

TABLE OF CONTENTS

	Page
PREFACE TO EIGHTH EDITION	v
PREFACE TO SEVENTH EDITION	vii
PREFACE TO SIXTH EDITION	xi
PREFACE TO FIFTH EDITION	xiii
PREFACE TO FOURTH EDITION	xv
PREFACE TO THIRD EDITION	xvii
PREFACE TO SECOND EDITION	xix
PREFACE TO FIRST EDITION	xxi
TABLE OF CASES	xxxix
Chapter 1. Introduction to Remedies	1
1. Specific, Substitutionary, and Declaratory Remedies	1
2. Remedies for Tortious Wrongs, Breach of Contract, and Unjust Enrichment	2
3. Historical Introduction to Law and Equity	2
<i>Note</i>	12
Chapter 2. Basic Principles of Specific Equitable Remedies	13
1. Overview of Procedures and Standards for Issuing Injunctive Relief ...	13
A. Introduction to Basic Terms	13
<i>Dan B. Dobbs, Law of Remedies</i>	13
B. Introduction to Federal Rule of Civil Procedure 65	15
<i>Note</i>	17
C. Introduction to Standards for Issuing Injunctive Relief	18
1. Temporary Restraining Orders	18
<i>Clinton v. Nagy</i>	18
<i>Notes</i>	21
2. Preliminary Injunctions	22
<i>Adams v. Baker</i>	22
<i>Notes</i>	27
3. Permanent Injunctions	28
<i>Force v. Pierce City R-VI School District</i>	28
<i>Notes</i>	35
2. Provisional Injunctions	36
A. Procedures and Standards for Issuing Temporary Restraining Orders	36
<i>Marquette v. Marquette</i>	36
<i>Notes</i>	39
<i>In Re Vuitton Et Fils S.A.</i>	40
<i>Reno Air Racing Association, Inc. v. McCord</i>	42
<i>Gil Pharmaceutical Corp. v. Advanced Generic Corp.</i>	49

	Page
2. Provisional Injunctions—Continued	
<i>Morgan Stanley DW, Inc. v. Frisby</i>	52
Notes	57
B. Procedures and Standards for Issuing Preliminary Injunctions	58
<i>Save Our Sonoran, Inc. v. Flowers</i>	59
Notes	63
<i>CDI Energy Services, Inc. v. West River Pumps, Inc.</i>	67
<i>Winter v. Natural Resources Defense Council, Inc.</i>	71
Notes	80
<i>Citigroup Global Markets, Inc. v. VCG Special Opportunities Master Fund Limited</i>	80
3. Bonds and Other Forms of Security	86
A. Is The Giving of Security Under Rule 65(c) Mandatory or Discretionary?	87
<i>Borough of Palmyra Board of Education v. F.C.</i>	88
Notes	90
B. Injunction Bond Rule	92
<i>Sprint Communications Co. v. Cat Communications International, Inc.</i>	93
Notes	97
C. Is a Failure to Conduct a Rule 65(c) Hearing an Abuse of Discretion?	100
<i>Rathmann Group v. Tanenbaum</i>	100
Note	103
D. Recovery of Damages	103
<i>Nintendo of America, Inc. v. Lewis Galoob Toys, Inc.</i>	103
Notes	109
4. Permanent Injunctions	111
<i>Walgreen Co. v. Sara Creek Property Co.</i>	111
<i>ebay Inc. v. MercExchange, L.L.C.</i>	117
Notes	121
<i>Smith v. Western Electric Co.</i>	122
Note	124
<i>Matlock v. Weets</i>	125
5. Defenses to Requests for Equitable Relief	128
A. Unclean Hands	128
<i>Salomon Smith Barney, Inc. v. Vockel</i>	128
Notes	132
B. Laches	134
<i>Jarrow Formulas, Inc. v. Nutrition Now, Inc.</i>	134
<i>Daingerfield Island Protective Society v. Lujan</i>	140
Notes	144
6. Appeals From Injunction Rulings	145
A. Jurisdiction Over Appeals From Permanent and Preliminary Injunction Rulings	145
Notes	146
B. Jurisdiction Over Appeals From Temporary Restraining Order Rulings	148
<i>Chicago United Industries, Ltd. v. City of Chicago</i>	148
Notes	152
<i>Romer v. Green Point Savings Bank</i>	153
Note	158
C. Procedures and Standards for Issuing Pre-Appeal Injunctive Relief	158
Notes	159
<i>Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog</i>	160

	Page
6. Appeals From Injunction Rulings—Continued	
Notes	165
7. First Amendment Considerations	167
<i>Carroll v. President and Commissioners of Princess Anne</i>	168
Note	171
<i>National Socialist Party of America v. Village of Skokie</i>	171
8. Modification and Dissolution of Permanent Injunctions	172
Notes	175
<i>Board of Education of Oklahoma City Public Schools v. Dowell</i>	176
Notes	182
9. Contempt	182
A. The Nature of Contempt	182
<i>Dan B. Dobbs, Handbook on the Law of Remedies</i>	182
Notes	182
B. Violations of Judicial Rules and Orders Relating to the Adminis- tration of Justice	183
1. Summary vs. Nonsummary Proceedings and Procedural Due Process	183
<i>Harris v. United States</i>	183
Notes	187
2. Criminal vs. Civil Contempt Sanctions and the Right to Jury Trial	187
<i>Bloom v. Illinois</i>	187
Note	193
<i>Shillitani v. United States</i>	193
Notes	195
<i>Simkin v. United States</i>	196
Note	200
C. Violations of Equitable Remedial Decrees	201
1. Criminal Contempt Sanctions	202
<i>Young v. United States ex rel. Vuitton et Fils S.A.</i>	202
Notes	210
3. Civil Compensatory Contempt Sanctions	211
<i>Cancer Research Institute, Inc. v. Cancer Research Society, Inc.</i>	211
Notes	215
3. Civil Coercive Contempt Sanctions	216
<i>Wronke v. Madigan</i>	216
Notes	218
4. Criminal vs. Civil Contempt Sanctions	221
<i>International Union, United Mine Workers v. Bagwell</i>	221
Notes	234
<i>United States v. Tennessee</i>	237
Notes	245
D. Violations of Judicial Rules and Orders Relating to the Adminis- tration of Justice Revisited	246
<i>Jones v. Clinton</i>	246
Note	251
E. Persons Bound by an Equitable Remedial Decree	251
Notes	252
<i>Roe v. Operation Rescue</i>	254
<i>People v. Conrad</i>	259
F. Barring Collateral Attacks on Injunctions	262
Note	263
<i>Walker v. City of Birmingham</i>	263
Notes	274

	Page
9. Contempt—Continued	
<i>In Re Providence Journal Co.</i>	277
<i>In Re Providence Journal Co.</i>	280
Chapter 3. Basic Principles of Damages	282
1. Legal Relief Defined	282
2. Goals of Damages	283
3. Terminology and Limitations	283
A. Importance of Terminology	283
<i>Molzof v. United States</i>	284
Notes	288
B. General and Special Damages	288
<i>American List Corp. v. U.S. News & World Report, Inc.</i>	289
Notes	291
<i>Wheeler v. Huston</i>	293
Notes	297
C. The Intersection of, and Boundaries Between, Negligence and Contract Law	298
1. Contract and Tort as Alternative Actions	298
<i>General Nutrition Corporation v. Gardere Wynne Sewell, LLP.</i>	299
Notes	301
2. Limitations on Negligence Recovery in Contract Actions With- out Harm to Body or Property	301
a. Emotional Distress and Pain and Suffering	301
<i>Erlich v. Menezes</i>	301
Notes	308
b. Economic Loss Rule	309
i. Defective Products	309
<i>Lincoln General Insurance Company v. Detroit Diesel</i> <i>Corporation et al.</i>	309
Notes	313
ii. Defective Services	315
<i>Terracon Consultants Western, Inc. v. Mandalay Resort</i> <i>Group</i>	315
Notes	319
3. Negligence Actions Precluded by Economic Loss Rule Without Harm to Body or Property Despite Unavailability of Alterna- tive Contract Action	321
<i>Aikens v. Baltimore & Ohio Railroad Co.</i>	321
Notes	322
<i>In Re Taira Lynn Marine Ltd. No. 5, LLC</i>	323
Notes	327
4. Principles of Measurement	327
A. Speculation, Certainty and Difficulty in Measurement	327
<i>Johnson v. Baker</i>	327
Notes	329
<i>Lewis River Golf, Inc. v. O.M. Scott & Sons</i>	329
Notes	333
B. Adjustments for Time	336
1. Prejudgment Interest	336
<i>Kansas v. Colorado</i>	336
Notes	341
<i>Encon Utah, LLC v. Fluor Ames Kraemer, LLC</i>	343
Notes	345
2. Calculating Prejudgment and Postjudgment Interest	346

	Page
4. Principles of Measurement—Continued	
<i>Gatti v. Community Action Agency of Greene County, Inc.</i>	346
Notes	347
3. Present Value and Inflation	348
<i>Stringham v. United Parcel Service, Inc.</i>	349
Note.....	352
C. Collateral Source Rule	354
<i>Helpend v. Southern Rapid Transit District</i>	354
Notes	359
<i>Arambula v. Wells</i>	359
Notes	362
<i>Metoyer v. Auto Club Family Insurance Co.</i>	365
Notes	369
D. Defenses	370
1. Offset the Benefits Rule.....	370
<i>Chaffee v. Seslar</i>	370
Notes	374
2. Avoidable Consequences or Mitigation	374
<i>Albert v. Monarch Federal Savings & Loan Ass’n</i>	374
<i>Snead v. Holloman</i>	376
Notes	378
5. Punitive Damages and Liquidated Damages	378
A. Tort	378
<i>Jacque v. Steenberg Homes, Inc.</i>	378
Note.....	384
<i>State Farm Mutual Auto. Ins. Co. v. Campbell</i>	384
Notes	392
<i>Mathias v. Accor Economy Lodging, Inc.</i>	395
<i>Philip Morris USA v. Williams</i>	398
Notes	405
<i>Exxon Shipping Company v. Baker</i>	406
Notes	417
B. Contract	418
1. Rule of No Punitive Damages for Breach of Contract	418
<i>Francis v. Lee Enterprises, Inc.</i>	418
Notes	421
2. Liquidated Damages.....	423
<i>NPS, LLC v. Minihane</i>	423
Notes	426
<i>Energy Plus Consulting v. Illinois Fuel Co.</i>	429
Notes	431
6. Attorney’s Fees	432
<i>Alyeska Pipeline Service Co. v. Wilderness Society</i>	432
Notes	435
<i>Buckhannon Board and Care Home v. West Virginia Department of Health and Human Resources</i>	438
Notes	443
7. Applying the Basic Principles: Damages for Tortious Interference	
With the Person	446
A. Compensatory Damages for Harm to the Person.....	446
1. Compensatory Damages for Physical Injury.....	446
a. Basic Categories of Recovery.....	446
Dan B. Dobbs, <i>The Law of Remedies</i>	446
<i>McDonald v. United States</i>	447
Notes	459

	Page
7. Applying the Basic Principles: Damages for Tortious Interference With the Person—Continued	
b. General Damages for Physical Injury	459
<i>Debus v. Grand Union Stores of Vermont</i>	459
<i>Boan v. Blackwell</i>	463
Notes	465
c. Special Damages for Physical Injury	468
<i>Earl v. Bouchard Transportation Company, Inc.</i>	468
Notes	475
2. Compensatory Damages for Emotional Distress	478
<i>Larsen v. Banner Health System</i>	478
Note	486
3. Loss of Consortium	486
<i>DuPont v. United States</i>	486
<i>Belcher v. Goins</i>	489
Note	496
B. Survival and Wrongful Death Statutes	497
Dan B. Dobbs, Law of Remedies	497
Notes	497
<i>Quiroz v. Seventh Avenue Center</i>	499
<i>Jordan v. Baptist Three Rivers Hosp.</i>	505
Notes	512
<i>Durham v. Marberry</i>	513
Notes	516
<i>Dooley v. Korean Air Lines Co.</i>	517
Note	521
Chapter 4. Basic Principles of Restitution and Unjust Enrichment	522
1. Overview	522
2. Terminology	523
<i>Candace Kovacic-Fleischer, Applying Restitution to Remedy a Discriminatory Denial of Partnership</i>	523
Note	525
<i>Kossian v. American National Insurance Co.</i>	525
<i>Bastian v. Gafford</i>	528
Note	529
<i>Crawford's Auto Center, Inc. v. Pennsylvania</i>	529
3. Requirements	534
<i>Restatement (Third) of Restitution and Unjust Enrichment</i>	536
Note	536
4. Relationship Between Restitution and Contract	537
A. Express Contract Precluding Restitution	537
<i>County Commissioners v. J. Roland Dashiell & Sons, Inc.</i>	538
Notes	542
<i>In re Estate of Bunde</i>	543
B. Restitutory Recovery for Breach of Contract	545
5. Law and Equity	547
A. Restitutory Claim Can Be Either Legal or Equitable	547
B. Types of Equitable Remedies	548
<i>Restatement (Third) of Restitution and Unjust Enrichment</i>	548
<i>Hunter v. Shell Oil Co.</i>	549
Notes	551
<i>G & M Motor Co. v. Thompson</i>	552
Notes	554

	Page
5. Law and Equity—Continued	
<i>In re Foster</i>	555
Notes	557
<i>Restatement (Third) of Restitution and Unjust Enrichment</i>	559
<i>Verity v. Verity</i>	560
Notes	562
<i>Restatement (Third) of Restitution and Unjust Enrichment</i>	563
Notes	563
<i>Cedar Lane Investments v. American Roofing Supply of Colorado Springs, Inc.</i>	564
Notes	567
C. Distinguishing Legal and Equitable Remedies	567
<i>Sereboff v. Mid Atlantic Medical Services, Inc.</i>	569
Note	573
6. Defendant’s Gain Measures Recovery	575
<i>Olwell v. Nye & Nissen Co.</i>	577
<i>Scrushy v. Tucker</i>	580
Note	584
<i>Massachusetts Eye and Ear Infirmary v. QLT Phototherapeutics, Inc.</i>	584
7. Defenses to Claims in Unjust Enrichment	590
A. Volunteers or Officious Intermeddlers	590
<i>Hi-Land Apartments, Inc. v. City of Hillsboro</i>	590
Notes	592
B. Services Rendered Without an Expectation of Compensation	593
<i>Vortt Exploration v. Chevron U.S.A.</i>	593
Notes	594
<i>Dusenka v. Dusenka</i>	595
<i>Kuder v. Schroeder</i>	598
Notes	601
C. Change of Position	604
<i>Messersmith v. G.T. Murray & Co.</i>	604
Notes	606
D. Innocent Third Party Creditor	607
<i>St. Mary’s Medical Center, Inc. v. United Farm Bureau Family Life Insurance Co.</i>	607
Notes	610
8. Restitution as the Only Cause of Action	610
<i>Bailey–Allen Co. v. Kurzet</i>	611
Note	613
<i>Harrison v. Pritchett</i>	614
Note	615
Chapter 5. Declaratory Judgments	617
<i>Federal Declaratory Judgment Act</i>	619
<i>Federal Rules of Civil Procedure</i>	619
Notes	620
<i>Aetna Life Insurance Co. v. Haworth</i>	621
Notes	624
<i>Maryland Casualty Co. v. Pacific Coal & Oil Co.</i>	625
<i>Wilton v. Seven Falls Co.</i>	626
Notes	631
<i>Steffel v. Thompson</i>	633
Notes	638
Chapter 6. Remedies for Selected Tortious Wrongs	639
1. Interference With Personal Property Interests	639
A. Choosing the Cause of Action and the Remedies	639

	Page
1. Interference With Personal Property Interests—Continued	
<i>Baram v. Farugia</i>	639
Notes	643
<i>Compuserve Inc. v. Cyber Promotions, Inc.</i>	643
Note	650
B. Damages	650
<i>Terrell v. Tschirn</i>	650
Notes	654
<i>Fawcett v. Heimbach</i>	654
<i>DeSpirito v. Bristol County Water Co.</i>	657
<i>Campins v. Capels</i>	659
Notes	664
<i>Farmers Insurance Co. v. R.B.L. Investment Co.</i>	664
Notes	668
<i>Gonzales v. Personal Storage, Inc.</i>	672
C. Specific Relief	676
1. Legal Replevin	676
<i>Fuentes v. Shevin</i>	676
Notes	679
<i>Textron Financial Corp. v. Unique Marine, Inc.</i>	680
2. Equitable Replevin	687
<i>Modern Dust Bag Co. v. Commercial Trust Co.</i>	688
3. Merger of Law and Equity	689
<i>Vineberg v. Bissonnette</i>	689
Note	694
<i>Nutrasweet Co. v. Vit-Mar Enterprises, Inc.</i>	694
D. Restitution: Personal and Intangible Property Interests	697
<i>John A. Artukovich & Sons, Inc. v. Reliance Truck Co.</i>	697
<i>Cablevision of Breckenridge, Inc. v. Tannhauser Condominium Ass'n</i>	699
<i>University of Colorado Foundation, Inc. v. American Cyanamid Co.</i>	703
Notes	709
2. Interference With Real Property and Environmental Interests	710
A. Damages	710
1. Trespass	710
<i>Myers v. Arnold</i>	710
Notes	713
<i>Heninger v. Dunn</i>	715
Notes	718
2. Nuisance	719
<i>Williams v. Monsanto Co.</i>	719
Note	721
<i>Dan B. Dobbs, Law of Remedies</i>	723
Note	726
3. Permanent vs. Temporary Trespasses and Nuisances	726
<i>Cook v. DeSoto Fuels, Inc.</i>	727
Note	735
<i>Dan B. Dobbs, Handbook on the Law of Remedies</i>	737
Note	738
B. Specific Relief	740
1. Trespass	740
a. Ejectment	740
<i>Heroux v. Katt</i>	740
Notes	742
<i>Miceli v. Riley</i>	744
Notes	747
b. Injunction	747

	Page
2. Interference With Real Property and Environmental Interests—Continued	
<i>Dan B. Dobbs, Handbook on the Law of Remedies</i>	747
<i>Attorney General v. Dime Savings Bank of New York</i>	748
Notes	751
<i>Francher v. Fagella</i>	752
Note	757
<i>Goulding v. Cook</i>	757
Notes	760
<i>Vossen v. Forrester</i>	762
Notes	767
2. Violations of Restrictive Covenants	768
<i>Glover v. Santangelo</i>	768
Notes	770
<i>Turpin v. Watts</i>	772
Notes	774
3. Violations of Zoning Ordinances	777
<i>Radach v. Gunderson</i>	777
Notes	781
<i>Town of Sherburne v. Carpenter</i>	782
Notes	786
4. Nuisance	789
a. Private Nuisance	789
<i>Pate v. City of Martin</i>	789
<i>Escobar v. Continental Baking Co.</i>	791
Notes	795
<i>Dowdell v. Bloomquist</i>	797
Notes	801
<i>Boomer v. Atlantic Cement Co.</i>	803
Notes	809
<i>Spur Industries, Inc. v. Del E. Webb Development Co.</i>	815
Notes	817
<i>Lindsey v. DeGroot</i>	823
Notes	829
<i>Hobbs v. Smith</i>	829
Notes	831
b. Public Nuisance and Statutory Remedies	832
<i>Village of Wilsonville v. SCA Services, Inc.</i>	832
Notes	838
<i>Mark v. State Department Of Fish & Wildlife</i>	842
Note	849
<i>Environmental Defense Fund v. Lamphier</i>	849
Notes	853
<i>Natural Resources Defense Council, Inc. v. Texaco Refining & Marketing, Inc.</i>	856
Notes	861
C. Restitution	864
1. Trespass and/or Improvements	864
<i>Raven Red Ash Coal Co. v. Ball</i>	864
Note	868
<i>Somerville v. Jacobs</i>	869
Note	874
<i>In Re Hoskins</i>	874
<i>Jeffs v. Stubbs</i>	879
Notes	883
2. Nuisance	884
<i>City of St. Louis v. American Tobacco Company, Inc.</i>	884
Notes	888

	Page
2. Interference With Real Property and Environmental Interests—Continued	
<i>Branch v. Mobil Oil Corp.</i>	892
Notes	892
<i>United States v. Sunoco, Inc.</i>	893
3. Injunction and Damages Actions by Government Against Public Nuisances and Other Wrongs	897
<i>Goose v. Commonwealth Ex Rel. Dummit, Attorney General</i>	897
Notes	899
<i>City of Milwaukee v. Burnette</i>	903
Note	909
<i>In re Englebrecht</i>	909
Notes	915
<i>In re Lead Paint Litigation</i>	917
Note	929
Note: Does Specific Statutory Authorization of Injunctive Relief Operate to Bar Other Equitable Remedies?	929
4. Interference With Constitutional Rights	932
A. Damages	932
<i>Memphis Community School District v. Stachura</i>	932
Notes	941
<i>Kerman v. City of New York</i>	944
<i>Calhoun v. Detella</i>	954
Note	959
<i>Disorbo v. Hoy</i>	959
Note	964
B. Injunctive Relief	964
1. School Desegregation and the Structural Injunction	964
<i>Brown v. Board of Education (Brown II)</i>	964
Notes	966
<i>Morgan v. McDonough</i>	967
Notes	971
2. Use of Writs of Mandamus, Stays and Injunctions	978
Notes	979
<i>Hollingsworth v. Perry</i>	979
Notes	986
<i>Bush v. Palm Beach County Canvassing Board</i>	990
Note	991
<i>Siegel v. LePore</i>	991
Notes	998
<i>Gore v. Harris</i>	999
Notes	1001
<i>Bush v. Gore</i>	1001
Notes	1003
<i>Bush v. Gore</i>	1003
Notes	1010
3. State Court Injunctions Against Pending Criminal Proceedings	1011
<i>Norcisa v. Board of Selectmen of Provincetown</i>	1011
Notes	1015
4. Federal Court Injunctions Against Pending Proceedings	1016
<i>Younger v. Harris</i>	1016
Notes	1020
5. Interference With Dignity Interests	1024
A. Damages	1024
<i>Dan B. Dobbs, Law of Remedies</i>	1024
<i>Angus v. Ventura</i>	1025
Notes	1027

	Page
5. Interference With Dignity Interests—Continued	
<i>Tacket v. Delco Remy Division of General Motors Corp.</i>	1028
Notes	1033
<i>Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.</i>	1036
Notes	1044
<i>Hayes v. Smith</i>	1046
Notes	1050
B. Injunctive Relief	1051
<i>Kramer v. Thompson</i>	1051
Note	1064
<i>Bingham v. Struve</i>	1065
Notes	1068
<i>Galella v. Onassis</i>	1070
Notes	1073
<i>Michaels v. Internet Entertainment Group, Inc.</i>	1075
Notes	1083
<i>Borra v. Borra</i>	1084
Notes	1089
<i>Brekke v. Wills</i>	1092
Notes	1099
<i>Markey v. Jonathan Club</i>	1100
Notes	1108
C. Restitution	1114
<i>Nossen v. Hoy</i>	1114
Notes	1116
<i>Simon & Schuster, Inc. v. Members of the New York State Crime Victims</i> <i>Board</i>	1118
Notes	1122
Chapter 7. Remedies for Breach of Contract and Fraud	1125
1. Basic Principles	1125
<i>Freund v. Washington Square Press, Inc.</i>	1125
Notes	1129
2. Rescission or Damages	1131
A. Rescission	1131
<i>Petrucelli v. Palmer</i>	1131
Notes	1139
<i>Bloor v. Fritz</i>	1141
Notes	1148
<i>Hutchison v. Pyburn</i>	1148
Note	1150
B. Damages	1151
<i>Lightning Litho v. Danka Industries</i>	1151
Notes	1154
<i>BDO Seidman, LLP v. Mindis Acquisition Corp.</i>	1157
Notes	1159
3. Contracts Relating to Personal Property (Sale of Goods)	1160
A. Damages	1161
1. Action by Buyer	1161
a. Goods Not Received or Accepted	1161
<i>Aztec Corp. v. Tubular Steel, Inc.</i>	1161
Notes	1164
<i>Koenen v. Royal Buick Co.</i>	1165
Notes	1169
<i>Jewell–Rung Agency, Inc. v. The Haddad Organization, Ltd.</i>	1170
Notes	1174

	Page
3. Contracts Relating to Personal Property (Sale of Goods)—Continued	
b. Goods Accepted, But Defective	1175
<i>Razor v. Hyundai Motor America</i>	1175
Notes	1179
2. Action by Seller	1180
<i>Sprague v. Sumitomo Forestry Co.</i>	1180
Notes	1184
<i>P.F.I., Inc. v. Kulis</i>	1184
Notes	1187
B. Rescission	1189
C. Specific Performance	1189
1. Action by Buyer	1189
<i>Curran v. Barefoot</i>	1189
<i>Cumbest v. Harris</i>	1192
Notes	1195
2. Action by Seller	1196
<i>Royal Jones & Associates, Inc. v. First Thermal Systems, Inc.</i>	1196
Note	1198
4. Contracts Relating to Real Property	1198
A. Damages	1198
<i>Donovan v. Bachstadt</i>	1199
Notes	1204
B. Rescission and Restitution	1207
<i>Harper v. Adametz</i>	1207
Notes	1210
C. Specific Performance	1211
1. Suits by Buyer or Seller	1211
<i>Centex Homes Corp. v. Boag</i>	1211
Notes	1214
<i>Restatement (Second) of Contracts</i>	1221
<i>Hilton v. Nelsen</i>	1222
Notes	1226
<i>Lazy M Ranch, Ltd. v. TXI Operations, LP</i>	1227
Notes	1230
<i>Fitzgerald v. O'Connell</i>	1231
Notes	1236
2. The Equitable Conversion Concept	1238
<i>William B. Stoebuck & Dale A. Whitman, the Law of Property</i>	1238
Note	1239
<i>Coe v. Hays</i>	1239
Notes	1243
<i>Brush Grocery Kart, Inc. v. Sure Fine Market, Inc.</i>	1247
Notes	1250
5. Contracts Relating to Services	1251
A. Damages	1251
1. Action by Buyer	1251
<i>Smith v. Mark Coleman Construction, Inc.</i>	1251
<i>Restatement (Second) of Contracts</i>	1254
Notes	1256
<i>Lane v. Kindercare Learning Centers, Inc.</i>	1259
2. Action by Seller	1261
<i>3 Dan B. Dobbs, Law of Remedies</i>	1261
Note	1262
<i>Monge v. Beebe Rubber Co.</i>	1266
Notes	1268

	Page
5. Contracts Relating to Services—Continued	
<i>Dan B. Dobbs, Law of Remedies</i>	1270
<i>Note</i>	1271
B. Restitution	1272
<i>Watts v. Watts</i>	1273
<i>Maglica v. Maglica</i>	1275
<i>Notes</i>	1279
C. Specific Performance and Injunctive Relief	1282
<i>Franklin Point, Inc. v. Harris Trust & Savings Bank</i>	1282
<i>Note</i>	1285
<i>M. Leo Storch Limited Partnership v. Erol's, Inc.</i>	1286
<i>Notes</i>	1290
<i>Pingley v. Brunson</i>	1292
<i>Note</i>	1293
<i>Ticor Title Insurance Co. v. Cohen</i>	1295
<i>Notes</i>	1300
<i>Endress v. Brookdale Community College</i>	1303
<i>Notes</i>	1305
<i>R.R. v. M.H.</i>	1308
<i>Note</i>	1315
6. Arbitration	1315
3 <i>Dan B. Dobbs, Law of Remedies</i>	1318
<i>Note</i>	1319
<i>Nyulassy v. Lockheed Martin Corp.</i>	1319
<i>Notes</i>	1329
<i>Sands v. Menard, Inc.</i>	1330
<i>Notes</i>	1343
7. Reformation	1348
<i>Haug v. Carter</i>	1348
<i>Notes</i>	1351
Chapter 8. Law and Equity Merger: Jury Trial and Related Problems	1355
<i>Note</i>	1356
1. The Federal Approach: A Preference for Juries	1357
<i>Ross v. Bernhard</i>	1357
<i>Notes</i>	1361
<i>Santiago-Negron v. Castro-Davila</i>	1368
<i>Notes</i>	1372
<i>Amoco Oil Co. v. Torcomian</i>	1374
<i>Notes</i>	1377
2. The State Approach: Conflicting Cross-Currents	1381
<i>Weltzin v. Nail</i>	1381
<i>Notes</i>	1388
<i>Leonardi v. Sherry</i>	1394
<i>Notes</i>	1404
INDEX	1407