

In the Supreme Court of the State of Oregon

Paul Smith, and 23 other unnamed “Smackdown” Participants

Relators

v.

Rand Simmons, Commissioner of the “Smackdown”

Defendant

v.

Derek Simmons

Adverse Party

On Petition for Peremptory or Alternative Writ of Mandamus
April 3, 2015

Big Guy, J.¹

This case is before this court on relators’ petition for a peremptory or alternative writ of mandamus to direct defendant to do that which the law compels him to do—namely, finding any way possible for adverse party not to win the Smackdown. For the reasons that follow, we issue a peremptory writ and direct defendant to get off his rear-end and stop adverse party from winning the Smackdown.

¹ Because of the significance of the issues in this case, it is being decided only by Justice Big Guy. The court couldn’t take the chance of other members screwing this up this most important case. More importantly, by only allowing participation by Justice Big Guy, this court is able to dispense justice in two days, rather than its typical 2-3 years.

The facts are undisputed.² Relators are participants in the annual festival of all that is good and right in the world, known as the Smackdown. During this annual event, participants pick their NCAA brackets with whatever skill, blind luck, higher power, black magic, or hallucinogenic substances they can get their hands on. Regardless of how they do it, there is one purpose to the Smackdown—to beat adverse party, Derek Simmons. In fact, the purpose is not just to “beat” adverse party; it is—as the name declares—to “smack” him “down.”³

This year, adverse party has apparently sold his soul to the Duke Blue Devils, because he is currently leading in the “official” Smackdown standings and according to those “official” standings all participants but one are mathematically eliminated from being able to overtake this lead.⁴ Relators, rightfully so, are concerned that should these “official” standings hold, the Smackdown as we know it—hell, life as we know it—will come to

² In no small part, because the court is issuing this opinion without giving adverse party or defendant an opportunity to appear. Some things are just too important for the adversarial process.

³ The Smackdown may or may not be related to St. James Day, the annual celebration of the founder of basketball where everyone is required to take the first Friday of the NCAA tournament off of work, grill kielbasa, watch basketball, and curse their brackets. See www.stjamesday.com (identifying the ambiguous nature of the relationship between the Smackdown and St. James Day) (last visited on April 2, 2015).

⁴ And that one participant who still stands a chance to tie adverse party is Barry Smith who couldn’t tell a basketball from a tuna fish. God help us all.

an end. Therefore, they have implored this court to step in. Never ones to be shy about exercising our power and abusing our authority, we are happy to oblige. *See, e.g., State v. Thibedoux*, 325 Or 1567, 1588, 3 P3d 2545 (2001) (arbitrarily declaring peat moss to be the state “carbon-based life form”); *3-D Technologies, Inc. v. 9 Unnamed Visually Impaired Persons*, 299 Or 1234, 1239, 789 P2d 999 (1987) (accepting a bribe of free movie passes to “Jaws 3-D” to declare Cayman Islands statutes to control the outcome of Oregon dispute).⁵

Based on our mandamus authority, we hereby direct defendant Rand Simmons—the so-called “Commissioner” of the Smackdown to do something about this travesty. Relators have suggested retroactively changing the scoring system or allowing suspicious late entries into the Smackdown. Either of those would be fine, but we encourage defendant to think more creatively. As defendant has known adverse party literally all of his life, defendant no doubt has some good dirt on adverse party. If there was ever a time to put that dirt to good use, now is certainly it. It’s time for bribery and blackmail. Defendant should tell adverse party that if he doesn’t gracefully withdraw from the Smackdown he’ll be forced to reveal all the

⁵ Hell, as a Court of Appeals judge, yours truly exercised arbitrary authority on a regular basis. Sometimes it didn’t turn out so well. *See Offer of Judicial Clerkship to Derek Simmons* (June 12, 1999).

details about adverse party’s first kiss...when adverse party was 25 years old...with the blind German Shepherd from down the street. As we said, be creative.

Finally, should defendant not be able to do anything to prevent this travesty of immeasurable proportions from occurring, this court at least implores defendant to declare that the other participants should not have to concede defeat to adverse party. Like an elephant, adverse party will never let any of us forget it.⁶ Instead, defendant could declare that the remaining participants could satisfy their “concession” obligations by writing humorous scripts of presidential news conferences or “loosely based on fact” judicial opinions—anything to avoid *conceding defeat* to adverse party.⁷⁸⁹

Peremptory writ of mandamus allowed. Defendant, do your thing.¹⁰

⁶ As a side note, adverse party already smells like an elephant.

⁷ The one time I conceded to adverse party that his comma placement was “ok,” he did a victory dance around my office for hours and forced me to laugh hysterically for a camera, claiming that he was preserving the moment for “posterity.” Don’t let that same fate befall the other participants of the Smackdown.

⁸ If defendant can at least do this, this court promises to always participate in the Smackdown in the future and to declare St. James Day an official Oregon Judicial Holiday.

⁹ Hell yes I can use multiple footnotes at the end of one sentence. I’m Big Guy, J.

¹⁰ And to the rest of you, good luck, and Godspeed.