

May 29, 2026 -- Issue 331

Good Morning!

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#1: Lisbon Update

By: Lee Hall



9 Weeks and Counting:

Walk Like a Local through
Bairro Alto & Chiado in Lisbon

We've strolled from Parque Eduardo VII down to Praça do Comércio, and we've wound through the ancient lanes of Alfama. This week, we're heading to two of the city's most spirited (literally and figuratively) neighborhoods — We've strolled from Parque Eduardo VII down to Praça do Comércio, and we've wound through the ancient lanes of Alfama. This week, we're heading to two of the city's most spirited (literally and figuratively) neighborhoods — Bairro Alto and Chiado — and trust us, these are two all-time favorites.

Start from the Praça do Comércio, and head north through the Arch and keep walking up until you reach Rossio Square (officially Praça Dom Pedro IV — but nobody calls it that). From Rossio, follow Calçada da Glória uphill heading west. It's steep, no question, but it's photogenic stretch of the city, and the payoff at

the top is immediate. If this hill is too much for you, or if you are at the hotel and want to take the walking tour, just take an Uber or Bolt to the Miradouro de São Pedro de Alcântara.

This Miradouro is right at the top of the hill and serves as the anchor of Bairro Alto. This two-level park offers exceptional views across Lisbon's old town, with a sweeping view of Castelo de São Jorge framed by the city's hills. Grab a bench, take it all in, and remind yourself that yes, you are actually here. Once you've soaked up the view (and rested), it's time to explore!

[Please click here to read and "explore" the entire article](#)



Bairro Alto



Chiado



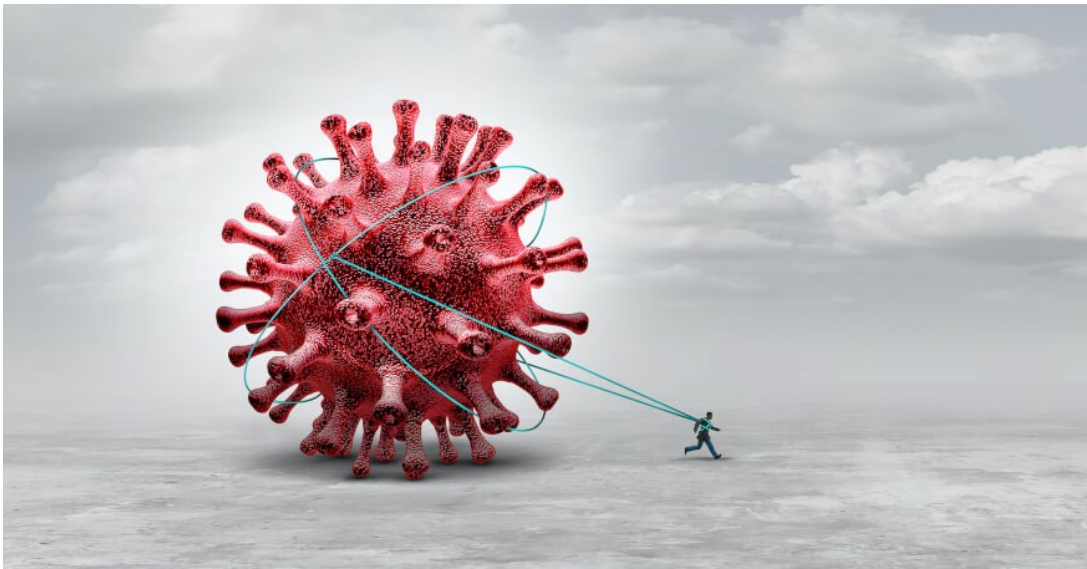
Livraria Bertrand



[Lee Hall](#) is an FDCC Defense Counsel member and Convention Chair of the [2026 Annual Meeting in Lisbon, Portugal](#). She is also a Partner at [Jenkins Fenstermaker](#) in Huntington, WV where her practice is focused on insurance coverage, insurance defense, and WV bad faith defense. Her insurance defense practice includes sexual misconduct, municipal liability, motor vehicle and trucking claims, premises, and medical malpractice claims.

#2 The Challenges of Defending Long COVID Disability Claims

By: Bailey King



It has now been more than six years since COVID-19 sent us all into quarantine and working from home. The legal implications of the pandemic, though, are still with us. For life and disability insurers, one of these implications is a pipeline of lawsuits in which insurers denied disability claims for long COVID working their way through the courts.

A recent case from the United States District Court for the Central District of California, *Baltes v. Metropolitan Life Insurance Co.*, 809 F. Supp. 3d 999 (C.D. Cal. Nov. 12, 2025), is the first decision to shed light on the issue.

Long COVID refers to a wide variety of symptoms (including fatigue, “brain fog,” pain, sleep disturbances, and others) that persist after an initial COVID-19 infect in some people. Not everyone who contracts COVID-19 experiences long COVID, and not everyone who experiences long COVID has the same

symptoms. And all the symptoms are subjective. As a result, the objective markers that typically anchor an insurer's analysis of a disability claim just aren't there. The *Baltes* decision provides a roadmap for how insurers should look at these claims, and how defense lawyers should defend their client's denial decisions.

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

C. Bailey King is an FDCC Defense Counsel member and a Partner at **Bradley Arant Boult Cummings** in Charlotte, NC, where his practice focuses on areas of intellectual property litigation (including trade secrets, trademarks, copyrights, and patents), securities and investment disputes, and complex contractual disputes.

#3 FRCP Amendments Expected to Advance



Our colleagues at **Lawyers for Civil Justice** ("LCJ") have advised us that the FRCP amendments concerning remote testimony, service of nonparty subpoenas, corporate disclosures, and voluntary dismissals are expected to advance to the next step of the rulemaking process during the meeting of the Committee on Rules of Practice and Procedure set for June 3-4.

These amendments were published for public comment last August and were approved with no material changes by the Advisory Committee on Civil Rules advanced during its semi-annual meeting on April 14th ([Click here](#) to read the Meeting Minutes). LCJ and many LCJ members and allies participated in the

public comment process on these proposals, including speaking at the public hearings.

If approved, and if the remaining steps of the process proceed as expected, these amendments will take effect on December 1, 2027. The proposed amendments include:

- Remote Testimony
- Corporate Disclosures
- Methods of Service of Subpoenas
- Voluntary Dismissal

On conjunction with LCJ, we will keep you apprised of all further developments.

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

#4 And Now a Word From Our Sponsor - Exponent

**Managing Concurrent Construction Delays in a
Post-Pandemic World**



The COVID-19 pandemic turned the construction industry upside down. Almost overnight, projects around the world were halted. When work eventually resumed, contractors faced an entirely new set of challenges, including reduced labor availability, material shortages, and strict health

and safety requirements. These issues compounded long-standing obstacles, such as permitting delays, design revisions, and subcontractor performance concerns, often leading to concurrent delays — when two or more delays overlap on the project's critical path.

The pandemic fundamentally changed the way we think about concurrent delays. Before 2020, courts rarely demanded deep analysis of concurrent delays, but today detailed analysis is critical. Now developers, contractors, and other stakeholders are applying established methods of analyzing and managing delays to the complex context of concurrency.

Concurrent delays often involve both the contractor and owner, complicating risk assessments and legal definitions surrounding time, cost, and responsible parties in construction contracts. By carefully evaluating overlapping delays and associated claims, organizations can more effectively determine responsibility, mitigate risk, and find a clearer path to keeping projects on track.

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



Exponent is a Platinum Sponsor of the FDCC. In the event you have a matter in which any of their full suite of expert services can be utilized, please contact our Exponent

representative [Bette McKenzie](#), or stop by and see her at the upcoming Annual Meeting in Lisbon.



#5 New Member Podcasts Released



Jane Warring



Nicole Wilinski

We're delighted to share the most recent Podcast released on the Federation's exclusive podcast channel: FedSpeaks, Please [click on this link](#) and give it a listen!

Our "Welcome to Our New Members" series features: [Nicole Wilinski](#) who introduces us to one of our newest members:

- **Jane Warring** is a Partner in the Atlanta, GA office of **Zelle**. Listen in as Jane shares how she started in insurance coverage 21 years ago and now focuses her practice on cyber risk, first-party property, builders risk, event cancellation, and energy outage policies, and specializes in complex business interruption and bad faith claims; how she invests in real estate (on the side); and how she and her wife, Kelly are looking to buy a small business but are still taking many trips to Disney with their three kids!

You can listen to these podcasts and the other 309 FedSpeaks podcast episodes on Spotify, iTunes, Stitcher, the Fed365 app or wherever you get your podcasts. Find out what over 17,636 listeners have already discovered by downloading and subscribing to these enlightening episodes by, about and for members of the FDCC.

#5.1 Welcome to Our New Members



Please join us in welcoming these new members to the Federation!



Douglas M. DeGrave is a founding partner of **Poliquin & DeGrave, LLP** in Laguna Hills, CA where he specializes in the defense of personal and catastrophic injury cases, wrongful death, truck and bus accidents, insurance litigation, insurance bad faith claims and construction cases.

He has served as an arbitrator and mediator, privately and for the courts. Doug is a frequent lecturer on insurance bad faith, trial practice, and ethics. He is also a former adjunct professor at Western State University College of Law.

He and his wife **Debbie** reside in Villa Park, CA.



Erin A. Dewberry is a Partner with **Wiggins Sewell & Ogletree** on Oklahoma City, OK, where her practice is focused primarily in medical malpractice defense, including the defense of hospitals, physicians, nurses, paramedics, long term care facilities, nursing homes and assisted living centers.

She has also represented health care professionals and is a regularly featured speaker on issues such as informed consent, health care proxy, medical charting, dealing with disruptive patients, and deposition strategy. Erin's practice also includes employment law and product liability litigation.

She and her husband **Curt** reside on Oklahoma City with their family.

Welcome Aboard!



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

- **June 24, 2026 - 2:30PM to 3:30PM ET: J.S. Held Free Webinar on "Appraisal of Property Losses".** [Click here](#) to register.
- **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](#). [Click here](#) to register.
- **September 27-29, 2026: Corporate Counsel Symposium - "From Bourbon Street to the Boardroom Suite: Navigating Risks & Opportunities"** at the Windsor Court Hotel, New Orleans, LA. Co-Chairs are: [Beth Bauer](#), [Chad Hatmaker](#) and [Geneau Thames](#). Registration coming soon!

- **February 28-March 4, 2027: Winter Meeting** at the [Fountainbleu Hotel, Miami Beach, FL](#). Convention Chair: [Valerie Kellner](#) and Program Chair: [Jody Briandi](#).
- **July 25-30, 2027: Annual Meeting** at the [Fairmont Banff Springs, Banff, Alberta, Canada](#). Convention Chair: [Alycen Moss](#) and Program Chair: [Shelly Masters](#).

..and finally, Have a Nice Day...

Lawrence Ebner!



Larry has formed an independent, nationwide, appellate litigation boutique, [Capital Appellate Advocacy PLLC](#), where he handles appeals for individual companies and writes amicus curiae briefs for entire industries. He practices primarily in the U.S. Supreme Court and federal courts of appeals. Larry is Chair of our Appellate Law Section.

He is also Executive Vice President & General Counsel at the [Atlantic Legal Foundation](#), a national, nonprofit, public interest law firm, where he conducts the Foundation's renowned amicus curiae program in the Supreme Court, federal courts of appeals, and state appellate courts. His cases involve individual liberty, free enterprise, protection of property rights, limited and responsible government, sound science in judicial and regulatory proceedings, and effective education, including parental rights and school choice.

And today, Larry is celebrating his birthday! Would you please join us in sending him a Happy Birthday email to:

lawrence.ebner@capitalappellate.com

Congratulations Larry, and our very best wishes to you, Barbara and the family for continued good health, success and happiness in the years to come.

Thank you for being a valued member of the Federation since 2021.

Why FDCC?

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



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