

Miller/Jentz

Business Law Today: Essentials, 9e

Case & Feature List

Complete list of cases and features from **Miller/Jentz Business Law Today: Essentials, 9e** - including the **NEW Linking the Law** feature and Adapting the Law to the Online Environment and Ethical Issues (most of which are new).

Chapter 1 The Historical and Constitutional Foundations

CASE 1.1 CLASSIC CASE: *Heart of Atlanta Motel v. United States* (1964)

CASE 1.2 *Bad Frog Brewery, Inc. v. York State Liquor Authority* (1998)

CASE 1.3 *In re Episcopal Church Cases* (2009)

Features:

- Landmark in the Law: Equitable Principles and Maxims
- Ethical Issue: Do administrative agencies exercise too much authority?
- BOB: The Impact of Foreign Law on the United States Supreme Court
- ALOE: The Supreme Court Upholds a Law That Prohibits Pandering Virtual Child Pornography
- Preventing Legal Dispute

End-of-Chapter Pedagogy:

- Linking the Law to Management: Dealing with Administrative Law

Chapter 2 Ethics and Business Decision Making

CASE 2.1 *United States v. Skilling* (2009)

CASE 2.2 *Fog Cutter Capital Group, Inc. v. Securities and Exchange Commission* (2007)

Features:

- ALOE: Corporate Reputations under Attack
- BOB The United States Looks Into International Bribery

End-of-Chapter Pedagogy:

- Linking the Law to Managerial Accounting: Managing a Company's Reputation

Chapter 3 Courts and Alternative Dispute Resolutions

CASE 3.1 *Oregon v. Legal Services Corp.* (2009) on standing to Sue

CASE 3.2 *Evans v. Eaton Corp.* (2008) standards of judicial review/deference

CASE 3.3 *NCR Corp. v. Korala Associates, Ltd.* (2008) on the scope of arbitration clause

Features:

- Landmark in the Law: *Marbury v. Madison* (1803)
- Preventing Legal Dispute
- **UPDATED** Ethical Issue: "Does the use of private judges threaten our system of justice?"
- ALOE: "The Duty to Preserve E-Evidence for Discovery"
- BOB: "Islamic Law Courts Abroad and at Home"

End-of-Chapter Pedagogy:

- Business Application: "To Sue or Not to Sue"

Chapter 4 Torts and Cyber Torts

CASE 4.1 *McClain v. Octagon Plaza, LLC* (2008) on negligent misrepresentation

CASE 4.2 *Trustees of University of District of Columbia v. Vossoughi* (2009) on conversion (whether replacement cost is an appropriate measure of damages for conversion)

CASE 4.3 *Fair Housing Council of San Fernando Valley v. Roommate.com* (2008) on the scope of immunity under the CDA

Features:

- Ethical Issue: Does a person's duty of care include a duty to come to the aid of a stranger in peril?
- BOB: Libel Tourism

- ALOE: Should CDA Immunity Extend to Negligence Claims against MySpace?
- Landmark in the Law: *Palsgraf v. Long Island Railroad Co.* (1928)

End-of-Chapter Pedagogy:

- Business Application: How Important Is Tort Liability to Business?

Chapter 5 Intellectual Property and Internet Law

CASE 5.1 LANDMARK/CLASSIC CASE: *The Coca-Cola Co. v. Koke Co. of America* (1920) on trademark protection under the common law

CASE 5.2 *George V Restaurant S.A. v. Little Rest Twelve, Inc.* (2009) on infringing conduct/trademarks—on what happens when a licensee continues to use a trademark after its owner withdrew permission

CASE 5.3 *KSR International Co. v. Teleflex, Inc.* (2008) on patents

Features:

- Preventing Legal Disputes
- Ethical Issue: Should the federal Copyright Act preempt plaintiffs from bringing “idea-submission” claims under state law?
- BOB: The Anti-Counterfeiting Trade Agreement
- ALOE: Should the Law Continue to Allow Business Process Patents?
- Landmark in the Law: The Digital Millennium Copyright Act of 1998

End-of-Chapter Pedagogy:

- Linking the Law to Marketing: Trademarks and Service Marks

Chapter 6 Criminal Law

CASE 6.1 *United States v. Moon* (2008) on search of business premises (physician’s office) in fraud investigation

CASE 6.2 *Herring v. United States* (2009) S.Ct case on exclusionary rule, when a person is arrested and searched on the mistaken belief that there is an arrest warrant for that individual, is the evidence obtained during the search admissible against that person in court

Features:

- BOB “An Absence of Codified Criminal Law: The Pushtun Way”
- Landmark in the Law: *Miranda v. Arizona* (1966)

End-of-Chapter Pedagogy:

- Business Application: “Determining How Much Force You Can Use to Prevent Crimes on Business Premises”

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Features:

- BOB “An Absence of Codified Criminal Law: The Pushtun Way”
- Landmark in the Law: *Miranda v. Arizona* (1966)

End-of-Chapter Pedagogy:

- Business Application: “Determining How Much Force You Can Use to Prevent Crimes on Business Premises”

Chapter 7 Cyber Crime

CASE 7.1 *State v. Cline* (2008) on cyberstalking

CASE 7.2 *United States v. \$6,976,934.65, Plus Interest Deposited into Royal Bank of Scotland International* (2009) on Internet gambling and civil forfeiture statute

Features:

- BOB “Russian Hackers to the Fore”
- ALOE: “Can Students Who Gain Unauthorized Access to an Online Antiplagiarism Service Be Subject to the Computer Fraud and Abuse Act?”

End-of-Chapter Pedagogy:

- Business Application: “How Can You Protect against Identity Theft?”

Chapter 8 Contracts: Nature, Classification, Agreement, and Consideration

CASE 8.1: *Uhrhahn Construction & Design, Inc. v. Hopkins* (2008) on implied-in-fact contracts

CASE 8.2: LANDMARK/CLASSIC CASE: *Lucy v. Zehmer* (1954) on intention

CASE 8.3: *T.W. Nickerson, Inc. v. Fleet National Bank* (2009) on breach of an option contract/irrevocable offer in the context of purchasing real estate

Features:

- Ethical Issue: “Can a company that sponsors a contest change the prize from what it originally advertised?”
- Landmark in the Law: *Hamer v. Sidway* (1891)

End-of-Chapter Pedagogy:

- Linking the Law to Marketing: Customer Relationship Marketing

Chapter 9 Contracts: Capacity, Legality, Assent, and Form

CASE 9.1: *Comedy Club, Inc. v. Improv West Associates* (2009) on whether a covenant not to compete in the comedy club business for fourteen years in forty-eight states is too broad to be enforced

CASE 9.2: *Inkel v. Pride Chevrolet-Pontiac, Inc.* (2008) on mutual mistake

CASE 9.3: *Rosenzweig v. Givens* (2009)

Features:

- Ethical Issue: “How much information must employers disclose to prospective employees?”
- ALOE: Online Personals—Fraud and Misrepresentation Issues
- Landmark in the Law: The Statute of Frauds
- BOB: The Statute of Frauds and International Sales Contracts

End-of-Chapter Pedagogy:

- Linking the Law to Business Communication: When E-Mails Become Enforceable Contracts

Chapter 10 Contracts: Third Party Rights, Discharge, Breach, and Remedies

CASE 10.1: *Revels v. Miss America Organization* (2007) on incidental beneficiaries

CASE 10.2: *Wisconsin Electric Power Co. v. Union Pacific Railroad* (2009)

CASE 10.3: *Drake v. Hance* (2009)

Features:

- **NEW** Ethical Issue: “Should the courts allow the defense of impossibility of performance to be used more often?”
- Landmark in the Law: *Hadley v. Baxendale* (1854)
- BOB: Impossibility or Impracticability of Performance in Germany
- Preventing Legal Dispute (on p. 331c)

End-of-Chapter Pedagogy:

- Business Application: What Do You Do When You Cannot Perform?

Chapter 11 Sales and Leases: Formation, Title, and Risk

CASE 11.1: *Jannusch v. Naffziger* (2008) on predominant purpose test in mixed contracts

CASE 11.2: *Glacial Plains Cooperative v. Lindgren* (2009)

CASE 11.3: CLASSIC CASE: *Jones v. Star Credit Corp.* (1969) on unconscionability

Features:

- Landmark in the Law: The Uniform Commercial Code
- **NEW** ALOE: The Thorny Issue of Taxing Internet Sales
- Preventing Legal Dispute (on p. 369)
- **NEW** Ethical Issue: “Why should a buyer in the ordinary course of business prevail over an original owner of goods?”

End-of-Chapter Pedagogy:

- Business Application: Who Bears the Risk of Loss—the Seller or the Buyer?

Chapter 12: Sales and Leases: Performance and Breach

CASE 12.1: *Maple Farms, Inc. v. City School District of Elmira* (1974) classic case on the UCC's commercial impracticability

CASE 12.2: *Houseman v. Dare* (2009) on right to obtain specific performance of promise to return a pet dog

CASE 12.3: *Fitl v. Strek* (2005) on the right to recover damages for accepted goods

Features:

- **NEW** Ethical Issue: "Should parties be able to use the global financial crisis as a reason to escape their contractual obligations?"
- BOB—The CISG's Approach to Revocation of Acceptance

End-of-Chapter Pedagogy:

- Business Application: What Can You Do When a Contract Is Breached?

Chapter 13: Warranties, Product Liability, and Consumer Law

CASE 13.1: *Webster v. Blue Ship Tea Room, Inc.* (1964) classic case on the merchantable foods.

CASE 13.2: *Wyeth v. Levine* (2009) on whether the NY state law that made the warning label on Phenergan inadequate/defective was preempted by federal labeling laws.

CASE 13.3: *Federal Trade Commission v. QT, Inc.* (2008) on deceptive advertising of an Ionized Bracelet on infomercials

Features:

- Landmark in the Law: Retained on *MacPherson v. Buick Motor Co.*
- **NEW** Ethical Issue: "Should companies be able to escape liability for defective products that were the subject of government regulations?"
- **NEW** ALOE: Should Video Games Be Required to Have Warning Labels?
- **NEW** BOB—Protecting U.S. Consumers from Cross-Border Telemarketers

End-of-Chapter Pedagogy:

- **NEW** LINKING THE LAW to Management: Quality Control

Chapter 14: Negotiable Instruments

CASE 14.1: *Foundation Property Investments, LLC v. CTP, LLC* (2007) on installment payments on a promissory note

CASE 14.2: *Georg v. Metro Fixtures Contractors, Inc.* (2008) accepting checks on good faith

CASE 14.3: *South Central Bank of Daviess County v. Lynnville National Bank* (2009)

Features:

- Ethical Issue: “Why should fiduciary restrictions on an instrument apply only to the original indorsee?”
- Landmark in the Law: Federal Trade Commission Rule 433

End-of-Chapter Pedagogy:

- Business Application: Pitfalls When Writing and Indorsing Checks

Chapter 15: Checks and Banking in the Digital Age

CASE 15.1: *MidAmerica Bank, FSB v. Charter One Bank* (2009) on whether a bank can obtain payment on a cashier’s check over the drawee bank’s stop-payment order

CASE 15.2 *Auto-Owners Insurance Co. v. Bank One* (2008) On banks requesting a written authorization from a company before opening an account

CASE 15.3 *Bank One, N.A. v. Dunn* (2006) on whether a late bank notice of a counterfeit check should reduce the customer’s liability for overdraft checks

Features:

- Ethical Issue: “Has the Expedited Funds Availability Act (EFAA) encouraged fraud?”
- Landmark in the Law: Check Clearing in the 21st Century Act (Check 21)

End-of-Chapter Pedagogy:

- Linking the Law to Economics: Banking in a Period of Crisis

Chapter 16: Security Interests, Creditors' Rights, and Bankruptcy

CASE 16.1: *Hicklin v. Onyx Acceptance Corp.* (2009) on the reasonableness of disposition procedures for collateral

CASE 16.2: *Capital Color Printing, Inc. v. Ahern* (2008) regarding the signatures on a guaranty form

CASE 16.3: *In re Kuehn* (2009) on whether a University's withholding a transcript is a violation of the automatic stay provisions.

Features:

- Landmark in the Law: The Bankruptcy Reform Act of 2005
- Ethical Issue: "Should debtors who took out disadvantageous mortgages be rescued from foreclosure by the federal government?"
- ALOE: The Debt That Never Goes Away—It's Discharged in Bankruptcy but Still on the Debtor's Credit Report?

End-of-Chapter Pedagogy:

- LINKING THE LAW to Economics: The Effects of Bankruptcy Law on Consumers and Businesses

Chapter 17: Agency

CASE 17.1 *Lopez v. El Palmar Taxi, Inc.* (2009) on whether a taxi driver was an independent contractor or an employee

CASE 17.2 *Ermoian v. Desert Hospital* (2007) on apparent authority

CASE 17.3 *Warner v. Southwest Desert Images, LLC* (2008) on whether the agent, as well as the principal, is liable for damages for negligently spraying herbicide around a building

Features:

- Landmark in the Law: The Doctrine of *Respondeat Superior*
- Ethical Issue: "Does an Agent's Breach of Loyalty Terminate the Agent's Authority?"

End-of-Chapter Pedagogy:

- Business Application: How Can an Employer Use Independent Contractors?

Chapter 18: Employment Law

CASE 18.1 *Castellanos-Contreras v. Decatur Hotels, LLC* (2009) on whether (after hurricane Katrina) the guest workers with H-2B visas that a hotel hired are liable for their own recruitment, transportation, and visa expenses, which were incurred without their employer's knowledge.

CASE 18.2 *Sprint/United Management Co. v. Mendelsohn* (2008) on *Allen v. Dackman* (2009) regarding a company's attitude toward age in an age discrimination lawsuit (U.S. Sup Ct.)

CASE 18.3 *Rohr v. Salt River Project Agricultural Improvement and Power District* (2009) (9th Cir.) on disabilities under the amendments to the ADA

Features:

- Ethical Issue: "Should workers get overtime pay for using their BlackBerrys after work hours?"
- BOB: Sexual Harassment in Other Nations

End-of-Chapter Pedagogy:

- Linking the Law to Management: Human Resource Management Comes to the Fore

Chapter 19: The Entrepreneur's Options

CASE 19.1 *1515 North Wells, LP v. 1513 North Wells, LLC* (2009) on whether general and limited partners in a limited partnership can waive their fiduciary rights in their partnership agreement

CASE 19.2 *Allen v. Dackman* (2009) on limited liability of an LLC member for alleged acts of the firm

CASE 19.3 *LJL Transportation, Inc. v. Pilot Air Freight Corp.* (2009) on whether a franchisee's conduct was so serious that the franchisor could immediately cancel the franchise agreement (without providing notice and a opportunity to cure)

Features:

- Landmark in the Law: Limited Liability Company (LLC) Statutes
- BOB: Limited Liability Companies in Other Nations
- Adapting the Law to the Online Environment: Satisfying the FTC's Franchise Rule in the Internet Age
- Ethical Issue: "Do managers in a manager-managed LLC owe fiduciary duties to other members?"

End-of-Chapter Pedagogy:

- Business Application: What Problems Can a Franchisee Anticipate?

Chapter 20: Corporations

CASE 20.1 *Williams v. Stanford* (2008) on whether minority shareholders in a close corp can sue rescind asset transfer that majority shareholder wrongfully engaged in

CASE 20.2 *Brown v. W.P. Media, Inc.* (2009) on liability of a corp for preincorp contracts under theory of corporation by estoppel

CASE 20.3 *Guth v. Loft* (1939) new classic case on fiduciary duty of loyalty of corp officer [

Features:

- BOB: Derivative Actions in Other Nations
- Adapting the Law to the Online Environment: Economic Recession Fuels the Internet Taxation Debate
- Ethical Issue: “Does the business judgment rule go too far in protecting directors and officers from liability?”

End-of-Chapter Pedagogy:

- Linking the Law to Finance: Source of Funds

Chapter 21: Investor Protection, Insider Trading, and Corporate Governance

CASE 21.1 *Landmark SEC v. Texas Gulf Sulphur Co.* (1968) concerning required disclosures under SEC Rule 10b-5 in the context of securities laws

CASE 21.2 *Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc.* (2008) on potential theory of “scheme liability” to hold suppliers and customers

CASE 21.3 *Stark Trading v. Falconbridge Ltd.* (2009-7th Cir.) re civil sanctions for violating 1934 act, on whether an investor can sustain a lawsuit against the corporation for a violation of Rule 10b-5 without proof of reliance

Features:

- Landmark in the Law: The Securities and Exchange Commission
- BOB: Corporate Governance in Other Nations
- Adapting the Law to the Online Environment: Corporate Blogs and Tweets Must Comply with the Securities and Exchange Act
- Ethical Issue: “When a company is held liable for a Section 10(b) violation, should its accounting firm also be held liable?”

End-of-Chapter Pedagogy:

- Linking the Law to Taxation: The Tax Consequences of Deleveraging during an Economic Crisis

Chapter 22: Promoting Competition

CASE 22.1 *Leegin Creative Leather Products, Inc. v. PSKS, Inc.* (2007) Sup. Ct. case on whether *minimum* resale price maintenance agreements should be treated as *per se* unlawful.

CASE 22.2 *Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co.* (2007 Sup Ct.) on attempted monopolization and whether a claim of predatory bidding is sufficiently similar to a claim of predatory pricing so that the same predatory-pricing test should apply to both

CASE 22.3 *Chicago Bridge & Iron Co. v. Federal Trade Commission* (2008) on horizontal mergers and the Herfindahl-Hirschman Index (HHI).

Features:

- Landmark in the Law: The Sherman Antitrust Act of 1890
- BOB: The European Union’s Expanding Role in Antitrust Litigation
- Ethical Issue: “Are we destined for more monopolies in the future?”

End-of-Chapter Pedagogy:

- Business Application: How Can You Avoid Antitrust Problems?

Chapter 23: Personal Property, Bailments, and Insurance

CASE 23.1 *In re Estate of Piper* (1984) CLASSIC CASE on the requirements of an effective gift

CASE 23.2 *Laplace v. Briere* (2009) on a bailee’s alleged negligence

CASE 37.1 *Woo v. Fireman’s Fund Insurance Co.* (2007) concerning the duties of the insurer to the insured that arise under an insurance contract

Features:

- BOB: The European Union's Expanding Role in Antitrust Litigation
- Ethical Issue: "Is it ethical for companies to take out life insurance policies on rank-and-file employees?"

End-of-Chapter Pedagogy:

- Business Application: How Can You Manage Risk in Cyberspace?

Chapter 24: Real Property and Environmental Law

CASE 24.1 *Roman Catholic Church of Our Lady of Sorrows v. Prince Realty Management, LLC* (2008) on the nature and extent of the rights accompanying a license to use another's property

CASE 24.2 *Drake v. Walton County* (2009) on whether the government's diversion of water across private property in Florida during an emergency constituted a taking

CASE 24.3 *Entergy Corp. v. Riverkeeper, Inc.* (2009) Sup.Ct case on the Clean Water Act and whether the EPA compare costs with benefits to determine the "best technology available for minimizing adverse environmental impact" at cooling water intake structures.

Features:

- Ethical Issue: "Should eminent domain be used to promote private development?"

End-of-Chapter Pedagogy:

- Linking the Law to Economics: Eminent Domain

Chapter 25: International Law in a Global Economy

CASE 22.1 *Fuji Photo Film Co. v. International Trade Commission* (2007) on import controls and disposable cameras

CASE 22.2 *United States v. Inn Foods, Inc.* (2009) on whether an importer's use of an invoicing system that results in understating the value of the imported goods violates the law on tariffs (import duties)

CASE 22.3 *Khulumani v. Barclay National Bank, Ltd.* (2007) on international tort claims act and apartheid

Features:

- Ethical Issue: “Should U.S. courts allow “forum-shopping” plaintiffs to sue companies for aiding and abetting global terrorism?”
- Beyond Our Borders: Arbitration versus Litigation

End-of-Chapter Pedagogy:

- Linking the Law to Marketing: Going Global