

Complex Litigation

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THIRD EDITION

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CAROLINA ACADEMIC PRESS
Durham, North Carolina

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ISBN 978-1-5310-1105-5
eISBN 978-1-5310-1106-2
LCCN 2018961309

Carolina Academic Press, LLC
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Each author can think of many people to whom we might dedicate this text.

*We appreciate the support of all of those persons over many years and
in particular recognize these:*

ETS: *To Leslie Black Sullivan.*

RDF: *To Louise, Courtney, and Collin.*

BGC: *To Leon Goodrich, Thomas Kane, and Donald Engle,
my principal mentors in the trenches of complex litigation.*

Contents

Table of Cases	xix
Preface	xxxvii
Chapter 1 · Territorial (Personal) Jurisdiction	3
A. Introduction	3
1. A Refresher as to Some Basic Principles	3
2. Specific Jurisdiction/Stream of Commerce	5
<i>Asahi Metal Industry Co., Ltd. v. Superior Court</i>	5
Notes and Questions	10
<i>J. McIntyre Machinery, Ltd. v. Nicaastro</i>	12
Notes and Questions	14
3. General Jurisdiction	15
<i>Daimler AG v. Bauman</i>	16
Notes and Questions	23
B. Consent or Waiver as a Basis for Jurisdiction	24
C. Personal Jurisdiction and the Internet	26
1. The Emergence of <i>Zippo</i> 's Sliding-Scale	26
Notes and Questions	27
2. Post- <i>Zippo</i> Developments as to Personal Jurisdiction	
and the Internet Today	29
<i>Toys "R" Us, Inc. v. Step Two, S.A.</i>	29
Notes and Questions	33
D. International Personal Jurisdiction	37
1. Same Tests, Similar Application	37
<i>Volkswagenwerk Aktiengesellschaft v. Schlunk</i>	38
Notes and Questions	41
2. Nationwide Contacts	41
<i>Pinker v. Roche Holdings, Ltd.</i>	42
Notes and Questions	44
Rule 4(k) Territorial Limits of Effective Service	45
E. Nationwide Service of Process	46
<i>Omni Capital International, Ltd. v. Rudolf Wolff & Co., Ltd.</i>	47
<i>Republic of Panama v. BCCI Holdings (Luxembourg) S.A.</i>	50
F. Personal Jurisdiction over Absent Defendants	54
1. Introduction	54

2. Alter Ego and Agency Theories of Personal Jurisdiction	55
<i>Doe v. Unocal Corp.</i>	55
Notes and Questions	58
<i>Daynard v. Ness, Motley, Loadholt, Richardson & Poole, P.A.</i>	59
Notes and Questions	61
3. Conspiracy Theories of Jurisdiction	62
<i>FC Inv. Group LC v. IFX Markets, Ltd.</i>	62
Notes and Questions	64
G. Personal Jurisdiction in Class Actions	65
<i>Phillips Petroleum Co. v. Shutts</i>	66
Notes and Questions	70
H. Personal Jurisdiction in MDL Cases	72
In re Agent Orange Product Liability Litigation MDL No. 381	72
Notes and Questions	74
Chapter 2 · Subject Matter Jurisdiction	75
A. Introduction	75
B. The Two Major Types of Federal Subject Matter Jurisdiction and the Concept of Removal	76
1. Federal Question Jurisdiction	76
<i>Louisville & Nashville Railroad Co. v. Mottley</i>	78
Notes and Questions	79
2. Diversity of Citizenship Jurisdiction	80
a. The Complete Diversity Rule	82
b. The Amount-in-Controversy Requirement	84
3. The Defendant's Prerogative: Removal Jurisdiction	85
C. Supplemental Jurisdiction	88
1. What It Does	88
2. Statutory Analysis	90
a. The Grant in § 1367(a)	90
b. The Limitations for Diversity Cases in § 1367(b)	91
<i>Exxon Mobil Corp. v. Allapattah Services</i>	95
Notes and Questions	104
3. Ancillary Enforcement Jurisdiction	104
D. Expansion of Jurisdiction Through Statutory Grants Based Upon Minimal Diversity	106
1. Background	106
2. Interpleader	107
3. The Multiparty, Multiforum Trial Jurisdiction Act (MMTJA)	109
Notes and Questions	111
<i>Case v. ANPAC Louisiana Insurance Co. and In re Katrina Canal Breaches Consolidated Litigation</i>	115
Notes and Questions	124
4. Class Action Fairness Act (CAFA)	125

a. Background	125
b. Jurisdictional Provisions and Exceptions	129
The CAFA Grants of Jurisdiction	129
The “Carve-Outs” to CAFA Jurisdiction	130
<i>Preston v. Tenet Healthsystems Memorial Medical Center, Inc.</i>	132
Notes and Questions	143
Note on Burden of Proof on Removal	145
Ongoing Debate Over CAFA	146
Chapter 3 · Coordination and Consolidation of Overlapping Litigation	149
A. Introduction	149
B. Overlapping Federal Cases	151
1. The First-Filed Rule	151
<i>Biolitec, Inc. v. Angiodynamics, Inc.</i>	152
Notes and Questions	156
Note on Exceptions to the First-Filed Rule	157
Note on Methods for Enforcing the First-Filed Rule	158
Problem	158
2. Transfer of Cases under §§ 1404(a) or 1406(a)	
(and a Refresher on Venue)	158
<i>Atlantic Marine Construction Co. v. U.S. District Court</i>	162
Notes and Questions	169
3. Consolidation and “Low Numbering”	170
Notes and Questions	172
4. Multidistrict Litigation (MDL) Under § 1407	172
<i>In re Donald J. Trump Casino Securities Litigation</i>	175
Notes and Questions	176
Note on Global Settlements and the “Quasi-Class Action”	177
Note on the <i>Lexecon</i> Case	178
C. Overlapping Litigation in Federal and State Courts	179
1. Anti-Suit Injunctions Issued by the Federal Court	180
a. Can State Courts Enjoin Federal Litigation?	180
<i>Donovan v. City of Dallas</i>	180
Notes and Questions	183
b. The All Writs Act and the Anti-Injunction Act	184
<i>Dombrowski v. Pfister</i>	185
Notes and Questions	185
<i>Denny’s, Inc. v. Cake</i>	186
Notes and Questions	191
<i>In re Diet Drugs Products Liability Litigation</i>	193
Notes and Questions	201
Problem	201
Note on the <i>Rooker-Feldman</i> Doctrine	202
2. Abstention by the Federal Court	203

a. Background on the Types of Abstention	203
b. Abstention to Avoid Overlapping Litigation: <i>Colorado River</i> Abstention	205
<i>Ingalls v. The AES Corporation</i>	206
Notes and Questions	209
3. Removal from State to Federal Court	210
D. Overlapping Litigation in American and Foreign Courts	211
1. Anti-Suit Injunctions by the American Court	211
<i>Goss International Corporation v. Tokyo Kikai Seisakusho, Ltd.</i>	212
Notes and Questions	219
2. Dismissal or Stay for <i>Forum Non Conveniens</i>	220
<i>Estate of Thomson v. Toyota Motor Corporation Worldwide</i>	221
Notes and Questions	226
E. The American Law Institute Proposal	228
Chapter 4 · Choice of Law Issues in Complex Litigation	231
A. Introduction	231
B. <i>Erie</i> and <i>Klaxon</i>	233
<i>Klaxon Company v. Stentor Electric Manufacturing Co., Inc.</i>	235
Notes and Questions	237
C. Choice of Law in Transferred Cases	237
<i>Ferens v. John Deere Co.</i>	238
Notes and Questions	244
Note on Choice of Law in Federal Question and Multidistrict Cases	245
D. Efforts to Ensure a Single Governing Law	247
1. Application of Forum Law	247
<i>Phillips Petroleum Co. v. Shutts</i>	247
Notes and Questions	252
<i>Sun Oil Co. v. Wortman</i>	253
Notes and Questions	257
2. Use of Choice of Law Doctrine to Support Application of a Single Law	258
3. Application of Federal Common Law	260
<i>Boyle v. United Technologies Corporation</i>	262
Notes and Questions	267
<i>In re “Agent Orange” Product Liability Litigation</i>	268
Notes and Questions	275
4. Federal Legislation and its Impact	276
Chapter 5 · Judicial Management and Control of the Pretrial Procedure	281
A. Introduction	281
B. Overview of Pretrial Judicial Management, Including Alternative Dispute Resolution and Fostering Settlement	283

Notes and Questions	286
<i>Switzer v. Much, Shelist, Freed, Denenberg, Ament, Bell & Rubenstein, P.C.</i>	287
Notes and Questions	293
C. Judicial Adjuncts: Magistrate Judges and Masters	294
1. Delegation to Magistrate Judges	295
Notes and Questions	296
<i>Williams v. Beemiller, Inc.</i>	297
Notes and Questions	300
2. Delegation to Masters	301
Notes and Questions	301
<i>Cordoza v. Pacific States Steel Corporation</i>	304
Notes and Questions	309
Note on Court Appointment of Expert Witnesses	310
D. Motions to Disqualify (or “Recuse”)	313
Notes and Questions	315
<i>Fairley v. Andrews</i>	316
Notes and Questions	323
E. Judicial Control Through Sanctions	325
1. Federal Rules	326
2. Statutory Fee Shifting	328
<i>Dixon v. Clem</i>	328
Notes and Questions	330
3. Inherent Authority	332
4. Contempt	333
Chapter 6 · Aggregate Litigation: Party and Claim Joinder in the Context of a Single Case	335
A. Introduction	335
B. Joinder Provisions Other Than The Class Action	336
1. Party Joinder: Rules 20, 19, 24, and 14	336
a. Permissive Party Joinder (Rule 20)	336
b. Compulsory Party Joinder (Rule 19)	337
c. Intervention (Rule 24)	339
d. Impleader (Rule 14)	340
Notes and Questions	340
2. Claim Joinder: Rules 18 and 13	342
a. Claim Joinder by the Plaintiff (Rule 18(a))	342
b. Claim Joinder by Defending Parties (Rule 13)	343
Problem	344
C. The Class Action: Certification Under Rule 23(a) and Rule 23(b)	344
1. Introduction and Background	344
2. Rule 23(a): Prerequisites for All Class Actions	348

a. Overview	348
b. Implicit Requirement of a Class: Ascertainability and Manageability	348
c. The Four Express Requirements and the Need for Proof Question	351
<i>Wal-Mart Stores, Inc. v. Dukes</i>	352
Notes and Questions	353
Note on Front-Loading and Consideration of the Merits	363
<i>Hansberry</i> : Constitutional Underpinnings	364
Applying Rule 23(a)(4)	367
3. Rule 23(b): The Types of Class Actions	369
a. Rule 23(b)(1): The “Prejudice” Class Actions	372
Notes and Questions	373
Note on the “Limited Generosity” Class	376
b. Rule 23(b)(2): Injunctive or Declaratory Relief	377
Can a Rule 23(b)(2) Class Seek Monetary Relief?	378
<i>Wal-Mart Stores, Inc. v. Dukes</i>	379
Notes and Questions	379
c. Rule 23(b)(3): The “Damages” Class Action	383
<i>Castano v. American Tobacco Company</i>	385
Notes and Questions	390
4. Can a Class Include Future Claims or Members?	398
5. Defendant Class Actions	404
Question	405
D. Issues in Class Litigation	407
1. Definition of the Class and Appointment of Class Counsel	407
2. Interlocutory Appeal of the Certification Decision	408
Notes and Questions	409
3. Communicating with Class Members	410
a. Limits Imposed by Professionalism	411
Notes and Questions	411
b. The Court’s Authority Under Rule 23 to Limit Communications (and Constitutional Limits on that Authority)	413
Notes and Questions	415
4. Discovery from Class Members	416
5. Notice of Class Membership, Opting Out, and Intervention into Class Action	416
a. The Provisions	417
Notes and Questions	417
b. “Best Notice Practicable . . .” and Who Pays to Give It	418
c. Opting Out or Entering an “Appearance” in a Rule 23(b)(3) Class	420
d. Intervening into Any Class Action	421
6. Class Remedies	422

Questions	425
E. Settlement, Voluntary Dismissal, or Compromise of a (Certified) Class Action	426
1. The Need for Court Engagement; Rule 23(e)	426
Notes and Questions	428
2. Overview of the Process	429
3. Getting Information to the Court	430
4. “Settlement Classes” — <i>Amchem Products, Inc. v. Windsor</i>	431
Note on Settling Future Claims (More <i>Amchem</i>)	432
Question	433
Question	434
5. Factors for Assessing Whether to Approve the Proposed Settlement	434
<i>In re General Motors Pick-Up Truck Fuel Tank Product</i> <i>Liability Litigation</i>	435
Notes and Questions	446
F. The Class Action: Jurisdiction and Related Issues	447
1. Subject Matter Jurisdiction	447
2. Personal Jurisdiction	449
Questions	449
3. Mootness and Standing	450
a. Mootness	450
Questions	451
b. Standing, “Exposure-Only” Claims, and the Problem of the “No-Injury Class”	451
4. Statute of Limitations	453
Notes and Questions	454
G. Trends in Aggregate Litigation and the Arbitration Threat	455
H. The Bankruptcy “Alternative” to Class Litigation	459
I. Special Statutory Provisions: CAFA, PSLRA, ALI Principles	461
Chapter 7 · Appointment, Organization, and Compensation of Lead, Liaison, and Class Counsel	465
A. Appointment of Class and Lead Counsel	465
1. Introduction	465
2. Note on the Traditional Model of Designating Class or Lead Counsel: Effective Self-Appointment and Routine Court Approval	466
3. The Emergence of Active Judicial Involvement in the Selection and Appointment of Class and Lead Counsel	467
a. Appointment and Powers of Lead and Liaison Counsel	467
Notes and Questions	471
b. Appointment of “Class Counsel” under Rule 23(g)	473
Notes and Questions	474

c. Selection of Class or Lead Counsel Based on the Submission of Bids	475
Notes and Questions	475
4. Note on the Organization of Defense Counsel in Complex Cases	476
B. Award of Attorney’s Fees in Complex Litigation	477
1. Basis for Fee Awards	477
2. Fee Awards in Complex Litigation	478
a. Background	478
b. Who Is a “Prevailing Party”?	480
<i>Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep’t of Health and Human Res.</i>	480
Notes and Questions	485
c. Fee Awards Based on the “Common Fund” Doctrine	487
3. The “Lodestar” Method of Determining Fee Awards	487
<i>Hensley v. Eckerhart</i>	487
Notes and Questions	493
4. The “Percentage of Recovery” Method of Determining Fee Awards	494
Notes and Questions	495
5. Determining Attorneys’ Fees in Cases Where the Relief Obtained is Difficult to Value	496
6. Court Authority Over Negotiated Fees	498
<i>Staton v. Boeing Co.</i>	498
Notes and Questions	505
7. Note on the Allocation of Fee Awards Among Counsel	506
8. Note on Expert Witness Fees and Litigation Expenses	507
Chapter 8 · Discovery	509
A. Introduction	509
B. The Discovery Process in Complex Litigation	511
1. Discovery Plans	511
Note	512
2. Document Depositories	513
3. Document Retention Policies	514
Preservation of Documents, Data, and Tangible Things	
Interim Order Regarding Preservation	516
Notes and Questions	517
4. Judicial Management Techniques	518
5. Traditional Discovery Techniques in Complex Cases	521
6. Electronic Discovery	522
<i>Zubulake v. UBS Warburg LLC a/k/a Zubulake I</i>	523
<i>Zubulake v. UBS Warburg LLC a/k/a Zubulake III</i>	533
Notes and Questions	539

A Note on Metadata	552
<i>Williams v. Sprint/United Management Co.</i>	556
<i>Kentucky Speedway, LLC v. National Association of Stock Car Auto Racing, Inc.</i>	560
Notes and Questions	562
C. Protective Orders	563
1. Introduction	563
2. Protective Orders and the First Amendment	564
<i>Seattle Times Co. v. Rhinehart</i>	564
Notes and Questions	569
3. The Outer Boundaries: Protective Orders	571
Notes and Questions	573
D. Attorney-Client Privilege, Joint Defense Privilege, and the Work Product Doctrine	574
<i>United States ex rel. Burroughs v. Denardi</i>	576
Notes and Questions	581
Note on Experts and Privilege	582
E. Discovery Sanctions	584
<i>National Hockey League v. Metropolitan Hockey Club</i>	584
Notes and Questions	587
<i>Arthur Andersen LLP v. United States</i>	591
<i>West v. Goodyear Tire & Rubber Co.</i>	597
Notes and Questions	601
<i>The Pension Committee of the University of Montreal Pension Plan v. Banc of America Securities, LLC</i>	603
Notes	611
F. International Discovery	612
1. Obtaining Discovery Outside the United States to Support Litigation in an American Court	612
<i>In re Automotive Refinishing Paint Antitrust Litigation</i>	614
Notes and Questions	618
2. Domestic Discovery in Aid of Foreign Proceedings	618
Chapter 9 · Streamlining Complex Cases	621
A. Introduction	621
B. Dismissal on the Pleadings	621
1. Heightened Pleading Standards in Complex Cases	621
<i>Bell Atlantic Corp. v. Twombly</i>	622
Notes and Questions	631
<i>Twombly's Aftermath</i>	631
2. The Heightened Pleading Requirements of the Private Securities Litigation Reform Act of 1995	637
<i>Tellabs, Inc. v. Makor Issues & Rights, Ltd.</i>	640
Notes and Questions	644

C. Summary Judgment	645
1. Introductory Note on the Importance of Summary Judgment in Complex Cases	645
2. Summary Judgment Basics	645
3. Summary Judgment in Complex Cases	646
<i>Matsushita Elec. Indus. Co. v. Zenith Radio Corp.</i>	646
Notes and Questions	652
D. Early Settlement	653
1. Excerpts from the MANUAL FOR COMPLEX LITIGATION	653
Notes and Questions	659
E. Other Alternatives to Litigation	660
1. Overview of Methods of Alternative Dispute Resolution	660
2. Arbitration Under the Federal Arbitration Act	660
F. Streamlining the Trial Process	665
1. Is There a Complexity Exception to the Seventh Amendment?	665
Notes and Questions	672
2. Bifurcation	674
Notes and Questions	675
3. Summaries of Evidence as a Trial Simplification Device	677
Summaries of Depositions	678
Summaries of Direct Testimony	679
Summaries of Non-Testimonial Evidence	681
Notes and Questions	682
4. Judicial Time Limits on Trials	683
5. <i>In re Fibreboard</i> and Trial by Statistics	684
<i>In re Fibreboard Corporation</i>	685
Notes and Questions	690
6. Due Process Problems with Trial by Statistics	697
Chapter 10 · Preclusion	701
A. Introduction	701
B. Non-Mutual Issue Preclusion	703
<i>Parklane Hosiery Co. v. Shore</i>	703
Notes and Questions	708
1. Application of the <i>Parklane Hosiery</i> Doctrine in Complex Cases	708
<i>Hardy v. Johns-Manville Sales Corp.</i>	708
2. The Scope of the <i>Parklane Hosiery</i> “Exceptions”	714
C. Preclusion in Class Actions	715
1. Limits of Claim and Issue Preclusion in Class Actions	715
<i>Cooper v. Federal Reserve Bank of Richmond</i>	715
Notes and Questions	721
2. Relitigation of the Issue of Adequate Representation	722
<i>Stephenson v. Dow Chemical Co.</i>	722

Notes and Questions	728
D. Preclusion of Nonparties to a Previous Action	730
1. Basic Principles	730
<i>Martin v. Wilks</i>	730
Note	734
2. Circumstances in which Non-Parties May Be Precluded	734
a. Traditional Exceptions	734
b. “Virtual Representation”	734
<i>Taylor v. Sturgell</i>	735
E. Interjurisdictional Preclusion	741
1. Preclusive Effect of State Judgments in Federal Court	742
<i>Matsushita Electric Industrial Co. v. Epstein</i>	742
Notes and Questions	749
2. Preclusive Effect of Federal Judgments in State Court	750
<i>Semtek Int’l Inc. v. Lockheed Martin Corp.</i>	750
Notes and Questions	754
Index	757

Table of Cases

- Abdullah v. Acands, Inc., 340
- Abraham v. Volkswagen of America, Inc., 340
- Accent Delight International Ltd., In re, 620
- Adair v. Sunwest Bank, 680
- Ageloff v. Delta Airlines, Inc., 694
- Agent Orange Product Liability Litigation, In re, 72, 268, 375, 388, 393, 506, 676, 723, 724, 727
- Aguilar v. U.S. Immigration and Customs Enforcement Div., 509
- Aguilar, United States v., 594, 596
- Air Crash Disaster at Fla. Everglades on Dec. 29, 1972, 1987, In re, 467, 507
- Air Crash Disaster at Stapleton International Airport, Denver, Colorado, on November 15, In re, 1987, 678, 679
- AK Steel Corp. v. PAC Operating Limited Partnership, 26
- Alabama v. Blue Bird Body Co., 676, 692
- Alexander S. v. Boyd, 311
- Allen v. McCurry, 748
- Allen v. United States, 594
- Allison v. Citgo Petroleum Corp., 382
- Allstate Ins. Co. v. Hague, 9, 250, 251, 252
- Alpern v. Lieb, 301
- ALS Scan, Inc. v. Digital Serv. Consultants, Inc., 35
- Alyeska Pipeline Service Co. v. Wilderness Society, 477, 478, 481, 487
- Amalgamated Clothing Workers v. Richman Bros., 189
- Amalgamated Sugar Co. v. NL Indus., Inc., 200
- Amchem Products, Inc. v. Windsor, 125, 380, 431, 432, 433, 722, 727
- American Communications Assn. v. Douds, 567
- American Express Co. v. Italian Colors Restaurant, 663
- American Express Merchs. Litigation, In re, 458
- American Safety Equipment Corp. v. J.P. Maguire & Co., 662
- American Telephone & Telegraph Co., United States v., 637
- American Telephone & Telegraph Co. v. Compagnie Bruxelles Lambert, 57
- Amgen, Inc. v. Connecticut Ret. Plans & Trust Funds, 365
- Amlong & Amlong, P.A. v. Denny's, Inc., 330
- Amoche v. Guarantee Trust Life Ins. Co., 145
- Amoco Prod. Co. v. Village of Gambell, 219

- Anderson v. Cryovac, Inc., 570
- Answers in Genesis of Kentucky, Inc. v. Creation Ministries Int'l, Ltd., 209
- Antioch Co. v. Scrapbook Borders, Inc., 527
- Arkansas Educ. Ass'n v. Board of Educ., 352
- Arnstein v. Porter, 645
- Arthur Andersen LLP v. United States, 591
- Asahi Metal Industry Co. v. Superior Court, 4, 5, 11, 12, 13, 14, 22, 23, 30, 43, 44, 45, 46, 53
- Ashcroft v. Iqbal, 125, 632
- Associated Gen. Contractors of Cal., Inc. v. Carpenters, 626
- AT&T Corp. v. Iowa Utilities Bd., 623
- AT&T Mobility LLC v. Concepcion, 457, 664, 699, 700
- Atkinson v. McLaughlin, 34
- Atlantic C. L. R. Co. v. Brotherhood of Locomotive Engineers, 188, 189, 195, 196, 199
- Atlantic Marine Construction Co. v. U.S. District Court, 160, 162, 245, 303
- Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 673
- Auction Houses Antitrust Litig., In re, 475
- Auto Workers v. Hoosier Corp., 273
- Automotive Refinishing Paint Antitrust Litigation, In re, 614
- B.F. Goodrich v. Betkoski, 512
- Baffa v. Donaldson, Lufkin & Jenrette Securities Corp., 371
- Bailey v. United States, 595
- Baker v. F & F Investment, 586
- Baldwin-United Corp. (Single Premium Deferred Annuities Ins. Litigation), In re, 196, 200
- Banholzer v. New York Life Ins. Co., 256
- Bank of America Nat. Trust & Sav. Assn. v. Parnell, 263
- Bank of the United States v. Deveaux, 81
- Bank of the West v. Valley National Bank, 580
- Bankers Life & Cas. Co. v. Holland, 306
- Barancik v. Investors Funding Corp., 186, 189, 190, 192
- Barrett v. Catacombs Press, 31, 32
- Basic, Inc. v. Levinson, 402
- Bates v. State Bar of Arizona, 413
- Battle v. Liberty National Life Ins. Co., 201
- Bay State Ambulance & Hosp. Rental Serv., United States v., 580
- Bayer AG & Miles, Inc. v. Barr Laboratories, Inc., 573
- Bayou Steel Corp. v. M/V Amstelveorn, 26
- Beacon Theatres, Inc. v. Westover, 666, 667
- Becher v. Contoure Laboratories, Inc., 748, 749
- Bell Atlantic Corp. v. Twombly, 125, 622, 631, 632, 634, 635, 636
- Belleville Catering Co. v. Champaign Market Place LLC, 84, 332, 333
- Bendectin Litigation, In re, 676, 677

- Bennett v. General Caster Serv. of N. Gordon Co., 301
- Berger v. Compaq Computer Corp., 371
- Berger v. United States, 321
- Best Buy Stores, L.P. v. Developers Diversified Realty Corp., DDR GLH, LLC, 550
- Best Van Lines, Inc. v. Walker, 35
- Big O Tires, Inc. v. Bigfoot 4X4, Inc., 531
- Biolitec, Inc. v. Angiodynamics, Inc., 152
- Bittinger v. Tecumseh Products Co., 740
- Bivens v. Six Unknown Fed. Narcotics Agents, 632
- Blas, Estate of, ex rel. Chargualaf v. Winkler, 331
- Blonder-Tongue Laboratories, Inc. v. Univ. of Illinois Found., 703, 705
- Blue Cross and Blue Shield of New Jersey, Inc. v. Philip Morris USA Inc., 697
- Blum v. Stenson, 494
- Boeing Co. v. Van Gemert, 497, 727
- Boguslavsky v. South Richmond Sec., 714
- Boise Cascade Securities Litigation, In re, 667
- Bonanno v. Quiznos Masters LLC, 416
- Bonds v. District of Columbia, 587
- Borel v. Fibreboard Paper Products Corp., 709, 711, 712
- Bradley v. Fisher, 263
- Braley v. Campbell, 331
- Breast Implant Cases, In re, 311
- Brennan v. Midwestern United Life Insurance Co., 417
- Bridgeport Music, Inc. v. London Music, U.K., 330
- Bridgestone/Firestone, Inc. Products Liability Litig., In re, 729
- Brinkley v. Monterey Fin. Servs., Inc., 131
- Briseno v. ConAgra Foods, Inc., 350
- Bristol-Myers Squibb Co. v. Superior Court, 14, 15
- Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 624
- Brown & Williamson Tobacco Corp. v. FTC, 570
- Brown v. Kerkhoff, 37, 65
- Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health and Human Res., 480, 486
- Buckley v. Valeo, 567
- Bullard v. Burlington Northern Santa Fe Ry. Co., 127
- Burford v. Sun Oil Co., 204
- Burger King Corp. v. Rudzewicz, 4, 7, 8, 11, 18, 22, 32, 53, 54
- Burke v. Kleiman, 368
- Burlington, City of, v. Dague, 441, 494
- Burroughs, United States ex rel., v. Denardi, 576
- Busch v. Buchman, Buchman & O'Brien Law Firm, 43
- Butcher's Union Local No. 498 v. SDC Investment, Inc., 55, 64
- Byrd v. Aaron's Inc., 350

- Byrd v. Blue Ridge Electrical Cooperative, Inc., 234
- Cafeteria Works v. McElroy, 698
- California Public Employees' Retirement System v. ANZ Securities, Inc., 455
- California v. American Stores Co., 693
- Calvert v. Huckins, 57
- Campos v. City of Baytown, Tex., 133
- Campos v. Ticketmaster Corp., 176
- Capaci v. Katz & Besthoff, Inc., 693
- Carlock v. State, 694
- Carlough v. Amchem Prods., Inc., 196, 197, 198, 199, 200
- Carmack v. Massachusetts Bay Transp. Auth., 154
- Carnegie v. Household Int'l, Inc., 346
- Carnival Cruise Lines v. Shute, 24
- Carrera v. Bayer Corp., 349, 350
- Carroll v. Lafayette Ins. Co., 118, 119
- Caruso v. Allstate Ins. Co., 140
- Case v. ANPAC Louisiana Insurance Co. and In re Katrina Canal Breaches Consolidated Litigation, 115
- Castano v. American Tobacco Co., 390, 402
- CBT Flint Partners, LLC v. Return Path, Inc., 543
- Celotex Corp. v. Catrett, 513, 645
- Cendant Corp. Litig., In re, 466, 475, 476, 496
- Chambers v. NASCO, Inc., 223, 332, 599
- Chan v. Society Expeditions, Inc., 58
- Charles Schwab Corp. v. Bank of America Corp., 35, 65
- Chase National Bank v. Norwalk, 733
- Chauffeurs, Teamsters & Helpers, Local No. 391 v. Terry, 666
- Chevron U.S.A., Inc., In re, 695, 696, 697
- Chick Kam Choo v. Exxon Corp., 188, 192
- China Agritech, Inc. v. Resh, 454
- Chirila v. Conforte, 65
- Christian Sci. Bd. of Dirs. of First Church of Christ, Scientist v. Nolan 28
- Christiansburg Garment Co. v. EEOC 328
- Christmas v. Union Pac. R.R. Co., 131
- Cianbro Corp. v. Curran- Lavoie, Inc., 155
- Cimino v. Raymark Indus., 690, 691, 692, 695, 697, 698
- Cipollone Co. v. Liggett Group, Inc., 569, 570
- City of (See Name of City)
- Clark v. Paul Gray, Inc., 92, 98, 100, 101, 103, 104
- Clearfield Trust Co. v. United States, 261, 262, 264, 269, 272
- Cobell v. Norton, 310
- Coburn v. 4-R Corp., 374, 375
- Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co., 588, 589
- Colorado River Water Conservation Dist. v. United States, 204, 205, 206, 207, 208, 209
- Colosi v. Jones Lang LaSalle Americas, Inc., 543

- Compact Disc Minimum Advertised Price Antitrust Litig., In re, 497
- Conant v. Sherwin L. Kantrovitz, P.C., 155
- Conley v. Gibson, 621, 622, 625, 626, 629, 635
- Connecticut v. Doehr, 698
- Connolly Data Systems v. Victor Technologies, 578
- Consolidated Rail Corp. v. Town of Hyde Park, 406
- Continental Time Corp. v. Swiss Credit Bank, 155
- Cooper v. Federal Reserve Bank of Richmond, 357, 358, 715, 721
- Copeland v. Marshall, 490
- Copley Pharmaceutical, Inc., In re, 676
- Cordova v. Pacific States Steel Corporation, 304
- Corrugated Container Antitrust Litig., In re, 196, 715
- Country Vintner of N.C., LLC v. E. & J. Gallo Winery, Inc., 543
- Cox v. American Cast Iron Pipe Co., 351
- Crawford v. Onyx Software Corp., 472
- Crawford-El v. Britton, 630
- Crown, Cork & Seal Co v. Parker, 453, 454
- Cruden v. Bank of New York, 512
- Cruz v. Savage, 331
- Cybersell, Inc. v. Cybersell, Inc., 28
- D'Oench, Duhme & Co. v. Federal Deposit Ins. Corp., 261, 262
- Daar v. Yellow Cab Co., 423
- Daimler AG v. Bauman, 15, 16, 35, 58
- Dairy Farmers of America, Inc. v. Bassett & Walker Int'l, Inc., 34
- Dairy Queen, Inc. v. Wood, 666, 667, 672
- Dale Electronics v. R.C.L. Electronics, Inc., 352, 405
- Dataphase Systems, Inc. v. C L Systems, Inc., 215, 216
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 358, 365
- Daval Steel Prods. v. M/V Fakredine, 600, 601
- Davis v. Carl Cannon Chevrolet-Olds, Inc., 497
- Davis, In re, 685
- Davis, United States v., 681
- Day & Zimmerman, Inc. v. Challoner, 237
- Daynard v. Ness, Motley, Loadholt, Richardson & Poole, P.A., 59
- Dearmore v. City of Garland, 486, 487
- Deepwater Horizon, In re, 363, 400
- DeJames v. Magnificence Carriers, Inc., 43
- Denny's, Inc. v. Cake, 186
- Dental Supplies Antitrust Litigation, In re, 71
- Devlin v. Scardelletti, 71, 307, 308
- Diet Drugs Products Liability Litigation, In re, 193
- DiLeo v. Ernst & Young, 637
- Dillon v. Nissan Motor Co., 601
- Dimick v. Schiedt, 666

- Disability Rights Council of Greater Wash. v. Wash. Metro. Area Transit Auth., 550, 551
- Discover Bank v. Superior Court, 457, 699
- District of Columbia Court of Appeals v. Feldman, 202
- Dixon v. Clem, 328
- DL v. District of Columbia, 364
- Doctor's Associates, Inc. v. Casarotto, 663
- Doe v. Unocal Corp., 55
- Doe, In re, 578
- Dombrowski v. Pfister, 185, 189
- Donald J. Trump Casino Securities Litigation, In re, 175
- Donovan v. City of Dallas, 180
- Dowling v. United States, 594
- Dupasseeur v. Rochereau, 750
- E&J Gallo Winery v. Andina Licores, S.A., 215
- E.K. Hardison Seed Co. v. Jones, 694
- Eash v. Riggins Trucking Inc., 682
- Eastman Kodak Co. v. Image Technical Services, Inc., 653
- Eckstein v. Balcor Film Investors, 246
- Ehrenhaus v. Reynolds, 290
- Eisen v. Carlisle & Jacquelin, 69, 365, 392, 419, 420, 740
- El-Fadl v. Central Bank of Jordan, 56, 57
- Employers Res. Mgmt. Co. v. Shannon, 188
- Epic Systems Corp. v. Lewis, 664
- Eppstein v. MCA, Inc., 726
- Erickson v. Pardus, 631
- Erie Railroad Co. v. Tompkins, 232, 234, 236, 239, 240, 243, 261, 752
- Ernst & Ernst v. Hochfelder, 640
- Espana v. United States, 694
- Estate of (See Name of Deceased)
- Evans v. Jeff D., 482, 483, 502, 505
- Ex Parte (See Name of Party)
- Executive Software N. Am., Inc. v. United States Dist. Court, 308
- Exxon Corp. v. Texas Motor Exchange, Inc., 693
- Exxon Mobil Corp. v. Allapattah Services, 448
- Exxon Mobil Corp. v. Saudi Basic Industries Corp., 203
- Ezzes v. Ackerman, 745
- Fairley v. Andrews, 316, 323
- Famular v. Whirlpool Corp., 25
- Farber v. Riker-Maxson Corp., 467, 471
- Farrar v. Hobby, 486
- FC Inv. Group LC v. IFX Markets, Ltd., 62
- Federal Skywalk Cases, In re, 471
- Federated Dept. Stores v. Moitie, 701
- Feller v. Transamerica Life Ins. Co., 71
- Ferens v. John Deere Co., 74, 161, 238
- Fibreboard Corp., In re, 398, 685, 690, 691, 692, 693, 695, 696, 697
- Fine Paper Antitrust Litigation, In re, 467, 506
- Finley v. United States, 91
- First Chicago Int'l v. United Exch. Co., 64

- First National City Bank, United States v., 10
- 1st Technology, LLC v. Rational Enterprises Ltd., 518, 590, 591
- First Union Mortgage Corp. v. Smith, 299
- Fitzhenry-Russell v. Dr. Pepper Snapple Grp., Inc., 71
- Flatt v. Johns-Manville Sales Corp., 709
- Flight Safety Technologies, Inc. Sec. Litig., In re, 472
- FMC Corp. Patent Litigation, In re, 74
- Foster-Miller, Inc. v. Babcock & Wilcox Can., 61
- 43 1/2 Gross Rubber Prophylactics, United States v., 694
- 449 Cases Containing Tomato Paste, United States v., 694
- FPI/Agretech Securities Litig., In re, 506
- Frank's Casing Crew & Rental Tools, Inc. v. PMR Technologies, Ltd., 26, 30
- Frazier v. Pioneer Americas LLC, 136
- Frederico v. Home Depot, 145
- Friends of Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc., 483
- Gannett Co. v. DePasquale, 568
- Garcia v. Teitler, 105
- Gary Plastic Packaging Corp. v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 367
- Gasperini v. Center for Humanities, Inc., 234
- Gator.com Corp. v. L.L. Bean, Inc., 36
- Gau Shan v. Bankers Trust Co., 217
- Gelboim v. Bank of Am. Corp., 176
- General Bronze Corp. v. Kostopoulos, 263
- General Dynamics Corp. v. Selb Mfg. Co., 586
- General Motors Corp. Pick-Up Truck Fuel Tank Prods. Liab. Litig., In re, 435
- General Telephone Co. v. Falcon, 356, 364, 366, 630
- Georgine v. Amchem Prods., 393
- Gilbert, In re, 307
- Gillard v. Boulder Valley School District Re-2, 573
- Gilmer v. Interstate/Johnson Lane Corp., 661, 662, 663
- Girsh v. Jepson, 438
- GlenFed, Inc. Securities. Litig., In re, 639
- Glock v. Glock, Inc., 619
- Goldberger v. Integrated Resources, Inc., 495
- Goldhammer v. Dunkin Donuts, Inc., 158
- Goldlawr, Inc. v. Heiman, 159
- Gomez v. United States, 299
- Good v. West Virginia-American Water Company, 495
- Goodyear Tire & Rubber Co. v. Haeger, 332
- Google Referrer Header Privacy Litigation, In re, 424
- Gorton v. Air & Liquid Systems Corp., 26
- Goss International Corp. v. Man Roland Druckmaschinen Aktiengesellschaft, 220
- Goss International Corporation v. Tokyo Kikai Seisakusho, Ltd., 212

- Go-Video, Inc. v. Akai Electric Co., Ltd.,
56
- Grable & Sons Metal Products v. Darue
Engineering & Manufacturing, 78
- Grand Jury Proceedings, In re, 577
- Grand Jury Subpoena, In re, 581
- Grand Jury Subpoenas 89-3 and 89-4,
John Doe 89-129, In re, 575, 580
- Grand Jury Subpoenas, Matter of, 577
- Grand, United States ex rel., v. Northrop,
577
- Granfinanciera, S.A. v. Nordberg, 673
- Green Tree Financial Corp. v. Bazzle,
661, 662, 728
- GTE New Media Servs. Inc. v. BellSouth
Corp., 28
- Guaranty Trust Co. v. York, 234, 239, 254
- Gulf Oil Co. v. Bernard, 414, 415
- Gulf Oil Corp. v. Gilbert, 155,
221, 223, 224
- Gunn v. Minton, 78
- Gunter v. Ridgewood Energy Corp., 495
- Hagan v. City of Winnemucca, 367
- Hagemeyer N. Am., Inc. v. Gateway Data
Sci. Corp., 540
- Haines v. Liggett Group, 580
- Halkin, In re, 568
- Hall v. E.I DuPont de Nemours Co., 341
- Hall v. Hall, 171
- Halliburton Co. v. Erica P. John Fund,
Inc., 402
- Hancock v. City of Oklahoma City, 290,
291
- Handgards, Inc. v. Johnson & Johnson,
578
- Hanlon v. Chrysler Corp., 196, 322,
504, 599, 600, 639
- Hanna v. Plumer, 752
- Hansberry v. Lee, 367, 368, 419, 725, 726,
732, 735, 737, 740
- Hanson v. Denckla, 4, 7, 13, 33, 43
- Hardt v. Reliance Standard Life Ins. Co.,
487
- Hardy v. Johns-Manville Sales Corp., 708
- Hartford Life Ins. Co. v. Ibs, 250
- Hartman v. Diamond Shamrock
Chemicals Co., 723, 724, 726, 727
- Haynes Trane Service Agency, Inc. v.
American Standard, Inc., 672
- Hazelwood School Dist. v. United States,
693
- Healix Infusion Therapy, Inc. v. Helix
Health, 36
- Heavner v. Uniroyal, Inc., 255
- Hegna v. Smitty's Supply, Inc., 25
- Helget v. City of Hays, 611
- Helicopteros Nacionales de Colombia,
S.A. v. Hall, 15, 19, 20
- Hensley v. Eckerhart, 483, 485, 487, 493
- Henson v. E. Lincoln Twp., 406, 407
- Hertz Corp. v. Friend, 22, 83
- Hess v. Pawloski, 25
- Hester v. Bayer Corp., 518
- Hewitt v. Helms, 484, 486, 508, 613, 615,
616, 617, 662
- Hewitt v. Hewitt, 65
- Hickman v. Taylor, 563, 578
- Hicks v. Kawasaki Heavy Industries, 8

- Higginbotham v. Baxter International, Inc., 644
- Hilao v. Estate of Ferdinand Marcos, 696, 698
- Hill v. Yaskin, 694
- Hillman v. Webley, 211
- Hilton v. Guyot, 217
- Hinckley v. Gilman, Clinton, and Springfield Ry. Co., 307
- Hoffman v. Blaski, 173
- Home Ins. Co. v. Dick, 250, 252
- Hook v. McDade, 317
- Hooper v. Lockheed Martin Corp., 245
- Hopson v. Mayor and City Council of Baltimore, 546
- HP Inkjet Printer Litig., In re, 497
- Huebner, United States v., 459
- Hy Cite Corp. v. Badbusinessbureau.com, L.L.C., 28
- Hyde Park Partners, L.P. v. Connolly, 189
- IBM Corp., In re, 325
- ILC Peripherals v. International Business Machines, 668
- Illinois v. City of Milwaukee, 260
- IMO Indus. v. Kiekert AG, 43
- In re (See Name of Matter)
- Ingalls v. The AES Corporation, 206
- Ingersoll Milling Mach. Co v. Granger, 209
- Ingle v. Circuit City Stores, Inc., 663, 664
- Insurance Corp. of Ireland v. Compagnie Des Bauxites De Guinee, 13, 26, 48, 616, 744, 749
- Intel Corp. v. Advanced Micro Devices, Inc., 619
- International Bhd. of Teamsters v. United States, 383, 693, 719
- International Shoe Co. v. Washington, 3, 4, 5, 8, 12, 20, 23, 42, 48, 52, 61, 74
- Irwin v. Onondaga Cty. Res. Recovery Agency, 563
- Itoba Ltd. v. Lep Group PLC, 44
- Ivy v. Diamond Shamrock Chemicals Co., 723
- J. McIntyre Machinery, Ltd. v. Nicastro, 12, 14, 15, 16
- Jack Faucett Assoc., Inc. v. AT&T, 714, 715
- Jackson v. Foley, 352
- Jackson v. United States, 300
- Japanese Electronic Products Antitrust Litigation, In re, 667, 668, 669
- Jenkins v. Raymark Industries, Inc., 388, 391, 400, 685
- Jensen v. Fiserv Trust Co., 402
- John B. Hull, Inc. v. Waterbury Petroleum Prods., Inc., 599, 600
- John Hancock Mutual Life Ins. Co. v. Yates, 236, 250
- Johnson v. Ashby, 683, 684
- Johnson v. City of Arcadia, Fla., 694
- Johnson v. Georgia Highway Express, Inc., 489
- Johnson v. Manhattan Ry. Co., 171
- Jones v. Continental Corp., 331
- Jones v. Ford Motor Credit Co., 89
- Jones v. NFTA, 599

- Jones v. Thompson, 290
 Joyce v. Federated Nat'l Ins. Co., 494
 Jungquist v. Sheikh Sultan Bin Khalifa Al Nahyan, 64
- Kaepa, Inc. v. Achilles Corp., 217
 Karaha Bodas Co. v. Negara, 215, 216
 Keeton v. Hustler Magazine, Inc., 8, 19, 34, 69
 Kerotest Mfg. Co. v. C-O-Two Fire Equipment Co., 149
 Kerr v. United States District Court, 685
 Kimbell Foods, Inc., United States v., 262, 263
 King Cty. v. IKB Deutsche Industriebank AG, 71
 Kiobel v. Millson, 301
 Kirkpatrick v. J.C. Bradford & Co., 371
 Kitsap Physicians Serv., United States v., 602
 Klaxon v. Stentor Elec. Mfg. Co, 161, 167, 235
 Kleiner v. First National Bank of Atlanta, 413
 Kline v. Burke Construction Co., 182, 183, 190, 191, 193, 195, 196, 255
 Knickerbocker, In re, 694
 Knorr Brake Corp. v. Harbil, Inc., 331
 Knudson, United States v., 511
 Kohr v. Allegheny Airlines, Inc., 275
 Kokkonen v. Guardian Life Ins. Co. of America, 105
 Konstantopoulos v. Westvaco Corp., 601
 Korean Air Lines Disaster, In re, 175, 176
- Kramer Motors, Inc. v. British Leyland, Ltd., 57
 Kramer v. Scientific Control Corp., 371
 Kremer v. Chemical Constr. Corp., 744
- Lake v. City of Phoenix, 563
 Laker Airways Ltd. v. Sabena, Belgian World Airlines, 217
 LaMar v. H&B Novelty & Loan Co., 366
 Larsen v. International Business Machines Corp., 694
 Larson, United States v., 321
 Latimer v. S/A Industrias Reunidas F. Matarazzo, 41
 Lattimore v. Nw. Co-Op Homes Ass'n, 192
 Lease Oil Antitrust Litig., In re, 749
 Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 621
 Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach, 178
 Liberty Lincoln Mercury, Inc. v. Ford Mktg. Corp., 351
 Lida v. Thompson, 182, 183
 Link v. Wabash R. Co., 326, 586
 Liparota v. United States, 595
 Liteky v. United States, 317, 318, 321, 323, 324
 Little Lake Misere Land Co., United States v., 262
 Local Loan Co. v. Hunt, 105
 Louisiana Power & Light Co. v. City of Thibodaux, 204, 263
 Louisiana v. Mississippi, 307

- Louisville & Nashville R. Co. v. Melton, 256
- Louisville & Nashville Railroad Co. v. Mottley, 78
- Loustalet v. Refco, 580
- Love Canal Actions, In re, 676
- M/S Bremen v. Zapata Off-Shore Co., 162, 166
- MacAlister v. Guterma, 465
- Machetti v. Linahan, 694
- Machulsky v. Hall, 32
- Maher v. Gagne, 481
- Maisonvill v. F2 America, Inc., 301
- Makar-Wellborn v. Sony Electronics, Inc., 573
- Makor Issues & Rights, Ltd. v. Tellabs Inc., 644
- Malchman v. Davis, 506
- Manax v. McNamara, 331
- Maness v. Meyers, 333
- Marcos, Estate of, 307
- Marks v. United States, 14
- Marrese v. American Academy of Orthopaedic Surgeons, 520, 744, 746, 749
- Mars Steel Corp. v. Continental Illinois National Bank & Trust Co. of Chicago, 426
- Martin v. Wilks, 730, 737, 738
- Martindell v. International Tel. & Tel. Corp., 572, 573
- Martinez-Catala, In re, 321, 323
- Mathis v. John Morden Buick, Inc., 517
- Matter of (See Name of Matter)
- Max Daetwyler Corp. v. Meyer, 43
- MCA, Inc. Shareholders Litigation, In re, 742, 745
- McAninch v. Wintermute, 25
- McBoyle v. United States, 594
- McDonnell Douglas Corp. v. Green, 627, 718
- McElmoyle v. Cohen, 253
- McGee v. Int'l Life Ins. Co., 4, 8, 44
- MCI Communications v. American Tel. & Tel. Co., 683
- McKnight v. General Motors Corp, 684
- McPeck v. Ashcroft, 542
- Meade v. Grubbs, 290
- Medtronic v. Catalyst Research Corp., 215
- Menowitz v. Brown, 246
- Messner v. Northshore Univ. Healthsystem, 365
- Methyl Tertiary Buthyl Ether (MTBE) Products, In re, 696
- Metro Industrial Painting Corp. v. Terminal Construction Co., 661
- Microsoft Corp., United States v., 312, 325
- Millenium Enters., Inc. v. Millenium Music, LP, 28, 34, 36
- Miller v. Toyota Motor Corp., 227
- Milligan v. Anderson, 62
- Milliken v. Meyer, 3, 5, 67
- Mills v. Duryee, 255
- Mills v. Electric Auto-Lite Co., 487, 666, 673
- Mink v. AAAA Dev. LLC, 28, 36

- Miscellaneous Docket Matter #1 v. Miscellaneous Docket Matter #2, 564
- Mississippi ex rel. Hood v. AU Optronics Corp., 127
- Monfort of Colorado, Inc. v. Cargill, Inc., 693
- Monster Beverage Corp. v. Herrera, 192
- Moody v. CSX Transportation, Inc., 602
- Morales v. Turman, 520
- Morgan Stanley & Co. v. Coleman (Parent) Holdings Inc., 589
- Mosel Vitelic Corp. v. Micron Technology, Inc., 518
- Mosley v. General Motors Corp., 337
- Moyle v. Liberty Mutual Retirement Benefit Plan, 495
- Mullane v. Central Hanover Bank & Trust Co., 3, 41, 420
- Mullins v. Direct Digital, LLC, 350
- Murphy Bros. v. Michetti Pipe Stringing, Inc., 86
- Murphy v. FDIC, 176
- Murphy, In re, 578
- Nadeau v. Helgemoe, 489
- National City Lines, Inc. v. LLC Corp., 189, 190
- National Equipment Rental v. Szukhent, 24
- National Hockey League v. Metropolitan Hockey Club, 584, 587
- National Labor Relations Board v. Nash-Finch Co., 189
- Nations v. Sun Oil Co., 714
- New Motor Vehicles Canadian Export Antitrust Litig., In re, 65
- New York Life Ins. Co. v. Dunlevy, 107
- New York State Ass'n for Retarded Children v. Carey, 307
- New York Telephone Co., United States v., 201, 328
- New York v. United States Metal Refining, 570
- Newman v. Piggie Park Enterprises, Inc., 478
- Newton v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 353
- Nigh v. Dow Chemical, 681, 682
- Noble v. United States, 531
- Nolan v. Transocean Air Lines, 237
- Northern Dist. of Cal., Dalkon Shield IUD Products Liability Litigation, In re, 387
- Norwood v. Kirkpatrick, 161
- Nottingham Partners v. Dana, 745
- Nowak v. Tak How Invs., Ltd., 155
- O'Bar v. Lowe's Home Centers, Inc., 547, 552
- O'Neill v. City of Shoreline, 563
- Ohralik v. Ohio State Bar Ass'n, 413
- Oklahoma Packing Co. v. Okla. Gas & Elec. Co., 195
- Oliveri v. Thompson, 331
- Olympic Refining Co. v. Carter, 572
- Omni Capital Int'l v. Rudolf Wolff & Co., Ltd., 46, 47, 52
- Oostendorp v. Khanna, 679

- Oppenheimer Fund, Inc. v. Sanders, 421, 527, 534
- Ortiz v. Fibreboard Corp., 125, 375, 376, 377, 380, 384, 386, 433, 460, 461, 722, 725, 727
- Osborn v. Bank of the United States, 77
- Osborne, United States v., 119
- Ottmann v. Hanger Orthopedic Group, Inc., 639
- Pacific Employers Ins. Co. v. Industrial Accident Comm'n, 251, 252, 253, 255
- Pacific Railroad Removal Cases, 77
- Paddington Partners v. Bouchard, 513
- Panama, Republic of, v. BCCI Holdings (Luxembourg) S.A., 43, 50
- Paradyne Corp., In re, 685
- Paramedics Electromedicina Comercial, Ltda. v. GE Med. Sys. Info. Techs., Inc., 214
- Parklane Hosiery Co. v. Shore, 703, 710, 713, 714, 715
- Patenaude, In re, 177
- Paul, Johnson, Alston & Hunt v. Graulty, 495
- Paxman v. Campbell, 407
- Pazol v. Tough Mudder Inc., 145
- Pecarsky v. Galaxiworld.com, Inc., 528
- Pennoyer v. Neff, 19, 20, 33
- Pennzoil Co. v. Texaco, Inc., 205
- Pension Committee of the University of Montreal Pension Plan v. Banc of America Securities, LLC, 603
- PeopleHelpers Found, Inc. v. City of Richmond, 321
- Perdue v. Kenny, 494, 501
- Perkins v. Benguet Consolidated Mining Co., 15, 19, 20, 41
- Peskoff v. Faber, 550
- Peterson v. BMI Refractories, 330
- Petrobras Securities, In re, 350
- Phillips Petroleum Co. v. Shutts, 9, 65, 66, 70, 247, 352, 381, 385, 396, 419, 449, 726, 727
- Phillips Petroleum Co. v. Stahl Petroleum Co., 256
- Phinney v. Wentworth Douglas Hosp., 299
- Pickett v. Iowa Beef Processors, 370
- Piper Aircraft Co. v. Reyno, 160, 167, 221, 223, 226, 227, 228
- Poller v. Columbia Broadcasting System, Inc., 645
- Poster v. Central Gulf Steamship Corp., 342
- Powers v. British Vita, P.L.C., 639
- Powers v. Lycoming Engines, 258, 259
- Premier Elec. Const. Co. v. Nat'l Elec. Contractors Assoc., Inc., 715
- Press v. Chemical Investment Services Corp., 640
- Preston Farm & Ranch Supply, Inc. v. Bio-Zyme Enterprises, 256
- Preston v. Tenet Healthsystems Memorial Medical Center, Inc., 132, 144, 145
- Priceline.com Inc. Securities Litig., In re, 551
- Princess Lida v. Thompson 182, 183
- Processed Plastic Co. v. Warner Communications, Inc., 693

- Procurier v. Martinez, 567, 568
- Prudential Insurance Co. America Sales Practice Litig., In re, 447, 496, 506
- PT United Can Co. Ltd. v. Crown Cork & Seal Co., 64
- Pueblo of Laguna v. United States, 518
- Quaak v. Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren, 214, 216, 217
- Quackenbush v. Allstate Ins. Co., 222
- R.J. Reynolds Tobacco Co. v. Loew's Theatres, Inc., 693
- R.R. Donnelly & Sons Co. v. Jet Messenger Servs., Inc., 25
- Race Tires America, Inc. v. Hoosier Racing Tire Corp., 543
- Raddatz, United States v., 300
- RadioShack Corp. v. Ruffin, 192
- Railroad Commission of Texas v. Pullman, 203
- Rajaratnam v. Moyer, 299
- Real Estate Title, In re, 70
- Reilly v. NatWest Mkts. Group, Inc., 601
- Republic of (See Name of Republic)
- Residential Funding Corp. v. DeGeorge Fin. Corp., 602, 606
- Revell v. Lidov, 28, 35, 36
- Rhone-Poulenc Rorer Inc., Matter of, 393, 395, 396, 397, 676, 692
- Rikos v. Proctor & Gamble Co., 350
- Robertson v. National Basketball Association, 404, 405, 512
- Robinson, United States ex rel., v. Northrop Corp., 577, 578
- Rockwell International Corp. v. Costruzioni Aeronautiche Giovanni Agusta, 8
- Rodriguez v. Berrymore Farms, Inc., 352
- Rollins Burdick Hunter of Southern California, Inc. v. Alexander & Alexander Services, Inc., 57
- Rooker v. Fidelity Trust Co., 202, 203
- Roth v. Bank of the Commonwealth, 189, 190
- Rowe v. William Morris Agency, Inc., 526
- Royal Ins. Co. of Am. v. Quinn-L Capital Corp., 189
- Rufenacht v. Iowa Beef Processors, Inc., 714
- Ruiz v. Estelle, 309, 310
- Rushford v. New Yorker Magazine, 570
- S-1 and S-2 v. State Bd. of Ed. of N.C., 481
- Sabrina Roppo v. Travelers Commercial Ins. Co., 145
- Saliba v. State, 694
- Sampson v. Channell, 235
- Samsung Electronics Co., Ltd. v. Rambus, Inc., 515
- San Jose Mercury News, Inc. v. U.S. District Court, 574
- Sanborn Mfg. v. Campbell Hausfeld/Scott Fetzer Co., 216
- Sandpiper Village Condominium Assn. v. Louisiana-Pacific Corp., 202

- Sandusky Wellness Ctr., LLC v. Medtox Sci., Inc., 350
- Santana v. Cook County Bd. of Review, 637
- Sassower v. Field, 599
- Schlagenhauf v. Holder, 685
- School Asbestos Litigation, In re, 377, 393, 398, 416
- Schwab v. Philip Morris, 522
- Schwartzman, Inc. v. ACF Industries, Inc., 293
- Scott v. Cricket Comms., LLC, 145
- Seattle Times Co. v. Rhinehart, 564, 570
- Sedlacek v. Morgan Whitney Trading Group, 580
- Sekisui America Corp. v. Hart, 611
- Semsroth v. City of Wichita, 540
- Semtek Int'l Inc. v. Lockheed Martin Corp., 750, 755
- Sensient Colors, Inc. v. Allstate Ins. Co., 157
- Shaffer v. Heitner, 20
- Shamsuddin v. Vitamin Research Prods., 28
- Shelley v. Kramer, 368
- Silicon Graphics Inc. Sec. Litig., In re, 639, 640
- Silver Mining Company v. Montana Ore Purchasing Company, 79
- Silver Valley Partners, LLC v. De Motte, 65
- Silvestri v. General Motors Corp., 602, 605
- Simer v. Rios, 349
- Simon II Litigation, In re, 377
- Simon Property Group L.P. v. mySimon, Inc., 527
- Simon v. Merrill Lynch, Pierce, Fenner & Smith, Inc., 395
- Sindell v. Abbott Laboratories, 709
- Sinochem Int'l Co. v. Malaysia Int'l Shipping Co., 167
- Slottow v. American Cas. Co. of Reading, Pennsylvania, 57
- Smith v. Bayer Corp., 192, 193, 730
- Smith v. Cafe Asia, 542
- Smith v. Nationwide Prop. & Cas. Ins. Co., 145
- Snowney v. Harrah's Entertainment, Inc., 37
- Snyder v. Harris, 129
- Societe Internationale v. Rogers, 585
- Société Nationale Industrielle Aérospatiale v. United States District Court, 40, 613, 614, 615
- Soma Med. Int'l v. Standard Chartered Bank, 36
- Sosna v. Iowa, 450
- Southwest Airlines Co. v. Texas International Airlines, 711
- Standard Microsystems Corp. v. Texas Instruments, 189, 190
- Standard Oil Company, United States v., 269, 272, 274
- Stanger v. China Electric Motor, Inc., 495
- State Farm Fire & Casualty Co. v. Tashire, 82, 109, 146
- Staton v. Boeing Co., 498
- Stauffacher v. Bennett, 65

- Steering Comm. v. Exxon Mobil Corp., 387
- Stephenson v. Dow Chemical Co., 722, 728
- Stewart Organization, Inc. v. Ricoh Corp., 169, 240
- Stine v. Marathon Oil Co., 682
- Stone, United States ex rel., v. Rockwell, 577
- Strawbridge v. Curtiss, 82, 108
- Strong v. BellSouth Telecommunications Inc., 497
- Stuart v. Spademan, 4
- Subpoenas Duces Tecum (D.C. Cir. 1984), In re, 580
- Sugar Industry Antitrust Litigation, In re, 74
- Summers v. Tice, 643
- Supreme Tribe of Ben-Hur v. Cauble, 94, 448, 718
- Swamy v. Title Source Inc., 71
- Swierkiewicz v. Sorema, N.A., 523, 621, 627, 628, 629, 632
- Swift v. Tyson, 260
- Switzer v. Much, Shelist, Freed, Denenberg, Ament, Bell & Rubenstein, P.C., 287, 295, 325, 326
- Symbolic Control, Inc. v. Int'l Bus. Machs Corp., 675
- Synfuel Technologies, Inc. v. DHL Express, Inc., 497
- Syngenta Crop Protection, Inc. v. Henson, 211, 725
- Tanoh v. Dow Chemical Co., 127
- Taylor v. Sturgell, 734, 735
- Telectronics Pacing Systems, Inc., In re, 57
- Texas Dept. of Community Affairs v. Burdine, 718
- Texas Employers' Ins. Assn. v. Jackson, 188, 192
- Texas Industries, Inc. v. Radcliff Materials, Inc., 262
- Texas State Teachers Ass'n v. Garland Indep. Sch. Dist., 481, 486
- Theatre Enterprises, Inc. v. Paramount Film Distributing Corp., 624, 628
- Thomas v. American Cystoscope Makers, Inc., 695
- Thompson v. Bd. of Educ. of Romeo Cmty. Schs., 407
- Thompson v. U.S. Dep't of Hous. & Urban Dev., 542
- Thomson, Estate of, v. Toyota Motor Corporation Worldwide, 221, 227
- Tice v. American Airlines, Inc., 740
- Ticor Title Ins. Co. v. Brown, 380
- Tilley v. TSX Cos., Inc., 407
- Time Warner Inc. Sec. Litig., In re, 640
- Townsend v. Jemison, 253
- Toyota Motor Corp., United States v., 57
- Toys "R" Us, Inc. v. Step Two, S.A., 29, 34, 35
- Trammel v. United States, 594
- Transcanada Power Mktg., Ltd. v. Narragansett Elec. Co., 155, 156
- Transure, Inc. v. Marsh and McLennan, Inc., 56
- Treppel v. Biovail Corp. 606
- Troxell, United States v., 323

- Tull v. United States, 673
- Turner Entertainment Co. v. Degeto Film GmbH, 210
- Tyrer v. City of South Beloit, 207, 209
- Tyson Foods, Inc. v. Bouaphakeo, 403, 422, 699
- U.S. Financial Securities Litigation, In re, 670, 672
- Unger v. Amedisys Inc., 141
- Union Square Associates Securities Litigation, In re, 745
- Uniroyal Chemical Company, Inc. v. Syngenta Crop Protection, 573
- United Mine Workers v. Gibbs, 89, 97
- United Nuclear Corp. v. Cranford, 571
- United Shoe Machinery Corp., United States v., 312
- United States ex rel. (See Name of Party)
- United States Parole Commission v. Geraghty, 451
- United States v. (See Name of Defendant)
- Update Art, Inc. v. Modiin Pub., Ltd., 599
- Upjohn Co. v. United States, 575, 595
- Utah v. American Pipe & Constr. Co., 351
- Valentine v. Museum of Modern Art, 600
- Valley Disposal, Inc. v. Central Vermont Solid Waste Mgmt. Dist., 749
- Van Dusen v. Barrack, 161, 162, 167, 169, 176, 238
- Van Gemert v. Boeing Co., 727
- Vangura Kitchen Tops, Inc. v. C&C North America, Inc., 169, 170
- Vasquez v. Superior Court, 402
- Velez v. Marriott PR Management, Inc., 514
- Vendo Co. v. Lektro-Vend Corp., 188, 195
- Verizon Communications Inc. v. Law Offices of Curtis V. Trinko, LLP, 623
- Vermeulen v. Renault, U.S.A., Inc., 53
- Vincent v. Hughes Air West, Inc., 507
- Vioxx Prods. Liab. Litig., In re, 456, 507
- Virginia Dept. of State Police v. Washington Post, 570
- Visa Check/MasterMoney Antitrust Litigation, In re, 401
- Vogel v. United States Office Prods. Co., 299
- Volkswagenwerk Aktiengesellschaft v. Schlunk, 37, 38
- Vuyanich v. Republic Nat. Bank, 693
- W.E. Aubuchon, Inc. v. Benefirst, 550
- Walker v. American Home Shield Long Term Disability Plan, 311
- Wallace, United States v., 321
- Waller v. Financial Corp. of America, 580
- Wallis v. Pan American Petroleum Corp., 263, 267, 270, 272, 274
- Wal-Mart Stores, Inc. v. Dukes, 125, 177, 351, 353, 379, 398, 402, 403, 416, 419, 698, 699
- Warfarin Sodium Antitrust Litig., In re, 399, 506

- Washington Pub. Power Supply System
Sec. Litig., In re, 496
- Watson v. Fort Worth Bank & Trust,
358, 359, 360
- Webb v. District of Columbia, 587
- Webster Drilling Co. v. Sterling Oil of
Oklahoma, Inc., 256
- Wells Fargo & Co. v. Wells Fargo Express
Co., 46, 58
- Wells v. Simonds Abrasive Co., 253
- Wenokur v. AXA Equitable Life, 71
- West Pub. Co. v. Mead Data Cent., Inc.,
215
- West v. Goodyear Tire & Rubber Co.,
332, 597
- West v. Johnson, 321
- West Virginia University Hospitals, Inc.
v. Casey, 508
- Western Fuels Assn. v. Burlington
Northern R.R., 580
- Western Life Indemnity Co. v. Rupp, 256
- Westfall v. Erwin, 263
- White v. National Football League, 70, 71
- Wiginton v. CB Richard Ellis, Inc.,
541, 542
- Wilk v. American Medical Association,
571, 572, 573
- Williams v. Beemiller, Inc., 297
- Williams v. Burlington N., Inc., 70
- Williams v. Morgan, 308
- Williams v. Sprint/United Management
Co., 556, 561
- Willy, In re, 685
- Wilson v. American Motors Corp., 570
- Wilton v. Seven Falls Co., 210
- Windham v. American Brands, Inc., 401
- Winkler v. Eli Lilly & Co., 195, 196, 197,
200
- Winter v. NRDC, 220
- Winters v. Diamond Shamrock Chemi-
cal Co., 714
- World Wide Minerals v. Republic of
Kazakhstan, 63
- Worldcom, Inc. Sec. Litig., In re, 472
- World-Wide Volkswagen Corp. v.
Woodson, 4, 7, 8, 9, 10, 11, 13, 30, 52
- Wyeth v. Impax laboratories, Inc., 561
- X-Citement Video, Inc., United States v.,
595
- Xiong v. Minnesota, 210
- York Int'l Bldg., Inc. v. Chaney, 307
- Young v. New Haven Advocate, 35
- Young, Ex Parte, 185
- Younger v. Harris, 187, 204, 205
- Zahn v. International Paper Co., 94, 95,
98, 101, 102, 103, 104, 448
- Zenith Radio Corp. v. Hazeltine Re-
search, Inc., 737
- Zinck v. Whelan, 694
- Zippo Manufacturing Co. v. Rogers
Imports, Inc., 693
- Zippo Manufacturing Co. v. Zippo Dot
Com, Inc., 26, 27, 28, 31, 33, 34, 35,
36
- Zubulake v. UBS Warburg, LLC, 515,
523, 555, 562, 603
- Zyprexa Prods. Liab. Litig., In re, 177,
507

Preface

Litigation always has been a complicated undertaking. In the current age of multi-party, multi-claim, and overlapping multi-jurisdiction cases, lawsuits have assumed even higher levels of complexity. This text introduces in a comprehensive but compact way both fundamental and cutting-edge aspects of complex litigation.

In contrast to traditional casebooks, *COMPLEX LITIGATION* relies on a limited number of leading cases, coupled with extensive text and note material reviewing existing doctrine and exploring unanswered legal and policy issues. The reliance on text and notes to develop underlying legal doctrine minimizes the need for students to search for the necessary background based on fragments or inferences from principal cases.

The text comprehensively treats all aspects of the complex litigation process—from CAFA to the ALI Principles of the Law of Aggregate Litigation, from Internet personal jurisdiction to electronic discovery, and more. The text devotes attention to important and often neglected structural issues, including personal and subject matter jurisdiction, choice of law, mechanisms for coordinating overlapping federal and state litigation, and preclusion. It discusses the real world conduct, management, and control of the pre-trial and discovery process that characterizes complex cases, as well as trends and emerging legal doctrine that have promoted and facilitated the disposition of complex cases without trial.

Despite its broad coverage, *COMPLEX LITIGATION* is concise as a result of its primary use of text and note material to develop the implications of leading cases. It may easily be adopted for use in a two- or three-unit course.

Careful readers will notice our adoption of certain conventions. For example, in excerpted cases, we have deleted without notation various footnotes and citations. We have retained, however, selected footnotes within excerpted cases for teaching purposes. Those bear both consecutive numbering and, in brackets, the original note number from the opinion. We mostly have not included parallel case cites within excerpted opinions even if the original opinion did so. We have tried to eliminate most instances of boldface type even if excerpted opinions contained boldface headings.

President Sullivan and Professor Clary wish to acknowledge the support of the University of Minnesota, and the dedicated research assistance of the following law school students over the course of this project (in alphabetical order)—Hugh

Brown, Calvin Hoffman, David Klink, Anthony de Sam Lazaro, Ian Mccoy, Cicely Miltich, James Owens, and Nicholas Tymoczko. President Sullivan also wants to extend his appreciation to Worth Allen, law student at Vermont Law School, for his able research assistance.

Professor Freer acknowledges with gratitude the support of the administration and of his colleagues at Emory University School of Law. In particular, he is grateful to his Civil Procedure and Conflict of Laws colleagues Tom Arthur, Peter Hay, Jonathan Nash, Robert Schapiro, and George Shepherd for continuing (and patient) engagement.