the risks of another product not manufactured by the named defendant that the physician chose to use during the patient's treatment after having used the defendant's product during a CoolSculpting procedure. The after surgery products at issue were ice packs, and the plaintiff, who suffered second- and third-degree burns, claimed that the surgeon should have warned of the

dangers of applying ice packs to bare skin after treatment. The New York State Supreme Court, Appellate Division was having none of it.

[Please click here to read the entire Article](#)

[Click here to read the Kane v. Covidien, LP Decision](#)



Kelly S. Crawford is an FDCC Defense Counsel member and a partner with Riker Danzig in Morristown, NJ. where she concentrates her practice in complex litigation involving mass torts, products liability defense, and complex commercial matters, including state and federal class actions, multi-district litigation and state court coordinated proceedings. Kelly has extensive experience representing clients that manufacture and market pharmaceutical products and medical devices, as well as nutraceutical products, and has served as defense liaison counsel and trial counsel, including in New Jersey's Multi-County Litigation court system. This article is submitted by the FDCC's **Drug, Device & Biotechnology Section.**

#3 Property Insurance Section Update

By: Christina May Bolin



Our thanks to FDCC Defense Counsel member Christina May Bolin of Christian & Small in Daphne, AL for providing us with the of the Property Insurance Section's quarterly update.

Click on the box below to view this packed full edition's "Issues to Watch," including:

- **Business Description Is Part of the Policy: *Rick & Charles Invs., LLC v. Liberty Mutual Grp., Inc.*** 2025-Ohio-1036, 2025 Ohio App LEXIS 1005 (5 th Dist., March 26, 2025)
- **Direct Physical Loss: *Gharibian v. Wawanesa General Ins. Co.***, 108 Cal. App. 5th 730 (2025)
- **Bad Title Isn't Property Damage. *Lennox v. Chubb Nat'l Ins. Co.***, 2025 U.S. Dist. LEXIS 8914, 2025 WL 219159 (S.D.N.Y., Jan. 16, 2025)
- **What's a Roof?: *11640 Woodbridge Condo. Homeowners' Ass'n v. Farmers Ins. Exchange***, 2025 Cal. App. LEXIS 207 (Ct. App. Mar. 28, 2025)
- **Diversity Jurisdiction/Amount in Controversy: *Salas v. Allstate Vehicle & Prop. Ins. Co.***, 2025 U.S. Dist. LEXIS 37877 (W.D. Tex. Jan. 2, 2025).
- **Lost Business Income: *Theraplant, LLC v. Nat'l Fire & Marine Ins. Co.***, 2025 U.S. Dist. LEXIS 9709 (D. Conn. Jan. 18, 2025).
- **Challenging Appraisal: *In re Germania Farm Mut. Ins. Ass'n.***, 2025 Tex. App. LEXIS 734, 2025 WL 428509 (Tex. App. Feb. 6, 2025).
- **Subrogation: *In re Petition for the Coordination of Maui Fire Cases***, 2025 Haw. LEXIS 77; 2025 WL 830004 (Ha. Ma. 17, 2025).

[Click here to read the full Update](#)



[Christina May Bolin](#) is a partner with **[Christian & Small](#)** in Daphne, AL where she leads the firm's Mobile/Baldwin County office – defending individuals, businesses, and insurers against lawsuits and liability claims, and assisting clients in the development of strategic solutions to legal disputes and litigation risks. Since 2001, she has defended property and casualty insurers in direct actions involving large property losses, catastrophic casualty claims, complex insurance coverage questions, fraud and bad faith.

The update is submitted by the **[FDCC's Property Insurance Section](#)** and its Case Update Sub-Committee Members: Karen Karabinos, Chartwell Law; Susan Kidwell, Troutman Pepper Locke; Christina May Bolin, Christian & Small; Kelsie Sullivan, McAfee & Taft; and Greg Varga, Robinson & Cole.

#4 Webinar on the Insured's Failure to Cooperate: Preserving the Defense to Coverage

April 10, 2025 at 12:00PM ET



Tom Segalla



Adam Durst



Karen Karabinos



Phil Richards



Kelsie Sullivan

Join us - and **invite your colleagues and Associates** next Thursday, **April 10th at 12:00PM ET** - as the FDCC's **Insurance Coverage** and **Property Insurance** Sections put on a one hour virtual roundtable discussion on **“The Insured’s Failure to Cooperate: Preserving the Defense to Coverage.”**

The discussion will focus on:

- the handling of claims with an uncooperative insured,
- tips on how to secure the insured’s cooperation in the evaluation of first-party claims or the defense of third-party claims,
- all while ensuring your defense to coverage based on the insured’s noncooperation is preserved, with an eye toward future coverage litigation.

The roundtable will be led by our esteemed panel and subject matter experts: **Tom Segalla** and **Adam Durst** of **Goldberg Segalla LLP**, **Phil Richards** and **Kelsie Sullivan** of **McAfee Taft P.C.**, and **Karen Karabinos** of **Chartwell Law**. Participants are invited to [e-mail the presenters](#) ahead of the roundtable any questions they may have that they would like discussed during the presentation.

[Please click here to register](#)

#5 FDCC Members in the Spotlight:

Alan Rutkin



Congratulations to FDCC Defense Counsel [Alan Rutkin](#), whose team at [Rivkin Radler](#) won a major case for its client Associated Electric & Gas Insurance Services. *Sempra v. AEGIS*.

Sempra had an explosion that led to damages of \$2 billion. They sued AEGIS for \$200 million. AEGIS will pay nothing. A federal district court in Los Angeles—a venue that favors policyholders—granted AEGIS’s motion for summary judgment.

Congratulations to you and your team, Alan! Well done.

#5.1 What's on the Docket?



Please register and mark your calendar to attend the following FDCC events of relevant and timely substantive content:

- **April 10, 2025 at 12:00PM ET: Webinar on *The Insured's Failure to Cooperate: Preserving the Defense to Coverage*.** Moderated by [Adam Durst](#), and [Tom Segalla](#) of Goldberg Segalla; [Phil Richards](#) of Richards & Connor; [Kelsie Sullivan](#) of McAfee Taft, P.C.; and [Karen Karabinos](#) of Chartwell Law. [Click here to register.](#)
- **July 28 - August 3, 2025: Annual Meeting** at the [Stein Eriksen Lodge](#) & [The Chateaux at Deer Valley](#) in Park City, UT. "Go for Gold" with Convention Chair: [Tiffany Alexander](#) and Program Co-Chairs: [Lee Hall](#) and [Kile Turner](#). [Click here to register.](#)
- **September 14-16, 2025: Corporate Counsel Symposium** at the InterContinental Hotel in Chicago, IL. Co-Chairs: [Chelsey Golightly](#), [Nicole Benjamin](#), and [Tim Moore](#), Registration coming in Spring 2025.

- **November 5-7, 2025: Insurance Industry Institute** at the Westin Times Square Hotel in New York City. Co-Chairs: [Sarannah McMurtry](#) and [Jeff Van Volkenburg](#). Registration coming in Summer 2025.
- **February 24-28, 2026: Winter Meeting** at the [J.W. Marriott Desert Ridge Resort](#) in Scottsdale, AZ: "**Together We Rise From the Valley**". Convention Chair: [Frank Ramos](#); Program Chair: [Micalann Pepe](#).
- **July 26 - 31, 2026: Annual Meeting** at the [Corinthia Hotel in Lisbon, Portugal](#): "**A Mosaic of Memories in Lisbon**". Convention Chair: [Lee Hall](#); Program Chair: [Alycen Moss](#).
- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#).
- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#).

...and finally,

Have a Nice Day...John R. Seymour!



John is an FDCC Corporate Counsel member and General Counsel & Compliance Director with [MSS Solutions, LLC](#) in Charlotte, NC, where he focuses on drafting, negotiating, and reviewing contracts with owners and general contractors, managing litigation and risk mitigation, overseeing corporate governance and real estate transactions, and conducting legal and compliance training.

He also provides leadership and direction to IT and works closely with company executives and other stakeholders. He describes his mission as "ensuring the company remains operationally and financially aligned and compliant with all relevant contractual and regulatory requirements, while also evolving its technology platform and improving its operational efficiency and customer service."

John has been recognized at the Charlotte Business Journal Corporate Counsel Awards as the 2023 Outstanding Solo General Counsel and a finalist for Outstanding Corporate Counsel (2016) and Outstanding General Counsel (2019).

And on Monday, John will be celebrating his birthday. Please join us in sending him an email with best wishes to:

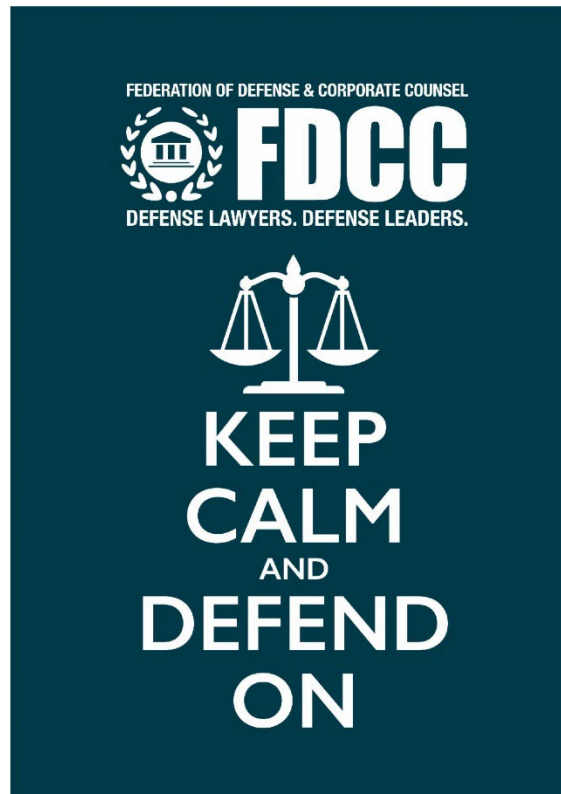
john.seymour@msssolutions.com

Happy Birthday John, and all the very best to you, Kellen and the family. Thank you for being a valued member of the Federation since 2020.



Why FDCC?

"To be the inspired community of vetted defense counsel, exceptional leaders and even better people."



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