

## American Jurisprudence Proof of Facts 3d

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40	<ul style="list-style-type: none"> <li>• Unnecessary Surgery—Hysterectomy</li> <li>• Negligent Operation of Gymnasium, Health Club, or Similar Facility</li> <li>• Elbow Injuries</li> <li>• Governmental Liability for Liberty or Privacy Deprivation Resulting from Erroneous Information in Agency Records</li> <li>• Proof of Basis for Refusal or Discontinuance of Life-Sustaining Treatment on Behalf of Incapacitated Person</li> </ul>

	<ul style="list-style-type: none"> <li>• Enforcement of Restrictive Covenant Against Obstruction of View</li> <li>• Probable Zoning Change As Bearing on Proof of Market Value in Eminent Domain Proceeding</li> <li>• Wrongful Handling or Disposal of Solid or Hazardous Waste</li> </ul>
41	<ul style="list-style-type: none"> <li>• Recovery and Reconstruction of Electronic Mail as Evidence</li> <li>• Application of the “Plain View Doctrine” to Trip-and-Fall Claims</li> <li>• Governmental Liability for Failure to Maintain Trees near Public Way</li> <li>• Liability of Debt Collector to Debtor Under the Federal Fair Debt Collection Practices Act</li> <li>• Proving Securities Broker’s Control Over Customer’s Account in Churning and Unsuitable Trading Cases</li> <li>• Recovery Under Business Interruption Insurance</li> <li>• Common-Law Action for Noise Nuisance on Neighboring Land</li> <li>• Change in Character of Neighborhood Necessary to Justify Rezoning</li> <li>• Challenge to Validity of Zoning Restrictions on Mobile and Manufactured Homes</li> </ul>
42	<ul style="list-style-type: none"> <li>• Employer’s Defense Under Americans With Disabilities Act</li> <li>• Claims Under the Gender Motivated Violence Against Women Act of 1994</li> <li>• Invalidity of Confession or Waiver of Miranda Rights by Mentally Retarded Person</li> <li>• Proof of Negligent Operation of Boxing Gymnasium, Martial Arts School, or Similar Establishment</li> <li>• Governmental Liability for Failure to Maintain Wastewater Sewage Lines</li> <li>• Liability of Creditor and Repossession Agent for Wrongful Repossession and Tortious Acts Committed During Repossession</li> <li>• Illegality Defense to Action by Commercial Landlord for Collection of Rent</li> <li>• Circumstances Establishing Equitable Defense to Breach of Restrictive Covenant</li> <li>• Application of Zoning and Covenant Restrictions on Placement of Television Satellite Dishes and Radio Antennas on Residential Property</li> </ul>

43	<ul style="list-style-type: none"> <li>• Nondischargeability of Debt Based on False Pretenses or Representations, Actual Fraud, or False Financial Statement Under Bankruptcy Code § 523(a)(2)</li> <li>• Shoulder Injuries</li> <li>• Use of Federal Estoppel Doctrine to Establish Coverage Under Group Health Insurance Policy</li> <li>• Landlord's Liability for Breach of Implied Warranty of Habitability</li> <li>• Fraud or Other Misconduct by Land Sales Broker in Connection with Subdivision and Sale of Real Property</li> <li>• Application of Private Covenants Restricting Use of Property to Residential Purposes</li> </ul>
44	<ul style="list-style-type: none"> <li>• False Advertising Under Lanham Act § 43(a)(1)(B)</li> <li>• Proof of Discrimination Under Age Discrimination in Employment Act</li> <li>• Wrongful Confinement to a Mental Health or Developmental Disabilities Facility</li> <li>• Liability for Wrongfully Furnishing or Obtaining a Credit Report Under the Federal Fair Credit Reporting Act</li> <li>• Substantial Compliance with Requirements of Life Insurance Policy Regarding Change of Beneficiary</li> <li>• Constructive Notice to Landlord of Unsafe Condition on Leased Premises</li> <li>• Zoning: Circumstances Justifying Termination of Lawful Nonconforming Use</li> </ul>
45	<ul style="list-style-type: none"> <li>• Grounds for Disregarding the Corporate Entity and Piercing the Corporate Veil</li> <li>• Liability of Ski Area Operator for Skiing Accident</li> <li>• Liability for Supplying False Information to Credit Reporting Agency</li> <li>• Presumption or Inference of Death from Unexplained Disappearance</li> <li>• Tenant's Rights and Remedies Against Retaliatory Eviction by Landlord</li> <li>• Establishing Agency by the Circumstances in Real Estate Transactions</li> <li>• Recovery of Damages for Loss of View or Visibility Resulting from Construction of Highway or Other Public Improvement</li> </ul>

46	<ul style="list-style-type: none"> <li>• Liability of Skier for Collision with Another Skier</li> <li>• Sex Discrimination in Employment Promotion Practices</li> <li>• Liability of an Owner or Operator of a Self-Service Filling Station for Injury or Death of a Business Invitee on the Premises</li> <li>• Defense in Proceeding for Termination of Parental Rights on Ground of Mental Disability</li> <li>• Insurer's Failure to Investigate Claim in Good Faith</li> <li>• Bailee's Liability for Damage, Loss, or Theft of Bailed Property</li> <li>• Liability of Nonprofit Corporation for Engaging in For-Profit Business Activities</li> <li>• Landowner's Right to Compensation for Loss of Access Caused by Highway Improvement</li> </ul>
47	<ul style="list-style-type: none"> <li>• Negligent Misrepresentation in Employment References</li> <li>• Proof of Liability for Food Poisoning</li> <li>• Liability of Shareholder for Wrongfully Transferring or Assigning Corporate Common Stock Shares to Third Party</li> <li>• Admissibility and Reliability of Hair Sample Testing to Prove Illegal Drug Use</li> <li>• Proof of Violation of Federal Rule of Civil Procedure 11 and of Sanctions Thereunder</li> <li>• Proving Insurance Coverage for Legal Malpractice Under Errors and Omissions Liability Policy</li> <li>• Remedies for Waste Committed by Tenant for Life or Years or by Other Party in Possession of Real Property</li> <li>• Public Fear of Electromagnetic Fields As Basis for Recovery of Damages for Property Devaluation Caused by Nearby Power Line</li> </ul>
48	<ul style="list-style-type: none"> <li>• Employment Discrimination on the Basis of Mental Disability Under the Americans with Disabilities Act</li> <li>• Proof of Racial Discrimination in Employment Promotion Decisions Under Title VII of the Civil Rights Act of 1964</li> <li>• Bankruptcy Action to Recover Preferential Pre-Petition Transfer of Property of Debtor Under 11 U.S.C.A. § 547</li> <li>• Proof of Fraudulent Inducement of a Contract and Entitlement to Remedies</li> <li>• Recovery Under Property Insurance for Loss Due to Surface Water, Sewer Backup, and Flood</li> <li>• Mutual Mistake Over Physical Condition of Real Estate as Basis for Rescission of Contract</li> </ul>

49	<ul style="list-style-type: none"> <li>• Discrimination in Provision of Medical Services on Basis of Disability</li> <li>• Proof of Qualification for Sterilization of a Person with a Mental Disability</li> <li>• Lender Liability for Contamination of Property by Hazardous Substances</li> <li>• Proof of Adultery As Grounds for Dissolution of Marriage</li> <li>• Damages for Loss of Enjoyment of Life</li> <li>• Real Estate Broker's Recovery of Commission for Procuring "Ready, Willing and Able" Buyer or Being "Procuring Cause" of Sale</li> <li>• Loss by Storm Damage Under Property Insurance</li> </ul>
50	<ul style="list-style-type: none"> <li>• Participation of Independent Contractors in Employee Benefit Plans After the Microsoft Decision</li> <li>• Proof of Negligent or Defective Design, Manufacture or Maintenance of Elevator</li> <li>• Citizens' Suits Under the Toxic Substances Control Act (TSCA)</li> <li>• Liability of Relocation Company for Contractual Relationship Disclosed After the Fact</li> <li>• Liability for Sale of Forged Antique or Work of Art</li> <li>• Disqualification of Trial Judge for Cause</li> <li>• Builder-Vendor's Liability to Purchaser of New Dwelling for Breach of Implied Warranty of Fitness or Habitability</li> </ul>
51	<ul style="list-style-type: none"> <li>• Proof of Failure to Diagnose Diabetes or Complications of Diabetes</li> <li>• Proof of Liability for Air Crash</li> <li>• Proof of Qualification for Commitment as a Mentally Disordered Sex Offender</li> <li>• Liability of Real Estate Professional for Interstate Real Estate Fraud</li> <li>• Proof of Chemical Dependency and Rehabilitative Efforts as Factor in Sentencing</li> <li>• Recovery of Damages for Temporary Conditions Ensuing from Construction or Repair of Public Improvement</li> </ul>
52	<ul style="list-style-type: none"> <li>• Proof of Employer Liability for Sexual Harassment Claims Under Title VII of the Civil Rights Act of 1964</li> <li>• Proof of Copyright Infringement by Unauthorized Use of Software</li> <li>• Alleged Debtor's Defense of Involuntary Bankruptcy Proceeding Brought by Petitioning Creditors Under 11 U.S.C.A. § 303(a) and Recovery of Damages for Bad Faith Petition Under 11 U.S.C.A. § 303(i)</li> </ul>

	<ul style="list-style-type: none"> <li>• Real Estate Purchaser's Rights and Remedies Where Seller is Unable to Convey Marketable Title</li> </ul>
53	<ul style="list-style-type: none"> <li>• Proof of Abuse, Neglect or Exploitation of Older Persons</li> <li>• Proof of Physical Disability of Driver of Motor Vehicle</li> <li>• Proof That Firing Union "Salt" is Not Unfair Labor Practice</li> <li>• Proof of Defense of Entrapment by Estoppel</li> <li>• Proof That Food Stamp License Holder's License was Improperly Revoked</li> <li>• Proof of Employer Liability for Employee Injury from Third Person Attack</li> <li>• Proof of Intent to Abandon Easement</li> </ul>
54	<ul style="list-style-type: none"> <li>• Proof of Negligence in Diagnosis and Treatment of Arthritis</li> <li>• Proof That Firearm License Holder was Improperly Denied License to Carry Concealed Weapon</li> <li>• Proof of Alienation of Affections</li> <li>• Liability of Escrow Agent for Fee Attorney Absconding with Escrow Funds</li> <li>• Proof of Missing Wills</li> <li>• Proof That Item of Personal Property has Become Fixture of Real Property</li> <li>• Proof of Identification of Substance by Instrumental Analysis</li> <li>• Sale by Acre or in Gross as Affecting Purchaser's Relief for Mistake in Quantity of Land Sold</li> </ul>
55	<ul style="list-style-type: none"> <li>• Proof of Malpractice by Chiropractor</li> <li>• Proof of Negligence in Blood Transfusions</li> <li>• Citizens' Suits Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA)</li> <li>• Proof That Motion Picture is Obscene or Harmful to Minors</li> <li>• Proof That School Board Improperly Expelled Student from School</li> <li>• Proof of Trade Dress Infringement</li> <li>• Establishing the Part Performance Exception to the Statute of Frauds in Real Estate Transactions</li> <li>• Proof of Slander or Disparagement of Title to Real Property</li> </ul>

56	<ul style="list-style-type: none"> <li>• Proof of Employer Negligence in Hiring and Supervision of Employee with Propensity Toward Workplace Sexual Harassment</li> <li>• Proof of Liability for Entity's Failure to Acquire Fictitious Name Certification</li> <li>• Negligence in Diagnosis and Treatment of Parkinson's Disease</li> <li>• Proof of Survivorship of Common Disaster</li> <li>• Proof of Circumstances Establishing Purchaser's Abandonment of Real Estate Contract</li> <li>• Eminent Domain: Lessee's Recovery of Compensation for Taking of Leasehold Interest</li> </ul>
57	<ul style="list-style-type: none"> <li>• Hate Crimes and Liability for Bias-Motivated Acts</li> <li>• Contingent Workers' Protection Under Federal Anti-Discrimination Statutes</li> <li>• Commercial Tenant's Remedies Where Landlord Fails to Keep Premises in Condition Fit or Suitable for Commercial Use</li> <li>• Liability of Buyer for Damages Under Temporary Lease</li> <li>• Proof of Circumstances Establishing Purchaser's Waiver of Right to Rescind Real Estate Contract</li> <li>• Medical Malpractice in Tonsillectomies</li> <li>• Establishing Foundation to Admit Computer-Generated Evidence as Demonstrative or Substantive Evidence</li> </ul>
58	<ul style="list-style-type: none"> <li>• Architect's Liability for Failure to Meet Foreign State's Licensing Requirements</li> <li>• Denial of Wetland Permit As Basis for Landowner's Regulatory Taking Claim</li> <li>• Proof of Insurer's Duty to Defend "Suit" Alleging Insured's Liability for Environmental Contamination</li> <li>• Citizen Suits Under the Noise Control Act</li> <li>• Challenges for Cause in Jury Selection Process</li> </ul>
59	<ul style="list-style-type: none"> <li>• Proof of Personal Jurisdiction in the Internet Age</li> <li>• Proof of Automobile Design Defect</li> <li>• Proof of Failed Back Syndrome</li> <li>• Proof of Qualified Immunity Defense in 42 USCA § 1983 or Bivens Actions Against Law Enforcement Officers</li> <li>• Surveyor's Liability for Negligent Performance of Land Survey</li> <li>• Liability of Seller in Residential Real Estate Transaction for Misrepresentation Under "As Is" Contract</li> <li>• Real Estate Broker's Liability for Misrepresentation of Income, Earnings, or Profits from Property Sold</li> </ul>

60	<ul style="list-style-type: none"> <li>• Firearms Forensics—Firearms Identification at Trial</li> <li>• Identification of Hit-And-Run Vehicle and Driver</li> <li>• Proof of Matters by Judicial Notice</li> <li>• Optionee's Timely Exercise of Option to Purchase Realty</li> <li>• Liability for a Corporation's Failure to File as a Corporation Doing Business in a Foreign Jurisdiction</li> <li>• Circumstances Establishing Waiver of Strict Compliance With Terms of Real Estate Contract</li> </ul>
61	<ul style="list-style-type: none"> <li>• Employer Liability for Same-Sex Harassment</li> <li>• Cyberporn: Transmission of Images by Computer is Obscene, Harmful to Minors or Child Pornography</li> <li>• Proof That Driver Was “Operating” Motor Vehicle While Intoxicated</li> <li>• Liability of Physician for Improper Referral of Patients to a Medical Care Facility in Which the Physician Has a Financial Interest</li> <li>• Circumstances Making Time of the Essence in Performance of Real Estate Contract</li> <li>• Real Estate Purchaser's Recovery of Damages in Tort for Fraudulent Misrepresentation of Quantity of Land Sold</li> <li>• Proof of Identity of Fiber, Fabric, or Textile</li> </ul>
62	<ul style="list-style-type: none"> <li>• Grantor’s Intent to Create Reciprocal Negative Easement By Common Development Scheme of Subdivision</li> <li>• Proof of Internal Election Union Practices</li> <li>• Proof of Incompetency Through Medical Testimony</li> <li>• Sufficiency of Description of Property As Affecting Enforcement of Real Estate Contract</li> <li>• Proof of Negligence Causing Snowmobile Accident and Resulting Injuries</li> </ul>
63	<ul style="list-style-type: none"> <li>• Proof of Copyright Infringement by File Sharing</li> <li>• Circumstances Entitling Purchaser to Relief for Acts Performed in Reliance on Oral Land Contract</li> <li>• Interference with the Right to Free Exercise of Religion</li> <li>• Real-Estate Seller's Claims for Relief for Fraudulent Concealment of Identity of True Purchaser of Realty</li> <li>• Proof that an Asbestos-Abatement Consultant Improperly Contracted For, Removed, and Disposed of Asbestos Products from a Commercial Structure</li> <li>• Sufficiency of Manner and Timeliness of Lessee's Notice of Exercise of Option to Renew or Extend Lease</li> </ul>

64	<ul style="list-style-type: none"> <li>• Proof of Patentability and Nonpatentability of Method of Electronic Commerce</li> <li>• Proof of Objections to Discharge of Individual Debtor under 11 U.S.C. sec. 727(a) and Fed. R. Bankr. Pro. 7001 in a Liquidation Bankruptcy Case under Chapter 7 of the Bankruptcy Code</li> <li>• Tortious Intereference with Contractual Relationship Involving Sale of Real Estate</li> <li>• Custody and Visitation of Children by Gay and Lesbian Parents</li> <li>• Sufficiency of Authorizations for Extra Work under Private Building Contract</li> <li>• Proof That a Social Security Applicant Improperly Transferred of Sequestered Personal Assets in an Attempt to Qualify for Governmental Agency Benefits</li> </ul>
65	<ul style="list-style-type: none"> <li>• Proof of Seatbelt Defense</li> <li>• Real-Estate Broker's Breach of Fiduciary Duty to Seller-Principal by Failing to Disclose Material Facts about or Certain Dealings with Purchaser</li> <li>• Reformation of Voluntary Deed for Grantor's Mistake as to Amount of Land or Nature of Interest Conveyed</li> <li>• Governmental Liability for Injury to Landowner's Property from Road Construction Activities on Neighboring Land</li> <li>• Hand Tool Injuries</li> <li>• Limitations on Owner's Right to Reject Contractor's Work Pursuant to "Satisfaction" Clause in Building Contract</li> </ul>
66	<ul style="list-style-type: none"> <li>• Liability of Health Maintenance Organizations</li> <li>• Real-Estate Broker's Liability for Nondisclosure to Seller of More Favorable Offer, or Increase in Value of Realty</li> <li>• Proof of Liability of Manufacturer for Injury Caused By Exploding Grinding Wheel</li> <li>• Sufficiency of Manner and Timeliness of Redemption of Real Estate Contract From Foreclosure</li> <li>• Proof of Negligence in a Turning Accident or Jackknifing of a Truck</li> <li>• Proof That a Teacher's License Was Improperly Revoked: Teacher's Damages and Emotional Distress Award</li> </ul>
67	<ul style="list-style-type: none"> <li>• Proof of Paralysis</li> <li>• Citizens Suits under the Safe Drinking Water Act</li> <li>• Tortious Interference with Real Estate Lease</li> <li>• Proof of Liability for Violation of Privacy of Internet User by Cookies or Other Means</li> </ul>

	<ul style="list-style-type: none"> <li>• Liability of Owner and Contractor for Delay in Completion of Building or Construction Project</li> </ul>
68	<ul style="list-style-type: none"> <li>• Landlord's Recovery of Damages for Tenant's Wrongful Holding Over of Leased Premises</li> <li>• Determination of Heirship</li> <li>• Media Outrage</li> <li>• Permissive Possession or Use of Land, as Defeating Claim of Adverse Possession or Prescriptive Easement</li> <li>• Proof of Manufacturer's Liability for Defective Software</li> </ul>
69	<ul style="list-style-type: none"> <li>• Proof of Social Security Disability Claim</li> <li>• Real-Estate Purchaser Not Ready, Willing, and Able to Make Payment Due At Closing</li> <li>• Circumstances Establishing Landlord's Unreasonable Withholding of Consent to Assignment or Sublease</li> <li>• Grandparent Visitation and Custody Awards</li> <li>• Proof That a Professional Licensee is Immune From Civil Prosecution and Civil Damages As a Result of the Licensee's Filing a Complaint Against Another License Holder</li> </ul>
70	<ul style="list-style-type: none"> <li>• Proof of Tenant's Abandonment of Real Property Lease</li> <li>• Proof That a Government Agency Was Liable for Improperly Granting a Bid Award to a Bid Applicant</li> <li>• Sexual Organ Injuries: Male Genitalia</li> <li>• Proof That An Arbitration Clause in a Commercial Transaction Agreement is Properly Challenged As Inapplicable to or Unenforceable Against the Parties</li> </ul>
71	<ul style="list-style-type: none"> <li>• Proof of Roadside Hazard Case</li> <li>• Eminent Domain: Proof of Lack of Reasonable Necessity for Taking of Property</li> <li>• Enforcement of Casino Gambling Debts</li> <li>• Proof of Circumstances Establishing Constitutional Malice in a Defamation Cause of Action</li> </ul>
72	<ul style="list-style-type: none"> <li>• Liability for Security or Burglar Alarm System Failure</li> <li>• Sufficiency of Landlord's Efforts to Mitigate Damages Following Tenant's Abandonment of Leased Premises</li> <li>• Compelling Zoning Board Hearing on Variance or Special Permit By Writ of Mandamus and Other Judicial Remedies</li> <li>• Proof of the Traumatic Brain Injuries Case</li> </ul>
73	<ul style="list-style-type: none"> <li>• Proof of Adjoining Landowner's Malicious or Unreasonable Construction of Fence</li> <li>• Proof of Religion in the Courtroom That Violates the Right to a Fair Trial</li> <li>• Proof of Accretion or Avulsion in Title and Boundary Disputes Over Additions to Riparian Land</li> </ul>

	<ul style="list-style-type: none"> <li>• Violation of the Truth-In-Lending Act and Regulation Z</li> </ul>
74	<ul style="list-style-type: none"> <li>• Proof of Infringement of the Visual Artists Rights Act of 1990</li> <li>• Scams and Cons</li> <li>• Proof of Injury Resulting From Prescription Medication Rezulin</li> <li>• Proof of Coverage or Exclusion of Alleged Act of Terrorism Under Commercial Property Insurance</li> <li>• Proof of Grantor's Intent That Grantee Hold Real Property in Trust</li> </ul>
75	<ul style="list-style-type: none"> <li>• Mistaken Improver's Recovery of Compensation for Improvements Made to Land Owned By Another</li> <li>• Proof of Violation of State Usury Consumer Loan Law</li> <li>• Requirement That Zoning Board Consider Statutory Factors or Area Variance Applicant Entitled to New Determination</li> <li>• Proof of Identification of Bite Marks</li> </ul>
76	<ul style="list-style-type: none"> <li>• Homestead Claimant's Proof That Property Qualifies for Homestead Exemption from Creditor Claims</li> <li>• Proof of Homeowner Association Acting as Quasi Governmental Entity Whose Conduct Constitutes State Action Requiring Declaration of Rights Under Home Association Restriction Prohibiting Political Signs</li> <li>• Class Action for Failure to Disclose Under the Truth-In-Lending Act and Regulation Z</li> <li>• Liability of An Employer For Sexual Harassment of An Employee By Customers and Other Third Parties</li> </ul>
77	<ul style="list-style-type: none"> <li>• Proof of Offer and Acceptance of Dedication of Land to Public Use</li> <li>• Proof of Injury Resulting from Defects in Child Safety Seat</li> <li>• Mistake Warranting Reformation or Cancellation of Lease of Real Property</li> <li>• Proof of a Claim Involving Stolen Art or Antiquities</li> </ul>
78	<ul style="list-style-type: none"> <li>• Equal Opportunity for Broadcast Time for Political Candidates</li> <li>• Liability for Petroleum Contamination From Leaking Underground Storage Tank</li> <li>• Proof of Claims Arising From Exposure to Latex Products</li> <li>• Proof of Violation Under the False Claims Act</li> </ul>

79	<ul style="list-style-type: none"> <li>• Proof of Facts Establishing a Claim for Trade Libel or Product Disparagement Under § 43(a) of the Lanham Act, 15 U.S.C.A. Section 1125(a)</li> <li>• Proof That Grantor Intended Deed As Mortgage</li> <li>• Proof of a Claim Involving Alleged Violation of State Consumer Protection or Similar Statute Against Physician or Attorney</li> <li>• Constructive Trust Formed Because of Abuse of Confidential Relationship Between Transferee and Transferor of Property</li> </ul>
80	<ul style="list-style-type: none"> <li>• Proof of Liability for Failure of Emergency Medical Equipment</li> <li>• Tornado, Hurricane, or Other Violent Windstorm Causing Injury or Death to Employee</li> <li>• Owner's Waiver of Stipulation in Private Building Contract That Alterations or Extras Must Be Authorized in Writing</li> <li>• Current Land Owner's Right to Recover Cleanup Costs From Other Liable Parties Under § 107(a) of CERCLA</li> </ul>
81	<ul style="list-style-type: none"> <li>• Lightning or Electrical Storm Causing Injury or Death to Employee</li> <li>• Identity Theft and Other Misuses of Credit and Debit Cards</li> <li>• Proof of Extent of Easement of Way Created By Express Grant or Reservation</li> <li>• Proof of Lack of Contiguity of Land Annexed By Municipality</li> </ul>
82	<ul style="list-style-type: none"> <li>• Proof of injury resulting from liposuction surgery</li> <li>• Proof that Building or Structure Constitutes Trade Fixtures Removable by Tenant</li> <li>• Proof of Boundary Established by Parol Agreement or by Acquiescence of Adjoining Landowners</li> <li>• Fair Debt Collection Practices Act</li> </ul>
83	<ul style="list-style-type: none"> <li>• The Arbitration Contract—Making It and Breaking It</li> <li>• Proof of Decedent's Intent That Inter Vivos Gift to Heir Constitute Advancement</li> </ul>
84	<ul style="list-style-type: none"> <li>• Data and Voice Recorders in Airplanes, Motor Vehicles and Trains</li> <li>• Establishing Liability for Trademark Infringement By the Use of Website Metatags</li> <li>• Establishing Liability for Infringement of a Utility Patent</li> <li>• Establishing Liability for Trademark Infringement of a Design</li> </ul>

85	<ul style="list-style-type: none"> <li>• Proof of Landlord's Liability for Injury Inflicted by Tenant's Dog</li> <li>• Proof of Death or Injury From Rabid Animal or Rabies Vaccine</li> <li>• Circumstances Establishing Purchase-Money Resulting Trust</li> <li>• Proof of Injury or Damage Caused by Sonic Boom</li> </ul>
86	<ul style="list-style-type: none"> <li>• Online Research and Evidence in Products Liability Litigation</li> <li>• Citizen Suit for Injunctive Relief Pending Federal Agency's Compliance With National Environmental Policy Act</li> <li>• Use of Call Detail Record Evidence in Telecommunications "Phantom Traffic" and Other Litigation</li> <li>• Liability of Municipality or Abutting Landowner for Injury Caused By Defective Condition of Sidewalk</li> </ul>
87	<ul style="list-style-type: none"> <li>• Proof of Injury Resulting From Prescription Medication Vioxx</li> <li>• Proof of Injury Resulting From Antidepressant Medication</li> <li>• Confidentiality of Medical and Other Treatment Records</li> <li>• Enforcement of International Gambling Debts</li> </ul>
88	<ul style="list-style-type: none"> <li>• Pleading and Proving Ineffective Assistance of Counsel in a Federal Habeas Corpus Proceeding: A Primer</li> <li>• Establishing Liability for Infringement of a Plant Patent</li> <li>• Proof of the Identification of Paper in Litigation</li> <li>• Landlord's Liability for Injury Caused By Accumulation of Snow and Ice on Common Areas of Leased Premises</li> <li>• Substantive and Procedural Issues in Refreshing Witness Recollection</li> <li>• Circumstances Warranting Application of Cy Pres Doctrine to Modify Terms of Charitable Trust</li> </ul>
89	<ul style="list-style-type: none"> <li>• Establishing the Defense of Issue Preclusion in a Subsequent Patent Infringement Suit</li> <li>• Citizen-Suit Claims under § 11(g)(1) of the Endangered Species Act</li> <li>• Proof of Wrongful Interference With Use of Water Well</li> <li>• Liability of Owner or Operator of Commercial Premises for Injury Caused By Unsafe Condition of Parking Lot</li> <li>• Proof of Special Assessment Benefit or Lack of Benefit</li> </ul>

90	<ul style="list-style-type: none"> <li>• Actions Involving Injuries to Animals</li> <li>• Establishing Liability for Unfair Competition</li> <li>• Tortious Interference with Real Estate Broker's Contractual Relationship with Seller</li> <li>• Proof of Landlord's Conversion of Tenant's Personal Property</li> <li>• Proof Establishing Physical Examination of Commercial Vehicle Driver</li> </ul>
91	<ul style="list-style-type: none"> <li>• Real Estate Broker's Recovery of Commission When Buyer or Seller Defaults on Contract of Sale</li> <li>• Establishing Liability for Misappropriation of Trade Secrets</li> <li>• Proof of Lessee's Material Breach of Lease Covenant or Condition in Lease Restricting Use</li> <li>• Wills: Ademption of Legacy By Satisfaction or By Extinction</li> <li>• Acknowledgment of Real Property Instruments and Other Acknowledgments</li> </ul>
92	<ul style="list-style-type: none"> <li>• Arbitrability Disputes: Proving What Facts to Whom</li> <li>• Establishing Liability for Minority Shareholder Oppression</li> <li>• Proof of Facts Establishing Damages and Other Relief Under the Federal Copyright Act</li> <li>• Proof of Reliability of Eyewitness and Earwitness Testimony</li> <li>• Liability of Public Authority for Injury Caused By Pothole in Surface of Highway or Street</li> </ul>
93	<ul style="list-style-type: none"> <li>• Parents' or Student's Proof in Action for Educational Services or Tuition Reimbursement Under the Special Education Laws</li> <li>• Proof of Fraud in the Making of Commercial Paper and the Resulting Consequences</li> <li>• Real Estate Purchaser's Recovery of Damages for Seller's Nondisclosure of Dangerous Condition of Land</li> <li>• Proof of Housing Discrimination Against a Prospective Tenant on Account of Race or National Origin</li> </ul>
94	<ul style="list-style-type: none"> <li>• Confirmation of Plan of Reorganization by Business Entity Under Section 1129 of the Bankruptcy Code</li> <li>• Establishing Liability of a Generic Drug Manufacturer for Inducing Patent Infringement</li> <li>• Proof Establishing Heat Stroke</li> <li>• Optioner's Right to Retain Payment as Consideration for Unexercised Option to Purchase Realty</li> </ul>

95	<ul style="list-style-type: none"> <li>• Proving the Property and Other Rights of Cohabitants and Domestic Partners</li> <li>• Proof of Value of Coin Collection</li> <li>• Lessee's Enforcement of Covenant Prohibiting Lessor's Use or Lease of Other Premises for Use in Competition With Lessee's Business</li> </ul>
96	<ul style="list-style-type: none"> <li>• Establishing the Defense of Patent Invalidity</li> <li>• Intentional Omission of Child from Will</li> <li>• Proof Establishing Right Turn Violation</li> <li>• Navigability Disputes Involving Non-Tidal Waters Above Private Lands</li> </ul>
97	<ul style="list-style-type: none"> <li>• Proof of Claim Under Anticybersquatting Consumer Protection Act</li> <li>• Litigating An Employment Discrimination Class Action</li> <li>• Identification of Seminal Fluids</li> </ul>
98	<ul style="list-style-type: none"> <li>• Products Liability: Failure of Business Successor to Warn of Defect in Predecessor's Product</li> <li>• Autopsies</li> <li>• Proof of Dilution of a Trademark</li> </ul>
99	<ul style="list-style-type: none"> <li>• Proof of Chronic Fatigue Syndrome and Fibromyalgia</li> <li>• Establishing the Zone of Expansion for Trademark Purposes</li> <li>• School District's Proof that Services Offered to Student with Disabilities Met Statutory Standards</li> <li>• Proof of Facts Establishing Affirmative Defenses Against a Claim for Defamation</li> </ul>
100	<ul style="list-style-type: none"> <li>• Proof of a Claim Arising From Off-Label Use of Prescription Medications</li> <li>• Proof of Instant Message, Blog, or Chat as Evidence</li> <li>• Abandonment of a Trade Secret</li> <li>• Sports Injury—Participant's Recovery From Another Participant for an Intentional Act</li> </ul>
101	<ul style="list-style-type: none"> <li>• Wrongful Death in Claims Against Emergency Service Workers</li> <li>• Offeree Acceptance of Real Estate Contract Offer</li> <li>• Proof of Liability for Design, Manufacture, Distribution or Sale of a Defective Bicycle or Component</li> </ul>
102	<ul style="list-style-type: none"> <li>• Proof of Facts Allowing a Federal Court to Assert Personal Jurisdiction Over a Defendant Not Present in the United States</li> <li>• Advance Directives for Medical and Psychiatric Care</li> <li>• Proof of Nondischargeability of Debt Based on Fraud or Defalcation Committed by Debtor While Acting in a Fiduciary Capacity Under Bankruptcy Code § 523(a)(4) and (c)</li> <li>• Acts Constituting Rejection of Real Estate Contract</li> </ul>

	<ul style="list-style-type: none"> <li>Offer</li> <li>• Impossibility of Performing Contract</li> </ul>
103	<ul style="list-style-type: none"> <li>• Proving Independent Contractor Status in Challenging Unemployment Insurance and Workers' Compensation Assessments</li> <li>• Expert Testimony at Sentencing</li> <li>• Invasion of Privacy By Public Disclosure of Private Facts</li> <li>• Proof of Tortious Interference With Prospective Contractual Relations</li> </ul>
104	<ul style="list-style-type: none"> <li>• Proof Under the Fair Debt Collection Practices Act</li> <li>• Proof of Facts Establishing a Party's Entitlement to Punitive Damages in a Defamation Cause of Action</li> <li>• Inadequate Factual Investigation of Case by Attorney</li> <li>• Enforceability of Covenant Not to Compete</li> </ul>
105	<ul style="list-style-type: none"> <li>• Establishing Infringement of a Design Patent</li> <li>• Establishing Liability of a Public School District for Injuries or Damage to a Student Resulting from Bullying or Other Non-Sexual Harassment by Another Student</li> <li>• Proof of Contractor's Liability for Mishandling Toxic Substances</li> <li>• Proof That An Employee Has Been Defamed By His or Her Employer or Former Employer</li> <li>• Malpractice Liability in Genetic Counseling</li> </ul>
106	<ul style="list-style-type: none"> <li>• Liability for Staph and Other Hospital-Acquired Infections</li> <li>• Proof of Infection and Causation of Methicillin-Resistant Staphylococcus Aureus (MRSA)</li> <li>• Existence of Partnership</li> <li>• Proof of Public School District Liability for Student Peer-on-Peer Sexual Harassment or Harassment on the Basis of Gender or Sexual Orientation</li> </ul>
107	<ul style="list-style-type: none"> <li>• Proof of Unpaid Overtime Under Fair Labor Standards Act</li> <li>• Proof of Facts on Contempt Actions to Enforce Injunction in Bankruptcy Discharge</li> <li>• Proof of "Discretionary Function" Exception in Action Brought Pursuant to the Federal Tort Claims Act (FTCA)</li> <li>• Duress, Coercion, or Undue Influence in Execution of Separation Agreement</li> <li>• Slip and Fall Due to Foreign Substance on Floor</li> </ul>

108	<ul style="list-style-type: none"> <li>• Proof of Negligence in Diagnosis and Treatment of Lyme Disease</li> <li>• Establishing Liability of a Public School District for Injuries or Damages to a Student Resulting from Harassment of the Student by a Teacher or Other District Staff Member</li> <li>• Emancipation of Child Justifying Termination of Child Support Order</li> <li>• Establishing Employee or Independent Contractor Status</li> <li>• Insured's "Reasonable Expectations" as to Coverage of Insurance Policy</li> <li>• Proof of Facts of Landlord's Right to Evict Tenant</li> </ul>
109	<ul style="list-style-type: none"> <li>• Password-Protected Electronic Evidence in Civil Actions</li> <li>• Establishing Personal Liability of Public School Teacher for Injuries or Damage to Student Resulting from Harassment or Bullying of Student by Teacher</li> <li>• Proof in Strict Products Liability Case That Product Was Misused</li> <li>• Primary and Secondary Liability of Investment Promoters</li> <li>• Unreasonable Alteration of Surface Drainage</li> <li>• Religious Group's Proof of Claim of Violation in Zoning Matter and Defense by Municipality</li> </ul>
110	<ul style="list-style-type: none"> <li>• Establishing Liability for Breach of Trademark License</li> <li>• Rent Control: Proofs of Tenant's Entitlement to Benefits and Landlord's Right to Terminate</li> <li>• Proof of Appropriation of Corporate Business Opportunity by Officer or Director</li> <li>• Prosecution or Defense of Antitrust Actions Relating to the Health Care Industry</li> <li>• Proof of Perjury in Criminal Courts Based on Perjured Testimony in Family Law Court</li> </ul>
111	<ul style="list-style-type: none"> <li>• Proof in Automobile Products Liability Case Arising Out of Improper Design of Seats</li> <li>• Sports Injury—Participant's Recovery from Another Participant for Negligent or Reckless Act</li> <li>• Proof of Claim Involving Violation of Credit Repair Organizations Act</li> <li>• Ex Parte Seizure of Goods Bearing Counterfeit Trademarks</li> <li>• Employment Discrimination Against Obese Persons</li> <li>• Wrongful Discharge—Bad Faith Dismissal of At-Will Employee</li> </ul>

112	<ul style="list-style-type: none"> <li>• Likelihood of Confusion Pursuant to the Federal Lanham Act, 15 U.S.C.A. §§ 1051 et seq.</li> <li>• Bankruptcy Action to Recover Preferential Prepetition Transfer of Property of Debtor Under 11 U.S.C.A. § 547</li> <li>• Zoning--Proof of "Contract Zoning" in Approval of Rezoning and/or Land Use Permit</li> <li>• Establishing Priority Under Race Notice Recording Statutes</li> </ul>
113	<ul style="list-style-type: none"> <li>• Password-Protected Electronic Evidence in Criminal Actions</li> <li>• Proof of Corruption of Minors Charge in a Criminal Case</li> <li>• Obtaining Child Support from Active Duty U.S. Military Personnel</li> <li>• Proof of Liability for Police Actions Resulting in Claims of Serious Personal Injury or Wrongful Death</li> </ul>
114	<ul style="list-style-type: none"> <li>• Proof of Entitlement to Relief Before Planning or Zoning Boards</li> <li>• Obtaining Child Custody from Citizen Parent and Parent Who Immigrated by Marriage to U.S.</li> <li>• Establishing Elements for Disregarding Corporate Entity and Piercing Entity's Veil</li> <li>• Proof That Plaintiff Has Been Sufficiently Identified to Support Defamation Action</li> <li>• Establishing Lack of Utility Under 35 U.S.C.A. § 101</li> </ul>
115	<ul style="list-style-type: none"> <li>• Civil Pretrial Involving Text Messaging Evidence</li> <li>• Cancellation of Trademark That Has Become Generic</li> <li>• Challenge to Tax Assessment of Residential Property</li> <li>• Proof of Necessity Defense in a Criminal Case</li> <li>• Effect of Divorce on Immigration Status of Spouse Who Immigrated to U.S. Because of Marriage with U.S. Citizen</li> </ul>
116	<ul style="list-style-type: none"> <li>• Health Care Provider's Wrongful Disclosure of Confidential Medical Information</li> <li>• Trade Dress and Copyright Infringement of Patterns on Clothing</li> <li>• Dischargeability of Educational Loans and Overpayments in Cases by Natural Persons Under 11 U.S.C.A. § 523(a)(8)</li> <li>• Criminal Pretrial Involving Text Messaging Evidence</li> <li>• Special Damages Sufficient to Give Standing to Enjoin Zoning Violation</li> </ul>

117	<ul style="list-style-type: none"> <li>• Establishing Fraud in Obtaining a Trademark Registration</li> <li>• Proof of Claim Involving Use of Hormone Replacement Therapy Medications</li> <li>• Copyright and Trade Dress Infringement of Holiday Merchandise</li> <li>• Health Care Provider's Wrongful Medical Evaluation</li> <li>• Prosecution or Defense of Antitrust Actions Relating to College or Professional Sports</li> </ul>
118	<ul style="list-style-type: none"> <li>• Proof of Liability for Injuries from Nonglass Containers</li> <li>• Establishing Fee Simple Determinable Title</li> <li>• Proof of Liability for Practitioner Using Alternative Medicine</li> <li>• Proof of Elder Abuse in Civil and Criminal Actions</li> <li>• Appraiser's Third-Party Liability for Negligent Appraisal of Real Property</li> </ul>
119	<ul style="list-style-type: none"> <li>• Establishing Lack of Enablement Under 35 U.S.C.A. § 112</li> <li>• Sports Injuries Based on Negligent Supervision</li> <li>• Assumption of Risk As Defense to Strict Products Liability Action</li> <li>• Injury from Oral Contraceptive</li> <li>• State Law Remedies Against Credit Card Company</li> </ul>
120	<ul style="list-style-type: none"> <li>• Establishing Fee Simple Title Subject to Condition Subsequent</li> <li>• Pretrial Involving Skype, YouTube, and Other Video Electronic Communications</li> <li>• Criminal Infringement of Copyright Under 17 U.S.C.A. § 506</li> <li>• Enforcement of Zoning Ordinances and Other Legal Requirements Precluding Keeping of Livestock and Other Animals</li> <li>• Indirect Liability for Trademark Infringement</li> <li>• Misdiagnosis of or Failure to Detect Cancer</li> </ul>
121	<ul style="list-style-type: none"> <li>• Pretrial Involving Facebook, MySpace, LinkedIn, Twitter, and Other Social Networking Tools</li> <li>• Establishing Vested Remainder Title to Real Estate</li> <li>• Proof of Complaint to Determine Liens, Claims, Interests, and Encumbrances Against Property of Bankruptcy Estate, Pursuant to 11 U.S.C.A. §§ 363(b), 506(a) and 541(a) in Sale of Property of Estate and Otherwise and Fed. R. Bankr. P. 7001 et seq. as Applicable to Such Complaint</li> <li>• Damages for Injury to Real Property</li> <li>• Proof of Licensing Under, and Compliance With, Gun Control Act (18 U.S.C.A. § 923)</li> </ul>

122	<ul style="list-style-type: none"> <li>• Establishing Obviousness of Biotechnology Patent Under 35 U.S.C.A. § 103</li> <li>• Proof in Action to Recover for Injuries Caused by Dangerous or Defective Scaffolding</li> <li>• Proof for Rejection of Collective Bargaining Agreement by Debtor-in-Possession in Chapter 11 Proceeding, Pursuant to 11 U.S.C.A. § 1113(b), (c) and Fed. R. Bankr. P. 9014</li> <li>• Unauthorized Practice of Law and Liability Issues: Paralegals and Other Nonlawyers</li> <li>• Religion as Factor in Child Custody Cases</li> <li>• Proof of Intentional Timber Trespass</li> </ul>
123	<ul style="list-style-type: none"> <li>• Establishing Fee-Simple Title Subject to Executory Interest</li> <li>• Indirect Liability for Copyright Infringement, Using Architectural Works Example</li> <li>• Proof of Internet Defamation</li> <li>• Establishing Proof in Filing of Anti-SLAPP Motion</li> <li>• Proof of Wrongful Mortgage Foreclosure</li> </ul>
124	<ul style="list-style-type: none"> <li>• Establishing Lack of Novelty of Chemical Patent Under 35 U.S.C.A. § 102</li> <li>• Foreign Substance in Food or Beverage</li> <li>• Proof of Motion Seeking Dismissal of Consumer Bankruptcy Case Under Chapter 7 for Abuse Through Noncompliance with “Means Test” of 11 U.S.C.A. § 707(b)(2) and Fed. R. Bankr. P. 1017 and 9014</li> <li>• Privacy of Social Security Number and Liability for Unauthorized Disclosure or Misuse</li> <li>• Proof of Defective Design or Manufacture of Bicycle Helmet</li> </ul>
125	<ul style="list-style-type: none"> <li>• Establishing Contingent-Remainder Title to Real Estate</li> <li>• Spoliation of Electronic Evidence</li> <li>• Proof of Defect in Design and/or Manufacture of Motorcycle</li> <li>• Outdoor Advertising Sign or Billboard as Nuisance</li> <li>• Proof of Admissibility of Tests Indicating Presence of Blood on Object</li> <li>• Proof of Custodial Parent’s Relocation in Best Interest of Child</li> </ul>
126	<ul style="list-style-type: none"> <li>• Sanctions for Spoliation of Electronic Evidence</li> <li>• Malpractice or Negligence by Physical Therapist</li> <li>• Establishing Joint Authorship Under Federal Copyright Act</li> <li>• Managing Metadata in Litigation Matters</li> <li>• Proof of Violation of State Open Meeting or Sunshine Law</li> </ul>

	<ul style="list-style-type: none"> <li>• Proof of Abortion-Related Malpractice</li> </ul>
127	<ul style="list-style-type: none"> <li>• Multiple Concussion Injury</li> <li>• Proof Under Class Action Fairness Act</li> <li>• Proof of Parental Alienation in Action for Modification of Custody of Child</li> <li>• Liability in Toxic Mold Cases</li> <li>• Medical Laboratory's Negligence in Testing</li> </ul>
128	<ul style="list-style-type: none"> <li>• Negligence of Adult Pedestrian Struck by Motor Vehicle</li> <li>• Internal Cardiac Defibrillator (ICD) Treatment of Cardiac Arrhythmias</li> <li>• Establishing Experimental Use Exception to Patent Invalidity</li> <li>• Defending Against Dangerous Dog Classification</li> <li>• Proof in Action for Personal Injuries Arising Out of Treatment Rendered at Medical Spa</li> </ul>
129	<ul style="list-style-type: none"> <li>• Proof of Unnecessary Cardiac Procedures</li> <li>• Druggist's Liability for Improperly Filling Prescription</li> <li>• Domestic Violence as Factor in Child Custody Cases</li> <li>• Proof for Removal of Civil Claim or Cause of Action Related to Pending Bankruptcy Case Pursuant to 28 U.S.C.A. § 1452(a) and Fed. R. Bankr. Pro. 9027, and Responses</li> <li>• Proof of Defective Breast Implants</li> </ul>
130	<ul style="list-style-type: none"> <li>• Establishing 35 U.S.C.A. § 102(e) Defense to Patent Infringement</li> <li>• Qualifying Historians as Expert Witnesses</li> <li>• Proof of Motion Seeking Sanctions of Civil Contempt for Violation of Order of Bankruptcy Court and Automatic Stay Pursuant to 11 U.S.C.A. § 105(a), Fed. R. Bankr. Pro. 9020 and Defenses</li> <li>• U-Turn Accidents</li> <li>• Physician's Liability for Prescribing Drugs</li> </ul>
131	<ul style="list-style-type: none"> <li>• Establishing Inequitable Conduct Before Patent Office</li> <li>• Proof of Liability Against Home Inspectors in Residential Real Estate Sales</li> <li>• Loss of Consortium in Parent-Child Relationship</li> <li>• Proof of Hardship Necessary for Zoning Variance</li> <li>• Defense of "Buyer in Ordinary Course" Under Uniform Commercial Code § 9-201(b)(9)</li> <li>• Gender Bias as Factor in Child Custody Cases</li> </ul>

132	<ul style="list-style-type: none"> <li>• Proof Supporting Disclosure Under State Freedom of Information Acts</li> <li>• Establishing Access "Without Authorization" Under Computer Fraud and Abuse Act</li> <li>• Proof of Public Nuisance in Products Liability Tort Cases</li> <li>• Proof of Manufacturer Liability for Personal Injury Caused By Defective Shoes</li> <li>• Proof of Liability Against Manufacturers of Diet and Weight Control Drugs</li> </ul>
133	<ul style="list-style-type: none"> <li>• Establishing Public Use or on Sale Bar Defense to Patent Infringement</li> <li>• Liability of Public or Private Day Care Center or Nursery School</li> <li>• Proof of Motion Seeking Sanctions of Criminal Contempt for Violation of Order of Bankruptcy Court and Automatic Stay Pursuant to 11 U.S.C.A. § 105(a), Fed. R. Bankr. P. 9020 and Defenses</li> <li>• Proof of Nonairworthiness of Light Aircraft</li> </ul>
134	<ul style="list-style-type: none"> <li>• Proof of Negligence or Malpractice of Expert Witness, Using Trademark Survey Expert as Example</li> <li>• Proof of Cyberstalking and Cyberbullying</li> <li>• Proof of Defective Exhaust System in Motor Vehicle</li> <li>• Proof of Facts to Establish Information as Trade Secret Under Restatement of Torts</li> <li>• Transfers in Contemplation of Death</li> <li>• Proof of Nuisance or Negligence Against Abutting Landowner for Damages Caused by Encroaching Trees or Other Vegetation</li> </ul>
135	<ul style="list-style-type: none"> <li>• Proof of Age as Bona Fide Occupational Qualification Under ADEA</li> <li>• Proof of Employer Liability to Employee for Exposure of Employee to Heat or Cold</li> <li>• Prosecution or Defense of Action Alleging Employment Discrimination on Basis of Religion</li> <li>• Proof of Modification of Child Support Due to Unemployment of Noncustodial Parent in Child Support Hearings</li> <li>• Proof of Liability in Collision of Ships at Sea</li> </ul>
136	<ul style="list-style-type: none"> <li>• Establishing Liability Under Inevitable Disclosure Doctrine</li> <li>• Real Estate Broker or Agent's Negligence or Fraud in Not Disclosing Purchase Offer</li> <li>• Proof of Intentional Infliction of Emotional Distress</li> <li>• Proof of Liability Against Manufacturers of Intrauterine Devices (IUD)</li> </ul>

	<ul style="list-style-type: none"> <li>• Proof That Item of Personal Property Has Become Fixture of Real Property or Trade Fixture</li> </ul>
137	<ul style="list-style-type: none"> <li>• Proof of Surgical Malpractice Involving Misidentifications or “Never Events”: Wrong Site, Wrong Procedure, Wrong Patient</li> <li>• Proof of Employee Status Under Federal Tort Claims Act (FTCA)</li> <li>• Proof of Tavern Keeper’s Liability Under Dram Shop Act</li> <li>• Proof of Valuation of Closely Held Business in Divorce</li> <li>• Litigating Disputes Between Common Interest Communities and Owners or Shareholders</li> </ul>
138	<ul style="list-style-type: none"> <li>• Proof of Failure to Diagnose Brain Aneurysm</li> <li>• Establishing Liability for Misappropriation of Trade Secrets Under Restatement of Torts</li> <li>• Failure of Product to Meet Manufacturer’s Specifications or Standards</li> <li>• Standing of Private Owners and Others with Interest in Affected Real Property to Initiate or Participate in Eminent Domain and Inverse Condemnation Actions</li> <li>• Proof of Negligence in Repair of Vessel</li> </ul>
139	<ul style="list-style-type: none"> <li>• Proof That Defendant Security Guard or Off-Duty Police Officer Was Acting “Under Color of State Law” for Purposes of 42 U.S.C.A. § 1983</li> <li>• Proof of Destruction of Evidentiary Documents</li> <li>• Proof of Facts to Establish Information as Trade Secret Under Uniform Trade Secrets Act</li> <li>• Proof of Malpractice Against Cardiologist</li> <li>• Proof of Medical Malpractice for Failure to Diagnose Pregnancy</li> <li>• Manufacturer’s Failure to Warn Consumer of Allergenic Nature of Product</li> </ul>
140	<ul style="list-style-type: none"> <li>• Proof of Imputing Income to Parent in Modification of Child Support Proceedings</li> <li>• Proof of Abandonment of Trade Secret in Restatement of Torts Jurisdiction</li> <li>• Proof of Liability Against Manufacturers of Drugs Prescribed to Treat Digestive Disorders</li> <li>• Proof of Use of Customer List by Former Employee</li> <li>• Proof of Complaint or Objection Seeking Determination That Lease As Disguised Security Agreement Pursuant to Uniform Commercial Code §§ 1-201 and 1-203</li> <li>• Proof That Prerecorded, Commercial Telephone Call to Residential Phone Line Is Exempt from General Prohibition Under Telephone Consumer Protection Act, 47 U.S.C.A. § 227</li> </ul>

141	<ul style="list-style-type: none"> <li>• Proof of Reasonable Precautions Taken to Preserve Secrecy of Trade Secrets</li> <li>• Establishing Liability for Breach of Trade Secret License</li> <li>• Proof of “Blighted Area” in Condemnation or Taking of Real Property for Redevelopment or Renewal</li> <li>• Proof of Reflex Sympathetic Dystrophy Syndrome</li> <li>• Proof in Animal Custody Disputes</li> <li>• Proof of Internet-Related Juror Misconduct Including Researching, Texting, Tweeting, and Blogging</li> </ul>
142	<ul style="list-style-type: none"> <li>• Proof of Employer’s Violation of Family and Medical Leave Act of 1993 (29 U.S.C.A. §§ 2601 et seq.)</li> <li>• Proof of Malpractice Liability for Prescription of Painkiller Causing Injury or Death</li> <li>• Proof of Violation of Equal Credit Opportunity Act (ECOA)</li> <li>• Acquisition of Title to Property By Adverse Possession</li> <li>• Establishing First Sale Defense to Copyright Infringement</li> </ul>
143	<ul style="list-style-type: none"> <li>• Establishing Liability for Tortious Interference with Employment Relationship</li> <li>• Proof of Right to Equitable Distribution or Maintenance of Spouse’s Social Security Disability Benefits in Divorce Action</li> <li>• Proof of Negligence by Health Care Providers for Blood Draws and Transfusions</li> <li>• Bias of Arbitrator as Ground for Vacatur of Arbitration Award</li> <li>• Proof of Identity of Driver of Accident Vehicle</li> </ul>
144	<ul style="list-style-type: none"> <li>• Availability and Use of Electronic Communications, Such as Skype, in Child Custody and Visitation Determinations</li> <li>• Proof Under “Merchants’ Exception” in U.C.C. § 2-201(2) of Written Confirmation Sufficient to Satisfy Statute of Frauds in U.C.C. § 2-201(1)</li> <li>• Litigating Unmistakability Doctrine When Raised as Defense to Breach of Contract Claims</li> <li>• Proof of Validity and/or Enforceability of Promissory Notes</li> <li>• Marine Radar Accidents</li> </ul>

145	<ul style="list-style-type: none"> <li>• Copyright Infringement of Literary Works, Including Compilations and Other Fact-based Works</li> <li>• Proof of Trafficking in Counterfeit Goods or Services under 18 U.S.C.A. § 2320</li> <li>• Proof of Negligence of Horseback Riding Stable or Horse Owner</li> <li>• Proof of Fraudulent Billing, Coding, and other Acts of Healthcare Fraud</li> <li>• Proof of Medical Malpractice or Negligence for Performance of Laser Procedure</li> </ul>
146	<ul style="list-style-type: none"> <li>• Establishing Liability for Breach of Patent License</li> <li>• Proof of Discrimination on Basis of Religion Under Fair Housing Act</li> <li>• Proof of Equitable Distribution of Oil or Mineral Rights in Divorce</li> <li>• Proof of Liability for Defective Insecticide, Fungicide, Rodenticide, Pesticide, and Similar Products</li> <li>• Insurer's Liability to Its Insured for Wrongful Refusal to Settle with Third Party Within Policy Limits</li> </ul>
147	<ul style="list-style-type: none"> <li>• Proof of Liability for Negligence in Hydraulic Fracturing, Hydro-Fracturing or Hydro-Fracking</li> <li>• Proof of Notice or Lack of Notice in Zoning or Land Use Proceedings</li> <li>• Proof of Noncasual Worker Status Under Workers' Compensation Acts</li> <li>• Proof of Liability of Private Employer for Torts Committed by Off-Shift Police Officer Employed as Private Security Guard</li> <li>• Proof of Waiver of Defects as to Quality, Fitness, or Condition in Sales of Goods</li> </ul>
148	<ul style="list-style-type: none"> <li>• Establishing Liability When Employee “Exceeds Authorized Access” Under Computer Fraud and Abuse Act</li> <li>• Proof of What Constitutes Solid Waste Under Resource Conservation and Recovery Act (RCRA)</li> <li>• Proof of Liability for Defective Cosmetics or Hair Products</li> <li>• Refusal of Sexual Intercourse as Justifying Divorce or Separation</li> <li>• Proof Under Uniform Commercial Code of Omitted Delivery Date Term</li> </ul>
149	<ul style="list-style-type: none"> <li>• Liability to Purchaser of Real Property for Failure to Disclose That Property is Haunted, or Was Scene of Murder, Suicide, or Other Notorious Death</li> <li>• Same Sex Orders of Protection</li> <li>• Medical Malpractice Liability for Failure to Diagnose</li> </ul>

	<ul style="list-style-type: none"> <li>and Treat Post Traumatic Stress Disorder (PTSD)</li> <li>• Establishing Liability for Misappropriation of Former Employer's Customer List</li> <li>• Proof of Defective Design of Medical Device in Products Liability Action</li> </ul>
150	<ul style="list-style-type: none"> <li>• Proof of Carbon Monoxide Poisoning in RVs and Similar Vehicles</li> <li>• Proof of Personal Liability of Corporate Officer on Promissory Note</li> <li>• Discharge from Employment in Retaliation for Filing Workers' Compensation Claim</li> <li>• Chronic Obstructive Pulmonary Disease (COPD)</li> <li>• Proof of Violation of Credit Card Accountability Responsibility and Disclosure Act of 2009</li> </ul>
151	<ul style="list-style-type: none"> <li>• Prosecution and Defense of Disciplinary Charges Against Judges</li> <li>• Proof Under Hague Convention on Civil Aspects of International Child Abduction of One-Year Period for Parent to File for Return of Child Wrongfully Removed from Country, 42 U.S.C.A. §§ 11601 et seq.</li> <li>• Proof of Violation of Fair Credit Billing Act Based on Billing Error</li> <li>• Proof in Attorney Malpractice Actions Involving Qualified Domestic Relations Order (QDRO)</li> <li>• Proof of “Bare Metal” Defense in Asbestos Products Liability Cases</li> </ul>
152	<ul style="list-style-type: none"> <li>• Proof of Facts to Establish Reasonable Efforts Were Made to Maintain Secrecy Under Uniform Trade Secrets Act</li> <li>• Proof of Discrimination on Basis of Familial Status Under Federal Fair Housing Act</li> <li>• Health Provider Use of Electronic Device Resulting in Inattention Adversely Affects Patient Care</li> <li>• Proof of What Constitutes Hazardous Waste Under Resource Conservation and Recovery Act (RCRA)</li> <li>• Liability of Businesses to Governments and Consumers for Breach of Data Security for Consumers' Information</li> <li>• Proof of Facts Evidencing Insurable Interest in Key Man Life Insurance Policy</li> </ul>
153	<ul style="list-style-type: none"> <li>• Proof of Facts to Establish Information Was Not “Readily Ascertainable by Proper Means” Under Uniform Trade Secrets Act</li> <li>• Prosecution and Defense of Health Insurance Litigation</li> <li>• Proof of Equitable Subordination Under 11 U.S.C.A. § 510(c)</li> <li>• Proof of Violation of Fair Credit Reporting Act</li> </ul>

	<ul style="list-style-type: none"> <li>• Use of Unsterilized Medical Instruments Resulting in Physician Malpractice or Hospital Negligence Liability for Patient Injury</li> </ul>
154	<ul style="list-style-type: none"> <li>• Establishing Liability for Breach of Duty of Good Faith and Fair Dealing</li> <li>• Avoiding Effect of Recreational Activity Liability Release</li> <li>• Physician's Guarantee of Medical Results</li> <li>• Damages for Loss of Chance of Cure</li> <li>• Coverage of Unpaid Interns as Employees for Wage and Overtime Compensation Under Federal Fair Labor Standards Act</li> <li>• Proof of Facts in Litigation as to Innocent Spouse Relief Under 26 U.S.C.A. § 6015(b)</li> </ul>
155	<ul style="list-style-type: none"> <li>• Proof of "Vapor Intrusion" Into Indoor Air from Contaminated Soil or Groundwater</li> <li>• Proof of Facts in Suit Regarding False or Misleading Statements by Tax Preparation Service</li> <li>• Proof of Violation of Title II of Americans with Disabilities Act for Failure to Make Reasonable Accommodation in Education</li> <li>• Lender Liability for Negligent Misrepresentation Made to Business Loan Applicant</li> <li>• Admissibility of Computerized Business Records</li> </ul>
156	<ul style="list-style-type: none"> <li>• Proof of Breach of Bailment in Cases Where Object of Bailment is in Form of Electronic Data</li> <li>• Proof of Admissibility of Expert Opinion Testimony in Criminal Prosecution Based on Shaken Baby Syndrome (SBS)</li> <li>• Establishing "Plausibility" in Federal Trade Secret Litigation</li> <li>• Proof of Neurotoxic Injury in Civil and Criminal Actions</li> <li>• Unconscionability in Commercial Disputes Between Businesses Pursuant to U.C.C. § 2-302</li> </ul>
157	<ul style="list-style-type: none"> <li>• Proof of Standing in Environmental Citizen Suits</li> <li>• Reasonableness of Contingent Fee in Personal Injury Action</li> <li>• Proof of Breach of Contract Claim for Failure to Pay Employee Bonus</li> <li>• Proof of Neighbor's Easement by Prescription or Implication to Maintain Stream Bed to Prevent Flooding</li> </ul>

	<p>from Stream Bordering Neighbor’s Property</p> <ul style="list-style-type: none"> <li>• Medical Information Security Breaches and Medical Device Cybersecurity Attacks</li> <li>• Establishing Liability for “Threatened Misappropriation” of Trade Secrets</li> </ul>
158	<ul style="list-style-type: none"> <li>• Proof of Facts Under State Criminal Stalking Statutes</li> <li>• Proof of Anticipatory Repudiation Under U.C.C. §§ 2-610 and 2-611</li> <li>• Contractor's Failure to Compact Soil Properly</li> <li>• Proof of Facts to Establish Action Based on Failure to Warn of Dangerous Condition Causing Swimming Pool Diving Injury</li> <li>• Establishing Shop Rights to Inventive Ideas</li> </ul>
159	<ul style="list-style-type: none"> <li>• Proof Regarding Breast Cancer Resurgery and Second Surgeries</li> <li>• Ineffective Assistance of Counsel in Parental Termination Cases</li> <li>• Proof of Violations of Rights of Workers with Disabilities at Sheltered Workshops</li> <li>• Proof of Facts Concerning Disposition of Frozen Pre-Embryos in Connection With Divorce Action</li> <li>• Proof of Liability for False or Misleading Statements That Product or Service Is “Eco-Friendly,” “All Natural,” “Organic,” or Other Similar Terms</li> </ul>
160	<ul style="list-style-type: none"> <li>• Proof of Status as Parents of Children Within Context of Same-Sex Relationships</li> <li>• Proof of Facts in Support of Court-Ordered Sale of Land in Cases Involving Encroachments</li> <li>• Proof of Facts to Support Injunctive Relief in Trade Secret Litigation</li> <li>• Proof of Sexting Civil and Criminal Liability</li> <li>• Citizens’ Suits Under Toxic Substances Control Act (TSCA)</li> </ul>
161	<ul style="list-style-type: none"> <li>• Products Liability—“Sophisticated User”/“Sophisticated Intermediary”/Bulk Supplier Defenses</li> <li>• Proof and Defense Under Animal Enterprise Terrorism Act (“AETA”), 18 U.S.C.A. § 43, and AETA's Predecessor Statute, Animal Enterprise Protection Act (“AEPA”)</li> <li>• Establishing “Improper Means” Used to Acquire Trade Secrets</li> <li>• Challenge to Government’s Monetary Exaction on Land Development</li> <li>• Proof of “Good Moral Character” on Part of Applicant</li> </ul>

	<p>for Naturalization</p> <ul style="list-style-type: none"> <li>• Proof of Facts Defending Against Disciplinary Action for Violation of Rule 7.1 Against False or Misleading Communications by Attorneys About Themselves or Their Legal Services</li> </ul>
162	<ul style="list-style-type: none"> <li>• Proof of Scienter in Context of Damage or Destruction of Aircraft and Aircraft Facilities Under 18 U.S.C.A. § 32</li> <li>• Proof of Distribution in Chapter 11 Plan Pursuant to Subordination of Priority Between Creditors Under 11 U.S.C.A. § 510(a)</li> <li>• Establishing Reverse Confusion Under Lanham Act</li> <li>• Proof of Employee's Violation of Employer's Policy Regarding Use of Computer Equipment, Internet, E-mail, Web Site, or Social Media as Basis for Discipline or Other Liability</li> <li>• Admissibility of Testimony Concerning Extrajudicial Statements Made to, or in Presence of, Witness Through Interpreter</li> <li>• Proof of Facts in Defense of Claim for Prima Facie Tort</li> </ul>
163	<ul style="list-style-type: none"> <li>• Proof Regarding Privileged Communications Between Accountant and Client</li> <li>• Hospital's Failure to Supervise Private Physician Using Hospital Facilities</li> <li>• Use of Charging Liens on Marital Assets for Fees and Expenses Incurred in Obtaining Judgments for Clients in Divorce Proceedings</li> <li>• Proof of Liability for MTBE Contamination of Water</li> <li>• Proof of Effect of Subordination Agreement Among Mortgage/Lien Creditors Pursuant to Restatement Third, Property: Mortgages § 7.7</li> <li>• Proof of Applicability of Ministerial Exception in Civil Rights Action</li> <li>• Proof Under Tacking Doctrine for Trademark Disputes</li> </ul>
164	<ul style="list-style-type: none"> <li>• Proof of Outpatient or Ambulatory Procedure Malpractice or Negligence</li> <li>• Proof of Workplace Bullying That Does Not Involve Class-Based Discrimination</li> <li>• Proof of Applicability of 11 U.S.C.A. § 1328(b) and (f) Regarding Availability of Discharge in Chapter 13 Bankruptcy Proceedings</li> <li>• Proof of Level of Need for Proceeding in Forma Pauperis</li> <li>• Proof By Creditor of Misuse of Cash Collateral By</li> </ul>

	Debtor Pursuant to 11 U.S.C.A. § 363(a), (c)(2), as Affected By 11 U.S.C.A. §§ 361, 552
165	<ul style="list-style-type: none"> <li>• Proof of School's Liability for Unfair Disciplinary Action Against Student Accused of Sexual Harassment or Assault</li> <li>• Hearing Loss: Proof of Medical Malpractice</li> <li>• Proof of Discriminatory Effect of Zoning or Land Use Practices Resulting in Urban Gentrification</li> <li>• Proof of Transfer of Title After Entrustment of Goods Under U.C.C. § 2-403(2) and (3)</li> <li>• Proving Whether Employee's Meal Period was "Bona Fide Meal Period," and Thus Not Compensable Work Time, for Purposes of Fair Labor Standards Act or Regulations Promulgated Thereunder</li> </ul>
166	<ul style="list-style-type: none"> <li>• Prosecution and Defense of Insider Trading Cases Brought by Government—Criminal and Civil</li> <li>• Proof of Facts Under Insurance Policies' Coverage Territory Clauses Excluding Occurrences Within or Without United States or United States, Mexico, and Canada</li> <li>• Proof of Unauthorized Access to Electronic Communications with Wrongful Intent in Violation of Stored Communications Act (18 U.S.C.A. §§ 2701 et seq.)</li> <li>• Proof of Injury to Business or Property Supporting Award of Damages or Injunctive Relief Under Racketeer Influenced and Corrupt Organizations Act (RICO)</li> <li>• Proof of Facts Supporting Liability for Causing, or Failing to Warn or Protect Against, Chronic Traumatic Encephalopathy (CTE)</li> </ul>
167	<ul style="list-style-type: none"> <li>• Proof of Excessiveness or Adequacy of Damages Awarded for Injuries to Brain</li> <li>• Proof of Liability in Situations Involving False Memories of Childhood Sexual Abuse</li> <li>• Proof of Preemption of State Insurance Laws by Liability Risk Retention Act of 1986</li> <li>• Proof That Use of E-Mails Established Enforceable Contract</li> <li>• Proof of Facts Supporting Applicability of "Foregone Conclusion" Exception to Fifth Amendment Privilege</li> </ul>

	Against Self-Incrimination
168	<ul style="list-style-type: none"> <li>• Prosecution and Defense of Claims Brought Under 42 U.S.C.A. § 1983 Alleging Excessive Force by Law Enforcement Officers</li> <li>• Proof of Facts in Motion Requesting Federal District Court to Dismiss or Transfer Based on Venue or Forum Non Conveniens</li> <li>• Proof of Physician’s Failure to Obtain Informed Consent to Experimental Treatment</li> <li>• Proof of Medical Malpractice Involving Organ or Tissue Transplant</li> <li>• Proof of Facts Supporting Admission or Persuasiveness of Records Pertaining to Inspection, Maintenance, or Calibration of Blood Alcohol Testing Device as Evidence in Criminal Trial Without Producing Persons Who Created Records</li> </ul>
169	<ul style="list-style-type: none"> <li>• Proving Fees Charged to Inmate or Inmate’s Family for Prison Services or Purchases Were Unlawful</li> <li>• Proof of Trade, Business, or Other Income-Producing Activity Functioning as Going Concern as Support for Use of Business-Expense Deduction</li> <li>• Proof of “Intent to Deprive” Sufficient to Establish Liability for Civil or Statutory Theft, or for Conversion</li> <li>• Proving Zoning Ordinance or Permit Denial Deprived Operator of Marijuana Dispensary of Constitutional Rights</li> <li>• Legal Malpractice—Estate, Will, and Succession Matters</li> <li>• Proof of Necessity and Admissibility of Expert or Opinion Evidence as to Causation of Injury to User of Prescription Drugs</li> </ul>
170	<ul style="list-style-type: none"> <li>• Proving Prisoner Was Denied Constitutional Right to Marry</li> <li>• IRS Abuse of Discretion in Rejecting Offer in Compromise</li> <li>• Proof of Facts to Support Claim in United States Court of Federal Claims Under 28 U.S.C.A. § 2513 for Damages Arising Out of Unjust Conviction and Imprisonment</li> <li>• Proof of Criminal Liability for Bankruptcy Fraud: False</li> </ul>

	Oath or Account in, or in Relation to Any Bankruptcy Case Pursuant to 18 U.S.C.A. § 152(2)
171	<ul style="list-style-type: none"> <li>• Strict Products Liability—Alteration or Modification of Product</li> <li>• Proof of Improvement Sufficient to Establish Mechanic’s or Construction Lien</li> <li>• Prosecution or Defense of Defamation Case Arising Out of Political Activity</li> <li>• Necessity and Admissibility of Expert Witness Testimony in Foster Care Proceedings Under Indian Child Welfare Act (25 U.S.C.A. §§ 1901 et seq.)</li> <li>• Inconvenience of Forum as Ground for Declining Jurisdiction Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)</li> <li>• Collection and Use of Data Through Automated License Plate Reader Technology as Violative of Fourth Amendment or Privacy Rights</li> </ul>
172	<ul style="list-style-type: none"> <li>• Proof of Expanded Jurisdiction Pursuant to Military Extraterritorial Jurisdiction Act, 18 U.S.C.A. §§ 3261 et seq.</li> <li>• Proof of Bribery and Extortion in Political Corruption Cases</li> <li>• Admissibility of “Slang,” “Lingo,” “Jargon,” or “Code” Expert Testimony</li> <li>• Proof of Associational Discrimination in Employment Law</li> </ul>
173	<ul style="list-style-type: none"> <li>• Proof of Home State Jurisdiction Under Uniform Child Custody Jurisdiction and Enforcement Act</li> <li>• Proof of “Extension of Credit” That is “Extortionate” Under Consumer Credit Protection Act Provisions (18 U.S.C.A. §§ 891 to 894) Prohibiting Extortionate Credit Transactions</li> <li>• Proof of Offense of Filing False Claim in Bankruptcy in Violation of 18 U.S.C.A. § 152(4)</li> <li>• Proof of Attorney Misconduct by Violation of Lawyers’ Rules of Professional Conduct, Rule 1.6, Regarding Confidentiality of Information</li> <li>• Liability of Tax Preparer for Misuse of Client’s Personal Information by Employee</li> </ul>
174	<ul style="list-style-type: none"> <li>• Proof of False Representation or Implication That Debt Collector is Vouched for, Bonded by, or Affiliated with</li> </ul>

	<p>United States or Any State in Violation of Fair Debt Collection Practices Act (15 U.S.C.A. § 1692e(1))</p> <ul style="list-style-type: none"> <li>• Proof of Fraudulent Representation on Internet Concerning Consumer Goods</li> <li>• Proof That Small Business is Owned and Controlled by Socially and Economically Disadvantaged Person Under Small Business Act § 8(a) (15 U.S.C.A. § 637(a))</li> <li>• Proof of Reverse False Claim Pursuant to State False Claims Act</li> <li>• Proof of Liability for Injury Caused by Compounded Drug</li> </ul>
175	<ul style="list-style-type: none"> <li>• Proof of Laches Barring Recovery of Damages for Violation of Automatic Stay in Bankruptcy</li> <li>• Proof of Liability of College or University Relating to Duty to Report, Disclose, or Investigate Sexual Violence Involving Student</li> <li>• Proof of Vicarious and Other Liability of Cruise Ship Owner or Operator for Passenger's Medical Malpractice Injury or Death</li> <li>• Proof that Plaintiff Whistleblower in Lawsuit Under § 806 of Sarbanes-Oxley Act (18 U.S.C.A. § 1514A) Held Reasonable Belief that Employer was Engaging in Unlawful Activity</li> <li>• Proof of Sentencing Factor Manipulation and Sentencing Entrapment Under 18 U.S.C.A. § 3553 and Fed. R. Crim. P. 32</li> </ul>
176	<ul style="list-style-type: none"> <li>• Source of Pollution as "Point Source" Within Meaning of 33 U.S.C.A. § 1362(14)</li> <li>• Proof Regarding Insurance Procurement Contractual Provisions and Clauses</li> <li>• Proof of Entitlement of Taxpayer to Federal Education Tax Credit</li> <li>• Availability of Charitable Immunity to Private School, College, or University Sued in Tort</li> <li>• Proving Grounds for Dismissal of Chapter 7 Case in Bankruptcy as Abusive under 11 U.S.C.A. § 707(b)(3)</li> <li>• Propriety and Reasonableness of Incentive or Service Award to Class Representative in Class Action Litigation</li> </ul>
177	<ul style="list-style-type: none"> <li>• Invalidity of Zoning Ordinance, or Decision Made Thereunder, Regulating or Restricting Operation or Location of "Adult Entertainment," "Sexually Oriented Business," or the Like</li> <li>• Validity of Marriage</li> <li>• Propriety and Amount of Punitive Damages Award Against Employer in Title VII Employment</li> </ul>

	<p>Discrimination Case</p> <ul style="list-style-type: none"> <li>• Proof of Statutory Unfair Business Practice under State Law</li> <li>• Propriety and Amount, for Federal Tax Purposes, of Charitable Deduction Arising from Donation of Conservation Easement</li> <li>• Prosecution and Defense of Special Education Litigation Brought by Parents of Child with Autism Spectrum Disorder</li> </ul>
178	<ul style="list-style-type: none"> <li>• Use of Tweets as Evidence in Civil and Criminal Trials</li> <li>• State-Action Immunity from Antitrust Liability</li> <li>• Sufficiency of Description of Collateral in Financing Statement</li> <li>• Adequacy of Notice of Tort Claim to Government Entity</li> <li>• Proof that American Citizen Employed in Foreign Country by Foreign Corporation Is Entitled to Title VII Protection</li> <li>• Prosecution and Defense of Antitrust Price Fixing</li> </ul>
179	<ul style="list-style-type: none"> <li>• Proof of Medical Malpractice for Failure to Diagnose, Misdiagnosis of, or Failure to Treat Multiple Sclerosis</li> <li>• Proof that Federal Agency Action Regarding Mining, or Matters Related to Mining, Is “Major Federal Action” Within Meaning of § 102(2)(C) of National Environmental Policy Act of 1969 (42 U.S.C.A. § 4332(2)(C))</li> <li>• Sufficiency of Description of Collateral in Security Agreement</li> <li>• Proof Requiring Nonsignatory to Arbitration Agreement to Arbitrate Claim Against Signatory</li> <li>• Propriety and Amount of Severance Damages Where Portion of Landowner’s Real Estate Is Taken by Eminent Domain or Inverse Condemnation</li> <li>• Proof of Future Pain and Suffering</li> </ul>
180	<ul style="list-style-type: none"> <li>• Proof that Imposition, Modification, or Removal of Tax, Fee, Charge, or Regulation by State or Municipality Violates Dormant Commerce Clause of the U.S. Constitution</li> <li>• Proof of Federal Contractor’s Right to Equitable Adjustment for Differing or Changed Site Conditions</li> <li>• Proof that Work Is “Derivative Work” Within Meaning of 17 U.S.C.A. § 101</li> <li>• Proof that Plaintiff in Shareholder Derivative Action Will “Fairly and Adequately Represent” Shareholders’</li> </ul>

	<p>Interests as Required by Fed. R. Civ. P. 23.1 or Similar State Rule</p> <ul style="list-style-type: none"> <li>• Proof of Lack of Probable Cause for Warrantless Arrest</li> </ul>
181	<ul style="list-style-type: none"> <li>• Proof of Existence of Conspiracy Sufficient to Allow Admission into Evidence of Extrajudicial Statements of Coconspirator</li> <li>• Proof of Entitlement to Safe Harbor Defense Provided to Internet Service Providers by Digital Millennium Copyright Act</li> <li>• Proof of "Habitual Residence" of Child Under Hague Convention on the Civil Aspects of International Child Abduction</li> <li>• Equitable Mootness of Bankruptcy Appeal</li> <li>• Medical Malpractice in Causing, Failing to Diagnose, or Treating Meningitis</li> </ul>
182	<ul style="list-style-type: none"> <li>• Employer as "Joint Employer" for Purposes of Fair Labor Standards Act</li> <li>• Retention of Control, by Employer of Independent Contractor, Over Contracted Work or Part Thereof</li> <li>• Proof of "Special Hazard" Exception to "Coming and Going" Exclusion from Workers' Compensation Coverage</li> <li>• Proof That Expert Witness in Medical Malpractice Litigation Practices in "Same Specialty" as Defendant Health Care Provider, or Is Otherwise Qualified to Testify as to Applicable Standard of Care</li> <li>• Proof of False Advertising or Other Representation on Internet That Goods or Services Are Those of Another</li> </ul>
183	<ul style="list-style-type: none"> <li>• Derivative Standing in Chapters 7, 11, and 13 Bankruptcy Proceedings</li> <li>• Proof of Gang Membership or That Crime Was Gang-Related</li> <li>• Ineffective Assistance of Appellate Counsel</li> <li>• Secondary Boycott in Violation of § 8(b)(4) of Labor Management Relations Act (29 U.S.C.A. § 158(b)(4))</li> <li>• Authorized or Prohibited Practice of Telemedicine</li> </ul>
184	<ul style="list-style-type: none"> <li>• Proof that Employee Was Acting in Scope, Course, Furtherance or the Like of Employment Under "Mutual Benefit" or "Dual Purpose" Doctrine</li> <li>• Proof of Denial of Equal Access to Public Elementary or Higher Education to Undocumented or Nonimmigrant Aliens or Their Children</li> <li>• Proof that Release Is Voidable</li> <li>• Ineffective Assistance of Counsel from Pretrial Proceedings to Sentencing</li> <li>• Proof of Hospital Liability for Patient Injury from</li> </ul>

	Failure to Adopt or Comply with Patient Safety Procedures
185	<ul style="list-style-type: none"> <li>• Proof of Waiver of Attorney-Client Privilege</li> <li>• Proof that Bidder on Public Contract Is "Responsible," for Purposes of Requirement that Contract Be Awarded to Lowest Responsible Bidder</li> <li>• Denial of Coverage Based on Insured's Failure to Provide Timely Notice of Accident or Claim or to Timely Submit Proof of Loss</li> <li>• Liability for Malpractice in Diagnosis, Misdiagnosis, or Treatment of Migraines</li> </ul>
186	<ul style="list-style-type: none"> <li>• Equitable Tolling of Limitations Periods Under Federal Tort Claims Act Pursuant to 28 U.S.C.A. § 2401(a) and (b)</li> <li>• Permissibility Under 28 U.S.C.A. § 2675(b) of Seeking, in Suit Under Federal Tort Claims Act, Damages in Amount Greater Than Presented to Federal Agency</li> <li>• Proof of Violation of Proscriptions Under 18 U.S.C.A. §§ 922(d)(3) and 922(g)(3) of Sales of Firearms to or Possession of Firearms by Persons Who Are Unlawful Users of or Addicted to Any Controlled Substance</li> <li>• Workers' Compensation and Vicarious Liability Claims—Two or More Potentially Responsible Parties</li> </ul>
187	<ul style="list-style-type: none"> <li>• Proof of Tortious Interference with Inheritance or Expected Inheritance</li> <li>• Regulation of Sign, Billboard, or Other Visual Display as Unconstitutional After Reed v. Town of Gilbert, 135 S.Ct. 2218 (U.S. 2015)</li> <li>• Proof of Satisfaction of "Situs" and "Status" Jurisdictional Requirements Under Longshore and Harbor Workers' Compensation Act (33 U.S.C.A. §§ 901 et seq.)</li> <li>• Claim or Claims Asserted in Federal Court as Meeting Amount in Controversy Requirement for Purposes of Diversity Jurisdiction</li> <li>• Proof of Invasion of Privacy by State, County, or Municipality</li> </ul>
188	<ul style="list-style-type: none"> <li>• Proof that Witness is "Unavailable" Within Meaning of Fed. R. Evid. 804(a) or Similar State Rule</li> <li>• Liability as "Control Person," Under Securities Act of 1933 or Securities Exchange Act of 1934, for Another's Violation of Federal Securities Law</li> <li>• Proof that Communications Between Insurer and Insured Were Privileged</li> <li>• Proof of Malicious Prosecution</li> <li>• Proof of Liability Arising from Police Use of Precision Immobilization Technique</li> </ul>

189	<ul style="list-style-type: none"> <li>• Proof of Assault of Prison Inmate by Correctional Officers</li> <li>• Proof of Violation of Minimum Wage Standards Under Fair Labor Standards Act, 29 U.S.C.A. §§ 201 et seq., Because of Expenses Incurred by Employee</li> <li>• Proof of Conflict of Interest Rendering Counsel's Assistance Ineffective</li> <li>• Estoppel to Assert Statute of Limitations in Action for Malpractice of Health Care Provider</li> </ul>
190	<ul style="list-style-type: none"> <li>• Proof of Violation of Federal Anti-Riot Act of 1968 (18 U.S.C.A. §§ 2101, 2102) or Similar State Statute</li> <li>• Proof of Small Vehicle Exception to Motor Carrier Act Entitling Certain Drivers to Overtime Pay</li> <li>• Proof that Failure to Exhaust ERISA Plan Claim Procedures Does Not Bar Judicial Relief on Suit Arising from ERISA Plan</li> <li>• Proof of Medical Malpractice or Negligence in Connection with Episiotomy Procedure</li> <li>• Proof of Entitlement to Reduction of Sentence Under First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018)</li> </ul>
191	<ul style="list-style-type: none"> <li>• Proof of Race-Based Animus in Civil Conspiracy Claim Under 42 U.S.C.A. § 1985</li> <li>• Voluntary or Involuntary Intoxication as Defense to Criminal Charge</li> <li>• Proof of "Official Act" in Bribery Prosecution of Public Official Under 18 U.S.C.A. § 201</li> <li>• Proof of Liability of Homeowner for Injury to Guest Caused by Dangerous Condition of Residential Porch, Deck, or Patio</li> </ul>
192	<ul style="list-style-type: none"> <li>• Laches Defense in Trademark and Trade Dress Litigation</li> <li>• Proof of Motive Underlying Commission of Violent Crime in Aid of Racketeering</li> <li>• Proof of Breakdown in Communication with Criminal Defense Attorney</li> <li>• Proof of Offense of Disarming Police Officer or Attempt Thereof</li> <li>• Proof of Malpractice Involving Pacemakers</li> </ul>
193	<ul style="list-style-type: none"> <li>• Proof of Implied Copyright License</li> <li>• Proof of Equitable Distribution of Marital Debt</li> <li>• Proof that Failure of Union to Process Employee Grievance Constituted Arbitrary Action, Discrimination, or Bad Faith</li> <li>• Proof of Unreasonable Noise from Airport or Air Traffic Under Federal Law</li> <li>• Proof of Immunity of Foreign Sovereign Official</li> </ul>

194	<ul style="list-style-type: none"> <li>• Proof of Retaliation Against Tenant Under Fair Housing Act (42 U.S.C.A. § 3617)</li> <li>• Forum Non Conveniens as Justifying State Court’s Refusal to Exercise Jurisdiction over Suit Brought Under Federal Employers’ Liability Act</li> <li>• Proof in Civil and Criminal Trials of Admissibility of Evidence of Rap Lyrics or Videos</li> <li>• Proof of Liability of Commercial Property Owner for Injury to Individual Caused by Dangerous Condition of Porch, Deck, Patio, or Similar Structure</li> </ul>
195	<ul style="list-style-type: none"> <li>• Proof that Anti-Panhandling Regulation Violates First Amendment</li> <li>• Proof that Clerk of Court Inaccessible for Purpose of Computing Time Period for Filing Papers Under Rule 6(a)(3) of Federal Rules of Civil Procedure and Similar Federal Procedural Rules</li> <li>• Proof of Retaliation in Violation of Federal Law Protecting Rights of Students with Disabilities</li> <li>• Proof that UCC Article 2 Applies to Mixed Contract for Sale of Goods and Services</li> </ul>
196	<ul style="list-style-type: none"> <li>• Proof that Defendant Violated State Prevailing Wage Statute or is Subject Thereto</li> <li>• Proof of Open and Notorious Possession for Purposes of Adverse Possession Claim</li> <li>• Proof of Workers’ Compensation Benefits Eligibility for Nonrelated “Other Dependents”</li> <li>• Proof of “Substantial Financial Hardship” under § 2B1.1(b)(2) of the Federal Sentencing Guidelines</li> <li>• Prosecution and Defense of Charges Under Maritime Drug Law Enforcement Act (46 U.S.C.A. §§ 70501 et seq.)</li> </ul>
197	<ul style="list-style-type: none"> <li>• Attacking Equitable Defenses (Unclean Hands, Acquiescence, Equitable Estoppel and Waiver) in Trademark and Trade Dress Litigation</li> <li>• Proof that Trust Is Entitled to Bankruptcy Relief as Business Trust</li> <li>• Proof of Abuse and Molestation Exclusion in Liability Insurance Policies</li> <li>• Proof of Invalidity, Due to Fraud, Duress, or Unconscionability, of Arbitration Agreement Between Employer and Employee</li> <li>• Proof that Law Enforcement Officer’s Use of Prone Position Restraint Constituted Excessive Force</li> </ul>

198	<ul style="list-style-type: none"><li>• Proof of Patent Exhaustion</li><li>• Proof of Violation of Privacy Rights in School Drug Testing</li><li>• Showing Needed to Obtain Court Order for Physical or Mental Examination of Party to Civil Action</li><li>• Proof of Entitlement to Rescission of Franchise Agreement or Purchase of Business Opportunity</li></ul>
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