

The Law of Torts

David K. DeWolf
Professor
Gonzaga University School of Law

Summer 2004 Classroom edition

(Originally published by Lupus Publications, Ltd., Lansing, Michigan)
All Rights Reserved

COPYRIGHT ©1999

BY

LUPUS PUBLICATIONS, LTD.
ISBN 1-879581-73-6

[Copyright transferred to David K. DeWolf]

Printed in the United States of America

All rights reserved

TABLE OF CONTENTS

TABLE OF CONTENTS

Table of Cases ix

Introduction: An Overview of Tort Law . . . I-1

 § A. The Nature of Tort Law I-1

 § B. The Structure of this Book I-2

 § C. The Selection of Case Materials . . . I-4

 Problem I-4

 RAILROAD CO. v. STOUT I-5

 UNITED ZINC & CHEMICAL CO. v.
 BRITT I-8

 Questions and Notes I-11

PART I · PERSONAL INJURY: THE PRIMA
FACIE CASE

CHAPTER 1 · ESTABLISHING A BREACH OF
DUTY

Introduction 1-1

 BIERMAN v. CITY OF NEW YORK 1-2

 Notes and Questions 1-3

 HAMMONTREE v. JENNER 1-4

§ A. Negligence 1-6

 1. The Standard of Reasonable Care

 —In General 1-6

 LUSSAN v. GRAIN DEALERS
 MUTUAL INSURANCE
 COMPANY 1-6

 a. The "Reasonable Person" 1-7

 VAUGHN v. MENLOVE 1-7

 Questions and Notes 1-8

 ADAMS v. BULLOCK 1-9

 Questions and Notes 1-10

 b. "Customizing" the Standard of the
 Reasonable Person 1-10

 ROBINSON v. LINDSAY 1-10

 Questions and Notes 1-12

 c. Efficiency 1-12

 UNITED STATES v. CARROLL
 TOWING 1-12

 Questions and Notes 1-14

 LEVI v. SLEMC0. 1-14

 Questions and Notes 1-21

 2. What Evidence Establishes
 Negligence? 1-21

 a. Juror Experience 1-21

 b. The Use of Industry Custom . . . 1-21

BENNETT v. LONG ISLAND R. CO.
. 1-21

T.J. HOOPER 1-23

Questions and Notes 1-24

c. Statutory Violations 1-25

 MARTIN v. HERZOG 1-25

 TEDLA v. ELLMAN 1-27

 Questions and Notes 1-29

 NETTLETON v. THOMPSON . . . 1-29

 Questions and Notes 1-32

d. Res Ipsa Loquitur 1-33

 JUDSON v. GIANT POWDER CO. 1-33

 Questions and Notes 1-34

 MURPHY v. MONTGOMERY
 ELEVATOR CO. 1-35

e. Evidence of Defendant's Safety

 Policies 1-36

 SMITH v. WAL-MART STORES,
 INC. 1-36

 STEVENS v. BOSTON ELEVATED
 RY. CO. 1-39

 Questions and Notes 1-40

3. Establishing Vicarious Liability
(Respondeat Superior) 1-40

 HAYES v. FAR WEST SERVICES,
 INC. 1-40

 Questions and Notes 1-42

§ B. Strict Liability 1-43

 1. The Distinction Between Strict
 Liability and Negligence 1-44

 HELLING v. CAREY 1-44

 Questions and Notes 1-47

 2. When Is Strict Liability Imposed? 1-48

 a. Abnormally Dangerous Activities 1-48

 SIEGLER v. KUHLMAN 1-48

 Questions and Notes 1-53

 b. Invasion of Property Rights —
 Nuisance 1-54

 FLETCHER v. RYLANDS (1865) 1-54

 FLETCHER v. RYLANDS (1866) 1-55

 RYLANDS v. FLETCHER 1-59

 Questions and Notes 1-59

 BOHAN v. PORT JERVIS GAS
 LIGHT CO. 1-60

 BOOMER v. ATLANTIC CEMENT
 CO. 1-62

 Questions and Notes 1-65

TABLE OF CONTENTS

<p style="margin-left: 40px;">SPUR INDUSTRIES v. DEL E. WEBB DEVELOPMENT CO. 1-65</p> <p>Questions and Notes 1-67</p> <p style="margin-left: 20px;">c. Animals 1-68</p> <p style="margin-left: 40px;">WILLIAMS v. JOHNSON 1-68</p> <p>CHAPTER 2 · PROXIMATE CAUSE</p> <p>Introduction 2-1</p> <p style="margin-left: 20px;">MITCHELL v. GONZALEZ 2-1</p> <p>Questions and Notes 2-12</p> <p>§ A. But-For Causation (Cause-in-Fact) 2-13</p> <p style="margin-left: 20px;">1. The Traditional Burden of Proof 2-13</p> <p style="margin-left: 40px;">HULL v. MERCK & CO. 2-13</p> <p>Questions and Notes 2-14</p> <p style="margin-left: 40px;">REYNOLDS v. TEXAS & PACIFIC RAILWAY CO. 2-14</p> <p style="margin-left: 20px;">2. Modifying the But-For Causation Requirement 2-15</p> <p style="margin-left: 40px;">a. Excusable Inability to Identify the Defendant 2-15</p> <p style="margin-left: 80px;">SUMMERS v. TICE 2-15</p> <p style="margin-left: 80px;">SINDELL v. ABBOTT LABORATORIES 2-17</p> <p>Questions and Notes 2-29</p> <p style="margin-left: 40px;">BROWN v. SUPERIOR COURT . 2-29</p> <p style="margin-left: 40px;">EDWARDS v. A.L. LEASE & CO. 2-31</p> <p>Questions and Notes 2-33</p> <p style="margin-left: 40px;">b. Loss of a Chance 2-33</p> <p style="margin-left: 80px;">DILLON v. TWIN STATE GAS & ELECTRIC CO. 2-33</p> <p>Questions and Notes 2-35</p> <p style="margin-left: 40px;">HARDY v. SOUTHWESTERN BELL TELEPHONE CO. 2-35</p> <p>Questions and Notes 2-39</p> <p style="margin-left: 40px;">c. Multiple Redundant Causes: The "Substantial Factor" Test 2-40</p> <p style="margin-left: 80px;">PURCELL v. ASBESTOS COR- PORATION, LTD. 2-40</p> <p>§ B. Legal Cause: Policy Considerations</p> <p style="margin-left: 20px;">Precluding Liability 2-44</p> <p style="margin-left: 40px;">1. Increased Risk v. Mere Chance . 2-44</p> <p style="margin-left: 80px;">BERRY v. SUGAR NOTCH 2-44</p> <p style="margin-left: 80px;">CHANNEL v. MILLS 2-45</p> <p>Questions and Notes 2-51</p> <p style="margin-left: 40px;">2. Superseding Tortfeasors: Breaking the Chain of Causation 2-51</p> <p style="margin-left: 80px;">CROWE v. GASTON 2-51</p> <p>Questions and Notes 2-56</p> <p style="margin-left: 40px;">LINEY v. CHESTNUT MOTORS . 2-56</p>	<p>Questions and Notes 2-57</p> <p style="margin-left: 20px;">ROSS v. HARTMAN 2-57</p> <p>Questions and Notes 2-58</p> <p style="margin-left: 20px;">3. Remote and Indirect Results of Negligent Conduct 2-59</p> <p style="margin-left: 40px;">PALSGRAF v. LONG ISLAND R. CO. 2-59</p> <p>Questions and Notes 2-65</p> <p style="margin-left: 20px;">KINSMAN TRANSIT CO. 2-66</p> <p>Questions and Notes 2-70</p> <p style="margin-left: 20px;">HARRIS v. R.A. MARTIN, INC. 2-70</p> <p>CHAPTER 3 · DAMAGES</p> <p>Introduction 3-1</p> <p style="margin-left: 20px;">Jaffe, Damages for Personal Injury: The Impact of Insurance 3-1</p> <p>§ A. Types of Recoverable Damages . . . 3-2</p> <p style="margin-left: 20px;">1. Property Damage 3-2</p> <p style="margin-left: 40px;">MCDANIEL v. LINDER. 3-2</p> <p style="margin-left: 20px;">2. "Economic" Losses 3-3</p> <p style="margin-left: 40px;">a. Lost Wages 3-3</p> <p style="margin-left: 80px;">O'SHEA v. RIVERWAY TOWING . 3-3</p> <p>Questions and Notes 3-8</p> <p style="margin-left: 40px;">b. Medical Expenses 3-8</p> <p style="margin-left: 20px;">3. "Non-economic" Damages —Pain and Suffering 3-9</p> <p style="margin-left: 40px;">MORSE v. AUBURN AND SYRACUSE RAILROAD CO. . 3-9</p> <p>Questions and Notes 3-9</p> <p style="margin-left: 20px;">SPADE v. LYNN & B.R. CO. . . . 3-10</p> <p style="margin-left: 20px;">TEMPLE-INLAND PRODUCTS CORP. v. CARTER 3-12</p> <p style="margin-left: 20px;">JOHNSON v. STATE OF NEW YORK 3-17</p> <p>Questions and Notes 3-19</p> <p style="margin-left: 20px;">STEINHAUSER v. HERTZ CORPORATION 3-20</p> <p>Questions and Notes 3-21</p> <p style="margin-left: 20px;">4. Punitive Damages 3-21</p> <p style="margin-left: 40px;">MORAN v. JOHNS-MANVILLE SALES CORPORATION 3-21</p> <p>Questions and Notes 3-23</p> <p style="margin-left: 20px;">GRIMSHAW v. FORD MOTOR CO. 3-24</p> <p>Questions and Notes 3-31</p> <p style="margin-left: 40px;">BMW, INC. v. GORE 3-32</p> <p style="margin-left: 20px;">5. Attorneys Fees 3-41</p>
--	--

TABLE OF CONTENTS

<p>Kuenzel, The Attorney's Fee: Why Not a Cost of Litigation? 3-41 Questions and Notes 3-41</p> <p>§ B. Related Parties: Who Else Is Entitled to Compensation? 3-42</p> <p>1. Wrongful Death 3-42 MORAGNE v. STATES MARINE LINES 3-42 FIRST NATIONAL BANK OF MEADVILLE v. NIAGARA THERAPY MANUFACTURING CORPORATION 3-46 FELDMAN v. ALLEGHENY AIRLINES 3-49 Questions and Notes 3-52</p> <p>2. "Wrongful Birth" and "Wrongful Life" 3-52 UNIVERSITY OF ARIZONA HEALTH SCIENCES CENTER v. SUPERIOR COURT 3-53 HARBESON v. PARKE-DAVIS . . . 3-60 Questions and Notes 3-67 TAYLOR v. KURAPATI 3-68</p> <p>3. Bystander Injuries 3-87 DILLON v. LEGG 3-87 Questions and Notes 3-90 HEGEL v. MCMAHON 3-91</p> <p>4. Loss of Consortium 3-97 RODRIGUEZ v. BETHLEHEM STEEL CORPORATION 3-97 Questions and Notes 3-102 BORER v. AMERICAN AIRLINES 3-102 Questions and Notes 3-104</p> <p>§ C. The Size of Damage Awards . . 3-105</p> <p>1. How Much is Too Much (or Too Little)? 3-105 FORTMAN v. HEMCO, INC. . . 3-105 Questions and Notes 3-108 FEIN v. PERMANENTE MEDICAL GROUP 3-108 Questions and Notes 3-112</p> <p>2. Collateral Source Benefits . . . 3-113 SCHONBERGER v. ROBERTS . . 3-113 Questions and Notes 3-115</p> <p>3. The Scope of Acceptable Argument 3-116 BOTTA v. BRUNNER 3-116 Questions and Notes 3-117 JEWETT v. DEUTSCH 3-118</p>	<p>PART II · DEFENSES TO A PERSONAL INJURY CASE Introductory Note II-1</p> <p>CHAPTER 4 · IMMUNITY</p> <p>§ A. Governmental Immunity 4-1 Federal Tort Claims Act 4-1 Questions and Notes 4-2 LAIRD v. NELMS 4-2 Questions and Notes 4-6 VANDERPOOL v. STATE 4-7 Questions and Notes 4-11</p> <p>§ B. Family Immunities 4-11 HOLODOOK v. SPENCER 4-11 Questions and Notes 4-14</p> <p>§ C. Worker's Compensation 4-15 WOLF v. SCOTT WETZEL SERVICES, INC. 4-15 Questions and Notes 4-17</p> <p>CHAPTER 5 · CONTRIBUTORY FAULT</p> <p>§ A. The Contributory Negligence Rule 5-1 HARRISON v. MONTGOMERY COUNTY BOARD OF EDUCATION 5-1 Questions and Notes 5-10 LI v. YELLOW CAB COMPANY OF CALIFORNIA 5-10 Questions and Notes 5-17</p> <p>§ B. Assumption of Risk 5-18 SMITH v. BAKER & SONS 5-18 Questions and Notes 5-19 BROWN v. SAN FRANCISCO BALL CLUB 5-19 Questions and Notes 5-20 ALSTON v. BLYTHE 5-20 KIRK v. WASHINGTON STATE UNIVERSITY 5-23 Questions and Notes 5-28</p> <p>CHAPTER 6 · MULTIPLE TORTFEASORS</p> <p>§ A. Overview and Statutory Excerpts . 6-1 Idaho Code (1990 Supplement) . 6-1 Oregon Revised Statutes 6-2 Uniform Comparative Fault Act 6-5 Questions and Notes 6-6</p> <p>§ B. Joint and Several Liability 6-7 LAUBACH v. MORGAN 6-7 Questions and Notes 6-10</p>
--	---

TABLE OF CONTENTS

BOYLES v. OKLAHOMA NATURAL GAS CO.	6-11	GUILFORD v. YALE UNIVERSITY	8-14
CONEY v. J.L.G. INDUSTRIES, INC.	6-13	Questions and Notes	8-15
Questions and Notes	6-16	3. An Exception for Trespassing Children —"Attractive Nuisance"	8-16
AMERICAN MOTORCYCLE ASS'N v. SUPERIOR COURT	6-17	OSTERMAN v. PETERS	8-16
Questions and Notes	6-25	HOFER v. MEYER	8-18
§ C. The Effect of Settlement	6-26	Questions and Notes	8-21
TECH-BILT, INC. v. WOODWARD- CLYDE & ASSOCIATES	6-26	§ B. When Does Premises Liability Govern the Case?	8-22
WASHBURN v. BEATT EQUIPMENT COMPANY	6-36	HERRICK v. WIXOM	8-22
		Questions and Notes	8-23
		HUMPHREY v. TWIN STATE GAS & ELECTRIC CO.	8-23
CHAPTER 7 · STATUTES OF LIMITATION		POTTS v. AMIS	8-24
Introduction	7-1	Questions and Notes	8-26
§ A. Applying the Correct Limitation Period	7-1		
DICKENS v. PURYEAR	7-1	CHAPTER 9 · PRODUCT LIABILITY	
§ B. Accrual of the Cause of Action	7-10	§ A. History: The Rise and Fall of Privity	9-1
ESTATES OF HIBBARD v. GORDON, et al.	7-10	WINTERBOTTOM v. WRIGHT	9-1
PFEIFER v. CITY OF BELLINGHAM	7-14	Questions and Notes	9-2
§ C. Tolling of the Limitation Period	7-20	MACPHERSON v. BUICK MOTOR CO.	9-2
WALTERS v. MARION MEMORIAL HOSPITAL	7-20	HENNINGSEN v. BLOOMFIELD MOTORS, INC.	9-4
STRAHLER v. ST. LUKE'S HOSPITAL	7-21	Questions and Notes	9-8
		§ B. The Adoption of Strict Liability in Tort	9-9
PART III · MODIFICATION OF DUTY BY STATUS AND RELATIONSHIPS		ESCOLA v. COCA COLA BOTTLING COMPANY OF FRESNO	9-9
Introduction	III-1	Questions and Notes	9-10
Grant Gilmore, THE DEATH OF CONTRACT	III-2	GREENMAN v. YUBA POWER PRODUCTS	9-10
Questions and Notes	III-3	Questions and Notes	9-12
		PHILLIPS v. KIMWOOD MACHINE CO.	9-12
CHAPTER 8 · PREMISES LIABILITY		Questions and Notes	9-19
§ A. The Status Distinctions	8-1	BROWN v. SUPERIOR COURT	9-20
1. Are the Status Distinctions Desirable?	8-1	§ C. Statutory Modifications	9-25
YOUNCE v. FERGUSON	8-1	REVISED CODE OF WASHINGTON	9-25
ROWLAND v. CHRISTIAN	8-6	Questions and Notes	9-29
Questions and Notes	8-8	§ D. The Restatement (3d) of Torts (Product Liability)	9-29
2. How is the Visitor's Status Determined?	8-9	Questions and Notes	9-33
MARKLE v. HACIENDA MEXICAN RESTAURANT	8-9		
Questions and Notes	8-14		
HOSTICK v. HALL	8-14		

TABLE OF CONTENTS

CHAPTER 10 · PROFESSIONAL NEGLIGENCE	FUNERAL HOME, INC.	12-20
§ A. Medical Malpractice		10-1
1. Negligence		10-1
KNIGHT v. HAYDARY		10-1
Questions and Notes		10-5
2. Informed Consent		10-5
WACHTER v. UNITED STATES		10-5
Questions and Notes		10-13
3. Statutory Modifications		10-13
REVISED CODE OF WASHINGTON		
.		10-13
Questions and Notes		10-17
§ B. Other Forms of Professional		
Malpractice		10-18
CHAPTER 11 · RESCUERS, JUSTIFIABLE RELIANCE,		
AND THE EXTENSION OF DUTY TO REMOTE		
PLAINTIFFS		
Introductory Note		11-1
BUCH v. AMORY MANUFAC-		
TURING CO.		11-1
Questions and Notes		11-2
TARASOFF v. REGENTS OF		
UNIVERSITY OF CALIFORNIA		
.		11-2
Questions and Notes		11-8
BROWN v. UNITED STATES		11-8
Questions and Notes		11-13
Coda • Wrongful Termination		11-15
PART IV · INTENTIONAL TORTS		
CHAPTER 12 · INTENTIONAL TORTS: THE		
PRIMA FACIE CASE		
Introduction		12-1
RESTATEMENT (2D) OF TORTS		12-1
§ A. Battery and Assault		12-3
ROGERS v. LOEWS L'ENFANT		
PLAZA HOTEL		12-3
NEWMAN v. CHRISTENSEN		12-8
§ B. False Imprisonment		12-10
GORTAREZ v. SMITTY'S SUPER		
VALUE, INC.		12-10
MOORE v. PAY'N SAVE		
CORPORATION		12-17
Questions and Notes		12-20
§ C. Intentional Infliction of Emotional		
Distress (Outrage)		12-20
CORRIGAL v. BALL AND DODD		
CHAPTER 13 · DEFENSES TO INTENTIONAL		
TORTS		
Introductory Note		13-1
§ A. Consent		13-1
STRAWN v. INGRAM		13-1
MILLER v. BENNETT		13-2
Questions and Notes		13-4
§ B. Defense of Self		13-4
COTE v. JOWERS		13-4
§ C. Defense of Others		13-10
YOUNG v. WARREN		13-10
Questions and Notes		13-12
§ D. Defense of Property		13-13
C.I.T. CORPORATION v. BREWER		
.		13-13
KATKO v. BRINEY		13-15
Questions and Notes		13-17
§ E. Statutory Privilege		13-18
PART V · HARM TO NON-PHYSICAL		
INTERESTS		
CHAPTER 14 · DEFAMATION		
Introduction		14-1
§ A. What Is a Defamatory Statement?		14-2
BURTON v. CROWELL PUB-		
LISHING CO.		14-2
Questions and Notes		14-4
MISKOVSKY v. OKLAHOMA		
PUBLISHING CO.		14-4
§ B. When Is a Defamatory Statement		
Actionable?		14-8
PECK v. TRIBUNE CO.		14-8
THORLEY v. LORD KERRY		14-9
ATKINSON v. EQUITABLE LIFE		
ASSURANCE SOCIETY		14-10
§ C. What Defenses Are Available?		14-12
1. Absolute Privilege		14-12
BROWN v. SHIMABUKURO		14-12
BARR v. MATTEO		14-12
2. Conditional Privilege		14-17
JACRON SALES v. SINDORF		14-17
TIME, INC. v. FIRESTONE		14-20
§ D. Constitutional Limitations		14-26
NEW YORK TIMES CO. v.		
SULLIVAN		14-26
GERTZ v. ROBERT WELCH, INC.		14-40

TABLE OF CONTENTS

§ E. Speech Not Involving Matters of Public Concern	14-49	SIDIS v. F-R PUBLISHING CORPORATION	15-11
DUN & BRADSTREET, INC. v. GREENMOSS BUILDERS, INC.	14-49	BRISCOE v. READER'S DIGEST ASSOCIATION	15-14
CHAPTER 15 · INVASION OF PRIVACY		MEMPHIS DEVELOPMENT, ETC. v. FACTORS ETC., INC.	15-22
Introduction	15-1	APPENDIXES	
Warren & Brandeis, The Right to Privacy	15-1	Appendix A · The Procedural History of a Simple Case	A-1
Questions and Notes	15-3	Appendix B · Insurance	B-1
FROELICH v. ADAIR	15-3	Appendix C · Forms of Action	C-1
GALELLA v. ONASSIS	15-7		

TABLE OF CASES

A

ADAMS v. BULLOCK	1-9
ALSTON v. BLYTHE	5-20
AMERICAN MOTORCYCLE ASS'N v. SUPERIOR COURT	6-17
ATKINSON v. EQUITABLE LIFE ASSURANCE SOCIETY	14-10

B

BARR v. MATTEO	14-12
BENNETT v. LONG ISLAND R. CO.	1-21
BERRY v. SUGAR NOTCH	2-44
BIERMAN v. CITY OF NEW YORK	1-2
BMW, INC. v. GORE	3-32
BOHAN v. PORT JERVIS GAS LIGHT CO.	1-60
BOOMER v. ATLANTIC CEMENT CO.	1-63
BORER v. AMERICAN AIRLINES	3-102
BOTTA v. BRUNNER	3-116
BOYLES v. OKLAHOMA NATURAL GAS CO.	6-11
BRISCOE v. READER'S DIGEST ASSOCIATION	15-14
BROWN v. SAN FRANCISCO BALL CLUB	5-19
BROWN v. SHIMABUKURO	14-12
BROWN v. SUPERIOR COURT	2-29, 9-20
BROWN v. UNITED STATES	11-8
BUCH v. AMORY MANUFACTURING CO.	11-1
BURTON v. CROWELL PUBLISHING CO.	14-2

C

CHANNEL v. MILLS	2-45
C.I.T. CORPORATION v. BREWER	13-13
CONEY v. J.L.G. INDUSTRIES, INC.	6-13
CORRIGAL v. BALL AND DODD FUNERAL HOME, INC.	12-20
COTE v. JOWERS	13-4
CROWE v. GASTON	2-51

D

DICKENS v. PURYEAR	7-1
DILLON v. LEGG	3-87
DILLON v. TWIN STATE GAS & ELECTRIC CO.	2-33
DUN & BRADSTREET, INC. v. GREENMOSS BUILDERS, INC.	14-49

E

EDWARDS v. A.L. LEASE & CO.	2-31
ESCOLA v. COCA COLA BOTTLING COMPANY OF FRESNO	9-9
ESTATES OF HIBBARD v. GORDON, <i>et al.</i>	7-10

F

FEIN v. PERMANENTE MEDICAL GROUP	3-108
FELDMAN v. ALLEGHENY AIRLINES	3-49
FIRST NATIONAL BANK OF MEADVILLE v. NIAGARA THERAPY MANUFACTURING CORPORATION	3-46
FLETCHER v. RYLANDS (1865)	1-54
FLETCHER v. RYLANDS (1866)	1-55
FORTMAN v. HEMCO, INC.	3-105
FROELICH v. ADAIR	15-3

G

GALELLA v. ONASSIS	15-7
GERTZ v. ROBERT WELCH, INC.	14-40
GORTAREZ v. SMITTY'S SUPER VALUE, INC.	12-10
GREENMAN v. YUBA POWER PRODUCTS	9-10
GRIMSHAW v. FORD MOTOR CO.	3-24
GUILFORD v. YALE UNIVERSITY	8-14

H

HAMMONTREE v. JENNER	1-4
HARBESON v. PARKE-DAVIS	3-60
HARDY v. SOUTHWESTERN BELL TELEPHONE CO.	2-35
HARRIS v. R.A. MARTIN, INC.	2-70
HARRISON v. MONTGOMERY COUNTY BOARD OF EDUCATION	5-1
HAYES v. FAR WEST SERVICES, INC.	1-40
HEGEL v. MCMAHON	3-91
HELLING v. CAREY	1-44
HENNINGSSEN v. BLOOMFIELD MOTORS, INC.	9-4
HERRICK v. WIXOM	8-22
HOFER v. MEYER	8-18
HOLODOOK v. SPENCER	4-11
HOSTICK v. HALL	8-14
HULL v. MERCK & CO.	2-13
HUMPHREY v. TWIN STATE GAS & ELECTRIC CO.	8-23

J

JACRON SALES v. SINDORF	14-17
JEWETT v. DEUTSCH	3-118
JOHNSON v. STATE OF NEW YORK	3-17
JUDSON v. GIANT POWDER CO.	1-33

K

KATKO v. BRINEY	13-15
KINSMAN TRANSIT CO.	2-66

TABLE OF CASES

KIRK v. WASHINGTON STATE UNIVERSITY 5-23
 KNIGHT v. HAYDARY 10-1

L

LAIRD v. NELMS 4-2
 LAUBACH v. MORGAN 6-7
 LEVI v. SLEMCO 1-14
 LI v. YELLOW CAB COMPANY OF CALIFORNIA 5-10
 LINEY v. CHESTNUT MOTORS 2-56
 LUSSAN v. GRAIN DEALERS MUTUAL INSURANCE COMPANY 1-6

M

MACPHERSON v. BUICK MOTOR CO. 9-2
 MARKLE v. HACIENDA MEXICAN RESTAURANT 8-9
 MARTIN v. HERZOG 1-25
 MCDANIEL v. LINDER 3-2
 MEMPHIS DEVELOPMENT, ETC. v. FACTORS ETC., INC. 15-22
 MILLER v. BENNETT 13-2
 MISKOVSKY v. OKLAHOMA PUBLISHING CO. 14-4
 MITCHELL v. GONZALEZ 2-1
 MOORE v. PAY'N SAVE CORPORATION 12-17
 MORAGNE v. STATES MARINE LINES 3-42
 MORAN v. JOHNS-MANVILLE SALES CORPORATION 3-21
 MORSE v. AUBURN AND SYRACUSE RAILROAD CO. 3-9
 MURPHY v. MONTGOMERY ELEVATOR CO. 1-35

N

NETTLETON v. THOMPSON 1-29
 NEW YORK TIMES CO. v. SULLIVAN 14-26
 NEWMAN v. CHRISTENSEN 12-8

O

O'SHEA v. RIVERWAY TOWING 3-3
 OSTERMAN v. PETERS 8-16

P

PALSGRAF v. LONG ISLAND R. CO. 2-59
 PECK v. TRIBUNE CO. 14-8
 PFEIFER v. CITY OF BELLINGHAM 7-14
 PHILLIPS v. KIMWOOD MACHINE CO. 9-12
 POTTS v. AMIS 8-24
 PURCELL v. ASBESTOS CORPORATION, LTD. 2-40

R

RAILROAD CO. v. STOUT I-5
 REYNOLDS v. TEXAS & PACIFIC RAILWAY CO. 2-14
 ROBINSON v. LINDSAY 1-10
 RODRIGUEZ v. BETHLEHEM STEEL CORPORATION. 3-97
 ROGERS v. LOEWS L'ENFANT PLAZA HOTEL 12-3
 ROSS v. HARTMAN 2-57
 ROWLAND v. CHRISTIAN 8-6
 RYLANDS v. FLETCHER 1-59

S

SCHONBERGER v. ROBERTS 3-113
 SIDIS v. F-R PUBLISHING CORPORATION 15-11
 SIEGLER v. KUHLMAN 1-48
 SINDELL v. ABBOTT LABORATORIES 2-17
 SMITH v. BAKER & SONS 5-18
 SMITH v. WAL-MART STORES, INC. 1-36
 SPADE v. LYNN & B.R. CO. 3-10
 SPUR INDUSTRIES v. DEL E. WEBB DEVELOPMENT CO. 1-65
 STEINHAUSER v. HERTZ CORPORATION 3-20
 STEVENS v. BOSTON ELEVATED RY. CO. 1-39
 STRAHLER v. ST. LUKE'S HOSPITAL 7-21
 STRAWN v. INGRAM 13-1
 SUMMERS v. TICE 2-15

T

TARASOFF v. REGENTS OF UNIVERSITY OF CALIFORNIA 11-2
 TAYLOR v. KURAPATI 3-68
 TECH-BILT, INC. v. WOODWARD-CLYDE & ASSOCIATES 6-26
 TEDLA v. ELLMAN 1-27
 TEMPLE-INLAND PRODUCTS CORP. v. CARTER 3-12
 THORLEY v. LORD KERRY 14-9
 TIME, INC. v. FIRESTONE 14-20
 T.J. HOOPER 1-23

U

UNITED STATES v. CARROLL TOWING 1-12
 UNITED ZINC & CHEMICAL CO. v. BRITT I-8
 UNIVERSITY OF ARIZONA HEALTH SCIENCES CENTER v. SUPERIOR COURT 3-53

V

VANDERPOOL v. STATE 4-7
 VAUGHN v. MENLOVE 1-7

TABLE OF CASES

W

WACHTER v. UNITED STATES 10-5
WALTERS v. MARION MEMORIAL
HOSPITAL 7-20
WASHBURN v. BEATT EQUIPMENT
COMPANY 6-36
WILLIAMS v. JOHNSON 1-68
WINTERBOTTOM v. WRIGHT 9-1
WOLF v. SCOTT WETZEL SERVICES, INC. . . 4-15

Y

YOUNCE v. FERGUSON 8-1
YOUNG v. WARREN 13-10

TABLE OF CASES