

Limitations of Liability

1. Limitations of Liability.

1.1 Consequential Damages Waiver. IN NO EVENT SHALL ORIGINAL IMPRESSIONS BE LIABLE FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL, PUNITIVE OR EXEMPLARY LOSS, DAMAGE, COSTS, PENALTY OR EXPENSE OF ANY KIND WHATSOEVER AND HOWSOEVER CAUSED, WHETHER ARISING UNDER CONTRACT, TORT, WARRANTY, NEGLIGENCE OR OTHER LEGAL OR EQUITABLE GROUNDS INCLUDING, WITHOUT LIMITATION, LOSS OF INTEREST, LOSS OF PRODUCTION, LOSS OF OR CORRUPTION TO DATA, LOSS OF PROFITS, OPPORTUNITIES, SALES OR CONTRACTS, LOSS OF OPERATION TIME AND LOSS OF GOODWILL OR ANTICIPATED SAVINGS, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH LOSS.

1.2 Limitation of Liability. IN NO EVENT SHALL ORIGINAL IMPRESSIONS' TOTAL CUMULATIVE LIABILITY FOR LOSSES ARISING FROM THE PERFORMANCE OR NONPERFORMANCE OF THIS AGREEMENT REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT OR IN TORT, INCLUDING NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, EXCEED THE TOTAL AMOUNT OF FEES PAID OR OWED BY CUSTOMER TO ORIGINAL IMPRESSIONS DURING THE TWELVE (12) MONTHS PRIOR TO THE EVENT WHICH IS THE SUBJECT OF THE CLAIM.