Table of Contents

Volume 1

CHAPTER 1. ANTITRUST—PRIVATE ACTION

§ 1:1 Sherman Act
§ 1:2 Sherman Act and Clayton Act
§ 1:3 Indemnification for violation of Sherman Act
§ 1:4 Price-Fixing
§ 1:5 Price fixing—$176 million verdict for price fixing

CHAPTER 2. FAIR CREDIT REPORTING ACT

§ 2:1 Failure of bank to properly investigate fraudulent credit card account results in verdict for $20,100,000
§ 2:2 FCRA—Failure to investigate bad credit report
§ 2:3 —Mortgage servicing company makes incorrect reports to credit reporting bureaus, jury awards $400K
§ 2:4 —Bank Owes Consumer $101K for Fair Credit Reporting Act Violations
§ 2:5 Individual claimed he was denied life insurance coverage because of inaccurate health record reports created by consumer reporting agency
§ 2:6 Defendant obtained consumer reports of website visitors without permissible purpose

CHAPTER 3. FEDERAL EMPLOYERS' LIABILITY ACT; FEDERAL SAFETY AND APPLIANCE ACT; FEDERAL BOILER INSPECTION ACT

§ 3:1 Federal Employers' Liability Act
§ 3:2 —Preexisting condition
§ 3:3 —Defective design
§ 3:4 —Unsafe and improper equipment
§ 3:5 —Negligence and accommodation
§ 3:6 —Death based on negligence and agency
§ 3:7 Federal Employer's Liability Act—Lung cancer allegedly caused by diesel fumes
§ 3:8 FELA and Locomotive Inspection Act

§ 3:9 FELA and the Federal Safety Appliance Act—"Blue Flag" Rule
§ 3:10 $1.9M verdict in FELA suit
§ 3:11 Railroad freight conductor suffered personal injuries when a ladder rung broke as he was boarding a rail car

CHAPTER 4. MARITIME CLAIMS

§ 4:1 Jones Act and unseaworthiness—Collision of vessels
§ 4:2 —Defective equipment
§ 4:3 —Negligence and Maintenance and Cure
§ 4:4 —Negligence, contributory negligence and pre-existing condition
§ 4:5 Jones Act—Million dollar verdict for crushed hand
§ 4:6 Longshore and Harbor Workers' Compensation Act
§ 4:7 Jones Act—Federal jury favors vessel captain regarding maintenance cure claims following accident aboard vessel
§ 4:8 Jury Declines to Award Plaintiff Damages in Suit for Negligence Involving a Maritime Collision
§ 4:9 City not liable for injuries to police officer assigned to harbor unit
§ 4:10 Marine captain asserted he suffered personal injuries when attempting to exit barge during crew change

CHAPTER 5. PATENT INFRINGEMENT

§ 5:1 $78,000,000 verdict for patent infringements related to automatic content recognition
§ 5:2 Patent infringement—Defense of invalidity based on prior art
§ 5:3 —Defenses of prior art and anticipation
§ 5:4 —Defenses of indefiniteness, obviousness, and prior art
§ 5:5 —Invalidity, inducement to infringe, and prior art
§ 5:6 Patent infringement, non-infringement and enforceability
§ 5:7 Patent Infringement—Infringement under Doctrine of Equivalents and Defense of Invalidity Based on Obviousness
§ 5:8 Patent infringement, design patent and invalidity—functional v. ornamental
§ 5:9 Patent infringement—Invalidity for obviousness
§ 5:10 —Direct, indirect, literal, willful and under the doctrine of equivalents
§ 5:11 Sherman Act Monopoly and Patent Infringement
§ 5:12 Dispute over two patents for cartridges used in single-serve coffee brewing machines ends in $192K jury award

§ 5:13 Patent infringement—Indirect infringement
§ 5:14 Jury awards Siemens $6.6M in patent infringement suit over train-safety technology
§ 5:15 Jury awards Boston Scientific $35M for Edward Lifesciences' patent infringement; parties later settle
§ 5:16 Federal Jury Awards Plaintiff $102.8M in Mobile Check Deposit Patent Infringement Suit
§ 5:17 Federal jury declines to award plaintiff damages in patent infringement suit related to key duplication machines
§ 5:18 Patent infringement—Wireless networks and technology
§ 5:19 Corporation infringed other corporation's patents regarding cloud storage
§ 5:20 $30 million awarded for patent infringement

CHAPTER 6. COPYRIGHT INFRINGEMENT

§ 6:1 Copyright infringement
§ 6:2 —Database infringement
§ 6:3 $3 million verdict for plaintiff where defendant used copyrighted images on the packaging of its products and other materials without a license to do so

Volume 2

CHAPTER 7. TRADEMARKS

§ 7:1 Trademark infringement—Counterfeit and passing-off
§ 7:2 Trademark infringement
§ 7:3 —False designation of origin—Likelihood of confusion
§ 7:4 False designation of origin—Unfair competition
§ 7:5 Trademark infringement—Jury awards $3.2K for wind instrument trademark/name infringement
§ 7:6 $53.6 million judgment in battle between competing database marketing companies
§ 7:7 Damages not awarded for trademark infringement and cybersquatting
§ 7:8 Split verdict in interactive game system trademark case

CHAPTER 8. RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO) (18 U.S.C.A. §§ 1961–1968)

§ 8:1 Section 1964(c) of the Racketeer Influenced and Corrupt Organizations Act
§ 8:2 Section 1962(c) and 1962(d) of the Racketeer Influenced and Corrupt Organizations Act

CHAPTER 9. SECURITIES REGULATION (15 U.S.C.A. §§ 77k AND 77l)

§ 9:1 Section 10(b) of the Securities Exchange Act of 1934 and securities fraud
§ 9:2 Section 10(b) of the Securities Exchange Act of 1934—Another filing
§ 9:3 Securities Regulation—Section 17(a), Section 10(b) and Books and Records Provisions of Securities Exchange Act
§ 9:4 Sections 10(b), Section 13(a) and Section 13(b)(5)
§ 9:5 Securities Act of 1933 Sections 17(a)(2) and 17(a)(3)
§ 9:6 Sections 17(a), 10(b) and Rule 10b-5 under "Misappropriation Theory"
§ 9:7 Sections 10(b), 17(a)(1) to (3), 13(b)(b) and 20(e)
§ 9:8 Sections 17(a)(1), 17(a)(2), and 17(a)(3)

CHAPTER 10. UNLAWFUL POLICE CONDUCT (42 U.S.C.A. § 1983)

§ 10:1 Deputy sheriff's use of excessive force results in $27,350,000 verdict
§ 10:2 Unreasonable search, false arrest, and excessive force
§ 10:3 Fabricating evidence, unlawful arrest, unlawful seizure, false imprisonment, malicious prosecution under § 1983
§ 10:4 Excessive force by officers causing death of prisoner
§ 10:5 Injury to mentally ill arrestee with Taser
§ 10:6 Unreasonable search of purse and home
§ 10:7 Forced to leave home
§ 10:8 $1,355,793.64 for excessive force
§ 10:9 Action by arrestee for subconjunctival hemorrhage
§ 10:10 Defense verdict in case alleging unreasonable search
§ 10:11 Millions awarded for death of man shot by police
§ 10:12 Defense verdict where individual asserted state probation and parole officers used excessive force when arresting him
§ 10:13 Police not liable for arresting father who approached ambulance transporting son to hospital

CHAPTER 11. PRISONERS: CRUEL AND UNUSUAL PUNISHMENTS, DENIAL OF ACCESS TO COURTS, VIOLATION OF RELIGIOUS RIGHTS, DENIAL OF MEDICAL CARE

§ 11:1 Violation of prisoner's religious rights
§ 11:2 Denial of access to medical treatment

§ 11:3 Cruel and unusual punishment
§ 11:4 Assaults by prison personnel
§ 11:5 No award in female inmate class action lawsuit
§ 11:6 Federal jury declines to award jail inmate damages for constitutional violations relating to receiving inadequate medical care
§ 11:7 Million dollar verdict for estate of prisoner who hanged himself
§ 11:8 Nearly $30 million awarded in wrongful death action for denial of medical care

CHAPTER 12. PUBLIC EMPLOYEES (42 U.S.C.A. § 1983)

§ 12:1 Jury finds UNC-Wilmington denied professor promotion based on his speech
§ 12:2 Termination in violation of Section 1983
§ 12:3 Termination of physician
§ 12:4 Termination of employee for reporting unlawful acts committed by employee
§ 12:5 Former police officer recovers $334K in lawsuit against former employer

CHAPTER 13. HOUSING DISCRIMINATION (42 U.S.C.A. §§ 1981, 1982) FAIR HOUSING ACT (42 U.S.C.A. §§ 3601 ET SEQ.)

§ 13:1 Housing discrimination—Violation of Section 1981, Fair Housing Act, and breach of contract
§ 13:2 $16.5K Award on counterclaims in landlord/tenant dispute
§ 13:3 Federal jury awards plaintiffs $15k for wrongful eviction from employment provided housing
§ 13:4 Jury rejects claim that homeowner's association discriminated against plaintiffs

CHAPTER 14. RACIAL DISCRIMINATION IN EMPLOYMENT (42 U.S.C.A. § 1981)

§ 14:1 Employment discrimination—Termination of employment in violation of Section 1981
§ 14:2 Employment discrimination
§ 14:3 Retaliation against nurse
§ 14:4 Termination of city board members
§ 14:5 Termination for making complaints about racial slurs
§ 14:6 County employee awarded $900,252 in retaliation suit
§ 14:7 $20 million dollar verdict in employment discrimination case

CHAPTER 15. DISCRIMINATION IN EMPLOYMENT (42 U.S.C.A. §§ 1981a & 2000e)

§ 15:1 Employment discrimination—Sexual harassment, retaliation, and termination
§ 15:2 —Gender discrimination
§ 15:3 —Sexual harassment of female employee
§ 15:4 —Sexual harassment of male employee
§ 15:5 Retaliation for filing racial discrimination claim
§ 15:6 Retaliation for opposing religious discrimination
§ 15:7 Hostile work environment
§ 15:8 Religious discrimination
§ 15:9 Damages awarded for failure to provide arrestee with American Sign Language interpreter
§ 15:10 University employee loses suit alleging racial discrimination and retaliation
§ 15:11 Jury rejects claim employer terminated plaintiff because of disability
§ 15:12 Jury rejects security ethics officer's claim of discrimination on the basis of gender and national origin
§ 15:13 Jury finds employees termination was not due to her pregnancy
§ 15:14 Jury rejects claim employee was subjected to harassing conduct

CHAPTER 16. DISABLED EMPLOYEES—AMERICANS WITH DISABILITIES ACT (42 U.S.C.A. §§ 12111–12117)

§ 16:1 Disabled employees awarded $3,110,000 for employer's refusal to continue remote work accommodation
§ 16:2 Termination of employee with weight-lifting restriction
§ 16:3 Refusal to hire because of disability
§ 16:4 Requiring employee to take psychiatric examination
§ 16:5 Caterer cleared of former employee's discrimination
§ 16:6 Damages for violation of rights of disabled pretrial detainee
§ 16:7 Jury awards nearly four million dollars to former railroad employee for disability discrimination
§ 16:8 Verdict finds against on-air personality claiming violation of ADA
§ 16:9 Employee with disability retaliated against for requesting leave and reasonable accommodation

CHAPTER 17. AGE DISCRIMINATION IN EMPLOYMENT (29 U.S.C.A. §§ 621–634)

§ 17:1 Age discrimination

§ 17:2 Termination and replacement with younger employee
§ 17:3 Employee not terminated based on age
§ 17:4 Discriminatory reassignment
§ 17:5 Employee terminated for bad work record
§ 17:6 Supervisor awarded over $3 million for violation of ADA and FMLA
§ 17:7 Jury awards $80,00 to grocery store employer for failure to promote

CHAPTER 18. EQUAL PAY ACT (29 U.S.C.A. § 206(d))

§ 18:1 Violation of Equal Pay Act and retaliation
§ 18:2 Female pathologist paid less than male pathologists
§ 18:3 Defense Verdict for Plaintiff's Gender Discrimination Claims Involving Unequal Pay
§ 18:4 Knowledge of wrongful acts

CHAPTER 19. FAIR LABOR STANDARDS ACT (29 U.S.C.A. § 201 ET SEQ.)

§ 19:1 Violation of Fair Labor Standards Act—Overtime
§ 19:2 Unpaid overtime wages
§ 19:3 Overtime pay and commission exemption
§ 19:4 Employee was exempt from overtime provisions of Fair Labor Standards Act
§ 19:5 Restaurant hostess recovers $20,577 in compensatory past wages
§ 19:6 Federal jury declines to award plaintiff damages in suit for FLSA violations
§ 19:7 Caregiver exempt from overtime pay requirements of Fair Labor Standards Act

CHAPTER 20. EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (42 U.S.C.A. § 1395dd)

§ 20:1 Claim for medical negligence and violation of Emergency Medical Treatment and Active Labor Act

CHAPTER 21. SEX DISCRIMINATION IN FEDERALLY ASSISTED EDUCATION PROGRAMS—TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972 (29 U.S.C.A. §§ 1681 TO 1688)

§ 21:1 Sex discrimination in education
§ 21:2 Sexual harassment

§ 21:3 Federal jury declines to award plaintiff damages in suit against university following alleged sexual assault
§ 21:4 University professor awarded over $800,000 for gender discrimination and retaliation
§ 21:5 Plaintiff failed to prove, that sex was a motivating factor in Prairie View A&M University's decision to expel him

CHAPTER 22. FAMILY AND MEDICAL LEAVE ACT (31 U.S.C.A. §§ 2601–2654)

§ 22:1 Verdict for $80,000 where employer denied employee's request for medical leave and terminated her employment
§ 22:2 Interference with Rights Under Family and Medical Leave Act
§ 22:3 Retaliation
§ 22:4 Family and Medical Leave Act—Termination of employee during medical leave
§ 22:5 —Interference with FMLA rights
§ 22:6 Basketball coach award $12,500 for interference with FMLA leave rights
§ 22:7 Defense verdict in suit for retaliation under the Family and Medical Leave Act

CHAPTER 23. FALSE CLAIMS ACT (31 U.S.C.A § 3729–3733)

§ 23:1 Jury awards pharmaceutical salesperson nearly six million dollars for violation of False Claims Act and discrimination

APPENDIX

Appendix A. Stipulated Jury Instructions with Objections

Table of Laws and Rules

Table of Cases