

SPEAKING ENGAGEMENTS

Environmental And Toxic Tort Liabilities: Challenges And Solutions

DATE

February 7, 2017

SPEAKERS



Joseph G. Eaton
Partner



John P. Fischer
Partner



David R. Gillay
Partner

As a manufacturer, establishing your protocols for assessing, defending and obtaining possible insurance coverage for environmental and toxic tort liabilities is critical. Learn about some of the challenges you and your peers regularly face as Barnes & Thornburg attorneys discuss best practices, programs and policies that can make a difference.



Topics to be covered include:

- Understanding options, risks, and advantages of seeking regulatory closure in IDEM's remedial programs
- Lessons learned from remediation of chlorinated sites (with an emphasis on vapor intrusion pathway)
- How to use institutional controls (environmental restrictive covenants and ordinances) to manage long term liability
- Emerging contaminants and the ripple effect on risk-based closures (with a special focus on Trichloroethylene)
- Upcoming changes to IDEM's risk-based policies for 2017
- Liability theories in toxic tort personal injury and property damage litigation
- Framework for causation in state and federal courts in toxic tort litigation with emphasis on all facets of expert witness testimony
- Damages in toxic tort litigation including stigma property damages

We will close by discussing how legacy insurance policies can often help offset the cost of long-tail environmental and toxic tort liabilities. We will explore how

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to take advantage of uniquely favorable Indiana insurance law, including how to locate your insurance assets from decades past; how to determine the breadth of coverage that even your oldest policies provide; and how to timely assert claims and preserve coverage when long-tail liabilities darken your door. Among the insights provided by this presentation: Don't automatically assume that your policy's "pollution exclusion" excludes pollution!

Q&A will follow.



Where: Barnes & Thornburg's Fort Wayne, Indianapolis and South Bend offices

When: Tuesday, February 7, 2017

Registration and Breakfast: 8:00 a.m. (Eastern)

Program: 8:30 - 10:00 a.m.

Questions? Contact Liz Abren at labren@btlaw.com or (317) 231-7369.