Venue – further hypos

Abe Wehbi went to see Elly Drake and her band “Waste” play at Cubby Bear bar in Wrigleyville. He particularly liked the band’s song, “The Heartbreak Anthem.” Later that weekend, Mr. Wehbi went to Dream Theatre in Pilsen and saw an avant-garde new work, “Feline Feast,” written by David Savitt, in which the female lead eats her cat and then regrets it.

It occurs to Wehbi that a combination of the song and the story from the play would make a compelling movie. He assembles some of his movie-making buddies from college to make the movie. The team goes to Wehbi’s family cottage in Mountain Home, Arkansas and spends a long weekend writing the screenplay, regularly consulting a recording of “The Heartbreak Anthem” that Wehbi made on his iPhone and detailed notes he made while he watched the play.

They decide to shoot the movie in East St. Louis, IL, because its dark ambience is perfect. Wehbi does the final editing in Final Cut Pro on Wehbi’s computer during several Civil Procedure classes at Chicago-Kent. All of the other members of the team return to Chicago, where they live and are in school, or are holding down day jobs as bartenders and waiters.

Wehbi posts the movie on vimeo.com and YouTube, and it attracts frenzied fans by the tens of thousands.

Drake and Savitt hear about it, watch it, and each decides to sue Wehbi for copyright infringement.

1. Drake files a civil action in the United States District Court for the Northern District of Illinois. If you represent Wehbi, do you have a meritorious objection to venue? If you represent Drake, what counterarguments would you make?
2. Savitt files a civil action in the United States District Court for the Southern District of Illinois (which includes East St. Louis). If you represent Wehbi, do you have a meritorious objection to venue? If you represent Savitt, what counterarguments would you make?
3. To be safe, Drake and Savitt file a joint civil action against Wehbi in the United States District Court for the Western District of Arkansas, which includes Baxter County, where Mountain Home is the county seat. If you represent Wehbi, do you have a meritorious objection to venue? If you represent Drake or Savitt, what counterarguments would you make?
4. Savitt has a vacation home in Saugatuck, MI. He files a civil action against Wehbi in the United States District Court for the Western District of Michigan, which includes Saugatuck. He learns that Wehbi is planning a road trip from Chicago to Ann Arbor on I-94. He stakes out all the rest stops with duly authorized process servers and serves Wehbi with the summons and complaint when he stops for some coffee at the I-94 Rest Area 33 mm Eastbound, northeast of Benton Harbor. If you represent Wehbi, do you have a meritorious objection to venue? If you represent Savitt, what counterarguments would you make?
5. If Drake and Savitt want to file a separate state-court action in Illinois for intentional infliction of emotional distress, where would venue be good?