

SCHMUCK v. UNITED STATES

DEATH v. GRAVES

SILVER v. GOLD



BRAIN v. MANN

KLUMP v. DUFFUS

PLOUGH v. FIELDS

SAYING IT WITH STYLE

BY JOHN G. BROWNING

Titles say a lot, whether you're talking about books, movies, songs, or television shows. If you go to see a Bruce Willis movie like "Die Hard," "Die Hard With a Vengeance," or "Live Free and Die Hard," chances are that you know that you won't be watching a weepy, touchy-feely relationship movie. Of course, lawsuits have their own titles, or "styles," too. While some styles become engrained in our public consciousness, like the landmark *Brown v. Board of Education*, most are pretty mundane recitations of who's suing whom, and, consequently, are pretty forgettable.

Every now and then, however, you come across some case names that strike you as anything but ordinary (and for the skeptical among you who think "he's got to be making these up," I'm including the case citations for the curious to look up). For example, the Supreme Court decision in *Wiener v. United States*, 357 U.S. 349 (1958) didn't revolve around hot dogs, but the opinion *was* written by Justice Felix Frankfurter.

When I see a case like *Schmuck v. United States*, 489 U.S. 705 (1989), *United States v. Dolt*, 27 F.3d 235 (6th Cir. 1994), or *Klump v. Duffus*, 71 F.3d 1368 (7th Cir. 1995), I can't help but wonder why some parties don't change their names. Then there are those case names that, well, just seem to go together: *Plough v. Fields*, 422 F.2d 824 (9th Cir. 1970); *Silver v. Gold*, 211 Cal. App. 3d 17, 259 Cal. Rptr. 185 (1989); and *Brain v. Mann*, 129 Wis. 2d 447, 385 N.W. 2d 277 (1986).

Some styles rouse one's curiosity about the dispute at issue. *Batman v. Commissioner*, 189 F.2d 107 (5th Cir. 1951), sounds like something straight out of a comic book, while *Juicy Whip v. Orange Bang*, 185 F.2d 1964 (Fed. Cir. 1999), seems more like a clash taking place in a supermarket aisle than a courtroom. When I hear a case like *Klaxon v. Stentnor*, 313 U.S. 487 (1941), my mind wanders to images from Japanese monster movies from the 1950s or Saturday morning cartoon villains ("Klaxon is about to destroy Tokyo ... here comes Stentnor!"). When you see a case like *United States v. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; Commission of La Cosa Nostra; Anthony Salerno, also known as Fat Tony; Matthew Ianniello, also known as Matty the Horse; Anthony Provenzano, also known as Tony Pro; Nunzio Provenzano, also known as Nunzi Pro; Anthony Corallo, also known as Tony Ducks; Salvatore Santoro; Christopher Furnari, Sr., also known as Christie Tick; Frank Manzo; Carmine Persico, also known as The Snake, also known as Junior; Gennaro Langella, also known as Gerry Lang; Philip Rastelli, also known as Rusty; Nicholas Marangello, also known as Nicky Glasses; Joseph Massino, also known as Joey Messino; Anthony Ficarotta, also known as Figgy; Eugene Boffa, Sr.; Francis Sheeran; Milton Rockman, also known as Maishe; John Tronolone, also known as Peanuts; Joseph John Aiuppa, also known as Joey Aiuppa, also known as Joe Doves, also known as Joey O'Brien; John Phillip Cerone, also known as Jackie Cerone, also known as Jackie the Lackie; Joseph Lombardo, also known as Joey the Clown; Angelo LaPietra, also known as The Nutcracker; Frank Balistrieri, also known as Carl Angelo Deluna, also known as Toughy; Carl Civella, also known as Corky; Anthony Thomas Civella, also known as Tony Ripe; General Executive Board, International Brotherhood of Teamsters; Jackie Presser, General President [and other officers including sixteen Vice Presidents; In re Application LXXXVI of the Independent Administrator, Leroy Ellis, Appellee v. Roadway Express, Inc.]*, 3 F.3d 634 (2d Cir. 1993), you might wonder if you're reading about a lawsuit or an episode of "The Sopranos."

There are those case names that elevate you to a loftier plane, like *United States v. Estate of Grace*, 395 U.S. 316 (1969) or *State of Indiana v. Virtue*, 658 N.E. 2d 605 (1995). One of my favorites is *Death v. Graves*, CGC-06-451316 (San Francisco Super. Ct., filed April 17, 2006). While it may sound like an Ingmar Bergman film, it's actually a garden-variety personal injury case in which the defendants' vehicle crashed into plaintiff Alan Death's motorcycle; ironically, Death lived.

Admittedly, some cases inspire curiosity. When I first heard of *Easter Seals Society for Crippled Children v. Playboy Enterprises*,

815 F.2d 323 (5th Cir. 1987), I marveled at what strange set of facts could have pitted a children's charity and an adult entertainment empire against one another. Reading a reference to *Julius Goldman's Egg City v. United States*, 464 U.S. 814 (1983) led me to speculate about this wonderfully named appellant and the dispute he had. Was he assisted by a hard-boiled detective who cracked the case or were the facts too scrambled to sort out easily? Unfortunately, there's no such mystery in *United States v. Bad Marriage*, 439 F.3d 534 (9th Cir. 2005).

Those whose tastes run to the darker side may be drawn to *United States v. Vampire Nation*, 451 F.3d 189 (3d Cir. 2006), or the entertaining *United States ex rel. Gerald Mayo v. Satan and his staff*, 54 F.R.D. 282 (W.D. Penn. 1971). In the latter, the court dismissed the case against Satan and his minions for lack of personal jurisdiction. Maybe the case should've been filed in Washington, D.C. And let's just say that some plaintiffs have identity issues, as demonstrated by *I Am the Beast Six Six Six of the Lord of Hosts in Edmond Frank MacGillivray Jr. Now. I Am the Beast Six Six Six of the Lord of Hosts IEFMJN. I Am the Beast Six Six Six of the Lord of Hosts. I Am the Beast Six Six Six of the Lord of Hosts OTLOHIEFMJN. I Am the Beast SSSOT-LOHIEFMJN. I Am the Beast Six Six Six. Beast Six Six Six Lord v. Michigan State Police, et al.*, File No. 5:89:92, 1990 U.S. Dist. Lexis 8792 (W.D. Mich. July 12, 1990). I hear his friends just call him "Six."

Still, for entertainment value and sheer wackiness, nothing beats the styles of "in rem" condemnation cases, in which the government sues to justify the seizure of an asset. Where else could you find, for example, *United States v. 11¼ Dozen Packages of Article Labeled in Part Mrs. Moffat's Shoo Fly Powders for Drunkenness*, 40 F. Supp. 208 (W.D.N.Y. 1941)? In that case, the product confiscated was held to be in violation of the Food, Drug, and Cosmetic Act because it, in fact, was not a cure for drunkenness.

If you look you can also find such gems as *United States v. 2,116 Boxes of Boned Beef, etc.*, 726 F.2d 1481; *United States v. Approximately 64,695 Pounds of Shark Fins*, 520 F.3d 976 (9th Cir. 2008); *United States v. 2,507 Live Canary Winged Parakeets*, 689 F. Supp. 1106 (S.D. Fla. 1988); *United States v. One Lucite Ball Containing Lunar Material (One Moon Rock) and One Ten Inch by Fourteen Inch Wooden Plaque*, 235 F. Supp. 2d 1367 (S.D. Fla. 2003); and my personal favorite, *United States v. Article Consisting of 50,000 Cardboard Boxes More or Less, Each Containing One Pair of Clacker Balls*, 413 F. Supp. 1281 (D. Wisconsin 1976).

And you thought law was boring.



JOHN G. BROWNING

is a partner in Thompson Coe, Cousins, & Irons, L.L.P. in Dallas. He is author of the syndicated newspaper column "Legally Speaking" and serves on the Texas Bar Journal Board of Editors.