

Remedies (3 credits)

Professor: Judge Loren A. Smith

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NOTE: ALL STUDENTS REGISTERED FOR THIS CLASS ARE TO SEND THEIR EMAIL ADDRESS TO Loren_Smith@ao.uscourts.gov PRIOR TO 1/5/09.

Professor: Margaret M. Earnest

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Office Hours: By appointment.

Required Text: Re and Re, *Remedies* (6th ed. 2005)

Schedule: Monday & Wednesday, 2:00-3:15 pm, Rm 225

Attendance: In accordance with GMUSL policy, you must attend 80% of classes.

Exam & Grading: The final examination will be multiple choice, closed-book. No materials may be brought in to the examination room. Grades will be based primarily on the final examination; however, we reserve the right to increase or decrease a grade by a half letter (+ or -) based upon class participation.

Assignments as follows: Additional outside readings may be added. The syllabus, which may be modified during the semester, will be updated electronically.

SYLLABUS

Week (Dates)	Pages	Topic	Cases
		REMEDIES	
<u>1</u> (1/7)	9-23	Introduction	<i>Riggs v. Palmer; In re Covert; Graf v. Hope Building Corp.; Weinberger v. Romero-Barcelo</i>
<u>2</u> (1/12, 1/14)	37-45, 45-72	The Origins of Equity; The Merger of Law and Equity	<i>J.R. v. M.P.; Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc, et al.; Strank v. Mercy Hospital of Johnstown; Great-West Life & Annuity Insurance Company v. Janette Knudson and Eric Knudson; Mutual Life Insurance Co. v. Newton</i>

		<i>POWERS OF COURTS OF EQUITY</i>	
<u>3</u> (1/21)	72-89, 90-93	The Right to Trial by Jury; (Begin) Enforcement of Equitable Decrees - Notice	<i>Chauffeurs, Teamsters and Helpers, Local No. 391 v. Terry; The Cape May and Schellinger's Landing Railroad Co. v. Johnson; Lord Wellesley v. Earl of Mornington</i>
<u>4</u> (1/26, 1/28)	93-101, 121-154	(Cont'd) Enforcement of Equitable Decrees	<i>Rigas v. Livingston; United Pharmacal Corp. v. United States; United States v. Hall; International Union, United Mine Workers of America v. Bagwell; In re Yengo; Pounders v. Watson; In re Little; Hamilton v. Nakai; North, Life of Lord Keeper Guilford; Shaw v. Wright; Reeves v. Crownshield</i>
<u>5</u> (2/2, 2/4)	155-179, 187-198	Decrees as to Foreign Property; Injunctions against Foreign Suits	<i>Garfein v. McInnis; Penn v. Lord Baltimore; Deschenes v. Tallman; Burnley v. Stevenson; McElreath v. McElreath; Eaton v. McCall; Wimer v. Wimer; Lord Portarlington v. Soulby; Castanho v. Brown & Root (U.K.), Ltd.; Kaepa, Inc. v. Achilles Corporation; Dobson v. Pearce; James v. Grand Trunk Western Railroad Co.; Donovan v. City of Dallas</i>
<u>6</u> (2/9, 2/11)	276-333	The Injunction	<i>Hughes v. Cristofane; Abbott Laboratories v. Mead Johnson & Company; Coyne-Delany Co. v. Capital Development Board; Vane v. Lord Barnard; Cooling v. Security Trust Co.; United States v. Price; Friends for All Children, Inc. v. Lockheed Aircraft Corporation; Collins v. Wayne Iron Works; Schmidt v. Lessard; Ladner v. Siegel; Emergency Hospital of Easton v. Stevens; Board of Education of Oklahoma City Public Schools v. Dowell; In re O'Connell; Super Tire Engineering Co. v. McCorkle; Hurst v. Papierz</i>
<u>7</u> (2/16, 2/18)	340-360, 369-373	The Declaratory Judgment and Related Remedies	<i>Fletcher v. Bealey; Escrow Agents' Fidelity Corp. v. Abelman; Yuba Consolidated Gold Fields v. Kilkeary; Wathen v. Brown; Nashville, Chattanooga & St. Louis Ry. V. Wallace</i>
<u>8</u> (2/23, 2/25)	374-387, 408-418, 425-443	Contracts for the Sale or Lease of Property; Risk of Loss, Compensation and Abatement;	<i>Eastern Rolling Mill Co. v. Michlovitz; Kitchen v. Herring; Van Wagner Advertising Corp. v. S & M Enterprises; Runinstein v. Rubinstein; Dixon v. Salvation Army; Billy Williams Builders & Developers, Inc. v. Hillerich;</i>

		Contracts for Personal Services; Negative Contracts	<i>De Rivafinoli v. Corsetti; Lumley v. Wagner; Ticor Title Insurance Co. v. Cohen</i>
9 (3/2, 3/4)	467-482, 486-500	Waste; Trespass; Nuisance; Conversion	<i>Earl Bathurst v. Burden; Doherty v. Allman; Travelers Insurance Co. v. 633 Third Associates; Wheelock v. Noonan; Hirschberg v. Flusser; Lucy Webb Hayes National Training School v. Geoghegan</i>
		<i>EQUITABLE DEFENSES</i>	
<u>10</u> (3/16, 3/18)	513-535	The “Clean Hands” Doctrine; Laches and the Statute of Limitations; Estoppel	<i>Carmen v. Fox Film Corp.; Claire v. Rue de Paris, Inc.; Seagirt Realty Corp. v. Chazanof; Talmash v. Mugleston; Beresovski v. Warszawski; Environmental Defense Fund, Inc. v. Alexander; Addison v. State; Barry v. Donnelly</i>
<u>10</u> (Cont’d) (3/16, 3/18)	553-576, 577-589, 596-600	Fraud, Mistake, Hardship or Unfairness	<i>Standard Steel Car Co. v. Stamm; Market Street Associates, Ltd. V. Frey; Dalton v. Educational Testing Service, Appellant; Firebaugh v. Hanback; Costello v. Sykes; Panco v. Rogers; Volpe v. Schlobohm; Krezinski v. Hay; Mutual of Omaha Insurance Co. v. Russell; Patel v. Ali</i>
		<i>RESTITUTION & UNJUST ENRICHMENT</i>	
<u>11</u> (3/23, 3/25)	662-705, 712-715	The Prevention of Unjust Enrichment; Measure of the Restitution Interest	<i>Moses v. Macpherlan; Kossian v. American National Insurance Co.; Seegers v. Sprague; Banque Worms v. BankAmerica Int’l; Owen v. Tate; Earhart v. William Low Co; Olwell v. Nye & Nissen Co.; Bradkin v. Leverton; Farash v. Sykes Datatronics, Inc.; Jersey City v. Hague; Paramount Film Distributing Corp. v. State</i>
<u>12</u> (3/30, 4/1)	716-732	The Constructive Trust: A Remedial Device	<i>Snepp v. United States; Sharp v. Kosmalski; Simonds v. Simonds</i>
		<i>DAMAGES</i>	
<u>12</u> (Cont’d) (3/30, 4/1)	740-761	Rules for the Measure of Damages	<i>Hadley v. Baxendale; H. Parsons (Livestock) Ltd. V. Uttley Ingham & Co.; Evra Corp. v. Swiss Bank Corp.; East River Steamship Corp. v. Transamerica Delaval, Inc.</i>
<u>13</u> (4/6,	762-790,	Damages for Breach of	<i>Pipkin v. Thomas Hill, Inc.; Wilson v. Hays; Neri . Marine Retail Corp.; Bumann</i>

4/8)	798-817, 847-858, 863-881, 897-903, 909-910	Contract; Damages for Tortious Conduct	<i>v. Maurer; F. Enterprises, Inc. v. Kentucky Fried Chicken Corp.; Austin Hill Country Realty, Inc. v. Palisades Plaza, Inc.; Parker v. Twentieth Century-Fox Film Corp.; Indiana State Symphony Society, Inc. v. Ziedonis; United Virginia Bank v. Dick Herriman Ford, Inc.; Beverly Hills Concepts, Inc. v. Schatz and Schatz, Ribicoff and Kotkin; Fairfax County Redevelopment and Housing Authority v. Worcester Brothers Company, Inc. Matter of Rothko's Estate; Varjabedian v. City of Madera; J'Aire Corp. v. Gregory; Cunningham v. Harrison; Hagerty v. L & L Marine Services, Inc.; McDougald v. Garber; Helfend v. Southern California Rapid Transit District</i>
<u>14</u> (4/13, 4/15)	998-1031	Punitive Damages; Excessive Awards	<i>BMW, Inc. v. Gore; Cooper Industries, Inc. v. Leatherman Tool Group, Inc.; State Farm Mutual Automobile Insurance Company v. Campbell</i>
		REMEDIES IN CONTEXT	
<u>15</u> (4/20, 4/22)	1056- 1064, 1265- 1268	Remedies and Public Law; Attorneys' Fees	<i>Thompson v. Thompson; Fogerty v. Fantasy, Inc.</i>