

## A-Side Protection Policy

### For Businesses, Financial Institutions, and Nonprofit Organizations

The A-Side Protection Policy is designed to offer broad coverage provisions to private and publicly traded for profit commercial businesses, financial institutions, and nonprofit organizations.

The A-Side Protection Policy provides follow form excess coverage for non-indemnifiable loss of Insured Persons and has limits up to \$25 million for excess protection against non-indemnifiable claims.

In addition the policy provides non-follow form Difference in Condition (DIC) coverage, on a non-rescindable basis, if the primary or other underlying excess carrier:

- Files for or intends to rescind coverage
- Wrongfully refuses to indemnify an Insured Person
- Is financially unable to indemnify an Insured Person
- Is unable to pay as a result of court order in bankruptcy proceeding
- Fails to Indemnify within 60 days
- Is not liable for the loss and claim

### DIC Coverage Highlights (in policy or available via endorsement)

- Claim includes regulatory investigation of an Insured Person, regulatory proceeding, request to toll statute of limitations
- Insured Persons include directors, officers and management committee and board members of joint ventures and LLCs
- Separate coverage determination for each Insured Person
- Proposal Form limited to last 12 months & 10K SEC documents
- Exclusions limited to prior and pending litigation, BI/PD, less restrictive conduct, personal profit/fraud exclusion for each Insured Person with final adjudication & defense cost carve out, I v. I less restrictive with creditor committee, whistleblower carve outs
- Worldwide coverage provision
- 90 Day advancement of Costs of Defense
- Non-rescindable policy
- Affirmative coverage language for Section 11 & 12 claims, Punitive Damages, pre/post judgment interest
- Reinstatement of limits
- Extradition coverage



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