## **Index**

## **ABANDONMENT BY TENANT**Liability on termination, **28:12**

## ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

Generally, 11:34-11:38

Domestic relationships, actions arising out of, 11:38

Legal relationships, actions arising out of, 11:38

Personal property actions, 11:36 Real property actions, 11:37 Wrongful death, 11:35

## ABUSE OF PROCESS

Torts, 36:13

## **ACCIDENTS**

Life insurance, construction of accidental death benefits clause, 27:20

Motor vehicles, 30:5

## ACCORD AND SATISFACTION

Contracts or agreements, 17:7

## ACCOUNTS AND ACCOUNTING

Contract-related matters, 17:14

## ACCRUAL OF ACTIONS

Statute of limitations, 11:17

#### ACOUISITION OF PROPERTY

Condemnation, entitlement to compensation, **16:6**Public road purposes, **26:1** 

## **ACTIONS AND PROCEEDINGS**

Generally, 11:1
Abatement of actions generally, 11:34-11:38

## ACTIONS AND PROCEEDINGS

## —Cont'd

Abatement of actions—Cont'd for detailed treatment see index heading ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

Amount of damages, damages after filing suit, **7:2** 

Attorney's fees

generally, 9:1-9:11

For detailed treatment see index heading ATTORNEY'S FEES

Cause of action elements, 1:2

Compensatory damages, tort and contract actions, 2:3, 2:4

Compromise and settlement, 11:5

Conflict of laws, 11:8

Contracts or agreements. See index heading CONTRACTS OR AGREEMENTS

Costs of action

generally, 18:1-18:10

for detailed treatment see index heading COSTS OF ACTION

Default judgments, 11:6

Executors and administrators, 21:2

Guardian's bond, actions on, 25:2

Injunctions, 11:4

Insurance, 9:7, 27:4-27:7, 27:14, 27:15

Interference with property rights, 11:3

Investment securities, 14:18,

14:19

Municipality, demand prerequisite to suit against, 23:3

Nuisances, 31:3, 31:7

Partners, actions between, 14:9

## ACTIONS AND PROCEEDINGS

—Cont'd

Punitive damages, **4:3**, **4:6**, **4:11** Revival of actions

generally, 11:34-11:38

for detailed treatment see index heading ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

Shareholders' actions, corporations, **14:7** 

State. See index heading STATE

Statute of limitations generally, **11:17-11:25.2** 

for detailed treatment see index heading STATUTE OF LIMI-TATIONS

Surety bonds, 11:7 Survival of actions

generally, 11:34-11:38

for detailed treatment see index heading ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

Torts. See index heading TORTS Wrongful death

generally, 37:1-37:14

for detailed treatment see index heading WRONGFUL DEATH

## ADJACENT PROPERTY

Drains and sewers, liability for taking or damaging, 23:18

## **ADMINISTRATION**

Decedents' estates, 21:1-21:4

## ADMINISTRATORS AND EXECUTORS

Decedents' estates, 21:1-21:4

## ADMIT PASSENGERS

Common and contract carriers, failure to stop, **15:9** 

#### ADVERTISING

Highways, roads and streets, control of outdoor advertising, 26:3

#### ADVICE

Insurance agents and brokers, liability for rendering negligent advice, 27:16

#### **AERONAUTICS**

Torts, 36:5

## AESTHETIC CONSIDERATIONS

Zoning, 23:20

#### **AFFECTIONS**

Alienation of affections, family law, 22:3

## **AGENCIES**

Rental referral agencies, landlord and tenant, 28:18

#### **AGENTS**

Insurance agents, liability, 27:13-27:18

Mater vehicles, agent's acts

Motor vehicles, agent's acts, **30:10** 

#### **AGREEMENTS**

Generally, 17:1-17:13

For detailed treatment see index heading CONTRACTS OR AGREEMENTS

#### ALIENATION OF AFFECTIONS

Family law, 22:3

#### ALLOWANCE

Costs of civil actions and proceedings, 18:2

Insurance, construction of provision allowing disability benefits, 27:22

Liquidated damages, 5:3

## **AMENDMENT**

Pleadings, **11:13** Verdict, **11:28** 

## **AMOUNT**

Damages

generally, 7:1-7:6

Index-2

#### AMOUNT—Cont'd APPLICATORS FOR Damages-Cont'd **PESTICIDE** for detailed treatment see index Statutory damages, 29:10 heading AMOUNT OF DAM-**APPORTIONMENT** AGES Verdict, 7:6, 11:27 Damages generally, 10:1-10:7 AMOUNT OF DAMAGES for detailed treatment see index Generally, 7:1-7:6 heading APPORTIONMENT Certainty OF DAMAGES generally, 7:1 Insurers, fire insurance on real compensatory damages, 2:7 property, 27:25 Compensatory damages, certainty, APPORTIONMENT OF 2:7 **DAMAGES** Discretion of jury, 7:5 Generally, 10:1-10:7 Excessive damages, 7:4 Contributory negligence, 10:7 Filing suit, damages after, 7:2 Joint and several liability, 10:2 Inadequate damages, 7:4 Joint liability, 10:2 Jury discretion, 7:5 Joint obligors, 10:3, 10:5 Measure of damages generally, 7:3 Joint tortfeasors, 10:4, 10:5 for detailed treatment see index Judgment against joint obligors or heading MEASURE OF DAMjoint tortfeasors, 10:5 AGES Primary liability, 10:6 Nominal damages, 3:3 Secondary liability, 10:6 Punitive damages, 4:8 ARBITRATION AND AWARD Reduction of verdict by plaintiff, 7:6 Contract-related matters, 17:15 **ANIMALS** AREA MENTAL HEALTH. Torts, damage or injury caused by MENTAL RETARDATION animals, 36:20 AND SUBSTANCE ABUSE **AUTHORITY ANTITRUST** State government, 23:14 Private enforcement, 14:20 ASCERTAINMENT OF **APPEALS DAMAGES** Costs of action, 18:8 Sales, 35:4 Punitive damages, 4:9 ASSAULT AND BATTERY APPLICATION OR Torts, 36:6 **APPLICABILITY ASSIGNMENT** Rules, nominal damages, 3:2 Statute of limitations, uninsured Landlord and tenant, liability for

motorist coverage, 27:28

rent, 28:11

## ASSISTANCE

Condemnation, relocation assistance, **16:17** 

Costs of action, expert assistance for indigents, **18:10** 

## **ASSOCIATIONS**

Generally, 14:1-14:21

For detailed treatment see index heading BUSINESS ASSOCIA-TIONS

#### ATTACHMENT

Generally, **13:1-13:3** Liability, **13:2, 13:3** 

Surety's liability on attachment bond, 13:3

Wrongful attachment, liability, 13:2

#### **ATTORNEYS**

Fees

generally, 9:1-9:11
for detailed treatment see index
heading ATTORNEY'S FEES
Malpractice, 36:15

## ATTORNEY'S FEES

Generally, 9:1-9:11

Condemnation, 9:4

Damage to property, suits for, 9:7

Domestic law, 9:5

Insurance, 9:7, 27:4, 27:6

Landlord and tenant, 9:6

Notes, 9:8

Personal injuries, suits for, 9:7

Probate, 9:9

Sanctions, 9:3

Security agreements, 9:8

Statutes, 9:2

Unfair trade practices, 9:11

Workers' compensation, 9:10

#### **AUTOMOBILES**

See index heading motor VEHICLES

#### **AWARD**

Arbitration and award, contractrelated matters, 17:15

## BAD FAITH REFUSAL TO SETTLE

Insurance agents and brokers, liability, **27:18** 

## **BAGGAGE OF PASSENGERS**

Common and contract carriers, liability, **15:10** 

#### **BAILMENTS**

Contract-related matters, 17:16

#### **BANKRUPTCY**

Claim for damages, 11:15

#### BANKS AND BANKING

Generally, 14:13-14:15

Conversion, 14:13

Dishonor, 14:14

Liability of directors and officers

of bank, 14:15

Mishandling, 14:13

## **BATTERY AND ASSAULT**

Torts, 36:6

#### **BENEFICIARIES**

Contract-related matters, third party beneficiaries, 17:28 Life insurance proceeds, 27:21

## BENEFITS

Condemnation, general and special benefits, **16:11** 

Death. See index heading DEATH Insurance. See index heading

INSURANCE

Workers' compensation, 20:12

#### **BETTERMENTS**

Executions, 13:9

#### **BIDDERS**

Executions, defaulting bidder at public sales, 13:8

Index-4

## BIFURCATION OF COMPENSATORY AND PUNITIVE DAMAGES

Generally, 1:10

## **BILL OF LADING**

Documents of title, issuance, 19:3

#### **BIRTH**

Wrongful birth, 38:1

#### **BOARDS**

School boards, liability, 23:21

## **BODILY DISEASE**

Life insurance, 27:20

#### **BONDS**

Attachment bond, surety's liability on, 13:3

Executions, summary remedy on forthcoming bond, **13:5** 

Guardian's bond, actions on, 25:2

Official bonds. See index heading OFFICIAL BONDS

Surety bonds, actions on, 11:7

## **BOYCOTTS PROHIBITED**

Labor unions, 20:14

## **BREACH**

Contract, compensatory damages, **2:4** 

Promise to marry, family law,

Sales, remedies, 35:7-35:14

## **BROKERS**

Insurance brokers, liability, 27:13-27:18

Investment securities, actions, 14:18, 14:19

Real estate brokers, sales, 33:10

## **BUILDING**

See index heading CONSTRUCTION WORK

## **BUSINESS**

Associations

generally, 14:1-14:21

for detailed treatment see index heading BUSINESS ASSOCIA-TIONS

Discrimination in business, statutory damages, 29:7

Employment contract actions, wrongful interference with business relations, **20:6** 

## **BUSINESS ASSOCIATIONS**

Generally, 14:1-14:21

Banks and banking

generally, 14:13-14:15

for detailed treatment see index heading BANKS AND BANK-ING

#### Corporations

generally, 14:2-14:8

for detailed treatment see index heading CORPORATIONS

Investment securities

generally, 14:16-14:19

for detailed treatment see index heading INVESTMENT SECURITIES

Nonprofit corporations, 14:21

Partners and partnerships

generally, 14:9-14:12

for detailed treatment see index heading PARTNERS AND PARTNERSHIPS

Private enforcement, antitrust and trade regulation, 14:20

Statute of limitations, actions against business associations, 11:22

## BUSINESS CORPORATION ACT

Liability of corporate directors and officers, 14:2

## **CANCELLATION**

Insurance agents and brokers, liability for wrongful cancellation of policy, **27:17** 

#### **CAPACITY**

Lost earning capacity, torts, 36:2

#### **CARE**

Common and contract carriers, duty of care, **15:1** Documents of title, standard of care. **19:1** 

#### **CARRIERS**

Generally, **15:1-15:14**For detailed treatment see index heading COMMON AND CONTRACT CARRIERS

#### **CARTWAYS**

Generally, 26:2

## CASH-ON-DELIVERY SHIPMENTS

Common and contract carriers, settlement, **15:5** 

## **CAUSE AND CAUSATION**

Compensatory damages. See index heading COMPENSATORY DAMAGES

Highways, roads and streets, liability of persons causing defect or obstruction, **26:8** 

Proximate cause. See index heading PROXIMATE CAUSE

Torts. See index heading TORTS

#### **CAUSE OF ACTION**

Elements, 1:2

## CERTAINTY

Amount of damages
generally, 7:1
for detailed treatment see index
heading AMOUNT OF DAMAGES

## CERTAINTY—Cont'd

Compensatory damages, causation and amount, 2:7

## **CHANGE**

See index heading AMENDMENT

#### **CHILDREN**

Claim for damages, 11:12
Guardian and ward
generally, 25:1, 25:2
for detailed treatment see index
heading GUARDIAN AND
WARD
Parent and child, 22:5, 22:6, 30:9

## **CHOICE OR OPTION**

See index heading ELECTION, OPTION OR CHOICE

#### **CITIES**

Generally, 23:1-23:6
For detailed treatment see index heading MUNICIPAL CORPORATIONS

## **CLAIM**

See index heading CLAIMS

## CLAIM AND DELIVERY Generally, 13:10-13:13

Failure to prosecute, liability, 13:11
Liability, 13:11-13:13
Recovery by plaintiff, 13:10
Sheriffs' liability, 13:12
Surety's liability, 13:13
Wrongful taking, liability, 13:11

## **CLAIMS**

Decedents' estates, claims against, 21:3

Delivery and claim
generally, 13:10-13:13
for detailed treatment see index
heading CLAIM AND
DELIVERY

Insurance, coverage, 27:19-27:30

Index-6

## CLAIMS—Cont'd

Pleadings, claim for damages, 11:9-11:16

State government, tort claims, 23:10

#### **CLERK'S LIABILITY**

Executions, 13:7

#### **CLUBS**

Contract-related matters, discount buying clubs, 17:23

## COLLATERAL SOURCE RULE

Evidence, 12:6

### **COLLECTION OF DEBTS**

Statutory damages, 29:7

## COMBUSTIBLE SUBSTANCES

Torts, 36:7

## **COMMENCEMENT OF SUIT**

Nuisances, damages after commencement of suit, 31:3

## **COMMISSIONS**

See index heading Contracts or AGREEMENTS

## COMMODITY CONTRACTS AND OPTIONS

Contract-related matters, 17:26

## COMMON AND CONTRACT CARRIERS

Generally, 15:1-15:14

Admit passengers, failure to stop to, **15:9** 

Baggage of passengers, liability for, **15:10** 

Care, duty of, 15:1

Cash-on-delivery shipments, settlement for, **15:5** 

Connecting carriers, liability of, **15:12** 

Damage to property, measure of damages, **15:2** 

Delayed delivery, 15:3

## COMMON AND CONTRACT CARRIERS—Cont'd

Delivery

delayed or wrongful delivery, **15:3** 

settlement for cash-on-delivery shipments, **15:5** 

Discharge passengers, failure to stop to, **15:9** 

Documents of title, enforcement of lien, 19:4

Duty of care, 15:1

Ejection of passenger, 15:8

Enforcement of liens, 15:6, 19:4

Failure to stop to admit or discharge passengers, **15:9** 

Freight liens, enforcement, **15:6** Goods, receipt issued by carriers,

15:4

ticket to, 15:11

Initial carriers, liability of, **15:12** Intoxicated person, refusal of

Liability

baggage of passengers, 15:10 initial and connecting carriers, 15:12

railroads, 15:14

Liens, enforcement, 15:6, 19:4

Limitation of damages, 15:13

Loss of property, measure of damages, 15:2

Measure of damages, **15:2**, **15:7** 

Passengers, generally, 15:7-15:11

Personal injury to passenger, measure of damages, **15:7** 

Property, generally, 15:1-15:6

Railroads. See index heading RAILROADS

Receipt for goods issued by carriers, 15:4

Refusal of ticket to intoxicated person, 15:11

Settlement for cash-on-delivery shipments, **15:5** 

## COMMON AND CONTRACT CARRIERS—Cont'd

Ticket, refusal to intoxicated person, **15:11**Wrongful delivery, **15:3** 

#### **COMMON LAW**

Workers' compensation and common law remedies compared, 20:10

Wrongful death, **37:1-37:3** 

#### **COMPARABLE SALES**

Evidence, 12:3

## **COMPENSATION**

Condemnation, 16:1, 16:5-16:7

Contracts or agreements. See index heading CONTRACTS OR AGREEMENTS

Victims, statutory damages, **29:14**Workers' compensation. See index heading WORKERS'

## **COMPENSATORY DAMAGES**

COMPENSATION

Generally, 2:1-2:10

Amount, certainty, 2:7

Bifurcation of compensatory and punitive damages, 1:10

Breach of contract actions, 2:4

Cause and causation

certainty, 2:7

proximate cause, tort actions, 2:3

Certainty, causation and amount, 2:7

Consequential damages, 2:5

Contract actions, natural consequences of breach, **2:4** 

General damages, 2:2

Inflation, 2:6

Lost profits, 2:8

Mitigation of damages, 2:9

Products liability, 32:4

Proximate cause, tort actions, 2:3 Recovery, standard of, 2:1

Index-8

## COMPENSATORY DAMAGES —Cont'd

Remote damages, 2:5

Special damages, 2:2

Speculative damages, 2:5

Standard of recovery, 2:1

Tort actions, proximate cause, 2:3

Year 2000 liability, 2:10

### **COMPETITION**

Covenants not to compete, contracts or agreements, 17:13

Unfair competition, statutory damages, **29:7** 

#### **COMPROMISE**

See index heading SETTLEMENT AND COMPROMISE

### **CONCEPTION**

Wrongful conception Generally, **38:1** 

#### **CONDEMNATION**

Generally, 16:1-16:19

Acquisition of property subject to public use, entitlement to compensation, **16:6** 

Attorney's fees, 9:4

Compensation, 16:1, 16:5-16:7

Consequential damages, measure of damages, **16:10** 

Damaging property, 16:3, 16:4

Easements, measure of damages, 16:13

Entire tract, measure of damages, 16:9

Entitlement to compensation, **16:5-16:7** 

Estate of condemnee subject to other interest, entitlement to compensation, **16:7** 

General benefits, measure of damages, **16:11** 

Injunctions, remedies of property owners, **16:19** 

## CONDEMNATION—Cont'd

Interest, measure of damages, 16:14

Interests, 16:7, 16:12

Inverse condemnation, remedies of property owners, **16:18** 

Just compensation requirement, **16:1** 

Landlord and tenant, liability on termination, 28:16

Measure of damages, 16:8-16:17 Owners, remedies, 16:18, 16:19

Portions of tract, measure of damages, **16:9** 

Proration of property tax liability, measure of damages, **16:16** 

Relocation assistance, measure of damages, **16:17** 

Remedies of property owners, 16:18, 16:19

Special benefits, measure of damages, 16:11

Substitute condemnation, measure of damages, 16:15

Taking, 16:2, 16:4, 16:9, 16:12, 16:13

Tracts, measure of damages, **16:9** Unified tracts, measure of damages, **16:9** 

#### **CONDITION**

Landlord and tenant, termination upon occurrence of condition, 28:14

# CONDUCT BY INSURED PRECLUDING INSURER'S LIABILITY

Generally, 27:8

## CONFESSION OF JUDGMENT

Verdicts, 11:30

## CONFLICT OF LAWS

Generally, 1:6, 11:8, 32:3

## **CONNECTING CARRIERS**

Liability, **15:12** 

#### **CONSEQUENTIAL DAMAGES**

Compensatory damages, 2:5
Condemnation, measure of damages, 16:10

## **CONSORTIUM, LOSS OF**

Family law, 22:4

## CONSTRUCTION AND INTERPRETATION

Insurance, claims of coverage, 27:20, 27:22

#### **CONSTRUCTION WORK**

Drains and sewers, 23:17 Highways, contracts, 26:5

#### **CONSULTANTS**

Pesticide consultants, statutory damages, 29:10

#### **CONSUMER CREDIT**

Statutory damages, 29:5

#### **CONTRACTORS**

Contract-related matters, 17:17 Motor vehicles, independent contractors' acts, 30:11

## CONTRACTS OR AGREEMENTS

Generally, 17:1-17:13

Accord and satisfaction, 17:7
Accounts and accounting,
contract-related matters,

17:14

Actions

compensatory damages, natural consequences of breach,

2:4

covenant not to sue, 17:8 employment contracts, 20:1-

20:7

entire or severable, 11:2

CONTRACTS OR	CONTRACTS OR
AGREEMENTS—Cont'd	AGREEMENTS—Cont'd
Actions—Cont'd	Dependent covenants, 17:12
insurance, failure of agent or broker to procure, 27:14	Discount buying clubs, contract- related matters, 17:23
punitive damages, 4:6 state government, 23:11 statute of limitations, 11:18	Election between contract and quantum meruit recoveries, 17:3
Arbitration and award, contract- related matters, <b>17:15</b>	Employment contracts, actions, 20:1-20:7
Attorney's fees, security agree-	Entire contract, actions, 11:2
ments, 9:8	Factors and commission
Bailments, contract-related matters, <b>17:16</b>	merchants, contract-related matters, 17:18
Carriers	Fraud, contract-related matters,
generally, 15:1-15:14	17:19
for detailed treatment see index heading COMMON AND	Highways, construction contracts, <b>26:5</b>
CONTRACT CARRIERS	Illegal contracts, 17:6
Commissions	Implied in law contracts, measure
factors and commission	of recovery, 17:2
merchants, contract-related	Indemnity, 17:10
matters, 17:18	Independent covenants, 17:12
sales representative commissions, contract-related matters, 17:24	Insurance, failure of agent or broker to procure, 27:14
Commodity contracts and options,	Interest, 8:2
contract-related matters,  17:26	Invention development services, contract-related matters,
Compensation	17:25
commissions. See "Commissions" under this index	Leases, limitation of liability of landlord in tort, <b>28:6</b>
heading	Liability
physicians, contract-related	counties, 23:8
matters, 17:22 Compensatory damages, natural	leases, limitation of liability of landlord in tort, <b>28:6</b>
consequences of breach, 2:4	limitation of liability by
Contractors, contract-related mat-	contract, 17:5
ters, 17:17	trustees, 21:6
Counties, liability, 23:8	Limitation of liability by contract,
Covenants	- , , ,
dependent or independent covenants, 17:12	Matters related to contracts, 17:14-17:30
not to compete, 17:13	Measure of recovery, 17:1-17:3
not to sue, 17:8	Noncompetition covenants, 17:13

CONTRACTS OR AGREEMENTS—Cont'd	CONTRACTS OR AGREEMENTS—Cont'd
Official bonds, contract-related	Statute of frauds, 17:11
matters, <b>17:20</b>	Statute of limitations, 11:18
Parol contracts, 17:11	Telephone
Physicians' compensation, contract-related matters, 17:22	public safety telephone service, contract-related matters, 17:27
Prepaid entertainment contracts, contract-related matters, 17:21	sellers, contract-related matters, 17:29 solicitations, contract-related
Public safety telephone service,	matters, 17:30
contract-related matters, 17:27	Third party beneficiaries, contract- related matters, 17:28
Punitive damages, contract actions, <b>4:6</b>	Torts, interference with contract, <b>36:21</b>
Quantum meruit, 17:2, 17:3	Trustees' liability, 21:6
Recovery, 17:1-17:3	Unenforceable contracts, 17:6
Release, 17:9	CONTRIBUTION AMONG
Rescission	SECURITY PARTIES
generally, 17:4	Guaranty and suretyship, 24:3
sales contract, 35:6	• • •
Sales	CONTRIBUTORY NEGLIGENCE
discount buying clubs, contract- related matters, 17:23	Apportionment of damages, 10:7
· · · · · · · · · · · · · · · · · · ·	Motor vehicles, 30:16, 30:17
representative commissions, contract-related matters,	, ,
17:24	CONTROL
rescission of sales contract,	Highways, roads and streets. See
35:6	index heading HIGHWAYS,
telephonic sellers, contract-	ROADS AND STREETS
related matters, 17:29	Pollution control, statutory damages, <b>29:11</b>
Satisfaction and accord, 17:7	<b>3</b> ,
Services	CONVERSATION, CRIMINAL
invention development services,	Family law, 22:3
contract-related matters,	CONVERSION
17:25	Banks and banking, 14:13
public safety telephone service, contract-related matters, 17:27	Torts, trover and conversion, <b>36:19</b>
11121	CORPORATIONS
Severable contract, actions, 11:2	Generally, 14:2-14:8
Solicitations by telephone, contract-related matters,	Actions, shareholders, 14:7
17:30	Business Corporation Act, liability
State government, actions, <b>23:11</b>	of directors and officers, 14:2

## CORPORATIONS—Cont'd

Criminal liability, 14:6

Debts of predecessor, successor corporation's liability for, 14:8

Directors, 14:2-14:5

Fiduciary obligations, directors and officers, **14:4** 

Liability, 14:2, 14:3, 14:5, 14:6, 14:8

Municipal corporations

generally, 23:1-23:6

for detailed treatment see index heading MUNICIPAL CORPORATIONS

Nonprofit corporations, 14:21

Officers, 14:2-14:5

Predecessor, successor corporation's liability for debts of, 14:8

Shareholders' actions, 14:7

Statutory liability, 14:2, 14:3

Successor corporation's liability for debts of predecessor, **14:8** 

Third parties, liability of directors and officers to, 14:5

Tort liability, 14:6

#### **COSTS AND EXPENSES**

Actions and proceedings generally, **18:1-18:10** 

for detailed treatment see index heading COSTS OF ACTION

Decedents' estates, administration, 21:4

Medical expenses. See index heading MEDICAL EXPENSES Wrongful death, **37:6**, **37:8** 

## COSTS OF ACTION

Generally, 18:1-18:10

Allowance of costs, civil actions and proceedings, **18:2** 

Appeals, 18:8

Civil actions and proceedings, 18:2-18:6

## COSTS OF ACTION—Cont'd

Criminal proceedings, 18:7

Expert assistance, indigents, 18:10

Indigents, 18:9, 18:10

Insurance, 27:4, 27:6

Parties, civil actions and proceedings, 18:5

Payment of costs, civil actions and proceedings, **18:3** 

Property-related civil actions, 18:6

Transcripts, indigents, 18:9

#### **COUNSEL**

See index heading ATTORNEYS

### **COUNTERCLAIMS**

Generally, 11:13

#### **COUNTIES**

Generally, 23:7-23:9

Contract, liability in, 23:8

Damage to property, liability, 23:7

Liability, 23:7, 23:8

Personal injuries, liability, 23:7

Private property taken for public purposes, 23:9

Property, 23:7, 23:9

Wrongful death, liability, 23:7

#### **COVENANTS**

Contracts or agreements. See index heading CONTRACTS OR AGREEMENTS

Landlord and tenant, duty to repair under express covenants, 28:2

Real property, sales, 33:13

## **COVER**

Sales, buyer's remedies upon seller's breach, **35:12** 

## **COVERAGE CLAIMS**

Insurance, 27:19-27:30

#### **CREDIT**

Consumer credit, statutory damages, **29:5** 

## **CREDITORS**

Life insurance proceeds, 27:21

#### **CRIMINAL MATTERS**

Corporations, criminal liability, **14:6** 

Costs of criminal proceedings, **18:7** 

Family law, criminal conversation, **22:3** 

Insurance, criminal proceedings, **27:2** 

Punitive damages, criminal statutes, **4:7** 

Restitution, criminal practice, **34:2** Statute of limitations, actions arising out of criminal act, **11:25.2** 

Torts, criminal acts, 36:8

#### **CROPS**

Real property, trespass, 33:5

#### **CULVERTS**

Drains and sewers, liability for maintenance, 23:19

## **DAMAGE TO PROPERTY**

Attorney's fees, suits for damage to property, 9:7

Common and contract carriers, measure of damages, **15:2** 

Condemnation, 16:3, 16:4

Counties, liability, 23:7

Drains and sewers, liability for damaging adjacent property, 23:18

Tenant's liability, **28:17** Torts, animals, **36:20** 

#### **DATE**

See index heading TIME

## **DEALERS**

Motor vehicles, licensing, 30:19

## DEATH

Benefits

life insurance, construction of accidental death benefits clause, 27:20

state employees, 23:13

Decedents' estates

generally, 21:1-21:4

for detailed treatment see index heading DECEDENTS' ESTATES

Life insurance, construction of accidental death benefits clause, 27:20

State employees, death benefits, 23:13

Wrongful death

generally, 37:1-37:14

for detailed treatment see index heading WRONGFUL DEATH

#### **DEBTS**

Collection, statutory damages, **29:7** 

Successor corporation's liability for debts of predecessor, **14:8** 

## **DECEDENTS' ESTATES**

Generally, 21:1-21:4

Administrators and executors, 21:1-21:4

Claims against estate, 21:3

Costs of administration, 21:4

Deduction from state inheritance tax, costs of administration, 21:4

Executors and administrators, 21:1-21:4

Liability for negligence and mismanagement, executors and administrators, 21:1

Suits by executors and administrators, 21:2

#### DECEIT

See index heading FRAUD AND DECEIT

## **DEDUCTIONS**

Premiums, life insurance proceeds, 27:21
State inheritance tax, costs of administration of decedents' estates, 21:4

## **DEFAMATION**

Claim for damages, 11:14 Torts, 36:9

## **DEFAULT JUDGMENTS**

Actions, 11:6

#### **DEFAULTING BIDDER**

Executions, public sales, 13:8

#### **DEFECTS**

Highways, roads and streets, 23:4, 26:7, 26:8

Landlord's liability in tort, 28:5

Motor vehicles, 26:7, 30:13

Municipal corporations, liability

for defects in streets and sidewalks, 23:4

## **DEFENSES**

Motor vehicles, contributory negligence, 30:17 Nuisances, 31:8 Wrongful death, 37:14

## **DEFICIENCY JUDGMENTS**

Real property, foreclosure, 33:16

## **DEFINITIONS**

Damages, 1:2 Liquidated damages, 5:1 Nuisances, 31:1 Punitive damages, 4:1 Statutory penalties, 6:1

## **DELAYED DELIVERY**

Common and contract carriers, 15:3

## DELINQUENCY PROCEEDINGS

Insurance, 27:7

Index-14

## **DELIVERY**

Claim and delivery
generally, 13:10-13:13
for detailed treatment see index
heading CLAIM AND
DELIVERY

Common and contract carriers.

See index heading COMMON
AND CONTRACT CARRIERS

## DEMAND PREREQUISITE TO SUIT AGAINST MUNICIPALITY

Generally, 23:3

#### DEPENDENT COVENANTS

Contracts or agreements, 17:12

#### **DEPOSITS**

Landlord and tenant, security deposits, 28:15

#### DESTROYED

Documents of title, 19:5
Premises, tenant's liability, 28:17

## DEVELOPMENT

Contract-related matters, invention development services, 17:25

## DIRECTED VERDICT

Generally, 11:31

#### **DIRECTORS**

Banks' directors, liability, **14:15** Corporations, **14:2-14:5** 

## **DISABILITY**

Insurance, construction of provision allowing disability benefits, 27:22

Torts, **36:2** 

## DISALLOWANCE

Liquidated damages, 5:4

#### **DISCHARGE**

Common and contract carriers, failure to stop to discharge passengers, 15:9

#### DISCHARGE—Cont'd

Employment contract actions, wrongful discharge, **20:1** 

#### **DISCOUNT BUYING CLUBS**

Contract-related matters, 17:23

#### DISCRETION OF JURY

Amount of damages, 7:5

## DISCRIMINATION

Business, statutory damages, 29:7 Employment, contract actions, 20:5

## **DISHONOR**

Banks and banking, 14:14

#### **DISPUTED WAGES**

Employment contract actions, **20:2** 

## **DISTRIBUTION OF RECOVERY**

Wrongful death, 37:12

#### **DOCTORS**

See index heading PHYSICIANS

## **DOCUMENTS OF TITLE**

Generally, 19:1-19:5

Bill of lading, issuance, 19:3

Care, standard of, 19:1

Carrier, enforcement of lien by, **19:4** 

Destroyed documents, 19:5

Enforcement of lien by

warehouseman or carrier,

19:4

Failure of identification, **19:5** Issuance

1:11 61 1

bill of lading, 19:3

overissue, 19:5

Liability, limitation of, 19:1

Lien, enforcement by warehouseman or carrier, **19:4** 

Limitation of liability, 19:1

Lost documents, 19:5

#### 101, 17.2

**DOCUMENTS OF TITLE** 

—Cont'd

Misdescription of goods, recovery for, **19:2** 

Non-receipt of goods, recovery for, 19:2

Overissue, 19:5

Recovery, 19:2, 19:3

Standard of care, 19:1

Stolen documents, 19:5

Warehouseman, enforcement of lien by, **19:4** 

## DOMESTIC MATTERS

See index heading FAMILY AND DOMESTIC MATTERS

#### DONATED FOOD

Products liability, immunity, 32:7

## DRAINS AND SEWERS

Generally, 23:17-23:19

Adjacent property, liability for taking or damaging, 23:18

Construction, 23:17

Culverts, liability for maintenance, 23:19

Damaging adjacent property, liability, 23:18

Liability, 23:18, 23:19

Maintenance, liability, 23:19

Nuisances, 31:9

Taking adjacent property, liability, 23:18

#### DRAM SHOP LIABILITY

Motor vehicles, Safe Road Act, **30:20** 

## **DUTIES**

Common and contract carriers, duty of care, 15:1

Corporations, fiduciary obligations of directors and officers, 14:4

Landlord and tenant, 28:1-28:3, 28:7, 28:10

#### **DUTIES—Cont'd**

Motor vehicles, negligence cases, **30:3** 

Trustees, 21:5

## EARNINGS AND EARNING CAPACITY LOSS

Torts, 36:2

#### **EASEMENTS**

Condemnation, measure of damages, **16:13** 

## **ECONOMIC LOSS**

Products liability, 32:6

## **EDUCATION AND SCHOOLS**

Liability, 23:21, 23:22

#### **EJECTION OF PASSENGER**

Common and contract carriers, **15:8** 

#### **EJECTMENT**

Landlord and tenant, summary ejectment, 28:13

## ELECTION, OPTION OR CHOICE

Commodity contracts and options, 17:26

Conflict of laws, **1:6**, **11:8**, **32:3** 

Contract and quantum meruit recoveries, 17:3

Remedies, 1:7

## ELEMENTS OF CAUSE OF ACTION

Generally, 1:2

#### **EMERGENCY SITUATIONS**

Motor vehicles, 30:5

## **EMINENT DOMAIN**

Generally, 16:1-16:19

For detailed treatment see index heading CONDEMNATION

## EMPLOYMENT RELATIONS

Generally, 20:1-20:14

Index-16

## EMPLOYMENT RELATIONS

—Cont'd

Actions, contract of employment, **20:1-20:7** 

Activities prohibited, labor unions, **20:14** 

Boycotts prohibited, labor unions, **20:14** 

Contract of employment, actions, **20:1-20:7** 

Discrimination in employment, contract of employment actions, 20:5

Disputed wages, contract of employment actions, 20:2

Labor unions, 20:13, 20:14

Motor vehicles, employee's acts, 30:10

Personal injuries

work-related injuries, generally, **20:8-20:12** 

workers' compensation. See index heading workers' COMPENSATION

Picketing prohibited, labor unions, 20:14

Principal's action, contract of employment, **20:4** 

Prohibited activities, labor unions, **20:14** 

Sexual harassment, contract of employment actions, **20:7** 

State employees, death benefits, 23:13

Strikes prohibited, labor unions, **20:14** 

Third parties

actions, contract of employment, **20:3** 

injuries to, 20:9

Wages in dispute, contract of employment actions, 20:2

Workers' compensation. See index heading WORKERS' COMPENSATION

## EMPLOYMENT RELATIONS —Cont'd

Wrongful

discharge, contract of employment actions, 20:1

interference with business relations, contractual rights and prospective advantage, contract of employment actions, 20:6

#### **ENFORCEMENT**

Common and contract carriers, liens, 15:6, 19:4

Documents of title, enforcement of lien by warehouseman or carrier, 19:4

Private enforcement, antitrust and trade regulation, **14:20** 

#### **ENTERTAINMENT**

Prepaid entertainment contracts, 17:21

#### **ENTIRE CONTRACT**

Actions, 11:2

## **ENTIRE TRACT**

Condemnation, measure of damages, **16:9** 

## ENTITLEMENT TO COMPENSATION

Condemnation, 16:5-16:7

## EQUITY AND EQUITABLE MATTERS

Family law, equitable lien under unjust enrichment doctrine, 22:8

Injunctions. See index heading INJUNCTIONS

#### **ESTATES**

Condemnation, estate of condemnee subject to other interest, **16:7**Decedents' estates

generally, **21:1-21:4** 

## ESTATES—Cont'd

Decedents' estates—Cont'd for detailed treatment see index heading DECEDENTS' ESTATES

#### **EVICTION**

Tenant's remedies, 28:9

#### **EVIDENCE**

Generally, **12:1-12:7**Collateral source rule, **12:6** 

Comparable sales, 12:3

Opinion evidence, **12:4** Physical injury, **12:5** 

Value. **12:2** 

Wrongful death, 12:6, 37:13

## **EXCESSIVE DAMAGES**

Generally, 7:4

#### **EXECUTIONS**

Generally, 13:4.1-13:9

Betterments, 13:9

Clerk's liability, 13:7

Defaulting bidder, public sales, 13:8

Forthcoming bond, summary remedy on, 13:5

Liability, 13:6, 13:7

Post-judgment execution procedures, **13:4.1** 

Public sales, 13:8

Sheriffs, wrongful execution, 13:6

Summary remedy on forthcoming bond, 13:5

Wrongful execution, 13:6

## EXECUTORS AND ADMINISTRATORS

Decedents' estates, 21:1-21:4

## **EXEMPLARY DAMAGES**

Generally, 4:1-4:11

For detailed treatment see index heading PUNITIVE DAMAGES

#### **EXPENSES**

See index heading COSTS AND EXPENSES

#### **EXPERT ASSISTANCE**

Costs of action, indigents, 18:10

#### **EXPLOITATION**

Professional malpractice, sexual exploitation by psychotherapist, **36:17** 

#### **EXPRESS COVENANTS**

Landlord and tenant, duty to repair, 28:2

## FACTORS AND COMMISSION MERCHANTS

Contract-related matters, 17:18

## **FAILURE OF IDENTIFICATION**

Documents of title, 19:5

## FAILURE TO PROCURE INSURANCE

Liability of agents and brokers, 27:14, 27:15

## FAILURE TO PROSECUTE

Claim and delivery, liability, 13:11

## FAILURE TO STOP TO ADMIT OR DISCHARGE PASSENGERS

Common and contract carriers, **15:9** 

## FALSE IMPRISONMENT

Torts, 36:10

## FAMILY AND DOMESTIC MATTERS

Abatement, revival and survival of actions arising out of domestic relationships, 11:38

Attorney's fees, 9:5

Law. See index heading FAMILY LAW

## FAMILY AND DOMESTIC MATTERS—Cont'd

Motor vehicles, family purpose doctrine, 30:8

#### **FAMILY LAW**

Generally, 22:1-22:8
Alienation of affections, 22:3
Breach of promise to marry, 22:1
Consortium, loss of, 22:4
Criminal conversation, 22:3

Equitable lien under unjust enrichment doctrine, 22:8

Immunity, 22:7

Liability of parents for torts of children, **22:6** 

Loss of consortium, 22:4

Parent and child, 22:5, 22:6, 30:9

Seduction, 22:2

Torts of children, liability of parents, 22:6

Unjust enrichment doctrine, equitable lien under, 22:8

#### FEDERAL MATTERS

Racketeer Influenced and Corrupt Organizations Act (RICO), 29:16

Restitution, federal practice, 34:2 Statutes, 1:8, 29:16, 37:2 Wrongful death, related federal

# acts, 37:2 FEES OF ATTORNEYS

Generally, 9:1-9:11

For detailed treatment see index heading ATTORNEY'S FEES

## **FIDUCIARIES**

Corporate directors and officers, fiduciary obligations, **14:4**Statute of limitations for actions against fiduciaries, **11:23** 

#### **FILING SUIT**

Amount of damages, damages after filing suit, **7:2** 

## FINANCIAL IDENTITY FRAUD

Statutory damages, 29:8

## FIRE INSURANCE ON REAL PROPERTY

Claims of coverage, 27:25

#### FOOD

Products liability, immunity for donated food, **32:7** 

#### **FORECLOSURE**

Real property, 33:16, 33:17

## FORTHCOMING BOND

Executions, summary remedy, 13:5

#### FRAUD AND DECEIT

Contract-related matters, 17:19
Financial identity fraud, statutory damages, 29:8

Punitive damages, 4:5

Torts, **36:11** 

Trade practices, statutory damages, 29:7

## FRAUDS, STATUTE OF

Contracts or agreements, 17:11

#### **FREIGHT LIENS**

Common and contract carriers, enforcement, 15:6

#### **FUNCTIONS**

Municipal corporations, 23:1

## FUNDS

Recovery funds, statutory damages, 29:13

State funds, misappropriation, 23:15

## **FUNERAL EXPENSES**

Wrongful death, 37:8

## **GARNISHMENT**

Generally, 13:4

#### **GENERAL BENEFITS**

Condemnation, measure of damages, **16:11** 

#### **GENERAL DAMAGES**

Compensatory damages, 2:2

#### **GENERAL VERDICTS**

Generally, 11:26

#### **GOODS**

Common and contract carriers, receipt issued by carriers, 15:4

Documents of title, recovery for non-receipt or misdescription of goods, 19:2

Resale of goods, seller's remedies upon buyer's breach, **35:8** 

#### **GOVERNING LAW**

Generally, 1:6, 11:8, 32:3

## GOVERNMENT AND GOVERNMENTAL MATTERS

Counties

generally, 23:7-23:9

for detailed treatment see index heading COUNTIES

Federal matters. See index heading FEDERAL MATTERS

Municipal corporations

generally, 23:1-23:6

for detailed treatment see index heading MUNICIPAL CORPORATIONS

State. See index heading STATE
Statute of limitations in actions
against government officers,
11:24

Units of government, 23:1-23:22

## **GUARANTY AND SURETYSHIP**

Generally, 24:1-24:4

Actions on surety bonds, 11:7
Attachment bond, surety's liability on, 13:3

## GUARANTY AND SURETYSHIP —Cont'd

Bonds of surety, actions on, 11:7 Claim and delivery, surety's liability, 13:13

Contribution among security parties, **24:3** 

Judgment against principal, **24:4** Liability

attachment bond, surety's liability on, 13:3 claim and delivery, surety's liability, 13:13

security party, 24:2

Reimbursement, 24:2

#### **GUARDIAN AND WARD**

Generally, **25:1**, **25:2**Actions on guardian's bond, **25:2** 

## **GUEST IN AUTOMOBILE**

Recovery by, 30:6

### HARASSMENT

Sexual harassment, employment contract actions, **20:7** 

## **HEALTH INSURANCE**

Claims of coverage, 27:23

## HIGHWAYS, ROADS AND STREETS

Generally, 26:1-26:8

Acquisition of property for public road purposes, **26:1** 

Cartways, 26:2

Construction contracts for highways, **26:5** 

Control

junkyards, 26:4

outdoor advertising, 26:3

Defects, 23:4, 26:7, 26:8

Injuries by automobiles resulting from defects or obstructions in highway or other public places, **26:7** 

Junkyard control, 26:4

## HIGHWAYS, ROADS AND STREETS—Cont'd

Liability, 26:6, 26:8

Motor vehicles, 26:7, 30:20

Municipal corporations, defects and obstructions in streets, 23:4, 23:5

Neighborhood public roads, 26:2 Obstructions, 23:5, 26:7, 26:8

Outdoor advertising, control of, **26:3** 

Public officers, liability, 26:6

Public places, injuries by automobiles resulting from defects or obstructions in, 26:7

#### HOSPITAL LIENS

Statutory damages, 29:4

#### HOUSING

Unlawful housing practices, statutory damages, 29:15

## **IDENTIFICATION**

Documents of title, failure of identification, 19:5

#### **IDENTITY FRAUD**

Financial identity fraud, statutory damages, 29:8

## ILLEGAL OR UNLAWFUL MATTERS

Contracts, 17:6

Housing practices, statutory damages, 29:15

#### **IMMUNITY**

Family immunity, 22:7

Motor vehicles, parent-child immunity, **30:9** 

Municipal corporations, waiver of sovereign immunity, 23:2

Products liability, donated food, **32:7** 

#### IMPLIED IN LAW CONTRACTS

Measure of recovery, 17:2

#### **IMPRISONMENT**

False imprisonment, torts, **36:10** 

## IMPROPER GOVERNMENT ACTIVITIES

State government, protection for reporting, 23:16

## **INADEQUATE DAMAGES**

Generally, 7:4

## INDEMNITY AND INDEMNIFICATION

Contracts or agreements, **17:10** Insurance agents and brokers, liability, **27:13** 

#### **INDEPENDENT**

**CONTRACTORS' ACTS** 

Motor vehicles, 30:11

## INDEPENDENT COVENANTS

Contracts or agreements, 17:12

#### **INDIGENTS**

Costs of action, 18:9, 18:10

#### **INFANTS**

See index heading CHILDREN

#### **INFLATION**

Compensatory damages, 2:6

## INHERITANCE TAX

Decedents' estates, costs of administration deducted from state inheritance tax, 21:4

## **INITIAL CARRIERS**

Liability, **15:12** 

## **INJUNCTIONS**

Actions, 11:4

Condemnation, remedies of property owners, **16:19** 

## **INJURY OR INJURIES**

Highways, roads and streets, 26:7

## INJURY OR INJURIES—Cont'd

Motor vehicles, 26:7, 30:1-30:20

No fault injury, 1:4

Nuisances, 31:4

Personal injuries. See index heading PERSONAL INJURIES

Physical injury evidence, 12:5

Prenatal injury, 38:1

Property damage. See index heading DAMAGE TO PROPERTY

Uninsured motorist coverage, intentional injuries, 27:29

#### INSTALLMENT SALES

Retail Installment Sales Act, 29:6

## **INSTRUCTIONS TO JURY**

Generally, 1:9

### **INSURANCE**

Generally, 27:1-27:30

Accidental death benefits clause in life insurance, construction, 27:20

Actions, 9:7, 27:4-27:7, 27:14, 27:15

Agents, liability, 27:13-27:18

Applicable statute of limitations, uninsured motorist coverage, 27:28

Apportionment between insurers, fire insurance on real property, 27:25

Attorney's fees, 9:7, 27:4, 27:6

Bad faith refusal to settle, liability of agents and brokers, 27:18

Beneficiaries, life insurance proceeds, **27:21** 

#### Benefits

accidental death benefits clause in life insurance, construction. 27:20

disability benefits, construction of provision allowing, 27:22

#### INSURANCE—Cont'd INSURANCE—Cont'd Benefits-Cont'd Liability-Cont'd claims of coverage, liability health insurance, claims of coverage, **27:23** insurance, 27:19, 27:26 Bodily disease, life insurance, conduct by insured precluding 27:20 insurer's liability, 27:8 Liability insurance, claims of Brokers, liability, 27:13-27:18 coverage, 27:19, 27:26 Claims of coverage, 27:19-27:30 Life insurance, claims of cover-Conduct by insured precluding age, 27:20, 27:21 insurer's liability, 27:8 Loss, property insurance, 27:24 Construction and interpretation, claims of coverage, 27:20, Motor vehicles 27:22 liability insurance, claims of Contract action, failure of agent or coverage, 27:26 broker to procure insurance, underinsured motorist coverage, 27:14 claims of coverage, 27:30 Costs of action, 27:4, 27:6 uninsured motorist coverage, Coverage claims, 27:19-27:30 claims of coverage, 27:27-Creditors, life insurance proceeds, 27:29 27:21 Negligence, liability of agents and brokers, 27:16 Criminal proceedings, 27:2 Deduction of premium, life insur-Policy health insurance, claims of ance proceeds, 27:21 coverage, 27:23 Delinquency proceedings, 27:7 wrongful cancellation of policy. Disability benefits, construction of liability of agents and provision allowing, 27:22 brokers, 27:17 Establishing loss, property insur-Precluding insurer's liability, ance, 27:24 conduct by insured, 27:8 Failure to procure insurance, Premium, deduction from life liability of agents and insurance proceeds, 27:21 brokers, 27:14, 27:15 Proceeds of life insurance, 27:21 Fire insurance on real property, claims of coverage, 27:25 **Property** Health insurance, claims of coverinsurance, claims of coverage, age, 27:23 27:24 Indemnification, liability of agents real property. See "Real propand brokers, 27:13 erty" under this index Intentional injuries, uninsured heading motorist coverage, 27:29 Punitive damages, liability insurance, 27:19 Interest, 27:5, 27:21 Real property Interpretation and construction, fire insurance on real property, claims of coverage, 27:20, 27:22 claims of coverage, 27:25 Liability title insurance, 33:14 Release, 27:9-27:11

agents and brokers, 27:13-27:18

#### INSURANCE—Cont'd

Rendering negligent advice, liability of agents and brokers, **27:16** 

Settlement, 27:9-27:11, 27:18

Stacking, motor vehicle liability insurance, **27:26** 

Standard coverage, fire insurance on real property, **27:25** 

Statute of limitations, uninsured motorist coverage, **27:28** 

Statutes, 27:3, 27:9

Subrogation, 27:12

Title insurance, real property, 33:14

Tort action, failure of agent or broker to procure insurance, 27:15

Underinsured motorist coverage, **27:30** 

Uninsured motorist coverage, 27:27-27:29

Wrongful cancellation of policy, liability of agents and brokers, 27:17

## **INTENTIONAL INJURIES**

Uninsured motorist coverage, **27:29** 

## INTEREST IN PROPERTY OR SUBJECT MATTER

Condemnation, 16:7, 16:12

#### INTEREST ON MONEY

Generally, 8:1-8:10

Condemnation, measure of damages, **16:14** 

Contracts, 8:2

Insurance, 27:5, 27:21

Judgments, 8:9

Liquidated damages, 8:5

Notes, 8:4

Prejudgment interest, 8:10

State, actions against, 8:6

Statutes, 8:7

## INTEREST ON MONEY—Cont'd

Torts, **8:3** Usury, **8:8** 

Verdicts, 11:32

#### **INTERFERENCE**

Employment contract actions, wrongful interference with business relations, contractual rights and prospective advantage, 20:6

Property rights, actions, 11:3

Torts, interference with contract, 36:21

## INTERPRETATION AND CONSTRUCTION

Insurance, claims of coverage, 27:20, 27:22

#### INTOXICATED PERSON

Common and contract carriers, refusal of ticket, **15:11** 

## INVENTION DEVELOPMENT SERVICES

Contract-related matters, 17:25

#### INVERSE CONDEMNATION

Remedies of property owners, **16:18** 

## **INVESTMENT SECURITIES**

Generally, 14:16-14:19

Actions, 14:18, 14:19

Broker, actions, 14:18, 14:19

Offer and sale, 14:16

Principal, actions, 14:18, 14:19

Sale and offer, 14:16

Wrongful transfer, 14:17

## **ISSUANCE**

Common and contract carriers, receipt for goods, **15:4** 

Documents of title. See index heading DOCUMENTS OF TITLE

## JOINT AND SEVERAL LIABILITY

Apportionment of damages, 10:2 Motor vehicles, 30:15

#### **JOINT LIABILITY**

Apportionment of damages, 10:2

#### **JOINT OBLIGORS**

Apportionment of damages, 10:3, 10:5

#### JOINT TORTFEASORS

Apportionment of damages, 10:4, 10:5

Verdicts, 11:29

## **JUDGMENTS**

Apportionment of damages, judgment against joint obligors or joint tortfeasors, **10:5** 

Confession of judgment, verdicts, 11:30

Default judgments, 11:6

Executions

generally, 13:4.1-13:9

for detailed treatment see index heading EXECUTIONS

Guaranty and suretyship, judgment against principal, **24:4** 

Interest, 8:9

Offer of judgment, verdicts, 11:30

Real property foreclosure, deficiency judgments, 33:16

## JUNKYARD CONTROL

Highways, roads and streets, 26:4

## **JURISDICTION**

Generally, 1:3

#### JURY

Amount of damages, discretion of jury, 7:5
Instructions to jury, 1:9

Verdicts

generally, 11:26-11:33.1

## JURY—Cont'd

Verdicts—Cont'd

for detailed treatment see index heading VERDICTS

## JUST COMPENSATION REQUIREMENT

Condemnation, 16:1

#### LABOR AND EMPLOYMENT

Generally, 20:1-20:14

For detailed treatment see index heading EMPLOYMENT RELA-TIONS

### LABOR UNIONS

Generally, 20:13, 20:14

#### **LAND**

Generally, 33:1-33:18

For detailed treatment see index heading REAL PROPERTY

#### LANDLORD AND TENANT

Generally, 28:1-28:18

Abandonment by tenant, liability on termination, 28:12

Assignment, liability for rent, **28:11** 

Attorney's fees, 9:6

Condemnation, liability on termination, **28:16** 

Damaged premises, liability of tenant, **28:17** 

Defects, liability of landlord in tort, 28:5

Destroyed premises, liability of tenant, 28:17

Duties, 28:1-28:3, 28:7, 28:10

Eviction, remedies of tenant after, 28:9

Express covenants, duty to repair, **28:2** 

Lease provisions limiting liability of landlord in tort, **28:6** 

Liability, 28:1-28:7, 28:10-28:17

## LANDLORD AND TENANT

## —Cont'd

Limitation of liability of landlord in tort, lease provisions, 28:6

Payment of rent, duty of tenant, **28:10** 

Personal property of tenant, rights in, 28:8

Post-eviction remedies of tenant, **28:9** 

Premises liability, **28:1**, **28:2**, **28:17** 

Remedies of tenant after eviction, **28:9** 

Rent, liability of tenant for, 28:10, 28:11

Rental referral agencies, **28:18**Repairs, duties of landlord, **28:1**, **28:2** 

Rights in tenant's personal property, **28:8** 

Security deposits, liability on termination, **28:15** 

Summary ejectment, liability on termination, **28:13** 

Termination, liability on, 28:12-28:16

Third persons, landlord's tort liability to, **28:4** 

Torts, liability of landlord, 28:3-28:7

## LATERAL SUPPORT

Real property, 33:7

## **LAWYERS**

See index heading ATTORNEYS

#### **LEASES**

Limitation of liability of landlord in tort, **28:6** 

## LEGAL MALPRACTICE

Generally, 36:15

#### LEGAL RELATIONSHIPS

Abatement, revival and survival of actions arising out of, 11:38

#### LIABILITY

Apportionment of damages, primary and secondary liability, 10:6

Attachment, 13:2, 13:3

Banks' directors and officers, 14:15

Claim and delivery, **13:11-13:13** 

Common and contract carriers.

See index heading COMMON
AND CONTRACT CARRIERS

Compensatory damages, Year 2000 liability, **2:10** 

Condemnation, proration of property tax liability, **16:16** 

Contracts or agreements. See index heading CONTRACTS OR AGREEMENTS

Corporations, 14:2, 14:3, 14:5, 14:6, 14:8

Counties, 23:7, 23:8

Documents of title, limitation of liability, **19:1** 

Drains and sewers, 23:18, 23:19

Education and schools, 23:21, 23:22

Executions. 13:6, 13:7

Executors and administrators, negligence and mismanagement, **21:1** 

Guaranty and suretyship. See index heading GUARANTY AND SURETYSHIP

Highways, roads and streets, 26:6, 26:8

Insurance. See index heading INSURANCE

Joint and several liability. See index heading JOINT AND SEVERAL LIABILITY

Landlord and tenant, 28:1-28:7, 28:10-28:17

Limitation of liability contracts or agreements, 17:5 documents of title, 19:1

## LIABILITY—Cont'd Limitation of liability—Cont'd landlord's liability in tort, lease provisions, 28:6 Motor vehicles. See index heading MOTOR VEHICLES Municipal corporations, defects in streets and sidewalks, 23:4 Parental liability for torts of children, 22:6 Partners and partnerships, 14:11, 14:12 Premises liability. See index heading PREMISES LIABILITY Products liability generally, 32:1-32:7 for detailed treatment see index heading PRODUCTS LIABILITY Railroads, 15:14 Schools and education, 23:21, 23:22 Sheriffs' liability, 13:6, 13:12 Third persons or parties. See index heading THIRD PERSONS OR **PARTIES**

#### LIABILITY INSURANCE

Trustees, 21:6, 21:7

Claims of coverage, 27:19, 27:26

Torts. See index heading TORTS

## LIBEL AND SLANDER

See index heading DEFAMATION

## LICENSING OF DEALERS AND MANUFACTURERS

Motor vehicles, 30:19

#### **LIENS**

Common and contract carriers, enforcement, **15:6**, **19:4** Documents of title, enforcement by warehouseman or carrier, **19:4** 

#### LIENS—Cont'd

Family law, equitable lien under unjust enrichment doctrine, 22:8

Statutory liens, 29:3, 29:4

#### LIFE

Insurance, claims of coverage, 27:20, 27:21
Wrongful life, 38:1

## **LIMITATIONS**

Actions

generally, 11:17-11:25.2 for detailed treatment see index heading STATUTE OF LIMI-TATIONS

Damages

common and contract carriers, 15:13 punitive damages in tobacco

litigation, 4:11

sales, 35:5

Liability. See index heading LIABILITY

## LIMITED LIABILITY COMPANIES

Partnerships, 14:11

## LIMITED PARTNERSHIPS

Generally, 14:10

## LIQUIDATED DAMAGES

Generally, **5:1-5:6** 

Definitions, **5:1** 

Interest, 8:5

Penalties contrasted, 5:2

Sales, 35:5

Statutory liquidated damages, 5:5, 5:6

Uniform Commercial Code, 5:5

When allowed, 5:3

When not allowed, 5:4

## LITIGATION

Generally, 11:1

## LITIGATION—Cont'd

For detailed treatment see index heading ACTIONS AND PROCEEDINGS

#### **LOSS**

Consortium, family law, 22:4
Earnings or earning capacity, torts, 36:2

Economic loss, products liability, **32:6** 

Present monetary loss, wrongful death, **37:9** 

Profits, compensatory damages, **2:8** 

Property insurance, 27:24 Risk of loss, sales, 35:3

## **LOST ITEMS**

Documents of title, 19:5
Property, common and contract
carriers. 15:2

### MAINTENANCE AND REPAIRS

See index heading REPAIRS AND MAINTENANCE

## MALICIOUS PROSECUTION

Torts, 36:12

## MALICIOUS USE OF PROCESS

Torts, 36:13

## **MALPRACTICE**

Generally, 36:14-36:17

For detailed treatment see index heading PROFESSIONAL MAL-PRACTICE

#### **MANUFACTURERS**

See index heading MOTOR VEHICLES

#### **MARRIAGE**

Breach of promise to marry, family law, 22:1

## **MEASURE OF DAMAGES**

Generally, 7:3

## MEASURE OF DAMAGES

—Cont'd

Common and contract carriers, 15:2, 15:7

Condemnation, 16:8-16:17

Contracts or agreements, 17:1-17:3

Real property, 33:1

Sales, remedies for breach, 35:10, 35:14

## **MEDICAL EXPENSES**

Torts, 36:1

Wrongful death, 37:6

#### MEDICAL MALPRACTICE

Generally, 36:16

## MENTAL HEALTH AND RETARDATION

State government, area mental health, mental retardation and substance abuse authority, 23:14

#### MILEAGE

Vehicle Mileage Act, 30:18

## MINES AND MINERALS

Real property, trespass, 33:4

### **MINORS**

See index heading CHILDREN

## MISAPPROPRIATION

State funds, 23:15

## MISDESCRIPTION OF GOODS

Documents of title, recovery, 19:2

## MISHANDLING

Banks and banking, 14:13

#### MISMANAGEMENT

Executors and administrators, liability, **21:1** 

## MITIGATION OF DAMAGES

Compensatory damages, 2:9

## **MODIFICATION**

See index heading AMENDMENT

### **MORAL WRONGS**

Generally, 1:4

## **MOTOR VEHICLES**

Accidents, 30:5

Actionable negligence, 30:2

Agent's acts, 30:10

Contributory negligence, 30:16, 30:17

Dealers, licensing, 30:19

Defects, 26:7, 30:13

Defenses to contributory negligence, **30:17** 

Dram shop liability, Safe Road Act, **30:20** 

Duty in negligence cases, 30:3

Emergency situations, 30:5

Employee's acts, 30:10

Family purpose doctrine, 30:8

Highways, roads and streets, 26:7, 30:20

Immunity, parent-child, 30:9

Independent contractors' acts, 30:11

Injuries, 26:7, 30:1-30:20

Insurance. See index heading INSURANCE

Joint and several liability, **30:15** Liability

dram shop liability, Safe Road Act, 30:20

joint and several liability, 30:15

manufacturer, 30:12

vicarious liability, 30:8

Licensing of dealers and manufacturers, 30:19

Manufacturers

liability, 30:12

licensing, 30:19

Negligence, 30:2-30:4, 30:16, 30:17

## MOTOR VEHICLES—Cont'd

Operation of defective vehicle, permitting, 30:13

Parent-child immunity, 30:9

Per se negligence, 30:4

Permitting operation of defective vehicle, **30:13** 

Proximate cause, 30:7

Punitive damages, 30:14

Recovery by automobile guest, **30:6** 

Safe Road Act, 30:20

Statutes, 30:18, 30:20

Vehicle Mileage Act, 30:18

Vicarious liability, 30:8

#### **MUNICIPAL CORPORATIONS**

Generally, 23:1-23:6

Defects in streets and sidewalks, liability for, 23:4

Demand prerequisite to suit against municipality, 23:3

Functions, 23:1

Liability for defects in streets and sidewalks, 23:4

Obstructions in streets, 23:5

Private property taken for public purpose, 23:6

Proprietary functions, 23:1

Sidewalks, liability for defects in, 23:4

Sovereign immunity, waiver, 23:2

Streets, defects and obstructions, 23:4, 23:5

Waiver of sovereign immunity, 23:2

### **NEGLIGENCE**

Contributory negligence. See index heading CONTRIBUTORY NEGLIGENCE

Executors and administrators, liability, **21:1** 

Insurance agents and brokers, liability, **27:16** 

NEGLIGENCE—Cont'd

Motor vehicles, 30:2-30:4, 30:16, 30:17

Specified by statute, torts, 36:4

## NEIGHBORHOOD PUBLIC ROADS

Generally, 26:2

**NEW TRIAL** 

Verdicts, 11:33.1

#### NO FAULT INJURY

Generally, 1:4

## **NOMINAL DAMAGES**

Generally, **3:1-3:3** 

Amount, 3:3

Application of rules, 3:2

Wrongful death, 37:11

## **NON-RECEIPT OF GOODS**

Documents of title, recovery, 19:2

## NONCOMPETITION COVENANTS

Contracts or agreements, 17:13

#### NONPROFIT CORPORATIONS

Generally, **14:21** 

#### NOTES

Attorney's fees, 9:8

Interest, 8:4

## **NUISANCES**

Generally, 31:1-31:9

Actions, 31:3, 31:7

Commencement of suit, damages

after, 31:3

Defenses, 31:8

Definitions, 31:1

Injuries, 31:4

Permanent nuisances, 31:5

Sewers, 31:9

Special damages, 31:6

## NUMBER OR QUANTITY

See index heading AMOUNT

#### **OBSTRUCTIONS**

Highways, roads and streets, 23:5, 26:7, 26:8

#### **OFFER**

Investment securities, **14:16** Verdicts, offer of judgment, **11:30** 

#### **OFFICERS**

Banks' officers, liability, 14:15

Corporations, 14:2-14:5

Government officers, statute of limitations in actions against, 11:24

Public officers. See index heading PUBLIC OFFICERS

## **OFFICIAL BONDS**

Contract-related matters, 17:20 State government, 23:12

#### **OFFICIALS**

State education officials, liability, 23:22

## OPERATION OF DEFECTIVE MOTOR VEHICLE

Permitting, 30:13

## **OPINION EVIDENCE**

Generally, 12:4

#### **OPTION OR CHOICE**

See index heading ELECTION, OPTION OR CHOICE

### **ORAL CONTRACTS**

Generally, 17:11

#### **OUTDOOR ADVERTISING**

Highways, roads and streets, control, **26:3** 

#### **OVERISSUE**

Documents of title, 19:5

#### **OWNERS**

Condemnation, remedies, **16:18**, **16:19** 

## **PAIN AND SUFFERING**

Torts, **36:1** 

Wrongful death, 37:7

## PARENT AND CHILD

Generally, 22:5, 22:6, 30:9

#### PAROL CONTRACTS

Generally, 17:11

#### **PARTIES**

Costs of civil actions and proceedings, 18:5

Third parties. See index heading THIRD PERSONS OR PARTIES

Wealth of parties, claim for damages, **11:11** 

Wrongful death, 37:4

## PARTNERS AND PARTNERSHIPS

Generally, 14:9-14:12

Actions between partners, 14:9

Liability, 14:11, 14:12

Limited liability companies, 14:11

Limited partnerships, 14:10

Third persons, liability to, 14:12

#### **PASSENGERS**

Automobile guest, recovery by, 30:6

Common and contract carriers.

See index heading COMMON
AND CONTRACT CARRIERS

#### **PAYMENT**

Costs of civil actions and proceedings, 18:3

Prepaid entertainment contracts, 17:21

Tenant's duty to pay rent, 28:10

#### **PENALTIES**

Attorney's fees, 9:3

Definition of statutory penalties, **6:1** 

Liquidated damages contrasted, 5:2

## PENALTIES—Cont'd

Specific statutory penalties, **6:3** Statutory penalties, **6:1-6:3** 

#### PER SE NEGLIGENCE

Motor vehicles, 30:4

### PERMANENT DAMAGES

Real property, 33:8

#### PERMANENT NUISANCES

Generally, 31:5

## PERMITTING OPERATION OF DEFECTIVE MOTOR VEHICLE

Generally, 30:13

#### PERSONAL INJURIES

Attorney's fees, suits for personal injuries, 9:7

Common and contract carriers, measure of damages, **15:7** 

Counties, liability, 23:7

Employment relations. See index heading EMPLOYMENT RELATIONS

Torts, animals, 36:20

## PERSONAL PROPERTY

Abatement, revival and survival of actions, 11:36

Goods. See index heading GOODS Tenant's personal property, rights in, 28:8

Trespass, torts, 36:18

## PESTICIDE APPLICATORS AND CONSULTANTS

Statutory damages, 29:10

## PHRASES AND WORDS

See index heading DEFINITIONS

## PHYSICAL INJURY

Evidence, 12:5

Index-30

## **PHYSICIANS**

Compensation, contract-related matters, 17:22
Malpractice, 36:16

## **PICKETING**

Labor unions, 20:14

#### PLEADING AND PRACTICE

Amendment of pleadings, 11:13
Bankruptcy, claim for damages,
11:15

Claim for damages, 11:9-11:16 Counterclaims, 11:13

Libel and slander, claim for damages, 11:14

Minor's claim for damages, 11:12 Punitive damages, 4:8

Restitution, 34:1-34:3

Special damages, claim for damages, 11:10

Tender, claim for damages, 11:15 Wealth of parties, claim for damages, 11:11

## POLICY OF INSURANCE

See index heading INSURANCE

#### POLLUTION CONTROL

Statutory damages, 29:11

## **POOR PERSONS**

Costs of action, 18:9, 18:10

#### PORTIONS OF TRACT

Condemnation, measure of damages, **16:9** 

## POST-EVICTION REMEDIES OF TENANT

Generally, 28:9

## POST-JUDGMENT EXECUTION PROCEDURES

Generally, 13:4.1

## **PRACTICE**

See index heading PLEADING AND PRACTICE

## PRECLUDING INSURER'S LIABILITY

Conduct by insured, 27:8

## PREDECESSOR CORPORATION

Successor corporation's liability for debts of, **14:8** 

## PREJUDGMENT INTEREST

Generally, 8:10

#### PREMISES LIABILITY

Landlord and tenant, 28:1, 28:2, 28:17

Real property, **33:18** Torts, **36:22** 

#### **PREMIUMS**

Deduction from life insurance proceeds, **27:21** 

### PRENATAL INJURY

Generally, 38:1

## PREPAID ENTERTAINMENT CONTRACTS

Generally, 17:21

## PRESENT MONETARY LOSS

Wrongful death, 37:9

## PRIMARY LIABILITY

Apportionment of damages, 10:6

## **PRINCIPALS**

Employment contracts, principal's action, **20:4** 

Guaranty and suretyship, judgment against principal, 24:4

Investment securities, actions, 14:18, 14:19

## PRIVATE ENFORCEMENT

Antitrust and trade regulation, **14:20** 

## PRIVATE PROPERTY TAKEN FOR PUBLIC PURPOSES

Municipalities and counties, 23:6, 23:9

#### **PROBATE**

Attorney's fees, 9:9

### PROCEEDINGS AND ACTIONS

Generally, 11:1

For detailed treatment see index heading ACTIONS AND PROCEEDINGS

## PROCEEDS OF LIFE INSURANCE

Generally, 27:21

#### **PROCESS**

Malicious use and abuse of process, torts, **36:13** 

## PROCUREMENT OF INSURANCE

Liability of agents and brokers for failure to procure insurance, 27:14, 27:15

#### PRODUCTS LIABILITY

Generally, 32:1-32:7
Compensatory damages, 32:4
Conflicts of law, 32:3
Donated food, immunity for, 32:7
Economic loss, 32:6
Evolution of state law, 32:1
Immunity for donated food, 32:7
Overview of Products Liability
Act, 32:2
Punitive damages, 32:5

## PROFESSIONAL MALPRACTICE

Statutes, 32:1, 32:2

Generally, **36:14-36:17** Legal malpractice, **36:15** Medical malpractice, **36:16** Sexual exploitation by psychotherapist, **36:17** 

## PROFESSIONAL

MALPRACTICE—Cont'd

Statute of limitations, 11:25.1

## PROFIT OR PROFITS

Lost profits, compensatory damages, **2:8** 

Nonprofit corporations, 14:21

## PROHIBITED ACTIVITIES

Labor unions, 20:14

#### PROMISE TO MARRY

Breach of promise, family law, 22:1

#### **PROOF**

Generally, 12:1-12:7

For detailed treatment see index heading EVIDENCE

#### **PROPERTY**

Abatement, revival and survival of actions, 11:36, 11:37

Acquisition of property. See index heading ACQUISITION OF PROPERTY

Common and contract carriers.

See index heading COMMON
AND CONTRACT CARRIERS

## Condemnation

generally, 16:1-16:19

for detailed treatment see index heading CONDEMNATION

Conversion. See index heading CONVERSION

Costs of action, property-related civil actions, 18:6

Counties, 23:7, 23:9

Damage to property. See index heading DAMAGE TO PROPERTY

Insurance. See index heading INSURANCE

Interference with property rights, actions, 11:3

## PROPERTY—Cont'd

Personal property. See index heading PERSONAL PROPERTY

Private property taken for public purposes, municipalities and counties, 23:6, 23:9

Real property

generally, 33:1-33:18

for detailed treatment see index heading REAL PROPERTY

Statute of limitations in property actions, 11:20

Torts. See index heading TORTS
Trespass. See index heading
TRESPASS

## PROPRIETARY FUNCTIONS

Municipal corporations, 23:1

## PRORATION OF PROPERTY TAX LIABILITY

Condemnation, measure of damages, **16:16** 

## PROSPECTIVE ADVANTAGE

Employment contract actions, wrongful interference with prospective advantage, **20:6** 

#### **PROTECTION**

Reporting improper government activities, state government, 23:16

Trade secrets, statutory damages, **29:12** 

## PROXIMATE CAUSE

Compensatory damages, tort actions, 2:3
Motor vehicles, 30:7

## **PSYCHOTHERAPIST**

Professional malpractice, sexual exploitation by psychotherapist, **36:17** 

#### **PUBLIC OFFICERS**

Highways, roads and streets, liability, **26:6** 

#### PUBLIC OFFICERS—Cont'd

Statute of limitations in actions against, **11:24** 

## **PUBLIC PLACES**

Highways, roads and streets, injuries by automobiles resulting from defects or obstructions, 26:7

## **PUBLIC PURPOSES**

Private property taken for public purposes, municipalities and counties, 23:6, 23:9

## PUBLIC ROADS AND STREETS

Generally, 26:1-26:8

For detailed treatment see index heading HIGHWAYS, ROADS AND STREETS

## PUBLIC SAFETY TELEPHONE SERVICE

Contract-related matters, 17:27

## **PUBLIC SALES**

Executions, 13:8

## **PUBLIC USE**

Condemnation, compensation of persons acquiring property subject to public use, **16:6** 

#### **PUNITIVE DAMAGES**

Generally, 4:1-4:11

Actions, 4:3, 4:6, 4:11

Amount, 4:8

Appeal, 4:9

Bifurcation of compensatory and punitive damages, 1:10

Contract actions, 4:6

Criminal statutes, 4:7

Definitions, 4:1

Fraud, 4:5

Liability insurance, 27:19

Limitations in tobacco litigation,

4:11

Motor vehicles, 30:14

## PUNITIVE DAMAGES—Cont'd

Pleading, 4:8

Products liability, 32:5

Statutes, 4:2, 4:7, 4:10

Tobacco litigation, limitations in,

4:11

Tort actions, 4:3

Verdict, 4:8

Wantonness, 4:4

Willfulness, 4:4

Wrongful death, 37:10

## **QUANTITY OR NUMBER**

See index heading AMOUNT

## **QUANTUM MERUIT**

Contracts or agreements, 17:2, 17:3

## RACKETEER INFLUENCED AND CORRUPT **ORGANIZATIONS ACT** (RICO)

Generally, 29:16

## RAILROADS

Liability, 15:14

Statute of limitations in actions against railroads, 11:21

#### REAL PROPERTY

Generally, 33:1-33:18

Abatement, revival and survival of actions, 11:37

Brokers, sales, 33:10

Condemnation

generally, 16:1-16:19

for detailed treatment see index heading CONDEMNATION

Covenants, sales, 33:13

Crops, trespass, 33:5

Deficiency judgments, foreclosure, 33:16

Drains and sewers, liability for taking or damaging adjacent property, 23:18

Foreclosure, 33:16, 33:17

## REAL PROPERTY—Cont'd

Insurance. See index heading

INSURANCE

Landlord and tenant

generally, 28:1-28:18

for detailed treatment see index heading LANDLORD AND TENANT

Lateral support, 33:7

Measure of damages, 33:1

Mines and minerals, trespass, 33:4

Permanent damages, 33:8

Premises liability, 33:18

Remedies, 33:1-33:12

Right to recover, 33:2

Sales, 33:9 et seq.

Slander of title, 33:15

Temporary damages, 33:8

Timber and trees, trespass, 33:6

Title, 33:13-33:15

Trees and timber, trespass, 33:6

Trespass, 33:3-33:6

Warranties of title, sales, 33:13

Wrongful foreclosure, 33:17

#### RECEIPT FOR GOODS

Common and contract carriers, issuance, 15:4

## RECOUPMENT

Verdicts, 11:33

#### RECOVERY

Automobile guest, 30:6

Claim and delivery, 13:10

Compensatory damages, standard of recovery, 2:1

Contracts or agreements, 17:1-

17:3

Documents of title, 19:2, 19:3

Funds, statutory damages, 29:13

General principles, 1:5

Real property, right to recover,

Wrongful death, distribution, 37:12

## REDUCTION OF VERDICT BY PLAINTIFF

Amount of damages, 7:6

#### REFERRAL

Rental referral agencies, landlord and tenant, 28:18

#### REFUSAL

Common and contract carriers, refusal of ticket to intoxicated person, 15:11

Insurance agents and brokers, liability for bad faith refusal to settle, 27:18

#### REGULATION

Trade regulation, private enforcement, **14:20** 

#### REIMBURSEMENT

Guaranty and suretyship, 24:2

#### RELATIVES

See index heading Family and DOMESTIC MATTERS

#### RELEASE

Contracts or agreements, 17:9 Insurance, 27:9-27:11

## RELOCATION ASSISTANCE

Condemnation, measure of damages, **16:17** 

#### REMEDIES

Condemnation, property owners, **16:18, 16:19** 

Election of remedies, 1:7

Executions, summary remedy on forthcoming bond, **13:5** 

Injunctions. See index heading INJUNCTIONS

Real property, 33:1-33:12

Sales, 35:2, 35:4-35:14

Tenant's remedies after eviction, **28:9** 

## REMEDIES—Cont'd

Workers' compensation and common law remedies compared, 20:10

## REMOTE DAMAGES

Compensatory damages, 2:5

## RENDERING NEGLIGENT ADVICE

Insurance agents and brokers, liability, **27:16** 

#### RENT

Tenant's liability, 28:10, 28:11

## RENTAL REFERRAL AGENCIES

Landlord and tenant, 28:18

## REPAIRS AND MAINTENANCE

Drains and sewers, liability, 23:19 Landlord's duties, 28:1, 28:2

#### REPORTING

State government, protection for reporting improper activities, 23:16

## REPRESENTATIVES

Contract-related matters, sales representative commissions, 17:24

Decedents' estates, executors and administrators, 21:1-21:4

## RESALE OF GOODS

Seller's remedies upon buyer's breach, **35:8** 

## RESCISSION OF CONTRACTS

Generally, 17:4

For detailed treatment see index heading CONTRACTS OR AGREEMENTS

## RESPONSIBILITIES

See index heading DUTIES

## RESTITUTION

Generally, 34:1-34:3 Civil practice, 34:1 Criminal practice, 34:2 Federal practice, 34:2

## RESTRAINT OF TRADE

Statutory damages, 29:7

## RESTRICTIONS

See index heading LIMITATIONS

## RETAIL INSTALLMENT SALES ACT

Generally, 29:6

#### RETARDATION

State government, area mental health, mental retardation and substance abuse authority, 23:14

#### REVIEW

See index heading APPEALS

## REVIVAL OF ACTIONS

Generally, 11:34-11:38

For detailed treatment see index heading ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

## RICO (RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)

Generally, 29:16

### **RIGHTS**

Employment contract actions, wrongful interference with contractual rights, **20:6** 

Interference with property rights, actions, 11:3

Real property, right to recover, 33:2

Sales, buyer's right to cover upon seller's breach, **35:12** 

## RIGHTS—Cont'd

Statute of limitations, actions on statutory rights, 11:25
Tenant's personal property, 28:8

#### **RISK OF LOSS**

Sales, 35:3

## ROADS AND STREETS

Generally, 26:1-26:8

For detailed treatment see index heading HIGHWAYS, ROADS AND STREETS

#### **RULES**

Nominal damages, application of rules, **3:2** 

#### SAFE ROAD ACT

Motor vehicles, 30:20

#### **SAFETY**

Contract-related matters, public safety telephone service, 17:27

#### **SALES**

Generally, 35:1-35:14

Ascertainment of damages, **35:4**Breach, remedies, **35:7-35:14**Comparable sales evidence, **12:3**Contracts or agreements. See index heading CONTRACTS OR

AGREEMENTS
Cover, buyer's remedies upon seller's breach, **35:12** 

Executions, public sales, 13:8

Investment securities, 14:16

Limitation of damages, 35:5

Liquidation of damages, **35:5** Measure of damages, remedies for

breach, 35:10, 35:14

Real property, 33:9 et seq.

Remedies, 35:2, 35:4-35:14

Resale of goods, seller's remedies upon buyer's breach, **35:8** 

Rescission of sales contract, 35:6

Retail Installment Sales Act, 29:6

## SALES-Cont'd

Right to cover, buyer's remedies upon seller's breach, 35:12 Risk of loss, 35:3

Uniform Commercial Code, 35:1

#### **SANCTIONS**

See index heading PENALTIES

## SATISFACTION AND ACCORD

Contracts or agreements, 17:7

## SCHOOLS AND EDUCATION

Liability, 23:21, 23:22

## **SECONDARY LIABILITY**

Apportionment of damages, 10:6

#### **SECRETS**

Trade secret protection, statutory damages, 29:12

## SECURED TRANSACTIONS

Statutory damages, 29:2

#### SECURITIES, INVESTMENT

Generally, 14:16-14:19

For detailed treatment see index heading INVESTMENT SECURI-TIES

### **SECURITY**

Attorney's fees, security agreements, **9:8** 

Guaranty and suretyship

generally, 24:1-24:4

for detailed treatment see index heading GUARANTY AND SURETYSHIP

Landlord and tenant, security deposits, **28:15** 

#### **SEDUCTION**

Family law, 22:2

#### **SERVICES**

See index heading CONTRACTS OR AGREEMENTS

#### **SET-OFF**

Verdicts, 11:33

## SETTLEMENT AND COMPROMISE

Actions, 11:5

Common and contract carriers, settlement for cash-on-delivery shipments, **15:5**Insurance, **27:9-27:11, 27:18** 

Insurance, 27:9-27:11, 27:18 Workers' compensation, 20:11

## SEVERABLE CONTRACT

Actions, 11:2

## **SEWERS**

Generally, 23:17-23:19

For detailed treatment see index heading DRAINS AND SEWERS

## SEXUAL EXPLOITATION BY PSYCHOTHERAPIST

Professional malpractice, 36:17

## SEXUAL HARASSMENT

Employment contract actions, **20:7** 

## SHAREHOLDERS' ACTIONS

Corporations, 14:7

## SHERIFFS' LIABILITY

Generally, 13:6, 13:12

#### **SHIPMENTS**

Common and contract carriers, settlement for cash-ondelivery shipments, **15:5** 

## **SIDEWALKS**

Municipal corporations, liability for defects, 23:4

#### SLANDER AND LIBEL

See index heading DEFAMATION

## **SLANDER OF TITLE**

Real property, 33:15

## **SOCIAL WELFARE**

Statutory damages, 29:9

## SOLICITATIONS BY TELEPHONE

Contract-related matters, 17:30

#### **SOVEREIGN IMMUNITY**

Municipal corporations, waiver, 23:2

#### SPECIAL BENEFITS

Condemnation, measure of damages, **16:11** 

#### **SPECIAL DAMAGES**

Claim for damages, 11:10 Compensatory damages, 2:2 Nuisances, 31:6

#### SPECIAL VERDICTS

Generally, 11:26

#### **SPECULATIVE DAMAGES**

Compensatory damages, 2:5

#### **STACKING**

Motor vehicle liability insurance, **27:26** 

## STANDARD COVERAGE

Fire insurance on real property, **27:25** 

## **STANDARDS**

Compensatory damages, standard of recovery, 2:1

Documents of title, standard of care. 19:1

#### **STATE**

Actions

contract actions, 23:11 interest, actions against state, 8:6

Area mental health, mental retardation and substance abuse authority, 23:14

Contract actions, 23:11

## STATE—Cont'd

Death benefits for state employees, 23:13

Decedents' estates, costs of administration deducted from state inheritance tax, **21:4** 

Education officials, liability, **23:22** Employees, death benefits for, **23:13** 

Government, generally, 23:10-23:16

Improper government activities, protection for reporting, 23:16

Interest, actions against state, 8:6 Misappropriation of state funds, 23:15

Official bonds, state government, 23:12

Protection for reporting improper government activities, 23:16

Torts, state government, 23:10

## **STATUTE**

See index heading STATUTES

#### STATUTE OF FRAUDS

Contracts or agreements, 17:11

## STATUTE OF LIMITATIONS

Generally, 11:17-11:25.2

Accrual of actions, 11:17

Business associations, actions against, 11:22

Contract actions, 11:18

Criminal act, actions arising out of, 11:25.2

Fiduciaries, actions against, 11:23

Government officers, actions against, 11:24

Professional malpractice, actions regarding, **11:25.1** 

Property actions, 11:20

Public officers, actions against, 11:24

Railroads, actions against, 11:21

Index-38

## STATUTE OF LIMITATIONS —Cont'd

Statutory rights, actions on, 11:25 Tort actions, 11:19 Uninsured motorist coverage, 27:28

**STATUTES** Attorney's fees, 9:2 Collection of debts, 29:7 Consumer credit, 29:5 Corporations, liability, 14:2, 14:3 Deceptive trade practices, 29:7 Discrimination in business, 29:7 Federal statutes, 1:8, 29:16, 37:2 Financial identity fraud, 29:8 Hospital liens, 29:4 Insurance, 27:3, 27:9 Interest, 8:7 Liens, 29:3, 29:4 Liquidated damages, 5:5, 5:6 Motor vehicles, 30:18, 30:20 Negligence specified by statute, torts, 36:4 Penalties, 6:1-6:3 Pesticide applicators and consultants, 29:10 Pollution control, 29:11

Racketeer Influenced and Corrupt Organizations Act (RICO), 29:16 Recovery funds, 29:13 Restraint of trade, 29:7

Products liability, 32:1, 32:2 Punitive damages, 4:2, 4:7, 4:10

Retail Installment Sales Act, 29:6 Secured transactions, 29:2 Social welfare, 29:9

Statute of limitations, actions on

statutory rights, 11:25 Trade secret protection, 29:12

Unfair competition, 29:7 Unfair trade practices, 29:7

## STATUTES—Cont'd

Uniform Commercial Code. See index heading UNIFORM COM-MERCIAL CODE

Unlawful housing practices, 29:15 Victims' compensation, 29:14 Wrongful death, 37:1-37:3, 37:13

## STOLEN DOCUMENTS OF TITLE

Generally, 19:5

## STREETS AND ROADS

Generally, 26:1-26:8 For detailed treatment see index heading HIGHWAYS, ROADS AND STREETS

## STRIKES PROHIBITED

Labor unions, 20:14

## **SUBROGATION**

Insurance, 27:12

#### SUBSTANCE ABUSE

State government, area mental health, mental retardation and substance abuse authority, 23:14

## **SUBSTITUTE**

#### CONDEMNATION

Measure of damages, 16:15

### SUCCESSOR CORPORATION

Liability for debts of predecessor corporation, 14:8

## **SUFFERING**

See index heading PAIN AND SUF-FERING

## SUFFICIENCY OF VERDICT

Generally, 11:27

## **SUITS**

Generally, 11:1 For detailed treatment see index heading ACTIONS AND PROCEEDINGS

#### **SUMMARY EJECTMENT**

Landlord and tenant, liability on termination, 28:13

## SUMMARY REMEDY ON FORTHCOMING BOND

Executions, 13:5

## **SUPPORT**

Lateral support of real property, **33:7** 

#### **SURETYSHIP**

Generally, 24:1-24:4

For detailed treatment see index heading GUARANTY AND SURETYSHIP

## SURVIVAL OF ACTIONS

Generally, 11:34-11:38

For detailed treatment see index heading ABATEMENT, REVIVAL AND SURVIVAL OF ACTIONS

## **TAKING**

Claim and delivery, liability for wrongful taking, **13:11** 

Condemnation, 16:2, 16:4, 16:9, 16:12, 16:13

Drains and sewers, liability for taking adjacent property, 23:18

Private property taken for public purposes, municipalities and counties, 23:6, 23:9

### TAX MATTERS

Condemnation, proration of property tax liability, **16:16** 

Decedents' estates, costs of administration deducted from state inheritance tax, 21:4

## **TELEPHONE**

See index heading CONTRACTS OR AGREEMENTS

## TEMPORARY DAMAGES

Real property, 33:8

#### TENANT AND LANDLORD

Generally, 28:1-28:18

For detailed treatment see index heading LANDLORD AND TEN-ANT

#### **TENDER**

Claim for damages, 11:15

#### **TERMINATION**

Landlord and tenant, liability, 28:12-28:16

## THIRD PERSONS OR PARTIES

Contract-related matters, third party beneficiaries, 17:28

Corporate directors' and officers' liability to, 14:5

Employment relations. See index heading EMPLOYMENT RELATIONS

Landlord's tort liability to, **28:4** Partnerships' liability to, **14:12** 

## **TICKETS**

Common and contract carriers, refusal of ticket to intoxicated person, 15:11

## TIMBER AND TREES

Real property, trespass, 33:6

### TIME

Statute of limitations

generally, 11:17-11:25.2

for detailed treatment see index heading STATUTE OF LIMI-TATIONS

Year 2000 liability, compensatory damages, 2:10

### TITLE

Documents

generally, 19:1-19:5

Index-40

TITLE—Cont'd Documents—Cont'd	TORTS—Cont'd False imprisonment, 36:10
for detailed treatment see index	Fraud and deceit, <b>36:11</b>
heading DOCUMENTS OF	Insurance, failure of agent or bro-
TITLE	ker to procure, 27:15
Real property, 33:13-33:15	Interest, 8:3
TOBACCO LITIGATION	Interference with contract, <b>36:21</b> Joint tortfeasors. See index head-
Punitive damages, limitations, <b>4:11</b>	ing joint tortfeasors
TODES	Landlord's liability, 28:3-28:7
TORTS	Liability
Generally, 36:1-36:22	corporations, 14:6
Abuse of process, 36:13	landlord, 28:3-28:7
Actions	parental liability for torts of
compensatory damages, proximate cause, <b>2:3</b>	children, <b>22:6</b>
insurance, failure of agent or	premises liability, 36:22
broker to procure, 27:15	trustees, 21:7
malicious prosecution, 36:12	Lost earnings or earning capacity, <b>36:2</b>
punitive damages, 4:3	Malicious prosecution, 36:12
statute of limitations, 11:19	Malicious use of process, 36:13
Aeronautics, 36:5	Medical expenses, 36:1
Animals, damage or injury caused by, <b>36:20</b>	Negligence specified by statute, 36:4
Assault and battery, 36:6	Pain and suffering, 36:1
Cause and causation	Parental liability for torts of chil-
animals, damage or injury	dren, <b>22:6</b>
caused by, <b>36:20</b>	Personal injuries caused by
compensatory damages,	animals, <b>36:20</b>
proximate cause, 2:3	Personal property, trespass, 36:18
Combustible substances, 36:7	Premises liability, 36:22
Compensatory damages in tort actions, proximate cause, 2:3	Process, malicious use and abuse, <b>36:13</b>
Contract, interference with, 36:21	Professional malpractice
Conversion and trover, 36:19	generally, <b>36:14-36:17</b>
Corporations, liability, 14:6	for detailed treatment see index
Criminal acts, 36:8	heading PROFESSIONAL
Damage to property, animals, <b>36:20</b>	MALPRACTICE Property
Deceit and fraud, 36:11	damage to property, animals,
Defamation, 36:9	36:20
Disability, 36:2	premises liability, 36:22
Earnings and earning capacity,	trespass to personal property,
loss of, 36:2	36:18

## TORTS—Cont'd

Property-Cont'd

trover and conversion, 36:19
valuation of property, 36:3
Punitive damages, actions, 4:3
State government, 23:10
Statute, negligence specified by, 36:4
Statute of limitations, 11:19
Suffering and pain, 36:1
Trespass to personal property, 36:18
Trover and conversion, 36:19
Trustees' liability, 21:7

#### TRACTS

Condemnation, measure of damages, **16:9** 

Valuation of property, 36:3

#### **TRADE**

Deceptive trade practices, statutory damages, 29:7
Regulation, private enforcement, 14:20
Restraint of trade, statutory damages, 29:7
Secrets, statutory damages, 29:12
Unfair trade practices, 9:11, 29:7

## TRAINS

See index heading RAILROADS

## **TRANSCRIPTS**

Costs of action, indigents, 18:9

## **TRANSFER**

Investment securities, wrongful transfer, 14:17

Landlord and tenant, liability of transferee for rent after assignment, 28:11

## TREES AND TIMBER

Real property, trespass, 33:6

## **TRESPASS**

Personal property, torts, 36:18

Index-42

## TRESPASS—Cont'd

Real property, 33:3-33:6

## TROVER AND CONVERSION

Torts, 36:19

#### TRUSTS AND TRUSTEES

Generally, 21:5-21:7
Contracts, liability of trustees, 21:6
Duties of trustees, 21:5
Liability of trustees, 21:6, 21:7
Torts, liability of trustees, 21:7

## UNDERINSURED MOTORIST COVERAGE

Generally, 27:30

## UNENFORCEABLE CONTRACTS

Generally, 17:6

#### UNFAIR COMPETITION

Statutory damages, 29:7

## **UNFAIR TRADE PRACTICES**

Generally, 9:11, 29:7

#### **UNIFIED TRACTS**

Condemnation, measure of damages, **16:9** 

## UNIFORM COMMERCIAL CODE

Liquidated damages, **5:5** Sales, **35:1** 

## UNINSURED MOTORIST COVERAGE

Generally, 27:27-27:29

### **UNIONS**

Labor unions, 20:13, 20:14

## UNITS OF GOVERNMENT

Generally, 23:1-23:22

## UNIVERSITIES

Liability, 23:22

## UNJUST ENRICHMENT DOCTRINE

Family law, equitable lien, 22:8

## **UNLAWFUL MATTERS**

See index heading ILLEGAL OR UNLAWFUL MATTERS

#### USE

Condemnation, compensation of persons acquiring property subject to public use, **16:6** Torts, malicious use of process, **36:13** 

#### USURY

Generally, 8:8

## VALUE AND VALUATION

Evidence, **12:2**Torts, valuation of property, **36:3** 

## VEHICLE MILEAGE ACT

Generally, 30:18

#### **VEHICLES**

See index heading MOTOR VEHICLES

#### **VERDICTS**

Generally, 11:26-11:33.1 Amendment of verdict, 11:28 Amount of verdict, 7:6, 11:27 Confession of judgment, 11:30 Directed verdict, 11:31 General verdicts, 11:26 Interest, 11:32 Joint tortfeasors, 11:29 New trial, 11:33.1 Offer of judgment, 11:30 Punitive damages, 4:8 Recoupment, 11:33 Reduction of verdict by plaintiff, amount of damages, 7:6 Set-off, 11:33 Special verdicts, 11:26 Sufficiency of verdict, 11:27

## VICARIOUS LIABILITY

Motor vehicles, 30:8

## VICTIMS' COMPENSATION

Statutory damages, 29:14

## VINDICTIVE DAMAGES

Generally, **4:1-4:11**For detailed treatment see index heading PUNITIVE DAMAGES

## WAGES IN DISPUTE

Employment contract actions, **20:2** 

## WAIVER OF SOVEREIGN IMMUNITY

Municipal corporations, 23:2

## WANTONNESS

Punitive damages, 4:4

### WARD AND GUARDIAN

Generally, 25:1, 25:2

For detailed treatment see index heading GUARDIAN AND WARD

#### WAREHOUSEMAN

Documents of title, enforcement of lien, 19:4

## WARRANTIES OF TITLE

Real property sales, 33:13

#### **WEALTH OF PARTIES**

Claim for damages, 11:11

## WELFARE

Social welfare, statutory damages, **29:9** 

## WILLFULNESS

Punitive damages, 4:4

## WORDS AND PHRASES

See index heading DEFINITIONS

## WORK AND LABOR

Generally, 20:1-20:14

#### NORTH CAROLINA LAW OF DAMAGES

## WORK AND LABOR—Cont'd

For detailed treatment see index heading EMPLOYMENT RELATIONS

## WORKERS' COMPENSATION

Attorney's fees, 9:10
Benefits, 20:12
Common law remedies compared, 20:10
Remedies compared, 20:10
Settlement, 20:11
Wrongful death, 37:3

## WRONGFUL BIRTH

Generally, 38:1

## WRONGFUL CONCEPTION

Generally, 38:1

## WRONGFUL DEATH

Generally, 37:1-37:14

Abatement, revival and survival of actions, 11:35

Common law, 37:1-37:3

Counties, liability, 23:7

## WRONGFUL DEATH—Cont'd

Defenses, 37:14
Distribution of recovery, 37:12
Evidence, 12:6, 37:13
Expenses, 37:6, 37:8
Funeral expenses, 37:6
Nominal damages, 37:11
Pain and suffering, 37:7
Parties to action, 37:4
Present monetary loss, 37:9
Punitive damages, 37:10
Recovery, distribution of, 37:12
Related federal acts, 37:2
Statutes, 37:1-37:3, 37:13
Workers' compensation, 37:3

## WRONGFUL LIFE

Generally, 38:1

## YEAR 2000 LIABILITY

Compensatory damages, 2:10

#### **ZONING**

Aesthetic considerations, 23:20