

Mealey's™ Concrete Litigation Conference

January 25, 2006, 12:30pm - 5:00pm, The Ritz-Carlton Laguna Niguel, Dana Point, CA

Conference Chaired by

John A. O'Hara, Esq., Newmeyer & Dillion, LLP, Newport Beach, CA

Meeting Room: Plaza

(Please note: This agenda may have changed since printing. Please refer to the agenda in your LexisNexis Welcome Folder.)

Mealey's Concrete Litigation Conference

Proven strategies that give you the edge in evidence admissibility, expert testimony, evidentiary issues, and more

The plaintiffs' bar claims that sulfate in soil can cause concrete to crumble – and that concrete itself has many deficiencies beyond the sulfate issue.

Defense attorneys and their clients contend that the only things that “crumble” and have “deficiencies” are the plaintiffs' claims.

No matter which side you're on, Mealey's Concrete Litigation Conference will give you a comprehensive overview of all the issues you need to know to excel at construction defect cases involving concrete claims. From admissibility and causation to damages and repair methodologies, you'll emerge with an expert's knowledge ... and gain all of this with minimal time out of the office at this half-day program.

In just one productive afternoon out of the office, you will ...

- get up to date on sulfate and other concrete claims and the best way to defend against them
- analyze big-money settlements, verdicts, and appellate decisions – and how they affect you
- find out how courts are ruling on key evidentiary and insurance issues
- discover what arguments are working with judges and jurors and adjust your strategies accordingly

Hear experts engage in a lively debate over scientific and technical issues

Is the science behind the sulfate attack theory valid? ... What causes porosity? ... When is there enough damage to require repair? You'll gain important insight on all these questions as experts probe the scientific and technical issues that can make or break your concrete claim case.

With huge dollars at stake in sulfate and other concrete construction defect cases, you need to be an expert on all the issues and the litigation. Mealey's Concrete Litigation Conference will help you lay the foundation you need to build structurally sound cases.

12:30 Conference Registration

1:15 Introduction and Opening Remarks
John A. O'Hara, Esq., Newmeyer & Dillion, LLP, Newport Beach, CA

1:30 Overview of Concrete Defect Litigation – Learn What These Claims Are All About and Gain an Understanding of What Is Going On in the Litigation

- Common defect claims asserted by plaintiffs
- Common defenses
- Damages and repairs
- Evidentiary issues
- Insurance issues
- Survey of key settlements, verdicts and appellate decisions

Joseph A. Ferrentino, Esq., Newmeyer & Dillion, LLP, Newport Beach, CA
Kenneth S. Kasdan, Esq., Kasdan Simonds Riley & Vaughan LLP, Irvine, CA

2:15 Expert Debate: A Lively Debate Over the Scientific and Technical Issues Raised in Concrete Claims

- The science behind the sulfate attack theory
- What causes porosity and how much is too much?
- When is there appreciable damage that requires repair?

Glenn D. Tofani, GE, RCE, REA, Principal Engineer, GeoKinetics Inc., Irvine, CA
Bernard J. Luther, P.E., C.E.G., Chief Executive Officer, Applied Consultants, San Diego, CA

3:15 Afternoon Break

3:30 Damages and Repairs

- Typical damages alleged
- Common repairs recommended
- Which repairs are actually made?

David G. Epstein, Esq., The David Epstein Law Firm, Laguna Beach, CA
Keith G. Bremer, Esq., Bremer Whyte Brown & O'Meara, Newport Beach, CA
Edward D. Martinet, AIC, CPC, Principal, MC Consultants, Carlsbad, CA

4:15 Significant Verdicts and Evidentiary Rulings

- Lessons learned from concrete trials
- Evidence that it is likely to be excluded
- What theories seem to resonate with judges and jurors

Keith D. Koeller, Esq., Koeller, Nebeker, Carlson & Haluck, LLP, Irvine, CA
Michael A. Hearn, Esq., Law Offices of Michael A. Hearn, Irvine, CA

5:00 Adjourn

Conference Chairman:

John A. O'Hara, Esq., joined Newmeyer & Dillion LLP's Newport Beach office in 1987 and has been a partner in the firm since 1991. He has a varied civil litigation practice involving construction, insurance, real estate and class action claims. His construction practice focuses on the representation of residential real estate developers in complex, multi-party construction defect matters and counseling of these clients in risk management, insurance and alternative dispute resolution. In the insurance arena, he represents corporate and individual policyholders in disputes with insurers and is adept in insurance bad faith litigation. Mr. O'Hara has also been involved in a wide range of other areas of civil business litigation throughout his career. He received his B.A. from the University of California, Irvine and his J.D. from Catholic University.