

FEDERATION OF DEFENSE & CORPORATE COUNSEL



FDCC

DEFENSE LAWYERS. DEFENSE LEADERS.



May 20, 2022 -- Issue 120

Good Morning!

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

**#1 FDCC *Insights* Magazine
Now Available**

The digital Spring 2022 issue of the FDCC's *Insights* magazine is filled with relevant and substantive articles to expand your knowledge on various current issues faced by our industry.

The issue includes the following articles:

- Coverage Issues Regarding Riots, Civil Commotion and Curfews
- DeVries v. General Electric Company: High Praise for High Seas Bare Metal Defense Summary Judgment Award
- Four Tips for Deposing Plaintiffs
- The End of Affirmative Action: How the Supreme Court's Upcoming Decisions will Affect Diversity, Equity and Inclusion Efforts
- Perhaps Law's Least Diverse Practice Area—Appellate
- Big Law Equity Partnerships: The Diversity Dream Stalemate
- Can your social media contacts be your employer's trade secret? Maybe.
- Resilience to Disruptive Change



Click on the button below to download your free copy of FDCC's *Insights* digital magazine today.

[Click here for the Spring 2022 "Insights" magazine](#)

#2 Sixty Seconds in Seattle



The [Pacific Science Center](#) is a family-friendly museum where science lessons come to life.

You will be able to explore galaxies near and far in the planetarium, get up close and personal with colorful creatures in the Tropical Butterfly House, maneuver a two-ton

granite ball, find out what it means if you can roll your tongue, and much more.

Starting in July, several experiences will reopen on campus, including the Tropical Butterfly House, Planetarium, Tinker Tank maker space, Live Science Stage, and Dinosaurs. In the meantime, you can also experience PacSci through [Virtual Field Trips](#), [Curiosity at Home](#), and other online content through their website.

Registration is now open for the the FDCC's Annual Meeting in Seattle, WA at the Hyatt Regency Hotel, July 25-30, 2022. [Click Here to see the mini-Agenda](#). After registering for the meeting, you will then receive a code with which to make your hotel reservations. Register now to take advantage of the early-bird discount - by clicking on the button below.

[Register for the Annual Meeting by Clicking Here!](#)

#3 One-on-One with Dr. Vin Gupta



We are privileged to have Dr. Vin Gupta as one of our keynote speakers for the Annual Meeting in Seattle. FDCC President Bob Christie had the chance to chat with Dr. Gupta as part of a FedSpeaks podcast this week, which you can listen to in its entirety by [clicking here](#).

Dr. Gupta is an Affiliate Assistant Professor of Health Metrics Sciences at the Institute for Health Metrics and Evaluation (IHME) at the University of Washington. Clinically active as a Pulmonary/Critical Care physician, Dr. Gupta's research has focused on several important issues in global public health. He previously was a full-time Assistant Professor with the Institute for Health Metrics and Evaluation (IHME) and the Department of Health Metrics Sciences (HMS) from 2018-2020.

Hear Dr. Gupta's views on coming pandemics, current use (and overuse) of antibiotics and the future delivery of medical care in the [Podcast](#) - and better yet, make plans to see and hear him live and in person on July 27, 2022 at 11:00AM PT during the FDCC's Annual Meeting.



**#4 Reflections on the FDCC's Winter Meeting
in Palm Desert
By: Lauren Curtis**



I couldn't have possibly predicted how fast the week in Palm Desert was going to fly by. The many months of preparation and anticipation leading up to the meeting seemed to fly by in the quintessential blink of an eye. I am most grateful for the opportunity to have served as your Program Chair in Palm Desert and for the wonderful experiences that flowed from that role.

After unpacking my overloaded suitcase and disassembling my program notebook, I've now had some quiet time to reflect on the meeting. Joe Theismann's opening talk is one of the many memorable presentations that keeps coming to mind. To me personally, Joe's talk seemed like the perfect combination of energy, emotion, humor, humility, and

inspiration. Two things Joe said have particularly resonated with me:

- *The day you stop learning is the day you stop living.*
- *People don't care how much you know until they know how much you care.*

Our Federation meetings are a wonderful blend of these two messages – the value of knowledge and learning and the importance of building strong relationships through our actions in showing our care for others.

Knowledge and learning are cornerstones of our profession. Our Federation meetings provide us with so many opportunities to continue our quest for knowledge, not only on legal topics but also on subjects that touch us far beyond what we do in the legal profession – health and wellness, messages of personal tragedy and triumph, and service to others, to name a few. It is my sincere hope that we all learned in Palm Desert and that we will continue to take advantage of all of the Federation's learning opportunities in the coming months and year ahead.

But in my humble view, the best part of our meetings is the opportunity to reconnect with our friends from all over the country and the world. Being together again in person only further cemented the special bonds we've formed through our Federation friendships. Witnessing our members energetically embrace as we reunited and shared stories from the last two years was just awesome – a great expression of how much we care about each other.

In closing out the Palm Desert meeting, I feel the same excitement and gratitude I did when the program opened on March 6th. And so I'll conclude this message the same way I started - with a heartfelt exclamation point to say thank you, best wishes, and I can't wait to see everyone again in Seattle this summer!

#5 Registration Open for FDCC's Virtual Deposition Boot Camp with Free CLE



Led by an experienced faculty, young lawyers will have the unique opportunity to get “basic training” and advanced instruction for all aspects of taking and defending depositions when they attend the Federation’s

two day virtual Deposition Boot Camp held on **August 16 and August 17, 2022**, 10:00 am EST until 6:00 pm EST.

Give us two days and we will provide the practical, essential skills for a successful deposition every time. This two day boot camp will teach the “how-to’s” of every deposition situation including deposing an expert, preparing your client, and dealing with opposing counsel. Please register your associate for free (one associate per law firm) and have them experience a program that will dramatically improve their deposition skills.

To register please contact Danielle Scott at FDCC Headquarters:
danielle@thefederation.org.

Continuing Legal Education credits have also been arranged on a complimentary basis for those attending the virtual sessions in the following states:

- Washington
- New York
- Ohio
- Florida
- Texas
- Iowa
- Minnesota
- Maryland
- Pennsylvania

- Georgia
- Louisiana
- New Hampshire
- Wisconsin
- Mississippi
- Louisiana
- Missouri
- California

#5.1 How FDCC Members Are Getting it Done!

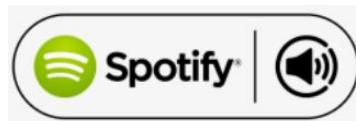


If you have not done so already, you will want to go to your favorite podcast platform and subscribe to FedSpeaks, our dedicated channel with relevant and interesting episodes exclusively for FDCC members, by FDCC members.

One of the regular programs getting a tremendous number of listeners is "**How FDCC Members Are Getting It Done**" hosted by FDCC Defense Counsel Member Valerie Kellner. These insightful discussions touch on how our members balance personal and professional commitments and how they are looking at the challenges and opportunities ahead. Valerie's episodes provide insights into the experiences of FDCC Members: **April Berman,**

Tiffany Alexander, Caitlin Gifford, Lynne Ingram, Michele Wojcik, Natasha Khachatourians, Kelly Brilleaux, Jody Briandi, Bill Vita, Paul Finamore, Geneau Thames, Lee Hall, Amanda Cialkowski, Melissa Roeder, Kile Turner, Emily Motto, Alan Rutkin, Vicki Smith, Sarannah McMurtry and others...all of which makes us wonder how Valerie is getting it done!!!

Click on any of the icons below and give a listen to these exceptional episodes and sign-up to be notified of new FedSpeaks episodes as we release them. Thanks for listening!



#5.2 Tort Immunity for Injuries to Employees of Subcontractors

By: Scott Dickens



Kentucky's intermediate appellate court recently affirmed summary judgment in favor of a business who contracted with the injured plaintiff's employer to perform services for the business.

In *Cunningham v. Kroger Limited Partnership* (2021-CA-0704-MR), the plaintiff truck driver was employed by Penske Logistics, which contracted with Kroger to deliver freight to various Kroger facilities (including loading and unloading). Plaintiff was injured making a delivery to a Kroger grocery store. He filed a workers' compensation claim against Penske

and a tort action against Kroger. The trial court granted summary judgment for Kroger, finding that as plaintiff's "up the ladder" (or statutory) employer, Kroger was immune from suit under the Kentucky Workers' Compensation Act. The Court of Appeals agreed.

Under Kentucky law, tort immunity extends "up the ladder" from a subcontractor (like Penske) that employs an injured person to entities that contract with the subcontractor so long as (1) the injured person's employer has workers' compensation coverage and (2) the up the ladder entity contracted to have work performed "of a kind which is a regular or recurrent part of the work of the business." In this case, deliveries were made on a regular basis and Kroger's own employees routinely engaged in receiving and unloading deliveries made by plaintiff. Plaintiff has filed a motion for discretionary review with the Kentucky Supreme Court.

Note that defendants seeking to assert tort immunity as a defense must both plead and prove that affirmative defense. A number of other states have similar provisions in their Workers' Compensation schemes, so I encourage you to determine the availability of this defense in any case involved injury to a subcontractor's employee.

[Scott Dickens](#) is an FDCC Defense Counsel Member and a Partner with [Fultz Maddox Dickens PLC](#) in Louisville, KY.

#5.3 Welcome Our New Members



The FDCC is proud to announce the following Defense & Corporate Counsel have been admitted into the Federation this week.

Please join us in welcoming them!

- [Laura D. Eschelman](#) is a partner with [Nall & Miller, LLP](#) in Atlanta, GA, where she practices in the areas of medical malpractice, professional licensing, medical board matters and hospital privileging issues and has represented numerous medical professionals. In addition, Laura represents healthcare providers in Medicare, Medicaid, quality improvement organization and private health insurance company audits and administrative actions. Laura has additionally represented clients in an assortment of cases including affirmative equitable relief, bankruptcy, catastrophic injury, commercial litigation, construction litigation, contract disputes, insurance coverage, legal malpractice and professional liability, premises liability, product liability, real estate litigation, trucking litigation and wrongful death.
- [Aaron M. Mutnick](#) is the Legal Risk Manager at [Amazon](#) in St. Louis, MO where he is responsible for managing auto litigation against the company implicating the company's insurance program. Prior to his current role, Aaron also worked at Shelter Mutual Insurance Company in Columbia, MO.

- [Nicole T. Melvani](#) is an Associate with [Wilson Elser](#) in the McLean, VA office where she concentrates her practice in civil litigation matters focusing on the defense of general and professional liability, product liability, commercial litigation, and medical and dental malpractice matters in both state and federal court. Nicole and her husband [Christopher](#) reside in Quantico, VA.
- [Michael L. Young](#) is a Partner with [Hepler Broom, LLC](#) in St. Louis, MO. His primary emphasis is in the practice of insurance coverage and bad faith. He represents both insureds and insurers in complex insurance coverage matters at all stages of the claims process. Michael also has advised insurers in drafting policy language and developing claims best practices.
- [Karin B. Williamson](#) is a Member of [Childs McCune](#) in Denver, CO, where her practice focuses on medical malpractice and licensing practice matters, as well as on the defense of criminal matters utilizing her past extensive background as a Colorado State Public Defender. These include the defense of white collar, assault, property crimes, domestic violence, sexual assault, child abuse, and homicide allegations.

Welcome Aboard!

#5.4 What's on the Docket? FDCC's Upcoming Events



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

- **July 25 - 30, 2022: FDCC's Annual Meeting** at the Hyatt Regency Hotel in Seattle, WA. [Click here to register.](#)
- **August 16-17, 2022: FDCC Virtual Deposition Boot Camp** - 10:00am to 6:00PM ET. Register by emailing: danielle@thefederation.org.
- **October 16-18, 2022: FDCC's Corporate Counsel Symposium** at the Downtown Marriott in Philadelphia, PA. Registration coming soon.
- **November 9-11, 2022: FDCC's Insurance Industry Institute (I-3)** at the Sheraton Times Square Hotel in New York City, NY. Registration coming soon.
- **February 19 - 23, 2023: FDCC's Winter Meeting** at the Omni Hotel in Nashville, TN.
- **July 23 - 28, 2023: FDCC's Annual Meeting at The Broadmoor Resort & Hotel** in Colorado Springs, CO.
- **February 25 - 29, 2024: FDCC's Winter Meeting at the Vinoy Renaissance Hotel** in St. Petersburg, FL



**...and finally...
Have a nice day
Marisa Trasatti!**



Marisa is the managing partner of the Hunt Valley, MD office of **Cipriani and Werner**, and has been a valued member of the FDCC since 2008.

She focuses her practice primarily on civil litigation, with an emphasis on products liability litigation, including cases involving drugs and medical devices, and premises liability arising from alleged human trafficking. In her role as General Counsel to two medical device companies, she handles a broad spectrum of matters related to corporate, employment, regulatory, contract and product liability issues in the United States and abroad.

Marisa is a dynamic "force of nature," a tested litigator and key strategist to her clients because she is passionate about her work, continues to hone her craft and achieves the best possible results for her clients. As a thought leader, she has produced articles and/or presented on the topics of cybersecurity, GDPR, social media, learned intermediary defense, social inflation, crisis management, premises liability and human trafficking.

She also is active in her local community as a Past President of Maryland Defense Counsel; her local Defense Bar Association; Past President of CLM's Maryland Chapter; current CLM Region 3 Co-Chair; appointed to Governor Lawrence J. Hogan, Jr.'s Judicial Disabilities Commission; and immediate past DRI Maryland State Representative for 2021. She also serves in her fourth term on the Character Committee for the Sixth Appellate Circuit where she assesses Maryland Bar applicants.

Marisa is a two-time winner of the FDCC's Andrew C. Hecker Award in 2017 and 2021 and currently serves as a Senior Director on the FDCC Board of Directors, Co-Chair of the Corporate Counsel Committee, Chair of the Sponsorship Committee and Chair of the Recruitment Committee. In addition, she received the Appleman Award Committee Chair of the FDCC Drug, Device and Biotechnology Committee in 2016. She has been nominated as Treasurer Elect for the Maryland State Bar Association (MSBA) and will be sworn in to her new role in June 2022.

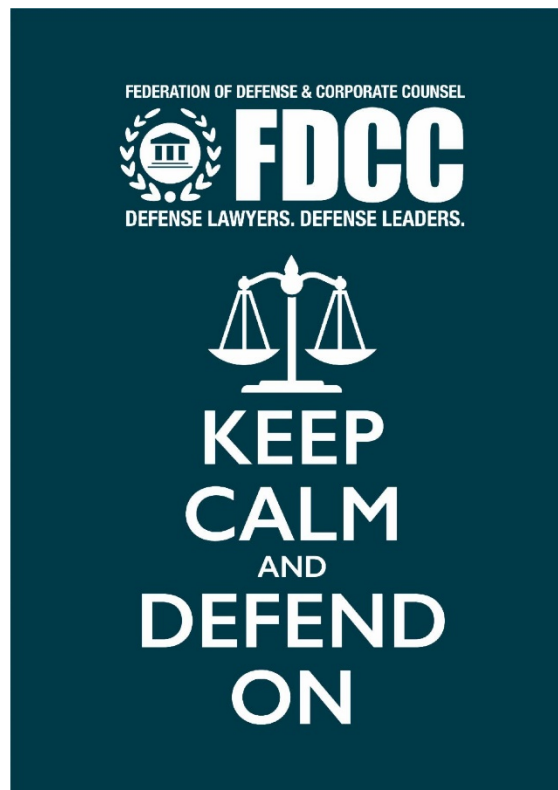
And yesterday...was her birthday! Please join us in sending her an email at:

mtrasatti@c-wlaw.com

to wish her a very "Happy Birthday" together with all very best wishes for continued good health, success and happiness in the years to come.

Why FDCC?

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



Be Exceptional Today!