



# NewsBoard

Canada's best liability insurance market

Summer/Fall 2013

## MARKEL ANNOUNCES COMPLETION OF ALTERRA ACQUISITION

Richmond, VA, May 1, 2013 - Markel Corporation ("Markel") (NYSE: MKL) announced today that it has completed its acquisition of Alterra Capital Holdings Limited ("Alterra") (NASDAQ: ALTE; BSX: ALTE.BH). The closing follows receipt of all necessary regulatory approvals and votes in favor of the transaction by the shareholders of the two companies in February.

Alan I. Kirshner, Chairman and Chief Executive Officer of Markel, commented: "As we have said from the outset, we believe the combination of Alterra with Markel will create a strong company in global specialty insurance and investments, with a demonstrated track record of underwriting discipline in niche market segments and proven asset management strengths that should benefit all our stakeholders.

"Over the past 83 years, Markel has built its financial and operating platform on a foundation of talented associates. We welcome the Alterra underwriting, claims and support teams, who will expand our product offerings as well as our geographic reach. With that greater underwriting depth and our enhanced financial scale, we are confident we will better serve our customers.

"We will be adding two new businesses for us, Markel Global Insurance (large commercial accounts) and Markel Global Reinsurance. They will join our existing Markel Specialty, Markel Wholesale and Markel International units. We are committed to all these businesses, which we believe fit well with our disciplined underwriting approach, on a worldwide basis.

"Markel and Alterra teams have been working diligently on integration and transition efforts in preparation for today. For our broker and client partners this should be a seamless transition-the people you dealt with yesterday are the people you will deal with today. We look forward to giving our customers the same service to which they've become accustomed-"scale enhanced, business as usual".

"With our enhanced scale, approximately \$23 billion in combined assets and \$6 billion in shareholders' equity, we believe we will be well positioned to take advantage of a wide range of profitable opportunities in insurance and investments."

### About Markel Corporation:

Markel Corporation is a diverse financial holding company serving a variety of niche markets. The Company's principal business markets and underwrites specialty insurance products. In each of the Company's businesses, it seeks to provide quality products and excellent customer service so that it can be a market leader. The financial goals of the

Company are to earn consistent underwriting and operating profits and superior investment returns to build shareholder value. Visit Markel Corporation on the web at [www.markel-corp.com](http://www.markel-corp.com).

### Forward Looking Statements:

This release contains statements concerning or incorporating expectations, assumptions and other statements that are not historical facts. These statements are "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995. There are risks and uncertainties that may cause actual results to differ materially from predicted results in forward-looking statements. Factors that could cause actual results to differ from those predicted are set forth under "Risk Factors" or "Safe Harbor and Cautionary Statement" in the Company's most recent reports on Forms 10-K and 10-Q. The Company undertakes no obligation to update any forward-looking statements, whether as a result of new information, future events or otherwise.

## About Markel International

Markel International is a London-based specialty property and casualty insurer. It is a subsidiary of Markel Corporation of Richmond, Virginia, U.S., and writes business through its two commercial entities known as Markel International Insurance Company Limited (MIICL)

and Markel Syndicate 3000, a 100-per-cent Markel-owned Lloyd's corporate syndicate.

Markel Corporation is rated:

- A (Excellent) by A.M. Best
- A (Strong) by Standard & Poor's.

# Our People

## Connie Peplinskie



### Q How did you get involved in the Insurance Industry?

Like so many before me, I fell into it. I was in search of a career in the business field somewhere and a random interview brought me to Ian Elliott Ltd. (now Elliott Special Risks, A Markel International Company). I started as a technical assistant and soon found myself issuing commercial insurance documents and drafting endorsements.

### Q What is your current role?

As Vice President of our CGL Department in our Toronto branch, I currently manage an experienced and talented team of underwriters who write a very broad mix of CGL programs/risks highlighted in this edition of NewsBoard.

### Q What brought you to this role?

ESR has earned a reputation as an excellent employer and I have been given many opportunities here. My attention to detail, strong work ethic and enthusiasm to learn, allowed me to evolve from a technical assistant into an underwriting role. Later, I was offered the opportunity to manage small specialty GL products which proved to be good experience for my current management role. It has been an interesting journey of learning and developing. I truly believe there is always more to learn and I want to embrace the challenge in order to take my career to the next level.

### Q If you could summarize the top 3 most important skills of a person in your role, what would they be and why?

- Multi-tasking: Being able to juggle many things at once is key to survival in the insurance world, especially in management. Everyone always needs something fast and it's always a priority.
- Analytical: This is critical to reviewing a risk, or any issue for that matter, allowing you to make an informed decision and provide solutions to both your internal and external clients.

- Patience: What's the saying? "It's a virtue", "Rome wasn't built in a day"... it really is true. One must have it in order to stay sane and to see long term goals through to fruition.

### Q What type of advice would you provide to a new person either currently in or considering entry into our industry?

My experience has been very positive and I would highly recommend our industry (specifically P&C) as an interesting and rewarding career. A new entrant or potential entrant should:

- Research our industry to gain an understanding of the many opportunities available to them (i.e. underwriting, claims, brokering, sales, actuarial, etc)
- Assess their own skills and interests to help guide their career path
- Advance their education with industry related designations such as the C.I.P., C.R.M., etc

### Q What do you enjoy doing for extracurricular activities?

I enjoy outdoor activities such as biking and walking, as well as a variety of sports. My favourites are golf and volleyball. If I'm not working (or doing home chores), I love surrounding myself with family and friends for quality social time.



"Meet the Team" from left to right.

Top Row: Terry Parker, Mary MacLaren, Darlene Chin, Les Avenell, Tony Dennis & Christina Roach  
Bottom Row: Ray Gimble, Connie Peplinskie, J.D. (John) Farquhar & Vesna Fable

# Our People

## Anna Tucci



### Q How did you get involved in the Insurance Industry?

I was looking for a career change after four years in the needle trade industry as an administrative assistant to the President. I contacted a Placement Agency and with my work experience landed a job at ESR. Over the years at ESR, I held various positions within the organization and prior to my new position, I was a Senior Underwriter.

### Q What is your current role?

I'm currently AVP, manager of the Montreal CGL department with a staff of five people that bring various skills and knowledge.

### Q What brought you to this role?

Enjoying the challenges my job as an underwriter presented as well as being a detail-oriented person who likes to put the pieces together to solve a problem. I was also fortunate to have co-workers that mentored my underwriting skills over the years.

### Q If you could summarize the top 3 most important skills of a person in your role, what would they be and why?

- Leadership: need to set priorities, delegate and develop your staff to become effective performers and set objectives and goals
- Communication: to get your point across and inspire others to achieve better results and demonstrate emotional intelligence
- Collaboration: to value and celebrate differences, build rapport with your team effectively.

### Q What type of advice would you provide to a new person either currently in or considering entry into our industry?

Insurance is a dynamic industry that offers a wide range of interesting jobs. For a student looking to enter into insurance,

I suggest they start exploring the industry through research networking and work experience such as a summer job or part time job. For those looking for a career switch, I recommend to work out your skills and experience and what you enjoy. Our industry offers a wide range of interesting jobs, rewarding career path and professional development opportunities. From administrative support, underwriting, management positions.... anything you want to do in this business, you can in the insurance industry.

### Q What do you enjoy doing for extracurricular activities?

Healthy living has always been important to me. I make sure that I get to the gym 3 or 4 times a week for weight training and cardio. During the summer months, I'm out running. I also enjoy hiking with friends. For relaxation, I enjoy the benefits of yoga class.



"Meet the Team" from left to right.

Danielle Couture, Manon Merineau, Anna Tucci & Josee Toupin.

# Our Products

## Commercial General Liability



Our Primary CGL facility has been providing coverage for unique and challenging domestic casualty risks since 1988.

- \$5 Million in capacity available, with access to our in-house umbrella facility for higher limits. The facility has the creativity and flexibility to solve your most challenging operations, premises and product placements such as:
- Demolition contractors and other high-hazard construction risks
- Short-line and tourist railroads, pyrotechnic displays, pesticide applicators and waterworks
- Day cares, group homes and schools, bicycles and sporting goods, automobile parts
- Food processing, auto parts machine shops, one-off exposures, special events, project specific policies

## Security & Protection Industry Program

Our security program has been providing extensive CGL coverage to the protection industry for over 30 years. This CGL form is designed and developed to respond to the needs of the security companies and professionals including:



- Security guards such as stationary guards, loss prevention officers, K9 security, and mobile patrol
- Security Systems and Alarm Installation contractors, including Access control and surveillance video recording
- Alarm Monitoring companies including emergency 911 Services
- Investigation Services (both private and corporate) including paralegal services
- Locksmith Operations
- Security Training Facilities
- Armoured Car Security
- Bailiffs
- Sprinkler and fire protection installers
- Telephone Answering Services and Call Centers
- Manufacture and sale of security and safety equipment
- Medical equipment and supplies
- Cellular phone and other communications equipment
- Industry Associations

Standard cover for this program includes:

- \$5 Million in capacity available, with access to our in-house umbrella facility for higher limits
- Failure to Perform cover not excluded
- Occurrence based policy
- Cover for intentional injury in defence of property or persons
- Broad form Care, Custody & Control (CCC) exclusion does not apply to property being protected (except for Bailiff services)
- Halon release
- Lost Key cover
- Pollution-IBC2313 form
- Property coverage available (package policy)
- E&O on certain classes
- Employee Dishonesty (Form A) with Third Party Extension
- License and miscellaneous bonds
- Cover available for U.S. Sales and incidental U.S. Operations

Please see our office directories for contacts in your area.

# Our Products

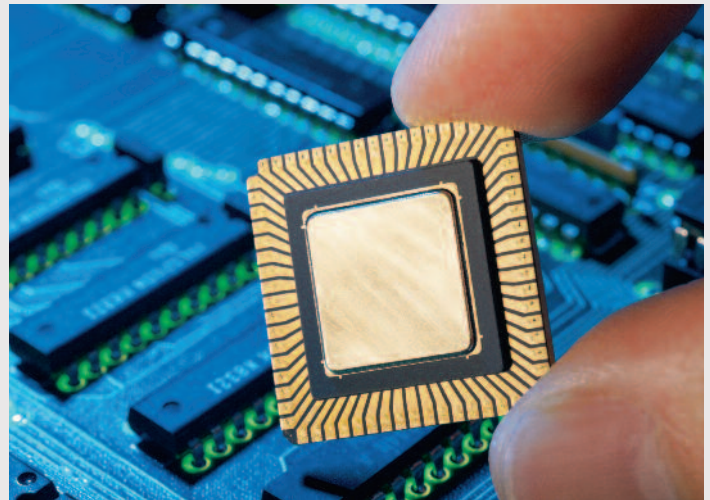
## Sport, Leisure and Recreation

Part of our CGL program, this policy provides best of class cover to commercial and non-profit entities with no participant injury exclusion, liquor liability exposures, concession or retail operations, volunteers and transportation exposures.

- \$5 Million in capacity available, with access to our in-house umbrella facility for higher limits, We write a broad range of risks, including:
- Premises risks such as arenas, amusement parks, zoos, indoor playgrounds, climbing walls, summer camps, fitness clubs and agricultural societies
- Operations exposures like teams, leagues, tournaments and competitions, rafting trips and adventure tour operators
- Special events and “one-off” exposures , live concerts, fairs, firework displays and parades



## Canadian Exporters Program



Introduced in 1995, CEP provides Canadian domiciled companies with a reliable source of products liability coverage.

- \$5 Million in capacity available, with access to our in-house umbrella facility for higher limits
- Full CGL including products liability for sales to the US and abroad
- We can accommodate some US operation hazards.

We write manufacturers, importers and distributors of:

- Industrial machinery and high-tech equipment
- Paints, varnishes, coatings and other chemical risks
- Sporting and athletic equipment, exercise equipment, toys
- Fall protection equipment, fire protection equipment
- Automobile parts and accessories.

Please see our office directories for contacts in your area.

# Our Products

## Biotechnology and Life Sciences Liability

This program offers general liability for the Biotechnology, Pharmaceutical, Life Sciences, Medical and Research and Development industry. The best of class coverage including all the usual extensions and features along with many custom enhancements tailored to this market segment.



### Coverage Features:

- \$20 Million in capacity available
- Excess attachments available
- Legal Costs paid in addition to the Limits of Liability
- Minimum premium \$5,000
- GL and product liability - General Liability on occurrence form - Products on claims made form
- Clinical trials cover, including no-fault clinical trial compensation cover
- Can include Canadian domiciled companies with foreign locations and sales, including USA
- Ability to customize product to client's needs
- Medical malpractice/errors and omissions cover
- Can include U.S. and worldwide sales or clinical trials
- Cover available for manufacturer or sale of medical products, supplies, equipment
- Cosmetics, nutraceuticals, herbaceuticals, food additives, health food supplements, and veterinary products.

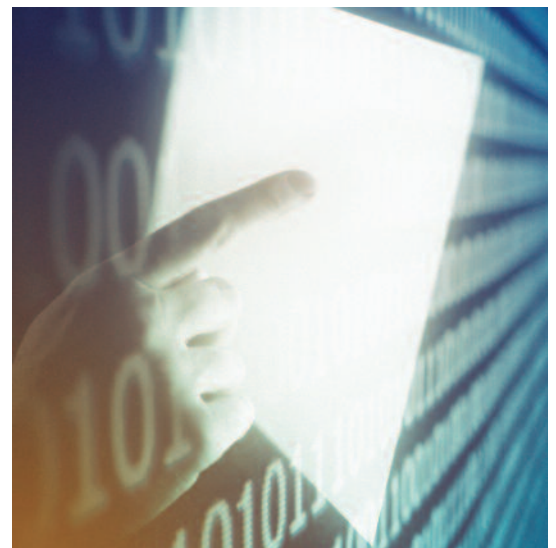
## Information Technology Liability

Our program for information technology consultants provides cover for a full range of risks, including:

- Software designers and providers
- Computer and internet consultants
- Internet services, excluding internet service providers

The program features:

- \$5 Million in capacity available on both E&O and CGL
- \$250,000 in capacity available on Property
- Excess limits available on E&O, CGL and Property
- E&O and CGL Package (cannot write stand alone E&O)
- Optional Property cover (excluding building cover)
- Broad claims made wording
- Worldwide territory, excluding the USA and USA jurisdiction (available if nominal exposure)



Please see our office directories for contacts in your area.

# Recent judgments

## Football Helmet Manufacturer suffers Legal Blow

Earlier this year, a Colorado Jury reached a potentially landmark decision, by finding America's largest football helmet manufacturer Riddell guilty of failing to adequately warn players of concussion dangers. As a result Riddell was placed on the hook for 3.1 million dollars in damages, to a 22 year old man who suffered a head injury during a practice drill in high school in 2008.

Riddell, who intends to appeal the verdict, expressed disappointment in the decision. They felt that they should have been completely absolved of any guilt, but were nonetheless happy that their helmets were found not to have been in any way defective.

Of greater scope and concern however, is a case looming on the horizon. Even though the Colorado Jury rejected any claims related to potential helmet defects, there is still a belief that decision could impact a larger parallel one in which 4000 retired NFL Players and their spouses have sued their former League. That case claims that the NFL was aware of long term health risks that result from head traumas and repeated concussions, and would dwarf the Colorado case in magnitude and impact.



*The New York Times*

## B.C. Court of Appeal rules against motorcycle accident victim

In August 2011, a B.C. Superior Court jury awarded Donald Wayne Desharnais a total of \$31,000 for injuries he suffered in two separate motorcycle accidents. Desharnais appealed this decision, believing he should have been awarded moneys for his loss of future earnings, and care requirements.

The results of the original case, as well as the appeal hinged on the timing and sequence of events. Records show that Desharnais was already on stress leave from his job as an Air Canada Jazz pilot when on May 25, 2006 he slipped while attempting to park his motorcycle in his driveway. This resulted in back pain and spasms. Subsequent to this he suffered the two Motorcycle accidents, for which he was awarded the damages noted above.

In both the case and the appeal Desharnais argued that he would have returned to work if it weren't for the motorcycle accidents. The original jury however had ruled that the accidents subsequent to his initial slip did not cause or contribute to his current physical condition, or further aggravate his previously sustained injuries. The jury also felt that there was no real or substantial possibility that Desharnais would have returned to work at any foreseeable future date, even had he not been injured in the two accidents. Based on the original jury's findings, and insufficient evidence to overturn it, the British Columbia Court of Appeal dismissed the appeal.

*CIP Society Advantage Daily*



## The Ice Man claimeth

On December 30, 2008 Plaintiff Jose Lopez, a citizen of Tabasco Mexico who was visiting his son in Canada, suffered fractures to the tibia and fibula of his right leg, due to a slip and fall on a patch of ice in Nathan Phillips Square in Toronto. As a result of these injuries, he filed for damages against Defendant, the City of Toronto.

Opposing arguments focused on whether the Defendant (the City) had followed all due diligence in clearing the pedestrian pathways in the Square, and whether Plaintiff Lopez had taken sufficient care to avoid the hazard. The adequacy of the City's Systems and operations were called into question, as well as whether they had met their Duty of Care requirements with regards to the safety of Pedestrians on their premises.

Following the Court hearings in January, Ontario Superior Court Justice J. Spence, backed the Plaintiff's claim. In his February 7th, 2013 decision, he fixed general damages at \$45,000. This award was however based on a 50/50 distribution of negligence, as the Justice felt that while the city had failed to recognize the unsafe condition of the patch of ice and remove it, the Plaintiff had ample time to see and avoid the patch of ice, and had been well informed as to the hazards associated with Winter conditions.

# Stranger than fiction

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## Chimpanzee attack victim Charla Nash denied permission to sue Connecticut for \$150 million



On Feb. 16, 2009, the 200-pound chimpanzee named Travis, mauled Charla Nash, causing her to lose her eyesight, lips & nose. Nash, worked for the chimp's owner performing odd jobs and caring for the animal. Nash revealed her mauled face on the Oprah Winfrey show; before the surgery, she kept a veil over her face.

The chimpanzee was the constant companion of the widowed Herold and was fed steak, lobster and ice cream. The chimp could eat at the table, drink wine from a stemmed glass, use the toilet and dress and bathe himself.

A month after the mauling, Nash's family sued Herold for alleged negligence and recklessness. The lawsuit alleged Herold knew Travis was dangerous but failed to confine him to a secure area and allowed him to roam her property. Travis had previously bitten another woman's hand and tried to drag her into a car in 1996, bit a man's thumb two years later and escaped from her home and roamed downtown Stamford for hours before being captured in 2003, according to the lawsuit.

State Attorney General George Jepsen said the state shouldn't be held liable for the mauling. He argued the judge should deny permission due to a law called the 'public duty doctrine'. It says the state has a duty to protect the general public in regulatory matters, but not any individual who is injured by another person not complying with regulations, the Hartford Courant reported.

Nash, received a successful face transplant in 2011, reached a \$4 million settlement last year with the estate of chimp owner Sandra Herold, who died in 2010. She had sought \$50 million. The settlement agreement filed in Stamford Probate Court calls for Herold's estate to provide Nash with \$3.4million in real estate, \$331,000 in cash, \$140,000 in machinery and equipment and \$44,000 in vehicles.

Brenden Leydon, a Stamford lawyer representing Herold's estate, had argued that it couldn't be sued because Nash was an employee of Herold and any claims were a worker's compensation matter.

Nash wants to sue the state Department of Energy and Environmental Protection, which she holds responsible for not seizing the animal before the attack despite a state biologist's warning it was dangerous.

Source: Philadelphia Daily News

### 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) 985-1407 or lbourdin@elliottsr.com.



## ‘Unsolicited’ working Girls assault New Jersey couple

Anna and Joseph Burgese, a married couple from Medford, New Jersey, vacationing at a Starwood Resort in Miami’s South Beach, were returning from dinner and a night out, at the hotel’s club in the early-morning hours of January 19th. As they walked through a hotel bar to reach the lobby and their rooms Anna, likely mistaken for the competition (according to police), was assaulted by prostitutes. Joseph, on crutches at the time, was a few steps ahead of his wife when, she was grabbed from behind, thrown face first into a stone wall and then picked up and thrown to the ground. Joseph tried to fight off the women and also told hotel staff to hold the women until the police arrived. The couple has since filed a civil lawsuit against Starwood. The Burgese’s attorney, Lance Rogers stated that not only did the hotel fail to detain or identify the women involved in the assault, they reportedly helped the women escape police in a taxi. He and the Burgese’s additionally claim the hotel has also obstructed the investigation by withholding surveillance video. Perhaps no surprise, as Rogers alleges the hotel fosters a prostitute friendly atmosphere, proven out by police statements and hotel guest reviews. Rogers summarized the case by saying that "The Burgeses want justice, they want [the alleged attackers] caught and prosecuted. The hotel has done absolutely nothing to help them and, in fact, has stood in the way of the process."



ESR is proud to support the CORE centre.

CORE is a supportive Centre for Opportunities, Respect and Empowerment for people with complex needs and emotional stress due to mental illness and/or developmental challenges.

CORE provides these uniquely challenged individuals with opportunities to engage in productive activity. We encourage their participation and self-esteem by focusing on the positive essence of each unique individual. The results? Enhanced quality of life, wellness, self-worth and family support for participants, and ever increasing benefits to society at large.



The information in this newsletter is intended to be general in nature and should not be construed as specific recommendations, nor as a substitute for the advice of a professional insurance broker who is familiar with a client’s particular exposures or circumstances. Aussi disponible en français.



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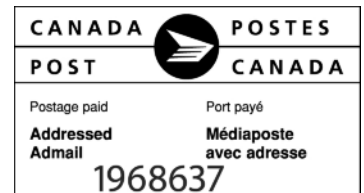
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Our goal is to eventually communicate with you electronically and do away with printed correspondence-the *NewsBoard* included. We are still going to produce it each quarter-it will just be sent to you via e-mail. If you would like to join our e-mail distribution list, please contact Susan Gallagher at [sgallagher@elliottsr.com](mailto:sgallagher@elliottsr.com)

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