



## NORTH CAROLINA LAW REVIEW

---

Volume 64 | Number 1

Article 5

---

11-1-1985

### Table of Cases

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>

 Part of the [Law Commons](#)

---

#### Recommended Citation

North Carolina Law Review, *Table of Cases*, 64 N.C. L. REV. (1985).

Available at: <http://scholarship.law.unc.edu/nclr/vol64/iss1/5>

This Front Matter is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized editor of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

Note, <i>Wilder v. Amatex Corp.</i> : A First Step Toward Ameliorating the Effect of Statutes of Repose on Plaintiffs with Delayed Manifestation Diseases .....	416
Statutory Interpretation	
Thinking About Nonliteral Interpretations of the Internal Revenue Code .....	623
Taxation	
Thinking About Nonliteral Interpretations of the Internal Revenue Code .....	623
Note, <i>Stone v. Lynch</i> : North Carolina Takes a Different Approach to Defining Gift Note, The 1985 General Assembly Enacts Broad Based Tax Relief for North Carolina Citizens .....	677
Note, <i>Stone v. Lynch</i> : North Carolina Takes a Different Approach to Defining Gift Note, The 1985 General Assembly Enacts Broad Based Tax Relief for North Carolina Citizens .....	1508
Tort Law	
Note, Bad Faith Refusal to Pay First-Party Insurance Claims: A Growing Recognition of Extra-Contract Damages .....	1422
Note, <i>Black v. Littlejohn</i> : A New Discovery Formula for Non-apparent Injuries Under the Professional Malpractice Statute of Limitations .....	1438
Note, <i>Caulder v. Waverly Mills</i> : Expanding the Definition of an Occupational Disease Under the Last Injurious Exposure Rule .....	1566
Note, <i>Oates v. JAG, Inc.</i> : Let the Builder Beware—A Remedy for Subsequent Purchasers of Homes in North Carolina .....	1485
Note, <i>Pleasant v. Johnson</i> : The North Carolina Supreme Court Enters the Twilight Zone—Is a Co-employee Liable in Tort for Willful, Reckless, and Wanton Conduct? .....	688
Note, Psychiatrists' Liability to Third Parties for Harmful Acts Committed by Dangerous Patients .....	1535
Note, Repose for Manufacturers: Six Year Statutory Bar to Products Liability Actions Upheld— <i>Tetterton v. Long Manufacturing Co.</i> .....	1157
Note, Sheriff's Liability for Prisoner Suicide: <i>Helmly v. Bebbler</i> .....	1520
Note, The Seat Belt Defense and North Carolina's New Mandatory Usage Law ..	1127
Note, <i>Winstead v. Derreberry</i> : Stepchildren and the Presumption of Dependence Under the North Carolina Workers' Compensation Act .....	1548
Workers' Compensation	
Note, <i>Caulder v. Waverly Mills</i> : Expanding the Definition of an Occupational Disease Under the Last Injurious Exposure Rule .....	1566
Note, <i>Pleasant v. Johnson</i> : The North Carolina Supreme Court Enters the Twilight Zone—Is a Co-employee Liable in Tort for Willful, Reckless, and Wanton Conduct? .....	688
Note, <i>Winstead v. Derreberry</i> : Stepchildren and the Presumption of Dependence Under the North Carolina Workers' Compensation Act .....	1548

## TABLE OF CASES

Cases discussed in text are indexed below.

### A

Aaron v. Cooper, 143 F. Supp. 855 (E.D. Ark. 1956), <i>aff'd</i> , 243 F.2d 361 (8th Cir. 1957), <i>same case on remand</i> , 163 F. Supp. 13 (E.D. Ark.), <i>rev'd</i> , 257 F.2d 33 (8th Cir.), <i>aff'd per curiam</i> , 358 U.S. 1 (1958) .....	100
Aaron v. S.E.C., 446 U.S. 680 (1980) .....	132

Abdalla v. Commissioner, 647 F.2d 487 (5th Cir. 1981) .....	663
Abington School District v. Schempp, 374 U.S. 203 (1963), <i>aff'g</i> , 201 F. Supp. 815 (1962) .....	1054
Adams v. Department of Natural & Economic Resources, 295 N.C. 683, 249 S.E.2d 402 (1978) .....	192-93
Administrators of Winthrop v. Huntington, 3 Ohio 327 (1828) .....	47
Advance Machine Co., United States v., 547 F. Supp. 1085 (D. Minn. 1982) .....	292
Advance Process Supply Co. v. Litton Industries Credit Corp., 745 F.2d 1076 (7th Cir. 1984) .....	806, 812
Alexander v. United States, 138 U.S. 353 (1891) .....	460
Alford v. Shaw, 72 N.C. App. 537, 324 S.E.2d 878, <i>disc. review allowed</i> , 314 N.C. 114, 332 S.E.2d 478 (1985) .....	1230
Ambach v. Bell, 686 F.2d 974 (D.C. Cir. 1982) (per curiam) .....	285
Amend v. Bell, 89 Wash.2d 124, 570 P.2d 138 (1977) .....	1134
American Federation of State, County and Municipal Employees v. Washington, 770 F.2d 1401 (9th Cir. 1985) .....	765
American Safety Equipment Corp. v. J. P. Maquire & Co., 391 F.2d 821 (2d Cir. 1968) .....	235
American Trucking Associations, 310 U.S. 534 (1940) .....	632
Anderson v. Continental Insurance Co., 85 Wis. 2d 675, 271 N.W.2d 368 (1978) ...	1426
Anderson v. State, 297 So. 2d 871 (Fla. Dist. Ct. App. 1974) .....	906
Andrews v. Andrews, 79 N.C. App. 228, 338 S.E.2d 809 (1986) .....	1404
Andrews v. Peters, 55 N.C. App. 124, 284 S.E.2d 748 (1981), <i>disc. rev. denied</i> , 305 N.C. 395, 290 S.E.2d 364 (1982) .....	695
Annesley v. Earl of Anglesea, 17 HOWELL'S STATE TRIALS 1139 (1743) .....	446, 483
Appelbe v. Appelbe, 76 N.C. App. 391, 333 S.E.2d 312 (1985) .....	1404
Arrowsmith v. Commissioner, 344 U.S. 6 (1952) .....	670
Auerbach v. Bennett, 47 N.Y.2d 619, 393 N.E.2d 994, 419 N.Y.S.2d 920 (1979) ....	1235

## B

Badaracco v. Commissioner, 464 U.S. 386 (1984) .....	627, 647
Bailey v. Poindexter's Executor, 55 Va.(14 Gratt.) 428 (1858) .....	92
Bank of Utica v. Mersereau, 3 Barb. Ch. 528 (N.Y. 1848) .....	453, 470
Banks v. State, 237 Ga. 325, 227 S.E.2d 380 (1976), <i>cert. denied</i> , 430 U.S. 975 (1977) .....	983
Bare v. Wayne Poultry Co., 70 N.C. App. 88, 318 S.E.2d 534 (1984) .....	706
Barnes v. Mac Brown & Co., 264 Ind. 227, 342 N.E.2d 619 (1976) .....	875
Barrino v. Radiator Speciality Co., 69 N.C. App. 501, 317 S.E.2d 51 (1984), <i>aff'd</i> , 315 N.C. 500, 340 S.E.2d 295 (1986) .....	702
Barwick v. Celotex Corp., 736 F.2d 946 (4th Cir. 1984) .....	416, 425
Bass, State v., 53 N.C. App. 40, 280 S.E.2d 7 (1981) .....	1459
Bateman Eichler, Hill Richards, Inc. v. Berner, 105 S. Ct. 2622 (1985) .....	1250
Baum, State v., 128 N.C. 600, 38 S.E. 900 (1904) .....	179
Beemer v. Walter E. Heller & Co. ( <i>In re</i> Holly Hill Medical Center, Inc., 44 Bankr. 253 (Bankr. M.D. Fla. 1984)) .....	1107
Belge, People v., 83 Misc. 2d 186, 372 N.Y.S.2d 798 (Onondaga County Ct.), <i>aff'd mem.</i> , 50 A.D.2d 1088, 376 N.Y.S.2d 771 (N.Y. App. Div. 1975), <i>aff'd per curiam</i> , 41 N.Y.2d 60, 359 N.E.2d 377, 390 N.Y.S.2d 867 (1976) .....	904
Bender v. Williamsport Area School District, 741 F.2d 538 (3d Cir. 1984), <i>cert. granted</i> , 105 S. Ct. 1167 (1985), <i>vacated and remanded</i> , 106 S. Ct. 1326 (1986) .....	1060
Bentzler v. Braun, 34 Wis.2d 362, 149 N.W.2d 626 (1967) .....	1135
Berrios, United States v., 501 F.2d 1207 (2d Cir. 1974) .....	398
Billings v. State <i>ex. rel.</i> Hayes v., 240 N.C. 78, 81 S.E.2d 150 (1954) .....	1524
Birt v. St. Mary Mercy Hospital, 175 Ind. App. 32, 370 N.E.2d 379 (1978) .....	1223

Bituminous Coal Operators' Association v. Secretary of Interior, 547 F.2d 240 (4th Cir. 1977).....	290
Black v. Littlejohn, 312 N.C. 626, 325 S.E.2d 469 (1985) .....	1438
Blackmon v. Mazo, 125 Ga. App. 193, 186 S.E.2d 889 (1971) .....	679
Blassingame v. Southern Asbestos Co., 217 N.C. 233, 7 S.E.2d 478 (1940) .....	421
Bob Jones University v. United States, 461 U.S. 574 (1983) .....	626, 651
Bob, United States v., 106 F.2d 37 (2d Cir.), <i>cert. denied</i> , 308 U.S. 589 (1939).....	463
Bolick v. American Barmag Corp., 54 N.C. App. 589, 284 S.E.2d 188 (1981), <i>modified</i> , 306 N.C. 364, 293 S.E.2d 415 (1982) .....	431, 437
Bracewell v. State, 407 So. 2d 848 (Ala. Crim App. 1980), <i>rev'd on other grounds sub nom. Ex parte Bracewell</i> , 407 So. 2d 853 (Ala. 1981) .....	980
Bradley v. Bradley, 78 N.C. App. 150, 336 S.E.2d 658 (1985) .....	1404-05
Branch Banking & Trust Co. v. Wright, 74 N.C. App. 550, 328 S.E.2d 840, <i>petition for disc. rev. allowed</i> , 314 N.C. 662, 335 S.E.2d 321 (1985) .....	1472
Bright v. Boyd, 4 F.Cas. 127 (C.C.D. Me. 1841) (No. 1,875) .....	47
Brockmeyer v. Dun & Bradstreet, 113 Wis. 2d 561, 335 N.W.2d 834 (1983).....	848
Brown v. General Electric Co., 733 F.2d 1085 (4th Cir.), <i>cert. denied</i> , 105 S. Ct. 819 (1984) .....	1176
Brown, State v., 341 N.W.2d 10 (Iowa 1983) .....	1361
Brown, State v., 315 N.C. 40, 337 S.E.2d 808 (1985) .....	976
Brown, State v., 308 N.C. 181, 301 S.E.2d 89 (1983) .....	1288
Brownley v. Lincoln, 218 Or. 7, 343 P.2d 529 (1959) .....	1481
Bryars v. State, 456 So. 2d 1122 (Ala. Crim. App. 1983), <i>rev'd on other grounds</i> , 456 So. 2d 1136 (Ala. 1984) .....	980
Buck v. Bell, 274 U.S. 200 (1927) .....	1201
Bugger, State v., 25 Utah 2d 404, 483 P.2d 442 (1972) .....	1283
Bullington v. Missouri, 451 U.S. 430 (1981) .....	958
Bulova Watch Co. v. Brand Distributors, 285 N.C. 467, 206 S.E.2d 141 (1974) .....	679
Burger King Corp. v. Rudzewicz, 105 S.Ct. 2174 (1985).....	881
Burke v. Lasker, 441 U.S. 471 (1979) .....	1235
B-W Acceptance Corp. v. Spencer, 268 N.C. 1, 149 S.E.2d 570 (1966).....	1275
Byers v. North Carolina State Highway Commission, 275 N.C. 229, 166 S.E.2d 649 (1969) .....	698

## C

Caldwell v. State, 443 So.2d 806 (Miss. 1983), <i>rev'd on other grounds</i> , Caldwell v. Mis- sissippi, 105 S. Ct. 2633 (1985).....	984
Callan, <i>In re</i> , 122 N.J. Super. 479, 300 A.2d 868 (Ch. Div. 1973), <i>aff'd per curiam</i> , 126 N.J. Super. 103, 312 A.2d 881 (App. Div. 1973), <i>rev'd on other grounds</i> , 66 N.J. 401, 331 A.2d 612 (1975).....	478
Carlin, State v., 7 Kan. App.2d 219, 640 P.2d 324 (1982).....	916
Carter, State v., 15 N.C. App. 391, 190 S.E.2d 241 (1972) .....	1281
Carter Baron Drilling v. Badger Oil Corp., 581 F. Supp 592 (D.Colo. 1984).....	789, 811
Cartwright v. State, 695 P.2d 548 (Okla. Crim. App.), <i>cert. denied</i> , 105 S. Ct. 3538 (1985) .....	986
Castaneda v. Partida, 430 U.S. 482 (1977) .....	407, 413
Caulder v. Waverly Mills, 314 N.C. 70, 331 S.E.2d 646 (1985) .....	1567
Chambers v. Union Oil Co., 199 N.C. 28, 153 S.E. 594 (1930) .....	705
Ceja, State v., 126 Ariz. 35, 612 P.2d 491 (1980) .....	981
Chinault v. Pike Electrical Contractors, 53 N.C. App. 604, 281 S.E.2d 460 (1981), <i>aff'd</i> , 306 N.C. 386, 293 S.E.2d 147 (1982) .....	1554
Christopher v. State, 407 So. 2d 198 (Fla. 1981), <i>cert. denied</i> , 456 U.S. 910 (1982) ..	973

Church of the Holy Trinity v. United States, 143 U.S. 457 (1962).....	631
City of Belen v. Harrell, 93 N.M. 601, 603 P.2d 711 (1979) .....	1529
City of Daytona Beach v. Tona-Rama, Inc., 271 So.2d 65 (Fla. Dist. Ct. App. 1972) (on rehearing), <i>rev'd</i> , 294 So.2d 73 (Fla. 1974) .....	164
City of Los Angeles Department of Water & Power v. Manhart, 435 U.S. 702 (1978)	744
Clark v. Commonwealth, 220 Va. 201, 257 S.E.2d 784 (1979), <i>cert. denied</i> , 444 U.S. 1049 (1980) .....	988
Clark v. State, 159 Tex. Crim. 187, 261 S.W.2d 339, <i>cert. denied</i> , 346 U.S. 855 (1953)	904
Clark v. United States, 289 U.S. 1 (1932).....	462
Clotfelter v. CIBA-GEIGY Corp. ( <i>In re</i> Threewitt), 24 Bankr. 927 (D. Kan. 1982) .	19
Cobden v. Kendrick, 100 Eng. Rep. 1102 (K.B. 1791).....	454
Cofield, State v., 77 N.C. App. 699, 336 S.E.2d 439 (1985).....	1180, 1188
Cohen v. California, 403 U.S. 15 (1971) .....	408-09
Coker, State v., 312 N.C. 432, 323 S.E.2d 343 (1984) .....	1279
Columbia Nitrogen Corp. v. Royster Co., 451 F.2d 3 (4th Cir. 1971).....	786
Columbus Christian Academy, State v., No. 78 CVS 1678 (Wake County, N.C. Super. Ct., Sept. 1, 1978), <i>vacated as moot and dismissed</i> , N.C. May 4, 1979 .....	1317
Colwell v. Commissioner, 64 T.C. 584 (1975) .....	684
Commissioner v. Duberstein, 363 U.S. 278 (1960) .....	677
Commissioner v. Tufts, 461 U.S. 300 (1983) .....	625, 651
Commissioners of Burke County v. Catawba Lumber Co., 116 N.C. 731, 21 S.E. 941 (1895) .....	581
Commonwealth v. Hughes, 380 Mass. 583, 404 N.E.2d 1239, <i>cert. denied</i> , 449 U.S. 900 (1980).....	913
Commonwealth v. Schaffner, No. 81-CR-371 (Kenton County Cir. Ct. Ky. 1982) .	919, 932
Community Association, <i>In re</i> , 300 N.C. 267, 266 S.E.2d 645 (1980) .....	615
Compo Corp. v. Day-Brite Lighting, Inc., 376 U.S. 234 (1964) .....	1027
Cope, State v., 240 N.C. 244, 81 S.E.2d 773 (1954) .....	1290
Corn Products Refining Co. v. Commissioner, 350 U.S. 46 (1955).....	644, 671
Corning Glass Works v. Brennan, 417 U.S. 188 (1974) .....	742
Cosmopolitan Homes, Inc. v. Weller, 663 P.2d 1041 (Colo. 1983).....	1492
County of Washington v. Gunther, 452 U.S. 161 (1981) .....	745, 762
Crooks v. Harrelson, 282 U.S. 55 (1930) .....	632
Crowell v. Benson, 285 U.S. 22 (1932) .....	1029-30
Crowthers, United States v., 456 F.2d 1074 (4th Cir. 1972) .....	396, 414
Cummings v. Commonwealth, 221 Ky. 301, 298 S.W. 943 (1927) .....	482

D

D.A.H. v. G.A.H., 371 N.W.2d 1 (Minn. App. 1985) .....	1361
Dailey v. Integon General Insurance Corp., 75 N.C. App. 387, 331 S.E.2d 148, <i>disc. rev. denied</i> , 314 N.C. 664, 336 S.E.2d 399 (1985) .....	1432
Dailey v. Integon General Insurance Corp., 57 N.C. App. 346, 291 S.E.2d 331 (1982)	1432
Daniels v. Swofford, 55 N.C. App. 555, 286 S.E.2d 582 (1982) .....	695
Davant v. Commissioner, 366 F.2d 874 (5th Cir. 1966), <i>cert. denied</i> , 386 U.S. 1022 (1967) .....	671
Davis v. Bass, 188 N.C. 200, 124 S.E. 566 (1924).....	1478
Davis v. State, 665 P.2d 1186 (Okla. Crim. App.), <i>cert. denied</i> , 464 U.S. 865 (1983) .	987
Dawson v. Abbott, 184 N.C. 192, 114 S.E. 15 (1922) .....	1502
Dawson v. Eli Lilly & Co., 543 F. Supp. 1330 (D.D.C. 1982) .....	1452
Dean Witter Reynolds v. Byrd, 105 S.Ct. 1238 (1985).....	268
Deese v. Lawn and Tree Expert Co., 306 N.C. 275, 293 S.E.2d 140 (1982) .....	1556
Delasky v. Hinsdale, 109 Ill. App. 3d 976, 441 N.E.2d 367 (1982) .....	1528

Delconte v. State, 313 N.C. 384, 329 S.E.2d 636 (1985) .....	1303
Descoteaux v. Liberty Mutual Insurance Co., 125 N.H. 38, 480 A.2d 14 (1984).....	1416
Dicks, State v., 615 S.W.2d 126 (Tenn.), <i>cert. denied</i> , 454 U.S. 933 (1981) .....	977
Division of Triple T Service, Inc. v. Mobil Oil Corp., 60 Misc. 2d 720, 304 N.Y.S.2d 191 (Sup.Ct. 1969), <i>aff'd mem.</i> , 34 A.D. 618, 311 N.Y.S.2d 961 (1970) .....	785
Dixon v. Empire Mutual Insurance Co., 189 Conn. 449, 456 A.2d 335 (1983) .....	1416
Dixon, Irmaos & CIA v. Chase National Bank, 144 F.2d 759 (2d Cir. 1944), <i>cert. de- nied</i> , 324 U.S. 850 (1945) .....	808
Dockery v. Lampert Table Company, 36 N.C. App. 293, 244 S.E.2d 272, <i>cert. denied</i> , 295 N.C. 465, 246 S.E.2d 215 (1978) .....	842
Doe, United States v., 465 U.S. 605 (1984) .....	911, 926
Dorton v. Dorton, 77 N.C. App. 667, 336 S.E.2d 415 (1985) .....	1405
Duncan v. Carpenter & Phillips, 233 N.C. 422, 64 S.E.2d 410 (1951) .....	421
Duro v. District Attorney, 712 F.2d 96 (4th Cir. 1983), <i>cert. denied</i> , 465 U.S. 1006 (1984) .....	1316
Dusenberry v. Dusenberry, 314 N.C. 608, 335 S.E.2d 892 (1985) .....	1406
Dyer, United States v., 722 F.2d 174 (5th Cir. 1983) .....	469, 474

## E

Ear, Nose & Throat Surgeons of Worcester, Inc. v. Guaranty Bank & Trust Co. ( <i>In re</i> Ear, Nose & Throat Surgeons of Worcester, Inc.), 49 Bankr. 316 (Bankr. D. Mass. 1985)) .....	1113
Earls v. Link, Inc., 38 N.C. App. 204, 247 S.E.2d 617 (1978) .....	874
Eddings v. State, 616 P.2d 1159 (Okla. Crim. App. 1980), <i>rev'd on other grounds</i> , Ed- dings v. Oklahoma, 455 U.S. 104 (1982).....	987
Eisenstadt v. Baird, 405 U.S. 438 (1972) .....	1204
Eklund, United States v., 733 F.2d 1287 (8th Cir. 1984), <i>cert. denied</i> , 105 S. Ct. 1864 (1985) .....	400, 407
Elder v. Elder's Executor, 31 Va.(4 Leigh) 930 (1833) .....	92
Engel v. Vitale, 370 U.S. 421 (1962) .....	1055
Ernst & Ernst v. Hochfelder, 425 U.S. 185 (1976) .....	132
Estate of Stauffer v. Commissioner, 403 F.2d 611 (9th Cir. 1968) .....	671
Everson v. Board of Education, 330 U.S. 1 (1947) .....	1072, 1096

## F

Fair v. State, 245 Ga. 868, 268 S.E.2d 316, <i>cert. denied</i> , 456 U.S. 984 (1982) .....	983
Falk, United States v., 479 F.2d 616 (7th Cir. 1973) (en banc).....	397, 414
Farrington v. Tokushige, 273 U.S. 284 (1927) .....	1309
FCC v. Pacifica Foundation, 438 U.S. 726 (1978).....	290
Fearing, State v., 315 N.C. 167, 337 S.E.2d 551 (1985) .....	1360
Federal Power Commission v. Texaco, 377 U.S. 33 (1964) .....	284
Fellerman v. Bradley, 99 N.J. 493, 493 A.2d 1239 (1985) .....	478
Fields, State v., 77 N.C. App. 404, 335 S.E.2d 69 (1985) .....	1278
Finlay v. Finlay, 240 N.Y. 429, 148 N.E. 624 (1925) .....	837
First Bank and Trust v. Zagoria, 250 Ga. 844, 302 S.E.2d 674 (1983) .....	1224
Fisher v. United States, 425 U.S. 391 (1976) .....	910, 917, 922
Fletcher v. Western National Life Insurance Co., 10 Cal. App. 3d 376, 89 Cal. Rptr. 78 (1970) .....	1424
Foreman Manufacturing Co. v. Johnson, 261 N.C. 504, 135 S.E.2d 205 (1964) .....	681
Fraday v. Groves Thread, 312 N.C. 316, 321 S.E.2d 835 (1984) .....	1571
Frampton v. Central Indiana Gas Company, 260 Ind. 249, 297 N.E.2d 425 (1973) ..	843
Franklin, State v., 308 N.C. 682, 304 S.E.2d 597 (1983) .....	1288

French v. Pearce, 8 Conn. 439 (1831) .....	1499
Furman v. Georgia, 408 U.S. 238 (1972) .....	946, 948, 992

## G

G.P., <i>In re</i> , 679 P.2d 976 (Wyo. 1984) .....	1361
Gaito v. Auman, 313 N.C. 243, 327 S.E.2d 870 (1985) .....	869, 1488
Gardner v. Florida, 430 U.S. 349 (1977) .....	956
Garrity v. Lyle Stuart, Inc., 40 N.Y.2d 354, 353 N.E.2d 793, 386 N.Y.S.2d 831 (1976) .....	1150
Gary, State v., 78 N.C. App. 29, 337 S.E.2d 70 (1985) .....	1192
General Plumbing & Heating, Inc. v. American Air Filter Co., 696 F.2d 375 (5th Cir. 1983).....	792, 797, 811
Genson v. United States, 534 F.2d 719 (7th Cir. 1976) .....	905, 914
Germia v. First National Bank of Boston, 653 F.2d 1 (1st Cir. 1981) .....	1108
Gibson v. Dudley, 233 N.C. 255, 63 S.E.2d 630 (1951), <i>overruled by</i> , Walls v. Grohman, 315 N.C. 239, 337 S.E.2d 556 (1985) .....	1500
Gilbreath v. State, 247 Ga. 814, 279 S.E.2d 650 (1981), <i>cert. denied</i> , 456 U.S. 984 (1982) .....	983
Gilliard v. State, 428 So.2d 576 (Miss.), <i>cert. denied</i> , 464 U.S. 867 (1983) .....	984
Gindy Manufacturing Corp. v. Cardinale Trucking Corp., 111 N.J. Super. 383, 268 A.2d 345 (Law. Div. 1970) .....	784, 802, 812
Gion v. City of Santa Cruz, 2 Cal. 3d 29, 465 P.2d 50, 84 Cal. Rptr. 162 (1970)(per curiam).....	170
Glasser v. United States, 315 U.S. 60 (1942) .....	532
Glen, State v., 52 N.C. (7 Jones) 321 (1859) .....	586
Glenn v. Wagner, 313 N.C. 450, 329 S.E.2d 326 (1985) .....	1266
Gleneagles Investment Corp., United States v., 565 F. Supp. 556 (M.D. Pa. 1983)...	1114
Godfrey v. Georgia, 446 U.S. 420 (1980) .....	945, 961, 988, 992
Goff v. Taylor ( <i>In re Goff</i> ), 706 F.2d 574 (5th Cir. 1983) .....	17
Goldade v. State, 674 P.2d 721 (Wyo. 1983). <i>cert. denied</i> , 467 U.S. 1253 (1984) ....	1356
Goodman, State v., 298 N.C. 1, 257 S.E.2d 569 (1979) .....	975
Grainger v. State, 13 Tenn. 377, 5 Yer. 458 (1830) .....	104
Grand Jury Proceedings (Fine), <i>In re</i> , 641 F.2d 199 (5th Cir. 1981) .....	488
Grand Jury Proceedings (Pavlick), <i>In re</i> , 680 F.2d 1026 (5th Cir. 1982) (en banc)...	487
Grand Jury Proceedings (Vargas), <i>In re</i> , 723 F.2d 1461 (10th Cir. 1983), <i>cert. denied</i> , 105 S.Ct. 90 (1984).....	468
Grand Jury Subpoenas Dated December 18, 1981 and January 4, 1982, <i>In re</i> , 561 F.Supp. 1247 (E.D.N.Y. 1982) .....	479
Green v. Georgia, 442 U.S. 95 (1979) .....	957
Gregg v. Georgia, 428 U.S. 153 (1976) .....	948, 960, 964, 991, 992
Gregory v. Helvering, 293 U.S. 465 (1935), <i>aff'g</i> , 69 F.2d 809 (2d Cir. 1934).....	667
Griggs v. Duke Power Co., 401 U.S. 424 (1971) .....	743
Gruenberg v. Aetna Insurance Co., 9 Cal. 3d 566, 510 P.2d 1032, 108 Cal. Rptr. 480 (1973) .....	1425

## H

Hadley v. Baxendale, 9 Ex. Ch. 341, 156 Eng. Rep. 145 (1854) .....	1422
Ham v. South Carolina, 409 U.S. 524 (1973) .....	528
Hamilton v. Hamilton, 57 N.C. App. 182, 290 S.E.2d 780 (1982) .....	1387
Hamlette, State v., 302 N.C. 490, 276 S.E.2d 338 (1981) .....	975, 977
Hannah Furniture Co. v. Workbench, Inc., 561 F. Supp. 1243 (W.D. Pa. 1983).....	240
Hanson v. Denckla, 357 U.S. 235 (1958) .....	828, 883, 886
Hardy v. Toler, 288 N.C. 303, 218 S.E.2d 342 (1975) .....	1035
Harrell v. Powell, 251 N.C. 636, 112 S.E.2d 81 (1960) .....	1477

Hartley v. Ballou, 286 N.C. 51, 209 S.E.2d 776 (1974) .....	869, 873, 1487
Harvard v. State, 375 So.2d 833 (Fla. 1977), <i>cert. denied</i> , 441 U.S. 956 (1979) .....	974
Haseni v. United States, 541 F. Supp. 999 (D. Md. 1982) .....	1537
Hatfield v. Grimsted, 29 N.C. (7 Ired.) 139 (1846) .....	585, 594
Hawkins v. D & J Press Co., Inc., 527 F. Supp. 386 (E.D. Tenn. 1981) .....	430
Hay, State <i>ex rel.</i> Thornton v., 254 Or. 584, 462 P.2d 671 (1969) .....	173
Helmly v. Bebbler, 77 N.C. App. 275, 335 S.E.2d 182 (1985) .....	1521
Helvering v. American Dental Co., 318 U.S. 322 (1943) .....	681
Helvering v. Gregory, 69 F.2d 809 (2d Cir. 1934), <i>aff'd</i> , 293 U.S. 465 (1935) .....	660
Helvering v. Mitchell, 303 U.S. 391 (1938) .....	147
Helverly v. Commissioner, 621 F.2d 1227 (3d Cir. 1980), <i>cert. dismissed</i> , 451 U.S. 1012 (1981) .....	662
Herbert, State v., 480 A.2d 742 (Me. 1984) .....	1368
Heritage Village Church v. State, 299 N.C. 399, 263 S.E.2d 726 (1980) .....	1327
Hewett v. Garret, 274 N.C. 356, 163 S.E.2d 372 (1968) .....	1556
Hillman v. McCutchen, 166 So.2d 611 (Fla. Dist. Ct. App. 1964) .....	1479
Hillsboro National Bank v. Commissioner, 460 U.S. 370 (1983) .....	624, 651
Hines v. New York Housing Authority, 67 A.2d 1000, 413 N.Y.S.2d 733 (1979) ....	1465
Hobby v. United States, 468 U.S. 339 (1984) .....	1187
Hodge & Zweig, United States v., 548 F.2d 1347 (9th Cir. 1977) .....	486
Hollywood, State v., 67 Or. App. 546, 680 P.2d 655 (1984) .....	1362
Holtan, State v., 197 Neb. 544, 250 N.W.2d 876, <i>cert. denied</i> , 434 U.S. 912 (1977), <i>aff'd</i> , 205 Neb. 314, 287 N.W.2d 671 (1980), <i>aff'd</i> , 216 Neb. 594, 344 N.W.2d 661 (1984) .....	978
Home Real Estate Loan and Insurance Co. v. Parmele, 214 N.C. 63, 197 S.E. 714 (1938) .....	589
Horner v. Mary Institute, 613 F.2d 706 (8th Cir. 1980) .....	748
Horvath, United States v., 731 F.2d 557 (8th Cir. 1984) .....	483
Houston v. State, 593 S.W.2d 267 (Tenn. 1980) .....	978
Howco Leasing Corp. v. Alexander Dispos-Haul Systems, Inc. ( <i>In re</i> Alexander Dis- pos-Haul Systems), 36 Bankr. 612 (Bankr. D. Or. 1983) .....	1111, 1122
Hunt Foods & Industries, Inc. v. Dolimer, 26 A.D.2d 41, 270 N.Y.S.2d 937 (1966) .	790

I

ILC Peripherals Leasing Corp. v. International Business Machines Corp., 458 F. Supp. 423 (N.D. Cal. 1978) .....	246
INS v. Chadha, 462 U.S. 919 (1983) .....	384, 821
Illinois Central Railroad v. Illinois, 146 U.S. 387 (1892) .....	176
In-Flight Devices Corp. v. Van Dusen Air, Inc., 466 F.2d 220 (6th Cir. 1972) .....	889
<i>In re</i> , see name of party	
Insurance Co. of North America v. Pasakarnis, 451 So. 447 (Fla. 1984) .....	1137
Interchange State Bank v. Riegel, 190 N.J. 139, 462 A.2d 198 (1983) .....	1481
International Shoe Co. v. Washington, 326 U.S. 310 (1945) .....	827, 885
International Telephone & Telegraph Co. v. United Telephone Co., 60 F.R.D. 177 (M.D. Fla. 1973) .....	476
Investigation into a Certain Weapon, People v., 113 Misc. 2d 348, 448 N.Y.S.2d 950 (N.Y. Sup. Ct. 1982) .....	914
Iron Shell, United States v., 633 F.2d 77 (8th Cir. 1980) .....	1368
Iron Thunder, United States v., 714 F.2d 765 (8th Cir. 1983) .....	1368
Irving v. State, 441 So.2d 846 (Miss. 1983), <i>cert. denied</i> , 105 S. Ct. 1774 (1985) ....	984



J

Johnson, <i>In re</i> , 45 N.C. App. 649, 263 S.E.2d 805 (1980) .....	1206
Jones v. Commonwealth, 228 Va. 427, 323 S.E.2d 554 (1984), <i>cert. denied</i> , 105 S. Ct. 2713 (1985) .....	988
Jones v. National City Bank of Rome ( <i>In re Greenbrook Carpet Co.</i> ), 722 F.2d 659 (11th Cir. 1984) .....	1115
Jones, State v., 305 N.C. 520, 290 S.E.2d 675 (1982) .....	189
Jordan v. Watkins, 681 F.2d 1067 (5th Cir. 1982) .....	984
Jurek v. Texas, 428 U.S. 262 (1976) .....	948

K

Kaiser, United States v., 363 U.S. 299 (1960) .....	682
Kaiser-Aetna v. United States, 444 U.S. 164 (1979) .....	190, 620
Kampff v. State, 371 So.2d 1008 (Fla. 1979) .....	974
Kelly v. King, 225 N.C. 709, 36 S.E.2d 220 (1945) .....	589
Kennedy v. Cumberland Engineering Co., 471 A.2d 195 (R.I. 1984) .....	1176
Keyes v. Guy Bailey Homes, Inc., 439 So.2d 670 (Miss. 1983) .....	1491
Kirby, United States v., 74 U.S. (7 Wall.) 482 (1868) .....	632
Kockums Industries Ltd. v. Salem Equipment, Inc., 561 F. Supp. 168 (D. Or. 1983) .....	465
Kokoszka v. Belford, 417 U.S. 642 (1974) .....	9
Kologel Co. v. Down in the Village, Inc., 539 F. Supp. 727 (S.D.N.Y. 1982) .....	792
Kouba v. Allstate Insurance Co., 691 F.2d 873 (9th Cir. 1982) .....	747
Kozlowski v. City of Amsterdam, 111 A.D.2d 476, 488 N.Y.S.2d 862 (1985) .....	1529
Kubrick, United States v., 444 U.S. 11 (1979) .....	1450
Kulko v. Superior Court, 436 U.S. 84 (1978) .....	827, 832, 887

L

La Franca, United States v., 282 U.S. 568 (1931) .....	148
Lakeside Bridge & Steel Co. v. Mountain State Construction Co., 597 F.2d 596 (7th Cir. 1979), <i>cert. denied</i> , 445 U.S. 407 (1980) .....	889
Lamb v. Wedgewood South Corp., 308 N.C. 419, 302 S.E.2d 868 (1983) .....	429, 1167
Lawless v. Eastern Milk Producers Cooperative Association, Inc. ( <i>In re Stop-N-Go of Elmira, Inc.</i> ), 30 Bankr. 721 (Bankr. W.D.N.Y. 1983) .....	1113
Lemon v. Kurtzman, 403 U.S. 602 (1971) .....	1050
Liberman v. Kelso, 354 So.2d 137 (Fla. Dist. Ct. App. 1978) .....	1480
Lines v. Frederick, 400 U.S. 18 (1970) .....	8
Lipari v. Sears, Roebuck & Co., 497 F. Supp. 185 (D. Neb. 1980) .....	1541
Lippard v. Express Co., 207 N.C. 507, 177 S.E. 801 (1935) .....	1556
Lipscomb v. Diamiani, 226 A.2d 914 (Del. Super. Ct. 1967) .....	1135
Little v. Little, 74 N.C. App. 12, 327 S.E.2d 283 (1985) .....	1400
Loeb v. Loeb, 72 N.C. App. 205, 324 S.E.2d 33 (1985) .....	1398
Logue v. United States, 334 F. Supp. 322 (S.D. Tex. 1971), <i>rev'd on other grounds</i> , 459 F.2d 408 (5th Cir. 1972), <i>vacated</i> , 412 U.S. 521 (1973) .....	1526
Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982) .....	187
Lynch v. Donnelly, 465 U.S. 668, <i>reh'g denied</i> , 466 U.S. 994 (1984) .....	1063

M

Marks v. Whitney, 6 Cal. 3d 251, 491 P.2d 375, 98 Cal. Rptr. 790 (1971) .....	178
Marsh v. Chambers, 463 U.S. 783 (1983) .....	1056
Martin, <i>In re Appeal of</i> , 286 N.C. 66, 209 S.E.2d 766 (1974) .....	1449
Martin, State v., 7 N.C. App 532, 173 S.E.2d 47 (1970) .....	1449

Martin v. Waddell's Lessee, 41 U.S. (16 Pet.) 367 (1842) .....	179
Mason v. State, 438 So.2d 374 (Fla. 1983), <i>cert. denied</i> , 465 U.S. 1071 (1984) .....	974
Matthews v. Bay Head Improvement Association, 95 N.J. 306, 471 A.2d 355, <i>cert. denied</i> , 105 S. Ct. 93 (1984) .....	181
Maxton Housing Authority v. McLean, 313 N.C. 277, 328 S.E.2d 290 (1985) .....	1456
Mayo v. Pioneer Bank & Trust Co., 270 F.2d 823 (5th Cir. 1959) .....	1108
McDaniel v. Paty, 435 U.S. 618 (1978).....	1052
McGautha v. California, 402 U.S. 183 (1971) .....	956
McGee v. International Life Insurance Co., 355 U.S. 220 (1957) .....	885
McIlvoy, State v., 629 S.W.2d 333 (Mo. 1982) (en banc).....	985
McMillan, <i>In re</i> , 30 N.C. App. 235, 226 S.E.2d 693 (1976) .....	1315
McMillan v. Brune-Harpenau-Torbeck Builders, Inc., 8 Ohio St. 3d 3, 455 N.E.2d 1276 (1983) .....	1491
Meredith, People v., 29 Cal. 3d 682, 631 P.2d 46, 175 Cal. Rptr. 612 (1981) .....	907, 931
Meyer v. Nebraska, 262 U.S. 390 (1923) .....	356, 1309
Michael Schiavone & Sons v. Securalloy Co., 312 F. Supp. 801 (D.Conn. 1970) .....	785
Miller v. Cannon Hill Estates, Ltd., [1931] 2 K.B. 113 .....	873
Miller v. Kite, 313 N.C. 474, 329 S.E.2d 663 (1985) .....	825
Miller v. Miller, 273 N.C. 228, 160 S.E.2d 65 (1968) .....	1128
Miller v. Register and Tribune Syndicate, Inc., 336 N.W.2d 709 (Iowa 1983) .....	1237
Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue, 460 U.S. 575 (1983) .....	410
Miranda v. Arizona, 384 U.S. 436 (1966).....	1289
Mitchell v. Wells, 37 Miss. 235 (1859) .....	115
Modine Manufacturing Co. v. North East Independent School District, 503 S.W.2d 833 (Tex. Civ. App. 1973) .....	796
Monge v. Beebe Rubber Company, 114 N.H. 130, 316 A.2d 549 (1974).....	849
Moore, <i>In re</i> , 289 N.C. 95, 221 S.E.2d 307 (1976) .....	1204
Moore, State v., 210 Neb. 457, 316 N.W.2d 33, <i>cert. denied</i> , 456 U.S. 984 (1982) ...	979
Moore v. Hartford Insurance Co., 270 N.C. 532, 155 S.E.2d 128 (1967) .....	1415
Morrell v. State, 575 P.2d 1200 (Alaska 1978) .....	916, 920
Morrisey v. Commissioner, 296 U.S. 344 (1935) .....	1217
Moses H. Cone Memorial Hospital v. Mercury Construction Co., 460 U.S. 1 (1983) .	230

N

Nanakoli Paving & Rock Co. v. Shell Oil Co., 664 F.2d 772 (9th Cir. 1981).....	788
Nash, People v., 110 Mich. App. 428, 313 N.W.2d 307 (1981), <i>rev'd on other grounds, aff'd in part</i> , 418 Mich. 196, 341 N.W.2d 439 (1983) .....	907
National Muffler Dealers Association v. United States, 440 U.S. 472 (1979) .....	673
National Welfare Rights Organization v. Mathews, 533 F.2d 637 (D.C. Cir. 1976) ..	287
Neal v. Delaware, 103 U.S. 370 (1881) .....	1183
Nelson, <i>In re</i> , 24 Bankr. 701 (Bankr. D. Or. 1982) .....	1112
Nelson v. Patrick, 73 N.C. App. 1, 326 S.E.2d 45 (1985) .....	1216
New Mexico <i>ex rel.</i> Conley Lott Nichols Machinery Co. v. Safeco Insurance Co., 100 N.M. 440, 671 P.2d 1151 (Ct. App.), <i>cert. denied</i> , 100 N.M. 327, 670 P.2d 581 (1983) ..	792
New York Times Co. v. Sullivan, 376 U.S. 254 (1964) .....	1017
Newlon, State v., 627 S.W.2d 606 (Mo.) (en banc), <i>cert. denied</i> , 459 U.S. 884 (1982) ..	985
Newton v. Standard Fire Insurance Co., 291 N.C. 105, 229 S.E.2d 297 (1976) .....	1431
Ng Fung Ho v. White, 259 U.S. 276 (1922).....	1029, 1034
NLRB v. Coca-Cola Bottling Co., 350 U.S. 264 (1956) .....	1026
NLRB v. Hearst Publications, 322 U.S. 111 (1944).....	1024
NLRB v. Highland Park Manufacturing Co., 341 U.S. 322 (1951) .....	1025-26

North Carolina Association for Retarded Children v. North Carolina, 420 F. Supp. 451 (M.D.N.C. 1976) .....	1197, 1205
Northern Pacific Railway Co. v. United States, 356 U.S. 1 (1958) .....	231

O

Oates v. JAG, Inc., 314 N.C. 276, 333 S.E.2d 222 (1985) .....	877, 1485
O'Brien, United States v., 391 U.S. 367 (1968) .....	408, 410
Obremski v. Office of Personnel Management, 699 F.2d 1263 (D.C. Cir. 1983) .....	289
Ohio v. Roberts, 448 U.S. 56 (1980) .....	1363
Ohio Valley Water Co. v. Ben Avon Borough, 253 U.S. 287 (1920) .....	1029
Oliver, State v., 309 N.C. 326, 307 S.E.2d 304 (1983) .....	976
Olwell, State v., 64 Wash.2d 828, 394 P.2d 681 (1964) .....	902, 916
O'Neil v. United States, 410 F.2d 888 (6th Cir. 1969) .....	1223
Ortega, People v., 672 P.2d 215 (Colo. App. 1983) .....	1359
Oyler v. Boles, 368 U.S. 448 (1962) .....	395

P

Packard Motor Car Co. v. NLRB, 330 U.S. 485 (1947) .....	1024
Padilla, State v., 110 Wis. 414, 329 N.W.2d 263 (Wis. Ct. App. 1982) .....	1358
Palmateer v. International Harvester Co., 85 Ill.2d 124, 421 N.E.2d 876 (1981) .....	845
Pangburn v. Saad, 73 N.C. App. 336, 326 S.E.2d 365 (1985) .....	1534
Pangle v. Appalachian Hall, 190 N.C. 833, 131 S.E. 42 (1925) .....	1525
Parker, State v., 315 N.C. 222, 337 S.E. 2d 487 (1985) .....	1285, 1294
Parklane Hosiery Co. v. Shore, 439 U.S. 322 (1979) .....	134, 138
Parmele v. Eaton, 240 N.C. 539, 83 S.E.2d 93 (1954) .....	589
Paulsen v. Commissioner, 105 S. Ct. 627 (1985) .....	627, 651
People v., see name of opposing party	
Pepsico, Inc. v. FTC, 472 F.2d 179 (2d Cir.), <i>cert. denied</i> , 414 U.S. 877 (1972) .....	288
Personnel Administrator v. Feeny, 442 U.S. 256 (1979) .....	403
Peterman v. International Brotherhood of Teamsters, 174 Cal. App. 2d 184, 344 P.2d 25 (1959) .....	845
Phelps Dodge Corp. v. Federal Mine Safety Review Commission, 681 F.2d 1189 (9th Cir. 1982) .....	287
Pierce v. Society of Sisters, 268 U.S. 510 (1925) .....	1309
Pierson v. United States, 472 F. Supp. 957 (D.Del. 1979), <i>rev'd sub nom.</i> , Heverly v. Commissioner, 621 F.2d 1227 (3d Cir. 1980), <i>cert. dismissed</i> , 451 U.S. 1012 (1981) .....	662
Pilot Title Insurance Co. v. Northwestern Bank, 11 N.C. App. 444, 181 S.E.2d 799 (1971) .....	1271
Pinch, State v., 306 N.C. 1, 292 S.E.2d 203 (1982), <i>cert. denied</i> , 459 U.S. 1056 (1983) .....	976
Pitts v. Unarco Industries, 712 F.2d 276 (7th Cir.), <i>cert. denied</i> , 464 U.S. 1003 (1983) .....	430
Placko v. Commissioner, 74 T.C. 452 (1980) .....	684
Pleasant v. Johnson, 312 N.C. 710, 325 S.E.2d 244 (1985) .....	688
Pleasants v. Pleasants, 6 Va. 329, 2 Call 319 (1800) .....	92
Plessy v. Ferguson, 163 U.S. 537 (1896) .....	1051
Plott v. Plott, 313 N.C. 63, 326 S.E.2d 863 (1985) .....	1378
Police Department v. Mosley, 408 U.S. 92 (1972) .....	413
Pollock v. United States, 202 F.2d 281 (5th Cir. 1953) .....	483
Poore v. Poore, 75 N.C. App. 414, 331 S.E.2d 266, <i>disc. rev. denied</i> , 314 N.C. 543, 335 S.E.2d 316 (1985) .....	1402
Porter, United States v., 711 F.2d 1397 (7th Cir. 1983) .....	912
Power Replacements, Inc. v. Air Preheater Co., 426 F.2d 980 (9th Cir. 1970) .....	239
Powers v. Planters National Bank & Trust Co., 219 N.C. 254, 13 S.E.2d 431 (1941) .....	424

Preble v. Maine Central Railroad Co., 85 Me. 260, 27 A. 149 (1893) .....	1500
Presnell v. Georgia, 439 U.S. 14 (1978) .....	957
Pretty on Top v. City of Hardin, 182 Mont. 311, 597 P.2d 58 (1979) .....	1527
Price v. Whisnant, 236 N.C. 381, 72 S.E.2d 851 (1952), <i>overruled by</i> Walls v. Grohman, 315 N.C. 239, 337 S.E.2d 556 (1985) .....	1500
Prince v. Massachusetts, 321 U.S. 158 (1944) .....	1327
Pritchard-Keang Nam Corp. v. Jaworski, 751 F.2d 557 (8th Cir. 1984) .....	483
Pritchett, State v., 621 S.W.2d 127 (Tenn. 1981) .....	977
Proffitt v. Florida, 428 U.S. 242 (1976) .....	948, 960, 964, 975, 992
Provident Traders Bank & Trust Co. v. Pemberton, 196 Pa. Super. 180, 173 A.2d 780, <i>aff'g per curiam</i> 24 Pa. D. & C.2d 720, 173 A.2d 780 (1961) .....	783
Prudential Property and Casualty Co. v. Nayerahamadi, 593 F. Supp. 216 (mem.) (E.D. Penn. 1984) .....	1411
Putnam v. Ritchie, 6 Paige Ch. 390 (N.Y. Ch. 1837) .....	47

## R

Regina v. Cox, 14 Q.B.D. 153 (1884) .....	456, 470
Resort Development Co. v. Parmele, 235 N.C. 689, 71 S.E.2d 474 (1952) .....	589
Responsible Citizens v. City of Asheville, 308 N.C. 255, 302 S.E.2d 204 (1983) .....	619
Rihn v. Franchise Tax Board, 131 Cal. App. 2d 356, 280 P.2d 893 (1955) .....	679
Ristaino v. Ross, 424 U.S. 589 (1976) .....	528
Roberts v. Louisiana, 428 U.S. 325 (1976) .....	947
Robinson v. State, 677 P.2d 1080 (Okla. Crim. App.), <i>cert. denied</i> , 467 U.S. 1246 (1984)	987
Rodgers Builders, Inc. v. McQueen, 76 N.C. App. 16, 331 S.E.2d 726 (1985), <i>cert. de- nied</i> , 315 N.C. 590, 341 S.E.2d 29 (1986) .....	1146
Rose v. Mitchell, 443 U.S. 545 (1979) .....	1186
Rose, State v., 312 N.C. 441, 323 S.E.2d 339 (1984) .....	1280
Rubin v. Manufacturers Hanover Trust Co., 661 F.2d 979 (2d Cir. 1981) .....	1106, 1113
Rush v. Savchuk, 444 U.S. 320 (1980) .....	888
Russell v. Jackson, 68 Eng. Rep. 558 (Ch. 1851) .....	453
Rust, State v., 197 Neb. 528, 250 N.W.2d 867, <i>cert. denied</i> , 434 U.S. 912 (1977) .....	978
Ryder, <i>In re</i> , 263 F.Supp. 360 (E.D.Va.), <i>aff'd</i> , 381 F.2d 713 (4th Cir. 1967) .....	905

## S

Samore v. Graham ( <i>In re</i> Graham), 726 F.2d 1268 (8th Cir. 1984) .....	18
Schmidt v. Clothier, 338 N.W.2d 256 (Minn. 1983) .....	1412
Schmucker, United States v., 721 F.2d 1046 (6th Cir. 1983), <i>vacated</i> , 105 S. Ct. 1860 (1985) .....	398, 407
Schulte v. Wilson Industries, 547 F. Supp 324 (S.D. Tex. 1982) .....	749
Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964) .....	1027
Seaway Co. v. Attorney General, 375 S.W.2d 923 (Tex. Civ. App. 1964) .....	169
Segal v. Rochelle, 382 U.S. 375 (1966) .....	7
Semler v. Psychiatric Institute, 538 F.2d 121 (4th Cir.), <i>cert. denied</i> , 429 U.S. 827 (1976) .....	1538
Shaffer v. Heitner, 433 U.S. 186 (1977) .....	886
Shepard's Point Land Co. v. Atlantic Hotel, 132 N.C. 517, 44 S.E. 39 (1903) .....	177
Shearin v. Lloyd, 246 N.C. 363, 98 S.E.2d 508 (1957) .....	420
Shelton v. Tucker, 364 U.S. 479 (1960) .....	1206
Sherrill v. Wilson, 653 S.W.2d 661 (Mo. 1983) .....	1539
Shewfelt, United States v., 455 F.2d 836 (9th Cir.), <i>cert. denied</i> , 406 U.S. 944 (1972)	464
Shorter v. People, 2 N.Y. 193 (1849) .....	104

Sides v. Duke Hospital, 74 N.C. App. 331, 328 S.E.2d 818, <i>cert. denied</i> , 312 N.C. 331, 335 S.E.2d 13 (1985) .....	841
Simmons v. Owens, 363 So.2d 142 (Fla. Dist. Ct. App. 1978) .....	1489
Skinner v. E.F. Hutton & Co., 314 N.C. 267, 333 S.E.2d 236 (1985) .....	1250
Smith v. Smith, 314 N.C. 80, 331 S.E.2d 682 (1985) .....	1405
Smith, State v., 315 N.C. 76, 337 S.E.2d 833 (1985) .....	1353
Smith v. Texas, 311 U.S. 128 (1940) .....	532
Snee v. Trice, 2 S.C.L. 137, 2 Bay 345, <i>modified</i> , 3 S.C.L. 84, 1 Brev. 178 (1802) ...	94
Snowden v. Hughes, 321 U.S. 1 (1944) .....	394
Sonnier, State v., 402 So.2d 650 (La. 1981), <i>cert. denied</i> , 463 U.S. 1229 (1983).....	966
Southern Machine Co. v. Mohaso Industries, Inc., 401 F.2d 374 (6th Cir. 1968) ....	889
Spence v. Gormley, 387 Mass. 258, 439 N.E.2d 741 (1982) .....	1467
Spicer v. Williamson, 191 N.C. 487, 132 S.E. 291 (1926) .....	1525
Spier v. Barker, 35 N.Y.2d 444, 323 N.E.2d 164, 363 N.Y.S.2d 916 (1974).....	1136, 1142
Spinkellink v. State, 313 So.2d 666 (Fla. 1975), <i>cert. denied</i> , 428 U.S. 911 (1976)....	973
St. Joseph Stock Yards Co. v. United States, 298 U.S. 38 (1936) .....	1030
Stafford v. State, 669 P.2d 285 (Okla. Crim. App. 1983), <i>vacated and remanded on other grounds</i> , 467 U.S. 1212 (1984) .....	987
Stafford, State v., 77 N.C. App. 19, 334 S.E.2d 799 (1985) .....	1364
Stanley, State v., 310 N.C. 332, 312 S.E.2d 393 (1984) .....	975
State, <i>In re</i> , 433 A.2d 325 (Del. 1981) .....	966
State Department of Commerce v. Lowery, 333 So.2d 495 (Fla. Dist. Ct. App. 1976)	1480
State v., see name of opposing party	
Steele, United States v., 461 F.2d 1148 (9th Cir. 1972) .....	396, 414
Stewart, State v., 197 Neb. 497, 250 N.W.2d 849 (1977) .....	978
Stilson v. United States, 250 U.S. 583 (1919) .....	526
Stone v. Lynch, 312 N.C. 739, 325 S.E.2d 230 (1985) .....	677
Storer Broadcasting Co., United States v., 351 U.S. 192 (1956) .....	284
Strauder v. West Virginia, 100 U.S. 303 (1880).....	530, 1182
Strickland v. State, 247 Ga. 219, 275 S.E.2d 29, <i>cert. denied</i> , 454 U.S. 882 (1981) ...	983-84
Strong v. Johnson, 53 N.C. App. 54, 280 S.E. 37 (1981) .....	874, 877
Sudderth v. White, 621 S.W.2d 33 (Ky. Ct. App. 1981) .....	1527
Sugar Institute, Inc. v. United States, 297 U.S. 553 (1936) .....	253
Superior Court, People v., 31 Cal. 3d 797, 647 P.2d 76, 183 Cal. Rptr. 800 (1982) ..	965
Swain v. Alabama, 380 U.S. 202 (1965) .....	502, 534-35
Swan Island Club, Inc. v. Yarbrough, 209 F.2d 698 (4th Cir. 1954), <i>aff'g</i> , Swan Island Club, Inc. v. White, 114 F.Supp. 95 (E.D.N.C. 1953) .....	610
Swanson, State <i>ex. rel.</i> Dunn v., 217 N.C. 279, 7 S.E.2d 563 (1940) .....	1524
Swenson v. Thibaut, 39 N.C. App. 77, 250 S.E.2d 279 (1978), <i>disc. rev. denied</i> , 296 N.C. 740, 254 S.E.2d 181 (1979) .....	1239

T

Talent v. Talent, 76 N.C. App. 545, 334 S.E.2d 256 (1985) .....	1405
Talley v. Johns-Manville Sales Corp., 285 S.C. 117, 328 S.E.2d 621 (1985) .....	700-01
Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976) .....	1540
Tatum v. Sawyer, 9 N.C. (2 Hawks) 226 (1822) .....	576, 584, 594
Taylor v. Johnson, 289 N.C. 690, 224 S.E.2d 567 (1976).....	601
Teffeteller v. State, 439 So.2d 840 (Fla. 1983), <i>cert. denied</i> , 465 U.S. 1074 (1984)....	974
Terlinde v. Neely, 275 S.C. 395, 271 S.E.2d 768 (1980) .....	1490
Tetterton v. Long Manufacturing Co., 314 N.C. 44, 332 S.E.2d 67 (1985).....	431, 1159
The T.J. Hooper, 60 F.2d 737 (2d Cir. 1932) .....	1020

Thomas v. Henson, 102 N.M. 417, 696 P.2d 1010 (N.M. App. 1984) .....	1136
Thomas v. State, 374 So.2d 508 (Fla. 1979), <i>cert. denied</i> , 445 U.S. 972 (1980) .....	973
Thompson v. County of Alameda, 27 Cal. 3d 741, 614 P.2d 728, 167 Cal. Rptr. 70 (1980) .....	1543
Torcaso v. Watkins, 367 U.S. 488 (1961) .....	1052, 1087
Trexler, State v., 77 N.C. App. 11, 334 S.E.2d 414 (1985), <i>rev'd</i> , 316 N.C. 528, 342 S.E.2d 878 (1986) .....	1295
Truesdell, <i>In re</i> , 313 N.C. 421, 329 S.E.2d 630 (1985) .....	1196
Turner v. Commonwealth, 221 Va. 513, 273 S.E.2d 36 (1980), <i>rev'd on other grounds</i> , 106 S. Ct. 1683 (1986) .....	987
Two Guys from Harrison-Allentown v. McGinley, 366 U.S. 582 (1961) .....	395
Tyson v. New York City Housing Authority, 369 F. Supp. 513 (S.D. N.Y. 1974) ...	1465

## U

United States v., see name of opposing party

## V

Vasquez v. Hillery, 106 S. Ct. 617 (1986) .....	1195
Vanderschrier v. Aaron, 103 Ohio App. 340, 140 N.E.2d 819 (1957) .....	873
Vietto, State v., 297 N.C. 8, 252 S.E.2d 732 (1979) .....	1315
Village of Arlington Heights v. Metropolitan Housing Development Corp., 429 U.S. 252 (1977) .....	402, 405
Virginia, <i>Ex parte</i> , 100 U.S. 339 (1880) .....	530, 1183
Virginia v. Rives, 100 U.S. 313 (1880) .....	530, 1182
Vishay Intertechnology v. Delta International Corp., 696 F.2d 1062 (4th Cir. 1982) ..	830
Vynior's Case, 8 Co. 8a (1609) .....	223

## W

Wade v. Wade, 72 N.C. App. 372, 325 S.E.2d 260, <i>disc. rev. denied</i> , 313 N.C. 612, 330 S.E.2d 616 (1985) .....	1398
Wade, State v., 296 N.C. 454, 251 S.E.2d 407 (1979) .....	1367
Wallace v. Jaffree, 105 S. Ct. 2479 (1985) .....	1051, 1063, 1065
Walls v. Grohman, 315 N.C. 239, 337 S.E.2d 556 (1985) .....	1496
Walston v. Burlington Industries, 304 N.C. 670, 285 S.E.2d 822, <i>amended by</i> 305 N.C. 296, 285 S.E.2d 822 (1982) .....	1571
Ward v. Willis, 51 N.C. (6 Jones) 183 (1858) .....	590
Warner v. Leder, 234 N.C. 727, 69 S.E.2d 6 (1952) .....	697
Washington v. Davis, 426 U.S. 229 (1976) .....	401, 405
Wayte v. United States, 105 S. Ct. 1524 (1985) .....	385, 401, 415
Weaver v. Weaver, 72 N.C. App. 409, 324 S.E.2d 915 (1985) .....	1400, 1401
Weinberger v. Hynson, Westcott & Dunning, Inc., 412 U.S. 609 (1973) .....	284
West v. Slick, 313 N.C. 33, 326 S.E.2d 601 (1985) .....	167
Wetherbee v. United Insurance Co. of America, 265 Cal. App. 2d 921, 71 Cal. Rptr. 764 (1968) .....	1423
White v. White, 312 N.C. 770, 324 S.E.2d 829 (1985) .....	1403
Whitehurst v. FCX Fruit & Vegetable Service, Inc., 224 N.C. 628, 32 S.E.2d 34 (1944)	1271
Widmar v. Vincent, 454 U.S. 263 (1981) .....	1060
Wilder v. Amatex Corp., 314 N.C. 550, 336 S.E.2d 66 (1985) .....	416
Wilko v. Swan, 346 U.S. 427 (1953) .....	233, 243
Williams, <i>In re</i> , 269 N.C. 68, 152 S.E.2d 317 (1967), <i>cert. denied</i> , 388 U.S. 918 (1967)	1326
Williams v. New York, 337 U.S. 241 (1949) .....	957
Willis v. Willis, 203 N.C. 517, 166 S.E. 398 (1938) .....	1477

Willoughby Roofing & Supply Co. v. Kajima International, Inc., 598 F. Supp. 353 (N.D. Ala. 1984), <i>aff'd</i> , 776 F.2d 269 (11th Cir. 1985) .....	1151
Wilson v. Forbes, 13 N.C. (2 Dev.) 30 (1828) .....	579, 585
Wilson v. State, 436 So.2d 908 (Fla. 1983) .....	975
Wilson, State v., 262 N.C. 419, 137 S.E.2d 109 (1964) .....	1184
Winstead v. Derreberry, 73 N.C. App. 35, 326 S.E.2d 66 (1985) .....	1548
Wisconsin v. Yoder, 406 U.S. 205 (1972) .....	1311, 1316
Withrow v. Larkin, 421 U.S. 35 (1975) .....	862
Wood, State v., 648 P.2d 71 (Utah), <i>cert. denied</i> , 459 U.S. 988 (1982) .....	967
Woodson v. North Carolina, 428 U.S. 280 (1976) .....	947
Wooldridge v. Rowe, 477 So.2d 296 (Ala. 1985) .....	1492
World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980) .....	828, 880
Wray, <i>Ex parte</i> , 30 Miss. 673 (1856) .....	105

Y

Yick Wo v. Hopkins, 118 U.S. 356 (1886) .....	394
Youngstown Co. v. Sawyer, 343 U.S. 579 (1952) .....	382

Z

Zapata Corp. v. Maldonado, 430 A.2d 779 (Del. 1981) .....	1236
Zimmerman v. Hogg & Allen, 22 N.C. App. 544, 207 S.E.2d 267, <i>rev'd on other grounds</i> , 286 N.C. 24, 209 S.E.2d 795 (1974) .....	1220
Zorach v. Clauson, 343 U.S. 306 (1952) .....	1056

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION  
(Act of August 12, 1970, Section 3685, Title 39, United States Code)

1. Title of Publication  
North Carolina Law Review
2. Date of Filing  
September 30, 1986
3. Frequency of Issue  
Six (6) issues per year, published in October, January, March, April, June and August
4. Location of Known Office of Publication  
School of Law, University of North Carolina, Chapel Hill, Orange County, North Carolina 27514
5. Location of the Headquarters or General Business Offices of the Publishers  
School of Law, University of North Carolina, Chapel Hill, Orange County, North Carolina 27514
6. Names and Addresses of Publisher, Editor and Business Manager  
*Publisher*  
North Carolina Law Review Association, UNC School of Law, Chapel Hill, North Carolina 27514  
*Editor*  
Teresa Wynn Roseborough, UNC School of Law, Chapel Hill, North Carolina 27514  
*Business Manager*  
Sheila Whitfield Ragland, UNC School of Law, Chapel Hill, North Carolina 27514
7. Owner  
North Carolina Law Review Association  
UNC School of Law, Chapel Hill, North Carolina 27514
8. Known bondholders, mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities. (NONE)
9. The purpose, function, and nonprofit status of this organization and the exempt status for Federal income tax purposes have not changed during preceding 12 months.
10. Extent and Nature of Circulation

	Average No. Copies Each Issue During Preceding 12 Months	Actual No. Copies of Single Issue Near to Filing Date
A. Total No. Copies Printed (net press run)	2208	2266
B. Paid Circulation		
1. Sales through dealers and carriers, street vendors and counter sales	740	794
2. Mail Subscriptions	1361	1389
C. Total Paid Circulation	2101	2129
D. Free distribution by mail, carrier or other means. Samples, complimen- tary, and other free copies.	53	54
E. Total Distribution (Sum of C and D)	2154	2183
F. Copies not distributed		
1. Office Use, left over, unaccounted, spoiled after printing	54	83
2. Returns from news agents	0	0
G. Total (Sum of E, F 1 and 2—should equal net press run shown in A)	2208	2266

11. I certify that the statements made by me above are correct and complete.  
—JOHN F. BUCKLEY, *Business Manager*