

109 S.Ct. 2909

Supreme Court of the United States

BROWNING–FERRIS INDUSTRIES  
OF VERMONT, INC., et al., Petitioners

v.

KELCO DISPOSAL, INC., et al.

No. 88–556

|

Argued April 18, 1989.

|

Decided June 26, 1989.

**Synopsis**

Defendant in antitrust action appealed from order of the United States District Court for the District of Vermont which upheld jury's award of \$6 million in punitive damages. The Court of Appeals for the Second Circuit, 845 F.2d 404, affirmed. The Supreme Court, Justice Blackmun, held that: (1) Eighth Amendment's excessive fines clause does not apply to awards of punitive damages in cases between private parties; (2) claim that award violated due process was not properly preserved; (3) there is no federal common-law standard of excessiveness for reviewing jury's award of punitive damages; and (4) Court of Appeals did not err in determining that district court did not abuse its discretion in denying motion for new trial or remittitur on issue of punitive damages.

Affirmed.

Justice Brennan concurred and filed an opinion in which Justice Marshall joined.

Justice O'Connor filed an opinion concurring in part and dissenting in part in which Justice Stevens joined.

**Procedural Posture(s):** On Appeal.

West Headnotes (15)

**[1] Fines**  Excessive fines

Excessive fines clause of the Eighth Amendment does not apply to awards of punitive damages in cases between private parties. *U.S.C.A. Const.Amend. 8.*

292 Cases that cite this headnote

**[2] Bail**  Nature and scope of remedy**Bail**  Nature and scope of remedy

Bail, by its very nature, is implicated only when there is a direct government restraint on personal liberty, be it in a criminal case or a civil deportation proceeding. *U.S.C.A. Const.Amend. 8.*

6 Cases that cite this headnote

**[3] Fines**  Excessive fines

In interpreting the scope of the excessive fines clause, court looks to the origin of the clause and the purposes which directed its framers; historical emphasis concerns question of when the Eighth Amendment is to be applied, but court will not rely on the history of the clause to the same extent when considering the scope of the amendment. *U.S.C.A. Const.Amend. 8.*

122 Cases that cite this headnote

**[4] Fines**  Excessive fines

Word “fine” was understood by drafters of the Eighth Amendment to mean a payment to a sovereign as punishment for some offense. *U.S.C.A. Const.Amend. 8.*

144 Cases that cite this headnote

**[5] Fines**  Excessive fines

Excessive fines clause was intended to limit only those fines directly imposed by, and payable to, the government. *U.S.C.A. Const.Amend. 8.*

92 Cases that cite this headnote

**[6] Fines**  Imposition and liability in general

“Amercements” which were limited by the Magna Carta, were payments to the crown and were required of individuals who were in the king's mercy because of some act offensive to the crown; those acts ranged from minor criminal offenses, such as breach of the king's peace

with force and arms, to civil wrongs against the court, such as infringing a final concord made in king's court; amercements were an all purpose royal penalty which were used against plaintiffs who failed to follow complex rules of pleading, against defendants who would today be held liable in tort, against an entire township which failed to live up to its obligations, or against a sheriff who neglected his duties.

38 Cases that cite this headnote

[7] **Federal Courts** 🔑 Presentation of Questions Below or on Review; Record; Waiver

Supreme Court would not consider question of whether award of punitive damages violated due process where the issue was not raised in the district court or in the Court of Appeals, nor in petition for certiorari with the Supreme Court. U.S.C.A. Const.Amend. 14.

31 Cases that cite this headnote

[8] **Federal Courts** 🔑 Presentation of Questions Below or on Review; Record; Waiver

Claim that award of punitive damages violated the excessive fines clause of the Eighth Amendment did not adequately preserve claim that the award of punitive damages violated due process. U.S.C.A. Const.Amend. 8, 14.

270 Cases that cite this headnote

[9] **Federal Courts** 🔑 Scope and Extent of Review

When award of punitive damages is challenged as excessive, Supreme Court's inquiry is whether the Court of Appeals erred in finding that the district court did not abuse its discretion in refusing to grant motion for new trial or remittitur. Fed.Rules Civ.Proc.Rule 59, 28 U.S.C.A.

46 Cases that cite this headnote

[10] **Federal Courts** 🔑 Punitive or exemplary damages

In diversity action or any other lawsuit where state law provides the basis of decision, propriety of an award of punitive damages for the conduct in question, and the factors which the jury may consider in determining the amount, are questions of state law.

83 Cases that cite this headnote

[11] **Federal Courts** 🔑 Appealability; standard of review

**Federal Courts** 🔑 Punitive or exemplary damages

Federal law will control on those issues involving proper review by federal district court and Court of Appeals of jury's award of punitive damages.

21 Cases that cite this headnote

[12] **Federal Civil Procedure** 🔑 Remittitur

In viewing award of punitive damages, role of district court is to determine whether the jury's verdict is within the confines set by state law and to determine, by reference to federal standards, whether new trial or remittitur should be ordered. Fed.Rules Civ.Proc.Rule 59, 28 U.S.C.A.

145 Cases that cite this headnote

[13] **Federal Courts** 🔑 New Trial, Rehearing, or Reconsideration

Court of Appeals should review district court's determination of whether to order new trial or remittitur on issue of punitive damages under an abuse of discretion standard. Fed.Rules Civ.Proc.Rule 59, 28 U.S.C.A.

60 Cases that cite this headnote

[14] **Federal Courts** 🔑 New trial, rehearing, or reconsideration

There is no common-law standard of excessiveness, relying on notions of proportionality between punitive and compensatory damages, for reviewing award

of punitive damages in federal court action governed by state law.

[111 Cases that cite this headnote](#)

**[15] Antitrust and Trade Regulation** 🔑 Punitive damages

**Damages** 🔑 Amount Awarded in Particular Cases

Court of Appeals could properly determine that district court did not abuse its discretion in denying new trial or remittitur on issue of \$6 million award of punitive damages in antitrust action in which actual damages of \$51,000 were awarded.

[20 Cases that cite this headnote](#)

**\*\*2911 \*257 Syllabus\***

Respondents Joseph Kelley and Kelco Disposal, Inc., filed suit against petitioners (collectively BFI) in Federal District Court, charging BFI with antitrust violations and with interfering with Kelco's contractual relations in violation of Vermont tort law. A jury found BFI liable on both counts, and awarded Kelco, in addition to \$51,146 in compensatory damages, \$6 million in punitive damages on the state-law claim. Denying BFI's post-trial motions, the District Court upheld the jury's punitive damages award. The Court of Appeals affirmed as to both liability and damages, holding that even if the Eighth Amendment were applicable, the punitive damages awarded were not so disproportionate as to be constitutionally excessive.

*Held:*

1. The Excessive Fines Clause of the Eighth Amendment does not apply to punitive damages awards in cases between private parties; it does not constrain such an award when the government neither has prosecuted the action nor has any right to recover a share of the damages awarded. Pp. 2913–2920.

(a) The primary concern which drove the Framers of the Eighth Amendment was the potential for governmental abuse of “prosecutorial” power, not concern with the extent

or purposes of civil damages. Nothing in English history suggests that the Excessive Fines Clause of the English Bill of Rights of 1689, the direct ancestor of the Eighth Amendment, was intended to apply to damages awarded in disputes between private parties. Pp. 2914–2916.

(b) The history of the use and abuse in England of amercements, including the fact that Magna Carta placed limits on the Crown's use of excessive amercements, is no basis for concluding that the Excessive Fines Clause limits a civil jury's ability to award punitive damages. Magna Carta was aimed at putting limits on the excesses of royal power, purposes which are clearly inapposite in a case where a private party receives exemplary damages from another party, and the government has no share in the recovery. Any overlap between civil and criminal procedure at the time of Magna Carta is insignificant when all indications are that English courts never have understood Magna Carta's amercements clauses to be relevant to private damages of any kind. Pp. 2916–2919.

**\*258** c) The language of the Excessive Fines Clause and the nature of our constitutional framework make it clear that the Eighth Amendment places limits on the steps a government may take against an individual. The fact that punitive damages are imposed through the aegis of courts and serve to advance governmental interests in punishment and deterrence is insufficient to support applying the Excessive Fines Clause in a case between private parties. Here, the government of Vermont has not taken a positive step to punish, as it does in the criminal context, nor used the civil courts to extract large payments or forfeiture for the purpose of raising revenue or disabling some individual. Pp. 2919–2920.

2. Because BFI failed to raise before either the District Court or the Court of Appeals the question whether the punitive damages award was excessive under the Due Process Clause of the Fourteenth Amendment, this Court will not consider the effect of due process on the award. P. 2921.

3. Federal common law does not provide a basis for disturbing the jury's punitive damages award. In performing the limited function of a federal appellate court, this Court perceives no federal common-law standard, or compelling federal policy, that convinces the Court it should not accord considerable deference to a district court's decision not to order a new trial. The District Court in this case properly instructed the jury on Vermont law **\*\*2912** and applied the proper state-law

standard in considering whether the verdict was excessive, and the Court of Appeals correctly held that the District Court did not abuse its discretion. Pp. 2921–2923.

845 F.2d 404 (CA2 1988), affirmed.

BLACKMUN, J., delivered the opinion for a unanimous Court with respect to Parts I, III, and IV, and the opinion of the Court with respect to Part II, in which REHNQUIST, C.J., and BRENNAN, WHITE, MARSHALL, SCALIA, and KENNEDY, JJ., joined. BRENNAN, J., filed a concurring opinion, in which MARSHALL, J., joined, *post*, p. 2923. O'CONNOR, J., filed an opinion concurring in part and dissenting in part, in which STEVENS, J., joined, *post*, p. 2923.

#### Attorneys and Law Firms

Andrew L. Frey argued the cause for petitioners. With him on the briefs were Kenneth S. Geller, Mark I. Levy, James D. Holzhauser, Andrew J. Pincus, and J. Paul McGrath.

H. Bartow Farr III argued the cause for respondents. With him on the brief were Joel I. Klein, Paul M. Smith, Robert B. Hemley, and Norman Williams.\*

\* Briefs of amici curiae urging reversal were filed for the city of New York by Peter L. Zimroth, Leonard J. Koerner, and John Hogrogian; for the American National Red Cross et al. by Rex E. Lee, Carter G. Phillips, Elizabeth H. Esty, Charles A. Rothfeld, Benjamin W. Heineman, Jr., Philip A. Lacovara, and Fred J. Hiestand; for Arthur Andersen & Co. et al. by Leonard P. Novello, John N. Ekdahl, Carl D. Liggio, Harris J. Amhowitz, Kenneth H. Lang, and Eldon Olson; for Johnson & Higgins et al. by George Clemon Freeman, Jr., John Calvin Jeffries, Jr., and James W. Morris III; for Merrill Lynch, Pierce, Fenner & Smith, Inc., et al. by Louis R. Cohen, Lloyd N. Cutler, Ronald J. Greene, and Robert C. Dinerstein; for Navistar International Transportation Corp. by David A. Strauss and John A. Rupp; for the Pharmaceutical Manufacturers Association et al. by John Reese, Geoffrey Richard Wagner Smith, Richard F. Kingham, and Bruce N. Kuhlik; and for the United States Chamber of Commerce et al. by Herbert L. Fenster and Malcolm E. Wheeler.

Sherman L. Cohn and Jeffrey Robert White filed a brief for the Association of Trial Lawyers of America as amicus curiae urging affirmance.

Briefs of amici curiae were filed for the Alliance of American Insurers et al. by Jack H. Blaine, Phillip E. Stano, Craig A. Berrington, John B. Crosby, John J. Nangle, Kenneth H. Nails, James H. Bradner, Jr., Joe W. Peel, and Theresa L. Sorota; for Bethlehem Steel Corp. et al. by Martin S. Kaufman; for the California Trial Lawyers Association by Joseph Remcho, Harvey R. Levine, Amy Langerman, and William L. Denton; for CBS, Inc., et al. by P. Cameron DeVore, Marshall J. Nelson, Douglas P. Jacobs, Richard M. Schmidt, R. Bruce Rich, Harvey L. Lipton, and Bruce W. Sanford; for the Consumers Union of the United States et al. by Andrew F. Popper; for Golden Rule Insurance Co. et al. by Darrell S. Richey, N. Douglas Martin, Jr., and Thomas J. Norman; for Goodyear Tire & Rubber Co. by Theodore B. Olson and Larry L. Simms; for the Illinois Trial Lawyers Association by Robert J. Cooney; for the Insurance Consumer Action Network by Roger O'Sullivan; for Metromedia, Inc., by Theodore B. Olson and Larry L. Simms; for the National Association of Mutual Insurance Companies by Bert S. Nettles, Forrest S. Latta, and Geoffrey C. Hazard, Jr.; and for Martha Hoffmann Sanders by Bruce J. Ennis, Jr., Donald N. Bersoff, and W. Sidney Fuller.

#### Opinion

\*259 Justice BLACKMUN delivered the opinion of the Court.

[1] We face here the questions whether the Excessive Fines Clause of the Eighth Amendment applies to a civil-jury award of punitive or exemplary damages, and, if so, whether an award of \$6 million was excessive in this particular case.<sup>1</sup> This Court has never held, or even intimated, that the \*260 Eighth Amendment serves as a check on the power of a jury to award damages in a civil case. Rather, our concerns in applying the Eighth Amendment have been with criminal process and with direct actions initiated by government to inflict punishment. Awards of punitive damages do not implicate these concerns. We therefore hold, on the basis of the history and purpose of the Eighth Amendment, that its Excessive Fines Clause does not apply to awards of punitive damages in cases between private parties.

#### I

These weighty questions of constitutional law arise from an unlikely source: the waste-disposal business in Burlington, Vt. Petitioner Browning–Ferris Industries of Vermont, Inc.,



is a subsidiary of petitioner Browning–Ferris Industries, Inc. (collectively, BFI), which operates a nationwide commercial waste-collection and disposal business. In 1973 BFI entered the Burlington area trash-collection market, and in 1976 began to offer roll-off collection services.<sup>2</sup> Until 1980 BFI was the sole provider of such services in the Burlington area; that year respondent Joseph Kelley, who, since 1973, had been BFI's local district manager, went into business for himself, starting respondent Kelco Disposal, Inc. Within a year Kelco obtained nearly 40% of the Burlington roll-off market, and by 1982 Kelco's market share had risen to 43%. During 1982 BFI reacted by attempting to drive Kelco out of business, first by offering to buy Kelco and then by cutting prices by 40% or more on new business for approximately six months. The orders given to the Burlington BFI office by its regional vice president were clear: "Put [Kelley] out of business. Do whatever it takes. Squish him like a bug." App. 10. BFI's Burlington salesman was also instructed to \*261 put Kelco out of business and told that if "it meant give the stuff away, give it away." *Ibid.*

During the first four months of BFI's predatory campaign, Kelco's revenues dropped 30%. Kelco's attorney wrote to BFI's legal department asserting that BFI's pricing strategy was illegal, and threatened to initiate court proceedings if it continued. BFI did not respond, and continued its price-cutting policy for several more months. BFI's market share remained \*\*2913 stable from 1982 to 1984, but by 1985 Kelco had captured 56% of the market. That same year BFI sold out to a third party and left the Burlington market.

In 1984, Kelco and Kelley brought an action in the United States District Court for the District of Vermont, alleging a violation of § 2 of the Sherman Act for attempts to monopolize the Burlington roll-off market. They also claimed that BFI had interfered with Kelco's contractual relations in violation of Vermont tort law. Kelley's claims were severed from Kelco's, and Kelco's antitrust and tort claims were tried to a jury. After a 6–day trial BFI was found liable on both counts. A 1–day trial on damages followed, at which Kelco submitted evidence regarding the revenues and profits it lost as a result of BFI's predatory prices. Kelco's attorney urged the jury to return an award of punitive damages, asking the jurors to "deliver a message to Houston [BFI's headquarters]." *Id.*, at 53. Kelco also stressed BFI's total revenues of \$1.3 billion in the previous year, noting that this figure broke down to \$25 million a week. BFI urged that punitive damages were not appropriate, but made no argument as to amount.

The District Court instructed the jury that it could award punitive damages on the state-law claims if it found by clear and convincing evidence that BFI's conduct "revealed actual malice, outrageous conduct, or constituted a willful and wanton or reckless disregard of the plaintiff's rights." *Id.*, at 81. It also told the jury that in determining the amount of punitive damages it could take into account "the character of the \*262 defendants, their financial standing, and the nature of their acts." *Ibid.* BFI raised no relevant objection to the charge on punitive damages. The jury returned a verdict of \$51,146 in compensatory damages on both the federal-antitrust and state-tort counts, and \$6 million in punitive damages.

BFI moved for judgment notwithstanding the verdict, a new trial, or remittitur. The District Court denied these motions and awarded Kelco \$153,438 in treble damages and \$212,500 in attorney's fees and costs on the antitrust claim, or, in the alternative, \$6,066,082.74 in compensatory and punitive damages on the state-law claim. BFI appealed. The United States Court of Appeals for the Second Circuit affirmed the judgment both as to liability and as to damages. 845 F.2d 404 (1988). On the issue of punitive damages, the court noted that the evidence showed that BFI "wilfully and deliberately attempted to drive Kelco out of the market," and found no indication of jury prejudice or bias. *Id.*, at 410. Addressing the Eighth Amendment issue, the court noted that even if the Amendment were applicable "to this nominally civil case," the damages were not "so disproportionate as to be cruel, unusual, or constitutionally excessive," and upheld the award. *Ibid.* Because of its importance, we granted certiorari on the punitive damages issue. 488 U.S. 980, 109 S.Ct. 527, 102 L.Ed.2d 559 (1988).

## II

[2] The Eighth Amendment reads: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Although this Court has never considered an application of the Excessive Fines Clause, it has interpreted the Amendment in its entirety in a way which suggests that the Clause does not apply to a civil-jury award of punitive damages. Given that the Amendment is addressed to bail, fines, and punishments, our cases long have understood it to apply primarily, and perhaps exclusively, to criminal prosecutions and punishments. See, e.g., *Ex parte Watkins*, 7 Pet. 568, 573–574, 8 L.Ed. 786 (1833) ("The eighth \*263 amendment is addressed to courts

of the United States exercising criminal jurisdiction”); *Fong Yue Ting v. United States*, 149 U.S. 698, 730, 13 S.Ct. 1016, 1028, 37 L.Ed. 905 (1893) (Amendment inapplicable to deportation because deportation is not punishment for a crime); \*\*2914 *Ingraham v. Wright*, 430 U.S. 651, 664–668, 97 S.Ct. 1401, 1408–1411, 51 L.Ed.2d 711 (1977). “Bail, fines, and punishment traditionally have been associated with the criminal process, and by subjecting the three to parallel limitations the text of the Amendment suggests an intention to limit the power of those entrusted with the criminal-law function of government.” *Id.*, at 664, 97 S.Ct., at 1408.<sup>3</sup>

[3] To decide the instant case, however, we need not go so far as to hold that the Excessive Fines Clause applies just to criminal cases. Whatever the outer confines of the Clause’s \*264 reach may be, we now decide only that it does not constrain an award of money damages in a civil suit when the government neither has prosecuted the action nor has any right to receive a share of the damages awarded. To hold otherwise, we believe, would be to ignore the purposes and concerns of the Amendment, as illuminated by its history.<sup>4</sup>

#### A

[4] The Eighth Amendment received little debate in the First Congress, see *Weems v. United States*, 217 U.S. 349, 368, 30 S.Ct. 544, 549, 54 L.Ed. 793 (1910), and the Excessive Fines Clause received even less attention. This is not surprising; at least eight of the original States which ratified the Constitution had some equivalent of the Excessive Fines Clause in their respective Declarations of Rights or State Constitutions,<sup>5</sup> so the matter was not a likely source of controversy or extensive discussion. Although the prohibition of excessive fines was mentioned as part of a complaint that the Amendment was unnecessary and imprecise, see \*\*2915 217 U.S., at 369, 30 S.Ct., at 550, Congress did not discuss \*265 what was meant by the term “fines,” or whether the prohibition had any application in the civil context. In the absence of direct evidence of Congress’ intended meaning, we think it significant that at the time of the drafting and ratification of the Amendment, the word “fine” was understood to mean a payment to a sovereign as punishment for some offense.<sup>6</sup> Then, as now, fines were assessed in criminal, rather than in private civil, actions.<sup>7</sup>

\*266 But there is more than inferential evidence from language to support our conclusion that the Excessive Fines

Clause is inapplicable to an award of punitive damages. The undisputed purpose and history of the Amendment generally, and of the Excessive Fines Clause specifically, confirm our reading. The Eighth Amendment clearly was adopted with the particular intent of placing limits on the powers of the new Government. “At the time of its ratification, the original Constitution was criticized in the Massachusetts and Virginia Conventions for its failure to provide any protection for persons convicted of crimes. This criticism provided the impetus for inclusion of the Eighth Amendment in the Bill of Rights.” *Ingraham v. Wright*, 430 U.S., at 666, 97 S.Ct., at 1409 (footnote omitted). See generally *Barron v. Mayor and City Council of Baltimore*, 7 Pet. 243, 250, 8 L.Ed. 672 (1833) (“In almost every convention by which the constitution was adopted, amendments to guard against the abuse of power were recommended”); *Weems v. United States*, 217 U.S., at 372, 30 S.Ct., at 551 (the “predominant political impulse” of proponents of the Bill of Rights “was distrust of power, and they insisted on constitutional limitations against its abuse”). Simply put, the primary focus of the Eighth Amendment was the potential for governmental abuse of its “prosecutorial” power, not concern with the extent or purposes of civil damages.

Moreover, specific and persuasive support for our reading of the Excessive Fines Clause comes from the pedigree of the Clause itself. As we have noted in other cases, it is clear that the Eighth Amendment was “based directly on Art. I, § 9, of the Virginia Declaration of Rights,” which “adopted verbatim the language of the English Bill of Rights.” *Solem v. Helm*, 463 U.S. 277, 285, n. 10, 103 S.Ct. 3001, 3007, n. 10, 77 L.Ed.2d 637 (1983). Section 10 of the English Bill of Rights of 1689, like our \*\*2916 Eighth Amendment, states that “excessive Bail ought not to be required, nor excessive Fines imposed; nor cruel and unusual Punishments inflicted.” 1 Wm. & Mary, 2d Sess., ch. 2, 3 Stat. at Large \*267 440, 441 (1689). We recounted in *Ingraham*, 430 U.S., at 664, 97 S.Ct., at 1408: “The English version, adopted after the accession of William and Mary, was intended to curb the excesses of English judges under the reign of James II.” During the reigns of the Stuarts the King’s judges had imposed heavy fines on the King’s enemies, much as the Star Chamber had done before its abolition in 1641. L. Schworer, *The Declaration of Rights, 1689*, p. 91 (1981). In the 1680’s the use of fines “became even more excessive and partisan,” and some opponents of the King were forced to remain in prison because they could not pay the huge monetary penalties that had been assessed. *Ibid.*<sup>8</sup> The group which drew up the 1689 Bill of Rights had firsthand experience; several had been

subjected to heavy fines by the King's bench. *Id.*, at 91–92, and n. 198.

[5] The Framers of our Bill of Rights were aware and took account of the abuses that led to the 1689 Bill of Rights.<sup>9</sup> This history, when coupled with the fact that the accepted English definition of “fine” in 1689 appears to be identical to that in use in colonial America at the time of our Bill of Rights,<sup>10</sup> seems to us clear support for reading our Excessive Fines Clause as limiting the ability of the sovereign to use its prosecutorial power, including the power to collect fines, for improper ends. Providing even clearer support for this view is the English case law, immediately prior to the enactment of **\*268** the English Bill of Rights, which stressed the difference between civil damages and criminal fines. See *Lord Townsend v. Hughes*, 2 Mod. 150, 86 Eng.Rep. 994 (C.P.1677). In short, nothing in English history suggests that the Excessive Fines Clause of the 1689 Bill of Rights, the direct ancestor of our Eighth Amendment, was intended to apply to damages awarded in disputes between private parties. Instead, the history of the Eighth Amendment convinces us that the Excessive Fines Clause was intended to limit only those fines directly imposed by, and payable to, the government.

## B

Petitioners, however, argue that the Excessive Fines Clause “derives from limitations in English law on monetary penalties exacted in private civil cases to punish and deter misconduct.” Brief for Petitioners 17. They recognize that nothing in the history we have recounted thus far espouses that view. To find support, they turn the clock hundreds of years further back to English history prior to Magna Carta, and in particular to the use and abuse of “ameracements.” According to petitioners, ameracements were essentially civil damages, and the limits Magna Carta placed on the use of ameracements were the forerunners of the 1689 Bill of Rights' prohibition on excessive fines. In their view, the English Bill of Rights and our Eighth Amendment must be understood as reaching beyond the criminal context, because Magna Carta did. Punitive damages, they suggest, must be within the scope of the Excessive Fines Clause because they are a modern-day analog of 13th-century ameracements.

**\*\*2917** The argument is somewhat intriguing, but we hesitate to place great emphasis on the particulars of 13th-century English practice, particularly when the interpretation

we are urged to adopt appears to conflict with the lessons of more recent history. Even so, our understanding of the use of ameracements, and the development of actions for damages at **\*269** common law, convince us that petitioners' view of the relevant history does not support the result they seek.

[6] Ameracements were payments to the Crown, and were required of individuals who were “in the King's mercy,” because of some act offensive to the Crown. Those acts ranged from what we today would consider minor criminal offenses, such as breach of the King's peace with force and arms, to “civil” wrongs against the King, such as infringing “a final concord” made in the King's court. See 2 F. Pollock & F. Maitland, *History of English Law* 519 (2d ed. 1905) (Pollock & Maitland); see also *Solem v. Helm*, 463 U.S., at 284, n. 8, 103 S.Ct., at 3006, n. 8 (an ameracement “was the most common criminal sanction in 13th-century England”); W. McKechnie, *Magna Carta 285–286* (2d ed. 1958) (McKechnie) (discussing ameracements as a step in the development of criminal law). Ameracements were an “all-purpose” royal penalty; they were used not only against plaintiffs who failed to follow the complex rules of pleading<sup>11</sup> and against defendants who today would be liable in tort, but also against an entire township which failed to live up to its obligations, or against a sheriff who neglected his duties.<sup>12</sup> The use of ameracements was widespread; one commentary has said that most men in England could expect **\*270** to be amerced at least once a year. See 2 Pollock & Maitland 513.<sup>13</sup>

In response to the frequent, and occasionally abusive, use of ameracements by the King, Magna Carta included several provisions placing limits on the circumstances under which a person could be amerced, and the amount of the amercement.<sup>14</sup> The barons who forced John to **\*\*2918** agree to Magna Carta sought to reduce arbitrary royal power, and in particular **\*271** to limit the King's use of ameracements as a source of royal revenue, and as a weapon against enemies of the Crown.<sup>15</sup> The Ameracements Clause of Magna Carta limited these abuses in four ways: by requiring that one be amerced only for some genuine harm to the Crown; by requiring that the amount of the amercement be proportioned to the wrong; by requiring that the amercement not be so large as to deprive him of his livelihood; and by requiring that the amount of the amercement be fixed by one's peers, sworn to amerce only in a proportionate amount.<sup>16</sup>

Petitioners, and some commentators,<sup>17</sup> find in this history a basis for concluding that the Excessive Fines Clause operates to limit the ability of a civil jury to award punitive damages. We do not agree. Whatever uncertainties surround the use of amercements prior to Magna Carta, the compact signed at Runnymede was aimed at putting limits on the \*272 power of the King, on the “tyrannical extortions, under the name of amercements, with which John had oppressed his people,” T. Taswell–Langmead, *English Constitutional History* 83 (T. Plucknett 10th ed. 1946), whether that power be exercised for purposes of oppressing political opponents, for raising revenue in unfair ways, or for any other improper use. See 2 W. Holdsworth, *A History of English Law* 214 (4th ed. 1936). These concerns are clearly inapposite in a case where a private party receives exemplary damages from another party, and the government has no share in the recovery. Cf. *United States v. Halper*, 490 U.S. 435, 109 S.Ct. 1892, 104 L.Ed.2d 487 (1989) (Double Jeopardy Clause).

Petitioners ultimately rely on little more than the fact that the distinction between civil and criminal law was cloudy (and perhaps nonexistent) at the time of Magna Carta. But any overlap between civil and criminal procedure at that time does nothing to support petitioners' case, when all the indications are that English courts never have understood the amercements clauses to be relevant to private damages of any kind, either then or at any later time. See *Lord Townsend v. Hughes*, 2 Mod., at 151, 86 Eng.Rep., at 994–995 (Magna Carta's amercements provisions apply in criminal, but not civil, cases). Even after the common \*\*2919 law had developed to the point where courts occasionally did decrease a damages award or eliminate it altogether, such action was never predicated on the theory that the *government* somehow had overstepped its bounds. Rather, the perceived error was one made by the jury, as determined by reference to common-law, rather than constitutional, standards. Whether based on reasoning that the jury's award was so excessive that it must have been based on bias or prejudice, see *Wood v. Gunston*, Sty. 466, 82 Eng.Rep. 867 (K.B.1655); *Leith v. Pope*, 2 Bl.W. 1327, 96 Eng.Rep. 777 (C.P.1780), or that the jury must have misconstrued the evidence, see *Ash v. Ash*, Comb. 357, 90 Eng.Rep. 526 (1696), the proper focus was, and still is, on the behavior of the jury. It is difficult \*273 to understand how Magna Carta, or the English Bill of Rights as viewed through the lens of Magna Carta, compels us to read our Eighth Amendment's Excessive Fines Clause as applying to punitive damages when those documents themselves were never so applied.<sup>18</sup>

C

Our conclusion that the Framers of the Eighth Amendment did not expressly intend it to apply to damages awards made by civil juries does not necessarily complete our inquiry. Our Eighth Amendment jurisprudence has not been inflexible. The Court, when considering the Eighth Amendment, has stated: “Time works changes, brings into existence new conditions and purposes. Therefore a principle to be vital must be capable of wider application than the mischief which gave it birth. This is particularly true of constitutions.” *Weems v. United States*, 217 U.S., at 373, 30 S.Ct., at 551.<sup>19</sup> This aspect \*274 of our Eighth Amendment jurisprudence might have some force here were punitive damages a strictly modern creation, without solid grounding in pre-Revolutionary days. But the practice of awarding damages far in excess of actual compensation for quantifiable injuries was well recognized at the time the Framers produced the Eighth Amendment. Awards of double or treble damages authorized by statute date back to the 13th century, see Statute of Gloucester, 1278, 6 Edw. I, ch. 5, 1 Stat. at Large 66 (treble damages for waste); see also 2 Pollock & Maitland 522, and the doctrine was expressly recognized in cases as early as 1763.<sup>20</sup> Despite this recognition \*\*2920 of civil exemplary damages as punitive \*275 in nature, the Eighth Amendment did not expressly include it within its scope. Rather, as we earlier have noted, the text of the Amendment points to an intent to deal only with the prosecutorial powers of government.

Furthermore, even if we were prepared to extend the scope of the Excessive Fines Clause beyond the context where the Framers clearly intended it to apply, we would not be persuaded to do so with respect to cases of punitive damages awards in private civil cases, because they are too far afield from the concerns that animate the Eighth Amendment. We think it clear, from both the language of the Excessive Fines Clause and the nature of our constitutional framework, that the Eighth Amendment places limits on the steps a government may take against an individual, whether it be keeping him in prison, imposing excessive monetary sanctions, or using cruel and unusual punishments. The fact that punitive damages are imposed through the aegis of courts and serve to advance governmental interests is insufficient to support the step petitioners ask us to take. While we agree with petitioners that punitive damages advance the interests of punishment and deterrence, which are also among the interests advanced by the criminal law, we fail to see how this overlap requires us to apply the Excessive Fines Clause in a



case between private parties. Here the government of Vermont has not taken a positive step to punish, as it most obviously does in the criminal context, nor has it used the civil courts to extract large payments or forfeitures for the purpose of raising revenue or disabling some individual.<sup>21</sup> We shall not ignore the language of the Excessive \*276 Fines Clause, or its history, or the theory on which it is based, in order to apply it to punitive damages.<sup>22</sup>

### \*\*2921 III

[7] [8] Petitioners also ask us to review the punitive damages award to determine whether it is excessive under the Due Process Clause of the Fourteenth Amendment. The parties agree that due process imposes some limits on jury awards of punitive damages, and it is not disputed that a jury award may not be upheld if it was the product of bias or passion, or if it was reached in proceedings lacking the basic elements of fundamental fairness. But petitioners make no claim that the proceedings themselves were unfair, or that the jury was biased or blinded by emotion or prejudice. Instead, they seek further due process protections, addressed directly to the size of the damages award. There is some authority in our opinions for the view that the Due Process Clause places outer limits on the size of a civil damages award made pursuant to a statutory scheme, see, e.g., *St. Louis, I. M. & S. R. Co. v. Williams*, 251 U.S. 63, 66–67, 40 S.Ct. 71, 73, 64 L.Ed. 139 (1919), but we have never addressed the precise question presented here: \*277 whether due process acts as a check on undue jury discretion to award punitive damages in the absence of any express statutory limit. See *Bankers Life & Casualty Co. v. Crenshaw*, 486 U.S. 71, 87, 108 S.Ct. 1645, 1655, 100 L.Ed.2d 62 (1988) (O'CONNOR, J., concurring in part and concurring in judgment). That inquiry must await another day. Because petitioners failed to raise their due process argument before either the District Court or the Court of Appeals, and made no specific mention of it in their petition for certiorari in this Court, we shall not consider its effect on this award.<sup>23</sup>

### IV

[9] Petitioners also ask us to hold that this award of punitive damages is excessive as a matter of federal common law. Rather than directing us to a developed body of federal law, \*278 however, they merely repeat the standards they urged

us to adopt under the Eighth Amendment. It is not our role to review directly the award for excessiveness, or to substitute our judgment for that of the jury. Rather, our only inquiry is whether the Court of Appeals erred in finding that the District Court did not abuse its discretion in refusing to grant petitioners' motion, under [Federal Rule of Civil Procedure 59](#), for a new trial or remittitur. Applying proper deference to the District Court, the award of punitive damages should stand.

[10] [11] Review of the District Court's order involves questions of both state and federal law. In a diversity action, or in any other lawsuit where state law provides the \*\*2922 basis of decision, the propriety of an award of punitive damages for the conduct in question, and the factors the jury may consider in determining their amount, are questions of state law.<sup>24</sup> Federal \*279 law, however, will control on those issues involving the proper review of the jury award by a federal district court and court of appeals. See *Donovan v. Penn Shipping Co.*, 429 U.S. 648, 649–650, 97 S.Ct. 835, 836–837, 51 L.Ed.2d 112 (1977); see also 6A J. Moore, J. Lucas, & G. Grotheer, *Moore's Federal Practice*, ¶ 59.04[1] (2d ed. 1987).

[12] [13] [14] In reviewing an award of punitive damages, the role of the district court is to determine whether the jury's verdict is within the confines set by state law, and to determine, by reference to federal standards developed under [Rule 59](#), whether a new trial or remittitur should be ordered. The court of appeals should then review the district court's determination under an abuse-of-discretion standard.<sup>25</sup> Although petitioners and their *amici* would like us to craft some common-law standard of excessiveness that relies on notions of proportionality between punitive and compensatory damages, or makes reference to statutory penalties for similar conduct, these are matters of state, and not federal, common law. Adopting a rule along the lines petitioners suggest would require us to ignore the distinction between the state-law and federal-law issues. For obvious reasons we decline that invitation.

[15] In performing the limited function of a federal appellate court, we perceive no federal common-law standard, or compelling \*280 federal policy, which convinces us that we should not continue to accord considerable deference to a district court's decision not to order a new trial.<sup>26</sup> In this case the District Court properly instructed the jury on Vermont law, see n. 24, *supra*, and applied the proper state-law standard in considering whether the verdict returned was excessive. Although the opinion of \*\*2923 the Court of Appeals is

not clear to us as to whether it applied state or federal law in reviewing the District Court's order denying the new trial or remittitur, we are convinced that its conclusion that there was no abuse of discretion by the District Court is consistent with federal standards, in light of the broad range of factors Vermont law permits juries to consider in awarding punitive damages.

V

In sum, we conclude that neither federal common law nor the Excessive Fines Clause of the Eighth Amendment provides a basis for disturbing the jury's punitive damages award in this case. Accordingly, the judgment of the Court of Appeals is affirmed.

*It is so ordered.*

Justice BRENNAN, with whom Justice MARSHALL joins, concurring.

I join the Court's opinion on the understanding that it leaves the door open for a holding that the Due Process Clause constrains the imposition of punitive damages in civil cases brought by private parties. See *ante*, at 2921.

Several of our decisions indicate that even where a statute sets a range of possible civil damages that may be awarded to a private litigant, the Due Process Clause forbids damages awards that are “grossly excessive,” \*281 *Waters–Pierce Oil Co. v. Texas*, 212 U.S. 86, 111, 29 S.Ct. 220, 227, 53 L.Ed. 417 (1909), or “so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable,” *St. Louis, I. M. & S. R. Co. v. Williams*, 251 U.S. 63, 66–67, 40 S.Ct. 71, 73, 64 L.Ed. 139 (1919). See also *Southwestern Telegraph & Telephone Co. v. Danaher*, 238 U.S. 482, 491, 35 S.Ct. 886, 888, 59 L.Ed. 1419 (1915); *Missouri Pacific R. Co. v. Humes*, 115 U.S. 512, 522–523, 6 S.Ct. 110, 113–114, 29 L.Ed. 463 (1885). I should think that, if anything, our scrutiny of awards made without the benefit of a legislature's deliberation and guidance would be less indulgent than our consideration of those that fall within statutory limits.

Without statutory (or at least common-law) standards for the determination of how large an award of punitive damages is appropriate in a given case, juries are left largely to themselves in making this important, and potentially devastating, decision. Indeed, the jury in this case was sent

to the jury room with nothing more than the following terse instruction: “In determining the amount of punitive damages, ... you may take into account the character of the defendants, their financial standing, and the nature of their acts.” App. 81. Guidance like this is scarcely better than no guidance at all. I do not suggest that the instruction itself was in error; indeed, it appears to have been a correct statement of Vermont law. The point is, rather, that the instruction reveals a deeper flaw: the fact that punitive damages are imposed by juries guided by little more than an admonition to do what they think is best. Because “ ‘[t]he touchstone of due process is protection of the individual against arbitrary action of government,’ ” *Daniels v. Williams*, 474 U.S. 327, 331, 106 S.Ct. 662, 665, 88 L.Ed.2d 662 (1986), quoting *Wolff v. McDonnell*, 418 U.S. 539, 558, 94 S.Ct. 2963, 2976, 41 L.Ed.2d 935 (1974), I for one would look longer and harder at an award of punitive damages based on such skeletal guidance than I would at one situated within a range of penalties as to which responsible officials had deliberated and then agreed.

Since the Court correctly concludes that Browning–Ferris' challenge based on the Due Process Clause is not properly \*282 before us, however, I leave fuller discussion of these matters for another day.

Justice O'CONNOR, with whom Justice STEVENS joins, concurring in part and dissenting in part.

Awards of punitive damages are skyrocketing. As recently as a decade ago, \*\*2924 the largest award of punitive damages affirmed by an appellate court in a products liability case was \$250,000. See Owen, Punitive Damages in Products Liability Litigation, 74 Mich.L.Rev. 1257, 1329–1332 (1976). Since then, awards more than 30 times as high have been sustained on appeal. See *Ford Motor Co. v. Durrill*, 714 S.W.2d 329 (Tex.App.1986) (\$10 million); *Ford Motor Co. v. Stubblefield*, 171 Ga.App. 331, 319 S.E.2d 470 (1984) (\$8 million); *Palmer v. A.H. Robins Co.*, 684 P.2d 187 (Colo.1984) ( \$6.2 million). The threat of such enormous awards has a detrimental effect on the research and development of new products. Some manufacturers of prescription drugs, for example, have decided that it is better to avoid uncertain liability than to introduce a new pill or vaccine into the market. See, e.g., Brief for Pharmaceutical Manufacturers Association et al. as *Amici Curiae* 5–23. Similarly, designers of airplanes and motor vehicles have been forced to abandon new projects for fear of lawsuits that can often lead to awards of punitive damages. See generally P.

Huber, Liability: The Legal Revolution and Its Consequences 152–171 (1988).

The trend toward multimillion dollar awards of punitive damages is exemplified by this case. A Vermont jury found that Browning–Ferris Industries, Inc. (BFI), tried to monopolize the Burlington roll-off waste disposal market and interfered with the contractual relations of Kelco Disposal, Inc. (Kelco). The jury awarded Kelco \$51,000 in compensatory damages (later trebled) on the antitrust claim, and over \$6 million in punitive damages. The award of punitive damages was 117 times the actual damages suffered by Kelco and far exceeds the highest reported award of punitive damages affirmed by a Vermont court. Cf. \*283 *Coty v. Ramsey Associates, Inc.*, 149 Vt. 451, 546 A.2d 196 (punitive damages of \$380,000 based on compensatory damages of \$187,500), cert. denied, 487 U.S. 1236, 108 S.Ct. 2903, 101 L.Ed.2d 936 (1988).

The Court holds today that the Excessive Fines Clause of the Eighth Amendment places no limits on the amount of punitive damages that can be awarded in a suit between private parties. That result is neither compelled by history nor supported by precedent, and I therefore respectfully dissent from Part II of the Court's opinion. I do, however, agree with the Court that no due process claims—either procedural or substantive—are properly presented in this case, and that the award of punitive damages here should not be overturned as a matter of federal common law. I therefore join Parts I, III, and IV of the Court's opinion. Moreover, I share Justice BRENNAN's view, *ante*, at 2923–2924, that nothing in the Court's opinion forecloses a due process challenge to awards of punitive damages or the method by which they are imposed, and I adhere to my comments in *Bankers Life & Casualty Co. v. Crenshaw*, 486 U.S. 71, 86–89, 108 S.Ct. 1645, 1654–1656, 100 L.Ed.2d 62 (1988) (opinion concurring in part and concurring in judgment), regarding the vagueness and procedural due process problems presented by juries given unbridled discretion to impose punitive damages.

## I

Before considering the merits of BFI's Eighth Amendment claim, two preliminary questions must be addressed. First, does the Excessive Fines Clause apply to the States through the Due Process Clause of the Fourteenth Amendment? Second, is a corporation such as BFI protected by the Excessive Fines Clause?

## A

The award of punitive damages against BFI was based on Vermont law. See 845 F.2d 404, 409 (CA2 1988). Almost 100 years ago, the Court held that the Eighth Amendment did not apply to the States. See *O'Neil v. Vermont*, 144 U.S. 323, 332, 12 S.Ct. 693, 697, 36 L.Ed. 450 (1892). See also \*284 *Pervear v. Commonwealth*, 5 Wall. 475, 18 L.Ed. 608 (1867). But 13 years \*\*2925 before *O'Neil*, the Court had applied the Eighth Amendment's ban on cruel and unusual punishments to a Territory. See *Wilkerson v. Utah*, 99 U.S. 130, 25 L.Ed. 345 (1879) (holding that execution by firing squad was not prohibited by the Eighth Amendment). In *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 462, 67 S.Ct. 374, 375, 91 L.Ed. 422 (1947), the Court assumed, without deciding, that the Eighth Amendment applied to the States. Any confusion created by *O'Neil*, *Wilkerson*, and *Francis* was eliminated in *Robinson v. California*, 370 U.S. 660, 666–667, 82 S.Ct. 1417, 1420–1421, 8 L.Ed.2d 758 (1962), in which the Court, albeit without discussion, reversed a state conviction for the offense of narcotics addiction as constituting cruel and unusual punishment and being repugnant to the Fourteenth Amendment. Since *Robinson*, the Cruel and Unusual Punishments Clause has been regularly applied to the States, most notably in the capital sentencing context. In addition, the Court has assumed that the Excessive Bail Clause of the Eighth Amendment applies to the States. See *Schilb v. Kuebel*, 404 U.S. 357, 365, 92 S.Ct. 479, 484, 30 L.Ed.2d 502 (1971). I see no reason to distinguish one Clause of the Eighth Amendment from another for purposes of incorporation, and would hold that the Excessive Fines Clause also applies to the States.

## B

In the words of Chief Justice Marshall, a corporation is “an artificial being, invisible, intangible, and existing only in contemplation of law.” *Dartmouth College v. Woodward*, 4 Wheat. 518, 636, 4 L.Ed. 629 (1819). As such, it is not entitled to “‘purely personal’ guarantees” whose “‘historic function’... has been limited to the protection of individuals.” *First National Bank of Boston v. Bellotti*, 435 U.S. 765, 779, n. 14, 98 S.Ct. 1407, 1417, n. 14, 55 L.Ed.2d 707 (1978). Thus, a corporation has no Fifth Amendment privilege against self-incrimination, *Wilson v. United States*, 221 U.S. 361, 31 S.Ct. 538, 55 L.Ed. 771 (1911), or right to privacy, *United*

*States v. Morton Salt Co.*, 338 U.S. 632, 70 S.Ct. 357, 94 L.Ed. 401 (1950). On the other hand, a corporation has a First Amendment right to freedom of speech, *Virginia Pharmacy Bd. v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 96 S.Ct. 1817, 48 L.Ed.2d 346 (1976), and cannot have its property taken without just compensation, *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978). A corporation is also protected from unreasonable searches and seizures, *Marshall v. Barlow's, Inc.*, 436 U.S. 307, 98 S.Ct. 1816, 56 L.Ed.2d 305 (1978), and can plead former jeopardy as a bar to a prosecution, *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 97 S.Ct. 1349, 51 L.Ed.2d 642 (1977). Furthermore, a corporation is entitled to due process, *Helicopteros Nacionales de Colombia v. Hall*, 466 U.S. 408, 104 S.Ct. 1868, 80 L.Ed.2d 404 (1984), and equal protection, *Metropolitan Life Ins. Co. v. Ward*, 470 U.S. 869, 105 S.Ct. 1676, 84 L.Ed.2d 751 (1985), of law.

Whether a particular constitutional guarantee applies to corporations “depends on the nature, history, and purpose” of the guarantee. *First National Bank of Boston, supra*, at 779, n. 14, 98 S.Ct., at 1417, n. 14. The payment of monetary penalties, unlike the ability to remain silent, is something that a corporation can do as an entity, and the Court has reviewed fines and monetary penalties imposed on corporations under the Fourteenth Amendment at a time when the Eighth Amendment did not apply to the States. See *Waters–Pierce Oil Co. v. Texas*, 212 U.S. 86, 111–112, 29 S.Ct. 220, 227, 53 L.Ed. 417 (1909). See also *St. Louis I. M. & S. R. Co. v. Williams*, 251 U.S. 63, 66–67, 40 S.Ct. 71, 73, 64 L.Ed. 139 (1919). If a corporation is protected by the Due Process Clause from overbearing and oppressive monetary sanctions, it is also protected from such penalties by the Excessive Fines Clause. See *Whitney Stores, Inc. v. Summerford*, 280 F.Supp. 406, 411 (SC) (three-judge court) \*\*2926 (entertaining Eighth Amendment challenge by corporation to fine for violation of Sunday closing laws), summarily aff'd, 393 U.S. 9, 89 S.Ct. 44, 21 L.Ed.2d 9 (1968).

## II

Language in *Ingraham v. Wright*, 430 U.S. 651, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977), and *Ex parte Watkins*, 7 Pet. 568, 8 L.Ed. 786 (1833), suggests that the *entire* Eighth Amendment is confined to criminal prosecutions and punishments. But as the Court correctly acknowledges, \*286 ante, at 2913–2914, and n. 3, that language is not dispositive here.

In *Ingraham*, the Court held that the Cruel and Unusual Punishments Clause of the Eighth Amendment does not apply to disciplinary corporal punishment at a public school. Because the Excessive Fines Clause was not at issue in *Ingraham*, the Court's statement that the “text of the [Eighth] Amendment suggests an intention to limit the power of those entrusted with the criminal-law function of government,” 430 U.S., at 664, 97 S.Ct., at 1408, is not controlling. The similar statement in *Ex parte Watkins*, that the Eighth Amendment “is addressed to courts of the United States exercising criminal jurisdiction,” 7 Pet., at 573–574, is dictum, for the Court there held only that it did not have appellate jurisdiction to entertain a challenge, by way of a writ for habeas corpus, to criminal fines imposed upon a defendant: “[T]his Court has no appellate jurisdiction to revise the sentences of inferior courts in criminal cases; and cannot, even if the excess of the fine were apparent on the record, reverse the sentence.” *Id.*, at 574. There is another reason not to rely on or be guided by the sweeping statements in *Ingraham* and *Ex parte Watkins*. Those statements are inconsistent with the Court's application of the Excessive Bail Clause of the Eighth Amendment to civil proceedings in *Carlson v. Landon*, 342 U.S. 524, 544–546, 72 S.Ct. 525, 536–537, 96 L.Ed. 547 (1952) (immigration and deportation). See *United States v. Salerno*, 481 U.S. 739, 754, 107 S.Ct. 2095, 2105, 95 L.Ed.2d 697 (1987) (recognizing that *Carlson* “was a civil case”). In sum, none of the Court's precedents foreclose application of the Excessive Fines Clause to punitive damages.

## III

The history of the Excessive Fines Clause has been thoroughly canvassed in several recent articles, all of which conclude that the Clause is applicable to punitive damages. See Boston, \*287 Punitive Damages and the Eighth Amendment: Application of the Excessive Fines Clause, 5 Cooley L.Rev. 667 (1988) (Boston); Massey, The Excessive Fines Clause and Punitive Damages: Some Lessons from History, 40 Vand.L.Rev. 1233 (1987) (Massey); Jeffries, A Comment on the Constitutionality of Punitive Damages, 72 Va.L.Rev. 139 (1986) (Jeffries); Note, The Constitutionality of Punitive Damages Under the Excessive Fines Clause of the Eighth Amendment, 85 Mich.L.Rev. 1699 (1987) (Note). In my view, a chronological account of the Clause and its antecedents demonstrates that the Clause derives from limitations in English law on monetary penalties exacted in civil and criminal cases to punish and deter



misconduct. History aside, this Court's cases leave no doubt that punitive damages serve the same purposes—punishment and deterrence—as the criminal law, and that excessive punitive damages present precisely the evil of exorbitant monetary penalties that the Clause was designed to prevent.

#### A

The story of the Excessive Fines Clause begins in the “early days of English justice, before crime and tort were clearly distinct.” Jeffries 154. Under the Saxon legal system in pre-Norman England, the victim of a wrong would, rather than seek vengeance through retaliation or “blood-feud,” accept financial compensation for the injury from the wrongdoer. The **\*\*2927** wrongdoer could also be made to pay an additional sum “on the ground that every evil deed inflicts a wrong on society in general.” W. McKechnie, *Magna Carta* 284–285 (1958) (McKechnie).

At some point after the Norman Conquest in 1066, this method of settling disputes gave way to a system in which individuals who had engaged in conduct offensive to the Crown placed themselves “in the King's mercy” so as not to have to satisfy all the monetary claims against them. *Id.*, at 285. See generally 2 F. Pollock & F. Maitland, *The History of English Law* 512–516 (2d ed. 1899) (Pollock & Maitland). In order to receive clemency, these individuals were required to pay an “amercement” to the Crown, its representative, or **\*288** a feudal lord. *Tumey v. Ohio*, 273 U.S. 510, 525, 47 S.Ct. 437, 442, 71 L.Ed. 749 (1927); Massey 1252–1253, and n. 111. But cf. R. Stringham, *Magna Carta: Fountainhead of Freedom* 40 (1966) (a share of the amercement went to the victim or the victim's family). Because the amercement originated at a time when there was little distinction between criminal law and tort law, it was “neither strictly a civil nor a criminal sanction.” Note, at 1716. Blackstone, however, clearly thought that amercements were civil punishments. See 4 W. Blackstone, *Commentaries* \*372 (“amercements for misbehaviour in matters of civil right”). As one commentator has noted, the “amercement was assessed most commonly as a civil sanction for wrongfully bringing or defending a civil lawsuit.” Massey 1251. The list of conduct meriting amercement was voluminous: trespass, improper or false pleading, default, failure to appear, economic wrongs, torts, and crimes. See generally *Beecher's Case*, 8 Co.Rep. 58a, 59b–61b, 77 Eng.Rep. 559, 564–567 (Ex. 1609).

The amount of an amercement was set arbitrarily, according to the extent to which the King or his officers “chose to relax the forfeiture of all the offender's goods.” Jeffries 154–155. See also Boston 725. Because of the frequency and sometimes abusive nature of amercements, Chapter 20 of Magna Carta, 9 Hen. III, ch. 14 (1225), prohibited amercements that were disproportionate to the offense or that would deprive the wrongdoer of his means of livelihood:

“A Free-man shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenment; and a Merchant likewise, saving to him his Merchandise; and any other's villain than ours shall be likewise amerced, saving his wainage, if he fall into our mercy. And none of the said amerciements shall be assessed, but by the oath of honest and lawful men of the vicinage. Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. No man of **\*289** the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence” (numbers omitted).

After Magna Carta, the amount of an amercement was initially set by the court. A group of the amerced party's peers would then be assembled to reduce the amercement in accordance with the party's ability to pay. McKechnie 288–289. For example, in *Le Gras v. Bailiff of Bishop of Winchester*, Y.B.Mich. 10 Edw. II, pl. 4 (C.P. 1316), reprinted in 52 Publications of the Selden Society 3, 5 (1934), an amercement for improper civil pleading was vacated, and the bailiff who had imposed the amercement was ordered to “take a moderate amercement proper to the magnitude and manner of that offence.” See also Granucci, “Nor Cruel and Unusual Punishments Inflicted:” The Original Meaning, 57 Calif.L.Rev. 839, 845–846 (1969) (Granucci) (listing other examples of amercements that were reduced or set aside).

Fines and amercements had very similar functions. Fines originated in the 13th century as voluntary sums paid to the Crown to avoid an indefinite prison sentence for a common-law crime or to avoid **\*\*2928** royal displeasure. 2 Pollock & Maitland 517; Massey 1261. The fine operated as a substitute for imprisonment. Having no actual power to impose a fine, the court would sentence the wrongdoer to prison. “To avoid imprisonment, the wrongdoer would then ‘make fine’ by ‘voluntarily’ contracting with the Crown to pay money, thereby ending the matter. The Crown gradually eliminated the voluntary nature of the fine by imposing indefinite sentences upon wrongdoers who effectively would

be forced to pay the fine. Once the fine was no longer voluntary, it became the equivalent of an amercement.” Note, at 1715. See also Boston 719–720. Although in theory fines were voluntary while amercements were not, the purpose of the two penalties was equivalent, and it is not surprising that in practice it became difficult to distinguish the two.

### \*290 B

By the 17th century, fines had lost their original character of bargain and had replaced amercements as the preferred penal sanction. The word “fine” took on its modern meaning, while the word “amercement” dropped out of ordinary usage. McKechnie 293. But the nomenclature still caused some confusion. See *Griesley's Case*, 8 Co.Rep. 38a, 77 Eng.Rep. 530 (C.P.1609) (“fine” for refusing to serve as a constable analyzed as an “amercement”). William Shakespeare, an astute observer of English law and politics, did not distinguish between fines and amercements in the plays he wrote in the late 16th century. In *Romeo and Juliet*, published in 1597, Prince Escalus uses the words “amerce” and “fine” interchangeably in warning the Montagues and the Capulets not to shed any more blood on the streets of Verona:

“I have an interest in your hate's proceeding,

My blood for your rude brawls doth lie a-bleeding;

But I'll amerce you with so strong a fine,

That you shall all repent the loss of mine.” Act III, scene 1, lines 186–189.

The preeminence of fines gave courts much more power, for only they could impose fines. Massey 1253. Once it was clear that Magna Carta did not apply to fines for offenses against the Crown, see *John Hampden's Case*, 9 State Tr. 1054, 1126 (K.B.1684), English courts during the reigns of Charles II and James II took advantage of their newly acquired power and imposed ruinous fines on wrongdoers and critics of the Crown. After James II fled England during the Glorious Revolution of 1688–1689, the House of Commons, in an attempt to end the crisis precipitated by the vacation of the throne, appointed a committee to draft articles concerning essential laws and liberties that would be presented to William of Orange. As the Court correctly notes, some of the men who made up the committee had been subjected to heavy fines by the courts of James II. See generally \*291 L. Schwoerer, *The Declaration of Rights*, 1689, pp. 30–33, 91–92 (1981)

(Schwoerer). The committee ultimately reported 13 Articles to the House of Commons. The final draft of Article 10 provided that “excessive Baile ought not to be required, nor excessive Fines imposed, nor cruel and unusual Punishments inflicted.” 1 Wm. & Mary, 2d Sess., ch. 2, 3 Stat. at Large 440, 441 (1689).

According to Blackstone, the English Bill of Rights was “only declaratory ... of the old constitutional law.” 4 W. Blackstone, *Commentaries* \*372. See also Schwoerer 92 (excessive fines provision of Article 10 “reaffirmed ancient law”). Of course, the only prohibition on excessive monetary penalties predating Article 10 was contained in Magna Carta. “Since it incorporated the earlier prohibition against excessive amercements—which could arise in civil settings—as well as other forms of punishment, [Article 10's limitation on excessive fines] cannot be limited to strictly criminal cases but extends to monetary sanctions imposed in both criminal and civil contexts.” Note, at 1717. Because the word “amercement” had dropped out of ordinary \*\*292 usage by the late 17th century, it appears that the word “fine” in Article 10 was simply shorthand for all monetary penalties, “whether imposed by judge or jury, in both civil and criminal proceedings.” Massey 1256. Indeed, three months *after* the adoption of the English Bill of Rights, the House of Lords reversed a fine by referring to Magna Carta, and not to Article 10. See *Earl of Devonshire's Case*, 11 State Tr. 1367, 1372 (H.L. 1689) (ruling that “fine” of £ 30,000 for striking another was “excessive and exorbitant, against Magna Charta, the common right of the subject, and the law of the land”).

The Court argues that Chapter 20 of Magna Carta and Article 10 of the English Bill of Rights were concerned only with limiting governmental abuses of power. Because amercements and fines were paid to the Crown, the Court assumes that governmental abuses can only take place when the sovereign itself exacts a penalty. That assumption, however, \*292 simply recalls the historical accident that, prior to the mid-18th century, monetary sanctions filled the coffers of the King and his barons.

As early as 1275, with the First Statute of Westminster, double and treble damages were allowed by statute. See *ante*, at 2919. However, “[i]t was only after the prevalence of the amercement had diminished that the cases began to report the award of punitive damages as a common law entitlement.” Massey 1266. One of the first reported cases allowing punitive damages is *Wilkes v. Wood*, Lofft. 1, 18–19, 98 Eng.Rep. 489, 498–499 (K.B.1763): “[A] jury have

it in their power to give damages for more than the injury received. Damages are designed not only as satisfaction to the injured person, but likewise as a punishment to the guilty, to deter from any such proceeding for the future, and as a proof of the detestation of the jury to the action itself.” The link between the gradual disappearance of the amercement and the emergence of punitive damages provides strong historical support for applying the Excessive Fines Clause to awards of punitive damages. See *Boston* 728–732.

The case of *Lord Townsend v. Hughes*, 2 Mod. 150, 151, 86 Eng.Rep. 994, 994–995 (C.P.1677), cited by the Court, *ante*, at 2916, 2919, is not inconsistent with this understanding of history. At the time *Hughes* was decided, damages were understood only as compensation for injury. See T. Blount, *Law–Dictionary* (1670) (Blount) (unpaginated) (defining “damages” as “a recompense for what the Plaintiff or Demandant hath suffered, by means of the wrong done him by the Defendant or Tenant”) (emphasis added). *Hughes* involved an action for slander, and the jury was told to award damages for the harm the plaintiff had sustained. The damages awarded were entirely compensatory and did not contain any punitive element whatsoever. Thus, *Hughes* does not stand for the proposition that Magna Carta is inapplicable to punitive damages awarded in civil cases. For the same reasons, neither do the commentaries cited by the Court differentiating between \*293 damages and amercements. See *ante*, at 2915, n. 7, 2917, n. 13. The damages referred to in those commentaries are compensatory, and not punitive, in nature. See, e.g., Introduction to the Curia Regis Rolls, 1199–1230 A.D., in 62 Publications of the Selden Society 463 (C. Flower ed. 1944) (damages “represented the loss incurred by a litigant through an unlawful act”) (emphasis added). Amercements and fines were not meant to compensate the injured plaintiff, but rather to punish the wrongdoer and express society’s displeasure at the improper act. Compensatory damages, even in Saxon England, had not been limited by Magna Carta, which was meant to ensure that monetary penalties, assessed in addition to compensatory sums, have some measure of proportionality.

The Court also points out that in *Rookes v. Barnard*, [1964] A.C. 1129, 1221–1231, Lord Devlin, in his extensive discussion of exemplary damages and decision to limit them to certain cases, did not mention either \*\*2930 Magna Carta or the Excessive Fines Clause of the English Bill of Rights. *Ante*, at 2919 n. 18. Although this is a small point, I think the Court is mistaken to place any reliance on the lack of citation to Magna Carta or the English Bill of Rights in *Rookes*.

English courts today need not cite those two documents, for the principles set forth in them are now ingrained as part of the common law. See J. Holt, *Magna Carta* 2 (1965) (“[I]t is now possible and indeed justifiable for a lawyer to compose a general survey of the freedom of the individual in England without once referring to Magna Carta”). Indeed, English courts have not cited Magna Carta or the English Bill of Rights in cases involving the excessiveness of criminal fines. See *Queen v. Asif*, 82 Cr.App.R. 123 (1985) (upholding fine of £ 25,000 for fraudulent evasion of taxes); *Queen v. Farenden*, 6 Cr.App.R. (S) 42 (1984) (finding that fine of £ 250 for first offense of careless driving was “too heavy” and reducing it to £ 100). Moreover, Lord Devlin noted in *Rookes* that punitive damages could be “used against liberty. Some of the awards that juries have made in the past seem to me to \*294 amount to a greater punishment than would be likely to be incurred if the conduct were criminal.... I should not allow the respect which is traditionally paid to an assessment of damages by a jury to prevent me from seeing that the weapon is used without restraint.” [1964] A.C., at 1227. Thus, he suggested that some limits might have to be placed on punitive damages: “It may even be that the House [of Lords] may find it necessary to ... place some arbitrary limit on awards of damages that are made by way of punishment. Exhortations to be moderate may not be enough.” *Id.*, at 1227–1228.

## C

There was little debate over the Eighth Amendment in the First Congress, and no discussion of the Excessive Fines Clause. Consideration of the Eighth Amendment immediately followed consideration of the Fifth Amendment. After deciding to confine the benefits of the Self-Incrimination Clause of the Fifth Amendment to criminal proceedings, the Framers turned their attention to the Eighth Amendment. There were no proposals to limit that Amendment to criminal proceedings, and the only discussion was by Mr. Smith of South Carolina and Mr. Livermore of New Hampshire, both of whom thought that the Cruel and Unusual Punishments Clause was too indefinite. See Granucci 842; *Weems v. United States*, 217 U.S. 349, 368–369, 30 S.Ct. 544, 549–550, 54 L.Ed. 793 (1910). Exactly what significance the silence of the Framers has in constitutional interpretation is open to debate, compare, e.g., L. Tribe, *Constitutional Choices* 42–44 (1985), with, e.g., Powell, *Rules for Originalists*, 73 Va.L.Rev. 659, 671–672 (1987), but it is not necessary to address that issue here. The Eighth Amendment was based directly on Article I,

§ 9, of the Virginia Declaration of Rights of 1776, which had in turn adopted verbatim the language of § 10 of the English Bill of Rights. “There can be no doubt that the Declaration of Rights guaranteed at least the liberties and privileges of Englishmen.” \*295 *Solem v. Helm*, 463 U.S. 277, 285–286, n. 10, 103 S.Ct. 3001, 3007, n. 10, 77 L.Ed.2d 637 (1983). See also A. Howard, *The Road from Runnymede: Magna Carta and Constitutionalism in America* 205–207 (1968) (Howard). If anything is apparent from the history set forth above, it is that a monetary penalty in England could be excessive, and that there is a strong link between amercements, which were assessed in civil cases, and fines. Cf. *Solem, supra*, at 284, n. 8, 103 S.Ct., at 3006, n. 8 (an “amercement was similar to a modern-day fine”). There is, in short, considerable historical support for application of the Excessive Fines Clause to punitive damages.

The Court, however, thinks otherwise, and emphasizes that at the time the Eighth Amendment was enacted, “the word ‘fine’ was understood to mean a payment to a sovereign as punishment for some offense.” \*\*2931 *Ante*, at 2915, and n. 6. In my view, the meaning of that word was much more ambiguous than the Court is willing to concede. In defining the word “fine,” some 18th-century dictionaries did not mention to whom the money was paid. See, e.g., T. Sheridan, *A Dictionary of the English Language* (6th ed. 1796) (unpaginated) (“a mulct [or] a pecuniary punishment”); S. Johnson, *A Dictionary of the English Language* (7th ed. 1785) (unpaginated) (“a mulct [or] pecuniary punishment,” a “penalty,” or “money paid for any exemption or liberty”). To the same effect are some 19th-century dictionaries. See, e.g., 1 C. Richardson, *A New Dictionary of the English Language* 796 (1839) (“any thing (as a sum of money) paid at the end, to make an end, termination or conclusion of a suit, of a prosecution”). That the word “fine” had a broader meaning in the 18th century is also illustrated by the language of § 37 of the Massachusetts Body of Liberties of 1641. That provision granted courts the authority to impose on a *civil* plaintiff who had instituted an improper suit “a proportionable *fine* to the use of the defendant, or accused person.” 1 B. Schwartz, *The Bill of Rights: A Documentary History* 76 (1971) (emphasis added). It is noteworthy that the “fine” was payable to a \*296 private party, and not a governmental entity. Boston 714. In 1646, the Massachusetts General Court ruled that § 37 of the Body of Liberties was based directly on Chapter 20 of Magna Carta. Howard 401, 404.

The Court also finds it significant that, in the 18th and 19th centuries, “fines were assessed in criminal, rather

than in private civil, actions.” *Ante*, at 2915 and n. 7. Again, in my view the Court’s recitation of history is not complete. As noted above, § 37 of the Massachusetts Body of Liberties required that “fines” payable to private litigants in civil cases be proportional. Furthermore, not all 17th-century sources unequivocally linked fines with criminal proceedings. See Blount (“fine” is “*sometimes* an amends, pecuniary punishment, or recompence upon an offence committed against the King, and his laws, or a Lord of a Mannor”) (emphasis added). Nor did all American courts in the 19th century view “fines” as exclusively criminal. The Massachusetts Supreme Judicial Court held that the word “fine” in a statute meant “forfeitures and penalties recoverable in civil actions, as well as pecuniary punishments inflicted by sentence.” *Hanscomb v. Russell*, 77 Mass. 373, 375 (1858). It explained that “the word ‘fine’ has other meanings” besides pecuniary penalties “inflicted by sentence of a court in the exercise of criminal jurisdiction ... as appears by most of the dictionaries of our language, where it is defined not only as a pecuniary punishment, but also as a forfeiture, a penalty, [etc.]” *Id.*, at 374–375. The Iowa Supreme Court had the following to say about fines: “The terms, fine, forfeiture, and penalty, are often used loosely, and even confusedly... A fine is a pecuniary penalty, and is commonly (perhaps always) to be collected by suit in *some* form. A ‘forfeiture’ is a penalty by which one loses his rights and interest in his property.” *Gosselink v. Campbell*, 4 Iowa 296, 300 (1856) (emphasis added). Hence, around the time of the framing and enactment of the Eighth Amendment some courts and \*297 commentators believed that the word “fine” encompassed civil penalties.

#### D

In my view, the \$6 million award of punitive damages imposed on BFI constitutes a fine subject to the limitations of the Eighth Amendment. In current usage, the word “fine” comprehends a forfeiture or penalty recoverable in a civil action. See *Black’s Law Dictionary* 569 (5th ed. 1979); *Webster’s Third New International Dictionary* 852 (1971). Not only is that understanding supported by the history set forth above, it is buttressed by this Court’s precedents. Punitive damages are “*private fines* levied by civil juries.” \*\*2932 *Electrical Workers v. Foust*, 442 U.S. 42, 48, 99 S.Ct. 2121, 2125, 60 L.Ed.2d 698 (1979) (emphasis added). They are not awarded to compensate for injury, but rather to further the aims of the criminal law: “to punish reprehensible conduct and to deter its future occurrence.” ”



*Bankers Life & Casualty Co.*, 486 U.S., at 87, 108 S.Ct., at 1655 (O'CONNOR, J., concurring in part and concurring in judgment). See also Restatement (Second) of Torts § 908(1) (1979). Their role therefore “runs counter to the normal reparative function of tort and contract remedies.” K. Redden, Punitive Damages § 2.1, p. 24 (1980). The Court's cases abound with the recognition of the penal nature of punitive damages. See *Tull v. United States*, 481 U.S. 412, 422, and n. 7, 107 S.Ct. 1831, 1838, and n. 7, 95 L.Ed.2d 365 (1987); *Memphis Community School District v. Stachura*, 477 U.S. 299, 306, n. 9, 106 S.Ct. 2537, 2542, n. 9, 91 L.Ed.2d 249 (1986); *Silkwood v. Kerr-McGee Corp.*, 464 U.S. 238, 260–261, 104 S.Ct. 615, 627–628, 78 L.Ed.2d 443 (1984) (BLACKMUN, J., dissenting); *Smith v. Wade*, 461 U.S. 30, 59, 103 S.Ct. 1625, 1641, 75 L.Ed.2d 632 (1983) (REHNQUIST, J., dissenting); *Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 266–267, 101 S.Ct. 2748, 2759–2760, 69 L.Ed.2d 616 (1981); *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 350, 94 S.Ct. 2997, 3012, 41 L.Ed.2d 789 (1974); *Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 82, 91 S.Ct. 1811, 1838–1839, 29 L.Ed.2d 296 (1971) (MARSHALL, J., dissenting); *Lake Shore & M.S.R. Co. v. Prentice*, 147 U.S. 101, 107, 13 S.Ct. 261, 263, 37 L.Ed. 97 (1893).

This plethora of case law on the nature of punitive damages, it seems to me, is sufficient to find the Excessive Fines Clause applicable to the award in this case. There is, however, \*298 even more support for the applicability of the Clause. In determining whether a sanction is penal, the Court has generally looked to several factors: (1) whether it involves an affirmative disability; (2) whether it has historically been regarded as punishment; (3) whether it comes into play on a finding of scienter; (4) whether its operation will promote retribution and deterrence; (5) whether the behavior to which it applies is already a crime; (6) whether there is an alternative purpose for it; and (7) whether it is excessive in relation to the alternative purpose assigned. *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168–169, 83 S.Ct. 554, 567–568, 9 L.Ed.2d 644 (1963). I agree with those commentators who have found it easy to conclude that punitive damages are penal under the *Mendoza-Martinez* factors. See, e.g., Grass, The Penal Dimensions of Punitive Damages, 12 Hastings L.Q. 241 (1985).

The character of a sanction imposed as punishment “is not changed by the mode in which it is inflicted, whether by a civil action or a criminal prosecution.” *United States v. Chouteau*, 102 U.S. 603, 611, 26 L.Ed. 246 (1881). As the Court wrote only recently, “a civil sanction that cannot

fairly be said *solely* to serve a remedial purpose, but rather can be explained only as also serving either retributive or deterrent purposes, is punishment.” *United States v. Halper*, 490 U.S. 435, 448, 109 S.Ct. 1892, 1902, 104 L.Ed.2d 487 (1989) (emphasis added). In order to evade the teachings of cases like *Choteau* and *Halper*, the Court determines that the Excessive Fines Clause becomes relevant only when some governmental entity is seeking to reap the benefits of a monetary sanction. *Ante*, at 2920–2921. I disagree with the Court's formalistic analysis. A governmental entity can abuse its power by allowing civil juries to impose ruinous punitive damages as a way of furthering the purposes of its criminal law. Cf. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 937, 102 S.Ct. 2744, 2753–2754, 73 L.Ed.2d 482 (1982). I also note that by relying so heavily on the distinction between governmental involvement and purely private suits, the Court suggests (despite its claim, *ante*, at 2920, n. 21, that it leaves the question open) that \*299 the Excessive Fines Clause will place some limits on awards of punitive damages that are recovered by a governmental entity. See, \*\*2933 e.g., Fla.Stat. § 768.73(2)(b) (1987) (60% of any award of punitive damages is payable to the State).

As far as I know, the applicability of a provision of the Constitution has never depended on the vagaries of state or federal law, and in *Missouri Pacific R. Co. v. Humes*, 115 U.S. 512, 6 S.Ct. 110, 29 L.Ed. 463 (1885), the Court stressed the constitutional insignificance of how a monetary sanction is administered or by whom it is recovered. *Humes* involved a state statute providing for double damages to any individual who suffered harm due to a railroad's failure to maintain fences and cattle guards. In holding that the double damages provision did not violate the Fourteenth Amendment, *id.*, at 522–523, 6 S.Ct., at 113–114, the Court said:

“The additional damages being by way of punishment, ... it is not a valid objection that the sufferer instead of the State receives them.... The power of the State to impose fines and penalties for a violation of its statutory requirements is coeval with government; and the mode in which they shall be enforced, whether at the suit of a private party, or at the suit of the public, and what disposition shall be made of the amounts collected, are merely matters of legislative discretion.”

*Humes* teaches that the identity of the recipient of a monetary penalty is irrelevant for purposes of determining the constitutional validity of the penalty. From the standpoint of the defendant who has been forced to pay an excessive

monetary sanction, it hardly matters what disposition is made of the award.

#### IV

The only remaining question is whether the award of over \$6 million in this case is “excessive” within the meaning of the Eighth Amendment.

#### \*300 A

Using economic analysis, some of the *amici* in support of BFI argue that the wealth of a defendant should not, as a constitutional matter, be taken into account in setting the amount of an award of punitive damages. See, e.g., Brief for Navistar International Transportation Corp. as *Amicus Curiae* 9–25. It seems to me that this argument fails because the Excessive Fines Clause is only a substantive ceiling on the *amount* of a monetary sanction, and not an economic primer on what factors best further the goals of punishment and deterrence. Just as the Fourteenth Amendment does not enact Herbert Spencer's Social Statics, see *Lochner v. New York*, 198 U.S. 45, 75, 25 S.Ct. 539, 551, 49 L.Ed. 937 (1905) (HOLMES, J., dissenting), the Eighth Amendment does not incorporate the views of the Law and Economics School. The “Constitution does not require the States to subscribe to any particular economic theory.” *CTS Corp. v. Dynamics Corp. of America*, 481 U.S. 69, 92, 107 S.Ct. 1637, 1652, 95 L.Ed.2d 67 (1987). Moreover, as a historical matter, the argument is weak indeed. First, Magna Carta only required that an amercement be proportionate and not destroy a person's livelihood. Second, Blackstone remarked that the “*quantum*, in particular, of pecuniary fines neither can, nor ought to be, ascertained by any invariable law. The value of money itself changes from a thousand causes; and at all events, what is ruin to one man's fortune, may be a matter of indifference to another's.” 4 W. Blackstone, Commentaries \*371.

#### B

Determining whether a particular award of punitive damages is excessive is not an easy task. The proportionality framework that the Court has adopted under the Cruel and Unusual Punishments Clause, however, offers some broad guidelines. See *Solem*, 463 U.S., at 290–292, 103 S.Ct., at 3009–3011. Cf. *United States v. Busher*, 817 F.2d 1409, 1415 (CA9 1987) (applying *Solem* factors to civil forfeiture under RICO). I would adapt the *Solem* framework \*\*2934 to punitive damages in the following \*301 smanner. First, the reviewing court must accord “substantial deference” to legislative judgments concerning appropriate sanctions for the conduct at issue. Second, the court should examine the gravity of the defendant's conduct and the harshness of the award of punitive damages. Third, because punitive damages are penal in nature, the court should compare the civil *and* criminal penalties imposed in the same jurisdiction for different types of conduct, and the civil *and* criminal penalties imposed by different jurisdictions for the same or similar conduct. In identifying the relevant civil penalties, the court should consider not only the amount of awards of punitive damages but also statutory civil sanctions. In identifying the relevant criminal penalties, the court should consider not only the possible monetary sanctions, but also any possible prison term.

The Court of Appeals did not think that the Excessive Fines Clause applied to awards of punitive damages, 845 F.2d, at 410, and therefore did not conduct any sort of proportionality analysis. I would remand the case to the Court of Appeals so that it could, in the first instance, apply the *Solem* framework set forth above and determine whether the award of over \$6 million imposed on BFI violates the Excessive Fines Clause.

#### All Citations

492 U.S. 257, 109 S.Ct. 2909, 106 L.Ed.2d 219, 57 USLW 4985, 1989-1 Trade Cases P 68,630

#### Footnotes

\* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

1 Petitioners before this Court also challenge the award on due process grounds. For reasons set forth in Part III of this opinion, we decline to reach that issue.

2 “Roll-off waste collection is usually performed at large industrial locations and construction sites with the use of a large truck, a compactor, and a container that is much larger than the typical ‘dumpster.’ ” 845 F.2d 404, 406 (CA2 1988).

3 *Ingraham*, like most of our Eighth Amendment cases, involved the Cruel and Unusual Punishments Clause, and it therefore is not directly controlling in this Excessive Fines Clause case. The insights into the meaning of the Eighth Amendment reached in *Ingraham* and similar cases, however, are highly instructive.

We left open in *Ingraham* the possibility that the Cruel and Unusual Punishments Clause might find application in some civil cases. See 430 U.S., at 669, n. 37, 97 S.Ct., at 1411, n. 37. The examples we cited as possibilities—persons confined in mental or juvenile institutions—do not provide much support for petitioners' argument that the Excessive Fines Clause is applicable to a civil award of punitive damages. In any event, petitioners have not made any argument specifically based on the Cruel and Unusual Punishments Clause.

There is language in *Carlson v. Landon*, 342 U.S. 524, 546, 72 S.Ct. 525, 537, 96 L.Ed. 547 (1952), suggesting that the Bail Clause may be implicated in civil deportation proceedings. The Court there held that “the Eighth Amendment does not require that bail be allowed” in such cases, but the opinion in that case never addressed the question whether the Eighth Amendment applied in civil cases: the Court held that the Bail Clause does not require Congress to provide for bail in *any* case, but prohibits only the imposition of *excessive* bail. *Carlson* provides petitioners with little support for another reason as well. Bail, by its very nature, is implicated only when there is a direct government restraint on personal liberty, be it in a criminal case or in a civil deportation proceeding. The potential for governmental abuse which the Bail Clause guards against is present in both instances, in a way that the abuses against which the Excessive Fines Clause protects are not present when a jury assesses punitive damages.

4 The same basic mode of inquiry should be applied in considering the scope of the Excessive Fines Clause as is proper in other Eighth Amendment contexts. We look to the origins of the Clause and the purposes which directed its framers. “The applicability of the Eighth Amendment always has turned on its original meaning, as demonstrated by its historical derivation.” *Ingraham*, 430 U.S., at 670–671, n. 39, 97 S.Ct., at 1412–1413, n. 39. We emphasize, however, that this historical emphasis concerns the question of when the Eighth Amendment is to be applied; as the Court's jurisprudence under the Cruel and Unusual Punishments Clause indicates, its approach has not relied on history to the same extent when considering the scope of the Amendment. See *Trop v. Dulles*, 356 U.S. 86, 101, 78 S.Ct. 590, 598, 2 L.Ed.2d 630 (1958) (plurality opinion) (“The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society”).

5 Delaware, Georgia, Maryland, Massachusetts, New Hampshire, North Carolina, Pennsylvania, and Virginia all had a Declaration of Rights or a Constitution expressly prohibiting excessive fines. See 1 B. Schwartz, *The Bill of Rights: A Documentary History* 235 (Virginia), 272 (Pennsylvania), 278 (Delaware), 282 (Maryland), 287 (North Carolina), 300 (Georgia), 343 (Massachusetts), and 379 (New Hampshire) (1971).

6 A “fine signifieth a pecuniarie punishment for an offence, or a contempt committed against the king.” 1 E. Coke, *Institutes* \*126b. The second edition of *Cunningham's Law–Dictionary*, published in 1771, defined “fines for offences” as “amends, pecuniary punishment, or recompence for an offence committed against the

King and his laws, or against the Lord of a manor.” 2 T. Cunningham, *A New and Complete Law–Dictionary* (unpaginated). See also 1 T. Tomlins, *Law–Dictionary* 796–799 (1836) (same); 1 J. Bouvier, *Law Dictionary* 525 (4th ed. 1852) (same).

- 7 Petitioners have come forward with no evidence, or argument, which convinces us that the word “fine,” as used in the late 18th century, would have encompassed private civil damages of any kind. Indeed, the term “damages” was also in use at the time the Eighth Amendment was drafted and ratified, and had a precise meaning limited to the civil context. Cunningham defined damages as follows: “in the Common law it is a part of what the jurors are to inquire of, and bring in, when an action passeth for the plaintiff: ... [Damages] comprehend a recompence for what the plaintiff or demandant hath suffered, by means of the wrong done to him by the defendant or tenant.” 1 Cunningham, *supra*; see also 1 Tomlins, at 498 (same); 1 Bouvier, at 360 (same). The dichotomy between fines and damages was clear.

There have been cases which have used the word “fine” to refer to civil damages assessed by statute. As the partial dissent notes, two cases decided 70 years after the Excessive Fines Clause was adopted considered the term “fines” to include money, recovered in a civil suit, which was paid to government. See *Hanscomb v. Russell*, 77 Mass. 373, 375 (1858); *Gosselink v. Campbell*, 4 Iowa 296 (1856). These cases, however, provide no support for petitioners' argument that the Eighth Amendment is applicable in cases between private parties. As to the partial dissent's reliance on the Bard, *post*, at 2928, we can only observe:

Though Shakespeare, of course,

Knew the Law of his time,

He was foremost a poet,

In search of a rhyme.

- 8 For particular examples, see the 1683 *Trial of Thomas Pilkington, and others, for a Riot*, 9 State Tr. 187, and the 1684 *Trial of Sir Samuel Barnardiston*, 9 State Tr. 1333.
- 9 Justice Story was of the view that the Eighth Amendment was “adopted as an admonition to all departments of the national government, to warn them against such violent proceedings as had taken place in England in the arbitrary reigns of some of the Stuarts.” 2 J. Story, *Commentaries on the Constitution of the United States* 624 (T. Cooley 4th ed. 1873).
- 10 By 1689, the definition of “fines” and “damages” discussed in nn. 6 and 7, *supra*, already had taken hold. For a definition of “damages,” see T. Blount, *A Law–Dictionary* (1670) (unpaginated).
- 11 See *Treatise on the Laws and Customs of the Realm of England Commonly called Glanvill* 127–128 (G. Hall ed. 1965) (written between 1187–1189); *Introduction to the Curia Regis Rolls, 1199–1230 A.D.*, in 62 *Publications of the Selden Society* 465 (C. Flower ed. 1944). Defendants could be amerced as well. “The justices did not hesitate to extract amercements from both parties when the occasion arose.” *Id.*, at 466. For a wide variety of conduct for which amercements were assessed on parties, see *Beecher's Case*, 8 Co. Rep. 58a, 59b–60a, 77 *Eng. Rep.* 559, 564–565 (Ex. 1609); 1 *Select Pleas of the Crown* (A.D. 1200–1225), in 1 *Publications of the Selden Society* 2, 4, 5–6, 7–8, 9–10, 13, 43–44, 90 (F. Maitland ed. 1888); 62 *Selden Society*, at 464–467.
- 12 See *id.*, at 467; *Pleas of the Crown for the County of Gloucester: A.D. 1221*, p. xxxiii (F. Maitland ed. 1884) (*Pleas for Gloucester*); see generally 1 *Selden Society*.
- 13 Without discussing the complex origins of civil damages in detail, see 2 *Pollock & Maitland* 522–525; 62 *Selden Society*, at 473–479, we can say confidently that damages and amercements were not the same. In



the time before Magna Carta, damages awards were rare, 2 Pollock & Maitland 523, the more usual relief being a fixed monetary payment or specific relief. But “[t]he distinction between amercements and damages is well known. The former were payable to the crown after legal action or for an error or ineptitude which took place in its course; the latter represented the loss incurred by a litigant through an unlawful act. They were payable to [the private litigant].” 62 Selden Society, at 463.

The only overlap between the two might occur in the Assize of Novel Disseisin, in which the court could grant the recovery of land and chattels, and might amerce the defendant as well. *Id.*, at 156; see generally 2 Pollock & Maitland 44–56, 523–524. But even in this action, the amerciable offense is one to the Crown, for every disseisin was a breach of the peace, as well as an improper possession of another's property. *Id.*, at 44. Along these lines, see 62 Selden Society, at 478–479 (“In comparison with amercements, damages were seldom remitted, for the good reason that the king could do as he liked with his own but had to be careful not to show mercy at the expense of a wronged subject”).

- 14 “A Free-man shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenement; (2) and a Merchant likewise, saving to him his Merchandise; (3) and any other's villain than ours shall be likewise amerced, saving his wainage, if he falls into our mercy. (4) And none of the said amerciements shall be assessed, but by the oath of honest and lawful men of the vicinage. (5) Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. (6) No man of the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.” Magna Charta, 9 Hen. III, ch. 14 (1225), 1 Stat. at Large 5 (1769), confirmed, 25 Edw. I, ch. 1 (1297), *id.*, at 131–132.
- 15 See generally McKechnie 278; G. Smith, A Constitutional and Legal History of England 129, 131 (1955). Although most amercements were not large, see McKechnie 287; 2 Pollock & Maitland 513, being placed in the King's mercy meant, at least theoretically, that a man's estate was in the King's hands, and it was within the King's power to require its forfeit. See 62 Selden Society, at 463; McKechnie 71–72 (one called to the King's service who did not go was in mercy, and his estate was subject to forfeiture). Amercements also resembled a form of taxation, particularly when used against entire townships. See Pleas for Gloucester xxxiv.
- 16 According to Pollock and Maitland, after the court found a person to be in the King's mercy, and that person obtained a pledge for the payment of whatever sum was to be amerced, the court would go on to other cases. At this point the person had not yet been amerced. “At the end of the session some good and lawful men, the peers of the offender (two seem to be enough) were sworn to ‘affeer’ the amercements. They set upon each offender some fixed sum of money that he was to pay; this sum is his amercement.” 2 Pollock & Maitland 513; see also Pleas for Gloucester xxxiv. This procedure indicates that amercements were assessed by a “jury” different from that which considered the case.
- 17 See, e.g., Massey, [The Excessive Fines Clause and Punitive Damages: Some Lessons from History](#), 40 *Vand.L.Rev.* 1233 (1987); Note, [The Constitutionality of Punitive Damages Under the Excessive Fines Clause of the Eighth Amendment](#), 85 *Mich.L.Rev.* 1699 (1987).
- 18 So, for example, when the House of Lords placed certain limits on the types of cases in which exemplary damages could be awarded, Lord Devlin's extensive discussion mentioned neither Magna Carta or the Excessive Fines Clause of the 1689 Bill of Rights, nor did it suggest that English constitutional or common law placed any restrictions on the award of exemplary damages other than those discussed above. *Rookes v. Barnard*, [1964] A.C. 1129, 1221–1231. In fact, Lord Devlin recognized that his suggested alterations were a departure from the traditional common-law view. *Id.*, at 1226. We find it significant that other countries that share an English common-law heritage have not followed the decision in *Rookes*, and continue to allow punitive or exemplary damages to be awarded without substantial interference. See, e.g., *Uren v. John Fairfax*

& Sons, [1967] A.L.R. 25, 27 (Australia) (declining to follow *Rookes*); *Bahner v. Marwest Hotel Co.*, 6 D.L.R.3d 322, 329 (1969) (Canada) (same); *Fogg v. McKnight*, [1968] N.Z.L.R. 330, 333 (New Zealand) (same).

- 19 In *Weems*, Justice McKenna continued his writing for the Court: “[Constitutions] are not ephemeral enactments, designed to meet passing occasions. They are, to use the words of Chief Justice Marshall, ‘designed to approach immortality as nearly as human institutions can approach it.’ The future is their care and provision for events of good and bad tendencies of which no prophecy can be made. In the application of a constitution, therefore, our contemplation cannot be only of what has been but of what may be. Under any other rule a constitution would indeed be as easy of application as it would be deficient in efficacy and power. Its general principles would have little value and be converted by precedent into impotent and lifeless formulas. Rights declared in words might be lost in reality.” 217 U.S., at 373, 30 S.Ct., at 551.
- 20 Among the first cases to make explicit reference to exemplary damages was *Huckle v. Money*, 2 Wils. 205, 95 Eng. Rep. 768 (K.B.1763), where the court refused to set aside a jury award of £>>300 where the plaintiff’s injury would have been compensated by £ > > >>>> 20. Upholding what it referred to as an award of “exemplary damages,” the court noted that “the law has not laid down what shall be the measure of damages in actions of tort; the measure is vague and uncertain, depending on a vast variety of causes, facts, and circumstances,” and declined to “intermeddle” in the damages determination. “[I]t must be a glaring case indeed of outrageous damages in a tort, and which all mankind at first blush must think so, to induce a Court to grant a new trial for excessive damages.” *Id.*, at 206–207, 95 Eng.Rep., at 768–769. Another case decided that year stated the applicable principle with particular clarity: “Damages are designed not only as a satisfaction to the injured person, but likewise as punishment to the guilty, to deter from any such proceeding for the future and as a proof of the detestation of the jury to the action itself.” *Wilkes v. Wood*, Lofft. 1, 18–19, 98 Eng.Rep. 489, 498–499 (K.B.). Other English cases followed a similar approach. See, e.g., *Roe v. Hawkes*, 1 Lev. 97, 83 Eng.Rep. 316 (K.B.1663); *Grey v. Grant*, 2 Wils. 252, 253, 95 Eng.Rep. 794, 795 (K.B.1764); *Benson v. Frederick*, 3 Burr. 1846, 97 Eng.Rep. 1130 (K.B.1766).
- 21 In *United States v. Halper*, 490 U.S. 435, 109 S.Ct. 1892, 104 L.Ed.2d 487 (1989), we held that the Double Jeopardy Clause of the Fifth Amendment places limits on the amounts the Federal Government may recover in a civil action, after the defendant already has been punished through the criminal process. While our opinion in *Halper* implies that punitive damages awarded to the Government in a civil action may raise Eighth Amendment concerns, that case is materially different from this one, because there the *Government* was exacting punishment in a civil action, whereas here the damages were awarded to a private party. We noted in *Halper* that nothing in our opinion “precludes a *private* party from filing a civil suit seeking damages for conduct that previously was the subject of criminal prosecution and punishment. The protections of the Double Jeopardy Clause are not triggered by litigation between private parties.” *Id.*, at 451, 109 S.Ct., at 1903 (emphasis added). We left open the question whether a *qui tam* action, in which a private party brings suit in the name of the United States and shares in any award of damages, would implicate the Double Jeopardy Clause. *Id.*, at 451, n. 11, 109 S.Ct., at 1903, n. 11. We leave the same question open for purposes of the Eighth Amendment’s Excessive Fines Clause.
- 22 Because of the result we reach today, we need not answer several questions that otherwise might be necessarily antecedent to finding the Eighth Amendment’s Excessive Fines Clause applicable to an award of punitive damages, and that have not been briefed by the parties. We shall not decide whether the Eighth Amendment’s prohibition on excessive fines applies to the several States through the Fourteenth Amendment, nor shall we decide whether the Eighth Amendment protects corporations as well as individuals.
- 23 Petitioners claim that the due process question is within the “clear intendment” of the objection it has made throughout these proceedings. Our review of the proceedings in the District Court and the Court of Appeals shows that petitioners’ primary claim in both of those courts was that the punitive damages award violated Vermont state law. Petitioners also argued that the award violated the Eighth Amendment. We fail to see how

the claim that the award violates due process is necessarily a part of these arguments. We shall not assume that a nonconstitutional argument also includes a constitutional one, and shall not stretch the specific claims made under the Eighth Amendment to cover those that might arise under the Due Process Clause as well. Although in particular cases we have applied the doctrine petitioners advance, see *Braniff Airways, Inc. v. Nebraska Bd. of Equalization and Assessment*, 347 U.S. 590, 598–599, 74 S.Ct. 757, 762–763, 98 L.Ed. 967 (1954), this is not a case where a respondent is making arguments in support of a judgment. See *Revere v. Massachusetts General Hospital*, 463 U.S. 239, 244, n. 6, 103 S.Ct. 2979, 2983, n. 6, 77 L.Ed.2d 605 (1983); *Dandridge v. Williams*, 397 U.S. 471, 475–476, n. 6, 90 S.Ct. 1153, 1156–1157, n. 6, 25 L.Ed.2d 491 (1970). In the absence of a developed record on the issues relevant to this due process inquiry, we shall not stretch the “clear intendment” doctrine to include this case, as we do not think that the due process question is “only an enlargement” of the Eighth Amendment inquiry. Although the due process analysis of an award of punitive damages may track closely the Eighth Amendment analysis suggested by petitioners, we shall not assume that to be the case and shall not attempt to decide the question in the absence of a record on the due process point developed in the District Court and the Court of Appeals.

- 24 The law of punitive damages in Vermont is typical of the law in most American jurisdictions. The doctrine has long standing. As far back as 1862, the Supreme Court of Vermont noted that the law on exemplary damages was “long settled in this state.” *Nye v. Merriam*, 35 Vt. 438, 446. A Vermont jury may award punitive damages only if the evidence supports a finding that the defendant acted with malice, see, e.g., *Appropriate Technology Corp. v. Palma*, 146 Vt. 643, 647, 508 A.2d 724, 726 (1986), or “malice or wantonness shown by the act,” *Rogers v. Bigelow*, 90 Vt. 41, 49, 96 A. 417, 420 (1916). Punitive damages awards may be set aside if grossly and manifestly excessive. See *Glidden v. Skinner*, 142 Vt. 644, 648, 458 A.2d 1142, 1145 (1983). The Vermont Supreme Court has declined to adopt a rule of proportionality between compensatory and punitive damages, *Pezzano v. Bonneau*, 133 Vt. 88, 92, 329 A.2d 659, 661 (1974), but does not allow punitive damages to stand when an award of compensatory damages has been vacated, *Allard v. Ford Motor Credit Co.*, 139 Vt. 162, 164, 422 A.2d 940, 942 (1980). Once a plaintiff has presented sufficient evidence of malice, evidence of “the defendant’s pecuniary ability may be considered in order to determine what would be a just punishment for him.” *Lent v. Huntoon*, 143 Vt. 539, 550, 470 A.2d 1162, 1170 (1983), quoting *Kidder v. Bacon*, 74 Vt. 263, 274, 52 A. 322, 324 (1902).

The \$6 million in punitive damages in this case apparently is the largest such judgment in the history of Vermont; there have been other substantial jury awards, however, in the State. See, e.g., *Coty v. Ramsey Associates, Inc.*, 149 Vt. 451, 546 A.2d 196 (\$380,000 in punitive damages), cert. denied, 487 U.S. 1236, 108 S.Ct. 2903, 101 L.Ed.2d 936 (1988).

- 25 We have never held expressly that the Seventh Amendment allows appellate review of a district court’s denial of a motion to set aside an award as excessive. Although we granted certiorari in two cases in order to consider the issue, in both instances we found it unnecessary to reach the question when we decided the case. See *Neese v. Southern R. Co.*, 350 U.S. 77, 76 S.Ct. 131, 100 L.Ed. 60 (1955) (even assuming appellate review power under the Seventh Amendment, Court of Appeals was not justified in reversing denial of new trial on the particular facts of the case); *Grunenthal v. Long Island R. Co.*, 393 U.S. 156, 158, 89 S.Ct. 331, 332, 21 L.Ed.2d 309 (1968) (same). In light of the result we reach today, we follow the same course here.
- 26 This is particularly true because the federal courts operate under the strictures of the Seventh Amendment. As a result, we are reluctant to stray too far from traditional common-law standards, or to take steps which ultimately might interfere with the proper role of the jury.

## Filings (22)

Title	PDF	Court	Date	Type
<b>1. Reply Brief for the Petitioners</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents. 1989 WL 1127738	—	U.S.	Mar. 31, 1989	Brief
<b>2. Brief for Respondents</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents. 1989 WL 1127732	—	U.S.	Mar. 01, 1989	Brief
<b>3. Brief of Amicus Curiae Association of Trial Lawyers of America in Support of Respondents</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelly, Respondents. 1989 WL 1127734	—	U.S.	Mar. 01, 1989	Brief
<b>4. Amicus Brief for the Illinois Trial Lawyers Association in Support of the Respondent Kelco Disposal, Inc.</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents. 1989 WL 1127736	—	U.S.	Mar. 01, 1989	Brief
<b>5. Brief of Amici Curiae Consumers Union of U.S., Consumer Federation of America, National Consumers League, National Women's Health Network, Center for Science in the Public Interest, U.S. Public Interest Research Group, Trial Lawyers for Public Justice, and Women's Equity Action League in Support of Respondents</b> BROWNING-FERRIS INDUSTRIES OF VERMONT and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelly, Respondents. 1989 WL 1127730	—	U.S.	Feb. 28, 1989	Brief
<b>6. Brief for Amicus Curiae Martha Hoffmann Sanders in Support of Respondents</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelly, Respondents. 1989 WL 1127728	—	U.S.	Feb. 24, 1989	Brief



Title	PDF	Court	Date	Type
<p><b>7. Brief of Insurance Consumer Action Network as Amici Curiae in Support of Appellees</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INCORPORATED and Browning-Ferris Industries, Incorporated, Appellant, v. KELCO DISPOSAL, INCORPORATED, and Joseph Kelley, Appellees.            1989 WL 1127722</p>	—	U.S.	Feb. 17, 1989	Brief
<p><b>8. Brief for California Trial Lawyers Association as Amicus Curiae Supporting Respondents</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1989 WL 1127725</p>	—	U.S.	Feb. 17, 1989	Brief
<p><b>9. Brief of Amici Curiae Johnson &amp; Higgins and the Defense Research Institute in Support of Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents.            1989 WL 1127698</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>10. Brief of Merrill Lynch, Pierce, Fenner &amp; Smith Incorporated, Prudential-Bache Securities Inc., and Shearson Lehman Hutton Inc., as Amici Curiae in Support of Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1989 WL 1127700</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>11. Brief Amici Curiae of Arthur Andersen &amp; Co., Arthur Young &amp; Company, Coopers &amp; Lybrand, Deloitte, Haskins &amp; Sells, Ernst &amp; Whinney, Peat Marwick Main &amp; Co., Price Waterhouse, and Touche Ross &amp; Company in Support of Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents.            1989 WL 1127702</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>12. Brief of the American National Red Cross, the American Tort Reform Association, the Association for California Tort Reform, the Council of Community Blood Centers, General Electric Company, the Merchandising Group of Sears, Roebuck and Company and the Texas Civil Justice League as Amici Curiae in Support of Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1989 WL 1127704</p>	—	U.S.	Jan. 19, 1989	Brief














Title	PDF	Court	Date	Type
<p><b>13. Brief for Amicus Curiae, the City of New York</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents. 1989 WL 1127706</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>14. Brief of Amici Curiae CBS Inc., Capital Cities/ABC, Inc., Dow Jones &amp; Company, Inc., the Hearst Corporation, National Broadcasting Company, Inc., the Time Inc. Magazine Company, Tribune Company, the Washington Post, Associated Press, the American Society of Newspaper Editors, Association of American Publishers, National Association of Broadcasters, and the Society of Professional Journalists, in Support of Petitioners*</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC. and Joseph Kelley, Respondents. 1989 WL 1127708</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>15. Brief of Amicus Curiae National Association of Mutual Insurance Companies in Support of Petitioners</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents. 1989 WL 1127710</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>16. Brief for Navistar International Transportation Corp. as Amicus Curiae Supporting Petitioners</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents. 1989 WL 1127712</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>17. Brief of Amici Curiae Bethlehem Steel Corporation and Atlantic Legal Foundation in Support of Appellants</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Appellants, v. KELCO DISPOSAL, INC. and Joseph Kelley, Appellees. 1989 WL 1127714</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>18. Brief Amici Curiae of the Alliance of American Insurers, the American Council of Life Insurance, the American Insurance Association, the Health Insurance Association of America, and the National Association of Independent Insurers</b> BROWNING-FERRIS INDUSTRIES OF VERMONT, INC. and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents. 1989 WL 1127715</p>	—	U.S.	Jan. 19, 1989	Brief

Title	PDF	Court	Date	Type
<p><b>19. Brief of the Pharmaceutical Manufacturers Association and the American Medical Association, as Amici Curiae in Support of Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1989 WL 1127717</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>20. Amicus Curiae Brief of the United States Chamber of Commerce, National Association of Manufacturers, the Motor Vehicle Manufacturers Association of the United States, Inc., the Business Roundtable, American Corporate Counsel Association, Risk and Insurance Management Society, Inc., Product Liability Advisory Council, Inc., and the Product Liability Alliance in Support of the Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1989 WL 1127719</p>	—	U.S.	Jan. 19, 1989	Brief
<p><b>21. Brief for the Petitioners</b>            BROWNING-FERRIS INDUSTRIES OF VERMONT, INC., and Browning-Ferris Industries, Inc., Petitioners, v. KELCO DISPOSAL, INC., and Joseph Kelley, Respondents.            1988 WL 1026228</p>	—	U.S.	Jan. 25, 1988	Brief
<p><b>22. Petition</b>            Browning-Ferris Industries of Vermont, Inc. v. Kelco D            1988 WL 1094123</p>	—	U.S.	Sep. 30, 1988	Petition










## Negative Treatment

### Negative Citing References (11)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:


Treatment	Title	Date	Type	Depth	Headnote(s)
Called into Doubt by	 1. <a href="#">Garnes v. Fleming Landfill, Inc.</a> 413 S.E.2d 897 , W.Va. Nuisance action was brought against solid waste disposal facility and its operator. The Circuit Court, Kanawha County, Herman Canady, Jr., J., entered judgment in favor of...	Dec. 05, 1991	Case		<a href="#">8</a> <a href="#">12</a> S.Ct.
Called into Doubt by	 2. <a href="#">Hayes v. Cha</a>  <b>MOST NEGATIVE</b> 338 F.Supp.2d 470 , D.N.J. HEALTH - Malpractice. Verdict for \$20,000,000 in pain and suffering damages in medical malpractice case warranted remittitur.	Sep. 29, 2004	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Declined to Extend by	3. <a href="#">Mason v. C.I.R.</a> 2001 WL 235434 , U.S.Tax Ct. Taxpayer petitioned for redetermination of deficiencies arising from underpayment of estimated taxes and failure to file penalties. The Tax Court, Chiechi, J., held that: (1)...	Mar. 09, 2001	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Declined to Extend by	4. <a href="#">S.E.C. v. DiBella</a> 2007 WL 2904211 , D.Conn. Plaintiff, the Securities and Exchange Commission ("SEC" or "Plaintiff"), brought this action against William DiBella and North Cove Ventures, LLC (jointly "Defendants") for aiding...	Oct. 03, 2007	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Distinguished by	5. <a href="#">K-Mart Corp. v. Pearson on Behalf of Ramos</a>  818 S.W.2d 410 , Tex.App.-Hous. (1 Dist.) Guardian of store customer who was hit in the head by metal gate at store's customer loading area brought personal injury action against store owner. The Probate Court, Harris...	July 03, 1991	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Distinguished by	 6. <a href="#">Bagwell v. International Union, United Mine Workers of America</a> 423 S.E.2d 349 , Va. Unions appealed from contempt judgments of the Circuit Court, Russell County, Donald A. McGlothlin, Jr., J., entered pursuant to injunction against unions and their members. The...	Nov. 06, 1992	Case		<a href="#">8</a> S.Ct.
Distinguished by	 7. <a href="#">Duck Head Apparel Co., Inc. v. Hoots</a> 659 So.2d 897 , Ala. Former sales representatives brought suit against employer asserting claims for breach of contract, fraud, and fraudulent suppression, based on allegation that employer wrongfully...	Feb. 17, 1995	Case		<a href="#">14</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	<p> 8. <a href="#">One 1995 Corvette VIN No. 1G1YY22P585103433 v. Mayor and City Council of Baltimore</a></p> <p>724 A.2d 680 , Md. CRIMINAL JUSTICE - Forfeitures. Exclusionary rule applied to forfeiture proceedings.</p>	Feb. 23, 1999	Case		—
Distinguished by	<p>9. <a href="#">Hoskins v. Business Men's Assur.</a> </p> <p>79 S.W.3d 901 , Mo. TORTS - Damages. Statute permitting state's lien on 50% of punitive damages withstood constitutional challenge.</p>	July 23, 2002	Case		<p><a href="#">1</a> <a href="#">8</a></p> <p>S.Ct.</p>
Distinguished by	<p>10. <a href="#">Transurban v. D'Arco</a> </p> <p>2016 WL 8231149 , Va.Cir.Ct. Dear Counsel: This matter came before the Court on July 23, 2015, on the defendant's Motion to Dismiss for Lack of Jurisdiction and Constitutionality. Charles Gregory D'Arco...</p>	Feb. 03, 2016	Case		<p><a href="#">1</a> <a href="#">3</a> <a href="#">8</a></p> <p>S.Ct.</p>
Distinguished by	<p> 11. <a href="#">U.S. v. Viloski</a> </p> <p>814 F.3d 104 , 2nd Cir.(N.Y.) CRIMINAL JUSTICE - Fines. Forfeiture of \$1,273,285.50 was not grossly disproportionate to defendant's multi-year conspiracy.</p>	Feb. 17, 2016	Case		<p><a href="#">1</a> <a href="#">3</a> <a href="#">5</a></p> <p>S.Ct.</p>

**Overruling Risk (1)**

*The KeyCited document has potentially been negatively impacted by the following events or decisions in other litigation or proceedings:*

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Risk	<p> 1. <a href="#">Hudson v. U.S.</a></p> <p>118 S.Ct. 488 CRIMINAL JUSTICE - Double Jeopardy. Monetary penalties and occupational debarment imposed on bank officers were civil penalties which did not trigger double jeopardy bar to...</p> <p><a href="#">Abrogating U.S. v. Halper</a></p>	Dec. 10, 1997	Case	—	—

## History (3)




### Direct History (3)

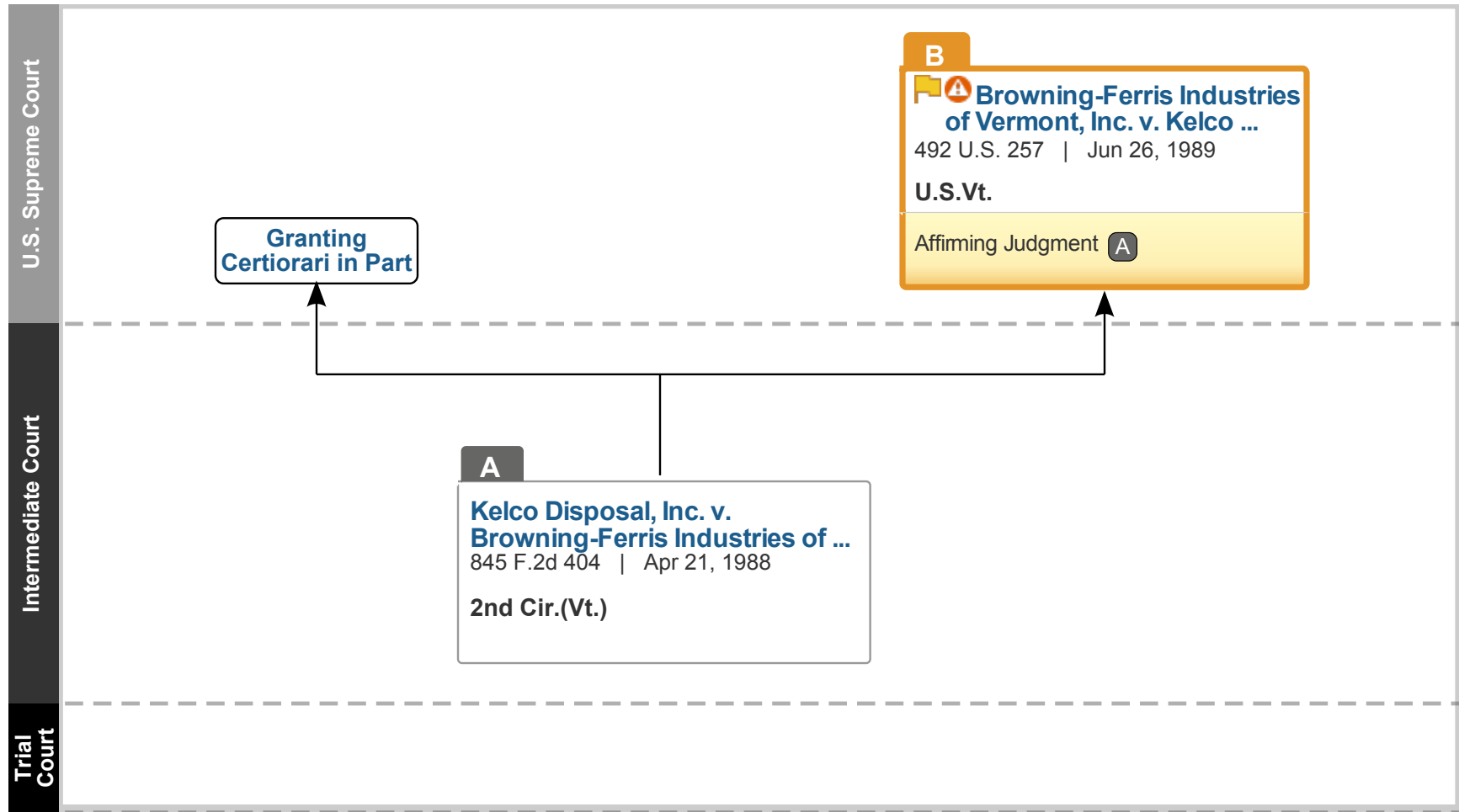
1. [Kelco Disposal, Inc. v. Browning-Ferris Industries of Vermont, Inc.](#)  
845 F.2d 404 , 2nd Cir.(Vt.) , Apr. 21, 1988

*Certiorari Granted in Part by*

















2. [Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc.](#)  
488 U.S. 980 , U.S.Vt. , Dec. 05, 1988

*AND Judgment Affirmed by*

  3. [Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc.](#)   
492 U.S. 257 , U.S.Vt. , June 26, 1989

















## Citing References (500)

Treatment	Title	Date	Type	Depth	Headnote(s)
Called into Doubt by <span style="border: 1px solid red; padding: 1px;">NEGATIVE</span>	 <b>1. Hayes v. Cha</b> ” 338 F.Supp.2d 470, 491+ , D.N.J.  HEALTH - Malpractice. Verdict for \$20,000,000 in pain and suffering damages in medical malpractice case warranted remittitur.	Sep. 29, 2004	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.
Examined by	 <b>2. Exxon Shipping Co. v. Baker</b> ” 128 S.Ct. 2605, 2618+ , U.S.  MARITIME LAW - Pollution. Maximum award of punitive damages in oil spill case was equal to amount of compensatory damages awarded.	June 25, 2008	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a>  S.Ct.
Examined by	 <b>3. Cooper Industries, Inc. v. Leatherman Tool Group, Inc.</b> ” 121 S.Ct. 1678, 1679+ , U.S.Or.  TORTS - Damages. District court's determination of constitutionality of punitive damage award is reviewed de novo.	May 14, 2001	Case		<a href="#">8</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.
Examined by	 <b>4. Gasperini v. Center for Humanities, Inc.</b> ” 116 S.Ct. 2211, 2214+ , U.S.N.Y.  CIVIL PROCEDURE - Damages. New York's law controlling compensation awards for excessiveness or inadequacy can be given effect, without detriment to Seventh Amendment's...	June 24, 1996	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.
Examined by	 <b>5. Austin v. U.S.</b> ” 113 S.Ct. 2801, 2804+ , U.S.S.D.  Forfeitures. Excessive fines clause applies to civil forfeitures.	June 28, 1993	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a>  S.Ct.
Examined by	 <b>6. Pacific Mut. Life Ins. Co. v. Haslip</b> ” 111 S.Ct. 1032, 1038+ , U.S.Ala.  Insureds brought action against life insurer and agent for fraud, alleging that agent continued to accept premium payments from insureds even though policy had been cancelled...	Mar. 04, 1991	Case		<a href="#">8</a> <a href="#">10</a> <a href="#">12</a>  S.Ct.
Examined by	 <b>7. Johnson v. Hugo's Skateway</b> ” 974 F.2d 1408, 1424+ , 4th Cir.(Va.)  Patron of roller skating rink brought action against rink and deputy sheriff, asserting federal and state civil rights claims and state law tort claims relating to ejection from...	Sep. 08, 1992	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.
Examined by	 <b>8. Mattison v. Dallas Carrier Corp.</b> ” 947 F.2d 95, 99+ , 4th Cir.(S.C.)  Automobile accident victims brought diversity action, alleging negligence, gross negligence, and recklessness, against owner of tractor trailer with which automobile had collided....	Oct. 11, 1991	Case		<a href="#">8</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.




















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<p> <b>9. Eichenseer v. Reserve Life Ins. Co.</b> ¶¶ 881 F.2d 1355, 1363+ , 5th Cir.(Miss.)</p> <p>Insured under health policy brought action alleging wrongful denial of benefits. The United States District Court for the Northern District of Mississippi, L.T. Senter, Jr.,....</p>	Sep. 05, 1989	Case		<p><a href="#">1</a> <a href="#">8</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p> <b>10. Davis v. Merrill Lynch, Pierce, Fenner &amp; Smith, Inc.</b> ¶¶ 906 F.2d 1206, 1224+ , 8th Cir.(S.D.)</p> <p>Investor brought suit against stockbroker for violation of § 10(b) of the Securities Exchange Act, common-law fraud, and breach of fiduciary duty. In second trial, the United...</p>	June 15, 1990	Case		<p><a href="#">8</a> <a href="#">10</a> <a href="#">15</a></p> <p>S.Ct.</p>
Examined by	<p> <b>11. Morgan v. Woessner</b> 997 F.2d 1244, 1255+ , 9th Cir.(Cal.)</p> <p>Passenger arrested at airport brought claims for damages under California law and civil rights claims under § 1983. The United States District Court for the Central District of...</p>	June 10, 1993	Case		<p><a href="#">8</a> <a href="#">12</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p> <b>12. Sony BMG Music Entertainment v. Tenenbaum</b> ¶¶ 721 F.Supp.2d 85, 89+ , D.Mass.</p> <p>COPYRIGHTS - Damages. Award of \$675,000 in statutory damages for music downloader's infringement was unconstitutionally excessive.</p>	July 09, 2010	Case		<p><a href="#">8</a> <a href="#">12</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p><b>13. Puppe by Puppe v. A.C. and S., Inc.</b> ¶¶ 733 F.Supp. 1355, 1361+ , D.N.D.</p> <p>Defendants in wrongful death action arising out of decedent's contact with asbestos filed motion requesting that court exclude claim for punitive damages. The District Court, Van...</p>	Mar. 28, 1990	Case		<p><a href="#">8</a> <a href="#">12</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p><b>14. Germanio v. Goodyear Tire &amp; Rubber Co.</b> ¶¶ 732 F.Supp. 1297, 1300+ , D.N.J.</p> <p>Defendant in products liability action moved for partial summary judgment on claim for punitive damages. The District Court, Gerry, Chief Judge, held that: (1) provisions in New...</p>	Mar. 26, 1990	Case		<p><a href="#">1</a> <a href="#">8</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p><b>15. Tolbert v. Gallup Indian Medical Center</b> ¶¶ 555 F.Supp.3d 1133, 1152+ , D.N.M.</p> <p>NATIVE AMERICANS — Health. FTCA's discretionary-function exception precluded claim of negligent training at Indian Health Service medical facility.</p>	Aug. 17, 2021	Case		<p><a href="#">1</a> <a href="#">7</a> <a href="#">8</a></p> <p>S.Ct.</p>
Examined by	<p><b>16. Prince v. City of Deming</b> ¶¶ 2020 WL 1821259, *32+ , D.N.M.</p> <p>THIS MATTER comes before the Court on: (i) the Plaintiff's Motion to Remand and Request for Attorney's Fees, filed September 27, 2018 (Doc. 6) ("Motion to Remand"); (ii) the...</p>	Apr. 10, 2020	Case		<p><a href="#">1</a> <a href="#">7</a> <a href="#">8</a></p> <p>S.Ct.</p>
















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>17. Leon v. FedEx Ground Package System, Inc.</b> ¶ 313 F.R.D. 615, 629+ , D.N.M. TRANSPORTATION — Shipping. Other-acts evidence of accident register report was relevant to determine culpable mental state to support punitive damages award.	Feb. 01, 2016	Case		<a href="#">1</a> <a href="#">7</a> <a href="#">8</a> S.Ct.
Examined by	<b>18. United States v. Valencia</b> ¶ 2015 WL 9703436, *29+ , D.N.M. THIS MATTER comes before the Court on: (i) the Defendant's Sentencing Memorandum and Motion for Variance, filed April 4, 2015 (Doc. 847) ("Sentencing Memorandum"); and (ii) the...	Dec. 31, 2015	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Examined by	<b>19. United States v. Juanico</b> ¶ 2015 WL 10383206, *6+ , D.N.M. THIS MATTER comes before the Court on the Presentence Investigation Report, disclosed March 25, 2015. The Court held a hearing on April 23, 2015. The primary issue is what fine...	Dec. 16, 2015	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Examined by	<b>20. U.S. v. Basurto</b> ¶ 117 F.Supp.3d 1266, 1290+ , D.N.M. CRIMINAL JUSTICE - Sentencing. Downward variance to a sentence of 51-months imprisonment was warranted for defendant who pleaded guilty to possession with intent to distribute...	July 29, 2015	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Examined by	<b>21. Peshlakai v. Ruiz</b> ¶ 39 F.Supp.3d 1264, 1323+ , D.N.M. LITIGATION - Evidence. Evidence about overservice of alcohol to patrons was admissible in dram-shop liability action.	Aug. 08, 2014	Case		<a href="#">1</a> <a href="#">7</a> <a href="#">8</a> S.Ct.
Examined by	<b>22. Guidance Endodontics, LLC v. Dentsply Intern., Inc.</b> ¶ 791 F.Supp.2d 1026, 1033+ , D.N.M. COMMERCIAL LAW - Punitive Damages. A \$40 million punitive damages award for bad-faith breach of contract was constitutionally excessive.	May 09, 2011	Case		<a href="#">1</a> <a href="#">7</a> <a href="#">8</a> S.Ct.
Examined by	<b>23. SFF-TIR, LLC v. Stephenson</b> ¶ 262 F.Supp.3d 1165, 1231+ , N.D.Okla. LITIGATION — Jury. Former directors and controlling shareholders were entitled under Seventh Amendment to jury trial on breach-of-fiduciary-duty claims.	July 05, 2017	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Examined by	<b>24. In re Wylie</b> ¶ 552 B.R. 338, 602+ , Bkrtcy.N.D.Tex. BANKRUPTCY — Claims. Chapter 11 debtor acted with fraudulent intent in underpaying his income taxes, and thus was liable for fraudulent underpayment penalties.	May 10, 2016	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a> S.Ct.






Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<p> <b>25. Life Ins. Co. of Georgia v. Johnson</b> ¶¶ 684 So.2d 685, 691+ , Ala.</p> <p>Elderly woman who had been sold worthless Medicare supplement insurance policy sued insurer for engaging in intentional and reckless fraud and fraudulent suppression. Jury...</p>	Apr. 26, 1996	Case		<p><a href="#">1</a> <a href="#">6</a> <a href="#">8</a></p> <p>S.Ct.</p>
Examined by	<p> <b>26. Pacific Mut. Life Ins. Co. v. Haslip</b> ¶¶ 553 So.2d 537, 543+ , Ala.</p> <p>Insureds brought action against group health insurer and agent for fraud, alleging that agent continued to accept premium payments from insureds although policy had been cancelled...</p>	Sep. 15, 1989	Case		<p><a href="#">1</a> <a href="#">8</a> <a href="#">12</a></p> <p>S.Ct.</p>
Examined by	<p> <b>27. People v. Clark</b> ¶¶ 2021 WL 2548626, *9+ , Cal.App. 2 Dist.</p> <p>A jury convicted appellant, Joe Willie Clark, of second degree murder in violation of Penal Code section 187, subdivision (a) and found true that appellant personally discharged a...</p>	June 22, 2021	Case		<p><a href="#">1</a> <a href="#">4</a> <a href="#">5</a></p> <p>S.Ct.</p>
Examined by	<p><b>28. Shore v. Gurnett</b> ¶¶ 18 Cal.Rptr.3d 583, 586+ , Cal.App. 1 Dist.</p> <p>LITIGATION - Damages. Due process clause did not preclude award of civil punitive damages against convicted drunk driver.</p>	Sep. 10, 2004	Case		<p><a href="#">1</a> <a href="#">8</a> <a href="#">14</a></p> <p>S.Ct.</p>
Examined by	<p> <b>29. State v. Izzolena</b> ¶¶ 609 N.W.2d 541, 547+ , Iowa</p> <p>CRIMINAL JUSTICE - Restitution. Statute imposing a minimum restitution award of \$150,000 did not violate Excessive Fines Clause.</p>	Apr. 26, 2000	Case		<p><a href="#">1</a> <a href="#">3</a> <a href="#">5</a></p> <p>S.Ct.</p>
Examined by	<p><b>30. Stoner v. Nash Finch, Inc.</b> ¶¶ 446 N.W.2d 747, 755+ , N.D.</p> <p>Former employee brought suit against employer alleging malicious prosecution and abuse of process. The District Court, South Central Judicial District, Burleigh County, Dennis A....</p>	Sep. 26, 1989	Case		<p><a href="#">8</a> <a href="#">10</a> <a href="#">15</a></p> <p>S.Ct.</p>
Examined by	<p> <b>31. City of Seattle v. Long</b> ¶¶ 493 P.3d 94, 107+ , Wash.</p> <p>TRANSPORTATION — Motor Vehicles. Impoundment and associated costs violated excessive fines clause for truck owner who lived and worked out of truck that had parking infraction.</p>	Aug. 12, 2021	Case		<p><a href="#">1</a> <a href="#">3</a> <a href="#">5</a></p> <p>S.Ct.</p>
Examined by	<p> <b>32. Management Computer Services, Inc. v. Hawkins, Ash, Baptie &amp; Co.</b> ¶¶ 539 N.W.2d 111, 127+ , Wis.App.</p> <p>Punitive Damages. Punitive damages award of \$650,000 was reasonable, as matter of law, for accounting firm's copying of computer company's backup tapes without authorization.</p>	Aug. 31, 1995	Case		<p><a href="#">1</a> <a href="#">6</a> <a href="#">8</a></p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by <b>NEGATIVE</b>	<b>33. Mason v. C.I.R.</b> 2001 WL 235434, *3+ , U.S.Tax Ct.  Taxpayer petitioned for redetermination of deficiencies arising from underpayment of estimated taxes and failure to file penalties. The Tax Court, Chiechi, J., held that: (1)...	Mar. 09, 2001	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>34. Transurban v. D'Arco ¶¶</b> 2016 WL 8231149, *4+ , Va.Cir.Ct.  Dear Counsel: This matter came before the Court on July 23, 2015, on the defendant's Motion to Dismiss for Lack of Jurisdiction and Constitutionality. Charles Gregory D'Arco...	Feb. 03, 2016	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>35. Hoskins v. Business Men's Assur. ¶¶</b> 79 S.W.3d 901, 904+ , Mo.  TORTS - Damages. Statute permitting state's lien on 50% of punitive damages withstood constitutional challenge.	July 23, 2002	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>36. K-Mart Corp. v. Pearson on Behalf of Ramos ¶¶</b> 818 S.W.2d 410, 417+ , Tex.App.-Hous. (1 Dist.)  Guardian of store customer who was hit in the head by metal gate at store's customer loading area brought personal injury action against store owner. The Probate Court, Harris...	July 03, 1991	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	<b>37. Timbs v. Indiana ¶¶</b> 139 S.Ct. 682, 687+ , U.S.Ind.  CRIMINAL JUSTICE — Sentencing. The Eighth Amendment's Excessive Fines Clause is an incorporated protection applicable to the States.	Feb. 20, 2019	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">6</a> S.Ct.
Discussed by	<b>38. U.S. v. Bajakajian ¶¶</b> 118 S.Ct. 2028, 2033+ , U.S.Cal.  CRIMINAL JUSTICE - Forfeiture. Forfeiture of entire amount of unreported exported currency possessed by defendant would violate Excessive Fines Clause.	June 22, 1998	Case		<a href="#">3</a> <a href="#">4</a> S.Ct.
Discussed by	<b>39. Board of County Com'rs, Wabaunsee County, Kan. v. Umbehr ¶¶</b> 116 S.Ct. 2342, 2349+ , U.S.Kan.  GOVERNMENT - Public Contracts. First Amendment protects independent contractors from retaliatory termination of at-will government contracts.	June 28, 1996	Case		—
Discussed by	<b>40. BMW of North America, Inc. v. Gore ¶¶</b>  116 S.Ct. 1589, 1599+ , U.S.Ala.  TORTS - Punitive Damages. Award of \$2 million in punitive damages for failure to disclose repainting of automobile was grossly excessive and violated due process clause.	May 20, 1996	Case		<a href="#">10</a> S.Ct.
















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>41. TXO Production Corp. v. Alliance Resources Corp.</b> ” 113 S.Ct. 2711, 2729+ , U.S.W.Va.  Punitive Damages. Punitive damage award of \$10 million did not violate due process.	June 25, 1993	Case		<a href="#">6</a> S.Ct.
Discussed by	 <b>42. U.S. v. Levesque</b> ” 546 F.3d 78, 84+ , 1st Cir.(Me.)  CRIMINAL JUSTICE - Forfeitures. Federal drug forfeiture statute authorizes money judgments.	Oct. 30, 2008	Case		<a href="#">1</a> <a href="#">6</a> S.Ct.
Discussed by	 <b>43. Consorti v. Armstrong World Industries, Inc.</b> ” 72 F.3d 1003, 1012+ , 2nd Cir.(N.Y.)  Worker brought products liability action against manufacturer of asbestos pipe-covering products, seeking damages for injuries suffered due to exposure to asbestos, and case was...	Aug. 28, 1995	Case		<a href="#">11</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	  <b>44. U.S. v. Certain Real Property and Premises Known as 38 Whalers Cove Drive, Babylon, N.Y.</b> ” 954 F.2d 29, 35+ , 2nd Cir.(N.Y.)  Claimant appealed from order of the United States District Court for the Eastern District of New York, Eugene H. Nickerson, J., 747 F.Supp. 173, which directed forfeiture of...	Jan. 03, 1992	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	 <b>45. Simpson v. Pittsburgh Corning Corp.</b> ” 901 F.2d 277, 279+ , 2nd Cir.(N.Y.)  Plaintiff brought action alleging her husband died of asbestos related injuries. The District Court for the Western District of New York, Michael A. Telesca, Chief Judge, awarded...	Apr. 16, 1990	Case		<a href="#">8</a> <a href="#">12</a> S.Ct.
Discussed by	 <b>46. Johnson v. Celotex Corp.</b> ” 899 F.2d 1281, 1287+ , 2nd Cir.(N.Y.)  In consolidated cases, actions for asbestos-related personal injury claims were filed against asbestos manufacturers. The United States District Court for the Southern District...	Mar. 20, 1990	Case		<a href="#">8</a> S.Ct.
Discussed by	 <b>47. Racich v. Celotex Corp.</b> ” 887 F.2d 393, 397+ , 2nd Cir.(N.Y.)  Asbestos products manufacturer appealed from judgment of the United States District Court for the Eastern District of New York, Eugene H. Nickerson, J., entered in favor of...	Oct. 05, 1989	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">15</a> S.Ct.
Discussed by	 <b>48. Tillman v. Lebanon County Correctional Facility</b> 221 F.3d 410, 420+ , 3rd Cir.(Pa.)  CIVIL RIGHTS - Prisons. County's imposition of fee for costs of incarceration held not unconstitutional.	May 10, 2000	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a> S.Ct.


















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>49. Inter Medical Supplies, Ltd. v. EBI Medical Systems, Inc.</b> ¶ 181 F.3d 446, 464+ , 3rd Cir.(N.J.) Manufacturer of bone fixators, its worldwide distributor, and its current United States distributor sued former distributor and related entities for failure to pay, breach of...	June 28, 1999	Case		<a href="#">14</a> S.Ct.
Discussed by	 <b>50. Dunn v. HOVIC</b> ¶ 1 F.3d 1371, 1401+ , 3rd Cir.(Virgin Islands) Former pipe installer brought suit seeking damages for asbestos-related injury. The United States District Court for the Virgin Islands (St. Croix), Constance Baker Motley, J.,...	July 27, 1993	Case		<a href="#">6</a> <a href="#">8</a> S.Ct.
Discussed by	 <b>51. Walker v. Walker</b> ¶ 958 F.2d 370, 370+ , 4th Cir.(Va.) W.D.Va. AFFIRMED	Mar. 26, 1992	Case		<a href="#">12</a> <a href="#">13</a> S.Ct.
Discussed by	 <b>52. Johnson v. Hugo's Skateway</b> 949 F.2d 1338, 1348+ , 4th Cir.(Va.) Patron of roller skating rink brought action against rink and deputy sheriff, asserting federal and state civil rights claims and state law tort claims relating to his ejection...	Nov. 22, 1991	Case		<a href="#">8</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	<b>53. Defender Industries, Inc. v. Northwestern Mut. Life Ins. Co.</b> 938 F.2d 502, 505+ , 4th Cir.(S.C.) Insured brought action against life insurer to recover for breach of contract, fraud, and negligence arising out of alleged statements of life insurer's agents that excess premiums...	July 09, 1991	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	 <b>54. King v. Armstrong World Industries, Inc.</b> ¶ 906 F.2d 1022, 1030+ , 5th Cir.(Tex.) Action was brought to recover for injuries arising out of the plaintiff's exposure to the defendant's asbestos-containing products. The United States District Court for the...	July 12, 1990	Case		<a href="#">8</a> <a href="#">10</a> <a href="#">12</a> S.Ct.
Discussed by	<b>55. Eichenseer v. Reserve Life Ins. Co.</b> ¶ 894 F.2d 1414, 1415+ , 5th Cir.(Miss.) Petition for rehearing denied.	Feb. 09, 1990	Case		<a href="#">8</a> S.Ct.
Discussed by	<b>56. U.S. v. Production Plated Plastics, Inc.</b> 61 F.3d 904, 904+ , 6th Cir.(Mich.) W.D.Mich. AFFIRMED.	July 19, 1995	Case		<a href="#">6</a> S.Ct.
Discussed by	 <b>57. Mayer v. Gary Partners and Co., Ltd.</b> 29 F.3d 330, 332+ , 7th Cir.(Ind.) A store customer sued the store and mall owners after she was injured as result of purse snatching in mall parking lot. The United States District Court for the Northern District...	July 13, 1994	Case		<a href="#">12</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<p> <b>58. Cash v. Beltmann North American Co., Inc.</b> 900 F.2d 109, 110+ , 7th Cir.(Ill.)</p> <p>Employer appealed from an order of the United States District Court for the Northern District of Illinois, Paul E. Plunkett, J., which awarded damages to former employee on his...</p>	Apr. 17, 1990	Case		<p><a href="#">9</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>59. U.S. v. One Parcel of Property Located at 508 Depot Street, Garretson, Minnehaha County, S.D.</b> ¶¶</p> <p>964 F.2d 814, 817+ , 8th Cir.(S.D.)</p> <p>United States initiated civil forfeiture proceedings against body shop and mobile home after their owner pleaded guilty to drug offense. The United States District Court for the...</p>	May 20, 1992	Case		—
Discussed by	<p> <b>60. Engquist v. Oregon Dept. of Agriculture</b> ¶¶</p> <p>478 F.3d 985, 1005+ , 9th Cir.(Or.)</p> <p>LABOR AND EMPLOYMENT - Public Employment. Class-of-one theory of equal protection does not apply to public employment decisions.</p>	Feb. 08, 2007	Case		<p><a href="#">1</a></p> <p><a href="#">3</a></p> <p><a href="#">8</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>61. White v. Ford Motor Co.</b> ¶¶</p> <p>312 F.3d 998, 1014+ , 9th Cir.(Nev.)</p> <p>LITIGATION - Damages. Punitive damages award in product liability action violated due process.</p>	Dec. 03, 2002	Case		<p><a href="#">10</a></p> <p><a href="#">12</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>62. Rucker v. Davis</b> ¶¶</p> <p>203 F.3d 627, 648+ , 9th Cir.(Cal.)</p> <p>CIVIL RIGHTS - Public Accommodations. Public housing tenant can be evicted for family member's drug activity of which tenant is unaware.</p>	Feb. 14, 2000	Case		<p><a href="#">1</a></p> <p><a href="#">3</a></p> <p><a href="#">4</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>63. Yates v. Pinellas Hematology &amp; Oncology, P.A.</b> ¶¶</p> <p>21 F.4th 1288, 1307+ , 11th Cir.(Fla.)</p> <p>GOVERNMENT — False Claims. Monetary award for False Claims Act (FCA) violations in amount of \$1.179 million did not violate excessive fines clause.</p>	Dec. 29, 2021	Case		<p><a href="#">1</a></p> <p><a href="#">4</a></p> <p><a href="#">5</a></p> <p>S.Ct.</p>
Discussed by	<p><b>64. Woods v. Judicial Correction Services, Inc.</b> ¶¶</p> <p>2019 WL 2388995, *16+ , N.D.Ala.</p> <p>This matter is before the court on Defendant Judicial Correction Services, Inc.'s ("JCS") Motion for Summary Judgment. (Doc. # 181). The Motion has been fully briefed. (Docs. #...</p>	June 05, 2019	Case		<p><a href="#">1</a></p> <p><a href="#">5</a></p> <p><a href="#">8</a></p> <p>S.Ct.</p>
Discussed by	<p><b>65. Green v. U.S. Steel Corp.</b> ¶¶</p> <p>2012 WL 4478967, *2+ , N.D.Ala.</p> <p>This court held a jury trial in the above styled action from March 5 through March 7, 2012, and the jury found for Defendant U.S. Steel ("Defendant"). See docs. 84, 85. Thereafter,...</p>	Sep. 26, 2012	Case		<p><a href="#">12</a></p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>66. 49Hopkins, LLC v. City and County of San Francisco</b> ¶ 2020 WL 5232420, *15+ , N.D.Cal.  Now before the Court is a motion to dismiss filed by defendants City and County of San Francisco ("the City"), Planning Commission of the City and County of San Francisco...	Sep. 02, 2020	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Discussed by	<b>67. Ades v. Omni Hotels Management Corp.</b> ¶ 46 F.Supp.3d 999, 1016+ , C.D.Cal.  TORTS - Privacy. State privacy law did not unduly burden interstate commerce, and thus did not violate the dormant Commerce Clause.	Sep. 08, 2014	Case		<a href="#">4</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Discussed by	<b>68. Celador International Ltd. v. Walt Disney Company</b> ¶ 2010 WL 11505709, *18+ , C.D.Cal.  Before the Court is a "Motion for Judgment as a Matter of Law (Following Verdict)" ("Third JMOL Motion") and a Motion for New Trial ("New Trial Motion") filed by Defendants ABC,...	Dec. 21, 2010	Case		<a href="#">11</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	<b>69. Wolfe v. George</b> ¶ 385 F.Supp.2d 1004, 1017+ , N.D.Cal.  CIVIL RIGHTS - Free Speech. Vexatious litigant statute did not violate First Amendment.	Aug. 22, 2005	Case		<a href="#">4</a> S.Ct.
Discussed by	<b>70. DOE v. Rogers</b> ¶ 139 F.Supp.3d 120, 169+ , D.D.C.  HEALTH — Hospitals. Determination by Secretary of Department of Health and Human Services that hospital was conducting "investigation" when physician resigned was not arbitrary and...	Oct. 09, 2015	Case		<a href="#">1</a> S.Ct.
Discussed by	<b>71. U.S. v. One Parcel of Real Estate at 321 S.E. 9th Court, Pompano Beach, Fla.</b> 914 F.Supp. 522, 525+ , S.D.Fla.  After claimant pled guilty to drug charges, government sought forfeiture of his residence. On defendant's motion to dismiss, treated as motion for summary judgment, the District...	Dec. 20, 1995	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a> S.Ct.
Discussed by	<b>72. GT Software, Inc. v. WebMethods, Inc.</b> ¶ 2008 WL 11333333, *7+ , N.D.Ga.  This matter is before the court on Defendant webMethods, Inc.'s ("webMethods") Renewed Motion for Directed Verdict and Motion for Reduction of Damages or Remittitur [Doc. No. 150]....	Sep. 17, 2008	Case		<a href="#">10</a> <a href="#">11</a> <a href="#">14</a> S.Ct.
Discussed by	<b>73. Jackson v. Whitworth</b> ¶ 2006 WL 8431536, *6+ , N.D.Ga.  This matter is before the court on Defendant Ray's motion to dismiss [51-1]; Defendant Whitworth's motion to dismiss [53-1]; Defendants Hammonds, Hunt, Nix, Cook, Wetherington,...	Mar. 23, 2006	Case		<a href="#">5</a> <a href="#">8</a> S.Ct.



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Discussed by	  <b>74. McBride v. General Motors Corp.</b> ” 737 F.Supp. 1563, 1574+ , M.D.Ga. Products liability tort claimant brought action challenging constitutionality of Georgia Tort Reform Act provisions governing punitive damage awards in products liability actions. ...	Apr. 10, 1990	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a> S.Ct.
Discussed by	<b>75. Man v. Raymark Industries</b> ” 728 F.Supp. 1461, 1464+ , D.Hawai'i Plaintiffs exposed to asbestos-containing insulation products brought action against manufacturers and their successor for compensatory and punitive damages. Defendants filed...	Nov. 21, 1989	Case		<a href="#">8</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	 <b>76. U.S. ex rel. Tyson v. Amerigroup Illinois, Inc.</b> ” 488 F.Supp.2d 719, 742+ , N.D.Ill. GOVERNMENT - False Claims. Healthcare providers fraudulently induced signing of Medicaid HMO contracts with government entities.	Mar. 13, 2007	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	<b>77. Johnson v. PS Illinois Trust</b> ” 2005 WL 2035589, *5+ , N.D.Ill. This matter is before the court on Defendant PS Illinois Trust's ("PSI") motion for summary judgment. For the reasons stated below, we grant in part and deny in part the motion...	Aug. 17, 2005	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	<b>78. Bryant v. Whalen</b> ” 1991 WL 49618, *3+ , N.D.Ill. Before the court is the motion of defendants William Whalen, et. al., for jury instruction requiring proof beyond a reasonable doubt (Defendant's instruction No. 46(a)) or by clear...	Apr. 02, 1991	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">12</a> S.Ct.
Discussed by	<b>79. Galjour v. General American Tank Car Corp.</b> 764 F.Supp. 1093, 1098+ , E.D.La. In diversity action for personal injury and property damages arising out of explosion and fire of railroad tank car carrying the chemical butadiene, defendants moved to dismiss...	Apr. 19, 1991	Case		<a href="#">10</a> S.Ct.
Discussed by	<b>80. Al-Sabah v. Agbodjogbe</b> ” 2020 WL 1307388, *3+ , D.Md. On November 22, 2017, Plaintiff Alia Salem Al-Sabah ("Al-Sabah") filed a nine-count Amended Complaint against Defendants Jean Agbodjogbe ("Agbodjogbe"), N&A Kitchen, LLC ("N&A...	Mar. 19, 2020	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Discussed by	  <b>81. U.S. ex rel. Smith v. Gilbert Realty Co., Inc.</b> 840 F.Supp. 71, 73+ , E.D.Mich. Qui tam action was brought on behalf of the United States against landlord alleging violations of False Claims Act. In determining amount of civil penalty after finding of...	Dec. 09, 1993	Case		<a href="#">3</a> S.Ct.


Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>82. Hays v. Hoffman</b> ” 2001 WL 1141827, *1+ , D.Minn.  After a trial by jury, defendants were found to have submitted false claims in an effort to defraud the United States. Although the jury determined the factual question of whether...	Aug. 22, 2001	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.
Discussed by	<b>83. Andrews v. Raphaelson</b> ” 2013 WL 308958, *2+ , D.Nev.  Currently before the Court are Defendant Robert B. Raphaelson's Motion for Remittitur or New Trial as to Punitive Damages (# 484) and Plaintiff Ashley Andrews and Ashtonwood Stud...	Jan. 25, 2013	Case		<a href="#">12</a> <a href="#">13</a> <a href="#">14</a>  S.Ct.
Discussed by	  <b>84. U.S. v. Nevada Power Co.</b> ” 1990 WL 149660, *4+ , D.Nev.  This order concerns Plaintiff United States of America acting on behalf of the United States Environmental Protection Agency ("EPA"), and its motion for an order granting partial...	June 01, 1990	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a>  S.Ct.
Discussed by	  <b>85. Leonen v. Johns-Manville Corp.</b> 717 F.Supp. 272, 274+ , D.N.J.  Following jury verdict and award of compensatory damages in favor of plaintiff in asbestos litigation, manufacturer sought summary judgment on issue of punitive damages. The...	July 05, 1989	Case		<a href="#">1</a> <a href="#">8</a>  S.Ct.
Discussed by	 <b>86. TVT Records v. Island Def Jam Music Group</b> ” 279 F.Supp.2d 413, 427+ , S.D.N.Y.  COMMERCIAL LAW - Contracts. Remittitur of punitive damage award was warranted in record company's suit against competitor.	Sep. 02, 2003	Case		<a href="#">8</a> <a href="#">14</a>  S.Ct.
Discussed by	  <b>87. U.S. v. Hooker Chemicals &amp; Plastics Corp.</b> ” 748 F.Supp. 67, 80+ , W.D.N.Y.  State of New York brought common-law public nuisance claim against chemical company allegedly responsible for contamination at hazardous waste site. On chemical company's motion...	Oct. 02, 1990	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	 <b>88. Chao v. USA Mining, Inc.</b> ” 2007 WL 208530, *6+ , E.D.Tenn.  Defendant Dan Geiger ("Geiger") filed a motion to dismiss the consolidated civil actions brought by Plaintiffs Elaine Chao, Secretary of Labor ("Chao"), and the Pension Benefit...	Jan. 24, 2007	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.
Discussed by	<b>89. United States ex rel. Montcrieff v. Peripheral Vascular Associates, P.A.</b> ” 2023 WL 139319, *14+ , W.D.Tex.  GOVERNMENT — False Claims. Damages award that compensated government in the form of interest for healthcare provider's submission of false claims to Medicare by billing for...	Jan. 09, 2023	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.













Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>90. Reyes v. North Texas Tollway Authority</b> ¶ 830 F.Supp.2d 194, 206+ , N.D.Tex.  CIVIL RIGHTS - Due Process. Allegations stated due process claim against Texas tollway authority.	Nov. 14, 2011	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>91. Clehm v. BAE Systems Ordnance Systems, Inc.</b> ¶ 2018 WL 6594612, *3+ , W.D.Va.  This matter is before the court on incarcerated defendant Joshua Linkous' pro se post-trial motion for a new trial or, in the alternative, relief from judgment, pursuant to Rule 59...	Dec. 14, 2018	Case		<a href="#">10</a> <a href="#">12</a> <a href="#">14</a>  S.Ct.
Discussed by	<b>92. Hughston v. New Home Media</b> ¶ 552 F.Supp.2d 559, 568+ , E.D.Va.  TORTS - Assault and Battery. Punitive damages of \$150,000 was reasonable in employee's sexual battery action against supervisor.	Apr. 02, 2008	Case		<a href="#">10</a> <a href="#">11</a> <a href="#">12</a>  S.Ct.
Discussed by	<b>93. U.S. v. Kruse</b> ¶ 101 F.Supp.2d 410, 412+ , E.D.Va.  GOVERNMENT CONTRACTS - Kickbacks. Penal provisions of Anti-Kickback Act violated Excessive Fines Clause in particular case.	June 06, 2000	Case		<a href="#">1</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>94. Corporacion Insular de Seguros v. Munoz</b> ¶ 896 F.Supp. 238, 239+ , D.Puerto Rico  Insurance company brought civil Racketeer Influenced and Corrupt Organizations Act (RICO) action against former employees who embezzled money from defrauded company and, following...	Aug. 08, 1995	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>95. Northern California Small Business Assistants Inc. v. Commissioner of Internal Revenue</b> ¶ 153 T.C. 65, 68+ , U.S.Tax Ct.  TAXATION — Income. Tax law disallowing deductions for business trafficking in controlled substance did not violate Eighth Amendment prohibition on excessive fines.	Oct. 23, 2019	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>96. Ianniello v. C.I.R.</b> 98 T.C. 165, 185+ , U.S.Tax Ct.  Petitioner husbands (Ps) were convicted of mail fraud, Federal income tax evasion, and violations of the Racketeer Influenced and Corrupt Organization Act (RICO), 18 U.S.C. secs....	Feb. 24, 1992	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>97. Miller v. C.I.R.</b> ¶ 93 T.C. 330, 338+ , U.S.Tax Ct.  In 1979 and 1982, P commenced civil actions for defamation. In 1983, the first action was tried, and a jury awarded P \$500,000 in compensatory damages and \$450,000 in punitive...	Sep. 13, 1989	Case		<a href="#">8</a> <a href="#">14</a>  S.Ct.
Discussed by	<b>98. Roman Catholic Bishop of Oakland v. Superior Court</b> ¶ 28 Cal.Rptr.3d 355, 364+ , Cal.App. 2 Dist.  TORTS - Damages. Punitive damage claim in revived child sex abuse action against priest did not violate ex post facto principle.	Apr. 28, 2005	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>99. 21st Century Ins. Co. v. Superior Court</b> ¶¶ 26 Cal.Rptr.3d 476, 481+ , Cal.App. 2 Dist.  INSURANCE - Bad Faith and Unfair Practices. Insureds could seek punitive damages against insurer for bad faith in revived claim following Northridge earthquake.	Mar. 30, 2005	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	<b>100. Hilgedick v. Koehring Finance Corp.</b> ¶¶ 8 Cal.Rptr.2d 76, 88+ , Cal.App. 1 Dist.  Debtors sued creditors, claiming interference with business relationships. In first trial, jury awarded debtors compensatory damages and punitive damages in same amount. New...	Apr. 22, 1992	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	<b>101. Hilgedick v. Koehring Finance Corp.</b> ¶¶ 1990 WL 294375, *27+ , Cal.App. 1 Dist.  Defendants Koehring Finance Corporation and Koehring Company (collectively "defendants") have appealed from a judgment after trial partly to the court and partly to a jury. ...	Aug. 30, 1990	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	<b>102. Pueblo School Dist. No. 70 v. Toth</b> ¶¶ 924 P.2d 1094, 1099+ , Colo.App.  LABOR AND EMPLOYMENT - Workers' Compensation. Colorado Compensation Insurance Authority's delay in reimbursing claimant for medical bill warranted imposition of fine.	Jan. 25, 1996	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	<b>103. Your Mansion Real Estate, LLC v. RCN Capital Funding, LLC</b> ¶¶ 261 A.3d 110, 122+ , Conn.App.  REAL PROPERTY — Mortgages and Deeds of Trust. Mortgagor did not have a duty to mitigate statutory damages under statute governing mortgage releases.	Aug. 03, 2021	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Discussed by	<b>104. Your Mansion Real Estate, LLC v. Capital Funding, LLC</b> ¶¶ 2020 WL 1172286, *9+ , Conn.Super.  The following facts are undisputed. Prior to November 4, 2015 the plaintiff Your Mansion Real Estate LLC ("Plaintiff") was and had been since March 14, 2014 the owner of the...	Jan. 29, 2020	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	<b>105. Kunewa v. Joshua</b> ¶¶ 924 P.2d 559, 568+ , Hawai'i App.  TORTS - Punitive Damages. Plaintiff's attorney fees could be considered when computing amount of punitive damages.	Aug. 28, 1996	Case		<a href="#">10</a> S.Ct.
Discussed by	<b>106. Garnett v. Transamerica Ins. Services</b> ¶¶ 800 P.2d 656, 669+ , Idaho  Insureds brought action against insurer for breach of fire policy and for breach of duty of good faith and fair dealing. The District Court, First Judicial District, Kootenai...	Oct. 31, 1990	Case		<a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<p> <b>107. State v. Cottrell</b> ¶¶</p> <p>271 P.3d 1243, 1251+ , Idaho App.</p> <p>CRIMINAL JUSTICE - Restitution. Criminal restitution in Idaho is remedial and compensatory, not punitive, rendering Excessive Fines Clauses inapplicable.</p>	Feb. 08, 2012	Case		<p><a href="#">1</a></p> <p><a href="#">5</a></p> <p><a href="#">8</a></p> <p>S.Ct.</p>
Discussed by	<p><b>108. Rives v. Lincoln Land Community College</b> ¶¶</p> <p>2014 WL 2811387, *3+ , Ill.App. 4 Dist.</p> <p>¶ 1 Held: The appellate court affirmed, concluding the trial court did not err in dismissing plaintiff's complaint with prejudice. ¶ 2 In August 2013, plaintiff, James Courtney...</p>	June 19, 2014	Case		<p><a href="#">1</a></p> <p><a href="#">4</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>109. State v. Timbs</b> ¶¶</p> <p>134 N.E.3d 12, 23+ , Ind.</p> <p>GOVERNMENT — Forfeitures. Vehicle's forfeiture fell within Eighth Amendment's excessive fines clause's instrumentality limit for use-based fines.</p>	Oct. 28, 2019	Case		<p><a href="#">1</a></p> <p><a href="#">4</a></p> <p><a href="#">5</a></p> <p>S.Ct.</p>
Discussed by	<p><b>110. Lazarus Dept. Store v. Sutherlin</b> ¶¶</p> <p>544 N.E.2d 513, 528+ , Ind.App. 1 Dist.</p> <p>Department store appealed judgment of the Hancock Superior Court, Richard T. Payne, J., on jury verdict in favor of shopper in suit for false imprisonment, malicious prosecution,...</p>	Oct. 04, 1989	Case		<p><a href="#">8</a></p> <p><a href="#">12</a></p> <p><a href="#">14</a></p> <p>S.Ct.</p>
Discussed by	<p><b>111. Thornton v. American Interstate Insurance Company</b> ¶¶</p> <p>940 N.W.2d 1, 20+ , Iowa</p> <p>LABOR AND EMPLOYMENT — Workers' Compensation. Punitive damages award of \$6.75 million on injured worker's claim against workers' compensation carrier for bad faith did not comport...</p>	Feb. 28, 2020	Case		<p><a href="#">7</a></p> <p><a href="#">8</a></p> <p><a href="#">9</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>112. Spaur v. Owens-Corning Fiberglas Corp.</b> ¶¶</p> <p>510 N.W.2d 854, 868+ , Iowa</p> <p>Worker and his wife brought products liability action against asbestos manufacturer. The District Court, Polk County, James W. Brown, J., entered verdict for worker and wife. ...</p>	Jan. 19, 1994	Case		<p><a href="#">1</a></p> <p><a href="#">8</a></p> <p>S.Ct.</p>
Discussed by	<p><b>113. Bowden v. Caldor, Inc.</b> ¶¶</p> <p>710 A.2d 267, 280+ , Md.</p> <p>LITIGATION - Damages. State Constitution does not require court, when it reduces punitive damages award for excessiveness, to give plaintiff option of new trial.</p>	June 02, 1998	Case		<p><a href="#">8</a></p> <p><a href="#">12</a></p> <p><a href="#">14</a></p> <p>S.Ct.</p>
Discussed by	<p> <b>114. Aravanis v. Somerset County</b></p> <p>664 A.2d 888, 891+ , Md.</p> <p>Forfeitures. State constitutional excessive fines prohibition covered forfeiture statute.</p>	Sep. 13, 1995	Case		<p><a href="#">1</a></p> <p><a href="#">3</a></p> <p><a href="#">4</a></p> <p>S.Ct.</p>




















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Discussed by	 <b>115. St. Luke Evangelical Lutheran Church, Inc. v. Smith</b> ¶ 568 A.2d 35, 42+ , Md.  Former church employee brought defamation and invasion of privacy suit against church and pastor based on pastor's accusation that former employee was having an affair with another...	Jan. 16, 1990	Case		<a href="#">8</a> <a href="#">10</a> <a href="#">12</a> S.Ct.
Discussed by	 <b>116. Alexander &amp; Alexander, Inc. v. B. Dixon Evander &amp; Associates, Inc.</b> ¶ 596 A.2d 687, 703+ , Md.App.  Insurance broker brought action against insured, insurer, and rival broker, alleging conspiracy to deprive him of commission. The Circuit Court, Baltimore City, Meyer M. Cardin,...	Oct. 04, 1991	Case		<a href="#">8</a> <a href="#">14</a> S.Ct.
Discussed by	 <b>117. Lollar v. A.O. Smith Harvestore Products, Inc.</b> 795 S.W.2d 441, 450+ , Mo.App. W.D.  Lessee of feed storage equipment brought suit against lessor for fraud. The Circuit Court of Dekalb County, Warren L. McElwain, J., entered judgment on jury verdict awarding...	July 10, 1990	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a> S.Ct.
Discussed by	<b>118. Tuttle v. Benedict</b> ¶ 455 P.3d 437, 437+ , Mont.  ¶1 Pursuant to Section I, Paragraph 3(c), Montana Supreme Court Internal Operating Rules, this case is decided by memorandum opinion and shall not be cited and does not serve as...	July 02, 2019	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	 <b>119. Gennari v. Weichert Co. Realtors</b> 672 A.2d 1190, 1207+ , N.J.Super.A.D.  REAL ESTATE - Brokers. Real estate broker was strictly liable under Consumer Fraud Act for misrepresentations regarding builder's qualifications.	Mar. 15, 1996	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Discussed by	<b>120. State v. O'Malley</b> ¶ --- N.E.3d ----+ , Ohio  CRIMINAL JUSTICE — Forfeitures. Statute providing for criminal forfeiture of vehicles owned and used by repeat drunk drivers did not facially violate equal protection.	Sep. 15, 2022	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Discussed by	 <b>121. Rodebush By and Through Rodebush v. Oklahoma Nursing Homes, Ltd.</b> ¶ 867 P.2d 1241, 1249+ , Okla.  Vicarious Liability. Determination that nurse's aide was acting within scope of employment when he slapped patient was supported by evidence.	Dec. 14, 1993	Case		<a href="#">8</a> S.Ct.
Discussed by	<b>122. Scribner v. Hillcrest Medical Center</b> 866 P.2d 437, 444+ , Okla.App. Div. 3  Hospitals. Punitive damage award against hospital was excessive.	Sep. 15, 1992	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>123. Tenold v. Weyerhaeuser Co.</b> ¶ 873 P.2d 413, 423+ , Or.App.  Tort Reform. Statutory cap on noneconomic damages was unconstitutional.	Apr. 20, 1994	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	 <b>124. City of Chattanooga v. Davis</b> ¶ 54 S.W.3d 248, 259+ , Tenn.  GOVERNMENT - Municipalities. Fifty-Dollar Fines Clause applies to municipal ordinance violation proceedings.	Sep. 04, 2001	Case		<a href="#">6</a>  S.Ct.
Discussed by	 <b>125. State ex rel. Haynes v. Daugherty</b> ¶ 2019 WL 4277604, *4+ , Tenn.Ct.App.  The issue in this interlocutory appeal is whether the trial court erred in requiring a cash-only appearance bond. Father, who had an arrearage judgment for failing to pay child...	Sep. 10, 2019	Case		<a href="#">6</a>  S.Ct.
Discussed by	<b>126. Baumgartner v. Tennessee Consolidated Retirement System</b> ¶ 2018 WL 4802472, *16+ , Tenn.Ct.App.  This appeal involves the forfeiture of the retirement benefits of a former Tennessee trial judge after he was convicted in federal court of numerous felonies arising out of his...	Oct. 03, 2018	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a>  S.Ct.
Discussed by	<b>127. Dean v. State</b> ¶ 736 S.E.2d 40, 47+ , W.Va.  CRIMINAL JUSTICE - Forfeitures. Evidence in forfeiture proceeding was insufficient to permit finding as to gross disproportionality.	Nov. 09, 2012	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>128. UNITED STATES OF AMERICA, COMPLAINANT v. RANDALL KURZON, IND., AND ALONZO RESTAURANT VENTURES, INC., JOINTLY AND SEVERALLY, RESPONDENT</b> ¶ 1994 WL 613163, *5+ , O.C.A.H.O.  On December 6, 1993, I issued a Decision and Order finding, among other things, that Respondent Alonzo Restaurant Ventures (ARV) and Respondent Randall Kurzon were liable for...	May 13, 1994	Administrative Decision		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Discussed by	<b>129. UNITED STATES OF AMERICA, COMPLAINANT v. RANDALL KURZON, IND., AND ALONZO RESTAURANT VENTURES, INC., JOINTLY AND SEVERALLY. RESPONDENT</b> ¶ 1993 WL 595732, *6+ , O.C.A.H.O.  In 1986, the Immigration and Nationality Act of 1952 was amended by the Immigration Reform and Control Act (IRCA), which made significant revisions in national policy with respect...	Dec. 06, 1993	Administrative Decision		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Called into Doubt by <span style="border: 1px solid red; padding: 2px;">NEGATIVE</span>	 <b>130. Garnes v. Fleming Landfill, Inc.</b> 413 S.E.2d 897, 901+ , W.Va.  Nuisance action was brought against solid waste disposal facility and its operator. The Circuit Court, Kanawha County, Herman Canady, Jr., J., entered judgment in favor of...	Dec. 05, 1991	Case		<a href="#">8</a> <a href="#">12</a>  S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by <b>NEGATIVE</b>	<b>131. S.E.C. v. DiBella</b> 2007 WL 2904211, *8, D.Conn.  Plaintiff, the Securities and Exchange Commission ("SEC" or "Plaintiff"), brought this action against William DiBella and North Cove Ventures, LLC (jointly "Defendants") for aiding...	Oct. 03, 2007	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>132. U.S. v. Viloski</b> 814 F.3d 104, 109+, 2nd Cir.(N.Y.)  CRIMINAL JUSTICE - Fines. Forfeiture of \$1,273,285.50 was not grossly disproportionate to defendant's multi-year conspiracy.	Feb. 17, 2016	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>133. Duck Head Apparel Co., Inc. v. Hoots</b> 659 So.2d 897, 913, Ala.  Former sales representatives brought suit against employer asserting claims for breach of contract, fraud, and fraudulent suppression, based on allegation that employer wrongfully...	Feb. 17, 1995	Case		<a href="#">14</a> S.Ct.
Cited by	<b>134. Paroline v. U.S.</b> 134 S.Ct. 1710, 1726+, U.S.  CRIMINAL JUSTICE - Restitution. Proximate-cause requirement applied to all losses described in statute requiring restitution awards for certain offenses.	Apr. 23, 2014	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Cited by	<b>135. Southern Union Co. v. U.S.</b> 132 S.Ct. 2344, 2351, U.S.  CRIMINAL JUSTICE - Fines. The rule of Apprendi applies to the imposition of criminal fines.	June 21, 2012	Case		—
Cited by	<b>136. McDonald v. City of Chicago, Ill.</b> 130 S.Ct. 3020, 3035+, U.S.  CIVIL RIGHTS - Right to Bear Arms. Second Amendment right to keep and bear arms is fully applicable to the States by virtue of Fourteenth Amendment.	June 28, 2010	Case		<a href="#">3</a> S.Ct.
Cited by	<b>137. Philip Morris USA v. Williams</b> 127 S.Ct. 1057, 1066+, U.S.Or.  LITIGATION - Damages. Punitive damages award intended to punish defendant for harming nonparties amounts to taking of property without due process.	Feb. 20, 2007	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>138. State Farm Mut. Auto. Ins. Co. v. Campbell</b> 123 S.Ct. 1513, 1527+, U.S.  LITIGATION - Damages. Award of \$145 million in punitive damages on \$1 million compensatory judgment violated due process.	Apr. 07, 2003	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a> S.Ct.
Cited by	<b>139. Kansas v. Hendricks</b> 117 S.Ct. 2072, 2090, U.S.Kan.  CRIMINAL JUSTICE - Sex Offenses. Kansas' Sexually Violent Predator Act does not violate substantive due process, double jeopardy or ex post facto prohibitions.	June 23, 1997	Case		<a href="#">12</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>140. Board of County Com'rs, Wabaunsee County, Kan. v. Umbehr</b> 116 S.Ct. 2361, 2368 , U.S.  For majority opinions of the court, see 116 S.Ct. 2342, and 116 S.Ct. 2353.	June 28, 1996	Case		—
Cited by	<b>141. U.S. v. Ursery</b> 116 S.Ct. 2135, 2158 , U.S.Mich.  CRIMINAL JUSTICE - Double Jeopardy. Civil in rem forfeitures were not "punishment" for double jeopardy purposes.	June 24, 1996	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a>  S.Ct.
Cited by	<b>142. Honda Motor Co., Ltd. v. Oberg</b> 114 S.Ct. 2331, 2337 , U.S.Or.  Punitive Damages. Oregon's denial of judicial review of size of punitive damage awards violates the due process clause.	June 24, 1994	Case		—
Cited by	<b>143. Department of Revenue of Montana v. Kurth Ranch</b> 114 S.Ct. 1937, 1955 , U.S.Mont.  Double Jeopardy. Tax imposed under Montana's Dangerous Drug Tax Act had to be characterized as "punishment" for purpose of double jeopardy analysis.	June 06, 1994	Case		<a href="#">6</a>  S.Ct.
Cited by	<b>144. Alexander v. U.S.</b> 113 S.Ct. 2766, 2775+ , U.S.Minn.  Obscenity. Forfeiture for RICO violation was subject to Eighth Amendment excessive fine analysis.	June 28, 1993	Case		<a href="#">3</a> <a href="#">4</a>  S.Ct.
Cited by	<b>145. Harmelin v. Michigan</b> 111 S.Ct. 2680, 2693+ , U.S.Mich.  Petitioner was convicted in Oakland Circuit Court, Gene Schnell, J., of possessing more than 650 grams of cocaine and was sentenced to mandatory term of life in prison without...	June 27, 1991	Case		<a href="#">3</a>  S.Ct.
Cited by	<b>146. Cooter &amp; Gell v. Hartmarx Corp.</b> 110 S.Ct. 2447, 2452 , U.S.Dist.Col.  Appeal was taken from order of the United States District Court for the District of Columbia, Oliver Gasch, Senior District Judge, imposing Rule 11 sanctions in antitrust action,...	June 11, 1990	Case		<a href="#">7</a>  S.Ct.
Cited by	<b>147. Chauffeurs, Teamsters and Helpers, Local No. 391 v. Terry</b> 110 S.Ct. 1339, 1357 , U.S.N.C.  Employees brought action alleging that employer breached collective bargaining agreement and that union violated duty of fair representation. The United States District Court for...	Mar. 20, 1990	Case		<a href="#">15</a>  S.Ct.
Cited by	<b>148. Romano v. U-Haul Intern.</b> 233 F.3d 655, 673 , 1st Cir.(Me.)  LABOR AND EMPLOYMENT - Discrimination. Punitive damages, reduced to \$285,000 to conform with Title VII's cap, did not violate due process.	Dec. 07, 2000	Case		<a href="#">8</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> <b>149. Kelley v. Airborne Freight Corp. ¶¶</b> 140 F.3d 335, 355 , 1st Cir.(Mass.)</p> <p>Former employee brought action against former employer alleging age discrimination in violation of the Age Discrimination in Employment Act (ADEA) and in violation of Massachusetts...</p>	Apr. 07, 1998	Case		<p><a href="#">12</a> <a href="#">13</a></p> <p>S.Ct.</p>
Cited by	<p> <b>150. McMillan v. Massachusetts Soc. for Prevention of Cruelty To Animals ¶¶</b> 140 F.3d 288, 306+ , 1st Cir.(Mass.)</p> <p>Female former employee, who was head of veterinary hospital's radiology department, sued former employer, hospital president, and chief of staff, alleging gender discrimination...</p>	Mar. 18, 1998	Case		<p><a href="#">10</a> <a href="#">12</a></p> <p>S.Ct.</p>
Cited by	<p> <b>151. U.S. v. Emerson</b> 107 F.3d 77, 80 , 1st Cir.(N.H.)</p> <p>After Federal Aviation Administration (FAA) revoked pilot's commercial pilot certificate, United States brought action against pilot to recover civil penalty for numerous...</p>	Feb. 26, 1997	Case		<p><a href="#">5</a></p> <p>S.Ct.</p>
Cited by	<p>  <b>152. U.S. v. Stoller ¶¶</b> 78 F.3d 710, 719 , 1st Cir.(Mass.)</p> <p>Criminal charges were filed against bank's former chief executive officer (CEO) based on same alleged misconduct underlying debarment order previously entered by the Federal...</p>	Feb. 29, 1996	Case		<p><a href="#">4</a></p> <p>S.Ct.</p>
Cited by	<p> <b>153. Quinones-Pacheco v. American Airlines, Inc.</b> 979 F.2d 1, 3 , 1st Cir.(Puerto Rico)</p> <p>Passengers who claimed that they were injured during bumpy flight through turbulent weather brought action against airline. The United States District Court for the District of...</p>	Nov. 04, 1992	Case		<p><a href="#">13</a></p> <p>S.Ct.</p>
Cited by	<p> <b>154. U.S. v. Bucuvalas</b> 970 F.2d 937, 946 , 1st Cir.(Mass.)</p> <p>Defendants were convicted in the United States District Court for the District of Massachusetts, Douglas P. Woodlock, J., of racketeering, mail fraud, and conspiracy to commit mail...</p>	July 22, 1992	Case		<p><a href="#">8</a></p> <p>S.Ct.</p>
Cited by	<p> <b>155. U.S. v. One Parcel of Real Property With Bldgs., Appurtenances, and Improvements, Known as Plat 20, Lot 17, Great Harbor Neck, New Shoreham, R.I.</b> 960 F.2d 200, 206 , 1st Cir.(R.I.)</p> <p>Government commenced forfeiture proceedings against property on which marijuana plants had been growing. The United States District Court for the District of Rhode Island,...</p>	Mar. 12, 1992	Case		—
Cited by	<p> <b>156. Payne v. Jones ¶¶</b> 711 F.3d 85, 97+ , 2nd Cir.(N.Y.)</p> <p>CIVIL RIGHTS - Damages. Punitive award of \$300,000 for officer's use of excessive force was excessive.</p>	Feb. 15, 2013	Case		<p><a href="#">11</a> <a href="#">13</a> <a href="#">14</a></p> <p>S.Ct.</p>







Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>157. Edible Arrangements Intern., Inc. v. Chinsammy</b> ¶ 446 Fed.Appx. 332, 333+ , 2nd Cir.(Conn.) COMMERCIAL LAW - Damages. Punitive damages were not available on claim for unjust enrichment, under Connecticut law.	Nov. 03, 2011	Case		<a href="#">10</a> <a href="#">13</a> <a href="#">14</a> S.Ct.
Cited by	<b>158. U.S. v. Davis</b> ¶ 648 F.3d 84, 96 , 2nd Cir. CRIMINAL JUSTICE - Forfeitures. Claimant did not "substantially prevail," as required to obtain attorney fees under fee shifting provision.	June 03, 2011	Case		<a href="#">1</a> <a href="#">4</a> S.Ct.
Cited by	<b>159. Fab-Tech, Inc. v. E.I. DuPont De Nemours and Co.</b> ¶ 311 Fed.Appx. 443, 450 , 2nd Cir.(Vt.) COMMERCIAL LAW - Sales. Agreements were primarily concerned with sales, and not services, and thus Vermont's Uniform Commercial Code was applicable.	Feb. 23, 2009	Case		<a href="#">12</a> S.Ct.
Cited by	<b>160. Motorola Credit Corp. v. Uzan</b> ¶ 509 F.3d 74, 80+ , 2nd Cir.(N.Y.) LITIGATION - Damages. Punitive damages award of \$1 billion was valid under Illinois law.	Nov. 21, 2007	Case		<a href="#">12</a> S.Ct.
Cited by	<b>161. von Hofe v. U.S.</b> ¶ 492 F.3d 175, 181 , 2nd Cir.(Conn.) CRIMINAL JUSTICE - Forfeitures. Forfeiture of wife's one-half interest in home based on husband's marijuana cultivation violated Excessive Fines Clause.	June 27, 2007	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	<b>162. Thomas v. Department of Homeland Sec.</b> 187 Fed.Appx. 47, 48 , 2nd Cir. Woodvens Thomas petitions for review of a June 8, 2004 order of the BIA that affirmed the January 28, 2004 decision of an immigration judge ("IJ") dismissing Thomas' motion to...	June 19, 2006	Case		—
Cited by	<b>163. Patterson v. Balsamico</b> ¶ 440 F.3d 104, 120+ , 2nd Cir.(N.Y.) LEGAL SERVICES - Conflict of Interest. Attorney's initial joint representation of corrections officer and county did not warrant new trial in civil rights action.	Feb. 27, 2006	Case		<a href="#">12</a> S.Ct.
Cited by	<b>164. Consolidated Edison Co. of New York, Inc. v. Pataki</b> 292 F.3d 338, 349 , 2nd Cir.(N.Y.) ENERGY AND UTILITIES - Nuclear Power. State statute barring recovery of costs of nuclear plant outage was unconstitutional bill of attainder.	June 05, 2002	Case		<a href="#">1</a> S.Ct.
Cited by	<b>165. Imbrogno v. Chamberlin</b> 89 F.3d 87, 90 , 2nd Cir.(Conn.) Patient brought medical malpractice action against physician and hospital, and after patient and physician settled claims for \$300,000, jury entered verdict against hospital...	July 12, 1996	Case		<a href="#">12</a> S.Ct.











Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	  <b>166. U.S. v. All Assets of G.P.S. Automotive Corp. ¶¶</b> 66 F.3d 483, 502 , 2nd Cir.(N.Y.)  In rem civil forfeiture suit was brought against corporate property, and property owners intervened. The United States District Court for the Eastern District of New York,...	Sep. 18, 1995	Case		<a href="#">8</a> S.Ct.
Cited by	<b>167. U.S. v. International Broth. of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO ¶¶</b> 941 F.2d 1292, 1298 , 2nd Cir.(N.Y.)  Independent administrator appointed under consent decree in litigation involving union's alleged connections with organized crime brought application for review of disciplinary...	Aug. 06, 1991	Case		—
Cited by	 <b>168. Fahnestock &amp; Co., Inc. v. Waltman ¶¶</b> 935 F.2d 512, 518 , 2nd Cir.(N.Y.)  Stock brokerage firm asserted claim in arbitration, alleging that discharged employee wrongfully took firm's property. Employee filed answer, denying allegations that he...	June 10, 1991	Case		<a href="#">10</a> S.Ct.
Cited by	 <b>169. Air Disaster at Lockerbie, Scotland on Dec. 21, 1988, In re ¶¶</b> 928 F.2d 1267, 1272+ , 2nd Cir.(N.Y.)  Surviving relatives and personal representatives of airline passengers killed in terrorist bombing of airplane brought action against airline and its subsidiaries. Following...	Mar. 22, 1991	Case		—
Cited by	 <b>170. Twin Laboratories, Inc. v. Weider Health &amp; Fitness</b> 900 F.2d 566, 570 , 2nd Cir.(N.Y.)  On appeal from a summary judgment dismissing appellant's antitrust and pendent state claims entered August 30, 1989, in the Southern District of New York, Michael B. Mukasey,...	Apr. 09, 1990	Case		—
Cited by	<b>171. Custin v. Wirths ¶¶</b> 850 Fed.Appx. 147, 153 , 3rd Cir.(N.J.)  LABOR AND EMPLOYMENT — Unemployment Compensation. Proceedings leading up to denial of applicant's first claim for unemployment benefits did not violate his procedural due process...	Mar. 04, 2021	Case		<a href="#">1</a> S.Ct.
Cited by	 <b>172. Dunn v. HOVIC ¶¶</b> --- F.2d ---- , 3rd Cir.(Virgin Islands)  In 1987 William Dunn, a former pipe installer at Hess Oil Virgin Islands Corporation (HOVIC), filed this action against OCF as well as other manufacturers of asbestos-containing...	Sep. 18, 1992	Case		<a href="#">8</a> <a href="#">12</a> S.Ct.
Cited by	<b>173. United States v. Bennett</b> 986 F.3d 389, 399+ , 4th Cir.(Md.)  CRIMINAL JUSTICE — Trial. District court acted well within its discretion in denying defendant's continuance request.	Jan. 21, 2021	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a> S.Ct.

















Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>174. Harris v. Norfolk Southern Ry. Co. ¶¶</b> 784 F.3d 954, 970 , 4th Cir.(W.Va.)  TORTS - Negligence. Factual issue existed as to whether reasonable visual inspections would have uncovered defect.	Apr. 30, 2015	Case		<a href="#">10</a> <a href="#">14</a> S.Ct.
Cited by	<b>175. U.S. v. Jalaram, Inc. ¶¶</b> 599 F.3d 347, 355 , 4th Cir.(W.Va.)  CRIMINAL JUSTICE - Fines. Criminal forfeiture of \$358,390.22 of defendant's proceeds from money laundering conspiracy was not grossly disproportionate.	Apr. 02, 2010	Case		—
Cited by	<b>176. Saunders v. Branch Banking And Trust Co. Of VA ¶¶</b> 526 F.3d 142, 153 , 4th Cir.(Va.)  COMMERCIAL LAW - Consumer Credit. Creditor's failure to report disputed nature of debt to all credit reporting agencies was cognizable under FCRA.	May 14, 2008	Case		—
Cited by	<b>177. O'Brien v. Moore</b> 395 F.3d 499, 504+ , 4th Cir.(N.C.)  CRIMINAL JUSTICE - Habeas Corpus. Successful habeas petitioner was not entitled to attorney fees under Equal Access to Justice Act.	Jan. 27, 2005	Case		<a href="#">1</a> S.Ct.
Cited by	<b>178. Cooper v. A.T. Williams Oil Co.</b> 172 F.3d 862, 862 , 4th Cir.(Va.)  Harlen J.C. Cooper appeals from the district court's order denying his motion for new trial. Cooper claims that he was unfairly prejudiced by the jury's inadvertent exposure to...	Jan. 20, 1999	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>179. Haddad v. Virginia Polytechnic Inst. and State University</b> 153 F.3d 720, 720 , 4th Cir.(Va.)  Emile Haddad appeals from the district court orders dismissing his due process and Age Discrimination in Employment Act ("ADEA"), 29 U.S.C.A. §§ 621-634 (West 1985 & Supp.1998),...	Aug. 06, 1998	Case		<a href="#">9</a> S.Ct.
Cited by	<b>180. In re Board of County Sup'rs of Prince William County, Va. ¶¶</b> 143 F.3d 835, 839 , 4th Cir.(Va.)  Employee brought sex discrimination, national origin discrimination, and retaliation action against county under Title VII and § 1983. After jury found for employee on...	May 11, 1998	Case		—
Cited by	<b>181. U.S. v. Matthews</b> 127 F.3d 1100, 1100 , 4th Cir.(S.C.)  George Roe Matthews appeals from the district court's denial of his 28 U.S.C.A. § 2255 (West 1994 & Supp.1997), motion and his corresponding Fed.R.Civ.P. 59(e) motion to alter or...	Oct. 23, 1997	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>182. Atlas Food Systems and Services, Inc. v. Crane Nat. Vendors, Inc. ¶¶</b> 99 F.3d 587, 593+ , 4th Cir.(S.C.)  Food vending company brought action against manufacturer of allegedly defective vending machines, and also brought claims against supplier of parts used by manufacturer. After...	Oct. 30, 1996	Case		<a href="#">12</a> <a href="#">13</a> S.Ct.
Cited by	<b>183. Thomas v. C.I.R. ¶¶</b> 62 F.3d 97, 102 , 4th Cir.  Taxpayer sought review of assessment of additions to tax on unreported income from drug-related activities underlying criminal convictions. The United States Tax Court determined...	Aug. 14, 1995	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	<b>184. U.S. v. Wild ¶¶</b> 47 F.3d 669, 673+ , 4th Cir.(Va.)  Defendants were convicted in the United States District Court for the Eastern District of Virginia, Albert V. Bryan, Jr., Senior District Judge, of drug offenses, and they...	Mar. 02, 1995	Case		<a href="#">4</a> S.Ct.
Cited by	<b>185. Tower South Property Owners Ass'n v. Summey Bldg. Systems, Inc.</b> 47 F.3d 1165, 1165 , 4th Cir.(S.C.)  Summey Building Systems, Inc. ("Summey"), the developer of a condominium project and the defendant in the action below, appeals the district court's post-trial rulings upholding...	Feb. 15, 1995	Case		<a href="#">9</a> S.Ct.
Cited by	<b>186. Colombo v. Flemings</b> 43 F.3d 1465, 1465 , 4th Cir.(N.C.)  E.D.N.C. AFFIRMED.	Dec. 14, 1994	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>187. Defender Industries, Inc. v. Northwestern Mut. Life Ins. Co. ¶¶</b> 989 F.2d 492, 492+ , 4th Cir.(S.C.)  D.S.C. AFFIRMED.	Mar. 11, 1993	Case		<a href="#">12</a> S.Ct.
Cited by	<b>188. Mosser v. Fruehauf Corp. ¶¶</b> 940 F.2d 77, 84+ , 4th Cir.(Va.)  Products liability action was brought arising from worker's death when tractor trailer he was driving overturned. The United States District Court for the Eastern District of...	July 11, 1991	Case		<a href="#">10</a> S.Ct.
Cited by	<b>189. Goodwin v. Metts ¶¶</b> 885 F.2d 157, 165 , 4th Cir.(S.C.)  Two men who had been prosecuted and acquitted on charge of grand larceny sued investigating officer and county sheriff under § 1983 and under state law of malicious prosecution. ...	Sep. 12, 1989	Case		<a href="#">10</a> S.Ct.
Cited by	<b>190. United States v. Gozes-Wagner</b> 977 F.3d 323, 348 , 5th Cir.(Tex.)  CRIMINAL JUSTICE — Sentencing. Sentencing court did not impose trial penalty on defendant by imposing harsher sentence because she went to trial, as would violate due process.	Sep. 28, 2020	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>191. Cripps v. Louisiana Dept. of Agriculture and Forestry</b> 819 F.3d 221, 234 , 5th Cir.(La.)  ADMINISTRATIVE PRACTICE - Contested Cases. Louisiana's Department of Agriculture and Forestry (LDAF) and Structural Pest Control Commission did not retaliate against pest control...	Apr. 08, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Cited by	 <b>192. Vanderbilt Mortg. and Finance, Inc. v. Flores</b> 692 F.3d 358, 374 , 5th Cir.(Tex.)  REAL PROPERTY - Liens. Minimum damages provision of Texas fraudulent lien statute did not result in constitutionally excessive awards.	Aug. 23, 2012	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	 <b>193. Broussard v. Parish of Orleans</b> 318 F.3d 644, 652 , 5th Cir.(La.)  CRIMINAL JUSTICE - Bail. Louisiana's bail-fee statutes are constitutional.	Jan. 10, 2003	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Cited by	 <b>194. Ellis v. Weasler Engineering Inc.</b> 258 F.3d 326, 342 , 5th Cir.(La.)  PRODUCTS LIABILITY - Anticipated Use. Injury arose from a reasonably anticipated use of the product.	July 11, 2001	Case		<a href="#">13</a> S.Ct.
Cited by	 <b>195. Garner v. U.S. Dept. of Labor</b> ” 221 F.3d 822, 828 , 5th Cir.(Miss.)  LABOR AND EMPLOYMENT - Public Employment. Application of statute requiring forfeiture of FECA benefits did not violate ex post facto clause.	Aug. 22, 2000	Case		—
Cited by	<b>196. Glasper v. Sid Boedeker Safety Shoe Service, Inc.</b> 180 F.3d 260, 260 , 5th Cir.(Miss.)  Plaintiff Joseph Glasper ("Glasper") appeals the district court's denial of his motion for a new trial. We affirm. Glasper sued the defendants, Sid Boedeker Safety Shoe Service,...	Apr. 15, 1999	Case		<a href="#">12</a> S.Ct.
Cited by	 <b>197. Quest Medical, Inc. v. Aprill</b> 90 F.3d 1080, 1090 , 5th Cir.(Tex.)  In action arising out of tender offer, seller sued buyer for misrepresentation. Following jury award to seller of actual and exemplary damages, the United States District Court...	Aug. 12, 1996	Case		<a href="#">10</a> S.Ct.
Cited by	 <b>198. In re Asbestos Litigation</b> ” 90 F.3d 963, 1005 , 5th Cir.(Tex.)  Victims of asbestos exposure filed class action against asbestos manufacturer and its insurers intervened as party-defendants. Insurers filed separate declaratory and injunctive...	July 26, 1996	Case		—
Cited by	<b>199. Hiltgen v. Sumrall</b> 47 F.3d 695, 704 , 5th Cir.(Miss.)  Administrator of estate of motorist killed in rear-end collision with tractor trailer which was driving on interstate highway at low rate of speed brought action against driver of...	Mar. 02, 1995	Case		<a href="#">9</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>200. Hiltgen v. Sumrall</b> 36 F.3d 438, 445 , 5th Cir.(Miss.)  Maureen Hiltgen filed this diversity wrongful death action against Douglas Leon Sumrall ("Sumrall"), The Mason & Dixon Lines ("Mason"), and D. Larry Abston ("Abston"),...	Oct. 27, 1994	Case		<a href="#">9</a> S.Ct.
Cited by	 <b>201. U.S. v. Beszborn</b> 21 F.3d 62, 67 , 5th Cir.(Tex.)  Defendants were charged with conspiracy, bank fraud and related charges. The United States District Court for the Southern District of Texas, Norman W. Black, Chief Judge,...	Apr. 18, 1994	Case		<a href="#">1</a> S.Ct.
Cited by	 <b>202. Eichenseer v. Reserve Life Ins. Co. ¶¶</b> 934 F.2d 1377, 1380 , 5th Cir.(Miss.)  Insured under health policy brought action alleging wrongful denial of claim. The United States District Court for the Northern District of Mississippi, L.T. Senter, Jr., Chief...	July 11, 1991	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>203. Edwards v. Armstrong World Industries, Inc.</b> 911 F.2d 1151, 1154 , 5th Cir.(Tex.)  Insulator suffering from asbestosis brought action against successor to manufacturer of asbestos-containing insulation products. The United States District Court for the Northern...	Sep. 20, 1990	Case		—
Cited by	 <b>204. Lindenberg v. Jackson National Life Insurance Company ¶¶</b> 912 F.3d 348, 362 , 6th Cir.(Tenn.)  INSURANCE — Damages. Tennessee's statutory cap on punitive damages violated state constitutional right to trial by jury.	Dec. 21, 2018	Case		<a href="#">14</a> S.Ct.
Cited by	<b>205. King Cole Foods, Inc. v. U.S. ¶¶</b> 561 Fed.Appx. 444, 445 , 6th Cir.(Mich.)  King Cole Foods, Inc. and Salam Sam Manni, its owner and president (collectively, "Plaintiffs"), appeal the district court's judgment dismissing their civil complaint. In...	Mar. 31, 2014	Case		<a href="#">4</a> S.Ct.
Cited by	 <b>206. In re John Richards Homes Bldg. Co.</b> 552 Fed.Appx. 401, 405 , 6th Cir.(Mich.)  BANKRUPTCY - Crimes and Contempt. Bankruptcy courts lack the statutory authority to impose serious noncompensatory punitive damages.	Nov. 20, 2013	Case		<a href="#">13</a> S.Ct.
Cited by	 <b>207. Zomba Enterprises, Inc. v. Panorama Records, Inc. ¶¶</b> 491 F.3d 574, 586 , 6th Cir.(Tenn.)  COPYRIGHTS - Fair Use. Manufacturing and selling of karaoke packages of copyrighted songs on profit-making basis was not transformative.	June 26, 2007	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>208. Clark v. Chrysler Corp.</b> 436 F.3d 594, 621 , 6th Cir.(Ky.)  TORTS - Damages. Punitive damages award against automobile manufacturer for design defect was unconstitutionally excessive.	Feb. 01, 2006	Case		<a href="#">1</a> <a href="#">8</a> <a href="#">14</a> S.Ct.
Cited by	 <b>209. Medlin v. Clyde Sparks Wrecker Service, Inc. ”</b> 59 Fed.Appx. 770, 777 , 6th Cir.(Tenn.)  TORTS - Damages. Punitive damages award of \$500,000 in personal injury action was not grossly excessive.	Mar. 11, 2003	Case		<a href="#">12</a> S.Ct.
Cited by	  <b>210. U.S. v. Alt ”</b> 83 F.3d 779, 784 , 6th Cir.(Mich.)  United States sued taxpayer for collection of back taxes, interest, and statutory penalties. The United States District Court for the Western District of Michigan, Benjamin F....	May 15, 1996	Case		<a href="#">4</a> S.Ct.
Cited by	  <b>211. U.S. v. Ursery ”</b> 59 F.3d 568, 573 , 6th Cir.(Mich.)  Defendant was convicted in the United States District Court for the Eastern District of Michigan, Avern Cohn, J., of manufacturing marijuana, and he appealed. The Court of...	July 13, 1995	Case		<a href="#">4</a> S.Ct.
Cited by	  <b>212. U.S. v. Certain Real Property 566 Hendrickson Blvd., Clawson, Oakland County, Mich. ”</b> 986 F.2d 990, 997 , 6th Cir.(Mich.)  United States government filed complaint seeking forfeiture of house on grounds that property had been used or was intended for use to facilitate violations of United States drug...	Feb. 26, 1993	Case		<a href="#">8</a> S.Ct.
Cited by	<b>213. Schutte v. Ciox Health, LLC</b> 28 F.4th 850, 855 , 7th Cir.(Wis.)  LITIGATION — Class Actions. Earlier case involved same or similar factual applications, precluding application of “mandatory local controversy” exception to CAFA jurisdiction.	Mar. 16, 2022	Case		<a href="#">14</a> S.Ct.
Cited by	<b>214. Sommerfield v. Knasiak</b> 967 F.3d 617, 622 , 7th Cir.(Ill.)  LABOR AND EMPLOYMENT — Discrimination. A \$540,000 punitive damages award was not excessive relative to the harm inflicted.	July 23, 2020	Case		<a href="#">13</a> S.Ct.
Cited by	<b>215. Crespo v. Colvin</b> 824 F.3d 667, 674+ , 7th Cir.  SOCIAL SECURITY — SSI. Departmental Appeals Board did not abuse its discretion in dismissing untimely appeal of decision imposing penalties on payee of SSI benefits.	May 31, 2016	Case		<a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>216. Adams v. City of Chicago</b> ¶ 798 F.3d 539, 546 , 7th Cir.(Ill.)  CIVIL RIGHTS - Damages. Damages of \$2.4 million to one arrestee and \$1 million to another were not excessive in civil rights case.	Aug. 14, 2015	Case		<a href="#">13</a> S.Ct.
Cited by	<b>217. Korte v. Sebelius</b> ¶ 735 F.3d 654, 696+ , 7th Cir.(Ill.)  CIVIL RIGHTS - Religion. Contraception coverage mandate imposed substantial burden on religious exercise.	Nov. 08, 2013	Case		—
Cited by	<b>218. E.E.O.C. v. AutoZone, Inc.</b> 707 F.3d 824, 840 , 7th Cir.(Ill.)  LABOR AND EMPLOYMENT - Discrimination. In ADA failure to accommodate case, punitive damages award of \$200,000 was supported by evidence and did not violate due process.	Feb. 15, 2013	Case		<a href="#">14</a> S.Ct.
Cited by	<b>219. U.S. v. Rogan</b> 517 F.3d 449, 453+ , 7th Cir.(Ill.)  HEALTH - Medicare. Hospital administrator could be required to repay to government entire amount that hospital received on claims violating FCA.	Feb. 20, 2008	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Cited by	<b>220. Loeb Industries, Inc. v. Sumitomo Corp.</b> 306 F.3d 469, 492 , 7th Cir.(Wis.)  ANTITRUST - Monopolies. Copper purchasers on cash market could bring Sherman Act claims for manipulation on futures market.	Sep. 20, 2002	Case		—
Cited by	<b>221. Perez v. Z Frank Oldsmobile, Inc.</b> ¶ 223 F.3d 617, 625+ , 7th Cir.(Ill.)  COMMERCIAL LAW - Consumer Protection. Odometer fraud statute did not authorize punitive award in addition to trebled damages.	July 31, 2000	Case		<a href="#">12</a> <a href="#">15</a> S.Ct.
Cited by	<b>222. McClain v. Owens-Corning Fiberglas Corp.</b> 139 F.3d 1124, 1126 , 7th Cir.(Ill.)  Widow, individually and as executor of deceased husband's estate, brought personal injury and wrongful death action against manufacturer, alleging husband died from mesothelioma...	Mar. 23, 1998	Case		<a href="#">12</a> S.Ct.
Cited by	<b>223. Pena v. Mattox</b> 84 F.3d 894, 903+ , 7th Cir.(Ill.)  Unwed biological father of child conceived during statutory rape brought civil rights action premised on deprivation of parental rights against state prosecutor and judge for their...	May 21, 1996	Case		<a href="#">8</a> S.Ct.
Cited by	<b>224. Cusumano v. Mapco Gas Products, Inc.</b> 85 F.3d 631, 631 , 7th Cir.(Ill.)  N.D.III. AFFIRMED IN PART, REVERSED IN PART, REMANDED.	Apr. 29, 1996	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>225. Levine v. U.S.</b> 48 F.3d 1221, 1221 , 7th Cir.(Ill.) N.D.Ill. AFFIRMED.	Mar. 09, 1995	Case		<a href="#">7</a> S.Ct.
Cited by	 <b>226. U.S. v. 7108 West Grand Ave., Chicago, Ill.</b> 15 F.3d 632, 635 , 7th Cir.(Ill.)  Clients moved for relief from forfeiture judgment against their real property which government alleged had been acquired with proceeds from client's drug business. The United...	Jan. 25, 1994	Case		<a href="#">1</a> S.Ct.
Cited by	<b>227. U.S. v. Certain Real Property, Commonly Known as 6250 Ledge Road, Egg Harbor, Wis.</b> 943 F.2d 721, 728+ , 7th Cir.(Wis.)  Order of forfeiture was entered in the United States District Court for the Eastern District of Wisconsin, Myron L. Gordon, Senior District Judge, 747 F.Supp. 505, and appeal was...	Sep. 11, 1991	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>228. U.S. v. On Leong Chinese Merchants Ass'n Bldg.</b> 918 F.2d 1289, 1299 , 7th Cir.(Ill.)  Claimant appealed order of the United States District Court for the Northern District of Illinois, Eastern Division, Ilana Diamond Rovner, J., granting summary judgment to United...	Nov. 14, 1990	Case		<a href="#">3</a> S.Ct.
Cited by	 <b>229. Schaub v. VonWald</b> ¶¶ 638 F.3d 905, 924 , 8th Cir.(Minn.)  CIVIL RIGHTS - Prisons. Director of county ADC knowingly and deliberately disregarded paraplegic prisoner's serious medical needs.	Apr. 26, 2011	Case		<a href="#">7</a> <a href="#">11</a> <a href="#">13</a> S.Ct.
Cited by	 <b>230. Quigley v. Winter</b> 598 F.3d 938, 955 , 8th Cir.(Iowa)  REAL PROPERTY - Subsidized Housing. Evidence was sufficient to demonstrate that male landlord subjected female tenant to sexual harassment.	Mar. 16, 2010	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>231. Haynes v. Stephenson</b> 588 F.3d 1152, 1159 , 8th Cir.(Ark.)  CIVIL RIGHTS - Prisons. High ratio of punitive to economic damages awarded inmate in his retaliatory discipline action did not offend due process.	Dec. 16, 2009	Case		—
Cited by	<b>232. Schaefer v. Spider Staging Corp.</b> 275 F.3d 735, 738 , 8th Cir.(Mo.)  COMMERCIAL LAW - Indemnity. Provision indemnifying scaffolding lessor for its own negligence was enforceable.	Jan. 07, 2002	Case		<a href="#">12</a> S.Ct.
Cited by	 <b>233. Grabinski v. Blue Springs Ford Sales, Inc.</b> 203 F.3d 1024, 1026 , 8th Cir.(Mo.)  COMMERCIAL LAW - Sales. Punitive damages against car dealerships for concealing collision damage were not constitutionally excessive.	Feb. 16, 2000	Case		—




Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>234. U.S. v. Lippert</b> ¶ 148 F.3d 974, 978 , 8th Cir.(Mo.)  After government contractor pleaded guilty to knowingly and willfully soliciting and accepting kickbacks from subcontractors in violation of the Anti-Kickback Act, served an...	July 02, 1998	Case		<a href="#">6</a> S.Ct.
Cited by	 <b>235. Parsons v. First Investors Corp.</b> 122 F.3d 525, 528+ , 8th Cir.(Mo.)  Investors sued securities company, alleging that they were fraudulently induced to invest in junk bond mutual fund managed by company. The United States District Court for the...	Aug. 07, 1997	Case		<a href="#">12</a> S.Ct.
Cited by	 <b>236. Kimzey v. Wal-Mart Stores, Inc.</b> 107 F.3d 568, 577 , 8th Cir.(Mo.)  Former employee brought Title VII, and Missouri Human Rights Act (MHRA) action against employer alleging sexual harassment and constructive discharge. After jury returned verdict...	Feb. 20, 1997	Case		—
Cited by	 <b>237. Coleman v. Watt</b> 40 F.3d 255, 263 , 8th Cir.(Ark.)  Plaintiff filed class action against judge and city seeking damages and injunctive relief for impoundment of his motor vehicle. The United States District Court for the Eastern...	Oct. 25, 1994	Case		<a href="#">5</a> S.Ct.
Cited by	 <b>238. Latham Seed Co. v. Nickerson American Plant Breeders, Inc.</b> ¶ 978 F.2d 1493, 1500+ , 8th Cir.(Iowa)  Distributors that grew commercial seed from seed stock company's stock brought suit against company for its alleged fraud and breach of contract. The United States District Court...	Nov. 09, 1992	Case		<a href="#">12</a> <a href="#">13</a> S.Ct.
Cited by	<b>239. Jordan v. Clayton Brokerage Co. of St. Louis, Inc.</b> 975 F.2d 539, 541 , 8th Cir.(Mo.)  Brokerage company appealed judgment of the United States District Court for the Western District of Missouri, D. Brook Bartlett, J., on jury verdict awarding commodities future...	Sep. 18, 1992	Case		<a href="#">8</a> S.Ct.
Cited by	<b>240. U.S. v. Granados</b> ¶ 962 F.2d 767, 773 , 8th Cir.(Neb.)  Defendants were convicted of conspiracy to possess with intent to distribute cocaine and knowing and intentional possession with intent to distribute cocaine and sentenced to 175...	Apr. 15, 1992	Case		<a href="#">3</a> S.Ct.
Cited by	<b>241. Reese v. Railroad Retirement Bd.</b> ¶ 906 F.2d 355, 358 , 8th Cir.  Disability annuitant petitioned for judicial review of Railroad Retirement Board's final decision affirming and adopting appeal referee's decision which denied recovery of...	June 21, 1990	Case		—



Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>242. Czajka v. Black</b>  901 F.2d 1484, 1485 , 8th Cir.(Mo.)  Prisoners brought actions against corrections officers under § 1983, alleging violations of their Eighth and Fourteenth Amendment rights to be free from cruel and unusual...	May 02, 1990	Case		—
Cited by	 <b>243. Western Fireproofing Co. v. W.R. Grace &amp; Co.</b> 896 F.2d 286, 294+ , 8th Cir.(Mo.)  Roofing product application licensee brought action against licensor, asserting that licensor fraudulently induced it to enter into license agreement by representing that licensee...	Feb. 07, 1990	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>244. Pimentel v. City of Los Angeles</b>  966 F.3d 934, 942+ , 9th Cir.(Cal.)  GOVERNMENT — Municipalities. The Eighth Amendment's Excessive Fines Clause applies to municipal parking fines.	July 22, 2020	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>245. Pimentel v. City of Los Angeles</b>  974 F.3d 917, 926+ , 9th Cir.(Cal.)  GOVERNMENT — Municipalities. The Eighth Amendment's Excessive Fines Clause applies to municipal parking fines.	July 22, 2020	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>246. Kaffaga v. Estate of Steinbeck</b> 938 F.3d 1006, 1018 , 9th Cir.(Cal.)  TORTS — Damages. Substantial evidence supported jury's award of punitive damages for slander of title, breach of contract, and tortious interference with economic advantage.	Sep. 09, 2019	Case		<a href="#">10</a> <a href="#">14</a> S.Ct.
Cited by	 <b>247. Martin v. City of Boise</b>  920 F.3d 584, 600 , 9th Cir.(Idaho)  CRIMINAL JUSTICE — Vagrancy. City's public camping ordinance violates homeless persons rights under Eighth Amendment.	Apr. 01, 2019	Case		<a href="#">3</a> S.Ct.
Cited by	 <b>248. Arizona v. ASARCO LLC</b> 733 F.3d 882, 890 , 9th Cir.(Ariz.)  LABOR AND EMPLOYMENT - Damages. Ratio of punitive damages to compensatory damages of 125,000 to 1 did not violate due process.	Oct. 24, 2013	Case		—
Cited by	 <b>249. U.S. v. Ferro</b>  681 F.3d 1105, 1110+ , 9th Cir.(Cal.)  CRIMINAL JUSTICE - Forfeitures. District court misapplied the excessive fine inquiry in an in rem forfeiture proceeding brought against firearms.	June 11, 2012	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a> S.Ct.
Cited by	 <b>250. Southern Union Co. v. Irvin</b>  563 F.3d 788, 793 , 9th Cir.(Ariz.)  TORTS - Tortious Interference. Punitive damages award 10 times compensatory award violated due process, in tortious interference with contract case.	Mar. 27, 2009	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>251. Southern Union Co. v. Irvin</b> ” 548 F.3d 1230, 1234 , 9th Cir.(Ariz.)  TORTS - Tortious Interference. Punitive damages award 10 times compensatory award violated due process, in tortious interference with contract case.	Nov. 07, 2008	Case		—
Cited by	 <b>252. In re Exxon Valdez</b> 490 F.3d 1066, 1074+ , 9th Cir.(Alaska)  TORTS - Exxon Valdez. A 5 to 1 ratio of punitive damages to harm was appropriate in awarding punitive damages for Exxon Valdez oil spill.	May 23, 2007	Case		<a href="#">14</a> S.Ct.
Cited by	 <b>253. Wolfe v. George</b> ” 486 F.3d 1120, 1127 , 9th Cir.(Cal.)  CIVIL RIGHTS - Due Process. California vexatious litigant statute was rationally related to legitimate state purpose.	Apr. 30, 2007	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	 <b>254. Incalza v. Fendi North America, Inc.</b> 479 F.3d 1005, 1013 , 9th Cir.(Cal.)  IMMIGRATION - Employment. Immigration Reform and Control Act did not preempt state law forbidding employers from firing employee without good cause.	Mar. 06, 2007	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	 <b>255. In re Exxon Valdez</b> 472 F.3d 600, 603+ , 9th Cir.(Alaska)  TORTS - Exxon Valdez. A 5 to 1 ratio of punitive damages to harm was appropriate in awarding punitive damages for Exxon Valdez oil spill.	Dec. 22, 2006	Case		<a href="#">14</a> S.Ct.
Cited by	 <b>256. Fleck and Associates, Inc. v. Phoenix, City of, an Arizona Mun. Corp.</b> ” 471 F.3d 1100, 1104 , 9th Cir.(Ariz.)  CIVIL RIGHTS - Privacy. Corporation did not have constitutionally protected privacy interest implicated by ordinance banning live sex act businesses.	Dec. 22, 2006	Case		<a href="#">6</a> S.Ct.
Cited by	 <b>257. U.S. v. Scott</b> 450 F.3d 863, 867 , 9th Cir.(Nev.)  CRIMINAL JUSTICE - Searches and Seizures. Warrantless searches imposed as condition of pretrial release required probable cause despite defendant's consent.	June 09, 2006	Case		<a href="#">3</a> S.Ct.
Cited by	 <b>258. U.S. v. Scott</b> 424 F.3d 888, 891 , 9th Cir.(Nev.)  CRIMINAL JUSTICE - Searches and Seizures. Warrantless searches imposed as a condition of pretrial release required probable cause showing.	Sep. 09, 2005	Case		<a href="#">3</a> S.Ct.
Cited by	 <b>259. U.S. v. \$100,348.00 in U.S. Currency</b> 354 F.3d 1110, 1124 , 9th Cir.(Cal.)  CRIMINAL JUSTICE - Forfeitures. Lawful possessor had standing to challenge forfeiture as excessive.	Jan. 16, 2004	Case		<a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>260. Freund v. Nycomed Amersham</b> ¶¶ 347 F.3d 752, 762+ , 9th Cir.(Cal.) LITIGATION - Motion Practice. Litigant failing to secure conditional ruling does not lose right to new trial if JAML is reversed.	Oct. 21, 2003	Case		<a href="#">14</a> S.Ct.
Cited by	 <b>261. Clausen v. M/V NEW CARISSA</b> ¶¶ 339 F.3d 1049, 1065 , 9th Cir.(Or.) ENVIRONMENTAL LAW - Experts. Expert's causation testimony was admissible in action to recover from shipowners for oyster deaths.	Aug. 12, 2003	Case		<a href="#">10</a> S.Ct.
Cited by	 <b>262. Freund v. Nycomed Amersham</b> ¶¶ 326 F.3d 1070, 1079+ , 9th Cir.(Cal.) LABOR AND EMPLOYMENT - Wrongful Discharge. California Labor Code § 6310 supports claim of tortious wrongful discharge violating public policy.	Apr. 22, 2003	Case		<a href="#">14</a> S.Ct.
Cited by	 <b>263. Hemmings v. Tidyman's Inc.</b> ¶¶ 285 F.3d 1174, 1202 , 9th Cir.(Wash.) LABOR AND EMPLOYMENT - Discrimination. Title VII's statutory damages cap did not apply to front pay awards.	Apr. 11, 2002	Case		—
Cited by	<b>264. Provident Life &amp; Acc. Inc. Co.</b> ¶¶ 32 Fed.Appx. 821, 825+ , 9th Cir.(Cal.) INSURANCE - Damages. Punitive damages award of \$800,000 in disability insurance fraud case was excessive under state law.	Feb. 13, 2002	Case		<a href="#">12</a> <a href="#">13</a> S.Ct.
Cited by	 <b>265. Yeti by Molly, Ltd. v. Deckers Outdoor Corp.</b> 259 F.3d 1101, 1111 , 9th Cir.(Mont.) INTELLECTUAL PROPERTY - Trade Secrets. Exemplary damages were available.	Aug. 08, 2001	Case		<a href="#">9</a> <a href="#">15</a> S.Ct.
Cited by	 <b>266. Bird v. Glacier Elec. Coop., Inc.</b> ¶¶ 255 F.3d 1136, 1152 , 9th Cir.(Mont.) NATIVE AMERICANS - Tribal Courts. Appeal to racial bias in closing argument precluded grant of comity to tribal court judgment.	July 10, 2001	Case		—
Cited by	 <b>267. Silver Sage Partners, Ltd. v. City of Desert Hot Springs</b> 251 F.3d 814, 819 , 9th Cir.(Cal.) REAL PROPERTY - Subsidized Housing. Developer was not required to show likelihood that city would violate Fair Housing Act in future.	June 01, 2001	Case		<a href="#">13</a> S.Ct.
Cited by	<b>268. Fontana Products Inc. v. Spartech Plastics Corp.</b> 6 Fed.Appx. 591, 593 , 9th Cir.(Cal.) TORTS - Fraud. Jury award of fraud damages of just over \$1.6 million was within range supported by evidence.	Mar. 08, 2001	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>269. Rucker v. Davis</b> 237 F.3d 1113, 1141 , 9th Cir.(Cal.)  REAL PROPERTY - Subsidized Housing. Drug eviction statute does not apply to innocent public housing tenants.	Jan. 24, 2001	Case		<a href="#">5</a> S.Ct.
Cited by	<b>270. Petet v. Equity Residential Properties Trust</b> 234 F.3d 1278, 1278 , 9th Cir.(Wash.)  Washington courts have held that the public policy exception to employment at will "is a narrow one, and the burden is on the employee to prove that the dismissal violates a clear...	Aug. 17, 2000	Case		<a href="#">9</a> S.Ct.
Cited by	 <b>271. Three Boys Music Corp. v. Bolton</b> 212 F.3d 477, 488 , 9th Cir.(Cal.)  INTELLECTUAL PROPERTY - Entertainment. Record company could not deduct income taxes from profits in copyright infringement suit.	May 09, 2000	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	 <b>272. De Saracho v. Custom Food Machinery, Inc.</b> 206 F.3d 874, 880 , 9th Cir.(Cal.)  LITIGATION - Discovery. Relief from judgment was not warranted by plaintiffs' alleged discovery violations.	Mar. 03, 2000	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	 <b>273. Defenders of Wildlife v. Bernal</b> 204 F.3d 920, 929 , 9th Cir.(Ariz.)  ENVIRONMENTAL LAW - Endangered Species. Finding that construction of school would not take endangered pygmy owl was supported by evidence.	Feb. 28, 2000	Case		<a href="#">9</a> S.Ct.
Cited by	<b>274. Adgate v. Robinson Ford Sales, Inc.</b> 208 F.3d 220, 220 , 9th Cir.(Cal.)  A jury found that Kenneth Adgate, former parts and service director at Robinson Ford Sales, Inc., was wrongfully discharged in violation of public policy, and awarded damages....	Feb. 22, 2000	Case		—
Cited by	<b>275. Aeroquip Corp. v. Adams</b> 203 F.3d 830, 830 , 9th Cir.(Alaska)  Aeroquip Corporation ("Aeroquip") sued two of its former distributors, Alaska Rubber & Supply and Alaska Interior Rubber and Supply, Inc. (collectively "Distributors"),...	Nov. 24, 1999	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	 <b>276. Pavon v. Swift Transp. Co., Inc. ”</b> 192 F.3d 902, 909 , 9th Cir.(Or.)  Terminated employee brought action against employer alleging violations of Title VII and § 1981, and wrongful discharge. Following jury trial, the United States District Court for...	Sep. 20, 1999	Case		<a href="#">12</a> S.Ct.
Cited by	<b>277. Luse v. Rody</b> 188 F.3d 513, 513 , 9th Cir.(Alaska)  The Ketchikan Gateway Borough and Borough Manager Michael Dean Rody ("Rody") (collectively, "Appellants") appeal the district court's judgment and denial of motions for...	Aug. 18, 1999	Case		<a href="#">9</a> S.Ct.


















Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>278. Noriega-Perez v. U.S.</b> ¶ 179 F.3d 1166, 1181+ , 9th Cir.  Petitioner who had been previously convicted, imprisoned, and fined for conspiracy to possess forged, counterfeit, and false documents brought action challenging final order of...	June 09, 1999	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	<b>279. Club 93, Inc. v. First Sec. Bank of Idaho, N.A.</b> 178 F.3d 1299, 1299 , 9th Cir.(Idaho)  This is a lender liability case, tried under Idaho law and diversity jurisdiction. First Security Bank of Idaho, N.A. (FSB), an Idaho bank and defendant below, appeals an adverse...	May 07, 1999	Case		—
Cited by	<b>280. Smith v. Beech Aircraft Corp.</b> 178 F.3d 1300, 1300 , 9th Cir.(Ariz.)  Beech Aircraft Corp. ("Beech") appeals several orders entered by the United States District Court for the District of Arizona in a wrongful death action brought by Kathleen Smith...	Apr. 29, 1999	Case		<a href="#">9</a> S.Ct.
Cited by	<b>281. Lewis v. Festo Corp.</b> 182 F.3d 926, 926 , 9th Cir.(Ariz.)  On February 21, 1990, Festo Corporation (Festo) hired James H. Lewis (Lewis) as a sales engineer within Festo's western region. At the time, Lewis resided in the Phoenix area, and...	Apr. 28, 1999	Case		<a href="#">9</a> S.Ct.
Cited by	<b>282. Malone v. California State College</b> 172 F.3d 57, 57 , 9th Cir.(Cal.)  Appellant Mozelle Malone ("Malone") appeals pro se the district court's judgment as a matter of law in favor of California State College, Stanislaus ("Stanislaus"); California...	Mar. 02, 1999	Case		<a href="#">9</a> S.Ct.
Cited by	<b>283. Ranger Enterprises, Inc. v. Leen &amp; Associates, Inc.</b> ¶ 163 F.3d 607, 607+ , 9th Cir.(Or.)  Ranger Enterprises, Inc. ("Ranger") appeals the district court's judgment as a matter of law in favor of Leen & Associates, Inc. ("Leen"), its employee, Tony McBride, and...	Sep. 21, 1998	Case		<a href="#">12</a> S.Ct.
Cited by	<b>284. Strain v. Payette School Dist. No. 371J</b> 134 F.3d 379, 379 , 9th Cir.(Idaho)  Floyd Strain appeals the judgment on jury verdict in favor of the Payette School District No. 317J in his action for damages brought under 42 U.S.C. § 1983 and state law claims...	Jan. 14, 1998	Case		<a href="#">9</a> S.Ct.
Cited by	<b>285. Hawkins v. Merchants Nat. Bank</b> 127 F.3d 1105, 1105 , 9th Cir.(Cal.)  Merchants National Bank ("Merchants") appeals from a judgment entered following a jury verdict in favor of Leanna Lee Hawkins. We have jurisdiction pursuant to 28 U.S.C. §...	Oct. 08, 1997	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.




Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>286. <a href="#">Ahring v. Truck Ins. Exchange</a></b> 122 F.3d 1069, 1069 , 9th Cir.(Ariz.)  The panel majority has voted to deny appellant Truck Insurance Exchange's petition for rehearing. Judge Farris would grant the petition for rehearing. Judges Fletcher and Hall...	Aug. 20, 1997	Case		<a href="#">9</a> S.Ct.
Cited by	<b>287. <a href="#">Swanson v. Arctic Alaska Fisheries Corp.</a></b> 119 F.3d 7, 7 , 9th Cir.(Alaska)  Michael Swanson appeals from the district court's judgment after a bench trial awarding him \$10,216 in damages for an ankle injury that he suffered while serving aboard the Bering...	July 18, 1997	Case		<a href="#">9</a> S.Ct.
Cited by	<b>288. <a href="#">E.E.O.C. v. Pape Lift, Inc.</a></b> 115 F.3d 676, 680 , 9th Cir.(Or.)  Equal Employment Opportunity Commission (EEOC) brought suit against employer under Age Discrimination in Employment Act (ADEA). Following jury verdict for EEOC, employer moved...	June 02, 1997	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>289. <a href="#">Neibel v. Trans World Assur. Co.</a></b> 108 F.3d 1123, 1130 , 9th Cir.(Cal.)  Participants in unsuccessful tax avoidance scheme filed action against insurance company allegedly involved in scheme, asserting claims for violations of Racketeer Influenced and...	Mar. 11, 1997	Case		<a href="#">15</a> S.Ct.
Cited by	<b>290. <a href="#">Central Office Telephone, Inc. v. American Tel. and Tel. Co.</a></b> 108 F.3d 981, 992 , 9th Cir.(Or.)  Switchless reseller of long-distance telephone services brought action against long-distance telephone company, alleging, inter alia, breach of contract, breach of implied covenant...	Feb. 26, 1997	Case		<a href="#">12</a> S.Ct.
Cited by	<b>291. <a href="#">Alexander v. Stark</a></b> 99 F.3d 1145, 1145 , 9th Cir.(Cal.)  S.D.Cal. AFFIRMED.	Oct. 15, 1996	Case		<a href="#">9</a> S.Ct.
Cited by	<b>292. <a href="#">McClaran v. Plastic Industries, Inc.</a></b> 97 F.3d 347, 354 , 9th Cir.(Idaho)  Kayak designer sued manufacturer for breach of contract, based on its assignment of nonassignable license agreement. Designer also sued assignee and its parent corporation for...	Sep. 30, 1996	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>293. <a href="#">Zender v. Vlasic Foods, Inc.</a></b> 91 F.3d 158, 158 , 9th Cir.(Cal.)  C.D.Cal. AFFIRMED IN PART, REVERSED IN PART.	July 19, 1996	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>294. <a href="#">California Pacific Medical Center v. Copy-Mor, Inc.</a></b> 91 F.3d 150, 150+ , 9th Cir.(Cal.)  N.D.Cal. AFFIRMED.	July 16, 1996	Case		<a href="#">9</a> <a href="#">13</a> <a href="#">15</a> S.Ct.
Cited by	<b>295. <a href="#">Franklin v. D'Amico Societa Di Navigazione S.P.A.</a></b> --- Fed.Appx. ---- , 9th Cir.(Or.)  D.Or. AFFIRMED.	Nov. 03, 1995	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>296. Smith v. Tow Boat Service &amp; Management, Inc.</b> 66 F.3d 336, 336 , 9th Cir.(Hawai'i) D.Hawai'i AFFIRMED.	Aug. 30, 1995	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>297. U.S. v. Kearns</b> 61 F.3d 1422, 1428+ , 9th Cir.(Ariz.) Following reinstatement of indictment, 5 F.3d 1251,931828 defendant was tried and convicted in the United States District Court for the District of Arizona, Roger G. Strand, J., of...	Aug. 04, 1995	Case		<a href="#">3</a> <a href="#">4</a> S.Ct.
Cited by	<b>298. Burrows v. Core-Mark Intern., Inc</b> 54 F.3d 785, 785 , 9th Cir.(Or.) D.Or. AFFIRMED.	May 10, 1995	Case		<a href="#">12</a> S.Ct.
Cited by	<b>299. Fulop v. Hamilton</b> 46 F.3d 1141, 1141 , 9th Cir.(Mont.) D.Mont. [APPEAL AFTER REMAND, 988 F.2d 118]. AFFIRMED.	Feb. 03, 1995	Case		<a href="#">9</a> S.Ct.
Cited by	<b>300. Resolution Trust Corp. v. Bayside Developers</b> 43 F.3d 1230, 1240 , 9th Cir.(Cal.) Bank brought action in California state court against developer of condominium project for specific performance of rents and profits clause in deed of trust and for appointment of...	Dec. 13, 1994	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>301. Hopkins v. Dow Corning Corp. ”</b> 33 F.3d 1116, 1126 , 9th Cir.(Cal.) Silicone breast implant recipient filed products liability action against manufacturer. The United States District Court for the Northern District of California, Thelton E....	Aug. 26, 1994	Case		<a href="#">12</a> S.Ct.
Cited by	<b>302. Tinsley v. Lomax</b> 33 F.3d 59, 59 , 9th Cir.(Cal.) E.D.Cal. AFFIRMED.	Aug. 16, 1994	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>303. Piper v. J.R. Simplot Co., Inc.</b> 24 F.3d 248, 248 , 9th Cir.(Idaho) D.Idaho AFFIRMED.	May 12, 1994	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>304. Bradford v. City of Los Angeles</b> 21 F.3d 1111, 1111 , 9th Cir.(Cal.) C.D.Cal. AFFIRMED.	Apr. 04, 1994	Case		<a href="#">9</a> S.Ct.
Cited by	<b>305. Weber v. Gorenfeld ”</b> 8 F.3d 34, 34 , 9th Cir.(Cal.) C.D.Cal. [APPEAL AFTER REMAND FROM 928 F.2d 409]. AFFIRMED.	Sep. 30, 1993	Case		<a href="#">5</a> S.Ct.
Cited by	<b>306. Roadarmel v. Great Western Chemical Co.</b> 996 F.2d 1227, 1227 , 9th Cir.(Mont.) D.Mont. AFFIRMED.	June 23, 1993	Case		<a href="#">9</a> S.Ct.
Cited by	<b>307. U.S. v. Real Property Located at 24124 Lemay Street, West Hills, Cal.</b> 996 F.2d 1229, 1229+ , 9th Cir.(Cal.) C.D.Cal. AFFIRMED.	June 14, 1993	Case		<a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>308. U.S. for Use and Ben. of Conveyor Rental &amp; Sales Co. v. Aetna Cas. &amp; Sur. Co.</b> 981 F.2d 448, 452 , 9th Cir.(Ariz.)  Lessor of equipment rented by Indian tribe to furnish general contractor with crushed rock to complete government contract sued general contractor's surety seeking payment from...	Dec. 10, 1992	Case		<a href="#">9</a> S.Ct.
Cited by	<b>309. Morgan v. Woessner</b> 975 F.2d 629, 640+ , 9th Cir.(Cal.)  Passenger arrested in airport as suspected drug courier brought claim for damages under California law and civil rights claims under § 1983. The United States District Court for...	Sep. 15, 1992	Case		<a href="#">12</a> S.Ct.
Cited by	<b>310. U.S. v. Real Property, Located at Route 1, Box 190, Manton, Cal.</b> 927 F.2d 612, 612+ , 9th Cir.(Cal.)  E.D.Cal. AFFIRMED.	Mar. 07, 1991	Case		<a href="#">3</a> S.Ct.
Cited by	<b>311. Zaragoza v. Pacific Gas and Elec. Co.</b> 899 F.2d 20, 20 , 9th Cir.(Cal.)  E.D.Cal. AFFIRMED.	Apr. 05, 1990	Case		<a href="#">8</a> S.Ct.
Cited by	<b>312. McCune v. United States Securities and Exchange Commission</b> ¶¶ 672 Fed.Appx. 865, 870 , 10th Cir.  SECURITIES REGULATION — Self-Regulatory Organizations. SEC properly upheld six-month suspension of Financial Industry Regulatory Authority associate for willful failure to update...	Dec. 06, 2016	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>313. Biocore, Inc. v. Khosrowshahi</b> ¶¶ 80 Fed.Appx. 619, 627+ , 10th Cir.(Kan.)  COMMERCIAL LAW - Trade Secrets. District court erred in setting aside jury award in medical technology trade secrets case.	Nov. 04, 2003	Case		<a href="#">12</a> <a href="#">13</a> S.Ct.
Cited by	<b>314. Hopkins v. Oklahoma Public Employees Retirement System</b> ¶¶ 150 F.3d 1155, 1162+ , 10th Cir.(Okla.)  Retired state employee sued Oklahoma Public Employees Retirement System (OPERS) under § 1983, challenging state's forfeiture of more than two-thirds of his pension as result of his...	June 30, 1998	Case		<a href="#">4</a> <a href="#">5</a> S.Ct.
Cited by	<b>315. U.S. v. 829 Calle de Madero, Chaparral, Otero County, N.M.</b> 100 F.3d 734, 736+ , 10th Cir.(N.M.)  Government brought civil forfeiture action seeking forfeiture of claimants' residence after claimants were convicted of drug-related charges. The United States District Court for...	Nov. 12, 1996	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>316. Massey v. Farmers Ins. Group</b> ¶¶ 986 F.2d 1428, 1428 , 10th Cir.(Okla.)  E.D.Okl. AFFIRMED.	Feb. 09, 1993	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>317. MidAmerica Federal Sav. &amp; Loan Ass'n v. Shearson/American Exp., Inc.</b> ¶ 962 F.2d 1470, 1474+ , 10th Cir.(Okla.)  Plaintiff which prevailed on state claims for breach of fiduciary duty and violation of the Oklahoma Securities Act applied for attorney fees under the Act. The United States...	Apr. 28, 1992	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	 <b>318. The Post Office v. Portec, Inc.</b> 913 F.2d 802, 809 , 10th Cir.(Colo.)  Developer of package handling chutes and holder of trademark brought action against manufacturer alleging trademark infringement, misappropriation of trade secrets, breach of...	Aug. 27, 1990	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>319. Pettway v. Marshall</b> ¶ 2022 WL 14204463, *5 , 11th Cir.(Ala.)  In this 42 U.S.C. § 1983 case, we must consider whether the district court correctly determined that Younger abstention was not appropriate and that Defendant-Appellee Alabama's...	Oct. 25, 2022	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">8</a> S.Ct.
Cited by	 <b>320. U.S. v. Chaplin's, Inc.</b> 646 F.3d 846, 851 , 11th Cir.(Ga.)  CRIMINAL JUSTICE - Forfeitures. Forfeiture order did not violate Excessive Fines Clause.	July 13, 2011	Case		—
Cited by	 <b>321. Myers v. Central Florida Investments, Inc.</b> 592 F.3d 1201, 1211+ , 11th Cir.(Fla.)  TORTS - Assault and Battery. Punitive damages award for battery was not excessive.	Jan. 06, 2010	Case		—
Cited by	 <b>322. Action Marine, Inc. v. Continental Carbon Inc.</b> 481 F.3d 1302, 1322 , 11th Cir.(Ala.)  TORTS - Damages. Punitive damages award of \$17.5 million against manufacturer of carbon black was not unconstitutionally excessive.	Mar. 21, 2007	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>323. Schiavo ex rel. Schindler v. Schiavo</b> 403 F.3d 1289, 1295 , 11th Cir.(Fla.)  HEALTH - Right to Die. Rejection of Schiavo parents' ADA claim affirmed on appeal.	Mar. 25, 2005	Case		<a href="#">3</a> S.Ct.
Cited by	 <b>324. U.S. v. Chavez</b> ¶ 204 F.3d 1305, 1314 , 11th Cir.(Ala.)  CRIMINAL JUSTICE - Jury. Assault by striking within territorial jurisdiction of United States was petty offense.	Feb. 29, 2000	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	 <b>325. U.S. v. 817 N.E. 29th Drive, Wilton Manors, Fla.</b> 175 F.3d 1304, 1309 , 11th Cir.(Fla.)  Government brought action seeking forfeiture of two parcels of land owned by defendant who had been convicted in state court of drug possession and trafficking. The United States...	May 21, 1999	Case		<a href="#">5</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>326. Riley v. Camp</b> 130 F.3d 958, 980 , 11th Cir.(Ga.)  The Court having been polled at the request of one of the members of the Court and a majority of the Circuit Judges who are in regular active service not having voted in favor of...	Dec. 08, 1997	Case		<a href="#">15</a> S.Ct.
Cited by	 <b>327. U.S. v. One Parcel Property Located at 427 and 429 Hall Street, Montgomery, Montgomery County, Ala.</b> 74 F.3d 1165, 1170+ , 11th Cir.(Ala.)  In civil forfeiture proceedings against grocery store, the United States District Court for the Middle District of Alabama, No. CV-91-A-1302-N,W. Harold Albritton, III, J., 842...	Feb. 14, 1996	Case		<a href="#">4</a> S.Ct.
Cited by	 <b>328. American Employers Ins. Co. v. Southern Seeding Services, Inc. ¶¶</b> 931 F.2d 1453, 1458 , 11th Cir.(Ala.)  Liability insurer brought declaratory judgment action, and insured counterclaimed for bad faith in handling of underlying lawsuit. The United States District Court for the...	May 22, 1991	Case		<a href="#">12</a> S.Ct.
Cited by	 <b>329. We the People Foundation, Inc. v. U.S. ¶¶</b> 485 F.3d 140, 144 , D.C.Cir.  CIVIL RIGHTS - Petition Clause. Petition Clause does not incorporate right to receive response.	May 08, 2007	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>330. In re Korean Air Lines Disaster of Sept. 1, 1983 ¶¶</b> 932 F.2d 1475, 1486 , D.C.Cir.  Representatives of passengers of airline flight shot down over Soviet airspace brought suit against airline and others. The United States District Court for the District of...	May 07, 1991	Case		<a href="#">12</a> S.Ct.
Cited by	<b>331. Barber v. Alabama ¶¶</b> 2021 WL 37634, *7 , N.D.Ala.  When Jefferson County deputy sheriffs stopped Donald Joe Barber and learned that he was driving without a license, the deputies, with the assistance of Hurst Towing & Recovery,...	Jan. 05, 2021	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>332. Pettway v. Attorney General Steve Marshall ¶¶</b> 2020 WL 4016057, *4 , N.D.Ala.  Plaintiffs in this case allege that the Defendant violated the Fourth and Eighth Amendments by seizing funds that Plaintiffs earned while serving as a consultant for a pair of...	July 16, 2020	Case		<a href="#">1</a> <a href="#">4</a> S.Ct.
Cited by	 <b>333. Pettway v. Marshall ¶¶</b> 2020 WL 2767330, *4 , N.D.Ala.  Plaintiffs in this case allege that the Defendant violated the Fourth and Eighth Amendments by seizing funds that Plaintiffs earned while serving as a consultant for a pair of...	May 28, 2020	Case		<a href="#">4</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>334. Ray v. Judicial Correction Services, Inc. ”</b> 2018 WL 3012276, *5 , N.D.Ala.  This case is before the court on Plaintiffs' Motion for Reconsideration. (Doc. # 663). In this motion, Plaintiffs request that the court reconsider three claims on which it...	June 15, 2018	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Cited by	<b>335. Carden v. Town of Harpersville ”</b> 2017 WL 4180858, *20+ , N.D.Ala.  This case is before the court on the Motions to Dismiss Plaintiff's First Amended and Restated Complaint (Docs. # 47-49), filed by Defendants Judicial Correction Services, Inc....	Sep. 21, 2017	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>336. Ray v. Judicial Correction Services, Inc. ”</b> 270 F.Supp.3d 1262, 1310+ , N.D.Ala.  CIVIL RIGHTS — Arrest and Detention. Private probation services corporation was not liable on probationers' § 1983 claim for false arrest based on submission of revocation...	Sep. 12, 2017	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Cited by	<b>337. Wiggins v. FDIC ”</b> 2016 WL 8260843, *21+ , N.D.Ala.  This case is before the undersigned on defendant Federal Deposit Insurance Corporation's ("FDIC") motion to dismiss Plaintiffs' Second Amended Complaint. (Doc. 100). The FDIC moves...	Dec. 16, 2016	Case		<a href="#">8</a> <a href="#">14</a> S.Ct.
Cited by	<b>338. Roberts v. Boothe ”</b> 2013 WL 5819873, *4+ , N.D.Ala.  This is a habeas corpus case. Petitioner Johnny Ray Roberts originally filed his petition in the United States District Court for the Middle District of Alabama. Mr. Roberts, an...	Oct. 29, 2013	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Cited by	<b>339. Atchafalaya Marine, LLC v. National Union Fire Ins. Co. of Pittsburgh, PA</b> 959 F.Supp.2d 1313, 1330 , S.D.Ala.  INSURANCE - Marine. Jury's punitive damages award against marine insurer for abnormal bad faith comported with due process and was not excessive.	Apr. 01, 2013	Case		<a href="#">11</a> <a href="#">12</a> <a href="#">14</a> S.Ct.
Cited by	<b>340. U.S. v. One Parcel Property Located at 427 and 429 Hall Street, Montgomery, Montgomery County, Ala.</b> 853 F.Supp. 1389, 1396+ , M.D.Ala.  In civil forfeiture proceedings against grocery store, the United States District Court for the Middle District of Alabama, 842 F.Supp. 1421, entered judgment for government. ...	May 19, 1994	Case		<a href="#">3</a> S.Ct.
Cited by	<b>341. Herndon v. Experian Information Solutions, Inc.</b> 2023 WL 3020566, *1 , D.Alaska  Before the Court at Docket 30 is Plaintiff Heather Herndon's Motion for Summary Judgment. Defendant Experian Information Solutions, Inc. filed a brief in opposition at Docket 36....	Apr. 20, 2023	Case		—



Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>342. Grove v. Unocal Corporation</b> 2008 WL 11429530, *6 , D.Alaska  At docket 160, plaintiffs requested partial summary judgement pursuant to Rule 56 of the Federal Rules of Civil Procedure. Specifically, plaintiffs requested this Court to grant...	May 16, 2008	Case		<a href="#">10</a> S.Ct.
Cited by	<b>343. Grove v. Unocal Corporation</b> 2008 WL 11429724, *3 , D.Alaska  At docket 209, defendant Unocal Corporation (hereafter Unocal), requested partial summary judgement pursuant to Rule 56 of the Federal Rules of Civil Procedure. Specifically,...	May 16, 2008	Case		<a href="#">10</a> S.Ct.
Cited by	<b>344. Grove v. Unocal Corporation</b> 2008 WL 11429728, *3 , D.Alaska  The underlying case stems from an injury sustained by Mr. Larry Grove. Mr. Grove worked for Siemens Building Technologies, Inc. (hereafter Siemens). Siemens had a contract with...	Feb. 12, 2008	Case		<a href="#">10</a> S.Ct.
Cited by	<b>345. In re the Exxon Valdez</b> 296 F.Supp.2d 1071, 1085+ , D.Alaska  ENVIRONMENTAL LAW - Damages. Award of \$4.5 billion in punitive damages was appropriate in Exxon Valdez oil spill case.	Jan. 28, 2004	Case		<a href="#">7</a> <a href="#">8</a> S.Ct.
Cited by	<b>346. Altayar v. Nielsen</b> 2019 WL 13251662, *3+ , D.Ariz.  Petitioner Mohammed Mostafa Altayar, who is confined in the CoreCivic Eloy Detention Center in Eloy, Arizona, has filed a pro se Petition for Writ of Habeas Corpus under 28 U.S.C....	Sep. 23, 2019	Case		<a href="#">2</a> S.Ct.
Cited by	<b>347. Arizona, Dept. of Law, Civil Rights Div. v. ASARCO, L.L.C.</b> 798 F.Supp.2d 1023, 1051 , D.Ariz.  LABOR AND EMPLOYMENT - Discrimination. Evidence was sufficient to support female employee's claim that she was subjected to sexually hostile work environment.	July 13, 2011	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>348. Belle v. Stapler</b> 2006 WL 3792038, *2 , D.Ariz.  The Court finds that Defendants were not deliberately indifferent to Plaintiff's medical needs and grants Defendants' Motion for Summary Judgment. The Court denies the Plaintiff's...	Dec. 21, 2006	Case		<a href="#">6</a> S.Ct.
Cited by	<b>349. Phrapha-Phatana v. Cooper Tire &amp; Rubber Co.</b> 2006 WL 2683629, *2 , D.Ariz.  Pending before the Court are a variety of motions filed by both parties. This Order resolves all pending motions and sets forth firm deadlines for the completion of the case. In...	Sep. 19, 2006	Case		<a href="#">10</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>350. <a href="#">Leavey v. UNUM/Provident Corp.</a></b> ¶ 2006 WL 1515999, *8+ , D.Ariz.  A jury trial was held in this case from September 13, 2005 to October 7, 2005. On October 7, 2005, the jury awarded Plaintiff \$809,028.00 in future policy benefits, \$4,000,000 in...	May 26, 2006	Case		<a href="#">12</a> S.Ct.
Cited by	<b>351. <a href="#">Fleck and Associates, Inc. v. City of Phoenix</a></b> ¶ 356 F.Supp.2d 1034, 1039 , D.Ariz.  LITIGATION - Parties. Gay social club lacked standing to represent alleged members in restrictive ordinance challenge.	Feb. 11, 2005	Case		—
Cited by	<b>352. <a href="#">Recreational Developments of Phoenix, Inc. v. City of Phoenix</a></b> ¶ 83 F.Supp.2d 1072, 1101+ , D.Ariz.  CIVIL RIGHTS - Free Speech. Ordinance prohibiting sexual conduct in social clubs did not violate First Amendment.	Aug. 23, 1999	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">8</a> S.Ct.
Cited by	<b>353. <a href="#">In re Nagel</a></b> 245 B.R. 657, 659 , D.Ariz.  BANKRUPTCY - Case Administration. Court could not retroactively reinstate Chapter 11 case and stay.	June 07, 1999	Case		<a href="#">9</a> <a href="#">13</a> S.Ct.
Cited by	<b>354. <a href="#">Buford v. Wright</a></b> ¶ 2012 WL 4358946, *5+ , E.D.Ark.  The complaint and amended complaint [Doc. Nos. 2, 17] filed by plaintiffs Kevin Buford, II, and Dianna Walker (collectively "Plaintiffs") are dismissed as frivolous and for failure...	Sep. 21, 2012	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>355. <a href="#">Robertson Oil Co., Inc. v. Phillips Petroleum Co.</a></b> ¶ 779 F.Supp. 994, 998+ , W.D.Ark.  Distributor brought action against oil company, seeking damages for refusal to "brand" outlet owned by customer of distributor. The District Court, Morris Sheppard Arnold, J.,...	Nov. 05, 1991	Case		<a href="#">12</a> S.Ct.
Cited by	<b>356. <a href="#">Panasonic Corp. v. Getac Technology Corp.</a></b> 2022 WL 16956820, *1 , C.D.Cal.  Before the Court is Defendants' Getac Technology Corporation and Getac, Inc.'s (collectively, "Getac" or "Defendants") Renewed Motion for Judgment as a Matter of Law, on, in the...	Oct. 07, 2022	Case		—
Cited by	<b>357. <a href="#">Epistar Corporation v. Lowes Companies, Inc.</a></b> 2022 WL 18911616, *4 , C.D.Cal.  In this action, Epistar Corporation ("Plaintiff" or "Epistar") alleges that Lowe's Home Centers, LLC ("Defendant" or "Lowe's") infringes U.S. Patent Nos. 7,560,738 (the "'738...	Oct. 04, 2022	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>358. Carter v. Jai-Put Enterprise Inc. ¶¶</b> 2022 WL 1637212, *31, N.D.Cal.  Plaintiff Decatuer Carter filed this lawsuit against Defendants Jai-Put Enterprise Inc. and Krishna Vepa, alleging violations of the Federal Labor Standards Act ("FLSA"), 29 U.S.C....	May 24, 2022	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>359. Marinelarena v. Allstate Northbrook Indemnity Company</b> 2022 WL 1052279, *2, C.D.Cal.  Before the Court is Plaintiff Erika Mejia Marinelarena's ("Plaintiff") Motion to Reconsider and Motion for New Trial ("Mot.") (Dkt. 52). The Court finds this matter suitable for...	Mar. 02, 2022	Case		<a href="#">15</a> S.Ct.
Cited by	<b>360. Lemly v. Mangat</b> 2021 WL 4430379, *3, C.D.Cal.  Before the Court is Plaintiff Harry Donald Lemly, Jr.'s ("Plaintiff") Motion to Alter or Amend the Judgment or, in the alternative, for New Trial ("Motion") (Dkt. 121). Having...	Aug. 27, 2021	Case		—
Cited by	<b>361. Amy v. Curtis ¶¶</b> 2021 WL 858399, *5, N.D.Cal.  Defendant Randall Steven Curtis' motion for judgment on the pleadings, or in the alternative, summary judgment or partial summary judgment, came on for hearing before this court on...	Mar. 08, 2021	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a> S.Ct.
Cited by	 <b>362. Inland Empire Waterkeeper v. Corona Clay Co.</b> 2019 WL 8011683, *2, C.D.Cal.  Before the Court is Plaintiffs Inland Empire Waterkeeper and Orange County Coastkeeper's ("Plaintiffs") Motion to Alter or Amend the Judgment or, in the Alternative, for New Trial...	Dec. 20, 2019	Case		—
Cited by	 <b>363. Shorter v. Baca</b> 2019 WL 6620503, *5, C.D.Cal.  Before the Court is Plaintiff Lecia Shorter's ("Plaintiff") Renewed Motion for Judgment as a Matter of Law, or in the Alternative, for a New Trial ("Motion") (Dkt. 350). Oral...	Sep. 13, 2019	Case		—
Cited by	<b>364. National Fair Housing Alliance v. Federal National Mortgage Association ("Fannie Mae")</b> 2019 WL 3779531, *6, N.D.Cal.  Now before the Court is the motion to dismiss the first amended complaint filed by Defendant Federal National Mortgage Association ("Fannie Mae"). Having considered the parties'...	Aug. 12, 2019	Case		<a href="#">14</a> S.Ct.
Cited by	 <b>365. Magadia v. Wal-Mart Associates, Inc. ¶¶</b> 384 F.Supp.3d 1058, 1106, N.D.Cal.  LABOR AND EMPLOYMENT — Hours and Wages. Reduced penalties award under California's Private Attorney Generals Act (PAGA) was warranted for employer's overtime wage statement...	May 31, 2019	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>366. United States v. Mongol Nation</b>  370 F.Supp.3d 1090, 1118 , C.D.Cal.  CRIMINAL JUSTICE — Forfeitures. First Amendment barred government's request for forfeiture of collective membership marks of association dedicated to motorcycle riding...	Feb. 28, 2019	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.
Cited by	<b>367. Talent Mobile Development, Inc. v. Headios Group</b> 382 F.Supp.3d 953, 960 , C.D.Cal.  TRADEMARKS — Injunction. Permanent injunction was warranted following trial in trademark infringement action under Lanham Act.	Feb. 06, 2019	Case		<a href="#">9</a>  S.Ct.
Cited by	<b>368. Elia v. Roberts</b> 2018 WL 4849653, *2 , E.D.Cal.  Defendant John Roberts ("Roberts") founded and owned Texas Environmental Products, Inc. ("TEP Inc.") which manufactured and sold fertilizer. Alan Elia ("Alan Elia") sold fertilizer...	Oct. 04, 2018	Case		<a href="#">13</a>  S.Ct.
Cited by	<b>369. Deutsch Hollandische Tabakgesellschaft mBH &amp; Co., KG v. Trendsetta USA, Inc.</b> 2018 WL 4849707, *3 , C.D.Cal.  Before the Court are: (1) Counter-Defendant Deutsch Hollandische Tabakgesellschaft mBH & Co., KG.'s ("DHT" or "Counter-Defendant") Renewed Motion for Judgment as a Matter of Law or...	July 31, 2018	Case		—
Cited by	<b>370. Crawford v. County of Orange</b> 2018 WL 4959809, *2 , C.D.Cal.  Before the Court is Plaintiff and Counter-Defendant James Michael Crawford's ("Crawford") Motion for a New Trial, or, in the alternative, Remittitur ("Motion") (Dkt. 146). Having...	June 28, 2018	Case		—
Cited by	<b>371. Leon v. Hayward Building Department</b> 2018 WL 1142112, *5 , N.D.Cal.  Plaintiff Omeldo Leon alleges that the defendants—the City of Hayward and the Hayward Building Department—misused city zoning ordinances to harass and discriminate against him and...	Mar. 02, 2018	Case		<a href="#">1</a> <a href="#">8</a>  S.Ct.
Cited by	 <b>372. Kaffaga v. Steinbeck</b> 2018 WL 1975080, *1 , C.D.Cal.  The Court has considered Defendants' renewed motion for judgment as a matter of law, Defendants' motion for a new trial and/or remittitur, and Plaintiff's motion for a permanent...	Feb. 13, 2018	Case		<a href="#">12</a>  S.Ct.
Cited by	 <b>373. ATEN International Co. v. Uniclass Technology</b> 2018 WL 11426504, *2 , C.D.Cal.  Before the Court is Plaintiff ATEN International's ("ATEN") Motion for Judgment as a Matter of Law ("JMOL") or alternatively for a new trial. (Dkt. 462.) The Motion is GRANTED...	Jan. 22, 2018	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>374. Leon v. Hayward Building Department</b> 2017 WL 3232486, *4 , N.D.Cal.  Plaintiff Omeldo Leon claims that the defendants—the City of Hayward and the Hayward Building Department—misused city zoning ordinances to harass and discriminate against him, and...	July 31, 2017	Case		<a href="#">1</a> S.Ct.
Cited by	<b>375. Cooper v. City of Hesperia</b> 2016 WL 11741054, *4 , C.D.Cal.  Before the Court is Defendants Joann Chavis, Christopher Chavis, and Lewis Chavis' (collectively, the "Chavis Defendants") Motion for Judgment on the Pleadings (the "Motion"),...	Nov. 23, 2016	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
Cited by	<b>376. Hernandez v. Lynch</b> 2016 WL 7116611, *27 , C.D.Cal.  Before the Court is: (1) a Motion to Dismiss filed by Defendants Jon Briggs, Christina Holland, Sandra Hutchens, James Janecka, David Jennings, Jeh Johnson, Mike Kreuger, Loretta...	Nov. 10, 2016	Case		<a href="#">2</a> S.Ct.
Cited by	<b>377. Hullinger v. Anand</b> 2016 WL 7444625, *2 , C.D.Cal.  Before the Court are the motion (Docket No. 307) of plaintiffs to compel defendants Sam Teller, Dan Kaminsky, Adam Lilling, Jamie McNeil, Michael Stern, Plus Capital, L.P., Plus...	Oct. 12, 2016	Case		<a href="#">14</a> S.Ct.
Cited by	<b>378. Madrigal v. Allstate Indemnity Company</b> 2015 WL 12747906, *20 , C.D.Cal.  On April 21, 2014, Plaintiffs Carlos Madrigal ("Madrigal"), Richard Tang and Anna Tang (the "Tangs") (collectively, "Plaintiffs") filed suit in the California Superior Court...	Sep. 30, 2015	Case		<a href="#">10</a> <a href="#">14</a> S.Ct.
Cited by	<b>379. QS Wholesale, Inc. v. Rox Volleyball, Inc.</b> 2015 WL 4484219, *2 , C.D.Cal.  Plaintiffs Quicksilver, Inc., and QS Wholesale, Inc. (collectively, "Plaintiffs"), sued Defendants Rox Volleyball, Inc., and 1st Place Team Sales, Inc. (collectively,...	July 19, 2015	Case		—
Cited by	<b>380. Parker v. Alexander Marine Co. Ltd.</b> 2015 WL 12712083, *12 , C.D.Cal.  Before the Court are Defendants' Renewed Motion for Judgment as a Matter of Law ("RJMOL") (Dkt. 126); Defendants' Motion for New Trial ("Mot. for New Trial") (Dkt. 127); and...	May 26, 2015	Case		—
Cited by	<b>381. Hetland v. Beauchesne</b> 2015 WL 13359782, *2 , C.D.Cal.  Before the Court are Defendants' Renewed Motion for Judgment as a Matter of Law, and Alternative Request for a New Trial ("Mot.") (Dkt. 121) and Defendants' Motion for Stay of...	Apr. 07, 2015	Case		—
Cited by	<b>382. Mitri v. Walgreen Co.</b> 2014 WL 6886835, *6 , E.D.Cal.  This was a wrongful termination in violation public policy case brought by Plaintiff Sami Mitri ("Mitri") against his form employer Defendant Walgreen Co. ("Walgreens"). The...	Dec. 04, 2014	Case		<a href="#">11</a> <a href="#">12</a> <a href="#">14</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>383. Flores v. City of Westminster</b> 2014 WL 12783201, *2 , C.D.Cal.  Before the Court are: • Defendant City of Westminster's Motion for New Trial ("New Trial Mot.") (Dkt. 254); • Defendant City of Westminster's Renewed Motion for Judgment as a...	Oct. 23, 2014	Case		—
Cited by	<b>384. Conroy v. Capital One, N.A. ¶¶</b> 2014 WL 12586070, *7 , C.D.Cal.  Before the Court is Defendant Capital One, N.A.'s Motion to Dismiss First Amended Complaint ("Motion") (Doc No. 20). The Motion is appropriate for resolution without a hearing and...	Sep. 15, 2014	Case		<a href="#">7</a> <a href="#">10</a> <a href="#">14</a> S.Ct.
Cited by	<b>385. Thomas v. Costco Wholesale Corp.</b> 2014 WL 3887464, *5 , C.D.Cal.  Julie Barrera Courtroom Clerk Before the Court is Plaintiff's Motion for New Trial ("Motion" or "Mot.") (Dkt.174). Having considered the written submissions, the Court DENIES...	Aug. 07, 2014	Case		—
Cited by	<b>386. Harkonen v. Sebelius ¶¶</b> 2013 WL 5734918, *15 , N.D.Cal.  The parties' cross-motions for summary judgment came on for hearing before this court on September 11, 2013. Plaintiff appeared by his counsel Mark E. Haddad, and defendant...	Oct. 22, 2013	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a> S.Ct.
Cited by	<b>387. Memory Card Intern. v. St. Paul Fire and Marine Ins. Co.</b> 2013 WL 3779779, *1 , C.D.Cal.  Julie Barrera Courtroom Clerk Before the Court is a Motion for a New Trial (Dkt.185) filed by Plaintiff Memory Card International ("Memory Card"). For the reasons below, the...	July 18, 2013	Case		—
Cited by	<b>388. Meyer v. Matteucci ¶¶</b> 2012 WL 1669361, *3 , N.D.Cal.  In this civil rights action, defendants move to dismiss pursuant to FRCP 12(b)(6). Because the complaint fails to allege sufficient facts giving rise to a cognizable claim for...	May 11, 2012	Case		<a href="#">4</a> S.Ct.
Cited by	<b>389. Rodriguez v. City of Long Beach</b> 2012 WL 12886497, *1 , C.D.Cal.  Before the Court are two motions field by Plaintiff Ernest Raymond Rodriguez ("Plaintiff"): (1) a Motion for New Trial (dkt. 112); and (2) Motion For Recovery of Attorney Fees...	Mar. 06, 2012	Case		—
Cited by	<b>390. Citrus El Dorado LLC v. Stearns Bank</b> 2011 WL 13089812, *2 , C.D.Cal.  Before the Court are Defendants' Motions for (1) Judgment as a Matter of Law Pursuant to F.R.C.P. 50(b) ("Motion for JMOL"), (2) Dismissal of All Claims Related to Conduct of the...	Dec. 02, 2011	Case		—



Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>391. U.S. v. Meisinger</b> 2011 WL 4526082, *5 , C.D.Cal.  Marva Dillard, Courtroom Deputy. On July 22, 2011, Defendant Terrill L. Meisinger ("Moving Defendant") filed a motion to dismiss ("Motion"). (Doc. No. 7.) The Court finds the...	Aug. 26, 2011	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.
Cited by	<b>392. Hatami v. Kia Motors America, Inc.</b> 2010 WL 11475044, *1 , C.D.Cal.  Before the Court is Plaintiff Serjik Hatami's Motion for New Trial and for Leave to File a Motion for Summary Adjudication re: Damages, Dkt. 113, and Defendant Kia Motors America,...	July 07, 2010	Case		—
Cited by	<b>393. U.S. v. Merco Const. Engineers, Inc. ¶¶</b> 2010 WL 1068413, *2 , C.D.Cal.  Paul Songco, Deputy Clerk. Before the Court are a Renewed Motion for Judgment as a Matter of Law (Docket No. 177) and a Motion for New Trial or Remittitur (Docket No. 179) filed by...	Jan. 25, 2010	Case		<a href="#">12</a>  S.Ct.
Cited by	<b>394. Hai T. Le v. Hilton Hotel</b> 2010 WL 144809, *9 , N.D.Cal.  Pro se plaintiff Hai T. Le filed this action on October 9, 2009, and also filed an application to proceed in forma pauperis ("IFP"). On November 18, 2009, plaintiff filed a...	Jan. 11, 2010	Case		<a href="#">3</a>  S.Ct.
Cited by	<b>395. Eklund v. County of Orange</b> 2009 WL 10674121, *2 , C.D.Cal.  Before the Court is Plaintiff Dodi Eklund's ("Eklund" or "Plaintiff") First Amended Motion for New Trial Pursuant to Fed. R. Civ. P. 59(a) and Judgment as a Matter of Law Pursuant...	Sep. 30, 2009	Case		—
Cited by	<b>396. Verizon California Inc. v. Onlinenic, Inc.</b> 2009 WL 2706393, *7 , N.D.Cal.  On December 19, 2008, Plaintiffs Verizon California Inc., Verizon Trademark Services LLC, and Verizon Licensing Company (collectively "Verizon") obtained a default judgment in...	Aug. 25, 2009	Case		—
Cited by	<b>397. Anderson v. American Airlines, Inc.</b> 2008 WL 4816620, *5 , N.D.Cal.  Plaintiff has filed motions for attorneys' fees and for contempt. Defendant has moved for a new trial and for judgment as a matter of law. The motions are scheduled for hearing on...	Nov. 05, 2008	Case		<a href="#">10</a> <a href="#">12</a>  S.Ct.
Cited by	<b>398. j2 Global Communications, Inc. v. Protus IP Solutions ¶¶</b> 2008 WL 11335051, *9+ , C.D.Cal.  This matter comes before the Court on Defendant Protus IP Solutions, Inc., et al.'s ("Protus") motions for summary judgment on non-constitutional and constitutional grounds. After...	Jan. 14, 2008	Case		<a href="#">1</a> <a href="#">8</a>  S.Ct.
Cited by	<b>399. Sivak v. Versen</b> 2007 WL 3333101, *2 , S.D.Cal.  On October 15, 2007, the court convened the hearing of post-trial motions following jury verdicts in this action in favor of plaintiff Cynthia Sivak ("Sivak") on: her breach of...	Nov. 07, 2007	Case		<a href="#">12</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>400. Flagship West, LLC v. Excel Realty Partners, L.P.</b> ¶ 2007 WL 1574967, *15 , E.D.Cal.  Before the Court is the Renewed Motion for Judgment as a Matter of Law and To Alter or Amend Judgment filed by Defendant Excel Realty Partners, L.P. (Excel). On December 14, 2006,...	May 30, 2007	Case		<a href="#">10</a> S.Ct.
Cited by	<b>401. Flagship West, LLC v. Excel Realty Partners, L.P.</b> ¶ 2005 WL 4701939, *10+ , E.D.Cal.  Plaintiffs FLAGSHIP WEST, LLC; MARVIN G. REICHE; and KATHLEEN REICHE ("Plaintiffs"), following a jury trial and verdicts in their favor, elect to rescind their lease with...	Sep. 30, 2005	Case		<a href="#">10</a> S.Ct.
Cited by	<b>402. U.S. v. Toyfoya</b> 1994 WL 477173, *3 , N.D.Cal.  This tentative ruling is to provide the parties with a preliminary indication of the issues the Court has identified concerning defendant Toyfoya's motion to have the criminal...	Aug. 29, 1994	Case		—
Cited by	<b>403. U.S. v. Real Property Located at 6625 Zumirez Drive, Malibu, Cal.</b> 845 F.Supp. 725, 731+ , C.D.Cal.  United States brought in rem civil forfeiture action pursuant to Comprehensive Crime Control Act and Financial Institutions Reform, Recovery and Enforcement Act (FIRREA). United...	Feb. 11, 1994	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">4</a> S.Ct.
Cited by	<b>404. Perkins v. Federal Fruit &amp; Produce Co., Inc.</b> 2013 WL 2112425, *9 , D.Colo.  After a trial on May 16–25, 2012, Defendants Federal Fruit & Produce Company, Inc. (FFP) and Michael Martelli (Martelli) filed DEFENDANTS' MOTION FOR A REMITTITUR OF THE JURY...	May 14, 2013	Case		—
Cited by	<b>405. Abrahams v. Connecticut Department of Social Services</b> 2018 WL 995106, *10 , D.Conn.  Plaintiff David Abrahams ("Plaintiff" or "Abrahams"), proceeding pro se, in forma pauperis, and currently incarcerated in a Connecticut correctional institution, brought this suit...	Feb. 21, 2018	Case		<a href="#">1</a> <a href="#">5</a> S.Ct.
Cited by	<b>406. Fraser v. Wyeth, Inc.</b> ¶ 2013 WL 4012764, *2 , D.Conn.  Following a three-and-a-half week jury trial, the jury returned a verdict in favor of Plaintiffs Margaret Fraser and Joseph Fraser, unanimously finding that the evidence at trial...	Aug. 05, 2013	Case		<a href="#">10</a> <a href="#">14</a> S.Ct.
Cited by	<b>407. Aros v. United Rentals, Inc.</b> ¶ 2011 WL 5238829, *6 , D.Conn.  Plaintiffs Andrea Aros and Charles Plomteaux bring this case on their own behalf and on behalf of current and former Operations Managers and Inside Sales Representatives against...	Oct. 31, 2011	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>408. Izzarelli v. R.J. Reynolds Tobacco Co. ¶¶</b> 767 F.Supp.2d 324, 326 , D.Conn.  PRODUCTS LIABILITY - Damages. Punitive damages award of \$3,970,289.87 was warranted, in cigarette smoker's product liability action.	Dec. 21, 2010	Case		<a href="#">10</a> S.Ct.
Cited by	<b>409. Ragin v. Laidlaw Transition, Inc.</b> 1999 WL 977603, *4+ , D.Conn.  Following a jury trial and verdict in favor of the plaintiff, the Court is confronted with a number of motions. The plaintiff moves for prejudgment interest and for attorney's fees...	Oct. 04, 1999	Case		<a href="#">14</a> S.Ct.
Cited by	<b>410. L'Association des Americains Accidentels v. United States Department of State ¶¶</b> 2023 WL 1963921, *12 , D.D.C.  IMMIGRATION — Citizenship. State Department's final rule increasing citizenship renunciation processing fee to \$2,350 was not arbitrary and capricious.	Feb. 10, 2023	Case		<a href="#">1</a> <a href="#">4</a> <a href="#">5</a> S.Ct.
Cited by	<b>411. United States v. All Assets Held at Bank Julius, Baer &amp; Company, Ltd. ¶¶</b> 268 F.Supp.3d 135, 146 , D.D.C.  GOVERNMENT — Forfeitures. Claimant sufficiently alleged Eighth Amendment excessive fines defense to federal government's civil forfeiture action.	Aug. 03, 2017	Case		<a href="#">1</a> <a href="#">4</a> S.Ct.
Cited by	<b>412. Summer v. Andrews ¶¶</b> 2012 WL 2711260, *4 , D.D.C.  On June 5, 2012, plaintiff Stanley Summer filed a pro se Complaint in this Court against ten defendants, alleging violation of his constitutional rights stemming from an allegedly...	July 06, 2012	Case		<a href="#">1</a> S.Ct.
Cited by	<b>413. Marshall v. Honeywell Technology Solutions, Inc. ¶¶</b> 536 F.Supp.2d 59, 66 , D.D.C.  LABOR AND EMPLOYMENT - Discrimination. Manager for corporation and its original subcontractor stated § 1981 and Title VII claims against new subcontractor.	Feb. 26, 2008	Case		<a href="#">1</a> S.Ct.
Cited by	<b>414. U.S. v. Philip Morris USA</b> 310 F.Supp.2d 58, 63 , D.D.C.  TORTS - RICO. RICO disgorgement claim did not implicate Excessive Fines Clause.	Mar. 10, 2004	Case		<a href="#">3</a> S.Ct.
Cited by	<b>415. Gray v. Armstrong World Industries</b> 1990 WL 371764, *2 , D.D.C.  In this products liability suit, Daniel L. Gray, who has worked as an insulator since 1949, and his wife Barbara Gray, seek damages for personal injuries to Mr. Gray allegedly...	Feb. 22, 1990	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.




Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>416. Robson 200, LLC v. City of Lakeland, Florida</b> ¶ 593 F.Supp.3d 1110, 1119 , M.D.Fla.  REAL PROPERTY — Building Codes. City's imposition of \$50 per day fine against mobile home park owner for its ongoing code violation was not “excessive” under Eighth Amendment.	Mar. 24, 2022	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a>  S.Ct.
Cited by	<b>417. Kerrivan v. R.J. Reynolds Tobacco Company</b> ¶ 2018 WL 6528415, *3 , M.D.Fla.  In this Engle progeny case, Plaintiff Kenneth Kerrivan asserted claims including strict liability, negligence, fraudulent concealment, and conspiracy against Defendants R.J....	June 20, 2018	Case		<a href="#">12</a> <a href="#">13</a> <a href="#">15</a>  S.Ct.
Cited by	<b>418. Navelski v. International Paper Company</b> ¶ 2018 WL 11206617, *4 , N.D.Fla.  This matter is before the Court on Plaintiffs' motion for a new trial, ECF No. 231, which Defendant opposes, ECF No. 233. Having carefully reviewed the trial record, the applicable...	May 16, 2018	Case		<a href="#">12</a>  S.Ct.
Cited by	<b>419. Felker v. Zampatti</b> 2013 WL 12152407, *3 , M.D.Fla.  On May 13, 2013, the Court entered an Order (Doc. 90) granting Zampatti's Motion for Partial Summary Judgment as to Court II of Plaintiffs' Amended Complaint (Doc. 65) and...	June 12, 2013	Case		—
Cited by	<b>420. Rickerson v. Howard</b> 2012 WL 5904312, *4 , N.D.Fla.  Plaintiff has paid the initial partial filing fee, and this cause is before the court upon Plaintiff's civil rights complaint filed pursuant to Title 42 U.S.C. § 1983 (doc. 1),...	Sep. 04, 2012	Case		<a href="#">4</a>  S.Ct.
Cited by	<b>421. Alfeo v. I-Flow, LLC</b> ¶ 2012 WL 442981, *2 , S.D.Fla.  THIS CAUSE is before the Court upon Defendant's Motion to Dismiss Plaintiffs' Request for Punitive Damages and Motion to Strike Plaintiffs' Prayer for Attorneys' Fees (DE 7). This...	Feb. 10, 2012	Case		<a href="#">7</a> <a href="#">14</a>  S.Ct.
Cited by	<b>422. Lanier v. Unidentified Postal Workers</b> 2011 WL 882445, *4 , N.D.Fla.  This cause is before the court on Plaintiff's civil rights complaint filed under to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S....	Feb. 11, 2011	Case		<a href="#">4</a>  S.Ct.
Cited by	<b>423. Myers v. Central Florida Investments, Inc.</b> ¶ 2008 WL 4710898, *12+ , M.D.Fla.  LABOR AND EMPLOYMENT - Attorney Fees. The plaintiff was not entitled to an award of attorney fees for sexual harassment claim where she failed to establish a claim within the time...	Oct. 23, 2008	Case		<a href="#">12</a>  S.Ct.





Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>424. Royster v. Bush</b> 2006 WL 1529753, *4 , N.D.Fla.  This cause comes on for consideration upon the magistrate judge's report and recommendation dated April 28, 2006. Plaintiff has been furnished a copy of the report and...	May 31, 2006	Case		<a href="#">4</a> S.Ct.
Cited by	<b>425. Copley v. BAX Global, Inc.</b> 97 F.Supp.2d 1164, 1173 , S.D.Fla.  LABOR AND EMPLOYMENT - Discrimination. Award of \$1,000,000 in punitive damages in employee's § 1981 action was excessive.	May 05, 2000	Case		—
Cited by	<b>426. McGinnis v. American Home Mortgage Servicing Inc.</b> 240 F.Supp.3d 1337, 1343 , M.D.Ga.  REAL PROPERTY — Damages. Punitive damages award of \$3 million in wrongful foreclosure action against mortgage servicer was not grossly excessive in violation of due process.	Mar. 06, 2017	Case		<a href="#">14</a> S.Ct.
Cited by	<b>427. U.S. v. Seher</b> 686 F.Supp.2d 1323, 1327 , N.D.Ga.  CRIMINAL JUSTICE - Fines. Forfeiture of corporations' property would not violate Excessive Fines Clause.	Feb. 17, 2010	Case		<a href="#">3</a> S.Ct.
Cited by	<b>428. Opelle v. Kneubuhl</b> 2019 WL 6448941, *3 , D.Idaho  Before the Court is Plaintiff Frances K. Opelle's ("Plaintiff") Motion for Reconsideration under Rule 59 and New Trial in the Alternative ("Motion") (Dkt. 148). The Court finds...	Aug. 02, 2019	Case		—
Cited by	<b>429. Townsend Farms, Inc. v. Goknur Gida Maddeleri Enerji Imalat Ithalat Ihracat Ticaret Ve Sanayi A.S.</b> 2017 WL 8793236, *3 , D.Idaho  Before the Court are Plaintiffs Purely Pomegranate, Inc. ("PPI"), Valley Forge Insurance Company ("Valley Forge"), and Townsend Farms, Inc.'s ("TFI") (collectively, "Plaintiffs")...	Dec. 19, 2017	Case		—
Cited by	<b>430. Scholl v. Chicago Regional Council of Carpenters</b> 2013 WL 474489, *3 , N.D.Ill.  Pro se Plaintiff/Counter–Defendant Jeremy Scholl ("Scholl") filed an Amended Complaint against Defendant/Counter–Plaintiff Chicago Regional Council of Carpenters ("the Union"),...	Feb. 06, 2013	Case		<a href="#">1</a> S.Ct.
Cited by	<b>431. Green v. Anthony Clark Intern. Ins. Brokers, Ltd.</b> 2010 WL 431673, *5 , N.D.Ill.  COMMERCIAL LAW - Consumer Protection. Consumer stated a claim against insurance brokers company under the Telephone Consumer Protection Act.	Feb. 01, 2010	Case		<a href="#">4</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>432. ABC Business Forms, Inc. v. Pridamor, Inc.</b> ” 2009 WL 4679477, *3, N.D.Ill. COMMERCIAL LAW - Unfair Practices. Plaintiff adequately alleged that advertiser engaged in unfair practice under the state fraud and deceptive practices act.	Dec. 01, 2009	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	<b>433. U.S. v. Real Property Located at 265 Falcon Road, Carbondale, Williamson County, Ill.</b> 2009 WL 1940457, *7, S.D.Ill. CRIMINAL JUSTICE - Forfeitures. The landowner was not an innocent owner of the property in question and, consequently, the property was subject to forfeiture.	July 07, 2009	Case		<a href="#">4</a> S.Ct.
Cited by	 <b>434. Centerline Equipment Corp. v. Banner Personnel Service, Inc.</b> 545 F.Supp.2d 768, 777, N.D.Ill. TORTS - Conversion. Recipient of unsolicited fax's allegation of deprivation of paper stated conversion claim under Illinois law.	Mar. 03, 2008	Case		<a href="#">1</a> S.Ct.
Cited by	<b>435. Italia Foods, Inc v. Marinov Enterprises, Inc.</b> ” 2007 WL 4117626, *4, N.D.Ill. This matter comes before the court on defendant's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. For the following reasons, the motion is...	Nov. 16, 2007	Case		<a href="#">4</a> <a href="#">6</a> S.Ct.
Cited by	<b>436. Taylor v. U.S.</b> 2005 WL 1971145, *1+, S.D.Ill. The Court previously found that Petitioner was not entitled to relief under 28 U.S.C. § 2255, thus denying his motion and dismissing this action. On appeal, the Seventh Circuit...	Aug. 16, 2005	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
Cited by	 <b>437. Global Relief Foundation, Inc. v. O'Neill</b> ” 207 F.Supp.2d 779, 806, N.D.Ill. CIVIL RIGHTS - Injunction. Nonprofit group whose assets were frozen in terrorism investigation did not get preliminary injunction.	June 11, 2002	Case		<a href="#">3</a> <a href="#">5</a> S.Ct.
Cited by	<b>438. Southwest Whey, Inc. v. Nutrition 101, Inc.</b> ” 188 F.Supp.2d 986, 988, C.D.Ill. TORTS - Damages. Punitive damages award was not excessive.	Feb. 19, 2002	Case		<a href="#">12</a> S.Ct.
Cited by	<b>439. Native American Arts, Inc. v. Bundy-Howard, Inc.</b> ” 168 F.Supp.2d 905, 914, N.D.Ill. NATIVE AMERICANS - Arts and Crafts. Compensatory damages provision under IACA provided adequate notice as to calculation of damages.	Oct. 15, 2001	Case		<a href="#">8</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>440. NPF WL, Inc. v. Sotka</b> 2000 WL 574527, *11 , N.D.Ill.  Before the Court are the Defendants' Motions to Dismiss. For the reasons set forth below, we deny the motions in part and grant them in part This lawsuit centers around the alleged...	May 10, 2000	Case		<a href="#">10</a> S.Ct.
Cited by	<b>441. Towers v. City of Chicago</b> 979 F.Supp. 708, 720 , N.D.Ill.  Vehicle owners brought § 1983 action against city challenging ordinances allowing seizures of vehicles. City moved to dismiss. The District Court, Keys, United States...	Sep. 30, 1997	Case		<a href="#">5</a> S.Ct.
Cited by	<b>442. Florez v. Delbovo</b> 939 F.Supp. 1341, 1348 , N.D.Ill.  After jury awarded plaintiff \$807,500 in damages in civil rights case, defendants filed various posttrial motions. The District Court, Coar, J., held that: (1) punitive damages...	Sep. 12, 1996	Case		—
Cited by	<b>443. McClain v. Anchor Packing Co.</b> 1996 WL 417540, *2+ , N.D.Ill.  In this asbestos case, plaintiff Betty McClain, individually and as executor of the estate of Charles McClain, sued defendants Pittsburgh Corning Corporation ("Pittsburgh...	July 23, 1996	Case		<a href="#">10</a> <a href="#">12</a> S.Ct.
Cited by	<b>444. Jonasson v. Lutheran Child and Family Services</b> 1996 WL 327965, *2 , N.D.Ill.  After careful evaluation of the defendant's post-trial motion, as well as the relevant pleadings, this Court has decided to deny the defendant's motions for judgment as a matter of...	June 12, 1996	Case		<a href="#">12</a> S.Ct.
Cited by	 <b>445. Grauer v. Donovan</b> 1996 WL 82462, *3 , N.D.Ill.  During the second trial of this case plaintiff Paul W. Grauer ("Grauer") successfully sued defendant Patricia Donovan ("Donovan") for violating his civil rights to be free from...	Feb. 23, 1996	Case		<a href="#">12</a> S.Ct.
Cited by	<b>446. Aguilar v. Dixon</b> 1995 WL 319621, *2 , N.D.Ill.  Before the court are the various motions in limine of both plaintiffs, Gabriel Aguilar, et al., and defendants Dixon and Robinson, as well as the plaintiffs' Motion to Compel...	May 25, 1995	Case		<a href="#">8</a> S.Ct.
Cited by	 <b>447. Zazu Designs v. L'Oreal, S.A.</b> 1991 WL 128694, *3 , N.D.Ill.  On September 16, 1988, I rendered a memorandum opinion in favor of the plaintiff, Zazu Designs, and against the defendant, L'Oreal, S.A., in this trademark infringement/unfair...	July 11, 1991	Case		<a href="#">8</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 <b>448. U.S. v. Rock Island Armory, Inc. ¶¶</b> 773 F.Supp. 117, 123+ , C.D.Ill.  Defendants moved to dismiss superseding indictment charging them with violations of National Firearms Act in manufacturing and delivering machine guns in interstate commerce in...	June 07, 1991	Case		<a href="#">4</a> S.Ct.
Cited by	 <b>449. In re Air Crash Disaster at Sioux City, Iowa, on July 19, 1989</b> 734 F.Supp. 1425, 1427+ , N.D.Ill.  Survivors of passengers killed in Iowa airplane crash brought action against airline, aircraft manufacturer, and aircraft engine manufacturer. After litigation was consolidated,...	Mar. 14, 1990	Case		<a href="#">7</a> <a href="#">8</a> S.Ct.
Cited by	<b>450. Grashoff v. Payne ¶¶</b> 478 F.Supp.3d 735, 742 , N.D.Ind.  LABOR AND EMPLOYMENT — Unemployment Compensation. Penalty imposed upon recipient of unemployment benefits who knowingly under-reported income was not grossly disproportional to her...	Aug. 11, 2020	Case		<a href="#">1</a> <a href="#">3</a> <a href="#">5</a> S.Ct.
Cited by	<b>451. U.S. v. Winston</b> 2007 WL 1175467, *1 , N.D.Ind.  John Winston's petition for reduction of an employment disability pursuant to 29 U.S.C. § 504 was denied after a hearing held on March 7, 2007. The government seeks return of a...	Apr. 19, 2007	Case		<a href="#">2</a> S.Ct.
Cited by	<b>452. White Communications, LLC v. Synergies3 Tec Services, LLC ¶¶</b> 2020 WL 13555767, *4+ , S.D.Iowa  A four-day jury trial in this matter concluded on September 12, 2019. The jury reached a verdict in favor of Plaintiff White Communications, LLC, on its breach of implied contract...	Feb. 05, 2020	Case		<a href="#">11</a> <a href="#">12</a> S.Ct.
Cited by	<b>453. Asa-Brandt, Inc. v. Farmers Co-Operative Society</b> 2002 WL 1714197, *7 , N.D.Iowa  This matter came to trial on June 11, 2001, on plaintiffs' claims of breach of contract and breach of fiduciary duty against defendant Farmers Co-operative Society of Wesley...	May 10, 2002	Case		—
Cited by	 <b>454. Starbeck v. Linn County Jail</b> 871 F.Supp. 1129, 1139 , N.D.Iowa  Prisoner sued prison officials for alleged violation of his Eighth Amendment rights as result of refusal to order recommended corrective surgery for his back. The District Court,...	Dec. 12, 1994	Case		—
Cited by	<b>455. Holloway v. Wittry</b> 842 F.Supp. 1193, 1197 , S.D.Iowa  Inmate brought action against prison officials and staff member arising from assault of inmate by four other prisoners. The District Court, Bennett, United States Magistrate...	Jan. 27, 1994	Case		—

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Cited by	 <b>457. Risdal v. Martin</b> 810 F.Supp. 1049, 1053 , S.D.Iowa  Inmate brought § 1983 action against corrections officers, alleging that excessive physical force was used when he was forced to take shower. The District Court, Bennett, United...	Jan. 07, 1993	Case		—
Cited by	 <b>458. Burke v. Deere &amp; Co.</b>  780 F.Supp. 1225, 1237+ , S.D.Iowa  Farm worker brought products liability action against combine manufacturer for injuries sustained as he was attempting to clean crop residue from combine's unloading auger. After...	Dec. 04, 1991	Case		<a href="#">14</a> S.Ct.
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Cited by	<b>465. Beeler v. Beasley</b> 2008 WL 152103, *3 , W.D.Ky.  The plaintiff, Dane A. Beeler, filed a pro se, in forma pauperis complaint alleging violations of his civil rights (DN 1). This matter is before the Court for screening pursuant to...	Jan. 15, 2008	Case		<a href="#">1</a> S.Ct.
Cited by	<b>466. Wheelahan v. City of New Orleans</b> 2020 WL 1503560, *10+ , E.D.La.  In this litigation, Plaintiff Dawn Adams Wheelahan ("Plaintiff") brings claims under 42 U.S.C. § 1983 and seeks declaratory and injunctive relief against Defendant the City of New...	Mar. 30, 2020	Case		<a href="#">1</a> <a href="#">5</a> S.Ct.
Cited by	<b>467. FairPay Solutions Inc. v. Willis Knighton Medical Center</b> ¶ 2011 WL 4974013, *7 , W.D.La.  Before this Court is Defendants' Motions to Dismiss or Abstain. (Record Documents 21, 22, 24, 30, 31, 34, 62). Defendants have raised multiple challenges to the case at bar, from...	Oct. 19, 2011	Case		<a href="#">1</a> <a href="#">5</a> <a href="#">8</a> S.Ct.
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Cited by	<b>471. Sony BMG Music Entertainment v. Tenenbaum</b> ¶ 2012 WL 3639053, *5 , D.Mass.  This copyright infringement case is before me on remand from the First Circuit. See Sony BMG Music Entm't v. Tenenbaum, 660 F.3d 487 (1st Cir.2011). Plaintiffs, recording companies...	Aug. 23, 2012	Case		<a href="#">7</a> S.Ct.

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Cited by	<p><b>473. Zimmerman v. Direct Federal Credit Union</b> ¶¶ 121 F.Supp.2d 133, 138+ , D.Mass.</p> <p>LABOR AND EMPLOYMENT - Discrimination. Punitive damages award of \$400,000 was not excessive in retaliation under state civil rights law.</p>	Nov. 16, 2000	Case		<p><a href="#">10</a></p> <p><a href="#">12</a></p> <p>S.Ct.</p>
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Cited by	<p><b>475. Pasco v. Protus IP Solutions, Inc.</b> ¶¶ 826 F.Supp.2d 825, 836 , D.Md.</p> <p>ENERGY AND UTILITIES - Telecommunications. Telephone Consumer Protection Act did not constitute an unconstitutional restriction on commercial speech.</p>	Nov. 23, 2011	Case		<p><a href="#">1</a></p> <p><a href="#">4</a></p> <p><a href="#">8</a></p> <p>S.Ct.</p>
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Cited by	<b>483. Rose v. Oakland County Treasurer</b> ¶ 2020 WL 871304, *6, E.D.Mich.  Plaintiff Sharron Rose lost ownership of her Southfield, Michigan home when she failed to pay her property taxes and a judgment of foreclosure was entered against her in the...	Feb. 21, 2020	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
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Cited by	<b>486. Freed v. Thomas</b> ¶ 2018 WL 5831013, *3, E.D.Mich.  This matter is presently before the Court on the Court's own review of its jurisdiction. In April 2018, the Court denied defendants' motion to dismiss for lack of subject matter...	Nov. 07, 2018	Case		<a href="#">1</a> <a href="#">8</a> S.Ct.
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Cited	<b>31. Lake Shore &amp; M.S. Ry. Co. v. Prentice</b> 13 S.Ct. 261, U.S.Ill., 1893 In error to the circuit court of the United States for the northern district of Illinois.	Case			<a href="#">2932</a>
Cited	<b>32. Lent v. Huntoon</b> 470 A.2d 1162, Vt., 1983 Former employee brought defamation action against former employer. The Superior Court, Rutland County, Silvio T. Valente, J., entered judgment on \$40,000 verdict in favor of...	Case		”	<a href="#">2922</a>
Cited	<b>33. Lochner v. New York</b> 25 S.Ct. 539, U.S.N.Y., 1905 IN ERROR to the County Court of Oneida County, State of New York, to review a judgment entered pursuant to the mandate of the Court of Appeals of that state affirming the judgment...	Case			<a href="#">2933</a>
Cited	<b>34. Lugar v. Edmondson Oil Co., Inc.</b> 102 S.Ct. 2744, U.S.Va., 1982 Debtor brought action under 1871 civil rights statute against corporate creditor and its president, alleging that, in attaching his property before judgment, defendants had acted...	Case			<a href="#">2932</a>
Cited	<b>35. Marshall v. Barlow's, Inc.</b> 98 S.Ct. 1816, U.S.Idaho, 1978 Action was brought by an employer to enjoin enforcement of inspection provisions of the Occupational Safety and Health Act of 1970. The Three-Judge District Court, 424 F.Supp....	Case			<a href="#">2925</a>
Mentioned	<b>36. Memphis Community School Dist. v. Stachura</b> 106 S.Ct. 2537, U.S.Mich., 1986 Tenured elementary teacher brought civil rights suit against school district and others to recover for alleged violations of his First and Fourteenth Amendment rights in connection...	Case			<a href="#">2932</a>
Cited	<b>37. Metropolitan Life Ins. Co. v. Ward</b> 105 S.Ct. 1676, U.S.Ala., 1985 Insurance companies incorporated outside of state of Alabama brought suit seeking judgment declaring unconstitutional an Alabama statute imposing substantially lower gross premiums...	Case			<a href="#">2925</a>

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Discussed	<p> <b>38. Missouri Pac. Ry. Co. v. Humes</b></p> <p>6 S.Ct. 110, U.S.Mo., 1885</p> <p>In Error to the Supreme Court of the State of Missouri.</p>	Case		”	<a href="#">2923+</a>
Cited	<p> <b>39. Neese v. Southern Ry. Co.</b></p> <p>76 S.Ct. 131, U.S.S.C., 1955</p> <p>Action by administrator against railroad engaged in interstate commerce for death of 22 year old railroad car inspector. The United States District Court for the Eastern District...</p>	Case			<a href="#">2922</a>
Cited	<p> <b>40. Nye v. Merriam</b></p> <p>35 Vt. 438, Vt., 1862</p> <p>Fraud. Action. Damages. Evidence. Exemplary Damages. A fraud unaccompanied by damage is not actionable. The defendant cheated the plaintiff in weighing some butter sold him by the...</p>	Case			<a href="#">2922</a>
Cited	<p> <b>41. O'Neil v. State of Vermont</b></p> <p>12 S.Ct. 693, U.S.Vt., 1892</p> <p>In error to the supreme court of the state of Vermont. Dismissed.</p>	Case			<a href="#">2924+</a>
Cited	<p> <b>42. Palmer v. A.H. Robins Co., Inc.</b></p> <p>684 P.2d 187, Colo., 1984</p> <p>Woman commenced products liability action to recover compensatory and punitive damages from manufacturer of intrauterine device. The District Court, City and County of Denver,...</p>	Case			<a href="#">2924</a>
Cited	<p> <b>43. Penn Cent. Transp. Co. v. City of New York</b></p> <p>98 S.Ct. 2646, U.S.N.Y., 1978</p> <p>Following refusal of New York City Landmarks Preservation Commission to approve plans for construction of 50-story office building over Grand Central Terminal, which had been...</p>	Case			<a href="#">2925</a>
Cited	<p><b>44. Pervear v. Commonwealth of Massachusetts</b></p> <p>1866 WL 9365, U.S.Mass., 1866</p> <p>THIS cause was brought before the court by writ of error to the Supreme Court of the Commonwealth of Massachusetts, under the 25th section of the Judiciary Act. Pervear, the...</p>	Case			<a href="#">2924</a>
Cited	<p> <b>45. Pezzano v. Bonneau</b></p> <p>329 A.2d 659, Vt., 1974</p> <p>Defendant tow truck operators, who had towed plaintiffs' vehicle to their garage, were found liable for willful and malicious conversion. Compensatory and punitive damages were...</p>	Case			<a href="#">2922</a>

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Cited	<p> <b>46. Robinson v. California</b></p> <p>82 S.Ct. 1417, U.S.Cal., 1962</p> <p>Defendant was convicted in the Municipal Court of Los Angeles of violation of statute making it a criminal offense for a person to be addicted to the use of narcotics, and his...</p>	Case			<a href="#">2925+</a>
Cited	<p><b>47. Rogers v. Bigelow</b></p> <p>96 A. 417, Vt., 1916</p> <p>Exceptions from Orange County Court; Leighton P. Slack, Judge. Trespass for assault and battery by Florine Ford Rogers against John W. W. Bigelow. There was a verdict and judgment...</p>	Case		”	<a href="#">2922</a>
Cited	<p> <b>48. Rosenbloom v. Metromedia, Inc.</b></p> <p>91 S.Ct. 1811, U.S.Pa., 1971</p> <p>Defamation action against radio station by magazine distributor. The United States District Court for the Eastern District of Pennsylvania, 289 F.Supp. 737, found for plaintiff and...</p>	Case			<a href="#">2932</a>
Cited	<p> <b>49. Schilb v. Kuebel</b></p> <p>92 S.Ct. 479, U.S.Ill., 1971</p> <p>A purported class action was brought against certain county officials by a person who had in accordance with an Illinois bail reform statute put up ten per cent of bail fixed for...</p>	Case			<a href="#">2925</a>
Cited	<p> <b>50. Silkwood v. Kerr-McGee Corp.</b></p> <p>104 S.Ct. 615, U.S.Okla., 1984</p> <p>Administrator of estate of deceased laboratory analyst at federally licensed nuclear facility brought state law tort action against facility to recover for plutonium contamination...</p>	Case			<a href="#">2932</a>
Cited	<p> <b>51. Smith v. Wade</b></p> <p>103 S.Ct. 1625, U.S.Mo., 1983</p> <p>Inmate in a Missouri reformatory for youthful first offenders brought suit under § 1983 against reformatory guards and correctional officials alleging that his Eighth Amendment...</p>	Case			<a href="#">2932</a>
Discussed	<p> <b>52. Solem v. Helm</b></p> <p>103 S.Ct. 3001, U.S.S.D., 1983</p> <p>Petitioner appealed from an order of the United States District Court for the District of South Dakota, Andrew W. Bogue, Chief Judge, denying his petition for writ of habeas...</p>	Case		”	<a href="#">2915+</a>

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Cited	<p> <b>53. <a href="#">Southwestern Telegraph &amp; Telephone Co. v. Danaher</a></b></p> <p>35 S.Ct. 886, U.S.Ar., 1915</p> <p>in error/ to the Supreme Court of the State of Arkansas to review a judgment which, on a second appeal, affirmed a judgment of the Pulaski Circuit Court, in that state, enforcing a...</p>	Case			<a href="#">2923</a>
Discussed	<p> <b>54. <a href="#">St. Louis, I.M. &amp; S. Ry. Co. v. Williams</a></b></p> <p>40 S.Ct. 71, U.S.Ar., 1919</p> <p>In Error to the Supreme Court of the State of Arkansas. Consolidated actions by Dicksey Williams and Lucy Williams against the St. Louis, Iron Mountain &amp; Southern Railway Company....</p>	Case		”	<a href="#">2921+</a>
Cited	<p> <b>55. <a href="#">State of La. ex rel. Francis v. Resweber</a></b></p> <p>67 S.Ct. 374, U.S.La., 1947</p> <p>Certiorari proceeding by the State of Louisiana, on the relation of Willie Francis, petitioner, against E. L. Resweber, Sheriff of the Parish of St. Martin, La., and others to...</p>	Case			<a href="#">2925+</a>
Cited	<p> <b>56. <a href="#">Trop v. Dulles</a></b></p> <p>78 S.Ct. 590, U.S.N.Y., 1958</p> <p>Action for judgment declaring that plaintiff had not lost his nationality because of his conviction by military court martial of desertion from the United States Army during...</p>	Case		”	<a href="#">2914</a>
Cited	<p> <b>57. <a href="#">Trustees of Dartmouth College v. Woodward</a></b></p> <p>1819 WL 2201, U.S.N.H., 1819</p> <p>Constitutional law.—Obligation of contracts.—Charter. The charter granted by the British crown to the trustees of Dartmouth College, in New Hampshire, in the year 1769, is a...</p>	Case		”	<a href="#">2925</a>
Cited	<p> <b>58. <a href="#">Tull v. U.S.</a></b></p> <p>107 S.Ct. 1831, U.S.Va., 1987</p> <p>Government brought suit against real estate developer for dumping fill on wetlands. The United States District Court for the Eastern District of Virginia, Robert G. Doumar, J.,...</p>	Case			<a href="#">2932</a>
Cited	<p> <b>59. <a href="#">Tumey v. State of Ohio</a></b></p> <p>47 S.Ct. 437, U.S.Ohio, 1927</p> <p>In Error to the Supreme Court of Ohio. Ed Tumey was convicted before the mayor of the village of North College Hill, Ohio, of unlawfully possessing intoxicating liquor. Judgment of...</p>	Case			<a href="#">2927</a>

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Cited	 <b>60. U. S. v. Detroit Timber &amp; Lumber Co.</b> 26 S.Ct. 282, U.S.Ar., 1906 CROSS APPEALS from the United States Circuit Court of Appeals for the Eighth Circuit to review a decree of that court which, on appeal from a decree of the Circuit Court for the...	Case			2911
Cited	 <b>61. U.S. v. Busher</b> 817 F.2d 1409, 9th Cir.(Hawai'i), 1987 Defendant was convicted in the United States District Court for the District of Hawaii, Harold Fong, Chief Judge, of federal racketeering violations, and forfeiture of his interest...	Case			2933
Cited	 <b>62. U.S. v. Chouteau</b> 1880 WL 18840, U.S.Mo., 1880 As seen by the statement of the case, each breach of the condition of the bond in suit, of the class designated by odd numbers, consists in the omission of the distiller to make...	Case		”	2932
Discussed	 <b>63. U.S. v. Halper</b> 109 S.Ct. 1892, U.S.N.Y., 1989 United States brought action against former medical service manager for filing of allegedly inflated Medicare claims under the civil False Claims Act. The Government moved for...	Case		”	2918+
Cited	 <b>64. U.S. v. Martin Linen Supply Co.</b> 97 S.Ct. 1349, U.S.Tex., 1977 Criminal contempt proceedings were brought to enforce terms of antitrust consent decree. Following remand, 485 F.2d 1143, the United States District Court for the Western District...	Case			2925
Cited	 <b>65. U.S. v. Morton Salt Co.</b> 70 S.Ct. 357, U.S.Ill., 1950 Actions by the United States against the Morton Salt Company and the International Salt Company for mandatory injunctions commanding the respondents to file special and additional...	Case			2925
Cited	 <b>66. U.S. v. Salerno</b> 107 S.Ct. 2095, U.S.N.Y., 1987 Defendants were committed for pretrial detention pursuant to the Bail Reform Act by the United States District Court for the Southern District of New York, 631 F.Supp. 1364, John...	Case			2926

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Cited	<p> <b>67. Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.</b></p> <p>96 S.Ct. 1817, U.S.Va., 1976</p> <p>Consumers of prescription drugs brought suit against the Virginia State Board of Pharmacy and its individual members, challenging the validity of a Virginia statute declaring it...</p>	Case			2925
Cited	<p> <b>68. Waters-Pierce Oil Co. v. State of Texas</b></p> <p>29 S.Ct. 220, U.S.Tex., 1909</p> <p>IN ERROR to the court of Civil Appeals for the Third Supreme Judicial District of the State of Texas to review a judgment which affirmed a judgment of the District Court of Travis...</p>	Case			2923+
Discussed	<p> <b>69. Weems v. U.S.</b></p> <p>30 S.Ct. 544, U.S.Phil.Islands, 1910</p> <p>IN ERROR to the Supreme Court of the Philippine Island to review a judgment which affirmed a conviction in the Court of First Instance for the City of Manila of the falsification...</p>	Case		”	2914+
Cited	<p><b>70. Whitney Stores, Inc. v. Summerford</b></p> <p>280 F.Supp. 406, D.S.C., 1968</p> <p>Action for declaration that South Carolina Sunday Blue Laws were unconstitutional and for injunctive relief. The three-judge District Court, Hemphill, J., held that where decision...</p>	Case			2925
Cited	<p> <b>71. Wilkerson v. State of Utah</b></p> <p>1878 WL 18292, U.S.Utah, 1878</p> <p>ERROR to the Supreme Court of the Territory of Utah. The facts are stated in the opinion of the court. The legislative act of Utah, passed March 6, 1852, provides that a person...</p>	Case			2925
Cited	<p> <b>72. Wilson v. U.S.</b></p> <p>31 S.Ct. 538, U.S.N.Y., 1911</p> <p>IN ERROR to the Circuit Court of the United States for the Southern District of New York to review a judgment committing an officer of a corporation for contempt in refusing to...</p>	Case			2925
Mentioned	<p> <b>73. Wolff v. McDonnell</b></p> <p>94 S.Ct. 2963, U.S.Neb., 1974</p> <p>Civil rights action was brought challenging administrative procedures and practices at Nebraska penal and correctional complex. From an order of the United States District Court...</p>	Case			2923