

PROSSER, WADE AND SCHWARTZ'S

TORTS

CASES AND MATERIALS

TWELFTH EDITION

VICTOR E. SCHWARTZ

KATHRYN KELLY

DAVID F. PARTLETT

FOUNDATION PRESS

CASES AND MATERIALS

PROSSER, WADE AND SCHWARTZ'S

TORTS

TWELFTH EDITION

by

VICTOR E. SCHWARTZ

Adjunct Professor of Law, University of Cincinnati College of Law
Chairman, Public Policy Group, Shook, Hardy & Bacon L.L.P.
Washington, D.C.

KATHRYN KELLY

Professor of Law,
The Catholic University of America

DAVID F. PARTLETT

Dean and Asa Griggs Candler Professor of Law,
Emory University School of Law

FOUNDATION PRESS

2010



THOMSON REUTERS™

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Nothing contained herein is intended or written to be used for the purposes of 1) avoiding penalties imposed under the federal Internal Revenue Code, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

© 1951, 1952, 1957, 1962, 1967, 1971, 1976, 1982, 1988, 1994, 2000 FOUNDATION PRESS

© 2005 THOMSON REUTERS/FOUNDATION PRESS

© 2010 By THOMSON REUTERS/FOUNDATION PRESS

1 New York Plaza, 34th Floor
New York, NY 10004
Phone Toll Free 1-877-888-1330
Fax (646) 424-5201
foundation-press.com

Printed in the United States of America

ISBN 978-1-59941-704-2

Mat #40856301

*For life long friends: Michael Aaron, A. Bruce Cleveland,
David L. Flory, Peter S. Lushing, and Paul B. Harris*
VES

Per le belle ragazze di musica
KK

For Nan, Anne, and Will
DFP

PREFACE

This is the 12th edition of a work first published in 1951, authored then by one of the most insightful minds in the law of torts during the 20th century, William Lloyd Prosser. He established a tradition of excellence in scholarship combined with ease of use. That tradition was continued and enhanced for almost three decades by our late colleague, Dean John W. Wade. Each of them contributed not just to the learning of countless students through their work on this casebook, but also to the development of the law through their scholarly writings and service as reporters to the American Law Institute Restatement of Torts (Second).

The casebook has benefitted from a half century of learning from many other sources and we, the current authors, Victor Schwartz, Kathryn Kelly and David Partlett, feel a special sense of responsibility to be faithful to that tradition while keeping it current. As we worked on this edition, we did more than read cases (thousands of cases), statutes, and law review articles. We consulted with law professors who have adopted our book in the past, as well as with those who had not, about how it could be improved. Through e-mails, letters, and telephone calls, they sent us their thoughts. Some of their ideas were broad and conceptual, others were technical, and a few were chastising; the book benefitted from all of them. We sought comments from students who have studied from our book, including former students, now practicing lawyers, who took time from their busy law practices to send us cases, comment on the trends they observe from the frontlines of tort law, and share their reflections on the best ways to prepare for the practice of tort law.

With that goal and all of those suggestions in mind, we eliminated cases that were deemed unproductive; we pruned cases that were thought too lengthy; we added cases, not for the purpose of “change,” but to make the subject more interesting and to assure that current and vital issues are discussed. The law has seen many changes in the last decade. We would like to highlight three of them. First, a new Restatement of Torts (Third) is being published by the American Law Institute in segments. Victor Schwartz has served as an Adviser to all three sections. The first major step was the Restatement (Third) of Torts: Products Liability. The Products Liability chapter includes a focus on the new Restatement. It presents controversies that surrounded both its making and its content. The next step was the Restatement (Third) of Torts: Apportionment of Liability that was published in 2000. It is featured primarily in the chapter on Joint Tortfeasors. The third is the Restatement (Third) of Torts: Liability for Physical and Emotional Harm, the first volume of which was published in 2010; the second is expected in 2011. It is featured throughout. Second, while fully respecting the traditional common law development of torts, we have drawn attention to the role of modern legislatures in creating, and

limiting the domain of, tort law and the response of the state judiciary to that phenomenon. The outcome of this struggle between the courts and the legislatures over the shaping of America's tort law is yet to be written. As much as tort law has moved dramatically to the center stage of social policy and political gamesmanship, it continues to be the subject of jurisprudential probing at a time of rapid technological change. Although we cannot cabin this rich debate, we have, throughout the book, provided references to it. Third, this edition appears at a time of rapid globalization of the law. In defamation, for example, old doctrines based upon publications confined to regions are strained to the breaking point when publications pulsate instantaneously to all corners of the globe via the Internet. Finally, in the book's last chapter, we invite exploration of compensation schemes beyond tort liability. The legal challenges presented by the catastrophic and tragic consequences of the terrorist attack of September 11, 2001, still resound a decade later. More recently, the landmark Health Care legislation of 2010 has rekindled the debate about reform of medical malpractice litigation.

Throughout the text, we have held fast to a cardinal principle that has been a hallmark of this text for six decades: the casebook is not used to present any particular philosophy of tort law. We leave that to the law reviews, the Congressional testimony, and the amicus briefs. This casebook aspires to provide teachers with the raw material to inform and challenge students to learn the law and to think critically about it.

While the size and breadth of this casebook may give pause to some, we believe that all students should be given an opportunity if they wish to peruse topics excluded due to exigencies of class coverage. The casebook easily can be adapted for use in a first-year course of different credit hours and in optional advanced courses.

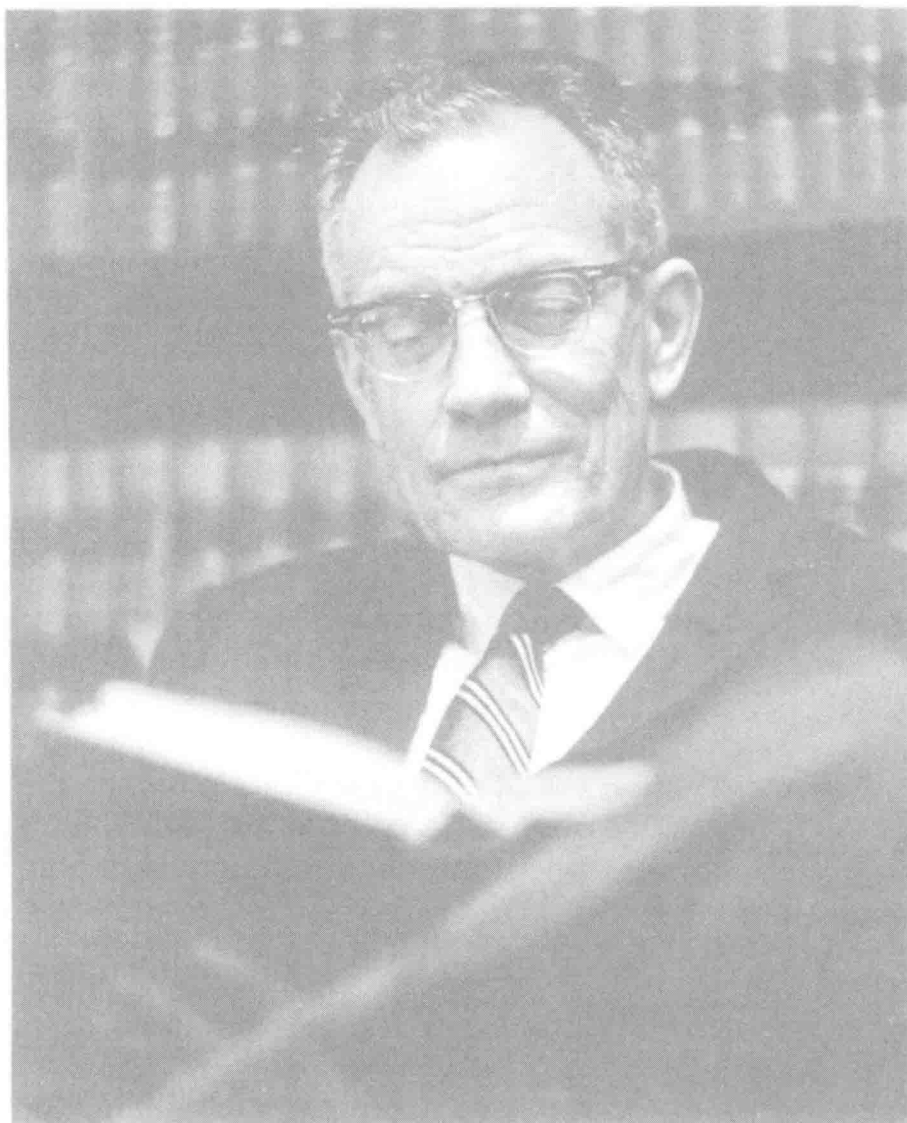
As in previous editions of this casebook, the deletion of a part of the text from a published opinion is indicated by the use of lacunae (* * *). When only citations are omitted, the letter "c" is used for "citation." To indicate that several citations have been deleted, "cc" is used. The letter is capitalized or not, depending on whether the citation was placed in the middle of a sentence or started a new sentence.

Those of you learning torts from this casebook will make the law in the 21st century. That is an important undertaking. We hope that you will find the first step of that undertaking, learning torts from this 12th Edition, challenging and enjoyable.

VICTOR SCHWARTZ
KATHRYN KELLY
DAVID PARTLETT



WILLIAM L. PROSSER
Late Professor of Law, University of California,
Hastings College of Law



JOHN W. WADE

Late Dean and Distinguished Professor of Law,
Vanderbilt University School of Law

ACKNOWLEDGMENTS

1. *Pictures*. Grateful acknowledgment is made to the following for their kind assistance in locating or their courtesy in supplying or granting permission to publish pictures:

Picture of Dean John W. Wade. Mary Moody Wade.

Picture of Dean William L. Prosser. Hastings College of Law.

Palsgraf pictures. William J. Pallas, Assistant General Counsel, Long-Island Railroad.

Wagon Mound pictures. John Fairfax & Sons, Ltd., Sydney, N.S.W., Australia.

St. Francis Hotel picture. The hotel.

MacPherson Buick Model. Buick Motor Division of General Motors Corporation.

Picture of Justice Brennan. The National Portrait Gallery, Washington, D.C.

The Far Side Cartoon. FarWorks, Inc.

Pictures of New York Court of Appeals and of some individual Justices. Professor Robert J. Tyman, Albany Law School.

Pictures of California Supreme Court and of individual Justices. Professor T.A. Smedley, Hastings Law School.

Pictures of Supreme Court of Oregon. Retired Justice Ralph M. Holman.

Pictures of the parties and house in *Katko v. Briney*. Bruce A. Palmer, Esq., Oskaloosa, Iowa.

Pictures of the bridge in *Dillon v. Twin State Gas and Electric Co.* Peter H. Bornstein, Esq., Berlin, New Hampshire.

Pictures of Judge Andrews in *Palsgraf* case. Retired Judge Francis Bergan.

Picture of the New Jersey Supreme Court. Stephen W. Townsend, Clerk of the Court.

Especial appreciation is due to Ms. Bernice Loss, in charge of the Art Collection at Harvard Law School, for her courtesy in making available the following pictures: Lords Abinger, Blackburn, Cairns, Ellenborough and Herschell, Lord Justice Bowen, Chief Baron Pollock, Chief Justices Holt, Shaw and Tindall, Justices Cardozo and Holmes, Judge Learned Hand, and Dean Bohlen.

2. *Reprints*. Appreciative acknowledgment is also made to the following for permission to include the indicated selections:

American Law Institute. Certain sections from the Restatement (Second) of Torts, from the Restatement (Third) of Torts: Products Liability, and from the Restatement (Third) of Torts: Liability for Physical and Emotional Harm.

National Conference of Commissioners on Uniform State Laws. Certain Uniform and Model Acts.

Matthew Bender & Co. Three paragraphs from A. Larson, *The Law of Workmen's Compensation*.

TABLE OF CASES

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

- Abb v. Northern Pac. Ry. Co., 28 Wash. 428, 68 P. 954 (Wash.1902), 390
- Abbott v. Northwestern Bell Telephone Co., 197 Neb. 11, 246 N.W.2d 647 (Neb.1976), 553
- A.B.C. Needlecraft Co. v. Dun & Bradstreet, Inc., 245 F.2d 775 (2nd Cir.1957), 967
- Abdul-Jabbar v. General Motors Corp., 75 F.3d 1391 (9th Cir.1996), 986
- Abdul-Jabbar v. General Motors Corp., 85 F.3d 407 (9th Cir.1996), 987
- Abel v. Eli Lilly and Co., 418 Mich. 311, 343 N.W.2d 164 (Mich.1984), 301
- Abels ex rel. Hunt v. Genie Industries, Inc., 202 S.W.3d 99 (Tenn.2006), 643
- Abernathy v. Sisters of St. Mary's**, 446 S.W.2d 599 (Mo.1969), **658**
- Abeyta v. Chama Valley Independent School Dist., No. 19, 77 F.3d 1253 (10th Cir.1996), 1034
- A.B. Farquhar Co. v. National Harrow Co., 102 F. 714 (3rd Cir.1900), 1124
- Abofreka v. Alston Tobacco Co., 288 S.C. 122, 341 S.E.2d 622 (S.C.1986), 894
- Abourezk v. New York Airlines, Inc., 895 F.2d 1456 (D.C.Cir.1990), 51
- Abramson v. Reiss, 334 Md. 193, 638 A.2d 743 (Md.1994), 661
- ACandS, Inc. v. Redd, 703 So.2d 492 (Fla. App. 3 Dist.1997), 603
- Ackerman v. Schwartz, 733 F.Supp. 1231 (N.D.Ind.1989), 1093
- Actiesselskabet Ingrid v. Central R. Co. of New Jersey, 216 F. 72 (2nd Cir.1914), 743
- Acuna, People ex rel. Gallo v., 60 Cal.Rptr.2d 277, 929 P.2d 596 (Cal.1997), 839
- Acuna v. Turkish, 192 N.J. 399, 930 A.2d 416 (N.J.2007), 493
- Adamo v. Brown & Williamson Tobacco Corp., 11 N.Y.3d 545, 872 N.Y.S.2d 415, 900 N.E.2d 966 (N.Y.2008), 778
- Adams v. Carolina Tel. & Tel. Co., 59 N.C.App. 687, 297 S.E.2d 785 (N.C.App. 1982), 428
- Adams v. Lopez, 75 N.M. 503, 407 P.2d 50 (N.M.1965), 170
- Adams v. Murakami, 284 Cal.Rptr. 318, 813 P.2d 1348 (Cal.1991), 583
- Adams v. Union Carbide Corp., 737 F.2d 1453 (6th Cir.1984), 792
- Adams v. United States, 239 F.Supp. 503 (E.D.Okla.1965), 509
- Adams Bros. v. Clark, 189 Ky. 279, 224 S.W. 1046 (Ky.1920), 715
- Adan v. Steinbrecher, 116 Minn. 174, 133 N.W. 477 (Minn.1911), 1101
- Ad. Dernehl & Sons Co. v. Detert, 186 Wis. 113, 202 N.W. 207 (Wis.1925), 1107
- Adkisson v. City of Seattle, 42 Wash.2d 676, 258 P.2d 461 (Wash.1953), 614
- Adler, Barish, Daniels, Levin and Creskoff v. Epstein**, 482 Pa. 416, 393 A.2d 1175 (Pa.1978), **1145**
- Adlington v. Viroqua, 155 Wis. 472, 144 N.W. 1130 (Wis.1914), 498
- Administrative Committee of Wal-Mart Stores, Inc. Associates' Health and Welfare Plan v. Shank, 500 F.3d 834 (8th Cir.2007), 559
- Advance Music Corp. v. American Tobacco Co., 296 N.Y. 79, 70 N.E.2d 401 (N.Y. 1946), 1125
- Aetna Ins. Co. v. Hellmuth, Obata & Kassabaum, Inc., 392 F.2d 472 (8th Cir.1968), 177
- Aetna Ins. Co. v. 3 Oaks Wrecking & Lumber Co., 65 Ill.App.3d 618, 21 Ill.Dec. 919, 382 N.E.2d 283 (Ill.App. 1 Dist.1978), 339
- Affett v. Milwaukee & Suburban Transport Corp., 11 Wis.2d 604, 106 N.W.2d 274 (Wis.1960), 553
- Agnew v. Porter, 23 Ohio St.2d 18, 260 N.E.2d 830 (Ohio 1970), 685
- Aiken v. Holyoke St. Ry. Co., 184 Mass. 269, 68 N.E. 238 (Mass.1903), 502
- Air Crash at Dallas/Fort Worth Airport on Aug. 2, 1985, In re, 856 F.2d 28 (5th Cir.1988), 1177
- Air Crash Disaster Near Cerritos, California, On August 31, 1986, In re, 967 F.2d 1421 (9th Cir.1992), 478
- Air Crash Disaster Near Chicago, Illinois, on May 25, 1979, In re, 644 F.2d 633 (7th Cir.1981), 551
- Air Crash Disaster Near Chicago, Illinois on May 25, 1979, In re, 644 F.2d 594 (7th Cir.1981), 571
- Aka v. Jefferson Hosp. Ass'n, Inc., 344 Ark. 627, 42 S.W.3d 508 (Ark.2001), 593

- Akin, Gump, Strauss, Hauer & Feld, L.L.P. v. National Development and Research Corp., 299 S.W.3d 106 (Tex.2009), 283
- Alabama G.S.R. Co. v. Chapman, 80 Ala. 615, 2 So. 738 (Ala.1887), 328
- Albala v. City of New York, 54 N.Y.2d 269, 445 N.Y.S.2d 108, 429 N.E.2d 786 (N.Y. 1981), 482
- Albany Urology Clinic, P.C. v. Cleveland, 272 Ga. 296, 528 S.E.2d 777 (Ga.2000), 201
- Albertie v. Louis & Alexander Corp., 646 A.2d 1001 (D.C.1994), 498
- Albrecht v. General Motors Corp., 648 N.W.2d 87 (Iowa 2002), 646
- Albrecht v. Treon, 118 Ohio St.3d 348, 889 N.E.2d 120 (Ohio 2008), 85
- Albright v. Morton, 321 F.Supp.2d 130 (D.Mass.2004), 893
- Albright v. Oliver, 975 F.2d 343 (7th Cir. 1992), 42
- Alcock v. Chief Constable of South Yorkshire Police, [1992] 1 A.C. 310 (H.L.), 470
- Alcorn v. Anbro Engineering, Inc., 86 Cal. Rptr. 88, 468 P.2d 216 (Cal.1970), 64
- Alcorn v. Mitchell, 63 Ill. 553 (Ill.1872), 30
- Alderman v. Ford, 146 Kan. 698, 72 P.2d 981 (Kan.1937), 55
- Aldred's Case, Aldred's Case, 9 Co.Rep. 576, 77 Eng.Rep. 816 (1610), 846
- Alert Holdings, Inc., In re, 148 B.R. 194 (Bkrtcy.S.D.N.Y.1992), 1156
- Ales v. Ales, 650 So.2d 482 (Miss.1995), 658
- Alexander v. Medical Associates Clinic, 646 N.W.2d 74 (Iowa 2002), 502
- Alexander v. New Castle, 115 Ind. 51, 17 N.E. 200 (Ind.1888), 346
- Alexander v. Sandoval**, 532 U.S. 275, 121 S.Ct. 1511, 149 L.Ed.2d 517 (2001), 1202, 1202
- Alfone v. Sarno, 87 N.J. 99, 432 A.2d 857 (N.J.1981), 591
- Ali v. Playgirl, Inc., 447 F.Supp. 723 (S.D.N.Y.1978), 986
- Allen v. Cox, 285 Conn. 603, 942 A.2d 296 (Conn.2008), 718
- Allen v. Flood, [1898] App.Cas. 1 (HL 1897), 1143
- Allen v. Frawley, 106 Wis. 638, 82 N.W. 593 (Wis.1900), 1103
- Allen v. Fromme, 141 A.D. 362, 126 N.Y.S. 520 (N.Y.A.D. 1 Dept.1910), 42
- Allen v. Hannaford, 138 Wash. 423, 244 P. 700 (Wash.1926), 40
- Allen v. Hixson, 111 Ga. 460, 36 S.E. 810 (Ga.1900), 435
- Allen v. Leybourne, 190 So.2d 825 (Fla.App. 3 Dist.1966), 1160
- Allen v. Ramsey, 170 Okla. 430, 41 P.2d 658 (Okla.1935), 1155
- Allen v. Simmons, 533 A.2d 541 (R.I.1987), 585
- Alliance Securities Co. v. De Vilbiss Mfg. Co., 41 F.2d 668 (6th Cir.1930), 1124
- Allison v. Fiscus, 156 Ohio St. 120, 100 N.E.2d 237 (Ohio 1951), 113
- Allman v. Bird, 186 Kan. 802, 353 P.2d 216 (Kan.1960), 570
- Alloway v. General Marine Industries, L.P., 149 N.J. 620, 695 A.2d 264 (N.J.1997), 828
- Allstate Ins. Co. v. Hamilton Beach/Proctor Silex, Inc., 473 F.3d 450 (2nd Cir.2007), 798
- Allstate Ins. Co. v. Hiseley, 465 F.2d 1243 (10th Cir.1972), 23
- Allsop v. Allsop, 5 H. & N. 534, 157 Eng.Rep. 1292 (1860), 890
- Alm v. Van Nostrand Reinhold Co., Inc., 134 Ill.App.3d 716, 89 Ill.Dec. 520, 480 N.E.2d 1263 (Ill.App. 1 Dist.1985), 1078
- Al Raschid v. News Syndicate Co., 265 N.Y. 1, 191 N.E. 713 (N.Y.1934), 1119
- Altman v. Aronson, 231 Mass. 588, 121 N.E. 505 (Mass.1919), 206
- Alvis v. Ribar, 85 Ill.2d 1, 52 Ill.Dec. 23, 421 N.E.2d 886 (Ill.1981), 622
- Alvord-Polk, Inc. v. F. Schumacher & Co., 37 F.3d 996 (3rd Cir.1994), 879
- Alyeska Pipeline Service Co. v. Aurora Air Service, Inc., 604 P.2d 1090 (Alaska 1979), 1153
- Amatulli by Amatulli v. Delhi Const. Corp., 77 N.Y.2d 525, 569 N.Y.S.2d 337, 571 N.E.2d 645 (N.Y.1991), 806
- American Motorcycle Assn. v. Superior Court, 146 Cal.Rptr. 182, 578 P.2d 899 (Cal.1978), 382
- American Tobacco Co., Inc. v. Grinnell, 951 S.W.2d 420 (Tex.1997), 790
- Amerinet, Inc. v. Xerox Corp., 972 F.2d 1483 (8th Cir.1992), 1120
- Amoskeag Mfg. Co. v. Goodale, 46 N.H. 53 (1865), 862
- Amphitheaters, Inc. v. Portland Meadows, 184 Or. 336, 198 P.2d 847 (Or.1948), 69, 846
- Anaya v. Superior Court, 93 Cal.Rptr.2d 228 (Cal.App. 2 Dist.2000), 356
- Anderson v. Arnold's Ex'r, 79 Ky. 370 (Ky. 1881), 6
- Anderson v. Atchison, T. & S.F. Ry. Co., 333 U.S. 821, 68 S.Ct. 854, 92 L.Ed. 1108 (1948), 435
- Anderson v. Cooper, 214 Ga. 164, 104 S.E.2d 90 (Ga.1958), 508
- Anderson v. Creighton, 483 U.S. 635, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987), 1026
- Anderson v. Fisher Broadcasting Companies, Inc., 300 Or. 452, 712 P.2d 803 (Or.1986), 1003
- Anderson v. Halverson, 126 Iowa 125, 101 N.W. 781 (Iowa 1904), 412
- Anderson v. Lale, 88 S.D. 111, 216 N.W.2d 152 (S.D.1974), 598
- Anderson v. Latham Trucking Co., 728 S.W.2d 752 (Tenn.1987), 583
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986), 925

- Anderson v. Minneapolis, St. P. & S. S. M. Ry. Co.**, 146 Minn. 430, 179 N.W. 45 (Minn.1920), **292**
- Anderson v. New York Telephone Co., 35 N.Y.2d 746, 361 N.Y.S.2d 913, 320 N.E.2d 647 (N.Y.1974), 895
- Anderson v. Oklahoma Temporary Services, Inc., 925 P.2d 574 (Okla.App. Div. 1 1996), 64
- Anderson v. Owens-Corning Fiberglas Corp.**, 281 Cal.Rptr. 528, 810 P.2d 549 (Cal.1991), **786**
- Anderson v. Save-A-Lot, Ltd., 989 S.W.2d 277 (Tenn.1999), 1231
- Anderson v. Sears, Roebuck & Co.**, 377 F.Supp. 136 (E.D.La.1974), **535**
- Anderson v. St. Francis-St. George Hosp., Inc., 77 Ohio St.3d 82, 671 N.E.2d 225 (Ohio 1996), 100
- Anderson v. Stream, 295 N.W.2d 595 (Minn. 1980), 656
- Anderson v. Theisen, 231 Minn. 369, 43 N.W.2d 272 (Minn.1950), 222
- Andrade v. Shiers, 564 So.2d 787 (La.App. 2 Cir.1990), 743
- Andrepoint v. Naquin, 345 So.2d 1216 (La. App. 1 Cir.1977), 106
- Andrews v. Smith, 324 Pa. 455, 188 A. 146 (Pa.1936), 717
- Andrews v. Wells, 204 Cal.App.3d 533, 251 Cal.Rptr. 344 (Cal.App. 3 Dist.1988), 436
- Angelotta v. American Broadcasting Corp., 820 F.2d 806 (6th Cir.1987), 1013
- Anicet v. Gant, 580 So.2d 273 (Fla.App. 3 Dist.1991), 28
- Anjou v. Boston Elevated Ry. Co.**, 208 Mass. 273, 94 N.E. 386 (Mass.1911), **238**
- Anne Arundel Medical Center, Inc. v. Condon, 102 Md.App. 408, 649 A.2d 1189 (Md. App.1994), 391
- Anzalone v. Kragness, 356 Ill.App.3d 365, 292 Ill.Dec. 331, 826 N.E.2d 472 (Ill.App. 1 Dist.2005), 565
- Application of (see name of party)**
- Applied Equipment Corp. v. Litton Saudi Arabia Ltd., 28 Cal.Rptr.2d 475, 869 P.2d 454 (Cal.1994), 1160, 1169
- Arbaugh v. Board of Educ., County of Pendleton, 214 W.Va. 677, 591 S.E.2d 235 (W.Va. 2003), 229
- Arbino v. Johnson & Johnson, 116 Ohio St.3d 468, 880 N.E.2d 420 (Ohio 2007), 555
- Arcadian Phosphates, Inc. v. Arcadian Corp., 884 F.2d 69 (2nd Cir.1989), 1157
- Arizona Public Service Co. v. Brittain, 107 Ariz. 278, 486 P.2d 176 (Ariz.1971), 141
- Arlington Forest Associates v. Exxon Corp., 774 F.Supp. 387 (E.D.Va.1991), 744
- Armijo v. Wesselius, 73 Wash.2d 716, 440 P.2d 471 (Wash.1968), 593
- Armstrong v. Mailand, 284 N.W.2d 343 (Minn.1979), 516
- Armstrong v. Simon & Schuster, Inc., 197 A.D.2d 87, 610 N.Y.S.2d 503 (N.Y.A.D. 1 Dept.1994), 958
- Arnold v. Moffit, 30 R.I. 310, 75 A. 502 (R.I. 1910), 1155
- Aronson v. Harriman, 321 Ark. 359, 901 S.W.2d 832 (Ark.1995), 279
- Arora, United States v., 860 F.Supp. 1091 (D.Md.1994), 89
- Arp v. State, 97 Ala. 5, 12 So. 301 (Ala.1893), 126
- Asbestos Litigation Pusey Trial Group v. Owens-Corning Fiberglas Corp., 669 A.2d 108 (Del.Supr.1995), 623
- Ash v. Cohn, 194 A. 174 (N.J.Err. & App. 1937), 1056
- Ashby v. White**, 1 Brown P.C. 62, 1 Eng. Rep. 417 (K.B. 1703), **1020**
- Ashcroft v. Iqbal, — U.S. —, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009), 1025
- Ashley County, Ark. v. Pfizer, Inc., 552 F.3d 659 (8th Cir.2009), 839
- Ashworth v. City of Clarksburg, 118 W.Va. 476, 190 S.E. 763 (W.Va.1937), 509
- Aspinall v. Philip Morris Companies, Inc., 442 Mass. 381, 813 N.E.2d 476 (Mass. 2004), 753
- Asplin v. Amica Mut. Ins. Co., 121 R.I. 51, 394 A.2d 1353 (R.I.1978), 651
- Atari Corp. v. Ernst & Whinney, 981 F.2d 1025 (9th Cir.1992), 1099
- Atchison, T. & S. F. Ry. Co. v. Calhoun, 213 U.S. 1, 29 S.Ct. 321, 53 L.Ed. 671 (1909), 354
- Atchison, T. & S. F. Ry. Co. v. Stanford, 12 Kan. 354 (Kan.1874), 306
- Atchley v. Berlen, 87 Ill.App.3d 61, 42 Ill.Dec. 468, 408 N.E.2d 1177 (Ill.App. 3 Dist. 1980), 516
- Atherton v. Devine, 602 P.2d 634 (Okla. 1979), 356
- Atkins v. Arlans Dept. Store of Norman, Inc., 522 P.2d 1020 (Okla.1974), 791
- Atkinson v. Bernard, Inc., 223 Or. 624, 355 P.2d 229 (Or.1960), 71
- Atkinson v. Bibb Mfg. Co., 50 Ga.App. 434, 178 S.E. 537 (Ga.App.1935), 58
- Atkinson v. Birmingham, 44 R.I. 123, 116 A. 205 (R.I.1922), 1047
- Atlanta Gas Light Co. v. Brown, 94 Ga.App. 351, 94 S.E.2d 612 (Ga.App.1956), 170
- Atlanta Journal-Constitution v. Jewell, 251 Ga.App. 808, 555 S.E.2d 175 (Ga.App. 2001), 949
- Atlantic Coast Line R. Co. v. Daniels**, 8 Ga.App. 775, 70 S.E. 203 (Ga.App.1911), **303**
- Atlantic Coast Line R. Co. v. Heath, 57 Ga. App. 763, 196 S.E. 125 (Ga.App.1938), 505
- Atlas Food Systems and Services, Inc. v. Crane Nat. Vendors, Inc., 99 F.3d 587 (4th Cir.1996), 583
- Attorney-General v. Guardian Newspapers (No. 2), [1990] 1 A.C. 109 (HL 1988), 1008
- Augsburger v. Western Auto Supply Co., 257 Iowa 777, 134 N.W.2d 913 (Iowa 1965), 266

- Auster v. Norwalk United Methodist Church (Auster II), 286 Conn. 152, 943 A.2d 391 (Conn.2008), 714
- Australian Broadcasting Corporation v. O'Neill, [2006] 227 CLR 57 (HCA 2006), 974
- Automobile Ins. Co. of Hartford v. Cook, 7 N.Y.3d 131, 818 N.Y.S.2d 176, 850 N.E.2d 1152 (N.Y.2006), 23
- Auvil v. CBS "60 Minutes", 800 F.Supp. 928 (E.D.Wash.1992), 907
- Aves v. Shah, 997 F.2d 762 (10th Cir.1993), 178
- Avins v. White, 627 F.2d 637 (3rd Cir.1980), 948
- Ayers v. Johnson & Johnson Baby Products Co., 117 Wash.2d 747, 818 P.2d 1337 (Wash.1991), 790
- Babcock & Wilcox Co. v. Nolton, 58 Nev. 133, 71 P.2d 1051 (Nev.1937), 505
- Bachmeier v. Wallwork Truck Centers, 544 N.W.2d 122 (N.D.1996), 245
- Bacon v. St. Paul Union Stockyards Co.**, 161 Minn. 522, 201 N.W. 326 (Minn. 1924), 1131
- Badela v. Karpowich, 152 Conn. 360, 206 A.2d 838 (Conn.1965), 253, 258
- Baer v. Slater, 261 Mass. 153, 158 N.E. 328 (Mass.1927), 86
- Bagby v. Commonwealth, 424 S.W.2d 119 (Ky.1968), 258
- Bahm v. Pittsburgh & L. E. R. Co., 6 Ohio St.2d 192, 217 N.E.2d 217 (Ohio 1966), 613
- Bailey v. Brown, 34 Ohio St.2d 62, 295 N.E.2d 672 (Ohio 1973), 207
- Bailey v. C.S., 12 S.W.3d 159 (Tex.App.-Dallas 2000), 20
- Bailey v. Faulkner, 940 So.2d 247 (Ala.2006), 1176
- Bailey v. McGill, 247 N.C. 286, 100 S.E.2d 860 (N.C.1957), 961
- Bailey v. Pennington, 406 A.2d 44 (Del. Supr.1979), 521
- Bain v. Phillips, 217 Va. 387, 228 S.E.2d 576 (Va.1976), 1047
- Bain v. Wells, 936 S.W.2d 618 (Tenn.1997), 63
- Baird v. Williamson, 15 C.B. (N.S.) 376, 143 Eng.Rep. 831 (1863), 724
- Baker v. Bolton, 1 Camp. 493, 170 Eng.Rep. 1033 (N.P.1808), 590
- Baker v. Burbank-Glendale-Pasadena Airport Authority, 218 Cal.Rptr. 293, 705 P.2d 866 (Cal.1985), 856
- Baker v. Howard County Hunt, 171 Md. 159, 188 A. 223 (Md.1936), 715
- Baker v. Saint Francis Hosp., 126 P.3d 602 (Okla.2005), 695
- Baker v. Shymkiv, 6 Ohio St.3d 151, 451 N.E.2d 811 (Ohio 1983), 74
- Baker v. Snell, [1908] 2 K.B. 825 (CA 1908), 740
- Baker v. Winslow, 184 N.C. 1, 113 S.E. 570 (N.C.1922), 890
- Balabanoff v. Fossani, 192 Misc. 615, 81 N.Y.S.2d 732 (N.Y.Sup.1948), 906
- Balas v. Smithkline Beecham Corp., 2009 WL 1708831 (Tex.App.-Austin 2009), 593
- Balbuena v. IDR Realty LLC, 6 N.Y.3d 338, 812 N.Y.S.2d 416, 845 N.E.2d 1246 (N.Y. 2006), 549
- Balden v. Shorter, [1933] Ch. 427 (Ch. D. 1933), 1119
- Baldinger v. Banks, 26 Misc.2d 1086, 201 N.Y.S.2d 629 (N.Y.Sup.1960), 35
- Ball v. E.W. Scripps Co., 801 S.W.2d 684 (Ky.1990), 924
- Ball v. Nye, 99 Mass. 582 (Mass.1868), 725
- Ball v. White, 3 Mich.App. 579, 143 N.W.2d 188 (Mich.App.1966), 879
- Ballard v. North British Railway Co, [1923] Sess.Cas.H.L. 43 (HL 1923), 248
- Ballew v. Chattanooga, 205 Tenn. 289, 326 S.W.2d 466 (Tenn.1959), 667
- Baltimore Gas and Elec. Co. v. Flipppo, 348 Md. 680, 705 A.2d 1144 (Md.1998), 522
- Baltimore & O.R. Co. v. Goodman, 275 U.S. 66, 48 S.Ct. 24, 72 L.Ed. 167 (1927), 211
- Bander v. Metropolitan Life Ins. Co., 313 Mass. 337, 47 N.E.2d 595 (Mass.1943), 887
- Bang v. Charles T. Miller Hospital, 251 Minn. 427, 88 N.W.2d 186 (Minn.1958), 103
- Banks v. Fritsch, 39 S.W.3d 474 (Ky.App. 2001), 43
- Banks v. Hyatt Corp., 722 F.2d 214 (5th Cir.1984), 512
- Banks v. King Features Syndicate, 30 F.Supp. 352 (S.D.N.Y.1939), 1005
- Banner v. Lyon & Healy, 249 A.D. 569, 293 N.Y.S. 236 (N.Y.A.D. 1 Dept.1937), 1103
- Banque Bruxelles Lambert SA v. Eagle Star Insurance Co. Ltd., [1997] A.C. 191, p. 1115
- Baptist Memorial Hosp. System v. Sampson, 969 S.W.2d 945 (Tex.1998), 699, 700
- Baram v. Farugia, 606 F.2d 42 (3rd Cir.1979), 88
- Barbara A. v. John G., 145 Cal.App.3d 369, 193 Cal.Rptr. 422 (Cal.App. 1 Dist.1983), 102
- Bard v. Jahnke, 6 N.Y.3d 592, 815 N.Y.S.2d 16, 848 N.E.2d 463 (N.Y.2006), 718
- Bardere v. Zafir, 102 A.D.2d 422, 477 N.Y.S.2d 131 (N.Y.A.D. 1 Dept.1984), 23
- Barger v. Jimerson, 130 Colo. 459, 276 P.2d 744 (Colo.1954), 717
- Barker v. Kallash, 63 N.Y.2d 19, 479 N.Y.S.2d 201, 468 N.E.2d 39 (N.Y.1984), 611
- Barker v. Retail Credit Co., 8 Wis.2d 664, 100 N.W.2d 391 (Wis.1960), 967
- Barme v. Wood, 207 Cal.Rptr. 816, 689 P.2d 446 (Cal.1984), 559
- Barmore v. Elmore**, 83 Ill.App.3d 1056, 38 Ill.Dec. 751, 403 N.E.2d 1355 (Ill.App. 2 Dist.1980), 503

- Barnes v. Clayton House Motel, 435 S.W.2d 616 (Tex.Civ.App.-Waco 1968), 894, 895
- Barnes v. United States, 485 F.3d 341 (6th Cir.2007), 148
- Barnes v. Yahoo!, Inc., 565 F.3d 560 (9th Cir.2009), 901
- Barnes v. Zettlemoyer, 25 Tex.Civ.App. 468, 62 S.W. 111 (Tex.Civ.App.1901), 729
- Barnett v. Kunkle, 256 F. 644 (8th Cir.1919), 1107
- Barnhart v. Paisano Publications, LLC, 457 F.Supp.2d 590 (D.Md.2006), 996
- Barquin v. Hall Oil Co., 28 Wyo. 164, 201 P. 352 (Wyo.1921), 1120
- Barr v. Matteo, 360 U.S. 564, 79 S.Ct. 1335, 3 L.Ed.2d 1434 (1959), 686, 962
- Barrett v. Rosenthal, 9 Cal.Rptr.3d 142 (Cal. App. 1 Dist.2004), 901
- Barretta v. Otis Elevator Co., 242 Conn. 169, 698 A.2d 810 (Conn.1997), 253
- Barrie v. V.P. Exterminators, Inc., 625 So.2d 1007 (La.1993), 1094
- Barry v. Baugh, 111 Ga.App. 813, 143 S.E.2d 489 (Ga.App.1965), 58
- Barry v. Cantrell, 150 Ga.App. 439, 258 S.E.2d 61 (Ga.App.1979), 506
- Barry v. Quality Steel Products, Inc., 263 Conn. 424, 820 A.2d 258 (Conn.2003), 340
- Barry, State v., 45 Mont. 598, 124 P. 775 (Mont.1912), 40
- Barry v. Time, Inc., 584 F.Supp. 1110 (N.D.Cal.1984), 928
- Bartanus v. Lis, 332 Pa.Super. 48, 480 A.2d 1178 (Pa.Super.1984), 1175
- Bartlett v. Federal Outfitting Co., 133 Cal. App. 747, 24 P.2d 877 (Cal.App. 1 Dist. 1933), 1120
- Bartlett v. New Mexico Welding Supply, Inc.**, 98 N.M. 152, 646 P.2d 579 (N.M.App.1982), **379**
- Bartlett v. Northern Pac. Ry. Co., 74 Wash.2d 881, 447 P.2d 735 (Wash.1968), 144
- Bartnicki v. Vopper, 532 U.S. 514, 121 S.Ct. 1753, 149 L.Ed.2d 787 (2001), 915, 1006
- Bartolone v. Jeckovich**, 103 A.D.2d 632, 481 N.Y.S.2d 545 (N.Y.A.D. 4 Dept.1984), **307**
- Barton-Malow Co., Inc. v. Wilburn, 547 N.E.2d 1123 (Ind.App. 3 Dist.1989), 1177
- Bartow v. Smith, 149 Ohio St. 301, 78 N.E.2d 735 (Ohio 1948), 64
- Bashford v. Information Australia (Newsletters) Pty. Ltd., [2004] HCA 5, 218 CLR 366 (HCA 2004), 968
- Baska v. Scherzer, 283 Kan. 750, 156 P.3d 617 (Kan.2007), 23, 29
- Bass v. Hunt, 151 Kan. 740, 100 P.2d 696 (Kan.1940), 511
- Bass v. New York, 38 A.D.2d 407, 330 N.Y.S.2d 569 (N.Y.A.D. 2 Dept.1972), 532
- Bassim v. Howlett, 191 A.D.2d 760, 594 N.Y.S.2d 381 (N.Y.A.D. 3 Dept.1993), 892
- Battle v. Kilcrease, 54 Ga.App. 808, 189 S.E. 573 (Ga.App.1936), 437
- Batzel v. Smith, 333 F.3d 1018 (9th Cir. 2003), 902
- Bauer v. Johnson, 79 Ill.2d 324, 38 Ill.Dec. 149, 403 N.E.2d 237 (Ill.1980), 707
- Baugh v. Baugh, 512 So.2d 1283 (Miss.1987), 890
- Bauman v. Auch, 539 N.W.2d 320 (S.D.1995), 718
- Bavis v. Fonte, 241 Md. 123, 215 A.2d 739 (Md.1966), 258
- Baxter v. Ford Motor Co., 179 Wash. 123, 35 P.2d 1090 (Wash.1934), 752
- Baxter v. Ford Motor Co.**, 168 Wash. 456, 12 P.2d 409 (Wash.1932), **749**
- Baxter v. Snow, 78 Utah 217, 2 P.2d 257 (Utah 1931), 98
- Baxter v. Woodward, 191 Mich. 379, 158 N.W. 137 (Mich.1916), 84
- Bayer v. Crested Butte Mountain Resort, Inc., 960 P.2d 70 (Colo.1998), 204
- Bayer v. Suttle, 23 Cal.App.3d 361, 100 Cal. Rptr. 212 (Cal.App. 1 Dist.1972), 482
- Bean v. BIC Corp., 597 So.2d 1350 (Ala. 1992), 806
- Beane v. McMullen, 265 Md. 585, 291 A.2d 37 (Md.1972), 1155
- Bear v. Reformed Mennonite Church, 462 Pa. 330, 341 A.2d 105 (Pa.1975), 1153
- Bearce v. Bass, 88 Me. 521, 34 A. 411 (Me. 1896), 1124
- Beatty v. Central Iowa R. Co., 58 Iowa 242, 12 N.W. 332 (Iowa 1882), 145
- Beaubeauf v. Reed, 4 La.App. 344 (La.App. 2 Cir.1926), 28
- Beauchamp v. Saginaw Min. Co., 50 Mich. 163, 15 N.W. 65 (Mich.1883), 356
- Beaudette v. Frana, 285 Minn. 366, 173 N.W.2d 416 (Minn.1969), 651
- Beaudoin v. Watertown Memorial Hospital, 32 Wis.2d 132, 145 N.W.2d 166 (Wis. 1966), 262
- Beauharnais v. People of State of Ill., 343 U.S. 250, 72 S.Ct. 725, 96 L.Ed. 919 (1952), 880
- Beaulieu v. Elliott, 434 P.2d 665 (Alaska 1967), 550
- Beck v. Farmers Ins. Exchange, 701 P.2d 795 (Utah 1985), 1172
- Beck v. Prupis, 529 U.S. 494, 120 S.Ct. 1608, 146 L.Ed.2d 561 (2000), 1219
- Becker v. IRM Corp., 213 Cal.Rptr. 213, 698 P.2d 116 (Cal.1985), 529, 821
- Becker v. Janinski, 27 Abb. N. Cas. 45, 15 N.Y.S. 675 (N.Y.Com.Pl.1891), 179
- Beckman v. Marshall, 85 So.2d 552 (Fla. 1956), 846
- Beckwith v. Town of Stratford, 129 Conn. 506, 29 A.2d 775 (Conn.1942), 861
- Beech Through Beech v. Outboard Marine Corp., 584 So.2d 447 (Ala.1991), 783
- Behrens v. Bertram Mills Circus Ltd, [1957] 2 Q.B. 1 (QBD 1956), 717
- Behringer, Estate of v. Medical Center at Princeton, 249 N.J.Super. 597, 592 A.2d 1251 (N.J.Super.L.1991), 450, 1004

- Beinhorn v. Griswold, 27 Mont. 79, 69 P. 557 (Mont.1902), 715
- Beiser v. Scripps-McRae Pub. Co., 113 Ky. 383, 68 S.W. 457 (Ky.1902), 960
- Belcher v. Goins, 184 W.Va. 395, 400 S.E.2d 830 (W.Va.1990), 1177
- Belhumeur v. Zilm, 157 N.H. 233, 949 A.2d 162 (N.H.2008), 714
- Bell v. Board of Educ. of the City of New York, 90 N.Y.2d 944, 665 N.Y.S.2d 42, 687 N.E.2d 1325 (N.Y.1997), 343
- Bell v. Courier-Journal & Louisville Times Co., 402 S.W.2d 84 (Ky.1966), 1005
- Bell v. Icard, 986 S.W.2d 550 (Tenn.1999), 1056
- Bell v. Leatherwood, 206 Ga.App. 550, 425 S.E.2d 679 (Ga.App.1992), 244
- Bellah v. Greenson, 81 Cal.App.3d 614, 146 Cal.Rptr. 535 (Cal.App. 1 Dist.1978), 452
- Belli v. Orlando Daily Newspapers, Inc.**, 389 F.2d 579 (5th Cir.1967), 865
- Bello v. Random House Inc., 422 S.W.2d 339 (Mo.1967), 880
- Belton v. Washington Metropolitan Area Transit Authority, 20 F.3d 1197 (D.C.Cir. 1994), 615
- Benedict Pineapple Co. v. Atlantic Coast Line R. Co., 55 Fla. 514, 46 So. 732 (Fla.1908), 341
- Bennett v. Norban, 396 Pa. 94, 151 A.2d 476 (Pa.1959), 887
- Bentley v. Bentley, 172 S.W.3d 375 (Ky. 2005), 658
- Bereman v. Power Pub. Co., 93 Colo. 581, 27 P.2d 749 (Colo.1933), 967
- Berezovsky v. Michaels [2000] 1 W.L.R. 1004 (2000), 904
- Berg v. Minneapolis Star & Tribune Co., 79 F.Supp. 957 (D.Minn.1948), 996, 1003
- Berger v. Hanlon, 129 F.3d 505 (9th Cir. 1997), 996
- Bergstreser v. Mitchell, 577 F.2d 22 (8th Cir. 1978), 482
- Berkovitz v. United States, 486 U.S. 531, 108 S.Ct. 1954, 100 L.Ed.2d 531 (1988), 683
- Bernson v. Browning-Ferris Industries, 30 Cal.Rptr.2d 440, 873 P.2d 613 (Cal.1994), 643
- Berrios v. Agosto, 716 F.2d 85 (1st Cir.1983), 1025
- Berry v. Harmon, 329 S.W.2d 784 (Mo.1959), 651
- Berry v. Watchtower Bible and Tract Soc. of New York, Inc., 152 N.H. 407, 879 A.2d 1124 (N.H.2005), 447
- Bertram v. Reed Automobile Co., 49 S.W.2d 517 (Tex.Civ.App.-San Antonio 1932), 1105
- Best v. Taylor Mach. Works, 179 Ill.2d 367, 228 Ill.Dec. 636, 689 N.E.2d 1057 (Ill. 1997), 1220
- Bethel v. New York City Transit Authority, 92 N.Y.2d 348, 681 N.Y.S.2d 201, 703 N.E.2d 1214 (N.Y.1998), 55, 205, 262
- Bevan v. Fix, 42 P.3d 1013 (Wyo.2002), 67
- Beverly Enterprises, Inc. v. Trump, 182 F.3d 183 (3rd Cir.1999), 890
- Beverly Glen Music, Inc. v. Warner Communications, Inc., 178 Cal.App.3d 1142, 224 Cal.Rptr. 260 (Cal.App. 2 Dist.1986), 1156
- Beyer v. Aquarium Supply Co., 94 Misc.2d 336, 404 N.Y.S.2d 778 (N.Y.Sup.1977), 826
- Beynon v. Montgomery Cablevision Ltd. Partnership, 351 Md. 460, 718 A.2d 1161 (Md.1998), 604
- Biakanja v. Irving, 49 Cal.2d 647, 320 P.2d 16 (Cal.1958), 431
- Bibergal v. McCormick, 101 Misc.2d 794, 421 N.Y.S.2d 978 (N.Y.City Civ.Ct.1979), 711
- Bickford v. Lantay, 394 A.2d 281 (Me.1978), 1046
- Bieker v. Owens, 234 Ark. 97, 350 S.W.2d 522 (Ark.1961), 446
- Bierczynski v. Rogers**, 239 A.2d 218 (Del. Supr.1968), 374
- Bigbee v. Pacific Tel. & Tel. Co., 192 Cal. Rptr. 857, 665 P.2d 947 (Cal.1983), 499
- Big Town Nursing Home, Inc. v. Newman**, 461 S.W.2d 195 (Tex.Civ.App.-Waco 1970), 41
- Bill v. Superior Court, 137 Cal.App.3d 1002, 187 Cal.Rptr. 625 (Cal.App. 1 Dist.1982), 1078
- Billy v. Consolidated Mach. Tool Corp., 51 N.Y.2d 152, 432 N.Y.S.2d 879, 412 N.E.2d 934 (N.Y.1980), 1237
- Bily v. Arthur Young & Co., 11 Cal.Rptr.2d 51, 834 P.2d 745 (Cal.1992), 202, 1093
- Bindrim v. Mitchell**, 92 Cal.App.3d 61, 155 Cal.Rptr. 29 (Cal.App. 2 Dist.1979), 881
- Binns v. Vitagraph Co. of America, 147 A.D. 783, 132 N.Y.S. 237 (N.Y.A.D. 1 Dept. 1911), 985
- Biondi v. Nassimos, 300 N.J.Super. 148, 692 A.2d 103 (N.J.Super.A.D.1997), 891
- Bird v. Holbrook, 4 Bing. 628, 130 Eng.Rep. 911 (1828), 113
- Bird v. Jones, 7 A. & E., N.S., 742, 115 Eng.Rep. 668 (1845), 43
- Birkner v. Salt Lake County, 771 P.2d 1053 (Utah 1989), 174
- Birmingham v. Fodor's Travel Publications, Inc., 73 Haw. 359, 833 P.2d 70 (Hawai'i 1992), 827, 1078
- Birt v. Wells Fargo Home Mortg., Inc., 75 P.3d 640 (Wyo.2003), 1109
- Bischoff v. Cheney, 89 Conn. 1, 92 A. 660 (Conn.1914), 715
- Bishop v. Glazener, 245 N.C. 592, 96 S.E.2d 870 (N.C.1957), 1175
- Bishop v. New York Times Co., 233 N.Y. 446, 135 N.E. 845 (N.Y.1922), 970
- Bitsie v. Walston, 85 N.M. 655, 515 P.2d 659 (N.M.App.1973), 1005
- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics**, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), 685, 1025, 1196

- Bixenman v. Hall, 251 Ind. 527, 242 N.E.2d 837 (Ind.1968), 170
- Bjerke v. Johnson, 742 N.W.2d 660 (Minn. 2007), 447, 634
- Black v. Shultz, 530 F.3d 702 (8th Cir.2008), 182
- Blackburn v. Dorta**, 348 So.2d 287 (Fla. 1977), **635**
- Bladen v. First Presbyterian Church of Sallisaw, 857 P.2d 789 (Okla.1993), 177
- Blaha v. Stuard, 640 N.W.2d 85 (S.D.2002), 714, 826
- Blair v. Walker, 64 Ill.2d 1, 349 N.E.2d 385 (Ill.1976), 962
- Blake v. Dunn Farms, Inc., 274 Ind. 560, 413 N.E.2d 560 (Ind.1980), 498
- Blake Const. Co., Inc. v. United States, 218 Ct.Cl. 163, 585 F.2d 998 (Ct.Cl.1978), 863
- Blakeley v. Shortal's Estate, 236 Iowa 787, 20 N.W.2d 28 (Iowa 1945), 67
- Blanchard v. Kellum, 975 S.W.2d 522 (Tenn. 1998), 196
- Blankenship v. Baptist Memorial Hospital, 26 Tenn.App. 131, 168 S.W.2d 491 (Tenn.Ct. App.1942), 182
- Blankenship v. Cincinnati Milacron Chemicals, Inc.**, 69 Ohio St.2d 608, 433 N.E.2d 572 (Ohio 1982), **1233**
- Blankenship v. General Motors Corp., 185 W.Va. 350, 406 S.E.2d 781 (W.Va.1991), 777
- Blanton v. Kellioka Coal Co., 192 Ky. 220, 232 S.W. 614 (Ky.1921), 237
- Blazovic v. Andrich, 124 N.J. 90, 590 A.2d 222 (N.J.1991), 624
- Blickenstaff v. Perrin, 27 Ind. 527 (Ind.1867), 972
- Bloom v. Hennepin County, 783 F.Supp. 418 (D.Minn.1992), 1153
- Blue Ridge Bank v. Veribanc, Inc., 866 F.2d 681 (4th Cir.1989), 948
- Bluhm v. Byram, 193 Wis. 346, 214 N.W. 364 (Wis.1927), 438
- Blumenthal v. Drudge, 992 F.Supp. 44 (D.D.C.1998), 901
- Bly v. Tri-Continental Industries, Inc., 663 A.2d 1232 (D.C.1995), 302
- Blyth v. Birmingham Waterworks Co**, 11 Exch. 781, 156 Eng.Rep. 1047 (Ex. Ct. 1856), **136**
- Board of County Com'rs of Bryan County, Okl. v. Brown, 520 U.S. 397, 117 S.Ct. 1382, 137 L.Ed.2d 626 (1997), 1024
- Board of Ed. of Farmingdale Union Free School Dist. v. Farmingdale Classroom Teachers Ass'n, Inc., 38 N.Y.2d 397, 380 N.Y.S.2d 635, 343 N.E.2d 278 (N.Y.1975), 1056
- Boatmen's Nat. Co. v. M.W. Elkins & Co., 63 F.2d 214 (8th Cir.1933), 1115
- Boehm v. Cody Country Chamber of Commerce, 748 P.2d 704 (Wyo.1987), 630
- Boehringer v. Montalto, 142 Misc. 560, 254 N.Y.S. 276 (N.Y.Sup.1931), 72
- Bohannon v. Wachovia Bank & Trust Co., 210 N.C. 679, 188 S.E. 390 (N.C.1936), 1160
- Boker v. Luebbe, 198 Neb. 282, 252 N.W.2d 297 (Neb.1977), 707
- Bolitho v. Safeway Stores, 109 Mont. 213, 95 P.2d 443 (Mont.1939), 237
- Bollinger v. Schneider, 64 Ill.App.3d 758, 21 Ill.Dec. 522, 381 N.E.2d 849 (Ill.App. 3 Dist.1978), 667
- Bolton v. Stone, [1951] A.C. 850 (H.L. 1951), 317
- Bonbrest v. Kotz, 65 F.Supp. 138 (D.D.C. 1946), 482
- Bond v. Pittsburgh, 368 Pa. 404, 84 A.2d 328 (Pa.1951), 400
- Bonds v. Snapper Power Equipment Co., 935 F.2d 985 (8th Cir.1991), 804
- Bonkowski v. Arlan's Dept. Store, 383 Mich. 90, 174 N.W.2d 765 (Mich.1970), 118
- Bonkowski v. Arlan's Dept. Store**, 12 Mich.App. 88, 162 N.W.2d 347 (Mich.App. 1968), **116**
- Bonner v. Moran, 126 F.2d 121 (D.C.Cir. 1941), 100
- Bonomi v. Backhouse, El.Bl. & El. 622, 120 Eng.Rep. 643 (1859), 863
- Bonte for Bonte v. Bonte, 136 N.H. 286, 616 A.2d 464 (N.H.1992), 483
- Boomer v. Atlantic Cement Co.**, 26 N.Y.2d 219, 309 N.Y.S.2d 312, 257 N.E.2d 870 (N.Y.1970), 71, **850**
- Booth v. Mary Carter Paint Co., 202 So.2d 8 (Fla.App. 2 Dist.1967), 396
- Borders v. Roseberry**, 216 Kan. 486, 532 P.2d 1366 (Kan.1975), **522**
- Borg v. Boas, 231 F.2d 788 (9th Cir.1956), 927
- Borg & Powers Furniture Co. v. Clark, 194 Minn. 305, 260 N.W. 316 (Minn.1935), 257
- Borg & Powers Furniture Co. v. Reiling, 213 Minn. 539, 7 N.W.2d 310 (Minn.1942), 84
- Boring v. Google Inc., 2010 WL 318281 (3rd Cir.2010), 69
- Bormann v. Board of Sup'rs In and For Kosuth County, 584 N.W.2d 309 (Iowa 1998), 847
- Borton v. Mangus, 93 Kan. 719, 145 P. 835 (Kan.1915), 838
- Bortz v. Noon, 556 Pa. 489, 729 A.2d 555 (Pa.1999), 1083
- Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485, 104 S.Ct. 1949, 80 L.Ed.2d 502 (1984), 1124
- Bosley v. Andrews, 393 Pa. 161, 142 A.2d 263 (Pa.1958), 468
- Bostock-Ferari Amusement Co. v. Brocksmith, 34 Ind.App. 566, 73 N.E. 281 (Ind. App. 2 Div.1905), 739
- Boston Nutrition Soc., Inc. v. Stare, 342 Mass. 439, 173 N.E.2d 812 (Mass.1961), 881
- Bouldin v. Sategna, 71 N.M. 329, 378 P.2d 370 (N.M.1963), 222