



Featuring Winning Cases from the  
New Jersey State Bar Foundation's Law Fair 2012 Competition

# **MOCK TRIAL EXERCISES**

**For grades 3—6**

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# Preface

Since 1992, the **New Jersey State Bar Foundation** has sponsored a unique, law-related education opportunity for elementary school students — the Law Fair Competition.

Students in grades three through six are invited to create original mock trial cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Fair programs in the spring. The third- through sixth-grade audiences serve as juries.

Following are the winning students' cases from the Law Fair 2012 Competition. They may be used as a guide to prepare a submission to the Law Fair Competition or as a classroom exercise. Please note that some of the cases may contain "laws" created by the students for the purposes of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

*These exercises were created by children and are intended for school use only. Any resemblances to characters, names, events and circumstances are intended only for the purpose of education, and all characters, names, events and circumstances described herein are fictitious.*

Because this booklet contains cases written by students from third through sixth grades, teachers should review the cases written by students in the upper grades before distribution in order to determine whether they are appropriate for younger children.

Law Fair has won national recognition for educational excellence from the American Bar Association and the American Society of Association Executives.

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

**If you would like to participate in the Law Fair Competition, please call 732-937-7519 or e-mail [sboro@njsbf.org](mailto:sboro@njsbf.org).**

*For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at [www.njsbf.org](http://www.njsbf.org).*

# The Case of the Injured Boy

## SCHOOL

Riker Hill Elementary  
Livingston  
Grade 3, First Place

## TEACHER

Donna Richter-Maschio

## STUDENTS

TJ Bedore, Molly Cantillon, Ethan Chang,  
Jesse Feinberg, Shayna Goldfarb, Julia Herbst,  
Zach Jacobson, Olivia Kim, Madi Moynihan,  
Ankita Sharma, Sasha Vaysman

## FACTS

At approximately 5:00 p.m. on January 13, 2012, Jay Walker and his five-year-old son, Jason Walker, were parked on Crazy Lane. Jason Walker had an appointment at the eye doctor's office. They were running late. They had found a parking space across the street from the eye doctor's office. Beebe Sit was also parked on Crazy Lane.

Because of the time, there was a lot of traffic on Crazy Lane. Jay Walker and Jason needed to cross the street quickly to get to the eye doctor's office in order to be on time for Jason's appointment. As they were crossing in front of Beebe Sit's car in the middle of Crazy Lane, Beebe Sit's car rolled forward from its parking space, traveling at approximately five miles per hour, and hit little Jason Walker.

Jay Walker immediately took his son, by car, to the local hospital's emergency room, where he found out that Jason had broken his left arm and badly bruised his left leg. In addition, Jason's electronic device, which had been in his left pocket, was smashed and totally ruined.

Jay Walker is suing Beebe Sit for negligence, for payment of his son's medical bills, the cost of his electronic device, and pain and suffering.

## ISSUE

Is Beebe Sit liable for the cost of all of the medical bills, the electronic device, and Jason's pain and suffering because she neglected to see them crossing the street, causing her to hit them with her

car and causing Jason Jaywalker to break his arm, badly bruise his leg and ruin his electronic device?

## WITNESSES

### *For the Plaintiff*

Jay Walker  
Meryl Streetwatcher

### *For the Defense*

Beebe Sit  
Yu May Kross

## WITNESS STATEMENTS

### *Testimony of Jay Walker*

My name is Jay Walker. My wife and I both work. My son, Jason Walker, had to go to the eye doctor for his yearly checkup. I took off work a little early on January 13, 2012 so that I could drive him there. There was a lot of traffic on the way there and I was worried we would miss our appointment because this doctor really wants all of his patients to be on time.

The office is located in the middle of town. It's a really busy area. I was really happy that I found a parking space right across the street from his office. Because we really had to hurry, I told my son that we would need to be careful and run across the street. The corner was quite a distance away and the traffic light takes forever to turn green. I saw that there was

a crossing guard at the corner, but we couldn't take the time to walk all the way to the corner.

I was watching the traffic go by. I waited until I didn't see any cars driving on the street. When we stepped off the curb, I couldn't believe it when a car that was parked on Crazy Lane rolled forward and hit my son! He was hit by a car in a parking space! He was in really bad shape. I scooped him up and took him to the hospital's emergency room. We found out that he had broken his left arm and badly bruised his left leg.

That young driver, Beebe Sit, should realize that when you are parked in a parking space, you need to keep your car in "park." Rolling forward is always a possibility. She was acting very irresponsibly; she even had a baby in the back seat! Her baby could have been injured!

I am so upset that my son was injured. I am suing her for negligence to recover payment of all of his medical bills, the cost of his broken electronic toy that was in his pocket, as well as pain and suffering. I hope she learns her lesson that you always have to pay attention when you are in a car. Keep your car in the park position: your foot can always slip off the brake!

### ***Testimony of Meryl Streetwatcher***

My name is Meryl Streetwatcher. I live on the 5th floor of the Watchful Towers Apartments on Crazy Lane. It is a very busy street. Because there are so many stores and offices, it sometimes reminds me of living in New York City. I love to watch all the action. Instead of turning on the TV, I just love to look out of my front window.

On the evening of January 13, 2012, I couldn't believe it when I saw a car just rolling in its parking space. The driver couldn't see that there was a little boy and a man crossing in front of her car! If her car had been moving any faster, she could have killed him. Thank goodness it was moving slowly. I was trying to yell down from my apartment window to her to pay attention and to look where her car was going. People like that should not be allowed to drive. And, to make matters worse, I heard that she had a baby in the car. I later heard that she was the babysitter. I do not think that anyone should ever leave a child under her care again. She is a careless, irresponsible person.

### ***Testimony of Beebe Sit***

My name is Beebe Sit. I have been working for the Johnson family for one month. They are a nice family and they pay me very well. I have just started going to college and I really need the money.

On the afternoon of January 13, 2012, they had asked me to baby-sit. I had not brought my car to baby-sitting that day because it was in the shop. My boyfriend had dropped me off at their house. They called and asked me to pick up dinner for them. In order for me to pick up dinner, I had to use one of their cars and also put the baby in the car seat. I was nervous about doing this, but the dad just laughed and said that I was just being a worrier. He told me where to find the car key and also told me to surprise them and pick up something interesting for dinner at the Chinese restaurant.

It took me a while to put the baby in the car seat. I wasn't sure if I had done it correctly. The baby kept squirming around; I felt bad for little Chrissie. I drove myself and the baby to the Chinese restaurant, which was located on Crazy Lane. I was lucky. I was able to find a parking space right in front of the restaurant.

All of a sudden the baby started to cry really loudly. I was worried about that car seat. So, I turned around to see what was the matter with the baby. Unfortunately, I hadn't yet put the car in "park." I still had my foot on the brake. The car rolled a little when my foot moved. I heard a thump and then heard a scream from the front of the car. Oh my goodness! People had come out of nowhere in front of my car and I hit a little boy! What a terrible thing to happen!

It wasn't my car. I am a new driver. I really did not want to go to the store to pick up dinner, especially with a baby in the back seat. I am not used to doing things like that. I tried to be really careful. I was in the parking space and was just checking on the baby!

I didn't even think anyone would be so irresponsible as to be crossing in the middle of the street. That's called jaywalking and people get tickets for that. I saw a crossing guard at the corner, so that further made me think that no one would insult the crossing guard by jaywalking. I feel very badly that the little boy was hurt. I do not believe it was my fault. I was just trying to do my job.

## Testimony of Yu May Kross

My name is Yu May Kross. I am a crossing guard. I have only been in this country for a year. I used to live in Japan. I was really happy to get the wonderful job helping to keep our children safe when crossing streets.

On the evening of January 13, 2012, I was working later than I usually do because there was an event going on in town and I had volunteered to work. Safety is number one to me. I couldn't believe it when I heard that some people, a father with his son, were jaywalking! He took his son and tried to cross right in the middle of Crazy Lane! I couldn't even see him or his son because they had crossed between two parked cars. I know that he saw me helping people cross at the corner, the only place to cross a street. How could he not realize how dangerous it is to cross in the middle of a busy street! Drivers do not expect to see people darting between cars!

People are supposed to cross only at corners! It's the law! That's why I volunteered to work that evening. Not enough parents take the time to cross at the corner, the safe place to cross.

I feel very sorry for that girl, Beebe Sit, who hit the little boy. She had no reason to believe that people would be walking in front of her parked car in the middle of the block. It certainly was not the driver's fault! She was in a parking space. Sure, her car moved a little, but she did nothing wrong. It is extremely important that every parent set a good example for his children and teach them to cross only at corners in the crosswalks. I am very sorry that a little boy was injured. We are all lucky that he wasn't injured even more severely! Drivers are not the only ones who have to obey laws. Pedestrians have to obey the laws also. This accident was not the girl's fault.

## INSTRUCTIONS

The plaintiff, Jay Walker, must show, by a preponderance of the evidence, that the injuries of Jason Walker were a result of the negligence of Beebe Sit.

## SUB-ISSUES

1. Did Jay Walker contribute to the injuries of his son, Jason Walker, because he and his son jaywalked, that is, crossed in the middle of Crazy Lane instead of crossing at the crosswalk, which also had a crossing guard in attendance?
2. Should Beebe Sit have shifted the car to "park" before turning to look in the back seat of the car?

## CONCEPTS

1. Burden of proof.
2. Preponderance of the evidence.
3. Negligence.
4. Credibility of the witnesses.
5. Personal and property damages.

## LAWS

1. Personal and property damages - Damage is a loss or harm resulting from injury to a person or property. Damage refers to compensation, such as money judgment, provided to a person who has suffered a loss or harm due to an unlawful act or negligence. The person at fault must compensate the injured party.
2. Negligence - Negligence is a failure to exercise care for the safety of others which an ordinary, careful person would exercise under similar circumstances. It may be the doing of an act which the ordinary, careful person would not have done or the failure to do something the ordinary, careful person would have done under similar circumstances. Negligence is carelessness about what you are doing, which results in injury to another person or his or her personal property.



# The Case of the Falling Rider

## SCHOOL

Mount Pleasant Elementary  
Livingston  
Grade 3, Second Place

## TEACHER

Carol Geers

## STUDENTS

Lauren Altman, Matti Bruskof, Annie Eisner,  
Bella Flaum, Thomas Gangi, Kylie Gorsky,  
Anant Gupta, Eli Hartman, Madison Lysek,  
Ally Mintz, Veena Nambi, Joshua Pitman,  
Danielle Ralston, Skyler Rowe, Justin Wang

## FACTS

On August 23, 2011, the Faller family went to the Rides “R” Us Amusement Park. Rebecca was so excited to ride the fastest roller coaster in the park, The Super Looper. It had big drops and one loop de loop. When Rebecca Faller finally got on the ride, she fastened her seatbelt. The attendant, Brian Fastener, checked that everyone was locked in the ride. He announced for everyone to remain seated until the ride is over and he will announce when to unlock seatbelts.

When the ride started, Rebecca Faller held on tight. She could see the whole amusement park, when the ride was going to the top of the loop, and then it went down so fast and went through the loop and started around again. When she came down the second time, she heard an announcement from the ride next to The Super Looper to take off the seatbelts because the ride is over. She unbuckled her seatbelt, since she thought that announcement was for The Super Looper, and the ride started to speed up, and Rebecca fell to the ground.

Mr. and Mrs. Faller are suing the amusement park for Rebecca’s medical expenses.

## ISSUE

Was Rides “R” Us responsible for Rebecca Faller’s injuries?

## WITNESSES

### *For the Plaintiff*

Rebecca Faller  
Julia Ryder

### *For the Defense*

Brian Fastner  
Mitch Rich



## WITNESS STATEMENTS

### *Testimony of Rebecca Faller*

My name is Rebecca Faller and I am 12 years old. This is the first time I was tall enough to go on The Super Looper. I was so excited waiting in line. Then, here I was ready to get on the ride and I got in the second car. I put on my seatbelt and held on tightly. I heard the attendant announce to stay seated and not to unlock seatbelts until announced. The ride took off. I was screaming and enjoying the ride.

When we came down from the loop de loop, I waved to my mom. We started to go up again and everyone started screaming. It was so loud. As we came out of the loop de loop and slowed down, I heard the announcement to unlock the seatbelts. As I started to take off my seatbelt and stand up, I saw my mother trying to tell me something. All of a sudden the ride took off and I fell off The Super Looper. I ended up with a concussion, broken arm and some broken teeth that day.

### *Testimony of Julia Ryder*

I am Julia Ryder and come to the Rides “R” Us every weekend in the summer. The Super Looper is my favorite roller coaster. I am 24 and have been coming here for years. On August 23, 2011, I was on The Super Looper in the third car. I was sitting right behind Rebecca Faller and saw how excited she was to be on the ride. An attendant came and fastened us all in and the ride began. The ride was going slow as it went up the steep incline and then it dropped down and around the loop. I noticed Rebecca screaming and putting her hands up as we were going through The Super Looper; she was really enjoying the ride.

As we descended for the second time, I heard the ride next to us being told to unlock seatbelts, because the ride was over. As we started going up the incline, the ride jerked and I saw the girl in front of me fall off the ride. Luckily we weren’t that high up. It was really scary watching her fall out and hit the ground.

### *Testimony of Brian Fastner*

My name is Brian Fastner and I was attending to The Super Looper on August 23, 2011. I have been working for 10 years at Rides “R” Us and I never had a problem when I was attending to The Super Looper. That morning I inspected The Super Looper before my shift started. When I checked Rebecca’s seatbelt that afternoon, everything was secure. Before I started the ride I told everyone to keep seatbelts locked and the ride started. It had just finished going through the second time and was starting the steep incline for the last loop de loop and everyone on the ride was screaming and enjoying the ride.

All of a sudden I see a girl start falling out and everyone started screaming. I immediately stopped the ride and called for assistance. I am very upset that the accident occurred, but I was not responsible for the accident.

### *Testimony of Mitch Rich*

My name is Mitch Rich and I have owned the Rides “R” Us for 15 years. Since I put in The Super Looper, it has been the most popular ride at the park. I keep all my rides maintained and get my park inspected every year.

I have never had any incidents or complaints about Brian Fastner. He is a valuable employee at Rides “R” Us. The only type of injuries we have had on The Super Looper is someone getting sick on the ride.

On the afternoon of August 23, 2011, I was in my office when someone called to tell me that someone fell from The Super Looper to the ground. I immediately called 911 and sent my emergency staff over to assist Rebecca Faller. I questioned Brian to make sure he had belted Rebecca in properly.

We at Rides “R” Us are very upset that Rebecca fell, but she should not have taken off her seatbelt. I gave the Faller family free passes for their next visit.



## INSTRUCTIONS

The jury must decide by a preponderance of the evidence whether Rebecca Faller's injuries were a result of the negligence of Rides "R" Us.

## SUB-ISSUES

1. Should Rides "R" Us have red and green lights on the rides to alert riders if ride is done?
2. Should the attendants also say the name of the ride, when telling patrons to unbuckle?
3. Are more safety precautions needed at Rides "R" Us?
4. Should one of Rebecca's parents have gone on the ride with her?
5. Should Julia have warned Rebecca?

## CONCEPTS

1. Negligence.
2. Credibility of witnesses.
3. Burden of proof.
4. Contributory negligence.

## LAWS

1. Negligence is a legal cause of damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such damage, so it can reasonably be said that if not for the negligence, the loss, injury or damage would not have occurred.
2. Damages For Personal Injury: If the defendant is found to be negligent, the plaintiff is to be compensated for all his/her damages (past, present, and prospective), both special and general. This includes fair and adequate compensation for medical expenses and lost earnings plus amounts for pain and suffering.
3. Premises Liability: Owners and occupiers of property are legally responsible for accidents and injuries that occur on that property.

# Jewelry Store Vandalism

## SCHOOL

Harrison Elementary  
Livingston  
Grade 3, Honorable Mention

## TEACHER

Karin Pinto

## STUDENTS

Linda Ahmed, Siraj Akmal, Robert Bellina,  
Riya Bhansali, Robyn Burger, Aviya Chakraborty,  
Thomas Chun, Hannah Swee

## FACTS

Idant Brokit came into the Sparkly Jewels store with her toddler. She turned around to look at something and her toddler was with her. The toddler had a toy train. The toddler, Jaden Brokit, took his toy train and threw it at a glass case. The toddler took a jade bracelet out of the glass case and threw it on the ground and it broke.

The jewelry store clerk, John Mitchellclerk, was nearby helping another customer. He said that he saw the toddler break the glass case. When the glass shattered, the toddler got seriously cut by the glass.

Diamond Hebroket, the owner of Sparkly Jewels, is suing Idant Brokit for \$5000, the cost of the broken bracelet, and repairs to the case. Idant Brokit is countersuing Diamond Hebroket for her son's medical bills and pain and suffering.

## ISSUE

Is the toddler's mother, Idant Brokit, responsible for paying for the damage to the case and bracelet? Is the owner responsible for the toddler's medical bills?

## WITNESSES

### *For the Plaintiff*

Diamond Hebroket  
John Mitchellclerk

### *For the Defendant*

Idant Brokit  
Crystal Quartz

## WITNESS STATEMENTS

### *Testimony of Diamond Hebroket*

I was sitting at my desk reading a book. I heard a loud crash, so I went to where I heard the crash happen. I saw Idant Brokit holding the bracelet and saw the case broken. She was standing right next to the broken case. Her toddler was crying because the glass had cut him.

Even if the toddler did break it, the mom is still responsible for the damage and she should have been watching her toddler. I don't think that I should pay for the medical bills for the toddler's injuries because I'm not responsible for the toddler.

### *Testimony of John Mitchellclerk*

I was helping another customer. Then I heard a loud crash. I ran over to see what happened. I saw the glass case broken next to Idant Brokit. A toy train was lying to the right of the case. So, I think that the

toddler broke the glass case and the mom should pay for the damage. Plus, why would anyone in their right mind bring a toddler to a jewelry store? The mom should absolutely pay for the medical bills and the damage.

### ***Testimony of Idant Brokit***

I, Idant Brokit, as a single mother, take full responsibility for my child Jaden. It was not my son or his toy that broke the jewelry case. Since Jaden is only two, he couldn't hit hard enough to break the glass case. The broken case hurt Jaden. When the glass fell, part of it slid off the edge and hit him on the arm. I had to take Jaden to the emergency room and the doctor. He needed stitches. I also had to miss work to care for him.

I think the owner of Sparkly Jewels should pay for the medical bills. The owner even asked if Jaden was hurt and said that she was sorry that he got hurt. This shows that the owner knew she was responsible. I also think that the case should not have been made from breakable glass, but should have been made from plexiglass.

### ***Testimony of Crystal Quartz***

I was looking at jewelry in the Sparkly Jewels store when I heard a big shattering sound. It sounded like glass breaking. I looked at where the noise came from. It was a mess. I saw a baby and a broken jade bracelet. I saw the owner of the store in shock. Diamond, the owner of Sparkly Jewels, was picking up the pieces of broken jewelry with gloves on so she wouldn't cut herself. The owner yelled at the mom that she had to pay for the repairs to the case and bracelet.

## **INSTRUCTIONS**

The jury must first decide, by a preponderance of the evidence, whether the child, Jaden Brokit, caused the damage to Sparkly Jewels. If so, is his mother, Idant Brokit, responsible for paying because she was not controlling her son? Or should the owner of Sparkly Jewels pay for the child's medical bills?

## **SUB-ISSUES**

1. Are parents responsible for damage caused by their children?
2. Was the case broken by the child?

## **CONCEPTS**

1. Burden of proof; preponderance of the evidence.
2. Credibility of witnesses.
3. Negligence.

## **LAW**

Negligence is the failure to use reasonable care. Negligence may consist of action or inaction. A person is negligent if he fails to act as an ordinarily prudent person would act under the circumstances.

## **BIBLIOGRAPHY**

US Legal, Inc. *Negligence Law & Legal Definition*. 2001-2012. January 2012.

# The Beach Barbeque Pit

## SCHOOL

Radcliffe  
Nutley  
Grade 4, First Place

## TEACHER

Marcia Napolitano

## STUDENTS

Sam Abernovich, Ian Brown, Rocco Della Luna,  
Ava Harabedian, Patrick Helber, Samantha Hess,  
Anthony Intili, Hannah Lewis, Justin Lucia,  
Natasha Marshall, Maria Marucci, Meaghan  
Merchant, Abby Scheidel, Jalen Skelton,  
Amandine Soho, Sevy Villanueva

## FACTS

It was the 4th of July weekend and the Falls family had been invited to a beach barbeque by their friends, the Pitt family. They were walking slowly across the beach at sunset on the way to the Pitt's barbeque pit, enjoying the summer breeze and the beautiful view. Four-year-old Francesca skipped along in front of her parents, looking for shells and getting her feet wet in the waves.

As they approached the place where the barbeque was being held, Francesca's parents heard a loud scream. They quickly ran to where their daughter was and found her screaming in pain. Francesca had fallen into the fire pit that had been prepared for the barbeque.

At the hospital, Francesca was treated for first and second degree burns on her arms and legs. She was very lucky to have not been injured more seriously. Her treatment for the burns was a long process, including surgeries and skin grafts.

The Falls family is suing the Pitt family for causing the injury to their daughter. They want the Pitt family to pay for all the medical expenses, as well as for their daughter's pain and suffering. They claim that the barbeque pit should have been supervised more carefully by the Pitts.

## ISSUE

Is the Pitt family responsible for the accident that injured Francesca Falls and should they pay for all the medical expenses?

## WITNESSES

### *For the Plaintiff*

Samantha Falls  
Sheldon C. Shells

### *For the Defense*

Barbara Q. Pitt  
Frank Furter

## WITNESS STATEMENTS

### *Testimony of Samantha Falls*

My name is Samantha Falls. My husband Bob and I took our four-year-old daughter Francesca to the beach on Saturday, July 2, 2011. We were invited to a beach barbeque that started at 7:30 p.m. As we were walking across the beach, Francesca joyfully skipped ahead, searching for shells, and wading in the water. She has always been a happy child, enjoying everything. Or, at least, she used to be!

As we got close to the barbeque, we could see people laughing and children playing. Francesca ran ahead towards the party, eager to play with her friends who were already there. As she ran behind the sand dune where the barbeque was being held, we heard her scream. Running as fast as we could, we couldn't believe our eyes where we got there. Francesca had fallen right into the barbeque pit, and was trying to climb out. Her arms and legs were badly burned.

Bob jumped into the pit and pulled her while almost getting burned himself. We rushed to the hospital with Francesca. She had first and second degree burns and has been in treatment for six months for her injuries.

A beach should be a safe place where children can run in the sand, play in the water, and search for shells. Only on this night, the beach was not a safe place. The barbeque pit was not being guarded and any child could have fallen into the pit, just as Francesca did. It was open, unguarded, and filled with hot embers. The Pitt family is to blame for this terrible accident. They should pay for all Francesca's medical expenses, and for her pain and suffering, too.

### ***Testimony of Sheldon C. Shells***

My name is Sheldon C. Shells and I was the lifeguard on duty the afternoon of the Pitts' barbeque. I have worked as a lifeguard for 12 years and have seen many people preparing for a beach barbeque. You have to dig the hole, place your wood or coal in it, and make sure it is far from the umbrellas and beachgoers. The Pitts had spent several hours preparing for it, and I watched as they followed all the regulations, including the size, depth, and the type of wood to burn in the fire pit. I would have preferred that they had surrounded the pit with caution tape or cones to warn people where it was. But they told me that they would be guarding it the whole time. I left the beach at about 6 p.m. so I did not witness the accident.

The next day, when I heard what happened, I was sure that it could have been prevented if they had put the rope around the pit. It would have been easier to spot as you were walking across the beach. I think that the accident is the Pitts' fault. How could they have been guarding the fire pit if someone could fall in that easily?

### ***Testimony of Barbara Q. Pitt***

My name is Barbara Q. Pitt. My husband Brad and I have been hosting beach barbeques for many years. Our friends enjoy them; whenever we have a barbeque, everybody comes. On Saturday, July 2, we were having a party on the beach, and we invited

the Falls family. My husband was in charge of the fire pit, and he takes this responsibility seriously. Brad would never leave the pit, not even for a minute.

At about 7:30, the little Falls girl arrived at the barbeque by herself. Her parents were not with her. She was running full speed to reach her friends who were on the other side of the pit. Brad jumped up to stop her from coming any closer. He and our friend, Frank Furter, both called out a warning to the child. But she never heard or saw anything until it was too late and she had stepped into the fire.

We are very sorry for the accident. How do you think we feel knowing that it was our barbecue pit that caused the Falls girl to fall? But it was not our fault. We built the barbeque pit according to all the rules, including being 20 feet behind the umbrella line, not having a pit more than five feet in diameter, and supervising it at all times.

### ***Testimony of Frank Furter***

My name is Frank Furter and I can tell you exactly what happened on the night of Saturday, July 2. I was at a barbeque being held by my friends, Barbara and Brad Pitt. It was a beautiful night and I was sitting by the fire pit with Brad, enjoying the view and waiting for the fire to get hot enough to start cooking. As we were sitting there, a little girl came running up the beach. We both stood up to guide her around the fire pit, but she was so busy staring ahead that she never even saw the fire or us. She just kept on running. She didn't run past us, she ran right through us as we stood there calling for her to stop.

I am very sorry for the accident. But it was not the Pitts' fault. The little girl was paying no attention to where she was walking or running, and her parents were nowhere nearby.

## **INSTRUCTIONS**

The jury must decide if the Pitts were negligent in the supervision of their beach barbeque pit and if they are responsible for Francesca Falls' injuries.



## SUB-ISSUES

1. Was the fire pit being carefully supervised?
2. Did Francesca Falls contribute to her accident by not paying attention?
3. Were the parents to blame for not supervising their child?
4. Were all rules and regulations being followed for the use of barbeque pits on the beach?

## CONCEPTS

1. Negligence.
2. Contributory negligence.
3. Credibility of witnesses.
4. Assumption of risk.
5. Burden of proof.

## LAWS

1. All belowground fire pits shall be at least four inches in depth. The fire pit cannot exceed five feet in diameter.
2. Belowground fire pits must be located a minimum of 20 feet away from any structure or combustible material.
3. The fire must be constantly attended and supervised until the fire has been completely extinguished.
4. Negligence - the failure to exercise that degree of care that, in the circumstances, the law requires for the protection of other persons that may be injuriously affected by the want of such care.
5. Contributory negligence - a doctrine of common law that if a person was injured in part due to his/her own negligence, the injured party would not be entitled to collect any damages (money) from another party who supposedly caused the accident.

# The Black Friday Accident

## SCHOOL

Yantacaw  
Nutley  
Grade 4, Second Place

## TEACHER

Marcia Napolitano

## STUDENTS

Pax Ardanz, Kayla D'Auria, Krishna Desai,  
Gabrielle Gucciardo, Donald Hunter,  
Sofia Lamond, Gabrielle Mackiewicz,  
Zachary Mackiewicz, Mary Mankowich,  
Alexa McNulty, Melanie Murphy, Cameron Schilp,  
Jake Shoemaker, Bryanna Soh, Anais St. Amant,  
Srihita Tripasuri

## FACTS

On Friday, November 23, 2011, 10-year-old Ally Angel went to the store with her mother to buy a Christmas present for her little brother. It was Black Friday, the most crowded shopping day of the year. Ally wanted to go shopping that day because of a special sale that the store was having on the Super Monkey Spaceman doll that her brother wanted for Christmas. It was the most popular toy of the season.

When Ally reached the toy section in the store, she saw that there was only one Monkey Spaceman left on the display shelf. Ally hurried to grab the popular item. As she reached for the doll, the crowd began pushing and a man hit the display with his cart, knocking it over onto Ally. Some helpful customers had to pull Ally out of the mess made from the broken display. Her mother arrived a short while later.

Ally's mother took her directly to the hospital where they took x-rays. She had no broken bones, but did have a wrenched neck and a slight concussion from the shelf falling on top of her. Due to her injury, her family could not go on a planned four-day vacation to Tahiti the next day. The trip was non-refundable.

Ally's parents are suing the store because of the unstable display and lack of employees doing crowd control in the toy section of the store. They are suing for medical expenses not covered by their insurance and for money lost on the cancelled vacation.

## ISSUE

Is the store to blame for the shelf collapsing and should it be responsible for all the plaintiff's medical expenses, as well as for the cancelled vacation?

## WITNESSES

### *For the Plaintiff*

Andrea Angel  
Casey Crazy

### *For the Defense*

Kathy Watch  
Sheldon Shopper

## WITNESS STATEMENTS

### *Testimony of Andrea Angel*

My name is Andrea Angel. My daughter Ally loves to draw and play sports. I have a great job as a yoga instructor; it keeps me centered and at peace. How else could I have handled the accident that happened to my poor daughter?

On Friday, November 23, I took my 10-year-old daughter Ally Christmas shopping. She wanted to get a Super Spaceman Monkey doll for her brother and the store had advertised a sale on them. It was

Black Friday so the store was very crowded.

I arranged to meet Ally in the toy department after I was done looking at the yoga mats in aisle five. I finished quickly since their assortment of mats was quite limited. When I arrived at the toy department, I found Ally covered with debris, crying that her head hurt. Some very kind customers were helping Ally out from under the collapsed shelf. I think I might offer them some free yoga lessons as a way to say thank you.

I drove directly to the hospital so they could take x-rays of Ally's head. There was no permanent damage but she did have a mild concussion and her neck was injured also. As soon as we got home, I cancelled our four-day trip to a Yoga convention in Tahiti. It was sponsored by the Yani Yoga Institute and the whole family was looking forward to it.

My husband and I are suing the store for the cost of Ally's medical bills as well as for the money we lost on the cancelled vacation. I have two major issues with them. First, how could a shelf in a major store simply collapse? How was the shelf constructed? What was wrong with it? My second issue is where were all the employees? I mean, hello! It was Black Friday and we were in a toy department! Shouldn't there have been some supervision, especially around this year's most popular item?

### ***Testimony of Casey Crazy***

My name is Casey Crazy and I shop every year on Black Friday. Some of my friends think I am crazy to go out on the most crowded shopping day of the year, but I don't mind the crowds and I love the bargains! Anyway, this year Black Friday was on November 23, and I went to the store on that day. It is one of my favorite stores. One year they had a buy one, get one free, special on sweater vests. I thought I would see what they had this year.

I was walking through the store on my way to the shoe department when I heard a loud commotion. I turned in time to see a girl reaching for a Super Monkey Spaceman doll on a shelf. She was surrounded by people; as I said, it was a crowded day. Just as she grabbed the doll off the shelf, there was a crush of people behind her bumping into the

shelf and the whole thing collapsed, right on top of her.

I ran over to help, but some other customers were already getting her up. We kept looking around for a store employee, but there were none in sight. Her mother arrived at the scene around then, and took her daughter away immediately; I guess to the hospital to make sure she was all right.

In my opinion, the store was totally to blame for the accident. The toy department was mobbed and there was not even one employee in sight, not even around the Super Spaceman Monkey doll display. Also, the shelf collapsed way too easily, as if it wasn't even constructed properly.

### ***Testimony of Kathy Watch***

My name is Kathy Watch and I am the store manager. I have been the manager for over 10 years. During that time, the store has always been in good condition, everything working well and up to code. There have been very few problems or incidents.

During the holiday season or big events, we have additional helpers. On November 23, 2011, Black Friday, the store was mobbed. We had a big sale and it was buy one toy, get one FREE! I was in my office, watching the cameras that surround the entire store. All was fine although the store was packed.

All of a sudden, I heard a loud commotion from one of the cameras. I saw which camera it was coming from and made my way to that side of the store. When I got there, I saw a small child on the floor. She seemed to be injured. I had just started to check her when her mother arrived on the scene. I'm not sure why she wasn't with her child to begin with. She helped her daughter up and left the store quickly. I tried to walk with them to see if the child was all right, but the mother kept making this funny kind of a hum, and she wouldn't talk to me.

When I returned to where the accident had happened, there were two store employees there. They were trying to pick up the pieces of the broken shelf, but it was impossible! The shelf was completely destroyed. There is only one way that could have happened...someone had tried to climb on it.

Speaking for the store, we are sorry that Ally

Angel was hurt in our store. But we declare that it is not the store's fault. The plaintiff climbed on a shelf in a dangerous way, and she caused it to collapse herself.

### ***Testimony of Sheldon Shopper***

My name is Sheldon Shopper and I was shopping at the store on the day of Ally Angel's accident. No offense, but she sure didn't look like an angel to me! It all started with the buy one toy, get one free sale that the store was having that day. One of the toys they were selling was the Super Spaceman Monkey doll, which was the most popular toy this year.

I was walking towards the toy department, hoping that I could get one of those popular monkey dolls, when I saw the little girl going in the same direction. I could not keep up with her, she was running so fast. When I got to the toy department, it was just in time to see the girl, the one that was running fast, climb up on the shelf and grab the last doll. There were mobs of people moving in to try to get that doll too, but the little Angel got to it first. At that moment the shelf collapsed.

I wasn't close enough to help her get up. Her mother came then to help her. I am very sorry that the girl was injured, but what did she think would happen? In my opinion, it was not the store's fault that the shelf collapsed. It was the girl's fault.

## **INSTRUCTIONS**

The jury must decide by a preponderance of the evidence if the store was negligent on November 23, 2011, the day of Ally Angel's accident, and if it should pay for her medical expenses as well as for her family's cancelled yoga vacation.

## **SUB-ISSUES**

1. Was the shelf constructed and supported properly?
2. Did Ally Angel climb onto the shelf in her hurry to get the Monkey Spaceman doll?
3. Should there have been more supervision around a popular toy display on a busy shopping day?

## **CONCEPTS**

1. Premise liability.
2. Negligence.
3. Burden of proof.
4. Credibility of witnesses.
5. Contributory negligence.

## **LAWS**

1. Stores must provide all shoppers with a safe environment. The items in the store must be displayed in a safe manner to prevent them from falling and injuring shoppers. The store will be liable for any injury you may suffer while on the premises.
2. The owner of property has a legal duty to anyone who enters the property—as a tenant, a shopper, or a personal or business visitor—not to subject that person to an unreasonable risk of injury because of the design, construction, or condition of the property. The reason for this rule is simple: the owner has control over the safety of the premises and the visitor does not.
3. If a person gets injured while acting in an unexpected, unauthorized, or dangerously careless way, the property owner is not responsible.

# The Remote Control Rampage

## SCHOOL

Spring Garden  
Nutley  
Grade 4, Honorable Mention

## TEACHER

Marcia Napolitano

## STUDENTS

David Arrigoni, Andrew Budine, Victoria Caputo,  
Justin Devlin, Nick Duca, Gail Gugliuzza,  
Peter Haverick, Julia McCaffrey, Brian McCormack,  
Alyssa Olivo, Davia Ritacco

## FACTS

On September 8, 2011, eight-year-old Billy Carr was playing with his Fastlane remote control car. He was playing on the sidewalk in front of his house on Fast Lane. The car was approximately the size of a large boot. Billy was sitting on his front steps, using the remote control to make his car do amazing stunts.

Along came Judi I. Tripp. She was walking down the street, listening to music on her iPod, and simultaneously texting on her iPhone. She did not see the remote control car, and did not hear Billy shout a warning. Judi Tripp tripped over the car and there was nothing to break her fall except solid, hard pavement.

Ms. Tripp has two injuries from the fall. She broke her wrist and sprained her ankle. In addition, her iPhone was smashed and her iPod is not functioning properly. Judi is suing the Carr family to pay for all her injuries and broken devices.

## ISSUE

Is Billy Carr's family responsible for the incident in which Judi I. Tripp was injured and should they pay for all medical expenses and broken devices?

## WITNESSES

### *For the Plaintiff*

Judi I. Tripp  
Wanda Washer

### *For the Defense*

Billy Carr  
Willy Walker





## WITNESS STATEMENTS

### *Testimony of Judi I. Tripp*

Hi my name is Judi I. Tripp. I have been walking down the same street for seven years. I live close to the Carr family on Fast Lane. I just celebrated my 16th birthday and received an iPhone and iPod.

On September 8, 2011, I went for a walk with my new devices. They were functioning properly as I walked down Fast Lane. I was just passing the Carr house, when suddenly, out of nowhere, something struck my leg and I, Judi I. Tripp, tripped. I fell on the hard pavement, broke my wrist, and sprained my ankle. Both of my brand new devices were damaged; my iPod screen was cracked and my iPhone stopped working.

I am suing the Carrs for the cost of my medical expenses, as well as for the \$600 it cost to replace my two devices. It was their fault because Billy Carr is totally to blame for the accident. He should not have been driving his remote control car on a public sidewalk.

### *Testimony of Wanda Washer*

My name is Wanda Washer and I live next door to Billy Carr on Fast Lane. I have lived here since before Billy was born, and, I'm sorry to say, Billy is a very wild child. Even when he was a baby, his parents could not control him.

I remember when he first got interested in remote control cars. He would make them do crazy stunts, and not just on his own property. A few years ago, I had a large flowerpot in my yard, and the remote control car shattered it into a million pieces. His parents never paid me for the cost of replacing it.

On the day of Judi I. Tripp's accident, I was washing dishes. I could hear Billy's car buzzing around outside. All of a sudden, I heard a cry and went to the window to see what was wrong. Judi I. Tripp was lying on the ground, holding her leg and crying. I went outside to help and saw her shattered phone and iPod on the ground next to her. That is when I noticed the remote control car. It was still going around in circles near Judi.

In my opinion, the Carr family should pay for all Judi's medical expenses. It was Billy's fault that she tripped.

### *Testimony of Billy Carr*

My name is Billy Carr and I love remote control cars. I live on Fast Lane with my mother and father. They don't mind when I play with my cars in our yard and on the sidewalk. I am very cautious and make sure I'm watching at all times. I never take my eyes off the car. I also notice whenever anyone is walking or driving down the street. I have very keen eyesight.

That is why I saw Ms. Tripp when she was walking down the sidewalk on Fast Lane. I realized that my car was in forward motion going towards her. I simultaneously reversed the direction of the car and called out a warning. But she was not paying attention to me; she was looking down and texting, and also listening to her iPod. So she couldn't hear a thing!

Ms. Tripp walked right into my car, as it was reversing direction. I am sorry that she fell, but if she had been watching or listening, she would have heard and seen the car, and heard my call to watch out.

### *Testimony of Willy Walker*

On September 8 I was walking down Fast Lane. My dog started barking and I realized that Billy's remote control car was coming towards us. I moved quickly to the curb and the little car sped by. I realized that a young lady was behind me and I expected her to do the same. I also heard Billy calling to her to watch where she was walking, and he also seemed to be steering the car out of her way. I also yelled, "Watch out!"

But it was not soon enough or loud enough. The young lady was listening to an iPod and texting on a phone. She walked right into the car. She sort of kicked it and then tripped over it. That is how she got hurt.

I don't understand what is wrong with young people these days... and I don't mean the little innocent Carr boy playing with his car. I mean the

young lady, Ms. Tripp, who walks down a street not paying any attention to where she is going. What did she expect?

## INSTRUCTIONS

The jury must decide, by a preponderance of the evidence, if Billy Carr is totally to blame for Judi I. Tripp's accident and should pay for all her medical bills, or if Ms. Tripp is partly to blame for her own accident.

## SUB-ISSUES

1. Would the plaintiff have tripped if the remote control car was not on the sidewalk?
2. Would the plaintiff have tripped if she was watching where she was going?
3. Did Billy Carr give sufficient warning to Ms. Tripp?

## CONCEPTS

1. Preponderance of the evidence.
2. Damages.
3. Premises liability.
4. Contributory negligence.
5. Negligence.

## LAWS

1. Negligence is established when the defendant had a duty to protect the plaintiff from harm and failed to fulfill that duty, even if unintentionally.
2. Contributory negligence – when both sides have a part in the damages that were caused.
3. Damages – If a person is found negligent in causing injury or damage, that person will be responsible for the payment of all bills to relieve the plaintiff's pain and suffering.
4. All property owners must provide safe and unencumbered passage through their premises.

# Texting Terror

## SCHOOL

Berkeley Township Elementary  
Bayville  
Grade 5, First Place

## TEACHER

Robin Barraud

## STUDENTS

Brooke Andolsen, Sarah Daley, Madyson Garthly,  
Jake Hamstra, Jade Holland, Olivia Riggi

## FACTS

On April 14, 2011, 17-year-old Ted Texter was driving on Sailor Boulevard at 4:30 p.m. He had just received his license and was heading to the mall to meet his friends. While driving, Ted took out his phone to read a text his mother had sent.

As Ted was driving down the street, a dog, Dash, ran out into the road. Dash was unleashed while in the backyard. Ted Texter went around the dog, and drove into the Houses' side yard. From this, he had both of his legs broken and his right arm was shattered. The Houses' side yard was completely ruined and the corner of the house was crumbled. The House family is suing for property damage. Ted Texter is countersuing for bodily injury.

## ISSUES

Is Ted Texter responsible for paying for the property damages for the Houses' house?

Are Mr. and Mrs. House responsible for Ted Texter's medical bills?

## WITNESSES

### *For the Plaintiff*

Helen House  
Sarah Spyer

### *For the Defense*

Ted Texter  
Penelope Postal

## WITNESS STATEMENTS

### *Testimony of Helen House*

On April 14, 2011, my husband and I went out to Dairy King to get some frozen yogurt. On nice days, when we go out for a short amount of time, we leave the dog in the backyard. Dash has never gotten out of the backyard. So this was an unusual event.

When we got home, we saw that Sarah Spyer, our neighbor, had called the police and was holding Dash. We found Ted Texter's car in our side yard where there was damage to the side of our house. Ted Texter is responsible for the property damage to our house.

### *Testimony of Sarah Spyer*

I am Mrs. and Mr. House's neighbor and I live across the street. On the day of the accident I saw the Houses go out for their afternoon yogurt and leave Dash in the backyard. Soon after they left,

I saw Dash run out toward Penelope Postal's post office truck on my side of the street. Then Ted Texter swerved and he hit the Houses' side yard.

I ran out, called the police, and caught Dash. Ted Texter was driving faster than I normally see people drive down our street. This is the first time I've seen Dash run out. He is usually very well behaved.

### ***Testimony of Ted Texter***

April 14, 2011 was my 17th birthday. So I went to get my license at the D.M.V. with my mom. I came home after getting my license, dropped my mother off at our house, and was going to the mall to meet my friends.

When I was going past the Houses' property, Dash ran out and made me swerve into the Houses' side yard. Seconds later, I was screaming in agony. Then I heard a police car and an ambulance. I was rushed to the hospital and they told me that I had broken both of my legs and my right arm. The Houses are responsible for my medical bills.

### ***Testimony of Penelope Postal***

On the day in question, I was across the street doing my daily run of the mail. I saw Dash run out of Mr. and Mrs. House's yard. Ted Texter tried to avoid him, but drove into the Houses' side yard.

Their fence is in bad condition and there is a large hole in it. I kept telling them to fix it, but they never listened to me. Dash is always banging against the fence. He is always trying to chase after me. I have also returned him to the backyard on several occasions.

## **INSTRUCTIONS**

The plaintiff, Helen House, must show by a preponderance of the evidence that Ted Texter's negligent conduct was responsible for the damage to the Houses' house.

The defendant, Ted Texter, must show by a preponderance of the evidence that the Houses' negligent conduct was responsible for the accident and his bodily injuries.

## **SUB-ISSUES**

1. Should Ted Texter be responsible for the damage to the Houses' house?
2. Should Mr. and Mrs. House be responsible for the injuries and medical treatments of Ted Texter?

## **CONCEPTS**

1. Preponderance of the evidence.
2. Negligence.
3. Damages.
4. Credibility of witnesses.

## **LAWS**

1. The defendant will be found negligent if the plaintiff can prove that the defendant's conduct (reckless driving) contributed to the property damage.
2. The plaintiff will be found negligent if the defendant can prove that the plaintiff's conduct (dogs must be under control at all times) contributed to the accident and caused bodily injury.

# The Al Lergic Reaction

## SCHOOL

Yeshivat Noam  
Paramus  
Grade 5, Second Place

## TEACHER

Margi Saks

## STUDENTS

Ben Antosofsky, Joe Baron, Dylan Breen,  
Yonatan Chudnoff, ET Dubin, Harry Dubitsky,  
Andrew Eisenberg, Isaac Forgash, Moshe Goldsmith,  
Azriel Jeselsohn, Avraham Kahan, Rafi Kigner,  
Tuvya Macklin, Ezra Mandelbaum, Natan  
Neugroschl, Noam Rothner, Michael Sanders,  
Eli Schloss, Yonah Schneier, Eitan Waldman

## FACTS

Al Lergic was a new kid in High Tower School. One day he accidentally knocked into Buster Knuckle's lunch tray. That started three years of Al getting bullied by Buster. He would come home from school crying and complaining to his parents about the bullying. They called the principal, Mr. Hainsworth, to let him know what was going on.

One day, Al was cornered by Buster at the far end of the playground. Afterwards, Al went over to the principal and told him what was going on. Although the principal did not see the bullying, he said he would give Buster a warning.

Buster did not stop teasing and picking on Al Lergic. Now Al was in 5th grade and Buster was in 7th. On April 1, 2011, Mr. Hainsworth was in the playground and saw Buster bullying Al Lergic again. He told Buster to stop or else there would be severe consequences. Al could not handle the bullying anymore and was hoping the warning would work this time. Buster rolled his eyes and took off.

After he left, Buster decided to apologize to Al. Later that day in school, Buster found Al in the lunchroom and gave him a box of cookies as a "I'm sorry" present. Al Lergic is highly allergic to nuts and that cookie had nuts.

Al Lergic ate a cookie and had an anaphylactic reaction. His friend, Philip Simpson, saw him struggling for air with the cookie next to him and ran to get the school nurse to administer Al's EpiPen. Philip yelled at Buster, who stood there in

shock, to call 911. Buster ran to the phone to call an ambulance that took Al to the emergency room.

The Lergics are suing High Tower School for tolerating the bullying for so long and for allowing nuts into the school.

## ISSUE

Is High Tower School liable for tolerating bullying and allowing nuts in school, causing Al Lergic's anaphylactic reaction and pain and suffering in a place that was supposed to be safe?

## WITNESSES

### *For the Plaintiff*

Al Lergic  
Philip Simpson

### *For the Defendant*

Buster Knuckles  
Arthur Hainsworth

## WITNESS STATEMENTS

### *Testimony of Al Lergic*

My name is Al Lergic and I am 11 years old. I went to High Tower School, a nut free school, for



three years. Ever since I accidentally walked into Buster's lunch tray three years ago, everything went wrong. I said I was sorry but he did not accept my apology. Buster has been bullying me ever since.

There is way too much tolerance for bullying at High Tower School. Mr. Hainsworth should have stopped this bullying before this happened. Buster would always embarrass me in front of his friends, the big cool kids, and say things like "look how cute and little he is." I am not cute or little. I am 11 years old! I would cry and be late for my next class. Buster would punch me when I started to cry and call me a baby.

On April 1 Buster gave me a cookie as an "I'm sorry" present. Buster grinned and I thought he was trying to trick me. I was looking for worms since it was April Fool's Day. There were no worms so, of course, I ate the cookie. I did not expect it would be a nut cookie in a nut free school. I knew right away something was wrong. I could not breathe. My friend Philip got the school nurse and she gave me my EpiPen. I was then rushed to the emergency room.

I have switched to a private school and feel High Tower School is responsible for not only paying for all of the pain and suffering they caused me by not protecting me but for my tuition as well! I have such a hard time trusting anyone since everyone let the pain continue for so long. I still have nightmares that Buster is waiting to attack me.

### ***Testimony of Philip Simpson***

My name is Philip Simpson. I am 11 years old and have known Al Lergic for years. I was walking in the hall one day on the way to science class. I was turning the corner when I saw Buster on top of Al. I stood there for a couple of seconds watching to see what I could do. I went over and pushed Buster off of Al. Al's face was red and he had been crying. That was not the first time I had seen Al's eyes filled with tears on account of Buster.

On April 1, 2011 I saw Buster come towards Al. I stayed close to make sure there would be no trouble. I saw Buster hand Al a cookie. He said that it was an "I'm sorry" cookie. Al took a bite and fell to the floor gasping for air. I ran and got the nurse who administered Al's EpiPen. I feel Buster was not

trying to say he was sorry, but was trying to hurt him for getting the principal on his tail!

### ***Testimony of Buster Knuckles***

My name is Buster Knuckles. I go to High Tower School. One day a new kid bumped into my lunch tray. My lemonade spilled all over my pants. It did not look like lemonade on my pants and I was very embarrassed. I got really angry. I decided to get back at him. He overreacted and told the principal on me. Al is a big tattletale who complains about everything!

On April 1 Mr. Hainsworth told me to make up with Al because he told him I was bullying him. I felt badly because I did not want to be a bully anymore and wanted to make it up to him. I decided to give him cookies someone had just given me for my birthday. I admit I did not check if the cookie had nuts. I did not even know he was allergic to nuts. I just wanted to give him the gift.

After eating the cookie, Al dropped to the ground and one of his friends got the nurse, who gave him his EpiPen. I did not mean to hurt him. I felt scared because I thought everyone would be thinking I did this on purpose but I really did not.

### ***Testimony of Arthur Hainsworth***

My name is Arthur Hainsworth. I have been principal of High Tower School for 10 years. I take bullying very seriously and had an assembly about not bullying in the beginning of the year.

The first time Al told me about Buster Knuckles bullying him in the playground three years ago, I gave Buster a warning, which is the best I could do because I did not see the bullying. I thought it ended the bullying.

On April 1 I saw Buster bully Al. I told him he would get kicked out of school if he kept on bullying Al. Buster asked me what he could do for an "I'm sorry" present. I told him to give him some cookies. I do not believe that I am to blame. Al has always been bit of a tattletale, a little too nosy and always is complaining about the smallest thing. Since he is always complaining about something, sometimes you just stop listening. Buster was trying to be nice

and had no idea there were nuts in the cookie. Unfortunately, we do not have a peanut detector to let us know if nuts entered the school. This was just an honest mistake, which could happen anywhere.

## INSTRUCTIONS

The jury must decide, by a preponderance of the evidence, whether the defendant, High Tower School, is negligent for tolerating bullying and allowing nuts into the school, causing pain and suffering and an anaphylactic reaction in the plaintiff, Al Lergic.

## SUB-ISSUES

1. Did Buster intentionally give Al cookies he was allergic to?
2. If Al Lergic is so allergic, shouldn't he have made sure he could eat the cookie first?
3. Should food first be checked with the nurse before sharing it? Or should there be a no sharing rule?
4. Is Al Lergic just trying to take revenge on Buster?
5. If Buster stood there in shock after giving Al a peanut cookie, was this done on purpose or is he just a great actor?
6. Should Al's parents have been more involved in stopping the bullying?

## CONCEPTS

1. Negligence.
2. Pain and suffering.
3. Bullying.
4. Preponderance of the evidence.

## LAW

Negligence:

1. The defendant has a duty to protect the plaintiff from injury.
2. The defendant breached this duty.
3. As a result of the defendant's carelessness, the plaintiff suffered an injury.

On Sept. 1, 2011, New Jersey's new Anti-Bullying Law – billed as the nation's toughest – took effect, a few months too late for Al.

# Life Is Hard...but Snow Is Harder

## SCHOOL

Upper Township Elementary  
Marmora  
Grade 5, Honorable Mention

## TEACHER

Tamela Raye Pittaro

## STUDENTS

Anna Devlin, Austin Dress, Valeri Gallagher,  
Evan Holmes, Peter Horowitz, Billy Kroeger,  
Eric Love, Emma Maher

## FACTS

At 9:03 a.m. on Thursday, January 7, 2009, in Charlestown, Maine, 12-year-old Lexi Thrower and her 11-year-old friend Kimmy Watcher decided to have a snowball fight as they were playing in the snow. The girls were home from school that day because the streets were too icy for cars to drive on and the visibility was poor because it was snowing heavily.

When Lexi threw the snowball toward Kimmy, it hit her neighbor next door, Mr. Johnson, instead. Mr. Johnson had gone outside to get his newspaper. The snowball landed directly in his face, breaking his nose and four of his teeth. His wife called an ambulance to take him to the emergency room at the local hospital.

He later had to go to an oral surgeon to get implants for his missing teeth. Because he was in so much pain, he was unable to work for many weeks. Mr. Johnson is suing the girls' families for his pain and suffering, as well as for his out-of-pocket medical expenses and lost wages.

## ISSUE

Are the families of the girls responsible for the cost of the injuries sustained by Mr. Johnson?

## WITNESSES

### *For the Plaintiff*

Mr. Johnson  
Mrs. Johnson

### *For the Defense*

Kimmy Watcher  
Lexi Thrower



## WITNESS STATEMENTS

### *Testimony of Mr. Johnson*

My name is Vincent Johnson. I have been living in Charlestown, Maine my entire life. I am 67 years old, and I work part time at Seers. On the morning of January 7, I went out to get my newspaper when the two neighborhood girls, Lexi Thrower and Kimmy Watcher, launched a snowball at my face. That snowball was full of hard ice. It hit me in the mouth and broke four of my teeth. It was such a hard hit that it also broke my nose.

Before I went out to get my newspaper, I saw the two of them whispering to each other, probably planning to hit me. They have a history of egging my shed on Mischief Night. They must have thrown the snowball at me to upset my wife Loretta. Lexi and Kimmy are in my wife's class in school. She always tells me how disrespectful the girls are and that they never listen to her and are rude to others. This is a perfect example why they would intentionally attack me with an ice ball and tick off my wife, too.

I was unable to go to work following this incident, so I lost wages. My medical insurance does not cover out-of-pocket medical expenses. Their families should pay my medical bills, lost wages and also for my pain and suffering.

### *Testimony of Mrs. Johnson*

My name is Loretta Johnson. I have lived in Maine my whole life. I have been married to Vincent Johnson for 35 years. I am 61 years old and I teach sixth grade at the Charlestown School. Lexi Thrower and Kimmy Watcher are in my class and Kimmy is my next-door neighbor. They are always unmannerly to me and their classmates, as well as to other teachers in our building. Last Halloween they egged our shed. They are always causing trouble.

On the morning of January 7, 2009, I looked out my window at the snow coming down. The girls were having a snowball fight with each other. My husband was going outside in his slippers to get the morning newspaper. I saw Lexi throw a snowball directly at my husband. It hit him so hard straight in his mouth that it knocked him over. I rushed outside and found him lying on the freezing ground. His mouth and

nose were filled with blood and his four front teeth were knocked out. The girls say that it was just a "game" they were playing, but I saw it with my own two eyes. Lexi threw that ice ball directly at my poor husband. Their families are responsible for my husband's injuries and lost wages. Their parents need to control their daughters better.

### *Testimony of Kimmy Watcher*

My name is Kimmy Watcher and I am 11 years old. I have lived in Maine my whole life. I have lived next door to the Johnsons for years so I know them well. Mrs. Johnson is my teacher and she is not very nice to me in school. She is constantly picking on me and giving me detentions for no good reason. Mr. Johnson is very grumpy.

On January 7, 2009, my friend Lexi Thrower and I decided to have a snowball fight since we were home from school because of the weather. Lexi is a soccer player so she is not a good pitcher. She threw a snowball at me so I ducked for cover. Unfortunately, she hit Mr. Johnson instead. He was knocked down on the ground, crying and bleeding from the mouth and nose.

As we made a hasty run to his gate to see if he needed help, we heard Mrs. Johnson scream, "Haven't you done enough?" Then she called 911 for help. An ambulance came and took him to the hospital. He had to get four new teeth implanted. Now he is demanding that our families pay his medical bills and the money he missed by being out of work. It is unfair. Accidents happen and we didn't mean to hit him in the mouth.

### *Testimony of Lexi Thrower*

I am Lexi Thrower and I am 12 years old. I moved to Maine in 2002 when I was five years old. Kimmy Watcher is my best friend. On January 7 Kimmy and I were home from school playing in the snow. We were so glad we didn't have to go to school that day because of the icy roads and the snowstorm. Instead of making a boring snowman, we had a snowball fight. As I threw a snowball straight at Kimmy, she ducked and it hit Mr. Johnson instead. It seems he went outside in his robe and bedroom slippers to look for his newspaper.

Mrs. Johnson, his wife and our teacher, immediately blamed us for the accident. She told everyone a made-up story how I meant to throw the snowball at her husband deliberately. Mrs. Johnson hates Kimmy and me and is always mean to us in school. She picks on us for no good reason. I am sorry that Mr. Johnson was hurt, but he had no business outside in a snowstorm wearing just his robe and slippers. Our families are not responsible for his bills. Accidents happen. He should have been paying attention better.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the defendant is liable for the injuries suffered by Vincent Johnson.

## SUB-ISSUES

1. Was there anything in the snowball beside snow?
2. Did Lexi throw the snowball at Mr. Johnson intentionally?
3. Did Mrs. Johnson really watch the entire incident?
4. Was the snowstorm obstructing the view and range of the girls' sight?
5. Did the fact that Mr. Johnson was wearing his slippers cause him to fall?
6. Was the walkway where Mr. Johnson was standing icy?
7. Does Mrs. Johnson treat the girls unfairly in school?
8. Are the girls disrespectful to their teacher and classmates?

## CONCEPTS

1. Age of reason.
2. Liability.
3. Parental responsibility.
4. Attractive nuisance.
5. Credibility of witnesses.
6. Pain and suffering.

## LAW

It is unlawful for every person who shall willfully within the limits of this city throw any stone, stick, snowball or other missile whereby any person shall be hit and therefore frightened, annoyed or injured.



# Bully or a Drug Dealer?

## SCHOOL

Golda Och Academy  
West Orange  
Grade 6, First Place

## TEACHER

Jamie Himmelstein

## STUDENTS

Gur Adiel, Rachel Berger, Noah Brown,  
Matthew Friedman, Ariel Gohar, Ben Hodes,  
Ben Kubany, Ethan Levy, Carly Mast, Uri Meltzer,  
Carly Paternite, Yocheved Perry, Maya Robbins,  
Abigail Roston

## FACTS

On October 14, 2011 Will B. Hurt, a 15-year-old sophomore at Maplehood High School, sustained an injury while playing for his school football team, the Maplehood Panthers. An ambulance took Will to the Maplehood Hospital, where he was diagnosed with a torn hamstring. His leg was wrapped, he was given crutches and was released later that day with a prescription for 30 Percocet, a narcotic, to be taken every six hours for pain.

Will was in great pain for about four days, at which point he started to feel better, and found that Tylenol worked, and the painkillers made him feel strange. When Will returned to school, he brought the pills with him just in case the pain returned. At lunch he told his friend, Michael J. Ustice, about how the Percocet made him feel funky. Josh “Bull” Ying, a 17-year-old senior, also captain of the football team, overheard their conversation. Later on in the hall, Josh approached Will and asked to buy some Percocet for \$10. Will refused, leading Josh to demand the pills from Will. Fearing for his safety, Will sold the remaining pills for \$10.

A few days later Will was approached, once again, by Josh, who threatened Will with football playing time when he recovered, if Will didn’t get Josh more pills. Fearing for his safety once again, Will complained to his mom about his leg hurting, Will’s mom called Dr. Phil Goodman, who called in an additional refill of Percocet. Will brought the pills to school the next day, and gave them to Josh for another \$10. Later, at football practice, Josh passed

out and suffered major brain damage, caused by a drug overdose.

Josh and his family are suing the Hurts family for pain and suffering, a lost, full, four- year college scholarship to the University of New Jersey, and for all the medical bills.

## ISSUE

Is Will B. Hurt responsible for Josh “Bull” Ying’s injuries?

## WITNESSES

### *For the Plaintiff*

Josh “Bull” Ying  
Coach Robert T. Down

### *For the Defense*

Will B. Hurt  
Michael J. Ustice

## WITNESS STATEMENTS

### *Testimony of Josh “Bull” Ying*

My name is Josh “Bull” Ying. I am a 17-year-old senior at Maplehood High School. I recently suffered a brain injury from a overdose of Percocet. If Will B. Hurt hadn’t sold me Percocet for \$10, I wouldn’t have overdosed at football practice. I had a full, four-

year football scholarship to New Jersey University. Because of my injury I have lost my scholarship and am unable to pay for college.

I was a good enough football player to enter a career in AFA (American Football Association), but now I won't be able to because the vision in my right eye is blurry; the hearing in my right ear is less than 50%; I don't have control of the fingers in my right hand, and the muscles in my right leg are very weak, making me unable to run. I am suing Will B. Hurt for ruining my chance of success in life and having a career in football, as well as for the permanent damage I will suffer for the rest of my life.

### ***Testimony of Coach Robert T. Down***

I am Robert T. Down. I have worked for 25 years as a football coach, and have been at Maplehood High School for the last 13 years. I have never seen more talent in a student athlete than in Josh "Bull" Ying. He was my star player and earned a full, four-year scholarship to the University of New Jersey.

However, because of his brain injury, he will not be able to participate in the scholarship. Josh will not be able to pursue his lifelong dream of becoming a professional football player. A lot of kids think that they have what it would take to go pro but they don't. I know deep down inside that Josh would have made it.

### ***Testimony of Michael J. Ustice***

My name is Michael J. Ustice and I am a 15-year-old sophomore at Maplehood High school. I am in every single class with Will and I'm also on the football team.

At lunch on October 16, 2011 Will was telling me about the medication he took to ease the pain from his hamstring injury. Later that day in the hall, Josh, a 17-year-old senior and captain of the football team, asked Will if he could have the remaining drugs. Will, doing the right thing, refused. After Will refused, Josh threatened him with physical violence. Will, fearing for his safety, gave Josh the drugs in exchange for \$10.

Will is a good person and would never do anything illegal for profit. I feel he is a victim of bullying.

### ***Testimony of Will B. Hurt***

My name is Will B. Hurt. I'm 15 years old and I am a sophomore at Maplehood High school. I tore my hamstring playing football for the Maplehood Panthers on October 14, 2011. I was taken to the hospital, where Dr. Phil Goodman prescribed Percocet. While the Percocet helped the pain, it also made me feel weird and I didn't like it. My mother gave me Tylenol, which I found worked just as well. I missed a few days of school and I brought the Percocet to school just in case the pain in my leg returned.

At lunch I was talking to my friend Michael J. Ustice about the Percocet. I told him that it made me feel funky and strange. I also told him that I wasn't taking the pills anymore. I saw Josh "Bull" Ying sitting behind me.

Later that day in the hall, Josh walked up to me and threatened to hurt me if I did not give him the Percocet in exchange for \$10. Fearing for my safety, I gave him the Percocet.

He approached me a week later and demanded more of the pills. I told him I had no more and he told me I had better come up with the pills by the next day. I had no choice but to tell my mother that I needed more of the Percocet, so she called Dr. Goodman, who called in a refill to our local drugstore where she could pick it up.

I brought the pills to school the next day. Josh was waiting for me at the main entrance where he held out his hand and demanded the pills. Again, fearing for my safety, I gave him the pills. Later that day, during football practice I saw Josh collapse on the field.

I had no choice but to give Josh the pills because he would have beaten me up and caused even more damage to my leg. I feel I was bullied into giving him the Percocet and I do not think I should be held responsible.

# INSTRUCTIONS

The jury must decide if Will B. Hurt is responsible for the brain injury of Josh “Bull” Ying.

## SUB-ISSUES

1. Should Will have contacted an adult and told them about the bullying?
2. Should Dr. Goodman have checked in on Will before giving him another refill of the Percocet?
3. Should Will's parents have monitored the use of the Percocet?
4. Should the school nurse have been aware of Will's Percocet? If so, should the parents of Will B. Hurt have notified her?
5. Should Michael J. Ustice have reported the bullying?

## CONCEPTS

1. Bullying.
2. Drug dealing.
3. Misleading doctor.
4. Negligence by Dr. Goodman, The Hurts and Maplehood High School.

## LAW

1. New Jersey Anti-Bullying Bill of Rights Act.
2. It is illegal in New Jersey to obtain prescription drugs to resell for other purposes.
3. Drug Free School Zone.

# Save the Bunnies!

## SCHOOL

Great Meadows Middle  
Great Meadows  
Grade 6, Second Place

## TEACHER

Bill Nutt

## STUDENTS

Hannah Applegate, Madison Cerami,  
Madeline Crisp, Sierra Fezenko, Julia Lenz,  
Shannon Miller, Robin Schmeltzle, Andrea Sickels,  
Grace Slaman, Caitlyn Spuckes, Margaret Sullivan,  
Emily Wilson

## FACTS

Simply Beautiful Cosmetics is a company owned by Madame Luzelle. The firm manufactures a popular line of health and beauty products. However, some people in the nearby town are concerned because of reports that the products are tested on animals, causing disease and blindness.

On April 17, a former Simply Beautiful employee named Liberty Gordon organized a protest at the factory. A crowd of about 50 men and women of all ages gathered near the factory's parking lot. They carried signs and chanted slogans protesting the suspected animal cruelty. Madame Luzelle called some of her security guards to go outside; she went with them. The arrival of the guards caused some of the protesters to chant even louder. One of the protesters, Amy Chuckson, directly confronted one of the guards, Steve Meritise. In the confusion, Amy Chuckson was knocked down. Her head struck the ground, giving her a concussion. In addition, one of her ribs and an arm were broken. She was treated at the local hospital, but her injuries kept her out of work for more than a month.

Ms. Chuckson is suing Madame Luzelle for the costs associated with her injuries and for the work time she lost. She claims that she was deliberately singled out because she was one of the more vocal protesters. Madame Luzelle claims that the guards were concerned with protecting her property, but that they did nothing to deliberately harm any of the protesters. Madame Luzelle further claims that Ms. Chuckson's injuries were as much the result of her own behavior as anything the guards had done.

## ISSUE

Did the actions of Madame Luzelle and her guards cause the injuries suffered by Amy Chuckson?





## WITNESSES

### *For the Plaintiff*

Amy Chuckson  
Liberty Gordon

### *For the Defense*

Madame Luzelle  
Steve Meritise

## WITNESS STATEMENTS

### *Testimony of Amy Chuckson*

My name is Amy Chuckson, and I live in the same town as the factory for Simply Beautiful Cosmetics. I love animals, and I belong to several animal rights groups. I have spoken out against many forms of animal cruelty. I'm proud to say that I have worked with the local government to pass laws that protect animals.

Last April, I was contacted by Liberty Gordon about the conditions at Simply Beautiful Cosmetics. Liberty used to work at the plant, and I was horrified to hear some of the stories she told! I was shocked to learn about the experiments being done on defenseless animals. I agreed to help her gather a group to protest those conditions.

On April 17, we gathered a group of people to stage a peaceful protest. We made sure we stayed on the public land, just outside the parking lot of the factory. I made a sign that read, "IS YOUR EYE MAKEUP WORTH A RABBIT LOSING ITS EYESIGHT?" While we were there, I saw Madame Luzelle. She had a group of security guards with her. I know for a fact that she pointed me out to one of the guards. I became furious, not just that she was running a factory that was harming animals, but also that she had these thugs try to break up our legitimate protest.

I walked up to one guard, who had a badge that read "S. Meritise." I asked the guard how he could live with himself, knowing that he was protecting a company that made animals go blind. I know some of the other people in our group were also angry about the presence of these guards.

Before I knew it, there was total chaos. Everyone was shouting and jostling each other. I turned around because I thought I heard my name, and just as I was turning back, I was knocked to the ground right in front of Mr. Meritise. I hit my head, and as I blacked out, I felt a sharp pain in my side and my arm.

When I woke up in the hospital, I was told I had a concussion, and that I had a broken rib and arm. I lost more than a month of work while I recovered. That's a month's worth of pay that I lost, besides the medical bills I accumulated.

I am suing Madame Luzelle for these damages. I know she singled me out because I'm a well-known animal rights advocate and because I was so vocal in my protest.

### *Testimony of Liberty Gordon*

My name is Liberty Gordon, and for three years I was employed at Simply Beautiful Cosmetics. At first, I was happy because I used that line of products myself. However, after I was there, I made a horrifying discovery. Some of these products were being tested on animals! I started asking around, and I heard that some of these test animals were getting sick or going blind. I tried to gather some of the workers to confront Madame Luzelle, but before I could do anything, I was fired. The claim was that my work "didn't meet the company standards." I think Madame Luzelle was upset that I was trying to change things about the animal testing.

Last April, I started to organize a protest. It started with Internet chatrooms, and we later officially formed a group called PAAC (People Against Animal Cruelty). I'm acquainted with Amy Chuckson, and I know about her strong feelings about animal rights. I thought she would be the perfect person to help me with this group. She agreed, and we planned a protest at the Simply Beautiful factory for April 17.

That morning, I carpooled with a few friends to the Simply Beautiful parking lot. We had about 50 people involved. We were careful to remain on public property at all times. When Madame Luzelle came out, she had security guards, as if she were expecting a riot! I could have sworn that she pointed

Amy out to one of the guards; Amy is well-known for her love of animals, and she is a familiar face from TV and newspaper stories.

Amy began chanting louder and louder. Before I knew it, people were pushing and shoving. Suddenly, Amy was on the ground, with the one guard (who I later learned was named Steve Meritise) standing over her. I could have sworn that he deliberately struck her, and I know that he was moving his legs as if to kick Amy while she was down. I feel that Amy was singled out by Madame Luzelle and this guard because she is so forceful and so effective an advocate for animal rights.

### ***Testimony of Madame Luzelle***

My name is Madame Luzelle, and I own Simply Beautiful Cosmetics. We make some of the best-selling beauty products in the area. We are always developing new products. Yes, this development does involve testing on animals. However, we have animal specialists on staff who monitor the conditions. I don't think any test animal is mistreated in any way.

In early April, I learned that one of my former employees, Liberty Gordon, was trying to organize a protest against my company. I had dismissed Ms. Gordon because her work didn't meet our standards. I suspected that she was trying to embarrass our company, but I didn't want to cause any trouble.

On April 17, the day of the protest, I was supervising a lipstick color testing when I heard the sounds of the protest. I went out to try to reason with the protesters, and some of my security guards came with me. I was pointing out where I wanted the guards to position themselves. I told them to take whatever precautions were necessary to keep the crowd calm, but I did not want them to hurt anyone.

One of the women in the crowd, whom I later learned was Amy Chuckson, was growing increasingly vocal in her protests. From where I was standing, it looked as if this woman was shoving herself right in the face of Steve Meritise. She was gesturing wildly and waving her sign about, even though the people were closely packed together. Suddenly, there was a great deal of confusion, and

before I knew it, Ms. Chuckson had been knocked to the ground. I later learned she was injured.

I am sorry that Ms. Chuckson was hurt, but as far as I can tell, her fall and injuries were mostly the result of her own wild behavior and not from anything that Steve Meritise or any other guard had done. I know I didn't single Ms. Chuckson out to Mr. Mertise; if he noticed her, it was because of the way she was acting and the things she was saying.

### ***Testimony of Steve Meritise***

My name is Steve Meritise, and I work as a guard at the Simply Beautiful Cosmetics factory. On April 17, the other guards and I heard the sounds of a crowd outside the factory. There were maybe 50 or 60 people, many of them carrying signs and chanting. Some of them were quite loud and were screaming things like "Animal haters!" and "You monsters!" We went outside with Madame Luzelle to find out what was happening. Madame Luzelle told us to take any steps necessary to keep the peace, but she emphasized that we were not to harm anyone.

While I was there, one of the protesters directly confronted me and shouted that I was some kind of horrible person for allowing animals to be harmed. I later found out the woman's name was Amy Chuckson, but I had never seen her before. In my line of work, we learn to keep our cool, but this woman was starting to cross the line. I was having a hard time keeping my temper. She had a sign that she started waving violently. Everyone in the crowd became more and more agitated, especially by this woman and what she was doing. Suddenly, people were shoving each other, and this woman accidentally bumped into me. She fell to the ground, and I tried to reach out to help her, but with all the confusion, it was hard to tell what was happening.

Later I learned that Ms. Chuckson suffered a concussion and other injuries. That's too bad, but the fault is hers. If she had been calmer and hadn't been so upset, she would never have been hurt as badly as she was.



## INSTRUCTIONS

The plaintiff must set out such a convincing case against the defendant that the jury believes by a preponderance of the evidence that the defendant's actions directly resulted in the injuries to Amy Chuckson.

## SUB-ISSUES

1. Did Madame Luzelle single out Amy Chuckson among the protesters?
2. Could the security guards have done a better job keeping the peace before the crowd got out of hand?
3. Did Steve Meritise lose his temper and not realize what he was doing?
4. Did the guards believe that they were under threat of physical harm?
5. Did Amy Chuckson's actions cause the protest to escalate into a riot?

## CONCEPTS

1. Credibility of witnesses.
2. Burden of proof: preponderance of the evidence.

## LAW

Anyone whose actions or decisions directly result in harm to an individual is subject to a fine of no less than \$10,000 and/or imprisonment for a minimum of 10 days. In addition, the injured party will be reimbursed for all expenses related to the injuries, including medical bills, loss of income, etc.

# The Case of the Jaw-Shattering Locker

## SCHOOL

Lake Riviera Middle  
Brick  
Grade 6, Honorable Mention

## TEACHER

Jerilyn McCabe

## STUDENTS

Josh Mallon, Jake McLellan, Nick Olivio

## FACTS

On Friday, May 12, 2009, at Lakeriv Middle School, Becky Badly and Clum C. Kaylason were running down the hallway. Clum collided with a locker. She fell down in pain and agony. She suffered a broken jaw and scrapes and bruises on her arms and legs. In addition, the iPod and lunch money she had in her hand were missing.

Nurse Ficks U. Upp came upon Clum as she sat on the floor, helpless and in pain. She brought Clum to her office, treated her wounds and called her mom. When Clum's mom arrived, her jaw was so swollen that she couldn't talk. They went directly to the hospital, where Clum was x-rayed and found to have a severely fractured jaw.

The following day, Mrs. Kaylason filed a lawsuit against Becky Badly. Mrs. Kaylason claims Becky bullied her daughter, assaulted her, and stole her iPod and lunch money. She wants Becky's family to pay for Clum's medical bills, which amounted to \$2,300, a new iPod, which costs \$125 and the stolen lunch money in the amount of \$3. Furthermore, Mrs. Kaylason is seeking damages for her daughter's physical and emotional stress (pain and suffering) in the amount of \$1,000.

## ISSUE

Is Becky liable for causing Clum to break her jaw and is she responsible to pay damages (medical expenses, pain and suffering, etc.)?

## WITNESSES

### *For the Plaintiff*

Clum C. Kaylason  
Ficks U. Upp

### *For the Defense*

Becky Badly  
Napps A. Lott

## WITNESS STATEMENTS

### *Testimony of Clum C. Kaylason*

My name is Clum C. Kaylason. I am in the sixth grade. I know I look small for my age, but I'll be 12 at the end of this month. I've never been very popular at school, but this year I've been trying to change that. I joined the school band, which I enjoy a lot. I wanted to try out for the school field hockey team, but my mom thought that was a bad idea. She says I'm too accident prone and would probably get hurt.

Anyway, I'm here to tell you what Becky Badly did to me on May 12. Right before lunch that day I was bullied helplessly by Becky. She and I have had many unpleasant encounters in the past. Becky seems to get a thrill out of making fun of me. Usually she just says mean stuff to me or about me, but this time she went too far.

That day, Becky chased me down and gave me a hard shove, which sent me straight into the lockers. My lunch money (\$3) and iPod flew out of my hands and I fell on the floor. Becky took my stuff and ran away. She laughed at me and took off, running toward the cafeteria.

Right then, Ms. Ficks, the nurse at my school, turned the corner and saw me. I must have looked pretty bad because I was lying on the floor, curled up in ball trying to ease my terrible pain. She brought me right down to her office and took care of my injuries. Then she called my mom. I wanted to tell Nurse Ficks and my mom what Becky did, but I couldn't speak because the swelling was so bad. On the way to the hospital, I wrote everything down.

I spent the rest of the afternoon at the hospital. At the end of that miserable day, I had a fractured jaw, no iPod, and no self-esteem whatsoever. I had to miss the school concert last month because I couldn't play the tuba with a busted jaw! That really made me depressed. My life at school is miserable because I never can tell when Becky is going to strike. Right now, I don't ever want to go back there again!

### ***Testimony of Nurse Ficks U. Upp***

My name is Ficks U. Upp. I have been the nurse at Lakeriv Middle School for 13 years. On May 12, 2009, I left my office and headed to the school cafeteria to get lunch. As I approached the cafeteria, I heard the sound of lockers slamming, students running and lots of yelling. Noisy halls and lockers slamming are not unusual sounds in a middle school, especially on Friday afternoon, so I did not think anything of it at the time. Later, it occurred to me that the commotion was caused by Becky's attack on Clum.

As I rounded the corner, I came upon a student lying on the floor. It was Clum C. Kaylason. I recognized her right away because she's been in my office a couple of times this year. When I saw her there on the floor, I observed welts and bruises on her legs, and she was holding her jaw, wincing in pain. I asked her what happened, but her jaw had swelled up so much, she could barely speak.

I hurried into the cafeteria to find someone to

help me get Clum down to my office. I saw Becky right near the door and I called out to her, but she couldn't hear me because she was listening to an iPod. So I asked another student named Kevin to lend me a hand. We carried Clum to my office. I treated her wounds and called her mother. When Mrs. Kaylason arrived, I suggested she take Clum to the emergency room for further medical treatment.

Later that afternoon, Mrs. Kaylason was kind enough to call the school to give us an update on Clum's condition. During our conversation, I was informed that Becky Badly had something to do with what happened to Clum. I wasn't a bit surprised. Becky has a reputation for being a bully. I know that because I have seen her in the principal's office on many occasions. Over the past few years, the problem of bullying at our school has been on the rise. You know, if students like Becky don't receive harsh punishments, the problem will continue and more kids like Clum will be hurt.

### ***Testimony of Becky Badly***

My name is Becky Badly. On whatever day that this incident occurred, I'll admit, I was running down the hallway. Several kids were running, including Clum. It was lunchtime and everyone at school looks forward to that time of the day.

Now, I'll tell you what really happened and how Clum got hurt. Since I was running behind her, I saw the whole thing. First, I would like to point out that Clum has a reputation for being a major klutz and a crybaby. I'm sorry to say this, but it's the truth; not many kids at school like Clum. During gym, for instance, nobody ever wants to get stuck with Clum on their team because she's just no good at sports. Clum is always complaining to teachers that everyone is mean to her. In class, she constantly drops stuff like her books or her pencil box. Once, she tripped on her shoelaces and knocked a glass paperweight off the teacher's desk. It shattered and pieces of glass got stuck in her leg. Another time, she walked into the door during a fire drill and got a bloody nose.

Anyway, on the day Ms. Ficks found her on the floor in the hallway, she was running to the lunchroom, like the rest of the class. Clum ran smack into an open locker because she was looking over

her shoulder at me. None of the other kids stopped to help her after she fell but I tried. I stopped and offered her my hand, but she told me to get lost so I did. On the way into the cafeteria, I saw a few dollars on the floor. I didn't know who dropped them, so I picked the money up and kept it. I did not push Clum. I didn't take her iPod either. Clum is responsible for causing her own injuries because she is a klutz.

### ***Testimony of Napps A. Lott***

My name is Napps A. Lott. I work as the janitor at Lakeriv Middle School. I enjoy my job, but it's very exhausting cleaning such a big school. This is my 15th year on the job, so I'm getting up there in age. Over the years, I have grown very fond of the children, as they have me. In addition to sweeping the floors and taking all the garbage out, I also monitor the security cameras throughout the building.

After reviewing the videotape from the camera outside of the cafeteria, I saw most of what happened. The tape shows a dozen or so kids running down the hallway. It was hard to identify their faces clearly because the film is kind of grainy and I was a little drowsy that day. However, I was able to make out Becky, who was running behind Clum. Then, Clum turned her head and was looking backwards toward Becky while she was running. Becky appeared to be about an arm's length behind Clum. It's hard to tell from the angle of the camera, but I didn't see any contact between the two of them.

Next, I saw Clum collide with the locker door and go down. When she hit the floor, she was no longer in the range of the camera. Next, the tape shows Becky leaning over the spot where Clum went down. It looked like she was trying to help her up. Then I saw her stand up and run away. The rest of the tape shows Nurse Ficks coming around the corner and finding the injured kid.

A few days after the incident, while I was sweeping a classroom across from the cafeteria, I found an iPod under the bookshelf. It was smashed beyond repair. I'm pretty sure it's the one Clum dropped when she fell. It must have slid across the floor and ended up hidden under the bookshelf.

## **INSTRUCTIONS**

The plaintiff must prove, by a preponderance of the evidence, that Clum C. Kaylason was bullied and battered by Becky Badly. In order to award damages, the jury must be convinced that she caused her injuries and took her property.

## **SUB-ISSUES**

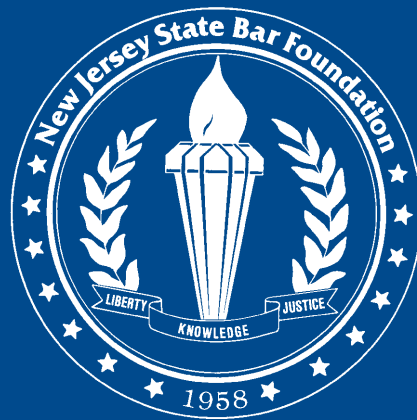
1. Did Clum run into the lockers because she was not looking forward or was she shoved?
2. Could one of the other students running in the hallway have pushed Clum?
3. Did Clum make this whole thing up, just to get back at Becky for previous incidents?
4. When Becky was seen on the security tape leaning over Clum, was she helping her or taking her iPod and money?
5. Did the broken iPod end up under a bookshelf when it flew out of Clum's hand, or did Becky break it and put it there to avoid being caught with it?

## **CONCEPTS**

1. Preponderance of the evidence.
2. Credibility of witnesses.
3. School policy regarding bullying.
4. Retribution – punishment imposed for purposes of repayment or revenge for the wrong committed.

## **LAW**

Public schools in New Jersey are required by law to enact tough rules and regulations against bullying. Harassment, intimidation, or bullying on school property are illegal and are prohibited.



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