



# Hot Topics in Complex Litigation: Litigating Business Disputes in an Increasingly Sophisticated World

2018 Antitrust & Complex Business Disputes  
Section Annual Meeting

## LIVE • LIVE WEBCAST

Thursday, January 18, 2018  
NC Bar Center, Cary

**CLE CREDIT: 6.0 Hours**

## VIDEO REPLAYS, UPDATES & REGISTRATION

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**Planned by the NCBA Antitrust & Complex  
Business Disputes Law Section**



**SUMMARY:** Complex litigation in North Carolina is, well, complex, and it is becoming more so every day. This program takes a deep dive into several substantive areas of the law so business litigators can issue-spot and advocate most effectively for their clients in an ever-developing legal and technological environment. Hear from a distinguished panel of judges and leading attorneys on a broad range of important topics, including:

- Identifying potential data breaches and mitigating their damage
- Recent developments in trade secrets litigation
- The relationship between contract disputes and claims under Chapter 75-1.1
- Navigating parallel criminal and civil proceedings
- Judges' perspectives on effective advocacy in our federal courts and the North Carolina Business Court

The North Carolina Bar Association is accredited by the North Carolina State Bar as a provider of continuing legal education.

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## Planners

- **Lee D. Denton**, Wall Babcock LLP, Winston-Salem
- **Brian A. Hayles**, Womble Bond Dickinson (U.S.) LLP, Charlotte

## Moderators

- **Lee D. Denton**, Wall Babcock LLP, Winston-Salem
- **Debbie W. Harden**, Womble Bond Dickinson (U.S.) LLP, Charlotte

## Speakers

- **Judge Louise W. Flanagan**, United States District Court for the Eastern District of North Carolina, New Bern
- **Judge David C. Keesler**, United States District Court for the Western District of North Carolina, Charlotte
- **Judge William L. Osteen Jr.**, United States District Court for the Middle District of North Carolina, Greensboro
- **Chief Judge James L. Gale**, North Carolina Business Court, Greensboro
- **Judge Louis A. Bledsoe III**, North Carolina Business Court, Charlotte
- **Judge Adam M. Conrad**, North Carolina Business Court, Charlotte
- **Judge Gregory P. McGuire**, North Carolina Business Court, Raleigh
- **Judge Michael L. Robinson**, North Carolina Business Court, Winston-Salem
- **Wes J. Camden**, Ward & Smith PA, Raleigh
- **Joshua B. Durham**, Bell Davis & Pitt PA, Charlotte
- **Stephen D. Feldman**, Ellis & Winters LLP, Raleigh
- **Charles F. Marshall III**, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh
- **Caitlin M. Poe**, Ward & Smith PA, Raleigh
- **S. Wilson Quick**, Brooks Pierce McLendon Humphrey & Leonard LLP, Raleigh

## Sponsor (at time of printing)

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Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

- **Embassy Suites, 201 Harrison Oaks Boulevard, Cary**  
**Nightly Rate:** \$169 single/double and includes evening manager's reception and full, cooked-to-order breakfast  
**Reservations:** 919.677.1840 or [www.tinyurl.com/NCBA-Embassy](http://www.tinyurl.com/NCBA-Embassy)  
**NCBA Corporate Account Special Rate Code:** 2691626  
**Please note:** The rates may vary according to guest room availability.
- **TownePlace Suites by Marriott, 120 Sage Commons Way, Cary**  
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# Hot Topics in Complex Litigation: Litigating Business Disputes in an Increasingly Sophisticated World (2018 Antitrust & Complex Business Disputes Section Annual Meeting)

#717ATM and #717LWC | Thursday, January 18, 2018

## FOUR WAYS TO REGISTER

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**TUITION | LIVE · WEBCAST · VIDEO REPLAY (VR) |** Select format and tuition rate below.

REGISTRANT TYPE	EARLY BIRD TUITION <small>Received one week prior to program date.</small>	REGULAR TUITION <small>Received less than one week prior to program date.</small>	WEBCAST TUITION <small>Postmarked less than 6 days prior to live program date.</small>
NCBA Antitrust & Complex Business Disputes Law Section Member	<b>\$240</b> <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	<b>\$295</b> <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	<b>\$320</b> <input type="checkbox"/> Webcast
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<input type="checkbox"/> Judge (NCBA Member) <input type="checkbox"/> Clerk of Court (NCBA Member) <input type="checkbox"/> Law Professor (NCBA Member)	These categories do not qualify for Early Bird tuition or include any MCLE fees.	<b>\$75</b> <input type="checkbox"/> Live <input type="checkbox"/> VR (see below)	Choose from the applicable Webcast tuition options above.
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**Thursday, January 18, 2018, 8:15a–4:30p**

8:15a **Registration and Continental Breakfast**  
(included at the Live program only)

8:55 **Welcome and Introductions**

9:00 **Review of Trade Secret Litigation in North Carolina**

**Joshua B. Durham**

An in-depth review of the state of trade secret litigation in North Carolina, including:

- Pleadings requirements under Chapter 66
- Trends in trade secret litigation
- A review of recent North Carolina federal and state cases on trade secrets
- Discovery practice pointers
- A review of the federal Defend Trade Secrets Act

10:00 **Break**

10:15 **The Uneasy Relationship Between Contracts and Alleged Violations of Section 75-1.1**

**Stephen D. Feldman**

An alleged violation of N.C. Gen. Stat. § 75-1.1 is a staple of most North Carolina business disputes. The fact pattern of those disputes, however, often involves a contract. This program addresses important ways a contract can fuel — or foreclose — the viability of a section 75-1.1 violation.

11:15 **View from the Federal Court Bench, 2018**

**Moderator: Debbie W. Harden**

**Panelists: Judge Louise W. Flanagan, Judge David C. Keesler and Judge William L. Osteen Jr.**

A roundtable discussion on advocacy and practical tips for federal practice, featuring a judge from each of our three federal Districts: Judge William L. Osteen Jr., Judge Louise W. Flanagan and Judge David C. Keesler.

12:15p **Antitrust & Complex Business Disputes Law Section Annual Meeting**  
**C. Bailey King Jr., Smith Moore Leatherwood LLP, Charlotte, 2017-2018 Section Chair, presiding**

12:30 **Networking Lunch** (included at Live program only)

1:15 **Navigating the Shoals During Parallel Criminal and Civil Litigation**

**Wes J. Camden and Caitlin M. Poe**

An instructive discussion of parallel proceedings, including:

- The origins of such proceedings in the context of securities cases and their expansion into other areas of the law
- The procedural differences between criminal and civil litigation
- Practical strategies for civil litigators to identify and address potential criminal exposure as they work through pleadings, discovery and settlement

2:15 **Anatomy of a Data Breach**

**Charles F. Marshall III and S. Wilson Quick**

An in-depth discussion on:

- Common causes of data breaches
- How to recognize when a client may be facing a data breach
- Data-incident response plans from time zero through multi-state breach notification and response to inquiries
- Mitigation of risk
- An overview of recent trends in data breach litigation

3:15 **Break**

3:30 **View from the Business Court Bench, 2018**

**Moderator: Lee D. Denton**

**Panelists: Chief Judge James L. Gale, Judge Louis A. Bledsoe III, Judge Adam M. Conrad, Judge Gregory P. McGuire and Judge Michael L. Robinson**

Roundtable discussion featuring the five sitting Business Court judges: Judge Louis A. Bledsoe III, Judge Adam M. Conrad, Judge James L. Gale, Judge Gregory P. McGuire and Judge Michael L. Robinson.

4:30 **Adjourn**

4:30 **Networking Reception**

**Sponsored by Bell Davis & Pitt PA**

We extend our sincere gratitude to the NCBA Antitrust & Complex Business Disputes Law Section and the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the very highest quality.

**FINE PRINT • REGISTRATION** Registrations are limited by space, and may include a live video broadcast overflow room. **TRANSFERS** Registrants may transfer from a Live program, Video Replay, Webcast, Webinar or Phone/Audio Streaming Program without penalty within three business days after the program date. **CANCELLATIONS** Cancellations must be received by 9:00 a.m. the third business day prior to the program to qualify for a refund (less \$75 administrative fee). Those not attending will receive the digital program materials in full consideration of tuition paid. **MCLE CREDIT** The North Carolina Bar Association is an accredited CLE sponsor under the MCLE Regulations promulgated by the NC State Bar Board of Continuing Legal Education. This program is approved (but not sponsored) by the Board for the designated number of CLE hours. Each attorney must maintain a record of his/her attendance for the NC State Bar annual report. MCLE credit is reported by NCBA only if a NC State Bar number is provided. Your CLE tuition includes mandatory State Bar fees used to support the State Bar's Mandatory Continuing Legal Education program, the Chief Justice's Commission on Professionalism and the Chief Justice's Equal Access to Justice Commission. Your tuition also includes digital access to all program materials. **DIGITAL PROGRAM MATERIALS** You will receive a notification email when digital materials are available to download. To retrieve digital materials, log in and select "Your Course Materials" on the CLE website. All of the materials for this program will be available for download in advance of the program. **VIDEO REPLAYS** To qualify for the Early Bird tuition, registration must be received one week prior to program date. NC State Bar rules require a minimum number of preregistered active State Bar members. NCBA reserves the right to cancel any video program prior to the program date if registrations do not meet the NC State Bar requirement. Some sites require additional registration or evaluation forms. Visit [www.tinyurl.com/CLE717ATM](http://www.tinyurl.com/CLE717ATM) to confirm video replay registration and program start times. CLE credit hours at Video Replays are subject to change. Video replay program attendees may purchase the printed manuscript at cost. Due to printing and shipping lead times we are unable to accommodate requests for print materials made fewer than seven (7) days prior to any video replay program. **PERSONS WITH DISABILITIES** We make every effort to ensure that our programs are held in facilities which are fully accessible to persons with disabilities. If you plan to attend our program and need special facilities or assistance relating to a disability, please contact the CLE Department at least one week prior to the date of the program. **INCLEMENT WEATHER** We make every effort to notify registrants when a program is canceled or delayed due to weather. If inclement weather is forecast, please check your local news listings or contact event venue. NCBA programs will follow the work schedule of the hosting institutions, to include delayed openings. **CLE SCHOLARSHIPS** A limited number of scholarships are available to members in financial need. Contact Membership Services at 1.800.662.7407 or email [akemple@ncbar.org](mailto:akemple@ncbar.org). **EVENT SPONSOR AND EXHIBITOR OPPORTUNITIES** Interested in meeting the attendees of this program? Become an exhibitor or sponsor! Contact Jennifer Shapiro at [CLESponsorship@ncbar.org](mailto:CLESponsorship@ncbar.org) for detailed information about these opportunities and their benefits. **FOR MORE INFORMATION, VISIT [WWW.NCBAR.ORG/CLE](http://WWW.NCBAR.ORG/CLE)**

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**Antitrust & Complex Business Disputes**



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"This CLE was the best I've been to. Excellent lineup, outstanding content. Really well done."

"The speakers did a good job of pulling out the most useful information and succinctly conveying it during their talks and the panel discussions. All topics were helpful."

-Attendees, 2017 Antitrust & Complex Business Disputes Law Section Annual Meeting



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