

# Charles W. Fornoff

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Charles W. Fornoff arrived at the University of Toledo in 1939. He served as a faculty member and Dean of the College of Law before retiring as an Emeritus Professor in 1970. In his 31 years as an educator and administrator, Dean Fornoff actively sought to safeguard the educational opportunities for all aspiring lawyers. He kept the College of Law open during World War II, encouraged female students to pursue careers as lawyers – contradicting the popular view of the time – and provided financial assistance from his own pocket to students in need. He is remembered as one who gave his time freely to students and all those who sought his advice and counsel.

It is in this tradition of excellence in education that the College of Law annually holds the Charles W. Fornoff competition. The purpose of the competition, which begins with approximately 100 participants each Spring and continues into the following Fall, is to provide opportunities for students to develop the necessary skills to become not only outstanding oral advocates, but dedicated and proficient lawyers.

# 2017-2018 Moot Court Board

## Chair

Nancy Magginis

## 46th Annual Charles W. Fornoff Competition

## Coordinators

Victor Aberdeen

Alex Bayoneto

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# 2017-2018 Moot Court Members

## Constitutional Law

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## Criminal Law

Cathy Stripling

Jessica Worley

## Intellectual Property

Victor Aberdeen

Billy Jeffers

## Labor and Employment Law

Alex Bayoneto

Blake Padget

## Products Liability

Brandy Brown

Joseph Loftus

**The Moot Court Board would like to thank  
this year's competitors  
for their hard work, dedication,  
and commitment to this wonderful tradition:**

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James Alt  
Brandy Brown  
Jarett Brunner  
Cara Griffiths  
Billy Jeffers  
Joseph Loftus  
Antonette Marsteller  
Alyssa Mediate  
Danielle O'Rourke  
Jenna Ramsey  
Jacob Westfall  
Jacob Williams  
Jessica Worley

The College of Law is Honored to have Presiding:

*Honorable Lynn Adelman*

**U.S. District Court for the Eastern District of  
Wisconsin**

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Judge Lynn S. Adelman was nominated to the U.S. District Court for the Eastern District of Wisconsin by William J. Clinton on September 8, 1997, to a seat vacated by Thomas J. Curran. Confirmed by the Senate on November 13, 1997, and received commission on December 23, 1997.

Judge Adelman received an Artium Baccalareus degree from Princeton University in 1961 and his Bachelor of Laws from Columbia Law School in 1965. After law school, Judge Adelman served as a research assistant at Columbia University Law School from 1965-1966 and as a law clerk for attorney Richard H. Kuh.

In 1967, Judge Adelman worked as a trial attorney for the Legal Aid Society of Wisconsin before entering private practice in the following year. Later, Judge Adelman would become a member of the Wisconsin State Senate where he served as a senator from 1977 to 1997.

The College of Law is Honored to have Presiding:

*Honorable Mark W. Bennett*

**U.S. District Court for the Northern District of  
Iowa**

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Judge Mark W. Bennett was appointed a United States district court judge in the Northern District of Iowa on August 26, 1994, by President William Jefferson Clinton. Judge Bennett had previously served as a United States magistrate judge in the sister district, the Southern District of Iowa.

Judge Bennett obtained his bachelor's degree from Gustavus Adolphus College and graduated from the Drake University Law School in 1975. Upon graduation, he started his own law firm in Des Moines, Iowa.

In 1975, Judge Bennet also worked as the general counsel to the Iowa Civil Liberties Union until 1991. Judge Bennet has also served as the supervising attorney for Drake University Law School's Legal Ethics Clinic and as an instructor on the subject of trial advocacy at the University of Iowa College of Law and the University of Drake Trial Advocacy Institute.

The College of Law is Honored to have Presiding:

*Honorable David F. Hamilton*

United States Court of Appeals for the Seventh Circuit

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Judge Hamilton was nominated to his current seat by Barack Obama on March 17, 2009, to a seat vacated by Kenneth F. Ripple. Confirmed by the Senate on November 19, 2009, and received commission on November 23, 2009. Previously, Judge Hamilton served as judge on the U.S. District Court for the Southern District of Indiana from 1994 to 2009, serving as chief judge from 2008 to 2009.

Judge Hamilton received his bachelor's degree from Haverford College in 1979 and his juris doctor from Yale Law school in 1983. Afterwards, Judge Hamilton served as a law clerk for the Honorable Judge Richard Dickson Cudahy of the Seventh Circuit from 1983 to 1984.

After serving as a clerk for the Seventh Circuit, Judge Hamilton practiced at the law firm of Barnes & Thornburg where he was partner from 1991 until 1994. Judge Hamilton also served as legal counsel to Indiana Governor Evan Bayh from 1989 until 1991.

**SUPREME COURT OF THE UNITED STATES**

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**STATE OF TIANTIC,**

*Petitioner,*

v.

**ROCKET INC. and JESSICA ROCKET,**

*Respondent.*

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ARGUING BEFORE THE COURT:

**Brandy Brown**

**Antonette Marsteller**

*Counsel for Petitioner*

**Jessica Worley**

**Joseph Loftus**

*Counsel for Respondent*

## **Statement of the Case**

This case concerns Rocket Inc. and its CEO, Jessica Rocket. Rocket, Inc. is a manufacturer of plush toys known as “Pocket Monsters.” It is a Delaware corporation with offices and warehouses in California, New York, and Illinois. It has no offices or warehouses in the State of Tiantic, where this case arose.

The State of Tiantic imposes a use tax on property purchased for storage, use, or consumption within the State. The State of Tiantic also imposes a sales tax at an equivalent rate. The State of Tiantic provides a tax credit for use taxes owed on an item equal to the amount of sales or use taxes paid on that item to other states. The State of Tiantic historically imposed an income tax, but the state legislature repealed the income tax statute in 1996.

After years of planning and proposed ballot measures, the legislature of the State of Tiantic successfully amended its tax code and enacted the “Marketplace Equality Act” (“MEA”). The MEA includes a use tax collection for certain sellers and a requirement that the seller have a substantial economic presence in the state.



Animal behaviorist specialist, Winston Alexander Willow obtained graphic images, videos, and documentation from Jessica Rocket's computer detailing Rocket Inc.'s attempts at genetically modifying and breeding animals. As he was gathering this information, he noticed a folder labeled "FMEA." Unsure of what the folder contained, he opened it revealing spreadsheets that seemed to show efforts to modify Rocket Inc.'s revenue and sales figures in the State of Tiantic. In an effort to blackmail Jessica Rocket, Willow provided the USB drive containing the "FMEA" folder to Tiantic Bureau of Investigation agent Rachel Rattata (Agent Rattata).

Before receiving a search warrant, Agent Rattata attempted to view the contents of the "FMEA" folder. She discovered that the spreadsheets were password-protected, but nevertheless she lazily typed "PASSWORD" into the password prompt, and to her surprise she was able to open each password-protected spreadsheet.

Based on the information provided by Willow, Agent Rattata worked with Assistant Attorney General Misty Masako and applied for a search warrant for the content of Jessica Rocket's "Project Raid" and "FMEA" folders. The search warrant also requested access to passwords and encryptions. Sometime later, Agent Rattata's request for a search warrant was granted, but the warrant did not include access to passwords or encryptions.

Agent Rattata provided the unlocked "Project Raid" files obtained from Jessica Rocket's computer to Masako, who submitted them to the grand jury as his principal evidence in favor of an indictment.

# Questions Presented

- 1) Whether the Marketplace Equality Act, requiring out-of-state sellers to collect use taxes for in-state consumers, is constitutional.
- 2) Whether Agent Rattata's action of opening and viewing all of the spreadsheet files stored in the "FMEA" folder was an unreasonable search under the Fourth Amendment of the United States Constitution.

# **Introducing the Attorneys:**

## **Brandy Brown**

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Fornoff Competition Finalist  
Second-Year Law Student

Brandy graduated from the University of Findlay with a Bachelor of Arts in History and Law. She is currently a competitor on the Products Liability Moot Court team, a member of Phi Alpha Delta Law Fraternity, Coke Chapter and Chair of their Social Committee, a member of the Federalist Society and a student ambassador with UT Law admissions. Brandy has previously interned with the Lucas County Prosecutors Office and a local criminal defense attorney. She would like to thank the faculty of Toledo Law for all their help and dedication of time in practicing and preparing for today's argument as well as her friends at UT Law for all of their support throughout the competition. She would also like to thank her husband and family for their love and endless support of her legal pursuits.

## **Introducing the Attorneys:**

### **Joseph Loftus**

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Fornoff Competition Finalist  
Second-Year Law Student

Joseph graduated from Lake Erie College with a major in Legal Studies. He is currently a member of the Products Liability Moot Court Team, as well as a member of Delta Theta Pi and Family and Juvenile Law Society. In his free time he enjoys spending time with friends and family. He would like to thank his parents, friends and faculty for their support and encouragement.

### **Antonette Marsteller**

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Fornoff Competition Barrister  
Second-Year Law Student

Toni is from Perrysburg, OH and graduated from Saint Mary's College with a double major in Theatre and History. She is currently the bailiff for Delta Theta Phi law fraternity. She would like to thank her parents, Ernie and Robin, for their constant prayers and support. She would additionally like to thank her friends, classmates, and professors for their guidance and well wishes.

# **Introducing the Attorneys:**

## **Jessica Worley**

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Fornoff Competition Finalist  
Second-Year Law Student

Jessica is from Toledo, Ohio and attended the University of Toledo where she earned a Bachelor of Sciences degree in Criminal Justice. She is currently a member of the Criminal Law Moot Court Team, the Ohio Attorney General's Mock Trial Team, and an Associate Member on Law Review. She is on the executive board for the Student Bar Association, Criminal Law Society, Labor and Employment Law Association, Public Interest Law Association, and Women's Law Student Association. Jessica currently works at the Toledo Municipal Court Prosecutor's office, and has accepted a position as a Summer Associate at a Toledo law firm for the upcoming Summer. She would like to thank her parents, Wendy and Jim, as well as the rest of her family, friends, co-workers, and the University of Toledo College of Law faculty and staff for their continual encouragement and support.