

# Rock & Roll Judges

By Jeff Breinholt

We are about to hear much about Brett Kavanaugh, the nominated successor to Justice Anthony Kennedy. We also about to learn quite a bit about what various Senators and media commentators look for in a good Supreme Court Justice, who usually comes from the ranks of current state and federal judges. Here is a modest proposal: we should view as positive any judge who has spontaneously referred to Rock & Roll artists in their judicial opinions.

As a late-era Baby Boomer (b. 1963), I maintain judges who absorb the full extent of American culture are better at reaching sound judicial decisions of constitutional dimension. Rock & Roll is a firm part of our modern society. Meanwhile, court decisions written by identifiable judges, on particular controversies offer free insight into the thinking of elite lawyers in our society. The judges who are so inspired by rock music to spontaneously drop allusions arguably understand things that most Americans hold sacred, or at least politically desirable. They also make American case law more accessible to non-lawyers and young people, which is a good thing. It is interesting to assess the extent of rock ethos absorption into legal culture, and which rock artists tend to resonate with judges.

## Who Are The American Rock & Roll Judges?

In attempt to determine who are the Rock & Roll Judges, I isolated virtually every American federal and state court opinion that mentions any artist who is listed on the Rolling Stone Top 100 Artists list – some 2,900 cases. This search method could not be used for certain artists whose names are so common that their names cannot be separated from the other more common uses of the words. (The Police, The Who, The Clash, Public Enemy, the Doors, or Cream). Also, the names “James Brown” and “Prince” were too common to allow for isolating those opinions involving the actual King of Soul and the Artist Formerly Known As. Unfortunately, these acts were omitted from this survey.<sup>1</sup>

Next, I went through these 2,900 written decisions to find those in which the particular artist is spontaneously mentioned a court opinion. I eliminated those cases in which the artist or band was necessarily a part of the litigation at hand. I was aiming for spontaneous references, as if by pure intellectual inspiration rather than invocation by witnesses or litigants – not facts or references that might appear in a court opinion involving, for example, custody or intellectual property disputes. When a judge is inspired to make a written rhetorical reference to Madonna, or cite Bob Dylan for a legal proposition, that qualified as a hit in my survey, since this action reflects some inspiration from rock music, or at least some appreciation for the phenomenon of certain iconic rock artists (rather than an old judge hearing rock music-related facts that he would otherwise be inclined to ignore.) I was not interested in opinions in which rock artists are foisted on the court through witnesses or party, as in a

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<sup>1</sup> This omission reflect a current glitch in Westlaw capabilities, which do not allow the user to specify capital letters in particular full-text case law searches, which would allow the user to isolate when these words are used in names.

criminal law opinion in which defendant is reported to have yelled “Tupac Lives” during his getaway. In those cases, the judges cannot be said to have spontaneously used some rock inspiration. Rather, the reference was forced on them.

The result was about 350 state and federal judicial opinions. From this data, we can see what rock stars inspire judges to use them openly in their work and (perhaps more interestingly) which judges occasionally enter into this club.

I recognize that my thesis and methodology could give rise to arguments that the data I culled was skewed towards left-leaning judges. These judges after all, could be expected to be more enthused by rock music. Sure, conservatives (especially cultural ones) are more likely to attack a Democratic-nominated judge or nominee who spouts rock lyrics in her opinions. Moreover, should not liberal judges be more incentivized to take the professional risks by dropping in a rock reference into an opinion, if it means they get social credit with their liberal friends? Conservatives probably do not have this same incentive.

Really? I have my doubts.

When I thought about it, I realized the survey might be particularly useful in showing that most Americans might be wrong about the worldview of judges. After all, liberals do not have a monopoly on their enthusiasm for rock music and culture. This music dates back to the 1950s, and some bands and artists (and even their lyrics) at least leaned conservative over the years. Perhaps we should not be surprised going into this that there were plenty of Republican-nominated judges who cite rock music. After all, Chief Justice John Roberts, hardly a liberal, spontaneously referred to a Bob Dylan song in a 2008 majority opinion in a telecommunications case.<sup>2</sup> Perhaps rock music is apolitical and serves as a political unifying tool. Would not liberal court watchers and activists appreciate a GOP judicial nominee who cites the Grateful Dead?

My methodology was similar to that of Professor Alex B. Long of the University of Oklahoma City Law School, who in 2007 published an article which analyzed the rhetorical and pedagogical effectiveness of judges, lawyers, and legal commentators citing rock lyrics in their writings.<sup>3</sup> His article referred to a number of instances of judges making such references, but he did not include all of his data in the article, as I do here with mine. He also did not undertake any analysis of the political identity of the relevant judges. However, the data he cites as anecdotes in his article was consistent with what I found. My findings, which go beyond 2007, might be considered complementary to his analysis.

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<sup>2</sup> *Sprint Communications Co., L.P. v. APCC Services, Inc.*, 554 U.S. 269 (2008) (“When you got nothing, you got nothing to lose.”). Roberts is not the first Supreme Court Justice to spontaneously reference rock music. In 1995, Justice John Paul Stevens invoked Elvis Presley in a First Amendment case. *Capitol Square Review and Advisory Bd. v. Pinette*, 515 U.S. 753 (1995). In 1991, Justice Anthony Kennedy used John Lennon as a historical reference. *Masson v. New York Magazine*, 501 U.S. 496 (1991).

<sup>3</sup> Alex. B. Long, [INSERT SONG LYRICS HERE]: THE USES AND MISUSES OF POPULAR MUSIC LYRICS IN LEGAL WRITING, 64 Wash. & Lee L. Rev. 531 (Spring 2007).

So what were these references in court opinions written by Rock & Roll Judges, who are these judges, and what is their political affiliation?

## Specific Rock Lyrics and Songs

Here is a list<sup>4</sup> of the top specific rock songs or lyrics cited by state and federal judges in court opinions:

1. Bob Dylan, “You don’t need a weatherman to know which way the wind blows” - 16 opinions<sup>5</sup>
2. Bob Dylan, “The Times They Are A-Changin’” - 15 opinions<sup>6</sup>

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<sup>4</sup> One note about this list. A federal district court judge in Los Angeles issued 19 opinions in the same day. They all arose out of a patent lawsuit filed by a technology company, an outfit known as McRO, Inc., which filed a motion “Motion for Judgment on the Pleadings Based on Unpatentability.” Ruling on the motion, Judge George H. Wu dropped an excellent reference to a Dylan lyric with the following allusion, apparently designed to illustrate the concept of unexpected failures: ““A change in the weather has known to be extreme.” Bob Dylan, ‘You’re a Big Girl Now’, *Blood on the Tracks* (Columbia Records 1974).” See, E.g. *McRO, Inc. v. Codemasters USA Group, Inc.*, 2014 WL 4760658 (C.D. Cal. 2014). Had I considered these 19 Dylan lyric references over the course of 19 identical 2014 federal judicial opinions in the same case part of my survey, this would have been the single most-cited rock lyric in American case law. I did not. Instead I included it as a single reference.

<sup>5</sup> This line comes from Dylan’s 1965 song “Subterranean Homesick Blues.” These opinions, listed in reverse chronological order, are: *United States v. AT & T Inc.*, 2018 WL 2930849 (D.D.C. 2018); *McGraw v. State*, 2018 WL 1413038 (Fla. 2018); *iFreedom Direct Corporation v. Lehman Brothers Holdings, Inc.*, 2017 WL 3671573 (D. Utah 2017); *State v. Ross*, 229 N.J. 389 (N.J. 2017); *iFreedom Direct Corporation v. Lehman Brothers Holdings, Inc.*, 2017 WL 2729079 (D. Utah 2017); *Montoya v. PNC Bank, N.A.*, 2014 WL 4248208 (S.D. Fla. 2014); *Saccoccio v. JP Morgan Chase Bank, N.A.*, 2014 WL 3738013 (S.D. Fla. 2014); *Davanzo v. Carnival Cruise Lines*, 2014 WL 1385729 (S.D. Fla. 2014); *Davanzo v. Carnival Cruise Lines*, 2014 WL 1385729 (S.D. Fla. 2014); *Frasca v. NCL (Bahamas) Ltd.*, 2013 WL 12324500 (S.D. Fla. 2013); *Royal Bahamian Ass’n, Inc. v. QBE Ins. Corp.*, 2010 WL 4316926 (S.D. Fla. 2010); *Cook Inc. v. Endologix, Inc.*, 2010 WL 2265203 (S.D. Ind. 2010); *United Television Broadcasting Systems, Inc. v. Rancho Palos Verdes Broadcasters, Inc.*, 2008 WL 4194493 (Cal. 2008); *In re Jerrell C.J.*, 283 Wis.2d 145 (Wis. 2005); *People v. Reveles*, 2001 WL 1647172 (Cal. 2001); *Flowers v. Torrance Memorial Hospital Medical Center*, 8 Cal.4th 992 (Cal. 1994); *Ball v. Posey*, 176 Cal.App.3d 1209 (Cal. 1986); and *Jorgensen v. Beach 'N' Bay Realty, Inc.*, 125 Cal.App.3d 155 (Cal. 1981).

<sup>6</sup> *Smith v. Pavan*, 2016 Ark. 437 (Ark. 2016)(Brill, C.J., dissenting); *Sheikh v. City of New York*, 48 N.Y.S.3d 267 (N.Y. 2016); *Bell v. Itawamba County School Bd.*, 799 F.3d 379 (5th Cir. 2015); *Procaps S.A. v. Patheon Inc.*, 36 F.Supp.3d 1306 (S.D. Fla. 2014); *Rodriguez v. Harris County, Tex.*, 964 F.Supp.2d 686 (S.D. Texas 2013); *State v. McNeil*, 392013 UT App 134 (Utah 2013); *Miller v. State*, 207 Md.App. 453 (Md. 2012); *In re Kane & Kane*, 475 B.R. 251 (Bankruptcy S.D. Fla. 2012); *Jefferson County Com’n v. Tennant*, 876 F.Supp.2d 682 (S.D.W.V. 2012); *Point Blank Solutions, Inc. v. Toyobo America, Inc.*, 2011 WL 1456029 (S.D. Fla. 2011); *Valente v. University of Dayton*, 2010 WL 11538408 (S.D. Ohio 2010); *North American Medical Corporation v. Axiom Worldwide, Inc.*, 2009 WL 10673287 (N.D. Ga. 2009); *Trigon Ins. Co. v. U.S.*, 215 F.Supp.2d 687 (E.D. Va. 2002); *Erickson v. Bartell Drug Co.*, 141 F.Supp.2d 1266 (W.D. Wash. 2001); and *Roache v. AmeriFirst Bank*, 596 So.2d 1240 (Fla. 1992).

3. The Beatles, “The Long and Winding Road” - 8 opinions<sup>7</sup>
4. The Rolling Stones, “You Can’t Always Get What You Want” - 7 opinions<sup>8</sup>
5. Simon and Garfunkel, “The Boxer” - 6 opinions<sup>9</sup>
6. Joni Mitchell, “Big Yellow Taxi” - 5 opinions<sup>10</sup>
7. The Beatles, “All You Need Is Love” - 4 opinions<sup>11</sup>
8. Simon & Garfunkel, “The Sounds of Silence” - 4 opinions<sup>12</sup>
9. The Byrds, “Turn, Turn, Turn” - 3 opinions<sup>13</sup>

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<sup>7</sup> Hughes v. Flicker, 2017 WL 5643240 (S.D. Fla. 2018); Eastern Shore Title Company v. Ochse, 453 Md. 303 (Md. 2017); Jones v. Barnhart, 2017 WL 1493005 (E.D. Mich. 2017); PRN Pharmaceutical Services, LP v. Kentuckiana Healthcare, LLC, 2016 WL 1469769 (N.D. Ind. 2016); Jacob v. Township of West Bloomfield, 2010 WL 2232277 (E.D. Mich. 2010); Vono v. Lewis, 594 F.Supp.2d 189 (D.R.I. 2009); In re Smith, 352 B.R. 702 (Bankruptcy 9<sup>th</sup> Cir. 2006); and Richardson v. Lindenbaum & Young, 816 N.Y.S.2d 700 (N.Y. 2006).

<sup>8</sup> Trustmark National Bank v. Thomas, 2015 WL 11120574 (W.D. Tenn. 2015); Stop This Insanity Inc. Employee Leadership Fund v. Federal Election Com'n, 761 F.3d 10 (D.C. Cir. 2014); In re SCC Kyle Partners, Ltd., 2013 WL 2903453 (W.D. Texas 2013); In re Gallaher, 548 F.3d 713 (9<sup>th</sup> Cir. 2008); Witzke v. Stieber, 2007 WL 200945 (E.D. Mich. 2007); Pierce County v. State, 159 Wash.2d 16 (Wash. 2006); and McPeck v. Ashcroft, 202 F.R.D. 31 (D.D.C. 2001).

<sup>9</sup> Com. v. Williams, 634 Pa. 290 (Pa. 2015); Securities and Exchange Commission v. Monterosso, 2015 WL 13239829 (S.D. Fla. 2015); Valero, LLC v. Valero Energy Corp., 2014 WL 3920035 (S.D. Fla. 2014); Thomas v. Old Town Dental Group, P.A., 300 F.R.D. 585 (S.D. Fla. 2014); Velarde v. HSBC Private Bank Intern., 2013 WL 5534305 (S.D. Fla. 2013); and Brown v. Earthboard Sports USA, Inc., 481 F.3d 901 (6<sup>th</sup> Cir. 2007).

<sup>10</sup> Alabama Aircraft Industries, Inc. v. Boeing Company, 319 F.R.D. 730 (N.D. Ala. 2017); City of New York v. Seguire Bay Estates LLC, 52 N.Y.S.3d 245 (N.Y. 2016); Falls Road Community Ass'n, Inc. v. Baltimore County, 85 A.3d 185 (Md. 2014); City Nat. Bank of Florida v. City of Tampa, 2005 WL 4891057 (Fla. 2005); and Yellow Cab Co. of Sacramento v. Yellow Cab of Elk Grove, Inc., 419 F.3d 925 (9<sup>th</sup> Cir. 2005).

<sup>11</sup> Nijjar v. Holder, 689 F.3d 1077 (9<sup>th</sup> Cir. 2012); Gorbach v. Reno, 219 F.3d 1087 (9<sup>th</sup> Cir. 2000); Gorbach v. Reno, 179 F.3d 1111 (9<sup>th</sup> Cir. 1999); and Kahn v. I.N.S., 36 F.3d 1412 (9<sup>th</sup> Cir. 1994).

<sup>12</sup> Procaps S.A. v. Patheon Inc., 2014 WL 1047748 (S.D. Fla. 2014); Highsmith v. Foret, 124 So.3d 571 (La. 2013); Doe v. Ashcroft, 334 F.Supp.2d 471 (S.D.N.Y. 2004); and Alexander v. City of Oakwood, 1993 WL 1318608 (S.D. Ohio 1993).

<sup>13</sup> Christian Voice of Cent. Ohio v. Testa., 147 Ohio St.3d 217 (Ohio 2016); Stevenson v. Western & Southern Mut. Holding Co., 2012 WL 1035726 (N.D. Ohio 2012); and Eldred v. Com., 906 S.W.2d 694 (Ky. 1994).

10. Elvis Costello, “Less Than Zero” - 3 opinions<sup>14</sup>

## Spontaneous References to Rock Artists

What if the rock references in court opinions are not so granular as to include specific lyrics or songs? In recognition of the prominent role some rock stars play in American society, judges sometimes refer spontaneously to the band or artists themselves. If these references were not driven by the exigencies of a particular legal dispute, they were captured in my survey. I believe such occurrences are fair game and relevant to the question of who are Rock & Roll Judges, as I define the term.

Here are the rock artists who are spontaneously mentioned most often in court opinions without the references being to a particular song:

1. The Beatles – 12 references<sup>15</sup>
2. Rolling Stones – 8 references<sup>16</sup>
3. Elvis Presley – 8 references<sup>17</sup>

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<sup>14</sup> In re Estate of Bernstein, 17 A.3d 1172 (Del. 2011); In re Oracle Corp., 867 A.2d 904 (Del. 2004); and In re Oracle Corp. Derivative Litigation, 2004 WL 2756278 (Del. 2004).

<sup>15</sup> Klayman v. Obama, 957 F.Supp.2d 1 (D.D.C. 2013); Free Speech Coalition, Inc. v. Holder, 729 F.Supp.2d 691 (E.D. Pa. 2010); In re PNP Holdings Corp., 141 F.3d 1178 (9<sup>th</sup> Cir. 1998); People v. Planavsky, 47 Cal.Rptr.2d 723 (Cal. 1995); Masson v. New Yorker Magazine, Inc., 501 U.S. 496 (S. Ct. 1991); Simplicity Pattern Co., Inc. v. State Bd. of Equalization, 161 Cal.Rptr. 558 (Cal. 1980); Arnold v. Carpenter, 459 F.2d 939 (7<sup>th</sup> Cir. 1972); Anderson v. Laird, 437 F.2d 912 (7<sup>th</sup> Cir. 1971); Citizens Committee v. F.C.C., 436 F.2d 263 (D.C. Cir. 1970); State v. Gargiulo, 246 A.2d 738 (N.J. 1968); and Davar Products, Inc. v. U.S., 245 F.Supp. 460 (S.D.N.Y. 1965).

<sup>16</sup> Umami Burger Licensing USA, LLC v. Umami Mia Pizzeria, LLC, 2013 WL 12085121 (W.D. Texas); Western Kentucky Door v. Cross, 2013 WL 764666 (Ky. 2013); Arista Records LLC v. Lime Group LLC, 2011 WL 1311771 (S.D.N.Y. 2011); Gunkel v. Renovations, Inc., 797 N.E.2d 841 (Ind. 2003); Powell v. Metropolitan Entertainment Co., Inc., 762 N.Y.S.2d 782 (N.Y. 2003); City of New Brighton v. 2000 Ford Excursion VIN No. 1FMNU43S2YEA74156, 622 N.W.2d 364 (Minn. 2001); In re Tax Sale of 1980 Under Real Estate Tax Sale Law of 1947, 1981 WL 1424 (Pa. 1981); and CBS Inc. v. Springboard Intern. Records, 429 F.Supp. 563 (S.D.N.Y. 1976).

<sup>17</sup> Beard v. C.I.R., 633 F.3d 616 (7<sup>th</sup> Cir. 2011); Lawson v. Com., 53 S.W.3d 534 (Ky. 2001); In re Fried Group, Inc., 218 B.R. 247 (Bankruptcy M.D. Ga. 1998); Capitol Square Review and Advisory Bd. v. Pinette, 515 U.S. 753 (S. Ct. 1995); Simon v. C.I.R., 103 T.C. 247 (Tax 1994); Beech Acceptance Corp., Inc. v. L'Express, Inc., 1991 WL 241816 (D. Kan. 1991); Phil Burke's, Inc. v. U. S., 1972 WL 3210 (D. Md. 1972); and Smith v. Resor, 406 F.2d 141 (2<sup>nd</sup> Cir. 1969).

4. Madonna – 5 references<sup>18</sup>
5. Bob Dylan – 4 references<sup>19</sup>  
Michael Jackson – 4 references<sup>20</sup>
6. Hank Williams – 2 references<sup>21</sup>  
Johnny Cash – 2 references<sup>22</sup>  
Bruce Springsteen – 2 references<sup>23</sup>  
Ray Charles – 2 references<sup>24</sup>  
Frank Zappa – 2 references<sup>25</sup>

## Who Are These Judges?

If there is a single judge who stands out in rock references, it is Federal Magistrate Jonathan Goodman of the Southern District of Florida. Since 2010, Goodman dropped no fewer than 56 references to rock

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<sup>18</sup> *Giovani Carandola, Ltd. v. Fox*, 396 F.Supp.2d 630 (M.D.N.C. 2005); *Reesman v. Highfill*, 942 P.2d 891 (Ore. 1997); *U.S. v. Shannon*, 110 F.3d 382 (7<sup>th</sup> Cir. 1997); *General Media Communications, Inc. v. Perry*, 952 F.Supp. 1072 (S.D.N.Y. 1997); and *Matter of Miller*, 617 N.Y.S.2d 1024 (N.Y. 1994).

<sup>19</sup> *Rejdak v. Worthington Cylinders Wisconsin, LLC*, 2016 WL 6248183 (N.D. Ill. 2016); *Wells Fargo Bank, N.A. v. Seibold*, 29 N.Y.S.3d 850 (N.Y. 2015); *O'Grady v. Superior Court*, 44 Cal.Rptr.3d 72 (Cal. 2006); and *United States v. Bradley*, 2005 WL 8152905 (S.D. Ga. 2005).

<sup>20</sup> *TVT Records v. Island Def Jam Music Group*, 254 F.Supp.2d 322 (S.D.N.Y. 2003); *RCC Technology Corp. v. Sunterra Corp.*, 287 B.R. 864 (D. Md. 2003); *American Guarantee and Liability Ins. Co. v. Fojanini*, 90 F.Supp.2d 615 (E.D. Pa. 2000); and *Matter of Midway Airlines, Inc.*, 6 F.3d 492 (7<sup>th</sup> Cir. 1993).

<sup>21</sup> *Waller v. Osbourne*, 763 F.Supp. 1144 (M.D. Ga. 1991) and *State ex rel. Elvis Presley Intern. Memorial Foundation v. Crowell*, 733 S.W.2d 89 (Tenn. 1987).

<sup>22</sup> *Williams v. Rhoades*, 354 F.3d 1101 (9<sup>th</sup> Cir. 2004) and *Dumas v. Infinity Broadcasting Corp.*, 416 F.3d 671 (7<sup>th</sup> Cir. 2005).

<sup>23</sup> *Flood v. National Collegiate Athletic Association*, 2015 WL 5785801 (M.D. Pa. 2015) and *Fischer v. Time Warner Cable Inc.*, 234 Cal.App.4th 784 (Cal. 2015).

<sup>24</sup> *State v. Washington*, 664 A.2d 1153 (Conn. 1995) and *Greer v. State*, 443 S.W.2d 681 (Tenn. 1969).

<sup>25</sup> *Ex parte Patterson*, 902 S.W.2d 487 (Texas 1995) and *In re DeCora*, 387 B.R. 230 (Bankruptcy W.D. Wisc. 2008).

music or artist over the course of 33 judicial opinions. These opinions include references such subjects as Bob Dylan (9 references),<sup>26</sup> the Beatles (6),<sup>27</sup> and the Rolling Stones (3).<sup>28</sup> Goodman has also cited the Allman Brothers,<sup>29</sup> Bo Diddley,<sup>30</sup> Bruce Springsteen,<sup>31</sup> Creedence Clearwater Revival,<sup>32</sup> Guns N

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<sup>26</sup> Bluewater Key RV Ownership Park Property Owners Association Inc. v. Clark, 2016 WL 4761853 (S.D. Fla. 2016); Procaps S.A. v. Patheon Inc., 141 F.Supp.3d 1246 (S.D. Fla. 2015); Montoya v. PNC Bank, N.A., 2014 WL 4248208 (S.D. Fla. 2014); Procaps S.A. v. Patheon Inc., 36 F.Supp.3d 1306 (S.D. Fla. 2014); Davanzo v. Carnival Cruise Lines, 2014 WL 1385729 (S.D. Fla. 2014); Frasca v. NCL (Bahamas) Ltd., 2013 WL 12324500 (S.D. Fla. 2013); Kendall Lakes Towers Condominium Ass'n, Inc. v. Pacific Ins. Co., Ltd., 2011 WL 6372198 (S.D. Fla. 2011); Point Blank Solutions, Inc. v. Toyobo America, Inc., 2011 WL 1456029 (S.D. Fla. 2011); and Royal Bahamian Ass'n, Inc. v. QBE Ins. Corp., 2010 WL 4316926 (S.D. Fla. 2010).

<sup>27</sup> Hughes v. Flicker, 2017 WL 5643240 (S.D. Fla. 2018); Breslow v. American Security Insurance Company, 2016 WL 698124 (S.D. Fla. 2016); Procaps S.A. v. Patheon Inc., 2015 WL 1880346 (S.D. Fla. 2015); Procaps S.A. v. Patheon Inc., 2013 WL 4773433 (S.D. Fla. 2013); Rotundo v. Garcia, 2013 WL 12092305 (S.D. Fla. 2013); and S.E.C. v. Wall Street Capital Funding, LLC, 2011 WL 2295561 (S.D. Fla. 2011).

<sup>28</sup> Fowler v. Caliber Home Loans, Inc., 196 F.Supp.3d 1328 (S.D. Fla. 2016); Fowler v. Caliber Home Loans, Inc., 277 F.Supp.3d 1324 (S.D. Fla. 2016); and QBE Ins. Corp. v. Jorda Enterprises, Inc., 277 F.R.D. 676 (S.D. Fla. 2012).

<sup>29</sup> Lee v. Ocwen Loan Servicing, LLC, 2015 WL 5449813 (S.D.N.Y. 2015).

<sup>30</sup> Latele Television, C.A. v. Telemundo Communications Group, LLC, 2015 WL 1412363 (S.D. Fla. 2015) and Adelman v. Boy Scouts of America, 276 F.R.D. 681 (S.D. Fla. 2011).

<sup>31</sup> Miami Yacht Charters, LLC v. National Union Fire Ins. Co. of Pittsburgh Pennsylvania, 2015 WL 520846 (S.D. Fla. 2015) and Adelman v. Boy Scouts of America, 276 F.R.D. 681 (S.D. Fla. 2011).

<sup>32</sup> Latele Television, C.A. v. Telemundo Communications Group, LLC, 2015 WL 1412363 (S.D. Fla. 2015)

Roses,<sup>33</sup> Johnny Cash,<sup>34</sup> the Kinks,<sup>35</sup> Lynyrd Skynyrd,<sup>36</sup> Madonna,<sup>37</sup> Neil Young,<sup>38</sup> REM,<sup>39</sup> Otis Redding,<sup>40</sup> Ray Charles,<sup>41</sup> Pink Floyd,<sup>42</sup> Simon and Garfunkel,<sup>43</sup> Tom Petty,<sup>44</sup> U2,<sup>45</sup> and the Yardbirds.<sup>46</sup>

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<sup>33</sup> Zamber v. American Airlines, Inc., 2017 WL 5202748 (S.D. Fla. 2017) and Velarde v. HSBC Private Bank Intern., 2013 WL 5534305 (S.D. Fla. 2013).

<sup>34</sup> Procaps S.A. v. Patheon Inc., 2014 WL 5786830 (S.D. Fla. 2014).

<sup>35</sup> Zamber v. American Airlines, Inc., 2017 WL 5202748 (S.D. Fla. 2017) and Edmondson v. Velvet Lifestyles, LLC, 2016 WL 5682591 (S.D. Fla. 2016).

<sup>36</sup> Procaps S.A. v. Patheon Inc., 2014 WL 5786830 (S.D. Fla. 2014) and Miami Yacht Charters, LLC v. National Union Fire Ins. Co. of Pittsburgh Pennsylvania, 2015 WL 520846 (S.D. Fla. 2015).

<sup>37</sup> Zamber v. American Airlines, Inc., 2017 WL 5202748 (S.D. Fla. 2017).

<sup>38</sup> Johnston v. Aetna Life Insurance Company, 282 F.Supp.3d 1303 (S.D. Fla. 2017).

<sup>39</sup> Bake House SB, LLC. v. City of Miami Beach, 2017 WL 2645760 (S.D. Fla. 2017).

<sup>40</sup> Frasca v. NCL (Bahamas) Ltd., 2014 WL 695413 (S.D. Fla. 2014).

<sup>41</sup> Davanzo v. Carnival Cruise Lines, 2014 WL 1385729 (S.D. Fla. 2014) and United States v. Holland, 2017 WL 1433265 (S.D. Fla. 2017).

<sup>42</sup> Procaps S.A. v. Patheon Inc., 2014 WL 1047748 (S.D. Fla. 2014) and Rotundo v. Garcia, 2013 WL 12092305 (S.D. Fla. 2013).

<sup>43</sup> Securities and Exchange Commission v. Monterosso, 2015 WL 13239829 (S.D. Fla. 2015); Thomas v. Old Town Dental Group, P.A., 300 F.R.D. 585 (S.D. Fla. 2014); Procaps S.A. v. Patheon Inc., 2014 WL 1047748 (S.D. Fla. 2014); and Velarde v. HSBC Private Bank Intern., 2013 WL 5534305 (S.D. Fla. 2013).

<sup>44</sup> Montoya v. PNC Bank, N.A., 2014 WL 2807617 (S.D. Fla. 2014) and Haaf v. Flagler Const. Equipment, LLC, 2011 WL 1871159 (S.D. Fla. 2011).

<sup>45</sup> Procaps S.A. v. Patheon Inc., 2014 WL 800468 (S.D. Fla. 2014).

Goodman is a magistrate who is appointed by the courts in Florida, his likely political affiliation is not easy to establish. However, most federal judges (other than tax, bankruptcy and military judges) can easily be identified politically by the party of the President who appoints them.

Of the judges who serve on one of the various U.S. Courts of Appeal, a couple stand out:

- The late Judge Terence Evans was appointed a district court judge in the Eastern District of Wisconsin by President Carter, and then promoted to the Seventh Circuit by President Clinton. He made references to the Drifters and Chuck Berry when he was a trial judge. As an appellate judge, before his death in 2011, he wrote opinions which spontaneously invoke Elvis Presley, Bruce Springsteen, Johnny Cash, and Bob Dylan.
- Judge James Dennis was appointed to the Fifth Circuit by President Clinton. He published an opinion that made references to the songs of Bob Dylan, Bob Marley and Johnny Cash.
- Judge Andrew Kleinfeld was appointed a district judge for the District of Alaska by Reagan, and promoted to Ninth Circuit by George H.W. Bush. He has written four opinions which contain spontaneous references to the Beatles and Johnny Cash.
- Judge Alex Kozinsky, until his recent retirement, served on the Ninth Circuit, having been appointed by President Reagan. His opinions included references to Janis Joplin, the Beatles, Bruce Springsteen and the Talking Heads.
- Judge Edward Carnes was appointed to the Eleventh Circuit by President George H.W. Bush. He has dropped written references to Bob Dylan and the Beatles.
- Judge Janice Rogers Brown of the D.C. Circuit (a previous justice on the California Supreme Court) was appointed to by George W. Bush. She has cited the Rolling Stones and Jimi Hendrix.

Appendix A contains a chart showing (listed in reverse chronological order) those Circuit Court opinions containing spontaneous rock references, the judge/authors, the citation to the relevant opinions, and the party of the President who appointed those judges.

Appendix B is a chart showing the same information for the District Court opinions.

From these charts, one can see there are 38 Circuit Court and 76 District Court opinions where the judge's political affiliation is discernable. In the Circuit Courts, there are more Republican-authored opinions (21) than Democrat-authored (17). In the District Courts, the Democrat-authored opinions (50) outnumber the Republican-authored ones (26). This finding demonstrates that, though Democrat-

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<sup>46</sup> Breslow v. American Security Insurance Company, 2016 WL 698124 (S.D. Fla. 2016).

appointed federal judges overall are more likely to drop a rock reference into their opinions, it is not as if Republican judges eschew this practice.

## State Court Judges

Among state judges, the one who stands out is Philip S. Straniere in Richmond County, New York. Since 2004, he has written 12 opinions which refer to a number of rock artists: Bob Dylan (six opinions)<sup>47</sup>

Elton John,<sup>48</sup> Grateful Dead,<sup>49</sup> Joni Mitchell,<sup>50</sup> Rolling Stones,<sup>51</sup> and Simon and Garfunkel.<sup>52</sup> Judge Straniere's rock references include truly strange paragraph, which he wrote in a credit card collection case.

This is another example of a presumed Grateful Dead entity Who has joined the Band of business Zombies, some of whom Ten Years After ceasing to exist are still executing documents and expecting the court to accept them with Blind Faith. The Association of these entities with accounts which are not the Cream of consumer credit transactions, has, after a lot of Blood, Sweat and Tears on the part of the court personnel examining the Grassroots of each file, disclosed many Kinks in getting to the Heart of the current process. Even a Strawberry Alarm Clock would not be enough to alert the clerks, who Love their work, to the Grand Funk being created by these Rascals and give Creedance to some of these filings. The Doors to potential abuse opened by these filings require the court to examine each application like Big Brother rather than accept them like some benevolent Queen. It's A Beautiful Day when these filings

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<sup>47</sup> Sheikh v. City of New York, 48 N.Y.S.3d 267 (N.Y. 2016); Wells Fargo Bank, N.A. v. Seibold, 29 N.Y.S.3d 850 (N.Y. 2015); Tomei v. Schwartz, 54 N.Y.S.3d 613 (N.Y. 2014); Midland Funding LLC v. Tagliafferro, 935 N.Y.S.2d 249 (N.Y. 2011); Tomei v. Schwartz, 3 N.Y.S.3d 287 (N.Y. 2010); and Richmond Pain Management, P.C. ex rel. Bevel v. State Farm Mut. Auto. Ins. Co., 784 N.Y.S.2d 924 (N.Y. 2004).

<sup>48</sup> Norris v. Social Services Employee Union 371, 963 N.Y.S.2d 562 (N.Y. 2013).

<sup>49</sup> Equable Ascent Financial LLC v. Tirado, 26 N.Y.S.3d 213 (N.Y. 2015).

<sup>50</sup> City of New York v. Seguire Bay Estates LLC, 52 N.Y.S.3d 245 (N.Y. 2016).

<sup>51</sup> Colonial Credit Corp. v. Beyers, 15 N.Y.S.3d 711 (N.Y. 2015) and Hellander v. Metlife Auto and Home Ins. Co., 981 N.Y.S.2d 635 (N.Y. 2013).

<sup>52</sup> Verderame v. Vanleit, Inc., 934 N.Y.S.2d 37 (N.Y. 2011).

may be accepted without question. Perhaps that is what happens in places like Buffalo Springfield or Chicago.<sup>53</sup>

Other noteworthy state judges include:

- Judge Leo Strine is a vice chancellor on the Delaware Court of Chancery. His opinions have spontaneously referred to Elvis Costello, Buddy Holly, Johnny Cash and Chuck Berry.
- Judge Beth Baker is on the Montana Supreme Court. She has written opinions that invoke Bruce Springsteen and Bob Dylan.
- Judge Robert Chamberlin sits on the Mississippi Supreme Court. He has written court opinions which reference Johnny Cash and AC/DC.
- Judge Huethe F. Dowling of the Dauphine County, Pennsylvania Court of Common Pleas issued opinions in the early 1980s that referred to the Rolling Stones and Johnny Cash.
- Judge Stephen Fortunato served as a superior court judge in Providence, Rhode Island. He wrote court opinions with spontaneous references to Pink Floyd and Metallica.
- Judge Glenn Harrell served on Maryland Court of Appeals, and wrote opinions that referred to the Beatles and the Grateful Dead.
- Judge Michael C. Massengale is on the Texas Court of Appeals. He has authored opinions which refer to Dr. Dre and the Beatles.
- Judge Douglas Nazarian was on Maryland Court of Special Appeals. He wrote an opinion which cited the Beach Boys, Bruce Springsteen, Metallica, and Chuck Berry.
- Martin Schoenfeld is a trial judge for the New York Supreme Court. He wrote an opinion which contained allusions to Black Sabbath, Grateful Dead, Led Zeppelin, Aerosmith and the Rolling Stones.
- Judge J. Fredric Voros served on the Utah Court of Appeals. He wrote two opinions which invoked Bob Dylan lyrics.

State court judges are not easy to pin down politically. Many of them are elected in non-partisan elections. As a result, we cannot test the political theory of rock music opinions on them. Nevertheless, for the sake of complete data, and have attached Appendix C, which is a reverse-chronological list of all state court opinions referencing rock music or artists.

## Memorable Hits and Misses

One of the greatest moments in rock-law history occurred in 1987, when Fifth Circuit Judge Reynaldo Garza penned a criminal law opinion in which did not mention the Talking Heads but which contained several subtle references in the body of the opinions to their songs and albums.<sup>54</sup> These references

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<sup>53</sup> Equable Ascent Financial LLC v. Tirado, 26 N.Y.S.3d 213 (N.Y. 2015).

<sup>54</sup> United States v. Abner, 825 F.2d 835 (5th Cir.1987).

reportedly escaped the notice of the judge, and their insertions were part of a law clerk's unsuccessful attempt to get some free concert tickets.<sup>55</sup>

On the other side, as I went through these opinions over the last few weeks, I noticed couple of very bad references to rock music. U.S. District Judge Robert S. Lasnick in Seattle proudly dropped a footnote which referenced a blog post in which he was named one of the "leading judges in America" and described him as a judge who cites Bob Dylan in his opinions.<sup>56</sup> More recently, another federal judge in Washington D.C. dropped a seemingly self-conscious personal fact into a copyright case. Judge Amit P. Mehta's footnote, which was cited to explain how he did not need to hear from an expert, read:

This court also does not consider itself an ordinary "lay person" when it comes to hip-hop music and lyrics. The court has listened to hip hop for decades and considers among his favorite musical artists, perhaps as a sign of his age, Jay-Z, Kanye West, Drake, and Eminem.<sup>57</sup>

It is amazing how similar this was to a footnote from U.S. District Judge Judge Terance Evans in a 1982 matter involving a scheduled concert of The Who. The late judge dropped a footnote to set the groundwork for his own understanding of the issues in the litigation:

Although I prefer Chuck Berry, the Coasters and the Drifters, I am familiar with The Who. The Who has performed since the mid-60's, and its record sales run into the millions of units. Their presence here in Milwaukee was occasioned, in no small way, by the activities of a local character known as "Tim the Rock 'n Roll Animal" of Radio Station WQFM, who sat on a window ledge 21 stories above Wisconsin Avenue gathering 70,000 signatures on petitions asking The Who to come to Milwaukee. We haven't had that kind of excitement in Milwaukee since Brigadoon last played at the Melody Top Theatre.<sup>58</sup>

So we see two opinions in the American legal history of Rock & Roll, separated by 40 years, in which the judge/author felt the need to assure the reader that he appreciated rock culture.

Looking at all of the cases, I realized that is most spontaneous rock references in court opinions are an effort to do what Judges Mehta and Evans tried to do in their footnotes: assure the reader (and society) that the author a free-thinker who understands American culture. Whether the particular references work for this purpose is a judgment for other people. For my money, these occurrences' reflect the

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<sup>55</sup> See Thomas E. Baker, "A Review of Corpus Juris Humorous," 24 Tex. Tech L. Rev. 869 (1993).

<sup>56</sup> *Browne v. Avvo Inc.*, 525 F.Supp.2d 1249 (W.D. Wash. 2007).

<sup>57</sup> *Prunty v. Vivendi*, 130 F.Supp.3d 385 (D.D.C. 2015).

<sup>58</sup> *Brockum Intern., Inc. v. Various John Does*, 551 F.Supp. 1054 (E.D. Wisc. 1982).

arrival of Rock & Roll as a cultural artifact, at least in the American dispute-resolution process, and that we should appreciate this effort.

**APPENDIX A: CIRCUIT COURT OPINIONS CONTAINING SPONTANEOUS REFERENCES TO ROCK MUSIC**

<b>Judge</b>	<b>Circuit</b>	<b>Rock Artist</b>	<b>Citation</b>	<b>Party</b>
Selya	1	Johnny Cash	852 F.3d 141	Republican
Rosenbaum	11	Otis Redding	850 F.3d 1185	Democrat
Dennis	5	Bob Dylan	799 F.3d 379	Democrat
Brown	DC Cir	Rolling Stones	761 F.3d 10	Republican
Kanne	7	Jay-Z	762 F.3d 573	Republican
Dennis	5	Bob Marley, Johnny Cash	774 F.3d 280	Democrat
Carnes	11	Bob Dylan	701 F.3d 907	Republican
Kleinfeld	9	Beatles	689 F.3d 1077	Republican
Sutton	6	Bob Dylan	692 F.3d 473	Republican
Evans	7	Elvis Presley	633 F.3d 616	Democrat
Brown	DC Cir	Jimi Hendrix	530 F.3d 980	Republican
McKeon	9	Rolling Stones	548 F.3d 713	Democrat
Kleinfeld	9	Johnny Cash	489 F.3d 935	Republican
Rosenbaum	6	Simon and Garfunkel	481 F.3d 901	Democrat
Carnes	11	Beatles	455 F.3d 1261	Republican
Smith (Bankruptcy)	9	Beatles	352 B.R. 702	n/a
Evans	7	Bruce Springsteen, Johnny Cash, Bob Dylan	454 F.3d 637	Democrat
Thomas	9	Chuck Berry, Joni Mitchell	419 F.3d 925	Democrat
Coffey	7	Johnny Cash	416 F.3d 671	Republican
Farris	9	Johnny Cash	354 F.3d 1101	Democrat
Marcus	11	Simon & Garfunkel	336 F.3d 1269	Mixed
Kozinski	9	Janis Joplin	296 F.3d 894	Republican
Seymour	10	Grateful Dead	229 F.3d 1312	Democrat
Kleinfeld	9	Beatles	179 F.3d 1111	Republican
PER CURIAM	9	Beatles	141 F.3d 1178	n/a
Kleinfeld	9	Beatles	219 F.3d 1087	Republican
Bright	8	Hank Williams	207 F.3d 1078	Democrat
Farris	9	Johnny Cash	354 F.3d 1101	Democrat
Coffey	7	Madonna	110 F.3d 382	Republican
Boggs	6	Tina Turner	18 F.3d 337	Republican
Kozinski	9	Beatles	36 F.3d 1412	Republican
Kozinski	9	Janis Joplin, Bruce Springsteen, Talking Heads	989 F.2d 1512	Republican
Cudahy	7	Michael Jackson	6 F.3d 492	Democrat
Cardamone	2	Beatles	944 F.2d 971	Republican
Flaum	7	Beatles	904 F.2d 1081	Republican
Coffin	1	Beastie Boys	855 F.2d 888	Democrat
Reavley	5	Talking Heads	807 F.2d 464	Democrat
Kiley	7	Beatles	459 F.2d 939	Democrat

Pell	7	Beatles	437 F.2d 912	Republican
McGowan	DC Cir.	Beatles	436 F.2d 263	Democrat
Kaufman	2	Elvis Presley	406 F.2d 141	Democrat

**APPENDIX B: DISTRICT COURT OPINIONS CONTAINING SPONTANEOUS REFERENCES TO ROCK MUSIC**

<b>Judge</b>	<b>District</b>	<b>Rock Artist</b>	<b>Citation</b>	<b>Party</b>
Mehta	DDC	Jay-Z	<b>2018 WL 1245733</b>	Democrat
Leon	DDC	Bob Dylan	<b>2018 WL 2930849</b>	Republican
Torreson	DME	Beatles	<b>2018 WL 1997754</b>	Democrat
Goodman (magistrate)	SDFL	Beatles	<b>2017 WL 5643240</b>	n/a
Proctor	NDAL	Joni Mitchell	<b>319 F.R.D. 730</b>	Republican
Goodman (magistrate)	SDFL	REM	2017 WL 2645760	n/a
Goodman (magistrate)	SDFL	Ray Charles	2017 WL 1433265	n/a
Campbell	DUT	Bob Dylan	2017 WL 2729079	Democrat
Campbell	DUT	Bob Dylan	2017 WL 3671573	Democrat
Goodman (magistrate)	SDFL	Neil Young	282 F.Supp.3d 1303	n/a
Patti (magistrate)	EDMI	Beatles	2017 WL 1493005	n/a
Goodman (magistrate)	SDFL	Eminem	2017 WL 1345117	n/a
Breyer	NDCA	Stevie Wonder	2017 WL 1196721	Democrat
Goodman (magistrate)	SDFL	Kinks, Guns N Roses, Madonna	2017 WL 5202748	n/a
Goodman (magistrate)	SDFL	Bob Dylan	2017 WL 5202748	n/a
Goodman (magistrate)	SDFL	Beatles, Yardbirds	2016 WL 698124	n/a
Totenberg	NDGA	Rolling Stones	188 F.Supp.3d 1331	Democrat
Goodman (magistrate)	SDFL	Kinks, Michael Jackson	2016 WL 5682591	n/a
Goodman (magistrate)	SDFL	Rolling Stones	196 F.Supp.3d 1328	n/a
Goodman (magistrate)	SDFL	Rolling Stones	277 F.Supp.3d 1324	n/a
Magnus- Stinson	NDIN	Beatles	2016 WL 1469769	Democrat
Kim (magistrate)	NDIL	Bob Dylan	2016 WL 6248183	n/a
Totenberg	NDGA	Eagles	225 F.Supp.3d 1400	Democrat
Saris	DMA	Joni Mitchell	105 F.Supp.3d 116	Democrat
Tigar	NDCA	Creedence Clearwater Revival	2015 WL 394198	Democrat
Cooper	DDC	Rolling Stones	130 F.Supp.3d 205	Democrat
Sweet	SDNY	Elvis Presley	312 F.R.D. 332	Democrat

Goodman (magistrate)	SDFL	Bo Diddley, Creedence Clearwater Revival	2015 WL 1412363	n/a
Goodman (magistrate)	SDFL	Allman Brothers	2015 WL 5449813	n/a
Goodman (magistrate)	SDFL	Bruce Springsteen	2015 WL 520846	n/a
Christensen	DMT	Neil Young	2015 WL 790876	Democrat
Goodman (magistrate)	SDFL	Bob Dylan	141 F.Supp.3d 1246	n/a
Goodman (magistrate)	SDFL	Beatles	2015 WL 1880346	n/a
Mehta	DDC	Jay-Z	130 F.Supp.3d 385	Democrat
Contreras	DDC	Bob Dylan	2015 WL 8082244	Democrat
Goodman (magistrate)	SDFL	Simon and Garfunkel	2015 WL 13239829	n/a
Boasberg	DDC	Elvis Presley	134 F.Supp.3d 311	Democrat
Lipman	WDTN	Rolling Stones	2015 WL 11120574	Democrat
Skavdahl	DNM	Beatles	2014 WL 894491	Democrat
Englemeyer	SDNY	Beatles	66 F.Supp.3d 424	Democrat
Goodman (magistrate)	SDFL	Bob Dylan, Ray Charles	2014 WL 1385729	n/a
Pisano	DNJ	Pink Floyd	2014 WL 5465876	Democrat
Hellerstein	SDNY	Buddy Holly	2014 WL 5334698	Democrat
Wu	CDCA	Bob Dylan	2014 WL 12779554 (one of 19 identical opinions)	Republican
Goodman (magistrate)	SDFL	Tom Petty	2014 WL 2807617	n/a
Goodman (magistrate)	SDFL	Bob Dylan	2014 WL 4248208	n/a
Hagenau (Bankruptcy)	NDGA	Joni Mitchell	512 B.R. 348	n/a
Goodman (magistrate)	SDFL	Simon and Garfunkel, Pink Floyd	2014 WL 1047748	n/a
Goodman (magistrate)	SDFL	Johnny Cash, Lynrd Skynyrd	2014 WL 5786830	n/a
Goodman (magistrate)	SDFL	U2	2014 WL 800468	n/a
Goodman (magistrate)	SDFL	Bob Dylan	36 F.Supp.3d 1306	n/a
Moreno	SDFL	Bob Dylan	2014 WL 3738013	Republican
Sparks	WDTX	Johnny Cash	2013 WL 12121116	Republican
Goodman (magistrate)	SDFL	Bob Dylan	2013 WL 12324500	n/a
Leon	DDC	Beatles	<b>957 F.Supp.2d 1</b>	Republican
Goodman (magistrate)	SDFL	Lynyrd Skynyrd	2013 WL 866211	n/a

Lorenz	SDCA	Tina Turner	2013 WL 2147799	Democrat
Goodman (magistrate)	SDFL	Beatles	2013 WL 4773433	n/a
Magnus- Stinson	SDIN	Ray Charles	928 F.Supp.2d 1010	Democrat
Gilmore	SDTX	Bob Dylan	964 F.Supp.2d 686	Democrat
Goodman (magistrate)	SDFL	Rolling Stones	2013 WL 12085121	n/a
Mott (Bankruptcy)	WDTX	Rolling Stones	2013 WL 2903453	n/a
Sparks	WDTX	Rolling Stones	<b>2013 WL 12085121</b>	Republican
Goodman (magistrate)	SDFL	Simon and Garfunkel, Guns N Roses	2013 WL 5534305	n/a
Scheindlin	SDNY	Jay-Z	902 F.Supp.2d 405	Democrat
Dawson	DNV	Yardbirds	<b>2012 WL 3206409</b>	Democrat
Berger	SDWV	Bob Dylan	<b>876 F.Supp.2d 682</b>	Democrat
Kimball (Bankruptcy)	SDFL	Bob Dylan	<b>475 B.R. 251</b>	n/a
Trauger	MDTN	Michael Jackson, Otis Redding	<b>2012 WL 1884758</b>	Democrat
Goodman (magistrate)	SDFL	Bob Dylan	<b>876 F.Supp.2d 682</b>	n/a
Gwin	NDOH	Byrds	<b>2012 WL 1035726</b>	Democrat
Gordon (Bankruptcy)	DMD	Beatles	<b>473 B.R. 676</b>	n/a
Goodman (magistrate)	SDFL	Bo Diddley, Bruce Springsteen, Creedence Clearwater Revival	<b>276 F.R.D. 681</b>	n/a
Biery	WDTX	Elton John	<b>779 F.Supp.2d 542</b>	Democrat
Wood	SDNY	Rolling Stones	<b>2011 WL 1311771</b>	Republican
Hunt	DNV	Dr. Dre	<b>810 F.Supp.2d 1167</b>	Democrat
Goodman (magistrate)	SDFL	Tom Petty	<b>2011 WL 1871159</b>	n/a
Goodman (magistrate)	SDFL	Bob Dylan	<b>2011 WL 6372198</b>	n/a
Smith	NDAL	Bob Dylan	<b>2011 WL 13186739</b>	Democrat
Buchwald	SDNY	Bob Dylan	<b>2011 WL 856266</b>	Democrat
Goodman (magistrate)	SDFL	Beatles	<b>2011 WL 2295561</b>	n/a
Altonaga	SDFL	Pink Floyd	<b>794 F.Supp.2d 1341</b>	Republican
Ray (magistrate)	EDAR	Bob Dylan	<b>2010 WL 11520495</b>	n/a
Baker (magistrate)	SDIN	Bob Dylan	<b>2010 WL 2265203</b>	n/a
Baylson	EDPA	Beatles	<b>729 F.Supp.2d 691</b>	Republican
O'Meara	EDMI	Beatles	<b>2010 WL 2232277</b>	Democrat

Goodman (magistrate)	SDFL	Bo Diddley, Creedence Clearwater Revival	<b>744 F.Supp.2d 1297</b>	n/a
Goodman (magistrate)	SDFL	Bob Dylan	<b>2010 WL 4316926</b>	n/a
Wilson	EDAR	Johnny Cash	<b>720 F.Supp.2d 1048</b>	Democrat
Smith	DRI	Beastie Boys	<b>707 F.Supp.2d 282</b>	Republican
Merz (magistrate)	SDOH	Bob Dylan	<b>2010 WL 11538408</b>	n/a
Miller	EDAR	Temptations	<b>2009 WL 2462409</b>	
Sharpe	NDNY	Ray Charles	<b>2009 WL 3587431</b>	Republican
Camp	NDGA	Bob Dylan	<b>2009 WL 10673287</b>	Republican
Gordon (Bankruptcy)	DMD	Jimi Hendrix	<b>408 B.R. 601</b>	n/a
Smith	DRI	Beatles	<b>594 F.Supp.2d 189</b>	Republican
Titus	DMD	Elvis Presley	<b>2008 WL 8081701</b>	Republican
Utschig (Bankruptcy)	WDWI	Frank Zappa	<b>387 B.R. 230</b>	n/a
Titus	DMD	Johnny Cash	<b>2008 WL 3876043</b>	Republican
Stengel	EDPA	Johnny Cash	<b>2008 WL 5002928</b>	Republican
Lasnick	WDWA	Bob Dylan	<b>525 F.Supp.2d 1249</b>	Democrat
Markell (Bankruptcy)	DNV	Yardbirds	<b>378 B.R. 893</b>	n/a
Nottingham	DCO	Smokey Robinson	<b>2007 WL 2288194</b>	Republican
O'Meara	EDMI	Rolling Stones	<b>2007 WL 200945</b>	Democrat
Smith (magistrate)	SDGA	Bob Dylan	<b>2005 WL 8152905</b>	n/a
Tilley	MDNC	Madonna	<b>396 F.Supp.2d 630</b>	Republican
Marrero	SDNY	Simon and Garfunkel	<b>334 F.Supp.2d 471</b>	Democrat
Motz	DMD	Michael Jackson	<b>287 B.R. 864</b>	Republican
Marrero	SDNY	Eminem, Michael Jackson	<b>254 F.Supp.2d 322</b>	Democrat
Grimm (magistrate)	DMD	Bruce Springsteen	<b>2002 WL 31777631</b>	n/a
Payne	EDVA	Bob Dylan	<b>215 F.Supp.2d 687</b>	Republican
Lasnick	WDWA	Bob Dylan	<b>141 F.Supp.2d 1266</b>	Democrat
Facciola (magistrate)	DDC	Rolling Stones	<b>202 F.R.D. 31</b>	n/a
Grimm (magistrate)	DMD	Bruce Springsteen	<b>2001 WL 1636517</b>	n/a
Reed	EDPA	Michael Jackson	<b>90 F.Supp.2d 615</b>	Republican
Lenard	SDFL	Simon and Garfunkel	<b>187 F.Supp.2d 1359</b>	Democrat
Guin	NDAL	Aretha Franklin	<b>105 F.Supp.2d 1228</b>	Republican
Manning	NDIL	Pink Floyd	<b>1999 WL 519020</b>	Democrat
Manning	NDIL	Jimi Hendrix	<b>1999 WL 495484</b>	Democrat
Walker (Bankruptcy)	MSGGA	Elvis Presley	<b>218 B.R. 247</b>	n/a
Scheindlin	SDNY	Madonna	<b>952 F.Supp. 1072</b>	Democrat

Chin	SDNY	Guns N Roses	<b>965 F.Supp. 503</b>	Democrat
Laro (Tax)	Tax	Elvis Presley	<b>103 T.C. 247</b>	n/a
Rice	SDOH	Simon and Garfunkel	<b>1993 WL 1318608</b>	Democrat
Edelstein	SDNY	Bruce Springsteen	<b>1993 WL 248799</b>	Democrat
Garber (magistrate)	SDFL	Bob Dylan	<b>142 F.R.D. 502</b>	n/a
Crow	DKA	Elvis Presley	<b>1991 WL 241816</b>	Republican
Fitzpatrick	MDGA	Hank Williams	<b>763 F.Supp. 1144</b>	Republican
Evans	EDWI	Drifters, Chuck Berry	<b>551 F.Supp. 1054</b>	Democrat
Tenney	SDNY	Rolling Stones	<b>429 F.Supp. 563</b>	Democrat
Cannella	SDNY	Bob Dylan	<b>401 F.Supp. 26</b>	Democrat
Harvey	DMD	Elvis Presley	<b>1972 WL 3210</b>	Democrat
Levet	SDNY	Beatles	<b>245 F.Supp. 460</b>	Republican

**APPENDIX C: STATE COURT OPINIONS CONTAINING SPONTANEOUS REFERENCES TO ROCK MUSIC**

<b>STATE</b>	<b>JUDGE</b>	<b>ROCK ARTIST</b>	<b>CITATION</b>
Mississippi	Chamberlin	Johnny Cash	2018 WL 2978631
Florida	Gross	Bob Dylan	2018 WL 1413038
Minnesota	Ross	Johnny Cash	2017 WL 877289
Mississippi	Chamberlin	AC/DC	235 So.3d 1
Maryland	Getty	Beatles	160 A.3d 1238
Utah	Voros	Bob Dylan	400 P.3d 1081
Missouri	Russell	Bob Dylan	518 S.W.3d 183
New Jersey	Timpone	Bob Dylan	163 A.3d 278
Maryland	Nazarian	Beach Boys	2017 WL 6631566
Maryland	Nazarian	Bruce Springsteen	2017 WL 6631566
Maryland	Nazarian	Metallica	2017 WL 6631566
Maryland	Nazarian	Chuck Berry	2017 WL 6631566
Massachusetts	Speicher	Van Morrison	2017 WL 2257633
Delaware	Laster	Michael Jackson	159 A.3d 713
Delaware	Laster	Michael Jackson	2017 WL 2271390
Ohio	Kennedy	Byrds	63 N.E.3d 1153
Texas	Hervey	Beatles	507 S.W.3d 720
New York	Straniere	Joni Mitchell	52 N.Y.S.3d 245
New York	Straniere	Bob Dylan	48 N.Y.S.3d 267
Arkansas	Brill	Bob Dylan	505 S.W.3d 169
Maryland	Zarnoch	Smokey Robinson	130 A.3d 1103
Delaware	Butler	Elvis Costello	2016 WL 7340109
New York	Straniere	Rolling Stones	15 N.Y.S.3d 711
Texas	Hancock	Pink Floyd	2015 WL 149000
New York	Straniere	Grateful Dead	26 N.Y.S.3d 213
California	Rubins	Bruce Springsteen	234 Cal.App.4th 784
Maryland	Harrell	Grateful Dead	130 A.3d 424
Texas	Guzman	Elvis Presley	469 S.W.3d 69
Texas	Massengale	Dr. Dre	2015 WL 6486647
Maryland	Harrell	Beatles	445 Md. 23
Rhode Island	Robinson	Beatles	127 A.3d 897
New York	Straniere	Bob Dylan	29 N.Y.S.3d 850
Pennsylvania	Stevens	Simon and Garfunkel	129 A.3d 1199
Maryland	McDonald	Joni Mitchell	85 A.3d 185
New Jersey	LaVechia	Bob Marley	218 N.J. 496
Missouri	Van Amburg	Lynyrd Skynyrd	422 S.W.3d 521
New York	Straniere	Bob Dylan	54 N.Y.S.3d 613
Texas	Alcala	Diana Ross	416 S.W.3d 419
New York	Straniere	Rolling Stones	981 N.Y.S.2d 635
Louisiana	Conery	Simon and Garfunkel	124 So.3d 571
Indiana	Mathias	Beatles	2013 WL 3832409
Texas	Massengale	Beatles	405 S.W.3d 277
Utah	Voros	Bob Dylan	302 P.3d 844
New York	Straniere	Elton John	963 N.Y.S.2d 562

Mississippi	Kitchens	Muddy Waters	113 So.3d 1226
Kentucky	Moore	Rolling Stones	2013 WL 764666
Kentucky	Venters	Eagles	391 S.W.3d 713
Maryland	Moylan	Bob Dylan	53 A.3d 385
Kansas	PER CURIAM	Beatles	268 P.3d 12
Montana	Baker	Bob Dylan	285 P.3d 402
Delaware	Strine	Elvis Costello	17 A.3d 1172
Montana	Baker	Bruce Springsteen	360 Mont. 513
New York	Straniere	Bob Dylan	935 N.Y.S.2d 249
New York	Straniere	Simon and Garfunkel	934 N.Y.S.2d 37
California	Richli	Michael Jackson	2010 WL 2207738
Texas	Quinn	Grateful Dead	311 S.W.3d 697
Delaware	Strine	Johny Cash	14 A.3d 573
Delaware	Strine	Buddy Holly	2010 WL 4240625
Delaware	Strine	Chuck Berry	2010 WL 4240625
Wisconsin	Brown	Beatles	323 Wis.2d 824
New York	Straniere	Bob Dylan	3 N.Y.S.3d 287
Rhode Island	Suttell	Johnny Cash	973 A.2d 607
California	Neidorf	Bob Dylan	2008 WL 4194493
Delaware	Chandler	Ray Charles	2007 WL 3122370
Mississippi	Carlson	Johnny Cash	952 So.2d 129
West Virginia	Starcher	Bob Dylan	640 S.E.2d 152
California	Rushing	Bob Dylan	44 Cal.Rptr.3d 72
Washington	Madsen	Rolling Stones	148 P.3d 1002
New York	Schack	Beatles	816 N.Y.S.2d 700
Florida	Levens	Joni Mitchell	2005 WL 4891057
Texas	Quinn	Pink Floyd	178 S.W.3d 879
Delaware	Strine	Chuck Berry	2005 WL 1074364
Rhode Island	Thornburg	Rolling Stones	2005 WL 827018
Wisconsin	Bradely	Bob Dylan	699 N.W.2d 110
Arizona	Hurwitz	Grateful Dead	84 P.3d 446
Delaware	Strine	Elvis Costello	2004 WL 2756278
Delaware	Strine	Elvis Costello	867 A.2d 904
New York	Straniere	Bob Dylan	784 N.Y.S.2d 924
Indiana	Baker	Rolling Stones	797 N.E.2d 841
New York	Schoenfeld	Black Sabbath	762 N.Y.S.2d 782
New York	Schoenfeld	Grateful Dead	762 N.Y.S.2d 782
New York	Schoenfeld	Aerosmith, Led Zeppelin	762 N.Y.S.2d 782
New York	Schoenfeld	Rolling Stones	762 N.Y.S.2d 782
Rhode Island	Fortunato	Pink Floyd	2002 WL 31455570
Minnesota	Willis	Janis Joplin	638 N.W.2d 480
Kentucky	Keller	Elvis Presley	53 S.W.3d 534
Minnesota	Randall	Rolling Stones	622 N.W.2d 364
California	Buckley	Bob Dylan	2001 WL 1647172
New Jersey	PER CURIAM	Bruce Springsteen	751 A.2d 1035

Florida	Gersten	Bob Dylan	780 So.2d 94
Oregon	Haselton	Madonna	942 P.2d 891
Alabama	Maddox	Grateful Dead	681 So.2d 173
New Mexico	Black	Bob Dylan	119 N.M. 478
Texas	Meyers	Frank Zappa	902 S.W.2d 487
California	Sills	Beatles	47 Cal.Rptr.2d 723
Connecticut	Speer	Ray Charles	664 A.2d 1153
Rhode Island	Fortunato	Metallica	1994 WL 931006
Kentucky	Stumbo	Byrds	906 S.W.2d 694
California	Arabian	Bob Dylan	884 P.2d 142
New York	Stallman	Madonna	617 N.Y.S.2d 1024
Ohio	Painter	Simon and Garfunkel	644 N.E.2d 1133
Florida	Glickstein	Bob Dylan	596 So.2d 1240
Missouri	Shrum	Johnny Cash	800 S.W.2d 789
Tennessee	Koch	Hank Williams	733 S.W.2d 89
California	Channell	Bob Dylan	222 Cal.Rptr. 746
Pennsylvania	Dowling	Johnny Cash	1982 WL 595
California	Work	Bob Dylan	177 Cal.Rptr. 882
Pennsylvania	Dowling	Rolling Stones	1981 WL 1424
California	Compton	Beatles	161 Cal.Rptr. 558
Pennsylvania	Manderino	Elton John	400 A.2d 1317
Tennessee	Walker	Ray Charles	443 S.W.2d 681
New Jersey	Lebreque	Beatles	246 A.2d 738