

AKRON LAW REVIEW

Comprehensive Citations Listing – Updated July, 2002

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UNITED STATES SUPREME COURT CITATIONS

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*Fex v. Michigan*, 507 U.S. 43 (1993) (citing Comment, Interstate Agreement on Detainers and the Rights It Created, 18 Akron L. Rev. 691 (1985)).

*Preseault v. ICC*, 494 U.S. 1 (1990) (citing Comment, Rails to Trails: Converting America's Abandoned Railroads Into Nature Trails, 22 Akron L. Rev. 645 (1989)).

*California v. Brown*, 479 U.S. 538 (1987) (Blackmun, J., dissent citing Balske, New Strategies for the Defense of Capital Cases, 13 Akron L. Rev. 331 (1979)).

*Engle v. Isaac*, 456 U.S. 107 (1982) (citing Comment, Shifting the Burden of Proving Self-Defense -- With Analysis of Related Ohio Law, 11 Akron L. Rev. 717 (1978)).

UNITED STATES FEDERAL CIRCUIT COURT CITATIONS

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DC Circuit

*American Financial Services Assoc. v. FTC*, 247 U.S. App. D.C. 167 (1985) (citing Schwartz, Regulating Unfair Practices Under the FTC Act: The Need for a Legal Standard of Unfairness, 11 Akron L. Rev. 1 (1977)).

*Richmond Power & Light Co. v. FERC*, 187 U.S. App. D.C. 399 (1978) (citing *NAACP v. FPC*, 10 Akron L.Rev. 531, 537 (1977)).

2d Circuit

*United States ex rel. Doe v. John Doe Corp.*, 960 F.2d 318 (1992) (citing Oparil, *The Coming Impact of the Amended False Claims Act*, 22 Akron L.Rev. 525, 535 (1989)).

*United States ex rel. Dick v. Long Island Lighting Co.*, 912 F.2d 13 (1990) (citing Oparil, *The Coming Impact of the Amended False Claims Act*, 22 Akron L. Rev. 525 (1989)).

*Zinker v. Doty*, 907 F.2d 357(1990) (citing Jaff, *Hiding Behind the Constitution: The Supreme Court and Procedural Due Process in Cleveland Board of Education v. Loudermill*, 18 Akron L.Rev. 631 (1985)).

*United States v. Doherty*, 786 F.2d 491(1986) (citing Bassiouni, *Extradition Reform Legislation in the United States: 1981-1983*, 17 Akron L. Rev. 495 (1984)).

3d Circuit

*United States ex rel. Stinson, Lyons, Gerlin, and Bustamante P.A. v. Prudential Ins. Co.*, 944 F.2d 1149 (1991) (citing Oparil, *The Coming Impact of the Amended False Claims Act*, 22 Akron L. Rev. 525 (1989)).

*McKenna v. Ortho Pharmaceutical Corp.*, 622 F.2d 657 (1980) (citing 6 Akron L.Rev. 265, 273 (1973)).

4<sup>th</sup> Circuit

*Smart v. Leeke*, 873 F.2d 1558 (1989) (citing *Shifting the Burden of Proving Self-Defense--With Analysis of Related Ohio Law*, 11 Akron L. Rev. 717 (1978)).

*Westinghouse Elec. Corp. v. Schlesinger*, 542 F.2d 1190 (1976) (citing Note, *A Review of the Fourth Exemption of the Freedom of Information Act*, 9 *Akron L.R.* 673 (1976)).

#### 5<sup>th</sup> Circuit

*FISCHL v. GMAC*, 708 F.2d 143 (1983) (citing Reizenstein, *A Fresh Look at the ECOA*, 14 *Akron L.Rev.* 215 (1980)).

#### 6<sup>th</sup> Circuit

*Chao v. Hall Holding Co.*, 285 F.3d 415 (2002) (citing Gina Marie Agresta-Richardson, *Employee Stock Ownership Plans: Uncertainties Plaguing the Duties of the ESOP Fiduciary with Respect to Voting and Defensive ESOPs*, 14 *Akron Tax J.* 91 (1999)).

*Olsen v. McFaul*, 843 F.2d 918 (1988) (citing Vaubel, *Relief Under a Defective Municipal Contract in Ohio*, 2 *Akron L. Rev.* 20 (1968)).

*Melchior v. Jago*, 723 F.2d 486 (1983) (citing Comment, *Shifting the Burden of Proving Self-Defense -- With Analysis of Related Ohio Law*, 2 *Akron L. Rev.* 717 (1978)).

*Kennedy v. Commissioner*, 671 F.2d 167 (1982) (citing Bertozzi, *Compensation Policy for the Closely-held Corporation*, *supra*. See also Comment, *Unreasonable Compensation in the Professional Corporation*, 13 *Akron L.Rev.* 540 (1980)).

*Clutter v. Johns-Manville Sales Corp.*, 646 F.2d 1151 (1981) (citing 6 *Akron L.Rev.* 265 (1973)).

#### 7<sup>th</sup> Circuit

*In the Matter of Xonics Imaging Inc.*, 837 F.2d 763 (1998) (citing David J. DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45-Day Rule*, 20 *Akron Law Rev.* 95 (1986)).

*In re Tolona Pizza Prods. Corp.*, 3 F.3d 1029 (1993) (citing David J. DeSimone, "Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule," 20 *Akron L. Rev.* 95 (1986)).

#### 9<sup>th</sup> Circuit

*Mortgages Inc., v. United States District Court*, 934 F.2d 209 (1991) (citing Oparil, *Coming Impact of the Amended False Claims Act*, 22 *Akron L. Rev.* 525 (1989)).

*In re CHG Int'l*, 897 F.2d 1479 (1990) (citing DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 *Akron L. Rev.* 95 (1986)).

*USA Petroleum Co. v. Atlantic Richfield Co.*, 859 F.2d 687 (1988) (citing Allison, *An Analysis of the Vertical Price-Nonprice Dichotomy*, 21 *Akron L. Rev.* 131 (1987)).

*Verex Assur. V. John Hanson S&L*, 816 F.2d 1296 (1987) (citing Browne, "The Private Mortgage Insurance Industry, the Thrift Industry and the Secondary Mortgage Market: Their Interrelationships," 12 *Akron L. Rev.* 631 (1979)).

*Arizona v. Maricopa County Medical Soc.*, 643 F.2d 553 (1980) (citing Borsody, *The Antitrust Laws & the Health Industry*, 12 *Akron L.Rev.* 417 (1979)).

#### 10<sup>th</sup> Circuit

Fidelity Sav. & Invest. Co. v. New Hope Baptist, 880 F.2d 1172 (1989) (citing D. DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 Akron L.Rev. 95, 129 (1986)).

#### United States Court of International Trade

*Transcom v. United States*, 123 F. Supp. 2d 1372 (2000) (citing Kevin H. Smith, *Disabilities, Law Schools, and Law Students: A Proactive and Holistic Approach*, 32 Akron L. Rev. 1 (1999)).

### **UNITED STATES FEDERAL DISTRICT COURT CITATIONS**

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#### Florida

##### Southern District

*United States v. Entin*, 750 F. Supp. 512 (1990) (citing Richard J. Oparil, *The Coming of the Amended False Claims Act*, 22 Akron L. Rev. 525, 526 (1989)).

#### Illinois

##### Northern District, Eastern Division

*Blakemore v. Pekay*, 895 F. Supp. 972 (1995) (citing Alan K. Chen, *Due Process as Consumer Protection: State Remedies for Distant Forum Abuse*, 20 Akron L.Rev. 9 (1986)).

*Koefoot v. American College of Surgeons*, 652 F. Supp. 882 (1987) (citing Borsody, *The Antitrust Laws and the Health Industry*, 12 Akron L.Rev. 417 (1979)).

#### Indiana

##### Southern District, Indianapolis Division

*Marshall v. Wellcraft Marine Inc.*, 103 F. Supp. 2d 1099 (1999) (citing W. Stallworth, *An Analysis of Warranty Claims Instituted by Non-Privity Plaintiffs In Jurisdictions That Have Adopted Uniform Commercial Code Section 2-318 (Alternatives B&C)*, 27 Akron L. Rev. 197 (1993)).

#### Kansas

*In re Classic Drywall, Inc.*, 121 B.R. 69 (1990) (citing DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 Akron Law Review 95 (1986)).

#### Maryland

##### Southern Division

*Bailey v. Prince George's County*, 34 F. Supp. 2d 1025 (1999) (citing Douglas S. Miller, *Off Duty, Off the Wall, But Not Off the Hook: Section 1983 Liability for the Private Misconduct of Police Officials*, 30 Akron L. Rev. 325, 390 (1997)).

#### Missouri

##### Western Division

*Russel v. United States*, 1992 U.S. Dist. LEXIS 5949 (April 10, 1992) (citing Jerome S. Horvitz & Annette Hebble, "Substantial Justification" Further Defined by Phillips, 6 Akron Tax L. J. 1 (1989)).

#### New Jersey

*Union County Utils. Auth. v. Bergen County Utils. Auth.*, 995 F. Supp. 506 (1998) (citing Harper, Note, *Waste Transport: Commerce Clause Restrictions and Free Market Incentives*, 24 Akron L. Rev. 681 (1991)).

#### New Mexico

*Homans v. City of Albuquerque*, 160 F. Supp. 2d 1266 (2001) (citing John C. Bonifaz, et al., *Challenging Buckley v. Valeo: A Legal Strategy*, 33 Akron L. Rev. 39, 56 (1999)).

#### New York

Southern District

*Ullah v. FDIC*, 852 F. Supp. 218 (1994) (citing Chen, *Due Process as Consumer Protection*, 28 Akron L. Rev. 9 (1986)).

Ohio

Southern District, Eastern Division

*Cytec Indust. v. B.F. Goodrich Co.*, 196 F. Supp. 2d 644 (2002) (citing James A. King, *Kayser-Roth, Joslyn, and the Problem of Parent Corporation Liability Under CERCLA*, 25 Akron L. Rev. 123 (1991)).

Southern District, Western Division

*Cincinnati Bell v. Anixter Bros.*, 69 F. Supp. 2d 982 (1999) (citing Morris G. Shanker, *Judicial Misuses of the Word Fraud to Defeat the Parol Evidence Rule and the Statute of Frauds*, 23 Akron L. Rev. 1 (1989)).

Pennsylvania

Eastern District

*Transamerica Ins. Co. v. Thomas M. Durkin & Sons*, 1991 U.S. Dist. LEXIS 14318 (October 1, 1991) (citing Fry & Saxton, *Interpreting the Pollution Exclusion Clause in the Comprehensive General Liability Policy -- Ohio's Next Step*, 23 Akron L. Rev. 507 (1990)).

Western District

*Robinson v. Magovern*, 521 F. Supp. 842 (1981) (citing Borsody, *The Antitrust Laws and the Health Industry*, 12 Akron L. Rev. 417 (1979)).

Virginia

Eastern District, Alexandria Division

*Moseke v. Miller & Smith, Inc.*, 2002 U.S. Dist. LEXIS 9168 (May 17, 2002) (citing Dash T. Douglas, *Standing On Shaky Ground: Standing Under The Fair Housing Act*, 34 Akron L. Rev. 613 (2001)).

Western District, Lynchburg Division

*Mellen v. Bunting*, 181 F. Supp. 2d 619 (2002) (citing Sarah Howard Jenkins, et. al, *God Talk By Professors Within the Classrooms of Public Institutions of Higher Education: What is Constitutionally Permissible?*, 25 Akron L. Rev. 289, (1991)).

Washington

Western District, Seattle Division

*Thorstead v. Gregoire*, 841 F. Supp. 1068 (1994) (citing Martin E. Latz, *The Constitutionality of State-Passed Congressional Term Limits*, 25 Akron L. Rev. 155 (1991)).

**UNITED STATES BANKRUPTCY COURT CITATIONS**

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United States Bankruptcy Appellate Panel of Ninth Circuit

*In re Loretto Winery, Ltd.*, 107 B.R. 707 (1989) (citing DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 Akron L. Rev. 95 (1986)).

Northern District of Illinois, Eastern Division

*In re Global Distribution Network*, 103 B.R. 949 (1989) (citing DeSimone, *Section 547 (c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 Akron L. Rev. 95 (1986)).

Northern District of Texas, Dallas Division

*In re SPW Corp.*, 96 B.R. 683 (1989) (citing DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Business Exception Without the 45 Day Rule*, 20 Akron Law Review 95 (1986)).

Virginia District, Eastern Division

*In re Southeast Stores*, 156 B.R. 160 (1993) (citing Jerome S. Horvitz and Annette Hebble, *"Substantial*

*Justification" Further Defined by Phillips*, 6 Akron Tax J. 1 (1989)).

Northern District of Georgia, Atlanta Division

*In re Control Electric, Inc.*, 91 B.R. 1010 (1988) (citing DeSimone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Court of Business Exception Without the 45 Day Rule*, 20 Akron L. Rev. 95 (1986)).

Northern District of Ohio, Eastern Division

*In re Sam A. Tisci, Inc.*, 124 B.R. 42 (1990) (citing Durham, *Forfeiture of Residential Land Contracts in Ohio: The Need for Further Reform of a Reform Statute*, 16 Akron L. Rev. 397 (1983)).

District of Utah

*In re Terracor*, 1982 Bankr. LEXIS 3251 (Spet. 27, 1982) (citing Mayer and Stix, *The Prevailing Party Should Recover Counsel Fees*, 8 Akron L. Rev. 426 (1975)).

Eastern District of Michigan

*In re Miller*, 4 B.R. 305 (1980) (citing Lakin, *Default Proceedings Under Article 9: Problems, Solutions and Lessons to be Learned*, 8 Akron L. Rev. 1, 40 (1974)).

District of Columbia

*In re Tax Reduction Inst.*, 148 B.R. 63 (1992) (citing DeSimeone, *Section 547(c)(2) of the Bankruptcy Code: The Ordinary Course of Exception Without the 45 Day Rule*, 20 Akron L. Rev. 95 (1986)).