



What's a waiver worth?

Waivers must be vigorously enforced to be effective

Liability waivers and hold-harmless clauses are an important risk management tool for a wide range of our clients, but especially for those in the fields of sport, leisure and recreation.

As the examples in this edition of *News Board* illustrate, courts will enforce waivers if they are executed properly.

Keep in mind:

- In order to be successful, a waiver should be part of a well-thought-out risk management strategy.
- The language and style of the waiver should be reviewed by legal counsel regularly and updated as necessary.
- A waiver is not a suitable substitute for appropriate liability insurance, nor is insurance an adequate substitute for a waiver plan.
- Documentation supporting the waiver should be carefully archived because legal actions may not commence for many years.
- Carefully review insurance policies to determine whether they contain any provisions or warranties with respect to waivers.
- A waiver may not prevent lawsuits but it adds a powerful additional defence to allegations of breach of duty.



- It may cost many thousands of dollars to enforce a waiver. If a plaintiff challenges a waiver, other allegations, including liability and quantum, must be defended at the same time. Defence costs can be significant.

Ski-hill lift ticket enforced

The Ontario Superior Court has validated the effectiveness of a waiver printed on a ski-hill lift ticket. This 2008 verdict suggests that a waiver and posted signs may be sufficient to exclude resorts from liability even when they are negligent.

Kenan Cejvan was injured while snowboarding at Blue Mountain Resorts Limited in Ontario. He collided with a snow-making hydrant

... continued on page 2

Sport, Leisure and Recreation programs

We are Canada's leading market for the sport and recreation sector. Our clients include commercial businesses, non-profit organizations and member-owned clubs. We can provide cover for:

- Amusement devices, leisure or tourist activities
- Arenas
- Athletic clubs
- Bands, including marching bands
- Billiard and pool halls
- Bicycle rentals

- Cycling clubs
- Gambling venues, including bingo and casino venues
- Boating, including canoeing and kayaking
- Bowling centres
- Camping and campgrounds
- Carnivals and rides
- Children's indoor playgrounds and party centres

... continued on page 6

Waivers must be vigorously enforced *(continued from page 1)*

that was hidden by a snow mound and sued Blue Mountain for damages.

The trial judge ruled that the plaintiff was 80-per-cent to blame for his injuries and that the resort was 20-per-cent at fault.

However, the superior court judge held that the defendant ski resort was excluded from liability because it had taken reasonable steps to draw the plaintiff's attention to the exclusion of liability clause. The lift ticket contained a clear, visible and legible warning advising of the exclusion of liability; as well, there were many bright, colourful signs posted in high traffic areas.

Because of this, the resort was "excluded by the virtue that 'the ticket holder assumes all risk of personal injury . . . resulting from any cause whatsoever including . . . negligence.'" The waiver formed a contract between the plaintiff and defendant, and therefore excluded the defendant from liability in this case.

Contractor's liability waiver enforced

The Ontario Superior Court has dismissed a cross-claim based on a liability waiver clause in a contract between two commercial parties.

Clevelands House, a resort in the Muskoka area of Ontario, contracted with Challenges Unlimited Inc. to build and install a "Swing by Choice" apparatus used in its challenge course. The device allowed users to swing from cables at a height of three metres in approximately an 11-metre arc.

Shortly after the equipment was installed and tested, guest Erica Enslev decided to give the swing a try. She plunged to the ground and sustained serious injuries. Enslev sued Clevelands House, which settled for an undisclosed amount.

Clevelands House then brought a cross-claim against Challenges Unlimited for contribution to the settlement.

During the cross-claim, Challenges Unlimited introduced evidence regarding the contract, signed by the general manager of the resort, which clearly stated, "The contractor assumes no liability for injury, loss or damage to any person or property, however caused, resulting from equipment and materials and any authorized or unauthorized use of the equipment."

It was understood from the contract that Challenges Unlimited was not to provide training on the apparatus. Therefore, they could not be negligent in its use. It was the court's view that a reasonable reading of the waiver of liability clause would clearly indicate this. The court found that this was enough to preclude any claim against Challenges Unlimited for negligent use of equipment.

Diver's liability waiver enforced by court

The Ontario Superior Court recently dismissed a lawsuit against a diving school arising from the death of a student in one of its deep-dive scuba-diving courses. The court ruled that the victim's family may not pursue a claim against the diving school because the student signed a liability release and assumption of risk agreement.

Ali Isildar drowned in June 2003 during a deep-dive course offered by Kanata Dive Supply in the frigid waters of the St. Lawrence River. During the dive, Isildar wandered away from his dive buddy and panicked. In spite of efforts to assist him, he drowned.

In considering waivers and release of liability agreements, the law required, in this case, a three-stage analysis to determine validity. First, did Isildar know what he was signing? The court found that this release agreement was easy to read and concise and did not contain any fine print. Second, was the release broad enough to cover the conduct of the defendant? On this point, the court concluded that the liability release was broad enough to exonerate the defendant for both negligence and breach of contract. Finally, was it unconscionable? It was concluded that the release did not diverge from community standards of fairness and morality and that Isildar knew of the inherent risks associated with scuba diving.



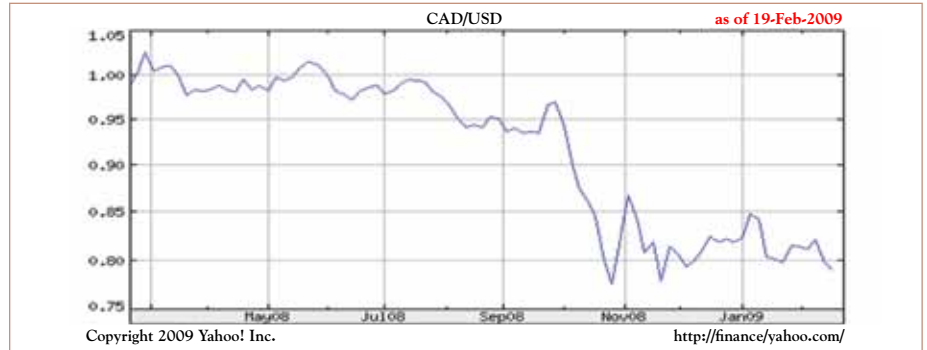
CanStockPhoto

When is a dollar not a dollar?

The current weakness of the Canadian dollar has once again made our currency unsuitable for Canadian companies operating in and exporting their goods to the U.S. Product sales to the U.S. in particular are associated with an elevated exposure to catastrophic losses, so it is important that brokers recommend adequate insurance limits.

The Bank of Canada, which has no specific target value for the Canadian dollar and has not intervened in foreign exchange markets since 1998, maintains that market conditions should determine the worth of the Canadian dollar.

Since hitting a high of US\$1.1039 on November 7, 2008, the Canadian dollar has declined steadily and has slowly crept back to reality, trading in the 80-cent range compared to the U.S. dollar. As commodity prices decline and the economy struggles along in a recession, the loonie has been hit hard.



Most commercial liability and auto fleet policies are written for limits of Cdn\$2 million or less, which is totally inadequate for Canadian companies operating within Canada, let alone those with U.S. exposures.

Even in a full-blown hard market, the incremental cost to raise policy limits to \$10 million or \$20 million remains affordable.

The figures below clearly illustrate that a dollar isn't necessarily a dollar.

Canadian limit	U.S. equivalent	Shortfall
\$ 1,000,000	\$ 792,400	\$ 207,600
\$ 2,000,000	\$ 1,584,800	\$ 415,200
\$ 5,000,000	\$ 3,962,000	\$ 1,038,000
\$ 10,000,000	\$ 7,924,000	\$ 2,076,000
\$ 20,000,000	\$ 15,848,000	\$ 4,152,000

\$25-million limit

Your best market for umbrella coverage

Our Umbrella program offers the most flexible combination of features available in Canada:

- Our \$25-million in-house capacity means faster quotation turnaround.
- We write umbrella on a stand-alone basis—we don't need to write the primary covers to offer excess limits. We can write first-layer umbrella, excess umbrella, excess general liability (GL), excess auto fleet and excess errors and omissions.
- We can attach over \$1 million for primary GL and auto fleet exposures.

- We offer competitive premiums, commissions and terms.
- We want to quote your best umbrella business, but we won't shy away from U.S. or other tough, problem risks either.
- Our program is mature, reliable and proven over time—we've been handling this class of business for more than 30 years.
- We have the most experienced underwriting team in Canada.
- Broad policy wording, including sudden and accidental pollution cover (120-hour form or named perils form), is available for most classes.

We deliver first-class security too—we write on behalf of:

- Scottish and York Insurance Company Limited—rated A+/Stable by Standard & Poor's Rating Services
- Temple Insurance Company—rated A (Excellent) by A.M. Best
- XL Reinsurance America Inc.—rated A (Excellent) by A.M. Best
- Catlin Syndicate 2003 at Lloyd's—rated A (Excellent) by A.M. Best.

More information on these carriers is available in the Umbrella section of our website.

Maple Leaf settles listeriosis outbreak for up to \$27 million

Maple Leaf Foods Inc. has announced that it has reached a \$27-million settlement in a series of class action lawsuits related to an outbreak of listeriosis food poisoning that killed at least 20 people last year. The outbreak was traced back to deli-style meats produced at a Maple Leaf Foods plant in Toronto, Ontario.

The base cost of the settlement is \$25 million, but it may rise to \$27 million if needed to fully compensate all eligible claims, the company said in a release.

Maple Leaf Foods will pay up to \$125,000 for those with serious and long-lasting physical injuries. The estates of people who died as a result of contaminated food will also be paid \$120,000, plus additional amounts to immediate family members.

Company President and CEO Michael McCain said the outbreak had cost the firm about \$33 million in the third quarter from product recalls and extra sanitation measures.

“Our goal throughout this legal process has been to negotiate a fair and early settlement so that we can obtain court approvals and promptly compensate families who were affected,” he said. “This was a tragic experience and I want to acknowledge the co-operation of all the parties involved to ensure that people affected receive timely restitution.”



CanStockPhoto

The cost of the settlement is expected to be fully funded by Maple Leaf Foods’ liability insurers, but product recall expenses are likely uninsured. No insurance is available to cover the massive loss to the company’s reputation and the cost of lost business.

Other recent class action settlements

Pet food recall settles for \$24 million

Menu Foods Inc., a Mississauga, Ontario manufacturer of pet foods, has received court approval for a US\$24-million (Cdn\$30-million) settlement over recalled tainted pet food.

In March 2007, Menu Foods recalled approximately 60 million cans and pouches of its “cuts and gravy” style food, sold under 95 different brand names, after it received reports of kidney failure and death in cats and dogs.

More than 1,600 Canadians and roughly 23,000 Americans believe their pets were sickened or killed by the pet food, which was tainted with melamine. More than 100 class action lawsuits were filed in Canada and the U.S.

Pet owners will receive 100 per cent of any “economic damages” they incurred related to the recalled products, provided they have suitable documentation. Those without documentation may receive compensation up to US\$900.

Economic damages include costs of purchasing the food or expenses relating to the pet’s illness and/or death, including testing, veterinarian bills and burial costs. The settlement does not cover “non-economic losses” such as emotional distress.

The settlement is in addition to US\$8 million already paid out to pet owners by some of the pet-food brands involved.

. . . continued on page 8

Innovative insurance solutions for tough liability risks

We've been helping Canadian brokers with unusual and hard-to-place general liability (GL) risks since 1966. Our lineup of in-house programs has never been broader or more effective—we now have a range of great programs to help you:

- Our in-house programs are supported by first-class, licensed Canadian insurers. The programs are reliable and proven over time.
- Our staff are top-notch liability insurance professionals.
- Our first-class covers are backed up by excellent claim-handling service and litigation defence expertise.
- We have \$25-million limits available in-house for most risks and access to even higher limits.
- For most risks, we can also handle the property covers.

Canadian Liability Insurers

We introduced our Canadian Liability Insurers (CLI) program in 1988 to offer you a market for GL covers that most insurers can't or won't write.

We write a wide range of risks, including:

- Blasting, demolition, tunnelling and other high-hazard construction risks
- Cosmetics, skin and hair-care products
- Day care centres
- Fireworks makers, vendors and display operators
- Machine shops
- Pesticide applicators
- Private and trade schools
- Short-line or tourist railways
- Specialty food products
- Tanning beds
- Tough product liability risks

- Vacant premises and other premises risks
- Water systems and well drillers.

Canadian Exporters program

Our Canadian Exporters program (CEP) was introduced in 1995 to write the kind of U.S. product liability covers that most insurers just can't handle.

We write a wide range of manufacturing and distribution risks, such as:

- Air and water purification systems
- Automotive parts
- Building materials and products
- Chemical manufacture and distribution
- Cosmetic, skin-care and hair products
- Exercise equipment
- Farm machinery
- Industrial pumps
- Material-handling equipment
- Medical and scientific equipment, hospital and surgical supplies
- Mining supplies
- Precision machine parts and machine tooling
- Restaurant fire protection equipment

- Safety belts and harnesses for the construction industry
- Service work and training in the U.S.
- Sports equipment
- Toys and children's furniture.

Biotech, Life Sciences Liability program

Our GL program for Canadian biotech, pharmaceutical, medical device, and research and development companies is supported by first-class underwriters at Lloyd's with more than 20 years of experience in this sector.

The program includes:

- GL and product liability—claims-made coverage without specific product exclusions
- Clinical trials cover, including no-fault clinical trial compensation cover—with a one-year extended reporting period (ERP) and longer ERP terms available
- Medical malpractice/errors and omissions cover
- Limits up to \$10 million
- Can include U.S. or worldwide sales

. . . continued on page 10



CanStockPhoto

Sport, Leisure and Recreation programs *(continued from page 1)*

- Climbing walls, indoor and outdoor
- Fairs and fairgrounds
- Golf and country clubs
- Hockey tournaments and leagues
- In-line skating
- Laser tag and paintball facilities
- Martial arts and self-defence clubs
- Music festivals and concerts
- Product liability risks such as bicycle, exercise equipment, and fireworks makers
- Parades, tournaments and other special events
- Racquet, squash and tennis clubs
- Skating clubs
- Soccer clubs
- Track and field clubs and events
- Wilderness and adventure touring, outfitters and guides, including ocean kayaking and river rafting.

Our Sport, Leisure and Recreation program features:

- Broad general liability (GL) cover, including participant and spectator injury, server liquor liability, incidental malpractice cover and volunteers as additional insureds

- Property covers for a wide range of risks, including seasonal, frame and unprotected club premises.

Sorry, we can't write ski-hills, horseback riding, snowmobile or seadoo rentals, bungee jumping or mountain climbing.

Property and liability package program for fitness clubs

Our Fitness Club program offers cover for a wide range of indoor club premises, including aerobics and Pilates studios, fitness clubs, spas, gyms, and racquet and squash clubs. Cover is suitable for commercial club premises and member-owned facilities.

Our program features:

- Competitive terms
- Package policy—property, crime and liability, including cover for participant and spectator injury and volunteers as additional insureds
- Liability limits up to \$5 million
- Includes competitions and other club events

- Liquor liability also available, either for catered banquets or for clubs with a licensed bar
- We can include tanning beds, usually on a claims-made basis.

All Sport Insurance Marketing Ltd.

Our own Sport, Leisure and Recreation program is complemented by our interest in All Sport Insurance Marketing Ltd.:

- All Sport is Canada's leading provider of insurance services to national and regional amateur sports associations.
- We are also the leading national writer of user-group covers, which provide automatic coverage for users of municipal, school and other publicly owned premises, including arenas, sports facilities, theatres and halls.
- The All Sport program can combine GL cover, including participant and spectator liability, with directors' and officers', accidental death and dismemberment and medical and dental covers for members and competitors.

For more information, please contact Murray Morrison.

Access to other first-class markets, including U.S. security

We can access many first-class, licensed carriers to whom you may not have direct access. Our markets have excellent domestic and international capabilities, including U.S.-licensed security.

These capabilities are especially suitable for large or unusual liability accounts that don't fit our in-house programs. Our markets usually require a minimum premium of \$25,000 or more.



CanStockPhoto

Now available—our new IT program

We are pleased to announce a new package program in the professional liability division for information technology. The package features a claims-made errors and omissions cover in combination with an occurrence-form general liability cover. We can also include property covers. The program is written on behalf of a major Lloyd's syndicate.

Errors and omissions

Claims-made form, including:

- Limits from \$250,000 up to \$5 million available
- Deductible of \$2,500
- Excludes consequential financial loss in respect of the design, installation and maintenance of internet-based sales platforms.

Commercial general liability

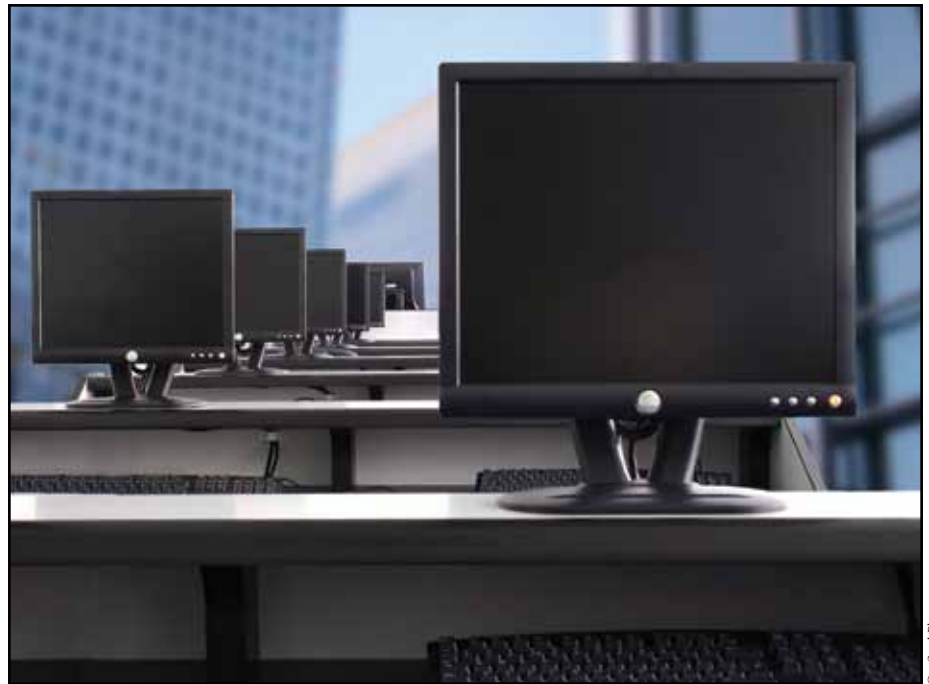
Occurrence form, including:

- Limits from \$1 million up to \$5 million available
- Personal and advertising injury limit of \$1 million

Electronic funds transfer

The insurance industry continues to be targeted by organized cheque fraud artists. At the request of several clients, we can now accept electronic transfer of funds (EFT).

If you wish to use these facilities for account settlement, please contact Laetitia Bourdin at (514) 849-4992 or lbourdin@elliottsr.com.



- Medical expenses limit of \$50,000
- Tenants legal liability limit of \$500,000
- Products and completed operations limit from \$1 million up to \$5 million available
- Non-owned automobile limit of \$1 million
- Legal liability for damage to hired automobiles limit of \$50,000
- Occurrence property damage
- Broad-form property damage
- Broad-form completed operations
- Deductible \$1,000.

Property

- Total sum insured for contents of every description from \$25,000 up to \$250,000 available
- Maximum sum insured of \$50,000 for computer equipment at named locations
- Standard sub-limit of \$5,000 for computer equipment off-site (can be increased to \$20,000 for an additional premium)

- Replacement cost coverage on computer equipment less than two years old and all other office contents
- Actual cash value coverage on computer equipment more than two years old and items of stock.

Standard property extension

Package includes:

- Accounts receivable sum insured \$10,000
- Extra expense sum insured \$10,000
- Glass blanket coverage
- Business interruption professional fees sum insured \$10,000
- Valuable papers and records sum insured \$10,000.

More details of our program and application forms are available from our website—www.elliottsr.com—or contact Irwin Ginsler in Toronto or Travis Budd in Montreal.

Class action settlements *(continued from page 4)*

Menu Foods expects their total expenses related to the recall to hit \$55 million. To date, their share price has lost approximately 90 per cent of its value since March 15 of last year, the day before the recall.

2002 plastics fire settles for \$800,000

Horti-Pak Inc., which made plastic trays used in greenhouses, must pay \$800,000 for a class action arising from a November 2002 fire at its plant in Kingsville, Ontario.

The community was evacuated as a huge, black plume rose from the fire, depositing soot in nearby subdivisions. Residents were told to keep pets and children off lawns and not to eat produce from their gardens in the weeks after the fire. The plant was

almost totally destroyed, and it took almost three months to clean up the site.

A class action was commenced by an organic farmer, a greenhouse operator and residents in the area evacuated during the blaze.

According to the *Windsor Star*, the organic farmer, who was put out of business by the fire, will get \$125,000. The greenhouse operator, who lost his crop, will get \$75,000. Each person in the area evacuated during the fire will be able to claim up to \$700 from a \$600,000 fund. Two charities—the Kingsville Community Food Bank and the Kingsville & Gosfield South Goodfellows Club—will receive \$15,000 each out of the \$600,000 fund on behalf of people who chose not to make a claim.

“This is a terrific settlement,” said Harvey Strosberg, the lawyer who launched the lawsuit. He said there was only \$1 million in insurance money available to settle claims. Without the settlement, there was a “serious risk” that the insurance money would be shared among all the plaintiffs in five lawsuits. In total, the lawsuits claimed losses in excess of \$7 million.

Other recent losses

B.C. man awarded \$569,000 after garbage truck tips over and crushes car

The Supreme Court of British Columbia has awarded a man \$569,000 in total damages, including \$200,000 for pain and suffering, after a garbage truck flipped over, crushing his car.

On August 19, 2005, Shanker Chowdhry was driving along when he was suddenly confronted by an out-of-control Burnaby, B.C. garbage truck coming around a curve at a high speed. Mr. Chowdhry saw the truck tipping over toward him and veered to the extreme right of the road. He released his seatbelt and unsuccessfully tried to get out the passenger door before the truck crushed the front left side of the vehicle.

Mr. Chowdhry sustained numerous soft-tissue injuries as a result of the crash. Afterward, he began to develop emotional problems and became very distant and depressed. Mr. Chowdhry’s family doctor testified at trial that he had never seen such a radical change in personality. “He literally can’t communicate. You want to shake him and say wake up,” he said.

“The result of this collision and its consequent injuries to Mr. Chowdhry

. . . continued on next page



CanStockPhoto

is that he has lost a large measure of who he was. While human identity is partially associated with physical ability, it is much more related to a person's mental state and abilities. Mr. Chowdhry is quite simply not the man he was," wrote Justice Curtis.

According to the plaintiff's lawyer, Daniel Corrin, the non-pecuniary award is one of the largest ever given in a post-traumatic stress disorder case.

Security company must pay \$782,000 for fire set intentionally by employee

The world's fifth-largest armoured car and security guard service must pay \$782,000 to an insurance company for a fire started by one of its employees at a vacant YMCA in downtown Montreal in April 1999.

Twenty-two-year-old Sébastien Farrese, who was hired only six months earlier, was the acting supervisor of the graveyard shift overseeing two other guards. Ignoring standard protocol, he separated the personnel and ordered them to inspect the premises individually. All alone, he then set the building on fire.

Farrese later confessed that he lit the fire with the intention of stifling it to demonstrate that he "was master of the situation and show the others that he was a good agent."

Justice Chantal Masse ruled that vicarious liability should be attached to the security company because it faced an inherent risk in the ordinary course of running a security business—that is, the people it entrusted to guard against external threats may misuse that trust to threaten the property themselves.

Farrese was subsequently sentenced to two years less a day served in the community plus two years probation.

Security and Protection Industry program

Our security industry professional program delivers broad insurance cover and excellent service at competitive premium terms.

Our custom-designed policy wording has been developed to respond to the special needs of the security and protection industry. Cover includes the "failure to perform" risk, which most other carriers just can't cover.

We've been handling this class of business for over 20 years—longer than anyone else in the business.

"Your service is security," says Mary MacLaren of our Toronto office. "A faulty signal, improper installation or an interruption in service can jeopardize the very property which your service is expected to protect. That's why you need to buy the very best liability insurance protection you can find, at a premium you can afford."

In 2009, our program reaches a wider range of security and protection

professionals than ever before, including:

- Security guards, including armed officers and canine patrols
- Burglar alarm installers
- Alarm central stations
- Sprinkler and fire protection installers
- Private investigators
- Locksmiths
- Call centres
- Telephone answering and paging services
- Cellular phone, industrial radio and communication equipment—manufacture, sales and service
- Security equipment—CCTV, intercom and access control systems, including export sales
- Life and industrial safety equipment—manufacture, sales and service
- Medical equipment including medical gases, emergency, life-support equipment and supplies.

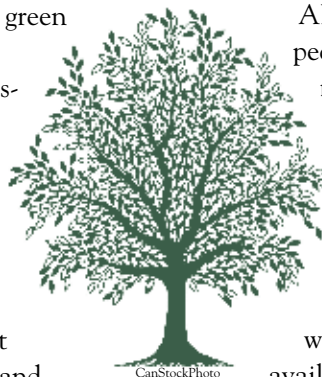
We're going green

Please help us go green by reducing the quantity of newsletters we print and mail.

If you would prefer to receive an electronic version of *News Board* instead of the current paper mailing, please e-mail Maude Dassylva at mdassylva@elliottsr.com and provide her with your:

- First and last name
- Company name
- E-mail address.

Please write "Going Green" in the subject heading of your message.



Also, if you know of other people who aren't on our mailing list but might like to receive *News Board*, please forward their name, company name and e-mail address to Maude.

We'll send an e-mail when the latest edition is available to be downloaded from our website.

Tough liability risks (continued from page 5)

- Can include U.S. or worldwide clinical trials
- Cover available for importers of pharmaceutical and medical devices
- Broad-form vendor's endorsement
- Broad-form coverage, including standard extensions:
 - Non-owned auto
 - Employee benefits
 - Broad-form tenant's legal liability
 - Advertising liability
 - Employers' liability (if required)
 - Other standard extensions
- Minimum premium \$5,000.

Please contact Anne Toms or Jeff Somerville in Toronto, or Anna Tucci in Montreal.

Abuse liability coverage

Our program for abuse liability coverage complements our primary GL and Sport, Leisure and Recreation programs for clients who are exposed to allegations of physical or sexual abuse.

The program coverage is supported by the subscribers to our Canadian Liability Insurers program and is available to clients for whom we currently write the GL coverage.

- Our program features:
- Response to any act or threat involving molestation, harassment, corporal punishment or any other form of physical, sexual or mental abuse
 - Coverage for employees and volunteers
 - Separate claims-made policy wording
 - Defence costs included in policy limit
 - One-year extended reporting period available at an additional premium
 - Canada only
 - \$1-million policy limit—higher limits available.

Sorry, but we can't write boarding schools, religious institutions or native bands.

Please contact our Canadian Liability Insurers or Sport, Leisure and Recreation departments for further details.

Recycling and waste management industry

We can write GL and property covers on a stand-alone basis or in conjunction with our Environmental Insurance program for clients in the waste management and recycling industry, including:

- Asbestos, lead and mould removal contractors
- Disposal, recycling and transportation of wastes
- Emergency response services such as vacuum trucks
- Incineration, encapsulation and other waste disposal techniques
- Medical and other specialty wastes
- Site remediation and decontamination
- Product liability and other risks with an elevated pollution hazard.



Elliott senior staff prepare to head home at the end of the annual underwriting meetings in February.

Elliott Special Risks LP—at a glance

Elliott Special Risks LP

130 Adelaide Street West, Suite 810, Toronto, ON M5H 3P5
 Phone: (416) 601-1133 Toll-free: (800) 223-8858
 Fax: (416) 601-1150

Elliott Special Risks GP Inc.

2000 rue Mansfield, Suite 710, Montreal, Qc H3A 2Z4
 Phone: (514) 849-4992 Toll-free: (877) 771-1211
 Fax: (514) 849-9443

Name	Phone	E-mail	Name	Ext.	E-mail
David Eastaugh, President	601-2458	deastaugh@elliottsr.com	André Doyon, Senior VP	227	adoyon@elliottsr.com
W. Charles Gallant, Senior VP	601-2460	cgallant@elliottsr.com	Laetitia Bourdin, Controller	228	lbordin@elliottsr.com
			Guylaine Bélanger, Assistant Controller	250	gbelanger@elliottsr.com

Umbrella & Excess Liability Program

Mario Sousa	601-2472	msousa@elliottsr.com	Danielle Legault	223	dlegault@elliottsr.com
Cathy Lanktree	601-2463	clanktree@elliottsr.com	Alain Jourdain	224	ajourdain@elliottsr.com
Rod Spurrell	601-2473	rspurrell@elliottsr.com	Serge Melanson	247	smelanson@elliottsr.com
Stan Lam	601-2462	slam@elliottsr.com			
Frank Reda	601-2469	freda@elliottsr.com			
Linda Mezzabotta	601-2478	lmezzabotta@elliottsr.com			
Christina Roach	601-2301	croach@elliottsr.com			

Environmental Liability Program and Environmental Consultants E&O*

Cidalia Raposo	601-2468	craposo@elliottsr.com	Alain Jourdain	224	ajourdain@elliottsr.com
Anne Towns	601-2476	atowns@elliottsr.com	Serge Melanson	247	smelanson@elliottsr.com
Frank Reda	601-2469	freda@elliottsr.com			
Rick DeGrace	601-2456	rdegrace@elliottsr.com			
David Todd	601-2474	dtodd@elliottsr.com			
Tom Warden*	601-2477	twarden@elliottsr.com			

Canadian Liability Insurers and Sport, Leisure & Recreation

Shauna Congram	601-2455	scongram@elliottsr.com	Richard Champagne	222	rchampagne@elliottsr.com
J.D. Farquhar	601-2459	jdfarquhar@elliottsr.com	André Hébert	234	ahebert@elliottsr.com
Tony Dennis	601-2457	tdennis@elliottsr.com	Pierre Caron	241	pcaron@elliottsr.com
Terry Parker	601-2466	tparker@elliottsr.com	Anna Tucci	237	atucci@elliottsr.com
Les Avenell	601-2450	lavenell@elliottsr.com			
Jeff Somerville	601-2471	jsomerville@elliottsr.com			
Anne Toms	601-2475	atoms@elliottsr.com			

Fitness Clubs

Terry Parker	601-2466	tparker@elliottsr.com	Richard Champagne	222	rchampagne@elliottsr.com
Connie Peplinskie	601-2467	cpeplinskie@elliottsr.com	André Hébert	234	ahebert@elliottsr.com
			Pierre Caron	241	pcaron@elliottsr.com
			Anna Tucci	237	atucci@elliottsr.com

Canadian Exporters Program

Tony Dennis	601-2457	tdennis@elliottsr.com	Richard Champagne	222	rchampagne@elliottsr.com
J.D. Farquhar	601-2459	jdfarquhar@elliottsr.com	André Hébert	234	ahebert@elliottsr.com
Shauna Congram	601-2455	scongram@elliottsr.com	Pierre Caron	241	pcaron@elliottsr.com
Jeff Somerville	601-2471	jsomerville@elliottsr.com	Anna Tucci	237	atucci@elliottsr.com
Anne Toms	601-2475	atoms@elliottsr.com			

Directors' & Officers' Liability

Tom Warden	601-2477	twarden@elliottsr.com	Travis Budd	231	tbudd@elliottsr.com
			Frank Style	232	fstyle@elliottsr.com
			Lynda Houle	240	lhoule@elliottsr.com

Property and Inland Marine Programs

Bob Bousfield	601-2453	bbousfield@elliottsr.com			
Phillip Best	601-2452	pbest@elliottsr.com			

Security & Protection Industry Program

Marie-Claire Bessada	601-2451	mbessada@elliottsr.com	Anna Tucci	237	atucci@elliottsr.com
Mary MacLaren	601-2464	mmaclaren@elliottsr.com			
Terry Parker	601-2466	tparker@elliottsr.com			
Connie Peplinskie	601-2467	cpeplinskie@elliottsr.com			

Architects & Engineers E&O

Irwin Ginsler	601-2461	iginsler@elliottsr.com	Travis Budd	231	tbudd@elliottsr.com
Mahsa Ledger	601-2479	mledger@elliottsr.com	Lynda Houle	240	lhoule@elliottsr.com
Rod Spurrell	601-2473	rspurrell@elliottsr.com			

Insurance Brokers E&O; Media Liability, Medical Malpractice and Miscellaneous E&O; IT E&O

Irwin Ginsler	601-2461	iginsler@elliottsr.com	Travis Budd	231	tbudd@elliottsr.com
Mahsa Ledger	601-2479	mledger@elliottsr.com	Frank Style	232	fstyle@elliottsr.com
Rod Spurrell	601-2473	rspurrell@elliottsr.com			

All Sport Insurance Marketing Ltd.

507-1367 West Broadway, Vancouver, BC V6H 4A9
 Phone: (604) 737-3018 Toll-free: (877) 992-2288
 Fax: (604) 737-3076
 Murray Morrison, President morrison@allsportinsurance.com
 Bob Ross ross@allsportinsurance.com

iC Group LP

383 Dovercourt Drive, Winnipeg, MB R3Y 1G4
 Phone: (204) 487-5000 Toll-free: (800) 575-5590
 Fax: (204) 489-7900
 Lyle Ehrmantraut, VP, Business Development pricing@icgrouplp.com
 Vesna Radinovic, Associate, Business Development pricing@icgrouplp.com



Directors' and Officers' Liability program

Our program offers broad, industry-leading coverage with available limits up to \$10 million, either primary or excess, for public and private corporations or income trusts as well as non-profit organizations, associations, charities and foundations.

Underwritten on behalf of A-rated insurers in Canada and at Lloyd's, coverage can include:

- Worldwide territory
- Broad definition of subsidiary
- Employees as co-defendants
- Priority of payments provision
- Employment practices coverage
- Defence costs for pollution claims
- Bilateral, pre-set extended reporting periods
- Predetermined allocation for securities claims
- Joint venture, partnership and association coverage

- No-charge extended reporting period for retired directors
- Legal representation costs for investigations prior to a claim
- Full severability of exclusions and non-rescindable protection
- Broad insured versus insured coverage, including defence costs
- Administrative fines and penalties and punitive damages where insurable

- Blanket outside directorship coverage for non-profit and Canadian for-profit organizations.

Minimum premiums start at just \$1,000. Visit our website—www.elliottsr.com—for policy language, applications and more information.

Contact Tom Warden in Toronto or Lynda Houle in Montreal.

Union Executive Liability insurance

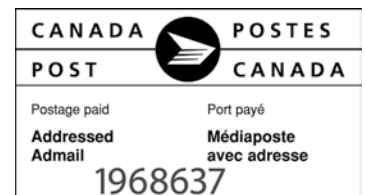
Our directors' and officers' program now offers a specially tailored insurance product for Canadian labour unions, including protection for executives, officers, trustees, employees, volunteers and shop stewards.

Our new Union Executive Liability program provides comprehensive coverage for wrongful acts, with limits up to \$5 million.



ELLIOTT
S P E C I A L
R I S K S L P

130 Adelaide Street West
Suite 810
Toronto, ON M5H 3P5



Postmaster: If undeliverable to addressee, please return to sender.

Please help us update our records

To help us keep our mailing list current, please indicate any corrections required and return a copy of this page by mail or fax, or e-mail mdassylva@elliottsr.com.

- This person no longer works at the company.
- I do not wish to receive *News Board*. I receive duplicate copies of *News Board*.
- My address is incorrect or incomplete. (Please note changes beside the label.)
- Please add the following people to your mailing list: _____