

**THE JUDICIAL BRANCH OF
THE STUDENT GOVERNMENT ASSOCIATION OF
THE UNIVERSITY OF TENNESSEE-KNOXVILLE**

Case No. 2019-04

Owen Flomberg, Plaintiff

v.

Natalie Campbell, Defendant

JUSTICE PAWLACZYK delivered the opinion of the Court.

I. Introduction

On February 19, 2019, Mr. Owen Flomberg submitted a complaint detailing a conflict between Mr. Flomberg’s campaign, Envision UT and Ms. Natalie Campbell’s campaign, Vision. All arguments provided are directed towards potential conflicts from the campaign name “Vision.” These include: First, Envision UT believes to have founded their campaign name before Vision, and feel that the similarity between the two names will be confusing to students, and ultimately wish for Vision to change their name under the premise of credence due to having believed they’ve decided their name beforehand. Second, that the name Vision violates the spirit of the Election Packet by creating confusion between the SGA campaign, and the Vol Vision initiative from the University of Tennessee. These arguments come with the understanding, as provided by Mr. Flomberg, the belief that Ms. Campbell representing the Vision campaign did not intentionally create a similar name, and is not violating any copyright by the University, but the spirit of a clause from the 2019 Election Packet, which is referenced under Jurisdiction.

II. Jurisdiction

Mr. Flomberg provides two citations of the 2019 Election Packet for the Court to review. First, Article E, Section V.5.B.4 “Any disputes regarding the placement of the candidates’ names on the official ballot shall be under the jurisdiction of the Judicial Branch.” Secondly, Article E, Section III.E.2 “No candidate shall model a campaign design off of a trademarked or copyrighted design or logo held by a public or private company or organization regardless of the campaign receiving permission.”

Opinion of the Court

The first citation provides reason for why Judicial should consider the hearing request. Mr. Flomberg included the second citation as reference to argue that although he feels Ms. Campbell's campaign name "Vision" does not directly violate this part of the Election Packet, that it is against its spirit.

Referenced for the specific case of 2019-04, under Article IV, Section 2.D.1, the Judicial Bylaws state: "In the event that the individual and/or party filing a complaint fails to provide adequate evidence or the Court finds that the complaint itself is unwarranted or unreasonable, the Judicial Branch reserves the right to dismiss that complaint."

III. Examination of Evidence and Submission

Under review of all provided citations, evidence, and claims, the Judicial Branch has found no tangible harms or advantages of one campaign over another. Mr. Flomberg provided along with his case that there was no intention or malicious behavior on behalf of the defendant, Ms. Campbell. Along with this, there is nothing specifically within the packet that restricts similarities among campaign names, and the Court found that the SGA campaign "Vision" does not violate the spirit of the Election Packet.

IV. Determination of Violations

Based on the evaluation of the case brought forth by Mr. Flomberg, the Court's jurisdiction, and analysis of evidence, the Court found no violations have been made by the defendant, Ms. Campbell of the Vision campaign. This determination does not conflict with the plaintiff, Mr. Flomberg, as no violation is cited by the plaintiff. It's been determined by the Court that this case was submitted with the speculation of potential confusion, but that no harms, or acts of unfairness have occurred.

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THEREFORE, the Court rules that there was no violation alleged, or found from this case. The Court requests that in the future, if there is a violation that a plaintiff believes to have occurred, then it must be cited as such. The Court has determined under Article IV, Section 2.D.1 of the Judicial Bylaws that this complaint is unwarranted, unreasonable, and will not move forward with a hearing. This case is dismissed.

*It is so ordered.*

MARSH, HOPKINS, and BEDFORD, JJ., join the majority opinion.

## Opinion of the Court

JUSTICE BRYANT, with whom THE CHIEF JUSTICE and JUSTICE COOK join, dissenting.

Article E, Section II.D. of the Election Packet requires us to “consider both the spirit and the letter of the statutes presented in the Election Packet.” “It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit . . .” *Holy Trinity Church v. United States*, 143 U.S. 457, 459 (1892). While there is no explicit rule that campaigns may not run with clearly similar names, allowing such potential for confusion to exist comes, in my opinion, close enough to violating the spirit of Election Packet Article E, Section III.E.2. I make no determination with respect to the merits of the plaintiff’s claim; however, I believe that our duty as a Court requires us to give a potentially aggrieved party at least an opportunity to be heard. I respectfully dissent.