MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for**

**REMEDIES: PURSUING AND ENDING CONFLICT**

**SPRING 2023**

**Room 207 and Asynchronously for Online Students**

**INSTRUCTOR:**

**Professor Michael Coyne**
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Professor’s Webpage: <http://mslaw.edu/mcoyne/>

**Course Requirements & Class Participation:**

The audio and materials for the Remedies course are available on MSL’s website and at <http://www.mslaw.edu/remedies>. For students taking this class asynchronously, 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

1.17.2023 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

1.24.2023 Give Martin a Ticket to Ride

How Level the Playing Field

*McGuiness 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

1.31.2023 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

2.7.2024 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

2.14.2023 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

2.21.2023 *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

2.28.2023 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](http://www.mslaw.edu/wp-content/uploads/2018/05/Draft_comp_2018.pdf) for Injunctive Relief, please see posted online fact pattern

SECTION 8

3.7.2023 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

 *Guiness-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

**SPRING BREAK MARCH 12-19, 2023**

SECTION 9

3.21.2023 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

3.28.2023 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

 Rules 5 and 6 --Service of Pleadings and Computation of Time to

 Respond

SECTION 11

4.4.2023 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

4.6.2023 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

4.11.2023 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

Week of

4.18.2023 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

Week of

4.25.2023 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.

RemediesSyllabusSPRING2023/Coyne/Remedies