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REFERENCES TO MOVIES IN JUDICIAL OPINIONS AND WRITTEN ADVOCACY, PART 2

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IN THE *JOURNAL'S* SEPTEMBER-OCTOBER ISSUE, PART I OF THIS ARTICLE SAMPLED RECENT FEDERAL AND STATE JUDICIAL OPINIONS THAT CITE THEMES, SCENES, OR CHARACTERS FROM MOVIES LISTED ON THE AMERICAN FILM INSTITUTE (AFI) "100 GREATEST AMERICAN FILMS OF ALL TIME."

This Part II picks up where Part I left off. The discussion below samples recent judicial opinions that cite other well-known movies that have captivated American audiences without winning places on the "100 Greatest" list. Part II concludes by explaining why brief writers should feel comfortable following the judges' lead by carefully using movie references to help make written substantive or procedural arguments (as Justice Scalia put it) "more vivid, more lively, and hence more memorable."²

To chronicle the breadth of the courts' use of movie references, the appendix following this Part II presents an array of movies that (not discussed in either part of the article) appear in recent judicial opinions. For economy's sake, the appendix is confined to movies that are cited or discussed in decisions handed down beginning in 2000.

Movies Below the AFI's "100 Greatest"

From Here to Eternity (1953)

Based on James Jones' 1951 novel, the film "From Here to Eternity" chiefly follows three U.S. Army soldiers stationed at Schofield Barracks, a Hawaiian base on Oahu, shortly before the Japanese attack on Pearl Harbor in December, 1941. Private Robert E. Lee Prewitt (Montgomery Clift), a former middle-weight boxer, endures his captain's retaliation for refusing to join the base's boxing team because he remains haunted from recently blinding a sparring partner. As retaliation escalates, Pre-

witt's only supporter is Private Angelo Maggio (Academy Award winner Frank Sinatra). The third U.S. soldier is Sergeant Milton Warden (Burt Lancaster), who has an affair with the captain's emotionally starved wife (Deborah Kerr).

Perhaps most remembered by movie fans (and by courts) decades later is the dramatic scene in which Kerr and Lancaster lie down together on the nearby beach and, clad only in swimwear, passionately embrace on the sand as the waves cascade over them.

In *City of Salem v. Lawrow* (2009), the Oregon Court of Appeals remembered. The panel struck down the city's criminal touching ordinance for violating the state constitution's free expression guarantee.³ With terms defined, the ordinance provided in relevant part:

(a) It shall be unlawful for any person to pay a fee, or to receive a fee, directly or indirectly, for touching or offering to touch the clothed or unclothed body of another for the purpose of arousing sexual excitement in himself or any other person.

(b) It shall be unlawful for any person to pay a fee, or to receive a fee, directly or indirectly, for allowing another person to touch his clothed or unclothed body for the purpose of arousing sexual excitement in himself or any other person. . . .

The *Lawrow* court held that the challenged ordinance was overbroad for reaching "a significant amount of protected expression."⁴ The panel reasoned that the ordinance would impose criminal sanctions even on "an actor who, for pay, engages in a sexually provocative scene for the purpose of arousing the audience. Had 'From Here to Eternity,' for example, been filmed in Salem, Oregon, Deborah Kerr and Burt Lancaster could have been exposed to prosecution for their paid participation in the classic scene in which they embrace (that is, touch each other's clothed bodies), supine, on a beach, while waves wash over them – a scene that, a prosecutor could convincingly argue, had the purpose of 'arousing' in the viewer 'sexual excitement.'"⁵

A Raisin In the Sun (1961)

The movie "A Raisin In the Sun," based on Lorraine Hansberry's 1959 play, displayed the hurtful enduring effects of racial housing discrimination. The Youngers, a five-member African



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American family, live in a cramped apartment on Chicago's South Side. With a portion of a \$10,000 life insurance payment from the father's death, the mother puts a down payment on a house in Clybourne Park, a middle class white neighborhood.

The Youngers receive a swift visit from a representative of the Clybourne Park Improvement Association. Fearing racial unrest in the neighborhood and beyond, the association pursues "improvement" by offering the black family a cash incentive not to move in. The Youngers decline the offer, but later have second thoughts amid financial setbacks. The family again declines, however, and looks toward a brighter future.

Racial housing discrimination claims still resonate in the 21st century. In *Hall v. Lowder Realty Co.* (2003), the federal district court determined attorneys' fees and expenses in a damage action that the plaintiff brought under the Fair Housing Act of 1968 and the Civil Rights Act of 1866.⁶ The plaintiff, an African American real estate agent, alleged that the defendant employer engaged in racially discriminatory referral practices, fired her for opposing racial discrimination, and threatened to terminate her real estate license for opposing racial discrimination.⁷ She received a jury verdict on the discriminatory referral claim.

One factor in determining the amount of attorneys' fees and expenses recoverable under the civil rights laws was whether the plaintiff's lawsuit "advanced a 'public goal.'" The district court held that plaintiff Hall indeed "benefitted the public interest by vindicating her constitutional rights"⁸

The court explained the public interest this way: "For those who were born during the second half of the twentieth century and thus may not be fully and personally familiar with the debilitation and humiliating effects of racial segregation (particularly, in housing) on an all-American (albeit black) family, they need only catch a showing of Lorraine Hansberry's play, 'A Raisin in the Sun,' and preferably the movie of the play starring Sidney Poitier, to begin to appreciate the perniciousness of those effects."⁹

Hoosiers (1986)

"Hoosiers" ranks number four on the AFI's list of Top 10 Sports Movies of all time, and it ranks number one on some all-time sports movie lists.¹⁰

The film is set in 1951 in rural Indiana, where enthusiasm for basketball knows few bounds. At the last minute, Norman Dale (Gene Hackman) becomes boys' basketball coach at Hickory High School, one of the Hoosier State's smallest high schools. The school has only 64 boys, including only seven basketball team members.

This unexpected coaching position is Dale's last chance. Ten years earlier, he had been dismissed as a New York collegiate basketball coach for striking one of his players, an impulsive act that he had regretted ever since. New York state high school athletic authorities chose to ban him, and he spent the next decade in the Navy.

When Hickory High's coach dies suddenly after preseason practice had begun, the principal (Sheb Wooley) hires Dale, his old friend, as history teacher and coach. Dale has his work cut out for him because Indiana interscholastic basketball had only one statewide division, which meant that the smallest high schools had to compete against the largest and share a single statewide ranking.

Coach Dale faces stiff resistance from players, parents, and fans who miss the deceased coach and resent the newcomer for changing the team's style of play and for instilling stricter disciplinary standards. At his first practice session, the coach dismisses an insubordinate player, who walks off the court and quits with a teammate. The two walk-offs leave the team with only five players, including the marginally talented team manager.

One walk-off apologizes for his insubordination and Dale lets him rejoin the team. At a hastily summoned town meeting, however, residents initially vote to dismiss Dale; they swiftly change their minds only when the prior season's star player approaches the podium near the end and announces that he will rejoin the team only if Dale remains as coach.

Dale in control resumes coaching, and the team's fortunes slowly rebound. The disciplined underdog "Huskers" come from behind in the state title game to edge perennial powerhouse South Bend Central High on a last-second basket by the star who saved Dale's job at the town meeting.

In *Lowery v. Euverard* (2007), the plaintiffs were four players whom the head football coach dismissed from the varsity team for insubordination. The players had circulated a petition among team members that sought the coach's removal. Eighteen players signed the petition, which said, "I hate Coach Euvarad [sic], and I don't want to play for him."¹¹

The four players claimed that the petition and their accompanying verbal statements constituted speech protected by the First Amendment under the Supreme Court's test in *Tinker v. Des Moines Independent Community School District* (1969).¹² *Tinker* held that a student's First Amendment speech rights in the public schools turn on the balance struck in the particular case between the student's interest in free expression and the school's obligation to maintain discipline, decorum, and safety.¹³

Applying *Tinker's* balancing test in *Euverard*, the U.S. Court of Appeals for the 6th Circuit ordered entry of summary judgment for the defendant coach and other school officials. The panel began by recounting the "Hoosiers" on-court insubordination scene, which saw the coach's discipline prevail.

"On the first day of practice," the court recounted, "[coach Norman] Dale makes an introductory speech to the players. All of the players attentively listen to Dale except two, who are talking to each other. Dale notices the two players talking. . . . The two players then leave the gym. Shortly thereafter one of the players returns with his father, who informs Dale that his son has something to say. The player apologizes to Dale and asks for a second chance. Dale accepts the apology and tells the player to suit up."¹⁴

Euverard held that under the *Tinker* test, the school's interest in discipline, decorum, and safety on the football team prevailed over the players' First Amendment interest. The lesson from "Hoosiers"? "*Tinker* does not require teachers to surrender control of the classroom to students," wrote the 6th Circuit, "and it does not require coaches to surrender control of the team to players."¹⁵

Old Yeller (1957)

"Old Yeller," a Walt Disney family-loves-dog movie, is set in rural Texas in the late 1860s. Travis Coates, the older son (Tommy Kirk), is working in the fields one day when a stray yellow Labrador appears. He tries to shoo the dog away, but fails

because his younger brother Arliss (Kevin Corcoran) takes an instant liking to the animal.

Old Yeller becomes the family's protector on the Coates ranch. The dog saves Arliss from a black bear that was poised to attack the boy to protect her cub. When Travis falls defenseless into a pit while trying to rope wild feral hogs, the dog suffers serious wounds while confronting the hogs alone to save his master's life.

After recovering from the wounds, Yeller fights off an incurably rabid wolf that threatens the homestead. The mad wolf bites Yeller on the neck, the dog contracts rabies, and Travis is forced to load a rifle and shoot his dog to end the animal's misery. The film ends with Travis and a friend romping in a field followed by a new golden Labrador pup with a legacy to live up to.

Quality family-loves-dog movies endure because most families love their dogs. Lately a few state legislatures and courts have begun to notice that households sometimes see dogs and other pets as "members of the family," and not as objects for barter. A few legislatures, for example, have recently amended their divorce laws to treat pets not solely as property in custody disputes, but as subjects of joint ownership petitions if the parties so choose. A few state courts have applied not a pure custodial property standard, but rather a "best for all" or "best interest of the pet" approach.¹⁶

The law, however, sometimes moves slowly. In *Strickland v. Medlen* (2013), the Texas Supreme Court held that a dog owner may not recover non-economic damages for loss of companionship from animal shelter employees who allegedly euthanize the dog by accident.¹⁷ The supreme court recognized the emotions involved: "Texans love their dogs. Throughout the Lone Star State, canine companions are treated – and treasured – not as mere personal property but as beloved friends and confidants, even family members. Given the richness that companion animals add to our everyday lives, losing 'man's best friend' is undoubtedly sorrowful. Even the gruffest among us tears up (every time) at the end of *Old Yeller*."¹⁸

Despite "Old Yeller," *Strickland* held that "[p]ets are property in the eyes of the law. . . . [U]nder established legal doctrine, recovery in pet-death cases is, barring legislative reclassification, limited to loss of value, not loss of relationship."¹⁹

Conclusion: Brief Writers' Careful Use of Movie References

As a dominant entertainment source for decades, movies have helped shape the perceptions that readers bring to briefs and judicial opinions. When used carefully, references to a movie can help advocates and judges connect with one another.

Movie references, however, raise judgment calls for advocates and courts alike. Invoking these cultural markers familiar to many Americans may find a place in submissions or opinions, but invocation may fail if the movie appeared only briefly. Amid the sheer volume of movies produced over the years, Americans today in the age of technology have more print and visual stimuli than ever before competing for their attention. Decades after movies became central to Americans' entertainment, centrality does not guarantee that readers of today's briefs or judicial

opinions remain familiar with particular movies that enjoyed only fleeting public exposure.

Advocates and judges are on relatively safe terrain when they cite or quote from iconic movies such as those on the AFI's "100 Greatest" list, or other movies such as those presented in Part II and in the appendix that follows. At least without providing short background explanation, the terrain becomes more slippery when the brief or opinion cites less remembered movies. The writer might understand what the movie reference means, but the key to effective written communication is whether readers will also likely understand.

When the contemplated movie reference might lie beyond the grasp of some readers, the brief writer or judge should consider avoiding it altogether, or else providing brief explanation unless meaning would emerge from context. In close cases, the benefit of the doubt should favor avoidance unless the writer also explains the movie briefly in the main text or a footnote.

Legal writers, after all, earn the best opportunity to persuade readers when they fortify lines of communication, not fracture them. When she won the Academy Award for Best Actress for *Come Back, Little Sheba* in 1952, Shirley Booth set the right balance: "[T]he audience is 50 percent of the performance."²⁰

Endnotes

1 Douglas E. Abrams, a University of Missouri law professor, has written or co-written six books, which have appeared in a total of 20 editions. Four U.S. Supreme Court decisions have cited his law review articles. His latest book is *EFFECTIVE LEGAL WRITING: A GUIDE FOR STUDENTS AND PRACTITIONERS* (West Academic Publishing 2016). Thank you to Matthew Neuman (MU Class of 2019) for his skilled research on this article.

2 ANTONIN SCALIA & BRYAN A. GARNER, *MAKING YOUR CASE: THE ART OF PERSUADING JUDGES* 112 (2008).

3 225 P.3d 51 (Or. Ct. App. 2009).

4 *Id.* at 55.

5 *Id.* See also *United States v. Hill*, 322 F.Supp.2d 1081, 1085 (C.D. Cal. 2004, aff'd, 459 F.3d 966 (9th Cir. 2006)) ("[D]efendant contends that the photograph of the young girls at the beach is not lascivious because the beach is not a sexually suggestive setting. But the beach – where even clothed people wear scanty bathing suits – can be a highly erotic location. Just ask Deborah Kerr and Burt Lancaster," citing "From Here to Eternity"); *State ex rel. White v. Narick*, 292 S.E.2d 54, 58 n.5 (W. Va. 1982) (citing "From Here to Eternity").

6 263 F.Supp.2d 1352 (M.D. Ala. 2002).

7 *Id.* at 1356-57.

8 *Id.* at 1362 (citation omitted).

9 *Id.*

10 AFI, *Top Ten Sports*, <http://www.afi.com/10top10/category.aspx?cat=4> (2019) (number four); Chris Chase, Fox Sports, *The 25 Greatest Sports Films of All Time*, <https://www.foxsports.com/buzzer/gallery/greatest-sports-movies-best-rankings-hoosiers-field-of-dreams-bull-durham-022117> (Feb. 22, 2017) (number 1).

11 *Lowery v. Euwerard*, 497 F.3d 584, 586, 600 (6th Cir. 2007).

12 393 U.S. 503 (1969).

13 See, e.g., DOUGLAS E. ABRAMS, ET AL., *CHILDREN AND THE LAW: DOCTRINE, POLICY, AND PRACTICE* 37-59 (6th ed. 2017); DOUGLAS E. ABRAMS, ET AL., *CHILDREN AND THE LAW IN A NUTSHELL* 22-31 (6th ed. 2018).

14 497 F.3d at 587.

15 *Id.* at 601.

16 See, e.g., DOUGLAS E. ABRAMS ET AL., *CONTEMPORARY FAMILY LAW* 847 (5th ed. 2019).

17 397 S.W.3d 184 (Tex. 2013).

18 *Id.* at 185.

19 *Id.* at 185-86. See also *Medina v. Romanofsky*, 2017 WL 447589 (N.Y.C. Civ. Ct. Sept. 28, 2017) (citing "Old Yeller").

20 Elaine Liner, *Down in Front*, DALLAS OBSERVER, Jan. 6, 2005 (quoting Booth).

Appendix: Partial List of Movies Cited in Judicial Opinions Since 2000

A Clockwork Orange (1971)

United States v. Schwartz, 379 F. Supp.2d 716, 723 n.13 (E.D. Pa. 2005), aff'd, 315 F. App'x 412 (3d Cir. 2009)

A Few Good Men (1992)

Ironshore Europe DAC v. Schiff Hardin, LLP, 2018 WL 4183245, at *1 n.1 (E.D. Tex. Jan. 30, 2018)

Phillips v. Arkansas Dep't of Human Servs., 158 S.W.3d 691, 703 (2004) (dissent)

United States v. Winston, 2016 WL 2757451, at *5 n.5 (W.D. Va. May 11, 2016)

A Fish Called Wanda (1988)

Valente v. Univ. of Dayton, 2008 WL 11351573, at *1 n.1 (S.D. Ohio Aug. 4, 2008)

A Man for All Seasons (1966)

United States v. Caniff, 916 F.3d 929, 940 (11th Cir. 2019) (concurrency; dissent)

Tomei v. Schwartz, 2014 WL 12665808, at *13 n.5 (N.Y.C. Civ. Ct. 2014)

A Streetcar Named Desire (1951)

Pastorello v. City of N.Y., 2002 WL 31557502, at *2 n.3 (S.D.N.Y. Nov. 18, 2002)

All the President's Men (1976)

Symons Int'l Group, Inc. v. Cont'l Cas. Co., 2015 WL 4392933, at *4 (S.D. Ind. July 15, 2015)

State ex rel. Evergreen Freedom Found. v. Washington Educ. Ass'n, 999 P.2d 602, 621 n.99 (2000) (concurrency; dissent)

National Lampoon's Animal House (1978)

Accounting Principals, Inc. v. Solomon Edwards Grp., LLC, 2010 WL 3199897, at *2 (D. Kan. Aug. 12, 2010)

In re McGuckin, 418 B.R. 251, 256 & n.1 (Bankr. N.D. Ohio 2009)

Mosley v. Texas Health & Human Servs. Comm'n & Texas Dep't of Family & Protective Servs., 2019 WL 1977062, at *11 n.5 (Tex. May 3, 2019)

Any Given Sunday (1999)

Montoya v. PNC Bank, N.A., 94 F. Supp.3d 1293, 1311 & n.3 (S.D. Fla. 2015)

Apocalypse Now (1979)

Com. v. Spuck, 86 A.3d 870, 877 n.11 (Pa. Super. Ct. 2014)

Arsenic and Old Lace (1944)

United States v. Caronia, 703 F.3d 149, 175 (2d Cir. 2012) (dissent)

Back to the Future – Parts I, II, and III (1985-90)

United States v. Roy, 855 F.3d 1133, 1221-22 n.11 (11th Cir. 2017)

RHJ Med. Center v. City of Dubois, 754 F. Supp.2d 723, 753 & n.26 (W.D. Pa. 2010)

VLT Corp v. Unitrode Corp., 130 F. Supp.2d 178, 182 n.1

Body Heat (1981)

Applications Software, Tech. LLC v. Kapadia, 330 F.R.D. 168, 172 n.3 (N.D. Ill. 2019)

objections sustained, 2019 WL 1532870 (N.D. Ill. Apr. 9, 2019)

Bonnie and Clyde (1967)

People v. Van Orden, 215 Cal. Rptr.3d 642, 646 (Ct. App. 2017), review dismissed, cause remanded, 413 P.3d 149 (Cal. 2018)

Breakfast at Tiffany's (1961)

Nasir v. Morgan, 350 F.3d 366, 373 & n.6 (3d Cir. 2003)

Bullitt (1968)

Bradley v. All-American Classics, 2009 WL 1034797, at *1 n.1 (Tenn. Ct. App. Apr. 16, 2009)

Butch Cassidy and the Sundance Kid (1969)

State v. Brooks, 2016 WL 541399, at *1 (Iowa Ct. App.), aff'd, 888 N.W.2d 406 (Iowa 2016)

United States v. Montes, 602 F.3d 381, 384 (5th Cir. 2010)

Caddyshack (1980)

Alhassid v. Bank of Am., N.A., 2014 WL 2581355, at *1 (S.D. Fla. June 9, 2014)

McGough v. Nalco Co., 496 F. Supp.2d 729, 751 n.12 (N.D. W. Va. 2007)

Handi-Van, Inc. v. Broward Cty., 116 So.3d 530, 537 n.5 (Fla. Dist. Ct. App. 2013)

Casablanca (1942)

United States v. S. Union Co., 2009 WL 2032097, at *2 n.1 (D.R.I. July 9, 2009), aff'd, 630 F.3d 17 (1st Cir. 2010), rev'd and remanded on other grounds, 567 U.S. 343 (2012)

Cat Ballou (1965)

Williams v. State, 79 A.3d 931, 935 (Md. 2013)

Citizen Kane (1941)

Wade v. Berryhill, 2018 WL 467826, at *1 (S.D. Cal. Jan. 17, 2018)

Elements Spirits, Inc. Iconic Brands, Inc., 2015 WL 3649295, at *5 (C.D. Cal. June 11, 2015)

Cool Hand Luke (1967)

Zubulake v. UBS Warburg LLC, 229 F.R.D. 422, 424 (S.D.N.Y. 2004)
Am. Residential Equities, LLC v. GMAC Mortg., LLC, 2012 WL 12844707, at *1 & n.1 (S.D. Fla. Apr. 10, 2012)
Chicago Teachers Union v. Board of Educ., 2017 WL 1545630, at *1 (N.D. Ill. Apr. 28, 2017)
Bloomfield v. Metropolitan Gov't, 2015 WL 1452335, at *5 n.3 (Tenn. Ct. App. Mar. 26, 2015)

Double Indemnity (1944)

Shenzhenshi Haitiecheng Sci. & Tech. Co. v. Rearden LLC, 2017 WL 8948739, at *8 (N.D. Cal. Nov. 15, 2017)

Dr. Strangelove (1964)

In re Dawson, 2006 WL 2372821, at *7 (Bankr. N.D. Ohio Aug. 15, 2006), aff'd sub nom.
Dawson v. J & B Detail, L.L.C., 2006 WL 3827459 (N.D. Ohio Dec. 27, 2006)
Simpson v. Socialist People's Libyan Arab Jamahiriya, 362 F. Supp.2d 168, 179 n.9 (D.D.C. 2005), aff'd and remanded, 470 F.3d 356 (D.C. Cir. 2006)
Hawkins v. State, 2019 WL 1989606 (Md. Ct. Spec. App. May 6, 2019)

Duck Soup (1933)

G.G. Marck & Assocs., Inc. v. United States, 37 ITRD 1568 n.19 (U.S. Ct. Int'l Trade 2015)
Gould v. Gould, 2007 WL 1414679, at *5 (Conn. Super. Ct. Apr. 20, 2007)

Ferris Bueller's Day Off (1986)

People v. Van Orden, 215 Cal. Rptr.3d 642, 646 (Ct. App. 2017), review dismissed, cause remanded, 413 P.3d 149 (Cal. 2018)

Field of Dreams (1989)

County of Inyo v. Dep't of Interior, 873 F. Supp.2d 1232, 1241 (E.D. Cal. 2012)

Forrest Gump (1994)

United States v. Lopez, 649 F.3d 1222, 1242 (11th Cir. 2011)
Search v. Uber Techs., Inc., 128 F. Supp.3d 222, 226 (D.D.C. 2015)
United States v. Alvarez, 617 F.3d 1198, 1240-41 (9th Cir. 2010), aff'd, 567 U.S. 709 (2012)

Gone with the Wind (1939)

Nelson v. Correctional Med. Servs., 583 F.3d 522, 530 n.5 (8th Cir. 2009)

Groundhog Day (1993)

Crooked Creek Properties, Inc. v. Ensley, 2017 WL 455937, at *1 n.1 (M.D. Ala. Feb. 2, 2017), aff'd, 697 F. App'x 633 (11th Cir. 2017)

High Noon (1952)

Reid v. State, 51 A.3d 597, 615 n.5 (Md. 2012)

It's a Gift (1934)

Old Orchard Conservancy v. City of Santa Ana, 2017 WL 1908320, at *18 (Cal. Ct. App. May 10, 2017), as modified on denial of reh'g (June 2, 2017)

It's a Wonderful Life (1946)

Brown v. Washington State Dep't of Commerce, 359 P.3d 771, 776 (Wash. 2015)
Deutsche Bank National Trust Co. v. Castellanos, 2007 WL 1378059, at *1 (N.Y. Sup. Ct. 2007)



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Fields v. Keith, 174 F. Supp.2d 464, 476 (N.D. Tex. 2001)

United States v. Martin, 438 F.3d 621 (6th Cir. 2006)

United States v. Quality Egg, LLC, 99 F. Supp.3d 920, 941 n.19 (N.D. Iowa 2015)

Simpson v. Socialist People's Libyan Arab Jamahiriya, 362 F.Supp.2d 168, 179 n.9 (D.D.C. 2005), *aff'd* and remanded, 470 F.3d 356 (D.C. Cir. 2006)

Jaws (1975)

Costa Mesa Sanitary Dist. v. Santa Ana Reg'l Water Quality Control Bd., 2019 WL 311474, at *4 (Cal. Ct. App. Jan. 24, 2019)

Jerry Maguire (1996)

Lewis v. City of Union City, 918 F.3d 1213, 1244 n.13 (11th Cir. 2019) (concurrency)

Hendrickson v. Octagon Inc., 225 F. Supp.3d 1013, 1018 (N.D. Cal. 2016)

Burshan v. Nat'l Union Fire Ins. Co. of Pittsburgh, Pa., 805 So.2d 835, 843-44 (Fla. Dist. Ct. App. 2001)

Legally Blonde (2001)

Manbeck v. Micka, 640 F. Supp.2d 351, 384 n.27 (S.D.N.Y. 2009)

In re Jones, 445 B.R. 677, 696 n.52 (Bankr. N.D. Tex. 2011)

Love Story (1970)

J.E. v. Dep't of Children and Families, 126 So.3d 424, 429 n.3 (Fla. Dist. Ct. App. 2013)

M*A*S*H* (1970)

Heideman v. S. Salt Lake City, 348 F.3d 1182, 1194 (10th Cir. 2003)

Miracle on 34th Street (1947)

In re Marriage of Gall, 2008 WL 472502, at *2 n.2 (Iowa Ct. App. 2008)

Weave Masters, Inc. v. Cambridge Fashion, Inc., 2009 WL 510834, at *1 (S.D.N.Y. Feb. 26, 2009)

Texas v. United States, 2016 WL 3211803, at *13 (S.D. Tex. May 19, 2016)

Norma Rae (1979)

Bird v. Cascade Cty., 386 P.3d 602, 613 n.1 (Mont. 2016) (dissent)

North by Northwest (1959)

Air Advantage, Inc. v. Fed. Ins. Co., 2015 WL 1593676, at *1 n.1 (N.D. Ill. Apr. 2, 2015)

O Brother, Where Art Thou? (2000)

Jones v. State, 796 S.E.2d 765, 767 & n.3 (2017)

United States v. Green, 2015 WL 6755001, at *6 (S.D. Ga. Nov. 4, 2015), report and recommendation adopted, 2015 WL 9307305 (S.D. Ga. Dec. 21, 2015)

S.C. Dep't of Revenue v. Blue Moon of Newberry, Inc., 725 S.E.2d 480, 484 n.6 (S.C. 2012)

On the Waterfront (1954)

People v. Modiri, 139 P.3d 136, 149 (Cal. 2006), as modified (Sept. 20, 2006) (dissent)

One Flew Over the Cuckoo's Nest (1975)

United States v. Harris, 2010 WL 1416859, at *3

(D. Nev. Jan. 13, 2010), report and recommendation adopted, 2010 WL 1416854 (D. Nev. Apr. 1, 2010), *aff'd*, 443 F. App'x 313 (9th Cir. 2011)

Townsend v. King, 2014 WL 2197553, at *1 (E.D. Cal. May 27, 2014)

Out of Africa (1985)

Martins v. Royal Caribbean Cruises, Ltd., 2017 WL 1345117, at *1 n.1 (S.D. Fla. Apr. 12, 2017)

Raiders of the Lost Ark (1981)

Kesel v. United Parcel Serv., Inc., 339 F.3d 849, 850 & n.1 (9th Cir. 2003)

United States v. Perez-Silban, 861 F.3d 935, 944 (9th Cir. 2017) (concurrency)

UFCW Local 1500 Pension Fund v. Mayer, 895 F.3d 695, 697 (9th Cir. 2018)

Rain Man

Luckasevic v. World Kitchen, Inc., 2007 WL 2683995, at *9 n.9 (W.D. Pa. Sept. 7, 2007)

Raising Arizona (1987)

Singfield v. State, 2016 WL 3002474, at *1 (Md. Ct. Spec. App. May 25, 2016)

State v. Bruffey, 745 S.E.2d 540, 553 (W. Va. 2013)

Rebel Without a Cause (1955)

In re Pioneer Health Servs., Inc., 570 B.R. 228, 231 (Bankr. S.D. Miss. 2017)

Remember the Titans (2000)

Eberle v. Jackson, 2012 WL 13081255, at *13 n.8 (D.N.M. May 16, 2012)

Schindler's List (1993)

Heideman v. S. Salt Lake City, 348 F.3d 1182, 1194 (10th Cir. 2003)

Singin' in the Rain (1952)

Frese v. City Segway Tours of Washington, DC, LLC, 249 F. Supp.3d 230, 236 (D.D.C. 2017)

Some Like It Hot (1959)

4522 Kenny Rd., L.L.C. v. Columbus Bd. of Zoning Adjustment, 789 N.E.2d 246, 250 (Ohio 2003)

Taxi Driver (1976)

State v. Kinzy, 5 P.3d 668, 689–90 (Wash. 2000) (dissent)

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