



**Eagle International Associates, Inc.**  
*presents*

**AVOIDING BLACK HOLES**  
**Successfully Defending and Resolving**  
**Troublesome Brain Injury, Wrongful Death**  
**and Construction Defect Claims**

**MAY 13, 2016**

**Royal Palms Resort and Spa**

5200 E. Camelback Road  
Phoenix, AZ 85018  
602.840.3610  
www.royalpalmshotel.com

Room Rate: \$359\* Check In: 4PM Check Out: 12PM

**\*Resort fee included in room price. See Details for inclusions.** Room reservations made through Terri Napolitani, **not with the hotel.** Payment will be made by presenting a credit card at check-in.

***Complimentary to Guests***

*Eagle International Associates, Inc. is an international network of independent law firms, adjusters and claims related service providers throughout the United States and Europe.*

*The membership of Eagle International Associates, Inc. is committed to diversity and inclusion in all endeavors of the organization. A statement of Eagle's diversity policy is set forth on our website at [www.eagle-law.com](http://www.eagle-law.com)*

For more information, please visit [www.eagle-law.com](http://www.eagle-law.com) or contact Terri Napolitani at [terri.napolitani@eagle-law.com](mailto:terri.napolitani@eagle-law.com) (702-221-1399)

**REGISTER FOR HOTEL ROOM BY APRIL 1<sup>ST</sup>**  
**REGISTER FOR SEMINAR BY MAY 2<sup>ND</sup>**

Industry leaders and experts discuss best strategies for effectively and efficiently defending claims and suits involving an assortment of challenging areas including construction defects, brain injuries and wrongful death claims.

**PROGRAM**

- 7:45 am Breakfast - **Palmera**
- 8:30 am Welcome  
Jeffrey V. Hill, Esq., Hill & Lamb LLP (OR/WA) – Chair, Eagle International Associates, Inc.  
Program Introduction  
Jack Storer, Esq., Swenson Storer Andrews & Frazelle, PC (AZ)
- 8:40 am **Builder's Risk Insurance: Utilizing BR Policies to Help Settle Construction Defect Claims—Finding the Oasis in the Desert**  
Co-Moderators:  
Rebecca M. Alcantar, Esq., Macdonald Devin, PC (TX)  
Gene Backus, Esq., Backus Carranza & Burden (NV)  
Panelists:  
Cynthia K. Conrad, JD, General Counsel, Fugro Consultants, Inc.  
Carlos M. Tamez, Esq., General Counsel, Litigation-Risk Management, Fugro (USA) Inc.  
Gregory N. Ziegler, Esq., Macdonald Devin, PC (TX)
- 9:40 am **Neuropsychological Injury Claims: What You Need to Know to Weed Out False Claims**  
Part I: Examination of Plaintiff  
Plaintiff: Annarita L. McGovern, Esq., Owen Gleaton Egan Jones & Sweeney, LLP (GA)  
Attorney: Marc A. Sheiness, Esq., Sheiness Glover & Grossman LLP (TX)  
Part II: Examination of Expert  
Neuropsychologist: Susan R. Borgaro, Ph.D., ABPP  
Attorney: Jack Storer, Esq., Swenson Storer Andrews & Frazelle, PC (AZ)  
Part III: Panel Discussion of Examinations  
Co-Moderators:  
Jack Storer, Esq., Swenson Storer Andrews & Frazelle, PC (AZ)  
David A. Abrams, Esq., Strongin Rothman & Abrams, LLP (NY/NJ)  
Panelists:  
Susan R. Borgaro, Ph.D., ABPP  
Greg Welsh, Claims Manager, Marriott Claims Services
- 10:45 am Break
- 11:00 am **Wrongful Death Claims: Hot Button Issues and Recent Developments**  
Co-Moderators:  
Art Kutzer, Esq., Senter Goldfarb & Rice, LLC (CO)  
Theodore J. Waldeck, Esq., Waldeck Law Firm, PA (MN/WI)  
Panelists:  
Dawn H. Gouge, Ph.D., B.Sc.  
Edward F. Harkins, Senior Claim Examiner, XL Catlin  
Clifford B. Kelly, Area Claims Manager, Burlington/IFG Companies  
Steve Watson, Litigation Manager, Sentry Insurance
- 11:45 am Closing Remarks / End Program
- 12:15 pm Buffet Lunch (Non-Golfers) - **Palmera Patio**
- 12:30 pm Departure for Golf – **The Phoenician** (Box Lunch Provided in Carts) - **Front Entrance**
- 12:48 pm First Group Tee Time
- 6:30-7:30 pm Cocktail Reception - **Vernadero Lawn**

*Adjuster Continuing Education Credits are pending for Florida and Texas  
Legal Continuing Education credits are pending for Illinois and Wisconsin*



**David Abrams** is a founding member of Strongin Rothman & Abrams, LLP with offices in Livingston, NJ and New York, NY. David has been admitted to practice law in New York since 1986 and in New Jersey since 1988 and is also admitted in the federal courts in those jurisdictions. Mr. Abrams has over twenty-five years of civil litigation experience, including significant trial experience in the State and Federal Courts of New York and New Jersey. Areas of concentration include hospitality industry litigation, premises and premises security liability, sports and recreational injury litigation, insurance coverage, construction site accidents, transportation/trucking, products liability, professional liability and commercial litigation. Since 1996, Mr. Abrams has served as national coordinating counsel for Club Mediterranee, S.A.'s insured litigation in the United States, a position he proposed, developed, and implemented. He is a former Chairman and a member of the Board of Directors of Eagle International Associates, Inc. Mr. Abrams is a contributing author to the legal treatise Products Liability in New York, Chapter 8, "Defending the Design Defect Case: Strategic Considerations," published by the New York State Bar Association in 1997. Additionally, Mr. Abrams has lectured on a variety of civil litigation topics at Bar Association seminars and before professional organizations. He received his Juris Doctor from Hofstra University School of Law in June 1985, where he graduated "with distinction" (top 10%). He graduated from the State University of New York at Binghamton with a BA in June 1979.

**Rebecca M. Alcantar** is an attorney with the law firm of Macdonald Devin, P.C. in Dallas, Texas. She has over 20 years of general litigation experience in civil matters with an emphasis on construction defect cases representing architects and engineers, professional liability, personal injury defense, and commercial litigation. She is admitted to practice in Texas state and federal courts, the Fifth Circuit Court of Appeals, and the United States Supreme Court. She earned her B.A. from the University of Texas at Austin, and J.D. from Texas Tech University School of Law.

**Leland Eugene (Gene) Backus** is a native Nevadan and graduate of UCLA School of Law. He has been chief trial counsel or regional counsel on some of the largest complex cases in the country from the MGM Fire Litigation where he was appointed Liaison Counsel to the Federal Court and other mass tort cases including Agent Orange, asbestos, Dupont Hotel Fire Litigation, Pepcon Plant Explosion, Bone Screw Litigation, Yellow Brass Litigation, tobacco, diet drug and City Center Litigation. Mr. Backus has authored several articles in the field of litigation, including DRI and ABA. He has lectured on litigation and insurance topics throughout the country. He has helped educate judges and lawyers on civil rule practice. Mr. Backus has been selected as a Super Lawyer in general litigation, as well as Best Attorneys in America. U.S. News & World Report has his firm as one of the Best Law Firms in Nevada. He is the founding shareholder of Backus, Carranza & Burden whose law office is located in Las Vegas, Nevada.

**Dr. Susan Borgaro** is a licensed Clinical Psychologist in the State of Arizona since 2001, with a specialization in Neuropsychology. She received her Doctoral degree in Clinical Psychology from Fairleigh Dickinson University in New Jersey in 1999. She completed a one-year Pre-Doctoral Internship in Neuropsychology from Yale University in Connecticut, a two-year Neuropsychology Post-Doctoral Residency from Barrow Neurological Institute in Arizona, and is Board Certified in Rehabilitation Psychology with the American Board of Professional Psychologists (ABPP). Upon completion of her post-doctoral residency in Neuropsychology in 2001, Dr. Borgaro worked as a Staff Neuropsychologist and Associate Director of the Neuropsychology Training Program at Barrow Neurological Institute. In 2005, she opened a private practice in Phoenix where she continues to work full-time, providing comprehensive neuropsychological evaluations to approximately 400 to 500 clinically referred patients per year. Patients are referred for evaluation of their neuropsychological symptoms to assist in their diagnostic and neurological workup, as well as treatment planning. Dr.

Borgaro has presented at numerous local, state, national, and international conferences, and is well-published in the field of Neuropsychology.

**Cynthia K. Conrad** is currently General Counsel of, and provides risk management for, Fugro Consultants, Inc., a geotechnical and geo-consulting specialty firm. Cynthia has over thirty years of experience as legal counsel, accounting, and other business functions. For the past ten years, she has focused her legal practice on construction and pre-construction and design matters. Cynthia earned a Doctor of Jurisprudence from South Texas School of Law and a B.S., Accountancy from Miami University, Ohio.

**Dawn H. Gouge Ph.D. B.Sc.** is an Associate Professor and Associate Specialist – Urban Entomologist at the University of Arizona. Dr. Gouge has been an Entomologist and Integrated Pest Management (IPM) specialist since 1995. She is a Board member of the IPM Institute of North America, has been appointed to Federal U.S. Environmental Protection Agency (EPA) Federal Advisory Committee Act (FACA) Pesticide Program Dialog Committee. Dr. Gouge co-directs the Western Region School IPM Working Group, and is a member of Western Region Bed Bug Working Group. She serves on the National School IPM 2015 Steering Committee, and the Advisory Board of the IPM Institute Green Shield Certification program. Teaching Extension and Research efforts focus on pest ecology and reduced-hazard management of public health pests, including venomous arthropods, disease vectors, and bed bugs. Dr. Gouge earned her B.Sc. (Honors) Applied Biology from the University of Wales, United Kingdom in 1990 and her Ph.D. Entomology and Nematology at University of Reading, United Kingdom in 1994.

**Edward F. Harkins** is a Senior Claims Examiner at XL Catlin in Scottsdale. He currently specializes in General Liability, Premises Liability, Construction Defect, Products Liability and Liquor Liability claims. With more than 25 years claims experience, Ed has handled Excess/Umbrella, Professional Lines-Public Entity-1983 Civil Rights Cases, Police excessive force cases, EPLI, Preferred Dealership Program- E & O and New York Labor Law. Ed earned a B.S. Marketing from St. John's University. He holds the designation from Insurance Institute of America IIA-Business Writing At Work INS 21, 22, 23.

**Jeffrey V. Hill** is a partner at Hill & Lamb LLP an insurance and trial practice law firm in Portland, Oregon. He is a thirty year plus trial lawyer who concentrates his practice in Oregon and Washington in the areas of complex insurance coverage and bad faith as well as defense of professional, fire, environmental and financial liability claims. Jeff received his undergraduate degree in economics from Washington State University in 1978 and his law degree from the University of Puget Sound in 1981. He is admitted to practice in all courts of the states of Oregon and Washington. He is a member of the Oregon Association of Defense Counsel, The International Association of Defense Counsel, Defense Research Institute, The CLM and is a frequent contributor to insurance and trial related presentations throughout the United States and Europe.

**Clifford B. Kelly** is an Area Claims Manager for The Burlington Insurance Co. He has been a claims professional in the insurance industry for the past 25 years handling a variety of claims in a variety in lines of business. He has worked for Scottsdale Insurance Co., Colony Insurance Co., Century Surety, and is now with Burlington. Mr. Kelly holds a Senior Claims Law Associates designation and his strong suits are coverage and negotiations. He has handled over 200 Mediations in his career. He has been a Panelist at several conferences and was with the American Arbitration Association. Cliff was also a participant at the 2014 Eagle Conference in Scottsdale on the Defending Catastrophic Claims panel. He is a graduate of Brophy College Prep in Phoenix, AZ. He enjoys golf, coaching youth sports, and surfing.



**Art Kutzer** is the managing partner of Senter Goldfarb & Rice, LLC and has been with the firm since 1987. Mr. Kutzer has been awarded the AV Preeminent rating by Martindale Hubbell, its highest level, has been repeatedly named a Super Lawyer, named to Best Lawyers in America and a Top Rated Lawyer in Personal Injury by American Lawyer. He has handled thousands of lawsuits involving most types of civil claims and advises clients how to avoid litigation. Mr. Kutzer’s recent focus of practice has been in the areas of personal injury, fleet vehicle accidents, insurance coverage disputes and bad faith. He has handled numerous cases in these areas at every level of both the Colorado State and Federal courts (including the U.S. Supreme Court). He regularly provides training seminars for attorneys, insurance companies and their adjusters regarding handling Colorado claims, and has acted as an arbiter and expert witness. He has lectured to the Colorado Claims Association, Colorado Bar Association and for Continuing Legal Education programs for lawyers and paralegals. Art earned a B.S., Accounting from Colorado State University and a J.D. from the University of Denver.

**Annarita L. McGovern** has been in private practice in Atlanta for the past 17 years. She joined Owen Gleaton Egan Jones & Sweeney in December 2008, and was previously a partner at Seacrest Karesh in Atlanta, where she worked for 10 years. Ms. McGovern represents Fortune 500 corporations, insurance companies and governmental entities in the areas of medical malpractice, governmental liability, employment law, as well as general civil litigation matters. Annarita received her undergraduate degree from the University of Virginia in 1991 and her J.D. from the University of Memphis in 1997. Prior to entering private practice she worked for the Chief Judge of the Tennessee Criminal Court of Appeals and a civil trial judge in Memphis, Tennessee. She is on the Board for Children without a Voice (CWAV), an organization dedicated to the prevention of child abuse, has served as a violinist in the Atlanta Lawyers’ Orchestra, and is a founder of a youth running program to combat childhood obesity in Roswell, Georgia.

**Marc A. Sheiness** is Managing Partner in the Houston, Texas, civil trial law firm of Sheiness Glover & Grossman, LLP and is AV-rated by Martindale-Hubbell. Marc received his B.A. from Texas A&M University and his J.D. from Baylor University. He is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. Marc is admitted to practice before the U.S. District Courts for the Southern, Eastern, Northern and Western Districts of Texas, and before the U.S. Court of Appeals for the Fifth Circuit. His professional memberships include the Texas Association of Defense Counsel, Defense Research Institute, and Eagle International Associates, Inc. He has been engaged primarily in insurance defense since his practice began, with primary areas of practice in products liability, professional malpractice, premises liability, and bad faith litigation.

**Jack Storer** is a partner with Swenson, Storer, Andrews & Frazelle, P.C., in Phoenix, Arizona. Jack is a Certified Specialist in Injury and Wrongful Death Litigation by the State Bar of Arizona. His practice areas are Insurance Defense, Product Liability, Premises Liability, Vertical Transportation Industry, Large Vehicle Accidents; Construction Defect, and Insurance Coverage. Jack is a graduate of the University of Denver, BSBA 1974, MBA 1977; Law School: DePaul University 1980. His Bar membership is in Texas (1980), Illinois (1981), and Arizona (1985).

**Carlos Tamez** is currently General Counsel, Litigation—Risk Management with Fugro USA, and oversees litigation and insurance for Fugro in the United States and Canada. Before joining Fugro, Carlos was legal counsel for Repsol in The Woodlands, Texas. He was previously associate counsel for American President Lines in Scottsdale, Arizona, and a maritime litigator with the law firm of Hill Rivkins, LLP. Carlos earned a Doctor of Jurisprudence from The University of Texas School of Law and a Bachelor of Science in Technology from The University of Houston.

**Theodore J. Waldeck** of Waldeck Law Firm P.A., located in Minneapolis, Minnesota, is licensed and practices law in both Minnesota and Wisconsin. He is a 2004 graduate of Creighton University and a J.D. graduate of The University of St. Thomas Law School in 2008. He is a member of the Hennepin County and Minnesota State Bar Associations; the Minnesota Defense Lawyers Association; the State Bar of Wisconsin; the Twin Cities Claims Association; CLM International Products Liability Committee; and Eagle International Associates, Inc. Mr. Waldeck practices in insurance defense providing defense to both surplus lines and standard line carriers with primary emphasis in defense of products liability, professional liability, and church claims.

**Steve Watson** is the Litigation Manager of Sentry Insurance Company in Scottsdale, Arizona. Prior to his position at Sentry, Steve was Vice President of Claims at Legacy Insurance Services and Arizona Automobile Insurance Company in Phoenix, National Litigation Director at Royal & Sun-Alliance Insurance Company – Orion Auto, Viking and GNIC Divisions in Englewood, Colorado, Western States Regional Manager of Superior Insurance Company in Anaheim, California and Regional Claims Manager of Guaranty National Insurance Company in Englewood, Colorado.

**Greg Welsh** was born in Boulder, Colorado. His father, James Welsh, was employed 33 years by State Farm Insurance Companies as a Claims Manager in Tucson in the early 70’s and Claims Superintendent in Phoenix in the 90’s. Greg attended grade school in Tucson and high school in the suburbs of Philadelphia, PA. He graduated from Mount Saint Mary’s University in Emmitsburg, MD in 1980 with a B.S. in Business & Finance. After college he was employed as an Insurance Field Investigator for Equifax Services in Washington, DC and specialized in Surveillance. Greg joined Marriott International in 1989 in Bethesda, MD and transferred to Dallas, TX in 1992 where he is currently a Claims Manager for Marriott Claims Services. Greg resides with his wife Nancy in Frisco, TX and his daughter, Stacey, who is a television news reporter for CBS in San Antonio. In his spare time Greg is an avid runner, and golfer.

**Gregory N. Ziegler** is an owner in the Dallas, Texas law firm of Macdonald Devin where he has practiced for 22 years in civil trial law. Greg represents professionals and businesses throughout the U.S. He specializes in defending architects and engineers in major construction cases, including the Dallas Cowboys Practice Facility Collapse, Motiva \$7 Billion oil refinery case, and the Ocean Tower South Padre Island implosion lawsuit, just to name a few. Greg is licensed in Texas, Oklahoma and New Mexico, and currently handles cases in South Carolina, Mississippi and Louisiana.



## PARTICULARS

**HOTEL REGISTRATION ...** Your hotel room reservations are made by completing the Guest Registration Form and returning it to Terri Napolitani by **April 1st**. If you call the resort to make your reservations, they will refer you back to Terri. No credit card information is required at the time of registration. Each guest will provide a credit card at check-in. Group Room Rate: \$359 which includes the Resort Fee. The resort fee includes all non-food and beverage and non-spa personnel gratuities, portorage, housekeeping, daily maid service, use of the Alvadora Spa facilities and fitness center, individual wireless high speed internet access, local and toll-free access phone calls, in-room coffee, valet parking and shoe shine service.

**EDUCATIONAL PROGRAM ...** Following a buffet breakfast, **Jack Storer** Chair of the Spring Seminar Committee, will open our morning program, ***AVOIDING BLACK HOLES - Successfully Defending and Resolving Troublesome Brain Injury, Wrongful Death and Construction Defect Claims.***

**Rebecca Alcantar** and **Gene Backus** will co-moderate a lively panel discussion on ***Builder's Risk Insurance: Utilizing BR Policies to Help Settle Construction Defect Claims*** with panelists **Cynthia Conrad**, General Counsel of Fugro Consultants, **Carlos Tamez**, General Counsel, Litigation-Risk Management of Fugro (USA) Inc. and **Greg Ziegler** of Macdonald Devin.

A three-part presentation of ***Neuropsychological Injury Claims: What You Need to Know to Weed Out False Claims*** will be led by **Jack Storer**. An **Examination of Plaintiff** with **Annarita McGovern** as the Plaintiff and **Marc Sheiness** as the attorney will begin the segment. **Jack Storer** will handle the **Examination of Expert**, **Dr. Susan Borgaro, Ph.D.** and a panel discussion will wrap up the presentation with **Jack Storer** and **David Abrams** as co-moderators with **Dr. Borgaro** and **Greg Welsh**, Claims Manager, Marriott Claims Services.

A third presentation on ***Wrongful Death Claims: Hot Button Issues and Recent Developments*** will be co-moderated by **Art Kutzer** and **Ted Waldeck**. An intuitive dialogue on the subject will be had by **Dr. Dawn Gouge, Ph.D.**, **Ed Harkins**, Senior Claim Examiner, XL Catlin, **Cliff Kelly**, Area Claims Manager, Burlington/IFG Companies and **Steve Watson**, Litigation Manager at Sentry Insurance.

**GOLF ...** Contoured out of the beauty of the spectacular Sonoran Desert, The Phoenician features a 27-hole championship golf course that inspires your spirit of adventure. Designed by Ted Robinson, Sr. and Homer Flint, The Phoenician's three diverse nine-hole courses create 18-hole combinations for the challenge and fun you crave. Tee off on the finest golf courses in Scottsdale, Arizona, with 6,300 yards of extraordinary terrain with gorgeous greens, pristine desert views, breathtaking scenery and Arizona's only sand-island green! Named "North America's Leading Golf Resort" by the World Travel Awards, The Phoenician has been ranked among the "Top 75 Golf Resorts in America" by Golf Digest. The first tee time is 12:48. A boxed lunch and refreshments during play are included. Club rentals are available. Proper golf attire is required.

**SPA AT ALVADORA ...** With scenic Camelback Mountain views and blooming bougainvillea surrounding the property, the Alvadora Spa offers a collection of signature treatments centered around the nurturing essences of the Mediterranean, soothing the spirit, renewing the body and enriching the mind. For more information, please see the attached announcement. Treatments will be paid directly by you to the Spa, which you can charge to your room.

**FAREWELL RECEPTION ...** After a pleasant spa experience or challenging round of golf on Friday afternoon, please join us on the Vernadero Lawn for a pre-sunset refreshing cocktail and light hors d'oeuvre before venturing out to dinner at T. Cook's on property or one of the many delicious restaurants in the Phoenix/Scottsdale area.

**REGISTER BY MAY 2<sup>ND</sup>**

**TO REGISTER  
See Attached Registration Form**