Index

ABILITY	ANGER
Assault, 2:7, 3:4, 3:9, 4:51, 6:36,	Assault, 7:13
8:53	APPORTIONMENT OF FAULT
ABSENCE OF MISTAKE OR	Child, 3:4, 3:13, 3:14
ACCIDENT	Credibility of witnesses, 3:4
Circumstantial evidence, 2:4, 7:20	Medical malpractice, 8:19
ACCIDENT REPORT	State, 3:13, 3:14
Police accident report, 4:11 , 4:23 , 4:25 , 4:30 , 4:31 , 4:70 , 4:71 ,	ARBITRATION
4:73 to 4:75, 4:77, 4:101,	Contracts, 4:13
4:152, 8:92, 9:52, 10:139	Stay, 4:13 , 4:70
ACCOUNT STATED	ARREST
Generally, 4:24	Assault, 2:3, 2:12, 3:8, 3:9, 3:13,
ADMISSION AGAINST	3:14, 3:24, 4:15, 4:41, 4:51, 4:104, 4:147, 6:36
INTEREST	Battery, 2:12 , 6:36
Admissibility, 4:70	Emotional distress, 2:12
ADMISSIONS	Malicious prosecution, 6:25, 6:36,
Conduct, 3:13, 4:30, 4:88, 9:16,	9:32
10:31	Warrant, 2:3, 2:19, 4:13, 4:41, 4:51, 6:14, 6:25, 6:36, 9:32
Statement, 3:13, 4:29, 4:30, 4:112, 4:144, 6:66, 6:68, 9:16, 10:31	
	ARSON
ADVERTISING	Clear and convincing evidence, 4:13
False advertising, 6:34 , 6:38	
ADVICE	ASBESTOS Demogra 2:8 2:17 4:140 5:7
Medical malpractice, 2:4, 4:150	Damages, 2:8, 3:17, 4:149, 5:7, 5:18, 5:21, 7:22, 7:43, 8:3,
AGE	8:15
Employment discrimination, 5:39	Insurance, 3:17, 4:24, 4:70, 8:3,
Insurance, 10:36	8:15
Wrongful death, 6:50	Products liability, 5:7, 8:15
AGENCY	ASSAULT
Conversion, 4:31	Apportionment of fault, 3:4 , 3:13 , 3:14
Insurance, 4:24 , 4:31 Medical malpractice, 4:31	Generally, 2:3 , 3:4 , 3:5 , 3:8 , 3:9 ,
•	3:12, 4:31, 5:21, 7:6, 7:22,
ANESTHESIA	7:27, 7:30
Medical malpractice, 7:23	Insurance, 2:22, 3:8, 3:9, 3:24, 4:31

BATTERY—Cont'd ASSAULT—Cont'd Premises liability, 3:8, 3:24, 4:15, Rape, 2:12 6:36 Sexual abuse, 7:17 Punitive damages, 1:5 Warrant, **6:36** School, 1:5, 3:4, 3:13, 4:15, 4:31, BIDS 6:36 Requirements, 8:22 ASSIGNMENT **BIRTH** Generally, 4:25, 4:28 Medical malpractice, 4:9, 5:5, 5:21, Requirements, 4:13, 4:25, 4:28 8:3 **ATTORNEYS BLOOD** Agents, 9:60 Products liability, 3:8, 3:25, 5:7, Check. 10:220 5:8, 8:15 Contracts, 7:54 Emotional distress, 4:149 **BLOOD TEST** Fiduciary duty, 6:71 Medical malpractice, 3:25, 5:8, Guardian, 6:41 5:18 Insurance, 6:37, 6:39, 10:217 **BOOKSELLERS** Juror, 9:62, 10:214 Defamation, 6:9, 9:27 Punitive damages, 1:5, 10:218, 10:221 BREACH OF CONTRACT Unfair competition, 9:60 Contracts, 7:54 **BAD FAITH BRIBERY** Good faith, 6:9, 6:31, 6:34, 6:36, Witness, 2:4, 3:17, 4:13, 4:27, 7:13, 6:37 7:23 BALLISTICS **BURDEN OF PROOF** Expert testimony, 8:32, 8:34 Checks, 3:8 Damages, 3:8, 3:25, 5:5, 5:59, BANKRUPTCY 6:59, 8:15, 10:90 Insurance, 5:8 Earnings, 3:8, 5:59 **BANKS** Generally, 3:8, 5:5 Emotional distress, 4:135 Hearsay, 3:25, 5:5 Robbery, **4:135** Insurance, **3:8**, **3:25**, **8:15** Malpractice, 3:8, 3:25, 5:5, 8:15, BASKETBALL 8:22 Expert testimony, 8:32 Medical malpractice, 3:8, 3:25, 5:5, 8:15, 8:22 **BATTERY** Negligence, 3:8, 3:25, 8:22 Arrest, 2:12, 6:36 Conviction, 2:12 No-fault law, 3:25 Pain and suffering, 5:59 Damages, 2:12, 6:36 Generally, 3:5, 3:12 Premises liability, 3:8 Intent, 7:17 Products liability, 3:8, 3:25, 8:15 Medical malpractice, 6:36 Proximate cause, 3:8, 3:25, 8:15

Punitive damages, 6:59

Wrongful death, 3:8, 3:25, 5:59

New york city transit authority, 6:36

Police, 2:12, 3:5, 6:36

CERTAINTY

Intent, 3:27

BURGLARY **CHECKS** Premises liability, 4:15 Burden of proof, 3:8 Damages, 3:8, 3:24, 4:21 Delay, 3:8, 3:24 Emergency, 6:33, 10:76 Good faith, 3:8, 3:24 New york city transit authority, Proximate cause, 3:8, 3:24 3:25, 3:27, 4:31, 4:75, 5:8, 6:13, 6:24, 6:47, 7:29 CHILD SUPPORT No-fault law, 3:25 Medical malpractice, 4:131 Passengers, 5:8 **CHILDREN** School bus, 10:76 Apportionment of fault, 3:14 BUSINESS PRACTICES Battery, 2:12 Circumstantial evidence, 4:4, 4:13, Defamation, 6:9 8:89 Emotional distress, 2:12 Foster care, 4:31 CANCER Four years of age, 8:107 Medical malpractice, 3:7, 3:20, Insurance, 4:31, 6:37 3:25, 5:3, 5:7, 5:18, 5:60, 6:50, 6:53, 8:3, 8:32, 8:35 Medical malpractice, 2:7, 4:31, 4:41, 5:60, 6:37, 8:34, 8:55 CARDIAC ARREST Motor vehicles, 10:76 Insurance, 3:9 Passengers, 10:89 Proximate cause, 10:76 CARE Wrongful death, 6:37, 10:168 Circumstantial evidence, 3:27, 3:28, 4:102, 8:89 CIRCUMSTANTIAL EVIDENCE **CAUSATION** Insurance, 3:8, 4:4, 4:13, 4:87 Expert testimony, 1:3, 2:12, 3:4, Intent, 2:4, 3:27, 4:102, 7:20 3:8, 3:25, 3:27, 3:28, 4:4, 4:9, Medical malpractice, 2:4, 3:8, 3:27 5:3, 5:5 to 5:8, 5:14, 5:15, Pain and suffering, 3:27, 4:149 5:18, 5:21, 5:42, 5:55, 5:60, Products liability, 3:8 6:52, 6:63, 8:3, 8:5, 8:12, **CIVIL RIGHTS** 8:15, 8:22, 8:32, 8:35, 8:104, 10:132, 10:142, 10:146, Malicious prosecution, 6:36, 9:32 10:149, 10:152, 10:200 CLEAR AND CONVINCING Insurance, 3:8, 3:24, 3:25, 4:4, 5:8, **EVIDENCE** 8:3, 8:15 Collateral sources, 10:124, 10:128 No-fault law, 3:25, 4:114, 10:146 Guardian, 6:33 Private nuisance, 5:8 Medical malpractice, **6:14**, **6:33** Proximate cause, 3:8, 3:24, 3:25, 3:27, 8:3, 8:15 CLOTHING Battery, **6:36** CAUSE Damages, 3:4, 6:36, 8:38 Generally, 2:3, 2:11, 2:26, 3:7, 3:8, 4:3, 4:24, 4:81, 5:21, 7:6, 8:3, **COLLATERAL SOURCES** 10:103, 10:199 Common law rule, 10:120

Disability benefits, 10:124

Earnings, 10:120

COLLATERAL SOURCES

—Cont'd

Entitlement to, 10:128

Evidence, 8:23, 10:120, 10:124, 10:128

Insurance, 10:120, 10:128

Medical expenses, 10:120

Personal injury, **10:120, 10:124, 10:128**

Wrongful death, 10:120, 10:128

COMMON SCHEME OR PLAN

Circumstantial evidence, 2:4, 7:20

COMPARATIVE NEGLIGENCE

Insurer, 10:104

COMPLAINT

Malicious prosecution, 6:25

COMPROMISE

Settlement, 4:91, 10:25, 10:28, 10:31, 10:34 to 10:36, 10:207

COMPUTER

Products liability, 5:7, 5:17

CONSENT

Insurance, 6:25, 6:34, 6:37, 6:47, 6:61

Medical malpractice, 2:3, 3:7, 4:114, 4:119, 6:37, 6:47, 7:7

CONSIDERATION

Generally, **4:27**, **5:5**, **7:8**, **7:22**, **10:49**

Settlement, 10:25, 10:207

CONSORTIUM

Medical malpractice, 8:55

CONTACT

Assault, 5:27, 5:49

CONTRACTS

Account stated, 6:14

Arbitration, 4:13

Assignment, 4:13

Attorneys, 7:54

Breach of contract, 7:54

Damages, 4:21, 7:54

CONTRACTS—Cont'd

Elements, **4:13**

Enforcement, **4:13**, **6:14**

Generally, 4:21

Hospitals, 6:14

Intent, 4:21

Interest, 7:54

Medical malpractice, 6:14

Price, 4:13

Termination of, 6:14

CONTROL

Hospitals, 3:25, 6:13, 6:37

Motor vehicles, 10:76

Premises liability, **6:36**, **9:32**, **10:64**

Sidewalk, 10:61, 10:64

CONVICTION

Battery, **2:12**

COOPERATION

Insurance, 3:20, 6:13, 6:34

CROSS EXAMINATION

Limited purpose, 3:17

CROSSWALK

Children, 10:76

DAMAGES

Ad damnum clause, 10:198

Apportionment of fault, 3:4, 10:103

Battery, 2:12, 6:36

Burden of proof, 3:8, 3:25, 5:5,

5:59, 6:59, 8:15, 10:90

Checks, **3:8**, **3:24**, **4:21**

Collateral sources, 8:23, 10:120,

10:124, 10:128

Contracts, 4:21, 7:54

Defamation, **6:9**

Default judgment, 4:9, 6:34, 6:37

Emotional distress, 2:12, 3:27,

4:135, 4:149

Enjoyment of life, 4:149, 5:22,

5:44, 6:61, 6:70

Financial condition, 10:179,

10:218, 10:221

Future damages, 3:27

Income tax, 10:179, 10:215

Index-4

DAMAGES—Cont'd	DAMAGES—Cont'd
Insurance, 2:15, 3:8, 3:9, 3:17,	10:200, 10:204 to 10:208,
3:20, 3:24, 3:25, 4:4, 4:21,	10:212, 10:213, 10:215 to
4:31, 4:75, 4:122, 5:8, 6:13,	10:222
6:25, 6:34, 6:37, 6:39, 6:47,	Premises liability, 3:8, 3:17, 3:24,
6:61, 8:3, 8:15, 10:120,	4:15, 6:36, 10:64
10:128, 10:207, 10:217	Private nuisance, 5:8
Interest, 2:4, 2:15, 3:9, 3:17, 3:20,	Products liability, 3:8 , 3:25 , 5:7 ,
6:33, 7:22, 7:23, 7:54, 8:34,	5:8, 5:17, 6:48, 8:15
10:218	Profits, 3:27, 3:29, 10:199, 10:200,
Malicious prosecution, 6:25 , 6:36	10:204, 10:222
Market value, 3:29	Property damage, 1:13, 4:148,
Medical malpractice, 2:3, 2:4, 2:43,	4:149, 8:108, 10:123, 10:128,
3:8, 3:9, 3:15, 3:20, 3:25,	10:217
3:27, 4:9, 4:31, 4:41, 4:114,	Punitive damages, 1:5, 6:59,
4:150, 5:5, 5:7, 5:8, 5:17,	10:162, 10:169, 10:174,
5:18, 5:21, 5:60, 6:13, 6:33,	10:218, 10:221
6:36, 6:37, 6:41, 6:47, 6:48,	Release, 10:222
6:50, 6:52, 7:22, 7:23, 8:3,	Special damages, 6:24
8:15, 8:34, 9:39, 10:200	Wrongful death, 2:15, 3:8, 3:15,
Mitigation of damages, 3:9, 10:33,	3:25, 3:27, 5:18, 5:22, 5:59,
10:89, 10:92	6:13, 6:33, 6:37, 6:47, 6:50,
No-fault law, 3:25, 4:114, 4:122,	6:52, 7:23, 7:54, 8:3, 10:33,
10:52	10:120, 10:123, 10:128,
Pain and suffering, 2:43, 3:27,	10:181, 10:200
4:148 to 4:150, 5:18, 5:22,	•
5:44, 5:59, 7:23, 7:49, 7:54,	DEATH
9:45, 10:120, 10:125, 10:128,	Emotional distress, 3:27
10:199, 10:212	No-fault law, 3:25
Personal injury, 2:3, 2:4, 2:12, 2:15,	Suicide, 2:4 , 3:9 , 3:25 , 4:41 , 8:3
2:31, 3:4, 3:8, 3:9, 3:24, 3:25,	Wrongful death, 2:15, 2:28, 3:8,
3:27, 3:29, 4:4, 4:9, 4:11,	3:15, 3:19, 3:25, 3:27, 5:18,
4:15, 4:31, 4:41, 4:44, 4:50,	5:22, 5:55, 5:59, 6:13, 6:33,
4:52, 4:75, 4:112, 4:114,	6:37, 6:47, 6:49, 6:50, 6:52,
4:122, 4:143, 4:145, 4:148,	6:69, 7:23, 7:54, 8:3, 8:35,
4:151, 5:7, 5:8, 5:17, 5:21,	10:33, 10:44, 10:61, 10:120,
5:22, 5:44, 5:57, 6:13, 6:19,	10:123, 10:128, 10:129,
6:25, 6:33, 6:34, 6:36, 6:37,	10:168, 10:181, 10:200
6:39, 6:41, 6:48, 6:52, 6:60,	DEFAMATION
6:61, 6:70, 8:3, 8:11, 8:15,	
8:38, 8:104, 9:33, 9:37, 9:39,	Booksellers, 6:9 , 9:27
9:40, 9:43, 9:45, 9:61, 10:7,	Breach of contract, 6:9
10:25, 10:27, 10:33, 10:52,	Business, 6:9
10:64, 10:89, 10:90, 10:92,	Damages, 6:9
10:103, 10:120, 10:123 to 10:125, 10:128, 10:150,	Dismissal, 6:9 , 9:27
10:125, 10:126, 10:150, 10:162, 10:165, 10:169,	E-mail, 6:9, 9:27
10:102, 10:105, 10:109, 10:174, 10:179, 10:181,	Gross negligence, 6:9, 9:27
10:174, 10:179, 10:181, 10:192 to 10:194, 10:198 to	Group, 6:9
10.174 10 10.174, 10.170 10	Oroup, v.

DEFAMATION—Cont'd Intent, 6:9, 9:27 Internet, 6:9, 9:27 Investigation, 6:9 Letter, 6:9 Mail, 6:9, 9:27 Malpractice, 9:27 Medical malpractice, 9:27 Motions, 6:9 Parties, 6:9, 9:27 Pleading, **6:9, 9:27** Prejudice, 6:9, 9:27 Sexual abuse, 6:9 State, 6:9, 9:27 Will, **6:9 DEFAULT JUDGMENT**

Damages, **4:9**, **6:34**, **6:37**Medical malpractice, **4:9**, **6:14**, **6:18**, **6:37**

DEFENSES

Affirmative defenses, **6:33**, **9:18 to 9:22**Insurance, **6:34**, **6:37**Malicious prosecution, **6:36**

DELAY

Checks, 3:8, 3:24
Insurance, 2:22, 3:8, 3:24, 6:13, 6:34, 6:37
Laches, 3:18
Medical malpractice, 2:3, 2:4, 2:7, 2:43, 3:7, 3:8, 3:15, 4:41, 4:130, 4:150, 5:18, 5:60, 6:13, 6:33, 6:37, 6:49, 6:50, 6:69, 7:55, 8:22, 8:103

DEPOSITIONS

6:45, 6:47 to 6:50, 6:52 to 6:54, 6:69

Insurance, 3:9, 3:17, 4:24, 6:13, 6:34, 6:37, 6:47

Limited purpose, 3:17, 6:69

Medical malpractice, 3:9, 4:9, 6:13, 6:14, 6:18, 6:37, 6:47 to 6:50, 6:52 to 6:54, 6:69

Expert testimony, 3:9, 4:9, 6:13,

DEPOSITIONS—Cont'd

Privileged communications, 6:14

DESIGN

Products liability, 5:7, 5:8, 5:17, 5:56, 10:65, 10:133

DESTRUCTION OF EVIDENCE

Spoliation of evidence, **6:9**, **9:26**, **9:27**, **9:33**

DEVELOPMENT

Children, 6:9, 8:90

DIAGNOSIS

Damages, 2:43, 4:4, 4:31, 4:112, 4:114, 4:122, 4:145, 4:150, 5:7, 5:21, 6:50, 8:23, 8:38, 10:7

Medical malpractice, 2:43, 4:31, 4:114, 4:119, 4:130, 4:131, 4:150, 5:7, 5:14, 5:15, 5:21, 6:50, 8:12, 8:22, 8:32

DIRECT EVIDENCE

Circumstantial evidence, 3:8

DISABILITY

Collateral sources, 10:124

DISABILITY BENEFITS

Collateral sources, 10:124

DISCLAIMER

Insurance, **8:15** Products liability, **8:15**

DISCLOSURE

Expert testimony, 2:4, 5:7, 5:49, 5:50, 5:61, 6:13, 6:33, 6:45, 6:47 to 6:50, 6:52 to 6:54, 6:60, 6:63, 6:64, 6:66, 6:67, 6:69, 6:70, 8:103, 10:139

Fiduciary duty, **6:71**Hospital records, **6:34**Premises liability, **6:36**, **9:32**

DISCRIMINATION

Employment discrimination, 5:39

DISMISSAL

Battery, 6:36

DISMISSAL—Cont'd

Malicious prosecution, 6:36

DISTRICT ATTORNEY

Malicious prosecution, 6:36, 9:32

DIVORCE

Generally, 4:23

DOGS

School, **3:25** Walking, **3:25**

E-MAIL

Defamation, 6:9, 9:27

EARNINGS

Collateral sources, 10:120
Future earnings, 3:27, 10:199
Medical malpractice, 3:8, 3:27, 8:3, 10:200

Wrongful death, 3:8, 3:27, 5:59, 8:3, 10:120, 10:200

ECONOMIC LOSS

Wrongful death, 5:22, 10:120, 10:128

ECONOMIST

Expert testimony, 3:8, 3:25, 3:27, 3:29, 8:3, 8:15, 10:200

EMERGENCY

Hospitals, **6:14**Medical malpractice, **2:4**, **3:15**, **6:14**, **6:33**, **6:50**Police, **2:4**, **10:76**Standard of care, **9:62**, **10:76**

EMOTIONAL DISTRESS

Assault, 2:12, 3:5, 3:12, 7:17 Battery, 2:12, 3:5, 3:12, 7:17 Fraud, 3:27 Medical malpractice, 3:27, 8:31

r , ...

EMPLOYMENT CONTRACT

Business, **7:50** Damages, **7:50**

EMPLOYMENT DISCRIMINATION

Age discrimination, 5:39

EMPLOYMENT DISCRIMINATION—Cont'd

Disparate impact, **5:39** Summary judgment, **5:39**

ENGINEER

Expert testimony, 4:151, 5:3, 5:15, 5:17, 5:18, 5:35, 5:55, 5:60, 6:13, 8:3, 8:31, 8:32, 8:38, 8:98, 8:104, 10:138

ENJOYMENT OF LIFE

Pain and suffering, 4:149, 5:22, 5:44, 6:49

ENTRUSTMENT

Negligent entrustment, 10:84

ENTRY

Premises liability, 4:15, 9:32

EOUIPMENT

Products liability, **3:25**, **5:3**, **5:8**, **8:15**, **8:31**

ESCROW

Generally, 2:3

EVIDENCE

Admissions, 3:13, 4:16, 4:29, 4:30, 4:51, 4:88, 4:91, 4:112, 4:137, 4:142, 4:144, 6:65, 6:66, 6:68, 9:16, 10:31, 10:35, 10:194

Burden of proof, 3:8, 3:25, 5:5, 5:13, 5:59, 6:59, 8:15, 8:22, 10:90

Circumstantial evidence, 2:4, 3:8, 3:27, 3:28, 4:4, 4:13, 4:87, 4:102, 4:137, 4:139, 4:149, 7:20, 8:89, 8:91

Clear and convincing evidence, 4:4, 4:6, 4:13, 6:14, 6:33, 8:91, 10:124, 10:128

Collateral sources, 8:23, 10:120, 10:124, 10:128

Defamation, **6:9**, **9:27**

Design, 5:7, 5:8, 5:17, 5:56, 5:60, 6:20, 6:34, 6:69, 8:12, 8:32, 10:61, 10:65, 10:133, 10:135, 10:213, 10:218

Direct evidence, 3:8, 3:24, 5:59

Punitive damages, 10:218, 10:221

EVIDENCE—Cont'd EVIDENCE—Cont'd Exhibits, 1:13, 2:22, 4:15, 4:27, No-fault law, 3:25, 4:81, 4:114, 4:117, 4:122, 5:35, 10:52, 4:29, 4:50, 4:143, 6:64, 10:193 10:146 Products liability, 2:44, 3:8, 3:25, Federal rules of evidence, 4:137, 4:89, 5:3, 5:7, 5:8, 5:17, 5:38, 5:5 5:56, 6:48, 8:15, 8:31, 8:55, Hearsay, 2:3, 2:4, 2:12, 2:41, 2:44, 8:105, 9:31, 10:65, 10:133, 3:4, 3:12, 3:14, 3:24, 3:25, 4:3 10:159 to 4:5, 4:11 to 4:14, 4:17 to Punitive damages, 1:5, 6:59, 4:19, 4:22 to 4:25, 4:30 to 10:162, 10:169, 10:174, 4:32, 4:39, 4:44, 4:46, 4:55 to 10:218, 10:221 4:57, 4:60, 4:62, 4:65 to 4:68, 4:70 to 4:72, 4:75 to 4:77, Rebuttal evidence, 9:19, 9:22, 4:79, 4:81 to 4:83, 4:87 to 10:208 4:90, 4:97 to 4:99, 4:102, Spoliation of evidence, 6:9, 6:10, 4:107, 4:108, 4:112 to 4:116, 6:14, 6:36, 8:84, 9:24 to 9:29, 4:121, 4:122, 4:125, 4:127, 9:31 to 9:34 4:129, 4:131, 4:136, 4:144 to **EXAMINATIONS BEFORE** 4:146, 4:149, 4:151 to 4:154, TRIAL 5:5, 5:10, 7:19, 7:31, 7:45, 8:4 Depositions, **6:18**, **6:37** to 8:8, 8:10, 8:12, 8:13, 8:21, 8:23 to 8:25, 8:28, 8:33, 8:50, **EXPERIENCE** 8:81, 8:85 to 8:97, 8:101, Children, 5:16, 5:60, 8:34 8:104, 9:52, 9:62, 10:6, 10:30, Special knowledge or skill, 8:11 10:48, 10:62, 10:73, 10:84, 10:104, 10:114, 10:127, **FAILURE TO TESTIFY** 10:131, 10:134, 10:170, Privilege, 8:71, 8:72, 8:74 10:183, 10:191 **FALLS** Judicial notice, 3:4, 4:90, 5:7, 5:14, 5:15, 5:18, 5:54, 8:12, 10:140 Medical malpractice, 3:20, 6:36, 7:22 Life expectancy tables, 5:54 Limited purpose, 2:4, 2:36, 3:17, **FAULT** 4:15, 5:5, 5:14, 6:69, 7:13, Comparative negligence, 10:104 8:23, 8:25, 8:35, 8:94, 10:56 FEDERAL RULES OF EVIDENCE Malpractice, 1:4, 1:5, 2:3, 2:4, 2:7, Circumstantial evidence, **4:137** 2:43, 3:7 to 3:9, 3:15, 3:19, Expert testimony, 5:5 3:20, 3:25, 3:27, 4:9, 4:31, 4:41, 4:81, 4:82, 4:114, 4:119, **FEES** 4:126, 4:129 to 4:131, 4:150, Premises liability, 9:32 5:3, 5:5, 5:7, 5:8, 5:14, 5:15, 5:17, 5:18, 5:21, 5:60, 6:13, **FENCE** 6:14, 6:24, 6:33, 6:34, 6:36, Premises liability, 4:15 6:37, 6:41, 6:48 to 6:50, 6:52, FIDUCIARY DUTY 6:63, 6:67 to 6:69, 7:7, 7:12, 7:22, 7:23, 7:55, 8:3, 8:12, Attorneys, **6:71** 8:15, 8:19, 8:22, 8:25, 8:31, FINANCIAL CONDITION 8:32, 8:35, 8:55, 8:103, 9:27, Damages, 10:179, 10:218, 10:221 9:28, 9:39, 10:5, 10:7, 10:12,

10:26, 10:120, 10:200

FIRE GROSS NEGLIGENCE Arson, 2:11, 3:7, 4:13 Defamation, 6:9, 9:27 Fire insurance, **4:4 GUARANTEES** Foreseeability, 2:11, 10:222 Fraud, **2:4** Premises liability, 3:8, 3:24 Generally, 2:3, 2:4, 3:7 Proximate cause, 3:8, 3:24, 3:25 HABIT FIRE INSURANCE Wrongful death, 8:3 Clear and convincing evidence, 4:4 **HARASSMENT** Notice, 4:4 Emotional distress, 2:12 **FLOOR** School, 3:4 Premises liability, 10:64 Stalking, 7:23, 7:47 **FOOD HEALTH** Insurance, 3:25, 4:4, 4:13, 4:24, Products liability, 3:25 5:8, 6:13, 6:34, 6:37, 6:47, **FORESEEABILITY** 6:61, 8:15 Duty, 2:3 Malicious prosecution, **6:36** Medical malpractice, 2:3 Nuisance, 5:8 Suicide, 2:3 Punitive damages, 1:5 Wrongful death, 3:25, 6:13, 6:37, **FRIENDS** 6:47, 7:54, 8:35, 10:61 Medical malpractice, 2:4, 3:9, 4:41, **HEALTH INSURANCE** 4:150 Insurance, 6:13, 6:34, 6:37, 6:61 **FRYE RULE HEARING** Application, 5:18 Release, 10:222 Application of, **5:18** Expert testimony, **5:18**, **8:12** HEARSAY Admission against interest, 4:70, FUTURE DAMAGES 4:71 Medical expenses, 3:27 Oath, 2:4, 8:5 Medical malpractice, 3:27 Premises liability, 3:24 Pain and suffering, 3:27 **HOSPITALS FUTURE EARNINGS** Emergency, 6:14 Wrongful death, 3:27 Medical malpractice, 2:43, 3:25, 5:5, 5:14, 6:13, 6:14, 6:37, 8:12, 8:15, 8:25, 8:35 Premises liability, 6:36, 9:32 Proximate cause, **3:25**, **8:15** Records, 2:43, 3:25, 4:118, 6:14, **GOOD FAITH** 6:34, 8:35 Checks, 3:8, 3:24 Defamation, **6:9** HOUSEHOLD Insurance, 3:8, 3:17, 3:24, 6:25, Police, 7:23 6:34, 6:37

Malicious prosecution, 6:25, 6:36,

9:32

HOUSEHOLD SERVICES

Damages, 5:22, 10:204

HOUSING INSURANCE—Cont'd Defenses, 6:34, 6:37 Guardian, **6:33**, **6:63** Delay, 2:22, 3:8, 3:24, 6:13, 6:34, Snow and ice, 7:29, 8:11 Depositions, 3:9, 3:17, 4:24, 6:13, 6:34, 6:37, 6:47 IMPEACHMENT OF WITNESSES Disclaimer, 8:15 Apportionment of fault, 3:14 Fire insurance, 4:4 Expert testimony, 2:7 Fraud, 3:8, 3:17, 3:20, 4:31, 6:25, **IMPLEMENT** 6:34, 6:39, 8:3, 10:117 Medical malpractice, 9:27 Generally, 3:8, 3:9, 4:21, 4:24, 4:31, 8:3, 10:10, 10:11 INCOME TAX Good faith, 3:8, 3:17, 3:24, 6:25, Damages, 10:179, 10:215 6:34, 6:37 INFORMED CONSENT Health, 3:25, 4:4, 4:13, 4:24, 5:8, Medical malpractice, 4:114, 6:47 6:13, 6:34, 6:37, 6:47, 6:61, 8:15 **INJURIES** Health insurance, 6:13, 6:34, 6:37, Personal injuries, 2:45, 3:24, 4:11, 6:61 4:24, 4:112, 4:148, 5:17, 5:59, Intent, 2:22, 3:9, 3:17, 3:20, 4:21, 6:9, 6:14, 6:25, 6:37, 6:48, 7:14, 10:36 6:52, 6:70, 8:28, 10:64, Interest, 2:15, 3:9, 3:17, 3:20, 4:70, 10:159, 10:181, 10:216, 9:10, 10:12, 10:117 10:223 Investigation, 3:8, 3:24, 4:24, 4:31 INNOCENCE Judgment, 3:8, 3:17, 3:24 to 4:24, Guilt or innocence, 7:15, 8:19, 9:9 4:31, 4:70, 4:122, 5:8, 6:34, 6:37, 8:3, 8:15, 10:36, 10:128 **INSURANCE** Mail, 2:19, 2:29, 10:36 Age, 10:36 Materiality, 2:19, 3:9 Asbestos, 3:17, 4:24, 4:70, 8:3, Medical malpractice, 3:8, 3:9, 3:20, 8:15 3:25, 4:31, 5:8, 6:13, 6:37, Attorneys, **6:37**, **6:39**, **10:217** 6:47, 8:3, 8:15, 10:12, 10:26 Burden of proof, 3:8, 3:25, 8:15 Mitigation of damages, 3:9 Cancellation, 4:13 Negligence, 3:8, 3:9, 3:24, 3:25, Children, 4:31, 6:37 4:70, 5:8, 6:34, 6:37, 8:3, Circumstantial evidence, 3:8, 4:4, 10:12, 10:14, 10:19, 10:128, 4:13, 4:87 10:207, 10:217 Clear and convincing evidence, 4:4, Negotiations, 10:29, 10:36, 10:207 4:13, 10:128 No-fault law, 3:25, 4:122 Collateral sources, 10:120, 10:128 Physicians, 3:25, 4:122, 6:37, 8:3 Cross examination, 3:17, 10:16, Pleading, 6:13, 6:34, 6:39 10:18, 10:117 Prejudicial effect, 2:22, 3:9, 3:20, Damages, 2:15, 3:8, 3:9, 3:17, 10:10 3:20, 3:24, 3:25, 4:4, 4:21, Premises liability, 3:8, 3:17, 3:24 4:31, 4:75, 4:122, 5:8, 6:13, Prima facie case, 3:8, 3:25, 4:70 6:25, 6:34, 6:37, 6:39, 6:47, 6:61, 8:3, 8:15, 10:120, Proximate cause, 3:8, 3:20, 3:24,

3:25, 8:3, 8:15

10:128, 10:207, 10:217

INSURANCE—Cont'd **JUDGES** Service of process, 4:24 Juror, 2:11 Settlement, 3:25, 4:24, 8:15, 10:26, JUDGMENT 10:29, 10:36, 10:207 Apportionment of fault, 3:13 Statutes, 6:34 Insurance, 3:8, 3:17, 3:24 to 4:24, Uninsured, 4:13, 4:70, 4:122 4:31, 4:70, 4:122, 5:8, 6:34, INTELLIGENCE 6:37, 8:3, 8:15, 10:36, 10:128 Children, 5:16, 8:107 JUDICIAL NOTICE Expert testimony, 3:4, 5:7, 5:14, INTENT 5:15, 5:18, 8:12 Assault, 2:3, 2:22, 2:45, 3:9, 4:41, Life expectancy tables, 5:54 4:51, 4:91, 4:102, 4:104, 7:6, 7:13, 7:17, 7:20, 7:27, 7:30, JUSTIFICATION 7:33, 7:39 Insurance, 2:19, 2:22, 3:9 Battery, 7:17 **LABELS** Circumstantial evidence, 2:4, 3:27, 4:102, 7:20 Products liability, 2:44 Conversion, 6:48 **LABORATORY** Defamation, 6:9, 9:27 Medical malpractice, 4:31, 5:14 to Emotional distress, 3:27, 4:135, 8:15, 8:25 7:17 LEASES Insurance, 2:22, 3:9, 3:17, 3:20, 4:21, 7:14, 10:36 Damages, **6:70** INTEREST **LETTER** Contracts, 7:54 Defamation, 6:9 Divorce, 4:23, 4:83 Insurance, 2:15, 3:9, 3:17, 3:20, 4:70, 9:10, 10:12, 10:117 LIE DETECTOR Products liability, 8:55, 8:105 Polygraph, 5:24 Property damage, 8:105 LOSS OF EARNINGS Punitive damages, 10:218 Earnings, 3:27, 6:64, 10:120, Wrongful death, 2:15, 6:33, 7:23, 10:185, 10:200 7:54 MAGNETIC RESONANCE INTERNET **IMAGING** Defamation, 6:9, 9:27 Mri, 8:6, 9:32, 10:135 INTERROGATORIES MAIL Depositions, 6:3, 6:18, 6:19, 6:34, Defamation, 6:9, 9:27 6:71 Insurance, 2:19, 2:29, 10:36 INTERVENING CAUSES **MALICE** Proximate cause, 3:27 Punitive damages, 10:169 INVESTIGATION MALICIOUS PROSECUTION Defamation, **6:9** Arrest, **6:25**, **6:36**, **9:32**

Insurance, 3:8, 3:24, 4:24, 4:31

Malicious prosecution, 6:36, 9:32

Complaint, 6:25

Credit, 6:36, 9:32

6:36, 6:52, 6:63, 8:3, 8:12,

10:200

Child support, 4:131

8:15, 8:22, 8:25, 8:32, 8:35,

MALICIOUS PROSECUTION MALPRACTICE—Cont'd —Cont'd Standard of care, 2:43, 5:8, 5:15, 6:67, 8:3, 8:15, 8:22, 8:25, Damages, 6:25, 6:36 8:31 Defenses, 6:36 Statute of limitations, 1:5 Dismissal, 6:36 Good faith, 6:25, 6:36, 9:32 MANUFACTURING Health, 6:36 Products liability, 5:17 Investigation, **6:36**, **9:32 MATERIALITY** Negligence, **6:36**, **9:32** Insurance, 2:19, 3:9 Police, 6:25, 6:36, 9:32 Prima facie case, **6:36**, **9:32** MEDICAL EVIDENCE Property, 6:36 No-fault law, 4:81, 10:146 MALPRACTICE MEDICAL EXAMINATION Burden of proof, 3:8, 3:25, 5:5, Insurance, 4:31, 4:122, 6:37 8:15, 8:22 Evidence, 1:4, 1:5, 2:3, 2:4, 2:7, MEDICAL EXPENSES 2:43, 3:7 to 3:9, 3:15, 3:19, Collateral sources, 10:120 3:20, 3:25, 3:27, 4:9, 4:31, Pain and suffering, 3:27, 5:59, 7:49, 4:41, 4:81, 4:82, 4:114, 4:119, 10:120, 10:125, 10:199 4:126, 4:129 to 4:131, 4:150, Personal injury, 3:27, 3:32, 4:31, 5:3, 5:5, 5:7, 5:8, 5:14, 5:15, 4:145, 4:154, 10:12, 10:26, 5:17, 5:18, 5:21, 5:60, 6:13, 10:120, 10:123, 10:125, 6:14, 6:24, 6:33, 6:34, 6:36, 10:199, 10:200, 10:207, 6:37, 6:41, 6:48 to 6:50, 6:52, 10:215 6:63, 6:67 to 6:69, 7:7, 7:12, MEDICAL MALPRACTICE 7:22, 7:23, 7:55, 8:3, 8:12, 8:15, 8:19, 8:22, 8:25, 8:31, Agency, **4:31** 8:32, 8:35, 8:55, 8:103, 9:27, Anesthesia, 7:23 9:28, 9:39, 10:5, 10:7, 10:12, Apportionment of fault, 8:19 10:26, 10:120, 10:200 Automobile, 2:7, 2:43, 3:8, 3:20, Fraud, 2:4, 3:8, 3:20, 3:27, 4:31, 3:25, 4:31, 4:114, 5:8, 6:13, 6:14, 6:33, 6:34, 6:48, 7:22, 6:41, 6:48, 8:3, 8:15, 8:19 7:23, 8:3 Battery, **6:36** Medical malpractice, 2:3, 2:4, 2:7, Birth, 4:9, 5:5, 5:21, 8:3 2:43, 3:7 to 3:9, 3:15, 3:19, Blood test, 3:25, 5:8, 5:18 3:20, 3:25, 3:27, 4:9, 4:31, Burden of proof, 3:8, 3:25, 5:5, 4:41, 4:114, 4:119, 4:126, 8:15, 8:22 4:130, 4:131, 4:150, 5:3, 5:5, Cancer, 3:7, 3:20, 3:25, 5:3, 5:7, 5:7, 5:8, 5:14, 5:15, 5:17, 5:18, 5:60, 6:50, 6:53, 8:3, 5:18, 5:21, 5:60, 6:13, 6:14, 8:32, 8:35 6:18, 6:22, 6:33, 6:36, 6:37, Causation, 3:8, 3:15, 3:25, 3:27, 6:41, 6:47 to 6:50, 6:52 to 4:9, 4:114, 5:3, 5:5, 5:7, 5:8, 6:54, 6:63, 6:68, 6:69, 7:7, 5:14, 5:15, 5:18, 5:21, 5:60, 7:12, 7:22, 7:23, 7:55, 8:3,

8:12, 8:15, 8:19, 8:22, 8:25,

8:31, 8:32, 8:34, 8:35, 8:55,

8:103, 9:6, 9:27, 9:28, 9:39, 10:12, 10:26, 10:200

MEDICAL MALPRACTICE —Cont'd	MEDICAL MALPRACTICE —Cont'd
Children, 2:7, 4:31, 4:41, 5:60,	Future loss of earnings, 3:27
6:37, 8:34, 8:55	Future pain and suffering, 2:43
Circumstantial evidence, 2:4, 3:8,	Habit, 3:9 , 4:31 , 8:3 , 8:22
3:27	Hospitals, 2:43, 3:25, 5:5, 5:14,
Clear and convincing evidence, 6:14, 6:33	6:13, 6:14, 6:37, 8:12, 8:15, 8:25, 8:35
Conduct, 2:3, 2:4, 3:7, 3:15, 3:20,	Informed consent, 4:114 , 6:47
4:31, 5:7, 5:15, 5:17, 5:18,	Insurance, 3:8, 3:9, 3:20, 3:25,
5:21, 6:13, 6:14, 6:18, 6:33, 6:36, 6:37, 6:41, 6:63, 7:7,	4:31, 5:8, 6:13, 6:37, 6:47,
7:12, 7:22, 7:23, 8:3, 8:12,	8:3, 8:15, 10:12, 10:26
8:22, 8:35, 9:27, 9:28	Intent, 2:3, 2:4, 3:7, 3:9, 3:20, 3:27,
Consent, 2:3, 3:7, 4:114, 4:119,	4:41, 6:48, 7:7, 9:27, 9:28
6:37, 6:47, 7:7	Medical expenses, 3:20, 3:27, 4:31, 10:12, 10:26, 10:200
Consortium, 8:55	Medical history, 4:131 , 6:63
Contracts, 6:14	Mitigation of damages, 3:9
Damages, 2:3, 2:4, 2:43, 3:8, 3:9,	Negligence, 2:43, 3:8, 3:9, 3:15,
3:15, 3:20, 3:25, 3:27, 4:9,	3:25, 3:27, 5:3, 5:8, 5:15,
4:31, 4:41, 4:114, 4:150, 5:5,	5:17, 6:36, 6:37, 6:52, 7:7,
5:7, 5:8, 5:17, 5:18, 5:21,	8:3, 8:19, 8:22, 8:32, 8:34,
5:60, 6:13, 6:33, 6:36, 6:37,	8:35, 9:27, 9:28, 9:39, 10:12,
6:41, 6:47, 6:48, 6:50, 6:52,	10:200
7:22, 7:23, 8:3, 8:15, 8:34, 9:39, 10:200	Neurological injuries, 9:39
Defamation, 9:27	Opinion, 3:8, 3:25, 3:27, 4:9,
	4:114, 4:119, 5:3, 5:5, 5:7,
Delayed diagnosis, 6:50 Depositions, 3:9 , 4:9 , 6:13 , 6:14 ,	5:8, 5:14, 5:15, 5:17, 5:18,
6:18, 6:37, 6:47 to 6:50, 6:52	5:21, 5:60, 6:47 to 6:49, 6:52,
to 6:54, 6:69	6:53, 6:69, 7:12, 8:3, 8:12,
Drugs, 2:4, 3:9, 4:41, 4:150	8:15, 8:19, 8:22, 8:25, 8:31,
Earnings, 3:8 , 3:27 , 8:3 , 10:200	8:32, 8:34, 8:35, 8:103, 10:200
Elements, 2:43, 3:8, 4:41, 8:15,	Outpatient, 4:119
8:22	Pain and suffering, 2:43 , 3:27 ,
Emergency, 2:4, 3:15, 6:14, 6:33 ,	4:150, 5:18, 6:49, 7:23
6:50	Payment, 2:3, 2:7, 4:31, 8:55,
Emotional distress, 3:27, 8:31	10:26
Expert testimony, 2:3, 2:4, 2:7,	Personal injury, 2:3, 2:4, 2:7, 3:8,
2:43, 3:8, 3:9, 3:20, 3:25,	3:9, 3:25, 3:27, 4:9, 4:31,
3:27, 4:9, 5:3, 5:5, 5:7, 5:8,	4:41, 4:114, 4:131, 5:7, 5:8,
5:14, 5:15, 5:17, 5:18, 5:21,	5:15, 5:17, 5:21, 6:13, 6:14,
5:60, 6:13, 6:33, 6:47 to 6:50,	6:18, 6:33, 6:36, 6:37, 6:41,
6:52 to 6:54, 6:63, 6:69, 8:3,	6:48, 6:52, 6:53, 6:63, 6:69,
8:12, 8:15, 8:19, 8:22, 8:31,	8:3, 8:12, 8:15, 8:19, 8:22,
8:32, 8:34, 8:35, 8:103, 10:200	8:32, 8:35, 8:103, 9:39, 10:12,
10:200 Foreseeability, 2:3	10:26, 10:200 Prescribing medication, 6:53
1 010000u0111ty, 2.0	1 10001101115 Illedicution, 0.00

Burden of proof, 3:8, 3:25, 8:22 Comparative negligence, 10:104

Contributory negligence, **10:52**, **10:54**, **10:100**, **10:207**

MEDICAL MALPRACTICE **MISTAKE** —Cont'd Absence of mistake or accident, Prima facie case, 3:8, 3:25, 5:5, 2:4, 3:17, 3:20, 7:20, 7:29, 5:7, 6:36, 8:12 7:33, 10:115 Privileged communications, 6:14, Insurance, 3:9, 3:17, 3:20, 8:3 9:27, 9:28 MITIGATION OF DAMAGES Products liability, 3:8, 3:25, 5:3, Insurance, 3:9 5:7, 5:8, 5:17, 6:48, 8:15, Medical malpractice, 3:9 8:31, 8:55 Psychologist, 8:12 **MORAL TURPITUDE** Reliance, 3:27, 5:7, 8:12, 8:55 Punitive damages, 10:221 Specialists, 8:31 **MOTIONS** Standard of care, 2:43, 5:8, 5:15, Defamation, 6:9 8:3, 8:15, 8:22, 8:25, 8:31 Substantial factor, **5:8, 8:3, 8:12** MOTIVE Suicide, 2:3, 2:4, 3:7, 3:9, 3:25, Circumstantial evidence, 2:4, 3:8, 4:31, 4:41, 4:150, 7:7, 8:3, 7:20 8:15 **MOTOR VEHICLES** Supervision, **4:31**, **6:50** Bus. 10:76 Wrongful death, 3:8, 3:15, 3:19, Children, 10:76 3:25, 3:27, 5:18, 6:13, 6:33, 6:37, 6:47, 6:49, 6:50, 6:52, Control, 10:76 6:69, 7:23, 8:3, 8:35, 10:200 Double yellow line, 10:76 Negligence, 10:76, 10:84 MEDICAL RECORDS School bus, **10:76** Diagnosis, 2:43, 4:4, 4:12, 4:14, Stop sign, **10:76** 4:30, 4:31, 4:108, 4:110, Stopping, **10:76** 4:112, 4:114, 4:116, 4:118, Title, 10:76 4:119, 4:122, 4:125, 4:128 to 4:131, 4:145, 4:154, 5:62, Traffic, 10:76 8:90, 8:92 **MRI** Emotional distress, 2:12, 8:13 No-fault law, 4:114 Expert testimony, 2:12, 2:43, 3:4, 3:25, 4:4, 4:9, 4:13, 5:60, **MURDER** 5:62, 6:52, 9:51 Privacy, **4:51** Hospitals, 2:43, 3:25, 4:118, 6:14 **NAME** Medical malpractice, 2:43, 3:25, 4:9, 4:31, 4:114, 4:119, 4:126, Privacy, 4:16, 4:51 4:130, 4:131, 5:60, 6:14, 6:52 NECK Physician-patient privilege, **6:61** No-fault law, 10:52, 10:146 MENACING **NEGLIGENCE** Assault, 3:9 Apportionment of fault, 3:4, 3:13, METALLURGIST 3:14, 5:33, 8:19, 10:132 Expert testimony, 8:32

METEOROLOGIST

5:7, 8:15

Expert testimony, 3:8, 3:25, 4:4,

NEGLIGENCE—Cont'd Defamation, 6:9, 9:27 Emotional distress, 2:12, 3:5, 3:12, 3:27, 7:17 Foreseeability, 10:51 Gross negligence, **6:9**, **9:26**, **9:27**, 9:33 Insurance, 3:8, 3:9, 3:24, 3:25, 4:70, 5:8, 6:34, 6:37, 8:3, 10:12, 10:14, 10:19, 10:128, 10:207, 10:217 Land, 3:13 Malicious prosecution, 6:36, 9:32 Motor vehicles, 10:76, 10:84 No-fault law, 3:25, 10:52 Products liability, 3:8, 3:25, 5:3, 5:8, 5:17, 5:38, 8:105, 10:159 Proximate cause, 3:8, 3:24, 3:25, 3:27, 8:3, 10:71, 10:75, 10:76, 10:81 Standard of care, 2:43, 3:28, 3:31, 5:8, 5:15, 6:67, 7:27, 7:29, 8:3, 8:22, 10:75, 10:76

NEGOTIATIONS

Insurance, 10:29, 10:36, 10:207

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION Malpractice, 3:25, 6:34, 6:37, 8:15

NEW YORK CITY TRANSIT AUTHORITY

Battery, **6:36**

Interest, 2:4, 3:9, 4:23, 4:70, 4:71

NO-FAULT LAW

Blood alcohol test, 4:122
Bus, 3:25
Causation, 3:25, 4:114, 10:146
Child, 4:122, 10:52
Death, 3:25
Evidence, 3:25, 4:81, 4:114, 4:117, 4:122, 5:35, 10:52, 10:146
Generally, 4:81
Medical evidence, 4:81, 10:146
Mri, 4:114
Neck, 10:52, 10:146

NO-FAULT LAW—Cont'd

Negligence, 3:25, 10:52
Passenger, 3:25, 4:81, 10:52
Pedestrian, 3:25, 10:52
Personal injury, 3:25, 4:81, 4:114, 4:122, 5:35, 10:52, 10:146
Proximate cause, 3:25
Serious injury, 3:25, 4:81, 4:114, 4:117, 4:122, 5:35, 10:52,

Spine, 3:25, 5:35, 10:146

10:146

NOVEL SCIENTIFIC EVIDENCE

Expert testimony, 5:5, 5:7, 5:8, 5:12, 5:15, 5:21, 5:41, 5:55, 5:62, 8:12

NUISANCE

Health, **5:8**Private nuisance, **5:8**

OPERATOR

No-fault law, 3:25

OPPORTUNITY

Divorce, 4:23, 6:39

OUTPATIENT

Medical malpractice, 4:119

PAIN AND SUFFERING

Burden of proof, 5:59 Collateral sources, 10:120, 10:128 Emotional distress, 3:27, 4:149 Enjoyment of life, 4:149, 5:22, 5:44, 6:49 Medical malpractice, 2:43, 3:27, 4:150, 5:18, 6:49, 7:23

PAIN MEDICATION

Medical malpractice, 3:27

PARKING

Premises liability, **3:8**Proximate cause, **3:8**, **3:25**, **10:75**Snow and ice, **8:11**

PARKS

Premises liability, 6:36

PARTIES

Defamation, 6:9, 9:27

PARTNERSHIP

Fiduciary duty, **6:71**Fire insurance, **4:4**Medical malpractice, **5:3**, **5:7**, **6:36**, **8:15**, **8:32**, **8:34**

PASSENGERS

Children, 10:89

PEDIATRICIAN

Medical malpractice, 4:131, 8:55

PERJURY

Fraud, 2:4, 3:17, 4:20, 6:33, 6:35, 7:13, 7:22, 7:23
Insurance, 3:17

PERSONAL INJURIES

Damages, 3:24, 4:11, 4:112, 4:148, 5:17, 5:59, 6:9, 6:25, 6:37, 6:48, 6:52, 6:70, 10:64, 10:181, 10:216

Police, 3:24, 4:11, 4:24, 4:112,

6:25, 6:37, 10:223

PHOTOGRAPHS

Battery, 6:36, 7:17 Circumstantial evidence, 2:4, 3:28, 4:4, 4:13, 4:137 Defamation, 6:9 Divorce, 4:23, 6:39 Emotional distress, 4:135, 7:17 Premises liability, 4:15, 6:36, 9:32 Privacy, 4:51

PHYSICIANS AND SURGEONS

Emotional distress, **8:31**Insurance, **8:3**Medical malpractice, **6:33**, **6:50**, **8:3**, **8:31**Radiologist, **6:33**, **6:50**

PLAYGROUND

School, 5:60

PLEA OF GUILTY

Guilty plea, **10:76**

PLEADINGS

Apportionment of fault, **3:13**Defamation, **6:9**Insurance, **6:34**, **6:37**, **6:39**, **10:217**Punitive damages, **10:218**, **10:221**

POLICE

Battery, 2:12, 3:5, 6:36
Emergency, 2:4, 10:76
Malicious prosecution, 6:25, 6:36, 9:32
Off-duty police officer, 2:3, 2:12
Premises liability, 3:8, 3:17, 3:24, 6:36, 9:32
Privacy, 4:16, 4:51
Suicide, 2:3, 2:4, 3:7, 3:9, 4:31, 4:41, 7:7, 8:15

POSSESSION

Vehicle, 2:4, 2:33, 3:4, 3:8, 3:9, 3:13, 4:4, 4:5, 4:24, 4:31, 4:104, 6:25, 6:39, 6:50, 7:7, 7:23, 10:81, 10:117, 10:225

POSSIBILITY

Foreseeability, 2:3, 2:11

PREJUDICE

Defamation, 6:9, 9:27
Insurance, 2:15, 2:19, 2:22, 3:8, 3:9, 3:17, 3:20, 3:24, 3:25, 5:8, 6:13, 6:34, 6:37, 6:39, 7:14, 8:3, 8:73, 9:10, 10:10, 10:12, 10:13, 10:17, 10:19, 10:20, 10:26, 10:117, 10:207, 10:217

PREJUDICIAL EFFECT

Insurance, 2:22, 3:9, 3:20, 10:10

PREMISES LIABILITY

Assault, 3:8, 3:24, 4:15, 6:36 Burden of proof, 3:8 Burglary, 4:15 Construction, 3:8, 9:32 Control, 6:36, 9:32, 10:64 Damages, 3:8, 3:17, 3:24, 4:15, 6:36, 10:64 Entry, 4:15, 9:32 Fees, 9:32

Index-16

Foreseeability, 10:222

PREMISES LIABILITY—Cont'd PRODUCTS LIABILITY Fence, 4:15 Burden of proof, 3:8, 3:25, 8:15 Fire, 3:8, 3:24 Circumstantial evidence, 3:8 Floor, 10:64 Damages, 3:8, 3:25, 5:7, 5:8, 5:17, Gas, 6:36, 9:32 6:48, 8:15 Generally, 3:8 Defect, 5:8, 10:65 Insurance, 3:8, 3:17, 3:24 Design, 5:7, 5:8, 5:17, 5:56, 10:65, Investigation, 3:8, 3:24, 6:36, 9:32 10:133 Parking, 3:8 Disclaimer, 8:15 Parks, 6:36 Distributor, 4:89 Photographs, 4:15, 6:36, 9:32 Equipment, 3:25, 5:3, 5:8, 8:15, Police, 3:8, 3:17, 3:24, 6:36, 9:32 8:31 Prima facie case, 3:8, 6:36, 9:32 Evidence, 2:44, 3:8, 3:25, 4:89, Proximate cause, 3:8, 3:24 5:3, 5:7, 5:8, 5:17, 5:38, 5:56, Rape, 3:8, 3:17, 4:15 6:48, 8:15, 8:31, 8:55, 8:105, 9:31, 10:65, 10:133, 10:159 Sidewalk, 4:15, 10:64 Softball, 10:64 Food, 3:25 Generally, 3:8 PRESENT VALUE Medical malpractice, 3:8, 3:25, 5:3, Wrongful death, 10:128 5:7, 5:8, 5:17, 6:48, 8:15, PRICE 8:31, 8:55 Negligence, 3:8, 3:25, 5:3, 5:8, Contracts, 4:13 5:17, 5:38, 8:105, 10:159 PRIMA FACIE CASE Prima facie case, 3:8, 3:25, 5:7 Battery, **6:36** Property damage, 8:105 Children, 8:90 Proximate cause, 3:8, 3:25, 8:15 Circumstantial evidence, 3:8 Repair, 3:8, 3:25, 5:7, 5:8, 5:56, Malicious prosecution, 6:36, 9:32 8:15 Medical malpractice, 3:8, 3:25, 5:5, Sale, 8:55 5:7, 6:36, 8:12 Substantial factor, 5:8 No-fault law, 3:25 Time, 3:8, 3:25, 4:89, 5:8, 6:48, Premises liability, 3:8, 6:36, 9:32 8:15, 8:55, 8:105 Products liability, 3:8, 3:25, 5:7 Vehicles, 5:56 **PRIVACY** Warnings, 5:7 Name, 4:16, 4:51 Photographs, 4:51 **PROFITS** Voice, 4:16, 4:51 Personal injury, 3:27, 3:29, 10:199, 10:200, 10:204, 10:222 PRIVATE NUISANCE Wrongful death, 3:27, 10:200 Nuisance, 5:8 PROMISSORY NOTE **PRIVILEGED** Interest, 8:50 **COMMUNICATIONS** Depositions, 6:14 PROPERTY DAMAGE **PROBABILITY** Interest, **8:105**

Products liability, 8:105

PROXIMATE CAUSE Burden of proof, 3:8, 3:25, 8:15 Checks, 3:8, 3:24 Children, 10:76 Damages, 3:8, 3:20, 3:24, 3:25, 3:27, 8:3, 8:15 Evidence of causation, 3:8, 3:24 Fire, 3:8, 3:24, 3:25 Insurance, 3:8, 3:20, 3:24, 3:25, 8:3, 8:15 Intervening causes, 3:27 Medical malpractice, 3:8, 3:20, 3:25, 3:27, 8:3, 8:15 Negligence, 3:8, 3:24, 3:25, 3:27, 8:3, 10:71, 10:75, 10:76, 10:81

No-fault law, 3:25
Police, 3:8, 3:20, 3:24, 8:15, 10:76
Premises liability, 3:8, 3:24
Products liability, 3:8, 3:25, 8:15
Rape, 3:8, 3:20, 8:15
Substantial factor, 8:3
Suicide, 3:25, 8:3, 8:15
Traffic, 10:71, 10:75, 10:76

PSYCHOLOGIST

Malpractice, 8:12

PUBLIC

Punitive damages, 10:221

PUNISHMENT

Punitive damages, 10:221

Accident, 10:218, 10:221

PUNITIVE DAMAGES

Amount, 1:5, 10:169
Assault, 1:5
Compensatory damages, 10:221
Evidence, 1:5, 6:59, 10:162,
10:169, 10:174, 10:218,
10:221

Financial condition, **10:218**, **10:221**Malice, **10:169**Moral turpitude, **10:221**

RADIOLOGIST

Medical malpractice, **6:33**, **6:50**, **6:53**, **8:34**

RAPE

Battery, 2:12
Emotional distress, 2:12, 4:135
Premises liability, 3:8, 3:17, 4:15
Proximate cause, 3:8, 3:20, 8:15
School, 2:4, 3:4, 3:13, 4:15, 4:31, 4:135

REAL EVIDENCE

Circumstantial evidence, 4:4, 4:13

REAL PROPERTY

Use, 4:31, 6:49

RECORDS

Hospitals, 2:43, 3:25, 4:118, 6:14, 6:34, 8:35

Insurance, 2:29, 3:9, 3:25, 4:4, 4:13, 4:24, 4:31, 4:70, 4:75, 4:122, 6:25, 6:34, 6:61

Medical records, 1:13, 2:12, 2:14, 2:41, 2:43, 3:4, 3:14, 3:25, 3:31, 4:4, 4:9, 4:12 to 4:14, 4:25, 4:30, 4:31, 4:107 to 4:131, 4:145, 4:154, 5:60, 5:62, 6:14, 6:25, 6:32, 6:52, 6:59, 6:61, 8:13, 8:28, 8:90 to 8:92, 9:51, 9:62, 10:5, 10:104, 10:224

Public records, 4:70, 4:88

RELEASE

Damages, 10:222

RELIANCE

Defamation, **6:9**Fraud, **3:27**Medical malpractice, **3:27**, **5:7**, **8:12**, **8:55**Police, **8:12**

REMARRIAGE

Wrongful death, 10:168

REPORTS

Accident report, 4:11, 4:12, 4:23 to 4:25, 4:31, 4:67, 4:70, 4:71,

Index-18

Speed, 10:221

REPORTS—Cont'd 4:73 to 4:75, 4:77, 4:101, 4:154

Police accident report, 4:11, 4:23, 4:25, 4:31, 4:70, 4:71, 4:73 to 4:75, 4:77, 4:101

RESEARCH

Jurors, 8:3

RESTAURANTS

Battery, **6:36**

SAFETY

Guardian, 10:93

SALES

Consequential damages, 10:222

SANCTIONS

Damages, 6:9, 6:12, 6:13, 6:19, 6:24, 6:25, 6:27, 6:33, 6:34, 6:36, 6:37, 6:39, 6:41, 6:48, 6:50, 9:33

SCHOOL BUS

Proximate cause, 10:76

SCIENCE

Expert witness, 4:9, 5:5, 5:26, 5:41, 5:49, 5:50, 8:12

Novel scientific evidence, 5:5, 5:21, 5:41, 5:55, 5:59, 8:12

SELF-INCRIMINATION

Insurance, **3:9**, **3:17**, **8:73**Police, **3:9**, **3:17**Witness, **3:9**, **3:17**, **8:71**, **8:73**, **8:74**

SERIOUS INJURY

No-fault law, 3:25, 4:81, 4:114, 4:117, 4:122, 5:35, 10:52, 10:146

SERVICE OF PROCESS

Insurance, 4:24

SERVICES

Services rendered, **6:55**Wrongful death, **5:22**, **6:13**, **8:3**, **8:35**

SETTLEMENT

Consideration, 10:25, 10:207 Insurance, 3:25, 4:24, 8:15, 10:26, 10:29, 10:36, 10:207 Mitigation of damages, 10:33

SEXUAL ABUSE

SEXUAL ASSAULT

Battery, 2:12, 3:5, 3:12, 7:17 Rape, 2:12, 5:26, 5:27, 5:49, 5:50, 7:33

SEXUAL HARASSMENT

Emotional distress, 2:12

SIDEWALK

Control, **10:61**, **10:64**Notice, **4:13**, **4:15**One, **4:13**, **4:15**, **4:51**, **8:11**, **8:28**Premises liability, **4:15**, **10:64**Snow and ice, **8:11**

SLIP AND FALL

Premises liability, 6:36, 9:32

SNOW AND ICE

Custom and practice, **7:29**Parking, **8:11**Roof, **7:29**Sidewalk, **8:11**

SOCIAL SECURITY

Collateral sources, 10:124, 10:128

SOFTBALL

Premises liability, 10:64

SUBPOENA SPECIAL KNOWLEDGE OR **SKILL** Witnesses, 2:29, 6:37, 8:99 Expert witness, 8:11 SUBSTANCE ABUSE **SPECIALISTS** Drug addiction, **6:49**, **6:70** Medical malpractice, 8:31 SUBSTANTIAL FACTOR **SPEED** Damages, 5:8, 8:3 Medical malpractice, 5:8, 8:3, 8:12 Expert testimony, 2:40, 3:25, 5:8, 5:35, 5:55, 5:60, 8:15, 10:132, Products liability, 5:8 10:138, 10:142, 10:146 to Proximate cause, 8:3 10:150, 10:160 **SUBSTITUTE** Punitive damages, 10:221 Wrongful death, 3:8 **SPINE** SUGGESTIONS No-fault law, 3:25, 5:35, 10:146 Damages, 5:59 **SPORTS SUICIDE** Expert testimony, **5:15** Expert testimony, 2:3, 2:4, 3:9, **STALKING** 3:25, 8:3, 8:15 Harassment, 7:23, 7:47 Foreseeability, 2:3 Medical malpractice, 2:3, 2:4, 3:7, STANDARD OF CARE 3:9, 3:25, 4:31, 4:41, 4:150, Duty, 8:15, 10:76 7:7, 8:3, 8:15 Emergency, 9:62, 10:76 Proximate cause, 3:25, 8:3, 8:15 Insurance, 5:8, 8:3, 8:15 **SUPERVISION** Medical malpractice, 2:43, 5:8, Children, 4:31 5:15, 8:3, 8:15, 8:22, 8:25, Medical malpractice, 4:31, 6:50 8:31 Negligent supervision, 6:24, 10:46 **STATE SUPPORT** Defamation, 6:9, 9:27 Child support, **4:131**, **6:34 STATEMENTS** Wrongful death, 3:8, 3:25, 3:27, Admissions, 4:16, 4:30, 4:51, 4:88, 5:18, 5:59, 6:49, 6:69, 7:54, 4:112, 4:144, 6:29, 6:66, 9:16, 8:3, 8:35 10:31, 10:35 **SURGERY** STATUTE OF LIMITATIONS Circumstantial evidence, 3:27 Assault, 1:5 **TAXI** Malpractice, 1:5 Passengers, 10:93 **STATUTES TELEPHONE** Violation of, **6:34**, **9:58** Medical malpractice, 2:4, 4:41 **STOP SIGN** Privacy, 4:16, 4:51

TESTING

Products liability, 3:8, 3:25, 5:8,

5:17, 8:15

Index-20

STOPPING

Punitive damages, 10:221

Motor vehicles, 10:76

INDEX

THEFT UNEMPLOYMENT Insurance, 10:117 Insurance, 2:29 THIRD PARTIES USE Medical malpractice, 8:55 Premises liability, 3:8, 3:24, 4:15, 10:64 **THREATS** Assault, 4:41 VEHICLES Motor vehicles, 10:76, 10:84 **THYROID** Insurance, 2:19 VOCATIONAL REHABILITATION TIME Expert testimony, 8:22 Contracts, 4:13, 6:14 No-fault law, 3:25, 4:122 VOICE Privacy, 4:16, 4:51 TITLE Motor vehicles, 10:76 WARNING Products liability, 2:44 **TOBACCO** Expert opinion, 8:109 WARRANT Arrest, 2:3, 2:19, 4:13, 4:41, 4:51, TOXIC TORT CASES 6:14, 6:25, 6:36, 9:32 Expert testimony, 8:12 Battery, **6:36** TRAINING **WINDOWS** Medical malpractice, 3:8, 3:25, 4:9, Expert testimony, 8:109 5:3, 5:7, 5:17, 5:18, 5:60, 8:3, 8:22, 8:31, 8:32, 8:34 WITNESSES Wrongful death, 3:8, 3:25, 5:18, Admission against interest, **4:70** 5:55, 8:3, 10:61 Bribery, 2:4, 3:17, 4:13, 7:13, 7:23 TRANSIT AUTHORITY Compensation, 4:70, 4:149 New york city transit authority, 2:3, Credibility of witness, **5:61** 2:4, 2:22, 3:8, 3:9, 3:24, 3:25, Cross examination, 3:17, 7:23 3:27, 3:28, 4:5, 4:10, 4:13, Eyewitnesses, 7:48, 8:11, 8:43, 4:23, 4:24, 4:31, 4:70, 4:71, 10:132 4:75, 4:97, 4:112, 5:3, 5:8, Fact witnesses, 5:33, 6:52, 8:11, 5:44, 5:60, 6:9, 6:10, 6:13, 8:63, 10:132 6:17, 6:24, 6:36, 6:47, 6:48, 7:29, 7:33, 8:5, 8:9, 8:15, Failure to produce witness, 6:37 8:43, 8:84, 8:89, 9:26, 9:32, Impeachment of witnesses, 2:7, 10:5, 10:61, 10:64, 10:98, 3:14 10:99, 10:128, 10:134, 10:155, Inconsistent statement, 2:7, 2:32, 10:224

8:91

6:37, 8:15 Travel, 3:4, 3:14, 8:19

Insurance, 2:15, 2:22, 2:29, 3:8,

3:9, 3:17, 3:20, 3:24, 3:25,

4:13, 4:31, 4:70, 4:75, 6:13,

TRESPASS

Generally, 3:9, 4:24, 7:22

TUMOR

Insurance, 8:3

WORDS

Assault, **2:3**, **2:42**, **3:14**, **3:28**, **4:51**, **7:13**, **7:17**Battery, **7:17**

WRONGFUL DEATH

Earnings, 3:8, 3:27, 5:59, 8:3, 10:120, 10:200
Economic loss, 5:22, 10:120, 10:128

Future earnings, 3:27

WRONGFUL DEATH—Cont'd

Health, 3:25, 6:13, 6:37, 6:47, 7:54, 8:35, 10:61

Interest, 2:15, 6:33, 7:23, 7:54
Medical malpractice, 3:8, 3:15,
3:19, 3:25, 3:27, 5:18, 6:13,
6:33, 6:37, 6:47, 6:49, 6:50,
6:52, 6:69, 7:23, 8:3, 8:35,
10:200

New york city transit authority, **3:8**, **3:25**, **3:27**, **6:13**, **6:47**, **10:61**, **10:128**

Present value, 10:128
Prima facie case, 3:8, 3:25
Services, 5:22, 6:13, 8:3, 8:35
Support, 3:8, 3:25, 3:27, 5:18, 5:59, 6:49, 6:69, 7:54, 8:3, 8:35
Training, 3:8, 3:25, 5:18, 5:55, 8:3, 10:61

X-RAYS

Damages, **4:21**