

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ALEXANDER GRAHAM-SULT
and
DAVID GRAHAM

Petitioners

v.

NICHOLAS P. CLAINOS

Respondent

On Petition for Certiorari to the United States Court
of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

- I. Whether the “instance and expense” test for determining copyright authorship between the commissioning party and the artist under the work-for-hire doctrine is properly used to determine copyright ownership as between the commissioning party and the commissioning party’s wholly-owned corporation, under the Copyright Acts of 1909 and 1976.

- II. Whether the Court of Appeals, in refusing to hold a fiduciary accountable for the loss of valuable estate assets belonging to rock and roll concert promoter Bill Graham, failed to view evidence at summary judgment in light most favorable to petitioners as nonmoving parties.

PARTIES TO PROCEEDING

The petitioners are David Graham and Alexander Graham-Sult, as individuals, who were plaintiffs-appellants in the Ninth Circuit. The respondent is Nicholas P. Clainos, an individual, who was a defendant-appellee in the Ninth Circuit.

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