

Index

ABANDONMENT

- Conversion, **24:4**
- Prima facie tort claim, **35:35.20**
- Trade Secrets, this index

ABATEMENT

- Defenses, **5:26**

ABDUCTION

- Interference with familial relations, abduction or kidnapping of child, **22:13**

ABNORMAL ACTIVITIES

- Batteries, **19:31**
- City activities, **19:30**
- Demolition, **19:33**
- Tires, **19:32**

ABNORMAL ACTIVITIES

- Generally, **19:1 to 19:28**
- Animals, **19:29**
- Animals, this index
- Atomic accidents or explosions, **19:20**
- Aviation causing ground damage, **19:23**
- Blasting, **19:9**
- Chemical spraying, **19:27**
- Crop dusting, **19:24**
- Definitions, **19:2, 19:4**
- Electricity, household use of, **19:15**
- Electric power lines, **19:21**
- Explosions and explosives
 - Generally, **19:10 to 19:12**
 - Nuclear accidents or explosions, **19:20**
 - Storage of explosives, **19:11**
 - Transportation of explosives, **19:12**
- Fact questions, **19:6**
- Federal Immunity, **19:6**

ABNORMAL ACTIVITIES—Cont'd

- Fire, **19:15, 19:22**
- Fireworks, **19:13**
- Gases, gasoline and oils, **19:14, 19:15**
- Handguns, **19:26**
- Historical background, **19:1**
- Household use of water, electricity, gas, fire, etc., **19:15**
- Independent contractors, **4:46**
- Industrial wastes, **19:17**
- Inflammable liquids, **19:14**
- Natural resource development wastes, **19:16**
- Nuclear accidents or explosions, **19:20**
- Phraseology, **19:2**
- Pile driving, **19:19**
- Rockets, **19:25**
- Rylands doctrine, **19:1, 19:2**
- Sewage, **19:18**
- Storage of explosives, **19:11**
- Storage of gases, gasoline and oils, **19:14**
- Transportation of explosives, **19:12**
- Transportation of gases, gasoline and oils, **19:14**
- Water, **19:8, 19:15**

ABRASIVE DEVICES AND WHEELS

- Products liability, **18:273**

ABSENCE

- Trade secrets, abandonment, **34:69**

ABSTRACTORS

- Real Property and Property Specialists, **15:121**

ABUSE OF PROCESS

- Generally, **28:1 to 28:3, 28:32 to 28:38**

ABUSE OF PROCESS—Cont'd

- Attitude of courts toward proceeding, **28:3**
- Attorneys, **28:37**
- Bringing tort action, **7:22**
- Conflict of laws, **2:33**
- Debt collection, **28:36**
- Definitions, **28:33**
- Distinctions, **28:34**
- Elements, **28:35**
- Federal Tort Claims Act, **17:13**
- History, **28:2**
- Medical arts personnel's countersuits, **28:36**
- Persons liable, **28:37**

ABUTMENTS

- Highways and streets, **17:36**

ABUTTING OWNERS AND OCCUPIERS

- Adjoining and Abutting Owners and Occupiers, this index

ACADEMICIANS

- Conflict of laws, **2:2**

ACCELERATORS

- Products liability, automobiles and other motor vehicles, **18:180**

ACCESSORIES

- Products liability, automobiles and other motor vehicles, **18:182**

ACCIDENTS

- FELA, accidents and injuries within act, **9:98**
- Motor vehicle accidents.
 - Automobiles and Other Motor Vehicles, this index

ACCOUNTANTS

- Fraud, **15:109**
- Liability to Clients
 - Generally, **15:109 to 15:113**
 - Defenses, **15:111**
 - Fraud, **15:109**
 - Insurance issues, **15:113**
 - Negligence, **15:109**

ACCOUNTANTS—Cont'd

- Liability to Clients—Cont'd
 - Specific applications, **15:110**
 - Third persons, liability to, **15:112**
- Negligence, **15:109**
- Securities regulation, **32:205**
- Statutes of limitation, negligence or malpractice, **5:43**
- Third persons, liability to, **15:112**

ACCOUNTING

- Copyrights, **31:37**
- Trade secrets, profits and gains of defendant, **34:40**

ACQUITTAL

- Malicious prosecution of criminal proceeding, **28:10**

ACTIVITY TEST

- Conflict of laws, **2:18**

ACT OF GOD

- Defenses, **5:2**

ADHESIVES

- Products liability, **18:215**

ADJOINING AND ABUTTING OWNERS AND OCCUPIERS

- Generally, **14:51 to 14:64, 21:1 to 21:7**
- Assumption of risk, **14:63**
- Buildings and structures, **21:4**
- Cesspools, **14:53**
- Chimneys, **14:58**
- Contributory negligence or comparative fault, **14:63**
- Defenses, **14:63**
- Fences and gates, **14:55**
- Foundation walls, **14:54**
- Independent contractors, withdrawal of lateral support, **4:40**
- Ingress and egress, **14:55**
- Lateral support, **8:43, 21:2 to 21:4**
- Lawns, yards, and other open areas, **14:52**
- Lighting, improper, **14:56**
- Minerals, withdrawal of, **21:7**

INDEX

ADJOINING AND ABUTTING OWNERS AND OCCUPIERS **—Cont'd**

Negligent withdrawal of support, **21:3, 21:6**
Oil, withdrawal of, **21:7**
Premises liability, generally, **14:51 to 14:64**
Private approaches and ways, **14:51**
Retaining walls, **14:54**
Roofs, **14:58**
Sidewalks, **14:59**
Snow and ice
 Generally, **14:60**
 Nonresidential premises, **14:61**
 Residential premises, **14:62**
Snow and ice situations, **14:63**
Subjacent support, **21:5 to 21:7**
Trees, **14:64**
Walks, **14:59**
Water, withdrawal of, **21:7**
Wells, **14:53**
Windows, **14:57**
Yards and other open areas, **14:52**

ADMIRALTY

Federal Tort Claims Act, **17:8**
Products liability, **18:11, 18:12**

ADOPTION

Interference with familial relations, **22:16**

ADVERSE POSSESSION

Trespass, this index

ADVERTISING AND ADVERTISEMENTS

Consumer protection and fraud prevention, **32:165**
Interference with business relations, **31:2**
Products Liability, this index
Trade secrets, expenses, **34:49, 34:75**
Unfair competition, **34:5**

AFFIRMATIVE DEFENSES

Generally, **7:16**

AGENCY

Principal and Agent, this index

AGENT ORANGE

Products liability, **18:433**

AGGRAVATION

Damages, **8:16**

AGREEMENTS

Contracts and Agreements, this index

AGRICULTURE

Farms and Agriculture, this index

AIDERS AND ABETTORS

Conversion, **24:8 to 24:11**
Multiple tortfeasors, **3:5.30**
Securities regulation, **32:202**

AIR BAGS

Products liability, **18:176**

AIR CONDITIONING

Products liability, **18:221**

AIRCRAFT AND AVIATION

Abnormal activities causing ground damage, **19:23**
Conflict of laws, guest statutes or rules, **2:25**
Imputed liability, consent statutes, **4:7**
Products liability, **18:97, 18:205**

AIR GUNS

Products liability, **18:318**

AIR POLLUTION

Generally, **20:45 to 20:49**
Automobiles and other vehicles, emissions from, **20:46**
Citizens' suits, **20:47**
Furnace emissions, **20:46**
Lead, **20:46**
Ozone, **20:46**
Parties, **20:47**
Preemption, **20:48**
State regulation, **20:49**
Sulphur and sulphur dioxide, **20:46**

AISLES

Premises liability, **14:17**

ALCOHOL

Intoxicating Liquors, this index

ALIENATION OF AFFECTIONS

Generally, **22:2 to 22:6**

Abolition, **22:5**

Burden of proof, **22:4**

Causation, **22:3**

Damages, **22:4**

Defenses, **22:6**

Parent and child, **22:11**

Sufficiency of evidence, **22:4**

ALLERGIES

Products liability, **18:348, 18:349**

**ALTERNATIVE LIABILITY
THEORY**

Generally, **3:2**

ALTERNATORS

Products liability, automobiles and
other motor vehicles, **18:183**

ALUMINUM LADDERS

Products liability, **18:275**

AMBULANCES

Vehicular accidents, **9:38**

AMENDMENT OF PLEADINGS

Statutes of limitation, **5:39**

AMERICAN LAW INSTITUTE

Restatements of Torts, this index

AMMUNITION

Products Liability, this index

AMORTIZATION

Trade secrets, **34:45**

**AMUSEMENTS AND
EXHIBITIONS**

Generally, **9:43, 9:64 to 9:69**

Animal shows, domestic, **9:57**

Circuses and carnivals, **9:56, 9:67**

AMUSEMENTS AND

EXHIBITIONS—Cont'd

Construction, maintenance, and
management of premises, duties
as to, **9:66**

Dangers or defects, duty to warn,
9:65

Drive-in theaters, **9:55**

Fairgrounds, injury to spectators,
9:59

Inspection duty, **9:65**

Patron's property, damage to, **9:69**

Products liability, amusement rides,
18:341

Racing shows, injury to spectators,
9:61

Rides and devices, **9:68**

Shooting gallery or range, injury to
spectators, **9:60**

Soap box derbies, injury to specta-
tors, **9:61**

Spectators, injury to

Generally, **9:52 et seq.**

Animal shows, domestic, **9:57**

Circuses and carnivals, **9:56**

Domestic animal shows, **9:57**

Fairgrounds, **9:59**

Racing shows, **9:61**

Shooting gallery or range, **9:60**

Soap box derbies, **9:61**

Sporting Events, this index

Theaters, **9:53 to 9:55**

Wild animal exhibitions, **9:58**

Theaters

Generally, **9:53**

Drive-in theaters, **9:55**

Semi-dark theaters and
approaches, **9:54**

Spectators, injury to, **9:53 to 9:55**

Wild animal exhibitions, injury to
spectators, **9:58**

ANALGESICS

Products liability, **18:395**

ANESTHETICS

Products liability, **18:396**

INDEX

ANIMALS

- Generally, **21:32 to 21:58**
- Abnormal activities, **19:29**
- Assumption of risk, wild animals or abnormally dangerous domestic animals, **21:45**
- At large animals
 - Generally, **21:35 to 21:38**
 - Defenses, **21:38**
 - Negligence, **21:36**
 - Strict liability, **21:36**
 - Types of animals at large, **21:37**
- Bees, **21:49**
- Cats, **21:50**
- Cattle, **21:51**
- Contributory or comparative fault, wild animals or abnormally dangerous domestic animals, **21:45**
- Damages, **8:39**
- Defenses
 - At large animals, **21:38**
 - Wild animals or abnormally dangerous domestic animals, **21:58**
- Dogs, **21:52**
- Domestic animals
 - Generally, **21:46 to 21:55**
 - Bees, **21:49**
 - Cats, **21:50**
 - Cattle, **21:51**
 - Dogs, **21:52**
 - Hogs, **21:53**
 - Horses and mules, **21:54**
 - Sheep, **21:55**
 - Wild animals or abnormally dangerous domestic animals, below
- Fraud and deceit, **32:147**
- Harborers of wild animals or abnormally dangerous domestic animals, **21:44**
- Hogs, **21:53**
- Horses, **21:54**

ANIMALS—Cont'd

- Invitees, wild animals or abnormally dangerous domestic animals, **21:43**
- Knowledge of possessor of abnormally dangerous or vicious propensities of animal, **21:47**
- Licensees, wild animals or abnormally dangerous domestic animals, **21:43**
- Mules, **21:54**
- Negligence
 - At large animals, **21:36**
 - Wild animals or abnormally dangerous domestic animals, liability to trespassers, **21:42**
- Premises liability, **14:20**
- Products liability, **18:456, 18:457**
- Sheep, **21:55**
- Spectators, injury to
 - Domestic animal shows, **9:57**
 - Wild animal exhibitions, **9:58**
- Strict liability, at large animals, **21:36**
- Trespass
 - Livestock, **21:33, 21:34**
 - Wild animals or abnormally dangerous domestic animals, **21:41, 21:42**
- Vehicular collisions. At large animals, above
- Veterinarians, medical malpractice, **15:51**
- Wild animals or abnormally dangerous domestic animals
 - Generally, **21:39 to 21:45, 21:56 to 21:58**
 - Assumption of risk, **21:45**
 - Contributing actions of third persons, animals and forces of nature, **21:40**
 - Contributory or comparative fault, **21:45**
 - Defenses, **21:58**
 - Harborers, **21:44**
 - Knowledge of possessor of abnormally dangerous or

ANIMALS—Cont'd

- Wild animals or abnormally dangerous domestic animals—Cont'd
 - vicious propensities of animal, **21:47**
 - Licensees and invitees, **21:43**
 - Negligence, liability to trespassers, **21:42**
 - Trespassers, **21:41, 21:42**
 - Types of wild animals, **21:57**

ANSWERS

- Generally, **7:16**

ANTIBIOTICS

- Products liability, **18:397**

ANTICHOLESTEROL DRUGS

- Products liability, **18:398**

ANTIGENS

- Products liability, **18:399**

ANTIPERSPIRANTS

- Products liability, **18:369**

ANTITRUST

- Monopolies and Restraints of Trade, this index

APOTHECARIES

- Druggists, Pharmacists and Apothecaries, this index

APPARENT AUTHORITY

- Imputed liability, **4:4**

APPEALS

- Conflict of laws, **2:55**
- Damages, excessiveness or inadequacy, **8:47**
- Damages, Punitive, **8:65**
- Punitive damages award, **8:65**

APPLIANCES

- Products Liability, this index

APPORTIONMENT

- Products liability, enhanced injuries, second accidents or collisions and crashworthiness, **18:98**

APPORTIONMENT—Cont'd

- Punitive damages, multiple defendants and apportionment, **8:63**

APPRAISERS

- Real Property and Property Specialists, **15:122**

APPROVAL

- Consent or Approval, this index

ARBITRATION

- Medical malpractice, **15:10**

ARCHITECTS, ENGINEERS AND CONTRACTORS

- Architects and engineers
 - Personal injuries, **15:114**
 - Property damage, **15:117**
- Contractors
 - Personal injuries, **15:116**
 - Premises liability, **14:12**
 - Property damage, **15:118**
- Defective plans or designs, **15:115**
- Indemnity, **3:32**
- Independent Contractors, this index
- Personal injuries, liability for
 - Generally, **15:114 to 15:116**
 - Architects and engineers, **15:114**
 - Contractors, **15:116**
 - Defective plans or designs, **15:115**
- Premises liability, **14:12**
- Property damage, liability for
 - Generally, **15:116**
 - Architects and engineers, **15:117**
 - Contractors, **15:116**
 - Economic loss, **15:117**
- Statutes of limitation, products liability, **5:41**

ARENAS

- Indoor sports arena, injury to spectators, **9:62**

ARREST

- Defamation, false communication or report regarding arrest, **29:62**

INDEX

ARREST—Cont'd

- False imprisonment, police and peace officers, **27:13 to 27:17**
- Malicious prosecution of civil proceeding, **28:26**

ARTHRITIS DRUGS

- Products liability, **18:400**

ARTIFICES

- Fraud and Deceit, this index

ASBESTOS

- Products liability, **18:217, 18:434**

AS IS SALES

- Products liability, **18:126**

ASSAULT AND BATTERY

- Generally, **26:1 to 26:27**
- Actions constituting tort, **26:2**
- Assault, generally, **26:18 et seq.**
- Battery, generally, **26:13 et seq.**
- Causation, **26:5**
- Civil rights, **25:9**
- Criminal prosecutions and civil actions, relationship between, **26:3**
- Customer unjustly suspected of theft, search of, **26:23**
- Damages, **26:12**
- Deceptions, **26:9**
- Defenses, **26:10, 26:17.10, 26:27**
- Employer's discharge of employee, **26:22**
- Excessive force, use of, **26:25**
- Federal Tort Claims Act, **17:12**
- Firearms, **26:20**
- Force, use of, **26:5, 26:25**
- Harmful contact, **26:15**
- Imputed liability, **4:52**
- Indecent proposal, **26:21**
- Intent, **26:6 to 26:8, 26:14, 26:19**
- Medical battery, **26:17**
- Medically induced harms, **15:78**
- Negligence distinguished, **26:1.10**
- Offensive contact, **26:16**
- Persons liable, **26:11, 26:26**

ASSAULT AND BATTERY—Cont'd

- Practical jokes, **26:7**
- Public employees, **26:24**
- Questions of law and fact, **26:4**
- Respondeat superior, **26:26**
- Search of customer unjustly suspected of theft, **26:23**
- Sexual assault, **26:21**
- Shoplifting, **26:23**
- Sport, act committed in, **26:7**
- Transferred intent, **26:6**
- Vicarious liability, **26:26**
- Workers compensation distinguished, **26:2.10**

ASSIGNMENTS

- Copyrights, **31:28**
- Defenses, **5:26**

ASSISTANTS

- Imputed liability, employers or masters, **4:15**

ASSOCIATIONS

- Defamation, **29:48**

ASSUMPTION OF RISK

- Generally, **5:6, 12:48 to 12:67**
- Attending sport events and exhibitions, **12:63**
- Automobiles and use motor vehicles, **12:60**
- Availability of defense, **12:57 to 12:59**
- Comparative fault, **13:40 to 13:46**
- Concepts subsumed under term, **12:49**
- Conflict of laws, **2:42**
- Defense, disapproval or abolition of, **12:53**
- Elements of the defense, **12:54**
- Employer's liability, **9:92**
- Express adoption of risk, **13:46**
- Express agreement, **12:50**
- Implied Assumption of Risk, this index
- Knowledge and appreciation of risk, **12:55**

ASSUMPTION OF RISK—Cont'd

- Medical malpractice, **15:17**
- Nuisances, **20:22**
- Premises liability, **14:25**
- Products liability, **12:64**
- Products Liability, this index
- Reckless or grossly negligent conduct of defendant, **12:59**
- Relation of assumption of risk to contributory negligence, **12:52**
- Sports and games
 - Participants, **9:45, 12:61**
 - Spectators, **12:63**
- Statutory violation by defendant, **12:58**
- Use of amusement rides or devices, **12:62**
- Voluntary assumption, **12:56**
- Wild animals or abnormally dangerous domestic animals, **21:45**

ATHLETICS

- Sports and Sports Events, this index

ATOMIC POWER

- Accidents or explosions, **19:20**

ATTACHMENT

- Discharge from employment, **34:92**

ATTORNEYS

- Abuse of process, **28:37**
- Attorney-client relationship, necessity of, **15:84**
- Clients, liability to
 - Generally, **15:82 to 15:88.10**
 - Attorney-client relationship, necessity of, **15:84**
- Basic Principles
 - Amount, **15:86**
 - Avoidance of attorney malpractice, **15:88**
 - Causation, **15:87**
 - Damages, **15:86**
 - Defenses, **15:88**
 - Necessity, **15:86**
 - Negligence, **15:82**
 - Prevention, **15:88**

ATTORNEYS—Cont'd

- Clients, liability to—Cont'd
 - Basic Principles—Cont'd
 - Professional skill, prudence and diligence, **15:82**
 - Suit within suit, **15:87**
 - Undue advantage, **15:88.10**
 - Effect of failure to follow client's instructions, **15:83**
 - Instructions, failure to follow, **15:83**
- Specific Applications
 - Conflict of interest situations, **15:94**
 - Settlement procedures, **15:95**
 - Statistical data, **15:89**
 - Statute of limitations, allowing to run against client's claim, **15:93**
 - Withdrawal as counsel, **15:85**
- Defamation, this index
- Fees. Attorney's Fees, this index
- Instructions (client's), failure to follow, **15:83**
- Interference with contractual relations, **31:74**
- Legal Malpractice, this index
- Liability to Clients
 - Clients, liability to
 - Causation, **15:87**
 - Damages, **15:86**
 - Defenses, **15:88**
 - Suit within suit, **15:87**
- Litigation activities
 - Generally, **15:89 to 15:103.10**
 - Case investigation, **15:90**
 - Conducting litigation, **15:92**
 - Conflict of interest situations, **15:94**
 - Instituting or pursuing legal proceedings or procedure, **15:91**
 - Planning error in choice of procedures, **15:91**
 - Settlement procedures, **15:95**

INDEX

ATTORNEYS—Cont'd

- Liability to Clients—Cont'd
 - Litigation activities—Cont'd
 - Statute of limitations, allowing to run against client's claim, **15:93**
 - Negligence, **15:82**
 - Professional skill, prudence and diligence, **15:82**
- Malicious prosecution of civil proceeding, **28:25**
- Securities regulation, **32:204**
- Statutes of limitation, negligence or malpractice, **5:43**
- Withdrawal as counsel, **15:85**

ATTORNEY'S FEES

- Slander of title, **33:20**
- Trade secrets, **34:51, 34:61**

ATTRACTIVE NUISANCE DOCTRINE

- Premises liability, **14:73**

AUDITORS

- Securities regulation, **32:205**

AUGERS

- Products liability, **18:278**

AUTOMOBILES AND OTHER MOTOR VEHICLES

- Accelerators, products liability, **18:180**
- Accessories, products liability, **18:182**
- Air bags, **18:176**
- Air pollution, emissions, **20:46**
- Alternators, products liability, **18:183**
- Assumption of risk, use of, **12:60**
- Axles, products liability, **18:179**
- Batteries, products liability, **18:183**
- Bicycles, this index
- Body and related parts, products liability, **18:182**
- Brakes and braking systems, products liability, **18:181**
- Buses, products liability, **18:190**

AUTOMOBILES AND OTHER

MOTOR VEHICLES—Cont'd

- Chassis and related parts, products liability, **18:182**
- Children and minors, immunity, **6:52**
- Conflict of laws, guest statutes or rules, **2:25**
- Contributory negligence, **12:33 to 12:40**
- Danger during rescue effort, **12:38**
- Drive train system, products liability, **18:179**
- Electrical systems, products liability, **18:183**
- Elements and requirements of doctrine, danger during rescue effort, **12:39**
- Engines, products liability, **18:184**
- Exhaust systems, products liability, **18:186**
- Exposure to harm, choice of path doctrine, **12:37**
- Fraud and deceit, **32:146**
- Fuel systems, products liability, **18:95, 18:187**
- Gasoline tanks, products liability, **18:95, 18:187**
- Generators, products liability, **18:183**
- Governmental entities, motor vehicle accidents, **17:52, 17:70**
- Guest or occupant negligence, **12:36**
- Husband and wife, immunity, **6:49**
- Ignitions, products liability, **18:183**
- Jeeps, products liability, **18:191**
- Lights, products liability, **18:183**
- Minivans, products liability, **18:194**
- Motorcycles
 - Helmet, plaintiff's failure to wear, **12:35**
 - Products liability, **18:97, 18:200**
 - Vehicular accidents, **9:40**
- Motors, products liability, **18:184**
- Negligence, vehicular accidents
 - Generally, **9:37 to 9:42**
 - Automobiles, **9:37**
 - Bulldozers, backhoes and other heavy equipment, **9:38**

**AUTOMOBILES AND OTHER
MOTOR VEHICLES—Cont'd**

Negligence, vehicular accidents
—Cont'd
Emergency vehicles, **9:38**
Motorcycles, **9:40**
Snowmobiles, **9:39**
Tractor-trailers, **9:38**
Trucks, **9:38**
Plaintiff's conduct, **12:34**
Products liability
Generally, **18:175 to 18:195**
Accelerators, **18:180**
Accessories, **18:182**
Air bags, **18:176**
Axles, **18:179**
Batteries, alternators and generators, **18:183**
Body and related parts, **18:182**
Brakes and braking systems, **18:181**
Buses, **18:190**
Chassis and related parts, **18:182**
Drive train system, **18:179**
Electrical systems, **18:183**
Engines, motors and related parts, **18:184**
Enhanced injuries, second accidents or collisions and crashworthiness
Generally, **18:92 to 18:96**
Exterior of vehicle, collision with, **18:93**
Fires from fuel tanks, etc., **18:95**
Motorcycles, **18:97**
Particular parts of vehicle, **18:96**
Risk-utility analysis factors, **18:91**
Rollovers, **18:94**
Exhaust systems, **18:186**
Exterior of vehicle, collision with, **18:93**
Fuel systems and gasoline tanks, **18:95, 18:187**
Ignitions or starters, **18:183**
Jeeps, **18:191**

**AUTOMOBILES AND OTHER
MOTOR VEHICLES—Cont'd**

Products liability—Cont'd
Lights, **18:183**
Motorcycles, **18:97, 18:200**
Recreational vehicles, **18:195, 18:347**
Risk-utility analysis factors, **18:91**
Rollovers, **18:94**
Seat belts, **18:177**
Sellers, liability of, **18:127**
Snowmobiles, **18:195**
Steering apparatus and mechanism, **18:178**
Suspension systems, **18:185**
Tires, **18:188**
Trailers, **18:192**
Transmission, **18:179**
Trucks and tractors, **18:193**
Vans and minivans, **18:194**
Wheels and rims, **18:189**
Recreational vehicles, products liability, **18:195**
Rescued person, liability to rescuer, **12:40**
Rims, products liability, **18:189**
Risk-utility analysis factors, products liability, **18:91**
Rollovers, products liability, **18:94**
Seat belts, **18:177**
Seatbelts
Contributory negligence and avoidable consequences, non-use of, **12:22**
Plaintiff's failure to wear, **12:35**
Snowmobiles, products liability, **18:195**
Sovereign or governmental immunity, negligent operation, **6:14**
Starters, products liability, **18:183**
Steering apparatus and mechanism, products liability, **18:178**
Suspension systems, products liability, **18:185**
Tires, products liability, **18:188**

INDEX

AUTOMOBILES AND OTHER MOTOR VEHICLES—Cont'd

- Trailers, products liability, **18:192**
- Transmission, products liability,
18:179
- Trucks and tractors, products liability,
18:193
- Vans, products liability, **18:194**
- Wheels, products liability, **18:189**

AUTOPSIES

- Generally, **16:42**

AVIATION

- Aircraft and Aviation, this index

AVOIDABLE CONSEQUENCES

- Contributory negligence compared,
12:21
- Seatbelts, nonuse of, **12:22**

AVOIDABLE CONSEQUENCES DOCTRINE

- Damages, **8:3**

AXLES

- Products liability, automobiles and
other motor vehicles, **18:179**

BACKHOES

- Products liability, **18:197**

BAD DEBTS

- Trade secrets, **34:50**

BAGGAGE

- Carrier's duty and liability as to, **9:32**

BAILMENTS

- Negligence of bailees, **9:33**
- Products Liability, this index

BALANCE OF CONVENIENCE

- Nuisances, **20:25**

BALERS

- Products liability, **18:279**

BANKRUPTCY AND INSOLVENCY

- Contribution, **3:24**
- Defamation, **29:79**

BANKRUPTCY AND INSOLVENCY—Cont'd

- Defenses, **5:27**
- Fraud and deceit, **32:148**
- Malicious prosecution of civil
proceeding, **28:27**
- Punitive damages, **8:71**
- Specific Applications, **15:102**

BANKS AND OTHER FINANCIAL INSTITUTIONS

- Construction defects, **9:72**
- Fraud and deceit, **32:129**
- Negligence
 - Generally, **9:71**
 - Construction defects, **9:72**

BARBERS AND BEAUTY SHOPS

- Professional negligence, **15:131**

BARRELS

- Products liability, **18:306**

BARRIERS AND BARRICADES

- Highways and streets, **17:35**

BASEBALL

- Products liability, **18:335**
- Spectators, injury to, **9:63**

BASES OF LIABILITY

- Generally, **1:4**

BASKETBALL

- Spectators, injury to, **9:62**

BATTERIES

- Abnormal activities, **19:31**
- Products liability, automobiles and
other motor vehicles, **18:183**

BATTERY

- Assault and Battery, this index

BB GUNS

- Products liability, **18:318**

BEACHES OR BATHING PLACES

- Participants, injury to, **9:49**
- Swimming and Swimming Pools, this
index

BEER BOTTLES

Products liability, **18:291**

BEES

Generally, **21:49**

BENDECTIN

Products liability, **18:401**

BENEFIT OF BARGAIN RULE

Fraud and deceit, **32:119**

BETTER RULE OF LAW

Conflict of laws, **2:17**

BICYCLES

Accidents, **9:40**

Products liability, **18:342**

BIRTH CONTROL PILLS

Products liability, **18:402**

BITCH

Defamation, statement that person is a bitch, **29:70**

BIVENS CASE

United States, this index

BLASTING AND BLASTING CAPS

Abnormal activities, **19:9**

Products liability, **18:329**

BLEACHERS

Products liability, **18:343**

**BLOOD AND BLOOD
EQUIPMENT AND SUPPLIES**

Products Liability, this index

BLOUSES AND SHIRTS

Products liability, **18:360**

BLUE SKY LAWS

Securities Regulation, this index

BOATS

Ships and Boats, this index

BOILER INSPECTION ACT

Employer's liability, **9:101**

BONDS AND DEBENTURES

Securities regulation, **32:192**

BONDS AND UNDERTAKINGS

Interference with prospective or future contractual relations, **31:137**

BONUSES

Discharge from employment, express contracts for term, **34:110**

BOOMS AND CRANES

Products liability, **18:198**

BOOTS

Products liability, **18:351**

BORROWED SERVANTS

Imputed liability, scope or course of employment, **4:19**

BOTTLE CARRIERS

Products liability, **18:307**

BOTTLING MACHINES

Products liability, **18:236**

BOWLING ALLEYS

Participants, injury to, **9:47**

BRACES

Products liability, **18:416**

BRAIN DEATH

Generally, **15:67**

**BRAKES AND BRAKING
SYSTEMS**

Products liability, automobiles and other motor vehicles, **18:181**

BREACH OF CONFIDENCE

Copyrights, **31:25.20**

BREACH OF CONTRACT

Damages, **8:6**

BRIDGES

Governmental entities, defects, **17:49**

BROTHERS AND SISTERS

Immunity, **6:55**

BUBBLE-UP BOTTLES

Products liability, **18:294**

INDEX

BUILDINGS AND OTHER STRUCTURES

- Adjoining and abutting owners and occupiers, **21:4**
- Fraud and deceit, **32:138**
- Interference with advantageous business or economic relations, **31:106**
- Interference with prospective or future contractual relations, **31:132**
- Products Liability, this index
- Schools and school districts, **17:60**

BULLDOZERS

- Products liability, **18:197**

BURDEN OF PROOF

- Alienation of affections, **22:4**
- Comparative fault, **13:7**
- Conflict of laws, **2:54**
- Contributory negligence, **12:7**
- Defamation, qualified or conditional privilege, **29:99**
- Discharge from employment, **34:104**
- Evidence questions, **15:104**
- Fraud and deceit, **32:102**
- Malicious prosecution of civil proceeding, **28:29**
- Malicious prosecution of criminal proceeding, **28:14**
- Negligence, **9:1**
- Products Liability, this index
- Trade secrets, **34:30**
- Trespass, **23:6**

BURGLAR ALARMS

- Products liability, **18:232**

BURIAL

- Faulty burials, **16:41**

BUSES

- Products liability, **18:190**
- Schools and school districts, **17:63**

BUSINESS OR PROFESSION

- Damages, **8:5, 8:41**
- Defamation, **29:72 to 29:79**

BUSINESS OR PROFESSION

—Cont'd

- Insurers, **31:75.10**
- Interference with prospective or future contractual relations, **31:130, 31:131**
- Joint Ventures or Enterprises, this index
- Partnerships, this index

BUT FOR TEST

- Proximate cause, **11:2**

BYSTANDERS

- Products liability, **18:137**
- Psychic and Emotional Injuries, this index

CAMPS

- Injuries to campers, **9:51**

CANCELLATION

- Fraud and deceit, **32:5**

CANNING MACHINES

- Products liability, **18:236**

CANS

- Products liability, **18:308**

CAPACITY

- Generally, **5:16 to 5:18**
- Fraud and deceit, confidential and fiduciary relations, **32:82, 32:83**

CARBON MONOXIDE POISONING

- Products liability, **18:432**

CARGO

- Carrier's duty and liability as to, **9:32**

CARRIERS

- Negligence, this index

CARTONS

- Products liability, **18:309**

CARTOONS

- Defamation, **29:83**

CARTS

- Premises liability, **14:19**

CATERERS

Products liability, **18:449**

CATHETERS

Products liability, **18:417**

CATS

Generally, **21:50**

CATTLE

Generally, **21:51**

CAUSATION

Alienation of affections, **22:3**

Assault and battery, **26:5**

Attorneys

Liability to Clients, **15:87**

Civil rights, **25:7**

Concurrent Causes, this index

Fraud and deceit, **32:19**

Interference with advantageous business or economic relations, **31:85**

Interference with contractual relations, **31:52**

Intervening force, this index

Malicious prosecution of criminal proceeding, **28:6**

Medical Causation, this index

Medical Malpractice, this index

Products Liability, this index

Proof, **1:10.10**

Proximate Cause, this index

Racketeer Influenced and Corrupt Organizations Act (RICO), **32:219**

Securities regulation, **32:183**

CAUSTIC HOUSEHOLD PRODUCTS

Products liability, **18:435, 18:436**

CEMENT AND CONCRETE

Products liability, **18:216**

CEMETERIES

Removal, disinterment and reinterment of remains, **16:43**

Tombstones, desecrating, **16:43**

CENTER OF GRAVITY APPROACH

Conflict of laws, **2:16**

CERTAINTY

Damages, **8:10**

CERTIFICATES OF DEPOSIT

Securities regulation, **32:192**

CESSPOOLS

Abutting owners and occupiers, **14:53**

CHAIN SAWS

Products liability, **18:266**

CHAIRS

Premises liability, **14:19**

CHAMPAGNE BOTTLES, CORKS AND STOPPERS

Products liability, **18:292**

CHANGE OF VENUE

Generally, **7:10, 7:12**

CHARITABLE IMMUNITY

Generally, **6:45, 6:46**

Conflict of laws, **2:43**

Effect of legislation, **6:46**

CHASSIS AND RELATED PARTS

Products liability, automobiles and other motor vehicles, **18:182**

CHASTITY

Defamation, imputation of lack of chastity, **29:69 to 29:71**

CHECKS

Conversion, **24:7**

CHEMICALS AND SIMILAR PRODUCTS

Products Liability, this index

Schools and school districts, **17:62**

CHEMICAL SPRAYING

Abnormal activities, **19:27**

CHEWING TOBACCO

Products liability, **18:453**

INDEX

CHILDBIRTH

Pregnancy and Childbirth, this index

CHILDREN AND MINORS

Alienation of affections, **22:11**
Attractive nuisance doctrine, **14:73**
Automobile and other vehicle
accidents, immunity, **6:52**
Comparative fault, **13:35**
Excuse, infancy as, **5:17**
Immunity
Generally, **6:51 to 6:54**
Automobile and other vehicle
accidents, **6:52**
Child's immunity, **6:54**
Intentional torts, **6:53**
Loco parentis, persons in, **6:51**
Parental immunity, generally, **6:51**
Intentional torts, immunity, **6:53**
Interference with Familial Relations,
this index
Intoxicating liquors, sale to minors,
9:86
Loco parentis, persons in, **6:51**
Playground doctrine, **14:73**
Premises liability, children as tres-
passers, **14:73 to 14:75**
Social guests, children, **14:69**
Standard of care, **9:7**
Standard of conduct, contributory
negligence, **12:32**
Statutes intended to protect, **12:13**
Violation by defendant of statutes or
regulation, contributory
negligence, **12:13**

CHIMNEYS

Abutting owners and occupiers,
14:58

CHLORINATED

HYDROCARBONS

Products liability, **18:437**

CHLOROMYCETIN

Products liability, **18:403**

CHLOROQUINE

Products liability, **18:404**

CHOSES IN ACTION

Damages, **8:40**

CIGARETTES

Products liability, **18:454**

CIRCULAR SAWS

Products liability, **18:267**

CIRCUMSTANTIAL EVIDENCE

Fraud and deceit, **32:106**

CIRCUSES AND CARNIVALS

Generally, **9:67**
Spectators, injury to, **9:56**

CITY ACTIVITIES

Abnormal activities, **19:30**

CIVIL RIGHTS

Generally, **25:1 to 25:30**
Assault and battery, **25:9**
Attorneys general, immunity, **25:22**
Causation, **25:7**
Color of state law, **25:5**
Conspiracy, **25:8**
Damages, **25:28**
Defense counsel, immunity, **25:23**
Deprivation of rights, **25:5**
Discharge from employment, **34:93**
Extradition proceedings, **25:19**
False imprisonment or arrest, **25:11**
Federal law, **25:1 et seq.**
Fugitives, **25:19**
Good faith, immunity, **25:27**
Governors, immunity, **25:22**
Immunity
Generally, **25:21 to 25:27**
Defense counsel, **25:23**
Good faith, **25:27**
Legislators, **25:26**
Political subdivisions, **25:25**
Prosecuting attorneys, **25:23**
State governors, attorneys general
and other officials, **25:22**
Injunction, **25:30**
Interference with familial relations,
25:13
Law enforcement officers, **25:17**

CIVIL RIGHTS—Cont'd

- Legislators, immunity, **25:26**
- Malicious prosecution, **25:12**
- Mere negligence, **25:6**
- Municipalities, vicarious liability of superiors, **25:15**
- Municipal law, **25:32**
- Parratt case, **25:6**
- Police officers, **25:17**
- Political subdivisions
 - Immunity, **25:25**
 - Vicarious liability of superiors, **25:15**
- Prisoners and persons detained or in custody, **25:18**
- Property rights, loss of, **25:6**
- Prosecuting attorneys, immunity, **25:23**
- Punitive damages, **25:29**
- Search and seizure, **25:10**
- Section 1981, **25:2**
- Section 1985(3), **25:3**
- Section 1983, generally, **25:4 et seq.**
- State liability, **25:16**
- State officials, immunity, **25:22**
- State statutes, **25:31**
- Vicarious liability of superiors, **25:14, 25:15**

CLAIM PRECLUSION

- Defenses, **5:28, 5:29**

CLEANING OR WASHING

- Generally, **14:28, 14:33**
- Floor deliberately made wet, hence slippery, from washing or cleaning, **14:28**
- Products liability, washers and dryers, **18:233**
- Water pollution, clean up operations, **20:34, 20:43**
- Waxing or oiling, **14:29**

CLEAR AND CONVINCING EVIDENCE

- Fraud and deceit, **32:105**

CLERGYMEN

- Defamation, **29:76**

CLICKWRAP AGREEMENTS

- Copyright infringement, **31:25.10**

CLOTHING

- Damages, **8:37**
- Products Liability, this index

CLUB SODA BOTTLES

- Products liability, **18:300**

COAL AND CHARCOAL

- Products liability, **18:323**

COATS AND JACKETS

- Products liability, **18:352, 18:353**

COCA-COLA BOTTLES

- Products liability, **18:295**

COLLATERAL CONTRACTS

- Stealing, inducing, enticing or luring away at-will employees, **34:16**

COLLATERAL ESTOPPEL

- Defenses, **5:28, 5:30**

COLLATERAL MATTERS

- Fraud and deceit, materiality, **32:65**

COLLATERAL SOURCE RULE

- Damages, **8:18**

COLLECTION OF DEBTS

- Debt Collection, this index

COLLOQUIUM

- Defamation, construction principles, **29:40**

COLOGNES AND PERFUMES

- Products liability, **18:380**

COLOR OF LAW

- Civil rights, **25:5**

COMBINES AND HARVESTERS

- Products liability, **18:280**

COMING TO NUISANCE

- Generally, **20:24**

INDEX

COMMERCIAL PRINTERS

Defamation, **29:9**

COMMERCIAL PROPERTY

Premises liability, generally, **14:14 to 14:47**

COMMODITY BROKERS

Real Property and Property Specialists, **15:126**

COMMODITY EXCHANGE ACT

Generally, **32:206**

COMMON ENEMY DOCTRINE

Water and waters, **21:22**

COMMON LAW

Generally, **1:16**

Copyrights, **31:24**

Privacy, commercialization and appropriation of name or likeness, **30:24**

Unfair competition, **34:1**

COMMUNITY COLLEGES

Sovereign or governmental immunity, **6:31**

COMPARATIVE FAULT

Generally, **13:1 to 13:47**

Abutting owners and occupiers, **14:63**

Assumption of risk, **13:40 to 13:46**

Burden of proof, **13:7**

Conflict of laws, **2:41**

Constitutionality of retroactive legislative change, **13:19**

Contributory negligence doctrine, **13:2**

Development of principles, **13:3**

Employer's liability, **9:92**

Equal to or greater than rule, **13:10**

Fault statutes, statutory tables, **13:47**

Gross negligence, **13:27**

Immunity, **13:32**

Indemnity, **3:28**

Infancy, capacity of plaintiffs, **13:35**

Intentional conduct, **13:25**

COMPARATIVE FAULT—Cont'd

Intentional tort or aggravated negligence, **13:33**

Judicial adoption of doctrine

After adopting doctrine, **13:21**

Prior to adopting decision, actions, **13:20**

Judicial decision, adoption, **13:5**

Last clear chance, doctrine, **13:37**

Legislative action, adoption, **13:4**

Medical malpractice, **15:17**

Mental infirmity, Plaintiff's capacity, **13:36**

Mitigation of damages, **13:34**

Modified comparative fault

Equal to or greater than rule, **13:10**

Not greater than rule, **13:11**

Negligence per se, **13:28**

Not greater than rule, **13:11**

Nuisances, **20:23**

Other doctrines' effects, **13:22 to 13:39**

Plaintiff's, violation of statute or regulation, **13:30**

Premises Liability, this index

Procedure, **13:7.10, 13:46.10**

Products Liability, this index

Proximate cause, **13:24**

Punitive damages, **8:61, 13:33**

Pure rule, **13:9**

Remote contributory negligence rule in Tennessee, **13:13**

Res ipsa loquitur, **13:38**

Retroactive legislative

Constitutionality, **13:19**

Retrospective application

Generally, **13:15 to 13:19**

Silence of statute, **13:18**

Statute provides, where, **13:17**

Where statute expressly prohibits, **13:16**

Slight-gross system, **13:12**

Statute or regulation, violation by defendant, **13:29**

Statutes, validity of, **13:6**

Strict liability, **13:23**

COMPARATIVE FAULT—Cont'd

- Sudden emergency doctrine, **13:39**
- Systems, generally, **13:8 to 13:14**
- Uniform comparative fault act, **13:14**
- Vicarious liability, **13:31**
- Where statute is silent as to retrospective application, **13:18**
- Wild animals or abnormally dangerous domestic animals, **21:45**
- Willful, wanton, or reckless conduct, **13:26**

**COMPARATIVE IMPAIRMENT
TECHNIQUE**

- Conflict of laws, **2:15**

COMPENSATORY DAMAGES

- Damages, **8:7 to 8:50**

**COMPETENCE AND
INCOMPETENCE**

- Mental infirmity, comparative fault, **13:36**
- Sanity and Insanity, this index

COMPETITORS PRIVILEGE

- Justification, excuse and privilege, **5:23.10**

COMPLAINTS

- Generally, **7:15**

COMPONENT PARTS

- Products liability, **18:133.10, 18:134, 18:135**

COMPOUNDED DRUGS

- Products liability, **18:405**

**COMPRESSORS AND
COMPRESSOR TANKS**

- Products liability, **18:237**

**COMPROMISES, SETTLEMENTS
AND RELEASES**

- Generally, **5:45 to 5:50**
- Conflict of laws, **2:44**
- Duress, **5:47**
- Fraud, **5:47**
- Imputed liability, **4:5.10**
- Loan receipts, **5:48**

**COMPROMISES, SETTLEMENTS
AND RELEASES—Cont'd**

- Mary Carter agreements, **5:48**
- Mistake, **5:47**
- Pre-injury releases, exculpatory clauses and indemnification, **5:45**
- Punitive damages, effect of settlement on liability, contribution and setoff, **8:62**
- Validity as between parties, **5:47**
- Validity as between tortfeasors, **5:48**

COMPUTERS AND SOFTWARE

- Products liability, **18:238**
- Trade secrets, **34:28**

CONCEALMENT

- Fraud and Deceit, this index

CONCERTED CONDUCT

- Generally, **3:4**

CONCRETE AND CEMENT

- Products liability, **18:216**

CONCURRENT CAUSES

- Products liability, **18:40**
- Proximate cause, **11:5**

CONDITIONAL PRIVILEGE

- Defamation, this index

CONDITIONERS AND SHAMPOOS

- Products liability, **18:374**

CONFIDENCE

- Fraud and deceit, **32:23**

CONFIDENTIAL INFORMATION

- Breach of confidentiality, **15:28**
- Former employee, use by, **34:11, 34:12**

CONFIDENTIAL RELATIONS

- Fraud and Deceit, this index

CONFLICT OF LAWS

- Generally, **2:1 to 2:54**
- Abuse of process, **2:33**
- Academics, **2:2**
- Activity test, **2:18**

INDEX

CONFLICT OF LAWS—Cont'd

- Appellate review, **2:55**
- Approaches, generally, **2:3, 2:4**
- Assumption of risk, **2:42**
- Automobile guest statutes or rules, **2:25**
- Aviation guest statutes or rules, **2:25**
- Better rule of law, **2:17**
- Borrowing statute of limitations of forum, effect of, **2:52**
- Burden of proof, **2:54**
- Center of gravity approach, **2:16**
- Characterization, **2:7**
- Charitable immunity, **2:43**
- Claims or causes of action
 - Generally, **2:23 to 2:38**
 - Abuse of process, **2:33**
 - Automobile and aviation guest statutes or rules, **2:25**
 - Defamation, **2:31**
 - Disparagement and slander of title, **2:31**
 - Duty, **2:24**
 - False imprisonment, **2:33**
 - Fraud and deceit, **2:30**
 - Gross negligence, **2:25**
 - Imputed negligence, **2:38**
 - Interference with business relationships, **2:35**
 - Interference with familial relationships, **2:34**
 - Intoxicating liquors, **2:29**
 - Joint liability in tort, **2:36**
 - Legal cause, **2:24**
 - Malicious prosecution, **2:33**
 - Negligence, **2:24**
 - Privacy, **2:32**
 - Products Liability, this index
 - Standard of care, **2:24**
 - Unfair competition, **2:35**
 - Vicarious liability, **2:37**
 - Willful and wanton misconduct, **2:25**
- Comparative fault, **2:41**
- Comparative impairment technique, **2:15**

CONFLICT OF LAWS—Cont'd

- Constitutional considerations, **2:20**
- Contribution, **2:45**
- Contributory negligence, **2:40**
- Corporate internal affairs doctrine, **2:22.10**
- Courts, **2:2**
- Damages
 - Generally, **2:45 to 2:48**
 - Contribution and indemnity, **2:45**
 - Interest recoverable as part of damages, **2:48**
 - Punitive damages, **2:47**
- Defamation, **2:31**
- Defenses
 - Generally, **2:39 to 2:44**
 - Assumption of risk, **2:42**
 - Comparative fault, **2:41**
 - Contributory negligence, **2:40**
 - Immunities, **2:43**
 - Releases, **2:44**
- Depechage doctrine, **2:19**
- Disinterested state, forum as, **2:21**
- Disparagement, **2:31**
- Dominant or most significant contacts, **2:16**
- Evidence, **2:54**
- False conflicts, **2:6**
- False imprisonment, **2:33**
- Federal courts, **2:1**
- Federal law, **2:20**
- Foreign right or right of action created by statute, statutes of limitation, **2:51**
- Fraud and deceit, **2:30**
- Governmental immunity, **2:43**
- Governmental interest, jurisdiction with greatest, **2:15**
- Gross negligence, **2:25**
- Immunities, **2:43**
- Imputed negligence, **2:38**
- Indemnity, **2:45**
- Interest analysis approach, **2:14, 2:50**
- Interest recoverable as part of damages, **2:48**

CONFLICT OF LAWS—Cont'd

- Interference with business relationships, **2:35**
- Interference with familial relationships, **2:34**
- Internal law of forum, application of, **2:12**
- Intoxicating liquors, **2:29**
- Intrafamilial immunity, **2:43**
- Joint liability in tort, **2:36**
- Legislation, **2:1**
- Lex loci delicti
 - Generally, **2:9 to 2:11**
 - Criticisms of rule, **2:10**
 - Former modes of avoidance, **2:10**
 - Place of wrongdoing or place where injury or death or damage occurred, **2:11**
 - Rejection of rule, **2:13 et seq.**
- Malicious prosecution, **2:33**
- Most significant or dominant contacts, **2:16**
- Negligence, **2:24**
- Neutral state, forum as, **2:21**
- Parties, **2:53**
- Place of wrong. Lex loci delicti, above
- Pleadings, **2:53**
- Practical importance, **2:1**
- Practice, law of forum as controlling matters related to, **2:22**
- Practicing lawyers, **2:2**
- Presumptions, **2:54**
- Principles of preference, **2:4**
- Privacy, **2:32**
- Products Liability, this index
- Punitive damages, **2:47**
- Questions of law and fact, **2:54**
- Releases, **2:44**
- Renvoi, **2:8**
- Res ipsa loquitur, **2:54**
- Restatements, **2:5**
- Rules of law, generally, **2:3, 2:4**
- Slander of title, **2:31**
- Sovereign immunity, **2:43**
- Standard of care, **2:24**

CONFLICT OF LAWS—Cont'd

- Statutes of limitation
 - Generally, **2:49 to 2:52**
 - Borrowing statute of forum, effect of, **2:52**
 - Foreign right or right of action created by statute, **2:51**
 - Forum, law of, **2:49**
 - Interest analysis approach, **2:50**
 - Place where cause of action arose, **2:50**
 - Plaintiff, application of statute that favors, **2:50**
- Techniques for solving conflicts, **2:3, 2:4**
- Trial matters, **2:54**
- Unfair competition, **2:35**
- Vicarious liability, **2:37**
- Willful and wanton misconduct, **2:25**
- Witnesses, **2:54**

CONSCIENTIOUS EMPLOYEE PROTECTION ACT

- Generally, **34:91.10**

CONSENT

- Causation
 - Informed consent, **15:73**
- Informed consent
 - Generally, **15:70 to 15:77**
 - Causation, **15:73**
 - Custom, **15:72**
 - Doctrine of informed consent, **15:71**
 - Emergency, effect of, **15:70**
 - Expert evidence, necessity of, **15:72**
 - Failure to warn patient, **15:77**
 - Innovative practice, **15:76**
 - Patient's informational needs, **15:72**
 - Prior consent to treatment or surgery, **15:70**
 - Professional medical standards, **15:72**
 - Specific applications, **15:76**
 - Standards, **15:72**

INDEX

CONSENT—Cont'd

- Informed consent—Cont'd
 - Statutes, effect of, **15:75**
 - Surgeons, **15:76**
 - Therapeutic privilege, **15:74**

CONSENT OR APPROVAL

- Generally, **5:8**
- Defamation, defenses, **29:88**
- Imputed liability, consent statutes, **4:7**
- Informed consent. Medical Malpractice, this index
- Sovereign or governmental immunity, states and state agencies, **6:18**
- Trespass, **23:35**

CONSORTIUM

- Damages, **8:24, 8:25**

CONSPIRACY

- Civil rights, **25:8**

CONSTITUTIONAL LAW

- Conflict of laws, **2:20**
- Defamation, this index
- Discharge from Employment, this index
- Privacy, Invasion and Related Wrongs, this index
- Replevin, **24:18**
- Retroactive legislative change, comparative fault, **13:19**
- Search and Seizure, this index
- Sovereign or governmental immunity, **6:5, 6:6, 6:17**
- Statutes of limitation, **5:35**
- United States, this index

CONSTRUCTION AND INTERPRETATION

- Defamation, this index
- Fraud and deceit, **32:14**

CONSTRUCTION DEFECTS

- Banks and other financial institutions, liability of, **9:72**

CONSTRUCTIVE FRAUD

- Generally, **32:10**

CONSTRUCTIVE LIABILITY

- Indemnity, **3:29**

CONSTRUCTIVE POSSESSION

- Trespass, **23:17**

CONSULTING FEES

- Trade secrets, **34:47**

CONSUMER PRODUCT SAFETY ACTS

- Products liability, **18:9**

CONSUMER PROTECTION AND FRAUD PREVENTION

- Generally, **32:149 to 32:169**
- Advertising, **32:165**
- Construction of state legislation, **32:156**
- Consumer, defined, **32:158**
- Damages, **32:161**
- Debt collection, **32:169**
- Elements, **32:157**
- Fair Credit Reporting Act, **32:150**
- Fair Debt Collection Act, **32:151**
- Federal Trade Commission, **32:149**
- Fraudulent, defined, **32:159**
- Interstate Land Sales Full Disclosure Act, **32:153**
- Persons liable, **32:163**
- Private actions, **32:162**
- Products liability, consumer product safety acts, **18:9**
- Pyramid distribution schemes, **32:168**
- Real estate, **32:166**
- Repairs, **32:167**
- Second hand, defined, **32:160**
- State legislation, generally, **32:154 et seq.**
- Truth in Lending Act, **32:152**
- Unconscionable, defined, **32:159**
- Use or used, defined, **32:160**
- Validity of state legislation, **32:155**

**CONTACT LENSES AND
EYEGLASSES**

Products liability, **18:250, 18:418**

CONTAINERS

Products Liability, this index

CONTAMINATED FOOD

Psychic and emotional injuries, **16:10**

CONTESTS

Interference with business relations,
31:157

CONTINUING TORTS

Prima facie tort, **35:36.10**

CONTRACEPTIVES

Products liability, **18:402**

CONTRACTORS

Architects, Engineers and Contractors, this index

CONTRACTS AND AGREEMENTS

Differences from tort law, **1:20 to 1:24**

Exceptions when contractual obligation gives rise to tort liability,
1:22.10

Gross negligence, **10:20**

Insurer's breach of agreement and of implied duty to pay its own insured, **1:22**

Interference with Contractual Relations, this index

Medically induced harms, contract theory of liability, **15:79**

Practical consequences of distinction between tort and contract, **1:23**

Prima facie tort, **35:41, 35:43**

Psychic and emotional injuries, **16:31**

Quasi-contract, relationship to tort law, **1:24**

Relationship to tort law, **1:20 to 1:24**
Workers Compensation Law,
1:28.20

Specific Applications, **15:96**

Wrongful conduct as producing right of action in tort and/or for

CONTRACTS AND AGREEMENTS

—Cont'd

breach of contract, **1:21, 1:22**

CONTRIBUTION

Generally, **3:15 to 3:25**

Abolition of no contribution rule,
3:16

Absence, effect of, **3:24**

Adjusting contribution, **3:23**

Common liability to victim, **3:21**

Conflict of laws, **2:45**

Exceptions to rule, **3:17**

Historical development, **3:15**

Immunity, effect of, **3:22**

Insolvency, effect of, **3:24**

Liability insurer, rights of paying insurer, **3:24**

Limitations on rule, **3:17**

Prerequisites to contribution, **3:21**

Privilege, effect of, **3:22**

Products liability, **3:18**

Pro rata or equal shares method, **3:23**

Punitive damages, effect of settlement on liability, contribution and setoff, **8:62**

Relative or comparative causal fault method, **3:23**

Statutes, **3:19, 3:20**

Statutory defense, effect of, **3:22**

Strict liability, **3:18**

Uniform Acts of 1939 and 1955, **3:19**

Workers' compensation, **3:22**

CONTRIBUTORY

INFRINGEMENT

Copyrights, **31:22**

CONTRIBUTORY NEGLIGENCE

Generally, **12:1 to 12:67**

Abutting owners and occupiers,
14:63

Assumption of Risk, this index

Automobiles and other motor vehicles, **12:33 to 12:40**

Automobiles and Other Motor Vehicles, this index

INDEX

CONTRIBUTORY NEGLIGENCE

—Cont'd

- Avoidable consequences doctrine distinguished, **12:21**
- Avoidable consequences doctrine distinguished, nonuse of seat belts, **12:22**
- Burden of proof and pleading, **12:7**
- Comparative fault, **13:2**
- Comparative fault compared, **12:20**
- Conflict of laws, **2:40**
- Defendant's conduct, effect of, **12:8 to 12:14**
- Defendant's subsequent negligence, **12:14**
- Disability, **12:30**
- Discoverable risk, failure to appreciate, **12:27**
- Distraction rule, excuse for failure to appreciate discoverable risk, **12:28**
- Diversion rule, excuse for failure to appreciate discoverable risk, **12:28**
- Employer's liability, **9:92**
- Essence of doctrine, **12:3**
- Exposure to known danger, intentional and unreasonable, **12:25**
- Fraud and deceit, **32:112, 32:113**
- Gross negligence, defendant's great, **12:11**
- Imputed, **12:23**
- Inattention and forgetfulness, **12:27**
- Infancy, standard of conduct, **12:32**
- Injury suffered, plaintiff's negligence to, **12:17**
- Intentional injury by defendant, **12:9**
- Knowledge and appreciation of danger as element, **12:26**
- Last Clear Chance Doctrine, this index
- Medical malpractice, **15:17**
- Mental deficiency, incompetency and insanity, **12:31**
- Minors, statutes intended to protect, violation of, **12:13**

CONTRIBUTORY NEGLIGENCE

—Cont'd

- Modification and abrogation of doctrine, **12:5**
- Nature and elements, generally, **12:18 to 12:28**
- Negligence compared, **12:19**
- Nuisances, **20:22**
- Origin and historical development of doctrine, **12:2**
- Particular conduct, **12:33 to 12:67**
- Physical disability, **12:30**
- Plaintiffs conduct, generally, **12:15 to 12:17**
- Premises Liability, this index
- Products Liability, this index
- Proximate Cause, this index
- Questions of fact or law, **12:6**
- Reasons and justifications for doctrine, **12:4**
- Seatbelts, nonuse of, **12:22**
- Standard of conduct
 - Generally, **12:29 to 12:32**
 - Children and minors, **12:32**
 - Incompetency, mental deficiency, and insanity, **12:31**
 - Physical disability, **12:30**
- Statute or regulation by plaintiff, violation of, **12:16**
- Statute or regulation defendant, violation of, **12:12**
- Types, generally, **12:24 to 12:28**
- Violation by defendant of statute or regulation, **12:13**
- Wild animals or abnormally dangerous domestic animals, **21:45**
- Willful, wanton or reckless conduct
 - Defendant's, **12:10**
 - Plaintiff's, **12:15**

CONVERSION

- Generally, **24:1 to 24:21**
- Abandoned property, **24:4**
- Agents, **24:11**
- Aiders and abettors, **24:8 to 24:11**
- Checks, **24:7**

CONVERSION—Cont'd

- Damages
 - Generally, **8:38, 24:13 to 24:16**
 - Interest, **24:15**
 - Punitive damages, **24:16**
- Defenses, **24:12**
- Demand and refusal, **24:2**
- Dirt, **24:5**
- Employees, **24:11**
- Employers, **24:10**
- Fixtures, **24:5**
- Fraudulent takers or possessors and their transferees, **24:9**
- Gas, **24:5**
- Imputed liability, **4:55**
- Intangibles, **24:6**
- Interest, damages, **24:15**
- Money, **24:7**
- Persons who may convert, **24:8 to 24:11**
- Principals, **24:10**
- Punitive damages, **24:16**
- Replevin, compared, **24:19**
- Soil, **24:5**
- Things that may be converted, **24:3 to 24:7**

CONVEYORS AND CONVEYOR BELTS

- Products liability, **18:239**

COOKING AND KITCHENS

- Products liability, **18:224**

COPYRIGHTS

- Generally, **31:20 to 31:38**
- Accounting, **31:37**
- Assignments, **31:28**
- Breach of confidence, **31:25.20**
- Clickwrap agreements, **31:25.10**
- Common law, **31:24**
- Contributory infringement, **31:22**
- Damages, **31:36, 31:37**
- Defenses, **31:34, 31:35**
- Distinctions, **31:23**
- Duration of rights, **31:28**
- Extent of rights, **31:28**

COPYRIGHTS—Cont'd

- Fair use, **31:35**
- Federal Copyright Act of 1976, **31:27**
- Injunctions, **31:32**
- Licenses, **31:28**
- Literary property, **31:25**
- Notices, **31:29**
- Obtaining copyrights, **31:29**
- Piracy, **31:26**
- Plagiarism, **31:26**
- Profits, **31:37**
- Remedies, **31:31 to 31:33**
- Royalties, **31:37**
- Securing copyrights, **31:29**
- Statutory implementation, **31:27**
- Subject matter of asserted infringement, **31:38**
- Summary judgment, **31:33**
- Termination, **31:30**
- Transfers, **31:28**

CORN MACHINERY

- Products liability, **18:281**

CORONERS

- Indignities inflicted on dead bodies, **16:42**

CORPORAL PUNISHMENT

- Schools and school districts, **17:67**

CORPORATE INTERNAL AFFAIRS DOCTRINE

- Conflict of laws, **2:22.10**

CORPORATIONS

- Corporate internal affairs doctrine, **2:22.10**
- Damages, corporate stock, **8:40**
- Defamation, **29:48**
- Directors and Officers of Corporations, this index
- Fraud and deceit, **32:130**
- Imputed liability, **4:21**
- Punitive damages, liability of successor corporation, **8:59**
- Specific Applications, corporate matters, **15:100**

INDEX

COSMETOLOGISTS

Professional negligence, **15:131**

COST-BENEFIT TEST

Products liability, **18:5**

COST OF GOODS SOLD

Trade secrets, **34:44**

COSTUMES

Products liability, **18:354**

COTTON MACHINERY

Products liability, **18:282**

COUNSEL

Attorneys, this index

COUNSELORS

Defamation, **29:75**

COUNTERCLAIMS

Malicious prosecution of civil proceeding, **28:24**

Statutes of limitation, **5:39**

COUNTERSUITS

Malicious prosecution of civil proceeding, **28:25**

COUNTIES

Generally, **17:57**

Acts officers and employees, **6:26**

Liability, generally, **17:57**

Sovereign or Governmental
Immunity, this index

CRANES AND BOOMS

Products liability, **18:198**

CRASHWORTHINESS

Products Liability, this index

CREAMS, LOTIONS AND OILS

Products liability, **18:368**

CREDIT

Defamation, **29:79**

Fraud and deceit, **32:148**

Interference with advantageous business or economic relations,
31:114, 31:115

CREDIT—Cont'd

Privacy, credit card information,
30:15.10

CRIMINAL CONVERSATION

Interference with familial relations,
22:7, 22:8

CRIMINAL LAW AND ACTS

Assault and battery, **26:3**

Defamation, this index

Differences from tort law, **1:19**

Governmental Entities, this index

Liability for criminal acts of third persons

Generally, **9:20**

Persons in special relationship
owing duty to protect, **9:21**

Malicious Prosecution of Criminal
Proceeding, this index

Opportunity afforded by actor's
negligence, **11:17**

Probability makes actor's conduct
negligent, **11:18**

Relationship to tort law, **1:19**

Specific Applications, **15:103**

CROOK

Defamation, statement that plaintiff is
a crook, **29:64**

CROPS

Damages, **8:44**

CULVERTS

Highways and streets, **17:38**

CURBS

Highways and streets, **17:37**

CURVES

Highways and streets, **17:40**

CUSTODY OF CHILDREN

Interference with familial relations,
22:14

CUSTOM AND USAGE

Products liability, **18:22**

**CUSTOMERS AND CUSTOMER
LISTS**

Employer-employee relationships,
34:12

**CUTTING MACHINERY AND
DEVICES**

Products liability, **18:251**

**CYLINDERS, CYLINDER CAPS
AND SIMILAR PARTS**

Products liability, **18:240**

DAMAGES

Generally, **8:1 to 8:71, 8:34**

Adequacy. Excessiveness or inade-
quacy, below

Aggravation, **8:16**

Alienation of affections, **22:4**

Animals, **8:39**

Assault and battery, **26:12**

Avoidable consequences doctrine, **8:3**

Breach of contract, **8:6**

Business, **8:41**

Business tort, **8:5**

Certainty, **8:10**

Choses in action, **8:40**

Civil rights, **25:28**

Collateral source rule, **8:18**

Compensatory damages, **8:7 to 8:50**

Conflict of Laws, this index

Consortium, **8:24, 8:25**

Consumer protection and fraud
prevention, **32:161**

Conversion, this index

Converted property, **8:38**

Copyrights, **31:36, 31:37**

Corporate stock, **8:40**

Crops, **8:44**

Defamation, this index

Deprivation of use, **8:36**

Discharge from employment, **34:105,**
34:106, 34:112

Disparagement of goods or services,
33:10

Earth, sand and gravel, **8:45**

Emotional distress, **8:28**

DAMAGES—Cont'd

Excessiveness or inadequacy

Generally, **8:47 to 8:50**

Adequacy, **8:50**

Appellate court review, **8:47**

Court awards, **8:49**

Excessiveness, **8:48**

Inadequacy, **8:50**

Judicial review, **8:47**

Tests, **8:47**

Trial court review, **8:47**

Factors affecting, **8:11**

False imprisonment, **27:9**

Fraud and Deceit, this index

Future earnings, **8:33**

Future medicals, **8:31**

Future or prospective damages, **8:9**

General and special damages, **8:8**

Household goods, **8:37**

Inadequacy. Excessiveness or inade-
quacy, above

Inflation, **8:14**

Intangibles, **8:40**

Interest, **8:12**

Interference with advantageous busi-
ness or economic relations,
31:97, 31:98

Interference with contractual rela-
tions, **31:67, 31:68**

Lateral, support, loss of, **8:43**

Legal malpractice, **15:86**

Life expectancy, shortening, **8:23**

Limitations on amount recoverable,
8:2

Loss of enjoyment of life, **8:22**

Loss of use, **8:36**

Lost past and to time-of-trial, **8:32**

Lost profits, **8:41**

Malicious prosecution of civil
proceeding, **28:28**

Malicious prosecution of criminal
proceeding, **28:16 to 28:18**

Market value, property without, **8:37**

Medical and health care expenses,
8:30

Medical monitoring, **8:27**

INDEX

DAMAGES—Cont'd

- Minerals, **8:45**
- Mitigation, **8:17**
- Negotiable instruments and documents, **8:40**
- Nominal damages, **8:4**
- Nuisances, **20:19**
- Pain and suffering, **8:21**
- Periodic payments, **8:19**
- Personal injuries, **8:20 to 8:29**
- Physical impact regarding emotional distress, **8:29**
- Prima Facie Tort, this index
- Privacy, invasion and related wrongs, **30:9, 30:38**
- Products liability, alteration or modification of product, **18:164**
- Punitive Damages, this index
- Purchasing power of dollar, **8:14**
- Racketeer Influenced and Corrupt Organizations Act (RICO), **32:231, 32:232**
- Real property
 - Generally, **8:42 to 8:46**
 - Crops, **8:44**
 - Earth, sand and gravel, **8:45**
 - Lateral, support, loss of, **8:43**
 - Minerals, **8:45**
 - Trees, **8:44**
 - Waters, **8:46**
- Reduction to present worth, **8:15**
- Repairs or restoration, cost of, **8:35**
- Replevin, **24:21**
- Securities regulation, **32:185**
- Slander of title, **33:17, 33:22**
- Society and companionship, **8:25**
- Subsequent harm liability, **8:26**
- Taxation, **8:13**
- Time, earnings, **8:32**
- Trademarks and tradenames, **31:19**
- Trade Secrets, this index
- Trees, **8:44**
- Trespass, **23:22**
- Waters, **8:46**
- Wearing apparel, **8:37**
- Wrongfully detained property, **8:38**

DAMAGES AND REMEDIES

- Injunction, **23:38**
- Trespass, **23:37**

DAMNUM ABSQUE INJURIA

- Generally, **1:10**

DAMS

- Surface waters, **21:25**

DANGEROUS INSTRUMENTALITIES

- Generally, **9:74 to 9:83**
- Animals, this index
- Electricity
 - Generally, **9:75**
 - Wrongful termination or interruption of service, **9:76**
- Explosives and explosions, **9:81**
- Fires, **9:79**
- Fireworks, **9:80**
- Gas and gas companies, **9:78**
- Steam, **9:82**
- Telephone companies, **9:77**
- Weapons and firearms, **9:83**

DARTS AND LAWN DARTS

- Products liability, **18:331**

DEAD BODIES

- Autopsies, **16:42**
- Desecration or mistreatment, **16:40**
- Embalming, **16:41**
- Interference with, **16:40**
- Mutilation, **16:40**
- Remains, withholding, **16:41**

DEADLY FORCE

- False imprisonment, use by police and peace officers, **27:18**

DEALERS

- Distributorships and Dealerships, this index

DEATH

- Brain death, **15:67**
- Dead Bodies, this index
- Defamation, **29:47**

DEATH—Cont'd

- Privacy, invasion and related wrongs, **30:6**
- Right to die, **15:66**
- Standard of death, **15:67**
- Time of death, **15:67**

DEBRIS, LITTER OR FOREIGN SUBSTANCES

- Generally, **14:21 to 14:25**
- Commercial property, **14:24**
- Contributory negligence or comparative fault, **14:25**
- Grocery stores, **14:23**
- Other store, shop, office, place of business, **14:24**
- Self-service establishment, **14:23**
- Spilled liquid or semi-liquid substance, **14:22**
- Supermarkets, **14:23**

DEBT COLLECTION

- Abuse of process, **28:36**
- Consumer protection and fraud prevention, **32:169**
- Privacy, intrusion into solitude, **30:21**
- Specific Applications, **15:102**

DECEIT

- Fraud and Deceit, this index

DECLARATIONS

- Generally, **7:15**

DEDICATION

- Municipal corporations, **17:55**

DEEP POCKETS APPROACH

- Economics and sociology, **1:31**

DEFAMATION

- Generally, **29:1 to 29:134**
- Absolute privilege
 - Generally, **29:89 to 29:97**
 - Attorneys, **29:91**
 - Executive officers in charge of duties, **29:96**
 - Judicial proceedings, **29:90 to 29:94**

DEFAMATION—Cont'd

- Absolute privilege—Cont'd
 - Jurors in judicial proceedings, **29:93**
 - Legislative proceedings, **29:95**
 - Parties to judicial proceedings, **29:92**
 - Reports of judicial proceedings, **29:117**
 - Witnesses in judicial proceedings, **29:94**
- Abuse of qualified or conditional privilege, **29:119, 29:120**
- Actual malice, **29:34**
- Arrest, false communication or report regarding, **29:62**
- Associations, **29:48**
- Athletes, **29:77**
- Attorneys
 - Generally, **29:73**
 - Absolute privilege, **29:91**
 - Qualified or conditional privilege, **29:105**
- Bitch, statement that person is, **29:70**
- Burden of proof, qualified or conditional privilege, **29:99**
- Business, trade, calling or profession, statements regarding
 - Generally, **29:72 to 29:79**
 - Athletes and sports figures, **29:77**
 - Attorneys, **29:73**
 - Business credit and insolvency, **29:79**
 - Clergymen, **29:76**
 - Dentists, **29:74**
 - Employees, laborers, unions and other labor organizations, **29:78**
 - Nurses, **29:74**
 - Physicians and other medical arts healers, **29:74**
 - Psychiatrists, psychologists, counselors and social workers, **29:75**
 - Teachers, **29:76**
- Business credit and insolvency, **29:79**

INDEX

DEFAMATION—Cont'd

- Calling. Business, trade, calling or profession, statements regarding, above
- Cartoons, **29:83**
- Chastity, imputation of lack of, **29:69 to 29:71**
- Classes of defamation defamatory per se, **29:55**
- Clergymen, **29:76**
- Colloquium, construction principles, **29:40**
- Commercial printers, **29:9**
- Compensatory damages. Damages, below
- Conditional privilege. Qualified or conditional privilege, below
- Conflict of laws, **2:31**
- Connection between defendant and alleged defamation, **29:51**
- Consent as defense, **29:88**
- Constitutional issues
 - Generally, **29:13 to 29:38**
 - Actual malice, **29:34**
 - Evidence, **29:35**
 - Fair comment, **29:38**
 - Gertz case, **29:15**
 - Gross irresponsibility as test, **29:32**
 - Knowledge of falsity or reckless disregard or truth or falsity, **29:34**
 - Limited purpose public figures, **29:23**
 - Media defendants, **29:27**
 - Negligence as test, **29:31**
 - New York Times case, **29:14, 29:16**
 - Non-media defendants, **29:29**
 - Opinions, **29:36 to 29:38**
 - Persons to whom public officials rule applies, **29:21**
 - Private persons, **29:25, 29:26**
 - Public and private, generally, **29:17 to 29:26**
 - Public concern, **29:20**
 - Public controversy, **29:19**
 - Public figures, **29:22 to 29:24**

DEFAMATION—Cont'd

- Constitutional issues—Cont'd
 - Public officials, **29:18**
 - Tests or standards, **29:30 to 29:35**
- Construction principles
 - Generally, **29:39 to 29:42**
 - Headlines, **29:42**
 - Inducement, colloquium and innuendo, **29:40**
 - Innocent construction doctrine, **29:41**
- Corporations, **29:48**
- Counselors, **29:75**
- Crime or criminal offense, statements regarding
 - Generally, **29:61 to 29:66**
 - Arrest, false communication or report regarding, **29:62**
 - Crook, statement that plaintiff is, **29:64**
 - Indictment, false statement regarding, **29:63**
 - Non-defamatory statements, **29:66**
 - Particular crime or offense, accusation or imputation of, **29:65**
- Crook, statement that plaintiff is, **29:64**
- Damages
 - Generally, **29:127 to 29:134**
 - Compensatory damages, **29:129 to 29:132**
 - Emotional distress, **29:131**
 - Excessiveness or inadequacy of damages, **29:132, 29:134**
 - Nominal damages, **29:128**
 - Punitive damages, **29:133, 29:134**
 - Special harm or damage, **29:130**
- Deceased persons, **29:47**
- Defenses
 - Generally, **29:87 to 29:122**
 - Absolute privilege, above
 - Consent, **29:88**
 - Libel-proof plaintiffs, **29:121**
 - Qualified or conditional privilege, below
 - Retraction, **29:122**

DEFAMATION—Cont'd

- Definitions, **29:2**
- Dentists, **29:74**
- Disease, statements regarding, **29:67, 29:68**
- Disparagement of Goods or Services, this index
- Distinctions, **29:3**
- Electronic communications, **29:110 to 29:113**
- Elements, **29:4**
- Emotional distress, damages, **29:131**
- Emotional instability, imputation of, **29:68**
- Employees, **29:78, 29:110 to 29:113**
- Employers, **29:52**
- Evidence, **29:35**
- Excessiveness or inadequacy of damages, **29:132, 29:134**
- Executive officers in charge of duties, absolute privilege, **29:96**
- Fair comment, **29:38**
- Family relationships, qualified or conditional privilege, **29:104**
- Federal Tort Claims Act, **17:14**
- First Amendment. Constitutional issues, above
- Fourteenth Amendment. Constitutional issues, above
- Gestures, **29:83**
- Gross irresponsibility as test, **29:32**
- Group defamation, **29:49**
- Headlines, construction principles, **29:42**
- Homosexuality, imputation of, **29:71**
- Humor, **29:84**
- Identification of plaintiffs, **29:46**
- Imputed liability, **4:56**
- Indictment, false statement regarding, **29:63**
- Inducement, construction principles, **29:40**
- Innocent construction doctrine, **29:41**
- Innuendo, construction principles, **29:40**
- Insanity, imputation of, **29:68**

DEFAMATION—Cont'd

- Insolvency, **29:79**
- Insurance companies and insureds, qualified or conditional privilege, **29:107**
- Intracorporate communications, **29:7**
- Jest or joke, **29:84**
- Judicial proceedings, absolute privilege, **29:90 to 29:94**
- Jurors in judicial proceedings, absolute privilege, **29:93**
- Knowledge of falsity or reckless disregard of truth, **29:34, 29:120**
- Laborers, **29:78**
- Labor organizations, **29:78, 29:114**
- Legislative proceedings, absolute privilege, **29:95**
- Letters to editor, **29:8**
- Libel-proof plaintiffs, **29:121**
- Limited purpose public figures, **29:23**
- Media defendants, **29:27, 29:108**
- Medical arts healers, **29:74, 29:106**
- Mental incompetence, imputation of, **29:68**
- Multiple or single publication, **29:12**
- Negligence as test, **29:31**
- New York Times case, **29:14, 29:16**
- Nominal damages, **29:128**
- Non-defamatory communications, **29:60**
- Nurses, **29:74**
- Official proceedings and public meetings, reports of, **29:116 to 29:118**
- Opinions, constitutional issues, **29:36 to 29:38**
- Parties
 - Generally, **29:45 to 29:53**
 - Connection between defendant and alleged defamation, **29:51**
 - Corporations, partnerships and associations, **29:48**
 - Deceased persons, **29:47**
 - Defendants, generally, **29:50 et seq.**
 - Employers, **29:52**
 - Group defamation, **29:49**

INDEX

DEFAMATION—Cont'd

Parties—Cont'd

- Identification of plaintiffs, **29:46**
- Judicial proceedings, absolute privilege, **29:92**
- Plaintiffs, generally, **29:45 et seq.**
- Radio and television, **29:53**
- Telecommunications, **29:53**
- Vicarious liability, **29:52**

Partnerships, **29:48**

Per quod libel, **29:59**

Per quod slander, **29:57**

Per se libel, **29:55, 29:58**

Per se slander, **29:55, 29:56**

Photographs, **29:83**

Physicians and other healing arts practitioners, **29:74, 29:106**

Pleadings, **29:123**

Political principles, imputation of objectionable, **29:80**

Practice and procedure, generally, **29:123 et seq.**

Privilege

- Absolute privilege, above
- Qualified or conditional privilege, below

Profession. Business, trade, calling or profession, statements regarding, above

Psychiatrists and psychologists, **29:75**

Publication

Generally, **29:5 to 29:12**

Commercial printer, **29:9**

Intracorporate communications, **29:7**

Letters to editor, **29:8**

Plaintiff as person to whom published, **29:10**

Plaintiff as person who causes publication, **29:6**

Repetition or republication, **29:11**

Single or multiple publication, **29:12**

Public figures and matters.

Constitutional issues, above

Punitive damages, **29:133, 29:134**

DEFAMATION—Cont'd

Qualified or conditional privilege

Generally, **29:98 to 29:120**

Abuse of privilege, **29:119, 29:120**

Attorneys, **29:105**

Burden of proof, **29:99**

Elements, **29:100**

Employees, **29:110 to 29:113**

Family relationships, **29:104**

Insurance companies and insureds, **29:107**

Interests protected, **29:101 to 29:104**

Knowledge of falsity or reckless disregard of truth, **29:120**

Labor unions, **29:114**

Nature of defense, **29:99**

Official proceedings and public meetings, reports of, **29:116 to 29:118**

Physicians and other healing arts practitioners, **29:106**

Recipient or third person, interest of, **29:102, 29:103**

Reporters, newspapers and media, **29:108**

Self-interest of communicator, **29:101 to 29:104**

Work record or qualifications of employee, **29:113**

Question, libel by, **29:82**

Questions of law and fact, **29:43, 29:44**

Race, color or nationality, **29:80**

Racial intolerance, **29:80**

Radio and television, **29:53**

Religious beliefs or intolerance, **29:80**

Reports of judicial proceedings, absolute privilege, **29:117**

Retraction, **29:122**

Ridicule, **29:84**

Self-interest of communicator, qualified or conditional privilege, **29:101 to 29:104**

Sexual activity, imputation of, **29:69 to 29:71**

DEFAMATION—Cont'd

Single or multiple publication, **29:12**
 Slander of Title, this index
 Slut, statement that person is, **29:70**
 Social media, **29:28**
 Social principles, imputation of objectionable, **29:80**
 Social workers, **29:75**
 Special harm or damage, **29:130**
 Sports figures, **29:77**
 Summary judgment, **29:124 to 29:126**
 Teachers, **29:76**
 Telecommunications, **29:53**
 Totality of circumstances test, **29:32.10**
 Trade. Business, trade, calling or profession, statements regarding, above
 Truth, **29:86**
 Unions, **29:78**
 Vicarious liability, **29:52**
 Wills, **29:81**
 Witnesses in judicial proceedings, absolute privilege, **29:94**
 Work record or qualifications of employee, qualified or conditional privilege, **29:113**

DEFENSE OF PROPERTY

Generally, **5:10**

DEFENSES

Generally, **5:1 to 5:44**
 Abatement, **5:26**
 Act of God, **5:2**
 Alienation of affections, **22:6**
 Animals, this index
 Assault and battery, **26:10, 26:17.10, 26:27**
 Assignment, **5:26**
 Assumption of Risk, this index
 Bankruptcy, discharge in, **5:27**
 Claim preclusion, **5:28, 5:29**
 Collateral estoppel, **5:28, 5:30**
 Conflict of Laws, this index
 Conversion, **24:12**

DEFENSES—Cont'd

Copyrights, **31:34, 31:35**
 Defamation, this index
 Dismissals, **5:25**
 Election of remedies or defenses, **5:24**
 Emergency, **5:4**
 Equitable estoppel, **5:5**
 Exculpatory clauses, **5:45**
 Excuse. Justification, Excuse and Privilege, this index
 False imprisonment, **27:10**
 Fraud and Deceit, this index
 Indemnification, **5:45**
 Interference with advantageous business or economic relations, **31:86**
 Interference with Contractual Relations, this index
 Issue preclusion, **5:28, 5:30**
 Justification, Excuse and Privilege, this index
 Malicious prosecution of civil proceeding, **28:31**
 Malicious prosecution of criminal proceeding, **28:19, 28:20**
 Mere investigation, **28:20.10**
 Nuisances, this index
 Pre-injury releases, exculpatory clauses and indemnification, **5:45**
 Prima facie tort, Restatement of Torts, 2d, **35:20**
 Privacy, invasion and related wrongs, **30:8, 30:37**
 Privilege. Justification, Excuse and Privilege, this index
 Products Liability, this index
 Res judicata, **5:28, 5:29**
 Satisfaction of judgment, **5:49**
 Securities Regulation, this index
 Slander of title, **33:23**
 Statutes of Limitation, this index
 Stay, **5:26**
 Superseding modes of redress, **5:50**
 Survival, **5:26**

INDEX

DEFENSES—Cont'd

- Trademarks and tradenames, **31:18**
- Trade Secrets, this index
- Trespass, this index
- Unavoidable accident, **5:3**

DEFINITIONS AND DISTINCTIONS

- Generally, **1:1, 1:2**

DELAY

- False imprisonment, taking arrestee before magistrate, **27:15**

DEMAND AND REFUSAL

- Conversion, **24:2**

DEMOLITION

- Abnormal activities, **19:33**

DEMOTION

- Discharge from employment, express contracts for term, **34:109**

DENIALS

- Generally, **7:16**

DENTISTS

- Defamation, **29:74**
- Malpractice, **15:52**
- Malpractice, Specific illustrations, **15:53**

DEODORANTS AND ANTIPERSPIRANTS

- Products liability, **18:369**

DEPECEGE DOCTRINE

- Conflict of laws, **2:19**

DEPRECIATION

- Trade secrets, **34:45**

DEPROGRAMMING PERSONS

- False imprisonment, **27:6**

DERRICKS

- Products liability, **18:198**

DESIGN DEFECTS

- Products Liability, this index

DETERGENTS

- Products liability, **18:435**

DETERRENCE

- Economics and sociology, **1:32**

DETOURS

- Imputed liability, scope or course of employment, **4:18**

DIE PRESSES AND PRESS BRAKES

- Products liability, **18:254**

DIETHYLSTILBESTROL

- Products liability, **18:406**

DIGGERS

- Products liability, **18:197**

DIRECTORS AND OFFICERS OF CORPORATIONS

- Fraud and deceit, **32:130**
- Imputed liability, **4:21**
- Interference with contractual relations, **31:43**

DIRT

- Conversion, **24:5**

DISABILITY

- Incompetency, mental disability and insanity, affect on standard of conduct, **12:31**
- Mental infirmity and comparative fault, **13:36**
- Physical disability, affect on standard of conduct, **12:30**

DISCHARGE FROM EMPLOYMENT

- Generally, **34:83 to 34:118**
- Attachment or wages or earnings, **34:92**
- At-will employees, generally, **34:83 et seq.**
- Barring tests as condition of employment, **34:96**
- Bonuses, express contracts for term, **34:110**
- Burden of proof, **34:104**

DISCHARGE FROM

EMPLOYMENT—Cont'd

- Cause, discharge of employee under express contract for term for, **34:108**
- Civil rights violations, **34:93**
- Civil service statutes and regulations, **34:114**
- Conscientious Employee Protection Act, **34:91.10**
- Constitutional law. Public employment, below
- Damages, **34:105, 34:106, 34:112**
- Demotion, express contracts for term, **34:109**
- Discrimination, **34:93**
- Employee Retirement and Income Security Act, exercising rights under, **34:98**
- Evidence, **34:104**
- Express contracts for term
 - Generally, **34:107 to 34:112**
 - Bonuses, perquisites, etc., **34:110**
 - Damages, **34:112**
 - Discharge for cause, provisions for, **34:108**
 - Practice and remedies, **34:111**
 - Reduction in rank or other demotion, **34:109**
- Fair Labor Standards Act, filing complaint under, **34:97**
- Garnishment or wages or earnings, **34:92**
- Handbooks and manuals, **34:83**
- Health, making complaints about working conditions, **34:91**
- Health insurance claims, filing of, **34:99**
- History, **34:85**
- Jury service, **34:89**
- Labor management relations statutes, **34:95**
- Manuals and handbooks, **34:83**
- Perquisites, express contracts for term, **34:110**
- Polygraph examination restrictions, **34:96**

DISCHARGE FROM

EMPLOYMENT—Cont'd

- Prima facie tort, **35:49 to 35:51**
- Private employment, generally, **34:83 et seq.**
- Procedure, generally, **34:103 et seq.**
- Public employment
 - Generally, **34:113 to 34:118**
 - Civil service statutes and regulations, **34:114**
 - Constitutional issues, **34:115 et seq.**
 - Liberty right or interest, **34:118**
 - Procedural due process, **34:116**
 - Property right or interest, **34:117**
 - Substantive due process, **34:117, 34:118**
- Punitive damages, **34:106**
- Questions of law and fact, **34:104**
- Reduction in rank, express contracts for term, **34:109**
- Remedies, **34:102 to 34:106**
- Safety, making complaints about working conditions, **34:91**
- Sexual harassment, **34:94**
- Stockholder, asserting rights as, **34:100**
- Tameny case, **34:88**
- Theories, **34:84**
- Unlawful or unethical acts of employer or co-employees, **34:101**
- Workers' compensation benefits, seeking, **34:90**
- Working conditions, making complaints about, **34:91**

DISCIPLINE

- Generally, **5:13**

DISCLAIMERS

- Products liability, implied warranties, **18:49**

DISCOVERABLE RISK

- Contributory negligence, failure to appreciate discoverable risk, **12:27, 12:28**

INDEX

DISCOVERY

- Prima facie tort, **35:36.20**
- Products liability, **18:13**
- Punitive damages, discovery of evidence of wealth, **8:69**
- Trade secrets, **34:27**

DISCRETIONARY FUNCTIONS

- Federal Tort Claims Act, **17:7**
- Prosecutors, **28:7**
- Public officers and employees, **6:35**
- Sovereign or governmental immunity, **6:12**
- State tort claims acts, **17:27 to 17:30**

DISCRIMINATION

- Civil Rights, this index

DISEASES

- Defamation, statements regarding disease, **29:67, 29:68**
- Medical causation, **11:27**

DISMISSALS

- Defenses, **5:25**
- Malicious prosecution of criminal proceeding, **28:11**

DISPARAGEMENT OF GOODS OR SERVICES

- Generally, **33:1 to 33:11**
- Conflict of laws, **2:31**
- Damages, **33:10**
- Distinctions, **33:3**
- Elements, **33:2**
- Falsity, **33:6**
- Malice, **33:7**
- Plain and natural meaning of words, **33:5**
- Publication, **33:4**
- Punitive damages, **33:10**
- Remedies, **33:8**

DISPLAY

- Merchandise, premises liability, **14:16**

DISTRACTION RULE

- Contributory negligence, **12:28**

DISTRIBUTORSHIPS AND DEALERSHIPS

- Fraud and deceit, **32:129**
- Interference with advantageous business or economic relations, **31:111 to 31:113**
- Securities regulation, blue sky laws, **32:211**

DIVERSION RULE

- Contributory negligence, **12:28**

DIVERSITY JURISDICTION

- Medical malpractice cases in federal court, **15:5**

DIVIDERS

- Highways and streets, **17:34**

DIVORCE

- Specific Applications, **15:99**

DOGS

- Generally, **21:52**
- Police dogs, **21:48**

DOMESTIC ANIMALS

- Animals, this index

DOMINANT OR MOST SIGNIFICANT CONTACTS

- Conflict of laws, **2:16**

DOORMATS

- Premises liability, **14:15**

DOORS AND ENTRANCES

- Electrically operated doors, **14:42**
- Glass doors, panels or walls, **14:39**
- Overhead doors, **14:43**
- Premises liability, generally, **14:38 to 14:44**
- Revolving doors, **14:41**
- Swinging doors, **14:40**
- Use of wrong doorway, **14:44**

DRAIN CLEANERS

- Products liability, **18:436**

DRAINS

- Governmental entities, defects, **17:48**

DRAM SHOP ACT

Liability for violation, **9:88**

DRESSES AND SKIRTS

Products liability, **18:355**

DRILL PRESSES

Products liability, **18:255**

DRIVE TRAIN

Products liability, automobiles and other motor vehicles, **18:179**

DR. PEPPER BOTTLES

Products liability, **18:296**

DRUGGISTS, PHARMACISTS AND APOTHECARIES

Generally, **15:119**

Prescription, improperly or incorrectly filling, **15:120**

DRUGS AND NARCOTICS

Medical causation, **11:29, 11:30**

Products Liability, this index

DRUMS

Products liability, **18:310**

DRY CLEANERS

Products liability, **18:233**

DRYERS AND WASHERS

Products liability, **18:233**

DUAL CAPACITY DOCTRINE

Workers' compensation, **6:58**

DUMBWAITERS

Products liability, **18:211**

DURESS

Compromises, settlements and releases, **5:47**

DUST

Nuisances, **20:12**

DYES AND RINSES

Products liability, **18:371**

EARTH, SAND AND GRAVEL

Damages, **8:45**

EARTHMOVERS

Products liability, **18:197**

EAVESDROPPING

Privacy, intrusion into solitude, **30:19**

ECONOMIC LOSS

Negligence, **9:70**

Products liability, **18:139**

ECONOMICS AND SOCIOLOGY

Generally, **1:25 to 1:33**

Deep pockets approach, **1:31**

Deterrence, **1:32**

Development and dynamics of tort litigation, **1:33**

Enterprise liability, **1:30**

Entrepreneur-lawyer, role of, **1:33**

Liability insurance, **1:31**

Making law, **1:25**

Modern judicial policies, **1:25**

Products liability, **18:5**

Social engineering, **1:26, 1:27**

EDUCATION

Schools and School Districts, this index

EJECTMENT

Trespass, **23:23, 23:24**

ELECTION OF REMEDIES OR DEFENSES

Generally, **5:24**

ELECTRICITY

Generally, **9:75**

Abnormal activities, **19:15, 19:21**

Doors and entrances, electrically operated, **14:42**

Products liability, automobiles and other motor vehicles, **18:183**

Wrongful termination or interruption of service, **9:76**

ELECTRONIC COMMUNICATIONS

Trespass, **23:30**

INDEX

ELECTROSHOCK OR ELECTROCONVULSIVE THERAPY

Medical malpractice, **15:40**

ELEMENTS, GENERALLY

Generally, **1:8 to 1:14**

Damage without wrong, **1:10**

Damnum absque injuria, **1:10**

Existence of legal right and duty, **1:8**

Harm and injury, **1:11**

Intent, **1:12**

Legal acts or exercise of legal rights
as non-tortious, **1:10**

Legal interests injured and harmed
for which redress is available,
1:13

Malice, **1:12**

Motive, **1:12**

Purpose, **1:12**

Violation of legal right and duty, **1:9**

ELEVATORS, SILOS AND OTHER STORAGE BINS

Products liability, **18:283**

ELEVATORS AND ESCALATORS

Accidents, premises liability, **14:45**

Premises liability, **14:47**

Products liability, **18:211**

Shafts, premises liability, **14:46**

EMERGENCY

Defenses, **5:4**

EMERGENCY VEHICLES

Accidents, **9:38**

EMOTIONAL IMPULSE

Proximate cause, **11:13**

EMOTIONAL INJURIES

Psychic and Emotional Injuries, this
index

EMOTIONAL INSTABILITY

Defamation, imputation of instability,
29:68

Malicious prosecution of civil
proceeding, **28:27**

EMPLOYEE RETIREMENT AND INCOME SECURITY ACT

Discharge from employment, **34:98**

EMPLOYER-EMPLOYEE RELATIONSHIPS

Generally, **34:8 to 34:19**

Assault and battery, employer's dis-
charge of employee, **26:22**

Assumption of risk, **9:92**

Boiler Inspection Act, **9:101**

Collateral contracts, stealing, induc-
ing, enticing or luring away at-
will employees, **34:16**

Confidential information, use by for-
mer employee, **34:11, 34:12**

Contributory and/or comparative
fault, **9:92**

Conversion, **24:10, 24:11**

Customers and customer lists, **34:12**

Defamation, **29:52, 29:78, 29:110 to
29:113**

Defenses, **9:92**

Discharge from Employment, this
index

Enticing away at-will employees.
Stealing, inducing, enticing or
luring away at-will employees,
below

False imprisonment, **27:7**

Federal Employers Liability Act, this
index

Fellow servant doctrine, **9:92**

Fiduciary duty, stealing, inducing,
enticing or luring away at-will
employees, **34:17**

Imputed Liability, this index

Inducing away at-will employees.
Stealing, inducing, enticing or
luring away at-will employees,
below

Interference with business relations,
34:18

Interference with contractual rela-
tions, **31:75**

Interference with prospective or
future contractual relations,
31:128, 31:129

EMPLOYER-EMPLOYEE

RELATIONSHIPS—Cont'd

- Inventions of employees, **34:9, 34:10**
- Labor Unions and Organizations, this index
- Luring away at-will employees.
 - Stealing, inducing, enticing or luring away at-will employees, below
- Malicious prosecution of criminal proceeding, **28:15**
- Minors, employment of, **9:91**
- Negligence
 - Generally, **9:90 to 9:103**
 - Assumption of risk, **9:92**
 - Boiler Inspection Act, **9:101**
 - Co-employee liability, **9:93**
 - Contributory and/or comparative fault, **9:92**
 - Defenses, **9:92**
 - Emotional distress, intentional infliction, employer wrongs, **16:29**
 - Federal Employers Liability Act, this index
 - Fellow servant doctrine, **9:92**
 - Liability acts, **9:94**
 - Minors, employment of, **9:91**
 - Safety appliance and related acts, **9:100**
 - Seamen and vessel crew members
 - Generally, **9:102**
 - Jones Act, **9:102**
 - Warranty of seaworthiness, **9:103**
 - State statutes, **9:94**
- Restraint of trade, stealing, inducing, enticing or luring away at-will employees, **34:19**
- Restrictive covenant, violation of, **34:16**
- Safety appliance and related acts, **9:100**
- Seamen. Negligence, above
- Shop right or license in invention, **34:10**

EMPLOYER-EMPLOYEE

RELATIONSHIPS—Cont'd

- Solicitation of customers by former employees, **34:12**
- Stealing, inducing, enticing or luring away at-will employees
 - Generally, **34:13 to 34:19**
- Collateral contract, breach of, **34:16**
- Exceptions to rule, **34:15**
- Fiduciary duty, breach of, **34:17**
- Restrictive covenant, violation of, **34:16**
- Unfair competition or restraint of trade, **34:19**
- Unjustified interference with business relations, **34:18**
- Unlawful or improper means or purpose, **34:15**
- Trade secrets, use by former employee, **34:11, 34:12**
- Unfair competition, stealing, inducing, enticing or luring away at-will employees, **34:19**
- Vessel crew members. Negligence, above
- Workers' Compensation, this index

ENGINEERS

- Architects, Engineers and Contractors, this index

ENGINES

- Products liability, automobiles and other motor vehicles, **18:184**

ENHANCED INJURIES

- Products Liability, this index

ENTERPRISE LIABILITY

- Economics and sociology, **1:30**

ENTICEMENT

- Employer-Employee Relationships, this index

ENTRUSTMENT, NEGLIGENT

- Imputed liability, **4:10, 4:16**

INDEX

EQUITABLE ACTIONS

Punitive damages, **8:56**

EQUITABLE ESTOPPEL

Defenses, **5:5**

ESCALATORS

Elevators and Escalators, this index

ESTATE ADMINISTRATION

Specific Applications, **15:98**

Wills, beneficiaries, **15:108**

ESTATE PLANNING

Specific Applications, **15:98**

ESTOPPEL

Fraud and deceit, **32:117**

Imputed liability, **4:4**

Statutes of limitation, **5:36**

Trespass, **23:36**

ETHICS

Discharge from employment, unlawful or unethical acts of employer or co-employees, **34:101**

ETIOLOGY

Medical causation, **11:26**

EVIDENCE

Burden of Proof, this index

Causation, **1:10.10**

Conflict of laws, **2:54**

Defamation, **29:35**

Discharge from employment, **34:104**

Expert and Opinion Evidence, this index

False imprisonment, **27:11**

Fraud and Deceit, this index

Malicious prosecution of civil proceeding, **28:29**

Malicious prosecution of criminal proceeding, **28:14**

Presumptions, this index

Products Liability, this index

Questions of Law and Fact, this index

Racketeer Influenced and Corrupt Organizations Act (RICO), **32:230**

EVIDENCE QUESTIONS

Burden of proof, **15:104**

Expert evidence, testimony, **15:105**

Presumptions, **15:104**

Workers' compensation, **15:103.20**

EXCLUSIVE USE

Trademarks and tradenames, **31:10**

EXCULPATORY CLAUSES

Defenses, **5:45**

EXCUSE

Justification, Excuse and Privilege, this index

EXECUTIVE OFFICERS

Generally, **6:41**

EXERCISE EQUIPMENT AND SUPPLIES

Products liability, **18:336**

EXHAUST SYSTEMS

Products liability, automobiles and other motor vehicles, **18:186**

EXHIBITIONS

Amusements and Exhibitions, this index

EXPERT AND OPINION

EVIDENCE

Informed consent, **15:72**

Medical malpractice cases, **15:13**

Products liability, admissibility of expert or opinion evidence, **18:33**

Products liability, unreasonably dangerous doctrine

Requirement, **18:34**

EXPLOSIONS AND EXPLOSIVES

Abnormal Activities, this index

Blasting and Blasting Caps, this index

Dangerous instrumentalities, **9:81**

Products Liability, this index

EXTRADITION

Civil rights, **25:19**

EYEGLASSES AND CONTACT LENSES

Products liability, **18:250, 18:418**

FABRICATORS OF COMPONENT PARTS

Products liability, **18:135**

FAIR COMMENT

Defamation, **29:38**

FAIR CREDIT REPORTING ACT

Consumer protection and fraud prevention, **32:150**

FAIR DEBT COLLECTION ACT

Consumer protection and fraud prevention, **32:151**

FAIRGROUNDS

Spectators, injury to, **9:59**

FAIR LABOR STANDARDS ACT

Discharge from employment, **34:97**

FAIRNESS

Effect of concepts, **1:37**

FAIR USE

Copyrights, **31:35**

FALSE ENDORSEMENT

Unfair competition, **34:5.10**

FALSE IMPRISONMENT

Generally, **27:1 to 27:20**

Arrests, police and peace officers, **27:13 to 27:17**

Civil rights, **25:11**

Conflict of laws, **2:33**

Damages, **27:9**

Dangerous persons, confinement of, **27:5**

Deadly force, use by police and peace officers, **27:18**

Defenses, **27:10**

Delay in taking arrestee before magistrate, **27:15**

Deprogramming persons, **27:6**

Distinctions, **27:2**

Employers, liability of, **27:7**

FALSE IMPRISONMENT—Cont'd

Evidence, **27:11**

Excessive force, use by police and peace officers, **27:18**

Federal Tort Claims Act, **17:13**

Force, use by police and peace officers, **27:18**

Hospitals, confinement of mentally disturbed or dangerous persons, **27:5**

Imputed liability, **4:53**

Mentally disturbed persons, confinement of, **27:5**

Nursing homes, confinement of mentally disturbed or dangerous persons, **27:5**

Persons liable

Generally, **27:3 to 27:7**

Deprogramming persons, **27:6**

Employers, **27:7**

Mentally disturbed or dangerous persons, confinement of, **27:5**

Private persons or citizens, **27:4**

Respondeat superior, **27:7**

Pleading, **27:8.10**

Police and peace officers

Generally, **27:12 to 27:18**

Arrests, **27:13 to 27:17**

Delay in taking arrestee before magistrate, **27:15**

Excessive or deadly force, use of, **27:18**

Force, use of, **27:18**

Mistaken identity as to person arrested, detained or confined, **27:13**

Warrant, arrest pursuant to, **27:16**

Warrantless arrest, **27:17**

Respondeat superior, **27:7**

Security personnel, **27:8**

Shoplifting, **27:19, 27:20**

Warrant, arrest pursuant to, **27:16**

Warrantless arrests, **27:17**

FALSE LIGHT

Privacy, Invasion and Related Wrongs, this index

INDEX

FAMILY AND RELATIVES

- Children and Minors, this index
- Defamation, qualified or conditional privilege, **29:104**
- Husband and Wife, this index
- Imputed liability, family purpose doctrine, **4:6**
- Interference with Familial Relations, this index

FAMILY LAW

- Specific Applications, **15:99**

FARMS AND AGRICULTURE

- Crop dusting, abnormal activities, **19:24**
- Products Liability, this index

FAULT AND NO-FAULT

- Generally, **1:38 to 1:42**
- Force theory stemming from writ of trespass, **1:40**
- No-fault theories and plans, **1:42**
- Prerequisite, fault as, **1:38**
- Statutory policies either creating or enlarging, or abolishing or limiting, tort liability, **1:41**
- Strict Liability, this index

FEDERAL COURTS

- Enforcement in federal court diversity jurisdiction cases, **15:5**
- Jurisdiction, **7:2, 7:8**
- Venue, **7:11 to 7:13**

FEDERAL EMPLOYERS LIABILITY ACT

- Generally, **9:95 to 9:99**
- Accidents and injuries within act, **9:98**
- Common law defenses and abolition, **9:95**
- Employers to whom act applies, **9:96**
- Grounds of recovery, **9:99**
- Negligence, **9:99**
- Persons entitled to recover, **9:97**
- State law practice and procedural rules, effect of, **9:95**

FEDERAL HAZARDOUS SUBSTANCES ACT

- Products liability, **18:9**

FEDERAL IMMUNITY

- Abnormal activities, **19:6**

FEDERAL PREEMPTION

- State tort claims acts, **17:31**

FEDERAL TORT CLAIMS ACT

- Generally, **17:1 to 17:17**
- Absolute liability, **17:6**
- Abuse of process, **17:13**
- Actions under Suits in Admiralty Act, **17:8**
- Administration, **17:4**
- Assault and battery, **17:12**
- Deceit, **17:15**
- Defamation, **17:14**
- Discretionary function, **17:7**
- Exceptions, generally, **17:5 et seq.**
- False imprisonment and false arrest, **17:13**
- Foreign country, claim arising in, **17:17**
- Independent contractors, **17:3**
- Intentional torts, **17:11 to 17:17**
- Interference, **17:16**
- Judicial exceptions, **17:5**
 - Laird v. Nelms doctrine, **17:6**
- Law enforcement, **17:10**
- Legislative exceptions, generally, **17:7 et seq.**
- Libel, **17:14**
- Line of duty, conduct within, **17:3**
- Malicious prosecution, **17:13**
- Misrepresentation, **17:15**
- Notice of claims, **17:4**
- Operational level, **17:9**
- Planning level, **17:9**
- Procedure, **17:4**
- Regulatory activities, **17:10**
- Scope of employment or office, **17:3**
- Servicemen, **17:5**
- Slander, **17:14**

FEDERAL TORT CLAIMS ACT

—Cont'd

Specific substantive claims and claimants, **17:2**
Strict liability, **17:6**
Trial, **17:4**

FEDERAL TRADE COMMISSION

Consumer protection and fraud prevention, **32:149**

FEDERAL WATER POLLUTION CONTROL ACT

Generally, **20:42**

FENCES AND GATES

Abutting owners and occupiers, **14:55**

FERTILIZERS

Products Liability, this index

FERTILIZER SPREADERS

Products liability, **18:284**

FIDUCIARY DUTY

Fraud and Deceit, this index
Stealing, inducing, enticing or luring away at-will employees, **34:17**

FILMS

Photographs, Films, Pictures and Video Tapes, this index

FINANCIAL INTEREST

Interference with prospective or future contractual relations, **31:142, 31:143**

FINANCIAL STANDING

Fraud and deceit, **32:148**

FINGERNAILS

Products liability, **18:379**

FIREARMS

Weapons and Firearms, this index

FIRE EXTINGUISHERS

Products liability, **18:231**

FIREFIGHTER'S RULE

Premises liability, **14:67**

FIRES

Abnormal activities, **19:15, 19:22**
Dangerous instrumentalities, **9:79**
Governmental entities, fire prevention and control, **17:53**
Inflammables, this index

FIREWORKS

Abnormal activities, **19:13**
Dangerous instrumentalities, **9:80**

FITNESS FOR ORDINARY PURPOSES

Products liability, implied warranty of merchantability, **18:53**

FITNESS FOR PARTICULAR PURPOSE

Products Liability, this index

FIXTURES

Conversion, **24:5**

FLAMMABLES

Inflammables, this index

FLOORS AND FLOORING

Premises liability, **14:15, 15:65.30**

FOOD AND BEVERAGES

Products Liability, this index
Psychic and emotional injuries, **16:10**

FOOD CUTTERS AND CHOPPERS

Products liability, **18:234**

FOOL-PROOF NATURE OF PRODUCT

Products liability, design defects, **18:73**

FOOTBALL

Products liability, **18:337**

FORAGE BLOWERS

Products liability, **18:285**

FORAGE BOXES AND WAGONS

Products liability, **18:286**

FORCE

Assault and battery, **26:5, 26:25**

INDEX

FORCIBLE ENTRY AND DETAINER

Trespass, **23:27**

FOREIGN CORPORATIONS

Jurisdiction, **7:4**

FOREIGN COUNTRIES

Federal Tort Claims Act, **17:17**

Fraud and deceit, **32:35**

Sovereign or governmental
immunity, **6:4**

FORESEEABILITY

Products Liability, this index

Proximate cause, **11:3**

FORGETFULNESS

Fraud and deceit, **32:39**

FORKLIFTS AND FORKLIFT TRUCKS

Products liability, **18:199**

FORMALDEHYDE

Products liability, **18:218**

FORUM NON COVENIENS

Jurisdiction, **7:7, 7:8**

FOUNDATION WALLS

Abutting owners and occupiers,
14:54

FRANCHISES

Fraud and deceit, **32:129**

Independent contractors, **4:48**

Interference with business relations,
31:2

Interference with contractual rela-
tions, **31:73**

Products liability, **18:133**

FRAUD AND DECEIT

Generally, **32:1 to 32:232**

Accountants, **15:109**

Affirmance, **32:116**

Ambiguous representation, **32:14**

Animals, **32:147**

Artifices

Concealment, **32:72**

FRAUD AND DECEIT—Cont'd

Artifices—Cont'd

Fraudulent devices or artifices and
false pretenses, below

Assault and battery, **26:9**

Automobiles, **32:146**

Banks and bank officers, **32:129**

Belief in truth of representation,
32:37

Benefit of bargain rule, **32:119**

Buildings, **32:138**

Burden of proof, **32:102**

Cancellation, **32:5**

Capacity of parties to transaction,
confidential and fiduciary rela-
tions, **32:82, 32:83**

Causation, **32:19**

Character of evidence, **32:106**

Character of representation, **32:62,**
32:124

Circumstantial evidence, **32:106**

Clear and convincing evidence,
32:105

Collateral matters, materiality, **32:65**

Commendatory trade talk, **32:26**

Competence of parties to transaction,
confidential and fiduciary rela-
tions, **32:82, 32:83**

Compromises, settlements and
releases, **5:47**

Concealment

Generally, **32:67 to 32:73**

Duty to speak, **32:70**

Mere silence, distinguished, **32:69**

Partial disclosure, **32:71**

Restatement of Torts, **32:68**

Tricks, artifices and misrepresenta-
tion, **32:72**

Confidence, existence of, **32:23**

Confidential and fiduciary relations

Generally, **32:81 to 32:83**

Competence and capacity of par-
ties to transaction, **32:82,**
32:83

Unconscionable advantage or
surprise, **32:83**

Conflict of laws, **2:30**

FRAUD AND DECEIT—Cont'd

- Construction of language, **32:14**
- Constructive fraud, **32:10**
- Consumer Protection and Fraud
 - Prevention, this index
- Contract, proceeding with, **32:116**
- Contributory negligence, **32:112, 32:113**
- Conversion, fraudulent takers or possessors and their transferees, **24:9**
- Corporations, **32:130**
- Credit and financial standing, **32:148**
- Damages
 - Generally, **32:118 to 32:127**
 - Benefit of bargain rule, **32:119**
 - Character of representation made, **32:124**
 - Cost of making property conform to represented condition, **32:121**
 - Equitable or flexible rule, **32:122**
 - Nature of transaction or property involved, **32:123**
 - Out of pocket rule, **32:120**
 - Punitive damages, **32:125 to 32:127**
- Defense, fraud as, **32:7**
- Defenses
 - Generally, **32:111 to 32:117**
 - Contract, proceeding with, **32:116**
 - Contributory negligence, **32:112, 32:113**
 - Duty to investigate, **32:113**
 - Estoppel, **32:117**
 - Laches, **32:115**
 - Prior litigation, **32:114**
 - Ratification or affirmance, **32:116**
 - Res judicata, **32:114**
 - Waiver, **32:116**
- Definitions, **32:4**
- Degree of evidence, **32:105, 32:107**
- Directors of corporations, **32:130**
- Distinctions, **32:4**
- Distributorships, **32:129**
- Duty to investigate, **32:58, 32:113**

FRAUD AND DECEIT—Cont'd

- Duty to know facts, **32:39**
- Duty to speak, concealment, **32:70**
- Effect of fraud, **32:6**
- Elements, **32:18, 32:19**
- Equitable or flexible rule, damages, **32:122**
- Erroneous expression of representation, **32:15, 32:46**
- Estoppel, **32:117**
- Evidence
 - Generally, **32:101 to 32:107**
 - Admissibility of evidence, **32:104**
 - Burden of proof, **32:102**
 - Character of evidence, **32:106**
 - Circumstantial evidence, **32:106**
 - Clear and convincing evidence, **32:105**
 - Degree of evidence, **32:105, 32:107**
 - Preponderance of evidence, **32:105**
 - Presumptions and inferences, **32:103**
 - Standard or degree of proof, **32:105**
- Expectation of influencing conduct.
 - Reliance and expectation of influencing conduct, below
- Extraneous sources of information, resort to, **32:54**
- Fact or opinion
 - Generally, **32:20 to 32:26**
 - Commendatory trade talk, **32:26**
 - Deliberately false statement of opinion with intent to deceive, **32:25**
 - Distinguished, **32:21**
 - Professional adviser, opinion of, **32:24**
 - Puffing, **32:26**
 - Superior knowledge, effect of, **32:23**
 - Trust or confidence, existence of, **32:23**
- False pretenses. Fraudulent devices or artifices and false pretenses, below

INDEX

FRAUD AND DECEIT—Cont'd

- Falsity
 - Generally, **32:45 to 32:48**
 - Erroneous expression of representation, **32:46**
 - Incomplete statement as misleading, **32:47**
 - Partial truths, **32:47**
- Federal Tort Claims Act, **17:15**
- Fiduciary relations. Confidential and fiduciary relations, above
- Financial standing and credit, **32:148**
- Foreign law, **32:35**
- Forgetfulness, **32:39**
- Franchises, **32:129**
- Fraudulent devices or artifices and false pretenses
 - Generally, **32:84 to 32:86**
 - Goods or services, securing with intent not to pay, **32:85**
 - Promises made with present intent not to perform, **32:86**
- Funeral services, **32:169.10**
- Future matters and mere promises
 - Generally, **32:27 to 32:32**
 - Exceptions, **32:29, 32:32**
- History, **32:3**
- Imputed liability, **4:57**
- Income, profits and rental value of real estate, **32:143**
- Incomplete statement as misleading, **32:16, 32:47**
- Inferences and presumptions, **32:103**
- Innocent persons, **32:91**
- Innocent representations
 - Generally, **32:79**
 - Restatement of Torts, **32:80**
- Insolvency, **32:148**
- Insurance and insurance companies, **32:131**
- Intention, misrepresentation of, **32:17**
- Intent to deceive
 - Generally, **32:42 to 32:44**
 - Direct or indirect representations, **32:43**
 - Motive, **32:44**

FRAUD AND DECEIT—Cont'd

- Interference with familial relations, **22:9**
- Jury trial, right to, **32:109**
- Justifiable reliance, **32:55 to 32:62**
- Knowledge of falsity
 - Generally, **32:36 to 32:41**
 - Belief in truth of representation, **32:37**
 - Duty to know facts, **32:39**
 - Forgetfulness, **32:39**
 - Manner in which knowledge is shown, **32:41**
 - Personal knowledge, unqualified and reckless statements regarding, **32:40**
 - Qualified statements, **32:38**
- Laches, **32:115**
- Law, matters of
 - Generally, **32:33 to 32:35**
 - Exceptions, **32:34**
 - Foreign law, **32:35**
- Legal fraud, **32:10**
- Liens and encumbrances, **32:134**
- Livestock, **32:147**
- Materiality
 - Generally, **32:63 to 32:66**
 - Collateral matters, **32:65**
 - Restatement of Torts, **32:64**
- Medically induced harms, fraud theory of liability, **15:80**
- Mere silence, distinguished from concealment, **32:69**
- Misrepresentation, generally, **32:11 et seq.**
- Motive, **32:44**
- Motor vehicles, **32:146**
- Negligent representations
 - Generally, **32:74 to 32:78**
 - History, **32:76**
 - Relationship between fraud and negligence, **32:75**
 - Restatement of Torts, **32:77**
- Odometers, automobiles and other motor vehicles, **32:146**
- Opinion. Fact or opinion, above

FRAUD AND DECEIT—Cont'd

- Out of pocket rule, **32:120**
- Partial disclosure, concealment, **32:71**
- Partial truths, **32:47**
- Personal knowledge, unqualified and reckless statements regarding, **32:40**
- Personal property
 - Generally, **32:144 to 32:147**
 - Animals and livestock, **32:147**
 - Automobiles and other motor vehicles, **32:146**
 - Quality, condition and character, **32:145**
- Persons entitled to recover, **32:87, 32:88**
- Persons liable
 - Generally, **32:89 to 32:96**
 - Benefit to, or interest of, wrongdoer, **32:94**
 - Innocent persons, **32:91**
 - Participation, effect of, **32:95**
 - Rationale, **32:90**
 - Representations by persons other than one charged, **32:93**
 - Third persons not parties to transaction, **32:92**
- Pleadings, **32:99**
- Preponderance of evidence, **32:105**
- Presumptions and inferences, **32:103**
- Prior litigation, **32:114**
- Procedure, generally, **32:97 et seq.**
- Productivity of real estate, **32:140**
- Products Liability, this index
- Professional adviser, opinion of, **32:24**
- Psychic and emotional injuries, **16:4**
- Puffing, **32:26**
- Punitive damages, **32:125 to 32:127**
- Qualified statements, **32:38**
- Questions of law and fact
 - Generally, **32:110**
 - Punitive damages, **32:126**
- Ratification, **32:116**

FRAUD AND DECEIT—Cont'd

- Real estate
 - Generally, **32:132 to 32:143**
 - Buildings, **32:138**
 - Cost, price and similar, **32:142**
 - Income, profits and rental value, **32:143**
 - Liens and encumbrances, **32:134**
 - Location, **32:135**
 - Productivity, **32:140**
 - Quality, condition and character, **32:137**
 - Quantity, area, acreage and boundaries, **32:136**
 - Title and ownership, **32:133**
 - Use and adaptability, **32:139**
 - Value, **32:141**
- Reliance and expectation of influencing conduct
 - Generally, **32:49 to 32:62**
 - Character of representation, **32:62**
 - Circumstances precluding belief, **32:53, 32:54**
 - Duty to investigate, **32:58**
 - Effect of investigation, **32:59**
 - Extraneous sources of information, resort to, **32:54**
 - Indirect representation, **32:61**
 - Justifiable reliance, **32:55 to 32:62**
 - Knowledge of existence of representation, **32:51**
 - Necessity of belief by representee in truth of representation and resultant deception, **32:52**
 - Restatement of Torts, **32:50, 32:56**
 - Right to rely, **32:55 to 32:62**
 - Time of representation, **32:60**
- Remedies, **32:5, 32:100**
- Rescission, **32:5**
- Res judicata, **32:114**
- Restatement of Torts
 - Generally, **32:2, 32:12**
 - Concealment, **32:68**
 - Innocent representations, **32:80**
 - Materiality, **32:64**
 - Negligent representations, **32:77**

INDEX

FRAUD AND DECEIT—Cont'd

- Restatement of Torts—Cont'd
 - Reliance and expectation of influencing conduct, **32:50, 32:56**
- Restitution, **32:5**
- Securities Regulation, this index
- Shareholders in corporations, **32:130**
- Specificity of pleadings, **32:99**
- Standard of proof, **32:105**
- Stock in corporations, **32:130**
- Superior knowledge, effect of, **32:23**
- Third persons not parties to transaction, **32:92**
- Time of representation, reliance and expectation of influencing conduct, **32:60**
- Title and ownership of real estate, **32:133**
- Trial, generally, **32:108 to 32:110**
- Tricks, concealment, **32:72**
- Trust, existence of, **32:23**
- Types of fraud, **32:8 to 32:10**
- Unconscionable advantage or surprise, confidential and fiduciary relations, **32:83**
- Value of real estate, **32:141**
- Waiver, **32:116**
- Warranty, breach of, **32:5**

FREEDOM OF PRESS

- Privacy, public disclosure of private facts, **30:32**

FREIGHT

- Carrier's duty and liability as to, **9:32**

FRIGHT AND SHOCK

- Psychic and Emotional Injuries, this index

FRIVOLOUS CLAIM

- Prima facie tort, **35:17.10**

FROLICS

- Imputed liability, scope or course of employment, **4:18**

FUEL SYSTEMS

- Products liability, automobiles and other motor vehicles, **18:95, 18:187**

FUGITIVES

- Civil rights, **25:19**

FUMIGANTS

- Products liability, **18:437**

FUNERAL DIRECTORS

- Mishandling corpse and other misconduct, **16:41**

FUNERAL SERVICES

- Fraud and deceit, **32:169.10**

FUNGICIDES

- Products liability, **18:440**

FUR COATS AND ACCESSORIES

- Products liability, **18:353**

FURNACES AND OTHER HEATING APPARATUS

- Air pollution, emissions, **20:46**
- Products liability, **18:225**

FURNITURE AND FURNISHINGS

- Products Liability, this index

FUTURE MATTERS

- Damages, future earnings, **8:33**
- Fraud and Deceit, this index
- Interference with Prospective or Future Contractual Relations, this index
- Tort law, **1:43, 1:44**

FUTURE OR PROSPECTIVE DAMAGES

- Damages, **8:9**

GAMES

- Interference with business relations, **31:157**
- Products Liability, this index

GARNISHMENT

- Discharge from employment, **34:92**

GAS, GASOLINE AND GAS COMPANIES

Abnormal activities, **19:12, 19:14**
Conversion, **24:5**
Dangerous instrumentalities, **9:78**
Nuisances, **20:12**
Products liability, **18:228, 18:324**

GAS MASKS

Products liability, **18:241**

GASOLINE TANKS

Products liability, automobiles and other motor vehicles, **18:95, 18:187**

GENERAL AND SPECIAL DAMAGES

Damages, **8:8**

GENERATORS

Products liability, automobiles and other motor vehicles, **18:183**

GENERICIS

Products liability, **18:394.10**
Trademarks and tradenames, **31:9**

GEOGRAPHICAL LIMITATIONS

Trademarks and tradenames, secondary meaning, **31:17**

GESTURES

Defamation, **29:83**

GIFTS

Interference with Inheritance or Gift, this index

GLASS BOTTLES AND JARS

Products Liability, this index

GLASS DOORS, PANELS OR WALLS

Premises liability, **14:39**

GLOVES

Products liability, **18:356**

GLUES AND OTHER ADHESIVES

Products liability, **18:215**

GOLF

Participants, injury to, **9:46**

GOOD SAMARITAN LEGISLATION

Generally, **15:3**

GOVERNING LAW

Conflict of Laws, this index

GOVERNMENTAL ENTITIES

Generally, **17:1 to 17:71**
Bridges, defects in, **17:49**
Conflict of laws, **2:43**
Counties, this index
Crime control
Generally, **17:50 to 17:53**
Negligent investigation, **17:51**
Police activities in connection with crime, **17:50**
Police motor vehicle chases, **17:52**
Prevention of crime and protection of persons from crime, **17:51**
Surveillance, **17:51**

Drains, **17:48**

Federal Tort Claims Act, this index

Fire prevention and control, **17:53**

Highways and Streets, this index

Interference with advantageous business or economic relations, **31:105, 31:107**

Miscellaneous public bodies, **17:68**

Miscellaneous public officers and employees, **17:69, 17:70**

Mobs and riots, **17:71**

Motor vehicle accidents, **17:52, 17:70**

Municipal Corporations, this index

Negligent investigation of crimes, **17:51**

Police and peace officers

Generally, **17:69**

Crime control, above

Prima facie tort, **35:56**

Products liability, government contract defense, **18:168, 18:169**

Riots and mobs, **17:71**

INDEX

GOVERNMENTAL ENTITIES

—Cont'd

- Schools and School Districts, this index
- Sewers, **17:48**
- Sovereign or Governmental Immunity, this index
- State Tort Claims Acts, this index
- Surveillance, crime control, **17:51**
- United States, this index
- Waters and waterways, **17:48**

GRADERS

- Products liability, **18:197**

GRANDSTANDS AND OTHER SEATING EQUIPMENT

- Products liability, **18:343**

GRINDING DEVICES AND WHEELS

- Products liability, **18:273**

GROCERY STORES

- Premises liability, **14:23**

GROSS NEGLIGENCE

- Generally, **10:15 to 10:21**
- Comparative fault, **13:27**
- Conflict of laws, **2:25**
- Contract, **10:20**
- Contributory negligence, **12:11**
- Distinction from willful, wanton and reckless conduct, **10:17**
- Distinct wrong, **10:19**
- Indemnity, **3:35**
- Jury, grossly negligent conduct as question of fact for, **10:18**
- Objective and subjective components, **10:16**
- Ordinary negligence distinguished, **10:17**
- Practice considerations, **10:21**
- Question of fact for jury, **10:18**
- Subjective and objective components, **10:16**
- Willful, wanton or reckless conduct, distinguished, **10:17**
- Workers' compensation, **6:60**

GROUND WATERS

- Water and Waters, this index

GUARDRAILS

- Highways and streets, **17:35**

GYMNASTICS

- Products liability, **18:338**

HAIR CARE PRODUCTS

- Products Liability, this index

HAMMERS

- Products liability, **18:263**

HANDBOOKS AND MANUALS

- Discharge from employment, **34:83**

HAND GRENADES

- Products liability, **18:319**

HANDGUNS

- Abnormal activities, **19:26**
- Products liability, **18:315**

HARVESTERS AND COMBINES

- Products liability, **18:280**

HAZARDOUS SUBSTANCES

- Water Pollution, this index

HEADLINES

- Defamation, construction principles, **29:42**

HEALING ARTS

- Hospitals, this index
- Medical Malpractice, this index
- Physicians, Surgeons and Other Medical Arts Practitioners, this index
- Pregnancy and Childbirth, this index

HEALTH

- Discharge from employment, making complaints about working conditions, **34:91**

HEALTH INSURANCE

- Discharge from employment, filing of claims, **34:99**

HEATING APPARATUS

Furnaces and Other Heating Apparatus, this index

HEAVY EQUIPMENT

Vehicular accidents, **9:38**

**HEPATITIS AND OTHER
CONTRACTED DISEASES
AND AILMENTS**

Products liability, **18:445**

**HERBICIDES AND WEED
KILLERS**

Products liability, **18:441**

HIGHWAYS AND STREETS

Abutments, **17:36**

Barriers and barricades, **17:35**

Culverts, **17:38**

Curbs, **17:37**

Curves, **17:40**

Dividers, **17:32**

Governmental liability for defects

Generally, **17:33 to 17:44**

Abutments, **17:36**

Barriers, barricades and guardrails,
17:35

Culverts, **17:38**

Curbs, **17:37**

Curves, **17:40**

Dividers and median strips, **17:34**

Holes, **17:41**

Parkways and parking strips, **17:46**

Pot holes, **17:42**

Shoulders, **17:39**

Sidewalks and other walkways,
17:46

Snow and ice, **17:47**

Traffic control signals and devices,
17:43

Trees, **17:45**

Vegetation and like obscuring
vision, **17:44**

Guardrails, **17:35**

Holes, **17:41**

Ice and snow, **17:47**

Median strips, **17:34**

HIGHWAYS AND STREETS

—Cont'd

Obstruction of vision, **17:44**

Parkways and parking strips, **17:46**

Pot holes, **17:42**

Potholes, **17:42**

Shoulders, **17:39**

Sidewalks and other walkways, **17:46**

Snow and ice, **17:47**

Sovereign or governmental
immunity, highway safety, **6:14**

Traffic control signals and devices,
17:43

Trees, **17:45**

Vegetation and like obscuring vision,
17:44

Walkways, **17:46**

HIRING, NEGLIGENT

Imputed liability, **4:8**

HISTORY

Generally, **1:15**

HOCKEY

Products liability, **18:339**

Spectators, injury to, **9:62**

HOGS

Generally, **21:53**

HOISTING DEVICES

Products liability, **18:198, 18:199**

HOLES

Highways and streets, **17:41**

HOME AND OFFICE

FURNISHINGS

Products liability, **18:366**

HOMOSEXUALITY

Defamation, imputation of
homosexuality, **29:71**

HORIZONTAL PRIVACY

Products liability, **18:3**

HORSES

Generally, **21:54**

INDEX

HOSES, TUBES AND PIPES

Products liability, **18:247**

HOSPITALS

Generally, **15:56 to 15:67**

Corporate negligence, **15:57**

Darling case, **15:57**

Death, this index

Emergency situations, **15:58**

False imprisonment, confinement of mentally disturbed or dangerous persons, **27:5**

Furniture (beds), equipment, apparatus and appliances, **15:65**

Infections, hospital-acquired, **15:60**

Informed consent. Medical Malpractice, this index

Premises liability

Exterior walks, steps or grounds, **15:65.70**

Interior walks, floors, steps and the like, **15:65.30**

Products liability, hospital beds, **18:419**

Recovery room accidents, **15:59**

Self-inflicted harm, duty to protect patient, **15:61**

Vicarious liability

Generally, **15:62 to 15:64**

Doctor's acts or omissions, **15:63**

Nurse's acts or omissions, **15:64**

HOTELS AND MOTELS

Negligence, this index

HOT WATER BOTTLES AND BAGS

Products liability, **18:420**

HOUSEHOLD GOODS

Damages, **8:37**

HUMOR

Defamation, **29:84**

HUSBAND AND WIFE

Alienation of Affections, this index

Automobile accidents, immunity, **6:49**

HUSBAND AND WIFE—Cont'd

Immunity

Generally, **6:47 to 6:50**

Automobile accidents, **6:49**

Intentional torts, **6:50**

Time, validity and duration of marriage, effect of, **6:48**

Intentional torts, immunity, **6:50**

Interference with Familial Relations, this index

HYDRAULIC PRESSES

Products liability, **18:256**

ICE

Snow and Ice, this index

IGNITIONS

Products liability, automobiles and other motor vehicles, **18:183**

ILLEGALITY

Generally, **5:15**

IMMIGRATION

Relation to tort law, **1:24.10**

Specific Applications, **15:103.10**

IMMUNITY

Generally, **6:1 to 6:60**

Charitable Immunity, this index

Children and Minors, this index

Comparative liability, **13:32**

Conflict of laws, **2:43**

Contribution, **3:22**

Familial immunity, generally, **6:47 et seq.**

Federal Tort Claims Act, this index

Husband and Wife, this index

Indemnity, **3:36**

Joint, and joint and several, liability, **3:9**

Public Officers and Employees, this index

Siblings, **6:55**

Sovereign or Governmental Immunity, this index

State Tort Claims Acts, this index

IMMUNITY—Cont'd

Statutes affecting liability, **14:3 to 14:5**

Workers' Compensation, this index

IMPLIED ASSUMPTION OF RISK

Abolition of, prior to adopting comparative fault, **13:44**

Contributory negligence, **12:51**

Judicial abolition of, **13:42**

Judicial abolition of, After enactment of comparative fault statute, **13:43**

Retention of assumption of risk after adoption of comparative fault, **13:45**

Statutory abolition of, **13:41**

IMPLIED INDEMNITY

Generally, **3:26**

IMPUTED CONTRIBUTORY NEGLIGENCE

Generally, **12:23**

IMPUTED LIABILITY

Generally, **4:1 to 4:58**

Aircraft, consent statutes, **4:7**

Apparent authority, **4:4**

Assault and battery, **4:52**

Assistants, employers or masters, **4:15**

Associations liable, generally, **4:13 et seq.**

Bases of vicarious liability, **4:2**

Boats, consent statutes, **4:7**

Borrowed servants, scope or course of employment, **4:19**

Consent statutes, **4:7**

Conversion, **4:55**

Corporations, liability of, **4:21**

Defamation, **4:56**

Detours, scope or course of employment, **4:18**

Deviations from employment, **4:18**

Direct liability for another's torts

Generally, **4:8 to 4:12**

Entrustment, negligent, **4:10**

IMPUTED LIABILITY—Cont'd

Direct liability for another's torts
—Cont'd

Hiring, negligent, **4:8**

Media, negligence leading to imitative violence, **4:12**

Retention, negligent, **4:9**

Supervision, negligent, **4:11**

Directors of corporations, liability of, **4:21**

Employers or masters

Generally, **4:14 to 4:20**

Assistants, **4:15**

Entrusting dangerous instrumentalities, **4:16**

Scope or course of employment, below

Subagents, **4:15**

Entities liable, generally, **4:13 et seq.**

Entrustment, negligent, **4:10, 4:16**

Estoppel, **4:4**

False imprisonment, **4:53**

Family purpose doctrine, **4:6**

Forbidden acts, scope or course of employment, **4:18**

Fraud and deceit, **4:57**

Frolics, scope or course of employment, **4:18**

Hiring, negligent, **4:8**

Independent Contractors, this index

Intentional torts

Generally, **4:51 to 4:58**

Assault and battery, **4:52**

Conversion, **4:55**

Defamation, **4:56**

False imprisonment, **4:53**

Fraud and deceit, **4:57**

Interference, **4:58**

Malicious prosecution, **4:54**

Securities torts, **4:57**

Trespass, **4:55**

Interference, **4:58**

Joint ventures or enterprises, liability of, **4:22**

Labor unions, liability of, **4:22**

INDEX

IMPUTED LIABILITY—Cont'd

- Loaned servants, scope or course of employment, **4:19**
- Malicious prosecution, **4:54**
- Masters. Employers or masters. above
- Media, negligence leading to imitative violence, **4:12**
- Motor vehicles, consent statutes, **4:7**
- Multiple employers, scope or course of employment, **4:19**
- Negligence, generally, **4:50**
- Officers of corporations, liability of, **4:21**
- Ostensible agency, **4:4**
- Partnerships, liability of, **4:22**
- Peace officers also hired by private employers, scope or course of employment, **4:20**
- Persons liable, generally, **4:13 et seq.**
- Principals, liability of, **4:13**
- Protection of persons in custody, **4:11**
- Ratification, **4:5**
- Relationship of parties and nature of instrumentality furnished, **4:6**
- Respondeat superior, **4:3**
- Retention, negligent, **4:9**
- Scope or course of employment
 - Generally, **4:17 to 4:20**
 - Detours, **4:18**
 - Deviations, **4:18**
 - Forbidden acts, **4:18**
 - Frolics, **4:18**
 - Loaned or borrowed servants, **4:19**
 - Multiple employers, **4:19**
 - Public peace officers also hired by private employers, **4:20**
- Securities torts, **4:57**
- Settlement, **4:5.10**
- Social entities, liability of, **4:22**
- Statutory imposition of vicarious liability, **4:7**
- Subagents, employers or masters, **4:15**
- Supervision, negligent, **4:11**
- Trespass, **4:55**

IMPUTED LIABILITY—Cont'd

- Unincorporated associations, liability of, **4:22**
- Unions, liability of, **4:22**
- Warnings regarding dangerous tendencies of person, **4:11**

IMPUTED NEGLIGENCE

- Conflict of laws, **2:38**

INCOME AND PROFITS

- Fraud and deceit, real estate, **32:143**

INCOMPETENCE

- Competence and Incompetence, this index

INCUBATORS

- Products liability, **18:421**

INDECENT PROPOSAL

- Assault and battery, **26:21**

INDEMNITY

- Generally, **3:26 to 3:36**
- Active-passive, **3:29**
- Actual liability of indemnitee to third person harmed, **3:26**
- All or nothing indemnity, **3:28**
- Comparative or relative fault or negligence, **3:28**
- Conflict of laws, **2:45**
- Constructive liability, **3:29**
- Contractors, **3:32**
- Criteria and tests, **3:29**
- Defenses, **5:45**
- Gross negligence, **3:35**
- Healing art practitioners, **3:34**
- Imaginary lawsuit, **3:29**
- Immunity, effect of, **3:36**
- Implied indemnity, **3:26**
- Medical practitioners, **3:34**
- Municipal corporations, **3:33**
- Owner or principal, **3:32**
- Partial indemnity, **3:28**
- Persons entitled to indemnity, **3:30 to 3:34**
- Primary-secondary, **3:29**
- Principal or owner, **3:32**

INDEMNITY—Cont'd

- Products liability, **3:31**
- Subcontractors, **3:32**
- Tests and criteria, **3:29**
- Vicarious liability, **3:30**
- Willful or wanton misconduct, **3:35**
- Workers' compensation, **3:36**

INDEPENDENT CONTRACTORS

- Generally, **4:23 to 4:49**
- Abnormally dangerous or ultrahazardous activity, **4:46**
- Apparatus or equipment furnished by employer, negligence in repair of, **4:43**
- Collateral negligence to risk of doing work, **4:44**
- Danger to public, **4:34**
- Definitions, **4:23**
- Direct liability of employer
 - Generally, **4:25 to 4:31**
 - Activities and conditions dangerous to those outside premises, failure to prevent, **4:30**
 - Contractee's own negligence, **4:25**
 - Dangerous work, instructions regarding, **4:25**
 - Equipment and methods of contractors or concessionaires engaging in dangerous activities, failure to supervise, **4:31**
 - Inspection of work of independent contractor, failure as to, **4:27**
 - Negligent orders given by employer, **4:25**
 - Retention by employer of control over work, **4:29**
 - Selection of incompetent independent contractor, **4:26**
 - Special precautions in doing work likely to create peculiar unreasonable risk of harm, failure to provide for, **4:28**
- Federal Tort Claims Act, **17:3**
- Franchise from public authority, work under, **4:48**
- Governmental entities, **4:23.10**

INDEPENDENT CONTRACTORS

—Cont'd

- Imputed liability, generally, **4:23 to 4:49**
- Inspection of work of independent contractor, failure as to, **4:27**
- Instrumentalities used in highly dangerous activities, negligence in making or repairing, **4:41**
- Lateral support, withdrawal of, **4:40**
- Lessor's contractor negligently making required repairs
 - Generally, **4:36 to 4:38**
 - Maintenance of part of premises, in lessor's control, necessary to lessee's use of premises leased, **4:38**
 - Repairs gratuitously undertaken through contractor, **4:37**
- Nondelegable duties, **4:32**
- Nuisance, work likely to create, **4:47**
- Old nonliability rule, **4:23, 4:24**
- Public highways or other public places left in dangerous condition, **4:35**
- Retention by employer of control over work, **4:29**
- Retention or resumption by employer of possession of property, **4:39**
- Selection of incompetent independent contractor, **4:26**
- Special danger inherent in or normal to work contracted, failure to take precautions against, **4:45**
- Special precautions for dangerous work, failure to take, **4:33**
- Statutory or regulatory safety precautions, failure to comply with, **4:42**
- Third person who relies on employer himself doing work, acceptance of work by, **4:49**
- Trespass on another's property, work likely to involve, **4:47**
- Vicarious liability, generally, **4:32 to 4:49**

INDEX

INDICTMENT

Defamation, false statement regarding indictment, **29:63**

INDUCEMENT

Defamation, construction principles, **29:40**

Employer-Employee Relationships, this index

Interference with Contractual Relations, this index

INDUSTRIAL WASTES

Abnormal activities, **19:17**

INDUSTRY STANDARDS

Products liability, **18:22**

INDUSTRY-WIDE LIABILITY

Generally, **3:5.20**

INFANTS

Children and Minors, this index

INFERENCES

Fraud and deceit, **32:103**

INFLAMMABLES

Abnormal activities, **19:14**

Products Liability, this index

INFLATION

Damages, **8:14**

INFLICTION OF EMOTIONAL DISTRESS

Psychic and Emotional Injuries, this index

INFORMED CONSENT

Medical Malpractice, this index

INHERITANCES

Interference with Inheritance or Gift, this index

INJECTION AND MOLDING PRESSES

Products liability, **18:259**

INJUNCTIONS

Civil rights, **25:30**

Copyrights, **31:32**

INJUNCTIONS—Cont'd

Nuisances, **20:20**

Trade secrets, **34:62**

INNKEEPER

Carriers, Bailments, Warehousemen

Generally, **9:29.10**

INNOCENT CONSTRUCTION

DOCTRINE

Defamation, **29:41**

INNOCENT PERSONS

Fraud and deceit, **32:91**

INNOCENT REPRESENTATIONS

Fraud and Deceit, this index

INNUENDO

Defamation, construction principles, **29:40**

INSANITY

Sanity and Insanity, this index

INSECTICIDES

Products liability, **18:439**

INSECTS

Premises liability, **14:20**

INSIDERS AND INSIDE

INFORMATION

Securities regulation, **32:195**

INSOLVENCY

Bankruptcy and Insolvency, this index

INSPECTION

Generally, **9:16**

Amusements, **9:65**

Products Liability, this index

INSPECTORS

Municipal corporations, **17:56**

INSTRUCTIONS FOR USE

Products Liability, this index

INSTRUCTIONS TO JURY

Products liability, **18:20**

INSURANCE

- Generally, **15:106**
- Non-client third persons, liability to
 - Will administration and beneficiaries, **15:108**
- Will administration and beneficiaries, **15:108**

INSURANCE AND INSURANCE COMPANIES

- Accountant malpractice, **15:113**
- Contracts, insurer's breach of agreement and of implied duty to pay its own insured, **1:22**
- Defamation, qualified or conditional privilege, **29:107**
- Emotional distress, intentional infliction, wrongful acts and activities by insurers, **16:30**
- Fraud and deceit, **32:131**
- Insurance brokers or agents
 - Real Property and Property Specialists, **15:127**
- Liability Insurance, this index
- Negligence of insurance company, **9:73**
- Prima facie tort, **35:45**
- Products liability, supplier status as insurer, **18:73**
- Punitive damages, insurability, **8:60**
- Trade secrets, **34:53**

INSURERS

- Business torts, **31:76**

INTANGIBLES

- Conversion, **24:6**
- Damages, **8:40**

INTELLECTUAL PROPERTY

- Trespass, **23:30**

INTENT

- Generally, **1:12**
- Assault and battery, **26:6 to 26:8, 26:14, 26:19**
- Fraud and Deceit, this index
- Intentional Torts, this index

INTENT—Cont'd

- Interference with advantageous business or economic relations, **31:84**
- Interference with contractual relations, **31:54**
- Prima Facie Tort, this index
- Trademarks and tradenames, secondary meaning, **31:15**

INTENTIONAL TORTS

- Children and minors, immunity, **6:53**
- Comparative fault, **13:25**
- Contributory negligence, **12:9**
- Federal Tort Claims Act, **17:11 to 17:17**
- Husband and wife, immunity, **6:50**
- Imputed Liability, this index
- Infliction of emotional distress, intentional or reckless. Psychic and Emotional Injuries, this index
- Nuisances, **20:4**
- Opportunity afforded by actor's negligence, **11:17**
- Probability makes actor's conduct negligent, **11:18**
- Proximate cause, application of principles, **11:23**
- Statutes of limitation, **5:40**
- Workers' compensation, **6:60**

INTEREST ANALYSIS APPROACH

- Conflict of laws, **2:14, 2:50**

INTEREST ON MONEY

- Conflict of laws, **2:48**
- Conversion, damages, **24:15**
- Effect on damages, **8:12**

INTERFERENCE WITH ADVANTAGEOUS BUSINESS OR ECONOMIC RELATIONS

- Generally, **31:77 to 31:126**
- Administrative action, institution of or threat to institute, **31:93, 31:94**
- Building, interference with use of, **31:106**

INDEX

INTERFERENCE WITH ADVANTAGEOUS BUSINESS OR ECONOMIC RELATIONS —Cont'd

Causation, **31:85**
Character, attacks on, **31:101**
Competition, threat of or actual,
31:95, 31:96, 31:102 to 31:104
Credit, interference with, **31:114,**
31:115
Damages, **31:97, 31:98**
Defenses, **31:86**
Dispensing with necessity of
contract, **31:81**
Distributorships and dealerships,
31:111 to 31:113
Elements, **31:82 to 31:85**
Employees of interferer, threats
regarding dealing with
interferee, **31:102**
Fair competition, **31:91**
Former employee, interference by,
31:109
Governmental interference, **31:105,**
31:107
Intent, **31:84**
Justification
Generally, **5:22, 31:87 to 31:92**
Effect or evil motive, **31:88**
Fair competition, **31:91**
Grounds, **31:90 to 31:92**
Otherwise justifiable acts, **31:89**
Protection of legitimate interests of
interferer, **31:90, 31:91**
Third parties, protection of, **31:92**
Knowledge, **31:83**
Leases, **31:116**
Legal action, institution of or threat
to institute, **31:93, 31:94**
Malice, **31:84**
Negligent interference, **31:80, 31:122**
No relationship between interferer
and interferee, **31:119 to 31:122**
Private competitor where employ-
ment relationship exists between
interferer and interferee, **31:108**
to 31:110

INTERFERENCE WITH ADVANTAGEOUS BUSINESS OR ECONOMIC RELATIONS —Cont'd

Protection of legitimate interests of
interferer, **31:90, 31:91**
Punitive damages, **31:98**
Restatement principles, **31:78, 31:79**
Social media, expectancy interfer-
ence involving, **31:100**
Third parties, protection of, **31:92**

INTERFERENCE WITH BUSINESS RELATIONS

Generally, **31:1 to 31:159**
Advantageous business or economic
relations. Interference with
Advantageous Business or Eco-
nomic Relations, this index
Advertising, **31:2**
Antitrust, **31:3**
Conflict of laws, **2:35**
Contests, **31:157**
Contractual relations. Interference
with Contractual Relations, this
index
Copyrights, this index
Employer-employee relationships,
34:18
Federal Tort Claims Act, **17:16**
Franchise litigation, **31:2**
Games, **31:157**
Imputed liability, **4:58**
Inheritance or gift. Interference with
Inheritance or gift, this index
Legal process, interference with,
31:158, 31:159
Monopolies, **31:3**
Patent infringement, **31:4**
Prima Facie Tort, this index
Property rights, **31:156**
Prospective or future contractual rela-
tions. Interference with Prospec-
tive or Future Contractual Rela-
tions, this index
Restraints of trade, **31:3**
Spoliation of evidence, **31:159**

**INTERFERENCE WITH BUSINESS
RELATIONS—Cont'd**

Sporting events, **31:157**
Trademarks and Tradenames, this
index
Trial, interference with, **31:158,**
31:159

**INTERFERENCE WITH
CONTRACTUAL RELATIONS**

Generally, **31:39 to 31:75**
Advice, **31:65**
Agents, liability of, **31:42**
Attorneys, **31:74**
At will terminability of contract,
31:47
Bona fides claim, assertion of, **31:66**
Broker-vendor-vendee arrangements,
31:71
Causation, **31:52**
Competition, **31:60**
Corporate directors, officers or
employees, liability of, **31:43**
Damages, **31:67, 31:68**
Defenses
Generally, **31:57 to 31:66**
Advice or truthful information,
31:65
Bona fides claim, assertion of,
31:66
Competition, **31:60**
Financial or economic interest of
defendant, **31:62**
Inducement of defendant to influ-
ence another's business
policy, **31:64**
Justification, **31:58**
Privilege, **31:59**
Protection of economic or welfare
interest, **31:61 to 31:64**
Responsibility of defendant for
welfare of another, **31:63**
Economic interest of defendant,
31:62
Elements, **31:45**
Employer-employee relations, **31:75**
Financial interest of defendant, **31:62**

**INTERFERENCE WITH
CONTRACTUAL RELATIONS
—Cont'd**

Franchises, **31:73**
General recognition of doctrine,
31:40
Inducement of breach of contract
Generally, **31:51 to 31:56**
Causation, **31:52**
Intent and purpose, **31:54**
Knowledge of defendant as to
contract, **31:53**
Malice, **31:55**
Motive, **31:56**
Inducement of defendant to influence
another's business policy, **31:64**
Intent and purpose, **31:54**
Invalid contracts, **31:49**
Justification, **31:58**
Knowledge of defendant as to
contract, **31:53**
Leases, **31:72**
Malice, **31:55**
Motive, **31:56**
Necessity of contract
Generally, **31:46 to 31:50**
Invalid or unenforceable contracts,
31:49
Terminable at will, **31:47**
Voidable contracts, **31:48**
Void contracts, **31:50**
Negligent interference, **31:44**
Performance of own contract,
interference with, **31:41**
Physicians, **31:74**
Prima facie tort, **35:42**
Privilege, **31:59**
Professional relations, **31:74**
Protection of economic or welfare
interest, **31:61 to 31:64**
Punitive damages, **31:68**
Real estate transactions, **31:71**
Responsibility of defendant for
welfare of another, **31:63**
Social media, **31:70**
Truthful information, **31:65**

INDEX

INTERFERENCE WITH CONTRACTUAL RELATIONS —Cont'd

Unenforceable contracts, **31:49**
Voidable contracts, **31:48**
Void contracts, **31:50**

INTERFERENCE WITH FAMILIAL RELATIONS

Generally, **22:1 to 22:16**
Abduction or kidnapping of child,
22:13
Adoption of children, **22:16**
Alienation of Affections, this index
Causing minor to leave, or not to
return, home, **22:12**
Civil rights, **25:13**
Conflict of laws, **2:34**
Criminal conversation, **22:7, 22:8**
Custody of children, **22:14**
Fraud affecting marital and other
family relations, **22:9**
Parent and child, generally, **22:10 to**
22:16
Premarital agreements, **22:9.10**
Visitation with children, **22:15**

INTERFERENCE WITH INHERITANCE OR GIFT

Generally, **31:150 to 31:154**
Alteration of will, **31:151**
Destruction of will, **31:152**
Execution of will, **31:151**
Gifts, **31:154**
Inter vivos transfer, inducement of,
31:153
Loss of will, **31:152**
Revocation of will, **31:151**
Spoliation of will, **31:152**
Suppression of will, **31:152**
Wills, **31:151, 31:152**

INTERFERENCE WITH PROSPECTIVE OR FUTURE CONTRACTUAL RELATIONS

Generally, **31:127 to 31:149**
Advice, **31:144, 31:145**
Bona fide claim, assertion of, **31:146**

INTERFERENCE WITH PROSPECTIVE OR FUTURE CONTRACTUAL RELATIONS —Cont'd

Bonding agreements, **31:137**
Building construction contracts,
31:132
Business, sale of, **31:130, 31:131**
Employment contracts, **31:128,**
31:129
Financial interest, **31:142, 31:143**
Goods or products, sale, distribution
or manufacture of, **31:133,**
31:134
Judicial proceeding, statements made
during, **31:149**
Justification, **31:140 et seq.**
Leases, **31:135, 31:136**
Legislative body, statements made by
member of, **31:149**
Loans, **31:137**
Manufacture of goods or products,
31:133, 31:134
Official proceeding, statements made
during, **31:149**
Paving contracts, **31:132**
Prima facie tort, **35:42**
Privilege, **31:140 et seq.**
Products or goods, sale, distribution
or manufacture of, **31:133,**
31:134
Public interest privilege, **31:147**
Real property, sale of, **31:130,**
31:131
Responsibility for welfare of another,
31:148
Stock, sale of, **31:130, 31:131**
Subleases, **31:135, 31:136**

INTERPRETATION

Construction and Interpretation, this
index

INTERSTATE LAND SALES FULL DISCLOSURE ACT

Consumer protection and fraud
prevention, **32:153**

INTERVENING FORCE

- Causing same harm as risked by actor's conduct, **11:11**
- Harm different from that threatened by actor's negligence, **11:20**
- Normal forces, **11:12**
- Products liability, **18:38**
- Risked by actor's conduct, **11:10**
- Superseding Cause, **11:9**

INTER VIVOS TRANSFERS

- Interference with inheritance or gift, **31:153**

INTOXICATING LIQUORS

- Generally, **9:84 to 9:89**
- Common law principles, **9:85**
- Conflict of laws, **2:29**
- Dram shop or civil liability acts, **9:89**
- Minors, sale to, **9:86**
- Selling or furnishing, civil liability
 - Generally, **9:85**
 - Minors, **9:86**
- Social host liability, **9:87**
- Violation of law other than dram shop act, **9:88**

INTRAUTERINE DEVICES

- Products liability, **18:422**

INVASION OF PRIVACY

- Privacy, Invasion and Related Wrongs, this index

INVENTIONS

- Employer-employee relationships, **34:9, 34:10**

INVESTIGATIONS

- Duty to investigate, **9:19**
- Privacy, intrusion into solitude, **30:17**

INVESTMENT ADVISERS ACT

- Generally, **32:207**

INVITEES

- Premises Liability, this index
- Wild animals or abnormally dangerous domestic animals, **21:43**

IRRIGATION SYSTEMS

- Products liability, **18:287**

ISOLATED TRANSACTIONS

- Products liability, lessors or bailors of personal property, **18:130**

ISSUE PRECLUSION

- Defenses, **5:28, 5:30**

JACKETS AND COATS

- Products liability, **18:352, 18:353**

JEEPS

- Products liability, **18:191**

JEST OR JOKE

- Defamation, **29:84**

JOINT, AND JOINT AND SEVERAL, LIABILITY

- Generally, **3:6 to 3:14**
- Apportionment of damages among multiple tortfeasors in instances of distinct harms or injuries, or of single but divisible injuries, **3:12**
- Concerted conduct, lack of, **3:7, 3:8**
- Conflict of laws, **2:36**
- Cure of verdict amounting to improper apportionment, **3:13**
- Immunity, effect of, **3:9**
- Judgment in favor of some multiple tortfeasors but not in favor of others, **3:14**
- Modified judicial or statutory system of comparative fault or fault, **3:11**
- Privilege, effect of, **3:9**
- Pure judicial or statutory system of comparative fault or fault, **3:10**
- Single indivisible harm, necessity that acts of multiple wrongdoers result in, **3:7**
- Verdict amounting to improper apportionment, efforts to and modes of, cure, **3:13**

JOINT VENTURES OR ENTERPRISES

- Generally, **3:5**

INDEX

JOINT VENTURES OR ENTERPRISES—Cont'd

- Imputed liability, **4:22**

JONES ACT

- Generally, **9:102**

JUDGES

- Implied assumption of risk, abolition of, **13:42**
- Implied assumption of risk, abolition of, After enactment of comparative fault statute, **13:43**

JUDICIAL OFFICERS

- Generally, **6:40**

JUDICIAL PROCEEDINGS

- Defamation, absolute privilege, **29:90 to 29:94**

JURISDICTION

- Generally, **7:1 to 7:8**
- Acquisition of jurisdiction, **7:3 to 7:5**
- Federal courts, **7:2, 7:8**
- Foreign corporation doing business in state, **7:4**
- Forum non conveniens, **7:7, 7:8**
- In personam jurisdiction, **7:3 to 7:5**
- In rem jurisdiction, **7:3 to 7:5**
- Internet activity, **7:6**
- Long arm jurisdiction, **7:5**
- Nonresident doing business in state, **7:4**
- Quasi in rem jurisdiction, **7:3 to 7:5**
- Racketeer Influenced and Corrupt Organizations Act (RICO), **32:220**
- Trade secrets, **34:30**
- Venue, this index

JURISPRUDENCE

- Generally, **1:17**

JURY AND JURY TRIAL

- Defamation, absolute privilege, **29:93**
- Discharge from employment, **34:89**
- Fraud and deceit, **32:109**
- Grossly negligent conduct, question of fact for jury, **10:18**

JURY AND JURY TRIAL—Cont'd

- Negligence, role of jury, **9:1**
- Punitive damages, role of jury, **8:64**

JUSTIFICATION, EXCUSE AND PRIVILEGE

- Generally, **5:7 to 5:23**
- Advice of counsel, **5:22**
- Capacity, **5:16 to 5:18**
- Competitors privilege, **5:23.10**
- Consent, **5:8**
- Contribution, **3:22**
- Defamation, this index
- Defense of property, **5:10**
- Defense of third persons, **5:11**
- Discipline, **5:13**
- Illegality, **5:15**
- Incompetence, **5:18**
- Infancy, **5:17**
- Insanity, **5:18**
- Interference with Advantageous Business or Economic Relations, this index
- Interference with contract, **5:23**
- Interference with contractual relations, **31:58, 31:59**
- Interference with Prospective or Future Contractual Relations, this index
- Joint, and joint and several, liability, **3:9**
- Litigation privilege, **5:20**
- Mental deficiency, **5:18**
- Mistake, **5:14**
- Prelitigation privilege, **5:19**
- Prima Facie Tort, this index
- Privilege, generally, **5:18.10**
- Qualified privilege, **5:21**
- Rights of third persons, **5:12**
- Self-defense, **5:9**
- Trespass, **23:11**

KEROSENE

- Products liability, **18:325**

KIDNAPPING

- Interference with familial relations, abduction or kidnapping of child, **22:13**

KITCHENS AND COOKING

Products liability, **18:224**

KNOWLEDGE

Notice or Knowledge, this index

LABELLING MACHINERY

Products liability, **18:242**

LABORERS

Defamation, **29:78**

**LABOR MANAGEMENT
RELATIONS STATUTES**

Discharge from employment, **34:95**

**LABOR UNIONS AND
ORGANIZATIONS**

Defamation, **29:78, 29:114**

Imputed liability, **4:22**

LACHES

Fraud and deceit, **32:115**

LADDERS

Products liability, **18:274 to 18:276**

LANDLORD AND TENANT

Common law rule of landlord nonliability, exceptions, **14:77**

Condition, use, repair and improvement of demised premises, duties and liabilities as to, **14:76**

Conditions and defects, **14:80**

Independent Contractors, this index

Interference with advantageous business or economic relations, **31:116**

Interference with contractual relations, **31:72**

Interference with prospective or future contractual relations, **31:135, 31:136**

Intoxicated tenant, **14:83**

Premises, part thereof, maintained for common use of tenants, **14:79**

Premises liability

Generally, **14:76 to 14:84**

Common areas, **14:79**

LANDLORD AND TENANT

—Cont'd

Premises liability—Cont'd

Common law rule of landlord nonliability, exceptions, **14:77**

Condition, use, repair and improvement of demised premises, duties and liabilities as to, **14:76**

Conditions and defects, **14:80**

Intoxicated tenant, Landlord liability, **14:83**

Persons covered and protected, **14:81**

Persons liable, **14:82**

Repairs or improvements, duty to make or pay for, **14:78**

Situations, conditions and defects, **14:80**

Tenants or lessees, liability of, **14:84**

Products Liability, this index

Repairs or improvements, duty to make or pay for, **14:78**

Tenants or lessees, liability of, **14:84**

LANHAM ACT

Trademarks and tradenames, **31:10**

Unfair competition, **34:2 to 34:5**

LAST CLEAR CHANCE

DOCTRINE

Generally, **12:41 to 12:47**

Application of doctrine, classification of cases, **12:44**

Comparative fault, **13:37**

Elements and conditions, **12:43**

Helpless plaintiff, **12:45**

Humanitarian doctrine, **12:47**

Inattentive plaintiff, **12:46**

Rationale, **12:42**

LATERAL SUPPORT

Adjoining and abutting owners and occupiers, **8:43, 21:2 to 21:4**

**LAUNDRY EQUIPMENT AND
CLEANERS**

Products liability, **18:233**

INDEX

LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS

- Civil rights, **25:17**
- False imprisonment, this index
- Federal Tort Claims Act, **17:10**
- Governmental Entities, this index
- Imputed liability, peace officers also hired by private employers, **4:20**

LAWN DARTS

- Products liability, **18:331**

LAWN MOWERS

- Products liability, **18:97, 18:271, 18:272**

LAWYERS

- Attorneys, this index

LAXATIVES

- Products liability, **18:407**

LEAD

- Air pollution, **20:46**

LEASES

- Landlord and Tenant, this index

LEGAL MALPRACTICE

- Clients, liability to
- Litigation activities, below
- Medical causation, **11:34**

LEGAL SCIENCE

- Generally, **1:34, 1:35**

LEGISLATIVE OFFICERS

- Generally, **6:39**

LEGISLATIVE PROCEEDINGS

- Defamation, absolute privilege, **29:95**

LETTERS TO EDITOR

- Defamation, **29:8**

LEX LOCI DELICTI

- Conflict of Laws, this index

LIABILITY INSURANCE

- Contribution, rights of paying insurer, **3:24**
- Economics and sociology, **1:31**

LIABILITY INSURANCE—Cont'd

- Sovereign or governmental immunity, **6:16**

LIBEL

- Defamation, this index

LIBEL-PROOF PLAINTIFFS

- Generally, **29:121**

LICENSES AND PERMITS

- Copyrights, **31:28**
- Employer-employee relationships, invention, **34:10**
- Nuisances, **20:26**
- Premises Liability, this index
- Water pollution, **20:33**
- Wild animals or abnormally dangerous domestic animals, **21:43**

LIE DETECTOR TESTS

- Discharge from employment, **34:96**

LIENS AND ENCUMBRANCES

- Fraud and deceit, **32:134**

LIFE EXPECTANCY, SHORTENING

- Damages, **8:23**

LIFTING DEVICES

- Products liability, **18:198, 18:199**

LIGHTERS AND LIGHTER FLUIDS

- Products liability, **18:326**

LIGHTS AND LIGHTING

- Abutting owners and occupiers, improper lighting, **14:56**
- Nuisances, **20:12**
- Products liability, automobiles and other motor vehicles, **18:183**

LIKELIHOOD OF CONFUSION

- Trademarks and tradenames, **31:11**

LIMITATION OF ACTIONS

- Statutes of Limitation, this index

**LIMITATIONS ON AMOUNT
RECOVERABLE**

Damages, **8:2**

LIPSTICKS

Products liability, **18:377**

LIQUID GAS FURNISHERS

Products liability, **18:228**

LITERARY PROPERTY

Copyrights, **31:25**

LITIGATION PRIVILEGE

Generally, **5:20**

LITTER

Debris, Litter or Foreign Substances,
this index

LIVESTOCK

Animals, this index

LOADERS

Products liability, **18:197**

LOAN RECEIPTS

Compromises, settlements and
releases, **5:48**

LOANS

Interference with prospective or
future contractual relations,
31:137

LOCO PARENTIS, PERSONS IN

Generally, **6:51**

LONG ARM JURISDICTION

Generally, **7:5**

LONGSHOREMEN

Premises liability, **14:11**

LOSS OF ENJOYMENT OF LIFE

Damages, **8:22**

LOST PROFITS

Damages, **8:40**
Trade Secrets, this index

LOTIONS, CREAMS AND OILS

Products liability, **18:368**

LOUISIANA

Immunity, Statutes affecting liability,
14:4

Trespass, possessory actions, **23:26**

LUMBER

Products liability, **18:213**

LURING AWAY

Employer-Employee Relationships,
this index

MACE

Products liability, **18:320**

MACHINERY

Products Liability, this index

MAIL

Privacy, intrusion into solitude, **30:15**

MAINTENANCE

Repair and Maintenance, this index

MALICE

Generally, **1:12**

Actual, slander of title, **33:15.10**

Disparagement of goods or services,
33:7

Interference with advantageous busi-
ness or economic relations,
31:84

Interference with contractual rela-
tions, **31:55**

Malicious prosecution of civil
proceeding, **28:23**

Malicious prosecution of criminal
proceeding, **28:12**

**MALICIOUS PROSECUTION OF
CIVIL PROCEEDING**

Generally, **28:1 to 28:3, 28:21 to
28:31, 28:38**

Advice of counsel as defense, **28:31**

Arrest under civil process, earlier
proceeding causing, **28:26**

Attitude of courts toward proceeding,
28:3

Attorneys, **28:25**

Bankruptcy, **28:27**

INDEX

MALICIOUS PROSECUTION OF CIVIL PROCEEDING—Cont'd

- Burden of proof, **28:29**
- Civil rights, **25:12**
- Conflict of laws, **2:33**
- Counterclaims, **28:24**
- Countersuits, **28:25**
- Damages, **28:28**
- Defenses, **28:31**
- Disfavored by courts, **28:3**
- Emotional instability, earlier proceeding alleging, **28:27**
- Evidence, **28:29**
- Federal Tort Claims Act, **17:13**
- History, **28:2**
- Imputed liability, **4:54**
- Insanity, earlier proceeding alleging, **28:27**
- Insolvency, **28:27**
- Malice, **28:23**
- Mental instability, earlier proceeding alleging, **28:27**
- Persons liable, **28:25**
- Persons who may sue, **28:25**
- Presumptions, **28:29**
- Probable cause, **28:22**
- Property deprivation, earlier proceeding causing, **28:26**
- Purpose of earlier action, **28:23**
- Questions of law and fact, **28:29**
- Termination of earlier proceedings, **28:24**

MALICIOUS PROSECUTION OF CRIMINAL PROCEEDING

- Generally, **28:1 to 28:20, 28:38**
- Acquittal, effect of, **28:10**
- Advice of counsel as defense, **28:20**
- Attitude of courts toward proceeding, **28:3**
- Burden of proof, **28:14**
- Causation, **28:6**
- Civil rights, **25:12**
- Commencement of former proceedings, **28:6**
- Conflict of laws, **2:33**

MALICIOUS PROSECUTION OF CRIMINAL PROCEEDING —Cont'd

- Continuation of former proceedings, **28:6**
- Conviction, effect of, **28:9**
- Damages, **28:16 to 28:18**
- Defenses, **28:19, 28:20**
- Discharge of accused by magistrate, **28:11**
- Discretion of prosecutor, **28:7**
- Dismissal of charges, **28:11**
- Elements, **28:4**
- Employers, **28:15**
- Evidence, **28:14**
- Excessiveness of damages, **28:17**
- Federal Tort Claims Act, **17:13**
- History, **28:2**
- Imputed liability, **4:54**
- Instigation of former proceedings, **28:6**
- Institution of former proceedings, **28:6**
- Malice, **28:12**
- Mere investigation, Defenses, **28:20.10**
- Motive, **28:12**
- Persons liable, **28:15**
- Presumptions, **28:14**
- Probable cause
 - Generally, **28:8 to 28:11**
 - Acquittal, effect of, **28:10**
 - Conviction, effect of, **28:9**
 - Discharge of accused by magistrate, **28:11**
 - Dismissal of charges, **28:11**
- Procurement of former proceedings, **28:6**
- Punitive damages, **28:18**
- Purpose, **28:12**
- Questions of law and fact, **28:13**
- Respondeat superior, **28:15**
- Termination of proceedings in favor of present plaintiff, **28:5**

MALPRACTICE

- Legal Malpractice, this index

MALPRACTICE—Cont'd

Medical Malpractice, this index

MANUAL TRAINING

Schools and school districts, **17:62**

MARGINS AND MARGIN REQUIREMENTS

Securities regulation, **32:194**

MARITIME JURISDICTION

Products liability, **18:11, 18:12**

MARKETING

Trade secrets, **34:49, 34:70, 34:75**

MARKET VALUE

Damages, property having no market value, **8:37**

MARKING MACHINERY

Products liability, **18:242**

MARY CARTER AGREEMENTS

Generally, **5:48**

MASCARA AND OTHER EYE-RELATED PRODUCTS

Products liability, **18:378**

MATERIALITY

Fraud and Deceit, this index
Securities regulation, **32:184**

MEAT GRINDERS

Products liability, **18:234**

MEDIAN STRIPS

Highways and streets, **17:34**

MEDICAL AND HEALTH CARE EXPENSES

Damages, **8:30**

MEDICAL BATTERY

Generally, **26:17**

MEDICAL CARE EQUIPMENT AND SUPPLIES

Products Liability, this index

MEDICAL CAUSATION

Generally, **11:25 to 11:33**

MEDICAL CAUSATION—Cont'd

Aggravation of injuries, **11:31 to 11:33**

Diseases, **11:27**

Drugs and substances consumed, **11:29**

Etiology and legal causation, **11:26**

Legal malpractice, **11:34**

Medicines, drugs and substances consumed, **11:29**

Negligence, **15:15**

Poisons, commercial, **11:30**

Second injury cases, negligent medical treatment, **11:33**

Subsequent accident, liability for harm sustained, **11:32**

Swine flu cases, **11:28**

Toxic substances, **11:30**

Trauma, **11:28**

MEDICAL EXAMINATIONS

Privacy, invasion and related wrongs, **30:22**

MEDICAL EXAMINERS

Indignities inflicted on dead bodies, **16:42**

MEDICAL MALPRACTICE

Acts or omissions constituting malpractice

Generally, **15:25**

Birth control and contraception, **15:27**

Breach of confidentiality, **15:28**

Medicines or drugs administered, **15:26**

Obstetrics and childbirth, **15:27**

Sterilization, **15:27**

Admissibility of evidence, **15:12**

Allergy or unusual susceptibility, **15:26**

Anesthesiologists and anesthetists

Generally, **15:37**

Inhalation or block, **15:38**

Types of anesthesia, **15:38**

Arbitration, **15:10**

Assumption of risk, **15:17**

INDEX

MEDICAL MALPRACTICE

—Cont'd

- Birth control and contraception, **15:27**
- Captain of ship doctrine, **15:18**
- Causation
 - Generally, **15:15**
- Chiropractors, **15:49**
- Competency of witnesses, **15:12**
- Consent. Informed consent, below
- Constitutionality of medical and health care malpractice legislation, **15:4**
- Construction of legislation, **15:6**
- Contributory or comparative fault, **15:17**
- Defenses, **15:16, 15:17**
- Dentists, **15:52**
- Dentists, Specific illustrations, **15:53**
- Diagnosis, **15:24**
- Diversity jurisdiction cases in federal court, **15:5**
- Expert evidence or testimony, necessity of, **15:13**
- Eye doctors, **15:47**
- Gastroenterologists, **15:30**
- General practitioners
 - Generally, **15:29**
 - Standard of care and locality rule, **15:20**
- Good Samaritan legislation, **15:3**
- Gynecology, **15:27**
- Hospitals, this index
- Internists, **15:30**
- Lack of diligence in attending patient, **15:23**
- Locality rule. Standard of care and locality rule, below
- Medicines or drugs administered, **15:26**
- Mental health professionals.
 - Psychotherapists and other mental health professionals, below
- Miscellaneous specialists
 - Generally, **15:46 to 15:51**
 - Chiropractors, **15:49**

MEDICAL MALPRACTICE

—Cont'd

- Miscellaneous specialists—Cont'd
 - Eye doctors, **15:47**
 - Podiatrists, **15:48**
 - Therapists, **15:50**
 - Veterinarians, **15:51**
- Negligence
 - Generally, **15:11 to 15:18**
 - Admissibility of evidence, **15:12**
 - Assumption of risk, **15:17**
 - Causation, **15:15**
 - Competency of witnesses, **15:12**
 - Contributory or comparative fault, **15:17**
 - Defenses, **15:16, 15:17**
 - Expert evidence or testimony, necessity of, **15:13**
 - Physician-patient relationship, necessity of, **15:14**
 - Vicarious liability of physicians and surgeons, **15:18**
- Neurosurgeons, **15:35**
- Notice of claim, provisions, **15:9**
- Nurses, technicians, aides, and orderlies
 - Generally, **15:54**
 - Psychiatric nurses, **15:55**
- Obstetrics and childbirth, **15:27**
- Ophthalmologists, **15:47**
- Opticians and optometrists, **15:47**
- Orthopedists, **15:32**
- Pediatricians, **15:30**
- Physician-patient relationship, necessity of, **15:14**
- Physicians and surgeons
 - Generally, **15:29 to 15:36**
 - Captain of ship doctrine, **15:18**
 - Gastroenterologists, **15:30**
 - General practitioners, **15:29**
 - Internists, **15:30**
 - Miscellaneous, **15:29, 15:31**
 - Neurosurgeons, **15:35**
 - Orthopedists, **15:32**
 - Pediatricians, **15:30**

MEDICAL MALPRACTICE

—Cont'd

- Physicians and surgeons—Cont'd
 - Plastic and cosmetic surgeons, **15:33, 15:34**
 - Urologists, **15:36**
 - Vicarious liability, **15:18**
- Plastic and cosmetic surgeons, **15:33**
 - Generally, **15:33**
 - Plaster cast application, **15:34**
- Podiatrists, **15:48**
- Pretrial screening or mediation panels, **15:10**
- Psychotherapists and other mental health professionals
 - Generally, **15:39 to 15:45**
 - Breach of confidentiality, **15:44**
 - Drug or insulin administering, **15:40**
 - Electroshock or electroconvulsive therapy, **15:40**
 - Physical measures undertaken in connection with treatment, **15:40**
 - Privileged communications, **15:44**
 - Psychiatric nurses, **15:55**
 - Sexual misconduct, **15:41**
 - Social workers and other lay personnel, liability of, **15:45**
 - Suicide or serious injury from attempted suicide, **15:42**
 - Violence of patients, third persons, **15:43**
- Retrospective or prospective operation of legislation, **15:7**
- Standard of care and locality rule
 - Generally, **15:19**
 - General practitioners, **15:20**
 - Non-specialists, **15:20**
 - Specialists, **15:21**
- Statutory regulation
 - Generally, **15:2 to 15:10**
 - Arbitration, **15:10**
 - Constitutionality of malpractice legislation, **15:4**
 - Construction of legislation, **15:6**

MEDICAL MALPRACTICE

—Cont'd

- Statutory regulation—Cont'd
 - Diversity jurisdiction cases in federal court, **15:5**
 - Good Samaritan legislation, **15:3**
 - Notice of claim provisions, **15:9**
 - Preemption concerning medical claims, **15:8**
 - Pretrial screening or mediation panels, **15:10**
 - Retrospective or prospective operation of legislation, **15:7**
- Sterilization, **15:27**
- Therapists, **15:50**
- Types of injuries
 - Generally, **15:22 to 15:28**
 - Abandonment, **15:23**
 - Acts or omissions constituting malpractice, **15:25, 15:26**
 - Allergy or unusual susceptibility, **15:26**
 - Birth control and contraception, **15:27**
 - Diagnosis, **15:24**
 - Gynecology, **15:27**
 - Lack of diligence in attending patient, **15:23**
 - Medicines or drugs administered, **15:26**
 - Miscellaneous, **15:22**
 - Obstetrics and childbirth, **15:27**
 - Sterilization, **15:27**
- Urologists, **15:36**
- Veterinarians, **15:51**

MEDICAL MONITORING

- Damages, **8:27**

MEDICINES

- Medical causation, **11:29**
- Products Liability, this index

MENTAL DISTURBANCE

- Psychic and Emotional Injuries, this index

INDEX

MENTAL HEALTH RECORDS

Privacy, invasion and related wrongs,
30:18

MERCHANDISE

Premises liability, **14:16**

MERCHANTABILITY

Products Liability, this index

MILK BOTTLES

Products liability, **18:293**

MILKING MACHINERY

Products liability, **18:288**

MINERALS

Adjoining and abutting owners and
occupiers, withdrawal of miner-
als, **21:7**

Damages, **8:45**

MINING MACHINERY AND EQUIPMENT

Products liability, **18:243**

MINIVANS

Products liability, **18:194**

MINORS

Children and Minors, this index

MISCARRIAGE PREVENTATIVES

Products liability, **18:406**

MISFEASANCE

Negligence, **9:6**

MISREPRESENTATION

Fraud and Deceit, this index

MISTAKE

Generally, **5:14**

Compromises, settlements and
releases, **5:47**

Trespass, **23:15**

MISUSE

Products Liability, this index

MITIGATION

Damages, **8:17**

MOBILE HOMES

Products liability, **18:210**

MOBS AND RIOTS

Governmental entities, **17:71**

MODIFICATION

Products Liability, this index

MOLDING AND INJECTION PRESSES

Products liability, **18:259**

MOLDING MACHINERY AND DIES

Products liability, **18:244**

MONEY

Conversion, **24:7**

MONOPOLIES AND RESTRAINTS OF TRADE

Interference with business relations,
31:3

Stealing, inducing, enticing or luring
away at-will employees, **34:19**

MORALITY

Effect of concepts, **1:36**

MORTUARIES

Mishandling corpse and other
misconduct, **16:41**

MOST SIGNIFICANT OR DOMINANT CONTACTS

Conflict of laws, **2:16**

MOTIVE

Generally, **1:12**

Fraud and deceit, **32:44**

Interference with contractual rela-
tions, **31:56**

Malicious prosecution of criminal
proceeding, **28:12**

MOTORBOATS

Products liability, **18:204**

MOTORCYCLES

Automobiles and Other Motor
Vehicles, this index

MOTORS

Products liability, automobiles and other motor vehicles, **18:184**

MOTOR VEHICLES

Automobiles and Other Motor Vehicles, this index

MUD

Premises liability, **14:26, 14:27**

MULES

Generally, **21:54**

MULTIPLE TORTFEASORS

Generally, **3:1 to 3:36**
Aiding and abetting, **3:5.30**
Alternative liability theory, **3:2**
Concerted conduct, **3:4**
Contribution, this index
Indemnity, this index
Industry-wide liability, **3:5.20**
Joint, and Joint and Several, Liability, this index
Joint enterprise or joint venture, **3:5**
Presumptive liability based on supplier's share of market of injury-causing product, **3:3**
Share of market of injury-causing product, presumptive liability based on, **3:3**
Shifting of burden of proof to defendants to show that they could not have made product, **3:3**
Shifting of burden to multiple defendants to show no responsibility for harm, **3:2**

MUNICIPAL CORPORATIONS

Generally, **17:54 et seq., 17:56**
Acts of officers and employees, **6:23**
Civil rights, vicarious liability of superiors, **25:15**
Dedication, **17:55**
Indemnity, **3:33**
Inspectors, **17:56**
Liability, generally, **17:54**

MUNICIPAL CORPORATIONS

—Cont'd

Sovereign or Governmental Immunity, this index

MUNICIPALITIES

City activities
Abnormal activities, **19:30**

NAIL PRODUCTS

Products liability, **18:379**

NAME OF PERSON, USE OF

Privacy, invasion and related wrongs, **30:28**

NARCOTICS

Drugs and Narcotics, this index

NATURAL CONSEQUENCES

Proximate cause, **11:4**

NATURAL FORCE

Harm different from that threatened by actor's negligence, extraordinary, **11:20**
Harm increased or accelerated by extraordinary, **11:19**

NECESSITY

Exercising privileges tortiously impeded, **11:15**
Protection from danger threatened by actor's negligence, **11:14**

NEGLIGENCE

Generally, **9:1 to 9:103**
Accountants, this index
Acting or failing to act, **9:6**
Adjoining and abutting owners and occupiers, withdrawal of support, **21:3, 21:6**
Alcohol. Intoxicating Liquors, this index
Amusements and Exhibitions, this index
Animals, this index
Athletics. Sports and Sports Events, this index

INDEX

NEGLIGENCE—Cont'd

- Automobile accidents. Automobiles and Other Motor Vehicles, this index
- Baggage, goods, freight or cargo, duty and liability as to, **9:32**
- Bailees, **9:33**
- Banks and other financial institutions, **9:71, 9:72**
- Bicycles, **9:40**
- Boats, **9:42**
- Burden of proof, **9:1**
- Carriers
 - Generally, **9:30 to 9:32**
 - Baggage, goods, freight or cargo, duty and liability as to, **9:32**
 - Passengers, duty and liability as to, **9:31**
 - Who are, **9:30**
- Cause of action, elements, **9:3**
- Conflict of laws, **2:24**
- Contributory Negligence, this index
- Court, function of, **9:1**
- Criminal acts of third persons, liability to victim harmed
 - Generally, **9:20**
 - Persons in special relationship owing duty to protect, **9:21**
- Custom, **9:4, 9:5**
- Dangerous Instrumentalities, this index
- Defamation, **29:31**
- Definitions, **9:1**
- Distinguished, Assault and battery, **26:1.10**
- Duties owed
 - Generally, **9:15 to 9:24**
 - Criminal acts of third persons, duty to prevent, **9:20, 9:21**
 - Inspection, **9:16, 9:65**
 - Investigation, **9:19**
 - Maintenance, **9:17, 9:66**
 - Supervision, duty of, **9:22**
 - Warning, **9:18, 9:65**
- Duty, generally, **9:3**
- Economic loss, **9:70**

NEGLIGENCE—Cont'd

- Elements of cause of action, **9:3**
- Emergency vehicles, **9:38**
- Emotional distress, negligent infliction. Psychic and Emotional Injuries, this index
- Employer-Employee Relationships, this index
- Exhibitions. Amusements and Exhibitions, this index
- Failing to act, **9:6**
- Fraud and Deceit, this index
- Gratuitously furnished services, **9:23**
- Gross Negligence, this index
- Health professionals. Medical Malpractice, this index
- Heavy equipment, **9:38**
- History, **9:2**
- Hotels and motels
 - Generally, **9:35**
 - Guests' property, loss etc., **9:36**
 - Personal injuries, **9:35**
- Importance in tort law, **9:1**
- Infliction of emotional distress, negligent. Psychic and Emotional Injuries, this index
- Inspection, duty of, **9:16**
- Insurance companies, **9:73**
- Interference with advantageous business or economic relations, **31:80, 31:122**
- Interference with contractual relations, **31:44**
- Intoxicating Liquors, this index
- Investigation, duty of, **9:19**
- Jury, function of, **9:1**
- Legal Malpractice, this index
- Maintain, duty to, **9:17**
- Medical Malpractice, this index
- Minors, standard of care, **9:7**
- Misfeasance, **9:6**
- Motorcycles, **9:40**
- Nonfeasance, **9:6**
- Nuisance, distinguished, **20:8**
- Passengers, duty and liability as to, **9:31**

NEGLIGENCE—Cont'd

- Per se. Statute, ordinance, or regulation, violation of, below
- Plaintiff's negligence as remote cause, **12:66**
- Preconception torts, **9:25, 9:26**
- Prenatal injuries, **9:25, 9:27**
- Presumptions, **9:1**
- Procedural aspects, **9:1**
- Products Liability, this index
- Professional negligence
 - Accountants, this index
 - Architects, Engineers, and Contractors, this index
 - Attorneys. Legal Malpractice, this index
 - Druggists, Pharmacists, and Apothecaries, this index
 - Health professionals. Medical Malpractice, this index
 - Real property professionals. Real Property, this index
- Proximate Cause, this index
- Railroads, **9:41**
- Reasonable person, **9:5**
- Rescue doctrine and situations, **9:24**
- Res ipsa loquitur, **9:1**
- Risk factors, **9:4, 9:5**
- Services furnished gratuitously, **9:23**
- Snowmobiles, **9:39**
- Social media, **9:8**
- Sports and Sports Events, this index
- Statute, ordinance, or regulation, violation of
 - Generally, **9:9 to 9:14**
 - Comparative fault, **13:28**
 - Compliance, effect of, **9:14**
 - Excused violations, **9:13**
 - Justification, **9:13**
 - Liability, purpose not to impose, standard of conduct not adopted, **9:12**
 - Liability, purpose to impose, standard of conduct adopted
 - Generally, **9:10**
 - Penalty provision, effect of, **9:11**

NEGLIGENCE—Cont'd

- Statute, ordinance, or regulation, violation of—Cont'd
 - Standard of conduct defined by legislation or regulation will not be adopted, **9:12**
- Supervision, duty of, **9:22**
- Trucks, **9:38**
- Volunteers, **9:23**
- Warehousemen, **9:34**
- Warn, duty to, **9:18**
- Willful, Wanton or Reckless Conduct, this index
- Wrongful birth, **9:25, 9:28**
- Wrongful life, **9:25, 9:29**

NEGLIGENCE PER SE

- Statute, ordinance, or regulation, violation of. Negligence, this index

NEGOTIABLE INSTRUMENTS

- Damages, **8:40**

NEW YORK DOCTRINE

- Prima Facie Tort, this index

NIGHTGOWNS AND ROBES

- Products liability, **18:357**

NOISE

- Nuisances, **20:11**

NOMINAL DAMAGES

- Generally, **8:4**
- Defamation, **29:128**

NON-CLIENT THIRD PERSONS, LIABILITY TO

- Generally, **15:107**

NONFEASANCE

- Negligence, **9:6**

NOTARIES PUBLIC

- Real Property and Property Specialists, **15:128**

NOTES AND PLEDGES

- Securities regulation, **32:192**

INDEX

NOTICE OR KNOWLEDGE

- Animals, abnormally dangerous or vicious propensities of, **21:47**
- Assumption of Risk, this index
- Comparative Fault, this index
- Contributory Negligence, this index
- Copyrights, **31:29**
- Fraud and Deceit, this index
- Interference with advantageous business or economic relations, **31:83**
- Interference with contractual relations, **31:53**
- Premises Liability, this index
- Products Liability, this index
- Statutes of limitation, claims against governments and public bodies, **5:44**

NOVELTY OF CASE

- Generally, **1:5**

NUCLEAR AND RADIATION

POLLUTION

- Generally, **20:53 to 20:55**

NUCLEAR POWER

- Accidents or explosions, **19:20**

NUISANCES

- Generally, **20:1 to 20:25**
- Assumption of risk, **20:22**
- Balance of convenience, **20:25**
- Coming to nuisance, **20:24**
- Comparative fault, **20:23**
- Compliance with legislation, ordinance or regulation, **20:26**
- Contributory negligence, **20:22**
- Damage actions, **20:19**
- Defenses
 - Generally, **20:21 to 20:26**
 - Balance of convenience, **20:25**
 - Coming to nuisance, **20:24**
 - Comparative fault, **20:23**
 - Compliance with legislation, ordinance or regulation, **20:26**
 - Contributory negligence and assumption of risk, **20:22**

NUISANCES—Cont'd

- Defenses—Cont'd
 - Licenses, permits, zoning, etc., **20:26**
- Definitions, **20:1**
- Dust, **20:12**
- Fact, nuisance in, **20:3**
- Gases, **20:12**
- Independent contractors, work likely to create nuisance, **4:47**
- Injunctive actions, **20:20**
- Intentional nuisance, **20:4**
- Law, matter of, **20:2**
- Licenses, **20:26**
- Light, casting of, **20:12**
- Negligence, distinguished, **20:8**
- Noise, **20:11**
- Odors, **20:12**
- Permits, **20:26**
- Per se, **20:2**
- Persons entitled to sue, **20:14 to 20:16**
- Persons liable, **20:17**
- Pollution, relationship to, **20:28**
- Private nuisance, **20:6, 20:16**
- Public nuisance, **20:5, 20:15**
- Remedies, **20:18 to 20:20**
- Smoke, **20:12**
- Sovereign or governmental immunity, **6:15**
- Temporary and continuing nuisances, **20:7**
- Trespass and pollution, distinguished, **20:29**
- Vibrations, **20:12**
- Zoning, **20:26**

NURSES

- Defamation, **29:74**

NURSING HOMES

- False imprisonment, confinement of mentally disturbed or dangerous persons, **27:5**

OBSTACLES

- Premises liability, **14:18**

OBSTRUCTION OF VISION

Highways and streets, **17:44**

**OCCUPATIONS, TRADES,
CALLINGS, OR BUSINESSES**

Miscellaneous, **15:130**

OCCUPATIONS AND TRADES

Professional negligence, **15:130**

ODOMETERS

Fraud and deceit, automobiles and
other motor vehicles, **32:146**

ODORS

Nuisances, **20:12**

OFFICE FURNISHINGS

Products liability, **18:366**

OFFSETS

Trade secrets, **34:55, 34:56**

OIL

Adjoining and abutting owners and
occupiers, withdrawal of oil,
21:7

OILS, LOTIONS AND CREAMS

Products liability, **18:368**

**OIL WELL AND DRILLING
EQUIPMENT**

Products liability, **18:245**

OPEN AND OBVIOUS DANGER

Products Liability, this index

OPEN STAIRWAYS

Premises liability, **14:35**

OPINIONS

Defamation, constitutional issues,
29:36 to 29:38

Fraud and Deceit, this index

OPIOIDS

Products liability, **18:407.10**

ORAL CONTRACEPTIVES

Products liability, **18:402**

ORDINANCES

Statute, ordinance, or regulation,
violation of. Negligence, this
index

ORGANIC PHOSPHATES

Products liability, **18:437**

OSTENSIBLE AGENCY

Imputed liability, **4:4**

OUT OF POCKET RULE

Fraud and deceit, **32:120**

OVERHEAD DOORS

Doors and entrances, **14:43**

OWNERS

Premises Liability, this index

OZONE

Air pollution, **20:46**

PACKAGING

Products Liability, this index

PAIN AND SUFFERING

Damages, **8:21**

PAINT

Products liability, **18:214**

PAJAMAS

Products liability, **18:358**

PALSGRAF CASE

Proximate cause, **11:7**

PAPER MACHINERY

Products liability, **18:246**

PARACHUTES

Products liability, **18:344**

**PARKWAYS AND PARKING
STRIPS**

Highways and streets, **17:46**

PARTIES

Generally, **7:18 to 7:20**

Abuse of process, **28:37**

Air pollution, **20:47**

Assault and battery, **26:11, 26:26**

INDEX

PARTIES—Cont'd

- Class actions, **7:19**
- Conflict of laws, **2:53**
- Consumer protection and fraud prevention, **32:162, 32:163**
- Defamation, this index
- Defendants, **7:20**
- False imprisonment, this index
- Fraud and Deceit, this index
- Joinder of parties, **7:18, 7:20**
- Malicious prosecution of civil proceeding, **28:25**
- Malicious prosecution of criminal proceeding, **28:15**
- Nuisances, **20:14 to 20:16**
- Plaintiffs, **7:18, 7:19**
- Products Liability, this index
- Racketeer Influenced and Corrupt Organizations Act (RICO), **32:221, 32:222**
- Securities Regulation, this index
- Water pollution, **20:31**

PARTNERSHIPS

- Defamation, **29:48**
- Imputed liability, **4:22**

PASSENGERS

- Carrier's duty and liability as to, **9:31, 9:32**

PAST EARNINGS

- Damages, **8:32**

PATENTS

- Interference with business relations, **31:4**

PAVING

- Interference with prospective or future contractual relations, **31:132**

PEPSI-COLA BOTTLES

- Products liability, **18:297**

PERCOLATING WATERS

- Generally, **21:29, 21:30**

PERFUMES AND COLOGNES

- Products liability, **18:380**

PERIODIC PAYMENTS

- Damages, **8:19**

PERMANENTS AND WAVING PREPARATIONS

- Products liability, **18:372**

PERMISSION

- Consent or Approval, this index

PERMITS

- Licenses and Permits, this index

PERSONAL CARE PRODUCTS

- Products Liability, this index

PERSONAL INJURIES

- Damages, **8:20 to 8:29**

PERSONAL KNOWLEDGE

- Fraud and deceit, unqualified and reckless statements, **32:40**

PERSONAL PROPERTY

- Conversion, this index
- Fraud and Deceit, this index
- Trespass, this index

PESTICIDES

- Products Liability, this index

PETITIONS

- Generally, **7:15**

PHARMACISTS

- Druggists, Pharmacists and Apothecaries, this index

PHOTOGRAPHS, FILMS, PICTURES AND VIDEO TAPES

- Defamation, **29:83**
- Privacy, invasion and related wrongs, **30:13, 30:26**

PHYSICAL EDUCATION

- Schools and school districts, **17:61**

**PHYSICIANS, SURGEONS AND
OTHER MEDICAL ARTS
PRACTITIONERS**

Abuse of process, medical arts
personnel's countersuits, **28:36**
Defamation, **29:74, 29:106**
Dentists, this index
Druggists, Pharmacists and
Apothecaries, this index
Indemnity, **3:34**
Interference with contractual rela-
tions, **31:74**
Statutes of limitation, health care
provider negligence or malprac-
tice, **5:42**

PICTURES

Photographs, Films, Pictures and
Video Tapes, this index

PIGS

Generally, **21:53**

PILED MERCHANDISE

Premises liability, **14:16**

PILE DRIVING

Abnormal activities, **19:19**

PIPES, TUBES AND HOSES

Products liability, **18:247**

PIRACY

Copyrights, **31:26**

PISTOLS

Handguns, this index

PITOCIN

Products liability, **18:408**

PLAGIARISM

Copyrights, **31:26**

PLATFORMS

Premises liability, **14:36**

PLAYGROUNDS

Products liability, **18:345**
Schools and school districts, **17:60**

PLEADING

False imprisonment, **27:8.10**

PLEADINGS

Generally, **7:14 to 7:16**
Affirmative defenses, **7:16**
Answers, **7:16**
Complaints, **7:15**
Conflict of laws, **2:53**
Counterclaims, this index
Declarations, **7:15**
Defamation, **29:123**
Denials, **7:16**
Fraud and deceit, **32:99**
Petitions, **7:15**
Racketeer Influenced and Corrupt
Organizations Act (RICO),
32:227, 32:228
Replies, **7:15**
Securities regulation, **32:172**

PLEASURE BOATS

Products liability, **18:204**

PLEDGES AND NOTES

Securities regulation, **32:192**

POISONS

Medical causation, **11:30**

POLICE DOGS

Generally, **21:48**

POLICE OFFICERS

Law Enforcement and Law Enforce-
ment Officers, this index

POLIO VACCINE

Products liability, **18:411**

POLITICAL PRINCIPLES

Defamation, imputation of objection-
able principles, **29:80**

POLITICAL SUBDIVISIONS

Civil Rights, this index

POLLUTION

Generally, **20:27 to 20:55**
Air Pollution, this index

INDEX

POLLUTION—Cont'd

- Nuclear and radiation pollution, **20:53 to 20:55**
- Nuisance, relationship to, **20:28**
- Solid Waste Pollution, this index
- Trespass distinguished, **20:29**
- Water Pollution, this index

POLYGRAPH EXAMINATIONS

- Discharge from employment, **34:96**

POLYURETHANE AND POLYVINYLCHLORIDE

- Products liability, **18:219**

POOL AND BILLIARD ROOMS

- Participants, injury to, **9:47**

POT HOLES

- Highways and streets, **17:42**

POTHOLES

- Highways and streets, **17:42**

POWER PRESSES

- Products liability, **18:260**

PRACTICAL JOKES

- Assault and battery, **26:7**

PRECONCEPTION TORTS

- Generally, **9:25, 9:26**

PREEMPTION

- Air pollution, **20:48**
- Trade secrets, **34:29**
- Unfair competition, **34:6**
- Water pollution, **20:44**

PREGNANCY AND CHILDBIRTH

- Generally, **9:25**
- Preconception torts, **9:26**
- Prenatal injuries, **9:27**
- Wrongful birth, **9:28**
- Wrongful life, **9:29**

PREJUDGMENT INTEREST

- Trade secrets, **34:56**

PRELITIGATION PRIVILEGE

- Generally, **5:19**

PREMARITAL AGREEMENTS

- Interference with familial relations, **22:9.10**

PREMISES LIABILITY

- Generally, **14:1 to 14:47**
- Adjoining and Abutting Owners and Occupiers, this index
- Aisles, **14:17**
- Amusements, **9:66**
- Animals, **14:20**
- Attractive nuisance doctrine, **14:73**
- Carts, **14:19**
- Chairs, **14:19**
- Children
 - Social guests, **14:69**
 - Trespassers, below
- Cleaning or Washing, this index
- Commercial property, generally, **14:14 to 14:47**
- Comparative Fault, this index
- Contributory Negligence, this index
- Debris, Litter or Foreign Substance, this index
- Doormats, **14:15**
- Doors and Entrances, this index
- Duty of premises occupant, **14:6**
- Elevator accidents, **14:45**
- Elevator accidents, Shaft, **14:46**
- Escalator accidents, **14:47**
- Exterior walkways, ramps, passageways and the like, **14:49**
- Firefighter's rule, **14:67**
- Floors and flooring, **14:15**
- Hospitals, **15:65.30, 15:65.70**
- Insects, **14:20**
- Invitees
 - Generally, **14:6 to 14:47**
 - Activities, persons engaged in particular, **14:8**
 - Aisles, **14:17**
 - Animals and insects, **14:20**
 - Carts, strollers, seats or chairs, **14:19**
 - Contributory negligence and comparative fault, **14:10**

PREMISES LIABILITY—Cont'd

- Invitees—Cont'd
 - Contributory or comparative negligence, assumption of risk, **14:27**
 - Debris, litter or foreign substances, *supra*
 - Definitions and tests, **14:7**
 - Determining who is invitee, **14:7**
 - Independent general contractors and employees, subcontractors, **14:12**
 - Liability, statutes governing, **14:13**
 - Merchandise, piled, stored or displayed, **14:16**
 - Obstacles, projecting objects, **14:18**
 - Premises, persons on particular, **14:9**
 - Property occupier and contractors, **14:12**
 - Shipowner and longshoreman or other shore worker, **14:11**
 - Texas common conditions doctrine, **14:23.10**
 - Water or precipitation, tracked in water, snow, mud or the like, **14:26, 14:27**
- Landlord and Tenant, this index
- Liability of owner, occupier and other persons, **14:2**
- Licensees
 - Generally, **14:65 to 14:69**
 - Child social guests, **14:69**
 - Duty owed, **14:66**
 - Firefighter's rule, **14:67**
 - Police and other public officers and employees, **14:67**
 - Social guests, **14:68, 14:69**
 - Specific situations, **14:66**
- Litter. Debris, Litter or Foreign Substance, this index
- Merchandise, piled, stored or displayed, **14:16**
- Obstacles, projecting objects, **14:18**
- Parking lots, **14:50**
- Playground doctrine, **14:73**

PREMISES LIABILITY—Cont'd

- Police and other public officers and employees, **14:67**
- Ramps or inclined floors, **14:37**
- Restatement Second, Torts, **14:73**
- Rugs and carpets, **14:15**
- Seats, **14:19**
- Shopping centers, **14:48**
- Slip-and-fall situations, **14:14**
- Social guests, **14:68, 14:69**
- Stairs and Steps, this index
- Strollers, **14:19**
- Trespassers
 - Generally, **14:70 to 14:75**
 - Adults, **14:70 to 14:72**
 - Children
 - Generally, **14:73 to 14:75**
 - Age, mentality and experience of child, **14:75**
 - Attractive nuisance doctrine, **14:73**
 - Conditions, situations, apparatus, equipment, and appliances, **14:74**
 - Playground doctrine, **14:73**
 - Special rule, **14:73**
 - Special rule may or may not apply, **14:74**
 - Duty of land possessor, **14:71**
 - Specific applications, **14:72**
 - Washing Cleaning or Washing, this index
- Water or precipitation, tracked in water, snow, mud or the like, **14:26, 14:27**

PRENATAL INJURIES

- Negligence, **9:25, 9:27**

PREPONDERANCE OF EVIDENCE

- Fraud and deceit, **32:105**

PRESCRIPTIONS

- Improperly or incorrectly filling, **15:120**

PRESENCE

- Trade secrets, abandonment, **34:69**

INDEX

PRESSES

Products Liability, this index

PRESUMPTIONS

Conflict of laws, **2:54**
Evidence questions, **15:104**
Fraud and deceit, **32:103**
Malicious prosecution of civil proceeding, **28:29**
Malicious prosecution of criminal proceeding, **28:14**
Negligence, **9:1**
Products Liability, this index

PRETRIAL MATTERS

Products liability, **18:13**

PRIMA FACIE CASE

Products liability, food and beverages, **18:448, 18:451**

PRIMA FACIE TORT

Generally, **35:1 to 35:56**
Abandonment of claim, **35:35.20**
Abusive discharge, **35:49 to 35:51**
Adding claim for prima facie tort, **35:35.10**
At-will employment, abusive or wrongful discharge from, **35:50, 35:51**
Availability of other tort theories, **35:35**
Business and commercial applications, **35:40 et seq.**
Continuing tort and limitations, **35:36.10**
Contract, breach of, **35:41**
Contract or lease, knowing inclusion of enforceable terms in, **35:43**
Damages
 New York doctrine, **35:30**
 Restatement of Torts, 2d, **35:19**
Debtor and lender liability, **35:44**
Defenses, Restatement of Torts, 2d, **35:20**
Definition, **35:1**
Discovery, **35:36.20**

PRIMA FACIE TORT—Cont'd

Disinterested malevolence. New York doctrine, below
Frivolous claim, **35:17.10**
Government actions or inactions, **35:56**
Insurer liability, **35:45**
Intent
 Causing of liability, **35:39**
 Deprivation of property, generally, **35:37, 35:38**
 New York doctrine, below
 Restatement of Torts, 2d, below
Interference with contract or prospective economic relations, **35:42**
Interference with employment or profession
 Generally, **35:48 to 35:51**
 Abusive or wrongful discharge, **35:49 to 35:51**
 At-will employment, abusive or wrongful discharge from, **35:50, 35:51**
 Reputation, damage to, **35:51**
Justification
 Intentional deprivation of property, **35:38**
 New York doctrine, below
 Restatement of Torts, 2d, below
Labor activities, **35:46**
Law suits, tortious behavior associated with, **35:55**
Lender and debtor liability, **35:44**
Modern tort law, relationship to, **35:4**
New York doctrine
 Generally, **35:5, 35:21 to 35:24**
 Alternative pleading, **35:24**
 Business or commercial interest, **35:32**
Disinterested malevolence
 Generally, **35:25 to 35:28**
 Intent to harm vs. intent to commit act, **35:27**
 Mixed motive, **35:26**
 Sole intent to injury, **35:28**
Distinctions, **35:22, 35:23**

PRIMA FACIE TORT—Cont'd

New York doctrine—Cont'd
 Government or public interest, **35:34**
 Intent. Disinterested malevolence, above in this group
 Justification
 Generally, **35:31 to 35:34**
 Business or commercial interest, **35:32**
 Government or public interest, **35:34**
 Limits on commercial self-interest as justification, **35:33**
 Last resort, tort of, **35:21 to 35:24**
 Limits on commercial self-interest as justification, **35:33**
 Mixed motive, **35:26**
 Nominate or classic tort not available as remedy, **35:21**
 Punitive damages, **35:30**
 Sole intent to injury, **35:28**
 Special damages, **35:29, 35:30**
 Noncommercial applications, **35:47**
 Origin and development of doctrine, **35:2 to 35:9**
 Prosecution, tortious behavior associated with, **35:55**
 Punitive damages, New York doctrine, **35:30**
 Reputation, injury to
 Generally, **35:52 to 35:54**
 Dissemination of information with intent to injure, **35:53**
 Restatement of Torts, 2d
 Generally, **35:6, 35:10 to 35:20**
 Balancing approach, **35:12, 35:14**
 Damages, **35:19**
 Defenses, **35:20**
 Economic benefit as justification, **35:15**
 Harm and injury, distinguished, **35:13**
 Injury resulting from defendant's acts, **35:18, 35:19**
 Intent to injury
 Generally, **35:10 to 35:13**

PRIMA FACIE TORT—Cont'd

Restatement of Torts, 2d—Cont'd
 Intent to injury—Cont'd
 Balancing approach where intent is not solely to injury, **35:12**
 Harm and injury, distinguished, **35:13**
 Intent to do act, distinguished, **35:11**
 Justification, absence of
 Generally, **35:14 to 35:17**
 Balancing approach, **35:14**
 Economic benefit as justification, **35:15**
 Objective and subjective standards for measurement of justification, **35:17**
 Other torts and privileges, relationship to, **35:16**
 Public policy, relationship to, **35:14**
 Objective and subjective standards for measurement of justification, **35:17**
 Public policy, relationship to, **35:14**
 Special damages, New York doctrine, **35:29, 35:30**
 Statute of limitations, avoidance of, **35:36**
 Trespass on case, relationship to, **35:3**
 Wrongful discharge, **35:49 to 35:51**

PRINCIPAL AND AGENT

Conversion, **24:10, 24:11**
 Imputed liability, **4:13**
 Indemnity, **3:32**
 Interference with contractual relations, **31:42**

PRINCIPALS

Schools and school districts, **17:65**

PRINTING PRESSES

Products liability, **18:258**

INDEX

PRISONERS

Civil rights, **25:18**

PRIVACY, INVASION AND RELATED WRONGS

Generally, **30:1 to 30:40**

Commercialization and appropriation
of name or likeness

Generally, **30:23 to 30:28**

Common law, **30:24**

Photographs and the like, **30:26**

Printed media, **30:27**

Statutory implementation, **30:25**

Common law, commercialization and
appropriation of name or like-
ness, **30:24**

Conflict of laws, **2:32**

Constitutional law

Generally, **30:4**

False light, **30:36**

Public disclosure of private facts,
30:32

Credit card information, **30:16**

Damages, **30:9, 30:38**

Death of person, **30:6**

Debt collection, intrusion into
solitude, **30:21**

Defenses, **30:8, 30:37**

Descendability of right of publicity,
30:40

Eavesdropping, intrusion into
solitude, **30:19**

Elements, **30:7**

False light

Generally, **30:35 to 30:38**

Constitutional limits, **30:36**

Damages, **30:38**

Defenses, **30:37**

Freedom of press, public disclosure
of private facts, **30:32**

History, **30:2**

Investigations, intrusion into solitude,
30:17

Living quarters, entry into, **30:11**

Mail, intrusion into solitude, **30:15**

Medical examinations, **30:22**

Mental health records, **30:18**

PRIVACY, INVASION AND

RELATED WRONGS—Cont'd

Name of person, use of, **30:28**

Periodicals, **30:3**

Personal character of right to privacy,
30:6

Photographs, films, pictures and
video tapes, **30:13, 30:26**

Printed media, commercialization
and appropriation of name or
likeness, **30:27**

Public disclosure of private facts
Generally, **30:29 to 30:34**

Constitutional issues, **30:32**

Freedom of press, **30:32**

Number of people to whom mate-
rial published, **30:34**

Offensive nature of material
published, **30:33**

Public domain or public record,
30:32

Public domain or public record, pub-
lic disclosure of private facts,
30:32

Publicity, right of, **30:39, 30:40**

Shadowing, intrusion into solitude,
30:17

Solitude, intrusion into

Generally, **30:10 to 30:20**

Courts orders or tests that are
invalid, unauthorized or
forged, **30:12**

Debt collection, **30:21**

Eavesdropping, **30:19**

Investigation, surveillance,
shadowing and trailing, **30:17**

Living quarters or other private
premises, entry into, **30:11**

Mail, **30:15**

Mental health records, **30:18**

Photographs, films, pictures and
video tapes, **30:13**

Telephones, **30:14, 30:20**

Wiretapping and electronic
devices, **30:20**

Surveillance, intrusion into solitude,
30:17

**PRIVACY, INVASION AND
RELATED WRONGS—Cont'd**

Telephones, intrusion into solitude,
30:14, 30:20

Time, passage of, **30:5**

Trailing, intrusion into solitude,
30:17

Video, **30:26**

Wiretapping and electronic devices,
intrusion into solitude, **30:20**

PRIVILEGE

Justification, Excuse and Privilege,
this index

PRIVITY

Products Liability, this index

PROBABLE CAUSE

Malicious prosecution of civil
proceeding, **28:22**

Malicious Prosecution of Criminal
Proceeding, this index

PROBABLE CONSEQUENCES

Proximate cause, **11:4**

PROCEDURE

Comparative fault, **13:7.10, 13:46.10**

**PROCESS AND SERVICE OF
PROCESS AND PAPERS**

Generally, **7:21**

Abuse of Process, this index

PRODUCTS LIABILITY

Generally, **18:1 to 18:457**

Abnormal use. Misuse, abuse or
abnormal use, below

Abrasive devices and wheels, **18:273**

Abuse. Misuse, abuse or abnormal
use, below

Adhesives, **18:215**

Admiralty jurisdiction, **18:11, 18:12**

Advertising

Fitness for particular purpose,
implied warranty of, **18:64**

Merchantability, implied warranty
of, **18:55**

Warranty, breach of, **18:47**

PRODUCTS LIABILITY—Cont'd

Agent Orange, **18:433**

Agricultural machinery and equip-
ment. Farm and agricultural
machinery and equipment,
below

Air conditioning, **18:221**

Aircraft, **18:97, 18:205**

Air guns, **18:318**

Allergies and unusually susceptible
consumers, **18:348, 18:349**

Allocation of risk, **18:5**

Alteration or modification of product
Generally, **18:162 to 18:164**

Comparative fault or negligence,
18:164

Damages, effect on recoverability,
18:164

Foreseeability, **18:163**

Aluminum ladders, **18:275**

Ammunition. Firearms, other
weapons and ammunition,
below

Amusement rides, **18:341**

Analgesics, **18:395**

Anesthetics, **18:396**

Animals and animal feeds and
medicines, **18:456, 18:457**

Antibiotics, **18:397**

Anticholesterol drugs, **18:398**

Antigens, **18:399**

Antiperspirants and deodorants,
18:369

Apportionment of damages,
enhanced injuries, second
accidents or collisions and
crashworthiness, **18:98**

Arthritis drugs, **18:400**

Asbestos, **18:217, 18:434**

As is sales of goods, **18:126**

Assemblers of component parts,
18:135

Assumption of risk, **12:64**
Generally, **18:153 to 18:157**

Defined, **18:154**

Enhanced injuries, second
accidents or collisions and

INDEX

PRODUCTS LIABILITY—Cont'd

- Assumption of risk, **12:64**—Cont'd
 - crashworthiness, **18:99**
- Negligence, **18:155**
- Strict liability in tort, **18:156**
- Warranty, breach of, **18:157**
- Athletic equipment. Toys, games and recreation and athletic equipment and supplies, below
- Augers, **18:278**
- Automobiles and Other Motor Vehicles, this index
- Backhoes and bulldozers, **18:197**
- Bailors. Lessors or bailors of personal property, below
- Balers, **18:279**
- Barrels, **18:306**
- Baseball, **18:335**
- BB guns, **18:318**
- Beer bottles, **18:291**
- Bendectin, **18:401**
- Beverages. Food and beverages, below
- Bicycles, **18:342**
- Birth control pills, **18:402**
- Blasting caps and supplies, **18:329**
- Bleachers and other seating equipment, **18:343**
- Blood and blood equipment and supplies
 - Generally, **18:415, 18:442 to 18:445**
 - Hepatitis and other contracted diseases and ailments, **18:445**
 - Statutes, effect of, **18:443**
 - Strict liability in tort and other theories, **18:444**
- Blouses and shirts, **18:360**
- Boats and ships, **18:97, 18:203, 18:204**
- Booms and cranes, **18:198**
- Boots, **18:351**
- Bottle carriers, **18:307**
- Bottles. Glass bottles and jars, below
- Bottling and canning machines, **18:236**

PRODUCTS LIABILITY—Cont'd

- Braces, **18:416**
- Bubble-Up bottles, **18:294**
- Buildings. Houses, buildings and other structures, below
- Burden of proof
 - Design defects, **18:75**
 - Enhanced injuries, second accidents or collisions and crashworthiness, **18:98**
- Burglar alarms, **18:232**
- Bystanders, **18:137**
- Canning and bottling machines, **18:236**
- Cans, **18:308**
- Carbon monoxide poisoning, **18:432**
- Cartons, **18:309**
- Caterers, **18:449**
- Catheters, **18:417**
- Causation
 - Generally, **18:36 to 18:40**
 - Concurrent causes, **18:40**
 - Design defects, **18:74**
 - Drugs and medicines, **18:383**
 - Intervening causes, **18:38**
 - Questions of law or fact, **18:37**
 - Superseding causes, **18:39**
 - Warnings and instructions for use, **18:102**
- Caustic household products, **18:435, 18:436**
- Cement and concrete, **18:216**
- Certifiers of products, **18:131**
- Chain saws, **18:266**
- Champagne bottles, corks and stoppers, **18:292**
- Chemicals and similar products
 - Generally, **18:430 to 18:441**
 - Agent Orange, **18:433**
 - Asbestos, **18:434**
 - Carbon monoxide poisoning, **18:432**
 - Caustic household products, **18:435, 18:436**
 - Drain cleaners, **18:436**
 - Pesticides and fertilizers, below

PRODUCTS LIABILITY—Cont'd

Chemicals and similar products
—Cont'd
Soaps, detergents and cleaners,
18:435
Weapons, **18:320**
Chewing tobacco, **18:453**
Chlorinated hydrocarbons, **18:437**
Chloromycetin, **18:403**
Chloroquine, **18:404**
Cigarettes, **18:454**
Circular saws, **18:267**
Clothing and wearing apparel
Generally, **18:350 to 18:366**
Boots, **18:351**
Coats and jackets, **18:352, 18:353**
Costumes, **18:354**
Dresses and skirts, **18:355**
Fur coats and accessories, **18:353**
Gloves, **18:356**
Inflammable clothing, **18:365**
Machinery, apparatus and appli-
ances, **18:250**
Nightgowns and robes, **18:357**
Pajamas, **18:358**
Pants and slacks, **18:359**
Shirts and blouses, **18:360**
Shoes, **18:361**
Slippers, **18:362**
Suits and uniforms, **18:363**
Undergarments, **18:364**
Club soda bottles, **18:300**
Coal and charcoal, **18:323**
Coats and jackets, **18:352, 18:353**
Coca-Cola bottles, **18:295**
Colognes and perfumes, **18:380**
Combines and harvesters, **18:280**
Comparative fault
Generally, **18:149 to 18:152**
Alteration or modification of prod-
uct, **18:164**
Enhanced injuries, second
accidents or collisions and
crashworthiness, **18:99**
Negligence, **18:150**
Strict liability in tort, **18:151**

PRODUCTS LIABILITY—Cont'd

Comparative fault—Cont'd
Warranty, breach of, **18:152**
Component parts, **18:133.10, 18:134,**
18:135
Compressors and compressor tanks,
18:237
Computers and software, **18:238**
Concrete and cement, **18:216**
Concurrent causes, **18:40**
Conditioners and shampoos, **18:374**
Conflict of laws
Generally, **2:26 to 2:28**
Negligence, **2:26**
Strict liability in tort, **2:28**
Warranty, breach of, **2:27**
Conscious and deliberate design
choices, **18:72**
Consumer product safety acts, **18:9**
Contact lenses and eyeglasses,
18:250, 18:418
Containers and packaging
Generally, **18:290 to 18:313**
Barrels, **18:306**
Bottle carriers, **18:307**
Cans, **18:308**
Cartons, **18:309**
Drums, **18:310**
Fitness for particular purpose,
implied warranty of, **18:62**
Glass bottles and jars, below
Tanks, **18:311**
Wrapping materials, **18:312**
Continuing duty to warn, **18:101**
Contractual privity, **18:4**
Contribution, **3:18**
Contributory negligence
Generally, **18:145 to 18:148**
Enhanced injuries, second
accidents or collisions and
crashworthiness, **18:99**
Negligence, **18:146**
Strict liability in tort, **18:147**
Warranty, breach of, **18:148**
Conveyors and conveyor belts,
18:239

INDEX

PRODUCTS LIABILITY—Cont'd

- Cooking and kitchen, **18:224**
- Corn machinery, **18:281**
- Cost-benefit test, **18:5**
- Costumes, **18:354**
- Cotton machinery, **18:282**
- Cranes and booms, **18:198**
- Crashworthiness. Enhanced injuries, second accidents or collisions and crashworthiness, below
- Creams, lotions and oils, **18:368**
- Custom and usage, **18:22**
- Customer's or consumer's expectations, **18:6**
- Cutting machinery and devices, **18:251**
- Cylinders, cylinder caps and similar parts, **18:240**
- Damages, alteration or modification of product, **18:164**
- Darts and lawn darts, **18:331**
- Defect, generally, **18:7, 18:8**
- Defenses
 - Generally, **18:144 to 18:169**
 - Alteration or modification of product, above
 - Assumption of risk, above
 - Comparative fault, above
 - Component parts, **18:133.10**
 - Contributory negligence, above
 - Government contract defense, **18:168, 18:169**
 - Misuse, abuse or abnormal use, below
 - Presumptions, **18:144**
 - Sophisticated user, **18:170**
 - State-of-the-art, below
 - Statutory regulation, control and presumptions, **18:144**
- Deodorants and antiperspirants, **18:369**
- Derricks, **18:198**
- Design defects
 - Generally, **18:69 to 18:99**
 - Burden of proof, **18:75**
 - Causation, **18:74**

PRODUCTS LIABILITY—Cont'd

- Design defects—Cont'd
 - Conscious and deliberate design choices, **18:72**
 - Definitions, **18:70**
 - Design according to buyer's specifications, **18:81**
 - Drugs and medicines, **18:394**
 - Enhanced injuries, second accidents or collisions and crashworthiness, below
 - Expectations of consumer, **18:78, 18:82**
 - Fool-proof nature of product, **18:73**
 - Foreseeability of harm, **18:84**
 - Functions of jury and court, **18:76**
 - Implied warranty, breach of, **18:87**
 - Insurer, supplier status as, **18:73**
 - Knowledge, negligence, **18:86**
- Negligence
 - Generally, **18:83 to 18:86**
 - Foreseeability of harm, **18:84**
 - Knowledge, **18:86**
 - Reasonable care, determination of, **18:85**
 - Risk-utility or risk-benefit analysis, **18:77**
 - Safety for intended use, **18:86**
 - Unreasonable danger, **18:86**
- Open and obvious danger, **18:80**
- Reasonable care, determination of, **18:85**
- Risk-utility or risk-benefit analysis, **18:77, 18:82**
- Safety for intended use, **18:86**
- Strict liability in tort
 - Generally, **18:79 to 18:81**
 - Design according to buyer's specifications, **18:81**
 - Open and obvious danger, **18:80**
- Unique quality of design defects, **18:71**
- Unreasonable danger, **18:86**
- Detergents, **18:435**
- Die presses and press brakes, **18:254**

PRODUCTS LIABILITY—Cont'd

- Diethylstilbestrol and other miscarriage preventatives, **18:406**
- Diggers, **18:197**
- Disclaimer of implied warranties, **18:49**
- Discovery, **18:13**
- Drain cleaners, **18:436**
- Dresses and skirts, **18:355**
- Drill presses, **18:255**
- Dr. Pepper bottles, **18:296**
- Drugs and medicines
 - Generally, **18:382 to 18:413**
 - Analgesics, **18:395**
 - Anesthetics, **18:396**
 - Animals and animal feeds and medicines, **18:457**
 - Antibiotics, **18:397**
 - Anticholesterol drugs, **18:398**
 - Antigens, **18:399**
 - Arthritis drugs, **18:400**
 - Bendectin, **18:401**
 - Birth control pills, **18:402**
 - Causation, **18:383**
 - Chloromycetin, **18:403**
 - Chloroquine, **18:404**
 - Compounded drugs, **18:405**
 - Design defects, **18:394**
 - Diethylstilbestrol and other miscarriage preventatives, **18:406**
 - Foreseeability, strict liability in tort, **18:388**
 - Fraud and related wrongs, **18:389**
 - Laxatives, **18:407**
 - Negligence, **18:384**
 - Opioids, **18:407.10**
 - Oral contraceptives, **18:402**
 - Pitocin, **18:408**
 - Polio vaccine, **18:411**
 - Promotional activities, **18:391**
 - Psychotropic drugs, **18:409**
 - Side effects of drugs, **18:390**
 - Strict liability in tort
 - Generally, **18:386 to 18:388**
 - Unavoidably unsafe drugs, **18:387**

PRODUCTS LIABILITY—Cont'd

- Drugs and medicines—Cont'd
 - Strict liability in tort—Cont'd
 - Unforeseeable consequences, **18:388**
 - Suppositories, **18:410**
 - Swine flu vaccine, **18:412**
 - Thalidomide, **18:401**
 - Vaccines, **18:411 to 18:413**
 - Warnings, **18:392, 18:393**
 - Warranty, breach of, **18:385**
- Drums, **18:310**
- Dry cleaners, **18:233**
- Dryers and washers, **18:233**
- Dumbwaiters, **18:211**
- Dyes and rinses, **18:371**
- Earthmovers, **18:197**
- Economic analysis, **18:5**
- Economic loss, **18:139**
- Effect of inconsistency, **18:20**
- Elements, generally
 - Generally, **18:21 to 18:26**
 - Industry standards, custom, usage and practices, **18:22**
 - Manufacturer's specifications or standards, failure to meet, **18:23**
 - Open and obvious dangers, **18:26**
 - Patent-latent defect rule, **18:26**
 - Recalls, **18:24**
 - Unavoidable unsafe products, **18:25**
- Elevators, silos and other storage bins, **18:283**
- Elevators and escalators, **18:211**
- Endorsers of products, **18:132**
- Enhanced injuries, second accidents or collisions and crashworthiness
 - Generally, **18:88 to 18:99**
 - Airplanes, **18:97**
 - Apportionment, **18:98**
 - Assumption of risk, **18:99**
 - Automobiles and Other Motor Vehicles, this index
 - Boats, **18:97**

INDEX

PRODUCTS LIABILITY—Cont'd

- Enhanced injuries, second accidents or collisions and crashworthiness—Cont'd
 - Burden of proof, **18:98**
 - Contributory or comparative fault, **18:99**
 - Defenses, **18:99**
 - Duty of care, **18:90**
 - Evidence, **18:98**
 - Misuse of product, **18:99**
 - Power mowers, **18:97**
 - Snowmobiles, **18:97**
 - Theories, **18:89**
 - Tractors, **18:97**
- Escalators and elevators, **18:211**
- Evidence
 - Generally, **18:14 to 18:18**
 - Absence of other accidents, **18:17**
 - Burden of proof, above
 - Defect, **18:7**
 - Enhanced injuries, second accidents or collisions and crashworthiness, **18:98**
 - Presumptions, below
 - Prior accidents, **18:15**
 - Questions of law or fact, below
 - Subsequent remedial measures or repairs, **18:16**
 - Warranty, breach of, **18:50**
- Exclusion of implied warranties, **18:49**
- Exercise equipment and supplies, **18:336**
- Expectations of consumer, **18:6, 18:78, 18:82**
- Explosives, explosions and inflammables
 - Generally, **18:322 to 18:329**
 - Blasting caps and supplies, **18:329**
 - Clothing, inflammable, **18:365**
 - Coal and charcoal, **18:323**
 - Gasoline, **18:324**
 - Kerosene, **18:325**
 - Lighters and lighter fluids, **18:326**
 - Oils, **18:327**

PRODUCTS LIABILITY—Cont'd

- Explosives, explosions and inflammables—Cont'd
 - Powders and other solids, **18:328**
- Eyeglasses and contact lenses, **18:250, 18:418**
- Fabricators of component parts, **18:135**
- Farm and agricultural machinery and equipment
 - Generally, **18:277 to 18:289**
 - Augers, **18:278**
 - Balers, **18:279**
 - Combines and harvesters, **18:280**
 - Corn machinery, **18:281**
 - Cotton machinery, **18:282**
 - Elevators, silos and other storage bins, **18:283**
 - Fertilizer spreaders, **18:284**
 - Forage blowers, **18:285**
 - Forage boxes and wagons, **18:286**
 - Irrigation systems, **18:287**
 - Milking machinery, **18:288**
 - Tractors and parts, **18:289**
- Federal Hazardous Substances Act, **18:9**
- Fertilizers. Pesticides and fertilizers, below
- Fertilizer spreaders, **18:284**
- Fingernails, **18:379**
- Firearms, other weapons and ammunition
 - Generally, **18:314 to 18:321**
 - Air guns and BB guns, **18:318**
 - Ammunition, **18:321**
 - Chemical weapons, **18:320**
 - Hand grenades, **18:319**
 - Handguns, pistols and revolvers, **18:315**
 - Rifles, **18:316**
 - Shotguns, **18:317**
 - Tear gas and mace, **18:320**
- Fire extinguishers, **18:231**
- Fitness for ordinary purposes, implied warranty of merchantability, **18:53**

PRODUCTS LIABILITY—Cont'd

Fitness for particular purpose,
implied warranty of
Generally, **18:56 to 18:64**
Advertising, **18:64**
Containers, **18:62**
Knowledge of seller as to buyer's
purpose, **18:59**
Latent defects, **18:63**
Manufacturers, **18:58**
Merchant, status of seller as, **18:57**
Ordinary purpose for which goods
are used, intended purpose of
buyer as, **18:61**
Reliance of buyer on seller's skill
and judgment, **18:60**
Flammables. Explosives, explosions
and inflammables, above
Food and beverages
Generally, **18:446 to 18:451**
Natural defects, **18:447**
Presumptions and prima facie
cases, **18:448, 18:451**
Restaurants, caterers and other
food preparers, **18:449**
Food cutters and choppers, **18:234**
Fool-proof nature of product, design
defects, **18:73**
Football, **18:337**
Forge blowers, **18:285**
Forge boxes and wagons, **18:286**
Foreseeability
Alteration or modification of prod-
uct, **18:163**
Design defects, **18:84**
Drugs and medicines, strict
liability in tort, **18:388**
Forklifts and forklift trucks, **18:199**
Formaldehyde, **18:218**
Franchisors, **18:133**
Fraud and related wrongs
Generally, **18:67**
Drugs and medicines, **18:389**
Property damage, **18:143**
Fumigants, **18:437**
Fungicides, **18:440**

PRODUCTS LIABILITY—Cont'd

Fur coats and accessories, **18:353**
Furnaces and other heating apparatus,
18:225
Furniture, furnishings, appliances and
equipment
Generally, **18:223 to 18:235**
Burglar alarms, **18:232**
Fire extinguishers, sprinkler
systems and smoke detectors,
18:231
Furnaces and other heating appara-
tus, **18:225**
Gas, gas companies or suppliers
and liquid gas furnishers,
18:228
Kitchen and cooking, **18:224**
Laundry equipment, cleaners,
washers and dryers, **18:233**
Meat grinders, food cutters and
choppers, **18:234**
Stoves, **18:226**
Televisions, **18:229**
Water heaters, **18:227**
Games. Toys, games and recreation
and athletic equipment and sup-
plies, below
Gas, gas companies or suppliers and
liquid gas furnishers, **18:228**
Gas masks, **18:241**
Gasoline, **18:324**
Generics, **18:394.10**
Glass bottles and jars
Generally, **18:290 to 18 to 305**
Beer bottles, **18:291**
Bubble-Up bottles, **18:294**
Champagne bottles, corks and
stoppers, **18:292**
Coca-Cola bottles, **18:295**
Dr. Pepper bottles, **18:296**
Milk bottles, **18:293**
Pepsi-Cola bottles, **18:297**
Seven-Up bottles, **18:299**
Soda water, club soda, seltzer and
spring water bottles, **18:300**
Soft drink and mixer bottles,
18:294 to 18:300

INDEX

PRODUCTS LIABILITY—Cont'd

- Gloves, **18:356**
- Glues and other adhesives, **18:215**
- Government contract defense,
18:168, 18:169
- Graders, **18:197**
- Grandstands and other seating equip-
ment, **18:343**
- Grinding devices and wheels, **18:273**
- Gymnastics, **18:338**
- Hair care products
 - Generally, **18:370 to 18:376**
 - Dyes and rinses, **18:371**
 - Permanents and waving prepara-
tions, **18:372**
 - Removers, **18:373**
 - Shampoos and conditioners,
18:374
 - Straighteners and relaxants, **18:375**
- Hammers, **18:263**
- Hand grenades, **18:319**
- Handguns, **18:315**
- Harvesters and combines, **18:280**
- Health care. Medical and health care
equipment and supplies, below
- Heating apparatus, **18:225**
- Hepatitis and other contracted
diseases and ailments, **18:445**
- Herbicides and weed killers, **18:441**
- History, **18:2**
- Hockey, **18:339**
- Hoisting devices, **18:198, 18:199**
- Home and office furnishings, **18:366**
- Horizontal privity, **18:3**
- Hoses, tubes and pipes, **18:247**
- Hospital beds, **18:419**
- Hot water bottles and bags, **18:420**
- Houses, buildings and other
structures
 - Generally, **18:206 to 18:221**
 - Air conditioning, **18:221**
 - Asbestos, **18:217**
 - Cement and concrete, **18:216**
 - Dumbwaiters, **18:211**
 - Elevators and escalators, **18:211**

PRODUCTS LIABILITY—Cont'd

- Houses, buildings and other
structures—Cont'd
- Equipment and supplies, generally,
18:212 et seq.
- Formaldehyde, **18:218**
- Glues and other adhesives, **18:215**
- Houses, generally, **18:206 to**
18:209
- Implied warranties, **18:207**
- Lumber, **18:213**
- Mobile homes, **18:210**
- Negligence, **18:208**
- Paint, **18:214**
- Polyurethane and
polyvinylchloride, **18:219**
- Roofs, **18:220**
- Scaffolds, **18:222**
- Strict liability in tort, **18:209**
- Hydraulic presses, **18:256**
- Identity of manufacturer or other sup-
plier, **18:118**
- Implied warranties. Warranty, breach
of, below
- Inconsistency of verdicts, **18:20**
- Incubators, **18:421**
- Indemnity, **3:31**
- Industry standards, **18:22**
- Inflammables. Explosives, explosions
and inflammables, above
- Injection and molding presses,
18:259
- Insecticides, **18:439**
- Inspection and testing
 - Generally, **18:113 to 18:115**
 - Manufacturers, **18:114**
 - Sellers, wholesales and distribu-
tors, **18:115**
- Instructions to jury as to theories,
18:20
- Instructions. Warnings and instruc-
tions for use, below
- Insurer, supplier status as, **18:73**
- Intervening causes, **18:38**
- Intra-industry liability, **18:117**
- Intrauterine devices, **18:422**

PRODUCTS LIABILITY—Cont'd

- Irrigation systems, **18:287**
- Isolated transactions, lessors or bailors of personal property, **18:130**
- Jackets and coats, **18:352, 18:353**
- Jars. Glass bottles and jars, above Kerosene, **18:325**
- Kitchen and cooking, **18:224**
- Knowledge
 - Design defects, negligence, **18:86**
 - Fitness for particular purpose, implied warranty of, **18:59**
 - Warnings and instructions for use, below
- Labelling machinery, **18:242**
- Ladders, **18:274 to 18:276**
- Lapse of time, effect of, **18:8**
- Laundry equipment, cleaners, washers and dryers, **18:233**
- Lawn darts, **18:331**
- Lawn mowers, **18:97, 18:271, 18:272**
- Laxatives, **18:407**
- Lessors or bailors of personal property
 - Generally, **18:128 to 18:130**
 - Isolated transactions, **18:130**
 - Negligence, **18:129**
 - Strict liability in tort, **18:129**
 - Theories, **18:129**
 - Warranty, breach of, **18:129**
- Lifting devices, **18:198, 18:199**
- Lighters and lighter fluids, **18:326**
- Lipsticks, **18:377**
- Liquid gas furnishers, **18:228**
- Livestock and livestock feeds and medicines, **18:456, 18:457**
- Loaders, **18:197**
- Lotions, creams and oils, **18:368**
- Lumber, **18:213**
- Mace, **18:320**
- Machinery, apparatus and appliances
 - Generally, **18:235 to 18:261**
 - Canning and bottling machines, **18:236**

PRODUCTS LIABILITY—Cont'd

- Machinery, apparatus and appliances—Cont'd
- Compressors and compressor tanks, **18:237**
- Computers and software, **18:238**
- Conveyors and conveyor belts, **18:239**
- Cylinders, cylinder caps and similar parts, **18:240**
- Gas masks, **18:241**
- Glasses, clothing, belts, etc., **18:250**
- Labelling, marking and stamping machinery, **18:242**
- Mining machinery and equipment, **18:243**
- Molding machinery and dies, **18:244**
- Oil well and drilling equipment, **18:245**
- Paper machinery, **18:246**
- Pipes, tubes and hoses, **18:247**
- Presses, below
- Pumps, **18:248**
- Rollers and rolling mills, **18:249**
- Safety equipment, **18:250**
- Shearing, cutting, slitting, etc. machinery and devices, **18:251**
- Textile machinery, **18:252**
- Manufacturers, generally, **18:118 to 18:120**
- Maritime jurisdiction, **18:11, 18:12**
- Marking machinery, **18:242**
- Mascara and other eye-related products, **18:378**
- Meat grinders, **18:234**
- Medical and health care equipment and supplies
 - Generally, **18:414 to 18:429**
 - Blood and blood equipment and supplies, above
 - Braces, **18:416**
 - Catheters, **18:417**
 - Eyeglasses and contact lenses, **18:418**

INDEX

PRODUCTS LIABILITY—Cont'd

- Medical and health care equipment and supplies—Cont'd
 - Hospital beds, **18:419**
 - Hot water bottles and bags, **18:420**
 - Incubators, **18:421**
 - Intrauterine devices, **18:422**
 - Prosthetic devices, **18:423**
 - Surgical equipment and instruments, **18:425**
 - Surgical implants and pins, **18:424**
 - Tampons and sanitary napkins, **18:426**
 - Vaporizers, **18:427**
 - Wheelchairs, **18:428**
 - X-ray equipment and supplies, **18:429**
- Medicines. Drugs and medicines, above
- Merchantability, implied warranty of
 - Generally, **18:52 to 18:55**
 - Advertising, **18:55**
 - Fitness for ordinary purposes, **18:53**
 - Latent defects, **18:54**
- Milk bottles, **18:293**
- Milking machinery, **18:288**
- Mining machinery and equipment, **18:243**
- Miscarriage preventatives, **18:406**
- Misuse, abuse or abnormal use
 - Generally, **18:158 to 18:161**
 - Enhanced injuries, second accidents or collisions and crashworthiness, **18:99**
 - Negligence, **18:159**
 - Strict liability in tort, **18:160**
 - Warranty, breach of, **18:161**
- Mobile homes, **18:210**
- Modification of implied warranties, **18:49**
- Modification of product. Alteration or modification of product, above
- Molding and injection presses, **18:259**
- Molding machinery and dies, **18:244**

PRODUCTS LIABILITY—Cont'd

- Motorboats, **18:204**
- Nail products, **18:379**
- Negligence
 - Generally, **18:41 to 18:43**
 - Assumption of risk, **18:155**
 - Comparative fault, **18:150**
 - Conflict of laws, **2:26**
 - Contributory negligence, **18:146**
 - Design defects, above
 - Duty of care, **18:42**
 - Houses, buildings and other structures, **18:208**
 - Lessors or bailors of personal property, **18:129**
 - Misuse, abuse or abnormal use, **18:159**
 - Property damage, **18:141**
 - Unavoidable accident, **18:43**
 - Warnings and instructions for use, **18:104, 18:105**
 - Wear and tear, **18:43**
- Nightgowns and robes, **18:357**
- Notice, breach of warranty, **18:50**
- Office furnishings, **18:366**
- Oils, explosions, **18:327**
- Oils, lotions and creams, **18:368**
- Oil well and drilling equipment, **18:245**
- Open and obvious danger
 - Generally, **18:26**
 - Design defects, **18:80**
 - Warnings and instructions for use, **18:110**
- Opioids, **18:407.10**
- Oral contraceptives, **18:402**
- Organic phosphates, **18:437**
- Overall survey, **18:173**
- Packages. Containers and packaging, above
- Paint, **18:214**
- Pajamas, **18:358**
- Paper machinery, **18:246**
- Parachutes, **18:344**
- Patent-latent defect rule, **18:26**
- Pepsi-Cola bottles, **18:297**

PRODUCTS LIABILITY—Cont'd

- Perfumes and colognes, **18:380**
- Permanents and waving preparations, **18:372**
- Personal care products
 - Generally, **18:367 to 18:381**
 - Creams, lotions and oils, **18:368**
 - Deodorants and antiperspirants, **18:369**
 - Fingernails, **18:379**
 - Hair care products, above
 - Lipsticks, **18:377**
 - Mascara and other eye-related products, **18:378**
 - Nail products, **18:379**
 - Perfumes and colognes, **18:380**
 - Soaps for persons, **18:381**
- Persons and entities liable
 - Generally, **18:116 to 18:133**
 - As is sales of goods, **18:126**
 - Certifiers of products, **18:131**
 - Endorsers of products, **18:132**
 - Franchisors, **18:133**
 - Identity of manufacturer or other supplier, **18:118**
 - Intra-industry liability, **18:117**
 - Lessors or bailors of personal property, above
 - Manufacturers, **18:118 to 18:120**
 - Motor vehicles, sellers of, **18:127**
 - Repairers, **18:123**
 - Retailers, **18:120, 18:124 to 18:127**
 - Sellers, **18:124 to 18:127**
 - Strict liability in tort, sellers who may be subject to, **18:119**
 - Trademark licensors, **18:133**
 - Used goods, sellers of, **18:125**
 - Wholesalers, **18:119, 18:120**
- Persons who may recover, **18:136, 18:137**
- Pesticides and fertilizers
 - Generally, **18:437 to 18:441**
 - Chlorinated hydrocarbons, **18:437**
 - Fumigants, **18:437**
 - Fungicides, **18:440**

PRODUCTS LIABILITY—Cont'd

- Pesticides and fertilizers—Cont'd
 - Insecticides, **18:439**
 - Organic phosphates, **18:437**
 - Rodenticides, **18:437**
 - Weed killers and herbicides, **18:441**
- Pipes, tubes and hoses, **18:247**
- Pistols, **18:315**
- Pitocin, **18:408**
- Playgrounds, **18:345**
- Pleasure boats, **18:204**
- Polio vaccine, **18:411**
- Polyurethane and polyvinylchloride, **18:219**
- Powders and other solids, explosives and explosions, **18:328**
- Power presses, **18:260**
- Power tools. Tools and power tools, below
- Presses
 - Generally, **18:253 to 18:261**
 - Die presses and press brakes, **18:254**
 - Drill presses, **18:255**
 - Hydraulic presses, **18:256**
 - Molding and injection presses, **18:259**
 - Power presses, **18:260**
 - Printing presses, **18:258**
 - Punch presses, **18:257**
- Presumptions
 - Defenses, **18:144**
 - Food and beverages, **18:448, 18:451**
 - State-of-the-art, **18:167**
- Pretrial matters, **18:13**
- Prima facie case, food and beverages, **18:448, 18:451**
- Printing presses, **18:258**
- Prior accidents, evidence, **18:15**
- Privity
 - Generally, **18:3, 18:4**
 - Contractual privity, **18:4**
 - Vertical or horizontal privity, **18:3**

INDEX

PRODUCTS LIABILITY—Cont'd

- Processors of component parts, **18:135**
- Products vs. services, **18:171, 18:172**
- Promotional activities, drugs and medicines, **18:391**
- Property damage
 - Generally, **18:138 to 18:143**
 - Economic loss, **18:139**
 - Negligence, **18:141**
 - Strict liability in tort, **18:140**
 - Tortious misrepresentation, **18:143**
 - Warranty, breach of, **18:142**
- Prosthetic devices, **18:423**
- Psychotropic drugs, **18:409**
- Pumps, **18:248**
- Punch presses, **18:257**
- Quality control. Inspection and testing, above
- Questions of law or fact
 - Causation, **18:37**
 - Design defects, **18:76**
 - Warnings and instructions for use, **18:103**
- Radial arm saws, **18:268**
- Railroads, **18:202**
- Recalls, **18:24**
- Recreational vehicles, **18:347**
- Recreation equipment. Toys, games and recreation and athletic equipment and supplies, below
- Relaxants and straighteners, **18:375**
- Reliance, implied warranty of fitness for particular purpose, **18:60**
- Removers, hair care products, **18:373**
- Rendition of services, **18:172**
- Repairers, **18:123**
- Restaurants, **18:449**
- Retailers, generally, **18:120, 18:124 to 18:127**
- Revolvers, **18:315**
- Riding lawn mowers, **18:272**
- Rifles, **18:316**
- Rinses and dyes, **18:371**
- Risk-utility or risk-benefit analysis, design defects, **18:77, 18:82**

PRODUCTS LIABILITY—Cont'd

- Road and related heavy machinery and equipment, **18:197**
- Robes and nightgowns, **18:357**
- Rodenticides, **18:437**
- Rollers and rolling mills, **18:249**
- Roofs, **18:220**
- Safety equipment, **18:250**
- Sanitary napkins and tampons, **18:426**
- Saws
 - Generally, **18:265 to 18:269**
 - Chain saws, **18:266**
 - Circular saws, **18:267**
 - Radial arm saws, **18:268**
 - Table saws, **18:269**
- Scaffolds, **18:222**
- Second accidents. Enhanced injuries, second accidents or collisions and crashworthiness, above
- Seltzer bottles, **18:300**
- Services vs. products, **18:171, 18:172**
- Seven-Up bottles, **18:299**
- Shampoos and conditioners, **18:374**
- Shearing machinery and devices, **18:251**
- Ships and boats, **18:97, 18:203, 18:204**
- Shirts and blouses, **18:360**
- Shoes, **18:361**
- Shopping carts, **18:201**
- Shotguns, **18:317**
- Side effects of drugs, **18:390**
- Silos and other storage bins, **18:283**
- Skiing, **18:340**
- Skirts and dresses, **18:355**
- Slacks and pants, **18:359**
- Slingshots, **18:332**
- Slippers, **18:362**
- Slitting machinery and devices, **18:251**
- Smoke detectors, **18:231**
- Snowmobiles, **18:97**
- Soaps and other cleaners, **18:381, 18:435**
- Soda water bottles, **18:300**

PRODUCTS LIABILITY—Cont'd

- Soft drink and mixer bottles, **18:294 to 18:300**
- Special verdicts, **18:20**
- Spring water bottles, **18:300**
- Sprinkler systems, **18:231**
- Stamping machinery, **18:242**
- Staple guns and staples, **18:270**
- State-of-the-art
 - Generally, **18:166 to 18:167**
 - Relevant time for determination, **18:168**
 - Statutory presumptions, **18:167**
- Statutes
 - Generally, **18:9, 18:10**
 - Consumer product safety acts, **18:9**
 - Federal Hazardous Substances Act, **18:9**
 - State statutes, **18:10**
 - Violations, generally, **18:66**
- Statutes of limitation, **5:41**
- Stepladders, **18:276**
- Stoves, **18:226**
- Straighteners and relaxants, **18:375**
- Strict liability in tort
 - Generally, **18:27 to 18:30**
 - Adopting jurisdictions, **18:28**
 - Assumption of risk, **18:156**
 - Blood and blood equipment and supplies, **18:444**
 - Comparative fault, **18:151**
 - Conflict of laws, **2:28**
 - Contributory negligence, **18:147**
 - Design defects, above
 - Distinguished from other theories, **18:30**
 - Drugs and medicines, above
 - Houses, buildings and other structures, **18:209**
 - Lessors or bailors of personal property, **18:129**
 - Misuse, abuse or abnormal use, **18:160**
 - Persons and entities liable, **18:119**
 - Property damage, **18:140**
 - Rejecting jurisdictions, **18:29**

PRODUCTS LIABILITY—Cont'd

- Strict liability in tort—Cont'd
 - Variations in rule, **18:29**
 - Warnings and instructions for use, **18:105, 18:106**
- Structures. Houses, buildings and other structures, above
- Stud guns and staples, **18:270**
- Subsequent remedial measures or repairs, **18:16**
- Suits and uniforms, **18:363**
- Superseding causes, **18:39**
- Suppositories, **18:410**
- Surgical equipment and instruments, **18:425**
- Surgical implants and pins, **18:424**
- Swimming pools, **18:346**
- Swine flu vaccine, **18:412**
- Table saws, **18:269**
- Tampons and sanitary napkins, **18:426**
- Tanks, **18:311**
- Tear gas, **18:320**
- Televisions, **18:229**
- Tents, **18:366**
- Testing. Inspection and testing, above
- Textile machinery, **18:252**
- Thalidomide, **18:401**
- Theories
 - Generally, **18:19, 18:20, 18:65 to 18:68**
 - Fraud and deceit, **18:67**
 - Instructions to jury as to theories, **18:20**
 - Misrepresentation, **18:68**
 - Negligence, above
 - Statute, violation of, **18:66**
 - Strict liability in tort, above
 - Unreasonably dangerous doctrine, below
 - Verdicts, **18:20**
 - Warranty, breach of, below
- Time of defect, **18:8**
- Tobacco
 - Generally, **18:452 to 18:455**
 - Chewing tobacco, **18:453**

INDEX

PRODUCTS LIABILITY—Cont'd

- Tobacco—Cont'd
 - Cigarettes, **18:454**
 - Vaping products, **18:454.10**
- Tools and power tools
 - Generally, **18:262 to 18:276**
 - Abrasive and grinding devices and wheels, **18:273**
 - Aluminum ladders, **18:275**
 - Hammers, **18:263**
 - Ladders, **18:274 to 18:276**
 - Lawn mowers, **18:271, 18:272**
 - Riding lawn mowers, **18:272**
 - Saws, below
 - Stepladders, **18:276**
 - Stud and staple guns and staples, **18:270**
- Tops, **18:333**
- Toxic torts. Chemicals and similar products, above
- Toys, games and recreation and athletic equipment and supplies
 - Generally, **18:330 to 18:347**
 - Amusement rides, **18:341**
 - Baseball, **18:335**
 - Bicycles, **18:342**
 - Bleachers, grandstands and other seating equipment, **18:343**
 - Darts and lawn darts, **18:331**
 - Exercise equipment and supplies, **18:336**
 - Football, **18:337**
 - Gymnastics, **18:338**
 - Hockey, **18:339**
 - Parachutes, **18:344**
 - Playgrounds, **18:345**
 - Recreational vehicles, **18:347**
 - Skiing, **18:340**
 - Slingshots, **18:332**
 - Swimming pools, **18:346**
 - Tops, **18:333**
- Tractors and parts
 - Enhanced injuries, second accidents or collisions and crashworthiness, **18:97**

PRODUCTS LIABILITY—Cont'd

- Tractors and parts—Cont'd
 - Farm and agricultural machinery and equipment, **18:289**
- Trademark licensors, **18:133**
- Transportation
 - Generally, **18:175 to 18:205**
 - Aircraft, **18:205**
 - Automobiles and Other Motor Vehicles, this index
 - Backhoes and bulldozers, **18:197**
 - Boats and ships, **18:203, 18:204**
 - Cranes and booms, **18:198**
 - Derricks, **18:198**
 - Diggers, **18:197**
 - Earthmovers, **18:197**
 - Forklifts and forklift trucks, **18:199**
 - Graders, **18:197**
 - Lifting and hoisting devices, **18:198, 18:199**
 - Loaders, **18:197**
 - Motorboats and pleasure boats, **18:204**
 - Railroads, **18:202**
 - Road and related heavy machinery and equipment, **18:197**
 - Shopping carts, **18:201**
- Trial matters, **18:18**
- Tubes, pipes and hoses, **18:247**
- Unavoidable accident, **18:43**
- Unavoidable unsafe products, **18:25**
- Undergarments, **18:364**
- Uniforms and suits, **18:363**
- Unique quality of design defects, **18:71**
- Unreasonably dangerous doctrine
 - Generally, **18:31 to 18:35**
 - Jurisdictions eliminating requirement, **18:34, 18:35**
 - Variations in rule, **18:32**
- Used goods, sellers of, **18:125**
- Vaccines, **18:411 to 18:413**
- Vaping products, **18:454.10**
- Vaporizers, **18:427**
- Vertical privity, **18:3**

PRODUCTS LIABILITY—Cont'd

- Waiver of implied warranties, **18:49**
- Warnings and instructions for use
 - Generally, **18:100 to 18:112**
 - Adequacy of warnings, **18:111**
 - Allergies and unusually susceptible consumers, **18:349**
 - Causation, **18:102**
 - Continuing duty to warn, **18:101**
 - Drugs and medicines, **18:392, 18:393**
 - Knowledge of danger
 - Generally, **18:108 to 18:110**
 - Defendant, **18:108**
 - Open and obvious dangers, **18:110**
 - Plaintiff, **18:109**
 - Negligence, **18:104, 18:105**
 - Open and obvious dangers, **18:110**
 - Postsale or posttransaction warnings, **18:101**
 - Questions of law or fact, **18:103**
 - Strict liability in tort, **18:105, 18:106**
 - Warranty, breach of, **18:107**
- Warranty, breach of
 - Generally, **18:44 to 18:64**
 - Advertising, **18:47**
 - Assumption of risk, **18:157**
 - Comparative fault, **18:152**
 - Conflict of laws, **2:27**
 - Contributory negligence, **18:148**
 - Design defects, **18:87**
 - Disclaimer of implied warranties, **18:49**
 - Drugs and medicines, **18:385**
 - Evidence of breach, **18:50**
 - Exclusion of implied warranties, **18:49**
 - Express warranties, **18:45 to 18:47**
 - Fitness for particular purpose, implied warranty of, above
 - Houses, buildings and other structures, **18:207**
 - Implied warranties, generally, **18:48 et seq.**

PRODUCTS LIABILITY—Cont'd

- Warranty, breach of—Cont'd
 - Lessors or bailors of personal property, **18:129**
 - Merchantability, implied warranty of, above
 - Misuse, abuse or abnormal use, **18:161**
 - Modification of implied warranties, **18:49**
 - Notice of breach, **18:50**
 - Property damage, **18:142**
 - Waiver of implied warranties, **18:49**
 - Warnings and instructions for use, **18:107**
- Washers and dryers, **18:233**
- Water heaters, **18:227**
- Waving preparations and permanents, **18:372**
- Weapons. Firearms, other weapons and ammunition, above
- Wear and tear, **18:43**
- Wearing apparel. Clothing and wearing apparel, above
- Weed killers and herbicides, **18:441**
- Wheelchairs, **18:428**
- Wholesalers, **18:119, 18:120**
- Workers compensation, **12:64.10**
- Wrapping materials, **18:312**
- X-ray equipment and supplies, **18:429**

PROFESSIONAL ADVISERS

- Fraud and deceit, **32:24**

PROFESSIONAL NEGLIGENCE

- Generally, **15:1 et seq.**
- Accountants, this index
- Architects, Engineers, and Contractors, this index
- Attorneys. Legal Malpractice, this index
- Druggists, Pharmacists, and Apothecaries, this index
- Health professionals. Medical Malpractice, this index

INDEX

PROFESSIONAL NEGLIGENCE

—Cont'd

Miscellaneous occupations and trades, **15:130**

PROFESSIONS

Business or Profession, this index

PROFITS

Copyrights, **31:37**

Lost Profits, this index

Trade Secrets, this index

PROMOTIONAL ACTIVITIES

Products liability, drugs and medicines, **18:391**

PROPERTY

Civil rights, **25:6**

Personal Property, this index

Products Liability, this index

Real Estate, this index

PROSECUTING ATTORNEYS

Generally, **6:43**

PROSPECTIVE CONTRACTUAL RELATIONS

Interference with Prospective or Future Contractual Relations, this index

PROSPECTUSES

Securities regulation, **32:186**

PROSTHETIC DEVICES

Products liability, **18:423**

PROTECTIVE ACTS

Proximate cause, **11:14**

PROTECTIVE ORDERS

Trade secrets, **34:27**

PROXIES AND PROXY STATEMENTS

Securities regulation, **32:187**

PROXIMATE CAUSE

Generally, **11:1 to 11:24**

But for test, **11:2**

Cause in fact, **11:6**

PROXIMATE CAUSE—Cont'd

Comparative fault, **13:24**

Concurrent causes, **11:5**

Confused state of case authorities, **11:1**

Consequences, natural and probable, **11:4**

Contributory negligence, **12:65 to 12:67**

Criminal acts

Opportunity afforded by actor's negligence, **11:17**

Probability of makes actor's conduct negligent, **11:18**

Emotional impulse, **11:13**

Extraordinary force of nature, harm increased or accelerated, **11:19**

Foreseeability, **11:3**

Impulse emotion act, **11:13**

Intentional injuries, **11:23**

Intentional torts

Opportunity afforded by actor's negligence, **11:17**

Probability of makes actor's conduct negligent, **11:18**

Intervening acts, negligence in, **11:16**

Intervening Force, this index

Natural and probable consequences, **11:4**

Necessity, privileges tortiously impeded, **11:15**

Negligence principles, **11:22**

Palsgraf case, **11:7**

Particular events, **11:22**

Plaintiffs, unforeseeable, **11:7**

Plaintiff's negligence as remote cause, **12:66**

Principles, history and development, **11:1**

Privileges tortiously impeded, acts necessary to exercise, **11:15**

Probable and natural consequences, **11:4**

Protective acts from danger threatened by actor's negligence, **11:14**

Questions of fact and law, **11:8**

PROXIMATE CAUSE—Cont'd

- Strict liability, **11:22**
- Substantial factor test, **11:2**
- Superseding cause. Intervening
Force, this index
- Testing, **12:67**
- Third person's failure to prevent
harm, **11:21**
- Unforeseeable consequences, **11:7**
- Unlawful acts, **11:24**
- Wagon Mound case, **11:7**
- Willful and unlawful acts, **11:24**

**PSYCHIATRISTS AND
PSYCHOLOGISTS**

- Defamation, **29:75**
- Medical Malpractice, this index

**PSYCHIC AND EMOTIONAL
INJURIES**

- Generally, **16:1 to 16:43**
- Abusive or insulting language, **16:8**
- Association, club or professional
group, suspension, expulsion or
exclusion, **16:7**
- Bodily or physical injury, necessity
of, **16:2, 16:25**
- Bystanders. Witnessing or bystander
situations, below
- Contaminated food, **16:10**
- Contemporaneous physical injury,
necessity of, **16:2**
- Contract, **16:31**
- Damages, **8:28**
- Damages for in the womb, **16:11**
- Dead Bodies, this index
- Debtor harassment situations, **16:28**
- Defamation, damages, **29:131**
- Employer wrongs and employee
grievances, **16:29**
- Factors, **16:3**
- False imprisonment, **27:5**
- Fraud, **16:4**
- Future mental anguish, **16:5**
- Horseplay, **16:9**
- Impact doctrine
Modern view, **16:16**

**PSYCHIC AND EMOTIONAL
INJURIES—Cont'd**

- Impact doctrine—Cont'd
Old rule, **16:15**
- Practice considerations, **16:14**
- Infliction of emotional distress,
intentional or reckless
Generally, **16:21 to 16:31**
- Debtor harassment situations,
16:28
- Employer wrongs and employee
grievances, **16:29**
- Illustrations, recovery allowed,
16:18
- Insurers, wrongful acts and activi-
ties, **16:30**
- Outrage, tort of, **16:21**
- Physical injury or bodily harm,
necessity of, **16:25**
- Questions for court or jury, **16:22**
- Recovery denied, illustrative situa-
tions, **16:27**
- Recovery sanctioned, illustrative
situations, **16:26**
- Severe, serious, or extreme
conduct as prerequisite, **16:24**
- Third persons, conduct directed at,
16:23
- Infliction of emotional distress,
negligent
Generally, **16:17 to 16:20**
- Parents' right to recover, **16:20**
- Recovery allowed, illustrations,
16:18
- Recovery denied, illustrations,
16:19
- Recovery denied, illustrations,
16:19
- Insurers, wrongful acts and activities,
16:30
- Language, abusive or insulting, **16:8**
- Legal malpractice, **16:13**
- Malicious prosecution of civil
proceeding, **28:27**
- Outrage, tort of, **16:21**
- Parents' right to recover, **16:20**

INDEX

PSYCHIC AND EMOTIONAL INJURIES—Cont'd

- Physical or bodily injury, necessity of, **16:2, 16:25**
- Practical jokes, **16:9**
- Property damage, **16:6**
- Rudeness, **16:8**
- Statutory violation, **16:12**
- Threats, **16:8**
- Witnessing or bystander situations
 - Generally, **16:32 to 16:39**
 - Breach of warranty situations, **16:38**
 - Immediacy or observation, **16:37**
 - Intentional or reckless conduct directed at third persons, **16:32**
 - Pets, **16:39**
 - Property damage, **16:39**
 - Reasonable foreseeability doctrine, **16:35**
 - Scope of liability, basic rules, **16:33**
 - Strict tort liability, **16:38**
 - Temporal or spatial considerations, **16:37**
 - Victim and plaintiff, effect of relationship between, **16:36**
 - Zone of danger rule, **16:34, 16:35**

PSYCHOTROPIC DRUGS

- Products liability, **18:409**

PUBLICATION

- Defamation, this index
- Disparagement of goods or services, **33:4**

PUBLIC DEFENDERS

- Generally, **6:43**

PUBLIC INTEREST PRIVILEGE

- Interference with prospective or future contractual relations, **31:147**

PUBLICITY

- Privacy, **30:39, 30:40**

PUBLIC OFFICERS AND EMPLOYEES

- Administrative officers, **6:42, 6:43**
- Assault and battery, **26:24**
- Counties, **6:26**
- Discharge From Employment, this index
- Discretionary functions, **6:35**
- Executive officers, **6:41**
- Immunity
 - Generally, **6:33 to 6:44**
 - Administrative officers, **6:42, 6:43**
 - Counties, **6:26**
 - Discretionary functions, **6:35**
 - Executive officers, **6:41**
 - Governmental immunity vis-a-vis official immunity, **6:34**
 - History, **6:33**
 - Judicial officers, **6:40**
 - Legislation, effect of, **6:33**
 - Legislative officers, **6:39**
 - Municipal corporations, **6:23**
 - Private defense attorneys, **6:43**
 - Prosecuting attorneys, **6:43**
 - Public defenders, **6:43**
 - Public officers vis-a-vis employees, **6:34**
 - Quasi-judicial officers, **6:42, 6:43**
 - Rule and rationales, **6:33**
 - School boards and districts, **6:30**
 - States and state agencies, **6:18, 6:37**
 - Subdivision officers, **6:38**
 - Territorial officers, **6:37**
 - United States officers, **6:36**
 - Witnesses, **6:44**
- Judicial officers, **6:40**
- Legislative officers, **6:39**
- Municipal corporations, **6:23**
- Private defense attorneys, **6:43**
- Prosecuting attorneys, **6:43**
- Public defenders, **6:43**
- Quasi-judicial officers, **6:42, 6:43**
- School boards and districts, **6:30**
- States and state agencies, **6:18, 6:37**
- Subdivision officers, **6:38**

**PUBLIC OFFICERS AND
EMPLOYEES—Cont'd**

Territorial officers, **6:37**
Trade secrets, **34:81**
United States, this index
Witnesses, **6:44**

**PUBLIC POLICY FUNCTION
TEST**

Tests and criteria, **6:12.10**

PUFFING

Fraud and deceit, **32:26**

PUMPS

Products liability, **18:248**

PUNCH PRESSES

Products liability, **18:257**

PUNITIVE DAMAGES

Generally, **8:51 to 8:71**
Actual harm, necessity of, **8:67**
Appeal of punitive damages award,
8:65
Apportionment, multiple defendants
and, **8:63**
Awards for excessiveness, **8:66**
Bankruptcy, **8:71**
Basis for award, **8:52**
Civil rights, **25:29**
Comparative fault, role of, **8:61**
Compensatory damages, necessity of,
8:67
Conduct justifying, **8:53**
Conflict of laws, **2:47**
Constitutional issues, **8:54**
Conversion, **24:16**
Defamation, **29:133, 29:134**
Defendant's conduct, standard of
proof, **8:70**
Discharge from employment, **34:106**
Disparagement of goods or services,
33:10
Equitable actions, **8:56**
Fraud and deceit, **32:125 to 32:127**
History, **8:51**
Insurability, **8:60**

PUNITIVE DAMAGES—Cont'd

Interference with advantageous busi-
ness or economic relations,
31:98
Interference with contractual rela-
tions, **31:68**
Judicial review, **8:65**
Jury, role of, **8:64**
Malicious prosecution of criminal
proceeding, **28:18**
Multiple defendants and apportion-
ment, **8:63**
Prima facie tort, **35:30**
Purposes, **8:52**
Settlement, effect on liability, contri-
bution and setoff, **8:62**
Slander of title, **33:22**
Standard of proof, defendant's
conduct, **8:70**
Successor corporation, liability of,
8:59
Taxation, **8:71**
Trade secrets, **34:60**
Vicarious liability, **8:58**
Wealth, evidence of
Discovery, **8:68**
Who may be liable, **8:57**
Who may recover, **8:55**

PURPOSE OF TORT LAW

Generally, **1:3**

**PYRAMID DISTRIBUTION
SCHEMES**

Consumer protection and fraud
prevention, **32:168**

QUALIFIED PRIVILEGE

Generally, **5:21**
Defamation, this index

QUALITY CONTROL

Products Liability, this index

QUASI-CONTRACT

Relationship to tort law, **1:24**
Waiver of tort and action on implied
contract, **1:24**

INDEX

QUASI IN REM JURISDICTION

Generally, **7:3 to 7:5**

QUASI-JUDICIAL OFFICERS

Generally, **6:42, 6:43**

QUESTIONS OF LAW AND FACT

Abnormal activities, **19:6**

Assault and battery, **26:4**

Cause in fact, **11:6**

Conflict of laws, **2:54**

Contributory negligence, **12:6**

Defamation, **29:43, 29:44**

Discharge from employment, **34:104**

Fraud and Deceit, this index

Grossly negligent conduct, question of fact for jury, **10:18**

Malicious prosecution of civil proceeding, **28:30**

Malicious prosecution of criminal proceeding, **28:13**

Products Liability, this index

Proximate cause, **11:8**

Willful, wanton or reckless conduct, question of fact for jury, **10:8**

RACE, COLOR OR NATIONALITY

Defamation, **29:80**

RACING SHOWS

Spectators, injury to, **9:61**

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)

Generally, **32:216 to 32:232**

Business, defined, **32:226**

Causation, **32:219**

Damages, **32:231, 32:232**

Elements of claim, **32:223**

Enterprise, defined, **32:225**

Evidence, **32:230**

History, **32:217**

Jurisdiction, **32:220**

Parties, **32:221, 32:222**

Pattern of racketeering activity, **32:224**

Person, defined, **32:225**

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)—Cont'd

Pleadings, **32:227, 32:228**

Prerequisites to liability, **32:218**

Property, defined, **32:226**

Purpose, **32:217**

Racketeering activity, **32:224**

Remedies, **32:229**

Sedima case, **32:218**

Treble damages, **32:231**

RADIAL ARM SAWS

Products liability, **18:268**

RADIATION POLLUTION

Generally, **20:53 to 20:55**

Water pollution, radioactive waste as form of, **20:40.10**

RADIO AND TELEVISION

Defamation, **29:53**

Products liability, **18:229**

RAILROADS

Accidents, **9:41**

Products liability, **18:202**

RAMPS OR INCLINED FLOORS

Premises liability, **14:37**

RATIFICATION

Fraud and deceit, **32:116**

Imputed liability, **4:5**

REAL ESTATE

Brokers or agents

Real Property and Property Specialists, **15:124**

Consumer protection and fraud prevention, **32:166**

Damages, this index

Fraud and Deceit, this index

Interference with contractual relations, **31:71**

Interference with prospective or future contractual relations, **31:130, 31:131**

Specific Applications, **15:97**

REASONABLENESS

Generally, **1:37**

RECALLS

Products liability, **18:24**

RECIPROCITY

Generally, **1:37**

RECKLESS CONDUCT

Willful, Wanton, or Reckless
Conduct, this index

RECREATION

Products Liability, this index
Swimming and Swimming Pools, this
index

RECREATIONAL VEHICLES

Products liability, **18:195, 18:347**

**REDUCTION TO PRESENT
WORTH**

Damages, **8:15**

REGULATIONS

Contributory negligence, **12:12,**
12:13, 12:16

RELATIONSHIP TO TORT LAW

Workers Compensation Law, **1:28.20**

RELATIVES

Family and Relatives, this index

RELAXANTS AND

STRAIGHTENERS

Products liability, **18:375**

RELEASES

Compromises, Settlements and
Releases, this index

RELIANCE

Fraud and Deceit, this index
Products liability, implied warranty
of fitness for particular purpose,
18:60
Securities regulation, **32:182**

**RELIGIOUS BELIEFS OR
INTOLERANCE**

Defamation, **29:80**

REMOTE CAUSE

Plaintiff's negligence, proximate
cause, **12:66**

RENOI

Conflict of laws, **2:8**

REPAIR AND MAINTENANCE

Consumer protection and fraud
prevention, **32:167**
Damages, cost of repairs or restora-
tion, **8:35**
Duty to maintain, **9:17**
Landlord's duty to make repairs,
14:78
Products liability, **18:123**
Trade secrets, **34:48**

REPLEVIN

Generally, **24:17 to 24:21**
Constitutionality of statutes, **24:18**
Conversion, compared, **24:19**
Damages, **24:21**
Proceedings, **24:20**

REPLIES

Generally, **7:15**

REPUTATION

Prima Facie Tort, this index

RESCISSION

Fraud and deceit, **32:5**
Securities regulation, blue sky laws,
32:214

RESCUE DOCTRINE

Generally, **9:24**

RESEARCH AND DEVELOPMENT

Trade secrets, **34:46, 34:58**

RES IPSA LOQUITUR

Comparative fault, **13:38**
Conflict of laws, **2:54**
Negligence, **9:1**

RES JUDICATA

Defenses, **5:28, 5:29**
Fraud and deceit, **32:114**

INDEX

RESPONDEAT SUPERIOR

- Assault and battery, **26:26**
- False imprisonment, **27:7**
- Imputed liability, **4:3**
- Malicious prosecution of criminal proceeding, **28:15**

RESTATEMENT OF TORTS

- Generally, **1:18**
- Conflict of laws, **2:5**
- Fraud and Deceit, this index
- Interference with advantageous business or economic relations, **31:78, 31:79**
- Prima Facie Tort, this index

RESTAURANTS

- Products liability, **18:449**

RESTITUTION

- Fraud and deceit, **32:5**

RESTRAINTS OF TRADE

- Monopolies and Restraints of Trade, this index

RESTRICTIVE COVENANTS

- Employer-employee relationships, **34:16**

RETAINING WALLS

- Abutting owners and occupiers, **14:54**

RETENTION, NEGLIGENT

- Imputed liability, **4:9**

RETRACTION

- Defamation, **29:122**

RETROACTIVITY

- Generally, **1:7**
- Statutes of limitation, **5:34**

RETURNS

- Trade secrets, **34:50**

REVOCATION

- Interference with inheritance or gift, **31:151**

REVOLVERS

- Handguns, this index

REVOLVING DOORS

- Premises liability, **14:41**

RICO

- Racketeer Influenced and Corrupt Organizations Act (RICO), this index

RIDICULE

- Defamation, **29:84**

RIDING LAWN MOWERS

- Products liability, **18:272**

RIFLES

- Products liability, **18:316**

RIGHT TO DIE

- Generally, **15:66**
- Acts or omissions constituting malpractice
 - Sterilization, **15:68, 15:68**
- Sterilization, **15:68**
- Transplants, **15:69**

RIMS

- Products liability, automobiles and other motor vehicles, **18:189**

RINSES AND DYES

- Products liability, **18:371**

RIOTS AND MOBS

- Governmental entities, **17:71**

RIPARIAN RIGHTS

- Generally, **21:17, 21:18**

ROBES AND NIGHTGOWNS

- Products liability, **18:357**

ROCKETS

- Abnormal activities, **19:25**

RODENTICIDES

- Products liability, **18:437**

ROLLER COASTERS

- Assumption of risk, **12:62**

ROLLERS AND ROLLING MILLS

Products liability, **18:249**

ROLLOVERS

Products liability, automobiles and other motor vehicles, **18:94**

ROOFS

Abutting owners and occupiers, **14:58**

Products liability, **18:220**

ROYALTIES

Copyrights, **31:37**

Trade secrets, **34:59**

RUGS AND CARPETS

Premises liability, **14:15**

RYLANDS DOCTRINE

Abnormal activities, **19:1, 19:2**

SAFETY

Discharge from employment, making complaints about working conditions, **34:91**

Products liability, safety equipment, **18:250**

Reckless disregard of, **10:12**

SAFETY APPLIANCE AND RELATED ACTS

Employer's liability, **9:100**

SANITARY NAPKINS AND TAMPONS

Products liability, **18:426**

SANITY AND INSANITY

Generally, **5:18**

Defamation, imputation of insanity, **29:68**

Malicious prosecution of civil proceeding, **28:27**

SATISFACTION OF JUDGMENT

Defenses, **5:49**

SAWS

Products Liability, this index

SCAFFOLDS

Products liability, **18:222**

SCHOOLS AND SCHOOL DISTRICTS

Generally, **17:58 to 17:64**

Acts of officers and employees, **6:30**

Administrative personnel, **17:65**

Athletic events, **17:61**

Buildings, condition of, **17:60**

Buses, **17:63**

Chemistry and related experiments, **17:62**

Corporal punishment, **17:67**

Educational, school administrator and teacher malpractice, **15:129**

Equipment, condition of, **17:60**

Executive personnel, **17:65**

Fellow students, acts and activities of, **17:64**

Grounds, condition of, **17:60**

Manual training, **17:62**

Outside premises, condition of, **17:60**

Physical education classes, **17:61**

Playgrounds, condition of, **17:60**

Principals, **17:65**

School administrator and teacher malpractice, **15:129**

School buses, **17:64**

Shopwork, **17:62**

Sovereign or Governmental Immunity, this index

Superintendents, **17:65**

Supervision, sufficiency of, **17:59**

Teachers and other employees

Generally, **17:66**

Corporal punishment, **17:67**

Defamation, **29:76**

Teachers malpractice, **15:129**

Transportation, **17:63**

Upper level personnel, **17:65**

Vocational training, **17:62**

Walks, condition of, **17:60**

SCIENTER

Securities regulation, **32:180**

INDEX

SCOPE OF EMPLOYMENT

Imputed Liability, this index

SEAMEN AND VESSEL CREW MEMBERS

Employer's liability, **9:102, 9:103**

SEARCH AND SEIZURE

Assault and battery, search of
customer unjustly suspected of
theft, **26:23**

Civil rights, **25:10**

SEATBELTS

Contributory negligence and avoid-
able consequences, **12:22**

Plaintiff's failure to wear, **12:35**

SEAT BELTS

Products liability, **18:177**

SEATS

Premises liability, **14:19**

SEAWORTHINESS

Warranty of, **9:103**

SECOND ACCIDENTS

Products Liability, this index

SECONDARY MEANING

Trademarks and Tradenames, this
index

SECURITIES REGULATION

Generally, **32:170 to 32:232**

Accountants, liability of, **32:205**

Aiders and abettors, **32:202**

Attorneys, liability of, **32:204**

Auditors, liability of, **32:205**

Blue sky laws

Generally, **32:209 to 32:215**

Dealers and traders, **32:211**

Defenses, **32:215**

Exemptions, **32:213**

Person who offers or sells security,
32:211

Remedies, **32:214**

Rescission and voiding of contract,
32:214

SECURITIES REGULATION

—Cont'd

Blue sky laws—Cont'd

Security or investment contract,
32:210

Unregistered security, sale of,
32:212

Bonds and debentures, **32:192**

Causation, **32:183**

Certificates of deposit, **32:192**

Commodity Exchange Act, **32:206**

Controlling person, liability of,
32:201

Damages, **32:185**

Dealers, blue sky laws, **32:211**

Defenses

Generally, **32:198**

Blue sky laws, **32:215**

Duty to disclose, **32:181**

Ernst decision, **32:179**

Fraud or deceit in connection with
purchase or sale, **32:178**

Imputed liability, **4:57**

Insiders and inside information,
32:195

Investment Advisers Act, **32:207**

Investment contract, defined, **32:190**
to 32:192

Manipulative or deceptive device or
contrivance in contravention of
statute, **32:177**

Margins and margin requirements,
32:194

Materiality, **32:184**

Notes and pledges, **32:192**

Persons liable

Generally, **32:200 to 32:205**

Accountants and auditors, **32:205**

Aiders and abettors, **32:202**

Attorneys, **32:204**

Controlling person, **32:201**

Stockbrokers and their employees,
32:203

Persons who may sue, **32:199**

Pleadings, **32:172**

Pledges and notes, **32:192**

SECURITIES REGULATION

—Cont'd

- Private claims under securities acts, **32:174, 32:176**
- Private market rules, **32:208**
- Prospectuses, **32:186**
- Proxies and proxy statements, **32:187**
- Purchase and sale, **32:177**
- Racketeer Influenced and Corrupt Organizations Act (RICO), this index
- Relation of securities law with tort law, **1:24.20**
- Reliance, **32:182**
- Rescission and voiding of contract, blue sky laws, **32:214**
- Scienter, **32:180**
- Section 10(b) and Rule 10b-5, generally, **32:175 et seq.**
- Securities Act of 1933, **32:173, 33:174**
- Securities Exchange Act of 1934, generally, **32:175 et seq.**
- Security, defined, **32:190 to 32:192**
- Security Exchange Commission, civil actions by, **32:171**
- Short-swing transactions and operations, **32:197**
- Solicitations, **32:187**
- Stockbrokers and their employees, liability of, **32:203**
- Stocks, **32:191**
- Tender offers and takeovers, **32:196**
- Traders, blue sky laws, **32:211**
- Williams Act amendments, **32:188**

SECURITY PERSONNEL

- False imprisonment, **27:8**

SECURITY TRANSACTIONS

- Specific Applications, **15:102**

SELF-DEFENSE

- Generally, **5:9**

SELF-SERVICE

ESTABLISHMENTS

- Premises liability, **14:23**

SELTZER BOTTLES

- Products liability, **18:300**

SERVICES

- Gratuitously furnished services, **9:23**

SETOFF

- Punitive damages, effect of settlement on liability, contribution and setoff, **8:62**

SETTLEMENT

- Compromises, Settlements and Releases, this index

SEVEN-UP BOTTLES

- Products liability, **18:299**

SEVERAL LIABILITY

- Joint, and Joint and Several, Liability, this index

SEWAGE

- Abnormal activities, **19:18**

SEWERS

- Governmental entities, defects, **17:48**

SEXUAL ACTIVITY

- Defamation, imputation of sexual activity, **29:69 to 29:71**

SEXUAL ASSAULT

- Assault and battery, **26:21**

SEXUAL HARASSMENT

- Discharge from employment, **34:94**

SEXUAL MISCONDUCT

- Psychotherapists and other mental health professionals, **15:41**

SHAMPOOS AND CONDITIONERS

- Products liability, **18:374**

SHEARING MACHINERY AND DEVICES

- Products liability, **18:251**

SHEEP

- Generally, **21:55**

SHIPS AND BOATS

- Boating accidents, **9:42**

INDEX

SHIPS AND BOATS—Cont'd

- Crew members, injuries to, employer liability, **9:102, 9:103**
- Imputed liability, consent statutes, **4:7**
- Premises liability, **14:11**
- Products liability, **18:97, 18:203, 18:204**

SHIRTS AND BLOUSES

- Products liability, **18:360**

SHOES

- Products liability, **18:361**

SHOOTING GALLERY OR RANGE

- Spectators, injury to, **9:60**

SHOPLIFTING

- Assault and battery, **26:23**
- False imprisonment, **27:19, 27:20**

SHOPPING CARTS

- Products liability, **18:201**

SHOPPING CENTERS

- Premises liability, **14:48**

SHOP RIGHTS

- Employer-employee relationships, invention, **34:10**

SHOPWORK

- Schools and school districts, **17:62**

SHORT-SWING TRANSACTIONS AND OPERATIONS

- Securities regulation, **32:197**

SHOTGUNS

- Products liability, **18:317**

SHOULDERS

- Highways and streets, **17:39**

SIBLINGS

- Immunity, **6:55**

SIDEWALKS

- Abutting owners and occupiers, **14:59**
- Highways and streets, **17:46**
- Schools and school districts, **17:60**

SILOS AND OTHER STORAGE

BINS

- Products liability, **18:283**

SISTERS AND BROTHERS

- Immunity, **6:55**

SKIING

- Products liability, **18:340**

SKIRTS AND DRESSES

- Products liability, **18:355**

SKI SLOPES AND SKI LIFTS

- Participants, injury to, **9:50**

SLACKS AND PANTS

- Products liability, **18:359**

SLANDER

- Defamation, this index

SLANDER OF TITLE

- Generally, **33:12 to 33:23**
- Actual malice, **33:15.10**
- Attorney's fees, **33:20**
- Conflict of laws, **2:31**
- Damages, **33:17, 33:22**
- Defenses, **33:23**
- Definition, **33:13**
- Distinctions and similarities, **33:14**
- Elements, **33:15**
- Impairment of vendability or value
 - Generally, **33:18 to 33:21**
 - Attorney's fees, **33:20**
 - Litigation and related expenses, **33:20**
 - Sufficiency of allegations or evidence, **33:19**
- Litigation and related expenses, **33:20**
- Nature, **33:13**
- Pecuniary loss, **33:17**
- Punitive damages, **33:22**
- Requisites, **33:15**
- Similarities and distinctions, **33:14**
- Special damages, **33:17**

SLINGSHOTS

- Products liability, **18:332**

SLIP AND FALL

Premises liability, **14:14**

SLIPPERS

Products liability, **18:362**

**SLITTING MACHINERY AND
DEVICES**

Products liability, **18:251**

SLUT

Defamation, statement that person is
a slut, **29:70**

SMOKE

Nuisances, **20:12**

SMOKE DETECTORS

Products liability, **18:231**

SNOW AND ICE

Adjoining and Abutting Owners and
Occupiers, this index

Highways and streets, **17:47**

Premises liability, **14:26, 14:27**

SNOWMOBILES

Products liability, **18:97, 18:195**

Vehicular accidents, **9:39**

SOAP BOX DERBIES

Spectators, injury to, **9:61**

SOAPS AND OTHER CLEANERS

Products liability, **18:381, 18:435**

SOCIAL ENGINEERING

Economics and sociology, **1:26, 1:27**

SOCIAL HOSTS AND GUESTS

Intoxicating liquors, **9:87**

Premises liability, **14:68, 14:69**

SOCIAL MEDIA

Defamation, **29:28**

Expectancy interference involving,
31:100

Interference with contractual rela-
tions, **31:70**

Trademarks and tradenames, **31:6**

SOCIAL PRINCIPLES

Defamation, imputation of objection-
able principles, **29:80**

SOCIAL WORKERS

Defamation, **29:75**

SOCIETY AND COMPANIONSHIP

Damages, **8:25**

SOCIOLOGY

Economics and Sociology, this index

SODA WATER BOTTLES

Products liability, **18:300**

**SOFT DRINK AND MIXER
BOTTLES**

Products liability, **18:294 to 18:300**

SOFTWARE

Computers and Software, this index

SOIL

Conversion, **24:5**

SOLICITATIONS

Securities regulation, **32:187**

SOLID WASTE POLLUTION

Generally, **20:50 to 20:52**

Federal statutes, **20:51**

State regulation, **20:52**

SOLITUDE, INTRUSION INTO

Privacy, Invasion and Related
Wrongs, this index

SOPHISTICATED USER

Products liability defense, **18:170**

**SOVEREIGN OR
GOVERNMENTAL
IMMUNITY**

Generally, **6:1 to 6:44**

Abolition of immunity, **6:5**

Community colleges, **6:31**

Complaint or petition, **6:13**

Conflict of laws, **2:43**

Consent to suit, states and state agen-
cies, **6:18**

Constitutional law, **6:5, 6:6, 6:17**

INDEX

SOVEREIGN OR

GOVERNMENTAL IMMUNITY—Cont'd

Counties

Generally, **6:24 to 6:26**

Capacity to sue and be sued, **6:25**

Officers and employees, **6:26**

Criteria. Tests and criteria, below

Discretionary function v. ministerial
function, **6:12**

Employees. Officers and employees,
below

Establishment of immunity, **6:5, 6:8**

Exceptions

Generally, **6:14 to 6:16**

Highway safety, **6:14**

Liability insurance, procurement
of, **6:16**

Motor vehicles, negligent opera-
tion of, **6:14**

Nuisances, **6:15**

Public buildings, dangerous or
defective, **6:14**

Foreign governments, **6:4**

General duty v. special duty, **6:11**

Governmental function v. proprietary
function, **6:9**

Governmental function v. proprietary
function, Effect of statutes, **6:10**

Highway safety, **6:14**

History, **6:1**

Interstate sovereignty, **6:19**

Judicial abrogation, **6:7, 6:8**

Legislative reinstatement, in whole or
in part, judicial abrogation, **6:8**

Liability and immunity,
distinguished, **6:1**

Liability insurance, procurement of,
6:16

Limitation of immunity, **6:5**

Miscellaneous subdivisions, **6:32**

Motor vehicles, negligent operation
of, **6:14**

Municipal corporations

Generally, **6:20 to 6:23**

Capacity to sue and be sued, **6:22**

SOVEREIGN OR

GOVERNMENTAL IMMUNITY—Cont'd

Municipal corporations—Cont'd

Officers and employees, **6:23**

Statutory abrogation of state's
immunity, effect of, **6:21**

Nuisances, **6:15**

Public buildings, dangerous or defec-
tive, **6:14**

Public Officers and Employees, this
index

School boards and districts

Generally, **6:28 to 6:31**

Capacity to sue and be sued, **6:29**

Officers and employees, **6:30**

States and state agencies

Generally, **6:17 to 6:19**

Constitutional law, **6:17**

Interstate sovereignty, **6:19**

Officers or employees, torts of,
6:18

Territories, **6:17**

Waiver of immunity, **6:17**

Territories, **6:17**

Tests and criteria

Generally, **6:9 to 6:13**

Complaint or petition, **6:13**

Discretionary function v. ministe-
rial function, **6:12**

General duty v. special duty, **6:11**

Governmental function v. propri-
etary function, **6:9**

Governmental function v. propri-
etary function, Effect of
statutes, **6:10**

Public policy function test, **6:12.10**

Towns and townships, **6:27**

United States, **6:2**

Validity of immunities, **6:6**

Waiver of immunity, states and state
agencies, **6:17**

SPECIAL DAMAGES

Defamation, **29:130**

Prima facie tort, **35:29, 35:30**

Slander of title, **33:17**

SPECIAL VERDICTS

Products liability, **18:20**

SPECIFIC APPLICATIONS

Bankruptcy and other insolvency proceedings, **15:102**
Collections, **15:102**
Contracts, **15:96**
Corporate matters, **15:100**
Criminal law, **15:103**
Divorce, **15:99**
Domestic relations, **15:99**
Estate administration, **15:98**
Estate planning, **15:98**
Family law, **15:99**
Immigration, **15:103.10**
Real estate transactions, **15:97**
Security transactions, **15:102**
Security transactions and documents, **15:102**
Tax matters, **15:101**
Wills, **15:98**

SPECIFICITY

Fraud and deceit, pleadings, **32:99**

SPECTATORS

Animals, this index

SPOILIATION

Interference with inheritance or gift, **31:152**

SPOILIATION OF EVIDENCE

Interference with business relations, **31:159**

SPORTS AND SPORTS EVENTS

Generally, **9:44 to 9:63**
Assumption of risk, **9:45**
Attending sport events and exhibitions spectator, **12:63**
Baseball, this index
Defamation, **29:77**
Hockey, this index
Interference with business relations, **31:157**
Participants
Assumption of risk, **12:61**

SPORTS AND SPORTS EVENTS

—Cont'd

Participants, injury to
Generally, **9:44 to 9:51**
Assumption of risk, **9:45**
Beaches, bathing places or resorts or pools, **9:49**
Bowling alleys, **9:47**
Golf, **9:46**
Pool and billiard rooms, **9:47**
Roller and ice skating rinks, **9:48**
Skiing, tobogganing or bobsledding, **9:50**
Ski slopes and ski lifts, **9:50**
Summer camps, **9:51**
Swimming and diving, **9:49**
Water skiing and other water sports, **9:49**
Winter sports, **9:51**
Products Liability, this index
Schools and school districts, **17:61**
Spectators, injury to
Generally, **9:52 to 9:63**
Amusements and exhibitions, this index
Baseball parks, **9:63**
Basketball, **9:62**
Hockey, **9:62**
Indoor sports arena, **9:62**
Wrestling, **9:62**

SPOUSES

Husband and Wife, this index

SPRING WATER BOTTLES

Products liability, **18:300**

SPRINKLER SYSTEMS

Products liability, **18:231**

STAIRS AND STEPS

Cleaning or washing steps, **14:33**
Floor level openings, **14:35**
Litter or debris on steps, **14:32**
Mud, **14:34**
Obstacles on steps, **14:31**
Oil, **14:34**
Open stairways, **14:35**

INDEX

STAIRS AND STEPS—Cont'd

- Other one-step change in floor level, **14:36**
- Platforms, **14:36**
- Premises liability, generally, **14:30 to 14:36**
- Snow, **14:34**
- Step downs, **14:36**
- Trap doors, **14:35**
- Water, tracked-in or spilled, **14:34**
- Waxing or oiling steps, **14:33**

STAMPING MACHINERY

- Products liability, **18:242**

STANDARD OF CONDUCT

- Generally, **12:29 to 12:32**
- Children and minors, **12:32**
- Incompetency, mental deficiency and insanity, **12:31**
- Physically disabled, affect on, **12:30**

STANDARD OF PROOF

- Punitive damages, defendant's conduct, **8:70**

STANDING

- Generally, **7:17**
- Trespass, **23:7**

STAPLE GUNS AND STAPLES

- Products liability, **18:270**

STARE DECISIS

- Generally, **1:6, 1:7**

STARTERS

- Products liability, automobiles and other motor vehicles, **18:183**

STATE-OF-THE-ART

- Products Liability, this index

STATES AND STATE AGENCIES

- Public officers and employees, **6:18, 6:37**
- Sovereign or Governmental Immunity, this index

STATE TORT CLAIMS ACTS

- Generally, **17:23 to 17:32**

STATE TORT CLAIMS ACTS

—Cont'd

- Administration, **17:25**
- Claims, **17:25**
- Discretionary functions, **17:27 to 17:30**
- Federal preemption, **17:31**
- Illustrative cases, **17:29**
- Illustrative cases, function discretionary, **17:29**
- Illustrative cases, function not discretionary, **17:30**
- Operational level, **17:28**
- Other statutory systems and cases construing and applying them, **17:24**
- Particular acts and activities, **17:32**
- Planning level, **17:28**
- Procedure, **17:25**
- Timeliness, **17:26**
- Typical statutory systems, **17:23**

STATUTES

- Comparative Fault, this index
- Contributory negligence, **12:12, 12:13, 12:16**
- Implied assumption of risk, abolition of, **13:41**
- Legislative action, adoption of comparative fault, **13:4**
- Premises Liability, this index
- Products Liability, this index
- Tables, comparative fault, **13:47**
- Violation of. Negligence, this index

STATUTES AFFECTING LIABILITY

- Louisiana law, **14:4**
- Recreation or recreational use statutes, **14:5**

STATUTES OF LIMITATION

- Generally, **5:31 to 5:38**
- Accountant negligence or malpractice, **5:43**
- Amendment, effect of, **5:34**
- Amendment of pleadings, **5:39**
- Architects, products liability, **5:41**

STATUTES OF LIMITATION

—Cont'd

Attorney negligence or malpractice, **5:43**
Change, effect of, **5:34**
Commencement of limitations period, **5:33**
Conflict of Laws, this index
Constitutionality, **5:35**
Construction, **5:35**
Contractors, products liability, **5:41**
Counterclaims, **5:39**
Estoppel, **5:36**
Federal court actions on state causes of action, **5:31**
Function, **5:31**
Governing law, **5:32**
Governments, notices of claim to, **5:44**
Health care provider negligence or malpractice, **5:42**
Intentional torts, **5:40**
Medical provider negligence or malpractice, **5:42**
Modes of attack, **5:39**
New action after failure other than on merits, **5:38**
Notices of claim to governments and public bodies, **5:44**
Prima facie tort, **35:36**
Products liability, **5:41**
Public bodies, notices of claim to, **5:44**
Purpose, **5:31**
Raising statute, **5:39**
Retroactivity, **5:34**
Suspension of statute, **5:37**
Tolling of statute, **5:37**
Trade secrets, **34:63**
Waiver, **5:36**

STATUTORY CONSIDERATIONS

Willful, wanton or reckless conduct, **10:8.10**

STAY

Defenses, **5:26**

STEAM

Dangerous instrumentalities, **9:82**

STEERING APPARATUS AND MECHANISM

Products liability, automobiles and other motor vehicles, **18:178**

STEP DOWNS

Premises liability, **14:36**

STEPLADDERS

Products liability, **18:276**

STERILIZATION

Medical malpractice, **15:27, 15:68**

STOCK AND STOCKHOLDERS

Damages, corporate stock, **8:40**
Discharge from employment, asserting rights as stockholder, **34:100**
Fraud and deceit, **32:130**
Interference with prospective or future contractual relations, **31:130, 31:131**
Securities regulation, **32:191**

STOCKBROKERS

Real Property and Property Specialists, **15:125**
Securities regulation, **32:203**

STORAGE

Explosives, abnormal activities, **19:11**
Gases, gasoline and oils, abnormal activities, **19:14**
Premises liability, stored merchandise, **14:16**

STOVES

Products liability, **18:226**

STRAIGHTENERS AND RELAXANTS

Products liability, **18:375**

STREETS

Highways and Streets, this index

STRICT LIABILITY

Generally, **1:39**

INDEX

STRICT LIABILITY—Cont'd

- Animals at large, **21:36**
- Comparative fault, **13:23**
- Contribution, **3:18**
- Federal Tort Claims Act, **17:6**
- Injection well wastewater, **21:31**
- Products Liability, this index
- Proximate cause, **11:22**

STROLLERS

- Premises liability, **14:19**

STUD GUNS AND STAPLES

- Products liability, **18:270**

SUBAGENTS

- Imputed liability, **4:15**

SUBCONTRACTORS

- Indemnity, **3:32**

SUBDIVISION OFFICERS

- Generally, **6:38**

SUBJACENT SUPPORT

- Adjoining and abutting owners and occupiers, **21:5 to 21:7**

SUBLEASES

- Interference with prospective or future contractual relations, **31:135, 31:136**

SUBSEQUENT EVENTS

- Accidents, negligent actor's liability for harm sustained, **11:32**
- Second injury cases, negligent medical treatment, **11:33**

SUBSEQUENT NEGLIGENCE

- Defendant's, contributory negligence, **12:14**

SUBSEQUENT REMEDIAL MEASURES OR REPAIRS

- Products liability, **18:16**

SUBSTANTIAL FACTOR TEST

- Proximate cause, **11:2**

SUDDEN EMERGENCY DOCTRINE

- Comparative fault, **13:39**

SUICIDE

- Professional negligence, psychotherapists and other mental health professionals, **15:42**

SUITS AND UNIFORMS

- Products liability, **18:363**

SULPHUR AND SULPHUR DIOXIDE

- Air pollution, **20:46**

SUMMARY JUDGMENT

- Copyrights, **31:33**
- Defamation, **29:124 to 29:126**

SUMMER CAMPS

- Injuries to campers, **9:51**

SUPERFUND

- Water pollution, **20:37**

SUPERINTENDENTS

- Schools and school districts, **17:65**

SUPERMARKETS

- Premises liability, **14:23**

SUPERSEDING CAUSE

- Intervening Force, this index

SUPERVISION

- Duty to supervise, **9:22**
- Imputed liability, **4:11**
- Schools and school districts, **17:59**

SUPPOSITORIES

- Products liability, **18:410**

SURFACE WATERS

- Water and Waters, this index

SURGICAL EQUIPMENT AND INSTRUMENTS

- Products liability, **18:425**

SURGICAL IMPLANTS AND PINS

- Products liability, **18:424**

SURVEILLANCE

Privacy, intrusion into solitude, **30:17**

SURVEYORS

Real Property and Property Specialists, **15:123**

SURVIVAL

Defenses, **5:26**

SUSPENSION SYSTEMS

Products liability, automobiles and other motor vehicles, **18:185**

SWIMMING AND SWIMMING POOLS

Participants, injury to, **9:49**
Products liability, **18:346**

SWINE FLU

Medical causation, **11:28**
Products liability, **18:412**

SWINGING DOORS

Premises liability, **14:40**

TABLE SAWS

Products liability, **18:269**

TAKEOVERS

Securities regulation, **32:196**

TAMPONS AND SANITARY NAPKINS

Products liability, **18:426**

TANKS

Products liability, **18:311**

TAXATION

Effect on damages, **8:13**
Punitive damages, **8:71**
Specific Applications, tax matters, **15:101**
Trade secrets, **34:52**

TEACHERS

Schools and School Districts, this index

TEAR GAS

Products liability, **18:320**

TECHNICAL LITERATURE

Trade secrets, **34:74**

TELECOMMUNICATIONS

Defamation, **29:53**

TELEPHONES AND TELEPHONE COMPANIES

Dangerous instrumentalities, **9:77**
Privacy, intrusion into solitude, **30:14, 30:20**

TELEVISION

Radio and Television, this index

TENDER OFFERS

Securities regulation, **32:196**

TENNESSEE

Remote contributory negligence rule, comparative fault, **13:13**

TENTS

Products liability, **18:366**

TERMINATION

Copyrights, **31:30**

TERRITORIAL OFFICERS

Generally, **6:37**

TERRITORIES

Sovereign or governmental immunity, **6:17**

TESTS

Products Liability, this index
Sovereign or Governmental Immunity, this index

TESTS AND CRITERIA

Public policy function test, **6:12.10**

TEXTILE MACHINERY

Products liability, **18:252**

THALIDOMIDE

Products liability, **18:401**

THEATERS

Amusements and Exhibitions, this index

INDEX

THEFT

Employer-Employee Relationships,
this index

THEORIES OF LIABILITY FOR MEDICALLY INDUCED HARMS

Generally, **15:78 to 15:81**

Battery, **15:78**

Contract, **15:79**

Fraud, deceit and misrepresentation,
15:80

Third persons, liability to, **15:81**

Warranty or guaranty, **15:79**

THIRD PERSONS

Accountants, liability to, **15:112**

Defense of third persons, **5:11**

Interference with advantageous busi-
ness or economic relations,
31:92

Legal malpractice, will administra-
tion and beneficiaries, **15:108**

Medically induced harms, liability to
third persons, **15:81**

Proximate cause, failure to prevent
harm, **11:21**

Psychotherapists and other mental
health professionals, Liability to
third persons from violence of
patients, **15:43**

Rights of third persons, **5:12**

TIME

Statutes of Limitation, this index

TIRES

Abnormal activities, **19:32**

Products liability, automobiles and
other motor vehicles, **18:188**

TITLE AND OWNERSHIP

Fraud and deceit, **32:133**

Slander of Title, this index

Trespass to title, **23:25**

TOBACCO

Products Liability, this index

TOLLING

Statutes of limitation, **5:37**

TOMBSTONES

Desecrating, **16:43**

TOOLS AND POWER TOOLS

Products Liability, this index

TOPS

Products liability, **18:333**

TOWNS AND TOWNSHIPS

Sovereign or governmental
immunity, **6:27**

TOXIC SUBSTANCES

Medical causation, **11:29, 11:30**

TOXIC TORTS

Products Liability, this index

TOYS

Products Liability, this index

TRACTORS AND PARTS

Products Liability, this index

TRACTOR-TRAILERS

Vehicular accidents, **9:38**

TRADE DRESS

Generally, **31:8**

Unfair competition, **34:4**

TRADE LIBEL

Disparagement of Goods or Services,
this index

TRADE LITERATURE

Trade secrets, **34:74**

TRADEMARKS AND TRADE NAMES

Generally, **31:5 to 31:19**

Damages, **31:19**

Defenses, **31:18**

Definitions and distinctions, **31:9**

Exclusive use, right to, **31:10**

Generic and other classifications or
appellations, **31:9**

TRADEMARKS AND

TRADE NAMES—Cont'd

- Geographical limitations, secondary meaning, **31:17**
- Infringement, generally, **31:11**
- Intent, secondary meaning, **31:15**
- Lanham Act, **31:10**
- Likelihood of confusion, **31:11**
- Products liability, **18:133**
- Reasonably prudent purchaser, secondary meaning, **31:14**
- Secondary meaning
 - Generally, **31:12 to 31:17**
 - Geographical limitations, **31:17**
 - Noncompetitive goods or services, use of mark on, **31:16**
 - Reasonably prudent purchaser, **31:14**
 - Similarity between trademarks or tradenames, **31:13**
 - Wrongful intent, **31:15**
- Social media, **31:6**
- State registration of trademarks, **31:10**
- Trade dress, **31:8**
- Trade names, **31:7**

TRADE SECRETS

- Generally, **34:20 to 34:82**
- Abandonment
 - Generally, **34:64 to 34:76**
 - Absence, **34:69**
 - Actual or potential business associate, disclosure to, **34:76**
 - Advertising or promotional material, **34:75**
 - Circumstances of disclosure, **34:68**
 - Confidential circumstances of disclosure, **34:68**
 - Limited public disclosure, **34:66**
 - Marketing of product as disclosure, **34:70**
 - Plant tours or access, **34:73**
 - Public disclosure as abandonment, generally, **34:65, 34:66**
 - Public exhibition, **34:72**

TRADE SECRETS—Cont'd

- Abandonment—Cont'd
 - Public use of items incorporating trade secrets, **34:71**
 - Published material, **34:74**
 - Substantial element of secrecy, **34:67**
 - Trade or technical literature, **34:74**
- Absence as abandonment, **34:69**
- Accounting period, profits and gains of defendant, **34:40**
- Adjustments, **34:55, 34:56**
- Advertising and marketing expenses, **34:49, 34:75**
- Allowances, deductibility of, **34:50**
- Amortization, deductibility of, **34:45**
- Attorney's fees, **34:51, 34:61**
- Bad debts, deductibility of, **34:50**
- Burden of proof, **34:30**
- Business expenses, deductibility of
 - Generally, **34:43 to 34:54**
 - Advertising and marketing expenses, **34:49**
 - Bad debts, returns and allowances, **34:50**
 - Cost of goods sold, **34:44**
 - Insurance, **34:53**
 - Interest on invested capital, **34:54**
 - Legal expenses, **34:51**
 - Maintenance and repair, **34:48**
 - Organization, depreciation and amortization, **34:45**
 - Research and development, **34:46**
 - Salaries and consulting fees, **34:47**
 - Taxes, **34:52**
- Capital value, reduction in, **34:34**
- Characteristics, **34:26**
- Computers, **34:28**
- Confidential circumstances of disclosure, abandonment, **34:68**
- Consulting fees, deductibility of, **34:47**
- Cost of goods sold, deductibility of, **34:44**
- Damages, generally, **34:31 et seq.**

INDEX

TRADE SECRETS—Cont'd

- Defenses
 - Generally, **34:63 to 34:82**
 - Abandonment, above
 - Actual or potential licensees, **34:78**
 - Competitors, **34:80**
 - Customer or client, **34:79**
 - Employees, generally, **34:77 to 34:82**
 - Former employees, generally, **34:77 to 34:82**
 - Public officials, **34:81**
 - Statute of limitations, **34:63**
- Definitions, **34:25**
- Depreciation, deductibility of, **34:45**
- Discovery, **34:27**
- Doctrinal bases, **34:22**
- Elements, **34:26**
- Essence of action, **34:22**
- Factors, **34:26**
- History, **34:21**
- Injunctions, **34:62**
- Insurance, deductibility of, **34:53**
- Interest on invested capital, deductibility of, **34:54**
- Jurisdiction, **34:30**
- Legal expenses, **34:51, 34:61**
- Limited public disclosure, abandonment, **34:66**
- Losses and lost profits
 - Generally, **34:32 to 34:36**
 - Capital value, reduction in, **34:34**
 - Development costs, **34:35**
 - Remedial efforts, costs of, **34:33**
- Maintenance and repair, deductibility of, **34:48**
- Marketing and advertising expenses, **34:49, 34:75**
- Marketing of product as disclosure, abandonment, **34:70**
- Misappropriation, **34:24**
- Offsets, **34:55, 34:56**
- Organization, deductibility of, **34:45**
- Plant tours or access, abandonment, **34:73**
- Preemption, **34:29**

TRADE SECRETS—Cont'd

- Prejudgment interest on amount of profits, **34:56**
- Profits and gains of defendant
 - Generally, **34:37 to 34:42**
 - Accounting period, **34:40**
 - Commencement or duration, **34:40, 34:41**
 - Determination of amount of profits, **34:40 to 34:42**
 - Preferred measure where losses of plaintiff not shown, **34:38**
 - Related products, sales of, **34:41**
- Promotional material, abandonment, **34:75**
- Protective orders, **34:27**
- Public officials, **34:81**
- Published material, abandonment, **34:74**
- Punitive damages, **34:60**
- Related products, sales of, **34:41**
- Remedial efforts, costs of, **34:33**
- Remedies, generally, **34:30 et seq.**
- Repair and maintenance, deductibility of, **34:48**
- Research and development, **34:46, 34:58**
- Returns, deductibility of, **34:50**
- Royalties as measure of damages, **34:59**
- Salaries, deductibility of, **34:47**
- Savings realized by defendant from increased productivity, **34:57, 34:58**
- State statutes, **34:23**
- Statute of limitations, **34:63**
- Taxes, deductibility of, **34:52**
- Technical literature, abandonment, **34:74**
- Trade literature, abandonment, **34:74**

TRAFFIC CONTROL SIGNALS AND DEVICES

- Highways and streets, **17:43**

TRAILERS

- Products liability, automobiles and other motor vehicles, **18:192**

TRANSFERRED INTENT

Assault and battery, **26:6**

TRANSFERS

Copyrights, **31:28**

TRANSMISSION

Products liability, automobiles and other motor vehicles, **18:179**

TRANSPLANTS

Right to die, **15:69**

TRANSPORTATION

Automobiles and Other Motor Vehicles

Explosives, abnormal activities, **19:12**

Gases, gasoline and oils, abnormal activities, **19:14**

Products Liability, this index

Schools and school districts, **17:63**

TRAP DOORS

Premises liability, **14:35**

TRAUMA

Medical causation, **11:28**

TREBLE DAMAGES

Racketeer Influenced and Corrupt Organizations Act (RICO), **32:231**

TREES

Abutting owners and occupiers, **14:64**

Damages, **8:44**

Highways and streets, **17:45**

TRESPASS

Generally, **23:1 to 23:37**

Ab initio trespass, **23:31**

Actual, illegal or adverse possession of property trespassed on

Generally, **23:16 to 23:21**

Constructive possession, **23:17**

Damages, **23:22**

Equitable interests, **23:20**

Limited interests, **23:21**

Sufficiency of possession, **23:18**

TRESPASS—Cont'd

Actual, illegal or adverse possession of property trespassed on
—Cont'd

Time of possession, **23:19**

Adverse possession of property trespassed on. Actual, illegal or adverse possession of property trespassed on, above

Animals, this index

Burden of proof, **23:6**

Consent, **23:35**

Constructive possession of property trespassed on, **23:17**

Cutting trees or timber, **23:10**

Damages, **23:22, 23:37**

Defenses

Generally, **23:34 to 23:36**

Consent, **23:35**

Estoppel, **23:36**

Distinctions, **23:2**

Ejectment, **23:23, 23:24**

Electronic communications, **23:30**

Elements, **23:3**

Equitable interests in property trespassed on, **23:20**

Estoppel, **23:36**

Extent of liability, **23:13**

Failure to remove structure or chattel placed on land, **23:11, 23:12**

Force theory stemming from writ of trespass, **1:40**

Force used to eject, **23:23**

Forcible entry and detainer, **23:27**

Harm, lack of, **23:14**

Illegal possession of property trespassed on. Actual, illegal or adverse possession of property trespassed on, above

Imputed liability, **4:55**

Independent contractors, work likely to involve trespass on another's property, **4:47**

Intellectual property, **23:30**

Intentional intrusions on land, **23:8**

Land, trespass to, generally, **23:5 et seq.**

INDEX

TRESPASS—Cont'd

- Limited interests in property
trespassed on, **23:21**
- Louisiana possessory actions, **23:26**
- Mistaken intrusion, **23:15**
- Person, trespass to, **23:4**
- Personal property or chattels
Generally, **23:28**
Actual or constructive possession,
23:29
Electronic communications, **23:30**
Intellectual property, **23:30**
- Persons liable, **23:33**
- Persons who may maintain action,
23:32
- Pollution, distinguished, **20:29**
- Premises Liability, this index
- Prima facie tort, **35:3**
- Privilege, failure to remove structure
or chattel placed on land pursu-
ant to, **23:11**
- Standing, **23:7**
- Surface of earth, intrusions on,
beneath or above, **23:9**
- Time of possession of property
trespassed on, **23:19**
- Title, trespass to try, **23:25**

TRIALS

- Generally, **7:23**
- Conflict of laws, **2:54**
- Federal Tort Claims Act, **17:4**
- Fraud and deceit, **32:108 to 32:110**
- Interference with business relations,
31:158, 31:159
- Products liability, **18:18**

TRICKS

- Fraud and deceit, concealment, **32:72**

TRUCKS

- Products liability, **18:193**
- Vehicular accidents, **9:38**

TRUTH

- Defamation, **29:86**

TRUTH IN LENDING ACT

- Consumer protection and fraud
prevention, **32:152**

TUBES, PIPES AND HOSES

- Products liability, **18:247**

ULTRAHAZARDOUS ACTIVITIES

- Abnormal Activities, this index

UNAVOIDABLE ACCIDENT

- Defenses, **5:3**
- Products liability, **18:43**

UNAVOIDABLE UNSAFE PRODUCTS

- Products liability, **18:25**

UNCONSCIONABILITY

- Fraud and deceit, confidential and
fiduciary relations, **32:83**

UNDERGARMENTS

- Products liability, **18:364**

UNDERGROUND WATERS

- Generally, **21:29, 21:30**

UNDERTAKERS

- Mishandling corpse and other
misconduct, **16:41**

UNFAIR COMPETITION

- Generally, **34:1 to 34:7**
- Advertising, **34:5**
- Common law, **34:1**
- Conflict of laws, **2:35**
- Elements, **34:3**
- False endorsement, **34:5.10**
- Federal statutes, **34:2 to 34:5**
- Lanham Act, **34:2 to 34:5**
- Preemption, **34:6**
- State statutes, **34:7**
- Trade dress, **34:4**

UNFORESEEABLE CONSEQUENCES

- Proximate cause, **11:7**

**UNIFORM COMPARATIVE FAULT
ACT**

Comparative fault, **13:14**

UNIFORMS AND SUITS

Products liability, **18:363**

**UNINCORPORATED
ASSOCIATIONS**

Imputed liability, **4:22**

UNIONS

Labor Unions and Organizations, this
index

UNITED STATES

Bivens case. Tortious violations of
constitutional rights by U.S.
officers, below

Constitutional law. Tortious viola-
tions of constitutional rights by
U.S. officers, below

Federal Tort Claims Act, this index

Military personnel, tortious violations
of constitutional rights by U.S.
officers, **17:20**

Sovereign or governmental
immunity, **6:3**

Tortious violations of constitutional
rights by U.S. officers

Generally, **17:18 to 17:22**

Bivens case, generally, **17:18**

Federal employees, **17:19**

Military personnel, **17:20**

Miscellaneous actions, recovery
sanctioned, **17:21**

Miscellaneous actions, recovery
sanctioned, denied, **17:22**

UNLAWFUL ACTS

Proximate cause, **11:24**

**UNREASONABLY DANGEROUS
DOCTRINE**

Products Liability, this index

**UNUSUALLY SUSCEPTIBLE
CONSUMERS**

Products liability, **18:348, 18:349**

USED GOODS

Products liability, **18:125**

UTILITY

Effect of concepts, **1:37**

VACCINES

Products liability, **18:411 to 18:413**

VALUE

Fraud and deceit, real estate, **32:141**

VANS

Products liability, **18:194**

VAPING PRODUCTS

Products liability, **18:454.10**

VAPORIZERS

Products liability, **18:427**

VARIANCES

Water pollution, **20:35**

VEGETATION

Highways and streets, **17:44**

VEHICLES

Automobiles and Other Motor
Vehicles, this index

VENUE

Generally, **7:9 to 7:13**

Change of venue, **7:10, 7:12**

Federal courts, **7:11 to 7:13**

Multidistrict litigation and transfers,
7:13

Pleadings, generally, **7:14**

VERDICTS

Products liability, **18:20**

VERTICAL PRIVACY

Products liability, **18:3**

VETERINARIANS

Medical malpractice, **15:51**

VIBRATIONS

Nuisances, **20:12**

VICARIOUS LIABILITY

Generally, **3:5.10**

INDEX

VICARIOUS LIABILITY—Cont'd

- Assault and battery, **26:26**
- Civil rights, **25:14, 25:15**
- Comparative fault, **13:31**
- Conflict of laws, **2:37**
- Defamation, **29:52**
- Hospitals, this index
- Indemnity, **3:30**
- Independent Contractors, this index
- Industry-wide liability, **3:5.20**
- Physicians and surgeons, captain of ship doctrine, **15:18**
- Punitive damages, **8:58**

VIDEO TAPES

- Photographs, Films, Pictures and Video Tapes, this index

VISITATION

- Interference with familial relations, **22:15**

VOCATIONAL TRAINING

- Schools and school districts, **17:62**

VOIDABLE CONTRACTS

- Interference with contractual relations, **31:48**

VOID CONTRACTS

- Interference with contractual relations, **31:50**

VOLUNTEERS

- Generally, **9:23**

WAGON MOUND CASE

- Proximate cause, **11:7**

WAIVER

- Fraud and deceit, **32:116**
- Products liability, implied warranties, **18:49**
- Quasi-contract, waiver of tort and action on implied contract, **1:24**
- Sovereign or governmental immunity, states and state agencies, **6:17**
- Statutes of limitation, **5:36**

WALKWAYS

- Abutting owners and occupiers, **14:59**
- Highways and streets, **17:46**

WANTON OR WILLFUL MISCONDUCT

- Willful, Wanton or Reckless Conduct, this index

WAREHOUSEMEN

- Negligence, **9:34**

WARNINGS

- Duty to warn
 - Generally, **9:18**
 - Amusements, **9:65**
- Imputed liability, dangerous tendencies of person, **4:11**
- Products Liability, this index

WARRANTIES

- Fraud and deceit, **32:5**
- Medically induced harms, warranty theory of liability, **15:79**
- Products Liability, this index

WARRANTS

- False imprisonment, **27:16, 27:17**

WASHING OR CLEANING

- Cleaning or Washing, this index

WATER AND WATERS

- Generally, **21:8 to 21:30**
- Abnormal activities, **19:8, 19:15**
- Augmentation of natural flow of surface waters, **21:26**
- Collecting surface waters, **21:27**
- Common enemy doctrine and modifications thereof, **21:22**
- Damages, **8:46**
- Damming back surface waters, **21:25**
- Definitions, **21:9 to 21:16**
- Discharging surface waters, **21:27**
- Diversion of surface water from accustomed drainage pattern, **21:28**
- Governmental entities, defects, **17:48**

WATER AND WATERS—Cont'd

- Ground waters
 - Generally, **21:29, 21:30**
 - Defined, **21:13**
 - Historical development, **21:29, 21:30**
 - Surface waters, relationship to, **21:21**
- Injection well wastewater, **21:31**
- Interference with use of watercourses and lakes, **21:17, 21:18**
- Lake, defined, **21:10**
- Percolating waters, **21:29, 21:30**
- Public and private waters, defined, **21:16**
- Reasonableness of use of water, **21:19**
- Riparian land, defined, **21:11**
- Riparian proprietor, defined, **21:12**
- Riparian rights, **21:17, 21:18**
- Surface waters
 - Generally, **21:20 to 21:28**
 - Augmentation of natural flow, **21:26**
 - Civil law rule and modifications thereof, **21:23**
 - Collecting and discharging water, **21:27**
 - Common enemy doctrine and modifications thereof, **21:22**
 - Damming back water, **21:25**
 - Defined, **21:14**
 - Diversion of water from accustomed drainage pattern, **21:28**
 - Ground water, relationship to, **21:21**
 - Reasonable use, rule of, **21:24**
 - Underground waters, **21:29, 21:30**
 - Use of water, defined, **21:15**
 - Watercourse, defined, **21:9**
 - Water or precipitation, tracked in water, snow, mud or the like, **14:26, 14:27**

WATER HEATERS

- Products liability, **18:227**

WATER POLLUTION

- Generally, **20:30 to 20:44**
- Antidegradation, **20:36.10**
- Citizens' suits, **20:31**
- Clean up operations, **20:34, 20:43**
- Federal Water Pollution Control Act, **20:42**
- Groundwaters, subterranean, percolating waters, aquifers, wells and similar, **20:39**
- Hazardous substances. Oil and other hazardous substances spills, below
- Oil and other hazardous substances spills
 - Generally, **20:41 to 20:44**
 - Clean up costs, **20:43**
 - Federal Water Pollution Control Act, **20:42**
 - Preemption of state statutes and regulations, **20:44**
 - State statutes and regulations, **20:44**
- Permits, **20:33**
- Preemption of state statutes and regulations, oil and other hazardous substances spills, **20:44**
- Quality standard, **20:32**
- Radioactive waste, **20:40.10**
- Spills. Oil and other hazardous substances spills, above
- State law and regulations, **20:38**
- Superfund, **20:37**
- Surface waters, streams, lakes, ponds and similar, **20:40**
- Variances, **20:35**

WATER SPORTS

- Participants, injury to, **9:49**

WAVING PREPARATIONS AND PERMANENTS

- Products liability, **18:372**

WEALTH

- Punitive damages, discovery of evidence of wealth, **8:69**

INDEX

WEAPONS AND FIREARMS

- Assault and battery, **26:20**
- Dangerous instrumentalities, **9:83**
- Handguns, this index
- Products Liability, this index

WEAR AND TEAR

- Products liability, **18:43**

WEARING APPAREL

- Damages, **8:37**
- Products Liability, this index

WEED KILLERS

- Products liability, **18:441**

WELLS

- Abutting owners and occupiers, **14:53**

WHEELCHAIRS

- Products liability, **18:428**

WHEELS

- Products liability, automobiles and other motor vehicles, **18:189**

WIFE AND HUSBAND

- Husband and Wife, this index

WILD ANIMALS

- Animals, this index

WILLFUL, WANTON OR RECKLESS CONDUCT

- Generally, **10:1 to 10:14**
- Comparative fault, **13:26**
- Conflict of laws, **2:25**
- Contributory negligence, **12:10, 12:15**
- Definitions, **10:2 to 10:4**
- Gross negligence, distinguished, **10:17**
- Indemnity, **3:35**
- Infliction of emotional distress, intentional or reckless. Psychic and Emotional Injuries, this index
- Misconduct, wanton, **10:9**
- Negligence
 - Defined, **10:4**

WILLFUL, WANTON OR RECKLESS CONDUCT—Cont'd

- Negligence—Cont'd
 - Ordinary negligence distinguished, **10:7**
- Ordinary and gross negligence, distinguished, **10:7**
- Practice considerations, **10:14**
- Principles, application of, **10:13**
- Proximate cause, **11:24**
- Questions of fact for jury, willful, wanton or reckless conduct, **10:8**
- Reckless conduct
 - Generally, **10:11**
 - Distinguished from negligence, **10:6**
 - Question of fact for jury, **10:8**
- Safety, reckless disregard of, **10:12**
- Statutory considerations, **10:8.10**
- Wanton
 - Misconduct, **10:9**
- Wanton, Willfull
 - Defined, **10:3**
 - Ordinary and gross negligence, **10:7**
 - Question of fact for jury, **10:8**
 - Reckless conduct and negligence, **10:6**
- Wantonness
 - Distinction from willfulness, **10:5**
 - Negligence, distinction from, **10:10**
 - Questions of fact for jury, **10:8**
 - Reckless conduct, distinction, **10:6**
- Willfulness
 - Defined, **10:2**
 - Distinction from wantonness, **10:5**
 - Questions of fact for jury, **10:8**
 - Reckless conduct, distinction, **10:6**
- Workers' compensation, **6:60**

WILLS

- Defamation, **29:81**
- Interference with inheritance or gift, **31:151, 31:152**

WILLS—Cont'd

Legal malpractice, **15:108**
Specific Applications, **15:98**

WINDOWS

Abutting owners and occupiers,
14:57

WINTER SPORTS

Participants, injury to, **9:51**

**WIRETAPPING AND
ELECTRONIC DEVICES**

Privacy, intrusion into solitude, **30:20**

WITNESSES

Generally, **6:44**
Conflict of laws, **2:54**
Defamation, absolute privilege, **29:94**

WORKERS COMPENSATION

Distinguished, Assault and battery,
26:2.10

WORKERS' COMPENSATION

Contribution, **3:22**
Discharge from employment, seeking
benefits, **34:90**
Dual capacity doctrine, **6:58**
Evidence questions, **15:103.20**
Fellow employees, **6:59**
Gross negligence, **6:60**
Immunity of employer
Generally, **6:56 to 6:60**
Contractors, **6:59**
Dual capacity doctrine, **6:58**
Federal legislation, **6:57**
Fellow employees, **6:59**

WORKERS' COMPENSATION

—Cont'd

Immunity of employer—Cont'd
Gross negligence, **6:60**
Intentional torts, **6:60**
Recklessness, **6:60**
Third persons, **6:59**
Willful or wanton misconduct,
6:60
Indemnity, **3:36**
Intentional torts, **6:60**
Recklessness, **6:60**
Willful or wanton misconduct, **6:60**

**WORKERS COMPENSATION
LAW**

Relationship to tort law, **1:28.20**

WRAPPING MATERIALS

Products liability, **18:312**

WRESTLING

Spectators, injury to, **9:62**

WRONGFUL BIRTH

Generally, **9:25, 9:28**

WRONGFUL LIFE

Negligence, **9:25, 9:29**

**X-RAY EQUIPMENT AND
SUPPLIES**

Products liability, **18:429**

ZONING

Nuisances, **20:26**