

Index

ABSOLUTE IMMUNITY

Individual qualified immunity compared to absolute immunity, **23:7**

ABUSE OF PROCESS

Malicious prosecution distinguished, **36:17**

ACCORD AND SATISFACTION

Generally, **11:6**

ACTIONS

Generally, **12:1 et seq.**
Bonds, posting of, **12:7**
Choice of law, **12:8**
Common law forms of action, **8:1, 12:1**
Contract claims, **12:3**
Injunction, action for relief from, **12:5**
Open courts doctrine, **12:1**
Property claims, **12:4**
Relief from injunction, action for, **12:5**
Surety requirements, **12:7**
Tort claims, **12:2**
Trespass, **12:4**

ACTS OF GOD

Carriers' liabilities, **16:2, 16:8**

ACTUAL DAMAGES

See also NOMINAL DAMAGES
Punitive damages, actual damage predicate, **4:2**

ADDITUR

See JUDGES, ROLE OF

ADJOINING LANDOWNERS

See NUISANCE CLAIMS

ADJUDICATION

Mandamus, writ of, **8:7**

ADMINISTRATORS

See PERSONAL REPRESENTATIVES

AGENCY RELATIONSHIPS

Generally, **15:1**
Apparent authority, **15:2**
Apportionment of damages, **10:1 et seq.**
Attorneys in fact, **15:1**
Choice of law, **1:5**
Common law forms of action, **8:1**
Contract claims against, **15:2**

AGENCY RELATIONSHIPS—Cont'd

Corporate agents, **15:9**
Election of remedies, **1:6**
Employers of independent contractors, **15:4**
Family purpose doctrine, **30:8**
Gross negligence, **4:5**
Independent contractors, employers of, **15:4**
Insurance agents and brokers
Generally, **27:8**
Tort liabilities, **27:9**
Joint adventures. See JOINT ADVENTURES
Joint and several liabilities, **10:1 et seq.**
Jurisdiction over damage actions generally, **1:3**
Limitations of actions, **12:12 et seq.**
Motor vehicles accidents, **30:10**
Negligent entrustment, **20:8**
Partnerships, compared, **15:7**
Ratification of acts, **15:3**
Scope of agency, **15:3**
Tort liabilities
Generally, **15:3**
Insurance agents and brokers, **27:9**
Willful, wanton or reckless conduct, **4:4**

AGRITOURISM

Premises liability, **33:7**

ALCOHOLIC BEVERAGES

Dispensers, liabilities of, **15:23**
Motor vehicle accident litigation, **30:15**

ALIENATION OF AFFECTIONS

Generally, **22:3**

ALIMONY

Interest on awards of, **7:10**

ALLOCATION OF DAMAGES

See APPORTIONMENT OF DAMAGES

AMOUNT OF DAMAGES

Generally, **6:1 et seq.**
See also MEASURE OF DAMAGES
Certainty requirement for proof of damages, **6:1**
Comparative review of awards by court, **6:5**

AMOUNT OF DAMAGES—Cont'd

Excessive awards, judicial review of, **6:5**
 First blush rule of review, **6:5**
 Judicial review, **6:5**
 Jury, role of, **6:4**
 Measure, **6:3**
 Past or future injury, **1:9, 6:2, 13:2**
 Remittitur and additur, **6:6**
 Structured settlements, **11:1**

ANGUISH

See PAIN AND SUFFERING

ANNUITIES

Exemptions, **14:31**

APPEARANCES

Generally, **12:6**

APPELLATE PRACTICE

Condemnation
 Right of landowner to appeal, **17:1, 17:5**
 Cost awards
 Generally, **9:9**
 Frivolous appeals, **9:9**
 Offer of judgment, **9:3**
 Default judgments, review of, **12:6**
 Frivolous appeals, **9:9**
 Jury awards, sufficiency, **1:9**
 Punitive damage awards, **4:10**
 Remittitur and additur orders, effects of, **6:6**

APPORTIONMENT OF DAMAGES

Generally, **10:1**
 See also COMPARATIVE FAULT
 But for test of combined acts, **10:1**
 Causation, apportionment based on, **10:3**
 Common design, **10:1**
 Concerted actions, **10:1**
 Constitutional right of indemnity, **10:6**
 Contract obligors, joint and several
 Generally, **10:4**
 Release of one, **11:4**
 Contribution
 Generally, **10:1**
 Joint obligors, **10:5**
 Joint tortfeasors, **10:3**
 Enterprise liability, **10:1**
 Immune defendants, **10:2**
 Indemnity
 Obligors, **10:6**
 Tortfeasors, **10:6**
 Workers' compensation claims, **10:7**

**APPORTIONMENT OF DAMAGES
—Cont'd**

Joint and several liability
 Generally, **10:1**
 Contribution, **10:3**
 Family purpose doctrine, **30:8**
 Indemnity among, **10:6**
 Jury apportionment, **10:2**
 Motor vehicles, **30:8, 30:14**
 Release of one, **11:5**
 Statutory resolution, **10:2**
 Torts of children, parental liability for, **22:8**
 Verdicts, **12:22**
 Workers' compensation claims, **10:7**
 Jury, apportionment by, **10:3, 12:22**
 Moral turpitude, acts involving, **10:3**
 Negligent tortfeasors, **10:3**
 Non-sued parties, apportionment to, **10:2**
 Pro rata apportionment, **10:3**
 Punitive damages, **4:9**
 Several liability, **10:1**
 Verdicts, apportionment by, **12:22**
 Workers' compensation, **10:7**

ARBITRATION

Generally, **18:11**
 Mutual waiver, **18:11**

ASCERTAINABLE DAMAGES

Generally, **1:4**
 Compensatory damage claims, **2:5**

ASSAULT AND BATTERY

Generally, **36:13**
 Teachers, **29:5**

ASSESSMENTS

See COST AND FEE AWARDS

ASSUMPTION OF RISK

Generally, **30:15**

ATTACHMENT

Generally, **14:1 et seq.**
 Bonds, **14:3**
 Contract claims, **14:2**
 Debt actions, **14:2**
 Due process requirements, **14:3**
 Ex parte, **14:3**
 Execution compared, **14:14**
 Exemptions. See EXEMPTIONS
 Garnishment compared, **14:9**
 Grounds for, **14:2**
 Joint obligees, securing, **14:2**
 Money, actions for recovery of, **14:2**
 Procedure, **14:3**

INDEX

ATTACHMENT—Cont'd

- Purpose of remedy, **14:1**
- Statutory authorization, **14:1**
- Summary nature of proceeding, **14:1**
- Third party holders, **14:4**
- Use, **14:1**
- Value of use of property, **14:4**
- Wrongful attachment, **14:4**

ATTORNEYS AT LAW

- Malicious prosecution, **36:17**
- Malpractice claims, **36:28**
- Restitution, **34:1**

ATTORNEYS' FEES

- See COST AND FEE AWARDS

ATTORNEYS IN FACT

- Generally, **15:1**

AUTOMOBILES

- Claims. See MOTOR VEHICLE CLAIMS
- Motor vehicle claims. See MOTOR VEHICLE CLAIMS

BAD FAITH CLAIMS

- Contract disputes, **4:7**
- Insurance. See INSURANCE AND INSURERS

BANKS

- Generally, **15:17 et seq.**
- Blue sky laws, **15:19**
- Conversion of commercial paper, **15:17**
- Directors, **15:18**
- Dishonor of commercial paper, **15:17**
- Duty of care, **15:17**
- Investment securities, **15:19**
- Officers, **15:18**
- Respondeat superior liability of employers, **20:7**
- Set off, **15:17**

BARS

- See ALCOHOLIC BEVERAGES

BILLS OF LADING

- Generally, **19:1**
- Carriers' duties, **16:5**
- Documents of title. See DOCUMENTS OF TITLE

BIRTH

- See CHILDBIRTH

BIRTH DEFECTS

- Wrongful life or wrongful birth, tort claim based on, **36:12**

BLUE SKY LAWS

- Generally, **15:19**

BOARD OF CLAIMS

- Generally, **23:11**
- Comparative fault, **23:12**
- Defenses in, **23:12**
- Interest on awards, **7:11**
- Jurisdiction, **1:3**
- Waiver of sovereign immunity, **23:11**

BONDS

- See also SURETYSHIP
- Attachment, **14:3**
- Execution, **14:20**
- Forthcoming bonds, **14:20**
- Guardians', **25:2**
- Injunctions, **12:5**
- Limitations of actions on, **24:1**
- Possession, writ of, **14:6, 14:7**
- Public officers, **24:1**
- Release from, **24:3**

BREACH OF PROMISE

- Generally, **22:1**

BREACH OF WARRANTY CLAIMS

- Limitations of actions, **12:14**
- Sales contracts. See SALES CONTRACT CLAIMS

BROKERS

- Agency relationships, **27:8**

BUILDERS

- Warranty claims against, **32:5**

BUILDINGS

- Repair of damage, **33:6**
- Valuation of, **33:6**

BURDEN OF PROOF

- See EVIDENCE AND PROOF

BUSINESS ASSOCIATIONS

- Generally, **15:1 et seq.**
- Agency. See AGENCY RELATIONSHIPS
- Alcohol. See ALCOHOLIC BEVERAGES
- Banks. See BANKS
- Cemeteries. See CEMETERIES
- Corporations. See CORPORATIONS
- Innkeepers. See INNKEEPERS
- Insurance. See INSURANCE AND INSURERS
- Joint adventures. See JOINT ADVENTURES
- Not-for-profit corporations. See NOT-FOR-PROFIT CORPORATIONS

BUSINESS ASSOCIATIONS—Cont'd
 Partnerships. See PARTNERSHIPS
 Professional service corporations, **15:13**

CARRIERS
 See COMMON AND CONTRACT
 CARRIERS

CAUSATION
 Generally, **30:7**
 Alcoholic beverage dispensers, claims
 against, **15:23**
 Apportionment of damages, causation
 based on, **10:3**
 But for causation, **30:7**
 But for test of combined acts, **10:1**
 Chain of, **30:7**
 Contract claims, **18:1**
 Expert testimony, **13:3**
 Foreseeability, **15:23**
 Injuries, **36:1**
 Insurance coverage claims, **27:13**
 Intervening causes, **30:7**
 Law of fact question, **30:7**
 Natural and probable causation test,
30:7
 Pain and suffering, **36:2**
 Proximate cause, **30:7**
 Tort claims generally, **2:3**

CEMETERIES
 Property rights in plots, **33:9**
 Statutory regulation, **15:22**

CERTAINTY OF DAMAGES
 Contract damages, **18:1**
 Proof required, **13:1**

CHARITIES
 See also NOT-FOR-PROFIT
 CORPORATIONS
 Immunity, **15:15**

CHATTELS, TRESPASS TO
 Generally, **36:14**

CHILDBIRTH
 Pain and suffering, **36:2**
 Review of jury awards, **1:9**
 Survival
 Pre-death personal injury claim for
 stillborn, **37:12**
 Wrongful life or wrongful birth, tort
 claim based on, **36:12**

CHILDREN AND MINORS
 See also CHILDBIRTH; GUARDIAN
 AND WARD
 Alcoholic beverage dispensers, claims
 against, **15:23**

CHILDREN AND MINORS—Cont'd
 Contractual liabilities of children, **22:9**
 Emancipation of children, **22:10**
 Family immunity, **22:11**
 Family purpose doctrine, **30:8**
 Necessities of child, parental liability
 for, **22:7**
 Parent, action for death of, **37:8**
 Parental care, claim for loss of, **22:6,**
36:10
 Services of minor, claim for loss of,
22:5
 Support awards
 Exemptions, **14:26**
 Interest on awards, **7:10**
 Torts of children, parental liability for,
22:8
 Wrongful death of child
 Generally, **37:7**
 Abandoned child, **37:14**

CHOICE OF LAW
 Generally, **1:5**
 Common and contract carriers, **16:16**
 Employment relationships, **20:1**
 Federal courts, **1:7**
 Foreign law, proof of, **1:5**
 Limitations of actions, **12:8**
 Procedural vs substantive questions,
12:8
 Tort claims, **12:8**

CITIES
 See GOVERNMENTAL UNITS

CIVIL ACTION
 Definition, **1:1**

COLLATERAL SOURCE RULE
 Constitutional protection, **2:7, 13:5**

COMMERCIAL CODE
 See UCC DAMAGES

COMMERCIAL PAPER
 See also DOCUMENTS OF TITLE
 Conversion or dishonor, **15:17**

**COMMON AND CONTRACT
 CARRIERS**
 Generally, **16:1 et seq.**
 See also MOTOR VEHICLE CLAIMS
 Acts of God, **16:2, 16:8**
 Agency relationships generally, **15:1**
 Apportionment of damages, **10:1 et seq.**
 Attorneys' fees awards, **9:5**
 Bills of lading, **16:5**
 Breach of duty to transport, damages for,
16:12

COMMON AND CONTRACT

CARRIERS—Cont'd

Breach of personal safety duties, damages for, **16:14**
 Certainty requirement for proof of damages, **6:1**
 Choice of law, **1:5, 16:16**
 Collateral source rule, **2:7, 13:5**
 Common carrier defined, **16:1**
 Common law forms of action, **8:1**
 Compensation principle of damages recovery, **1:4, 2:1**
 Compensatory damages
 Contract claims, **2:4**
 Tort claims, **2:3**
 Constitutional protection of tort remedies, **1:2**
 Conversion by, **16:2**
 Cost and fee awards, **9:1 et seq.**
 Criminal acts, liabilities for, **16:14**
 Damaged goods, **16:2**
 Delay damages, **16:3**
 Depots or waiting areas, **16:9**
 Distinctions, **16:1**
 Duties of railroads, **16:17**
 Duty and standard of care, **16:1, 16:13**
 Duty to transport passengers, **16:10**
 Ejection of passengers, **16:11**
 Election of remedies, **1:6**
 Execution, remedy of, **14:14 et seq.**
 Expert testimony, **13:3**
 Fault, loss of goods without, **16:2**
 Federal regulation, **16:1**
 Freight, liens for, **16:6**
 Future vs past injuries, **6:2, 13:2**
 General and special damages distinguished, **2:2**
 Goods and freight, duties with respect to, **16:2**
 Gross negligence, **4:5**
 Household goods, damages to, **16:4**
 Inconsistent remedies, required election between, **1:6**
 Insurance requirements, **16:15**
 Intentional torts of agents, **16:13**
 Inter and intrastate, **16:16**
 Interest on awards, **7:1 et seq.**
 Joint and several liabilities, **10:1 et seq.**
 Judicial review of jury awards, **1:9, 6:5**
 Judicial sales to satisfy judgments, **14:14 et seq.**
 Jurisdiction over damage actions generally, **1:3**
 Jury, province of in determining award, **6:4**

COMMON AND CONTRACT

CARRIERS—Cont'd

Jury instructions as to damages calculations, **1:8**
 Liens for freight, **16:6**
 Liens of carriers, **19:5**
 Limitation of liability, **16:16**
 Limitations of actions, **12:12 et seq.**
 Livestock, **16:8**
 Loss or injury to goods, damages for, **16:4**
 Lost goods, **16:2**
 Lost profits, proof of, **13:1**
 Measure of damages generally, **6:3**
 Misdelsivered goods, **16:5**
 Mitigation of damages, **2:8**
 Natural and probable consequences of act, damages caused by, **2:3**
 Nature of goods, damages for loss or injury, **16:4**
 Nominal damages, **3:1**
 Other passengers, injuries caused by, **16:14**
 Pain and suffering, proof of, **13:2**
 Passenger defined, **16:9**
 Perishable goods, damages to, **16:4**
 Personal injury damages, proof of, **13:2**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Possession, writ of to secure claims, **14:5 et seq.**
 Proving damages, **13:1**
 Punitive damages in tort claims, **4:4 et seq.**
 Railroads
 Crossings, **16:17**
 Duties of, **16:17**
 Easement rights, **16:18**
 Fencing statutes, **16:18**
 Reasonable man duty standard, **19:2**
 Refusal of passage, **16:11**
 Release of future claims, **11:1**
 Relief, demand for in complaint, **1:1**
 Remittitur and additur, **6:6**
 Respondeat superior liability of employers, **20:7**
 Revival and survival of actions, **12:27**
 Sale of unclaimed freight, **16:7**
 Set off rights, **16:4**
 Settlement and release, **11:1**
 Standard of care, **16:1**
 Statutory damages, **29:1 et seq.**
 Statutory duties, **16:1**
 Structured settlements, **11:1**
 Time period, **16:2**

COMMON AND CONTRACT

CARRIERS—Cont'd

- Uncertain, contingent, and speculative damages, **1:4**
- Unclaimed freight, **16:7**
- Verdicts, **12:18 et seq.**
- Willful, wanton or reckless conduct, **4:4**

COMMON SENSE CONSUMPTION ACT

- Obesity claims, **32:6**

COMMONWEALTH

- See GOVERNMENTAL UNITS

COMPARATIVE FAULT

- See also APPORTIONMENT OF DAMAGES
- Board of Claims cases, **23:12**
- Products liability claims, **32:2**

COMPENSATION

- Purposes of remedies, **1:2**

COMPENSATORY DAMAGES

- Generally, **2:1 et seq.**
- Adjustments to awards, **2:6**
- Amount, **6:1 et seq.**
- Certainty requirement, **2:5**
- Collateral source rule, **2:7**
- Contract claims
 - Generally, **2:1, 2:4**
 - General damages, **2:4**
 - Proximate cause, **2:4**
- Future loss adjustments to awards, **2:6**
- Future vs past injuries, **6:2, 13:2**
- General damages
 - Contract claims, **2:4**
 - Medical bills, **2:2**
 - Pain and suffering, **2:5**
 - Pleading, **2:9, 12:9, 12:10**
 - Special damages distinguished, **2:2**
- Inflation adjustments, **2:6**
- Liquidated damages compared, **5:1**
- Lost profits, **2:5**
- Mitigation of damages, **2:8**
- Motor vehicles injuries, **30:12**
- Natural and probable consequences of act, **2:3**
- Past vs future injuries, **1:9, 6:2, 13:2**
- Personal consumption adjustments, **2:6**
- Pleading, **2:9**
- Principle of compensation, **1:4, 2:1**
- Proximate cause
 - Contract claims, **2:4**
 - Tort claims, **2:3**
- Special damages
 - Contract claims, **2:4**

COMPENSATORY DAMAGES

—Cont'd

- Special damages—Cont'd
 - General damages distinguished, **2:2**
 - Pleading, **2:9, 12:9, 12:10**
- Tort claims, damages proximately proximate cause, **2:3**
- Uncertain, contingent, and speculative damages, **2:5**

COMPETENCY

- See GUARDIAN AND WARD

COMPETITION

- Unfair trade practices, **29:4**

COMPROMISE

- See SETTLEMENT AND RELEASE

CONDEMNATION

- Generally, **17:1 et seq.**
- Appeal rights of landowners, **17:1, 17:5**
- Attorneys' fee awards, **9:5**
- Benefit to remainder, consideration of in determining damages, **17:14**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Collateral source rule, **2:7**
- Commissioners, appointment of, **17:5**
- Compensation principle of damages recovery, **1:4, 2:1**
- Consequential damages, **17:13**
- Constitutional protections
 - Generally, **17:1**
 - Reverse condemnation, **17:19**
- Costs and fees
 - Generally, **9:1 et seq., 17:17**
 - Relocation, **17:18**
- Delegations of Commonwealth's power of, **17:1**
- Disabilities, owners under, **17:9**
- Easements, measure of damages for, **17:11**
- Expert testimony, **13:3**
- Fair market value, **17:10**
- Highways, **26:3**
- Immunity, waiver of, **17:3**
- Interest on awards, **7:1 et seq., 17:16**
- Judicial review of awards, **1:9, 6:5**
- Jurisdiction, **1:3**
- Jury, province of in determining award, **6:4**
- Jury, role of
 - Measure of damages, **17:15**
 - View by jury, **17:5**
- Jury instructions as to damages calculations, **1:8**

INDEX

CONDEMNATION—Cont'd

- Just compensation
 - Generally, **17:3**
 - Definition, **17:1**
 - Measure of damages, this heading
- Leased land, measure of damages, **17:12**
- Lost profits, proof of, **13:1**
- Measure of damages
 - Generally, **6:3, 17:10 et seq.**
 - Benefit to remainder, **17:14**
 - Consequential damages, **17:13**
 - Costs and fees, **17:17**
 - Easements, **17:11**
 - Fair market value, **17:10**
 - Interest, **17:16**
 - Jury, role of, **17:15**
 - Just compensation requirement, **17:10**
 - Leased land, **17:12**
 - Lost profits, **17:10**
 - Multiple interests, land subject to, **17:12**
 - Relocation assistance, **17:18**
 - Statutory, **17:10**
- Multiple interests, land subject to
 - Generally, **17:7**
 - Measure of damages, **17:12**
- Owners entitled to compensation, **17:7**
- Parties
 - Generally, **17:6 et seq.**
 - Conflicting claims of ownership, **17:8**
 - Disabilities, owners under, **17:9**
 - Owners entitled to compensation, **17:7**
 - Unknown owners, **17:9**
- Pleading, **17:5**
- Police powers and taking distinguished, **17:4**
- Procedure, **17:5**
- Proving damages, **13:1**
- Public use requirement, **17:2**
- Relocation assistance, **17:18**
- Remittitur and additur, **6:6**
- Repurchase rights of condemnee, **17:20**
- Reverse. See REVERSE CONDEMNATION
- Summons, **17:5**
- Time period, **17:20**
- Uncertain, contingent, and speculative damages, **1:4**
- Unknown owners, **17:9**
- Valuation by commissioners, **17:5**
- Verdicts, **12:18 et seq.**
- View by jury, **17:5**

CONFESSION OF JUDGMENT

- Generally, **12:23**

CONSEQUENTIAL DAMAGES

- Condemnation, **17:13**

CONSORTIUM

- Generally, **36:10**
- Board of Claims, **23:12**
- Common law claims, **22:2**
- Household services, **36:11**
- Parental care, claim for loss of, **22:6, 36:10**
- Parties plaintiff, **37:3**
- Time period, **22:2**
- Wrongful death, **37:3, 37:6**

CONSTITUTION OF KENTUCKY

- Bonds for public officers, **24:1**
- Collateral source rule, **2:7, 13:5**
- Compensation for injuries, right of, **2:7**
- Death remedies, protection of, **1:2, 12:28, 37:1**
- Eminent domain powers of Commonwealth, **17:1**
- Guest passenger statute, **30:6**
- Immunity of state, **23:10**
- Indemnity, right of, **10:6**
- Jury trial, right to, **27:15**
- Limitations of actions statutes, **12:13**
- No-fault automobile insurance law, **27:15**
- Open courts doctrine, **12:1**
- Public officers, bonding of, **24:1**
- Punitive damages, statutory limitations, **4:12**
- Reverse condemnation, **17:19**
- Sovereign immunity, **23:10**
- Special legislation, restrictions on, **28:1**
- Tort remedies, protection of, **1:2**
- Wages, right to receive, **20:2**
- Workers' compensation statutes, **20:6**

CONSUMER LITIGATION

- Cost and fee awards, **9:5**
- Exculpatory provisions in contracts, **11:1**
- Products liability. See PRODUCTS LIABILITY
- Statutory damages, **29:1 et seq.**

CONTINGENT DAMAGES

- Generally, **1:4**
- Compensatory damage claims, **2:5**

CONTINUANCES

- Cost awards as condition of grant, **9:8**

CONTINUOUS REPRESENTATION

- Limitation of actions, **12:13**

CONTRACT CLAIMS

Generally, **12:3, 18:1**
 Abandonment, **18:4**
 Acceleration provisions in consumer contracts, **5:2**
 Accord and satisfaction, **11:6**
 Agency relationships, **15:2**
 Apportionment of damages, **10:1 et seq.**
 Arbitration, **18:11**
 Attachment remedy, **14:2**
 Attorneys' fees awards, **9:5**
 Bad faith and punitive damage awards, **4:7**
 Breach of promise, **22:1**
 Causation, **18:1**
 Certainty requirement for proof of damages, **6:1, 18:1**
 Champertous agreements, **18:7**
 Children's contractual liabilities, **22:9**
 Child's necessities, parental liability for, **22:7**
 Choice of law, **1:5**
 Collateral source rule, **2:7, 13:5**
 Common and Contract Carriers. See **COMMON AND CONTRACT CARRIERS**
 Common law damages generally, **29:1**
 Common law forms of action, **8:1**
 Compensation principle of damages recovery, **1:4, 2:1**
 Compensatory damages, **2:1, 2:4**
 Confession of judgment, **12:23**
 Consideration, **18:8**
 Consideration requirement, **12:3**
 Contemplation of parties, damages limited by, **18:1**
 Contribution among joint obligors, **10:5**
 Corporations, **15:9**
 Cost and fee awards, **9:1 et seq.**
 Documents of title. See **DOCUMENTS OF TITLE**
 Election of remedies, **1:6**
 Emancipation of children, **22:10**
 Employment. See **EMPLOYMENT RELATIONSHIPS**
 Equitable remedies, **8:1**
 Exculpatory clauses, **18:6**
 Execution, remedy of, **14:14 et seq.**
 Expert testimony, **13:3**
 Express and implied contracts, **18:2**
 Fraud, contract obtained by, **34:2**
 Fraud defenses, **18:4**
 Future vs past injuries, **6:2, 13:2**
 Garnishment, remedy of, **14:9**

CONTRACT CLAIMS—Cont'd

General and special damages distinguished, **2:2**
 General damages, **18:1**
 Highways. See **HIGHWAYS**
 Illegal contracts, **18:7**
 Implied contracts, **18:2**
 Inconsistent remedies, required election between, **1:6**
 Indemnity among joint obligors, **10:6**
 Indemnity provisions, **18:9**
 Injunctive relief, **8:4**
 Insurance. See **INSURANCE AND INSURERS**
 Interest on awards, **7:1 et seq., 7:10, 18:1**
 Joint and several obligors
 Generally, **10:4**
 Release of one, **11:4**
 Judicial review of damage awards, **1:9, 6:5**
 Judicial sales to satisfy judgments, **14:14 et seq.**
 Jurisdiction, **1:3**
 Jury, province of in determining award, **6:4**
 Jury instructions as to damages calculations, **1:8**
 Limitations of actions, **12:12 et seq., 12:14**
 Limitations of liability, **18:6**
 Liquidated damages, **5:1 et seq., 18:3**
 Lost profits, proof of, **13:1**
 Marriage promise, breach of, **22:1**
 Measure of damages generally, **6:3, 18:1**
 Meeting of minds and formation of contract, **12:3**
 Misrepresentation, contract obtained by, **34:2**
 Mitigation of damages, **2:8**
 Mutual mistake, **18:4**
 Mutuality of obligation requirement, **12:3**
 Natural and probable consequences of act, damages caused by, **2:3**
 Naturally arising damages after breach, **2:4**
 Nominal damages, **3:1, 3:2**
 Oral contracts, **18:10**
 Part performance of oral contract, **18:10**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Possession, writ of to secure claims, **14:5 et seq.**
 Proving damages, **13:1**
 Proximate cause, **2:4**

INDEX

CONTRACT CLAIMS—Cont'd

- Public policy, contracts violating, **18:7**
- Punitive damages, **4:7**
- Quantum meruit, **18:2**
- Reasonably certain damages, **18:1**
- Release, **18:8**
- Relief, demand for in complaint, **1:1**
- Rescission, **18:4**
- Restitution, **34:1, 34:2**
- Revival and survival of actions, **12:27**
- Settlement and release, **11:1**
- Specific performance, **8:5, 18:5**
- Statute of frauds, **18:10**
- Statutory damages. See **STATUTORY DAMAGES**
- Suretyship. See **SURETYSHIP**
- Tortious interference with, **36:29**
- UCC Damages. See **UCC DAMAGES**
- Uncertain, contingent, and speculative damages, **1:4**
- Unilateral mistake and rescission, **18:4**
- Unjust enrichment, **18:2**
- Verdicts, **12:18 et seq.**
- Willful, wanton or reckless conduct, **4:4**

CONTRIBUTION

- See also **APPORTIONMENT OF DAMAGES**
- Sureties, **24:4**

CONTRIBUTORY NEGLIGENCE

- Generally, **30:15**
- See also **COMPARATIVE FAULT**

CONVERSION

- Generally, **12:4, 36:14**
- Carriers, **16:2**

CORPORATIONS

- Generally, **15:9 et seq.**
- See also **NOT-FOR-PROFIT CORPORATIONS**
- Agents, acts of, **15:9**
- Contract claims, **15:9**
- Criminal liability, **15:9**
- Directors' rights and liabilities, **15:11**
- Dividend distributions, **15:11**
- Indemnification of directors, **15:11**
- Legal entity status, **15:9**
- Limitation of liability, **15:10**
- Officers' liabilities, **15:12**
- Professional service corporations, **15:13**
- Respondeat superior liability of employers, **20:7**
- Scope of authority of agents, **15:9**
- Shareholders' rights and liabilities, **15:10**

CORPORATIONS—Cont'd

- Suits by and against, **15:9**
- Tort claims, **15:9**

COST AND FEE AWARDS

- Generally, **9:1 et seq.**
- Appellate costs
 - Generally, **9:9**
 - Offer of judgment, **9:3**
- Attorneys' fees
 - Generally, **9:4, 9:5**
 - Condemnation proceedings, **17:17**
 - Indemnity claims, **10:6**
 - Insurance claims, **27:3**
 - Maximum rate in action against state, **9:6**
 - Reverse condemnation proceedings, **17:18**
 - Wrongful death claims, **37:10**
- Condemnation proceedings, **17:17**
- Consumer litigation, **9:5**
- Continuances, **9:8**
- Depositions, **9:4**
- Eminent domain, **9:5**
- Guardians ad litem, **9:4**
- In forma pauperis parties, **9:7**
- Items recoverable, **9:1**
- Offers of judgment, **9:3**
- Poor persons' actions, **9:7**
- Prevailing party defined, **9:2**
- Recoverable costs, **9:4**
- Reverse condemnation proceedings, **17:18**
- Scope of awards, **9:4**
- Special procedures, costs for, **9:8**
- State, actions against, **9:6**
- Statutory regulation, **9:1**

COUNTERCLAIMS

- Pleading, **12:11**

COUNTIES

- See **GOVERNMENTAL UNITS**

COURTS

- District Court. See **DISTRICT COURTS**
- Judges. See **JUDGES, ROLE OF**
- Jurisdiction. See **JURISDICTION**

COVENANT NOT TO SUE

- See **SETTLEMENT AND RELEASE**

COVER

- Sales contract claims, **35:12**

CRIMINAL ACTS

- Landlords' liabilities for, **28:1**
- Punitive damage awards, **4:3**

CRIMINAL ACTS—Cont'd

Tort claims by victims, **1:3**

CRIMINAL CONVERSATION

Generally, **22:3**

CROPS

Valuation of growing crops, **33:5**

DEATH

Revival. See REVIVAL AND SURVIVAL OF ACTIONS

Wrongful death. See WRONGFUL DEATH CLAIMS

DECLARATORY JUDGMENTS

Generally, **8:8**

DEDICATION

Highways, **26:1**

DEFAMATION

Generally, **36:15**

Defenses, **36:15**

DEFAULT JUDGMENTS

Generally, **12:6**

DEFINITIONS

Additur, **6:6**

Common carrier, **16:1**

Compound interest, **7:2**

Contract, **12:3**

Contract of insurance, **27:1**

Conversion, **36:14**

Death, **37:2**

First blush rule, **1:9**

General damages, **2:2**

Injury, **36:1**

Invitee, **33:7**

Joint adventure, **15:20**

Just compensation, **17:1**

Loan receipt, **27:7**

Loss, **36:1**

Market value, **36:9**

Mootness, **8:4**

Municipal corporations, **23:9**

Passenger, **16:9**

Poor person, **9:7**

Prevailing party, **9:2**

Public use, **17:2**

Regulation, **17:4**

Rehabilitation, **27:4**

Remittitur, **6:6**

Simple interest, **7:2**

Special damages, **2:2**

Taking, **17:4**

Trover, **36:14**

DELAY DAMAGES

Generally, **7:4**

DEPOSITIONS

Costs awards, **9:4**

DERIVATIVE LIABILITY

See VICARIOUS LIABILITY

DETINUE

Generally, **12:4**

DISABILITY

Common and contract carriers, duty of care, **16:13**

Damage claims for, **36:7**

Proof in personal injury action, **13:2**

DISCLOSURE

See FRAUD AND MISREPRESENTATION

DISCRIMINATION

Employment relations, **20:3**

DISFIGUREMENT

Damages for, **36:8**

DISTRICT COURTS

Jurisdiction over damages claims, **1:3**

Removal of personal representative, **21:1**

DOCUMENTS OF TITLE

Generally, **19:1 et seq.**

See also COMMERCIAL PAPER

Accord and satisfaction, **11:6**

Apportionment of damages, **10:1 et seq.**

Attorneys' fees awards, **9:5**

Bills of lading

Generally, **19:1**

Consignee's claims, **19:3**

Issuance, **19:4**

Misdescribed goods, **19:3**

Recovery against, **19:4**

Through bills, **19:4**

Choice of law, **1:5**

Collateral source rule, **2:7, 13:5**

Common law forms of action, **8:1**

Compensation principle of damages recovery, **1:4, 2:1**

Compensatory damages, **2:4**

Confession of judgment, **12:23**

Contribution among joint obligors, **10:5**

Cost and fee awards, **9:1 et seq.**

Duplicate documents, failure to identify, **19:6**

Election of remedies, **1:6**

Execution, remedy of, **14:14 et seq.**

Expert testimony, **13:3**

DOCUMENTS OF TITLE—Cont'd

- Inconsistent remedies, required election between, **1:6**
- Judicial review of jury awards, **1:9, 6:5**
- Judicial sales to satisfy judgments, **14:14 et seq.**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Liens of warehousemen and carriers, **19:5**
- Limitations of actions, **12:12 et seq.**
- Limitations of liability, warehouse receipts, **19:2**
- Liquidated damages, **5:1 et seq.**
- Lost, stolen, or destroyed documents, **19:6**
- Lost profits, proof of, **13:1**
- Measure of damages generally, **6:3**
- Misdescribed goods, **19:3**
- Mitigation of damages, **2:8**
- Natural and probable consequences of act, damages caused by, **2:3**
- Nominal damages, **3:1**
- Non-receipt claims, **19:3**
- Overissue damages, **19:6**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Possession, writ of to secure claims, **14:5 et seq.**
- Standard of care, warehouse receipts, **19:2**
- UCC, **19:1, 19:2**
- Uncertain, contingent, and speculative damages, **1:4**
- Verdicts, **12:18 et seq.**
- Warehouse receipts
 - Generally, **19:1**
 - Limitations of liability, **19:2**
 - Misdescribed goods, **19:3**
 - Non-receipt claims, **19:3**
 - Reasonable man duty standard, **19:2**
 - Standard of care, **19:2**
 - Willful, wanton or reckless conduct, **4:4**

DRAMSHOP LIABILITY

- Alcohol. See **ALCOHOLIC BEVERAGES**

DUTY AND STANDARD OF CARE

- See also **TORT CLAIMS**
- Common and contract carriers, **16:1, 16:13**
- Expert testimony, **13:3, 36:20**

DUTY AND STANDARD OF CARE—Cont'd

- Guest passenger statutes, **30:6**
- Landlords, **28:2**
- Medical malpractice, **36:20, 36:21**
- Motor vehicle operations, **30:1**
- Sudden emergency, **30:5**
- Trustees, **21:3**

DUTY OWED BY ALL TO ALL

- Negligence based claims, **36:19**

EASEMENTS

- Condemnation, **17:11**
- Obstruction, **33:10**
- Railroads, **16:18**

ELECTION OF REMEDIES

- Generally, **1:6**
- Double recovery, policy against, **27:7**

EMANCIPATION OF CHILDREN

- Generally, **22:10**

EMERGENCY DOCTRINE

- Generally, **30:5**

EMINENT DOMAIN

- See **CONDEMNATION**

EMOTIONAL DISTRESS

- Appellate review of jury award, **1:9**
- Marital tort claims, **22:3**
- Negligently caused, **36:25**
- Outrageous conduct claims, **36:24**
- Wrongful death mental suffering claims, **37:11**

EMPLOYMENT RELATIONSHIPS

- Generally, **20:1 et seq.**
- See also **STATUTORY CLAIMS**
- Accord and satisfaction, **11:6**
- Age discrimination claims, **20:3**
- Agency relationships generally, **15:1**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fees awards, **9:5**
- At-will employment, **20:4**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5, 20:1**
- Collateral source rule, **2:7, 13:5**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages
 - Contract claims, **2:4**
 - Tort claims, **2:3**
- Constitutional protection of tort remedies, **1:2**

EMPLOYMENT RELATIONSHIPS

—Cont'd

Constitutional protections for employees, **20:2**
 Contribution among joint obligors, **10:5**
 Cost and fee awards, **9:1 et seq.**
 Damages for wrongful discharges, **20:4**
 Disabilities, damage claims for, **36:7**
 Disability insurance, **27:12**
 Discrimination claims, **20:3**
 Election of remedies, **1:6**
 Exemptions of earnings, **14:29**
 Expert testimony, **13:3**
 Federal law, **20:1**
 For cause termination, **20:4**
 Future lost earnings as element of damages, **36:6**
 Future vs past injuries, **6:2, 13:2**
 Future wages, evidence as to, **13:3**
 Garnishment. See GARNISHMENT
 General and special damages distinguished, **2:2**
 Gross negligence, **4:5**
 Inconsistent remedies, required election between, **1:6**
 Independent contractors, employers of, **15:4**
 Intentional torts of employees, **20:7**
 Interest on awards, **7:1 et seq.**
 Joint and several contract obligors, **10:4, 11:4**
 Joint and several liabilities, **10:1 et seq.**
 Judicial review of damage awards, **1:9**
 Judicial review of jury awards, **6:5**
 Jurisdiction over damage actions generally, **1:3**
 Jury, province of in determining award, **6:4**
 Jury instructions as to damages calculations, **1:8**
 Labor liens, **29:3**
 Limitations of actions, **12:12 et seq.**
 Lost earnings as element of damages, **36:5**
 Lost profits, proof of, **13:1**
 Measure of damages generally, **6:3**
 Mitigation of damages, **2:8**
 Motor vehicle accidents, agency liability, **30:10**
 Natural and probable consequences of act, damages caused by, **2:3**
 Negligent entrustment, **20:8**
 Nominal damages, **3:1**
 Occupational safety and health of workers, **20:5**
 Pain and suffering, proof of, **13:2**

EMPLOYMENT RELATIONSHIPS

—Cont'd

Personal injury damages, proof of, **13:2**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Proving damages, **13:1**
 Punitive damages, generally, **4:4 et seq.**
 Racial discrimination claims, **20:3**
 Release of future claims, **11:1**
 Remittitur and additur, **6:6**
 Respondeat superior, **20:7**
 Retaliatory discharges, **20:4**
 Revival and survival of actions, **12:27**
 Right of control, **20:7**
 Settlement and release, **11:1**
 Sex discrimination claims, **20:3**
 Statutory protections for employees, **20:2**
 Structured settlements, **11:1**
 Third parties, injury to by employees, **20:7, 20:8**
 Uncertain, contingent, and speculative damages, **1:4**
 Verdicts, **12:18 et seq.**
 Vicarious liability of employers, **20:7**
 Wages, rights of employees to, **20:2**
 Willful, wanton or reckless conduct, **4:4**
 Withholdings, **20:2**
 Workers' Compensation. See WORKERS' COMPENSATION
 Wrongful discharge, **20:4**

ENFORCEMENT OF JUDGMENTS

Attachment. See ATTACHMENT
 Execution. See EXECUTION
 Exemptions. See EXEMPTIONS
 Foreign judgments, **12:8**
 Garnishment. See GARNISHMENT
 Limitations of actions, **12:16**
 Possession, writ of. See POSSESSION, WRIT OF

ENJOYMENT OF LIFE

Generally, **36:2**
 Tort claims for loss of, **36:2**
 Wrongful death claims, **37:14**

ENVIRONMENTAL PROTECTION

See NUISANCE CLAIMS

EQUITABLE REMEDIES

Generally, **8:1 et seq.**
 Adequacy of legal remedies, **8:1**
 Common law forms of action, **8:1**
 Declaratory judgments, **8:8**
 Definition, **1:1**
 Discretion of judge, **8:1**

INDEX

EQUITABLE REMEDIES—Cont'd

- Forum non conveniens, **8:10**
- In pari delicto maxim, **8:2**
- Injunctions. See **INJUNCTIONS**
- Injunctive relief, **8:4**
- Jury trial rights, **8:1**
- Laches defense, **8:3**
- Law/equity distinctions, **8:1**
- Legal and equitable remedies distinguished, **1:1, 1:2**
- Mandamus, **8:7**
- Mandamus. See **MANDAMUS, WRIT OF**
- Maxims of equity, **8:2**
- Prohibition, writ of, **8:9**
- Restitution, **34:1, 34:2**
- Sales contract disputes, **35:7 et seq.**
- Specific performance, **8:5**
- Subrogation, **8:6**
- Subrogation. See **SUBROGATION**
- Unclean hands maxim, **8:2**

EVIDENCE AND PROOF

- Generally, **13:1 et seq.**
- Bad faith, **27:6**
- Burden of proof
 - Generally, **1:4**
 - Punitive damage claims, **4:8**
- Certainty of damages, **6:1, 13:1**
- Collateral source payments, **2:7, 13:5**
- Directed verdicts, **12:24**
- Election of remedies restrictions on, **1:6**
- Expert testimony, **13:3**
- Financial positions of parties, relevance of, **13:4**
- Future injuries, **6:2, 13:2**
- Future wages, **13:3**
- Insurer bad faith, **27:6**
- Judicial notice, **1:5**
- Loss, proof of, **13:1**
- Lost profits, **13:1**
- Medical testimony, **13:3**
- Newly discovered evidence
 - Death of injured newborn during appellate process, **1:9**
- Not-for-profit corporations, tort claims against, **15:16**
- Opinion evidence, **13:3**
- Pain and suffering, **13:2**
- Past vs future injuries, **1:9, 6:2, 13:2**
- Personal injury damages, **13:2**
- Product defects, **32:2**
- Proving damages, **13:1**
- Punitive damage claims, evidentiary problems, **4:8**
- Spoilation of evidence, **36:27**

EVIDENCE AND PROOF—Cont'd

- Title. See **DOCUMENTS OF TITLE**
- Value of property, **13:3**
- Wealth, **13:4**

EX PARTE ATTACHMENT

- Generally, **14:3**

EXCESSIVE AWARDS

- See **JURY AWARDS OF DAMAGES**

EXCULPATORY CLAUSES

- See also **LIMITATION OF LIABILITY**
- Contract provisions, **18:6**

EXECUTION

- Generally, **14:14 et seq.**
- Appraisal requirements, **14:21**
- Attachment compared, **14:14**
- Bonds, **12:7, 14:20**
- Choice of property for sale, **14:18**
- Delivery, time of, **14:17, 14:18**
- Estate, binding of, **14:17**
- Exemptions. See **EXEMPTIONS**
- Form for, **14:15**
- Forthcoming bonds, **14:20**
- Interest. See **INTEREST ON AWARDS**
- Interests subject to, **14:21**
- Issuance, time of, **14:17, 14:18**
- Joint executions, **14:18**
- Jurisdiction, **14:16**
- Master, appointment of, **14:25**
- Multiple county, property located in, **14:16**
- Notice of sale, **14:19**
- Personal property, execution on, **14:19**
- Priorities, **14:17, 14:18**
- Procedures, **14:15**
- Purpose of remedy, **14:14**
- Real property sales, **14:21**
- Redemption of real property, **14:22**
- Sales procedures
 - Generally, **14:18, 14:25**
 - Master, appointment of, **14:25**
 - Personal property, **14:19**
 - Price minimums, **14:25**
 - Real property, **14:21**
 - Redemption, **14:22**
 - Surplus proceeds, disposition of, **14:23**
- Statutory requirements, **14:15**
- Surplus proceeds after sale, **14:23**
- Time period for, **14:15**
- Writ of possession compared, **14:14**
- Wrongful execution, **14:24**

EXECUTORS

See PERSONAL REPRESENTATIVES

EXEMPLARY DAMAGES

See PUNITIVE DAMAGES

EXEMPTIONS

Generally, **14:26**
 Annuities, **14:31**
 Appraisal of property, **14:27**
 Automobiles, **14:28**
 Burial plot, **14:30**
 Child support claims, **14:26**
 Disposable earnings, **14:29**
 Earnings, **14:29**
 Garnishment, **14:10**
 General exemptions, **14:32**
 Homesteads, **14:30**
 Insurance benefits, **14:31**
 Jewelry, **14:28**
 Motor vehicles, **14:28**
 Multi-state litigation, exemptions applicable, **14:29**
 Pensions, **14:31**
 Personal property, **14:28**
 Professionals' tools, **14:28**
 Public assistance payments, **14:33**
 Purpose of, **14:26**
 Selection of property, **14:27**
 Special exemptions, **14:33**
 Statutory, **14:26, 14:33**
 Tools of trade, **14:28**
 Tort recoveries, **14:32**
 Uses, **14:26**
 Victims of crimes, reparation payments, **14:32**
 Welfare, **14:33**
 Writs of possession, **14:26**
 Wrongful death payments, **14:32**

EXPERT TESTIMONY

Generally, **13:3**
 Proving damages, **13:1**

FACT QUESTIONS

See LAW AND FACT QUESTIONS

FALSE IMPRISONMENT

Generally, **36:16**

FAMILY LAW

Generally, **22:1 et seq.**
 Agency relationships generally, **15:1**
 Alienation of affections, **22:3**
 Alimony, interest on awards of, **7:10**
 Apportionment of damages, **10:1 et seq.**
 Attorneys' fees awards, **9:5**

FAMILY LAW—Cont'd

Child's necessities, parental liability for, **22:7**
 Choice of law, **1:5**
 Collateral source rule, **13:5**
 Common law forms of action, **8:1**
 Commonplace incidents in family life, **22:10**
 Compensation principle of damages recovery, **2:1**
 Consortium damages, **22:2, 36:10**
 Constitutional protection of tort remedies, **1:2**
 Contractual liabilities of children, **22:9**
 Contribution among joint obligors, **10:5**
 Cost and fee awards, **9:1 et seq.**
 Criminal conversation, **22:3**
 Election of remedies, **1:6**
 Emancipation of children, **22:10**
 Enticement, **22:3**
 Exemptions and support obligations, **14:26**
 Expert testimony, **13:3**
 Future vs past injuries, **6:2, 13:2**
 Immunity, **22:11**
 Inconsistent remedies, required election between, **1:6**
 Injunctive relief, **8:4**
 Interest on awards, **7:10**
 Interference with marriage, **22:3**
 Joint and several liabilities, **10:1 et seq.**
 Jurisdiction over damage actions generally, **1:3**
 Limitations of actions, **12:12 et seq.**
 Loss of consortium, **22:2, 36:10**
 Marriage, breach of promise to marry, **22:1**
 Measure of damages generally, **6:3**
 Motor vehicle injuries, family purpose doctrine, **30:8**
 Pain and suffering, proof of, **13:2**
 Parental care, claim for loss of, **22:6, 36:10**
 Personal injury damages, proof of, **13:2**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Proving damages, **13:1**
 Punitive damages in tort claims, **4:4 et seq.**
 Release of future claims, **11:1**
 Revival and survival of actions, **12:27**
 Seduction, **22:4**
 Services of minor, claim for loss of, **22:5**
 Structured settlements, **11:1**

INDEX

FAMILY LAW—Cont'd

- Torts of children, parental liability for, **22:8**
- Verdicts, **12:18 et seq.**
- Wrongful death, divorce as affecting right to recover, **37:14**

FANCIFUL VALUE

- Property loss damages, **36:9**

FEDERAL LAW

- Choice of law, **1:7**
- Employment relationships, **20:1**
- Scope of treatment generally, **1:1**

FEES

- See COST AND FEE AWARDS

FIRE DEPARTMENTS

- Immunity, **23:6**

FIRST BLUSH RULE

- Generally, **1:9**
- Proportionality, passion, or prejudice, **6:5**

FOREIGN JUDGMENTS

- Enforcement, **12:8**
- Limitations of actions, **12:16**

FORESEEABILITY

- See CAUSATION

FOR-PROFIT CORPORATIONS

- See CORPORATIONS

FORUM NON CONVENIENS

- Equitable remedies, **8:10**

FRAUD AND MISREPRESENTATION

- Contract obtained by, **18:4, 34:2**
- Damages recoverable generally, **1:4**
- Judgment obtained by fraud, **12:20**
- Limitation of actions, **12:13**
- Misrepresentation, **36:18**
- Omission, fraud by, **36:18**
- Punitive damages, **4:4**
- Release obtained by, **11:3**
- Restitution, **34:2**
- Settlements obtained by, **11:3**
- Tort claims, **36:18**

FREIGHT CARRIERS

- See COMMON AND CONTRACT CARRIERS

FUTURE INJURY

- See also NUISANCE CLAIMS
- Tort claim based on, **36:1**

FUTURE LOSSES

- Adjustments to awards for, **2:6**

FUTURE LOSSES—Cont'd

- Medical bills, **1:9**

FUTURE LOST EARNINGS

- Generally, **36:6**

GARNISHMENT

- Generally, **14:9 et seq.**
- Appearance, **14:11**
- Attachment compared, **14:9**
- Earnings, **14:12**
- Employment relationships, **14:12**
- Exemptions, **14:10**
- Exemptions. See EXEMPTIONS
- Final judgment, **14:10**
- Grounds for remedy, **14:10**
- Multi-state litigation, exemptions applicable, **14:29**
- Procedure, **14:11**
- Protection of employees, **14:13**
- Purpose, **14:9**
- Uses, **14:9**
- Wage garnishments, **14:12**
- Wrongful, **14:13**

GENERAL DAMAGES

- See COMPENSATORY DAMAGES

GOVERNMENTAL UNITS

- Generally, **23:1 et seq.**
- Board of Claims. See BOARD OF CLAIMS
- Commonwealth immunity, **23:10**
- Counties
 - Generally, **23:8**
 - Immunity, **23:5**
 - Special county statutes, **23:9**
- Immunity
 - Generally, **23:1**
 - Agencies, city, **23:3**
 - Cities, **23:3**
 - Commonwealth, **23:10**
 - Counties, **23:5, 23:8**
 - Fire departments, **23:6**
 - Function analyses, **23:2**
 - Individual qualified immunity
 - compared to absolute immunity, **23:7**
 - Individual vs public functions, **23:2**
 - Insurance waivers, **23:9**
 - Special county statutes, **23:9**
 - State, **23:10**
 - Streets and sidewalks, **23:4**
 - Urban-county governments, **23:5**
 - Waivers, **23:9, 23:11**
- Individual qualified immunity compared to absolute immunity, **23:7**

GOVERNMENTAL UNITS—Cont'd

- Jurisdiction over damage actions generally, **1:3**
- Municipal corporations
 - Generally, **23:1 et seq.**
 - Definition, **23:9**
 - Immunity, **23:1**
 - Individual vs public function immunity, **23:2**
- Notice of claims, **26:8**
- Proprietary functions distinguished from governmental functions, **23:1**
- State, claims against, **23:10**
- Urban-county governments, **23:5**

GROSS NEGLIGENCE

- Punitive damages, **4:5**

GUARANTY

- Generally, **24:1 et seq.**
- See also SURETYSHIP

GUARDIAN AND WARD

- Generally, **25:1**
- Actions on bonds, **25:2**
- Duties, **25:1**
- Removal of guardian, **25:1**

GUARDIANS AD LITEM

- Fee awards, **9:4**

GUEST PASSENGER STATUTES

- Generally, **30:6**

HARASSMENT

- Tort claims, **36:31**

HEDONIC DAMAGES

- Generally, **36:2**
- Wrongful death claims, **37:14**

HIGHWAYS

- Generally, **26:1 et seq.**
- See also MOTOR VEHICLE CLAIMS
- Abandonment, **26:4**
- Adjoining landowners
 - Access rights, **26:5**
 - Construction injuries to, **26:3**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fees awards, **9:5**
- Bureau of Highways, **26:1**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Cities, immunity of, **23:4**
- Collateral source rule, **2:7, 13:5**
- Common law forms of action, **8:1**
- Compensation principle of damages recovery, **1:4, 2:1**

HIGHWAYS—Cont'd

- Compensatory damages, **2:3**
- Condemnation of property for, **26:3**
- Constitutional protection of tort remedies, **1:2**
- Construction, **26:2**
- Construction damage, **26:3**
- Cost and fee awards, **9:1 et seq.**
- Creation, **26:1**
- Damage to roadway, **26:7**
- Dangerous road conditions, duties of drivers, **30:3**
- Dedication, **26:1**
- Defects, injuries caused by, **26:8**
- Design negligence, **26:3**
- Discontinuance, **26:4**
- Election of remedies, **1:6**
- Expert testimony, **13:3**
- Flooded roadway during rain, **26:8**
- Future vs past injuries, **6:2, 13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Ice and snow
 - Generally, **26:8**
 - Duties of drivers, **30:3**
- Immunity of cities, **23:4**
- Inconsistent remedies, required election between, **1:6**
- Interest on awards, **7:1 et seq.**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of jury awards, **1:9, 6:5**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Limitations of actions, **12:12 et seq.**
- Liquidated damages, **5:1 et seq.**
- Measure of damages generally, **6:3**
- Misuse, **26:7**
- Mitigation of damages, **2:8**
- Natural and probable consequences of act, damages caused by, **2:3**
- Negligent maintenance, **26:8**
- Notice of claims, **26:8**
- Nuisance actions, **26:6**
- Obstruction of roadway, **26:6**
- Pain and suffering, proof of, **13:2**
- Personal injury damages, proof of, **13:2**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Potholes, **26:8**
- Prescription, **26:1**

INDEX

HIGHWAYS—Cont'd

- Proving damages, **13:1**
- Punitive damages in tort claims, **4:4 et seq.**
- Purprestures, **26:6**
- Release of future claims, **11:1**
- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Repairs, negligent, **26:8**
- Revival and survival of actions, **12:27**
- Right of access, **26:5**
- Roadway damage, **26:7**
- Settlement and release, **11:1**
- Shoulder defects, **26:8**
- Slippery roadways, **26:8**
- Statutory regulation of drivers and vehicles, **30:4**
- Structured settlements, **11:1**
- Uncertain, contingent, and speculative damages, **1:4**
- Verdicts, **12:18 et seq.**
- Willful, wanton or reckless conduct, **4:4**

HOMESTEADS

- Generally, **14:30**
- See also EXEMPTIONS
- Appraisal of property, **14:30**

HOUSEHOLD SERVICES

- Tort claim based on loss of household services, **36:11**

IMMUNITY

- Agencies, city, **23:3**
- Agencies, state, **23:10**
- Apportionment of damages, immune defendants and, **10:2**
- Board of Claims. See BOARD OF CLAIMS
- Charitable institutions, **15:15**
- Choice of law, **1:5**
- Cities, **23:3**
- Condemnation cases, waiver of immunity in, **17:3**
- Counties, **23:5, 23:8**
- Family, **22:11**
- Fire departments, **23:6**
- Governmental units
 - Generally, **23:1**
 - Agencies, city, **23:3**
 - Agencies, state, **23:10**
 - Cities, **23:3**
 - Counties, **23:5, 23:8**
 - Function analyses, **23:2**
 - Individual vs public functions, **23:2**
 - Insurance waivers, **23:9**
 - Notice of claim, **23:4**

IMMUNITY—Cont'd

- Governmental units—Cont'd
 - Special county statutes, **23:9**
 - Streets and sidewalks, **23:4**
 - Urban-county governments, **23:5**
 - Waivers, **23:9, 23:11**
- Individual qualified immunity compared to absolute immunity, **23:7**
- Insurance waivers, **23:9**
- Jurisdiction over damage actions generally, **1:3**
- Municipal corporations, **23:1**
- Streets and sidewalks, **23:4**
- Urban-county governments, **23:5**
- Waivers, **23:9**
- Willful or wanton conduct, **15:16**

IMPAIRMENT

- Amount of damages, certainty requirement, **6:1**

IMPUTED LIABILITY

- See VICARIOUS LIABILITY

INADEQUATE AWARDS

- See JURY AWARDS OF DAMAGES

INCIDENTAL DAMAGES

- Buyer's remedies, **35:12, 35:14**
- Sales contracts, **35:8, 35:10, 35:14**
- Seller's remedies, **35:8, 35:10**

INDEMNITY

- Generally, **10:6**
- See also APPORTIONMENT OF DAMAGES
- Attachment as security for indemnity obligee, **14:2**
- Attorneys' fee awards, **10:6**
- Contractual indemnity provisions, **18:9**
- Corporate directors, **15:11**
- Vicarious liability and, **10:6**
- Workers' compensation claims, **10:7**

INDEPENDENT CONTRACTORS

- Generally, **15:4**
- See also EMPLOYMENT RELATIONSHIPS

INFLATION

- Damages calculations generally, **2:6, 37:5**

INFORMED CONSENT

- Generally, **36:21**

INJUNCTIONS

- Generally, **8:4**
- Bond requirement, **12:5**
- Cost and fee awards, **9:8**

INJUNCTIONS—Cont'd

- Equitable remedies generally, **8:4**
- Law remedies, adequacy of, **8:4**
- Nuisances, **31:8**
- Relief from, actions for, **12:5**

INJURY

- Generally, **36:1**

INJURY CLAIMS

- See TORT CLAIMS

INNKEEPERS

- Generally, **15:21**

INSTRUCTIONS

- See JURY INSTRUCTIONS

INSURABLE INTEREST IN GOODS

- Sales contract claims, risk of loss, **35:3**

INSURANCE AND INSURERS

- Generally, **27:1 et seq.**
- See also WORKERS' COMPENSATION
- Accord and satisfaction, **11:6**
- Additional coverage, **27:9**
- Agents and brokers
 - Generally, **27:8**
 - Agency relationships generally, **15:1**
 - Failure to procure insurance, **27:9**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fee awards, **9:5, 27:3**
- Bad faith claims
 - Generally, **27:3**
 - Evidence, **27:6**
 - Punitive damage awards, **4:7**
 - Punitive damages recoveries, **27:3**
- Carriers, **16:15**
- Cause of death disputes, **27:11**
- Certainty requirement for proof of damages, **6:1**
- Change of beneficiary, **27:5**
- Choice of law, **1:5**
- Collapse of building coverage, **27:13**
- Collateral source rule, **2:7, 13:5**
- Common law forms of action, **8:1**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages
 - Contract claims, **2:4**
 - Tort claims, **2:3**
- Conditions precedent to coverage, **27:10**
- Confession of judgment, **12:23**
- Constitutional protection of tort remedies, **1:2**
- Contract of insurance defined, **27:1**
- Cost awards, **9:1 et seq.**

INSURANCE AND INSURERS

—Cont'd

- Coverage claims
 - Generally, **27:10 et seq.**
 - Accidental death, **27:11**
 - Causation determinations, **27:13**
 - Cause of death disputes, **27:11**
 - Conditions precedent, **27:10**
 - Construction of contract, **27:10**
 - Disability coverage, **27:12**
 - Exceptions and exclusions, **27:11**
 - Fire losses, **27:14**
 - Language of contract, **27:10**
 - Life insurance, **27:11**
 - Motor vehicle liability, **27:16**
 - No-fault automobile insurance law, **27:15**
 - Notice of loss, **27:10**
 - Property loss, **27:13**
 - Reasonable expectations, **27:10**
 - Suicide, **27:11**
 - Trigger of coverage, **27:10**
 - Uninsured motorist, **27:17**
 - Valuation of loss, **27:13**
- Damage awards and public policy dictates, **27:1**
- Declaratory judgments, **8:8**
- Delay in payment, **27:10**
- Disability policies, **27:12**
- Election of remedies, **1:6**
- Evidence of insurer bad faith, **27:6**
- Exclusions. Coverage claims, this heading
- Exemptions of insurance benefits, **14:31**
- Expert testimony, **13:3**
- Failure of agent or broker to procure insurance, **27:9**
- Fire losses, **27:14**
- Future vs past injuries, **13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Guest passenger statutes, **30:6**
- Inconsistent remedies, required election between, **1:6**
- Indemnification of workers' compensation carriers, **10:7**
- Insureds, settlement by, **27:6**
- Interest on awards, **7:1 et seq.**
- Interpretation of policy. See Coverage claims, this heading
- Investigations of claims, **27:6**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9, 6:5**

INSURANCE AND INSURERS

—Cont'd

Jurisdiction over damage actions generally, **1:3**
 Jury, province of in determining award, **6:4**
 Jury instructions as to damages calculations, **1:8**
 Landslide coverage, **27:13**
 Life insurance
 Generally, **27:11**
 Beneficiary, change of, **27:5**
 Limitations of actions, **12:12 et seq.**
 Liquidations of insurers, **27:4**
 Loan receipt, payment by, **27:7**
 Measure of damages generally, **6:3**
 Mergers of insurers, **27:4**
 Mitigation of damages, **2:8**
 Motor carrier insurance requirements, **16:15**
 Motor vehicle liability policies, **27:16**
 Motor Vehicle Reparations Act, **27:3**
 Natural and probable consequences of act, damages caused by, **2:3**
 No-fault automobile insurance law, **27:15**
 Notice of loss, **27:10**
 Pain and suffering, proof of, **13:2**
 Partial loss, **27:14**
 Payment delay, **27:10**
 Payment of claims, **27:3, 27:5**
 Permanent disability, **27:12**
 Personal injury damages, proof of, **13:2**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Property loss, **27:13**
 Proving damages, **13:1**
 Public policy dictates, **27:1**
 Punitive damages in tort claims, **4:4 et seq.**
 Punitive damages recoveries, **27:3**
 Reasonable expectation doctrine, **27:10**
 Refusal of insurer to pay claim, **27:3**
 Registration of insurers, **27:2**
 Rehabilitation of insurers, **27:4**
 Release of claims, **27:5 et seq.**
 Release of future claims, **11:1**
 Relief, demand for in complaint, **1:1**
 Remittitur and additur, **6:6**
 Revival and survival of actions, **12:27**
 Satisfaction of claims, **27:6**
 Settlement of claims, **11:1, 27:5 et seq.**
 Statutory damages, **29:1 et seq.**
 Statutory regulation, **27:1, 27:2**
 Structured settlements, **11:1**

INSURANCE AND INSURERS

—Cont'd

Subrogation
 Generally, **27:5, 27:7**
 Uninsured motorist coverage, **27:17**
 Total disability, **27:12**
 Total loss, **27:14**
 Trigger of coverage, **27:10**
 Two forms of settlements, **27:6**
 Types of policies, **27:2**
 Uncertain, contingent, and speculative damages, **1:4**
 Unfair Claims Practices Act, **27:3**
 Uninsured motorist claims, **27:17**
 Valuation of loss, **27:13**
 Valued and open policies, **27:13**
 Verdicts, **12:18 et seq.**
 Willful, wanton or reckless conduct, **4:4**
 Windstorm losses, **27:13**

INTENTIONAL TORT CLAIMS

See also TORT CLAIMS
 Agents of carriers, **16:13**
 Apportionment of damages, **10:2**
 Assault and battery
 Generally, **36:13**
 Teachers, **29:5**
 Conversion, **36:14**
 Defamation, **36:15**
 Emotional distress, **36:24**
 False imprisonment, **36:16**
 Malicious prosecution, **36:17**
 Marital torts, **22:3**
 Misrepresentation, **36:18**
 Nominal damages, **3:2**
 Nuisance. See NUISANCE CLAIMS
 Outrageous conduct, **36:24**
 Property claims, **33:2**
 Property injuries, **33:1**
 Punitive damages, **33:2**
 Respondeat superior liability, **20:7**
 Trespass. See TRESPASS

INTEREST AND USURY

Judgment. See INTEREST ON AWARDS

INTEREST ON AWARDS

Generally, **7:1 et seq.**
 Alimony, **7:10**
 Board of Claims actions, **7:11**
 Child support, **7:10**
 Compound interest, **7:2**
 Condemnation of land, **17:16**
 Contract damages, **7:10, 18:1**
 Delay damages, **7:4**

INTEREST ON AWARDS—Cont'd

- Discretionary awards, **7:6**
- Family law, **7:10**
- Judgment, inclusion in, **12:26**
- Judgments, interest on, **7:4**
- Liquidated claims, **7:6 et seq.**
- Matter of right, **7:5**
- Maximum rate, **7:3**
- Prejudgment, **7:2, 7:3, 7:5**
- Rate of interest
 - Generally, **7:3**
 - Liquidated claims, **7:8**
 - Statutory rate, **7:3**
 - Unliquidated claims, **7:9**
- Simple interest, **7:2**
- State, actions against, **7:11**
- Statutory rights, **7:5 et seq.**
- Tort claims, **7:10**
- Unliquidated claims
 - Generally, **7:5**
 - Prejudgment, **7:7**
 - Types of actions as factor, **7:10**
- Verdicts and, **12:26**

INTERFERENCE TORTS

- Generally, **3:2**
- Marriage, interference with, **22:3**
- Nominal damages, **3:2**
- Property claims, **3:2**

INVERSE CONDEMNATION

- See REVERSE CONDEMNATION CLAIMS

INVESTMENT SECURITIES

- Wrongful offer or sale, **15:19**

JOINT ADVENTURES

- Generally, **15:20**
- Family purpose doctrine, **30:8**
- Joint and several liabilities, **10:1 et seq.**
- Negligent entrustment, **20:8**
- Partnerships distinguished, **15:5**

JOINT AND SEVERAL LIABILITY

- See APPORTIONMENT OF DAMAGES

JUDGES, ROLE OF

- See also LAW AND FACT QUESTIONS
- Amount of awards, judicial review, **6:5**
- Comparative review of awards, **6:5**
- Condemnation, appeal rights of landowners, **17:1**
- Directed verdicts, **12:24**
- Discretionary interest awards, **7:6**

JUDGES, ROLE OF—Cont'd

- Equitable remedies, discretionary nature of, **8:1**
- Excessive awards, judicial review of, **6:5**
- First blush rule, **1:9, 6:5**
- Instructions. See JURY INSTRUCTIONS
- Interest awards, discretionary, **7:6**
- Remittitur and additur, **6:6**
- Special verdicts, **12:18**

JUDGMENTS

- See also VERDICTS
- Clerical mistakes, **12:20**
- Confession of judgment, **12:23**
- Cost and fee awards. See COST AND FEE AWARDS
- Date of, **7:4**
- Default judgments, **12:6**
- Enforcement. See ENFORCEMENT OF JUDGMENTS
- Execution. See EXECUTION
- Foreign judgments. See FOREIGN JUDGMENTS
- Fraud, modification based on, **12:20**
- Interest. See Interest on Awards
- Interest calculations, **12:26**
- Joint executions, **14:18**
- Joint judgment against multiple tortfeasors, **10:2**
- Mistakes, correction of, **12:20**
- Modifications of judgments, **12:20**
- New evidence, modification based on, **12:20**
- Offers of judgment
 - Generally, **12:23**
 - Costs awards after, **9:3**
- Perjured evidence, modification based on, **12:20**
- Res judicata, **12:21**

JUDICIAL NOTICE

- Foreign law, **1:5**

JUDICIAL SALES

- See EXECUTION

JURISDICTION

- Generally, **1:3**
- Appearance, **12:6**
- Declaratory judgments, **8:8**
- Execution of judgments, **14:16**
- Products liability claims, **32:2**
- Prohibition, writ of, **8:9**

JURY AWARDS OF DAMAGES

- Generally, **6:4**

JURY AWARDS OF DAMAGES

—Cont'd

- See also **LAW AND FACT QUESTIONS; VERDICTS**
- Appellate review of, **1:9, 4:10**
- Apportionment of damages by jury, **10:3**
- Causation, restrictions on consideration of, **30:7**
- Condemnation proceedings
 - Jury view in, **17:5**
 - Measure of damages, **17:15**
- Directed verdicts, **12:24**
- Discretion of jury as to punitive damages, **4:1**
- First blush rule of review, **1:9, 6:5**
- Future loss adjustments to awards, **2:6**
- Inflation adjustments, **2:6**
- Instructions to jury, **1:8**
- Passion, prejudice, or bias, **4:10**
- Personal consumption adjustments, **2:6**
- Province of jury, **6:4**
- Punitive damages
 - Discretion of jury, **4:1**
 - Excessiveness, review for, **4:10**
 - Judge and jury functions, **4:9**
- Verdicts. See **VERDICTS**

JURY INSTRUCTIONS

- Generally, **1:8**
- See also **JURY AWARDS OF DAMAGES**
- Damages instructions generally, **1:8**
- Motor vehicle operations, **30:3**
- Punitive damages, **4:9**
- Special interrogatories, **12:19**
- Statutory standards, **6:4**
- Verdicts. See **VERDICTS**

JURY TRIAL RIGHTS

- Constitutional right, **27:15**
- Equitable remedies, **8:1**

LACHES

- Equitable remedies. See **EQUITABLE REMEDIES**
- Limitation of actions. See **LIMITATION OF ACTIONS**

LANDLORD AND TENANT

- Generally, **28:1 et seq.**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fees awards, **9:5**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Collateral source rule, **2:7, 13:5**
- Common areas, **28:2**

LANDLORD AND TENANT—Cont'd

- Common law forms of action, **8:1**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages
 - Contract claims, **2:4**
 - Tort claims, **2:3**
- Constitutional protection of tort remedies, **1:2**
- Cost and fee awards, **9:1 et seq.**
- Criminal acts, **28:1**
- Doctrine of caveat emptor, **28:1**
- Election of remedies, **1:6**
- Execution, remedy of, **14:14 et seq.**
- Expert testimony, **13:3**
- Future vs past injuries, **6:2, 13:2**
- General and special damages
 - distinguished, **2:2**
- Gross negligence, **4:5**
- Inconsistent remedies, required election between, **1:6**
- Injunctive relief, **8:4**
- Interest on awards, **7:1 et seq.**
- Joint and several contract obligors, **11:4**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9**
- Judicial review of jury awards, **6:5**
- Judicial sales to satisfy judgments, **14:14 et seq.**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Limitations of actions, **12:12 et seq.**
- Liquidated damages, **5:1 et seq.**
- Local regulation, **28:1**
- Lost profits, proof of, **13:1**
- Measure of damages generally, **6:3**
- Mitigation of damages, **2:8**
- Natural and probable consequences of act, damages caused by, **2:3**
- Negligence claims against landlords, **28:1, 28:2**
- Pain and suffering, proof of, **13:2**
- Personal injury damages, proof of, **13:2**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Possession, writ of to secure claims, **14:5 et seq.**
- Premises liability, **28:2**
- Proving damages, **13:1**
- Punitive damages in tort claims, **4:4 et seq.**
- Release of future claims, **11:1**

LANDLORD AND TENANT—Cont'd

Relief, demand for in complaint, **1:1**
 Remittitur and additur, **6:6**
 Settlement and release, **11:1**
 Specific performance, **8:5**
 Standard of care, **28:2**
 Tenants' actions inter se, **28:3**
 Third party claims against landlords, **28:1**
 Uncertain, contingent, and speculative damages, **1:4**
 Uniform Residential Landlord and Tenant Act, **28:1**
 Verdicts, **12:18 et seq.**
 Willful, wanton or reckless conduct, **4:4**

LAW AND FACT QUESTIONS

Generally, **1:8**
 Causation, **30:7**
 Directed verdicts, **12:24**
 Judges. See JUDGES, ROLE OF
 Judicial review of damage awards, **1:9**
 Jury award of damages. See JURY AWARDS OF DAMAGES
 Liquidated damage provisions, enforceability, **5:7**
 Punitive damage awards, **4:9**

LEGAL MALPRACTICE CLAIMS

Continuous representation rule, **12:13**
 Limitations of actions, **12:13**

LEVY

See EXECUTION

LIENS

Carriers', **19:5**
 Freight, **16:6**
 Labor, **29:3**
 Mechanic's, **12:16, 29:3**
 Statutory, **29:3**
 Warehousemen's, **19:5**

LIMITATION OF ACTIONS

Generally, **12:12 et seq.**
 Bonds, enforcement of, **24:1**
 Breach of warranty, **12:14**
 Choice of law, **12:8**
 Claims against governmental units, **26:8**
 Constitutional regulation, **12:13**
 Contract claims, **12:14**
 Contractual modifications, **12:12, 12:14**
 Discovery rule, **12:13**
 Enforcement of judgments, **12:16**
 Fraudulent concealment, **12:13**
 Laches defense to equitable claims, **8:3**
 Legal malpractice claims, **12:13**
 Modification by agreement, **12:12**

LIMITATION OF ACTIONS—Cont'd

Policy considerations, **12:12**
 Property claims, **12:15**
 Reverse condemnation, **12:14**
 Sales contracts, **12:14**
 Savings statutes, **12:17**
 Sexual abuse claims, **12:13**
 Statutory claims, **12:16**
 Subrogation actions, **27:7**
 Sureties, **12:16, 24:1**
 Time of discovery rule, **12:13**
 Tolling, **12:17**
 Tort claims, **12:13**
 Trespass, **12:13**
 Vested rights, protection of, **12:12**

LIMITATION OF DAMAGES

Sales contracts, **35:5**

LIMITATION OF LIABILITY

Common and contract carriers, **16:16**
 Contract claims, **18:6**
 Immunity. See IMMUNITY
 Personal representative, **21:4**
 Tort claims, **18:6**
 Warehouse receipts, **19:2**

LIMITED LIABILITY COMPANIES

Limited partnerships, **15:8**

LIQUIDATED CLAIMS

Interest awards on, **7:6, 7:7**

LIQUIDATED DAMAGES

Generally, **5:1 et seq.**
 Acceleration provisions in consumer contracts, **5:2**
 Additional damage claims, **5:3**
 Compensatory damages compared, **5:1**
 Contract claims, **18:3**
 Definition, **5:1**
 Enforceability
 Generally, **5:4**
 Law and fact questions, **5:7**
 UCC standards, **5:6**
 Unenforceable provisions, **5:5**
 Enforcement standards, **5:5**
 Excess damage claims, **5:3**
 Intent of parties as factor, **5:2**
 Law and fact questions, **5:7**
 Oppressive provisions, **5:2**
 Penalties distinguished, **5:2**
 Proportionality, **5:1, 5:2**
 Sales contracts, **35:5**
 Unjust amounts, **5:2**
 Validity. See Enforceability, this heading

INDEX

LIVESTOCK

Carriers' liabilities for, **16:8**

LOSS

Consortium. See CONSORTIUM

Enjoyment of life. See ENJOYMENT OF LIFE

Household services, tort claim based on loss of, **36:11**

Nominal damage awards absent proof of, **3:1**

Time, loss of, **2:2**

Use, loss of, **30:12**

LOST OR DIMINISHED CHANCE OF SURVIVAL

Tort claim based on, **36:3**

LOST PROFITS

Certainty requirement, **2:5**

Condemnation proceedings, **17:10**

Proof requirements, **13:1**

LOST WAGES

Generally, **36:5**

MALICE

Implied, **4:1**

MALICIOUS PROSECUTION

Generally, **36:17**

Abuse of process distinguished, **36:17**

MALPRACTICE CLAIMS

See also MEDICAL MALPRACTICE

Attorneys at law, **36:28**

MANDAMUS, WRIT OF

Generally, **8:7**

Adequacy of legal remedies, **8:1**

MANDY JO'S LAW

Punitive damages, **37:14**

MARKET VALUE

Generally, **1:4, 36:9**

MARRIAGE

See also FAMILY LAW

Alienation of affections, **22:3**

Breach of promise to marry, **22:1**

Criminal conversation, **22:3**

Family immunity, **22:11**

Interference with marriage, **22:3**

Loss of consortium, **22:2, 36:10**

Measure of damages, **22:3**

MEASURE OF DAMAGES

See also AMOUNT OF DAMAGES

Breach of promise, **22:1**

Condemnation. See CONDEMNATION

MEASURE OF DAMAGES—Cont'd

Inflation consideration of, **37:5**

Market value, **36:9**

Nuisance claims, **31:5 et seq.**

Pain and suffering, **36:2**

Products liability claims, **32:2**

Property claims, **33:3**

Sales contracts

Generally, **35:4**

Buyer's remedies, **35:14**

Seller's remedies, **35:10**

Statutory. See STATUTORY DAMAGES

Temporary injury to property, **33:3**

Wrongful death, **37:4**

MECHANIC'S LIENS

Generally, **29:3**

Limitation of actions, **12:16**

MEDICAL BILLS AND EXPENSES

Generally, **36:4**

Collateral source rule, **2:7**

General and special damages distinguished, **2:2**

Medical monitoring damages, **36:4**

Personal injury damages, proof of, **13:2**

Reasonable expenses, **36:4**

MEDICAL MALPRACTICE

Generally, **36:21**

Actual threat, definition, **36:20**

Battery claims against physicians, **36:13**

Communicated, definition, **36:20**

Confidential information, release, **36:21**

Discovery rule, **12:13**

Duty and standard of care, **36:20, 36:21**

Informed consent, **36:21**

Medical review panels, **36:22**

Mental health professionals, **36:20**

Reasonable medical certainty, opinion as to, **13:3**

Third person, duty and standard of care, **36:20**

Wrongful life or wrongful birth, claim based on, **36:12**

MEDICAL MONITORING

Generally, **36:4**

MENTAL DISTRESS

See EMOTIONAL DISTRESS

MERCHANTS

False imprisonment liability, **36:16**

Premises liability, **33:7**

MINES AND MINERALS

Trespassory taking of, **33:4**

MINISTERS AND PARISHIONERS

Marital tort claims, **22:3**

MISMANAGEMENT

Personal representatives, **21:1**

MISREPRESENTATION

See FRAUD AND MISREPRESENTATION

MISTAKES

Judgments, correction of mistakes, **12:20**

MITIGATION OF DAMAGES

Generally, **2:8**

MOTIONS

See PLEADINGS

MOTOR VEHICLE CLAIMS

Generally, **30:1 et seq.**
 See also HIGHWAYS
 Agency liability, **30:10**
 Agency relationships generally, **15:1**
 Apportionment of damages, **10:1 et seq.**
 Assumption of risk, **30:15**
 Attorneys' fees awards, **9:5**
 Blackout defense, **30:15**
 Causation tests, **30:7**
 Certainty requirement for proof of damages, **6:1**
 Choice of law, **1:5**
 Collateral source rule, **2:7, 13:5**
 Common carriers. See COMMON CARRIERS
 Compensation principle of damages recovery, **1:4, 2:1**
 Compensatory damages
 Generally, **30:12**
 Contract claims, **2:4**
 Tort claims, **2:3**
 Constitutional protection of tort remedies, **1:2**
 Contributory negligence, **30:15**
 Cost and fee awards, **9:1 et seq.**
 Dangerous road conditions, duties of drivers, **30:3**
 Defective vehicle, owners' liability for, **30:11**
 Defenses to damages claims, **30:15**
 Driving conditions, duty and, **30:3**
 Duty and standard of care, **30:1**
 Election of remedies, **1:6**
 Emergency situations, standard of care in, **30:5**
 Expert testimony, **13:3**
 Family immunity, **22:11**

MOTOR VEHICLE CLAIMS—Cont'd

Family purpose doctrine, **30:8**
 Future vs past injuries, **6:2, 13:2**
 General and special damages distinguished, **2:2**
 Gross negligence, **4:5**
 Guest passenger statutes, **30:6**
 Highway damage by users, **26:7**
 Highway defects, injuries caused by, **26:8**
 Inconsistent remedies, required election between, **1:6**
 Instructions to jury, **30:3**
 Interest on awards, **7:1 et seq.**
 Intervening causation, **30:7**
 Intoxicated drivers, **30:15**
 Joint and several liabilities, **10:1 et seq., 30:8, 30:14**
 Judicial review of jury awards, **1:9, 6:5**
 Jurisdiction over damage actions generally, **1:3**
 Jury, province of in determining award, **6:4**
 Jury instructions as to damages calculations, **1:8**
 Liability insurance coverage, **27:16**
 Limitations of actions, **12:12 et seq.**
 Loss of use damages, **30:12**
 Measure of damages generally, **6:3**
 Mitigation of damages, **2:8**
 Natural and probable causation test, **30:7**
 Natural and probable consequences of act, damages caused by, **2:3**
 Negligence per se, **30:4**
 Negligent entrustment, **20:8, 30:10**
 Negligent operation generally
 Generally, **30:2**
 Duty, **30:3**
 No-fault automobile insurance law, **27:15**
 Nominal damages, **3:1**
 Ordinary care duty, **30:2, 30:3**
 Owners' liability for defective vehicle, **30:11**
 Ownership liability, **30:8, 30:10**
 Pain and suffering, proof of, **13:2**
 Personal injury damages, proof of, **13:2**
 Pleading compensatory damages, **2:9**
 Pleading special damages, **2:9**
 Proving damages, **13:1**
 Punitive damages, **4:4 et seq., 30:13**
 Railroad crossings, **16:17**
 Rear end collisions, **30:3**
 Reckless conduct, **4:4**
 Release of future claims, **11:1**

INDEX

MOTOR VEHICLE CLAIMS—Cont'd

- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Rental car companies, **30:9**
- Revival and survival of actions, **12:27**
- Seat belt defense, **30:15**
- Settlement and release, **11:1**
- Statutory regulation of drivers, **30:4**
- Structured settlements, **11:1**
- Sudden emergency, **30:5**
- Torts of children, parental liability for, **22:8**
- Trucks, special duties, **30:3**
- Uncertain, contingent, and speculative damages, **1:4**
- Uninsured motorist claims, **27:17**
- Verdicts, **12:18 et seq.**
- Violation of statute, **30:4**
- Willful, wanton or reckless conduct, **4:4**
- Willful and wanton acts, **30:13**

MOTOR VEHICLE REPARATIONS ACT

- Generally, **27:3**

MULTIPLE TORTFEASORS

- See APPORTIONMENT OF DAMAGES

MUNICIPAL CORPORATIONS

- See GOVERNMENTAL UNITS

MUTUAL MISTAKE

- Contract claims, **18:4**

NECESSITIES

- Child's, parental liability for, **22:7**

NEGLIGENCE

- Generally, **36:19**
- See also TORT CLAIMS
- Medical professional, **36:21**
- Mental health professional, **36:20**
- Teachers and school board, **36:23**

NEGLIGENCE PER SE

- Generally, **30:4**

NEGLIGENT ENTRUSTMENT

- Generally, **20:8**
- Family purpose doctrine, **30:8**
- Motor vehicles, **30:10**

NEWLY DISCOVERED EVIDENCE

- See EVIDENCE

NO-FAULT AUTOMOBILE INSURANCE LAW

- Generally, **27:15**
- Loss, **27:15**

NO-FAULT AUTOMOBILE

INSURANCE LAW—Cont'd

- Threshold amount, **27:15**

NOISE

- Nuisance claims, **31:2**

NOMINAL DAMAGES

- Generally, **3:1**
- Amount, **3:3**
- Appropriate claims, **3:2**
- Intentional torts, **3:2**
- Punitive damages award with actual damages, **4:2**

NONDISCLOSURE

- See FRAUD AND MISREPRESENTATION

NOT-FOR-PROFIT CORPORATIONS

- Generally, **15:14**
- See also CORPORATIONS
- Charitable institutions
 - Generally, **15:14**
 - Immunity, **15:15**
- Directors, liabilities of, **15:16**
- Liabilities of, **15:14**
- Rights of, **15:14**
- Suits by and against, **15:14**
- Trustees, rights and liabilities of, **15:14**

NOTICE OF CLAIMS

- Highway defects, claims based on, **26:8**

NUISANCE CLAIMS

- Generally, **31:1 et seq.**
- See also PROPERTY CLAIMS
- Abatable nuisances, **31:4**
- Abatement remedies, **31:8**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fees awards, **9:5**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Collateral source rule, **2:7, 13:5**
- Common law forms of action, **8:1**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages, **2:3**
- Constitutional protection of tort remedies, **1:2**
- Contribution to a nuisance, **31:1**
- Correctable nuisances, **31:4**
- Cost and fee awards, **9:1 et seq.**
- Defenses, **31:9**
- Definitions, **31:1**
- Election of remedies, **1:6**

NUISANCE CLAIMS—Cont'd

- Enjoyment of property, disturbance of, **31:1**
- Equitable remedies, **31:8**
- Expert testimony, **13:3**
- Future vs past injuries, **6:2, 13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Inconsistent remedies, required election between, **1:6**
- Injunctions, **8:4, 31:8**
- Interest on awards, **7:1 et seq.**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9**
- Judicial review of jury awards, **6:5**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Limitations of actions, **12:12 et seq.**
- Lost profits, proof of, **13:1**
- Measure of damages, **6:3, 31:5 et seq.**
- Mitigation of damages, **2:8**
- Move to the nuisance defense, **31:9**
- Natural and probable consequences of act, damages caused by, **2:3**
- Noise, **31:2**
- Nominal damages, **3:1**
- Pain and suffering, proof of, **13:2**
- Permanent nuisances
 - Generally, **31:4, 31:6**
- Personal injury damages, proof of, **13:2**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Prescriptive rights defense, **31:9**
- Private nuisances
 - Generally, **31:2**
 - Public nuisances distinguished, **31:1**
- Proving damages, **13:1**
- Public nuisances
 - Generally, **31:3**
 - Damages, **31:7**
 - Private nuisances distinguished, **31:1**
- Punitive damages, **4:4 et seq.**
- Release of future claims, **11:1**
- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Settlement and release, **11:1**
- Severity of injury, **31:2**
- Specific performance, **8:5**
- Statutory damages, **29:1 et seq., 31:7**

NUISANCE CLAIMS—Cont'd

- Temporary nuisances
 - Generally, **31:4, 31:5**
- Threatened nuisances, **31:8**
- Uncertain, contingent, and speculative damages, **1:4**
- Verdicts, **12:18 et seq.**
- Willful, wanton or reckless conduct, **4:4**

OBESITY CLAIMS

- Products liability, **32:6**

OBSTRUCTION OF ROADWAY

- Generally, **26:6 et seq.**
- See also HIGHWAYS

OFFER OF JUDGMENT

- Generally, **12:23**
- Costs awards, **9:3**

OPINION EVIDENCE

- Generally, **13:3**

OUTRAGEOUS CONDUCT

- Generally, **36:24**

OWNERSHIP

- Evidence of. See DOCUMENTS OF TITLE

PAIN AND SUFFERING

- General and special damages distinguished, **2:2**
- Measure of damages, **36:2**
- Proof of, **13:2**

PARTIES

- Apportionment of damages. See APPORTIONMENT OF DAMAGES
- Common design of multiple defendants, **10:1**
- Condemnation
 - Generally, **17:6 et seq.**
 - Conflicting claims of ownership, **17:8**
 - Disabilities, owners under, **17:9**
 - Owners entitled to compensation, **17:7**
 - Unknown owners, **17:9**
- Corporations, suits by and against, **15:9**
- Cross-claims, **12:11**
- Enterprise liability, **10:1**
- In forma pauperis parties, **9:7**
- Indemnity, **10:6**
- Joint adventurers, **15:20**
- Loss of consortium claims, **37:3**
- Non-sued parties, apportionment of damages to, **10:2**
- Not-for-profit corporations, suits by and against, **15:14**

INDEX

PARTIES—Cont'd

- Partnerships suits by or against, **15:6**
- Personal representatives
 - Generally, **21:2**
 - Tort claims by, **12:28, 12:29**
 - Wrongful death, **37:3**
- Prevailing party defined, **9:2**
- Wrongful death, **37:3**

PARTNERSHIPS

- Generally, **15:5 et seq.**
- Agency relationships compared, **15:7**
- Authorities of partners, **15:7**
- Dissolution events, **15:6**
- Duties of partners
 - Inter se, **15:6**
 - Third parties, **15:7**
- Fiduciary relationships, **15:5**
- Fiduciary requirements, **15:6**
- Good faith standards, **15:6**
- Joint adventures distinguished, **15:5**
- Liabilities of partners, **15:6**
- Limited partnerships, **15:8**
- Revised Uniform Limited Partnership Act, **15:8**
- Rights of partners
 - Inter se, **15:6**
 - Third parties, **15:7**
- Suits by or against, **15:6**
- Uniform Partnership Act, **15:5**

PARTY

- Appearances, **12:6**

PASSENGERS

- See COMMON AND CONTRACT CARRIERS

PENSIONS

- Exemptions, **14:31**

PERJURY

- Judgment, modification based on perjured evidence, **12:20**

PERSONAL INJURY CLAIMS

- See also TORT CLAIMS
- Board of Claims, **23:11**
- Proof in personal injury action, **13:2**

PERSONAL PROPERTY

- See also PROPERTY CLAIMS
- Damages calculations generally, **36:9**

PERSONAL REPRESENTATIVES

- Generally, **21:1**
- See also TRUSTEES
- Limitation of liability, **21:4**
- Mismanagement, **21:1**

PERSONAL REPRESENTATIVES

—Cont'd

- Removal, **21:1**
- Suits by and against, **21:2**
- Wrongful death actions by, **37:3**

PETS

- Loss of consortium, **36:10**

PLEADING

- Alternative relief
 - Complaints for, **1:6**
- Amendments, **9:8, 12:10**
- Answer
 - Damages, **12:10**
 - Default judgments on failure to answer, **12:6**
- Burden of, **1:4**
- Compensatory damages, **2:9**
- Complaint
 - Alternative relief, **1:6**
 - Damages, **12:10**
 - Demand, **1:1**
 - Relief, demand for, **1:1**
 - Third-party, **12:11**
- Condemnation actions, **17:5**
- Cost awards after amendments, **9:8**
- Counterclaims, **12:11**
- Cross-claims, **12:11**
- Damage claims
 - Generally, **12:9 et seq.**
 - Answer, **12:10**
 - Complaint, **12:10**
 - Punitive damages, **12:9**
- Default judgments, **12:6**
- Demand, **1:1**
- Fair notice, **2:9, 12:9**
- General damages, **2:2, 2:9**
- Notice pleading, **2:9, 12:9**
- Punitive damages, **4:11, 12:9**
- Relief, demand for, **1:1**
- Replies, **12:11**
- Secondary forms of, **12:11**
- Special damages, **2:2**
- Specific pleading, **2:2**
- Time for, **9:8**
- Unliquidated damages, **2:9**

POSSESSION, WRIT OF

- Generally, **14:5**
- Bonds, **14:7**
- Defenses, **14:7**
- Due process, **14:7**
- Ex parte writs, **14:7**
- Execution compared, **14:14**

POSSESSION, WRIT OF—Cont'd

- Exemptions
 - See also EXEMPTIONS, generally
 - Applicability, **14:26**
- Grounds for, **14:6**
- Procedural requirements, **14:7**
- Proof of right, **14:6**
- Purpose of writ, **14:5**
- Uses, **14:5**
- Wrongful use of writ, **14:8**

PREMISES LIABILITY

- Generally, **33:7**
- Agritourism, **33:7**
- Invitee, **33:7**
- Landlord and tenant. See LANDLORD AND TENANT
- Sidewalks, **33:7**
- Status of entrants on land, **33:7**

PREVAILING PARTY

- Definition, **9:2**
- Poor person, **9:7**

PRIESTS AND PARISHIONERS

- Marital tort claims, **22:3**

PRIVACY RIGHTS

- Tort claims based on, **36:26**

PRODUCTS LIABILITY

- Generally, **32:1 et seq.**
- Alteration by consumer, **32:2**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fees awards, **9:5**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Collateral source rule, **2:7, 13:5**
- Common design of multiple defendants, **10:1**
- Common law forms of action, **8:1**
- Commonsense Consumption Act, **32:6**
- Comparative fault, **32:2**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages, **2:3**
- Concerted actions, **10:1**
- Confession of judgment, **12:23**
- Constitutional protection of tort remedies, **1:2**
- Contribution among joint obligors, **10:5**
- Cost and fee awards, **9:1 et seq.**
- Defect presumptions, **32:2**
- Defective vehicle, owners' liability for, **30:11**
- Development of law, **32:1**

PRODUCTS LIABILITY—Cont'd

- Economic loss distinguished from property loss, **32:4**
- Election of remedies, **1:6**
- Enterprise liability, **10:1**
- Expert testimony, **13:3**
- Future vs past injuries, **6:2, 13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Homes, implied warranties of habitability, **32:5**
- Inconsistent remedies, required election between, **1:6**
- Injunctive relief, **8:4**
- Interest on awards, **7:1 et seq.**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9**
- Judicial review of jury awards, **6:5**
- Jurisdiction, **32:2**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Limitations of actions, **12:12 et seq.**
- Liquidated damages, **5:1 et seq.**
- Lost profits, proof of, **13:1**
- Measure of damages, **6:3, 32:2**
- Middleman defenses, **32:2**
- Mitigation of damages, **2:8**
- Natural and probable consequences of act, damages caused by, **2:3**
- Nominal damages, **3:1**
- Obesity claims, **32:6**
- Ordinary care in use of product, **32:2**
- Owners' liability for defective vehicle, **30:11**
- Pain and suffering, proof of, **13:2**
- Personal injury damages, proof of, **13:2, 32:3**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Privity, **32:1**
- Product Liability Act of Kentucky, **32:2**
- Property damage, **32:4**
- Proving damages, **13:1**
- Punitive damages in tort claims, **4:4 et seq.**
- Release of future claims, **11:1**
- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Revival and survival of actions, **12:27**
- Settlement and release, **11:1**
- State of the art defense, **32:2**

PRODUCTS LIABILITY—Cont'd

- Strict liability, **32:1**
- Structured settlements, **11:1**
- Tobacco growers and warehouseers, **32:3**
- Uncertain, contingent, and speculative damages, **1:4**
- Verdicts, **12:18 et seq.**
- Warranty, claims based on, **32:5**
- Willful, wanton or reckless conduct, **4:4**

PROFESSIONAL SERVICE CORPORATIONS

- Generally, **15:13**

PROHIBITION, WRIT OF

- Equitable remedies, **8:9**

PROOF

- See EVIDENCE AND PROOF

PROPERTY CLAIMS

- Generally, **12:1, 12:4, 33:1**
- See also REAL PROPERTY
- Absolute liability for trespass, **33:2**
- Apportionment of damages, **10:1 et seq.**
- Attachment. See ATTACHMENT
- Attorneys' fees awards, **9:5**
- Board of Claims, **23:11**
- Buildings, valuation of, **33:6**
- Certainty requirement for proof of damages, **6:1**
- Choice of law, **1:5**
- Collateral source rule, **2:7, 13:5**
- Common law forms of action, **8:1**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages
 - Contract claims, **2:4**
 - Tort claims, **2:3**
- Condemnation. See CONDEMNATION
- Confession of judgment, **12:23**
- Constitutional protection of tort remedies, **1:2**
- Contribution among joint obligors, **10:5**
- Conversion, **36:14**
- Cost and fee awards, **9:1 et seq.**
- Damages for property losses, **36:9**
- Dedication, **26:1**
- Easements
 - Condemnation, measure of damages for, **17:11**
 - Obstruction, **33:10**
- Election of remedies, **1:6**
- Enjoyment of property, disturbance of, **31:1**
- Execution on personal property, **14:19**
- Expert testimony, **13:3**

PROPERTY CLAIMS—Cont'd

- Family immunity, **22:11**
- Future vs past injuries, **6:2, 13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Inconsistent remedies, required election between, **1:6**
- Injunctive relief, **8:4**
- Innkeepers, **15:21**
- Innkeepers, claims against, **15:21**
- Intentional torts, **33:1, 33:2**
- Interest on awards, **7:1 et seq.**
- Interference with property, **3:2**
- Joint and several contract obligors, **10:4**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9**
- Judicial review of jury awards, **6:5**
- Jurisdiction over damage actions generally, **1:3**
- Jury, province of in determining award, **6:4**
- Jury instructions as to damages calculations, **1:8**
- Limitations of actions, **12:12 et seq., 12:15**
- Liquidated damages, **5:1 et seq.**
- Lost profits, proof of, **13:1**
- Measure of damages, **6:3, 33:3**
- Minerals, trespassory taking of, **33:4**
- Mitigation of damages, **2:8**
- Natural and probable consequences of act, damages caused by, **2:3**
- Nominal damages, **3:1, 3:2**
- Nuisance. See NUISANCE CLAIMS
- Obstruction of easement, **33:10**
- Pain and suffering, proof of, **13:2**
- Personal injury damages, proof of, **13:2**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Possession, writ of, **14:5 et seq.**
- Premises liability. See PREMISES LIABILITY
- Prescription, **26:1**
- Products liability based, **32:4**
- Proving damages, **13:1**
- Punitive damages
 - Generally, **33:1**
 - Tort-based claims, **4:4 et seq.**
- Release of future claims, **11:1**
- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Revival and survival of actions, **12:27, 12:30**
- Settlement and release, **11:1**

PROPERTY CLAIMS—Cont'd

Slander of title, **33:8**
 Statutory damages, **29:1 et seq.**
 Temporary injury, **33:3**
 Tort claims distinguished, **12:4**
 Trespass. See TRESPASS
 Uncertain, contingent, and speculative damages, **1:4**
 Value of property, evidence as to, **13:3**
 Verdicts, **12:18 et seq.**
 Warranty claims against home builders, **32:5**
 Willful, wanton or reckless conduct, **4:4**

PROSPECTIVE BUSINESS ADVANTAGE

Tortious interference with, **36:30**

PROVISIONAL REMEDIES

Attachment. See ATTACHMENT
 Garnishment. See GARNISHMENT
 Possession, writ of. See POSSESSION, WRIT OF

PROXIMATE CAUSATION

See also CAUSATION
 Definition, **12:2, 30:7**

PRUDENT MAN STANDARD

Generally, **21:3**

PUBLIC OFFICERS

Bonds, **24:1**

PUBLIC POLICY

Contracts violating, **18:7**

PUNITIVE DAMAGES

Generally, **4:1 et seq.**
 Actual damage requirement, **4:2**
 Amount, judicial review of, **4:10**
 Apportionment, **4:9**
 Burden of proof, **4:8**
 Constitutional law defenses, **4:1**
 Constitutional regulation, **4:12**
 Contract claims, **4:7**
 Criminal acts, **4:3**
 Discretion of jury, **4:1**
 Due process defenses, **4:1**
 Evidentiary problems, **4:8**
 Excessiveness, review for, **4:10**
 Exemplary damages, **4:1**
 Financial positions of parties, relevance of, **13:4**
 Fraud and misrepresentation, **4:4**
 Gross negligence, **4:5**
 Insurers
 Bad faith, **4:7**
 Claims against, **27:3**

PUNITIVE DAMAGES—Cont'd

Intentional torts, **33:2**
 Judge and jury functions, **4:9**
 Judicial review of amount, **4:10**
 Liquidated damages and penalties distinguished, **5:2**
 Malice, implied, **4:1**
 Mandy Jo's law, **37:14**
 Motor vehicle accidents, **30:13**
 Passion, prejudice, or bias, review for, **4:10, 6:5**
 Pleading, **4:11, 12:9**
 Principle of, **4:1**
 Property claims, **33:1**
 Purposes of, **4:1**
 Reckless conduct, **4:4**
 Reckless indifference, **37:13**
 Relation to actual injury suffered, **4:10**
 Smart money, **4:1**
 Statutory penalties, **4:3**
 Statutory regulation, **4:12**
 Timber, conversion of, **33:5**
 Tort claims
 Generally, **4:4 et seq.**
 Gross negligence, **4:5**
 Simple negligence, **4:6**
 Trespass, **33:1**
 Vindictive damages, **4:1, 37:13**
 Willful or wanton conduct, **4:4**
 Wrongful death claims, **37:13**

PURPOSES OF REMEDIES

Generally, **1:2**

QUALIFIED IMMUNITY

Individual qualified immunity compared to absolute immunity, **23:7**

RAILROADS

See COMMON AND CONTRACT CARRIERS

REAL PROPERTY

Generally, **33:1**
 See also PROPERTY CLAIMS
 Buildings, valuation of, **33:6**
 Cemetery plots, **33:9**
 Mineral rights, **33:4**
 Nuisance. See NUISANCE CLAIMS
 Premises liability. See PREMISES LIABILITY
 Specific performance, **8:5**
 Timber rights, **33:5**
 Title, slander of, **33:8**
 Trespass. See TRESPASS

RECKLESS CONDUCT

Punitive damages, **4:4**

INDEX

RELEASE OF CLAIMS

See SETTLEMENT AND RELEASE

REMEDIES

See EQUITABLE REMEDIES

Attachment. See ATTACHMENT

Constitutional protections for, **1:2**

Election of remedies, **1:6**

Execution. See EXECUTION

Garnishment. See GARNISHMENT

Legal and equitable distinguished, **1:1, 1:2**

Possession, writ of. See POSSESSION, WRIT OF

Provisional remedies, **14:1 et seq.**

REMITTITUR

See JUDGES, ROLE OF

RENTAL CAR COMPANIES

Motor vehicle claims, **30:9**

REPAIR MEASURE OF DAMAGED PROPERTY

Generally, **1:4**

REPLEVIN

Generally, **12:4**

RES JUDICATA

Generally, **12:21**

RESCISSION

Fraud, contract obtained by, **34:2**

Sales contracts, **35:6**

RESTITUTION

Generally, **34:1**

Fraud, contract obtained by, **34:2**

RESTORATION PRINCIPLE

Generally, **1:2**

REVERSE CONDEMNATION

Generally, **17:19**

Constitutional protection, **17:19**

Implied contract theory, **18:2**

Limitation of actions, **12:14**

Taking and regulation distinguished, **17:4**

REVIVAL AND SURVIVAL OF ACTIONS

Generally, **12:27 et seq.**

See also WRONGFUL DEATH CLAIMS

Death, effect on personal injury claims, **12:29**

Personal injury actions, revival after death, **12:29**

REVIVAL AND SURVIVAL OF ACTIONS—Cont'd

Personal representatives

Generally, **21:1**

Mismanagement, **21:1**

Removal, **21:1**

Tort claims by, **12:28, 12:29**

Pre-death suffering damages, **37:12**

Property claims, **12:30**

Statutory right of action for death, **12:28**

RISK OF LOSS

Sales contract claims, **35:3**

ROADS

See HIGHWAYS

SALES CONTRACT CLAIMS

Generally, **35:1**

Buyers' remedies, generally, **35:11 et seq.**

Cancellation or termination, **35:6**

Commercial reasonable charges, **35:10**

Cover, **35:12**

Damaged goods, **35:9**

Election of remedies, **1:6**

Incidental damages, **35:8, 35:10, 35:12, 35:14**

Limitations of actions, **12:14**

Limitations of damages, **35:5**

Liquidated damages, **35:5**

Lost goods, **35:9**

Market price as measure of damages, **35:4**

Measure of damages

Generally, **35:4**

Buyer's remedies, **35:14**

Seller's remedies, **35:10**

Price, seller's action for after breach, **35:9**

Resale after breach, **35:8**

Rescission, **35:6**

Risk of loss, **35:3, 35:9**

Sale of goods after breach, **35:8**

Sellers' remedies, **35:7 et seq.**

Specific performance, **35:13**

Substitution, goods in, **35:12**

UCC

Adoption, **35:1**

Remedies available generally, **35:2**

Warranties, **35:14**

SATISFACTION OF JUDGMENTS

See also ENFORCEMENT OF JUDGMENTS

Accord and satisfaction, **11:6**

Delay damages, **7:4**

SATISFACTION OF JUDGMENTS

—Cont'd

Interest. See INTEREST ON AWARDS

SCHOOL BOARD

Tort claims, **36:23**

SCHOOLS AND EDUCATION

Assaults upon teachers, **29:5**

Tort claims, **36:23**

SECURED TRANSACTIONS

Generally, **29:2**

SEDUCTION

Tort claims for, **22:4**

SENTIMENTAL VALUE

Property loss damages, **36:9**

SETTLEMENT AND RELEASE

Generally, **11:1 et seq.**

Accord and satisfaction, **11:6**

Arbitration, **18:11**

Avoidance, **27:6**

Confession of judgment, **12:23**

Consideration for release, **11:2**

Contract claims, release, **18:8**

Day after accident settlements, **11:3**

Exculpatory contracts, **11:1**

Fraud, avoidance of settlement because of, **27:6**

Fraudulent release, **11:3**

Future claims, release of, **11:1**

Future rights, **11:2**

Insurance claims, **27:5**

Joint obligors, release of one, **11:4**

Malicious prosecution, **36:17**

Mistake, avoidance of settlement because of, **27:6**

Mistaken release, **11:3**

Offer of judgment

Generally, **9:3, 12:23**

Costs awards, **9:3**

One obligor, release of, **11:4**

One tortfeasor, release of, **11:5**

Prevailing party defined, **9:2**

Public policy, **11:1**

Structured settlements, **11:1**

Validity of releases, **11:2**

SEVERAL LIABILITY

See APPORTIONMENT OF DAMAGES

SLANDER

Title, slander of, **33:8**

SMART MONEY

See PUNITIVE DAMAGES

SPECIAL DAMAGES

See also COMPENSATORY DAMAGES

Slander of title, **33:8**

SPECIAL INTERROGATORIES

Generally, **12:19**

Measure of damages generally, **6:3**

SPECIFIC PERFORMANCE

Generally, **8:5**

Contract claims, **18:5**

Discretion of judge, **8:5**

Sales contracts, **35:13**

SPECULATIVE DAMAGES

Generally, **1:4**

Compensatory damage claims, **2:5**

SPOILIATION OF EVIDENCE

Generally, **36:27**

STANDARD OF CARE

See DUTY AND STANDARD OF CARE

STANDING

See PARTIES; WRONGFUL DEATH CLAIMS

STATE, ACTIONS AGAINST

Generally, **23:10**

Cost and fee awards, **9:6**

Interest on awards, **7:11**

STATUTE OF FRAUDS

Generally, **18:10**

Limitations, **18:10**

STATUTORY CLAIMS

See also STATUTORY DAMAGES

Alcoholic beverage dispensers, claims against, **15:23**

Condemnation. See CONDEMNATION

Employment. See EMPLOYMENT RELATIONSHIPS

Highways See HIGHWAYS

Insurance. See INSURANCE AND INSURERS

Limitations of actions, **12:16**

Nominal damages, **3:1**

Nuisance. See NUISANCE CLAIMS

Penalties, statutory, **4:3**

Seduction, **22:4**

Tort claims distinguished, **1:2**

Wrongful death. See WRONGFUL DEATH CLAIMS

STATUTORY DAMAGES

Generally, **29:1 et seq.**

INDEX

STATUTORY DAMAGES—Cont'd

See also **STATUTORY CLAIMS**
Assaults upon teachers, **29:5**
Labor liens, **29:3**
Liens, statutory, **29:3**
Mechanics' liens, **29:3**
Nuisance claims, **31:7**
Secured transactions, **29:2**
Unfair trade practices, **29:4**

STREETS

See **HIGHWAYS**

STRICT LIABILITY

See **PRODUCTS LIABILITY**

STUMP VALUE

Timber, **33:5**

SUBROGATION

Contractual right of, **27:7**
Double recovery, policy against, **27:7**
Election of remedies, **1:6**
Equitable remedies generally, **8:6**
Inconsistent remedies, required election between, **1:6**
Insurance
Generally, **27:5, 27:7**
Uninsured motorist coverage, **27:17**
Limitations of actions, **27:7**
Statutory right of, **27:7**
Workers' compensation, **10:7**

SUBSTITUTE GOODS

Sales contract claims, **35:12**

SUDDEN EMERGENCY

Generally, **30:5**

SUFFERING

See **PAIN AND SUFFERING**

SUMMARY JUDGMENT

Verdicts, **12:25**

SURETYSHIP

Generally, **24:1 et seq.**
See also **BONDS; INSURANCE AND INSURERS**
Accord and satisfaction, **11:6**
Agency relationships generally, **15:1**
Attachment remedy, **14:1**
Attorneys' fees awards, **9:5**
Certainty requirement for proof of damages, **6:1**
Choice of law, **1:5**
Collateral source rule, **2:7**
Common law forms of action, **8:1**
Confession of judgment, **12:23**
Contribution among, **24:4**

SURETYSHIP—Cont'd

Contribution among joint obligors, **10:5**
Cost and fee awards, **9:1 et seq.**
Creation, **24:1**
Discharge, **24:3**
Execution, remedy of, **14:14 et seq.**
Garnishment, remedy of, **14:9**
Gratuitous sureties, **24:2**
Guardians' bonds, recovery on, **25:2**
Interest on awards, **7:1 et seq.**
Joint and several contract obligors, **10:4, 11:4**
Joint and several liabilities, **10:1 et seq.**
Judicial sales to satisfy judgments, **14:14 et seq.**
Liabilities, **24:2**
Limitations of actions, **12:12 et seq., 12:16, 24:1**
Measure of damages generally, **6:3**
Pleading compensatory damages, **2:9**
Pleading special damages, **2:9**
Possession, writ of to secure claims, **14:5 et seq.**
Primary and secondary liabilities, **24:2**
Reimbursement, **24:2**
Release from bond, **24:3**
Statutory bond requirements, **12:7**

SURVIVAL

See **REVIVAL AND SURVIVAL OF ACTIONS**

TAKINGS

See **REVERSE CONDEMNATION CLAIMS**

TEACHERS

Assaults upon, **29:5**
Tort claims, **36:23**

TIMBER

Stump value, **33:5**

TITLE

Documents of title. See **DOCUMENTS OF TITLE**
Slander of title, **33:8**

TOBACCO GROWERS AND WAREHOUSERS

Products liability claims, **32:3**

TORT CLAIMS

Generally, **12:2, 36:1 et seq.**
See also **INTENTIONAL TORTS CLAIMS**
Accord and satisfaction, **11:6**
Agency relationships, **15:3**

TORT CLAIMS—Cont'd

Alcoholic beverage dispensers, claims against, **15:23**
 Alienation of affections, **22:3**
 Apportionment of damages, **10:1 et seq.**
 Assault and battery
 Generally, **36:13**
 Teachers, **29:5**
 Attachment remedy, **14:1**
 Attorneys, malpractice of, **36:28**
 Attorneys' fees awards, **9:5**
 Breach of duty to transport, damages for, **16:12**
 Cemeteries, claims against, **15:22**
 Certainty requirement for proof of damages, **6:1**
 Choice of law, **1:5, 12:8**
 Collateral source rule, **2:7, 13:5**
 Common and contract carriers. See **COMMON AND CONTRACT CARRIERS**
 Common law damages generally, **29:1**
 Common law forms of action, **8:1**
 Compensation principle of damages recovery, **1:4, 2:1**
 Compensatory damages, **2:3**
 Confession of judgment, **12:23**
 Consortium, loss of, **36:10, 36:11**
 Constitutional protection of tort remedies, **1:2**
 Contract, tortious interference with, **36:29**
 Contract issues distinguished, **36:18**
 Contribution among joint obligors, **10:5**
 Conversion, **36:14**
 Corporations, **15:9**
 Cost and fee awards, **9:1 et seq.**
 Crime victims' claims, **1:3**
 Criminal conversation, **22:3**
 Defamation, **36:15**
 Disability, damage claims for, **36:7**
 Disfigurement damages, **36:8**
 Duty element, **2:3**
 Election of remedies, **1:6**
 Emotional distress
 Intentionally caused, **36:24**
 Negligently caused, **36:25**
 Employment relationships. See **EMPLOYMENT RELATIONSHIPS**
 Equitable remedies, **1:2, 8:1**
 Exculpatory contracts, **11:1**
 Execution, remedy of, **14:14 et seq.**
 Expert testimony, **13:3**
 False imprisonment, **36:16**

TORT CLAIMS—Cont'd

Family immunity, **22:11**
 Fanciful value, **36:9**
 Fraud by omission, **36:18**
 Future claims, release of, **11:1**
 Future harm, claim based on, **36:1**
 Future lost earnings, **36:6**
 Future vs past injuries, **6:2, 13:2**
 Future wages, evidence as to, **13:3**
 Garnishment, remedy of, **14:9**
 General and special damages distinguished, **2:2**
 Gross negligence, **4:5**
 Harassment, **36:31**
 Hedonic damages, **36:2**
 Highways. See **HIGHWAYS**
 Household services, **36:11**
 Inconsistent remedies, required election between, **1:6**
 Indemnity among joint tortfeasors, **10:6**
 Injunctive relief, **8:4**
 Injuries caused by, **36:1**
 Innkeepers, claims against, **15:21**
 Insurance. See **INSURANCE AND INSURERS**
 Interest on awards, **7:1 et seq., 7:10**
 Interference with marriage, **22:3**
 Joint and several contract obligors, **10:4, 11:4**
 Joint and several liabilities, **10:1 et seq.**
 Judicial review of damage awards, **1:9**
 Judicial review of jury awards, **6:5**
 Judicial sales to satisfy judgments, **14:14 et seq.**
 Jurisdiction over damage actions generally, **1:3**
 Jury, province of in determining award, **6:4**
 Jury instructions as to damages calculations, **1:8**
 Limitation of actions, **12:12 et seq., 12:13**
 Limitation of liability, **18:6**
 Liquidated damages, **5:1 et seq.**
 Loss of consortium, **36:10**
 Loss of enjoyment of life, **36:2**
 Lost or diminished chance of survival, **36:3**
 Lost profits, proof of, **13:1**
 Lost wages, **36:5**
 Malicious prosecution, **36:17**
 Malpractice
 Attorneys, **36:28**
 Medical. See **MEDICAL MALPRACTICE**
 Market value damages, **36:9**

TORT CLAIMS—Cont'd

- Measure of damages generally, **6:3**
- Medical expenses, **36:4**
- Medical malpractice. See **MEDICAL MALPRACTICE**
- Medical monitoring damages, **36:4**
- Mental health professionals, **36:20**
- Minors' services, claim for loss of, **22:5**
- Misrepresentation, **36:18**
- Mitigation of damages, **2:8**
- Motor vehicle claims. See **MOTOR VEHICLE CLAIMS**
- Natural and probable consequences of act, damages caused by, **2:3**
- Negligence based claims, **36:19**
- Negligent entrustment, **20:8**
- Nominal damages, **3:1**
- Not-for-profit corporations, claims against, **15:16**
- Nuisance. See **NUISANCE CLAIMS**
- Outrage, elements, **36:24**
- Pain and suffering
 - Generally, **36:2**
 - Proof of, **13:2**
- Parental care, claim for loss of, **22:6, 36:10**
- Personal injury damages, proof of, **13:2**
- Personal representatives, tort claims by, **12:28, 12:29**
- Pleading compensatory damages, **2:9**
- Pleading special damages, **2:9**
- Possession, writ of
 - Generally, **14:5 et seq.**
 - Wrongful use of writ, **14:8**
- Privacy, right of, **36:26**
- Property claims distinguished, **12:4**
- Property losses, **36:9**
- Prospective business advantage, tortious interference with, **36:30**
- Proving damages, **13:1**
- Proximate cause, **2:3**
- Punitive damages
 - Generally, **4:4 et seq.**
 - Gross negligence, **4:5**
 - Simple negligence, **4:6**
- Purpose of tort law, **12:2**
- Reckless conduct, **4:4**
- Release of future claims, **11:1**
- Relief, demand for in complaint, **1:1**
- Remittitur and additur, **6:6**
- Respondeat superior liability, **20:7**
- Revival and survival of actions, **12:27**
- Safety of passengers, **16:13, 16:14**
- School board, **36:23**
- Seduction, **22:4**

TORT CLAIMS—Cont'd

- Sentimental value, **36:9**
- Settlement and release, **11:1**
- Slander of title, **33:8**
- Specific performance, **8:5**
- Spoliation of evidence, **36:27**
- Statutory claims distinguished, **1:2**
- Statutory damages, **29:1 et seq.**
- Structured settlements, **11:1**
- Teachers, **36:23**
- Trespass. See **TRESPASS**
- Trivial injuries, **36:1**
- Uncertain, contingent, and speculative damages, **1:4**
- Use, property losses, **36:9**
- Verdicts, **12:18 et seq.**
- Willful, wanton or reckless conduct, **4:4**
- Willful or wanton conduct, **4:4**
- Writ of possession, wrongful use of writ, **14:8**
- Wrongful attachment, **14:4**
- Wrongful death. See **WRONGFUL DEATH CLAIMS**
- Wrongful execution, **14:24**
- Wrongful garnishment, **14:13**
- Wrongful life or wrongful birth, **36:12**

TOXINS

- Nuisance. See **NUISANCE CLAIMS**
- Products liability. See **PRODUCTS LIABILITY**

TRESPASS

- Generally, **33:2**
- See also **PROPERTY CLAIMS**
- Absolute liability, **33:2**
- Actions generally, **12:4**
- Chattels, trespass to, **36:14**
- Crops, taking of, **33:5**
- Innocent, **33:4, 33:5**
- Joint judgment against multiple tortfeasors, **10:2**
- Limitations of actions, **12:13**
- Minerals, trespassory taking of, **33:4**
- Premises liability claims, **33:7**
- Punitive damages, **33:1**
- Stump value of timber, **33:5**
- Timber, taking of, **33:5**
- Willful, **33:4, 33:5**

TROVER

- Generally, **12:4, 36:14**

TRUCKS

- Highways. See **HIGHWAYS**
- Motor vehicle claims. See **MOTOR VEHICLE CLAIMS**

TRUSTEES

- Generally, **21:3**
- See also **PERSONAL REPRESENTATIVES**
- Prudent man standard, **21:3**
- Standard of care, **21:3**
- Third parties, liability to, **21:4**

UCC DAMAGES

- See also **SALES CONTRACTS CLAIMS**
- Adoption, **35:1**
- Documents of title. See **DOCUMENTS OF TITLE**
- Goods, transactions in, **35:1**
- Limitations of actions, **12:14**
- Liquidated damage provisions, **5:6**
- Remedies available generally, **35:2**
- Secured transactions, **29:2**
- Warranty based products liability claims, **32:5**

UNCERTAIN DAMAGES

- Generally, **1:4**
- Compensatory damage claims, **2:5**

UNFAIR TRADE PRACTICES

- Generally, **29:4**

UNIFORM COMMERCIAL CODE

- See **UCC DAMAGES**

UNIFORM PARTNERSHIP ACT

- Generally, **15:5**

UNIFORM RESIDENTIAL LANDLORD AND TENANT ACT

- Generally, **28:1**

UNLIQUIDATED CLAIMS

- Interest awards on, **7:5, 7:7, 7:9**

VALUATION OF PROPERTY

- Fair market value, **17:10**

VENUE

- Forum non conveniens, **8:10**

VERDICTS

- Generally, **12:18**
- See also **JURY AWARDS OF DAMAGES**
- Apportionment of damages among joint tortfeasors, **12:22**
- Confession of judgment, **12:23**
- Directed, **12:24**
- Excessiveness challenges, **12:19**
- Findings and verdicts, **12:18**
- General verdicts, **12:18**
- Interest calculations, **12:26**

VERDICTS—Cont'd

- Joint tortfeasors, verdicts against, **12:22**
- Modifications of judgments, **12:20**
- Offer of judgment, **12:23**
- Res judicata, **12:21**
- Special interrogatories, **12:19**
- Special verdicts
 - Generally, **12:18**
 - Apportionment of damages among joint tortfeasors, **12:22**
- Summary judgment, **12:25**

VICARIOUS LIABILITY

- Apportionment of damages. See **APPORTIONMENT OF DAMAGES**
- Employers, **20:7, 20:8**
- Family purpose doctrine, **30:8**
- Indemnity rights, **10:6**
- Joint adventurers, **15:20**

VINDICTIVE DAMAGES

- Generally, **37:13**
- See **PUNITIVE DAMAGES**

VIOLATION OF STATUTE

- Motor vehicle negligence, **30:4**

WAGES

- See **GARNISHMENT**

WARD

- See **GUARDIAN AND WARD**

WAREHOUSE RECEIPTS

- Generally, **19:1**
- See also **DOCUMENTS OF TITLE**

WAREHOUSEMEN

- Tobacco warehousemen, products liability claims, **32:3**

WARRANTIES

- See also **PRODUCTS LIABILITY**
- Sales contracts, **35:14**

WASTE

- Personal representatives, **21:1**

WILLFUL OR WANTON CONDUCT

- Corporations, **15:9**
- Motor vehicle injuries, **30:13**
- Not-for profit corporations, actions against, **15:16**
- Punitive damages, **4:4**

WORKERS' COMPENSATION

- Generally, **20:6**
- Apportionment questions, **10:7**
- Constitutional provisions, **20:6**
- Contribution, **10:7**

WORKERS' COMPENSATION

—Cont'd

- Indemnification, **10:7**
- Judicial review, **1:3**
- Subrogation rights, **10:7**

WRITS

- Mandamus. See MANDAMUS, WRIT OF
- Possession. See POSSESSION, WRIT OF
- Prohibition, writ of, **8:9**

WRONGFUL ATTACHMENT

- Generally, **14:4**

WRONGFUL DEATH CLAIMS

- Generally, **37:1 et seq.**
- See also REVIVAL AND SURVIVAL OF ACTIONS, generally
- Administration expenses, **37:4**
- Apportionment of damages, **10:1 et seq.**
- Attorneys' fee awards, **9:5, 37:10**
- Certainty requirement for proof of damages, **6:1**
- Child's death
 - Generally, **37:7**
 - Abandoned child, **37:14**
- Choice of law, **1:5**
- Collateral source rule, **2:7, 13:5**
- Compensation principle of damages recovery, **1:4, 2:1**
- Compensatory damages, **2:3**
- Constitutional protection of remedies for, **1:2, 12:28, 37:1**
- Cost and fee awards, **9:1 et seq.**
- Death defined, **37:2**
- Development of law, **37:1**
- Distribution of awards, **37:14**
- Divorce as affecting right to recover, **37:14**
- Election of remedies, **1:6**
- Enjoyment of life, **37:14**
- Estate, losses to, **37:5**
- Estate expenses, **37:10**
- Expert testimony, **13:3**
- Fetus, death of, **37:12**
- Funeral expenses, **37:4, 37:9**
- Future vs past injuries, **13:2**
- General and special damages distinguished, **2:2**
- Gross negligence, **4:5**
- Hedonic damages, **37:14**
- Inconsistent remedies, required election between, **1:6**
- Interest on awards, **7:1 et seq.**
- Joint and several liabilities, **10:1 et seq.**
- Judicial review of damage awards, **1:9**

WRONGFUL DEATH CLAIMS

—Cont'd

- Judicial review of jury awards, **6:5**
 - Jurisdiction over damage actions generally, **1:3**
 - Jury, province of in determining award, **6:4**
 - Jury instructions as to damages calculations, **1:8**
 - Limitations of actions, **12:12 et seq.**
 - Loss of child's services, **37:7**
 - Loss of consortium, **37:3, 37:6**
 - Loss of parental care, **37:8**
 - Loss of services, **37:4**
 - Loss to estate, **37:5**
 - Measure of damages, **6:3, 37:4**
 - Mental suffering, **37:11**
 - Mitigation of damages, **2:8**
 - Natural and probable consequences of act, damages caused by, **2:3**
 - Negligence as affecting right to recover, **37:14**
 - Negligence based claims generally, **36:19**
 - Nominal damages, **3:1**
 - Pain and suffering, proof of, **13:2**
 - Parent, death of, **37:8**
 - Parties, **37:3**
 - Personal representatives
 - Party plaintiff status, **37:3**
 - Tort claims by, **12:28, 12:29**
 - Pleading, **2:9**
 - Pre-death suffering, **37:12**
 - Proving damages, **13:1**
 - Punitive damages, **4:4 et seq., 37:13**
 - Reckless indifference, **37:13**
 - Relief, demand for in complaint, **1:1**
 - Remittitur and additur, **6:6**
 - Settlement and release, **11:1**
 - Standing to sue, **37:3**
 - Statutory cause of action, **37:1**
 - Statutory damages, **29:1 et seq.**
 - Statutory rights, **12:28**
 - Structured settlements, **11:1**
 - Survival
 - See also REVIVAL AND SURVIVAL OF ACTIONS, generally
 - Pre-death claims of deceased, **37:12**
 - Uncertain, contingent, and speculative damages, **1:4**
 - Verdicts, **12:18 et seq.**
 - Willful, wanton or reckless conduct, **4:4**
- WRONGFUL LIFE OR WRONGFUL BIRTH**
- Tort claim based on, **36:12**