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**New Seminar!**

# Economic Damages

**Litigating and Proving Business Losses**

**October 17, 2005 • Grand Hyatt Hotel • Denver**

## Who Should Attend:

- Attorneys
- Judges
- Paralegals
- Accountants
- Financial Consultants
- Asset Managers
- Controllers
- Claims Adjusters
- Appraisers
- Franchisers
- Franchisees

...and anyone interested in economic damages!

Dear Colleagues:

Lawsuits involving allegations of lost profits, lost business opportunities, or business value losses invoke a myriad of legal and technical issues. Before litigating these damage theories, it is critical that both attorneys and their clients understand legal issues such as the economic loss rule and *Daubert*, financial issues such as cost estimation methodologies and the time value of money. These and other issues will often determine the landscape of a case.

We have prepared an interdisciplinary presentation designed to address these legal and financial issues as they appear from preliminary claims investigation through trial, with a particular emphasis on working with economic damages experts. After this Seminar, you will better understand how attorneys, clients, and experts work together to prosecute or defend economic damage claims, and you will be better able to take a proactive approach to dealing with these claims.

Please join us for this interesting and informative program.

We look forward to seeing you there!

Sincerely,



**Scott C. Sandberg, Esq.**



**Christopher R. LeWand  
MBA, CPA, CFA**

**Scott C. Sandberg, Esq.**  
Snell & Wilmer, Denver

**Christopher R. LeWand, MBA, CPA, CFA**  
Managing Director, FTI Consulting, Denver



Visit our website at [cle.com](http://cle.com) for a complete listing of MCLE requirements in all states. You will also find a schedule of our upcoming conferences and a listing of available homestudy courses.

Register Online at [www.cle.com](http://www.cle.com) or Call (800) 873-7130  
Seminar Schedule and Speaker Biographies Inside



**Morning Session 8:00 a.m. – 12:15 p.m.**

**Afternoon Session 1:30 p.m. – 5:30 p.m.**

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Welcome**  
 What Are Economic Damages? Why Is It Important to Understand the Law and Substance of Economic Damages? The Unique Role of Experts in Cases Involving Economic Damages  
**Scott C. Sandberg, Esq.**  
*Snell & Wilmer, Denver*  
**Christopher R. LeWand, MBA, CPA, CFA**  
**Managing Director**  
*FTI Consulting, Denver*
- 8:45 **Early Investigation of Economic Damage Claims and Defenses**  
 Compilation and Review of Documents Relating to Damages; Interviewing Witnesses with Knowledge of Damages; The Role of the Expert
- 9:15 **What You Should Claim**  
 If You Are the Plaintiff ...  
 Claims in Which Economic Damages Are Often Alleged; Procedural Rules that Govern Economic Damage Claims  
 If You Are the Defendant ...  
 Damage-Related Affirmative Defenses; Seeking Dismissal of Claims Based on a Defense that Damages Can Never Be Shown
- 10:00 Morning Break
- 10:15 **Unique Concerns Invoked by the Economic Loss Rule**  
 Claims to Which the Economic Loss Rule Applies; Recent Colorado Case Law Regarding the Economic Loss Rule
- 10:45 **Economic Damages Information that Ethically Must Be Disclosed up Front**  
 Damage Amount; Method of Calculating Damages; Witnesses with Knowledge of Damages; Documents Relating to Damages; Supplementing Initial Disclosures
- 11:30 **Testing Your Opponent's Damage Claims—Fact Discovery Relating to Damages**  
 The Role of the Expert in Discovery; Obtaining Publicly-Available Documents and Information Relating to Economic Damages; Interrogatories Relating to Economic Damages; Document Requests Relating to Economic Damages; Requests for Admission Relating to Economic Damages; Protecting Sensitive Financial Information from Unnecessary Disclosure; Damage-Related Depositions; Obtaining Damage-Related Information from Third Parties
- 12:15 Lunch Break

- 1:30 **Expert Opinions Regarding Economic Damages**  
 Developing Them
- 2:00 **Ethically Disclosing Economic Damages Experts**  
 Identifying Your Expert; Disclosing Your Expert's Report
- 2:30 **Deposing Economic Damages Experts**  
 Preparing to Depose Your Opponent's Expert; Deposing Your Opponent's Expert; Preparing Your Expert for Deposition; Defending Your Expert's Deposition
- 3:15 Afternoon Break
- 3:30 **Ensuring Economic Damages Evidence Comes in at Trial / Keeping Economic Damages Evidence Out of Trial**  
*Daubert/Shreck* Challenges to Expert Testimony; Motions to Exclude Evidence of Damages; Summary Judgment Motions Alleging Damages Cannot Be Shown
- 4:15 **Proving Economic Damages at Trial**  
 Specificity Requirements for Lost Profit Claims; Getting Damage-Related Documents into Evidence; Getting Damage-Related Testimony into Evidence; Economic Damages Testimony from Expert Witnesses; Summarizing Lengthy Documents Relating to Damages
- 5:00 **After the Trial**  
 Claims Tracking; Data Monitoring; Compliance Systems
- 5:30 Evaluations and Adjourn

**Save These Dates!**

- Broadband over Power Line  
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- Intellectual Property Law in China and Beyond  
September 22-23, Shanghai
- Wine, Beer & Spirits Law SuperConference  
September 22-23, New Orleans

- Presentation Skills for Lawyers  
October 28, Tampa
- Land Use Law  
December 1-2, Denver
- Internal Investigations  
December 2, Denver

- Telecommunications Law  
December 8-9, Denver
- Ethics  
December 9, Denver
- Litigating Land Use  
December 12-13, Tampa

For more information about these and other programs, visit our website at [www.cle.com](http://www.cle.com).

# meet your **instructors**



**Scott C. Sandberg** concentrates his practice in commercial litigation relating to trademark and trade secret protection, unfair trade practices claims, construction, professional disability, health care, telecommunications and white collar criminal defense.

His recent publications include:

*Intellectual Property Law Update*, Annual Review of Developments in Business and Corporate Litigation, 2003-2005, and *Legal Remedies Help Fight Security Network Breaches*, FRONT RANGE TECHBIZ, March 2002. He previously served as a law clerk for the Honorable Judge Gregory K. Orme in the Utah Court of Appeals.



**Christopher R. LeWand** specializes in providing dispute advisory services, forensic investigations, troubled company evaluations and restructurings, business valuations, mergers and acquisitions advisory, due diligence, strategic planning and cost allocation studies.

He has provided expert witness testimony and issued reports in various capacities, including as a telecommunications industry expert in the calculation of damages related to fraud regarding valuation issues, and in the calculation of compensation claims, contract disputes, intellectual property disputes, forensic audits, anti-trust litigation and professional malpractice claims. These services have been provided in over 50 cases. Prior to joining FTI, he was a Director with both the U.K. and U.S. divisions of PricewaterhouseCoopers' Corporate Finance and Recovery practices.

**CLE International Program Coordinator:**  
Meghan Kelly, [meghan@cle.com](mailto:meghan@cle.com).

# seminar **information**

## Continuing Education Credit

**MCLE:** This course has been accredited by the Colorado Board of Continuing Legal and Judicial Education for a maximum of 8 hours of credit, including one hour of ethics.

**Accounting:** This course meets the requirements for up to 8 hours of CPE/CPA credit.

**Appraiser:** This course meets the requirements of the Colorado Board of Real Estate Appraisers for up to 8 classroom hours toward the general requirement.

For accreditation in other jurisdictions or disciplines, please contact Brian Fineberg at (303) 377-6600 or [brian@cle.com](mailto:brian@cle.com).

## Registration

Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestudy order to (800) 873-7130, fax the registration form to (303) 321-6320, email your registration to [registrar@cle.com](mailto:registrar@cle.com) or register online at [www.cle.com](http://www.cle.com). Full payment is due at time of registration. Walk-in registrations will be subject to space availability. Please call **CLE INTERNATIONAL** at (303) 377-6600 if you require any special accommodations.

## Reserve Your Room Early

The Seminar will be held at the Grand Hyatt Hotel, 1750 Welton Street, Denver, CO 80202.

To secure your space and get the best rate, please contact Community World Travel at (303) 316-4833 or visit [www.communityworldtravel.com](http://www.communityworldtravel.com).

## Tuition

The tuition fee of \$395 per person includes attendance at all sessions, course materials, continental breakfasts and coffee breaks. **CLE INTERNATIONAL** offers special rates for 501(c)(3) organizations, full-time judges and law students.

## Save When Two or More Register

Save \$90 or more with our multiple registrant discount! Tuition is only \$350 per person for two or more from the same firm.

## About CLE INTERNATIONAL

**CLE INTERNATIONAL**, a leading provider of continuing education, has been presenting high-quality professional education programs nationwide since 1983.

## Course Materials

Each registrant will receive a set of materials prepared by the speakers especially for this Seminar, which will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling.

## Sponsorship Information

Sponsorship and exhibition opportunities are still available. For more information, please contact Sarah Neenan, Marketing Coordinator, at (303) 377-6600, or [sarah@cle.com](mailto:sarah@cle.com).

## Homestudy Package

**CLE INTERNATIONAL** also offers a complete audio transcript of the Seminar (including all course materials) for \$395 plus \$10 shipping and handling. This package qualifies for homestudy credit.

## Cancellation

Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday preceding the Seminar. Substitutions may be made at any time.

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(800) 873-7130  
(outside Denver)

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# Economic Damages

**Proving Your Case**

**October 17, 2005 • Grand Hyatt Hotel • Denver**

**Early Investigation of Claims and Defenses**

**What You Should Claim if You Are a Plaintiff or a Defendant**

**Unique Concerns Invoked by the Economic Loss Rule**

**Information that Must Be Disclosed up Front**

**Fact Discovery—Testing Your Opponent's Claims**

**Experts: Their Opinions, Disclosing Them, Deposing Them**

**Daubert/Shreck Challenges • After the Trial**



**New Seminar!**

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**YES!** Please register the following:

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