

Contents

Chapter 1

Agency or Fiduciary Causes of Action

1-A	Introduction to Agency or Fiduciary Causes of Action.....	1
1-1	Agent Breaching Fiduciary Duty to Principal	2
1-2	Agent Negligent In Collecting Debt.....	2
1-3	Agent’s Liability for Principal’s Obligation.....	3
1-4	Agent’s Negligence Causing Harm to Others.....	3
1-5	Agent’s Personal Liability on Contract.....	4
1-6	Bailments	4
1-7	Caring for Collateral or Security	5
1-8	Charitable Organization Liable for Wrongdoing.....	6
1-9	Consignee Liability for Damaged Art	6
1-10	Co-Sureties Contributing on Debt Default.....	6
1-11	Escrow Agent Improperly Disbursing Funds	7
1-12	Faithless Servant Doctrine.....	7
1-13	Fiduciary Breaching Duty.....	12
1-14	Fiduciary Relationship.....	13
1-15	Fraudulent Concealment by Fiduciary.....	14
1-16	Obligor Aiding Agent Disloyalty to Principal	14
1-17	Warehouseman or Carrier Liability for Goods.....	15
1-18	Warehouseman or Carrier Lien on Goods	15
1-19	Warehouseman Elements.....	16

Chapter 2

Attorney and Legal Services Causes of Action

2-A	Introduction to Attorney and Legal Services Causes of Action	17
2-1	Attorney Malpractice	17

2-2	Attorney Increasing Inadequate Contingency Fee	19
2-3	Claim for Attorney's Fees	20
2-4	Judiciary Law § 487 (Attorney Deceit).....	20
2-5	Legal Fraud	21
2-6	Legal Malpractice in Criminal Cases.....	22
Chapter 3		
Banking, Commercial Paper and Creditor Causes of Action		
3-A	Introduction to Banking, Commercial Paper and Creditor Causes of Action.....	25
3-1	Bank Leaving Funds Transfer Incomplete	25
3-2	Bank Misconduct When Relying on Power of Attorney	26
3-3	Bank Mishandling Funds Transfer	26
3-4	Bankrupt's Voiding of Preferential Transfer of Property	26
3-5	Bank's Wrongful Dishonor of Negotiable Instrument	27
3-6	Bank's Wrongful Payment of Negotiable Instrument	27
3-7	Bounced Check Causing Damage.....	27
3-8	Certified or Cashier's Check Wrongfully Dishonored	28
3-9	Checking Account Funds Misappropriated by Fiduciary	29
3-10	Collecting Bank Late Objection to Negotiable Instrument	30
3-11	Collecting Bank Mishandling Negotiable Instrument.....	30
3-12	Credit Issuer Dishonoring or Repudiating.....	30
3-13	Debtor Lying to Creditor About Assets.....	31
3-14	Debtor's Fraudulent Conveyance	31
3-15	Electronic Fund Transfer Privacy or Safety Violation.....	32
3-16	Enforcement of Security Interest Delegating Seller's Performance	32
3-17	Fraudulent Negotiable Instrument Paid or Taken	32
3-18	Lessee's Default on Lease of Goods.....	32
3-19	Lessor's Breach of Implied Warranty on Goods.....	33
3-20	Lessor's Breach of Express Warranty on Goods	34
3-21	Lessor's Default on Lease of Goods	34
3-22	Letter of Credit Obligation Breached.....	35

3-23	Mistaken Payment on Draft Returned	35
3-24	Mortgage Contingency Loan Exacting Illegal Commission.....	36
3-25	Mortgage Exacting Illegal Points and Prepayments Fees.....	36
3-26	Mortgage Holder Breaching Escrow Obligations.....	37
3-27	Mortgagee Failing to Cancel Redeemed Mortgage	37
3-28	Negotiable Instrument	39
3-29	Negotiable Instrument Forged or Stolen.....	39
3-30	Negotiable Instrument Signed for Accommodation.....	40
3-31	Noncompliance With Secured Transactions Laws.....	40
3-32	Spouse Liable for Other Spouse’s Debt	40
3-33	Registration of Investment Security Transfer Denied.....	41
3-34	Summary Judgment in Lieu of Complaint (New York Civil Practice Law and Rules § 3213).....	42

Chapter 4

Constitutional Causes of Action

4-A	Introduction to Constitutional Causes of Action	43
4-1	Challenging Condemnation.....	43
4-2	Grand Jury Proceedings Unlawfully Disclosed	44
4-3	Inverse Condemnation.....	45
4-4	Privacy Invasion.....	45
4-5	Revenge Porn	46
4-6	State Constitutional Rights Violation.....	46
4-7	State Destruction of Private Property	46
4-8	State Taking Land Requiring Compensation	47
4-9	Taking.....	48
4-10	De Facto Taking	49
4-11	Regulatory Taking.....	49

Chapter 5

Contract or Quasi-Contract Causes of Action

5-A	Introduction to Contract or Quasi-Contract Causes of Action	51
5-1	Accounting	51

5-2	Account Stated.....	52
5-3	Anticipatory Breach of Contract.....	52
5-4	Breach of Contract Causing Damage	53
5-5	Breach of Implied Covenant of Good Faith and Fair Dealing.....	55
5-6	Buyer Recovering Specifically Identified Goods.....	57
5-7	Careless Contractual Work	57
5-8	Child's Right to Rescind Contract	58
5-9	Confusing Language in Written Contract.....	58
5-10	Constructive Fraud in Contract	59
5-11	Consumer Contract Containing Unlawful Provision	59
5-12	Consumer Credit Billing Error	60
5-13	Consumer Goods Leased Under Unconscionable Circumstances.....	61
5-14	Consumer Loan Broker Acting Improperly	62
5-15	Contract.....	62
5-16	Contract Performance Interfered With by Outsider.....	63
5-17	Contract Rescission	63
5-18	Coverage for Causes Extending From Insured Risk.....	64
5-19	Duress Permitting Contract Rescission.....	65
5-20	Fraud by Others Outside Contract	65
5-21	Fraud Permitting Reformation or Rescission	66
5-22	Goods Sold and Delivered.....	66
5-23	Guaranty.....	67
5-24	Implied Contract.....	68
5-25	Insane Party Rescinding Contract.....	68
5-26	Insolvent Buyer Having Bought Goods.....	69
5-27	Insolvent Lessor Having Leased Goods.....	69
5-28	Insolvent Seller Having Sold Goods	69
5-29	Intentional Interference With Contractual Relationship	70
5-30	Intentional Interference With Prospective Economic Advantage	70
5-31	Limited Partnership Certificate Containing Falsehood.....	71
5-32	Malicious Interference With Contract Rights	71

5-33	Malicious Interference With Prospective Economic Advantage	72
5-34	Money Had and Received	72
5-35	Mutual Mistake in Contract.....	72
5-36	Obligation to Pay Services Sought for Other	73
5-37	Overpayment on Contract Recovered	73
5-38	Promise Causing Detrimental Reliance.....	74
5-39	Promissory Estoppel.....	74
5-40	Quantum Meruit.....	75
5-41	Quasi-Contract.....	76
5-42	Recoupment for Contract Breach Harming Outsider	76
5-43	Reliance on Another’s Conduct (Estoppel)	76
5-44	Rescission and Cancellation of Written Instruments (Fraud).....	77
5-45	Rescission and Cancellation of Written Instruments (Misrepresentations).....	77
5-46	Sale of Goods Breached by Buyer	77
5-47	Sale of Goods Breached by Seller	78
5-48	Sale of Personal Property	78
5-49	Statute of Frauds	79
5-50	Substantial Performance of Contract Allowing Recovery	80
5-51	Third-Party Beneficiary	80
5-52	Unconscionability Permitting Contract Rescission	81
	5-52:1 Substantive Unconscionability	82
	5-52:2 Procedural Unconscionability	82
5-53	Unilateral Mistake in Contract	82
5-54	Unjust Enrichment.....	83
5-55	Warranty on Goods Breached by Seller.....	84

Chapter 6

Corporate and Partnership Causes of Action

6-A	Introduction to Corporate and Partnership Causes of Action	85
6-1	Association and Membership Liability	86
6-2	Association Membership Wrongfully Interfered With	86

6-3	Avoiding the Corporate Liability Shield or Piercing the Corporate Veil	86
6-4	Business Judgment Rule	87
6-5	Business Partner Breaching Fiduciary Duty to Co-Partner.....	88
6-6	Corporate Officer Participating in Tort.....	88
6-7	Cost of Defending Against Derivative Suit	89
6-8	Demand Futility.....	89
6-9	Director's Liability to Shareholders.....	90
6-10	Dissolution for Deadlock	90
6-11	Dissolution of Limited Liability Company	91
6-12	Dissolution for Oppression	91
6-13	Improperly Buying Securities During Corporate Takeover	92
6-14	Member Liability in Joint Enterprise	92
6-15	Minority Shareholder Freeze-Out.....	93
6-16	Partner Breaching Duty to Co-Partner.....	93
6-17	Partnership Liability for Debts.....	94
6-18	Partnership Liability for Injury	94
6-19	Principal/Promoter Liability for Post-Incorporation Debt	94
6-20	Principal's/Promoter's Bad Faith Liability for Real Estate Broker's Commission.....	95
6-21	Redeeming Shares in Company Merger Or Sale.....	95
6-22	Right of Inspection.....	96
6-23	Sales Commission Due From Principal.....	96
6-24	Successor Corporation Liable for Predecessor	96
6-25	Usurpation of Corporate Opportunity	97

Chapter 7

Damage-Related Causes of Action

7-A	Introduction to Damage-Related Causes of Action	99
7-1	Breach of Contract Lost Profits Damages.....	99
7-2	Contribution.....	100
7-3	Economic Loss Rule	100
7-4	Indemnification From Person Ordering Tort.....	101

7-5	Interest Awarded on Damages	102
7-6	Punitive Damages Due From Tortfeasor	102
7-7	Recovery or Contribution From Tortfeasor	103
7-8	Tortious Conduct Lost Profits Damages	104

Chapter 8

Employer-Employee Causes of Action

8-A	Introduction to Employer-Employee Causes of Action	105
8-1	Competition With Employer or Principal	105
	8-1:1 Claim for Employee Breach of Fiduciary Duty	106
	8-1:2 Claim for Misappropriation and Unfair Competition.....	107
8-2	Contractual Covenant Not to Compete Violated	107
8-3	Employer Breach of Employee Manual.....	107
8-4	Employer Improperly Handling Employee Wages.....	108
8-5	Employer Liability for Employee Act.....	108
8-6	Employer Retaliation Against Employee	109
8-7	Hostile Work Environment—Sexual Harassment	110
8-8	Negligent Hiring.....	110
8-9	New York City Human Rights Law.....	111
8-10	New York Labor Law § 193.....	111
8-11	New York State Human Rights Law	112
8-12	Quid Pro Quo Sexual Harassment.....	112
8-13	Sex Discrimination in Wage Payment	113
8-14	Work Environment Harassment	114
8-15	Work, Labor and Services (Quantum Meruit).....	114
8-16	Wrongful Discharge in Violation of Company Policy.....	115

Chapter 9

Equitable Causes of Action

9-A	Introduction to Equitable Causes of Action	117
9-1	Equitable Estoppel	117
9-2	Equitable Fraud	118
9-3	Equitable Subrogation	118

9-4	Estoppel by Deed	118
9-5	Estoppel in Pais.....	118
9-6	Incorporation (or Corporation) By Estoppel.....	119
9-7	Implied Indemnification.....	119
9-8	Impounding Property to Pay Debt	120
9-9	Impress a Trust	120
9-10	Reformation of Written Instruments	120
9-11	Restitution Despite Contract Breach.....	121
9-12	Resulting Trust	121
9-13	Specific Performance.....	122

Chapter 10

Family and Matrimonial Causes of Action

10-A	Introduction to Family and Matrimonial Causes of Action.....	123
10-1	Adoption.....	123
10-2	Annulment	124
10-3	Custody and Visitation.....	126
10-3:1	Custody.....	126
10-3:2	Visitation Rights of Sibling	126
10-3:3	Visitation of Grandparents	127
10-3:4	Enforcement of Visitation.....	127
10-3:5	Enforcement of Visitation—Temporary Order.....	128
10-3:6	Parental Alienation	129
10-4	Divorce.....	129
10-4:1	No-Fault Divorce	129
10-4:2	Fault Divorce.....	130
10-4:3	Abandonment	130
10-4:4	Adultery	131
10-4:5	Cruel and Inhuman Treatment.....	132
10-4:6	Imprisonment	133
10-4:7	Living Apart Pursuant to Separation Agreement.....	133
10-4:8	Living Apart Pursuant to Separation Decree.....	135
10-5	Guardianship	135
10-5:1	Guardianship of Minor	135

10-5:2	Guardianship of Mentally Retarded/Developmentally Disabled	138
10-5:3	Guardianship of Adult	138
10-5:4	Waste of Assets	140
10-6	Prenuptial Agreements	140
10-7	Separation From Bed and Board	141
10-8	Paternity	142
10-9	Matrimonial Emergency Applications.....	142
10-9:1	Automatic Orders.....	142
10-9:2	General Requirements for Matrimonial Motions.....	142
10-9:3	Temporary Maintenance	143
10-9:4	Temporary Child Support.....	144
10-9:5	Temporary Custody.....	145
10-9:6	Relocation.....	146
10-9:7	Orders of Protection	146
10-9:8	Restraint of Assets	147
10-9:9	Exclusive Use and Occupancy	148
10-9:10	Counsel and Expert Fees.....	149

Chapter 11

Insurance Causes of Action

11-A	Introduction to Insurance Causes of Action.....	151
11-1	Insurance Policy	151
11-2	Insurance Broker Liability.....	152
11-3	Insurance Broker Malpractice.....	153
11-4	Insurance Carrier Defrauded or Exploited	153
11-5	Insurance Carrier Supplying Defense of Suit	154
11-6	Insurance Carrier's Bad Faith.....	154
11-7	Insurance Claim Wrongfully Delayed or Denied.....	155
11-8	Insurance Policy Rescission.....	155
11-9	Insurance Policy Terminated Without Notice to Insured	156
11-10	Insurer Wrongfully Disclosing Confidential Information.....	156
11-11	Life or Health Insurance Obtained by Fraud.....	157

11-12	New York State Disclaimer Statute.....	157
11-13	Disclaimer for Lack of Cooperation	157
11-14	New York State Prompt Pay Law.....	158
11-15	No-Fault Claim.....	158
11-16	Subrogation.....	159

Chapter 12

Judicial Causes of Action

12-A	Introduction to Judicial Causes of Action.....	161
12-1	Abuse of Process.....	161
12-2	Capias Ad Respondendum	162
12-3	Concealment or Destruction of Evidence (Spoliation of Evidence).....	162
12-4	Concert of Action.....	163
12-5	Contempt	163
12-6	Court Sanctions for Delay	163
12-7	Malicious Abuse of Legal Process (Malicious Prosecution)	164
12-8	Notary Public Officer Liable for Negligent Acknowledgment.....	165

Chapter 13

Real Property Causes of Action

13-A	Introduction to Real Property Causes of Action.....	167
13-1	Land-Related Causes of Action	167
13-1:1	Abnormal Dangers on Land	167
13-1:2	Adverse Possession of Property	168
13-1:3	Broker’s Liability for Injury at Open House.....	169
13-1:4	Buyer In Breach Liable for Real Estate Broker’s Commission	169
13-1:5	Buyer Recovering Costs Due to Title Defect.....	169
13-1:6	Co-Tenant’s Share of Profits and Expenses	170
13-1:7	Covenant in Deed Violated	170
13-1:8	Customer Injured Off Leased Premises.....	170
13-1:9	Discharge of Mortgage.....	170
13-1:10	Easement After Property Divided	171
13-1:11	Easement by Implication	171
13-1:12	Easement by Necessity	172

13-1:13	Easement by Prescription.....	172
13-1:14	Ejectment (Ejectment for Wrongful Possession of Claim On Land).....	172
13-1:15	Foreclosure.....	173
13-1:16	Injury Off Owner’s Land.....	173
13-1:17	Injury on Owner’s Land	174
13-1:18	Landowner Excluding Patron for Discriminatory Reasons.....	174
13-1:19	Landowner’s Servant or Contractor Causing Injury	175
13-1:20	Private Nuisance	175
13-1:21	Public Nuisance	176
13-1:22	Real Estate Broker’s Commission Due After Termination	176
13-1:23	Real Property Defect Concealed by Seller.....	177
13-1:24	Slander of Title	177
13-1:25	Voluntary Payment Doctrine in Foreclosure	177
13-1:26	Warranty of Habitability by Home Seller.....	178
13-1:27	Waste.....	178
13-2	Landlord-Tenant Causes of Action	178
13-2:1	Constructive Eviction of Tenant.....	178
13-2:2	Eviction for Illegal Occupancy	179
13-2:3	Landlord Failing to Protect Tenant From Crime	179
13-2:4	Landlord’s Retaliatory Eviction of Tenant	179
13-2:5	Rent Implied by Tenant’s Occupation	180
13-2:6	Security Deposit Not Returned To Tenant.....	180
13-2:7	Subtenant Liable to Landlord for Rent	181
13-2:8	Tenant Equitable Relief for Renewal Options	181
13-2:9	Tenant Unlawfully Evicted	181
13-2:10	Warranty of Habitability.....	182
13-2:11	Yellowstone Injunctions.....	183

Chapter 14

Statutory Causes of Action

14-A	Introduction to Statutory Causes of Action.....	185
------	---	-----

14-1	Champertry and Maintenance	185
14-2	Construction or Mechanics Lien Law.....	186
14-3	Consumer Fraud	187
14-4	Dram-Shop Act	187
14-5	Emergency Aid Not Given or Not Properly Given (Good Samaritan Law)	188
14-6	Fair Credit Reporting Act.....	188
14-7	Martin Act Claims.....	189
14-8	New York Anti-SLAPP Law.....	189
14-9	New York Arts and Cultural Affairs Law.....	190
14-10	New York Antitrust Statute—Donnelly Act.....	191
14-11	New York City Snow and Ice Claims.....	192
14-12	New York Equal Access to Justice Act	192
14-13	New York Franchise Law.....	193
14-14	New York Labor Law § 240.....	193
14-15	New York Labor Law § 241	194
14-16	Physician Violating Patient Confidentiality	195
14-17	Shopkeeper Action Against Suspected Shoplifters	195
14-18	Social Host Liability.....	196
14-19	Son of Sam Law.....	196
14-20	Theft of Personal Identifying Information/Identity Theft	197
14-21	Trademark and Trade Dress Dilution.....	197
14-22	Trademark and Trade Dress Infringement	197
14-23	Voluntary Rescuer Injured by Negligence of Other (Rescue Doctrine)	198
14-24	New York City Victims of Gender-Motivated Violence Protection Act.....	198
14-25	Medical, Dental or Podiatric Malpractice Based on Lack of Informed Consent	199

Chapter 15

Tort Causes of Action

15-A	Introduction to Tort Causes of Action	201
15-1	Business Torts.....	201

15-1:1	Accountant Malpractice.....	201
15-1:2	Business Intentionally Interfered With by Outsider	202
15-1:3	Computer Malpractice	202
15-1:4	Unfair Competition	203
15-1:5	Professional or Tradesperson Malpractice.....	203
15-1:6	Usury.....	204
15-2	Defamation Torts.....	204
15-2:1	Defamation by Implication.....	204
15-2:2	Defamatory Injury to Reputation	205
15-2:3	Injurious Falsehood.....	206
15-2:4	Libel and Slander	206
	15-2:4.1 Libel.....	206
	15-2:4.2 Slander.....	207
15-2:5	Product Disparagement.....	207
15-2:6	Negligent Misrepresentation Causing Harm	208
15-2:7	Right of Publicity.....	208
15-2:8	Words Negligently Spoken	209
15-3	Fraud Torts.....	209
15-3:1	Conversion	209
15-3:2	Deceit	211
15-3:3	Breach of Fiduciary Duty	212
15-3:4	Fraud and Deceit.....	213
15-4	Intellectual Property Torts	214
15-4:1	Artist’s Common Law Copyright Violated.....	214
15-4:2	Idea Misappropriation.....	214
	15-4:2.1 Property Claims.....	214
	15-4:2.2 Contract Claims	215
15-4:3	Trade Secret Disclosed or Used Wrongfully	215
15-4:4	Trafficking Counterfeit Trade or Service Marks.....	216
15-5	Motor Vehicle/Boat Torts.....	216
15-5:1	Automobile Damaged at Parking Facility.....	216
15-5:2	Negligent Entrustment	217
15-6	Personal Injury Torts.....	218
15-6:1	Animal Attack Cause of Action.....	218

15-6:2	Assault.....	218
15-6:3	Battery.....	219
15-6:4	Dental Malpractice	219
15-6:5	Emotional Distress (Intentionally Inflicted)	220
15-6:6	Emotional Distress (Negligently Inflicted)	220
15-6:7	Exposing Another to Disease or Toxic Substances Negligently.....	221
15-6:8	Failure to Warn and Protect From a Violent Patient	222
15-6:9	False Arrest and Imprisonment	222
15-6:10	Future Earning Capacity Damaged by Tort.....	223
15-6:11	Future Injury From Present Tortious Personal Injury	223
15-6:12	Future Medical Expenses Resulting From Tort.....	224
15-6:13	Intentional or Malicious Harm to Another (Prima Facie Tort).....	224
15-6:14	Loss of Consortium	225
15-6:15	Lost Capacity in Living Resulting From Tort	225
15-6:16	Malpractice (or Malfeasance)	225
15-6:17	Medical Malpractice.....	225
15-6:18	Medical Provider Liability to Third Parties	227
15-6:19	Negligence	227
15-6:20	Negligently Caused Economic Loss.....	229
15-6:21	Right of Sepulcher.....	229
15-6:22	Skateboard and Hover Board Liability	230
15-6:23	Survivorship	230
15-6:24	Wrongful Birth.....	230
15-6:25	Wrongful Death	231
15-6:26	Wrongful Life	232
15-6:27	Foul Ball Liability.....	232
15-7	Personal Property Torts	232
15-7:1	Cruelty to Animals.....	232
15-7:2	Hotel Liability for Personalty Loss	233
15-7:3	Lost Property to Be Returned to True Owner.....	233
15-7:4	Property Disparagement	233
15-7:5	Property Tortiously Damaged	234
15-7:6	Recovery of a Chattel (Replevin)	234

15-7:7	Repossessing/Reclamation of Goods	234
15-7:8	Trespass	235
15-7:9	Trespass on Land	235
15-7:10	Trespass to Personal Property/Chattel	236
15-7:11	Trover	236
15-8	Status Torts.....	237
15-8:1	Administrative Negligence.....	237
15-8:2	Aiding and Abetting the Commission of Tort.....	237
15-8:3	Alternative Liability	237
15-8:4	Bystander Emotional Distress	238
15-8:5	Car Renter Liable for Injury.....	238
15-8:6	Common Carrier Liability.....	239
15-8:7	Conspiracy	240
15-8:8	Conspiracy to Commit a Tort	240
15-8:9	Indivisible Harm Caused by Separate Tortfeasors	241
15-8:10	Municipal Liability	241
15-8:11	Negligent Advice Causing Damage.....	242
15-8:12	Negligent Entrustment	243
15-8:13	Opioid Crisis Tort Claims	243
15-8:14	Public Utility Liability	244
15-8:15	Respondeat Superior	244
15-8:16	Vicarious Liability	245
15-8:17	Witness to Injury Suffering Emotional Distress	246

Chapter 16

Trust and Estate Causes of Action

16-A	Introduction to Trust and Estate Causes of Action.....	247
16-1	Breach of Fiduciary Duty by Trustee of Religious Corporation	247
16-2	Constructive Trust	248
16-3	Curtesy	249
16-4	Dower.....	249
16-5	Elective Share	249
16-6	Expected Gift Maliciously Interfered With by Other.....	250
16-7	Gifts Causa Mortis.....	250
16-8	Gifts Inter Vivos.....	250
16-9	Mismanagement of Trust Assets by Trustee.....	251

16-10	Presumption of Death From Absence	251
16-11	Promise to Make a Will	252
16-12	Undue Influence Over Testator or Settlor	252
16-13	Wasting Another's Property or Inheritance.....	253

Chapter 17

Defenses

17-A	Introduction to Defenses	255
17-1	Absolute or Qualified Privilege.....	256
17-1:1	Absolute Privilege	256
17-1:2	Fair and True Report Privilege.....	256
17-1:3	Qualified Privilege	256
17-2	Accord and Satisfaction	257
17-3	Act of God Doctrine	257
17-4	Adverse Possession.....	258
17-5	Assumption of Risk.....	259
17-6	Collateral Estoppel	259
17-7	Economic Interest Defense	261
17-8	Emergency Doctrine	261
17-9	Emergency Vehicle Driver Defense.....	261
17-10	“Empty Chair”	262
17-11	Equitable Estoppel	262
17-12	Force Majeure.....	263
17-13	Frustration of Purpose Doctrine.....	264
17-14	General Release	265
17-15	Illegality Doctrine	266
17-16	Impossibility of Performance.....	266
17-17	In Pari Delicto	267
17-18	Judicial or Litigation Privilege	269
17-19	Laches.....	269
17-20	Lack of Insurance Coverage	270
17-21	Lack of Standing	271
17-22	New York City Pet Law	271
17-23	Novation.....	272

17-24	Res Adjudicata	272
17-25	Stale Rent	273
17-26	Statute of Limitations.....	273
17-27	Statute of Repose	274
17-28	Storm In Progress.....	275
17-29	Wagoner Rule	276
17-30	Waiver	277

Chapter 18

Provisional Remedies

18-A	Introduction to Provisional Remedies.....	279
18-1	Attachment	279
18-2	Order to Show Cause.....	281
18-3	Preliminary Injunctions.....	283
18-4	Provisional Remedies in the Appellate Division, First Department.....	284
18-4:1	Stays Under New York Civil Practice Law and Rules § 5519(c) or Temporary Restraining Orders/ Preliminary Injunctions Under New York Civil Practice Law and Rules § 5518.....	284
18-4:2	Review of <i>Ex Parte</i> Orders Under New York Civil Practice Law and Rules § 5704(a)	285
18-5	Receivership Appointments.....	286
18-5:1	“Necessity” Receiver	286
18-5:2	Receiver Under “Receiver Clause”	287
18-5:3	Temporary Receivership	287
18-6	Restraining Notice	289
18-7	Seizure of Chattel Under New York Civil Practice Law and Rules § 7102 Before Judgment	289
18-8	Stay of Arbitration.....	291
18-9	Stay/Vacatur of Judgment or Order	291
18-10	“Yellowstone” Injunction	294
	Index to Causes of Action	297
	Table of Statutes.....	409
	Table of Cases	419