

## *Terms and Conditions*

*The person signing this Agreement represents that he/she has the authority to execute this Agreement on behalf of the School. The School acknowledges that once executed by Teddy Bear, this is a binding Agreement between the parties and represents that it has all necessary power and authority to enter into this Agreement. This Agreement, including all pricing and/or performance schedules set forth herein, represents the entire agreement between parties.*

*Teddy Bear will perform the services under this Agreement in a good and workmanlike manner. Teddy Bear shall not be liable for delays or losses caused by strikes, accidents, government restrictions, acts of God or other causes beyond its reasonable control and such delays shall not constitute a breach of contract. EXCEPT AS EXPRESSLY PROVIDED HEREIN, TEDDY BEAR MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES AND DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY(S) OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL TEDDY BEAR BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, HOWEVER FORESEEABLE, ARISING OUT OF THIS AGREEMENT, THE WORK PERFORMED HEREUNDER, THE SERVICES OR PRODUCTS PROVIDED HEREUNDER, OR ANY ORDERS PLACED BY PARENTS, STUDENTS OR ANY THIRD PARTY FOR PRODUCTS SOLD BY TEDDY BEAR AS CONTEMPLATED BY THIS AGREEMENT. THE LIABILITY OF TEDDY BEAR, IF ANY, FOR CLAIMS RELATING TO ANY DEFICIENT OR DEFECTIVE SERVICE OR PRODUCT PROVIDED HEREUNDER OR SOLD TO ANY PARENT, STUDENT OR THIRD PARTY AS CONTEMPLATED BY THIS AGREEMENT SHALL BE LIMITED TO THE ACTUAL FEE PAYABLE TO TEDDY BEAR FOR THE ALLEGEDLY DEFICIENT OR DEFECTIVE SERVICE OR PRODUCT. The School agrees to indemnify and hold Teddy Bear and its affiliates harmless to the fullest extent permitted by law from any and all damages of every kind and character (including reasonable attorney's fees) arising out of claims, defenses, demands, actions or proceedings that may be asserted or brought against Teddy Bear by parents, students or any third party.*