

Introducing the Management Liability Solution Policy

Congratulations! Your organization could now qualify for our D55100 Management Liability Solution Policy. This is a new, state of the art policy for private companies provided by Great American Insurance Group. Here is a summary of the differences between the new D55100 Management Liability Solution policy and our D2100 policy form.

General Terms and Conditions	Management Liability Solution (D55100)	Management and Corporate Liability Protection (D2100) <i>Includes changes made within typical endorsements.</i>
Discovery Provisions	Favorable 1, 2, & 3 year options built into form & displayed on dec page.	1 year option default with longer options available by endorsement.
Notice of Claim for Liability Coverages	As soon as practicable to General Counsel, Risk Manager or similar control person and 90 days post-policy.	60 days post-policy modified by endorsement to as soon as practicable to General Counsel, Risk Manager or similar control person or 90 days post-policy.
Indemnity Coverage	Flexibility to offer coverage either on a Duty to Defend basis or Indemnity basis subject to underwriting/consideration. If Duty to Defend option is selected, insured still retains the option to assume defense.	Indemnity form with Duty to Defend available by endorsement subject to underwriting considerations.
Subsidiary Definition	50% of total assets automatic coverage threshold & includes controlled non-profits.	25% automatic coverage threshold with endorsement expanding to a 35% threshold.
Allocation Provision	100% Cost of defense allocation for covered and uncovered matters/parties for Duty-to-Defend option and best efforts allocation for Indemnity option.	Best efforts language.
Non-rescindable Severability Provision	Included in form.	Available by endorsement.

D&O and Insured Entities

Definition of Claim	Enhanced including written demands, civil, criminal, and regulatory proceeding, requests for extradition, and request to toll a statute of limitation.	Includes written demands and civil, criminal, administrative proceedings and by endorsement includes investigations of an Insured Person after service of a subpoena.
Definition of Loss	Broad definition of Loss including Investigative Costs for derivative demands and UK Bribery Act penalties built into form & displayed on dec page.	Loss definition includes compensatory damages within base policy form with addition of pre- and post-judgment interest and Investigative costs coverage available by endorsement.
Securities Coverage	Public offering exclusion but policy form includes IPO "Road Show" coverage and carveback for private placements exempt from the Securities Act of 1933.	No security exclusion on policy but Notice of Registration endorsement added on policies.
Employed Lawyers Coverage	Included in form.	Available by endorsement.

Great American Insurance Group, 301 E. Fourth St., Cincinnati, OH 45202. Coverage description is summarized. Refer to the actual policy for a full description of applicable terms, conditions, limits and exclusions. Policies are underwritten by Great American Insurance Company, an authorized insurer in all 50 states and DC. The Great American Insurance Group eagle logo and the word marks Great American® and Great American Insurance Group® are registered service marks of Great American Insurance Company. © 2016 Great American Insurance Company. All rights reserved. 4958-ELD-1 (11/16)



Management Liability Solution Policy, Continued

Employment Practices Liability	Management Liability Solution (D55100)	Management and Corporate Liability Protection (D2100) <i>Includes changes made within typical endorsements.</i>
Definition of Insureds	Independent contractors included when indemnified by the Insured, and full time, part-time, temporary, seasonal employees, as well as volunteers, interns and students within base policy language.	Full time, part-time, temporary, seasonal employees are insureds. Independent contractors can be added as Insureds by endorsement subject to underwriting considerations.
Definition of Employment Practices Wrongful Act	Broad list of named perils including recent additions of workplace bullying, "quid pro quo" sexual harassment, hostile work environment, negligent supervision, negligent training, negligent hiring or negligent retention.	Broad list of named perils including wrongful dismissal, discrimination, workplace harassment including sexual harassment.
Definition of Loss	Includes judgments, compensatory damages and punitive or exemplary damages where insurable. New additions include expressly including back pay, front pay and claimant attorney's fees, liquidated damages pursuant to ADEA, FMLA or the Equal Pay Act where insurable within policy form.	Includes settlements, compensatory damages and punitive or exemplary damages where insurable. Pre- and post-judgment interest available by endorsement.
Third Party Coverage	Built into form with specific retention clearly displayed on dec page.	Included by endorsement for most classes.

Fiduciary Coverage

Definition of Claim	Broad definition including settlor coverage and pre-claim investigation coverage.	Coverage provided by endorsement. Claim includes written demands and civil, criminal, administrative and arbitration proceedings and by endorsement can include investigations of an Insured Person after service of a subpoena.
Definition of Loss	Broad definition of Loss including damages, punitive and exemplary damages where insurable, settlements, and Civil penalties. Coverage sublimits built into the form and displayed on the dec page for HIPAA, 502(c) penalties & PPACA penalties, and voluntary compliance program payments where insurable.	Loss within Fiduciary endorsement includes settlements, compensatory damages, punitive and exemplary damages where insurable, and civil penalties for Section 502 (i) & (l). Coverage sublimits for HIPAA and voluntary compliance program payments available by endorsement.

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