



30th Annual Seminar

October 12-14, 2022

Hyatt Regency Grand Cypress
Orlando, Florida



**TIDA EDUCATES, DEFENDS,
AND ADVOCATES FOR THE
MOTOR CARRIER INDUSTRY.**

TIDA SERVICE PROJECT

Rev. Leron Strong welcomes the support of TIDA.

First Baptist Hilltop Church
200 Maxcy Drive, Frostproof, FL 33843

Several areas in Florida were severely impacted by Hurricane Ian last week. With the Annual Seminar being held in Florida, TIDA felt it was important to show support to a community in need. The TIDA Headquarters Team reached out and worked with Congressman Scott Franklin's office to volunteer at the First Baptist Hilltop Church in Frostproof, Florida.

First Baptist Hilltop Church is a 100-year-old historically Black church that has been serving its community for decades. During and after Hurricane Ian, the church experienced more than 4' of flooding. After 3-5 days of pumping the property to remove the excess water, Reverend Strong needs help to clean-up the church by removing carpet, moving pews, and general maintenance. ***This is where Team TIDA comes in...*** helping with the clean-up and assisting Reverend Strong in efforts to restore the Church.

If you were unable to join us for the TIDA Service Project but would like to help rebuild First Baptist Hilltop Church, TIDA will be accepting donations throughout the seminar.



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Dr. Douglas Gibson

Jeff Kaplan, UPS

Greg Kendall, Porter Rennie Woodward Kendall, LLP

Nathan Lundquist, Protective Insurance Company

Doug Marcello, Bluewire

Zach Matthews, McMickle, Kurey & Branch, LLP

Sean McDonough, Wilson Elser

John Messersmith, KPM Law

Alix Miller, Ph.D., President and CEO of the Florida Trucking Association

Guy Perrier, Perrier & Lacoste, LLC

Lesley Pfleging, Lewis Wagner

Captain Richard Phillips ▶ **Keynote Speaker**

David Senger, Coffey, Senger & Woodard, P.L.L.C.

Andrew Stephenson, Franklin & Prokopik

John Tarpley, Lewis, Thomason, King, Krieg & Waldrop, P.C.

Shawn Yadon, Hyzon Motors

Korissa Zickrick, Roberts Perryman

WEDNESDAY

OCTOBER 12, 2022

7:00 A.M. - 2:00 P.M.

Villas of Grand Cypress Golf Resort,
Links Course

Golf Outing

*Registration was required for this event

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J.F. TERRY ASSOCIATES, INC.
MULTI-LINE CLAIMS SERVICES



8:00 A.M. - 1:30 P.M.

Meet in hotel lobby at 7:00 A.M.
for departure to the location.

Service Project

*Registration was required for this event

1:00 P.M. - 6:30 P.M.

Registration Area #1

Registration Open

1:00 P.M. - 5:00 P.M.

Grand Cypress Prefunction

Exhibit Hall Set-up

3:00 P.M. - 4:30 P.M.

Palm A-F

Judicial Fairness Roundtable Discussion - A Discussion of Recent Trial Successes and the Defense Strategies that Worked

*Registration was required for this event

3:30 P.M. - 4:00 P.M.

Poinciana A-D

New Member Welcome

4:00 P.M. - 5:00 P.M.

Grand Cypress Ballroom D-I

Young Professional Symposium

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5:00 P.M. - 6:30 P.M.

Grand Cypress Prefunction

Exhibit Hall Open

5:00 P.M. - 6:30 P.M.

Grand Cypress Prefunction

Welcome Reception

THURSDAY

OCTOBER 13, 2022

7:30 A.M. - 8:00 A.M.

Registration Area #1

Registration Open

7:30 A.M. - 8:00 A.M.

Grand Cypress Prefunction

Breakfast

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7:30 A.M. - 6:30 P.M.

Grand Cypress Prefunction

Exhibit Hall Open

8:00 A.M. - 8:30 A.M.

Grand Cypress Ballroom D-I

State of the Industry

PRESENTED BY:

Alix Miller, Ph.D., President and CEO of the Florida
Trucking Association

8:30 A.M. - 9:00 A.M.

Grand Cypress Ballroom D-I

Opening Remarks & Awards

FACILITATED BY:

Sara Miemieć, TIDA President

9:00 A.M. - 9:20 A.M.

Grand Cypress Ballroom D-I

TIDA Talk - Getting (and Keeping) the Band Together: Tips to Keep Your Driver Engaged Throughout Litigation

PRESENTED BY:

Korissa Zickrick, Roberts Perryman

In every truck claim, the driver is often the best and most critical witness to the events leading up to (and after) an accident. All too often, however, the driver feels out of the loop, disengaged, and overlooked once litigation commences. This talk will provide tips to keep the driver on the team and to maintain a productive relationship throughout the life of the claim.

9:20 A.M. - 9:40 A.M.

Grand Cypress Ballroom D-I

TIDA Talk - Let Me Re-Introduce Myself: A Re-Branding and Personalization of the Trucking Industry

PRESENTED BY:

Megan Early-Soppa, Moseley Marcinak Law Group

In the wake of COVID, the reputation of the trucking industry remains negative and detrimental to us an industry at trial. This talk will cover easy ways to personalize the trucking industry as whole, in everyday life, while handling claims and at trial.

THURSDAY
OCTOBER 13, 2022**9:40 A.M. - 10:00 A.M.** **Grand Cypress Ballroom D-I****TIDA Talk - Company Driver's Manuals: A Good Safety Message Weaponized by Plaintiffs' Counsel****PRESENTED BY:***P. Raul Alvarez, Alvarez, Winthrop, Thompson & Smoak, P.A.*

Companies should be able to communicate with its drivers without fear of unwarranted recourse. But all too often well-intentioned language in a driver's manual - between the driver and company - is used against a trucking company by a plaintiff's attorney. This TIDA Talk explores why a company's internal documents should not establish a higher legal standard of care, and explores some useful language in manuals that may be considered.

10:00 A.M. - 10:15 A.M. **Grand Cypress Prefunction****Morning Break****10:15 A.M. - 10:35 A.M.** **Grand Cypress Ballroom D-I****TIDA Talk - Nuclear Verdicts or The New Norm? What We Can Learn From Recent Verdicts Post-Pandemic****PRESENTED BY:***Brian Del Gatto and Sean McDonough, Wilson Elser*

As our courts begin to re-implement trials across the country, what can we expect from jurors post-pandemic and national shut down? This talk will discuss observations made during trials since the shut down and lessons learned in a seemingly changed judicial world.

10:35 A.M. - 11:25 A.M. **Grand Cypress Ballroom D-I****Providing Stability or Confidence in an Otherwise Uncertain Situation: Anchoring Pain and Suffering During the Plaintiffs' Deposition****PRESENTED BY:***April Arnold, USA Truck a DB Schenker Company; Dr. Marissa Beyers, Trial Behavior Consulting; and Lesley Pfleging, Lewis Wagner*

In a world where pain and suffering includes things such as mental anguish, pain, shock, anxiety, inconvenience, inability to sleep, emotional distress, grief, humiliation, loss of quality of life, loss of enjoyment of life, etc., this presentation will discuss ways to anchor or limit the plaintiff pursuant to his/her testimony about these alleged and unmeasurable damages.

THURSDAY
OCTOBER 13, 2022**11:25 A.M. - 12:40 P.M.** **Grand Cypress Ballroom D-I****Working Lunch & Keynote Speaker****KEYNOTE SPEAKER:***Captain Richard Phillips*

For five days in April 2009, the world was glued to their TV screens as Captain Richard Phillips became the center of an extraordinary international drama when he was captured by Somali pirates who hijacked his ship, the first hijacking of a U.S. ship in more than 200 years.

12:40 P.M. - 1:30 P.M. **Grand Cypress Ballroom D-I****Everything is Not a Brain Injury, No Matter What the Plaintiffs' Bar Says****PRESENTED BY:***Dr. Douglas Gibson and John Messersmith, KPM Law*

Anyone involved in motor carrier litigation routinely sees "brain injury" claims they recognize as bogus. This presentation focuses on early medical and legal strategies to anticipate such claims and identify which ones are legitimate in order to better enable industry professionals to assess which claims to fight while developing the tools to fight them.

1:30 P.M. - 1:50 P.M. **Grand Cypress Ballroom D-I****TIDA Talk - Effective Surveillance****PRESENTED BY:***Glenn Cole, PI*

Tips and tricks for what you and your private investigator need to know before attempting surveillance in order to get the most effective surveillance results.

1:50 P.M. - 2:10 P.M. **Grand Cypress Ballroom D-I****TIDA Talk - Fast Track Settlements: Strategies for Reducing Auto Liability Exposure****PRESENTED BY:***Jeff Kaplan, UPS*

We will review the Fast Track process. Then we will review three examples of crashes and how they were handled before the implementation of the Fast Track process and their previous potential exposure. We will then review the same three examples of crashes with the application of the Fast Track process to demonstrate what was done differently using the new process and their new potential exposure.

THURSDAY
OCTOBER 13, 2022

2:10 P.M. - 2:30 P.M. Grand Cypress Ballroom D-I

TIDA Talk - Exposing Fraudulent Claims Asserted Against the Transportation Industry, Part 2: An Update from Louisiana

PRESENTED BY:

Andrea Albert, Galloway Johnson Tompkins Burr & Smith; Louis Bonnaffons, Leake & Andersson; Jim Dill, The Dill Firm; and Guy Perrier, Perrier & Lacoste, LLC

By now, everyone in the industry has heard of the staged accident rings in Louisiana. You will hear from those intimately involved on the current status of the investigations and litigation, as well as get pointers for how to get out ahead of similar schemes in the future.

2:30 P.M. - 3:20 P.M. Grand Cypress Ballroom D-I

With a Little Help from my Friends: Trial Court Strategies that Make Appellate Lawyers Cheer

PRESENTED BY:

Jessica Barger and Brian Cathey, Wright Close & Barger LLP

It's never too early to start preparing for an appeal! This session will discuss trends in the trial courts and appellate courts and will highlight the importance of preserving error for an effective appeal. The session will also address the timing of hiring appellate counsel and how appellate counsel can be most useful to the trial lawyer.

3:20 P.M. - 3:50 P.M. Grand Cypress Ballroom D-I

General Membership Meeting for TIDA Members (Elections)

3:50 P.M. - 4:05 P.M. Grand Cypress Prefunction

Afternoon Break

4:05 P.M. - 4:25 P.M. Grand Cypress Ballroom D-I

TIDA Talk - Don't Just Sit There: Defending Depositions Against an Aggressive Plaintiffs' Attorney

PRESENTED BY:

David Senger, Coffey, Senger & Woodard, P.L.L.C.

How do you handle a plaintiff's attorney who is overly confrontational and antagonistic to your witness? Hear from a seasoned litigator on effective strategies to prepare your driver, manager, and company representative for deposition questioning by a highly aggressive plaintiffs' counsel. This session will touch on practical deposition strategies that you can use to protect your client from an "all out assault" by opposing counsel.

THURSDAY
OCTOBER 13, 2022

4:25 P.M. - 4:45 P.M. Grand Cypress Ballroom D-I

TIDA Talk - Using the Plaintiff's \$1,599 Playbook Against Them

PRESENTED BY:

Doug Marcello, Bluewire

We all know the book and the issues it may create if the strategy is allowed. This TIDA Talk will educate you on how to take advantage of the vulnerabilities of Reptile Theory. You will walk away from this TIDA Talk with a key understanding of how and why it's important to mount a strategic defense rather than just a tactical response.

4:45 P.M. - 5:05 P.M. Grand Cypress Ballroom D-I

TIDA Talk - Life Care Planners and Future Care Opinions: Current Trends and Cross-Examination Approaches

PRESENTED BY:

Greg Kendall, Porter Rennie Woodward Kendall, LLP

This presentation will address current trends with plaintiff life care planners and future care opinions, including jurors' perceptions of nurses in the post-COVID era, scope of practice issues for non-physician life care planners, challenging impairment opinions relating to pain assessments, and approaches for cross-examination and establishing bases for exclusion of life care planners under the admissibility rules for expert witness opinions.

5:05 P.M. - 5:25 P.M. Grand Cypress Ballroom D-I

TIDA Talk - Keeping Your Mediation out of the Ditch

PRESENTED BY:

John Tarpley, Lewis, Thomason, King, Krieg & Waldrop, P.C.

It is profoundly clear that mediation today is more important than ever; yet, we find that all mediators are not created equally. Some mediators are just "numbers runners" and do not engage in the process. This can cause the mediation session to go sideways quickly. An experienced mediator will share tips on how to keep your mediation on track and moving forward... even when opposing counsel tries to hijack the effort and the mediator seems to be of no help. Do not despair; help is on the way in this informative and lively session.

5:30 P.M. - 6:30 P.M. Grand Cypress Prefunction

Cocktail Reception

FRIDAY
OCTOBER 14, 2022

7:30 A.M. - 8:00 A.M.

Grand Cypress Prefunction

Breakfast

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7:30 A.M. - 11:30 A.M.

Grand Cypress Prefunction

Exhibit Hall Open

8:00 A.M. - 8:50 A.M.

Grand Cypress Ballroom D-I

**Busting Medical Bills, Referral Networks, and
Their Financiers**

PRESENTED BY:

*Nathan Lundquist, Protective Insurance Company;
Zach Matthews, McMickle, Kurey & Branch, LLP; and
Andrew Stephenson, Franklin & Prokopik*

A significant issue facing our industry is the increasing prevalence of lien-based medical treatment and, specifically, medical financing. The lack of transparency and the inflated billing practices associated with medical financing need to be addressed, as an industry. However, it is not just inflated damages. The medical finance industry has created care coordination entities, referral networks of medical providers and attorneys, and generated a host of new discovery and evidentiary issues. Through a refined discovery process, if the courts allow it, we are able to discover a host of communications between medical providers, attorneys, and finance companies that demonstrate care coordination among the parties. This presentation will focus on the efforts to combat the impact of lien based medical treatment, including medical financing, by exposing questionable practices. We will also discuss relevant legal updates.

8:50 A.M. - 9:10 A.M.

Grand Cypress Ballroom D-I

**TIDA Talk - I Tell Stories for Juries - The Psychological
Perspective**

PRESENTED BY:

Shari Belitz, Shari Belitz Communications, LLC

This course will teach the art of persuasion, rhetoric, and how to tell a captivating, compelling, and charismatic story for the jury.

FRIDAY
OCTOBER 14, 2022

9:10 A.M. - 10:00 A.M.

Grand Cypress Ballroom D-I

**From the Cheap Seats to Playing in the Game:
State Legislation & Politics**

PRESENTED BY:

Shawn Yadon, Hyzon Motors

State legislative proposals aimed at your business are being drafted, considered and voted upon today, right now, and practically every day of the year from any corner of the country. Are you in a position to impact those decisions? Or are you on the tail end of reading about a new law coming onto the books? Step up your game in the legislative and political processes... engage, influence and impact.

10:00 A.M. - 10:15 A.M.

Grand Cypress Prefunction

Morning Break

10:15 A.M. - 10:35 A.M.

Grand Cypress Ballroom D-I

**TIDA Talk - Everything You Ever Wanted to Know
About Reserves, But Were Too Afraid to Ask**

PRESENTED BY:

Theresa Bratton, National Interstate Insurance

You've always heard that insurance companies hate surprises. This talk will explain why that is the case. At the end of this talk, you will understand what reserves are (and what they are not) from the perspective of those who actually set them, and why they matter.

10:35 A.M. - 10:55 A.M.

Grand Cypress Ballroom D-I

**TIDA Talk - Your Insurance Adjuster, Friend or Foe?
Best Practices to Ensure a United Defense**

PRESENTED BY:

Martha Frausto, CHUBB

Plaintiff attorneys engage in aggressive discovery tactics aimed at the production of insurance policies, which is required in many states. Once plaintiff attorneys are aware of the entire insurance tower, they make unreasonable demands, as a means of creating pressure and friction between the defense players. Plaintiff attorneys' attempts to create havoc hinders collaboration and unification. An experienced insurance adjuster will share Best Practices for working collectively and equally with your insurers with the objective of creating a united front to deter in-fighting and overvalued settlements.

FRIDAY
OCTOBER 14, 2022

10:55 A.M. - 11:15 A.M.

Grand Cypress Ballroom D-I

**TIDA Talk - Give 'Em What They Want:
An Effective Settlement Strategy Right Out
of the Plaintiffs' Playbook**

PRESENTED BY:

Byron Ames, Ames & Ames, LLP

In order for a settlement offer to have a chance of success the offer must check a number of practical and emotional boxes for the plaintiff. The problem is that the boxes to be checked are usually a mystery to the defense. We will discuss what to do with the valuable information you've learned about the plaintiff's needs and how to present an offer in a way that checks all the required boxes. You'll see how this approach can increase your chance of securing a reasonable settlement amount while saving significant money in the process.

11:15 A.M. - 11:30 A.M.

Grand Cypress Ballroom D-I

Closing Remarks

AFTER 11:30 A.M.

Exhibit Hall Breakdown

12:00 P.M. - 2:00 P.M.

TIDA Board of Directors Meeting

**Keynote
Speaker**

Captain Richard Phillips

Thursday, October 13, 2022
11:25 a.m. - 12:40 p.m.



For five days in April 2009, the world was glued to their TV screens as Captain Richard Phillips became the center of an extraordinary international drama when he was captured by Somali pirates who hijacked his ship, the first hijacking of a U.S. ship in more than 200 years.

The hostage drama began on Wednesday, April 8th when a small band of pirates swung grappling hooks and climbed ropes from their skiff onto the Maersk Alabama, a container ship ferrying food aid to East Africa. Firing into the air as they leapt aboard the ship, many of the crew members scrambled into a designated safe room aboard the vessel.

On the bridge, the pirates held four sailors at gunpoint, but the crew of 20 outnumbered the four attackers. They managed to wound the apparent leader of the pirates in the hand with an ice pick and regain control. The crew demanded the other pirates leave the ship, but the pirates had scuttled their own small boat. They demanded an escape boat, fuel and food.

To protect his crew, Captain Phillips made a conscious decision to put himself directly in harm's way, knowing full well that he might pay the ultimate price for his decision. Amid the standoff, he offered himself as a hostage.

Once the pirates settled into one of the ship's covered lifeboats, the crew attempted to trade the pirate they had captured for Captain Phillips. After they released their captive, the pirates refused to honor the agreement and fled with nine days of food rations and Captain Phillips. Held hostage as a human shield in a small lifeboat with three pirates, he had little to hope for or cling to – except the knowledge that he had done absolutely everything he could to save the lives of the 20 sailors aboard his ship.

The U.S. Navy responded to the scene, and negotiations were ongoing between the pirates and the captain of the USS Bainbridge. On Friday April 10th, Captain Phillips jumped out of the lifeboat and managed to swim a few yards toward the nearby destroyer, but the pirates went in after him and managed to haul him back in. The standoff dragged on until April 12th, when Navy SEAL snipers saw one of the pirates aim his AK-47 machine gun at Capt. Richard Phillips's back and concluded he was in "imminent danger."

President Barack Obama, who spoke with Captain Phillips by phone after he was freed, said, "I share the country's admiration for the bravery of Captain Phillips and his selfless concern for his crew. His courage is a model for all Americans."

Captain Richard Phillips is the author of *A Captain's Duty: Somali Pirates, Navy SEALs, and Dangerous Days at Sea*, about his experience and his remarkable rescue. This dramatic story was also transformed into an Academy-Award and Golden-Globe nominated film, *Captain Phillips*, which hit the big screens in fall of 2013.

Captain Phillips is a graduate of the Massachusetts Maritime Academy a member of the International Organization of Masters, Mates & Pilots Union, and a licensed American merchant mariner. He became Captain of the MV Maersk Alabama in 2009. Captain Phillips married Andrea Coggio in 1987. They have two children, Mariah and Danny and reside in Underhill, Vermont.

SAVE THE DATE
TIDA 31st Annual Seminar
October 11-13, 2023

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