Case of the Purloined Play

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EDMONTON - David Belke’s hit play The Reluctant Resurrection of Sherlock Holmes is known for its clever plot, but it has nothing on the twists in the true-life tale that unfolded after Belke discovered the play had been plagiarized.

In recent months, Belke and his agent, Dale Harney, have used their own detective skills to track down and nail the culprit, Jack L. Herman of Kent, Ohio, a serial plagiarist of the theatre world and a man who carries around a terrible secret.

Belke's investigation into Herman started last fall -- at 12:55 p.m. on Sept. 25, 2006, to be precise -- when Belke got an e-mail from one Peter E. Blau of Bethesda, Md., who wrote: "The Unexpected Return of Sherlock Holmes, a comedy by Jack L. Herman, is being performed at the Sierra Stage in West Hollywood, and it appears to be a slightly revised version of your The Reluctant Resurrection of Sherlock Holmes (1992) ... Please tell me more ..."

Belke had never heard of Peter E. Blau, who turned out to be an avid Holmes fan. Belke didn't know what to make of Blau's curious e-mail. "I was really quite puzzled by it. What he was saying was so weird."

Belke's 1992 play had been a runaway hit at Edmonton's Fringe Theatre Festival and elsewhere. A month-long run at Edmonton's Mayfield Theatre in 2005 had earned Belke $40,000, the biggest payday of his long and acclaimed career as a playwright. The play has been staged in several other cities by other theatre companies, who paid Belke the standard fee, 10 per cent of the house for professional companies, about five per cent for amateur companies, which amounted to paydays of a few hundreds dollars to a few thousand dollars for the playwright.

The play itself revolves around a haunted country manor, Baffleur Grange. Arthur Conan
Doyle, author of the famed Sherlock Holmes books, is called in to solve the mystery of the haunting, only to find himself haunted by the character of Holmes, whom he had grown tired of and had stopped writing about a few years earlier.

On the Internet, Belke could only find a few descriptions of this new Holmes play in the What's On section of the Los Angeles Times. The descriptions provided little information, but one blurb did say that Unexpected Return was set at Baffleur Manor, which seemed odd to Belke. It was possible, he realized, that another playwright could have come up with the same idea as he had for a play about Doyle and Holmes, but the similarity of the names of the settings in the two plays, Baffleur Manor and Baffleur Grange, made him wonder if something more was afoot.

At once, Belke called Harney, who for the past 18 months had been trying to sell Reluctant Resurrection as a movie-of-the-week franchise in Hollywood. Harney offered to use his L.A. contacts to find out more about Unexpected Return and its producers, Coconut Productions.

Harney found a website for Coconut that listed the characters in Unexpected Return: Holmes, Doyle, Desmond, Abigail and Rose Westhaven, Robert Scrimshaw and others. Only one name was different than the names of the characters in Belke's play, that of Tomas Markoveitch, who had been rechristened with a French first name, Dumas Markoveitch.

Harney tracked down Coconut's producer, Bill Wolski, a used-car buyer and aspiring actor and writer, who had moved to Hollywood from Ohio in 2002 to pursue a theatrical career.

Wolski didn't know what to make of Harney's story. Coconut was a small theatre company, he told Harney, just a bunch of budding actors who had chosen a play they loved, one that had been written by Wolski's good friend, Jack L. Herman, who still lived in Ohio. Herman had staged the play with amateur companies in Ohio several times, Wolski said, first in 1999, then in 2000, 2002 and 2005.

This had to be a misunderstanding, Wolski thought to himself. He was sure Herman had written the play because when Herman was at work on the script back in 1999, he had approached Wolski and told him he was writing in one particular character, Dumas, with Wolski in mind for the part.

Wolski also knew that Herman was quite vigilant about protecting copyright of his plays and had stapled to the front page of every script a note that said, "Copyright, 1999
Wolski called Herman to sort out the matter. As soon as Wolski described Harney’s allegations, Herman sounded sad, and a bit angry.

"Well, I guess I should have seen this coming," he told Wolski. "You being out in L.A. and producing my play and giving it as much publicity as you can, someone was bound to try and ride my coattails.

"I guess I should have gotten myself a lawyer before this happened, knowing it very well could happen. Someone is obviously trying to lay claim to my intellectual property."

That evening of Sept. 25, Wolski again talked to Harney, and the two went over the scripts of the two plays, Harney reading lines from Belke’s version, Wolski checking them with Herman’s version. The two plays started differently, but only because Herman had axed Belke’s short opening scene. After that, the two plays ran almost word for word the same. Harney would read one line, only to have Wolski finish it.

"Oh my God, this can't be," Wolski said at last. "I can't believe this."

But, a moment later, the reality sunk in. "This is definitely a case of plagiarism. There is no doubt about it."

The next morning, Wolski called Herman and told him: "These scripts are very, very similar."

Herman didn’t deny it, but had an explanation. He had been working with others on the script over the Internet, sending them copies to get their feedback and input. Someone in Canada must have seen his script and decided to put their own copyright on it, he said, essentially alleging that Belke was the thief, not him.

Wolski told Herman he had better call Harney and Belke to sort out this mess.

While Harney was dealing with Wolski and Herman, David Belke was doing his own sleuthing.

Hearing that Herman had first staged the play in 1999, Belke immediately wondered how the Ohio man had ever gotten his hands on the script. Belke had written his play on a typewriter. There were no electronic copies of it.
The most likely source, Belke decided, was the Playwrights Union of Canada, which sells copies of Canadian plays around the world. He contacted the union, and soon received a faxed copy of an invoice for six plays, including Reluctant Resurrection, sold to Jack Herman of Kent, Ohio, in 1999.

Harney was armed with this invoice when Herman called him on Sept. 26. At once, Herman launched into a rambling story about how he had been writing a play and collaborating with other people on the Internet, and that one of them must have stolen much of Belke's play without telling him, so that explained the similarities between the two works.

"Jack," Harney said, trying to stop Herman's babbling.

"Jack," he repeated, but still Herman continued his rapid-fire explanation.

"JACK!"

At last Herman shut up.

"Jack. I am holding the invoices from the Canadian playwrights union as we speak. The Reluctant Resurrection of Sherlock Holmes is right there."

There was a long pause.

At last, Herman spoke. "I'm sorry. I lied. I plagiarized it."

A short time later, Herman called Belke to apologize. Belke asked him why he had stolen the play.

"We were a small community theatre company and we couldn't afford the rights to your play," Herman said. "So we just did it without your permission."

"So that's why you performed my play," Belke said. "But why did you put your name on my play?"

"Well, I put my name on the play because I thought the community would be more likely to get behind the work of a local playwright."

By then, Belke realized he wasn't dealing with a professional theatre artist. "Obviously, you're in amateur theatre," he told Herman. "Jack, just what do you do for a living?"

Again, there was a long pause and silence.
And that's when Herman revealed his terrible secret.

"I know this is going to sound bad," he said. "I'm a police officer. A detective."

Belke could feel the synapses in his brain misfiring for a moment. "You're kidding!" he roared.

"No, no," Herman said quietly.

Belke had one other thing to ask: why had Herman changed the first name of the Polish character Tomas Markoveitch? "You didn't change a word, but why in God's name did you change the name of that character to Dumas?" he said, giving the name a French pronunciation.

"I just thought the character was such a dumb ass," Herman replied, "so I changed his name to dumb ass."

Now, to understand Belke's reaction, you have to understand the proud and prickly artistic temperament. Belke loved his Tomas Markoveitch character and now this plagiarist, this philistine, had literally changed him into a dumb ass.

"I must admit that at that single moment I had never hated a man more in my life," Belke says.

Next, Herman called Wolski to apologize, but Wolski refused to answer the phone. Instead, Herman e-mailed him a note riddled with misspellings: "I am guilty of plagiarizing Mr. Belke's work. I never meant to hurt anyone. ... But I am sorry Bill.

"... I have brought shame on myself, my family and my friends. I may loose my job, my home ... everything. But one of the things that I regret the most though is compensising your trust in me as a friend. I want you to know that it has never been easy knowing that I didn't write this work."

Herman repeated his claim he only plagiarized to help his struggling theatre company, but Wolski didn't buy it. He clearly recalls Herman being proud of his Holmes play and promoting the play to various theatre companies.

Wolski and his own L.A. company decided to cancel their run of the play, refund the ticket money, and send out a press release outlining Herman's plagiarism. To this day, Wolski refuses to accept Herman's apology.
"I haven't spoken to him since. I absolutely refuse to. I think he's a liar. I think of him as a bad person."

Having uncovered Herman's plagiarism, Harney and Belke were determined to make him pay. "It's less about the money," Belke says. "It's more he kidnapped my child and tried to pass it off as his own. It was a theft of something I hold dear to my heart."

"On the one hand, you've got to admire the man's chutzpah, the sheer idiotic courage that he felt he could get away with it. But the fact of the matter is, he did get away with it for seven years. Probably what he was thinking is: who in Canada is going to notice?"

Belke also knew that in 1999 Herman had purchased five other plays, and several of them had the exact same names as other plays that Herman was now claiming as his own. If Belke didn't make a point with Herman, perhaps he would plagiarize many other works.

In the end, Herman agreed to pay Belke $2,500 in an out-of-court settlement.

Today, Jack Herman is at work at his policing job of 18 years at the Portage County Sheriff's Department, where he is in charge of concealed weapons permits.

In a phone interview, he repeats he only plagiarized Belke's play to help a failing amateur theatre company. "I'm not a bad person, I just did a bad (thing)," Herman says. "... It didn't seem like it was going to affect or hurt anybody. Of course, looking back now, I realize it was completely the wrong thing to do. I wouldn't appreciate it if someone had done it to me."

Herman says he was "a little shocked" the matter was still being talked about after he had settled with Belke. "Obviously, with my professional career, I don't want to have this kind of problem."

Herman says he has, in fact, written several plays. But did he plagiarize any others?

"No, no, that was the only play that I had that I needed to."

But in 1999, he bought five other plays besides Belke's, including Suddenly Shakespeare, the 1988 play by Kim Selody of St. Catharines, Ont. Herman's theatre company produced a play with the same name in 2000, with Herman claiming authorship.

Did he plagiarize that one?

"No, I did not plagiarize that one, no."
After talking with Herman, The Journal obtained copies of scripts from both Herman's version of Suddenly Shakespeare and Selody's version.

The two plays are almost exactly the same, word for word.

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