

## Executive First Directors & Officers Liability Policy

Introducing Executive First, a clear, concise D&O policy built for the complex, constantly evolving risks facing directors, officers and their companies. Designed for large commercial and financial organizations, Executive First is a broad-form management liability policy with state-of-the-market features that can be easily customized for specific risk-transfer needs. This innovative policy is backed by unparalleled financial strength and BHSI's veteran underwriting and claim team that is committed to providing best in class service.

Executive First provides the key features customers want and need in a D&O policy. Moreover, it is supported by BHSI's highly experienced and fully integrated executive liability underwriting and claim team. You can expect industry-leading service at every turn, from underwriters skilled in tailoring coverage for sophisticated needs, to claim professionals experienced at handling the most complex D&O claims (including securities class actions).

### FINANCIAL STRENGTH

We underwrite on the paper of Berkshire Hathaway's National Indemnity group of insurance companies, which holds financial strength ratings of A++ from AM Best and AA+ from Standard & Poor's – and has \$485.4 billion in total admitted assets with \$307.8 billion in policyholder surplus.\*

### Why should Executive First be your first choice?

- Straightforward, substantive policy form
- Ability to customize/manuscript customer centric solutions
- Financial strength (ratings and surplus)
- Flexible, solutions-focused underwriting
- Experienced, customer-centered claims professionals.
- Up to \$100 million in capacity

## POLICY HIGHLIGHTS

Executive First's concise, substantive wording provides the starting point for protection precisely tailored to the customer's needs. The policy comprehensively addresses critical areas of exposure, including shareholder litigation – direct, derivative and class actions – as well as government investigations. It is particularly responsive to the needs of individual members of the board and management team when their company is insolvent or otherwise unable to provide them indemnification. Executive First has everything you've come to expect in a leading D&O policy, plus:

- Broad coverage for **government investigations**, including the availability of coverage for **informal investigations of Insured Persons** which is not sublimited;
- Entity coverage for **plaintiffs' attorney fees and costs** in **shareholder derivative actions** under the "Side C" insuring agreement;
- **No Prior & Pending Litigation** exclusion;

**Executive First is designed expressly for commercial and financial firms with large, complex risks.**

- **Broad definitions of Claim, Wrongful Act and Loss** with coverage specifically available for:
  - Criminal, administrative and regulatory proceedings;
  - Taxes Insured Persons are legally obligated to pay solely due to the insured company's insolvency (regardless of jurisdiction);
  - Civil fines and penalties for unintentional and non-willful violations of law;
  - Punitive, exemplary and multiple damages;
- **Coverage for costs** incurred by an insured company (including its board or a special committee of its board) to **investigate shareholder derivative demands** or shareholder derivative lawsuits where no demand is made;
- **Entity versus Insured** exclusion with **broad carve-backs** replaces Insured versus Insured exclusion
- **Prejudice required** for insurer to deny coverage based solely upon late notice, in all jurisdictions
- **Full Severability** for Insured Persons
- **Full Non-Rescindability**
- **Full Choice of Defence Counsel** – no panel limitations on who you can use

## CONTACTS

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## Peruse the policy and it is clear:

This coverage was built with significant input from the risk management and brokerage community, alongside the D&O underwriters and claim professionals of Berkshire Hathaway Specialty Insurance... and expressly designed to respond to what customers need in a D&O form now.

# BHSI

Berkshire Hathaway Specialty Insurance (www.bhspecialty.com) provides commercial property, casualty, healthcare professional liability, executive and professional lines, transactional liability, surety, marine, travel, programs, accident and health, medical stop loss, homeowners, and multinational insurance. The actual and final terms of coverage for all product lines may vary. In Canada it underwrites on the paper of National Liability & Fire Insurance Company, a part of Berkshire Hathaway's National Indemnity group of insurance companies, which hold financial strength ratings of A++ from AM Best and AA+ from Standard & Poor's. Based in Boston, Berkshire Hathaway Specialty Insurance has offices in Atlanta, Boston, Chicago, Columbia, Dallas, Houston, Indianapolis, Irvine, Los Angeles, New York, Plymouth Meeting, San Francisco, San Ramon, Seattle, Stevens Point, Adelaide, Auckland, Barcelona, Brisbane, Brussels, Calgary, Cologne, Dubai, Dublin, Frankfurt, Hamburg, Hong Kong, Kuala Lumpur, London, Lyon, Macau, Madrid, Manchester, Melbourne, Milan, Munich, Paris, Perth, Singapore, Stockholm, Sydney, Toronto, and Zurich.

For more information, contact [info@bhspecialty.com](mailto:info@bhspecialty.com).

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