



FDCC
DEFENSE LAWYERS. DEFENSE LEADERS.



May 30, 2025 -- Issue 279

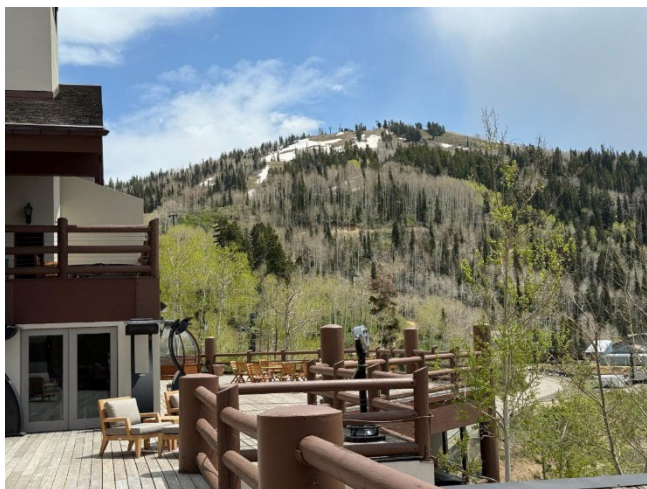
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Good Morning!

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 What Makes This Summer Meeting Different?



The Federation's **2025 Summer Meeting** promises to be our most extraordinary gathering yet, as you enjoy the breathtaking beauty of Utah's Wasatch Mountain Range. From **July 28 through August 2, 2025**, **Stein Erikson Lodge** and **The Chateau at Deer Valley** will serve as our basecamp for five days of unparalleled professional

development and unforgettable experiences.

Whether you're navigating complex corporate litigation or seeking to foster existing or create new relationships with your fellow FDCC members, this Summer Meeting delivers exactly what today's defense and corporate counsel and industry professionals need. What makes this meeting different?

- exceptional networking in an unmatched setting
- cutting edge/practical educational sessions
- fabulous mountain and valley excursions
- memorable keynote speakers to challenge your thinking and inspire your practice

Don't let this opportunity to combine professional excellence with mountain adventure pass by. Register today for the FDCC Summer Meeting at Park City, where the exceptionalism of your practice meets the pinnacle of the Wasatch Mountains.

[Please click here to register](#)

#2 Loper Bright: New Limits on DOL Regulations?

By: Brooks Magratten

Former Chair and current Vice-Chair of the Life Health & Disability Section, Brooks Magratten recently spoke at DRI's Life, Health, Disability and ERISA Seminar on the implications of the Supreme Court's 2024 decision overturning Chevron deference of administrative agency action on the Department of Labor's rules for the administration of ERISA benefit claims.

Brooks discussed how challenges to regulations brought by commercial fishing interests in Rhode Island and New Jersey may result in new limitations on the ability of the Department of Labor to regulate ERISA claim procedures. Read the full article here to learn strategies for challenging DOL regulatory authority in the wake of the sea change. And thanks to Brooks for continuing the FDCC's thought leadership:



In 2021 President Trump appointed three justices to the United States Supreme Court, thereby creating a six to three conservative majority. The 2021 Court had the strongest conservative majority since 2009. A common theme in decisions by the conservative majority has been maintaining a separation of powers between branches of government. See, e.g., *Trump v. United States*, 603 U.S. 593 (2024)(separation of powers principles require a presumptive immunity from criminal prosecution for a President’s acts within the perimeter of his official responsibility); *U.S. v. Texas*, 599 U.S. 670 (2023)(states lack Article III standing to challenge the Executive Branch’s arrest and prosecution policies); *Biden v. Nebraska*, 143 S. Ct. 2355 (2023)(Secretary of Education’s student debt forgiveness program exceeded statutory authority, contravened separation of powers and violated the Administrative Procedures Act).

In 2024 we witnessed a seismic shift in the Supreme Court’s view about the role of the judiciary when reviewing actions of administrative agencies: *Loper Bright Enterprises v. Raimondo, Secretary of Commerce*, 144 S. Ct. 2244 (2024)(“*Loper Bright*”). The conservative majority in *Loper Bright* emphasized that it is the province of the judiciary – not administrative agencies – to interpret the laws authorizing agency action. In the process, the Court overturned a forty year old oft-cited precedent, *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). What follows is a discussion about how challenges to regulations brought by commercial fishing interests in Rhode Island and New Jersey may result in new limitations on the ability of the Department of Labor to regulate ERISA claim procedures.

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

Brooks Magratten is an FDCC Defense Counsel member and a partner at **Pierce Atwood, LLP**, working in its Boston and Providence offices. Brooks has 38 years' experience litigating life, health, disability and ERISA cases in the northeastern United States. He serves as regional counsel for several life, health and disability insurers and third-party administrators. He is a frequent author and lecturer on ERISA topics.

#3 How FDCC Members Are Using AI

By: Sean Griffin



Sean Griffin



Beth Bauer



Rick Dukes



Frank Ramos



Sharon Bridges



Jay Old



Tim Moore



Jay Davis



Jimmy Wilkins

A few weeks ago, the AI Committee and the Corporate Counsel Committee asked their members how they are using AI in their legal practices. Find out how **Rich Dukes, Jimmy Wilkins, Beth Bauer, Sharon Bridges, Jay Old, Tim Moore, Jay Davis, Frank Ramos, and Sean Griffin** are engaging AI in their practices by reading below and by clicking on the red button.

Rich Dukes:

Our firm adopted Harvey as our closed system platform – we tested it against CoCounsel and found them to be relative equals – though CoCounsel struggled with analyzing briefs for strengths and weaknesses and anticipating arguments from opposing counsel. Harvey allows you to manipulate data more seamlessly – i.e. generating a table view, generating various levels of specificity for summaries of medical records or collections of documents. I found Harvey to be very good at developing expert depo outlines, digging up information on opposing (and my own) experts, and doing the whole “help me develop compelling trial themes” type brainstorming. In sum, I find Harvey to be very useful day to day.

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

#4 Members in the Spotlight

Rob Blank



FDCC Defense Counsel member [Rob Blank](#) of [Rumberger | Kirk](#) in Tampa, FL, along with his colleague Carie Hall, secured a full defense verdict for client Busch Gardens following a six-day trial in Hillsborough County, Florida this week. The case was tried alongside paralegal Susan McClugage from the firm’s Tampa office, with valuable trial support provided by associates Renee Duffy and Gabriele Bodanza.

In *Primus v. Sea World Parks & Entertainment LLC d/b/a Busch Gardens*, the plaintiff claimed she tripped over a raised expansion joint on a walkway at the theme park. She alleged multiple injuries including a fractured wrist and elbow, as well as neck and back injuries with a future recommendation for back surgery. Her legal team presented a significant life care plan and asked the jury to award a minimum of \$2.82 million in damages.

After careful consideration, the jury found no negligence on the part of Busch Gardens and returned a verdict awarding zero damages. Following the verdict, Busch Gardens is pursuing recovery of attorneys' fees and costs based on the plaintiff's rejection of a prior proposal for settlement.

Congratulations to you and the team, Rob!

Esther Holm



We're also shining the spotlight on FDCC Defense Counsel [Esther Holm](#) of [Lewis Brisbois](#) in Costa Mesa, CA who, along with her colleague, Alexandra Anasi, secured a unanimous defense verdict from a Superior Court of California Superior Court jury.

In *Kipp v. Gray West Construction, Inc.*, Plaintiff asserted that a general contractor and subcontractor failed to mark or repair a warehouse floor crevice that caused him to fall and sustain a thoracic myelopathy to his spinal cord, rendering him confined to a wheelchair. Plaintiff and his wife, who asserted a loss of consortium claim, were seeking \$33 million to \$40 million in the litigation.

Congratulations on an exceptional outcome, Esther!

#5 Welcome Our New Members!



Please join us welcoming the following new members into the Federation:



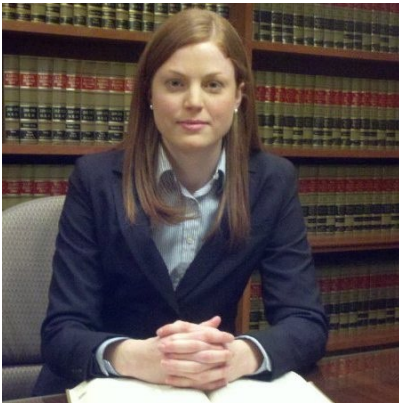
Amber Brock is Senior Litigation Counsel with **Shelter Insurance Company** in Columbia, MO, where she manages and directs litigation activities and case strategy for multiple states while also handling a large caseload. Amber also advises adjusters in claims handling, investigation and communication on complex issues.

Prior to her current responsibilities, Amber practiced with Jennings Teague, P.C.; Kirk and Chaney; and Hornbeek, Vitali & Braun; all in Oklahoma City, OK. Amber is also a Certified Litigation Management Professional and is a co-author of the *Criminal Practice & Procedure*, Vernon's Oklahoma, Pocket Part, 2010.



Jessica A. Romanies is Assistant General Counsel with **Coca-Cola Beverages Florida, LLC** in Tampa, FL where she assists in the management of the day-to-day legal needs of the Company, manages litigation and hi-risk claims; contract disputes; rapid response investigations into critical incidents and accidents; and responses to investigations by Governmental agencies. She is also Counsel on various legal and business matters for employees, the executive leadership team, and across all segments of Coke Florida's business operations, working with business teams on key strategic business initiatives and in the preparation and review of various company policies.

Prior to her current responsibilities, Jessica practiced with Fowler White Burnett, P. A. in Jacksonville, FL.



Katie Baird is Coordinating Attorney with **Auto-Owner's Insurance Company** in Lansing, MI, where she reviews and analyzes liability and first-party insurance claims for coverage, damages and liability. She is also involved in developing strategic initiatives in managing resolution for insurance claims.

Prior to her current position, Katie practiced with Abels & Annes, P.C., in Chicago, IL. She and her husband, Ryan reside in Chicago.

Welcome Aboard!

#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:

- **Today at 2:00PM ET/11:00AM PT: Webinar - Unlock the Future of Law - Harnessing the Power of AI** with Jake Nelson of LexisNexis. [Click here to register.](#)
- **June 26, 2025 at 2:00PM ET / 11:00AM PT: FedTalks: Diversity Talks Roundtable** moderated by [Carolyn Ramos](#) and [Alonzo Washington](#). [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...

Richard L. Pinto!



Rick is an FDCC Defense Counsel member and a partner with [Pinto Coates Kyre & Bowers, PLLC](#) in Greensboro, NC where he has been engaged in a varied civil litigation practice since 1980.

His practice areas include personal injury and wrongful death claims, construction claims, motor carrier claims, product liability litigation, insurance (both defense and coverage), and commercial litigation.

While a majority of his work involves representing defendants, both individual and corporate, he also represents plaintiffs on commercial claims, as well as in serious personal injury claims. He has tried over 220 cases to verdict, and practices in the state and federal courts in North Carolina.

And this week, Rick celebrated a birthday! Please join us in sending him an email to:

rpinto@pckb-law.com

Happy Birthday, Rick, and our very best wishes to you and Lyn for continued good health, success and happiness in the years to come. Thank you for being a valued member of the Federation since 2002!



Why FDCC?

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