

Index

ABUSE

Munchausen Syndrome by Proxy
(MSP), this index

ACCESSIBILITY

Americans with Disabilities Act
(ADA), this index

ACCOMMODATION

Americans with Disabilities Act
(ADA), this index

ADA

Americans with Disabilities Act
(ADA), this index

ADMISSION, REQUESTS FOR

Munchausen Syndrome by Proxy
(MSP), **69-4-161**

AFFILIATES

Disregarding Corporate Entities, this
index

AGREEMENTS

Contracts, this index

ALLERGIES

Food Fraud and Allergies, this index

ALTER EGO

Cruise line liability, parent of;
COVID-19 pandemic, **69-1-3**
Disregarding Corporate Entities, this
index

AMERICANS WITH DISABILITIES ACT (ADA)

Alterations
Architectural standards, **69-4-181**
Building standards for, **69-3-222**
Architectural barrier litigation, proof
of standing in nonemployment
Generally, **69-4-176 et seq.**

AMERICANS WITH DISABILITIES ACT (ADA)

—Cont'd

Architectural barrier litigation, proof
of standing in nonemployment

—Cont'd

Alterations, standards for, **69-4-
181**

Class actions under Title III, **69-4-
193**

Concrete harm suffered by
plaintiff, **69-4-187, 69-4-188**

Defenses

Inaccessibility, plaintiff did not
experience, **69-4-195**

Mootness, **69-4-197**

Deposition, notice of, **69-4-235**

Discovery; model documents

Generally, **69-4-214 et seq.**

Deposition, notice of, **69-4-235**

Interrogatories, defendant's,
69-4-226

Interrogatories, plaintiff's, **69-4-
214**

Production, plaintiff's, **69-4-214**

Production, requests to plaintiff
for, **69-4-233**

Elements of proof; checklists,
69-4-199

Existing facilities, barrier removal
requirements and alternatives
for, **69-4-183, 69-4-192**

Experience at defendant's
premises, plaintiff's; hypo-
thetical scenario, **69-4-239**

Expert's testimony; hypothetical
scenario

Background, **69-4-242**

Effect of barriers on plaintiff's
use and enjoyment of

**AMERICANS WITH
DISABILITIES ACT (ADA)
—Cont'd**

Architectural barrier litigation, proof
of standing in nonemployment
—Cont'd
Expert's testimony; hypothetical
scenario—Cont'd
premises, **69-4-247**
Examination of defendant's
premises, **69-4-242**
Opinion on presence of barriers,
69-4-243
Hotel, barriers in
Complaint, **69-4-204**
Plaintiff's experience in booking
hotel; hypothetical sce-
nario, **69-4-238**
Hypothetical scenario, **69-4-235 et**
seq.
Intention to return, **69-4-189, 69-4-**
241
Interrogatories
Defendant's, **69-4-226**
Plaintiff's, **69-4-214**
Model documents
Generally, **69-4-200 et seq.**
Deposition notice, **69-4-235**
Discovery, **69-4-214 et seq.**
Hotel, barriers in; complaint,
69-4-204
Interrogatories, defendant's,
69-4-226
Interrogatories, plaintiff's, **69-4-**
214
Pleadings, **69-4-200 et seq.**
Production, requests to
defendant business for,
69-4-221
Production, requests to plaintiff
for, **69-4-233**
Retail store, barriers in; com-
plaint, **69-4-200**
Mootness, **69-4-197**
New construction and alterations,
standards for, **69-4-181**

**AMERICANS WITH
DISABILITIES ACT (ADA)
—Cont'd**

Architectural barrier litigation, proof
of standing in nonemployment
—Cont'd
Places of public accommodation,
69-4-179
Plaintiff's standing, proof of
Generally, **69-4-186 et seq.**
Concrete harm suffered by
plaintiff, **69-4-187, 69-4-**
188
Determination of standing, **69-4-**
186
Intention to return, **69-4-189**
Visit, plaintiff deterred from,
69-4-188
Production, requests for
Defendant's, **69-4-233**
Plaintiff's, **69-4-221**
Remedies, **69-4-199**
Retail store, barriers in; complaint,
69-4-200
Visit, plaintiff deterred from, **69-4-**
188, 69-4-238
Awareness for barrier, plaintiff's,
69-3-230
Checklists
Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-199**
Deterrence under Title III actions,
proof of
Elements of proof, **69-3-242**
Remedies, **69-3-242**
Class actions under Title III, **69-3-**
237, 69-4-193
Concrete harm suffered by plaintiff,
69-4-187, 69-4-188
Continued existence of barrier, **69-3-**
231
Current deterrence from access, proof
of
Generally, **69-3-232**

INDEX

AMERICANS WITH DISABILITIES ACT (ADA)

—Cont'd

Current deterrence from access, proof of—Cont'd

Awareness of current inaccessibility, plaintiff's, **69-3-282**

Deterrent effect, **69-3-283**

Expert's testimony, **69-3-284 et seq.**

Hypothetical scenario, **69-3-277 et seq.**

Intent to visit premises upon removal of barrier, plaintiff's, **69-3-283**

Reason for wishing to visit defendant's premises, plaintiff's, **69-3-279**

Source of plaintiff's knowledge of inaccessibility, **69-3-281**

Testimony; hypothetical scenario, **69-3-278 et seq.**

Use and enjoyment of premises, effect of barriers on plaintiff's, **69-3-289**

Defenses

Architectural barrier litigation, proof of standing in nonemployment

Inaccessibility, plaintiff did not experience, **69-4-195**

Mootness, **69-4-197**

Mootness

Architectural barrier litigation, proof of standing in nonemployment, **69-4-197**

Proof of deterrence under Title III actions, **69-3-239**

Proof of deterrence under Title III actions

Generally, **69-3-239 et seq.**

Mootness, **69-3-239**

Statute of limitations, **69-3-241**

Deposition, notice of; model documents

Architectural barrier litigation, proof of standing in

AMERICANS WITH DISABILITIES ACT (ADA)

—Cont'd

Deposition, notice of; model documents—Cont'd

nonemployment, **69-4-235**

Deterrence under Title III actions, proof of, **69-3-267**

Deterrence, proof of. Proof of deterrence under Title III actions, below

Discovery; model documents

Architectural barrier litigation, proof of standing in nonemployment

Generally, **69-4-214 et seq.**

Deposition, notice of, **69-4-235**

Interrogatories, defendant's, **69-4-226**

Interrogatories, plaintiff's, **69-4-214**

Production, requests to defendant business for, **69-4-221**

Production, requests to plaintiff for, **69-4-233**

Deposition, notice of

Architectural barrier litigation, proof of standing in nonemployment, **69-4-235**

Deterrence under Title III actions, proof of, **69-3-267**

Deterrence under Title III actions, proof of

Generally, **69-3-247 et seq.**

Deposition, notice of, **69-3-267**

Interrogatories, defendant's, **69-3-259 et seq.**

Interrogatories, plaintiff's, **69-3-247 et seq.**

Production, defendant's requests for, **69-3-266 et seq.**

Production, plaintiff's requests for, **69-3-254 et seq.**

Interrogatories, defendant's

Architectural barrier litigation, proof of standing in

**AMERICANS WITH
DISABILITIES ACT (ADA)**

—Cont'd

- Discovery; model documents
 - Cont'd
- Interrogatories, defendant's
 - Cont'd
 - nonemployment, **69-4-226**
- Deterrence under Title III
 - actions, proof of, **69-3-259 et seq.**
- Interrogatories, plaintiff's
 - Architectural barrier litigation, proof of standing in nonemployment, **69-4-214**
 - Deterrence under Title III
 - actions, proof of, **69-3-247 et seq.**
- Production, defendant's requests for
 - Architectural barrier litigation, proof of standing in nonemployment, **69-4-233**
 - Deterrence under Title III
 - actions, proof of, **69-3-266 et seq.**
- Production, plaintiff's requests for
 - Architectural barrier litigation, proof of standing in nonemployment, **69-4-221**
 - Deterrence under Title III
 - actions, proof of, **69-3-254 et seq.**
- Enactment of, **69-1-176, 69-3-220**
- Exemptions, **69-3-221**
- Existing facilities, barrier removal requirements and alternatives for, **69-3-224, 69-4-183, 69-4-192**
- Experience at defendant's premises, plaintiff's; hypothetical scenario, **69-4-239**
- Historical background, **69-3-220**
- Hotel, barriers in
 - Complaint, **69-4-204**
 - Plaintiff's experience in booking hotel; hypothetical scenario, **69-4-238**

**AMERICANS WITH
DISABILITIES ACT (ADA)**

—Cont'd

- Intention to return, **69-4-189, 69-4-241**
- Model documents
 - Architectural barrier litigation, proof of standing in nonemployment
 - Generally, **69-4-200 et seq.**
 - Deposition notice, **69-4-235**
 - Discovery, **69-4-214 et seq.**
 - Hotel, barriers in; complaint, **69-4-204**
 - Interrogatories, defendant's, **69-4-226**
 - Interrogatories, plaintiff's, **69-4-214**
 - Pleadings, **69-4-200 et seq.**
 - Production, requests to defendant business for, **69-4-221**
 - Production, requests to plaintiff for, **69-4-233**
 - Retail store, barriers in; complaint, **69-4-200**
- Deterrence, proof of
 - Generally, **69-3-243 et seq.**
- Briefs, sample, **69-3-268 et seq.**
- Complaint, **69-3-244**
- Deposition, notice of, **69-3-267**
- Discovery, **69-3-247 et seq.**
- Interrogatories, defendant's, **69-3-259 et seq.**
- Interrogatories, plaintiff's, **69-3-247 et seq.**
- Pleadings, **69-3-244 et seq.**
- Production, defendant's requests for, **69-3-266 et seq.**
- Production, plaintiff's requests for, **69-3-254 et seq.**
- Discovery
 - Architectural barrier litigation, proof of standing in nonemployment, **69-4-214 et seq.**

INDEX

AMERICANS WITH DISABILITIES ACT (ADA)

—Cont'd

Model documents—Cont'd

Discovery—Cont'd

Deterrence, proof of, **69-3-247**
et seq.

Hotel, barriers in; complaint, **69-4-204**

Retail store, barriers in; complaint,
69-4-200

Mootness

Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-197**

Deterrence, proof of, **69-3-239**

New construction

Architectural standards, **69-4-181**

Building standards for, **69-3-222**

Places of accommodation, **69-3-220**

Places of public accommodation,
69-4-179

Prisoner or detainee alleging
exposure to dangerous prison
temperatures, **69-1-105, 69-1-133**

Proof of deterrence under Title III
actions

Generally, **69-3-217 et seq.**

Alternations, building standards
for, **69-4-222**

Awareness for barrier, plaintiff's,
69-3-230

Briefs, sample

Defendant's brief, **69-3-268**

Plaintiff's brief, **69-3-272**

Checklists

Elements of proof, **69-3-242**

Remedies, **69-3-242**

Class actions, **69-3-237**

Complaint, sample, **69-3-244**

Continued existence of barrier,
69-3-231

Current deterrence from access
Generally, **69-3-232**

AMERICANS WITH DISABILITIES ACT (ADA)

—Cont'd

Proof of deterrence under Title III
actions—Cont'd

Current deterrence from access
—Cont'd

Awareness of current inacces-
sibility, plaintiff's, **69-3-282**

Deterrent effect, **69-3-283**

Expert's testimony, **69-3-284 et**
seq.

Hypothetical scenario, **69-3-277**
et seq.

Intent to visit premises upon
removal of barrier,
plaintiff's, **69-3-283**

Reason for wishing to visit
defendant's premises,
plaintiff's, **69-3-279**

Source of plaintiff's knowledge
of inaccessibility, **69-3-281**

Testimony; hypothetical sce-
nario, **69-3-278 et seq.**

Use and enjoyment of premises,
effect of barriers on
plaintiff's, **69-3-289**

Defenses

Generally, **69-3-239 et seq.**

Mootness, **69-3-239**

Statute of limitations, **69-3-241**

Discovery; model documents

Generally, **69-3-247 et seq.**

Deposition, notice of, **69-3-267**

Interrogatories, defendant's,
69-3-259 et seq.

Interrogatories, plaintiff's, **69-3-247 et seq.**

Production, defendant's requests
for, **69-3-266 et seq.**

Production, plaintiff's requests
for, **69-3-254 et seq.**

Elements of proof, **69-3-242**

Exemptions, **69-3-221**

Existing facilities, barrier removal
requirements and alternatives
for, **69-3-224**

**AMERICANS WITH
DISABILITIES ACT (ADA)
—Cont'd**

- Proof of deterrence under Title III actions—Cont'd
- Future probability of harm, **69-3-231**
- Model documents
 - Generally, **69-3-243 et seq.**
 - Briefs, sample, **69-3-268 et seq.**
 - Complaint, **69-3-244**
 - Deposition, notice of, **69-3-267**
 - Discovery, **69-3-247 et seq.**
 - Interrogatories, defendant's, **69-3-259 et seq.**
 - Interrogatories, plaintiff's, **69-3-247 et seq.**
 - Pleadings, **69-3-244 et seq.**
 - Production, defendant's requests for, **69-3-266 et seq.**
 - Production, plaintiff's requests for, **69-3-254 et seq.**
- New construction and alternations, building standards for, **69-1-222**
- Places of accommodation, **69-3-220**
- Pleadings, sample, **69-3-244 et seq.**
- Remedies, **69-3-242**
- Standing, generally, **69-3-227**
- Unaware, application of deterrence to barriers which plaintiff, **69-3-234**
- Websites as places of public accommodation, **69-3-225**
- Remedies
 - Architectural barrier litigation, proof of standing in nonemployment, **69-4-199**
 - Deterrence under Title III actions, proof of, **69-3-242**
- Retail store, barriers in; complaint, **69-4-200**
- Unaware, application of deterrence to barriers which plaintiff, **69-3-234**

**AMERICANS WITH
DISABILITIES ACT (ADA)
—Cont'd**

- Visit, plaintiff deterred from, **69-4-188, 69-4-238**
- Websites as places of public accommodation, **69-3-225**

APPEALS

- ADA Title III, deterrence actions under; sample briefs
 - Defendant's brief, **69-3-268**
 - Plaintiff's brief, **69-3-272**
- Head or brain injuries and future medical expenses, cause of action for; sample appellate brief of plaintiff appellant, **69-3-180**
- Munchausen Syndrome by Proxy (MSP), **69-4-173**
- Parity Act; internal appeal process, **69-2-112**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-117**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; sample trial briefs
 - Defendant, **69-1-238**
 - Plaintiff, **69-1-233**

APPEARANCE

- Munchausen Syndrome by Proxy (MSP); initial appearance by respondent, **69-4-157**

ARCHITECTURAL BARRIERS

- Americans with Disabilities Act (ADA), this index

ASSAULT

- Physical or mental examination of party to civil action, showing need to obtain order for; intent to commit, **69-2-297 et seq.**

ATHLETES

- Student athletes and school drug testing, **69-2-172**

INDEX

ATTORNEYS' FEES

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain; recovery of fees, **69-2-26**

Parity Act, **69-2-143**

BARIATRIC SURGERY

Gastric Bypass Procedures, this index

BARRIERS, REMOVAL OF

Americans with Disabilities Act (ADA), this index

BATTERY

Food fraud and allergies, **69-4-63**

Physical or mental examination of party to civil action, showing need to obtain order for; intent to commit, **69-2-297 et seq.**

BRAIN INJURIES

Head or Brain Injuries, this index

BUILDINGS

Americans with Disabilities Act (ADA), this index

BURDEN OF PROOF

Gastric bypass procedures and malpractice or negligence actions, **69-3-78, 69-3-148**

Munchausen Syndrome by Proxy (MSP) and termination actions, **69-4-111**

Parity Act, **69-2-136**

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-253**

Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-118**

CAREGIVERS

Munchausen Syndrome by Proxy (MSP), this index

CAUSATION

Gastric bypass procedures and malpractice or negligence actions,

CAUSATION—Cont'd

69-3-62, 69-3-84

Head or brain Injuries, cause of action for future medical expenses, **69-3-140**

CHECKLISTS

ADA Title III

Architectural barrier litigation, proof of standing in nonemployment, **69-4-199**

Deterrence actions under

Elements of proof, **69-3-242**

Remedies, **69-3-242**

Food fraud and allergies; investigative checklist, **69-4-71**

Gastric bypass procedures and malpractice or negligence actions, **69-3-89**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain

Defendant, information from, **69-2-46**

Plaintiff, information from, **69-2-40**

Head or brain injuries and future medical expenses, cause of action for

Defendant, **69-3-166**

Plaintiff, **69-3-164**

Munchausen Syndrome by Proxy (MSP); client information checklist

Best interests of child, **69-4-150**

Child or children at issue, **69-4-141**

Circumstances regarding alleged MSP, **69-4-147**

Respondent parent, **69-4-144**

Parity Act

Evidence, **69-2-144**

Plaintiff, information from, **69-2-143**

Witnesses, **69-2-144**

CHECKLISTS—Cont'd

- Prisons and prisoners
 - Exposure to dangerous prison temperatures
 - Defendant, **69-1-132**
 - Plaintiff, **69-1-130**
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
 - Defendant, information from, **69-2-46**
 - Plaintiff, information from, **69-2-40**
 - School drug testing, proof of violation of privacy rights in
 - Elements of proof of violation, **69-2-190**
 - Remedies recoverable, elements of, **69-2-188**
 - Students with disabilities, proof retaliation in violation of federal law protecting rights of
 - Elements of proof; checklists, **69-1-203**
 - Remedies recoverable, elements of, **69-1-202**

CHILDREN

- Munchausen Syndrome by Proxy (MSP), this index
- Parity Act and representation of, **69-2-106**

CIVIL RIGHTS

- Inmate's cause of action to obtain gender confirmation surgery or hormone therapy. See Prisons and Prisoners, this index
- Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

CLAIM PRECLUSION

- Res Judicata, this index

CLASS ACTIONS

- ADA Title III, **69-3-237, 69-4-193**

CLASS ACTIONS—Cont'd

- Data breaches of medical information and standing under Article III
 - Generally, **69-3-3**
 - Insufficient standing, **69-3-51**
 - Sufficient standing, **69-3-48**
- Parity Act, **69-2-107**

COLLATERAL ESTOPPEL

- Gastric bypass procedures and malpractice or negligence actions, **69-3-68**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-194**

COMPEL, MOTION TO

- Parity Act, **69-2-135**

COMPLAINTS

- ADA Title III, deterrence actions under; sample complaint, **69-3-244**
- Gastric bypass procedures and malpractice or negligence actions; sample complaint, **69-3-93, 69-3-122**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-27, 69-2-83**
- Head or brain injuries, future medical expenses, cause of action for; sample complaint, **69-3-167**
- Parity Act, **69-2-119, 69-2-155**
- Prisoner or detainee alleging exposure to dangerous prison temperatures; sample complaints, **69-1-133 et seq.**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents, **69-1-205 et seq.**

COMPUTERS

- Data breaches of medical information and standing under Article III.

INDEX

COMPUTERS—Cont'd

See Data Breaches of Medical Information

CONFIDENTIALITY

Privacy Rights, this index

CONSENT

Gastric bypass procedures and liability for negligent failure to obtain informed consent, **69-3-57**

Privacy rights, proof of violation of student's; consent of student or parent, **69-2-186**

CONSTITUTIONAL ISSUES

Data breaches of medical information and standing under Article III. See Data Breaches of Medical Information

Due process

Munchausen Syndrome by Proxy (MSP); due process violations assistance as defense to termination of rights, **69-4-135**

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain. See Prisons and Prisoners, this index

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

School Drug Testing, this index

CONSUMER PROTECTION

Food Fraud and Allergies, this index

CONTRACTS

Cruise line liability and COVID-19 pandemic; breach of contract, **69-1-45**

CONTROLLED SUBSTANCES

Substance Abuse, this index

CORONA VIRUS PANDEMIC

COVID-19 Pandemic, this index

CORPORATIONS

Corporate parent as separate and distinct from subsidiaries and individual corporate principals, generally, **69-4-2**

Directors and officers, common, **69-4-3**

Disregarding corporate entities
Generally, **69-4-1 et seq.**
Abuse, sufficient evidence of, **69-4-4**

Complete control over nursing home, sufficient evidence of, **69-4-6**

Corporate parent as separate and distinct from subsidiaries and individual corporate principals, generally, **69-4-2**

Corporate veil defined, **69-4-2**

Directors and officers, common, **69-4-3**

Dismissal motions
Claim found sufficient to defeat, **69-4-7**

Control or dominion, based on insufficient evidence of, **69-4-21**

Evidence justifying under state law
Generally, **69-4-4 et seq.**

Abuse, sufficient evidence of, **69-4-4**

Complete control over nursing home, sufficient evidence of, **69-4-6**

Dismissal motion, claim found sufficient to defeat, **69-4-7**

Jurisdiction, **69-4-9**

Factors considered, **69-4-3**

Financing subsidiary as factor, **69-4-3**

Formal legal requirements of subsidiary as factor, **69-4-3**

CORPORATIONS—Cont'd

Disregarding corporate entities
—Cont'd
Grossly inadequate capital, subsidiary having, **69-4-3**
Harmful purposes, no allegations of abuse of corporate form for, **69-4-24**
Incorporation, parent causing subsidiary's, **69-4-3**
Insufficient evidence under state law
Generally, **69-4-14 et seq.**
Control or dominion, insufficient evidence of, **69-4-21**
Dismissal of claims, **69-4-21 et seq.**
Fraud not proven, **69-4-17**
Harmful purposes, no allegations of abuse of corporate form for, **69-4-24**
Jurisdiction not found, **69-4-27**
Prior judgment against nursing home owner or operator, statute requiring, **69-4-25**
Summary judgment, **69-4-20**
Unrelated subsidiaries of parent, **69-4-26**
Jurisdiction, **69-4-4, 69-4-9, 69-4-27, 69-4-30**
Limited liability companies, statutory process of incorporating corporation or organizing, **69-4-2**
No business except with its parent or subsidiary as factor, **69-4-3**
Prior judgment against nursing home owner or operator, statute requiring; dismissal of claim, **69-4-25**
Questions remaining whether corporate entity should be disregarded
Generally, **69-4-28 et seq.**
Jurisdiction purposes, remanded for further analysis whether

CORPORATIONS—Cont'd

Disregarding corporate entities
—Cont'd
Questions remaining whether corporate entity should be disregarded—Cont'd
to pierce corporate veil for, **69-4-30**
Summary judgment precluded, **69-4-28**
Salaries and expenses, parent paying, **69-4-3**
Single enterprise rule defined, **69-4-2**
State laws controlling determination, **69-4-2**
Statutory process of incorporating corporation or organizing LLC, **69-4-2**
Stock ownership as factor, **69-4-3**
Summary judgment
Insufficient evidence under state law, **69-4-20**
Questions remaining whether corporate entity should be disregarded precluding, **69-4-28**
Unrelated subsidiaries of parent, dismissal of claim as to, **69-4-26**
Disregarding Corporate Entities, this index
Limited liability companies, statutory process of incorporating corporation or organizing, **69-4-2**
Single enterprise rule defined, **69-4-2**

COSTS

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain; recovery of costs, **69-2-26**
Head or Brain Injuries, this index
Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-254**

INDEX

COURT ORDERS

Mental examination. Physical or mental examination of party to civil action, showing need to obtain order for, below

Munchausen Syndrome by Proxy (MSP) and modification or vacation of orders, **69-4-172**

Physical or mental examination of party to civil action, showing need to obtain order for

Generally, **69-2-244**

Abuse of information gleaned, potential for, **69-2-273**

Assault or battery; intent to commit, **69-2-297 et seq.**

Background, **69-2-245**

Battery; intent to commit, **69-2-297 et seq.**

Behavior inconsistent with claimed injuries or damages, **69-2-322**

Burden of proof, **69-2-253**

Capacity of party to testify, **69-2-298**

Case investigation, **69-2-268 et seq.**

Common factual circumstances, particular, **69-2-297 et seq.**

Compliance and conditions, **69-2-258**

Construction of federal rule, **69-2-248**

Controversy, mental or physical condition as in, **69-2-266, 69-2-292 et seq.**

Costs of exam, **69-2-254**

Counsel as witness or affiant, **69-2-291**

Credibility of party, **69-2-301**

Cumulative, information sought as, **69-2-255**

Damages, evaluating scope of potential, **69-2-273**

Denial of examination and unfair prejudice, **69-2-321**

Design of examination; propriety of particular tests or

COURT ORDERS—Cont'd

Physical or mental examination of party to civil action, showing need to obtain order for

—Cont'd

procedures, **69-2-271 et seq.**

Determination of motion, **69-2-334 et seq.**

Disclosure of report, **69-2-247**

Discovery, model, **69-2-268 et seq.**

Discretion of court, **69-2-247 et seq., 69-2-258**

Distracting, information sought as excessively, **69-2-256**

Documentary evidence, **69-2-290**

Duration of examination, **69-2-262**

Elements, **69-2-265 et seq.**

Eligibility to request, **69-2-252**

Emotional distress, **69-2-305**

Employability, **69-2-310**

Estoppel, **69-2-257**

Evidence, **69-2-253, 69-2-254, 69-2-268 et seq., 69-2-289 et seq.**

Ex parte motion, **69-2-253**

Expert witnesses, **69-2-275 et seq., 69-2-290**

Federal rule, **69-2-247 et seq.**

Fiduciary status, **69-2-302**

Fitness to serve as fiduciary, **69-2-302**

Genetic conditions or predispositions, **69-2-303**

Good cause, **69-2-267, 69-2-311 et seq.**

Grounds for examination, proof of, **69-2-289 et seq.**

Hearings, **69-2-254**

Hypothetical fact pattern, **69-2-264**

Identification of specific injuries caused by defendant's conduct, **69-2-295**

Inquiry during examination, scope of, **69-2-258**

Intrusiveness of proposed examination, **69-2-272**

COURT ORDERS—Cont'd

Physical or mental examination of party to civil action, showing need to obtain order for —Cont'd

Judicial notice of scientifically accepted tests or procedures, **69-2-291**

Locating evidence, **69-2-268 et seq.**

Mental or emotional distress, **69-2-305**

Missing information, documenting relevant, **69-2-270**

Model documents

- Affidavit; motion for physical examination, **69-2-280**
- Affidavit in support of motion for mental examination, **69-2-283**
- Attorney's affidavit; motion for physical examination, **69-2-281**
- Limiting scope of mental examination, **69-2-286 et seq.**, **69-2-335**
- Motion for mental examination, **69-2-282 et seq.**
- Motion for physical examination, **69-2-279 et seq.**
- Order, **69-2-334**
- Responses to motion for mental examination, **69-2-284**
- Stipulations, **69-2-284**
- Motion for order, **69-2-253**
- Nonexpert witnesses, **69-2-274**
- Non-rule 35 objections, **69-2-255 et seq.**
- Number of examinations, **69-2-262**
- Opposition to motion, **69-2-255 et seq.**
- Physical injury, **69-2-309**
- Pleadings

 - Controversy, mental or physical condition as in, **69-2-292**
 - Sources of information, as, **69-2-268**

COURT ORDERS—Cont'd

Physical or mental examination of party to civil action, showing need to obtain order for —Cont'd

Postexamination disclosure of results, **69-2-262**

Predispositions or genetic conditions, **69-2-303**

Prejudicial or distracting, information sought as excessively, **69-2-256**

Pre-trial matters, **69-2-268 et seq.**

Pretrial motions and conferences, **69-2-277 et seq.**

Procedural issues, **69-2-250 et seq.**

Protective order, entitlement as, **69-2-257**

Recording of examination by third party, **69-2-261**, **69-2-333**

Retaliatory action by movant, **69-2-273**

Sample order, **69-2-334**

Scope of order, **69-2-258 et seq.**

Settlement, potential for, **69-2-273**

Sexually transmitted disease, **69-2-309**

State rules, **69-2-249 et seq.**

Stipulations, **69-2-278**, **69-2-284**

Time limitations for requesting order, **69-2-251**

Types of examination, **69-2-258**

Undue burden or hardship, examination as, **69-2-256**

Vocational abilities, **69-2-310**

Waivers, **69-2-257**, **69-2-278**

Who may be present at examination

- Generally, **69-2-259 et seq.**
- Counsel, **69-2-259**
- Third parties, **69-2-260**, **69-2-330**

Witnesses, **69-2-274 et seq.**, **69-2-290**

COVID-19 PANDEMIC

Cruise line liability

- Generally, **69-1-1 et seq.**

INDEX

COVID-19 PANDEMIC—Cont'd

- Cruise line liability—Cont'd
 - Actual or constructive knowledge, **69-1-2**
 - Alter ego; liability of parent of cruise line, **69-1-3**
 - Boarding, negligence, **69-1-14**
 - Boarding, negligent, **69-1-2**
 - Breach of contract, **69-1-45**
 - Constructive or actual knowledge of risk-creating condition, **69-1-2**
 - Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**
 - Emotional distress claims, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**
 - Exposure or fear of contracting COVID-19, **69-1-29**
 - Fear of contracting COVID-19, **69-1-29**
 - Injunctions, **69-1-48, 69-1-49**
 - Knowledge of risk-creating condition, adequately alleging, **69-1-10 et seq.**
 - Negligence
 - Generally, **69-1-14**
 - Boarding, **69-1-14, 69-1-16**
 - Contracting COVID-19, **69-1-19, 69-1-21**
 - Emotional distress claims, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**
 - Experiencing symptoms, **69-1-19, 69-1-21**
 - Leave to amendment to allege when disease or symptoms contracted, **69-1-21**
 - Quarantine, conditions of, **69-1-38**
 - Sailing, **69-1-14**
 - Screening, **69-1-14, 69-1-16**
- Parent of cruise line, liability of
 - Generally, **69-1-3**
 - Alter ego, **69-1-3**
 - Duty of care, **69-1-8, 69-1-9**

COVID-19 PANDEMIC—Cont'd

- Cruise line liability—Cont'd
 - Parent of cruise line, liability of—Cont'd
 - Heightened duty of care, **69-1-9**
 - Independent duty of care, **69-1-8**
 - Piercing of corporate veil, **69-1-3**
 - Punitive damages, **69-1-49**
 - Quarantine, conditions of, **69-1-38**
 - Relief, **69-1-49 et seq.**
 - Risk-creating condition, adequately alleging knowledge of, **69-1-10 et seq.**
 - Screening, negligent, **69-1-2, 69-1-14**
 - Survival actions
 - Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**
 - Leave to amend to show where COVID-19 contracted, **69-1-47**
 - Symptoms and quarantine of passengers, **69-1-1**
 - Zone of danger required for negligent infliction of emotional distress claims, **69-1-2**
- Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**

CREDIBILITY

- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain; assessment of prisoner's credibility, **69-2-40**
- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-301**

CRUEL AND UNUSUAL PUNISHMENT

- Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

CRUISE LINE LIABILITIES

COVID-19 pandemic
 Generally, **69-1-1 et seq.**
 Actual or constructive knowledge, **69-1-2**
 Alter ego; liability of parent of cruise line, **69-1-3**
 Boarding, negligence, **69-1-14**
 Boarding, negligent, **69-1-2**
 Breach of contract, **69-1-45**
 Constructive or actual knowledge of risk-creating condition, **69-1-2**
 Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**
 Emotional distress claims, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**
 Exposure or fear of contracting COVID-19, **69-1-29**
 Fear of contracting COVID-19, **69-1-29**
 Injunctions, **69-1-48, 69-1-49**
 Knowledge of risk-creating condition, adequately alleging, **69-1-10 et seq.**
 Negligence
 Generally, **69-1-14**
 Boarding, **69-1-14, 69-1-16**
 Contracting COVID-19, **69-1-19, 69-1-21**
 Emotional distress claims, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**
 Experiencing symptoms, **69-1-19, 69-1-21**
 Leave to amendment to allege when disease or symptoms contracted, **69-1-21**
 Quarantine, conditions of, **69-1-38**
 Sailing, **69-1-14**
 Screening, **69-1-14, 69-1-16**
 Parent of cruise line, liability of
 Generally, **69-1-3**

CRUISE LINE LIABILITIES

—Cont'd

COVID-19 pandemic—Cont'd
 Parent of cruise line, liability of
 —Cont'd
 Alter ego, **69-1-3**
 Duty of care, **69-1-8, 69-1-9**
 Heightened duty of care, **69-1-9**
 Independent duty of care, **69-1-8**
 Piercing of corporate veil, **69-1-3**
 Punitive damages, **69-1-49**
 Quarantine, conditions of, **69-1-38**
 Relief, **69-1-49 et seq.**
 Risk-creating condition, adequately alleging knowledge of, **69-1-10 et seq.**
 Screening, negligent, **69-1-2, 69-1-14**
 Survival actions
 Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**
 Leave to amend to show where COVID-19 contracted, **69-1-47**
 Symptoms and quarantine of passengers, **69-1-1**
 Zone of danger required for negligent infliction of emotional distress claims, **69-1-2**

CUSTODY

Munchausen Syndrome by Proxy (MSP), this index

DAMAGES

Cruise line liability and COVID-19 pandemic, **69-1-49**
 Gastric bypass procedures and malpractice or negligence actions
 Award survey, **69-3-87**
 Compensatory, **69-3-86**
 Punitive, **69-3-87**
 Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-25**
 Head or Brain Injuries, this index

INDEX

DAMAGES—Cont'd

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-273**
- Prisons and prisoners
 - Exposure to dangerous prison temperatures, **69-1-123, 69-1-129**
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-25**
- Punitive damages
 - Cruise line liability and COVID-19 pandemic, **69-1-49**
 - Gastric bypass procedures and malpractice or negligence actions, **69-3-87**

DATA BREACHES OF MEDICAL INFORMATION

- Generally, **69-3-1 et seq.**
- Causation requirement
 - Insufficient, **69-3-36**
 - Sufficient, **69-3-32**
- Concreteness of injury
 - Insufficient, **69-3-30**
 - Sufficient, **69-3-27**
- Fed. R. Civ. P. 12(b)(6), **69-3-5**
- Fed. R. Civ. P. 12(b)(1) motion, **69-3-5**
- Future harm, substantial risk of
 - Insufficient, **69-3-23**
 - Sufficient, **69-3-21**
- Injury-in-fact, establishing
 - Injury-in-fact, establishing, **69-3-13**
 - Sufficient, **69-3-7**
- Redressability requirement
 - Insufficient, **69-3-40**
- Standing under U.S. Constitution
 - Article III
 - Generally, **69-3-1 et seq.**
 - Causation requirement
 - Insufficient, **69-3-36**
 - Sufficient, **69-3-32**

DATA BREACHES OF MEDICAL INFORMATION—Cont'd

- Standing under U.S. Constitution
 - Article III—Cont'd
 - Class actions
 - Generally, **69-3-3**
 - Insufficient standing, **69-3-51**
 - Sufficient standing, **69-3-48**
 - Concreteness of injury
 - Insufficient, **69-3-30**
 - Sufficient, **69-3-27**
 - Defendant's challenges, **69-3-3, 69-3-4**
 - Elements, **69-3-2**
 - Facial attack
 - Successful, **69-3-40**
 - Unsuccessful, **69-3-43**
 - Factual challenge
 - Generally, **69-3-3, 69-3-4**
 - Successful, **69-3-46**
 - Unsuccessful, **69-3-47**
 - Fed. R. Civ. P. 12(b)(1) motion, **69-3-5**
 - Fed. R. Civ. P. 12(b)(6) motion, **69-3-5**
 - Future harm, substantial risk of
 - Insufficient, **69-3-23**
 - Sufficient, **69-3-21**
 - Injury-in-fact, establishing
 - Insufficient, **69-3-13**
 - Sufficient, **69-3-7**
 - Jurisdiction, **69-3-4**
 - Lack of, **69-3-3**
 - Preliminary matters, **69-3-1 et seq.**
 - Redressability requirement
 - Insufficient, **69-3-40**
 - Sufficient, **69-3-38**
 - Requirements, **69-3-2, 69-3-7 et seq.**
 - Substantial risk of identity theft or fraud, **69-3-5**

DEATH

- Prisoner or detainee alleging exposure to dangerous

DEATH—Cont'd

temperatures. See Prisons and Prisoners

DEATH ON THE HIGH SEAS ACT

Survival action preemption by,
69-1-3, 69-1-46

DECLARATORY RELIEF

Parity Act, **69-2-142**

DEFENSES

ADA Title III

Architectural barrier litigation,
proof of standing in
nonemployment

Inaccessibility, plaintiff did not
experience, **69-4-195**

Mootness, **69-4-197**

Deterrence actions under

Generally, **69-3-239 et seq.**

Mootness, **69-3-239**

Statute of limitations, **69-3-241**

Mootness

Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-197**

Deterrence actions under, **69-3-239**

Collateral estoppel

Gastric bypass procedures and
malpractice or negligence
actions, **69-3-68**

Students with disabilities, proof
retaliation in violation of
federal law protecting rights
of, **69-1-194**

Gastric bypass procedures and mal-
practice or negligence actions

Generally, **69-3-64 et seq.**

Claim preclusion, **69-3-68**

Collateral estoppel, **69-3-68**

Continuous treatment tolling doc-
trine, **69-3-66**

Indemnification and application of
statute of limitations or
repose, **69-3-68**

Issue preclusion, **69-3-68**

DEFENSES—Cont'd

Gastric bypass procedures and mal-
practice or negligence actions

—Cont'd

Relation back, **69-3-67**

Repose, **69-3-64, 69-3-68**

Res judicata, **69-3-68**

Statute of limitations, **69-3-64,**
69-3-68

Gender confirmation surgery or
hormone therapy, inmate's cause
of action to obtain

Generally, **69-2-19 et seq.**

Constitutional right, no deprivation
of, **69-2-21**

Exhaustion of administrative reme-
dies, **69-2-19**

Qualified immunity, **69-2-20**

Head or brain injuries and cause of
action for future medical
expenses, **69-3-141**

Mootness

ADA Title III

Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-197**

Deterrence actions under, **69-3-239**

Prisoner or detainee alleging
exposure to dangerous prison
temperatures, **69-1-107**

Prisons and prisoners

Exposure to dangerous prison
temperatures

Mootness, **69-1-110**

Qualified immunity, **69-1-108**

Statute of limitations, **69-1-107**

Gender confirmation surgery or
hormone therapy, inmate's
cause of action to obtain

Generally, **69-2-19 et seq.**

Constitutional right, no depriva-
tion of, **69-2-21**

Exhaustion of administrative
remedies, **69-2-19**

Qualified immunity, **69-2-20**

INDEX

DEFENSES—Cont'd

- Res judicata
 - Gastric bypass procedures and malpractice or negligence actions, **69-3-68**
 - Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-194**
- School drug testing, proof of violation of privacy rights in
 - Consent of student or parent, **69-2-186**
 - Immunity, governmental, **69-2-185**
- Statute of limitations
 - ADA Title III, deterrence actions under, **69-3-241**
 - Gastric bypass procedures and malpractice or negligence actions, **69-3-64, 69-3-68**
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-26**
 - Head or brain injuries and cause of action for future medical expenses, **69-3-141**
- Prison and prisoners
 - Exposure to dangerous prison temperatures, alleging, **69-1-107**
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-26**
- School drug testing, proof of violation of privacy rights in, **69-2-188**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-200**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of
 - Generally, **69-1-189 et seq.**
 - Collateral estoppel, **69-1-198**

DEFENSES—Cont'd

- Students with disabilities, proof retaliation in violation of federal law protecting rights of—Cont'd
 - Exhaustion of remedies, **69-1-194**
 - Legitimate nonretaliatory reason for action, **69-1-189, 69-1-191**
 - Pretext, plaintiff's burden showing of, **69-1-191**
- Res judicata, **69-1-198**

DEPOSITIONS

- ADA Title III; model documents for notice of deposition
- Architectural barrier litigation, proof of standing in nonemployment, **69-4-235**
- Deterrence actions, **69-3-267**
- Munchausen Syndrome by Proxy (MSP), **69-4-161**
- School drug testing, proof of violation of privacy rights in; notice of deposition, **69-2-234**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents, **69-1-275**

DETAINEES

- Dangerous temperatures, prisoner or detainee alleging exposure to.
See Prisons and Prisoners

DETERRENCE

- Americans with Disabilities Act (ADA), this index

DIRECT EXAMINATIONS

- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
- Defendant as to actions under color of law, of, **69-2-71**
- Physician who examined plaintiff, **69-2-70**

DISABILITIES

- Americans with Disabilities Act (ADA), this index

DISABILITIES—Cont'd

Students with Disabilities, this index

DISCIPLINE

School Drug Testing, this index

DISCLOSURES

Parity Act, **69-2-133**

Physical or mental examination of
party to civil action, showing
need to obtain order for;
disclosure of report, **69-2-247**

DISCOVERY

ADA Title III; model documents

Architectural barrier litigation,
proof of standing in
nonemployment

Generally, **69-4-214 et seq.**

Deposition, notice of, **69-4-235**

Interrogatories, defendant's,
69-4-226

Interrogatories, plaintiff's, **69-4-214**

Production, requests to
defendant business for,
69-4-221

Production, requests to plaintiff
for, **69-4-233**

Deposition, notice of
Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-235**
Deterrence actions, **69-3-267**

Deterrence actions
Generally, **69-3-247 et seq.**

Deposition, notice of, **69-3-267**

Interrogatories, defendant's,
69-3-259 et seq.

Interrogatories, plaintiff's, **69-3-247 et seq.**

Production, defendant's requests
for, **69-3-266 et seq.**

Production, plaintiff's requests
for, **69-3-254 et seq.**

Interrogatories, defendant's
Architectural barrier litigation,
proof of standing in

DISCOVERY—Cont'd

ADA Title III; model documents

—Cont'd

Interrogatories, defendant's

—Cont'd

nonemployment, **69-4-226**

Deterrence actions, **69-3-259 et seq.**

Interrogatories, plaintiff's

Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-214**

Deterrence actions, **69-3-247 et seq.**

Production, defendant's requests
for

Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-233**

Deterrence actions, **69-3-266 et seq.**

Production, plaintiff's requests for
Architectural barrier litigation,
proof of standing in
nonemployment, **69-4-221**

Deterrence actions, **69-3-254 et seq.**

Gastric bypass procedures and mal-
practice or negligence actions,
69-3-76

Head or brain injuries and cause of
action for future medical
expenses, **69-3-143**

Munchausen Syndrome by Proxy
(MSP)

Generally, **69-4-158 et seq.**

Admission, requests for, **69-4-161**

Depositions, **69-4-161**

Interrogatories, **69-4-158**

Production of documents, requests
for, **69-4-160**

Parity Act, **69-2-133, 69-2-145, 69-2-153**

School drug testing, proof of viola-
tion of privacy rights in
Generally, **69-2-219 et seq.**

Deposition, notice of, **69-2-234**

INDEX

DISCOVERY—Cont'd

- School drug testing, proof of violation of privacy rights in—Cont'd
 - Interrogatories, student's, **69-2-219**
 - Model documents, **69-2-219 et seq.**
 - Production of documents, student's requests for, **69-2-219**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents
 - Generally, **69-1-244 et seq.**
 - Deposition, notice of, **69-1-275**
 - Educator plaintiff's interrogatories and requests for production to school district, **69-1-260**
 - Interrogatories, defendant school district's, **69-1-253, 69-1-267, 69-1-273**
 - Interrogatories, plaintiff's, **69-1-244, 69-1-260**
 - Production, defendant school district's request for, **69-1-259**
 - Production, plaintiff's requests to school district for, **69-1-251, 69-1-265**

DISCRETION OF COURT

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-247 et seq., 69-2-258**

DISCRIMINATION

- Americans with Disabilities Act (ADA), this index
- Food fraud and allergies, **69-4-62**
- Inmate's cause of action to obtain gender confirmation surgery or hormone therapy. See Prisons and Prisoners, this index
- Parity between mental health and substance use disorder benefits and medical/surgical benefits. See Parity Act, this index
- Students with Disabilities, this index

DISMISSAL MOTIONS

- Disregarding corporate entities
 - Evidence justifying under state law, **69-4-7**
 - Insufficient evidence, **69-4-21 et seq.**
- False advertising relative to separate grills, sample dismissal motion alleging, **69-4-77**
- Gastric bypass procedures and malpractice or negligence actions; model documents, **69-3-113**
- Parity Act, **69-2-121**

DISREGARDING CORPORATE ENTITIES

- Generally, **69-4-1 et seq.**
- Abuse, sufficient evidence of, **69-4-4**
- Complete control over nursing home, sufficient evidence of, **69-4-6**
- Corporate parent as separate and distinct from subsidiaries and individual corporate principals, generally, **69-4-2**
- Corporate veil defined, **69-4-2**
- Directors and officers, common, **69-4-3**
- Dismissal motion, claim found sufficient to defeat, **69-4-7**
- Dismissal motion based on insufficient evidence of control or dominion, **69-4-21**
- Evidence
 - Insufficient evidence under state law, below
 - Sufficient evidence. Evidence justifying under state law, below
- Evidence justifying under state law
 - Generally, **69-4-4 et seq.**
 - Abuse, sufficient evidence of, **69-4-4**
 - Complete control over nursing home, sufficient evidence of, **69-4-6**
 - Dismissal motion, claim found sufficient to defeat, **69-4-7**

DISREGARDING CORPORATE

ENTITIES—Cont'd

- Evidence justifying under state law—Cont'd
 - Jurisdiction, **69-4-9**
- Factors considered, **69-4-3**
- Financing subsidiary as factor, **69-4-3**
- Formal legal requirements of subsidiary as factor, **69-4-3**
- Grossly inadequate capital, subsidiary having, **69-4-3**
- Harmful purposes, no allegations of abuse of corporate form for, **69-4-24**
- Incorporation, parent causing subsidiary's, **69-4-3**
- Insufficient evidence under state law
 - Generally, **69-4-14 et seq.**
 - Control or dominion, insufficient evidence of, **69-4-21**
 - Dismissal of claims, **69-4-21 et seq.**
 - Fraud not proven, **69-4-17**
 - Harmful purposes, no allegations of abuse of corporate form for, **69-4-24**
 - Jurisdiction not found, **69-4-27**
 - Prior judgment against nursing home owner or operator, statute requiring, **69-4-25**
 - Summary judgment, **69-4-20**
 - Unrelated subsidiaries of parent, **69-4-26**
- Jurisdiction, **69-4-4, 69-4-9, 69-4-27, 69-4-30**
- Limited liability companies, statutory process of incorporating corporation or organizing, **69-4-2**
- No business except with its parent or subsidiary as factor, **69-4-3**
- Prior judgment against nursing home owner or operator, statute requiring; dismissal of claim, **69-4-25**
- Questions remaining whether corporate entity should be disregarded
 - Generally, **69-4-28 et seq.**

DISREGARDING CORPORATE

ENTITIES—Cont'd

- Questions remaining whether corporate entity should be disregarded—Cont'd
 - Jurisdiction purposes, remanded for further analysis whether to pierce corporate veil for, **69-4-30**
 - Summary judgment precluded, **69-4-28**
- Salaries and expenses, parent paying, **69-4-3**
- Single enterprise rule defined, **69-4-2**
- State laws controlling determination, **69-4-2**
- Statutory process of incorporating corporation or organizing LLC, **69-4-2**
- Stock ownership as factor, **69-4-3**
- Summary judgment
 - Insufficient evidence under state law, **69-4-20**
 - Questions remaining whether corporate entity should be disregarded precluding, **69-4-28**
- Unrelated subsidiaries of parent, dismissal of claim as to, **69-4-26**

DRUGS

- School Drug Testing, this index
- Substance Abuse, this index

DUE PROCESS

- Munchausen Syndrome by Proxy (MSP); due process violations assistance as defense to termination of rights, **69-4-135**
- Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

DUTY OF CARE

- Cruise line, liability of parent of; COVID-19 pandemic, **69-1-8, 69-1-9**

INDEX

DUTY OF CARE—Cont'd

Gastric bypass procedures and malpractice or negligence actions, **69-3-60**

EDUCATION

Students with Disabilities, this index

EFFECTIVE ASSISTANCE OF COUNSEL

Munchausen Syndrome by Proxy (MSP); ineffective assistance as defense to termination of rights, **69-4-134**

EIGHTH AMENDMENT

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain. See Prisons and Prisoners, this index

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

EMOTIONAL DISTRESS

Cruise line liability and COVID-19 pandemic; zone of danger, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-305**

Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-121, 69-1-129**

EQUAL PROTECTION

Transgender prisoner's claim for sexual harassment, **69-2-7**

ERISA

Parity between mental health and substance use disorder benefits and medical/surgical benefits. See Parity Act, this index

ESTOPPEL

Physical or mental examination of party to civil action, showing

ESTOPPEL—Cont'd

need to obtain order for, **69-2-257**

EVIDENCE

Americans with Disabilities Act (ADA), this index

Burden of proof

Gastric bypass procedures and malpractice or negligence actions, **69-3-78, 69-3-148**

Munchausen Syndrome by Proxy (MSP) and termination actions, **69-4-111**

Parity Act, **69-2-136**

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-253**

Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-118**

Depositions

ADA Title III; model documents for notice of deposition

Architectural barrier litigation, proof of standing in nonemployment, **69-4-235**

Deterrence actions, **69-3-267**

Munchausen Syndrome by Proxy (MSP), **69-4-161**

School drug testing, proof of violation of privacy rights in; notice of deposition, **69-2-234**

Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents, **69-1-275**

Discovery, this index

Experts, this index

Food fraud and allergies, **69-4-64**

Gastric bypass procedures and malpractice or negligence actions

Generally, **69-3-78 et seq.**

Admissibility, **69-3-77**

Burden of proof, **69-3-78**

EVIDENCE—Cont'd

Gastric bypass procedures and malpractice or negligence actions—Cont'd
Discovery, **69-3-76**
Expert testimony, **69-3-80**
Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
Generally, **69-2-28 et seq.**
Expert witnesses, **69-2-28 et seq.**
Testimonial, **69-2-28**
Witnesses, **69-2-28**
Mental or physical examination of party to civil action, showing need to obtain order for, **69-2-253, 69-2-254, 69-2-268 et seq., 69-2-289 et seq.**
Munchausen Syndrome by Proxy (MSP)
Admission, requests for, **69-4-161**
Adversarial hearings, **69-4-162 et seq.**
Depositions, **69-4-161**
Discovery
Generally, **69-4-158 et seq.**
Admission, requests for, **69-4-161**
Depositions, **69-4-161**
Interrogatories, **69-4-158**
Production of documents, requests for, **69-4-160**
Experts, **69-1-58, 69-1-60**
Expert witnesses, **69-4-163**
Factual evidence of syndrome or its effects, sufficiency of, **69-1-65, 69-1-74**
Interrogatories, **69-4-158**
Lay witnesses, **69-4-163**
Production of documents, requests for, **69-4-160**
Profile evidence, **69-1-64**
Termination actions, **69-4-111, 69-4-130**
Parity Act
Burden of proof, **69-2-136**

EVIDENCE—Cont'd

Parity Act—Cont'd
Checklists, **69-2-144**
Compel, motion to, **69-2-135**
Disclosures, **69-2-133**
Discovery, **69-2-133, 69-2-145, 69-2-153**
Expert witnesses, **69-2-138**
Interrogatories, **69-2-135**
Summary judgment, **69-2-137**
Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-253, 69-2-254, 69-2-268 et seq., 69-2-289 et seq.**
Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-118 et seq.**
Production of Documents, Requests for, this index
School Drug Testing, this index
Students with Disabilities, this index
Witnesses, this index

EXHAUSTION OF REMEDIES

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-19**
Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-194**

EXPENSES

Head or Brain Injuries, this index

EXPERTS

ADA Title III; illustrative cases
Architectural barrier litigation, proof of standing in nonemployment
Background, **69-4-242**
Effect of barriers on plaintiff's use and enjoyment of premises, **69-4-247**
Examination of defendant's premises, **69-4-242**

INDEX

EXPERTS—Cont'd

- ADA Title III; illustrative cases—Cont'd
- Architectural barrier litigation, proof of standing in nonemployment—Cont'd
- Opinion on presence of barriers, **69-4-243**
- Deterrence actions, **69-3-284 et seq.**
- Gastric bypass procedures and malpractice or negligence actions, **69-3-80, 69-3-83, 69-3-84, 69-3-152**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
- Generally, **69-2-28**
- Affidavits, **69-2-31**
- Diagnosis, **69-2-35**
- Evaluation, **69-2-34**
- Gender history, **69-2-35**
- Medical history, **69-2-35**
- Mental health history, **69-2-35**
- Name and pronoun designation, **69-2-32**
- Neutral expert, appointment of, **69-2-30**
- Qualifications in transgender medicine, **69-2-31**
- Real life experience, **69-2-36**
- Munchausen Syndrome by Proxy (MSP), **69-1-58, 69-1-60, 69-4-163**
- Parity Act, **69-2-138**
- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-275 et seq., 69-2-290**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-120**

FACTITIOUS DISORDER

- Munchausen Syndrome by Proxy (MSP), this index

FALSIFICATION

- Munchausen Syndrome by Proxy (MSP), this index

FAMILY COURT

- Munchausen Syndrome by Proxy (MSP), this index

FIDUCIARIES

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-302**

FOOD FRAUD AND ALLERGIES

- Generally, **69-4-32 et seq.**
- Adulterated food defined, **69-4-38**
- Battery, **69-4-63**
- Clayton Act, private right of action under, **69-4-60**
- Consumer Fraud Act, **69-4-44**
- Consumer protection, generally, **69-4-41**
- Dietary restrictions, **69-4-34**
- Dietary supplements, **69-4-40**
- Discrimination, **69-4-62**
- Ethical veganism, **69-4-35**
- Evidence, **69-4-64**
- Examination of plaintiff, sample
- Allergic reaction, concerning, **69-4-85**
- Vegetarianism, concerning, **69-4-88**
- False advertising relative to separate grills, sample dismissal motion alleging, **69-4-77**
- FDA, role of, **69-4-36**
- FDCA, **69-4-36, 69-4-60**
- Food Allergen Labeling and Consumer Protection Act (FALCPA), **69-4-39**
- Food defined, **69-4-37**
- FTCA, **69-4-60**
- Functional foods, **69-4-40**
- Historical background, **69-4-32**
- Hypoallergenic products, **69-4-40**
- Investigative checklist, **69-4-71**

FOOD FRAUD AND ALLERGIES

—Cont'd

- Labeling acts, duty to warn and, **69-4-51**
- Misbranded foods defined, **69-4-38**
- Nutraceuticals, **69-4-40**
- Premises liability, **69-4-61**
- Private right of action under FDCA, **69-4-60**
- Products liability, **69-4-44**
- Religion and dietary restrictions, **69-4-34**
- Veganism, **69-4-35**
- Voir dire, **69-4-82**
- Warn, duty to, **69-4-51**
- Warranty claims, **69-4-55**

FRAUD

- Disregarding Corporate Entities, this index
- Food Fraud and Allergies, this index

FRYE TEST

- Munchausen Syndrome by Proxy (MSP), **69-1-58**

FUTURE MEDICAL EXPENSES

- Head or Brain Injuries, this index

GASTRIC BYPASS PROCEDURES

- Generally, **69-3-54 et seq.**
- Apparent authority doctrine, liability under, **69-3-56**
- Informed consent, negligent failure to obtain, **69-3-57**
- Malpractice or negligence actions
 - Generally, **69-3-54 et seq.**
 - Alternative actions, **69-3-55 et seq.**
 - Answer and dismissal motion, sample, **69-3-113**
 - Apparent authority doctrine, **69-3-56**
 - Award of damages survey, **69-3-87**
 - Causation, **69-3-62, 69-3-84**
 - Checklists, **69-3-89**
 - Claim preclusion, **69-3-68**
 - Collateral estoppel, **69-3-68**
 - Compensatory damages, **69-3-86**

GASTRIC BYPASS PROCEDURES

—Cont'd

- Malpractice or negligence actions
 - Cont'd
 - Complaint, sample, **69-3-93, 69-3-122**
 - Continuous treatment tolling doctrine, **69-3-66**
- Damages
 - Award survey, **69-3-87**
 - Compensatory, **69-3-86**
 - Punitive, **69-3-87**
- Defenses
 - Generally, **69-3-64 et seq.**
 - Claim preclusion, **69-3-68**
 - Collateral estoppel, **69-3-68**
 - Continuous treatment tolling doctrine, **69-3-66**
 - Indemnification and application of statute of limitations or repose, **69-3-68**
 - Issue preclusion, **69-3-68**
 - Relation back, **69-3-67**
 - Repose, **69-3-64, 69-3-68**
 - Res judicata, **69-3-68**
 - Statute of limitations, **69-3-64, 69-3-68**
- Discovery, **69-3-76**
- Dismissal motion, sample, **69-3-113**
- Duty, existence of, **69-3-60**
- Evidence
 - Generally, **69-3-78 et seq.**
 - Admissibility, **69-3-77**
 - Burden of proof, **69-3-78**
 - Discovery, **69-3-76**
 - Expert testimony, **69-3-80, 69-3-83, 69-3-84**
 - Habit, proof of, **69-3-83**
 - Reports, expert, **69-3-80, 69-3-83, 69-3-84**
- Expert testimony, **69-3-80, 69-3-83, 69-3-84**
- Habit, proof of, **69-3-83**
- Illustrative case, **69-3-92**

INDEX

GASTRIC BYPASS PROCEDURES

—Cont'd

Malpractice or negligence actions

—Cont'd

Indemnification and application of
statute of limitations or
repose, **69-3-68**

Informed consent, negligent failure
to obtain, **69-3-57**

Issue preclusion, **69-3-68**

Jurisdiction

Personal, **69-3-73**

Subject matter, **69-3-73**

Marketing claim, **69-3-57**

Medical review panels, role of,
69-3-75

Model documents

Answer and dismissal motion,
69-3-113

Complaint, **69-3-93, 69-3-122**

Dismissal motion, **69-3-113**

Wrongful death and survival
claims complaint, **69-3-122**

Notice of claims, **69-3-73**

Parties

Generally, **69-3-69 et seq.**

Eligibility to recover, **69-3-69**

Government, **69-3-72**

Hospitals and other entities,
liability of, **69-3-70**

Liability, **69-3-69**

Personal jurisdiction, **69-3-73**

Pleadings; model documents

Answer and dismissal motion,
69-3-113

Complaint, **69-3-93, 69-3-122**

Dismissal motion, **69-3-113**

Wrongful death and survival
claims complaint, **69-3-122**

Prima facie case

Generally, **69-3-59 et seq.**

Causation, **69-3-62**

Duty, existence of, **69-3-60**

Elements, **69-3-59**

Standard of care, **69-3-60**

Procedural matters, **69-3-72 et seq.**

GASTRIC BYPASS PROCEDURES

—Cont'd

Malpractice or negligence actions

—Cont'd

Punitive damages, **69-3-87**

Related actions, **69-3-55 et seq.**

Relation back, **69-3-67**

Remedies

Generally, **69-3-85 et seq.**

Award of damages survey,
69-3-87

Compensatory damages,
69-3-86

Punitive damages, **69-3-87**

Reports, expert, **69-3-80, 69-3-83,**
69-3-84

Repose, **69-3-64, 69-3-68**

Res judicata, **69-3-68**

Review, **69-3-78**

Roux-en-Y gastric bypass, **69-3-55**

Sample opinion synopsis, **69-3-92**

Standard of care, **69-3-60**

Statute of limitations, **69-3-64,**
69-3-68

Subject matter jurisdiction,
69-3-73

Vicarious liability, **69-3-56,**
69-3-71

Wrongful death and survival
claims complaint, sample,
69-3-122

Negligence. Malpractice or
negligence actions, above

Roux-en-Y gastric bypass, **69-3-55 et**
seq.

Vicarious liability, **69-3-56, 69-3-71**

GENDER CONFIRMATION

Inmate's cause of action to obtain
gender confirmation surgery or
hormone therapy. See Prisons
and Prisoners, this index

GENETIC CONDITIONS

Physical or mental examination of
party to civil action, showing

GENETIC CONDITIONS—Cont'd
need to obtain order for, **69-2-303**

GOOD CAUSE

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-267, 69-2-311 et seq.**

GOODS

Food Fraud and Allergies, this index

GUARDIANS

Munchausen Syndrome by Proxy (MSP) and private guardianship, **69-4-137**

HABIT

Gastric bypass procedures and malpractice or negligence actions and proof of, **69-3-83**

HEAD OR BRAIN INJURIES

Future medical expenses, cause of action for
Generally, **69-3-135**
Alternative actions, **69-3-136**
Amount of damages, **69-3-156**
Appellate brief of plaintiff-appellant, sample; verdict awarding damages for head or brain injuries but not for back injury, **69-3-180**
Checklists
Defendant, **69-3-166**
Plaintiff, **69-3-164**
Collateral source rule, **69-3-157**
Complaint, sample, **69-3-167**
Defendants, **69-3-142**
Defenses, **69-3-141**
Discovery, **69-3-143**
Eligibility to recover, **69-3-141**
Evidence
Generally, **69-3-147 et seq.**
Admissibility, **69-3-147**
Burden of proof, **69-3-148**
Expert witnesses, **69-3-152**
Life expectancy, **69-3-155**

HEAD OR BRAIN INJURIES

—Cont'd

Future medical expenses, cause of action for—Cont'd
Evidence—Cont'd
Reversible error based on erroneous exclusion of evidence, **69-3-147**
Time of, **69-3-151**
Excessive award, **69-3-156**
Illustrative case, **69-3-167**
Judgments, **69-3-144**
Lost wages, compensation for future, **69-3-136**
Measuring damages, **69-3-145**
Opinion synopsis, sample, **69-3-167**
Parties, **69-3-141**
Prima facie case
Generally, **69-3-139 et seq.**
Causation, **69-3-140**
Elements, **69-3-139**
Procedural matters, **69-3-142**
Related actions, **69-3-136**
Remedies
Generally, **69-3-156 et seq.**
Amount of damages, **69-3-156**
Collateral source rule, **69-3-157**
Excessive award, **69-3-156**
Survey of damages award, **69-3-158**
Reversible error based on erroneous exclusion of evidence, **69-3-147**
Review, **69-3-145**
Standard of review, **69-3-145**
Statute of limitations, **69-3-141**
Subject matter jurisdiction, **69-3-143**
Survey of damages award, **69-3-158**
Workers' compensation benefits, **69-3-136**
Lost wages, compensation for future, **69-3-136**

INDEX

HEAD OR BRAIN INJURIES

—Cont'd

Workers' compensation benefits,
69-3-136

HEALTH BENEFIT PLANS

Parity between mental health and
substance use disorder benefits
and medical/surgical benefits.
See Parity Act, this index

HEARINGS

Munchausen Syndrome by Proxy
(MSP); adversarial hearings
Generally, **69-4-162 et seq.**
Evidence, **69-4-162 et seq.**
Expert witnesses, **69-4-163**
Lay witnesses, **69-4-163**
Petitioner's adjudicative hearing
statement, **69-4-169**
Petitioner's dispositional hearing
statement, **69-4-171**
Physical or mental examination of
party to civil action, showing
need to obtain order for, **69-2-
254**

HORMONE THERAPY

Inmate's cause of action to obtain
gender confirmation surgery or
hormone therapy. See Prisons
and Prisoners, this index

HOSPICES

Disregarding Corporate Entities, this
index

HOTELS

ADA Title III actions; proof of stand-
ing in nonemployment
architectural barrier litigation
Complaint, **69-4-204**
Plaintiff's experience in booking
hotel; hypothetical scenario,
69-4-238

IDENTITY

Data breaches of medical information
and standing under Article III.

IDENTITY—Cont'd

See Data Breaches of Medical
Information

Inmate's cause of action to obtain
gender confirmation surgery or
hormone therapy. See Prisons
and Prisoners, this index

IMMUNITY

Privacy rights, proof of violation of
student's; governmental
immunity, **69-2-185**

Qualified immunity

Gender confirmation surgery or
hormone therapy, inmate's
cause of action to obtain,
69-2-20

Prisoner or detainee alleging
exposure to dangerous prison
temperatures, **69-1-107**

IMPRISONMENT

Prisoner or detainee alleging
exposure to dangerous
temperatures. See Prisons and
Prisoners

INDEMNIFICATION

Gastric bypass procedures and mal-
practice or negligence actions;
indemnification and application
of statute of limitations or
repose, **69-3-68**

INFANTS

Children, this index

INJUNCTIONS

Cruise line liability and COVID-19
pandemic, **69-1-48, 69-1-49**

Gender confirmation surgery or
hormone therapy, inmate's cause
of action to obtain, **69-2-23,**
69-2-25, 69-2-74

Parity Act, **69-2-142**

Prisoner or detainee alleging
exposure to dangerous prison
temperatures, **69-1-126**

INMATES

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

INSURANCE

Parity between mental health and substance use disorder benefits and medical/surgical benefits. See Parity Act, this index

INTENT

Munchausen Syndrome by Proxy (MSP); knowing or intentional conduct requirement, **69-1-64**

INTERNET

Data breaches of medical information and standing under Article III. See Data Breaches of Medical Information

Websites as places of public accommodation, **69-3-225**

INTERROGATORIES

ADA Title III actions
Architectural barrier litigation, proof of standing in nonemployment
Defendant's interrogatories, **69-4-226**
Interrogatories, plaintiff's, **69-4-214**
Deterrence, proof of
Interrogatories, defendant's, **69-3-259 et seq.**
Interrogatories, plaintiff's, **69-3-247 et seq.**
Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain;
Defendant, interrogatories for, **69-2-52**
Plaintiff, defendant's interrogatories to, **69-2-61**
Munchausen Syndrome by Proxy (MSP), **69-4-158**
Parity Act, **69-2-135**

INTERROGATORIES—Cont'd

School drug testing, proof of violation of privacy rights in, **69-2-219**
Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents
Defendant school district, **69-1-253, 69-1-267, 69-1-273**
Plaintiff, **69-1-244, 69-1-260**

INVESTIGATIONS

Munchausen Syndrome by Proxy (MSP), **69-4-153**
Physical or mental examination of party to civil action, showing need to obtain order for; case investigation, **69-2-268 et seq.**

ISSUE PRECLUSION

Collateral Estoppel, this index

JAIL

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

JOINDER OF PARTIES

Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-117**

JUDGMENTS

Head or brain injuries and cause of action for future medical expenses, **69-3-144**

JUDICIAL NOTICE

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-291**

JURISDICTION

Data breaches of medical information and standing under Article III, **69-3-4**

INDEX

JURISDICTION—Cont'd

- Disregarding corporate entities,
69-4-4, 69-4-9, 69-4-27, 69-4-30
- Gastric bypass procedures and malpractice or negligence actions
Personal, **69-3-73**
Subject matter, **69-3-73**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-26**
- Munchausen Syndrome by Proxy (MSP), **69-4-158**
- Parity Act, **69-2-114**
- Prisoner or detainee alleging exposure to dangerous prison temperatures; subject matter jurisdiction, **69-1-116**
- School drug testing, proof of violation of privacy rights in, **69-2-187**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-199**
- Subject matter jurisdiction
 - Gastric bypass procedures and malpractice or negligence actions, **69-3-73**
 - Head or brain injuries and cause of action for future medical expenses, **69-3-143**
 - Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-116**

JURY INSTRUCTIONS

- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain; violation of prisoner's federal civil rights under Eighth Amendment, **69-2-72**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents, **69-1-275**

KNOWLEDGE

- Cruise line liability and COVID-19 pandemic; adequately alleging

KNOWLEDGE—Cont'd

- knowledge of risk-creating condition, **69-1-10 et seq.**
- Munchausen Syndrome by Proxy (MSP); knowing or intentional conduct requirement, **69-1-64**

LGBTQ

- Inmate's cause of action to obtain gender confirmation surgery or hormone therapy. See Prisons and Prisoners, this index

LIMITATIONS OF TIME

- Statute of Limitations, this index

LIMITED LIABILITY COMPANIES

- Disregarding Corporate Entities, this index

LOST WAGES

- Head or brain injuries, **69-3-136**

MANUFACTURERS

- Food Fraud and Allergies, this index

MARITIME

- Breach of contract claim, prima facie case for, **69-1-45**
- COVID-19 pandemic and cruise line liability. See COVID-19, this index

MEDICAL CHILD ABUSE

- Munchausen Syndrome by Proxy (MSP), this index

MEDICAL MALPRACTICE

- Gastric Bypass Procedures, this index

MENTAL HEALTH

- Assault or battery; intent to commit, **69-2-297 et seq.**
- Capacity of party to testify, **69-2-298**
- Contents of health insurance policies, typical
Generally, **69-2-91**
Exclusions, **69-2-93**
Inclusions, **69-2-93**

MENTAL HEALTH—Cont'd

Contents of health insurance policies, typical—Cont'd
 Medically necessary requirement, **69-2-91**
 Court orders for physical or mental examination of party to civil action, showing need to obtain
 Generally, **69-2-244**
 Abuse of information gleaned, potential for, **69-2-273**
 Assault or battery; intent to commit, **69-2-297 et seq.**
 Background, **69-2-245**
 Battery; intent to commit, **69-2-297 et seq.**
 Behavior inconsistent with claimed injuries or damages, **69-2-322**
 Burden of proof, **69-2-253**
 Capacity of party to testify, **69-2-298**
 Case investigation, **69-2-268 et seq.**
 Common factual circumstances, particular, **69-2-297 et seq.**
 Compliance and conditions, **69-2-258**
 Construction of federal rule, **69-2-248**
 Controversy, mental or physical condition as in, **69-2-266**, **69-2-292 et seq.**
 Costs of exam, **69-2-254**
 Counsel as witness or affiant, **69-2-291**
 Credibility of party, **69-2-301**
 Cumulative, information sought as, **69-2-255**
 Damages, evaluating scope of potential, **69-2-273**
 Denial of examination and unfair prejudice, **69-2-321**
 Design of examination; propriety of particular tests or procedures, **69-2-271 et seq.**
 Determination of motion, **69-2-334 et seq.**

MENTAL HEALTH—Cont'd

Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
 Disclosure of report, **69-2-247**
 Discovery, model, **69-2-268 et seq.**
 Discretion of court, **69-2-247 et seq.**, **69-2-258**
 Distracting, information sought as excessively, **69-2-256**
 Documentary evidence, **69-2-290**
 Duration of examination, **69-2-262**
 Elements, **69-2-265 et seq.**
 Eligibility to request, **69-2-252**
 Emotional distress, **69-2-305**
 Employability, **69-2-310**
 Estoppel, **69-2-257**
 Evidence, **69-2-253**, **69-2-254**, **69-2-268 et seq.**, **69-2-289 et seq.**
 Ex parte motion, **69-2-253**
 Expert witnesses, **69-2-275 et seq.**, **69-2-290**
 Federal rule, **69-2-247 et seq.**
 Fiduciary status, **69-2-302**
 Fitness to serve as fiduciary, **69-2-302**
 Genetic conditions or predispositions, **69-2-303**
 Good cause, **69-2-267**, **69-2-311 et seq.**
 Grounds for examination, proof of, **69-2-289 et seq.**
 Hearings, **69-2-254**
 Hypothetical fact pattern, **69-2-264**
 Identification of specific injuries caused by defendant's conduct, **69-2-295**
 Inquiry during examination, scope of, **69-2-258**
 Intrusiveness of proposed examination, **69-2-272**
 Judicial notice of scientifically accepted tests or procedures, **69-2-291**

INDEX

MENTAL HEALTH—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Locating evidence, **69-2-268 et seq.**
- Mental or emotional distress, **69-2-305**
- Missing information, documenting relevant, **69-2-270**
- Model documents
 - Affidavit; motion for physical examination, **69-2-280**
 - Affidavit in support of motion for mental examination, **69-2-283**
 - Attorney's affidavit; motion for physical examination, **69-2-281**
 - Limiting scope of mental examination, **69-2-286 et seq.**, **69-2-335**
 - Motion for mental examination, **69-2-282 et seq.**
 - Motion for physical examination, **69-2-279 et seq.**
 - Order, **69-2-334**
 - Responses to motion for mental examination, **69-2-284**
 - Stipulations, **69-2-284**
- Motion for order, **69-2-253**
- Nonexpert witnesses, **69-2-274**
- Non-rule 35 objections, **69-2-255 et seq.**
- Number of examinations, **69-2-262**
- Opposition to motion, **69-2-255 et seq.**
- Physical injury, **69-2-309**
- Pleadings
 - Controversy, mental or physical condition as in, **69-2-292**
 - Sources of information, as, **69-2-268**
- Postexamination disclosure of results, **69-2-262**

MENTAL HEALTH—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Predispositions or genetic conditions, **69-2-303**
- Prejudicial or distracting, information sought as excessively, **69-2-256**
- Pre-trial matters, **69-2-268 et seq.**
- Pretrial motions and conferences, **69-2-277 et seq.**
- Procedural issues, **69-2-250 et seq.**
- Protective order, entitlement as, **69-2-257**
- Recording of examination by third party, **69-2-261**, **69-2-333**
- Retaliatory action by movant, **69-2-273**
- Sample order, **69-2-334**
- Scope of order, **69-2-258 et seq.**
- Settlement, potential for, **69-2-273**
- Sexually transmitted disease, **69-2-309**
- State rules, **69-2-249 et seq.**
- Stipulations, **69-2-278**, **69-2-284**
- Time limitations for requesting order, **69-2-251**
- Types of examination, **69-2-258**
- Undue burden or hardship, examination as, **69-2-256**
- Vocational abilities, **69-2-310**
- Waivers, **69-2-257**, **69-2-278**
- Who may be present at examination
 - Generally, **69-2-259 et seq.**
 - Counsel, **69-2-259**
 - Third parties, **69-2-260**, **69-2-330**
- Witnesses, **69-2-274 et seq.**, **69-2-290**
- Munchausen Syndrome by Proxy (MSP), this index
- Parity Act
 - Generally, **69-2-88 et seq.**

MENTAL HEALTH—Cont'd

Parity Act—Cont'd
 Administrative decisions, standard of review of, **69-2-125**
 Alternative actions, **69-2-90**
 Amendment of pleadings, **69-2-124**
 Appeals, internal, **69-2-112**
 Applicability, **69-2-95**
 As-applied violation of, **69-2-115**
 Attorneys' fees, **69-2-143**
 Checklists
 Evidence, **69-2-144**
 Plaintiff, information from, **69-2-143**
 Witnesses, **69-2-144**
 Children, representation of, **69-2-106**
 Claims procedure, internal, **69-2-110**
 Class actions, **69-2-107**
 Compel, motion to, **69-2-135**
 Complaint, **69-2-119, 69-2-155**
 Contents of health insurance policies, typical
 Generally, **69-2-91**
 Exclusions, **69-2-93**
 Inclusions, **69-2-93**
 Medically necessary requirement, **69-2-91**
 Declaratory relief, **69-2-142**
 Defendants in action, **69-2-108**
 Determination of claim, **69-2-125 et seq.**
 Disclosures, **69-2-133**
 Discovery, **69-2-133, 69-2-145, 69-2-153**
 Dismissal motions, **69-2-121**
 Elements of cause of action
 Generally, **69-2-97**
 Medical and mental health benefits, plan provides both, **69-2-99**
 More restrictive limitations, **69-2-100**
 Plan subject to act, **69-2-98**

MENTAL HEALTH—Cont'd

Parity Act—Cont'd
 Elements of cause of action—Cont'd
 Same classification requirement, **69-2-99**
 Evidence
 Burden of proof, **69-2-136**
 Checklists, **69-2-144**
 Compel, motion to, **69-2-135**
 Disclosures, **69-2-133**
 Discovery, **69-2-133, 69-2-145, 69-2-153**
 Expert witnesses, **69-2-138**
 Interrogatories, **69-2-135**
 Summary judgment, **69-2-137**
 Exclusions, **69-2-93**
 Facial or as-applied violation of, **69-2-115**
 Form of action, **69-2-114**
 Habilitative services exclusions, **69-2-94**
 Historical background, **69-2-89**
 Illustrative cases, **69-2-154**
 Inclusions, **69-2-93**
 Injunctions, **69-2-142**
 Internal claims, **69-2-110**
 Interrogatories, **69-2-135**
 Irregularities, procedural; standard of review, **69-2-127**
 Judicial procedure, **69-2-114 et seq.**
 Jurisdiction, **69-2-114**
 Limitations on treatment, **69-2-96**
 Long-term care services exclusions, **69-2-94**
 Medically necessary requirement, **69-2-91**
 Minors, representation of, **69-2-106**
 Monetary remedies, **69-2-141**
 Nonquantitative limitations, **69-2-96**
 Operation of, **69-2-95**
 Parties
 Generally, **69-2-104 et seq.**

INDEX

MENTAL HEALTH—Cont'd

- Parity Act—Cont'd
- Parties—Cont'd
 - Anonymity, **69-2-105**
 - Children, representation of, **69-2-106**
 - Claims administrator, **69-2-109**
 - Class actions, **69-2-107**
 - Defendants, **69-2-108**
 - Minors, representation of, **69-2-106**
 - Plaintiffs, **69-2-104**
 - Plan administrator, **69-2-109**
 - Plan sponsor, **69-2-109**
 - Pseudonymity, **69-2-105**
 - Standing, **69-2-104**
- Plaintiff, information from; checklist, **69-2-143**
- Plaintiffs in action, **69-2-104**
- Pleadings
 - Generally, **69-2-119**
 - Amendments, **69-2-124**
 - Complaint, **69-2-119**
 - Dismissal motions, **69-2-121**
 - Responsive, **69-2-123**
- Practice checklists, **69-2-143 et seq.**
- Procedural matters, **69-2-110 et seq.**
- Purpose of, **69-2-89**
- Related actions, **69-2-90**
- Remedies
 - Generally, **69-2-141**
 - Attorneys' fees, **69-2-143**
 - Declaratory relief, **69-2-142**
 - Injunctions, **69-2-142**
 - Interest, **69-2-142**
 - Monetary, **69-2-141**
- Responsive pleadings, **69-2-123**
- Sample case synopsis, **69-2-154**
- Standard of review
 - Administrative decisions, **69-2-125**
 - Irregularities, procedural, **69-2-127**
- Standing, **69-2-104**

MENTAL HEALTH—Cont'd

- Parity Act—Cont'd
 - States with similar statutes, **69-2-90**
 - Substantive law, **69-2-95 et seq.**
 - Summary judgment, **69-2-130, 69-2-137**
 - Trial, **69-2-125**
 - Venue, **69-2-114**
 - Violation of, **69-2-98 et seq.**
 - Wilderness treatment program exclusions, **69-2-94**
 - Witnesses, **69-2-138, 69-2-144**
- Parity between mental health and substance use disorder benefits and medical surgical benefits. See Parity Act, this index
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-129**
- Wilderness treatment programs, **69-2-94**

MINORS

- Children, this index

MISLABELING

- Food Fraud and Allergies, this index

MODEL DOCUMENTS

- Americans with Disabilities Act (ADA)
 - Architectural barrier litigation, proof of standing in nonemployment
 - Generally, **69-4-200 et seq.**
 - Deposition notice, **69-4-235**
 - Discovery, **69-4-214 et seq.**
 - Hotel, barriers in; complaint, **69-4-204**
 - Interrogatories, defendant's, **69-4-226**
 - Interrogatories, plaintiff's, **69-4-214**
 - Pleadings, **69-4-200 et seq.**
 - Production, requests to defendant business for, **69-4-221**

MODEL DOCUMENTS—Cont'd

Americans with Disabilities Act (ADA)—Cont'd
 Architectural barrier litigation, proof of standing in nonemployment—Cont'd
 Production, requests to plaintiff for, **69-4-233**
 Retail store, barriers in; complaint, **69-4-200**
 Deterrence, proof of
 Generally, **69-3-243 et seq.**
 Briefs, sample, **69-3-268 et seq.**
 Complaint, **69-3-244**
 Deposition, notice of, **69-3-267**
 Discovery, **69-3-247 et seq.**
 Interrogatories, defendant's, **69-3-259 et seq.**
 Interrogatories, plaintiff's, **69-3-247 et seq.**
 Pleadings, **69-3-244 et seq.**
 Production, defendant's requests for, **69-3-266 et seq.**
 Production, plaintiff's requests for, **69-3-254 et seq.**
 Gastric bypass procedures and malpractice or negligence actions
 Answer and dismissal motion, **69-3-113**
 Complaint, **69-3-93, 69-3-122**
 Dismissal motion, **69-3-113**
 Wrongful death and survival claims complaint, **69-3-122**
 Mental examination, court order for.
 Physical or mental examination of party to civil action, showing need to obtain court order for, below
 Physical or mental examination of party to civil action, showing need to obtain court order for
 Affidavit; motion for physical examination, **69-2-280**
 Affidavit in support of motion for mental examination, **69-2-283**
 Attorney's affidavit; motion for physical examination, **69-2-281**

MODEL DOCUMENTS—Cont'd

Physical or mental examination of party to civil action, showing need to obtain court order for—Cont'd
 Limiting scope of mental examination, **69-2-286 et seq., 69-2-335**
 Motion for mental examination, **69-2-282 et seq.**
 Motion for physical examination, **69-2-279 et seq.**
 Order, **69-2-334**
 Responses to motion for mental examination, **69-2-284**
 Stipulations, **69-2-284**
 School drug testing and proof of violation of student's privacy rights, proof
 Generally, **69-2-191 et seq.**
 Complaint, sample, **69-2-192, 69-2-195**
 Deposition, notice of, **69-2-234**
 Discovery, **69-2-219 et seq.**
 Interrogatories, student's, **69-2-219**
 Pleadings, sample, **69-2-192, 69-2-195**
 Production of documents, student's requests for, **69-2-219**
 Summary judgment, school district's brief in opposition to student's, **69-2-206**
 Summary judgment brief, sample of student's, **69-2-199**
 Students with disabilities and retaliation claims
 Generally, **69-1-204 et seq.**
 Briefing, sample, **69-1-233 et seq.**
 Complaints, sample, **69-1-205 et seq.**
 Deposition, notice of, **69-1-275**
 Discovery, **69-1-244 et seq.**
 Educator, retaliation against; sample complaints, **69-1-223 et seq.**
 Jury instructions, **69-1-275 et seq.**

INDEX

MODEL DOCUMENTS—Cont'd

Students with disabilities and retaliation claims—Cont'd

Pleadings, sample, **69-1-205 et seq.**

MOOTNESS

ADA Title III

Architectural barrier litigation, proof of standing in nonemployment, **69-4-197**

Deterrence actions under, **69-3-239**

Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-107**

MSP

Munchausen Syndrome by Proxy (MSP), this index

MUNCHAUSEN SYNDROME BY PROXY (MSP)

Generally, **69-1-54 et seq., 69-4-101 et seq.**

Adjudication of, **69-1-65 et seq.**

Admission, requests for, **69-4-161**

Adversarial hearings

Generally, **69-4-162 et seq.**

Evidence, **69-4-162 et seq.**

Expert witnesses, **69-4-163**

Lay witnesses, **69-4-163**

Petitioner's adjudicative hearing statement, **69-4-169**

Petitioner's dispositional hearing statement, **69-4-171**

Appearance by respondent, initial, **69-4-157**

Appellate review, **69-4-173**

Best interests of child, **69-4-126 et seq., 69-4-133, 69-4-150**

Caregiver, need for diagnosis of, **69-1-62**

Change or improvement in caregiver's condition or child's situation, alleged, **69-1-77**

Classic perpetrators, **69-4-106**

Client information checklist

Best interests of child, **69-4-150**

MUNCHAUSEN SYNDROME BY PROXY (MSP)—Cont'd

Client information checklist—Cont'd

Child or children at issue, **69-4-141**

Circumstances regarding alleged MSP, **69-4-147**

Respondent parent, **69-4-144**

Common signifiers, **69-4-107**

Defined, **69-1-54, 69-1-55, 69-4-101**

Depositions, **69-4-161**

Diagnosis of caregiver, need for, **69-1-62**

Discovery

Generally, **69-4-158 et seq.**

Admission, requests for, **69-4-161**

Depositions, **69-4-161**

Interrogatories, **69-4-158**

Production of documents, requests for, **69-4-160**

Evidence

Admission, requests for, **69-4-161**

Adversarial hearings, **69-4-162 et seq.**

Depositions, **69-4-161**

Discovery

Generally, **69-4-158 et seq.**

Admission, requests for, **69-4-161**

Depositions, **69-4-161**

Interrogatories, **69-4-158**

Production of documents, requests for, **69-4-160**

Experts, **69-1-58, 69-1-60**

Expert witnesses, **69-4-163**

Factual evidence of syndrome or its effects, sufficiency of, **69-1-65, 69-1-74**

Interrogatories, **69-4-158**

Lay witnesses, **69-4-163**

Production of documents, requests for, **69-4-160**

Profile evidence, admissibility of, **69-1-64**

Termination actions, **69-4-111, 69-4-130**

**MUNCHAUSEN SYNDROME BY
PROXY (MSP)—Cont'd**

Examples, **69-4-106**
 Experts, **69-1-58, 69-1-60, 69-4-163**
 Factors commonly found in case
 histories of, **69-1-68, 69-4-108**
 Family court proceedings
 Generally, **69-1-54, 69-4-101 et
 seq.**
 Abuse or neglect, MSP indicator
 as, **69-4-114 et seq.**
 Admission, requests for, **69-4-161**
 Adversarial hearings
 Generally, **69-4-162 et seq.**
 Evidence, **69-4-162 et seq.**
 Expert witnesses, **69-4-163**
 Lay witnesses, **69-4-163**
 Petitioner's adjudicative hearing
 statement, **69-4-169**
 Petitioner's dispositional hear-
 ing statement, **69-4-171**
 Appearance by respondent, initial,
 69-4-157
 Appellate review, **69-4-173**
 Assistance, child in need of, **69-4-
 113**
 Best interests of child, **69-4-126 et
 seq., 69-4-133, 69-4-150**
 Case intake and development,
 69-4-139 et seq.
 Checklists, client information,
 69-4-141 et seq.
 Client information checklist
 Best interests of child, **69-4-150**
 Child or children at issue, **69-4-
 141**
 Circumstances regarding alleged
 MSP, **69-4-147**
 Respondent parent, **69-4-144**
 Client intake and compensation,
 69-4-139
 Contradictory conditions, **69-4-123**
 Defenses to termination actions
 Generally, **69-4-130 et seq.**
 Best interests of child, termina-
 tion not in, **69-4-133**

**MUNCHAUSEN SYNDROME BY
PROXY (MSP)—Cont'd**

Family court proceedings—Cont'd
 Defenses to termination actions
 —Cont'd
 Due process violations, **69-4-
 135**
 Ineffective assistance of counsel,
 69-4-134
 Insufficient evidence for finding
 abuse or neglect, **69-4-130**
 Depositions, **69-4-161**
 Deprivation, establishing, **69-4-114**
 Difficulties inherent in family law,
 69-4-140
 Discovery
 Generally, **69-4-158 et seq.**
 Admission, requests for, **69-4-
 161**
 Depositions, **69-4-161**
 Interrogatories, **69-4-158**
 Production of documents,
 requests for, **69-4-160**
 Disproportionate interest in medi-
 cal field, parent's, **69-4-123**
 Doctor hopping as indicator, **69-4-
 117**
 Due process violations as defense
 to termination actions, **69-4-
 135**
 Fabrication of symptoms as indica-
 tor, **69-4-116**
 Failure to admit abuse; best
 interests of child, **69-4-129**
 Improvement of child's health
 after removal from home,
 69-4-121
 Ineffective assistance of counsel as
 defense to termination
 actions, **69-4-134**
 Informal adjustments, **69-4-137**
 Initial client interview, **69-4-139**
 Initial report and investigation,
 69-4-153
 Interrogatories, **69-4-158**
 Jurisdiction, **69-4-158**

INDEX

MUNCHAUSEN SYNDROME BY PROXY (MSP)—Cont'd

Family court proceedings—Cont'd
 Juvenile court proceedings, generally, **69-4-151**
 Misdiagnoses of MSP, possible, **69-4-140**
 Model factual scenario, **69-4-103 et seq.**
 Modification or vacation of order, **69-4-172**
 Notice and summons, **69-4-157**
 Parties in litigation of allegations of MSP, **69-4-151**
 Petition for termination of parental rights, sample, **69-4-155**
 Preliminary conference, **69-4-154**
 Private guardianship, **69-4-137**
 Procedural considerations, **69-4-151 et seq.**
 Production of documents, requests for, **69-4-160**
 Reinstatement of parental rights, **69-4-138**
 Remedies
 Informal adjustments, **69-4-137**
 Private guardianship, **69-4-137**
 Reinstatement of parental rights, **69-4-138**
 Supervision, **69-4-136**
 Temporary removal, **69-4-137**
 Termination actions, **69-4-135**
 Review, **69-4-172 et seq.**
 Statutory grounds for finding unfitness, **69-4-112 et seq.**
 Summons, **69-4-157**
 Supervision, **69-4-136**
 Tampering with treatments, **69-4-124**
 Temporary removal, **69-4-137**
 Termination actions
 Generally, **69-4-110 et seq.**
 Abuse or neglect, MSP indicator as, **69-4-114 et seq.**
 Assistance, child in need of, **69-4-113**

MUNCHAUSEN SYNDROME BY PROXY (MSP)—Cont'd

Family court proceedings—Cont'd
 Termination actions—Cont'd
 Best interests of child, **69-4-126 et seq.**, **69-4-133**
 Burden of proof, **69-4-111**
 Contradictory conditions, **69-4-123**
 Defenses to, **69-4-130 et seq.**
 Deprivation, establishing, **69-4-114**
 Disproportionate interest in medical field, parent's, **69-4-123**
 Doctor hopping as indicator, **69-4-117**
 Elements in, **69-4-111**
 Fabrication of symptoms as indicator, **69-4-116**
 Failure to admit abuse; best interests of child, **69-4-129**
 Fundamental rights of parents, **69-4-110**
 Improvement of child's health after removal from home, **69-4-121**
 Petition for termination of parental rights, sample, **69-4-155**
 Proceedings, **69-4-110**
 Remedies, **69-4-135**
 Statutory grounds for finding unfitness, **69-4-112 et seq.**
 Tampering with treatments, **69-4-124**
 Unnecessary and dangerous procedures or treatments as indicator, **69-4-120**
 Unnecessary and dangerous procedures or treatments as indicator, **69-4-120**
 Vacation of order, **69-4-172**
 Venue, **69-4-158**
 Frye test, **69-1-58**
 Hearings, adversarial. Adversarial hearings, above

**MUNCHAUSEN SYNDROME BY
PROXY (MSP)—Cont'd**

Historical background, **69-1-55**
 Impact of one parent's syndrome on
 other parent's rights, **69-1-82,**
69-1-85
 Improvement of child's health after
 removal from home, **69-4-121**
 Improvement or change in
 caregiver's condition or child's
 situation, alleged, **69-1-77**
 Informal adjustments, **69-4-137**
 Initial report and investigation, **69-4-**
153
 Intentional or knowing conduct
 requirement, **69-1-64**
 Interrogatories, **69-4-158**
 Investigations, **69-4-153**
 Jurisdiction, **69-1-59, 69-4-158**
 Knowing or intentional conduct
 requirement, **69-1-64**
 Legal consequences, generally, **69-4-**
109
 Misdiagnoses of MSP, possible, **69-4-**
140
 Modification or vacation of order,
69-4-172
 Nonparent's rights and impact of
 parent's syndrome, **69-1-86**
 Nonparent's syndrome and impact on
 parent's rights, **69-1-86**
 One parent's syndrome on other
 parent's rights, impact of, **69-1-**
82, 69-1-85
 Petition for termination of parental
 rights, sample, **69-4-155**
 Preliminary conference, **69-4-154**
 Private guardianship, **69-4-137**
 Production of documents, requests
 for, **69-4-160**
 Profile evidence, admissibility of,
69-1-64
 Psychologists, testimony by, **69-1-58,**
69-1-60
 Recognized disorder, as, **69-1-58**
 Reinstatement of parental rights,
69-4-138

**MUNCHAUSEN SYNDROME BY
PROXY (MSP)—Cont'd**

Remedies
 Informal adjustments, **69-4-137**
 Private guardianship, **69-4-137**
 Reinstatement of parental rights,
69-4-138
 Supervision, **69-4-136**
 Temporary removal, **69-4-137**
 Termination actions, **69-4-135**
 Rights of other parent, impact of one
 parent's syndrome on, **69-1-82,**
69-1-85
 Summons, **69-4-157**
 Temporary removal, **69-4-137**
 Termination of parental rights; family
 court proceedings
 Generally, **69-4-110 et seq.**
 Abuse or neglect, MSP indicator
 as, **69-4-114 et seq.**
 Assistance, child in need of, **69-4-**
113
 Best interests of child, **69-4-126 et**
seq., 69-4-133
 Burden of proof, **69-4-111**
 Contradictory conditions, **69-4-123**
 Defenses to, **69-4-130 et seq.**
 Deprivation, establishing, **69-4-114**
 Disproportionate interest in medi-
 cal field, parent's, **69-4-123**
 Doctor hopping as indicator, **69-4-**
117
 Elements in, **69-4-111**
 Fabrication of symptoms as indica-
 tor, **69-4-116**
 Failure to admit abuse; best
 interests of child, **69-4-129**
 Fundamental rights of parents,
69-4-110
 Improvement of child's health
 after removal from home,
69-4-121
 Petition for termination of parental
 rights, sample, **69-4-155**
 Proceedings, **69-4-110**
 Remedies, **69-4-135**

INDEX

MUNCHAUSEN SYNDROME BY PROXY (MSP)—Cont'd

- Termination of parental rights; family court proceedings—Cont'd
- Statutory grounds for finding unfitness, **69-4-112 et seq.**
- Tampering with treatments, **69-4-124**
- Unnecessary and dangerous procedures or treatments as indicator, **69-4-120**
- Two or more individuals, syndrome two or more, **69-1-87**
- Vacation of order, **69-4-172**
- Venue, **69-4-158**
- Warning signs, **69-4-107**

MUNICIPALITIES

- Immunity, this index
- Prisoner or detainee alleging exposure to dangerous temperatures, liability for. See Prisons and Prisoners

NARCOTICS

- School Drug Testing, this index
- Substance Abuse, this index

NEGLECT

- Munchausen Syndrome by Proxy (MSP), this index

NEGLIGENCE

- Cruise line liability and COVID-19 pandemic
 - Generally, **69-1-14**
 - Boarding, **69-1-14, 69-1-16**
 - Contracting COVID-19, **69-1-19, 69-1-21**
 - Emotional distress claims, **69-1-21, 69-1-22, 69-1-31, 69-1-41 et seq.**
 - Experiencing symptoms, **69-1-19, 69-1-21**
 - Leave to amendment to allege when disease or symptoms contracted, **69-1-21**
 - Quarantine, conditions of, **69-1-38**

NEGLIGENCE—Cont'd

- Cruise line liability and COVID-19 pandemic—Cont'd
- Sailing, **69-1-14**
- Screening, **69-1-14, 69-1-16**
- Food Fraud and Allergies, this index
- Gastric Bypass Procedures, this index
- Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

NURSING FACILITIES

- Disregarding Corporate Entities, this index

OBESITY

- Gastric Bypass Procedures, this index

ORDERS

- Court Orders, this index

PACKAGING

- Food Fraud and Allergies, this index

PARENTS

- Munchausen Syndrome by Proxy (MSP), this index

PARITY ACT

- Generally, **69-2-88 et seq.**
- Administrative decisions, standard of review of, **69-2-125**
- Alternative actions, **69-2-90**
- Amendment of pleadings, **69-2-124**
- Appeals, internal, **69-2-112**
- Applicability, **69-2-95**
- As-applied violation of, **69-2-115**
- Attorneys' fees, **69-2-143**
- Checklists
 - Evidence, **69-2-144**
 - Plaintiff, information from, **69-2-143**
 - Witnesses, **69-2-144**
- Children, representation of, **69-2-106**
- Claims procedure, internal, **69-2-110**
- Class actions, **69-2-107**
- Compel, motion to, **69-2-135**
- Complaint, **69-2-119, 69-2-155**

PARITY ACT—Cont'd

- Contents of health insurance policies, typical
 - Generally, **69-2-91**
 - Exclusions, **69-2-93**
 - Inclusions, **69-2-93**
 - Medically necessary requirement, **69-2-91**
- Declaratory relief, **69-2-142**
- Defendants in action, **69-2-108**
- Determination of claim, **69-2-125 et seq.**
- Disclosures, **69-2-133**
- Discovery, **69-2-133, 69-2-145, 69-2-153**
- Dismissal motions, **69-2-121**
- Elements of cause of action
 - Generally, **69-2-97**
 - Medical and mental health benefits, plan provides both, **69-2-99**
 - More restrictive limitations, **69-2-100**
 - Plan subject to act, **69-2-98**
 - Same classification requirement, **69-2-99**
- Evidence
 - Burden of proof, **69-2-136**
 - Checklists, **69-2-144**
 - Compel, motion to, **69-2-135**
 - Disclosures, **69-2-133**
 - Discovery, **69-2-133, 69-2-145, 69-2-153**
 - Expert witnesses, **69-2-138**
 - Interrogatories, **69-2-135**
 - Summary judgment, **69-2-137**
- Exclusions, **69-2-93**
- Facial or as-applied violation of, **69-2-115**
- Form of action, **69-2-114**
- Habilitative services exclusions, **69-2-94**
- Historical background, **69-2-89**
- Illustrative cases, **69-2-154**
- Inclusions, **69-2-93**
- Injunctions, **69-2-142**

PARITY ACT—Cont'd

- Internal claims, **69-2-110**
- Interrogatories, **69-2-135**
- Irregularities, procedural; standard of review, **69-2-127**
- Judicial procedure, **69-2-114 et seq.**
- Jurisdiction, **69-2-114**
- Limitations on treatment, **69-2-96**
- Long-term care services exclusions, **69-2-94**
- Medically necessary requirement, **69-2-91**
- Minors, representation of, **69-2-106**
- Monetary remedies, **69-2-141**
- Nonquantitative limitations, **69-2-96**
- Operation of, **69-2-95**
- Parties
 - Generally, **69-2-104 et seq.**
 - Anonymity, **69-2-105**
 - Children, representation of, **69-2-106**
 - Claims administrator, **69-2-109**
 - Class actions, **69-2-107**
 - Defendants, **69-2-108**
 - Minors, representation of, **69-2-106**
 - Plaintiffs, **69-2-104**
 - Plan administrator, **69-2-109**
 - Plan sponsor, **69-2-109**
 - Pseudonymity, **69-2-105**
 - Standing, **69-2-104**
- Plaintiff, information from; checklist, **69-2-143**
- Plaintiffs in action, **69-2-104**
- Pleadings
 - Generally, **69-2-119**
 - Amendments, **69-2-124**
 - Complaint, **69-2-119**
 - Dismissal motions, **69-2-121**
 - Responsive, **69-2-123**
- Practice checklists, **69-2-143 et seq.**
- Procedural matters, **69-2-110 et seq.**
- Proof. Evidence, above
- Purpose of, **69-2-89**
- Related actions, **69-2-90**

INDEX

PARITY ACT—Cont'd

- Remedies
 - Generally, **69-2-141**
 - Attorneys' fees, **69-2-143**
 - Declaratory relief, **69-2-142**
 - Injunctions, **69-2-142**
 - Interest, **69-2-142**
 - Monetary, **69-2-141**
- Responsive pleadings, **69-2-123**
- Sample case synopsis, **69-2-154**
- Standard of review
 - Administrative decisions, **69-2-125**
 - Irregularities, procedural, **69-2-127**
- Standing, **69-2-104**
- States with similar statutes, **69-2-90**
- Substantive law, **69-2-95 et seq.**
- Summary judgment, **69-2-130, 69-2-137**
- Trial, **69-2-125**
- Venue, **69-2-114**
- Violation of, **69-2-98 et seq.**
- Wilderness treatment program exclusions, **69-2-94**
- Witnesses, **69-2-138, 69-2-144**

PARTIES

- Gastric bypass procedures and malpractice or negligence actions
 - Generally, **69-3-69 et seq.**
 - Eligibility to recover, **69-3-69**
 - Government, **69-3-72**
 - Hospitals and other entities, liability of, **69-3-70**
 - Liability, **69-3-69**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
 - Generally, **69-2-22 et seq.**
- Eligibility to bring Section 1983 actions, **69-2-22**
- Injunctive relief, official-capacity suit; parties who may be held liable under Section 1983, **69-2-23**
- Liability of parties under Section 1983 actions, **69-2-22 et seq.**

PARTIES—Cont'd

- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd
- Official-capacity suit for injunctive relief; parties who may be held liable under Section 1983, **69-2-23**
- Head or brain injuries and cause of action for future medical expenses, **69-3-141**
- Parity Act
 - Generally, **69-2-104 et seq.**
 - Anonymity, **69-2-105**
 - Children, representation of, **69-2-106**
 - Claims administrator, **69-2-109**
 - Class actions, **69-2-107**
 - Defendants, **69-2-108**
 - Minors, representation of, **69-2-106**
 - Plaintiffs, **69-2-104**
 - Plan administrator, **69-2-109**
 - Plan sponsor, **69-2-109**
 - Pseudonymity, **69-2-105**
 - Standing, **69-2-104**
- Prisons and prisoners
 - Exposure to dangerous prison temperatures
 - Generally, **69-1-111 et seq.**
 - Eligibility to recover, **69-1-111**
 - Federal defendants, **69-1-113**
 - Who may be held liable, **69-1-111**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
 - Generally, **69-2-22 et seq.**
- Eligibility to bring Section 1983 actions, **69-2-22**
- Injunctive relief, official-capacity suit; parties who may be held liable under Section 1983, **69-2-23**
- Liability of parties under Section 1983 actions, **69-2-22 et seq.**

PARTIES—Cont'd

- Prisons and prisoners—Cont'd
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd
 - Official-capacity suit for injunctive relief; parties who may be held liable under Section 1983, **69-2-23**

PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008 (MHPAEA)

- Parity Act, this index

PEDIATRIC CONDITION FALSIFICATION

- Munchausen Syndrome by Proxy (MSP), this index

PERSONAL JURISDICTION

- Gastric bypass procedures and malpractice or negligence actions, **69-3-73**

PHYSICAL EXAMINATIONS

- Assault or battery; intent to commit, **69-2-297 et seq.**
- Capacity of party to testify, **69-2-298**
- Court orders for physical or mental examination of party to civil action, showing need to obtain
 - Generally, **69-2-244**
 - Abuse of information gleaned, potential for, **69-2-273**
- Assault or battery; intent to commit, **69-2-297 et seq.**
- Background, **69-2-245**
- Battery; intent to commit, **69-2-297 et seq.**
- Behavior inconsistent with claimed injuries or damages, **69-2-322**
- Burden of proof, **69-2-253**
- Capacity of party to testify, **69-2-298**

PHYSICAL EXAMINATIONS

—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Case investigation, **69-2-268 et seq.**
- Common factual circumstances, particular, **69-2-297 et seq.**
- Compliance and conditions, **69-2-258**
- Construction of federal rule, **69-2-248**
- Controversy, mental or physical condition as in, **69-2-266, 69-2-292 et seq.**
- Costs of exam, **69-2-254**
- Counsel as witness or affiant, **69-2-291**
- Credibility of party, **69-2-301**
- Cumulative, information sought as, **69-2-255**
- Damages, evaluating scope of potential, **69-2-273**
- Denial of examination and unfair prejudice, **69-2-321**
- Design of examination; propriety of particular tests or procedures, **69-2-271 et seq.**
- Determination of motion, **69-2-334 et seq.**
- Disclosure of report, **69-2-247**
- Discovery, model, **69-2-268 et seq.**
- Discretion of court, **69-2-247 et seq., 69-2-258**
- Distracting, information sought as excessively, **69-2-256**
- Documentary evidence, **69-2-290**
- Duration of examination, **69-2-262**
- Elements, **69-2-265 et seq.**
- Eligibility to request, **69-2-252**
- Emotional distress, **69-2-305**
- Employability, **69-2-310**
- Estoppel, **69-2-257**

INDEX

PHYSICAL EXAMINATIONS

—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Evidence, **69-2-253, 69-2-254, 69-2-268 et seq., 69-2-289 et seq.**
- Ex parte motion, **69-2-253**
- Expert witnesses, **69-2-275 et seq., 69-2-290**
- Federal rule, **69-2-247 et seq.**
- Fiduciary status, **69-2-302**
- Fitness to serve as fiduciary, **69-2-302**
- Genetic conditions or predispositions, **69-2-303**
- Good cause, **69-2-267, 69-2-311 et seq.**
- Grounds for examination, proof of, **69-2-289 et seq.**
- Hearings, **69-2-254**
- Hypothetical fact pattern, **69-2-264**
- Identification of specific injuries caused by defendant's conduct, **69-2-295**
- Inquiry during examination, scope of, **69-2-258**
- Intrusiveness of proposed examination, **69-2-272**
- Judicial notice of scientifically accepted tests or procedures, **69-2-291**
- Locating evidence, **69-2-268 et seq.**
- Mental or emotional distress, **69-2-305**
- Missing information, documenting relevant, **69-2-270**
- Model documents
 - Affidavit; motion for physical examination, **69-2-280**
 - Affidavit in support of motion for mental examination, **69-2-283**

PHYSICAL EXAMINATIONS

—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Model documents—Cont'd
 - Attorney's affidavit; motion for physical examination, **69-2-281**
 - Limiting scope of mental examination, **69-2-286 et seq., 69-2-335**
 - Motion for mental examination, **69-2-282 et seq.**
 - Motion for physical examination, **69-2-279 et seq.**
 - Order, **69-2-334**
 - Responses to motion for mental examination, **69-2-284**
 - Stipulations, **69-2-284**
 - Motion for order, **69-2-253**
 - Nonexpert witnesses, **69-2-274**
 - Non-rule 35 objections, **69-2-255 et seq.**
 - Number of examinations, **69-2-262**
 - Opposition to motion, **69-2-255 et seq.**
- Physical injury, **69-2-309**
- Pleadings
 - Controversy, mental or physical condition as in, **69-2-292**
 - Sources of information, as, **69-2-268**
- Postexamination disclosure of results, **69-2-262**
- Predispositions or genetic conditions, **69-2-303**
- Prejudicial or distracting, information sought as excessively, **69-2-256**
- Pre-trial matters, **69-2-268 et seq.**
- Pretrial motions and conferences, **69-2-277 et seq.**
- Procedural issues, **69-2-250 et seq.**
- Protective order, entitlement as, **69-2-257**

PHYSICAL EXAMINATIONS

—Cont'd

- Court orders for physical or mental examination of party to civil action, showing need to obtain—Cont'd
- Recording of examination by third party, **69-2-261, 69-2-333**
- Retaliatory action by movant, **69-2-273**
- Sample order, **69-2-334**
- Scope of order, **69-2-258 et seq.**
- Settlement, potential for, **69-2-273**
- Sexually transmitted disease, **69-2-309**
- State rules, **69-2-249 et seq.**
- Stipulations, **69-2-278, 69-2-284**
- Time limitations for requesting order, **69-2-251**
- Types of examination, **69-2-258**
- Undue burden or hardship, examination as, **69-2-256**
- Vocational abilities, **69-2-310**
- Waivers, **69-2-257, 69-2-278**
- Who may be present at examination
 - Generally, **69-2-259 et seq.**
 - Counsel, **69-2-259**
 - Third parties, **69-2-260, 69-2-330**
- Witnesses, **69-2-274 et seq., 69-2-290**

PIERCING CORPORATE VEIL

- Disregarding Corporate Entities, this index

PLEADINGS

- ADA Title III, deterrence actions under; sample pleadings, **69-3-244 et seq.**
- Gastric bypass procedures and malpractice or negligence actions; model documents
 - Answer and dismissal motion, **69-3-113**
 - Complaint, **69-3-93, 69-3-122**

PLEADINGS—Cont'd

- Gastric bypass procedures and malpractice or negligence actions; model documents—Cont'd
- Dismissal motion, **69-3-113**
- Wrongful death and survival claims complaint, **69-3-122**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-27, 69-2-83**
- Head or brain injuries, future medical expenses, cause of action for; sample complaint, **69-3-167**
- Parity Act
 - Generally, **69-2-119**
 - Amendments, **69-2-124**
 - Complaint, **69-2-119**
 - Dismissal motions, **69-2-121**
 - Responsive, **69-2-123**
- Physical or mental examination of party to civil action, showing need to obtain order for
 - Sources of information, pleadings as, **69-2-268**
- Prisoner or detainee alleging exposure to dangerous prison temperatures; sample complaints, **69-1-133 et seq.**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents, **69-1-205 et seq.**

PREDISPOSITIONS

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-303**

PREEMPTION

- Death on the High Seas Act, survival action preemption by, **69-1-3, 69-1-46**

PREMISES LIABILITY

- Food fraud and allergies, **69-4-61**

INDEX

PRETEXT

Students with disabilities, proof
retaliation in violation of federal
law protecting rights of, **69-1-
191**

PRETRIAL CONFERENCES

Physical or mental examination of
party to civil action, showing
need to obtain order for, **69-2-
277 et seq.**

PRIMA FACIE CASE

Gastric bypass procedures and mal-
practice or negligence actions
Generally, **69-3-59 et seq.**
Causation, **69-3-62**
Duty, existence of, **69-3-60**
Elements, **69-3-59**
Standard of care, **69-3-60**
Gender confirmation surgery or
hormone therapy, inmate's cause
of action to obtain
Generally, **69-2-11 et seq.**
Delay in treatment; deliberate
indifference to prisoner's seri-
ous medical need, **69-2-18**
Deliberate indifference to
prisoner's serious medical
need, **69-2-14 et seq.**
Elements, **69-2-11**
Inappropriate treatment; deliberate
indifference to prisoner's seri-
ous medical need, **69-2-17**
Serious medical need, **69-2-12**
Head or brain injuries and cause of
action for future medical
expenses
Generally, **69-3-139 et seq.**
Causation, **69-3-140**
Elements, **69-3-139**
Prisoner or detainee alleging
exposure to dangerous prison
temperatures
Generally, **69-1-95 et seq.**
Americans with Disabilities Act
(ADA), claim under, **69-1-
105**

PRIMA FACIE CASE—Cont'd

Prisoner or detainee alleging
exposure to dangerous prison
temperatures—Cont'd
Defenses, **69-1-107 et seq.**
Deliberate indifference to prisoner
health and safety, **69-1-100**
Due process claim by pre-trial
detainee, elements of, **69-1-
103**
Elements of cruel and unusual
punishment claim, **69-1-95,
69-1-97**
Mootness defense, **69-1-110**
Qualified immunity defense, **69-1-
108**
Retaliation claim, **69-1-105**
Statute of limitations defense,
69-1-107
Train employees, liability for fail-
ure to properly, **69-1-106**
Unreasonable risk of serious dam-
age to prisoner health, condi-
tions posed, **69-1-95**
Unreasonable risk of serious dam-
age to prisoner health, condi-
tions posing; exposure to
dangerously cold
temperatures, **69-1-97**
Students with disabilities, proof
retaliation in violation of federal
law protecting rights of
Generally, **69-1-181 et seq.**
Adverse action against plaintiff,
defendant took, **69-1-184**
Causal connection between activity
and adverse action, **69-1-186**
Defendant aware of activity, **69-1-
184**
Elements, **69-1-181 et seq.**
McDonnell Douglas burden-shift-
ing approach, **69-1-187**
Plaintiff engaged in protected
activity, **69-1-182**

PRISONS AND PRISONERS

Checklists

Exposure to dangerous prison temperatures

Defendant, **69-1-132**

Plaintiff, **69-1-130**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain

Defendant, information from, **69-2-46**

Plaintiff, information from, **69-2-40**

Damages

Exposure to dangerous prison temperatures, **69-1-123, 69-1-129**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-25**

Defenses

Exposure to dangerous prison temperatures

Mootness, **69-1-110**

Qualified immunity, **69-1-108**

Statute of limitations, **69-1-107**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain

Generally, **69-2-19 et seq.**

Constitutional right, no deprivation of, **69-2-21**

Exhaustion of administrative remedies, **69-2-19**

Qualified immunity, **69-2-20**

Exposure to dangerous prison temperatures

Generally, **69-1-88**

Alternative actions, **69-1-91**

Americans with Disabilities Act (ADA), claim under, **69-1-105, 69-1-133**

Appeals, **69-1-117**

Bedding provided, **69-1-97**

Burden of proof, **69-1-118** .

PRISONS AND PRISONERS

—Cont'd

Exposure to dangerous prison temperatures—Cont'd

Checklists

Defendant, **69-1-132**

Plaintiff, **69-1-130**

Clothing provided, **69-1-97**

Complaints, sample, **69-1-133 et seq.**

Damages, **69-1-123, 69-1-129**

Defendant, checklists, **69-1-132**

Defenses

Mootness, **69-1-110**

Qualified immunity, **69-1-108**

Statute of limitations, **69-1-107**

Deliberate indifference to prisoner health and safety, **69-1-100**

Deliberate indifference to substantial risk of serious harm, **69-1-89**

Documentary evidence, **69-1-122**

Due process claim by pre-trial detainee, elements of, **69-1-103**

Duration, **69-1-97**

Eligibility to recover, **69-1-111**

Emotional distress, intentional infliction of, **69-1-121**

Emotional or mental injury, damages for, **69-1-129**

Evidence, **69-1-118 et seq.**

Experts, **69-1-120**

Federal defendants, **69-1-113**

Heat index measurements, **69-1-120**

Heightened negligence, alternative state law claim grounded in, **69-1-91**

Injunctions, **69-1-126**

Joinder of parties, **69-1-117**

Mental or emotional injury, damages for, **69-1-129**

Mootness defense, **69-1-110**

Parties

Generally, **69-1-111 et seq.**

INDEX

PRISONS AND PRISONERS

—Cont'd

- Exposure to dangerous prison temperatures—Cont'd
- Parties—Cont'd
 - Eligibility to recover, **69-1-111**
 - Federal defendants, **69-1-113**
 - Who may be held liable, **69-1-111**
- Plaintiff, checklists, **69-1-130**
- Prima facie case
 - Generally, **69-1-95 et seq.**
 - Americans with Disabilities Act (ADA), claim under, **69-1-105**
 - Defenses, **69-1-107 et seq.**
 - Deliberate indifference to prisoner health and safety, **69-1-100**
 - Due process claim by pre-trial detainee, elements of, **69-1-103**
 - Elements of cruel and unusual punishment claim, **69-1-95, 69-1-97**
 - Mootness defense, **69-1-110**
 - Qualified immunity defense, **69-1-108**
 - Retaliation claim, **69-1-105**
 - Statute of limitations defense, **69-1-107**
 - Train employees, liability for failure to properly, **69-1-106**
 - Unreasonable risk of serious damage to prisoner health, conditions posed, **69-1-95**
 - Unreasonable risk of serious damage to prisoner health, conditions posing; exposure to dangerously cold temperatures, **69-1-97**
- Prison Litigation Reform Act, **69-1-115, 69-1-127 et seq.**
- Procedural matters, **69-1-114**
- Proof, **69-1-118 et seq.**

PRISONS AND PRISONERS

—Cont'd

- Exposure to dangerous prison temperatures—Cont'd
- Qualified immunity defense, **69-1-108**
- Related actions, **69-1-90**
- Remedies, **69-1-123 et seq.**
- Retaliation claim, **69-1-105**
- Sample opinion synopsis, **69-1-133 et seq.**
- Severity, **69-1-97**
- State law claim grounded in heightened negligence, alternative, **69-1-91**
- Statute of limitations defense, **69-1-107**
- Subject matter jurisdiction, **69-1-116**
- Substantive law, generally, **69-1-95 et seq.**
- Summary judgment, **69-1-119**
- Unreasonable risk of serious damage to prisoner health, conditions posing; exposure to dangerously cold temperatures, **69-1-97**
- Who may be held liable, **69-1-111**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
 - Generally, **69-2-1 et seq.**
 - Allegations of complaint, **69-2-27**
 - Alternative actions, **69-2-6**
 - Attorneys' fees and costs, recovery of, **69-2-26**
- Checklists
 - Defendant, information from, **69-2-46**
 - Plaintiff, information from, **69-2-40**
- Cisgender, **69-2-8**
- Complaint, **69-2-27, 69-2-83**
- Credibility, assessment of prisoner's, **69-2-40**
- Damages, **69-2-25**

PRISONS AND PRISONERS

—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd

Defenses

Generally, **69-2-19 et seq.**

Constitutional right, no deprivation of, **69-2-21**

Exhaustion of administrative remedies, **69-2-19**

Qualified immunity, **69-2-20**

Definitions and distinctions, **69-2-7**

Delay in treatment; deliberate indifference to prisoner's serious medical need, **69-2-18**

Deliberate indifference to prisoner's serious medical need, **69-2-14 et seq.**

Direct examinations

Defendant as to actions under color of law, of, **69-2-71**

Physician who examined plaintiff, **69-2-70**

Equal protection claims for sexual harassment, **69-2-7**

Errands for plaintiff; conducting intake interview, **69-2-38**

Evidence

Generally, **69-2-28 et seq.**

Expert witnesses, **69-2-28 et seq.**

Testimonial, **69-2-28**

Witnesses, **69-2-28**

Exhaust remedies, failure to, **69-2-19**

Expert witnesses

Generally, **69-2-28**

Affidavits, **69-2-31**

Diagnosis, **69-2-35**

Evaluation, **69-2-34**

Gender history, **69-2-35**

Medical history, **69-2-35**

Mental health history, **69-2-35**

Name and pronoun designation, **69-2-32**

PRISONS AND PRISONERS

—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd

Expert witnesses—Cont'd

Neutral expert, appointment of, **69-2-30**

Qualifications in transgender medicine, **69-2-31**

Real life experience, **69-2-36**

Gender confirmation surgery defined, **69-2-5**

Gender defined, **69-2-8**

Gender diverse defined, **69-2-8**

Gender dysphoria defined, **69-2-9**

Gender identity defined, **69-2-8**

Gender Identity Disorder (GID) defined, **69-2-9**

Gender-nonconforming defined, **69-2-8**

Hormone therapy defined, **69-2-5**

Inappropriate treatment; deliberate indifference to prisoner's serious medical need, **69-2-17**

Injunctions, **69-2-23, 69-2-25, 69-2-74**

Intake interview, conducting, **69-2-38 et seq.**

Interrogatories

Defendant, for, **69-2-52**

Plaintiff, defendant's interrogatories to, **69-2-61**

Intersex defined, **69-2-8**

Jurisdiction, **69-2-26**

Jury instructions; violation of prisoner's federal civil rights under Eighth Amendment, **69-2-72**

Jury trial waiver, **69-2-27**

Limitations on actions, **69-2-26**

Need-narrowness intrusive findings, **69-2-24**

Neutral expert, appointment of, **69-2-30**

Opinion synopsis, sample, **69-2-73**

INDEX

PRISONS AND PRISONERS

—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd

Parties

Generally, **69-2-22 et seq.**

Eligibility to bring Section 1983 actions, **69-2-22**

Injunctive relief, official-capacity suit; parties who may be held liable under Section 1983, **69-2-23**

Liability of parties under Section 1983 actions, **69-2-22 et seq.**

Official-capacity suit for injunctive relief; parties who may be held liable under Section 1983, **69-2-23**

Pleadings, **69-2-27, 69-2-83**

Practice and procedure, **69-2-26 et seq.**

Practice lists, **69-2-40 et seq.**

Practice tips, **69-2-38**

Prima facie case

Generally, **69-2-11 et seq.**

Delay in treatment; deliberate indifference to prisoner's serious medical need, **69-2-18**

Deliberate indifference to prisoner's serious medical need, **69-2-14 et seq.**

Elements, **69-2-11**

Inappropriate treatment; deliberate indifference to prisoner's serious medical need, **69-2-17**

Serious medical need, **69-2-12**

Production of documents, requests for

Defendant, **69-2-68**

Plaintiff, **69-2-58**

Qualified immunity defense, **69-2-20**

PRISONS AND PRISONERS

—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain—Cont'd

Recovery

Generally, **69-2-24 et seq.**

Attorneys' fees and costs, recovery of, **69-2-26**

Damages, **69-2-25**

Injunctive relief, survey of, **69-2-25**

Need-narrowness intrusive findings, **69-2-24**

Remedies, **69-2-24**

Related and alternative actions, **69-2-6**

Remedies, **69-2-24**

Serious medical need, **69-2-12**

Sex defined, **69-2-7**

Special housing needs, **69-2-6**

Substantive law, **69-2-11 et seq.**

Testimonial evidence, **69-2-28**

Transgender defined, **69-2-3, 69-2-8**

Transsexual defined, **69-2-9**

Witnesses, **69-2-28 et seq.**

World Professional Association for Transgender Health (WPATH) Standards of Care; application, **69-2-10**

Hormone therapy. Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, above

Parties

Exposure to dangerous prison temperatures

Generally, **69-1-111 et seq.**

Eligibility to recover, **69-1-111**

Federal defendants, **69-1-113**

Who may be held liable, **69-1-111**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
Generally, **69-2-22 et seq.**

PRISONS AND PRISONERS

—Cont'd

Parties—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain

—Cont'd

Eligibility to bring Section 1983 actions, **69-2-22**

Injunctive relief, official-capacity suit; parties who may be held liable under Section 1983, **69-2-23**

Liability of parties under Section 1983 actions, **69-2-22 et seq.**

Official-capacity suit for injunctive relief; parties who may be held liable under Section 1983, **69-2-23**

Prima facie case

Exposure to dangerous prison temperatures

Generally, **69-1-95 et seq.**

Americans with Disabilities Act (ADA), claim under, **69-1-105**

Defenses, **69-1-107 et seq.**

Deliberate indifference to prisoner health and safety, **69-1-100**

Due process claim by pre-trial detainee, elements of, **69-1-103**

Elements of cruel and unusual punishment claim, **69-1-95, 69-1-97**

Mootness defense, **69-1-110**

Qualified immunity defense, **69-1-108**

Retaliation claim, **69-1-105**

Statute of limitations defense, **69-1-107**

Train employees, liability for failure to properly, **69-1-106**

Unreasonable risk of serious damage to prisoner health,

PRISONS AND PRISONERS

—Cont'd

Prima facie case—Cont'd

Exposure to dangerous prison temperatures—Cont'd conditions posed, **69-1-95**

Unreasonable risk of serious damage to prisoner health, conditions posing; exposure to dangerously cold temperatures, **69-1-97**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain

Generally, **69-2-11 et seq.**

Delay in treatment; deliberate indifference to prisoner's serious medical need, **69-2-18**

Deliberate indifference to prisoner's serious medical need, **69-2-14 et seq.**

Elements, **69-2-11**

Inappropriate treatment; deliberate indifference to prisoner's serious medical need, **69-2-17**

Serious medical need, **69-2-12**

Prison Litigation Reform Act, **69-1-115, 69-1-127 et seq.**

Temperatures, exposure to dangerous prison. Exposure to dangerous prison temperatures, above

PRIVACY RIGHTS

Data breaches of medical information; standing under U.S. Constitution Article III

Generally, **69-3-1 et seq.**

Causation requirement

Insufficient, **69-3-36**

Sufficient, **69-3-32**

Class actions

Generally, **69-3-3**

Insufficient standing, **69-3-51**

Sufficient standing, **69-3-48**

INDEX

PRIVACY RIGHTS—Cont'd

- Data breaches of medical information; standing under U.S. Constitution Article III—Cont'd
- Concreteness of injury
 - Insufficient, **69-3-30**
 - Sufficient, **69-3-27**
- Defendant's challenges, **69-3-3, 69-3-4**
- Elements, **69-3-2**
- Facial attack
 - Successful, **69-3-40**
 - Unsuccessful, **69-3-43**
- Factual challenge
 - Generally, **69-3-3, 69-3-4**
 - Successful, **69-3-46**
 - Unsuccessful, **69-3-47**
- Fed. R. Civ. P. 12(b)(1) motion, **69-3-5**
- Fed. R. Civ. P. 12(b)(6) motion, **69-3-5**
- Future harm, substantial risk of
 - Insufficient, **69-3-23**
 - Sufficient, **69-3-21**
- Injury-in-fact, establishing
 - Insufficient, **69-3-13**
 - Sufficient, **69-3-7**
- Jurisdiction, **69-3-4**
- Lack of, **69-3-3**
- Preliminary matters, **69-3-1 et seq.**
- Redressability requirement
 - Insufficient, **69-3-40**
 - Sufficient, **69-3-38**
- Requirements, **69-3-2, 69-3-7 et seq.**
- Substantial risk of identity theft or fraud, **69-3-5**
- School Drug Testing, this index

PRODUCTION OF DOCUMENTS, REQUESTS FOR

- ADA Title III; model documents
 - Architectural barrier litigation, proof of standing in nonemployment
 - Defendant's requests, **69-4-233**

PRODUCTION OF DOCUMENTS, REQUESTS FOR—Cont'd

- ADA Title III; model documents—Cont'd
- Architectural barrier litigation, proof of standing in nonemployment—Cont'd
- Plaintiff's requests, **69-4-221**
- Deterrence actions
 - Defendant's requests, **69-3-266 et seq.**
 - Plaintiff's requests, **69-3-254 et seq.**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain
- Defendant's request to plaintiff, **69-2-68**
- Plaintiff's request, **69-2-58**
- Munchausen Syndrome by Proxy (MSP), **69-4-160**
- School drug testing, proof of violation of privacy rights in; , student's requests, **69-2-219**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of; model documents
- Defendant school district's request, **69-1-259**
- Plaintiff's requests to school district, **69-1-251, 69-1-265**

PRODUCTS LIABILITY

- Food fraud and allergies, **69-4-44**

PROTECTIVE ORDERS

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-257**

PROXY

- Munchausen Syndrome by Proxy (MSP), this index

PSYCHOLOGISTS AND PSYCHOLOGY

- Munchausen Syndrome by Proxy (MSP), this index

PUBLIC ACCOMMODATION

Americans with Disabilities Act (ADA), this index

PUNISHMENT

Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

PUNITIVE DAMAGES

Cruise line liability and COVID-19 pandemic, **69-1-49**

Gastric bypass procedures and malpractice or negligence actions, **69-3-87**

QUALIFIED IMMUNITY

Immunity, this index

QUARANTINE

Cruise line liability for conditions of quarantine and COVID-19 pandemic, **69-1-38**

RELATION BACK

Gastric bypass procedures and malpractice or negligence actions, **69-3-67**

RELIGION

Food fraud; dietary restrictions, **69-4-34**

REMEDIES

ADA Title III

Architectural barrier litigation, proof of standing in nonemployment, **69-4-199**

Deterrence actions under, **69-3-242**

Damages

Cruise line liability and COVID-19 pandemic, **69-1-49**

Gastric bypass procedures and malpractice or negligence actions

Award survey, **69-3-87**

Compensatory, **69-3-86**

Punitive, **69-3-87**

REMEDIES—Cont'd

Damages—Cont'd

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-25**

Head or Brain Injuries, this index

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-273**

Prisons and prisoners

Exposure to dangerous prison temperatures, **69-1-123**, **69-1-129**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-25**

Exhaustion of

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-19**

Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-194**

Gastric bypass procedures and malpractice or negligence actions

Generally, **69-3-85 et seq.**

Award of damages survey, **69-3-87**

Compensatory damages, **69-3-86**

Punitive damages, **69-3-87**

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-24**

Head or brain injuries and future medical expenses, cause of action for

Generally, **69-3-156 et seq.**

Amount of damages, **69-3-156**

Collateral source rule, **69-3-157**

Excessive award, **69-3-156**

Survey of damages award, **69-3-158**

INDEX

REMEDIES—Cont'd

- Injunctions
 - Cruise line liability and COVID-19 pandemic, **69-1-48, 69-1-49**
 - Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-23, 69-2-25, 69-2-74**
 - Parity Act, **69-2-142**
 - Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-126**
- Munchausen Syndrome by Proxy (MSP)
 - Informal adjustments, **69-4-137**
 - Private guardianship, **69-4-137**
 - Reinstatement of parental rights, **69-4-138**
 - Supervision, **69-4-136**
 - Temporary removal, **69-4-137**
 - Termination actions, **69-4-135**
- Parity Act
 - Generally, **69-2-141**
 - Attorneys' fees, **69-2-143**
 - Declaratory relief, **69-2-142**
 - Injunctions, **69-2-142**
 - Interest, **69-2-142**
 - Monetary, **69-2-141**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-123 et seq.**
- School drug testing, proof of violation of privacy rights in
 - Generally, **69-2-189 et seq.**
 - Checklists, **69-2-189 et seq.**
 - Elements of remedies recoverable; checklists, **69-2-189 et seq.**

REPORTS

- Gastric bypass procedures and malpractice or negligence actions; expert reports, **69-3-80, 69-3-83, 69-3-84**
- Munchausen Syndrome by Proxy (MSP), **69-4-153**

REPOSE

- Gastric bypass procedures and malpractice or negligence actions, **69-3-64, 69-3-68**

RES JUDICATA

- Gastric bypass procedures and malpractice or negligence actions, **69-3-68**
- Students with disabilities, proof retaliation in violation of federal law protecting rights of, **69-1-194**

RESPONDEAT SUPERIOR

- Vicarious Liability, this index

RESTAURANTS

- Food Fraud and Allergies, this index

RETAIL STORES

- ADA Title III actions and proof of standing in nonemployment architectural barrier litigation; sample complaint, **69-4-200**

RETALIATION

- Physical or mental examination of party to civil action, showing need to obtain order for; retaliatory action by movant, **69-2-273**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-105**
- Students with disabilities
 - Generally, **69-1-172 et seq.**
 - Adverse action against plaintiff, defendant took, **69-1-184**
 - Briefing, sample
 - Defendant, **69-1-238 et seq.**
 - Plaintiff, **69-1-233 et seq.**
 - Causal connection between activity and adverse action, **69-1-186**
- Checklists
 - Elements of proof, **69-1-203**
 - Remedies recoverable, elements of, **69-1-202 et seq.**
- Complaints, sample, **69-1-205 et seq.**

RETALIATION—Cont'd

- Students with disabilities—Cont'd
 - Defendant aware of activity element, **69-1-184**
- Defenses
 - Generally, **69-1-189 et seq.**
 - Collateral estoppel, **69-1-198**
 - Exhaustion of remedies, **69-1-194**
 - Legitimate nonretaliatory reason for action, **69-1-189, 69-1-191**
 - Pretext, plaintiff's burden showing of, **69-1-191**
 - Res judicata, **69-1-198**
- Discovery; model documents
 - Generally, **69-1-244 et seq.**
 - Deposition, notice of, **69-1-275**
 - Educator plaintiff's interrogatories and requests for production to school district, **69-1-260**
 - Interrogatories, defendant school district's, **69-1-253, 69-1-267, 69-1-273**
 - Interrogatories, plaintiff's, **69-1-244, 69-1-260**
 - Production, defendant school district's request for, **69-1-259**
 - Production, plaintiff's requests to school district for, **69-1-251, 69-1-265**
- Education for All Handicapped Children Act (EHA), **69-1-175**
- Educator, retaliation against; sample complaints, **69-1-223 et seq.**
- Evidence of, **69-1-181 et seq.**
- Exhaustion of remedies, **69-1-194**
- Federal rights, generally, **69-1-172 et seq.**
- Free and appropriate public education (FAPE), **69-1-175**
- Historical background, **69-1-175**
- Hypotheticals, **69-1-287 et seq.**

RETALIATION—Cont'd

- Students with disabilities—Cont'd
 - Illustrative case, **69-1-287 et seq.**
 - Individualized Education Programs (IEPs), **69-1-178**
 - Individual with Disabilities Education Act (IDEA), **69-1-175**
 - Jurisdiction, **69-1-199**
 - Jury instructions; model documents
 - Defendant, **69-1-280**
 - Plaintiff, **69-1-275**
 - Legitimate nonretaliatory reason for action defense, **69-1-189, 69-1-191**
 - McDonnell Douglas burden-shifting approach, **69-1-187**
 - Model documents
 - Generally, **69-1-204 et seq.**
 - Briefing, sample, **69-1-233 et seq.**
 - Complaints, sample, **69-1-205 et seq.**
 - Deposition, notice of, **69-1-275**
 - Discovery, **69-1-244 et seq.**
 - Educator, retaliation against; sample complaints, **69-1-223 et seq.**
 - Jury instructions, **69-1-275 et seq.**
 - Pleadings, sample, **69-1-205 et seq.**
 - Plaintiff engaged in protected activity element, **69-1-182**
 - Plaintiffs, potential, **69-1-179**
 - Pleadings, sample, **69-1-205 et seq.**
 - Pretext, plaintiff's burden showing of, **69-1-191**
 - Prima facie case
 - Generally, **69-1-181 et seq.**
 - Adverse action against plaintiff, defendant took, **69-1-184**
 - Causal connection between activity and adverse action, **69-1-186**

INDEX

RETALIATION—Cont'd

- Students with disabilities—Cont'd
 - Prima facie case—Cont'd
 - Defendant aware of activity,
69-1-184
 - Elements, **69-1-181 et seq.**
 - McDonnell Douglas burden-shifting approach, **69-1-187**
 - Plaintiff engaged in protected activity, **69-1-182**
 - Procedural issues, **69-1-199**
 - Proof of, **69-1-181 et seq.**
 - Remedies recoverable, elements of; checklists, **69-1-202**
 - Res judicata, **69-1-198**
 - Section 504 of the Rehabilitation Act, Title II ADA, **69-1-177**
 - Statute of limitations, **69-1-200**
 - Statutes applicable in educational setting, **69-1-176**
 - Venue, **69-1-199**

SARS-COV-2

- COVID-19 Pandemic, this index

SCHOOL DRUG TESTING

- Privacy rights, proof of violation of student's
 - Generally, **69-2-160 et seq.**
 - Athletes and extent of expectations of privacy, **69-2-172**
 - Consent of student or parent, **69-2-186**
- Defenses
 - Consent of student or parent, **69-2-186**
 - Immunity, governmental, **69-2-185**
- Degree of intrusion, **69-2-176**
- Deposition, notice of, **69-2-234**
- Discovery
 - Generally, **69-2-219 et seq.**
 - Deposition, notice of, **69-2-234**
 - Interrogatories, student's, **69-2-219**
 - Model documents, **69-2-219 et seq.**

SCHOOL DRUG TESTING—Cont'd

- Privacy rights, proof of violation of student's—Cont'd
- Discovery—Cont'd
 - Production of documents, student's requests for, **69-2-219**
- Elements of proof of violation; checklists, **69-2-190**
- Extent of student's expectations of privacy, **69-2-172 et seq.**
- Federal coverage, state constitutions coextensive with, **69-2-181**
- Federal law, under, **69-2-169**
- Historical background, **69-2-163**
- Hypothetical scenario, **69-2-234**
- Illustrative case, **69-2-234**
- Immunity, governmental, **69-2-185**
- Importance and immediacy of school interest, **69-2-170**
- Individualized suspicion, search based on, **69-2-177**
- Interrogatories, student's, **69-2-219**
- Jurisdiction, **69-2-187**
- Model documents
 - Generally, **69-2-191 et seq.**
 - Complaint, sample, **69-2-192, 69-2-195**
 - Deposition, notice of, **69-2-234**
 - Discovery, **69-2-219 et seq.**
 - Interrogatories, student's, **69-2-219**
 - Pleadings, sample, **69-2-192, 69-2-195**
 - Production of documents, student's requests for, **69-2-219**
 - Summary judgment, school district's brief in opposition to student's, **69-2-206**
 - Summary judgment brief, sample of student's, **69-2-199**
- Procedural issues, **69-2-187 et seq.**
- Production of documents, student's requests for, **69-2-219**

SCHOOL DRUG TESTING—Cont'd

- Privacy rights, proof of violation of student's—Cont'd
- Reasonableness of searches; balancing test, **69-2-169 et seq.**
- Remedies
 - Generally, **69-2-189 et seq.**
 - Checklists, **69-2-189 et seq.**
 - Elements of remedies recoverable; checklists, **69-2-189 et seq.**
- School setting, testing in, **69-2-166**
- Searches
 - Individualized suspicion, search based on, **69-2-177**
 - Reasonableness of searches; balancing test, **69-2-169 et seq.**
 - Suspicionless, **69-2-169**
- State constitution, violation of privacy rights under, **69-2-181 et seq.**
- Statute of limitations, **69-2-188**
- Summary judgment
 - School district's brief in opposition to student's, **69-2-206**
 - Student's summary judgment brief, sample, **69-2-199**
- Venue, **69-2-187**
- Reasonableness of searches; balancing test, **69-2-169 et seq.**
- Searches
 - Individualized suspicion, search based on, **69-2-177**
 - Reasonableness of searches; balancing test, **69-2-169 et seq.**
 - Suspicionless, **69-2-169**

SCHOOLS

- Drug testing. See School Drug Testing, this index
- Students with Disabilities, this index

SEARCHES

- School drug testing, proof of violation of privacy rights in
 - Individualized suspicion, **69-2-177**

SEARCHES—Cont'd

- School drug testing, proof of violation of privacy rights in
 - Cont'd
- Suspicionless searches, **69-2-169**

SETTLEMENTS

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-273**

SEXUALLY TRANSMITTED DISEASE (STD)

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-309**

SEXUAL ORIENTATION

- Inmate's cause of action to obtain gender confirmation surgery or hormone therapy. See Prisons and Prisoners, this index

SPORTS

- Student athletes and school drug testing, **69-2-172**

STANDING

- Americans with Disabilities Act (ADA), this index
- Data breaches of medical information and standing under U.S. Constitution Article III
 - Generally, **69-3-1 et seq.**
- Causation requirement
 - Insufficient, **69-3-36**
 - Sufficient, **69-3-32**
- Class actions
 - Generally, **69-3-3**
 - Insufficient standing, **69-3-51**
 - Sufficient standing, **69-3-48**
- Concreteness of injury
 - Insufficient, **69-3-30**
 - Sufficient, **69-3-27**
- Defendant's challenges, **69-3-3, 69-3-4**
- Elements, **69-3-2**

INDEX

STANDING—Cont'd

- Data breaches of medical information and standing under U.S. Constitution Article III—Cont'd
- Facial attack
 - Successful, **69-3-40**
 - Unsuccessful, **69-3-43**
- Factual challenge
 - Generally, **69-3-3, 69-3-4**
 - Successful, **69-3-46**
 - Unsuccessful, **69-3-47**
- Fed. R. Civ. P. 12(b)(1) motion, **69-3-5**
- Fed. R. Civ. P. 12(b)(6) motion, **69-3-5**
- Future harm, substantial risk of
 - Insufficient, **69-3-23**
 - Sufficient, **69-3-21**
- Injury-in-fact, establishing
 - Insufficient, **69-3-13**
 - Sufficient, **69-3-7**
- Jurisdiction, **69-3-4**
- Lack of, **69-3-3**
- Preliminary matters, **69-3-1 et seq.**
- Redressability requirement
 - Insufficient, **69-3-40**
 - Sufficient, **69-3-38**
- Requirements, **69-3-2, 69-3-7 et seq.**
- Substantial risk of identity theft or fraud, **69-3-5**
- Parity Act, **69-2-104**

STATUTE OF LIMITATIONS

- ADA Title III, deterrence actions under, **69-3-241**
- Gastric bypass procedures and malpractice or negligence actions, **69-3-64, 69-3-68**
- Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-26**
- Head or brain injuries and cause of action for future medical expenses, **69-3-141**
- Prisoner or detainee alleging exposure to dangerous prison

STATUTE OF LIMITATIONS

—Cont'd

- temperatures, **69-1-107**
- School drug testing, proof of violation of privacy rights in, **69-2-188**
- Students with disabilities, proof of retaliation in violation of federal law protecting rights of, **69-1-200**

STIPULATIONS

- Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-278, 69-2-284**

STUDENTS

- Disabilities. See Students with Disabilities, this index
- School Drug Testing, this index

STUDENTS WITH DISABILITIES

- Education for All Handicapped Children Act (EHA), **69-1-175**
- Free and appropriate public education (FAPE), **69-1-175**
- Individualized Education Programs (IEPs), **69-1-178**
- Individual with Disabilities Education Act (IDEA), **69-1-175**
- Retaliation claims
 - Generally, **69-1-172 et seq.**
 - Adverse action against plaintiff, defendant took, **69-1-184**
- Briefing, sample
 - Defendant, **69-1-238 et seq.**
 - Plaintiff, **69-1-233 et seq.**
- Causal connection between activity and adverse action, **69-1-186**
- Checklists
 - Elements of proof, **69-1-203**
 - Remedies recoverable, elements of, **69-1-202 et seq.**
- Complaints, sample, **69-1-205 et seq.**
- Defendant aware of activity element, **69-1-184**

STUDENTS WITH DISABILITIES

—Cont'd

Retaliation claims—Cont'd

Defenses

Generally, **69-1-189 et seq.**

Collateral estoppel, **69-1-198**

Exhaustion of remedies, **69-1-194**

Legitimate nonretaliatory reason for action, **69-1-189, 69-1-191**

Pretext, plaintiff's burden showing of, **69-1-191**

Res judicata, **69-1-198**

Discovery; model documents

Generally, **69-1-244 et seq.**

Deposition, notice of, **69-1-275**

Educator plaintiff's interrogatories and requests for production to school district, **69-1-260**

Interrogatories, defendant school district's, **69-1-253, 69-1-267, 69-1-273**

Interrogatories, plaintiff's, **69-1-244, 69-1-260**

Production, defendant school district's request for, **69-1-259**

Production, plaintiff's requests to school district for, **69-1-251, 69-1-265**

Education for All Handicapped Children Act (EHA), **69-1-175**

Educator, retaliation against; sample complaints, **69-1-223 et seq.**

Evidence of, **69-1-181 et seq.**

Exhaustion of remedies, **69-1-194**

Federal rights, generally, **69-1-172 et seq.**

Free and appropriate public education (FAPE), **69-1-175**

Historical background, **69-1-175**

Hypotheticals, **69-1-287 et seq.**

Illustrative case, **69-1-287 et seq.**

STUDENTS WITH DISABILITIES

—Cont'd

Retaliation claims—Cont'd

Individualized Education Programs (IEPs), **69-1-178**

Individual with Disabilities Education Act (IDEA), **69-1-175**

Jurisdiction, **69-1-199**

Jury instructions; model documents

Defendant, **69-1-280**

Plaintiff, **69-1-275**

Legitimate nonretaliatory reason for action defense, **69-1-189, 69-1-191**

McDonnell Douglas burden-shifting approach, **69-1-187**

Model documents

Generally, **69-1-204 et seq.**

Briefing, sample, **69-1-233 et seq.**

Complaints, sample, **69-1-205 et seq.**

Deposition, notice of, **69-1-275**

Discovery, **69-1-244 et seq.**

Educator, retaliation against; sample complaints, **69-1-223 et seq.**

Jury instructions, **69-1-275 et seq.**

Pleadings, sample, **69-1-205 et seq.**

Plaintiff engaged in protected activity element, **69-1-182**

Plaintiffs, potential, **69-1-179**

Pleadings, sample, **69-1-205 et seq.**

Pretext, plaintiff's burden showing of, **69-1-191**

Prima facie case

Generally, **69-1-181 et seq.**

Adverse action against plaintiff, defendant took, **69-1-184**

Causal connection between activity and adverse action, **69-1-186**

INDEX

STUDENTS WITH DISABILITIES

—Cont'd

- Retaliation claims—Cont'd
 - Prima facie case—Cont'd
 - Defendant aware of activity,
69-1-184
 - Elements, **69-1-181 et seq.**
 - McDonnell Douglas burden-shifting approach, **69-1-187**
 - Plaintiff engaged in protected activity, **69-1-182**
 - Procedural issues, **69-1-199**
 - Proof of, **69-1-181 et seq.**
 - Remedies recoverable, elements of; checklists, **69-1-202**
 - Res judicata, **69-1-198**
 - Section 504 of the Rehabilitation Act, Title II ADA, **69-1-177**
 - Statute of limitations, **69-1-200**
 - Statutes applicable in educational setting, **69-1-176**
 - Venue, **69-1-199**
 - Section 504 of the Rehabilitation Act, Title II ADA, **69-1-177**
 - Statutes applicable in educational setting, **69-1-176**

SUBJECT MATTER

JURISDICTION

- Gastric bypass procedures and malpractice or negligence actions, **69-3-73**
- Head or brain injuries and cause of action for future medical expenses, **69-3-143**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-116**

SUBSIDIARIES

- Disregarding Corporate Entities, this index

SUBSTANCE ABUSE

- Contents of health insurance policies, typical
 - Generally, **69-2-91**
 - Exclusions, **69-2-93**

SUBSTANCE ABUSE—Cont'd

- Contents of health insurance policies, typical—Cont'd
 - Inclusions, **69-2-93**
 - Medically necessary requirement, **69-2-91**
- Habilitative services, **69-2-94**
- Parity Act
 - Generally, **69-2-88 et seq.**
 - Administrative decisions, standard of review of, **69-2-125**
 - Alternative actions, **69-2-90**
 - Amendment of pleadings, **69-2-124**
 - Appeals, internal, **69-2-112**
 - Applicability, **69-2-95**
 - As-applied violation of, **69-2-115**
 - Attorneys' fees, **69-2-143**
- Checklists
 - Evidence, **69-2-144**
 - Plaintiff, information from, **69-2-143**
 - Witnesses, **69-2-144**
- Children, representation of, **69-2-106**
- Claims procedure, internal, **69-2-110**
- Class actions, **69-2-107**
- Compel, motion to, **69-2-135**
- Complaint, **69-2-119, 69-2-155**
- Contents of health insurance policies, typical
 - Generally, **69-2-91**
 - Exclusions, **69-2-93**
 - Inclusions, **69-2-93**
 - Medically necessary requirement, **69-2-91**
- Declaratory relief, **69-2-142**
- Defendants in action, **69-2-108**
- Determination of claim, **69-2-125 et seq.**
- Disclosures, **69-2-133**
- Discovery, **69-2-133, 69-2-145, 69-2-153**
- Dismissal motions, **69-2-121**

SUBSTANCE ABUSE—Cont'd

Parity Act—Cont'd
 Elements of cause of action
 Generally, **69-2-97**
 Medical and mental health
 benefits, plan provides
 both, **69-2-99**
 More restrictive limitations,
 69-2-100
 Plan subject to act, **69-2-98**
 Same classification requirement,
 69-2-99
 Evidence
 Burden of proof, **69-2-136**
 Checklists, **69-2-144**
 Compel, motion to, **69-2-135**
 Disclosures, **69-2-133**
 Discovery, **69-2-133, 69-2-145,**
 69-2-153
 Expert witnesses, **69-2-138**
 Interrogatories, **69-2-135**
 Summary judgment, **69-2-137**
 Exclusions, **69-2-93**
 Facial or as-applied violation of,
 69-2-115
 Form of action, **69-2-114**
 Habilitative services exclusions,
 69-2-94
 Historical background, **69-2-89**
 Illustrative cases, **69-2-154**
 Inclusions, **69-2-93**
 Injunctions, **69-2-142**
 Internal claims, **69-2-110**
 Interrogatories, **69-2-135**
 Irregularities, procedural; standard
 of review, **69-2-127**
 Judicial procedure, **69-2-114 et**
 seq.
 Jurisdiction, **69-2-114**
 Limitations on treatment, **69-2-96**
 Long-term care services exclu-
 sions, **69-2-94**
 Medically necessary requirement,
 69-2-91
 Minors, representation of, **69-2-**
 106

SUBSTANCE ABUSE—Cont'd

Parity Act—Cont'd
 Monetary remedies, **69-2-141**
 Nonquantitative limitations,
 69-2-96
 Operation of, **69-2-95**
 Parties
 Generally, **69-2-104 et seq.**
 Anonymity, **69-2-105**
 Children, representation of,
 69-2-106
 Claims administrator, **69-2-109**
 Class actions, **69-2-107**
 Defendants, **69-2-108**
 Minors, representation of, **69-2-**
 106
 Plaintiffs, **69-2-104**
 Plan administrator, **69-2-109**
 Plan sponsor, **69-2-109**
 Pseudonymity, **69-2-105**
 Standing, **69-2-104**
 Plaintiff, information from;
 checklist, **69-2-143**
 Plaintiffs in action, **69-2-104**
 Pleadings
 Generally, **69-2-119**
 Amendments, **69-2-124**
 Complaint, **69-2-119**
 Dismissal motions, **69-2-121**
 Responsive, **69-2-123**
 Practice checklists, **69-2-143 et**
 seq.
 Procedural matters, **69-2-110 et**
 seq.
 Purpose of, **69-2-89**
 Related actions, **69-2-90**
 Remedies
 Generally, **69-2-141**
 Attorneys' fees, **69-2-143**
 Declaratory relief, **69-2-142**
 Injunctions, **69-2-142**
 Interest, **69-2-142**
 Monetary, **69-2-141**
 Responsive pleadings, **69-2-123**
 Sample case synopsis, **69-2-154**

INDEX

SUBSTANCE ABUSE—Cont'd

- Parity Act—Cont'd
 - Standard of review
 - Administrative decisions, **69-2-125**
 - Irregularities, procedural, **69-2-127**
 - Standing, **69-2-104**
 - States with similar statutes, **69-2-90**
 - Substantive law, **69-2-95 et seq.**
 - Summary judgment, **69-2-130, 69-2-137**
 - Trial, **69-2-125**
 - Venue, **69-2-114**
 - Violation of, **69-2-98 et seq.**
 - Wilderness treatment program exclusions, **69-2-94**
 - Witnesses, **69-2-138, 69-2-144**
 - Wilderness treatment programs, **69-2-94**

SUBSTITUTIONS

- Food Fraud and Allergies, this index

SUMMARY JUDGMENT

- Disregarding corporate entities
 - Insufficient evidence under state law, **69-4-20**
 - Questions remaining whether corporate entity should be disregarded precluding summary judgment, **69-4-28**
- Parity Act, **69-2-130, 69-2-137**
- Prisoner or detainee alleging exposure to dangerous prison temperatures, **69-1-118**
- School drug testing, proof of violation of privacy rights in
 - School district's brief in opposition to student's, **69-2-206**
 - Student's summary judgment brief, sample, **69-2-199**

SUMMONS

- Munchausen Syndrome by Proxy (MSP); notice and summons, **69-4-157**

SURVIVAL ACTIONS

- Cruise line liability and COVID-19 pandemic
- Death on the High Seas Act, preemption by, **69-1-3, 69-1-46**
- Leave to amend to show where COVID-19 contracted, **69-1-47**
- Death on the High Seas Act, preemption by, **69-1-3, 69-1-46**

TAMPERING

- Food Fraud and Allergies, this index

TEMPERATURE

- Prisoner or detainee alleging exposure to dangerous temperatures. See Prisons and Prisoners

THEFT

- Data breaches of medical information and standing under Article III. See Data Breaches of Medical Information

TIME

- Statute of Limitations, this index

TRAINING

- Prisoner or detainee alleging exposure to dangerous prison temperatures; liability for failure to properly train employees, **69-1-106**

TRANSGENDERS

- Defined, **69-2-3 et seq.**
- Inmate's cause of action to obtain gender confirmation surgery or hormone therapy. See Prisons and Prisoners, this index

TRIAL

- Parity Act, **69-2-125**

VENUE

- Munchausen Syndrome by Proxy (MSP), **69-4-158**
- Parity Act, **69-2-114**

VENUE—Cont'd

School drug testing, proof of violation of privacy rights in, **69-2-187**

Students with disabilities, proof of retaliation in violation of federal law protecting rights of, **69-1-199**

VICARIOUS LIABILITY

Gastric bypass procedures, **69-3-56, 69-3-71**

VOIR DIRE

Food fraud and allergies, **69-4-82**

WAIVERS

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-257, 69-2-278**

WARNINGS

Food fraud and allergies and duty to warn, **69-4-51**

WARRANTIES

Food fraud and allergies, **69-4-55**

WEBSITES

Public accommodation, as places of, **69-3-225**

WEIGHT LOSS

Gastric Bypass Procedures, this index

WITNESSES

Experts, this index

Gender confirmation surgery or hormone therapy, inmate's cause of action to obtain, **69-2-28 et seq.**

Munchausen Syndrome by Proxy (MSP), **69-1-58, 69-1-60**

Parity Act, **69-2-138, 69-2-144**

Physical or mental examination of party to civil action, showing need to obtain order for, **69-2-274 et seq., 69-2-290**

WORKERS' COMPENSATION

Head or brain injuries; future medical expenses, **69-3-136**

WRONGFUL DEATH

Gastric bypass procedures and malpractice or negligence actions; sample wrongful death and survival claims complaint, **69-3-122**