

# **Mass Torts Litigation Committee**

## **Meeting Minutes**

May 12, 2015

### **Opening**

The regular monthly teleconference meeting of the Mass Torts Litigation Committee was called to order at 2:03 p.m. (EDT)/1:03 p.m. (EDT) on May 12, 2015 by Laurie Novion.

### **Present**

Peter Choate, Maxwell Herman, Eric Hudson, Paul Majkowski, Matthew Moeller, Laurie Novion, Andrew Scholz, David L. Schwan, Tim Tomasik, Joe Winebrenner, Donald Winningham III, Karen Woodward, and Michael Zogby.

### **Recap of Section Annual Conference in New Orleans – April 2015**

- We had great turnout and programs from the ABA at this year's SAC.
- Rudy Perrino's panel was very successful. The panel, including Judge Eldon Fallon, was very educational and helpful regarding mass action management considerations.
- We are grateful to Barrasso Usdin for their sponsorship of the Mass Torts committee's dinner on Wednesday night at Brennan's in the French Quarter.
- We are also thankful for Stone Pigman's sponsorship of a happy hour at their offices near the Hyatt Regency on Friday afternoon (thanks particularly to Brooke Tigchelaar from Stone Pigman for coordinating).

### **Upcoming Monthly Deliverables (May/June) Under Committee Annual Plan**

- May 2015: Mass Torts has two deliverables:
  - Sound Advice – Resolution of Class Actions (Cheryl Woodin)
    - Laurie N. will follow up after this call with Cheryl about status.
  - Roundtable – MDL/Mass Torts Settlements on May 19, noon eastern.
    - See below for more information. Karen Woodward and Adam Spicer are the coordinators. The panel discussion will focus on settling mass torts and other considerations.
    - Registration is free, even for non-ABA members.
- June 2015: we have three deliverables:
  - Quarterly Newsletter (see below re Newsletter Content)
  - Aviation Regional Seminar – June 4, 2015 in New York City.
  - Regional Class Action/Mass Torts program CLE on June 19 in San Francisco, California.

## Mass Tort Program Proposals for 2016 Joint CLE Conference – Park City, UT

- We have already discussed with the planning committee an idea for a mass torts settlement matrix mechanics discussion. We could have a mediator, plaintiffs' attorney, and defense attorney discuss their thoughts on how to reach an effective settlement of a large, mass action with multiple plaintiffs, injuries, and claims.
- We are open to ideas from anyone for our plenaries and the one (1) mass torts breakout for this year. Please communicate any ideas to David Schwan or Karen Woodward, our representatives on the 2016 Joint CLE planning committee.

## Newsletter & Website Content

- **Newsletter Update (Jim Beck)**
  - The spring issue went out at the end of April 2015.
  - For the summer issue, the following subcommittees have commitments due by June 15, 2015: (1) Young Lawyers; (2) MDL/Class Procedure; (3) Pharma/Med. Device; (4) Toxic Torts; and (5) Aviation.
- **Website Update (David L. Schwan)**
  - For April, we had four website submissions: (1) Denise Fellers, Kristen Hilton, & Ainsley Carreno from Morgan Lewis – thanks to Catherine Riegle Finley for securing this contribution (Membership & Diversity); (2) Max Herman – for two pieces on *Mensing* Preemption & *Lone Pine* orders (Young Lawyers); and (3) Andrew Segalla (Toxic Torts).
  - For May, the submissions (250-750 words) are due no later than Monday, May 18, 2015, from the following subcommittees: (1) MDL & Class Procedures/International Law; (2) Pharma. & Med. Device; and (3) Young Lawyers.

## May 19, 2015 Roundtable Update

- Currently we have emailed and promoted the roundtable with the following information:

### **The Billion Dollar Question: How To Successfully Settle Mass Tort Matters Presented by the Mass Torts Litigation Committee**

**Tuesday, May 19, 2015 at 12:00 pm - 1:00 pm Eastern** In the age of increased regulatory scrutiny and growing numbers of product recalls, aggregated, high stakes pharmaceutical and medical device litigation has become an industry unto itself. Given the exposure involved and the herculean effort required to prosecute and defend such matters, the overwhelming majority of mass torts end in some type of global resolution. How to reach such a complex agreement, however, can be, literally, the billion dollar question. During this roundtable, mass tort litigation specialists Ralph A. Campillo (for the defense) and Thomas R. Anapol (for plaintiffs) will discuss negotiation strategies, obstacles and key considerations involved in reaching global resolution, as well as recent trends in this evolving field. **Please**

**register here:**

<https://adobeformscentral.com/?f=hRKiUgSWRiZAN6MUo1VIeQ#>

### **Update on April Roundtable**

- Joe Winebrenner did a great job on planning a Roundtable on experts. A number of other committees helped to cross-market and promote this Roundtable.
- The final registrant count was 63 participants.
- It was a great process and easy to work with the ABA to get this set up.

### **Update on Aviation Litigation Conference – NYC, June 4, 2015**

- Tim T. reports that this conference is really coming together well, with topics including the Germanwings disaster and emergency response.
- Randall Davis, who has been involved with transport of special cargo, will be the keynote speaker.
- There will also be highlights on aviation issues and litigation over the past decade.

### **Update on 2nd Annual Western Regional CLE Program on Class Actions and Mass Torts – Bar Association of San Francisco, June 19, 2015**

- Mass Torts will have a panel on food labeling.
- An e-blast will be going out later this week on the program.
- We encourage everyone with colleagues/acquaintances on the west coast to market it to them.

### **Update on Toxic Tort Regional Conference – Houston, TX, October 2015**

- Paul M. reports that planning has begun on this conference and is proceeding.
- Andrew is working on firm commitments from other committees regarding planning.

### **Book Project**

- The team has been hard at work for chapter/author commitments.
- Andrew S. reports that he and Courtney W. are speaking this week on chapter gaps and outlines for other chapters.
- Andrew S. feels confident about commitments and assignments through September.

### **Upcoming Committee Activities/Summer Call Schedule**

- Laurie N. wanted to provide an update on summer activities. Laurie and Eric will be taking sabbaticals this summer.
- David S. will be the contact point person. There will be a monthly call in June but no calls in July or August.

**Other Items**

- There are many opportunities to get involved. Please reach out to Laurie N. or Eric H. to see what opportunities are available. There are always writing opportunities and CLEs for which volunteers are needed.
- Special thanks to Max Herman, our new co-chair of the Young Lawyers' subcommittee (succeeding David Schwan), who has been very involved with committee activities over the past few months.

**Adjournment**

Meeting was adjourned at 2:31 p.m. (EDT)/1:31 p.m. (CDT) by Laurie Novion. The next general meeting will be via teleconference at 2 p.m. (EDT)/1 p.m. (CDT) on June 9, 2015.

Minutes submitted by: David L. Schwan, Website Content Chair

Approved by: David L. Schwan, Website Content Chair