

James Bond in a Honda?

TRIAL SCRIPT

Roles

Judge
Bailiff
Court Clerk
Court Reporter
MGM Lawyer
Honda Lawyer
Morgan Matsuda (Ad Agency VP)
Devon Dominic (Ad Agency Employee)
Sandy Smith (Casting Director)
Jamie Jones (Honda Executive)
MGM Executive (Hayden Hunt)
Avery Adams (Expert #1)
Professor Casey (Expert #2)
Taylor Trent (Expert #3)

JUDGE: The court will now hear the case of Metro Goldwyn Mayer versus American Honda Motor Company. Counsel, are you ready to proceed?

MGM LAWYER: We are, Your Honor.

HONDA LAWYER: Yes, Your Honor.

JUDGE: Very well. You may proceed with your opening statements.

MGM LAWYER [gets up from table and stands in front of jury]: Good morning, ladies and gentlemen. We're here today for one very simple reason: It's against the law to copy someone else's idea. Today, you are going to see a television advertisement that Honda created for its Del Sol convertible. Now, if you've ever watched a James Bond movie, this ad is going to seem very familiar to you. Lots of us are familiar with James Bond. We can even picture him in our mind—dark hair, good looking, wears a tuxedo. We can probably even imagine him in action, using all kinds of high-tech gadgets to fight some grotesque villain. Why can we imagine this? Because James Bond is one-of-a-kind. Today, you will learn how Honda took that one-of-a-kind idea and used it to make a television ad for Honda's own profit.

HONDA LAWYER [gets up from table and stands in front of jury]: Ladies and gentlemen, we've all seen action movies. In fact, once you've seen a couple dozen of these films, they all start to seem pretty similar, don't they? A good-looking hero, a horrible villain, lots of shooting and high-tech stuff... We see these in just about every action film out there. Today, you will hear a big movie company complain that a simple television ad somehow copies a major motion picture. You will hear the movie company's experts try to convince you that these elements we see in every action film are actually found only in James Bond movies. Do not be fooled, ladies and gentlemen. Thank you.

JUDGE [to MGM Lawyer]: Are you ready to proceed?

MGM LAWYER: I am, Your Honor. I would like to begin by introducing into evidence a video of the Honda Del Sol advertisement.

JUDGE: Please show it to the court clerk.

[MGM Lawyer shows a video disk to the clerk.]

COURT CLERK: I have entered this as Exhibit Number One.

MGM LAWYER: Thank you. Ladies and gentlemen, what you are about to see is the Honda advertisement that is at issue during this trial.

[video is played for the jury:

<http://www.youtube.com/watch?v=gga-b3assCA>]



MGM LAWYER: I would now like to call Hayden Hunt.

[Hayden Hunt comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

HAYDEN HUNT: I do.

MGM LAWYER: Please tell the jury what you do at MGM.

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HAYDEN HUNT: I'm an executive.

MGM LAWYER: And what did Metro Goldwyn do when it found out about this ad?

HAYDEN HUNT: We demanded that they not air the ad.

MGM LAWYER: When was the ad scheduled to be aired?

HAYDEN HUNT: During the Superbowl! The most watched show all year!

MGM LAWYER: What did the defendants do when you made your demand?

HAYDEN HUNT: Nothing. That's why we filed this lawsuit.

MGM LAWYER: Thank you. I have nothing further.

JUDGE: Lawyer for the defendant, do you have any questions for this witness?

HONDA LAWYER: I do, Your Honor. [to Hayden Hunt] You testified that Honda did nothing in response to your request. But, in fact, it *did* do something, didn't it? Honda changed its ad.

HAYDEN HUNT: If you can call that a change.

HONDA LAWYER: Didn't they change the characters to speak with American accents instead of British accents?

HAYDEN HUNT: Yes.

HONDA LAWYER: And didn't they change the music so it would have fewer horns?

HAYDEN HUNT: Yes, but—

HONDA LAWYER: Nothing further, your honor.

JUDGE [to MGM Lawyer]: Re-direct?

MGM LAWYER: When Honda changed the music and the characters' accents, was that enough to satisfy your company?

HAYDEN HUNT: No way. It still plays out just like James Bond. It's got that same look. That same feel, you know?

MGM LAWYER: Thank you. Nothing further.

JUDGE: You may step down from the witness stand.

[Hayden Hunt returns to seat]



MGM LAWYER: I will now call Devon Dominic.

[Devon Dominic takes the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

DEVON DOMINIC: I do.

MGM LAWYER: Tell us about your involvement in the production of Honda's ad.

DEVON DOMINIC [angrily]: I work at the ad agency, but the ad had nothing to do with James Bond.

MGM LAWYER: Please limit your answer to the questions I ask you. So, did you work on the Honda ad?

DEVON DOMINIC [disrespectfully]: Part of it.

MGM LAWYER: And when your agency was working on the ideas for this ad, at one point the project was named "James Bob," wasn't it?

HONDA LAWYER: Objection. Leading question.

JUDGE: Overruled. The witness is hostile.

MGM LAWYER: Was the project ever named "James Bob?"

DEVON DOMINIC: Yes.

MGM LAWYER: And what did you understand the name "James Bob" to mean?

DEVON DOMINIC: [shrugs]

MGM LAWYER: Please give a verbal answer for the court reporter.

DEVON DOMINIC: I don't know what it meant.

MGM LAWYER [sarcastically]: You had no idea what a high-action film sequence called "James Bob" might possibly refer to?

DEVON DOMINIC: Not really.

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MGM LAWYER: In your deposition, you said you understood the name "James Bob" to be a play on words referring to James Bond.

DEVON DOMINIC: I don't remember that.

MGM LAWYER: Would it help if you looked at a transcript of your deposition?

DEVON DOMINIC: Maybe.

MGM LAWYER [gets papers off the table]: Your Honor, I would like to show the witness this transcript to refresh the memory.

JUDGE: You may approach.

[MGM Lawyer hands transcript to Devon Dominic. Devon Dominic reads transcript, hands it back.]

MGM LAWYER: Now, is it true that you understood the name "James Bob" to be a play on words for "James Bond?"

DEVON DOMINIC: Apparently so.

MGM LAWYER: Thank you. Nothing further, your honor.

JUDGE: Cross?

HONDA LAWYER: How long was the project named "James Bob?"

DEVON DOMINIC: Not long at all. We dropped that name very soon into the project.

HONDA LAWYER: Thank you. Nothing further.

JUDGE: Re-direct?

MGM LAWYER: Why do you think the name was dropped?

HONDA LAWYER: Objection. Calls for speculation.

JUDGE: Sustained.

MGM LAWYER: At the agency, was there discussion about why that name should be changed?

DEVON DOMINIC: Yes. It didn't fit the project.

MGM LAWYER: Don't you mean it fit the project too well?

HONDA LAWYER: Objection, Your Honor.

MGM LAWYER: Withdrawn. Nothing further.

JUDGE: You may step down.



MGM LAWYER: I would now like to call Sandy Smith.

[Sandy Smith comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

SANDY SMITH: I do.

MGM LAWYER: Please tell the jury about your role in producing Honda's ad.

SANDY SMITH: I was the casting director.

MGM LAWYER: So you were asked to find actors to star in this advertisement?

SANDY SMITH: Yes.

MGM LAWYER: When you contacted talent agencies looking for actors, what kind of actors did you tell the agencies you were looking for?

SANDY SMITH: I told them I needed actors that looked like James Bond.

MGM LAWYER: Was that all you said?

SANDY SMITH: Yeah. I told them I needed to cast an actor who looked like he could star in the next James Bond film.

MGM LAWYER: Why not ask for an actor who looked like Arnold Schwarzenegger or Bruce Willis?

SANDY SMITH: That kind of actor would not have fit the ad.

MGM LAWYER: Thank you. Nothing further.

JUDGE: Any questions from the defense?

HONDA LAWYER: Yes, Your Honor. The actual actor chosen for the ad was blonder than any of the actors who have played James Bond, correct?

SANDY SMITH: Yes, that's correct. The James Bond actors all had darker hair.

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HONDA LAWYER: Thank you. Nothing further.

JUDGE: You may step down. Next witness?



MGM LAWYER: I would now like to call Avery Adams to the stand.

[Avery Adams comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

AVERY ADAMS: I do.

MGM LAWYER: Please tell us about yourself.

AVERY ADAMS: I'm a writer. I wrote a book about James Bond films called "The Amazing Universe of 007."

MGM LAWYER: Would you call yourself a James Bond expert?

AVERY ADAMS: Certainly. I've been on lots of radio and TV shows talking about James Bond.

MGM LAWYER: Tell the jury whether, in your opinion, Honda's advertisement copies the James Bond idea.

AVERY ADAMS: I believe it does. In some ways, it flat-out steals ideas from Bond movies. The most obvious example is the helicopter chase in "The Spy Who Loved Me." Bond and a woman are driving down the road in a sports car when they're suddenly attacked by helicopters. Honda's ad is the same thing: A man who looks like Bond, driving down the road with a woman, and they are attacked by helicopters.

MGM LAWYER: I see. Anything else?

AVERY ADAMS: Sure. In the Bond film "Dr. No," the villain had metal hands. In Honda's commercial, the villain's hands make clanging noises as they scrape the car.

MGM LAWYER: Interesting. Thank you. Nothing further.

JUDGE: Cross-examination?

HONDA LAWYER: Yes, Your Honor. [to Avery Adams] Are James Bond films the only films in which a helicopter has ever chased a car?

AVERY ADAMS: Well, I don't know. Probably not.

HONDA LAWYER: And is "Dr. No" the only film ever created with a villain who has metal hands?

AVERY ADAMS: I doubt it.

HONDA LAWYER: "Edward Scissorhands" was not a James Bond film, was it?

AVERY ADAMS: No.

HONDA LAWYER: Thank you. No further questions.

JUDGE: Mr. Adams, you may step down.



MGM LAWYER: As my last witness, I would like to call Professor Casey.

[Professor Casey comes to the stand]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

PROF. CASEY: I do.

MGM LAWYER: Tell us about yourself, Professor Casey.

PROF. CASEY: I'm a university professor. Last spring I taught a course about James Bond films.

MGM LAWYER: A class about James Bond movies? At the University?

PROF. CASEY: Yes, exactly.

MGM LAWYER: Sounds like my kind of education. Tell us, professor, what is your opinion of Honda's advertisement?

PROF. CASEY: I think it steals the essence of what James Bond is all about.

MGM LAWYER: Explain that to us in terms we can understand.

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PROF. CASEY: Well, all James Bond movies have certain things in common. There's Bond himself, of course, but other elements are the same too. All the films have the same fast pace, the same kinds of exotic settings, the same kinds of grotesque villains. The same mood.

MGM LAWYER: Mood?

PROF. CASEY: James Bond films have a unique feel to them. Things like the music and the dialogue contribute to that. Honda's ad has all of it: The pace, the music, the witty dialogue. The ad has the same mood as a Bond film.

MGM LAWYER: Thank you.

HONDA LAWYER: Professor, would you say that Honda's ad is exactly the same as a James Bond film?

PROF. CASEY: Not exactly, no.

HONDA LAWYER: Certain things are different. For example, it struck me that the color tone of the Honda ad was different from the color tone of James Bond films.

PROF. CASEY: Well, yes. The ad has a more sepia tone. That gives everything a brownish cast.

HONDA LAWYER: And James Bond films do not have a sepia tone?

PROF. CASEY: No.

HONDA LAWYER: But there are more obvious differences too, aren't there.

PROF. CASEY: Yes. It's not the same villain or the same car.

HONDA LAWYER: Definitely not the same car.

PROF. CASEY: No.

HONDA LAWYER: Have you ever known James Bond to drive a Honda in any of the James Bond films?

PROF. CASEY: Definitely not. He drives very expensive cars. BMWs, Aston Martins, things like that. Lots of high-tech gadgetry.

HONDA LAWYER: So you would agree that the sight of James Bond driving a Honda might be . . . strange.

PROF. CASEY: I suppose so.

HONDA LAWYER: Amusing, even?

PROF. CASEY: In a real Bond film? No.

HONDA LAWYER: But would you agree it is possible that, if someone made an advertisement with a character who looked like James Bond and that character was driving a Honda instead of some high-tech expensive car, that ad might be intended to be funny?

PROF. CASEY: I suppose it could, but—

HONDA LAWYER: Thank you. No further questions.

JUDGE: Re-direct?

MGM LAWYER: Just one question, Your Honor. Professor, having seen and studied all of the James Bond films, was there anything about the Honda ad that struck you as making fun of James Bond films?

PROF. CASEY: Not that I could see, no.

MGM LAWYER: Thank you.

JUDGE: Does plaintiff's counsel have anything further to present?

MGM LAWYER: No, Your Honor.

JUDGE: Is defense counsel ready to proceed?



HONDA LAWYER: Yes, Your Honor. I would like to begin by calling Morgan Matsuda.

[Morgan Matsuda comes to the stand]

COURT CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

MORGAN MATSUDA: I do.

HONDA LAWYER: Please tell the jury about your role in the ad.

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MORGAN MATSUDA: I'm the vice president of the advertising agency that was hired by Honda to create an advertising campaign.

HONDA LAWYER: So, who originally came up with the idea for this ad?

MORGAN MATSUDA: I did.

HONDA LAWYER: Did you get the idea from a James Bond movie?

MORGAN MATSUDA: Not at all. In fact, I got the idea after watching the movie "Aliens"—you know that part where the alien gets thrown out of the spaceship, but he's still hanging on to the spaceship's door?

HONDA LAWYER: Yeah. That was a good scene. So, no part of your idea for the ad came from a James Bond film?

MORGAN MATSUDA: None.

HONDA LAWYER: Thank you.

JUDGE: Cross-examination?

MGM LAWYER: Have you ever seen a James Bond film?

MORGAN MATSUDA: Only bits and pieces. Here and there.

MGM LAWYER: Bits and pieces?

MORGAN MATSUDA: Yes. You know, on television. Flipping channels.

MGM LAWYER: So you *have* seen a James Bond film, at least in part.

MORGAN MATSUDA: Yes.

MGM LAWYER: Are you aware that in your deposition before the trial you kept referring to the actor in the ad as "James?"

MORGAN MATSUDA: Yes.

MGM LAWYER: Why?

MORGAN MATSUDA: This whole law suit has had me confused. It was easier to call him "James" so everyone knew who I was talking about.

MGM LAWYER: It wasn't because the actor was supposed to be like James Bond?

MORGAN MATSUDA: No.

MGM LAWYER: I have no more questions. [sits down]

JUDGE: You may leave the stand.

[Morgan Matsuda returns to seat.]



HONDA LAWYER: I would like to call Jamie Jones to the stand.

[Jamie Jones takes the stand.]

HONDA LAWYER: Please tell the jury what you do.

JAMIE JONES: I'm an executive at Honda.

HONDA LAWYER: And you were involved in the idea for this advertisement?

JAMIE JONES: Yes.

HONDA LAWYER: What kind of actors did you tell the casting director to look for?

JAMIE JONES: We told him to get actors that looked like characters from the movie "The Avengers."

HONDA LAWYER: Not actors that looked like James Bond?

JAMIE JONES: No.

HONDA LAWYER: And just so we're clear, is "The Avengers" a James Bond movie?

JAMIE JONES: No, it's not.

HONDA LAWYER: And what about this hero with metal hands?

JAMIE JONES: The villain in the ad does not have metal hands. His hands are completely normal. He was wearing gloves.

HONDA LAWYER: His gloves were responsible for the clanging noise?

JAMIE JONES: Yes.

HONDA LAWYER: So, did Honda set out to create an ad that copied James Bond?

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JAMIE JONES: Not at all. Look. If anything, it's a spoof. A parody. It's making fun of James Bond, not copying him.

HONDA LAWYER: Can you explain to the jury what you mean? You're not admitting you copied James Bond, are you?

JAMIE JONES: Not at all. What we did was try to make an ad that was like an action film. We were kind of poking fun at action films. And who better to poke fun at than James Bond?

HONDA LAWYER: Did you think making a parody would sell cars?

JAMIE JONES: Sure. People love funny ads.

HONDA LAWYER: Thank you. Nothing further.

JUDGE: Cross?

MGM LAWYER: People also love James Bond, don't they?

JAMIE JONES: I'm sure they do.

MGM LAWYER: And so Honda used James Bond's appeal to sell cars?

JAMIE JONES: No, that's not what I mean. I'm just saying that if there are any elements of a James Bond movie in that advertisement, it's only to make fun of James bond.

MGM LAWYER: So you admit there are elements of James Bond in the ad.

JAMIE JONES: The only thing I'm admitting is that we were making fun of action films.

MGM LAWYER: I see. Nothing further.

JUDGE: Thank you. You may step down.

[Jamie Jones returns to seat.]



HONDA LAWYER: As my last witness, I would like to call Taylor Trent.

[Taylor Trent comes to the stand.]

COURT CLERK: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

TAYLOR TRENT: I do.

HONDA LAWYER: Tell us what you do for a living.

TAYLOR TRENT: I'm a film writer and producer.

HONDA LAWYER: So you've written action films?

TAYLOR TRENT: A screenplay, yes.

HONDA LAWYER: Are you familiar with James Bond films?

TAYLOR TRENT: Absolutely. I'm a huge James Bond fan. I've been watching Bond movies since 1959.

HONDA LAWYER: So if you saw a piece of film that was intended to copy a James Bond film, would you be able to recognize that?

TAYLOR TRENT: Sure.

HONDA LAWYER: And what about this advertisement we're in court about today? You've had a chance to see that, right? We all saw it today.

TAYLOR TRENT: Yes. I've watched it several times, and in my opinion it is not trying to copy James Bond.

HONDA LAWYER: What makes you say that?

TAYLOR TRENT: It's not Bond. It's just a generic action scene with a regular action hero like you might see in any action movie.

HONDA LAWYER: Were there any elements in the ad that you would consider to be uniquely "James Bond?"

TAYLOR TRENT: No.

HONDA LAWYER: Thank you.

JUDGE: Cross?

MGM LAWYER: You say you've been a fan of James Bond for many years, is that right?

TAYLOR TRENT: Yes.

MGM LAWYER: Have you written any books about James Bond?

TAYLOR TRENT: No.

MGM LAWYER: Published any articles? Been a guest on any radio or TV shows?

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TAYLOR TRENT: No.

MGM LAWYER: Have you studied James Bond films?

TAYLOR TRENT: I've seen a lot of them.

MGM LAWYER: Have you made a scholarly study of them?

TAYLOR TRENT: Well, not really.

MGM LAWYER: But you're a fan.

TAYLOR TRENT: Definitely.

MGM LAWYER: Thank you. Nothing further, Your Honor. And I have no more witnesses.

JUDGE: Does the defendant have any more witnesses?

HONDA LAWYER: No, Your Honor.

JUDGE: Then are we ready to proceed to closing arguments?

MGM LAWYER: Yes, Your Honor.

HONDA LAWYER: Yes, Your Honor.

JUDGE: Proceed when you're ready.



MGM LAWYER: Ladies and gentlemen of the jury, let's think for a moment about what you heard today. The vice president of Honda's ad agency said he got the idea for this ad from the movie "Aliens." Yet for some reason, his casting director was asking for actors that looked like James Bond. Honda's executive told you the ad was just making fun of James Bond. Did you see anything funny? Meanwhile, you heard a university professor tell you that the most important elements found in James Bond movies—the pace, the music, and the dialogue—were copied by this ad. Ladies and gentlemen, you must decide which one is correct.

HONDA LAWYER: Ladies and gentlemen, think closely about the testimony you heard today. First, you heard that Honda made an effort to change its ad as soon as MGM objected to it. But that wasn't enough for MGM. You also heard MGM's experts admit that helicopter chases are not unique to James Bond movies, and that James Bond has never driven a Honda in any of his movies. The man who came up with the idea for the ad has never seen anything more than bits and pieces of a James Bond movie. Does this evidence show that Honda copied James Bond? I think you know the answer.