



1991

## Indices to Volume 79

Kentucky Law Journal

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

**Right click to open a feedback form in a new tab to let us know how this document benefits you.**

### Recommended Citation

Kentucky Law Journal (1991) "Indices to Volume 79," *Kentucky Law Journal*: Vol. 79 : Iss. 4 , Article 11.

Available at: <https://uknowledge.uky.edu/klj/vol79/iss4/11>

This Table of Contents is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact [UKnowledge@lsv.uky.edu](mailto:UKnowledge@lsv.uky.edu).

# INDEX TO VOLUME 79

## KENTUCKY LAW JOURNAL

### AUTHOR INDEX

(An asterisk is used to denote all student works)

ADAMS, JAMES A.	
Anticipatory Search Warrants: Constitutionality, Requirements, and Scope .....	681
BERMAN, ALAN	
In Mitigation of Illegality: The U.S. Invasion of Panama .....	735
*BORDERS, HARRY B.	
<i>Ernst &amp; Ernst v. Hochfelder</i> as Applied to Commodities Fraud: No Intent Required .....	369
BUTTERFOSS, EDWIN J.	
Solving the Pretext Puzzle: The Importance of Ulterior Motives and Fabrications in the Supreme Court's Fourth Amendment Pretext Doctrine .....	1
*COSTICH, JULIA FIELD	
Denial of Coverage for "Experimental" Medical Procedures: The Problem of <i>De Novo</i> Review Under ERISA .....	801
EISLER, BETH A.	
Default Rules for Contract Formation by Promise and the Need for Revision of the Mailbox Rule .....	557
GINSBERG, MARC D. and Kurt M. Zitzer	
Illinois Rejects Market Share Liability: A Policy Based Analysis of <i>Smith v. Eli         Lilly &amp; Co.</i> .....	617
*GORHAM, ANNE E.	
The Kentucky No Action Statute: Down for the Count? .....	159
*HANNER, JANE E.	
DNA Fingerprinting: Evidence of the Future .....	415
HARRIS, ORA FRED, JR.	
Complex Product Design Litigation: A Need for More Capable Fact-Finders .....	477
*HERRICK, JAMES M.	
Double Jeopardy Analysis Comes Home: The "Same Conduct" Standard in <i>Grady v.         Corbin</i> .....	847

*JONES, S. DOUGLAS	
State Prosecutions for Safety-Related Crimes in the Workplace: Can O.A.S. Succeed Where OSHA Failed? .....	139
MALTZ, EARL M.	
Choice of Forum and Choice of Law in the Federal Courts: A Reconsideration of <i>Erie</i> Principles .....	231
*MANNO, ANDREW	
A High Price to Compete: The Feasibility and Effect of Waivers Used to Protect Schools From Liability for Injuries to Athletes With High Medical Risks .....	867
ROGERS, JOHN M.	
‘‘I Vote This Way Because I’m Wrong’’· The Supreme Court Justice as Epimenides .....	439
ROSENBERG, BENJAMIN E.	
Rethinking the Right to Due Process in Connection With Pretrial Identification Procedures: An Analysis and a Proposal .....	259
RUDSTEIN, DAVID S.	
White on <i>White</i> : Anonymous Tips, Reasonable Suspicion, and the Constitution .....	661
*SLOAN, CRAIG	
Constitutional Challenges to Section 812 of the Fair Housing Act .....	585
SMITH, CHRISTOPHER E.	
The Supreme Court in Transition: Assessing the Legitimacy of the Leading Legal Institution .....	317
STEWART, EVAN C.	
Securities Arbitration Appeal: An Oxymoron No Longer? .....	347
VANDEVELDE, KENNETH J.	
The Modern Prima Facie Tort Doctrine .....	519
*WALTON, KATHRYN A.	
The Federal Sentencing Guidelines: Miracle Cure for Sentencing Disparity .....	385
*WEBB, CHARLES D., JR.	
Whose Art is it Anyway? Title Disputes and Resolutions in Art Theft Cases .....	883
WEINBERG, HAROLD R. and William J. Woodward, Jr.	
Easing Transfer and Security Interest Transactions in Intellectual Property: An Agenda for Reform .....	61
*WIER, ROBERT E.	
Troubled Waters: A Reaction to the Eleventh Circuit’s Pollution of CERCLA’s Safe Harbor for Lenders .....	829

WINSLOW, DONALD ARTHUR

A Note on Retrospectively Rated Insurance and Federal Income Taxation ..... 195

WOODWARD, WILLIAM J., JR. and Harold R. Weinberg

Easing Transfer and Security Interest Transactions in Intellectual Property: An Agenda for Reform .....61

\*YOUNG, CATHERINE MURR

Should a Motion in Limine or Similar Preliminary Motion Made in the Federal Court System Preserve Error on Appeal Without a Contemporaneous Objection? ..... 177

ZITZER, KURT M. and Marc D. Ginsberg

Illinois Rejects Market Share Liability: A Policy Based Analysis of *Smith v. Eli Lilly & Co.* ..... 617

SUBJECT INDEX

ADMINISTRATIVE LAW

Constitutional Challenges to Section 812 of the Fair Housing Act, Craig Sloan ..... 585

The Federal Sentencing Guidelines: Miracle Cure for Sentencing Disparity, Kathryn A. Walton ..... 385

ALTERNATIVE DISPUTE RESOLUTION

Securities Arbitration Appeal: An Oxymoron No Longer?, Evan C. Stewart ..... 347

CIVIL PROCEDURE

Choice of Forum and Choice of Law in the Federal Courts: A Reconsideration of *Erie* Principles, Earl M. Maltz ..... 231

The Kentucky No Action Statute: Down for the Count?, Anne E. Gorham ..... 159

Should a Motion in Limine or Similar Preliminary Motion Made in the Federal Court System Preserve Error on Appeal Without a Contemporaneous Objection?, Catherine Murr Young ..... 177

CIVIL RIGHTS

Constitutional Challenges to Section 812 of the Fair Housing Act, Craig Sloan ..... 585

## COMMERCIAL LAW

- Default Rules for Contract Formation by  
 Promise and the Need for Revision of the  
 Mailbox Rule,  
 Beth A. Eisler ..... 557
- Easing Transfer and Security Interest  
 Transactions in Intellectual Property: An  
 Agenda for Reform,  
 Harold R. Weinberg and William J.  
 Woodward, Jr. ....61
- Whose Art is it Anyway? Title Disputes and  
 Resolutions in Art Theft Cases,  
 Charles D. Webb, Jr. .... 883

## COMMODITIES TRADING

- Ernst & Ernst v. Hochfelder* as Applied to  
 Commodities Fraud: No Intent Required,  
 Harry B. Borders ..... 369

## COMMON LAW

- Choice of Forum and Choice of Law in the  
 Federal Courts: A Reconsideration of *Erie*  
 Principles,  
 Earl M. Maltz ..... 231
- Default Rules for Contract Formation by  
 Promise and the Need for Revision of the  
 Mailbox Rule,  
 Beth A. Eisler ..... 557
- The Modern Prima Facie Tort Doctrine,  
 Kenneth J. Vandevelde ..... 519

## CONFLICT OF LAWS

- Choice of Forum and Choice of Law in the  
 Federal Courts: A Reconsideration of *Erie*  
 Principles,  
 Earl M. Maltz ..... 231

## CONSTITUTIONAL LAW

- A High Price to Compete: The Feasibility and  
 Effect of Waivers Used to Protect Schools  
 From Liability for Injuries to Athletes  
 With High Medical Risks,  
 Andrew Manno ..... 867
- Anticipatory Search Warrants:  
 Constitutionality, Requirements, and  
 Scope,  
 James A. Adams ..... 681
- Choice of Forum and Choice of Law in the  
 Federal Courts: A Reconsideration of *Erie*  
 Principles,  
 Earl M. Maltz ..... 231
- Complex Product Design Litigation: A Need for  
 More Capable Fact-Finders,  
 Ora Fred Harns, Jr. .... 477

Constitutional Challenges to Section 812 of the Fair Housing Act, Craig Sloan .....	585
Double Jeopardy Analysis Comes Home: The "Same Conduct" Standard in <i>Grady v. Corbin</i> , James M. Herrick .....	847
"I Vote This Way Because I'm Wrong": The Supreme Court Justice as Epimendes, John M. Rogers .....	439
Rethinking the Right to Due Process in Connection With Pretrial Identification Procedures: An Analysis and a Proposal, Benjamin E. Rosenberg .....	259
Solving the Pretext Puzzle: The Importance of Ulterior Motives and Fabrications in the Supreme Court's Fourth Amendment Pretext Doctrine, Edwin J. Butterfoss .....	1
The Supreme Court in Transition: Assessing the Legitimacy of the Leading Legal Institution, Christopher E. Smith .....	317
White on <i>White</i> : Anonymous Tips, Reasonable Suspicion, and the Constitution, David S. Rudstein .....	661
<b>CONSTRUCTION LAW</b>	
The Kentucky No Action Statute: Down for the Count?, Anne E. Gorham .....	159
<b>CONTRACTS</b>	
A High Price to Compete: The Feasibility and Effect of Waivers Used to Protect Schools From Liability for Injuries to Athletes With High Medical Risks, Andrew Manno .....	867
Default Rules for Contract Formation by Promise and the Need for Revision of the Mailbox Rule, Beth A. Eisler .....	557
<b>CRIMINAL LAW</b>	
State Prosecutions for Safety-Related Crimes in the Workplace: Can O.A.S. Succeed Where OSHA Failed?, S. Douglas Jones .....	139
<b>CRIMINAL PROCEDURE</b>	
Anticipatory Search Warrants: Constitutionality, Requirements, and Scope, James A. Adams .....	681

DNA Fingerprinting: Evidence of the Future,  
Jane E. Hanner ..... 415

Double Jeopardy Analysis Comes Home: The  
“Same Conduct” Standard in *Grady v.  
Corbin*,  
James M. Herrick ..... 847

Rethinking the Right to Due Process in  
Connection With Pretrial Identification  
Procedures: An Analysis and a Proposal,  
Benjamin E. Rosenberg ..... 259

Should a Motion in Limine or Similar  
Preliminary Motion Made in the Federal  
Court System Preserve Error on Appeal  
Without a Contemporaneous Objection?,  
Catherine Murr Young ..... 177

Solving the Pretext Puzzle: The Importance of  
Ulterior Motives and Fabrications in the  
Supreme Court’s Fourth Amendment Pretext  
Doctrine,  
Edwin J. Butterfoss ..... 369

White on *White*: Anonymous Tips, Reasonable  
Suspicion, and the Constitution,  
David S. Rudstein ..... 661

**EMPLOYMENT LAW**

Denial of Coverage for “Experimental” Medical  
Procedures: The Problem of *De Novo* Review  
Under ERISA,  
Julia Field Costich ..... 801

State Prosecutions for Safety-Related Crimes  
in the Workplace: Can O.A.S. Succeed  
Where OSHA Failed?,  
S. Douglas Jones ..... 139

**EVIDENCE**

DNA Fingerprinting: Evidence of the Future,  
Jane E. Hanner ..... 415

Rethinking the Right to Due Process in  
Connection With Pretrial Identification  
Procedures: An Analysis and a Proposal,  
Benjamin E. Rosenberg ..... 259

Should a Motion in Limine or Similar  
Preliminary Motion Made in the Federal  
Court System Preserve Error on Appeal  
Without a Contemporaneous Objection?,  
Catherine Murr Young ..... 177

Solving the Pretext Puzzle: The Importance of  
Ulterior Motives and Fabrications in the  
Supreme Court’s Fourth Amendment Pretext  
Doctrine,  
Edwin J. Butterfoss ..... 369

## ENVIRONMENTAL LAW

- Troubled Waters: A Reaction to the Eleventh  
Circuit's Pollution of CERCLA's Safe  
Harbor for Lenders,  
Robert E. Wier ..... 829

## FEDERAL SENTENCING

- The Federal Sentencing Guidelines: Miracle  
Cure for Sentencing Disparity,  
Kathryn A. Walton ..... 385

## FEDERALISM

- Choice of Forum and Choice of Law in the  
Federal Courts: A Reconsideration of *Erie*  
Principles,  
Earl M. Maltz ..... 231

## FIFTH AMENDMENT LAW

- Double Jeopardy Analysis Comes Home: The  
"Same Conduct" Standard in *Grady v.*  
*Corbin*,  
James M. Herrick ..... 847

## FOREIGN POLICY

- In Mitigation of Illegality: The U.S.  
Invasion of Panama,  
Alan Berman ..... 735

## FOURTH AMENDMENT LAW

- Anticipatory Search Warrants:  
Constitutionality, Requirements, and  
Scope,  
James A. Adams ..... 681
- Solving the Pretext Puzzle: The Importance of  
Ulterior Motives and Fabrications in the  
Supreme Court's Fourth Amendment Pretext  
Doctrine,  
Edwin J. Butterfoss ..... 369
- White on *White*: Anonymous Tips, Reasonable  
Suspicion, and the Constitution,  
David S. Rudstein ..... 661

## FRAUD

- Ernst & Ernst v. Hochfelder* as Applied to  
Commodities Fraud: No Intent Required,  
Harry B. Borders ..... 369

## HEALTH LAW

- Denial of Coverage for "Experimental" Medical  
Procedures: The Problem of *De Novo* Review  
Under ERISA,  
Julia Field Costich ..... 801

## INSURANCE LAW

- A Note on Retrospectively Rated Insurance and  
Federal Income Taxation,  
Donald Arthur Winslow ..... 195



Denial of Coverage for “Experimental” Medical Procedures: The Problem of *De Novo* Review Under ERISA,  
 Julia Field Costich ..... 801

**INTELLECTUAL PROPERTY**

Easing Transfer and Security Interest Transactions in Intellectual Property: An Agenda for Reform,  
 Harold R. Wemberg and William J. Woodward, Jr. ....61

**INTERNATIONAL LAW**

In Mitigation of Illegality: The U.S. Invasion of Panama,  
 Alan Berman ..... 735

**JUDICIAL REVIEW**

Denial of Coverage for “Experimental” Medical Procedures: The Problem of *De Novo* Review Under ERISA,  
 Julia Field Costich ..... 801

Securities Arbitration Appeal: An Oxymoron No Longer?,  
 Evan C. Stewart ..... 347

Troubled Waters: A Reaction to the Eleventh Circuit’s Pollution of CERCLA’s Safe Harbor for Lenders,  
 Robert E. Wier ..... 829

**JURISPRUDENCE**

“I Vote This Way Because I’m Wrong”: The Supreme Court Justice as Epimenides,  
 John M. Rogers ..... 439

The Supreme Court in Transition: Assessing the Legitimacy of the Leading Legal Institution,  
 Christopher E. Smith ..... 317

**JURY**

Complex Product Design Litigation: A Need for More Capable Fact-Finders,  
 Ora Fred Harris, Jr. ....477

Constitutional Challenges to Section 812 of the Fair Housing Act,  
 Craig Sloan ..... 585

**LEGAL THEORY**

Illinois Rejects Market Share Liability: A Policy Based Analysis of *Smith v. Eli Lilly & Co.*,  
 Kurt M. Zitzer and Marc D. Ginsberg ..... 617

**PREEMPTION**

Denial of Coverage for “Experimental” Medical Procedures: The Problem of *De Novo* Review Under ERISA,  
 Julia Field Costich ..... 801

State Prosecutions for Safety-Related Crimes in the Workplace: Can O.A.S. Succeed Where OSHA Failed?, S. Douglas Jones .....	139
<b>PRODUCTS LIABILITY</b>	
Complex Product Design Litigation: A Need for More Capable Fact-Finders, Ora Fred Harris, Jr. ....	477
<b>PROPERTY</b>	
The Kentucky No Action Statute: Down for the Count?, Anne E. Gorham .....	159
Whose Art is it Anyway? Title Disputes and Resolutions in Art Theft Cases, Charles D. Webb, Jr. ....	883
<b>REMEDIES</b>	
Constitutional Challenges to Section 812 of the Fair Housing Act, Craig Sloan .....	585
<b>SECURED TRANSACTIONS</b>	
Easing Transfer and Security Interest Transactions in Intellectual Property: An Agenda for Reform, Harold R. Weinberg and William J. Woodward, Jr. ....	61
<b>SECURITIES LAW</b>	
<i>Ernst &amp; Ernst v. Hochfelder</i> as Applied to Commodities Fraud: No Intent Required, Harry B. Borders .....	369
Securities Arbitration Appeal: An Oxymoron No Longer?, Evan C. Stewart .....	347
<b>SEVENTH AMENDMENT LAW</b>	
Constitutional Challenges to Section 812 of the Fair Housing Act, Craig Sloan .....	585
<b>SIXTH AMENDMENT LAW</b>	
Rethinking the Right to Due Process in Connection With Pretrial Identification Procedures: An Analysis and a Proposal, Benjamin E. Rosenberg .....	259
<b>SPORTS LAW</b>	
A High Price to Compete: The Feasibility and Effect of Waivers Used to Protect Schools From Liability for Injuries to Athletes With High Medical Risks, Andrew Manno .....	867
<b>SUPREME COURT</b>	
'I Vote This Way Because I'm Wrong': The Supreme Court Justice as Epimenides, John M. Rogers .....	439

The Supreme Court in Transition: Assessing the Legitimacy of the Leading Legal Institution, Christopher E. Smith .....	317
TAX LAW	
A Note on Retrospectively Rated Insurance and Federal Income Taxation, Donald Arthur Winslow .....	195
TORTS	
Complex Product Design Litigation: A Need for More Capable Fact-Finders, Ora Fred Harris, Jr. ....	477
Illinois Rejects Market Share Liability: A Policy Based Analysis of <i>Smith v. Eli     Lilly &amp; Co.</i> , Kurt M. Zitzer and Marc D. Ginsberg .....	617
The Modern Prima Facie Tort Doctrine, Kenneth J. Vandavelde .....	519

## TABLE OF CASES

Abel v. U.S., 362 U.S. 217 (1960) .....	19, 31
Adams v. Lindsell, 106 Eng. Rep. 250 (K.B. 1818) .....	568
Adams v. Williams, 407 U.S. 143 (1972) .....	662, 665, 667, 674
Aguilar v. Texas, 378 U.S. 108 (1964) .....	669, 670, 674
Aikens v. Wisconsin, 195 U.S. 194 (1904) .....	523, 524, 533, 534, 535, 542
Ake v. Oklahoma, 470 U.S. 68 (1985) .....	311, 312, 313
Al Rashid v News Syndicate Co., 191 N.E. 713 (N.Y. 1934) .....	538
Alabama v. White, ____ U.S. ____, 110 S. Ct. 2412 (1990) .....	661, 671-675, 677-679
Allen v. Regents of the University System of Georgia, 304 U.S. 439 (1938) .....	458
American Home Assurance Co. v. Sunshine Supermarket, Inc., 753 F.2d 321 (3d Cir. 1985) .....	180, 181, 187
Arizona v. Fulminante, ____ U.S. ____, 59 U.S.L.W. 4235 (U.S., March 26, 1991) .....	475
Ashe v. Swenson, 397 U.S. 436 (1970) .....	851-852, 861-862
Atlas Roofing Co. v. Occupational Safety Comm'n, 430 U.S. 442 (1977) .....	585, 598, 599, 605
Attorney General v. Soto Lopez, 476 U.S. 898 (1986) .....	450
Aubrey v. Aetna Life Ins. Co., 886 F.2d 119 (6th Cir. 1989) .....	816
Bagby Elevator and Electric Company, Inc. v. McBride, 291 So. 2d 306 (Ala. 1974) .....	168
Banco Nacional de Cuba v. Chase Manhattan Bank, 658 F.2d 875 (2d Cir. 1981) .....	471
Bankston v. State, 391 So. 2d 1005 (Miss. 1980) .....	286
Beacon Theaters, Inc. v. Westover, 359 U.S. 500 (1959) .....	595
Beardsley v. Kilmer, 140 N.E. 203 (N.Y. 1923) .....	538, 541
Bituminous Casualty Corp. v. Commissioner, 57 T.C. 58 (1971) .....	205
Blockburger v. U.S., 284 U.S. 299 (1932) .....	850-851, 852, 854, 857-858
Bourjaily v U.S., 483 U.S. 171 (1987) .....	296
Bowley v Stotler & Co., 751 F.2d 641 (3d Cir. 1985) .....	378
Brown v. Ohio, 432 U.S. 161 (1977) .....	852-853, 860
Bruch v. Firestone Tire & Rubber Co., 828 F.2d 134 (3d Cir. 1987) .....	10, 13
Byrd v. Blue Ridge Cooperative, 356 U.S. 525 (1958) .....	231, 233, 234, 235, 238
Caldwell v Mississippi, 472 U.S. 320 (1985) .....	312, 313, 314

Camara v Municipal Court, 387 U.S. 523 (1967) .....	32, 33
Carney v. Moody, 646 S.W.2d 40 (Ky. 1982) .....	165
Chauffeurs Local No. 391 v. Terry, ___ U.S. _____, 110 S. Ct. 1339 (1990) .....	591, 594
Chimel v. California, 393 U.S. 752 (1969) .....	12, 27
City Bank and Trust Co. v Otto Fabric Inc., 83 Bankr. 780 (D. Kan. 1988) .....	67, 81
City of Akron v Akron Center for Reproductive Health, 462 U.S. 416 (1983) .....	336
Clougherty Packing Co. v Commissioner, 811 F.2d 1297 (9th Cir. 1987) .....	215, 216
Coleman v. Alabama, 399 U.S. 1 (1970) .....	270, 271, 283, 301, 302
Collins v Eli Lilly & Co., 342 N.W.2d 37 (Wis. 1984) .....	627
Collins v. State, 65 So. 2d 61 (Fla. 1953) .....	56, 57
Collins v. Wayne Corp., 621 F.2d 777 (5th Cir. 1980) .....	182
Colorado v Bannister, 449 U.S. 1 (1980) .....	22, 23, 24, 48, 49
Colorado v Bertine, 479 U.S. 367 (1987) .....	29, 30, 31, 32, 35, 36
Commodity Futures Trading Comm'n v. Schor, 478 U.S. 833 (1986) .....	606, 607, 608, 609, 610, 611
Commonwealth v. Douglas, 503 N.E.2d 28 (Mass. 1987) .....	718
Conley v Boyle Drug Co., 570 So. 2d 275 (Fla. 1990) .....	627
Connecticut v. Johnson, 460 U.S. 73 (1983) .....	461
Coolidge v N.H., 403 U.S. 443 (1971) .....	12
Cotton v. Armontrout, 784 F.2d 320 (8th Cir. 1986) .....	285
Coy v. Iowa, 487 U.S. 1012 (1988) .....	297
Coyler v Skeffington, 265 F 17 (1920), <i>rev'd</i> , 277 F 129 (1922) .....	20
Crowell v Benson, 285 U.S. 22 (1932) .....	600, 601
Curtis v. Loether, 415 U.S. 189 (1974) .....	585, 592, 593, 594, 602, 604, 605, 615
Dairy Queen, Inc. v. Wood, 369 U.S. 469 (1962) .....	595
Day & Zimmerman, Inc. v Challoner, 512 F.2d 77 (5th Cir. 1975), <i>vacated</i> , 423 U.S. 3 (1975) (per curiam) .....	252, 253
Deweerth v Baldinger, 836 F.2d 103 (2d Cir. 1987) .....	888-890, 891-893, 895
Dewitt v. A State Farm Ins. Co. Retirement Plan, 905 F.2d 798 (4th Cir. 1990) .....	815
Dorman v. U.S., 435 F.2d 385 (D.C. Cir. 1970) .....	708
Dosza v. Crum & Forster Ins. Co., 716 F Supp. 131 (D.N.J. 1989) .....	819, 823
Dowling v U.S., ___ U.S. ___, 110 S. Ct. 668 (1990) .....	860-862, 866

Draper v. U.S., 358 U.S. 307 (1959) .....	689-690, 708
Drexel Burnham Lambert v. Commodity Futures Trading Commission, 850 F.2d 742 (D.C. Cir. 1988) .....	378
Duggal Int'l Inc. v. Sall Metall, B.V., No. 84 Civ. 7170, slip op. (S.D. N.Y. May 8, 1986) .....	364
Enright v. Eli Lilly & Co., 553 N.Y.S.2d 494 (N.Y. Sup. Ct. 1990), <i>rev'd</i> , 1991 WL 18192 (Feb. 19, 1991) .....	626-627, 642
Erle Railroad v. Tompkins, 304 U.S. 64 (1938) .....	231, 232, 233, 236, 237, 239, 257, 258
Ernst & Ernst v. Hochfelder, 425 U.S. 185 (1976) .....	371, 379, 380, 381, 383, 384
<i>Ex parte</i> Nielsen, 131 U.S. 176 (1889) (HER) .....	3, 7, 8
Ferens v. John Deere Co., ___ U.S. ___, 110 S. Ct. 1274 (1990) .....	245, 256, 257, 258
Firestone Tire & Rubber Co. v. Bruch, 489 U.S. 101 (1989) .....	811, 813-815
First National City Bank v. Banco Nacional de Cuba, 406 U.S. 759 (1972) .....	470, 471
Flood v. Kuhn, 403 U.S. 258 (1972) .....	445, 446, 447
Foster v. California, 394 U.S. 440 (1969) .....	268, 269, 270, 271, 272, 299, 301
Garrity v. Lyle Stuart, Inc., 386 N.Y.S.2d 831 (N.Y. 1976) .....	364
Gavieres v. U.S., 220 U.S. 338 (1911) .....	849-850
George v. Parke-Davis, 733 P.2d 507 (Wash. 1987) .....	624
Gilbert v. California, 388 U.S. 263 (1967) .....	263, 265, 266, 272, 304
Goldman v. Johns-Manville Sales Corp., 514 N.E.2d 691 (Ohio 1987) .....	621
Gosa v. Maydon, 413 U.S. 665 (1973) .....	453
Grady v. Corbin, ___ U.S. ___, 110 S. Ct. 2084 (1990) .....	847-849, 852, 854-866
Granfinanciera, S.A. v. Nordberg, ___ U.S. ___, 109 S. Ct. 2782 (1989) .....	590, 591, 596, 599, 600, 604
Guaranty Trust Co. v. Polk, 326 U.S. 99 (1945) .....	231, 233, 234, 235
Gustafson v. Fla., 414 U.S. 260 (1973) .....	24, 25, 51
Gulf Oil Corp. v. Commissioner, 89 T.C. 1010 (1987) .....	225, 226
Gulf Oil Corp. v. Gilbert, 330 U.S. 501 (1947) .....	242, 243
Hale v. Firestone Tire & Rubber Co., 756 F.2d 1322 (8th Cir. 1985) .....	184
Hanna v. Plumer, 380 U.S. 460 (1965) .....	231, 234, 235, 236
Harding v. State, 246 A.2d 302 (Md. Ct. Spec. App. 1968) .....	428

Harris v Oklahoma, 433 U.S. 682 (1977) ..... 853

Helvering v. Le Gierse, 312 U.S. 531 (1941) ..... 224

Hendrix v. Raybestos-Manhattan, Inc., 776 F.2d  
 1492 (11th Cir. 1985) ..... 184, 185

Hoffman v Blaski, 363 U.S. 335 (1960) ..... 244

Hoffman v. Connecticut Dep't of Income  
 Maintenance, \_\_\_ U.S. \_\_\_, 109 S. Ct.  
 2818 (1989) ..... 451

Hymowitz v. Eli Lilly & Co., 539 N.E.2d 1069, 541  
 N.Y.S.2d 941 (N.Y. 1989) ..... 624-626, 632

Illinois v. Andreas, 463 U.S. 765 (1983) ..... 697-699,  
 705, 712

Illinois v. Gates, 462 U.S. 213 (1983) ..... 667-669, 670-671,  
 674, 675, 676,  
 692-693, 708

Illinois v. Vitale, 447 U.S. 410 (1988) ..... 853-854, 856  
 857, 860, 863

Illinois v. Zegart, 415 N.E.2d 341 (Ill. 1981) ..... 860

*In re Beverly Hills Fire Litigation*, 583 F Supp.  
 1163 (E.D. Ky. 1984) ..... 165, 166, 169, 175

*In re Transportation Design and Technology, Inc.*,  
 48 Bankr. 635 (Bankr. S.D. Cal. 1985) ..... 67, 81

*In re United States Financial Securities  
 Litigation*, 609 F.2d 411 (9th Cir. 1979) ..... 490, 491

Johnson v. Wainwright, 806 F.2d 1479 (11th Cir.  
 1986) ..... 313

Jones v U.S., 357 U.S. 493 (1958) ..... 21, 27

Klaxon Co. v Stentor Electric Mfg. Co., 313 U.S.  
 487 (1941) ..... 252, 253

Kunstsammlungen Zu Weimar v Elicofon, 678 F.2d  
 1150 (2d Cir. 1982) ..... 887-888

Ledwith v. International Paper Co., 64 N.Y.S.2d  
 810 (N.Y. Sup. Ct. 1946) ..... 541

Manson v. Brathwaite, 432 U.S. 98 (1977) ..... 261, 274, 275, 276,  
 279, 280, 283, 287, 288,  
 290, 293, 294, 296, 305, 306, 312

Martin v. Abbott Laboratories, 689 P.2d 368  
 (Wash. 1984) ..... 622-624, 630, 632,  
 637, 640, 641, 645

Martin v Wilks, 490 U.S. 754 (1989) ..... 342

Martinez v. Florida, 549 So. 2d 694 (Fla. Dist.  
 Ct. App. 1989) ..... 429

Maryland v Garrison, 480 U.S. 77 (1987) ..... 41, 42

Maryland v Macon, 472 U.S. 463 (1985) ..... 44, 45, 46

Maryland Casualty Co. v. Cushing, 347 U.S. 409  
 (1954) ..... 459, 460

Massachusetts v. Oakes, \_\_\_ U.S. \_\_\_, 109  
 S. Ct. 2633 (1989) ..... 448, 449

Mathews v. Eldridge, 424 U.S. 319 (1976) ..... 311

McCormack v. Abbott Laboratories, 617 F Supp. 1521 (C.D. Mass. 1985) .....	627
McGee v. Equicor-Equitable HCA Corp., No. 87-1721-K (D. Kan. Mar. 27, 1990) (Lexis) .....	821-823
McGuff v. Alabama, 566 F.2d 939 (5th Cir. 1978) .....	285
McIlroy v. Dittmer, 732 F.2d 98 (8th Cir. 1984) .....	377
McKeiver v. Pennsylvania, 403 U.S. 528 (1971) .....	453
Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Bobker, 808 F.2d 930 (2d Cir. 1986) .....	354, 355, 356, 362, 363
Middletown Motors Express, Inc. v. Commissioner, 27 T.C. 167 (1956), <i>aff'd on other grounds</i> , 251 F.2d 405 (8th Cir.) .....	205, 206, 211
Miller v. Prudential Bache Securities, Inc., 884 F.2d 128 (4th Cir. 1989) .....	362, 363
Miranda v. Arizona, 384 U.S. 436 (1966) .....	341
Missouri v. Blair, 691 S.W.2d 259 (Mo. 1985), <i>cert. granted sub nom.</i> , Missouri v. Blair, 474 U.S. 1049 (1986), <i>cert. dismissed</i> , 480 U.S. 698 (1987) .....	28, 42, 43, 44
Missouri v. Hunter, 459 U.S. 359 (1983) .....	858
Mullen v. Blackburn, 808 F.2d 1143 (5th Cir. 1987) .....	286, 287, 288
Murray's Lessee v. Hosoken Land & Improvement Co., 59 U.S. 272 (1856) .....	598
Neil v. Biggers, 409 U.S. 188 (1972) .....	272, 273, 274, 275, 276, 279, 280, 284, 288, 290, 292, 305, 312
New Jersey v. Hurd, 432 A.2d 87 (N.J. 1981) .....	430
NLRB v. Wyman-Gordan Co., 394 U.S. 759 (1969) .....	443, 448, 465, 466, 468, 469, 470, 472, 474
North Carolina v. Pearce, 395 U.S. 711 (1969) .....	848-849, 858-859
Northern Pipeline Constr. Co. v. Marathon Pipeline Co., 458 U.S. 50 (1982) .....	596, 597
Northwestern Flyers, Inc. v. Olson Bros. Mfg., 679 F.2d 1264 (8th Cir. 1982) .....	184
Norwood v. Kirkpatrick, 349 U.S. 29 (1955) .....	243, 244
N.Y. v. Burger, 482 U.S. 691 (1987) .....	36, 39, 40
O'Callahan v. Parker, 395 U.S. 258 (1989), <i>overruled by Solorio v. U.S.</i> , 483 U.S. 435 (1987) .....	453
O'Connor v. Ortega, 480 U.S. 709 (1987) .....	36, 37, 38, 39
O'Keefe v. Snyder, 416 A.2d 862 (N.J. 1980) .....	885-887, 889, 891-893
Pacemaker Diagnostic Clinic v. Instrumedix, 725 F.2d 537 (9th Cir. 1984) .....	614
Palermn v. City of Riverside, 794 F.2d 1409 (9th Cir. 1986) .....	181, 182, 191
Palmer v. Peyton, 359 F.2d 199 (4th Cir. 1966) .....	292



Payton v Abbott Laboratories, 437 N.E.2d 171 (Mass. 1982) .....	642-643, 654
Payton v. N.Y., 445 U.S. 573 (1980) .....	12
Pennsylvania v. Union Gas, ____ U.S. ____, 109 S. Ct. 2273 (1989) .....	439, 440, 441, 442, 443, 456, 459, 465, 468, 470, 472, 474, 475
People v. Chicago Magnet Wire Corp., 534 N.E.2d 962 (Ill. 1989) .....	144, 145
People v Glen, 331 N.Y.S.2d 656, 282 N.E.2d 614 (1972) .....	709-710
People v Hegedos, 443 N.W.2d 127 (Mich. 1989) .....	144, 145
People v Moore, 553 N.Y.S.2d 602 (N.Y. App. Div 1988) .....	282
People v. Pace, 491 N.Y.S.2d 618 (1985) .....	40, 41
People v. Wesley, 533 N.Y.S.2d 643 (N.Y. Sup. Ct. 1988) .....	426, 429
Pilot Life Insurance Co. v. Dedeaux, 481 U.S. 41 (1987) .....	805
Piper Aircraft Co. v Reyno, 454 U.S. 235 (1981) .....	246, 247
Pirozzi v. Blue Cross-Blue Shield of Virginia, 741 F Supp. 586 (E.D. Va. 1990) .....	819-821, 822
Poole v. South Plainfield Board of Education, 490 F Supp. 948 (D.N.J. 1980) .....	879-880
Radcliff Homes, Inc. v. Jackson, 766 S.W.2d 63 (Ky. App. 1979) .....	161, 168, 169, 170, 171
Reyes v. Missouri Pac. R.R. Co., 589 F.2d 791 (5th Cir. 1979) .....	183, 187
Reynolds v. Bagwell, 198 P.2d 216 (Okla. 1948) .....	887
Rivera v. U.S., 728 F Supp. 250 (S.D. N.Y. 1990) .....	707, 710, 721-722
Rockwell Int'l Corp. v. UI Int'l Corp., 702 F Supp. 1384 (N.D. Ill. 1988) .....	843
Rodriguez de Quijas v. Shearson/American Express, Inc., ____ U.S. ____, 109 S. Ct. 1917 (1989) .....	348, 358
Roe v. Wade, 410 U.S. 113 (1973) .....	326, 330, 336, 337, 339
Rojas v. Richardson, 703 F.2d 186 (5th Cir. 1983) .....	183
Rollo v. Blue Cross-Blue Shield of New Jersey, No. 90-597 (D.N.J. Mar. 22, 1990) (Lexis) .....	819-821, 822
Ross v Bernhard, 396 U.S. 531 (1970) .....	492
Sasine Consolidated, Inc. v. State, 756 S.W.2d 865 (Tex. Ct. App. 1988) .....	144
Saylor v. Hall, 497 S.W.2d 218 (Ky. 1973) .....	164
Schindler v. Chas. A. Stockley & Gabriel Brokerage, Inc., No. 83 Civ. 2186 slip op. (S.D.N.Y. August 16, 1985) .....	377
Schneckloth v. Bustamonte, 412 U.S. 218 (1973) .....	25
Securities Exchange Commission v. Capital Gains Research Bureau Inc., 375 U.S. 180 (1963) .....	381

Senn v. Merrell-Dow Pharmaceuticals, Inc., 751 P.2d 215 (Or. 1988) .....	659
Shackil v. Lederle Laboratories, 561 A.2d 511 (N.J. 1989) .....	620
Shearson/American Express v. McMahon, 482 U.S. 220 (1987) .....	356, 357
Sheehy v. Southern Pac. Transp. Co., 631 F.2d 649 (9th Cir. 1980) .....	181
Sibaja v. Don Chemical Co., 757 F.2d 1215 (11th Cir. 1985) .....	247, 248
Simmons v. U.S., 390 U.S. 377 (1968) .....	266, 267, 268, 269
Sindell v. Abbott Laboratories, 607 P.2d 924, 163 Cal. Rptr. 132 (1980) .....	619-623, 645-646, 650
Smith v. Eli Lilly & Co., 560 N.E.2d 324 (Ill. 1990) .....	617-618, 649-657, 660
Solomon R. Guggenheim Foundation v. Lubell, 153 A.D.2d 143, 550 N.Y.S.2d 618 (N.Y. App. Div. 1990), <i>appeal granted</i> , 554 N.Y.S.2d 992 (N.Y. App. Div. 1990) .....	890-891, 893-896
South Dakota v. Opperman, 428 U.S. 364 (1976) .....	31, 34, 35
Spallone v. U.S., ___ U.S. ___, 110 S. Ct. 625 (1990) .....	342
Spinelli v. U.S., 393 U.S. 410 (1969) .....	669-670, 674
Spinelli v. U.S., 393 U.S. 410 (1969) .....	9, 10, 11
State v. Andrews, 533 So. 2d 841 (Fla. Dist. Ct. App. 1988) .....	427, 429
State v. Castro, 545 N.Y.S.2d 985 (N.Y. Sup. Ct. 1989) .....	431, 432, 433, 434, 437
State v. Gutman, 670 P.2d 1166 (Alaska Ct. App. 1983) .....	715, 722
State v. Morris, 668 P.2d 857 (Alaska Ct. App. 1983) .....	720
Steere Tank Lines, Inc. v. U.S., 76-2 U.S.T.C. ¶ 9526 (N.D. Tex. 1976), <i>aff'd per curiam</i> , 577 F.2d 279 (5th Cir. 1978) .....	208, 219
Stewart Org. Inc. v. Ricoh Corp., 487 U.S. 22 (1988) .....	251
Stovall v. Denno, 388 U.S. 293 (1967) .....	261, 263, 264, 265, 266, 267, 268, 269, 271, 272, 290, 292, 296, 304, 314
Summers v. Tice, 199 P.2d 1 (Cal. 1948) .....	657-658
Swift v. Tyson, 41 U.S. (16 Pet.) 1 (1842) .....	232, 233, 235, 236, 237, 239, 240
Tabler v. Wallace, 704 S.W.2d 179 (Ky. 1986) .....	166, 167, 168, 169, 175
Terry v. Ohio, 392 U.S. 1 (1968) .....	661-662, 665, 675-676
Texas v. Brown, 460 U.S. 730 (1983) .....	22, 23

Thomas v. Union Carbide Agric. Products Co., 473 U.S. 568 (1985) .....	605, 606, 608, 610
Thompson v. Oklahoma, 487 U.S. 815 (1988) .....	453, 454
Thronson v. Meisels, 800 F.2d 136 (7th Cir. 1986) .....	181
Tull v U.S., 481 U.S. 412 (1987) .....	592, 593, 595, 596
Tunkl v. Regents of University of California, 383 P.2d 441 (Cal. 1963) .....	871-872, 873-874
United States <i>ex rel.</i> Kirby v Sturges, 510 F.2d 397 (7th Cir. 1975) .....	294, 295
United States v. Atchison, T. & S.F. Ry. Co., 220 U.S. 37 (1922) .....	382
United States v. Bethan Curt, 692 F Supp. 1427 (D.D.C. 1988) .....	400, 401
United States v. Carroll Towing Co., 159 F.2d 169 (2d Cir. 1947) .....	638-639
United States v. Causey, 834 F.2d 1179 (5th Cir. 1987) .....	50, 51, 53
United States v. Cobb, 588 F.2d 607 (8th Cir. 1978) .....	186, 187
United States v Cortez, 449 U.S. 411 (1981) .....	663-664
United States v. DeLuna-Trujillo, 868 F.2d 122 (5th Cir. 1989) .....	401, 402, 403, 404, 406
United States v. Donatiu, 720 F Supp. 619 (N.D. Ill. 1989) .....	405, 406
United States v. Dotterwiech, 320 U.S. 277 (1943) .....	151
United States v. Dowling, 855 F.2d 114 (3d Cir. 1988), <i>aff'd</i> , ___ U.S. ___, 110 S. Ct. 668 (1990) .....	289
United States v. Downing, 753 F.2d 1224 (3d Cir. 1985) .....	426, 427
United States v. Fleet Factors Corp., 901 F.2d 1550 (11th Cir. 1990) .....	830, 833, 836-845
United States v. Flippen, 674 F Supp. 536 (E.D. Va. 1987) .....	703, 705
United States v. Frye, 293 F 1013 (D.C. Cir. 1923) .....	425, 426, 427, 428, 430, 431, 432, 437
United States v. Garcia, 882 F.2d 699 (2d Cir. 1989) .....	686-687, 703, 705-707, 713-714, 716, 722
United States v Goff, 681 F.2d 1238 (9th Cir. 1982) (ADAMS) .....	12, 16, 28
United States v. Hadley, 671 F.2d 1112 (1982) .....	285
United States v. Hendricks, 743 F.2d 653 (9th Cir. 1984) .....	719, 728, 732-733
United States v. Jorn, 400 U.S. 470 (1971) .....	456
United States v. Kayser-Roth, 724 F Supp. 15 (D.R.I. 1989), <i>aff'd</i> , 910 F.2d 24 (1st Cir. 1990) .....	842-843

United States v. Kerr, 778 F.2d 690 (11th Cir. 1985) .....	185
United States v. Lefkowitz, 285 U.S. 452 (1932) .....	18, 19
United States v. McGriff, 678 F Supp. 1010 (E.D. N.Y. 1988) .....	722, 728
United States v. Martinez-Ortega, 684 F Supp. 634 (D. Idaho 1988) .....	387
United States v. Miller, 821 F.2d 546 (11th Cir. 1987) .....	56
United States v. Mirabile, 15 Envtl. L. Rep. (Envtl. L. Inst.) 20994 (E.D. Pa. 1985) .....	833-836, 837-838, 840-841, 844
United States v. Mistretta, ___ U.S. ___, 109 S. Ct. 647 (1989) .....	386, 387, 406
United States v. Muscato, 534 F Supp. 969 (E.D. N.Y. 1982) .....	187
United States v. Park, 421 U.S. 658 (1975) .....	151
United States v. Peden, 891 F.2d 514 (5th Cir. 1989) .....	685-686, 724, 725
United States v. Robinson, 414 U.S. 218 (1973) .....	3, 22, 24
United States v. Rutkowski, 814 F.2d 594 (11th Cir. 1987) .....	185
United States v. Scott, 436 U.S. 128 (1978) .....	7, 8, 9, 11
United States v. Segovia, 800 F.2d 39 (2d Cir. 1986) .....	713, 715
United States v. Singh, 811 F.2d 758 (2d Cir. 1987) .....	698, 705, 717-718
United States v. Smith, 799 F.2d 704 (11th Cir. 1986) .....	55, 56, 57
United States v. Sokolow, 490 U.S. 1 (1989) .....	664-665
United States v. Steagald, 451 U.S. 204 (1981) .....	12, 26
United States v. Telfaire, 469 F.2d 552 (D.C. Cir. 1972) .....	309
United States v. Thurston, 771 F.2d 449 (10th Cir. 1985) .....	282
United States v. Traylor, 656 F.2d 1326 (9th Cir. 1981) .....	181, 188
United States v. Villamonte-Marquez, 426 U.S. 579 (1983) .....	10, 11, 12, 13, 25, 40
United States v. Vuitch, 402 U.S. 62 (1971) .....	461, 462, 463
United States v. Wade, 388 U.S. 218 (1967) .....	263, 265, 266, 271, 272, 283, 286, 304
United States v. Washington, 852 F.2d 803 (4th Cir. 1988) .....	721
Vandusen v. Barrack, 376 U.S. 612 (1964) .....	245, 255, 256, 257, 258
Wagenblast v. Odessa School District, 758 P.2d 968 (Wash. 1988) .....	872-874
Wanwright v. New Orleans, 392 U.S. 598 (1968) .....	16, 17
Walker v. Armco Steel Co., 446 U.S. 740 (1980) .....	235, 242
Warden v. Hayden, 387 U.S. 294 (1967) .....	708

Wards Cove Packing Co. v. Atomic, 490 U.S. 642 (1989) .....	337
Webster v. Reproductive Health Services, ____ U.S. ____, 109 S. Ct. 3040 (1989) .....	330, 337, 340
Welsch v. Wisconsin, 466 U.S. 740 (1983) .....	51, 52
Whitcomb v. Chavis, 403 U.S. 124 (1971) .....	457
Wilkins v. Sumner, 475 F Supp. 495 (E.D. Va. 1979) .....	286
Wilko v. Swan, 346 U.S. 427 (1953), <i>overruled by</i> Rodriguez de Quijas v. Shearson/American Express, Inc., U.S. , 109 S. Ct. 1417 (1989) .....	351, 352
Zenith Radio Corp. v. Matsushita Elec. Indus. Co., 478 F Supp. 889 (E.D. Pa. 1979), <i>vacated</i> , 631 F.2d 1069 (3d Cir. 1980) .....	488, 489, 490