



WHO'S ON FIRST?

Understanding Your Insurance Program



Anderson Kill P.C.

Presenters:

- **Pamela Hans, Esq.**

Managing Shareholder (Philadelphia Branch)

Anderson Kill P.C.

267.216.2720

phans@andersonkill.com

- **Darya Natesova, Esq.**

Associate Counsel

AmeriGas

- **Jonathan Margolis, Esq.**

VP and Counsel

Toll Brothers

Insurance Policies Commonly Found in an Insurance Program

- CGL
- E&O
- D&O
- EPLI
- OCIP
- Builders Risk
- Reps and Warranties
- Property
- Cyber Liability
- Employers Liability



Contractual Requirements

- Defend and Indemnify
- Limitation of Liability
- Insurance Requirements
 - Type of policy
 - Limits
 - Name as additional insured
 - Waiver of subrogation
 - Notice requirements
 - COI copies



When There is a Loss, What Happens?

- Who is an insured?
- What triggers coverage?
- What are the exclusions?
- Other insurance
- Excess
- Contracts may specify



Who is an Insured?

- Where to look:
 - Insurance Policy
 - Definition
 - Endorsements that change “Who is an Insured”
 - Contract
 - Additional Insured Endorsement



What Triggers Coverage?

- Occurrence
- Loss
- Property damage
- Bodily injury
- Cyber breach



What are the Insurance Company's Obligations and to Whom?

- Questions to ask
- Appointment of defense counsel
- Control of settlement
- What about breach by one insured?



Subrogation

- What is it?
- When does it arise?
- What can you do to prevent a loss from damaging your business relationships?



The Potential Pitfalls of a Belt and Suspender Approach to Insurance Coverage

- Other insurance
- Many with defense obligation but no steps forward
- Confusion and or dispute over which deductible must be exhausted first



Practice Pointers

- Evaluate a potential risk exposure
- Understand your insurance policies
- Know your deductibles
- Read contract provisions together



WHO'S ON FIRST?

Understanding Your Insurance Program



Anderson Kill P.C.

A reminder about the benefits of ACC membership...

- Free CLE, like the one you're attending right now
- Roundtables
- Networking meetings
- Special events (Spring Fling, Fall Gala, races, etc.)
- Access to ACC resources, including:
 - ACC Newsstand (customizable updates on more than 40 practice area)
 - ACC Docket Magazine
 - InfoPAKs
 - QuickCounsel Guides
- **For more information or to refer a new member, see your hosts today or contact Chapter Administrator, Chris Stewart, at ChrisStewart@ACCglobal.com.**

