

Index

ABNORMALLY DANGEROUS

Railroads, duty to warn of abnormally dangerous crossing, **1805**

ABSOLUTE LIABILITY

Owners and occupiers of land, ultra-hazardous activities, **1108**

ABUSE OF PROCESS

Generally, **416**
Burden of proof, claim for damages based upon abuse of process, **416**

ACCEPTANCE OR REJECTION

Contracts, this index
Offer and Acceptance, this index
UCC Sales Contracts, this index

ACCORD AND SATISFACTION

Contracts, accord and satisfaction as defense, **2431**

ACQUISITION

Rules of the road, right of way, **909**

ACT OF GOD

Negligence, **611**

ACTING IN CONCERT

Employment, **713**

ACTION OR PROCEEDINGS

UCC sales contracts, damages in action for price, **2525**

ADDITION OR ADDITIONAL MATTERS

Negligence, res ipsa loquitur in addition to specified acts of, **610**

UCC sales contracts, additional terms in acceptance or confirmation, **2505**

ADMITTED LIABILITY

Generally, **210**

ADVERSE INFERENCE

Generally, **106A**

ADVICE OF COUNSEL

Malicious prosecution, defense of acting upon advice of counsel, **415**

AFFIRMATIVE DEFENSE

Burden of proof, **206**

AGENCY

Generally, **701, 704 to 708**
Burden of proof, agent, **209**
Comparative Fault, this index
Definitions, **701, 702**
Deviation from route, **704**
Imputed conduct, independent contractor, **708**
Independent contractors, **707 to 709**
Inherently dangerous work, independent contractor, **708**
Minor driver's parent as passenger, **706**
Motor vehicles
Deviation from route, **704**
Minor driver's parent as passenger, **706**
Owner of vehicle as passenger, **705**
Passenger in vehicle, **705, 706**
Route, deviation from, **704**
Owner of vehicle as passenger, **705**
Passenger in vehicle, **705, 706**
Route, deviation from, **704**

AGGRAVATION

Damages, aggravation of pre-existing condition, **2203**

ALCOHOLIC BEVERAGES

Intoxication, this index

ALTERATION OF INSTRUMENTS

Bank deposits and collections, negligence, **3006**

AMBIGUITY

Contract language, **2412**

ANIMALS

Generally, **1601 to 1604**

Comparative fault, liability for dangerous animals, **1604**

Custodian, duty of, **1601**

Dangerous animals, liability for Generally, **1602 to 1604**

Comparative fault, **1604**

Defenses, **1603**

Defenses, liability for dangerous animals, **1603**

Duty of owner or custodian, **1601**

Owner, duty of, **1601**

ANTICIPATION

Negligence, duty to anticipate behavior of children, **604**

APPLIANCES

Safety Appliance and Boiler Inspection Acts, **Chapter 20**

APPROPRIATION

Invasion of privacy by appropriation, claim for damages based upon, **421**

APPROVAL

Consent or Approval, this index

ARCHITECT

Construction work, standard of care, **1204**

ASSAULT AND BATTERY

Generally, **417, 418**

Burden of proof, claim for based upon assault and battery, **417, 418**

ASSIGNMENT

Franchise Practices Act, definition of assignment, **2807**

ASSUMPTION OF RISK

Defined, **306**

ATTEMPTED RESCUE

Negligence, **612**

ATTORNEYS

Malicious prosecution, defense of acting upon advice of counsel, **415**

Malpractice and breach of fiduciary duty, attorney negligence, **1510, 1511**

ATTRACTIVE NUISANCE

Owners and occupiers of land, burden of proof, **1109**

AT-WILL DOCTRINE

Employment, **3107**

AUTHORITY AND AUTHORIZATION

Employment, scope of authority, **702**

AUTOMOBILE INSURANCE

Uninsured Motorist Coverage, this index

AUTOMOBILES

Motor Vehicles, this index

BAD FAITH

Good Faith, this index

BANK DEPOSITS AND COLLECTIONS

Generally, **3001 to 3006**

Alteration of instrument, negligence contributing to, **3006**

Damages

Improper payment of check by bank, **3001**

Ordinary care, failure to exercise, **3002**

Defense, failure to promptly notify, loss allocation, **3003**

Definitions

Good faith, **3005**

Ordinary care, **3004**

Forged signature, negligence contributing to, **3006**

Good faith defined, **3005**

Improper payment of check by bank, **3001**

Negligence contributing to forged signature or alteration of instrument, **3006**

INDEX

BANK DEPOSITS AND COLLECTIONS—Cont'd
Ordinary care
 Damages for failure to exercise, **3002**
Definitions, **3004**

BATTERY
Assault and Battery, this index

BEHAVIOR OF CHILDREN
Negligence, duty to anticipate behavior of children, **604**

BELLS
Railroad crossing, duty to sound bell for, **1801**

BOILERS
Safety Appliance and Boiler Inspection Acts, **Chapter 20**

BORROWED SERVANT
Employment, **707A**

BREACH OF CONTRACT
Contracts, this index

BREACH OF FIDUCIARY DUTY
Malpractice and Breach of Fiduciary Duty, this index

BREACH OF UCC WARRANTY
UCC Sales Contracts, this index

BURDEN OF PROOF
Abuse of process, claim for damages based upon, **416**
Affirmative defenses, **206**
Agent, **209**
Assault and battery, claim for based upon, **417, 418**
Attractive nuisance, **1109**
Damages, claim for based on negligence, **203**
Defenses, affirmative defenses, **206**
Definitions
 Burden of proof, **202**
 Preponderance of evidence, **202**
Eminent domain, **2001**
Imputed conduct, **207, 208**
Independent contractor, **209**
Insurance, this index

BURDEN OF PROOF—Cont'd
Intentional Torts, this index
Malicious prosecution, claim for damages based upon, **413**
Malpractice and Breach of Fiduciary Duty, this index
Multiple claims, **205**
Negligence
 Claim for damages based on, **203**
 Complaint based on, **204**
 Counterclaim based on, **204**
 Fault, complaint and counterclaim based on, **204**
Owners and occupiers of land, attractive nuisance, **1109**
Preponderance of evidence defined, **202**
Products Liability, this index
Proximate cause, **503**
Relationship admitted, **208**
Standards of care, varying, **205**
Uninsured or underinsured motorist coverage, **2301 to 2303**
Varying standards of care, **205**

BUSINESS EXPECTANCY
Intentional torts, interference with business expectancy, **403, 404**

CANCELLATION
Contracts, cancellation as defense, **2430**
Franchise Practices Act, damages for cancellation, **2800**

CAPACITY OR INCAPACITY
Comparative fault, representative capacity, **2102**
Damages, loss of capacity to earn, **2207**

CARETAKING
Damages, past and future caretaking expenses, **2209**

CARRIERS
Common Carriers, this index
Railroads, this index

CAUSE OF ACTION
Damages, this index
Proximate Cause, this index

CAUTIONARY INSTRUCTION

- Additional cautionary instructions, closing instructions, **3502**
- Introductory instructions, generally, **101**
- Recesses, duty of jury during, **102**
- Respective duties of judge and jury, **103**

CHANGE

- Modification, this index

CHILDREN OR MINORS

- Agency, minor driver's parent as passenger, **706**
- Anticipating behavior of children, duty as to, **604**
- Damages, this index
- Destruction of property by minor as willful or malicious, liability imposed by statute, **801**
- Failure to sign license application, permitting minor under 18 to drive, **804**
- Liability imposed by statute
 - Generally, **801 to 804**
 - Destruction of property by minor as willful or malicious, **801**
 - Malicious destruction of property by minor, **801**
- Motor vehicles, below
- Property, willful or malicious destruction by minor, **801**
- Willful destruction of property by minor, **801**
- Licenses. Motor vehicles, below
- Malicious destruction of property by minor, liability imposed by statute, **801**
- Motor vehicles
 - Agency, minor driver's parent as passenger, **706**
 - Failure to sign license application, permitting minor under 18 to drive, **804**
 - Permitting minor to drive, liability imposed by statute, **802, 804**
 - Responsibility of person signing application of child for operator's license, liability

CHILDREN OR MINORS—Cont'd

- Motor vehicles—Cont'd
 - imposed by statute, **803**
- Negligence
 - Anticipating behavior of children, duty as to, **604**
 - Responsibility to control minor children, **605**
- Ordinary care of minors, **304**
- Passenger, minor driver's parent as, **706**
- Permitting minor to drive, liability imposed by statute, **802, 804**
- Property, willful or malicious destruction by minor, **801**
- Responsibility
 - Motor vehicles, responsibility of person signing application of child for operator's license, **803**
 - Negligence, responsibility to control minor children, **605**
- Signatures. Motor vehicles, above
- Unmarried minor, damages for wrongful death, **2217**
- Willful destruction of property by minor, liability imposed by statute, **801**

CIRCUMSTANTIAL EVIDENCE

- Introductory instructions, **108**

CLAIMS

- Damages, this index
- Intentional Torts, this index
- Introductory instructions, separate rights of two or more claimants, **109**
- Malpractice and Breach of Fiduciary Duty, this index
- Products liability, claims involving two or more theories of liability, **1013**

CLOSING INSTRUCTIONS

- Generally, **3501 to 3503**
- Additional cautionary instructions, **3502**
- Deadlocked jury, **3503**

INDEX

CLOTHING
Damages, **2229**

COLLATERAL SOURCES
Damages, **2215**

COLLISIONS
Motor Vehicles, this index

COMMON CARRIERS
Generally, **1701, 1702**
Passengers, duty to, **1701, 1702**
Third persons, duty to protect passengers from, **1702**

COMMON LAW
Rules of the Road, this index

COMPARATIVE FAULT
Animals, liability for dangerous animals, **1604**
Complaint, **2103 to 2107**
Counterclaims, **2101, 2103 to 2107**
Defenses, products liability, **1014**
General verdict
Generally, **2101 to 2110**
Complaint, **2103 to 2107**
Counterclaims, **2101, 2103 to 2107**
Imputed negligence, **2108 to 2110**
Joint tortfeasors, **2108, 2110**
Multiple claims, **2108 to 2110**
Principal and agent
Complaints, **2104, 2106, 2107**
Counterclaims, **2104**
Representative capacity, plaintiff suing in, **2102**
Imputed negligence, **2108 to 2110**
Joint tortfeasors, **2108, 2110**
Multiple claims, **2108 to 2110**
Principal and agent. General verdict, above
Products liability, evidence, **1014**
Representative capacity, **2102**
Verdict. General verdict, above

COMPETENCY OR INCOMPETENCY
Employer's liability for employment of incompetent independent contractor, **709**

COMPLIANCE
National Electrical Safety Code, duty to comply with, **1403**

COMPOSITION
Contracts, more than one document, **2420**

CONCEALMENT
Deceptive trade practices, damages based on concealment of material fact, **2902**
Fraudulent concealment to suspend running of statute of limitations, **211**

CONCERT, ACTING IN
Employment, **713**

CONCURRING PROXIMATE CAUSE
Generally, **501, 502**

CONDEMNATION
Eminent Domain, this index

CONDUCT
Imputed Conduct, this index
Negligence, duty to anticipate behavior of children, **604**
Willful or Wanton Conduct, this index

CONFIRMATION
UCC sales contracts, additional terms in confirmation, **2505**

CONSENT OR APPROVAL
Informed consent. Malpractice and Breach of Fiduciary Duty, this index
Invasion of privacy, consent as defense, **424**
Malpractice and Breach of Fiduciary Duty, this index
Minor permitted to drive, liability imposed by statute, **802, 804**

CONSEQUENTIAL DAMAGES
Contracts, **2443**

CONSIDERATION
Contracts, consideration defined, **2406**

CONSORTIUM, LOSS OF
 Damages, 2211

CONSPIRACY, CIVIL
 Generally, 714

**CONSTRUCTION OR
 INTERPRETATION**
 Contracts, this index

CONSTRUCTION WORK
 Generally, 1201 to 1208
 Architect, standard of care, 1204
 Contractor, standard of care, 1203
 Definition of habitability, 1208
 Duties
 Highway contractor, duty to maintain safe passage, 1202
 Traveler with knowledge of construction activity, duty of care, 1201
 Eminent domain, temporary construction easement, 2010
 Engineer, standard of care, 1204
 Highway contractor, duty to maintain safe passage, 1202
 Implied warranties of habitability, sound workmanship, and proper construction
 Breach of warranty, generally, 1205
 Definition of habitability, 1208
 Exclusion or waiver of warranty, 1207
 Extension of warranty to subsequent purchaser, 1206
 Notice or knowledge, traveler with knowledge of construction activity, 1201
 Standard of care, 1203, 1204
 Traveler with knowledge of construction activity, duty of care, 1201

CONTAGIOUS DISEASE
 Malpractice and breach of fiduciary duty, duty to prevent spread of contagious disease, 1505

CONTRACTORS
 Construction work, standard of care, 1203

CONTRACTS
 Generally, 2401 to 2445
 Acceptance or rejection
 Defenses, waiver of breach by acceptance of benefits, 2437
 Offer and acceptance, below
 UCC Sales Contracts, this index
 Accord and satisfaction as defense, 2431
 Ambiguity in language, 2412
 Breach of contract, generally, 2401
 Cancellation as defense, 2430
 Composition, more than one document, 2420
 Consequential damages, 2443
 Consideration defined, 2406
 Construction. Interpretation, below
 Counteroffer, 2409
 Course of dealing, interpretation of, 2416, 2418
 Course of performance, interpretation of, 2415
 Custom in the trade, interpretation of, 2417, 2418
 Damages
 Generally, 2442, 2443
 Consequential damages, 2443
 Tacit agreement rule, 2443
 Defenses
 Generally, 2430 to 2441
 Acceptance of benefits, waiver of breach by, 2437
 Accord and satisfaction, 2431
 Cancellation, 2430
 Disabling illness, 2440
 Duress, 2435
 Estoppel. Waiver or estoppel, below
 Fraud in inducement, 2433
 Impossibility of performance, 2439
 Inducement, fraud in, 2433
 Performance, prevention of, 2441
 Prevention of performance, 2441
 Release, 2432
 Undue influence, 2434
 Definitions
 Consideration, 2406
 Offer and acceptance, 2405

INDEX

CONTRACTS—Cont'd

- Definitions—Cont'd
 - Reasonably certain, **2407**
- Disabling illness as defense, **2440**
- Disputes, existence of contract, **2403**
- Drafting contract, construction against one who drafted contract, **2424**
- Duration of offer, **2408**
- Duress as defense, **2435**
- Estoppel. Waiver or estoppel, below
- Existence of contract
 - Generally, **2403**
 - UCC sales contracts, **2502**
- Express contract, **2404**
- Express terms, interpretation of, **2418**
- Fair dealing, implied covenant of, **2426**
- Formation of contract
 - Generally, **2401 to 2411**
 - Acceptance. Offer and acceptance, below
 - Consideration defined, **2406**
 - Counteroffer, **2409**
 - Definitions
 - Consideration, **2406**
 - Offer and acceptance, **2405**
 - Reasonably certain, **2407**
 - Disputes, existence of contract, **2403**
 - Duration of offer, **2408**
 - Existence of contract, **2403**
 - Express contract, **2404**
 - Implied contract, **2404**
 - Offer and acceptance, below
 - Reasonably certain defined, **2407**
 - Third party beneficiary statute, **2410, 2411**
 - UCC sales contracts, **2501**
- Fraud in inducement as defense, **2433**
- General provisions, interpretation of, **2421**
- Good faith, implied covenant of, **2426**
- Illustrative sets of instructions, basic contract dispute, **Chapter 36.IV**
- Implied contract, **2404**

CONTRACTS—Cont'd

- Implied covenant of good faith and fair dealing, **2426**
- Impossibility of performance as defense, **2439**
- Inducement, fraud in inducement as defense, **2433**
- Interference with contractual relationship, intentional torts, **403, 404**
- Interpretation
 - Generally, **2412 to 2424**
 - Ambiguity in language, **2412**
 - Composition, more than one document, **2420**
 - Construction against one who drafted contract, **2424**
 - Course of dealing, **2416, 2418**
 - Course of performance, **2415**
 - Custom in the trade, **2417, 2418**
 - Drafting, construction against one who drafted contract, **2424**
 - Express terms, **2418**
 - General provisions, **2421**
 - Language of contract interpreted as whole, **2419**
 - Ordinary meaning, **2413**
 - Performance, course of, **2415**
 - Preprinted forms, written or typewritten provisions control provisions of, **2422**
 - Reasonable time, **2423**
 - Specific and general provisions, **2421**
 - Time not expressed, **2423**
 - Typewritten provisions control provisions of preprinted forms, **2422**
 - Whole, language of contract interpreted as, **2419**
 - Words or phrases of particular trade or occupation, **2414**
 - Written provisions control provisions of preprinted forms, **2422**
- Language of contract interpreted as whole, **2419**
- Modification
 - Generally, **2425**
- UCC Sales Contracts, this index

CONTRACTS—Cont'd

Offer and acceptance
 Counteroffer, **2409**
 Defined, **2405**
 Duration of offer, **2408**
 Formation of contract
 Counteroffer, **2409**
 Defined, **2405**
 Duration of offer, **2408**
 Ordinary meaning, **2413**
 Performance or breach
 Generally, **2425 to 2429**
 Defenses, prevention of performance, **2441**
 Good faith and fair dealing, implied covenant of, **2426**
 Implied covenant of good faith and fair dealing, **2426**
 Interpretation, course of performance, **2415**
 Modification of contract, **2425**
 Substantial performance, **2428**
 Tender, **2428**
 UCC sales contracts, course of performance, **2511**
 Preprinted forms, written or typewritten provisions control provisions of, **2422**
 Prevention of performance as defense, **2441**
 Promissory estoppel, **2444, 2445**
 Reasonable time, interpretation of, **2423**
 Reasonably certain defined, **2407**
 Rejection. Acceptance or rejection, above
 Release as defense, **2432**
 Restitution implied in fact, **2445**
 Specific and general provisions, interpretation of, **2421**
 Substantial performance, **2428**
 Tacit agreement rule, damages, **2443**
 Tender, **2428**
 Third party beneficiary statute, **2410, 2411**
 Time
 Duration of offer, **2408**
 Interpretation, time not expressed, **2423**

CONTRACTS—Cont'd

Time—Cont'd
 Reasonable time, interpretation of, **2423**
 Typewritten provisions control provisions of preprinted forms, **2422**
 UCC Sales Contracts, this index
 Undue influence as defense, **2434**
 Unjust enrichment, **2445**
 Waiver or estoppel
 Generally, **2436 to 2438**
 Acceptance of benefits, waiver of breach by, **2437**
 Whole, language of contract interpreted as, **2419**
 Words or phrases of particular trade or occupation, interpretation of, **2414**
 Written provisions control provisions of preprinted forms, **2422**

CONTROL

Rules of the road, common law rules of the road, **901**

CONVERSION

Damages based upon conversion of personal property, claim for, **425**

COSTS AND EXPENSES

Damages, this index

COUNTEROFFER

Contracts, **2409**

COURSE OF DEALING

Contracts, interpretation of course of dealing, **2416, 2418**

UCC Sales Contracts, this index

COURSE OF PERFORMANCE

Interpretation of course of performance, **2415**

UCC sales contracts, **2511**

CREDIBILITY OF WITNESSES

Introductory instructions, **105**

CROPS

Damage to crops, **2226**

CROSSINGS

Railroads, this index

INDEX

CUSTODY AND CUSTODIANS

Animals, duty of custodian, **1601**

CUSTOMS IN THE TRADE

Contracts, interpretation of custom in the trade, **2417, 2418**

DAMAGE TO PROPERTY

Damages, this index

DAMAGES

Generally, **2201 to 2231**

Abuse of process, claim for damages based upon, **416**

Aggravation of pre-existing condition, **2203**

Assault and battery, claim for damages based upon, **417, 418**

Bank Deposits and Collections, this index

Burden of proof, claim for damages based on negligence, **203**

Capacity to earn, loss of, **2207**

Caretaking expenses, past and future, **2209**

Cause of action

 Parent and child, **2212 to 2214**

 Wrongful death, **2216**

Children. Parent and child, below

Clothing or personal effects, **2229**

Collateral sources, **2215**

Consortium, loss of, **2211**

Contracts, this index

Costs. Expenses, below

Crops, damage to, **2226**

Damage to property. Property damage, below

Death. Wrongful death, below

Deceptive trade practices, **2900, 2902**

Defamation, claim for damages based on, **407 to 410**

Definitions

 Fair market value, **2221**

 Present value, **2220**

Destruction of improvements on realty, **2225**

Disfigurement, results of injury, **2208**

Duration of injury, **2202**

Earnings

 Capacity to earn, loss of, **2207**

DAMAGES—Cont'd

Earnings—Cont'd

 Past and future loss of, **2206**

Eminent Domain, this index

Exemplary damages, **2218, 2218A**

Expenses

 Caretaking expenses, past and future, **2209**

 Medical expenses, past and future, **2204**

Extent of injury, **2202**

Fair market value defined, **2221**

Franchise Practices Act, this index

Future matters

 Caretaking expenses, **2209**

 Earnings or profits, loss of, **2206**

 Medical expenses, **2204**

 Mental anguish, **2205**

 Pain and suffering, **2205**

 Profits, loss of, **2206**

General instruction, **2201**

Improvements to real property, destruction of, **2225**

Intentional Torts, this index

Invasion of privacy, claim for damages based upon, **420 to 423**

Loss of consortium, **2211**

Malicious prosecution, **413, 2231**

Malpractice and Breach of Fiduciary Duty, this index

Measure of damages

 Securities fraud, **2706**

 Trade secrets, misappropriation of, **2604**

Medical expenses, past and future, **2204**

Mental anguish, past and future, **2205**

Mitigation of damages, real and personal property, **2230**

Mortality tables, purpose of, **2219**

Nature of injury, **2202**

No salvage, **2228**

Owners and occupiers of land, off-premises injuries, **1110**

Pain and suffering, past and future, **2205**

Parent and child

 Cause of action, **2212 to 2214**

DAMAGES—Cont'd

Parent and child—Cont'd
 Wrongful death, unmarried minor,
2217

Past
 Caretaking expenses, **2209**
 Earnings, loss of, **2206**
 Medical expenses, **2204**
 Mental anguish, **2205**
 Pain and suffering, **2205**
 Profits, loss of, **2206**

Permanency
 Injury, permanency of, **2202**
 Real property, **2223**

Personal property
 Generally, **2227 to 2230**
 Clothing or personal effects, **2229**
 Conversion of personal property,
 claim for damages based
 upon, **425**
 General instruction, **2222**
 Mitigation of damages, **2230**
 No salvage, **2228**
 Salvage, **2228**

Pre-existing condition, aggravation
 of, **2203**

Present value defined, **2220**

Prior matters. Past, above

Profits, past and future loss of, **2206**

Property damage
 Generally, **2222 to 2230**
 Personal property, above
 Real property, below

Punitive damages, **2218, 2218A**

Real property
 Crops, damage to, **2226**
 Destruction of improvements on
 realty, **2225**
 General instruction, **2222**
 Improvements, destruction of,
2225
 Mitigation of damages, **2230**
 Permanency, **2223**
 Repairable, **2224**
 Temporary, **2224**

Repairs, real property, **2224**

Salvage, personal property, **2228**

Scars, results of injury, **2208**

DAMAGES—Cont'd

Securities Fraud, this index
 Temporary damage to real property,
2224

Time
 Duration of injury, **2202**
 Future matters, above
 Prior matters. Past, above
 Real property, temporary damage
 to, **2224**

Trade secrets, misappropriation of,
2600, 2604

UCC Sales Contracts, this index

Unmarried minor, wrongful death,
2217

Value or valuation. Definitions, above

Vehicle, damage to, **2210**

Visible results of injury, **2208**

Whistle-blowers, **3106**

Wrongful death
 Cause of action, **2216**
 Unmarried minor, **2217**

**DANGER OR DANGEROUS
 CONDITIONS**

Absolute liability, owners and
 occupiers of land, **1108**

Animals, this index

Electricity, duty to warn of danger,
1404

Owners and occupiers of land, ultra-
 hazardous activities, **1108**

Railroads, duty to warn of
 abnormally dangerous crossing,
1805

Unreasonably dangerous defined,
1017

DEADLOCKED JURY

Closing instructions, **3503**

DEATH

Damages, this index
 Mortality tables, **2219**

DECEPTIVE TRADE PRACTICES

Generally, **2900 to 2903**
 Concealment of material fact, dam-
 ages based on, **2902**
 Damages, **2900, 2902**
 Definitions, **2901**

INDEX

DECEPTIVE TRADE PRACTICES

—Cont'd

- False pretense, damages based on, **2902**
- Imputed liability, **2903**
- Omission of material fact, damages based on, **2902**
- Sale transactions, damages, **2902**
- Suppression of material fact, damages based on, **2902**

DEFAMATION

Generally, **407 to 412**

Claim for damages based on, **407 to 410**

Damages, claim for based on defamation, **407 to 410**

Defamatory defined, **411**

Definitions

Defamatory, **411**

Published and publication, **412**

Meetings, claim for damages based on defamation, **410**

Official proceeding report, claim for damages based on defamation, **410**

Private figure, claim for damages based on defamation, **407, 410**

Public figures, claim for damages based upon defamation, **408, 409**

Public meeting report, claim for damages based on defamation, **410**

Published and publication defined, **412**

Qualified privilege, claim for damages based on defamation, **410**

Report of official proceeding or public meeting, claim for damages based on defamation, **410**

DEFAMATORY

Defined, **411**

DEFENSES

Affirmative Defense, this index

Animals, defenses, liability for dangerous, **1603**

Bank deposits and collections, failure to promptly notify, **3003**

DEFENSES—Cont'd

Burden of proof, affirmative defenses, **206**

Construction work, waiver of implied warranties of habitability, sound workmanship, and proper construction, **1207**

Contracts, this index

Disabling illness as defense, contracts, **2440**

Invasion of privacy, defense of consent, **424**

Malicious prosecution, advice of counsel, **415**

Negligence, this index

Products Liability, this index

Securities fraud, **2702**

UCC sales contracts, exclusion or modification of implied warranties, **2514**

Whistle-blowers, **3105**

DEFINITIONS

Agency, **701, 702**

Assumption of risk, **306**

Bank Deposits and Collections, this index

Burden of Proof, this index

Contracts, this index

Damages, this index

Deceptive trade practices, **2901**

Defamation, this index

Eminent Domain, this index

Employment, **701, 702, 712**

Fair market value, **2006, 2221**

Fault, **301**

Fiduciary duty, **1513**

Franchise Practices Act, this index

Good Faith, this index

Habitability, **1208**

Intentional Torts, this index

Intoxication, **606**

Negligence, **302**

Ordinary care, **303**

Partnership, **710**

Probable cause, **414**

Products Liability, this index

Proximate cause, **501, 503**

Right of way, **909**

DEFINITIONS—Cont'd

Securities fraud, **2703**
Trade Secrets, this index
UCC Sales Contracts, this index
Willful or wanton conduct, **1101**

DELIVERY

UCC Sales Contracts, this index

DENTISTS

Malpractice and Breach of Fiduciary
Duty, this index

DESTRUCTION

Children or minors, destruction of
property by minor as willful or
malicious, **801**
Damages, destruction of improve-
ments on realty, **2225**
Introductory instructions, destruction
of evidence as intentional, **106**

DESTRUCTION OF EVIDENCE

Introductory instructions, destruction
of evidence as intentional, **106**

DEVIATION

Agency, deviation from route, **704**

DISABLING ILLNESS

Contracts, disabling illness as
defense, **2440**

DISCLOSURE

Invasion of privacy by public
disclosure of private facts, claim
for damages based upon, **422**

DISEASES

Malpractice and breach of fiduciary
duty, duty to prevent spread of
contagious diseases, **1505**

DISFIGUREMENT

Damages, results of injury, **2208**

DISPUTES

Contract existence, **2403**

DISTINCTIONS

Contracts, interpretation of words or
phrases of particular trade or
occupation, **2414**

Definitions, this index

DISTINCTIONS—Cont'd

Owners and occupiers of land,
distinction between trespasser or
licensee and invitee, **1107**

DRAFTING CONTRACT

Construction against one who drafted
contract, **2424**

DRAM SHOP LIABILITY

Intoxicated persons, sales to, **1902**
Minors, sales to, **1901**

DURATION

Contracts, **2408**
Contracts, lapse of offer, **2504**
Damages, duration of injury, **2202**
Offer, **2408, 2504**
Statute of limitations, duration of
suspension of running of, **212**
UCC sales contracts, lapse of offer,
2504

DURESS

Contracts, duress as defense, **2435**

DUTIES

Animals, duty of owner or custodian,
1601
Children, duty as to anticipating
behavior of, **604**
Construction Work, this index
Electricity, this index
Malpractice and Breach of Fiduciary
Duty, this index
Ordinary care, duty to use, **305**
Owners and Occupiers of Land, this
index
Railroads, this index
Warning Duty, this index

EARNINGS

Damages, this index

EASEMENTS

Eminent Domain, this index

ELECTRICITY

Generally, **1401 to 1405**
Compliance, duty to comply with
National Electrical Safety Code,
1403
Danger, duty to warn of, **1404**

INDEX

ELECTRICITY—Cont'd

- Duties
 - Inspection duties, **1401**
 - Installation duties, **1401**
 - Insulation duties, **1402**
 - Isolation of electric wires, **1402**
 - National Electrical Safety Code, duty to comply with, **1403**
 - Repair duties, **1401**
 - Warning of danger, **1404**
- Inspection duties, **1401**
- Installation duties, **1401**
- Insulation duties, **1402**
- Isolation of electric wires, duty as to, **1402**
- National Electrical Safety Code, duty to comply with, **1403**
- Repair duties, **1401**
- Res ipsa loquitur, **1405**
- Warning of danger duty, **1404**

EMERGENCY VEHICLES

- Rules of the Road, this index

EMINENT DOMAIN

- Burden of proof, **2001**
- Comparable properties, sales and leases of, **2011**
- Complete taking, damages, **2005**
- Damages
 - Complete taking, **2005**
 - Easements, **2004**
 - Partial taking
 - By entity other than sovereign, **2003, 2004**
 - By sovereign, **2002**
 - Temporary construction easement, **2010**
- Definitions
 - Fair market value, **2006**
 - Highest and best use, **2007**
- Easements
 - Damages, **2004**
 - Temporary construction easement, **2010**
- Evidence
 - Burden of proof, **2001**
 - Comparable properties, sales and leases of, **2011**

EMINENT DOMAIN—Cont'd

- Evidence—Cont'd
 - Purchase price of property taken, **2012**
- Fair market value
 - Definition, **2006**
 - Factors to consider, **2008**
 - Owner's testimony, **2009**
- Highest and best use, definition, **2007**
- Nature of action, **2001**
- Owner's testimony, fair market value, **2009**
- Partial taking
 - By entity other than sovereign, **2003, 2004**
 - By sovereign, **2002**
- Purchase price of property taken, **2012**
- Temporary construction easement, **2010**

EMPLOYMENT

- Generally, **701 to 713**
- Acting in concert, **713**
- Adverse action defined, **3102**
- Agency, this index
- Arkansas Whistle-blower Act, **3101**
- At-will doctrine, **3107**
- Authority, scope of, **702**
- Borrowed servant, **707A**
- Concert, acting in, **713**
- Conspiracy, civil, **714**
- Damages, **3106**
- Defense, **3105**
- Definitions
 - Adverse action, **3102**
 - Employee, **701**
 - Good faith, **3103**
 - Joint enterprise, **712**
 - Scope of employment, **702**
 - Waste, **3104**
- Good faith defined, **3103**
- Handbook exception to at-will doctrine, **3107**
- Incompetent independent contractor, liability of employer for employment of, **709**
- Independent Contractors, this index

EMPLOYMENT—Cont'd

Joint enterprise, definition and effect, **712**
Negligent hiring, supervision, or retention of employee, liability of employer for, **709A**
Partnership, this index
Scope of authority, **702**
Scope of employment, **702, 703**
Vehicle of employer, employee driving, **703**
Waste defined, **3104**
Whistle-blowers, **3101 to 3107**
Wrongful termination, **3107**

ENGINEERS AND ENGINEERING

Construction work, standard of care, **1204**

ENTRUSTMENT

Negligent entrustment, **608**

EQUIPMENT

Machinery and Equipment, this index

ESTOPPEL

Waiver or Estoppel, this index

EVIDENCE

Burden of Proof, this index
Circumstantial evidence, **108**
Comparative fault, **1014**
Eminent Domain, this index
Introductory Instructions, this index
Negligence, this index
Ordinances, this index
Presumptions. Burden of Proof, this index
Rules of the road, violation of statute or ordinance as evidence of negligence, **903**
UCC sales contracts, evidence of market price, **2528**

EXCLUSION

UCC sales contracts, exclusion of implied warranties as defense, **2514**

EXEMPLARY DAMAGES

Generally, **2218, 2218A**

EXISTENCE

Contracts, this index
Partnership, tests of existence of relationship, **711**

EXPENSES

Damages, this index

EXPERIENCES

Introductory instructions, personal observations and experiences, **104**

EXPERT WITNESSES

Introductory instructions, **107**

EXPLOSIVES

Negligence in use of, **1301**

EXPRESS CONTRACTS

Generally, **2404**

EXPRESS TERMS

Interpretation of, **2418**

EXPRESS WARRANTIES

Products liability, breach of express warranty, **1012**
UCC sales contracts, **2508**

EXTENT OF INJURY

Damages, **2202**

FAIR DEALING

Contracts, implied covenant of fair dealing, **2426**

FAIR MARKET VALUE

Defined, **2006, 2221**
Eminent Domain, this index

FALSE LIGHT

Invasion of privacy, claim for damages based upon false light, **423**

FALSE PRETENSE

Deceptive trade practices, damages based on false pretense, **2902**

FAULT

Defined, **301**
Nonparty fault, **307**

INDEX

FIDUCIARIES
Malpractice and Breach of Fiduciary Duty, this index

FIRST PARTY INSURANCE (MEDPAY DENIAL)
Illustrative sets of instructions, **Chapter 36.V**

FITNESS FOR PARTICULAR PURPOSE
Products liability, implied warranty of fitness for particular purpose, **1011**
UCC sales contracts, implied warranty of fitness for particular purpose, **2513**

FOOD
Products liability, food vendor's duty, **1007**

FOREIGN OBJECT OR SUBSTANCE
Owners and occupiers of land, duty owed to admitted invitee, **1106**

FORGERY
Bank deposits and collections, negligence contributing to forged signature, **3006**

FORMATION OF CONTRACT
Contracts, this index

FORWARD VEHICLE
Rules of the road, superior right of forward vehicle, **902**

FOUR-WAY STOP INTERSECTIONS
Rules of the road, right of way, **906**

FRANCHISE
Defined, **2801**

FRANCHISE PRACTICES ACT
Generally, **2800 to 2807**
Assignment defined, **2807**
Cancellation, damages for, **2800**
Damages
Cancellation, damages for, **2800**
Misleading or fraudulent schemes in sale or purchase of

FRANCHISE PRACTICES ACT
—Cont'd
Damages—Cont'd
franchise, **2806**
Renewal failure, damages for, **2800**
Termination, damages for, **2800**
Unlawful practices of franchisors, **2805**

Definitions
Assignment, **2807**
Franchise, **2801**
Franchisee, **2803**
Franchisor, **2803**
Good cause, **2802**
Good faith, **2804**
Person, **2803**
Sales, **2807**
Transfer, **2807**
Franchise defined, **2801**
Franchisee defined, **2803**
Franchisor defined, **2803**
Fraudulent schemes in sale or purchase of franchise, damages for, **2806**
Good cause defined, **2802**
Good faith defined, **2804**
Misleading or fraudulent schemes in sale or purchase of franchise, damages for, **2806**
Person defined, **2803**
Renewal failure, damages for, **2800**
Sale
Damages based on misleading or fraudulent schemes in sale or purchase of franchise, **2806**
Defined, **2807**
Termination, damages for, **2800**
Transfer defined, **2807**
Unlawful practices of franchisors, damages for, **2805**

FRANCHISEE
Defined, **2803**

FRANCHISOR
Defined, **2803**

FRAUD AND DECEIT
Concealment, this index

FRAUD AND DECEIT—Cont'd

- Contracts, fraud in inducement as defense, **2433**
- Deceptive Trade Practices, this index
- Franchise Practices Act, damages for fraudulent schemes in sale or purchase of franchise, **2806**
- Intentional torts, claim for damages based on fraud and deceit, **402**
- Securities Fraud, this index
- Statute of limitations, fraudulent concealment to suspend running of, **211**
- Trade practices. Deceptive Trade Practices, this index

FRAUD IN INDUCEMENT

- Contracts, fraud in inducement as defense, **2433**

FRAUDULENT CONCEALMENT

- Statute of limitations, fraudulent concealment to suspend running of, **211**

FUTURE MATTERS

- Damages, this index

GENERAL INSTRUCTION

- Damages, **2201**

GENERAL PROVISIONS

- Contracts, interpretation of general provisions, **2421**

GENERAL VERDICT

- Comparative Fault, this index
- Concurring proximate cause, **502**
- Principal and agent. Comparative Fault, this index
- Proximate cause, **502**

GOOD CAUSE

- Franchise Practices Act, good cause defined, **2802**

GOOD FAITH

- Bank deposits and collections, **3005**
- Contracts, implied covenant of good faith, **2426**
- Definitions
- Good faith, **2804, 3005, 3103**

GOOD FAITH—Cont'd

- Franchise Practices Act, good faith defined, **2804**
- Insurance, tort of bad faith by insurance company, **2304**
- Intentional Torts, this index
- Whistle-blowers, good faith defined, **3103**

GOODS

- UCC sales contracts, acceptance of goods, **2517**

GRADE CROSSING

- Railroads, this index

HABITABILITY

- Implied warranty of habitability.
- Construction Work, this index

HIGHWAYS, STREETS, AND BRIDGES

- Construction work, highway contractor's duty to maintain safe passage, **1202**
- Motor Vehicles, this index
- Rules of the Road, this index

HOSPITALS

- Malpractice and breach of fiduciary duty, **1504**

ILLNESS

- Sickness or Illness, this index

ILLUSTRATIVE SETS OF INSTRUCTIONS

- Contract dispute, **Chapter 36.IV**
- First party insurance (MedPay denial), **Chapter 36.V**
- Malpractice, **Chapter 36.III**
- Multiparty automobile collision, **Chapter 36.II**
- Right-angle automobile collision, **Chapter 36.I**

IMPLIED CONTRACT

- Generally, **2404**

IMPLIED COVENANT

- Contracts, implied covenant of good faith and fair dealing, **2426**

INDEX

IMPLIED WARRANTY

Construction Work, this index
Fitness for Particular Purpose, this index
Habitability, sound workmanship, and proper construction.
Construction Work, this index
Merchantability, this index
Products Liability, this index
UCC Sales Contracts, this index

IMPOSSIBILITY OF PERFORMANCE

Contracts, impossibility of performance as defense, **2439**

IMPROPER DELIVERY

UCC sales contracts, buyer's rights on improper delivery, **2515**

IMPROPRIETY

Interference with contractual relationship or business expectancy, **404**

IMPROVEMENTS

Damages for destruction to real property improvements, **2225**

IMPUTED CONDUCT

Burden of proof, **207, 208**
Independent contractors, **708**
Malpractice and breach of fiduciary duty, **1503**

IMPUTED LIABILITY

Deceptive trade practices, **2903**
Securities fraud, **2704, 2705**

INCIDENTAL DAMAGES

UCC sales contracts, **2522, 2527**

INCOMPETENCY

Competency or Incompetency, this index

INDEPENDENT CONTRACTORS

Generally, **707 to 709**
Burden of proof, **209**
Imputed conduct, **708**
Incompetent independent contractor, liability of employer for employment of, **709**
Inherently dangerous work, **708**

INDUCEMENT

Contracts, fraud in inducement as defense, **2433**

INFANTS

Children or Minors, this index

INFORMED CONSENT

Malpractice and Breach of Fiduciary Duty, this index

INFRINGEMENT

UCC sales contracts, implied warranty against infringements, **2512**

INHERENTLY DANGEROUS WORK

Independent contractors, **708**

INSPECTION AND INSPECTORS

Electricity, inspection duties, **1401**
Products liability, inspection duty of vendor, **1006**
Safety Appliance and Boiler Inspection Acts, **Chapter 20**

INSTALLATION

Electricity, installation duties, **1401**

INSULATION

Electricity, insulation duties, **1402**

INSURANCE

Generally, **2301 to 2305**
Automobile insurance. Uninsured Motorist Coverage, this index
Bad faith by insurance company, **2304**
Burden of proof
Tort of bad faith by insurance company, **2304**
Uninsured or underinsured motorist coverage, **2301 to 2303**
Valued policy law, claim for policy limit under, **2305**
Illustrative sets of instructions, **Chapter 36.V**
Motor vehicles. Uninsured Motorist Coverage, this index
Tort of bad faith by insurance company, **2304**

INSURANCE—Cont'd

Uninsured or Underinsured Motorist
 Coverage, this index
 Valued policy law, claim for policy
 limit under, **2305**

INTENT

Evidence, intentional destruction of,
106

Torts. Intentional Torts, this index

INTENTIONAL TORTS

Generally, **401** to **425**

Abuse of Process, this index

Assault and Battery, this index

Battery. Assault and Battery, this
 index

Burden of proof

 Abuse of process, **416**

 Assault, **417**

 Battery, **418**

 Business expectancy, interference
 with, **403**

 Contractual relationship, interfer-
 ence with, **403**

 Damages based upon intentional
 tort, generally, **419**

 Deceit, claim for damages based
 on, **402**

 Definition, interference with
 contractual relationship or
 business expectancy, **404**

 Fraud and deceit, claim for dam-
 ages based on, **402**

 Impropriety, interference with
 contractual relationship or
 business expectancy, **404**

 Interference with contractual rela-
 tionship or business expec-
 tancy, **403**, **404**

 Malicious prosecution, **413**

 Outrage, **401**

 Business expectancy, interference
 with, **403**, **404**

 Claim for damages. Damages, below

 Contractual relationship, interference
 with, **403**, **404**

 Conversion of personal property,
 claim for damages based upon,
 425

INTENTIONAL TORTS—Cont'd

Damages

 Abuse of process, **416**

 Actual damages, **419**

 Assault, **417**

 Battery, **418**

 Burden of proof, above

 Conversion of personal property,
 425

 Conversion of personal property,
 claim for damages based
 upon, **425**

 Defamation, **407**, **408**, **409**, **410**

 Invasion of privacy, **420**, **421**, **422**,
 423

 Malicious prosecution, **413**

 Defamation, this index

 Definitions

 Defamatory, **411**

 Improper, **404**

 Interference with contractual rela-
 tionship or business expec-
 tancy, **404**

 Probable cause, **414**

 Published and publication, **412**

 Fraud and deceit, claim for damages
 based on, **402**

 Impropriety, interference with
 contractual relationship or busi-
 ness expectancy, **404**

 Interference with contractual rela-
 tionship or business expectancy,
 403, **404**

 Invasion of Privacy, this index

 Malicious Prosecution, this index

 Outrage, burden of proof, **401**

 Personal property, claim for damages
 based upon conversion of, **425**

 Privacy. Invasion of Privacy, this
 index

INTERFERENCE

 Intentional torts, interference with
 contractual relationship or busi-
 ness expectancy, **403**, **404**

INTERPRETERS

 Introductory instructions, **111**

INDEX

INTERROGATORIES

- Multiple defendants, nonparties involved, **307A**
- Submission of case on interrogatories, **201**

INTERSECTIONS

- Right of Way, this index

INTERVENTION

- Proximate cause, intervening proximate cause, **503**

INTOXICATION

- Definition, **606**
- Dram Shop Liability, this index
- Negligence
 - Generally, **607**
 - Definition, **606**

INTRODUCTORY INSTRUCTIONS

- Cautionary Instruction, this index
- Circumstantial evidence, **108**
- Claimants, separate rights of two or more, **109**
- Credibility of witnesses, **105**
- Defendants, separate rights of two or more, **110**
- Destruction of evidence as intentional, **106**
- Evidence
 - Circumstantial evidence, **108**
 - Intentional destruction or suppression of, **106**
- Experiences, personal observations and, **104**
- Expert witnesses, **107**
- Intentional destruction of evidence, **106**
- Interpreters, **111**
- Judge, respective duties of, **103**
- Observations, personal experiences and, **104**
- Overview of the trial, **101A**
- Personal observations and experiences, **104**
- Recesses, duty of jury during, **102**
- Respective duties of judge and jury, **103**
- Separate rights of two or more claimants or defendants, **109, 110**

INTRODUCTORY INSTRUCTIONS

—Cont'd

- Suppression of evidence, **106**
- Witnesses, this index

INVASION OF PRIVACY

- Generally, **420 to 424**
- Appropriation, claim for damages based upon invasion of privacy by, **421**
- Claim for damages based upon invasion of privacy, **420 to 423**
- Consent as defense, **424**
- Damages, claim for damages based upon invasion of privacy, **420 to 423**
- Defense of consent, **424**
- Disclosure, claim for damages based upon invasion of privacy by public disclosure of private facts, **422**
- False light invasion of privacy, claim for damages based upon, **423**
- Private facts, claim for damages based upon invasion of privacy by public disclosure of, **422**
- Public disclosure of private facts, claim for damages based upon invasion of privacy by, **422**
- Seclusion, claim for damages based upon invasion of privacy by intrusion upon, **420**

INVITEE

- Owners and Occupiers of Land, this index

ISOLATION

- Electric wires, duty as to duty as to isolation of, **1402**

JOINT ENTERPRISE

- Definition and effect, **712**

JUDGES

- Introductory instructions, respective duties of judges, **103**

LANDLORD AND TENANT

- Owners and occupiers of land, landlord's duty of care to repair or maintain property, **1105**

LANGUAGE

Contract language interpreted as whole, **2419**

LIABILITY

Children or Minors, this index
Concurring proximate cause, **502**
Imputed Liability, this index
Proximate cause, concurring, **502**
Statutes, generally, **801 to 804**
Statutory Liability, this index

LIBEL OR SLANDER

Defamation, this index

LICENSES

Children or Minors, this index
Owners and Occupiers of Land, this index

LIMITATIONS OR RESTRICTIONS

Statute of Limitations, this index
UCC sales contracts, limitation of remedies for breach of warranty, **2529**

LISTENING DUTY

Railroads, listening duty of motorist at grade crossings, **1804**

LOOK AND LISTEN DUTY

Railroads, look and listen duty of motorist at grade crossings, **1804**

LOOKOUT

Railroads, duty to keep lookout, **1802**
Rules of the road, common law rules of the road, **901**

LOSS OF CONSORTIUM

Damages, **2211**

MACHINERY AND EQUIPMENT

Safety Appliance and Boiler Inspection Acts, **Chapter 20**

MAINTENANCE

Repairs, this index

MALICE

Children or minors, malicious destruction of property by minor, **801**
Prosecution. Malicious Prosecution, this index

MALICIOUS PROSECUTION

Generally, **413 to 415**
Advice of counsel, defense of acting upon, **415**
Attorney, defense of acting upon advice of, **415**
Burden of proof, claim for damages based upon malicious prosecution, **413**
Claim for damages based upon malicious prosecution, **413**
Damages, **413, 2231**
Defense, advice of counsel, **415**
Definition of probable cause, **414**
Probable cause defined, **414**

MALPRACTICE AND BREACH OF FIDUCIARY DUTY

Generally, **1501 to 1513**
Attorney negligence, **1510, 1511**
Burden of proof
Informed consent, claim for damages based on, **1507**
Medical injury, claim for damages based on, **1506**
Claim for damages. Damages, below
Contagious disease, duty to prevent spread of, **1505**
Damages
Breach of fiduciary duty, claim for damages based upon, **1512**
Informed consent, claim for damages based on, **1507**
Medical injury, claim for damages based on, **1506**
Definition, fiduciary duty, **1513**
Dentists
Generally, **1501**
Referring dentist, duty of, **1502**
Diseases, duty to prevent spread of contagious, **1505**
Hospital, duty of, **1504**

INDEX

MALPRACTICE AND BREACH OF FIDUCIARY DUTY—Cont'd

- Illustrative sets of instructions, **Chapter 36.III**
- Imputed conduct, **1503**
- Informed consent
 - Duty to obtain, **1508**
 - Medical injury, claim for damages based on, **1506**
 - Negligence, claim for damages based on informed consent, **1507**
 - Proximate cause, **1509**
- Medical care or treatment
 - Generally, **1501**
 - Claim for damages based on medical injury, **1506**
 - Contagious disease, duty to prevent spread of, **1505**
 - Dentists, above
 - Hospital, duty of, **1504**
 - Nursing home, duty of, **1504**
 - Physicians and surgeons, below
 - Sanitarium, duty of, **1504**
- Negligence
 - Attorney negligence, **1510, 1511**
 - Informed consent, claim for damages based on, **1507**
 - Nursing home, duty of, **1504**
 - Physicians and surgeons
 - Generally, **1501**
 - Referring physician and surgeon, duty of, **1502**
 - Proximate cause
 - Attorney negligence, **1511**
 - Informed consent, **1509**
 - Referring physician, surgeons or dentist, duty of, **1502**
 - Relationship undisputed, definition of fiduciary duty, **1513**
 - Sanitarium, duty of, **1504**
 - Undisputed relationship, definition of fiduciary duty, **1513**
- MANUFACTURERS AND MANUFACTURING**
 - Products Liability, this index
- MARKETS AND MARKETING**
 - Fair market value defined, **2221**

MARKETS AND MARKETING

- Cont'd**
- UCC sales contracts, evidence of market price, **2528**

MATERIAL FACT

- Deceptive trade practices, damages based on concealment, suppression, or omission of material fact in sale transaction, **2902**

MEASURE OF DAMAGES

- Damages, this index

MEDICAL CARE OR TREATMENT

- Malpractice and Breach of Fiduciary Duty, this index

MEDICAL EXPENSES

- Damages for medical expenses past and future, **2204**

MEETINGS

- Defamation, claim for damages based on, **410**

MENTAL ANGUISH

- Damages for mental anguish past and future, **2205**

MERCHANT

- Defined, **2506**

MERCHANTABILITY

- Products liability, implied warranty of merchantability, **1010**
- UCC sales contracts, implied warranty of merchantability, **2509**

MINORS

- Children or Minors, this index

MISAPPROPRIATION

- Trade Secrets, this index

MISLEADING OR FRAUDULENT SCHEMES

- Franchise Practices Act, damages for misleading or fraudulent schemes in sale or purchase of franchise, **2806**

MITIGATION OF DAMAGES

- Personal injuries, **2214**

MITIGATION OF DAMAGES

—**Cont'd**

Real and personal property, **2230**

MODIFICATION

Contracts, this index

MORTALITY TABLES

Damages, purpose of mortality tables, **2219**

MOTOR VEHICLES

Agency, this index

Automobile insurance. Uninsured Motorist Coverage, this index

Children or Minors, this index

Collisions

Multiparty automobile collision, illustrative sets of instructions, **Chapter 36.II**

Right-angle automobile collision, illustrative sets of instructions, **Chapter 36.I**

Damage to vehicle, **2210**

Emergency vehicles. Rules of the Road, this index

Employee driving vehicle of employer, **703**

Forward vehicle, superior right of, **902**

Insurance. Uninsured Motorist Coverage, this index

Multiparty automobile collision, illustrative sets of instructions, **Chapter 36.II**

Passengers, this index

Right-angle automobile collision, illustrative sets of instructions, **Chapter 36.I**

Rules of the Road, this index

Uninsured Motorist Coverage, this index

MUTIPARTIES

Automobile collision, illustrative sets of instructions, **Chapter 36.II**

Negligence, fault and ordinary care, illustrative interrogatories, **307A**

MULTIPLE CLAIMS

Burden of proof, **205**

NATIONAL ELECTRICAL SAFETY CODE

Duty to comply with, **1403**

NEGLIGENCE

Generally, **601 to 612**

Act of God, **611**

Addition or additional matters, res ipsa loquitur in addition to specified acts of negligence, **610**

Alcoholic beverages. Intoxication, this index

Anticipation, duty to anticipate behavior of children, **604**

Attempted rescue, **612**

Bank deposits and collections, negligence contributing to forged signature or alteration of instrument, **3006**

Behavior of children, duty to anticipate, **604**

Burden of Proof, this index

Children or Minors, this index

Comparative Fault, this index

Defenses, generally, **601 to 612**

Defined, **302**

Definitions, intoxication, **606**

Employment, negligent hiring, supervision, or retention of employee, **709A**

Entrustment, negligent, **608**

Evidence of negligence

Rules of the road, violation of statute or ordinance as evidence of negligence, **903**

Violation of statute or ordinance as, **601**

Explosives, use of, **1301**

Intoxication, this index

Malpractice and Breach of Fiduciary Duty, this index

Minors. Children or Minors, this index

Obey laws, right to assume others will, **602**

Ordinances, this index

Ordinary care, right to assume others will use, **602**

INDEX

NEGLIGENCE—Cont'd

- Presumptions, no presumption of fault from happening of injury, **603**
- Products Liability, this index
- Res Ipsa Loquitur, this index
- Rescue attempted, **612**
- Responsibility to control minor children, **605**
- Rules of the road, violation of statute or ordinance as evidence of negligence, **903**
- Statutes, violation of as evidence of negligence, **601**
- Violation of statute or ordinance as evidence of negligence, **601**

NO SALVAGE

- Damages, **2228**

NONACCEPTANCE

- UCC sales contracts, damages for nonacceptance by buyer, **2524**

NONDELIVERY

- UCC sales contracts, damages for nondelivery, **2519**

NOTICE OR KNOWLEDGE

- Bank deposits and collections, failure to promptly notify, **3003**
- Construction activity, traveler with knowledge of, **1201**

NUISANCES

- Owners and occupiers of land, attractive nuisance, **1109**

NURSING HOME

- Malpractice and breach of fiduciary duty, **1504**

OBEDIENCE

- Negligence, right to assume others will obey laws, **602**

OBSERVATIONS

- Introductory instructions, personal experiences and observations, **104**

OCCUPIERS OF LAND

- Owners and Occupiers of Land, this index

OFFER AND ACCEPTANCE

- Contracts, this index
- Duration, **2408**
- Lapse of offer, **2504**
- UCC Sales Contracts, this index

OFFICIAL PROCEEDINGS

- Defamation, claim for damages based on official proceeding report, **410**

OFF-PREMISES INJURIES OR DAMAGES

- Owners and occupiers of land, **1110**

OMISSION OF MATERIAL FACT

- Deceptive trade practices, damages, **2902**

ORDINANCES

- Negligence, violation of as evidence of, generally, **601**
- Rules of the road, violation of ordinance as evidence of negligence, **903**

ORDINARY CARE

- Bank Deposits and Collections, this index
- Defined, **303, 3004**
- Duty to use, **305**
- Minors, ordinary care of, **304**
- Negligence, right to assume others will use ordinary care, **602**
- Rules of the road, **912**

ORDINARY MEANING

- Contracts, **2413**

OUTRAGE

- Intentional torts, burden of proof, **401**

OWNERS AND OCCUPIERS OF LAND

- Generally, **1101 to 1110**
- Absolute liability, ultrahazardous activities, **1108**
- Attractive nuisance, burden of proof, **1109**
- Burden of proof, attractive nuisance, **1109**
- Damages, off-premises injuries or, **1110**

OWNERS AND OCCUPIERS OF LAND—Cont'd
Definitions, willful or wanton conduct, **1101**
Distinction between trespasser or licensee and invitee, duty owed to each, **1107**
Duties
 Distinction between trespasser or licensee and invitee, **1107**
 Foreign object or substance, duty owed to admitted invitee, **1106**
 Invitee, below
 Landlord's duty of care to repair and maintain property, **1105**
 Licensee, below
 Off-premises injuries or damages, **1110**
 Trespasser, below
 Eminent domain, owner's testimony of fair market value, **2009**
 Foreign object or substance, duty owed to admitted invitee, **1106**
 Invitee
 Distinction between trespasser or licensee and invitee, duty owed to each, **1107**
 Duty owed to, generally, **1104**
 Foreign object or substance, duty owed to admitted invitee, **1106**
 Landlord's duty of care to repair and maintain property, **1105**
 Licensee
 Distinction between trespasser or licensee and invitee, duty owed to each, **1107**
 Duty owed to, generally, **1103**
 Nuisances, attractive nuisance, **1109**
 Off-premises injuries or damages, **1110**
 Trespasser
 Distinction between trespasser or licensee and invitee, duty owed to each, **1107**
 Duty owed to, generally, **1102**
 Ultrahazardous activities, absolute liability, **1108**

OWNERS AND OCCUPIERS OF LAND—Cont'd
Willful or wanton conduct, definition, **1101**
OWNERSHIP
 Title and Ownership, this index
PAIN AND SUFFERING
 Damages for past and future, **2205**
PARENT AND CHILD
 Children or Minors, this index
PARTNERSHIP
 Generally, **710, 711**
 Definition, **710**
 Existence of relationship, tests of, **711**
 Tests of existence of relationship, **711**
PASSENGERS
 Agency, passenger in vehicle, **705, 706**
 Common carriers' duty to, **1701, 1702**
 Rules of the road, duty to use ordinary care, **912**
PAST
 Damages, this index
PEDESTRIANS
 Rules of the road, common right to use streets and highways, **911**
PERFORMANCE OR BREACH
 Contracts, this index
 Course of Performance, this index
PERMANENCY
 Damages, this index
PERMISSION
 Consent or Approval, this index
PERSON
 Franchise Practices Act, person defined, **2803**
PERSONAL OBSERVATIONS AND EXPERIENCES
 Introductory instructions, **104**

INDEX

PERSONAL PROPERTY

Damages, this index

PHYSICIANS AND SURGEONS

Malpractice and Breach of Fiduciary Duty, this index

PRE-EXISTING CONDITION

Damages, aggravation of pre-existing condition, **2203**

PREPONDERANCE OF EVIDENCE

Defined, **202**

PREPRINTED FORMS

Contracts, written or typewritten provisions control provisions of preprinted forms, **2422**

PRESENT VALUE

Defined, **2220**

PRESUMPTIONS

Burden of Proof, this index

Negligence, no presumption of fault from happening of injury, **603**

PREVENTION

Contracts, prevention of performance as defense, **2441**

PRICE

Eminent domain, purchase price of property taken, **2012**

UCC Sales Contracts, this index

PRINCIPAL AND AGENT

Agency, this index

PRINTED FORMS

Contracts, written or typewritten provisions control provisions of preprinted forms, **2422**

PRIOR MATTERS

Damages, this index

PRIVACY

Invasion of Privacy, this index

PRIVATE FIGURE

Defamation, claim for damages based on, **407, 410**

PROBABLE CAUSE

Defined, **414**

PROCESS

Abuse of Process, this index

PRODUCTS LIABILITY

Generally, **1001 to 1017**

Burden of proof

Fitness for particular purpose, implied warranty of, **1011**

Merchantability, implied warranty of, **1010**

Strict liability in tort, **1008**

Claims involving two or more theories of liability, **1013**

Comparative fault, evidence, **1014**

Compliance with law, **1015**

Defective condition defined, **1016**

Defenses

Comparative fault, **1014**

Unavoidably unsafe products, **1009**

Definitions

Defective condition, **1016**

Unreasonably dangerous, **1017**

Express warranty, breach of, **1012**

Fitness for particular purpose, implied warranty of, **1011**

Food vendor's duty, **1007**

Implied warranty. Warranty, below

Inspection duty of vendor, **1006**

Manufacturers and manufacturing

Generally, **1001 to 1004**

Duty, generally, **1001**

Instruction duty, **1003**

Vendor assuming role of manufacturer, **1004**

Warning duty of manufacturer, **1002**

Merchantability, implied warranty of, **1010**

Strict liability in tort, **1008**

Unavoidably unsafe products, defenses, **1009**

Unreasonably dangerous defined, **1017**

Vendors

Food vendor's duty, **1007**

Inspection duty of vendor, **1006**

Warning duty of vendor, **1005**

Warning duty of vendor, **1005**

PRODUCTS LIABILITY—Cont'd

Warranty
 Burden of proof, above
 Express warranty, breach of, **1012**
 Fitness for particular purpose,
 implied warranty of, **1011**
 Merchantability, implied warranty
 of, **1010**

**PRODUCTS LIABILITY,
 WARNING DUTY OF VENDOR**

Electricity, warning of danger duty,
1404

PROFITS

Damages, past and future loss of
 profits, **2206**

PROMISSORY ESTOPPEL

Contracts, **2444, 2445**

PROPERTY

Children or minors, willful or mali-
 cious destruction by minor, **801**
 Damage to property. Damages, this
 index
 Personal property. Damages, this
 index
 Real Property, this index

PROPERTY DAMAGE

Damages, this index

PROSECUTION

Malicious Prosecution, this index

PROXIMATE CAUSE

Generally, **501 to 503**
 Burden of proof, **503**
 Concurring proximate cause, **501,**
502
 Definition, **501, 503**
 General verdict, concurring
 proximate cause, **502**
 Intervening proximate cause, **503**
 Liability, concurring proximate
 cause, **502**
 Malpractice and Breach of Fiduciary
 Duty, this index
 Verdict, concurring proximate cause,
502

PUBLIC DISCLOSURE

Invasion of privacy by public
 disclosure of private facts, claim
 for damages based upon, **422**

PUBLIC FIGURES

Defamation, claim for damages based
 upon, **408, 409**

PUBLIC MEETING REPORT

Defamation, claim for damages based
 on, **410**

PUBLISHED AND PUBLICATION

Defined, **412**

PUNITIVE DAMAGES

Generally, **2218, 2218A**

QUALIFIED PRIVILEGE

Defamation, claim for damages based
 on, **410**

RAILROADS

Generally, **1801 to 1805**
 Abnormally dangerous crossing, duty
 to warn, **1805**
 Bell, duty to sound bell for crossing,
1801
 Crossings. Grade crossing, below
 Duty
 Crossing, duty to sound bell or
 whistle for, **1801**
 Lookout, duty to keep, **1802**
 Warning duty, below
 Grade crossing
 Abnormally dangerous crossing,
 duty to warn, **1805**
 Bell or whistle, duty to sound for
 crossing, **1801**
 Look and listen duty of motorist,
1804
 Listening duty of motorist at grade
 crossings, **1804**
 Look and listen duty of motorist at
 grade crossings, **1804**
 Lookout, duty to keep, **1802**
 Speed of train, **1803**
 Warning duty
 Abnormally dangerous crossing,
 duty to warn, **1805**

INDEX

RAILROADS—Cont'd
Warning duty—Cont'd
 Bell or whistle, duty to sound for crossing, **1801**
 Whistle, duty to sound whistle for crossing, **1801**

REAL PROPERTY
Damages, this index
Eminent Domain, this index
Owners and Occupiers of Land, this index

REASONABLENESS
Contracts, interpretation of reasonable time, **2423**

REASONABLY CERTAIN
Defined, **2407**

RECESSES
Duty of jury during, **102**

REFERRALS
Malpractice, duty of referring physician, surgeons or dentist, **1502**

REJECTION
Acceptance or Rejection, this index

RELATIONSHIPS
Burden of proof, relationship admitted, **208**
Malpractice and breach of fiduciary duty, relationship undisputed, **1513**

RELEASE
Contracts, release as defense, **2432**

REMEDIES
UCC Sales Contracts, this index

RENEWAL
Franchise Practices Act, damages for renewal failure, **2800**

REPAIRS
Electricity, repair duties, **1401**
Landlord's duty of care to repair and maintain property, **1105**
Real property, damages, **2224**

REPORTS
Official proceeding report, claim for damages based on defamation, **410**

REPUDIATION
UCC sales contracts, damages for repudiation by buyer, **2524**

RES IPSA LOQUITUR
Addition to specified acts of negligence, **610**
Electricity, **1405**
Negligence
 Generally, **609**
 Addition to specified acts of negligence, **610**

RESALE
UCC sales contracts, damages for resale of goods, **2526**

RESCUE
Negligence, attempted rescue, **612**

RESPECTIVE DUTIES OF JUDGE AND JURY
Introductory instructions, **103**

RESPONSIBILITY
Children or Minors, this index

RESTITUTION IMPLIED IN FACT
Contracts, **2445**

RESTRICTIONS
Limitations or Restrictions, this index

REVOCATION OR SUSPENSION
Statute of Limitations, this index
UCC Sales Contracts, this index

RIGHT OF WAY
Generally, **904 to 909**
Acquisition, **909**
Definitions, **909**
Four-way stop intersections, **906**
Rules of the road, generally, **904 to 909**
 Signal light intersection, **907**
 Stop intersection
 Generally, **905**
 Four-way stop intersections, **906**

RIGHT OF WAY—Cont'd
Uncontrolled intersections, **904**
Use, **909**
Yield intersection, **908**

RIGHT-ANGLE AUTOMOBILE COLLISION
Illustrative sets of instructions, **Chapter 36.I**

ROUTE
Agency, deviation from route, **704**

RULES OF THE ROAD
Generally, **901 to 914**
Acquisition, right of way, **909**
Common law rules of the road, generally, **901**
Control, common law rules of the road, **901**
Definitions, right of way, **909**
Emergency vehicles
 Duty of drivers of other vehicles, **914**
 Special privileges, **913**
Evidence of negligence, violation of statute or ordinance as, **903**
Forward vehicle, superior right of, **902**
Four-way stop intersections, right of way, **906**
Lookout, common law rules of the road, **901**
Negligence, violation of statute or ordinance as evidence of, **903**
Ordinance, violation of as evidence of negligence, **903**
Ordinary care, passenger, **912**
Passenger, duty to use ordinary care, **912**
Pedestrians, common right to use streets and highways, **911**
Right of Way, this index
Signal light intersection, right of way, **907**
Special privileges, emergency vehicles, **913**
Speed, common law rules of the road, **901**

RULES OF THE ROAD—Cont'd
Statute, violation of statute as evidence of negligence, **903**
Stop intersection. Right of Way, this index
Superior right of forward vehicle, **902**
Uncontrolled intersections, right of way, **904**
Unsafe vehicle, operation of, **910**
Use
 Pedestrians and motorists, common right to use streets and highways, **911**
 Right of way, **909**
 Yield intersection, right of way, **908**

SAFETY
Rules of the road, operation of unsafe vehicle, **910**

SAFETY APPLIANCE AND BOILER INSPECTION ACTS
Generally, **Chapter 20**

SALES
Deceptive trade practices, damages, **2902**
Dram Shop Liability, this index
Eminent domain, sales of comparable properties, **2011**
Franchise Practices Act, this index
Implied warranties of habitability, sound workmanship, and proper construction in sale of house.
Construction Work, this index
Intoxicating liquors. Dram Shop Liability, this index
UCC Sales Contracts, this index

SALVAGE
Damages, no salvage, **2228**

SANITARIUM, DUTY OF
Malpractice and breach of fiduciary duty, **1504**

SCARS
Damages, results of injury, **2208**

SCOPE OF AUTHORITY
Employment, **702**

INDEX

SCOPE OF EMPLOYMENT

Employment, **702, 703**

SECLUSION

Invasion of privacy by intrusion upon seclusion, claim for damages based upon, **420**

SECURITIES

Fraud and deceit. Securities Fraud, this index

SECURITIES FRAUD

Generally, **2700 to 2706**

Damages

Generally, **2700, 2701**

Measure of damages, **2706**

Defenses, **2702**

Definitions, **2703**

Imputed liability, **2704, 2705**

Measure of damages, **2706**

SEPARATE RIGHTS

Introductory instructions, separate rights of two or more, **109, 110**

SICKNESS OR ILLNESS

Contagious diseases, duty to prevent spread of, **1505**

Contracts, disabling illness as defense, **2440**

SIGNAL LIGHTS

Rules of the road, right of way, **907**

SIGNATURE

Bank deposits and collections, negligence contributing to forged signature, **3006**

Children or Minors, this index

SPECIAL PRIVILEGES

Emergency vehicles, rules of the road, **913**

SPECIFICITY

Contracts, interpretation of specific and general provisions, **2421**

SPEED

Railroads, speed of train, **1803**

Rules of the road, **901**

STANDARD OF CARE

Burden of proof, varying standards of care, **205**

Construction work, **1203, 1204**

STATUTE OF LIMITATIONS

Duration of suspension of running of, **212**

Fraudulent concealment to suspend running of, **211**

STATUTES

Automobiles. Children or Minors, this index

Children or Minors, this index

Liability, generally, **801 to 804**

Limitation of actions. Statute of Limitations, this index

Motor vehicles. Children or Minors, this index

Negligence, violation of statute as evidence of, **601**

Rules of the road, violation of statute as evidence of negligence, **903**

Willful or malicious destruction of property by minor, **801**

STOP INTERSECTION

Right of Way, this index

STRICT LIABILITY IN TORT

Products liability, **1008**

SUBMISSION

Interrogatories, submission of case on, **201**

SUBSTANTIAL PERFORMANCE

Contracts, **2428**

SUPERIOR RIGHT OF FORWARD VEHICLE

Rules of the road, **902**

SUPPRESSION OF EVIDENCE

Introductory instructions, **106**

SUPPRESSION OF MATERIAL FACT

Deceptive trade practices, damages, **2902**

SUSPENSION

Revocation or Suspension, this index

TACIT AGREEMENT RULE

Contracts, damages, **2443**

TEMPORARY MATTERS

Eminent domain, temporary construction easement, **2010**

Real property, temporary damage to, **2224**

TENDER

Contracts, **2428**

TERMINATION

Franchise Practices Act, damages for termination, **2800**

TESTS OR TESTING

Partnership, tests of existence of relationship, **711**

THIRD PARTY

Contracts, third party beneficiary statute, **2410, 2411**

THIRD PERSONS

Common carriers' duty to protect passengers from, **1702**

TIME

Contracts, this index

Damages, this index

Future matters. Damages, this index

Past. Damages, this index

Real property, temporary damage to, **2224**

TITLE AND OWNERSHIP

Agency, owner of vehicle as passenger, **705**

Animals, duty of owner, **1601**

Realty. Owners and Occupiers of Land, this index

UCC sales contracts, implied warranty of title, **2512**

TORTS

Intentional Torts, this index

TRADE

Deceptive Trade Practices, this index

Secrets. Trade Secrets, this index

TRADE SECRETS

Generally, **2600 to 2604**

TRADE SECRETS—Cont'd

Damages, misappropriation of trade secrets, **2600, 2604**

Definitions

Misappropriation, **2601**

Trade secret, **2602**

Measure of damages, misappropriation of trade secrets, **2604**

Misappropriation of trade secrets

Damages, **2600, 2604**

Defined, **2601**

Measure of damages, **2604**

TRANSFER

Franchise Practices Act, transfer defined, **2807**

TRAVELER

Construction activity, duty of care of traveler with knowledge of, **1201**

TRESPASSER

Owners and Occupiers of Land, this index

TYPEWRITTEN PROVISIONS

Contracts, typewritten provisions control provisions of preprinted forms, **2422**

UCC SALES CONTRACTS

Generally, **2501 to 2529**

Acceptance or rejection

Generally, **2503**

Additional terms in acceptance or confirmation, **2505**

Breach of warranty, accepted goods, **2520**

Damages, below

Goods, acceptance of, **2517**

Rejection of goods, generally, **2516**

Revocation of acceptance, **2518**

Action for price, damages, **2525**

Additional terms in acceptance or confirmation, **2505**

Breach of UCC warranty. Warranties, below

Confirmation, additional terms in, **2505**

INDEX

UCC SALES CONTRACTS—Cont'd

- Course of dealing
 - Generally, **2511**
 - Implied warranty from course of dealing, **2510**
- Course of performance, **2511**
- Damages
 - Breach of warranty, accepted goods, **2520**
 - Incidental damages, **2522, 2527**
 - Market price, proof of, **2528**
 - Nonacceptance by buyer, **2524**
 - Nondelivery, damages for, **2519**
 - Price, below
 - Proof of market price, **2528**
 - Rejection, damages for, **2519**
 - Repudiation by buyer, **2524**
 - Resale of goods, **2526**
 - Revocation, damages for, **2519**
 - Defense, exclusion or modification of implied warranties, **2514**
 - Definitions
 - Course of dealing, **2511**
 - Merchant, **2506**
 - Usage of trade, **2511**
 - Delivery
 - Damages for nondelivery, **2519**
 - Improper delivery, buyer's rights on, **2515**
 - Evidence of market price, damages, **2528**
 - Exclusion of implied warranties as defense, **2514**
 - Existence of contract, **2502**
 - Express warranties, **2508**
 - Fitness for particular purpose, implied warranty of, **2513**
 - Formation, **2501**
 - Goods, acceptance of, **2517**
 - Implied warranties
 - Course of dealing or usage of trade, implied warranty from, **2510**
 - Defense, exclusion or modification of implied warranties, **2514**
 - Fitness for particular purpose, implied warranty of, **2513**

UCC SALES CONTRACTS—Cont'd

- Implied warranties—Cont'd
 - Infringements, implied warranty against, **2512**
 - Merchantability, implied warranty of, **2509**
 - Title, implied warranty of, **2512**
- Improper delivery, buyer's rights on, **2515**
- Incidental damages, **2522, 2527**
- Infringements, implied warranty against, **2512**
- Lapse of offer, **2504**
- Limitation of remedies for breach of warranty, **2529**
- Market price, proof of, **2528**
- Merchant defined, **2506**
- Merchantability, implied warranty of, **2509**
- Modification
 - Defense, modification of implied warranties as, **2514**
 - Remedies for breach of warranty, modification of, **2529**
- Nonacceptance by buyer, damages for, **2524**
- Nondelivery, damages for, **2519**
- Offer
 - Generally, **2503**
 - Acceptance or rejection, above
 - Lapse of offer, **2504**
- Performance, course of performance, **2511**
- Price
 - Action for price, damages, **2525**
 - Damages
 - Action for price, **2525**
 - Market price, proof of, **2528**
 - Proof of market price, damages, **2528**
- Proof of market price, damages, **2528**
- Rejection. Acceptance or rejection, above
- Remedies
 - Limitation or modification of remedies for breach of warranty, **2529**
 - Seller's remedies, generally, **2523**

UCC SALES CONTRACTS—Cont'd	UNLAWFUL PRACTICES
Repudiation by buyer, damages for, 2524	Franchise Practices Act, damages for unlawful practices of franchi- sors, 2805
Resale of goods, damages for, 2526	UNMARRIED MINOR
Revocation	Damages, wrongful death, 2217
Acceptance, revocation of, 2518	USE
Damages for, 2519	Rules of the Road, this index
Seller's remedies, generally, 2523	UCC Sales Contracts, this index
Title, implied warranty of, 2512	VALUE OR VALUATION
Usage of trade	Damages, this index
Generally, 2511	Fair Market Value, this index
Implied warranty from usage of trade, 2510	Present value defined, 2220
Warranties	VARYING STANDARDS OF CARE
Breach of UCC warranty, gener- ally, 2507	Burden of proof, 205
Damages for accepted goods, breach of warranty, 2520	VEHICLES
Express warranties, 2508	Motor Vehicles, this index
Implied warranties, above	VENDORS
Limitation or modification of rem- edies for breach of warranty, 2529	Products Liability, this index
ULTRAHAZARDOUS ACTIVITIES	VERDICT
Owners and occupiers of land, absolute liability, 1108	Comparative Fault, this index
UNAVOIDABLY UNSAFE PRODUCTS	Concurring proximate cause, 502
Defenses, products liability, 1009	General Verdict, this index
UNCONTROLLED INTERSECTIONS	Principal and agent. Comparative Fault, this index
Rules of the road, right of way, 904	VISIBLE RESULTS OF INJURY
UNDISPUTED RELATIONSHIP	Damages, 2208
Definition of fiduciary duty, 1513	WAIVER OR ESTOPPEL
UNDUE INFLUENCE	Construction work, waiver of implied warranties of habitability, sound workmanship, and proper construction, 1207
Contracts, undue influence as defense, 2434	Contracts, this index
UNINSURED OR UNDERINSURED MOTORIST COVERAGE	WARNING DUTY
Generally, 2301 to 2303	Products liability, warning duty of vendor, 1005
Burden of proof, 2301 to 2303	Railroads, this index
UNJUST ENRICHMENT	WARRANTIES
Contracts, 2445	Construction Work, this index
	Express Warranties, this index
	Fitness for Particular Purpose, this index
	Implied Warranty, this index

INDEX

WARRANTIES—Cont'd
Products Liability, this index
UCC Sales Contracts, this index

WASTE
Whistle-blowers, waste defined, **3104**

WHISTLE
Railroad crossing, duty to sound
whistle for, **1801**

WHISTLE-BLOWERS
Employment, **3101 to 3107**

WHOLE
Contract language interpreted as,
2419

**WILLFUL OR WANTON
CONDUCT**
Children or minors, liability imposed
by statute for willful destruction
of property by minor, **801**

**WILLFUL OR WANTON
CONDUCT—Cont'd**
Definition, **1101**

WITNESSES
Credibility of witnesses, **105**
Expert witnesses, **107**

WORDS AND PHRASES
Distinctions, this index

**WRITINGS OR WRITTEN
INSTRUMENTS**
Contracts, written provisions control
provisions of preprinted forms,
2422

WRONGFUL DEATH
Damages, this index

WRONGFUL TERMINATION
Employment, **3107**

YIELD INTERSECTION
Rules of the road, right of way, **908**