

FACTS

Mechanical Publishing Company is a publisher in the business of reprinting materials on which the copyright has expired. In an effort to increase sales, Mechanical Publishers experimented with the strategy of republishing works under new titles, often accompanied with illustrations that somewhat less than faithfully represented the action in the text.

Dionysus Hipp, inspired by the illustrations in the catalog, ordered a series of books designated "Lurid Tales of Depravity" Upon receipt of the books, Hipp began to read *Teen Lust* by Bill S. Within an hour of beginning to read the work, he recognized that it was something he has been forced to read in high school. He also noticed that the illustrations had little to do with the story line. He was further disappointed in that each illustration occupied the entirety of one page, while the back of each such page contained the notation, "this page intentionally left blank."

Hipp reviewed some of the other books that he had purchased and found the same pattern. He felt that he had been cheated. After performing some legal research on the Internet he filed a class action against Mechanical Publishing Co.

The Trial Court dismissed the case for failure to state a cause of action. Hipp appeals.