# **Index**

# **ABANDONMENT**

Medical malpractice, 11:4

#### **ABILITY**

Assault, 14:2

# **ABORTION**

Damages, **14:56**, **19:21**Medical malpractice, **19:21** 

#### ABSENTEEISM

Employment discrimination, 5:13

#### **ABSOLUTE IMMUNITY**

Malicious prosecution, 14:33, 14:41

# ABSOLUTE LIABILITY

Common carriers, 8:18

#### ABSOLUTE PRIVILEGE

Defamation, 2:81, 14:33, 14:41, 14:44, 14:47, 14:88

Judicial proceedings, 14:41, 14:44, 14:47, 14:77, 14:88

Legislative proceedings, 14:47

# **ABUSE OF PROCESS**

Absolute immunity, 14:41

Damages, 14:32

Defenses, 14:22

District attorney, 14:37

Elements of, 14:32, 14:41

Legal process, **14:32** 

Punitive damages, 14:32

Replevin, **14:32** 

# **ACCIDENT**

Release, 1:18, 8:5, 13:44, 15:8, 15:12, 19:25

# ACCOUNT STATED

Implied, 2:45, 12:23

# **ACCOUNTANTS**

Audit, 13:87

#### ACCOUNTING

Negligent misrepresentation, 10:23

#### ADDITIONAL INSURED

Insurance, 7:36

# ADEQUACY OF CONSIDERATION

Economic duress, 2:52

#### **ADJUSTERS**

Insurance, 4:15, 4:57

# **ADULTERY**

Divorce, 16:2, 16:3, 16:5, 16:7 to 16:9

#### ADVERSE POSSESSION

Clear and convincing evidence, **9:8**, **11:6** 

# ADVERTISING

Contracts, 2:66, 20:23

False advertising, **11:2**, **20:23** 

Offer, 12:2

Privacy, 14:71, 14:72

Products liability, 3:24, 15:5, 15:25

Warranties, 3:2, 3:4

#### ADVICE

Insurance, 4:2, 4:60, 9:19, 14:32, 14:88, 19:24

Medical malpractice, 1:19, 13:93, 19:19

# ADVICE OF COUNSEL

Insurance, 14:32

Malicious prosecution, 14:32, 14:36, 14:42

#### AFFIRMATIVE DEFENSES

Burden of proof, 2:52, 5:13, 5:22, 7:19, 7:34, 10:7, 12:28, 13:44, 18:14

Comparative negligence, 1:9, 3:1, 13:44, 13:46, 15:4

Defamation, 1:9, 14:43

Hostile environment, 5:16

# AFFIRMATIVE DEFENSES

—Cont'd

Products liability, 13:46, 15:4

#### **AGE**

Employment discrimination, **5:13**, **5:16**Insurance, **4:31**, **4:40**, **4:41**, **5:13** 

Wrongful death, **19:17** 

# **AGENCY**

Conflict of interest, 6:3

Contracts, 2:2, 2:9, 2:26, 2:27, 2:29, 2:57, 4:18, 6:3, 6:13, 12:29, 12:31, 20:24

Conversion, **3:28**, **7:25** 

Defamation, 14:41, 14:43, 14:47, 14:48, 19:25

Fiduciary duty, 6:3

Insurance, 1:11, 4:18, 4:57, 10:21

Interference with contract, 14:48

Medical malpractice, 4:18, 13:89, 13:91

Safe place to work, 13:6

# AGENCY BY ESTOPPEL

Medical malpractice, 13:89

#### **AIRCRAFT**

Passengers, 3:6

#### **AMBIGUITY**

Insurance, 2:18, 4:6, 4:8, 4:18

# AMERICANS WITH DISABILITIES ACT

Employment discrimination, 5:13

#### **ANIMALS**

Assumption of risk, 13:44

Children, 13:44

Contributory negligence, 13:44

Strict liability, 13:44

## **ANSWER**

Landlord and tenant, 2:12, 7:27, 7:34, 7:36, 7:37

# **ANTI-SEMITISM**

Defamation, 14:44

#### **APPEARANCE**

False arrest and false imprisonment, 14:22

# APPORTIONMENT OF FAULT

Construction, 13:37

Contracts, 13:37

Proximate cause, 13:37

#### ARBITRATION

Collective bargaining agreement,

1:12, 5:13, 5:28

Contracts, 2:1, 2:12, 2:17, 2:27, 2:57, 2:67, 4:8, 5:13, 9:19

Defamation, 1:9, 4:58

Federal arbitration act, 2:57

Stay, 1:12, 2:57

#### ARREST

Assault, 14:1, 14:2, 14:15, 14:19, 14:21, 14:22, 14:26, 14:32, 14:33

Battery, 14:1, 14:2, 14:15, 14:19, 14:22, 14:26

Emotional distress, 14:2, 14:22, 14:32

Malicious prosecution, 14:19, 14:22, 14:26, 14:31 to 14:33, 14:38, 14:41

Warrant, 12:7, 14:19, 14:20, 14:22, 14:24, 14:30

Warrantless arrest, 14:18, 14:19, 14:24

# **ARSON**

Fire insurance, 4:20, 4:21

#### **ARTISANS**

Liens, 8:4

# AS SOON AS REASONABLY POSSIBLE

Insurance, 4:42

# **ASBESTOS**

Damages, 1:19, 4:55, 4:58, 15:27, 19:25

Insurance, 4:55, 4:58

Products liability, 1:19, 15:18, 15:21, 15:27

Statute of limitations, 1:19

Index-2

ASSAULT False imprisonment, 13:5, 14:1,	ATTORNEY MALPRACTICE  —Cont'd  Damages, 13:93  Fiduciary duty, 13:93  Fraud, 13:93  Matter of law, 13:93  Privity, 13:93  Proximate cause, 13:93  Settlement, 13:93  Standard of care, 13:93  Statute of limitations, 13:93  Summary judgment, 13:93  ATTORNEYS  Advice of counsel, 20:1  Check, 19:24  Contracts, 1:1, 2:57, 10:7, 19:24  Defamation, 1:9, 14:41, 14:44,  14:47, 14:58  Emotional distress, 1:9  Fiduciary duty, 1:9, 13:93, 19:24  Good faith and fair dealing, 10:7  Guardian, 1:1  Insurance, 5:28, 19:24
Football, 13:44  Football, 13:44  Golf, 13:44  Horses, 13:44  Implied assumption of risk, 13:44  Primary assumption of risk, 13:44,  13:100, 15:2, 15:27  Products liability, 15:2 to 15:4, 15:27  Public nuisance, 15:27  Skiing, 13:44  Sports, 13:44  Strict liability, 13:44, 15:2, 15:4,  15:27  Training, 13:44, 13:100  Workers compensation, 5:20  ATTACK  Battery, 14:2  Defamation, 1:9, 9:17, 14:70  ATTORNEY MALPRACTICE  Affirmative defense, 13:93  Appeal, 13:93  Attorney-client relationship, 13:93  Collusion, 13:93  Corporation, 13:93	Malicious prosecution, 1:1, 14:41, 14:44 Settlement, 1:1, 13:93, 14:47, 19:24, 20:1 Unfair competition, 19:24  AUDIT Fraud, 18:4  AUTOMOBILE INSURANCE Notice, 4:56  AUTOMOBILES Motor vehicles, 13:59  AWARENESS Defamation, 14:45, 14:48  BAD FAITH Good faith, 1:19, 2:2, 2:60, 2:64, 2:82, 4:58, 4:60, 5:14, 6:5, 7:28, 7:34, 10:7, 10:23, 10:26, 11:2, 11:6, 12:6, 12:7, 12:28, 14:32, 14:39, 14:45, 14:48, 14:89, 20:18, 20:25  BAILMENTS Damages, 8:7

Fiduciary duty, 2:31, 2:52, 4:59,

Implied assumption of risk, 13:44

12:11, 12:28, 19:24

#### **BAILMENTS—Cont'd** BLOOD Gratuitous bailment, 8:7 Products liability, 15:19, 15:26 Negligence, 8:7 **BONUS** Securities, 8:7 Employment contract, 5:22 Statute of limitations, 8:7 **BREACH OF CONTRACT** BANKRUPTCY Contracts, 2:1, 2:2, 2:8, 2:9, 2:12, Insurance, 4:58, 7:34, 9:17, 9:19, 2:13, 2:21, 2:24, 2:26, 2:27, 10:21, 10:23, 11:2, 18:3, 19:11 2:31, 2:36 to 2:41, 2:43, 2:50, 2:54 to 2:56, 2:58, 2:62, 2:63, **BANKS** 2:70, 2:71, 2:73, 2:74, 2:77, Checks, 3:25 2:78, 2:81, 4:18, 5:14, 6:3, Fiduciary duty, **12:8** 6:13, 7:34, 8:21, 10:7, 11:20, 12:31, 18:16, 19:3, 19:24 **BASEBALL** Assumption of risk, 13:44, 15:2 **BREACH OF PEACE** Battery, 14:19 **BATTERY** Arrest, 14:1, 14:2, 14:15, 14:19, **BRIBERY** 14:22, 14:26 Defamation, 14:53 Consent, 14:1, 14:12 to 14:14 **BROKERS** Conviction, 14:4, 14:5, 14:19, 14:22, Fiduciary duty, 1:19 14:26 Services rendered, **6:9** Criminal prosecution, 14:4, 14:26 Damages, 14:3, 14:4, 14:8, 14:9, BURDEN OF PROOF 14:12, 14:13, 14:19, 14:26 Animals, 13:44 Generally, **14:12** Assumption of risk, 5:20, 13:44 Homicide, 14:2 Checks, 5:22, 12:19, 17:5 Insurance, 4:46 Clear and convincing evidence, 2:31, Intent, 4:46, 14:2, 14:22 12:31, 17:3, 17:5, 17:8, 20:1 Justification, 14:2, 14:15, 14:19, Comparative negligence, 8:8, 13:44, 14:22 13:48, 15:1 Kidnapping, 14:22 Contracts, 2:17, 2:21, 2:22, 2:31, 2:40, 2:45, 2:47, 2:52, 2:60, Medical malpractice, 13:5, 14:1 2:62, 2:75, 5:13, 7:34, 10:7, Mitigation of damages, 14:8, 14:9, 12:31, 14:88, 18:14, 19:24 14:19 Damages, 2:17, 2:21, 2:31, 2:40, Peace officer. 14:26 2:52, 2:62, 4:59, 5:7 to 5:9, Police, 14:1 to 14:3, 14:13, 14:15, 5:13, 7:19, 7:34, 8:8, 8:16, 14:19, 14:22, 14:26, 15:3 10:7, 12:28, 13:44, 13:45, Punitive damages, 14:8 13:48, 14:56, 15:11, 18:14, Recklessness, 14:2 19:8, 19:10, 19:19, 19:24 Sexual abuse, 13:5 Defamation, 14:56, 14:73, 14:88 Warrant, 14:19, 14:22 Economic duress, 2:52 Employment contract, 2:62, 5:7 to BICYCLES 5:9, 5:13, 5:20, 5:22 Proximate cause, 13:21 Employment discrimination, 5:13

**BIRTH** 

Emotional distress, 14:85

Medical malpractice, 19:21

#### BURDEN OF PROOF—Cont'd CARE Independent contractor, **5:20** Circumstantial evidence, 13:16, Insurance, 4:43, 4:59, 5:12, 5:13, 13:41, 15:12, 17:5 7:19, 7:34, 14:88, 19:24 **CARRIERS** Interference with contract, 14:88 Common carriers, 8:18 Landlord and tenant, 7:19, 7:34 **CAUSATION** Liquidated damages, 5:9, 19:8, 19:19 Alcoholic beverages, 13:23 Malicious prosecution, 14:88 Comparative fault, 13:40, 13:44, Malpractice, 13:23, 19:19, 19:24 13:86 Medical malpractice, 13:23, 19:19 Contracts, 2:1 Mitigation of damages, 5:7, 19:19 Defamation, 14:43 Negligence, 2:21, 2:52, 5:20, 7:34, Expert testimony, 13:15, 13:86, 8:8, 13:2, 13:23, 13:44, 13:45, 19:19 13:48, 15:1, 15:11, 19:19, 19:24 Insurance, 14:32 Nuisance, 12:11, 19:24 Prima facie tort, 14:32 Pain and suffering, 19:19 Proximate cause, 5:20, 13:15, 13:20, Preponderance of evidence, 17:5, 13:23, 13:40, 13:44, 13:45, 20:1 13:85, 15:11 Prima facie tort, 5:24 Release, 2:1, 13:44, 15:12, 19:19 Privacy, 14:71, 14:73 CAUSE Products liability, 15:1, 15:11, 19:24 Generally, 9:10 Profits, 7:34, 19:19 Proximate cause, 2:40, 5:20, 13:23, **CERTAINTY** 13:44, 13:45, 15:11 Assault, **14:14** Punitive damages, 2:17, 19:10 Intent, 2:21, 4:18, 17:10, 18:5 Unfair competition, **19:24** CERTIFICATE OF OCCUPANCY Uniform commercial code, 2:17 Landlord and tenant, 7:1, 7:27 Will contests, 17:3, 17:5 Negligent misrepresentation, 10:23 Workers compensation, **5:20** Wrongful death, 2:52, 13:44, 13:45 **CHECKS** Burden of proof, 5:22, 12:19, 17:5 **BURNS** Damages, 3:21, 3:24, 4:18, 7:36 Release, 13:44 Delay, 3:32, 4:18, 7:29 Good faith, 3:17, 3:24, 3:30, 3:32, BUS 5:22, 17:5 School bus, 14:18 Proximate cause, 3:24 **BUSINESS ADVANTAGE** CHILD ABUSE Prima facie tort, 14:32 Defamation, 14:58 **BUSINESS PRACTICES** CHILD SUPPORT Circumstantial evidence, 2:40 Burden of proof, 16:43 **CHILDREN BUSINESS REPUTATION** Defamation, 14:48 Animals, 13:44 Assumption of risk, 13:44 **CANCER** Comparative negligence, 13:44, Medical malpractice, 13:86 13:52, 15:1 Will contests, 17:5 Contracts, 1:1, 4:18, 9:10, 16:35

#### CHILDREN—Cont'd

Defamation, 14:48, 14:57 Disability, 12:19, 16:27, 19:21 Insurance, 4:18, 9:10, 10:23, 11:2, 13:88

Medical malpractice, 1:19, 4:18, 13:88, 19:21

Privacy, 1:1, 14:48

Proximate cause, **13:44**, **13:88**Questions of law and fact, **9:10**Wrongful death, **1:1**, **1:19**, **13:44** 

# **CHIROPRACTORS**

Medical malpractice, 13:86

#### **CIGARETTES**

Products liability, 15:2, 15:19

# **CIRCULATION**

Defamation, 14:50

# CIRCUMSTANTIAL EVIDENCE

Divorce, 16:5 Employment discrimination, 5:13 Insurance, 4:20, 5:13 Intent, 17:5 Products liability, 15:11, 15:12

Res ipsa loquitur, 13:16 Will contests, 17:5

# **CIVIL RIGHTS**

Defamation, **1:9** Emotional distress, **1:9** Malicious prosecution, **1:1** 

# **CLEAN HANDS**

Fiduciary duty, 9:10

# CLEAR AND CONVINCING EVIDENCE

Defamation, 14:48
Divorce, 16:35
Guardian, 17:12
Malice, 14:48, 19:9
Mutual mistake, 2:24
Nuisance, 14:59
Punitive damages, 19:9
Will contests, 17:3, 17:5, 17:12

# **CLERK OF COURT**

Defamation, 14:40

#### CLOTHING

Damages, **8:1**, **20:23** Guardian, **2:4**, **8:1** 

#### **COERCION**

Duress or coercion, 2:28

#### **COLLATERAL ADVANTAGE**

Abuse of process, 14:32

#### **COLLATERAL ESTOPPEL**

Res judicata and collateral estoppel, 1:3, 1:5

#### **COLLECTIVE BARGAINING**

Employment contract, **5:13** Prima facie tort, **14:1** 

#### COLLUSION

Attorney malpractice, 13:93 Insurance, 4:18

#### **COLOR**

Discrimination based on, 5:13

# **COMMERCIAL PROPERTY**

Landlord and tenant, 7:1, 7:13, 7:31, 7:37

# **COMMON CARRIERS**

Public. 8:18

# **COMMON INTEREST**

Defamation, 14:39, 14:48

# **COMMON LAW**

Safe place to work, 13:6

#### **COMMUNITY STANDARD**

Medical malpractice, 13:88

# **COMPARATIVE FAULT**

Comparative negligence, **3:24**, **13:44**, **13:46**, **13:48**, **15:1**, **15:4**, **19:11** 

# COMPARATIVE NEGLIGENCE

Affirmative defenses, 1:9, 3:1, 13:44, 13:46, 15:4
Animals, 13:44
Assumption of risk, 13:44, 15:4, 15:27

Burden of proof, **8:8**, **13:44**, **13:48**, **15:1** 

Causation, 13:44

Children, 13:44, 13:52, 15:1

# COMPARATIVE NEGLIGENCE —Cont'd Consortium, 13:49 Disability, 3:24 Firefighters, 13:44 Insurer, 1:9, 4:53 Mitigation of damages, 19:11 Nuisance, 15:27 Passengers, 1:9, 13:50 Police, 13:44, 14:2, 15:27 Products liability, 3:24, 13:46, 15:1,

Proximate cause, **3:24**, **13:44**, **13:46**, **15:4** 

Public nuisance, **15:27**Rear-end collision, **13:56** 

15:4, 15:27

Reasonably prudent person, **4:53**, **13:56** 

Rescue, 15:4

Standard of care, 13:46, 13:50, 13:52, 13:56, 15:4

Statutory standard of care, **13:50**Wrongful death, **13:44, 13:50, 13:51, 14:2** 

# COMPETITION

Employment contract, **5:9**, **14:89** Fiduciary duty, **12:12**, **19:24** 

# COMPLAINT

Landlord and tenant, 2:12, 7:2, 7:25, 7:27, 7:31, 7:32, 7:34, 7:36

Malicious prosecution, 1:1, 14:22, 14:26, 14:32, 14:33, 14:41, 14:48

#### **COMPONENT PART**

Products liability, 15:6, 15:7

# COMPROMISE

Settlement, 4:14, 4:60, 12:23

#### CONCEALMENT

Medical malpractice, 1:12, 1:19, 13:83

Products liability, **1:19**, **5:17** Punitive damages, **13:96** 

# CONCURRENT JURISDICTION

Jurisdiction, 11:1

#### CONDITION PRECEDENT

Contracts, 2:11, 2:55, 2:57, 2:64, 4:8, 4:18, 8:17
Insurance, 4:8, 4:10, 4:12, 4:13, 4:18, 10:15, 10:21
Landlord and tenant, 7:27 to 7:29

Wrongful death, 13:45

#### **CONDITIONS**

Brokers, **6:13**, **20:19**, **20:20** 

#### CONDONATION

Divorce, 16:1, 16:3, 16:5, 16:7, 16:13, 16:35

# CONFIDENTIAL RELATIONSHIP

Fiduciary duty, 2:31

# CONFINEMENT

False arrest and false imprisonment, **14:19**, **14:22**, **14:30** 

#### **CONFLICT OF INTEREST**

Agency, **6:3**Fiduciary duty, **4:58**, **4:59**, **6:1**, **6:3**Merger, **4:59** 

# **CONNIVANCE**

Divorce, 16:1, 16:7, 16:9

#### CONSCIOUS INDIFFERENCE

Battery, 14:1, 14:12 to 14:14

Insurance, 13:88

# CONSENT

Defamation, 1:9, 4:58
Insurance, 1:11, 1:13, 4:19, 4:22,
4:23, 4:31, 4:37, 4:38, 4:58,
7:19, 8:21, 9:10, 10:21, 11:27,
13:88

Landlord and tenant, 7:1, 7:19, 7:23 to 7:25, 7:28, 7:29

Medical malpractice, 1:12, 4:58, 13:83, 13:85, 13:86, 13:88, 13:93, 14:1, 19:21

Privacy, 14:71, 14:76, 14:79, 14:80

# CONSIDERATION

Adequacy of consideration, 2:22, 2:52

Generally, 9:10

Release, 1:18, 2:1, 2:37, 2:50, 2:52, 2:55, 4:2, 18:8, 18:16, 20:27

CONSIDERATION—Cont'd
Settlement, 1:5, 2:47, 4:2, 4:58, 5:10,
9:10, 10:21, 12:28, 14:47,
14:59, 19:24, 20:27

#### CONSORTIUM

Wrongful death, 2:52, 19:15

# **CONSPIRACY**

At will employment, **5:14**Interference with contract, **14:88**Malicious prosecution, **14:88** 

#### CONSTRUCTIVE EVICTION

Landlord and tenant, 7:2, 7:4 to 7:6, 7:8, 7:10

# CONSTRUCTIVE FRAUD

Fiduciary duty, **1:18**Statute of limitations, **1:18** 

#### CONSUMERS

Privacy, 14:84

# **CONTACT**

Assault, **13:100**, **14:2**, **14:22** Battery, **14:2**, **14:22** 

# **CONTINUANCE**

Presumption of, 16:3

# **CONTINUOUS TREATMENT**

Medical malpractice, 13:83

Account stated, 2:45, 2:46

#### CONTRACTS

Agents, 2:10, 2:48, 6:13, 9:19, 12:29 Agreement to agree, 2:21 Apportionment of fault, 13:37 Arbitration, 2:1, 2:12, 2:17, 2:27, 2:57, 2:67, 4:8, 5:13, 9:19 Assignment, 2:39, 2:40, 2:50, 3:1, 18:14 Attorneys, 1:1, 2:57, 10:7, 19:24 Breach of contract, 2:1, 2:2, 2:8, 2:9, 2:12, 2:13, 2:21, 2:24, 2:26, 2:27, 2:31, 2:36 to 2:41, 2:43, 2:50, 2:54 to 2:56, 2:58, 2:62, 2:63, 2:70, 2:71, 2:73, 2:74, 2:77, 2:78, 2:81, 4:18, 5:14, 6:3, 6:13, 7:34, 8:21, 10:7, 11:20, 12:31, 18:16, 19:3, 19:24 CONTRACTS—Cont'd

Burden of proof, 2:17, 2:21, 2:22, 2:31, 2:40, 2:45, 2:47, 2:52, 2:60, 2:62, 2:75, 5:13, 7:34, 10:7, 12:31, 14:88, 18:14, 19:24

Children, 1:1, 4:18, 9:10, 16:35

Condition precedent, 2:11, 2:55, 2:57, 2:64, 4:8, 4:18, 8:17

Consideration, 2:1, 2:3, 2:12, 2:18, 2:21 to 2:23, 2:29, 2:35, 2:37, 2:45, 2:47, 2:50, 2:52, 2:55, 2:59 to 2:61, 2:65, 2:79, 6:13, 7:34, 9:10, 10:5, 12:3, 13:37, 18:3, 18:14, 18:16, 19:24

Contracting parties, 2:2, 2:11, 2:19, 2:34, 2:62, 2:71, 2:74, 19:3

Conversion of property, 8:21

Credit card agreements, 2:36

Damages, 1:1, 2:1, 2:2, 2:17, 2:21, 2:31, 2:35, 2:36, 2:38, 2:40, 2:41, 2:52, 2:53, 2:55, 2:62, 2:80, 3:1, 4:18, 5:13, 6:3, 7:13, 7:34, 8:21, 10:7, 11:20, 13:14, 13:37, 14:85, 18:14, 18:16, 19:3, 19:24, 20:23

Defamation, 2:81, 14:88

Economic duress, 2:26, 2:27, 2:52

Elements, 2:17, 2:21, 2:24, 2:27, 2:29, 2:31, 2:33, 2:39, 2:41, 2:50, 2:55, 2:58, 2:75, 5:13, 8:21, 11:13, 20:23, 20:24, 20:29

Emotional distress, **2:2, 14:85, 19:3** 

Employment contract, 2:62, 2:65, 2:68, 5:13, 5:14, 5:17, 8:21

Enforcement, 2:12, 2:17 to 2:19, 2:21, 2:24, 2:26, 2:27, 2:29, 2:34, 2:37, 2:39, 2:40, 2:45, 2:57, 2:62, 2:65, 2:67, 2:68, 2:79, 5:13, 7:34, 9:10, 10:7, 12:27, 12:31, 18:14, 18:16

Fiduciary duty, 2:12, 2:31, 2:52, 6:3, 9:10, 18:16, 19:24

Foreseeability, 2:37, 2:39, 14:85 Generally, 9:10

Good faith, 2:1, 2:2, 2:8, 2:11, 2:19, 2:29, 2:37, 2:40, 2:47, 2:60, 2:64, 2:79, 2:80, 2:82, 5:13, 5:14, 6:3, 7:34, 8:21, 10:7,

14:88, 18:14, 18:16

Illegal contracts, 2:12

CONTRACTS—Cont'd	CONTRACTS—Cont'd
Implied contracts, 14:85	Reasonable time, <b>7:13, 9:19</b>
Impossibility of performance, 2:37, 2:39, 11:20	Release, 2:1, 2:6, 2:26, 2:37, 2:49, 2:50, 2:52, 2:53, 2:55, 13:14,
Incompetency, 2:2, 2:5, 2:7	14:88, 18:16
Intent, 2:19, 2:21, 2:24, 2:31, 2:33,	Reliance, 2:31, 2:32, 2:65, 2:69,
2:34, 2:37, 2:47, 2:49, 2:50,	2:71, 4:30, 10:7, 18:14
2:52, 2:57, 2:58, 3:1, 4:18,	Repudiation, 2:2, 2:7, 2:13, 2:63,
4:30, 8:17, 8:21, 9:10, 12:27,	6:13, 8:21
13:14, 14:88, 16:35, 18:3, 19:3	Separation agreement, 9:10, 16:35
Interest, 2:2, 2:6, 2:11, 2:17, 2:19,	Settlement, 1:1, 2:11, 2:47, 2:48,
2:24, 2:33, 2:40, 2:50, 2:52,	2:53, 6:3, 9:10, 14:88, 16:35,
2:55, 2:60, 2:61, 2:65, 2:72,	19:24
2:82, 3:1, 4:18, 5:13, 5:17, 6:3,	Specific performance, 2:6, 9:10,
7:34, 8:21, 9:10, 9:19, 10:7,	9:19, 11:20
11:20, 12:3, 12:29, 12:31,	Statute of frauds, 2:1, 2:65, 2:66,
13:14, 14:88, 18:14, 18:16	6:13
Interference with contract, 14:88	Statute of limitations, <b>1:1</b> , <b>2:1</b> , <b>2:12</b> ,
Landlord and tenant, 2:12, 7:13, 7:34	2:75, 3:11, 4:18, 5:13, 6:13,
Leases, 2:31, 2:65, 7:34, 13:37	8:21, 13:83, 20:23
Market value, 7:13, 8:21, 9:10	Substantial performance, 2:40
Medical malpractice, 4:18, 13:83	Termination of, 1:1, 2:8, 2:60, 5:14,
Mitigation of damages, 2:1, 19:3	7:34, 9:10, 12:31, 20:29
Mutual assent, 2:24, 2:79	Third parties, <b>4:18</b> , <b>11:20</b> , <b>19:24</b> ,
Mutual mistake, 2:21, 2:24, 2:25,	20:23
2:52, 9:10	Third party beneficiaries, <b>2:2</b>
Negligent misrepresentation, 2:11	Unconscionability, 2:17 to 2:19, 2:21
Parol evidence, <b>2:22</b> , <b>16:35</b>	Unfair competition, <b>19:24</b> , <b>20:23</b>
Partnership, 8:21, 9:10, 10:7, 12:27,	
12:31	Waiver and estoppel, 2:57, 2:78, 4:18
Performance, 1:1, 2:1, 2:6, 2:11 to	Warranties, 1:1, 3:11
2:13, 2:27, 2:31, 2:33, 2:36 to	CONTRIBUTORY NEGLIGENCE
2:41, 2:43, 2:47, 2:50, 2:55,	Animals, 13:44
2:59 to 2:66, 2:70, 2:74, 2:78 to	
2:80, 3:11, 4:18, 5:13, 5:17,	Emergency, 13:35, 13:40, 13:72
6:13, 8:17, 9:10, 9:19, 11:20,	Nuisance, 15:27
12:29, 12:31, 13:10, 14:88, 19:3, 20:23	Public nuisance, 15:27
Price, 2:4, 2:23, 2:32, 2:47, 2:48,	CONTROL
2:51, 2:60, 2:65, 2:71, 4:18,	
6:13, 8:21, 9:19, 10:7, 11:20	Conversion of property, <b>8:21</b>
Products liability, 2:69, 5:17, 19:24	Independent contractor, 5:20, 12:29,
Promissory estoppel, <b>2:65</b> , <b>18:16</b>	13:6, 13:7, 13:10, 13:31, 13:33,
Punitive damages, 2:17, 7:13, 8:21,	13:37, 13:38
19:3	Parent and child, 17:12
Quantum meruit, 11:20	Premises liability, 13:38
Questions of law and fact, 9:10, 10:7	Private nuisance, 12:11
Read, 2:4, 2:21, 2:24, 2:25, 2:35,	Res ipsa loquitur, 13:16, 13:37
2:52, 2:59, 2:64, 5:13, 7:34,	Safe place to work, 13:6
18:16, 20:29	Sidewalk, <b>13:7</b> , <b>13:8</b> , <b>13:10</b> , <b>13:38</b>
IU.IU, MV.M/	5100 Walk, 15.7, 15.0, 15.10, 15.50

#### CONVERSION OF PROPERTY

Contracts, 8:21 Control, 8:21 Corporate stock, 8:21 Damages, 8:21 Demand and refusal, 8:21 Intent, 8:21 Money, 8:21 Possession, 8:21 Punitive damages, 8:21 Statute of limitations, 8:21 Title, 8:21 Wrongful taking, 8:21

#### CONVICTION

Battery, 14:4, 14:5, 14:19, 14:22, 14:26 Malicious prosecution, 14:19, 14:22, 14:26, 14:31, 14:32, 14:44

# COOPERATION

Insurance, 4:18, 4:43, 4:56

#### **COPYRIGHT**

Infringement, 4:55, 11:2, 11:6, 20:3, 20:4, 20:11, 20:13, 20:14, 20:16 to 20:21, 20:23, 20:24, 20:27 Privacy, 14:48

Unfair competition, 11:2, 20:23

# CORPORATE OFFICERS AND **DIRECTORS**

Fiduciary duty, 12:8

# CORPORATE STOCK

Cause, 8:21 Market value, 8:21

#### CORPORATIONS

In pari delicto defense, 12:8, 12:29, 12:31

Privacy, 14:82

# COURSE OF EMPLOYMENT

Scope of employment, **13:96**, **14:84** 

# COVENANT OF QUIET **ENJOYMENT**

Landlord and tenant, 7:4, 7:8, 7:10

# COVENANT TO REPAIR

Landlord and tenant, 7:1

#### CREDIT

Emotional distress, 19:25

#### **CRIMINAL ACTIVITY**

Defamation, 14:47, 14:84 Proximate cause, 13:16

#### CRIMINAL PROSECUTION

Battery, 14:4, 14:26

#### CROSSWALK

Children, 13:6 Pedestrians, 13:6

# CRUEL AND INHUMAN TREATMENT

Divorce, 16:3, 16:12

# **CUSTOMERS**

Checks, 3:25 Defamation, 1:9, 14:44, 14:84, 14:88 Trade secrets. 5:9

# DAILY LIVING ACTIVITIES

Guardian, 13:88

#### **DAMAGES**

Abortion, 14:56, 19:21 Abuse of process, 14:32 Actual harm, 13:38 Apportionment of fault, 13:37 Attorney malpractice, 13:93 Bailments, 8:7 Battery, 14:3, 14:4, 14:8, 14:9, 14:12, 14:13, 14:19, 14:26 Burden of proof, 2:17, 2:21, 2:31, 2:40, 2:52, 2:62, 4:59, 5:7 to 5:9, 5:13, 7:19, 7:34, 8:8, 8:16, 10:7, 12:28, 13:44, 13:45, 13:48, 14:56, 15:11, 18:14, 19:8, 19:10, 19:19, 19:24 Checks, 3:21, 3:24, 4:18, 7:36

Computation of, 19:14

Consortium, 2:52, 13:49, 19:15

Contracts, 1:1, 2:1, 2:2, 2:17, 2:21, 2:31, 2:35, 2:36, 2:38, 2:40, 2:41, 2:52, 2:53, 2:55, 2:62, 2:80, 3:1, 4:18, 5:13, 6:3, 7:13, 7:34, 8:21, 10:7, 11:20, 13:14, 13:37, 14:85, 18:14, 18:16, 19:3, 19:24, 20:23

Conversion of property, 8:21

DAMAGES—Cont'd  Defamation, 1:9, 4:58, 14:33, 14:39,	DAMAGES—Cont'd  14:89, 19:19, 19:21  Misappropriation, 4:58, 8:2, 8:21  Mitigation of damages, 2:1, 5:7,  7:36, 14:8, 14:9, 14:19, 14:39,  14:50, 14:52, 15:14, 19:3,  19:11, 19:19  Negligent misrepresentation, 3:21,  7:19, 14:33  Nominal damages, 19:12  Opportunities, 4:58, 5:16, 15:14,  19:19  Pain and suffering, 14:85, 19:1, 19:2,  19:15, 19:19, 19:21  Personal injury, 1:1, 1:12, 1:19, 1:27,  2:17, 2:52, 2:53, 4:18, 4:56,  4:58, 5:13, 7:13, 13:20, 13:37,  13:40, 13:42, 13:45, 13:46,  13:50, 13:55, 13:76, 15:11,  19:2, 19:15, 19:19, 19:20, 19:24  Premises liability, 13:20, 13:38  Privacy, 1:1, 14:48, 14:55, 14:58,  14:72, 19:11  Private nuisance, 14:59  Products liability, 1:19, 3:24, 13:46,  15:4, 15:5, 15:7, 15:11, 15:14,  15:15, 15:27, 19:9, 19:24  Profits, 4:55, 7:2, 7:34, 8:21, 8:24,  19:3, 19:15, 19:19  Property damage, 2:17, 3:24, 4:60,  7:13, 13:6, 13:20, 13:45, 13:55,  14:65, 15:11, 19:4, 19:5  Public nuisance, 14:59, 15:27  Punitive damages, 2:17, 7:13, 8:21,  13:16, 13:78, 13:96, 14:8,  14:32, 14:36, 14:52, 19:3, 19:9  to 19:12, 19:14, 19:18, 19:25  Quantum meruit, 5:10, 11:2, 11:20  Release, 2:1, 2:52, 2:53, 2:55, 3:21,  3:23, 4:2, 13:14, 13:44, 18:16.
to 4:60, 5:9, 5:13, 6:3, 7:26, 7:34, 8:1, 8:2, 8:7, 8:21, 10:7, 10:21, 10:22, 11:2, 11:6, 11:20, 12:8, 12:28, 13:14, 13:44, 14:4, 14:32, 14:39, 14:48, 14:65, 14:66, 14:89, 18:14, 18:16,	19:3, 19:15, 19:19 Property damage, 2:17, 3:24, 4:60, 7:13, 13:6, 13:20, 13:45, 13:55, 14:65, 15:11, 19:4, 19:5 Public nuisance, 14:59, 15:27 Punitive damages, 2:17, 7:13, 8:21,
14:89 Joint tortfeasors, 19:25 Landlord and tenant, 7:1, 7:2, 7:4, 7:6, 7:8, 7:10, 7:11, 7:13, 7:19, 7:26, 7:34, 7:36, 14:89 Limitation of liability, 8:7 Malicious prosecution, 1:1, 14:19, 14:26, 14:32, 14:33, 14:36, 14:48 Market value, 3:2, 3:23, 7:13, 8:1,	to 19:12, 19:14, 19:18, 19:25 Quantum meruit, 5:10, 11:2, 11:20 Release, 2:1, 2:52, 2:53, 2:55, 3:21, 3:23, 4:2, 13:14, 13:44, 18:16, 19:19, 19:23, 19:25 Special damages, 2:31, 14:52, 14:58, 19:2, 19:3, 19:16, 19:25 Termination of employment, 5:4, 5:7, 11:2 Trade secrets, 2:17, 5:9, 8:2
8:21, 10:21, 11:6, 15:27, 19:4 Medical malpractice, 1:12, 1:19, 4:18, 4:58, 13:40, 13:86, 13:93,	Treble damages, 1:1, 13:14, 19:24 Unfair competition, 11:2, 19:24, 20:23

#### DAMAGES—Cont'd DEFAMATION—Cont'd Wrongful death, 1:1, 1:11, 1:19, Credit, 14:33, 14:43, 14:88, 19:25 2:52, 13:20, 13:44, 13:45, Crime, 14:33, 14:40, 14:44, 14:48, 13:50, 19:9, 19:15, 19:17, 14:52, 14:58, 14:84 19:20, 19:25 Customers, 1:9, 14:44, 14:84, 14:88 Damages, 1:9, 4:58, 14:33, 14:39, DANGER INVITES RESCUE 14:48, 14:50, 14:52, 14:53, Rescue, 13:40 14:55, 14:56, 14:58, 19:25 **DEATH** Defenses, 1:9, 1:26, 14:43, 14:58, 14:83, 14:88, 19:25 Defamation, 14:45, 14:57, 19:25 Depositions, 14:47 Emotional distress, 14:2, 14:85, Discharge from employment, 14:48 19:15, 19:25 Dismissal, 1:9, 14:44, 14:45 Landlord and tenant, 7:13, 7:19, 7:25 Distributors, 14:83 Privacy, 1:1, 5:18, 14:80 Divorce, 9:17 Services rendered, 4:6 Suicide, 4:3, 4:33, 4:34, 19:20 E-mail, 14:58 Employment, 1:9, 4:58, 14:48, Wrongful death, 1:1, 1:11, 1:19, 14:81, 14:84, 14:88, 19:25 2:52, 13:12, 13:20, 13:26, 13:41, 13:44, 13:45, 13:50, Extrinsic facts, 14:45 13:51, 13:83, 13:89, 13:101, Fair comment, 14:45, 14:46 14:2, 15:19, 19:9, 19:15, 19:17, Falsity, 14:39, 14:45, 14:48, 14:50, 19:20, 19:25 14:56, 14:70, 14:73 Fbi, 14:33, 14:56 **DEFAMATION** Foreseeability, 1:9 Absolute privilege, 2:81, 14:33, Grand jury, 1:9, 14:33 14:41, 14:44, 14:47, 14:88 Gross negligence, 14:45 Affirmative defense, 1:9, 1:26, 14:39, 14:42, 14:45, 14:48, Group, 14:57 14:52, 14:58, 14:73, 14:83, Harassment, 14:47, 14:70, 19:25 14:88, 19:25 Hatred, 14:45 Anti-semitism, 14:44 Headlines, 14:56 Arbitration, 1:9, 4:58 Hyperbole, **14:49** Attack, 1:9, 9:17, 14:70 Implication, 14:45, 14:70 Attorneys, 1:9, 14:41, 14:44, 14:47, Income, 14:84 14:58 Insurance, 4:58, 9:17, 14:33, 14:39, Benefits, 4:58, 14:45 14:81, 14:84, 14:88 Breach of contract, 1:9, 2:81, 19:25 Intent, 1:9, 4:58, 14:39, 14:44, Bribery, **14:53** 14:48, 14:51, 14:81, 14:84, Burden of proof, 14:56, 14:73, 14:88 14:88 Business, 4:58, 14:43, 14:47, 14:48, Interest, 1:9, 4:58, 14:39, 14:45, 14:55, 14:58, 14:81, 14:83, 14:47, 14:48, 14:83, 14:88 14:84, 14:88 Internet, 14:39, 14:81 Character, 14:48, 14:83, 14:88 Investigation, 4:58, 14:41, 14:48, Child abuse, 14:58 14:81, 14:88, 19:25 Circulation, 14:50 Judges, 14:44, 14:47 Jurors, 14:44 Clear and convincing evidence, 14:48 Clerk of court, 14:40 Letter, 4:58, 14:44, 14:47, 14:48 Consent, 1:9, 4:58 Mail, 14:58 Course of employment, 14:84 Malpractice, 4:58

DEFAMATION—Cont'd Medical malpractice, 4:58 Misdemeanor, 14:58	DEFAMATION—Cont'd Statute of limitations, 14:55, 14:84 Supervisor, 14:39, 14:44, 14:58,
Mistake, 14:53	19:25
Mitigation of damages, 14:39, 14:50,	Teacher, 14:47, 14:81
14:52	Theft, 14:39, 14:88
Moral turpitude, <b>14:45</b> , <b>14:57</b> Motions, <b>14:84</b>	Third party, <b>4:58</b> , <b>14:43</b> , <b>14:47</b> , <b>14:88</b>
Motive, 14:45, 14:47, 14:48, 14:88	Truth, <b>4:58</b> , <b>14:39</b> , <b>14:41</b> , <b>14:45</b> ,
News media, 14:47, 14:48, 14:52	14:48, 14:50, 14:73, 14:88
Nurse, <b>4:58</b>	Will, 1:9, 4:58, 14:39, 14:45, 14:48
Opinions, 14:39, 14:44, 14:45,	to 14:50, 14:88, 19:25 Witnesses, 14:33, 14:41, 14:44,
14:48, 14:73 Parties, 1:9, 1:26, 4:58, 14:41, 14:44,	14:47
14:45, 14:47, 14:54, 14:56,	DEFAULT
14:81, 14:88	Landlord and tenant, 7:2, 7:4, 7:8,
Pleading, <b>19:25</b>	7:21, 7:25, 7:27, 7:32, 7:37
Police, <b>14:33</b> , <b>14:41</b> , <b>14:46</b> , <b>14:48</b> , <b>14:58</b> , <b>14:70</b> , <b>14:84</b>	DEFAULT JUDGMENT
Prejudice, <b>1:9</b> , <b>4:58</b>	Damages, 1:9, 1:27, 4:42, 4:58, 4:60,
Prima facie case, <b>1:9, 14:45, 14:88</b>	8:1, 10:21, 18:16, 19:16, 19:25
Prior restraint, 14:44	Medical malpractice, 4:58
Probable cause, 14:30, 14:33, 14:41	DEFENSE OF ANOTHER
Property, 1:9, 1:26, 4:58, 9:17,	Battery, <b>14:16</b>
14:33, 14:41, 14:48, 14:58, 14:70	DEFENSE OF PROPERTY
Protection, 1:9, 14:45, 14:54, 14:81,	Battery, 14:10
14:88	•
Public interest, <b>14:45</b> , <b>14:47</b> , <b>14:48</b>	DEFENSE OF SELF
Publisher, <b>14:45</b> , <b>14:47</b> , <b>14:53</b> , <b>14:54</b> Punitive damages, <b>14:52</b> , <b>19:25</b>	Self defense, 14:2
Qualified privilege, <b>2:81, 14:39,</b>	DEFENSES
14:48	Abuse of process, 14:22
Quasi-judicial proceedings, 14:41,	Affirmative defenses, 1:3, 1:5, 1:9, 1:12, 1:21, 1:25, 2:1, 2:52,
14:44, 14:47	2:63, 2:79, 3:1, 3:37, 5:13,
Republication, <b>14:48</b> , <b>14:56</b> Resignation, <b>14:58</b>	5:16, 5:22, 5:26, 5:28, 5:29,
Retraction, 14:51 to 14:53, 14:58	7:10, 7:19, 7:34, 10:7, 10:21,
Schools, <b>14:39</b>	11:2, 12:7, 12:28, 13:44, 13:46, 14:22, 14:43, 15:4, 18:9, 18:11,
Settlement negotiations, 4:58	18:12, 18:14, 19:2, 20:18, 20:25
Slander, 9:17, 14:39, 14:43, 14:47 to	Defamation, 1:9, 1:26, 14:43, 14:58,
14:50, 14:57 Slander per se, 14:57	14:83, 14:88, 19:25
Spite, <b>14:88</b>	Emotional distress, 1:9, 1:26, 2:2, 14:22, 19:25
Stalking, <b>14:48</b>	Insurance, 1:11, 1:13, 1:18, 2:34,
State, 1:9, 4:58, 9:17, 14:30, 14:33,	4:1, 4:6, 4:18, 4:32, 4:55, 4:60,
14:40, 14:44 to 14:47, 14:51,	5:13, 5:28, 7:19, 7:34, 7:36,
14:54, 14:56 to 14:58, 14:70,	9:19, 10:21, 10:23, 11:2, 14:88, 16:2
14:83, 14:84, 14:88	16:2

#### **DEFENSES—Cont'd**

Interference with contract, 14:88, 14:92

Landlord and tenant, 7:4, 7:10, 7:13, 7:19, 7:25, 7:27, 7:28, 7:33, 7:34, 7:36 to 7:38

Malicious prosecution, 1:1, 14:19, 14:22, 14:88

Unfair competition, 11:2, 14:83, 20:23, 20:25

#### **DEFINITIONS**

Accident, **4:18**Medical malpractice, **4:18**Substantial, **4:18**Unauthorized signature, **4:18**Waiver, **4:18** 

# **DELAY**

Checks, 3:32, 4:18, 7:29
Insurance, 4:18, 4:19, 4:42, 4:44,
4:60, 7:34, 8:21, 10:21, 10:23,
11:2, 18:3
Laches, 2:75, 9:7, 10:13, 10:23, 11:2.

11:6, 11:7, 11:13, 12:7, 16:40, 18:16, 20:8, 20:18, 20:26 Malicious prosecution, 14:22

Malicious prosecution, 14:22 Medical malpractice, 1:19, 4:18, 13:85, 13:86

#### **DELIVERY**

Conversion of property, 8:21

# DEMAND AND REFUSAL

Conversion of property, 8:21

#### **DEMOLITION**

Defined, 10:21

# **DEPOSITIONS**

Defamation, 14:47

#### DESIGN

Products liability, 1:19, 2:69, 5:17, 15:1, 15:2, 15:4 to 15:6, 15:9, 15:10, 15:12 to 15:14, 15:18, 15:22, 15:24, 15:27

# **DEVELOPMENT**

Children, 11:2, 13:44

# **DIAGNOSIS**

Damages, 13:86, 14:85, 15:27, 19:19

#### DIAGNOSIS—Cont'd

Medical malpractice, 13:83, 13:86, 19:19

# DIRECT EVIDENCE

Circumstantial evidence, 2:40, 13:41

#### **DIRECTORS**

Corporate officers and directors, 12:8, 12:15

#### DISABILITY

Comparative negligence, 3:24
Emotional distress, 2:2, 19:15
Employment discrimination based on, 5:16
Insanity, 1:2, 2:2, 16:27
Intoxication, 2:2
Landlord and tenant, 7:2, 7:34
Privacy, 5:18

# **DISABILITY INSURANCE**

Notice, 9:24

# DISCHARGE FROM EMPLOYMENT

Defamation, 14:48

# **DISCLAIMER**

Fiduciary duty, 2:31 Implied warranty of merchantability, 3:6, 3:24 Insurance, 4:18, 4:19, 4:44, 4:55

Products liability, **3:24**, **15:16** 

# **DISCLOSURE**

Expert testimony, **6:3**, **13:88**, **20:1** Fiduciary duty, **4:58**, **6:3** Spouse, **16:42** 

#### DISCRIMINATION

Employment discrimination, **5:13**, **5:16** 

Punitive damages, 13:96

# DISMISSAL

Malicious prosecution, 14:35, 14:44

# DISSOLUTION OF MARRIAGE

Divorce, 16:1, 16:5, 16:7, 16:11, 16:12, 16:41

# DISTRIBUTORS

Defamation, 14:83

# DISTRIBUTORS—Cont'd

Products liability, 15:1

# **DISTRICT ATTORNEY**

Abuse of process, **14:37** Malicious prosecution, **14:37** 

#### DITCH

Sidewalk, 13:24

# **DIVORCE**

Abandonment, 16:2, 16:4, 16:11, 16:37

Adultery, **16:2**, **16:3**, **16:5**, **16:7** to **16:9** 

Condonation, 16:1, 16:3, 16:5, 16:7, 16:13, 16:35

Connivance, 16:1, 16:7, 16:9

Constructive abandonment, 16:11

Cruel and inhuman treatment, 16:3, 16:12

Defamation, 9:17

Forgiveness, 16:3, 16:5, 16:13, 16:35

Generally, 9:10

Incompatibility, 16:1

Irreconcilable differences, 16:1,

16:11, 16:41

Mental cruelty, 16:2

Physical cruelty, 16:2

Recrimination, 16:1, 16:7

Sexual relations, **16:3**, **16:5**, **16:11 to 16:13** 

Statute of limitations, 16:2, 16:12

# DOGS

Landlord and tenant, 7:2 Ordinance, 7:2, 14:81

School, 14:81

# DOMESTIC RELATIONS CASES

Divorce, 16:5

# **DOUBLE INDEMNITY**

Life insurance, 4:34 to 4:36

## **DRILL**

Safe place to work, 13:6

# **DRIVEWAY**

Premises liability, **13:38** Rules of the road, **13:6** 

#### **DUTY OF CARE**

Standard of care, 13:7, 13:35, 13:72, 13:88

#### E-MAIL

Defamation, 14:58

#### **EARNINGS**

Future earnings, 19:15, 19:17, 19:20 Wrongful death, 19:15, 19:17, 19:20

#### **ECONOMIC DURESS**

Contracts, 2:26, 2:27, 2:52

# ECONOMIC INTEREST

Financial interest, 14:88

# **ECONOMIC LOSS**

Products liability, 3:24, 15:27

Public nuisance, 15:27

Wrongful death, 19:20

#### ECONOMIC RELATIONS

Interference with economic relations, **14:41** 

# **EJECTMENT**

Landlord and tenant, 7:11, 7:25

# **ELECTION OF REMEDIES**

Landlord and tenant, 7:6

#### **ELECTRICITY**

Landlord and tenant, 7:34

# **EMERGENCY**

Assumption of risk, 13:100

Hospitals, 13:88, 13:91

Medical malpractice, 13:1, 13:40, 13:88, 13:89, 13:91

Police, 13:1, 13:67, 13:100, 14:13, 14:19, 14:22

Rescue, 13:35, 13:40, 13:100

Standard of care, 13:35, 13:72, 13:88

#### EMOTIONAL DISTRESS

Assault, 13:5, 14:2, 14:22, 14:32

Battery, 13:5, 14:2, 14:22

Contracts, 2:2, 14:85, 19:3

Defamation, 1:9, 1:26, 14:84, 19:25

Fraud, 1:9, 2:2, 13:5, 14:22, 14:32, 14:84

Insurance, 14:32, 14:84, 14:85

# EMOTIONAL DISTRESS—Cont'd Malicious prosecution, 14:22, 14:32,

14:77, 14:84

Medical malpractice, 13:5 Negligent infliction of emotional distress, 13:5, 14:84, 14:85 Other person, 14:2, 14:32 Privacy, 13:5, 14:77, 14:84

Third person, 14:2

# EMPLOYMENT CONTRACT

At will employment, 5:14 Bonuses, 5:22

Burden of proof, 2:62, 5:7 to 5:9, 5:13, 5:20, 5:22

Business, 2:68, 5:1, 5:2, 5:5, 5:6, 5:8, 5:9, 5:13, 14:89, 15:14,

Damages, 1:9, 2:62, 5:1, 5:4, 5:7 to 5:9, 5:13, 8:21, 14:89, 15:14

Fiduciary duty, 1:9, 5:6

Good faith, 5:13, 5:14, 5:20, 5:22, 8:21, 14:89

Interest, 1:9, 2:65, 5:9, 5:13, 5:17, 8:21, 14:89, 16:12

Interference with contract, 14:89 Liquidated damages, 5:9

Mitigation of damages, 5:7, 15:14

Public employees, 5:20

Punitive damages, 8:21

Reliance, 1:9, 2:65, 5:20, 5:22

Reputation, 15:14

Statute of frauds, 2:65

Supervisor, 5:20, 14:89

# **EMPLOYMENT** DISCRIMINATION

Absenteeism. 5:13

Age discrimination, **5:13**, **5:16** 

Americans with disabilities act, 5:13 Arbitration, 5:13, 5:16

Burden of proof, 5:13

Circumstantial evidence, 5:13

Compensation, 5:13, 5:16

Complaint, 5:13

Criminal conviction, 5:16

Defenses, 5:13, 5:16

Disability, 5:13, 5:16

Disparate treatment, 5:13

# **EMPLOYMENT** DISCRIMINATION—Cont'd

Federal statutes, **5:13** 

Hostile environment, 5:16

Intent, 5:16

Job performance, 5:13

Police officer, 5:13

Pregnancy, 5:13, 5:16

Preponderance of evidence, 5:16

Pretext, 5:13, 5:16

Prima facie case, 5:13, 5:16

Qualifications, **5:13**, **5:16** 

Remedies, 5:13

Retaliation, 5:13, 5:16

Sex discrimination, 5:13

Statute of limitations, 5:13, 5:16

Summary judgment, 5:16

Title vii, 5:13, 5:16

#### **ENTRUSTMENT**

Negligent entrustment, 13:78, 13:81, 15:27

# **EQUIPMENT**

Products liability, 3:24, 5:17, 15:2, 15:7, 15:16, 15:18, 15:19

# **EQUITABLE DISTRIBUTION**

Divorce, 9:10, 16:13, 16:42

# EQUITABLE ESTOPPEL

Contracts, 2:31, 2:57, 2:58, 4:18, 12:31, 18:16, 20:23, 20:24

Fiduciary duty, 2:31, 4:58, 18:16

Statute of frauds, 10:21

Statute of limitations, 1:11, 4:18,

10:21, 11:4, 11:6, 20:23

Statute of limitations defense, 1:11

Successor in interest, **12:31** 

#### **EQUITY**

Fiduciary duty, 2:31, 4:58, 9:10, 11:8, 12:7, 12:11, 12:12, 12:28, 12:32

Punitive damages, 2:17

# **ERISA**

Employee retirement income security act, 1:1, 5:13, 5:19, 5:28

# **ESCROW**

Agreements, 7:34, 9:19, 18:16

#### ESCROW—Cont'd EVIDENCE—Cont'd Defamation, 1:9 Products liability, 5:17, 13:46, 15:1, 15:2, 15:4, 15:5, 15:8, 15:11 to Fiduciary duty, **1:9, 18:16** 15:13, 15:18 to 15:20, 15:23, Landlord and tenant, 7:1, 7:34 15:24, 15:27, 19:9, 19:24 **ESTOPPEL** Punitive damages, 2:17, 7:13, 8:21, Waiver and estoppel, 2:57, 2:78, 4:18 13:16, 14:32, 14:36, 14:52, 19:9 to 7:19 to 19:11, 19:14, 19:18, 19:25 Rebuttal evidence, 1:12, 3:10, 10:21, **EVICTION** 13:23, 13:25, 14:71, 16:26, 17:3 Landlord and tenant, 7:1 to 7:8, 7:10, Safe place to work, 13:6 7:11, 7:19, 7:25, 7:27, 7:28, 7:31, 7:32, 7:34, 7:36, 7:37 EXCAVATION Sidewalk, 13:24 **EVIDENCE** Burden of proof, 1:14, 2:17, 2:21, **EXCLUSIONS** 2:22, 2:31, 2:40, 2:45, 2:47, Insurance, 4:6, 4:18, 4:19, 4:55 2:52, 2:60, 2:62, 5:9, 5:12, 5:13, 5:20, 5:22, 7:19, 7:34, **EXCLUSIVE CONTROL** 8:8, 8:16, 9:21, 10:17, 11:24, Res ipsa loquitur, 13:16, 13:37 12:11, 12:19, 12:28, 12:31, 13:23, 13:44, 13:45, 14:56, **EXCULPATORY AGREEMENTS** 14:71, 14:88, 15:1, 15:11, Delay, 2:52 16:16, 16:24, 16:26, 17:1, 17:3, Release, 2:52 17:5, 17:8, 18:10, 18:14, 19:8, 19:10, 19:19, 19:24, 20:1 **EXCUSE** Performance of contract, 2:37 Circumstantial evidence, 2:40, 3:6, 4:20, 5:13, 13:16, 13:41, 15:11, **EXPENSES** 15:12, 16:5, 17:5 Employment contract, 8:21 Clear and convincing evidence, 2:24, 2:29, 2:31, 2:65, 9:8, 11:6, **EXPERIENCE** 12:31, 13:61, 14:48, 14:59, Children, 13:42 16:35, 17:3, 17:5, 17:8, 17:12, 19:9, 20:1, 20:2, 20:25 **EXPIRATION OF LEASE** Defamation, 1:9, 4:58, 9:17, 14:33, Landlord and tenant, 7:30 14:39 to 14:41, 14:46 to 14:48, **EXPLANATION** 14:50 to 14:53, 14:56, 14:58, 14:81, 14:84, 14:88, 19:25 Motor vehicles, 13:59 Design, 2:52, 3:22, 5:17, 13:6, **EXTRINSIC FACTS** 13:26, 13:67, 13:74, 15:1, 15:2, 15:4, 15:5, 15:12, 15:13, 15:18, Defamation, 14:45 15:24, 15:27, 17:5 FAILURE TO COOPERATE Direct evidence, 2:40, 7:37, 13:41 Insurance, 4:43 Exhibits, 1:6, 3:1, 3:33, 10:8, 10:20, 12:5, 16:36, 17:7 FAILURE TO GIVE NOTICE Malpractice, 1:12, 1:18, 4:2, 4:18, Insurance, 4:42 4:58, 11:2, 11:4, 13:1, 13:5, 13:20, 13:23, 13:40, 13:83, FAIR COMMENT 13:85 to 13:89, 13:91, 13:93, Defamation, 14:45, 14:46

14:89, 19:19, 19:21, 19:24

Parol evidence. 2:22, 4:49, 9:1, 11:9,

16:35

FAIR HOUSING ACT

Landlord and tenant, 7:27, 7:34

#### **FALLS**

Medical malpractice, 13:40

# **FALSE ADVERTISING**

Unfair competition, 11:2, 20:23

# FALSE IMPRISONMENT AND FALSE ARREST

Consent, 12:7 Estoppel, 12:7 Probable cause, 12:7 Warrant, 12:7

#### **FALSITY**

Defamation, **14:39**, **14:45**, **14:48**, **14:50**, **14:56**, **14:70**, **14:73**Privacy, **14:48**, **14:70**, **14:73** 

#### **FAULT**

Comparative negligence, 1:9, 3:24, 13:44, 13:46, 13:48, 13:49, 13:52, 13:56 to 13:58, 14:2, 15:1, 15:4, 15:27, 19:11

#### **FBI**

Defamation, 14:33, 14:56

# FEDERAL COURTS

Jurisdiction, 1:5

#### **FENCE**

Assumption of risk, 15:2

# FIDUCIARY DUTY

Alter ego, 12:28 Attorneys, 1:9, 13:93, 19:24 Brokers, 1:19 Burden of proof, 2:31, 2:52, 4:59, 12:11, 12:28, 19:24 Corporate officers and directors, 12:8 Damages, 1:9, 1:19, 2:31, 2:52, 4:2, 4:58, 4:59, 6:3, 12:8, 12:28, 13:93, 18:16, 19:24 Directors, 4:59, 12:7, 12:8, 12:11, 12:12, 12:17, 12:28 Employees, 4:59, 5:6, 12:12 Franchise, 2:31, 19:24 Generally, 9:10 Good faith and loyalty, 6:3 Investments, 6:3, 18:16 Joint venture, 9:10, 12:32 Merger, 4:59, 11:8, 12:7, 12:8, 12:32

#### FIDUCIARY DUTY—Cont'd

Partners, 12:28, 13:93
Profits, 6:12
Questions of law and fact, 9:10
Reliance, 1:9, 2:31, 12:28, 12:32
Spouses, 9:10
Statute of limitations, 1:18, 1:19, 2:12, 13:5, 13:93
Trustees, 12:12

#### **FIGHT**

School, 14:19

#### FINANCIAL CONDITION

Damages, 19:11, 19:12 Insurance, 19:11 Privacy, 19:11 Punitive damages, 19:11, 19:12

#### FINANCIAL INTEREST

Interference with contract, 14:88

#### FIRE

Arson, 4:20, 4:21
Fire insurance, 4:8, 4:10, 4:13, 4:17,
4:18, 4:20 to 4:22, 4:24, 4:25,
10:21, 10:23
Firefighters, 13:44
Foreseeability, 15:1
Landlord and tenant, 7:1, 7:11 to
7:14, 7:31
Proximate cause, 7:13, 13:44

# FIRE INSURANCE Arson, 4:20, 4:21

Coverage, 4:8, 4:18, 4:20, 4:24
Fraud, 4:18, 4:20, 10:21, 10:23
Intentional conduct, 4:18
Interest, 4:18, 4:24, 10:21, 10:23
Misrepresentation, 4:18, 10:21, 10:23
Mortgagee clause, 10:21, 10:23
Mortgages, 10:21
Mutual mistake, 10:23
Notice, 4:8, 4:13, 4:18, 10:21, 10:23
Proof of loss, 4:8, 4:13, 4:17, 4:18, 4:21

# **FIREFIGHTERS**

Comparative negligence, 13:44

#### FIRST AMENDMENT

Defamation, **14:45**, **14:48**, **14:54**, **14:56**, **14:81**, **14:83**, **14:84** Emotional distress, **14:84** 

# FITNESS FOR PARTICULAR PURPOSE

Damages, 3:4

#### **FIXTURES**

Landlord and tenant, 14:89

#### FLOOR

Premises liability, **13:38** Safe place to work, **13:6** 

#### FOOD

Guardian, **2:4** Products liability, **3:24**, **15:5**, **15:26** 

# **FOOTBALL**

Assumption of risk, **13:44** Privacy, **14:54**, **14:81** 

#### **FORCE**

Battery, 14:1, 14:2, 14:10, 14:15

# **FORECLOSURE**

Landlord and tenant, 2:12

Contracts, 2:37, 2:39, 14:85

#### **FORESEEABILITY**

Defamation, 1:9
Duty, 1:9, 2:39, 13:6, 13:20, 13:53, 14:85, 15:18
Independent contractor, 13:6
Premises liability, 13:20
Proximate cause, 13:20, 14:85, 15:11
Reasonably prudent person, 13:6
Safe place to work, 13:6
Snow and ice, 13:6

# **FORGIVENESS**

Divorce, 16:3, 16:5, 16:13, 16:35

#### **FRANCHISE**

Fiduciary duty, 2:31, 19:24 Intentional torts, 14:87

#### **FREE SPEECH**

Defamation, 14:44, 14:84

# **FREIGHT**

Common carriers, 8:18

#### FREIGHT ELEVATOR

Landlord and tenant, 7:5

#### **FURNACE**

Safe place to work, 13:6

#### **FUTURE DAMAGES**

Pain and suffering, 19:15

#### **FUTURE EARNINGS**

Wrongful death, 19:15, 19:17, 19:20

# **GASOLINE**

Fire insurance, 4:21

#### GENERAL CONTRACTOR

Independent contractor, **5:20**, **13:10**, **13:31**, **13:33** 

#### **GOLF**

Assumption of risk, 13:44 Children, 13:44

#### **GOOD FAITH**

At will employment, **5:14**Brokers, **1:19**, **6:8**, **10:23**, **20:19**Checks, **3:17**, **3:24**, **3:30**, **3:32**, **5:22**, **17:5** 

Contracts, 2:1, 2:2, 2:8, 2:11, 2:19, 2:29, 2:37, 2:40, 2:47, 2:60, 2:64, 2:79, 2:80, 2:82, 5:13, 5:14, 6:3, 7:34, 8:21, 10:7, 14:88, 18:14, 18:16

Conversion, 3:24, 3:37, 8:21, 12:7, 12:23, 14:89

Defamation, 1:26, 4:58, 9:17, 14:33, 14:39, 14:45, 14:47, 14:48, 14:50, 14:51, 14:88

Employment contract, 5:13, 5:14, 5:20, 5:22, 8:21, 14:89

Employment discrimination, **5:13**False imprisonment and false array

False imprisonment and false arrest, 12:7

Fiduciary duty, 1:18, 1:19, 4:58, 6:1, 6:3, 12:7, 12:11, 12:12, 12:28, 12:32, 18:16

Fire insurance, 10:21, 10:23

Insurance, 1:11, 1:18, 2:82, 4:12, 4:28, 4:55, 4:58, 4:60, 5:13, 7:34, 8:21, 9:17, 10:21, 10:23, 11:2, 14:32, 14:33, 14:39, 14:88

#### GOOD FAITH—Cont'd

Interference with contract, **14:48**, **14:88**, **14:89** 

Landlord and tenant, 7:2, 7:28, 7:32, 7:34, 14:89

Malicious prosecution, 14:22, 14:32, 14:33, 14:48, 14:88

Privacy, 14:48

Unfair competition, 11:2, 12:12, 20:25

# **GOVERNMENT**

Defamation, 14:41, 14:47, 14:54, 14:56, 14:81

Emotional distress, **14:22**Landlord and tenant, **7:19**, **7:27**, **7:32**, **7:36** 

Privacy, 14:54, 14:81

# **GRAND JURY**

Malicious prosecution, 14:19, 14:26, 14:33

#### **GRATUITOUS BAILMENT**

Bailments, 8:7

# **GROSS NEGLIGENCE**

Defamation, **14:45**Premises liability, **13:20**Proximate cause, **13:20**, **13:44** 

# **GUARANTEES**

Fraud, 3:27, 10:23

# **GUILT OR INNOCENCE**

Punitive damages, 19:9

Malicious prosecution, 14:26, 14:32

#### **HABITABILITY**

Landlord and tenant, 2:12, 7:1, 7:2, 7:4, 7:10, 7:13, 7:15, 7:32, 7:34

#### **HALLWAY**

Landlord and tenant, 7:27

# HARASSMENT

Defamation, **14:47**, **14:70**, **19:25** Emotional distress, **14:77**, **19:25** School, **14:47** 

# HATRED

Defamation, 14:45

#### HEAD-ON COLLISION

Emergency, 13:61, 13:72

# **HEADLINES**

Defamation, 14:56

#### **HEALTH**

Employment contract, 5:6, 16:12
Insurance, 1:11, 4:8, 4:10, 4:18, 4:30
to 4:39, 4:57, 4:61, 5:18, 7:34,
11:2, 13:88, 14:81, 14:82, 16:2
Landlord and tenant, 7:1, 7:10, 7:15,

7:31, 7:32, 7:34
Nuisance, 7:31, 14:81

Punitive damages, 19:10 Wrongful death, 1:11, 13:89

#### **HEALTH CARE**

Guardian, 13:88

#### HEALTH INSURANCE

Insurance, 4:10, 4:61, 16:2

#### HEARING

Release, 7:33, 18:16, 20:1

# **HEART ATTACK**

Foreseeability, 13:20, 19:13

# **HEAT**

Landlord and tenant, 7:8, 7:13, 7:14

## HIRING

Employment discrimination, **5:16** Independent contractor, **13:32** 

# **HOMICIDE**

Battery, **14:2** 

# **HORN**

Pedestrian, 13:51

#### **HORSES**

Assumption of risk, **13:44** Ordinance, **14:59** 

# **HOSPITALS**

Emergency, **13:88**, **13:91**Medical malpractice, **11:4**, **13:88**, **13:91** 

Proximate cause, 13:88 Records, 13:88 Staff, 13:88

Index-20

#### HOSTILE ENVIRONMENT

Employment discrimination, 5:16

#### **HOT WATER**

Landlord and tenant, 7:15

#### **HUMILIATION**

Emotional distress, 19:15

# **HUSBAND AND WIFE**

Spouses, **9:10** 

#### **ICE**

Snow and ice, **13:6**, **13:7**, **13:57** 

#### ILL WILL

Malice, 5:14, 8:21, 14:39, 14:45, 14:48, 14:88, 14:89, 19:10

# **ILLEGALITY DEFENSE**

Warranty, 2:12

#### **ILLITERACY**

Insurance, 4:42

# IMMINENT DANGER

Battery, **14:2** 

# **IMPLIED CONTRACTS**

Insurance, 14:85

#### IMPLIED WAIVER

Insurance, 4:18, 4:19

## **IMPLIED WARRANTIES**

Cause of action for breach of, 1:19 Fitness for particular purpose, 8:23 Merchantability, 3:6, 8:23 Ordinary purposes, 3:6 Proximate cause, 3:6 Warning, 3:6

# **IMPROVEMENTS**

Landlord and tenant, 7:27

# **INCAPACITY**

Insurance, 1:18

# **INCOME TAX**

Damages, 19:17, 19:20

# **INCOMPETENT PERSONS**

Contracts, 2:5

# **INCONTESTABILITY**

Insurance, 4:32, 5:28

#### INDEPENDENT CONTRACTOR

Apportionment of fault, 13:37 Burden of proof, 5:20 Contracts, 12:29, 13:10, 13:37 General rule, 13:31, 13:33, 13:36, 13:89

Medical malpractice, 13:89

Negligence, 5:20, 13:6, 13:7, 13:10, 13:31 to 13:33, 13:36 to 13:38, 13:89, 13:101

Notice or knowledge, 13:89 Public highway, 13:36 Safe place to work, 13:6 Sidewalk, 13:7, 13:10, 13:38 State, 5:20, 13:7, 13:89 Workers compensation, 5:20

# **INDICTMENT**

Malicious prosecution, 14:22, 14:26

#### INDUCEMENT

Defamation, 14:88

# INFORMED CONSENT

Medical malpractice, 13:86, 13:88, 14:1

# **INFORMER**

Police, **14:22** 

# INHERENTLY DANGEROUS WORK

Independent contractor, 13:10

# **INJURIES**

Personal injuries, 2:52, 2:53, 3:24, 4:40, 4:45, 13:1, 13:4, 13:8, 13:19, 13:24, 13:28, 13:32, 13:38, 13:44, 13:60, 13:64, 13:79, 13:97, 15:18, 19:2, 19:15, 19:19

# INNOCENCE

Guilt or innocence, 14:26, 14:32

# **INSANITY**

Divorce, **16:2**, **16:13**Presumption of, **16:13**, **17:1** 

# **INSOLVENCY**

Insurance, 18:3, 19:24

#### INSPECTION

Motor vehicles, **13:18** Premises liability, **13:38** Products liability, **3:24** 

# **INSURANCE**

Additional insurance, 4:22, 4:23
Additional insured, 7:36
Adjusters, 4:15, 4:57
Advice of counsel, 14:32
Age, 4:31, 4:40, 4:41, 5:13
Ambiguity, 2:18, 4:6, 4:8, 4:18
As soon as practicable, 4:42, 5:13, 5:28

As soon as reasonably possible, **4:42** Asbestos, **4:55**, **4:58** 

Attorneys, 5:28, 19:24

Automobile insurance, 4:45, 4:50, 4:56, 11:27

Bonds, 2:82

Burden of proof, 4:43, 4:59, 5:12, 5:13, 7:19, 7:34, 14:88, 19:24
Cancellation, 4:3 to 4:5, 4:18, 4:28
Children, 4:18, 9:10, 10:23, 11:2, 13:88

Circumstantial evidence, **4:20**, **5:13**Clear and convincing evidence, **19:9**Condition precedent, **4:8**, **4:10**, **4:12**, **4:13**, **4:18**, **10:15**, **10:21** 

Damages, 1:11, 2:53, 4:1, 4:2, 4:7, 4:15, 4:18, 4:27, 4:32, 4:42, 4:55 to 4:60, 5:13, 7:19, 7:34, 7:36, 8:21, 10:21, 11:2, 13:14, 14:32, 14:33, 14:39, 14:85, 19:9, 19:11, 19:18, 19:23, 19:24

Defamation, 4:58, 9:17, 14:33, 14:39, 14:81, 14:84, 14:88

Defense of insured, 4:58

Defenses, 1:11, 1:13, 1:18, 2:34, 4:1, 4:6, 4:18, 4:32, 4:55, 4:60, 5:13, 5:28, 7:19, 7:34, 7:36, 9:19, 10:21, 10:23, 11:2, 14:88, 16:2

Delay, 4:18, 4:19, 4:42, 4:44, 4:60, 7:34, 8:21, 10:21, 10:23, 11:2, 18:3

Disclaimer, **4:18**, **4:19**, **4:44**, **4:55** Emotional distress, **14:32**, **14:84**, **14:85** 

#### INSURANCE—Cont'd

Exclusions, **4:6**, **4:18**, **4:19**, **4:55**Failure to cooperate, **4:43**Failure to give notice, **4:42**Fiduciary duty, **1:18**, **4:2**, **4:58**, **4:59**, **9:10**, **19:24** 

Financial condition, 19:11

Fire insurance, 4:8, 4:10, 4:13, 4:17, 4:18, 4:20 to 4:22, 4:24, 4:25, 10:21, 10:23

Fraud, 1:13, 1:18, 2:34, 2:82, 4:1, 4:3, 4:14 to 4:16, 4:18, 4:20, 4:28, 4:30, 4:32, 4:53, 4:60, 5:13, 7:19, 7:34, 8:21, 9:10, 9:24, 10:21, 10:23, 11:2, 14:32, 14:33, 14:37, 14:39, 14:82, 14:84, 14:88, 18:3, 19:9

Generally, 9:10

Good faith, 1:11, 1:18, 2:82, 4:12, 4:28, 4:55, 4:58, 4:60, 5:13, 7:34, 8:21, 9:17, 10:21, 10:23, 11:2, 14:32, 14:33, 14:39, 14:88

Health, 1:11, 4:8, 4:10, 4:18, 4:30 to 4:39, 4:57, 4:61, 5:18, 7:34, 11:2, 13:88, 14:81, 14:82, 16:2

Health insurance, **4:10**, **4:61**, **16:2** Incontestability, **4:32**, **5:28** Insurable interest, **4:24**, **4:32** 

Intent, 2:34, 4:6, 4:16, 4:18, 4:28, 4:30, 4:46, 4:52, 4:58, 4:60, 5:12, 7:19, 8:21, 9:10, 10:15, 10:21, 10:23, 11:2, 13:14, 14:32, 14:39, 14:81, 14:84, 14:88, 18:3, 19:9

Interest, 1:18, 2:82, 4:1, 4:18, 4:24, 4:26, 4:32, 4:52, 4:58 to 4:60, 5:13, 5:28, 7:34, 8:21, 9:10, 9:19, 10:21, 10:23, 11:2, 11:27, 13:14, 14:32, 14:39, 14:88, 19:9

Inventory, 4:49

Investigation, 4:1, 4:18, 4:19, 4:42, 4:44, 4:56 to 4:58, 4:60, 5:13, 14:32, 14:81, 14:88

Judgment, 1:11, 1:13, 1:18, 2:82, 4:2, 4:18 to 4:20, 4:28, 4:42, 4:44, 4:46, 4:52, 4:53, 4:55, 4:58 to 4:60, 5:11, 5:13, 5:28, 7:34, 7:36, 8:21, 9:10, 9:17, 9:19, 10:21, 10:23, 11:2, 13:88, 14:32, 14:33, 14:78, 14:88,

INSURANCE—Cont'd	INSURANCE—Cont'd
16:2, 18:3, 19:11, 19:24	Questions of law and fact, 9:10
Landlord and tenant, 7:19, 7:34, 7:36	Reasonably prudent person, 4:53,
Liens, <b>4:52</b> , <b>4:54</b> , <b>9:17</b> , <b>9:19</b>	4:58
Mail, <b>4:4</b> , <b>4:5</b> , <b>4:11</b> , <b>4:13</b> , <b>4:23</b> ,	Reinstatement, 4:30, 5:13, 19:24
10:21	Reinsurance, 4:1
Malice, 8:21, 9:17, 14:32, 14:39,	Release, 1:18, 2:53, 4:2, 4:3, 4:52,
14:81, 14:88, 19:9	8:5, 9:17, 13:14, 14:84, 14:88,
Materiality, 4:30, 4:50, 7:19	19:23
Medical history, <b>4:30</b> , <b>4:31</b>	Reliance, 1:11, 4:19, 4:28, 4:30,
Medical malpractice, 4:18, 4:58,	4:31, 4:60, 7:19, 11:2
13:88	Renewal, <b>7:19</b>
Misrepresentation, 1:11, 4:1, 4:14,	Rescission, <b>4:18</b> , <b>7:19</b> , <b>9:24</b> , <b>10:23</b>
4:16, 4:18, 4:28 to 4:30, 4:53, 4:56, 7:19, 10:21, 10:23, 14:33,	Reservation of rights, 4:6, 4:18, 4:46,
14:88	4:55, 4:58, 4:59
Mitigation of damages, 7:36, 14:39,	Settlement, 2:53, 4:2, 4:14, 4:55,
19:11	4:56, 4:58, 4:60, 9:10, 9:24,
Multiple insurance carriers, <b>4:1</b>	10:21, 10:23, 11:2, 14:88,
Mutual mistake, 9:10, 10:23	19:23, 19:24
Negligence, 1:11, 1:18, 4:2, 4:18,	Silence, 5:18
4:19, 4:53, 4:55, 4:58, 4:60,	Spouses, 9:10
5:18, 7:34, 7:36, 8:21, 9:24,	Stacking, 4:18
10:21, 11:2, 11:27, 13:14,	Statute of frauds, 10:21
13:88, 13:97, 14:33, 14:81,	Statute of limitations, 1:11, 1:18, 4:6,
14:85, 19:9, 19:11, 19:24	4:18, 5:13, 5:28, 8:21, 9:24,
Negotiations, 4:58, 4:60, 5:11, 10:21	10:21, 10:23, 13:88, 14:82,
Parent, 4:41, 5:18, 10:23, 13:88,	14:84, 16:2
14:81, 14:85	Statutes, 1:13, 1:18, 5:13, 5:18, 9:17,
Physicians, <b>8:21</b> , <b>13:88</b> , <b>14:82</b>	10:15, 10:21, 10:23, 16:2
Pleading, 1:11, 1:13, 1:18, 2:82,	Subrogation, 4:1, 7:34, 11:27, 18:3,
4:18, 4:60, 7:34, 10:21	19:23
Pollution, 4:58, 7:34	Title insurance, 4:52 to 4:54, 9:17, 9:19, 11:2
Preemption, 4:60, 5:28	
Premiums, <b>4:3 to 4:5, 4:18, 4:19, 4:38, 5:11, 8:21, 14:88, 18:3</b>	Underwriters, <b>5:11</b>
Preponderance of evidence, 1:13,	Uninsured, 1:18, 4:18, 4:39, 11:27
11:2	Warranty, 1:11, 1:18, 4:50, 4:51,
Prima facie case, <b>1:13</b> , <b>4:6</b> , <b>5:13</b> ,	7:34, 9:24, 19:9
7:19, 7:34, 7:36, 10:21, 14:88	INTELLIGENCE
Privileges, <b>4:18</b>	Children, <b>13:42</b>
Privity, <b>10:23</b>	Children, 10.42
Proof of loss, <b>4:8</b> , <b>4:11</b> , <b>4:13</b> , <b>4:16</b> to	INTENT
4:19, 4:21, 4:23, 4:27, 4:42	Assault, 4:46, 13:33, 14:2, 14:22,
Property insurance, <b>4:18</b> , <b>4:20</b> , <b>4:23</b> ,	14:32, 14:88
4:46	Battery, 4:46, 14:2, 14:22
Proximate cause, <b>13:88, 14:85</b>	Circumstantial evidence, 17:5
Punitive damages, 8:21, 14:32, 19:9,	Conversion, 7:19, 8:1, 8:21, 12:23,
19:11, 19:18	14:89, 18:1

Conversion of property, 8:21

# INTENT—Cont'd Defamation, 1:9, 4:58, 14:39, 14:44, 14:48, 14:51, 14:81, 14:84, 14:88 Definition of, **4:6**, **4:46** Emotional distress, 1:9, 14:2, 14:22, 14:32, 14:84, 19:3 Insurance, 2:34, 4:6, 4:16, 4:18, 4:28, 4:30, 4:46, 4:52, 4:58, 4:60, 5:12, 7:19, 8:21, 9:10, 10:15, 10:21, 10:23, 11:2, 13:14, 14:32, 14:39, 14:81, 14:84, 14:88, 18:3, 19:9 Mutual mistake, 2:21, 2:24, 2:52, 9:1, 9:10, 10:23, 11:9 Prima facie tort, 14:32 Unfair competition, 11:2

# INTENTIONAL CONDUCT

Contracts, 4:18

#### INTENTIONAL TORTS

Abuse of process, 14:22, 14:32, 14:37, 14:41 Defamation, 14:30, 14:33, 14:39 to 14:58, 14:70, 14:73, 14:81, 14:83, 14:84, 14:88 Franchise, **14:87** Generally, 14:12, 14:17, 14:62, 14:86, 14:87 Malicious prosecution, 14:19, 14:22, 14:26, 14:31 to 14:38, 14:41, 14:42, 14:44, 14:48, 14:77, 14:84, 14:88 Nuisance, 14:36, 14:59 to 14:69, 14:81 Privacy, 14:44, 14:48, 14:54, 14:55, 14:58, 14:70 to 14:84 Trespass, 14:36, 14:59 to 14:69, 14:84

# **INTEREST**

14:87

Contracts, 2:2, 2:6, 2:11, 2:17, 2:19, 2:24, 2:33, 2:40, 2:50, 2:52, 2:55, 2:60, 2:61, 2:65, 2:72, 2:82, 3:1, 4:18, 5:13, 5:17, 6:3, 7:34, 8:21, 9:10, 9:19, 10:7, 11:20, 12:3, 12:29, 12:31, 13:14, 14:88, 18:14, 18:16

Unfair competition, **14:83**, **14:86**,

#### INTEREST—Cont'd

Employment contract, 1:9, 2:65, 5:9, 5:13, 5:17, 8:21, 14:89, 16:12 Insurance, 1:18, 2:82, 4:1, 4:18, 4:24, 4:26, 4:32, 4:52, 4:58 to 4:60, 5:13, 5:28, 7:34, 8:21, 9:10, 9:19, 10:21, 10:23, 11:2, 11:27, 13:14, 14:32, 14:39, 14:88, 19:9 Privacy, 14:48, 14:71, 14:74, 14:75, 14:83 Products liability, 3:24, 5:17, 15:12, 15:18, 15:25, 19:9 Property damage, 2:17, 3:24, 4:60, 14:65 Public nuisance, 14:67 Punitive damages, 2:17, 8:21, 14:32, 19:9 Wrongful death, 2:52, 13:44, 13:89,

# INTERFERENCE WITH CONTRACT

19:9

Agency, 14:48
Breach, 14:88, 14:89, 14:92
Competition, 14:88, 14:89, 14:92
Damages, 14:48, 14:89
Defenses, 14:88, 14:92
Good faith, 14:48, 14:88, 14:89
Justification, 14:88, 14:89, 14:92
Landlord and tenant, 14:89
Malice, 14:48, 14:88, 14:89
Privilege, 14:48, 14:88, 14:89, 14:92
Public officials, 14:48
Statute of limitations, 14:89
Wrongful means, 14:88

# INTERFERENCE WITH ECONOMIC RELATIONS

Elements, **14:41** 

# INTERNET

Defamation, 14:39, 14:81

#### **INTERSECTIONS**

Left, 13:56, 13:65, 13:73 Pedestrians, 13:6, 13:56 Speed, 13:73 Stop sign, 13:73 Stopped vehicle, 13:56

#### INTOXICATION

Disability, 2:2

# **INVASION OF PRIVACY**

Privacy, 5:18, 13:5, 14:48, 14:54, 14:55, 14:58, 14:70 to 14:84

#### **INVENTORY**

Insurance, 4:49

#### INVESTIGATION

Defamation, 4:58, 14:41, 14:48, 14:81, 14:88, 19:25

False arrest and false imprisonment, 14:22

Insurance, 4:1, 4:18, 4:19, 4:42, 4:44, 4:56 to 4:58, 4:60, 5:13, 14:32, 14:81, 14:88

Malicious prosecution, 14:22, 14:26, 14:32, 14:35, 14:41, 14:48, 14:88

#### **INVESTMENTS**

Fiduciary duty, **6:3**, **18:16** 

#### **INVITEES**

Premises liability, 13:38

# JOB PERFORMANCE

Employment discrimination, 5:13

# JOINT TORTFEASORS

Damages, 19:25

# JOINT VENTURE

Fiduciary duty, **9:10**, **12:32** Statute of frauds, **1:26** 

# JUDGES

Defamation, 14:44, 14:47 Malicious prosecution, 14:44

#### JUDGMENT

Insurance, 1:11, 1:13, 1:18, 2:82, 4:2, 4:18 to 4:20, 4:28, 4:42, 4:44, 4:46, 4:52, 4:53, 4:55, 4:58 to 4:60, 5:11, 5:13, 5:28, 7:34, 7:36, 8:21, 9:10, 9:17, 9:19, 10:21, 10:23, 11:2, 13:88, 14:32, 14:33, 14:78, 14:88, 16:2, 18:3, 19:11, 19:24

# **JURISDICTION**

Abuse of process, 14:32

#### JURISDICTION—Cont'd

Guardian, 1:1, 16:12 Joint and several liability, 13:46 Landlord and tenant, 7:2, 7:13, 7:27 Malicious prosecution, 1:1, 14:32 Punitive damages, 7:13, 14:32, 19:9

#### **JURORS**

Defamation, 14:44

# **JUSTIFICATION**

Battery, **14:2**, **14:15**, **14:19**, **14:22** Emotional distress, **14:2**, **14:22**, **14:32** 

Insurance, 4:29, 4:58, 14:32, 14:39, 14:88

Interference with contract, **14:88**, **14:89**, **14:92** 

#### KIDNAPPING

Battery, 14:22

#### KNOWLEDGE

Notice or knowledge, **13:18**, **13:89** 

# **LABELS**

Products liability, 15:26

# **LABORATORY**

Medical malpractice, 13:83

#### **LACHES**

Eviction, 7:25 Insurance, 1:11, 5:28, 10:23, 11:2 Replevin, 11:6

# LANDLORD AND TENANT

Abandonment, 7:4, 7:10, 7:22, 7:27, 7:34

Acceptance of rent, 7:2, 7:23, 7:28, 7:29

Actions, 7:1 to 7:25, 7:27 to 7:32, 7:34, 14:89

Actual eviction, 7:2, 7:6

Answer, 2:12, 7:27, 7:34, 7:36, 7:37

Bank accounts, 14:89

Burden of proof, 7:19, 7:34

Certificate of occupancy, 7:1, 7:27

Commercial property, 7:1, 7:13, 7:31, 7:37

Complaint, 2:12, 7:2, 7:25, 7:27, 7:31, 7:32, 7:34, 7:36

#### LANDLORD AND TENANT LANDLORD AND TENANT —Cont'd —Cont'd Condition precedent, 7:27 to 7:29 Mistake, 7:25 Consent, 7:1, 7:19, 7:23 to 7:25, Mitigation of damages, 7:36 7:28, 7:29 Money damages, 7:34 Constructive eviction, 7:2, 7:4 to 7:6, Municipality, 7:13 7:8, 7:10 New york city, 7:7 Contracts, 2:12, 7:13, 7:34 Noise, 7:2 Control, 7:4 Notice, 7:2, 7:3, 7:5, 7:6, 7:10, 7:13, Covenant of quiet enjoyment, 7:4, 7:15, 7:19, 7:20, 7:25, 7:27 to 7:8, 7:10 7:32, 7:34, 7:35, 7:37, 14:89 Covenant to repair, 7:1 Notice to cure, 7:31 Death, 7:13, 7:19, 7:25 Nuisance, 7:31 Defenses and counterclaims, 7:27 Option to purchase, 7:27 Dogs, 7:2 Option to renew. 7:29 Ejectment, 7:11, 7:25 Ouster, 7:4 Election of remedies, 7:6 Paramount title, 7:8 Electricity, 7:34 Periodic tenancy, 7:37 Employees, 14:89 Personal property, 7:27, 7:34 Equitable estoppel, 7:1, 7:37 Physicians, 14:89 Escrow account, 7:1 Possession, 7:2, 7:4, 7:6, 7:8, 7:10, Eviction, 7:1 to 7:8, 7:10, 7:11, 7:19, 7:12 to 7:16, 7:19, 7:21 to 7:23, 7:25, 7:27, 7:28, 7:31, 7:32, 7:25, 7:27 to 7:30, 7:32 to 7:34, 7:34, 7:36, 7:37 7:37, 7:38 Fire, 7:1, 7:11 to 7:14, 7:31 Preponderance of evidence, 2:12 Prima facie case, 2:12, 7:10, 7:13, Fixtures, **14:89** 7:19, 7:32, 7:34, 7:36, 14:89 Foreclosure, 2:12 Fraud, 2:12, 7:4, 7:19, 7:25, 7:34 Primary residence, 7:27, 7:34 Profits, 7:2, 7:34 Freight elevator, 7:5 Good faith, 7:2, 7:28, 7:32, 7:34, Property damage, 7:13 14:89 Proximate cause, 7:13 Guarantor, 2:12 Public housing, 7:25 Hallway, 7:27 Punitive damages, 7:13 Health or safety, 7:15, 7:32 Quiet enjoyment, 7:3, 7:4, 7:8, 7:10 Heat, 7:8, 7:13, 7:14 Reasonable accommodation, 7:34 Holdover proceedings, 7:13 Regulations, 7:2, 7:13, 7:36 Hot water, **7:15** Relationship, 7:4, 7:13, 7:21, 7:27, Illusory tenancy, 7:34 14:89 Improvements, 7:27 Renewal, 7:19, 7:20, 7:27, 7:29, Insurance, 7:19, 7:34, 7:36 7:30, 7:32 Interest, 7:23, 7:26, 7:27, 7:31, 7:32, Rescission, 7:19, 7:27 7:34, 11:26, 14:89 Residential tenant, 7:2, 7:13 Interference with contract, 14:89 Restoration, 7:11 Jurisdiction, 7:2, 7:13, 7:27 Retaliation, 7:2, 7:25, 7:27, 7:32 Laches, 7:25, 11:26 Retaliatory eviction, 7:2, 7:32 Malice, 14:89 Roof, 7:4, 7:27 Market value, 7:13, 7:25 Security deposit, 7:2, 7:26, 7:34, Medical malpractice, 14:89 7:38

4:30

#### LANDLORD AND TENANT LIFE INSURANCE—Cont'd Double indemnity, 4:34 to 4:36 —Cont'd Sign, 7:25 Exclusions, 4:18 Statute of frauds, 7:21 Incontestability, 4:32, 5:28 Statute of limitations, 2:12, 14:89 Misrepresentation, 1:11, 4:18, 4:30 Summary proceedings, 7:2, 7:7, Suicide, 4:3, 4:33, 4:34 7:27, 7:28 Warranty, 1:11 Surrender, 7:4, 7:15, 7:21 to 7:23, LIMITATION OF LIABILITY 7:27, 7:34, 14:89 Bailments, 8:7 Telephone, 7:14, 7:30 Common carriers, 8:18 Tender, 7:2, 7:27 Insurance, 4:37 Term of lease, 7:2, 7:19 Termination of tenancy, 7:19 LIMITED LIABILITY Use, 7:1, 7:2, 7:4 to 7:7, 7:10, 7:11, **COMPANIES** 7:13, 7:16, 7:25, 7:27, 7:28, Fiduciary duty, 12:32 7:32, 7:34, 7:36, 14:89 LIMITED PARTNERSHIP Waiver, 7:13, 7:19, 7:27, 7:28, 7:30, 7:34, 7:37, 7:38 Agreement, 12:28, 12:31 Warrant, 7:2, 7:13, 7:34 LIQUIDATED DAMAGES Warranty of habitability, 2:12, 7:2, Employment contract, 5:9 7:4, 7:10, 7:13, 7:32 Waste, **7:34** LIVING TOGETHER Water, 7:4, 7:13, 7:15, 7:32, 7:35, Cohabitation, 16:3, 16:12, 16:16, 7:36 16:18 **LEASES LOANS** Damages, 2:31, 7:19, 7:34, 13:37 Conversion, 18:1, 19:19 Landlord and tenant, 7:19 to 7:21, Negligent misrepresentation, 10:23 7:29, 7:34 Workers compensation, **5:20** Rent, 7:19 to 7:21, 7:29, 7:34, 17:1 Statute of frauds, 2:65, 7:21 LOSS OF CHANCE Medical malpractice, 13:86 LEGAL MALPRACTICE Attorney malpractice, 13:93 LOSS OF EARNINGS Earnings, **19:2 LETTER** Defamation, 4:58, 14:44, 14:47, LOSS OF PROFITS 14:48 Profits, 7:2 Divorce, 9:10 **LOYALTY** LIBEL Fiduciary duty, 6:1, 6:3 Defamation, 14:39, 14:40, 14:45 to 14:47, 14:49 to 14:53, 14:73 **MAGISTRATE** Abuse of process, 14:22 **LIENS** False arrest and false imprisonment, Conversion, 7:25, 8:1 14:22 Insurance, 4:52, 4:54, 9:17, 9:19 Malicious prosecution, 14:22 LIFE INSURANCE MAGNUSON-MOSS WARRANTY Condition precedent, 4:8, 4:18 **ACT** Defense of misrepresentation, 1:11,

Warranties, 3:4

1:19, 1:21, 3:35, 4:18, 11:4,

13:1, 13:5, 13:83, 13:84, 13:87,

#### MAIL MALICIOUS PROSECUTION Defamation, 14:58 —Cont'd Insurance, 4:4, 4:5, 4:11, 4:13, 4:23, Indictment, 14:22, 14:26 Interest, 14:32, 14:48, 14:88 10:21 Investigation, 14:22, 14:26, 14:32, MALICE 14:35, 14:41, 14:48, 14:88 Battery, 14:6, 14:15 Magistrate, 14:22 Clear and convincing evidence, Malice, 14:32, 14:38, 14:44, 14:48, 14:48, 19:9 14:88 Defamation, 9:17, 14:39, 14:40, Negligence, 14:33, 14:36, 14:48 14:44 to 14:46, 14:48, 14:51, Perjury, **14:22** 14:54, 14:56, 14:73, 14:81, Police, 14:19, 14:22, 14:26, 14:31 to 14:88 14:33, 14:41, 14:48, 14:84 Insurance, 8:21, 9:17, 14:32, 14:39, Preliminary hearing, 14:26 14:81, 14:88, 19:9 Prima facie case, 14:19, 14:22, 14:88 Interference with contract, 14:48, Prima facie tort, 14:32 14:88, 14:89 Probable cause, 14:19, 14:22, 14:26, Landlord and tenant, 14:89 14:31 to 14:33, 14:35, 14:38, Prima facie tort, 14:32 Punitive damages, 8:21, 14:32, 19:9, Property, 1:1, 14:22, 14:26, 14:32, 19:10 14:33, 14:36, 14:41, 14:48 MALICIOUS PROSECUTION Punitive damages, **14:32**, **14:36** Absolute immunity, **14:33**, **14:41** Qualified immunity, 14:31, 14:48 Abuse of process, 14:22, 14:32, Replevin, **14:32** 14:37, 14:41 Scope of employment, 14:84 Advice of counsel, 14:32, 14:36, Settlement, 1:1, 14:88 14:42 Special injury, 14:35 Arrest, 14:19, 14:22, 14:26, 14:31 to Speedy trial grounds, 14:22 14:33, 14:38, 14:41 MALPRACTICE Attorneys, 1:1, 14:41, 14:44 Attorney malpractice, **13:93** Burden of proof, 14:88 Burden of proof, 13:23, 19:19, 19:24 Complaint, 1:1, 14:22, 14:26, 14:32, Community standard, 13:88 14:33, 14:41, 14:48 Credit, 14:33, 14:88 Evidence, 1:12, 1:18, 4:2, 4:18, 4:58, 11:2, 11:4, 13:1, 13:5, 13:20, Damages, 1:1, 14:19, 14:26, 14:32, 13:23, 13:40, 13:83, 13:85 to 14:33, 14:36, 14:48 13:89, 13:91, 13:93, 14:89, Defenses, 1:1, 14:19, 14:22, 14:88 19:19, 19:21, 19:24 Dismissal, 14:35, 14:44 Fraud, 1:18 to 4:18, 11:2, 11:4, 12:8, Emotional distress, 14:22, 14:32, 13:5, 13:86, 13:93 14:77, 14:84 Medical malpractice, 1:12, 1:19, False arrest and false imprisonment, 4:18, 4:58, 11:4, 13:1, 13:5, 14:19, 14:22 13:23, 13:40, 13:83, 13:85, Favorable termination, 14:35 13:86, 13:88, 13:89, 13:91, Good faith, 14:22, 14:32, 14:33, 13:93, 14:1, 14:89, 19:19, 19:21 14:48, 14:88 Standard of care, 13:85, 13:88, Grand jury, 14:19, 14:26, 14:33 13:93, 13:95 Guilt or innocence, 14:26, 14:32 Statute of limitations, 1:10, 1:18,

Immunity. 1:1, 14:19, 14:31, 14:33,

14:37, 14:41, 14:48, 14:84

MALPRACTICE—Cont'd 13:88, 13:93, 14:89

# **MANSLAUGHTER**

Battery, **14:2** 

# MANUFACTURING

Products liability, **3:24**, **15:18**, **15:23**, **19:9** 

# MARITIME LAW

Products liability, 13:46

#### **MARKET**

Unfair competition, 20:25

# MARKET VALUE

Contracts, 7:13, 8:21, 9:10 Landlord and tenant, 7:13, 7:25 Nuisance, 12:11, 15:27

#### MARRIAGE

Decedents, 9:10 Will contests, 17:3, 17:12

# **MATERIALITY**

Insurance, 4:30, 4:50, 7:19

# **MEDIA**

News media, 14:47, 14:48, 14:52

#### MEDICAL EXAMINATION

Insurance, 4:8, 4:31

# MEDICAL EXPENSES

Pain and suffering, 19:2, 19:21 Personal injury, 19:2

# MEDICAL HISTORY

Insurance, 4:30, 4:31

# MEDICAL MALPRACTICE

Abortion, 19:21 Agency, 4:18, 13:89, 13:91 Automobile, 1:19, 4:18, 4:58, 14:1, 19:19

Battery, 13:5, 14:1

Birth, 19:21

Burden of proof, 13:23, 19:19

Cancer, 13:86

Causation, 13:23, 13:40, 13:85, 13:86, 19:19

Children, 1:19, 4:18, 13:88, 19:21

Chiropractors, 13:86

# MEDICAL MALPRACTICE —Cont'd

Community standard, 13:88
Concealment, 1:12, 1:19, 13:83
Conduct, 1:12, 1:19, 4:18, 4:58,
11:4, 13:23, 13:40, 13:83,
13:89, 13:91, 13:93, 14:89,
19:19

Consent, 1:12, 4:58, 13:83, 13:85, 13:86, 13:88, 13:93, 14:1, 19:21

Contracts, 4:18, 13:83

Damages, 1:12, 1:19, 4:18, 4:58, 13:40, 13:86, 13:93, 14:89, 19:19, 19:21

Defamation, 4:58

Elements, 11:4, 13:1, 13:40, 13:88, 13:93, 19:19

Emergency, 13:1, 13:40, 13:88, 13:89, 13:91

Emotional distress, 13:5

Expert testimony, 13:86, 13:88, 13:93, 19:19

Hospitals, 11:4, 13:88, 13:91

Independent contractor, 13:89

Informed consent, 13:86, 13:88, 14:1

Insurance, 4:18, 4:58, 13:88

Intent, 1:12, 4:18, 4:58, 13:85, 14:89

Loss of chance, 13:86

Medical expenses, 19:21

Medical history, 13:85

Mitigation of damages, 19:19

Negligence, 1:12, 1:19, 4:18, 4:58, 11:4, 13:1, 13:5, 13:23, 13:40, 13:83, 13:85, 13:86, 13:88, 13:89, 13:91, 13:93, 19:19,

Notice or knowledge, 13:89

19:21

Opinion, 4:18, 13:1, 13:88, 19:19

Pain and suffering, 19:19, 19:21

Payment, 4:18, 4:58, 13:93, 19:19

Personal injury, 1:12, 1:19, 4:18,

4:58, 13:1, 13:5, 13:40, 19:19

Physician-patient relationship, 13:83, 13:88

Prima facie case, 13:86, 14:89

Products liability, 1:19

Prosthetic device, 1:19, 13:83

Reasonably prudent person, **4:58**, **13:40** 

# MEDICAL MALPRACTICE

—Cont'd

Reliance, 11:4, 13:89

Standard of care, 13:85, 13:88, 13:93 Statute of limitations, 1:19, 4:18,

11:4, 13:1, 13:5, 13:83, 13:88, 13:93, 14:89

Supervision, 13:88, 14:1

Wrongful death, 1:19, 13:83, 13:89

# MEDICAL RECORDS

Expert testimony, **13:88, 17:7** 

Hospitals, **13:88** 

Medical malpractice, 13:88

#### MENTAL ANGUISH

Emotional distress, **14:85**, **19:15** 

#### MENTAL CAPACITY

Children, **17:5** 

# **MERCHANTABILITY**

Disclaimer, 3:4, 3:6, 3:24

#### **MINORS**

Children, 13:42

## MISAPPROPRIATION

Unfair competition, **14:83**, **20:25** 

# **MISDEMEANOR**

Defamation, 14:58

# **MISREPRESENTATION**

Negligent misrepresentation, 2:11, 3:21, 7:19, 10:23, 14:33, 15:25

# **MISTAKE**

Clear and convincing evidence, 2:24, 11:6, 19:9

Conversion of property, 8:21

Defamation, 14:53

Insurance, 1:13, 4:3, 4:60, 8:21,

9:10, 10:23, 11:27, 13:88, 19:9

Landlord and tenant, 7:25

Mutual mistake, 2:21, 2:24, 2:25, 2:52, 9:1, 9:10, 10:23, 11:9,

11:10, 11:30

Privacy, 14:80

Statute of frauds, 11:9

# MITIGATION OF DAMAGES

Battery, 14:8, 14:9, 14:19

#### MITIGATION OF DAMAGES

—Cont'd

Contracts, 2:1, 19:3

Defamation, 14:39, 14:50, 14:52

Employment contract, 5:7, 15:14

Insurance, 7:36, 14:39, 19:11

Landlord and tenant, 7:36

Medical malpractice, 19:19

Privacy, 19:11

Punitive damages, 14:8, 14:52, 19:3,

19:11

#### MIXED MOTIVES

Employment discrimination, 5:13

#### MONEY

Conversion of property, 8:21

#### **MORAL TURPITUDE**

Slander per se, 14:57

#### MORTGAGEE CLAUSE

Fire insurance, 10:21, 10:23

#### **MORTGAGES**

Brokers, 1:15, 6:13

Fire insurance, 10:21

# **MOTIONS**

Defamation, 14:84

# **MOTIVE**

Circumstantial evidence, 4:20, 5:13,

17:5

Defamation, 14:45, 14:47, 14:48,

14:88

Will contests, 17:5

# MOTOR VEHICLES

Explanation, 13:59

Inspection, 13:18

Maintenance, 13:18

Negligence, 13:18, 13:59

Parks, 13:18

Prima facie case, 13:59

Res ipsa loquitur, 13:18

Skidding, 13:59

# MURDER

Privacy, 14:84

# **MUTUAL ASSENT**

Contracts, 2:24, 2:79

## **MUTUAL MISTAKE**

Contracts, 2:21, 2:24, 2:25, 2:52, 9:10

Insurance, 9:10, 10:23

#### NAME

Privacy, **14:71**, **14:72**, **14:76**Publicity, **14:71**, **14:76** 

#### **NECK**

Release, 13:44, 19:25

#### **NEGLIGENCE**

Apportionment of fault, 13:37 Assumption of risk, 2:1, 5:20, 13:44, 13:100, 15:2 to 15:4, 15:27

Bailments, 8:7

Burden of proof, 2:21, 2:52, 5:20, 7:34, 8:8, 13:2, 13:23, 13:44, 13:45, 13:48, 15:1, 15:11, 19:19, 19:24

Comparative negligence, 1:9, 3:1, 3:24, 4:53, 8:8, 13:34, 13:44, 13:46 to 13:58, 13:76, 14:2, 15:1, 15:4, 15:27, 19:11

Contracts, 2:1, 2:21, 2:24, 2:52, 3:1, 4:18, 6:3, 7:13, 7:34, 8:21, 13:10, 13:14, 13:37, 13:83, 14:85, 19:24

Contributory negligence, 2:1, 3:2, 3:21, 5:20, 7:25, 8:18, 13:4, 13:21, 13:35, 13:40 to 13:46, 13:51, 13:52, 13:56, 13:72, 13:86, 13:93, 15:3, 15:27

Defamation, 1:9, 4:58, 14:33, 14:45, 14:48, 14:81, 19:25

Defined, 10:21, 11:4, 13:23, 13:36, 13:44, 13:48, 13:53, 15:1, 19:20

Emotional distress, **1:9**, **13:5**, **14:2**, **14:85**, **19:25** 

Foreseeability, 1:9, 13:6, 13:20, 13:53, 14:85, 15:1, 15:11, 15:18

Gross negligence, 8:8, 11:2, 12:6, 12:7, 13:9, 13:20, 13:44, 14:45, 19:9

Insurance, 1:11, 1:18, 4:2, 4:18, 4:19, 4:53, 4:55, 4:58, 4:60, 5:18, 7:34, 7:36, 8:21, 9:24, 10:21, 11:2, 11:27, 13:14, 13:88, 13:97, 14:33, 14:81, 14:85, 19:9, 19:11, 19:24

#### NEGLIGENCE—Cont'd

Land, 2:52, 7:13, 7:25, 10:21, 11:2, 11:6, 11:9, 13:11, 13:18, 13:23, 13:35, 13:36, 13:38, 19:12

Landlord and tenant, 7:13, 7:25, 7:34, 7:36

Malicious prosecution, 14:33, 14:36, 14:48

Motor vehicles, 13:18, 13:59

Privacy, **5:18, 13:5, 14:48, 14:81, 19:11** 

Products liability, 1:19, 3:24, 13:13, 13:46, 15:1 to 15:5, 15:8, 15:11, 15:12, 15:18, 15:20, 15:23, 15:24, 15:27, 19:9, 19:24

Proximate cause, 3:6, 3:24, 5:20, 7:13, 13:10, 13:15, 13:16, 13:20, 13:21, 13:23, 13:25, 13:37, 13:40, 13:43 to 13:46, 13:78, 13:85, 13:87, 13:88, 13:92, 13:93, 14:85, 15:4, 15:11

Real property, 1:11, 1:19, 4:18, 4:58, 7:34, 8:21, 9:24, 10:21, 13:11, 13:18

Res ipsa loquitur, **13:16**, **13:18**, **13:37** 

Rescuer, 13:35, 13:40, 13:44, 13:100 Standard of care, 13:7, 13:27, 13:35, 13:42, 13:46, 13:50, 13:52, 13:56, 13:72, 13:85, 13:88, 13:93, 13:95, 15:4, 15:5

# **NEGLIGENT**

MISREPRESENTATION
Damages, 3:21, 7:19, 14:33

NEGLIGENT SUPERVISION Insurance, 13:88

# NEGOTIABLE INSTRUMENTS

Checks, 3:25, 3:27, 3:28, 3:30 to 3:33

#### **NEGOTIATIONS**

Insurance, 4:58, 4:60, 5:11, 10:21

## NEW YORK CITY

Landlord and tenant, 7:7

#### **NEWS MEDIA**

Defamation, **14:47**, **14:48**, **14:52** Privacy, **14:48** 

#### **NEWSWORTHINESS**

Privacy, 14:74

#### **NOISE**

Landlord and tenant, 7:2

# NOTICE OF CLAIM

Contracts, 4:8

Insurance, **4:8**, **4:19**, **4:57** Late notice, **4:8**, **4:19** 

#### NOTICE OR KNOWLEDGE

Independent contractor, 13:89 Res ipsa loquitur, 13:18

# NOTICE TO CURE

Landlord and tenant, 7:31

# **NUISANCE**

Assumption of risk, 15:27
Burden of proof, 12:11, 19:24
Comparative negligence, 15:27
Contributory negligence, 15:27
Generally, 14:62
Health, 7:31, 14:81
Intent, 13:31, 14:36, 14:63, 14:81
Landlord and tenant, 7:31
Leased premises, 13:7, 19:24
Private nuisance, 12:11, 14:59
Public nuisance, 14:59, 14:62, 14:67, 14:81, 15:27
Punitive damages, 14:36
Strict liability, 15:27

# NURSES

Proximate cause, 13:20

#### **OBJECTIONS**

Will contests, 17:3

# **OCCUPATION**

Defamation, 14:40, 14:51

#### **OFFICERS**

Corporate officers and directors, 12:8, 12:15
Public officials, 14:48

# OFFICIAL PROCEEDING

Defamation, 14:41, 14:47

# **OPINION**

Defamation, 14:44 to 14:46, 14:70

#### **OPPORTUNITY**

Divorce, 1:12
Will contests, 17:5

#### **OPTIONS**

Landlord and tenant, 7:29

#### **ORDINANCES**

Dogs, 7:2

# **OUSTER**

Landlord and tenant, 7:4

#### PAIN AND SUFFERING

Burden of proof, **19:19** Emotional distress, **14:85, 19:15** Medical malpractice, **19:19, 19:21** Mitigation of damages, **19:19** 

# PARAMOUNT TITLE

Landlord and tenant, 7:8

# PARENT AND CHILD

Control, **17:12**Will contests, **17:12** 

# **PARKING**

Premises liability, 13:38 Proximate cause, 13:44

# PAROL EVIDENCE

Insurance, 4:49

# PART PERFORMANCE

Statute of frauds, 2:65, 17:12

#### **PARTIES**

Defamation, 1:9, 1:26, 4:58, 14:41, 14:44, 14:45, 14:47, 14:54, 14:56, 14:81, 14:88

# **PARTNERSHIP**

Agreements, **8:21**, **9:10**, **12:23**Fiduciary duty, **9:10**, **12:28**, **12:32**Limited partnership agreement, **12:28** 

#### **PASSENGERS**

Comparative negligence, 1:9, 13:50

# **PATENTS**

Infringement, 20:1 to 20:3, 20:9, 20:10, 20:19, 20:20

# PEACE OFFICER

Battery, 14:26

#### PEACE OFFICER—Cont'd **PLEADINGS** False arrest, 14:26 Attorney malpractice, **13:93** Defamation, 2:81, 14:47 **PEDESTRIANS** Fire insurance, 10:23 Crosswalk, 13:6 Insurance, 1:13, 1:18, 4:55, 4:59, Highways, 13:6 5:18, 7:36, 8:21, 10:23, 11:2 Intersections, 13:6, 13:56 Punitive damages, 8:21, 14:36, 19:14 Look out, 13:56 **POLICE** Premises liability. 13:38 Reasonably prudent person, 13:6, Battery, 14:1 to 14:3, 14:13, 14:15, 13:56 14:19, 14:22, 14:26, 15:3 Sidewalk, 13:38, 13:56 Comparative negligence, 13:44, 14:2, 15:27 Snow and ice, 13:6 Defamation, 14:33, 14:41, 14:46, **PERFORMANCE** 14:48, 14:58, 14:70, 14:84 Contracts, 1:1, 2:1, 2:6, 2:11 to 2:13, Emergency, 13:1, 13:67, 13:100, 2:27, 2:31, 2:33, 2:36 to 2:41, 14:13, 14:19, 14:22 2:43, 2:47, 2:50, 2:55, 2:59 to Malicious prosecution, 14:19, 14:22, 2:66, 2:70, 2:74, 2:78 to 2:80, 14:26, 14:31 to 14:33, 14:41, 3:11, 4:18, 5:13, 5:17, 6:13, 14:48, 14:84 8:17, 9:10, 9:19, 11:20, 12:29, Off-duty police officer, 14:18 12:31, 13:10, 14:88, 19:3, 20:23 Privacy, 14:48, 14:58, 14:70, 14:80, 14:82, 14:84 **PERJURY** Scope of employment, 14:84 Fraud, 14:22 Spouse, 16:25 Malicious prosecution, 14:22 Suicide, 14:29 PERSONAL INJURIES **POLLUTION** Damages, 2:52, 2:53, 3:24, 13:19, Insurance, 4:58, 7:34 13:38, 13:44, 19:2, 19:15, 19:19 Emotional distress, 19:15 **POSSESSION** Mitigation of damages, 19:19 Conversion of property, 8:21 Police, 13:1, 13:44 Landlord and tenant, 7:2, 7:4, 7:6, 7:8, 7:10, 7:12 to 7:16, 7:19, PERSONAL PROPERTY 7:21 to 7:23, 7:25, 7:27 to 7:30, Landlord and tenant, 7:27, 7:34 7:32 to 7:34, 7:37, 7:38 PERSONAL USE Vehicle, 3:8, 3:23, 8:1, 8:5, 15:27 Damages, 7:2 **POWER OF ATTORNEY PHOTOGRAPHS** Contracts, 2:62 Defamation, 14:70 **PREGNANCY** Privacy, 14:70, 14:76 Employment discrimination, 5:13, 5:16 PHYSICAL CONTACT Emotional distress, **14:2**, **14:22 PREJUDICE** PHYSICAL CRUELTY Defamation, 1:9, 4:58 Divorce, 16:2 Insurance, 1:18, 4:6, 4:8, 4:18, 4:19, 4:28, 4:42, 4:43, 4:55, 4:56, PHYSICAL DISABILITY 4:58, 4:59, 7:34, 9:10, 10:21, 10:23, 19:9, 19:11 Disability, 1:18

#### PRIMA FACIE CASE PRELIMINARY HEARING Malicious prosecution, 14:26 Battery, 14:19, 14:22 Children, 12:19, 13:44, 17:3 PREMISES LIABILITY Circumstantial evidence, 2:40, 5:13, Construction, 13:20 13:16, 15:12 Control, 13:38 Common carriers, 8:18 Damages, 13:20, 13:38 Defamation, 1:9, 14:45, 14:88 Driveway, 13:38 Employment discrimination, 5:13, Floor, 13:38 5:16 Foreseeability, 13:20 Landlord and tenant, 2:12, 7:10, Gross negligence, 13:20 7:13, 7:19, 7:32, 7:34, 7:36, Independent contractor, 13:38 14:89 Inspection, 13:38 Malicious prosecution, 14:19, 14:22, Invitees, 13:38 14:88 Parking, 13:38 Medical malpractice, 13:86, 14:89 Pedestrians, 13:38 Motor vehicles, 13:59 Prima facie case, 13:20 Premises liability, 13:20 Proximate cause, 13:20 Products liability, 15:12 Shopping center, 13:38 Rear end collision, 13:72 Sidewalk, 13:38 Res ipsa loquitur, 13:16 Stairs, 13:38 PRIMARY RESIDENCE Status as invitee, 13:20 Landlord and tenant, 7:27, 7:34 Substantial factor, 13:20 **PRIVACY PREMIUMS** Advertising, 14:71, 14:72 Insurance, 4:3 to 4:5, 4:18, 4:19, Children, 1:1, 14:48 4:38, 5:11, 8:21, 14:88, 18:3 Consent, 14:71, 14:76, 14:79, 14:80 PREPONDERANCE OF EVIDENCE Damages, 1:1, 14:48, 14:55, 14:58, 14:72, 19:11 Clear and convincing evidence, 2:65, 17:5, 20:1 Emotional distress, 13:5, 14:77, Employment discrimination, 5:16 14:84 Mistake, 14:80 Insurance, 1:13, 11:2 Mitigation of damages, 19:11 Landlord and tenant, 2:12 Name, 14:71, 14:72, 14:76 Will contests, 17:5 Negligence, 5:18, 13:5, 14:48, 14:81, PRESENT VALUE 19:11 Wrongful death, 19:20 Newsworthiness, 14:74 Parent, 1:1, 5:18, 14:54, 14:81 **PRESENTMENT** Photographs, 14:70, 14:76 Checks, 3:21 Punitive damages, 19:11 **PRETEXT** PRIVATE NUISANCE Employment discrimination, 5:13, Nuisance, 12:11, 14:59 5:16 **PRIVITY** PRICE Attorney malpractice, 13:93 Contracts, 2:4, 2:23, 2:32, 2:47, Fitness for particular purpose, 3:4 2:48, 2:51, 2:60, 2:65, 2:71, Insurance, 10:23 4:18, 6:13, 8:21, 9:19, 10:7, 11:20 Negligent misrepresentation, 10:23

#### PRIVITY—Cont'd PRODUCTS LIABILITY—Cont'd Products liability, 3:24 Drugs, 15:8, 15:9, 15:14, 15:20, 19:24 **PROBABILITY** Economic loss, 3:24, 15:27 Foreseeability, 19:13 Equipment, 3:24, 5:17, 15:2, 15:7, 15:16, 15:18, 15:19 PROBABLE CAUSE Evidence, 5:17, 13:46, 15:1, 15:2, Abuse of process, 14:22, 14:32, 15:4, 15:5, 15:8, 15:11 to 15:13, 14:41 15:18 to 15:20, 15:23, 15:24, Assault, 14:19, 14:22, 14:26, 14:32, 15:27, 19:9, 19:24 14:33, 14:35 Food, 3:24, 15:5, 15:26 Defamation, 14:30, 14:33, 14:41 Implied warranties, 1:19 Establishing, 13:1 Labeling, 15:5, 15:14 False imprisonment and false arrest, Latent dangers, 15:2 12:7 Maritime law, 13:46 Malicious prosecution, 14:19, 14:22, Medical malpractice, 1:19 14:26, 14:31 to 14:33, 14:35, 14:38, 14:41 Misuse of product, 15:1 Negligence, 1:19, 3:24, 13:13, 13:46, PROBATE 15:1 to 15:5, 15:8, 15:11, 15:12, Insurance, 1:13 15:18, 15:20, 15:23, 15:24, 15:27, 19:9, 19:24 PROCURING CAUSE OF SALE Personal property, 3:24 Brokers, 6:7 Preemption of state law, 15:26 PRODUCTS LIABILITY Prima facie case, 15:12 Advertising, **3:24**, **15:5**, **15:25** Privity, 3:24 Assumption of risk, 15:2 to 15:4, Property damage, 3:24, 15:11 15:27 Proximate cause, 3:24, 13:46, 15:4, Burden of proof, 15:1, 15:11, 19:24 15:11, 15:13 Cigarettes, 15:2, 15:19 Punitive damages, 19:9 Circumstantial evidence, 15:11, Repair, 3:24, 15:13, 15:27, 19:24 15:12 Safety device, **3:24, 15:7** Comparative negligence, 3:24, 13:46, Sale, 3:24, 15:7, 15:8, 15:14, 15:19, 15:1, 15:4, 15:27 15:25, 15:27, 19:24 Concealment, 1:19, 5:17 Scope of, **15:27** Contract and tort, 19:24 Statute of limitations, 1:19, 3:18 Contributory fault, 15:1 Strict liability, 15:1, 15:2, 15:4, 15:5, Damages, 1:19, 3:24, 13:46, 15:4, 15:5, 15:7, 15:11, 15:14, 15:15, 15:8, 15:12 to 15:14, 15:19, 15:20, 15:24, 15:27 15:27, 19:9, 19:24 Successor corporation, 15:27 Defect, 1:19, 2:69, 3:24, 15:1 to 15:6, 15:9, 15:11 to 15:13, Time, 1:19, 2:69, 3:18, 3:24, 13:46, 15:18, 15:24, 15:27 15:1, 15:5, 15:8, 15:11 to 15:14, 15:17, 15:18, 15:20, 15:27, Design, 1:19, 2:69, 5:17, 15:1, 15:2, 19:24 15:4 to 15:6, 15:9, 15:10, 15:12 to 15:14, 15:18, 15:22, 15:24, Vehicles, **15:23** 15:27 Warnings, 15:1, 15:2, 15:7, 15:8, Disclaimer, 3:24, 15:16 15:15, 15:18 to 15:20 Distributor, 3:24, 15:21 Warranties, 1:19, 3:18

#### **PROFITS**

Burden of proof, **7:34**, **19:19** Personal injury, **19:15**, **19:19** Wrongful death, **19:15** 

#### PROMISSORY ESTOPPEL

Statute of frauds, 1:25, 2:65, 10:21

# PROMISSORY NOTE

Interest, 1:16, 1:18, 2:33, 2:40, 2:60, 2:61, 2:72, 3:24, 3:25, 3:36 to 3:38, 4:18, 7:34, 9:26, 10:19, 10:21 to 10:23, 12:28, 12:31, 17:10, 18:1, 18:2, 18:8, 18:14, 18:16

Statute of limitations, 1:18, 3:27, 3:37, 4:18, 10:21, 10:23

#### **PROMOTION**

Employment discrimination, 5:13

#### PROOF OF LOSS

Insurance, 4:8, 4:11, 4:13, 4:16 to 4:19, 4:21, 4:23, 4:27, 4:42

#### **PROPERTY**

Defamation, 1:9, 1:26, 4:58, 9:17, 14:33, 14:41, 14:48, 14:58, 14:70

#### PROPERTY DAMAGE

Interest, 2:17, 3:24, 4:60, 14:65 Landlord and tenant, 7:13 Market value, 7:13, 19:4 Products liability, 3:24, 15:11

# **PROVOCATION**

Battery, 14:2, 14:7, 14:8

#### PROXIMATE CAUSE

Alcoholic beverages, 13:23
Animals, 13:44
Apportionment of fault, 13:37
Attorney malpractice, 13:93
Bicycles, 13:21
Burden of proof, 2:40, 5:20, 13:23, 13:44, 13:45, 15:11
Checks, 3:24
Children, 13:44, 13:88
Comparative negligence, 3:24, 13:44,

13:46, 15:4

Concurrent causes, 13:25

# PROXIMATE CAUSE—Cont'd

Contracts, 2:40, 7:13, 13:10, 13:37, 14:85

Criminal activity, 13:16

Damages, 2:40, 3:6, 3:24, 7:13, 13:16, 13:20, 13:21, 13:37, 13:40, 13:43 to 13:46, 13:78, 13:93, 14:85, 15:4, 15:11

Fire, 7:13, 13:44

Foreseeability, 13:20, 14:85, 15:11

Guardrail, 13:46

Insurance, 13:88, 14:85

Intentional torts, 13:44, 14:74, 14:85

Landlord and tenant, 7:13

Medical malpractice, 13:23, 13:40, 13:85, 13:88, 13:93

Mental patient, 13:92

Negligence, 3:6, 3:24, 5:20, 7:13, 13:10, 13:15, 13:16, 13:20, 13:21, 13:23, 13:25, 13:37, 13:40, 13:43 to 13:46, 13:78, 13:85, 13:87, 13:88, 13:92, 13:93, 14:85, 15:4, 15:11

Police, 13:44, 13:45

Policy considerations, 13:15, 13:44

Premises liability, **13:20** 

Products liability, **3:24**, **13:46**, **15:4**, **15:11**, **15:13** 

Rescue, 13:40, 15:4

Substantial factor, 13:15, 13:20 Supervision, 3:24, 13:15, 13:16,

13:37, 13:46, 13:88

# **PUBLIC**

Punitive damages, 2:17, 7:13, 13:16, 14:32, 19:18

# PUBLIC EMPLOYEES

Employment contract, **5:20** 

# PUBLIC FIGURE

Defamation, 14:45, 14:56

## PUBLIC INTEREST

Defamation, **14:45**, **14:47**, **14:48** Privacy, **14:48**, **14:71**, **14:74**, **14:75** 

# **PUBLIC NUISANCE**

Nuisance, 14:59, 14:62, 14:67, 14:81, 15:27

#### PUBLIC OFFICIALS PUNITIVE DAMAGES—Cont'd Defamation, 14:45, 14:48, 14:50 Landlord and tenant, 7:13 Interference with contract, 14:48 Malice, 8:21, 14:32, 19:9, 19:10 Malicious prosecution, 14:32, 14:36 **PUBLICATION** Mitigation of damages, 14:8, 14:52, Defamation, 14:41, 14:44, 14:45, 19:3, 19:11 14:48, 14:50 to 14:53, 14:55, Nuisance, 14:36 14:56, 14:58, 14:88 Pleading, 19:25 **PUBLICITY** Privacy, 19:11 Invasion of privacy, 14:70, 14:71, Products liability, 19:9 14:73, 14:74, 14:76, 14:81, Speed, 13:16 14:83 Standard of proof, 19:10 Trespass, 8:21, 14:36, 19:12 **PUBLISHER** Wrongful death, **19:9**, **19:25** Defamation, 14:45, 14:47, 14:53, 14:54 QUALIFICATIONS Employment discrimination, 5:13, **PUNISHMENT** 5:16 Punitive damages, 14:32, 19:9, 19:11 **QUALIFIED IMMUNITY** PUNITIVE DAMAGES Malicious prosecution, 14:31, 14:48 Abuse of process, 14:32 Accident, 13:16, 13:78, 19:9 to **OUALIFIED PRIVILEGE** 19:11, 19:25 Defamation, 2:81, 14:39, 14:48 Amount, 7:13, 8:21, 19:3, 19:9, 19:11, 19:12, 19:25 **OUANTUM MERUIT** Assault, 14:8, 14:32 Brokers, 6:9 Battery, **14:8** Damages, 5:10, 11:2, 11:20 Clear and convincing evidence, 19:9 Fraud, 11:2 Compensatory damages, 14:8, 14:52, Requirements, 6:9 19:9 to 19:11 Services rendered. 6:9 Concealment, 13:96 Contracts, 2:17, 7:13, 8:21, 19:3 **QUESTIONS OF LAW AND FACT** Affirmative defenses, 10:7 Conversion of property, 8:21 Children, 9:10 Corporate stock, 8:21 Defamation, 14:52, 19:25 Contracts, 9:10, 10:7 Discrimination, 13:96 Fiduciary duty, 9:10 Emotional distress, 14:32, 19:3, Insurance, 9:10 19:14, 19:25 Joint enterprise, 9:10 Equity, 2:17

Evidence, 2:17, 7:13, 8:21, 13:16,

Gross negligence, 19:9

Health or safety, 19:10

Joint tortfeasors, 19:25 Jurisdiction, 7:13, 14:32, 19:9

19:18

14:32, 14:36, 14:52, 19:9 to

19:11, 19:14, 19:18, 19:25 Financial condition, 19:11, 19:12

Insurance, 8:21, 14:32, 19:9, 19:11,

# QUIET ENJOYMENT

Covenant of quiet enjoyment, 7:4, 7:8, 7:10

# RADIOLOGIST

Medical malpractice, 13:85

# **RATIFICATION**

Contracts, 2:1, 2:2, 2:52, 2:58, 4:18, 12:3

Punitive damages, 19:9

#### REAL ESTATE BROKERS

Brokers, 6:10

# REAL PROPERTY

Brokers, 1:19, 6:13, 10:23 Caveat emptor, 6:13, 7:34 Landlord and tenant, 7:23, 7:34, 11:26, 14:89 Statute of frauds, 2:65, 6:13, 9:11,

10:21, 17:12 Title insurance, 9:17, 9:19

Use, 1:6, 1:11, 1:19, 2:65, 4:18, 4:58, 6:1, 7:34, 8:21, 9:3, 9:4, 9:8 to 9:10, 9:19, 9:22, 10:7, 10:19, 10:23, 12:3, 14:89, 18:1

#### REAR END COLLISION

Non-negligent explanation, 13:72 Prima facie case, 13:72 Stopped vehicle, 13:72 Sudden stop, 13:72

# REASONABLE CAUSE

False arrest, 14:24, 14:26

#### REASONABLE GROUNDS

Malicious prosecution, 14:19, 14:26

# REASONABLY PRUDENT PERSON

Children, 13:6
Comparative negligence, 4:53, 13:56
Emergency, 13:6, 13:40
Emergency situation, 13:40
Foreseeability, 13:6
Independent contractor, 13:6
Insurance, 4:53, 4:58
Intoxication, 13:56

# RECKLESSNESS

Battery, **14:2** Emotional distress, **14:2** 

Proximate cause, 13:40, 13:45

#### RECORDS

Hospitals, **13:88**Insurance, **4:30**, **4:49**, **4:52**, **4:53**, **4:57**, **5:28**, **9:17**, **9:24**, **13:88**Medical records, **13:88**, **14:47**, **17:7**Public records, **4:52**, **4:53** 

# RECRIMINATION

Divorce, 16:1, 16:7

#### REENTRY

Landlord and tenant, 7:21, 7:27

#### REFORMATION ACTION

Mutual mistake, 11:9

#### REGULATIONS

Rules and regulations, 5:1, 5:11, 7:36

# REINSTATEMENT

Insurance, 4:30, 5:13, 19:24

# RELEASE

Consideration, 1:18, 2:1, 2:37, 2:50, 2:52, 2:55, 4:2, 18:8, 18:16, 20:27

Consortium, 2:52

Contracts, 2:1, 2:6, 2:26, 2:37, 2:49, 2:50, 2:52, 2:53, 2:55, 13:14, 14:88, 18:16

Damages, 2:1, 2:52, 2:53, 2:55, 3:21, 3:23, 4:2, 13:14, 13:44, 18:16, 19:19, 19:23, 19:25

Fiduciary duty, 1:18, 2:52, 4:2, 18:16 Fraud, 1:18, 2:1, 2:52, 4:3, 10:16, 14:84, 14:88, 18:16

Insurance, 1:18, 2:53, 4:2, 4:3, 4:52, 8:5, 9:17, 13:14, 14:84, 14:88, 19:23

Mutual mistake, 2:52

Presumption of validity, **20:1** 

Waiver, 1:18, 2:1, 2:26, 2:52, 2:55, 3:23, 18:16, 19:19, 20:1

#### RELIANCE

Contracts, 2:31, 2:32, 2:65, 2:69, 2:71, 4:30, 10:7, 18:14

Defamation, 1:9, 14:42

Employment contract, 1:9, 2:65, 5:20, 5:22

Equitable estoppel, 1:11, 2:31, 4:19, 11:4, 11:6, 20:1, 20:3

Fiduciary duty, **1:9, 2:31, 12:28, 12:32** 

Fitness for particular purpose, 3:4
Fraud, 1:9, 2:31, 2:65, 3:2, 4:28,
4:30, 4:60, 5:22, 7:4, 7:19,
7:25, 8:7, 10:7, 10:19, 11:2,
11:4, 12:22, 16:20, 18:14

Insurance, 1:11, 4:19, 4:28, 4:30, 4:31, 4:60, 7:19, 11:2

Medical malpractice, 11:4, 13:89

#### RELIANCE—Cont'd

Negligent misrepresentation, 7:19

#### REMOTENESS

Damages, **14:89**, **19:13** Foreseeability, **19:13** 

#### RENEWAL

Insurance, 7:19 Landlord and tenant, 7:19, 7:20, 7:27, 7:29, 7:30, 7:32

#### RENT

Landlord and tenant, 7:1 to 7:34, 7:36, 7:37

# **REPLEVIN**

Abuse of process, 14:32
Malicious prosecution, 14:32
Statute of limitations, 1:19, 8:1, 8:2, 8:21, 11:6
Wrongful detention, 8:1

# REPRESENTATIONS

Negligent misrepresentation, 10:23 Warranties, 1:18, 3:2

#### REPUBLICATION

Defamation, 14:48, 14:56

## REPUDIATION

Contracts, 2:2, 2:7, 2:13, 2:63, 6:13, 8:21

# RES IPSA LOQUITUR

Circumstantial evidence, 13:16 Control, 13:16, 13:37 Explanation, 13:16 Notice, 13:18 Prima facie case, 13:16

# RESCISSION

Insurance, 4:18, 7:19, 9:24, 10:23 Landlord and tenant, 7:19, 7:27 Mutual mistake, 2:24, 2:25, 9:1, 10:23, 11:10

#### RESCUE

Comparative negligence, **15:4** Danger invites rescue, **13:40** 

# RESERVATION OF RIGHTS

Insurance, 4:6, 4:18, 4:46, 4:55, 4:58, 4:59

#### RESPONDEAT SUPERIOR

Medical malpractice, 13:88

# RESTORATION

Landlord and tenant, 7:11

#### RETALIATION

Employment discrimination, **5:13**, **5:16**Landlord and tenant, **7:2**, **7:25**, **7:27**, **7:32** 

#### RETRACTION

Defamation, 14:51 to 14:53, 14:58

#### RETREAT

Battery, 14:2, 14:10

#### ROOF

Landlord and tenant, 7:4, 7:27

# RULES AND REGULATIONS

Landlord and tenant, 7:36

# SAFE PLACE TO WORK

Common law, **13:6** Snow and ice, **13:6** 

#### **SAFETY**

Guardian, 16:12 Landlord and tenant, 7:1, 7:15, 7:31, 7:32, 7:34 Punitive damages, 13:16, 14:32, 19:9, 19:10

# SAFETY DEVICES

Products liability, 15:7, 15:12

# **SALES**

Brokers, 6:11, 6:13
Consequential damages, 3:2, 3:24
Products liability, 3:18, 3:24, 15:27, 19:24
Statute of frauds, 2:65, 2:66, 6:13
Statute of limitations, 1:18, 3:11, 3:18, 3:22, 6:13, 8:1, 8:21, 13:5, 20:14

#### **SANCTIONS**

Damages, 3:1, 4:18

# **SANITY**

Insanity, 16:27, 17:1

#### **SCHOOLS**

Defamation, 14:39 Insurance, 14:39

#### SCOPE OF EMPLOYMENT

Defamation, **14:84**Emotional distress, **14:84**Malicious prosecution, **14:84**Police, **14:84** 

#### **SECURITIES**

Fiduciary duty, 1:18, 2:31, 12:7

#### SECURITY DEPOSIT

Landlord and tenant, 7:2, 7:26, 7:34, 7:38

#### **SECURITY GUARD**

Battery, 14:19

# **SELF DEFENSE**

Battery, **14:2** 

# SEPARATION AGREEMENT

Divorce, 1:12, 9:10, 16:12, 16:35, 16:40 Generally, 9:10

# **SERVICES**

Services rendered, 1:25, 4:6, 6:9 Wrongful death, 1:1, 1:19, 13:20, 13:44, 13:89, 19:20

# SERVICES RENDERED

Brokers, **6:9**Statute of frauds, **1:25** 

# **SETTLEMENT**

Attorney malpractice, 13:93
Consideration, 1:5, 2:47, 4:2, 4:58, 5:10, 9:10, 10:21, 12:28, 14:47, 14:59, 19:24, 20:27
Contracts, 1:1, 2:11, 2:47, 2:48, 2:53, 6:3, 9:10, 14:88, 16:35, 19:24
Defamation, 4:58, 14:47, 14:88, 19:25
Emotional distress, 19:25
Indemnitee, 1:5
Insurance, 2:53, 4:2, 4:14, 4:55,

Malicious prosecution, 1:1, 14:88

19:23, 19:24

4:56, 4:58, 4:60, 9:10, 9:24,

10:21, 10:23, 11:2, 14:88,

#### SETTLEMENT—Cont'd

Mitigation of damages, 19:19 Stipulation, 1:5, 1:12, 3:21, 8:1, 19:22

# SEX DISCRIMINATION

Employment discrimination, 5:13

# **SEXUAL ABUSE**

Battery, 13:5 Emotional distress, 13:5 Medical malpractice, 13:5 School, 1:1, 13:5

# **SEXUAL ASSAULT**

Battery, **13:5**, **14:12**, **15:3** School. **13:5** 

#### SEXUAL INTERCOURSE

Divorce, **16:3** Spouse, **16:3**, **16:33** 

#### **SHOPPING CENTER**

Premises liability, **13:38** Sidewalk, **13:38** 

# **SIDEWALK**

Abutting property, 13:7 Control, 13:7, 13:8, 13:10, 13:38 Driveway, 13:7, 13:8, 13:38, 13:47, 14:3

Independent contractor, **13:7**, **13:10**, **13:38** 

Notice, 7:3, 13:38, 13:73

Nuisance, 13:7

One, 7:14, 13:8, 13:10, 13:24, 13:38, 13:51, 13:56, 13:73, 14:3, 14:21

Pedestrians, 13:38, 13:56 Premises liability, 13:38 Proximate cause, 13:10 Snow and ice, 13:7

# SILENCE

Insurance, 5:18

# **SKIING**

Assumption of risk, 13:44

# **SLANDER**

Defamation, 9:17, 14:39, 14:43, 14:47 to 14:50, 14:57

#### SLANDER OF TITLE

Statute of limitations, 4:18

#### **SLIP AND FALL**

Premises liability, 13:38

# **SMOKING**

Tobacco, 15:1, 15:19

# **SNOW AND ICE**

Emergency, **13:6** Foreseeability, **13:6** 

Leased premises, 13:6, 13:7

Notice, **13:6** 

Pedestrians, 13:6

Reasonably prudent person, 13:6

Safe place to work, 13:6

Sidewalk, 13:7

Unsafe condition, 13:7

#### SPECIAL DAMAGES

Defamation, 14:52, 14:58, 19:25 Emotional distress, 19:3, 19:25

#### **SPECIFICATIONS**

Plans and specifications, 13:67

#### **SPEED**

Punitive damages, 13:16 Skidding, 13:72

#### **SPEEDY TRIAL**

Malicious prosecution, 14:22

#### SPITE

Defamation, 14:88

Malicious prosecution, 14:32, 14:88

#### **SPORTS**

Assumption of risk, 13:44

# **SPOUSES**

Fiduciary duty, **9:10** Insurance, **9:10** 

#### **STAIRS**

Premises liability, 13:38

# **STALKING**

Defamation, 14:48

# STANDARD MORTGAGEE CLAUSE

Fire insurance, 10:21, 10:23

#### STANDARD OF CARE

Attorney malpractice, 13:93

Community standard, 13:88

Comparative negligence, 13:46,

13:50, 13:52, 13:56, 15:4

Duty, 13:7, 13:27, 13:35, 13:46,

13:50, 13:56, 13:72, 13:85,

13:88, 13:93, 13:95

Emergency, 13:35, 13:72, 13:88

Insurance, 13:88

Medical malpractice, 13:85, 13:88,

13:93

Statutory standard of care, 13:50

# STANDARD OF PROOF

Burden of proof, 19:10

#### **STATE**

Defamation, 1:9, 4:58, 9:17, 14:30,

14:33, 14:40, 14:44 to 14:47,

14:51, 14:54, 14:56 to 14:58,

14:70, 14:83, 14:84, 14:88

# STATUTE OF FRAUDS

Brokers, 6:13

Consideration, 1:26, 2:1, 2:65, 6:13,

10:21, 17:12, 18:8

Employment contract, 2:65 Equitable estoppel, 10:21

Estoppel, 1:25, 2:1, 2:65, 10:21

Insurance, **10:21** 

Joint venture. 1:26

Landlord and tenant, 7:21

Leases, 2:65, 7:21

Part performance, 2:65, 17:12

Requirements, 1:25, 2:65, 6:13,

10:21, 17:12

Separate writings, 2:65

Service contract of indefinite dura-

tion, **2:66** 

Services rendered, 1:25

#### STATUTE OF LIMITATIONS

Assault, 13:5, 14:35

Attorney malpractice, 13:93

Bailments, 8:7

Battery, **13:5** 

Constructive fraud, 1:18

Continuing violation, 1:18, 1:19,

3:35

STATUTE OF LIMITATIONS

SUCCESSOR CORPORATION

Products liability, 15:27

#### —Cont'd —Cont'd Continuous representation, 1:18, Wrongful death, 1:1, 1:11, 1:19, 13:44, 13:83 13:84 Contracts, 1:1, 2:1, 2:12, 2:75, 3:11, **STATUTES** 4:18, 5:13, 6:13, 8:21, 13:83, Violation of, 1:15, 2:12, 2:19, 5:13, 20:23 5:18, 5:22, 6:13, 7:1, 7:2, 7:13, Conversion of property, 8:21 7:25, 7:27, 9:17, 10:21, 10:23, Defamation, 14:55, 14:84 14:19 Divorce, 16:2, 16:12 **STEPS** Emotional distress, 13:5, 14:84 Sidewalk, 13:7, 13:38 Employment contract, 5:13, 8:21, 14:89, 16:12 **STIPULATION** Employment discrimination, 5:13, Settlement, 1:5, 1:12, 3:21, 8:1, 5:16 19:22 Equitable estoppel, 1:11, 4:18, 10:21, 11:4, 11:6, 20:23 STOCK Fiduciary duty, 1:18, 1:19, 2:12, Corporate stock, 8:21 13:5, 13:93 STOLEN PROPERTY Goods, 4:18, 8:1, 8:7, 8:21, 20:25 Conversion, 8:1 Infancy, 1:18, 13:83 Replevin, 8:1 Insurance, 1:11, 1:18, 4:6, 4:18, 5:13, 5:28, 8:21, 9:24, 10:21, STOPPED VEHICLE 10:23, 13:88, 14:82, 14:84, 16:2 Non-negligent explanation, 13:72 Interference with contract, 14:89 Landlord and tenant, 2:12, 14:89 Malpractice, 1:10, 1:18, 1:19, 1:21, False imprisonment, **12:7**, **14:26** 3:35, 4:18, 11:4, 13:1, 13:5, Sidewalk, 14:9, 14:25 13:83, 13:84, 13:87, 13:88, 13:93, 14:89 **SUBLETTING** Landlord and tenant, 7:27 Medical malpractice, 1:19, 4:18, 11:4, 13:1, 13:5, 13:83, 13:88, **SUBROGATION** 13:93, 14:89 Insurance, 4:1, 7:34, 11:27, 18:3, Mutual mistake. 10:23 19:23 Nuisance, 1:1, 14:59 Privacy, 1:1, 13:5, 14:55, 14:82, SUBSTANTIAL FACTOR 14:84 Checks, 3:30 Products liability, 1:19, 3:18 Damages, 13:20 Professional services, 1:19, 13:44 Premises liability, 13:20 Promissory note, 1:18, 3:27, 3:37, Proximate cause, 13:15, 13:20 4:18, 10:21, 10:23 SUBSTANTIAL PERFORMANCE Sum of money, **8:1, 8:21** Tolling, 1:18, 1:21, 5:16, 13:49, Burden of proof, 2:40 13:84 **SUBSTITUTE** Trade secrets, 8:2 Wrongful death, 1:1

STATUTE OF LIMITATIONS

Unfair competition, 20:23, 20:25

Unjust enrichment, **14:89** Waiver and estoppel, **4:18** 

#### SUICIDE

Expert testimony, **19:20**Life insurance, **4:3, 4:33, 4:34** 

# **SUMMARY PROCEEDINGS**

Landlord and tenant, 7:2, 7:7, 7:27, 7:28

# **SUPERIOR**

Assumption of risk, 5:20

# **SUPERVISION**

Children, 13:88

Independent contractor, 13:37 Medical malpractice, 13:88, 14:1 Negligent supervision, 5:21, 13:15, 13:88, 14:1

#### **SUPERVISOR**

Defamation, 14:39, 14:44, 14:58, 19:25

#### **SUPPORT**

Child support, 1:13, 3:35, 16:40, 16:41, 16:43
Wrongful double, 2:52, 13:20, 13:4

Wrongful death, 2:52, 13:20, 13:41, 19:9, 19:17

#### **SURETY**

Statute of frauds, 10:21, 18:8 Statute of limitations, 10:21

## **SURGERY**

Mitigation of damages, 19:19

#### **SURRENDER**

Landlord and tenant, 7:4, 7:15, 7:21 to 7:23, 7:27, 7:34, 14:89

# **TEACHER**

Defamation, 14:47, 14:81

# **TELEPHONE**

Emotional distress, **14:22** Landlord and tenant, **7:14**, **7:30** Privacy, **14:80** 

#### **TENDER**

Landlord and tenant, 7:2, 7:27

# TERMINATION OF EMPLOYMENT

Employment contract, **5:4**, **5:7**, **5:14**, **5:22** 

#### TERMINATION OF TENANCY

Landlord and tenant, 7:19

#### **TESTING**

Products liability, **5:17**, **15:5**, **15:14**, **15:18**, **15:24** 

#### THEFT

Defamation, **14:39**, **14:88** Insurance, **4:46**, **4:47**, **14:39**, **14:88** 

#### **THINK**

Cause, 13:73, 20:12

#### THIRD PARTIES

Contract, 1:15, 3:17, 4:1, 4:18, 11:20, 11:24, 13:91, 13:93, 19:18, 19:24

Defamation, 14:54, 14:56 Landlord and tenant, 7:8 Medical malpractice, 4:18, 13:23, 13:91, 13:93

#### **THREATS**

Assault, **14:12** Economic duress, **2:26**, **2:27** 

#### TIME

Contracts, 1:1, 2:2, 2:4 to 2:7, 2:9, 2:10, 2:12, 2:14, 2:17, 2:21, 2:23 to 2:26, 2:30, 2:31, 2:36, 2:37, 2:44, 2:52, 2:53, 2:55, 2:58 to 2:60, 2:62, 2:63, 2:65, 2:66, 2:69, 2:75, 2:79, 2:80, 4:8, 4:18, 4:30, 5:13 to 6:13, 7:13, 7:34, 8:21, 9:19, 11:13, 11:20, 12:3, 12:31, 13:37, 13:83, 14:85, 16:35, 18:3, 18:14, 18:16, 19:3, 19:24, 20:29

Statute of limitations, 1:1, 1:5, 1:11, 1:18, 1:19, 1:21, 2:12, 2:75, 3:18, 3:22, 3:37, 4:6, 4:18, 5:13, 5:16, 5:21, 5:28, 6:13, 8:1, 8:7, 8:21, 9:8, 9:24, 10:13, 10:14, 10:21, 10:23, 11:4, 11:6, 13:5, 13:83, 13:84, 13:88, 13:93, 14:59, 14:82, 16:12, 20:8, 20:26

# TITLE

Conversion of property, **8:21** Implied warranties, **1:19**, **3:6**, **8:23** 

TITLE—Cont'd

Slander of title, **4:18**, **9:17**, **14:36**, **14:48** 

TITLE INSURANCE

Defined, **4:52**, **9:19** Misrepresentation, **4:53** 

TITLE VII

Employment discrimination, **5:13**, **5:16** 

**TOBACCO** 

Cigarettes, 15:19

**TRADE** 

Defamation, 14:88

TRADE SECRETS

Customer lists, **5:9**Employment contract, **5:9**Statute of limitations, **8:2** 

**TRAINING** 

Assumption of risk, **13:44**, **13:100** Wrongful death, **2:52**, **13:44**, **19:15** 

TREBLE DAMAGES

Unfair competition, 19:24

**TRESPASS** 

Generally, **14:62** Punitive damages, **8:21**, **14:36**, **19:12** 

**TRUSTS** 

Will contests, 17:5

**TRUTH** 

Defamation, 4:58, 14:39, 14:41, 14:45, 14:48, 14:50, 14:73, 14:88

**TUBAL LIGATION** 

Medical malpractice, 13:83

**UNCLEAN HANDS** 

Fiduciary duty, **12:7**, **12:8** 

**UNDUE INFLUENCE** 

Will contests, 17:3, 17:5, 17:12

**UNEMPLOYMENT** 

Insurance, 5:12, 19:18

**UNFAIR COMPETITION** 

Copyright, 11:2, 20:23

UNFAIR COMPETITION—Cont'd

Generally, **14:86**, **14:87**Misappropriation, **14:83**, **20:25**New york courts, **11:2** 

UNIFORM COMMERCIAL CODE

Burden of proof, 2:17

Warranty claim under, 3:6, 3:11

**UNINSURED** 

Release, 1:18

Subrogation rights, 11:27

UNTENANTABILITY

Landlord and tenant, 7:4

USE

Landlord and tenant, 7:1, 7:2, 7:4 to 7:7, 7:10, 7:11, 7:13, 7:16, 7:25, 7:27, 7:28, 7:32, 7:34, 7:36, 14:89

Premises liability, 13:38

VEHICLES

Motor vehicles, 13:18, 13:59

**VERDICTS** 

General, 19:21

**VOLUNTEERS** 

Safe place to work, 13:6

WAGES

Employment contract, **5:13**, **5:20**, **5:22** 

WAIVER AND ESTOPPEL

Checks, 4:18

Contracts, 2:57, 2:78, 4:18

Equitable estoppel, 2:57, 4:18, 4:19

Fire insurance, 4:18

Insurance, 4:18 to 7:19

Landlord and tenant, 7:19

Privilege, 4:18

Statute of limitations, 4:18

WALLS

Landlord and tenant, 7:14

WARNING

Assumption of risk, 13:44

Products liability, **13:13, 15:1, 15:5, 15:6, 15:8, 15:9, 15:18 to** 

15:20, 19:9

#### WARRANT WILL CONTESTS—Cont'd Arrest, 12:7, 14:19, 14:20, 14:22, Marriage, 17:3, 17:12 14:24, 14:30 Motive and opportunity, 17:5 Parent and child, 17:12 Battery, 14:19, 14:22 False arrest and false imprisonment, Preponderance of evidence, 17:5 14:19, 14:22, 14:30 Prima facie case, 17:3 Landlord and tenant, 7:2, 7:13, 7:34 Publication, 17:3 Search warrant, 1:9 Spouse, 17:5 Trustee, 17:5 WARRANTIES Undue influence, 17:3, 17:5, 17:12 Advertisement, 3:2 Agent, 1:19, 3:21 WILLS Contributory negligence, 3:2, 3:21 Circumstantial evidence, 17:5 Damages, 1:1, 1:19, 3:2, 3:4, 3:6, WINDOWS 3:21, 7:4 Landlord and tenant, 7:1, 7:14 Description, 3:2 Disclaimer, 3:2, 3:4, 3:6 WITNESSES Habitability, 1:1, 1:19, 7:4 Absolute immunity, 5:13, 14:33, Implied warranties, 1:1, 1:19, 3:5, 14:41, 14:47 3:6, 3:21 to 8:23 Compensation, 5:13, 7:34, 11:6, Insurance, 1:18 14:85 Magnuson-moss warranty act, 3:4 Defamation, 14:33, 14:41, 14:44, Opinion, 3:2 14:47 Privity, 3:2, 3:4 Insurance, 1:18, 4:57, 5:13, 7:34, 10:23, 14:33, 14:85, 19:9 Products liability, 1:19, 3:18 Malicious prosecution, 14:22, 14:33, Professional services, 1:19 14:41, 14:44 Proximate cause, 3:6 Services, 1:1, 1:18 to 3:18 WORDS Assault, 4:46, 13:5, 14:8, 14:9, 14:12 WASTE Battery, 4:46, 13:5, 14:8, 14:9, 14:12 Landlord and tenant, 7:34 WORKERS COMPENSATION WATER Assumption of risk, **5:20** Landlord and tenant, 7:4, 7:13, 7:15, Burden of proof, 5:20 7:32, 7:35, 7:36 Contributory negligence, 5:20 Nuisance, 14:66 Independent contractor, **5:20** WEATHER Judicial review, 5:20 Snow and ice, 13:6 Public, 5:20 WILL CONTESTS WRONGFUL DEATH Attesting witnesses, 17:5 Age, 19:17 Bank account, 17:5 Assumption of risk, 13:44 Burden of proof, **17:3**, **17:5** Burden of proof, 2:52, 13:44, 13:45 Circumstantial evidence, 17:5 Children, 1:1, 1:19, 13:44 Clear and convincing evidence, 17:3, Comparative negligence, 13:44, 17:5, 17:12 13:50, 13:51, 14:2 Due execution, 17:3, 17:5 Damages, 1:1, 1:11, 1:19, 2:52, Fraud, 17:3, 17:5, 17:12 13:20, 13:44, 13:45, 13:50, Joint bank accounts. 17:5 19:9, 19:15, 19:17, 19:20, 19:25

# Defense Against a Prima Facie Case

# WRONGFUL DEATH—Cont'd

Derivative action, 1:11
Earnings, 19:15, 19:17, 19:20
Economic loss, 19:20
Future earnings, 19:15, 19:17, 19:20
Health, 1:11, 13:89

Implied assumption of risk, 13:44 Income taxes, 19:20 Interest 2:52, 13:44, 13:89, 19:9

Interest, 2:52, 13:44, 13:89, 19:9 Medical malpractice, 1:19, 13:83, 13:89

Present value, 19:20 Prima facie case, 13:20, 13:44 Punitive damages, 19:9, 19:25 Services, 1:1, 1:19, 13:20, 13:44, 13:89, 19:20

# WRONGFUL DEATH—Cont'd

Statute of limitations, 1:1, 1:11, 1:19, 13:44, 13:83

Support, 2:52, 13:20, 13:41, 19:9, 19:17

Training, 2:52, 13:44, 19:15

# WRONGFUL DISCHARGE

At will employment, 5:14 Employment contract, 5:3, 5:13, 5:14, 5:20, 15:14

# WRONGFUL EVICTION

Landlord and tenant, 7:2, 7:25

# WRONGFUL TAKING

Conversion of property, **8:21** 

#### **ZONING**

Landlord and tenant, 7:1, 7:25