



Date: 04/08/2024
To:
From: Pete Fowler Construction Services, Inc.
Project: The Basics of Civil Litigation and Expert Witnesses Webinar 4/25/2024 (PFCS 23-1162)
Regarding: Audience Handout Package

Meet the Panel

Timothy Dobrenen

ASSISTANT VICE PRESIDENT OF CLAIMS - HANNOVER RE

Timothy Dobrenen, Esq. is an Assistant Vice President of Claims for Hannover Re Services USA, Inc. and has more than twenty years of experience in insurance claims handling, claims litigation, and claims management. He is admitted before the California State Bar and holds insurance adjuster licenses in thirteen different states. Timothy provides oversight of TPAs, claims reserving and oversees legal defense and coverage counsel assigned to claims.

Daniel Dresch

ATTORNEY - MCGUINNESS & CICERO, CHUBB GROUP OF INSURANCE COMPANIES (SUBSIDIARY OF CHUBB)

Mr. Dresch focuses his practice primarily in the areas of insurance defense and civil litigation, including construction defect. Mr. Dresch has successfully tried multiple civil jury trials to verdict, and handled over a hundred mediations.

Mr. Dresch is a graduate of Virginia Tech, where he earned his bachelor's degree in History, magna cum laude. During law school, he served as the Writing & Research Editor for the University of Miami International & Comparative Law Review and received the Dean's Certificate of Achievement Award (highest grade) in Legal Research & Writing.

Mr. Dresch began his legal career as an Assistant School Board Attorney with Miami-Dade County Public Schools, where he handled many types of claims, including premises liability, wrongful death, adverse employment, and automobile negligence. Additionally, Mr. Dresch is experienced in general counsel work. Mr. Dresch has advised upper level company leadership on a wide range of compliance and risk management issues, including contracts, legal ethics, and commercial law.



Pete Fowler

CHEIF QUALITY OFFICER - PETE FOWLER CONSTRUCTION

Pete Fowler is a construction consultant, professional cost estimator, President and Chief Quality Officer of Pete Fowler Construction, a licensed general building contractor in California, Nevada, and Oregon. Pete received a B.S. in Construction Management from CSU, Chico. He has held certifications from AAMA, ASPE, ICBO, and others. Mr. Fowler has published articles in national magazines, has been invited to speak by the most important groups in the building industry (AAMA, APRA, ASPE, ASQ, ASTM, BETEC, CAI, CLM, DBIA, ICC, NIBS, PLRB, RCI, etc.), and has composed and delivered hundreds of educational programs on building inspection & testing, estimating, quality & construction management, project management, and claims & litigation. Pete has experience with successful expert witness testimony, including Federal Court.

Presentation & Backup Materials

1. Lesson Plan with links to referenced Backup Materials
2. Power Point Slides



The Basics of Civil Litigation and Expert Witnesses



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Pete Fowler
CONSTRUCTION
Services, Inc.

INTRODUCTION

Pete Fowler Construction has worked on thousands of civil litigation cases over the last 20 years, so we know a thing or two about the subject. But a little bit of knowledge is dangerous, and a lot of knowledge can make a simple explanation harder than it needs to be. For this reason, "The Basics of Civil Litigation and Expert Witnesses" program is aimed at (A.) non-lawyers who need to understand the process (that's us), and (B.) lawyers who need to explain the process to non-lawyers.

Our company's job on all litigated matters is to help clients figure out what happened, what should have happened, how the problem should be solved, how much it will cost, and who is responsible. The hardest part is translating the technical speak of building design, engineering, estimating, contracting, construction, and investigations, into plain-English that everyone can understand and use to make smart decisions. Our lawyer clients have the same problem trying to explain the litigation process to the non-lawyers they work with to bring cases to a successful end (something this program aims to help with).

Civil litigation is a suit based on non-criminal disputes, including contract disputes, property damage claims, personal injuries, construction defect litigation, landlord-tenant disputes, and more. This program is a map of the terrain for understanding how civil litigation works and where expert witnesses fit in the process.

PROGRAM OUTLINE

1. Introduction
2. Civil Litigation Overview
3. Roles and Responsibilities
4. Stages
5. Alternative Dispute Resolution
6. How Expert Witnesses Fit In
7. Conclusion

LEARNING OBJECTIVES

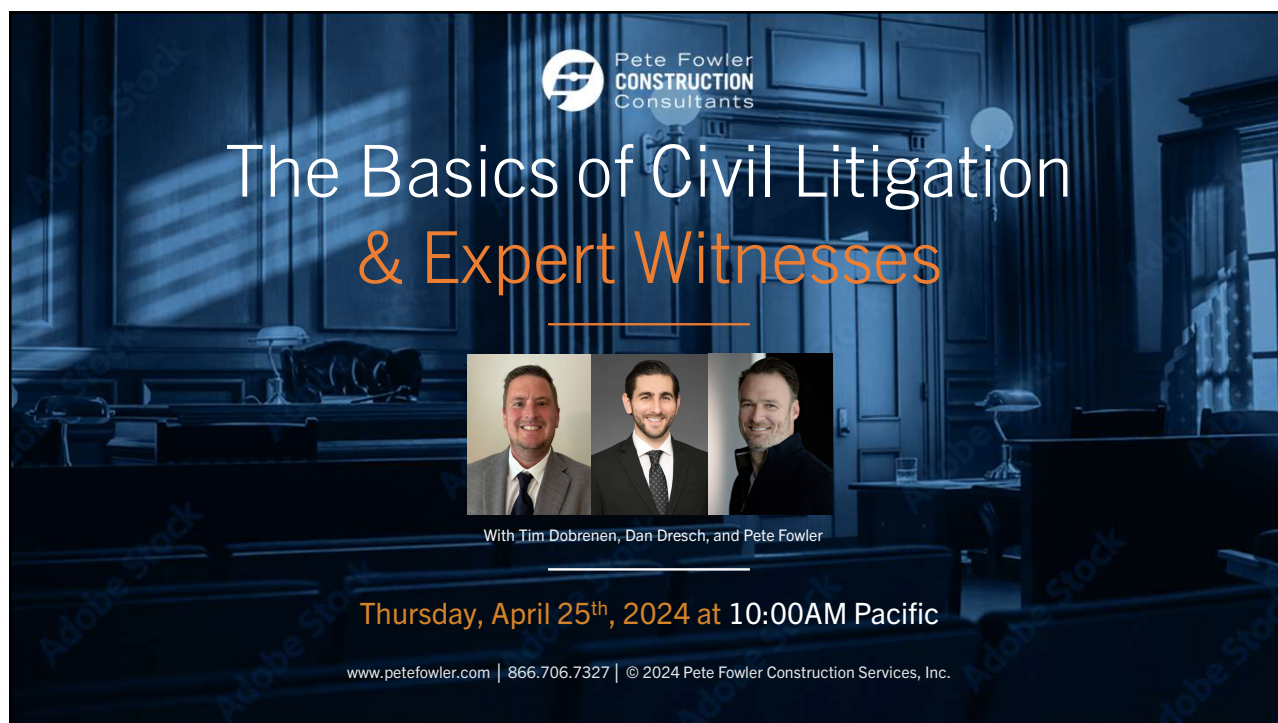
- Gain a basic understanding the civil litigation process, from beginning to end, as it relates to construction.
- Learn from examples of real-world case studies of the types of civil litigation cases often encountered in construction.
- Learn where and how expert witnesses fit into the civil litigation process.
- Understand the roles and responsibilities of the parties to litigation.

PROGRAM CONTENTS

1. Introduction – 5 Minutes
 - A. Who We Are
 - B. Presenter Information
 - C. Program Outline
 - D. Introduction
 - E. Learning Objectives
2. Civil Litigation Overview - 10 Minutes
 - A. What is Civil Litigation?
 - B. Common Types of Cases
 - C. Case Study: Slip and Fall Analysis Leads to Favorable Verdict
3. Roles and Responsibilities - 15 Minutes
 - A. Plaintiff
 - B. Defendant
 - C. Cross-Defendant/Third Party Defendants
 - D. Attorney(s)
 - E. Insurance Company
 - F. Insurance Professional/Claims Handler
 - G. Expert Witness(es)
 - H. Judge (Bench Trial) OR Jury
 - I. Mediator/Special Master
 - J. Case Study: Contract Termination in a Single Family Home
4. Stages - 5 Minutes
 - A. Pre-filing
 - B. Pleading
 - C. Discovery
 - D. Pre-trial
 - E. Trial
 - F. Post-Trial
 - G. Case Study: High School with Leaks and a Trial Against a Sub-Subcontractor
5. Alternative Dispute Resolution - 5 Minutes
6. How Expert Witnesses Fit In - 15 Minutes
 - A. Expert Qualifications
 - B. Designations
 - C. Declarations
 - D. Preparing for and Analyzing Testimony
 - E. Preparing for and Delivering Deposition Testimony
 - F. Trial Presentations and Testimony
 - G. Case Study: PFCS Testimony Saves Contractor \$500,000 in Damage Claims
7. Conclusion – 5 Minutes
 - A. Continuing Education
 - B. Backup Materials
 - C. Feedback

BACKUP MATERIALS

1. Good Experts... Investigate Like Sherlock Holmes, Think Like Lawyers, Write Like Journalists, and Present Like Walter Cronkite by Pete Fowler
2. [Insurance Basics for Construction Professionals](#) by Pete Fowler
3. [Civil Litigation Basics for Construction Professionals](#) by Pete Fowler
4. Case Study: [Slip and Fall Analysis Leads to Favorable Verdict](#)
5. Case Study: [Contract Termination in a Single Family Home](#)
6. Case Study: [High School with Leaks and a Trial Against a Sub-Subcontractor](#)
7. Case Study: [PFCS Testimony Saves Contractor \\$500,000 in Damage Claims](#)



The background of the graphic is a dark, blue-tinted image of a courtroom with wooden paneling and a judge's bench. In the top right corner, the logo for Pete Fowler Construction Consultants is displayed, featuring a stylized 'F' icon and the company name. The main title, 'The Basics of Civil Litigation & Expert Witnesses', is centered in a large, white serif font, with the subtitle '& Expert Witnesses' in a smaller, orange sans-serif font. Below the title is a horizontal line. Underneath the line is a row of three headshots of the speakers: Tim Dobrenen, Dan Dresch, and Pete Fowler. Below the headshots is the text 'With Tim Dobrenen, Dan Dresch, and Pete Fowler'. At the bottom, the date and time 'Thursday, April 25th, 2024 at 10:00AM Pacific' are written in a bold, orange sans-serif font. At the very bottom, the website 'www.petefowler.com', phone number '866.706.7327', and copyright notice '© 2024 Pete Fowler Construction Services, Inc.' are listed in a small, white sans-serif font.

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The Basics of Civil Litigation & Expert Witnesses

With Tim Dobrenen, Dan Dresch, and Pete Fowler

Thursday, April 25th, 2024 at 10:00AM Pacific

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Building Experts

Helping Smart People
Make Smart Decisions

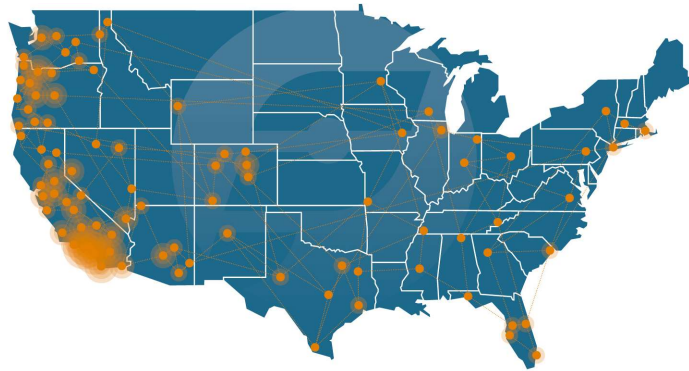
Construction Defects
Property Claims
Personal Injury Claims
Contract Claims
Quality and Construction

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Our Clients

- 1 Property Owners & Managers
- 2 Financial Institutions Including Lenders
- 3 Builders, Developers and Construction Contractors
- 4 Product Manufacturers and Suppliers
- 5 Government
- 6 Insurers
- 7 Lawyers

Project Map

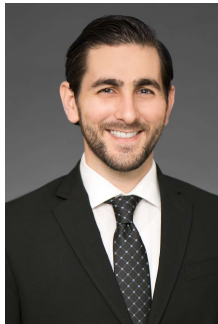


Meet our Presenters



Tim Dobrenen

Assistant Vice President
of Claims
Hanover Re



Dan Dresch

Senior Litigation Counsel
*McGuinness & Cicero –
Subsidiary of Chubb*



Pete Fowler

Chief Quality Officer
Pete Fowler Construction

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Program Outline

1. Introduction
2. Civil Litigation Overview
3. Roles and Responsibilities
4. Stages
5. Alternate Dispute Resolution
6. How Expert Witnesses Fit In
7. Conclusion

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Learning Objectives



Gain a basic understanding of the civil litigation process from beginning to end, as it relates to construction.



Learn from examples of real-world case studies of the types of civil litigation cases often encountered in construction.



Learn where and how expert witnesses fit into the civil litigation process.



Understand the roles and responsibilities of the parties to litigation.



2. Civil Litigation Overview

What is Civil Litigation?



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2. Civil Litigation Overview

Common Types of Cases

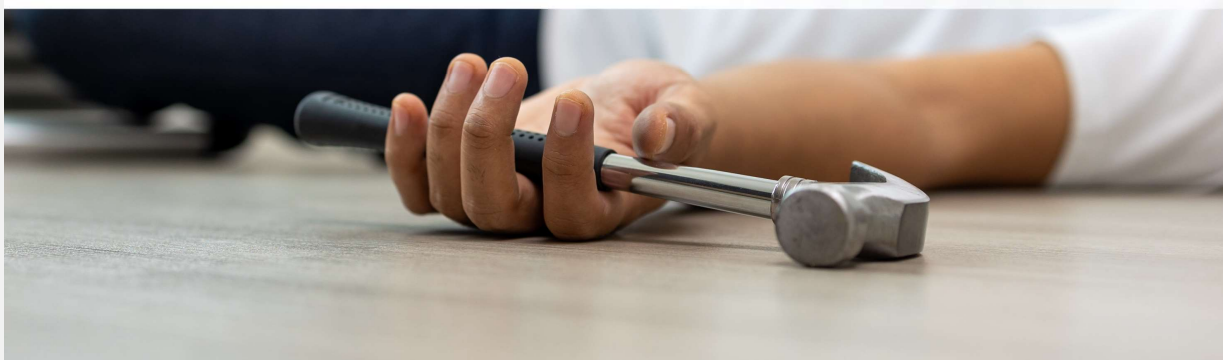
1. Construction Defect Litigation
2. Personal Injury
3. Job Site Accidents
4. Property Claims
5. Contract Claims
6. Subrogation Claims
7. Equitable Claims

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2. Civil Litigation Overview

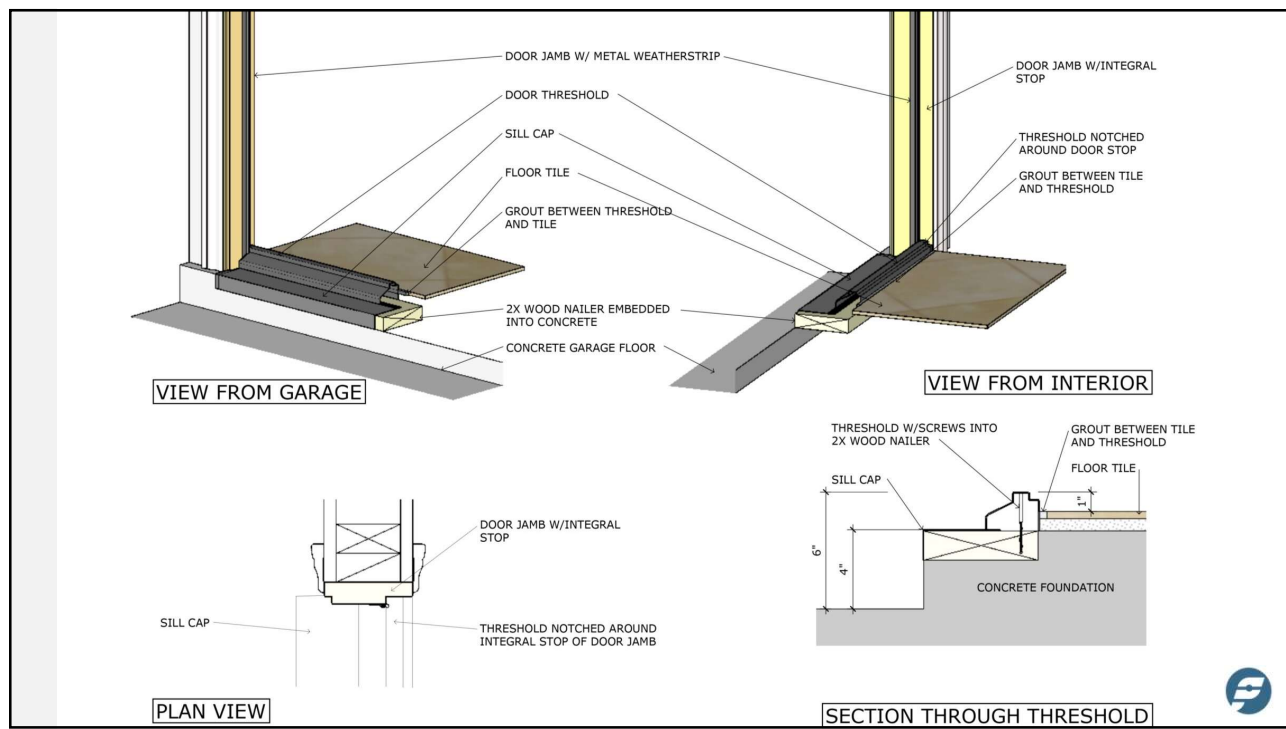
Case Study:

Slip and Fall Analysis Leads to Favorable Verdict



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3. Roles & Responsibilities

Plaintiff



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3. Roles & Responsibilities

Defendant



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3. Roles & Responsibilities

Cross-Defendant/ Third-Party Defendants



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3. Roles & Responsibilities

Attorney(s)




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3. Roles & Responsibilities

Insurance
Company



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3. Roles & Responsibilities

Insurance Professional/ Claims Handler



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3. Roles & Responsibilities

Expert Witness(es)



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3. Roles & Responsibilities

Judge (Bench Trial) OR Jury



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3. Roles & Responsibilities

Mediator/ Special Master



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3. Roles & Responsibilities

Case Study:

Contract Termination in a Single-Family Home




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4. Stages

Pre-Filing



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4. Stages

Pleading




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4. Stages

Discovery


A person's hand is shown hovering over a search bar. The search bar is a horizontal, rounded rectangle with a magnifying glass icon on the left. The background is a blurred image of a person's torso and hands at a desk.

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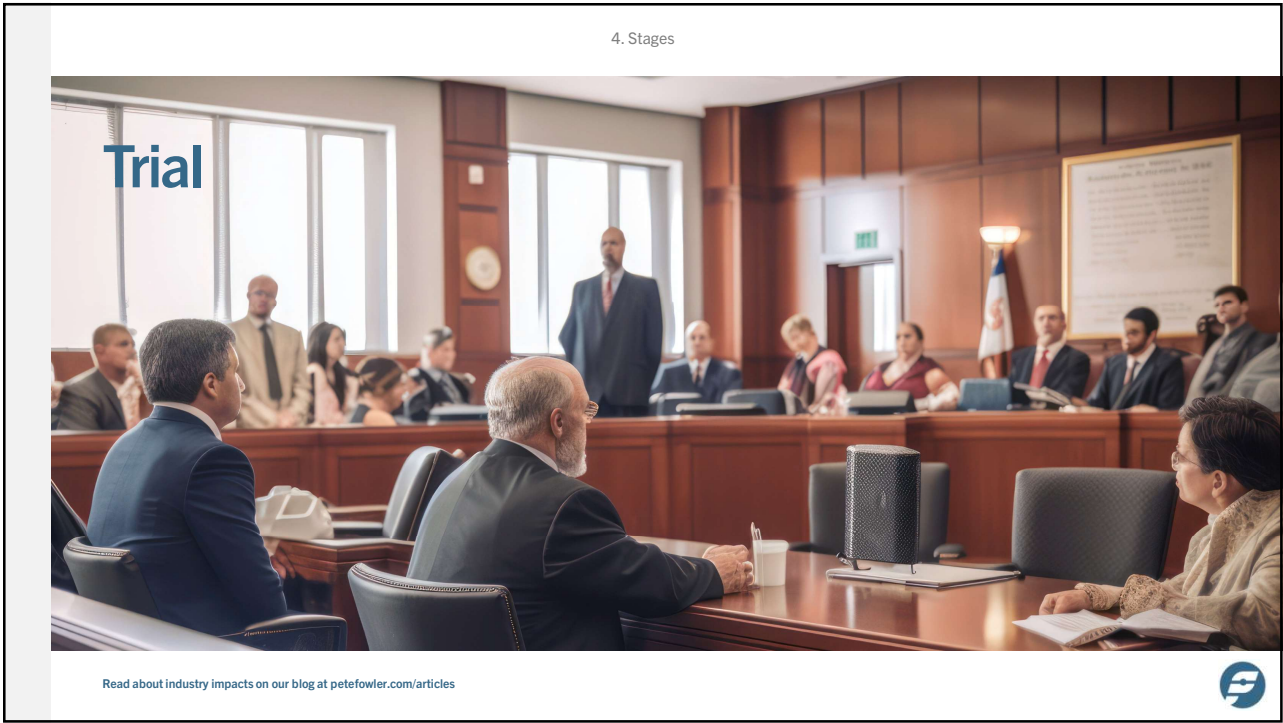
4. Stages

Pre-trial




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4. Stages

Post-Trial



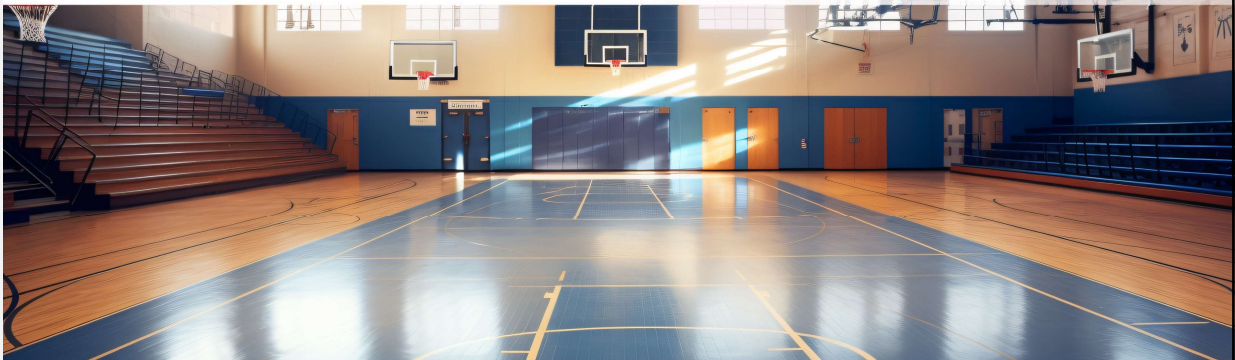
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4. Stages

Case Study:

High School with Leaks and a Trial Against a Sub Subcontractor



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Expert Qualifications

6. How Expert Witnesses Fit In




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6. How Expert Witnesses Fit In

Designations



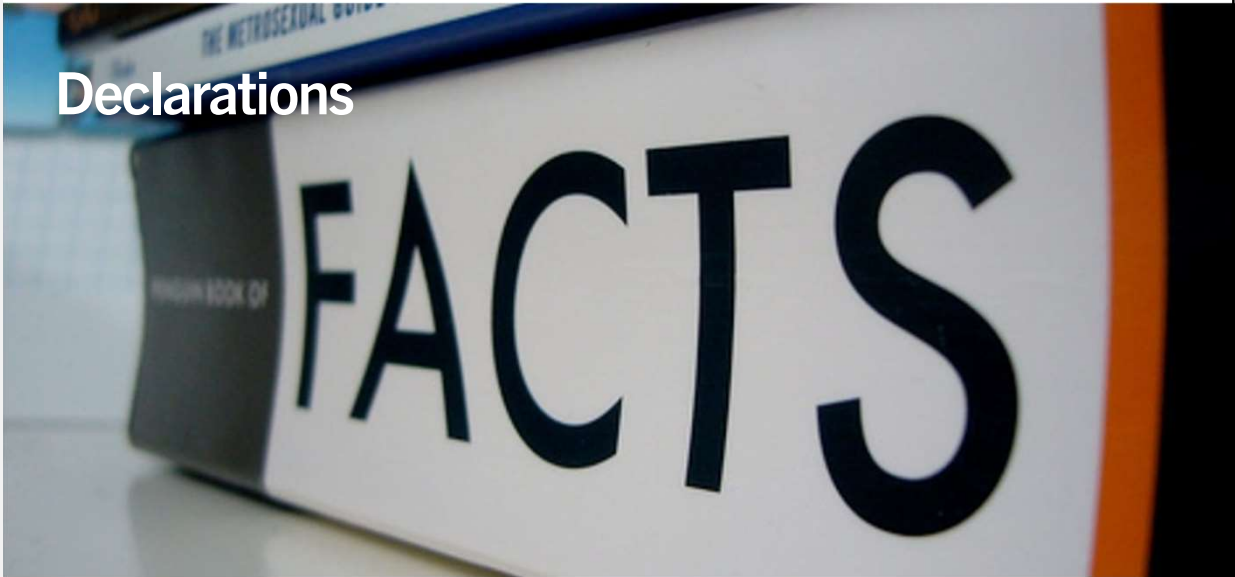
The image shows a hand placing a wooden block with a handshake icon on top of two other wooden blocks, one with a male icon and one with a female icon, symbolizing expert witness designations.

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6. How Expert Witnesses Fit In

Declarations

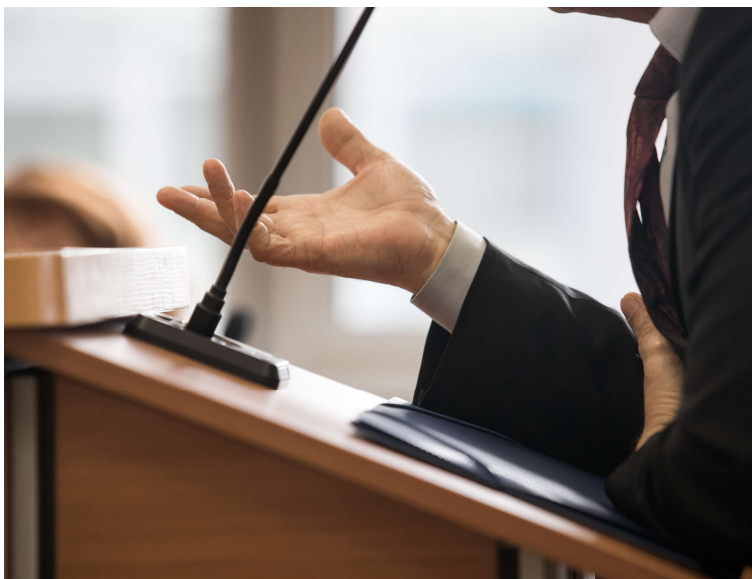


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Preparing for and Analyzing Testimony

6. How Expert Witnesses Fit In



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6. How Expert Witnesses Fit In

Preparing for and Delivering Deposition Testimony



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Trial Presentations and Testimony

6. How Expert Witnesses Fit In



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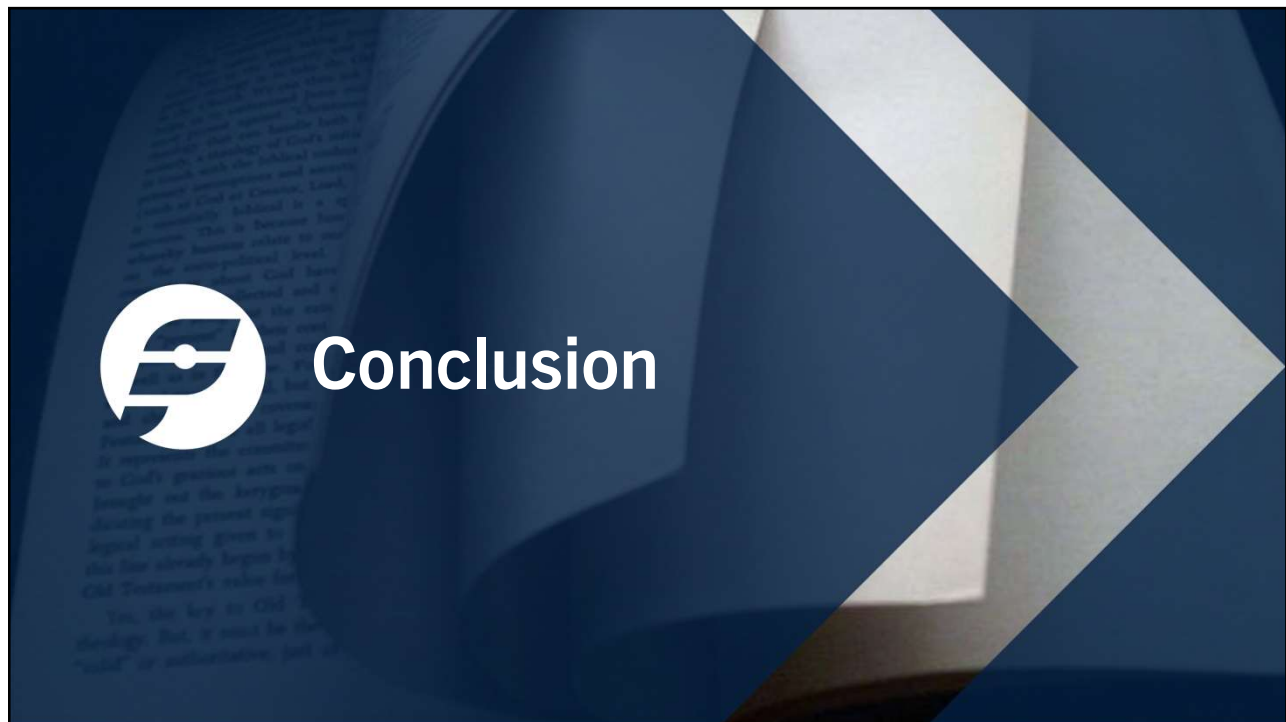
6. How Expert Witnesses Fit in

Case Study:

PFCS Saves Contractor \$500,000 in Damage Claims

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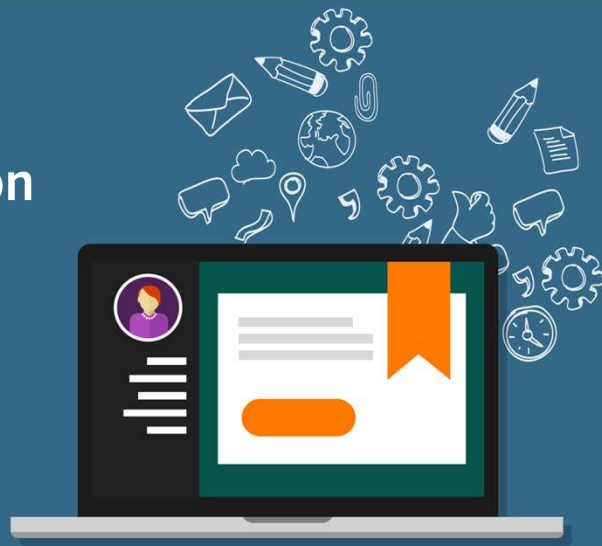
Learn where and how expert witnesses fit into the civil litigation process.



Understand the roles and responsibilities of the parties to litigation.

6. Conclusion

**Continuing Education
Certificates will be
sent out within
one week.**



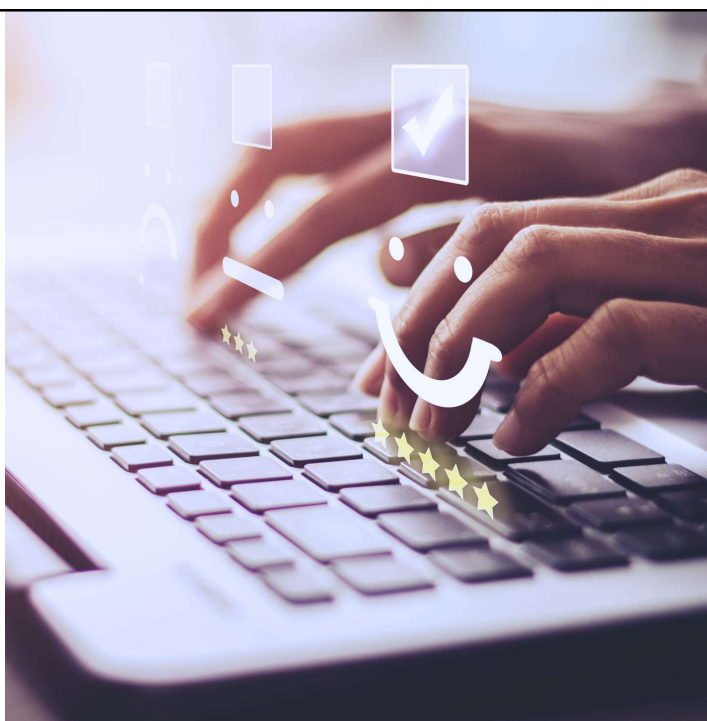
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Feedback is the Breakfast of Champions

You will receive a survey link immediately following the webinar. We put a lot of effort into providing these programs free of charge, we just ask that you take a few seconds to leave your feedback on today's presentation.

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Onsite Investigation of Construction Defect Claims

Thursday, May 30th, 2024 at 10:00AM Pacific

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