

---

---

## TABLE OF CONTENTS

PREFACE .....	v
ACKNOWLEDGMENTS .....	vii
SUMMARY OF CONTENTS.....	ix
TABLE OF CASES.....	xxvii

### CHAPTER 1. An Introduction to the Procedural System..... 1

#### Section

A. Where Can the Case Be Brought? .....	1
1. Structure of the Judicial System.....	2
2. Applying the Concepts.....	3
<i>Decker v. Circus Circus Hotel.....</i>	3
<i>Mas v. Perry.....</i>	10
B. Getting the Case Started .....	13
1. The Complaint.....	13
<i>Lewis v. U.S. Slicing Machine Co. ....</i>	13
2. The Answer and Pre-Answer Motions.....	15
<i>Zielinski v. Philadelphia Piers, Inc. ....</i>	16
C. Obtaining Information About the Case.....	20
<i>Coleman v. American Red Cross .....</i>	21
D. Pretrial Procedures .....	32
<i>Pryor v. Seyfarth, Shaw, Fairweather &amp; Geraldson.....</i>	34
E. The Trial.....	38
<i>Lavender v. Kurn .....</i>	39
F. Repose (Claim and Issue Preclusion).....	44
<i>Pavon v. Swift Transportation Co., Inc. ....</i>	45

### CHAPTER 2. Adjudicative Power: Personal Jurisdiction ..... 49

#### Section

A. The Historical Foundation.....	50
<i>Pennoyer v. Neff.....</i>	50
<i>Milliken v. Meyer .....</i>	59
<i>Grace v. McArthur.....</i>	59
Creeping Pennoyerism: The Evolving Meaning of Presence and Consent .....	60
<i>Hess v. Pawloski.....</i>	61
<i>Olberding v. Illinois Central R.R. .....</i>	62
B. The Modern Approach.....	62
<i>International Shoe Co. v. State of Washington.....</i>	62
Consent and Forum Selection Clauses .....	69
<i>M/S Bremen v. Zapata Off-Shore Co.....</i>	69
<i>Carnival Cruise Lines, Inc. v. Shute .....</i>	70

	Atlantic Marine Constr. Co. v. U.S. District Court.....	71
	The Legacy of <i>International Shoe</i> : The Emergence of Long Arm Statutes and the General/Specific Jurisdiction Dichotomy.....	72
	Woodring v. Hall.....	72
	McGee v. International Life Ins. Co. .....	73
	Hanson v. Denckla .....	74
	<b>World-Wide Volkswagen Corp. v. Woodson</b> .....	75
	Insurance Corp. of Ireland, Ltd. v. Compagnie Des Bauxites .....	84
	Burger King Corp. v. Rudzewicz .....	85
	Keeton v. Hustler Magazine.....	86
	Calder v. Jones .....	86
	Griffis v. Luban.....	87
	Yahoo! Inc. v. La Ligue Contre le Racism et L’Antisemitisme .....	88
	Walden v. Fiore.....	89
	<b>Asahi Metal Industry Co., Ltd. v. Superior Ct. of Calif.</b> .....	90
	<b>J. McIntyre Machinery, Ltd. v. Nicastro</b> .....	98
	<b>Goodyear Dunlop Tires Operations, S.A. v. Brown</b> .....	113
	<b>Daimler AG v. Bauman</b> .....	120
	Bristol-Myers Squib Co. v. Superior Court of California.....	142
	BNSF Railway Co v. Tyrrell.....	143
	<b>Ford Motor Co. v. Montana Eighth Jud. Dist. Court</b> .....	144
C.	<b>Power over Property</b> .....	160
	Harris v. Balk .....	161
	<b>Shaffer v. Heitner</b> .....	162
	Rush v. Savchuk.....	175
D.	<b>Transient Jurisdiction: Back to the Future</b> .....	176
	<b>Burnham v. Superior Ct. of Calif.</b> .....	176
E.	<b>A New Jurisdictional Frontier: Cyberspace</b> .....	186
	<b>Cybersell, Inc. v. Cybersell, Inc.</b> .....	187
	Anticybersquatting Consumer Protection Act .....	195
F.	<b>Personal Jurisdiction of the Federal Courts</b> .....	196
	1.     Statutory Delegation of Authority .....	196
	Rule 4(k) of the Federal Rules of Civil Procedure .....	196
	2.     Constitutional Limitations .....	197
	<b>ESAB Group, Inc. v. Centricut, Inc.</b> .....	198
G.	<b>Service of Process: Exercising Power and Providing Notice</b> .....	204
	1.     Introduction.....	204
	2.     Service of Process Under the Federal Rules of Civil Procedure .....	206
	Estate of Darulis v. Garate .....	208
	RIO Properties, Inc. v. RIO Int'l Interlink.....	209
	3.     The Constitutional Dimension .....	212
	<b>Mullane v. Central Hanover Bank &amp; Trust Co.</b> .....	212
	Dusenberry v. U.S.....	218
	Jones v. Flowers.....	219
	Lehr v. Robertson .....	219

**CHAPTER 3. Adjudicative Power: Subject Matter Jurisdiction ..... 221****Section**

<b>A.</b>	<b>Federal Questions .....</b>	222
	<b>Bracken v. Matgouranis.....</b>	222
	Osborn v. Bank of the United States .....	226
	Franchise Tax Board v. Construct. Laborers Vacation Trust.....	227
	Cort v. Ash.....	227
	<b>Gunn v. Minton .....</b>	228
	Merrill Lynch v. Manning .....	234
	Mims v. Arrow Financial Services, LLC .....	236
	Jones v. R.R. Donnelley & Sons Co.....	238
<b>B.</b>	<b>Diversity of Citizenship and Alienage.....</b>	238
	<b>Coury v. Prot.....</b>	239
	Grupo Dataflux v. Atlas Global Group, L.P.....	243
	Connectu LLC v. Zuckerberg.....	244
	Strawbridge v. Curtiss .....	246
	State Farm Fire & Casualty Co. v. Tashire .....	246
	Hertz Corporation v. Friend .....	246
	Wachovia Bank National Ass'n v. Schmidt .....	247
	Americold Realty Trust v. ConAgra Foods, Inc.,.....	248
	Multiparty, Multiforum Trial Jurisdiction Act of 2002.....	248
	Class Action Fairness Act of 2005 .....	248
	Marshall v. Marshall.....	251
	JPMorgan Chase Bank v. Traffic Stream Infrastructure Ltd.....	252
<b>C.</b>	<b>Supplemental Jurisdiction .....</b>	252
	<b>United Mine Workers v. Gibbs .....</b>	253
	Aldinger v. Howard .....	256
	Owen Equipment and Erection Co. v. Kroger.....	256
	Finley v. U.S.....	257
	<b>Exxon Mobil Corp v. Allapattah Services, Inc. .....</b>	258
	Executive Software North America, Inc. v. U.S. Dist. Ct.....	280
	Pintando v. Miami-Dade Housing Agency.....	282
	Artis v. District of Columbia .....	283
	Jinks v. Richland County.....	284
	Raygor v. Regents of the University of Minnesota .....	285
<b>D.</b>	<b>Removal .....</b>	286
	<b>Brown v. K-MAC Enterprises.....</b>	287
	Lincoln Property Co. v. Roche .....	289
	Borden v. Allstate Insurance Co. .....	290
	Holmes Group, Inc. v. Vornado Air Circulations Systems, Inc. ....	292
	Vaden v. Discover Bank.....	293
	Proctor v. Vishay Intertechnology Inc. .....	294
	Martin v. Franklin Capital Corp. .....	296
	Powerex Corp. v. Reliant Energy Services, Inc. ....	296
	Carlsbad Technology, Inc. v. HIF Bio, Inc. ....	297
	Lapides v. Board of Regents of University System of Georgia .....	299

<b>CHAPTER 4. Non-Constitutional Limitations on the Exercise of Adjudicative Power.....</b>	301
---	-----

---

**Section**

A. <b>Venue.....</b>	302
<i>Coltrane v. Lappin</i> .....	303
Alliance Health Group LLC v. Bridging Health Options LLC.....	310
B. <b>Transfer of Venue .....</b>	311
<i>Manley v. Navmar Applied Sciences Corp.</i> .....	311
Van Dusen v. Barrack .....	315
In Re Volkswagen of America, Inc.....	316
Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach.....	318
Atlantic Marine Construction Co. v. U.S. District Court.....	318
C. <b>Forum Non Conveniens .....</b>	320
<i>Piper Aircraft Company v. Reyno</i> .....	320
Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp. ....	330
Norwood v. Kirkpatrick .....	331
Iragorri v. United Technologies Corp. .....	334
Pollux Holding Ltd. v. Chase Manhattan Bank .....	334

<b>CHAPTER 5. Choosing and Ascertaining the Applicable Law.....</b>	337
---	-----

---

**Section**

A. <b>Choice of Law — The <i>Erie</i> Doctrine .....</b>	337
<i>Erie Railroad Co. v. Tompkins</i> .....	338
Banco National de Cuba v. Sabbatino.....	344
<i>Guaranty Trust Co. of New York v. York</i> .....	344
<i>Byrd v. Blue Ridge Rural Electric Cooperative, Inc.</i> .....	347
<i>Hanna v. Plumer</i> .....	351
Ragan v. Merchants Transfer & Warehouse Co. .....	359
Walker v. Armco Steel Corp.....	359
West v. Conrail.....	360
Stewart Organization, Inc. v. RICOH Corporation.....	360
Ravel Monegro v. Rosa.....	363
<i>Claxon Co. v. Stentor Electric Mfg. Co.</i> .....	363
Nolan v. Transocean Air Lines .....	364
Gasperini v. Center for Humanities, Inc. .....	364
Shady Grove Orthopedic Assoc. v. Allstate Ins. Co.....	366
B. <b>Federal Law in State Courts: The “Reverse-<i>Erie</i>” Problem.....</b>	367
<i>Dice v. Akron, Canton &amp; Youngstown R. Co.</i> .....	367
<i>Felder v. Casey</i> .....	368
<i>Johnson v. Fankell</i> .....	368
<i>Erie and the Federal General Common Law: A Postscript</i> .....	369
<i>Hinderlider v. La Plata River &amp; Cherry Creek Ditch Co.</i> .....	369
<i>Clearfield Trust Co. v. U.S.</i> .....	369
<i>Dice v. Akron, Canton &amp; Youngstown R. Co.</i> .....	369

Textile Workers Union v. Lincoln Mills of Alabama .....	370
U.S. v. Kimbell Foods, Inc. .....	370
Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics.....	371
Bush v. Lucas .....	372
Cort v. Ash.....	372
Northwest Airlines, Inc. v. Transport Workers Union of America, AFL-CIO.....	372
<b>C. Ascertaining the Content of State Law.....</b>	<b>373</b>
Commissioner of Internal Revenue v. Estate of Bosch .....	373
<b>Salve Regina College v. Russell .....</b>	<b>375</b>
<b>CHAPTER 6. Judicial Remedies.....</b>	<b>383</b>
<b>Section</b>	
<b>A. Monetary Relief .....</b>	<b>384</b>
1. Compensatory Damages.....	384
<b>Memphis Community School District v. Stachura .....</b>	<b>385</b>
United States v. Hatahley.....	390
2. Punitive Damages .....	392
<b>In re: The Exxon Valdez.....</b>	<b>393</b>
Exxon Shipping v. Baker .....	401
State Farm Ins. v. Campbell.....	401
Philip Morris USA v. Williams.....	403
3. Enforcing Money Judgments .....	404
<b>B. Provisional Remedies .....</b>	<b>406</b>
1. Pre-Judgment Seizure.....	406
<b>Connecticut v. Doebr .....</b>	<b>407</b>
Mitchell v. W.T. Grant Co. .....	413
Fuentes v. Shevin .....	413
2. Interim Injunctive Relief.....	414
<b>Ty, Inc. v. The Jones Group, Inc .....</b>	<b>415</b>
Grupo Mexicano De Desarrollo, S.A. v. Alliance Fund, Inc. .....	421
<b>C. Injunctions and Declaratory Relief.....</b>	<b>422</b>
1. Permanent Injunctive Relief.....	422
2. Enforcement of Injunctions.....	423
3. Declaratory Judgments.....	424
<b>D. Fee Shifting, Costs, and Settlement Incentives .....</b>	<b>425</b>
Alyeska Pipeline Service Co. v. Wilderness Society .....	426
<b>City of Riverside v. Rivera .....</b>	<b>427</b>
City of Burlington v. Dague .....	434
<b>Marek v. Chesny .....</b>	<b>435</b>
Evans v. Jeff D. .....	445

**CHAPTER 7. Pleading..... 449**

---

**Section**

<b>A.</b>	<b>An Introductory Note on Substantive Law .....</b>	450
<b>B.</b>	<b>A Brief History of Pleading .....</b>	451
1.	Common Law .....	451
2.	Equity.....	454
<b>C.</b>	<b>Pleading Under the Federal Rules .....</b>	456
1.	The Traditional Approach.....	456
	Conley v. Gibson .....	457
	<b>The Dartmouth Review v. Dartmouth College .....</b>	458
	<b>Langadinos v. American Airlines, Inc. ....</b>	468
2.	Retrenchment .....	474
	<b>Bell Atlantic Corp. v. Twombly.....</b>	474
	Erickson v. Pardus .....	487
	Ashcroft v. Iqbal .....	487
	Fifth Third Bancorp v. Dudenhoeffer .....	491
	Dart Cherokee Basic Operating Co. v. Owen.....	492
	Johnson v. City of Shelby .....	492
3.	Fraud .....	492
	<b>In Re Advanta Corp. Securities Litigation.....</b>	493
	Tellabs v. Makor Issues & Rights, Ltd., .....	504
4.	Rule 11 .....	506
	<b>Seawright v. Charter Furniture Rental, Inc.....</b>	507
<b>D.</b>	<b>The Defendant's Response .....</b>	517
1.	Rule 12 Practice .....	519
2.	The Answer.....	520
	<b>LaFont v. Decker-Angel .....</b>	521
	<b>Gomez v. Toledo.....</b>	524
3.	Counterclaims .....	528
<b>E.</b>	<b>Amendments .....</b>	529
1.	The Basics — Rule 15(a) .....	529
	<b>Beeck v. Aquaslide 'N' Dive Corp.....</b>	529
2.	Relation Back — Rules 15(b) and 15(c).....	534
	<b>Krupski v. Costa Crociere, S.p.A. ....</b>	536

**CHAPTER 8. Discovery..... 547**

---

**Section**

<b>A.</b>	<b>The Scope of Discovery .....</b>	549
1.	Relevance.....	549
	<b>Pacitti v. Macy's.....</b>	551
2.	Privileges .....	558
	<b>Santelli v. Electro-Motive.....</b>	559
3.	Work Product.....	563
	<b>Hickman v. Taylor .....</b>	563

---

4.	Expert Information .....	573
	<b>In Re Illusions Holdings, Inc.</b> .....	575
5.	Protective Orders.....	582
6.	The Costs of Discovery.....	583
7.	Electronic Discovery .....	584
<b>B.</b>	<b>Discovery in Action.....</b>	588
1.	Disclosure.....	588
2.	Depositions.....	590
3.	Interrogatories and Document Requests .....	592
4.	Mental and Physical Examinations .....	595
	<b>Schlagenhauf v. Holder</b> .....	595
<b>C.</b>	<b>Cost Shifting and Sanctions.....</b>	606
	<b>Chrysler Corp. v. Carey</b> .....	608
<b>CHAPTER 9. Disposition Without Trial.....</b>		617

---

**Section**

<b>A.</b>	<b>Default and Pre-Trial Dismissals .....</b>	617
1.	Default.....	617
2.	Involuntary Dismissal .....	618
	<i>Saylor v. Lindsley</i> .....	619
3.	Voluntary Dismissal .....	619
4.	Settlement.....	620
<b>B.</b>	<b>Summary Judgment .....</b>	622
1.	An Introductory Note on Burden of Proof.....	623
2.	The Movant's Showing .....	625
	<i>Adickes v. S.H. Kress &amp; Co.</i> .....	625
	<b>Celotex Corp. v. Catrett</b> .....	627
	<i>Anderson v. Liberty Lobby, Inc.</i> .....	638
	<i>Scott v. Harris</i> .....	639
	<i>Tolan v. Cotton</i> .....	642
3.	The Nonmovant's Response .....	644
	<b>Nidds v. Schindler Elevator Corp.</b> .....	644
	<i>Weinstock v. Columbia University</i> .....	654

---

<b>CHAPTER 10. Joinder of Claims and Parties .....</b>		659
--	--	-----

---

**Section**

<b>A.</b>	<b>Claim Joinder (in a Two-Party Setting) .....</b>	661
1.	By Plaintiff.....	661
2.	By Defendant (Counterclaims) .....	663
	<b>Iglesias v. Mutual Life Ins. Co.</b> .....	664
	<i>Jones v. Ford Motor Credit Co.</i> .....	668
3.	Cross-Claims .....	670
<b>B.</b>	<b>Real Party in Interest .....</b>	670
	<b>Naghieu v. Inter-Continental Hotels Group, Inc.</b> .....	670
<b>C.</b>	<b>Joinder of Parties.....</b>	676

	<b>Puricelli v. CNA Insurance Company</b> .....	676
	Exxon Mobil Corp. v. Allapattah Servs. ....	681
D.	<b>Third-Party Practice</b> .....	682
	<b>Allstate Insurance Co. v. Hugh Cole Builder, Inc.</b> .....	682
E.	<b>More Complex Patterns</b> .....	686
	<b>Owen Equipment &amp; Erection Corp. v. Kroger</b> .....	687
F.	<b>Mandatory Joinder of Parties</b> .....	698
	<b>Temple v. Synthes Corp.</b> .....	698
	Shields v. Barrow .....	701
	<b>Helzberg's Diamond Shops, Inc. v. Valley West Des Moines Shopping Center, Inc.</b> .....	703
	Provident Tradesmens Bank & Trust Co. v. Patterson .....	707
	Republic of the Philippines v. Pimentel, .....	709
	Alternatives to Mandatory Joinder: Multidistrict Litigation and Consolidation .....	711
G.	<b>Intervention</b> .....	713
	<b>Coalition of Arizona/New Mexico Counties for Stable Economic Growth v. Department of the Interior</b> .....	714
	Martin v. Wilks .....	722
H.	<b>Interpleader</b> .....	723
	<b>New Jersey Sports Productions, Inc. v. Don King Productions, Inc.</b> .....	725
	State Farm Fire & Cas. v. Tashire .....	734
I.	<b>Class Actions</b> .....	735
	1. Introduction.....	735
	2. Class Actions and Due Process.....	737
	<b>Hansberry v. Lee</b> .....	737
	3. The Structure of Rule 23.....	742
	<b>Hubler Chevrolet, Inc. v. General Motors Corp</b> .....	743
	<b>Wal-Mart Stores, Inc. v. Dukes</b> .....	752
	Halliburton Co. v. Erica P John Fund, Inc. ....	765
	Tyson Foods, Inc. v. Bouaphakeo.....	766
	Notice for Class Actions Under Rule 23 .....	767
	Eisen v. Carlisle & Jacquelin.....	767
	4. Choice of Law and Jurisdiction .....	771
	<b>Phillips Petroleum Co. v. Shutts</b> .....	771
	Subject Matter Jurisdiction in Class Actions.....	781
	5. The Class Action Fairness Act of 2005 .....	783
	Standard Fire Ins. Co. v. Knowles .....	785
	Mississippi ex rel. Hood v. AU Optronics .....	785
	6. Settlement of Class Actions.....	786
	Amchem Products, Inc. v. Windsor.....	787
	Campbell-Ewald Co. v. Gomez .....	791

---

**CHAPTER 11. Trials.....793****Section**

<b>A.</b>	<b>The Right to Trial by Jury.....793</b>
1.	The Merger of Law and Equity.....795
	American Life Insurance Co. v. Stewart.....795
	<b>Beacon Theatres, Inc. v. Westover .....</b> 797
	Dairy Queen, Inc. v. Wood .....
	Ross v. Bernhard .....
2.	New Statutory Rights .....
	Curtis v. Loether .....
	<b>Chauffeurs, Teamsters &amp; Helpers Local No. 391</b>
	v. Terry .....
	Tull v. United States.....819
	Tellabs v. Makor Issues & Rights, Ltd.....821
3.	The Jury's Role .....
	<b>Markman v. Westview Instruments, Inc. ....822</b>
	Dobson v. Masonite .....
	Pavey v. Conley .....
	Railroad Co. v. Stout .....
4.	Selecting the Jury .....
	<b>Hidalgo v. Fagen, Inc. ....833</b>
<b>B.</b>	<b>Control of the Decisionmaking Process.....836</b>
1.	The Phases of a Trial.....837
2.	Procedural Controls.....838
	Nudd v. Burrows .....
3.	Taking a Case from the Jury .....
	<b>Pennsylvania Railroad Co. v. Chamberlain .....</b> 841
	Lavender v. Kurn .....
	Galloway v. United States.....848
	<b>Howard v Wal-Mart Stores, Inc. ....849</b>
	Reeves v. Sanderson Plumbing Prods., Inc.....852
4.	New Trials.....855
	<b>Latino v. Kaiser .....</b> 856
	Peterson v. Wilson .....
5.	Procedures Governing Post-Verdict Motions .....
	<b>Weisgram v. Marley Co. ....868</b>
6.	Excessive Verdicts .....
	<b>Gasperini v. Center for Humanities, Inc. ....876</b>
	Dimick v. Schiedt.....886
7.	A Detour: Review of Judicial Factfinding .....
	887
<b>CHAPTER 12. Appeals .....</b>	<b>889</b>

---

**Section**

<b>A.</b>	<b>The Timing of Appeals .....</b> 890
-----------	--

1.	The Final Decision Rule and Exceptions.....	891
	Cohen v. Beneficial Industrial Loan Corp.....	892
	<b>Liberty Mutual Ins. Co. v. Wetzel</b> .....	894
	Bullard v. Blue Hills Bank.....	898
2.	The Scope of the Collateral Order Doctrine .....	900
	<b>Lauro Lines, S.R.L. v. Chasser</b> .....	900
	Mohawk Indus. v. Carpenter .....	904
	Cheney v. U.S. District Court.....	905
<b>B.</b>	<b>Standards of and Limitations on Review</b> .....	907
	<b>Anderson v. Bessemer City</b> .....	908
	Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc. ....	918
	Hill v. Norfolk & W.R.R. ....	918
<b>C.</b>	<b>Relief from Judgment — Rule 60(b)</b> .....	920
	<b>DeWeerth v. Baldinger</b> .....	920
	Pierce v. Cook & Co. .....	929
	Rufo v. Inmates of Suffolk Cty. Jail .....	929
	Kemp v. United States.....	930
	United States v. Beggerly.....	931
<b>D.</b>	<b>Collateral Attack (vs. Appeal)</b> .....	931
	<b>Fauntleroy v. Lum</b> .....	932
	<b>Baldwin v. Iowa State Traveling Men's Ass'n</b> .....	936
<b>CHAPTER 13. The Preclusive Effect of Adjudication on Subsequent Litigation</b> .....		941

---

**Section**

<b>A.</b>	<b>General Introduction</b> .....	941
<b>B.</b>	<b>Stare Decisis and the Law of the Case</b> .....	942
	<b>Society of Separationists, Inc. v. Herman</b> .....	942
	Hilton v. South Carolina Public Railways Commission .....	947
<b>C.</b>	<b>Claim Preclusion (<i>Res Judicata</i>)</b> .....	948
	<b>Sopha v. Owens-Corning Fiberglas Corp.</b> .....	949
	Perry v. Globe Auto Recycling, Inc. ....	956
	Taylor v. Sturgell .....	958
	Kremer v. Chemical Construction Corp.....	959
	<b>Semtek Int'l Inc. v. Lockheed Martin Corp.</b> .....	963
<b>D.</b>	<b>Issue Preclusion (Collateral Estoppel)</b> .....	970
1.	The Essential Elements .....	971
a)	Identicality.....	971
	<b>In Re the Termination of Parental Rights to Greg H.L. v. Jerome E.M.</b> .....	971
b)	Actually Litigated and Unambiguously Determined .....	975
	<b>Herrera v. Reicher</b> .....	975
c)	Necessarily Decided.....	979
	<b>Rudow v. Fogel</b> .....	979

<b>York Ford, Inc. v. Building Inspector and Zoning Administrator of Saugus.....</b> 981 University of Tennessee v. Elliott ..... 985 Astoria Fed. S & L Ass'n v. Solimino..... 986 B&B Hardware, Inc. v. Hargis Indus. ..... 986  2. Parties Subject to Issue Preclusion: The Death of Mutuality..... 987 <b>Parklane Hosiery Company v. Shore.....</b> 987 Mazziotti v. Allstate Insurance Co..... 998 U.S. v. Mendoza ..... 998	
<b>CHAPTER 14. Alternatives to Litigation — ADR .....</b> 1001	
<b>Section</b>	
<b>A. General Overview.....</b> 1001 Developments in the Law, The Paths of Civil Litigation..... 1003	
<b>B. A Comparative Assessment of ADR and Litigation: Bouquets, Bats and Stats.....</b> 1007 Lieberman & Henry, Lessons from the Alternative Dispute Resolution Movement ..... 1007 Edwards, Alternative Dispute Resolution: Panacea or Anathema?..... 1011 Alexander v. Gardner-Denver Co..... 1016 Gilmer v. Interstate/Johnson Lane Corp..... 1016 Wright v. Universal Marine Service Corp..... 1017 Circuit City Stores v. Adams..... 1018 DiRussa v. Dean Witter Reynolds, Inc..... 1018 Gauvey, ADR's Integration in the Federal Court System..... 1019	
<b>C. The Future — Cyber-ADR? .....</b> 1022 Perritt, Dispute Resolution in Cyberspace: Demand for New Forms of ADR ..... 1022	
<b>INDEX.....</b> 1029	