

Index

- ABILITY**
 - Assault, 2:7, 3:4, 3:9, 4:51, 6:36, 8:53
- ABSENCE OF MISTAKE OR ACCIDENT**
 - Circumstantial evidence, 2:4, 7:20
- ACCIDENT REPORT**
 - Police accident report, 4:11, 4:23, 4:25, 4:30, 4:31, 4:70, 4:71, 4:73 to 4:75, 4:77, 4:101, 4:152, 8:92, 9:52, 10:139
- ACCOUNT STATED**
 - Generally, 4:24
- ADMISSION AGAINST INTEREST**
 - Admissibility, 4:70
- ADMISSIONS**
 - Conduct, 2:4, 3:13, 4:30, 4:88, 9:16, 10:31
 - Limited purpose, 2:4
 - Statement, 2:4, 3:13, 4:29, 4:30, 4:112, 4:144, 6:66, 6:68, 9:16, 10:31
- ADVERTISING**
 - False advertising, 6:34, 6:38
- ADVICE**
 - Medical malpractice, 2:4, 4:150
- AGE**
 - Employment discrimination, 5:39
 - Insurance, 10:36
 - Wrongful death, 6:50
- AGENCY**
 - Conversion, 4:31
 - Insurance, 4:24, 4:31
 - Medical malpractice, 4:31
- AIRLINES**
 - Equipment, 10:50
- ANESTHESIA**
 - Medical malpractice, 7:23
- ANGER**
 - Assault, 7:13
- APPORTIONMENT OF FAULT**
 - Child, 3:4, 3:13, 3:14
 - Credibility of witnesses, 3:4
 - Medical malpractice, 8:19
 - State, 3:4, 3:13, 3:14
- ARBITRATION**
 - Contracts, 4:13
 - Stay, 4:13, 4:70
- ARREST**
 - Assault, 2:3, 2:12, 3:7 to 3:9, 3:13, 3:14, 3:24, 4:15, 4:41, 4:51, 4:104, 4:147, 6:36
 - Battery, 2:12, 6:36
 - Emotional distress, 2:12, 4:141
 - Malicious prosecution, 6:25, 6:36, 9:32
 - Warrant, 2:3, 2:19, 4:13, 4:41, 4:51, 6:14, 6:25, 6:36, 9:32
- ARSON**
 - Clear and convincing evidence, 4:13
- ASBESTOS**
 - Damages, 2:8, 3:17, 4:149, 5:5, 5:7, 5:18, 5:21, 7:22, 7:43, 8:3, 8:15
 - Insurance, 3:17, 4:24, 4:70, 8:3, 8:15
 - Products liability, 5:7, 8:15
- ASSAULT**
 - Apportionment of fault, 3:4, 3:13, 3:14

ASSAULT—Cont'd

Generally, 2:3, 3:4, 3:5, 3:7 to 3:9,
3:12, 4:31, 5:21, 7:6, 7:22,
7:27, 7:30

Insurance, 2:22, 3:8, 3:9, 3:24, 4:31

Premises liability, 3:8, 3:24, 4:15,
6:36

Punitive damages, 1:5

School, 1:5, 3:4, 3:13, 4:15, 4:31,
6:36

ASSIGNMENT

Generally, 4:25, 4:28

Requirements, 4:13, 4:25, 4:28

ATTORNEYS

Agents, 9:60

Check, 10:220

Contracts, 7:54

Emotional distress, 4:149

Fiduciary duty, 6:71

Guardian, 6:41

Insurance, 6:37, 6:39, 10:217

Juror, 8:108, 9:62, 10:214

Punitive damages, 1:5, 10:218,
10:221

Unfair competition, 9:60

BAD FAITH

Good faith, 6:9, 6:31, 6:34, 6:36,
6:37

BALLISTICS

Expert testimony, 8:32, 8:34

BANKRUPTCY

Insurance, 5:8

BANKS

Emotional distress, 4:135

Robbery, 4:135

BASKETBALL

Expert testimony, 8:32

BATTERY

Arrest, 2:12, 6:36

Conviction, 2:12

Damages, 2:12, 6:36

Generally, 3:5, 3:12

BATTERY—Cont'd

Intent, 7:17

Medical malpractice, 6:36

New york city transit authority, 6:36

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

Rape, 2:12

Sexual abuse, 7:17

Warrant, 6:36

BIDS

Requirements, 8:22

BIRTH

Medical malpractice, 4:9, 5:5, 5:21,
8:3

BLOOD

Products liability, 3:8, 3:25, 5:7,
5:8, 8:15

BLOOD TEST

Medical malpractice, 3:25, 5:8,
5:18

BOOKSELLERS

Defamation, 6:9, 9:27

BREACH OF CONTRACT

Contracts, 7:54

BRIBERY

Witness, 2:4, 3:17, 4:13, 4:27, 7:13,
7:23

BURDEN OF PROOF

Checks, 3:8

Damages, 3:8, 3:25, 5:5, 5:59,
6:59, 8:15, 10:90

Earnings, 3:8, 5:59

Emergency, 10:76

Generally, 3:8, 5:5

Hearsay, 3:8, 3:25, 5:5

Insurance, 3:8, 3:25, 8:15

Malpractice, 3:8, 3:25, 5:5, 8:15,
8:22

Medical malpractice, 3:8, 3:25, 5:5,
8:15, 8:22

Motor vehicles, 10:76

Negligence, 3:8, 3:25, 8:22, 10:76

No-fault law, 3:25

INDEX

BURDEN OF PROOF—Cont'd

- Pain and suffering, **5:59**
- Premises liability, **3:8**
- Products liability, **3:8, 3:25, 8:15**
- Proximate cause, **3:8, 3:25, 8:15, 10:76**
- Punitive damages, **6:59**
- Wrongful death, **3:8, 3:25, 5:59**

BURGLARY

- Premises liability, **4:15**

BUS

- Emergency, **6:33, 10:76**
- New York City Transit Authority,
3:25, 3:27, 4:31, 4:75, 5:8, 6:13, 6:24, 6:47, 7:29
- No-fault law, **3:25**
- Passengers, **5:8**
- School bus, **10:76**

BUSINESS PRACTICES

- Circumstantial evidence, **4:4, 4:13, 8:89**

CANCER

- Medical malpractice, **3:7, 3:20, 3:25, 5:3, 5:7, 5:18, 5:60, 6:50, 6:53, 8:3, 8:32, 8:35**

CARDIAC ARREST

- Insurance, **3:9**

CARE

- Circumstantial evidence, **3:27, 3:28, 4:102, 8:89**

CAUSATION

- Expert testimony, **1:3, 2:12, 3:4, 3:8, 3:25, 3:27, 3:28, 4:4, 4:9, 5:3, 5:5 to 5:8, 5:14, 5:15, 5:18, 5:21, 5:42, 5:55, 5:60, 5:63, 6:52, 6:63, 8:3, 8:5, 8:12, 8:15, 8:22, 8:32, 8:35, 8:104, 10:132, 10:142, 10:146, 10:149, 10:152, 10:200**
- Insurance, **3:8, 3:24, 3:25, 4:4, 5:8, 8:3, 8:15**
- No-fault law, **3:25, 4:114, 10:146**
- Private nuisance, **5:8**

CAUSATION—Cont'd

- Proximate cause, **3:8, 3:24, 3:25, 3:27, 8:3, 8:15**

CAUSE

- Generally, **2:3, 2:11, 2:26, 3:7, 3:8, 4:3, 4:24, 4:81, 5:21, 7:6, 8:3, 10:103, 10:199**

CERTAINTY

- Intent, **3:27**

CHECKS

- Burden of proof, **3:8**
- Damages, **3:8, 3:24, 4:21**
- Delay, **3:8, 3:24**
- Good faith, **3:8, 3:24**
- Proximate cause, **3:8, 3:24**

CHILD SUPPORT

- Medical malpractice, **4:131**

CHILDREN

- Apportionment of fault, **3:14**
- Battery, **2:12**
- Comparative negligence, **10:226**
- Defamation, **6:9**
- Emotional distress, **2:12**
- Foster care, **4:31**
- Four years of age, **8:107**
- Insurance, **4:31, 6:37**
- Medical malpractice, **2:7, 4:31, 4:41, 5:60, 6:37, 8:34, 8:55**
- Motor vehicles, **10:76**
- Passengers, **10:89**
- Proximate cause, **10:76**
- Wrongful death, **6:37, 10:168**

CIRCUMSTANTIAL EVIDENCE

- Insurance, **3:8, 4:4, 4:13, 4:87**
- Intent, **2:4, 3:27, 4:102, 7:20**
- Medical malpractice, **2:4, 3:8, 3:27**
- Pain and suffering, **3:27, 4:149**
- Products liability, **3:8**

CIVIL RIGHTS

- Malicious prosecution, **6:36, 9:32**

**CLEAR AND CONVINCING
EVIDENCE**

Collateral sources, **10:124, 10:128**
Guardian, **6:33**
Medical malpractice, **6:14, 6:33**

CLOTHING

Battery, **6:36**
Damages, **3:4, 6:36, 8:38**

COLLATERAL SOURCES

Common law rule, **10:120**
Disability benefits, **10:124**
Earnings, **10:120**
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

Children, **10:226**
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**
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**

CRIMINAL ACTIVITY

Wrongful death action, **2:15**

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**

INDEX

DAMAGES—Cont'd

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
Insurance, 2:15, 3:8, 3:9, 3:17,
3:20, 3:24, 3:25, 4:4, 4:21,
4:31, 4:75, 4:122, 5:8, 6:13,
6:25, 6:34, 6:37, 6:39, 6:47,
6:61, 8:3, 8:15, 10:120,
10:128, 10:207, 10:217
Interest, 2:4, 2:15, 3:9, 3:17, 3:20,
6:33, 7:22, 7:23, 7:54, 8:34,
10:218
Malicious prosecution, 6:25, 6:36
Market value, 3:29
Medical malpractice, 2:3, 2:4, 2:43,
3:8, 3:9, 3:15, 3:20, 3:25,
3:27, 4:9, 4:31, 4:41, 4:114,
4:150, 5:5, 5:7, 5:8, 5:17,
5:18, 5:21, 5:60, 6:13, 6:33,
6:36, 6:37, 6:41, 6:47, 6:48,
6:50, 6:52, 7:22, 7:23, 8:3,
8:15, 8:34, 9:39, 10:200
Mitigation of damages, 3:9, 10:33,
10:89, 10:92
No-fault law, 3:25, 4:114, 4:122,
10:52
Pain and suffering, 2:43, 3:27,
4:148 to 4:150, 5:18, 5:22,
5:44, 5:59, 7:23, 7:49, 7:54,
9:45, 10:120, 10:125, 10:128,
10:199, 10:212
Personal injury, 2:3, 2:4, 2:12, 2:15,
2:31, 3:4, 3:8, 3:9, 3:24, 3:25,
3:27, 3:29, 4:4, 4:9, 4:11,
4:15, 4:31, 4:41, 4:44, 4:50,
4:52, 4:75, 4:112, 4:114,

DAMAGES—Cont'd

4:122, 4:143, 4:145, 4:148,
4:151, 5:7, 5:8, 5:17, 5:21,
5:22, 5:44, 5:57, 6:13, 6:19,
6:25, 6:33, 6:34, 6:36, 6:37,
6:39, 6:41, 6:48, 6:52, 6:60,
6:61, 6:70, 8:3, 8:11, 8:15,
8:38, 8:104, 9:33, 9:37, 9:39,
9:40, 9:43, 9:45, 9:61, 10:7,
10:25, 10:27, 10:33, 10:52,
10:64, 10:89, 10:90, 10:92,
10:103, 10:120, 10:123 to
10:125, 10:128, 10:150,
10:162, 10:165, 10:169,
10:174, 10:179, 10:181,
10:192 to 10:194, 10:198 to
10:200, 10:204 to 10:208,
10:212, 10:213, 10:215 to
10:222
Premises liability, 3:8, 3:17, 3:24,
4:15, 6:36, 10:64
Private nuisance, 5:8
Products liability, 3:8, 3:25, 5:7,
5:8, 5:17, 6:48, 8:15
Profits, 3:27, 3:29, 10:199, 10:200,
10:204, 10:222
Property damage, 1:13, 4:148,
4:149, 8:109, 10:123, 10:128,
10:217
Punitive damages, 1:5, 6:59,
10:162, 10:169, 10:174,
10:218, 10:221
Release, 10:222
Special damages, 6:24
Wrongful death, 2:15, 3:8, 3:15,
3:25, 3:27, 5:18, 5:22, 5:59,
6:13, 6:33, 6:37, 6:47, 6:50,
6:52, 7:23, 7:54, 8:3, 10:33,
10:120, 10:123, 10:128,
10:181, 10:200
DEATH
Emotional distress, 3:27
No-fault law, 3:25, 4:122
Suicide, 2:4, 3:9, 3:25, 4:41, 4:122,
8:3
Wrongful death, 2:15, 2:28, 3:8,
3:15, 3:19, 3:25, 3:27, 5:18,
5:22, 5:55, 5:59, 6:13, 6:33,

DEATH—Cont'd

6:37, 6:47, 6:49, 6:50, 6:52,
6:69, 7:23, 7:54, 8:3, 8:35,
10:33, 10:44, 10:61, 10:120,
10:123, 10:128, 10:129,
10:168, 10:181, 10:200

DEFAMATION

Booksellers, 6:9, 9:27
Breach of contract, 6:9
Business, 6:9
Damages, 6:9
Dismissal, 6:9, 9:27
E-mail, 6:9, 9:27
Gross negligence, 6:9, 9:27
Group, 6:9
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

DELAY—Cont'd

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, 5:63,
6:13, 6:33, 6:37, 6:49, 6:50,
6:69, 7:55, 8:22, 8:103

DEPOSITIONS

Expert testimony, 3:9, 4:9, 6:13,
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
Privileged communications, 6:14

DESIGN

Products liability, 3:25, 5:7, 5:8,
5:17, 5:56, 10:65, 10:133

DESTRUCTION OF EVIDENCE

Spoilation 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, 7:20

DISABILITY

Collateral sources, 10:124

DISABILITY BENEFITS

Collateral sources, 10:124

DISCLAIMER

Insurance, 8:15
Products liability, 8:15

INDEX

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, 7:20
Premises liability, 6:36, 9:32

DISCRIMINATION

Employment discrimination, 5:39

DISMISSAL

Battery, 6:36
Malicious prosecution, 6:36

DISTRICT ATTORNEY

Emotional distress, 8:31
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

EMERGENCY—Cont'd

Police, 2:4, 4:55, 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

EMPLOYMENT CONTRACT

Business, 7:50
Damages, 7:50

EMPLOYMENT

DISCRIMINATION

Age discrimination, 5:39
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

EQUIPMENT

Products liability, 3:25, 5:3, 5:8,
5:17, 8:15, 8:31

ESCROW

Generally, 2:3

EVIDENCE

Admissions, 2:4, 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,
10:76, 10:90

EVIDENCE—Cont'd

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, 3:25, 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, 7:20

Exhibits, 1:13, 2:22, 4:15, 4:27, 4:29, 4:50, 4:143, 6:64, 10:36, 10:193

Federal rules of evidence, 4:137, 5:5

Hearsay, 2:3, 2:4, 2:11, 2:12, 2:32, 2:41, 2:44, 3:4, 3:5, 3:8, 3:12, 3:14, 3:24, 3:25, 4:3 to 4:5, 4:11 to 4:14, 4:17 to 4:19, 4:22 to 4:25, 4:30 to 4:32, 4:39, 4:44, 4:46, 4:55 to 4:57, 4:60, 4:62, 4:65 to 4:68, 4:70 to 4:72, 4:75 to 4:77, 4:79, 4:81 to 4:83, 4:87 to 4:90, 4:97 to 4:99, 4:102, 4:107, 4:108, 4:112 to 4:116, 4:121, 4:122, 4:125, 4:127, 4:129, 4:131, 4:136, 4:144 to 4:146, 4:149, 4:151 to 4:154, 5:5, 5:10, 7:19, 7:31, 7:45, 8:4 to 8:8, 8:10, 8:12, 8:13, 8:21, 8:23 to 8:25, 8:28, 8:33, 8:50, 8:81, 8:85 to 8:97, 8:101, 8:104, 9:52, 9:62, 10:6, 10:30, 10:48, 10:62, 10:73, 10:84, 10:104, 10:114, 10:127, 10:131, 10:134, 10:170, 10:183, 10:191

Judicial notice, 3:4, 4:90, 5:7, 5:14, 5:15, 5:18, 5:54, 8:12, 10:140

Life expectancy tables, 5:54

EVIDENCE—Cont'd

Limited purpose, 2:4, 2:36, 3:17, 4:15, 5:5, 5:14, 6:69, 7:13, 8:23, 8:25, 8:35, 8:94, 10:56

Malpractice, 1:4, 1:5, 2:3, 2:4, 2:7, 2:43, 3:7 to 3:9, 3:15, 3:19, 3:20, 3:25, 3:27, 4:9, 4:31, 4:41, 4:81, 4:82, 4:114, 4:119, 4:126, 4:129 to 4:131, 4:150, 5:3, 5:5, 5:7, 5:8, 5:14, 5:15, 5:17, 5:18, 5:21, 5:60, 5:63, 6:13, 6:14, 6:24, 6:33, 6:34, 6:36, 6:37, 6:41, 6:48 to 6:50, 6:52, 6:63, 6:67 to 6:69, 7:7, 7:12, 7:22, 7:23, 7:55, 8:3, 8:12, 8:15, 8:19, 8:22, 8:25, 8:31, 8:32, 8:35, 8:55, 8:103, 9:27, 9:28, 9:39, 10:5, 10:7, 10:12, 10:26, 10:120, 10:200

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

Products liability, 2:44, 3:8, 3:25, 4:89, 5:3, 5:7, 5:8, 5:17, 5:38, 5:56, 6:48, 8:15, 8:31, 8:55, 8:105, 9:31, 9:63, 10:65, 10:133, 10:159

Punitive damages, 1:5, 6:59, 10:162, 10:169, 10:174, 10:218, 10:221

Rebuttal evidence, 9:19, 9:22, 10:208

Spoilation of evidence, 6:9, 6:10, 6:14, 6:36, 8:84, 9:24 to 9:29, 9:31 to 9:34

EXAMINATIONS BEFORE TRIAL

Depositions, 6:18, 6:37

EXPERIENCE

Children, 5:16, 5:60, 8:34
Special knowledge or skill, 8:11

EXPLANATION

Motor vehicles, 10:76

FAILURE TO TESTIFY

Privilege, 8:71, 8:72, 8:74

INDEX

FALLS

Medical malpractice, **3:20, 6:36, 7:22**

FAULT

Comparative negligence, **10:104**

FEDERAL RULES OF EVIDENCE

Circumstantial evidence, **4:137**

Expert testimony, **5:5**

FEES

Premises liability, **9:32**

FENCE

Premises liability, **4:15**

FIDUCIARY DUTY

Attorneys, **6:71**

FINANCIAL CONDITION

Damages, **10:179, 10:218, 10:221**

Punitive damages, **10:218, 10:221**

FIRE

Arson, **2:11, 3:7, 4:13**

Fire insurance, **4:4**

Foreseeability, **2:11, 10:222**

Premises liability, **3:8, 3:24**

Proximate cause, **3:8, 3:24, 3:25**

FIRE INSURANCE

Clear and convincing evidence, **4:4**

Notice, **4:4**

FLOOR

Premises liability, **10:64**

FOOD

Products liability, **3:25**

FORESEEABILITY

Duty, **2:3**

Medical malpractice, **2:3**

Suicide, **2:3**

FRIENDS

Medical malpractice, **2:4, 3:9, 4:41, 4:150**

FRYE RULE

Application, **5:18**

FRYE RULE—Cont'd

Application of, **5:18**

Expert testimony, **5:18, 8:12**

FUTURE DAMAGES

Medical expenses, **3:27**

Medical malpractice, **3:27**

Pain and suffering, **3:27**

FUTURE EARNINGS

Wrongful death, **3:27**

GAS

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

GOOD FAITH

Checks, **3:8, 3:24**

Defamation, **6:9**

Insurance, **3:8, 3:17, 3:24, 6:25,**

6:34, 6:37

Malicious prosecution, **6:25, 6:36,**

9:32

GROSS NEGLIGENCE

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

GUARANTEES

Fraud, **2:4**

Generally, **2:3, 2:4, 3:7**

HABIT

Wrongful death, **8:3**

HARASSMENT

Emotional distress, **2:12**

School, **3:4**

Stalking, **7:23, 7:47**

HEALTH

Insurance, **3:25, 4:4, 4:13, 4:24,**

5:8, 6:13, 6:34, 6:37, 6:47,

6:61, 8:3, 8:15

Malicious prosecution, **6:36**

Nuisance, **5:8**

Punitive damages, **1:5**

Wrongful death, **3:25, 6:13, 6:37,**

6:47, 7:54, 8:3, 8:35, 10:61

HEALTH INSURANCE

Insurance, **6:13, 6:34, 6:37, 6:61**

HEARING

Release, **10:222**

HEARSAY

Admission against interest, **4:70, 4:71**

Oath, **2:4, 8:5**

Premises liability, **3:8, 3:24**

HOSPITALS

Emergency, **6:14**

Medical malpractice, **2:43, 3:25, 5:5, 5:14, 6:13, 6:14, 6:37, 8:12, 8:15, 8:25, 8:35**

Proximate cause, **3:25, 8:15**

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

HOUSEHOLD

Police, **7:23**

HOUSEHOLD SERVICES

Damages, **5:22, 10:204**

HOUSING

Guardian, **6:33, 6:63**

ICE

Snow and ice, **7:29, 8:11**

IMPEACHMENT OF WITNESSES

Apportionment of fault, **3:14**

Expert testimony, **2:7**

IMPLEMENT

Medical malpractice, **9:27**

INCOME TAX

Damages, **10:179, 10:215**

INFORMED CONSENT

Medical malpractice, **4:114, 6:47**

INJURIES

Personal injuries, **2:45, 3:24, 4:11, 4:24, 4:112, 4:148, 5:17, 5:59, 6:9, 6:14, 6:25, 6:37, 6:48, 6:52, 6:70, 8:28, 10:64, 10:159, 10:181, 10:216, 10:223**

INNOCENCE

Guilt or innocence, **6:7, 7:15, 8:19, 9:9**

INSURANCE

Age, **10:36**

Asbestos, **3:17, 4:24, 4:70, 8:3, 8:15**

Attorneys, **6:37, 6:39, 10:217**

Burden of proof, **3:8, 3:25, 8:15**

Cancellation, **4:13**

Children, **4:31, 6:37**

Circumstantial evidence, **3:8, 4:4, 4:13, 4:87**

Clear and convincing evidence, **4:4, 4:13, 10:128**

Collateral sources, **10:120, 10:128**

Cross examination, **3:17, 10:16, 10:18, 10:117**

Damages, **2:15, 3:8, 3:9, 3:17, 3:20, 3:24, 3:25, 4:4, 4:21, 4:31, 4:75, 4:122, 5:8, 6:13, 6:25, 6:34, 6:37, 6:39, 6:47, 6:61, 8:3, 8:15, 10:120, 10:128, 10:207, 10:217**

Defenses, **6:34, 6:37**

Delay, **2:22, 3:8, 3:24, 6:13, 6:34, 6:37**

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

Disclaimer, **8:15**

Fire insurance, **4:4**

Fraud, **3:8, 3:17, 3:20, 4:31, 6:25, 6:34, 6:39, 8:3, 10:117**

Generally, **3:8, 3:9, 4:21, 4:24, 4:31, 8:3, 10:10, 10:11**

Good faith, **3:8, 3:17, 3:24, 6:25, 6:34, 6:37**

Health, **3:25, 4:4, 4:13, 4:24, 5:8, 6:13, 6:34, 6:37, 6:47, 6:61, 8:3, 8:15**

Health insurance, **6:13, 6:34, 6:37, 6:61**

Intent, **2:22, 3:9, 3:17, 3:20, 4:21, 7:14, 10:36**

Interest, **2:15, 3:9, 3:17, 3:20, 4:70, 9:10, 10:12, 10:117**

Investigation, **3:8, 3:24, 4:24, 4:31**

INDEX

INSURANCE—Cont'd

Judgment, 3:8, 3:17, 3:24 to 4:24,
4:31, 4:70, 4:122, 5:8, 6:34,
6:37, 8:3, 8:15, 10:36, 10:128
Mail, 2:19, 2:29, 10:36
Materiality, 2:19, 3:9
Medical malpractice, 3:8, 3:9, 3:20,
3:25, 4:31, 5:8, 6:13, 6:37,
6:47, 8:3, 8:15, 10:12, 10:26
Mitigation of damages, 3:9
Negligence, 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
Negotiations, 10:29, 10:36, 10:207
No-fault law, 3:25, 4:122
Physicians, 3:25, 4:122, 6:37, 8:3
Pleading, 6:13, 6:34, 6:39
Prejudicial effect, 2:22, 3:9, 3:20,
10:10
Premises liability, 3:8, 3:17, 3:24
Prima facie case, 3:8, 3:25, 4:70
Proximate cause, 3:8, 3:20, 3:24,
3:25, 8:3, 8:15
Service of process, 4:24
Settlement, 3:25, 4:24, 8:15, 10:26,
10:29, 10:36, 10:207
Statutes, 6:34
Uninsured, 4:13, 4:70, 4:122

INTELLIGENCE

Children, 5:16, 8:107

INTENT

Assault, 2:3, 2:22, 2:45, 3:7, 3:9,
4:41, 4:51, 4:91, 4:102, 4:104,
7:6, 7:13, 7:17, 7:20, 7:27,
7:30, 7:33, 7:39
Battery, 7:17
Circumstantial evidence, 2:4, 3:27,
4:102, 7:20
Conversion, 6:48
Defamation, 6:9, 9:27
Emotional distress, 3:27, 4:135,
4:141, 7:17
Insurance, 2:22, 3:9, 3:17, 3:20,
4:21, 7:14, 10:36

INTEREST

Contracts, 7:54
Insurance, 2:15, 3:9, 3:17, 3:20,
4:70, 9:10, 10:12, 10:117
Products liability, 8:55, 8:105
Property damage, 8:105
Punitive damages, 10:218
Wrongful death, 2:15, 6:33, 7:23,
7:54

INTERNET

Defamation, 6:9, 9:27

INTERROGATORIES

Depositions, 6:3, 6:18, 6:19, 6:34,
6:71

INTERVENING CAUSES

Proximate cause, 3:27

INVESTIGATION

Defamation, 6:9
Insurance, 3:8, 3:24, 4:24, 4:31
Malicious prosecution, 6:36, 9:32

JUDGES

Juror, 2:11

JUDGMENT

Apportionment of fault, 3:13
Insurance, 3:8, 3:17, 3:24 to 4:24,
4:31, 4:70, 4:122, 5:8, 6:34,
6:37, 8:3, 8:15, 10:36, 10:128

JUDICIAL NOTICE

Expert testimony, 3:4, 5:7, 5:14,
5:15, 5:18, 8:12
Life expectancy tables, 5:54

JUSTIFICATION

Insurance, 2:19, 2:22, 3:9

LABELS

Products liability, 2:44

LABORATORY

Medical malpractice, 4:31, 5:14 to
8:15, 8:25

LEASES

Damages, 6:70

LETTER

Defamation, 6:9
Divorce, 4:23, 4:83

LIE DETECTOR

Polygraph, 5:24

LOSS OF EARNINGS

Earnings, 3:27, 6:64, 10:120,
10:185, 10:200

**MAGNETIC RESONANCE
IMAGING**

Mri, 8:6, 9:32, 10:135

MAIL

Circumstantial evidence, 2:4
Defamation, 6:9, 9:27
Insurance, 2:19, 2:29, 10:36

MALICE

Punitive damages, 10:169

MALICIOUS PROSECUTION

Arrest, 6:25, 6:36, 9:32
Complaint, 6:25
Credit, 6:36, 9:32
Damages, 6:25, 6:36
Defenses, 6:36
Dismissal, 6:36
Good faith, 6:25, 6:36, 9:32
Health, 6:36
Investigation, 6:36, 9:32
Negligence, 6:36, 9:32
Police, 6:25, 6:36, 9:32
Prima facie case, 6:36, 9:32
Property, 6:36

MALPRACTICE

Burden of proof, 3:8, 3:25, 5:5,
8:15, 8:22
Evidence, 1:4, 1:5, 2:3, 2:4, 2:7,
2:43, 3:7 to 3:9, 3:15, 3:19,
3:20, 3:25, 3:27, 4:9, 4:31,
4:41, 4:81, 4:82, 4:114, 4:119,
4:126, 4:129 to 4:131, 4:150,
5:3, 5:5, 5:7, 5:8, 5:14, 5:15,
5:17, 5:18, 5:21, 5:60, 5:63,
6:13, 6:14, 6:24, 6:33, 6:34,
6:36, 6:37, 6:41, 6:48 to 6:50,

MALPRACTICE—Cont'd

6:52, 6:63, 6:67 to 6:69, 7:7,
7:12, 7:22, 7:23, 7:55, 8:3,
8:12, 8:15, 8:19, 8:22, 8:25,
8:31, 8:32, 8:35, 8:55, 8:103,
9:27, 9:28, 9:39, 10:5, 10:7,
10:12, 10:26, 10:120, 10:200
Fraud, 2:4, 3:8, 3:20, 3:27, 4:31,
6:14, 6:33, 6:34, 6:48, 7:22,
7:23, 8:3
Medical malpractice, 2:3, 2:4, 2:7,
2:43, 3:7 to 3:9, 3:15, 3:19,
3:20, 3:25, 3:27, 4:9, 4:31,
4:41, 4:114, 4:119, 4:126,
4:130, 4:131, 4:150, 5:3, 5:5,
5:7, 5:8, 5:14, 5:15, 5:17,
5:18, 5:21, 5:60, 5:63, 6:13,
6:14, 6:18, 6:22, 6:33, 6:36,
6:37, 6:41, 6:47 to 6:50, 6:52
to 6:54, 6:63, 6:68, 6:69, 7:7,
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
Standard of care, 2:43, 5:8, 5:14,
5:15, 5:63, 6:67, 8:3, 8:15,
8:22, 8:25, 8:31
Statute of limitations, 1:5

MANUFACTURING

Products liability, 3:25, 5:17

MATERIALITY

Insurance, 2:19, 3:9

MEDICAL EVIDENCE

No-fault law, 4:81, 10:146

MEDICAL EXAMINATION

Insurance, 4:31, 4:122, 6:37

MEDICAL EXPENSES

Collateral sources, 10:120
Pain and suffering, 3:27, 5:59, 7:49,
10:120, 10:125, 10:199
Personal injury, 3:27, 3:29, 3:32,
4:31, 4:145, 4:154, 10:12,
10:26, 10:120, 10:123, 10:125,

INDEX

MEDICAL EXPENSES—Cont'd 10:199, 10:200, 10:207, 10:215

MEDICAL MALPRACTICE

Agency, 4:31
Anesthesia, 7:23
Apportionment of fault, 8:19
Automobile, 2:7, 2:43, 3:8, 3:20,
3:25, 4:31, 4:114, 5:8, 6:13,
6:41, 6:48, 8:3, 8:15, 8:19
Battery, 6:36
Birth, 4:9, 5:5, 5:21, 8:3
Blood test, 3:25, 5:8, 5:18
Burden of proof, 3:8, 3:25, 5:5,
8:15, 8:22
Cancer, 3:7, 3:20, 3:25, 5:3, 5:7,
5:18, 5:60, 6:50, 6:53, 8:3,
8:32, 8:35
Causation, 3:8, 3:15, 3:25, 3:27,
4:9, 4:114, 5:3, 5:5, 5:7, 5:8,
5:14, 5:15, 5:18, 5:21, 5:60,
5:63, 6:36, 6:52, 6:63, 8:3,
8:12, 8:15, 8:22, 8:25, 8:32,
8:35, 10:200
Child support, 4:131
Children, 2:7, 4:31, 4:41, 5:60,
6:37, 8:34, 8:55
Circumstantial evidence, 2:4, 3:8,
3:27
Clear and convincing evidence,
6:14, 6:33
Conduct, 2:3, 2:4, 3:7, 3:15, 3:20,
4:31, 4:114, 5:7, 5:14, 5:15,
5:17, 5:18, 5:21, 6:13, 6:14,
6:18, 6:33, 6:36, 6:37, 6:41,
6:63, 7:7, 7:12, 7:22, 7:23,
8:3, 8:12, 8:22, 8:25, 8:35,
9:27, 9:28
Consent, 2:3, 3:7, 4:114, 4:119,
6:37, 6:47, 7:7
Consortium, 8:55
Contracts, 6:14
Damages, 2:3, 2:4, 2:43, 3:8, 3:9,
3:15, 3:20, 3:25, 3:27, 4:9,
4:31, 4:41, 4:114, 4:150, 5:5,
5:7, 5:8, 5:17, 5:18, 5:21,
5:60, 6:13, 6:33, 6:36, 6:37,

MEDICAL MALPRACTICE —Cont'd

6:41, 6:47, 6:48, 6:50, 6:52,
7:22, 7:23, 8:3, 8:15, 8:34,
9:39, 10:200
Defamation, 9:27
Delayed diagnosis, 6:50
Depositions, 3:9, 4:9, 6:13, 6:14,
6:18, 6:37, 6:47 to 6:50, 6:52
to 6:54, 6:69
Drugs, 2:4, 3:9, 4:41, 4:150
Earnings, 3:8, 3:27, 8:3, 10:200
Elements, 2:43, 3:8, 4:41, 8:15,
8:22
Emergency, 2:4, 3:15, 6:14, 6:33,
6:50
Emotional distress, 3:27, 8:31
Expert testimony, 2:3, 2:4, 2:7,
2:43, 3:8, 3:9, 3:20, 3:25,
3:27, 4:9, 5:3, 5:5, 5:7, 5:8,
5:14, 5:15, 5:17, 5:18, 5:21,
5:60, 5:63, 6:13, 6:33, 6:47 to
6:50, 6:52 to 6:54, 6:63, 6:69,
8:3, 8:12, 8:15, 8:19, 8:22,
8:31, 8:32, 8:34, 8:35, 8:103,
10:200
Foreseeability, 2:3
Future loss of earnings, 3:27
Future pain and suffering, 2:43
Habit, 3:9, 4:31, 8:3, 8:22
Hospitals, 2:43, 3:25, 5:5, 5:14,
6:13, 6:14, 6:37, 8:12, 8:15,
8:25, 8:35
Informed consent, 4:114, 6:47
Insurance, 3:8, 3:9, 3:20, 3:25,
4:31, 5:8, 6:13, 6:37, 6:47,
8:3, 8:15, 10:12, 10:26
Intent, 2:3, 2:4, 3:7, 3:9, 3:20, 3:27,
4:41, 6:48, 7:7, 9:27, 9:28
Medical expenses, 3:20, 3:27, 4:31,
10:12, 10:26, 10:200
Medical history, 4:131, 6:63
Mitigation of damages, 3:9
Negligence, 2:43, 3:8, 3:9, 3:15,
3:25, 3:27, 5:3, 5:8, 5:15,
5:17, 6:36, 6:37, 6:52, 7:7,
8:3, 8:19, 8:22, 8:32, 8:34,

MEDICAL MALPRACTICE

—Cont'd

8:35, 9:27, 9:28, 9:39, 10:12,
10:200
Neurological injuries, 9:39
Opinion, 3:8, 3:25, 3:27, 4:9,
4:114, 4:119, 5:3, 5:5, 5:7,
5:8, 5:14, 5:15, 5:17, 5:18,
5:21, 5:60, 5:63, 6:47 to 6:49,
6:52, 6:53, 6:69, 7:12, 8:3,
8:12, 8:15, 8:19, 8:22, 8:25,
8:31, 8:32, 8:34, 8:35, 8:103,
10:200
Outpatient, 4:119
Pain and suffering, 2:43, 3:27,
4:150, 5:18, 6:49, 7:23
Payment, 2:3, 2:7, 4:31, 8:55,
10:26
Personal injury, 2:3, 2:4, 2:7, 3:8,
3:9, 3:25, 3:27, 4:9, 4:31,
4:41, 4:114, 4:131, 5:7, 5:8,
5:15, 5:17, 5:21, 6:13, 6:14,
6:18, 6:33, 6:36, 6:37, 6:41,
6:48, 6:52, 6:53, 6:63, 6:69,
8:3, 8:12, 8:15, 8:19, 8:22,
8:32, 8:35, 8:103, 9:39, 10:12,
10:26, 10:200
Prescribing medication, 6:53
Prima facie case, 3:8, 3:25, 5:5,
5:7, 6:36, 8:12
Privileged communications, 6:14,
9:27, 9:28
Products liability, 3:8, 3:25, 5:3,
5:7, 5:8, 5:17, 6:48, 8:15,
8:31, 8:55
Psychologist, 8:12
Reliance, 3:27, 5:7, 5:15, 8:12,
8:22, 8:55
Specialists, 8:31
Standard of care, 2:43, 5:8, 5:14,
5:15, 5:63, 8:3, 8:15, 8:22,
8:25, 8:31
Substantial factor, 5:8, 8:3, 8:12
Suicide, 2:3, 2:4, 3:7, 3:9, 3:25,
4:31, 4:41, 4:150, 7:7, 8:3,
8:15
Supervision, 4:31, 6:50

MEDICAL MALPRACTICE

—Cont'd

Wrongful death, 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

MEDICAL RECORDS

Diagnosis, 2:43, 4:4, 4:12, 4:14,
4:23, 4:30, 4:31, 4:108, 4:110,
4:112, 4:114, 4:116, 4:118,
4:119, 4:122, 4:125, 4:128 to
4:131, 4:145, 4:154, 5:62,
8:89, 8:90, 8:92
Emotional distress, 2:12, 8:13
Expert testimony, 2:12, 2:43, 3:4,
3:25, 3:29, 4:4, 4:9, 4:13,
5:60, 5:62, 5:63, 6:52, 9:51
Hospitals, 2:43, 3:25, 4:118, 6:14
Medical malpractice, 2:43, 3:25,
4:9, 4:31, 4:114, 4:119, 4:126,
4:130, 4:131, 5:60, 5:63, 6:14,
6:52
Physician-patient privilege, 6:61

MENACING

Assault, 3:9

METALLURGIST

Expert testimony, 8:32

METEOROLOGIST

Expert testimony, 3:8, 3:25, 4:4,
5:7, 8:15

MISTAKE

Absence of mistake or accident,
2:4, 3:17, 3:20, 7:20, 7:29,
7:33, 10:115
Insurance, 3:9, 3:17, 3:20, 8:3

MITIGATION OF DAMAGES

Insurance, 3:9
Medical malpractice, 3:9

MORAL TURPITUDE

Punitive damages, 10:221

MOTIONS

Defamation, 6:9

INDEX

MOTIVE

Circumstantial evidence, **2:4, 3:8, 7:20**

MOTOR VEHICLES

Burden of proof, **10:76**
Bus, **10:76**
Children, **10:76**
Control, **10:76**
Double yellow line, **10:76**
Explanation, **10:76**
Negligence, **10:76, 10:84**
Prima facie case, **10:76**
School bus, **10:76**
Skidding, **10:76**
Stop sign, **10:76**
Stopping, **10:76**
Sudden stop, **10:76**
Title, **10:76**
Traffic, **10:76**

MRI

No-fault law, **4:114**

MURDER

Privacy, **4:51**

NAME

Privacy, **4:16, 4:51**

NECK

No-fault law, **10:52, 10:146**

NEGLIGENCE

Apportionment of fault, **3:4, 3:13, 3:14, 5:33, 8:19, 10:132**
Burden of proof, **3:8, 3:25, 8:22, 10:76**
Comparative negligence, **10:104, 10:226**
Contributory negligence, **10:52, 10:54, 10:100, 10:207**
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**

NEGLIGENCE—Cont'd

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, 4:122**
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**
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**

NO-FAULT LAW—Cont'd

Serious injury, 3:25, 4:81, 4:114,
4:117, 4:122, 5:35, 10:52,
10:146

Spine, 3:25, 5:35, 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, 5:63, 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, 4:55, 10:76

INDEX

POLICE—Cont'd

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, 4:41, 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**
Fence, **4:15**
Fire, **3:8, 3:24**
Floor, **10:64**
Gas, **6:36, 9:32**
Generally, **3:8**
Insurance, **3:8, 3:17, 3:24**

PREMISES LIABILITY—Cont'd

Investigation, **3:8, 3:24, 6:36, 9:32**
Parking, **3:8**
Parks, **6:36**
Photographs, **4:15, 6:36, 9:32**
Police, **3:8, 3:17, 3:24, 6:36, 9:32**
Prima facie case, **3:8, 6:36, 9:32**
Proximate cause, **3:8, 3:24**
Rape, **3:8, 3:17, 4:15**
Sidewalk, **4:15, 10:64**
Softball, **10:64**

PRESENT VALUE

Wrongful death, **10:128**

PRICE

Contracts, **4:13**

PRIMA FACIE CASE

Battery, **6:36**
Children, **8:90, 10:76**
Circumstantial evidence, **3:8**
Malicious prosecution, **6:36, 9:32**
Medical malpractice, **3:8, 3:25, 5:5, 5:7, 6:36, 8:12**
Motor vehicles, **10:76**
No-fault law, **3:25**
Premises liability, **3:8, 6:36, 9:32**
Products liability, **3:8, 3:25, 5:7**

PRIVACY

Name, **4:16, 4:51**
Photographs, **4:51**
Voice, **4:16, 4:51**

PRIVATE NUISANCE

Nuisance, **5:8**

PRIVILEGED

COMMUNICATIONS

Depositions, **6:14**

PROBABILITY

Foreseeability, **10:222**

PRODUCTS LIABILITY

Burden of proof, **3:8, 3:25, 8:15**
Circumstantial evidence, **3:8**
Damages, **3:8, 3:25, 5:7, 5:8, 5:17, 6:48, 8:15**

PRODUCTS LIABILITY—Cont'd

Defect, **3:25, 5:8, 10:65**
 Design, **3:25, 5:7, 5:8, 5:17, 5:56, 10:65, 10:133**
 Disclaimer, **8:15**
 Distributor, **4:89**
 Equipment, **3:25, 5:3, 5:8, 5:17, 8:15, 8:31**
 Evidence, **2:44, 3:8, 3:25, 4:89, 5:3, 5:7, 5:8, 5:17, 5:38, 5:56, 6:48, 8:15, 8:31, 8:55, 8:105, 9:31, 9:63, 10:65, 10:133, 10:159**
 Food, **3:25**
 Generally, **3:8**
 Medical malpractice, **3:8, 3:25, 5:3, 5:7, 5:8, 5:17, 6:48, 8:15, 8:31, 8:55**
 Negligence, **3:8, 3:25, 5:3, 5:8, 5:17, 5:38, 8:105, 10:159**
 Prima facie case, **3:8, 3:25, 5:7**
 Property damage, **8:105**
 Proximate cause, **3:8, 3:25, 8:15**
 Repair, **3:8, 3:25, 5:7, 5:8, 5:56, 8:15**
 Sale, **8:55**
 Substantial factor, **5:8**
 Time, **3:8, 3:25, 4:89, 5:8, 6:48, 8:15, 8:55, 8:105**
 Vehicles, **5:56**
 Warnings, **5:7**

PROFITS

Personal injury, **3:27, 3:29, 10:199, 10:200, 10:204, 10:222**
 Wrongful death, **3:27, 10:200**

PROMISSORY NOTE

Interest, **8:50**

PROPERTY DAMAGE

Interest, **8:105**
 Products liability, **8:105**

PROXIMATE CAUSE

Burden of proof, **3:8, 3:25, 8:15, 10:76**
 Checks, **3:8, 3:24**
 Children, **10:76**

PROXIMATE CAUSE—Cont'd

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**

PUNITIVE DAMAGES

Accident, **10:218, 10:221**
 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**
 Speed, **10:221**

RADIOLOGIST

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

INDEX

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, 3:29, 3:31, 4:4, 4:9, 4:12 to 4:14, 4:23, 4:25, 4:30, 4:31, 4:107 to 4:131, 4:145, 4:154, 5:60, 5:62, 5:63, 6:14, 6:25, 6:32, 6:52, 6:59, 6:61, 8:13, 8:28, 8:89 to 8:92, 9:51, 9:62, 9:63, 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, 5:15, 8:12, 8:22, 8:55
Police, 8:12, 8:22

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, 4:73 to 4:75, 4:77, 4:101, 4:154

REPORTS—Cont'd

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, 3:27, 5:22, 6:13, 8:3, 8:35

SETTLEMENT

Consideration, 10:25, 10:207

SETTLEMENT—Cont'd

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

SEXUAL ABUSE

Battery, 7:17
Defamation, 6:9
Emotional distress, 7:17
Hospital records, 4:31, 4:122,
4:131, 7:22
Insurance, 3:8, 3:9, 3:17, 3:20,
4:31, 4:122, 8:15
Medical malpractice, 3:8, 3:9, 3:20,
4:31, 4:131, 7:22, 7:23, 8:15,
8:22, 8:34
School, 3:4, 4:31, 6:9

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

SEXUAL INTERCOURSE

Assault, 7:33

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

SPECIAL KNOWLEDGE OR SKILL

Expert witness, 8:11

SPECIALISTS

Medical malpractice, 8:31

SPEED

Expert testimony, 2:40, 3:25, 5:8,
5:35, 5:55, 5:60, 8:15, 10:132,
10:138, 10:142, 10:146 to
10:150, 10:160
Punitive damages, 10:221

SPINE

No-fault law, 3:25, 5:35, 10:146

SPORTS

Expert testimony, 5:15

STALKING

Harassment, 7:23, 7:47

STANDARD OF CARE

Duty, 8:15, 10:76
Emergency, 9:62, 10:76
Insurance, 5:8, 8:3, 8:15
Medical malpractice, 2:43, 5:8,
5:14, 5:15, 5:63, 8:3, 8:15,
8:22, 8:25, 8:31

STATE

Defamation, 6:9, 9:27

STATEMENTS

Admissions, 2:4, 4:16, 4:30, 4:51,
4:88, 4:112, 4:144, 6:29, 6:66,
9:16, 10:31, 10:35

STATUTE OF LIMITATIONS

Assault, 1:5
Malpractice, 1:5

STATUTES

Violation of, 6:34, 9:58

STOP SIGN

Punitive damages, 10:221

STOPPING

Motor vehicles, 10:76

INDEX

SUBPOENA

Witnesses, **2:29, 4:13, 4:31, 6:37, 8:92, 8:99**

SUBSTANCE ABUSE

Drug addiction, **6:49, 6:70**

SUBSTANTIAL FACTOR

Damages, **5:8, 8:3**
Medical malpractice, **5:8, 8:3, 8:12**
Products liability, **5:8**
Proximate cause, **8:3**

SUBSTITUTE

Wrongful death, **3:8**

SUGGESTIONS

Damages, **5:59**

SUICIDE

Expert testimony, **2:3, 2:4, 3:9, 3:25, 8:3, 8:15**
Foreseeability, **2:3**
Medical malpractice, **2:3, 2:4, 3:7, 3:9, 3:25, 4:31, 4:41, 4:150, 7:7, 8:3, 8:15**
Proximate cause, **3:25, 8:3, 8:15**

SUPERVISION

Children, **4:31**
Medical malpractice, **4:31, 6:50**
Negligent supervision, **6:24, 10:46**

SUPPORT

Child support, **4:131, 6:34**
Wrongful death, **3:8, 3:25, 3:27, 5:18, 5:59, 6:49, 6:69, 7:54, 8:3, 8:35**

SURGERY

Circumstantial evidence, **3:27**

TAXI

Passengers, **10:93**

TELEPHONE

Medical malpractice, **2:4, 4:41**
Privacy, **4:16, 4:51**

TESTING

Products liability, **3:8, 3:25, 5:8, 5:17, 8:15**

THEFT

Insurance, **10:117**

THIRD PARTIES

Medical malpractice, **8:55**

THREATS

Assault, **4:41**

THYROID

Insurance, **2:19**

TIME

Contracts, **4:13, 6:14**
No-fault law, **3:25, 4:114, 4:122**

TITLE

Motor vehicles, **10:76**

TOBACCO

Expert opinion, **8:110**

TOXIC TORT CASES

Expert testimony, **8:12**

TRAINING

Medical malpractice, **3:8, 3:25, 4:9, 5:3, 5:7, 5:17, 5:18, 5:60, 5:63, 8:3, 8:22, 8:31, 8:32, 8:34**
Wrongful death, **3:8, 3:25, 5:18, 5:55, 8:3, 10:61**

TRANSIT AUTHORITY

New york city transit authority, **2:3, 2:4, 2:22, 3:4, 3:8, 3:9, 3:24, 3:25, 3:27, 3:28, 4:5, 4:10, 4:13, 4:23, 4:24, 4:31, 4:70, 4:71, 4:75, 4:97, 4:112, 5:3, 5:8, 5:44, 5:60, 6:9, 6:10, 6:13, 6:17, 6:24, 6:36, 6:47, 6:48, 7:29, 7:33, 8:5, 8:9, 8:15, 8:43, 8:84, 8:89, 9:26, 9:32, 10:5, 10:61, 10:64, 10:98, 10:99, 10:128, 10:134, 10:155, 10:224**

TRESPASS

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

TUMOR

Insurance, **8:3**

UNEMPLOYMENT

Insurance, 2:29

USE

Premises liability, 3:8, 3:24, 4:15,
10:64

VEHICLES

Motor vehicles, 10:76, 10:84

**VOCATIONAL
REHABILITATION**

Expert testimony, 8:22

VOICE

Privacy, 4:16, 4:51

WARNING

Products liability, 2:44

WARRANT

Arrest, 2:3, 2:19, 4:13, 4:41, 4:51,
6:14, 6:25, 6:36, 9:32

Battery, 6:36

WINDOWS

Expert testimony, 8:110

WITNESSES

Admission against interest, 4:70
Bribery, 2:4, 3:17, 4:13, 7:13, 7:23
Compensation, 4:70, 4:149
Credibility of witness, 5:61, 6:7
Cross examination, 3:17, 7:23
Eyewitnesses, 7:48, 8:11, 8:43,
10:132
Fact witnesses, 5:33, 6:52, 8:11,
8:63, 10:132
Failure to produce witness, 6:37
Impeachment of witnesses, 2:7,
3:14
Inconsistent statement, 2:7, 2:32,
8:91
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,
6:37, 8:15

WITNESSES—Cont'd

Travel, 3:4, 3:14, 8:19

WORDS

Assault, 2:3, 2:42, 3:14, 3:28, 4:51,
7:13, 7:17, 7:33
Battery, 7:17

WRONGFUL DEATH

Age, 6:50
Burden of proof, 3:8, 3:25, 5:59
Children, 6:37, 10:168
Collateral sources, 10:120, 10:128
Damages, 2:15, 3:8, 3:15, 3:25,
3:27, 5:18, 5:22, 5:59, 6:13,
6:33, 6:37, 6:47, 6:50, 6:52,
7:23, 7:54, 8:3, 10:33, 10:120,
10:123, 10:128, 10:181,
10:200
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
Health, 3:25, 6:13, 6:37, 6:47, 7:54,
8:3, 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, 3:27, 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