



Featuring winning cases from the  
New Jersey State Bar Foundation's

**Law Adventure**  
2024 COMPETITION

# **Mock Trial** **EXERCISES**

**FOR GRADES 7-8**

# Preface



IN 1995-96 THE NEW JERSEY STATE BAR FOUNDATION LAUNCHED A UNIQUE, LAW-RELATED EDUCATION PROGRAM FOR MIDDLE SCHOOL STUDENTS – THE LAW ADVENTURE COMPETITION.

Students in grades seven and eight and their teachers are invited to create original mock trial cases. Each year the Foundation provides themes for cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Adventure programs in the spring. The seventh- and eighth-grade audiences serve as juries.

Following are the winning cases from the Law Adventure 2024 Competition. The themes for the 2024 contest were (1) Plagiarism or (2) Environmental Issues.

The cases may be used as a guide to prepare a submission to the Law Adventure Competition or as a classroom exercise. Please note that some of the cases may contain “laws” created by the students for the purpose of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

*These materials are produced for educational purposes only. To make the scenarios more meaningful and allow students to reflect on actual conflicts they may confront, the submissions sometimes touch upon issues reported in some of the challenging news stories of our day; however, please note that all characters, names, events and circumstances are fictitious. No resemblance or reference to real individuals, events or circumstances is intended or should be inferred.*

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

Law Adventure won recognition in the Associations Advance America Awards program, a national competition sponsored by the American Society of Association Executives in Washington, D.C. This prestigious award recognized innovative projects that advance American society in education, skills training, community service and citizenship.

If you would like to participate in the Law Adventure Competition, please call 732-937-7519 or e-mail [sboro@njsbf.org](mailto:sboro@njsbf.org).

For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at [njsbf.org](http://njsbf.org).

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# Dawson v. Southern Louisiana Film Company

## SCHOOL

Clinton Township Middle  
Clinton  
Grade 7  
First Place



## TEACHER

Diane Cormican

## STUDENTS

Eleanor Brennan  
Wilson Eide  
Olivia Hall  
Graham Henneman  
Jack Kappas

Elijah Li  
Gavin Martorana  
Megan Olivo  
Colton Plaxe  
EunChae Song

## FACTS

In 2015, Sam Dawson was a senior in high school, and was a student in a video production class. All students were required to write and produce their own 10-15-minute film for their senior project. Sam wrote and produced a horror film. The film was about a group of teenagers who discovered a cabin in the woods and used it as a hangout. Eventually, two strangers appeared to be stalking and terrorizing the teens. The climax included a kidnapping and psychological torment. Sam recruited his siblings and neighbor kids to act in the film. After showing the film in his class, Sam decided to post it on YouTube, where it got 145 views.

After high school, Sam went to film school in New York. When he graduated college in 2020, Sam got a job with a local production company making commercials for small businesses. He continued to pursue his dream of becoming a filmmaker.

In 2023, Sam attended the Summer Pine Film Festival, a showcase festival for amateur filmmakers. While watching the films, Sam noticed that one of the movies was nearly identical to the short horror film that he had made in high school. Later in the festival, the film won first prize of \$15,000. Additionally, the film was signed on by Josiah Romald, professional filmmaker from Tiger's Door Production Company, who indicated that they would turn it into a feature film. They also offered employment contracts for the producer and the screenwriter.

Sam went home and successfully retrieved his YouTube film from the internet archives. He was unable to locate the document where he had written the entire screenplay, originally composed in his high school Google Drive account. He contacted his video

production teacher from high school, to see if she had a saved copy of the script, and she responded that archives were only saved from 2016 and beyond.

Oliver Dutch claims that he wrote this script as a short story when he was a senior in high school. It was published in his high school's literary magazine in the spring of 2013. Oliver has a copy of the magazine. He later turned it into a film script during the COVID-19 pandemic.

Sam hired someone to create a transcript from the two videos to compare them word for word. Though some of the video was different, the two transcripts were close to 75% identical when compared side by side.

Sam is suing the Southern Louisiana Film Company, the producers of the remake he saw at the festival, for plagiarism. Sam wants rights to the film script and subsequently the employment contract to work on the screenplay for Tiger's Door Production Company.

## ISSUE

The plaintiff claims that the defense plagiarized his short film, and is suing to get the script rights and subsequently the screenwriting contract offered at Tiger's Door Production Company.

## WITNESSES

### ***For the Plaintiff***

Sam Dawson  
Melissa Moore

### ***For the Defense***

Oliver Dutch  
Richard Kennedy

## WITNESS STATEMENTS

### ***Testimony of Sam Dawson***

I am Sam Dawson. I am an assistant editor for the Lonely Cabin Productions Company. I have been creating films since I was 15 years old.

In high school, I created a short horror film. I wrote the script, produced, and edited the film. I recruited my friends to act for me. Then I presented it to my class and my teacher, and they loved it. Later, I posted the video on YouTube, but it only received 145 views.

I decided to go to film school for college to pursue my dream of being a filmmaker. When I was in college, I began attending film festivals whenever I could. They are a perfect place to network and see the latest new talent. I have a job producing commercials, but hopefully it is temporary.

In August of 2023, I went to the Summer Pine Film Festival. While I was watching the films, I noticed one that looked like the one that I made in high school. The character names had been changed, but I recognized the dialogue and the plot as my work from high school.

So I went to talk to the filmmaker to collect as much information as possible. I asked a lot of questions about the people involved in the production, and the scriptwriter in particular. The scriptwriter claimed that it was his original work, but I knew he was lying to me.

When I got home, I talked to my lawyer about this issue. I found my original film in the YouTube archives, and looked for my script. I wrote the script on the high school's Google Drive account, and it was no longer available. I contacted my teacher to see if she had the original script and she said that the archives hadn't been saved past 2016.

The remake of my film ended up getting first place, and the producer (Richard Kennedy) received a prize of \$15,000. Additionally, a professional company bought the rights to my script. Furthermore, the producer and the scriptwriter who stole my work got contracts to work for the remake by Tiger's Door Production Company.

I am suing the producer and Southern Louisiana Film Company for plagiarizing my work. Because this is my work, I believe I am entitled to the rights to the screenplay and the screenwriting contract with Tiger's Door.

### ***Testimony of Melissa Moore***

My name is Melissa Moore. I am 56 years old and have been teaching film and technology for 31 years. I started teaching at KJL High School in 2005. It was my privilege to teach Sam Dawson when he was in high school, from 2011 through 2015.

Every year I give my seniors a final project to make a short film. Sam worked on the horror film project, and he got his sister, his friends and neighbors to help with acting. They made a short 15-minute horror film about a kidnapping. It was filled with great character development and a suspenseful plot. They presented the film in class. It was very well liked and they received the highest grade. Sam's film was one of the best student films I've ever seen during my 31 years of teaching. He has excellent writing and editing skills, and knows how to connect with his audience.

I found his film very creative and dramatic. I suggested that Sam should post his film on YouTube for others to see. I expected it to get many more views than it did. When it was time for him to go off to college, I wrote him a recommendation letter detailing his excellent filmmaking

and writing skills. He told me that my letter helped him get into his dream college and also boosted his confidence.

Sam contacted me last summer and asked me to see if I could find a copy of the document with his script. I couldn't find his document but I was able to find a copy of the rubrics where I wrote notes about the projects. After looking through my rubrics, I found Sam's project and the notes wrote "Excellent ... I loved the part where the teens saw the people outside the cabin and were suspicious."

I have reviewed the remake of the film that Sam made, and it is almost identical to the film that this young man wrote and produced back in 2015. This "original film" is just a copy of Sam's work. It is a blatant case of plagiarism, and Sam should be recognized and rewarded for his excellent work.

### ***Testimony of Oliver Dutch***

I am Oliver Dutch and I am a screenwriter. I work freelance, which means that I write and sell my scripts, and am sometimes signed on with different production companies to work on film productions, too.

I have been writing scripts for the last 15 years, and have written dramas, horror films, documentaries and more. This is my second film that I have collaborated with the Southern Louisiana Film Company.

There are several common themes in horror films, and this film has a lot of these. Some of these themes are stalkers, psychological torment, and harming innocent people. My film also has a supernatural component that makes it unique. My film has a possessed goat that attacks the cabin.

This particular film is inspired from a short story that I originally wrote while I was

a senior in high school, at Wood Meadow High. It was published in the high school literary magazine in spring of 2013. During the pandemic, I found my high school magazine in my apartment and looked at it again. I then decided to turn it into a screenplay. Throughout the pandemic, I was emailing with my friend Juliet Naverez. She suggested that I make it into a screenplay.

When I got an offer to make the film with Southern Louisiana Film Company, I was very optimistic. This group creates films on a low budget, and they have some excellent volunteer actors and producers. I knew that they enter their films in festivals and contests, and have started to get a great reputation in the industry.

They offered me a contract to be involved in the production. In this situation, I had the opportunity to rewrite and alter the scenes as they play out, perfecting it as we filmed.

The final project was very good, and the producer, Richard Kennedy, decided to enter it in the Summer Pine Film Festival. It is a festival for amateur filmmakers, which includes anyone who is not currently profiting from their movies.

I went to the film festival with Richard, and our film was well received. We received the first place prize of \$15,000. After the awards, we are approached by Josiah Romald from Tiger's Door. They offered me and Richard jobs at their company. We were ecstatic. We finally made it after these 10+ long years of trying to break into the industry.

### ***Testimony of Richard Kennedy***

I am Richard Kennedy and I am part of the amateur group, Southern Louisiana Film Company. We are a group of people who are passionate about making films. Most of



us have a regular day job to pay the bills. We don't receive compensation for our films, and any profits go right back into our budgets. We have to keep costs low.

I was the producer of the short horror film that the plaintiff claims that Oliver stole. I have known Oliver for almost three years since he contacted me about his idea back in 2020 and I know that he is an honest man and that he would never plagiarize somebody else's script.

He first started working on the script during the pandemic. He showed me it a few times and said that he originally wrote a story in a high school magazine and now he wanted to remake it.

When we won first prize at the Summer Pine Film Festival, we were thrilled because all of our work had finally paid off. That script was an original idea from Oliver, not from anyone else. I believe that these accusations are outrageous and unbelievable that someone would think that he would plagiarize anything from anyone.

Additionally, Sam Dawson showed us the YouTube video from 2015 and it had many differences from our original movie. Our movie has a gang of stalkers instead of two. Additionally, our main source of terror isn't the stalkers but the supernatural component of the possessed goat. We also had more detail and different plots in our movie.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the film script was plagiarized.

## SUB-ISSUES

1. What was the original inspiration for the film that Sam made in high school?
2. Why didn't Sam register his script for copyright?
3. Who were the friends and neighbors that Sam worked with?
4. Did the digital document and emails have time stamps?

## CONCEPTS

1. Plagiarism
2. Credibility of witnesses
3. Fair Use Agreement
4. Elapsed time

## LAW

1. **Case law:** O'Rourke v. RKO Pictures  
To be considered plagiarism, it is not necessary to exactly duplicate another's literary work, it being sufficient if unfair use of such works is made by lifting a substantial portion thereof.
2. **Copyright Act of 1976**
3. **Artistic Recognition for Talented Students Act or the ARTS Act**  
This bill directs the Copyright Office to waive various copyright registration-related fees for works that win certain competitions sponsored by the Congressional Institute or established by Congress. To qualify for the fee waiver, the copyright registration application must be filed within a specified time frame, but the Copyright Office may waive fees for a qualifying work even if the application is filed outside the time frame.



# Tales from the Deep: Ocean Advocate v. Seabreeze Solutions

## **SCHOOL**

Forrestdale  
Rumson  
Grade 7  
Second Place



## **TEACHER**

Maureen Gordon

## **STUDENTS**

Ella DeChiaro  
Audrey Redling  
Libby Redling  
Auden Robinson  
Seren Scobie

## FACTS

Seabreeze Solutions is a Danish offshore wind turbine company founded in 1972, intending to provide renewable energy across the world. They have been working on creating offshore wind farms worldwide for the past 15 years. Currently, they have been helping the United States reach its goal to have at least 50 percent renewable energy by 2030. In the past year, they have been surveying the ocean floor off the East Coast using a lower-impact sonar called PhyscoSonar. Seabreeze Solution's policy is to use engineering solutions and technologies to meet regulations to protect marine mammals and birds.

Ocean Advocate is an advocacy group whose goal is to help make the ocean cleaner and safer for marine wildlife. They serve as a voice for marine life, setting up workshops and educating people about their work or how to help. Recently offshore wind farm operations have come to their attention. Ocean Advocate says that the wind farm activity has been harming marine life, especially whales along the coast of New York and New Jersey.

In the past seven years, 200 humpback whales have washed up on the East Coast. This unusual event has interested Ocean Advocate. Ocean Advocate is accusing Seabreeze Solutions of endangering marine wildlife off the coasts of New York and New Jersey. The advocacy group wants Seabreeze Solutions to halt their offshore wind project in these areas before they endanger more marine life.

## ISSUE

Is Seabreeze Soulution's offshore wind project endangering the welfare of whales off the coast of New York and New Jersey?

## WITNESSES

### ***For the Plaintiff***

Celine Oshin

Moby Dickson

### ***For the Defense***

Wendy Turbin

Sandy Shoreman

## WITNESS STATEMENTS

### ***Testimony of Celine Oshin***

My name is Celine Oshin. I have worked as the Advocacy Campaign Manager for Ocean Advocate for over 20 years. There have been endangered whale deaths occurring on the North Atlantic coast for about a year. The offshore wind company, Seabreeze Solutions, was surveying the ocean along the coast of New Jersey and New York in December and January. Based on my research, I think it is more than a coincidence that there were 12 whale deaths in the same area around the same time. I believe that the main cause of whale deaths is Seabreeze Solutions' use of PhyscoSonar. Seabreeze Solutions uses PhyscoSonar survey methods to scan the ocean so they know where to put the wind turbines. This sonar creates unwanted noise. The unwanted noise can panic the whales, disrupt their echolocation, or cause hearing loss. This can drive whales far from their food sources or toward the beaches, which can cause them to beach themselves, collide with vessels or even starve.

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In a landmark study in 2002, the U.S. Navy concluded that their project involving common ship-based sonars designed to detect enemy submarines killed at least six whales due to injuries to ear tissue. This shows how dangerous sonar can be for whales. Also, the Marine Mammal Protection Act (1972) prohibits the “take” of marine mammals—including harassment, hunting, capturing, collecting, or killing—in U.S. waters and by U.S. citizens on the high seas.

Seabreeze Solutions’ project should be put to a stop since it is harming and harassing marine life off the coasts of New York and New Jersey.

### ***Testimony of Moby Dickson***

My name is Moby Dickson. I work with Ocean Advocate alongside Celine Oshin as a marine biologist. There has been more boat traffic off the coasts of New York and New Jersey due to Seabreeze Solutions’s offshore wind project. Additionally, the wind project has interfered with the endangered whales’ migration route causing them to swim closer to shipping lanes. This has caused more accidents between vessels and whales. Sandy Shoreman, a scientist that specializes in whale necropsies, has concluded that a large percentage of the whale deaths are due to vessel strikes and fishing net entanglements.

### ***Testimony of Wendy Turbin***

My name is Wendy Turbin. I work as an oceanographer for Seabreeze Solutions. I advocate to keep marine life safe while our company works to build our offshore wind farms. My company and I devise ways to lessen the environmental impacts during the construction and operation of the company’s planned wind farms. For example, we designed an app called Where’sMyWhale.

This app tracks whales’ movements, so we can understand their migration patterns better and avoid working when whales and other marine life are in the vicinity.

According to the National Oceanic Atmospheric Administration, the main causes for the recent spike in whale deaths are vessel strikes and fishing net entanglement. The whale’s food has moved closer to shore due to global warming, in an area that intersects with major shipping lanes. There is a larger amount of shipping traffic on the east coast due to an increase in population. This traffic is harmful to the whales, which is why vessel strikes and entanglement are the real danger to whales.

Also, our company uses sonar to review the size and boundaries of potential wind energy areas to minimize impacts to sensitive seafloor habitats. The sound from these surveys are very different from military sonar. They emit less noise and have a narrower beam-width. It does not disrupt the whales in any way.

### ***Testimony of Sandy Shoreman***

My name is Sandy Shoreman and I am a necropsy scientist. After performing multiple necropsies on the beached whales, I have come to the conclusion that 40 percent of the whale deaths have been caused by vessel strikes and entanglement. We were unable to perform necropsies on the rest of the beached whales due to decomposition. Also, during a necropsy, we cannot prove that the whales’ echolocation was compromised by the sonar used by Seabreeze Solutions. It is also impossible to link the strandings to a single cause because of a very complicated marine ecosystem as well as the many changes the North Atlantic has experienced due to climate change.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Seabreeze’s offshore wind project is endangering the welfare of whales off the coasts of New York and New Jersey.

## SUB-ISSUES

1. Does PhyscoSonar negatively impact the whales echolocation and hearing?
2. What is causing vessels to strike whales?

## CONCEPTS

1. Marine mammal protection
2. Preponderance of evidence
3. Credibility of witnesses

## LAW

1. ***Marine Mammal Protection Act***  
“In 1972, the United States Congress passed the Marine Mammal Protection Act (MMPA). The Act makes it illegal for any person residing in the United States to kill, hunt, injure or harass all species of marine mammals, regardless of their population status. In addition, the MMPA also makes it illegal for anyone to import marine mammals or products made from them into the United States.”
2. ***Endangered Species Act***  
“The Endangered Species Act (ESA) is a federal law passed by the United States Congress in 1973. The Act protects both endangered species, defined as those in danger of extinction and threatened species, those likely to become endangered within the foreseeable future. All of the great whales are listed as endangered species under the ESA. As a result, it is illegal to kill, hunt, collect, injure or harass them, or to destroy their habitat in any way. It is also illegal to buy or sell any whales.”

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# The Case of Amelia Brooks v. Sarah Roxy Smith

## **SCHOOL**

Frelinghuysen Middle  
Morristown  
Grade 7  
Honorable Mention



## **TEACHER**

Veronica Pardo

## **STUDENTS**

Maxine de Vreis  
Thabo Dube  
Anna Kiczek  
Rose Marmora

Misha Patel  
Shayla Patel  
Catherine Ramos  
Michael Trejo

## FACTS

Sarah Roxy Smith, known as Roxy, is a popular pop artist who is 25. She grew up in a town called Ridgeville, New Jersey, where her family still lives and where she wrote many of her debut songs. Roxy now lives in Hollywood, California, but often visits her family in Ridgeville. She gained popularity because she expressed her feelings through her songs. Roxy is most well known for her hit, “Hometown Dreams,” released in August 2016, about her hometown in Ridgeville, but her latest hit has also been climbing in popularity rankings. Her new song, “Forever Together,” released in March 2020, is exciting fans because of the genre shift from her other songs.

Amelia Brooks is a 21-year-old upcoming indie artist who lives and performs in Roxy’s hometown, Ridgeville. She is much less popular than Roxy and only has one album released. Brooks performs small gigs in the Ridgeville town square, nearby parks, and bars. She frequently sings a song called “Forever Connected,” which was released in 2019. This song did not gain much popularity around the town, but it was one of Brooks’ favorites to perform. Fast forward to February 2020, Brooks performed in the Ridgeville town square in April and performed her song “Forever Connected” along with other songs on the album.

While Brooks was performing in the town square, Roxy had been in the crowd. She had been in Ridgeville after performing a concert the night before. Roxy was on her way to pick up a coffee from her favorite coffee shop in town and was passing through the town square. She noticed the performance and enjoyed it, but kept a low profile so the attention wouldn’t be taken away from the singer. She left before the concert was over

and continued on her way to the hotel.

In the following days, Roxy hinted at a new song to her fans on social media. Brooks was excited as Roxy was one of the artists she looked up to and was inspired by. When the song finally came out, Brooks noticed that the song’s title, “Forever Together,” was very similar to her song, “Forever Connected.” She listened to it and also noted that the rhythm was very similar as well as many of the lyrics. Brooks realized that Roxy had heard her song at the town square and was now using it for profit from her concerts, music videos, and listening. She also realized that Roxy had been traveling through Ridgeville the weekend she had performed the song. The song had been blowing up and was a hit with her fans.

Brooks became angry and posted on social media about the alleged stealing of her song. She tweeted, “My name is Amelia Brooks and I am a small artist from the famous artist Roxy’s hometown, Ridgeville. I have a song called ‘Forever Together’ and a few days after I performed it live in the town square of Ridgeville, Roxy produced a song called ‘Forever Connected.’” Brooks went on to explain how Roxy had heard the song in the town square and the unfairness of the situation. The tweet went viral and many Roxy fans came to Brooks’ defense and tweeted posts defending Brooks such as, “Roxy is a copycat!” and “Who would take an innocent artist’s song?”

Roxy saw the commotion online but did not respond. This persuaded Brooks to do something about the situation. When she heard the song, she was fuming with anger as she tried to reach Roxy. Brooks has decided to sue Roxy Smith for 25% of royalties, one million dollars, and rights to her song.

## ISSUE

Did Roxy Smith plagiarize Amelia Brooks's lyrics and rhythm for her song "Forever Together" and use it for her profit?

## WITNESSES

### ***For the Plaintiff***

Amelia Brooks

Jenny Johnson

### ***For the Defense***

Sarah Roxy Smith

Max Miller

## WITNESS STATEMENTS

### ***Testimony of Amelia Brooks***

My name is Amelia Brooks. I am 21 years old and I live in my hometown of Ridgeville, New Jersey. I have lived here my whole life with my parents and this place means a lot to me. I have loved music since I was little, and I've recently started to explore writing and recording music. I feel like I can express myself through my music, and many artists have inspired my music. One of them is Roxy, a famous pop singer. Although Roxy is a pop artist and I usually sing indie or country music, her lyrics and performances inspire me to keep writing. I have been to a couple of her concerts and am completely blown away by how she owns the spotlight with her performances. I dream of that kind of success, but right now I sing in my hometown and perform gigs in the town square, parks, or restaurants.

One of my favorite songs to perform and sing is "Forever Connected," which I released in 2019, even though it is not my most popular song. This is an important song to me because it relates to my first love, who was very important to me although we split apart. I performed this song in the town

square of Ridgeville on February 13, 2020. My friend Jenny Johnson, whom I have known since childhood, came to help me set up and she also watched the show. She has always supported my music and helped me out.

I noticed that Roxy was going on tour in June and she released some new songs. I decided to listen to her new songs in preparation for going to one of her concerts in New York City. I also wanted to go to get some inspiration from Roxy's songs and learn from the best. I noticed Roxy had a new song, which I hadn't heard before, and later found out it was called "Forever Together." When Roxy started singing, I noticed the rhythm and lyrics of the song were oddly similar. I was paying close attention to the lyrics because I was listening for inspiration, after all. As the song continued, I heard more similarities between my song and Roxy's. One similarity between many was my lyric, "The hands of destiny will hold us together," and Roxy's lyric, "The hands of fate will keep us together." The rest of the album was hard for me to enjoy as I believed Roxy had stolen my song.

The next day, I called my good friend Jenny Johnson to tell her about my suspicion of Roxy taking my song. Jenny hesitated but then told me that she had seen Roxy at my concert in February at the town square in Ridgeville. At first, I was angry that she hadn't told me but she said it was so I wouldn't get distracted and keep working hard. I realized that I had performed "Forever Connected" at that concert and I concluded that Roxy must have plagiarized my song while she was there and taken some of the lyrics and rhythm. I am suing Roxy Smith for 25% of royalties, one million dollars, and rights to her song.



### ***Testimony of Jenny Johnson***

My name is Jenny Johnson. I am 23 years old. I just graduated from Ridgeville Community College, which is in my hometown. I like to stop by parks and restaurants and watch little hometown performances and concerts. One of my favorite concerts is Amelia Brooks, one of my good friends. She has a small following but has a lot of potential. Amelia sings indie-style music. She expresses how much she loves the town and what it means to her through her songs. Her songs mean a lot to me and I could recognize one anywhere as I became a big fan, not just because she is my friend but because she is so talented.

There is another artist named Roxy who I also follow because she is an amazing singer! I always watched Roxy's music videos, so I know what she looks like. One day, at one of Amelia Brooks's concerts in February 2020, she sang her best song, "Forever Connected." She had quite a crowd that day; it is hard to remember, but I remember seeing someone there wearing a sparkly silver skirt with a hot pink tank top and star sunglasses. It was hard to recognize the person, but they stood out to me. It took me a few minutes to figure out who she was, but I realized that it was Roxy! I had wondered what she was doing there. I was a fan but didn't want to disturb her as she enjoyed Amelia Brooks' music. I didn't tell Amelia because I did not want her to get distracted. When I planned on going up to Roxy after the show, she had already left. I know I saw her in the crowd that day. It does seem like she copied Amelia's song, they sound very similar.

### ***Testimony of Sarah Roxy Smith***

My name is Sarah Roxy Smith. I am a popular music artist from Ridgeville, New Jersey. I perform pop music but have recently made a switch to country. My recent change in music to country has sparked controversy in my most recent song, "Forever Together." It has been wrongly pointed out as a plagiarized copy of the song "Forever Connected" by Amelia Brooks, but this is not the case. A while ago, on the day of Amelia Brook's concert where she had performed "Forever Connected," I was in Ridgeville after performing there the night before. I walked through the town square on my way to my favorite coffee shop. I heard someone singing and I later learned her name was Amelia Brooks. I noticed the performance and was impressed, but quickly left as I did not want to steal the attention of the artist. I enjoyed many of Amelia Brooks' songs but I wasn't interested enough to steal them.

Later I performed a tour in June 2021. On this tour, I performed the song "Forever Together" for the first time. A few weeks after the concert, I was on Twitter when I noticed that an artist named Amelia Brooks was accusing me of plagiarizing her song. I was confused at first, then read further as she explained how she believed I stole her song after watching her performance in the town square. I am very shaken and upset that Amelia Brooks would accuse me of plagiarizing her song as I have never had to deal with this before. It came as more of a shock than it would have if it wasn't the first. I can't see where she is coming from because I never really listened to her songs. Just because I switched to country music doesn't mean I copied her music.

.....

In conclusion, I think the fact she is trying to sue is unfair. Based on the fact that I switched to country music doesn't mean I should face punishments, especially these extreme ones. Like I said, if this is how the world worked, we wouldn't have artists like we do. Today most of the famous artists out there right now have switched genres. Do you think they would have kept going if they got sued every time they changed genres? No, it would end up in them being in debt. Although I think Amelia Brooks is very talented, I did not copy Amelia's music for my own personal gain.

### ***Testimony of Max Miller***

My name is Max Miller and I'm the music producer of Sarah Roxy Smith, "Roxy." I have been a producer for 17 years and a producer for Roxy for four years. I have worked with many genres, making me very experienced. I first worked with a boy band that didn't get much popularity and was discontinued. Roxy was the first person I worked for who has become extremely popular under my work. I am very proud of all that I've done for Roxy. I started her career and gave her all of her fame. If anything, I have done more for her career than she has herself.

One day, Roxy came to the studio and said she had an idea for a new song. She said she wanted to try doing it herself this time because she already had an idea of what she wanted to do. I was skeptical but agreed. She started to explain that the song was called "Forever Together," and it was about her hometown. I thought the song needed some work, and for the next few weeks, I altered it and made it better. This song was a little different from Roxy's typical music. There was a slight genre shift in the song. She mostly writes and performs pop but in "Forever Together," the genre was mostly

country. I was surprised that Roxy wanted to try this but a few months before she was talking about how she was getting bored of the same genre. Her lyrics are always about her home, but this time it was about love.

She told me that she had been inspired while she was in her hometown. I decided to give it a shot and Roxy started to record the song in the studio. A few weeks later, Roxy went on tour in June 2021 and performed her new song, "Forever Together." When performing, her fans were stunned by her genre shift, but many of them were excited. Everybody was raving about her new song online as soon as the concert was over. The song was a big hit!

A couple weeks later I started hearing a rumor that Roxy had copied someone's song. I knew this wasn't true because Roxy was talking about how she wanted to try a new genre long before she thought of this song. It simply isn't possible that Roxy would copy a song. Although I have carried her career, she is very talented and a kind person. She often admires other artists' work but her songs are always 100% original. I know she wouldn't stoop so low.

### **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that Sarah Roxy Smith plagiarized Amelia Brooks's lyrics and rhythm from her song "Forever Connected" and used it for her profit.

### **SUB-ISSUES**

1. Could it be a coincidence?
2. What percentage of the lyrics from Roxy's song parallel Brooks' song?
3. Was Roxy jealous of Brooks' skill in writing music?
4. How similar is the rhythm of the songs?

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## CONCEPTS

1. Plagiarism.
2. Intent.
3. Preponderance of the evidence.

## LAW

NJ Law 1. B. A court can issue an award of all attorney fees and court costs and enter an order enjoining an infringing artist.

# Depre Sean's Debate: Red Wolf Program v. Killinyo Animals

## **SCHOOL**

Forrestdale

Rumson

Grade 7

Honorable Mention



## **TEACHER**

Maureen Gordon

## **STUDENTS**

Ella Esposito  
Quinn Herstick  
Colton Martin  
Elena Sheinin

## FACTS

A group of hikers found an injured red wolf bordering North Carolina. Hoping they could save the young pup, the hikers immediately called Killinyo Animals. The local animal reserve came to rescue the wolf. It was evident to the employees of Killinyo Animals that he could not survive in the wild. The red wolf had bleeding scratches across his body and a broken leg. The rescuers believed a coyote attacked the wolf for land. After Killinyo Animals saw the life-threatening state of the young wolf, they immediately contacted the North Carolina Wildlife Federation. They needed special permission to take the wolf in because there were less than 20 left in the North Carolina forests. Killinyo Animals got an Endangered Wildlife Captivity Permit from the North Carolina Wildlife Federation. The permit explained they could keep the wolf until it was healthy and capable of living in the wild.

Killinyo Animals brought the wolf to their reserve and named it Depre Sean [pronounced- dep-prey-shawn]. Killinyo Animals does not have any other wolves in their reserve. They have black bears, coyotes, and bobcats. The animal reserve created a large fenced-in area for Depre to stay. Depre was living on his own with little to no stimulation. Killinyo Animals started a viral Click-Clock account focusing on Depre Sean's journey. They have been receiving donations from deeply invested fans of Depre, and crowds of people visit the animal reserve daily.

Six months later, Depre Sean's wounds and broken bones have healed. Recently, Zoe Zaller, Killinyo Animals' zoologist, noticed that Depre has been showing symptoms of an illness. The Red Wolf Protection Program believes that Depre Sean has developed

depression and should be released into the wild to be with other wolves. Killinyo Animals strongly believes that Depre Sean is not ready to be released because he's suffering from another illness.

## ISSUE

Is it in Depre Sean's best interest to be released into the wild as soon as possible?

## WITNESSES

### ***For the Plaintiff***

Dan Donner  
Savinya Wolfe

### ***For the Defense***

Zoey Zaller  
Wolfgang Testian

## WITNESS STATEMENTS

### ***Testimony of Dan Donner***

My name is Dan Donner. I am an animal behaviorist who works with the Red Wolf Protection Program (R.W.P.P.). A few months ago, I was scrolling on Click-Clock and came across a viral video of a red wolf named Depre Sean. The video shared the story of Depre Sean and how Killinyo Animals had saved him. Interested, I followed the account. I learned that Depre would be released after he healed.

According to the Fish and Wildlife Service, there are few wolves left in our area. If Depre Sean is not released to be with other wolves, he would not be able to reproduce. Reproducing is essential to stopping the red wolf species from going extinct.

There are still videos of Depre Sean at the animal reserve even though he seems fully healed from his past injuries. I decided to look into this matter and visit Killinyo Animals with my friend Savinya Wolf from

the Red Wolf Protection Program. After observing Depre, I noticed that all of his scratches were healed. He was less playful, seemed less active and wasn't eating. I believe he is presenting symptoms of depression. Red wolves are extremely social animals and Depre Sean is not living with or socializing with any other animals. Red wolves are also extremely shy and fearful around humans. If Depre was released back into the wild, he would become much healthier since he would be able to socialize more and also be free of the constant crowds of people surrounding his habitat. I have concluded that Depre Sean has depression and the only way to treat him is by releasing him immediately.

### ***Testimony of Savinya Wolfe***

I am Savinya Wolfe, a veterinarian who works with the Red Wolf Protection Program. A while ago I came across a young wolf on the Killinyo Animals Reserve Click-Clock page. Like most animal reserve's social media, I thought that the account would showcase the reserve, the workers, and how the animals look and behave from a distance. However, the videos were primarily about Depre Sean and his road to recovery. I noticed that the videos of Depre Sean went viral and had millions of views and likes. Killinyo Animals also added a link where people could donate money for renovations for the reserve. Since Depre Sean's injuries had healed, it was so obvious that Killinyo Animals was using his captivity to make money. Why else would they keep a healthy animal?

I visited the reserve to further investigate. When I arrived, thousands of people were swarming around Depre Sean's habitat, taking selfies and trying to get a glimpse of the famous wolf. Depre became so famous

that people had to pay an extra fee to visit his area. I have been informed that the reserve believes that Depre Sean has developed an illness and are keeping him until they can diagnose and treat him. Based upon my observation, Depre Sean is exhibiting signs of anxiety and depression due to captivity and being surrounded by crowds of people. As a member of the R.W.P.P, I have Depre Sean's best interest in mind and I think that it is only right to release him as soon as possible.

### ***Testimony of Zoey Zaller***

I am Zoey Zaller. I have been giving medical care to Depre Sean, the young wolf, at Killinyo Animals this year. I am a zoologist and I have been in charge of monitoring Depre's activity and making sure he is healthy and safe. When Killinyo Animals originally took Depre in, he was just a young pup not capable of living on its own due to his injuries. His injuries included scratches all over his body and a broken leg. Although Depre Sean's injuries have now healed, he has been showing signs of an illness since January. I am aware that the Endangered Wildlife Captivity Permit only allows Killinyo Animals to take in Depre until he is fully recuperated. But as his injuries healed, his overall health worsened. We are still running tests to be able to diagnose and treat him. Depre has been losing weight, is less active, and has a heart rate high above average. It would not be safe to release him until he is diagnosed and treated.

I have been working with Depre Sean since he was just a pup, and as his main doctor, I do not think he is ready to be released. He has been raised in captivity and, although he has plenty of space and resources, it is not the same as living in the wild. To release Depre back into the wild, we would have to

use Gradual Adaptation. This is a program that would slowly release him back into the wild. Since Depre Sean is an endangered species, we would be held accountable if his conditions were to decline or he died because we released him too early or quickly. If this were to happen, we would have to face consequences determined by the Fish and Wildlife Conservation Commission.

### **Testimony of Wolfred Testian**

My name is Wolfred Testian and I am the manager of Killinyo Animals. Last year our organization received a phone call from a group of hikers in the forest of North Carolina saying that they had found an endangered red wolf who was seriously hurt and didn't know where to bring it. Of course, Killinyo Animals immediately accepted the offer to house the newly found red wolf to ensure it would regain its health. After we got the call, we instantly applied to get a permit from the Fish and Wildlife Conservation Commission saying we could keep the wolf until it was finally healed. We started a Click-Clock account to make videos of Depre Sean's recovery journey. We went viral and people started donating money. The majority of the profits go to Depre's health care, improving his habitat, and the cost of his maintenance and food. The leftover donations go to improving the reserve and the other animals' habitats.

As Depre Sean's physical injuries healed, his health declined. Because of this, we need to keep him longer until we can diagnose and treat him. Our wonderful fans have been consistently donating money and giving their support so our animal reserve can have enough resources to heal their favorite wolf. Depre has a wonderful habitat and it has all the needed requirements to help keep him happy and healthy.

## **INSTRUCTIONS**

The Red Wolf Protection Program must prove by a preponderance of evidence that Depre Sean would benefit most from being released back into the wild as soon as possible.

## **SUB-ISSUES**

1. Is the permit from the North Carolina Wildlife Federation stating that Killinyo Animals can take care of Depre Sean still in effect if Depre Sean became sick after his injuries healed?
2. Is Killinyo Animals keeping Depre Sean captive to continue to collect donations through Click- Clock?
3. Would Depre Sean be healthier if he was released back into the wild?

## **CONCEPTS**

1. Preponderance of evidence.
2. Endangered species animal welfare.

## **LAW**

1. *The Endangered Species Act of 1973, 16 U.S.C. ch. 35 § 1531 et seq. Chapter 35*  
The Endangered Species Act of 1973 states that it is unlawful to "take" a member of an endangered species. It is also unlawful to take a threatened species, that is, one likely to become endangered in the foreseeable future.
2. *Wildlife Captivity License*  
A Wildlife Captivity License authorizes an individual to possess wild animals or wild birds for scientific, educational, exhibition, or other purposes. However, in North Carolina, you cannot hold a wild animal or wild bird as a pet or for amusement or companionship purposes.



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# Puerto Rico Fish & Wildlife Service v. Ting Ting Airlines

**SCHOOL**

Clinton Township Middle  
Clinton  
Grade 8  
First Place



**TEACHER**

Diane Cormican

**STUDENTS**

Aaditya Aiyer  
Thatiana Bhavan  
Eli Coss  
Isabella De La Torre  
Peyton Demmerle

Nakul Gopalan  
Nikhil Siddharth  
Mariah Taha  
Ava Van Inwegen  
Beverly Veliz Alvarado

## FACTS

On April 26, 2023, TingTing Boeing 737-200 Flight TT147 took off from Roosevelt Roads Airport (NRR) in Puerto Rico at 11:30 a.m., heading towards Miami, Florida. Not long after departure, the plane suffered a major engine failure and was required to return to the airport of origin. In order to land safely, it is standard procedure to dump the plane's fuel in order to decrease the weight of the craft. As the aircraft circled back to the airport at approximately 10,000 feet, the fuel was dumped over an area that looked remote. The flight made it safely back to the airport for an emergency landing, and all crew and passengers were unharmed.

However, the fuel was jettisoned over a reservoir, controlled by the Puerto Rican Fish and Wildlife Service. The reservoir was home to a leatherback sea turtle preserve, which suffered from the fuel that was dropped. Because the aircraft was so low, the fuel did not dissipate and fell directly into the water. The water was immersed with the jet fuel, and the turtles began to become sick and many died.

Social media exploded, and soon the news media and environmental groups started criticizing the airlines for destroying the habitat and killing the turtles. TingTing Airlines released a statement saying their passengers' lives come first, and that it was a necessary precaution to land the flight safely. Other sources claim that this incident could have been avoided if the pilot had waited even one minute before the fuel was jettisoned; which made the media rage. This controversial topic created chaos for the airline as they faced both praise and backlash.

The airplane was inspected and an investigation into the event was initiated. They found that the double engine failure

was caused by a bird strike shortly after takeoff. The remains of brown pelicans were identified in the engine. The brown pelican is a large seabird with a wingspan of six to seven feet and weighing about four to eleven pounds each. The impact occurred while the plane was at 9,523 feet; the bird strike caused a double engine failure, requiring an immediate landing.

The Puerto Rican Fish & Wildlife Service conducted an emergency evaluation of the area and found that 1,487 hatchlings were dead. Additionally, 962 turtles had developed medical conditions.

The Puerto Rico Fish & Wildlife Service has determined that the turtles need to be relocated during the cleanup of the reservoir. This involves bringing them to a rehabilitation facility in a nearby reservoir, hiring staff, and overseeing the cleanup process. The cost estimate of the cleanup from this incident is \$1.2 million, which is the amount the airline is being sued.

## ISSUE

The plaintiff claims that TingTing Airlines is responsible for the environmental impact of the fuel release, which could have been avoided.

## WITNESSES

### ***For the Plaintiff***

Kamila Kelvin  
Adelyn Caddel

### ***For the Defense***

Cora Mae  
Nicholas Black

## WITNESS STATEMENTS

### ***Testimony of Kamila Kelvin***

I'm Kamila Kelvin and I am 53 years old. I

have been working with the Puerto Rican Fish and Wildlife Service for 31 years and have a special bond with the sea turtles there. In the reservation, we protect the sea turtles from being poached and exterminated, with the ultimate goal of releasing them into the wild.

As an environmental chemist, I know a myriad of chemical bonds and synthetic substances. The reservoir in question is only 3.13 square miles in surface area. Because of the small size, the water in the reservoir was completely saturated with jet fuel containing chemicals such as benzene, toluene, xylene, and naphthalene. These chemicals killed many young hatchlings and many sea turtles now need constant attention due to their poor health conditions. The most prominent condition is a cancerous tumor on the skin and around the eyes, caused by benzene. Fibropapilloma is a disease that cannot be cured, only prevented.

Turtles already have a slim chance to make it to adulthood; and we always keep records of all the babies that are born. This spring we had a total of 2,449 hatchlings. After the contamination, 1,487 young turtles died instantly, as we weren't able to reach them in time. The rest are all sick, with their population dwindling with each passing day.

Moreover, we found that xylene caused major loss of body weight in the sea creatures. It is known to cause changes in the liver, kidneys, lungs, heart, and nervous system. Additionally, we found all of the sea turtles were affected by the chemical.

The effects of the jet fuel may have permanently jeopardized the future of leatherback turtles in our reservoir. The best option for our turtles is to relocate them to another reservoir nearby within the park. To further secure the future of the

turtles, we have located professionals who are experienced in sea turtle recoveries and long-term treatment. The headquarters are in New Jersey, and we have commitments from several of the staff to come and help us for a three-month period. However, this will be very costly.

Ting Ting Airlines flight TT147 caused this and therefore they are liable for the rehabilitation and cleanup of our turtles and their sanctuary. For this, we are asking for \$1.2 million from the airline to cover all of the expenses.

### ***Testimony of Adelyn Caddel***

My name is Adelyn Caddel and I am wrapping up my 23rd year teaching at Brightmoon Academy, an aviation school in Tallahassee, Florida. I prepare students for a variety of aviation careers, and teach classes such as aviation, business management, aerodynamics, and airline operations. I was a 737 captain for 11 years for a commercial airline, and have received the Polaris Award for two of these years due to my exemplary contributions to general aviation.

I have examined all the details of flight TT147. Right after takeoff, the aircraft undertook an acute bird strike. When this happens, a pilot has mere seconds to react, and the strike was unavoidable. Because of the conditions and sudden turn of events, the airplane had no choice but to conduct an emergency landing.

The airline claims that the fuel dump was unavoidable, but I disagree. The pilot could have done several things to avoid the reservoir contamination. Primarily, they could have jettisoned the fuel over land instead of water. This option did not require any alteration in flight path. Secondly, it is

possible to land an overweight aircraft, and most pilots train for this very thing. Although a lighter gas tank landing is preferable, it is not impossible for an experienced pilot to land on a full tank. Finally, they could have made an emergency water landing at several different locations, such as the famous Captain Sully did in the Hudson River.

Ting Ting Airlines uses many much older models, and the 737-200 technology is from 1967. These planes use kerosene-based fuels that are made from a multitude of dangerous chemicals, such as benzene, toluene, hexane, xylene, and lead. Eventually, once the jet fuel is released or burned, a significant amount of noxious pollution is released into the air. Due to the low altitude of the jet, instead of evaporating quickly, the jettisoned fuel seeped into the depths and across the surface of the reservoir. The harm it caused could have been prevented if the plane was not practically archaic and ran off of modern biofuel.

However, the Ting Ting 737-200 is too old to process biofuel correctly, so it would have had to undergo serious alterations to accommodate the biofuel. The biofuel is advantageous due to the benefits it has compared to the more outdated form. Biofuels come from crops that are condensed with both sugar and fat. This fuel produces reduced emissions when compared to kerosene-based gasses. The levels of sulfur dioxide as well as air toxins are notably lessening. It would have been wise to simply decommission the plane altogether as well as all of the older planes that cannot accommodate the biofuel.

An emergency deplaning doesn't require jettisoning the fuel, as the energy from the impact of the landing won't be as significant

when compared to an empty gas tank. The airline should be sued for all the damages that they caused to the reservoir ground and its many inhabitants.

### ***Testimony of Cora Mae***

My name is Cora Mae and I am a 45-year-old chief pilot for TingTing Airlines. My job is to oversee all of our 856 pilots. This includes our pilots' training and evaluations, coordinating scheduling, and ensuring the airline meets all local and federal regulations. I've been in this position for about 10 years, and I was a commercial pilot for 10 years prior. I am trusted among my colleagues as an accomplished aviator and flight instructor, and I am known for my achievements and dedication to the airline.

When an aircraft undergoes a double engine failure, it is considered an extreme emergency and the pilot has a limited time to react and plan their next move. The protocol in this situation is to jettison the fuel and return to the airport of origin as swiftly as possible. As the crew scrambled to make a quick decision on the area to dump the fuel, there was little time to inspect the land beneath them. A pilot is trained to choose a remote area to drop the fuel in order to avoid populated areas, which is exactly what our pilot of flight TT147 did.

There are many factors to consider when you must jettison the fuel. Maintaining the correct altitude is the first priority for a safe landing. If the pilot hadn't dumped at all, the extra weight would have made the landing very dangerous, putting the lives of our crew and passengers at risk. It is probable that the aircraft would have been unable to travel the distance back to the airport with the fuel still weighing it down. The weather was also not

in our favor that day, as it was extraordinarily windy, which complicates landing in every situation.

TingTing Airlines is considered quite environmentally friendly, and takes precautions in every step of our management. For instance, using more fuel efficient engines which allows us to achieve higher rates of miles per gallon, encouraging recycling on the plane, and running the majority of our planes off of biofuel.

All of our pilots at TingTing Airlines are well trained and highly skilled. Each has been educated on the protocols and procedures in emergency situations, and the pilot flying our flight TT147 over in Puerto Rico acted out the emergency procedures perfectly. No human casualties were suffered, which means that the flight was successful. Our number one responsibility is the safety of our crew and passengers. Decisions were made in the moment and out of concern for the people whose lives were in our hands.

### ***Testimony of Nicholas Black***

I'm Nicholas Black and I am 53 years old. I have been working at the Federal Aviation Administration for 23 years. The FAA has the responsibility of guiding air traffic, setting and enforcing safety standards, as well as protecting the public when it comes to anything related to aviation. This includes many things, from airport safety and security all the way to space launches. We do our best to provide the safest aerospace in the world.

We know that around 47 aircraft bird strikes are reported every day. Only a few of those can cause significant damage. Unfortunately for us, this was one of the few. Pilots train for events such as this, and there is a specific protocol to follow. In this

situation with a double engine failure, it is standard to jettison fuel and return to the airport of origin. If the aircraft were to stall for too long while the crew was making a decision, the plane's altitude would have dropped so low as to the point where the only option left was an emergency landing with the risk of a crash.

The 737-200 has a maximum fuel tank capacity of 4,206 gallons, which is equivalent to 28,221 pounds. However, 2,220 gallons, or 13,419 pounds, are consumed during the takeoff. This is because of the thrust needed to reach an altitude of any substance. This leaves the aircraft with 13,325 pounds of fuel, far too heavy for a safe landing.

Landing an overweight aircraft can cause many problems. For example, broken landing gear, heavy structural damage, potential of combustion, and loss of control of the airplane. This could result in a runway excursion, which is when the aircraft veers off the runway. This is extremely dangerous, which puts the lives of our passengers at risk. Flight TT147 had to dump their fuel in order to avoid these critical problems.

For this situation, a certain kind of protocol is followed by the plane and its crew. They first acknowledge the emergency, attempt to find a suitable landing position if time allows, silence unimportant or urgent calls, and inform the chief pilot of the situation.

Unfortunately, due to the damage done in the bird strike, TT147's altitude was dropping too swiftly for a calculated inspection of the area designated to jettison the fuel. Visually, this remote area looked to be the perfect place. The pilot had no other choice but to jettison the fuel. If they hadn't done so, there would have been mass casualties.

## INSTRUCTIONS

The plaintiff must prove, by a preponderance of the evidence, that the airline is at fault for the ecological damage to the turtle reserve.

## SUB-ISSUES

1. Was there a better place the pilot could have jettisoned the fuel?
2. Did the pilot know that this area had a turtle preserve?
3. Does this pilot have a good record?
4. How old was the airplane?
5. Did the plane pass FAA inspections?
6. Could the plane have made a water landing?

## CONCEPTS

1. Value of life: human and other
2. Liability
3. Environmental protection
4. Endangered species

## LAW

### 1. *THE PUERTO RICO ENVIRONMENTAL PUBLIC POLICY ACT PROCESS*

EPPA requires that state agencies study the environmental consequences of their actions, including permitting and financial assistance. It also requires them to take all feasible measures to avoid, minimize, and mitigate damage to the environment.

2. *The Clean Water Act: The Clean Water Act ("CWA")* regulates discharges of pollutants into the waters of the United States, as well as quality standards for surface waters. The foundation of the CWA was enacted in 1948, called the Federal Water Pollution Control Act; the Act was significantly reorganized

and expanded in 1972. Under the CWA, the EPA has implemented pollution control programs including setting wastewater standards for industry, and developing national water quality criteria recommendations for pollutants in surface waters.

3. *CERCLA (Superfund-Cleanup of Contaminated Sites):* A superfund site is any land in the United States that has been contaminated with such a considerable amount of waste and pollution, that the EPA has ordered the land to be cleaned as it poses a risk to human health. The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") and the Superfund Amendments and Reauthorization Act ("SARA") give the EPA the power to assess the amount of danger that a piece of land poses to people's health. They may also put it on a National Priorities List for clean-up, and set up a short-term or long-term cleaning project.
4. *Endangered Species Act*

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# Alvarez v. Theiven: Plagiarism Pursuit

## **SCHOOL**

William F. Halloran No. 22  
Elizabeth  
Grade 8  
Second Place



## **TEACHER**

Desiree Villano

## **STUDENTS**

Maya Arias-Burgos  
Brittany Coronel  
Jada Davis  
Alexandra Matos  
Mariana Orozco  
Angelica Privado

## FACTS

Verity Alvarez is a successful writer who has had work published under Halloran Publishing Company. Verity Alvarez is also a professor at Avant-Garde University. Much of her work is inspired by the loss of animal habitat due to industrialization, hunting and farming. Verity Alvarez was working to complete her latest book, *Saving Saola*, a story about the critically endangered deer in Laos.

On March 17, 2020, Verity Alvarez's laptop received a virus resulting in her latest book, *Saving Saola*, to be lost. Mrs. Alvarez took her computer to the nearest spyware and virus removal company, Theiven Works Inc. Upon dropping off her laptop for repair, Mrs. Alvarez recognized many of the employees to be students on campus, including Steven Theiven, who was well known on campus as the theater's creative writer for the university's plays.

Although the company had the laptop in their possession for nine days, they were unable to remove the virus. They were able to retrieve some of the files and save them to a separate hard drive. However, none of the files recovered were her unedited novel. As a result, Verity Alvarez had to rewrite her story from scratch on a newly purchased laptop.

In February of 2023, one of her students gave her a flyer for the university's upcoming Production, *Asian Unicorn*. Mrs. Alvarez decided to attend the production's opening show to support her university students. To Verity Alvarez's surprise, the show was eerily similar to her lost work from the virus. Therefore, Verity Alvarez claims that Steven Theiven gained access to her story while her laptop was in repair and had plagiarized her work for the university play and credit. Steven Theiven claims that his work was

inspired by Verity Alvarez's story visiting Laos. He claims that when she dropped off the laptop for repair, the two engaged in a long conversation about the endangered saolas. He was unaware that Verity Alvarez wrote a novel lost by the virus.

Verity Alvarez is suing Steven Theiven for plagiarizing her novel. She is asking for the refund of money paid to repair her laptop and 40% of the profits made at the theater from ticket sales.

## ISSUE

Did Steven Theiven gain access to Verity Alvarez's original story to plagiarize the script used for the university play about the endangered saolas?

## WITNESSES

### ***For the Plaintiff***

Verity Alvarez  
Eddie Torian

### ***For the Defense***

Steven Theiven  
Priya Deucer

## WITNESS STATEMENTS

### ***Testimony of Verity Alvarez***

My name is Verity Alvarez and I have been a writer since I was able to dance with my pencil across paper. I have always been inspired by the need to protect animal habitats and want to communicate the importance of preserving wildlife. I was inspired by the saola story when I traveled to Laos on a sabbatical in 2018.

Once I returned home, my creative nature was nurtured through my new story, *Saving Saola*. However, almost upon completion, a virus became a stumbling block. I decided

to bring my laptop to Theiven Works Inc. because the company has a 4.8 star review online. Many of the employees are former students and others I have recognized on campus. Unfortunately, Steven Theiven, who took my case, claimed he could not remove the virus from my computer. I was devastated and had to rewrite the story using the notes I had from my trip to Laos.

Nearly three years had passed when a student gave me the flyer for the upcoming production, *Asian Unicorn*. The title was unusual because saolas were referred to as Asian unicorns in Laos due to their rarity. The play's theme and message were parallel to my novel lost to the computer virus. Steven Theiven was the only individual to have access to my laptop and plagiarized my novel to use for the university play.

### ***Testimony of Eddie Torian***

My name is Eddie Torian and I have been the editor in chief for Halloran Publishing Company for nearly 30 years. I gained my start in the company as the editor to all of Verity Alvarez's books. When I first heard about the university play, *Asian Unicorn*, I did not think anything of the title until Verity Alvarez called me. She claimed the play was completely plagiarized from her book that was lost due to the computer virus.

Although I have not read Verity Alvarez's current novel, I decided to attend the show with her for support. According to Mrs. Alvarez, the play has several similarities in theme and the overall message to save saolas.

Compared to other books Verity Alvarez has written, her writing style often has a persuasive theme calling for intervention. The major differences are the perspectives of how the play is presented. Verity Alvarez

writes from first person animal perspective in need whereas this play was written from a second person perspective that encourages audience participation. It was very creative. Yet both stories are about the endangered saolas.

### ***Testimony of Steven Theiven***

My name is Steven Theiven, I am the owner's son of the malware and computer repair company Theiven Works Inc., and I am the writer of many of the university plays. I am currently a senior at Avant-Garde University and studying computer science and theater. I had never formally met Professor Verity Alvarez until she had brought her laptop in for repair to my father's shop. Because we have such a high volume of customers, I do not usually remember everyone who walks through the door. However, Professor Alvarez stood out. When she entered through the door, I noticed her crocheted laptop cover, the flag of Laos. This sparked a long engaging conversation about her trip there and about the endangered saolas.

Her story was captivating; she inspired me to write my own story about the animals, which later became the play for the university, *Asian Unicorn*. As writers we are always looking for inspiration.

Professor Alvarez made no mention to me of what her novel was about. When we discussed why she had come to the store, she only mentioned that her computer received a virus. I worked on the computer for days. Once I got the computer up and running, it would crash again. I was able to retrieve some files from her computer and transfer them to a hard drive. However, I cannot be sure if any of those files were her novel because

our company has a strict privacy policy. As employees, we signed contracts on our hire date about breach of customer's privacy and maintaining business integrity.

### ***Testimony of Priya Deucer***

My name is Priya Deucer and I am a professor and executive producer at Avant-Garde University's theater production. Steven and I met when he was a freshman, four years ago. He has a real passion for writing, but I think his father has pressured him into getting a degree in computer science to help with the business. Since his freshman year, Steven Theiven has written five of the twelve plays that have been produced.

Steven has worked tirelessly to become an established writer at the university. He has spent many hours working on his craft, he has even been found sleeping backstage because he was working all hours of the night on this play, trying to envision every aspect of the story line and the impact on the audience. Steven is a true, dedicated writer who is an inspiration to many aspiring writers. His story about the critically endangered saolas was the groundbreaking story he needed to earn him the notoriety of being a distinguished writer at Avant-Garde University.

### **INSTRUCTIONS**

Verity Alvarez must prove by a preponderance of evidence that Steven Theiven plagiarized *Asian Unicorn* as his original writing.

### **SUB-ISSUES**

1. Did Steven Theiven gain access to Verity Alvarez's novel when her laptop was in repair?
2. Is it plagiarism if Steven Theiven was inspired by Verity Alvarez's story about saolas?
3. Did Steven Theiven breach his employee contract of customer's privacy when repairing Verity Alvarez's computer?

### **CONCEPTS**

1. Preponderance of evidence
2. Credibility of witnesses
3. Plagiarism
4. Breach of customer privacy

### **LAW**

From <https://www.lawschool.cornell.edu/>: "*The U.S. Copyright Act*, (codified at 17 U.S.C. §§ 101 - 810), is federal legislation which protects the writings of authors. Note that advancements in technology have led to an ever expanding understanding of the word "writings." The Copyright Act now reaches architectural design, software, the graphic arts, motion pictures, and sound recordings and more."

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<https://www.law.cornell.edu/wex/copyright>

# Wanda Justice v. Ivan Sood

**SCHOOL**

Marlboro Memorial Middle  
Morganville  
Grade 8  
Honorable Mention



**TEACHER**

Michelle Aguilar-Aasted

**STUDENTS**

- Eliot Chang  
Aaron D’Souza  
Brenden D’Souza  
Veera Gattani  
Nihitha Gurreddy  
Aashitha Jeyaganesh  
Harini Karthik
- Daniel McGrath  
Adityan Ragudaran  
Julien Serbineko  
Paakhi Shanker  
Kenneth Sun  
Gabriel Vasquez

## FACTS

Arthur D. Ceast, a renowned and highly respected author, died unexpectedly on June 24, 2022. He left behind a legacy of twenty literary masterpieces he authored alone. He also co-wrote five more best-selling books in his lifetime, collaborating with his friend, confidant, and accomplished author, Ivan Sood. Arthur's wife, Wanda Justice, asked Ivan Sood to take on the responsibility of going through his late friend's belongings to help organize and preserve his memory. During this process, he stumbled upon detailed notes for what would have been Arthur's next book. On February 20, 2023, Ivan published and released a new book using Arthur D. Ceast's ideas, crediting the ideas that had originated from his late friend.

The book completed by Ivan Sood turned out to be a massive success, becoming a bestseller and generating substantial revenue. The literary community celebrated the work, acknowledging the "seamless integration of Arthur's ideas into a compelling narrative." After the book was released, Wanda Justice raised a legal claim, contending that Ivan Sood stole Arthur D. Ceast's idea and by completing the book, his actions amounted to plagiarism.

Wanda Justice is now suing for damages and a right to the proceeds from the book sale.

## ISSUE

Were Arthur D. Ceast's notes for his next novel considered intellectual property and, therefore, plagiarized by Ivan Sood?

## WITNESSES

### ***For the Plaintiff***

Wanda Justice  
Linda Rarey

### ***For the Defense***

Ivan Sood  
Ida X. Burt

## WITNESS STATEMENTS

### ***Testimony of Wanda Justice***

My name is Wanda Justice, and I was married to Arthur D. Ceast for twenty years. When Arthur died suddenly from a heart attack, I was so distraught and, after a time, knew I had to do something about packing up my late husband's belongings. Not knowing where to turn to do this task, I asked Ivan, my husband's close friend and, at times, co-author, to go through my husband's belongings and pack his things up. As Arthur's closest friend, I told Ivan to let me know if there was anything special to him he would like to keep. I was so grateful, as I was not up to the daunting and overwhelming task.

Several months later, I saw on the news that Ivan was promoting his new book on tour. I was thrilled for my late husband's friend until I realized the ideas for the book were my Arthur's! Apparently, when Ivan was going through my husband's belongings, he found the journal in which Arthur brainstormed new ideas for his upcoming novels.

I was shocked that Ivan did not ask permission to take the journal and that I had not heard about this sooner. Although Ivan did honor my husband in the book by citing my husband's ideas as the inspiration for his book, he did not ask me permission to take



the journal nor offer me any compensation or royalties from the book. When I confronted Ivan Sood about this issue, he informed me that notes and ideas are not considered intellectual property in the literary world and that he authored the book and put in numerous hours of research and writing for it to become a bestseller.

I had incredible respect for Ivan, having known him for so long, but I felt betrayed. I trusted him to clean out my husband's belongings only because I couldn't bear to do it myself without breaking down into tears. I never once imagined Ivan would take something without permission. I deserve all royalties for the book due to the theft and plagiarism of my husband's ideas and intellectual property.

### ***Testimony of Linda Rarey***

I am Linda Rarey, the late Mr. Ceast's literary agent. I worked with him for over fifteen years, and during our career, we established many contacts with well-known editors and publishing houses. The death of Arthur D. Ceast is a significant loss in the literary world.

A few months ago, Arthur's wife, Ms. Justice, saw Ivan Sood on the news promoting his new book. In the interview, Ivan Sood expressed the desire to continue Arthur D. Ceast's legacy and honor him. At first, Wanda told me she was touched and pleased. However, her pleasure did not last very long.

Immediately after reading the book, Wanda called me in a panic and told me about Ivan's new bestseller. Wanda claimed Ivan stole her husband's ideas. She contacted me for my insight on the laws concerning her husband's journal ownership and the ideas written in them. I could not imagine Arthur's

close friend would do this. I downloaded Ivan's novel on my Kindle and closely examined the book. I quickly noticed that although the ideas copied were not verbatim, Ivan used substantial portions of Arthur's notes without notifying his wife. The story's plot closely matched Arthur's thoughts and ideas.

What was most disconcerting was the ideas in Arthur's notebook were set to be his next work. Not long before Arthur's passing, he pitched me this idea, and I thought it was brilliant! I started doing some market research and to find a publisher. I went to work immediately and contacted publishers. D'Souza Brother's Publishing Company wanted to give the book a contract and advance. When I tried to call Arthur to tell him the good news, I was told that he had sadly died in the night. The publishing deal was off.

Although Arthur D. Ceast did not complete the novel, his ideas were Arthur's intellectual property and plagiarized by Ivan Sood. In the literary world, it is unethical and unlawful for an author to steal another writer's ideas. According to Part A of the Literary Idea Integrity Act of 2016, "Authors and creators are granted exclusive rights to their original literary ideas." Without Arthur's ideas and notes, Ivan would not have been able to write the novel, and it would not have become a bestseller. Wanda is entitled to the proceeds of Ivan Sood's book.

### ***Testimony of Ivan Sood***

My name is Ivan Sood. I unequivocally state that I did not plagiarize Arthur D. Ceast's work. Arthur and I had been friends for over twenty-five years. We collaborated on numerous best-selling novels and had always

been open about our thoughts. When writing books independently, we would often bounce ideas off of each other.

When I stumbled upon Arthur's notes, I could not bear letting such brilliant ideas go to waste. I am not an attorney, but I know copyright law does not extend to thoughts or notes, only completed works. Arthur's notes are not considered to be intellectual property. Arthur's ideas were so exciting I wanted to bring them to life. I did not intend to do something that would hurt his wife, Wanda Justice.

On the contrary, as stated in my book's forward, I honored Arthur's ideas and legacy. I tried to explain this to Wanda, but she was so upset and angry that I did not want to discuss the legalities further. The next thing I knew, I received court documents notifying me I was being sued for stealing Arthur D. Ceast's intellectual property. All of the research, words, plot, and story were written by me alone; hence, all rights and royalties belong to me.

### ***Testimony of Ida X. Burt***

I am Ida X. Burt. I earned my doctorate in literature from Princeton University. I have carefully reviewed Mr. Ceast's notes and compared the writing techniques of Arthur D. Ceast and Ivan Sood. I have found minimal similarity between the two styles. The plot of Sood's novel, although closely referencing Ceast's initial idea, differs significantly from Ceast's other novels. Ivan's work is not plagiarism.

Furthermore, Ivan Sood is within the law. What Ms. Rarey's testimony failed to state about the Literary Idea Integrity Act of 2016, part b states, "Any use or adaptation of a literary idea from another author or creator

requires proper attribution to the source." Mr. Sood did recognize in the forward of his book, that inspiration and ideas came from his late friend Mr. Arthur D. Ceast. Furthermore, according to the Copyright Law of 1976, section A, "thoughts and ideas are not considered intellectual property." Only tangible finished creations are considered intellectual property. The novel and all the research were not plagiarized and are solely Ivan Sood's.

## **INSTRUCTIONS**

The plaintiff, Wanda Justice, must prove by a preponderance of the evidence that Arthur D. Ceast's notes and ideas were protected intellectual property and, therefore, plagiarized by Ivan Sood.

## **SUB-ISSUES**

1. Who is entitled to the ownership rights to the intellectual property of the deceased author?
2. What is the legal status of Arthur D. Ceast's unfinished work and ideas after his passing?
3. What ethical considerations surround the completion and publication of an unfinished work by a deceased author's collaborator?
4. Do ideas constitute intellectual property?

## **CONCEPTS**

1. Intellectual property rights
2. Preponderance of the evidence
3. Ethical considerations surrounding the use of another author's ideas without permission
4. Norms and standards in the literary world
5. Copyright laws

## LAW

1. **Copyright Act of 1976, Section 102 (a)**  
“Copyright protection subsists, by this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.”
2. **Copyright Act of 1976, Section 102(b)**, “In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.”
3. **“Literary Idea Integrity Act” of 2016,**  
(a) Authors and creators are granted exclusive rights to their original literary ideas.” (b) Any use or adaptation of a literary idea from another author or creator requires proper attribution to the source.”
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# The Band is Never Getting Back Together: The Squiggles v. Paiger Ize

## **SCHOOL**

Chestnut Ridge Middle  
Sewell  
Grade 8  
Honorable Mention



## **TEACHER**

Lori Bathurst

## **STUDENTS**

Grade 8 Humanities  
Class of 2024

## FACTS

On March 6, 2022, the Squiggles announced their breakup after being together for six years. The Squiggles formed at a local talent show and have been a powerhouse for music since then. It was heartbreak all around the country when Paiger Ize decided to leave the band to pursue a solo career with his new producer Man A. Ger. The rest of the band was heartbroken when he announced he was leaving, but continued to make music after his departure. Their next album was scheduled for release in June 2022, but was pushed back when Paiger announced he was releasing his album alongside Man A. Ger around the same time.

When Paiger released his first solo album, *Breaking Free*, his song “Don’t Stop Dancing” became an instant hit, gaining him \$2 million from that song alone. The song was a big hit and went #1. But two days after release, the Squiggles announced that they were suing Paiger and Man A. Ger for \$1 million plus royalties on the song. The reason for the lawsuit was because the Squiggles were planning to release a song called “Don’t Stop Singing” on their new album that Paiger had worked on with the band. That song in particular was a song that Son G. Writer and Paiger Ize had worked on together. Even though the names and some of the lyrics of the songs were different, the Squiggles were immediately able to see the similarities. Which is why they are suing Paiger and Man A. Ger for \$1 million plus half of the royalties from that song.

## ISSUE

Who really owns the rights to “Don’t Stop Dancing”?

## WITNESSES

### ***For the Plaintiff***

Son G. Writer  
Donna Matter

### ***For the Defense***

Paiger Ize  
Man A. Ger

## WITNESS STATEMENTS

### ***Testimony of Son G. Writer***

When I was nineteen, I got my best friend and cousin together to form the band, the Squiggles. We entered a local talent competition where a manager noticed our talent and signed a deal with us. From there we released close to fifteen singles and five albums. In the summer of 2021, we started the production of our newest single and album, “Don’t Stop Singing.” Paiger wrote the lyrics, with my help. Even though Paiger wrote the song, it was the band’s song. We met with our old manager, Man A. Ger, and organized the release date and details for the album. The song and our sixth album were planned to be released in June 2022, and we were super excited for it, knowing it would be a hit. But Paiger Ize left the band before we could get to the release date.

Upset about the band’s breakup, we decided to push back the release date until we could figure out where to go next. Paiger released his new album before we could find a new date to release ours. But in a plagiarism law, it states that anything that reflects a “minimal spark” of creativity and originality can be copyrightable, including melody, chord progression, rhythm, and lyrics. So, this means that Paiger plagiarized our unreleased song, and should not have the right to own it because the band wrote it together.

### ***Testimony of Donna Matter***

I was in the band with Paiger Ize for six years. I can say that Paiger is a silly, goofy soul. My best friend Son got the band together. The band consisted of Son, Paiger, who is Son's cousin, and me. Our manager found us at a local talent show. Man A. Ger was a great manager until he decided to leave the band with his best friend Paiger Ize. The band has been doing good ever since Paiger Ize left, but when he released his hit song, I was very disturbed. This is because his song, "Don't Stop Dancing," was extremely similar to "Don't Stop Singing," especially in the chorus which Paiger Ize and Son G. Writer wrote for the band, planning for it to be released for our next album. The reason why it was wrong for Paiger Ize to copy off of the Squiggles song is because he promised us he wouldn't take any ideas from the music the band was developing when he left us to start his solo career. Obviously, he didn't intend to stay true to his words. Man, you think you know someone. Then you realize you never really knew them at all.

### ***Testimony of Paiger Ize***

I, Paiger Ize, joined the band, "the Squiggles," because I enjoyed music. My former bandmates are making a big deal out of whining that I owe them something for my new hit song. They couldn't be more wrong with their accusations.

I agreed not to steal the ideas I developed with them while I was a part of their band and, in fact, I've kept up my end of the bargain. I can release my new song and take full credit for my work because the one they were talking about was never released. My song is something I worked on by myself and developed by myself after I left the band.

When I was still part of the Squiggles, I was the band's song writer and singer. At the the time, I wrote the song, "Don't Stop Singing," in the summer of 2021 with my cousin Son G. Writer. I wrote the lyrics part to the song and the whole band agreed for the song to be released in June 2022. I then left the Squiggles to pursue my own career with my manager, Man A. Ger.

I developed "Don't Stop Dancing" on my album, *The Life of Paiger*, because I wrote it on my own after I left the Squiggles. I released my album in July 2022. I recorded the songs and planned to release them about a month before it came out. The Squiggles released their song after I did. They are just mad because my solo career has proven so successful. They are jealous my new album is such a hit. Technically their song was still unreleased. I had the right to release my song and I shouldn't owe anybody anything.

### ***Testimony of Man. A. Ger***

I am the producer for Paiger Ize Productions, and I helped release the song, "Don't Stop Dancing," by Paiger Ize, which was accused of copyright infringement by Son G. Writer and Donna Matter. Paiger Ize came to me and told me he wanted to publish a song named "Don't Stop Dancing." I said yes, and we added it to his album. After we published the song, it was a big hit but two days later, we found out we were being sued for copyright infringement. Before releasing this song, Paiger Ize showed me a notebook with the song lyrics he had written after leaving the Squiggles. I had no problem releasing "Don't Stop Dancing" even if it was reminiscent of "Don't Stop Singing" simply because "Don't Stop Singing" was never released.

## INSTRUCTIONS

The plaintiff must prove by preponderance of evidence that Paiger Ize plagiarized aspects of the Squiggles song, “Don’t Stop Singing,” when he wrote, recorded, and released his new hit song, “Don’t Stop Dancing.”

## SUB-ISSUES

1. How many lyrics do you have to change for it to be an original composition?
2. Who really owns the rights to a song?
3. Should the Squiggles get money from the song because they helped write it?
4. Are the two songs similar enough to be considered plagiarism?

## CONCEPTS

1. Burden of proof
2. Credibility of the witnesses
3. Plagiarism
4. Copyright
5. Intellectual property

## LAW

The law states that anything that reflects a “minimal spark” of creativity and originality can be copyrightable, including melody, chord progression, rhythm, and lyrics. In the event of a trial, the person claiming infringement must prove two things:

1. Access – that the infringer had heard, or could be presumed to have heard, the original song prior to writing their song; and
2. Substantial Similarity – that the average listener can tell that one song has been copied from the other. The more elements that the two works have in common, the more likely they are similar.

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## EXHIBIT A

### *Squiggles*

- Song title – “Can’t Stop Singing”
- Song lyrics - “I’m gonna sing, sing, sing”

### *Paiger Ize*

- Song title - “Can’t Stop Dancing”
- Song Lyrics - “I’m gonna dance, dance, dance”



# The Case of Pain T. R. v. Mr. Hobbyist: A Brush with the Law

## **SCHOOL**

Ramapo Ridge Middle  
Mahwah  
Grade 8  
Honorable Mention



## **TEACHER**

Kelly De Bello

## **STUDENTS**

Thomas Antonelli  
Rishi Desai  
Charlotte Ferguson  
Ayaan Khateeb  
Dylan Kloster  
Lucas Walsh

## FACTS

Pain T. R. was an up-and-coming painter who participated in small-scale events in his local area of Artsandsaw, Arkansas and online. He posted all of his work on social media and he had a small amount of popularity. After he entered a painting contest and made a painting he named *Swagger at Twilight*, the painting won first prize at the event. After he posted it on his social media accounts, it went viral and Pain T. R became an overnight sensation.

As a person who is a role model to many other amateur painters, many took inspiration from his authentic pieces of artwork. One of these was painted by a novice painter who only saw painting as a pastime - Mr. Hobbyist. Mr. Hobbyist was inspired by Pain T. R.'s unique work and painted a piece of artwork quite like it called *Cool Man McCool*. It was influenced and based on Pain T. R.'s art.

After Hobbyist finished the painting, he decided to enter various competitions with *Cool Man McCool*; he won by a significant margin, beating out Pain.

A painting critic, Aten D. Or, had the opportunity to attend events in which both Pain T. R. and Mr. Hobbyist participated and displayed their paintings. As a critic and expert, Aten D. Or claims that the two paintings are both separate and unique pieces of work.

Meanwhile, Pain T. R.'s social media editor, Soc I. Al, noticed the painting *Cool Man McCool* going viral while it looked very similar to *Swagger at Twilight*. Then he informed Pain T. R., who is now furiously suing Mr. Hobbyist for the unjust use of the painting *Swagger at Twilight*. He is demanding

compensation of \$100,000 for all the prize money Mr. Hobbyist has won in various competitions.

## ISSUE

Is Mr. Hobbyist liable for plagiarizing Pain T. R.'s authentic piece of artwork when he painted *Cool Man McCool*?

## WITNESSES

### ***For the Plaintiff***

Pain T. R  
Soc I. Al

### ***For the Defense***

Bartholomew Hobbyist XVII  
Allen D. Or

## WITNESS STATEMENTS

### ***Testimony of Soc I. Al***

My name is Soc I. Al. I have been following Pain's work on social media for years, and eventually, I was hired to be his social media manager for his online presence. I help create his online posts, advertisements, brand collaborations, videos, etc. Thus, I have spent hours viewing his videos that have included the paintings. I know the paintings inside and out. When his video featuring *Swagger at Twilight* blew up, I made sure to put those videos to a higher standard.

After he entered his paintings into the competitions, I started to document these events and post them on social media. Leading up to the event where Mr. Hobbyist started with *Cool Man McCool*, I was scouting other painters on their accounts. The week before the competition, I had seen Mr. Hobbyist's recent posts. I had thought there was some similarity when I saw it

initially, though my thoughts were amplified when I got to see the painting in person.

I quickly alerted Pain and he was furious. It was not right that he was going up against a painting that was a copy of his.

Once it was said that Mr. Hobbyist had taken the win, Pain and I tried to report the complaint to the judges, though they brushed it off and did not do anything. This action continued through many competitions, taking the spotlight off Pain and his works. Pain was in the right to complain because of his loss of profit and image and how he was turned off by the judges when he was trying to be proactive.

### ***Testimony of Pain T. R***

My name is Pain T. R. and I have been creating paintings and participating in events for years now, and have put hours upon hours into my work. I started out participating in small-scale events and contests, while also uploading my work online. I began to gain a minute amount of popularity, however, I went viral after painting and posting my painting *Swagger at Twilight*. This painting won many events and gave me popularity and prize money. I copyrighted this painting with the U.S. Copyright Office to make sure my work was not plagiarized.

I first saw Mr. Hobbyist's work, *Cool Man McCool*, on Instagram, and I found great joy in seeing somebody inspired by me. I knew that he painted for fun and didn't want to take it seriously. I entered *Swagger at Twilight* into another event and didn't expect Mr. Hobbyist and his painting to compete. Mr. Hobbyist happened to beat out my painting during the competition. Mr. Hobbyist plagiarized my work and his painting was similar to mine. Soc I. Al and I let the judges know about Mr. Hobbyist and his painting,

however, they thought they were their separate paintings.

I am seeking \$50,000 in compensation for all of the prize money won by Mr. Hobbyist plus another \$50,000 in compensation for the damage to my image and possible growth of popularity.

### ***Testimony of Bartholomew Hobbyist XVII***

My name is Bartholomew Hobbyist XVII. I have been painting for fun for around four years now and after seeing Pain T. R's videos online, I was inspired to paint a painting with similar components to his. I have followed him online for around two years, and have always been in awe of his painting skill. My central theme for *Cool Man McCool* was similar to Pain T. R.'s work, but the landscape, color scheme, and texture of the painting were all completely original. I was very proud of the final product and wanted to enter a competition as I felt it was good enough to win. I had high hopes for it as I worked very hard on it. Surprisingly, I ended up taking first place, winning the large prize and beating out Pain T. R.'s *Swagger at Twilight* by a large margin.

After this large victory, I entered more large painting competitions, which I had much success in as well. Pain T. R. saw this and wanted a piece of my success. I did not copy the painting and I do not feel that I am liable as I only took inspiration from the original painting and loosely used small portions of it.

### ***Testimony of Aten D. Or***

My name is Aten D. Or. I have been a painting critic for 19 years and I have judged and critiqued paintings on various occasions and competitions. For example, I have judged

at art competitions such as the Sunny Art Prize, the Lumen Prize, and even the Hugo Boss Prize.

With that stated, I would like to proclaim that Mr. Hobbyist's beautiful and unique painting called *Cool Man McCool* was not nearly similar enough to *Swagger at Twilight* to be considered plagiarism.

Although both paintings featured a man standing against a wall, Mr. Hobbyist's painting featured the man in a leather jacket wearing a motorcycle helmet much unlike *Swagger at Twilight*, which featured a man in a T-shirt. The clouds are painted in different shades of gray and different positions. Additionally, Mr. Hobbyist painted using crosshatching while Pain T. R. used hatching. Only an experienced painting critic could notice such small but major differences such as the methods of brush strokes. Many others cannot notice such differences.

Furthermore, I have spoken with Mr. Hobbyist on several occasions and he had no intention of plagiarizing Pain T. R. However, he claims to have been inspired by Pain T. R.'s work and looks up to him as a role model. By no means do I think Mr. Hobbyist must pay compensation to Pain T. R. for this alleged plagiarism.

## INSTRUCTIONS

In this civil case, Pain T. R. must prove by a preponderance of the evidence that Mr. Hobbyist is liable for plagiarism and must pay compensation of \$100,000 to Pain T.R. for the competitions he has won with his alleged plagiarized painting, *Cool Man McCool*.

## SUB-ISSUES

1. Was *Cool Man McCool* sufficiently similar to *Swagger at Twilight*?
2. Was *Cool Man McCool* consciously created similar to Pain T. R.'s work?
3. Was *Swagger at Twilight* properly copyrighted to be defended in a court of law?

## CONCEPTS

1. Plagiarism
2. Preponderance of the evidence
3. Credibility of the witnesses
4. Burden of proof

## LAW

Once a painting or piece of artwork is copyrighted, any other pieces of artwork owned by another party are subject to copyright if the artwork is sufficiently similar (15% or less different).

Copying someone's creative work without permission is copyright infringement (plagiarism).

Pieces of artwork have to be registered separately with the U.S. Copyright Office to be able to be defended in a court of law.

# Wright v. Johnson: Slogan or the Song?

## SCHOOL

Chestnut Ridge Middle  
Sewell  
Grade 8  
Honorable Mention



## TEACHER

Lori Bathurst

## STUDENTS

Grade 8 Humanities  
Class of 2024

## FACTS

On July 14, 2023, Presidential Candidate Cooper E. Wright first stated his now-famous slogan, “United for the People, United for the Future,” in his nationally broadcast speech. This slogan was then trademarked under the plaintiff’s name a little over a month after, on August 19, 2023. Cooper E. Wright decided to create shirts, hats, flags, stickers and more to promote his slogan, which made many people support him.

Shortly after, On September 3, 2023, the defendant and famous song artist Lyric Johnson, had his now-famous song, “Legend,” globally produced. In this song, he is heard using the phrase, “United for the People and the Future,” which is seen as a direct play off the plaintiff’s slogan. The song was soon affiliated with Cooper, which created backlash, leading people to believe that he was going against what he was standing for, because the song included lines disrespecting the police.

Cooper first heard about the song on October 23 when he began to see that he was getting hateful comments on social media. Cooper saw several articles, emails, posts, and videos about the song. He decided to listen to it and realized that the line, “United for the People and the Future,” was used and that is why he was connected to the song. Cooper says that Lyric Johnson had plagiarized his slogan, which he specifically went out of his way to trademark so nobody else would use it. He was furious when he heard his trademarked slogan in someone’s song, while going against what he stands for.

Lyric Johnson’s lyrics and production team claim that the song was written before the speech was made, but Cooper says otherwise. He thinks there’s no way

that someone could have come up with a phrase so like his without hearing it first. This made many of Cooper’s supporters stop encouraging him, which is why he is now asking for the defendant, Lyric Johnson, to admit to the act of plagiarism and re-record the song without the slogan.

## ISSUE

Was Lyric Johnson aware of the slogan made and trademarked by Cooper E. Wright, and did he knowingly make the song without Cooper’s permission?

## WITNESSES

### ***For the Plaintiff***

Cooper E. Wright  
Paige Erize

### ***For the Defense***

Lyric Johnson  
Melody Maverick

## WITNESS STATEMENTS

### ***Testimony of Cooper E. Wright***

My name is Cooper E. Wright. I was born in Salt Lake City, Utah. I am 61 years old. I served 27 years in the United States Marines and was Governor of Utah for 12 years. Currently, I am a candidate running to be president of the United States. I had a campaign speech on July 14, 2023, where I said, “United for the People, United for the Future.” The slogan was all over the news, and we even made merchandise with the slogan on it. The merchandise sold very well, so we trademarked the slogan.

During the month of October, I noticed a significant decrease in my funding and purchases of my merchandise. I was extremely confused how this was happening,

so I decided to look for anything online I could find. I found several posts on social media about people complaining about my “hate for the police,” which was very confusing since I am a big supporter of the police. I then found out that this was due to a new song that came out called “Legendary.” It was written by the defendant, Lyric Johnson. I was confused why people thought I was behind the song until I listened to it. I clearly heard the words “United for the People and the Future” which is a direct play off of my trademarked slogan, “United for the People, United for the Future.” There is no way that this could have been written without using my slogan. I am asking for the defendant, Lyric Johnson, to admit that his song plagiarized my slogan and am asking for him to remove it from the song.

### ***Testimony of Paige Erize***

My name is Paige Erize and I’m Cooper’s personal assistant. I am 52 and I have been working with Cooper for many years and I am very close to him and his family. Now I am not only his assistant but his friend. I was sitting right next to him as he gave his speech. The speech was broadcast widely and people all over the country heard it. We were very proud of his speech, specifically the part when he introduced his new slogan, “United for the People, United for the Future.” This slogan is unique, and it took many tries to get it correct. When we saw that our slogan was blowing up, we trademarked it as soon as possible. From there we made sure we had a surplus of merchandise. People across America were wearing our shirts, hats, and driving with our bumper stickers.

I got a call on October 23, 2023, when

Cooper told me that he heard a new song that had our trademarked slogan. We knew that it wasn’t a coincidence. We have an extreme amount of pride in this slogan, and we weren’t going to take this lightly. There were many articles, messages, and posts about us hating the police. Now don’t get me wrong, if the song was promoting our slogan, we could have worked together, but the music had negative themes about our country’s police. This is the opposite of what we stand for as political figures, so we had no choice but to sue. The song influenced our supporters because we noticed many of them believed that we supported the song’s motives. We lost support, which hurt our finances. Our merchandise profits have been at an all-time low, which is a clear effect of the song. I had spoken with many friends, family, and strangers and all of them had heard the speech, so it is very unlikely that this song artist didn’t see our speech and use it for his song. All we want is for the artist to admit his act of plagiarism, and to remove our slogan from the song.

### ***Testimony of Lyric Johnson***

My name’s Lyric Johnson but you guys can call me Lil’ Lyric. I was born and raised in New York City and I’m currently living there as well. Presidential Candidate Cooper is accusing me of plagiarizing his slogan in my most popular song, “Legendary.” I first wrote my song, “Legendary,” in early July, with my production team, before Cooper even made his speech. I do not plagiarize my songs, I’m all original. Everyone I’ve ever worked with could tell you the same thing. When I found out I was being accused of plagiarism, I was shocked and offended that anyone would



think I stole their words. His slogan is “United for the People, United for the Future” and my song says, “United for the People and the Future.”

Whether or not my song was published after his trademark was placed, the song was written and was going through the production process before the trademark was placed. I never even heard his slogan until after the production of my song. I’m aware that my song has caused Cooper to lose funds and supporters, but people misinterpreted my song. Those lyrics were completely mine, it’s not my fault that he’s losing money. Just because he supports the police doesn’t mean I have to. I think it’s obvious that there was no plagiarism involved in my song. I should not have to change my lyrics.

### ***Testimony of Melody Maverick***

My name is Melody Maverick, I am Lyric Johnson’s producer. I am 39 years old, and was born and raised in New York City, and that is where our studio is located. During early July of 2023, Lyric and I began working on a new a song entitled, “Legendary,” and we had no intention of the song being hateful towards Cooper. The song did include negative lines about the police, which is just my and Lyric’s opinion. We included the line, “United for the People and for the Future.” During October, a little after the song was released, we received a complaint about the line, coming from the candidate running for president, Cooper Wright. He reached out to me and Lyric stating that he made the slogan, declaring “United for the People, United for the Future.” He says he trademarked his slogan after it blew up all over America and that we stole the line; Cooper was enraged at the fact that he had lost many of his supporters from our song and made him

lose profits, supporters, and endorsements. I believe that I am allowed to state my opinions and show people what we stand for. Although we released the piece after the trademark, we created the song before he trademarked his slogan, which we did not hear.

## **INSTRUCTIONS**

The plaintiff, Cooper E. Wright, must prove by a preponderance of evidence that the defendant, Lyric Johnson, had unlawfully produced a song which included a trademarked phrase.

## **SUB-ISSUES**

1. Was the musician aware of the speech or the slogan?
2. Was the song written before the speech was made and before the slogan was trademarked?
3. Does the trademarked line have to be word-for-word to count as plagiarism?
4. Even if the line was written before the speech, is it allowed to be used after it was trademarked?

## **CONCEPTS**

1. Credibility of witnesses
2. Preponderance of the evidence
3. The appropriation of ideas or thoughts
4. Copyright infringement
5. Plagiarism
6. Intellectual property

## **LAW**

Only a phrase that is used for commercial purposes may be trademarked.

## **BIBLIOGRAPHY**

<https://www.legalzoom.com/articles/how-to-trademark-a-phrase>



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