TABLE OF CASES

Principal and digested cases are in bold type. Non-principal cases are in roman type. References are to Pages.

A.C. Associates v. American Bridge Division of United States Steel Corp., 1989 WL 1111034 (S.D.N.Y.1989), 918
Ackerman v. Spring Lake Tp., 12 Mich.App. 498, 163 N.W.2d 230 (Mich.App.1968), 175
Acme Markets v. Dawson Enterprises, 253 Md. 76, 251 A.2d 839 (Md.1969), 400
Adams v. Lindsell, 106 Eng.Rep. 250 (K.B. 1818), 185
Adjustrite Systems v. GAB Business Services, 145 F.3d 543 (2nd Cir.1998), 239
Advanced, Inc. v. Wilks, 711 P.2d 524 (Alaska 1985), 647
Agnew's Estate, In re, 132 Misc. 811, 231 N.Y.S. 4 (N.Y.Sur.1928), 109
Agway, Inc. v. Marotti, 149 Vt. 191, 540 A.2d 1044 (Vt.1988), 250
Air–Sea Forwarders, Inc. v. Air Asia Co., 880 F.2d 176 (9th Cir.1989), 26
Akers v. J. B. Sedberry, Inc., 39 Tenn.App. 633, 286 S.W.2d 617 (Tenn.Ct.App.1955), 168
Alaska Continental, Inc. v. Trickey, 933 P.2d 528 (Alaska 1997), 913
Alaska Packers' Ass'n v. Domenico, 117 F. 99 (9th Cir.1902), **325**
Albert v. R.P. Farnsworth & Co., 176 F.2d 198 (5th Cir.1949), 419
Albre Marble & Tile Co. v. John Bowen Co., 338 Mass. 394, 155 N.E.2d 437 (Mass. 1959), 876
Algernon Blair, Inc., United States v., 479 F.2d 638 (4th Cir.1973), **626**
Allegheny College v. National Chautauqua County Bank of Jamestown, 246 N.Y. 369, 159 N.E. 173 (N.Y.1927), 93
Allied Steel and Conveyors, Inc. v. Ford Motor Co., 277 F.2d 907 (6th Cir.1960), **158**
Alling v. Universal Manufacturing Corp., 7 Cal.Rptr.2d 718 (Cal.App. 1 Dist.1992), 379
Aluminum Co. of America v. Essex Group, Inc., 499 F.Supp. 53 (W.D.Pa.1980), 877
American Bronze Corp. v. Streamway Products, 8 Ohio App.3d 223, 456 N.E.2d 1295 (Ohio App. 8 Dist.1982), 167
American Intern. Enterprises, Inc. v. F.D.I.C., 3 F.3d 1263 (9th Cir.1993), 263
American Iron & Metal Co. v. United States Ferrous ... Tube City Div., 2007 WL 1125682 (D.Conn.2007), 286
American List Corp. v. United States News and World Report, 550 N.Y.S.2d 590, 549 N.E.2d 1161 (N.Y.1989), 775
AM/PM Franchise Ass'n v. Atlantic Richfield Co., 526 Pa. 110, 584 A.2d 915 (Pa.1990), 678
Amtorg Trading Corp. v. Miehle Printing Press & Mfg. Co., 206 F.2d 103 (2nd Cir. 1953), 861
Anderson v. American Intern. Specialty Lines Ins. Co., 38 P.3d 240 (Okla.Civ.App. Div. 3 2001), 904
Anderson v. Douglas and Lomason Co., 540 N.W.2d 277 (Iowa 1995), 67
Anglia Television Ltd. v. Reed, 3 All E.R. 690 (C.A. 1971), 628
Anglin v. Kleeman, 140 N.H. 257, 665 A.2d 747 (N.H.1995), 3
Angus v. Scully, 176 Mass. 357, 57 N.E. 674 (Mass.1900), 874
Anthony P. Miller, Inc. v. Wilmington Housing Authority, 179 F.Supp. 199 (D.Del. 1959), 713
Arbitration, In re (Acadia Co. v. Edlitz), 197 N.Y.S.2d 457, 165 N.E.2d 411 (N.Y.1960), 277
Ardente v. Horan, 117 R.I. 254, 366 A.2d 162 (R.I.1976), 182
Arkla Energy Resources v. Roye Realty & Developing, 9 F.3d 855 (10th Cir.1993), 699
Armendariz v. Foundation Health Psychcare Services, Inc., 99 Cal. Rptr.2d 745, 6 P.3d 669 (Cal.2000), **509**
Arnold Productions, Inc. v. Favorite Films Corp., 298 F.2d 540 (2nd Cir.1962), 919
ARP Films v. Marvel Entertainment Group, 952 F.2d 643 (2nd Cir.1991), 757
Arthur Murray, Inc., People v., 238 Cal. App.2d 333, 47 Cal.Rptr. 700 (Cal.App. 2 Dist.1965), 364
A/S Apothekernes Laboratorium v. I.M.C. Chemical, 873 F.2d 155 (7th Cir.1989), 125
Associated General Contractors, Matter of, 373 N.Y.S.2d 555, 335 N.E.2d 859 (N.Y. 1975), 687

Associated Hardware Supply Co. v. Big Wheel Distributing Co., 355 F.2d 114 (3rd Cir. 1965), 379
Atwood–Kellogg, Inc. v. Nickeson Farms, 602 N.W.2d 749 (S.D.1999), 798
Austin Instrument, Inc. v. Loral Corp., 324 N.Y.S.2d 22, 272 N.E.2d 533 (N.Y. 1971), **340**
Autotrol Corp. v. Continental Water Systems Corp., 918 F.2d 689 (7th Cir.1990), 380
Autry v. Republic Productions, 30 Cal.2d 144, 180 P.2d 888 (Cal.1947), 854
Avedon Engineering, Inc. v. Seatex, 126 F.3d 1279 (10th Cir.1997), 198
Avenell v. Westinghouse Elec. Corp., 41 Ohio App.2d 150, 324 N.E.2d 583 (Ohio App. 8 Dist.1974), 479

Baby Boy L., In re, 144 A.D.2d 674, 534 N.Y.S.2d 706 (N.Y.A.D. 2 Dept.1988), 335
Baby M, Matter of, 109 N.J. 396, 537 A.2d 1227 (N.J.1988), **575**
BAII Banking Corp. v. UPG, Inc., 985 F.2d 685 (2nd Cir.1993), 794
Bain v. Gillispie, 357 N.W.2d 47 (Iowa App. 1984), 881
Baird, State ex rel. Schilling v., 65 Wis.2d 394, 222 N.W.2d 666 (Wis.1974), 617
Bak–A–Lum Corp. of America v. Alcoa Bldg. Products, Inc., 69 N.J. 123, 351 A.2d 349 (N.J.1976), 543
Baker v. Citizens State Bank of St. Louis Park, 349 N.W.2d 552 (Minn.1984), 249
Baker v. Coombs, 219 S.W.3d 204 (Ky.App. 2007), 907
Baker v. Osborne Development Corp., 71 Cal. Rptr.3d 854 (Cal.App. 4 Dist.2008), 515
Balfour v. Balfour, [1919] 2 K.B. 571 (Court of Appeals 1919), 33
Baliles v. Cities Service Co., 578 S.W.2d 621 (Tenn.1979), 284
Balla v. Gambro, Inc., 145 Ill.2d 492, 164 Ill.Dec. 892, 584 N.E.2d 104 (Ill.1991), 568
Ballard v. Chavez, 117 N.M. 1, 868 P.2d 646 (N.M.1994), 379
Bank One v. Coates, 125 F.Supp.2d 819 (S.D.Miss.2001), 522
Barber v. Jacobs, 58 Conn.App. 330, 753 A.2d 430 (Conn.App.2000), 694
Barclay's Bank v. O'Brien, 4 All E.R. 417 (H.L. 1993), 71
Barker v. Allied Supermarket, 596 P.2d 870 (Okla.1979), 156
Barnes v. Alexander, 232 U.S. 117, 34 S.Ct. 276, 58 L.Ed. 530 (1914), 931
Barnhill v. Johnson, 503 U.S. 393, 112 S.Ct. 1386, 118 L.Ed.2d 39 (1992), 930
Bartlett v. Vinor, 90 Eng.Rep. 750 (K.B. 1692), 545
Baxter Healthcare Corp. v. O.R. Concepts, Inc., 69 F.3d 785 (7th Cir.1995), 924
Bayliner Marine Corp. v. Crow, 257 Va. 121, 509 S.E.2d 499 (Va.1999), **4**
Beachcomber Coins, Inc. v. Boskett, 166 N.J.Super. 442, 400 A.2d 78 (N.J.Super.A.D.1979), 818
Beebe v. Columbia Axle Co., 233 Mo.App. 212, 117 S.W.2d 624 (Mo.App.1938), 541
Begovich v. Murphy, 359 Mich. 156, 101 N.W.2d 278 (Mich.1960), 742
Belline v. K–Mart Corp., 940 F.2d 184 (7th Cir.1991), 568
Bel–Ray Co. v. Chemrite (Pty) Ltd., 181 F.3d 435 (3rd Cir.1999), **934**
Bernstein v. Meech, 130 N.Y. 354, 29 N.E. 255 (N.Y.1891), 794
Berube v. Fashion Centre, Ltd., 771 P.2d 1033 (Utah 1989), 248
Beswick v. Beswick, [1967] 2 All E.R. 1197 (H.L. 1967), 886
Betz Laboratories, Inc. v. Hines, 647 F.2d 402 (3rd Cir.1981), 368
Beverly Way Associates v. Barham, 226 Cal. App.3d 49, 276 Cal.Rptr. 240 (Cal.App. 2 Dist.1990), 712
Bigda v. Fischbach Corp., 898 F.Supp. 1004 (S.D.N.Y.1995), 756
Bishop v. Eaton, 161 Mass. 496, 37 N.E. 665 (Mass.1894), 158
B. Kuppenheimer & Co. v. Mornin, 78 F.2d 261 (8th Cir.1935), 931
Black Industries, Inc. v. Bush, 110 F.Supp. 801 (D.N.J.1953), **460**
Blair v. Brownson, 197 S.W.3d 681 (Tenn. 2006), 279
Blandford v. Andrews, 78 Eng.Rep. 930 (K.B. 1599), 758
Blanton v. Keneipp, 155 Va. 668, 156 S.E. 413 (Va.1931), 300
Bloor v. Falstaff Brewing Corp., 601 F.2d 609 (2nd Cir.1979), **532**
B & M Homes v. Hogan, 376 So.2d 667 (Ala.1979), 671
Board of Regents v. Davis, 120 Cal.Rptr. 407, 533 P.2d 1047 (Cal.1975), 321
Boeving v. Vandover, 240 Mo.App. 117, 218 S.W.2d 175 (Mo.App.1949), 592
Boland v. Catalano, 202 Conn. 333, 521 A.2d 142 (Conn.1987), 123
Bolin Farms v. American Cotton Shippers Ass'n, 370 F.Supp. 1353 (W.D.La.1974), 587
Bollinger v. Central Pennsylvania Quarry Stripping and Const. Co., 425 Pa. 430, 229 A.2d 741 (Pa.1967), **377**
Bolter v. Superior Court, 104 Cal.Rptr.2d 888 (Cal.App. 4 Dist.2001), 515
Bonebrake v. Cox, 499 F.2d 951 (8th Cir. 1974), 798
Boone v. Eyre, 126 Eng.Rep. 160, Note (K.B. 1777), 723
Borelli v. Brusseau, 16 Cal.Rptr.2d 16 (Cal. App. 1 Dist.1993), 328
Boulton v. James, 157 Eng.Rep. 232 (1857), 130
Bovard v. American Horse Enterprises, Inc., 201 Cal.App.3d 832, 247 Cal.Rptr. 340 (Cal.App. 3 Dist.1988), **546**
Bowen v. Carlsbad Ins. & Real Estate, Inc., 104 N.M. 514, 724 P.2d 223 (N.M.1986), 689

Brackenbury v. Hodgkin, 116 Me. 399, 102 A. 106 (Me.1917), 221
Bradwell v. Illinois, 83 U.S. 130, 21 L.Ed. 442 (1872), 312
Braunstein, United States v., 75 F.Supp. 137 (S.D.N.Y.1947), 396
British Columbia Saw Mill Co. v. Nettleship, L.R., 3 C.P. 499 (1868), 660
Britton v. Turner, 6 N.H. 481 (N.H.1834), **736**
Broadnax v. Ledbetter, 100 Tex. 375, 99 S.W. 1111 (Tex.1907), 66
Brobeck, Phleger & Harrison v. Telex Corp., 602 F.2d 866 (9th Cir.1979), 460
Browder v. Hanley Dawson Cadillac, 62 Ill. App.3d 623, 20 Ill.Dec. 138, 379 N.E.2d 1206 (Ill.App. 1 Dist.1978), 351
Brower v. Gateway 2000, 246 A.D.2d 246, 676 N.Y.S.2d 569 (N.Y.A.D. 1 Dept.1998), 218, 521
Brown v. Fritz, 108 Idaho 357, 699 P.2d 1371 (Idaho 1985), 670
Buccini v. Paterno Const. Co., 253 N.Y. 256, 170 N.E. 910 (N.Y.1930), 828, 873
Bucquet v. Livingston, 57 Cal.App.3d 914, 129 Cal.Rptr. 514 (Cal.App. 1 Dist.1976), 908
Budget Marketing, Inc. v. Centronics Corp., 927 F.2d 421 (8th Cir.1991), 125
Bullet Jet Charter, In re, 177 B.R. 593 (Bkrtcy.N.D.Ill.1995), 592
Burnham v. Karl & Gelb, 252 Conn. 153, 745 A.2d 178 (Conn.2000), 568
Burns v. McCormick, 233 N.Y. 230, 135 N.E. 273 (N.Y.1922), 284
Bush v. Canfield, 2 Conn. 485 (Conn.1818), 626
Butterfield v. Byron, 153 Mass. 517, 27 N.E. 667 (Mass.1891), 811, 873
B & W Glass, Inc. v. Weather Shield Mfg., Inc., 829 P.2d 809 (Wyo.1992), 295
Byrd v. Lamar, 846 So.2d 334 (Ala.2002), 361

Caba v. Barker, 341 Or. 534, 145 P.3d 174 (Or.2006), 907
Caldwell v. E.F. Spears & Sons, 186 Ky. 64, 216 S.W. 83 (Ky.1919), 168
Calhoun, State ex rel. Youngman v., 231 S.W. 647 (Mo.App.1921), 399
California & Hawaiian Sugar Co. v. Sun Ship, Inc., 794 F.2d 1433 (9th Cir.1986), 689
California Public Employees' Retirement System [CalPERS] v. Shearman & Sterling, 718 N.Y.S.2d 256, 741 N.E.2d 101 (N.Y. 2000), 907
Callano v. Oakwood Park Homes Corp., 91 N.J.Super. 105, 219 A.2d 332 (N.J.Super.A.D.1966), **110**
Campbell County v. Howard & Lee, 133 Va. 19, 112 S.E. 876 (Va.1922), 552
Campbell Soup Co. v. Wentz, 172 F.2d 80 (3rd Cir.1948), **584**
Canadian Industrial Alcohol Co. v. Dunbar Molasses Co., 258 N.Y. 194, 179 N.E. 383 (N.Y.1932), 844
Cargill Inc. v. Jorgenson Farms, 719 N.W.2d 226 (Minn.App.2006), 288
Carlill v. Carbolic Smoke Ball Co., [1893] 1 Q.B. 256 (C.A. 1892), 157
Carnegie v. Household Intern., Inc., 376 F.3d 656 (7th Cir.2004), 519
Carnival Cruise Lines, Inc. v. Shute, 499 U.S. 585, 111 S.Ct. 1522, 113 L.Ed.2d 622 (1991), **480**
Carr v. Mahaska County Bankers Ass'n, 222 Iowa 411, 269 N.W. 494 (Iowa 1936), 169, 175
Carrier v. William Penn Broadcasting Co., 426 Pa. 427, 233 A.2d 519 (Pa.1967), 334
Caspi v. Microsoft, 323 N.J.Super. 118, 732 A.2d 528 (N.J.Super.A.D.1999), 487
Cates v. Morgan Portable Bldg. Corp., 780 F.2d 683 (7th Cir.1985), 644
Cavanagh v. Cavanagh, 33 Mass.App.Ct. 240, 598 N.E.2d 677 (Mass.App.Ct.1992), 770
Cawley v. Weiner, 236 N.Y. 357, 140 N.E. 724 (N.Y.1923), 731
Central Adjustment Bureau, Inc. v. Ingram, 678 S.W.2d 28 (Tenn.1984), 561
Central Ceilings, Inc. v. National Amusements, Inc., 70 Mass.App.Ct. 172, 873 N.E.2d 754 (Mass.App.Ct.2007), **302**
Certified Question, In re (Bankey v. Storer Broadcasting), 432 Mich. 438, 443 N.W.2d 112 (Mich.1989), 65
Cetenko v. United California Bank, 179 Cal. Rptr. 902, 638 P.2d 1299 (Cal.1982), 460
Channel Home Centers, Div. of Grace Retail Corp. v. Grossman, 795 F.2d 291 (3rd Cir.1986), **239**
Chaplin v. Hicks, [1911] 2 K.B. 786 (C.A. 1911), 673
Charter Tp. of Ypsilanti v. General Motors Corp., 201 Mich.App. 128, 506 N.W.2d 556 (Mich.App.1993), 100
Chase Precast Corp. v. John J. Paonessa Co., 409 Mass. 371, 566 N.E.2d 603 (Mass.1991), **861**
Chatlos Systems v. National Cash Register [NCR] Corp., 670 F.2d 1304 (3rd Cir. 1982), 618
Chemical Bank v. Rinden Professional Ass'n, 126 N.H. 688, 498 A.2d 706 (N.H. 1985), **949**
Chemung Iron & Steel Co. v. Mersereau Metal Bed Co., 179 N.Y.S. 577 (N.Y.Sup.App. Term 1920), 395
Chevalier v. Town of Sanford, 475 A.2d 1148 (Me.1984), 136
Choice v. City of Dallas, 210 S.W. 753 (Tex. Civ.App.-Amarillo 1919), 67
Chouinard v. Chouinard, 568 F.2d 430 (5th Cir.1978), 323
Christmas v. Russell, 81 U.S. 69, 20 L.Ed. 762 (1871), 931
Chronister Oil Co. v. Unocal Refining & Marketing, 34 F.3d 462 (7th Cir.1994), 26
Circle B Enterprises v. Steinke, 584 N.W.2d 97 (N.D.1998), 687

Circuit City Stores, Inc. v. Adams, 532 U.S. 105, 121 S.Ct. 1302, 149 L.Ed.2d 234 (2001), 509
C. Itoh & Co. (America) Inc. v. Jordan Intern. Co., 552 F.2d 1228 (7th Cir.1977), 199
City of (see name of city)
City Stores Co. v. Ammerman, 266 F.Supp. 766 (D.D.C 1967), 602
Cives Corp. v. Callier Steel Pipe & Tube, Inc., 482 A.2d 852 (Me.1984), 616
C.L. Maddox, Inc. v. Coalfield Services, Inc., 51 F.3d 76 (7th Cir.1995), 780
Cohen v. Cowles Media Co., 479 N.W.2d 387 (Minn.1992), 98
Cohen v. Santoianni, 330 Mass. 187, 112 N.E.2d 267 (Mass.1953), 477
Coletti v. Knox Hat Co., 252 N.Y. 468, 169 N.E. 648 (N.Y.1930), 718
Colfax Envelope Corp. v. Local No. 458–3M [Chicago Graphic Communications Intern. Union], 20 F.3d 750 (7th Cir.1994), **426**
Collatz v. Fox Wis. Amusement Corp., 239 Wis. 156, 300 N.W. 162 (Wis.1941), 673
Colley v. Bi–State, Inc., 21 Wash.App. 769, 586 P.2d 908 (Wash.App. Div. 3 1978), 847
Colonial Ford Truck Sales, Inc. v. Schneider, 228 Va. 671, 325 S.E.2d 91 (Va.1985), 300
Columbia Christian College v. Commonwealth Properties, 286 Or. 321, 594 P.2d 401 (Or.1979), 707
Columbia Nitrogen Corp. v. Royster Co., 451 F.2d 3 (4th Cir.1971), **419**
Commerce & Industry Ins. Co. v. Bayer Corp., 433 Mass. 388, 742 N.E.2d 567 (Mass.2001), 205
Commonwealth v. _____ (see opposing party)
Compass Point Condominium Owners Ass'n v. First Federal Sav. & Loan Ass'n, 641 So.2d 253 (Ala.1994), 355
Comunale v. Traders & General Ins. Co., 50 Cal.2d 654, 328 P.2d 198 (Cal.1958), 26
ConAgra, Inc. v. Bartlett Partnership, 248 Neb. 933, 540 N.W.2d 333 (Neb.1995), 847
Conference Center Ltd. v. TRC–The Research Corp. of New England, 189 Conn. 212, 455 A.2d 857 (Conn.1983), 806
Congregation B'Nai Sholom v. Martin, 382 Mich. 659, 173 N.W.2d 504 (Mich.1969), 92
Congregation Kadimah Toras–Moshe v. DeLeo, 405 Mass. 365, 540 N.E.2d 691 (Mass.1989), 96
Connecticut Fire Ins. Co. v. Fox, 361 F.2d 1 (10th Cir.1966), 711
Consarc Corp. v. Marine Midland Bank, N.A., 996 F.2d 568 (2nd Cir.1993), 124
Consolidation Services, Inc. v. KeyBank Nat. Ass'n, 185 F.3d 817 (7th Cir.1999), 264
Constable v. Cloberie, 81 Eng.Rep. 1141 (K.B. 1626), 700
Contemporary Mission, Inc. v. Famous Music Corp., 557 F.2d 918 (2nd Cir.1977), 678
Continental Airlines v. Goodyear Tire & Rubber Co., 819 F.2d 1519 (9th Cir.1987), 507
Continental Wall Paper Co. v. Louis Voight & Sons Co., 212 U.S. 227, 29 S.Ct. 280, 53 L.Ed. 486 (1909), 550
Coplay Cement Co., Inc. v. Willis & Paul Group, 983 F.2d 1435 (7th Cir.1993), 699
Coppola v. Kraushaar, 102 A.D. 306, 92 N.Y.S. 436 (N.Y.A.D. 2 Dept.1905), 660
Corenswet, Inc. v. Amana Refrigeration, Inc., 594 F.2d 129 (5th Cir.1979), 508
Corinthian Pharmaceutical Systems, Inc. v. Lederle Laboratories, 724 F.Supp. 605 (S.D.Ind.1989), **161**
Corl v. Huron Castings, 450 Mich. 620, 544 N.W.2d 278 (Mich.1996), 571
Cosden Oil & Chemical Co. v. Karl O. Helm Aktiengesellschaft, 736 F.2d 1064 (5th Cir.1984), **783**
Cotnam v. Wisdom, 83 Ark. 601, 104 S.W. 164 (Ark.1907), **106**
Courtney Shoe Co. v. E.W. Curd & Son, 142 Ky. 219, 134 S.W. 146 (Ky.1911), 151
Crabtree v. Elizabeth Arden Sales Corporation, 305 N.Y. 48, 110 N.E.2d 551 (N.Y. 1953), 267
Crane Ice Cream Co. v. Terminal Freezing & Heating Co., 147 Md. 588, 128 A. 280 (Md.1925), 925
C.R. Klewin, Inc. v. Flagship Properties, Inc., 220 Conn. 569, 600 A.2d 772 (Conn. 1991), **270**
Croker v. New York Trust Co., 245 N.Y. 17, 156 N.E. 81 (N.Y.1927), 891
Cundick v. Broadbent, 383 F.2d 157 (10th Cir.1967), **319**
Curtice Bros. Co. v. Catts, 66 A. 935 (N.J.Ch. 1907), 595
Custer Battles, LLC, United States v., 444 F.Supp.2d 678 (E.D.Va.2006), 464
Cutter v. Powell, 101 Eng.Rep. 573 (K.B. 1795), 874
Cyberchron Corp. v. Calldata Systems Development, Inc., 47 F.3d 39 (2nd Cir. 1995), **234**
Czarnikow–Rionda Co. v. Federal Sugar Refining Co., 255 N.Y. 33, 173 N.E. 913 (N.Y.1930), 663

Dahl v. HEM Pharmaceuticals, 7 F.3d 1399 (9th Cir.1993), 39
Daley v. Aetna Life & Cas. Co., 249 Conn. 766, 734 A.2d 112 (Conn.1999), 567
Dalton v. Educational Testing Service, 639 N.Y.S.2d 977, 663 N.E.2d 289 (N.Y. 1995), **522**
Danby v. Osteopathic Hospital Ass'n of Del., 34 Del.Ch. 427, 104 A.2d 903 (Del. Supr.1954), 92
Darner Motor Sales v. Universal Underwriters, 140 Ariz. 383, 682 P.2d 388 (Ariz. 1984), 474
Dave Gustafson & Co. v. State, 83 S.D. 160, 156 N.W.2d 185 (S.D.1968), 688
Davis v. Jacoby, 1 Cal.2d 370, 34 P.2d 1026 (Cal.1934), 221

Davis v. Patrick, 141 U.S. 479, 12 S.Ct. 58, 35 L.Ed. 826 (1891), 298
Davis Contractors v. Fareham Urban Dist. Council, [1956] A.C. 696 (HL 1956), 431
Dawes, Ex parte, 17 Q.B.D. 275 (C.A. 1886), 398
Dean v. Myers, 466 So.2d 952 (Ala.1985), 276
Decatur Co-op. Ass'n v. Urban, 219 Kan. 171, 547 P.2d 323 (Kan.1976), 288
DEC Elec., Inc. v. Raphael Const. Corp., 558 So.2d 427 (Fla.1990), 703
De Cicco v. Schweizer, 221 N.Y. 431, 117 N.E. 807 (N.Y.1917), 338
DeFina v. Scott, 195 Misc.2d 75, 755 N.Y.S.2d 587 (N.Y.Sup.2003), 123
Delacroix v. Lublin Graphics, Inc., 993 F.Supp. 74 (D.Conn.1997), 892
Delacy Investments, Inc. v. Thurman & Re/Max Real Estate Guide, Inc., 693 N.W.2d 479 (Minn.App.2005), **939**
De Lancey v. Rockingham Farmers' Mut. Fire Ins. Co., 52 N.H. 581 (N.H.1873), 478
Delchi Carrier SpA v. Rotorex Corp., 71 F.3d 1024 (2nd Cir.1995), 661
Delliponti v. DeAngelis, 545 Pa. 434, 681 A.2d 1261 (Pa.1996), 643
Delta Dynamics, Inc. v. Arioto, 69 Cal.2d 525, 72 Cal.Rptr. 785, 446 P.2d 785 (Cal.1968), 386
Demasse v. ITT Corp., 194 Ariz. 500, 984 P.2d 1138 (Ariz.1999), 66
DeMentas v. Tallas, 764 P.2d 628 (Utah App. 1988), 89
Dempsey v. Rosenthal, 121 Misc.2d 612, 468 N.Y.S.2d 441 (N.Y.City Civ.Ct.1983), 8
DeMuth v. Miller, 438 Pa.Super. 437, 652 A.2d 891 (Pa.Super.1995), 561
Denbow v. Tesch, 66 S.D. 21, 278 N.W. 16 (S.D.1938), 334
De Rivafinoli v. Corsetti, 4 Paige Ch. 264, 3 N.Y. Ch. Ann. 429 (N.Y.Ch.1833), 602
Dermott v. Jones, 69 U.S. 1, 17 L.Ed. 762 (1864), 810
Detroit Bank and Trust Co. v. Chicago Flame Hardening Co., Inc., 541 F.Supp. 1278 (N.D.Ind.1982), 913
Detroit Institute of Arts Founders Soc. v. Rose, 127 F.Supp.2d 117 (D.Conn.2001), 892
Devoine Co. v. International Co., 151 Md. 690, 136 A. 37 (Md.1927), 707
D & G Stout, Inc. v. Bacardi Imports, Inc., 923 F.2d 566 (7th Cir.1991), **100**
Diamond v. University of So. California, 11 Cal.App.3d 49, 89 Cal.Rptr. 302 (Cal.App. 2 Dist.1970), 771
Dickey v. Philadelphia Minit–Man Corp., 377 Pa. 549, 105 A.2d 580 (Pa.1954), 540
Dickinson v. Dodds, LR 2 Ch.D. 463 (C.A. 1876), **171**
Dillingham Commercial Co. v. Spears, 641 P.2d 1 (Alaska 1982), 765
Disciplinary Counsel v. Young, 113 Ohio St.3d 36, 862 N.E.2d 504 (Ohio 2007), 917
Diskin v. J.P. Stevens & Co., Inc., 836 F.2d 47 (1st Cir.1987), 211
D & N Boening, Inc. v. Kirsch Beverages, Inc., 483 N.Y.S.2d 164, 472 N.E.2d 992 (N.Y.1984), 261
Doe v. Great Expectations, 809 N.Y.S.2d 819 (N.Y.City Civ.Ct.2005), **489**
Doll & Smith v. A. & S. Sanitary Dairy Co., 202 Iowa 786, 211 N.W. 230 (Iowa 1926), 166
Donovan v. RRL Corp., 109 Cal.Rptr.2d 807, 27 P.3d 702 (Cal.2001), 147
Donovan v. RRL Corp., 88 Cal.Rptr.2d 143 (Cal.App.1999), 146
Dorton v. Collins & Aikman Corp., 453 F.2d 1161 (6th Cir.1972), **193**
Doyle v. Holy Cross Hosp., 186 Ill.2d 104, 237 Ill.Dec. 100, 708 N.E.2d 1140 (Ill.1999), 65
Drake v. Hosley, 713 P.2d 1203 (Alaska 1986), 709
Drennan v. Star Paving Co., 51 Cal.2d 409, 333 P.2d 757 (Cal.1958), **222**
D'sa v. Playhut, Inc., 102 Cal.Rptr.2d 495 (Cal.App. 2 Dist.2000), 568
Dunhill Securities Corp. v. Microthermal Applications, Inc., 308 F.Supp. 195 (S.D.N.Y. 1969), 124
Duval & Co. v. Malcom, 233 Ga. 784, 214 S.E.2d 356 (Ga.1975), 587
Dzinglski v. Weirton Steel Corp., 191 W.Va. 278, 445 S.E.2d 219 (W.Va.1994), 571

Earle v. Angell, 157 Mass. 294, 32 N.E. 164 (Mass.1892), 181
Early Detection Center, Inc. v. Wilson, 248 Kan. 869, 811 P.2d 860 (Kan.1991), 548, 553
EarthInfo v. Hydrosphere Resource Consultants, 900 P.2d 113 (Colo.1995), 628
Eastern Air Lines, Inc. v. Gulf Oil Corp., 415 F.Supp. 429 (S.D.Fla.1975), **76, 526, 848**
Eastern Air Lines, Inc. v. McDonnell Douglas Corp., 532 F.2d 957 (5th Cir.1976), 843
Eastern Rolling Mill Co. v. Michlovitz, 157 Md. 51, 145 A. 378 (Md.1929), 601
Eastern Steel Constructors, Inc. v. City of Salem, 209 W.Va. 392, 549 S.E.2d 266 (W.Va.2001), 901
Edward Joy Co. v. Noise Control Products, Inc., 111 Misc.2d 64, 443 N.Y.S.2d 361 (N.Y.Sup.1981), 297
Edward T. Kelly Co. v. Von Zakobiel, 168 Wis. 579, 171 N.W. 75 (Wis.1919), 715
Effron v. Sun Line Cruises, Inc., 67 F.3d 7 (2nd Cir.1995), 486
Ehlers v. Iowa Warehouse Co., 188 N.W.2d 368 (Iowa 1971), 561
Ellefson v. Megadeth, Inc., 2005 WL 82022 (S.D.N.Y.2005), 188
Elsinore Union Elementary School Dist. v. Kastorff, 54 Cal.2d 380, 6 Cal.Rptr. 1, 353 P.2d 713 (Cal.1960), **139**
Emerson Radio Corp. v. Orion Sales, Inc., 253 F.3d 159 (3rd Cir.2001), 397
Engle v. Shapert Const. Co., 443 F.Supp. 1383 (M.D.Pa.1978), 329

Esmieu v. Hsieh, 20 Wash.App. 455, 580 P.2d 1105 (Wash.App. Div. 3 1978), 759
Estate of (see name of party)
Eustis Mining Co. v. Beer, Sondheimer & Co., 239 F. 976 (S.D.N.Y.1917), 422
Evergreen Amusement Corp. v. Milstead, 206 Md. 610, 112 A.2d 901 (Md.1955), 678
Ever–Tite Roofing Corp. v. Green, 83 So.2d 449 (La.App. 2 Cir.1955), 154
Exercycle of Mich., Inc. v. Wayson, 341 F.2d 335 (7th Cir.1965), 893

Fairmount Glass Works v. Crunden–Martin Woodenware Co., 106 Ky. 659, 51 S.W. 196 (Ky.1899), **130**
Falls v. Virginia State Bar, 240 Va. 416, 397 S.E.2d 671 (Va.1990), 268
Famous Knitwear Corp. v. Drug Fair, Inc., 493 F.2d 251 (4th Cir.1974), 624
Farmers Union Oil Co. of New England v. Maixner, 376 N.W.2d 43 (N.D.1985), 249
Farnum v. Silvano, 27 Mass.App.Ct. 536, 540 N.E.2d 202 (Mass.App.Ct.1989), 319
Farone v. Bag'n Baggage, Ltd., 165 S.W.3d 795 (Tex.App.-Eastland 2005), 277
Federal Deposit Ins. Corp. v. W.R. Grace & Co., 877 F.2d 614 (7th Cir.1989), 391
Feinberg v. Pfeiffer Co., 322 S.W.2d 163 (Mo.App.1959), **46, 94**
Fera v. Village Plaza, Inc., 396 Mich. 639, 242 N.W.2d 372 (Mich.1976), **674**
Ferguson v. Cramer, 349 Md. 760, 709 A.2d 1279 (Md.1998), 907
Ferraro v. Singh, 343 Pa.Super. 576, 495 A.2d 946 (Pa.Super.1985), 123
Fibrosa Spolka Akcyjna v. Fairbairn Lawson Combe Barbour Ltd., [1943] A.C. 32, 144 A.L.R. 1298 (1942), 872
Fiege v. Boehm, 210 Md. 352, 123 A.2d 316 (Md.1956), **40**
Fina Supply, Inc. v. Abilene Nat. Bank, 726 S.W.2d 537 (Tex.1987), 361
Fineman v. Faulkner, 174 N.C. 13, 93 S.E. 384 (N.C.1917), 551
Firestone & Parson, Inc. v. Union League of Philadelphia, 672 F.Supp. 819 (E.D.Pa. 1987), 819
First Commodity Traders, Inc. v. Heinold Commodities, Inc., 591 F.Supp. 812 (N.D.Ill.1984), 765
First Hartford Corp., In re, 63 B.R. 479 (Bkrtcy.S.D.N.Y.1986), 434
Fischer v. Union Trust Co., 138 Mich. 612, 101 N.W. 852 (Mich.1904), 38
Fitz v. Coutinho, 136 N.H. 721, 622 A.2d 1220 (N.H.1993), 699
Florida Power & Light Co. v. Westinghouse Elec. Corp., 826 F.2d 239 (4th Cir.1987), 854
Flower City Painting Contractors, Inc. v. Gumina Const. Co., 591 F.2d 162 (2nd Cir. 1979), 409
Floyd v. Watson, 163 W.Va. 65, 254 S.E.2d 687 (W.Va.1979), 602
Foakes v. Beer, 9 App.Cas. 605 (H.L. 1884), 337
Foley v. Interactive Data Corp., 254 Cal.Rptr. 211, 765 P.2d 373 (Cal.1988), 26
Fort Howard Paper Co. v. William D. Witter, Inc., 787 F.2d 784 (2nd Cir.1986), 270
Fourth Ocean Putnam Corp. v. Interstate Wrecking Co., 495 N.Y.S.2d 1, 485 N.E.2d 208 (N.Y.1985), 891, 894
Foxco Industries, Ltd. v. Fabric World, Inc., 595 F.2d 976 (5th Cir.1979), 409
Fraass Surgical Mfg. Co., Inc. v. United States, 571 F.2d 34 (Ct.Cl.1978), 479
Francis v. Lee Enterprises, 971 P.2d 707 (Hawai'i 1999), 671
Franklin v. White, 493 N.E.2d 161 (Ind. 1986), 376
Franklin Life Ins. Co. v. Mast, 435 F.2d 1038 (9th Cir.1970), 407
Freeman v. Freeman, 43 N.Y. 34 (N.Y.1870), 92
Frigaliment Importing Co. v. B.N.S. Intern. Sales Corp., 190 F.Supp. 116 (S.D.N.Y.1960), **401**
Frost v. Knight, L.R. 7 Ex. 111 (1872), 783
F.T.C. v. IFC Credit Corp., 543 F.Supp.2d 925 (N.D.Ill.2008), 489
F.T.C. v. QT, Inc., 448 F.Supp.2d 908 (N.D.Ill.2006), 489
Fuller v. De Paul University, 293 Ill.App. 261, 12 N.E.2d 213 (Ill.App. 1 Dist.1938), 356

Gaglidari v. Denny's Restaurants, 117 Wash.2d 426, 815 P.2d 1362 (Wash.1991), 672
Gajewski v. Bratcher, 221 N.W.2d 614 (N.D. 1974), 367
Galligan v. Arovitch, 421 Pa. 301, 219 A.2d 463 (Pa.1966), 472
Gandell v. Pontigny, 171 Eng.Rep. 119 (1816), 637
Garden State Plaza Corp. v. S.S. Kresge Co., 78 N.J.Super. 485, 189 A.2d 448 (N.J.Super.A.D.1963), 391
Garlock Sealing Technologies, LLC v. NAK Sealing Technologies Corp., 56 Cal. Rptr.3d 177 (Cal.App. 3 Dist.2007), 445
King v. King, 2007 WL 712050 (R.I.Super.2007), 259
Gastonia Personnel Corp. v. Rogers, 276 N.C. 279, 172 S.E.2d 19 (N.C.1970), 314
Geismar v. Abraham & Strauss, 109 Misc.2d 495, 439 N.Y.S.2d 1005 (N.Y.Dist.Ct. 1981), 136
General Dynamics Corp. v. Superior Court, 32 Cal.Rptr.2d 1, 876 P.2d 487 (Cal.1994), 570
General Motors Corp. v. Arizona Dept. of Revenue, 189 Ariz. 86, 938 P.2d 481 (Ariz. App. Div. 1 1996), 817
Gerber v. First Nat. Bank of Lincolnwood, 30 Ill.App.3d 776, 332 N.E.2d 615 (Ill.App. 1 Dist.1975), 323
Gianfillippo v. Northland Cas. Co., 861 P.2d 308 (Okla.1993), 905
Gianni v. R. Russel & Co., 281 Pa. 320, 126 A. 791 (Pa.1924), **368**

Gianni Sport Ltd. v. Gantos, Inc., 151 Mich. App. 598, 391 N.W.2d 760 (Mich.App. 1986), 507
Gibson v. Cranage, 39 Mich. 49 (Mich. 1878), **704**
Gill v. Johnstown Lumber Co., 151 Pa. 534, 25 A. 120 (Pa.1892), **733**
Giunto v. Florida Coca–Cola Bottling Co., 745 So.2d 1020 (Fla.App. 3 Dist.1999), 708
Gladding v. Langrall, Muir & Noppinger, 285 Md. 210, 401 A.2d 662 (Md.1979), 460
Glass v. Anderson, 596 S.W.2d 507 (Tex. 1980), 794
Globe Refining Co. v. Landa Cotton Oil Co., 190 U.S. 540, 23 S.Ct. 754, 47 L.Ed. 1171 (1903), 653
GLS Development v. Wal–Mart Stores, 944 F.Supp. 1384 (N.D.Ill.1996), 38
Goldstick v. ICM Realty, 788 F.2d 456 (7th Cir.1986), 261
Goodstein Const. Corp. v. City of New York, 590 N.Y.S.2d 425, 604 N.E.2d 1356 (N.Y. 1992), 245
Gory Associated Industries v. Jupiter Roofing & Sheet Metal, 358 So.2d 93 (Fla.App. 4 Dist.1978), 647
Gottlieb v. Tropicana Hotel and Casino, 109 F.Supp.2d 324 (E.D.Pa.2000), 57
Graham v. Graham, 33 F.Supp. 936 (E.D.Mich.1940), 33
Graham v. Scissor–Tail, Inc., 171 Cal.Rptr. 604, 623 P.2d 165 (Cal.1981), 475
Gram v. Liberty Mut. Ins. Co., 384 Mass. 659, 429 N.E.2d 21 (Mass.1981), 562
Graves v. Johnson, 179 Mass. 53, 60 N.E. 383 (Mass.1901), 551
Grayson–Robinson Stores, Inc. v. Iris Const. Corp., 202 N.Y.S.2d 303, 168 N.E.2d 377 (N.Y.1960), 602
Green v. Continental Rentals, 292 N.J.Super. 241, 678 A.2d 759 (N.J.Super.L.1994), 503
Greenfield v. Philles Records, Inc., 750 N.Y.S.2d 565, 780 N.E.2d 166 (N.Y.2002), **386**
Griffin v. Colver, 16 N.Y. 489 (N.Y.1858), 672
Grigerik v. Sharpe, 247 Conn. 293, 721 A.2d 526 (Conn.1998), **908**
Grigerik v. Sharpe, 45 Conn.App. 775, 699 A.2d 189 (Conn.App.1997), 908
Grossman v. MatchNet, 782 N.Y.S.2d 246 (N.Y.A.D. 1 Dept.2004), 493
Grouse v. Group Health Plan, Inc., 306 N.W.2d 114 (Minn.1981), 233
Groves v. John Wunder Co., 205 Minn. 163, 286 N.W. 235 (Minn.1939), **648**
Gruen Industries, Inc. v. Biller, 608 F.2d 274 (7th Cir.1979), 233
GTE Products Corp. v. Stewart, 421 Mass. 22, 653 N.E.2d 161 (Mass.1995), 571
Guerini Stone Co. v. P.J. Carlin Const. Co., 248 U.S. 334, 39 S.Ct. 102, 63 L.Ed. 275 (1919), 757
Guilmet v. Campbell, 385 Mich. 57, 188 N.W.2d 601 (Mich.1971), 3
Gulf Oil Corp. v. American Louisiana Pipe Line Co., 282 F.2d 401 (6th Cir.1960), 400

Hadley v. Baxendale, 9 Ex. 341, 156 Eng. Rep. 145 (Ex.Ct.1854), **657**
Hakimoglu v. Trump Taj Mahal Associates, 876 F.Supp. 625 (D.N.J.1994), 321
Halpert v. Rosenthal, 107 R.I. 406, 267 A.2d 730 (R.I.1970), 360
Halstead v. Murray, 130 N.H. 560, 547 A.2d 202 (N.H.1988), 285
Hamann v. Crouch, 211 Kan. 852, 508 P.2d 968 (Kan.1973), 407
Hamer v. Sidway, 124 N.Y. 538, 27 N.E. 256 (N.Y.1891), **34**
Hampton v. Dillard Dept. Stores, 247 F.3d 1091 (10th Cir.2001), 156
Hand v. Dayton–Hudson, 775 F.2d 757 (6th Cir.1985), 360
Handicapped Children's Educ. Bd. v. Lukaszewski, 112 Wis.2d 197, 332 N.W.2d 774 (Wis.1983), 616
Hardesty v. Smith, 3 Ind. 39 (Ind.1851), 453
Harding Realty, Inc. v. Turnberry Towers Corp., 436 So.2d 983 (Fla.App. 3 Dist. 1983), 704
Harrington v. Harrington, 365 N.W.2d 552 (N.D.1985), 71
Harriscom Svenska, AB v. Harris Corp., 3 F.3d 576 (2nd Cir.1993), 854
Harry Rubin & Sons v. Consolidated Pipe Co., 396 Pa. 506, 153 A.2d 472 (Pa.1959), 678
Hartig Drug Co. v. Hartig, 602 N.W.2d 794 (Iowa 1999), 396
Harvey v. Facey, [1893] A.C. 552 (Privy Council 1893), 129
Haumont v. Security State Bank, 220 Neb. 809, 374 N.W.2d 2 (Neb.1985), 324
Hawkins v. McGee, 84 N.H. 114, 146 A. 641 (N.H.1929), **2**
Hayat Carpet Cleaning Co. v. Northern Assur. Co., 69 F.2d 805 (2nd Cir.1934), 361
Hayes v. Plantations Steel Co., 438 A.2d 1091 (R.I.1982), 95
Heaps v. Dunham, 95 Ill. 583 (Ill.1880), 44
Heifetz Metal Crafts, Inc. v. Peter Kiewit Sons' Co., 264 F.2d 435 (8th Cir.1959), 145
Hellenic Lines, Limited v. Louis Dreyfus Corp., 372 F.2d 753 (2nd Cir.1967), 335
Hendricks & Associates v. Daewoo Corp., 923 F.2d 209 (1st Cir.1991), 663, 673
Henningsen v. Bloomfield Motors, Inc., 32 N.J. 358, 161 A.2d 69 (N.J.1960), **445**
Herbert Clayton & Jack Waller Ltd. v. Oliver, [1930] A.C. 209 (H.L. 1930), 673
Hermanowski v. Acton Corp., 580 F.Supp. 140 (E.D.N.Y.1983), 790
Hertzog v. Hertzog, 29 Pa. 465 (Pa.1857), 115
Herzog v. Irace, 594 A.2d 1106 (Me.1991), **926**
Hewitt v. Hewitt, 77 Ill.2d 49, 31 Ill.Dec. 827, 394 N.E.2d 1204 (Ill.1979), 115
Heydon's Case, 3 Coke 7a, 76 Eng.Rep. 637 (Exchequer 1584), 398

Hicks v. Bush, 225 N.Y.S.2d 34, 180 N.E.2d 425 (N.Y.1962), 713
Higgins v. California Petroleum & Asphalt Co., 120 Cal. 629, 52 P. 1080 (Cal.1898), 395
Highley v. Phillips, 176 Md. 463, 5 A.2d 824 (Md.1939), 395
Hill v. Gateway 2000, Inc., 105 F.3d 1147 (7th Cir.1997), **215**
Hill v. Jones, 151 Ariz. 81, 725 P.2d 1115 (Ariz.App. Div. 1 1986), 355
Hill's, Inc. v. William B. Kessler, Inc., 41 Wash.2d 42, 246 P.2d 1099 (Wash.1952), 152
Hilton Hotels Corp. v. Butch Lewis Productions, 107 Nev. 226, 808 P.2d 919 (Nev. 1991), 526
Hobbs v. Massasoit Whip Co., 158 Mass. 194, 33 N.E. 495 (Mass.1893), 167
Hochster v. De La Tour, (1853) 2 E. & B. 678, 118 Eng.Rep. 922 (Q.B. 1853), **766**
Hoffman v. Red Owl Stores, 26 Wis.2d 683, 133 N.W.2d 267 (Wis.1965), **230**
Holcomb v. Zinke, 365 N.W.2d 507 (N.D. 1985), 355
Holman Erection Co. v. Orville E. Madsen & Sons, Inc., 330 N.W.2d 693 (Minn.1983), 227
Hoosier Energy Rural Elec. Co-op. v. Amoco Tax Leasing IV Corp., 34 F.3d 1310 (7th Cir.1994), 713
Hoover Motor Exp. Co. v. Clements Paper Co., 193 Tenn. 6, 241 S.W.2d 851 (Tenn. 1951), 171
Hopper v. All Pet Animal Clinic, 861 P.2d 531 (Wyo.1993), 130, **557**
Hopper v. Lennen & Mitchell, 146 F.2d 364 (9th Cir.1944), 277
Horrigan, Estate of, 757 So.2d 165 (Miss. 1999), 308
Hotchkiss v. National City Bank of New York, 200 F. 287 (S.D.N.Y.1911), 116
Household Fire & Carriage Accident Insurance Co. v. Grant, 4 Ex.D. 216 (Eng.C.A. 1879), 187
Houston Oilers v. Neely, 361 F.2d 36 (10th Cir.1966), 596
Howard v. Babcock, 25 Cal.Rptr.2d 80, 863 P.2d 150 (Cal.1993), 561
Howard v. Daly, 61 N.Y. 362 (N.Y.1875), 638
H.P. Droher & Sons v. Toushin, 250 Minn. 490, 85 N.W.2d 273 (Minn.1957), 653
H.R. Moch Co. v. Rensselaer Water Co., 247 N.Y. 160, 159 N.E. 896 (N.Y.1928), 895
Humble Oil & Refining Co. v. Westside Inv. Corp., 428 S.W.2d 92 (Tex.1968), 184
Hunt Foods & Industries v. Doliner, 26 A.D.2d 41, 270 N.Y.S.2d 937 (N.Y.A.D. 1 Dept.1966), 715
Hurst v. W.J. Lake & Co., 141 Or. 306, 16 P.2d 627 (Or.1932), 407
H–W–H Cattle Co. v. Schroeder, 767 F.2d 437 (8th Cir.1985), 637
Hydro–Manufacturing, Inc. v. Kayser–Roth Corp., 640 A.2d 950 (R.I.1994), 355
IBP, Inc. v. Tyson Foods, Inc., 789 A.2d 14 (Del.Ch.2001), 715
Idaho Lumber, Inc. v. Buck, 109 Idaho 737, 710 P.2d 647 (Idaho App.1985), 112
Industrial Electric–Seattle, Inc. v. Bosko, 67 Wash.2d 783, 410 P.2d 10 (Wash.1966), 419
Industrial Representatives, Inc. v. CP Clare Corp., 74 F.3d 128 (7th Cir.1996), 531
Informed Physician Services v. Blue Cross, 350 Md. 308, 711 A.2d 1330 (Md.1998), 694
In re (see name of party)
Integrated Resources Life Ins. Co., In re, 562 N.W.2d 179 (Iowa 1997), 916
Intercontinental Planning v. Daystrom, Inc., 300 N.Y.S.2d 817, 248 N.E.2d 576 (N.Y. 1969), 390
International Filter Co. v. Conroe Gin, Ice & Light Co., 277 S.W. 631 (Tex.Com. App.1925), **147**
International Filter Co. v. Conroe Gin, Ice & Light Co., 269 S.W. 210 (Tex.Civ.App.-Beaumont 1925), 151
International Minerals and Chemical Corp. v. Llano, Inc., 770 F.2d 879 (10th Cir.1985), 872
Internatio–Rotterdam, Inc. v. River Brand Rice Mills Inc., 259 F.2d 137 (2nd Cir.1958), **695**
InterPetrol Bermuda Ltd. v. Kaiser Aluminum Intern. Corp., 719 F.2d 992 (9th Cir. 1983), 845
Iron Horse Auto, Inc. v. Lititz Mut. Ins. Co., 283 Kan. 834, 156 P.3d 1221 (Kan.2007), 903
Iron Trade Products Co. v. Wilkoff Co., 272 Pa. 172, 116 A. 150 (Pa.1922), **759**
Islamic Republic of Iran v. Boeing Co., 771 F.2d 1279 (9th Cir.1985), 624

Jacobson v. Knepper & Moga, 185 Ill.2d 372, 235 Ill.Dec. 936, 706 N.E.2d 491 (Ill.1998), 570
Jacob & Youngs v. Kent, 230 N.Y. 239, 129 N.E. 889 (N.Y.1921), **645, 724**
James Baird Co. v. Gimbel Bros., 64 F.2d 344 (2nd Cir.1933), 222
Jardine Estates v. Donna Brook Corp., 42 N.J.Super. 332, 126 A.2d 372 (N.J.Super.A.D.1956), 731
J.E. Faltin Motor Transp., Inc. v. Eazor Exp., Inc., 273 F.2d 444 (3rd Cir.1959), 399
Jennings v. Radio Station KSCS, 708 S.W.2d 60 (Tex.App.-Fort Worth 1986), 58
Jewish Center of Sussex County v. Whale, 165 N.J.Super. 84, 397 A.2d 712 (N.J.Super.Ch.1978), 355
Johnson v. Bovee, 40 Colo.App. 317, 574 P.2d 513 (Colo.App.1978), 629
Johnson v. Calvert, 19 Cal.Rptr.2d 494, 851 P.2d 776 (Cal.1993), 406, 582
Johnson v. Davis, 480 So.2d 625 (Fla.1985), 355
Johnson v. Honeywell Information Systems, Inc., 955 F.2d 409 (6th Cir.1992), 747

Johnson v. McDonnell Douglas Corp., 745 S.W.2d 661 (Mo.1988), 567
John T. Brady & Co. v. City of Stamford, 220 Conn. 432, 599 A.2d 370 (Conn.1991), 629
Jones v. Adam, 2007 WL 4693280 (Me.Super.2007), 280
Jones v. Central Peninsula General Hosp., 779 P.2d 783 (Alaska 1989), 899
Jones v. Star Credit Corp., 59 Misc.2d 189, 298 N.Y.S.2d 264 (N.Y.Sup.1969), **503**
Joseph Constantine Steamship Line v. Imperial Smelting Corp., [1942] A.C. 154, [1941] All E.R. 165 (H.L. 1941), 853
Joseph Martin, Jr., Delicatessen, Inc. v. Schumacher, 436 N.Y.S.2d 247, 417 N.E.2d 541 (N.Y.1981), 250
Jostens, Inc. v. National Computer Systems, Inc., 318 N.W.2d 691 (Minn.1982), 64
Joyce Beverages of New York, Inc. v. Royal Crown Cola Co., 555 F.Supp. 271 (S.D.N.Y.1983), 539
J.R. Hale Contracting Co. v. United New Mexico Bank, 110 N.M. 712, 799 P.2d 581 (N.M.1990), 711
Junk v. Aon Corp., 2007 WL 4292034 (S.D.N.Y.2007), 361

Kama Rippa Music, Inc. v. Schekeryk, 510 F.2d 837 (2nd Cir.1975), 842, 853
Kanavos v. Hancock Bank & Trust Co., 395 Mass. 199, 479 N.E.2d 168 (Mass. 1985), **771**
Kannavos v. Annino, 356 Mass. 42, 247 N.E.2d 708 (Mass.1969), **356**
Kansas City Community Center v. Heritage Industries, Inc., 972 F.2d 185 (8th Cir. 1992), 555
Kanzmeier v. McCoppin, 398 N.W.2d 826 (Iowa 1987), 359
Karl Wendt Farm Equipment Co., Inc. v. International Harvester Co., 931 F.2d 1112 (6th Cir.1991), 866
Kehm Corp. v. United States, 119 Ct.Cl. 454, 93 F.Supp. 620 (Ct.Cl.1950), 758
Kel Kim Corp. v. Central Markets, Inc., 524 N.Y.S.2d 384, 519 N.E.2d 295 (N.Y.1987), 857
Keller v. A.O. Smith Harvestore Products, Inc., 819 P.2d 69 (Colo.1991), 379
Keller v. Holderman, 11 Mich. 248 (Mich. 1863), 120
Kelly v. Marx, 428 Mass. 877, 705 N.E.2d 1114 (Mass.1999), 687
Kendel v. Pontious, 261 So.2d 167 (Fla.1972), 151
Kenford Co. v. County of Erie, 540 N.Y.S.2d 1, 537 N.E.2d 176 (N.Y.1989), **664**
Kenford Co. v. County of Erie, 502 N.Y.S.2d 131, 493 N.E.2d 234 (N.Y.1986), 666, 672
Kennedy v. New York City Employees' Retirement System, 51 A.D.2d 296, 381 N.Y.S.2d 79 (N.Y.A.D. 1 Dept.1976), 318
Kentucky Utilities Co. v. South East Coal Co., 836 S.W.2d 392 (Ky.1992), 879
Keser v. Chagnon, 159 Colo. 209, 410 P.2d 637 (Colo.1966), 315
K & G Const. Co. v. Harris, 223 Md. 305, 164 A.2d 451 (Md.1960), **752**
Kham & Nate's Shoes v. First Bank of Whiting, 908 F.2d 1351 (7th Cir.1990), 543
Kibler v. Frank L. Garrett & Sons, Inc., 73 Wash.2d 523, 439 P.2d 416 (Wash.1968), 338
Kiefer v. Fred Howe Motors, Inc., 39 Wis.2d 20, 158 N.W.2d 288 (Wis.1968), **312**
King v. Riveland, 125 Wash.2d 500, 886 P.2d 160 (Wash.1994), 518
King v. Trustees of Boston University, 420 Mass. 52, 647 N.E.2d 1196 (Mass.1995), 96
King Aircraft Sales v. Lane, 68 Wash.App. 706, 846 P.2d 550 (Wash.App. Div. 1 1993), 591
King County v. Taxpayers of King County, 133 Wash.2d 584, 949 P.2d 1260 (Wash. 1997), 40
Kingston v. Preston, Lofft 194, 2 Doug. 689, 99 Eng.Rep. 437 (K.B.1773), **717**
Kirkland v. Archbold, 113 N.E.2d 496 (Ohio App. 8 Dist.1953), **742**
Kirkpatrick v. Introspect Healthcare Corp., 114 N.M. 706, 845 P.2d 800 (N.M.1992), 798
Kirk Reid Co. v. Fine, 205 Va. 778, 139 S.E.2d 829 (Va.1965), 727
Kirksey v. Kirksey, 8 Ala. 131 (Ala.1845), **56**
Kitsos v. Mobile Gas Service Corp., 404 So.2d 40 (Ala.1981), 276
Kizziar v. Dollar, 268 F.2d 914 (10th Cir. 1959), 731
Klar v. H. & M. Parcel Room, 270 A.D. 538, 61 N.Y.S.2d 285 (N.Y.A.D. 1 Dept.1946), 474
Klein v. PepsiCo, Inc., 845 F.2d 76 (4th Cir.1988), **588**
Kleinwort Benson v. Lincoln City Council, [1998] 4 All E.R. 513 (H.L. 1998), 821
Koch v. Consolidated Edison Co., 479 N.Y.S.2d 163, 468 N.E.2d 1 (N.Y.1984), 896
Koehring Co. v. Glowacki, 77 Wis.2d 497, 253 N.W.2d 64 (Wis.1977), 193
Koken v. Black & Veatch Const., Inc., 426 F.3d 39 (1st Cir.2005), **434**
Konsuvo v. Netzke, 91 N.J.Super. 353, 220 A.2d 424 (N.J.Super.Ch.1966), 335
Kooleraire Service & Installation Corp. v. Board of Education, 320 N.Y.S.2d 46, 268 N.E.2d 782 (N.Y.1971), 710
Kornblut v. Chevron Oil Co., 62 A.D.2d 831, 407 N.Y.S.2d 498 (N.Y.A.D. 2 Dept.1978), 896
Kosters v. Seven–Up Co., 595 F.2d 347 (6th Cir.1979), 230
Kovarik v. Vesely, 3 Wis.2d 573, 89 N.W.2d 279 (Wis.1958), 694
Krantz v. University Of Kansas, 271 Kan. 234, 21 P.3d 561 (Kan.2001), 820

Krell v. Codman, 154 Mass. 454, 28 N.E. 578 (Mass.1891), 38
Krell v. Henry, 2 K.B. 740 (C.A. 1903), **854**
Krupinsky v. Birsky, 129 Vt. 400, 278 A.2d 757 (Vt.1971), 250
Kryl v. Mechalson, 259 Wis. 204, 47 N.W.2d 899 (Wis.1951), 715
Kulukundis Shipping Co. v. Amtorg Trading Corporation, 126 F.2d 978 (2nd Cir.1942), 790
Kutzin v. Pirnie, 124 N.J. 500, 591 A.2d 932 (N.J.1991), 745

LaChapelle v. Toyota Motor Credit Corp., 126 Cal.Rptr.2d 32 (Cal.App. 1 Dist.2002), 947
Laclede Gas Co. v. Amoco Oil Co., 522 F.2d 33 (8th Cir.1975), **596**
Laidlaw v. Organ, 15 U.S. 178, 4 L.Ed. 214 (1817), 352
Lake Land Emp. Group of Akron, LLC v. Columber, 101 Ohio St.3d 242, 804 N.E.2d 27 (Ohio 2004), **58**
Lake Providence Properties, Inc., In re, 168 B.R. 876 (W.D.N.C.1994), 556
L. Albert & Son v. Armstrong Rubber Co., 178 F.2d 182 (2nd Cir.1949), 625
Lamm v. Shingleton, 231 N.C. 10, 55 S.E.2d 810 (N.C.1949), 671
La Motte v. Hilgedick, 956 F.2d 274 (9th Cir.1992), 846
Landover Corp. v. Bellevue Master, LLC, 2006 WL 47662 (W.D.Wash.2006), 298
Langel v. Betz, 250 N.Y. 159, 164 N.E. 890 (N.Y.1928), 918
Langman v. Alumni Ass'n of University of Virginia, 247 Va. 491, 442 S.E.2d 669 (Va. 1994), 299
Laredo Hides Co., Inc. v. H & H Meat Products Co., Inc., 513 S.W.2d 210 (TexCivApp.-Corpus Christi 1974), **613**
Lawrence v. Cain, 144 Ind.App. 210, 245 N.E.2d 663 (Ind.App. 1 Div.1969), 396
Lawrence v. Fox, 20 N.Y. 268 (N.Y.1859), **883**
Lawrence v. Miller, 86 N.Y. 131 (N.Y.1881), 736
L.C. Williams Oil Co., Inc. v. Exxon Corp., 625 F.Supp. 477 (M.D.N.C.1985), 879
Leaf v. International Galleries, [1950] 2 K.B. 86 (C.A. 1950), 816
Leasing Service Corp. v. River City Const., Inc., 743 F.2d 871 (11th Cir.1984), 948
Lee v. Joseph E. Seagram & Sons, Inc., 552 F.2d 447 (2nd Cir.1977), 250
Lefkowitz v. Great Minneapolis Surplus Store, 251 Minn. 188, 86 N.W.2d 689 (Minn.1957), 134
Lemoge Elec. v. San Mateo County, 46 Cal.2d 659, 297 P.2d 638 (Cal.1956), 144
Lenawee County Bd. of Health v. Messerly, 417 Mich. 17, 331 N.W.2d 203 (Mich. 1982), 816
Leonard v. Pepsico, 88 F.Supp.2d 116 (S.D.N.Y.1999), 121
Levin v. Halston Ltd., 91 Misc.2d 601, 398 N.Y.S.2d 339 (N.Y.City Civ.Ct.1977), 672
Levine v. Blumenthal, 186 A. 457 (N.J.Sup. 1936), 336
Lewis v. Fisher Service Co., 329 S.C. 78, 495 S.E.2d 440 (S.C.1998), 747
Lewis v. Mobil Oil Corp., 438 F.2d 500 (8th Cir.1971), **437,** 663
Lige Dickson Co. v. Union Oil Co., 96 Wash.2d 291, 635 P.2d 103 (Wash.1981), 295
Little v. Banks, 85 N.Y. 258 (N.Y.1881), 895
Litton Systems, Inc. v. Frigitemp Corp., 613 F.Supp. 1377 (S.D.Miss.1985), 887
Livingston v. Evans, [1925] 4 D.L.R. 769 (Alberta Sup.Ct.1925), 190
Lloyd v. Murphy, 25 Cal.2d 48, 153 P.2d 47 (Cal.1944), 856, 879
Local 1330, United Steel Workers v. United States Steel Corp., 631 F.2d 1264 (6th Cir.1980), 100
Lockewill, Inc. v. United States Shoe Corp., 547 F.2d 1024 (8th Cir.1976), 540
Loda v. H.K. Sargeant & Associates, 188 Conn. 69, 448 A.2d 812 (Conn.1982), 712
Loring v. City of Boston, 48 Mass. 409 (Mass. 1844), 169
Louisville Asphalt Varnish Co. v. Lorick, 29 S.C. 533, 8 S.E. 8 (S.C.1888), 287
Lovejoy Electronics, Inc. v. O'Berto, 873 F.2d 1001 (7th Cir.1989), 379
L.S. Heath & Son v. AT & T Information Systems, 9 F.3d 561 (7th Cir.1993), 376
L–3 Communications Integrated Systems v. United States, 79 Fed.Cl. 453 (Fed.Cl. 2007), 553
Lucas v. Hamm, 56 Cal.2d 583, 15 Cal.Rptr. 821, 364 P.2d 685 (Cal.1961), 538, 907
Lucy v. Zehmer, 196 Va. 493, 84 S.E.2d 516 (Va.1954), **117**
Lumley v. Wagner, 42 Eng.Rep. 687 (Ch. 1852), 595
Luria Bros. & Co. v. Pielet Bros. Scrap Iron, 600 F.2d 103 (7th Cir.1979), 716, 842
Luttinger v. Rosen, 164 Conn. 45, 316 A.2d 757 (Conn.1972), **692**
Lyman v. Romboli, 293 Mass. 373, 199 N.E. 916 (Mass.1936), 358

Mabley & Carew Co. v. Borden, 129 Ohio St. 375, 195 N.E. 697 (Ohio 1935), 124
Maddox v. Northern Natural Gas Co., 259 F.Supp. 781 (W.D.Okla.1966), 189
Magellan Intern. Corp. v. Salzgitter Handel, 76 F.Supp.2d 919 (N.D.Ill.1999), 592
Malik v. Bank of Credit & Commerce International, [1997] 3 All E.R. 1 (H.L. 1997), 673
M.A. Mortenson v. Timberline Software Corp., 140 Wash.2d 568, 998 P.2d 305 (Wash.2000), 145
Marcus & Co. v. K.L.G. Baking Co., 3 A.2d 627 (N.J.Err. & App.1939), 661
Marine Contractors Co., Inc. v. Hurley, 365 Mass. 280, 310 N.E.2d 915 (Mass.1974), 39
Market Street Associates v. Frey, 817 F.Supp. 784 (E.D.Wis.1993), 531

Market Street Associates v. Frey, 941 F.2d 588 (7th Cir.1991), 529
Markov v. ABC Transfer & Storage Co., 76 Wash.2d 388, 457 P.2d 535 (Wash.1969), 229
Marks v. Cowdin, 226 N.Y. 138, 123 N.E. 139 (N.Y.1919), 267
Marlene Industries Corp. v. Carnac Textiles, Inc., 408 N.Y.S.2d 410, 380 N.E.2d 239 (N.Y.1978), 198
Marlowe v. Argentine Naval Com'n, 808 F.2d 120 (D.C.Cir.1986), 381
Marra v. Papandreou, 216 F.3d 1119 (D.C.Cir.2000), 790
Martella v. Woods, 715 F.2d 410 (8th Cir. 1983), 616
Martin Rispens & Son v. Hall Farms, Inc., 621 N.E.2d 1078 (Ind.1993), 409
Martin Roofing, Inc. v. Goldstein, 469 N.Y.S.2d 595, 457 N.E.2d 700 (N.Y.1983), 301
Marx v. Department of Commerce, 220 Mich. App. 66, 558 N.W.2d 460 (Mich.App.1996), 175
Maser v. Lind, 181 Neb. 365, 148 N.W.2d 831 (Neb.1967), 364
Massman Const. Co. v. City Council of Greenville, Miss., 147 F.2d 925 (5th Cir.1945), 689
Masterson v. Sine, 68 Cal.2d 222, 65 Cal. Rptr. 545, 436 P.2d 561 (Cal.1968), **371**
Mattei v. Hopper, 51 Cal.2d 119, 330 P.2d 625 (Cal.1958), **72**
Matter of (see name of party)
Matthews v. Ford Motor Co., 479 F.2d 399 (4th Cir.1973), 449
Maxton Builders, Inc. v. Lo Galbo, 509 N.Y.S.2d 507, 502 N.E.2d 184 (N.Y.1986), 745
McCallister v. Patton, 214 Ark. 293, 215 S.W.2d 701 (Ark.1948), 592
McCarthy v. Tobin, 429 Mass. 84, 706 N.E.2d 629 (Mass.1999), 711
McCarthy Well Co. v. St. Peter Creamery, Inc., 410 N.W.2d 312 (Minn.1987), 478
MCC-Marble Ceramic Center, Inc., v. Ceramica Nuova d'Agostino, S.p.A., 144 F.3d 1384 (11th Cir.19987), 424
McCloskey & Co. v. Minweld Steel Co., 220 F.2d 101 (3rd Cir.1955), **776**
McConnell v. Commonwealth Pictures Corp., 199 N.Y.S.2d 483, 166 N.E.2d 494 (N.Y. 1960), 553
McCormick v. Union Pacific R.R. Co., 983 P.2d 84 (Colo.App.1998), 397
McCubbin v. Buss, 180 Neb. 624, 144 N.W.2d 175 (Neb.1966), 323
McDevitt v. Stokes, 174 Ky. 515, 192 S.W. 681 (Ky.1917), 340
McGinnis v. Wentworth Chevrolet Co., 295 Or. 494, 668 P.2d 365 (Or.1983), 616
McKenna v. Vernon, 258 Pa. 18, 101 A. 919 (Pa.1917), 711
McKennon v. Nashville Banner Pub. Co., 513 U.S. 352, 115 S.Ct. 879, 130 L.Ed.2d 852 (1995), 747
McKinnon v. Benedict, 38 Wis.2d 607, 157 N.W.2d 665 (Wis.1968), **455**
McMillan v. Smith, 363 S.W.2d 437 (Tex. 1962), 723
Mechanical Plant Services, Inc. v. Dresser Rand Co., 116 F.3d 1474 (4th Cir.1997), 183
Merchants' Ins. Co. v. Abbott, 131 Mass. 397 (Mass.1881), 953
Mesaros v. United States, 845 F.2d 1576 (Fed.Cir.1988), 137
Metropolitan Airports Commission v. Northwest Airlines, 6 F.3d 492 (7th Cir.1993), 915
Meyers v. Selznick Co., 373 F.2d 218 (2nd Cir.1966), 401
M.F. Kemper Const. Co. v. City of Los Angeles, 37 Cal.2d 696, 235 P.2d 7 (Cal.1951), 145
MG Refining & Marketing v. Knight Enterprises, Inc., 25 F.Supp.2d 175 (S.D.N.Y. 1998), 854
Miami Coca–Cola Bottling Co. v. Orange Crush Co., 296 F. 693 (5th Cir.1924), 86
Michelin Tires (Canada) Ltd. v. First Nat. Bank of Boston, 666 F.2d 673 (1st Cir. 1981), 953
Mieske v. Bartell Drug Co., 92 Wash.2d 40, 593 P.2d 1308 (Wash.1979), 669
Milau Associates v. North Ave. Development Corp., 398 N.Y.S.2d 882, 368 N.E.2d 1247 (N.Y.1977), 829
Milicic v. Basketball Marketing Co., Inc., 857 A.2d 689 (Pa.Super.2004), 314
Mills v. Wyman, 20 Mass. 207 (Mass.1825), **50**
Mineral Park Land Co. v. Howard, 172 Cal. 289, 156 P. 458 (Cal.1916), **821**
Minneapolis & St. Louis Railway Co. v. Columbus Rolling–Mill Co., 119 U.S. 149, 7 S.Ct. 168, 30 L.Ed. 376 (1886), 189
Mishara Const. Co. v. Transit–Mixed Concrete Corp., 365 Mass. 122, 310 N.E.2d 363 (Mass.1974), 845
Mitchell v. Mizerski, 1995 WL 118429 (Neb. App.1995), 315
Mitchell–Huntley Cotton Co., Inc. v. Waldrep, 377 F.Supp. 1215 (N.D.Ala.1974), 587
Mitchill v. Lath, 247 N.Y. 377, 160 N.E. 646 (N.Y.1928), 377
Mitsubishi Goshi Kaisha v. J. Aron & Co., 16 F.2d 185 (2nd Cir.1926), 731
Mitzel v. Hauck, 78 S.D. 543, 105 N.W.2d 378 (S.D.1960), 123
M.K.C. Equipment Co. v. M.A.I.L. Code, Inc., 843 F.Supp. 679 (D.Kan.1994), 199
Mobil Oil Exploration & Producing Southeast v. United States, 530 U.S. 604, 120 S.Ct. 2423, 147 L.Ed.2d 528 (2000), 20
Monarco v. Lo Greco, 35 Cal.2d 621, 220 P.2d 737 (Cal.1950), **305**
Monge v. Beebe Rubber Co., 114 N.H. 130, 316 A.2d 549 (N.H.1974), 562
Morin Bldg. Products Co., Inc. v. Baystone Const., Inc., 717 F.2d 413 (7th Cir.1983), 706

Morris v. Sparrow, 225 Ark. 1019, 287 S.W.2d 583 (Ark.1956), **593**
Morrisette v. Wood, 123 Ala. 384, 26 So. 307 (Ala.1899), 108
Morton v. Lamb, 101 Eng.Rep. 890 (K.B. 1797), 722
Moses v. Macferlan, 97 Eng.Rep. 676 (K.B. 1760), 322
Moulton v. Kershaw, 59 Wis. 316, 18 N.W. 172 (Wis.1884), 133
Mounds View, City of v. Walijarvi, 263 N.W.2d 420 (Minn.1978), 829
Mursch v. Van Dorn Co., 851 F.2d 990 (7th Cir.1988), 562

Nanakuli Paving & Rock Co. v. Shell Oil Co., 664 F.2d 772 (9th Cir.1981), **410**
Nassau Sports v. Peters, 352 F.Supp. 870 (E.D.N.Y.1972), 596
National Recruiters, Inc. v. Cashman, 323 N.W.2d 736 (Minn.1982), 64
Nedwick Steel Co., In re, 289 B.R. 95 (Bkrtcy. N.D.Ill.2003), 924
Nelson, Estate of v. Rice, 198 Ariz. 563, 12 P.3d 238 (Ariz.App. Div. 2 2000), 817
Neves v. Wright, 638 P.2d 1195 (Utah 1981), 766
New England Structures, Inc. v. Loranger, 354 Mass. 62, 234 N.E.2d 888 (Mass. 1968), **762**
Newman v. Schiff, 778 F.2d 460 (8th Cir. 1985), 170
New York Bank Note Co. v. Hamilton Bank Note Engraving & Printing Co., 180 N.Y. 280, 73 N.E. 48 (N.Y.1905), 919
New York Football Giants, Inc. v. Los Angeles Chargers Football Club, Inc., 291 F.2d 471 (5th Cir.1961), 596
Nez Perce Tribe of Indians v. United States, 176 Ct.Cl. 815 (Ct.Cl.1966), 507
Noble v. Bruce, 349 Md. 730, 709 A.2d 1264 (Md.1998), 907
Nobs Chemical, U.S.A., Inc. v. Koppers Co., Inc., 616 F.2d 212 (5th Cir.1980), 637
Nolan v. Whitney, 88 N.Y. 648 (N.Y.1882), 708
Norcon Power Partners v. Niagara Mohawk Power Corp., 682 N.Y.S.2d 664, 705 N.E.2d 656 (N.Y.1998), **799**
Norrington v. Wright, 115 U.S. 188, 6 S.Ct. 12, 29 L.Ed. 366 (1885), 766
Northern Delaware Indus. Development Corp. v. E. W. Bliss Co., 245 A.2d 431 (Del.Ch.1968), 601
Northern Indiana Public Service Co. v. Carbon County Coal Co., 799 F.2d 265 (7th Cir.1986), **866**
North Gate Corp. v. National Food Stores, Inc., 30 Wis.2d 317, 140 N.W.2d 744 (Wis. 1966), 398, 399
North Kansas City, City of v. Sharp, 414 F.2d 359 (8th Cir.1969), 919
North Pacific Lumber Co. v. Oliver, 286 Or. 639, 596 P.2d 931 (Or.1979), 548
Northrop Corp. v. Litronic Industries, 29 F.3d 1173 (7th Cir.1994), 202
Northwest Lumber Sales, Inc. v. Continental Forest Products, Inc., 261 Or. 480, 495 P.2d 744 (Or.1972), 699
Norton v. Haggett, 117 Vt. 130, 85 A.2d 571 (Vt.1952), 937
Nuijens v. Novy, 144 Misc.2d 453, 543 N.Y.S.2d 887 (N.Y.Just.Ct.1989), 8

Oblix v. Winiecki, 374 F.3d 488 (7th Cir. 2004), 467, 514
O'Callaghan v. Waller & Beckwith Realty Co., 15 Ill.2d 436, 155 N.E.2d 545 (Ill.1958), **467**
Ocean Tramp Tankers Corp. v. V/O Sovfracht (The Eugenia), [1964] 2 Q.B. 226 (C.A. 1963), 837
O'Day v. McDonnell Douglas Helicopter Co., 191 Ariz. 535, 959 P.2d 792 (Ariz.1998), 748
Odorizzi v. Bloomfield School Dist., 246 Cal.App.2d 123, 54 Cal.Rptr. 533 (Cal. App. 2 Dist.1966), **346**
Oglebay Norton Co. v. Armco, Inc., 52 Ohio St.3d 232, 556 N.E.2d 515 (Ohio 1990), **252**
Olds v. Mapes–Reeves Const. Co., 177 Mass. 41, 58 N.E. 478 (Mass.1900), 618
Olson v. Etheridge, 177 Ill.2d 396, 226 Ill. Dec. 780, 686 N.E.2d 563 (Ill.1997), 914
Olympia Hotels Corp. v. Johnson Wax Development Corp., 908 F.2d 1363 (7th Cir. 1990), 367, 538
Oneal v. Colton Consol. School Dist. No. 306, 16 Wash.App. 488, 557 P.2d 11 (Wash. App. Div. 3 1976), 828
Opera Company v. Wolf Trap Foundation, 817 F.2d 1094 (4th Cir.1987), 838
Oppenheimer & Co. v. Oppenheim, Appel, Dixon & Co., 636 N.Y.S.2d 734, 660 N.E.2d 415 (N.Y.1995), 727
Orff v. United States, 358 F.3d 1137 (9th Cir.2004), 896
Ortelere v. Teachers' Retirement Bd., 303 N.Y.S.2d 362, 250 N.E.2d 460 (N.Y. 1969), **316**
Ortiz v. Rental Management, Inc., 65 F.3d 335 (3rd Cir.1995), 503
Ostrowe v. Darensbourg, 377 So.2d 1201 (La. 1979), 671
Oswald v. Allen, 417 F.2d 43 (2nd Cir.1969), 424
Overhauser v. United States, 45 F.3d 1085 (7th Cir.1995), 396
Overstreet v. Norden Laboratories, 669 F.2d 1286 (6th Cir.1982), 618
Owen v. Tunison, 131 Me. 42, 158 A. 926 (Me.1932), **127**
Owen, In re, 62 N.C.App. 506, 303 S.E.2d 351 (N.C.App.1983), 32
Oxendine v. Overturf, 973 P.2d 417 (Utah 1999), 907
Ozier v. Haines, 411 Ill. 160, 103 N.E.2d 485 (Ill.1952), 264, 305

Pace Communications, Inc. v. Moonlight Design, Inc., 31 F.3d 587 (7th Cir.1994), 202
Pacelli v. Pacelli, 319 N.J.Super. 185, 725 A.2d 56 (N.J.Super.A.D.1999), 324
Pacific Gas & Elec. Co. v. G.W. Thomas Drayage & Rigging Co., 69 Cal.2d 33, 69 Cal.Rptr. 561, 442 P.2d 641 (Cal.1968), **382**
Paniaguas v. Endor, Inc., 847 N.E.2d 967 (Ind.App.2006), 916
Paradin v. Jane, Aleyn 26, 82 Eng.Rep. 897 (K.B.1647), 824
Paragon Resources, Inc. v. National Fuel Gas Distribution Corp., 695 F.2d 991 (5th Cir. 1983), 401
Parker v. Twentieth Century–Fox Film Corp., 89 Cal.Rptr. 737, 474 P.2d 689 (Cal.1970), **638**
Parma Tile Mosaic & Marble v. Estate of Short, 640 N.Y.S.2d 477, 663 N.E.2d 633 (N.Y.1996), 268
Parsons v. Bristol Development Co., 62 Cal.2d 861, 44 Cal.Rptr. 767, 402 P.2d 839 (Cal.1965), 401
Paschall's, Inc. v. Dozier, 219 Tenn. 45, 407 S.W.2d 150 (Tenn.1966), 112
Patel v. Telerent Leasing Corp., 574 So.2d 3 (Miss.1990), 757
Paternity of Cheryl, 434 Mass. 23, 746 N.E.2d 488 (Mass.2001), 356
Patterson v. Meyerhofer, 204 N.Y. 96, 97 N.E. 472 (N.Y.1912), 761
Patterson v. Walker–Thomas Furniture Co., 277 A.2d 111 (D.C.1971), 506
Patton v. Mid–Continent Systems, Inc., 841 F.2d 742 (7th Cir.1988), 22
Paul W. Abbott, Inc. v. Axel Newman Heating & Plumbing Co., 282 Minn. 493, 166 N.W.2d 323 (Minn.1969), 396
Peacock Const. Co. v. Modern Air Conditioning, Inc., 353 So.2d 840 (Fla.1977), **701**
Peck, United States v., 102 U.S. 64, 12 Otto 64, 26 L.Ed. 46 (1880), 758
Peevyhouse v. Garland Coal & Min. Co., 382 P.2d 109 (Okla.1962), **653**
Pennsylvania Academy of Fine Arts v. Grant, 404 Pa.Super. 62, 590 A.2d 9 (Pa.Super.1991), 187
Pennsylvania Exchange Bank v. United States, 145 Ct.Cl. 216, 170 F.Supp. 629 (Ct.Cl.1959), 735
Pentinen v. Retirement System, 60 A.D.2d 366, 401 N.Y.S.2d 587 (N.Y.A.D. 3 Dept. 1978), 318
People v. _____ (see opposing party)
Pepsi–Cola Bottling Co. of Pittsburg v. Pepsico, Inc., 2006 WL 925606 (10th Cir.2006), 894
Perry v. Command Performance, 913 F.2d 99 (3rd Cir.1990), 156
Pervel Industries, Inc. v. T M Wallcovering, Inc., 871 F.2d 7 (2nd Cir.1989), 211
Petterson v. Pattberg, 248 N.Y. 86, 161 N.E. 428 (N.Y.1928), 722
Phillippe v. Shapell Industries, 241 Cal.Rptr. 22, 743 P.2d 1279 (Cal.1987), 262
Phillips v. Hooker, 62 N.C. 193 (N.C.1867), 551
Phillpotts v. Evans, 151 Eng.Rep. 200 (Exchequer 1839), 783
Piccoli A/S v. Calvin Klein Jeanswear Co., 19 F.Supp.2d 157 (S.D.N.Y.1998), 893
Pichly v. Nortech Waste LLC, 105 Cal. Rptr.2d 21 (Cal.App. 3 Dist.2001), 515
Pillans and Rose v. Van Mierop and Hopkins, 97 Eng.Rep. 1035 (K.B.1765), 87
Pinedo v. Premium Tobacco, 102 Cal.Rptr.2d 435 (Cal.App. 2 Dist.2000), 514
Pine River State Bank v. Mettille, 333 N.W.2d 622 (Minn.1983), 65
Pinnel's Case, 77 Eng.Rep. 237 (1602), 336
Pittsburgh–Des Moines Steel Co. v. Brookhaven Manor Water Co., 532 F.2d 572 (7th Cir.1976), **795**
Plante v. Jacobs, 10 Wis.2d 567, 103 N.W.2d 296 (Wis.1960), **728**
Plunkett v. Comstock–Cheney Co., 211 A.D. 737, 208 N.Y.S. 93 (N.Y.A.D. 1 Dept. 1925), 780
Power Engineering & Mfg. v. Krug Intern., 501 N.W.2d 490 (Iowa 1993), 866
Powers v. Detroit Auto. Inter–Insurance Exchange, 427 Mich. 602, 398 N.W.2d 411 (Mich.1986), 475
Precision Testing Laboratories, Ltd. v. Kenyon Corp., 644 F.Supp. 1327 (S.D.N.Y. 1986), 229
Prenalta Corp. v. Colorado Interstate Gas Co., 944 F.2d 677 (10th Cir.1991), 689
Prince v. Miller Brewing Co., 434 S.W.2d 232 (TexCivApp.-Hous (1 Dist.) 1968), 543
Prins v. Van Der Vlugt, 215 Or. 682, 337 P.2d 787 (Or.1959), 539
Printing Center of Texas, Inc. v. Supermind Pub. Co., Inc., 669 S.W.2d 779 (Tex.App.-Hous. (14 Dist.) 1984), 733
ProCD v. Zeidenberg, 86 F.3d 1447 (7th Cir.1996), 32, **211**
PSI Energy v. Exxon Coal USA, 17 F.3d 969 (7th Cir.1994), 245, 256
Pyeatte v. Pyeatte, 135 Ariz. 346, 661 P.2d 196 (Ariz.App. Div. 1 1982), 113

RaDec Const. v. School Dist. No. 17, 248 Neb. 338, 535 N.W.2d 408 (Neb.1995), 707
Raffles v. Wichelhaus, 2 H. & C. 906, 159 Eng.Rep. 375 (Exchequer 1864), **422**
Ragosta v. Wilder, 156 Vt. 390, 592 A.2d 367 (Vt.1991), **177**
Ralston v. Mathew, 173 Kan. 550, 250 P.2d 841 (Kan.1952), 46
Ramadan v. Chase Manhattan Corp., 229 F.3d 194 (3rd Cir.2000), 954
Ram Const. Co., Inc. v. American States Ins. Co., 749 F.2d 1049 (3rd Cir.1984), 401
Rann v. Hughes, 101 Eng.Rep. 1014 (1778), 87
Rash v. J.V. Intermediate, Ltd., 498 F.3d 1201 (10th Cir.2007), 277

Rathke v. Corrections Corp. of America, Inc., 153 P.3d 303 (Alaska 2007), **897**
Raymundo v. Hammond Clinic Ass'n, 449 N.E.2d 276 (Ind.1983), 334
Reaction Molding Technologies, Inc. v. General Elec. Co., 588 F.Supp. 1280 (E.D.Pa. 1984), 203
Reagan Outdoor Advertising, Inc. v. Lundgren, 692 P.2d 776 (Utah 1984), 277
Rebaque v. Forsythe Racing Inc., 134 Ill. App.3d 778, 89 Ill.Dec. 595, 480 N.E.2d 1338 (Ill.App. 1 Dist.1985), 203
Recker v. Gustafson, 279 N.W.2d 744 (Iowa 1979), 330
R.E. Davis Chemical Corp. v. Diasonics, Inc., 924 F.2d 709 (7th Cir.1991), 624
R.E. Davis Chemical Corp. v. Diasonics, Inc., 826 F.2d 678 (7th Cir.1987), **619**
Redgrave v. Boston Symphony Orchestra, Inc., 855 F.2d 888 (1st Cir.1988), 669
Redgrave v. Boston Symphony Orchestra, Inc., 602 F.Supp. 1189 (D.Mass.1985), 668
Rednour v. JC & P Partnership, 996 P.2d 487 (Okla.Civ.App. Div. 1 1999), 904
Renner v. Kehl, 150 Ariz. 94, 722 P.2d 262 (Ariz.1986), **811**
Rexford Funding, LLC v. JVS Powersports USA, Inc., 2007 WL 2822771 (W.D.Mich. 2007), 933
Reynolds v. Sullivan, 136 Vt. 1, 383 A.2d 609 (Vt.1978), 249
Reynolds Metals Co. v. United States, 438 F.2d 983 (Ct.Cl.1971), 251
Reynolds Metals Co. v. Westinghouse Elec. Corp., 758 F.2d 1073 (5th Cir.1985), 661
R.G. Pope Const. Co., Inc. v. Guard Rail of Roanoke, Inc., 219 Va. 111, 244 S.E.2d 774 (Va.1978), 758
Richard v. Richard, 900 A.2d 1170 (R.I. 2006), **280**
Richardson Lumber Co. v. Hoey, 219 Mich. 643, 189 N.W. 923 (Mich.1922), 879
Rich and Whillock, Inc. v. Ashton Development, Inc., 157 Cal.App.3d 1154, 204 Cal. Rptr. 86 (Cal.App. 4 Dist.1984), 23
Rickett v. Doze, 184 Mont. 456, 603 P.2d 679 (Mont.1979), 330
Ricketts v. Pennsylvania R. Co., 153 F.2d 757 (2nd Cir.1946), 117
Ricketts v. Scothorn, 57 Neb. 51, 77 N.W. 365 (Neb.1898), **89**
Ridley Inv. Co. v. Croll, 56 Del. 209, 192 A.2d 925 (Del.Supr.1963), 811
Rivera v. Reading Housing Authority, 819 F.Supp. 1323 (E.D.Pa.1993), 314
Rizzolo v. Poysher, 99 A. 390 (N.J.Err. & App.1916), 708
R.L. Kimsey Cotton Co., Inc. v. Ferguson, 233 Ga. 962, 214 S.E.2d 360 (Ga.1975), 689
Roach v. Atlas Life Ins. Co., 769 P.2d 158 (Okla.1989), 904
Robinhorne Const. Corp. v. Snyder, 47 Ill.2d 349, 265 N.E.2d 670 (Ill.1970), 395
Rochkind v. Jacobson, 126 A.D. 357, 110 N.Y.S. 583 (N.Y.A.D. 2 Dept.1908), 731
Rockingham County v. Luten Bridge Co., 35 F.2d 301 (4th Cir.1929), **630**
Rockwell Intern. Corp. v. United States, ___ U.S. ___, 127 S.Ct. 1397, 167 L.Ed.2d 190 (2007), 464
Roehm v. Horst, 178 U.S. 1, 20 S.Ct. 780, 44 L.Ed. 953 (1900), 783
Rosewood Care Center, Inc. v. Caterpillar, Inc., 226 Ill.2d 559, 315 Ill.Dec. 762, 877 N.E.2d 1091 (Ill.2007), 301
Rothenberg v. Lincoln Farm Camp, Inc., 755 F.2d 1017 (2nd Cir.1985), 843
Roth Steel Products v. Sharon Steel Corp., 705 F.2d 134 (6th Cir.1983), 269
Rubenstein v. Rubenstein, 20 N.J. 359, 120 A.2d 11 (N.J.1956), 335
Ruxley Electronics & Construction Ltd. v. Forsyth, [1995] 3 W.L.R. 118 (H.L.1995), 648
Rye v. Phillips, 203 Minn. 567, 282 N.W. 459 (Minn.1938), 337

S.A. Healy Co. v. Milwaukee Metropolitan Sewerage Dist., 50 F.3d 476 (7th Cir. 1995), 643
Sally Beauty Co. v. Nexxus Products Co., 801 F.2d 1001 (7th Cir.1986), **919**
Saporoso v. Aetna Life & Cas. Co., 221 Conn. 356, 603 A.2d 1160 (Conn.1992), 672
Sayres v. Bauman, 188 W.Va. 550, 425 S.E.2d 226 (W.Va.1992), 248
Sazerac Co. v. Falk, 861 F.Supp. 253 (S.D.N.Y.1994), 894
Scher Enterprises, Inc. v. Bronco Wine Co., 178 F.Supp.2d 780 (E.D.Mich.2001), 925
Schiavi Mobile Homes, Inc. v. Gironda, 463 A.2d 722 (Me.1983), 644
Schilling, State ex rel. v. Baird, 65 Wis.2d 394, 222 N.W.2d 666 (Wis.1974), 617
Schneberger v. Apache Corp., 890 P.2d 847 (Okla.1994), 656
Schott v. Westinghouse Elec. Corp., 436 Pa. 279, 259 A.2d 443 (Pa.1969), 110
Schwartzreich v. Bauman–Basch, 231 N.Y. 196, 131 N.E. 887 (N.Y.1921), 329
Scituate Sav. Bank, Commonwealth v., 137 Mass. 301 (Mass.1884), 91
Scott v. Cingular Wireless, 160 Wash.2d 843, 161 P.3d 1000 (Wash.2007), **516**
Scott & Sons v. Del Sel, 1922 Sess.Cas. 592 (H.L. 1923), 828
Scott Eden Management v. Kavovit, 149 Misc.2d 262, 563 N.Y.S.2d 1001 (N.Y.Sup. 1990), 315
Seacoast Gas Co., United States v., 204 F.2d 709 (5th Cir.1953), **790**
Seaman's Direct Buying Service v. Standard Oil Co. of California, 206 Cal.Rptr. 354, 686 P.2d 1158 (Cal.1984), 26
Seaver v. Ransom, 224 N.Y. 233, 120 N.E. 639 (N.Y.1918), **888**
S.E.C. v. Texas Gulf Sulphur Co., 446 F.2d 1301 (2nd Cir.1971), 353
Seckinger, United States v., 397 U.S. 203, 90 S.Ct. 880, 25 L.Ed.2d 224 (1970), 399

Security Stove & Mfg. Co. v. American Ry. Express Co., 227 Mo.App. 175, 51 S.W.2d 572 (Mo.App.1932), 629
Sedmak v. Charlie's Chevrolet, Inc., 622 S.W.2d 694 (Mo.App. E.D.1981), 592
Seitz v. Mark–O–Lite Sign Contractors, Inc., 210 N.J.Super. 646, 510 A.2d 319 (N.J.Super.L.1986), 844
Seixas v. Woods, 2 Cai. R. 48 (N.Y.Sup.1804), 433
Selland Pontiac–GMC, Inc. v. King, 384 N.W.2d 490 (Minn.App.1986), **839**
Selmer Co. v. Blakeslee–Midwest Co., 704 F.2d 924 (7th Cir.1983), 335
Septembertide Pub., B.V. v. Stein & Day, Inc., 884 F.2d 675 (2nd Cir.1989), 912
Sereboff v. Mid Atlantic Medical Services, Inc., 547 U.S. 356, 126 S.Ct. 1869, 164 L.Ed.2d 612 (2006), 931
Servomation Mathias, Inc. v. Englert, 333 F.Supp. 9 (M.D.Pa.1971), 397
Sethness–Greenleaf v. Green River Corp., 65 F.3d 64 (7th Cir.1995), 712
Shaffer v. Superior Court, 39 Cal.Rptr.2d 506 (Cal.App. 2 Dist.1995), 507
Sharon Steel Corp. v. Chase Manhattan Bank, 691 F.2d 1039 (2nd Cir.1982), 191
Shear v. National Rifle Ass'n, 606 F.2d 1251 (D.C.Cir.1979), 709
Shea–S&M Ball v. Massman–Kiewit–Early, 606 F.2d 1245 (D.C.Cir.1979), 643
Sheets v. Teddy's Frosted Foods, 179 Conn. 471, 427 A.2d 385 (Conn.1980), **562**
Shell Oil Co. v. Marinello, 63 N.J. 402, 307 A.2d 598 (N.J.1973), 508
Sherwood v. Walker, 66 Mich. 568, 33 N.W. 919 (Mich.1887), 815
Shields v. Gross, 461 N.Y.S.2d 254, 448 N.E.2d 108 (N.Y.1983), 315
Shiro v. Drew, 174 F.Supp. 495 (D.Me.1959), 930
Shrum v. Zeltwanger, 559 P.2d 1384 (Wyo. 1977), 406
Shubin v. William Lyon Homes, Inc., 101 Cal.Rptr.2d 390 (Cal.App. 1 Dist.2000), 515
Shuey v. United States, 92 U.S. 73, 2 Otto 73, 23 L.Ed. 697 (1875), 175
Siegel v. Spear & Co., 234 N.Y. 479, 138 N.E. 414 (N.Y.1923), 92
Silsbee v. Webber, 171 Mass. 378, 50 N.E. 555 (Mass.1898), 345
Silverman v. Bernot, 218 Va. 650, 239 S.E.2d 118 (Va.1977), 277
Simeone v. First Bank Nat. Ass'n, 73 F.3d 184 (8th Cir.1996), 644
Simeone v. Simeone, 525 Pa. 392, 581 A.2d 162 (Pa.1990), **571**
Simmons v. Mobil Oil Corp., 29 F.3d 505 (9th Cir.1994), 509
Simmons v. United States, 308 F.2d 160 (4th Cir.1962), 67
Sirkin v. Fourteenth St. Store, 124 A.D. 384, 108 N.Y.S. 830 (N.Y.A.D. 1 Dept.1908), 553
Smith v. Zimbalist, 2 Cal.App.2d 324, 38 P.2d 170 (Cal.App. 2 Dist.1934), 821
Songbird Jet Ltd. v. Amax, Inc., 581 F.Supp. 912 (S.D.N.Y.1984), 228
Sons of Thunder, Inc. v. Borden, Inc., 148 N.J. 396, 690 A.2d 575 (N.J.1997), 543
South Carolina Elec. and Gas Co. v. Combustion Engineering, Inc., 283 S.C. 182, 322 S.E.2d 453 (S.C.App.1984), **441**
Southern Painting Co. v. United States, 222 F.2d 431 (10th Cir.1955), 629
Southwest Engineering Co. v. United States, 341 F.2d 998 (8th Cir.1965), 689
Southworth v. Oliver, 284 Or. 361, 587 P.2d 994 (Or.1978), 128, 129
Spang Indus., Inc. v. Aetna Casualty & Surety Co., 512 F.2d 365 (2nd Cir.1975), 669
Sparks v. St. Paul Ins. Co., 100 N.J. 325, 495 A.2d 406 (N.J.1985), 475
Spearin, United States v., 248 U.S. 132, 54 Ct.Cl. 187, 39 S.Ct. 59, 63 L.Ed. 166 (1918), 811
Spence v. Ham, 163 N.Y. 220, 57 N.E. 412 (N.Y.1900), 731
Spiklevitz v. Markmil Corp., 136 Mich.App. 587, 357 N.W.2d 721 (Mich.App.1984), 891
Spooner v. Reserve Life Ins. Co., 47 Wash.2d 454, 287 P.2d 735 (Wash.1955), 124
St. Ansgar Mills, Inc. v. Streit, 613 N.W.2d 289 (Iowa 2000), **289**
State v. _____ (see opposing party)
State ex rel. v. _____ (see opposing party and relator)
State Farm Ins. Co., United States v., 2008 WL 2130314 (S.D.Miss.2008), 464
State of (see name of state)
Stees v. Leonard, 20 Minn. 494 (Minn. 1874), **808**
Steinberg v. Chicago Medical School, 69 Ill.2d 320, 13 Ill.Dec. 699, 371 N.E.2d 634 (Ill. 1977), 161
Steiner v. Mobil Oil Corp., 141 Cal.Rptr. 157, 569 P.2d 751 (Cal.1977), 203
Step–Saver Data Systems, Inc. v. Wyse Technology, 939 F.2d 91 (3rd Cir.1991), **206**
Steuart v. McChesney, 498 Pa. 45, 444 A.2d 659 (Pa.1982), 398
Stewart v. C & C Excavating & Const. Co., 877 F.2d 711 (8th Cir.1989), 757
Stewart v. Newbury, 220 N.Y. 379, 115 N.E. 984 (N.Y.1917), **719**
Stone v. Freeman, 298 N.Y. 268, 82 N.E.2d 571 (N.Y.1948), 311
Stonewood Hotel v. Seven Seas, Inc., 452 N.W.2d 94 (N.D.1990), 184
Stowe v. Smith, 184 Conn. 194, 441 A.2d 81 (Conn.1981), 901, 907, 908
St. Paul Structural Steel Co. v. ABI Contracting, Inc., 364 N.W.2d 83 (N.D.1985), 199, 661
Stangborough v. Warner, 4 Leo. 3 (Q.B.1588), 31

Strickland, State v., 42 Md.App. 357, 400 A.2d 451 (Md.App.1979), 552
Strong v. Sheffield, 144 N.Y. 392, 39 N.E. 330 (N.Y.1895), **69**
Subaru Distributors Corp. v. Subaru of America, Inc., 425 F.3d 119 (2nd Cir. 2005), 894
Sullivan v. O'Connor, 363 Mass. 579, 296 N.E.2d 183 (Mass.1973), 3, **14**
Sundance Cruises Corp. v. American Bureau of Shipping, 7 F.3d 1077 (2nd Cir.1993), 661
Sun Oil Co. v. Vickers Refining Co., 414 F.2d 383 (8th Cir.1969), 399
Swift Canadian Co. v. Banet, 224 F.2d 36 (3rd Cir.1955), **858**
Swinton v. Whitinsville Sav. Bank, 311 Mass. 677, 42 N.E.2d 808 (Mass.1942), **353**
Swiss Bank Corp. v. Dresser Industries, 141 F.3d 689 (7th Cir.1998), 776
Systran Financial Services Corp. v. Giant Cement Holding, Inc., 252 F.Supp.2d 500 (N.D.Ohio 2003), 942

Taft v. Hyatt, 105 Kan. 35, 180 P. 213 (Kan. 1919), 66
Tamarac Development Co., Inc. v. Delamater, Freund & Associates, P.A., 234 Kan. 618, 675 P.2d 361 (Kan.1984), 829
Taylor v. Caldwell, 3 B. & S. 826, 122 Eng.Rep. 309 (K.B.1863), **825**
Teachers Ins. & Annuity Ass'n v. Tribune Co., 670 F.Supp. 491 (S.D.N.Y.1987), 239
Tenavision, Inc. v. Neuman, 408 N.Y.S.2d 36, 379 N.E.2d 1166 (N.Y.1978), 765
Tessmann v. Tiger Lee Const. Co., 228 Conn. 42, 634 A.2d 870 (Conn.1993), 648
Texaco, Inc. v. Pennzoil Co., 729 S.W.2d 768 (Tex.App.-Hous. (1 Dist.) 1987), 125
The Bible Speaks, In re, 869 F.2d 628 (1st Cir.1989), 351
The Bremen v. Zapata Off–Shore Co., 407 U.S. 1, 92 S.Ct. 1907, 32 L.Ed.2d 513 (1972), 480
Thomas v. LaRosa, 184 W.Va. 374, 400 S.E.2d 809 (W.Va.1990), 556
Thomas v. Thomas, 2 Q.B. 851, 114 Eng.Rep. 330 (Q.B.1842), 38
Tidwell v. Critz, 248 Ga. 201, 282 S.E.2d 104 (Ga.1981), 335
Tigg Corp. v. Dow Corning Corp., 962 F.2d 1119 (3rd Cir.1992), 538
Tongish v. Thomas, 251 Kan. 728, 840 P.2d 471 (Kan.1992), **633**
Top of Iowa Co-op. v. Sime Farms, Inc., 608 N.W.2d 454 (Iowa 2000), 798
Totem Marine Tug & Barge v. Alyeska Pipeline Service Co., 584 P.2d 15 (Alaska 1978), 345
Towne v. Eisner, 245 U.S. 418, 38 S.Ct. 158, 62 L.Ed. 372 (1918), 382
Town Planning & Engineering Associates, Inc. v. Amesbury Specialty Co., 369 Mass. 737, 342 N.E.2d 706 (Mass.1976), 555
Toys, Inc. v. F.M. Burlington Co., 155 Vt. 44, 582 A.2d 123 (Vt.1990), 249
Trade–Winds Environmental Restoration, Inc. v. Stewart, 2008 WL 236891 (E.D.La. 2008), 555
Transatlantic Financing Corp. v. United States, 363 F.2d 312 (D.C.Cir.1966), **830**
Trans World Metals, Inc. v. Southwire Co., 769 F.2d 902 (2nd Cir.1985), 637
Trident Center v. Connecticut General Life Ins. Co., 847 F.2d 564 (9th Cir. 1988), **392**
Trompler v. NLRB, 338 F.3d 747 (7th Cir. 2003), 327
Trovese v. O'Meara, 493 N.W.2d 221 (S.D. 1992), 276
Trubowitch v. Riverbank Canning Co., 30 Cal.2d 335, 182 P.2d 182 (Cal.1947), 934, 937
Trustees of Net Realty v. AVCO Financial Services, 147 Vt. 472, 520 A.2d 981 (Vt. 1986), 250
Tsakiroglou & Co. v. Noblee Thorl G.m.b.H., [1960] 2 Q.B. 3182 (C.A.1960), 852
Tuckwiller v. Tuckwiller, 413 S.W.2d 274 (Mo.1967), **458**
Turner–Schraeter v. Brighton Travel Bureau, 258 A.D.2d 393, 685 N.Y.S.2d 692 (N.Y.A.D. 1 Dept.1999), 688
Turntables, Inc. v. Gestetner, 52 A.D.2d 776, 382 N.Y.S.2d 798 (N.Y.A.D. 1 Dept.1976), 795
Tusa v. Roffe, 791 So.2d 512 (Fla.App. 4 Dist.2001), 900
Tweddle v. Atkinson, 121 Eng.Rep. 762 (Q.B. 1861), 880
Tyra v. Cheney, 129 Minn. 428, 152 N.W. 835 (Minn.1915), 144

Ultramares Corporation v. Touche, 255 N.Y. 170, 174 N.E. 441 (N.Y.1931), 895
Undersea Engineering & Const. Co. v. International Tel. & Tel. Corp., 429 F.2d 543 (9th Cir.1970), 323
Unico v. Owen, 50 N.J. 101, 232 A.2d 405 (N.J.1967), 948
Unihealth v. United States Healthcare, Inc., 14 F.Supp.2d 623 (D.N.J.1998), 879
Union Carbide Corp. v. Oscar Mayer Foods Corp., 947 F.2d 1333 (7th Cir.1991), 199
Union Pacific R. Co. v. Public Service Commission, 248 U.S. 67, 39 S.Ct. 24, 63 L.Ed. 131 (1918), 335
United California Bank v. Prudential Ins. Co., 140 Ariz. 238, 681 P.2d 390 (Ariz. App. Div. 1 1983), 752
United Kingdom Ministry of Defence v. Trimble Navigation Ltd., 422 F.3d 165 (4th Cir.2005), 892
United States v. _____ (see opposing party)
United States Claims, Inc. v. Flomenhaft & Cannata, LLC, 519 F.Supp.2d 515 (E.D.Pa.2006), 956
United States ex rel. v. _____ (see opposing party and relator)

United States for Use and Benefit of Crane Co. v. Progressive Enterprises, Inc., 418 F.Supp. 662 (E.D.Va.1976), 345
United States Naval Institute v. Charter Communications, Inc., 936 F.2d 692 (2nd Cir.1991), **9**
Universal Builders, Inc. v. Moon Motor Lodge, Inc., 430 Pa. 550, 244 A.2d 10 (Pa.1968), 381
Unke v. Thorpe, 75 S.D. 65, 59 N.W.2d 419 (S.D.1953), 847

Valtrol, Inc. v. General Connectors Corp., 884 F.2d 149 (4th Cir.1989), 203
Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex.1984), 727
Vantage Technology v. Cross, 17 S.W.3d 637 (Tenn.Ct.App.1999), 396
Van Valkenburgh, Nooger & Neville, Inc. v. Hayden Pub. Co., 330 N.Y.S.2d 329, 281 N.E.2d 142 (N.Y.1972), 538
Varney v. Ditmars, 217 N.Y. 223, 111 N.E. 822 (N.Y.1916), 246
Vaskie v. West American Ins. Co., 383 Pa.Super. 76, 556 A.2d 436 (Pa.Super.1989), 169
Vastoler v. American Can Co., 700 F.2d 916 (3rd Cir.1983), 96
Ventura v. Titan Sports, Inc., 65 F.3d 725 (8th Cir.1995), 113
Venture Associates Corp. v. Zenith Data Systems Corp., 96 F.3d 275 (7th Cir.1996), 245
Verni v. Cleveland Chiropractic College, 212 S.W.3d 150 (Mo.2007), **905**
Vernon Fire & Cas. Ins. Co. v. Sharp, 264 Ind. 599, 349 N.E.2d 173 (Ind.1976), 26
Victoria Laundry (Windsor) v. Newman Industries, 2 K.B. 528 (1949), 660
Villa Milano Homeowners Ass'n v. Il Davorge, 102 Cal.Rptr.2d 1 (Cal.App. 4 Dist. 2000), 514
Vines v. Orchard Hills, Inc., 181 Conn. 501, 435 A.2d 1022 (Conn.1980), 745
Virtue v. Bird, 84 Eng.Rep. 1000, 86 Eng. Rep. 200 (K.B.1678), 629
Vitex Mfg. Corp. v. Caribtex Corp., 377 F.2d 795 (3rd Cir.1967), **609**
Vokes v. Arthur Murray, Inc., 212 So.2d 906 (Fla.App. 2 Dist.1968), **362**
Voorhees v. Guyan Machinery Co., 191 W.Va. 450, 446 S.E.2d 672 (W.Va.1994), 643

Wachtel v. National Alfalfa Journal Co., 190 Iowa 1293, 176 N.W. 801 (Iowa 1920), 673
Wagenseller v. Scottsdale Memorial Hosp., 147 Ariz. 370, 710 P.2d 1025 (Ariz.1985), 545
Wagner v. Graziano Const. Co., 390 Pa. 445, 136 A.2d 82 (Pa.1957), 380
Walgreen Co. v. Sara Creek Property Co., 966 F.2d 273 (7th Cir.1992), **602**
Walker & Co. v. Harrison, 347 Mich. 630, 81 N.W.2d 352 (Mich.1957), **748**
Wallace v. United Grain Growers Ltd., 152 D.L.R.4th 1 (S.C.C.1997), 571
Ward Development Co. v. Ingrao, 63 Md.App. 645, 493 A.2d 421 (Md.App.1985), 364
Warder & Lee Elevator, Inc. v. Britten, 274 N.W.2d 339 (Iowa 1979), 295
Warner–Lambert Pharmaceutical v. John J. Reynolds, Inc., 178 F.Supp. 655 (S.D.N.Y. 1959), 542
Washington Mut. Finance Group, LLC v. Bailey, 364 F.3d 260 (5th Cir.2004), 477
Wassenaar v. Panos, 111 Wis.2d 518, 331 N.W.2d 357 (Wis.1983), 689
Wasserman v. Low, 143 Ariz. 4, 691 P.2d 716 (Ariz.App. Div. 1 1984), 817
Wasserman's Inc. v. Township of Middletown, 137 N.J. 238, 645 A.2d 100 (N.J. 1994), **680**
Wasserman Theatrical Enterprise v. Harris, 137 Conn. 371, 77 A.2d 329 (Conn.1950), 276, 829
Watkins & Son v. Carrig, 91 N.H. 459, 21 A.2d 591 (N.H.1941), **331**
Watts v. Watts, 137 Wis.2d 506, 405 N.W.2d 303 (Wis.1987), 115
Weathersby v. Gore, 556 F.2d 1247 (5th Cir. 1977), 587
Webb v. McGowin, 27 Ala.App. 82, 168 So. 196 (Ala.App.1935), **52**
Weiland Tool & Mfg. Co. v. Whitney, 44 Ill.2d 105, 251 N.E.2d 242 (Ill.1969), 400
Weintraub v. Krobatsch, 64 N.J. 445, 317 A.2d 68 (N.J.1974), 355
Wells Fargo Bank Minnesota, N.A. v. B.C.B.U., 49 Cal.Rptr.3d 324 (Cal.App. 4 Dist.2006), 945, 946
Westmount Country Club v. Kameny, 82 N.J.Super. 200, 197 A.2d 379 (N.J.Super.A.D.1964), 683
Whitby v. Whitby, 36 Tenn. 473 (Tenn.1857), 279
White v. Benkowski, 37 Wis.2d 285, 155 N.W.2d 74 (Wis.1967), **23**
White v. Corlies & Tift, 46 N.Y. 467 (N.Y. 1871), **152**
Wholesale Sand & Gravel v. Decker, 630 A.2d 710 (Me.1993), 765
Wilcox v. Wilcox, 406 S.W.2d 152 (Ky.1966), 407
Willey v. Willey, 180 Vt. 421, 912 A.2d 441 (Vt.2006), 259
William B. Tanner Co., Inc. v. Sparta–Tomah Broadcasting Co., Inc., 716 F.2d 1155 (7th Cir.1983), 542
Williams v. Curtin, 807 F.2d 1046 (D.C.Cir. 1986), 410
Williams v. Rank & Son Buick, Inc., 44 Wis.2d 239, 170 N.W.2d 807 (Wis.1969), 359
Williams v. Ubaldo, 670 A.2d 913 (Me.1996), 616, 712
Williams v. Walker–Thomas Furniture Co., 350 F.2d 445 (D.C.Cir.1965), **497**
Williams, United States v., 1997 WL 573379 (N.D.Ill.1997), 316

Wilson v. Los Angeles County Metropolitan Transp. Authority, 96 Cal.Rptr.2d 747, 1 P.3d 63 (Cal.2000), 234
Winegardner v. Burns, 361 So.2d 1054 (Ala. 1978), 327
Winstar Corp., United States v., 518 U.S. 839, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996), 839, 853
Winston v. Mediafare Entertainment Corp., 777 F.2d 78 (2nd Cir.1985), 124
Wisconsin Knife Works v. National Metal Crafters, 781 F.2d 1280 (7th Cir.1986), 381
Wisconsin & Michigan Ry. Co. v. Powers, 191 U.S. 379, 24 S.Ct. 107, 48 L.Ed. 229 (1903), 38
Wm. R. Clarke Corp. v. Safeco Ins. Co., 64 Cal.Rptr.2d 578, 938 P.2d 372 (Cal.1997), 704
Wood v. Boynton, 64 Wis. 265, 25 N.W. 42 (Wis.1885), 815
Wood v. Lucy, Lady Duff–Gordon, 222 N.Y. 88, 118 N.E. 214 (N.Y.1917), **83**
Woodcock, In re, 45 F.3d 363 (10th Cir.1995), 397
Worley v. Wyoming Bottling Co., Inc., 1 P.3d 615 (Wyo.2000), 65
WPC Enterprises, Inc. v. United States, 163 Ct.Cl. 1, 323 F.2d 874 (Ct.Cl.1963), 399
Wright v. Wright, 305 N.C. 345, 289 S.E.2d 347 (N.C.1982), 114
W.W.W. Associates, Inc. v. Giancontieri, 565 N.Y.S.2d 440, 566 N.E.2d 639 (N.Y.1990), 390
Wyatt v. Dishong, 127 Ill.App.3d 716, 83 Ill. Dec. 1, 469 N.E.2d 608 (Ill.App. 5 Dist. 1984), 277

X.L.O. Concrete Corp. v. Rivergate Corp., 611 N.Y.S.2d 786, 634 N.E.2d 158 (N.Y.1994), **549**

Yaros v. Trustees of University of Pennsylvania, 742 A.2d 1118 (Pa.Super.1999), 170
Yenom Corp. v. 155 Wooster Street, Inc., 818 N.Y.S.2d 210 (N.Y.A.D. 1 Dept.2006), 266, 280
Young v. City of Chicopee, 186 Mass. 518, 72 N.E. 63 (Mass.1904), **874**
Young v. Kaye, 443 Pa. 335, 279 A.2d 759 (Pa.1971), 351
Young v. Williams, 285 Ga.App. 208, 645 S.E.2d 624 (Ga.App.2007), 907
Youngman, State ex rel. v. Calhoun, 231 S.W. 647 (Mo.App.1921), 399

Zapatha v. Dairy Mart, Inc., 381 Mass. 284, 408 N.E.2d 1370 (Mass.1980), 508