Index

ABANDONMENT

Franchise contract, petition for breach by abandonment, **37.4**

ABSOLUTE LIABILITY

Willful and wanton exposure to unsafe products, 23.34

ABUSE OF PROCESS

Counterclaim, subdivision lot owner against subdivision trustees, prevention of subdivision, **1.7**

Criminal arrest to coerce plaintiff to abandon workers' compensation claim, **1.6**

Cross-claim for abuse of process based on excessive attachment, **1.4**

Excessive attachment, cross-claim for abuse of process based on, **1.4**

Free speech, attempt to suppress right to and other rights, **1.3.50**

Petition for, 1.3.50

ACCOUNTS AND ACCOUNTING

Action for, 9.17

Deceased employee, unpaid loans, wages, deposits and other sums, 30.8

Goods sold and delivered, petition on and stipulation for attorney's fees, 30.6

Refusal to account for sale of goods on consignment, **30.7**

ADJOINING OR ADJACENT PROPERTY

Fence insufficient to restrain animals, 15.12

AGENCY

Assault, repossession agent assaulted by debtor, **2.5**, **2.5.10**

Battery, child frightened by agent attempting to repossess merchandise. 3.13

AGENCY-Cont'd

Sales made through agent, failure of principal to accept goods, **28.17**

ALL-TERRAIN VEHICLES

Children, petition against supervising adult for injuries sustained by minor, 21.42

AMUSEMENTS AND EXHIBITIONS

Negligence, damages for injuries in softball game, **13.19**

ANIMALS

See also Livestock

Aviation

Cattle stampede due to low-flying plane, petition for damages, 14.12

Minnows killed by poisoning of pond through negligence in spraying crops, **14.11**

Brown recluse spider bite, innkeepers, **19.19**

Insecticide, sale of, 23.26

Mail carrier injured by dog known to be vicious, **15.8**

Minor injured by dog on defendant's premises, **15.7**

Motor vehicles, collision with animals, **15.11**

Negligence

Aviation, minnows killed by poisoning of pond through negligence in spraying crops, 14.11

Mail carrier injured by dog known to be vicious, **15.8**

Minor injured by dog on defendant's premises, **15.7**

Nuisance, enjoining maintenance of property attracting wild animals, 11.8

Premises liability, **26A.4**

ANIMALS—Cont'd

Replevin and conversion of dog, **7.22** Show animals, breach of warranty of fitness, **15.13**

Veterinarian, animals death by other animal at, **24.27.50**

Wild animals

Insecticide, sale of, 23.26

ARBITRATION

Construction contracts, subcontractor's petition to enforce award, **27.19**

ARGUMENTS OR ARGUMENTATIVENESS

Assault, threat with knife during argument, **2.2**

ASBESTOS EXPOSURE

Business premises liability, 17.33

ASSAULT AND BATTERY

Agents

Assault of repossession agent by debtor, **2.5**

Child frightened by agent attempting to repossess merchandise, 3.13

Agents, assault of repossession agent by debtor, **2.5.10**

Arguments, threat with knife during, **2.2**

Automobile, plaintiff struck by, **3.8** Bartender, customer battered by, **3.4**

Bottle thrown, action by bystander to recover for injury caused by, **3.5**

Buses and bus company

Rear–end collision, Bus driver, **3.16**

Bystander's action to recover for injury caused by thrown bottle, 3.5

Carnival employees on patron, by, **2.11**

Children or minors

Agent attempting to repossess merchandise, child frightened by, **3.13**

Prenatal injury to child, **3.12** Conspiracy, **3.9**

ASSAULT AND BATTERY—Cont'd

Corporate employees, 3.17

Customers

Theater patron battered at theater, 3.2

Debtor, repossession agent assaulted by, **2.5**

Disclosure failure, genital herpes inflicted through sexual intercourse, **3.15**

Drive-by shooting, petition for assault by victim of, **2.7**

Employees

Carnival employees on patron, by, **2.11**

Sexual assault by employee, **2.6.50** Sexual assault in workplace, **9.5.50**, **13.36**

Sexual harassment petition for assault against employer, **2.6**

Employers and employees

Generally, 3.11

Corporate employees, 3.17

Sexual assault by employee, 2.6.50

Farm machinery, repossession agent threatened with firearm by debtor, **2.5.10**

Firearm, intentional injury by discharge, **2.12**

Fistfight, injury in, 3.18

Forcing way into home, miscarriage caused by defendant's, **3.14**

General form, assault and battery by employer, **3.11**

Genital herpes inflicted through sexual intercourse, failure to disclose disease, **3.15**

Home invasion, miscarriage caused by defendant forcing way into home, **3.14**

Injunctive relief, petition by victim to prevent stalking, **2.9**

Innkeepers, actions against hotel for assault in parking lot, **19.17**

Intentional injury by discharge of firearm, **2.12**

Miscarriage caused by defendant forcing way into home, **3.14**

ASSAULT AND BATTERY—Cont'd

Municipal corporations and other political subdivisions, **22.8**

Pedestrian, unprovoked attack on by driver, **3.11.50**

Petition, physical assault in hotel room and infliction of emotional distress. **2:14**

Photograph on magazine cover, petition to recover damages for unauthorized use, **2.10**

Physically beaten plaintiff, 2.13
Police officer, assault and battery by,
3.10

Pregnant woman

Forcing way into home, miscarriage caused by defendant, **3.14**

Prenatal injury to child, 3.12 Prenatal injury to child, attack on pregnant woman, 3.12

Rear–end collision by bus driver, **3.16**

Recovery of damages, petition by victim of stalking, **2.9**

Repossession

Assault of repossession agent by debtor, **2.5**

Child frightened by agent attempting repossession of merchandise, 3.13

Repossession, assault of repossession agent by debtor, **2.5.10**

Road rage incident, petition for personal injuries and property damage resulting from, **3.19**

Safe work environment, failure to provide, **13.37**

Sexual assault by employee, **2.6.50** Sexual assault in workplace, intentional infliction of emotional distress, **9.5.50**, **13.36**

Sexual harassment by employer, petition for assault by employee, **2.6**

Sexually transmitted disease, petition for false representations, **3.21**

Sexual offenses, genital herpes inflicted through sexual intercourse, **3.15**

Shooting, injury caused by, **3.6**

ASSAULT AND BATTERY—Cont'd

Spouse, petition by spouse for damages, **3.20**

Stalking, petition for assault by victim of, **2.8**

Struck from behind by assailant, **3.7** Surety of police officer, **3.10**

Theater patron battered at theater, 3.2 Threat with knife during argument,

Thrown bottle, action by bystander to recover for injury caused by, **3.5**

Unprovoked attack on pedestrian by driver of automobile, **3.11.50**

Vehicles

Automobile, plaintiff struck by, **3.8** Drive-by shooting, petition for assault by victim of, **2.7**

Rear–end collision by bus driver, 3.16

Road rage incident, petition for personal injuries and property damage resulting from, **3.19**

Unprovoked attack on pedestrian by driver, **3.11.50**

Weapons or firearms

Generally, 2.3, 2.4

Petition for assault, threat with knife during argument, 2.2

Repossession agent threatened with firearm by debtor, 2.5

ATTACHMENT AND GARNISHMENT

Conversion, improperly garnished funds retained by financial institution, **7.24**

ATTEMPTS

Invasion of right of privacy, attempted collection of debt by harassment and coercion, **10.4**

AUCTION SALE

Credit, auctioneer's breach of contract for unauthorized sale on credit, **37.3**

AUTOMATED TELLER MACHINE (ATM)

Robbery and shooting at, petition for damages, 17.36

AUTOMOBILE INSURANCE

Insurer's bad faith, 12A.1

AUTOMOBILES

See also Highways, Streets and Bridges

All-terrain vehicles, injuries sustained by minor allowed to operate, 21.42

Assault and battery

Drive-by shooting, petition for assault by victim of, **2.7**

Road rage incident, petition for personal injuries and property damage resulting from, **3.19**

Bad faith of automobile insurer, 12A.1

Collisions

Animals, **15.11**

Conversion of property

Repossession, petition for conversion against financing company, **7.3.70**

Sale, petition for conversion against dealer, **7.3.50**

Trade-in deposited for appraisal, petition for conversion against dealer, **7.3.30**

Distracted driver, petition against, 21.43

Drive-by shooting, petition for assault by victim of, **2.7**

Driver's unprovoked attack on pedestrian, complaint regarding, 3.11.50

Insurer's bad faith, 12A.1

Motorcycles, 21.41

Negligent entrustment of vehicle, 13.32

Road rage incident, petition for personal injuries and property damage resulting from, **3.19**

AUTOMOBILES AND HIGHWAY TRAFFIC

Collisions

Motorcyclist, 21.48 Trucks, 21.14

Machines parked on shoulder of highway, collision of truck with, 21.14

AUTOMOBILES AND HIGHWAY TRAFFIC—Cont'd

Motorcycles, 21.30

Motorcyclist

Collision with, 21.30

Parked trucks, 21.14

Shoulder of highway, collision of truck with machines parked on, **21.14**

Trucks

Collisions, 21.14

Machines parked on shoulder of highway, collision of truck with. 21.14

Parked vehicles, 21.14

AVIATION

Airplane tied down at airport, petition for damage to, **14.14**

Baggage damaged during loading or unloading aircraft, **14.9**

Cattle stampede caused by low-flying plane, petition for damages, 14.12

Crop damage through negligence in spraying nearby lands, **14.10**

Defective runway, petition for damage to landing airplane, **14.13**, **14.13.50**

Emergency landing due to improper care of airplane by airport operators, **14.14.50**

Guest passenger in private plane, petition for injuries, **14.15**

Improper direction, petition for damage to landing airplane, **14.13**, **14.13.50**

Infectious disease, operation of aircraft with recirculating air system, **14.8**

Minnows killed by poisoning of pond through negligence in spraying crops, **14.11**

Negligence

Baggage damaged during loading or unloading aircraft, **14.9**

Crop damage through negligence in spraying nearby lands, 14.10

AVIATION—Cont'd

Negligence—Cont'd
Infectious disease, operation of
aircraft with recirculating air
system, 14.8

Minnows killed by poisoning of pond through negligence in spraying crops, **14.11**

Pilot-owner for injuries and damages Emergency landing due to improper care of airplane by airport operators, **14.14.50**

Petition for damage to landing airplane, **14.13.50**

BAGGAGE

Negligence, baggage damaged during loading or unloading aircraft, 14 9

BAILMENTS

Agreed market value stipulated as measure of damage, **36.9**

Agreed value stipulated as measure of damage, **36.10**

Conversion of securities, 36.11

Damage by negligent storage of dried fruit, **36.12**

Petition against repair facility for breach of bailment contract regarding a motorhome, **36.13**

Unauthorized use of bailed property, **36.8**

BANKRUPTCY

Professional malpractice, petition against law firm, **24.30**

BANKS AND BANKING

Conversion of estate assets, petition for, **7.21**

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

BARS OR TAVERNS

Negligence, injury to bar patron in parking lot, **13.34**

Patron, business premises liability, **17.45**

BASEMENT

Building contracts, petition against builder for water in basement, **27.11**

BATTERY

See Assault and Battery

BEAVERS

Insecticide, sale of, 23.26

BITES

Brown recluse spider bite, innkeepers, **19.19**

BOATS AND WATERCRAFT

Capsizing of motorboat, **16.9**Collision between two motorboats, **16.8**

Dock owner's petition for damages after collision, **16.10**

Excursion boat gangplank accident, petition for injury, **16.11**

Guest thrown from boat, 16.7

Negligence

Capsizing of motorboat, **16.9**Collision between two motorboats, **16.8**

Guest thrown from boat, **16.7**Sailboat transport over land, petition by owner for damage during, **16.12**

BONDS AND UNDERTAKINGS

Public works project, bond for value of labor and material furnished, 31.7

Subcontractor, to recover value or labor and material furnished on main contract, **31.5**, **31.6**

BOTTLES OR BOTTLERS

Battery, action by bystander to recover for injury caused by thrown bottle, **3.5**

BOUNDARIES

Fence insufficient to restrain animals, 15.12

Quiet title pursuant to boundary agreement, **29.11**

Quiet title pursuant to boundary dispute, **29.10**

BRACKEN FERN

Death or horses caused by consumption of hay containing, **15.10**

BREACH OF AGREEMENT

Landlord and tenant
Habitability and breach of the implied warranty, 20.32

BREACH OF CONFIDENCE

Fraud, **6.26**

BUILDING AND CONSTRUCTION CONTRACTS AND WORK

Arbitration award, subcontractor's petition to enforce, **27.19**

Basement, petition against builder for water in. 27.11

Bond to recover value of labor and material furnished on main contract, **31.5**, **31.6**

Building permits in subdivision, petition to enjoin issuance, 22.15

Completion of work prevented by owner, excavation services, **27.21**

Fire-damaged building, petition to declare nuisance, **11.12**

Full performance of contract and oral changes, balance due, **27.20**

Garage, petition against builder for defective, **27.12**

General form, breach of contract, **27.16**

Grade, petition against builder for improper, **27.12**

Guarantee to recover value of labor and material furnished on main contract, **32.7**

Injuries to child playing on lumber, 20.28

Landscaping subcontractor's petition against contractor and topsoil supplier, 27.22

Mausoleum, petition for injunction against construction of, **38.1**

Maximum guarantee costs, failure to complete performance for, **27.15**

Mechanics lien, 27.23

Negligence, injuries to worker on construction site, 13.33

BUILDING AND CONSTRUCTION CONTRACTS AND WORK

—Cont'd

Negligent dispensing of intoxicating liquors by building owner, **13.25**

Nuisances, lumber pile at construction site, 11.15

Patio, petition against contractor for failure to build, **27.13**

Porch, petition against builder for defective, **27.9**

Public works project, bond for value of labor and material furnished, 31.7

Siding, petition against builder for defective, **27.8**

Structures built encroaching on commonly held land, nuisance, **11.11**

Topsoil supplier, landscaping subcontractor's petition against, **27.22**

Trespass, encroaching and excavating, **12.8**

Value of work performed, action by subcontractor, **27.23**

Water in basement, petition against builder, **27.11**

Workmanlike manner, house not constructed in, **27.18**

BURIALS

Lot owners, **38.2-38.4**, **38.6** Plots, **38.5**

BUSES AND BUS COMPANY

Battery by bus driver, rear-end collision, **3.16**

BUSINESS LIABILITY INSURANCE

Insurer's bad faith, 12A.2

BUSINESS PREMISES LIABILITY

Asbestos exposure, 17.33

Criminal attack on condominium premises, negligence of owners' association, 17.34

Dangerous condition on the premises, **17.47**

Defective condition of common area of condominium, negligence of owners, 17.35

BUSINESS PREMISES LIABILITY

—Cont'd

Defective maintenance of building, brick falling off, **17.37**

Employee of independent contractor, injuries to, **17.41**

Failure to adequately mark glass door panel, **17.38**

Falls and falling

Excavation dug to remove pipeline, pedestrian fall into, **17.42**

Obstruction in aisle in store, personal injuries, **17.39**

Pedestrian fall from bridge, 17.43

Floors and flooring, level, injury from fall caused by abrupt change in, **17.40**

Negligence, 17.47

Willful and wanton misconduct, 17.46

Patron at restaurant, bar, or entertainment operation, **17.45**

Respondeat superior, 17.47

Robbery and shooting at ATM, petition for damages, 17.36

Stores

Glass doors, failure to adequately mark, **17.38**

Obstruction in aisle, personal injuries from trip and fall, 17.39

Tile and masonry falling from building, 17.44

Veterinarian, owner of grounds, **26A.4**

Willful and wanton misconduct, negligence, 17.46

BYSTANDERS

Battery, bystander's action to recover for injury caused by thrown bottle, **3.5**

CARRIERS

Ejection

Tender of fare, ejection of person after, **18.16**

Tender

Ejection of person after tender of fare. **18.16**

CARS

See Automobiles

CEMETERIES

Generally, 38.1 et seq.

Abandonment of cemetery, **38.6**Availability of plot, failure to keep burial plot available, **38.5**

Construction of a mausoleum, petition for injunction against, **38.1**

Desecration of grave, petition by burial lot owner for, **38.2**, **38.3**

Disinterment of bodies, 38.6, 38.7

Graves. See Graves, this index

Interment, enforcing the right of, 38.4

Permissive disinterment, petition for mandatory injunction to compel, **38.7**

CERTIFICATES OF DEPOSIT

Generally, 33.20

CHILDREN AND MINORS

All-terrain vehicles, petition against supervising adult for injuries sustained by minor, **21.42**

Animals, minor injured by dog on defendant's premises, **15.7**

Childbirth, unreasonable detention of infant for unpaid hospital bill, **4.10**

Construction, injuries while playing on lumber, **20.28**

Cosmetics, products liability, 23.33

High voltage wire, injuries from, **20.27**

Interference with rights, disclosure of sexually explicit photo of minor without consent, **9.14**

Summer camp, injury of child attending and negligent supervision, **26A.2**

Swimming pool, injuries from diving into, **20.29**

COLLECTION

Debt collection by harassment and coercion, invasion of right of privacy, **10.4**

COLLISIONS

Battery, rear–end collision by bus driver, **3.16**

Motorcyclists, 21.30

Motor vehicles, collision with animals, **15.11**

Taxicabs, intersectional collisions, 21.45, 21.46

COMMON CARRIERS

Freight, petition for injury to, **18.21** Initial carrier, petition against terminal carrier for damage to shipment, **18.23**

Loss of goods, fire destroyed truck and cargo, 18.22

COMMON LAW

Fraud and deceit, 6.27

COMPETENCY OR INCOMPETENCY

Fraudulent representations as to competence to perform automobile repairs, **6.15**

COMPETITION

Covenant not to compete agreement, violation of, **34.27**

CONDOMINIUMS

Breach of contract for management and landscape maintenance of common areas, 34.22

Criminal attack on premises, negligence of owners' association, 17.34

Defective condition of common area, negligence of owners, **17.35**

CONFESSIONS

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

CONFIDENTIAL INFORMATION

Fraud, breach of confidence, 6.26

CONFISCATION OF PROPERTY

Due process absent, petition for injunctive and declaratory relief and damages, **9.12**

CONSIGNMENT

Refusal to account for sale of goods on, **30.7**

CONSPIRACY

Battery, 3.9

CONSTRUCTION CONTRACTS

See Building and Construction Contracts and Work

CONSTRUCTIVE TRUST

Imposition, 9.17

CONSUMER CREDIT

Fraud, consumer product sales, 6.1

CONTRACTS AND AGREEMENTS

Auctioneer's breach of contract for unauthorized sale on credit, **37.3**

Boundary agreement, petition to quiet title pursuant to, **29.11**

Building contracts. See Building and Construction Contracts and Work

Common areas of condominium, breach of contract for management and landscape maintenance, 34.22

Damages based on conversion of partnership assets, **37.2**

Decorating contract, breach of oral and written contract, **34.23**

Employment contracts or agreements, 34.19

Franchise contract, breach by abandonment, **37.4**

Gas station franchise agreement, breach of contract, **34.24**

Insurance policies. See Insurance

Intellectual character, petition to enforce contract to perform service of, **34.20**

Interference with contractual relationship, **9.8**, **9.10**

Licensing agreement, default in payment of royalties under, **34.21**

Partnership agreement, breach, **37.1**Sales contracts. See Sales Contracts
AND CONVEYANCES

CONVERSION OF PROPERTY OR FUNDS

Automobiles

Mortgaged automobile, 7.16

Automobiles. See Automobiles

Damages, 7.17, 37.2

Decedent under a durable power of attorney while decedent was alive, **7.6.50**

Dog, replevin, 7.22

Domain name, 7.23

Engagement rings, petition to recover personal property, **7.19**

Estate assets by bank, petition for, **7.21**

Fixtures

Attached to leased premised, petition by landlord for conversion of, **7.17**

Landlord against tenant for removal of, **20.25**

Replevin, petition for return of fixtures removed from property, **7.18**

Tenant against landlord for refusing to allow removal of restaurant equipment, **20.26**

Garnishment, improper, conversion, funds retained by financial institution, 7.24

Interference with rights, **9.16**Internet domain name, **7.23**Mortgages

Automobile, conversion of mortgaged, **7.16**

Partnership assets, damages based on conversion of, **37.2**

Personal property given in contemplation of marriage, engagement rings, **7.19**

Replevin and conversion of dog, **7.22** Securities, bailments, **36.11**

Tips, petition by waitstaff against restaurant to recover, **7.20**

CORPORATIONS

Battery, corporate employees, 3.17

COSMETICS

Products liability, recommended cosmetic, 23.33

COST OR EXPENSE

Building contracts, failure to complete performance for maximum guarantee costs, **27.15**

COUNTERCLAIMS

Subdivision lot owner against subdivision trustees, prevention of subdivision, abuse of process, 1.7

CREDIT SALES

Auctioneer's breach of contract for unauthorized sale on credit, **37.3**

CROPS

Damage caused by wild animals, enjoining maintenance of attractive nuisance, 11.8

Products liability, breach of express warranty as to type of seed, 23.22

CROSS ACTIONS OR CLAIMS

Abuse of process, cross-claim for based on excessive attachment, 1.4

DAMAGES

Cosmetic, recommended, 23.33

Insecticide, sale of, 23.26

Malicious prosecution, punitive damages, **5.11**

Mislabeled chemical, 23.29

Prescriptions, 23.25, 23.27, 23.28, 23.30-23.32

Products liability, 23.25-23.33

DAMS

Nuisance, overflowing lands, 11.14

DANGEROUS CONDITION

Business premises liability, 17.47

DEAD BODIES

Desecration of grave, **38.2**, **38.3**Injunction against disinterment, **38.6**Intentional infliction of emotional distress based on undignified handling of relative's remains, **9.7**

DEAD BODIES—Cont'd

Permissive disinterment, petition for mandatory injunction to compel, **38.7**

DEATH AND DEATH ACTIONS

Products liability, death caused by negligently filled prescription, 23.31

DEBTORS AND CREDITORS

Assault, repossession agent assaulted by debtor, **2.5**, **2.5.10**

Breach of contract on note, **32.10** Guarantors of

Breach of contract on note, **32.10**Contribution by an augmentar pati

Contribution by co-guarantor, petition for, **32.9**

Recover damages against guaranty of price of goods sold, petition to, **32.8**

Subcontractor, to recover value or labor and material furnished on main contract, **32.7**

Invasion of right of privacy, public disclosure of disputed debt, **10.4**

DECEDENT

Conversion of property of decedent under a durable power of attorney while decedent was alive, **7.6.50**

DECEIT

See Fraud and Deceit

DEEDS

See Reformation or Setting Aside Deeds

DEFAMATION

Electronic bulletin board, statements in, **8.19**

Email, statements in, 8.18

False charge, embezzlement, 8.17

Malicious prosecution, libel suit used to prevent exercise of right to free expression, **5.11**

DEFAULT

Licensing agreement, default in payment of royalties under, **34.21**

DEFAULT—Cont'd

Livestock, default in agreement to purchase cattle, **28.16**

DEFECT OR IRREGULARITY

Runway with defect, petition for damage to landing airplane, 14.13, 14.13.50

DEPOSITS AND DEPOSITORIES

Automobile trade-in deposited for appraisal, petition against dealer for conversion, **7.3.30**

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

DIRECTIONS OR INSTRUCTIONS

Landing airplane, petition for damage from improper direction, **14.13**, **14.13.50**

DISABILITY INSURANCE

Insurer's bad faith, 12A.3

DISCLOSURE

Battery, genital herpes inflicted through sexual intercourse, **3.15**

Confidential information, breach of confidence, **6.26**

Interference with rights, disclosure of sexually explicit photo of minor without consent, **9.14**

Invasion of right of privacy, public disclosure of disputed debt, **10.4**

DISEASE OR ILLNESS

Aviation, operation of aircraft with recirculating air system, **14.8**

Cattle, petition for fraud in sale of interest in diseased cattle, **6.13.50**

Sexually transmitted disease, petitions for false representations, 3.21

Trespass, diseased cattle pastured adjacent to plaintiff's land, disease communicated to plaintiff's cattle, **15.9**

DISINTERMENT

Injunction against, 38.6

DISINTERMENT—Cont'd

Permissive disinterment, petition for mandatory injunction to compel, **38.7**

DIVORCE AND SEPARATION, MARITAL SETTLEMENT AGREEMENTS

Professional malpractice in drafting agreement, **24.28**

DOGS

Fence insufficient to restrain, 15.12 Injunction to prevent running at large, 15.12

Replevin and conversion of, **7.22** Running at large, injunction to prevent, **15.12**

DRINKS AND BEVERAGES

See Food

DRIVE-BY SHOOTING

Assault, petition for assault by victim of drive-by shooting, **2.7**

DRUGS AND NARCOTICS

Alteration of prescription, 23.27 Incorrectly transcribed prescription, 23.32

Negligent filling of prescription, 23.25, 23.30, 23.31

Substitution of prescription, 23.28

DURABLE POWER OF ATTORNEY

Conversion of property of decedent while decedent was alive, **7.6.50**

DURESS OR COERCION

Invasion of right of privacy, collection of debt by coercion, **10.4**

DUTY

Loyalty, breach, 9.17

EASEMENTS

Trespass against easement, 12.6

ECONOMIC ADVANTAGE

Holdover tenant, intentional interference with contractual relationship and prospective economic advantage, **9.10**

EJECTMENT

Fraud and deceit, **6.27** Reformation of deeds, **29.13**

ELECTRONIC BULLETIN BOARD

Defamatory statements in, 8.19

EMAIL

Defamatory statements in, 8.18

EMBEZZLEMENT

False charge, defamation, 8.17

EMERGENCY

Pilot-owner for injuries and damages in emergency landing, **14.14.50**

EMOTIONAL DISTRESS

Assault and battery

Petition, physical assault in hotel room, **2:14**

Intentional infliction of, interference with rights, **9.15**

Safe work environment, failure to provide, **13.38**

EMPLOYMENT

Assault and battery by carnival employees on patron, **2.11**

Contracts or agreements, petitions, **34.19**

Deceased employee, unpaid loans, wages, deposits and other sums, **30.8**

Drug testing, privacy issues, 10.7

Fraud and misrepresentation

Inducement to employment, fraudulent, **6.22**

Solicitation of prospective employees, fraudulent, **6.23**

Invasion of right of privacy, false accusations causing discharge from employment, **10.2**

Privacy

False accusations causing discharge from employment, 10.2

Privacy, drug testing, 10.7

Tips, petition by waitstaff to recover from restaurant, **7.19**

ENFORCEMENT

Interment in cemetery, enforcing the right of, **38.4**

ENTERTAINMENT OPERATIONS

Patron, business premises liability, 17.45

EQUIPMENT OR MACHINERY

Motor vehicles, collision of truck with machines parked on shoulder of highway, **21.14**

ESTATES

Conversion of assets by bank, petition for, **7.21**

EVICTION

Retaliatory eviction, **20.24** Tortious eviction, **20.22**, **20.23**

EXCAVATIONS

Trespass, 12.8

EXCESS OR EXCESSIVENESS

Abuse of process, cross-claim for based on excessive attachment, 1.4

EXCURSION BOAT

Gangplank accident, petition for injury, **16.11**

FAIRS AND FAIRGROUNDS

Assault and battery by carnival employees on patron, **2.11**

FALSE ACCUSATIONS

Invasion of right of privacy, false accusations causing discharge from employment, **10.2**

FALSE IMPRISONMENT

Bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

Beating physically detained plaintiff, 4.11

Confession, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

FALSE IMPRISONMENT—Cont'd

Customers

Petition for false imprisonment against store, **4.2**

Deposits, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

Misappropriation of bank deposit, bank teller's unreasonable detention on accusation of, **4.9**

Patient and infant by hospital, unreasonable detention for unpaid bill, **4.10**

Petition for false imprisonment against store, **4.2**

Physically detained plaintiff, beating, **4.11**

Restitution, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

Store, customer's petition for false imprisonment against, **4.2**

FARMS AND FARMING

Negligence, crop damage through negligence in spraying nearby lands, **14.10**

Trespass, animals poisoned by spray used to kill vegetation in pasture, **12.7**

FENCE

Injunction to prevent animal from running at large, **15.12**

FINANCES OR FUNDS

Defamation, notice posted in public place impugning financial responsibility or reliability, **8.16**

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

FIREARMS

Intentional injury by discharge of, 2.12

FIRE-DAMAGED BUILDING

Petition to declare nuisance, 11.12

FIRES

Common carriers, loss of goods, **18.22**

Property destroyed by fire started on defendant's property, **13.29**

FIREWORKS

Plaintiff's house destroyed by, negligence, **13.31**

FISH AND GAME

Aviation, minnows killed by poisoning of pond through negligence in spraying crops, **14.11**

FISTFIGHT

Battery, injury in fistfight, 3.18

FIXTURES

See Conversion of Property or Funds

FLOODS AND FLOODING

See Water

FOOD

Animal feed. See Livestock

Beverage purchased from vending machine, **18A.7**

Bone in "boneless" food causing injury, improper food preparation, **18A.5**

Bottled beverage containing foreign object, **18A.8**

Implied warranty of merchantability, petition by consumer against manufacturer unwholesome meat, **18A.1**

Kosher food, sale of nonkosher food as, **18A.6**

Negligence

Animal feed. See Livestock

Bone in "boneless" food causing injury, improper food preparation, **18A.5**

Implied warranty of merchantability, petition by consumer against manufacturer unwholesome meat, **18A.1**

Kosher food, sale of nonkosher food as, **18A.6**

Restaurant patron injured, unwholesome food, **18A.4**

FOOD—Cont'd

Negligence—Cont'd

Statutory duty violated by baker, negligence per se, **18A.2**

Strict products liability, canned food, **18A.3**

Products liability. See Products Liability

Restaurant patron injured, unwholesome food, **18A.4**

Restaurant serving food unfit for human consumption, **18A.9**

Statutory duty violated by baker, negligence per se, **18A.2**

Strict products liability, canned food, 18A.3

Unfit for human consumption, **18A.7- 18A.9**

FORCE OR VIOLENCE

Battery, miscarriage caused by defendant's forcing way into home, **3.14**

FORGERY

Deeds, petition to cancel forged deed and quiet title, **29.8**

FRANCHISES

Abandonment, breach of contract, **37.4**

Gas stations, breach of contract, **34.24**

FRAUD AND DECEIT

Acreage, intentional misrepresentation of, **6.20**

Automobiles

Quality of and competence to perform automobile repairs, fraudulent representations as to. **6.15**

Common law fraud, 6.27

Competence to perform automobile repairs, fraudulent representations as to, **6.15**

Concealment, preexisting soil conditions, **6.21**

Confidence, breach of, 6.26

Consumer product sales, 6.1

FRAUD AND DECEIT—Cont'd

Diseased cattle, petition for fraud in sale of interest, **6.13.50**

Ejectment, 6.27

Employment. See Employment

Interference with rights, disclosure of sexually explicit photo of minor without consent, **9.14**

Invasion of right of privacy, fraudulent impersonation, **10.3**

Landlord and tenant, action for contamination of leased property, **20.21**

Maintenance or repair, fraudulent representations as to quality of and competence to perform automobile repairs, **6.15**

Medical malpractice, declaratory judgment to avoid policy, **35.23**

Negligent misrepresentation, 6.27

Partnership, rescission of agreement due to fraud and misrepresentation, **6.24**

Premises liability, action for contamination of leased property, **20.21**

Quality

Automobile repairs, fraudulent representations as to quality of and competence to perform, **6.15**

Real estate agent's fraud, misrepresentation of status of adjacent rental property, **6.25**

Sales

Consumer product, **6.1**Sales, petition for relief based on fraud, **28.14**

Soil conditions, concealing preexisting, **6.21**

FRAUDULENT TRANSFERS

Insider of debtor, petition by judgment creditor to set aside transfer of funds to, **6.18**

Mortgage obligation, petition by creditor to set aside, **6.17**

FREEDOM OF EXPRESSION

Malicious prosecution, libel suit used to prevent exercise of freedom

FREEDOM OF EXPRESSION

-Cont'd

of expression right, **5.11**

FREEDOM OF SPEECH

Abuse of process, attempt to suppress right to and other rights, **1.3.50**

Petition for damages and injunctive and declaratory relief for violation of right to free speech in public forum, **9.11**

FRIVOLOUS LAWSUIT

Damages suffered by plaintiff, **5.17**

FRUITS

Bailments, damage by negligent storage of dried fruit, **36.12**

GARAGES

Building contracts, petition against builder for defective garage, **27.12**

GAS STATIONS

Franchise agreement, breach of contract, **34.24**

GENERAL FORMS

Assault and battery by employer, **3.11** Battery by employer, **3.11** Negligence, **13.1**

GENITAL HERPES

Battery, failure to disclose disease, **3.15**

GOODS AND MERCHANDISE

Invasion of right of privacy, injunction against unauthorized use of name and photo to promote or endorse goods or services, **10.5**

GRADE

Building contracts, petition against builder for improper grade, **27.12**

GRAVES

Abandonment of cemetery, **38.6**Availability of plot, failure to keep burial plot available, **38.5**

Desecration of grave, petition by burial lot owner for, **38.2**, **38.3**

GRAVES—Cont'd

Disinterment of bodies, **38.6**, **38.7** Injunction against construction of a mausoleum, **38.1**

Interment, enforcing the right of, **38.4** Permissive disinterment, petition for mandatory injunction to compel, **38.7**

GUARANTEE

Building contracts, failure to complete performance for maximum guarantee costs, **27.15**

Debt, guarantee to recover value or labor and material furnished on main contract, **32.7**

GUESTS

Boats and watercraft, guest thrown from boat, **16.7**

Private plane guest passenger, petition for injuries, **14.15**

GUNS

Intentional injury by discharge of firearm, **2.12**

HARASSMENT

Invasion of right of privacy, collection of debt by harassment, **10.4**

HIGHWAYS, STREETS AND BRIDGES

See also Automobiles

Animals, collision with, 15.11

Battery, petition for personal injuries and property damage resulting from "road rage" incident, **3.19**

"Road rage" incident, petition for personal injuries and property damage resulting from, **3.19**

HOME INVASION

Battery, miscarriage caused by defendant forcing way into home, **3.14**

HORSES

Motor vehicles, collision with animals, **15.11**

HUSBAND AND WIFE

Assault and battery, petition by spouse for damages, **3.20**

HUSBAND AND WIFE—Cont'd

Engagement rings, petition to recover, **7.19**

IMPERSONATION

Invasion of right of privacy, fraudulent impersonation, **10.3**

IMPLIED WARRANTY

Habitability, breach

Breach of agreement, 20.32

Merchantability

Food, petition by consumer against manufacturer unwholesome meat, **18A.1**

INDORSEMENT

Invasion of right of privacy, injunction against unauthorized use of name and photo to promote or for endorsement of goods or services, 10.5

INJUNCTIONS

Abandonment of cemetery and disinterment of bodies, petition for injunction against, **38.6**

Assault and battery, petition by victim to prevent stalking, **2.9**

Confiscation of property without due process, petition for injunctive relief, **9.12**

Construction of a mausoleum, petition for injunction against, **38.1**

Freedom of speech, petition for injunctive relief for violation of right to free speech in public forum, **9.11**

Hammering, petition for injunction against tenant and managing agent, 11.10

Interference with rights, 9.16

Nuisance. See Nuisance

Permissive disinterment, petition for mandatory injunction to compel, **38.7**

Reformation or setting aside deeds, quiet title to real property, **29.10**

Running at large, prevention of, 15.12

INJUNCTIONS—Cont'd

Structures built on commonly held land, injunction for removal and damages, 11.11

Trespass against easement, **12.6**Vagrancy ordinance, petition for injunctive relief to prohibit enforcement, **9.13**

INNKEEPERS

Assault in the parking lot, actions against hotel, **19.17**

Brown recluse spider bite, **19.19**Death of quest in swimming pool

Death of guest in swimming pool, 19.18

Swimming pool, death of guest in, 19.18

INSECTS

Brown recluse spider bite, innkeepers, **19.19**

INSIDERS OR INSIDER TRADING

Fraudulent conveyances, petition by judgment creditor to set aside transfer of funds to insider of debtor, **6.18**

INSPECTIONS

Injuries caused by improper inspection, supply, and testing by propane supplier, petition, **13.35**

INSURANCE

Agent's breach of contract to obtain liability insurance, damages arising from, **35.19**

Assignment invalid due to mental incompetency of insured, **35.21**

Assignment of rights of insured to insurer, **35.22**

Bad faith action by insurer. See Insurer's Bad Faith

Contracts

Agent's breach of contract to obtain liability insurance, damages arising from, **35.19**

Bad faith action by insurer. See Insurer's Bad Faith

Conversion of money collected, petition for damages from, **35.18**

INSURANCE—Cont'd

Medical malpractice, declaratory judgment to avoid policy, **35.23**

Payment of premiums, petition for accounting and recovery of money collected, **35.17**

Products liability arising from breach of warranty, mistake of agent and insured, **35.20**

INSURER'S BAD FAITH

Automobile insurance policy petition, 12A.1

Business liability policy petition, 12A.2

Disability insurance policy petition, 12A.3

Third party claim, insured's refusal to settle, **12A.4**

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Disclosure of sexually explicit photo of minor without consent, **9.14**

Racial epithets, based on use of, **9.6** Sexual assault in workplace, **9.5.50**, **13.36**

Undignified handling of relative's remains, **9.7**

INTERFERENCE WITH RIGHTS

Accounting, action for, 9.17

Business, baseless lawsuits to force abandonment of lease, **9.9**

Confiscation of property without due process, petition for injunctive and declaratory relief and damages, 9.12

Constructive trust, imposition, **9.17** Conversion

Generally, 9.16, 9.17

Disclosure of sexually explicit photo of minor without consent, **9.14**

Dead bodies, intentional infliction of emotional distress based on undignified handling of relative's remains, 9.7

Duty of loyalty, breach, **9.17**Emotional distress, intentional infliction of. **9.15**

INTERFERENCE WITH RIGHTS

—Cont'd

Fraud, disclosure of sexually explicit photo of minor without consent, 9.14

Free speech in public forum, petition for damages and injunctive and declaratory relief for violation of right, **9.11**

Holdover tenant, intentional interference with contractual relationship and prospective economic advantage, 9.10

Injunctive relief, 9.16

Intentional infliction of emotional distress

Generally, 9.15

Disclosure of sexually explicit photo of minor without consent, 9.14

Sexual assault in workplace, 9.5.50 Interference, employment as a deputy sheriff, 9.18

Misappropriation of trade secrets, 9.17

Racial epithets, intentional infliction of emotional distress based on use of, 9.6

Right of re-entry, petition against municipality, 22.10

Seller and broker of real property, interference with contract, 9.8

Sexual harassment in the workplace, intentional infliction of emotional distress based on, 9.5

Tortious inference, 9.16

Vagrancy ordinance, petition for injunctive and declaratory relief to prohibit enforcement, 9.13

INTERMENT

Disinterment. See Disinterment, this

Enforcing the right of, 38.4

INTERNET

Conversion, domain name, 7.23

INTOXICATING LIQUORS

Negligent dispensing of intoxicating liquors, 13.25

JUDGMENTS OR DECREES

Medical malpractice, declaratory judgment to avoid policy, 35.23

KOSHER FOOD

Negligence, sale of nonkosher food as kosher. 18A.6

LABOR

See Services, Labor, and Materials

LANDLORD AND TENANT

Breach of agreement

Habitability and breach of the implied warranty, 20.32

Breach of the implied warranty

Habitability and breach of agreement, 20.32

Construction, injuries to child playing on lumber adjacent to, 20.28

Contamination of leased property

Fraud action by lessor, 20.21 Indemnity, action by lessor, 20.20

Negligence action by lessor, 20.18, 20.19

Nuisance action by lessor, **20.16** Trespass action by lessor, 20.17

Fixtures

Landlord against tenant for removal of, 20.25

Tenant against landlord for refusing to allow to remove restaurant equipment, 20.26

High-voltage wire, injuries to child from, 20.27

Holdover tenant, intentional interference with contractual relationship and prospective economic advantage, 9.10

Indemnity, action alleging indemnity for contamination of leased property, 20.20

Maintenance of building causing nuisances, 11.10

Nuisance, 11.10, 20.16

Parents, tenant's, injury to, 20.30

Personal injury in non-business premises, 20.31

Spouse, derivative claim, 20.31

LANDLORD AND TENANT —Cont'd

Swimming pool, injuries to child diving into, 20.29

Trespass, contamination of leased property, action alleging, **20.17** Unsafe condition of premises, **20.30**

LANDSCAPING

Topsoil supplier and contractor, petition against by landscaping contractor, **27.22**

LEASED PROPERTY

See Landlord and Tenant

LICENSING AGREEMENT

Default in payment of royalties under, **34.21**

LIS PENDENS

Abuse of process, using filing to gain advantage in separate action, **1.5**

LIVESTOCK

Bracken fern, death or horses caused by consumption of hay containing, **15.10**

Cattle stampede caused by low-flying plane, petition for damages, 14.12

Default in agreement to purchase cattle, **28.16**

Diseased cattle

Fraud in sale of, petition for, **6.13.50**

Pastured adjacent to plaintiff's land, disease communicated to plaintiff's cattle, **15.9**

Electrocuted cattle from fallen electric transmission line, petition against public utility, **25.9**

Feed

Bracken fern, death or horses caused by consumption of hay containing, **15.10**

Products liability, defective cattle feed, **23.21**

Negligence

Bracken fern, death or horses caused by consumption of hay containing, **15.10**

LIVESTOCK—Cont'd

Negligence—Cont'd

Diseased cattle pastured adjacent to plaintiff's land, disease communicated to plaintiff's cattle, **15.9**

Products liability, defective cattle feed. 23.21

Spray used to kill vegetation in pasture, animals poisoned by, 12.7

Trespass

Diseased cattle pastured adjacent to plaintiff's land, disease communicated to plaintiff's cattle, **15.9**

Spray used to kill vegetation in pasture, animals poisoned by, 12.7

LOYALTY

Duty of, breach, 9.17

MAIL CARRIERS

Dog known to be vicious, mail carrier injured by, **15.8**

MAINTENANCE

Brick falling of building, premises liability of business, **17.37**

MALICIOUS PROSECUTION

Freedom of expression right, libel suit used to prevent exercise of, **5.11**

Frivolous lawsuit, damages suffered by plaintiff, **5.17**

Libel suit used to prevent exercise of right to free expression, **5.11**

Mental illness, prior involuntary examination for treatment, **5.15**

Partnership, wrongful dissolution of, **5.16**

Public interest or importance, libel suit used to prevent freedom of expression right in matter concerning, **5.11**

Punitive damages, libel suit used to prevent freedom of expression right in matter of public interest or importance, **5.11**

MALICIOUS PROSECUTION

—Cont'd

Stock wrongfully restrained, issuance of, **5.14**

Successive actions, 5.12

MALPRACTICE BY MEDICAL PROFESSION

Action for malpractice against pharmacy and pharmacist, **24.6.50**

Declaratory judgment to avoid policy because of misrepresentation on application, **35.23**

MATERIALS

See Services, Labor, and Materials

MAXIMUM GUARANTEE COSTS

Building contracts, failure to complete performance for maximum guarantee costs, **27.15**

MECHANICS LIEN

Building and construction contracts and work, **27.23**

MEDICAL CARE OR TREATMENT

Mental illness, prior examination or treatment and malicious prosecution, **5.15**

Unreasonable detention of patient and infant for unpaid bills due to childbirth, **4.10**

MEDICAL INFORMATION

Unauthorized transmittal by insurance company, **10.8**

MISAPPROPRIATION OF FUNDS

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

MISCARRIAGE

Battery, miscarriage caused by defendant's forcing way into home, **3.14**

MISCONDUCT

Willful and wanton misconduct, negligence, **17.46**, **26A.3**

MISREPRESENTATIONS AND WARRANTIES

Medical malpractice, declaratory judgment to avoid policy, **35.23**

MOBILE HOME PARK

Nuisance, failure to maintain, 11.13

MORTGAGES

Fraudulent conveyances, petition by creditor to set aside mortgage obligation, **6.17**

MOTORCYCLES

Collisions, 21.30, 21.41

MOTORHOME

Petition against repair facility for breach of bailment contract, **36.13**

MOTOR VEHICLES

See Automobiles

MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS

Assualt and battery, action against municipality, **22.8**

Building permits in subdivision, petition to enjoin issuance, **22.15**

Damages caused by inadequate facilities, petition to recover, **22.15**

Discharge of treated sewage into watercourse, petition to enjoin, 22.16

Enjoin diversion of park property to non-park use, petition, **22.11**

Grading operation causing subsidence of land, petition against municipality, **22.9**

Levee, negligent maintenance causing flood, 22.14

Overflow of municipal drain and fills defendant's lands, house damaged, 22.12

Right of re-entry after use for park purposes is abandoned, petition against municipality, **22.10**

Sewage facilities, petition to require, **22.15**

Sewer entering stream, maintenance of, **22.13**

MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS

—Cont'd

Vagrancy ordinance, petition to prohibit enforcement, **9.13**

NAMES OR NAMING

Invasion of right of privacy, injunction against unauthorized use of name and photo to promote or endorse goods or services, **10.5**

NEGLIGENCE

Acreage, negligent misrepresentation of, 13.28

Animals. See Animals

Aviation. See Aviation

Bailments, damage by negligent storage of dried fruit, **36.12**

Bars

Injury to bar patron in parking lot, 13.34

Negligent dispensing of intoxicating liquors, 13.25

Boats and Watercraft. See Boats and Watercraft

Building owner, negligent dispensing of intoxicating liquors, 13.25

Business premises liability, **17.47**

Condominiums' common areas, negligence of owners, 17.34, 17.35

Construction site, injuries to worker on, **13.33**

Crane, injuries caused by improper use of, 13.32.50

Damages

Intoxicating liquors, negligent dispensing of, **13.25**

Emotional distress, infliction of, 13.38

Entrustment of vehicle, 13.32

Fire started on defendant's property, property destroyed by, **13.29**

Fireworks, plaintiff's house destroyed by, 13.31

Flood damage, negligent construction of pond, 13.30

Food. See Food

General forms, 13.1

NEGLIGENCE—Cont'd

Intoxicating liquors, negligent dispensing of, **13.25**

Parking lots, injury to bar patron in, 13.34

Products liability. See Products liability, this index

Punitive damages, negligent dispensing of intoxicating liquors, **13.25**

Restaurants, negligent dispensing of intoxicating liquors, 13.25

Safe work environment, failure to provide, **13.37**, **13.38**

Sexual assault in workplace, intentional infliction of emotional distress, 13.36

Skating lessons, fall while receiving, **26A.1**

Softball game, damages for injury in, 13.19

Summer camp, injury of child attending, **26A.2**

Supervision, 26A.1-26A.3

Taxicabs, negligent driving over bump in street, **21.44**

Willful and wanton

Exposure to unsafe products, 23.34 Misconduct, 17.46, 26A.3

NEGLIGENT MISREPRESENTATION

Fraud and deceit, 6.27

NEGOTIABLE INSTRUMENTS

Certificate of deposit, **33.20**

NOISE

Hammering, petition for injunction against tenant and managing agent, **11.10**

Nuisance, petition for injunction of church broadcasting music from speakers, 11.9

NOTICE OR KNOWLEDGE

Defamation, notice posted in public place impugning financial responsibility or reliability, **8.16**

NOXIOUS ODORS

Nuisance, petition for injunction against tenant and managing

NOXIOUS ODORS—Cont'd

agent for painting, 11.10

NUISANCES

Construction site, lumber pile at, 11.15

Dam overflowing lands, 11.14

Fire-damaged building, petition to declare nuisance, **11.12**

Floods, dam overflowing lands, **11.14** Injunctions

Church broadcasting music from speakers, petition for injunction of nuisance, 11.9

Tenant and managing agent for noxious odors from painting, petition for injunction against, 11.10

Introduction, 11.0

Landlord and tenant, 20.16

Lumber pile at construction site, 11.15

Mobile home park, failure to maintain, 11.13

Noise

Broadcasting music, petition for injunction of church playing music from steeple, **11.9**

Hammering, petition for injunction against tenant and managing agent, **11.10**

Noxious odors from painting, petition for injunction against tenant and managing agent, **11.10**

Structures built on commonly held land, injunction for removal and damages, 11.11

Wild animals, enjoining maintenance of pond attracting geese, **11.8**

PARKED VEHICLES

Machines parked on shoulder of highway, collision of truck with, **21.14**

Negligence, injury to bar patron in parking lots, **13.34**

PARTNERS AND PARTNERSHIPS

Breach of partnership agreement, **37.1**

PARTNERS AND PARTNERSHIPS —Cont'd

Conversion of partnership assets, petition for damages, **37.2**

Rescission due to fraud and misrepresentation, petition for restitution, **6.24**

Wrongful dissolution, 5.16

PATIO

Building contracts, petition against contractor for failure to build patio, 27.13

PEDESTRIANS

Unprovoked attack on by driver, **3.11.50**

PERFORMANCE OR NONPERFORMANCE

Services, labor, and materials, 34.26

PETITION ON ACCOUNT

Erroneous account, reliance on, 30.9

PETITIONS

Against repair facility for breach of bailment contract regarding a motorhome, 36.13

Assault, petition for, 2.2

Conversion of estate assets by bank, 7 21

False imprisonment by store, petition for, **4.2**

Injuries caused by improper inspection, supply, and testing by propane supplier, **13.35**

PHARMACIST AND PHARMACIES

Action for malpractice against pharmacy and pharmacist, **24.6.50**

Products liability, 23.25, 23.27, 23.28, 23.30-23.32

PHOTOGRAPHS

Unauthorized use on magazine cover, petition for damages, **2.10**

PODIATRIST

Malpractice in bunionectomy, 24.32

POISON

Trespass, animals poisoned by spray used to kill vegetation in pasture, **12.7**

PORCH

Building contracts, petition against builder for defective porch, **27.9**

POSTING

Defamation, belowing notice in public place impugning financial responsibility or reliability, **8.16**

POWER OF ATTORNEY

Conversion of property of decedent while decedent was alive, **7.6.50**

PREMISES LIABILITY

Business. See Business Premises Liability

PRENATAL INJURY

Battery, attack on pregnant woman, 3.12

PRIVACY

Advertising

Injunction against unauthorized use of name and photo to promote or endorse goods or services, 10.5

Attempted collection of debt by harassment and coercion, **10.4**

Coercion, collection of debt by, **10.4** Collection of debt by harassment and

Debtor and creditor, public disclosure of disputed debt, **10.4**

Discharge from employment, false accusations causing, **10.2**

Disclosure, public disclosure of disputed debt, **10.4**

coercion, 10.4

Drug or alcohol testing, petition to enjoin unlawful testing of employees, 10.7

Endorsement of goods or services, injunction against unauthorized use of name and photo to promote or for, **10.5**

False accusations causing discharge from employment, **10.2**

PRIVACY—Cont'd

Fraudulent impersonation, 10.3
Goods or services, injunction against unauthorized use of name and photo to promote or endorse, 10.5

Harassment, collection of debt by, **10.4**

Impersonation, fraudulent, **10.3** Injunctions

Goods or services, injunction against unauthorized use of name and photo to promote or endorse, 10.5

Invasion of privacy

Drug or alcohol testing of employees, petition to enjoin, **10.7**

Due process, petition to enjoin violation of right to, **10.7**

Search and seizure, petition to enjoin unlawful, **10.7**

Name and photo, injunction against unauthorized use of to promote or endorse goods or services, 10.5

Photographs

Injunction against unauthorized use of name and photo to promote or endorse goods or services, 10.5

Public disclosure of disputed debt, 10.4

Services, injunction against unauthorized use of name and photo to promote or endorse goods or, 10.5

Unauthorized transmittal of medical information by insurance company, **10.8**

PRIVILEGED AND CONFIDENTIAL INFORMATION

Fraud, breach of confidence, 6.26

PRODUCTS LIABILITY

Alteration of prescription, 23.27 Cattle feed, defective, 23.21 Cosmetics, 23.33

Crop seeds, breach of express warranty as to type of seed, 23.22

PRODUCTS LIABILITY—Cont'd

Death caused by negligently filled prescription, 23.31

Drugs

Alteration of prescription, 23.27 Incorrectly transcribed prescription, 23.32

Negligently filled prescriptions, 23.25, 23.30, 23.31

Substitution of prescription, **23.28** Food

Canned food, purchaser's action against retailer, **18A.3**

Preparation of food, petition against seller, **23.24**

Unwholesome food, generally, **23.23**

Insecticide, 23.26

Manufacturers and manufacturing Mislabeled chemical, 23.29

Mislabeled chemical, 23.29

Pharmacist and pharmacies, 23.25, 23.27, 23.28, 23.30-23.32

Sales

Insecticide, 23.26

Willful and wanton exposure to unsafe products, 23.34

PROFESSIONAL MALPRACTICE

Action for malpractice against pharmacy and pharmacist, **24.6.50**

Animal, death by another animal at veterinarian, **24.27.50**

Attorneys

Bankruptcy matters, **24.30**Marital settlement agreement, negligence in drafting, **24.28**

Will, negligence in drafting or administration of, **24.29**, **24.31**

Bad faith refusal to pay against malpractice insurer, **24.33**

Bankruptcy matters, petition against law firm, **24.30**

Equitable garnishment, 24.33

Garnishment, equitable, **24.33**Podiatric malpractice, bunionectomy, **24.32**

PROFESSIONAL MALPRACTICE —Cont'd

Veterinarian, animals death by another animal at, **24.27.50**

Wills, negligence in drafting or administration of, 24.29, 24.31

PROMISSORY NOTE

Reformation or setting aside deeds, **29.14**

PROPANE

Injuries caused by improper inspection, supply, and testing by supplier, petition, 13.35

PROPERTY

Conversion. See Conversion of Property or Funds

Deeds. See Reformation or Setting Aside Deeds

Fraud

Intentional misrepresentation of acreage, **6.20**

Misrepresentation of status of adjacent rental property, **6.25**

Interference with contract between seller and broker of real property, **9.8**

Lease, baseless lawsuits to force abandonment, **9.9**

Negligent misrepresentation of acreage, 13.28

PUBLIC DISCLOSURE

Invasion of right of privacy, public disclosure of disputed debt, **10.4**

PUBLIC INTEREST OR PURPOSE

Malicious prosecution, libel suit used to prevent freedom of expression right in matter concerning public interest or importance, 5.11

PUBLIC UTILITIES

Cattle electrocuted by fallen electric transmission line, petition for damages, 25.9

Growing trees, petition against electric company for interference with. **25.10**

PUBLIC WORKS PROJECT

Bond for value of labor and material furnished, 31.7

PUNITIVE DAMAGES

Malicious prosecution

Libel suit used to prevent freedom of expression right in matter of public interest or importance, **5.11**

Negligent dispensing of intoxicating liquors, 13.25

OUIET TITLE

Cancellation of deed for undue influence, 29.12

Petition to cancel forged deed and, **29.8**

RACE

Intentional infliction of emotional distress based on use of racial epithets, **9.6**

REAR-END COLLISION

Battery, rear–end collision by bus driver, **3.16**

REFORMATION OR SETTING ASIDE DEEDS

Ejectment, 29.13

Excess property conveyed, petition for reformation of deed, **29.6**

Forged deed, petition to cancel and quiet title, **29.8**

Inclusion of restrictive covenant mistakenly omitted, petition to, 29.5

Injunctive relief, quiet title to real property, **29.10**

Mutual mistake, 29.9

Promissory note and deed of trust, **29.14**

Quiet title

Boundary agreement, 29.11

Boundary dispute, injunctive relief and, **29.10**

Petition to cancel forged deed and, **29.8**

Undue influence, cancellation of deed and, **29.12**

REFORMATION OR SETTING ASIDE DEEDS—Cont'd

Surveyor error in drawing description, **29.7**

Undue influence, cancellation of deed and to quiet title, **29.12**

RELIABILITY

Defamation, notice posted in public place impugning financial reliability, **8.16**

REMOVAL OR DISCHARGE FROM EMPLOYMENT OR OFFICE

Invasion of right of privacy, false accusations causing discharge from employment, **10.2**

Services, labor, and materials, petition for wrongful discharge, 34.19

REPAIR AND MAINTENANCE

Building contracts, house not constructed in workmanlike manner. 27.18

Fraudulent representations as to quality of and competence to perform automobile repairs, **6.15**

REPLEVIN

Conversion of dog, 7.22

Fixtures, petition for return of fixtures removed from property, **7.18**

REPOSSESSION

Assault, repossession agent assaulted by debtor, **2.5**

Battery, child frightened by agent attempting repossession of merchandise, **3.13**

Conversion of automobile repossessed by financing company, **7.3.70**

RESCISSION, SALES

Petition for relief based on rescission, **28.14**

RESPONDEAT SUPERIOR

Business premises liability, 17.47

RESTAURANTS

Food unfit for human consumption, **18A.9**

Negligence, restaurant patron injured, unwholesome food, **18A.4**

Negligent dispensing of intoxicating liquors, 13.25

Patron, business premises liability, **17.45**

RESTITUTION AND IMPLIED CONTRACTS

False imprisonment, bank teller's unreasonable detention on accusation of misappropriation of bank deposit, **4.9**

RETALIATORY EVICTION

Generally, 20.24

ROYALTIES

Licensing agreement, default in payment of royalties under, **34.21**

RUNNING AT LARGE

Injunction to prevent, **15.12**

SAFETY

Work environment, failure to provide, 13.37, 13.38

SAILBOAT

Transport over land, petition by owner for damage during, **16.12**

SALES CONTRACTS AND CONVEYANCES

Agency, refusal to accept goods on contract made with agent, **28.17**

Automobile left for sale, petition for conversion, **7.3.50**

Contracts and conveyances, recovery on title insurance policy, **28.11**

Default in agreement to purchase cattle, **28.16**

Fraud, petition for relief based on, **28.14**

Petitions

Title insurance policy, recovery on, **28.11**

Unmarketable title, **28.11**

Rescission of contract, petition for relief based on, **28.14**

SALES CONTRACTS AND CONVEYANCES—Cont'd

Specific performance. See Specific Performance

Title insurance policy, recovery on, **28.11**

Unmarketable title, 28.11

SECURITIES

Bailments, conversion of property or funds, **36.11**

SEEDS

Products liability, breach of express warranty as to type of seed, 23.22

SERVICES, LABOR, AND MATERIALS

Common areas of condominium, breach of contract for management and landscape maintenance, **34.22**

Covenant not to compete agreement, violation of, **34.27**

Decorating contract, breach of oral and written contract, 34.23

Default in payment of royalties under licensing agreement, **34.21**

Gas station franchise agreement, breach of contract, **34.24**

Good faith and fair dealing, breach of implied covenant of, **34.19**

Intellectual character, petition to enforce contract to perform service of, **34.20**

Invasion of right of privacy, injunction against unauthorized use of name and photo to promote or endorse goods or services, **10.5**

Licensing agreement, default in payment of royalties under, **34.21**

Performance, delay in, 34.26

Public policy violations, 34.19

Special, unusual or extraordinary character, petition to enforce contract to perform service of, **34.20**

Termination, unlawful, whistle blower, **34.25**

SERVICES, LABOR, AND MATERIALS—Cont'd

Unique character, petition to enforce contract to perform service of, **34.20**

Unjust enrichment, **34.26**Unlawful termination of whistle blower, **34.25**

Whistle blower, unlawful termination of, **34.25**

Wrongful discharge, petitions, 34.19

SEXUAL HARASSMENT

Assault, employee's petition for assault against employer, **2.6**

Interference with rights, intentional infliction of emotional distress based on sexual harassment in the workplace, 9.5

SEXUALLY EXPLICIT PHOTO

Interference with rights, disclosure of sexually explicit photo of minor without consent, **9.14**

SEXUALLY TRANSMITTED DISEASES

Assault and battery, petition for false representations, **3.21**

SEXUAL RELATIONS AND OFFENSES

Assault by employee, 2.6.50

Assault in workplace, intentional infliction of emotional distress, **9.5.50, 13.36**

Battery, genital herpes inflicted through sexual intercourse, **3.15**

Harassment by employer, petition for assault by employee, **2.6**

Sexually transmitted disease, petition for false representations, **3.21**

SHERIFFS AND POLICE

Assault and battery by, 3.10

SHOOTING

Battery, injury caused by shooting, **3.6**

SHOULDER OF HIGHWAY

Motor vehicles, collision of truck with machines parked on shoul-

SHOULDER OF HIGHWAY

—Cont'd

der of highway, 21.14

SIDING

Building contracts, petition against builder for defective siding, **27.8**

SOFTBALL GAME

Negligence, damages for injuries, 13.19

SOIL

Fraud, concealing preexisting soil conditions, **6.21**

Topsoil supplier, petition against by landscaping contractor, **27.22**

SOLICITATION

Employment, fraudulent solicitation of prospective employees, **6.23**

SPECIFIC PERFORMANCE

Breach of contract and damages, alternative petition, **28.15** Option to purchase leased premises, **28.18**

STALKING

Assault, petition for assault by victim of stalking, **2.8**

Damages, petition for recovery by victim, **2.9**

Injunctive relief, petition to prevent stalking, **2.9**

STATUTES

Negligence per se, statutory duty violated by baker, **18A.2**

STOCK AND STOCKHOLDERS

Malicious prosecution, issuance of stock wrongfully restrained, **5.14**

STORES

False imprisonment, customer's petition for false imprisonment against store, **4.2**

STREETS

See Highways, Streets and Bridges

STRIKING PERSON FROM BEHIND

Battery, 3.7

SUBDIVISIONS

Counterclaim, subdivision lot owner against subdivision trustees, prevention of subdivision, abuse of process, **1.7**

SUCCESSIVE ACTS OR MATTERS

Malicious prosecution, 5.12

SUPERVISION

Negligent, 26A.1-26A.4

SWIMMING POOL

Child diving into, injuries from and landlord tenant law, **20.29**Death of guest in, innkeepers, **19.18**

TAXICABS

Alighting from cab, 21.47 Companies, passengers against, 21.44-21.46

Drivers, passengers against, 21.47 Intersectional collisions, 21.45, 21.46 Negligent driving over bump in street, 21.44

Owners, passengers against, **21.47** Starting cab while passenger alighting, **21.47**

TENANT

See Landlord and Tenant

TESTS AND TESTING

Injuries caused by improper inspection, supply, and testing by propane supplier, petition, **13.35**

THEATERS AND SHOWS

Battery of theater patron, 3.2

THIRD PARTIES

Battery, bystander's action to recover for injury caused by thrown bottle, **3.5**

THIRD PARTY CLAIM

Insurer's bad faith refusal to settle, 12A.4

THROWING OBJECTS

Battery, action by bystander to recover for injury caused by thrown bottle, **3.5**

TITLE INSURANCE

Sales contracts and conveyances, recovery on title insurance policy, **28.11**

TRADE SECRETS

Misappropriation, 9.17

TRESPASS

Animals poisoned by spray used to kill vegetation in pasture, **12.7** Damages, trespass against easement,

12.6

Easement, petition for injunction and damages arising out of trespass against, **12.6**

Encroaching and excavating, **12.8** Injunction arising out of trespass against easement, **12.6** Introduction, **12.0**

UNDUE INFLUENCE

Cancellation of deed for, and to quiet title, **29.12**

UNJUST ENRICHMENT

Services, labor, and materials, 34.26

UNMARKETABLE TITLE

Sales contracts and conveyances, **28.11**

VAGRANCY

Petition for injunctive and declaratory relief to prohibit enforcement of ordinance, 9.13

VALUE AND VALUATION

Work performed, action by subcontractor, **27.23**

VETERINARIAN

Negligent supervision, 26A.4

WARRANTIES

Show animals, breach of warranty of fitness, 15.13

WATER

Building contracts, water in basement, **27.11**

Dam overflowing lands, nuisance, 11.14

Discharge of treated sewage into watercourse, petition to enjoin, **22.16**

Floods and flooding, negligent construction of pond, plaintiff's house destroyed, 13.31

Levee, negligent maintenance causing flood, **22.14**

Nuisance, dam overflowing lands, 11.14

Overflowing municipal drain, **22.12**Sewer emptying into stream, municipal maintenance of, **22.13**

WEAPONS AND FIREARMS

Battery, injury caused by shooting, **3.6**

WEAPONS AND FIREARMS

—Cont'd

Intentional injury by discharge of firearm, **2.12**

WHISTLEBLOWERS

Unlawful termination, 34.25

WILLS

Professional malpractice in drafting or administration of will, **24.29**, **24.31**

WORKERS' COMPENSATION

Criminal arrest to coerce plaintiff to abandon claim, workers' compensation, **1.6**

WORKMANLIKE MANNER

Building contracts, house not constructed in workmanlike manner, 27.18