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The Most Wonderful Time of the Year
OR
How to Put Off Studying for Another Couple Hours

By Special Contributor Scott Lawrence (3L)

It’s that most wonderful time of the year again. The time when your heart is filled with cheer, your radio is filled with the same six Christmas songs, and your stomach is filled with baked goods that you really didn’t need (apparently, it’s considered uncouth when you can no longer button your jeans).

It’s also the wrong side of Thanksgiving. Which means that your half-hearted “plans” to “study” and “start” that “outline” are now absolutely necessary and no longer just “necessary.” Before Thanksgiving you have the luxury of snickering at the 1Ls who are panicking because they have only studied their completed outlines twice and have barely reviewed their practice exam answers. One of these 1Ls - who, for the sake of his street cred, asked to remain nameless - told me that he had finished his outlines by Halloween because his junior partner (or whatever they’re calling them now) told him that everyone did it. Because I consider myself to be charitable and understanding, I only laughed for ten minutes and shared this story as a funny ice breaker at bar review twice.

1Ls, let this serve as final proof that your junior partners tell you blatant lies for their own amusement and that peer pressure is always wrong. Just because “everyone” is doing it, doesn’t mean you have to - especially when “everyone” consists of 1Ls and that kid in your Crim Pro class who looks like she hasn’t slept in ten years. This is also beside the fact that you can’t actually finish your outline by Halloween unless you, like most of the 3L class, plan on skipping your last month of classes.

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Give Thanks and Give Back

A Note from the Editor

For most of us, the holiday season is a time of joy and plenty. We spend hundreds of dollars on gifts, food, parties, and decorations. In this time of joy, please take the time to count your blessings and then give back to those who have less. William and Mary Law School is a great community with a great reputation for community service and support. This year we’ve stepped up our efforts with new missions and greater participation. But we still need your help.

Students and clubs are already showing their holiday spirit by arranging and donating to worthy charities such as the Salvation Army, the Heritage Humane Society, and others.

Before Thanksgiving, the Black Law Student Association (BLSA) had great success with their annual Thanksgiving Basket Contest. Law school firms donated 4,201 food items to needy families - nearly double
3Ls still study and finish their outlines early and that I shouldn’t suggest that we’ve all become slackers. To clarify, I do not think the 3L class is full of slackers - during those last two weeks of exams I know there won’t be a single 3L not frantically pulling all-nighters to finish their outlines or searching for the shrinkwrapped books they were supposed to have read during the semester. Just the other day I ran into a friend who had finally found his reading syllabus and intended to “get on that” right away.)

This year I didn’t even lug my books home in the pretext of planning to study during the break. I accept myself for who I am - a procrastinator who stymies any twinges of anxiety by assuring myself that, worst case scenario, I can always turn to a life of crime. Aside from these criminal leanings, I feel that I am a man of principle. And a man of principle does not fritter away valuable family time buried in my class notes. Instead, I, like any other principled man, only fritter away my valuable family time by watching football.

My roommate, Plum Pudding (or PP, affectionately), stayed in Williamsburg over the break to get work done. While I marvel at his studiousness (and secretly wonder if he has a soul), now that the holidays are over and I can no longer tell myself that I have “lots of time left” to study, I have joined him and the rest of the hollow-eyed zombies (i.e. law students) who work from 8 a.m. to 2 a.m. with only occasional Hulu and pizza breaks. This past weekend, I only left the apartment once - the sunlight hurt my eyes...so bright.

My attitude towards studying location stems from lessons learned watching Black Friday news coverage. NEVER LEAVE THE SAFETY OF YOUR HOME! At this time of year, the library becomes infected with a fog of dispair and bad hygiene. (Exams are no excuse not to shower.) So even though PP won’t turn on the heat until we can see our breath, I dig in the trenches. Besides, according to his girlfriend, wearing scarves inside is “trendy,” so why not gloves and coats? While I fight frostbite, my friends in the library fight heatstroke. One (possibly delusional) 2L reported seeing Mr. Heatmiser having a musical interlude in one of the computer labs.

Apart from my impending hermitage, I almost enjoy exam time because exam time is Christmastime (or fill-in-the-blank religious holiday time). Classes are over, Colonial Williamsburg is getting all festive - what with the quaint window displays, cheerfully under-dressed colonial reenactors, and an influx of tourists - and soon, we all get to go home for a winter break. So, to all you new 1Ls - and to the 2 and 3Ls who need reminding - remember that exams are only part of your life. Leave the house occasionally and do something fun. It can still be the most wonderful time of the year.

(And if you see a pale, huddled creature bundled in scarves, using his Admin outline to shield his face from the burning rays of the sun, be sure to stop me and say “Hi.”)
A Farewell to Twinkies

By Staff Writer Frantz Farreau (2L)

To the dismay of couch potatoes and junk food aficionados everywhere, Hostess has filed for permission to sell its assets and claim bankruptcy. This comes as a result of a crippling strike resulting from a labor dispute with unions. Irrespective of the reasons for the strike, however, people have started selling Twinkies on e-bay, and some of the sellers have made a nice, tidy profit. Some hostess products have been selling on e-bay for $10,000.00. Yes, that is USD, and no, I did not accidentally type too many zeros. That’s really not a bad return on a $3.49 investment.

When I first saw this, I could not help but think that people were completely idiotic for spending that kind of money on such an unhealthy confection. Surely these people know that if Hostess dies, the recipe for Twinkies will live on. Somebody will buy the recipe for Twinkies and they will once again be unleashed on the world, possibly as Little Debbie Twonkies, or TastyCake Twinkies, or some other cute bastardization of the original name. Of course, my poking fun presumes that these buyers are buying the Twinkies to eat them, as opposed to using them as mantle decorations or safety-deposit box stuffers (much better uses for Twinkies, in my opinion). Then, I thought that perhaps it was all a joke, and people were pretending to make bids as their tribute to the impending death of Hostess and its iconic Twinkie.

However, as I continued to stare at the tens of thousands of dollars of Twinkies sold on e-bay, my mind went elsewhere: Professor Heymann’s lecture “Dialogues of Authenticity”: what exactly is a Twinkie? What does it mean to us? Clearly a Twonkie is not the same thing as a Twinkie even if the recipe is the same. There is something about the Twinkie: the Hostess logo on the box, the smiling, cream-filled yellow creature on the box; all of that is an American icon. An author may refer to an empty box of Twinkies in a ramshackle house and we form an image of the person who lives in the house, just because their house has that empty box. In fact, there is some element of authenticity related to when Hostess made its products. Certain people may want to have in their possession Twinkie lots that were made before Hostess filed the offensive petition for liquidation of assets. Those lots, to some, seem more authentic because they are from a time when Hostess stood as a pillar of stability that could not be rocked.

Whatever the reason for the outrageous price tags on e-bay, they show, if nothing else, that the Twinkie has taken a place in our consciousness. So although the Twinkie may go the way of French Toast Crush (remember that) or Squeezits (snack time was never quite the same) we know that somewhere, a box of Twinkies is resting in peace in somebody’s vault, serving a testimony that authentic Twinkies still do exist.

Even without Twinkies, this basket will help feed the hungry
The American Dream, 
The Chinese Dream, 
and My Dream

By Staff Writer Yan Yan (LLM)

Before I came to US, I was imagining how Americans would treat me as a “non-citizen alien.” Despite my nervousness, things turned out not to be so scary after all. Still, there are differences in how people react or build rapport among each other – differences that are fascinating and exciting to me.

The first thing that comes to my mind is the things that are most cherished by people. I am as much interested to find the answer as anyone else. When I was an exchange student in Sydney in 2011, a local student asked me what was the “Chinese dream.” I did not quite follow him, so he explained that, to him, the “American dream” is somewhat like “making it big.” I asked him what his dream was. He said that, for now, he wanted to earn enough to buy a big house. That’s pretty much everyone’s dream I guess.

At that time, I told him that, in my experience, many Chinese people put everything - including their hopes and promises - on their children, or even grandchildren, and, for better or for worse, leave their unfinished dreams to them. Younger generation like me have typical dreams such as being admitted to a good university. Most of us have an inclination to brand universities as being admitted to a good university after so many years of preparation, I would try for another year or a third year or even diligently prepare for graduate studies in a brand university after finishing my college education.

In China, there are so many educational institutions or training schools. Most classmates in my primary school, middle school or high school have been involved in one kind of extracurricular class or another. I was a very rare case in that I graduated from college, I found out that many promising jobs were only open to graduate students with a Master’s degree or even a Doctorate degree. These jobs were not even academic related. Sometimes I wonder why so much emphasis is put on something while at the same time it’s being depreciated.

On the other hand, independent individuals need to evaluate their own dreams. I once desired to get into a top university like everyone else, and after that, I was lost. I found that I needed something else to be contented or happy. Something beyond a good school, good job, good fortune, or good reputation.

But I was inspired by the “American dream” that was so popular, even in my home country. When I looked it up in Wikipedia, it stated that it “includes the opportunity for prosperity and success, and an upward social mobility achieved through hard work.” The idea is “rooted in the United States Declaration of Independence which proclaims that ‘all men are created equal’ and that they are ‘endowed by their Creator with certain inalienable Rights.’” Hearing these words, I was so happy and honored to attend the same law school as Thomas Jefferson.

I watched the speech by Michelle Obama the other day. She put it this way, which was inspiring as well as touching: “If we want to give our sons and daughters that sense of limitless possibility - that belief that here in America, there is always something better out there if you’re willing to work for it, then we must work like never before.”
Call of Doody

By Managing Editor Matt Finley (2L)

There may only be ten of you that care (that being the magic number of justification which I use in deciding whether or not I should write an article) but Call of Duty Black Ops 2 was released on November 13th. I have watched this phenomenon closely from its beginning until this new iteration was unleashed upon the 18-25 year old college student consumer. My roommate during junior and senior year of college played Call of Duty: [insert vaguely official, homonymous military term here] daily from 9 a.m. till 4 a.m., pausing briefly to sleep. This afforded me the opportunity to evaluate the game from an outsider’s perspective and, when my roommates wanted some entertainment, from an insider’s perspective. My thesis is simple: Call of Duty is the worst video game ever made. Following the ever present rule of threes, here are the reasons why.

1) It’s not a “game” – The actual definition of this word is interesting and the connotations which arise from it lead us to my conclusion. On one hand a “game” is usually a competitive artificial conflict defined by rules. If the definition stopped here I would call it a game. But a “game” has a quantifiable outcome. This is where Call of Duty fails as a “game” yet succeeds as a business model. People who generally play games desire a winner and a loser. It makes sense. Why play if there isn’t one? Call of Duty definitively has no outcome (unless you count the Single Player story and I am not going to because no one is buying it for that reason). Let’s draw an analogy to the game of freeze tag (standard tag is a little too similar in that it goes on forever and I wouldn’t call that a “game” either). Freeze tag has a winner. When everyone is frozen. The person who is freezing everyone stands and declares, “I am the winner.” Then everyone unfreezes, they are all very sad and either go home or play again. Let’s assume they played again. A different person won this time. Then they played again, and they kept playing. Forever. Is it still a “game?” Are those, now micro-outcomes, the quantifiable outcomes contemplated by the definition? I would argue no, because the conflict has taken a new macro-form. One that never ends. The enjoyment then comes out of the conflict itself and being particularly good, statistically, relative to other people, at navigating that conflict. Sounds like a Stats class (or baseball, boom), not a game.

2) Individuals who enjoy “games” do not like Call of Duty – Allow me to explain. Without running too high of a risk of entering Nerd-land, the history of video games, in light of my previous definition of “games” should be categorized as BH and AH. That is “Before Halo” and “After Halo,” the game that fathered this monstrosity. Keep in mind that I have no scientific data to back this, no double-blind study, no stats or formula, but I would bet more money than I have on the fact that the number of people who played video games regularly before Halo and who also enjoy Call of Duty, is very, very small. Those two experiences are completely different. As a person who played video games regularly before Halo, not only do I find no enjoyment in Call of Duty, but the feeling crosses over into hate. I have a difficult time reconciling this thing with what a “game” is and, to some extent, it seems that it is greatly hurting the industry by charting a path away from the art and logic that defined the rules of “games.”

3) Call of Duty’s only objective is to make money – That’s about it and likely enough on its own to support the fact that it’s a terrible video game. One doesn’t even need to play it to fathom its lack of innovation, reliance on stretching hardware to make it look as real as possible, cinematic saturation, Michael Bay formula, and tight deadlines to increase margins and maximize hype. They’re a business and that’s fine, they owe that to their stockholders. But what do they owe to the “game” market? Nothing because they don’t have to. They are not trying to appeal to that market and don’t attempt to. In order to do that, they would need to listen

Continued on page 6
to consumers explaining how to make a more game-like experience and to innovate. The risk of losing the “video game” market they created is much too high to warrant making a “game” or improving the mediocrity they have released already. In conclusion, the fact that I have to analyze corporate decisions in relation to Call of Duty makes it the worst video game ever.

You can play Call of Duty, I have no problem with that. There are people who enjoy it. That’s their prerogative. I only ask this: Don’t conflate Call of Duty with an actual “game” because that’s one thing that it is not. For the sake of something that is fun for different reasons, it is appropriate to keep them separate so the industry isn’t ruined for the rest of people who actually play “games.”

Give Thanks and Give Back, continued from page 1

what they collected last year. The law firm of Barge & Shark won Best Content, Most Creative, and Overall Best Entry, sweeping the board with their “Love Shack” built out of canned goods. (See photo on page 2). You can see several photos of the generous and creative donation displays in the pages this issue.

In response to Hurricane Sandy, the SBA organized a Penny War. Each law school class (1L/LLM, 2L, 3L) competed against - and sometimes sabotaged - each other to donate the most money. It was a close competition, but in the end, the 2L class won with the 1Ls and LLMs in a close second. Together, the law school raised over $400 for the American Red Cross Disaster Relief Fund.

Current Efforts:
The Christian Law Society (CLS) and BLSA have joined forces to participate in the Salvation Army’s annual “Angel Tree” program. Stop by their table in the main lobby and “adopt” a child for the holidays. All you have to do is purchase the toys, books, or clothing on the child’s wish list and bring them back, unwrapped, by December 17. These gifts may be the only presents that these children receive this holiday season.

The Animal Law Society has started, what will hopefully be, a new tradition with their “Santa Paws” tree. Similar to the Angel Tree, the “Santa Paws” tree has pictures of homeless animals from the Heritage Humane Society listing requested holiday donations of toys and practical items to help with their care. These donations are due by December 10.

Thank you to all those who are participating or who will participate - you represent the true spirit of the holiday season.
Reel Deels - Dial M for Spoilers
OR
Stuff that Happens in Lincoln, Flight, Breaking Dawn (Part II), and Skyfall

By Columnist Samuel Clemens (noL)

Disclaimer: If, for reasons that will likely never prove adequate, the above was somehow unclear; this... reporter? is about to discuss some significant events of Lincoln, Flight, and Skyfall. If you have not seen these films, or if you prefer insightful cinematic analysis, now would be a good time to cut your losses and turn the page. I'll wait. Ok. Are they gone? Good. It was getting stuffy in here, anyway.

Lincoln: Lest you think the spoiler disclaimer was something less than earnest, in the film, the 16th President of the United States is slain by an assassin's bullet. Not to worry, though. The ending was ruined for me, too. I think it was in an episode of Seinfeld, but I digress. Having the movie spoiled may have stopped me from seeing it, but it's certainly not going to stop me from wildly attempting to string together a few observations that are tangentially related, at best. By all accounts, Daniel Day-Lewis's performance is, in perhaps multiple ways, historically good. Given his recent track record, this development is roughly as surprising as the film's ending. What is surprising, however, is the that in the 37 years since Jaws, Steven Spielberg's collaborations with actors of comparable renown seem matched by films in which Spielberg himself is the true star. Perhaps Minority Report would have been just as fantastic without Tom Cruise, while Jurassic Park would have been just as groundbreaking with him. Lincoln could have gone either way. Liam Neeson was originally slated to don the stovepipe, and presumably backed out when it was brought to his attention that he would not be able to throw said hat at people whom he suspected of taking his daughter.1 It's a testament to Spielberg's brilliance that even if he gave the role to the winner of a third-grade essay contest it probably would be, well, at least worth seeing.

Flight: Alongside Day-Lewis in Lincoln, Joaquin Phoenix in The Master, and the entire cast of Red Dawn in Red Dawn, Denzel Washington authors a performance that, come awards season, may just...wait for it...take off! Washington plays an alcoholic pilot who goes to great lengths to conceal his condition in the wake of a lethal crash for which he was not responsible. Renowned television critic Alan Sepinwall has proclaimed his affinity for characters who are good at their jobs.2 I've always found this to be a remarkably perceptive observation, and Flight provides ample evidence of that perception. Perhaps the conclusion could be expanded a bit to read "we like characters who are good at their jobs, but even better at behaving abhorrently."3

Breaking Dawn, Part II: Some guy broods. Another removes his shirt under flimsy pretext. Kristen Stewart bites her, and possibly another's, lip. Abraham Lincoln shows up to hunt half of the cast in a bizarre cross-promotional campaign.4

Skyfall: Genuine spoiler ahead. Judi Dench's M dies. She will be missed, even among the most ardent fans of her replacement Ralph Fiennes. Skyfall provides Dench's interpretation of the character a fitting send-off. Given her considerable screen-time and simpatico professional relationship with a certain licensed killer,5 one may argue she's the film's true Bond girl. This would probably mean that "M" stood for something absolutely filthy.6

1 Or hunt vampires.
2 See also Lincoln.
3 See, e.g. McNulty from The Wire, every assassin in every movie ever.
4 Not pictured: the Harlem Globetrotters (except Meadowlark Lemon, who naturally portrays the villain in this film).
5 Spoiler alert: it's James Bond.
6 For 007, this would probably mean "marriage."
DEAR SCALIA:

I am concerned about my boyfriend’s well being. He has really modified his behavior lately. He seems to always want to be alone these days, distancing himself not only from me, but from his friends and family. He will only give me one-word answers when I ask him how he’s doing, and he has lost a lot of weight. He might even be taking money from me—money for what, I don’t even know, but I’m worried it might be drugs. I’m concerned he has serious psychological issues—is counseling a good idea? Please help!

ANXIOUS IN AKRON

DEAR ANXIOUS,

The Supreme Court, in one of its finer opinions (written by an up and coming member of the court), has expressed the opinion that the word “modify” connotes only moderate change. See MCI Telecommunications Corp. v. American Tel. & Tel. Co., 512 U.S. 218 (1994) (“It might be good English to say that the French Revolution ‘modified’ the status of the French nobility - but only because there is a figure of speech called understatement and a literary device known as sarcasm.”). So when you tell me that your boyfriend has “modified” his behavior, all I hear is that he was already crazy and just became a little crazier. And seriously, who says that their boyfriend has “modified” his behavior? It’s like you wrote your letter with the intention of allowing me to cite to this case.

In any event, I must dissent from your suggestion of therapy. I have long expressed the general policy of the federal judiciary that the psychiatric profession as a whole is a total sham. See Jaffee v. Redmond, 518 U.S. 1, 22 (1996) (Scalia, J., dissenting, although I really should have been the majority in that one) (“When is it, one must wonder, that the psychotherapist came to play such an indispensable role in the maintenance of the citizenry’s mental health? I’m going to give you the same advice I gave the general public in Jaffee take him out to a bar—then he’ll spill his guts. See id. (finding that for most of history, “men and women have worked out their difficulties by talking to,” inter alia, bartenders).

I would, however, confront him about the whole money issue. That is a serious problem. Be especially wary if he admits to taking money, but he calls it a “shared responsibility payment,” or even worse, a tax. That sort of thing is perfectly legal these days.

SCALIA FIN.

The Honorable Justice Scalia is effectively channeled by Joseph Figueroa (2L)

POLICE BLOTTER: Week of November 26

Monday, November 26, 8:27 P.M. – A student was intercepted by campus police while he attempted to exit the courtroom. Explanations were demanded and provided. The student was charged with impersonating a police officer. Despite the student’s vehement protestation that he was merely portraying a police officer in order to provide testimony for a Trial Advocacy proceeding, one of the responding officers exhorted the student to “...tell it to a judge, pal.” The student heeded this advice, and was immediately granted his release out of a showing of Lincoln at the Movie Tavern. When questioned by the escorting officers, the student maintained he was only shouting “sic semper tyrannus” in response to being carded for his Sierra Nevada. His ensuing petition for secession from the United States is currently pending.

Wednesday, November 28, 3:26 A.M. – Police arrived on the scene of a murder. A Williamsburg detective was heard to remark, “Something stinks about this case.” A skunk was brought in for questioning before “high-tailing” it out of the station.

Thursday, November 29, 8:49 P.M. – There was a daring jewel heist. At press time, the primary suspect wrote “You Were Meant for Me” and has been suspected of lifting $1 million worth of diamonds. The suspect is believed to have acted without an accomplice, as she claims to have stolen the merchandise with “...hands that are not yours, but are [her] own.”

Saturday, December 1, 6:38 P.M. – A student was escorted by police out of a showing of Lincoln at the Movie Tavern. When questioned by the escorting officers, the student maintained he was only shouting “sic semper tyrannus” in response to being carded for his Sierra Nevada. His ensuing petition for secession from the United States is currently pending.

Sunday, December 2, 2012 – 1:59 P.M. – Campus police responded to reports of an armed robbery. After briefly questioning a student suspected of forcibly commandeering a colleague’s Nikon COOLPIX L810 16.1 MP Digital Camera with 26x Zoom NIKKOR ED Glass Lens and 3-inch LCD ($162.30), the suspect was released when he calmly explained the phrase “mugging for the camera.” Also, the suspect was Ashton Kutcher, so they were legally his pix in the first place.

DEAR ANXIOUS,

...the shamefully low number of forks they provide you with there.” The serial aggravated loiterer left his calling card at the scene, which was probably a mistake, as it still had 89 prepaid long distance minutes on it.

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