



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for
REMEDIES: PURSUING AND ENDING CONFLICT
SPRING 2021**

INSTRUCTOR:

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Course Requirements & Class Participation:

The audio and materials for the Remedies course are available on MSL's website and at <http://www.msslaw.edu/remedies>. Please be sure that you respond by e-mail to me for the questions posted for each section's assignment and take the quiz at Socrative labeled Remedies2021.

You must respond to these questions quickly as your grade is based upon your answers to those questions, your weekly quiz scores from Socrative, the final examination, answers to the 103 PowerPoint questions, and your civil complaint for injunctive relief due as shown in Section 7.

The Socrative quizzes are only open for one week. When the next quiz is posted, previous quizzes are unavailable to take and you will receive a zero for all quizzes you did not take timely.

Please immediately email me and acknowledge your participation in this class.

Please note you are required to watch the PowerPoint presentation, complete the 103 questions prior to Section 3, and submit the completed complaint by the end of Section 7.

SECTION 1

- 1.25.2021 Overview of Remedies and Alternatives to Court
Coyne's Chart on Procedure
- Lawyer Turns Peacemaker
Seven Steps to Effective Mediation
Settling the Score
Injunctions
F.R. Civ. P. 65
Weinberger v. Romero Barcelo, 456 U.S. 305 (1982)
Clinton v. Nagy, 411 F.Supp. 1396 (1974)
Norwalk Core v. Norwalk Board of Education, 298 F.Supp. 203 (1968)
Socrative.com go to Remedies2021 for each section's quiz

SECTION 2

- 2.1.2021 Give Martin a Ticket to Ride
How Level the Playing Field
McGuinness v. Univ. of New Mexico, 170 F.3d 974 (1998)
Toyota Motor Mfg. v. Williams, 534 U.S. 184, 151 L. Ed.2d 615 (2002)
EEOC v. Waffle House, 122 S.Ct. 754 (2002)
Remedies in Domain Name Lawsuits (www.Icann.org/en/help/andr/udrp)

SECTION 3

- 2.8.2021 Review Power Point and answer 103 questions and submit by
email to me.
- Business Relationships
Jurisdiction, Trademarks, Servicemarks, G.L. c.93A and the Franchise
Relationship
Burger King v. Rudzewicz, 471 U.S. 462 (1985)
Anthony's Pier 4, Inc. v. HBC Assoc., 411 MA 451 (1991)
Disclosure For Franchisors
Zapata v. Dairy Mart, 381 Mass. 284 (1980)
www.startupjournal.com/franchise/
Rule 4 -- Service of Process
Review Powerpoint Presentation and submit answers to 103 questions

SECTION 4

- 2.15.2021 Attorney's Rights and Obligations
Concurrent Federal and State Court Remedies and Discovery
Duties

Unioil v. E.F. Hutton, 809 F.2d 540 (1986)
Frivolity Punished Here
First Principles
Lawyers and Their Games Are Leading Us Down the Tubes
Judge Rejects a Libel Claim Over Donnie Brasco Movie
First Technology Safety Systems v. Depinet, 11 F.3d 641 (1993)
Using Computers to Level the Playing Field
Sailing Into Cyberspace
Rule 23 -- Class Actions
Rule 11 -- Signing of Pleadings

SECTION 5

2.22.2021 Practice Issues Related to Injunctions
Campbell Soup v. Giles, 47 F.3d 467 (1995)
Live Testimony and Insuring Compliance
Republic of Philippines v. New York Land, 852 F.2d 33 (1988)
Magistrates and Specificity
The Original Great American Chocolate Chip Cookie Company v. River Valley Cookies, 970 F.2d 273 (1992)
Rule 52 -- Findings by the Court
Rule 58 -- Entry of Judgment

SECTION 6

3.1.2021 *Franks v. GMC Truck Center*, 847 F.2d 890 (1990)
Aoude v. Mobil Oil, 862 F.2d 890 (1990)
Doctors' Assoc. v. Stuart, 85 F.3d 975 (1996)
Equifax v. Hitz, 905 F.2d 1355 (1990)
Rule 12 B Motion to Dismiss

SECTION 7

3.8.2021 Insurance Practice Issues, including G.L. c.176D and G.L. c.93A
Timpson v. Transamerica, 41 Mass. App. Ct. 344 (1996)
Brandley v. U.S. Fidelity, 819 F. Supp. 101 (1993)
Caplan v. Fellheimer, 886 F. Supp.498 (1995)
Rule 56 -- Summary Judgment
Draft Complaint for Injunctive Relief, please see posted online fact pattern

SECTION 8

3.15.2021 Class Action, Contracts to Arbitrate, Mediate and Forum Selection Issues
Carnival Cruise Lines v. Shute, 499 U.S. 585 (1991)

Federal Judge With a Radical Past Goes Mainstream
Guinness-Harp v. Jos. Schlitz Brewing, 613 F.2d 468 (1980)
Rosenberg v. Merrill, Lynch, Pierce, Fenner and Smith, 965 F. Supp. 190 (1997)
Thiessen v. General Electric, 267 F.3d 1095 (2001)
Circuit City v. Adams, 121 S.Ct. 1302 (2001)
Rule 23

SECTION 9

3.22.2021 Contracts For Personal Services and Enforcement
Wombs For Rent
ABC v. Warner Wolf, 52 NY2d 394 (1981)
Vanessa Redgrave v. BSO, 557 F. Supp. 230 (1983)
Florida Panthers Hockey Club v. Miami Sports Authority, 939 F. Supp. 855 (1996)
Johnson v. Calvert, 851 F.2d 776 (1993)
Culliton v. Beth Israel, 435 MA 285 (2001)
In Gestational Surrogacies, All Parties Bear Risk
Quandary on Donor Eggs: What to Tell the Children
Surrogate Mom Surrenders Girl to Parents
Rules 26-27 –Discovery
G.L.c. 46, §4B

SECTION 10

3.29.2021 Special Relief For Families
G.L. c.209A
Burke v. Rivo, 406 Mass. 764 (1990)
Mark v. Kahn, 333 Mass. 517 (1956)
Knighton v. Knighton, 252 Ala. 520 (1949)
Edgar v. Edgar, 403 Mass. 616 (1988); 406 Mass. 628 (1990)
Goodridge v. Mass. Dept. of Public Health, 798 N.E.2d 941 (2003)
Get from Westlaw
Breaking Up Is Hard To Do
The Push For Parent Education
www.dufi.duq.edu/family
Rules 5 and 6 --Service of Pleadings and Computation of Time to Respond

SECTION 11

4.5.2021 Valuation of Damages
Strzelecki v. Blaser Lakeside Indus., 139 Mich. App. Ct. 1191 (1984)
Campins v. Capels, 461 NE2d 712 (1984)
Griffin v. G.M.C., 380 Mass. 362 (1980)

Krasnecky v. Meffen, 777 N.E. 2d 1286 (2002)
A Woman's Worth: Gender Bias in Damage Awards
Proving Partial Loss of Earning Capacity
Ten Mistakes Adjusters See Attorneys Make
Explaining Pain
Seeking Recovery For Loss of Enjoyment of Life
Rule 51 --Instructions to the Jury

SECTION 12

4.12.2021 Declaratory Judgments and the Anti-Injunction Statute
Federal and State Issues
Steffel v. Thompson, 415 U.S. 452 (1974)
Mitchum v. Foster, 407 U.S. 225 (1972)
Frantzis v. Horowitz, 2003 W.L. 22872667
Rule 57 --Declaratory Judgment

SECTION 13

4.19.2021 Interference With Real Property Rights
Peters v. Archambault, 361 Mass. 91 (1972)
Boomer v. Atlantic Cement, 26 NY2d 219 (1970)
Pate v. City of Martin, 614 SW2d 46 (1981)
Myers v. Arnold, 403 NE2d 316 (1980)
Rule 13 --Counterclaims

SECTION 14

4.26.2021 Constructive Trusts, Resulting Trusts and Declaratory Judgments
Sanguinetti v. Nantucket Construction, 5 Mass. App. Ct. 227 (1977)
Sullivan v. Rooney, 404 Mass. 160 (1989)
Fortin v. Roman Catholic Bishop of Worcester, 416 Mass. 781 (1994)
Nessralla v. John H. Peck and Others, 403 Mass. 757 (1989)
Episcopal Diocese of Mass. v. Devine, 797 N.E.2d 916 (2003)
Get from Westlaw

SECTION 15

5.3.2021 Attachments and Post-Judgment Remedies
Digital Equipment v. Currie Enterprises, 42 F.R.D. 16 (D. Mass. 1992)
Aviation Supply v. RSBI Aerospace, 999 F.2d 314 (1993)
Rules 66 and 69
Rule 68 -- Offer of Judgment

Consider the requirements of Rule 11 while you read these cases.

First questions to be answered by email.

- Is it good lawyering to not attempt to give any notice on a TRO?
- Under what circumstances is it appropriate to use an injunction to force a speedier resolution of a case?
- Are there circumstances in which you would you inform your client to intentionally violate a court order?
- How does a lawyer balance the need to make money on hourly fees with the client's right to a speedy resolution of the matter?

You are also required to email me your list of what the three fundamental things someone should know about the area of the law you intend to enter or about the field in which you presently work. How will you ensure that as a lawyer you will always represent clients at a very high skill level? I look forward to hearing from you.

RemediessyllabusSPRING2021/Coyne/Remedies