



MASSACHUSETTS SCHOOL OF LAW at ANDOVER

**SYLLABUS for
REMEDIES: PURSUING AND ENDING CONFLICT
SUMMER 2024 (Session 1-May 28-June 22)**

INSTRUCTOR:

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Course Requirements & Class Participation:

The class and materials for the Remedies course are available on MSL's website at <http://www.msslaw.edu/remedies>. Classes are under weekly class content-sections. Please be sure that you take the section quiz and respond by e-mail to me for the questions posted for the section's assignment.

There are quizzes for most sections that are only open and available for 6 days beginning on Mondays and on the following Monday the next 4 sections are posted and available for 6 days. You will find those quizzes at Socrative and the rooms are called RemediesSummer, RemediesSummerA, RemediesSummerB, and RemediesSummerC. Once you enter a room, sign in using your name and take the quiz. Make sure you go to each room to take each section's quiz. You must respond to the questions quickly as your grade is based upon the quizzes, responses to questions, the final examination, answers to the 103 PowerPoint questions, and your civil complaint for injunctive relief due as shown in Section 7. You should be doing 4 sections each week with the last week being a short week as our final examination is on that Wednesday night, 6.19.24.

Please immediately email me and acknowledge your participation in this class. Please note that the final examination is in class on Wednesday, June 19, 2024 at 6:00 p.m.

Please note you are required to watch the PowerPoint presentation and complete the 103 questions before the end of Section 2 and submit the completed complaint before the end of Section 3.

SECTION 1

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)

SECTION 2

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

SECTION 3

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

SECTION 4

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

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
Review Powerpoint Presentation and submit answers to 103 questions.

SECTION 6

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

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

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

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

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

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

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

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

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)

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SECTION 15

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 section 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?