

Ravel Judge Research Assignment

You are an associate at Weal Cheathum & Howe. You recently filed a copyright infringement complaint for your client, BusyBody Corp. against Snoopy Detectives, Inc. in the District Court for the Northern District of California. The case was assigned to Judge Lucy Koh.

Snoopy filed an answer, which contained several affirmative defenses. Each affirmative defense stated: “laches,” “statute of limitations,” “license,” and “fair use,” and did not contain a description of the facts surrounding each alleged affirmative defense. The relevant portion of defendant’s Answer is excerpted below:

First Affirmative Defense:

Plaintiff’s claims are barred by the doctrine of laches.

Second Affirmative Defense:

Plaintiff’s claims are barred by the applicable statute of limitations

Third Affirmative Defense:

Plaintiff’s claims are barred by the doctrine of fair use

Fourth Affirmative Defense:

Plaintiff’s claims are barred as fair use.

Fifth Affirmative Defense:

Plaintiff’s claims are barred as permissible under license.

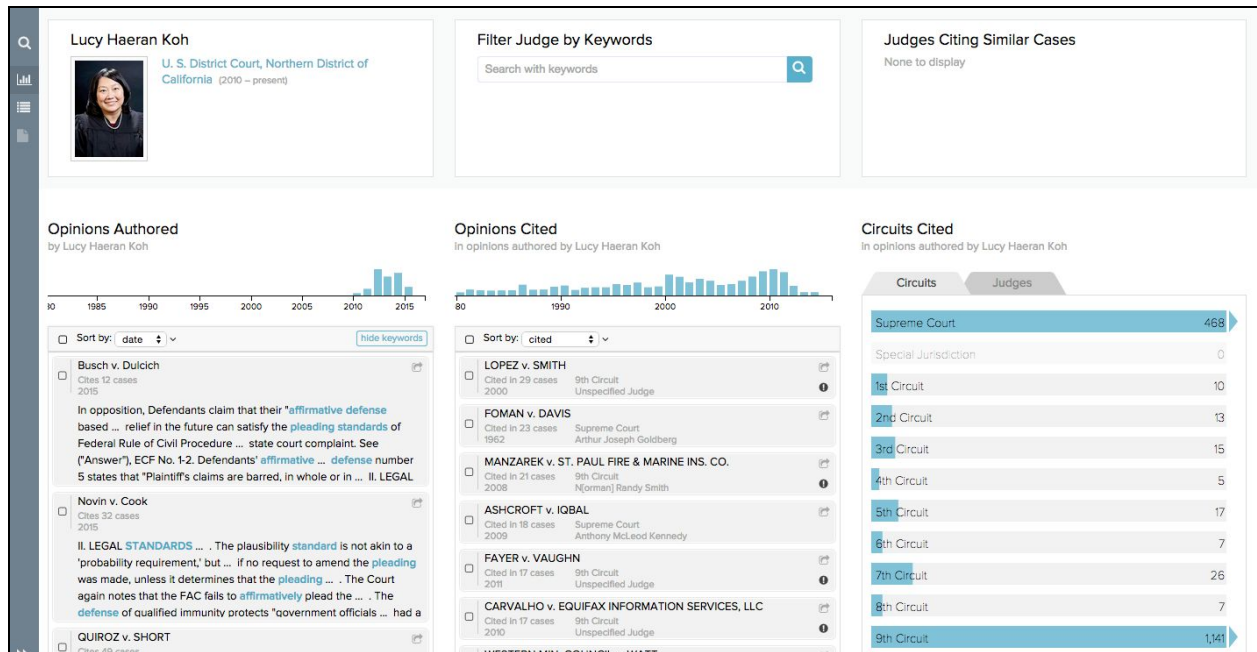
The partner on the case has asked you to advise on the strategy of whether to file a 12(f) motion to strike Snoopy’s affirmative defenses as insufficiently pleaded. In particular, the partner is interested in whether and how Judge Koh has addressed this type of motion.

You have access to Ravel’s Judge Analytics platform. Using Judge Analytics, draft a memo to the partner explaining how you think Judge Koh will approach the issue, and whether to file the motion.

Process for Answering Using Ravel's Judge Analytics

Video tutorial of Judge Analytics can be viewed at <https://www.ravellaw.com/learn?modal=videos.judge-analytics>

From Ravel's Judge Analytics tool, students should search for Judge Koh and navigate to her dashboard:



To start their research on how Judge Koh analyzes the pleading standard for affirmative defenses, students should enter a query in the “Filter Judge by Keywords” search bar designed to find opinions authored by Koh that relate to the issue. For example, students might search: “affirmative defense” /p “pleading standard”.

Students can then investigate the Opinions Authored column and view their key words highlighted to locate opinions authored by Koh that relate to the issue of the standard of pleading affirmative defenses.

Opinions Authored
by Lucy Haeran Koh

Sort by:

Under the new rules — Accounting **Standards** Update ("ASU ... II. LEGAL **STANDARDS** ... asserting a private securities fraud action must meet the heightened **pleading** ...) do not create an **affirmative**

J & J SPORTS PRODUCTIONS, INC. v. BARWICK

Cites 23 cases
2013

8, "a defendant's **pleading** of **affirmative defenses** must put a plaintiff ... ORDER GRANTING MOTION TO STRIKE **AFFIRMATIVE DEFENSES** ... 's Motion to Strike the **Affirmative Defenses** set forth in the Answer of ... asserted eleven **affirmative defenses**. See ECF No. 11. ("Answer" or "Ans."). On ... **affirmative defenses** pursuant to

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Cites 37 cases
2013

. Rule 23 does not set forth a mere **pleading standard** ... II. LEGAL **STANDARDS** ... 273 F.3d 1266 (9th Cir. 2001)). A party seeking class certification must **affirmatively** demonstrate ...) the claims or **defenses** of the representative parties are typical of the ... claims or **defenses** of the class; and (4) the representative parties will ... Corp.,

ANSARI v. ELECTRONIC DOCUMENT PROCESSING, INC.

Cites 17 cases

Students can investigate Judge Koh’s analysis of the issue in a selected Authored Case by clicking on the Cases Cited to view the language Judge Koh used and the context of her citation.

The screenshot displays a legal research interface. On the left, a document snippet shows a motion to strike affirmative defenses. The middle pane lists cases cited by the document, with 'BARNES v. AT & T PENSION BEN. PLAN' highlighted. The right pane shows a list of courts. Below the list, a section titled 'References to BARNES v. AT & T PENSION BEN. PLAN' includes a citation to 'J & J SPORTS PRODUCTIONS, INC. v. BARWICK (2013)'.

References to BARNES v. AT & T PENSION BEN. PLAN
 2010 - Northern District of California - authored by Unspecified Judge
 in **J & J SPORTS PRODUCTIONS, INC. v. BARWICK**

J & J SPORTS PRODUCTIONS, INC. v. BARWICK (2013)
 Fantasy, 984 F.2d at 1527 (quoting 5C Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 1382, at 706-07 (1990)).
 The Courts in Bell Atlantic Corp. v. Twombly, 7550 U.S. 544, 127 S.Ct. 1955, 167 L. Ed. 2d 929 (2007), and Ashcroft v. Iqbal, 7556 U.S. 662, 129 S.Ct. 1937, 173 L. Ed. 2d 868 (2009), set a heightened "plausibility" pleading standard for complaints. The vast majority of district courts have held that the standard set forth in Twombly and Iqbal apply to affirmative defenses as well. See Perez v. Gordon & Wong Law Group, P.C., No. 11-03323, 2012 WL 1029425, at *8 (N.D. Cal. March 26, 2012 (collecting cases)). "This standard 'serve[s] to weed out the boilerplate listing of affirmative defenses which is commonplace in most defendants' pleadings where many of the defenses alleged are irrelevant to the claims asserted.'" Id. (quoting Barnes v. AT & T Pension Benefit Plan-Nonbargained Program, 7718 F.Supp.2d 1167, 1172 (N.D. Cal. 2010)). "This standard is also consistent with Iqbal's admonition that fair notice pleading under Rule 8 is not intended to give parties free license to engage in unfounded fishing expeditions on matters for which they bear the burden of proof at trial." Id. (citing Iqbal, 556 U.S. at 678-79).

For example, in the above screenshot, one can see that Judge Koh cites to the *Barnes* opinion for the proposition that the “plausibility” standard of pleading set forth in the *Twombly* and *Iqbal* cases should apply to affirmative defenses “to weed out the boilerplate listing of affirmative defenses”

Using Ravel’s Judge Analytics tool in this fashion, successful students will locate and analyze cases authored and cited by Judge Koh that demonstrate how Judge Koh approaches the issue, including cases such as those listed below, and will have the necessary material to write a mock memo to the partner describing Koh’s approach and recommending a motion to strike as Snoopy’s answer merely lists boilerplate defenses.

Example Relevant Cases Koh Has Authored:

- [J&J Sports Productions, Inc. v. Barwick, Case No. 5:12-CV-05284](#)
- [Ansari v. Electronic Document, Case No. 5:12-CV-01245](#)
- [Perez v. Gordon & Wong Law Group, Case No. 11-CV-03323-LHK](#)

Example Relevant Cases Koh Has Cited:

- [Barnes v. AT&T Pension Plan, 718 F.Supp.2d 1167](#)
- [Sidney Vinstein v. A.H. Robins Co., 697 F.2d 880](#)