



Claim Scenarios

Excess and Umbrella

Dedicated Team of Excess Casualty Claim Professionals

Umbrella and excess casualty claims are highly complex, and an experienced team can make the difference between a reasonable outcome and a runaway verdict. Our dedicated umbrella and excess Claim professionals use their extensive litigation experience to achieve the best available resolution for each policyholder.



Incident: The plaintiff claimed injuries to his neck and back, resulting in a cervical fusion with damages potentially impacting the umbrella layer.

CNA Response: Our Claim professional was suspicious of the origins of the plaintiff's injuries, which allegedly happened while working for an insured subcontractor. The CNA Special Investigation Unit (SIU) was called in and discovered that the plaintiff had sustained identical neck and back injuries from an assault while incarcerated two years prior, and had filed a separate lawsuit for those injuries. As a result of this information, the court ultimately ruled that the plaintiff committed fraud and suspended his Workers' Compensation benefits, demanded repayment of benefits to date and compelled him to provide all of his medical records dating back to the first incident. This eliminated the damages for past and future medical bills and lost wages in the liability suit against the CNA insured and there was no impact to the umbrella layer.



Incident: Several CNA insureds had lawsuits filed against them from various motor vehicle accidents in a southwestern state. The plaintiffs all retained the same high-profile attorney, who utilized a repeated strategy to get large settlements and verdicts.

CNA Response: CNA was the lead umbrella carrier. The primary carriers had the duty to defend and, as a result, retained defense counsel for the insureds. In several of these claims, the defense attorneys were unfamiliar with how to combat the plaintiffs' counsel's approach and valued the cases high and into the umbrella layer. In an effort to neutralize the tactics to inflate damages, CNA worked with the underlying carriers, the insureds and the brokers to retain a specific defense attorney who had a successful track record with this particular plaintiff attorney. As a result, claims were resolved within the underlying limits of coverage, leaving the CNA umbrella limits intact.



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Incident: A pipeline excavation project attempting to remove a large amount of soil from a construction site led to a broken water main, which ultimately caused significant flooding to a large portion of a major U.S. metropolitan area.

CNA Response: Our umbrella policy offers Crisis Management Expense coverage, which can mitigate potential claims and be invaluable to insureds dealing with a catastrophic event. In this case, the insured contacted CNA for crisis management assistance and a public relations team was quickly retained. Although the initial media stories blamed the insured for the incident, the PR firm worked with the local municipality to correct the media inaccuracies and the city accepted responsibility. At the time of the initial notice, a large number of claims had been anticipated due to the extensive property damage from the leak. After the public relations firm became involved, however, the exposure to the CNA insured was a minimal amount.



Incident: Two weeks before trial, the CNA Claim professional learned the defense attorney assigned by the primary carrier had failed to disclose any witnesses for trial. The claim had adverse liability and serious injuries. Additionally, without any change in facts or circumstances, the defense attorney suddenly doubled the evaluation of the claim, which put it well into the CNA umbrella layer.

CNA Response: CNA quickly worked with the insured, broker and underlying carrier to turn things around in an effort to minimize the exposure. Step one was to select and retain a new defense attorney with trial experience and strong reputation. A consulting orthopedic expert was also retained to assist with arguments to counter the plaintiff's extensive damage claims. Our Claim professional attended a pre-trial mediation and settled the claim with only a nominal payment under the umbrella policy.