



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for  
REMEDIES: PURSUING AND ENDING CONFLICT  
SPRING 2022**

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**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 ProfessorCoyne.

You must respond to these questions promptly 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

- 1.17.2022 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 ProfessorCoyne for each section's quiz

## SECTION 2

- 1.24.2022 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)

## SECTION 3

- 1.31.2022 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)  
Rule 4 -- Service of Process

## SECTION 4

- 2.7.2022 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

2.14.2022 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

2.21.2022 *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

2.28.2022 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

3.7.2022 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

3.14.2022      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

3.21.2022      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](http://www.dufi.duq.edu/family)  
Rules 5 and 6 --Service of Pleadings and Computation of Time to  
Respond

## SECTION 11

3.28.2022      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

4.4.2022 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)  
*Frantz v. Horowitz*, 2003 W.L. 22872667  
Rule 57 --Declaratory Judgment

## SECTION 13

4.11.2022 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

4.18.2022 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

4.25.2022 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.

RemediesSyllabusSPRING2022/Coyne/Remedies