

8. Television writers filed class-action lawsuits against studios, networks, production companies, and talent agencies, asserting an industry-wide pattern and practice of age discrimination. The writers served subpoenas on third parties, including the Writers Guild of America, seeking data on Writers Guild members from which they could prepare a statistical analysis to support their claims of age discrimination. A privacy notice was sent to 47,000 Writers Guild members, advising them of their right to object to disclosure of personal information on privacy grounds. Some 7,700 individuals filed objections. The writers moved to overrule the objections. The trial court sustained the objections in their entirety. The writers sought a writ directing the trial court to vacate its order and allow access to certain of the requested information, arguing the information was critical to proving their claims and privacy concerns were minimal.

On balance, who has the stronger claim, the TV writers who want the information or the companies and the union who want to keep the information confidential? [See *Alch v. Superior Court*, 165 Cal. App. 4th 1412, 82 Cal.Rptr.3d 470 (2008).]

9. Two employees sued an employer, who had placed a surveillance video camera in an office that employees shared, for invasion of privacy, intentional infliction of emotional distress, and negligent infliction of emotional distress. The employer, a facility for abused children, defended on the grounds that (1) the plaintiffs were not recorded or viewed by the surveillance equipment defendants placed in their office and (2) all employees of the facility had a diminished expectation of privacy that was overcome by defendants' need to protect the children residing at their facility.

Does the fact that the employees were never actually recorded let the employer off the liability hook? Did the nature of the employer's business diminish the employees' expectation of privacy to the point where their privacy interest could not support an invasion of privacy lawsuit? [See *Hernandez v. Hillsides, Inc.*, 48 Cal.Rptr.3d 780 (Cal. App. 2006).]

10. On February 6, 1991, the defendant Daniel Boyle, a police officer for the city of Philadelphia, died as

a result of a gunshot wound to the head, sustained in the course and scope of his employment. On March 17, 1992, Patricia Rossa filed a fatal-claim petition on behalf of her daughter with the state's workers' compensation board, and the matter was assigned to Workers' Compensation Judge Lundy, who placed the matter in indefinite postponement status to allow the parties the opportunity to file a paternity claim in the court of common pleas. The claimant presented the testimony of Rossa, Patricia J. Ranalli, Claimant's grandmother and Rossa's mother, Raymond Ranalli, Rossa's stepfather, Louis Rossa, Rossa's brother, and Ethel Weir, Rossa's grandmother, all to the effect that Officer Boyle was the father of her daughter.

The employer—the City of Philadelphia—petitioned to do genetic testing before the workers' comp claim was allowed. Should the court order such genetic tests? [See *Rossa ex rel. Rossa v. W.C.A.B. (City of Philadelphia)*, 794 A.2d 919 (Pa. Commonwealth Ct. 2002).]

11. Wahkiakum School District required its student-athletes to refrain from using or possessing alcohol or illegal drugs. Beginning in 1994, the school district implemented myriad ways to combat drug and alcohol use among the student population. Nevertheless, drug and alcohol problems persisted. Acting independently of the school district, the Wahkiakum Community Network (community network) began surveying district students. From these surveys, the community network ranked teen substance abuse as the number one problem in Wahkiakum County. The community network's surveys showed that in 1998, 40 percent of sophomores reported previously using illegal drugs and 19 percent of sophomores reported illegal drug use within the previous 30 days, while 42 percent of seniors reported previously using illegal drugs and 12.5 percent reported illegal drug use within the previous 30 days. As a result, the school district decided to implement random drug testing, where all students may be tested initially and then subjected to random drug testing during the remainder of the season. The school district formed the Drug and Alcohol Advisory Committee (now the "Safe and Drug Free Schools Advisory Committee")