LSTU E-130 -- Hypothetical Scenario Assignment #1

Read the hypothetical scenario below. Considering what you have learned so far about copyright law and the American Legal System:

(1) Identify each legal claim (cause of action) you think any person or entity might attempt to assert against another person or entity;

(2) For each such claim, state:
   (a) Who would be the plaintiff and defendant?
   (b) What would be the plaintiff's cause of action and complaint?
   (c) In which court would the plaintiff likely attempt to bring the case?
   (d) What defenses would be raised by the defendant?
   (e) Without getting mired in too much detail, what sorts of items would be likely to be requested by either side during the discovery phase?
   (f) How would the court be likely to rule on each of the claims you have identified (in favor of which party)?
   (g) Explain the legal factors that would go into the court's analysis of each issue, and how the court would be likely to weigh them. If you wish, you may cite as precedent cases that we have discussed, but this is not a research paper, and you are not expected to bring in additional cases -- simply apply the law as you have learned it in class.

We expect your responses to be short -- the whole paper should be on the order of a couple of pages long. You may confine your responses to issues related to copyright law.

Scenario:

Aileen Ambrose has written 200 poems, photocopied them, stapled them together, and now sells the collected work for $10 at poetry readings organized by Bob Booker, the owner of a bookstore. Booker also stocks a few copies of her collected work for sale in his store. Bob Booker has a photocopier in his store, which he encourages people to use to copy pages from books they are considering purchasing, so they can take the copies home and think over their decision. One day, John Jones, a noted book critic, uses the machine to copy three poems from pages 22, 68, and 102 of Ambrose's book. A magazine for which he works, The Poet, reprints those three poems in their entirety along with a scathing critique by Jones, in which he writes that while the poem on page 68 is a masterpiece, the other 199 (of which he gives the two examples from pages 22 and 102) are the worst poetry he has ever read and that the book is not worth purchasing.