

Remedies
Fall Weekend Semester 2009
Saturday 8:15 - 11:15 am
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Purpose: The course is designed to acquaint the class with an overview of remedies. The amount of reading has been kept to a reasonable level to allow time to examine and discuss the basic principles contained in each topic area.

Requirements: (1) Class attendance is required. (2) Each student is to come to class prepared. (3) Class participation is expected and encouraged. (4) Students who provide exceptional class participation, extra credit will be awarded. (5) A take home final exam will be given.

Text: Douglas Laycock, *Modern American Remedies*, 3rd Edition.

CLASS ASSIGNMENTS

- August 15 Overview of Class, Distribution of Syllabus, Class Requirements
- August 22 Introduction; Rightful Position Principle; Value as the Measure of the Rightful Position **1-37**
- August 29 Reliance and Expectancy as Measures of the Rightful Position; Consequential Damages **37-74**
- September 5 **NO CLASS--Labor Day**
- September 12 Limitation of Remedy and Liquidated Damages Clauses; **75-92**; Litigating Damages for Personal Injuries and Death **146-162**
- September 19 The Debate over Tort Reform; Dignitary and Constitutional Harms **162-201**
- September 26 Preventive Injunctions and the Propensity Requirement; Ripeness, Uncertain Consequences, Preventive and Reparative Injunctions **233-260**
- October 3 The Scope of Reparative Injunctions; The Scope of Structural Injunctions **260-328**
- October 10 Damages or Injunction? Damages or Specific Performance? **363-401**

- October 17 **NO CLASS-Semester Break**
- October 24 Damages or Specific Relief? Undue Hardship; Policy Issues: Insolvency, Prior Restraint, etc. **401-435**
- October 31 Substantive Law of Preliminary Injunctions and TROs; Procedural Law of Preliminary Injunctions and TROs **435-464**
- November 7 Prospective or Retrospective Relief **464-476, 486-493**; Declaratory Judgments **511-531, 561-563**
- November 14 Restitution—Disgorging Profits; Restitution—Disgorging Profits and Measuring Profits **565-621**
- November 21 Rescission and the Benefit Requirement; Introduction to Tracing **621-682**