

# Side A Directors and Officers Insurance with DIC



## Comprehensive and Personal Asset Protection

Monitor Liability Managers, LLC offers a Side A Directors and Officers Insurance policy with Difference in Conditions (DIC). Monitor's policy provides comprehensive and personal asset protection for Directors and Officers (D&O) in situations where corporate indemnification is either prohibited or unavailable. The policy is exclusively for the protection of the insured persons with a dedicated limit of liability that is not shared with the insured corporate entity.

The Difference in Conditions coverage provides first-dollar protection in certain nonindemnifiable claims where the insured is unable to access D&O coverage. These situations include rescission of the underlying policies, wrongful refusal and/or financial inability of the underlying carriers to indemnify insured persons or denial of coverage by underlying carriers. DIC coverage responds to gaps in coverage that exist in many Directors and Officers Liability insurance programs.

## Coverage Features

- Broad definition of insured persons is expanded to include general counsel, spouses, domestic partners and the estates or heirs of the deceased insureds
- Full severability
- Comprehensive loss coverage includes punitive, exemplary and multiplied damages, imposed fines, penalties and taxes that the insured is required to pay when the company is financially insolvent
- Includes coverage for formal investigations and extradition of an insured person

- Nonrescindable and noncancelable coverage
- Automatic outside directorship coverage for directors and officers serving in positions in an outside entity at the specific request of Insured Entity
- Coverage for alleged violations of Sections 11 and 12 of the Securities Act of 1933
- Choice of defense counsel
- No mandatory arbitration
- Costs of defense for conduct exclusions which are not triggered until final adjudication
- Costs of defense for insured versus insured exclusions which are not triggered until final adjudication
- Worldwide coverage
- Employment Practices Liability Insurance Coverage
- Extended Reporting Period options

## Target Market

- Coverage is available for publicly held companies with up to \$5 billion in market capitalization

### For more information

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## The Monitor Difference

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Monitor Liability Managers, LLC is an underwriting management company specializing in executive and professional liability insurance. We have the experience, financial strength and products to provide our clients with first-rate protection.

All insurance products are not created equal. The true value of an insurance product comes from the people and the company backing it. Our consistency of leadership and industry expertise provide our clients with insurance products unsurpassed in the marketplace.

## Strength and Stability

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Monitor Liability Managers, LLC is a member company of the W. R. Berkley Corporation (NYSE: WRB). W. R. Berkley, founded in 1967, is one of the nation's premier commercial lines property casualty insurance providers.

As a member company of the W. R. Berkley Corporation and with full underwriting and claims settlement authority, Monitor provides insureds with access to the financial resources of a large corporation with the outstanding customer service of a smaller company.

### W. R. Berkley Corporation and Subsidiaries

- Total assets of \$16.1 billion
- Stockholders' equity of \$3 billion
- Annualized revenues of \$4.7 billion

### Financial Strength Ratings

- A.M. Best, "A+" (Superior)
- Standard & Poors, "A+" (Strong)
- Moody's, "A2" (Strong)

## Carrier Ratings

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Monitor underwrites professional liability insurance on behalf of W. R. Berkley Corporation member companies.

### Admiral Insurance Company (Nonadmitted)

- A.M. Best Company rated: "A+" (Superior)
  - Financial Size Category (FSC): XII
- Standard & Poors Rating: "A+" (Strong)

### Berkley Insurance Company (Admitted)

- A.M. Best Company rated: "A+" (Superior)
  - Financial Size Category (FSC): XV
- Standard & Poors Rating: "A+" (Strong)

### Carolina Casualty Insurance Company (Admitted)

- A.M. Best Company rated: "A+" (Superior)
  - Financial Size Category (FSC): XII
- Standard & Poors Rating: "A+" (Strong)

## Claims Expertise

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With over 100 years of combined experience, Monitor's claims professionals are prepared to respond and manage claims effectively. Our experts know how to handle the wide range of claims that can occur with the most sophisticated risks in the market. Their experience provides reassurance to insureds when a claim arises.

## Risk Management

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Because the best way to avoid lawsuits is to prevent them, Monitor offers all policyholders free risk management tools, including:

- Unlimited access to a toll-free Employment Practices Liability Helpline that provides expert advice
- A "Guidelines for Reducing Exposure to Employment Lawsuits" CD