

CLAIMS PROCEDURE

MANUAL

FOR

(your clients name here)

PREPARED BY

SullivanCurtisMonroe Insurance Services, LLC

2100 Main Street, Suite 350

Irvine, CA 92614

(800) 533-6547

CLAIMS PROCEDURE MANUAL

(your clients name here)

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1. INTRODUCTION

A. PURPOSE OF THIS MANUAL

The objective of this manual is to aid you in reporting general liability, automobile and property incidents occurring.

Specific instructions are provided to assist you in dealing with incidents involving damage to third parties, damage to the property of third parties or managed property. Should there be any questions regarding the proper procedures to follow, please do not hesitate to contact:

Sam Boyer or Cbristine DeLeon, SullivanCurtisMonroe

(800) 533-6547

If Mr. Boyer is not available, you may contact (**your name here**).

Your Reporting Manager will fax the report to Sam Boyer of SullivanCurtisMonroe(626-792-6111) and then mail the original to him at SullivanCurtisMonroe Box 7123, Pasadena, CA 91109-7123. Keep a copy for your records.

B. CLAIM REPORTING CHECK LIST

THE FOLLOWING STEPS SHOULD BE TAKEN TO REPORT A CLAIM OR AN INCIDENT WHICH MAY LEAD TO A CLAIM:

Reporting Manager:

1. Determine type of claim (see Sec. 1.4)
2. Collect all readily available information
3. Complete appropriate claim form (see Appendix)
4. Fax report to Sam Boyer at SullivanCurtisMonroe (626) 792-6111
5. Mail original report to Sam Boyer
6. Keep copy for your records

Please print or write report clearly and distinctly. Try to use black ink, it faxes better.

C. SUIT PAPERS/SUMMONS AND COMPLAINTS

1. If suit papers are served in any form, contact Sam Boyer or Christine DeLeon at SullivanCurtisMonroe **immediately**. The **original** Summons and Complaint is to be forwarded to SullivanCurtisMonroe. Please indicate and send on a separate piece of paper the date, place, time, name and title of person served, and method of service. Please do not write on or date stamp the original suit papers.
2. It is imperative that SullivanCurtisMonroe and your insurance carrier receive these papers as soon as possible. Failure to notify the insurance company promptly could violate policy conditions and jeopardize your coverage. A copy of the suit papers can be made and kept for your records.
3. If more than one copy of suit papers appears to have been received, forward **all** copies immediately. There is often some minor, but vital, difference between various copies.

THIS PROCEDURE IS APPLICABLE ONLY FOR INCIDENTS OCCURRING ON OR AFTER (eff date of policy). IF THE SUIT INVOLVES AN INCIDENT BEFORE (eff date of policy), IT SHOULD BE SENT TO YOUR PRIOR INSURANCE AGENT OR BROKER.

D. DETERMINING THE TYPE OF CLAIM

In order to properly handle any incident, a determination has to be made as to the type of incident or claim that is involved. The most common types of incidents and claims are described below. All incidents not fitting the general liability, automobile, or property descriptions below should be referred to **Sam Boyer or Christine DeLeon** (800) 533-6547.

Type of Incident/Claim	Corresponding Insurance Policy
Bodily Injury or Property Damage to <u>Third Parties</u> , e.g., slips and falls, damage to customers'/property, products liability	General Liability
Bodily Injury or Property Damage resulting from ownership, maintenance or use of an automobile.	Automobile Liability
Damage to tangible property owned or managed by (Client name) as a result of fire, windstorm, hail, etc. (related to loss of income).	Property
Damage to goods in transit.	Ocean Cargo/Inland Marine

2. PROCEDURES FOR FILING A GENERAL LIABILITY CLAIM

A. GENERAL INFORMATION

Liability insurance provides protection for you against loss arising out of your legal liability resulting from injuries to third parties (e.g., slip and falls, damage to customers' property). All General Liability incidents must be reported promptly, even if the affected party makes assurances that he or she is uninjured and will not be taking any action. Prompt reporting of claims will expedite claims handling by giving the insuring company the authority to investigate while:

- memories are fresh;
- witnesses are more likely to be available;
- physical surroundings are unchanged (to get accurate information, measurements, and photographs); and
- expert assistance can be used to determine the cause.

REPORT INCIDENTS IMMEDIATELY. DO NOT DELAY REPORTING EVEN IF ALL INFORMATION IS NOT YET AVAILABLE.

Additional information can be sent at a later date.

B. WHAT TO DO (AND WHAT NOT TO DO) WHEN AN ACCIDENT INVOLVES A CUSTOMER OR ANY MEMBER OF THE PUBLIC:

1. Any time an outsider attempts to question a staff member about an accident, unusual incident or transaction in connection with the property, automobiles or business that could lead to a claim, please refer the person to **Sam Boyer or Christine DeLeon**. It is best to discuss these types of events only with the staff or the insurance company.

The foregoing is especially true if you have been a witness to, or personally been involved in the accident, incident or transaction. In the excitement of the time, the tendency is to be talkative and volunteer all the information you have, if anybody asks what you saw or know. The proper thing to do in this instance, however, is to indicate to the person, even a policeman or other official, that you want to be entirely cooperative, and will be, but that you first want to report the incident to your supervisor. Everybody understands this reaction and is not offended by it.

And the time it takes to report to a supervisor and get his or her thoughts about the occurrence has the benefit of permitting a later statement to be made in a reflective atmosphere, rather than an excited one.

2. If an accident involves a customer or any member of the public, assist the injured person as much as possible, but be sure that measures taken are not contrary to restrictions outlined below. Acquire all the information you can, without giving any information, and where possible, secure the names and addresses of two or three other people who saw the accident (not only employees).
3. Keep these points in mind:
 - a) Do be courteous.
 - b) Do not argue.
 - c) Do not mention the company's liability. Do not make statements such as "our insurance will cover this" and "don't worry about that, just see our insurance company."
 - d) Do not express an opinion or make a statement regarding the accident to anyone.
 - e) Do not discuss defective building or equipment conditions.
 - f) Do not talk about insurance or claims settlements.
 - g) Do not attempt any first-aid yourself, except the application of pressure in the case of a badly bleeding cut or the application of smelling salts in the case of fainting.
 - h) Do offer the use of the first-aid kit to the injured in the case of minor injuries.
 - i) Do not move an obviously injured person without consulting a physician.
 - j) Do call a doctor at the injured person's request, or at the instructions of an accompanying person. In this case, ask for the name of the doctor to be called.
 - k) Do call a physician if the injured person is unconscious or unable to answer questioning.
 - l) Do not take a person anywhere in your own car even if requested; if you have an accident en route to destination, both you and your employer can be held liable for further injuries.
 - m) Do secure names and addresses so that accident reports can be filled out as completely as possible—even if the injury seems slight or non-existent, or if an unwitnessed accident is claimed and/or reported.
 - n) Do attempt to learn if the injured person committed any unsafe act or had any physical infirmity or was intoxicated. For instance, was the person disabled? Wearing glasses? Wearing shoes with run-down heels? Put these in your report.
 - o) NOTIFY MANAGEMENT IMMEDIATELY!

C. REPORTING AN INCIDENT

The Reporting Manager will fax the report to Sam Boyer or Christine DeLeon of Sullivan CurtisMonroe, (626-792-6111) and then mail the original to SullivanCurtisMonroe, P.O. Box 7123, Pasadena, CA 91109-7123. Keep a copy for your records.

3. PROCEDURES FOR FILING PROPERTY OR AUTO CLAIMS

Property Claims

The most important thing to remember is to take whatever steps necessary to protect the property from further damage. For example, this may include emergency calls to plumbers, electricians, window board-up companies, etc.

Once this is done assess the amount and extent of the damage. If possible, photos should be taken.

After the situation has been stabilized, report the matter to SullivanCurtisMonroe as indicated earlier.

Auto Claims

This is the type of claim with which everyone has a passing familiarity.

Use the Automobile Claim Reporting Form as a guide to obtain as much information as possible.

Be guided by 5W H: Who
What
Where
When
Why
How

Once the information is obtained, report the matter to SullivanCurtisMonroe.

4. ACCIDENT INVESTIGATION PROCEDURE

It is the policy of (Client Name) to carry out a thorough program of accident investigation. Supervisory personnel will be primarily responsible for making an investigation of all accidents in their areas of responsibility. Accidents involving fire, death, serious injury, or extensive property damage will be investigated by the Manager.

The primary goal of the accident investigation program is the prevention of future similar accidents through the use of knowledge derived from the investigations. Additionally, the investigation will be used to prepare reports required by Federal and State law as well as the Workers' Compensation Insurance carrier, if involved as well. These reports are critical in establishing the Company's and Supervisor's liability under the law.

When an incident occurs, the reporting manager is responsible for arranging emergency action to have first aid administered, obtaining professional medical attention as soon as possible and protecting other customers and equipment. When in doubt, call 911. The on-site manager must then begin to investigate the circumstances of the accident. The following procedures have been found to be effective when investigating accidents:

1. **GO** to the scene of the accident at once.
2. **TALK** with the injured person if possible. Talk to witnesses. Stress getting facts, not placing blame or responsibility. Ask open-ended questions.
3. **LISTEN** for clues in the conversations around you. Unsolicited comments often have merit.
4. **ENCOURAGE** people to give their ideas for preventing a similar accident.
5. **STUDY** possible causes - unsafe conditions, unsafe practices.
6. **CONFER** with interested persons about possible solutions.
7. **WRITE** your accident report giving a complete, accurate account of the accident.

8. **FOLLOW UP** to make sure conditions are corrected. If they can not be corrected immediately, report this to your Supervisor.
9. **PUBLICIZE** corrective action taken so that all may benefit from the experience.

In order for the Manager's report to be effective, it should contain at a minimum a detailed answer to the following questions:

1. **What Was the Person Doing?** Explain in detail the activity of the person at the time of the accident.
2. **What Happened?** Indicate, in detail, what took place. Describe the accident, the type of injury, the part(s) of the body affected and whether the person was wearing appropriate clothing.
3. **What Caused the Accident?** Explain, in detail, the condition, act, malfunction, etc. that caused the accident. Remember that it is possible to have more than one reason or cause for an accident.
4. **What Can Be Done to Prevent a Similar Accident?** Indicate corrective action to prevent recurrence.

5. OCEAN CARGO/INLAND TRANSIT

WHAT TO DO WHEN A LOSS OCCURS

To receive proper compensation for loss or damage to goods insured under your ocean cargo policy, it is necessary to follow certain procedures in filing claims against the responsible parties and in demonstrating the nature and extent of loss. Failure to follow these procedures can result in costly delays in the adjustment of the loss, and may reduce the amount of claim payment.

Steps to Take Upon Discovery of Loss or Damage

If damage is evident at the time of delivery, the person receiving the damaged merchandise should:

Note the exact condition of the goods on the delivery receipt. If the carrier will not make a delivery unless a clean receipt is given, written notice should be filed immediately against the transport carrier, describing the condition of the goods as received and holding the carrier liable for any loss or damage that a subsequent survey may disclose.

Preserve the container, packing, and contents in the condition they were received.

A. On claims at foreign destinations, notify the nearest Claims Agent shown on the reverse of the Special Cargo Policy of Insurance. If no agent is indicated, a representative of the American Institute of Marine Underwriters or a Lloyd's Surveyor should be contacted. The address of either office can be obtained from the American or British Consulate.

B. On claims in the United States or Canada (e.g. import shipments or shipments intended for export), contact the Loss Department of the nearest insurance company's office to obtain the name of a surveyor and/or adjuster.

Immediately file a claim upon the carrier (ocean or inland) in writing. When filing a claim, be sure to identify the shipment by vessel, the Bill of Lading number and the date, and state the carrier who will be held responsible for the damage or loss.

Note: In order to preserve rights of subrogation against airlines, claims for damage must be filed within seven (7) days after delivery of cargo.

Losses at foreign destinations can be paid directly to the foreign consignee *only* if he holds a valid Special Cargo Policy of Insurance duly endorsed by the assured.

How to File a Claim

In order to secure payment of a claim, it is necessary to present proof of loss, documents indicating the value of the goods and the extent of loss, and confirmation that proper notice was given to the party responsible for the loss. In order to make a proper judgment, a loss adjuster must receive the following documents:

1. Ocean bill of lading, air, rail or truck waybill, post office receipt or other evidence of contract of carriage;
2. Original or duplicate copy of Special Cargo Policy of Insurance, or insurance declaration if no special policy was issued;
3. A copy of the claim filed against the carrier and the carrier's reply if available;
4. A legible copy of the shipper's invoice covering the entire shipment; together with the packing list if itemized invoice not used;
5. A legible copy of the delivery receipt(s) showing exceptions, if any, or the carrier's inspection report;
6. Confirmation of non-delivery from the ocean carrier;
7. Customs Entry Report (Duty Consumption Report) on import shipments;
8. A survey report, if one was issued.

*In the event of non-delivery of an entire shipment, the original and duplicate copies of the Special Cargo Policy of Insurance and all original bills of lading (usually three) must be submitted.

If more than five (5) business days will be needed to obtain full documentation, a preliminary notice of claim should be submitted.

In order to expedite adjustment of your claim, all correspondence should clearly state the following information:

1. Assured's name and Open Policy number
2. Vessel name and Voyage number
3. Bill of Lading date and number
4. Your reference or claim number
5. If one has been assigned, the Company's claim number

Failure to submit the proper documents may result in delays in adjusting claims.

General Average Claims

Under the conditions for General Average, certain sacrifices or expenses that are voluntarily made or incurred to save a vessel and cargo from an impending peril must be borne jointly by the owners of the cargo and the owners of the vessel. Each contributes in proportion to the value, at destination, which their goods bear to the total value of all interest involved.

When General Average sacrifices are made, a lien is placed on cargo for its pro-rata share of the total amount to be made good. Before any cargo is released by the carrier, each cargo owner (usually the consignee) named in the Bill of Lading) is required to sign a General Average Bond, or Guarantee, plus pay a cash deposit as security. If the goods are insured, however, an Average Adjuster will accept a Guarantee signed by a recognized insurance company in lieu of a cash deposit.

In order to obtain prompt release of cargo, you should immediately contact the Loss Department of the nearest insurance company's office, or in the case of exports, the nearest Claims Agent and submit the following documents:

Copy of the Commercial Invoice
Copy of the ocean Bill of Lading
Copy of the Special Cargo Policy of Insurance, or declaration if no Special Policy has been issued.

It is imperative that these documents be submitted as General Average Guarantees cannot be issued without verification of values.

Rights of Subrogation

One of the purposes of insurance is to relieve you of the time and expense involved in pursuing recovery from the party, or parties, responsible for loss or damage. Underwriters, however, only attain rights of subrogation through claim payment. Until such time, it is your duty to take all steps necessary to preserve these rights.

Making Exceptions at Time of Delivery

Accepting delivery of goods without noting evident damage or shortage on the carrier's delivery receipt (giving a CLEAN RECEIPT) will, more often than not, negate any subsequent claim against the carrier. It may also jeopardize your right to collect under your insurance policy. In order to preserve your rights of subrogation, and those of underwriters, you should instruct all receiving personnel to take the following steps when merchandise is tendered for delivery:

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1. Inspect the external condition of all packages;
2. If merchandise is delivered in containers, check the condition and number of the seal; and
3. Where possible, count the actual number of packages.

Any discrepancies discovered should be opened immediately to ascertain the condition of the contents and to prevent enhancement of loss. Containers and packages delivered in an apparent sound condition, should be opened and contents inspected for damage or shortage. Damaged merchandise and their packing, as well as shipping containers, should be retained for inspection by our surveyor.

If, when containers or airline igloos are opened, it is apparent there has been a breakdown of stowage within, a surveyor should be contacted before the contents are removed.

Filing Claim Against Carriers

One of the first steps in preserving your rights of subrogation is filing notice of claim against the carrier responsible for the loss.

The maximum time limits for filing notice of claim against carriers involved in foreign trade with the United States and Canada are governed by the Carriage of Goods by Sea Act (COGSA) and the Carriage of Goods by Water Act (COGWA) (respectively) for steamship companies and the Warsaw Convention for most airlines. Failure to file a claim within these time limits relieves the carriers of liability and underwriters will normally deduct expected recovery from the amount of claim.

Carrier	Loss or Damage	Concealed Damage	Non-Delivery
Steamship (COGSA) (COGWA)	1 year from delivery or scheduled delivery	Report in writing within 3 days of delivery	1 year from scheduled delivery
Air Freight (Warsaw Convention)	Damage 7 days from delivery	7 days from delivery	120 days from scheduled delivery

APPENDIX

SullivanCurtisMonroe

251 S. Lake Ave., #150
Pasadena, CA 91101

PROPERTY CLAIM FORM
(Damage to Owned Property)
PLEASE PRINT

Insureds Name _____ Location Code _____

Insureds Address _____

Date of Incident _____ Time _____ AM/PM Cause _____

Place Loss Happened _____

Reported to Police (Vandalism, etc.) Yes ___ No ___ Dept. Contacted _____ Rpt. # _____

Description of Loss and Damage _____

Photos Taken? _____ In Whose Possession? _____

Estimated Loss Amount, if known: \$ _____

Other Important Details _____

Reporting Manager _____ Phone _____ Date _____

Signature _____

DISTRIBUTION

Reporting Manager: Fax copy to Christine DeLeon at (626) 792-6111 and Fax copy to you Property
Manager. Mail original to Christine DeLeon at: SullivanCurtisMonroe
P.O. Box 7123
Pasadena, CA 91109
Telephone (626) 683-6120

Retain copy for your records

*If there are questions, contact Ms..DeLeon at the above phone numbers. If he is unavailable, contact
(your name and number here)*

SullivanCurtisMonroe

251 S. Lake Ave., #150
Pasadena, CA 91101

LIABILITY CLAIM REPORTING FORM

(Bodily Injury or Damage to Property of Others)

PLEASE PRINT

Insureds Name _____ Location Code _____

Insureds Address _____

Name of (injured) Party _____ Date of Birth _____

Street Address _____ City _____ State _____ Zip _____

Home Telephone () _____ Business Telephone () _____ Ext. _____

Occupation _____ Date of Incident _____ Time _____ AM/PM

Type of Loss or Injury _____

Where was Injured Party Taken? _____ Authority Contacted _____ Rpt # _____

Witness(es) Name _____ Name _____

Address _____ Address _____

_____ Address _____

Phone No. _____ Phone No. _____

If Property Damage, Specify Item and Amount of Loss, if known,: Estimated \$ _____

_____ Actual \$ _____

Other Important Details _____

Reporting Manager _____ Phone _____ Date _____

Signature _____

DISTRIBUTION

Reporting Manager: Fax copy to Christine DeLeon at (626) 792-6111 and Fax copy to you Property Manager. Mail original to Christine DeLeon at: SullivanCurtisMonroe
P.O. Box 7123
Pasadena, CA 91109
Telephone (626) 683-6120

Retain copy for your records

If there are questions, contact Ms. DeLeonr at the above phone numbers. If he is unavailable, contact (your name & number here).

SullivanCurtisMonroe

251 S. Lake Ave., #150
Pasadena, CA 91101

AUTOMOBILE CLAIM REPORTING FORM
(Incidents Involving Owned Autos)
PLEASE PRINT

Insureds Name _____ Location Code _____

Insureds Address _____

Location of Accident _____

Date of Accident _____ Time _____ AM/PM

Described Insured Vehicle: Year ____ Make _____ Model _____ Last 4 VIN _____

Driver _____ Police Report: Yes ____ No ____ Dept./Case No. _____

Area of Damage to Insured Vehicle: _____ Where is Vehicle Located? _____

(Describe) Other Vehicle: Year ____ Make _____ Model _____ Last 4 VIN _____

License #: _____ Plate # _____

Owner of Other Vehicle: Name _____ Address _____ Phone _____

Driver of Other Vehicle: Name _____ Address _____ Phone _____

Damage to Other Vehicle of Property: _____

Injuries: List Name, Address, Phone Number and Type of Injury:

1. _____

2. _____

Description of Accident: _____

Reporting Manager _____ Phone _____ Date _____

Signature _____

DISTRIBUTION

Reporting Manager: Fax copy to Christine DeLeon at (626) 792-6111 and Fax copy to you Property
Manager. Mail original to Christine DeLeon at: SullivanCurtisMonroe
P.O. Box 7123
Pasadena, CA 91109
Telephone (626) 683-6120

Retain copy for your records

*If there are questions, contact Ms. DeLeonr at the above phone numbers. If he is unavailable, contact
(your name & number here).*