



LAWYERS VS KAIJU

***NOT TO SCALE**

MEET THE PANEL

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**WHO PAYS FOR
ACTS OF GODZILLA?**

**DOES YOUR HOMEOWNER'S
INSURANCE COVER BEING
STEPPED ON?**

**CAN LOCAL
GOVERNMENTS
RECOVER
EMERGENCY
COSTS?**

**Public Expenditures
Made in the
Performance of
Governmental Functions
ARE NOT Recoverable!**



A large, black, hairy gorilla with glowing green eyes and a wide, toothy grin, standing in a forest at sunset. The gorilla is the central focus, with its arms slightly out to the sides. The background is a warm, golden-orange sunset over a dense forest of trees, with mountains visible in the distance. The overall mood is dramatic and intense.

**IS KING KONG PROTECTED BY
THE ENDANGERED SPECIES ACT?**

LAWYERS IN THE MIST

A species is “endangered” if it is “in danger of extinction throughout all or a significant portion of its range.” 16 U.S. CODE § 1532(6).

A species is “threatened” if it is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Id. § 1532(20); Conservation Force, Inc. v. Jewell, 733 F.3d 1200, 1202 (D.C. Cir. 2013).

A species is considered “endangered” because of “natural or manmade factors affecting its continued existence.” 16 USCS § 1533(a)(1)(E).





IS KING KONG PROTECTED BY THE CONVENTION ON INTERNATIONAL TRADE IN PROTECTED SPECIES (CITES)?

CITES is a multilateral
negotiated

Supplies
species
certain

As of 2018,
Union

Roughly 5
29,000 spe

Western G

BUT ... King Kong in all incarnations is a new primate species, called *Megaprimatus kong* in 2005...

KING KONG IS A CRITICALLY ENDANGERED SPECIES WHEN IN NEW YORK ...



1933 – Bad Things Happen to Kong in New York



2005 – The White House Still Does Not Believe that Kong Needs Protection...



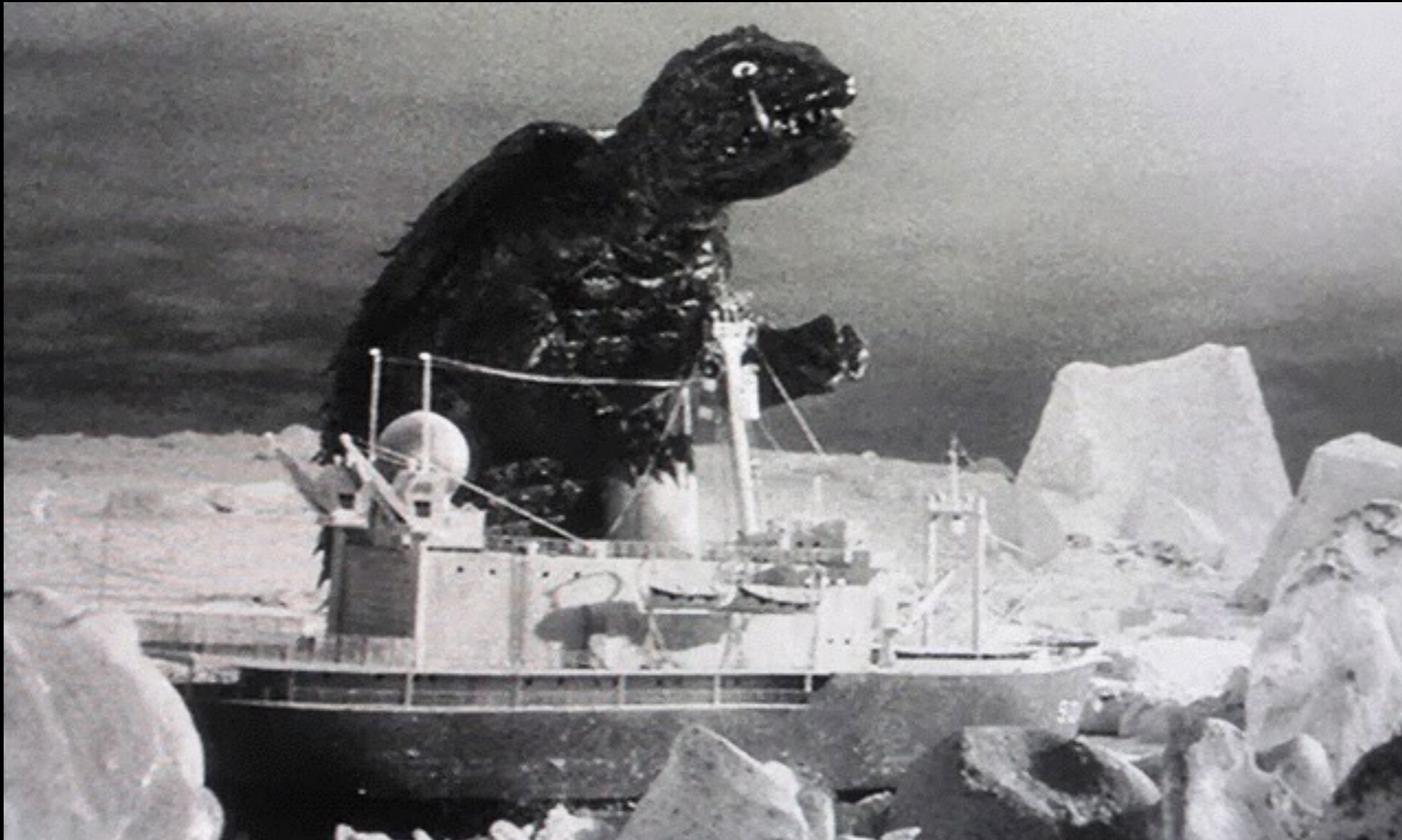
1976 – Clearly, the Passage of the Environmental Species Act Did Not Help ...

UNFORTUNATELY FOR KONG, SKULL ISLAND IS NOT A U.S. TERRITORY

Hence, President Nixon can send American soldiers to secretly kill or capture Kong



On the Other Hand ...



**Gamera Originated Somewhere in North America
Near a U.S. Air Force Base**



**DOES GAMERA HAVE A
DUTY TO RESCUE KIDS
FROM MONSTERS?**

He is the "Friend to All Children"

Gamera Kept Saving Kids



THE DUTY TO RESCUE

No general common law duty to rescue someone unless there is a special relationship.

Rhodes v. Illinois Cent. Gulf R.R., 172 Ill. 2d 213, 232-233 (Ill. 1996).

A duty to rescue can be created between individuals by

1) Statutes;

2) Contractual relationships; or

3) Impliedly by virtue of the relationship between the tortfeasor and a third party.

Bobo v. State, 346 Md. 706, 715, 697 A.2d 1371 (1997).



WHAT IS CARL DENHAM LIABILITY FOR KING KONG'S RAMPAGE ACROSS NEW YORK?

"One who keeps wild animals on his premises must see to it at his peril that they do no damage to others."

Hyde v. Utica, 20 N.Y.S.2d 335, 337 (App. Div. 1940)

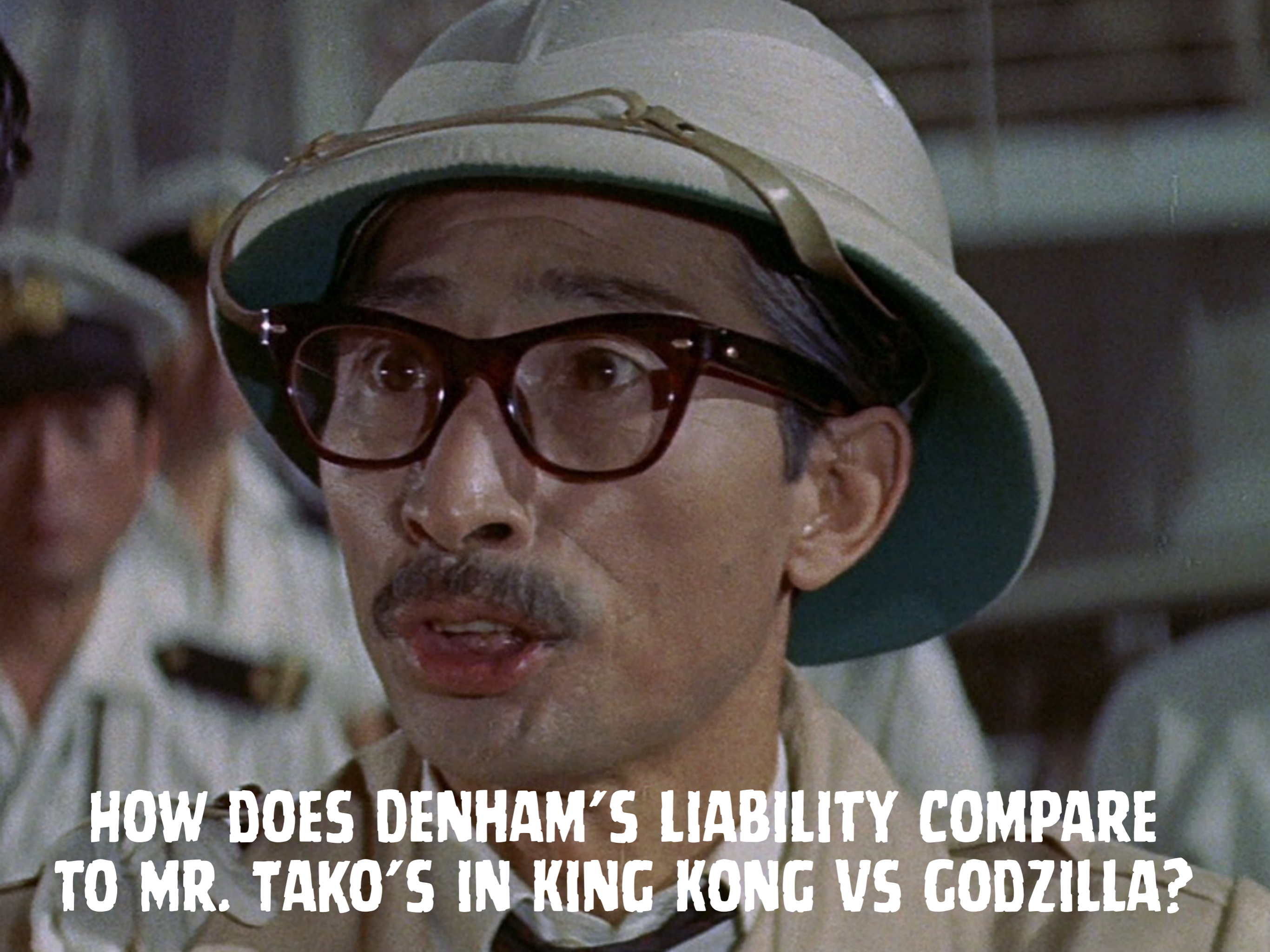
"[A] **wild animal is presumed to be vicious** and since the owner of such animal...is an insurer against the acts of the animal to anyone who is injured..."

Baugh v. Beatty, 91 Cal. App. 2d 786, 791, 205 P.2d 671 (1949) (case involving an attack by a chimpanzee)

Wild Animals include primates.

New York Consolidated Laws, General Municipal Law - GMU § 209-cc(2)(c)(1).





HOW DOES DENHAM'S LIABILITY COMPARE TO MR. TAKO'S IN KING KONG VS GODZILLA?

WHAT IS THE LIABILITY FOR THE GARGANTUA GAIRA EATING PEOPLE?

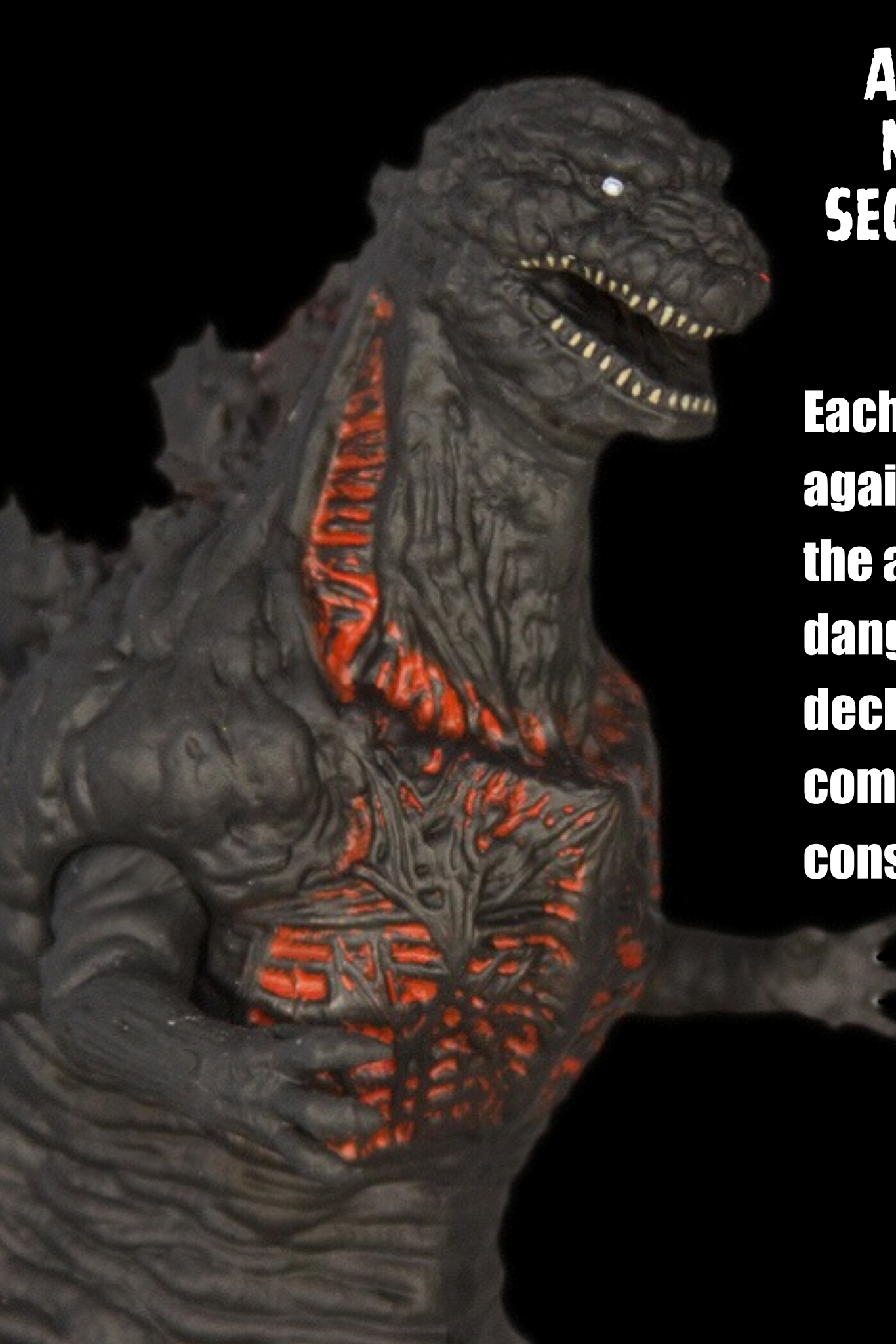


WORDS LAND PEOPLE!
GET STUCK IN MY THROAT



**Does the United
States have a
Treaty Obligation
to Defend Japan
from Godzilla?**





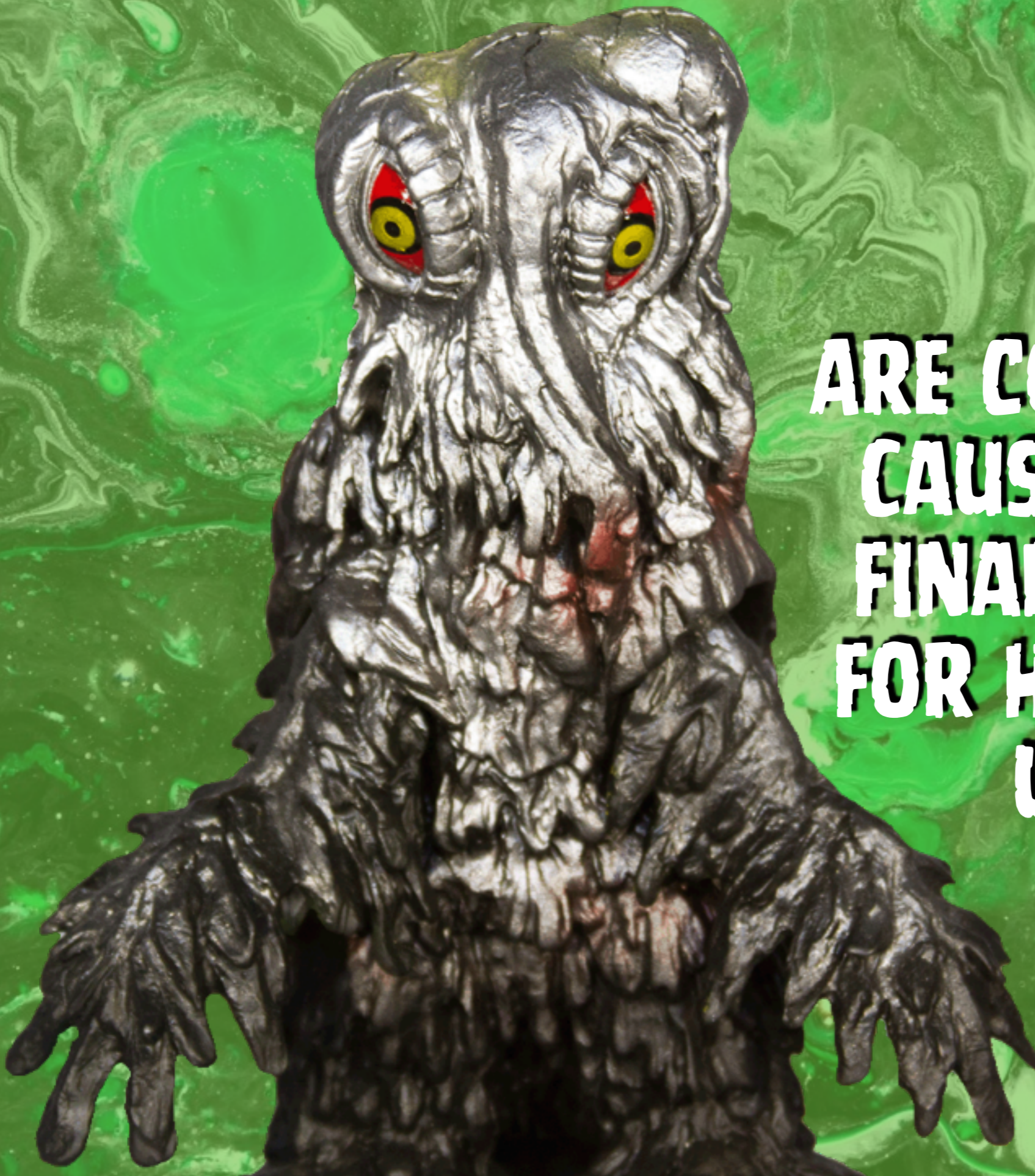
**ARTICLE V OF THE TREATY OF
MUTUAL COOPERATION AND
SECURITY BETWEEN THE UNITED
STATES AND JAPAN**

Each Party recognizes that **an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.**

WAR POWERS ACT

**Does the President Have to
Request Congressional
Approval to Fight Godzilla?**





**ARE COMPANIES THAT
CAUSED POLLUTION
FINANCIALLY LIABLE
FOR HEDORAH CLEAN
UP COSTS?**

KAIJU CREATED BY ENVIRONMENTAL CONTAMINATION



**The Host:
“Formaldehyde Monster”**



**Shin Godzilla:
Nuclear Contamination Monster**

U.S. ENVIRONMENTAL LAWS ARE RELAXED FOR OVERSEAS U.S. MILITARY BASES

Executive Order 12114 (Jan. 4, 1979), 44 FR 1957, 3 CFR, 1979 Comp., p. 356:

“If a major Federal action having effects on the environment of the United States or the global commons requires preparation of an environmental impact statement, and if the action also has effects on the environment of a foreign nation, an environmental impact statement need not be prepared with respect to the effects on the environment of the foreign nation.”

U.S. ENVIRONMENTAL LAWS ARE RELAXED FOR OVERSEAS U.S. MILITARY BASES

Agreement to Supplement the Japan-U.S. Status of Forces Agreement (SOFA) on Environmental Stewardship (2015)

Provides that the Japanese government or local municipalities “may request” permission from the U.S. to conduct environmental surveys in the event of environmental incidents at U.S. military bases in Japan.

The U.S. will “give all due consideration to the request” and “respond as promptly as practicable.”

Japan “may also request to take samples” in relation to on-the-spot surveys

BUT, there is no requirement that the U.S. agree to the surveys

NOT SURPRISINGLY, IN "THE HOST" THE U.S. GOVERNMENT IS NOT HELD LIABLE FOR CREATING THE MONSTER, OR USING "AGENT YELLOW" AGAINST IT



JAPANESE LAW MAY MAKE SOME POLLUTERS LIABLE FOR CREATING HEDORAH AND GODZILLA

AIR POLLUTION CONTROL ACT

Regulates smoke and soot, as well as dust from factories and business establishments

Implements countermeasures for hazardous air pollutants

Provides liability in damages to protect victims from business establishments.

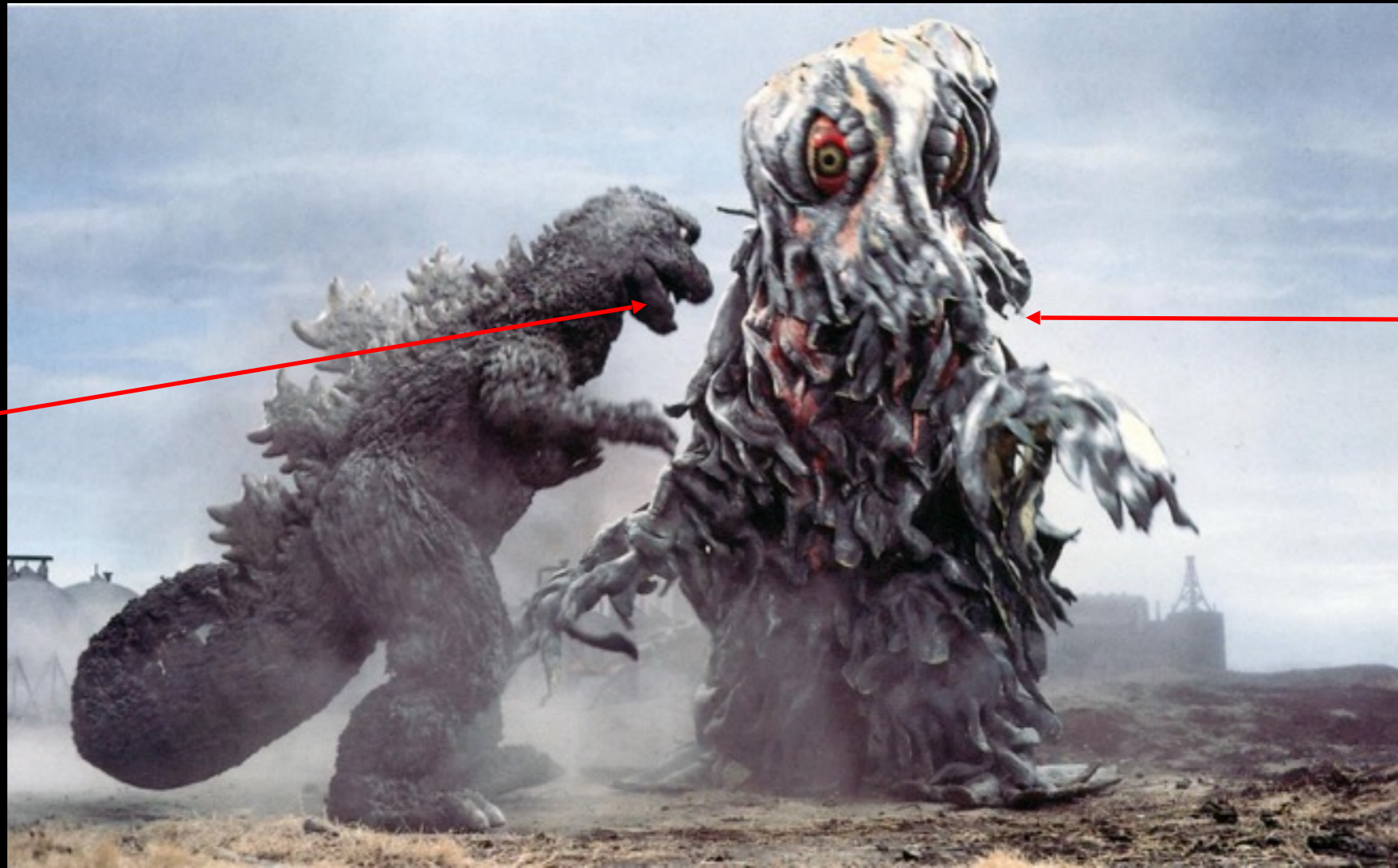
ACT ON COMPENSATION FOR NUCLEAR DAMAGE

“The purpose of this Act is to protect persons from nuclear damage and to contribute to the sound development of the nuclear industry by establishing the basic system regarding compensation in case of a nuclear damage caused by reactor operation, etc.”

OFFENSIVE ODOR CONTROL LAW

Protects Japanese nation's health by regulating offensive odors from factories in regulated areas

CALLING ALL LAWYERS!!!



**Atomic
Breath**

AND

**Offensive
Odors**

**Air
Pollution**

AND

**Offensive
Odors**

WHO OWNS THE EGG IN MOTHRA VS GODZILLA?

**Mothra Egg on Infant
Island Washed Out to
Sea During Typhoon**

**Egg Recovered by
Fishermen**

**Local Villagers sold
Egg to Happy
Enterprises**

**Who is the Rightful
Owner of the Egg?**



**An
Eggistential
Question**

LET GO MY EGG-O





QUESTIONS?



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