

## Filing at a Glance

Companies: American Automobile Insurance Company, Associated Indemnity Corporation, Fireman's Fund Insurance Company, National Surety Corporation, The American Insurance Company

Product Name: General Liability - Personal and SERFF Tr Num: FFDC-125225485 State: Arkansas

Advertising Injury Hazard Redefined

Endorsement

TOI: 05.2 Commercial Multi-Peril - Liability

SERFF Status: Closed

State Tr Num: AR-PC-07-025396

Portion Only

Sub-TOI: 05.2007 Other CMP

Co Tr Num: NARGL0707

State Status:

Filing Type: Form

Co Status: Pending

Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Authors: Michelle Davanzo, Gina

Disposition Date: 07-11-2007

Bondanza

Date Submitted: 07-10-2007

Disposition Status: Approved

Effective Date Requested (New): 10-01-2007

Effective Date (New):

Effective Date Requested (Renewal): 10-01-2007

Effective Date (Renewal):

## General Information

Project Name: General Liability - Personal and Advertising Injury

Status of Filing in Domicile: Pending

Hazard Redefined Endorsement

Project Number: NWGL0707

Domicile Status Comments: New nationwide filing

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 07-16-2007

State Status Changed: 07-11-2007

Deemer Date:

Corresponding Filing Tracking Number:

Filing Description:

Dear Sir or Madam:

We are submitting for your review our new proprietary endorsement CG 72 75 06 07, Personal and Advertising Injury Hazard Redefined.

This endorsement is optional and attaches to the ISO Commercial General Liability coverage part. Refer to the attached Explanatory Memorandum for further details.

This is a form filing only.

Enclosed in support of this filing are the following items:

Explanatory Memorandum; and  
CG 72 75 06 07, Personal and Advertising Injury Hazard Redefined.

Your approval of this filing with a proposed effective date of October 1, 2007 is appreciated.

## Company and Contact

### Filing Contact Information

Michelle Davanzo, Regulatory Services Senior Analyst  
mdavanzo@ffic.com

777 San Marin Drive (415) 899-2660 [Phone]  
Novato, CA 94998 (866) 290-0671[FAX]

### Filing Company Information

American Automobile Insurance Company	CoCode: 21849	State of Domicile: Missouri
777 San Marin Drive	Group Code: 761	Company Type:
Novato, CA 94998	Group Name:	State ID Number:
(415) 899-2817 ext. [Phone]	FEIN Number: 22-1608585	

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Associated Indemnity Corporation	CoCode: 21865	State of Domicile: California
777 San Marin Drive	Group Code: 761	Company Type:
Novato, CA 94998	Group Name:	State ID Number:
(415) 899-2817 ext. [Phone]	FEIN Number: 22-1708002	

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Fireman's Fund Insurance Company	CoCode: 21873	State of Domicile: California
777 San Marin Drive	Group Code: 761	Company Type:
Novato, CA 94998	Group Name:	State ID Number:
(415) 899-3290 ext. [Phone]	FEIN Number: 94-1610280	

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National Surety Corporation	CoCode: 21881	State of Domicile: Illinois
777 San Marin Drive	Group Code: 761	Company Type:
Novato, CA 94998	Group Name:	State ID Number:
(415) 899-2817 ext. [Phone]	FEIN Number: 36-2704643	

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The American Insurance Company	CoCode: 21857	State of Domicile: Nebraska
777 San Marin Drive	Group Code: 761	Company Type:
Novato, CA 94998	Group Name:	State ID Number:
(415) 899-2817 ext. [Phone]	FEIN Number: 22-0731810	

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## Filing Fees

Fee Required? Yes  
Fee Amount: \$50.00  
Retaliatory? No  
Fee Explanation:  
Per Company: No

CHECK NUMBER	CHECK AMOUNT	CHECK DATE
2057857	\$50.00	07-06-2007

## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	07-11-2007	07-16-2007

## Disposition

Disposition Date: 07-11-2007

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

Created by SERFF on 07-16-2007 11:41 AM

<b>Item Type</b>	<b>Item Name</b>	<b>Item Status</b>	<b>Public Access</b>
<b>Supporting Document</b>	Uniform Transmittal Document-Property & Casualty	Approved	Yes
<b>Supporting Document</b>	NAIC Form Transmittal	Approved	Yes
<b>Supporting Document</b>	Explanatory Memorandum	Approved	Yes
<b>Form</b>	Personal and Advertising Injury Hazard Redefined	Approved	Yes

## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Personal and Advertising Injury Hazard Redefined	CG 72 75	06 07	Endorseme New nt/Amendm ent/Conditio ns		0.00	CG 72 75 06 07.pdf

**Personal and Advertising Injury Hazard Redefined – CG 72 75 06 07**  
Policy Amendment(s) Commercial General Liability Coverage Form

**Your Commercial General Liability Coverage Form is revised as follows:**

SECTION V – DEFINITIONS, 14. **Personal and Advertising Injury**, item c., is replaced by the following:

- c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person or organization occupies, committed by or on behalf of its owner, landlord or lessor;

This Form must be attached to Change Endorsement when issued after the policy is written.  
One of the **Fireman's Fund Insurance Companies** as named in the policy



Secretary



President

CG7275 6-07

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## **Rate Information**

Rate data does NOT apply to filing.

## Supporting Document Schedules

<b>Satisfied -Name:</b>	Uniform Transmittal Document- Property & Casualty	<b>Review Status:</b> Approved	07-11-2007
<b>Comments:</b>			
<b>Attachment:</b>	NAIC Transmittal Form.pdf		
<b>Satisfied -Name:</b>	NAIC Form Transmittal	<b>Review Status:</b> Approved	07-11-2007
<b>Comments:</b>			
<b>Attachment:</b>	Form Filing Transmittal.pdf		
<b>Satisfied -Name:</b>	Explanatory Memorandum	<b>Review Status:</b> Approved	07-11-2007
<b>Comments:</b>			
<b>Attachment:</b>	Explanatory Memo - Personal and Advertising Injury Hazard Redefined.pdf		

## Property & Casualty Transmittal Document (Revised 1/1/06)

**1. Reserved for Insurance Dept. Use Only**

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**2. Insurance Department Use only**

a. Date the filing is received:	
b. Analyst:	
c. Disposition:	
d. Date of disposition of the filing:	
e. Effective date of filing:	
New Business	
Renewal Business	
f. State Filing #:	
g. SERFF Filing #:	
h. Subject Codes	

<b>3. Group Name</b>	<b>Group NAIC #</b>
Fireman's Fund Insurance Companies	0761

4. Company Name(s)	Domicile	NAIC #	FEIN #
Fireman's Fund Insurance Company	California	21873	94-1610280
The American Insurance Company	Nebraska	21857	22-0731810
National Surety Corporation	Illinois	21881	36-2704643
Associated Indemnity Corporation	California	21865	22-1708002
American Automobile Insurance Company	Missouri	21849	22-1608585

<b>5. Company Tracking Number</b>	<b>N_GL0707</b>
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**Contact Info of Filer(s) or Corporate Officer(s)** [include toll-free number]

6.	Name and address	Title	Telephone #s	Fax #	e-mail
	Michelle A. Davanzo 777 San Marin Drive Novato, California 94998	Regulatory Analyst	(415)899-2660	(866)290-0671	mdavanzo@ffic.com
7.	Signature of authorized filer		<i>Michelle A. Davanzo</i>		
8.	Please print name of authorized filer		Michelle A. Davanzo		

**Filing information** (see General Instructions for descriptions of these fields)

9.	Type of Insurance (TOI)	5.2 Commercial Multiple Peril - Liability			
10.	Sub-Type of Insurance (Sub-TOI)	5.2000 CMP – Sub – TOI Combinations			
11.	State Specific Product code(s)(if applicable)[See State Specific Requirements]				
12.	Company Program Title (Marketing title)				
13.	Filing Type	<input type="checkbox"/> Rate/Loss Cost <input type="checkbox"/> Rules <input type="checkbox"/> Rates/Rules <input checked="" type="checkbox"/> Forms <input type="checkbox"/> Combination Rates/Rules/Forms <input type="checkbox"/> Withdrawal <input type="checkbox"/> Other			
14.	Effective Date(s) Requested	New:	10-01-07	Renewal:	10-01-07
15.	Reference Filing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
16.	Reference Organization (if applicable)				
17.	Reference Organization # & Title				
18.	Company's Date of Filing	07-09-07			
19.	Status of filing in domicile	<input type="checkbox"/> Not Filed <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Authorized <input type="checkbox"/> Disapproved			

## Property & Casualty Transmittal Document---

20.	<b>This filing transmittal is part of Company Tracking #</b>   N__GL0707
21.	<b>Filing Description</b>  We are submitting for your review our new proprietary endorsement CG 72 75 06 07, Personal and Advertising Injury Hazard Redefined.  This endorsement is optional and attaches to the ISO Commercial General Liability coverage part. Refer to the attached Explanatory Memorandum for further details.  This is a form filing only.  Enclosed in support of this filing are the following items: <ul style="list-style-type: none"><li>• Explanatory Memorandum; and</li><li>• CG 72 75 06 07, Personal and Advertising Injury Hazard Redefined.</li></ul> Your approval of this filing with a proposed effective date of October 1, 2007 is appreciated.
22.	<b>Filing Fees</b> (Filer must provide check # and fee amount if applicable) [If a state requires you to show how you calculated your filing fees, place that calculation below]
<p>Check #: <input type="text"/></p> <p>Amount: \$ <input type="text"/></p> <input type="text"/>	
<b>Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.</b>	
<b>***Refer to each state's checklist for additional state specific requirements (i.e. # of additional copies required, other state specific forms, etc.)</b>	

Effective January 1, 2006

## FORM FILING SCHEDULE

(This form must be provided ONLY when making a filing that includes forms)  
 (Do not refer to the body of the filing for the forms listing, unless allowed by state.)

<b>1.</b>	<b>This filing transmittal is part of Company Tracking #</b>	NWGL0707			
<b>2.</b>	<b>This filing corresponds to rate/rule filing number</b> <small>(Company tracking number of rate/rule filing, if applicable)</small>				
<b>3.</b>	<b>Form Name /Description/Synopsis</b>	<b>Form # Include edition date</b>	<b>Replacement Or withdrawn?</b>	<b>If replacement, give form # it replaces</b>	<b>Previous state filing number, if required by state</b>
01	Personal and Advertising Injury Hazard Redefined	CG7275 06-07	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
02			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
03			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
07			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
08			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
09			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
10			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

**Explanatory Memorandum  
Personal and Advertising Injury Hazard Redefined – CG 72 75 06 07  
Fireman's Fund Insurance Companies®**

The following new optional proprietary endorsement, Personal and Advertising Injury Hazard Redefined – CG 72 75 06 07, is submitted for your consideration and review.

**Background & Explanation**

The current ISO Commercial General Liability (CGL) coverage part defines personal injury, in part, as including “The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies, committed by or on behalf of its owner, landlord or lessor ...”

In two recent decisions (*Mirpad v. California Insurance Guarantee Association* and *Golden Eagle Insurance Company v. Cen-Fed, Ltd.*), the California Court of Appeals found a building owner had no coverage under their CGL for wrongful eviction of a corporation from premises leased to the corporation. In its rulings, the court noted the CGL definition of wrongful eviction only uses the term “person” and not the term “organization”, as opposed to the definition of the personal injury offenses of slander or libel, which uses the term “person or organization.”

In *Mirpad*, the Court of Appeals reversed the initial trial court ruling, which had found coverage under the CGL for wrongful eviction of a corporation. In its decision, the trial court noted that Section 19 of the California Insurance Code defines the word “person” as “any person, association, organization, partnership, business trust, limited liability company, or corporation.” Other sources also define the word “person” in a manner similar to the California Insurance Code:

- Webster’s Dictionary defines the word “person” as “One (as a human being, or partnership, or a corporation) that is recognized by law as the subject of rights and duties”
- West’s Encyclopedia of American Law defines the word “person” as “In general usage, a human being; by statute, however, the term can include firms, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers...A corporation is a ‘person’ for purposes of the constitutional guarantees of equal protection of laws and due process of law.”

Building owners and managers that lease property to others need coverage for wrongful eviction of lessees, regardless of the type of entity that leases the premises. The following new General Liability endorsement is intended to provide such coverage.

**Personal and Advertising Injury Hazard Redefined CG 72 75 06 07**

Our new endorsement amends the definition of personal injury to apply to wrongful eviction of an “organization” as well as a “person”. This endorsement will be used with the CGL and will be attached when specifically requested by a policyholder that leases premises to an entity other than a natural person.

There is no premium or rate impact associated with use of this endorsement.