

Digests

- Digests are special indexes to case reporters
- Based on headnotes that precede the cases
 - Headnotes are editorial enhancements that summarize topics addressed in the case

Digests Features

- Headnotes
- Topic and Key Numbers
- Arranged alphabetically by topic

HEADNOTES: CASES

- Headnotes appear before the text of every case in the National Reporter System.
- A headnote is a paragraph summary of a single point of law discussed in the case.
- Headnotes appear in the order the points of law are discussed in the case.

519 U.S. 3 CALIFORNIA v. ROY
Cite as 117 N.C. 337 (1996)

519 U.S. 2, 136 L.Ed.2d 206

CALIFORNIA et al.

v.

Kenneth Duane ROY.

No. 95-2025.

Nov. 4, 1996.

Rehearing Denied May 13, 1997.

See 519 U.S. 113, 136 L.Ed.2d 719.

Petitioner sought habeas corpus relief from his California convictions of robbery and first-degree murder for aiding and abetting felony murder. The United States District Court for the Eastern District of California, David F. Levi, J., denied relief, and petitioner appealed. The Ninth Circuit Court of Appeals affirmed, 55 F.3d 1400, and rehearing en banc was granted. The Circuit Court of Appeals, James R. Browning, Circuit Judge, 81 F.3d 863, reversed and remanded, holding that erroneous omission from aiding and abetting instruction of requirement that jury find that defendant intended to encourage or facilitate principal's offense was not harmless. The state of California filed petition for writ of certiorari. The Supreme Court held that error in jury instruction that defined crime without including statement that jury was required to find that defendant had intent to commit or facilitate crime had to be reviewed by habeas court, under the *Kottebus* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict.

Petition for writ of certiorari granted, and Ninth Circuit's opinion at 81 F.3d 863 vacated and remanded with directions.

Justice Scalia concurred with separate opinion, in which Justice Ginsburg joined in part.

1. Habeas Corpus 0=150.1

Federal court, reviewing state court determination in habeas corpus proceeding, ordinarily should apply the *Kottebus* "harmless error" standard of whether the error had substantial and injurious effect or influence in determining the jury's verdict.

2. Habeas Corpus 0=150.1

The *Kottebus* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict, is applied to structural defects in the trial mechanism, but does not require a review of so-called trial errors in respect to which requires state courts to apply a *Chapman*-type standard of review when they review a conviction.

3. Habeas Corpus 0=150.1

If judge, in habeas corpus proceeding, determines whether the error had substantial and injurious effect or influence in determining the jury's verdict, it is in general harmless error if the error must win.

4. Habeas Corpus 0=150.1

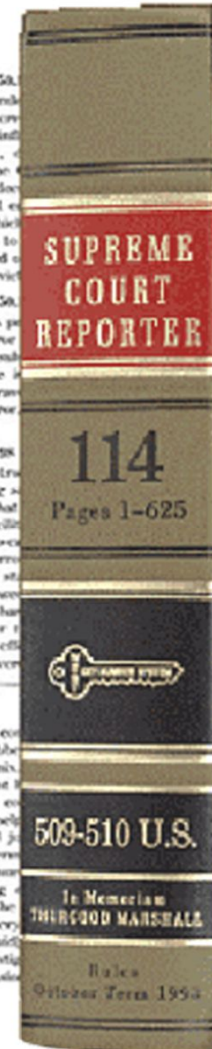
Error in jury instruction that defined crime without including statement that jury was required to find that defendant had intent to commit or facilitate crime of omission or success was not harmless error if error had to be reviewed by habeas court, under the *Kottebus* harmless error standard, which is whether the error had substantial and injurious effect or influence in determining the jury's verdict.

1. PER CURIAM.

A California court convicted Kenneth Roy of the robbery-murder of Archie Mannix, insofar as is relevant to the aid of a co-conspirator in trying to rob Mannix, help him kill Mannix. The trial judge gave an instruction that permitted Roy of first-degree murder. The court concluded that among other things, "with knowledge of" the lawful purpose of the robbery-confederate, i.e., had "aided, encouraged, or" "fraternal advice ... the occurrence

Headnote 2

Headnote 1



Digests Features

West Headnotes (3)

 Change View

1 Insurance

Employee health insurance plan was excepted from statutory provisions which created and limited the liability of state Insurance Guaranty Association, which provided that insured must exhaust remedies under other insurance policies, and may not duplicate a claim; health plan was type of direct insurance specifically excepted by statutes. Code 1975, §§ 27-42-2, 27-42-3, 27-42-5, 27-42-12.

5 Cases that cite this headnote



217 Insurance
217VII Guaranty Funds or Associations
217VII(D) Claims and Proceedings
217k1501 Exhaustion of other sources of recovery
(Formerly 217k8)

2 Insurance

Insurance guaranty statutes did not apply to health insurance policies, and thus claim filed with health insurance plan administrator was not "covered claim." Code 1975, § 27-42-12.

5 Cases that cite this headnote



217 Insurance
217VII Guaranty Funds or Associations
217VII(D) Claims and Proceedings
217k1487 Policies covered
(Formerly 217k8)

THE WEST TOPIC & KEY NUMBER SYSTEM: HEADNOTES

Green Tree Servicing, LLC v. Brough



--- N.E.2d ---, 2010 WL 2894888
Ind.App.,2010,
July 26, 2010 (Approx. 6 pages)


Headnote Number (7)





[7]  [KeyCite Citing References for this Headnote](#)

Topic Number (95)


 [95](#) Contracts 

 [95II](#) Construction and Operation

 [95II\(A\)](#) General Rules of Construction

 [95k147](#) Intention of Parties

Key Number 147(2)

 [95 k147\(2\)](#) k. Language of Contract. [Most Cited Cases](#)

Headnote



The court should attempt to determine the intent of the parties at the time the contract was made by examining the language used to express their rights and duties.

- This headnote summarizes the seventh point of law discussed in this case on Westlaw. The headnote is assigned to key number 147(2) under Topic 95 (*Contracts*).

West American Digest System

- Corresponds to case reporter headnotes
- Includes all state and federal cases contained in regional reporters
- Includes cases back to 1658

Lexis Headnotes

▼ LexisNexis® Headnotes

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [General Overview](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [Genuine Disputes](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [Materiality of Facts](#) ▼

HN1 Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c). [Shepardize - Narrow by this Headnote](#)

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Opposing Materials](#) ▼ > [General Overview](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [General Overview](#) ▼

HN2 In order to defeat a motion for summary judgment, there must be facts in dispute that are both genuine and material, i.e., there must be facts upon which a fact finder could "reasonably find" for the non-moving party. The court does not weigh the evidence or make credibility determinations; rather, the court only determines whether there are any disputed issues and, if so, whether those issues are both genuine and material. [Shepardize - Narrow by this Headnote](#)

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Burdens of Proof](#) ▼ > [General Overview](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Burdens of Proof](#) ▼ > [Movant Persuasion & Proof](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [General Overview](#) ▼

Civil Procedure > ... > [Summary Judgment](#) ▼ > [Entitlement as Matter of Law](#) ▼ > [Genuine Disputes](#) ▼

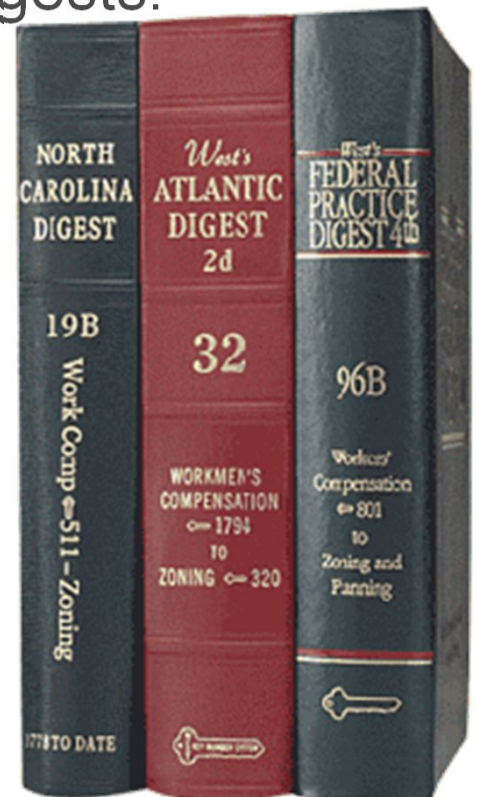
Civil Procedure > [Trials](#) ▼ > [Judgment as Matter of Law](#) ▼ > [General Overview](#) ▼

Civil Procedure > [Trials](#) ▼ > [Judgment as Matter of Law](#) ▼ > [Directed Verdicts](#) ▼

Evidence > [Burdens of Proof](#) > [Initial Burden of Persuasion](#)

WEST'S KEY NUMBER DIGESTS

- The headnotes from every reported case in the National Reporter System are organized by topic and key number in West's Key Number Digests. Headnotes become digest paragraphs.
- There are:
 - federal, state, and regional digests
 - special-subject digests
 - digests that cover specific periods of time

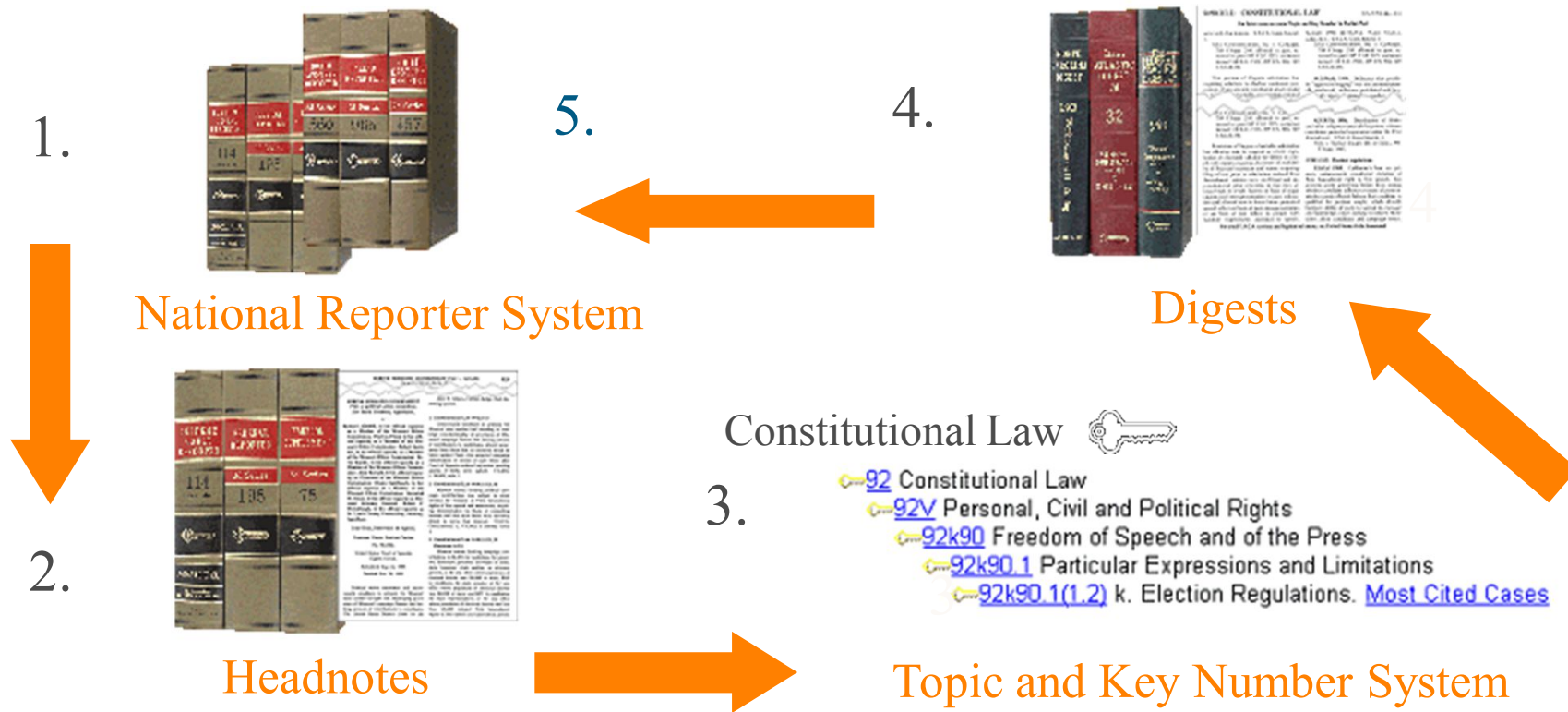


West State Digests

- Digests are published for most states and the following reporters
 - *Atlantic Reporter*
 - *Pacific Reporter*
 - *North Western Reporter*
 - *South Western Reporter*

Other West Digests

- *Supreme Court Digest*
- *Federal Practice Digest*
- *Specialty Digests:*
 - *Bankruptcy Digest*
 - *United States Court of Claims Digest*
 - Multiple others



1. Cases are printed in the National Reporter System reporters.
2. Each point of law discussed in a case is summarized in a headnote.
3. The point of law in each headnote is assigned a key number(s).
4. Digests organize all headnotes (digest paragraphs) by key number.
5. The key number in a digest is used to find other relevant cases.

Using Digests

Starting with a Known Case

- Identify relevant headnotes
- Note topic and key number of headnotes
- Find digest dedicated to case reporter
- Locate topic and key numbers in digest
- Note citations to other cases under topic and key numbers
- Read other cases

Using Digests

Starting with an Issue or Facts

- Identify key words in facts and issues
- Locate key words in descriptive word index
- Identify proper topic and key number from index
- Locate topic and key number in digest
- Note case citations under topic and key numbers
- Read cases

THE WEST TOPIC & KEY NUMBER SYSTEM: TOPICS

DIGEST TOPICS

See, also, Outline of the Law by Seven Main Divisions of Law, preceding this section

The topic numbers shown below may be used in WESTLAW searches for cases within the topic and within specified key numbers.

1	Abandoned and Lost Property	42	Assumpsit, Action of	79	Clerks of Courts
2	Abatement and Revival	43	Asylums	80	Clubs
4	Abortion and Birth Control	44	Attachment	81	Colleges and Universities
5	Absentees	45	Attorney and Client	82	Collision
6	Abstracts of Title	46	Attorney General	83	Commerce
7	Accession	47	Auctions and Auctioneers	83H	Commodity Futures Trading Regulation
8	Accord and Satisfaction	48	Audita Querela	84	Common Lands
9	Account	48A	Automobiles	85	Common Law
10	Account, Action on	48B	Aviation	88	Compounding Offenses
11	Account Stated	49	Bail	89	Compromise and Settlement
11A	Accountants	50	Damages	89A	Condominium
12	Acknowledgement	51	Bankruptcy	90	Confusion of Goods
13	Action	52	Banks and Banking	91	Conspiracy
14	Action on the Case	54	Beneficial Associations	92	Constitutional Law
15	Adjoining Landowners	55	Bigamy	92B	Consumer Credit
15A	Administrative Law and Procedure	56	Bills and Notes	92H	Consumer Protection
16	Admiralty	58	Bonds	93	Contempt
17	Adoption	59	Boundaries	95	Contracts
18	Adulteration	60	Bounties	96	Contribution
19	Adultery	61	Breach of Marriage Promise	97	Conversion
20	Adverse Possession	62	Breach of the Peace	98	Convicts
21	Affidavits	63	Bribery	99	Copyrights and Intellectual Property
23	Agriculture	64	Bridges	100	Coroners
24	Aliens	65	Brokers	101	Corporations
25	Alteration of Instruments	66	Building and Loan Associations	102	Costs
26	Ambassadors and Consuls	67	Burglary	103	Counterfeiting
		70	Carriers		

- The topics are arranged alphabetically and numbered between 1 and 450.
- Each topic addresses a broad legal issue.
- Some topics have been added after the original 414 topics were assigned numbers.
 - See, 48A Automobiles
 - See, 48B Aviation
- Other topics have been eliminated or renamed (e.g., West attorney-editors no longer use topic 3).



LexisNexis Digests

*The United States Supreme Court
Reports Digest, Lawyers' Edition
accompanies the United States
Supreme Court Cases, Lawyers'
Edition*

Westlaw, Lexis and Digests

- Digests not published on Westlaw or Lexis
- However, online research features of both Westlaw and Lexis permit Digest-type searches
 - hyperlinking case headnotes resembles digest searching
- Westlaw's "keysearch" permits searching by topic and key number

THE WEST TOPIC & KEY NUMBER SYSTEM: TOPICS

- This is a breakdown of key number 147 (Intention of parties) under the *Contracts* topic and subheading II. (Construction and Operation) in the Westlaw version of the digest.
- **95k147(2)** is the specific key number dealing with Language of contract.



Shepard's Citations

- Information provided for case citations:
 - Parallel cites
 - Cites to same case if subject of published opinions of other courts
 - Cites to all cases discussing your case
 - Description of how other cases have considered your case citation
 - Cites to certain secondary sources discussing your citation

Shepard's Citations

- Information provided for statute citations:
 - Whether statute has been amended or repealed
 - Cites to case law discussing statute
 - Description of how case law has considered the statute
 - Cites to certain secondary sources discussing the statute

Shepard's Citations

- Major disadvantage of Lexis' Shepard's Citations: Does not include all material that cites to the case, as West's Keycite does
- Shepard's, for example, does not include administrative rulings that cite to the case, as well as some treatise material. Need to search the the citation in quotation marks in the "Administrative Materials" database.
- Keycite includes EVERYTHING

Shepard's Citators in Print

- *Shepard's United States Citations*
 - Shepardizes U.S. Supreme Court cases
- *Shepard's Federal Citations*
 - Shepardizes federal district court and appellate court decisions
 - *Federal Supplement*
 - *Federal Reporters*

Shepard's Citators in Print (continued)

- *Citators for each of the regional reporters*
- *Citators for state case reporters*

Shepard's Citations

Information Provided About Cases

- Whether a case has been overruled by a subsequent case
- Whether a case has been criticized by a subsequent case
- Whether a case has been approved by a subsequent case
- Whether a case has been questioned by a subsequent case
- Whether a case has been cited in dissent of a subsequent case

Shepard's Citations Abbreviations

Shepard's relies very heavily on abbreviations

See Figures 9-4 and 9-5 in text for case history and case treatment abbreviations

Shepard's Citators

Updates to Main Volumes

- Cumulative Supplement (Red paperback)
- Annual and Semi-annual Supplement (Gold paperback)
- Advance Sheets (White pamphlets)
- A daily update service is available via fax, the Internet or by telephone

Shepard's Citations Online Available Through LEXIS

- Information is current so updates are unnecessary
- Citing information can be displayed selectively
- Negative information is highlighted at the beginning
- Normal terminology is used rather than abbreviations
- Hyperlinks to authorities are provided

Shepard's Statutory Citators Coverage

- Constitutions
- Statutes
- Codes
- Administrative Regulations
- Administrative Rules

Shepard's Statutory Citators

- Provides information closely resembling case citations
- See Figure 9-9 in the text for an extensive list of the abbreviations used
- Available in print and on-line

KEYCITE FOR STATUTES

- **Full History:** Indicates whether the statute is still GOOD LAW.
- **Citing References:** Lists cases, pending legislation, administrative materials, and secondary sources that discuss or cite the statute.
- **Monitor with KeyCite Alert:** Tracks the statute for future changes or amendments.
- **Graphical Statutes:** Displays a graphical view of the statutes history.

The screenshot shows a legal database interface. At the top, it displays 'Result List 12 Docs' and 'LINKS FOR 42 USCA § 1983'. The main content area shows the text of 42 U.S.C.A. § 1983, including the title 'United States Code Annotated' and the section title '§ 1983. Civil action for deprivation of rights'. A 'KeyCite' alert icon is visible in the top right corner of the main content area. The sidebar on the left contains several navigation options: 'Proposed Legislation', 'History', 'Citing References', 'Monitor With KeyCite Alert', 'Graphical Statutes', and 'Full-Text Document' (with sub-options for 'Table of Contents', 'Versions', and 'Section Outline').

KEYCITE SYMBOLS FOR STATUTES

- KeyCite flags indicate the status of the statute:



– A **red flag** indicates that

- The statute has been amended, repealed or superseded
- A court has ruled the statute unconstitutional in whole or in part or has recognized that the statute has been repealed by implication or preempted



– A **yellow flag** indicates that

- The statute has pending legislation
- The statute has been renumbered or transferred
- A court has ruled that the statute was limited on constitutional or preemption grounds or its validity was called into doubt
- A prior version of a statute was held unconstitutional or preempted

STATUTES: KEYCITE CITING REFERENCES

- Citing References for statutes include:
 - **Negative Treatment:** cases that have ruled the statute unconstitutional, preempted, or have questioned the application of the statute
 - **Notes of Decisions:** headnotes from cases that significantly interpreted or applied the statute.
 - **Citations for the Statute:** cases that have cited to the statute
 - **Administrative Materials:** agency documents that have cited to the statute

KeyCite

- Online citator available through Westlaw
- Provides similar information as Shepard's but includes "depth of treatment stars"
 - The amount of stars indicates whether the case was merely mentioned or analyzed in depth

DEPTH OF TREATMENT STARS

- Examined ★★★★★
 - Case contains an extensive discussion of your case, usually more than a printed page.
- Discussed ★★★
 - Case contains a substantial discussion of your case, usually more than a paragraph but less than a page.
- Cited ★★
 - Case contains some discussion of your case, usually less than a paragraph.
- Mentioned ★
 - Case contains a brief reference to your case.


KEYCITE FOR CASES

- KeyCite will catch negative and positive treatment of a case, including instances where a case has been:
 - **Reversed** by a higher court
 - **Overruled** at a later date
 - **Superseded** by statute
 - **Criticized** without being overruled
 - **Cited** favorably by other courts, thereby strengthening its authority


KEYCITE SYMBOLS FOR CASES

- Status flags give you an instant indication of whether your case is good law.

 – A **red flag** warns that the case is no longer good law for at least one of the legal holdings it contains.

 – A **yellow flag** warns that the case has some negative history, but hasn't been reversed or overruled.

 – A **blue 'H'** indicates that the case has some history.

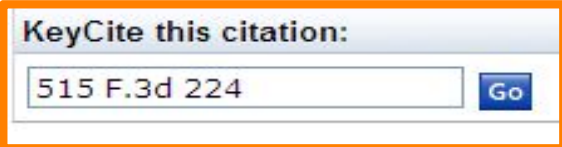
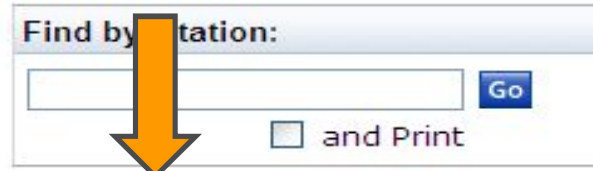
 – A **green 'C'** indicates that the case has citing references, but no direct history or negative citing references.

ACCESSING KEYCITE

To access KeyCite, you can type the citation in the **KeyCite this citation** box and click **Go**.



The **Full History** of the case will then display in the right frame.



Westlaw Paralegal

Result List Links for 515 F.3d 224

Full Screen List

KeyCite citation: [input] Go

Some negative history but not KeyCite overruled

Full History

Direct History (Graphical View)

Citing References

Monitor With KeyCite Alert

Featured Trial Document Powered by KeyCite

Edward P. CLARK and, Rosemary Clark, Plaintiffs, vs. ...

★★★ HN:2, 6, 8

Trial Motion, Memorandum and Affidavit (E.D.Pa., 2010)

Memorandum of Law in Support of Motion of Commissioner of Records Joan Decker to Dismiss Complaint Pursuant...

See All Trial Documents Citing this Case

Full-Text Document

Phillips v. County of Allegheny

515 F.3d 224

C.A.3 (Pa.), 2008.

February 05, 2008

History (Showing All Documents)

Direct History

SELECT TO PRINT, EMAIL, ETC.

- 1 Phillips v. County of Allegheny, 2006 WL 1330206 (W.D.Pa. May 15, 2006) (NO. CIV.A. 05-1502)
Affirmed in Part, Reversed in Part by
- 2 KeyCited Citation: Phillips v. County of Allegheny, 515 F.3d 224 (3rd Cir.(Pa.) Feb 05, 2008) (NO. 06-2869)
On Remand to
- 3 Phillips v. County of Allegheny, 2008 WL 2541694 (W.D.Pa. Jun 25, 2008) (NO. CIV.A. 05-1502)

Negative Citing References (U.S.A.)

Distinguished by

- 4 Walter v. Pike County, Pa., 544 F.3d 182 (3rd Cir.(Pa.) Sep 18, 2008) (NO. 06-5034, 06-5144, 07-1668) ★★★

DEPTH OF TREATMENT STARS

- Examined ★★★★★
 - Case contains an extensive discussion of your case, usually more than a printed page.
- Discussed ★★★
 - Case contains a substantial discussion of your case, usually more than a paragraph but less than a page.
- Cited ★★
 - Case contains some discussion of your case, usually less than a paragraph.
- Mentioned ★
 - Case contains a brief reference to your case.

ACCESSING KEYCITE CITING REFERENCES

- You can access **Citing References** on the **Links for** tab in the left frame

The screenshot displays the Westlaw KeyCite interface. At the top, the navigation bar includes 'Westlaw', 'Paralegal', and various search tools like 'FIND&PRINT', 'KEYCITE', 'DIRECTORY', 'KEY NUMBERS', 'COURT DOCS', 'FORMFINDER', and 'SITE MAP'. The 'Links for' tab is selected and highlighted with an orange circle. Below it, the 'Citing References' section is also highlighted with an orange circle. The main content area shows the case 'Phillips v. County of Allegheny' (515 F.3d 224) and lists citing references, including 'Distinguished by' and 'Positive Cases (U.S.A.)'.

Westlaw
Paralegal

Result List **Links for** 515 F.3d 224

Full Screen List

KeyCite citation: Go

Some negative history but not overruled

Full History

Direct History (Graphical View)

Citing References

Monitor with KeyCite Alert

Featured Trial Document Powered by KeyCite

Edward P. CLARK and, Rosemary Clark, Plaintiffs,...

★★★★HN:2, 6, 8

Trial Motion, Memorandum and Affidavit (E.D.Pa., 2010)

Memorandum of Law in Support of Motion of Commissioner of Records Joan Decker to Dismiss Complaint Pursuant...

See All Trial Documents Citing this Case

Full-Text Document

Phillips v. County of Allegheny
515 F.3d 224
C.A.3 (Pa.), 2008.
February 05, 2008

Citing References
(Showing 4835 documents)

Negative Cases (U.S.A.)

SELECT TO PRINT, EMAIL, ETC.

Distinguished by

1 Gardner v. Luzerne County, 645 F.Supp.2d 325, 337+ (M.D.Pa. Jan 28, 2009) (NO. 3:CV-07-1947) ★★★★★ HN: 12,18,19 (F.3d)

2 Walter v. Pike County, Pa., 544 F.3d 182, 195 (3rd Cir.(Pa.) Sep 18, 2008) (NO. 06-5034, 06-5144, 07-1668) ★★

Positive Cases (U.S.A.)
★★★★★ Examined

3 Mann v. Brenner, 2010 WL 1220963, *1+ (3rd Cir.(Pa.) Mar 30, 2010) (Table, text in WESTLAW, NO. 09-2461) (Table, text in WESTLAW) ★★★★★ HN: 1,26,28 (F.3d)

4 Fowler v. UPMC Shadyside, 578 F.3d 203, 209+, 22 A.D. Cases 353, 353+, 39 NDLR P 203, 203+ (3rd Cir.(Pa.) Aug 18, 2009) (NO. 07-4285) ★★★★★ HN: 1,6,7 (F.3d)

For example, Citing References indicates that the case *Phillips v. County of Allegheny* is distinguished by the case *Gardner v. Luzerne County*.

KeyCite DIRECTORY KEY NUMBERS COURT DOCS FORMFINDER SITE MAP Preferences

Phillips v. County of Allegheny
515 F.3d 224
C.A.3 (Pa.), 2008.
February 05, 2008

Citing References
(Showing 4835 documents)

Negative Cases (U.S.A.)

SELECT TO PRINT, EMAIL, ETC.

Distinguished by

- C 1** Gardner v. Luzerne County, 645 F.Supp.2d 325, 337+ (M.D.Pa. Jan 28, 2009) (1947) ★★★★★ HN: 12,18,19 (F.3d)
- H 2** Walter v. Pike County, Pa., 544 F.3d 182, 195 (3rd Cir.(Pa.) Sep 18, 2008) (NO. 06-5034 06-5144, 07-1668) ★★

Positive Cases (U.S.A.)
★★★★★ Examined

- H 3** Mann v. Brenner, 2010 WL 1220963, *1+ (3rd Cir.(Pa.) Mar 30, 2010) (Table, text in WESTLAW, NO. 09-2461) (Table, text in WESTLAW) ★★ HN: 1,26,28 (F.3d)
- P 4** Fowler v. UPMC Shadyside, 578 F.3d 203, 209+, 22 A.D. Cases 353, 353+, 39 NDL 203+ (3rd Cir.(Pa.) Aug 18, 2009) (NO. 07-4285) ★★ HN: 1,6,7 (F.3d)

Link Viewer -- Webpage Dialog

Gardner v. Luzerne County
645 F.Supp.2d 325
M.D.Pa., 2009.
Jan 28, 2009 (Approx. 21 pages)

"because Jacobs alleges that the state effectively compelled him to live in unsafe conditions, we cannot conclude 'beyond doubt' that he 'can prove no set of facts' that would entitle him to relief." *Id.* Even if the Third Circuit recognized a quasi custodial relationship as a type of duty-producing special relationship under the Fourteenth Amendment, the allegations in this case would not be sufficient to find one. Ms. DeWitt was not compelled to live in any particular residence. She could change her residence so long as she informed the court's representative. While she may have been unable to travel outside Pennsylvania, this condition does not suffice to impose upon the state an affirmative obligation to protect her. Plaintiffs assert that Ms. DeWitt was compelled to sign the bail bond agreement, but this conclusory allegation, without more, is insufficient to support a due process claim based upon a "special relationship" with the state. See *Phillips v. County of Allegheny*, 515 F.3d 224, 231 (3d Cir.2008) ("Rule 8 requires a showing, rather than a blanket assertion, of entitlement to relief.") (internal citations omitted). As previously mentioned, there are no allegations specifying that Defendants engaged in fraud, coercion or undue force. Nor do the allegations address the details of the bail bond agreement or the exchange that took place when Plaintiff entered into the agreement.

Term Locate Cancel Maximize

Links in KeyCite citing References allow you to jump to the place in *Gardner* where *Phillips* is first cited.

The *Phillips* case is highlighted in yellow in *Gardner*.

Other Lexis Citators

- AutoCite (LEXIS)- (Automatic on LexisAdvance)
 - Provides parallel cites, history, negative treatment but not all cited authority
 - Lexcite (LEXIS)- Searches LEXIS database for all case citations but does not provide comment or evaluation. No longer available on LexisAdvance
 - Need other searches to find documents not covered by Shepards

Cite Checking

Always Verify

- Citation format
- Citation accuracy
- Validity of authorities
- Accuracy of authorities
- Use of most up-to-date cases and authorities
- Citation of quotations
- Accuracy of quotations