

**The Sports and Fitness
Lawyers Team Presents**

ZONE DEFENSE

February 6–7, 2017

The Cosmopolitan of Las Vegas

Las Vegas, Nevada

sportsfitnesslawyers.com



The Sports and Fitness Lawyers Team Presents **ZONE DEFENSE**

Designed for sports, fitness, and high-tech companies, this one-day sports and fitness seminar, in conjunction with the DRI Product Liability Conference, brings together regulatory, legal, risk, and business professionals for an intimate and confidential discussion of the issues that are important to companies that design, manufacture, distribute, or use sports and fitness products. We have gathered a group of distinguished speakers from around the United States.—from government, medicine, engineering design, trade, insurance, and the law. **We hope that you will take part!**

Meeting Organizers: Bowman & Brooke; Buchalter Nemer; Crowell & Moring; Exponent; Granger Legal Consulting; Littleton Joyce; Miller Mathias; Talley Law; Taylor Anderson.

February 6, 2017

6:30 – 8:00 PM

Networking Reception

February 7, 2017

7:00 AM – 8:00 AM

Breakfast and Networking

8:05 AM

Opening Remarks

Bruce Cranner, *Co-Chair, Sports and Fitness Lawyers Team*

John R. Kouris, *Executive Director, DRI – The Voice of the Defense Bar*

8:15 AM

A New President, Fresh Case Law, and Federal Regulatory Reform: How 2017 Will Radically Change CPSC

Keynote Speaker: Joseph Mohorovic, Commissioner of the U.S. Consumer Product Safety Commission

Commissioner Mohorovic will discuss what the U.S. Consumer Product Safety Commission (CPSC) may look like under the Trump administration, the possibility of significant regulatory reforms from the 115th Congress, and the effects of recent litigation involving the CPSC. This presentation is a must for product manufacturers hoping to avoid new pitfalls of regulatory compliance.

8:45 AM

Reaction to the Commissioner's Thoughts and Questions

Speakers: Elizabeth McNulty, *Taylor Anderson*

John McNulty, PhD, PE, *Exponent*

Tim Mullin, *Miles & Stockbridge*

9:15 AM

Exercising Good Judgment

Do the plaintiff's claims involve misuse or foreseeable risk? This session will investigate the fine line between user error and anticipated behavior. Also, as consumer demand for technology, user enhancements, and a voracious buyer appetite for innovative products continues to rise, hear options to mitigate associated litigation risks.

Speaker: Michelle Gilboe, *Bowman & Brooke*

10:00 AM

Networking Break

10:15 AM

Developments in Trade Law: Effect of Potential New Border Taxes on Imports; plus, How to Combat Infringing Imports and Comply with New Forced Labor Laws

This panel will discuss three key trade topics that significantly affect the sports and fitness industry. First, the panel will address proposals by Congress to impose a new tax on imports, known as the border adjustment tax, and other possible presidential actions to increase duties on imports. Second, the panel will discuss new rules on the disclosure of information to IP rights holders, and the new inter partes procedure for Section 337 violations, providing guidance on how sports companies may combat the importation of goods that infringe on trademarks and patents. Third, the panel will address the ramifications of the recently passed Trade Facilitation and Trade Enforcement Act (TFTEA), focusing on increased enforcement by the U.S. Customs and Border Protection (CBP) of the forced labor laws, removal of the consumptive demand exception, and potential targets in the sports and fitness industry, such as apparel and electronics. Hear from senior government officials and trade experts on potential tax and duty increases on imports, as well as CBP's renewed focus on enforcement efforts, so that your company may avoid greater duties, stop infringing imports, and comply with new forced labor rules.

Speakers: John Brew, *Crowell & Moring*

Aaron Marx, *Crowell & Moring*

Barry Werbin, *Herrick Feinstein*

11:00 AM

Toxic Torts Law: An Update on Regulatory Changes in California, Washington, and Oregon

This short but informative segment will provide an update on California's Proposition 65 and Green Chemistry Initiative, Oregon's Toxic Free Kids Act, and Washington's Children's Safe Products Act, highlighting the applicable rules and defenses that affect your business.

Speakers: Elizabeth McNulty, *Taylor Anderson*

Paul Rosenlund, *Duane Morris*

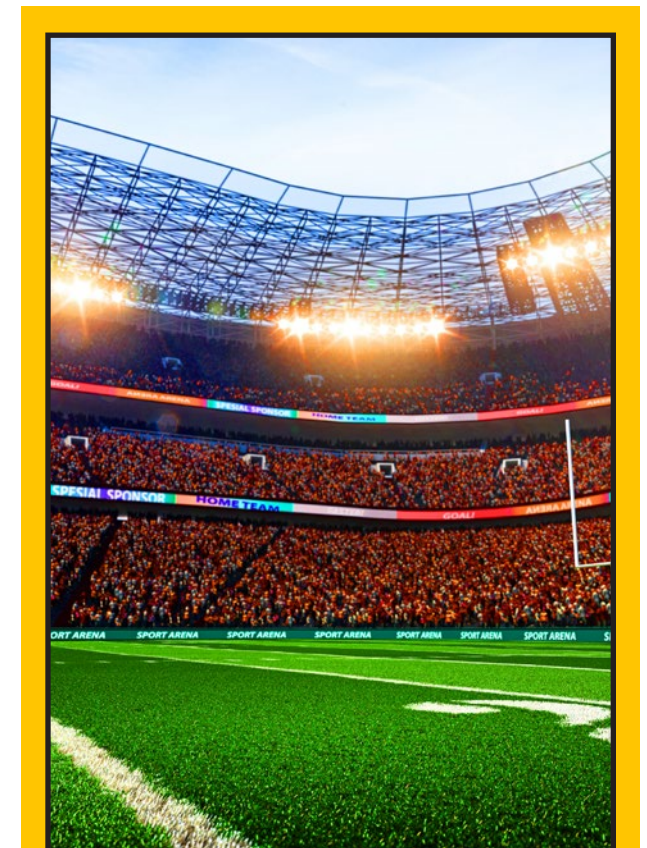
Lunch Presentations

12:00 – 12:30 PM

Concussion: What We Know, Don't Know, and What We Should Do About It

Concussion in sports is attracting substantially more attention from all angles, including the medical, education, and sports domains. In working to reduce risk and maximize opportunity, it has become more difficult to navigate through the current information on concussion that exists in the public sphere. This talk will give an overview of our current knowledge state related to concussion diagnosis, treatment, and prognosis. We will discuss what we currently do and do not yet understand about this injury, but also the positive steps that we can take to address concussion in sport.

Speaker: Gerard A. Gioia, PhD, *Division Chief, Pediatric Neuropsychology, Director, Safe Concussion Outcome, Recovery & Education (SCORE) Program, Children's National Health System, Professor, Depts. of Pediatrics and Psychiatry & Behavioral Sciences, George Washington University School of Medicine*



12:30 – 1:00 PM

Defeating the “Reptile” in a Deeply Divided Nation

An overview of the litigation strategy and set of techniques used by many plaintiffs’ attorneys, known as the “reptile theory,” will be presented, followed by a discussion of ways to counteract it and ultimately defeat it. The ways in which jurors’ attitudes and opinions toward litigation, corporations, innovation, and emerging technologies are changing in the current, deeply divided political climate will be reviewed, as well as how the reptile theory and its adversaries are affected by these divisions. The focus will primarily be on product liability and personal injury litigation, but the presentation will also touch on other types of litigation, as well as new and innovative ways to resolve litigation favorably.

Speaker: Mark R. Phillips, PhD, Vice President and Senior Consultant, Trial Partners

1:00 PM

Sports Technology and Innovation: Everything You Thought You Knew but Don’t—A View from the Inside

Hear from the innovators at some of the new and emerging sport technology companies. From rough and tumble start-up issues, to the next innovations that will change the way that sports are played, this panel will discuss the business of sports technology, the hurdles that new companies face in jumping into the competitive emerging market, and what we all need to know about “the next big thing.” This is a must for all start-up companies in the sports, fitness, and technology industries! Learn lessons from the struggles and successes of vibrant new sport-tech companies about their business, risks, and legal needs.

Moderator: Vicki Dallas, Buchalter Nemer

Speakers: Jon Doogan, Aculief

Renne Catalano Gussman, San Diego Sports Innovators

John McNulty, Exponent

Michelle Urban, Pressure Analysis Company

Angela Watts, Slyde Handboards

Steve Watts, Slyde Handboards

2:00 PM

Reaction Panel to Innovators

Speakers: Scott Baxendale, Miller Matthias & Hull
Gary Wolensky, Buchalter Nemer

2:30 PM

Important Recent Decisions That Every Sports Executive and Attorney Should Know

What does the law say? In this segment, you will hear about recent legal developments that affect your company and clients and potential litigation risks and defenses. Learn about hot topics, including the use of social media to help satisfy the duty to warn, and other issues that can help you navigate the current legal environment.

Speaker: Wendy Lumish, Bowman & Brooke

3:00 PM

Networking Break

3:15 PM

Recent Developments in the Design of Bicycles and Bicycle Helmets

This panel of bicycle and helmet industry designers will discuss the latest trends in their fields, including the use of through axles, electric bikes, bicycle-only travel lanes, online sales of bicycles and attendant warnings issues, sizing and fit of bicycles and helmets, multi-protection impact protection systems (MIPS), fatty bike tires, material selection, and evolving regulatory standards. The panel includes longtime product developers with extensive experience in design and warnings issues, biomechanics, litigation, and regulatory affairs.

Moderator: Robert J. Kelly, Littleton Joyce Ughetta Park and Kelly

Speakers: David Halstead, Co-Founder and Director, Southern Impact Research Center

Patrick Logan, Product Design Engineer and Forensic Scientist, K Ridley Technology

Thom Parks, Senior Director of Corporate Affairs, Vista Outdoor Inc.

4:15 PM

The CEO View: Robert Erb, Schutt Sports

Sports product litigation headlines appear almost daily. Many stories involve the mass tort litigation between the NFL, former players, and helmet manufacturers to resolve claims regarding the alleged long-term effects of concussions. Other headlines address the class action involving the NCAA and helmet manufacturers’ alleged failure to warn student athletes about repetitive head trauma. A steady stream of individual lawsuits against

leagues, organizers, and manufacturers has ensued. This litigation and the issues involved pose risks to sports product manufacturers, their insurers, and the sports themselves. Can youth sports and product manufacturers survive this litigation onslaught? This presentation will highlight recent trends and theories being raised by plaintiffs, cutting-edge defenses, and the prospects for the future.

Moderator: Scott Toomey, Littleton Joyce Ughetta Park & Kelly

Speaker: Robert Erb, President/Chief Executive Officer of Kranos Corporation, d/b/a as Schutt Sports

5:00 PM

Reaction Panel

Speakers: Mark Granger, Granger Legal Consulting

Robert Kelly, Littleton Joyce Ughetta Park & Kelly

Kevin Mayer, Crowell & Moring LLP

5:30 PM

Close

Join friends at the DRI Product Liability Conference for their opening networking reception.





Hotel Accommodations

A limited number of discounted hotel rooms have been made available at **The Cosmopolitan of Las Vegas, 3708 Las Vegas Boulevard South, Las Vegas, NV 89109.**

Take advantage of the group rate of **\$249 plus \$25 resort fee Single/Double** by contacting the hotel directly at **702.698.7000** and mention the **DRI Product Liability Conference.**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **January 16, 2017**, to be eligible for the group rate. Requests for reservations made after **January 16** are subject to room and rate availability.

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Please list any special needs _____		
How many attorneys are in your firm? _____		
What is your primary area of practice? _____		



Registration Fee

Registration fee includes seminar attendance and networking events.

- ☐ Regular \$350
☐ In-House Counsel* \$50

* In-house counsel is defined as a licensed attorney who is employed exclusively by a corporate or other private sector organization, for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries.

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