

**Friday, October 30, 2020** (Civ Pro class 9 of 15!) *BOO!!*

**Today:**

- Academic integrity
- Causes of Action and Remedies!
- Statute of Limitations!

**Sun. Nov. 1, 2am:** Turn clocks back 1 hour! *Get extra sleep!* ☺

**For Mon. Nov. 2** (Intro): Read M&M ch. 4 (ethics), email me a thoughtful response or question by 10am!

**For Fri. Nov. 6** (Civ Pro): Read excerpts from C&W chs. 8, 12 & 14, identified on OpenLab!

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**What is a (legal) claim?**

**Claim** = dispute; alleged wrong; P's legal reason to sue D

- a.k.a. "**cause of action**," "claim for relief"
- legal basis for P to recover (obtain relief, e.g., damages)
- stated in P's complaint (document filed with court to commence case)

**Remedy** = what P asks court to award her, to resolve her cause of action/claim

- a/k/a "relief," "redress"
- *purpose* = to "right the wrong," to "make whole"

**Some Common Civil Causes of Action!**

**Tort claims**

- wrongful act that injures another person, or her/his property, or reputation.
- include intentional, negligence, and strict liability torts
- governed by common law

Examples of *intentional torts*:

- **a**ssault = threat of intentional unwanted physical contact
- **b**attery = intentional unwanted physical contact
- **c**onversion = (essentially) theft
- **d**efamation = false statement harming reputation

*Negligence torts* are unintentional:

- failures to act with reasonable care
- e.g., personal injury, wrongful death, and malpractice (professional negligence)

*Strict liability torts* involve inherently dangerous activities:

- D is liable for injuries regardless of intent or care, e.g., gasoline trucks

**Contract claims**

- disputes between parties to an agreement
- P alleges D broke the agreement ("breached" it)
- In NY, governed mostly by common law plus some statutory law.

## Some Common Civil Remedies!

**Damages** = \$ that court orders D to pay to P, because of injury D caused to P

- include compensatory, punitive, nominal damages (*USFL v. NFL!*)
- "monetary relief"

**Injunction** = court order that D must do, or stop doing, something

- D is "enjoined" from doing something
- e.g., stop engaging in an unfair business practice
- "injunctive relief"

**Declaration** = court's order answering a disputed issue

- e.g., stating ("declaring") that D violated a certain law, or D violated P's rights under a contract
- "declaratory relief"

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## Statutes of Limitations =

- Laws limiting the time in which P may commence a civil cause of action.
- CPLR Article 2
- **CRITICAL!!** Follow the SOL, or your client will BE "S.O.L." ☹

### **TRY IT!!**

Your client had a bad date last night, and would like to sue her date for false imprisonment.

**What's the SOL? What's the deadline to commence?**

Your client was hit by a car yesterday and wants to sue the driver for personal injuries.

**What's the SOL? What's the deadline to commence?**

Your client had surgery November 5, 2016. Today, she had an xray that showed that the surgeon left a scalpel inside her. She'd like to sue the surgeon for medical malpractice.

**What's the SOL? What's the deadline to commence?**