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**Transition:** Three gavel bangs.

**Jesse Thorn:** Welcome to the *Judge John Hodgman* podcast. I'm Bailiff Jesse Thorn. This week: "Probst-bate Court". Annie brings the case against her friend, David. Annie and David have a *Survivor* fantasy pool. Annie says that David is withholding a point that her team has earned. David is winning the pool right now by a lot. The one point will not make a difference. But David says the rules are clear; Annie doesn't deserve this point! Annie says that David is, quote, "Just being a weenie."

Who's right? Who's wrong? Only one can decide. Please rise as Judge John Hodgman enters the courtroom and presents an obscure cultural reference.

*(Chairs squeak, followed by heavy footsteps and a door closing.)*

**John Hodgman:** "1727, the English woman Helen Morrison makes history as the first woman to place a personal ad in a newspaper and is committed to a mental asylum for three weeks as a result."

Bailiff Jesse Thorn, please swear the litigants in.

**Jesse Thorn:** Annie, David, please rise and raise your right hands.

*(Chairs squeak.)*

Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God-or-Whatever?

*(They swear.)*

Do you swear to abide by Judge John Hodgman's ruling, despite the fact that—unlike Bailiff Jesse Thorn—his friend Tyler from college did not win *The Amazing Race*?

*(They swear.)*

Then later found Sunbasket. *(Laughs.)*

**John Hodgman:** Oh, yeah!

**Jesse Thorn:** *(Laughing.)* Judge Hodgman, you may proceed.

**John Hodgman:** I make my sun baskets at night, thanks very much, Cheryl, Arthritis Life. Cheryl, a famous listener to this podcast. And we have some other wonderful listeners to this podcast who are now in court together. Annie and David, you may be seated.

(*Chairs squeak.*)

For an immediate summary judgment in one of yours favors, can either of you name—I'm gonna go ahead and tell you—the book that I was quoting as I entered this courtroom? Annie, why don't we start with you?

**Annie:** Ooh, I'm light on books this year, but my guess is gonna be *Encyclopedia Britannica*.

**John Hodgman:** *Encyclopedia Britannica*. I'm writing it down. If you're watching [@JudgeJohnHodgmanPod](#) on YouTube, you can see I'm not lying.

(*David laughs.*)

I'm writing it down right now. *Encyclopedia Britannica*. Alright. David, what's your guess? What's your favorite book? Oh, hang on a second, David. Annie, it's the end of the year as we're recording this. You're light on books. And believe me, I don't blame you. I've only read about a quarter of *Moby Dick* all year. That's it.

Oh, no! I read *Scuples* by Judith Krantz.

But! What's your favorite TV show or movie or something that you really enjoyed this year?

**Annie:** Um. Well, my favorite TV show always is *Survivor*.

**John Hodgman:** *Survivor*. Alright. On brand.

**Annie:** Yes. Mm-hmm. I've been watching on Netflix the show *Nobody Wants This*, which is like a nice, fun, lighthearted rom-com.

(*John affirms warmly.*)

I think that's my favorite new edition this year.

**John Hodgman:** It's a comedy about falling in love.

**Annie:** Yeah.

**John Hodgman:** Hm! I wonder if we'll be talking about that later. Alright. David, what's your guess? Your favorite book of the year? Or you can pick a movie or whatever else. That's not *Survivor*. No offense.

**David:** Okay. My guess is gonna be *Vacationland*, now available on paperback wherever books are sold.

**John Hodgman:** (*Murmured.*) Here we go. By Judge John Hodgman, himself.

**David:** By Judge John Hodgman.

**John Hodgman:** Flattery will get you everywhere.

**David:** Everywhere. I watched *The Pitt*. I recently watched *The Pitt*. I had to cover my eyes for a good portion of it. But great show, would recommend.

**John Hodgman:** Yeah. Jesse Thorn, you watch *The Pitt* on HBO Max?

**Jesse Thorn:** I've heard that one great show is *The Pitt*, but I haven't seen it!

(*David laughs.*)

**John Hodgman:** Oh, yeah. It's a great show.

**Jesse Thorn:** Pitt, I think, is short for Pittsburgh.

**John Hodgman:** It's Pittsburgh, and it's about a guy played by our friend from the *Thrilling Adventure Hour*, Craig Cackowski, who goes to the hospital. That's the whole show!

(*David laughs.*)

**Jesse Thorn:** John, my understanding— I'm looking at a piece of paper here.

**John Hodgman:** Yeah, good for you.

**Jesse Thorn:** It's not an unrelated piece of paper. But I'm looking at a piece of paper here. It says that *The Pitt* is based on that time we woke up and wandered out of our hotel in Pittsburgh, Pennsylvania, and the Oscar Meyer Wienermobile was right there! Just waiting for us!

**John Hodgman:** That was a remarkable morning in Pittsburgh. But no, *The Pitt* is about Craig Cackowski getting a medical procedure in Pittsburgh, and also Noah Wyle is there.

Alright, all guesses are wrong! So, we are going to hear the case. The answer—if you wanted to know, Annie and David—is I was reading to you a short fact collected in this wonderful book that I've been reading called—I lied; I haven't only been reading *Scuples* by Judith Krantz and *Moby Dick*—*How to Find True Love: Unlock Your Romantic Flow and Create Lasting Relationships* by Francesca Hogi.

[00:05:00]

Annie or David, do you know the name Francesca Hogi by any chance?

**David:** It's familiar, yes.

**John Hodgman:** Yeah, two-time *Survivor* contestant Francesca Hogi. Seems to me like you've already lost the case, David, if you didn't know that name.

*(David agrees with resignation.)*

Because— Well, we'll talk more about Francesca later. But in the meantime. Annie, you brought the case against David. What justice do you seek in this fake courtroom?

**Annie:** So, I'm seeking a two-prong order.

**John Hodgman:** A two-prong order, Jesse!

**Jesse Thorn:** List the prongs! One at a time.

**John Hodgman:** Yeah, let's hear the prongs.

**Annie:** Okay. Number one, I want my second point, which I am entitled to. Number two, for his general attitude this season, I would say he's being a sore winner. And I think I am entitled to 50 bonus points in punitive damages.

**John Hodgman:** Well, look. I am inclined to rule in your favor, because you got as close as anyone to this obscure cultural reference when you guessed *Survivor*. Because I was quoting from a book by a *Survivor* contestant. But that said, I think we're getting ahead of ourselves a little bit before I start awarding you points. 'Cause I don't even know what you're talking about! I don't watch *Survivor*. I'm a

*Traitors* guy. Sorry, everyone in the world. But you are part—with David, your friend—of a *Survivor* fantasy league. What does that mean, Annie?

**Annie:** Alright, so it's two-member league, just the two of us. *Survivor* League is—  
(chuckles) it's—

**John Hodgman:** So, it's more of a *Survivor* fantasy marriage?

**Annie:** Yeah. Sure. Yes. So, the way that it works is we have a draft. It's like any other fantasy sport. We have a draft at the beginning of this season.

**John Hodgman:** You really are presuming a lot of me at this time.

(They laugh.)

**Annie:** We have a draft at the beginning of the season, and we pick— We take all of the players, and we go one at a time, and we pick which ones we wanna have on our fantasy team. And then we have a points structure that has gotten increasingly more elaborate as the season goes along. We earn points for our players all the way up until the season finale and when the winner is crowned on the show. And then the winner is crowned in our pool as well.

**John Hodgman:** Got it. So, you and David are friends; you are not you're not in a fantasy marriage or a marriage of any kind.

**Annie:** No.

**John Hodgman:** You're friends, and you join us from Portland, Maine! Is that where you live?

**Annie:** Yes. Yes.

**John Hodgman:** Alright. You're very lucky. You're not in the solar powered studios of WERU in Orland, Maine. You're somewhere else.

**Annie:** Yes. I think we're on Casco Street in downtown Portland.

**John Hodgman:** Okay. I hope you're right. I hope you're right and you know where you are.

**Annie:** Yes.

**John Hodgman:** David, Annie, let me see if I understand this correctly. And Jesse, you will correct me if I'm wrong, 'cause you understand sports. *Survivor* is a television show—a very famous reality show, a competition game show. Regular people go to an island, and they engage in various competitions. It starts with usually three teams on a remote island. And they're physically and emotionally and mentally taxing competitions. People get eliminated one-by-one until there's one *Survivor*. So far, so good, David?

*(David confirms.)*

So far, so good, Annie?

*(Annie confirms.)*

So far, so good, mystery guest? I'm getting a “comme ci, comme ça” wave. Yeah. Okay. Alright. Maybe, maybe not. We'll see. We'll talk to them. I'll get corrected later, I'm sure. You are watching the season that is currently on, which I think is season 5,000 or something. And when the when all of the contestants are announced at the beginning of the season, before anyone is eliminated, you each draft to your fantasy team. You pick players that you think are gonna go all the way. Yes or no? Yes, Annie? Yes, David?

**Annie:** Yes, correct.

**John Hodgman:** Okay, good. Thank you. And then as they perform well or poorly, you either win points or you lose points until—indeed—in your Portland, Maine Fantasy Friendship League, only one of you remains. Is that right?

**Annie:** Correct. We make it all the way to the final, and then we tally up the points, and then whoever has the most points is the champion. And it's not—

**John Hodgman:** And the winner gets to stay in Maine, and the loser has to move to New Hampshire. Is that correct?

**Annie:** Correct!

*(David laughs.)*

Well, last season, not this season. We're not doing that this season. It's not going well for me.

**John Hodgman:** David, we haven't heard much from you other than some wonderful chuckles. Why don't you tell us how long you've been doing this game with your friend Annie?

**David:** Sure! So, Annie actually introduced me to *Survivor*—I would say—2017ish? And so, I was hooked pretty quickly. And then during the pandemic, I watched about 30 seasons in maybe 40 days. And so, I got really into it, had a little bit of time on my hands. And so, after season 40, there was about a year gap from when they stopped making *Survivor*—

[00:10:00]

—just 'cause of the pandemic, the logistics didn't work out. So, starting in season 41, we started doing our fantasy league. And then we've been doing it every season since. We're on season 49 right now.

**John Hodgman:** Okay. So, you've been doing it for eight seasons consistently since *Survivor* came back.

**David:** Correct. She's won four seasons, and I've won four seasons.

**John Hodgman:** Oh, wow! So, you're in a deadlock now. Is that correct?

(*David confirms.*)

Wow! And I'm looking at Exhibit A in our evidence. This obviously is a photo of a score sheet that you use to score the progress so far in season 49. We have David's picks on the left-hand side, Annie's picks on the right-hand side. This is obviously available at our show page at [MaximumFun.org](http://MaximumFun.org) or our social media. Or if you're watching on YouTube now, you probably can see it! And without going into too much granular detail, maybe, David, you can explain the rules at the bottom of the page and how things go.

**David:** Sure! So, at the bottom we have our agreed upon rules. So, the first way you can get points is your placement. So, the person who comes in 18th place or is voted out first gets one point. The person who comes in 17th place or is voted out second gets two points, and then it goes on so forth.

**John Hogman:** The longer one of your players survives, the more points you accrue.

**David:** Correct. So, the person who wins it gets 18 points. The person who comes in second gets 17, et cetera.

**John Hodgman:** Okay. I think I understand. I mean, I'm gonna be honest with you. I understand about 65%, but I think it's enough for a podcast.

*(David agrees with a laugh.)*

**Jesse Thorn:** I just got distracted that one of the competitors is named MC, and I imagine that it was MC Skat Kat. *(Laughs.)* From the Paula Abdul “Opposites Attract” video.

**John Hodgman:** It could have been, yeah. Yeah, Jesse Thorn, if we're gonna do an “Opposites Attract” fantasy league, would you draft MC Skat Kat, or would you draft Paula Abdul?

**Jesse Thorn:** So, you get two points for steps forward; one for steps back.

*(They laugh.)*

**John Hodgman:** Okay. Well, this all seems like a lot of fun! And at the end of a season, there is one *Survivor* both the on the island and in your friendship. Annie, what does the winner get at the end of the season?

**Annie:** So, historically the winner gets a meal bought for them. So, either a meal we've had in the past like a fancy dinner or a— There's also a dessert-only restaurant here in Portland, so we've had a— You know, like a— I think it's a smorgasbord *(unclear)*.

*(David agrees.)*

Just a platform of desserts instead of a savory meal. So.

**John Hodgman:** You got one of those dessert towers?

**Annie:** Yes. Yeah.

**John Hodgman:** Five platters of desserts.

*(They chuckle.)*

**David:** We finished it, and the owner of the restaurant came out and congratulated us. It was very exciting.

**Annie:** Yeah, that was nice.

**John Hodgman:** That's a lot! You know, Jesse Thorn, we haven't been to Portland, Maine in a while. There's a lot of good food in Portland Maine.

*(David and Annie agree.)*

**Jesse Thorn:** We gotta go to this dessert restaurant, the minor league hockey game. There's a lot of stuff we haven't done in Portland, Maine yet!

**John Hodgman:** That's right.

**Transition:** Three gavel bangs.

*(ADVERTISEMENT)*

**Transition:** Three gavel bangs.

**John Hodgman:** Alright, so you get a fantastic meal at the at the end of the season if you win.

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But Annie, there's a dispute here. Not just who's gonna win or lose, but over specifically—I'm looking up here your number one pick, or at least the top one on your right-hand column—Savannah. This is a point, semi-literally, of contention. Right? That's why we're here.

**Annie:** Correct. Yes. Mm-hmm.

**John Hodgman:** What's going on with Savannah, and why are you two fighting over this?

**Annie:** Alright. So, this season there was an episode in which Savannah— They all participated in a challenge. So, there's two different types of challenges. There's immunity challenges, and there's reward challenges. It was a combination challenge where she won two things. Number one, she won individual immunity—which according to our score sheet, she earns one point for that. She also won an advantage. Which according to our score sheet, you get a point for that. So,

because she won two points for doing one action, David believes that she should only get one of those points. They should merge into one point. And I'm saying she received two benefits from that one action, and so I should be entitled to both points.

**John Hodgman:** What was the action that she did to earn the immunity point and then the advantage point as well?

**Annie:** So, there was a challenge. They were standing in between— There's boards; they had to stand like this. And then there were these little platforms, and they had to stand there on increasingly smaller footholds. And whoever lasted the longest won the challenge.

**Jesse Thorn:** John, it was a challenge. They were in a shopping mall, and someone came up to them with some small cups of cola. They had to identify which one they preferred, which one was Coke, and which one was Pepsi.

**John Hodgman:** Ohhh, I see. While standing on a board on a deserted island in a shopping mall?

**Jesse Thorn:** And then they had to eat some bugs or something.

**John Hodgman:** Yeah. Yeah, did she eat some bugs or what? Savannah, did she eat some bugs? Annie? David?

**Annie:** Not at this time, no.

**John Hodgman:** This was just standing on (*stumbling slightly*) increasingly smaller platforms. That's a little bit hard to say. Decreasingly large platforms would also be the same— Anyway, oxymorons. They're fun. The point is, it's hard to stand on the platform. She did it. Savannah did it, got an immunity point and an advantage point. So, why didn't you get two points? David, how can you explain this? Why did you only award Annie two points?

**David:** So, if I can refer you to Exhibit A, towards the bottom there.

**John Hodgman:** (*Grumbling reluctantly.*) Alright, I hope I was hoping I would never have to look at this spreadsheet again, by the way.

**David:** I'm so sorry.

**John Hodgman:** No, no, no! Usually, the person who submits a spreadsheet always wins.

*(David chuckles.)*

**Jesse Thorn:** David, you created this sheet right?

*(David confirms.)*

Yeah. I presumed as much when you pulled it out of what appears to be a Filofax with color coded sticky labels in it.

**John Hodgman:** *(Chuckling.)* Tabs. Yeah, exactly.

**David:** *(Laughs and sighs.)* So, at the bottom, our agreed upon way you get points— So, I explained the placement points. But in the middle line there, you get a point for obtaining an advantage.

**John Hodgman:** Yeah, I see it there.

**David:** And you get a point for winning an individual immunity challenge.

**John Hodgman:** Alright? You're interpreting this, but I'm gonna tell you what I'm reading.

*(David affirms.)*

Advantage equals one point. Individual immunity equals one point.

*(David confirms.)*

Savannah got the advantage.

*(David confirms.)*

So, one point goes to Annie. You're not disputing that.

**David:** Correct.

**John Hodgman:** So, tell me what the problem is here with individual immunity.

**David:** The challenge she won was not for individual immunity; it was for group immunity. What they did— There was ten people left in the game at this point. They split them up into two groups of five. And whoever won immunity for their entire group. So, she won group immunity not individual immunity.

**John Hodgman:** Let me ask you this, David. On *Survivor* Island, do they ever have a challenge for splitting hairs?

**David:** No.

*(Annie giggles in the background.)*

**John Hodgman:** Because I think you might wanna make an audition tape.

*(David chuckles.)*

No—I mean, I don't know. I'm giving David the guff there, Annie. But it says “individual immunity” on the sheet, and it doesn't sound like Savannah got individual immunity. She won immunity for her whole—

**Annie:** So, she did win immunity for her whole cohort. I will say this is an unprecedented challenge where the way it was awarded has never happened before. So, there I think there's a gray area in the rules.

**John Hodgman:** Would you say that it might have been the most dramatic standing-on-platform ceremony ever?

**Annie:** I mean, it was riveting television. As always. But it was—

**John Hodgman:** This has never happened before!

**Annie:** Listen, sheer force of will!

**John Hodgman:** Is that a certain thing that someone would say about this moment on reality television?

*(They laugh.)*

So, your argument is something happened that was unprecedented that David's beautiful spreadsheet didn't anticipate.

**Annie:** Exactly, yes.

**John Hodgman:** And that is what, exactly?

**Annie:** So, what happened was—although this was a group challenge, we've already moved past the tribe.

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When they're in tribes, they win tribe immunity which is one figurine. It's big; it's carved.

**John Hodgman:** I'm somewhat familiar with the figurine-based economy.

*(They laugh.)*

**Annie:** Then they merge into individual immunity, which is represented by a necklace with like shark teeth on it. So, we've moved into the individual immunity portion of the season.

*(David or Jesse cackles.)*

And she did win for her whole group. So, if anything, she won more than regular immunity!

**John Hodgman:** Wait a minute. If she had— If you had moved into individual shark tooth necklace immunity phase, in the past— And this is what I'm trying to understand. In the past, once you move into shark tooth necklace phase, little figurine tribe immunity is out the window, if there were any windows in there.

**Annie:** No more! Jeff takes it back. Correct.

**John Hodgman:** Right. But now—now!—in a dramatic turn of events that has never been seen before, Savannah got a tribal immunity figurine during shark tooth necklace phase. Correct?

**Annie:** No, she did not!

**John Hodgman:** *(Muttering to himself.)* I don't understand.

**Annie:** It was an oral figurine. She won the shark tooth necklace in this challenge.

**John Hodgman:** An oral figurine!

**Annie:** (With hushed amusement.) Oh no!

**John Hodgman:** A spoken figurine?

**Annie:** It was not— She did not win the tribe immunity. She won an individual necklace. They just— She won it, and also the other people on her tribe also won immunity and did not receive a necklace.

**John Hodgman:** David, did she get a shark tooth necklace? Yes or no? (Beat.)

(Aggressively.) Yes or no, David!

**David:** She did not earn the shark tooth necklace.

**Annie:** Was she wearing it at tribal council?!

**John Hodgman:** Whoa, whoa, whoa, I wasn't asking your opinion on whether she earned it. Did she get it?

**David:** She got it, yes.

**Jesse Thorn:** We're not looking for a value judgment.

**David:** Yes. She did.

**John Hodgman:** She did. She got the necklace. Right? How did she not earn it? She didn't perform up to your standards?

**David:** She earned it, but her advantage was that she got to go to the losing tribe's tribal council.

**John Hodgman:** ... Okay.

**David:** With the necklace.

**Jesse Thorn:** (Cackling.) This sounds so ridiculous!

**David:** And because her—(*to Jesse*) it is. Her group had immunity, had group immunity. But to symbolize her immunity at the losing tribe's tribal council, they gave her the necklace.

**Jesse Thorn:** John, do you remember when we discussed the game Teguár on this program? (*Chuckling.*) This is starting to sound really Teguár-y!

(*David laughs.*)

**John Hodgman:** I honestly am lost. I think it's really a good time to bring in an expert witness who might be able to explain this somewhat and unravel these intricacies. We've teased this person. Let's tease no more. Bailiff Jesse, will you bring in our expert witness, please?

**Jesse Thorn:** She is a former attorney who knows her way around complicated rules. She's also an author, a matchmaker, and a two-time past *Survivor* contestant. Let's welcome to the court Francesca Hogi.

**John Hodgman:** Francesca Hogi, hello!

**Francesca Hogi:** Hiii!

(*Annie giggles.*)

Oh!

**John Hodgman:** Wait a minute! You put on— Those who are watching on the YouTube channel—and if you are, you're doing the right thing—you just put on a head covering of some kind.

**Francesca Hogi:** I just put on a *Survivor* buff, so maybe David would recognize me. (*Laughs.*)

**John Hodgman:** (*Laughing smugly.*) Oh! Ho-ho-ho!

**David:** I sure do now!

**John Hodgman:** Yeeeah! David just got shamed by the buff! And rightly so. No points for you. You are voted almost off the island of *Judge John Hodgman*. You know what? I'll decide.

So, look. First of all, Francesca, it's so nice to see you. Let me explain a little context here. I was flying across the country for a wedding. And I was seated next to a wonderful person whom I did not know at all, and it was you! And we got to talking about one thing or the other. And I was explaining that I host a podcast called *Judge John Hodgman*. And you were very politely paying attention.

(Francesca chuckles.)

And over time, I began to sense that you realized I had never seen *Survivor* in my life.

(She laughs.)

Because if I had, I would be like, "Oh my gosh! I'm sitting next to Francesca Hogi, a two-time *Survivor* contestant." And you explained it to me, and I hope you won't mind if I bring it up. But part of your reputation on *Survivor* is tragic.

(Francesca laughs.)

In the sense that you were the— Well, you explain it, 'cause I don't know.

**Francesca Hogi:** Well, I hold a record. I am the biggest loser in *Survivor* history. So, maybe a dubious choice to—(giggles).

**John Hodgman:** (Soft and sad.) No. Don't say that. Don't say it like that.

**Francesca Hogi:** —to be an expert. But we're here.

**Jesse Thorn:** But you're the best survivor in *Biggest Loser* history!

(They laugh.)

**Francesca Hogi:** Yes. Yes. We'll go with that. But no, I was voted off first on two different seasons. So, that has never happened to anyone else before. But in my defense, I am the only person who is eligible for this particular honor. However! (Laughs.) I have very strong opinions about what's going on here with Annie and David.

[00:25:00]

**John Hodgman:** I can't wait to get into it. But I just need to say a couple of things more. First of all, when I went to that wedding at the reception, I spoke to a number of *Survivor* fans, and they were so thrilled that I got to meet you.

(Francesca "aw"s.)

And I was like, "Not only that! But Frannie explained *Survivor* to me—all of the most famous players, all of the details." And I've been meaning to reach out to you

and thank you, because I am a *Traitors* guy. And when our friends, Paul and Janie, were watching *Traitors*' most recent US season, they were like, "And then they revealed this dude, and everyone acted as though he was famous, but I had never heard of him!"

I was like—I watched the episode, and I was like, "I know who that is. That's Boston Rob."

**Francesca Hogi:** That's Boston Rob! (*Laughs.*)

**John Hodgman:** I know, because my friend Frannie told me all about Boston Rob. I looked so smart!

**Francesca Hogi:** I love it. I love it.

**John Hodgman:** And also, your book just came out a few months ago, *How to Find True Love: Unlock Your Romantic Flow and Create Lasting Relationships*. Because besides being a two-time *Survivor* contestant, you are also a relationship coach and matchmaker! Right?

**Francesca Hogi:** Yeah! Which is pretty crazy if you consider how badly I did with my relationships on *Survivor*. But—(*laughs*).

**John Hodgman:** I think that this is a somewhat unique circumstance.

**Francesca Hogi:** It was a unique circumstance, and it was a long time ago. So, also, David, you are forgiven for not remembering me. I was on a very long time ago and briefly. (*Laughs.*) But I do have to just tell everybody one thing: the reason that John and I really— Well, I started talking to you on the plane because the flight attendant delivered John a handwritten note from another passenger. And I was like—

**John Hodgman:** Oh. Oh, I forgot about that.

**Francesca Hogi:** And I was like, "I have to—I have to say something! I've never seen this happen before!" (*Laughs.*) And I was like, "I'm sorry. What just happened here?" That's how we started. That's how we became friends.

**John Hodgman:** Yeah. I explained to you that it was a note from a *Judge John Hodgman* fan who was seated elsewhere on the plane and saw me onboard. But I now must confess to you, since I am under fake oath, I do that on every flight.

*(They laugh.)*

I hand the flight attendant a fake note to hand to me during the flight at some point, just to make me look—well, not even look good; feel good, honestly. But—

**Jesse Thorn:** I'm just imagining you opening this note that another passenger sent to you, and it's just a long list of why you were wrong about one of the decisions.

*(Jesse and Francesca laugh.)*

**John Hodgman:** No, they usually say those for the many emails that I get every Thursday after the episode posts on Wednesday on [MaximumFun.org](http://MaximumFun.org). But in the meantime—

Alright. So, Frannie, it's so great to spend time with you again.

**Francesca Hogi:** You as well.

**John Hodgman:** That was such a great conversation that we had.

*(She agrees.)*

I knew when I heard about this case between Annie and David that we would have to get you onboard, because you're very wise, and I know nothing! So, what are your impressions so far about what you've heard?

**Francesca Hogi:** Well, first of all, I wanna say that I actually watched the episode. I watched the challenge. And I don't normally watch *Survivor*. I haven't watched it in years, but I watched—

**John Hodgman:** Is it hard to watch it, for you?

**Francesca Hogi:** Yes, but also I just— You know, I've been there; I've done that; I've seen it.

**John Hodgman:** You've moved on.

**Francesca Hogi:** I've moved on. The game is different than it used to be. It's a lot shorter. I think it's a lot easier.

*(John "hm!"s thoughtfully.)*

So, I just don't find it as interesting as it used to be. I know—

**Jesse Thorn:** That's why I don't watch the Olympics anymore.

*(They laugh.)*

**Francesca Hogi:** But I was like, “Okay, I have to watch, because I have to know the context of what's going on here.” So—

**John Hodgman:** Oh! You did it for the court! You did your homework!

**Francesca Hogi:** I did it for the court!

**John Hodgman:** Well, thank you very much!

**Francesca Hogi:** Yes! So, I literally woke up today, and I subscribed to Paramount+ just so I could watch this challenge. *(Laughs.)*

**John Hodgman:** *(With playful fake dread.)* Oh no! Oh nooo! I didn't know!

**Jesse Thorn:** Now you can watch that Sylvester Stallone show.

*(They laugh.)*

**John Hodgman:** I didn't know! I didn't know. I didn't know that we forced you to subscribe to Paramount+.

**Francesca Hogi:** Free trial!

**John Hodgman:** We've gotta recompense you in damages now.

**Francesca Hogi:** Free trial, and it's getting canceled. I literally—I just—I had to watch this challenge and—

**John Hodgman:** You gotta make sure you cancel that before David Ellison comes over and tries a hostile takeover of your house.

**Francesca Hogi:** *(Laughing.)* I already canceled it! I already canceled it.

**Jesse Thorn:** Watch all the episodes of *Jackass* first!

**Francesca Hogi:** I have a week. If there's anything I must watch, let me know.  
(*Laughing.*) Okay. So—

So, as Annie and David have explained, this is an unprecedented situation, because the game of *Survivor* by this episode had moved to the point where it wasn't about tribe versus tribe. It's about individual versus individual. So, it was an unusual set of circumstances. However, watching the episode—and even the way that Jeff Probst is talking about it, because it's kind of like you could tell— You know, he's not used to an individual immunity having repercussions for a large group of people, either.

[00:30:00]

So, even the way he talked about it, he was like— He was referring to it as an individual immunity for Savannah. So. And it was. I mean, she was the one who won the challenge. She was the last person standing. This is a— This, by the way, is a classic *Survivor* challenge that's been on many seasons before. And—

**John Hodgman:** The standing on small platforms.

**Francesca Hogi:** Yes. Yes. And she won it fair and square. She was the clear winner. There was no ambiguity there. And it was just a twist of the show. And this is the thing about *Survivor* is that they like to throw in these twists. So, it was just a twist of the show that this particular challenge had this, you know, added twist of “oh, the whole group got immunity.” But it really was Savannah's immunity. So, I personally think that it's clear-cut that she won individual immunity, and I think that she should get two points. That's my opinion.

And I—(*laughing*) and Annie, at first when you were saying that you also want punitive damages, I was like, “Okay, let's not get carried away.” But now, I don't know! Because David—! (*Laughs.*)

**Annie:** He's beating me by so many points. This one point would mean nothing! And yet he's doubling down, tripling down. Unbelievable.

**Francesca Hogi:** I mean, you took it to court! I mean, like this is a serious thing at this point.

**David:** She took it to court! I didn't take it to court!

(*Francesca laughs.*)

**John Hodgman:** I mean, Frannie, you help people find love matches and discover in themselves first what is important to them romantically before they even go out and find a romantic partner.

*(She confirms.)*

Are you board certified to help a friendship in crisis too?

**Francesca Hogi:** I am board certified for friendship just as you are an actual judge. Yes. *(Laughs.)*

**John Hodgman:** So, not at all then. Got it. But you're a smart and thoughtful person.

**Francesca Hogi:** Thank you. Thank you. No, I listen. I think that— You know, first of all, I love that the two of you do this together and the fact that you clearly are very good friends. And even if you lose, you win, because you still get to go have the dinner. You still get to go have the dessert smorgasbord. You still get to do this for the next 50 seasons of *Survivor*, because apparently it's never ending. So, I mean, *(laughs)* you both really won here, because you have a friend; you have a friendship; and this is something that you share together. So, you've already won.

**Annie:** Should I get four more points, because she won immunity for those other four people as well?

**Francesca Hogi:** I mean!

**David:** They didn't win individual immunity!

**John Hodgman:** Interesting question! What do you think, Frannie? Should Annie get four points? Extra points?

**Francesca Hogi:** *(Clicks teeth.)* I don't think that Annie should get four extra points. However, I do think that in your discretion as judge, you do have the right to—you know, if you want to—award her some punitive points. You could.

**John Hodgman:** Wh-why does—why does David deserve punishment rather than simply correcting the record, if I were to find in your favor?

**Annie:** Well, I would say— So, last season I beat David by close to 60 points.

*(John whistles, impressed.)*

Never once did I rub it in his face. I didn't say anything. I think the final score was 160 to 108.

**John Hodgman:** That was one of the most dramatic seasons of your friendship ever.

**David:** Mm-hmm.

**Annie:** I think it was statistically impossible for him to win going into the season finale. It was already clear. Did I say one thing to make him feel bad? No. And here we are. Now he's beating me by a lot, and his attitude just in general about it is not my favorite. He's been—

**John Hodgman:** Are you saying—? Would you say that—I mean, you're friends, but he didn't come here to make friends. He's back with an eye towards vengeance?

**Annie:** Yeah! Yes.

**Jesse Thorn:** Wait, can I use the one *Survivor*—? Is he being a real Jeff Kent? Hall of Fame baseball player and *Survivor* contestant Jeff Kent, who I'm pretty sure was a heel on the show?!

**Annie:** Yes. (*Beat.*) I don't remember him.

(*Francesca laughs.*)

**Jesse Thorn:** He was mad when he got kicked off the show. He said that if he had won the \$1,000,000—even though he had earned tens of millions of dollars as a baseball player—Obama would probably just take away half of it.

(*They chuckle.*)

He's just not a chill dude!

**John Hodgman:** No. No. What fun. What fun. David, are you Jeff Kent? Are you being a heel? Are you back for vengeance? What's going on?

**David:** I think I've been very pleasant this whole season. I didn't see any evidence submitted showing that I was a, quote/unquote, weenie about it.

**John Hodgman:** Annie, did you make a weenie spreadsheet for us?

**Annie:** I have not yet. No, I apologize. I could brief it later.

**Jesse Thorn:** Annie, I feel like you didn't bring any Filofax at all!

**Annie:** I didn't!

**John Hodgman:** Well, actually that raises a good point, David. You're there with your leather binder with the cross tabs and everything else. You seem very official. I understand that when you were talking to our wonderful producer, Jennifer Marmor—the two of you—that you would often refer to yourself as the commissioner of this league. Is that an official law?

[00:35:00]

**David:** Well, that just because I made the spreadsheet, and I keep score. And about halfway through every season, Annie asks me for a score update. 'Cause I guess she doesn't keep score during the season. So, I feel like I'm the de facto commissioner of our head-to-head league.

**Jesse Thorn:** I feel like “commissioner” is an extraordinary title to grant oneself in what—

**David:** Fair. Fair enough.

**Jesse Thorn:** —even the word “league” barely describes this. League is a real stretch.

**John Hodgman:** Jesse this brings up a point. You probably know this better than I do. What is the difference between a scorekeeper, for example, and a commissioner? I don't know what a commissioner does.

**Jesse Thorn:** A scorekeeper—at least in the sport of baseball, which is the one that I follow the most closely—is essentially a functionary. A scorekeeper's interpretive responsibilities don't affect the outcome of the game. Right? A scorekeeper's essentially checking boxes. And to the extent that they are making any interpretive decisions, it's only about the way the game is recorded, not the outcome.

Like, in baseball a scorekeeper decides whether a given play is a hit or an error, but that doesn't affect the outcome of the game. Whereas the commissioner is someone who—in professional sports, their primary responsibility is representing the business interests of the oligarchs who control the semi-monopolies that are

professional sports leagues, obviously. But like, the first baseball commissioner, Kenesaw Mountain Landis, was famously in charge of representing the interests of the game. Right? What that means is interpreting the gray areas for the benefit of the—you know—the full politic, the full body politic of the sport. The fans, the owners, the players, everyone. Right?

And so, it is a very significant distinction that the commissioner is the person who is the ultimate decider of disputes, whereas that scorekeeper—the only deciding that they do is for the sake of deciding whether, you know, something should count against a pitcher's earned run average.

**Francesca Hogi:** Actually, I think scorekeeper would probably be a more correct title than commissioner.

**David:** I agree.

**John Hodgman:** So, as we record this, the *Survivor* season finale is about to air in a couple of days after this recording. And Frannie, I'm sure you noted that the current final players are—Is it Rizzo (*rib-zo*) or Rizzo (*ry-zo*), Annie or David?

**Annie & David:** Rizzo (*rib-zo*).

**John Hodgman:** Rizzo, Sage, and Sophie are on your team, David.

*(David confirms.)*

And Savannah and Christina remain on Annie's team, and that's it. Is that right, Annie?

**Annie:** Correct. Yes. Yes.

**John Hodgman:** So, David has a bit of an advantage going into the finale, 'cause it seems like he has three chances to win, and you have two. The big prize.

**Annie:** Yes. And also, the score is—I don't know what the score is, *(restraining a laugh)* 'cause I haven't been able to ask for an update.

**John Hodgman:** Ohhh, I wonder if there were a scorekeeper we could ask.

**David:** I don't know if this is gonna hurt or help my case.

**Annie:** *(Laughs.)* Let's hear it.

**John Hodgman:** Well, you know what? That's not what the scorekeeper's obligation is.

**David:** That's fair.

**John Hodgman:** They're there to keep the score and report the score.

**David:** Currently I have 66 points; Annie has 37 points. Annie has the potential to—if both of her players come in first and second, she can get an additional 35 points. If her players come in first and second, she can get a total of 45 points. And so, Annie can get a maximum score of 126. I can get a minimum score of 135.

**John Hodgman:** I don't understand sports.

**Jesse Thorn:** Can we just cancel *Survivor*? Is that what you're saying?

**David:** Maybe!

(*David and Annie laugh.*)

**John Hodgman:** Frannie, can you help me make sense of that? There's no— It seems like there's no way Annie can win.

**Francesca Hogi:** There's no way Annie can win, unless you decide to award her some extra points. In your discretion, your honor.

**John Hodgman:** Oh, right. Punitive points. Damages. Okay.

**Francesca Hogi:** (*Laughing.*) Yes. Damages.

**John Hodgman:** But without my intervention— David, even if I were to rule on Annie's favor and solely say that she did earn an extra point for this immunity kerfuffle, still there's no way she could win. There's no outcome in which she could win.

**David:** Unless there's some very wild things that happen during the *Survivor* finale that we can't predict in terms of points, then no.

**John Hodgman:** Wait, how many bugs are they gonna eat this time?

**David:** That's exactly right.

**John Hodgman:** That's what you're talking about. You said that she could get a maximum of 120 something, and you're gonna walk away with a minimum—

[00:40:00]

What could possibly turn the tide other than the most dramatic Judge John Hodgman ruling?

**David:** If Jeff brings players back or some weird thing like that, which I highly doubt he will. So, pretty much Annie—unless you award punitive damages, then Annie probably can't win. But this is for setting precedent. That's part of the reason I'm a stickler about this point is that I don't think we should be changing rules, midseason.

**Francesca Hogi:** But David, you may be being a little bit shortsighted here, because you could not have anticipated that this particular immunity challenge setup would've occurred. And there are other things that could happen in this season and future seasons that you also can't anticipate. So, you really have to decide are you really going to try to really stick to the letter of the law here, when that could come back to bite you? Or more the spirit of what you intended here, which is that Savannah would be the person who would win individual immunity, which she did. Right? So, like what's the—

I think you just have to decide—you know, not just about this season! Because presumably, (*chuckling*) unless this episode and ruling destroys your friendship, presumably you're going to continue to do this together—right?—in your league of two. So, I would just encourage you to think about that.

**John Hodgman:** Although, I could say, Frannie, that I might rule that they never speak to each other again, and their friendship is over.

(*They laugh.*)

**Francesca Hogi:** That's true. You do have that power. So, yes.

**John Hodgman:** I do.

**Francesca Hogi:** But David, what is your response to the punitive damages that Annie is seeking? Do you see any merit in that claim?

**David:** Not in the punitive damages. Um... no. Not in the punitive damages. I—

**John Hodgman:** Not even the punishment of printing something in yellow with a black outline that's impossible to read?

*(Francesca laughs delightedly.)*

**Annie:** *(Seriously.)* 10 points, minimum, on that.

**David:** I don't think I should be penalized for creating a document and keeping score!

**Jesse Thorn:** Yeah. Annie, how easy is it to read your score sheet that you keep for the league?

*(Annie laughs.)*

**John Hodgman:** David, if the situation were reversed, do you think you would be less of a stickler? You would demand that the spirit of the law, rather than the letter of the law, apply for you?

**David:** No, I think the letter of the law—I think—In my opinion, it does say—the rules do say “individual immunity.”

**John Hodgman:** Yeah, but she got an individual immunity, David!

**David:** I understand. Francesca has actually been very convincing.

**John Hodgman:** Oh! Great! You changed your mind?

**David:** In lieu of dropping, I would actually—I would offer up a settlement.

*(Francesca “ooh”s.)*

**Annie:** What's the settlement?

**David:** You have to drop the punitive damages, and I'll give you the point.

**Jesse Thorn:** There's no settlements in this court!

*(They laugh.)*

**John Hodgman:** Well, there never have been before! But guess what? There could be a surprise rule change! In the most unprecedeted and dramatic episode ever of *Judge John Hodgman*.

**Jesse Thorn:** I just found out that on *Survivor*, Jeff Probst can just do whatever he wants! He can bring people back from the dead and stuff! I had no idea.

**John Hodgman:** Frannie has said that David is the scorekeeper, not the commissioner. Annie, if there were a commissioner to whom you could petition an appeal—aside from the court of *Judge John Hodgman*—if your league had a commissioner, are there any other things that David does in the course of league play that you think deserve (*really jumbling up his words on this one*) opprobrium—aprobstrium—condemnation—(*giving up*) that you're mad about?

**Annie:** Yes! I would say—I do think—Do you know what I think we need? I think we need a full reevaluation of all of the rules. As time has gone on, the seasons have gone on, we're tweaking the rules and making it more and more complicated. And I think at this point, we've maybe gone a little bit too far. I'd like to re—you know, make sure we're on the same page.

**John Hodgman:** Alright. Well, I guess maybe it's time for me to go into my guest chambers here. Those of you who are watching the podcast on YouTube at [@JudgeJohnHodgmanPod](https://www.youtube.com/@JudgeJohnHodgmanPod) can see I'm not in my normal chambers. I am in the home studio of our good friend Chuck Bryant from the *Stuff You Should Know* podcast. I've been his house guest for the past couple of days while visiting our son—who's a whole human being in his own right—here in Atlanta.

In any case, I'm going to disappear into my—into my— Well, I'm just gonna sit here with my eyes closed and think it over, I suppose. 'Cause I don't have my regular chambers. And I'll be back in a moment with my verdict. Here we go!

*(Chairs squeak, followed by heavy footsteps and a door closing.)*

**Jesse Thorn:** Please rise as Judge John Hodgman exits the courtroom.

Annie, how do you feel about your chances right now?

**Annie:** I feel pretty strong about my chances. I think I locked in that extra point for sure, which I obviously was entitled to. And I think he might be leaning towards the punitive damages as well. If for nothing else, then to keep it interesting. But also, because I deserve them.

*(They giggle.)*

**Jesse Thorn:** David, how do you feel?

**David:** I think Francesca was very convincing. I think she's—

[00:45:00]

I think Judge Hodgman's gonna award the extra point. I would be very, very disappointed if he awarded any sort of punitive damages. I think they're unwarranted and undeserved!

**Jesse Thorn:** Annie, David, how is two people a league?

*(Francesca laughs.)*

**David:** It's a head-to-head league!

**Annie:** We should maybe think about getting more people in for starting on season 50.

**David:** What would you call it, Bailiff Thorn?

**Jesse Thorn:** It's starting to sound like a— The more I hear about it, the more I feel like it's some sort of over complicated kink game.

*(David and Annie crumble into laughter.)*

*(Stammering indignantly.)* I—! Bring in—! Don't you know anyone else that watches *Survivor*?

**Annie:** Well, okay. Honestly, we do have another sub-pool, which includes my—I have a 10-year-old son—which includes him, which has way less rules and is much less complicated. And it's probably more fun for other people to be involved in. Um, yeah.

**Jesse Thorn:** Our operations manager here at Maximum Fun, Stacey Molski, she's gonna—she'll join your league.

**Annie & David:** Great.

**Jesse Thorn:** Well, we'll see what Judge Hodgman has to say about all this when we come back in just a moment.

**Transition:** Three gavel bangs.

**Promo:**

**Music:** Playful piano.

**J. Keith van Straaten:** Say, what's the trivia show where dreams come true?

**Helen Hong:** It's gotta be *Go Fact Yourself!*

*(Applause from the audience.)*

**Speaker:** Legend in the house!

**J. Keith:** We quiz celebrity contestants about topics they love!

**Helen:** Then bring out surprise experts!

**J. Keith:** To delight and amaze.

*(Scene change.)*

And then finally, tell us why you know and love the lyrics to the song “Knockin’ Boots” by Candyman.

**Helen:** Joining us tonight is a rapper and producer. It's Candyman!

*(Screams and applause.)*

**J. Keith:** This is among the greatest moments of my life.

*(Laughter and applause.)*

**Candyman:** This is one of mine too. I'm loving it.

**Helen:** That's *Go Fact Yourself!*

**J. Keith:** Twice a month, every month—

**Helen:** Here on Maximum Fun!

*(Music ends.)*

**Promo:**

**Music:** Bright, playful music.

**Stacey Molski:** Since 2017 after every MaxFun Drive we've held a sale for MaxFun members where all of the proceeds go to a nonprofit. In December we donated \$43000 to Transgender Law Center. \$43000! Thank you to all the MaxFun members who made this possible. Transgender Law Center champions the right of all transgender and gender nonconforming people to live freely safely and authentically: a mission that everyone at MaxFun supports. If you'd like to learn more or make an additional donation go to [TransgenderLawCenter.org](http://TransgenderLawCenter.org). And for anyone who needs to hear this:

You belong here. You deserve to be able to be yourself. And we love you.

*(Music ends.)*

**Transition:** Three gavel bangs.

**Jesse Thorn:** Judge Hodgman, we have a very special announcement. We are returning to Brooklyn, New York City and the Bellhouse.

**John Hodgman:** That's absolutely right, Jesse! We're returning home to the Bellhouse, my favorite place to perform in all of New York City. And it's always better when you are there. We have two big shows coming up on March the 6th and March the 7th. That's a Friday and a Saturday. Two! Two! Two! Big weekend shows. Each one is gonna be different, so you might wanna get tickets to both and join us for a wonderful weekend of homecoming with Judge John Hodgman and Bailiff Jesse Thorn.

**Jesse Thorn:** And! We're doing an all-new format. We're calling it Night Court. It's gonna be cool and intimate and two completely different shows. We're gonna

be doing a lot of experimental stuff. It is gonna be a great time. It's gonna be a special experience for those of you in Brooklyn.

**John Hodgman:** [MaximumFun.org/events](http://MaximumFun.org/events) is where you get your tickets. I hope you'll go there ~~rright~~ now. I'll wait. Are you there? Terrific. Click buy, and we'll see you there at the Bellhouse March 6th and 7th—Friday and Saturday night—for Judge John Hodgman and Bailiff Jesse Thorn Night Court.

**Jesse Thorn:** And we'll also see you in San Francisco this weekend at Sketchfest! We love you. [MaximumFun.org/events](http://MaximumFun.org/events). Let's get back to the case.

**Transition:** Three gavel bangs.

**Jesse Thorn:** Please rise as Judge John Hodgman reenters the courtroom and presents his verdict.

*(Chairs squeak, followed by heavy footsteps and a door closing.)*

**John Hodgman:** Whoa! I had my eyes closed that whole time, and I actually got a little rest in. Because look, I would love to draw out the suspense of this tribal council to get the highest ratings of all time, but this is a pretty clear cut-case.

First and foremost, I'm gonna say—and I already ruled this before I went into my chambers—David, you are not the commissioner. And you cannot be the commissioner. You are a player. You are the scorekeeper. There is a commissioner to your league, and it is not me, 'cause I don't know anything about anything. Obviously, the *de facto* and now *in-facto* commissioner is Francesca Hogi. She will be the commissioner of your league forever on.

*(Francesca Laughs.)*

With your permission, Francesca, I will forward petitions to your wisdom from the two litigants in the future, should a dispute come up.

[00:50:00]

Is that alright with you?

**Francesca Hogi:** You know what? Sign me up. Sign me up.

*(They laugh.)*

**John Hodgman:** This is an unpaid position. I just wanna be very clear. It's completely unpaid.

**Francesca Hogi:** Will they pay for my Paramount+ subscription?

*(They laugh.)*

**John Hodgman:** I'll offer you this settlement: we'll pay for your free trial.

*(They laugh.)*

**Francesca Hogi:** Oh! This is—okay, great. Sign me up. *(Laughs.)*

**John Hodgman:** Now, in terms of the case at hand, I am going to follow the wisdom of our league commissioner and agree. Obviously, Savannah got the shark necklace! So, Savannah got the individual immunity. And by the rules—or the chicken scratchings at the bottom of this rule sheet or score sheet—Annie deserves that point. I have no qualms awarding her that point, especially since it's not gonna change the outcome in any way! I appreciate, David, that the stakes are high. You want vengeance. You don't wanna merely win this season—which you are probably going to do, barring some strange, Probstian interference. But you want to you wanna destroy your friend with the greatest possible margin, because you're still stinging from that 60-point defeat from last season. I get it. But no. The rules are the rules such as they are. You've kept the score faithfully so far, and you get the extra point.

Now in terms, Annie, of getting punitive damages—additional points: it's clear that that David is a mastermind who has— And it is also clear that he has attempted to engineer a power grab by naming himself not only player but scorekeeper and commissioner. That title has now been officially stripped away. David, you will have to surrender your commissioner figurine to Francesca later. Is it a figurine, Frannie, do you think? Or is it a shark necklace or something else? What do you want? Or is it a buff?

**Francesca Hogi:** You know, I'll take a buff. I'll take a buff.

**John Hodgman:** A ceremonial buff? Alright.

**Francesca Hogi:** Yeah! Yeah. Yes.

**John Hodgman:** I'll offer you these damages, Annie. David has to pay out of his own pocket for a ceremonial commissioner's buff or other sort of token of office to send to Francesca Hogi—

**Annie:** Thank you.

**John Hodgman:** —for when she needs to adjudicate disputes. But in terms of other points, here's what I've noticed. David—I mean, and this is not unusual for a guy to do. He wanted to make a spreadsheet. He appointed himself scorekeeper. He's asking you every season “do you want to change the rules?” And you're just sort of like—you know, you're going along to get along. It's a strategy in the game. You're not keeping score; you're letting him run this thing. And unfortunately, I think—you know—maybe your strategy is backfiring. Because you're paying the price, because he can award those points or not award those points. That's not entirely fair. I think that you should be more active and take a more active role.

And indeed, I think you are doing so today by demanding a constitutional convention with regard to clarifying the rules. And I order a constitutional convention to occur. But at the same time, you're kind of just— You know, you're letting him take the heat and sneaking by and hoping that oold Judge John Hodgman's gonna throw 30 points your way just to show this so-and-so that he's being too controlling, and he's a weird dude with too many schemes!

(*They laugh.*)

You know me very well. You're playing me like a violin—or in my case, a viola. That's what I played when I was in high school. Point is, you're not gonna get away with it this time, Annie! No punitive damages for you other than a constitutional convention and money out of David's pocket for a ceremonial buff. And I hope that going forward, not only do you have a clearer outline of the rules that will avoid needless confrontation—and that when there is confrontation you'll be able to take it to Francesca Hogi—and I also hope that you'll have more people in your league as soon as possible.

(*Annie and David laugh.*)

I can't do it, because I'm all in on the *Traitors*. I apologize. That's my thing. I rule minimally in Annie's favor. One extra point awarded for Savannah's individual accomplishment of getting that shark necklace when no one was supposed to get one. No punitive damages. And David, you may now leave the island.

(*A beat.*)

(Annie laughs.)

I mean it. Leave. Get outta here, David. (*Beat.*) This is the only punishment that you're gonna get for David, Annie. I hope you enjoy watching your friend walk out of the studio.

**Annie:** (*Delightedly.*) He's so confused, and it's pretty great.

(Jesse cackles.)

**John Hodgman:** Yeah, David—

**David:** Do I need to leave?!

**John Hodgman:** Your time has come. Thank you for playing *Judge John Hodgman*.

**David:** Okay, bye!

[00:55:00]

**John Hodgman:** We now must ask you to leave the courtroom.

**Jesse Thorn:** David, don't make me come over there.

**David:** You actually have to tell me my torch is snuffed.

**John Hodgman:** Oh, I think we all know your torch is snuffed, David.

(David affirms.)

Get outta here. Alright. So, that is my ruling. This is the sound of a gavel.

**Sound Effect:** The dramatic musical stinger of a *Survivor* transition.

**John Hodgman:** Judge John Hodgman rules. That is all.

Well, we have one surviving litigant, Jesse Thorn! I wonder how she feels about this accomplishment.

**Jesse Thorn:** Annie, how are you feeling about the judge's decision?

**Annie:** I feel pretty good. Okay? It was a hard fought one point to win. But I'll accept that I didn't win the punitive damages, because we get the constitutional convention, which I think is gonna be helpful for seasons going forward. And I'm gonna stop swallowing my bad feelings, and I'm just gonna get at him right in the beginning.

**John Hodgman:** Now normally, Frannie, we ask both litigants how they feel after the case has been settled. But in this case, I ordered David to leave. So, Jennifer Marmor, will you reach out to David and have him record himself on his phone in a sort of direct-to-camera confessional style, telling us how he feels about it? Ideally, when he is being driven away in the back of a limousine, *Bachelor*-style? That would be great.

(Jesse giggles.)

**Transition:** Another *Survivor* transition, this time with birdsong as well.

**David:** The way I feel about losing the case, um— It wasn't really a blindside. I think once Francesca kind of chimed in and it was clear she was on Annie's side, I knew I would have to at least give up the one point. So, no surprises there. Happy Annie got her point. I was glad to see my friend win. I am glad that Judge Hodgman saw the logic in not awarding any punitive damages. I think he was justified in doing that.

So, overall—you know, I feel okay about the outcome, how things went. It would've nice have been nice to beat Annie by one more point. But you know, I'm gonna win this season anyway. So, I think things will be okay. Thanks!

**Transition:** A final *Survivor* transition with music and assorted animal sounds.

**John Hodgman:** Francesca Hogi, your book is called *How to Find True Love*. People Can Watch Your TED Talk, “How to Unlock Your Flirting Superpowers”. This is your second TED Talk, I believe. Right?

**Francesca Hogi:** Yes, yes.

**John Hodgman:** Over there at [TED.com](https://TED.com). And you can find Francesca at [FrancescaHogi.com](http://FrancescaHogi.com). Thank you so much for being here.

**Francesca Hogi:** Thank you so much for having me. And thank you for giving me a title. I've never been a commissioner of anything before, so this is pretty exciting!

**John Hodgman:** Again, one month of free trial Paramount+. And you know what? Get a free trial to Peacock too while you're at it. On us.

*(Francesca laughs delightedly.)*

**Transition:** Three gavel bangs.

**Jesse Thorn:** Another *Judge John Hodgman* case is in the books. We'll have Swift Justice in just a moment. First, our thanks to Redditor u/WortlessGBRacker—

**John Hodgman:** *(Laughing with surprise.)* Okay!

**Jesse Thorn:** —for naming this week's episode “Probst-bate Court”. Join the conversation at the Maximum Fun subreddit. That's [r/MaximumFun](https://www.reddit.com/r/MaximumFun). We'll be asking for title suggestions there as well. Keep an eye out for those. Evidence and photos from the show are on our Instagram account at [Instagram.com/judgejohnhodgman](https://www.instagram.com/judgejohnhodgman). We're also on TikTok and YouTube at [@JudgeJohnHodgmanPod](https://www.youtube.com/@JudgeJohnHodgmanPod). Follow and subscribe there to see our episodes and our video-only content.

**John Hodgman:** Speaking of video, I am on video right now. And if you're looking at me, you'll see that I am very slowly regrowing the beard that I had to shave a few weeks ago for a secret job. Maybe you know about it by now. I don't know. But in the in any case, the world got to revisit big, ol' Babyface John Hodgman instead of the John Hodgman—perhaps—you're used to: human resources accountant for the Church of Satan.

In any case, I'm regrowing this beard, and progress continues on day four of my beard regrowth. Which you saw on our recent episode—what is it?—"Exposition is 9/10ths of Guffaw". [@GhostMop](https://www.youtube.com/@GhostMop) on YouTube commented, "I'm just here for the freshly shorn judge." And then I think that's a gavel emoji? Thanks so much for that comment, [@GhostMop](https://www.youtube.com/@GhostMop)! That's the YouTube comment of the week. If you wanna be considered for YouTube comment of the week, what do you do? Go over to YouTube [@JudgeJohnHodgmanPod](https://www.youtube.com/@JudgeJohnHodgmanPod); watch the show, and leave a comment. We really enjoy your reading your feedback, and we also really appreciate your liking and subscribing and sharing. 'Cause it really does help people discover the show.

And by the way, Jesse? The more comments we get, the faster my beard grows back. So, I would really love it if you would comment.

**Jesse Thorn:** *(Laughing.)* Oh! It's like a Pinocchio nose kind of thing?

**John Hodgman:** It's a special arrangement I have with the YouTube corporation.

**Jesse Thorn:** *Judge John Hodgman*, created by Jesse Thorn and John Hodgman. This episode, engineered by Sam McArthur at the Studio Portland in Portland, Maine.

[01:00:00]

Megan Rosati runs our social media. The podcast is edited by AJ McKeon. Our video editor, Daniel Speer. Our producer is Jennifer Marmor. Okay. You ready for Swift Justice?

Key Expert says, on the Maximum Fun subreddit—that's r/MaximumFun—“There's a room in our basement that my wife calls the garage. I call it the workshop. It's not large enough to hold a vehicle. It's only accessible through standard, people-sized doors. Her defense is: 'You know what I mean!'”

**John Hodgman:** Jesse, maybe you're younger than I am. So, maybe the *Amityville Horror* never meant anything to you. But there was a small part of the— The *Amityville Horror* was a supposedly true story about a haunted house in Amityville, New York. And one of the elements of the haunting was that the family found a secret room that had been bricked up under the stairs in the basement that was supposedly a portal to hell. That really scared me. And you know what? That's what this room is in the garage. It's a portal to hell! Call it that! 'Cause it's certainly not a garage. (*Chuckles.*) If you can't drive a vehicle into it, it's not a garage. It's a portal to hell. Scary, isn't it?

**Jesse Thorn:** John, one time Jordan and I—when we were doing sketch comedy—we were in Seattle, I think, at the Seattle Sketch Comedy Festival.

**John Hodgman:** Yeah. Sure, you were.

**Jesse Thorn:** And the festival offered to put us up, but they put us up in some supporter's three-car modular garage that they had converted into a theater that they would bring with them to Burning Man. (*Chuckles.*)

(John “whoa”s.)

I don't understand how it all worked, exactly. But if it's a modular three-car garage, but it's full of whimsical theater seating and a stage where people do productions of episodes of *Buffy the Vampire Slayer* episodes, is that a garage?

**John Hodgman:** No. That's a portal to the deepest level of hell. Sorry.

(Jesse laughs.)

Ahhh, Jesse, I do wanna be on the *Traitors*. I don't wanna be on *Survivor*. I would love to be on *Below Deck*. I'm not averse to talking about these things!

**Jesse Thorn:** John, I wanna be on *Antiques Road Trip*. I realized I watch a reality competition show. It's *Antiques Road Trip*, the British, sort of commercial semi-spinoff of *Antiques Road Show* where—

**John Hodgman:** Oh, I thought you were just misspeaking. There's a different show?

**Jesse Thorn:** No, no. This is a different show where two antiques experts get in a vintage car and drive through the British countryside going to antique stores and buying things. And then at the end of each episode, they bring them to like a provincial auction house in England. And they compete to see whose items sell for the greatest profit, with all of the profit—of course, John—going to charity.

**John Hodgman:** That sounds like a wonderful show. Indeed, it sort of sounds like a tolerable version of *American Pickers*. but I don't mind *American Pickers* either.

If you've got a dispute surrounding a reality show like we just heard today on the show, I want to hear about it! Are you hosting a weekly *Traitors* party, and you're the only one dressing like Alan Cumming for the occasion? What is the best cooking competition show? *Master Chef*? Or *Top Chef*? Or *Chopped*? Any reality show of dispute that you've got, I want to hear it, and I want it to be dramatic. Send it to me at [MaximumFun.org/jjho](http://MaximumFun.org/jjho), or email me at [Hodgman@MaximumFun.org](mailto:Hodgman@MaximumFun.org).

**Jesse Thorn:** And of course, no matter what your disputes are, please send them to us at [MaximumFun.org/jjho](http://MaximumFun.org/jjho). Big or small, we judges them all! We're particularly interested right now in disputes from the San Francisco Bay Area. So, let us know if you're from the Bay when you submit your case at [MaximumFun.org/jjho](http://MaximumFun.org/jjho).

We will talk to you next time on the *Judge John Hodgman* podcast.

**Transition:** Three gavel bangs.

**Transition:** Cheerful ukulele chord.

**Speaker 1:** Maximum Fun.

**Speaker 2:** A worker-owned network.

**Speaker 3:** Of artist owned shows.

**Speaker 4:** Supported—

**Speaker 5:** —directly—

**Speaker 6:** —by you!