

Indiana Law Review



Volume 18 No. 2 1985

Articles

**Pornography as Group Libel: the Indianapolis Sex
Discrimination Ordinance**

William E. Brigman

**Solving Statute of Limitations Problems Under
the Fair Credit Reporting Act**

Martha F. Davis

Notes

**Third Party Insurer Liability in Title VII Discrimination
Actions: A Resolution Against Liability**

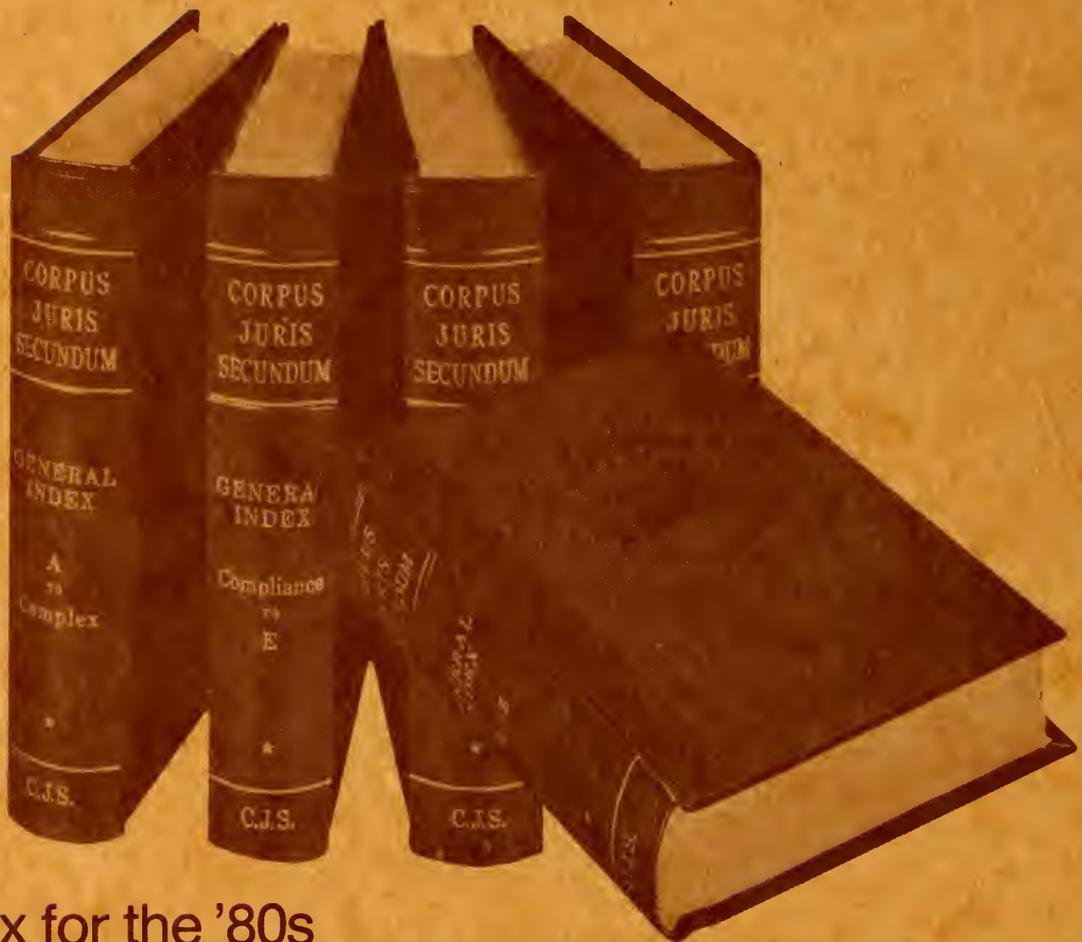
Work Product Discovery in Insurance Litigation

**Applying Res Judicata in Antitrust Cases: *Marrese*
Provides an Approach, But Few Answers**

**Judicial Review of Shareholder Derivative Suits: Directors'
Diminishing Control of Corporate Litigation**

CJS

Where You Get It All



New Index for the '80s

Get the knowledge, the authority, and the edge you want in legal research through Corpus Juris Secundum. Because it's based upon the broad body of reported American case law, CJS puts you in the position of knowing the law on your point more fully—including that decisive exception to a prevailing rule. Courts quote CJS extensively as authority.

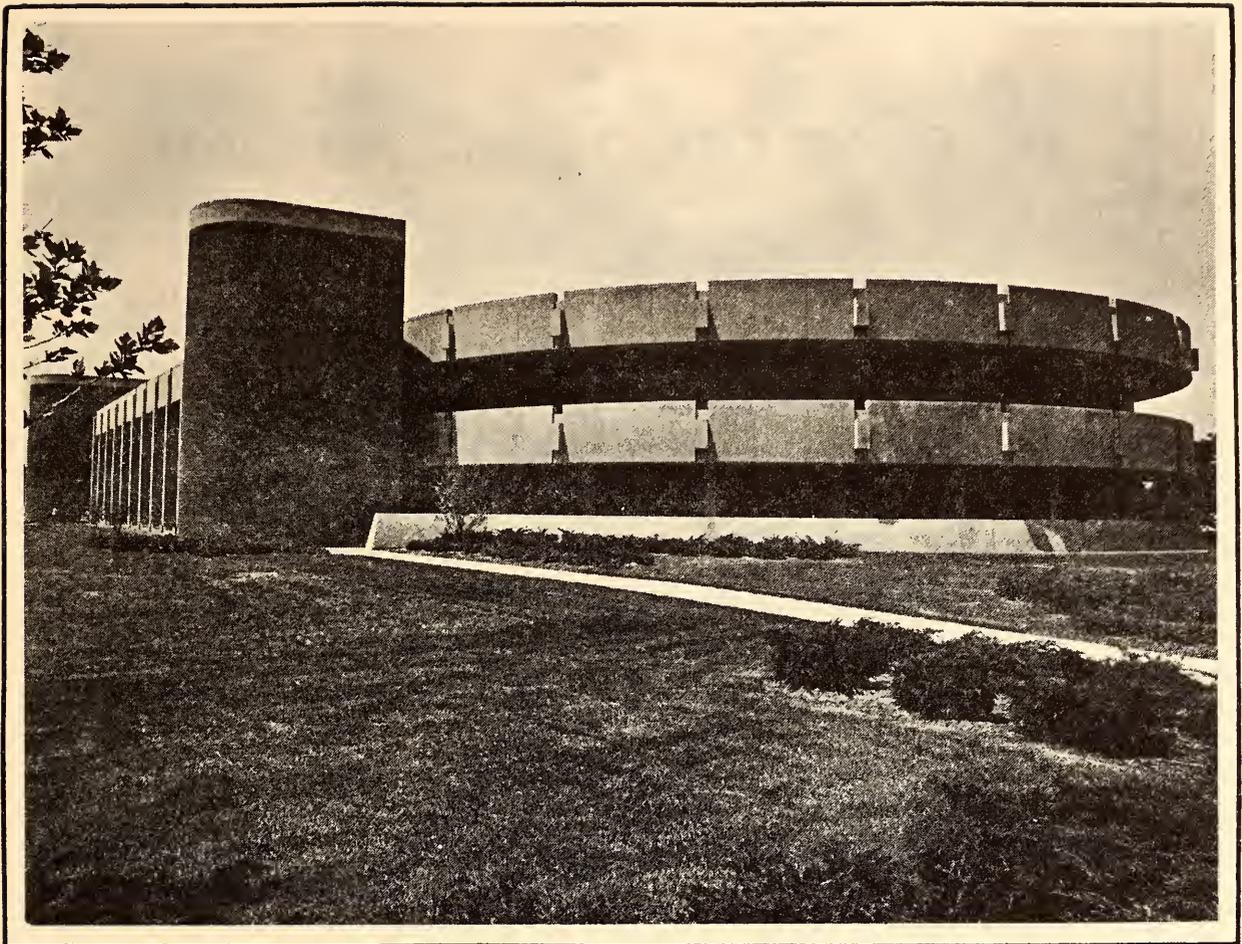
This comprehensive legal encyclopedia treats 427 major subjects, with footnoted supporting case citations from modern law, arranged conveniently by state. With CJS you get it all . . . a perspective of the law as well as the law itself.

You'll find CJS easy and quick to use.

Published in the '80s for the kind of research you'll need in the '80s, the five-volume general index is

designed for quick location of answers, as a individual subject indexes. For further ease of search, a section analysis precedes each subject and black letter summaries throughout state prevailing rules. Library and Key Number references to the West state and federal systems facilitate extended research.

You'll also find Corpus Juris Secundum surprisingly affordable. Call or write for a free brochure or contact your West Publishing Representative for details.



.....

**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

*Registered Professional
Reporters*

JOHN E. CONNOR & Associates

We are pleased to announce our new address.

**1860 American United Life Building
One American Square
Indianapolis, Indiana 46282**

(317) 632-5533

Reference: MARTINDALE-HUBBELL

INDIANA LAW REVIEW

Releasing Excellence

by SALLYANNE PAYTON

**High Technology, the Human Image,
and Constitutional Value**

by PATRICK BAUDE

Coming in Volume 18, Number 3, to be
available in September, 1985

Price \$4.50

Send orders to
Indiana Law Review
Indiana University School of Law—Indianapolis
735 W. New York Street, Indianapolis, Indiana 46202

Indiana Law Review

VOLUME 18

1985

Number 2

Copyright © 1985 by the Trustees of Indiana University

TABLE OF CONTENTS

Articles

- Pornography as Group Libel: the Indianapolis Sex Discrimination Ordinance *William E. Brigman* 479
- Solving Statute of Limitations Problems Under the Fair Credit Reporting Act *Martha F. Davis* 507

Notes

- Third Party Insurer Liability in Title VII Discrimination Actions: A Resolution Against Liability 521
- Work Product Discovery in Insurance Litigation 547
- Applying Res Judicata in Antitrust Cases: *Marrese* Provides an Approach, But Few Answers 573
- Judicial Review of Shareholder Derivative Suits: Directors' Diminishing Control of Corporate Litigation 599

Volume 18

Spring 1985

Number 2

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published quarterly by the Indiana University School of Law—Indianapolis, which assumes complete editorial responsibility therefore. Subscription rates: one year \$15.00; foreign \$18.50. Back issues are available from Fred B. Rothman & Co., 10368 W. Centennial Rd., Littleton, Co. 80127. 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.

POSTMASTER: Send address changes to INDIANA LAW REVIEW, 735 West New York Street, Indianapolis, Indiana 46202.

Indiana Law Review

Volume 18

1985

ERIC J. GRANINGER
Editor-in-Chief

JAMES P. KIEFER
Articles and Production

J. PETER MILLER
Notes and Topics

Executive Editors

PATRICIA J. BOOMSMA
MARK G. EMERSON

SHAUN K. HEALY
PAMELA R. KELLEY

MARCIA ROAN
Articles Editors

JAMES P. CAVANAUGH, III
Business Editor

BRADLEY S. FUSON
MARGARET S. HILLS
TERRELL MAURER

TRACY A. NELSON
WILLIAM BRYAN POWERS
WAYNE C. TURNER

Note and Development Editors

VICKI L. ANDERSON
THOMAS M. BEEMAN
KENT M. BROACH
THOMAS JOHN COSTAKIS
JOANNE BOYLE FRIEDMEYER
BARBARA MCCARTHY GREEN
MELINDA S. HAAG
KARL PAUL HAAS
JILL HARRIS
BARBARA BEGHIN HULLETT

MITZI H. MARTIN
JAMES R. MCKNEIGHT, JR.
LISA CLUTTER MILLER
DANIELLE OATES
C. DUANE O'NEAL
MARK J. RICHARDS
JACK A. RIGGS
ROBERT L. TAGGART
MARK D. THOMAS
COLLEEN E. TONN

RICHARD S. VAN RHEENEN
Associate Editors

MARY J. DESCHLER
Editorial Assistant

PAUL J. GALANTI
Faculty Advisor

Indiana University School of Law—Indianapolis

1984-85 ADMINISTRATIVE OFFICERS AND FACULTY

Administrative Officers

- JOHN W. RYAN, *Ph.D.*, *President of the University*
GLENN W. IRWIN, JR., *M.D.*, *Vice-President*
GERALD L. BEPKO, *LL.M.*, *Dean*
JAMES F. BINDLEY, *J.D.*, *Assistant Dean for Administration*
G. KENT FRANSDEN, *J.D.*, *Associate Dean for Student Affairs*
JEFFREY W. GROVE, *J.D.*, *Associate Dean for Academic 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 Polytechnic Institute, 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.*
GERALD L. BEPKO, *Dean and Professor. B.S., Northern Illinois University, 1962; J.D., IIT/Chicago-Kent College of Law, 1965; LL.M., Yale University 1972.*
JAMES F. BINDLEY, *Assistant Dean for Administration and Lecturer in Law, B.A., Loyola University, 1969; J.D., University of Kentucky, 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, 1979; J.D., Indiana University, 1975.*
G. KENT FRANSDEN, *Associate Dean for 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 University, 1972; LL.M., Columbia University, 1973.*
PAUL J. GALANTI, *Professor. A.B., Bowdoin College, 1960; J.D., University of Chicago, 1963.*
HELEN P. GARFIELD, *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, *Associate Dean for Academic Affairs and 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, *Associate Professor. A.B., Harvard College, 1966; J.D., Rutgers Newark, 1969.*
LAWRENCE A. JEGEN, III., *Thomas F. Sheehan Professor of Tax Law and Policy, 1982. A.B., Beloit College, 1956; J.D., The 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. A.B., West Virginia University, 1955. J.D., 1957, LL.M., Harvard University, 1958; B.D., Duke University, 1968.*
ELEANOR D. KINNEY, *Visiting Assistant Professor of Law, A.B., Duke University, 1969; M.A., University of Chicago, 1970; J.D., Duke University, 1973.*
WALTER W. KRIEGER, *Associate Professor. A.B., Bellarmine College, 1959; J.D., University of Louisville, 1962; LL.M., George Washington University, 1969.*
DAVID P. LEONARD, *Associate Professor. B.A., University of California at San Diego, 1974; J.D., UCLA School of Law, 1977.*
WILLIAM E. MARSH, *Professor. B.S. University of Nebraska, 1965; J.D., 1958.*
SUSANAH M. MEAD, *Assistant Professor. B.A., Smith College, 1969; J.D., Indiana University, 1976.*

- MARY H. MITCHELL, *Associate Professor. A.B., Butler University, 1975; J.D., Cornell Law School, 1978.*
- DAVID R. PAPKE, *Assistant Professor. A.B., Harvard College, 1969; J.D., Yale Law School, 1973; M.A. in American Studies, Yale University, 1973; M. Phil., in American Studies, The University of Michigan, 1980; Ph.D., 1983.*
- DAVID E. PIERCE, *Assistant Professor of Law, B.A., Pittsburg State University, 1974; J.D., Washburn University, 1977; LL.M., University of Utah, 1982.*
- RONALD W. POLSTON, *Professor. B.S., Eastern Illinois University, 1953; LL.B., University of Illinois, 1958.*
- 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.*
- 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, *Professor. B.A., The Ohio State University, 1968; J.D., Capital University Law School, 1973; LL.M., University of Texas School of Law, 1974.*
- MARY WOLF, *Visiting Assistant Professor of Law, B.A., Saint Xavier College, 1969; J.D., University of Iowa College of Law, 1974.*
- HAROLD R. WOODARD, *Professorial Lecturer. B.S., Harvard University, 1933; J.D., 1936.*

Emeriti

- AGNES P. BARRETT, *Associate Professor Emeritus. B.S., Indiana University, 1942; J.D., 1964.*
- CLEON H. FOUST, *Professor Emeritus. A.B., Wabash College, 1928; J.D., University of Arizona, 1933.*
- JOHN S. GRIMES, *Professor Jurisprudence Emeritus. A.B., Indiana University. 1929; J.D., 1931.*
- MELVIN C. POLAND, *Cleon H. Foust Professor of Law Emeritus, B.S. Kansas State University, 1940; LL.B., Washburn University, 1949; LL.M., The University of Michigan, 1950.*
- R. BRUCE TOWNSEND, *Cleon H. Foust Professor of Law Emeritus, A.B., Coe College, 1938; J.D., University of Iowa, 1940.*

Legal Writing Instructors

- JEFFREY BEEN, *A.B., Wabash College, 1981; J.D., Indiana University, 1984.*
- DANIEL B. DOVENBARGER, *Lecturer. B.A., Wabash College, 1979; M.A., Vanderbilt University, 1981; J.D., Indiana University, 1983.*
- MICHAEL MULLETT, *Lecturer. B.A., University of Michigan, 1966; N.A., 1973; J.D., Indiana University, 1982.*
- JACKLYN LEAS RINGHAUSEN, *Lecturer. A.B., Indiana University, 1976, J.D., Indiana University, 1979.*
- JOAN RUHTENBERG, *Lecturer. B.A., Mississippi University for Women, 1959; J.D., Indiana University, 1980.*

Law Library Staff

- TERRI LEA HARDIN, *Affiliate Librarian, B.A., Indiana University, 1982; M.L.S., 1983.*
- MARY P. HUDSON, *Assistant Librarian, B.A., Ball State, 1969; M.L.S., Indiana University, 1973.*
- WENDELL E. JOHNTING, *Technical Services Librarian. A.B., Taylor University, 1974; M.L.S., Indiana University, 1975.*
- CONSTANCE MATTS, *Associate Librarian. B.A., 1973, Case Western Reserve University; MSLS, 1974, Case Western Reserve University; MAIR, 1976, Creighton University.*
- KIYOSHI OTSU, *Assistant Librarian, Parkland College, A.A., 1976; A.B., University of Illinois, 1980; M.S., 1982; C.A.S., 1983.*



Digitized by the Internet Archive
in 2011 with funding from
LYRASIS Members and Sloan Foundation