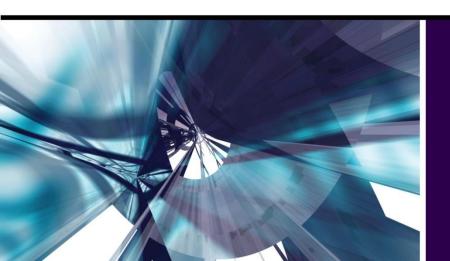
PEOPLE I PROPERTY I REPUTATION

ASSET PROTECTION

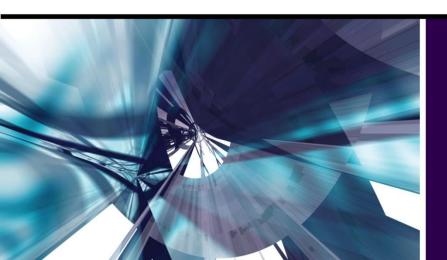




PEOPLE I PROPERTY I REPUTATION

UTOPIA vs. REALITY

Developing a Go Team & Claim Handling Protocols to Investigate, Avoid and Mitigate your Fleet or Catastrophic Personal Injury Claims









2014 FMI Asset Protection Conference

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Life is a Matter of Perspective!

No two Clients or Programs are Alike!





How Do You Identify a Catastrophic Claim?

- Negligent security
- Product Liability involving multiple claimants
- Man vs. Truck (Transportation Claim?)
- Traumatic injuries, shootings, robberies, death...
- Anything attracting the Media



PROTECTION



Litigation Cost Containment When is a Little Really Enough?

Let me tell you a story?







- What Steps are We Taking to Investigate and Document Claims:
 - Incident Report?
 - Preserving Store Video?
 - Identifying Witnesses?
 - Recorded/Written Statements?
 - Photographs?

GUEST INCIDENT INVESTIGATION

GENERAL INFORMATION

This Form is to be com	pleted by the Store Manager or an	On-Duty Manager	
Manager's Name		Store Name	-
Store Number	Store Address		_
Store Phone Number _	(Claim Number	
Date of Loss	Reported By:		
ACCIDENT INFORM	ATION		·
Time of Loss	Location of Loss		
Person(s) Notified of L	oss at Employer's		
Person(s) Contact Info	rmation		
Were There Any Non-	Employed Witnesses?	If Yes, Please List All Contact Information Below:	
Witness Name:	Phone #	Address	-
Non-Employee Witnes	ss Statement		_
Were There Any Emplo	oyed Witnesses?	If Yes, Please List All Contact Information Below:	
Witness Name:	Phone #	Address	-
Employed Witness Sta	tement		_
INJURED GUEST INF	ORMATION		
Guest's Name			
Street Address		Social Security Number	
Home Phone #	Mobile Phone #	Business Phone #	
E-mail	Gender M / F Marital Statu	us Date of Birth	

Hospital Name & Address					
Clinic/ Physician Name & Address					
Treatment Received Da	ate Received				
Property Damage					
ACCIDENT INVESTIGATION INFORMATION					
Confirm Incident Occurred					
Type of Incident					
Exact Location of Accident					
Is the Location on the Store Premises? If No, then Where Is It?					
Which Part of the Body was Injured?					
Describe the Injury					
How Did the Accident Occur?					
Emergency Care Offered? Accepted?					
In What Activity was the Injured Guest Engaged at the Time of the Accident?					
What Caused the Accident?					
Any Contributing Conditions?					
Was a Third Party Involved?					
List Any Equipment or Objects Involved in the Accident					
Did We Retain the Object? Where is the Object?					
Was Any Foreign Substance Involved? If So, What was it and Where was it? _					
Were Any Pictures Taken of the Scene? If so, by whom?					
Written Statement from Injured Guest					



PROTECT|ON



Litigation Cost Containment When is a Little Really Enough?

What about the Money!







What is a Judicial Hell Hole?:

"What I call the 'magic jurisdiction,' where the judiciary is elected with verdict money. The trial lawyers have established relationships with the judges.. And it's almost impossible to get a fair trial if you're a defendant in some of these places.. Any lawyer fresh out of law school can walk in there and win the case, so it doesn't matter what the evidence or law is."



PROTECT|ON



Litigation Cost Containment When is a Little Really Enough?

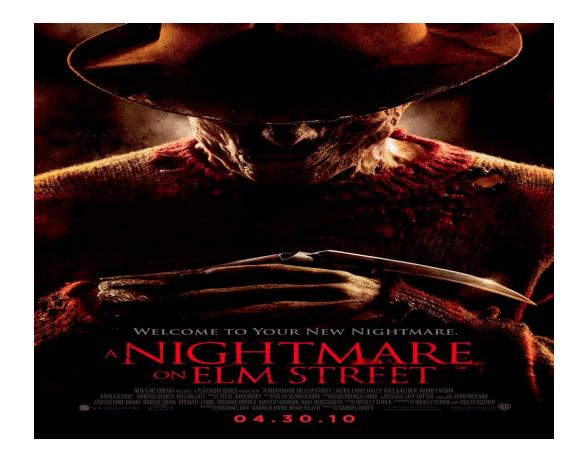
 Quote from now incarcerated and disbarred Richard "Dickie" Scruggs of Mississippi



PROTECTION



Litigation Cost Containment When is a Little Really Enough?





PROTECTION



Litigation Cost Containment When is a Little Really Enough?

- America Tort Reform Foundation's Judicial Hell Hole's:
 - Top Five:
 - California
 - West Virginia
 - Madison County, Illinois
 - New York City and Albany, New York
 - Baltimore, Maryland
 - Watch List Top Five:
 - Philadelphia
 - South Florida
 - Cooke County
 - New Jersey
 - Nevada





Alabama

Mississippi

Maryland

Greene

Jefferson

Baltimore City

Hale

Jones

Prince

Washington **Holmes**

Lowndes **Humphreys**

Dallas Coahoma





 Arkansas Kentucky **Tennessee**

Phillips Knott **Putnam**

Pike White Lee

Crittenden Giles Clay

St. Francis **Magoffin** Shelby

Letcher Warren **Drew**





Texas

South Carolina

Virginia

Beaumont

Allendale

Portsmouth

Orange

Hampton

Norfolk

Jefferson

Fairfield

Petersburg

Maverick

Colleton

Covington

"The Valley"

Louisa





 Florida Louisianna Georgia

Broward Dekalb Orleans

Palm Beach Clayton Cameron

Miami/Dade Richmond **East Carroll**

Escambia Baldwin Avoyelles

Chatham **West Baton Orange**

Hillsborough **Bibb** Rouge





North Carolina

Roberson

Carteret

Durham

Warren

Edgecombe





Seven Areas to Consider

- I. The Art of War: "Know your Enemy
- II. The Whistle has Blown You Need 90 Seconds on the Clock
- III. Is Your Emergency Response Team in Place (ERT)
- IV. Is Your Go-Team prepared
 - A. Local Counsel
- V. Preservation of Evidence
- VI. Remember the Human Touch
- VII. Identify Risk Exposure and Transfer Opportunities





PREMISES BASED LIABILITY LOSS CONTAINMENT

- Identify Your Potential Catastrophic Claims By Venue
- Work with your Loss Prevention Department to Increase Store Awareness 11.
- III. Identify Your Claim Goals and Cost Containment
 - Claim Resolution vs. Litigation Expense vs. Trial vs. Appeal
- Documenting and Preserving Evidence (Third Party Intervention):
 - Secure Appropriate Video surveillance
 - Store Employee Interviews
 - Witness Interview
- Do Not Discount Human Touch





TRANSPORTATION CLAIM LOSS CONTAINMENT

- Develop your Emergency Response Team & Plan (ERT)
- 11. Is Your Team Ready to Respond (Preservation of Evidence)
 - Prearranged Relationships with Investigators & Experts
 - National Investigation Firms
 - Regional/local accident reconstruction teams
 - Regional/local property loss adjustment teams





TRANSPORTATION CLAIMS EMERGENCY **RESPONSE**

- III. Prearranged Relationship with Attorneys
 - **Immediate**
 - Response At the Scene
 - Attachment of Privilege
 - **Evidence Preservation**
 - Local contacts and assessment
 - http://web.uslaw.org/resources/rapid-response/





TRANSPORTATION CLAIMS EMERGENCY RESPONSE

- IV. Record Retention/Spoliation of Evidence
 - Stop electronic mail, text messages, daily planner notes and internal written reports
 - ERT **IS** the ordinary business practice
 - Do not perpetuate bad evidence
 - Secure necessary maintenance records, contractual documents sales records, etc.. Etc..
- V. Do not Forget the Human Touch
 - Driver/employee
 - Victims





The Golden Rules

- Emotions Replace Logic: "The Blame Game"
- Justice Will Not Always Prevail
- Not Loss Replacement but Wealth Redistribution
- Remember Who is on Trial
- Are you Prepared to Go the Distance
- Is Your File Prepared to Go the Distance
- Know the Rules of the Game





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