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Ultramares Corp. v. Touche, Niven & Co., 255 N.Y. 170, 255 N.Y. (N.Y.S.) 170, 174 N.E. 441, 1931 N.Y. LEXIS 660, 74 A.L.R. 1139 (1931)

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SHEPARD'S SUMMARY

Unrestricted Shepard's Summary

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Citing References:

Questioned Analyses: **Questioned (6)**
 Cautionary Analyses: Criticized (6), Distinguished (39)
 Positive Analyses: Followed (55)
 Neutral Analyses: Concurring Opinion (8), Conflict.Authority (1), Dissenting Op. (25), Explained (27)
 Other Sources: Foreign Cts. (1), Law Reviews (435), Restatements (4), Secondary Sources (2), Statutes (1), Treatises (63), Other Citations (1), Court Documents (144)

LexisNexis Headnotes: HN1 (25), HN3 (98), HN4 (143), HN5 (11), HN6 (2), HN7 (98), HN8 (1), HN9 (59), HN10 (8), HN11 (9), HN12 (10), HN13 (2), HN14 (2), HN15 (4), HN16 (2), HN17 (8), HN18 (7), HN19 (23), HN20 (59), HN22 (11), HN23 (1), HN25 (8), HN26 (4), HN27 (123), HN28 (2)

PRIOR HISTORY (1 citing reference)

1. *Ultramares Corp. v. Touche*, 229 A.D. 581, 243 N.Y.S. 179, 1930 N.Y. App. Div. LEXIS 10447 (N.Y. App. Div. 1930)

Reversed by (CITATION YOU ENTERED):

Ultramares Corp. v. Touche, Niven & Co., 255 N.Y. 170, 255 N.Y. (N.Y.S.) 170, 174 N.E. 441, 1931 N.Y. LEXIS 660, 74 A.L.R. 1139 (1931)

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320. **Cited by:**
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324. **Cited by:**
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325. **Cited by:**
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326. **Cited by:**
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347. **Cited by:**
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348. **Followed by:**
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352. **Cited by:**
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357. **Cited by:**
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365. **Followed by:**
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367. **Cited by:**
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370. **Cited by:**
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371. **Cited by:**
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377. **Cited by:**
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380. **Distinguished by:**
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382. **Cited by:**
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384. **Cited by:**
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386. **Followed by:**
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389. **Cited by:**
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390. **Cited by:**
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391. **Cited by:**
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392. **Cited by:**
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393. **Cited by:**
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394. **Cited by:**
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395. **Cited by:**
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396. **Cited by:**
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397. **Cited by:**
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399. **Cited by:**
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LexisNexis Headnotes HN19, HN20
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400. **Cited by:**
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401. **Cited by:**
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402. **Cited by:**
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403. **Cited by:**
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407. **Cited by:**
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408. **Cited by:**
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3RD CIRCUIT - COURT OF APPEALS

409. **Cited by:**
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412. **Followed by:**
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413. **Cited by:**
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(Callaghan) 769, Fed. Sec. L. Rep. (CCH) P94094 (3d Cir. N.J. 1973)
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414. **Cited by:**
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8 Life Cas. 2d (CCH) P283 (3d Cir. N.J. 1969)
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3RD CIRCUIT - U.S. DISTRICT COURTS

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417. **Distinguished by, Followed by:**
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Followed by:
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418. **Cited by:**
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419. **Followed by:**
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LexisNexis Headnotes HN27
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420. **Cited by:**
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421. **Cited by:**
Tuman v. Genesis Assocs., 894 F. Supp. 183, 1995 U.S. Dist. LEXIS 10149 (E.D. Pa. 1995) **LexisNexis Headnotes HN7**
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894 F. Supp. 183 p.188
422. **Cited by:**
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892 F. Supp. 676 p.690
423. **Cited by:**
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424. **Cited by:**
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832 F. Supp. 948 p.988
425. **Cited by:**
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426. **Cited by:**
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427. **Cited by:**
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428. **Explained by:**
Palco Linings, Inc. v. Pavex, Inc., 755 F. Supp. 1269, 1990 U.S. Dist. LEXIS 18270 (M.D. Pa. 1990)
755 F. Supp. 1269 p.1272
429. **Cited by:**
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430. **Cited by:**
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431. **Cited by:**
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432. **Cited by:**
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433. **Cited by:**
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434. **Followed by:**
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435. **Cited by:**
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436. **Explained by:**
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457 F. Supp. 879 p.888
437. **Distinguished by:**
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438. **Cited by:**
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420 F. Supp. 1057 p.1085
439. **Cited by:**
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378 F. Supp. 1339 p.1347
440. **Cited by:**
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223 F. Supp. 544 p.544
441. **Cited by:**
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4TH CIRCUIT - COURT OF APPEALS

442. **Cited by:**
Ellis v. Grant Thornton LLP, 530 F.3d 280, 2008 U.S. App. LEXIS 13379 (4th Cir. W. Va. 2008)
LexisNexis Headnotes HN27
530 F.3d 280 p.287
443. **Cited by:**
Merrick v. Mercantile-Safe Deposit & Trust Co., 855 F.2d 1095, 1988 U.S. App. LEXIS 11948, 26 Fed. R. Evid. Serv. (CBC) 1215 (4th Cir. Md. 1988) **LexisNexis Headnotes HN20**
855 F.2d 1095 p.1100

444. **Cited by:**
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 455 F.2d 847 p.851

4TH CIRCUIT - U.S. DISTRICT COURTS

445. **Cited by:**
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446. **Followed by:**
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LexisNexis Headnotes HN4
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447. **Cited by:**
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448. **Cited by:**
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449. **Cited by:**
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450. **Cited in Concurring Opinion at, Cited by:**
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451. **Cited by:**
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452. **Cited by:**
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Headnotes HN9, HN20

453. **Followed by:**
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454. **Followed by:**
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455. **Cited by:**
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456. **Cited by:**
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LexisNexis Headnotes HN1
 381 F. Supp. 931 p.947
457. **Distinguished by:**
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 267 F. Supp. 396 p.398
458. **Cited by:**
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 138 F. Supp. 639 p.658

5TH CIRCUIT - COURT OF APPEALS

459. **Explained by:**
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 224 F.3d 496 p.499
460. **Cited by:**
Thomas v. N.A. Chase Manhattan Bank, Ct. App. 5th Dkt. No. 92-2613 (Aug. 27, 1993)
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461. **Followed by:**
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LexisNexis Headnotes HN9
 1 F.3d 320 p.327

462. **Cited by:**
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962 F.2d 524 p.527
463. **Followed by, Cited by:**
Nathaniel Shipping, Inc. v. General Elec. Co., 920 F.2d 1256, 1991 U.S. App. LEXIS 378 (5th Cir. La. 1991) **LexisNexis Headnotes HN7**
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464. **Followed by:**
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911 F.2d 1053 p.1058
465. **Cited by:**
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466. **Cited in Dissenting Opinion at:**
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467. **Cited by:**
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468. **Cited by:**
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648 F.2d 305 p.306
469. **Cited by:**
Nortek, Inc. v. Alexander Grant & Co., 532 F.2d 1013, 1976 U.S. App. LEXIS 8704 (5th Cir. Fla. 1976)
LexisNexis Headnotes HN7
532 F.2d 1013 p.1015

470. **Distinguished by:**
De Bardeleben Marine Corp. v. United States, 451 F.2d 140, 1971 U.S. App. LEXIS 8176, 17 A.L.R. Fed. 980 (5th Cir. Fla. 1971)
451 F.2d 140 p.148
471. **Cited by:**
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472. **Cited by:**
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317 F.2d 19 p.25

5TH CIRCUIT - U.S. DISTRICT COURTS

473. **Cited by:**
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637 F. Supp. 2d 370 p.381
474. **Distinguished by:**
Brookshire Bros. Holding, Inc. v. Total Containment, Inc., 2006 U.S. Dist. LEXIS 78532 (W.D. La. Oct. 27, 2006)
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475. **Criticized by:**
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719 F. Supp. 1328 p.1331

6TH CIRCUIT - COURT OF APPEALS

476. **Cited by:**
Bovee v. Coopers & Lybrand C.P.A., 272 F.3d 356, 2001 U.S. App. LEXIS 24942, 2001 FED App. 407P (6th Cir.), Fed. Sec. L. Rep. (CCH) P91635 (6th Cir. Ohio 2001) **LexisNexis Headnotes HN4**
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477. **Cited by:**
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478. **Explained by:**
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329 F.2d 402 p.407

6TH CIRCUIT - U.S. DISTRICT COURTS

479. **Cited by:**
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LexisNexis Headnotes HN4
211 F. Supp. 2d 985 p.991
480. **Cited by:**
Terlecky v. Hurd (In re Dublin Sec.), 197 B.R. 66, 1996 U.S. Dist. LEXIS 7453 (S.D. Ohio 1996)
LexisNexis Headnotes HN27
197 B.R. 66 p.72
481. **Cited by:**
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937 F. Supp. 647 p.658
482. **Cited by:**
In re Nord Resources Corp. Secs. Litig., 1992 U.S. Dist. LEXIS 22739 (S.D. Ohio Dec. 15, 1992)
LexisNexis Headnotes HN7, HN27
483. **Explained by:**
In re Consumers Power Co. Sec. Litigation, 105 F.R.D. 583, 1985 U.S. Dist. LEXIS 20638, Fed. Sec. L. Rep. (CCH) P92251 (E.D. Mich. 1985) **LexisNexis Headnotes HN7, HN20**
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105 F.R.D. 583 p.597
484. **Questioned by:**
Ingram Industries, Inc. v. Nowicki, 527 F. Supp. 683, 1981 U.S. Dist. LEXIS 17200 (E.D. Ky. 1981)
LexisNexis Headnotes HN27
527 F. Supp. 683 p.684
485. **Cited by:**
United States v. United States Pipe & Foundry Co., 415 F. Supp. 104, 1976 U.S. Dist. LEXIS 17376 (E.D. Tenn. 1976)
415 F. Supp. 104 p.104
486. **Distinguished by:**
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LexisNexis Headnotes HN13
204 F. Supp. 821 p.828
487. **Cited by:**
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35 F. Supp. 160 p.166

6TH CIRCUIT - U.S. BANKRUPTCY COURTS

488. **Cited by:**
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489. **Cited by:**
In re DeLOREAN MOTOR CO., 1986 Bankr. LEXIS 6796 (Bankr. E.D. Mich. Jan. 29, 1986) **LexisNexis Headnotes HN3, HN4**
490. **Cited by:**
In re De Lorean Motor Co., 56 B.R. 936, 1986 Bankr. LEXIS 6859 (Bankr. E.D. Mich. 1986) **LexisNexis Headnotes HN3, HN4**
56 B.R. 936 p.939
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7TH CIRCUIT - COURT OF APPEALS

491. **Cited by:**
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580 F.3d 633 p.637
492. **Followed by:**
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493 F.3d 905 p.909
493. **Followed by:**
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494. **Cited by:**
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495. **Cited by:**
FDIC v. Ernst & Young LLP, 374 F.3d 579, 2004 U.S. App. LEXIS 14089 (7th Cir. Ill. 2004) **LexisNexis Headnotes HN27**
374 F.3d 579 p.582
496. **Cited by:**

In re Bridgestone/Firestone, Inc. Tires Prods. Liab. Litig., 288 F.3d 1012, 2002 U.S. App. LEXIS 8354, 52 Fed. R. Serv. 3d (Callaghan) 422 (7th Cir. Ind. 2002) **LexisNexis Headnotes HN3**
288 F.3d 1012 p.1018

497. **Cited by:**
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498. **Cited by:**
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50 F.3d 484 p.488
499. **Cited by:**
Frymire-Brinati v. KPMG Peat Marwick, 2 F.3d 183, 1993 U.S. App. LEXIS 19657, Fed. Sec. L. Rep. (CCH) P97737, 37 Fed. R. Evid. Serv. (CBC) 1352 (7th Cir. Ill. 1993) **LexisNexis Headnotes HN3**
2 F.3d 183 p.189
500. **Followed by, Cited by:**
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947 F.2d 841 p.846
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501. **Distinguished by:**
Ashland Oil v. Arnett, 875 F.2d 1271, 1989 U.S. App. LEXIS 7421 (7th Cir. Ind. 1989) **LexisNexis Headnotes HN1, HN3**
875 F.2d 1271 p.1284
502. **Followed by:**
Toro Co. v. Krouse, Kern & Co., 827 F.2d 155, 1987 U.S. App. LEXIS 11186 (7th Cir. Ind. 1987) **LexisNexis Headnotes HN27**
827 F.2d 155 p.156
503. **Questioned by:**
Greycas, Inc. v. Proud, 826 F.2d 1560, 1987 U.S. App. LEXIS 10984, 23 Fed. R. Evid. Serv. (CBC) 888 (7th Cir. Ill. 1987) **LexisNexis Headnotes HN3**
826 F.2d 1560 p.1564
504. **Cited by:**
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505. **Cited in Dissenting Opinion at:**
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 603 F.2d 654 p.663
506. **Cited by:**
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507. **Questioned by, Cited by:**
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508. **Cited by:**
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 467 F.2d 1262 p.1268
509. **Cited by:**
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 149 F.2d 9 p.9
510. **Cited by:**
Steber v. Kohn, 149 F.2d 4, 1945 U.S. App. LEXIS 4511 (7th Cir. Ill. 1945)
 149 F.2d 4 p.9

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511. **Cited by:**
City Nat'l Bank v. Checkers, Simon & Rosner, 1993 U.S. Dist. LEXIS 10881 (N.D. Ill. Aug. 4, 1993)
512. **Criticized by:**
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- (N.D. Ill. 1992) **LexisNexis Headnotes HN3**
797 F. Supp. 1432 p.1448
513. **Followed by:**
Ackerman v. Schwartz, 733 F. Supp. 1231, 1989 U.S. Dist. LEXIS 16521, Fed. Sec. L. Rep. (CCH) P95009 (N.D. Ind. 1989)
733 F. Supp. 1231 p.1241
514. **Followed by:**
Toro Co. v. Krouse, Kern & Co., 644 F. Supp. 986, 1986 U.S. Dist. LEXIS 19648 (N.D. Ind. 1986)
LexisNexis Headnotes HN9
644 F. Supp. 986 p.991
515. **Cited by:**
Cottrell v. Candy Workers Union, Local 342 etc., 630 F. Supp. 1081, 1986 U.S. Dist. LEXIS 27940, 113 Lab. Cas. (CCH) P11562 (C.D. Ill. 1986)
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535. **Cited by:**
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9TH CIRCUIT - U.S. DISTRICT COURTS

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547. **Cited by:**
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11TH CIRCUIT - U.S. DISTRICT COURTS

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562. **Cited by:**
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622. **Cited by:**
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624. **Cited by:**
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627. **Cited by:**
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628. **Cited by:**
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634. **Cited by:**
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635. **Cited by:**
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641. **Cited by:**
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IDAHO SUPREME COURT

644. **Cited by:**
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647. **Cited by:**
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648. **Cited by:**
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649. **Cited by:**
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651. **Cited in Dissenting Opinion at:**
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652. **Cited by:**
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654. **Cited by:**

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656. **Cited by:**

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658. **Cited by:**

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INDIANA COURT OF APPEALS

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663. **Distinguished by:**
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664. **Followed by:**
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665. **Cited by:**
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666. **Cited by:**
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667. **Cited by:**
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668. **Cited by:**
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KANSAS SUPREME COURT

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671. **Cited by:**
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672. **Cited by:**
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LOUISIANA SUPREME COURT

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LOUISIANA COURT OF APPEALS

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677. **Cited by:**
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678. **Cited by:**
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MARYLAND COURT OF APPEALS

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682. **Cited by:**
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683. **Followed by, Cited by:**
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686. **Cited by:**
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687. **Cited by:**
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688. **Cited by:**
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MARYLAND COURT OF SPECIAL APPEALS

689. **Distinguished by, Cited by:**
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693. **Cited by:**

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MASSACHUSETTS SUPREME JUDICIAL COURT696. **Cited by:**

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700. **Cited by:**
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701. **Cited by:**
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702. **Cited by:**
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703. **Cited by:**
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704. **Cited by:**
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705. **Cited by:**
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707. **Cited by:**
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709. **Cited by:**
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MICHIGAN SUPREME COURT

710. **Cited by:**
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711. **Cited by:**
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MICHIGAN COURT OF APPEALS

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713. **Cited by:**
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MINNESOTA SUPREME COURT

714. **Cited by:**
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248 N.W.2d 291 p.301
715. **Cited by:**
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295 N.W. 304 p.307
716. **Cited by:**
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MINNESOTA COURT OF APPEALS

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