

Wimpy's Wigwams v. Olive's Widget Emporium

J. Wellington Wimpy d/b/a Wimpy's Wigwams purchased twelve dozen Bluto's Waterproof Wigwam Widgets from Olive's Widget Emporium. Not only did the factory warrant that the widgets were waterproof, Olive restated that warranty when Wimpy told her that he intended to use the widgets on wigwams which he intended to rent to tourists during the upcoming tourist season.

Wimpy assembled the wigwams using the widgets. Unfortunately, the widgets weren't waterproof and leaked, rendering the wigwams worthless and costing Wimpy the tourist trade for the season. Wimpy hired Professor O.G. Wottasnozzle to investigate the failure of the widgets. Professor Wottasnozzle determined that the widgets were rendered water-soluble in one or more of three ways:

1. negligent manufacture
2. exposure to forces in excess of 5 G's
3. exposure to radiation.

Barnacle Bill's investigation on behalf of Wimpy showed that the International Brotherhood and Sisterhood of Widget Workers, Local 292, who worked at Bluto's Widget Factory, were on an illegal wildcat strike at the time the widgets were manufactured. During the strike, Bluto replaced the skilled widget workers with unskilled replacements from Scabs R Us. Due to the incompetence of the replacements, the flubber used to make the widgets was improperly heated during manufacture. Also due to the incompetence of the replacements, manufacturing was behind schedule, so Bluto hired Popeye's Pretty Speedy Shipping Company to transport the widgets to the local dealers, including Olive. When the shipment arrived at Olive's, she stored the widgets next to a vat of plutonium which she was storing for the Sweet Haven Militia.

Wimpy sued Olive, Bluto, Popeye, the Sweet Haven Militia, Local 292, and Scabs R Us. All answered. Bluto also cross-claimed against all other defendants. Local 292 moved to dismiss for failure to state a cause of action. That motion was granted and judgment was entered as follows:

On this first day of March, 1996, comes on to be heard the motion of Local 292 to dismiss for failure to state a cause of action. I find that Plaintiff and Cross-Defendant Bluto's fail to state a ground for recovery under the law. I would further note, that although the issue is not before me, the cases cited by Local 292 would also seem to exonerate Scabs R Us.

Therefore, Local 292's motion to dismiss for failure to state a cause of action is granted. Any party may file an amended complaint against Local 292 within 30 days of the service of this order.

/s/ N. Decisive

/d/ March 1, 1996

/f/ March 4, 1996

No amended complaint was filed, but Popeye filed a notice of appeal from the ruling on April 1,

The Sweet Haven Militia filed a Motion for Summary Judgment on March 11, 1996. Responses were filed by all but Olive's on March 26. The Militia filed a reply brief on April 1. The judge set a hearing for April 10.

On April 9, Olive filed a short response to the Motion for Summary Judgment incorporating part of Popeye's brief by reference. On April 10, the judge orally granted the motion for summary judgment. On April 17, the following order was entered:

The motion of the Sweet Haven Militia is hereby GRANTED.
I hereby direct entry of judgment and find there is no just reason for delay.

/s/ N. Decisive

/d/ April 17, 1997

/f/ April 17, 1997

On April 18, 1997, Popeye filed a Notice of Appeal of this ruling.

On April 22, 1997, Popeye filed his own Motion for Summary Judgment, accompanied by an affidavit of his driver, Geezil, that he could not have possibly driven fast enough to put 5 g's of pressure on his cargo. The trial court set the matter for a hearing on May 1. Responses were filed that day. The judge ruled there was a question of material fact, and denied Popeye's Motion for Summary Judgment. That order was entered May 2, 1996. Popeye appealed May 3, 1996.

Trial was held July 1, 1996. The verdict was for Wimpy against Olive, Popeye, and Bluto. On the record, the judge asked Wimpy's lawyer to prepare an order.

On July 31, Popeye gave notice of his appeal from the jury's verdict.

On August 14, 1996, Bluto's lawyer prepared a judgment and presented it to the judge, who signed it. The judgment, in conformance with the jury's verdict, found in favor of Wimpy against Olive, Popeye, and Bluto. Then Bluto took it, along with a notice of appeal, to the clerk's office. The clerk file stamped Bluto's notice of appeal at 11:59, and the judgment at 12:00 noon.

Popeye filed a notice of appeal of all previous rulings against all parties on August 16, 1996. Olive filed a motion for new trial on August 20, 1996. Popeye filed a motion for new trial on August 26. Bluto filed a motion for new trial on August 28, 1996. The trial judge set a hearing on all motions on September 12, 1996.

At the hearing, the trial judge orally denied all motions for new trial, and instructed Wimpy's lawyer to prepare a precedent.

On September 24, 1996, the order denying the motions for new trial was signed and filed. Unfortunately, the copy of the order was not mailed to Bluto's lawyer, but was instead mailed to the president of Armenia.

On September 30, Popeye and Olive appealed all orders and judgments against Wimpy's and all other defendants.

On October 31, the judge received a nice but confused letter from the president of Armenia. He realized that the judgment had never been provided to Bluto's attorney and forwarded the judgment that day with an explanation.

On November 1, 1996, Bluto's lawyer filed a motion to extend time to file notice of appeal. On November 6, Wimpy's lawyer strenuously objected. On November 12, a hearing was held at which the judge regretfully denied the motion. The written order was entered November 13, and Bluto's lawyer appealed everything November 15, 1996.

On December 19, an order extending time to file record on appeal until April 24 was granted. On April 24, the record was filed.

