

CNA Management and Professional Liability Individual Solutions

Coverage and Policy Overview

Individual Solutions is a Side A policy with Difference in Conditions (DIC) coverage for Directors and Officers.

- Available as primary coverage or follow form excess coverage over a standard D&O liability policy
- Provides Difference in Conditions (DIC) coverage when written on an excess basis
- On an excess basis, coverage triggers include Underlying Insurer's:
 - refusal to indemnify
 - financial inability to indemnify the Insureds or
 - rescission of the Underlying Insurance
- Coverage available for claims brought by a bankruptcy trustee or creditors committee of the Entity
- Substitute payment provision provides for excess coverage if the underlying insurance cannot pay due to an automatic stay order.
- Independent Director-only coverage is available

Coverage Limits

- Up to \$25,000,000

Coverage Highlights

- Policy is fully nonrescindable
- Full severability of knowledge, representations and warranties; full severability of conduct exclusions
- Broad definition of Insured Persons includes governors (corporations) and management committee members (JV)
- Definition of Loss includes carve back for civil penalties assessed against an Insured Person under the Foreign Corrupt Practices Act.
- Blanket Not For Profit Outside Entity Coverage extends to all not for profits, not just 501(c)(3)
- Punitive damages are covered where insurable under law
- No pollution exclusion
- No Insured vs. Insured exclusion
- Conduct exclusions contain Independent Director Claim carve back, triggered by final adjudication and do not apply to defense costs with Independent Directors approval
- BI/PD exclusion does not apply to claims brought by securities holders or made against directors of the entity
- Policy is non-cancelable by CNA except for non-payment of premium
- CNA may not subrogate against an Insured unless one of the conduct exclusions applies
- ADR provision contain options that both insured/insurer must agree upon
- Worldwide coverage affirmatively stated

For more information:

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