



Westlaw International Research Guide Power Point
For Academic Package

Westlaw International 學術模組使用手冊



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United States

- 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
- 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:

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- 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.
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 - AP Newswire - Thomson Reuters Financial News
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 - Financial Times - The Economist
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 - Bloomberg - Transcripts from major news channels; BBC, CNN etc
 - Reuters News



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- Westlaw UK 英國
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如何用密碼登入Westlaw International?



The screenshot shows the Westlaw International login interface. At the top, the logo reads "Westlaw INTERNATIONAL Legal, News and Business Information". Below this is the "Sign On with OnePass" section, which includes input fields for "Username:", "Password:", and "Client ID:". To the right of the "Password:" field is a link that says "Forgot OnePass Username/Password?". Below the "Client ID:" field is a blue "Sign On" button. Underneath the "Sign On" button are three checkboxes: "Save Username", "Save Username/Password", and "Return to last research trail". Below these checkboxes is a link that says "Switch to sign on using a Westlaw Password" and another link that says "Register/Edit OnePass Username and Password". A red arrow points from the "Forgot OnePass Username/Password?" link to a text box on the right. Another red arrow points from the "Register/Edit OnePass Username and Password" link to a text box on the left. A third red arrow points from the "Sign On" button to a text box on the right. At the bottom of the page, there is a blue banner with the text "The global provider of authoritative legal, news and business information from trusted sources around the world" and a "Learn More" link. At the very bottom, there are links for "Secure Connection", "Forgot Password?", "Need Help Signing On?", and "Requirements".

Westlaw INTERNATIONAL Legal, News and Business Information

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☐ Return to last research trail

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[Sign On](#)

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已註冊ONE PASS的用戶，請輸入Username & Password

Client ID 可任意輸入
Client ID 是說明記錄使用者的研究的類別，
例如 Samsung Case，
那麼當使用者查詢使用報告，
他們會記得例如 Samsung Case，
那麼當使用者查看使用報告，
他們會記得2011年1月1日
曾經search 過 Samsung Cases。

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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 divided into two tabs: "Terms & Connectors" and "Natural Language".

布林邏輯 (Boolean Logic): This is represented by the "Terms & Connectors" tab. It allows users to build complex search queries using logical operators. The search box contains the query: "director/s duty /p "minority shareholder"". Below the search box, there are options for "Recent Searches & Locates", "Dates" (set to "Unrestricted"), and "Fields" (set to "Select an Option"). A table of connectors and expanders is provided:

Connector/Expander	Description
&	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
+n	Preceding within n terms of

自然語言檢索 (Natural Language Search): This is represented by the "Natural Language" tab. It allows users to search using natural language queries. The search box contains the query: "director/s duty /p "minority shareholder"". Below the search box, there are options for "Recent Searches & Locates", "Dates" (set to "Unrestricted"), and "Fields" (set to "Select an Option").

Annotations:

- A red arrow points from the "布林邏輯" label to the "Terms & Connectors" tab.
- A red arrow points from the "自然語言檢索" label to the "Natural Language" tab.
- A red arrow points from the "布林邏輯:" label to the search box in the "Terms & Connectors" tab.

The interface also includes various sidebars and toolbars. The left sidebar contains links for "Free Online Training", "Find by citation", "Finding Tools", "KeyCite this citation", "Sticky Notes", "Search for a database", and "Definitions". The bottom right sidebar contains "Cases" and "Statutes" sections with checkboxes for selecting specific legal sources.

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

Westlaw INTERNATIONAL

US Law Classic US/ UK/ Dockets Research

Search

Selected Databases

All Federal & State Cases (ALLCASES)

Terms & Connectors Natural Language

Search: director /s duty /p "minority shareholder"

Recent Searches & Locates

Dates: Unrestricted

Fields: Select an Option

Add Connectors or Expanders [Help](#)

&	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

-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

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, there are sections for 'Dates' and 'Fields', each with a 'Select an Option' dropdown. A red arrow points from the 'Add Connectors or Expanders' section to a text box on the right. The 'Add Connectors or Expanders' section contains a table of search operators and their functions.

Symbol	Function
&	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
+n	Preceding within n terms of

The text box on the right contains the text: 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 Result

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

Not Officially Published

(Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)

Judges and Attorneys

Only the Westlaw citation is currently available.

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.

黃底者為目前顯示之全文

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

Term Doc 1 of 994

Tools Go

Internet 100%

Westlaw International 版面操作介绍

布林邏輯

The screenshot displays the Westlaw International website. The top navigation bar includes links for FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. The main header shows 'US Law Classic' and 'US/ UK/ Dockets Research' tabs. The search results section on the left lists 'Result List' (994 Docs) and 'Related Info' (2010 WL 5176852). A pink arrow points from the 'California' tab to a text box containing the Chinese text: '有關該案件的相關資料, 例如歷史, 圖像, 引用資料等等'. The main content area shows the document details for 'Not Reported in Cal.Rptr.3d, 2010 WL 5176852 (Cal.App. 6 Dist.)'. The document is titled 'Not Officially Published (Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115) Judges and Attorneys'. The text indicates that only the Westlaw citation is currently available. The document is from the California Rules of Court, rule 8.1115, which restricts citation of unpublished opinions in California courts. The document is from the Court of Appeal, Sixth District, California, and is titled 'Sal J. CARDINALLI, Plaintiff and Appellant, v. John T. CARDINALLI, Jr. et al., Defendants and Respondents.' The document number is No. H032309, (Monterey County Super. Ct. No. M71906), dated Dec. 21, 2010. The document is authored by Hugo N. Gerstl, Monterey, CA, for Plaintiff and Appellant. The document is cited by Daniel P. Schrader, Fischer Schrader, LLP, Monterey, CA, and Mark G. Bonino, Hayes Scott Bonino Ellingson & McLay, LLP, Redwood City, CA, for Defendant and Respondent. The document is cited by DUFFY, J. The document is 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.

The bottom of the page shows a status bar with 'Term', 'Doc 1 of 994', and a 'Go' button. The browser's address bar shows 'Internet' and '100%' zoom.

FULL HISTORY

Westlaw INTERNATIONAL

FIND KEYCITE DIRECTORY KEY NUMBERS COURT DOCS SITE MAP

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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 4 Docs Related 2009 WL 24

Full Screen List Edit Search

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. Reexamination, Conduct of Reexamination, Stay or Consolidation of Concurrent Proceedings

Am.Jur.2d: Patents
2. Reexamination, Conduct of Reexamination, Scope of Reexamination

Corpus Juris Secundum: Patents
3. Examination and Proceedings in Patent Office, Examination of Application, Reexamination-Ex Parte Reexamination on Basis of Prior Art

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Limit KeyCite History Display

Mirror Worlds, LLC v. Apple, Inc.
Slip Copy, 2009 WL 2461808
E.D.Tex., 2009, August 11, 2009

History
(Showing All Documents)
Direct History

2009 WL 2461808 (E.D.Tex. Aug 11, 2009) (NO. 6:08CV88)

Related References

2 DOCUMENT STREAM OPERATING SYSTEM, US PAT 6006227, 1999 WL 1771575 (U.S. PTO Utility Dec 21, 1999) (NO. 08/673255)
Construed and Ruled Invalid in Part by

3 Mirror Worlds, LLC v. Apple, Inc., --- F.Supp.2d ----, 2010 (NO. 6:08 CV 88) (Markman Order Version)

4 DOCUMENT STREAM OPERATING SYSTEM, US PAT 6638311, 2009 WL 3986111
Construed by

5 Mirror Worlds, LLC v. Apple, Inc., --- F.Supp.2d ----, 2010 (NO. 6:08 CV 88) (Markman Order Version)

6 Mirror Worlds, LLC v. Apple, Inc., 2010 WL 3855361 (E.D.Tex. Sep 30, 2010) (NO. 6:08-CV-88)

Court Documents
Trial Court Documents (U.S.A.)

E.D.Tex. Trial Pleadings

7 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)

Full History
包含 Direct History,
Negative Citing References,
Related Reference 等等

P.S: Full History
展示了案件的歷史,
相關的資料及 Court Documents

CITING REFERENCE 引用文獻

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 Litigator Westlaw Patents Europe

Result List 4 Docs Related Info 2009 WL 2461808

Full Screen List Edit Search

Case has some history

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Full-Text Document Case Outline

Petitions, Briefs & Filings

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Am.Jur.2d: Patents

1. Reexamination, Conduct of Reexamination, Stay or Consolidation of Concurrent Proceedings

Am.Jur.2d: Patents

2. Reexamination, Conduct of Reexamination, Scope of Reexamination

Corpus Juris Secundum: Patents

3. Examination and Proceedings in Patent Office, Examination of Application, Reexamination-Ex Parte Reexamination on Basis of Prior Art

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Mirror Worlds, LLC v. Apple, Inc.

Slip Copy, 2009 WL 2461808

E.D.Tex., 2009, August 11, 2009

Citing References

7 documents)

Cases (U.S.A.)

Cited

4704420, *3 (N.D.Cal. Nov 12, 2010) (NO. C-10-2475 VRW EMC)

Court Documents

Trial Court Documents (U.S.A.)

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) ★★

提供其他案件引用本案之資訊

Natural Language 自然語言檢索的介紹-輸入介紹

The screenshot displays the Westlaw International search interface. At the top, the navigation bar includes links for FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. Below this, a secondary bar shows various database categories like US Law Classic, US/ UK/ Dockets Research, New York, California, Westlaw Patents, Patent Practitioner, Intellectual Property, Litigator, and Europe. The main search area is titled 'Search' and shows 'You have 1 database selected'. The 'Terms & Connectors' tab is active, and the search mode is set to 'Natural Language', highlighted by a red arrow. The search query entered is 'Does a director owe a duty of care to minority shareholder?'. Below the search bar, there are options for 'Recent Searches & Locates' and a 'Show Advanced Options' link. On the right side, a list of search results is displayed, including 'All State and Federal Cases', 'All Federal Cases', 'All State Cases', 'Supreme Court Cases', 'District Court Cases', 'US Constitution', 'State Constitutions for the 50 states and D.C.', 'United States Code', 'State Statutes', '50 State Surveys', 'Administrative Rules & Regulations', 'Code of Federal Regulations', and 'Federal Register'. A red arrow points from a text box to the 'Natural Language' search mode. The text box contains the text: '以淺顯的英文詞彙、語句檢索'.

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 Litigator Westlaw Patents Europe

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Find a Case by Party Name

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View Database Directory

Definitions:

Define using Black's Law Dictionary:

Search Search Tips You have 1 database selected Clear Selections

Terms & Connectors Natural Language

Does a director owe a duty of care to minority shareholder?

Search

Recent Searches & Locates

Show Advanced Options

Cases

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

US Constitution | US-CONST | Scope

State Constitutions for the 50 states and D.C. | ST-CONST | Scope

United States Code | USCA | Scope | Statutes

State Statutes | STAT-ALL | Scope

50 State Surveys | SURVEYS | Scope | Table of Contents

Administrative Rules & Regulations

Code of Federal Regulations | CFR | Scope | Statutes

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American Law Reports | ALR | Scope

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Causes of Action | COA | Scope

Journals and Law Reviews | JLR | Scope

Restatements of the Law | REST | Scope | Table of Contents

Forms

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

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Natural Language 自然語言檢索的介紹

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Result List 100 Docs

Related Info 765 A.2d 910

Full Screen List

Edit Search | Locate in Result

Some negative history but not a

Full History

Direct History (Graphical View)

Citing References

Monitor With KeyCite Alert

Full-Text Document

Case Outline

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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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List of ResultsPlus Publications

Table of Authorities

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.

West Headnotes

[1] KeyCite Citing References for this Headnote

30 Appeal and Error

Term Best Doc 1 of 100

Tools Go

Internet 100%

Natural Language 自然語言檢索結果的顯示

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McMullin v. Beran
765 A.2d 910
Del. Supr., 2000.
November 20, 2000 (Approx. 27 pages)

West Reporter Image (PDF)
765 A.2d 910
Judges and Attorneys

Supreme Court of Delaware.
Mary E. 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. Voelke, 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, affirmed the judgment of the Court of Chancery, holding that the minority shareholder failed to state a claim, of whether it appears with reasonable certainty 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)(7).

Holland shareholder disclose

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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)(7).

12 View Cite Citing References for this Headnote

30 Appeal and Error
88XVI Review
88XVI(A) Scope, Standards, and Extent, in General
88k862 Extent of Review Dependent on Nature of Decision Appealed from
88k863 k In General. Most Cited Cases

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,

1 Term 1 Best 1 Doc 1 of 100

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• 檢索結果以相關程度排序呈現

Natural Language 自然語言檢索- Best Browsing

The screenshot shows the Westlaw International interface. The top navigation bar includes links for FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. The main search results area displays the case 'McMullin v. Beran', 765 A.2d 910, Del. Supr., 2000. The case summary indicates it is a 27-page document. The search results list on the left shows the case selected. The main text area displays the case's holdings, with key terms highlighted in yellow. A callout box points to a specific paragraph, labeled 'Best browsing - 跳選至文章中最符合檢索條件的段落'. The bottom of the screen shows the 'Term' and 'Best' buttons, along with the document number 'Doc 1 of 100'.

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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.

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Find By Citation 的功能-結果 (Search Result)

The screenshot displays 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:** Includes navigation links like FIND, KEYCITE, DIRECTORY, KEY NUMBERS, COURT DOCS, and SITE MAP. It also has a search bar and a "SIGN OFF" button.
- Left Sidebar:** Contains a "Result List" with 1 document, "Related Info" (74 S.Ct. 686), and a "Find citation" field. It also lists various links such as "Full Screen List", "Locate in Result", "Full History", "Direct History", "Citing References", and "Monitor With KeyCite Alert".
- Main Content Area:** Displays the case title, citation (347 U.S. 483, 74 S.Ct. 686, 38 A.L.R.2d 1180, 98 L.Ed. 873, 53 O.O. 326), and the date (May 17, 1954). It also includes a "West Reporter Image (PDF)" link and a "Briefs and Other Related Documents" link. The case is identified as a Supreme Court of the United States case, **BROWN et al. v. BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KAN., et al.**
- Right Sidebar:** Contains a "Table of Authorities" section with links to "Corpus Juris Secundum: Civil Rights", "Am.Jur.2d: Evidence", and "ALR".
- Bottom Section:** Provides a summary of the case, stating that it is a class action 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. It also mentions that the case was decided on May 17, 1954.

A red arrow points from the "West Reporter Image (PDF)" link to the citation number 347 U.S. 483, which is highlighted in a box with the text: 直接提供該Citation (e.g. 347 us 483) 的案件.

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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
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- 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

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☐ C 5 Ace Const. v. McIlravy, 2001 WL 355692, *1+ (Iowa App. Apr 11, 2001) (NO. 00-1096) HN: 3 (N.W.2d)

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

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2 2800 Corp. v. Fernandez, 528 N.W.2d 124 (Iowa 1995) 3+

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7 George A. Hormel & Co. v. Jordan, 569 N.W.2d 148 (Iowa 1997) 3
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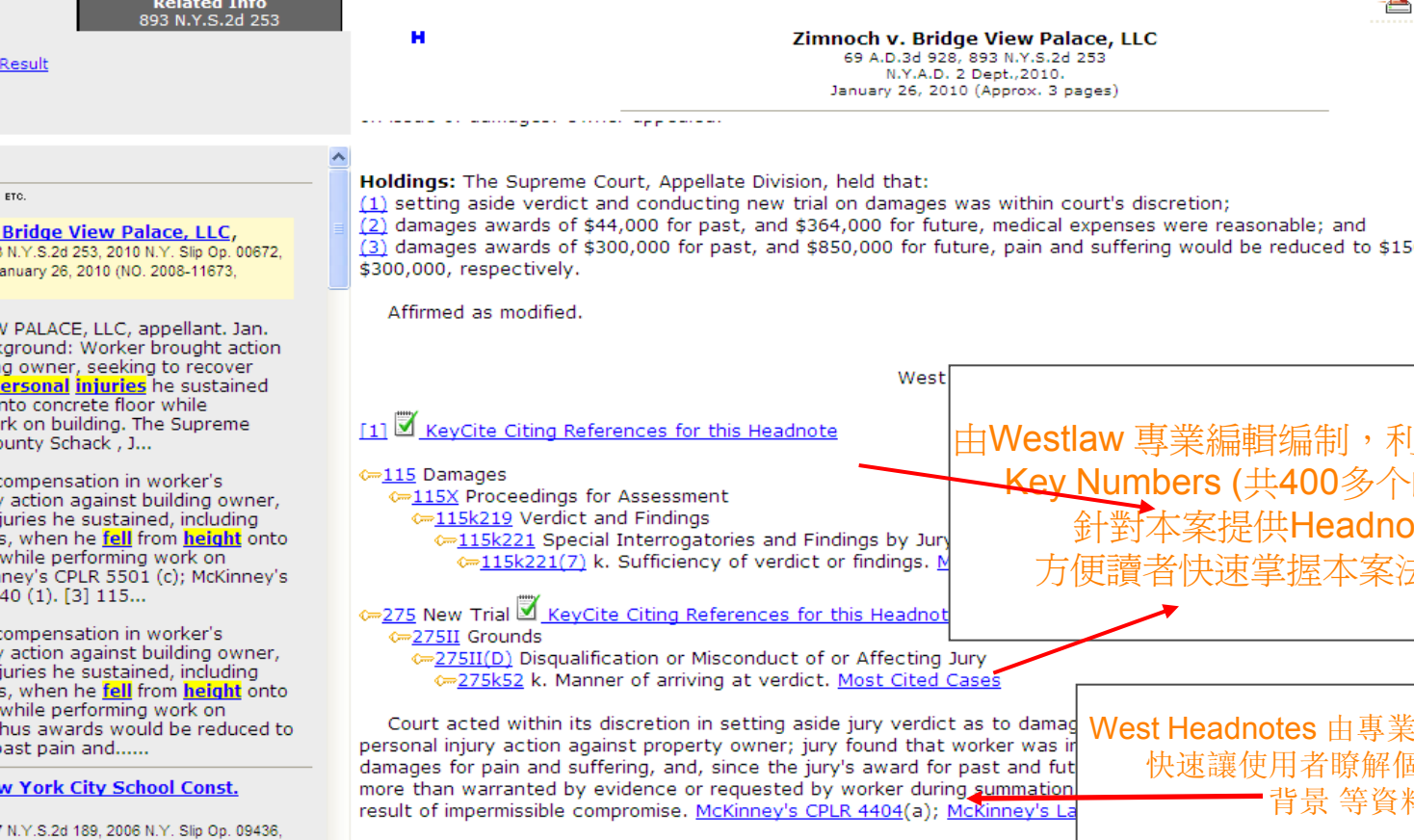
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...BRIDGE VIEW PALACE, LLC, appellant. Jan. 26, 2010. Background: Worker brought action against building owner, seeking to recover damages for **personal injuries** he sustained when he fell onto concrete floor while performing work on building. The 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 owner and general contractor for breach of contract and general negligence.

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)

H

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.

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

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 pain and suffering, and, since the jury's award for past and future damages more than warranted by evidence or requested by worker during summation result of impermissible compromise. **McKinney's CPLR 4404(a); McKinney's Labor Law § 240(1).**

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

275II Grounds

275II(D) Disqualification or Misconduct of or Affecting Jury

275k52 k. Manner of arriving at verdict. Most Cited Cases

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