



## HB Litigation Conferences Presents

**NetDiligence®**  
**Cyber Risk & Privacy Liability Forum**

**June 6-7, 2013**  
**The Hyatt at the Bellevue, Philadelphia**

## Conference Chairs

**Richard Bortnick, Esq.**  
**John Gambale, AIG**  
**Theodore Kobus III, Esq., Baker & Hostetler LLP**  
**Toby Merrill, ACE, USA**  
**John Mullen, Sr., Esq., Nelson Levine deLuca & Hamilton**

### Wednesday, June 5, 2013

**5:30 to 7:30 Opening Night Happy Hour in the Conservatory at the Hyatt –**  
**Sponsored by NetDiligence® & Nelson Levine de Luca & Hamilton**

### Thursday, June 6, 2013

**7:30 Registration and Continental Breakfast – Sponsored by Kivu Consulting**

**8:30 Introduction and Opening Remarks**

**8:45 Claims, Claims, Claims: Claims & Loss Updates**

- Breaches: The Types of Claims Insurers are Paying
- Costs: Where and What They Are
- Claims Notice & Handling: What the Process Looks Like
- NetDiligence Cyber Claims Industry Study: Industries, Trends and Values

**Peter Foster, Willis North America FINEX (Moderator)**

**Beth Diamond, Beazley Group**

**Anthony Dolce, Esq., Chubb & Son**

**Mark Greisiger, NetDiligence®**

**Thomas Kang, Ace**

**Roc Starks, CIC, CRM, ARM, Citizens Financial Group**

**Brad Vatrt, AIG**

**10:00 Subrogation & Service Provider Accountability**

- Subrogation potential for cyber insurance claim
- Subrogation targets – who could you recover from?
- Subrogation defenses related to cyber insurance claims – what could roadblock subrogation?

**Erick Kirker, Esq., Cozen O'Connor (Moderator)**

**Ken Levine, Esq., Nelson Levine deLuca & Hamilton**

**Richard Sheridan, ACE USA**

**10:45 Morning Break – Sponsored by Edward Wildman Palmer LLP**

**11:00 The Cloud: Insurance Aggregation, Cloud Contracts & Technology**

- Loss Aggregation issues that worry insurers (one loss = 1000 claims?)
- Contract issues: Do you own your data in the cloud?
- Technical issues: Clouds outsourcing to clouds

**John Gambale, AIG (Moderator)**

**Brent Anderson, Verizon Terremark**

**Nick Economidis, Beazley Group**

**Tom Kellermann, Trend Micro Incorporated**

**Dave Navetta, InfoLawGroup**

**Robert Parisi, Marsh FINPRO U.S.**

**12:00 State of Litigation: Data Breach & Coverage Litigation Update**

- Case Law - the impact of the most notable recent decisions
- Breach Litigation - minimizing risk of suit, finding settlement opportunities
- Coverage Litigation - development in cyber and privacy actions
- Damages - how to present them
- Defenses - a review of more sophisticated approaches
- ID Theft Restoration Act - how US courts change the game

**John Mullen, Sr., Esq.**, Nelson Levine deLuca & Hamilton (Moderator)

**Timothy Blood**, Blood Hurst & O'Reardon LLP

**Jay Edelson, Esq.**, Edelson McGuire LLC

**James Giszczak, Esq.**, McDonald Hopkins PLC

**12:45 Lunch – Sponsored by Cozen O'Connor and Travelers Insurance**

**1:30 Ticket to Ride**

**Larry Kane** - Behind-the-Scenes Look From His Time with The Beatles.

**2:15 BREAK-OUT SESSIONS**

**Choice A: Health Care**

- The changes in federal regulations between the interim and final versions of the HIPAA Privacy
- Healthcare breaches and enforcement actions pursuant to the HITECH Act.
- HHS' Office of Civil Rights (OCR) enforcement priorities
- What coverages or services are healthcare entities looking for that are not currently offered?
- Contracts and Healthcare Facilities: Who is taking responsibility or passing the buck?
- How does the underwriting of healthcare risks differ from other industries?

**Michael Carr, ARM**, Argo Pro (Moderator)

**Charles P. Bellingrath**, ARC Excess & Surplus of New England

**Barbara J. Holland**, U.S. Department of Health and Human Services

**Katherine Keefe**, Beazley Group

**Shawn McLaughlin**, Hub Healthcare Solutions

**Leigh McMullan**, Crum & Forster

**Adam Sills**, Allied World Assurance Company, Ltd.

**Choice B: Dissecting a Data Breach Claim**

- The claim is noticed, now what happens?
- No two claims are the same
- Forensics, legal consultation, crisis management...how many parties get involved?
- When do you know how bad (or not) the claim is?
- When does it end?

**John Merchant**, AIG (Moderator)

**Larissa Crum**, Immersion Ltd.

**Ozzie Fonseca**, Experian® Data Breach Resolution

**Winston Krone, Esq.**, Kivu Consulting

**Ronald I. Raether, Jr., Esq.**, Faruki Ireland & Cox P.L.L.

**Alfred Saikali**, Shook Hardy & Bacon LLP

**Ben Zviti**, Travelers

**Choice C: Reinsurer Panel**

- Cyber Pearl Harbor - Unexpected or expected; Fear or reality
- Cyber terrorism and warfare – “The impacts of crime, terrorism and war in the virtual world.”
  - Stuxnet worm
  - State sponsored theft of confidential business information
  - Hacktivists
- Pricing – “Throwing Darts”
  - a lack of actuarial and claim data to calculate premiums

**John Coletti**, XL Capital (Moderator)

**Lisa Butera**, Swiss Re America Holding Corporation

**Andreas Schlayer**, Munich Re

**Mike Brown**, Guy Carpenter & Company LLC

**Paul Miskovich**, AXIS Insurance

**3:30 Afternoon Break**

**3:45 Federal / State Regulations and Their Impact on Industry**

- Do regulators interpret notification requirements the same way businesses do?
- How can regulators assist companies when responding to breaches?
- When an investigation is instituted, what are regulators looking for?
- What can companies expect during an investigation?

**Theodore Kobus III, Esq.**, Baker & Hostetler LLP (Moderator)

**Kurt Suhs**, IronShore

**Tom Finan**, US Department of Homeland Security

**Mary Guzman**, McGriff Seibels & Williams

**Ryan Kriger**, Vermont Assistant Attorney General

**Jon Neiditz, Esq.**, Kilpatrick Townsend & Stockton LLP

**Jacob Olcott**, Good Harbor Consulting

**5:00 Cocktail Reception – Sponsored by Beazley Group**

**Friday, June 7, 2013**

**7:30 Continental Breakfast – Sponsored by Crum & Forster Insurance Company**

**8:30 Data Analytics and Aggregators**

- Big data
- Behavioral advertising issues (wrongful data collection exposure)
- Regulations that increase exposure

**Toby Merrill**, ACE Professional Risk (Moderator)

**Katherine Race Brin**, Federal Trade Commission

**Linda Clark**, Reed Elsevier

**John Graham CPCU, AAI, CIPP/US**, Zurich North America

**Dominique Shelton, Esq.**, Alston & Bird LLP

**Betty Shepherd**, S.H. Smith & Company

**Gabriel Weinberg**, DuckDuckGo

**9:30 BREAK-OUT SESSIONS**

**Choice A: Cyber Coverage Basics**

- What is network security and privacy liability (aka cyber)?
- Basic Terminology – what do all of these acronyms stand for? PCI DSS, HITECH, DLP
- Basic coverage offered under a network security and privacy policy
- Application questions, which ones really matter? Why would a market decline a risk?
- What should you NOT do in the event of a breach event?

**Meredith Schnur**, Wells Fargo Insurance (Moderator)

**Joe DePaul**, Arthur J. Gallagher Risk Management Services

**David Molitano**, OneBeacon Professional Insurance

**Max Perkins**, Beazley Group

**Matt Prevost**, Philadelphia Insurance Co

**Choice B: Advanced Cyber Coverage**

- Corporate Intellectual Property – Cyber Espionage
  - Is it possible to insure your stolen IP?
- Critical Infrastructure – Cyber Warfare and/or Terrorism
  - Can property damage and bodily injury be addressed from an electronic attack? How can financial loss from a network interruption be addressed?
- Cloud Computing – Data Aggregation
  - Can insurers and reinsurers overcome aggregation risk?
- Reputational Risk
  - How to value and insure a company's reputation from a cyber event?

**Michael Schmitt**, Lockton Companies, LLP (Moderator)

**Oliver Brew**, Liberty International Underwriters

**Matthew Jacobs, Esq.**, Jenner & Block LLP

**Scott Kannry**, Aon Professional Risk Solutions

**Jim Whetstone**, Hiscox USA

**Rick Welsh**, Aegis

### **Choice C: The Forensic Investigation**

- Why conduct forensics investigation prior to notifying the affected population?
- Helping clients help themselves - Leveraging client IT resources to produce images
- Random-access memory (RAM) - Is it negligence to not collect memory as a matter of course?
- Problem of global organizations - Suggestions on collecting forensic images around the world
- Post breach first response and evidence preservation - May reduce company's potential liability

**Neeraj Sahni**, Kroll Advisory Services (Moderator)

**Angie Singer Keating**, Reclamere

**Christopher Novak**, Verizon Business

**Timothy Ryan**, Kroll Advisory Services

**Steve Visser**, Navigant

### **10:30 Morning Break – Sponsored by McDonald Hopkins PLC**

#### **10:45 International Exposure: Canada & Europe Updates**

- Update on Privacy Breach Regulations in Canada - Federal / Provincial Statutes and Case Law (Jones v Tsige // R v Cole)
- Update on European Privacy Breach Regulations
- Crossing an International Boundary
  - What happens in a breach situation when the jurisdiction you live in isn't as regulated as that where your customers or employees are domiciled? What will Regulators want to know and how will they react in a breach when you store data on a server in another jurisdiction?
- Regulatory Activism
  - While the Office of the Privacy Commissioner of Canada has very limited power, it has significant influence. It has been able to force Google and Facebook to change the way those entities do business. Is that unique or are other Regulators just as tough without necessarily having enforcement powers?
- So you conduct business in an environment where privacy regulations are relatively limited - why should you care about being prepared for a privacy or network security breach?

**Matthew Davies, FCIP, CRM**, Chubb Specialty Insurance (Moderator)

**Ted Charney, Esq.**, Falconer Charney LLP

**Chris Cotterell**, Safeonline LLP

**Scott Pidduck**, QBE Services Inc.

**Mark Schreiber, Esq.**, Edwards Wildman Palmer LLP

**Gonzalo Zeballos, Esq.**, Baker Hostetler LLP

**David Clark**, Travelers Canada

#### **11:45 Technology To Mitigate Risk: The Latest from Security Experts**

- Cloud security issues
- Mobile App security issues
- BYOD security issues

**Jake Kouns**, Markel (Moderator)

**Marshall Heilman**, Mandiant

**Grayson Lenik**, Trustwave

**Vinny Sakore**, CIPP/IT, ICISA Labs

**Rod Wittenberg**, Reed Technology

#### **12:45 Closing Remarks and Adjourn**