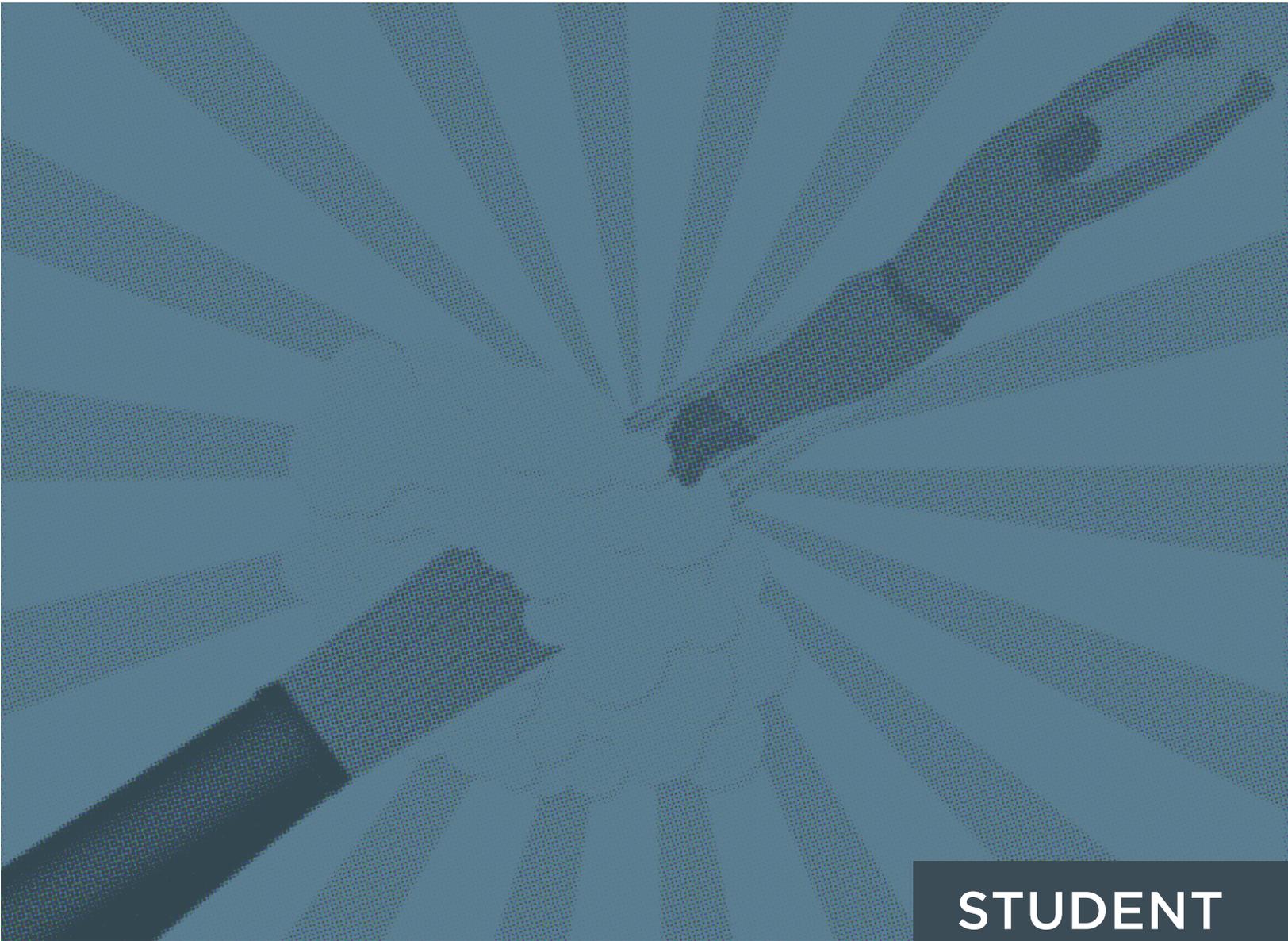


THE SUPREME COURT *of* OHIO

PRESENTS

THE HUMAN CANNONBALL'S FLIGHT THROUGH THE COURTS

HUGO ZACCHINI V. SCRIPPS-HOWARD BROADCASTING COMPANY
MOCK TRIAL

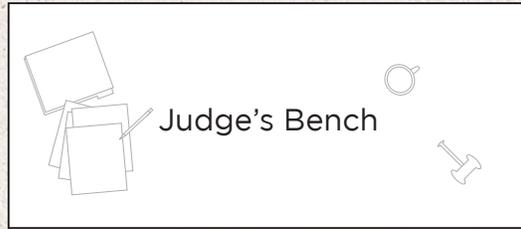


**STUDENT
SCRIPT**

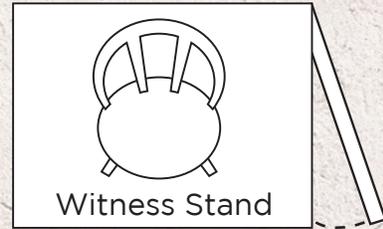


Judge

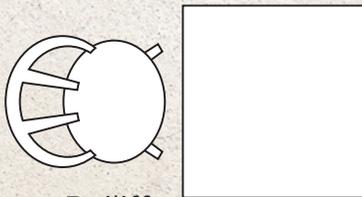
This seat will be used by Hugo Zacchini, the at-home viewer, the cameraperson, and the fair attendee.



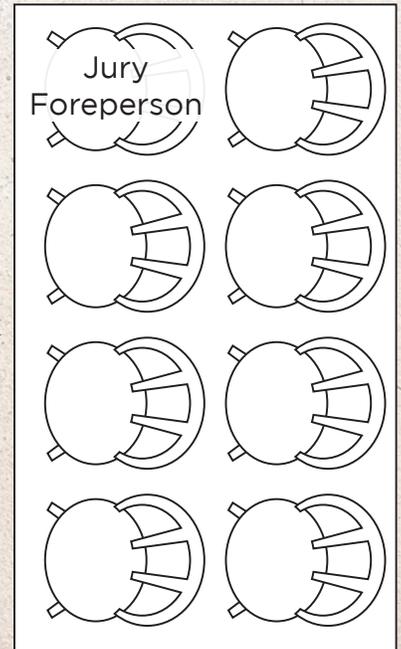
Judge's Bench



Witness Stand

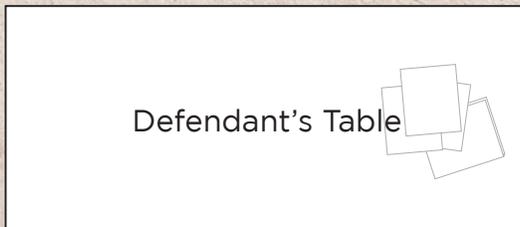


Bailiff



Jury Foreperson

Jury Box



Defendant's Table



Plaintiff's Table



Jack Howard



Defense Counsel



Plaintiff's Counsel



Hugo Zacchini

Courtroom Diagram

TRIAL ROLES

JUDGE

I am the judge. I will be in charge of the trial. I make sure both sides follow the rules of the court. The judge is like a referee who makes sure both sides play fair. This means I do not take sides. Unlike some judges on TV, I will treat all those here with respect and will speak only when I need to. It is important that I listen carefully.

BAILIFF

I am the bailiff. I help the judge take care of the courtroom. I announce the beginning and end of the trial. I also swear in the witnesses.

JURY FOREPERSON

We are the jury. We have been asked to hear this case and decide who is right. Jurors listen carefully to both sides during the trial. Our decision must be based on things we hear in this courtroom and nothing else. It is us, not the judge, who will make the final decision today.

PLAINTIFF

I am Hugo Zacchini, the human cannonball! I have accused the Scripps-Howard Broadcasting Company of doing something wrong. I risk my life for my act, and I only make money if people come to see my performance. When WEWS Channel 5 played my entire act on the 11 o'clock news, I lost potential customers. I think the company should pay me for that lost income. I ask the court for help solving this problem.

PLAINTIFF'S COUNSEL

I am Hugo Zacchini's lawyer. My job is to tell the plaintiff's side of the story. I will use evidence to show that the defendant owes Hugo money.

DEFENDANT

I am Jack Howard, the president and CEO of Scripps-Howard Broadcasting Company, the company that owns WEWS Channel 5. Hugo Zacchini has accused my company of doing something wrong. I do not agree because WEWS is protected by the First Amendment and we had a right to air this public event to members of the community.

DEFENSE COUNSEL

I am Mr. Howard's lawyer. My job is to tell the defendant's side of the story. I will show you that Scripps-Howard does not owe Hugo any money.

Roles

1. Judge
2. Bailiff
3. Jury Foreperson
4. Hugo Zacchini (*plaintiff/witness*)
5. Plaintiff's Counsel
6. Jack Howard (*defendant*)
7. Defense Counsel
8. Television Cameraperson (*witness*)
9. At-Home Viewer (*witness*)
10. Fair-Goer (*witness*)

TRIAL BEGINS & OPENING STATEMENTS

BAILIFF

[Loudly] Hear ye, hear ye, this court is now in session.

Counsel make opening statements.

PLAINTIFF'S COUNSEL

When the cameraperson for WEWS Channel 5 asked Hugo if they could film his act, Hugo told them no. The cameraperson should have respected Hugo's request, or their company should have offered to pay for the rights to show the act on TV. The Scripps-Howard Broadcasting Company owes Mr. Zacchini \$25,000 for stealing his thunder and showing his entire act on the news without his permission.

DEFENSE COUNSEL

When Hugo Zacchini performed his human cannonball act at the Geauga County Fair on August 31st, he was performing in a public place. The cameraperson for WEWS recorded Hugo's act that was played on Channel 5's 11 o'clock news. The TV station had a First Amendment right to broadcast the newsworthy performance, therefore the Scripps-Howard Broadcasting Company does not owe Hugo any money.

EXAMINATION OF THE WITNESSES

Plaintiff's counsel calls Hugo Zacchini to the witness stand.

BAILIFF

Please stand and raise your right hand.

Do you promise to tell the truth?

HUGO ZACCHINI

Yes, I promise.

PLAINTIFF'S COUNSEL

Who are you, and how do you make a living?

HUGO ZACCHINI

I am Hugo Zacchini, and my family has perfected the human cannonball act that we perform at events across the country and the world. People pay to see me fly 200 feet through the air like a bird or a plane! This is how I make a living, and if people don't pay to watch me, I may have to find a less exciting job!

PLAINTIFF'S COUNSEL

Tell us about what happened at the fair.

HUGO ZACCHINI

One day I saw the cameraperson with a camera and asked them not to film my act. I was worried that if people saw it on TV, they would not pay to come see me in person. But the next day they filmed me anyways, and I saw my entire act on the news that night. Let me tell you – it did not do my performance justice!

PLAINTIFF'S COUNSEL

How long is your act?

HUGO ZACCHINI

It only takes 15 seconds for me to shoot through space with violent velocity from the mouth of a monster cannon!

Defense counsel cross-examines Hugo Zacchini.

DEFENSE COUNSEL

Is there more to your act than the 15 seconds of flying through the air?

HUGO ZACCHINI

Well yes, of course. I am a showman! I spend time getting the crowd excited. I run around in my cape, apply powder to my costume so I don't get stuck in the cannon, and then I slowly slide down while waving to the crowd one last time.

DEFENSE COUNSEL

Is there a separate admission fee to watch your act?

HUGO ZACCHINI

That all depends on where I am performing. At the Geauga County Fair, my act was part of the general admission, but sometimes my act requires people to pay a separate fee.

Plaintiff's counsel calls an at-home viewer to the witness stand.

BAILIFF

Please stand and raise your right hand. Do you promise to tell the truth?

AT-HOME VIEWER

I do.

PLAINTIFF'S COUNSEL

Were you watching the news on August 31st, and did you see Hugo's performance?

AT-HOME VIEWER

I was and I did see the act. Although it was brief, it was amazing to see him soar through the air!

PLAINTIFF'S COUNSEL

After seeing the act, did you feel the need to go see it in person?

AT-HOME VIEWER

If I was already going to the fair I think I would have liked to see the act in person, but I'm not sure I'd pay a separate fee to only see this act. As you know, it's quite short.

Defense counsel cross-examines the witness.

DEFENSE COUNSEL

Do you think it is important for the news to cover local events?

AT-HOME VIEWER

Absolutely! The Zacchinis are a big, international act, and I expect my local media to cover such things. I may not have known what was going on at the fair if not for that night's news broadcast.

Defense counsel calls the cameraperson to the witness stand.

BAILIFF

Please stand and raise your right hand. Do you promise to tell the truth?

CAMERAPERSON

Yes.

DEFENSE COUNSEL

What were you doing at the Geauga County Fair on August 31st?

CAMERAPERSON

I am a cameraperson for WEWS Channel 5. My job is to report on the goings-on in our community, and the fair is a big deal around here. The fair gave me a press pass and invited me to cover the events taking place that week. The human cannonball act seemed like something our viewers would want to know about.

DEFENSE COUNSEL

Did your TV station plan to use the footage of Hugo's act to make money?

CAMERAPERSON

No, we just wanted to inform the community about what they could see at the fair that week.

DEFENSE COUNSEL

Did the act take place in a public location?

CAMERAPERSON

Yes, the Geauga County Fairgrounds are open to the public.

Defense counsel submits physical evidence to the court.

DEFENSE COUNSEL

I would like to submit the transcript of what the newscaster said about Hugo's act. We believe this shows that the TV station helped Hugo by encouraging viewers to see Hugo's act in person.
[Hands the paper to the bailiff.]

Plaintiff's counsel cross-examines the cameraperson.

PLAINTIFF'S COUNSEL

Did you have Hugo's permission to film his entire act and show it on the news?

CAMERAPERSON

No, Hugo asked me not to record his act.

PLAINTIFF'S COUNSEL

Did you show any other fair performers' entire acts on the news that week?

CAMERAPERSON

Nope.

Defense counsel calls a fair attendee to the witness stand.

BAILIFF

Please stand and raise your right hand. Do you promise to tell the truth?

FAIR ATTENDEE

I do.

DEFENSE COUNSEL

Did you attend the Geauga County Fair this past summer and see Hugo perform?

FAIR ATTENDEE

I sure did.

DEFENSE COUNSEL

What made you want to attend the fair?

FAIR ATTENDEE

I saw this guy get shot out of a cannon on the news one night and knew that I had to see it for myself!

Plaintiff's counsel cross-examines the witness.

PLAINTIFF'S COUNSEL

Do you attend the fair each year?

FAIR ATTENDEE

Yes, I go each year to ride the Ferris wheel and eat a funnel cake!

PLAINTIFF'S COUNSEL

Did you see Hugo's act promoted anywhere other than on WEWS Channel 5 News?

FAIR ATTENDEE

Yes, there were ads on all the local radio stations and flyers about the human cannonball in every store window in town.

Plaintiff's counsel submits physical evidence to the court.

PLAINTIFF'S COUNSEL

I would like to submit this poster of Hugo to the court as evidence of how Hugo draws an audience to his performances. *[Hands the poster to the bailiff.]*

JURY DELIBERATION

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JUDGE

We have heard from both sides – Hugo Zacchini, the plaintiff, and Jack Howard of the Scripps-Howard Broadcasting Company, the defendant. Before you vote, it is important to remember these points:

- Base your decision only on the evidence presented during the trial. Do not let your personal feelings affect your decision.
- The winning side will have the most votes.
- The decision in a case is called a verdict.

BAILIFF

[Loudly] Court is now adjourned.