

SYLLABUS

**REMEDIES
HAMLINE SCHOOL OF LAW
FALL SEMESTER 2009**

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**TEXT:
EQUITABLE REMEDIES, RESTITUTION AND DAMAGES
SEVENTH EDITION
LEAVELL, LOVE, NELSON, KOVACIC-FLEISCHER**

STATEMENT OF GOALS AND OBJECTIVES:

A course in remedies binds contract and tort principles with equitable remedies and restitution. In this class you will be exposed to several cases involving injunctions and other equitable relief. We will read and discuss the Terri Schiavo cases from Florida that engendered so much national attention in early 2005. We will also read and discuss cases relating to the 2000 presidential election, including the controversial decision of the U.S. Supreme Court to grant a stay stopping the hand-counting of ballots in Florida. Many other cases we will discuss concern injunctions against picketing at abortion clinics, equitable remedies for unmarried persons after the break up of a relationship, and claims of nuisance, defamation, interference with trade, and more. We will delve closely into the cases and study them at length in class as a tool for better understanding what remedies law and equity provide to persons wronged.

TESTING AND GRADING:

There will be a three-hour essay final examination that incorporates the principles learned in class. The final grade will be determined by your answer to the two exam questions on the three-hour final examination. The final examination may be self-scheduled during the exam period.

The examination will be CLOSED BOOK/Materials.

LAPTOP USAGE AND INTERNET POLICY:

Laptops may be used in the classroom to take notes **but connecting to the Internet and emailing during class is prohibited. The Internet policy will be enforced in class.**

REQUIRED READING:

Class #1: August 24, 2009

**Class Focus:
Injunctions**

Read Chapter 1, Introduction to Remedies (for background).

Read *Schiavo v. Schindler*, 403 F.3d 1223 (11th Cir. 2005);
Schiavo v. Schindler, 357 F. Supp 2d 1378 (M.D. Fla
2005).

Read Chapter 2, pages 13-37; 45-51; 64-69.

We will discuss the following cases in class:

Schiavo v. Schindler (both cases)
Clinton v. Nagy
Adams v. Baker
Force v. Pierce City R-VI School District
Marquette v. Marquette
Morgan Stanley v. Frisby
Ayres v. City of Chicago

Class #2: August 31, 2009

**Class Focus:
More on Injunctions**

Read Chapter 2, pages 93-98; 111-21; 125-28; 163-78

We will discuss the following cases in class:

Walgreen v. Sara Creek Property
Smith v. Western Electric
Matlock v. Weets
Salomon Smith Barney v. Vockel
Peckham v. Milroy
Carroll v. Princess Ann
National Socialist Party v. Village of Skokie
M.I.C. v. Bedford Township

Oklahoma City Pubic Schools v. Dowell

NO CLASS ON SEPTEMBER 7 (LABOR DAY)

Class #3: September 14, 2009

Class Focus:
Contempt

Read Chapter 2, pages 178-222

We will discuss the following cases in class:

Harris v. United States
United States v. Wilson
Bloom v. Illinois
Shillitani v. United States
Simkin v. United States
Young v. Vuitton
Cancer Research Institute v. Cancer Research Society
Wronke v. Madigan

Class #4: September 21, 2009

Class Focus:
More on Contempt

Read Chapter 2, pages 222-79.

We will discuss the following cases in class:

International Union v. Bagwell
United States v. Tennessee
Jones v. Clinton
Roe v. Operation Rescue
People v. Conrad
Walker v. City of Birmingham
In Re Providence Journal (both cases)

Class #5: September 28, 2009

Class Focus:

Basic Principles of Legal Restitution, Equitable Restitution, Constructive Trusts, Equitable Liens, and Subrogation

Read Chapter 4, pages 504-41.

We will discuss the following cases in class:

Kossian v. American National Insur. Co.
Bastian v. Gafford
Crawford's Auto v. Pennsylvania
Great-West Life v. Knudson
Hunter v. Shell Oil
G&M Motor v. Thompson
In Re Foster
Verity v. Verity
VRG v. GKN Realty

Class #6: October 5, 2009

Class Focus:

**The Concept of Benefit to the Defendant;
Defenses to Claims in Unjust Enrichment.**

Read Chapter 4, pages 545-48; 551-72.

We will discuss the following cases in class:

Olwell v. Nye & Nissen
Estate of Johnson v. Adkins
Properties Development v. Sto-Kent Lanes
Hi-Land Apartments v. City of Hillsboro
Vortt Exploration v. Chevron
Dusenka v. Dusenka
Kuder v. Schroeder
In Re Bunde

Class #7: October 12, 2009

Class Focus:

**Defenses to Claims in Unjust Enrichment;
Restitution as the Only Cause of Action;
Restitution and Punitive Damages.**

Read Chapter 4, pages 572-91; 596-604.

We will discuss the following cases in class:

County Commissioners v. J. Roland Dashell & Sons
Arnold v. Misys Healthcare Systems
Messersmith v. G.T. Murray
St. Mary's Medical Ctr. v. United Farm Bureau
Bank of Saipan v. CNG Financial
Bailey-Allen Co. v. Kurzet
Harrison v. Pritchett
Ward v. Taggart

Class #8: October 19, 2009

Class Focus:
Declaratory Judgments

Read Chapter 5, pages 605-29

We will discuss the following in class:

Uniform Declaratory Judgments Act
Federal Declaratory Judgment Act
Fed. R. Civ. Pro. 57
Aetna Life v. Haworth
Maryland Casualty Co. v. Pacific Coal & Oil
Wilton v. Senven Falls Co.
Verizon Communications v. Inverizon International
Steffel v. Thompson

Class #9: October 26, 2009

Class Focus:
Remedies for Selected Contractual Problems:
Interference with Personal Property; Interference with Real Property and Environmental Interests.

Read Chapter 6, pages 661-65; 699-710; 714-26; 734-39; 745-53.

We will discuss the following in class:

Gonzales v. Personal Storage

Heninger v. Dunn
Williams v. Monsanto
Heroux v. Katt
Miceli v. Riley
Goulding v. Cook
Glover v. Santangelo
Turpin v. Watts

Class #10: November 2, 2009

Class Focus:

Remedies for Selected Contractual Problems:

Interference with Real Property and Environmental Interests.

Read Chapter 6, pages 767-822.

We will be discussing the following cases in class:

Escobar v. Continental Baking Co.
Dowdal v. Bloomquist
Boomer v. Atlantic Cement
Spur Industries v. Del E. Webb Development
Trickett v. Ochs
Hobbs v. Smith
Village of Wilsonville v. SCA Serv. Inc.
Mark v. State Dept. of Fish & Wildlife

Class #11: November 9, 2009

Class Focus:

Law Enforcement Injunctions;

Interference with Constitutional Rights;

2000 Presidential Election Cases.

Read Chapter 6, pages 866-67; 877-904; 935-60

We will be discussing the following cases in class:

City of Milwaukee v. Burnette
In Re Englebrecht
Memphis Community School v. Stachura
Palm Beach County Canvassing Bd. V. Harris
Bush v. Palm Beach County Canvassing Bd.
Siegel v. LePore
Gore v. Harris
Bush v. Gore (both cases)

Class #12: November 16, 2009

Class Focus:

Remedies for Tortious Wrongs:

Interference with Dignity Interests.

Read Chapter 6, pages 973-1015; 1019-28; 1038-57.

We will be discussing the following cases in class:

Angus v. Ventura
Tacket v. Delco
Dun & Bradstreet v. Greenmoss Builders
Hayes v. Smith
Kramer v. Thompson
Bingham v. Struve
Michaels v. Internet Entertainment
Markey v. Jonathan Club
Ventura v. Titan Sports, Inc.

Class #13: November 23, 2009

Class Focus:

Remedies for Selected Contractual Problems

Read Chapter 7, pages 1189-93; 1204-16; 1224-37; 1254-61;
1289-97

We will be discussing the following cases in class:

Hilton v. Nelsen
Coe v. Hays
Bush Grocery Kart v. Sure Fine Market
Lane v. Kindercare Learning Centers
Monge v. Beebe Rubber Co.
Watts v. Watts
Maglica v. Maglica
R.R. v. H.H.

Class #14: November 30: make-up class if needed

FINAL EXAMINATION PERIOD: December 7-20, 2009.

GRADES DUE ON JANUARY 11, 2010.