



Indemnity – Terms & Definitions

Hold Harmless	A contractual promise made by one party not to hold the other party responsible or liable for bodily injury or property damage caused by the other party.
Liability	Being legally responsible for something including causing injury or damage to a third party.
Negligence	A failure to behave with a reasonable standard of care that causes injury or damage to a third party.
Enjoined	A legal order that prohibits someone from doing something.
Indemnify	To compensate someone for harm or loss.
Subrogate	To request reimbursement – In insurance, subrogation means the right your insurance company holds under your policy – after they have paid a covered claim – to request reimbursement from the at-fault party.
Waiver of Subrogation	You agree “not” to seek reimbursement from the at-fault party.
Tort	A tort is a “civil” wrong, punishable by compensating or paying damages to the injured party. (A “criminal” wrong is punishable by paying a fine to the government and/or being imprisoned.)
Primary and Noncontributory	Primary means your insurance policy will handle a claim. Noncontributory means your insurance will not seek help from the contractor’s or owner’s policy.
Additional Insured	The addition of another party to your insurance policy.
Duty to Defend	A contractual promise made to you (typically by an insurance company) to provide a legal defense to a claim asserted against you.
Breach	Noncompliance or breaking the contract terms.
Gross Negligence	Extreme departure from ordinary standard of care.
Nexus Phrases	Arising out of; caused by; relating to (These phrases create the connection for which responsibility will be assumed.)
Writ	A formal legal document that orders a person or entity to perform or to cease performing a specific action or deed.