



KUTAK ROCK LLP

PRESENTS

**CURRENT ISSUES
FACING AGRIBUSINESS**

CLE FOR IN-HOUSE COUNSEL AND ALL AGRIBUSINESS STAKEHOLDERS

TUESDAY, AUGUST 25, 2015

12:30 P.M. - 4:00 P.M.

KUTAK ROCK LLP, 1650 FARNAM STREET, OMAHA, NE 68102

RSVP BY TUESDAY, AUGUST 18: ONLINE AT WWW.KUTAKROCK.COM/2015AGCLE
OR CONTACT KATHY ROSE AT KATHY.ROSE@KUTAKROCK.COM, OR CALL (402) 346-6000

AGENDA AND TOPICS INCLUDE:

12:30 p.m. (CST) Lunch and Registration

1:00 p.m. ***Regulatory Authorities and Practices of the EPA***

J. Daniel Breedlove, Senior Counsel, Office of Regional Counsel, Region 7, U.S. Environmental Protection Agency, Lenexa, Kansas

Mr. Breedlove serves as agriculture counsel to Region 7 staff and management. He will address some current topics of interest to agribusinesses, and those attorneys representing agribusinesses, relating to the regulatory authorities and practices of the EPA associated with agriculture. Mr. Breedlove will discuss the new Clean Water Rule (frequently referred to as the "Waters of the United States" rule), Region 7's regulation of concentrated animal feeding operations (CAFOs) with an emphasis toward areas of EPA concern and other statutes and regulations often associated with agriculture. Mr. Breedlove will take questions from the audience.

2:15 p.m. ***Ag Lending in an Environment of Low and Volatile Commodity Prices***

Joyce A. Dixon and Jeffrey S. Makovicka

Ms. Dixon and Mr. Makovicka will provide an update on selected cases and legislation relating to ag lending, including legal issues associated with credit decisions at a time when low commodity prices likely will result in losses for certain producers during the crop year, basic perfection issues, stress testing agricultural loan products, taxation of CRP payments and other short subjects.

2:45 p.m. ***Break***

3:00 p.m. ***Litigation Update and Regulatory Trends Impacting Agribusiness***

Brian C. Buescher and Garth Glissman

Mr. Buescher and Mr. Glissman will provide an assessment of recent litigation trends facing agribusinesses, including an update on the recent GMO litigation and statutory developments regarding regulation of GMO crops. They will also provide an update on the EPA Clean Water Rule from the perspective of farmers, ranchers and agribusinesses, the increased activity of the United States Corps of Engineers in regulating wetlands, the recent Michigan v. EPA case decided by the United States Supreme Court on June 29, 2015 and its potential for impacting the agricultural community, and recent developments in activity of certain animal rights organizations attempting to impact animal husbandry practices in confinement agriculture.

4:00 p.m. ***Closing Reception***

PRESENTERS:

J. Daniel Breedlove is a Senior Attorney with the United States Environmental Protection Agency serving as a Region 7 Agriculture Counselor. He is responsible for advising and counseling regional management and programs on agricultural legal issues. He is also responsible for enforcement and counseling under the Clean Water Act, particularly as the statute relates to Concentrated Animal Feeding Operations (CAFOs). He has been with Region 7's Office of Regional Counsel since 1999. Prior to coming to the EPA, Dan was hydrologist with the US Geological Survey, Water Resource Division for six years. He is a three-time graduate of the University of Kansas with a bachelor's degree in environmental studies, master's degree in physical geography, and a law degree.



Brian C. Buescher leads the firm's agribusiness litigation team and represents local and national clients in general commercial litigation. He has experience in a variety of areas, including agribusiness, environmental, food law, real estate, product liability, class action, banking, and insurance bad faith litigation. Mr. Buescher represents some of the largest agribusinesses relating to disputes involving real estate, state and federal regulation, environmental concerns, food products, railroad and transportation issues and contract disputes, among other matters. He also represents a variety of small or medium agribusiness entities and individual farmers, ranchers or operators with regard to various disputes and advice relating to agriculture. Mr. Buescher also has experience in the area of solid waste disposal and the environmental considerations relating to this industry. He also advises other attorneys on matters of legal ethics and professional responsibility and works on government relations matters in Nebraska at the state and local level. Mr. Buescher has experience litigating cases in a variety of jurisdictions, including Nebraska and Iowa state and federal courts, the United States Court of Federal Claims, United States Bankruptcy Court for the District of Nebraska, among numerous other state and federal courts. He also has served as lead counsel representing an agribusiness client in a large commercial arbitration.



Joyce A. Dixon guides corporate and financial institution clients in unique, complex transactions. She concentrates in the areas of asset securitization (particularly trade receivables, credit cards and equipment loans and leases), commercial loans, cross-border finance, agricultural lending and Chapter 11 exit and debtor-in-possession financing. She also assists financial institution clients with regulatory compliance matters and the creation and implementation of new products. Ms. Dixon has pioneered the development of credit card securitization structures and has served as outside senior legal advisor on corporate issues for numerous companies. She also has acted as financial and regulatory counsel for de novo charters, acquisitions, sales and mergers of financial institutions.

Ms. Dixon is a frequent speaker on topics involving corporate finance and the ramifications of bankruptcy proceedings on financing transactions. She testified regarding the commercial paper market before a special Congressional hearing on changes in the bankruptcy court jurisdiction. She also has been a frequent lecturer on issues affecting women, including financial planning, property rights and employment discrimination.

In addition to her legal practice, Ms. Dixon served as adjunct professor at the Creighton University School of Law from 1989 to 1998, where she developed a course on the economics of law practice. She periodically is a guest speaker for law classes on international finance and banking.



Garth Glissman practices in the areas of Commercial Litigation and Corporate Counsel. Mr. Glissman's work as Corporate Counsel primarily involves advising small to mid-sized companies in the sports, consumer products, and agribusiness sectors on a wide range of legal issues including sales and distribution agreements, products liability issues, legal strategy and due diligence on potential transactions, and various issues involving state and federal regulatory agencies including the Office of Foreign Assets Control (OFAC) within the United States Department of Treasury. Mr. Glissman's work in Commercial Litigation focuses on complex business disputes, including cases involving piercing of the corporate veil, breach of fiduciary duties, and the sale of goods, as well as representing auto manufacturers before the Nebraska Motor Vehicle Industry Licensing Board and in traditional lawsuits alleging breach of warranties, litigation against the United States Government under the Administrative Procedure Act, products liability, and a variety of real estate related litigation.



Jeffrey S. Makovicka counsels public and private companies in connection with regulatory compliance, mergers and acquisitions, and corporate governance. He concentrates on banking matters and represents banking and other financial institutions and their boards of directors on the strategic, policy and regulatory aspects of mergers and acquisitions, joint ventures, establishing subsidiaries (operating or otherwise), capital raises, restructuring transactions and investments by and in banking organizations. Mr. Makovicka also counsels individuals, private equity firms and others seeking to invest in regulated financial institutions. He regularly advises financial institutions on compliance and enforcement issues with respect to a broad range of governance, risk management, affiliate transactions, regulatory capital, consumer, Community Reinvestment Act and other matters, including representation before federal and state regulatory and enforcement agencies. He also represents clients in structured finance transactions, including issuers in credit card securitizations.

Mr. Makovicka has extensive experience advising clients on various aspects of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, the Credit Card Act of 2009 and recent regulatory changes affecting financial institutions.