NIP GROUP

Preparing Brokers and Clients for Fall and Winter Services

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Live webinar

David Zeornes
Vice President,
Sales
NIP Group

Tom Doherty
Senior Vice President,
Specialty Programs
NIP Group

Michael Finati
Program Manager,
LandPro
NIP Group

Joshua Ferguson
Partner,
Freeman Mathis &
Gary LLP

Kevin Gilbride
Executive Director,
Accredited Snow
Contractors Association

About NIP Group

NIP Group® is the leading specialty insurance provider, offering comprehensive package solutions and monoline insurance products for 25+ industries and 50+ classes.

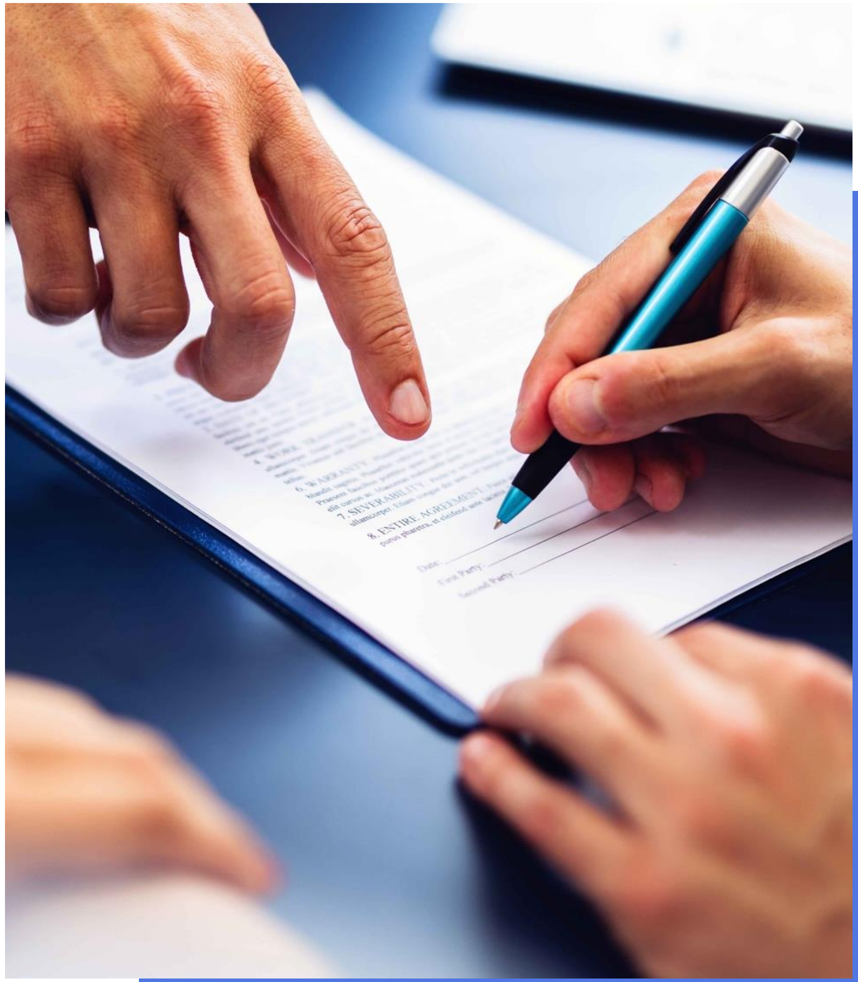
Market Insights: Fall & Winter Service Providers

- Key Trends
  - Hiring new talent
  - Rising costs
  - Supply & demand
- Insurance Market Impact
  - Rising cost, shrinking market
  - Litigation finance
  - Emerging exposures

Known and unknown risks

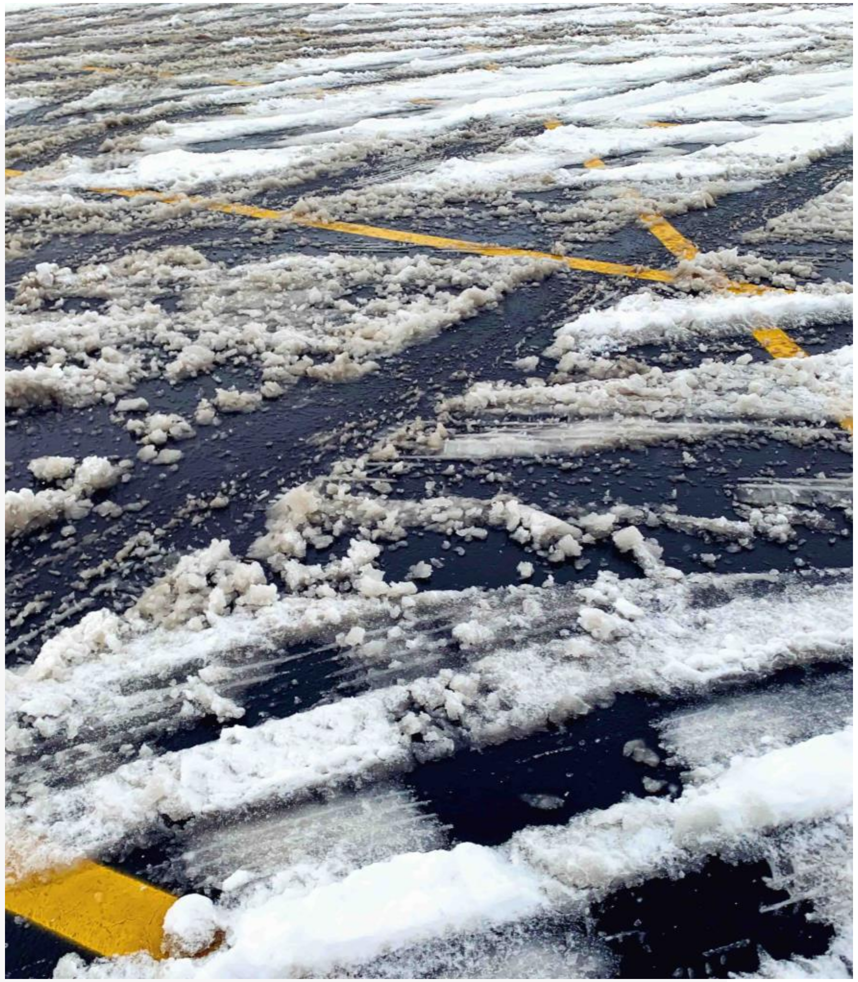
- Common risks
  - Slip & falls
  - Water intrusion
  - Overspray
  - Construction defects
  - Property damage

- Unknown risks
  - Impact of litigation financing
  - Social inflation
  - Impact of emerging tech



Risk mitigation

- Contractual reviews
- Employee training
- Technology



Legal challenges: Real-world examples

Case study #1

- Slip and fall occurs in parking lot after 1 and 1 /2 inches of snow
- Service trigger says 1 inch
- Contractor's calls with property in advance told them to hold off on service until 2 inches because they were running out of budget
- This was not confirmed in writing afterwards
- Lawsuit filed, during which property manager denied memory of that call
- Contractor's carrier paid 90% of the settlement; property owner/manager paid 10%

Legal challenges: Real-world examples

Case study #2

- Plaintiff slipped and fell on sidewalk
- Contractor had pricing proposal only (no signed contract) to service parking lot upon 1 inch and sidewalk at contractor discretion
- Contractor claims they serviced both parking lot and sidewalk for storm 1 day prior to incident
- Internal timesheets and payroll show 1 employee on site but no in-event service documents

Legal challenges: Real-world examples

Case study #3

- Slip and fall occurred in March
- No recent snow/ice accumulation
- Plaintiff fell in pothole in parking lot
- Snow contractor's contract from client says that contractor is to "monitor, inspect and report on site conditions from November 1 to March 31"
- Lost motion to get out, contractor's client paid 40% of settlement despite the loss not having anything to do with snow/ice

Legal challenges: Real-world examples

Case study #4

- Contractor is sued by property owner for damage to parking lot (gouges, marks), Belgium block (broken/chipped blocks) and damage to light pole
- Contractor claims all damage pre-existed their service at the property
- Contract calls for contractor to complete pre-servicing inspection and reporting of pre-existing damage – no inspection and report completed
- Verdict against contractor for full amount claimed

Working with experts for snow removal accounts

The importance of having a team of seasoned professionals every step of the way:

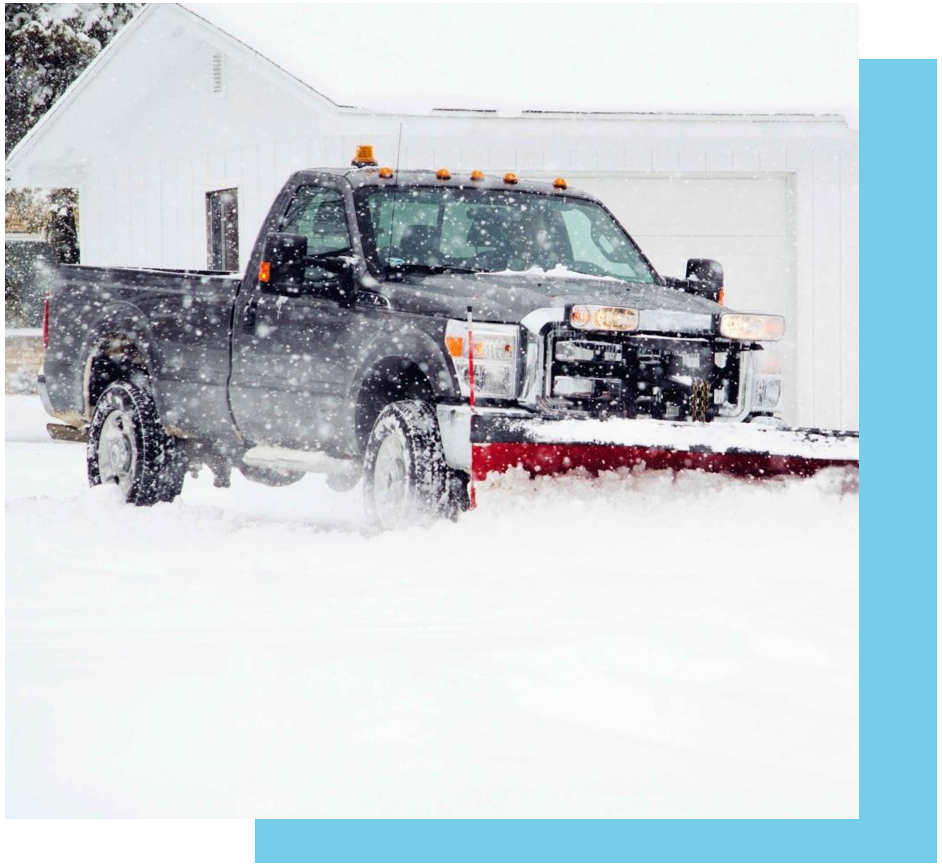
- Insurance broker
- Insurance carrier
- Lawyer or risk control specialist
- Professional associations

Benefits of snow contractor association participation

Four Pillars

- Industry standards
- Education
- Certification
- Legislative change

Broker role: How brokers can support their clients in joining the ASCA and leveraging its resources for risk reduction.

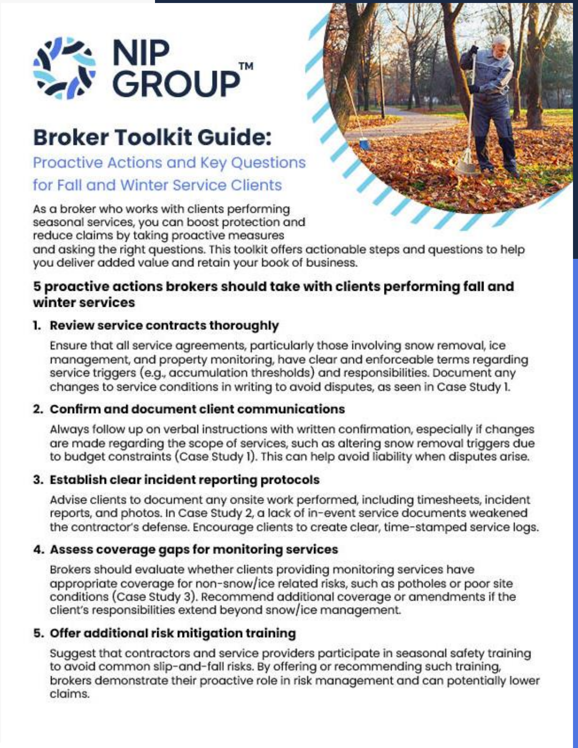


Broker Toolkit Guide: Proactive Actions and Key Questions for Fall and Winter Service Clients

Includes:

- 5 proactive actions brokers should take with clients performing fall and winter services
- 5 questions brokers should ask clients to demonstrate expertise and protect their business
- Case studies for reference

Broker tool-kit resources will be emailed to all participants at the end of the webinar.



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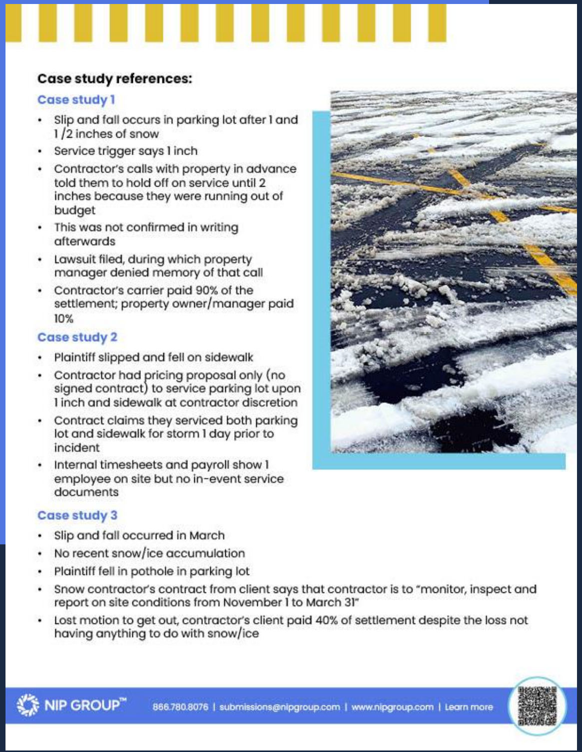
Broker Toolkit Guide:

Proactive Actions and Key Questions for Fall and Winter Service Clients

As a broker who works with clients performing seasonal services, you can boost protection and reduce claims by taking proactive measures and asking the right questions. This toolkit offers actionable steps and questions to help you deliver added value and retain your book of business.

5 proactive actions brokers should take with clients performing fall and winter services

1. **Review service contracts thoroughly**
   Ensure that all service agreements, particularly those involving snow removal, ice management, and property monitoring, have clear and enforceable terms regarding service triggers (e.g., accumulation thresholds) and responsibilities. Document any changes to service conditions in writing to avoid disputes, as seen in Case Study 1.
2. **Confirm and document client communications**
   Always follow up on verbal instructions with written confirmation, especially if changes are made regarding the scope of services, such as altering snow removal triggers due to budget constraints (Case Study 1). This can help avoid liability when disputes arise.
3. **Establish clear incident reporting protocols**
   Advise clients to document any onsite work performed, including timesheets, incident reports, and photos. In Case Study 2, a lack of in-event service documents weakened the contractor's defense. Encourage clients to create clear, time-stamped service logs.
4. **Assess coverage gaps for monitoring services**
   Brokers should evaluate whether clients providing monitoring services have appropriate coverage for non-snow/ice related risks, such as potholes or poor site conditions (Case Study 3). Recommend additional coverage or amendments if the client's responsibilities extend beyond snow/ice management.
5. **Offer additional risk mitigation training**
   Suggest that contractors and service providers participate in seasonal safety training to avoid common slip-and-fall risks. By offering or recommending such training, brokers demonstrate their proactive role in risk management and can potentially lower claims.



Case study references:

Case study 1

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Q & A

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