



# Eagle News

Issue VIII

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Eagle International Associates, Inc.  
PO Box 371510, Las Vegas, Nevada 89137-1510  
702-221-1399 [www.eagle-law.com](http://www.eagle-law.com)

## CHAIRMAN'S MESSAGE

By: John E. Cuttino, Chair  
Eagle International Associates

Dear Eagle Members:

I am pleased to report that your Eagle International has been hard at work, and has achieved significant success, in the latter half of 2012! Before I elaborate on our activities since June 2012, I want to first thank the many of you who have worked so hard to contribute to our success. Without your dedicated efforts, Eagle International would not thrive.

In September 2012, we held an incredibly successful regional seminar in Atlanta. Titled *Industry Leaders Forum*, we were able to hold this event at Turner Field, home of the Atlanta Braves, thanks to our Georgia law firm members at Owen Gleaton Egan Jones and Sweeney. Approximately 80 Eagle members and guests attended the afternoon seminar in a conference room overlooking the baseball field, followed by cocktails and a buffet dinner, after which we enjoyed watching the Atlanta Braves play the Philadelphia Phillies. Old acquaintances were renewed, new contacts made, and everyone agreed this was one of our most innovative and successful regional conferences ever.

Our Fall Seminar was held at the beautiful Boston Harbor Hotel in Boston, Massachusetts on October 18-19, 2012. Our thanks to Eagle's Massachusetts law firm member John Egan of Rubin and Rudman for his hospitality and logistical assistance. This Fall Seminar was also exceptionally well attended, and included an unusually high number of first time guests who all expressed interest in attending future seminars.

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In all, Eagle presented four (4) highly successful seminars in 2012. Eagles are even now preparing for the five (5) seminars we will hold in 2013, including one in the new venue of Kansas City, Missouri. I urge each of you to make plans to attend as many of these seminars as possible; the opportunity to make business contacts at these events is unique and is far superior (and more cost effective) than what each of us could achieve working on our own. We are truly stronger and better working together. If you haven't

participated in Eagle events much in the past, what are you waiting for? It produces results for those who work at it. Make 2013 the year you get involved in a big way.

Best wishes for a happy and prosperous New Year.

John E. Cuttino, Chair  
Eagle International Associates



## A NOTE FROM THE PUBLICATIONS COMMITTEE

By: John W. VanDenburgh  
Committee Chair

Seasons Greetings from the Publications Committee. We had a busy and productive 2012 and plan to continue that success in 2013. This past year we published newsletters in May and December. In early April we published the 50 state compendium *Minor Settlements from Alabama to Wyoming*. We followed that publication with *Fair Claims Handling Statutes, A 50 State Review* which was handed out to members and guests at the Spring meeting in Scottsdale. Thanks to all of the members in the various states who have answered the call to supply, edit and review the applicable law from their states and/or states where we have no member firm at present. It is impossible to produce such ambitious publications without your help. We are starting 2013 off with an update of our highly successful *Statute of Limitations 50 State Compendium* which will be completed in the first

quarter of the year and available for distribution at the Spring meeting in Chicago. The Committee also plans to publish a further compendium in the second half of the year with the topic to be determined. So far possible topic suggestions include 1) the nature and extent of medical expenses recoverable in a personal injury action, 2) damages recoverable in individual states for wrongful death claims, 3) spoliation of evidence standard/sanctions for the individual states, and/or 4) state court views on record retention policies as relates to avoiding spoliation claim. If you have an idea for the subject matter of the second major publication please e-mail me at [jwv@nvnolaw.com](mailto:jwv@nvnolaw.com). In addition we plan on publishing Spring and Fall issues of the *Eagle News*. We can always use new volunteers and members. If you are available to join the committee please contact us.

## RECAP OF RECENT EVENTS

### *Avoiding the Curve Balls, Atlanta Conference*

*By: Burt Satcher, Esq.  
Owen Gleaton Egan Jones & Sweeney  
Atlanta, GA*

EAGLE hosted fifty five industry leaders from twenty-two insurance carriers at a very successful conference in Atlanta on September 14. The event began with a three hour continuing education program followed by a reception and buffet dinner. The perfect Indian Summer day was topped off by an exciting Atlanta Braves victory at Turner Field where the day's events were held.

John Cuttino set the table for starting pitcher and Eagle Wade Manor who delivered a presentation on Avoiding Bad Faith. Tim Waldeck then provided strong middle relief as he lead a panel discussion on Unfair Claims Practices which involved industry representatives from Arch Insurance Company, Catlin Insurance Company and the RSUI Group, as well as Eagle Member Dan Farrell from Florida.

Dan Ripper of Luther-Anderson in Tennessee then shared a few tips with the audience on how to hit the curve balls presented by Spoliation of Evidence generated by surveillance and cellular phone data.



Finally, Georgia member Annarita Busbee closed the seminar with the strong delivery of a panel discussion on the Risks, Rewards, and Limits of Social Media in the defense of claims. Teammate Mario Ciano from the Reminger Company participated along with guests from Maxum Specialty Insurance Group and Colony Specialty in this final presentation.

The inaugural conference was well received by our wide variety of guests, many of whom were attending their first EAGLE function. Also, all twenty-eight EAGLES who made the trip to Georgia's capital were delighted with the excellent program and marketing opportunity. Frank and Terri received many positive remarks from the attendees as well as requests that the event be repeated. EAGLE appreciates the contributions of Owen Gleaton Egan Jones & Sweeney, LLP which devoted a great deal of time and resources to ensure that this conference was nothing short of a home run.

### *Successful Fall Conference in Boston*

*By: John Egan, Esq. Program Chair  
Rubin & Rudman  
Boston, MA*

The Fall 2012 Eagle Conference in Boston, Massachusetts, on October 18-19, was a resounding success. The Conference was held at the Boston Harbor Hotel on the Boston waterfront, which proved to be a wonderful venue. We had cocktails and dinner with our members and invited guests in the lovely Wharf Room, overlooking the water, followed by a really terrific program the following day.

interactive panel presentations on spoliation of evidence, insurance coverage litigation, use of mock trials, and the evaluation and defense of professional liability claims, culminating in a production by the Eagle Players of a "Mediation Gone Bonkers!", intended to demonstrate some of the do's and don't's of a successful mediation. (I'll never be able to look at David Hudgins quite the same again.)

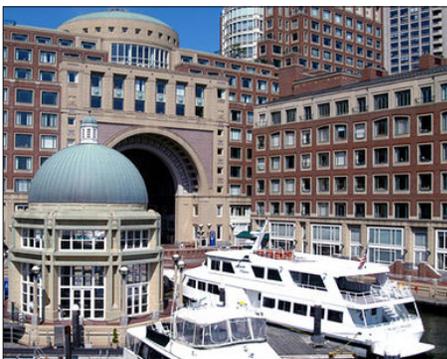
The theme of the day-long program was "Defending Complex Cases in a Complex World", and featured

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## RECAP OF RECENT EVENTS

### *Successful Fall Conference in Boston - Continued from page 3*

The best part of our Fall Conference was the tremendous attendance and participation of both our members and our invited guests and clients. We had a total of 19 client representatives participate as panelists on our Program, and even more than that were in attendance for either our dinner on Thursday evening or the Conference program on Friday, or both. Without question, one of our best turnouts ever. To cap it off, we have been receiving post-Conference kudos from many of our invited guests, praising the quality of the program and thanking us for including them, and a number of our members have already received new case assignments from some of the client representatives who were in attendance at the program.



As Program Chair and local host for the 2012 Boston Conference, I am enormously grateful for the hard work devoted to organizing the Program put in by our Program Committee, and I am especially grateful for the very strong turnout from members and guests alike. ***Turnout and participation*** are what make this

organization work as a generator of business, and I am extremely pleased that our initial venture into Boston was as successful as it was in that regard.

Thanks very much to everyone who made it work.

### *2012 Kudos from Clients*

As an organization, Eagle strives to meet the needs of many clients. One way we have been extremely successful in meeting those needs is to offer educational seminars in various locations on a full-range of subject matters. It seems at the end of each seminar, more and more people express their praise for the quality and substantive matter of the seminar. We'd like to share with you some of the emails that have been sent by clients with their appreciation of a job well done.

Thank you for your efficiency and good cheer. That was truly one of the best run conferences I have ever attended including the upfront preparation, during and now on the back end. Well done! ***Jeffrey R. Neidle, Esq., Assistant Vice President, OneBeacon Professional Insurance (Boston 2012)***

You ran an absolutely terrific conference. The presentations were excellent and of course the venue was top notch. Thanks again for including me, and my colleagues. ***Patti Ratner, Managing Attorney, Electric Insurance Company (Boston 2012)***

Look forwarding to seeing you again at a future Eagle conference. They are a great bunch of people. ***Brad Dantic, General Counsel, ALPS (Boston 2012)***

It was my pleasure to attend and participate. I appreciated that Eagle has some really terrific trial lawyers and I know that we will use some of them because of the introductions. ***Denny Rodriguez, Vice President, Claims, Professional Risk Management Services (Boston 2012)***

Just a note of thanks for welcoming me into the Eagle fold. I had a very nice time and met some very nice people. Please thank the Eagle Board for me and express my interest in returning in the future. I most appreciated your time and courtesy and thank you for a great time. ***Jeffrey Eckman, Liberty International Underwriters (Boston 2012)***

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## RECAP OF RECENT EVENTS

### *2012 Kudos from Clients - Continued from page 4*

That was one of the best conferences I have attended. You did a wonderful job pulling it together. **Lesley MacQuarrie, Lexington Insurance Company (Boston 2012)**

Thanks again for a wonderful conference. It was awesome. Your hard work showed. **Coledia Poole, Claims Management (Boston 2012)**

I wanted to take this time to say THANK YOU for the seminar on Friday May 18. It was really helpful for me to be involved in that Event and of course, the kayaking was stupendous and much appreciated. Please do include me in your future events. It was also really nice to meet you and your lovely husband. Thanks again. Top notch event! **Liz Jones, Area Claims Manager, Burlington Insurance Company (Scottsdale 2012)**

Terri, I want to thank you and Frank for the invitation to the conference in Scottsdale. The hospitality was outstanding and the conference provided an opportunity to meet some Eagle members I had never

met before. I truly appreciated the experience. **Brian Arndorfer, VP, Associate General Counsel, Church Mutual Insurance Company (Scottsdale 2012)**

Thank you so much for the wonderful seminar. It provided inside opinions between carriers regarding the handling of common issues. In addition the kayaking was a blast. Please keep in on your list for upcoming CE and events. **Jacki Creighton, Burlington Insurance (Scottsdale 2012)**

Last night was a wonderful delightful experience. The organization of this event has been amazing. Being old, jaded and cynical—your event was an amazing surprise and all of it good. Thanks to you and everyone involved – for the evening my husband and I enjoyed last night. Will be at this morning's program, too. But, I did want to let you know how much we appreciated the effort and hospitality! **Esther Marlatt, Sr. Claims Examiner, Catlin Specialty (Scottsdale 2012)**

**EAGLE ROCKS!**

## MARKETING 2013

The Eagle Marketing Committee, including members: Mario Ciano, Paul Finamore, Paul Graf, David Hudgins, Peter Miller, Mitch Orpett, Burt Satcher, Tim Waldeck and chaired by Jeff Hill, as in all things is invaluablely assisted by Terri and Frank Napolitani. The Committee has big plans for Eagle in 2013.

The Committee will assist in the preparation and presentation of the major Eagle conferences in Chicago in May and Paris in October. In addition the Marketing Committee will plan the annual Eagle Church Mutual Seminar in April as well as potential seminars in Richmond, Virginia as was presented in 2011 or Kansas City, a new venue for Eagle. As always, the committee will seek to locate national clients who may use the Eagle network nationwide

as many Eagle clients do already. The Committee will be reaching out to the membership for ideas and participation in further developing and strengthening the Eagle brand. All ideas are welcome and members are encouraged to contact members of the Committee



with their suggestions and participation. The goal of the Marketing Committee in 2013 – as has been set and achieved each year – is to build on and exceed the performance of Eagle marketing in the prior year.

The goals are aggressive and will be met with the energy of the Committee and the entire Eagle membership.

## MEMBERSHIP ANNOUNCEMENTS

We welcome our newest adjusting company member, **Colonial Adjustment, Inc.** and its President, **Scott Kidder**. Colonial has served Maine, New Hampshire and Vermont since 1974. Scott joined Colonial in 1995 and is the driving force behind the company's continued growth and success with keen strategic planning and solid management. With 26 adjusters and a combined average of 20 plus years experience, Colonial provides the expertise for all property and casualty claims. Scott's vision for the future is maintaining quality relationships with existing clients, fostering new relationships and growing the business to new levels. We look forward to developing a long relationship with Scott and Colonial Adjustment.

Oregon Eagle member **Jeff Hill** has formed a new partnership, **Hill & Lamb LLP**. Jeff's partner is his very long time friend, Bradford H. Lamb. Brad is an insurance and general civil trial lawyer participating in all areas of general civil litigation. Jeff will welcome Brad to Eagle at the next membership meeting. Hill & Lamb LLP will stay small and Jeff and Brad expect the firm to have five or six attorneys within the next year. Jeff and Brad and the firm will continue to concentrate in areas of insurance coverage and bad

faith as well as general products and professional liability and construction law.

**Coverage for Indiana:** As we search for the right fit of a new law firm member in Indiana, the Reminger firm will cover this territory for an interim period. Heading up this office is Rob Hojnoski in Indianapolis. We hope to meet Rob at a future Eagle conference joining his partners Mario Ciano and Matt Schrader from Ohio and Shea Conley from Kentucky.

**Coverage for New York/Manhattan:** Our New Jersey member, David Abrams of Strongin Rothman & Abrams will cover the New York/Manhattan territory until another law firm can be recruited for this area. Strongin Rothman & Abrams has offices in Livingston, NJ and New York City. David has been a member of Eagle since 1999, served as Chairman of the Board of Eagle International for two years, is Chairman of the Permanent Seminar Steering Committee, serves on the Finance Committee and continues to actively serve on multiple seminar committees, including speaking at several conferences and moderating client panels for numerous seminars.

## REFERRALS

### June

Thanks to Dave Thomas and his law partner, Tony Calati, for the referral of an asbestos defense assignment in Arkansas. We hope to be able to return the favor. **Jason Campbell, Anderson Murphy & Hopkins**

I am happy to advise of the recent referral of a legal malpractice defense matter from ALPS, the lawyer professional liability insurer from Missoula, Montana that has been introduced to Eagle by David Hudgins. Although ALPS does not yet write policies in Massachusetts, one of its Maine insureds has been sued in the USDC here in Boston, and I was assigned his defense. Thanks to Dave for making the assignment possible. It pays to attend our meetings and make connections with people like the ALPS claims folks. **John Egan, Rubin & Rudman**

Reminger thanks our member Dale Jones and Central Claims Service for helpful information regarding the Fire, Casualty and Surety Association. Another value of Eagle memberships is our ability to tap into each other's knowledge and relationship resources. **Mario Ciano, Reminger Co.**

Shea Conley and the Reminger Firm are pleased to be of assistance to RPM Transport, a Canadian trucking company client of our Eagle New Jersey firm of Strongin, Rothman & Abrams. **Mario Ciano, Reminger Co.**

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## MORE REFERRALS

### *June - Continued from page 6*

I would like to thank John McKay (McKay, de Lormier and Acain, of Los Angeles, California) and Bernard Mettetal (HMN & Partners, Paris, France) for retaining us as local counsel for their client AXA Insurance Company. As always, we much appreciate the opportunity to work with our Eagle colleagues.

***David Abrams, Strongin Rothman Abrams***

I would like to thank John VanDenburgh of Napierski, VanDenburgh, Napierski & O'Connor, LLP (Albany, NY) for the referral of a Canadian trucking client, JBL Heavy Haul who we will be assisting in the Buffalo / Niagara area. ***Michael Coutu, Sliwa & Lane***

### *July*

I am pleased to report receipt of a new assignment from Church Mutual that got resolved in one day. No case too big or small! Thanks, Eagle network. ***David Hudgins, Hudgins Law Firm***

Last week, long time Eagle friend Frank McLaughlin of Generali US Branch – introduced to all of us by our friend David Abrams, our very active New Jersey

### *August*

Owen Gleaton Egan Jones & Sweeney just received a new claim assignment from Church Mutual involving an alleged battery of a child at a day camp. ***Burt Satcher, Owen Gleaton.***

### *September*

Thanks to Hausch & Company for the referral of a dog bite matter. Eagle continues to work. ***John VanDenburgh, Napierski, VanDenburgh, Napierski & O'Connor***

I received a good case from Mariam Hopkins of Little Rock, AR. Eagle continues to work! ***Mike Zoovas, Zoovas, Zoovas & Associates***

I am pleased to announce that as a result of the efforts of our Eagle members and our programs, we have received a Federal Court defense claim against Delos Insurance. ***Tim Waldeck, Waldeck Law Firm***

We have received a new case assignment from Gibson and Associates. This Eagle referral is much appreciated. ***Gene Backus, Backus Carranza & Burden***

and New York member – assigned us the defense of a very interesting fire/products/personal jurisdiction case for one of his Italian insured companies. Thanks particularly to David but many of us have been active in welcoming Frank to Eagle. Frank has told me several times how valuable the Eagle network is to him. ***Jeff Hill, Hill & Lamb***

Just this week I was able to refer an investigative matter to our NY adjuster Patrick Phelan. ***John VanDenburgh, Napierski, VanDenburgh, Napierski & O'Connor***

I would like to thank John-- and Eagle- This is our first assignment and I hope to reciprocate throughout the USA. ***Patrick Phelan, Customized Claims Solutions***

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## MORE REFERRALS

### *September - Continued from page 7*

I am pleased to report a new assignment from Church Mutual. Thanks to Peter, John and all our members who have worked hard to develop our special relationship with this client. **David Hudgins, Hudgins Law Firm**

Thanks to Paul Finamore for referring me a new lawsuit involving a defamation claim for Brethren Mutual. **Alex Hagan, Ellis & Winters**

Thanks also to David Hudgins for a referral that has resulted in a new legal malpractice and defamation claim for ALPS.. **Alex Hagan, Ellis & Winters**

Many thanks to Marc Sheiness for a referral of a new client to this firm, Bocard Pipe Fabricators, Inc., of Houston, TX for a contract review matter. Thanks Marc and Eagle! **Mitch Orpett, Tribler Orpett & Meyer**

### *October*

Shortly after returning home from Boston I was pleased to receive two sizeable assignments, one from ALPS and one from Church Mutual. Coincidence? **David Hudgins, Hudgins Law Firm**

I'd also like to report that while at the conference I was assigned a new matter from Legal Sea Foods, LLC. Thanks to John Egan and Eagle!! **David Abrams, Strongin Rothman & Abrams**

I am pleased to report that shortly after the Boston meeting, I was assigned an architectural E&O claim by Anthony Carolei of Hanover Insurance, one of the speakers at the conference It is my first case from Hanover and it certainly helped to be able to reference Eagles and his speech in particular. **Rob Anderson, Anderson Julian & Hull**

### *November*

I am pleased to report that our firm has received its first assignment from ALPS, which is now handling insurance agent liability claims in Louisiana. Thank you to Dave Hudgins and Eagle for introducing us to the folks at ALPS. **Jeff Clayman, James Ryan III & Associates**

I do not recall who invited John H. Makowski, Vice President and Head of Claims Assicurazioni Generali-UK Branch to our Paris Seminar five years ago, but need to thank him/her, as I just received an assignment of a suit pending here in Houston. Eagle works! [Note: Jim Ryan invited this guest.] **Marc Sheiness, Sheiness Scott Grossman & Cohn**

I am pleased to report that I have received an assignment to defend Generali in a coverage matter in Philadelphia from Gerard Honig of HMN & Partners in Paris France, our French member. **David Pennington, Harvey Pennington Ltd.**

I would like to thank David Hudgins (or shall I say the esteemed Reverend) for the referral of a new assignment received from ALPS. Eagle once again demonstrates its value. **David Abrams, Strongin Rothman & Abrams**

Thanks to Peter Slavin's attendance at our 2010 Chicago meeting, we received a coverage and bad faith assignment arising out of a commercial property loss from Michael Jones, of Tower Group's New York office. **Mario Ciano, Reminger Co.**

Our office received an assignment from Church Mutual this morning to defend an assisted living facility. Thanks to all for the effort to further develop Church Mutual as a client. **Sonja McKenzie, Goldfarb, Senter & Rice**

## ACCOLADES

Eagle Chair **John E. Cuttino** has been elected to the position of **Secretary-Treasurer of DRI** –the Voice of The Defense Bar. As an Officer, Mr. Cuttino will serve on DRI's six –member Executive Committee. Mr. Cuttino previously served on DRI's 39 member national Board of Directors from October 2009-October 2012. DRI -The Voice of The Defense Bar is the world's largest organization of attorneys which defend the interests of individuals and businesses in civil matters. Its membership totals more than 22,000. [www.dri.org](http://www.dri.org)

**Vetter & White**, Providence, RI, has been ranked as a Tier 1 law firm in the 2013 Edition of *U.S. News-Best Lawyers* "Best Law Firms". They are pleased to report that **George E. Lieberman**, partner, has been recognized for the 9<sup>th</sup> consecutive year as one of the best lawyers in the United States in the field of Commercial Litigation and, also, has been recognized as one of the best U.S. Lawyers in the field of Litigation-Real Estate.

**Ebonie S. v. Pueblo School District 60, et al.** – United States Court of Appeals Tenth Circuit, Case No. 11-1273. This appeal required the court to decide whether the use of a particular desk in special education classrooms was permissible under the United States Constitution. The desk in question wraps around the student on the front and the sides and has a securing bar that runs behind the student's chair. In a kindergarten special education classroom at Bessemer Academy in Pueblo, Colorado, Ebonie S., a student with multiple disabilities, often sat in

this type of desk. Ebonie S.'s mother filed suit under 42 U.S.C. 1983, contending that the use of the desk violated the Fourth Amendment, the Due Process Clause, and the Equal Protection Clause, as well as the ADA and the Rehabilitation Act. Ebonie S. also brought a supervisory liability claim and sued the individual paraprofessionals in her classroom at Bessemer. The district court granted summary judgment to defendants on the constitutional claims and dismissed the supervisory liability claims, and the claims against the individual paraprofessionals and supervisors. The Tenth Circuit affirmed the district court's grants on summary judgment specifically finding that use of the desk was not an unreasonable seizure pursuant to the Fourth Amendment, there was no violation of Ebonie S.'s liberty interest under the Fourteenth Amendment, no violation of Equal Protection, and the supervisory liability claim and individual defendants were properly dismissed. The case was handled by *Sonja S. McKenzie and Sarah A. Schreiber* of **Senter Goldfarb & Rice** in Denver.

Six attorneys from **Owen Gleaton Egan Jones & Sweeney** in Atlanta were named to the 2013 U.S. News "Best Lawyers" publication: **Andy Owen, Fred Gleaton, Philippa Ellis, Roger Harris, Steve Sparwath, and Mike Egan.**

**Art Kutzer** of **Senter Goldfarb & Rice** in Denver has been named again a Superlawyer and listed in Best Attorneys in America for 2013 in personal injury litigation.

## 2013 EVENTS - MARK YOUR CALENDARS AND PLAN TO ATTEND

**Richmond Regional Conference – March 21**  
Commonwealth Club / The Jefferson Hotel  
Dan Ripper: Seminar Committee Chair

**Spring Conference – May 16-17**  
Marriott Chicago - Oak Brook Hills  
Mitch Orpett: Seminar Committee Chair

**Church Mutual Insurance Company**  
Wausau, Wisconsin  
June 25 (Dinner) 26 (Morning Seminar)  
Paul Finamore: Seminar Committee Chair



**Proposed Regional Conference**  
Early September 2013: Kansas City  
Exact Date and Venue to be announced

**Fall Conference – October 10-11**  
La Defense Renaissance Hotel  
Paris, France: October 10: Reception & Dinner –  
October 11: Full day Seminar  
Pierre Humblet and Juliette Vogel: Seminar  
Committee Co-Chairs

**London, U.K. – October 14**  
Cocktail Reception – Venue to be announced