







The Issues

Builder's Risk versus Property Policies

- Covered property
- Who is an insured
- Sublimits



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The Issues

Importance of a Signed Contract

- Certificates of insurance
- Warranty/indemnity issues
- Subrogation



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The Issues

Duty to Mitigate Damages

- Business interruption
- Communication on funding the loss
- Advance payment



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The Nightmare Continues...

- Flooding on floors 39 & 40
- Global attorney firm
- Floors remain unoccupied for 5 days



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The Issues

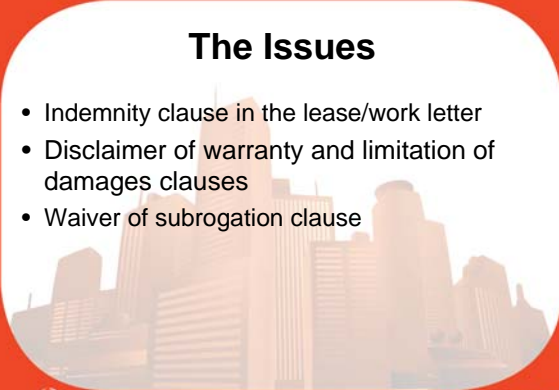
- General liability claims move slowly
 - Tender of defense
- Alternative insurance proceeds
 - Installation floaters
 - Contractor limits
 - Tenant insurance (actual vs. replacement cost)



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The Issues

- Indemnity clause in the lease/work letter
- Disclaimer of warranty and limitation of damages clauses
- Waiver of subrogation clause



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The Nightmare Grows...

- Sealed electrical vault door was mistakenly left open
- Water gets in the electrical vault shutting down power
- TI contractor is severely injured

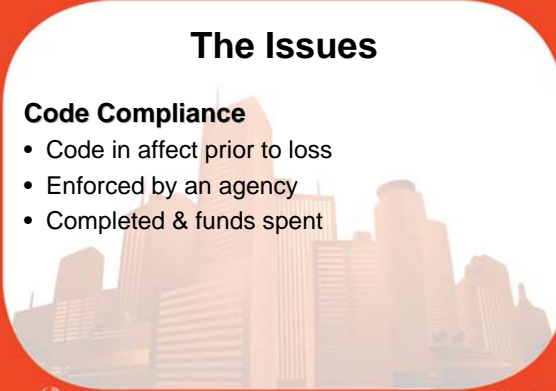


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The Issues

Code Compliance

- Code in affect prior to loss
- Enforced by an agency
- Completed & funds spent



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More Issues

Bodily Injury Claim

- Title 51
- Additional insured language



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More Issues

Property Management Issues

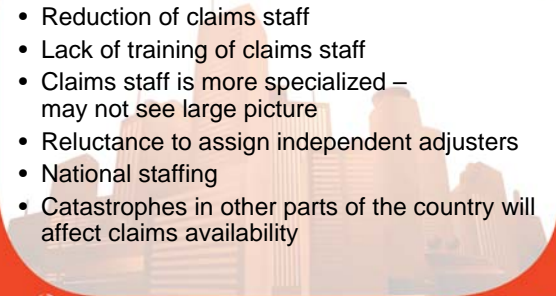
- Professional liability contract
- Subrogation



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The Rocky Road of Claims

- Reduction of claims staff
- Lack of training of claims staff
- Claims staff is more specialized – may not see large picture
- Reluctance to assign independent adjusters
- National staffing
- Catastrophes in other parts of the country will affect claims availability



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