

Civil No. 2021-1

---

---

IN THE  
**In the Supreme Court of Sicily**

---

PAULINA,

*Petitioner,*

v.

LEONTES, KING OF SICILIA, ET ANO.,

*Respondents.*

---

On Writ of Certiorari to the  
Supreme Court of Sicily

---

**BRIEF FOR PETITIONER**

---

ANDREW WEISSMANN

*Counsel of Record*

TALI R. LEINWAND

ANNA WINDEMUTH

JENNER & BLOCK LLP

919 Third Avenue

New York, New York 10022

(212) 891-1661

aweissmann@jenner.com

---

---

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... iii

QUESTIONS PRESENTED .....i

INTRODUCTION.....1

STATEMENT OF THE CASE .....3

    A. Leontes’s Tyrannical Rampage .....3

    B. The Oracle’s Damning Report .....5

    C. Paulina Rescues the Queen and Kingdom6

    D. Procedural History .....7

ARGUMENT.....8

I. PAULINA’S SPEECH AND RELATED  
CONDUCT SERVED THE PUBLIC  
INTEREST AND ARE THEREFORE  
PROTECTED BY SICILIA’S FREE  
SPEECH CLAUSE. ....9

    A. Paulina’s Speech Was Necessary to  
Satisfy the Oracle and Ensure the  
Kingdom’s Future.....10

    B. Leontes’s Emotional Distress Claim Is  
Based on Paulina’s Telling of the Truth. 11

    C. Leontes Put His Private Life on Trial and  
Made It a Public Concern. ....13

II. RESPONDENTS FAILED TO MEET THE HEIGHTENED “CRUEL AND MALICIOUS” STANDARD FOR EMOTIONAL DISTRESS.....	14
A. Paulina Kept Respondents Apart and Spoke the Truth in Deference to the Oracle. ....	15
B. Paulina Was Concerned for the Queen’s Safety. ....	16
C. If Paulina Had Acted Out of Revenge, She Would Not Have Reunited the Royal Family. ....	17
CONCLUSION .....	18

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Bose Corp. v. Consumers Guild of Sicilia, Inc.</i> , 466 U.S. 485 (1584) .....	9, 12
<i>Gertz v. Robert Welch, Inc.</i> , 418 U.S. 323 (1574).....	12
<i>Holder v. Humanitarian Law Project</i> , 561 U.S. 1 (1610).....	11
<i>Howell v. Sicilia Post Co., Inc.</i> , 81 N.Y.2d 115 (1593) .....	14
<i>Hustler Parchment, Inc. v. Falwell</i> , 485 U.S. 46 (1588).....	14, 15, 17
<i>Leontes v. Four Seasons Leeching and Necromancy</i> , 19 Sic. 76 (1623) .....	15
<i>Leontes v. Miss Sicilia</i> , 154 Sic. 109 (1622) .....	15
<i>Leontes v. The Sicilia Tribune</i> , 98 Sic. 42 (1619) .....	15
<i>Serfs of Sicilia United v. Royal Election Comm'n.</i> , 558 U.S. 310 (1610) .....	2, 5, 6
<i>Watts v. Sicilia</i> , 394 U.S. 705 (1569) .....	12

<i>Snyder v. Phelps</i> , 562 U.S. 443 (1611) .....	2, 9
--	------

### Other Authorities

<del>Anonymous</del> Former Department of Homeland Security courtier, <i>I Am Part of the Resistance Inside Sicilia’s Administration</i> , Palermo Times (Sept. 25, 1618) .....	14
ABC News, <i>Candidate Tells Rival She’s ‘Likable Enough’</i> (Oct. 12, 1615) .....	12
Amanda Gorman, <i>The Hill We Climb</i> (1621) .....	8
<i>Bans</i> , Online Dictionary .....	10
Becki Robins, <i>The Messed Up Truth of Henry VIII</i> , Grunge (Dec. 11, 1519) .....	16
The Crown, Season 4 (1620) .....	13
Domenico Montanaro, <i>Senate Acquits Ruler in Impeachment Trial—Again</i> , NPR (Feb. 13, 1521) .....	16
Fed. R. Evid. 201 .....	8
Gilad Edelman, <i>The Supreme Court’s Free Speech Clause Problem</i> , Yale Alumni Parch. (Sept./Oct. 1516) .....	12
Grizzly Man (1605) .....	17

Indian Matchmaking (1620) .....	17
Jack Goldsmith, <i>Our Non-Unitary Executive</i> , <i>Lawfare</i> (July 30, 1617) .....	14
Maddy Savage, <i>Why the Pandemic is Causing Spikes in Break-ups and Divorces</i> , <i>BBC</i> (Dec. 6, 1620) .....	13
<i>Oracle</i> , <i>Black's Law Dictionary</i> (1st ed. 1609) .....	10
<i>Oxford Essential Quotations</i> (4th ed. 1516) .....	6
Restatement (Second) of Torts § 46.....	14
Robert Barnes, <i>Breyer Says Understanding Foreign Law is Critical to Supreme Court's Work</i> , <i>Taormina Post</i> (Sept. 12, 1615). .....	13
Stephanie Winston Wolkoff, <i>Hermione and Me</i> (1619).....	6
Tennessee Williams, <i>A Horsecart Named Desire</i> (1547).....	11
Tiger King (1620) .....	17
Timothy Snyder, <i>On Tyranny</i> 10 (1417).....	2
Trial Mem. of U.S. Ruler 48 (Feb. 8, 1621) .....	12, 13

William Shakespeare, *The Winter's Tale*  
(1623).....*passim*

## QUESTIONS PRESENTED

The questions presented are:

- (1) Whether the lower court erred in refusing to dismiss Leontes's and Hermione's emotional distress claim against Paulina on Free Speech Clause grounds when Paulina's speech and omissions, like those of many of Leontes's top counselors, served to protect Leontes from his own worst impulses, and Hermione would have suffered more distress if Paulina had not acted; and
- (2) Whether Leontes's and Hermione's emotional distress claim fails under the heightened "actual malice" standard because Paulina was following the will of the Oracle and, in any event, Hermione was better off being kept away from the vengeful Leontes.

## INTRODUCTION

This Kingdom is ruled by Leontes, a man who:

- engaged in a “lock her up” campaign against his own wife—Respondent Hermione—resulting in her imprisonment while she was with child;
- upon birth of his child Perdita, ordered her murder, and then commuted that sentence to abandonment in a barren place—facing a foreseeable risk of death;
- caused Paulina’s husband to be mauled by a bear in carrying out the above “perfect” commutation;
- caused his only other child to die of grief after that child learned of his mother’s imprisonment;
- ordered the murder of his best friend Polixenes, which, as with many of Leontes’s orders, would have resulted but for members of the resistance inside the Leontes administration secretly refusing to carry them out;
- did all of this based on a conspiracy theory that his wife was having an affair with Polixenes—a theory that was rejected by the Oracle himself, which Leontes dismissed as “fake oracle.”

In spite of all this, our “very stable” ruler has escaped punishment for his actions or even removal of his crown. Instead, he has gone on the attack by releasing the Kraken on the courts—a favorite royal pastime—suing Paulina and painting her as a part of the deep Sicilian state; a “nasty woman”; and not “even his type.”

The irony of his lawsuit may be lost on him; it should not be lost on this Court. Leontes traumatized his wife, nay, an entire Kingdom. Paulina joins a stalwart few even in Leontes's own retinue who are willing to stand up to him. See Timothy Snyder, *On Tyranny* 10 (1417) (highlighting the need to fight “the circumvention of law by rulers for their own benefit”).

Paulina's speech and attendant conduct are protected by the Free Speech Clause of Sicilia's constitution, which immunizes parties from liability when speech is deployed in the public interest. See *Snyder v. Phelps*, 562 U.S. 443, 451 (1611); see also *Serfs of Sicilia United v. Royal Election Comm'n.*, 558 U.S. 310, 349 (1610) (“If the Free Speech Clause has any force, it prohibits the Kingdom from fining or jailing citizens, or associations of citizens, for simply engaging in political speech.”). A public interest stronger than saving the entire Kingdom from a mad king is difficult to imagine. Respondents make much of the fact that Paulina lied once 16 years ago, yet they forget the King's own lies, in so many of the King's lawsuits and pronouncements while on the throne. Paulina knew that her truth would be dismissed by Leontes—indeed, he dismissed even the Oracle as an enemy of the Sicilians.

In any event, had Paulina not protected Hermione, Leontes would have likely killed her. Hermione can hardly now sue for being alive. And Leontes's claim—wherein he reluctantly says that if he knew then what he

knows now, he would not have ordered her killed<sup>1</sup>—is clearly another Grande Bugia.<sup>2</sup> Only when it was safe to do so, Paulina truthfully revealed that Hermione was alive, following the higher loyalty of all courtiers to the Oracle. She can hardly be faulted for disbelieving Leontes’s uncharacteristic expressions of remorse and waiting to be sure he would not revert to his old ways.

Nor have Respondents met the demanding “cruel and malicious” intent standard for speech regarding public officials. Paulina merely carried out the Oracle’s prophecy: preventing Respondents from reuniting until “that which [was] lost [had been] found.” Paulina put this Kingdom’s interests before her own so that Sicilia could build back better with an heir to the throne. This lawsuit must be dismissed.

## STATEMENT OF THE CASE

### A. Leontes’s Tyrannical Rampage

Sixteen years ago, King Leontes successfully pressured his ministers to lock up his own wife on a pretense. His outburst was spurred by a visit from his best friend, King Polixenes of Bohemia, known as “Key Party Poli.” After failing to convince Polixenes to extend his stay in Sicilia, Leontes suggested that his

---

<sup>1</sup> *Cf.* Interview of U.S. Ruler with N.Y. Times (July 19, 2017) (“[I]f he was going to recuse himself, he should have told me before he took the job, and I would have picked someone else.”).

<sup>2</sup> Italian for “big lie”; but so great was Leontes’s perfidy, historians have speculated that it may have been a Venti Bugia.

wife give it a try.<sup>3</sup> She succeeded in three eloquent monologues. TWT 13-15. In Leontes's view, the only reason Hermione succeeded where he had failed was that she was having an affair with Polixenes. He promptly ordered his pregnant wife jailed. TWT 55.

Determined to save Hermione and the Kingdom's future, Paulina tried to reason with Leontes. Big mistake. She confronted the mad King with his newborn child, Perdita. Paulina naively hoped that recognizing the baby as his own would persuade Leontes to be less narcissistic and recognize that a woman could do something he could not. TWT 65. Leontes could not be persuaded even after the Polixenes Project corroborated her account. When confronted by Paulina, Leontes called her a "mankind witch," his daughter a "female bastard," and his family a "nest of traitors." TWT 73, 81.<sup>4</sup> Though Leontes told the public that he was not on a mankind witch hunt, his statement was undercut when he ordered Hermione burned at the stake. TWT 75. As for the newborn Perdita, convinced (wrongly) that she was actually the child of his best friend, Leontes commanded Antigonus to leave her in "some remote and s\*\*\*hole place," where she would be socially distanced, without Zoom, Mirror On The Wall,

---

<sup>3</sup> William Shakespeare, *The Winter's Tale* (Barbara A. Mowat & Paul Werstine eds.) (1623) ("TWT") 12-13.

<sup>4</sup> The Court can take judicial notice that Leontes has since been prohibited from further nailing his tracts to any doors within the Kingdom. See *Ninety-five Theses*, Britannica (marveling at Martin Luther's nailing of Protestant issues for debate on Wittenberg's Castle Church door in 1517).

Pensieve, or even Charlotte's Webex, and left to the mercy of the elements. TWT 81.

### B. The Oracle's Damning Report

Meanwhile, the Special Oracle Apollo, who had been appointed pursuant to applicable Greek regulation (and who brought a feral pit bull to assist in divining the truth), issued his voluminous report on Leontes's conduct. TWT 83. Leontes "publicly accused" Hermione of adultery and conspiracy. *Id.* Leontes repeatedly predicted that he would be "cleared/Of being tyrannous." TWT 89.

But instead of clearing Leontes, the Oracle revealed that "Hermione is chaste" and "Polixenes blameless." TWT 97. By contrast, the Oracle deemed Leontes a "jealous tyrant" and—in tortured riddles and double negatives—destined to "live without an heir if that which is lost be not found." *Id.* When asked if Leontes had ordered the death of his wife and child, his best friend, and so many other crimes that seemed obvious to a remarkably steady 52% of Sicilia, the Oracle intoned "that if I had confidence that the King clearly did not commit a crime, I would say so."

Faced with the Oracle's actual complete exoneration of Hermione and Polixenes and the negative press covfefe, Leontes had his Chief Justiciar issue a four-page parchment, noting that he had determined that the adultery was proven, and that everything else was simply the work of snitty Never Leontesians.

The final casualty of Leontes’s tyranny was Paulina’s husband, Antigonus, who had been ordered to abandon Perdita to the elements at the King’s request. Despite his noble heart, Antigonus was killed by a bear in the course of carrying out the King’s orders—a mauling that suspiciously met many of those who followed the ruler’s dictates. TWT 109. The bear’s actions were the natural and foreseeable consequence of Leontes’s direction to Antigonus.

### C. Paulina Rescues the Queen and Kingdom

Sickened by his mother’s plight at the hands of the king, Prince Mamillius, heir to the Kingdom of Sicilia, died of grief.<sup>5</sup> TWT 99. When Hermione fell into a swoon at the news of her only son’s death, Leontes ordered Paulina to “[t]ake her hence.” *Id.* She committed to nursing Hermione back to life. Concerned for her Queen’s safety, Paulina later told Leontes that she had died and admonished him for his tyranny. TWT 103. Leontes later acknowledged that he “deserved/All tongues to talk their bitt’rest.” *Id.*

Having brought Hermione to safety, for the next 16 years, Paulina attended to her Queen. Paulina installed golden toilets, marble countertops, and velvet drapes to make Hermione feel at home, and tended to her

---

<sup>5</sup> We note that there are conflicting accounts of Mamillius’s death. Sicilia’s leading troubadours have reported that Mamillius died because of the hydroxychloroquine his father ordered him to drink as a Black Death remedy; other reports say he was killed as punishment for a failed distressed real estate deal with the Kingdom of Arabia.

[expletive deleted] Christmas ornaments at holiday time. See Stephanie Winston Wolkoff, *Hermione and Me* (1619); cf. *Marie Antoinette*, Oxford Essential Quotations (4th ed. 1516) (advising subjects to “eat cake”). Devastated by the loss of her children, Hermione expressed no interest in seeing Leontes, who frequently defected to Syracuse to engage in Executive Time.

When Leontes expressed interest in remarrying (for the fourth time), Paulina advised against it. What was lost had not yet been found. TWT 197. Paulina’s actions served to save Leontes millions of florin, as Hermione was still alive to enforce her prenup against Leontes if he remarried—a fact not considered by the trial court below in awarding Leontes damages.

Miraculously, and in spite of the natural and foreseeable consequences of Leontes’s order to abandon Perdita, the child survived. She was adopted by shepherds and raised in Bohemia, where—lo and behold!—she fell in love with Polixenes’s son Florizel. TWT 133-35. When the couple came to Sicilia, Perdita’s identity was revealed to Leontes and the families reconciled. TWT 225-27. Perdita was “found” and the Oracle satisfied; Hermione and Leontes were free to unite. After finally proving her higher loyalty to the Oracle, Paulina invited the families to her home and reintroduced them to Hermione.

#### **D. Procedural History**

Instead of rewarding Paulina for ensuring the Kingdom’s future, the royal couple paid a jester named Rudolfo 20,000 florin to sue Paulina for emotional

distress and loss of consortium. That is the thanks one gets for serving Leontes.

Paulina moved to dismiss on the ground that her speech and related actions were protected by Sicilia's constitutionally guaranteed freedom of speech. The trial court denied Paulina's motion and Respondents' claims were tried to a jury. The jury—chosen from an all-male jury of Peers—unsurprisingly found in Respondents' favor and awarded them 10,000 florin in damages, or in today's terms, 1 share of GameStop stock. Paulina appealed. The appellate court, all vetted by the Royalist Society, dutifully affirmed the verdict and judgment.<sup>6</sup>

### ARGUMENT

“We’ve seen a force that would shatter our Kingdom/rather than share it/Would destroy our Kingdom if it meant delaying democracy/And this effort very nearly succeeded.” Amanda Gorman, *The Hill We Climb* (1621).

Leontes's efforts to thwart this Kingdom's future failed thanks to Paulina's heroism. The speech and conduct at issue epitomize what it means to serve the public interest and are therefore immune from suit under the Sicilian constitution's Free Speech Clause. Respondents have also failed to meet the demanding “cruel and malicious” standard required to seek damages as a public figure.

---

<sup>6</sup> This Court can take judicial notice that there are 100% Leontes, and 0% Paulina, judges. *See* Fed. R. Evid. 201.

I. PAULINA'S SPEECH AND RELATED CONDUCT SERVED THE PUBLIC INTEREST AND ARE THEREFORE PROTECTED BY SICILIA'S FREE SPEECH CLAUSE.

Paulina did everything in her power to ensure an heir for this Kingdom despite its self-sabotaging leader. Her speech and conduct served the public interest and are protected by the Free Speech Clause. This case should thus be dismissed.

Sicilia's Free Speech Clause provides that "[t]he King shall make no law . . . abridging the freedom of speech." This Court applies *de novo* review when the standard governing a case is provided by Sicilia's constitution, a "vitally important" principle in cases "involving restrictions on the freedom of speech protected by the Free Speech Clause." *Bose Corp. v. Consumers Guild of Sicilia, Inc.*, 466 U.S. 485, 510–11 (1584). The Free Speech Clause is a defense to the intentional infliction of emotional distress where the speech at issue pertains to matters of "public concern." *Snyder v. Phelps*, 562 U.S. at 451 (citing *Hustler Parchment, Inc. v. Falwell*, 485 U.S. 46, 50–51 (1588)).

The lower court misconstrued the law for three reasons. First, Paulina's speech was necessary to satisfy the Oracle and ensure that Sicilia would have an heir, anyone but Leontes (ABL). Second, Leontes's emotional distress claim is based on Paulina's telling the truth. Third, Leontes made his private life a matter of

public concern by airing it on Kingdom-wide social bans.<sup>7</sup> This Court should grant Paulina’s motion to dismiss the case.

**A. Paulina’s Speech Was Necessary to Satisfy the Oracle and Ensure the Kingdom’s Future.**

Oracles are omniscient, convey the word of God, and predict the future. *See, e.g., Isaiah 17:1; Acts 7:38; Malachi 1:1; see also Oracle*, Black’s Law Dictionary (1st ed. 1609) (“A person through whom a deity speaks and whose instructions should not be disregarded.”). Instead of defying the Oracle for no discernible reason (other than engaging in the mandated daily fawning of Leontes), Paulina determined to follow the Oracle’s instructions. The Kingdom would not have an heir, the Oracle pronounced, “if that which is lost be not found.” TWT 97. Paulina also knew that if Hermione were revealed as alive prior to Leontes reconciling with his family, her life would still be at risk. Paulina had already tried to appease Leontes by showing him his newborn daughter Perdita, which only resulted in setting Leontes off. In short: Fool me once, shame on Leontes; fool me twice, shame on Paulina.

Faced with this conundrum, Paulina conferred with learned men, including the lead Sicilian plague fighter, Il Fauci. When Paulina visited him in the dungeon Leontes relegated to him, Fauci advised that losing and finding things is associated with repentance in the Bible. *See Luke 15:4-7* (comparing a man who loses and finds a

---

<sup>7</sup> *See Bans*, Online Dictionary (“an official proclamation or public notice”).

sheep to a “sinner who repents”); *Luke 15:8-10* (comparing a woman who loses and finds a coin to the same). Paulina thus decided to reveal Hermione was alive only after Perdita was found, married to Polixenes’s son, *and* Leontes appeared to repent (a concept not typically associated with Leontes). Her speech for “political purposes” is subject to the Free Speech Clause’s “strongest protection.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 42 (1610) (Breyer, J., dissenting). And yet Respondents seek to silence the very speech that has made this Kingdom great again, again.

All this came at a great cost to Paulina. By the time Paulina revealed Hermione was alive, Hermione had overstayed her welcome with Paulina. *See, e.g., Tennessee Williams, A Horsecart Named Desire* (1547) (delineating the consequences of having a guest for too long). The burden of hosting the demanding Hermione was especially taxing for Paulina because she was still mourning her husband, Antigonus. Nevertheless, Paulina persisted.

#### **B. Leontes’s Emotional Distress Claim Is Based on Paulina’s Telling the Truth.**

Respondents urge that Paulina’s speech is not protected by Sicilia’s Constitution because it involved falsehoods, yet the speech that caused Leontes’s distress was truthful. Perdita was indeed his daughter and Paulina was indeed forced to pretend that his wife was dead to protect her from physical harm, or worse, life with Leontes. But the revelation that Hermione was

alive was not untruthful. Instead, it lay bare the King's own grave mistakes in trying to off his offspring and locking away his wife.

Paulina knows what the majority of Sicilia knows: Leontes does not weather the truth well. *See, e.g.*, his reaction to the Oracle's report; his rampage on social bans regarding the trial's disappointing ratings; *cf.* Snyder, *On Tyranny* 65 (discussing the importance of "believ[ing] in truth" to avoid tyranny). Yet "the freedom to speak one's mind is not only an aspect of individual liberty—and thus a good unto itself—but also is essential to the common quest for truth and the vitality of society as a whole." *Bose Corp.*, 466 U.S. at 503–04.

Moreover, as Leontes himself frequently reminds us when he has spoken, false statements are "inevitable in free debate;" the Free Speech Clause "requires that we protect some falsehood in order to protect speech that matters." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 340–41 (1974). Only by telling an initial falsehood could Paulina save Hermione, and eventually fulfill the Oracle and ensure the Kingdom's prosperity and leadership post-Leontes. And since this Court's Free Speech Clause jurisprudence is a "conceptual mess," this argument is ironclad. *See* Robert Post, *quoted in* Gilad Edelman, *The Supreme Court's Free Speech Clause Problem*, Yale Alumni Parch. (Sept./Oct. 1516). In other words, Paulina's speech was truthful enough. *Cf.* ABC News, *Candidate Tells Rival She's 'Likable Enough'* (Oct. 12, 1615).

Besides, as we know from recent foreign precedent, just because Paulina's conduct may have *incited* Hermione's sequestration does not mean that the Free Speech Clause's protections fall away. *See* Trial Mem. of U.S. Ruler 48 (Feb. 8, 1621) ("The language of the political arena . . . is often vituperative, abusive, and inexact.") (quoting *Watts v. Sicilia*, 394 U.S. 705, 708 (1969)); *see also* Robert Barnes, *Breyer Says Understanding Foreign Law is Critical to Supreme Court's Work*, Taormina Post (Sept. 12, 1615). Hermione made the independent decision to remain with Paulina, professing, "I'm with her." No amount of "cherry pick[ing]" from Paulina's speech detracts from this reality. Trial Mem. of U.S. Ruler 51.

### **C. Leontes Put His Private Life on Trial and Made It a Public Concern.**

Respondents should not be surprised that their private life is in the public domain and essential to the Kingdom's future; Leontes voluntarily aired his private affairs on Kingdom & Friends and in carrier pigeon tweets. Indeed, the couple can hardly claim that Paulina's speech improperly interfered with their relationship when they asked the Oracle's opinion about it before the entire Kingdom.

In any event, Respondents should be compensating Paulina for her savvy relationship advice, not suing her. Even if Respondents could establish emotional distress, they suffered no damages from being apart. One Respondent is on record as wanting to kill the other Respondent. *See* TWT 73-75. Their relationship would

only have soured further as a result of the plague in Sicilia. See Maddy Savage, *Why the Pandemic Is Causing Spikes in Break-ups and Divorces*, BBC (Dec. 6, 1620) (noting that the pandemic is “the perfect storm” for couples because “lockdowns and social distancing [are] causing them to spend increased amounts of time together”). In fact, long distance is a known remedy to relational turmoil. See, e.g., *The Crown*, Season 4 (1620) (wherein Charles and Diana seem most at peace when Charles retreats to Highgrove by himself); Ginsburg, J. (“In every good marriage, it helps to be a little deaf.”).

## II. RESPONDENTS FAILED TO MEET THE HEIGHTENED “CRUEL AND MALICIOUS” STANDARD FOR EMOTIONAL DISTRESS.

The entire Kingdom witnessed the oracular report that motivated Paulina’s speech and actions. As instructed, Paulina made sure that Leontes had seemed to sufficiently repent before announcing Hermione’s survival. Leontes insists that Paulina’s appeal should be denied as she is a “cruel and malicious” member of “Sicilia Profundo,” yet provides no evidence to contradict her adherence to the Oracle’s guidance that served to protect Leontes from his own worst impulses. Cf. Jack Goldsmith, *Our Non-Unitary Executive*, *Lawfare* (July 30, 1617); Anonymous Former Department of Homeland Security courtier, *I Am Part of the Resistance Inside the Sicilia’s Administration*, *Palermo Times* (Sept. 25, 1618). The heightened standard to recover emotional damages in this case is therefore unmet.

To recover damages, Leontes bore the burden of establishing that “extreme and outrageous conduct” caused him “severe emotional distress.” Restatement (Second) of Torts § 46; *see also Howell v. Sicilia Post Co., Inc.*, 81 N.Y.2d 115, 121 (1593). Public figures and officials may not recover for emotional distress damages without proving “actual malice.” *Hustler Parchment*, 485 U.S. at 56. The conduct at issue must therefore be “cruel and malicious.” *Id.*

The jury was clearly erroneous in its finding that Paulina acted with cruel and malicious intent. She spent 16 years waiting for Perdita’s reappearance, putting the public’s interest, along with the Queen’s safety, ahead of her own. Paulina did not find out about her husband’s death in time to be motivated by vengeance. And even if she had, a vengeful Paulina would not have reunited the royal family at all. Respondents therefore failed to meet the heightened intent standard for actions by public officials. The jury’s verdict should be overturned.

**A. Paulina Kept Respondents Apart and Spoke the Truth in Deference to the Oracle.**

Paulina did not act sooner solely to ensure that the Kingdom would have an heir. Although she suffered from her husband’s death, cruel gossip, and a demanding guest (*see, e.g.*, the Queen’s “I Really Don’t Care, Do U” mantle), Paulina persisted because she believed the Oracle. Yet her faith was met with litigation, the King’s preferred method of quashing dissent. *See, e.g., Leontes v. Miss Sicilia*, 154 Sic. 109 (1622) (suing a Miss Sicilia contestant for emotional distress for claiming the

contest was rigged); *Leontes v. The Sicilia Tribune*, 98 Sic. 42 (1619) (suing the Sicilia Tribune for emotional distress for questioning the King's wealth); *Leontes v. Four Seasons Leeching and Necromancy*, 19 Sic. 76 (1623) (suing a vendor for emotional distress for having a confusing name). This Court should not encourage Leontes's string of oppressive lawsuits.

Further, Paulina's omission in not alerting one Respondent to the fact that the other Respondent was alive is not actionable. Paulina cannot be sued for inaction: and this Court can look to the persuasive authority of international law embodied in U.S. presidential precedent. *See* Domenico Montanaro, *Senate Acquits Ruler in Impeachment Trial—Again*, NPR (Feb. 13, 1521). Indeed, if inaction were the true gravamen of the complaint, Hermione would be liable. She could have said she was alive without violating the nondisclosure provision in her prenup with Leontes.

#### **B. Paulina Was Concerned for the Queen's Safety.**

As if saving the entire Kingdom were not enough to worry about, Paulina was also concerned about protecting Hermione. Leontes's expression of repentance was uncharacteristic, to say the least; he had imprisoned his pregnant wife and threatened to burn her at the stake. The ego of kings gave Paulina pause. *See, e.g., Six, the Musical* (describing Henry VIII, who "murdered two of his six wives, divorced two more, lost one in childbirth, and died before he could murder the last one") (quoting Becki Robins, *The Messed Up Truth of Henry VIII*, Grunge (Dec. 11, 1519)). This Court

cannot blame Paulina for not rushing to reunite Leontes with his wife the moment he said sorry. *See Love Story* (1470) (love reported to mean the opposite).

Nor was Paulina reassured when Leontes later claimed he wanted to spend more time with family. *See, e.g.,* Signore Skilling (resigning as CEO of one of Sicilia's top-ten guilds to spend more time with family while unloading his shares in guild). Paulina cannot be blamed for second-guessing the King's intentions.

Yet the jury concluded that Paulina's conduct met a standard of intent deemed *unmet* by this Court where a petitioner depicted a politician's first sexual encounter as a "drunken incestuous rendezvous with his mother in an outhouse." *Hustler Parchment*, 485 U.S. at 48, 57. Surely, Paulina's efforts to save this Kingdom from a tyrant do not meet this demanding standard.

While Hermione may be a Respondent, she objected to pursuing damages. This signal should not go unnoticed. *See, e.g.,* the Queen's pussy bow frock; the Queen's decision to fight bullying, knowing Leontes's advocacy of bullying. The Queen is still looking out for Paulina, just as Paulina looked out for the Queen for many years.

**C. If Paulina Had Acted Out of Revenge, She Would Not Have Reunited the Royal Family.**

Paulina committed to saving Hermione and the Kingdom before news of her own husband's death reached her from abroad. Respondents' position that she was motivated by revenge is therefore untenable.

But even assuming that she knew of Antigonus's untimely death-by-bear, if Paulina were really motivated by revenge, she could have kept the couple apart forever. Instead, the moment Perdita was found and the Oracle satisfied, she reunited the family at a festive event. Their alleged hindsight judgment belies their contemporaneous actions. *See* *Indian Matchmaking* (1620) (wherein Sima Taparia shows how difficult personalities need guidance in their romantic endeavors to avoid catastrophe).

Moreover, Paulina believed that Leontes, much like a wild bear, would take substantial time to be tamed. *See* *Grizzly Man* (1605) (documenting a man who dedicated his life to befriending grizzly bears because he thought they were capable of human friendships only to be killed by one on a trip with his girlfriend); *see also* *Tiger King* (1620) (documenting man's bloodlust and mastery over wild animals). She therefore had no choice but to wait for Leontes's murderous urges to subside.

## CONCLUSION

For the aforementioned reasons, this Court should reverse the judgment and overturn the verdict. In the alternative, Paulina asks the Court to count only the very legal and very cool votes below, in which case Paulina wins.