

# Table of Laws and Rules

---

## CIVIL RIGHTS ACT

Title	Sec.
Title VII .....	21:20

## UNITED STATES CODE ANNOTATED

U.S.C.A. Sec.	Sec.	18 U.S.C.A. Sec.	Sec.
1332(a).....	15:20	2702(b)(3) .....	21:6
9 U.S.C.A. Sec.	Sec.	28 U.S.C.A. Sec.	Sec.
1 .....	70:21	636(b)(1) .....	21:12
2 .....	70:20	1391(a)(2) .....	48:7
18 U.S.C.A. Sec.	Sec.	1441 .....	21:18
2701 et seq. ....	21:6	1961 .....	15:22

## UNITED STATES PUBLIC LAWS

Pub. L. No.	Sec.
116-91.....	70:20

## CODE OF FEDERAL REGULATIONS

49 C.F.R. Sec.	Sec.
Part 481.....	36:5

## FEDERAL RULES OF CIVIL PROCEDURE

Rule	Sec.	Rule	Sec.
8(a) .....	48:24	26(b)(1).....	21:5, 21:18, 21:19, 21:20
8(f) .....	48:24	26(b)(2)(C) .....	21:18, 21:20
26 .....	21:1, 21:20, 36:12	26(b)(5) .....	21:20
26(a) .....	21:20	30(b)(1) .....	30:12
26(a)(1) .....	21:19	30(b)(5) .....	30:12
26(a)(2)(B) .....	21:20, 36:12	30(b)(6) .....	30:12
26(b).....	21:15, 21:20, 22A:1	33 .....	21:20

**FEDERAL RULES OF CIVIL PROCEDURE—Continued**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
33(c)	21:20	37(a)(3)(B)	21:15
34	21:15, 21:19, 22A:1, 30:12	37(a)(4)	21:20
34(a)	21:17	37(a)(4)(C)	21:20
34(b)	21:1, 21:20	37(a)(5)(C)	21:18
35	23:1	45(3)(A)	30:12
35(a)	30:22	45(c)(2)(A)	30:12
35.01	23:4	45(c)(3)(A)	30:12
36	21:20	51	37:4
36(a)	18:1, 21:20	56(a)	48:24, 48:25, 48:26
37	21:18, 21:19	58(a)	15:22
37(a)(1)	21:9	72	21:12
37(a)(2)(A)	21:18		

**FEDERAL RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
403	31:17, 36:3, 36:12, 42:11	611(c)	41:3
412	21:20	702	36:12

**ALABAMA CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
12-21-45	42:11	12-21-45(c)	42:11

**ARIZONA STATUTES**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
12-2203	66:5	12-2203(A)(3)	66:5

**ARIZONA RULES OF CIVIL PROCEDURE**

<b>Rule</b>	<b>Sec.</b>
7.2	66:5

TABLE OF LAWS AND RULES

**ARIZONA RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>
104 .....	66:5

**CALIFORNIA BUSINESS AND PROFESSIONS CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
2000.....	66:4	17203 .....	70:21
2052.....	66:4		

**CALIFORNIA CIVIL CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
3281.....	42:11	3282.....	42:11

**CALIFORNIA CODE OF CIVIL PROCEDURE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
379(a).....	70:21	529(b)(3) .....	70:21
379.5.....	70:21	918.....	70:21
526(b)(4) .....	70:21	1281.4.....	70:21

**CALIFORNIA EVIDENCE CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
352 .....	42:11, 66:4	403 .....	66:4

**CALIFORNIA LABOR CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
2570.3.....	70:21	2750.3(e).....	70:21
2750.3.....	70:21	2750.3(j) .....	70:21
2750.3(a)(1) .....	70:21	3351 .....	70:21
2750.3(a)(1)(B).....	70:21	3357 .....	70:21

LITIGATING MIST CASES

**CALIFORNIA PUBLIC UTILITIES CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
5445.2(a)(2), (3) .....	70:21	5430 to 5450 .....	70:21

**CALIFORNIA UNEMPLOYMENT INSURANCE CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
606.5 .....	70:21	621 .....	70:21

**COLORADO REVISED STATUTES**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
13-21-111 .....	15:21	42-4-1008 .....	8:3, 15:20
13-21-111.6 .....	15:21	42-4-1402 .....	8:3, 15:20
13-21-111.7 .....	8:3, 15:20, 15:21		

**FLORIDA CONSTITUTION**

	<b>Sec.</b>
Art. I, § 23 .....	21:17

**FLORIDA STATUTES**

<b>Sec.</b>	<b>Sec.</b>
913.03(10) .....	38:14

**FLORIDA RULES OF CIVIL PROCEDURE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
1.280 .....	21:15	1.360 .....	23:4, 23:11
1.280(b) .....	21:15	1.431(b) .....	38:14
1.350 .....	21:15	1.431(c)(1) .....	38:14
1.350(a) .....	21:17		

**FLORIDA RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
90.401 .....	36:9	90.801 .....	36:9
90.403 .....	36:9	403 .....	36:5

TABLE OF LAWS AND RULES

**GEORGIA CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
9-11-19 .....	18:9, 70:22	24-4-404(a).....	36:13
9-11-26 et seq. ....	70:23	24-5-501(2).....	36:13
9-11-26 .....	17:5, 17:7, 70:24	24-6-609 .....	36:13
9-11-26(b)(4)(A)(i) .....	17:7	24-7-9(a) and (b) .....	36:13
9-11-33 .....	17:7	24-7-702 .....	36:13
9-11-33(a)(2).....	17:7	24-8-803(6).....	36:13
9-11-34 .....	17:5	24-9-21.....	36:13
9-11-36 .....	18:9	24-13-27, et seq. ....	70:24
9-11-67.1 .....	13:12	24-14-1.....	36:13
9-15-14.....	31:17	40-1-112, et seq. ....	70:22
24-2-201 .....	36:13	40-2-140, et seq. ....	70:22
24-4-401 .....	36:13	40-6-121 .....	70:22
24-4-402 .....	36:13	51-12-1(b).....	36:13
24-4-403 .....	36:13	51-12-2.....	30:32

**INDIANA RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
401 .....	36:10, 69:3	403 .....	36:10, 69:3
402 .....	69:3		

**INDIANA TRIAL RULES**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
26(B).....	36:10	59(J) .....	69:3
50(A)(4) .....	69:3	59(J)(5).....	69:3
59 .....	69:3		

**LOUISIANA CIVIL CODE ANNOTATED**

<b>Art.</b>	<b>Sec.</b>
2315 .....	30:26

**LOUISIANA CODE OF CRIMINAL PROCEDURE  
ANNOTATED**

<b>Art.</b>	<b>Sec.</b>
966(B).....	30:26

**LOUISIANA CODE OF CIVIL PROCEDURE ANNOTATED**

<b>Art.</b>	<b>Sec.</b>
966(C)(2) .....	30:26

**LOUISIANA CODE OF EVIDENCE ANNOTATED**

<b>Art.</b>	<b>Sec.</b>
701, 702. 703. 704 and 705 .....	37:24

**LOUISIANA REVISED STATUTES ANNOTATED**

<b>Sec.</b>	<b>Sec.</b>
32:141(A) .....	30:26

**MARYLAND RULES**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
5-401 .....	36:8	5-403 .....	36:8

**MICHIGAN RULES OF CIVIL PROCEDURE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
24 .....	30:30	35(a) .....	30:22
24(a) .....	30:30	36 .....	18:8
26(b) .....	30:19	45(b)(1) .....	30:19
26(b)(1) .....	30:19	45(d)(3) .....	30:13
26(g).....	18:8	56(c) .....	30:24, 30:25
28(a) .....	30:13	56(e) .....	30:25
35 .....	30:22		

**MICHIGAN RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
401 .....	36:6	408 .....	36:6
402 .....	36:6	411 .....	30:30
403 .....	36:6		

TABLE OF LAWS AND RULES

**NEVADA REVISED STATUTES**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
47.080.....	36:12	48.035(2).....	36:12
48.015.....	36:12	50.265.....	36:12
48.025.....	36:12	50.275.....	36:12
48.035.....	36:12	613.330 .....	21:20
48.035(1).....	36:12	48,015.....	36:12

**NEVADA RULES OF PROFESSIONAL CONDUCT**

<b>Rule</b>	<b>Sec.</b>
3.4 .....	36:12

**NEW JERSEY STATUTES**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
39:6A-8(a).....	67:2	Appx A, § 2A:84A .....	67:2

**NEW JERSEY RULES OF EVIDENCE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
104 .....	67:2	703 .....	67:2
702 .....	67:2		

**OKLAHOMA STATUTES**

<b>12 Okla. Stat. Sec.</b>	<b>Sec.</b>
3235.....	23:4

**OREGON REVISED STATUTES**

<b>Sec.</b>	<b>Sec.</b>
34.110 .....	23:3

**OREGON RULES OF CIVIL PROCEDURE**

<b>Rule</b>	<b>Sec.</b>	<b>Rule</b>	<b>Sec.</b>
36(C).....	23:3	44(A).....	23:3

**PENNSYLVANIA STATUTES ANNOTATED**

<b>42 Pa. Stat. Ann. Sec.</b>	<b>Sec.</b>
7304 .....	70:20

**PENNSYLVANIA RULES OF CIVIL PROCEDURE**

<b>Rule</b>	<b>Sec.</b>
4003.1.....	21:14

**TENNESSEE CODE**

<b>Sec.</b>	<b>Sec.</b>
24-5-113.....	42:11

**WASHINGTON REVISED CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
4.12.025.....	48:27	48.01.030 .....	48:24, 48:26, 48:29
4.16.040(1).....	48:24, 48:25	48.01.040 .....	48:24
4.22.005.....	30:24	48.22.085 .....	48:30
5.40.050.....	30:24	Ch 48.30 .....	48:27
19.86.....	48:27, 48:29	48.30.010(1).....	48:29
19.86.020 .....	48:29	48.30.015 ..	48:24, 48:27, 48:29, 48:30
19.86.090 .....	48:24, 48:29, 48:30	48.30.015(1).....	48:29, 48:30
19.86.120 .....	48:25	48.30.015(2).....	48:29
46.30.020 .....	48:26	48.30.015(3).....	48:29
46.61.055 .....	48:26	48.30.015(8).....	48:28
46.61.055(1)(a).....	30:25	48.30.015(8)(a).....	48:27
46.61.100 .....	30:24	50.12.110 .....	36:3
46.61.130 .....	30:24	51.28.070.....	36:3
46.61.185 .....	30:24, 30:25		

**WASHINGTON ADMINISTRATIVE CODE**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
248-30-300 to 284-30-800 .....	48:29	284-30-330(4) .....	48:29
284-3-330(2) .....	48:29	284-30-330(7) .....	48:29
Ch 284-30.....	48:24	284-30-330(13).....	48:29
284-30-330 .....	48:24, 48:29	284-30-370 .....	48:29
284-30-330(2) .....	48:29	284-30-395 .....	48:25
284-30-330(3) .....	48:29	284-80-300 .....	48:24

TABLE OF LAWS AND RULES

**ABA MODEL RULES OF PROFESSIONAL CONDUCT**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
1.1.....	21:2	4.2.....	21:3
1.1, Comment 8 .....	21:2	5.3.....	21:3
4.1(a).....	21:3	8.4(c).....	21:3

**RESTATEMENT SECOND**

<b>Sec.</b>	<b>Sec.</b>
296 .....	44:2

**RESTATEMENT SECOND, TORTS**

<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>	<b>Sec.</b>
433B .....	44:3	¶ 913A Comment a .....	37:25
461, Comment (a).....	37:25	920A .....	42:11
911 .....	42:11		

**RESTATEMENT, CONTRACTS**

<b>Sec.</b>	<b>Sec.</b>
341.....	48:24



## Table of Cases

### 1

1st Source Bank v. First Resource  
Federal Credit Union, 167  
F.R.D. 61 (N.D. Ind.  
1996)—36:3

### A

Abdul-Majeed v. Emory University  
Hosp., 225 Ga. App. 608, 484  
S.E.2d 257 (1997)—31:17

Absher Const. Co. v. North Pacific  
Ins. Co., 861 F. Supp. 2d 1236  
(W.D. Wash. 2012)—48:30

Acevedo vs. City of Los Angeles,  
50 Trials Digest 15th 28, 2012  
WL 6708618 (Cal. Super. Ct.  
Trial Div. 2012)—8:3

A.C. ex rel. Cooper v. Bellingham  
School Dist., 125 Wash. App.  
511, 105 P.3d 400, 195 Ed.  
Law Rep. 327 (Div. 1 2004)—  
45:5

Acosta v. Tenneco Oil Co., 913 F.2d  
205, 54 Fair Empl. Prac. Cas.  
(BNA) 31, 54 Empl. Prac. Dec.  
(CCH) ¶ 40287, 31 Fed. R.  
Evid. Serv. 354, 17 Fed. R.  
Serv. 3d 1436 (5th Cir.  
1990)—30:22

Adams v. Camp Harmony Ass'n,  
Inc., 190 Ga. App. 506, 379  
S.E.2d 407 (1989)—36:13

Adkins v. Aluminum Co. of Amer-  
ica, 110 Wash. 2d 128, 750  
P.2d 1257 (1988)—45:5

Adoption of Embick, Matter of, 351  
Pa. Super. 491, 506 A.2d 455  
(1986)—21:14

Aecon Bldgs., Inc. v. Zurich North  
America, 572 F. Supp. 2d 1227  
(W.D. Wash. 2008)—48:24

Aecon Bldgs., Inc. v. Zurich North  
America, 2008 WL 786654  
(W.D. Wash. 2008)—48:29

Aflague v. Luger, 8 Neb. App. 150,  
589 N.W.2d 177 (1999)—35:3

Aga v. Hundahl, 78 Haw. 230, 891  
P.2d 1022 (Haw. 1995)—41:4

Agent Orange Product Liability  
Litigation, In re, 104 F.R.D.  
559, 1 Fed. R. Serv. 3d 1358  
(E.D. N.Y. 1985)—1:10

Alaska Brick Co. v. McCoy, 400  
P.2d 454 (Alaska 1965)—36:3

Albano v. Shea Homes Ltd. Part-  
nership, 634 F.3d 524 (9th Cir.  
2011)—48:24, 48:26

Albios v. Horizon Communities,  
Inc., 122 Nev. 409, 132 P.3d  
1022 (2006)—46:3, 46:4

Alexander v. Rizzo, 52 F.R.D. 235  
(E.D. Pa. 1971)—16:9

Alford v. U.S., 282 U.S. 687, 51 S.  
Ct. 218, 75 L. Ed. 624  
(1931)—41:5

Allen v. Cheatum, 351 Mich. 585,  
88 N.W.2d 306 (1958)—40:3

Allen v. Industrial Commission of  
Arizona, 124 Ariz. 173, 602  
P.2d 841 (Ct. App. Div. 1  
1979)—66:5

Allen v. City of Los Angeles, 66  
F.3d 1052 (9th Cir. 1995)—  
48:24, 48:25, 48:26

Allen v. Mattoon, 8 Wash. App.  
220, 504 P.2d 316 (Div. 3  
1972)—36:6

Allers v. Willis, 197 Mont. 499, 643  
P.2d 592 (1982)—35:3

Allstate Ins. Co. v. State Farm  
Mut. Auto. Ins. Co., 363 Md.  
106, 767 A.2d 831 (2001)—  
40:3

Allstate Ins. Co. v. Sunbeam Corp.,  
53 F.3d 804 (7th Cir. 1995)—  
15:4

Allstate Ins. Co. v. Pincheira, et.

## LITIGATING MIST CASES

- al., 2004-NMCA-30, 135 N.M. 220, 86 P.3d 645—1:10, 1:11
- Ambrosini v. Labarraque, 101 F.3d 129, Prod. Liab. Rep. (CCH) ¶ 14801, 45 Fed. R. Evid. Serv. 889 (D.C. Cir. 1996)—36:5
- Amend v. Bell, 89 Wash. 2d 124, 570 P.2d 138, 95 A.L.R.3d 225 (1977)—36:6, 44:3, 44:5
- American Family Ins. Co. v. Village Pontiac-GMC, Inc., 223 Ill. App. 3d 624, 166 Ill. Dec. 93, 585 N.E.2d 1115 (2d Dist. 1992)—15:4
- American Motorist Ins. Co. v. American Rent-All, Inc., 579 So. 2d 429 (La. 1991)—37:24
- American Optical Co. v. Weidenhamer, 457 N.E.2d 181 (Ind. 1983)—69:3
- Ames v. Dipietro-Kay Corp., 617 A.2d 559, Prod. Liab. Rep. (CCH) ¶ 13386 (Me. 1992)—44:2
- Amitia v. Nationwide Mut. Ins. Co., No. 3:08cv335, 2009 U.S. Dist. LEXIS 2840 (M.D. Pa. Jan. 15, 2009)—48:24
- Anaya v. Superior Court, 160 Cal. App. 3d 228, 206 Cal. Rptr. 520 (1st Dist. 1984)—70:21
- Anderson v. Baltrusaitis, 113 Nev. 963, 944 P.2d 797 (1997)—46:7
- Anderson v. Dunn, 19 U.S. 204, 5 L. Ed. 242, 1821 WL 2177 (1821)—30:23
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S. Ct. 2505, 91 L. Ed. 2d 202, 12 Media L. Rep. (BNA) 2297, 4 Fed. R. Serv. 3d 1041 (1986)—30:23, 30:27, 44:5
- Anderson v. Persell, 272 A.D.2d 733, 708 N.Y.S.2d 499 (3d Dep't 2000)—36:7
- Anderson v. State Farm Mut. Ins. Co., 101 Wash. App. 323, 2 P.3d 1029 (Div. 1 2000)—48:24, 48:29, 48:30
- Anderson v. Wheeler, 182 Wash. 249, 46 P.2d 726 (1935)—30:25
- Andrews v. Mosley Well Service, 514 So. 2d 491 (La. Ct. App. 3d Cir. 1987)—37:24
- Andrews v. Salter, 2000 WL 1679495 (Tenn. Ct. App. 2000)—45:1
- Anthony v. G.M.D. Airline Services, Inc., 17 F.3d 490 (1st Cir. 1994)—45:4
- Anthony v. Poppert, 186 Neb. 509, 184 N.W.2d 648 (1971)—44:2
- Arabie v. City of Eunice, 629 So. 2d 465 (La. Ct. App. 3d Cir. 1993)—37:24
- Arceneaux v. Howard, 633 So. 2d 207 (La. Ct. App. 1st Cir. 1993)—37:24
- Arcor, Inc. v. Textron, Inc., 960 F.2d 710, 17 U.C.C. Rep. Serv. 2d 475 (7th Cir. 1992)—45:3
- Armstrong v. Cerestar USA, Inc., 775 N.E.2d 360 (Ind. Ct. App. 2002)—36:5
- Arteria Property Pty Ltd. v. Universal Funding V.T.O., Inc., 2008 WL 4513696 (D.N.J. 2008)—21:11
- Art Press, Ltd. v. Western Printing Machinery Co., 791 F.2d 616 (7th Cir. 1986)—38:1
- Ashwood v. Clark County, 113 Nev. 80, 930 P.2d 740 (1997)—46:7
- Associated Wholesale Grocers, Inc. v. Americold Corp., 261 Kan. 806, 934 P.2d 65 (1997)—21:20
- Astor v. Merritt, 111 U.S. 202, 4 S. Ct. 413, 28 L. Ed. 401 (1884)—48:24
- Atchison, T. & S. F. Ry. Co. v. Toops, 281 U.S. 351, 50 S. Ct. 281, 74 L. Ed. 896 (1930)—31:17, 36:13
- Atkinson v. MGM Grand Hotel, Inc., 120 Nev. 639, 98 P.3d 678 (2004)—46:7
- Aucoin v. Doerner, 717 So. 2d 1239

TABLE OF CASES

- (La. Ct. App. 5th Cir. 1998)—37:24
- Aucoin v. State Farm Mut. Auto. Ins. Co., 505 So. 2d 993 (La. Ct. App. 3d Cir. 1987)—37:24
- Audiotext Communications Network, Inc. v. US Telecom, Inc., 1995 WL 625744 (D. Kan. 1995)—21:20
- Auerbach v. Klein, 30 A.D.3d 451, 816 N.Y.S.2d 376 (2d Dep't 2006)—21:20
- Averna v. Industrial Fabrication and Marine Service, Inc., 562 So. 2d 1157 (La. Ct. App. 4th Cir. 1990)—37:24
- Avery v. State Farm Mut. Auto. Ins. Co., 321 Ill. App. 3d 269, 254 Ill. Dec. 194, 746 N.E.2d 1242 (5th Dist. 2001)—36:5
- A.W. v. I.B. Corp., 224 F.R.D. 20, 94 Fair Empl. Prac. Cas. (BNA) 179 (D. Me. 2004)—21:20
- Ayala v. Antelope Valley Newspapers, Inc., 59 Cal. 4th 522, 173 Cal. Rptr. 3d 332, 327 P.3d 165, 79 Cal. Comp. Cas. (MB) 760, 164 Lab. Cas. (CCH) ¶ 61495 (2014)—70:21
- Azzano v. O'Malley-Clements, 126 Ohio App. 3d 368, 710 N.E.2d 373 (8th Dist. Cuyahoga County 1998)—28:6, 36:7, 69:2
- B**
- Babcock v. Northwest Memorial Hosp., 767 S.W.2d 705 (Tex. 1989)—38:14
- Babineaux v. Tollie Freightways, Inc., 628 So. 2d 1327 (La. Ct. App. 3d Cir. 1993)—44:2
- Badke v. Barnett, 35 A.D.2d 347, 316 N.Y.S.2d 177 (2d Dep't 1970)—35:3
- Bains v. Cambra, 204 F.3d 964 (9th Cir. 2000)—45:5
- Bair v. Manor Care of Elizabethtown, PA, LLC, 2015 PA Super 9, 108 A.3d 94 (2015)—70:20
- Baker v. Dalkon Shield Claimants Trust, 156 F.3d 248, 50 Fed. R. Evid. Serv. 115 (1st Cir. 1998)—36:5
- Baker v. Taco Bell Corp., 163 F.R.D. 348 (D. Colo. 1995)—36:12
- Banks ex rel. Banks v. Sunrise Hosp., 120 Nev. 822, 102 P.3d 52 (2004)—36:12
- Barnes v. State, 93 So. 2d 863 (Fla. 1957)—36:9
- Barone v. Law, 242 Ga. App. 102, 527 S.E.2d 898 (2000)—36:13
- Barr v. Interbay Citizens Bank, 96 Wn.2d 692 (1981)—48:24
- Barrera v. E. I. Du Pont De Nemours and Co., Inc., 653 F.2d 915, 1981 O.S.H. Dec. (CCH) ¶ 25613, 8 Fed. R. Evid. Serv. 1368 (5th Cir. 1981)—42:11
- Barrett v. Baird, 111 Nev. 1496, 908 P.2d 689 (1995)—46:2, 46:3, 46:4, 46:7
- Barrett v. Peterson, 868 P.2d 96 (Utah Ct. App. 1993)—36:12
- Barrow Dev. Co. v. Fulton Ins. Co., 418 F. 316, 319 (9th Cir. 1969)—48:24, 48:25
- Barta v. City and County of Honolulu, 169 F.R.D. 132, 45 Fed. R. Evid. Serv. 1216 (D. Haw. 1996)—21:20
- Barton v. Owen, 71 Cal. App. 3d 484, 139 Cal. Rptr. 494 (2d Dist. 1977)—38:1
- Bartow, Matter of, 101 N.M. 532, 1984-NMCA-074, 685 P.2d 387 (Ct. App. 1984)—1:10
- Bass ex rel. Bass v. Miss Porter's School, 2009 WL 3724968 (D. Conn. 2009)—21:20
- Bates v. Prater, 956 So. 2d 814 (La. Ct. App. 2d Cir. 2007)—30:26
- Bato v. Pileggi, 133 Nev. 984, 393 P.3d 658 (2017)—42:11
- Beadling v. William Bowman Associates, 355 N.J. Super. 70, 809 A.2d 188 (App. Div. 2002)—67:2

## LITIGATING MIST CASES

- Beagle v. Beagle, 57 Wash. 2d 753, 359 P.2d 808 (1961)—30:22
- Beanland v. Chicago, R. I. & P. R. Co., 345 F. Supp. 227 (W.D. Mo. 1972)—38:1
- Beck v. Prupis, 529 U.S. 494, 120 S. Ct. 1608, 146 L. Ed. 2d 561, 16 I.E.R. Cas. (BNA) 271, R.I.C.O. Bus. Disp. Guide (CCH) ¶ 9869, 171 A.L.R. Fed. 673 (2000)—48:7
- Beltran v. State, Department of Social and Health Services, 98 Wash. App. 245, 989 P.2d 604 (Div. 1 1999)—30:19
- Benjamin v. Appliance & Refrigeration Services, Inc., 2002 WL 1308405 (Del. Super. Ct. 2002)—28:6, 36:7, 69:2
- Benjamin v. Torgerson, 1999 MT 216, 295 Mont. 528, 985 P.2d 734 (1999)—36:12
- Bennett v. Messick, 76 Wash. 2d 474, 457 P.2d 609 (1969)—35:3, 36:3, 36:12, 37:25
- Bermudez v. Ciolek, 237 Cal. App. 4th 1311, 188 Cal. Rptr. 3d 820 (4th Dist. 2015)—42:11
- Berryman v. Metcalf, 177 Wash. App. 644, 312 P.3d 745 (Div. 1 2013)—49:2
- Berryman v. Metcalf, 2012 WL 985379 (Wash. Super. Ct. 2012)—49:2
- Billington v. Interinsurance Exchange of Southern Cal., 71 Cal. 2d 728, 79 Cal. Rptr. 326, 456 P.2d 982 (1969)—40:3
- Birke v. Oakwood Worldwide, 169 Cal. App. 4th 1540, 87 Cal. Rptr. 3d 602 (2d Dist. 2009)—70:21
- Birth Center v. St. Paul Companies, Inc., 567 Pa. 386, 787 A.2d 376 (2001)—48:24
- Bitzan v. Parisi, 88 Wash. 2d 116, 558 P.2d 775 (1977)—35:3
- B.K.B. v. Maui Police Dept., 276 F.3d 1091, 87 Fair Empl. Prac. Cas. (BNA) 1306, 82 Empl. Prac. Dec. (CCH) ¶ 40914, 58 Fed. R. Evid. Serv. 1011 (9th Cir. 2002)—21:20
- Bloomington, City of v. Holt, 172 Ind. App. 650, 361 N.E.2d 1211 (1977)—36:10
- Blue Grass Shows, Inc. v. Collins, 614 So. 2d 626 (Fla. 1st DCA 1993)—36:9
- Blye v. State, 566 So. 2d 877 (Fla. 3d DCA 1990)—38:14
- Board of Gallery of History, Inc. v. Datecs Corp., 116 Nev. 286, 994 P.2d 1149 (2000)—46:4
- Board of Supervisors v. McMahon, 219 Cal. App. 3d 286, 268 Cal. Rptr. 219 (3d Dist. 1990)—70:21
- Boatwright v. State, 452 So. 2d 666 (Fla. 4th DCA 1984)—36:9
- Boca Teeca Corp. v. Palm Beach County, 291 So. 2d 110 (Fla. 4th DCA 1974)—38:14
- Boeing Co. v. Heidy, 147 Wash. 2d 78, 51 P.3d 793 (2002)—28:5
- Bohannon v. Honda Motor Co. Ltd., 127 F.R.D. 536 (D. Kan. 1989)—21:20
- Bohnsack v. Kirkham, 72 Wash. 2d 183, 432 P.2d 554 (1967)—30:24, 30:25
- Bondu v. Gurvich, 473 So. 2d 1307 (Fla. 3d DCA 1984)—15:4
- Bonica v. Gracias, 84 Wash. 2d 99, 524 P.2d 232 (1974)—30:23
- Bonilla v. New York City Transit Authority, 295 A.D.2d 297, 742 N.Y.S.2d 903 (2d Dep't 2002)—28:6, 36:7, 69:2
- Bonin v. Ferrellgas, Inc., 855 So. 2d 781 (La. Ct. App. 3d Cir. 2003)—37:24
- Boom v. Robinson, 2001 Ohio App. LEXIS 3007—36:12
- Boswell v. Schultz, 2007 OK 94, 175 P.3d 390 (Okla. 2007)—23:4
- Bourgeois v. Horizon Healthcare Corp., 1994-NMSC-038, 117 N.M. 434, 872 P.2d 852, 9

TABLE OF CASES

- I.E.R. Cas. (BNA) 596, 128  
 Lab. Cas. (CCH) ¶ 57765  
 (1994)—1:10
- Bourque v. Vallot, 286 So. 2d 163  
 (La. Ct. App. 3d Cir. 1973)—  
 37:24
- Bowers v. Viator, 625 So. 2d 355  
 (La. Ct. App. 3d Cir. 1993)—  
 37:24
- Boyd v. Pernicano, 79 Nev. 356,  
 385 P.2d 342 (1963)—46:3,  
 46:4
- Boyd v. State, 564 N.E.2d 519 (Ind.  
 1991)—36:10
- Boyd v. Travelers Ins. Co., 166 Ill.  
 2d 188, 209 Ill. Dec. 727, 652  
 N.E.2d 267 (1995)—15:4
- Boyd v. University of Maryland  
 Medical System, 173 F.R.D.  
 143, 38 Fed. R. Serv. 3d 1030  
 (D. Md. 1997)—41:3, 41:5
- Boykin v. Washington, 401 So. 2d  
 488 (La. Ct. App. 2d Cir.  
 1981)—37:24
- Brame v. St. Regis Paper Co., 97  
 Wash. 2d 748, 649 P.2d 836  
 (1982)—30:24
- Brascia v. Johnson, 105 Nev. 592,  
 781 P.2d 765 (1989)—46:7
- Brattain v. Herron, 159 Ind. App.  
 663, 309 N.E.2d 150 (1974)—  
 69:3
- Brechan v. Scott, 92 Nev. 633, 555  
 P.2d 1230 (1976)—46:7
- Brenman v. Demello, 191 N.J. 18,  
 921 A.2d 1110 (2007)—37:25,  
 67:2, 67:3
- Brenman v. Demello, 383 N.J.  
 Super. 521, 892 A.2d 741 (App.  
 Div. 2006)—67:3
- Brethorst v. Allstate Property and  
 Cas. Ins. Co., 2011 WI 41, 334  
 Wis. 2d 23, 798 N.W.2d 467  
 (2011)—48:24
- Brewer v. Quaker State Oil Refin-  
 ing Corp., 72 F.3d 326, 69 Fair  
 Empl. Prac. Cas. (BNA) 753,  
 67 Empl. Prac. Dec. (CCH) ¶  
 43797 (3d Cir. 1995)—21:11
- Brittain v. Stroh Brewery Co., 136  
 F.R.D. 408 (M.D. N.C. 1991)—  
 1:10
- Brock v. Thompson, 1997 OK 127,  
 948 P.2d 279 (Okla. 1997)—  
 48:7
- Brockman v. Webber, 2000 WL  
 210421 (Iowa Ct. App.  
 2000)—35:3
- Brodit v. Cambra, 350 F.3d 985  
 (9th Cir. 2003)—36:12
- Brogan v. Rosenn, Jenkins &  
 Greenwald, LLP, 32 Pa. D. &  
 C.5th 454, 2013 WL 10230560  
 (Pa. C.P. 2013)—21:9
- Bronneke v. Rutherford, 120 Nev.  
 230, 89 P.3d 40 (2004)—46:3,  
 46:4
- Brooks v. Haggard, 481 P.2d 131  
 (Colo. App. 1970)—40:3
- Broussard v. Wal-Mart Stores,  
 Inc., 682 So. 2d 894 (La. Ct.  
 App. 3d Cir. 1996)—37:24
- Brown v. Capanna, 105 Nev. 665,  
 782 P.2d 1299 (1989)—36:12
- Brown v. Hove, 268 Ga. App. 732,  
 603 S.E.2d 63 (2004)—36:13
- Brown v. Lawrence, 632 So. 2d 462  
 (Ala. 1994)—35:3
- Brown v. State, 728 So. 2d 758  
 (Fla. 3d DCA 1999)—38:14
- Brown, People ex rel. v. Black  
 Hawk Tobacco, Inc., 197 Cal.  
 App. 4th 1561, 133 Cal. Rptr.  
 3d 99 (4th Dist. 2011)—70:21
- Brown, People ex rel. v. iMergent,  
 Inc., 170 Cal. App. 4th 333, 87  
 Cal. Rptr. 3d 844 (2d Dist.  
 2009)—70:21
- Browning-Ferris, Inc. v. Reyna,  
 865 S.W.2d 925 (Tex. 1993)—  
 36:10
- Bruno's Supermarkets, Inc. v.  
 Massey, 914 So. 2d 862 (Ala.  
 Civ. App. 2005)—42:11
- Brunzell v. Golden Gate Nat.  
 Bank, 85 Nev. 345, 455 P.2d 31  
 (1969)—46:3
- Bryant v. Country Life Ins. Co.,  
 414 F. Supp. 2d 981 (W.D.  
 Wash. 2006)—48:24

## LITIGATING MIST CASES

- Bucher v. Gainey Transp. Service of Indiana, Inc., 167 F.R.D. 387, 36 Fed. R. Serv. 3d 212 (M.D. Pa. 1996)—36:12
- Budget Rent A Car Systems, Inc. v. Jana, 600 So. 2d 466 (Fla. 4th DCA 1992)—46:3, 46:5
- Budget Rent A Car Systems, Inc. v. Jana, 600 So. 26—46:4
- Budtel Associates, LP v. Continental Cas. Co., 2006 PA Super 370, 915 A.2d 640 (2006)—70:20
- Bunda v. Hardwick, 376 Mich. 640, 138 N.W.2d 305 (1965)—36:12
- Burgbacher v. Mellor, 112 Ariz. 481, 543 P.2d 1110 (1975)—66:5
- Burlington, City of v. Association of Gas & Elec. Ins. Services, Ltd., 170 Vt. 358, 751 A.2d 284 (2000)—37:25
- Bushong v. Kamiah Grain, Inc., 96 Idaho 659, 534 P.2d 1099 (1975)—35:3
- Butigan v. Yellow Cab Co., 49 Cal. 2d 652, 320 P.2d 500, 65 A.L.R.2d 1 (1958)—36:3
- Butler v. State, 120 Nev. 879, 102 P.3d 71 (2004)—46:7
- Butt v. State of California, 4 Cal. 4th 668, 15 Cal. Rptr. 2d 480, 842 P.2d 1240, 79 Ed. Law Rep. 1039 (1992)—70:21
- C**
- Caiafa Prof. Law Corp. v. State Farm Fire & Cas. Co., 15 Cal. App. 4th 800, 19 Cal. Rptr. 2d 138, R.I.C.O. Bus. Disp. Guide (CCH) ¶ 8304 (2d Dist. 1993)—70:21
- California Housing Finance Agency v. Patitucci, 22 Cal. 3d 171, 148 Cal. Rptr. 875, 583 P.2d 729 (1978)—70:21
- California Trucking Association v. Becerra, 433 F. Supp. 3d 1154 (S.D. Cal. 2020)—70:21
- Callan v. Hackett, 170 Vt. 609, 749 A.2d 626 (2000)—37:25
- Campbell v. A. H. Robins Co., Inc., 32 Wash. App. 98, 645 P.2d 1138 (Div. 1 1982)—40:3
- Cancio v. White, 297 Ill. App. 3d 422, 232 Ill. Dec. 7, 697 N.E.2d 749 (1st Dist. 1998)—36:3, 36:12
- Candler v. Byfield, 160 Ga. 732, 129 S.E. 57 (1925)—31:17, 36:13
- Cano v. State, 3 S.W.3d 99 (Tex. App. Corpus Christi 1999)—39:2
- Carbo, Inc. v. Lowe, 521 N.E.2d 977 (Ind. Ct. App. 1988)—69:3
- Cardenas v. Dorel Juvenile Group, Inc., 232 F.R.D. 377, Prod. Liab. Rep. (CCH) ¶ 17282, 63 Fed. R. Serv. 3d 722 (D. Kan. 2005)—21:20
- Cardenas v. Dorel Juvenile Group, Inc., 230 F.R.D. 635 (D. Kan. 2005)—21:20
- Cardenas v. Dorel Juvenile Group, Inc., 230 F.R.D. 611 (D. Kan. 2005)—21:20
- Cardin v. Christie, 283 A.D.2d 978, 723 N.Y.S.2d 912 (4th Dep't 2001)—36:7
- Cardwell v. Chesapeake & Ohio Ry. Co., 504 F.2d 444 (6th Cir. 1974)—35:3
- Carey v. Lovett, 132 N.J. 44, 622 A.2d 1279 (1993)—67:2
- Carlos v. Cain, 4 Wash. App. 475, 481 P.2d 945 (Div. 1 1971)—28:4, 28:5, 36:6
- Carratelli v. State, 961 So. 2d 312 (Fla. 2007)—38:14
- Cartwright v. Midtown Hosp., 243 Ga. App. 828, 534 S.E.2d 504 (2000)—50:12
- Carver v. Niedermayer, 920 So. 2d 123 (Fla. 4th DCA 2006)—38:14
- Cave v. State, 899 So. 2d 1042 (Fla. 2005)—38:14
- Cedars-Sinai Medical Center v. Superior Court, 18 Cal. 4th 1, 74 Cal. Rptr. 2d 248, 954 P.2d 511 (1998)—15:4

TABLE OF CASES

- Celotex Corp. v. Catrett, 477 U.S. 317, 106 S. Ct. 2548, 91 L. Ed. 2d 265, 4 Fed. R. Serv. 3d 1024 (1986)—30:23, 30:27, 44:3, 44:5, 48:24, 48:25, 48:26
- Central of Georgia R. Co. v. Swindle, 260 Ga. 685, 398 S.E.2d 365 (1990)—36:13
- Chambers v. NASCO, Inc., 501 U.S. 32, 111 S. Ct. 2123, 115 L. Ed. 2d 27, 19 Fed. R. Serv. 3d 817 (1991)—21:12
- Channel v. Mills, 77 Wash. App. 268, 890 P.2d 535 (Div. 2 1995)—30:25
- Chapman v. State, 593 So. 2d 605 (Fla. 4th DCA 1992)—38:14
- Charbonneau v. Wilbur Ellis Co., 9 Wash. App. 474, 512 P.2d 1126 (Div. 3 1973)—30:27
- Charles v. Cecil Chatman Plumbing and Heating Co., 686 So. 2d 43 (La. Ct. App. 3d Cir. 1996)—37:24
- Cherokee County Hosp. Authority v. Beaver, 179 Ga. App. 200, 345 S.E.2d 904 (1986)—31:17
- Chicago & N. W. Ry. Co. v. Green, 164 F.2d 55 (C.C.A. 8th Cir. 1947)—35:3
- Childress v. Buckler, 779 N.E.2d 546 (Ind. Ct. App. 2002)—69:3
- Choat v. McDorman, 86 Nev. 332, 468 P.2d 354 (1970)—46:7
- Choat v. McDorman, 86 Nev. 332, 486 P.2d 354 (1970)—36:12
- Christophersen v. Allied-Signal Corp., 939 F.2d 1106, 33 Fed. R. Evid. Serv. 1173 (5th Cir. 1991)—36:12
- Ciaccio v. Hartman, 170 La. 949, 129 So. 540 (1930)—48:24
- Cipollone v. Liggett Group, Inc., 113 F.R.D. 86, 7 Fed. R. Serv. 3d 982 (D.N.J. 1986)—1:10
- Clark v. Safety-Kleen Corp., 179 N.J. 318, 845 A.2d 587, Prod. Liab. Rep. (CCH) ¶ 16959 (2004)—67:2
- Clemente, 183 Misc. 2d—36:5
- Clemente v. Blumenberg, 183 Misc. 2d 923, 705 N.Y.S.2d 792 (Sup 1999)—28:5, 28:6, 36:5, 36:7, 66:5, 69:2
- Clements v. Blue Cross of Washington & Alaska, Inc., 37 Wash. App. 544, 682 P.2d 942 (Div. 1 1984)—36:6
- Clemons v. State, 770 So. 2d 296 (Fla. 1st DCA 2000)—38:14
- Cleveland, City of v. Cleveland Elec. Illuminating Co., 538 F. Supp. 1240 (N.D. Ohio 1980)—36:12
- Club West, Inc. v. Tropigas of Florida, Inc., 514 So. 2d 426 (Fla. 3d DCA 1987)—38:14
- Clunie-Haskins v. State Farm Fire & Cas. Co., 855 F. Supp. 2d 380 (E.D. Pa. 2012)—48:24
- Coastal Fuels of Puerto Rico, Inc. v. Caribbean Petroleum Corp., 79 F.3d 182, 1996-1 Trade Cas. (CCH) ¶ 71335, 34 Fed. R. Serv. 3d 622 (1st Cir. 1996)—45:4
- Cohen v. Board of Supervisors, 178 Cal. App. 3d 447, 225 Cal. Rptr. 114 (1st Dist. 1986)—70:21
- Cohn v. Julien, 574 So. 2d 1202 (Fla. 3d DCA 1991)—38:14
- Coker v. Casey, 178 Ga. App. 682, 344 S.E.2d 662 (1986)—50:16
- Collins, State ex rel. v. Superior Court, In and For Maricopa County, 132 Ariz. 180, 644 P.2d 1266 (1982)—66:5
- Collins By and Through Burton v. Skinner, 576 So. 2d 1377 (Fla. 2d DCA 1991)—23:11
- Columbia Gorge Audubon Society v. Klickitat County, 98 Wash. App. 618, 989 P.2d 1260 (Div. 3 1999)—30:30
- Com. v. Carter, 38 Mass. App. Ct. 952, 649 N.E.2d 782 (1995)—36:12
- Com. v. Lambert, 765 A.2d 306 (Pa. Super. Ct. 2000)—40:3

## LITIGATING MIST CASES

- Com. v. Neverson, 35 Mass. App. Ct. 913, 619 N.E.2d 344 (1993)—28:6, 36:7, 69:2
- Com. v. Prep, 186 Pa. Super. 442, 142 A.2d 460 (1958)—70:20
- Com. v. Stewart, 547 Pa. 277, 690 A.2d 195, 93 A.L.R.5th 741 (1997)—21:14
- Combs v. Norfolk and Western Ry. Co., 256 Va. 490, 507 S.E.2d 355 (1998)—28:6, 36:7, 69:2
- Comeau v. Rupp, 810 F. Supp. 1127, Fed. Sec. L. Rep. (CCH) ¶ 97430 (D. Kan. 1992)—21:17
- Com. ex rel. Pappert v. TAP Pharmaceutical Products, Inc., 904 A.2d 986 (Pa. Commw. Ct. 2006)—21:14
- Comprehensive Technologies Intern., Inc. v. Software Artisans, Inc., 3 F.3d 730, 28 U.S.P.Q.2d 1031 (4th Cir. 1993)—1:10
- Condemnation by City of Philadelphia in 16.2626 Acre Area, In re, 981 A.2d 391 (Pa. Commw. Ct. 2009)—21:14
- Connors v. Sears, Roebuck & Co., 721 So. 2d 418 (Fla. 4th DCA 1998)—38:14
- Conover v. Baker, 134 Vt. 466, 365 A.2d 264 (1976)—37:25
- Consolidated Freightways v. Moore, 38 Wash. 2d 427, 229 P.2d 882 (1951)—36:6
- Consolidated Freightways Corp. of Delaware v. Futrell, 201 Ga. App. 233, 410 S.E.2d 751 (1991)—36:13
- Conti v. American Axle and Mfg., Inc., 326 Fed. Appx. 900, 106 Fair Empl. Prac. Cas. (BNA) 659 (6th Cir. 2009)—21:20
- Cook v. Danaher Lumber Co., 61 Wash. 118, 112 P. 245 (1910)—48:30
- Cook v. State, 734 N.E.2d 563 (Ind. 2000)—41:5
- Cook v. Whitsell-Sherman, 796 N.E.2d 271 (Ind. 2003)—36:10
- Cook v. Wiggins, 92 Wash. App. 1005, 1998 WL 712832 (Div. 2 1998)—39:2
- Cooper v. Pay-N-Save Drugs, Inc., 59 Wash. 2d 829, 371 P.2d 43 (1962)—36:3, 36:6
- Corenbaum v. Lampkin, 215 Cal. App. 4th 1308, 156 Cal. Rptr. 3d 347 (2d Dist. 2013)—42:11
- Corona, City of v. AMG Outdoor Advertising, Inc., 244 Cal. App. 4th 291, 197 Cal. Rptr. 3d 563 (4th Dist. 2016)—70:21
- Corsetti v. Stone Co., 396 Mass. 1, 483 N.E.2d 793 (1985)—42:11
- Cotracom Commodity Trading Co. v. Seaboard Corp., 189 F.R.D. 655 (D. Kan. 1999)—21:20
- Cotterhill v. Bafle, 177 Ariz. 76, 865 P.2d 120 (Ct. App. Div. 1 1993)—66:5
- Coty v. Ramsey Associates, Inc., 149 Vt. 451, 546 A.2d 196 (1988)—37:25
- Couch v. Private Diagnostic Clinic, 133 N.C. App. 93, 515 S.E.2d 30 (1999)—45:3
- Court of Appeals opinion in that case at 116 Wn. App. 261, 55 P. 3d 350 (2003)—36:6
- Coventry Associates v. American States Ins. Co., 136 Wash. 2d 269, 961 P.2d 933 (1998)—48:24, 48:29, 48:30
- Cowan v. Doering, 215 N.J. Super. 484, 522 A.2d 444 (App. Div. 1987)—67:2
- Cox v. Spangler, 141 Wash. 2d 431, 5 P.3d 1265 (2000)—36:6
- Crackel v. Allstate Ins. Co., 207 Ariz. 345, 86 P.3d 925 (Ct. App. Div. 2 2004)—48:4
- Craft v. Economy Fire & Cas. Co., 572 F.2d 565 (7th Cir. 1978)—1:10
- Cramer v. Kuhns, 213 A.D.2d 131, 630 N.Y.S.2d 128, Prod. Liab. Rep. (CCH) ¶ 14321 (3d Dep't 1995)—28:6, 69:2
- Crawford v. Uber Technologies,

TABLE OF CASES

- Inc., 57 Nat'l Disability Law Rep. P 12, 2018 WL 1116725 (N.D. Cal. 2018)—70:21
- Crazytown Furniture, Inc. v. Brooklyn Union Gas Co., 150 A.D.2d 420, 541 N.Y.S.2d 30 (2d Dep't 1989)—21:20
- Crenna v. Ford Motor Co., 12 Wash. App. 824, 532 P.2d 290 (Div. 1 1975)—23:8
- Criez v. Sunset Motor Co., 123 Wash. 604, 213 P. 7, 32 A.L.R. 627 (1923)—36:6
- Crispin v. Christian Audigier, Inc., 717 F. Supp. 2d 965 (C.D. Cal. 2010)—21:6
- Crispin v. Volkswagenwerk AG, 248 N.J. Super. 540, 591 A.2d 966, 29 A.L.R.5th 807 (App. Div. 1991)—67:2
- Crocker v. Grammer, 87 So. 3d 1190 (Ala. Civ. App. 2011)—42:4, 42:5, 42:11
- Cromer v. Mulkey Enterprises, Inc., 254 Ga. App. 388, 562 S.E.2d 783 (2002)—28:6, 36:7, 69:2
- Cross v. State, 89 Fla. 212, 103 So. 636 (1925)—38:14
- Cruz v. Lage, 2001 WL 128915 (Conn. Super. Ct. 2001)—34:7
- Cruz v. PacificCare Health Systems, Inc., 30 Cal. 4th 303, 133 Cal. Rptr. 2d 58, 66 P.3d 1157 (2003)—70:21
- Cumberbatch v. Blanchette, 35 A.D.3d 341, 825 N.Y.S.2d 744 (2d Dep't 2006)—36:7
- Cunningham v. Lyft, Inc., 2020 WL 2616302 (D. Mass. 2020)—70:21
- Cytec Carbon Fibers LLC v. Hopkins, 2012 WL 6044778 (D.S.C. 2012)—21:12
- D**
- Dabog v. Deris, 625 So. 2d 492 (La. 1993)—37:24
- Dahlin v. Holmquist, 235 Mont. 17, 766 P.2d 239 (1988)—36:12
- Daley v. Allstate Ins. Co., 135 Wash. 2d 777, 958 P.2d 990 (1998)—48:24
- Dally v. Isaacson, 40 Wash. 2d 574, 245 P.2d 200 (1952)—48:24
- Daniels v. Bernard, 270 S.C. 51, 240 S.E.2d 518 (1978)—35:3
- Darbin v. Nourse, 664 F.2d 1109, 33 Fed. R. Serv. 2d 154, 72 A.L.R. Fed. 627 (9th Cir. 1981)—36:12
- Darby v. Schoolcraft (1955) 25 Ind. App. 440, 125 N.E.2d 812—36:10
- D'Archangelo v. Loyer, 125 Vt. 325, 215 A.2d 520 (1965)—37:25
- Dardar v. Southard Distributors of Tampa, 563 So. 2d 1112 (Fla. 2d DCA 1990)—38:14
- Daub v. Daub, 629 N.E.2d 873 (Ind. Ct. App. 1994)—36:10, 69:3
- Daub v. Daub, 629 N.E.2d 8873 (Ind.App. 1994)—36:10
- Davenport v. State Farm Mut. Auto. Ins. Co., 2012 WL 555759 (M.D. Fla. 2012)—21:9
- Davidoff v. Segert, 551 So. 2d 1274 (Fla. 4th DCA 1989)—45:4
- Davis v. Galilee Baptist Church, 486 So. 2d 1021 (La. Ct. App. 2d Cir. 1986)—37:24
- Davis v. Leal, 43 F. Supp. 2d 1102 (E.D. Cal. 1999)—1:10
- Davis v. Maute, 770 A.2d 36 (Del. 2001)—31:17, 36:5, 36:6, 36:10, 36:13, 67:3
- Dayton v. Farmers Ins. Group, 124 Wash. 2d 277, 876 P.2d 896 (1994)—48:24, 48:26, 48:30
- DeBose v. Trapani, 295 So. 2d 72 (La. Ct. App. 4th Cir. 1974)—37:24
- Debus v. Grand Union Stores of Vermont, 159 Vt. 537, 621 A.2d 1288 (1993)—37:25
- Dedmon v. Steelman, 535 S.W.3d 431 (Tenn. 2017)—42:11
- Dees v. Allstate Ins. Co., 933 F. Supp. 2d 1299 (W.D. Wash. 2013)—48:1

## LITIGATING MIST CASES

- DeFillippo v. Neil, 2002-NMCA-085, 132 N.M. 529, 51 P.3d 1183—1:10
- Degel v. Dickason, 123 Wash. App. 1018, 2004 WL 2039683 (Div. 2 2004)—45:5
- Dehn v. Otter Tail Power Co., 251 N.W.2d 404 (N.D. 1977)—36:12
- DeJesus v. Flick, 116 Nev. 812, 7 P.3d 459 (2000)—46:2, 46:3, 46:4, 46:5, 46:6
- Delancy v. St. Paul Fire & Marine Ins. Co., 947 F.2d 1536 (11th Cir. 1991)—13:12
- Dennis v. Department of Labor and Industries of State of Wash., 109 Wash. 2d 467, 745 P.2d 1295 (1987)—28:5
- Denton v. Con-Way Southern Exp., Inc., 261 Ga. 41, 402 S.E.2d 269 (1991)—36:13
- Desert Cab Inc. v. Marino, 108 Nev. 32, 823 P.2d 898 (1992)—36:12
- Detention of Williams, In re, 147 Wash. 2d 476, 55 P.3d 597 (2002)—30:22
- Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 96 Fair Empl. Prac. Cas. (BNA) 287, 87 Empl. Prac. Dec. (CCH) ¶ 42141 (4th Cir. 2005)—21:12
- DiCosola v. Bowman, 342 Ill. App. 3d 530, 276 Ill. Dec. 625, 794 N.E.2d 875 (1st Dist. 2003)—36:5
- Dietz v. Ramuda, 130 Or. App. 397, 882 P.2d 618 (1994)—35:3
- Dinhofer, In re, 257 A.D.2d 326, 690 N.Y.S.2d 245 (1st Dep't 1999)—41:2
- DIRECTV, Inc. v. Puccinelli, 224 F.R.D. 677 (D. Kan. 2004)—21:20
- Dirosario v. Havens, 196 Cal. App. 3d 1224, 242 Cal. Rptr. 423 (2d Dist. 1987)—66:4
- Dobbins v. Com. Aluminum Corp., 54 Wash. App. 788, 776 P.2d 139 (Div. 3 1989)—28:5
- Dobek v. Ans, 560 So. 2d 328 (Fla. 4th DCA 1990)—38:14
- Doe v. Uber Technologies, Inc., 184 F. Supp. 3d 774 (N.D. Cal. 2016)—70:21
- Doerflinger v. New York Life Ins. Co., 88 Wash. 2d 878, 567 P.2d 230 (1977)—48:8
- Does v. Roman Catholic Church, 1996-NMCA-094, 122 N.M. 307, 924 P.2d 273—1:10
- Doherty v. Municipality of Metropolitan Seattle, 83 Wash. App. 464, 921 P.2d 1098 (Div. 2 1996)—28:4, 28:6, 30:24, 30:25, 36:7, 69:2
- Dombrowski v. Eastland, 387 U.S. 82, 87 S. Ct. 1425, 18 L. Ed. 2d 577 (1967)—30:23, 30:27, 44:5
- Dona Ana County v. Las Cruces Sun-News, 2003-NMCA-102, 134 N.M. 283, 76 P.3d 36—1:10
- Donnelly Garment Co. v. International Ladies' Garment Workers' Union, 47 F. Supp. 61 (W.D. Mo. 1941)—30:10
- Dorrell v. Moore, 504 S.W.2d 174 (Mo. Ct. App. 1973)—46:7
- Doty v. Sewall, 908 F.2d 1053, 134 L.R.R.M. (BNA) 2746, 116 Lab. Cas. (CCH) ¶ 10250, 30 Fed. R. Evid. Serv. 777 (1st Cir. 1990)—45:4
- Drake v. Caterpillar Tractor Co., 15 Ohio St. 3d 346, 474 N.E.2d 291 (1984)—39:2
- Draper v. Airco, Inc., 580 F.2d 91 (3d Cir. 1978)—39:2
- D.R. Horton, Inc. v. Green, 120 Nev. 549, 96 P.3d 1159 (2004)—46:3, 46:4
- Drummond, In re, 1997-NMCA-094, 123 N.M. 727, 945 P.2d 457—1:10
- Duthie v. Workers' Comp. Appeals Bd., 86 Cal. App. 3d 721, 150 Cal. Rptr. 530, 43 Cal. Comp. Cas. (MB) 1214 (4th Dist. 1978)—36:3, 36:12

TABLE OF CASES

- Dyer v. Herb Prout & Co., Inc., 126 N.H. 763, 498 A.2d 715 (1985)—36:3
- Dykes v. Cleveland Nursing & Rehabilitation Center, 2018 WL 2703135 (N.D. Miss. 2018)—42:8, 42:11
- E**
- Eastlake Const. Co., Inc. v. Hess, 102 Wash. 2d 30, 686 P.2d 465 (1984)—48:24, 48:25
- Ebach v. Ralston, 510 N.W.2d 604 (N.D. 1994)—44:2
- Eberhart v. Morris Brown College, 181 Ga. App. 516, 352 S.E.2d 832, 37 Ed. Law Rep. 720 (1987)—31:17
- Edmonson v. Popchoi, 155 Wash. App. 376, 228 P.3d 780 (Div. 1 2010)—48:29, 48:30
- E.E.O.C. v. Simply Storage Management, LLC, 270 F.R.D. 430, 110 Fair Empl. Prac. Cas. (BNA) 49 (S.D. Ind. 2010)—21:9, 21:16, 21:18, 21:20
- E.E.O.C. v. Waffle House, Inc., 534 U.S. 279, 122 S. Ct. 754, 151 L. Ed. 2d 755, 12 A.D. Cas. (BNA) 1001, 81 Empl. Prac. Dec. (CCH) ¶ 40850 (2002)—70:21
- Egan v. Mutual of Omaha Ins. Co., 24 Cal. 3d 809, 169 Cal. Rptr. 691, 620 P.2d 141 (1979)—1:10
- Ehling v. Monmouth-Ocean Hosp. Service Corp., 961 F. Supp. 2d 659, 36 I.E.R. Cas. (BNA) 749 (D.N.J. 2013)—21:6
- Eisenbach v. Downey, 45 Conn. App. 165, 694 A.2d 1376 (1997)—35:3
- Ellwein v. Hartford Acc. and Indem. Co., 142 Wash. 2d 766, 15 P.3d 640 (2001)—48:24, 48:26, 48:29, 48:30
- Ellwein v. Hartford Acc. and Indem. Co., 95 Wash. App. 419, 976 P.2d 138 (Div. 1 1999)—48:30
- Engstrom v. City of Seattle, 92 Wash. 568, 159 P. 816 (1916)—36:6
- Erie Ins. Exchange v. Davenport Insulation, Inc., 659 F. Supp. 2d 701 (D. Md. 2009)—21:12
- Eskin v. Carden, 842 A.2d 1222 (Del. 2004)—28:6, 36:5, 36:7, 69:2
- Esparza v. KS Industries, L.P., 13 Cal. App. 5th 1228, 221 Cal. Rptr. 3d 594, 2017 Wage & Hour Cas. 2d (BNA) 269603 (5th Dist. 2017)—70:21
- Esquibel v. Hallmark, 1978-NMSC-080, 92 N.M. 254, 586 P.2d 1083 (1978)—1:10
- Essco Geometric v. Harvard Industries, 46 F.3d 718, 25 U.C.C. Rep. Serv. 2d 661 (8th Cir. 1995)—35:3, 37:4
- Este' v. State Farm Ins. Companies, 676 So. 2d 850 (La. Ct. App. 3d Cir. 1996)—37:24
- Eureka Financial Corp. v. Hartford Acc. and Indem. Co., 136 F.R.D. 179, 19 Fed. R. Serv. 3d 1448 (E.D. Cal. 1991)—1:10
- Evans By and Through Evans v. Doty, 824 P.2d 460 (Utah Ct. App. 1991)—36:12
- Exxon Corp. v. Shuttlesworth, 800 S.W.2d 902 (Tex. App. Houston 14th Dist. 1990)—35:3
- F**
- F.A.A. v. Cooper, 566 U.S. 284, 132 S. Ct. 1441, 182 L. Ed. 2d 497 (2012)—48:24
- Fagnant v. Foss, 2013 VT 16, 2013 WL 1010484 (Vt. 2013)—37:13
- Falik v. Hornage, 413 Md. 163, 991 A.2d 1234 (2010)—24:3
- Farley v. Farmers Ins. Exchange, 91 Idaho 37, 415 P.2d 680 (1966)—40:3
- Farnum v. G.D. Searle & Co., 339 N.W.2d 384 (Iowa 1983)—1:10
- Fazzolari v. City of West Palm Beach, 608 So. 2d 927 (Fla. 4th DCA 1992)—38:14

## LITIGATING MIST CASES

- F. D. Rich Co., Inc. v. U. S. for Use of Indus. Lumber Co., Inc., 417 U.S. 116, 94 S. Ct. 2157, 40 L. Ed. 2d 703 (1974)—30:23
- Fears v. Wal-Mart Stores, Inc., 2000 WL 1679418 (D. Kan. 2000)—21:20
- Federal Deposit Ins. Corp. v. Butcher, 116 F.R.D. 196 (E.D. Tenn. 1986)—30:12
- Federal Open Market Committee of Federal Reserve System v. Merrill, 443 U.S. 340, 99 S. Ct. 2800, 61 L. Ed. 2d 587, 5 Media L. Rep. (BNA) 1221 (1979)—1:10
- Federated Services Ins. Co. v. Personal Representative of Estate of Norberg, 101 Wash. App. 119, 4 P.3d 844 (Div. 1 2000)—30:19
- Feller v. State, 637 So. 2d 911 (Fla. 1994)—25:12
- Fellerman v. PECO Energy Co., 2017 PA Super 86, 159 A.3d 22 (2017)—70:20
- Fenimore v. Donald M. Drake Const. Co., 87 Wash. 2d 85, 549 P.2d 483 (1976)—35:3, 36:3, 36:6
- Fenton v. Aleshire, 238 Or. 24, 393 P.2d 217 (1964)—36:3
- Ferguson v. State, 693 So. 2d 596 (Fla. 2d DCA 1997)—38:14
- Ferreira v. General Motors Corp., 4 Haw. App. 12, 657 P.2d 1066 (1983)—46:7
- Feuer, People ex rel. v. FXS Management, Inc., 2 Cal. App. 5th 1154, 206 Cal. Rptr. 3d 819 (2d Dist. 2016)—70:21
- Fineman v. Armstrong World Industries, Inc., 980 F.2d 171, 1992-2 Trade Cas. (CCH) ¶ 70010, 24 Fed. R. Serv. 3d 162 (3d Cir. 1992)—39:2
- First Nat. Bank of Ariz. v. Cities Service Co., 391 U.S. 253, 88 S. Ct. 1575, 20 L. Ed. 2d 569, 12 Fed. R. Serv. 2d 1179 (1968)—30:23, 30:27, 44:5
- First Options of Chicago, Inc. v. Kaplan, 514 U.S. 938, 115 S. Ct. 1920, 131 L. Ed. 2d 985, Fed. Sec. L. Rep. (CCH) ¶ 98728 (1995)—70:20
- Fisher v. Allstate Ins. Co., 136 Wash. 2d 240, 961 P.2d 350 (1998)—48:24, 48:26, 48:30
- Fitzgerald v. Expressway Sewerage Const., Inc., 177 F.3d 71, 51 Fed. R. Evid. Serv. 1129 (1st Cir. 1999)—42:8, 42:11
- Fitzpatrick, 2010 U.S. Dist. LEXIS 51348—48:24
- Fleming, Estate of v. Nicholson, 168 Vt. 495, 724 A.2d 1026 (1998)—37:25
- Floor Exp., Inc. v. Daly, 138 Wash. App. 750, 158 P.3d 619 (Div. 2 2007)—48:24, 48:25
- Folden v. Robinson, 58 Wash. 2d 760, 364 P.2d 924 (1961)—30:18, 36:3
- Food Lion, Inc. v. Williams, 219 Ga. App. 352, 464 S.E.2d 913 (1995)—30:32, 50:16
- Foster v. Ford Motor Co., 621 F.2d 715, 6 Fed. R. Evid. Serv. 306, 29 U.C.C. Rep. Serv. 455 (5th Cir. 1980)—35:3, 37:4
- Francis v. Brown, 671 So. 2d 1041 (La. Ct. App. 3d Cir. 1996)—37:24
- Francis v. Brown. 95-1241 (La. App. 3 Cir. 3/20/96), 671 So.2d 104—37:24
- Fraser v. 301-52 Townhouse Corp., 57 A.D.3d 416, 870 N.Y.S.2d 266 (1st Dep't 2008)—36:7
- Frazier v. Nash-Finch Co., 2011 WL 294875 (N.D. Ind. 2011)—23:4
- FRECHETTE v. SILVIS, J.V.R. No. 1212130022, 2012 WL 6537096 (Or. Cir. Ct. 2012)—8:3
- Fred F. French Management Co., Inc. v. Long, 169 Ga. App. 702, 314 S.E.2d 666 (1983)—36:13

TABLE OF CASES

- Fredrickson v. Louisville Ladder Co., 52 Wis. 2d 776, 191 N.W.2d 193 (1971)—30:29
- Freeman v. State Farm Mut. Auto. Ins. Co., 2012 WL 2891167 (W.D. Wash. 2012)—48:30
- Frias v. Valle, 101 Nev. 219, 698 P.2d 875 (1985)—46:7
- Friese v. Mallon, 940 S.W.2d 37 (Mo. Ct. App. E.D. 1997)—41:5
- Frye v. U.S., 293 F. 1013, 34 A.L.R. 145 (App. D.C. 1923)—28:1, 28:4, 28:6, 36:7, 69:2
- Furlani v. Roland, 2014 WL 6612801 (N.Y.Sup.Ct., Erie County)—8:3
- Furst v. Mills, 98 Ind. App. 266, 188 N.E. 866 (1934)—36:10
- G**
- Gagan v. American Cablevision, Inc., 77 F.3d 951, R.I.C.O. Bus. Disp. Guide (CCH) ¶ 9098 (7th Cir. 1996)—36:3
- Gaglidari v. Denny's Restaurants, Inc., 117 Wash. 2d 426, 815 P.2d 1362, 6 I.E.R. Cas. (BNA) 1473 (1991)—48:24
- Gainey v. Brotherhood of Ry. and S. S. Clerks, Freight Handlers, Exp. and Station Emp., 275 F. Supp. 292, 66 L.R.R.M. (BNA) 2183, 56 Lab. Cas. (CCH) ¶ 12173 (E.D. Pa. 1967)—13:1
- Galaviz v. C.R. England Inc., 2012 WL 1313301 (W.D. Tex. 2012)—42:8, 42:11
- Gammill v. Jack Williams Chevrolet, Inc., 972 S.W.2d 713, Prod. Liab. Rep. (CCH) ¶ 15362 (Tex. 1998)—28:6, 36:7, 69:2
- Garamendi, People ex rel. v. American Autoplan, Inc., 20 Cal. App. 4th 760, 25 Cal. Rptr. 2d 192 (2d Dist. 1993)—70:21
- Garcia v. Peeples, 734 S.W.2d 343, 83 A.L.R.4th 975 (Tex. 1987)—1:10
- Garcia v. Providence Medical Cen-  
ter, 60 Wash. App. 635, 806 P.2d 766 (Div. 1 1991)—36:3
- Garcia v. Estate of Wilkinson, 800 P.2d 1380 (Colo. App. 1990)—36:12
- Gatzow v. Buening, 106 Wis. 1, 81 N.W. 1003 (1900)—48:24
- Gauthier v. Kansas City Southern R. Co., 682 So. 2d 993 (La. Ct. App. 3d Cir. 1996)—37:24
- Gaylord Entertainment Co. v. Thompson, 1998 OK 30, 958 P.2d 128 (Okla. 1998)—48:7
- Geehan v. Monahan, 382 F.2d 111 (7th Cir. 1967)—36:12
- Geiselman v. Strubhar, 302 Ill. App. 23, 23 N.E.2d 383 (3d Dist. 1939)—39:2
- General Dynamics Corp. v. Selb Mfg. Co., 481 F.2d 1204, 17 Fed. R. Serv. 2d 1221 (8th Cir. 1973)—1:10
- General Elec. Capital Corp. v. Lear Corp., 215 F.R.D. 637 (D. Kan. 2003)—21:20
- General Elec. Co. v. Joiner, 522 U.S. 136, 118 S. Ct. 512, 139 L. Ed. 2d 508, 18 O.S.H. Cas. (BNA) 1097, Prod. Liab. Rep. (CCH) ¶ 15120, 48 Fed. R. Evid. Serv. 1, 28 Env'tl. L. Rep. 20227, 177 A.L.R. Fed. 667 (1997)—24:7, 28:4
- Gensollen v. Pareja, 416 N.J. Super. 585, 7 A.3d 243 (App. Div. 2010)—24:3
- George v. Guerette, 306 A.2d 138 (Me. 1973)—36:3
- Georgia Bldg. Services, Inc. v. Perry, 193 Ga. App. 288, 387 S.E.2d 898 (1989)—36:13
- Georgia, S. & F. Ry. Co. v. Meeks, 108 Ga. App. 808, 134 S.E.2d 555 (1963)—31:17, 36:13
- German Alliance Ins. Co. v. Lewis, 233 U.S. 389, 34 S. Ct. 612, 58 L. Ed. 1011 (1914)—1:10
- Giacchetto v. Patchogue-Medford Union Free School Dist., 293 F.R.D. 112, 297 Ed. Law Rep.

## LITIGATING MIST CASES

- 946 (E.D. N.Y. 2013)—21:9,  
21:10
- Gibbons v. Food Lion, 1999 WL  
3326474 (M.D.Flor. 1999)—  
21:20
- Gibbs v. State, 193 So. 2d 460 (Fla.  
2d DCA 1967)—38:14
- Gibson v. County of Washoe, Nev.,  
290 F.3d 1175 (9th Cir.  
2002)—48:24, 48:25, 48:26
- Gielow v. Strickland, 185 Ga. App.  
85, 363 S.E.2d 278 (1987)—  
36:13
- Gill v. State, 683 So. 2d 158 (Fla.  
3d DCA 1996)—38:14
- Gillespie vs. Truax, 2 Trials Digest  
16th 29, 2012 WL 6827460  
(Cal. Super. Ct. Trial Div.  
2012)—8:3
- Gillum v. L & J Enterprises, Inc.,  
29 P.3d 266 (Alaska 2001)—  
69:2
- Gilman v. Choi, 185 W. Va. 177,  
406 S.E.2d 200 (1990)—36:12
- Girtz v. New Hampshire Ins. Co.,  
65 Wash. App. 419, 828 P.2d  
90 (Div. 3 1992)—48:24
- Glaser v. Thompson Medical Co.,  
Inc., 32 F.3d 969, Prod. Liab.  
Rep. (CCH) ¶ 13997, 40 Fed.  
R. Evid. Serv. 47, 1994 Fed.  
App. 0287P (6th Cir. 1994)—  
36:5
- Glazer v. Fireman's Fund Ins. Co.,  
114 Fair Empl. Prac. Cas.  
(BNA) 1508, 2012 WL 1197167  
(S.D. N.Y. 2012)—21:18
- Goad v. Evans, 191 Ill. App. 3d  
283, 138 Ill. Dec. 523, 547  
N.E.2d 690 (4th Dist. 1989)—  
45:2
- Goforth v. Wigley, 178 Ga. App.  
558, 343 S.E.2d 788 (1986)—  
36:13
- Goggans v. Winkley, 159 Mont. 85,  
495 P.2d 594 (1972)—35:3
- Goldenberg v. Regional Import and  
Export Trucking Co., Inc., 674  
So. 2d 761 (Fla. 4th DCA  
1996)—38:14
- Goldstein v. Depository Trust Co.,  
717 A.2d 1063 (Pa. Super. Ct.  
1998)—70:20
- Goldstein v. Kucerova, 2011 WL  
3915893 (Ga.Sup.Ct.)—8:3
- Goodman v. Praxair Services, Inc.,  
632 F. Supp. 2d 494 (D. Md.  
2009)—21:12
- Goodwyne v. People's Moss Gin,  
Inc., 694 So. 2d 1101 (La. Ct.  
App. 3d Cir. 1997)—37:24
- Gootee v. Clevinger, 778 So. 2d  
1005 (Fla. 5th DCA 2000)—  
38:14
- Gordon v. Hurtado, 91 Nev. 641,  
541 P.2d 533 (1975)—36:12,  
46:5
- Gosewisch v. American Honda Mo-  
tor Co., Inc., 153 Ariz. 389,  
737 P.2d 365, Prod. Liab. Rep.  
(CCH) ¶ 10819 (Ct. App. Div.  
2 1985)—66:5
- Gosha v. State, 534 So. 2d 912  
(Fla. 3d DCA 1988)—38:14
- Graddy v. Hatchett, 233 Va. 65,  
353 S.E.2d 741 (1987)—44:3
- Graham v. Rolandson, 150 Mont.  
270, 435 P.2d 263 (1967)—  
36:3
- Graham v. State, 470 So. 2d 97  
(Fla. 1st DCA 1985)—38:14
- Graves v. Daley, 172 Ill. App. 3d  
35, 122 Ill. Dec. 420, 526  
N.E.2d 679, Prod. Liab. Rep.  
(CCH) ¶ 11945 (3d Dist.  
1988)—15:4
- Grayson Consulting, Inc. v. Cath-  
cart, 2013 WL 3946203 (D.S.C.  
2013)—21:12
- Great American Ins. Co. v. Exum,  
123 Ga. App. 515, 181 S.E.2d  
704 (1971)—13:12
- Green v. University of Chicago  
Hospitals and Clinics, 258 Ill.  
App. 3d 536, 197 Ill. Dec. 268,  
631 N.E.2d 271 (1st Dist.  
1994)—45:3
- Greenberg v. U.S., 280 F.2d 472,  
60-2 U.S. Tax Cas. (CCH) ¶  
9577, 6 A.F.T.R.2d 5127 (1st  
Cir. 1960)—41:5

TABLE OF CASES

- Greene v. State, 113 Nev. 157, 931 P.2d 54 (1997)—46:3, 46:4
- Greenwood v. Olympic, Inc., 51 Wash. 2d 18, 315 P.2d 295 (1957)—35:3, 36:3
- Greenwood v. Olympic, Inc., 51 Wash. 2d 18, 315 P.2d 295 (1957)—36:6
- Griever v. DiPietro, 625 So. 2d 1226 (Fla. 4th DCA 1993)—38:14
- Griffin v. Allstate Ins. Co., 108 Wash. App. 133, 29 P.3d 777 (Div. 1 2001)—48:29
- Grimminger v. Maitra, 2005 PA Super 374, 887 A.2d 276 (2005)—21:14
- Grobe v. Valley Garbage Service, Inc., 87 Wash. 2d 217, 551 P.2d 748 (1976)—30:25
- Gruca v. Alpha Therapeutic Corp., 51 F.3d 638, 41 Fed. R. Evid. Serv. 1060 (7th Cir. 1995)—45:3
- Guaranty Nat. Ins. Co. v. C de Baca, 120 N.M. 806, 1995-NMCA-130, 907 P.2d 210 (Ct. App. 1995)—1:9
- Guess v. Maury, 726 S.W.2d 906 (Tenn. Ct. App. 1986)—36:12
- Guilford Nat. Bank of Greensboro v. Southern Ry. Co., 297 F.2d 921, 5 Fed. R. Serv. 2d 575 (4th Cir. 1962)—23:8
- Guillory v. Avondale Shipyards, Inc., 488 So.2d 1281 (La. 1984)—37:24
- H**
- Hadley v. Baxendale, 9 Ex. 341, 156 Eng. Rep. 145 (1854)—48:24
- Hale v. Community Hosp. of Indianapolis, Inc., 567 N.E.2d 842 (Ind. Ct. App. 1991)—36:10
- Hale v. Riverboat Casino, Inc., 100 Nev. 299, 682 P.2d 190 (1984)—46:7
- Hall v. Cole, 412 U.S. 1, 93 S. Ct. 1943, 36 L. Ed. 2d 702, 83 L.R.R.M. (BNA) 2177, 71 Lab. Cas. (CCH) ¶ 13671, 3 Env'tl. L. Rep. 20552 (1973)—30:23
- Hall v. Hilbun, 466 So. 2d 856 (Miss. 1985)—36:12
- Hall v. Sacred Heart Medical Center, 100 Wash. App. 53, 995 P.2d 621 (Div. 3 2000)—24:7
- Hall v. State, 682 So. 2d 208 (Fla. 3d DCA 1996)—38:14
- Hammond v. Alekna Const., Inc., 269 A.D.2d 773, 703 N.Y.S.2d 332 (4th Dep't 2000)—28:6, 69:2
- Handley v. State, 214 Ala. 172, 106 So. 692 (1925)—39:2
- Hangman Ridge Training Stables, Inc. v. Safeco Title Ins. Co., 105 Wash. 2d 778, 719 P.2d 531 (1986)—48:30
- Hardin v. State, 611 N.E.2d 123 (Ind. 1993)—36:10
- Hardy v. Riser, 309 F. Supp. 1234, 14 Fed. R. Serv. 2d 115 (N.D. Miss. 1970)—23:8
- Harleysville Ins. Co. v. Rosenbaum, 30 Md. App. 74, 351 A.2d 197 (1976)—40:3
- Harmon v. Town of Afton, 745 P.2d 889 (Wyo. 1987)—46:7
- Harris v. Drake, 152 Wash. 2d 480, 99 P.3d 872 (2004)—36:6
- Harris v. Drake, 116 Wash. App. 261, 65 P.3d 350 (Div. 2 2003)—36:6
- Harris v. Pineset, 499 So. 2d 499 (La. Ct. App. 2d Cir. 1986)—37:24
- Harris v. Steelweld Equipment Co., Inc., 869 F.2d 396, 27 Fed. R. Evid. Serv. 607, 14 Fed. R. Serv. 3d 252 (8th Cir. 1989)—36:3
- Harry A. v. Duncan, 223 F.R.D. 536 (D. Mont. 2004)—30:12
- Harstad v. Metcalf, 56 Wash. 2d 239, 351 P.2d 1037 (1960)—30:18, 30:19
- Hartley v. State, 103 Wash. 2d 768, 698 P.2d 77 (1985)—36:6

## LITIGATING MIST CASES

- Hartman v. Texaco, Inc., 1997-NMCA-032, 123 N.M. 220, 937 P.2d 979—1:10
- Hastie v. Dohar, 2002 Ohio App. LEXIS 808 (Ohio Ct. App. 8th Dist. 2002)—36:5, 36:10
- Hawa Abdi Jama v. Esmor Corr. Servs., 2007 U.S. Dist. LEXIS 45706 (D.N.J. 2007)—21:11
- Hawaii, State of v. Sabog, 2005 Haw. App. LEXIS 135—36:12
- Hawkes v. Casino Queen, Inc., 336 Ill. App. 3d—36:5
- Hawkins v. College of Charleston, 2013 WL 6050324 (D.S.C. 2013)—21:4
- Hawkins v. Marshall, 92 Wash. App. 38, 962 P.2d 834 (Div. 2 1998)—35:3
- Haydel v. Hercules Transport, Inc., 654 So. 2d 418 (La. Ct. App. 1st Cir. 1995)—37:24
- Hayes v. Clark, 866 So. 2d 251 (La. Ct. App. 3d Cir. 2003)—37:24
- Hayes v. Commercial Union Assur. Co., 459 So. 2d 1245 (La. Ct. App. 1st Cir. 1984)—37:24
- Haynes v. Golub Corp., 166 Vt. 228, 692 A.2d 377, 12 I.E.R. Cas. (BNA) 1388, 134 Lab. Cas. (CCH) ¶ 58303 (1997)—37:25
- Hazen v. Municipality of Anchorage, 718 P.2d 456 (Alaska 1986)—15:4
- Heath v. Northgate Mall, Inc., 398 So. 2d 132 (La. Ct. App. 3d Cir. 1981)—37:24
- Heath v. Seattle Taxicab Co., 73 Wash. 177, 131 P. 843 (1913)—36:6
- Heidebrink v. Moriwaki, 104 Wash. 2d 392, 706 P.2d 212 (1985)—30:18
- Heller v. Shaw Industries, Inc., 167 F.3d 146, Prod. Liab. Rep. (CCH) ¶ 15443, 50 Fed. R. Evid. Serv. 1393, 29 Env'tl. L. Rep. 20532 (3d Cir. 1999)—36:5
- Henderson v. Tyrrell, 80 Wash. App. 592, 910 P.2d 522 (Div. 3 1996)—15:4
- Hendren v. Allstate Ins. Co., 100 N.M. 506, 1983-NMCA-129, 672 P.2d 1137 (Ct. App. 1983)—1:10
- Hendrix v. Harbelis, 248 Ind. 619, 230 N.E.2d 315 (1967)—37:1
- Henry Schein, Inc. v. Archer and White Sales, Inc., 586 U.S. 63, 139 S. Ct. 524, 202 L. Ed. 2d 480, 169 Lab. Cas. (CCH) ¶ 11141, 2019-1 Trade Cas. (CCH) ¶ 80627 (2019)—70:20
- Herbert v. Lando, 441 U.S. 153, 99 S. Ct. 1635, 60 L. Ed. 2d 115, 4 Media L. Rep. (BNA) 2575, 3 Fed. R. Evid. Serv. 822, 27 Fed. R. Serv. 2d 1 (1979)—21:14
- Herr v. Withers, 237 Ga. App. 420, 515 S.E.2d 174 (1999)—31:17, 34:7
- Herrera, People ex rel. v. Stender, 212 Cal. App. 4th 614, 152 Cal. Rptr. 3d 16 (1st Dist. 2012)—70:21
- Herring v. New York, 422 U.S. 853, 95 S. Ct. 2550, 45 L. Ed. 2d 593 (1975)—45:5
- Hess v. Inland Asphalt Co., 1990-1 Trade Cas. (CCH) ¶ 68954, 1990 WL 51164 (E.D. Wash. 1990)—36:3
- Heston v. Lilly, — S.E.2d —, 2001 WL 210085 (Ga.App., Mar 05, 2001)—44:2
- Hickman v. Taylor, 329 U.S. 495, 67 S. Ct. 385, 91 L. Ed. 451, 1947 A.M.C. 1 (1947)—30:11
- Higgins v. Koch Development Corp., 2013 WL 3366278 (S.D. Ind. 2013)—21:4, 21:9
- Higgins v. Stafford, 123 Wash. 2d 160, 866 P.2d 31 (1994)—30:24, 30:25
- Hill v. State, 477 So. 2d 553 (Fla. 1985)—38:14
- Hinkal v. Pardoe, 2016 PA Super

TABLE OF CASES

- 11, 133 A.3d 738 (2016)—  
70:20
- Hinostroza v. Denny's Inc., 2018  
U.S. Dist. LEXIS 109602  
(2018)—22A:1
- Hinzman v. Palmanteer, 81 Wash.  
2d 327, 501 P.2d 1228  
(1972)—36:3, 36:6
- Hisenaj v. Kuehner, 194 N.J. 6,  
942 A.2d 769 (2008)—67:2
- Hisenaj v. Kuehner, 387 N.J.  
Super. 262, 903 A.2d 1068  
(App. Div. 2006)—67:2
- Hiskett v. Wal-Mart Stores, Inc.,  
180 F.R.D. 403, 49 Fed. R.  
Evid. Serv. 1405 (D. Kan.  
1998)—21:20
- Hollie v. Beauregard Parish Police  
Jury, 680 So. 2d 1218 (La. Ct.  
App. 3d Cir. 1996)—37:24
- Holly Mountain Resources, Ltd. v.  
Westport Ins. Corp., 130  
Wash. App. 635, 104 P.3d 725  
(Div. 2 2005)—48:30
- Holmes v. Drucker, 201 Ga. App.  
687, 411 S.E.2d 728 (1991)—  
36:13
- Holmes v. State, 671 N.E.2d 841  
(Ind. 1996)—41:2
- Home Ins. Co. v. North River Ins.  
Co., 192 Ga. App. 551, 385  
S.E.2d 736 (1989)—13:12
- Horn v. Atchison, Topeka and  
Santa Fe Railway Co., 61 Cal.  
2d 602, 39 Cal. Rptr. 721, 394  
P.2d 561, 29 Cal. Comp. Cas.  
(MB) 215 (1964)—46:4
- Hoskins v. Reich, 142 Wash. App.  
557, 174 P.3d 1250 (Div. 2  
2008)—36:6
- Hottinger v. Trugreen Corp., 665  
N.E.2d 593, Prod. Liab. Rep.  
(CCH) ¶ 14607 (Ind. Ct. App.  
1996)—36:5
- Housley v. Cerise, 579 So. 2d 973  
(La. 1991)—37:24
- Hovet v. Allstate Ins. Co., 2004-  
NMSC-010, 135 N.M. 397, 89  
P.3d 69 (2004)—1:9
- Hovet v. Lujan, 133 N.M. 611,  
2003-NMCA-061, 66 P.3d 980  
(Ct. App. 2003)—1:9
- Hovis, 2001 Del. Super. LEXIS  
534—36:5
- Hovis v. Hughes, 2001 Del. Super.  
LEXIS 534 (Del. Super.  
2001)—36:10
- Howard v. Dimaggio, 70 Wash.  
App. 734, 855 P.2d 335 (Div. 3  
1993)—13:8
- Howard v. State, 698 So. 2d 923  
(Fla. 4th DCA 1997)—38:14
- Howell v. Hamilton Meats & Pro-  
visions, Inc., 52 Cal. 4th 541,  
129 Cal. Rptr. 3d 325, 257 P.3d  
1130, 76 Cal. Comp. Cas. (MB)  
1147 (2011)—42:11
- Howell v. Spokane & Inland Em-  
pire Blood Bank, 117 Wash. 2d  
619, 818 P.2d 1056 (1991)—  
44:5
- Huddleston, In re Disciplinary  
Proceedings Against, 137  
Wash. 2d 560, 974 P.2d 325  
(1999)—30:23
- Huff v. Travelers Indem. Co., 266  
Ind. 414, 363 N.E.2d 985  
(1977)—69:3
- Hughes v. Groves, 47 F.R.D. 52  
(W.D. Mo. 1969)—23:8, 30:22
- Hukill v. H.E.B. Food Stores, Inc.,  
756 S.W.2d 840 (Tex. App. Cor-  
pus Christi 1988)—36:3
- Hunt v. Long, 763 So. 2d 811 (La.  
Ct. App. 2d Cir. 2000)—37:24
- Hunt v. Superior Court, 21 Cal.  
4th 984, 90 Cal. Rptr. 2d 236,  
987 P.2d 705 (1999)—70:21
- Hunter v. Johnson, 178 W. Va. 383,  
359 S.E.2d 611 (1987)—36:3
- Hunter v. Kroger Co., 600 So. 2d  
837 (La. Ct. App. 3d Cir.  
1992)—37:24
- Hutchison v. Luddy, 414 Pa. Super.  
138, 606 A.2d 905 (1992)—  
21:14
- Hyatt v. Sierra Boat Co., 79 Cal.  
App. 3d 325, 145 Cal. Rptr. 47  
(1st Dist. 1978)—36:12
- Hyde v. Stanley Tools, 107 F. Supp.

- 2d 992, 47 Fed. R. Serv. 3d 859 (E.D. La. 2000)—30:12
- Hyundai Motor Co. v. Chandler, 882 S.W.2d 606 (Tex. App. Corpus Christi 1994)—35:3
- I**
- Igrassia v. State, 902 So.2d 357 (Fla. 4th DCA 2005)—38:14
- Indianapolis Traction and Terminal Co. v. Taylor, 103 N.E.2d 812 (Ind. Ct. App. 1914)—36:10
- Industrial Indem. Co. of the Northwest, Inc. v. Kallevig, 114 Wash. 2d 907, 792 P.2d 520, 7 A.L.R.5th 1014 (1990)—48:24, 48:26, 48:29, 48:30
- Info-Hold, Inc. v. Sound Merchandising, Inc., 538 F.3d 448, 87 U.S.P.Q.2d 1923, 71 Fed. R. Serv. 3d 477 (6th Cir. 2008)—21:20
- Integrated Dynamic Solutions, Inc. v. VitaVet Labs, Inc., 6 Cal. App. 5th 1178, 211 Cal. Rptr. 3d 873 (2d Dist. 2016)—70:21
- Iorio v. Grossie, 663 So. 2d 366 (La. Ct. App. 3d Cir. 1995)—37:24
- Iowa Home Mut. Cas. Co. v. Fulkerson, 255 F.2d 242 (10th Cir. 1958)—40:3
- Irvin v. Dowd, 366 U.S. 717, 81 S. Ct. 1639, 6 L. Ed. 2d 751, 1 Media L. Rep. (BNA) 1178 (1961)—38:7
- IT Corp. v. County of Imperial, 35 Cal. 3d 63, 196 Cal. Rptr. 715, 672 P.2d 121, 20 Env't. Rep. Cas. (BNA) 1174 (1983)—70:21
- J**
- Jacobs v. Westgate, 766 So. 2d 1175 (Fla. 3d DCA 2000)—44:2
- Jain v. McFarland, 109 Nev. 465, 851 P.2d 450 (1993)—36:12
- James v. City of East Orange, 246 N.J. Super. 554, 588 A.2d 412 (App. Div. 1991)—67:2
- Jaramillo v. Providence Washington Ins. Co., 1994-NMSC-018, 117 N.M. 337, 871 P.2d 1343 (1994)—1:9
- Jarboe v. Harting, 397 S.W.2d 775 (Ky. 1965)—34:7
- J.C.Penney, Inc. v. Kellermeier (1939), 107 Ind. App. 253, 19 N.E.2d 882, 22 N.E.2d 899—36:10
- Jefferson v. State, 489 So. 2d 211 (Fla. 3d DCA 1986)—38:14
- Jenkins v. Humana of Florida, Inc., 553 So. 2d 201 (Fla. 5th DCA 1989)—38:14
- Jimenez v. United States, 2014 WL 12586403 (W.D. Tex. 2014)—42:9, 42:11
- Jines v. Greyhound Corp., 46 Ill. App. 2d 364, 197 N.E.2d 58 (1st Dist. 1964)—36:12
- Joe v. Prison Health Services, Inc., 782 A.2d 24 (Pa. Commw. Ct. 2001)—21:14
- Johnson v. Brady (1916), 60 Ind. App. 566, 109 N.E. 230—36:10
- Johnson v. Carleton, 2001 ME 12, 765 A.2d 571 (Me. 2001)—44:3
- Johnson v. Creative Restaurant Management, 904 S.W.2d 455 (Mo. Ct. App. W.D. 1995)—34:7
- Johnson v. Knebel, 267 Ga. 853, 485 S.E.2d 451 (1997)—31:17, 36:13
- Johnson v. McCay, 77 Wash. App. 603, 893 P.2d 641 (Div. 3 1995)—30:18
- Johnson v. McCullough, 306 S.W.3d 551 (Mo. 2010)—21:2
- Johnson v. Reynolds, 97 Fla. 591, 121 So. 793 (1929)—38:14
- Johnson v. Reynolds, 121 So.2d 793 (Fla. 1929)—38:14
- Johnson v. Weyerhaeuser Co., 84 Wash. App. 713, 930 P.2d 331 (Div. 2 1997)—35:3
- Johnston v. Peairs, 117 Cal. App.

TABLE OF CASES

- 208, 3 P.2d 617 (4th Dist. 1931)—35:3
- Jones v. Allstate Ins. Co., 146 Wash. 2d 291, 45 P.3d 1068, 47 U.C.C. Rep. Serv. 2d 899 (2002)—1:3, 5:3
- Jones v. Rent a Center, Inc., 89 Fair Empl. Prac. Cas. (BNA) 17, 2002 WL 924833 (D. Kan. 2002)—21:20
- Jones v. Secura Ins. Co., 2002 WI 11, 249 Wis. 2d 623, 638 N.W.2d 575 (2002)—48:24
- Jones v. Southern Home Ins. Co., 135 Ga. App. 385, 217 S.E.2d 620 (1975)—13:12
- Jordan v. Travelers Ins. Co., 257 La. 995, 245 So. 2d 151 (1971)—37:24
- Joyner v. Southeastern Pennsylvania Transp. Authority, 736 A.2d 35 (Pa. Commw. Ct. 1999)—21:14
- Junge v. Jerzak, 519 N.W.2d 29 (S.D. 1994)—45:4
- Jurgensen v. Smith, 2000 SD 73, 611 N.W.2d 439 (S.D. 2000)—35:3
- K**
- Kaffenberger v. Jones, 781 So. 2d 692 (La. Ct. App. 2d Cir. 2001)—34:7
- Kathleen WORLEY and Terry Worley, her husband, Plaintiffs, v. State Farm Mutual Automobile Insurance Company, a foreign corporation, Defendant., 2013 WL 9839689 (M.D. Fla. 2013)—8:3
- Kathleen WORLEY, et al., v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, et al., 2013 WL 9839622 (M.D. Fla. 2013)—8:3
- Katiuzhinsky v. Perry, 152 Cal. App. 4th 1288, 62 Cal. Rptr. 3d 309 (3d Dist. 2007)—42:2, 42:11
- Kay v. Home Indem. Co., 313 So. 2d 303 (La. Ct. App. 3d Cir. 1975)—37:24
- Kehr v. Smith Barney, Harris Upham & Co., Inc., 736 F.2d 1283, Fed. Sec. L. Rep. (CCH) ¶ 91547, 39 Fed. R. Serv. 2d 924 (9th Cir. 1984)—46:3, 46:4
- Keller v. Allstate Ins. Co., 81 Wash. App. 624, 915 P.2d 1140 (Div. 2 1996)—48:30
- Keller v. Nat'l Farmers Union Prop. & Cas., 2013 U.S. Dist. LEXIS 452 (D. Mont. Jan. 2, 2013)—21:9
- Kelley v. Purcell, 301 Ga. App. 88, 686 S.E.2d 879 (2009)—42:8, 42:11
- Kelly v. Carroll, 36 Wash. 2d 482, 219 P.2d 79, 19 A.L.R.2d 1174 (1950)—28:4
- Kelly v. McHaddon, 2001 WL 209858 (Del. Super. Ct. 2001)—28:4, 28:6, 36:7, 69:2
- Kendra Oil & Gas, Inc. v. Homco, Ltd., 879 F.2d 240 (7th Cir. 1989)—36:3
- Kennedy v. Collagen Corp., 161 F.3d 1226, Prod. Liab. Rep. (CCH) ¶ 15397, 50 Fed. R. Evid. Serv. 1123 (9th Cir. 1998)—36:5
- Kennedy v. Monroe, 15 Wash. App. 39, 547 P.2d 899 (Div. 2 1976)—24:7
- Kern v. St. Luke's Hospital Ass'n of Saginaw, 404 Mich. 339, 273 N.W.2d 75 (1978)—36:12
- Khatib v. McDonald, 87 Ill. App. 3d 1087, 43 Ill. Dec. 266, 410 N.E.2d 266 (1st Dist. 1980)—36:12
- Khoury v. Seastrand, 132 Nev. 520, 377 P.3d 81, 132 Nev. Adv. Op. No. 52 (2016)—42:8, 42:11
- Kilday v. Kennestone Physicians Center, L.P., 296 Ga. App. 818, 676 S.E.2d 271 (2009)—36:13
- Kilde v. Sorwak, 1 Wash. App. 742, 463 P.2d 265 (Div. 3 1970)—30:24, 30:25

## LITIGATING MIST CASES

- Kim v. Reins International California, Inc., 9 Cal. 5th 73, 259 Cal. Rptr. 3d 769, 459 P.3d 1123, 2020 Wage & Hour Cas. 2d (BNA) 92093 (Cal. 2020)—70:21
- Kimberlin v. PM Transport, Inc., 533 S.E.2d 665 (Va. 2002)—25:12
- King v. Allstate Ins. Co., 135 N.M. 206, 2004-NMCA-031, 86 P.3d 631 (Ct. App. 2004)—1:9
- King v. Danek Medical, Inc., 37 S.W.3d 429 (Tenn. Ct. App. 2000)—69:2
- King v. Danek Medical, Inc., 37 S.W.2d 429 (Tenn. Ct. App. 2000)—36:7
- King v. State, 622 So. 2d 134 (Fla. 3d DCA 1993)—38:14
- Kirk v. Mt. Airy Ins. Co., 134 Wash. 2d 558, 951 P.2d 1124 (1998)—48:29
- Kirk v. Union Pacific R.R., 514 N.W.2d 734 (Iowa Ct. App. 1994)—35:3, 41:5
- Kirk v. Washington State University, 109 Wash. 2d 448, 746 P.2d 285, 43 Ed. Law Rep. 417 (1987)—36:3
- Kjellman v. Richards, 82 Wash. 2d 766, 514 P.2d 134 (1973)—30:24
- Klisch v. Meritcare Medical Group, Inc., 134 F.3d 1356 (8th Cir. 1998)—35:3, 37:4
- Koken v. One Beacon Ins. Co., 911 A.2d 1021, 39 A.L.R.6th 717 (Pa. Commw. Ct. 2006)—21:14
- Koll v. Manatt's Transp. Co., 253 N.W.2d 265, 5 O.S.H. Cas. (BNA) 1398, 1977-1978 O.S.H. Dec. (CCH) ¶ 21763 (Iowa 1977)—36:3
- Kounelis v. Sherrer, 529 F. Supp. 2d 503 (D.N.J. 2008)—21:11
- Krahling v. Executive Life Ins. Co., 1998-NMCA-071, 125 N.M. 228, 959 P.2d 562—1:10
- Kristoff v. Glasson, 778 N.E.2d 465 (Ind. Ct. App. 2002)—36:10, 69:3
- Kubista v. Romaine, 14 Wash. App. 58, 538 P.2d 812 (Div. 2 1975)—48:30
- Kutchins v. Berg, 264 Ill. App. 3d 926, 202 Ill. Dec. 805, 638 N.E.2d 673 (1st Dist. 1994)—36:3

## L

- Labbee v. Roadway Exp., Inc., 469 F.2d 169 (8th Cir. 1972)—38:5
- Lacy v. CSX Transp. Inc., 205 W. Va. 630, 520 S.E.2d 418 (1999)—45:4
- LaFaso v. LaFaso, 126 Vt. 90, 223 A.2d 814 (1966)—37:25
- Lahey v. Kelly, 71 N.Y.2d 135, 524 N.Y.S.2d 30, 518 N.E.2d 924 (1987)—28:6, 36:7, 69:2
- Lambert v. City of Columbus, 242 Neb. 778, 496 N.W.2d 540, 20 U.C.C. Rep. Serv. 2d 176, 55 A.L.R.5th 799 (1993)—44:1
- Landry v. Green Bay & Western R. Co., 121 F.R.D. 400 (E.D. Wis. 1988)—30:22
- Lane v. State Farm Mut. Auto. Ins. Co., 209 Neb. 396, 308 N.W.2d 503 (1981)—44:2
- Langon v. Matamoros, 121 Nev. 142, 111 P.3d 1077 (2005)—46:3, 46:4
- Lanzet v. Greenberg, 126 N.J. 168, 594 A.2d 1309 (1991)—67:2
- Lara v. New York City Health and Hospitals Corp., 305 A.D.2d 106, 757 N.Y.S.2d 740 (1st Dep't 2003)—36:7
- Largent v. Reed, 2011 WL 5632688 (Pa. C.P. 2011)—21:4, 21:9
- Lavado v. State, 492 So. 2d 1322 (Fla. 1986)—38:14
- Lavado v. State, 469 So. 2d 917 (Fla. 3d DCA 1985)—38:14
- Lavoie v. Pacific Press & Shear Co., a Div. of Canron Corp., 975 F.2d 48, Prod. Liab. Rep. (CCH) ¶ 13509, 23 Fed. R.

TABLE OF CASES

- Serv. 3d 862 (2d Cir. 1992)—37:25
- Lawrence v. Taylor, 8 P.3d 607 (Colo. App. 2000)—36:3
- Leach v. Weiss, 2 Wash. App. 437, 467 P.2d 894 (Div. 1 1970)—30:24
- Leak v. U.S. Rubber Co., 9 Wash. App. 98, 511 P.2d 88, 89 A.L.R.3d 78 (Div. 2 1973)—35:3
- Lease Crutcher Lewis WA, LLC v. National Union Fire Ins. Co. of Pittsburgh, PA, 2010 WL 4272453 (W.D. Wash. 2010)—48:30
- Leathers v. General Motors Corp., 546 F.2d 1083 (4th Cir. 1976)—46:3, 46:4
- Leavitt v. Swain, 133 Idaho 624, 991 P.2d 349 (1999)—45:3
- LeBleu v. Dynamic Indus. Constructors, Inc., 526 So. 2d 1184 (La. Ct. App. 3d Cir. 1988)—37:24
- Ledcor Industries (USA), Inc. v. Mutual of Enumclaw Ins. Co., 150 Wash. App. 1, 206 P.3d 1255 (Div. 1 2009)—48:30
- Lee v. Thomason, 277 Ga. App. 573, 627 S.E.2d 168 (2006)—30:32
- Lenz v. Commonwealth, 261 Va. 451, 544 S.E.2d 299 (2001)—25:12
- Leon v. State, 396 So. 2d 203 (Fla. 3d DCA 1981)—38:14
- LeRetilley v. Harris, 354 So. 2d 1213 (Fla. 4th DCA 1978)—46:5
- Levesque v. Regional Medical Center Bd., 612 So. 2d 445 (Ala. 1993)—36:12
- Levine v. Wyeth, 183 Vt. 76, 2006 VT 107, 944 A.2d 179, Prod. Liab. Rep. (CCH) ¶ 17627 (2006)—37:25
- Levy v. Hawk's Cay, Inc., 543 So. 2d 1299 (Fla. 3d DCA 1989)—38:14
- Lewis v. Smith, 238 Ga. App. 6, 517 S.E.2d 538 (1999)—31:17
- Lewis ex rel. Lewis v. Samson, 2001-NMSC-035, 131 N.M. 317, 35 P.3d 972—1:10
- Libby v. State, 109 Nev. 905, 859 P.2d 1050 (1993)—46:3, 46:4
- Lindell v. Kalugin, 353 Or. 338, 297 P.3d 1266 (2013)—23:3
- Link v. Mercedes-Benz of North America, Inc., 788 F.2d 918, 1986-1 Trade Cas. (CCH) ¶ 67050, 20 Fed. R. Evid. Serv. 701 (3d Cir. 1986)—39:2
- Link v. Wabash R. Co., 370 U.S. 626, 82 S. Ct. 1386, 8 L. Ed. 2d 734, 6 Fed. R. Serv. 2d 831 (1962)—30:23
- Linn v. Employers Reinsurance Corp., 392 Pa. 58, 139 A.2d 638 (1958)—70:20
- Lioce v. Cohen, 124 Nev. 1, 174 P.3d 970 (2008)—36:12, 46:1
- Lioce v. Cohen, 122 Nev. 1377, 149 P.3d 916 (2006)—46:1, 46:2, 46:4, 46:6
- Little v. City of Seattle, 863 F.2d 681 (9th Cir. 1988)—21:18
- Little v. State, 97 Nev. 149, 625 P.2d 572 (1981)—46:7
- Little Egg Harbor Tp. v. Bonsangue, 316 N.J. Super. 271, 720 A.2d 369 (App. Div. 1998)—67:2
- Live Oak, City of v. Townsend, 567 So. 2d 926 (Fla. 1st DCA 1990)—38:14
- Lloyd v. Allstate Ins. Co., 167 Wash. App. 490, 275 P.3d 323 (Div. 1 2012)—48:30
- Lockett v. State, 217 Ga. App. 328, 457 S.E.2d 579 (1995)—36:13
- Logan v. Fisher, 2009 WL 3849646 (N.J. Super. Ct. App. Div. 2009)—24:3
- Logerquist v. McVey, 196 Ariz. 470, 1 P.3d 113 (2000)—66:5
- Lohmeier v. Hammer, 214 Ariz. 57, 148 P.3d 101 (Ct. App. Div. 1 2006)—66:5

- Lombard v. Rohrbaugh, 262 Va. 484, 551 S.E.2d 349 (2001)—24:3, 24:7
- Lombardo v. Gasparini Excavating Co., 385 Pa. 388, 123 A.2d 663 (1956)—70:20
- Lone Star Steakhouse and Saloon, Inc. v. Liberty Mut. Ins. Group, 343 F. Supp. 2d 989 (D. Kan. 2004)—21:20
- Longenecker v. General Motors Corp., 594 F.2d 1283, 4 Fed. R. Evid. Serv. 489 (9th Cir. 1979)—36:3, 36:12
- Longshore v. Commonwealth, 260 Va. 3, 530 S.E.2d 146 (2000)—40:3
- Longshore v. Fronrath Chevrolet, Inc., 527 So. 2d 922 (Fla. 4th DCA 1988)—38:14
- Loushin v. ITT Rayonier, 84 Wash. App. 113, 924 P.2d 953 (Div. 2 1996)—35:3
- Loya v. State Farm Mut. Ins. Co., 1994-NMSC-122, 119 N.M. 1, 888 P.2d 447 (1994)—1:9
- Luce v. U.S., 469 U.S. 38, 105 S. Ct. 460, 83 L. Ed. 2d 443, 16 Fed. R. Evid. Serv. 833 (1984)—36:1
- Ludwig v. J. J. Newberry Co., 78 Ga. App. 871, 52 S.E.2d 485 (1949)—31:17
- Lumpkin v. Meskill, 64 F.R.D. 673 (D. Conn. 1974)—16:9
- M**
- M. v. State Bd. of Medicine, 725 A.2d 1266 (Pa. Commw. Ct. 1999)—21:14
- Mackelprang v. Fidelity Nat. Title Agency of Nevada, Inc., 99 Fair Empl. Prac. Cas. (BNA) 997, 2007 WL 119149 (D. Nev. 2007)—21:9, 21:20
- Mackey v. IBP, Inc., 167 F.R.D. 186 (D. Kan. 1996)—21:20
- MacNerland v. Johnson, 137 Ga. App. 541, 224 S.E.2d 431 (1976)—36:13
- Ma'ele v. Arrington, 111 Wash. App. 557, 45 P.3d 557 (Div. 2 2002)—28:5
- Maggio v. City of Cleveland, 151 Ohio St. 136, 38 Ohio Op. 578, 84 N.E.2d 912 (1949)—39:2
- Magnan v. Miami Aircraft Support, Inc., 217 Ga. App. 855, 459 S.E.2d 592 (1995)—31:17
- Magnon v. Collins, 739 So. 2d 191 (La. 1999)—30:26
- Magrinat v. Maddox, 220 So. 3d 1081 (Ala. Civ. App. 2016)—42:2, 42:9, 42:11
- Mailhoit v. Home Depot U.S.A., Inc., 285 F.R.D. 566, 116 Fair Empl. Prac. Cas. (BNA) 265, 83 Fed. R. Serv. 3d 585 (C.D. Cal. 2012)—21:9
- Mall Tool Co. v. Far West Equipment Co., 45 Wash. 2d 158, 273 P.2d 652 (1954)—48:24
- Mangla v. University of Rochester, 168 F.R.D. 137, 36 Fed. R. Serv. 3d 551 (W.D. N.Y. 1996)—36:12
- Mangla v. University of Rochester, 168 F.R.D. 137, 139 (W.D.N.Y. 1996)—36:12
- Manzo v. Estep, 689 N.E.2d 474 (Ind. Ct. App. 1997)—69:3
- Maranto v. Goodyear Tire & Rubber Co., 650 So. 2d 757 (La. 1995)—37:24
- Marbury v. Madison, 5 U.S. 137, 2 L. Ed. 60, 1803 WL 893 (1803)—38:8
- Marchiondo v. Brown, 1982-NMSC-076, 98 N.M. 394, 649 P.2d 462, 8 Media L. Rep. (BNA) 2233 (1982)—1:10
- Marcotte v. Travelers Ins. Co., 258 La. 989, 249 So. 2d 105 (1971)—37:24
- Maroney v. Aman, 1997 SD 73, 565 N.W.2d 70 (S.D. 1997)—28:6, 36:7, 69:2
- Marquez v. State, 721 So. 2d 1206 (Fla. 3d DCA 1998)—38:14
- Marroni v. Matey, 82 F.R.D. 371,

TABLE OF CASES

- 28 Fed. R. Serv. 2d 161 (E.D. Pa. 1979)—23:8, 30:22
- Marsh v. Smyth, 12 A.D.3d 307, 785 N.Y.S.2d 440 (1st Dep't 2004)—36:7
- Marshall v. Bally's Pacwest, Inc., 94 Wash. App. 372, 972 P.2d 475 (Div. 2 1999)—36:3, 36:12
- Marshall v. Bally's Pacwest, Inc., 94 Wn.2d 372, 972 P.2d 475 (1999)—36:6
- Martin v. CSX Transp., Inc., 215 F.R.D. 554 (S.D. Ind. 2003)—36:12
- Martin v. Roberts, 464 N.E.2d 896 (Ind. 1984)—69:3
- Martin v. Sally, 341 Ill. App. 3d 308, 275 Ill. Dec. 285, 792 N.E.2d 516 (2d Dist. 2003)—36:5
- Martin v. State Farm Mut. Auto. Ins. Co., 392 So. 2d 11 (Fla. 5th DCA 1980)—38:14
- Martin v. Tindell, 98 So. 2d 473 (Fla. 1957)—23:8, 30:22
- Martinez v. Reid, 2002-NMSC-015, 132 N.M. 237, 46 P.3d 1237 (2002)—1:9
- MARX v. CHAMBLEE, J.V.R. No. 1403140020, 2013 WL 8008817 (Ala. Cir. Ct. 2013)—8:3
- Maryland Cas. Co. v. Hallatt, 326 F.2d 275 (5th Cir. 1964)—40:3
- Mason v. Lynch, 151 Md. App. 17, 822 A.2d 1281 (2003)—36:5
- Mason v. Mortgage America, Inc., 114 Wash. 2d 842, 792 P.2d 142 (1990)—48:29
- Massad v. State, 703 So. 2d 1134 (Fla. 5th DCA 1997)—38:14
- Mathews v. Weber, 423 U.S. 261, 96 S. Ct. 549, 46 L. Ed. 2d 483, 21 Fed. R. Serv. 2d 459 (1976)—21:12
- Matsuura v. E.I. du Pont De Nemours and Co., 2007 WL 433115 (D. Haw. 2007)—36:12
- Mattek v. White, 695 So. 2d 942 (Fla. 4th DCA 1997)—28:6, 36:7, 69:2
- Maurer v. Chyatte, 173 Ga. App. 343, 326 S.E.2d 543 (1985)—31:17
- Mayer v. Sto Industries, Inc., 123 Wash. App. 443, 98 P.3d 116 (Div. 2 2004)—48:25
- McBroom v. Orner, 64 Wash. 2d 887, 395 P.2d 95, 11 A.L.R.3d 914 (1964)—36:3, 36:6
- McCall v. Wilder, 913 S.W.2d 150 (Tenn. 1995)—44:2
- McCann v. Harleysville Ins. Co. of New York, 78 A.D.3d 1524, 910 N.Y.S.2d 614 (4th Dep't 2010)—21:9, 21:16, 21:20
- McCloughan v. City of Springfield, 208 F.R.D. 236, 58 Fed. R. Evid. Serv. 1527 (C.D. Ill. 2002)—36:12
- McCoo v. Denny's Inc., 192 F.R.D. 675 (D. Kan. 2000)—1:10, 21:20
- McCorkle v. Fast, 599 So. 2d 277 (Fla. 2d DCA 1992)—23:11
- McDill, Estate of, 14 Cal. 3d 831, 122 Cal. Rptr. 754, 537 P.2d 874 (1975)—70:21
- McDonald v. Whitewater Challengers, Inc., 2015 PA Super 104, 116 A.3d 99, 319 Ed. Law Rep. 411 (2015)—70:20
- McFarland v. Commercial Boiler Works, 10 Wash. 2d 81, 116 P.2d 288 (1941)—15:4
- McGee v. Jones, 232 Ga. App. 1, 499 S.E.2d 398 (1998)—36:13
- McGinnis v. Piccadilly Cafeteria, Inc., 732 So. 2d 659 (La. Ct. App. 3d Cir. 1999)—37:24
- McGuire v. State, 100 Nev. 153, 677 P.2d 1060 (1984)—46:3, 46:4
- McLaughlin, Application of, 144 N.J. 133, 675 A.2d 1101 (1996)—41:2
- McMillen v. Hummingbird Speedway, Inc., 2010 WL 4403285 (Pa. C.P. 2010)—21:8, 21:18
- McPherson v. Goodyear Tire & Rubber Co., 146 Ohio App. 3d

## LITIGATING MIST CASES

- 441, 2001-Ohio-1517, 766 N.E.2d 1015 (9th Dist. Summit County 2001)—1:10
- Meacham v. Barber, 183 Ga. App. 533, 359 S.E.2d 424 (1987)—36:13
- Means, State ex rel. v. King, 205 W. Va. 708, 520 S.E.2d 875 (1999)—41:5
- Mebust v. Mayco Mfg. Co., 8 Wash. App. 359, 506 P.2d 326 (Div. 1 1973)—35:3, 36:3
- Medrano v. BEC Const. Corp., 588 So. 2d 1056 (Fla. 3d DCA 1991)—23:11
- Melara v. Cicione, 712 So. 2d 429 (Fla. 3d DCA 1998)—38:14
- Mendelsohn v. Anderson, 26 Wash. App. 933, 614 P.2d 693 (Div. 1 1980)—30:24, 30:25
- Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57, 106 S. Ct. 2399, 91 L. Ed. 2d 49, 40 Fair Empl. Prac. Cas. (BNA) 1822, 40 Empl. Prac. Dec. (CCH) ¶ 36159 (1986)—21:20
- Merritt, Chapman & Scott Corp. v. Fredin, 307 F.2d 370 (9th Cir. 1962)—36:6
- Mertens v. Coffman, 99 N.M. 750, 1983-NMCA-062, 663 P.2d 1207 (Ct. App. 1983)—1:10
- Metropolitan Dade County v. Sims Paving Corp., 576 So. 2d 766 (Fla. 3d DCA 1991)—38:14
- Metropolitan Property & Cas. Ins. Co. v. Overstreet, 103 S.W.3d 31 (Ky. 2003)—23:4
- Meyer v. State, 119 Nev. 554, 80 P.3d 447 (2003)—46:7
- Micron Technology, Inc. v. Rambus Inc., 645 F.3d 1311, 98 U.S.P.Q.2d 1693 (Fed. Cir. 2011)—21:12
- Middleby Corp. v. Hussmann Corp., 1993 WL 151290 (N.D. Ill. 1993)—36:1
- Miller v. Allstate Ins. Co., 221 So. 2d 908 (La. Ct. App. 1st Cir. 1969)—37:24
- Miller v. Alvey, 246 Ind. 560, 207 N.E.2d 633 (1965)—36:3
- Miller v. Badgley, 51 Wash. App. 285, 753 P.2d 530, 6 U.C.C. Rep. Serv. 2d 1082 (Div. 1 1988)—30:23
- Miller v. State, 785 So. 2d 662 (Fla. 3d DCA 2001)—38:14
- Miller v. Staton, 58 Wash. 2d 879, 365 P.2d 333 (1961)—28:4, 28:5
- Miller & Meier & Associates v. Diedrich, 174 Ga. App. 249, 329 S.E.2d 918 (1985)—30:32
- Mills v. Redwing Carriers, Inc., 127 So. 2d 453 (Fla. 2d DCA 1961)—25:12
- Milo's Kitchen Dog Treats Consol. Cases, In re, 307 F.R.D. 177, 91 Fed. R. Serv. 3d 704 (W.D. Pa. 2015)—21:9
- Mims v. Central Mfrs. Mut. Ins. Co., 178 F.2d 56 (5th Cir. 1949)—30:12
- Minga v. Jack Cole Co., 12 Ill. App. 2d 556, 140 N.E.2d 383 (1st Dist. 1956)—36:3
- Mission Springs, Inc. v. City of Spokane, 134 Wash. 2d 947, 954 P.2d 250 (1998)—30:27
- Mississippi Farm Bureau Mut. Ins. Co. v. Garrett, 487 So. 2d 1320 (Miss. 1986)—35:3
- Mitchell v. CAC-Ramsay Health Plans, Inc., 719 So. 2d 930 (Fla. 3d DCA 1998)—38:14
- Mitchell v. Hutchings, 116 F.R.D. 481, 44 Fair Empl. Prac. Cas. (BNA) 615, 44 Empl. Prac. Dec. (CCH) ¶ 37427, 22 Fed. R. Evid. Serv. 1834, 8 Fed. R. Serv. 3d 398 (D. Utah 1987)—21:20
- ML Healthcare Services, LLC v. Publix Super Markets, Inc., 881 F.3d 1293, 99 Fed. R. Serv. 3d 1754 (11th Cir. 2018)—42:3, 42:11
- Modelski v. Navistar Intern. Transp. Corp., 302 Ill. App. 3d

TABLE OF CASES

- 879, 236 Ill. Dec. 394, 707 N.E.2d 239, Prod. Liab. Rep. (CCH) ¶ 15506 (1st Dist. 1999)—36:12
- Mogull v. CB Commercial Real Estate Group, Inc., 162 N.J. 449, 744 A.2d 1186, 82 Fair Empl. Prac. Cas. (BNA) 222 (2000)—67:2
- Monroe v. Cooper/T.Smith Stevedoring, 2008 U.S. Dist. LEXIS 18338—30:22
- Montozzi v. State, 633 So. 2d 563 (Fla. 4th DCA 1994)—38:14
- Monumental Life Ins. Co. v. Franko, 486 N.E.2d 608 (Ind. Ct. App. 1985)—69:3
- Moore v. Mercer, 4 Cal. App. 5th 424, 209 Cal. Rptr. 3d 101 (3d Dist. 2016)—42:8, 42:11
- Moore v. State, 939 So. 2d 1116 (Fla. 3d DCA 2006)—38:14
- Moore v. State, 525 So. 2d 870 (Fla. 1988)—38:14
- Moore v. Taylor Concrete & Supply Co., Inc., 553 So. 2d 787 (Fla. 1st DCA 1989)—36:9
- Morales v. Petito, 2000 WL 1679443 (Ohio Ct. App. 8th Dist. Cuyahoga County 2000)—69:2
- Morales v. Petitto, 2000 Ohio App. LEXIS 5228 (8th District 2000)—36:5
- MORALES v. J. RUBENZER; M. RUBENZER, J.V.R. No. 1706050013, 2017 WL 2417145 (Minn. Dist. Ct. 2017)—8:3
- Moresi v. Evans, 257 Ga. App. 670, 572 S.E.2d 327 (2002)—36:13
- Morgan v. Reneer, 148 Ind. App. 90, 264 N.E.2d 71 (Div. 1 1970)—69:3
- Morris v. Allstate Ins. Co., 632 So. 2d 1209 (La. Ct. App. 2d Cir. 1994)—37:24
- Morris v. Country Cas. Ins. Co., 2011 WL 5166453 (W.D. Wash. 2011)—48:30
- Morsicato v. Sav-On Drug Stores, Inc., 121 Nev. 153, 111 P.3d 1112 (2005)—36:12
- Mosaid Technologies Inc. v. Samsung Electronics Co., Ltd., 348 F. Supp. 2d 332 (D.N.J. 2004)—21:11
- Mosely v. State, 842 So. 2d 279 (Fla. 3d DCA 2003)—38:14
- Moses v. Halstead, 236 F.R.D. 667 (D. Kan. 2006)—21:20
- Mozzetti v. City of Brisbane, 67 Cal. App. 3d 565, 136 Cal. Rptr. 751 (1st Dist. 1977)—66:4
- Mroz v. Harrison, 815 N.E.2d 551 (Ind. Ct. App. 2004)—36:10, 69:3
- MTW Inv. Co. v. Alcovy Properties, Inc., 228 Ga. App. 206, 491 S.E.2d 460 (1997)—30:32
- Mu'Min v. Virginia, 500 U.S. 415, 111 S. Ct. 1899, 114 L. Ed. 2d 493 (1991)—38:1
- Muncie Indiana Transit Authority v. Smith, 743 N.E.2d 1214 (Ind. Ct. App. 2001)—36:10
- Munster v. Groce, 829 N.E.2d 52 (Ind. Ct. App. 2005)—21:2
- Murphy v. Florida, 421 U.S. 794, 95 S. Ct. 2031, 44 L. Ed. 2d 589, 1 Media L. Rep. (BNA) 1232 (1975)—38:14
- Murphy v. Lindahl, 24 Ill. App. 2d 461, 165 N.E.2d 340, 82 A.L.R.2d 1410 (1st Dist. 1960)—36:12
- Murray v. Mossman, 52 Wash. 2d 885, 329 P.2d 1089 (1958)—48:30
- Myers v. Broussard, 696 So. 2d 88 (La. Ct. App. 3d Cir. 1997)—37:24
- My Sister's Place v. City of Burlington, 139 Vt. 602, 433 A.2d 275 (1981)—37:25

N

- Namismak v. Uber Technologies, Inc., 444 F. Supp. 3d 1136 (N.D. Cal. 2020)—70:21

- Nanty-Glo, Borough of v. American Surety Co. of New York, 309 Pa. 236, 163 A. 523 (1932)—70:20
- Nash v. General Motors Corp., 734 So. 2d 437 (Fla. 3d DCA 1999)—38:14
- National Dairy Products Corp. v. Durham, 115 Ga. App. 420, 154 S.E.2d 752 (1967)—31:17
- National Union Fire Ins. Co. of Pittsburgh, Pa. v. Midland Bancor, Inc., 159 F.R.D. 562 (D. Kan. 1994)—21:20
- Nautilus, Inc. v. Transamerica Title Ins. Co. of Washington, 13 Wash. App. 345, 534 P.2d 1388 (Div. 1 1975)—48:24
- Nehls v. Leonard, 97 Nev. 325, 630 P.2d 258 (1981)—46:7
- Nelson v. Reliance Ins. Co., 368 So. 2d 361 (Fla. 4th DCA 1978)—36:9
- Nestle Foods Corp. v. Aetna Cas. and Sur. Co., 129 F.R.D. 483, 16 Fed. R. Serv. 3d 857 (D.N.J. 1990)—1:10
- Neville v. Value City Dept. Stores, Inc., 2008 WL 2224910 (S.D. Ill. 2008)—30:12
- Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400, 88 S. Ct. 964, 19 L. Ed. 2d 1263, 1 Empl. Prac. Dec. (CCH) ¶ 9834 (1968)—30:23
- News Leader Co. v. Kocen, 173 Va. 95, 108 (1939)—48:24
- Nichols v. American Nat. Ins. Co., 154 F.3d 875, 77 Fair Empl. Prac. Cas. (BNA) 1338, 74 Empl. Prac. Dec. (CCH) ¶ 45654, 50 Fed. R. Evid. Serv. 91 (8th Cir. 1998)—36:12
- N.M. Right to Choose/NARAL v. Johnson, 1999-NMSC-028, 127 N.M. 654, 986 P.2d 450—1:10
- Norman v. Gloria Farms, Inc., 668 So. 2d 1016 (Fla. 4th DCA 1996)—45:4, 46:5
- Northwest Independent Forest Mfrs. v. Department of Labor and Industries, 78 Wash. App. 707, 899 P.2d 6 (Div. 2 1995)—48:24
- Nucor Corp. v. Bell, 251 F.R.D. 191 (D.S.C. 2008)—21:12
- Nunley v. Kloehn, 888 F. Supp. 1483, 42 Fed. R. Evid. Serv. 895 (E.D. Wis. 1995)—36:12
- Nutro Products, Inc. v. Cole Grain Co., 3 Cal. App. 4th 860, 5 Cal. Rptr. 2d 41, 24 U.S.P.Q.2d 1556 (2d Dist. 1992)—70:21

## O

- Oakberg v. Zimmer, Inc., 211 Fed. Appx. 578 (9th Cir. 2006)—36:12
- O'Brien v. Nationwide Mut. Ins. Co., 455 Pa. Super. 568, 689 A.2d 254 (1997)—70:20
- O'Conner v. Commonwealth Edison Co., 807 F. Supp. 1376, 36 Fed. R. Evid. Serv. 589 (C.D. Ill. 1992)—36:12
- O'Connor v. State, 9 Fla. 215, 1860 WL 2055 (1860)—38:14
- O'Connor v. Uber Technologies, Inc., 82 F. Supp. 3d 1133, 80 Cal. Comp. Cas. (MB) 345, 24 Wage & Hour Cas. 2d (BNA) 975 (N.D. Cal. 2015)—70:21
- O'Dell v. Barrett, 163 Md. 342, 163 A. 191 (1932)—35:3
- O'Dell v. Chicago, M., St. P. & P. R. Co., 6 Wash. App. 817, 496 P.2d 519 (Div. 3 1972)—36:3
- O'Donoghue v. Riggs, 73 Wash. 2d 814, 440 P.2d 823 (1968)—28:4, 28:5
- Odum v. Rayonier, Inc., 2007 WL 2002445 (S.D. Ga. 2007)—36:12
- Odum v. State, 412 Md. 593, 989 A.2d 232 (2010)—36:8
- Offenback v. L.M. Bowman, Inc., 2011 WL 2491371 (M.D. Pa. 2011)—21:20
- Ogden Estate v. Decatur County

TABLE OF CASES

- Hosp., 509 N.E.2d 901 (Ind. Ct. App. 1987)—36:10
- Oklahoma Natural Gas Corp. v. Schwartz, 1930 OK 458, 146 Okla. 250, 293 P. 1087 (1930)—35:3
- Olpinski v. Clement, 73 Wash. 2d 944, 442 P.2d 260 (1968)—30:25
- Olson v. California, 2020 WL 905572 (C.D. Cal. 2020)—70:21
- Olympic Fish Products, Inc. v. Lloyd, 93 Wash. 2d 596, 611 P.2d 737 (1980)—30:24, 30:25
- Olympic S.S. Co., Inc. v. Centennial Ins. Co., 117 Wash. 2d 37, 811 P.2d 673 (1991)—48:27
- Oppenheim v. United Charities of New York, 266 A.D.2d 116, 698 N.Y.S.2d 144 (1st Dep't 1999)—28:6, 69:2
- Orcutt v. Miller, 95 Nev. 408, 595 P.2d 1191 (1979)—36:12
- Orgeron v. Prescott, 636 So. 2d 1033 (La. Ct. App. 5th Cir. 1994)—37:24
- Ortiz v. Follin, 2017 WL 3085515 (D. Colo. 2017)—42:7, 42:11
- Ortiz v. State, 543 So. 2d 377 (Fla. 3d DCA 1989)—38:14
- Osborn v. Leach, 135 N.C. 628, 47 S.E. 811 (1904)—48:24
- O'Shaughnessy v. Besse, 7 Mass. App. Ct. 727, 389 N.E.2d 1049, 1979 A.M.C. 2479 (1979)—44:1
- O'Shea v. Riverway Towing Co., 677 F.2d 1194 (7th Cir. 1982)—35:3
- Ostrander v. Ostrander, 280 A.D.2d 793, 720 N.Y.S.2d 635 (3d Dep't 2001)—40:3
- Oswin v. Shaw, 129 N.J. 290, 609 A.2d 415 (1992)—67:2
- Overton v. Consolidated Ins. Co., 145 Wash. 2d 417, 38 P.3d 322, 32 Env'tl. L. Rep. 20476 (2002)—48:24, 48:29
- Owens v. Schoenberger, 681 N.E.2d 760, 119 Ed. Law Rep. 644 (Ind. Ct. App. 1997)—69:3
- Owens v. Sprint/United Management Co., 221 F.R.D. 649, 94 Fair Empl. Prac. Cas. (BNA) 765 (D. Kan. 2004)—21:20

**P**

- Pacific Coast Container, Inc. v. Royal Surplus Lines Ins. Co., 2008 WL 2705588 (W.D. Wash. 2008)—48:30
- Pait v. State, 112 So. 2d 380 (Fla. 1959)—38:14
- Palank v. CSX Transp., Inc., 657 So. 2d 48 (Fla. 4th DCA 1995)—23:11
- Panhans v. Associated Indem. Corp., 8 Cal. App. 2d 532, 47 P.2d 791 (1st Dist. 1935)—40:3
- Panorama Village Homeowners Ass'n v. Golden Rule Roofing, Inc., 102 Wash. App. 422, 10 P.3d 417 (Div. 1 2000)—48:24
- Parker v. Hoppock, 695 So. 2d 424 (Fla. 4th DCA 1997)—36:9
- Parodi v. Washoe Medical Center, Inc., 111 Nev. 365, 892 P.2d 588 (1995)—46:3, 46:4
- Paul v. Winco Holdings, Inc., 249 F.R.D. 643 (D. Idaho 2008)—30:12
- Peat, Marwick, Mitchell & Co. v. West, 748 F.2d 540, 40 Fed. R. Serv. 2d 502 (10th Cir. 1984)—1:10
- Peck v. Delaware County Bd. of Prison Inspectors, 572 Pa. 249, 814 A.2d 185 (2002)—70:20
- Pedrick v. Peoria & E. R. Co., 37 Ill. 2d 494, 229 N.E.2d 504 (1967)—44:1
- Pelster v. Ray, 987 F.2d 514, 37 Fed. R. Evid. Serv. 1292 (8th Cir. 1993)—36:12
- Penberthy v. Caprett, 2001 WL 66233 (Ohio Ct. App. 8th Dist. Cuyahoga County 2001)—48:5
- Penn Center House, Inc. v. Hoff-

## LITIGATING MIST CASES

- man, 520 Pa. 171, 553 A.2d 900 (1989)—70:20
- Pennsylvania Threshermen & Farmers Mut. Cas. Ins. Co. v. Hill, 113 Ga. App. 283, 148 S.E.2d 83 (1966)—44:2
- People v. Cardenas, 31 Cal. 3d 897, 184 Cal. Rptr. 165, 647 P.2d 569 (1982)—66:4
- People v. Pacific Land Research Co., 20 Cal. 3d 10, 141 Cal. Rptr. 20, 569 P.2d 125 (1977)—70:21
- People v. Scoon, 303 A.D.2d 525, 756 N.Y.S.2d 100 (2d Dep't 2003)—28:6, 36:7, 69:2
- People v. Wesley, 83 N.Y.2d 417, 611 N.Y.S.2d 97, 633 N.E.2d 451 (1994)—36:7, 69:2
- Perkins v. Perkins, 758 So. 2d 141 (La. 2000)—38:14
- Perritt v. Commercial Union Ins. Co., 673 So. 2d 215 (La. Ct. App. 3d Cir. 1996)—37:24
- Perry v. Lynch Mob Records, 2014 U.S. Dist. LEXIS 56581 (E.D.N.C. Apr. 23, 2014)—21:6
- Perry v. State, 675 So. 2d 976 (Fla. 4th DCA 1996)—38:14
- Persley v. New Jersey Transit Bus Operations, 357 N.J. Super. 1, 813 A.2d 1219 (App. Div. 2003)—67:2
- PETERS v. ABUSADA, J.V.R. No. 1402140002, 2014 WL 802540 (Ohio C.P. 2014)—8:3
- Peters v. Ballard, 58 Wash. 921, 795 P.2d 1158 (Div 1 1990)—30:18
- Petersavage v. Bock, 72 Wash. 2d 1, 431 P.2d 603 (1967)—30:25
- Petersen v. Bank of America Corp., 232 Cal. App. 4th 238, 181 Cal. Rptr. 3d 330 (4th Dist. 2014)—70:21
- Petersen v. State Farm Auto. Ins. Co., 543 So. 2d 109 (La. Ct. App. 3d Cir. 1989)—37:24
- Petersen-Gonzales v. Garcia, 120 Wash. App. 624, 86 P.3d 210 (Div. 3 2004)—48:30
- PHE, Inc. v. Department of Justice, 139 F.R.D. 249 (D.D.C. 1991)—1:10
- Phennah v. Whalen, 28 Wash. App. 19, 621 P.2d 1304 (Div. 1 1980)—36:6
- PH II, Inc. v. Superior Court, 33 Cal. App. 4th 1680, 40 Cal. Rptr. 2d 169 (1st Dist. 1995)—70:21
- Phillips v. Glens Falls Ins. Co., 288 F. Supp. 151 (S.D. W. Va. 1968)—40:3
- Phoenix, City of v. Camfield, 97 Ariz. 316, 400 P.2d 115 (1965)—36:3
- Phoenix Indem. Ins. Co. v. Pulis, 2000-NMSC-023, 129 N.M. 395, 9 P.3d 639 (2000)—1:9
- Pina v. Espinoza, 2001-NMCA-055—1:10
- Pincheira v. Allstate Ins. Co., 135 N.M. 220, 2004-NMCA-030, 86 P.3d 645 (Ct. App. 2004)—1:9
- Piper v. Harnischfeger Corp., 170 F.R.D. 173, 37 Fed. R. Serv. 3d 708 (D. Nev. 1997)—36:12
- Pittsburgh, C., C. & St. L.R. Co. v. Muncie & P. Traction Co., 166 Ind. 466, 77 N.E. 941 (1906)—41:2
- Plair v. State, 453 So. 2d 917 (Fla. 1st DCA 1984)—38:14
- Plate v. Palisade Film Delivery Corp., 39 A.D.3d 835, 835 N.Y.S.2d 324 (2d Dep't 2007)—36:7
- Plonkey v. Superior Court In and For Coconino County, 106 Ariz. 310, 475 P.2d 492 (1970)—30:29
- Polito v. Holland, 258 Ga. 54, 365 S.E.2d 273 (1988)—42:8, 42:11
- Pollard v. Whitener, 965 S.W.2d 281 (Mo. Ct. App. W.D. 1998)—38:1
- Polygon Northwest Co. v. Ameri-

TABLE OF CASES

- can Nat. Fire Ins. Co., 143 Wash. App. 753, 189 P.3d 777 (Div. 1 2008)—48:30
- Pontarelli v. Pera, 2014 WL 4659216 (Pa. Com. Pl., Montgomery County)—8:3
- Potts v. Dollar Tree Stores, Inc., 117 Fair Empl. Prac. Cas. (BNA) 1352, 2013 WL 1176504 (M.D. Tenn. 2013)—21:9
- Powers v. United Services Auto. Ass'n, 114 Nev. 690, 962 P.2d 596 (1998)—46:7
- Prabhu v. Levine, 112 Nev. 1538, 930 P.2d 103 (1996)—36:12
- Precision Screen Machines, Inc. v. Hixson, 711 N.E.2d 68 (Ind. Ct. App. 1999)—69:3
- Pregony v. Custer, 558 So. 2d 114 (Fla. 4th DCA 1990)—23:11
- Price v. Sinnott, 85 Nev. 600, 460 P.2d 837 (1969)—46:5
- Price v. State, 538 So. 2d 486 (Fla. 3d DCA 1989)—38:14
- Pride v. BIC Corp., 218 F.3d 566, Prod. Liab. Rep. (CCH) ¶ 15844, 54 Fed. R. Evid. Serv. 1428, 2000 Fed. App. 0222P (6th Cir. 2000)—30:29
- Prieto Corp. v. Gambone Const. Co., 2014 PA Super 196, 100 A.3d 602 (2014)—70:20
- Prince v. Mallari, 36 So. 3d 128 (Fla. 5th DCA 2010)—23:4
- Principal Mut. Life Ins. Co. v. Straus, 1993-NMSC-058, 116 N.M. 412, 863 P.2d 447 (1993)—1:10
- Probus v. K-Mart, Inc., 794 F.2d 1207, Prod. Liab. Rep. (CCH) ¶ 11042, 20 Fed. R. Evid. Serv. 1097 (7th Cir. 1986)—45:3
- Pudmaroff v. Allen, 138 Wash. 2d 55, 977 P.2d 574 (1999)—30:24
- Purcell v. Kelley, 286 Ga. App. 117, 648 S.E.2d 454 (2007)—36:13
- Purdy v. Gulf Breeze Enterprises, Inc., 403 So. 2d 1325 (Fla. 1981)—38:14
- Q**
- Quiktrip Corp. v. Childs, 220 Ga. App. 463, 469 S.E.2d 763 (1996)—30:32
- R**
- Ramirez v. City of Chicago, 318 Ill. App. 3d 18, 251 Ill. Dec. 619, 740 N.E.2d 1190 (1st Dist. 2000)—45:3
- Ramirez v. State, 815 S.W.2d 636 (Tex. Crim. App. 1991)—41:5
- Randle v. Allen, 862 P.2d 1329 (Utah 1993)—36:3
- Randolph v. State, 117 Nev. 970, 36 P.3d 424 (2001)—46:3, 46:4
- Rangel v. Anderson, 202 F. Supp. 3d 1361 (S.D. Ga. 2016)—42:8, 42:11
- Rasmussen v. South Florida Blood Service, Inc., 500 So. 2d 533, 56 A.L.R.4th 739 (Fla. 1987)—21:17
- Rathborne, Hair & Ridgeway Box Co. v. Green, 237 Miss. 588, 115 So. 2d 674 (1959)—35:3
- Ratliff v. State, 741 N.E.2d 424 (Ind. Ct. App. 2000)—41:2
- Ray v. Cyr, 17 Wash. App. 825, 565 P.2d 817 (Div. 3 1977)—30:23
- Reed v. Arthur, 556 So. 2d 937 (La. Ct. App. 3d Cir. 1990)—37:24
- Reed v. Philadelphia, Bethlehem & New England R. Co., 939 F.2d 128 (3d Cir. 1991)—39:2
- Reed v. Union Pacific R. Co., 185 F.3d 712 (7th Cir. 1999)—35:3
- Reeder v. Sears, Roebuck & Co., 41 Wash. 2d 550, 250 P.2d 518 (1952)—35:3, 36:3
- Reese v. Stroh, 128 Wash. 2d 300, 907 P.2d 282 (1995)—28:4, 28:5
- Reisig, People ex rel. v. Acuna, 182 Cal. App. 4th 866, 106 Cal. Rptr. 3d 560 (3d Dist. 2010)—70:21
- Remes v. Nordic Group, Inc., 169 Vt. 37, 726 A.2d 77 (1999)—37:25

## LITIGATING MIST CASES

- Rene v. G.F. Fishers, Inc., 817 F. Supp. 2d 1090, 32 I.E.R. Cas. (BNA) 1486 (S.D. Ind. 2011)—21:6
- Renfroe v. Arrington, 238 Ga. App. 470, 519 S.E.2d 3 (1999)—31:17
- Rent-A-Center, West, Inc. v. Jackson, 561 U.S. 63, 130 S. Ct. 2772, 177 L. Ed. 2d 403, 109 Fair Empl. Prac. Cas. (BNA) 897, 93 Empl. Prac. Dec. (CCH) ¶ 43916 (2010)—70:20
- Residential Funding Corp. v. De-George Financial Corp., 306 F.3d 99, 53 Fed. R. Serv. 3d 1105 (2d Cir. 2002)—21:12
- Resurgens, P.C. v. Elliott, 301 Ga. 589, 800 S.E.2d 580 (2017)—36:13
- Reutenik v. Gibson Packing Co., 132 Wash. 108,231—36:6
- Rhinehart v. Seattle Times Co., 98 Wash. 2d 226, 654 P.2d 673, 8 Media L. Rep. (BNA) 2537 (1982)—30:19
- Richard v. Walgreen's Louisiana Co., 476 So. 2d 1150 (La. Ct. App. 3d Cir. 1985)—37:24
- Riley v. Willis, 585 So.2d 676—36:9
- Rimkus Consulting Group, Inc. v. Cammarata, 688 F. Supp. 2d 598 (S.D. Tex. 2010)—21:12
- Ringgold v. Land, 212 N.C. 369, 193 S.E. 267 (1937)—48:24
- Ringle v. Bruton, 120 Nev. 82, 86 P.3d 1032, 21 I.E.R. Cas. (BNA) 204, 149 Lab. Cas. (CCH) ¶ 59860 (2004)—46:2, 46:3, 46:4, 46:5, 46:6, 46:7
- Ritchey v. Dees, 540 So. 2d 1265 (La. Ct. App. 3d Cir. 1989)—37:24
- Rizzi v. Mason, 799 A.2d 1178 (Del. Super. Ct. 2002)—28:6, 36:7, 69:2
- Rizzuti v. Basin Travel Service of Othello, Inc., 125 Wash. App. 602, 105 P.3d 1012 (Div. 3 2005)—48:29
- Robinson v. State Farm Mut. Auto. Ins. Co., 2000 WL 1877745 (Idaho 2000)—10:2
- Robinson v. Terwilleger, 2011 WL 1987619 (D. Colo. 2011)—42:11
- Robinson, Ex parte, 86 U.S. 505, 22 L. Ed. 205, 1873 WL 16067 (1873)—30:23
- Robinson Property Group, L.P. v. Mitchell, 7 So. 3d 240 (Miss. 2009)—42:8, 42:11
- Rogers v. Allis Chalmers Mfg. Co., 85 Ohio App. 421, 40 Ohio Op. 293, 54 Ohio L. Abs. 453, 88 N.E.2d 234 (1st Dist. Hamilton County 1949)—44:1
- Rogers v. Lyft, Inc., 2020 WL 2532527 (Cal. Super. Ct. Trial Div. 2020)—70:21
- Rogers v. Lyft, Inc., 452 F. Supp. 3d 904 (N.D. Cal. 2020)—70:21
- Rohrkaste v. City of Terre Haute, 470 N.E.2d 738 (Ind. Ct. App. 1984)—36:10
- Romano v. Steelcase Inc., 30 Misc. 3d 426, 907 N.Y.S.2d 650 (Sup 2010)—21:4, 21:9, 21:18
- Romero v. Allstate Fire & Casualty Insurance Company, 2015 WL 5321441 (D. Colo. 2015)—42:11
- Rosales-Lopez v. U.S., 451 U.S. 182, 101 S. Ct. 1629, 68 L. Ed. 2d 22 (1981)—38:14
- Rosenberg v. Tavorath, 352 N.J. Super. 385, 800 A.2d 216 (App. Div. 2002)—67:2
- Ross v. Frank B. Hall & Co. of Washington, 73 Wash. App. 630, 870 P.2d 1007, 1994 A.M.C. 2378 (Div. 2 1994)—30:24, 30:25
- Ross v. Leggett, 61 Mich. 445, 28 N.W. 695 (1886)—48:24
- Rowbottom v. State, 105 Nev. 472, 779 P.2d 934 (1989)—36:12
- Royal Surplus Lines Ins. Co., Inc. v. Ranger Ins. Co., 100 Cal.

TABLE OF CASES

- App. 4th 193, 122 Cal. Rptr. 2d 459 (2d Dist. 2002)—70:21
- Rozell v. Ross-Holst, 97 Fair Empl. Prac. Cas. (BNA) 1104, 2006 WL 163143 (S.D. N.Y. 2006)—21:20
- Rozell v. Ross-Holst, 2006 U.S. Dist. LEXIS 2277, 2006 WL 163143 (S.D.N.Y. Jan. 20, 2006)—21:16
- Rozier v. Ford Motor Co., 573 F.2d 1332, 3 Fed. R. Evid. Serv. 119, 25 Fed. R. Serv. 2d 1133, 50 A.L.R. Fed. 914 (5th Cir. 1978)—36:3
- Rubanick v. Witco Chemical Corp., 125 N.J. 421, 593 A.2d 733, 22 Env'tl. L. Rep. 20222 (1991)—67:2
- Ruffer v. St. Frances Cabrini Hosp. of Seattle, 56 Wash. App. 625, 784 P.2d 1288 (Div. 1 1990)—30:24, 30:25
- Rufo v. Simpson, 86 Cal. App. 4th 573, 103 Cal. Rptr. 2d 492 (2d Dist. 2001)—39:2
- Ruiz v. Carpio, 99 So. 3d 516 (Fla. 3d DCA 2011)—23:4
- Rutgers, State University of New Jersey v. Liberty Mut. Ins. Co., 277 N.J. Super. 571, 649 A.2d 1362, 95 Ed. Law Rep. 998 (App. Div. 1994)—67:2
- Rybaczewski v. Kingsley, 1998 WL 200227 (Ohio Ct. App. 6th Dist. Lucas County 1998)—28:6, 36:7, 69:2
- S**
- Saastomoinen v. Pagano, 183 Misc. 2d 781, 704 N.Y.S.2d 796 (Sup 2000)—48:4
- Sadorus v. Wood, 230 A.2d 478 (D.C. 1967)—36:3
- Safeco Ins. Co. v. McGrath, 63 Wash. App. 170, 817 P.2d 861 (Div. 1 1991)—24:7
- Safeco Ins. Co. v. Woodley, 150 Wash. 2d 765, 82 P.3d 660 (2004)—48:30
- Safeco Ins. Co. of America v. Butler, 118 Wash. 2d 383, 823 P.2d 499 (1992)—48:29
- Saldana v. Kmart Corp., 42 V.I. 358, 84 F. Supp. 2d 629 (D.V.I. 1999)—41:2
- Salerno v. Tudor, 2002 WL 120608 (Cal. App. 1st Dist. 2002)—28:6, 36:7, 69:2
- Salvato v. Miley, 2013 WL 2712206 (M.D. Fla. 2013)—21:9
- Samuel-Hawkins Music Co. v. Ashby, 246 Ind. 309, 205 N.E.2d 679 (1965)—69:3
- Sanchez ex rel. Sanchez v. Kirby, 131 N.M. 565, 2002-NMCA-017, 40 P.3d 1009 (Ct. App. 2001)—1:9
- Santos v. Nicolos, 24 Misc. 3d 999, 879 N.Y.S.2d 701 (Sup 2009)—36:7
- Saulpaugh ex rel. Saulpaugh v. Krafte, 5 A.D.3d 934, 774 N.Y.S.2d 194 (3d Dep't 2004)—36:7
- Sawyer v. Comerci, 264 Va. 68, 563 S.E.2d 748 (2002)—24:3
- Scanlon v. Life Ins. Co. of North America, 670 F. Supp. 2d 1181 (W.D. Wash. 2009)—48:29
- Schaefer, In re Discipline of, 117 Nev. 496, 25 P.3d 191 (2001)—46:7
- Schaub v. Linehan, 92 Idaho 332, 442 P.2d 742 (1968)—36:3
- Schlagenhauf v. Holder, 379 U.S. 104, 85 S. Ct. 234, 13 L. Ed. 2d 152, 9 Fed. R. Serv. 2d 35A.1, Case 1 (1964)—23:8, 23:11, 30:22
- Schmid v. Milwaukee Elec. Tool Corp., 13 F.3d 76 (3d Cir. 1994)—21:11
- Schmidt vs. Schwartz, 13 Trials Digest 15th 26Schwartz, 2011 WL 7497135 (Cal. Super. Ct. Trial Div. 2011)—8:3
- Schoen v. Boulder Stage Lines, Inc., 159 Colo. 531, 412 P.2d 905 (1966)—36:3

## LITIGATING MIST CASES

- Schoon v. Looby, 2003 SD 123, 670 N.W.2d 885 (S.D. 2003)—36:13
- Schouest v. J. Ray McDermott & Co., Inc., 411 So. 2d 1042 (La. 1982)—37:24
- Schultz v. Wells, 13 P.3d 846 (Colo. App. 2000)—28:1, 28:5, 66:4, 69:2
- Schultz v. Wells, 13 P.3d 346 (Colo. Ct App 2000)—28:6, 36:7
- Schwaller v. Maguire, 2003 Ohio App. LEXIS 6227—36:12
- Schwamb v. Delta Air Lines, Inc., 516 So. 2d 452 (La. Ct. App. 1st Cir. 1987)—37:24
- Scott v. IBM, Corp., 196 F.R.D. 223 (D.N.J. 2000)—21:11
- Sebring Associates, Ltd. v. Aumann, 673 So. 2d 875 (Fla. 2d DCA 1996)—38:14
- Seely v. Archuleta, 2011 WL 2883625 (D. Colo. 2011)—42:11
- Segura v. Allstate Fire and Casualty Insurance Company, 2016 WL 8737864 (D. Colo. 2016)—42:7, 42:11
- Selig v. Pfizer, Inc., 290 A.D.2d 319, 735 N.Y.S.2d 549, Prod. Liab. Rep. (CCH) ¶ 16299 (1st Dep't 2002)—36:7
- Seventh Elect Church in Israel v. Rogers, 102 Wash. 2d 527, 688 P.2d 506 (1984)—16:6
- Shapardon v. West Beach Estates, 172 F.R.D. 415 (D. Haw. 1997)—36:12
- Sharbono v. Universal Underwriters Ins. Co., 139 Wash. App. 383, 161 P.3d 406 (Div. 2 2007)—48:30
- Sharff v. Superior Court of City and County of San Francisco, 44 Cal. 2d 508, 282 P.2d 896, 64 A.L.R.2d 494 (1955)—23:3
- Sharp v. Egler, 658 F.2d 480 (7th Cir. 1981)—69:3
- Sheldon v. Vermonty, 204 F.R.D. 679 (D. Kan. 2001)—21:20
- Sherman v. Kluba, 734 N.E.2d 701 (Ind. Ct. App. 2000)—69:3
- Sherry v. Financial Indem. Co., 160 Wash. 2d 611, 160 P.3d 31 (2007)—48:24
- Shewry v. Heuer, 255 Iowa 147, 121 N.W.2d 529 (1963)—35:3
- Sign-O-Lite Signs, Inc. v. DeLaurenti Florists, Inc., 64 Wash. App. 553, 825 P.2d 714 (Div. 1 1992)—48:24
- Sikes v. Seaboard Coast Line R. Co., 487 So. 2d 1118 (Fla. 1st DCA 1986)—38:14
- Sikora v. Fromm, 782 N.E.2d 355 (Ind. Ct. App. 2002)—36:10
- Silvestri v. General Motors Corp., 271 F.3d 583, 51 Fed. R. Serv. 3d 694 (4th Cir. 2001)—21:12
- Sims v. Brown, 574 So. 2d 131 (Fla. 1991)—36:5
- Singer v. State, 109 So. 2d 7 (Fla. 1959)—38:14
- Sipsas v. State, 102 Nev. 119, 716 P.2d 231 (1986)—46:2, 46:3, 46:4
- Sisto v. Aetna Cas. and Sur. Co., 689 So. 2d 438 (Fla. 4th DCA 1997)—38:14
- Skipper v. Berry, 762 So. 2d 56 (La. Ct. App. 3d Cir. 2000)—37:24
- Slate v. State, 267 A.D.2d 839, 699 N.Y.S.2d 824 (3d Dep't 1999)—21:20
- Sloan v. Clemmons, 2001 Del. Super. LEXIS 535 (2001)—36:5, 36:10
- Sloan v. Clemmons, 2001 Del. Super. LEXIS 535—36:5
- Slow Development Co. v. Coulter, 88 Ariz. 122, 353 P.2d 890 (1960)—66:5
- Smelser v. Norfolk Southern Ry. Co., 105 F.3d 299, 46 Fed. R. Evid. Serv. 468, 1997 Fed. App. 0033P (6th Cir. 1997)—28:4, 28:6, 36:5, 36:7, 69:2
- Smith v. Babcock, 157 Mont. 81, 482 P.2d 1014 (1971)—30:29
- Smith v. Canevary, 553 So. 2d 1312 (Fla. 3d DCA 1989)—36:3

TABLE OF CASES

- Smith v. Crouse-Hinds Co., 175 Ind. App. 679, 373 N.E.2d 923 (1978)—36:10
- Smith v. Howard Johnson Co., Inc., 67 Ohio St. 3d 28, 1993-Ohio-229, 615 N.E.2d 1037 (1993)—15:4
- Smith v. McMillan, 841 S.W.2d 172 (Ky. 1992)—45:4
- Smith v. Pennsylvania General Ins. Co., 1991 WL 172164 (E.D. Pa. 1991)—36:12
- Smith v. Safeco Ins. Co., 150 Wash. 2d 478, 78 P.3d 1274 (2003)—48:24, 48:30
- Smith v. Strock, 115 Ind. App. 518, 60 N.E.2d 157 (1945)—36:10
- Smith v. Superior Court, 151 Cal. App. 3d 491, 198 Cal. Rptr. 829 (2d Dist. 1984)—15:4
- Smoot v. State Farm Mut. Auto. Ins. Co., 299 F.2d 525, 5 Fed. R. Serv. 2d 856 (5th Cir. 1962)—13:12
- Smull v. Cooper, 2000 WL 1289058 (Iowa Ct. App. 2000)—44:2
- Snyder v. General Elec. Co., 47 Wash. 2d 60, 287 P.2d 108 (1955)—39:2
- Sokolowski v. Medi Mart, Inc., 24 Conn. App. 276, 587 A.2d 1056 (1991)—36:3
- Sonnino v. University Kansas Hosp. Authority, 220 F.R.D. 633 (D. Kan. 2004)—21:20
- Sonnino v. University of Kansas Hosp. Authority, 221 F.R.D. 661 (D. Kan. 2004)—21:20
- Soter v. Cowles Pub. Co., 162 Wash. 2d 716, 174 P.3d 60, 228 Ed. Law Rep. 528, 36 Media L. Rep. (BNA) 1425 (2007)—30:22
- Soto v. City of Concord, 162 F.R.D. 603 (N.D. Cal. 1995)—21:18
- Southern General Ins. Co. v. Holt, 200 Ga. App. 759, 409 S.E.2d 852 (1991)—13:12
- Spokane County v. State, 136 Wash. 2d 644, 966 P.2d 305, 159 L.R.R.M. (BNA) 3051 (1998)—30:30
- Spoljaric v. Savarese, 2020 N.Y. Misc. LEXIS 470—22A:1
- Sprague v. Liberty Mut. Ins. Co., 177 F.R.D. 78, 40 Fed. R. Serv. 3d 732 (D.N.H. 1998)—36:12
- Spratley v. State Farm Mut. Auto. Ins. Co., 2003 UT 39, 78 P.3d 603 (Utah 2003)—36:5
- Spray-Rite Service Corp. v. Monsanto Co., 684 F.2d 1226, 1982-2 Trade Cas. (CCH) ¶ 64808, 11 Fed. R. Evid. Serv. 226, 34 Fed. R. Serv. 2d 698 (7th Cir. 1982)—45:4
- Spring v. Department of Labor and Industries of State, 96 Wash. 2d 914, 640 P.2d 1 (1982)—28:5
- Staccato v. Valley Hosp., 123 Nev. 526, 170 P.3d 503 (2007)—36:12
- Stanislowski v. Upper River Services, Inc., 134 F.R.D. 260, 1991 A.M.C. 2111 (D. Minn. 1991)—30:22
- Stanoiu v. Reyes, 198 Ga. App. 692, 402 S.E.2d 526 (1991)—31:17
- Starlight Intern. Inc. v. Herlihy, 186 F.R.D. 626 (D. Kan. 1999)—30:12
- State v. Aiken, 72 Wash. 2d 306, 434 P.2d 10 (1967)—39:2
- State v. Albanese, 9 S.W.3d 39 (Mo. Ct. App. W.D. 1999)—36:1
- State v. Belgarde, 110 Wash. 2d 504, 755 P.2d 174 (1988)—45:5
- State v. Berry, 140 N.J. 280, 658 A.2d 702 (1995)—67:2
- State v. Bible, 175 Ariz. 549, 858 P.2d 1152 (1993)—66:5
- State v. Brown, 132 Wash. 2d 529, 940 P.2d 546 (1997)—45:5
- State v. Canaday, 90 Wash. 2d 808, 585 P.2d 1185 (1978)—28:4, 28:5
- State v. Chapple, 135 Ariz. 281, 660 P.2d 1208 (1983)—66:5

## LITIGATING MIST CASES

- State v. Davis, 73 Wash. 2d 271, 438 P.2d 185 (1968)—36:6
- State v. Dennison, 115 Wash. 2d 609, 801 P.2d 193 (1990)—45:5
- State v. Fateley, 18 Wash. App. 99, 566 P.2d 959 (Div. 3 1977)—45:5
- State v. Frazier, 55 Wash. App. 204, 777 P.2d 27 (Div. 1 1989)—45:5
- State v. Freeman, 223 N.J. Super. 92, 538 A.2d 371 (App. Div. 1988)—67:2
- State v. Fukusaku, 85 Haw. 462, 946 P.2d 32 (Haw. 1997)—41:5
- State v. Gladden, 315 N.C. 398, 340 S.E.2d 673 (1986)—39:2
- State v. Greene, 285 N.C. 482, 206 S.E.2d 229 (1974)—40:3
- State v. Hadd, 127 Ariz. 270, 619 P.2d 1047 (Ct. App. Div. 2 1980)—66:5
- State v. Harvey, 151 N.J. 117, 699 A.2d 596 (1997)—67:2
- State v. Harvey, 34 Wash. App. 737, 664 P.2d 1281 (Div. 1 1983)—45:5
- State v. House, 1999-NMSC-014, 127 N.M. 151, 978 P.2d 967—1:10
- State v. Kelly, 97 N.J. 178, 478 A.2d 364 (1984)—67:2
- State v. Marcus, 294 N.J. Super. 267, 683 A.2d 221 (App. Div. 1996)—67:2
- State v. Martin, 101 Wash. 2d 713, 684 P.2d 651 (1984)—28:4, 28:5
- State v. Maule, 35 Wash. App. 287, 667 P.2d 96 (Div. 1 1983)—28:4
- State v. McDonald, 98 Wash. 2d 521, 656 P.2d 1043 (1983)—41:5
- State v. Moran, 151 Ariz. 378, 728 P.2d 248 (1986)—66:5
- State v. Nordstrom, 200 Ariz. 229, 25 P.3d 717 (2001)—66:5
- State v. Richardson, 514 N.W.2d 573 (Minn. Ct. App. 1994)—41:2
- State v. Rose, 62 Wash. 2d 309, 382 P.2d 513 (1963)—45:5
- State v. Russell, 125 Wash. 2d 24, 882 P.2d 747 (1994)—24:7, 45:5
- State v. Smith, 104 Wash. 2d 497, 707 P.2d 1306 (1985)—45:5
- State v. Smith, 189 Wash. 422, 65 P.2d 1075 (1937)—36:6
- State v. Summers, 176 N.J. 306, 823 A.2d 15 (2003)—46:7
- State v. Torres, 183 N.J. 554, 874 A.2d 1084 (2005)—67:2
- State v. Townsend, 186 N.J. 473, 897 A.2d 316 (2006)—67:2
- State v. Wakefield, 190 N.J. 397, 921 A.2d 954 (2007)—67:2
- State v. Weber, 99 Wash. 2d 158, 659 P.2d 1102 (1983)—39:2
- State v. Kassabian, 69 Nev. 146, 243 P.2d 264 (1952)—36:12
- State Farm Mut. Auto. Ins. Co. v. Campbell, 538 U.S. \_\_\_, 123 S.Ct. 1513 (2003)—48:3
- Stedman v. Cooper, 172 Wash. App. 9, 292 P.3d 764 (Div. 1 2012)—28:2
- Steele v. Atlanta Maternal Fetal Medicine, P.C., 271 Ga. App. 622, 610 S.E.2d 546 (2005)—36:13
- Steil v. Humana Kansas City, Inc., 197 F.R.D. 445 (D. Kan. 2000)—21:20
- Steil v. Humana Kansas City, Inc., 197 F.R.D. 442, 48 Fed. R. Serv. 3d 325 (D. Kan. 2000)—21:20
- Stephanofsky v. Hill, 136 Conn. 379, 71 A.2d 560 (1950)—46:7
- Stephens v. Castano-Castano, 346 Ga. App. 284, 814 S.E.2d 434 (2018)—42:11
- Stevens v. State, 928 So. 2d 409 (Fla. 3d DCA 2006)—38:14
- Stewart v. Kaplan, 1988 WL 10883 (N.D. Ill. 1988)—1:10
- Stewart v. Select Ins. Co., 631 So.

TABLE OF CASES

- 2d 599 (La. Ct. App. 3d Cir. 1994)—37:24
- St. Luke's Episcopal Hosp. v. Garcia, 928 S.W.2d 307 (Tex. App. Houston 14th Dist. 1996)—41:5
- Stoldt v. Centurion Industries, Inc., 2005 WL 375667 (D. Kan. 2005)—21:20
- Stone v. City of Seattle, 64 Wash. 2d 166, 391 P.2d 179 (1964)—36:6
- Storms v. Lowe's Home Centers, Inc., 211 F.R.D. 296, 54 Fed. R. Serv. 3d 1006 (W.D. Va. 2002)—30:22
- Stouffer v. Reynolds, 168 F.3d 1155 (10th Cir. 1999)—41:5
- St. Paul Fire and Marine Ins. Co. v. Onvia, Inc., 165 Wash. 2d 122, 196 P.3d 664 (2008)—48:24, 48:30
- Streeter v. Sears, Roebuck and Co., Inc., 533 So. 2d 54 (La. Ct. App. 3d Cir. 1988)—37:24
- Stumpp v. Stroudsburg Mun. Authority, 540 Pa. 391, 658 A.2d 333 (1995)—70:20
- Styles v. General Motors Corp., 20 A.D.3d 338, 799 N.Y.S.2d 38 (1st Dep't 2005)—36:7
- Suanez v. Egeland, 353 N.J. Super. 191, 801 A.2d 1186 (App. Div. 2002)—28:6, 36:7, 67:2, 69:2
- Subpoena No. 22, In re, 709 A.2d 385 (Pa. Super. Ct. 1998)—21:14
- Sutherlin v. Fenenga, 111 N.M. 767, 1991-NMCA-011, 810 P.2d 353 (Ct. App. 1991)—38:14
- Sutton v. Lambert, 657 So. 2d 697 (La. Ct. App. 1st Cir. 1995)—37:24
- Sydleman v. Benson, 463 So. 2d 533 (Fla. 4th DCA 1985)—38:14
- T**
- Tanberg v. Ackerman Inv. Co., 473 N.W.2d 193, 24 A.L.R.5th 837 (Iowa 1991)—35:3
- Tank v. State Farm Fire & Cas. Co., 105 Wash. 2d 381, 715 P.2d 1133 (1986)—48:26, 48:29
- Tartar v. Hymes, 656 So. 2d 756 (La. Ct. App. 5th Cir. 1995)—37:24
- Tastad v. Allstate Ins. Co., 86 Wash. App. 1118, 1997 WL 428065 (Div. 1 1997)—1:10
- Taylor v. Progressive Sec. Ins. Co., 33 So. 3d 1081 (La. Ct. App. 3d Cir. 2010)—8:3
- Taylor v. Public Health Trust of Dade County, 546 So. 2d 733 (Fla. 3d DCA 1989)—38:14
- Taylor v. Santa Fe Northwestern Ry Co, 1934-NMSC-050, 38 N.M. 457, 34 P.2d 1102 (1934)—1:10
- Taylor v. Silva, 96 Nev. 738, 615 P.2d 970 (1980)—46:7
- Tennant v. Peoria & P. U. Ry. Co., 321 U.S. 29, 64 S. Ct. 409, 88 L. Ed. 520 (1944)—36:13
- Tennesco, Inc. v. Berger, 144 Ga. App. 45, 240 S.E.2d 586 (1977)—17:5, 17:7
- Ter Keurst v. Miami Elevator Co., 486 So. 2d 547 (Fla. 1986)—38:14
- Terracina v. Castelli, 80 Ill. App. 3d 475, 35 Ill. Dec. 890, 400 N.E.2d 27 (1st Dist. 1979)—36:12
- Texas Eastern Transmission Corp. v. Marine Office-Appleton & Cox Corp., 579 F.2d 561, 3 Fed. R. Evid. Serv. 27 (10th Cir. 1978)—36:3
- Texas Emp. Ins. Ass'n v. Phillips, 255 S.W.2d 364 (Tex. Civ. App. Eastland 1953)—36:3
- Thibodeaux v. USAA Cas. Ins. Co., 647 So. 2d 351 (La. Ct. App. 1st Cir. 1994)—37:24
- Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435, 3 Fed. R. Serv. 3d 436 (1985)—21:12
- Thomason v. Willingham, 118 Ga.

- App. 821, 165 S.E.2d 865 (1968)—31:17
- Thompson v. Autoliv ASP, Inc., 2012 WL 2342928 (D. Nev. 2012)—21:18
- Thrasher v. U. S. Liability Ins. Co., 19 N.Y.2d 159, 278 N.Y.S.2d 793, 225 N.E.2d 503 (1967)—40:3
- Threadgill v. Armstrong World Industries, Inc., 928 F.2d 1366, Prod. Liab. Rep. (CCH) ¶ 12828, 32 Fed. R. Evid. Serv. 699 (3d Cir. 1991)—39:2
- Tittsworth v. Robinson, 252 Va. 151, 475 S.E.2d 261 (1996)—28:4, 28:5, 28:6, 36:7, 69:2
- Tizon v. Royal Caribbean Cruise Line, 645 So. 2d 504 (Fla. 3d DCA 1994)—38:14
- Tobias v. Rainwater, 71 Wash. 2d 845, 431 P.2d 156 (1967)—30:25
- Tolbert v. Duckworth, 262 Ga. 622, 423 S.E.2d 229, 21 A.L.R.5th 852 (1992)—36:3, 36:13
- Tompkins v. Detroit Metro. Airport, 2012 U.S. Dist. LEXIS 5749 (E.D. Mich. Jan. 18, 2012)—21:16
- Tompkins v. Detroit Metropolitan Airport, 278 F.R.D. 387 (E.D. Mich. 2012)—21:6, 21:9, 21:18
- Torcise, In re, 116 F.3d 860, 31 Bankr. Ct. Dec. (CRR) 85, 37 Fed. R. Serv. 3d 1416 (11th Cir. 1997)—35:3, 37:4
- Torres, 183 N.J. at 568–69, 874 A.2d 1084—67:2
- Toucet v. Big Bend Moving & Storage, Inc., 581 So. 2d 952 (Fla. 1st DCA 1991)—23:11
- Towbin Dodge, LLC v. Eighth Judicial Dist. Court of State ex rel. County of Clark, 121 Nev. 251, 112 P.3d 1063 (2005)—46:3, 46:4
- Towner v. Med James, Inc., 1995 WL 477700 (D. Kan. 1995)—21:20
- Townsend v. State, 103 Nev. 113, 734 P.2d 705 (1987)—36:12, 46:7
- Tran v. State Farm Fire and Cas. Co., 136 Wash. 2d 214, 961 P.2d 358 (1998)—30:24, 30:25
- Transclean Corp. v. Bridgewood Services, Inc., 101 F. Supp. 2d 788 (D. Minn. 2000)—36:3
- Tran vs. City and County of San Francisco, 49 Trials Digest 16th 22, 2013 WL 6406530 (Cal. Super. Ct. Trial Div. 2013)—8:3
- Trinidad Corp., Petition of, 238 F. Supp. 928, 1965 A.M.C. 1435, 9 Fed. R. Serv. 2d 34.13, Case 3 (E.D. Va. 1965)—23:8, 30:22
- Truck Ins. Exchange v. Vanport Homes, Inc., 147 Wash. 2d 751, 58 P.3d 276 (2002)—48:24
- T.S. v. Boy Scouts of America, 157 Wash. 2d 416, 138 P.3d 1053 (2006)—30:19
- Tufts v. Wyand, 148 Vt. 528, 536 A.2d 541 (1987)—37:25
- Tullius v. Metropolitan Property & Cas. Ins. Co., 2010 WL 3259837 (W.D. Okla. 2010)—48:7
- Turnbull v. McIntosh, 2001 WL 493169 (Tex. App. Houston 1st Dist. 2001)—36:3
- Turner v. W.E. Pruett Co., Inc., 202 Ga. App. 287, 414 S.E.2d 248 (1991)—36:13
- Twal v. Hinds, 2008 WL 2776224 (N.J. Super. Ct. App. Div. 2008)—67:3
- TXG Intrastate Pipeline Co v. Grossnickle, 716 So. 2d 991, 141 O.G.R. 33 (Miss. 1997)—35:3
- Tyler v. Dowell, Inc., 274 F.2d 890 (10th Cir. 1960)—35:3, 37:4
- Tyler v. Grange Ins. Ass'n, 3 Wash. App. 167, 473 P.2d 193 (Div. 1 1970)—48:30

TABLE OF CASES

**U**

- Ulm v. Ford Motor Co., 170 Vt. 281, 750 A.2d 981, Prod. Liab. Rep. (CCH) ¶ 15741 (2000)—37:25
- Uniroyal Goodrich Tire Co. v. Mercer, 111 Nev. 318, 890 P.2d 785 (1995)—36:12
- United Exposition Service Co. v. State Indus. Ins. System, 109 Nev. 421, 851 P.2d 423 (1993)—36:12
- United Nuclear Corp. v. General Atomic Co., 1980-NMSC-094, 96 N.M. 155, 629 P.2d 231, 1980-81 Trade Cas. (CCH) ¶ 63639, 26 A.L.R.4th 705 (1980)—1:10
- Universal Oil Products Co. v. Root Refining Co., 328 U.S. 575, 66 S. Ct. 1176, 90 L. Ed. 1447, 69 U.S.P.Q. 454 (1946)—30:23
- U.S. v. Badger, 983 F.2d 1443, 37 Fed. R. Evid. Serv. 252 (7th Cir. 1993)—36:12
- U.S. v. Bartelho, 129 F.3d 663, 48 Fed. R. Evid. Serv. 47 (1st Cir. 1997)—45:4
- U.S. v. Brady, 595 F.2d 359, 4 Fed. R. Evid. Serv. 492 (6th Cir. 1979)—36:3
- U.S. v. Buljubasic, 808 F.2d 1260, 22 Fed. R. Evid. Serv. 642 (7th Cir. 1987)—36:3
- U.S. v. Carr, 5 F.3d 986 (6th Cir. 1993)—41:5
- U.S. v. Connelly, 874 F.2d 412, 27 Fed. R. Evid. Serv. 1442 (7th Cir. 1989)—36:1
- U. S. v. D'Alora, 585 F.2d 16, 3 Fed. R. Evid. Serv. 1362 (1st Cir. 1978)—36:3
- U.S. v. DeFiore, 720 F.2d 757, 14 Fed. R. Evid. Serv. 741 (2d Cir. 1983)—41:5
- U. S. v. Dinitz, 424 U.S. 600, 96 S. Ct. 1075, 47 L. Ed. 2d 267 (1976)—39:1
- U.S. v. Dubon-Otero, 98 F. Supp. 2d 187 (D.P.R. 2000)—41:2
- U.S. v. Frazier, 584 F.2d 790 (6th Cir. 1978)—41:5
- U.S. v. Gallagher, 437 F.2d 1191 (7th Cir. 1971)—35:3
- U.S. v. Hall, 565 F.2d 1052, 2 Fed. R. Evid. Serv. 827 (8th Cir. 1977)—36:3
- U.S. v. Juarez, 561 F.2d 65, 2 Fed. R. Evid. Serv. 398 (7th Cir. 1977)—36:3
- U.S. v. Kennedy, 714 F.2d 968, 14 Fed. R. Evid. Serv. 82 (9th Cir. 1983)—36:3, 36:12
- U.S. v. Massachusetts Indus. Finance Agency, 162 F.R.D. 410 (D. Mass. 1995)—30:12
- U.S. v. Memphis Cotton Oil Co., 1933-1 C.B. 307, 288 U.S. 62, 53 S. Ct. 278, 77 L. Ed. 619, 3 U.S. Tax Cas. (CCH) ¶ 1025, 11 A.F.T.R. (P-H) ¶ 1116 (1933)—30:10
- U.S. v. Philip Morris Inc., 312 F. Supp. 2d 27 (D.D.C. 2004)—30:12
- U.S. v. Robinson, 560 F.2d 507, 1 Fed. R. Evid. Serv. 752 (2d Cir. 1977)—36:3
- U.S. v. Taylor, 166 F.R.D. 356 (M.D. N.C. 1996)—30:12
- Uspenskaya v. Meline, 241 Cal. App. 4th 996, 194 Cal. Rptr. 3d 364 (3d Dist. 2015)—42:8, 42:11

**V**

- Valentine v. Grossman, 283 A.D.2d 571, 724 N.Y.S.2d 504 (2d Dep't 2001)—36:7
- Vardon Golf Co., Inc. v. Supreme Golf Sales, Inc., 1989 WL 153335 (N.D. Ill. 1989)—30:12
- Vaughan v. Bartell Drug Co., 56 Wash. 2d 162, 351 P.2d 925 (1960)—36:6
- Veloso v. Western Bedding Supply Co., Inc., 281 F. Supp. 2d 743 (D.N.J. 2003)—21:11
- Verdicchio v. Ricca, 179 N.J. 1, 843 A.2d 1042 (2004)—67:2

- Vergara v. State of California (2016) 246 Cal.App.4th 619—70:21
- Verni ex rel. Burstein v. Harry M. Stevens, Inc., 387 N.J. Super. 160, 903 A.2d 475 (App. Div. 2006)—67:2
- Vespe v. DiMarco, 43 N.J. 430, 204 A.2d 874 (1964)—36:3
- Victor Stanley, Inc. v. Creative Pipe, Inc., 269 F.R.D. 497 (D. Md. 2010)—21:12
- Vigil v. California Cas. Ins. Co., 1991-NMSC-050, 112 N.M. 67, 811 P.2d 565 (1991)—1:9
- Viviano v. CBS, Inc., 251 N.J. Super. 113, 597 A.2d 543 (App. Div. 1991)—15:4
- Vojas v. K mart Corp., 312 Ill. App. 3d 544, 245 Ill. Dec. 144, 727 N.E.2d 397 (5th Dist. 2000)—36:12
- Vollaro vs. Lipsi, 21 Trials Digest 16th 28, 2012 WL 8255542 (Cal. Super. Ct. Trial Div. 2012)—8:3
- Volt Information Sciences, Inc. v. Board of Trustees of Leland Stanford Junior University, 489 U.S. 468, 109 S. Ct. 1248, 103 L. Ed. 2d 488, 51 Ed. Law Rep. 725 (1989)—70:20
- W**
- Waelde v. Merck, Sharp & Dohme, 94 F.R.D. 27 (E.D. Mich. 1981)—1:10
- Wagner v. Flightcraft, Inc., 31 Wash. App. 558, 643 P.2d 906 (Div. 1 1982)—30:19
- Wainwright v. Fontenot, 774 So. 2d 70 (La. 2000)—37:24
- Wainwright v. Witt, 469 U.S. 412, 105 S. Ct. 844, 83 L. Ed. 2d 841 (1985)—38:7
- Waits v. Hardy, 214 Ga. 495, 105 S.E.2d 719 (1958)—36:13
- Walker v. Armco Steel Corp., 446 U.S. 740, 100 S. Ct. 1978, 64 L. Ed. 2d 659, 29 Fed. R. Serv. 2d 493 (1980)—48:24
- Walker v. State, 121 Wash. 2d 214, 848 P.2d 721 (1993)—24:7
- Walker v. State, 95 Nev. 321, 594 P.2d 710 (1979)—46:7
- Wall v. Alvarez, 742 So. 2d 440 (Fla. 4th DCA 1999)—36:5
- Wal-Mart Stores, Inc. v. Crossgrove, 2012 CO 31, 276 P.3d 562 (Colo. 2012)—42:4, 42:11
- Wang v. Hsu, 919 F.2d 130, 18 Fed. R. Serv. 3d 92 (10th Cir. 1990)—1:10
- Washington v. U.S., 17 F. Supp. 3d 1154 (S.D. Ala. 2014)—42:5, 42:11
- Washington Irr. and Development Co. v. Sherman, 106 Wash. 2d 685, 724 P.2d 997 (1986)—36:6
- Washington State Physicians Ins. Exchange & Ass'n v. Fisons Corp., 122 Wash. 2d 299, 858 P.2d 1054, Prod. Liab. Rep. (CCH) ¶ 13675 (1993)—30:23, 48:30
- Water Replenishment Dist. of Southern California v. City of Cerritos, 220 Cal. App. 4th 1450, 163 Cal. Rptr. 3d 754 (2d Dist. 2013)—70:21
- Watts v. Dietrich, 1 Wash. App. 141, 460 P.2d 298 (Div. 3 1969)—30:24
- Weaver Bros., Ltd. v. Misskelley, 98 Nev. 232, 645 P.2d 438 (1982)—46:7
- Webb v. Com., 314 S.W.2d 543 (Ky. 1958)—38:1
- Weinand v. Johnson, 622 N.E.2d 1321 (Ind. Ct. App. 1993)—36:3
- Weinstein & Riley, P.S. v. Westport Ins. Corp., 2011 WL 887552 (W.D. Wash. 2011)—48:30
- Weiss v. Amoco Oil Co., 142 F.R.D. 311, 58 Fair Empl. Prac. Cas. (BNA) 1352, 7 I.E.R. Cas. (BNA) 786, 62 Empl. Prac. Dec. (CCH) ¶ 42609 (S.D. Iowa 1992)—21:20

TABLE OF CASES

- Welfare of Green, Matter of, 14 Wash. App. 939, 546 P.2d 1230 (Div. 2 1976)—23:8, 30:22
- Wells v. Allstate Ins. Co., 510 So. 2d 763 (La. Ct. App. 1st Cir. 1987)—37:24
- Wells Real Estate, Inc. v. Greater Lowell Bd. of Realtors, 850 F.2d 803, 1988-1 Trade Cas. (CCH) ¶ 68096, 12 Fed. R. Serv. 3d 118 (1st Cir. 1988)—37:4
- West v. Goodyear Tire & Rubber Co., 167 F.3d 766 (2d Cir. 1999)—21:12
- Westberry v. Gisaved Gummi AB, 178 F.3d 257, Prod. Liab. Rep. (CCH) ¶ 15528, 51 Fed. R. Evid. Serv. 682 (4th Cir. 1999)—36:5
- Westcott v. Crinklaw, 68 F.3d 1073, 43 Fed. R. Evid. Serv. 45 (8th Cir. 1995)—36:12
- Western Resources, Inc. v. Union Pacific R. Co., 2002 WL 1822428 (D. Kan. 2002)—21:20
- Western Resources, Inc. v. Union Pacific R. Co., 2001 WL 1718368 (D. Kan. 2001)—21:20
- Westland Development Co., Inc. v. Romero, 117 N.M. 292, 1994-NMCA-021, 871 P.2d 388 (Ct. App. 1994)—1:10
- Wetmore v. State Farm Mut. Auto. Ins. Co., 182 Vt. 610, 2007 VT 97, 938 A.2d 570 (2007)—37:25
- Whitaker v. Borntrager, 233 Ind. 678, 122 N.E.2d 734 (1954)—69:3
- Whitchurch v. McBride, 63 Wash. App. 272, 818 P.2d 622 (Div. 2 1991)—30:25
- White v. Greyhound Corp., 46 Wash. 2d 260, 280 P.2d 670 (1955)—30:25
- White v. Longanecker, 637 So. 2d 1213 (La. Ct. App. 1st Cir. 1994)—37:24
- Whiteside v. Decker, Hallman, Barber & Briggs, P.C., 310 Ga. App. 16, 712 S.E.2d 87 (2011)—30:32
- Whiting v. Boston Edison Co., 891 F. Supp. 12, 42 Fed. R. Evid. Serv. 945 (D. Mass. 1995)—36:12
- Whiting v. Coultrip, 324 Ill. App. 3d 161, 258 Ill. Dec. 111, 755 N.E.2d 494 (3d Dist. 2001)—28:5, 28:6, 36:7, 69:2
- Wickliffe v. Sunrise Hosp., Inc., 104 Nev. 777, 766 P.2d 1322 (1988)—36:12
- Wieneke v. Chalmers, 1963-NMSC-158, 73 N.M. 8, 385 P.2d 65 (1963)—1:10
- Wildman v. Lerner Stores Corp., 771 F.2d 605, 38 Fair Empl. Prac. Cas. (BNA) 1377, 37 Empl. Prac. Dec. (CCH) ¶ 35482 (1st Cir. 1985)—45:4
- Wilkins v. Grays Harbor Community Hospital, 71 Wash. 2d 178, 427 P.2d 716 (1967)—48:24
- Wilkins v. Palumbo, 617 So. 2d 850 (Fla. 2d DCA 1993)—23:11
- Wilkins v. State, 607 So. 2d 500 (Fla. 3d DCA 1992)—38:14
- Wilkinson v. Swafford, 811 N.E.2d 374 (Ind. Ct. App. 2004)—36:10, 69:3
- Willard v. Caterpillar, Inc., 40 Cal. App. 4th 892, 48 Cal. Rptr. 2d 607 (5th Dist. 1995)—15:4
- Williams v. State of California, 34 Cal. 3d 18, 192 Cal. Rptr. 233, 664 P.2d 137 (1983)—15:4
- Williams v. Memorial Medical Center, Inc., 218 Ga. App. 107, 460 S.E.2d 558 (1995)—45:4
- Williams v. Runion, 173 Ga. App. 54, 325 S.E.2d 441 (1984)—36:13
- Williams v. Sprint/United Management Co., 97 Fair Empl. Prac. Cas. (BNA) 1199, 2006 WL 266599 (D. Kan. 2006)—21:20

## LITIGATING MIST CASES

- Williams v. State, 931 So. 2d 999 (Fla. 3d DCA 2006)—38:14
- Williams v. State, 638 So. 2d 976 (Fla. 4th DCA 1994)—38:14
- Williams v. State, 103 Nev. 106, 734 P.2d 700 (1987)—46:3, 46:4
- Williams v. State, 424 So. 2d 148 (Fla. 5th DCA 1982)—38:14
- Williams By and Through Wilford v. Barnes Hosp., 736 S.W.2d 33 (Mo. 1987)—46:7
- Willis v. Westerfield, 817 N.E.2d 672 (Ind. Ct. App. 2004)—36:10, 69:3
- Wilson v. Rivers, 350 S.C. 536, 567 S.E.2d 482 (Ct. App. 2002)—69:2
- Wilson v. Steinbach, 98 Wash. 2d 434, 656 P.2d 1030 (1982)—30:24, 30:25
- Wilspec Technologies, Inc. v. DunAn Holding Group, Co., Ltd., 2009 OK 12, 204 P.3d 69 (Okla. 2009)—48:7
- Windsor Mills, Inc. v. Collins & Aikman Corp., 25 Cal. App. 3d 987, 101 Cal. Rptr. 347, 10 U.C.C. Rep. Serv. 1020 (2d Dist. 1972)—70:20
- Winfield v. Division of Pari-Mutuel Wagering, Dept. of Business Regulation, 477 So. 2d 544 (Fla. 1985)—21:17
- Wood v. Tallahassee Memorial Regional Medical Center, Inc., 593 So. 2d 1140 (Fla. 1st DCA 1992)—24:7
- Wooten v. Legate, 519 S.W.2d 385 (Ky. 1974)—36:3
- Wreath v. U.S., 161 F.R.D. 448 (D. Kan. 1995)—36:12
- Wright v. Safeco Ins. Co. of America, 124 Wash. App. 263, 109 P.3d 1 (Div. 1 2004)—48:24
- X**
- Xieng v. Peoples Nat. Bank of Washington, 63 Wash. App. 572, 821 P.2d 520, 2 A.D. Cas. (BNA) 78, 57 Fair Empl. Prac. Cas. (BNA) 1077 (Div. 1 1991)—35:3
- Y**
- Yates v. State, 103 Nev. 200, 734 P.2d 1252 (1987)—46:2, 46:3, 46:4
- Yelloway, Inc. v. Hawkins, 38 F.2d 731 (C.C.A. 8th Cir. 1930)—35:3
- Yoho v. Thompson, 548 S.E.2d 583 (2001)—24:7
- Young v. Caravan Corp., 99 Wash. 2d 655, 663 P.2d 834 (1983)—30:24
- Young, In re, 122 Wash. 2d 1, 857 P.2d 989 (1993)—24:7
- Young Men's Christian Ass'n v. Bailey, 112 Ga. App. 684, 146 S.E.2d 324 (1965)—31:17
- Yurkovich v. Rose, 68 Wash. App. 643, 847 P.2d 925, 81 Ed. Law Rep. 573 (Div. 1 1993)—30:24
- Z**
- Zangrando v. Sipula, 2000 PA Super 196, 756 A.2d 73 (2000)—44:2
- Zeigler, In re Estate of, 295 Ga. App. 156, 671 S.E.2d 218 (2008)—30:32
- Zimmerman v. Weis Markets, Inc., 2011 WL 2065410 (Pa. C.P. 2011)—21:4, 21:9, 21:18
- Zook v. Baier, 9 Wash. App. 708, 514 P.2d 923 (Div. 1 1973)—36:3, 36:6
- Zubulake v. UBS Warburg LLC, 220 F.R.D. 212, 92 Fair Empl. Prac. Cas. (BNA) 1539 (S.D. N.Y. 2003)—21:4
- Zuchowicz v. U.S., 140 F.3d 381, 49 Fed. R. Evid. Serv. 495 (2d Cir. 1998)—36:5
- Zugel by Zugel v. Miller, 100 Nev. 525, 688 P.2d 310 (1984)—46:7
- Zurba v. U.S., 202 F.R.D. 590, 50 Fed. R. Serv. 3d 1042 (N.D. Ill. 2001)—36:12