

SERFF Tracking Number: EVST-125432668 State: Arkansas
Filing Company: Everest National Insurance Company State Tracking Number: EFT \$50
Company Tracking Number: AR-EX-20022599
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess
Product Name: Excess Liability
Project Name/Number: CVS-Terrorism '08/CW-EX-20019703

Filing at a Glance

Company: Everest National Insurance Company

Product Name: Excess Liability SERFF Tr Num: EVST-125432668 State: Arkansas
TOI: 17.0 Other Liability - Claims SERFF Status: Closed State Tr Num: EFT \$50
Made/Occurrence
Sub-TOI: 17.0020 Commercial Umbrella & Excess Co Tr Num: AR-EX-20022599 State Status: Fees verified and received
Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding
Author: Vanessa King Disposition Date: 02/07/2008
Date Submitted: 01/15/2008 Disposition Status: Accepted For Informational Purposes
Effective Date Requested (New): 01/01/2008 Effective Date (New):
Effective Date Requested (Renewal): 01/01/2008 Effective Date (Renewal):
State Filing Description:

General Information

Project Name: CVS-Terrorism '08 Status of Filing in Domicile: Pending
Project Number: CW-EX-20019703 Domicile Status Comments:
Reference Organization: Reference Number:
Reference Title: Advisory Org. Circular:
Filing Status Changed: 02/07/2008 Deemer Date:
State Status Changed: 02/07/2008
Corresponding Filing Tracking Number:
Filing Description:
We are filing terrorism forms in response to the Reauthorization Act of 2007.

Company and Contact

Filing Contact Information

SERFF Tracking Number: EVST-125432668 State: Arkansas
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Project Name/Number: CVS-Terrorism '08/CW-EX-20019703

Vanessa King, Associate Manager, Filing and Regulation vanessa.king@everestre.com

P.O. Box 830 (908) 604-3267 [Phone]
Liberty Corner, NJ 07938-0830 (908) 604-3546[FAX]

Filing Company Information

Everest National Insurance Company CoCode: 10120 State of Domicile: Delaware
477 Martinsville Road Group Code: 1120 Company Type:
P.O. Box 830
Liberty Corner, NJ 07938-0830 Group Name: Everest Re Group, State ID Number:
Ltd.
(908) 604-3000 ext. [Phone] FEIN Number: 22-2660372

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Filing Fees

Fee Required? Yes
Fee Amount: \$50.00
Retaliatory? No
Fee Explanation: The fee is \$50 per form filing.
Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Everest National Insurance Company	\$50.00	01/15/2008	17493429

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Accepted For Edith Roberts Informational Purposes		02/07/2008	02/07/2008

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Disposition

Disposition Date: 02/07/2008

Effective Date (New):

Effective Date (Renewal):

Status: Accepted For Informational Purposes

Comment:

Rate data does NOT apply to filing.

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Expedited Filing Transmittal Form	Accepted for Informational Purposes	Yes
Form	Cap On Losses From Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Exclusion of Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Certified Acts of Terrorism Coverage Above Retained Limit; Cap on Losses From Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Exclusion of Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Notice - Disclosure of Premium	Accepted for Informational Purposes	Yes
Form	Arkansas Exclusion Of Punitive Damages Related To A Certified Act of Terrorism	Accepted for Informational Purposes	Yes

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Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Accepted for Information al Purposes	Cap On Losses From Certified Acts of Terrorism	CU 21 30 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 CU 21 30 11 02 Previous Filing #: AR-GL-20017448		CU 21 30 01 08.pdf
Accepted for Information al Purposes	Exclusion of Certified Acts of Terrorism	CU 21 33 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 CU 21 33 12 02 Previous Filing #: AR-GL-20017448		CU 21 33 01 08.pdf
Accepted for Information al Purposes	Certified Acts of Terrorism Coverage Above Retained Limit; Cap on Losses From Certified Acts of Terrorism	EUM 04 529 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 EUM 04 529 05 06 Previous Filing #: AR-GL-20017448		EUM 04 529 01 08.pdf
Accepted for Information al Purposes	Exclusion of Certified Acts of Terrorism	EUM 21 739 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 EUM 21 739 05 06 Previous Filing #: AR-GL-20017448		EUM 21 739 01 08.pdf
Accepted for Information al Purposes	Notice - Disclosure of Premium	EN IL TR 22 01 08	01 08	Disclosure/ Notice	Replaced Form #:0.00 EN IL TR 22 05 06 Previous Filing #: AR-GL-20017448		EN IL TR 22 01 08.pdf
Accepted for Information al Purposes	Arkansas Exclusion Of Punitive Damages Related To A Certified Act of Terrorism	CU 01 61 01 08	01 08	Endorsement/Amendment/Conditions		0.00	CU 01 61 01 08.pdf

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL LIABILITY UMBRELLA COVERAGE PART

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

1. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL LIABILITY UMBRELLA COVERAGE PART

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism".

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part or underlying insurance.

2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CERTIFIED ACTS OF TERRORISM COVERAGE ABOVE RETAINED LIMIT; CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL EXCESS LIABILITY COVERAGE PART

SCHEDULE

Certified Acts Of Terrorism Re- tained Limit	\$
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Coverage provided by this insurance for liability arising out of a "certified act of terrorism" applies in excess of the Certified Acts Of Terrorism Retained Limit described in paragraph B. below.

B. The following is added to **Section III – Limits Of Insurance:**

The Certified Acts Of Terrorism Retained Limit refers to the amount stated in the Schedule of this endorsement. This amount may consist of a self-insured retention, "underlying insurance" or a combination thereof.

The Certified Acts Of Terrorism Retained Limit applies:

1. Only to liability arising out of a "certified act of terrorism" covered under this policy; and
2. Separately to each "occurrence".

We will pay any sums covered under this insurance only after your Certified Acts Of Terrorism Retained Limit has been exhausted by means of payments for judgments or settlements. "Defense expenses" shall not erode the Certified Acts Of Terrorism Retained Limit.

C. The following definition is added:

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

1. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

D. With respect to all "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

PUBLIC ENTITY EXCESS LIABILITY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

Any liability arising, directly or indirectly, out of a "certified act of terrorism".

B. The following definitions are added:

1. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- a.** The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
- b.** The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

NOTICE - OFFER OF TERRORISM COVERAGE

NOTICE – DISCLOSURE OF PREMIUM

You are hereby notified that under the federal Terrorism Risk Insurance Act, as extended on December 26, 2007 by the enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, you now have a right to purchase insurance coverage for losses arising out of an Act of Terrorism, which is defined in the Act as an act certified by the Secretary of the Treasury (i) to be an act of terrorism, (ii) to be a violent act or an act that is dangerous to (A) human life; (B) property or (C) infrastructure, (iii) to have resulted in damage within the United States, or outside of the United States in case of an air carrier or vessel or the premises of a U.S. mission and (iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. You should read the Act for a complete description of its coverage. The Secretary's decision to certify or not to certify an event as an Act of Terrorism and thus be covered by this law is final and not subject to review. There is a \$100 billion dollar annual cap on all losses resulting from Acts of Terrorism above which no coverage will be provided under this policy and under the Act unless Congress makes some other determination.

DISCLOSURE OF FEDERAL PARTICIPATION IN PAYMENT OF TERRORISM LOSSES

You should know that where coverage is provided by this policy for losses caused by an Act of Terrorism, such losses may be partially reimbursed by the United States Government under a formula established by federal law. Under this formula, the United States Government pays 85% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company provide the coverage. The premium charged for this coverage is provided below and does not include any charges for the portion of loss covered by the Federal Government under the Act.

DISCLOSURE OF PREMIUM

Unless you sign this form and return it to us rejecting Terrorism Coverage under the Federal Act, you will be covered for Terrorism as defined in the Act and your premium for that coverage is \$_____.

_____ I hereby **reject** coverage for acts of terrorism as defined in the act and understand my policy will contain an exclusion for acts of terrorism.

Signature of Insured

Print Name/Title

Date

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ARKANSAS EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:
COMMERCIAL LIABILITY UMBRELLA COVERAGE PART

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM PUNITIVE DAMAGES

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as "punitive damages".

B. The following definitions are added:

1. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- a.** The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and

b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

2. "Punitive damages" mean damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

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Product Name: Excess Liability
Project Name/Number: CVS-Terrorism '08/CW-EX-20019703

Rate Information

Rate data does NOT apply to filing.

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Supporting Document Schedules

Satisfied -Name: Expedited Filing Transmittal Form

Review Status:

Accepted for Informational 02/07/2008
Purposes

Comments:

Attachment:

Expedited Filing Transmittal Document.pdf

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

This page applies to the following state(s) _ Arkansas

Indicate Type of Filing	Department Use only
<input type="checkbox"/> Filing Related to <i>Certified Losses</i> <input type="checkbox"/> Filing Related to <i>Non-Certified Losses</i> <input type="checkbox"/> Filing Applicable to Both Certified and Non-Certified Losses	

Company Name(s)	Domicile	NAIC #	FEIN #
Everest National Insurance Company	Delaware	1120-10120	22-2660372

Contact Info for Filer

Name and address of Filer(s)	Telephone #	FAX #	e-mail
Vanessa King 477 Martinsville, Road Liberty Corner, New Jersey 07938-0830	(908) 604-3267	(908) 604-3526	vanessa.king@everestr e.com

Filing information

Line of Insurance (see attachment)	Excess Liability
Company Program Title (Marketing title) (if applicable)	Commercial & Residential Construction and Public Entities
Filing Type ** see note below	Forms
This application is used with:	EUM 00 514 06 06 and EUM 00 522 02 07
Effective Date Requested	January 1, 2008
Filing date	
Company Tracking Number	
Date filing approved in domiciliary state, if applicable	

	<u>Component/Form Name /Description/Synopsis</u>	<u>Form # or Rate Page Include edition date</u>	<u>Replacement Or withdrawn?</u>	<u>If replacement, give form # or rate page(s) it replaces</u>	<u>Previous State Filing Number, if required by state</u>
01	Cap On Losses From Certified Acts of Terrorism	CU 21 30 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	CU 21 30 11 02	AR-GL-20017448
02	Exclusion of Certified Acts of Terrorism	CU 21 33 01 08	<input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input checked="" type="checkbox"/> Neither		AR-GL-20017448

To be complete, a filing must include the following:

- A completed Expedited Filing Transmittal Document for each insurer or advisory organization.
- One copy of each endorsement, disclosure form or other policy language, unless the insurer has given an advisory organization authorization to file them on its behalf.
- A copy of the rates, rating systems and supporting documentation.
- The appropriate filing fees, if required
- A postage-paid, self-addressed envelope **large enough to accommodate the return.**

The insurer(s) submitting this filing certifies that it:

- Is in compliance with the terms of the Terrorism Risk Insurance Act, as amended, and the laws of this state; and
- Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.



Vanessa King

Associate Manager

Signature

Print Name:

Title:

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

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<input type="checkbox"/> Filing Related to <i>Certified Losses</i>
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Department Use only

Company Name(s)	Domicile	NAIC #	FEIN #
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Contact Info for Filer

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Vanessa King 477 Martinsville, Road Liberty Corner, New Jersey 07938-0830	(908) 604-3267	(908) 604-3526	vanessa.king@everestr e.com

Filing information

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Company Program Title (Marketing title) (if applicable)	Commercial & Residential Construction and Public Entities
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01	Certified Acts of Terrorism Coverage Above Retained Limit; Cap on Losses From Certified Acts of Terrorism	EUM 04 529 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	EUM 04 529 05 06	AR-GL-20017448
02	Exclusion of Certified Acts of Terrorism	EUM 21 739 01 08	<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither	EUM 21 739 05 06	AR-GL-20017448

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Vanessa King

Associate Manager

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Vanessa King

Associate Manager

Signature

Print Name:

Title: