

ADEQUACY OF PROOF

PROPOSITION: “The quoted value was guaranteed”

- 1. Positive certainty.**
- 2. Beyond a reasonable doubt.**
- 3. Probable.**
- 4. Equipoise.**
- 5. Improbable.**
- 6. Highly improbable.**
- 7. Negative certainty.**

Slide 2

Cartoon at P31.

Slide 3

YOU CAN'T DO BETTER!

**Our policy
is to guarantee:
disabled or ill,
we'll foot the bill.**

All assurances to be deemed contract compliant.

VALID CONTRACT?

- **Unconscionable?**
- **Unethical?**
- **Contrary to public policy?**

VALID CONTRACT?

- **Void for uncertainty?**
- **Unfettered discretion?**

VALID CONTRACT?

- **Lack of consensus?**
- **Reliance of insurer.**

MARKETING MATERIAL

- **Puffery.**
- **Factual misrepresentation.**

Remedy

- **Rescission.**
- **Making good promise.**

MISREPRESENTATION

- **By agent.**
- **By broker.**

Remedy.

INTERPRETATION

- **Contra proferentem.**
- **Unfettered discretion.**
- **Incorporation by reference.**
- **Own medical assessment.**