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AVERY WOODS REPORTING & VIDEOTAPING

would like to congratulate this year's honorees and award winners!

New Trial Lawyer of the Year – Marc P. Harden Kripke Lifetime Achievement Award – W. Harold (Sonny) Flowers, Jr.

Outstanding Service to CTLA Award – Roberts Levin Rosenberg

Consumer Protection Award – Joel Feldman, Esq.



Welcome



Welcome to the 16th Annual

Thursday, May 9, 2013 Denver Marriott City Center

Colorado Trial Lawyers Association (CTLA), the largest specialty bar association in the state, protects consumer rights and works to increase public safety.

CTLA is comprised of Colorado trial lawyers who are committed to the protection and advancement of trial advocacy skills, high ethical standards and professionalism in the ongoing effort to preserve and improve the American system of jurisprudence.



CTLA Officers & Staff



Evening Program

Welcome

Outstanding Service to CTLA Award ROBERTS LEVIN ROSENBERG, PC

New Trial Lawyer of the Year Award *Marc P. Harden, Esq.*

Legislative Honorees

Representative Dickey Lee Hullinghorst and Senator Irene Aguilar

Case of the Year Award

Kenneth Norman Kripke Lifetime Achievement Award W. Harold (Sonny) Flowers, Jr., Esq.

Keynote Speaker Estelle Nadel



Opening the Door

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2013 CTLA Convention

August 1 - August 3 in Snowmass Village at the NEW Westin Snowmass Resort

Visit www.ctlanet.org or call (303) 831-1192.



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Congratulations to Sonny Flowers & Marc Harden!

from the staff at Pacey & McNulty

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THE BOULDER COUNTY BAR ASSOCIATION

SENDS OUR SINCERE CONGRATULATIONS TO

W. HAROLD SONNY FLOWERS, JR.

FOR THIS HONOR AND DISTINGUISHED AWARD



President's Welcome



President's Welcome

Dear Friends and Colleagues,

I am happy to see so many of you here at the Colorado Trial Lawyers Association's 16th Annual Spring Dinner to recognize and celebrate the accomplishments of tonight's honorees.

I want to congratulate, ROBERTS LEVIN ROSENBERG, PC, Marc Harden, Representative Dickey Lee Hullinghorst, Senator Irene Aguilar, the Case of the Year finalists and Sonny Flowers for making a difference for so many in the state.

Our members inspire us at CTLA to keep going strong and protect Colorado consumers. Whether it is at the legislature, the courtroom or the settlement table, our focus is about you, your clients and the challenges you face.

Welcome to Holocaust survivor Estelle Nadel and her family. This evening she will share the remarkable journey of her life.

Thank you for being part of this event, supporting our association and doing the great work you do.

3

Sincerely,

James Croshal





Sonny Flowers
Marc Harden
Roberts Levin Rosenberg
Sen. Irene Aguilar
Rep. Dickey Lee Hullinghorst
and the Case of the Year Finalists

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KENNETH NORMAN KRIPKE LIFETIME ACHIEVEMENT AWARD

MARC P. HARDEN NEW TRIAL LAWYER OF THE YEAR AWARD

ROBERTS LEVIN ROSENBERG **OUTSTANDING SERVICE TO CTLA**

JOEL FELDMAN, ESQ. **CONSUMER PROTECTION AWARD** FOUNDER OF "END DISTRACTED DRIVING"



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Congratulations

SONNY FLOWERS, JR. Kenneth Norman Kripke Lifetime Achievement Award MARC P. HARDEN New Trial Lawyer of the Year ROBERTS LEVIN Outstanding Service to CTLA ROSENBERG, P.C. SEN. IRENE AGUILAR Legislative Honoree REP. DICKEY LEE Legislative Honoree HULLINGHORST

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WE WISH TO CONGRATULATE

 \sim

W. HAROLD (SONNY)
FLOWERS, JR.

KENNETH NORMAN KRIPKE
LIFETIME ACHIEVEMENT AWARD

MARC P. HARDEN

NEW TRIAL LAWYER OF THE YEAR AWARD

ROBERTS LEVIN ROSENBERG, PC

OUTSTANDING SERVICE TO CTLA AWARD

Joel Feldman, Esq.

FOUNDER OF "END DISTRACTED DRIVING"

CONSUMER PROTECTION AWARD





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Keynote Speaker





Keynote Speaker

Estelle Nadel

"You would not be able to imagine. I am a survivor of the Holocaust. I hid in several attics for two and a half years. I lost my father, mother, sister and a brother – but I survived with two brothers."

Estelle Nadel grew up on a farm in Poland. Her life as a child horrifically turned upside down when Nazis invaded and brutally murdered family members.

At the Spring Dinner tonight, Nadel will share her stories of survival, coming to America, being adopted and creating a new life.

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Hurth, Sisk & Blakemore, LLP

Wishes to recognize

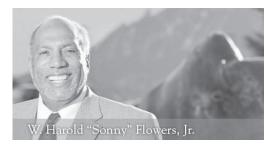
W. Harold (Sonny) Flowers, Jr., Esq.

For receiving the

Kenneth Norman Kripke, Lifetime Achievement Award.

Congratulations Sonny, we are proud to have you as a part of the team!

Your Friends & Co-Workers at Hurth, Sisk & Blakemore, LLP





Thank you to our generous sponsors - without you this event would not be possible.



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CONGRATULATES THIS YEAR'S HONOREES

W. Harold (Sonny) Flowers, Jr.

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Marc P. Harden

New Trial Lawyer of the Year

Roberts Levin Rosenberg, PC

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Joel Feldman, Esq.

Consumer Protection Award

T. Thomas Metier, Esq.
Patrick J. DiBenedetto, Esq. ~ Phillip B. Chupik, Esq.
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Kripke Lifetime Achievement Award

2013 KENNETH NORMAN KRIPKE LIFETIME ACHIEVEMENT AWARD

W. Harold (Sonny) Flowers, Jr., Esq.



His love of learning, passed on from his mother and father, has taught him that to be an exceptional leader, he must help others attain their potential through education.

W. Harold (Sonny) Flowers, Jr. has practiced law since graduating from the University of Colorado with undergraduate and law degrees. At Hurth, Sisk & Blakemore, LLP, he focuses on civil and criminal litigation with a special emphasis on plaintiffs' personal injury and medical malpractice, and criminal defense.

He served CTLA as a member of the seminar committee, lobby council, board of directors and executive committee since joining in 1978 and as president from 1999 to 2000. Flowers has chaired or co-chaired CTLA's Annual Convention for the past eight years bringing in the state and nation's leading experts and litigators to teach attendees how to make their clients' cases efficient, effective and stronger.

CTLA is lucky to have Sonny Flowers as a leader and looks forward to presenting him with the Kenneth Norman Kripke Lifetime Achievement Award.











Kripke Lifetime Achievement Award



Kenneth Norman Kripke Lifetime Achievement Award

In 1953, Kenneth Norman (Norm) Kripke and a few other attorneys founded the Colorado Trial Lawyers Association. With political foresight they created an organization that continues today to support attorneys in their practice, provides a means to improve the tort system and protects consumers' rights. Norm was an outstanding attorney; known and admired for his integrity and principles, and respected for his unwavering dedication and relentless pursuit of his clients' interests. He created, composed and published every edition of Trial Talk® for 20 years and stayed active in CTLA until he left Colorado in 1995.

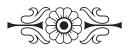
Norm passed away in 2002 but his legacy lives on today. His wife Derril continues to preserve this legacy. It is in his honor that the Colorado Trial Lawyers Association Lifetime Achievement Award is named. This award recognizes an attorney in practice for more than 25 years, whose career has exemplified the skills, ethics and dedication embodied in the association's mission.

Previous Award Winners

Daniel W. Patterson, 2012 Mari C. Bush, 2011 Lawrence J. Schoenwald, 2010 Murray Ogborn, 2009 W. Randolph Barnhart, 2008 Robert A. Schuetze, 2007 James Leventhal, 2006 Victoria C. Swanson, 2005 John Gehlhausen, 2004 Neil Hillyard, 2003 William L. Keating, 2002 Daniel S. Hoffman, 2001 Hon. Jim R. Carrigan, 2000 Gerald P. McDermott, 1999 James Buchanan, 1998 Bennett S. Aisenberg, 1997 William Trine, 1996



Outstanding Service to CTLA Award



Outstanding Service to CTLA Award

Awarded to a member who goes above and beyond expectations to help CTLA successfully achieve its goals and objectives.





PAST RECIPIENTS:

Leventhal, Brown & Puga, PC, 2012 Larry Lee, 2011 Ross Pulkrabek, 2010 2013 OUTSTANDING SERVICE TO CTLA AWARD

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Located in Denver, ROBERTS LEVIN ROSENBERG, PC (RLR) has established itself as a formidable insurance recovery and bad faith law firm.

RLR's attorneys have been instrumental in shaping the law in favor of policyholders for more than 30 years now, and continue to be involved in several landmark cases both on behalf of their clients and as amicus curiae for CTLA. This includes Farmers Group Inc. v. Trimble, Hall v. UNUM Life Ins. Co., Farmers Group Inc. v. Williams, Showpiece Homes v. Assurance, Ross v. Old Republic Ins. Co., Nunn v. Mid-Century Ins. Co., and Kisselman v. American Family.

The association gives the Outstanding Service to CTLA award to members who go above and beyond expectations to help it successfully achieve its' goals and objectives. Over the years, RLR's attorneys have graciously shared their talents as CTLA leaders, seminar speakers, donors and volunteers. Members of the firm have written more than 20 amicus briefs for CTLA since 2006. CTLA counts on this firm to provide advice and opinions on important legislation at the state Capitol. The firm consistently maintains a 100 percent CTLA membership participation status and contributes to EAGLE and CTLA's political efforts.

Because of the firm's dedication to making this association stronger, CTLA presents ROBERTS LEVIN ROSENBERG with the Outstanding Service to CTLA Award. Thank you for all you do.





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CAUSE FOR RECOGNITION:

- We congratulate the
 2013 Colorado Trial Lawyers
 Association Honorees.
- We are honored to receive the Outstanding Service to CTLA Award.

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Jeremy A. Sitcoff | Ross B. H. Buchanan | Zachary C. Warzel | Kerri J. Atencio

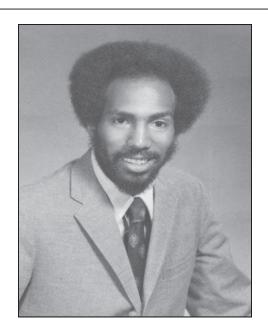
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Gary and Marsha Blum, Bob and Laura Hill, Gary and Regina Jackson, Penfield and Paulette Tate, Chuck and Barbara Williams







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CONGRATULATES THIS YEAR'S HONOREES

W. Harold (Sonny) Flowers, Jr.

Marc P. Harden
Roberts Levin Rosenberg, PC
Senator Irene Aguilar
Representative Dickey Lee Hullinghorst
Case of the Year Finalists

Jim Leventhal

Natalie Brown

Erin C. Genullis

Hollynd C. Hoskins
Daniel A. Lipman

Peter A. McClenahan

Benjamin Sachs

Molly L. Greenblatt

DezaRae LaCrue

Sean B. Leventhal

Dave P. Mason

James E. Puga, Of Counsel Lorraine E. Parker, Of Counsel



New Trial Lawyer of the Year Award



New Trial Lawyer of the Year Award

Awarded to an attorney who has been in practice for fewer than 10 years and has demonstrated the skills, ethics and dedication stated in the CTLA mission.

Previous Award Winners

Nelson Boyle, 2012 Sommer Luther, 2011 Michael Keating, 2010 Deborah Taussig, 2009 Mari Newman, 2008 M. Robin Repass, 2005 Daniel Slater, 2004

Darin Schanker, 2003 Gregory Gold, 2002

J. Kyle Bachus, 2001

Michael Ogborn, 2000

Doug Logsdon, 1999

Jennifer Donaldson, 1998 Kevin Hannon, 1996



2013 NEW TRIAL LAWYER OF THE YEAR AWARD

Marc P. Harden, Esq

Marc P. Harden is a co-founder of Zaner Harden Law, LLP, a boutique national litigation practice specializing in catastrophic injury, wrongful death and insurance dispute matters.

Harden earned a Bachelor of Science in Business Administration from Colorado State University and a Juris Doctor from the Sturm College of Law at the University of Denver.

He passed the Colorado Bar in 2005 and joined CTLA in 2007. He has tried 10 personal injury jury trials in the past four years.

He serves on CTLA's Board of Directors and cochairs the EAGLE Committee. This committee raises money to protect consumer rights and increase public safety through lobbying and outreach efforts.

Last fall, he spoke at CTLA's "The Next Steps" CLE panel discussion to welcome and inspire new lawyers who recently passed the bar.

CTLA is truly proud to honor Marc Harden with the 2013 New Trial Lawyer of the Year Award.







Case of the Year Award



Legislative Honorees

Awarded to legislators who have distinguished themselves in the pursuit of a legislative agenda protecting the civil justice system and the rights, health and safety of Colorado consumers.

Previous Award Winners

Representative Mark Ferrandino and Senator Lucía Guzmán, 2012

Representative Daniel Kagan & Senator John Morse, 2011

Senator Pat Steadman, Representative Andy Kerr & Representative Mark Waller, 2010

Senator Bob Bacon & Representative Claire Levy, 2009

Senator Brandon Shaffer & Representative Morgan Carroll, 2008

Senator Ron Tupa & Representative Alice Madden, 2007

Senator Lois Tochtrop & Representative Mike Cerbo, 2006

Senator Joan Fitz-Gerald & Representative Terrance Carroll, 2005

Senator Dan Grossman, Representative Mark Cloer & Representative Joe Stengel, 2004

Senator Sue Windels & Representative Jennifer Veiga, 2003

Senator William Thiebaut, Jr. & Representative Nolbert Chavez, 2002

Senator Ken Gordon & Senator Stanley Matsunaka, 2001

Senator Dorothy Rupert, Senator Dave Wattenberg & Senator Dottie Wham, 2000

Senator Michael Feeley & Representative Gloria Leyba, 1999

Senator Bob Martinez, Senator Gloria Tanner & Representative Mark Paschall, 1998



2013 LEGISLATIVE HONOREE

Representative Dickey Lee Hullinghorst

Representative Dickey Lee Hullinghorst (D-Boulder) was first elected to the Colorado House of Representative in 2008.

She currently serves as the House Minority Whip, the ranking member on the House Finance Committee and a member of the House Appropriations Committee.

For more than 35 years, Hullinghorst has been involved in public policy in Colorado. She has served as a volunteer on many state and local boards and commissions addressing important community and state issues.

In addition, she worked for Boulder County as the intergovernmental relations director for over 20 years. She also served on numerous boards including EcoCycle, Plan Boulder County, the Boulder County Mental Health Center Board, and was a founding member and treasurer for Colorado Open Lands.

Hullinghorst has a Bachelor of Arts in Sociology from the University of Wyoming and has graduate level work in public policy/administration at the University of Colorado at Denver.

CTLA is honored to present Representative Dickey Lee Hullinghorst with a 2013 Legislative Honoree Award for her work on legislation focused on protecting Colorado consumers.

2012 CASE OF THE YEAR FINALIST

Dawson v. Fluor Intercontinental, Inc.

Beth Klein and Carrie Frank of Klein | Frank, PC; and Marquette Wolf of The Law Firm of Ted B. Lyon & Associates

David Dawson, from Colorado, worked for SBH, a reconstruction contractor. He trained Iraqi nationals to maintain and manage hospitals, schools and other systems during the reconstruction of Iraq.

While billeted at Freedom Compound in the Green Zone in Iraq, Dawson suffered full thickness burns over 65 percent of his body when he took a shower that turned into boiling water and steam.

Fluor, a U.S. corporation based in Texas, managed the day-to-day janitorial operations for the buildings in the Freedom Compound under an O&M contract with the Army Corps of Engineers (ACE). Fluor had complete discretion on how to administer their contract on a day to day basis. It did not consult with or advise the ACE, military branch or governmental branch concerning hot water issues.

The people at Freedom Compound usually showered at the same time in the morning before work. Because of this, the hot water would run out. Rather than increasing the water heater capacity, Fluor instructed its Iraqi workers to turn up the water temperature to a deadly high level – 158 degrees Fahrenheit. Fluor made this decision on its own. Its former employees testified that they knew that people would be burned, "just not that bad."

At this temperature, water can cause a full thickness burn through all layers of skin in less than five seconds. Dishes are scalded at 140 Degrees. All experts in the trial agreed that water in water heaters layers at different temperatures and that water layering can create temperatures of 200 degrees. When this happens, steam blows through open pipes and this steam burned Dawson's lungs.

Fluor received complaints about hot water including scalding water in toilets. Many of the complaints were not documented and months of records were destroyed contrary to Fluor's own internal document retention policies from its legal department.

After Dawson's incident, ACE conducted an investigation and found that maintenance was the cause. Roger Posey, the man in charge of the investigation, ordered Fluor to turn all water heaters down to a safe 120 degrees. ACE found that the temperature of the water out of the tap was 140 degrees. All parties agreed that 120 was the safe temperature.

This case presented unique challenges because the evidence was located in a country destroyed by war and whose people had no experience with rule of law, under Saddam Hussein. Emerging Iraq had no legal system, ability to enforce subpoenas, phone books, Internet, phone or telecommunication systems, and all of the other things that lawyers take for granted in pursuing justice for our clients and gathering evidence. The first depositions in the history of Iraq were taken – only after intense diplomatic work was done - involving the State Department, Homeland Security and the Ministry of Justice for Iraq. The attorney's had to create a process to depose Iraqi nationals. If any precedence has been set thus far it is that the government of Iraq is open to American lawyers assisting their citizens who have been harmed by United States contractors outside of the theatre of war and during the abuses of reconstruction. This case was litigated in five languages and in five nations.

A jury in Dallas awarded \$18.75 million to David Dawson.





2012 CASE OF THE YEAR FINALIST

Case of the Year Award

Collard v. Vista Paving Corporation

J. Keith Killian and Damon Davis of Killian Davis Richter & Mayle, PC.

Early one morning while driving down Wellington Avenue in Grand Junction, Gail Collard unexpectedly collided with an unmarked median that seamlessly blended in with the road. The accident left Collard with serious injuries and totaled her vehicle.

Vista Paving Corporation recently built the median and received authorization from the City of Grand Junction to leave the work site. Yet, the company carelessly left it unmarked. No lights. No cones. No reflectors. Ironically, the street's double yellow line ran through the middle of the new median and another vehicle also crashed into it earlier that same morning.

Collard's attorneys. Keith Killian and Damon Davis of Killian Davis Richter & Mayle PC, filed a lawsuit in district court against the City of Grand Junction and Vista Paving. This case involved public safety. It dealt with a suit against a road construction contractor for injuries occurring after a project's completion. It overcame challenges of a city's governmental immunity.

After Grand Junction was found not liable, it immediately accepted blame for not properly marking the median. Vista Paving asserted it met its sole responsibility of building the median and the city needed to add safety devices. Grand Junction quickly agreed in an attempt to protect its' longtime contractor.

The court ruled that Vista Paving was not a landowner under the Premise Liability Act. The court also said the company owed no duty to Collard because its duty of care did not extend beyond the contract or continue after Grand Junction took control of the site.

Collard appealed the case. The Colorado Court of Appeals affirmed the ruling on premises liability. At the same time, it also ruled that even though Vista Paving was not a landowner, it was liable for negligence by creating a condition or conducting an activity on the land.

The Colorado Court of Appeals reversed the trial court's ruling with respect to Vista Paving's common law tort duty saving the completed and accepted rule does not apply to road construction in Colorado. Vista Paving owed a duty to perform its' work with care, and this duty continued even after the company completed the work and the city accepted it. The appeals court held that this applied to a duty to warn motorists of dangers created by Vista Paving, even if it was not in the contract.

Most Colorado cases involving road construction include injury during construction or failing to maintain the road. Prior cases on the duty of a contractor after completion and acceptance of the project have generally involved homes or similar structures.

According to the Colorado Court of Appeals, this was an issue of first impression in Colorado.

In court, the owner of Vista Paving repeatedly stated he neither knew nor cared whether Grand Junction set up safety cones because safety was not his responsibility once he finished the work.

Collard v. Vista Paving Corporation will potentially impact every road construction project in Colorado in terms of safety. Because road construction contractors may be held liable, they now will have an incentive to make sure public safety will be a top priority. The case also will ensure that those who are responsible for unsafe conditions will be held legally responsible for their actions even in the face of the governmental immunity and premises liability challenges.



LEGISLATIVE HONOREE

Senator Irene Aguilar

Since 2011, Senator Irene Aguilar (D-Denver) serves Senate District 32, which spans central and south Denver. Aguilar, who is a physician, chairs the Senate Health and Human Services Committee.

A first generation U.S. resident whose parents worked farm and factory jobs, Aguilar has excelled academically, graduating as valedictorian of her high school and earning a full scholarship to Washington University.

She was awarded a medical degree from the University of Chicago Pritzker School of Medicine and has filled numerous health care roles in addition to her 21 years as a primary care physician.

Her experiences encompass advocacy at the Capitol as a member of the Colorado Developmental Disabilities Council and the Colorado House Task Force on Health Care for Vulnerable Populations. She also has served on the Colorado Board of Medical Examiners and the Health Benefits Advisory Board of the Colorado Division of Insurance.

As a doctor, she has courageously stood up for patient and consumer rights - time and time again. It is with great pleasure that CTLA acknowledges Senator Irene Aguilar as a 2013 Legislative Honoree.





the award recipients!

A Members Only Seminar

Friday, May 17 from 8 a.m. to 4 p.m.

Lunch provided by Golden Fiduciary and Solem Mack & Steinhoff, P.C.

Denver Marriott City Center 1701 California Street **CREDITS APPLIED FOR:** 8 CLE Credits/1 Ethics Credit Register at www.ctlanet.org

or call (303) 831 1192.







Case of the Year Award

Case of the Year Award

The Case of the Year Award acknowledges the positive impact that a single case can have on correcting injustices, advancing fairness under the law, changing attitudes or providing economic incentives to protect public safety.

2011

David Woodruff of Hillyard, Wahlberg, Kudla, Sloane & Woodruff, LLP Baby Abigael v. "K," a California HMO

2010

David Lane, Darold Killmer, Althea S. Licht Rebecca T. Wallace; Killmer, Lane & Newman, LLP Maria Liu; Collins, Liu & Associates, LLP David Wymore; David D. Wymore, PC Masters v. Gilmore, et al. (Civil Case)

2009

Darold Killmer, Mari Newman, Rebecca Wallace & Althea Licht; Killmer, Lane & Newman, LLP Amanda Hall v. Colorado Department of Corrections, et al.

2008

Glen Gordon; Schuetze & Gordon, LLP Thompson et al v. Colorado Dept. of Revenue

2007

Craig Ewing; Ewing & Ewing, PC
Tappert v. Anthem Blue Cross Blue Shield

2006

Timothy P. Fox & Amy F. Robertson; Fox & Robertson, PC Lucas v. Kmart Corporation

2005

G. Stephen Long & Gerald Swatzky Bass v. Richards

2004

Lorraine E. Parker; Leventhal, Brown & Puga, PC Weil v. Dillon

2003

John Haas & Susan M. Hargleroad *Thi Ho v. Le Cuong Kim, et al.*

2002

Martin H. Freeman; Freeman & Freeman, PC *Cooper v. Aspen*

2001

Natalie Brown, Jean Dubofsky, Beth Krulewitch & Anthony Viorst; Leventhal, Brown & Puga, PC DuPont v. Preston

2000

James R. Christoph; McCormick & Christoph, PC *Rice v. Home Depot*

1999

Kevin S. Hannon; The Hannon Law Firm *NWIS v. Public Service*

2012 CASE OF THE YEAR FINALIST

Ciancio v. Fowler Software Design, LLC, et al.
Gregory Gold and Sommer Luther of
The Gold Law Firm, LLC; and Ross Pulkrabek and
Daniel Wartell of Jones & Keller. PC

On December 30, 2009, William Rex Fowler shot and killed Thomas Paul Ciancio at the offices of Fowler Software Design (FSD). Fowler then placed the muzzle of the gun under his own chin and pulled the trigger.

Incredibly, Fowler survived. At his criminal trial for first degree murder, Fowler was found guilty and sentenced to life. He was destitute from having paid medical and legal bills.

In 2009, Fowler, the founder, CEO and majority owner of FSD, transferred approximately \$175,000 from FSD's line of credit and "donated" it to the Church of Scientology. FSD's President Laura Zaspel, a fellow Scientologist, learned of the embezzlement. Zaspel also knew he had done this before.

In the aftermath, Zaspel and Fowler reached a compromise. Fowler surrendered majority ownership and control of FSD to Zaspel. Fowler transferred ownership of FSD's office building to a new company, "Delati," owned by Zaspel and two other FSD members. Zaspel allowed Fowler to remain as chief financial officer in charge of the company's accounting system, which only he understood.

Other FSD employees including Ciancio, the chief operating officer, became aware of the Fowler situation. Ciancio pushed for more transparency in FSD's accounting system and believed Fowler manipulated the finances. Disgusted, Ciancio resigned from FSD in November 2009.

After Ciancio resigned, a disagreement developed between him and FSD over money. Ciancio's figures showed that FSD owed him thousands of dollars. Fowler did not want to pay Ciancio and even took the position that Ciancio owed FSD money.

Zaspel asserted her authority and agreed to settle with Ciancio for approximately \$10,000. The day before Fowler murdered Ciancio, Zaspel instructed Ciancio to meet Fowler at FSD's offices to sign a release and pick up the check.

The lawyers in the wrongful death case reviewed emails between Fowler and Zaspel filled with indecipherable Scientology code words and phrases sent in the final days before the shooting. They noticed in one email to Zaspel, Fowler referred to Ciancio as an "avowed enemy." The lawyers tracked down an obscure "fair game" policy that applied to "enemies" of Scientology and Scientologists.

After spending countless hours deciphering emails, studying Scientology, locating Scientology policies, identifying credible witnesses who could authenticate these policies, and collaborating with other trial lawyers in the state – the lawyers at last had a theory. The lawyers alleged that Zaspel, a fellow high-level Scientologist, knew or should have known that by calling Ciancio an "avowed enemy," Fowler was making veiled threats of physical harm to Ciancio, and that Zaspel needlessly put Ciancio in danger by scheduling the meeting with Fowler and ignoring other, safer alternatives.

The lawyers surmised that at least either Zaspel, FSD or Delati had insurance coverage for their own negligent conduct. The lawyers sued Zaspel, FSD and Delati for negligence and premises liability based on their decision to invite Ciancio to meet with Fowler at FSD's offices without warning Ciancio of Fowler's coded threats.

FSD and Delati both had substantial policies. Through discovery, the lawyers uncovered other ways in which Zaspel and Fowler's Scientology-coded communications foreshadowed the extreme danger to Ciancio. The team ultimately persuaded five different insurance defense firms, as well as outside coverage counsel, to settle the case for the limits of FSD's and Delati's insurance policies, giving Ciancio's wife and four young children some sense of justice.