

Ugly Problem

By Reg P. Wydeven

March 23, 2014

Last week I wrote about the copyright issues surrounding the selfie taken by Ellen Degeneres and Bradley Cooper at the Oscars. Lawyers across the country discussed the owner of the copyright to the photo featuring some of Hollywood's most beautiful people. Missing from the picture was one of the industry's hottest stars (both in looks and career-wise): Matthew McConaughey.

Shortly after the selfie that shut down Twitter was taken, McConaughey took home the award for Best Actor. He gave a heartfelt acceptance speech thanking God and his family and even uttered his catchphrase "all right, all right, all right." McConaughey is on top of the world. But it wasn't always that way.

Apparently People's 2005 'Sexiest Man Alive' wasn't always sexy. Like many kids, when he was a teenager, McConaughey suffered from acne. Because his mother sold cosmetics, she gave him mink oil to treat his acne, based on a recommendation from her boss.

Eventually his acne got so bad that McConaughey's parents took him to see a dermatologist. To no one's surprise, the dermatologist recommended that McConaughey stop treating his oily skin with more oil.

As former teenagers, we all can imagine what it must have been like to have your acne treatment make your condition worse. As a result, McConaughey's parents filed a \$35,000 lawsuit against the cosmetics company that manufactured the mink oil medicine for inflicting pain and emotional distress on their son.

The lawsuit alleges that the cosmetics company committed a tort, which is a civil wrong that causes another harm. To successfully prove that a tort was committed, the plaintiff must show that the defendant owed a duty to the plaintiff, the defendant breached that duty, the plaintiff suffered an injury and the injury was caused by the defendant's negligence.

To gear up for the trial, the McConaugheys and their attorneys laid out their case. Clearly, a cosmetics company owes a duty to provide safe, effective products to their customers. Recommending mink oil to treat acne would be a breach of that duty. McConaughey definitely suffered an injury by having his painful, embarrassing acne made worse by the negligence of the cosmetics company using mink oil to treat it.

So things were looking promising for Team McConaughey. However, like many lawsuits, their case proceeded very slowly. By the time it came for McConaughey's deposition, his skin had cleared up since he stopped using the mink oil. So the cosmetics company's lawyer pulled out a piece of damning evidence: McConaughey's senior yearbook. In it, there was a picture of a dashing McConaughey who was voted the school's "Most Handsome." The case was promptly dismissed due to the fact that the plaintiff could no longer prove he was damaged.

So even when things went wrong for McConaughey, it was because he was too darn handsome. All right.