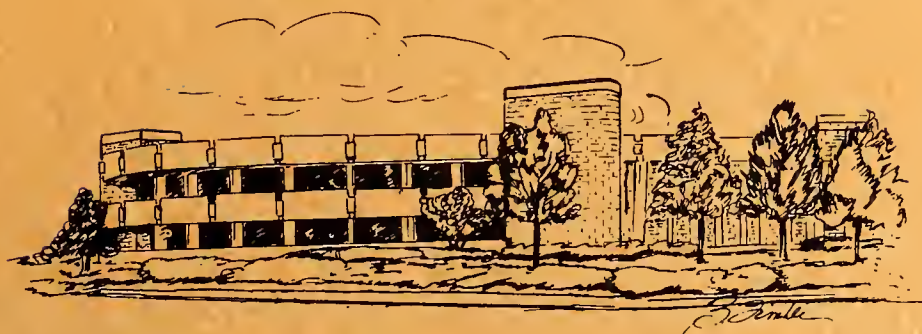


# Indiana Law Review

VOLUME 14 • 1981 • NUMBER 2



---

## Article

**Prospective Labor Injunctions: Do They  
Have a Future**

*Charles E. Trant*

## Notes

**The Business Judgment Rule: The End of a  
Clear Trend in Corporation Law**

**Markets, Time, and Damages: Some Unsolved  
Problems in the Field of Crops**

**Twenty-Five Years of Uninsured Motorist  
Coverage: A Silver Anniversary Cloud  
with a Tarnished Lining**

**Beyond Enterprise Liability in *DES* Cases —  
*Sindell***

INDIANA UNIVERSITY

APR 22 1981

SCHOOL OF LAW-INDPLS.  
LIBRARY

---

# Creditors' Rights in Bankruptcy

## Author

**Patrick A. Murphy** of the California Bar; Partner, Murphy, Weir & Butler, San Francisco; speaker at numerous seminars on bankruptcy; co-author of *Collier on Bankruptcy*, Fifteenth Edition.

This book covers proceedings under the liquidation and rehabilitation chapter of the new Bankruptcy Act which became effective October 1, 1979. Topics of particular interest to creditors are covered in substantial detail. These include proof and allowances of claims, voiding powers, stays of lien enforcement and the rights of secured creditors.

**Loose leaf, approximately 500 pages, 1980 edition. Annual supplementation is planned. 1 volume \$65.00 plus \$1.50 postage and handling.**

My order includes future materials such as pocket parts, supplements, replacement pages, advance sheets and replacement, revised, recompiled or split volumes, future new editions and additional companion or related volumes. At any time, I will be free to cancel or change my order for upkeep services.

## Contents

- Preface
- Summary Contents
- Detailed Contents
- 1. Introduction
- 2. Jurisdiction, Venue and Appeals
- 3. Commencement of a Case
- 4. Administration and the Bankruptcy Estate
- 5. Proof and Allowance of Claims, Priorities and Distribution in Liquidation Cases
- 6. The Automatic Stay
- 7. Use, Sale, or Lease of Property of the Estate
- 8. The Obtaining of Credit
- 9. Executory Contracts and Unexpired Leases
- 10. Preferences
- 11. Fraudulent Conveyances
- 12. The Trustee as a Hypothetical Lien Creditor or Purchaser
- 13. The Trustee as a Successor to Actual Creditors
- 14. Miscellaneous Avoiding Actions
- 15. Reorganizations—Administrative Matters
- 16. Plan of Reorganization
- 17. Consumer Bankruptcy
- 18. Adjustment of Debts of an Individual with Regular Income
- Appendix—Forms
- Tables
- Index

**SHEPARD'S/  
McGRAW-HILL**

Post Office Box 1235  
Colorado Springs, Colorado 80901  
(303)475-7230



Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

- Please send me Creditors' Rights in Bankruptcy. Purchase includes my order for future upkeep service. Add appropriate sales tax. \$65.00 plus \$1.50 postage & handling.
- I would like to examine for 30 days without obligation.
- Have your representative call on me.
- Charge my Shepard's account. Account No. \_\_\_\_\_
- Bill me. Bill Firm \_\_\_\_\_
- No future upkeep wanted.

Orders subject to acceptance in Colorado Springs. Title remains with vendor until paid for in full. Terms available, no carrying charges. **Prices Subject to Change Without Notice.**

# Brighten Things Up with Interest on Checking

Earn 5¼% compounded daily on the money you keep in your checking account.

Think of it. With this exciting new Indiana National feature, you can earn interest on your checking funds for the first time. Maintain a minimum \$1,500 balance, and you pay no service charge, no matter how many checks you write.\*

It's true, other financial institutions can now offer interest on checking. But none offer you more interest than our 5¼%. And *none* give you the additional benefits of BANK BY PHONE, PASSPORT® Check Card and MONEYMOVER® 24 Hour Teller at no additional charge.

That's a good reason to change banks. Or, even combine other accounts you may have around town. Interest on Checking with no service charge . . . and the convenience of branch locations all over town.

Come in today to any Indiana National branch and ask about Interest on Checking. It might just brighten things up for you.

\*If your monthly minimum balance falls below \$1,500, your service charge is \$3.00. Below \$1,000, your charge is \$6.00.

**INDIANA NATIONAL BANK**

Member FDIC



---

**Nobody can read all the  
new law, but with . . .**

# *THE UNITED STATES* **LAW WEEK**

**you can keep up with the  
really *significant* new law**

You know that thousands of decisions and rulings pour from the courts and federal agencies every year. LAW WEEK guards you against missing a single development of legal importance . . . yet *saves you time by reducing your reading load!*

■ To do this, LAW WEEK's staff of lawyer-editors research hundreds of opinions and rulings every week to find the precedent-setting few that make new law. These significant cases are digested for you under quick reference topic headings in the appropriate sections designated: 1.) New Court Decisions; 2.) Federal Agency Rulings; 3.) Supreme Court Opinions.

■ To save even more of your time, the more significant opinions and rulings appearing in all sections of LAW WEEK are highlighted in a special Summary

and Analysis section — a five-minute, terse evaluation of the effect of these developments on current law.

■ A key feature of LAW WEEK is its high-speed reporting of U.S. Supreme Court opinions — in *full text* — accompanied by crisp and accurate summary digests. Mailed the same day they are handed down, these exact photographic reproductions of the Court's opinions eliminate the possibility of printing errors.

■ LAW WEEK also gives you full texts of all federal statutes of general interest, immediately after the President signs them.

■ And for easy reference, LAW WEEK is fully indexed — by topic and by case title — both for general law and Supreme Court actions.

**Practicing attorneys: Write for details about  
our *no-risk*, 45-day approval offer.**



**THE BUREAU OF NATIONAL AFFAIRS, INC.**  
1231 25th Street, N.W., Washington, D.C. 20037  
Telephone: 202—452-4500

---

# Indiana Law Review

Volume 14

1981

Number 2

Copyright © 1981 by the Trustees of Indiana University

## Article

- Prospective Labor Injunctions: Do They  
Have a Future . . . . . *Charles E. Trant* 581

## Notes

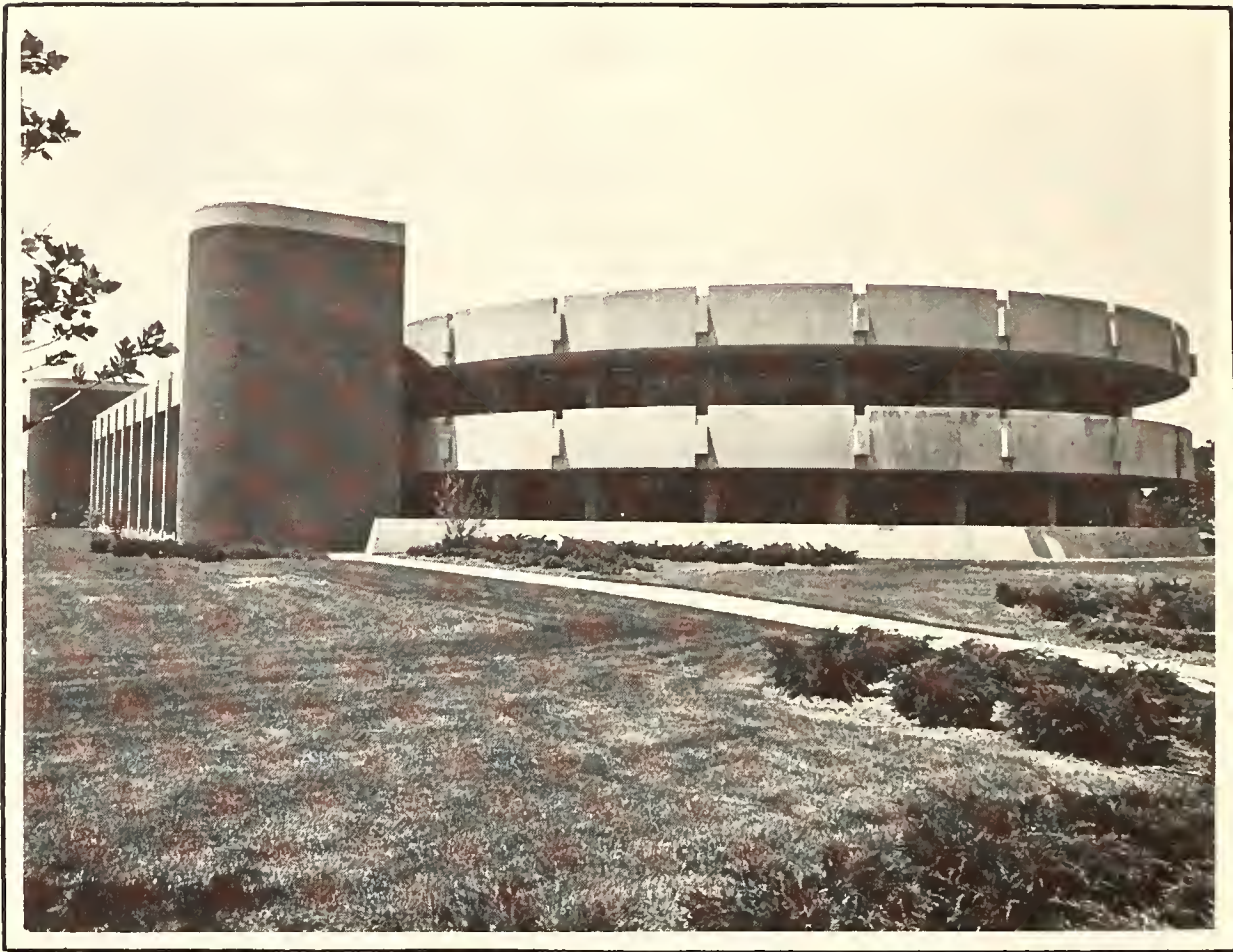
- The Business Judgment Rule: The End of a  
Clear Trend in Corporation Law . . . . . 617
- Markets, Time, and Damages: Some Unsolved  
Problems in the Field of Crops . . . . . 647
- Twenty-Five Years of Uninsured Motorist  
Coverage: A Silver Anniversary Cloud  
with a Tarnished Lining . . . . . 671
- Beyond Enterprise Liability in *DES* Cases —  
*Sindell* . . . . . 695

Volume 14

March 1981

Number 2

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published four times yearly, January, March, April, and June, by the Indiana University School of Law — Indianapolis, which assumes complete editorial responsibility therefor. Subscription rates: one year, \$15.00; foreign \$18.50. Single copies: annual Survey issue, \$9.00; other issues, \$4.50. Back issues, volume 1 through volume 11, are available from Fred B. Rothman & Co., 10368 W. Centennial Rd., Littleton, Co. 80123. Please notify us one month in advance of any change of address and include both old and new addresses with zip codes to ensure delivery of all issues. Send all correspondence to Editorial Assistant, Indiana Law Review, Indiana University School of Law — Indianapolis, 735 West New York Street, Indianapolis, Indiana 46202. Publication office: 735 West New York Street, Indianapolis, Indiana 46202. Second class postage paid at Indianapolis, Indiana 46201.



.....

**Please enter my subscription to the  
INDIANA LAW REVIEW**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Enclosed is \$ \_\_\_\_\_ for \_\_\_\_ subscriptions.

Bill me for \_\_\_\_\_ subscriptions.

Mail to:

INDIANA LAW REVIEW  
INDIANA UNIVERSITY  
SCHOOL OF LAW - INDIANAPOLIS  
735 West New York Street  
Indianapolis, Indiana 46202

Subscription Rates (one year):

Regular, \$15.00; Foreign, \$18.50; Survey, \$9.00



# Indiana Law Review

Volume 14

1981

MARK R. WENZEL  
*Editor-in-Chief*

JOHN C. TRIMBLE  
*Executive Editor*

RAYMOND H. CARLSON  
ELIZABETH A. KIRSCHLING  
N. KENT SMITH  
JOHN W. TANSALLE  
*Articles Editors*

LANA M. COOK  
DEBRA L. SCOTT  
*Managing Editors*

DANIEL G. AREAUX  
S. ANDREW BOWMAN  
NANCY J. DAVIS  
NANCY L. MARSHALL  
PATRICIA F. SEASOR  
R. GEORGE WRIGHT  
*Note and Development Editors*

---

ALAN D. ALBRIGHT  
DAYLE L. ANDERSON  
JAMES H. AUSTEN  
JANET W. AVERETT  
CHERYL A. DANBERRY  
THOMAS V. EASTERDAY  
JANET E. ELLIS  
MARSHALL W. GRATE  
MARY C. GREIVES  
RICHARD E. HAGENMAIER  
EDWARD R. HANNON  
BRANDT H. HARDY  
BETH E. HOLLAND  
BRENDA S. HORN  
EDWARD A. KEIRN  
JANET C. KNAPP  
ROBERT D. MAAS  
ROBERT D. MACGILL  
ALAN K. MILLS  
MARY JO MORRISON  
R. RUSSELL PETTERSON  
PAMELA L. RHINE  
DONALD S. SMITH  
JOHN C. WALL

*Associate Editors*

---

PAUL J. GALANTI  
*Faculty Advisor*

DAWN CAMPBELL  
*Editorial Assistant*

## Indiana University School of Law – Indianapolis

### 1980-1981 ADMINISTRATIVE OFFICERS AND FACULTY

#### Administrative Officers

JOHN W. RYAN, *Ph.D.*, *President of the University*

GLENN W. IRWIN, JR., *M.D.*, *Vice-President*

FRANK T. READ, *J.D.*, *Dean*

GERALD L. BEPKO, *LL.M.*, *Acting Associate Dean for Administration and Finance*

G. KENT FRANSDEN, *J.D.*, *Assistant Dean for Student Affairs*

#### Faculty

THOMAS B. ALLINGTON, *Professor. B.S., University of Nebraska, 1964; J.D., 1966; LL.M., New York University, 1971.*

EDWARD P. ARCHER, *Professor. B.M.E., Rensselaer Institute, Polytechnic, 1958; J.D., Georgetown University, 1962; LL.M., 1964.*

JAMES F. BAILEY, III., *Associate Professor and Director of Law Library. A.B., University of Michigan, 1961; J.D., 1964; M.A.L.S., 1970.*

AGNES P. BARRETT, *Associate Professor. B.S., Indiana University, 1942; J.D., 1964.*

GERALD L. BEPKO, *Associate Dean for Academic Affairs and Professor. B.S., Northern Illinois University, 1962; J.D., IIT/Chicago-Kent College of Law, 1965; LL.M., Yale University, 1972.*

CLYDE HARRISON CROCKETT, *Professor. A.B., University of Texas, 1962; J.D., 1965; LL.M., University of London (The London School of Economics and Political Science), 1972.*

DEBRA A. FALENDER, *Associate Professor. A.B., Mount Holyoke College, 1970; J.D., Indiana University, 1975.*

G. KENT FRANSDEN, *Assistant Dean-Student Affairs and Associate Professor. B.S., Bradley University, 1950; J.D., Indiana University, 1965.*

DAVID A. FUNK, *Professor. A.B., College of Wooster, 1949; J.D., Case Western Reserve University, 1951; M.A., The Ohio State University 1968; LL.M., Case Western Reserve, 1972; LL.M., Columbia University, 1973.*

PAUL J. GALANTI, *Professor. A.B., Bowdoin College, 1960; J.D., University of Chicago, 1963.*

HELEN P. GARFIELD, *Associate Professor. B.S.J., Northwestern University 1945; J.D., University of Colorado, 1967.*

HAROLD GREENBERG, *Associate Professor. A.B., Temple University, 1959; J.D., University of Pennsylvania, 1962.*

JEFFREY W. GROVE, *Professor. A.B., Juniata College, 1965; J.D., George Washington University, 1969.*

WILLIAM F. HARVEY, *Carl M. Gray Professor of Law. A.B., University of Missouri, 1954; J.D., Georgetown University, 1959; LL.M., 1961.*

W. WILLIAM HODES, *Assistant Professor. A.B., Harvard College, 1966; J.D., Rutgers, Newark, 1969.*

LAWRENCE A. JEGEN III., *Professor. A.B., Beloit College, 1956; J.D., University of Michigan, 1959; M.B.A., 1960; LL.M., New York University, 1963.*

HENRY C. KARLSON, *Associate Professor. A.B., University of Illinois, 1965; J.D., 1968; LL.M., 1977.*

WILLIAM ANDREW KERR, *Professor (on leave, 1980-81). A.B., West Virginia University, 1955; J.D., 1957; LL.M., Harvard University, 1958; B.D., Duke University, 1968.*

WALTER W. KRIEGER, *Associate Professor. A.B., Bellarmine College, 1959, J.D., University of Louisville, 1962; LL.M. George Washington University, 1969.*

WAYNE K. LEWIS, *Assistant Professor. B.A., Rutgers University, 1970; J.D., Cornell Law School, 1973.*

WILLIAM E. MARSH, *Associate Professor. B.S., University of Nebraska, 1965; J.D., 1968.*

MARY H. MITCHELL, *Assistant Professor. A.B., Butler University 1975; J.D. Cornell Law School, 1978.*

MELVIN C. POLAND, *Professor. B.S., Kansas State University, 1940; LL.B., Washburn University, 1949; LL.M., The University of Michigan, 1950.*



RONALD W. POLSTON, *Professor. B.S., Eastern Illinois University, 1953; LL.B., University of Illinois, 1958.*

GARY A. RATNER, *Associate Professor. B.S., California Institute of Technology, 1966; M.S., Purdue University 1969; J.D., University of Connecticut, 1973; LL.M., Yale University, 1974.*

FRANK T. READ, *Dean and Professor. B.S., Brigham Young University, 1960; J.D., Duke University, 1963.*

BRYAN M. SCHNEIDER, *Assistant Professor. B.A., Amherst College, 1973; J.D., University of South Carolina School of Law, 1976; LL.M., Yale Law School, 1980.*

MARSHALL J. SEIDMAN, *Professor. B.S., University of Pennsylvania, 1947; J.D., Harvard University, 1950; LL.M., 1970.*

KENNETH M. STROUD, *Professor. A.B., Indiana University, 1958; J.D., 1961.*

JAMES W. TORKE, *Professor. B.S., University of Wisconsin, 1963; J.D., 1968.*

R. BRUCE TOWNSEND, *Professor of Jurisprudence (on leave, second semester, 1980-81). A.B., Coe College, 1938; J.D., University of Iowa, 1940.*

JAMES PATRICK WHITE, *Professor (on special assignment). A.B., University of Iowa, 1953; J.D., 1956; LL.M., George Washington University, 1959.*

LAWRENCE P. WILKINS, *Associate Professor. B.A., The Ohio State University, 1968; J.D., Capital University Law School, 1973; LL.M., University of Texas School of Law, 1974.*

HAROLD R. WOODARD, *Professional Lecturer. B.S., Harvard University; 1933; J.D., 1936.*

WILLAM J. WOODWARD, *Assistant Professor. B.A., University of Pennsylvania, 1968; J.D., Rutgers-Camden, 1975.*

RICHARD A. LORD, *Visiting Professor. B.A., Alfred University 1971; J.D., Memphis State University, 1975; LL.M., Yale Law School, 1976.*

#### **Emeriti**

CLEON H. FOUST, *Professor Emeritus. A.B., Wabash College, 1928; J.D., University of Arizona, 1933.*

JOHN S. GRIMES, *Professor of Jurisprudence Emeritus. A.B., Indiana University, 1929; J.D., 1931.*

#### **Legal Writing Instructions**

PHILIP B. DAVIS, *Lecturer. B.A., Middlebury College, 1975; J.D., University of New Mexico School of Law, 1978.*

SUSANAH M. MEAD, *Lecturer. B.A., Smith College, 1969; J.D., Indiana University, 1976.*

JOAN RUHTENBERG, *Lecturer. B.A., Mississippi University for Women, 1959; J.D., Indiana University, 1980.*

#### **Law Library Staff**

WENDELL E. JOHNTING, *Technical Services Librarian. A.B., Taylor University, 1974; M.L.S., Indiana University, 1975.*

LAURA KIMBERLY, *Visiting Librarian. B.A., Florida State University, 1977; M.S., Florida State University, 1980.*

CHRISTINE L. STEVENS, *Reference Librarian. A.B., Western Michigan University, 1970; M.L.S. Indiana University, 1971.*

KATHY L. WELKER, *Assistant Director (on leave, 1980-81). A.B., Huntington College, 1969; M.L.S., Indiana University, 1972.*

MERLIN P. WHITEMAN, *Reader's Service Librarian. A.B., Hope College, 1973; M.L.S., Indiana University, 1974.*

## **ERRATA**

p. 278 "read" should be "recite"

p. 289 fn 238 "12200" should be "12-200"