



Westlaw International Research Guide Power Point
For Academic Package

Westlaw International 學術模組使用手冊



THOMSON REUTERS

介紹重點

- 背景資料
- 使用介面
- 查詢方式
- 如何判讀
- 加值好康

Westlaw International 學術模組涵蓋六大區域:

- Westlaw US 美國
- Westlaw UK 英國
- Westlaw EU Content 歐盟& 歐洲國家
- Westlaw Canadian Materials 加拿大
- Westlaw HK 香港
- Westlaw Australia 澳大利亞



Westlaw International 學術模組涵蓋內容:

United States

第一手資料

- Legislation including:
 - United States Code (both annotated and un-annotated)
 - Code of Federal Regulations
 - Federal Register
 - All State Statutes
- Cases: All Federal and All States, fully cross-referenced from 1658

第二手資料

- Commentary including:
 - American Law Reports
 - American Jurisprudence
 - Corpus Juris Secundum
- Journals including:
 - Harvard Law Review
 - Chicago Journal of International Law
 - Yale Journal of International Law
 - Cornell Law Review
- US Uniform Laws Annotated

United Kingdom

- Statutes from 1267 (fully consolidated)
- Cases from 1865, including:
 - The Law Reports
 - Common Market Law Reports
 - Fleet Street Reports
 - Weekly Law Reports
- Journals including:
 - Criminal Law Review
 - International Arbitration Law Review
 - Civil Justice Quarterly
 - Intellectual Property Quarterly

Australia

- Cases from 1903, including:
 - Commonwealth Law Reports
 - Federal Law Reports
 - Federal Court Reports

見下頁繼續...

Academic Package Coverage

Westlaw International 學術模組涵蓋內容:

European Union

- Comprehensive European Union Legislation
- Cases from 1954, including:
 - European Commercial Cases
 - European Patent Office Reports
 - European Human Rights Reports
- Journals including:
 - European Intellectual Property Review
 - European Human Rights Review
 - EU Focus

Hong Kong

- Cases from 1905, including:
 - Hong Kong Law Reports
 - Hong Kong Criminal Law Reports
- Journals:
 - Hong Kong Law Journal
 - Chinese Journal of International Law

Miscellaneous

- Black's Law Dictionary
- WTO & GATT Panel Decisions

Canada

- Canadian Statutes (Federal, Provincial and Territorial Statutes)
- Canadian Abridgement
- Canadian Cases from 1825
- Carswell Law Reports
- Federal Court Reports

News and Current Awareness

- With access to over 13,000 individual news sources updated on a daily basis, Westlaw International ensures that you are receiving the news that matters, when you need it.
- Key sources include:
 - AP Newswire - Thomson Reuters Financial News
 - New York Times - The Times (London)
 - Financial Times - The Economist
 - Forbes - Time
 - Bloomberg - Transcripts from major news channels; BBC, CNN etc
 - Reuters News



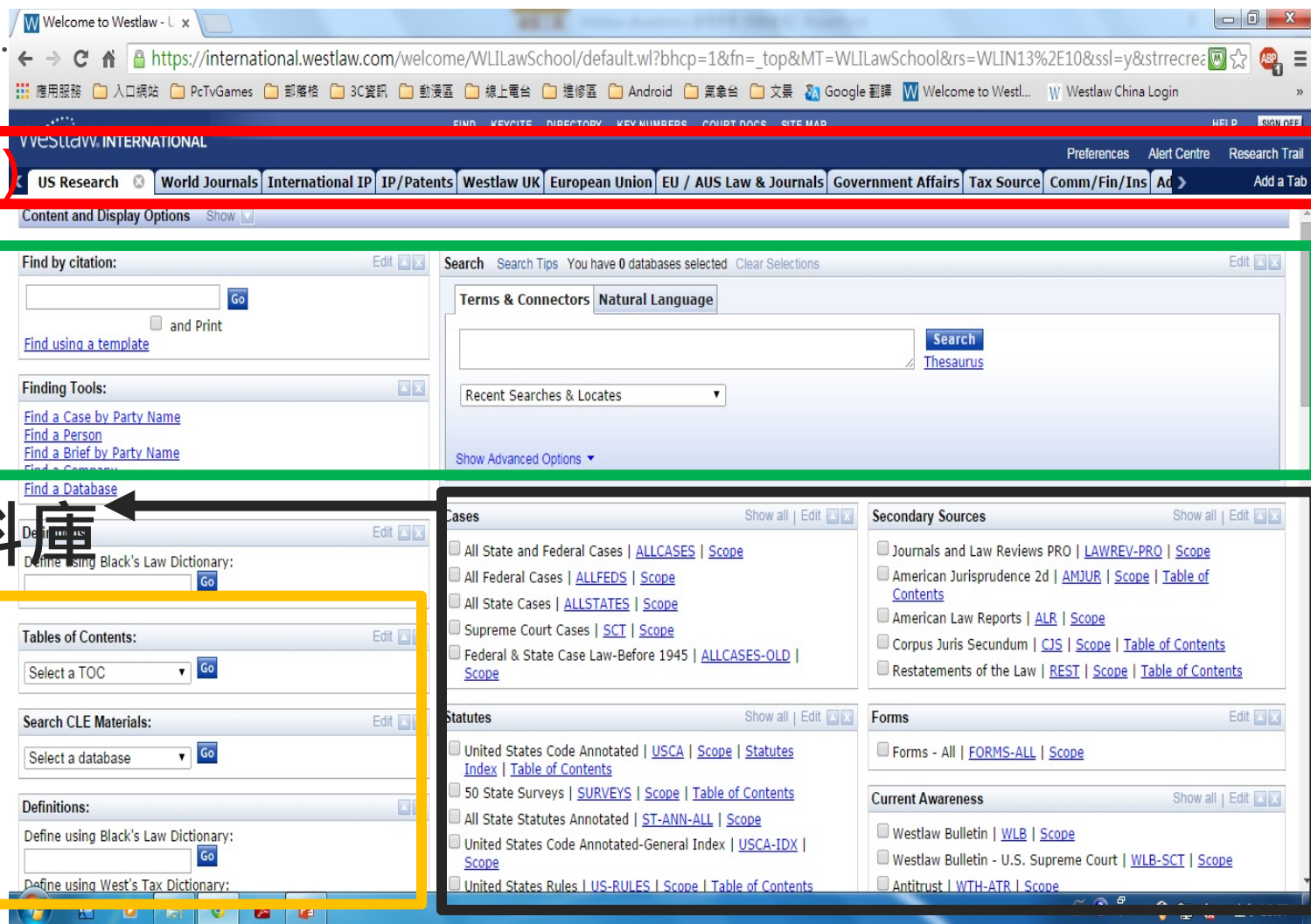
WESTLAW INTERNATIONAL 介面介紹 (1)

類別分頁(TAB)

四大查詢

各類型資料庫

小工具
快捷區



WESTLAW INTERNATIONAL 介面介紹 (2)

相關補充資料

The screenshot displays the Westlaw International interface. The top navigation bar includes links for FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. Below this, a secondary bar lists various legal topics like US Research, World Journals, International IP, etc. The main content area is divided into two columns. The left column, titled 'Result List', shows a list of documents with links for 'Full History', 'Direct History', 'Citing References', and 'Monitor With KeyCite Alert'. The right column, titled 'Related Info', provides details about the selected document, 'Bush v. Gore', including its citation (531 U.S. 98, 121 S.Ct. 525), date (December 12, 2000), and a brief description. Below this, there are links for 'Briefs and Other Related Documents', 'Judges, Attorneys and Experts', and 'Oral Argument Transcripts with Streaming Media'. The bottom section of the right column contains the full text of the opinion, starting with 'Democratic candidates for President and Vice President of the United States filed complaint contesting certification of state results in presidential election...'. The bottom of the page features a search bar and a 'Tools' dropdown menu.

Bush v. Gore
531 U.S. 98, 121 S.Ct. 525
U.S.Fl.a.,2000.
December 12, 2000 (Approx. 34 pages)

531 U.S. 98, 121 S.Ct. 525, 148 L.Ed.2d 388, 69 USLW 4029, 00 Cal. Daily Op. Serv. 9879, 2000 Daily Journal D.A.R. 13,163, 14 Fla. L. Weekly Fed. S 26

[Briefs and Other Related Documents](#)
[Judges, Attorneys and Experts](#)
[Oral Argument Transcripts with Streaming Media](#)

Supreme Court of the United States
George W. **BUSH**, et al., Petitioners,
v.
Albert **GORE**, Jr., et al.

No. 00-949.
Argued Dec. 11, 2000
Dec. 12, 2000.

Democratic candidates for President and Vice President of the United States filed complaint contesting certification of state results in presidential election. The Circuit Court, Leon County, [N. Sanders Sauls, J.](#), entered judgment denying all relief, and candidates appealed. The District Court of Appeal certified the matter to the Florida Supreme Court. On review, the Florida Supreme Court, [772 So.2d 1243](#), ordered manual recounts of ballots on which machines had failed to detect vote for President. Republican candidates filed emergency application for stay of Florida Supreme Court's mandate. The United States Supreme Court, [531 U.S. 1046](#), [121 S.Ct. 512](#), [148 L.Ed.2d 553](#), granted application, treating it as petition for writ of certiorari, and granted certiorari. The Supreme Court held that: (1) manual recounts ordered by Florida Supreme Court, without specific standards to implement its order to discern "intent of the voter," did not satisfy minimum requirement for non-arbitrary treatment of voters necessary, under Equal Protection Clause, to secure fundamental right to vote for President, and (2) remand of case to Florida Supreme Court for it to order constitutionally proper contest would not be appropriate remedy.

Chief Justice Rehnquist filed concurring opinion in which Justices Scalia and Thomas joined.

Term Doc 1 of 4 Tools Go

判決本文或法條本文

關鍵字/切換頁

WESTLAW INTERNATIONAL 介面介紹 (3)

查詢結果清單

The screenshot shows the Westlaw International search results page. The browser address bar displays the URL: <https://international.westlaw.com/result/default.wl?mt=WLLawSchool&db=SCT&vr=2.0&rp=%2fsearch%2fdefault.wl&ss=CNT&scxt=WL&rs=WL>. The page header includes navigation tabs such as FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. The main content area is divided into two columns. The left column, titled 'Result List', contains a list of search results. The first result is highlighted in yellow and is titled '1. Bush v. Gore'. The right column, titled 'Related Info', displays detailed information for the selected case, including the case name 'Bush v. Gore', the citation '531 U.S. 98, 121 S.Ct. 525', and the date 'December 12, 2000 (Approx. 34 pages)'. The right column also includes links to 'Briefs and Other Related Documents', 'Judges, Attorneys and Experts', and 'Oral Argument Transcripts with Streaming Media'. The bottom of the page features a 'Tools' section with a 'Go' button.

Result List
4 Docs
Full Screen List
Edit Search | Locate in Result
Result Options

Related Info
121 S.Ct. 525

Bush v. Gore
531 U.S. 98, 121 S.Ct. 525
U.S. Fla., 2000.
December 12, 2000 (Approx. 34 pages)

531 U.S. 98, 121 S.Ct. 525, 148 L.Ed.2d 388, 69 USLW 4029, 00 Cal. Daily Op. Serv. 9879, 2000 Daily Journal D.A.R. 13,163, 14 Fla. L. Weekly Fed. S 26

[Briefs and Other Related Documents](#)
[Judges, Attorneys and Experts](#)
[Oral Argument Transcripts with Streaming Media](#)

Supreme Court of the United States
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Reversed and remanded.

Chief Justice [Robinson](#) filed concurring opinion in which Justices [Giles](#) and [Thomas](#) joined.

Tools Go

返回

CITATIONS介紹

Citation是指引文標注方式，**Citation Format**系統編號。

• 範例：

• **386 US 487**

• **35 USCA 282**

• **109 HARV L REV 125**

• **US PAT 7255627**



CITATIONS介紹

386



第386卷

US



美國最高法院判決書

487



第487頁



CITATIONS介紹

35



TITLE 35

USCA



美國法典

§ 282



第282條



CITATIONS介紹

109



第109卷

HARV L REV



哈佛Law Review期刊

125



第125頁



CITATIONS介紹

US	PAT	7255627
↓	↓	↓
美國	專利法	檔案編號

[返回](#)

Find By Citation 的功能

The screenshot displays the Westlaw International website interface. At the top, there is a navigation bar with links like FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. Below this is a secondary navigation bar with various legal categories such as US Law Classic, US/ UK/ Dockets Research, New York, California, Westlaw Patents, Patent Practitioner, Intellectual Property, Litigator, Westlaw Patents, and Europe. The main content area is divided into several sections:

- Free Online Training:** A yellow banner at the top left.
- Find by citation:** A section with a text input field containing "347 us 483" and a "Go" button. A red arrow points to this section. Below the input field are links for "Find using a template" and "Publications List".
- Finding Tools:** A section with a link for "Find a Case by Party Name".
- KeyCite this citation:** A section with a text input field and a "Go" button.
- Sticky Notes:** A section with a link for "+ Add a Note".
- Search for a database:** A section with a text input field and a "Go" button.
- Definitions:** A section with a text input field and a "Go" button.
- Search:** A large section on the right with a search bar and a "Search" button. It also includes a "Recent Searches" section.
- Cases:** A section with checkboxes for "All State a", "All Federal", "All State C", "Supreme C", and "District Court Cases".
- Statutes:** A section with checkboxes for "US Constitution", "State Constitutions for the 50 states and D.C.", "United States Code Annotated", "State Statutes", and "50 State Surveys".
- Administrative Rules & Regulations:** A section with checkboxes for "Code of Federal Regulations" and "Federal Register".
- Forms:** A section with checkboxes for "FormFinder", "American Jurisprudence Legal Forms 2d", "American Jurisprudence Pleading and Practice Forms Annotated", "Federal Procedural Forms", and "National Pleading and Practice Forms".

A large text box is overlaid on the right side of the page, containing the text:

Find by Citation
可利用已知的判例、
法條編碼或文章編碼快速查詢所需文件

Find By Citation 的功能-結果 (Search Result)

The screenshot shows the Westlaw International search results page for the case **Brown v. Board of Ed. of Topeka, Shawnee County, Kan.**. The page is divided into several sections:

- Header:** Westlaw INTERNATIONAL, FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, SITE MAP, HELP, SIGN OFF.
- Navigation:** US Law Classic, US/ UK/ Dockets Research, New York, California, Westlaw Patents, Patent Practitioner, Intellectual Property, Litigator, Westlaw Patents, Europe, Add a Tab.
- Result List:** 1 Doc, Related Info 74 S.Ct. 686.
- Full Screen List:** Locate in Result, Find citation: [input] Go.
- KeyCite:** Some negative history but not overruled.
- Full History:** Direct History (Graphical View), Citing References, Monitor With KeyCite Alert.
- Full-Text Document:** Case Outline.
- Petitions, Briefs & Filings:**
- ResultsPlus™:** View All Results.
- Corpus Juris Secundum: Civil Rights:** 1. Racial Segregation, In General, Generally.
- Am.Jur.2d: Evidence:** 2. Specific Matters Judicially Noticed, Economic and Financial Facts, Facts Relating to Agriculture and Farmland.
- ALR:** 3. Comment Note.-Racial Segregation.
- Table of Authorities:**

The main content area displays the case details:

- Case Name:** Brown v. Board of Ed. of Topeka, Shawnee County, Kan.
- Citation:** 347 U.S. 483, 74 S.Ct. 686, 38 A.L.R.2d 1180, 98 L.Ed. 873, 53 O.O. 326.
- West Reporter Image (PDF):** 347 U.S. 483, 74 S.Ct. 686, 38 A.L.R.2d 1180, 98 L.Ed. 873, 53 O.O. 326.
- Briefs and Other Related Documents:**
- Supreme Court of the United States:** BROWN et al. v. BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KAN., et al.
- Reargued Dec. 7, 8, 9, 1953. Decided May 17, 1954.**
- Class actions originating in the four states of Kansas, South Carolina, Virginia, and Delaware, by which minor Negro plaintiffs sought to obtain admission to public schools on a nonsegregated basis. On direct appeals by plaintiffs from adverse decisions in the United States District Courts, District of Kansas, 98 F.Supp. 797, Eastern District of South Carolina, 103 F.Supp. 920, and Eastern District of Virginia, 103 F.Supp. 337, and on grant of certiorari after decision favorable to plaintiffs in the Supreme Court of Delaware, 91 A.2d 137, the United States Supreme Court, Mr. Chief Justice Warren, held that segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of the minority group of equal educational opportunities, in contravention of the Equal Protection Clause of the Fourteenth Amendment.**
- Cases ordered restored to docket for further argument regarding formulation of decrees.**

A red arrow points from the citation "347 U.S. 483" to a text box that reads: "直接提供該Citation (e.g. 347 us 483) 的案件".

FIND by Party Name 的功能

Westlaw INTERNATIONAL

FIND KEYCITE DIRECTORY KEY NUMBERS COURT DOCS SITE MAP

HELP SIGN OFF

Preferences Alert Centre Research Trail

US Law Classic US/ UK/ Dockets Research New York California Westlaw Patents Patent Practitioner Intellectual Property Litigator Westlaw Patents Europe Add a Tab

Content and Display Options Show

Free Online Training
West eLearning Center: Learn time saving search tips in the comfort and convenience of your own office.

Find by citation:
[Input field] Go
☐ and Print
[Find using a template](#)
[Publications List](#)

Finding Tools:
[Find a Case by Party Name](#)

KeyCite this citation: Link to the Find a Case by Party Name wizard
[Input field] Go

Sticky Notes:
+ Add a Note

Search for a database:
[Input field] Go
Recent Databases
Favorite Databases
[View Database Directory](#)

Definitions:
Define using Black's Law Dictionary:
[Input field] Go

Search Search Tips You have 0 databases selected Clear Selections Edit

Terms & Connectors Natural Language

[Input field] Search

Recent Searches & Locates

Show Advanced Options

Cases Show all | Edit

- ☐ All State and Federal Cases | [ALLCASES](#) | [Scope](#)
- ☐ All Federal Cases | [ALLFEDS](#) | [Scope](#)
- ☐ All State Cases | [ALLSTATES](#) | [Scope](#)
- ☐ Supreme Court Cases | [SCT](#) | [Scope](#)
- ☐ District Court Cases | [DCT](#) | [Scope](#)

Statutes Edit

- ☐ US Constitution | [US-CONST](#) | [Scope](#)
- ☐ State Constitutions for the 50 states and D.C. | [ST-CONST](#) | [Scope](#)
- ☐ United States Code Annotated | [USCA](#) | [Scope](#) | [Statutes Index](#) | [Table of Contents](#)
- ☐ State Statutes | [STAT-ALL](#) | [Scope](#)
- ☐ 50 State Surveys | [SURVEYS](#) | [Scope](#) | [Table of Contents](#)

Administrative Rules & Regulations Edit

- ☐ Code of Federal Regulations | [CFR](#) | [Scope](#) | [Statutes Index](#) | [Table of Contents](#)
- ☐ Federal Register | [FR](#) | [Scope](#)

Secondary Sources Edit

- ☐ American Jurisprudence 2d | [AMJUR](#) | [Scope](#) | [Table of Contents](#)
- ☐ American Bar Association Journal | [ABAJ](#) | [Scope](#)
- ☐ American Law Reports | [ALR](#) | [Scope](#)
- ☐ All Law Reviews, Texts, and Bar Journals | [TP-ALL](#) | [Scope](#)
- ☐ Causes of Action | [COA](#) | [Scope](#)
- ☐ Journals and Law Reviews | [JLR](#) | [Scope](#)
- ☐ Restatements of the Law | [REST](#) | [Scope](#) | [Table of Contents](#)

Forms Show all | Edit

- ☐ FormFinder | [FORMFINDER](#) | [Scope](#)
- ☐ American Jurisprudence Legal Forms 2d | [AMJUR-LF](#) | [Scope](#) | [Table of Contents](#)
- ☐ American Jurisprudence Pleading and Practice Forms Annotated | [AMJUR-PP](#) | [Scope](#) | [Table of Contents](#)
- ☐ Federal Procedural Forms | [FEDPROF](#) | [Scope](#) | [Table of Contents](#)
- ☐ National Pleading and Practice Forms | [FORMS-PP](#) | [Scope](#)

https://international.westlaw.com/find/default.wl?rs=WLIN10.10&action=FCBPN&fn=_top&sv=Split&utid=25&vr=2.0&rp=%2find%2fdefault

Internet 100%

FIND by Party Name 的功能

Westlaw INTERNATIONAL

FIND KEYCITE DIRECTORY KEY NUMBERS COURT DOCS SITE MAP

US Law Classic US/ UK/ Dockets Research New York California Westlaw Patents Patent Practitioner Intellectual Property

Find a Document ⓘ

Enter citation: ☐ and Print

[Global Case Law Find by Title](#)
[Global Find Overview](#)

[U.S. WestlawFind&Print](#)
[U.S. Find Overview](#)

[Publications List](#)
[Find Tips](#)

Publication Country:

Find a Case by Party Name

1 Enter at least one party name:
 and

2 Select a Jurisdiction:

- ☒ All U.S. Federal and State Cases
- ☐ All Federal Courts
- ☐ U.S. Supreme Court:
- ☐ U.S. Courts of Appeals:
- ☐ U.S. District Courts:
- ☐ Specialized Courts:
- ☐ State Courts:
- ☐ State Reporters:

Cases
All Circuits
All District Courts
U.S. Bankruptcy Courts
All Courts
All Reporters

3

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Internet 100%

於此鍵入訴訟兩方，
或任一方之名稱

Find by Party Name 的功能-結果 Search Result

The screenshot shows the Westlaw International search results page for the case **Mirror Worlds, LLC v. Apple, Inc.** (Slip Copy, 2010 WL 3855361, E.D.Tex., 2010, September 30, 2010 (Approx. 2 pages)).

Annotations:

- 顯示符合Mirror Words和Apple的結果清單**: Points to the "Result List" tab and the "Full Screen List" link.
- 與關鍵字相應之原告、被告案例**: Points to the case title "Mirror Worlds, LLC v. Apple, Inc." and the parties "MIRROR WORLDS, LLC, Plaintiff, v. APPLE, INC., Defendant."

Left Sidebar:

- Result List**: 3 Docs
- Related Info**: 2010 WL 3855361
- Case has some history**: Full History, Direct History (Graphical View), Citing References, Monitor With KeyCite Alert
- Full-Text Document**: Case Outline
- Petitions, Briefs & Filings**
- ResultsPlus™**: View All Results
- Am.Jur.2d: Patents**: 1. Infringement, In General, Doctrine of Equivalents
- Am.Jur.2d: Patents**: 2. Infringement, In General, Doctrine of Equivalents-What Constitutes Equivalency
- Am.Jur. Proof of Facts**: 3. Establishing Liability for Infringement of a Utility Patent
- View All Results**
- List of ResultsPlus Publications**
- FORMS FOCUS**: About, View All Results
- West's Federal Forms**

Main Content:

- Motions, Pleadings and Filings**: Judges, Attorneys and Experts
- United States District Court, E.D. Texas, Tyler Division**
- MIRROR WORLDS, LLC, Plaintiff, v. APPLE, INC., Defendant.**
- No. 6:08-CV-88, Sept. 30, 2010.**
- Alexander Solo, Charles E. Cantine, Ian Gregg Dibernardo, Iuliana Tanase, Joseph Diamante, Kenneth L. Stein, Stroock & Stroock & Lavan, LLP, New York, NY, Deborah J. Race, James Patrick Kelley, Otis W. Carroll, Jr., Ireland Carroll & Kelley, Tyler, TX, for Plaintiff.**
- Jeffrey G. Randall, Raymond W. Yu, Paul Hastings Janofsky & Walker LLP, Palo Alto, CA, Adam A. Biggs, Eric M. Albritton, Albritton Law Firm, Longview, TX, Allan M. Soobert, Brock S. Weber, Kim Moore, Paul Hastings Janofsky & Walker, Washington, DC, Jeffrey Comeau, S. Christian Platt, Paul Hastings Janofsky & Walker, San Diego, CA, for Defendant.**
- MEMORANDUM OPINION AND ORDER**
- LEONARD DAVIS, District Judge.**
- *I** Having considered the parties' briefing and oral argument regarding non-infringement under the doctrine of equivalents for claims 16 and 18 of the '427 Patent, the Court **GRANTS** Apple's motion for judgment as a matter of law ("JMOL") on doctrine of equivalents ("DOE") under independent claim 16 and dependent claim 18 of the '427 patent.
- JMOL** "is appropriate only when a 'reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue.'" *Kinetic Concepts, Inc. v. Blue Sky Med. Group, Inc.*, 554 F.3d 1010, 1017 (Fed.Cir.2009) (quoting *Cambridge Toxicology Group, Inc. v. Exnicios*, 495 F.3d 169, 179 (5th Cir.2007), quoting *FED. R. CIV. P. 50(a)(1)*). In determining whether to grant JMOL, a court reviews all the evidence in the record and must draw all reasonable inferences in favor of the nonmoving

Footer: Done, Internet, 100%

布林邏輯和自然語言檢索 的介紹

The screenshot shows the Westlaw International search interface. The top navigation bar includes links like FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. The main search area is titled "Search" and has two tabs: "Terms & Connectors" and "Natural Language".

Annotations with red arrows point to specific features:

- 布林邏輯 (Boolean Logic):** Points to the "Terms & Connectors" tab and the search input field containing the query "director/s duty /p 'minority shareholder'".
- 自然語言檢索 (Natural Language Search):** Points to the "Natural Language" tab.
- 布林邏輯: 建立檢索詞間的關係, 以便精確找到相關文獻 (Boolean Logic: Establish relationships between search terms to find relevant documents precisely):** A text box explaining the purpose of Boolean logic.

The search input field contains the query: "director/s duty /p 'minority shareholder'". Below the input field is a "Search" button. To the left of the search area are various filters and options, including "Recent Searches & Locates", "Dates: Unrestricted", and "Fields: Select an Option".

At the bottom of the interface, there are sections for "Cases" and "Statutes", each with a list of search options and links to "Scope" or "Table of Contents".

布林邏輯常用的符號(Connectors)如下：

- **and (&)** Terms in the same document 各檢索詞在同一份文獻上
- **phrase “ ”** Terms appearing in the exact order 查詢完全相符之檢索
詞 (建議使用)
- **or (space)** Terms in the alternative 其中一個檢索詞在同一份文獻上
(不建議使用)
- **/s** Terms in the same sentence 各檢索詞在同一個句子上
- **/p** Terms in the same paragraph 各檢索詞在同一段落上 (建
議使用)
- **/n** Terms within “n” terms of each other 各檢索詞之間隔字
數
- **Root Expander**
 - To retrieve words with variant endings, use **the root expander (!)**. When you place an exclamation point (!) at the end of a root term, you retrieve all possible endings of that root. For example, **obey!** retrieves **obey, obeys, obeyed and obeying.**



布林邏輯示範的例子

The screenshot shows the Westlaw International search interface. The search bar contains the query: `director /s duty /p "minority shareholder"`. A red arrow points from the explanatory text box to the search bar. Another red arrow points from the search bar to the search button. A third red arrow points from the 'Dates' dropdown menu to the explanatory text box. A fourth red arrow points from the 'Add Connectors or Expanders' section to the explanatory text box.

-這例子表示director 與 duty 要在同一句,
duty 與 "minority shareholder" 要在同一段.
-"minority shareholder"
表示要 minority 和 shareholder 一同尋找

輸入關鍵詞，
並以適當之Connectors連接

可限定查詢之日期範圍

Connectors提示

Symbol	Function	Symbol	Function
&	AND	/s	In same sentence
space	OR	+s	Preceding within sentence
" "	Phrase	/p	In same paragraph
%	But not	+p	Preceding within paragraph
	Root expander	/n	Within n terms of
*	Universal character	+n	Preceding within n terms of

布林邏輯-可限定查詢的範圍

The screenshot displays the Westlaw search interface. On the left, a dropdown menu titled 'Select an Option' lists various search criteria: Court - CO(), Synopsis - SY(), Digest - DI(), Synopsis/Digest - SY,DI(), Background - BG(), Holding - HG(), Words-Phrases - WP(), Topic - TO(), Headnote - HE(), References - RE(), Judge - JU(), Attorney - AT(), Opinions - OP(), Full-Text - FT(), Lead - LE(), Concurring - CON(), Dissenting - DIS(), Prelim - PR(), Notes - NO(), Docket-Number - DN(), Panel - PA(), Title - TI(), Citation - CI(), and Image - IM(). Below this, the 'Add Connectors or Expanders' section lists symbols and their functions: & (AND), space (OR), " " (Phrase), % (But not), | (Root expander), * (Universal character), /s (In same sentence), +s (Preceding within sentence), /p (In same paragraph), +p (Preceding within paragraph), /n (Within n terms of), and +n (Preceding within n terms of). A red arrow points from this section to a text box on the right.

可限定查詢的範圍,例如可限定查詢定法官名字或律師名字

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布林邏輯-展示查詢結果

Westlaw INTERNATIONAL

US Law Classic US/ UK/ Dockets Research New York California Westl

Result List 994 Docs

Related Info 2010 WL 5176852

Full Screen List Edit Search | Locate in Results Result Options

顯示檢索結果清單

紅旗 (red flag) : 代表該案件之法律見解，已被推翻，不具法律效力。

Cardinalli v. Cardinalli

Not Reported in Cal.Rptr.3d, 2010 WL 5176852
Cal.App. 6 Dist., 2010.
December 21, 2010 (Approx. 12 pages)

Citation 號碼

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California Rules of Court, rule 8.1115, restricts citation of unpublished opinions in California courts.

Court of Appeal, Sixth District, California.
Sal J. CARDINALLI, Plaintiff and Appellant,
v.
John T. CARDINALLI, Jr. et al., Defendants and Respondents.

No. H032309.
(Monterey County Super. Ct. No. M71906).
Dec. 21, 2010.

Hugo N. Gerstl, Monterey, CA, for Plaintiff and Appellant.

Daniel P. Schrader, Fischer Schrader, LLP, Monterey, CA, Mark G. Bonino, Hayes Scott Bonino Ellingson & McLay, LLP, Redwood City, CA, for Defendant and Respondent.

DUFFY, J.

*1 This appeal arises from disputes relating to a family-owned taxicab business, Monterey Checker Transportation, Inc. (Checker). Plaintiff Sal Cardinalli, his father, John Cardinalli, Sr., and his brothers, John Cardinalli, Jr., and Stephen Cardinalli, each owned a 25 percent share in Checker. ^{FN1} In October 2004, plaintiff filed this action, asserting, among other things, that beginning in 2002, defendants had eliminated his \$3,000 monthly salary and his \$1,000 share of the rent from certain corporate realty and had transferred other corporate assets to themselves, breaching their fiduciary duties as majority shareholders to him, a minority shareholder. Plaintiff requested relief including actual and punitive damages, partition of real property, and an accounting. Plaintiff named as defendants his brothers, their wives, Checker and New Hope, Inc., a corporation formed to acquire Checker, but not his father.

^{FN1}. Due to the common surname, we will refer to the parties by their given names.

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Cal.App.2d 284, 293 A minority shareholder is not regarded as a client of the corporate counsel unless the shareholder has retained or reposed trust and confidence.....

2. Fink v. Atlas Stock Transfer Corp.,
Not Reported in Cal.Rptr.3d, 2010 WL 4887179,
Nonpublished/Noncitable (Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115), Cal.App. 2 Dist., December 02, 2010 (NO. B215103)

...however, are clearly distinguishable from the facts at hand. In McMullin, the court conducted "an examination of the [board of directors'] statutory duty and fiduciary responsibilities to minority shareholders in the specific context of evaluating a proposal for a sale of the entire corporation to a third party at...

...in which the interests of the majority shareholder and the company were in conflict. Id. at p. 921.) The plaintiffs, minority shareholders, alleged the board of directors initially voted to delegate the management of the sale process to a conflicted majority shareholder

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1. Membership in Corporation, Nature of Relationship, Dominant, Controlling, or Majority Stockholders

Am.Jur.2d: Corporations

2. Respective Rights and Duties of Majority and Minority Stockholders; Parent or Holding Corporations, In General, Fiduciary Duty or Relationship of Majority or Controlling Stockholders; in General

Corpus Juris Secundum: Shipping

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No. H032309.
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^{FN1}. Due to the common surname, we will refer to the parties by their given names.

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DOCUMENT STREAM OPERATING SYSTEM, US PAT 6006227, 1999 WL 1771575 (U.S. PTO Utility Dec 21, 1999) (NO. 08/673255)
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Mirror Worlds, LLC v. Apple, Inc., --- F.Supp.2d ----, 2010 (NO. 6:08 CV 88) (Markman Order Version)

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MIRROR WORLDS, LLC, Plaintiff, v. APPLE INC., Defendant. APPLE INC., Counterclaim Plaintiff, v. MIRROR WORLDS LLC, Mirror Worlds Technologies, Inc., Counterclaim Defendants., 2008 WL 5533089 (Trial Pleading) (E.D.Tex. Nov. 25, 2008) Apple Inc.'s First Amended Answer, Affirmative Defenses and Counterclaims (NO. 608CV00088)

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Trial Motions, Memoranda and Affidavits

2 SHARED MEMORY GRAPHICS, LLC, v. APPLE INC. et al., 2010 WL 4606127, *4606127+ (Trial Motion, Memorandum and Affidavit) (N.D.Cal. Sep 15, 2010) **Response In Support of Defendants' Joint Motion for Entry of Protective Order And Objections To Smg's Proposed Protective Order** (NO. 310CV02475) ★★

3 WI-LAN INC., Plaintiff, v. RESEARCH IN MOTION CORPORATION, Research in Motion Ltd., Motorola, Inc., Utstarcom, Inc., LG Electronics Mobile Comm U.S.A., and LG Electronics, Inc., Defendants., 2010 WL 2124628, *2124628+ (Trial Motion, Memorandum and Affidavit) (S.D.Cal. Apr 23, 2010) **Memorandum and Points of Authorities in Support of Wi-LAN Inc.'s Motion to Compel Third Party Qualcomm, Incorporated to Produce Documents, Information and Objects** (NO. 10CV0859WCAB) ★★

4 PERSONAL AUDIO, LLC, Plaintiff, v. APPLE INC., Sirius XM Radio, Inc., Coby Electronics, Corp., Archos, Inc., Defendants., 2010 WL 2747895, *2747895+ (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr 12, 2010) **Defendants' Reply in Support of Its Motion for a Protective Order** (NO. 909-CV-00111-RC) ★★ ★★

5 PERSONAL AUDIO, LLC, Plaintiff, v. APPLE, INC., Sirius XM Radio, Inc., Coby Electronics, Corp., Archos, Inc., Defendants., 2010 WL 2747893, *2747893+ (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr 01, 2010) **Personal Audio, LLC's Response to Defendants' Motion for Protective Order** (NO. 909-CV-00111-RC) ★★ ★★ ★★

6 DAVIS-LYNCH, INC., Plaintiff, v. WEATHERFORD INT'L, INC., Defendant., 2009 WL 3227907, *3227907 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug 24, 2009) **Plaintiff Davis-Lynch, Inc.'s Reply to Defendant's Response to Plaintiff's Motion to Show Cause** (NO. 607-CV-559) ★★

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Bogert's Trusts & Trustee

1. Constructive Trusts, Breach of Fiduciary Obligation

Fletcher Cyclopaedia

2. General Duties and Liabilities of Directors or Officers Connected with Management of Corporation, Duty of Care and the Business Judgment Rule, Business Judgment Rule-in General

Am.Jur.2d: Corporations

3. Duty of Care: the Business-Judgment Rule, The Business-Judgment Rule, Generally

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McMullin v. Beran

765 A.2d 910

Del.Supr., 2000.

November 20, 2000 (Approx. 27 pages)

Supreme Court of Delaware.

McMULLIN, Plaintiff below, Appellant,

v.

Walter F. BERAN, Anthony G. Fernandes, Mark L. Hazelwood, Alan R. Hirsig, John H. Kelley, Marie L. Knowles, James A. Middleton, Stephen R. Mut, Frank Savage, Marvin B. Schlanger, Walter J. Tusinski, Donald R. Voelte, Jr., Arco Chemical Company and Atlantic Richfield Company, Defendants below, Appellees.

No. 611, 1999.

Submitted: Aug. 21, 2000.

Decided: Nov. 20, 2000.

Purported minority shareholder of chemical corporation brought putative class action against corporation, its directors, majority shareholder, and petrochemical corporation, alleging that individual defendants and majority shareholder, aided and abetted by petrochemical corporation, breached their fiduciary duties in connection with sale of chemical corporation to petrochemical corporation in transaction negotiated by majority shareholder. After minority shareholder voluntarily dismissed corporations from action, the Court of Chancery, New Castle County, granted remaining defendants' motions to dismiss. Minority shareholder appealed. The Supreme Court, Holland, J., held that: (1) directors had duty to conduct a critical assessment of proposed sale and make independent determination whether sale maximized value for all shareholders; (2) minority shareholder stated claims for breaches of duty of care and loyalty; and (3) minority shareholder stated claim for breach of duty to disclose all material facts to minority shareholders.

Reversed and remanded.

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Supreme Court of Delaware.
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v.
Walter F. BERAN, Anthony G. Fernandes, Mark L. Hazelwood, Alan R. Hirsig, John H. Kelley, Marie L. Knowles, James A. Middleton, Stephen R. Mut, Frank Savage, Marvin B. Schlanger, Walter J. Tusinski, Donald R. Voelke, Jr., Arco Chemical Company and Atlantic Richfield Company, Defendants below, Appellees.

No. 611, 1999.
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2. In re BHC Communications Shareholder Litigation, Inc.,
789 A.2d 1, Del. Ch., June 04, 2001 (NO. C.A. 18209; C.A. 18218)

...directors on the subsidiary boards owed a duty of entire fairness in negotiating terms of the mergers to reflect fairly and proportionately the value of BHC and UTV and the value of Chris-Craft. It further alleges that this duty was breached as a result of Chris-Craft having negotiated terms that unfairly favored its stockholders at the expense of the minority stockholders of BHC and UTV. Count II does not identify these "subservient directors" and does not specify what, if any, role any of them played in the negotiation of the BHC and UTV merger agreements. Count III alleges that the outside directors who served on the Special Committees violated their duty of care in approving the transactions on terms that are unfair to the minority stockholders. It also alleges that the other defendants aided and abetted in...

3. Miller v. Udall, Shumway, Blackhurst, Allen & Lyons, P.C.,
Not Reported in P.3d, 2000 WL 35730145, Ariz. App. Div. 1, May 11, 2000 (NO. 1 CA-CV 99-0261)

...Duty to Minority Shareholders ¶ 7 To maintain a legal malpractice claim, a plaintiff must demonstrate the existence of a duty of due care owed by the attorney defendant to the plaintiff. See, e.g., Phillips v. Clancy, 152 Ariz. 415, 418, 733 P.2d 300, 307 (App.1986). The existence of duty is a question of law for the court. Markowitz v. Arizona Parks Board, 146 Ariz. 352, 356, 706 P.2d 364, 368 (1985). ¶ 8 Generally, an attorney owes a duty only to the attorney's client, and for corporate counsel, the client is the corporation itself, not its shareholders or directors. Skarbrevik v. Cohen, England & Whitfield, 282 Cal.Rptr. 627, 632-34 (Cal.App.1991). Even in the case of a close corporation, courts have held that shareholders, directors and other corporate principals may not pursue a malpractice...

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reasonableness that, under any set of facts that could be proven to support the claims asserted, the plaintiffs would not be entitled to recover. Supreme Court Rule 12(b)
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duty to

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Determination, by Supreme Court on appellate review and trial court on motion to dismiss for failure to state a claim, of whether it appears with reasonable certainty that,

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1. McMullin v. Beran, 765 A.2d 910, Del.Supr., November 20, 2000 (NO. 611, 611,1999)

...shareholder, board of directors cannot realistically seek any alternative, as majority shareholder has right to vote its shares in favor of third-party transaction it proposed for board's consideration; nevertheless, in such situations, directors are obliged to make informed and deliberate judgment, in good faith, about whether sale to third party that is being proposed by majority shareholder will result in a maximization of value for minority shareholders. 8 Del.C. § 251. [18]

Corporations 101 312(5) 101 Corporations 101X Officers and Agents 101X(C) Rights, Duties, and Liabilities as to Corporation and Its Members 101k312 Corporate Property, Funds, and Securities 101k312(5) k. Purchase and Sale of Property in General. Most Cited Cases

Effective representation of financial interests of minority shareholders in connection with proposed sale of entire corporation at behest of majority shareholder imposed upon directors an affirmative responsibility to protect minority shareholders' interests in connection with assessment of transaction and making a maximized value for all shareholders; directors must exercise due care so that minority shareholders accept tender offer price or to seek appraisal of their shares. 8 Del.C. § 251.

[18] KeyCite Citing References for this Headnote

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3. Workers' Compensation: Special Mission Exception to Going-and-Coming Rule

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Mitchell v. Clark County School Dist., 111 P.3d 1104, 1107, 121 Nev. 179, 184 (Nev. May 26, 2005) (NO. 40999) ★★
HN: 6,7 (N.W.2d)

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Benco Mfg. v. Albertsen, 764 N.W.2d 783, 783+ (Iowa App. Feb 04, 2009) (Table, text in (Table, text in WESTLAW) ★★ HN: 11,12,13 (N.W.2d)

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Gilbert v. USF Holland, Inc., 637 N.W.2d 194, 199 (Iowa Dec 19, 2001) (NO. 00-0873) ★★ HN: 6,11 (N.W.2d)

Cargill, Inc. v. Conley, 620 N.W.2d 496, 500 (Iowa Dec 20, 2000) (NO. 99-0461) HN: 1 (N.W.2d)

Burich v. John Deere Des Moines Works, 737 N.W.2d 327, 327 (Iowa App. Jul 12, 2007) (Table, text in WESTLAW, NO. 06-1251) (Table, text in WESTLAW) HN: 5,11 (N.W.2d)

Corp. v. Ann Merrill, 680 N.W.2d 377, 377 (Iowa App. Feb 27, 2004) (Table, text in WESTLAW, NO. 02-1685) (Table, text in WESTLAW)

Kobold v. Dodge, 672 N.W.2d 334, 334 (Iowa App. Oct 15, 2003) (Table, text in WESTLAW, NO. 02-2119) (Table, text in WESTLAW) HN: 1 (N.W.2d)

Sands v. Marian Health Center, 662 N.W.2d 375, 375 (Iowa App. Feb 12, 2003) (Table, text in WESTLAW, NO. 02-0643) (Table, text in WESTLAW) HN: 3 (N.W.2d)

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☐ **1. Zimnoch v. Bridge View Palace, LLC**, 69 A.D.3d 928, 893 N.Y.S.2d 253, 2010 N.Y. Slip Op. 00672, N.Y.A.D. 2 Dept., January 26, 2010 (NO. 2008-11673, 47730/03)

...BRIDGE VIEW PALACE, LLC, appellant. Jan. 26, 2010. Background: Worker brought action against building owner, seeking to recover damages for **personal injuries** he sustained when he fell onto concrete floor while performing work on building. The Supreme Court Kings County Schack, J...

...reasonable compensation in worker's personal injury action against building owner, arising from injuries he sustained, including herniated discs, when he **fell** from **height** onto concrete floor while performing work on building. McKinney's CPLR 5501 (c); McKinney's Labor Law § 240 (1). [3] 115...

...reasonable compensation in worker's personal injury action against building owner, arising from injuries he sustained, including herniated discs, when he **fell** from **height** onto concrete floor while performing work on building, and thus awards would be reduced to \$150,000 for past pain and.....

☐ **2. Peay v. New York City School Const. Authority**, 35 A.D.3d 566, 827 N.Y.S.2d 189, 2006 N.Y. Slip Op. 09436, N.Y.A.D. 2 Dept., December 12, 2006 (NO. 2005-10737, 12973/03)

...et al., appellants-respondents. Dec. 12, 2006. Background: Subcontractor's employee brought action against respondent...

H

Zimnoch v. Bridge View Palace, LLC
69 A.D.3d 928, 893 N.Y.S.2d 253
N.Y.A.D. 2 Dept., 2010.
January 26, 2010 (Approx. 3 pages)

Holdings: The Supreme Court, Appellate Division, held that:
(1) setting aside verdict and conducting new trial on damages was within court's discretion;
(2) damages awards of \$44,000 for past, and \$364,000 for future, medical expenses were reasonable; and
(3) damages awards of \$300,000 for past, and \$850,000 for future, pain and suffering would be reduced to \$150,000 and \$300,000, respectively.

Affirmed as modified.

[1] ☒ [KeyCite Citing References for this Headnote](#)

115 Damages
115X Proceedings for Assessment
115k219 Verdict and Findings
115k221 Special Interrogatories and Findings by Jury
115k221(7) k. Sufficiency of verdict or findings. [Most Cited Cases](#)

275 New Trial ☒ [KeyCite Citing References for this Headnote](#)
275II Grounds
275II(D) Disqualification or Misconduct of or Affecting Jury
275k52 k. Manner of arriving at verdict. [Most Cited Cases](#)

Court acted within its discretion in setting aside jury verdict as to damages for personal injury action against property owner; jury found that worker was injured by falling from height onto concrete floor while performing work on building; jury found that worker was injured by falling from height onto concrete floor while performing work on building, and since the jury's award for past and future damages was more than warranted by evidence or requested by worker during summation, the award was reduced to \$150,000 for past pain and suffering and \$300,000 for future pain and suffering. [McKinney's CPLR 4404\(a\)](#); [McKinney's Labor Law § 240\(1\)](#).

[2] ☒ [KeyCite Citing References for this Headnote](#)

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