

Minnesota



Tim Murphy

Tim Murphy Wins Summary Judgment in North Dakota Subrogation Action

Mr. Murphy's client hosted a company event where the wife of an employee sustained personal injuries after the rented chair, she was sitting in collapsed. Thereafter, the rental company's insurer invoked the contractual indemnity language in the rental agreement to recover the monies paid to the personal injury plaintiff. The North Dakota court found that an indemnity agreement will not be interpreted to indemnify a party against the consequences of their own negligence unless that construction is very clearly intended, and that the "hold harmless" language in the rental agreement did not require indemnification of the rental company.