

AGENDA

DUTY TO RESCUE

IMPRISONING ALIENS

FINANCIAL RESPONSIBILITY FOR SUPER VILLAIN
BATTLES?

"PHANTOM ZONE" AND CRUEL & UNUSUAL PUNISHMENT?

J'ONN J'ONZZ AND [DENTITY THEFT

DOES SUPERGIRL VIOLATE U.S. AIRSPACE?

INVASION OF PRIVACY

AND JEEPERS MORE!



### JESSICA MEDERSON

HERO NAME: ZIPPY

SWORN MISSION: TO HELP THE UNDERDOG

ARCH NEMESIS: HYPOCRITES

WEAKNESSES: CHOCOLATE, SITCOMS, AND
CELEBRITY GOSSIP



#### JORDON HUPPERT

HERO NAME: LINK

SKILLS: DEFENDING THE PUBLIC, ARGUING WITH THE MAN, BEING A GENERAL PAIN IN THE NECK

WEAKNESSES: SPIDERS THAT AREN'T SPIDER-MAN, USUALLY THE FACTS, BEING TOLD THE ODDS.



#### JOSHUA GILLILAND

HERO NAME: BOW TIE

SKILLS: WIELDING THE FEDERAL RULES OF

CIVIL PROCEDURE FOR NATIVE FILE

PRODUCTIONS

WEAKNESS: NEW COMICS ON WEDNESDAYS,
CHICKEN TACOS



### CRYSTAL SWANSON

HERO NAME: PRO HAWK V'CHE

SKILLS: GATHER THE FACTS, SEEK THE TRUTH, CROSS LIKE A BOSS

WEAKNESSES: 80'S HAIR BANDS



#### ROGER QUILES

HERO NAME: GAMESHARK

SWORN MISSION: TO SERVE AND PROTECT
PROFESSIONAL VIDEO GAME PLAYERS

ARCH NEMESES: FINAL BOSSES EVERYWHERE

WEAKNESSES: CONTROLLERS AND KEYBOARDS
WITH STICKY BUTTONS, CHEAT CODES, AND
MOJITOS

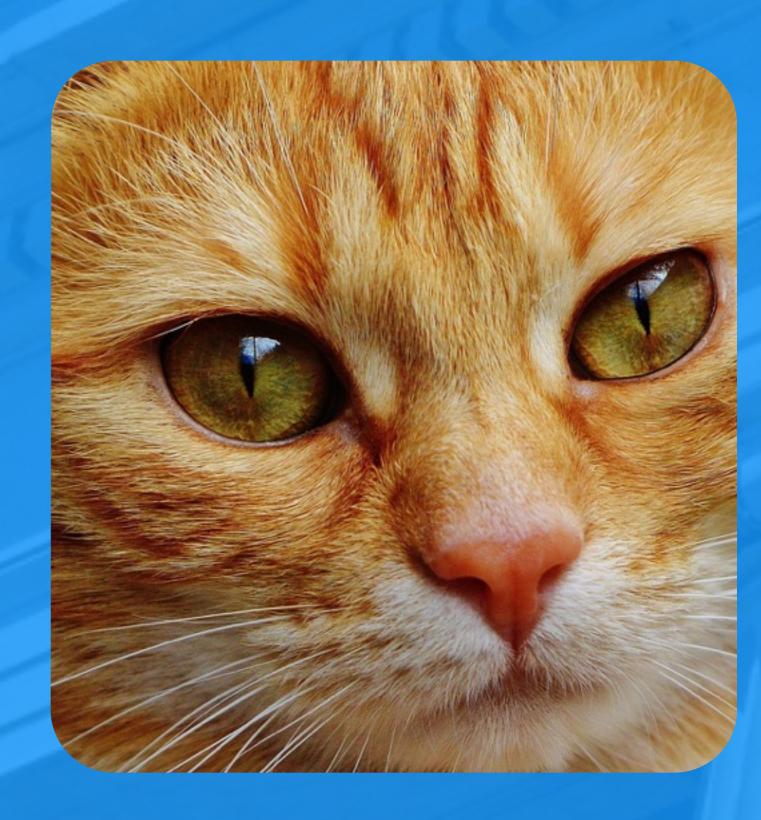


### CYNTHIA KITCHEN

SUPERHERO NAME: CAPTAIN KITTY

SKILLS: DEFENDER OF CONTRACTORS; CAT WHISPERER

WEAKNESSES: SEPHORA: SUSIECAKES



### "JIMMY" OLSEN"

NAME: JAMES BARTHOLOMEW OLSEN

OCCUPATION: CUB REPORTER (75+ YEARS EXPERIENCE)
ALIASES: ELASTIC LAD, GIANT TURTLE BOY, SUPERLAD,
FLAMEBIRD, MR. ACTION, SUPER-YOUTH, COSMIC BRAIN,
ULTRA-OLSEN, WONDER OLSEN, WONDER LAD, BONZO,
SECRET AGENT DOUBLE FIVE

BASE OF OPERATIONS: METROPOLIS

POWERS: HAD THEM ALL AT ONE TIME OR ANOTHER

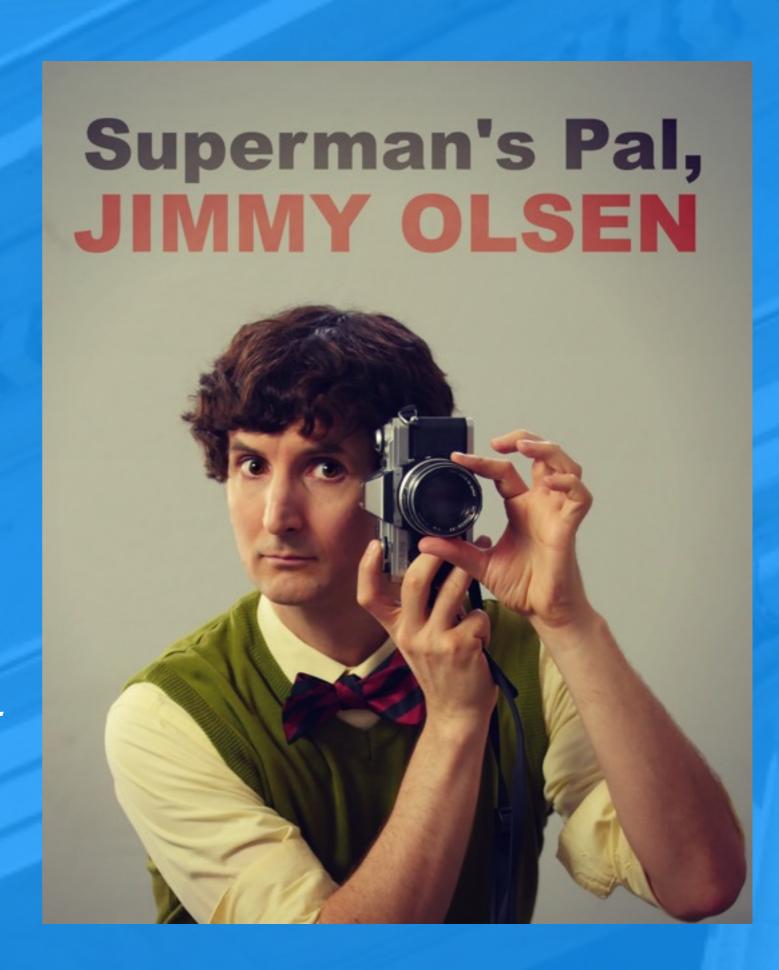
SKILLS: RECKLESSNESS, ENTHUSIASM, KIDNAPABILITY,

INSERTING SELF INTO NEWS STORIES, MASTER OF DISGUISE,

CROSS-DRESSING, PHOTOGRAPHER, DETECTIVE, WILLINGNESS

TO EAT/DRINK UNKNOWN/POSSIBLY HAZARDOUS MATERIALS

WEAKNESSES: LUCY LANE TWITTER: @BOYOFRUBBER WEBSITE: WWW.RUBBERREPORT.COM





### DUTY TO RESCUE

NO DUTY TO RESCUE UNLESS "SPECIAL RELATIONSHIP"

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.

GOOD SAMARITAN LAWS: ENCOURAGE PEOPLE TO ACT.

RHODES V. ILLINOIS CENT. GULF R.R., 172 ILL. 2D 213, 232-233 (ILL. 1996); BOBO V. STATE, 346 MD. 706, 715, 697 A. 2D 1371 (1997); MIGLINO V BALLY TOTAL FITNESS OF GREATER N.Y., INC., 20 N.Y.3D 342, 348 (N.Y.2013).

### CLEANING UP THE PLANE?

WHO GETS THE JET OUT OF THE RIVER?





### OL TAKER LIABILITY

IS SUPERGIRL RESPONSIBLE FOR THE OIL SPILL?

# FINANCIALLY RESPONSIBLE FOR PROPERTY DAMAGE IN BATTLES WITH SUPER-VILLAINS?

DEO EMPLOYEE OR INDEPENDENT CONTRACTOR:

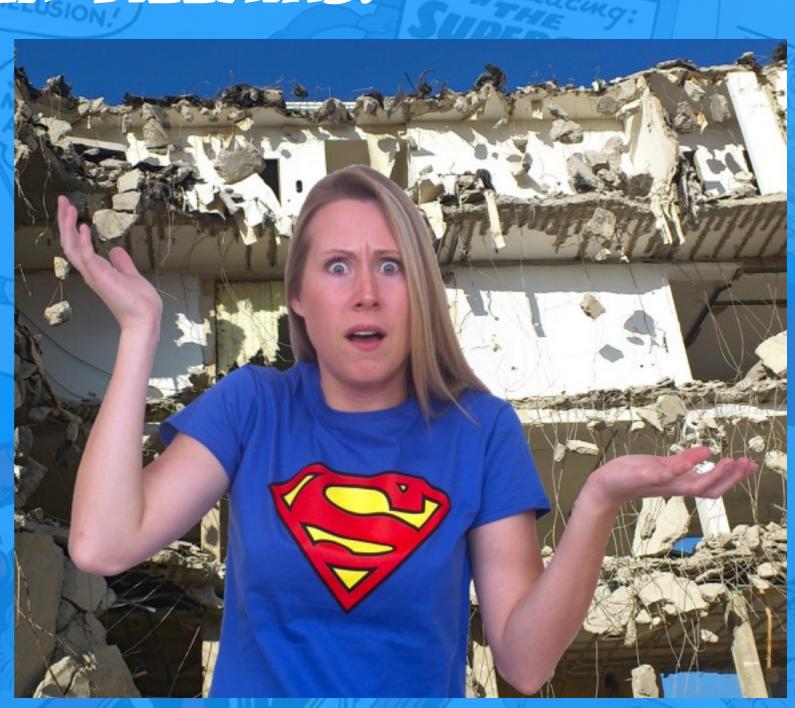
1 WHETHER THE PERSON IS ENGAGED IN A DISTINCT OCCUPATION,

2 WHETHER SPECIAL SKILLS ARE NEEDED,

3 WHETHER THE PERSON SUPPLIES THEIR OWN INSTRUMENTS AND TOOLS AND

4 WHETHER THE WORK USUALLY IS DONE WITH SUPERVISION.

TOYOTA V. LEE OCITATION?



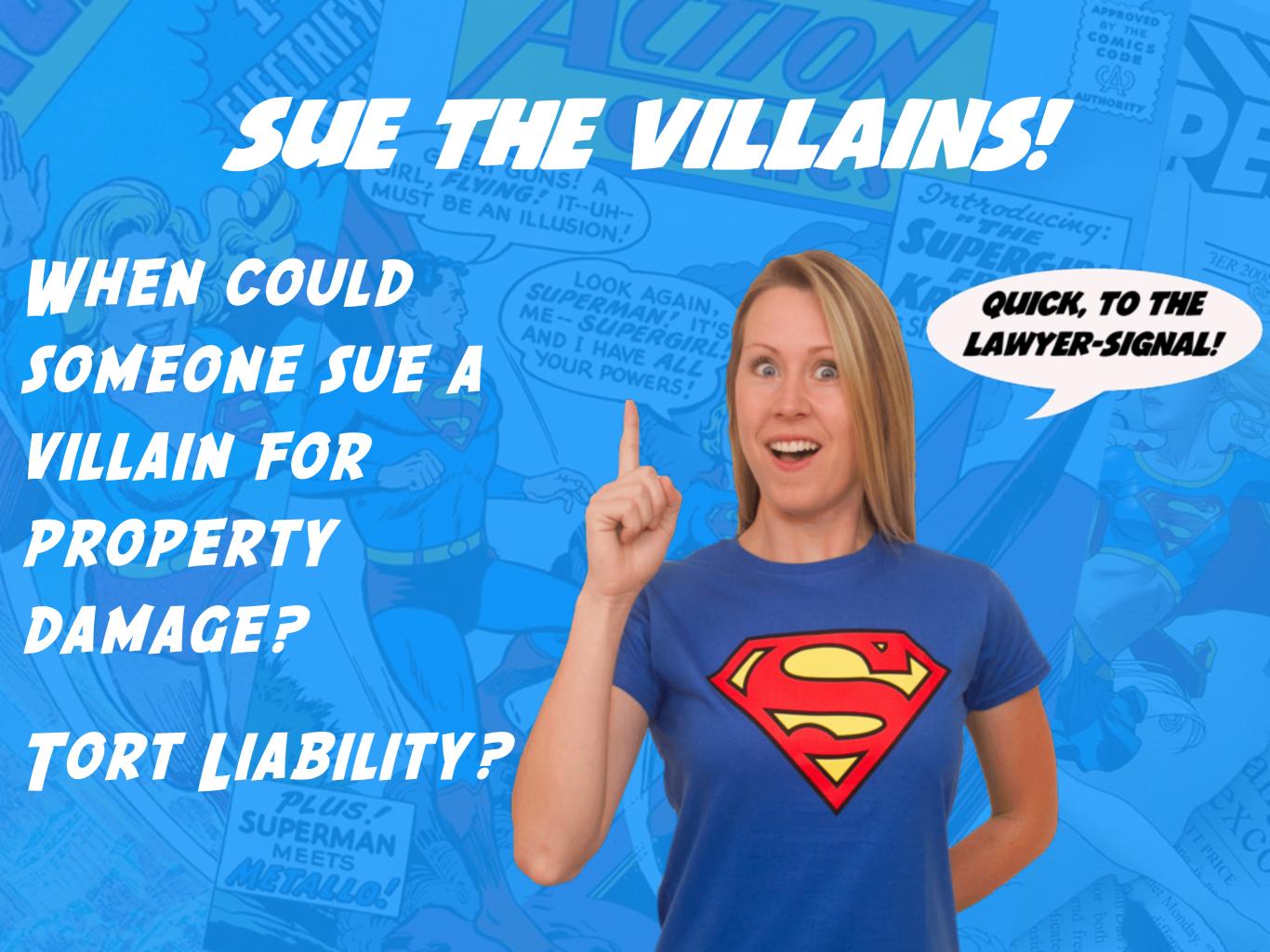


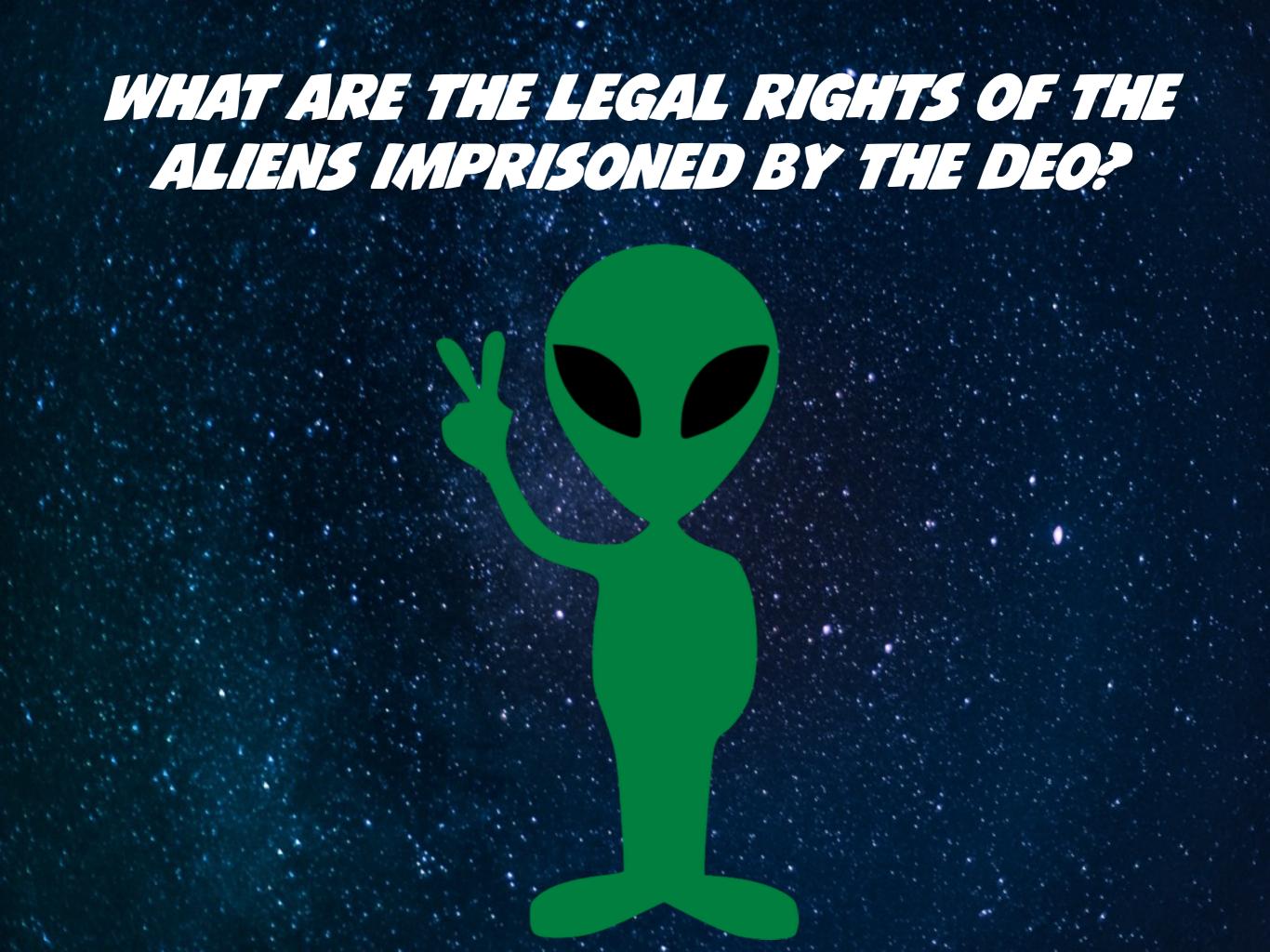


COULD INSURANCE PROTECTION FROM DAMAGE
CAUSED BY SUPERHERO/SUPERVILLAIN
BATTLES BE PROTECTED BY INSURANCE?

FEDERAL GOVERNMENT?

WHAT IF THE VILLAIN IS A GOD?





### CAN ALIENS SUE THE DEO 2

ALIEN TORT ACT:

AN ALIEN CAN SUE IF THEY CAN PROVE:

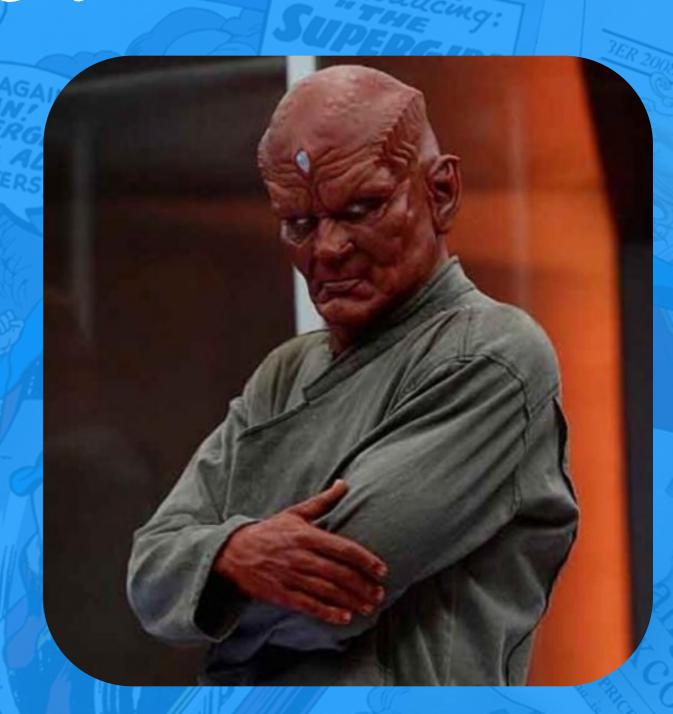
1 THEY ARE AN ALIEN

2 THEY ARE ASSERTING A TORT ACTION @SAY FALSE IMPRISONMENT@,

3 THE TORT WAS A VIOLATION OF LAW AND

4 THE CLAIMS TOUCH AND CONCERN THE TERRITORY OF THE UNITED STATES.

28 USC \$1350







[HINT: YES!]

#### WHAT'S THE POSSE COMITATUS ACT?

WHOEVER, EXCEPT IN CASES AND UNDER CIRCUMSTANCES EXPRESSLY
AUTHORIZED BY THE CONSTITUTION OR ACT OF CONGRESS, WILLFULLY
USES ANY PART OF THE ARMY OR THE AIR FORCE AS A POSSE
COMITATUS OR OTHERWISE TO EXECUTE THE LAWS SHALL BE FINED
UNDER THIS TITLE OR IMPRISONED NOT MORE THAN TWO YEARS, OR
BOTH.

18 USCS § 1385.

# CAN LUCY LANE BE DISBARRED FOR HOLDING HUMANS IN VIOLATION OF THEIR DUE PROCESS RIGHTS?

CONVICTION OF A FELONY OR MISDEMEANOR, INVOLVING MORAL TURPITUDE,
CONSTITUTES A CAUSE FOR DISBARMENT OR SUSPENSION.

CA BUSINESS AND PROFESSIONS CODE SECTION 6101(A).

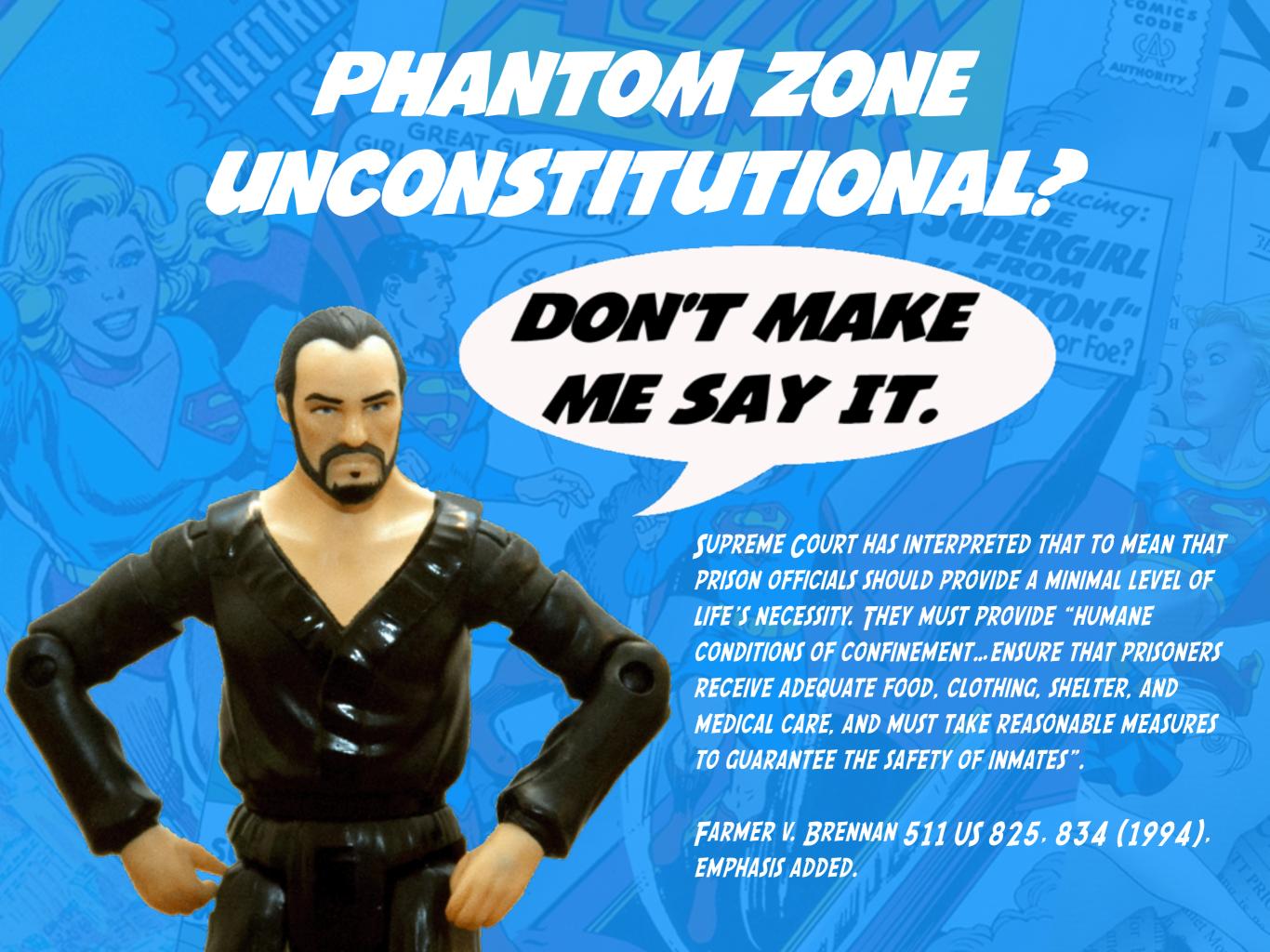


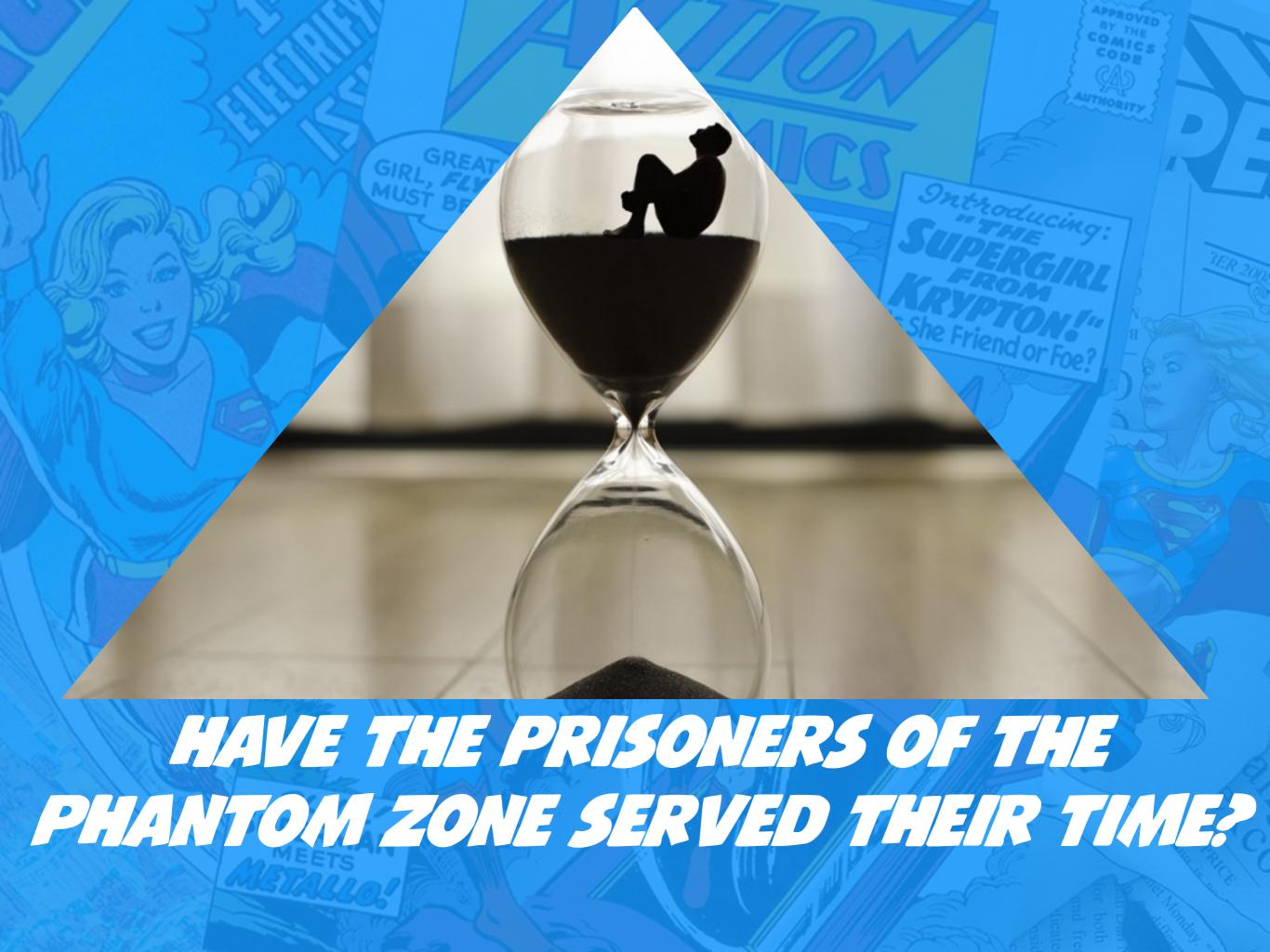
### PHANTON ZONE!

EXCESSIVE BAIL SHALL
NOT BE REQUIRED, NOR
EXCESSIVE FINES
IMPOSED, NOR CRUEL
AND UNUSUAL
PUNISHMENTS INFLICTED.

8TH AMENDMENT, U.S. CONSTITUTION









## DOES KRYPTON HAVE A CODE OF JUDICIAL ETHICS

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY\*, COMPETENTLY, AND DILIGENTLY. CANON 3.

CANON 3(C)(1)(D)(I): DISQUALIFICATION.

- (1) A JUDGE SHALL DISQUALIFY HIMSELF OR HERSELF IN A PROCEEDING IN WHICH THE JUDGE'S IMPARTIALITY MIGHT REASONABLY BE QUESTIONED, INCLUDING BUT NOT LIMITED TO INSTANCES IN WHICH:
  - (D) THE JUDGE OR THE JUDGE'S SPOUSE, OR A PERSON RELATED TO EITHER WITHIN THE THIRD DEGREE OF RELATIONSHIP, OR THE SPOUSE OF SUCH A PERSON IS:
    - (I) A PARTY TO THE PROCEEDING, OR AN OFFICER, DIRECTOR, OR TRUSTEE OF A PARTY;

### THREE DEGREES OF THINS

CCP 170.1.(A) A JUDGE SHALL BE DISQUALIFIED IF ANY ONE OR MORE OF THE FOLLOWING ARE TRUE:

(4) THE JUDGE, OR THE SPOUSE OF THE JUDGE, OR A PERSON WITHIN THE THIRD DEGREE OF RELATIONSHIP TO EITHER OF THEM, OR THE SPOUSE OF SUCH A PERSON IS A PARTY TO THE PROCEEDING OR AN OFFICER, DIRECTOR, OR TRUSTEE OF A PARTY.

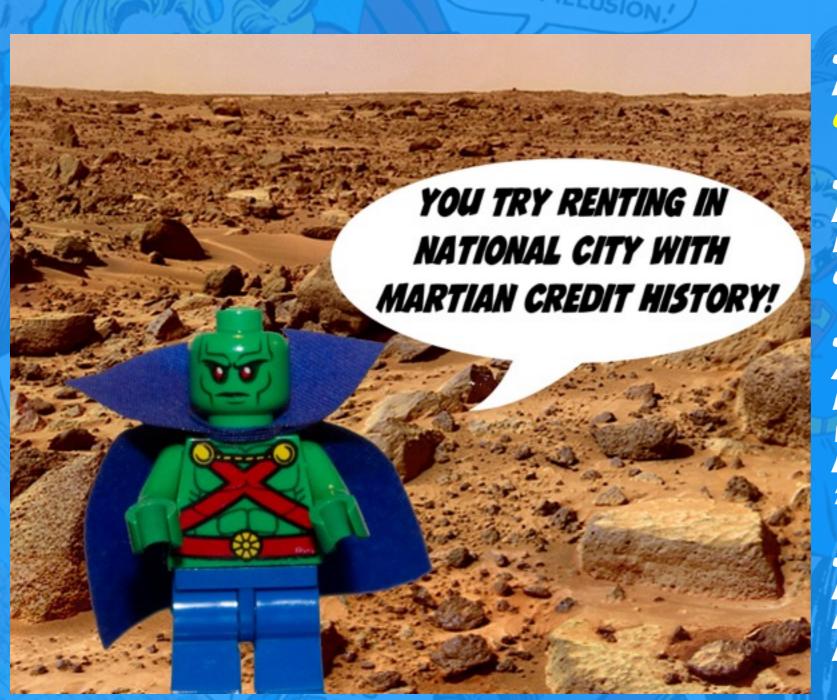
### CAN J'ONN J'ONZZ BE PROSECUTED FOR IDENTITY THEFT OF HANK HENSHAW'S LIFE?

HOW ABOUT FALSE IMPERSONATION?

I DID IT ALL TO SAVE THE EARTH. AND FOR OREOS.

ANY PERSON WHO KNOWINGLY AND
WITHOUT CONSENT CREDIBLY
IMPERSONATES ANOTHER ACTUAL
PERSON THROUGH OR ON AN INTERNET
WEB SITE OR BY OTHER ELECTRONIC
MEANS FOR PURPOSES OF HARMING,
INTIMIDATING, THREATENING, OR
DEFRAUDING ANOTHER PERSON IS
GUILTY OF A PUBLIC OFFENSE...
CA PENAL CODE 528.5

## FALSE IMPERSONATION:



J'ONZZ ASSUMED THE IDENTITY OF HANK
HENSHAW IN BOTH HIS PERSONAL AND
OFFICIAL CAPACITY OF THE HEAD OF THE DEO:

J'ONZZ HAS SIGNED AND ISSUED ORDERS ON BEHALF OF THE DEO, THUS PUBLISHING WRITTEN INSTRUMENTS WITH THE INTENT HIS ORDERS BE USED AS TRUE;

J'ONZZ HAS ACTED AS A FEDERAL AGENT IN APPREHENDING BOTH ALIENS AND HUMANS, WHO ARE HELD WITHOUT TRIAL, THUS VIOLATING AT LEAST THE HUMAN'S CIVIL RIGHTS, THEREFORE SUBJECTING HENSHAW TO A 1983 ACTION; AND

J'ONZZ HAS TO LIVE SOMEPLACE, MEANING EITHER A LEASE OR DEED HAS BEEN SIGNED IN HENSHAW'S NAME, USING HENSHAW'S CREDIT HISTORY FOR J'ONZZ PERSONAL BENEFIT.

CAL PEN CODE Ø 529.

#### DOES ALEX DANVERS HAVE AN OBLIGATION TO TURN MAXWELL LORD IN FOR HIS CRIMES?

ATTEMPTED MURDER, ASSAULT. KIDNAPPING, FALSE IMPRISONMENT TERRORISM, BLACKMAIL. TRAIN WRECKING, ILLEGAL MEDICAL EXPERIMENTS. FLYING COMMERCIAL DRONES WITHOUT A LICENSE, INVASION OF PRIVACY, SOMEHOW MANAGING TO BE BOTH RUGGEDLY AND BOYISHLY HANDSOME?





### LOOK! UP IN THE SKY!

FEDERAL AVIATION ADMINISTRATION

SUPERGIRL THE AIRCRAFT?

MILITARY EXEMPTIONS

### AIRSPACE LAW

THE US GOVERNMENT HAS EXCLUSIVE SOVEREIGNTY OF AIRSPACE OF THE UNITED STATES.

US CITIZENS HAVE A PUBLIC RIGHT OF TRANSIT THROUGH NAVIGABLE AIRSPACE.

IS SUPERGIRL A PLANE, DRONE, OR HELICOPTER?



### CITI AMENDMENT

DOES SUPERGIRL NEED
A WARRANT TO USE
SUPER-HEARING OR
X-RAY VISION?

ARE KARA'S SENSES
LIKE "USING SENSORY
ENHANCING
TECHNOLOGY" OR HER
NATURAL SENSES?



### PROSECUTING SUPERGIRL FOR INVASION OF PRIVACY

INVESTIGATION OF A SERIOUS CRIME PURSUANT TO A SEARCH WARRANT IS A DEFENSE WHICH JUSTIFIES THE INVASION OF HIS PRIVACY (IN THIS CASE, DESTRUCTION OF COMPUTER DISKS USED IN HIS RESEARCH) AS A MATTER OF LAW.

BUT - SUPERGIRL NEVER OBTAINS A SEARCH WARRANT WHEN SHE USES HER SUPERPOWERS...SO DOES THIS MEAN THAT SUPERGIRL CAN BE PROSECUTED FOR INVASION OF PRIVACY??

BAUGHMAN V STATE OF CALIFORNIA (1995) 38 CAL.APP.4TH 182

### WHAT IS AN INTRUSION?

COULD CAT PROVE
THAT SUPERGIRL
"PENETRATED SOME
ZONE OF PHYSICAL OR
SENSORY PRIVACY
SURROUNDING THE
PLAINTIFF OR
OBTAINED
UNWARRANTED ACCESS
TO DATA ABOUT THE
PLAINTIFF"?

MILLER V NATIONAL BROAD. CO. (1986) 187 CAL. APP. 3D 1463, 1482.



## SUPER-HEARING



AN INVASION OF PRIVACY OCCURS WHERE ONE INTENTIONALLY INTRUDES, PHYSICALLY OR OTHERWISE, UPON THE SOLITUDE, SECLUSION, PRIVATE AFFAIRS, OR CONCERNS OF ANOTHER, IN A MANNER THAT WOULD BE HIGHLY OFFENSIVE TO A REASONABLE PERSON. (SHULMAN V GROUP W PRODUCTIONS, INC. (1998) (18 CAL 4<sup>TH</sup> 200, 231.)

SO ALL OF THOSE TIMES THAT SUPERGIRL USES HER SUPERHEARING TO LISTEN IN ON CONVERSATIONS SEEM PRETTY LIKELY TO BE CONSIDERED AN INVASION OF PRIVACY.

# REMEDIES FOR VIOLATING PRIVACY RIGHTS

COMPENSATORY DAMAGES

EMOTIONAL DISTRESS

PUNITIVE DAMAGES

DOUBLE TREBLE
DAMAGES

INJUNCTION









# FCC LICENSE FOR A MESSAGE OF HOPE?

TV STATIONS ARE REGULATED BY FEDERAL COMMUNICATIONS COMMISSION.

FCC REGULATES ALL INTERSTATE

COMMUNICATIONS SUCH AS WIRE, SATELLITE AND

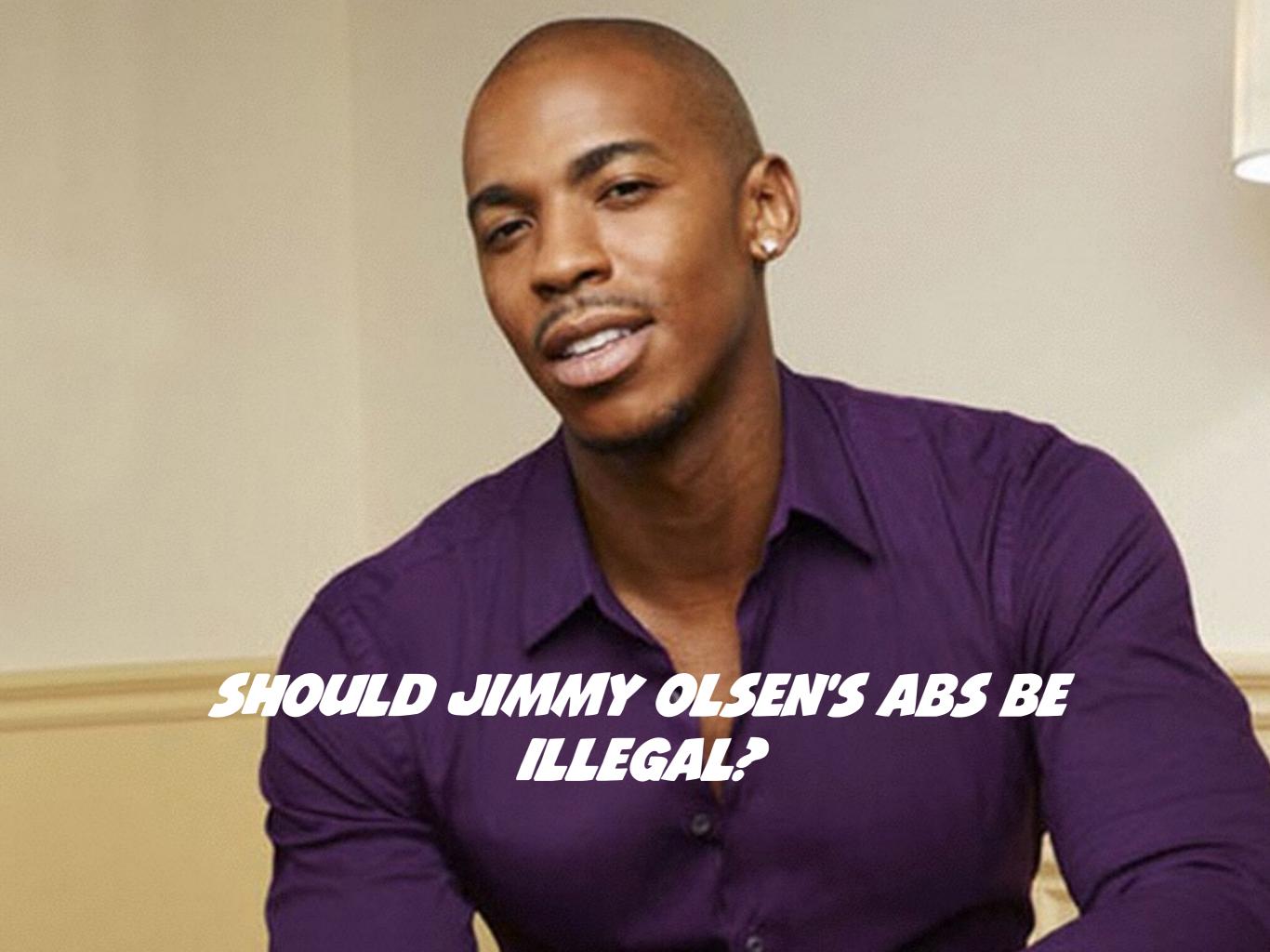
CABLE.

IN ORDER TO BROADCAST ON ANY TV CHANNEL,
A STATION WOULD NEED TO BE LICENSED BY THE
FCC.

IF A CHANNEL WERE OPERATED WITHOUT A LICENSE, THE FCC CAN UNDERTAKE AN ENFORCEMENT ACTION AGAINST THE OPERATOR.

UNLICENSED OPERATION OF A TV CHANNEL/
RADIO CHANNEL IS PROHIBITED







### EXTREMELY ACCURATE

# DID WINN SEXUALLY HARASS SUPERGIRL?

ARE YOU
#TEAMJIMMY
OR
#TEAMWINN?

HARASSMENT IS UNWELCOME CONDUCT THAT IS

BASED ON RACE, COLOR, RELIGION, SEX

(INCLUDING PREGNANCY), NATIONAL ORIGIN,

AGE, DISABILITY OR GENETIC INFORMATION.

HARASSMENT BECOMES UNLAWFUL WHEN:

ENDURING THE OFFENSIVE CONDUCT

BECOMES A CONDITION OF CONTINUED

EMPLOYMENT, OR

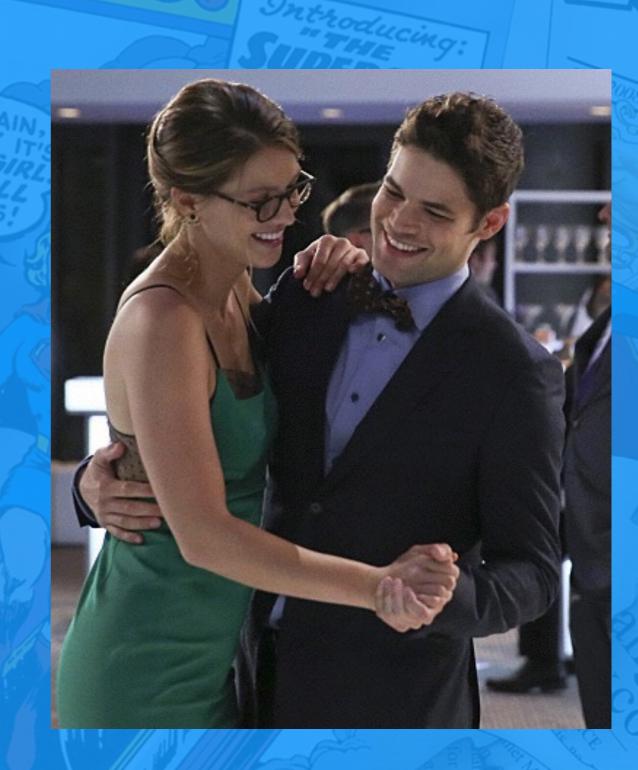
THE CONDUCT IS SEVERE OR PERVASIVE
ENOUGH TO A CREATE A WORK
ENVIRONMENT THAT A REASONABLE
PERSON WOULD CONSIDER INTIMIDATING,
HOSTILE OR ABUSIVE

# ANALYSIS

TRYING ON UNIFORMS: "YOU
LOOK REALLY PRETTY WITHOUT
YOUR GLASSES"

ASKED KARA TO DANCE

THANKSGIVING DINNER: KARA
SAYS WINN IS "BEST FRIEND IN
THE WORLD"





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#### IS KARA'S ADOPTION BY THE DANVERS LEGAL?

[HINT: NO BIRTH CERTIFICATE]

#### SUPERMAN ADOPTING JIMMY



