**Remedies**  
**Professor Wells**

**Required Text:** DOUGLAS LAYCOCK & RICHARD L. HASEN, MODERN AMERICAN REMEDIES (5th ed. 2019)

**Reading Assignment for 8/20:**

Skim pp. 1-9 and read pp. 11-18.

We will discuss briefly the course requirements and the different kinds of remedies. We will also start on *Hatahley*.

*Hatahley*

1. Before we get into damages calculations and principles – put yourself into the shoes of the attorney for the plaintiffs (Navajo owners of the horses) as they come to you for help. What would you want to ask them about their injury and remedies? How would you counsel them?

2. Re the damages:
   a. What are the different elements of the damages award in *Hatahley* – i.e., in what ways were the plaintiffs damaged?
   b. What does the court announce as the fundamental principle governing the award of compensatory damages? Why is that the underlying goal of damages awards?
   c. Why does the 10th circuit find that principle violated by the district court’s damages award?
      i. What mistake did the district court apparently make in calculating damages?
      ii. Hint: Try to figure out each element of the plaintiffs’ damages and then what the district court said was the appropriate amount. How did the lower court err?

- The course syllabus and all daily readings/slides are available on the course TWEN site.