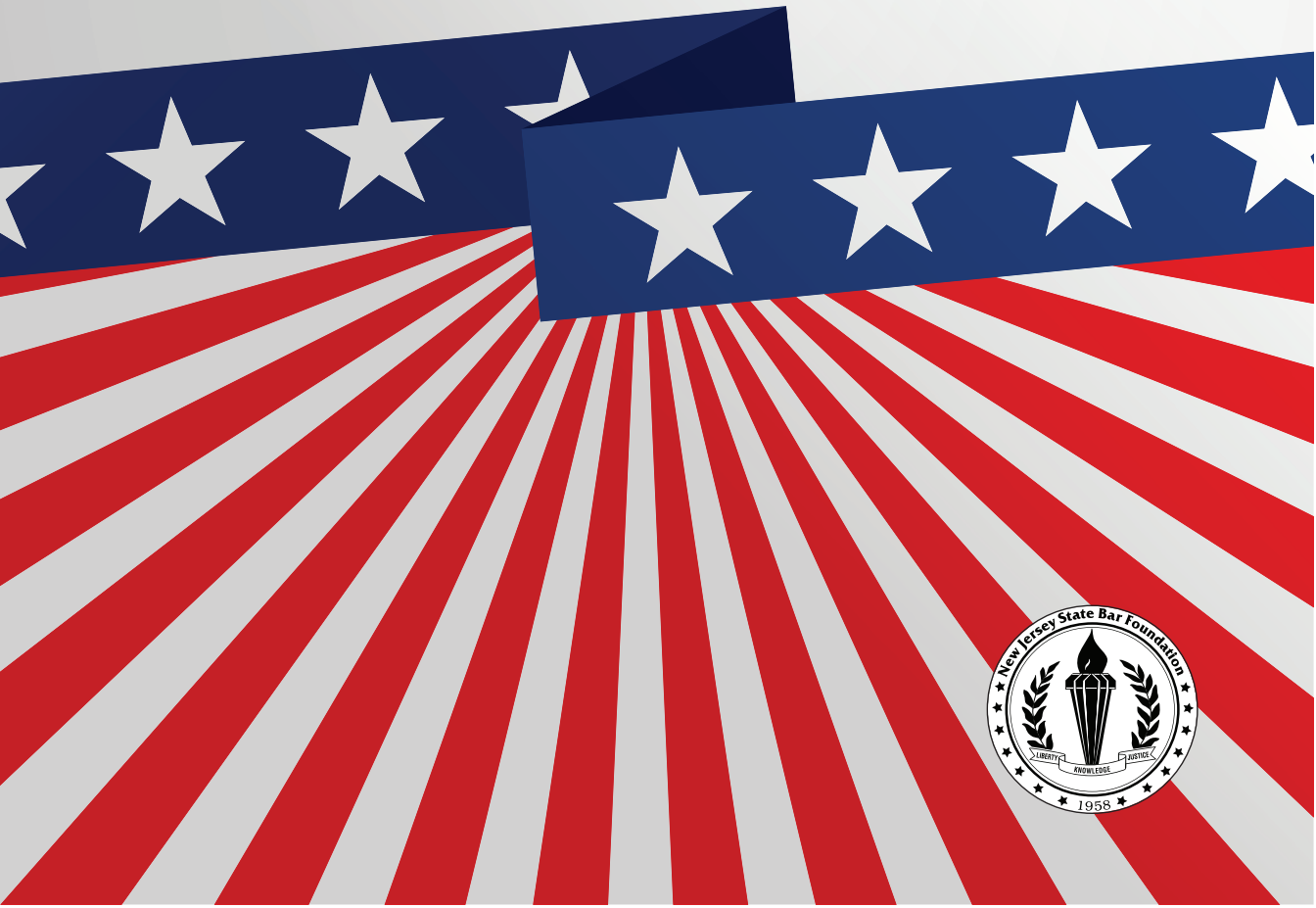


MOCK TRIAL EXERCISES

for grades
3 to 6

Featuring winning cases from the New Jersey State Bar Foundation's
LAW FAIR 2017 COMPETITION



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 2017 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.


For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at njsbf.org.

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Contents

The Case of the Rock Wall Slip	2
The Case of the Pokémon Go Trespassing Incident: State v. Jessica	7
An Acceptable Amount: The Dribbles v. Soccer with the Pros Training Camp	10
Dino Disaster: The Lackenburg Family v. Jersey Science Museum	14
The Reaction: Alnut v. Kidde	18
The Cautious Collapse: Clyde v. Jim	22
A Collision of Spokes and Feathers	25
The Case of the Downed Drone: State v. BB Gunnarson	28
Soccer at the Science Fair: The Tripped Family v. Townville Board of Education	32
The Case of the Uphill Battle: Ima Runner v. Coach Cutts	35
Slot Slip-up: Winn v. Lucky Casino	41
Washington v. Wilkins	48

The Case of the Rock Wall Slip



School
Mill Lake Elementary
Monroe Township
Grade 3, First Place

Teacher
Dawn Graziano

Students
Tyler Bacon
Tyler Barry
Alisha Chaudhary
Kristina Latosh
Siyona Patel
Delilah Updale

Facts

It was May 4, 2016, Rockey Slipp Jr.'s 9th birthday, and he was going rock climbing for his birthday party with his friends. Rockey Slipp Jr. was very overconfident about his sports abilities and more specifically, rock climbing. He chose rock climbing for his birthday so he could show off his skills. When Rockey Slipp Jr. attended rock climbing competitions, he always won, so none of his friends ever wanted to challenge him.

While Rockey Slipp Jr. was standing on the line, excitedly waiting outside of his party location, he saw the rock climbing staff enter the building. A lot of people were waiting outside the building; there seemed to be some sort of delay. Once the building opened, everyone ran to get on the rock climbing lines first. As the people entered, an announcement was being made: "Do not go to lane four." Rockey Slipp Jr. did not hear the announcement to avoid the lane four wall because he was still outside the facility.

Inside the facility, a worker who had come in early to test the walls had gotten the flu and went home. The manager put a less experienced person, George Pull, in charge of the rock wall. When Rockey Slipp Jr. finally got to the rock wall, the employees were testing the rock to make sure it was steady by putting a hand on the rock and pushing down on it. The overconfident birthday guy, Rockey Slipp Jr., went in the climbing harness and his friends helped him get in it. Rockey

asked George Pull if the safety mats could be moved, showing off in front of his friends. The safety mats were intended to cushion the climber in the unlikely event of a fall. George Pull replied that they absolutely could not be moved. He decided to keep a close eye on Rockey. However, after a few minutes, George heard glass break, so he looked over to see where the noise was coming from. He observed a broken drink bottle on the floor in the rock wall area. One of Rockey's party guests was standing next to the mess.

As George Pull was distracted by the broken glass, Rockey Slipp Jr. motioned to his friends to move the mats. As his friends were moving them, Ms. Cleen came up to take over for George Pull. She closed the buckle, making sure that it was tight so that Rockey would be safe. She then ran to help pick up the glass, telling Rockey to stay still until the mess was cleared so that the other party guests were safe. Ms. Cleen was clearly heard to have said, "Do not start climbing yet." Then when she turned around (without realizing that there were no mats on the floor), she saw Rockey Slipp Jr. climbing the wall. George Pull also saw Rockey climbing quickly and yelled out that he was climbing way too fast and he needed to stop climbing.

Then Rockey started going up the wall even faster. Rockey later stated that he couldn't hear George Pull because of the noise in the facility. At that time, Rockey Slipp Jr. was noticing that his harness was too tight. He tried to loosen it, but didn't know how to do it. He was pulling on the harness, but he just made it worse. After fiddling with the harness for a minute, it suddenly loosened

and fell off of his waist. Rockey wasn't worried because he was an experienced climber, but he forgot that the mats had been removed by his friends. Rockey Slipp Jr. reached the top but when he was trying to go down, he stepped on a wiggly rock and twisted his foot, falling from the rock wall to the ground. Since the mats were missing, Rockey Slipp Jr. severely injured his neck, arm and leg, in addition to a minor concussion and two broken teeth.

Issue

Who is responsible for the slip and fall of Rockey Slipp Jr.? Is it negligence on the part of the rock climbing facility for not providing appropriate supervision, or is it Rockey's own responsibility for ignoring the rules?

Witnesses

FOR THE PLAINTIFF

Rockey Slipp Jr.
Ms. Cleen

FOR THE DEFENSE

Cam E. Ra
George Pull

Witness Statements

TESTIMONY OF ROCKEY SLIPP JR.

First of all, when I walked in, it was not my fault that I didn't hear the announcement. I was just a little late with a carpool and I didn't think I missed a lot. When I came in, a new guy was there that I have never seen

before I went in the line that nobody was in. I guess the new guy didn't know that either, because he didn't correct me or my party. He said he had tested the rocks himself and they were fine. I was used to the rock wall so my friends and I made a bet that I was too scared to go up the wall without the mats. Of course, I wasn't scared, so my friends moved the mats.

When it was my turn, one of my friends busted a bottle on the floor. The guy that usually rigs me up, George Pull, went to clean the mess. A lady named Ms. Cleen put my harness on way too tight. I started up the rock wall and I noticed that my friends were watching. I got a few of them to move the mats. Lucky for us, nobody that works there was paying attention! Boy did that lady tighten my harness, though. I couldn't stand it anymore and tried to loosen it. I don't know what she did wrong, but the last thing I remember was that I stepped on a loose rock and twisted my ankle. Then I woke up in the hospital. I'll never go to that rock wall again. They barely even paid attention to what we were doing.

TESTIMONY OF MS. CLEEN

Oh, that poor child! I feel terrible! He was just about ready to climb when George and I heard some glass breaking. It's so annoying when kids bring glass bottles back to the rock wall; I mean, the sign clearly says you are not allowed to have glass. Anyway, George said he would get the glass if I would hook up the boy. I was so concerned he would fall out, I guess I did hook it a bit tight. He complained but he was laughing about it so I let it go. I didn't want him to start climbing, so I told him to

wait while I helped George clean up the rest of the glass.

I got a call from Cam, who said that the mats were not at Wall Four. I didn't think much of it because the boy was specifically told NOT to begin climbing. I cleaned up the glass with George Pull. I rushed as fast as I could to help, but it was too late. Rocky Slipp had fallen. His parents came, and so did his siblings. He was hospitalized with neck, arm and leg injuries, and suffered a concussion and two broken teeth. The ambulance came and took Rocky Slipp Jr. away and then the facility closed for the week. I really wish George Pull had stayed at his post and not asked me to fasten the harness. I could have just cleaned up the glass.

TESTIMONY OF CAM E. RA

My name is Cam and I am a security guard at Climb the Wall, a new facility. When I got to work this morning, our staff member who was scheduled on the morning shift was making some repairs to Wall Four. He said he wasn't feeling well, though, and requested that the manager let him go home. I think he was coming down with the flu. He did tell me he thought the repairs on Wall Four were complete. I was just sitting in my giant security chair watching the screen of my large computer looking for any trouble, when I saw the huge crowd outside. I took my microphone and made an announcement for the visitors NOT to go on Wall Four. I thought the staff should check it first. *Obviously*, Rocky Slipp Jr. didn't hear me.

I may have dozed off for a second but I woke

up just in time to see on my large computer screen that Rocky Slipp Jr.'s friends were moving the mats at Wall Four! I tried to call George Pull on the walkie-talkie, but all I heard was noise and more noise, so I hung up.

After that, I called Ms. Cleen, another morning shift employee, and she said she would take care of it. I stared so hard at the computer screen to see if anything else was happening. When I blinked for *one second* and then opened my eyes again, George Pull walked off to pick up what looked to be a mess on the floor and Ms. Cleen took over to make sure Rockey was safely in his harness before she went over to help George.

I saw Rockey begin climbing the wall at a quick pace, and I went running out but it was too late. He was laying on the ground. I could see something was very wrong so I called 9-1-1 immediately. That kid never should've started climbing the wall without an adult around. There are signs posted everywhere advising of the dangers.

TESTIMONY OF GEORGE PULL

Earlier this morning, I pushed on all of the rocks to make sure they were stable. Cam, the security guard, asked me to double check. My first customer was this cocky kid named Rockey. I was getting ready to get started when this Rockey kid asked me to remove the mats. I laughed and pointed to one of our huge signs because one of the most important rules on the sign is to NEVER remove the mats. When I was putting on the harness, I heard glass breaking. I saw that one of the kid's party

guests had broken a drink bottle on the floor. The sign also says that no glass bottles are allowed in the climbing area. I called to Ms. Cleen and asked her to tighten Rockey's harness while I cleaned up the glass. We didn't want him to get hurt. I told that kid NOT to start climbing. I'm sure all of the other kids heard me, and so did Ms. Cleen.

Next thing I knew, I saw Rockey climbing the wall, and he was moving fast! I yelled to him to stop, but he didn't listen or didn't hear me; I'm not sure which. Next thing I knew, he was on the ground. Cam called 9-1-1 while I tried to help the kid. I heard later he unbuckled his harness. The kid told me he climbs all the time. Why would he do something so unsafe? I personally tested those climbing rocks by pushing on each one before we opened the wall. I know they were in place. The last thing I remember was that I saw him screaming.

Instructions

The plaintiffs, Rocky Slipp Jr. and family, must prove by a preponderance of the evidence that the defendant, Climb the Wall, was negligent and that the defendant's negligence caused Rockey's fall from the rock wall, so that Climb the Wall must pay for all expenses associated with Rockey's injury and recovery, and for pain and suffering.

Sub-Issues

1. Did Climb the Wall have a duty to keep an eye on Rockey at all times, even though he was an experienced climber?
2. Were posted signs enough to deter younger patrons from breaking the established rules?
3. Was it the condition of the facility that caused Rockey's injuries (the wobbly rock)?
4. Were Rockey's friends responsible, since they moved the mats?
5. What are parental obligations in this situation?

Concepts

1. Negligence.
2. Liability.
3. Preponderance of evidence.
4. Parental responsibility.
5. Comparative negligence.
6. Causation.
7. Foreseeability.

Law

Negligence is the failure of an individual to exercise the proper degree of care a reasonable person would provide under similar circumstances. Important concepts are duty of care and whether or not that duty of care was breached.

Comparative Negligence— Did the plaintiff contribute to cause the damages?

Foreseeability—Should the defendant have reasonably foreseen that his or her negligent act would endanger a patron?

The Case of the Pokémon Go Trespassing Incident: State v. Jessica

FACTS

One Tuesday, January 17, 2017, Jessica and her friends left school at 3 p.m. to go play the game Pokémon Go in the neighborhood. Each person had a cellular phone that allowed them to play the game because they downloaded the app. The game requires you to use your current location with your cellular phone device to find Pokémon characters. Pokémon characters can appear in the app in public places such as parks, bathrooms, cars, people’s yards and restaurants.

One of Jessica’s friends identified a Pokémon character on Mr. Teal’s lawn. On Mr. Teal’s property is a sign the says, “NO TRESPASSING!” When Jessica and her friends run by Mr. Teal’s front yard, Mr. Teal comes out and yells at Jessica, “Get off my property now!” The state is prosecuting Jessica for trespassing on Mr. Teal’s property.

ISSUE

Did Jessica trespass on Mr. Teal’s property?



SCHOOL
Garfield Jackson Academy
East Orange
Grade 3
Second Place

TEACHER
Ann White

STUDENTS
Aliyah Abdul-Hakim
Jalil Akinyele
Khloe Graham
Bernard Gray
Zhoe Martin
Lauren Moseley
Tamera Pullins
Milan Sharp
Tristan Wertz

WITNESSES

FOR THE PROSECUTION

Ms. Green

Ms. Blue

FOR THE DEFENSE

Amira

Brianna

WITNESS STATEMENTS

TESTIMONY OF MS. GREEN

While I was walking down to Mr. Teal's house to deliver his mail, I saw three girls playing with their phones and walking in circles. Then I saw one of the girls look up from her phone. She was just staring at Mr. Teal's front porch. The girl looked back and started to talk to her friends. Then I got suspicious. After walking away from Mr. Teal's mailbox, I saw the same girl walking up his porch steps. All of that happened on Tuesday, January 17, 2017.

TESTIMONY OF MS. BLUE

On January 17, 2017, I saw one of my neighbors, Jessica. I was wondering what Jessica and her friends were doing with their cellular devices on their faces. Then I saw Jessica look up from her phone. She was just staring at Mr. Teal's front porch. Mr. Teal is my neighbor. I looked at them suspiciously because Jessica and her friends were just staring at his front porch and I thought that was rather odd. Suddenly, as I dropped my water bottle, I saw Jessica standing on Mr. Teal's front porch. At least I think it was Jessica, I did not have on my glasses and I need them to see far and near.

TESTIMONY OF AMIRA

We did not walk on Mr. Teal's lawn or trespass on his property. Jessica, or I think Brianna, dropped her cell phone and it happened to land in his yard. But I am not sure which one dropped the phone because I found a Pokémon.

TESTIMONY OF BRIANA

I did not have my cell phone out chasing Pokémon; however, I was listening to my iPod. I noticed Ms. Blue and I was trying to get her attention to say hello, but I don't think she recognized me because she didn't have on her glasses. Also, it's a known fact that Mr. Teal's property has a sign not to trespass and we all respect Mr. Teal!

INSTRUCTIONS

The prosecution must set out such a convincing case against the defendant that the jury believes "beyond a reasonable doubt" that the defendant is guilty.

SUB-ISSUES

What time of day did this occur?

Was Jessica just near Mr. Teal's property or on his property?

Was the "No Trespassing" sign visible to the public?

Was Jessica's friend on the property and not she?

CONCEPTS

Circumstantial evidence vs. direct evidence.


Credibility of witnesses.

Burden of proof: beyond a reasonable doubt.

LAW

A person commits an offense of trespass if he or she enters upon the property of another without verbal or written permission and remains on the property without the permission of the homeowner or their agents (persons living in the home with the homeowner).

An Acceptable Amount: The Dribbles v. Soccer with the Pros Training Camp



SCHOOL
Spring Garden
Nutley
Grade 4
First Place

TEACHER
Debra Tiene

STUDENTS
Joshua Antonio
Emma Chell
Grace Christie
Luke Gonzalez
Aleiya Moore
Chaaya Patel
Nidhi Patel
Olivia Rodriguez
Saanj Selarka

FACTS

The Dribbles participate in their daughter Sally's activities. The Dribbles' daughter Sally practices soccer and is on the town's local soccer team so they signed her up for Soccer with the Pros Training Camp to improve her skills. When they signed the contract and paid the \$200 expense, they noticed a disclaimer on the bottom that said: "If your child doesn't improve by an acceptable amount, you get your money back - guaranteed." Six weeks later her training was over. The parents told the trainer their child had not improved by an acceptable amount, so they asked for their \$200 back. He told them that their child went from scoring three goals to scoring seven goals. The parents said they expected Sally to go from scoring three goals to ten goals, but she had not, so they told the trainer it was not acceptable. Sally and her family are suing the Soccer with the Pros Training Camp for not giving them back their \$200.

ISSUE

Is Soccer with the Pros Training Camp responsible for giving back the \$200 the Dribbles paid?

WITNESSES

FOR THE PLAINTIFF

Mrs. Dribble
Sally Dribble

FOR THE DEFENSE

Jake Kickits
Nick Kickits

WITNESS STATEMENTS

TESTIMONY OF MRS. DRIBBLE

I am Mrs. Dribble. We are a very close family and try to encourage my daughter's interests. My daughter Sally loves soccer and was the star on the Scorpions, our town's local soccer team. My family has always loved soccer. We have never played it, but we wanted our daughter to be able to achieve the dream we had. She has played for 10 years. I love watching her play. However, she feels she could have improved in certain areas, so we sent her to Soccer with the Pros Training Camp. I think that since the owner and her coach act like brothers, they take it as a "bro" gathering, not a JOB.

Soccer with the Pros promised that if she didn't improve by an acceptable amount, we would get our money back, guaranteed. It is listed on every advertisement, on posters, the Internet, and certainly on the wall at the camp itself. My husband and I feel that going from three to seven goals is not much improvement, and that she has a much higher potential. Our dream for her is that she is satisfied with her improvement, which she does not seem to be. We want our daughter to have fame and good fortune,

unlike what we had. You should see our family room, we have a ton of posters and her trophies are everywhere. We called and wrote to Nick Kickits, the owner of Soccer with the Pros, and asked for our money back but he never responded. So, as you can see, my family should get our money back without any problem.

TESTIMONY OF SALLY DRIBBLE

I'm Sally Dribble. I am 14 years old and I have been playing soccer for 10 years. My parents and I chose the Soccer with the Pros Training Camp because we had heard wonderful reviews and I wanted to learn to be a better kicker and get more soccer skills, but I have not improved much this season. The company website said that if I did not improve by "an acceptable amount" that we would get our money back.

Unfortunately, I don't feel I have improved enough because I expected to go from three goals to ten goals, but I only improved from three goals to seven. I think that the reason I didn't improve much is that my coach, Jake Kickits, wasn't giving me enough attention. He's always on his cell phone. I have no clue what is so important on his phone, but apparently it's more important than me. And when he is paying attention, he's mostly focused on the All Stars so he can get more praise and money. I have been to other soccer camps where the coaches really worked with me. At other camps, I noticed that I improved more for much less money than the \$200 fee that the Soccer with the Pros company charges. At these other camps it was only for 3-10-year-olds, which unfortunately means I cannot go back to them.

I know I have a much better potential and improving by four goals is NOT an acceptable amount. My true dream is soccer, but I'm not getting enough attention. If this company won't give me what I want to improve, then they should give my family back the money we deserve. I can't believe he is getting paid at all. If Jake wants to look at his dumb phone, then he can take the day off!

TESTIMONY OF JAKE KICKITS

My name is Jake Kickits and I am an award-winning soccer player. I used to play for the New York Red Bulls. I watch soccer games all weekend to get better strategies for children. I have been teaching soccer to kids ever since I retired the team four years ago. I have been training kids ever since, so I know talent when I see it. Sally Dribble had told me that she was not the soccer type and that she preferred tennis. She also said that it was her parents' dream for her to learn to play soccer so she felt that she had to do it.

I put my heart and soul into training Sally, and by the end of the season, she improved greatly. She went from scoring three to seven goals. Unfortunately, her parents expected her to score more than seven goals and so the good work that Sally did was unacceptable to them. I told them that Sally did her best and that she did improve, but that she really prefers tennis. Maybe that's why it was hard for her to meet their expectations and really engage with soccer. I think Sally could do better, she was just acting like she doesn't care. I mean, that's my opinion. But Sally needs to understand that I'm not only her trainer, I am also three

other people's trainers. They are on Soccer with the Pros soccer team, but I was also paying attention to Sally.

If Sally thinks I was not paying attention and was mostly on my phone, it was because my sister had a stroke and was sent to the hospital so I was trying to find out how it happened by texting the doctors. Right now, you are probably wondering why I didn't rush to the hospital to see my sister. Well, it's because I had seen talent in Sally and wanted her to be successful. I went out of my way to train Sally instead of seeing my sister in the hospital after she had a stroke. I think that Sally improved by an acceptable amount and this suit is frivolous.

TESTIMONY OF NICK KICKITS

My name is Nick Kickits, uncle of Jake Kickits. I own Soccer with the Pros Training Camp. I am also a professional soccer player on the Sky Blue FC. Well, I used to be. I was at about retiring age so I started a soccer camp four years ago. I choose trainers who are not only good at soccer, but love to work with children. So I chose my nephew to train Sally Dribble. My nephew, Jake Kickits, used to be on the New York Red Bulls and he was a spectacular player. He retired from the team a couple of years ago to work at my soccer camp and has been training kids ever since.

The first day of camp I watched them a little while they did the basics. Sally started to improve a little the FIRST day, which I think is good for a teenager. The second day she improved from three goals to four goals. The third day I spoke to Jake. He told me that she improved but was not paying

attention. So I told him to test her secretly today and see what she learned. I watched them through my office window. Then Sally had continued to improve and now was at five goals. She was on a roll. I almost forgot she wasn't paying attention. In the last couple of her days at the camp, Sally increased her score from five to seven goals.

Unfortunately, Sally's parents said she did not improve by an acceptable amount so they wanted their money back. Jake said she did, and it looked it to me, but Sally's parents still sued us. Sally looked like she was on her parents' side on this. We stand firm that we have been true to our promise.

INSTRUCTIONS

The plaintiffs, the Dribbles, must prove by a preponderance of evidence that the defendant, Nick Kickits, owner of Soccer with the Pros, breached his contract by not returning their money as promised. Nick Kickits must show he had a compelling reason to refuse to honor the money back guarantee.

SUB-ISSUES

1. Did Sally prefer to play another sport, so she didn't try as hard as her parents wanted?
2. Was there a signed contract between the Dribbles and the owner of Soccer with the Pros Camp?
3. Did Soccer with the Pros help Sally improve by an acceptable amount?
4. Was an acceptable amount defined by the camp or family?
5. Was the trainer focused on too many other students and so he didn't help Sally?
6. If the trainer hadn't been on the phone, could it have changed Sally's performance?
7. How did Sally feel about going to Soccer with the Pros Camp?
8. Did Sally's parents force her to attend this camp?
9. Was Soccer with the Pros truthful in their advertisements?

CONCEPTS


1. Burden of proof.
2. Credibility of witnesses.
3. Breach of contract.

LAW

Breach of contract: A breach of contract occurs when the promisor fails to perform an absolute duty that he or she had promised to perform.

Compensatory damages cover the loss the non-breaching party incurred as a result of the breach of contract. The amount is intended to make good or replace the loss caused by the breach. The general damages for this breach could include a refund for the amount paid.

Dino Disaster: The Lackenburg Family v. Jersey Science Museum



SCHOOL
Joyce Kilmer Elementary
Mahwah
Grade 4
Second Place

TEACHER
Leanne Weiss

STUDENTS
Riley Casimiro
Emily DeSilva
Ishaan Ghosh
Emelysse Jacobo
Claire Lee
Nicholas Pantano
Sanskriti Ruwali
Cameron Sanchez

FACTS

On July 13, 2006, Freddy Lackenburg, age five, his older sister Sally Lackenburg, age 14, and their parents, Peter and Sandra, went to the Jersey Science Museum. Freddy and Sally were told to play in the children's section with 13 older kids while their parents went to eat in the museum's cafeteria, which was near the children's area. The parents asked Sally to watch Freddy.

While the kids were playing, a 21-year-old tour guide named Bill Miller asked if they wanted a tour around the museum. They immediately said yes, so Bill, Freddy, Sally and the other kids started walking through the science museum. He led them to a room with an exhibit of dinosaur skeletons and fossils. Bill asked the children to wait near the brachiosaurus exhibit while he got some fossils to show them.

Sally was talking to her best friend Jamar Felk while they were waiting. While they were not looking, Freddy jumped up and hung on the dinosaur's thigh bone. The bones started cracking, the display crumbled, and it knocked Freddy to the ground unconscious. As a result, Freddy lost several baby teeth and was admitted to the hospital with a severe head injury. The Lackenburg Family is suing Jersey Science Museum for negligence, pain and suffering, and medical bills as a result of Freddy's injuries.

ISSUE

Is the Jersey Science Museum responsible for Freddy’s injuries?

WITNESSES

FOR THE PLAINTIFF

Peter Lackenburg
Sally Lackenburg

FOR THE DEFENSE

Madelyn Loretta
Bill Miller

WITNESS STATEMENTS

TESTIMONY OF PETER LACKENBURG

I am Freddy’s dad. I dropped off my kids at the kiddie section in the museum on July 13, 2006 and then went to the nearby cafeteria with my wife Sandra. When we finished lunch, we went back to the kiddie section to get our kids. When we got there, we saw a sign that the kids went on a tour.

We were fine with that, and we asked a worker what time they would be back. He said in 10 minutes, so we waited. But all too soon, we saw medics rush out with our son, who was unconscious. We ran after them to see what happened. They said that he had been hanging on the dinosaur bones and it broke. When I saw that the fence around the skeleton was falling apart, I wondered why the museum would not maintain it. Plus, my son is too young to read “DO NOT TOUCH” signs, and there were no security guards in sight. My wife and I are suing Jersey Science Museum for negligence, in

addition to our pain and suffering and Freddy’s hospital bills.

TESTIMONY OF SALLY LACKENBURG

On July 13, 2006, my family went to the Jersey Science Museum to have a good time. We were looking forward to going to the museum. My parents dropped us off in the kiddie section. They said there would be a tour going on and to watch my little brother. Then a tour guide came. He worked at the museum, and he asked all of the kids if they wanted to go to a dinosaur exhibit for a tour. He made it sound very interesting that we could never say no. Everyone wanted to go.

Inside of the dinosaur room, I told Freddy to stay away from the brachiosaurus exhibit. We noticed that there was a very crooked fence around the brachiosaurus skeleton. I was talking to my friend Jamar and suddenly, I heard something loud, like a crack. Jamar told me that Freddy was on the ground, with bones on top of him. I panicked and got the employee. When I came back to Freddy, he was lying down, not moving. I was very upset. I told him not to go near the exhibit, but he did anyway. If the employee had not left us alone, this would not have happened to Freddy.

TESTIMONY OF MADELYN LORETTA

My name is Madelyn Loretta, and I am the director of the Jersey Science Museum. It was a normal day here on July 13, 2006. From my view of the security cameras, I saw that parents were dropping their children off 10 minutes before the tour time and the parents left to go eat. Then Bill

Miller, my 21-year-old intern, took the children to a tour of the dinosaur exhibit. Bill, who is extremely responsible, told everybody to wait so he could get fossils to teach them about it. One of the little boys climbed on to the brachiosaurus dinosaur skeleton. The skeleton is not meant to hold up a lot of weight and started to collapse.

Bill heard the little boy screaming and went running to help him, but it was too late. The little boy hit his head. Immediately, I called 9-1-1 and told the ambulance to come and take him to the hospital. In my opinion, the museum is in no way responsible for the little boy's injuries. We have "DO NOT TOUCH" signs posted at each exhibit and parents are responsible for supervising their children.

TESTIMONY OF BILL MILLER

I am Bill Miller, a tour guide at Jersey Science Museum. On July 13, 2006, I approached a group of children in the children's area and led them on a tour of the dinosaur exhibit. While I was in the lab grabbing fossils, a little boy named Freddy climbed on the brachiosaurus skeleton despite warning them not touch anything. Maybe he didn't read the "DO NOT TOUCH" sign. Unfortunately, the skeleton cracked while Freddy was on it and he got severely injured. I had overheard the boy's sister warning him not to touch the exhibits as well. Why didn't the parents stay with the kids? I was just doing my job. They are the parents after all.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that the Jersey Science Museum was negligent and therefore responsible for Freddy Lackenburg's injuries.

SUB-ISSUES

1. Was the fence good enough quality to keep kids away?
2. Should an intern like Bill Miller be allowed to take kids on a tour?
3. Were there enough signs posted around the museum about unaccompanied minors?
4. Was there enough security in the museum?

CONCEPTS

1. Liability.
2. Comparative negligence.
3. Personal injury.
4. Parental responsibility.
5. Attractive nuisance.

LAW

1. Negligence is the failure of an individual charged with the duty of care to exercise the proper degree of care that a reasonable person would exercise under similar circumstances. It may be the doing of an act which the ordinary prudent person would not have done, under the circumstances. By a "prudent person," it is not meant the most

cautious person, but one of reasonable vigilance and caution. There can be no liability in negligence unless the plaintiff establishes both that they were owed a duty of care, and that there has been a breach of that duty.

2. Attractive Nuisance: a possessor of property is subject to liability for physical harm to children trespassing on the property caused by an artificial condition upon the property if: (a) the place where the condition exists is one upon which the possessor knows or has reason to know that children are likely to trespass; (b) the condition is one of which he or she realizes or should realize will involve an unreasonable risk of serious bodily harm to such children; (c) the children because of their youth do not discover the condition or realize the risk involved in coming within the area made dangerous by it.

The Reaction: Alnut v. Kidde



SCHOOL

Washington Elementary
Nutley
Grade 4
Honorable Mention

TEACHER

Nikki Morgan

STUDENTS

Christian Badawi
Jackson Cerniglia
Caitlin Chua
Luke Cozzi
Jimmy Crichton
Isabella Dimasi
Kaitlyn Gibney
Isabella Mattiazzi
Declan McManus
Vida Montesino
Dhanishka Pandya
Kayla Schifffenhous
Aditya Shreekanth
Jordan Small
Nicholas Stovbun
Mia Timpanaro

FACTS

John and Susan Alnut have an eight-year-old daughter Casey, who has a life-threatening allergy to all nuts. On Wednesday, March 16, 2016, Mr. and Mrs. Alnut had to go out on an urgent meeting for their job. They needed someone to babysit Casey, so they went on the five-star rated site, BabyCare.com, as they have in the past. The Alnuts picked the first babysitter they found. Malika Kidde seemed qualified, so they hired her. The Alnuts gave Malika a brief summary of everything Casey needed while they were away.

After dinner, at 7 p.m., Malika brought Casey outside to play in the backyard on the swing set. While they were outside, part of the swing set broke, so Malika told Casey to meet her in the front yard instead so she wouldn't get hurt. As she was waiting for Casey out front, Malika's friend Ally was walking by and stopped to say hello. A few minutes later, when Casey came outside, her face was red and she was holding the empty wrapper of a granola bar. Soon, Casey asked for some water. Malika went inside to get some. Then the next-door neighbor passed by as she was walking her dog, saw Casey on the grass, and realized she was having an allergic reaction. The neighbor called the ambulance and Mr. and Mrs. Alnut. Casey was treated immediately. Now Mr. and Mrs. Alnut are suing Malika Kidde for \$5,000 to pay for Casey's medical expenses and her pain and suffering.

ISSUE

Was Malika negligent, and should she be liable for Casey’s allergic reaction?

WITNESSES

FOR THE PLAINTIFF

Susan Alnut
Sakura Yumi

FOR THE DEFENSE

Malika Kidde
Ally Jenkins

WITNESS STATEMENTS

TESTIMONY OF SUSAN ALNUT

My husband and I work for a large corporate company. We were going to an urgent meeting on March 16, 2016. If we did not attend this, we would be in deep water. My husband and I lost track of time, and were in a rush to get there. We went on the best babysitting website that was there, BabyCare.com. We had used it before, so we trusted it. The first person we saw on the site was an 18-year-old girl, Malika Kidde. Her rating was good, and she sounded qualified, so we hired her. She arrived just in time, and we gave her a brief summary of everything she needed to know about Casey. But later, while we were at the meeting, I got a call from our neighbor Sakura. I had to personally step out of the meeting and take the call, which was quite embarrassing.

She told me that Casey was having an allergic reaction, and I panicked. We rushed home, knowing that Casey probably ate something containing nuts, even though we told Malika about her allergy. Now my poor daughter doesn’t want to be left with a babysitter anymore, and she is afraid to have another reaction. We are suing Malika for Casey’s medical expenses and the pain and suffering she caused our daughter. Because of her negligence, our daughter could have gotten more sick, or worse.

TESTIMONY OF SAKURA YUMI

On March 16, 2016, at around 7:30 p.m., I heard a child coughing while I was walking my dog. As I got closer, I realized it was Casey Alnut. I looked towards the window, but there was nobody around. I then saw somebody walking towards the front door and come outside. It was a young woman, probably around 18 years old. First I wondered if she was a thief because I have never seen her before, but she must have been the babysitter.

Poor little Casey was alone on her front lawn, her face as red as a tomato. I have known the Alnuts for six years, and I’ve seen that red face on Casey before – she was having an allergic reaction. I immediately called for an ambulance and Mrs. Alnut. How could a babysitter be so irresponsible? The trusted her, only for her to leave Casey alone and allow her to eat something she should have known she couldn’t have. I grabbed Casey and tried comforting her until her parents and the ambulance came. I cannot describe the Alnuts’ faces when they looked down at their little baby.

TESTIMONY OF MALIKA KIDDE

On March 16, 2016, I was sitting on my couch watching TV. Soon, I got a notification telling me I had a babysitting job for John and Susan Alnut. I quickly got my phone and purse and drove to the house. When I went in, they quickly told me rushed directions for caring for their eight-year-old daughter, Casey. I did not hear them mention Casey having any allergies. I wanted to ask them some questions, but they were in such a rush to leave that I didn't have a chance to.

Anyway, after I gave Casey her dinner, we went outside in the backyard to play on the swing set. While Casey was playing, part of the swing set broke. I didn't want Casey to get hurt, so I told her we could play in the front yard instead. I planned to help pay to fix it, since it broke while I was watching Casey.

As I was waiting for Casey to meet me in the front yard, my best friend Ally was walking down the street and stopped by to say hello. We have been friends for a while – I've even babysat her little brother. We chatted for a few minutes.

After she left, Casey came outside, holding the empty wrapper of a granola bar. Her face was very red, and she was coughing. I didn't know what was wrong with her, but I knew it couldn't be good. She asked for some water, so I ran inside to get some for her. When I came back outside, an older woman passed by, walking her dog. She looked at us in an odd way and made a phone call. Soon, an ambulance came, along with Casey's parents. It turned out Casey was having an allergic reaction to the

granola bar she ate. I learned she had a life-threatening allergy to nuts! I wish her parents had told me this very important piece of information. I would have never allowed Casey to eat anything like that, or even let her be inside the house alone, if even for several minutes. But as an eight-year-old, she should have known better than to eat something she is not supposed to.

I do not believe I am at fault for Casey's allergic reaction. I did everything I could to keep Casey safe while her parents were out. I feel terrible that this happened.

TESTIMONY OF ALLY JENKINS

On March 16, 2016, I was walking down my street when I saw Malika outside of the Alnuts' house. I stopped to say hello and we talked for a few minutes. She told me she was in the front yard because the swing set was just broken and she didn't want Casey to get hurt. She even mentioned that she wanted to help pay to fix it, which is typical Malika. As we were talking and she was waiting for Casey to come outside, Malika seemed nervous. When I asked her what was wrong, she said she didn't like how the Alnuts were rushing and didn't tell her everything about Casey. So when I found out about what happened to Casey just minutes after I left, I knew this was not Malika's fault. She would never let something like this happen to anyone!

I have known Malika since the third grade. She has babysat many times over the past few years, including my little brother who also has food allergies. Malika has never left any child alone. I know Malika would never

be negligent. She always makes sure to have as much information about a child as she can before she watches them. She is a very responsible person, and is always careful, making sure to give the children she babysits the best care possible.

INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Malika was negligent in caring for Casey and should be liable for her medical expenses, as well as her pain and suffering.

SUB-ISSUES

1. Should Malika be liable for Casey's medical expenses?
2. Should the Alnuts have given Malika more formal instructions?
3. Is Casey old enough to have known about her allergy?
4. Should Malika have been out of Casey's sight at all?

CONCEPTS


1. Negligence.
2. Liability.
3. Parental responsibility.
4. Age of reason.

LAW

Negligence—If the defendant failed to protect others from unreasonable risk of harm, the plaintiff may recover damages.

Caregiver Law—whoever is the cause of internal or external harm in the care of a child shall be fined up to \$1,000.

The Cautious Collapse: Clyde v. Jim



SCHOOL
Yeshivat Noam
Paramus
Grade 5
First Place

TEACHER
Margi Saks

STUDENTS
Leo Amsalem
Micah Cyrulnik
Jake Glick
Aron Hendler
Netanel Lipshitz
Aron Major
Akiva Rovner
Owen Sausen
Hudi Shatzkes
Azi Simpson
Abraham Stelzer
Sam Wartelsky

FACTS

On April 1, 2014, Graffiti Jim and his friends decided to play a prank on Cautious Clyde. Jim chalks a fake hole in the sidewalk. They spot Clyde walking down the sidewalk and yell to him to be careful of the dangerous hole. Clyde gets very scared of falling in the hole and shifts far to the side, away from the fake hole. Graffiti Jim's friends start to jump all over the chalk hole, while laughing and making fun of Clyde, calling him mean names. This bullying continues for a year.

A year later, there was a construction site on the public school property. The construction was almost finished; they still had a few holes to fill in. There was caution tape and video surveillance at the sight. One windy night the caution tape blew away. The next morning, on Clyde's walk to school, he noticed Graffiti Jim and his friends hanging around with his chalk near a hole in front of the site.

Clyde was tired of being bullied by Graffiti Jim and wanted to show Jim that he knew the hole was fake and that he was not scared anymore. To prove to Jim that he knew it was just chalk, he stepped right into the hole. The problem was that this time the hole was real and Clyde was severely injured.

Clyde's family is suing Graffiti Jim for bullying him and for his pain and suffering from the fall.

ISSUE

Is Graffiti Jim liable to pay for Cautious Clyde's medical bills and pain and suffering as a result of his bullying of Cautious Clyde over the years?

WITNESSES

FOR THE PLAINTIFF

Cautious Clyde
George Walk

FOR THE DEFENSE

Graffiti Jim
Michael Finn

WITNESS STATEMENTS

TESTIMONY OF CAUTIOUS CLYDE

Jim keeps bothering me with his pranks almost every day. Jim and his friends are continually mean and laugh when I get tricked. Since I get tricked constantly, my "friends" call me a loser for always falling for the pranks! I thought that this time I would absolutely not make a fool of myself, so I jumped right into the hole, not knowing it was real. I broke my arm and suffered and made even MORE of a fool of myself because of Jim. My arm is still in pain. I needed several surgeries and cannot play on any sports teams. I have physical therapy three times a week and who knows if I will ever have full use of my arm again. All of my pain and suffering is due to Jim's pranks and bullying.

TESTIMONY OF GEORGE WALK

I have been working as one of the maintenance men at this public school for years. The day of the incident, I happened to be walking by and I saw Graffiti Jim in a red shirt on a pile of dirt. And then I saw Clyde looking angrily at Jim on the dirt pile. All of a sudden, Clyde jumped forward into a big hole. Jim started to laugh, but I was worried so I ran over to make sure everything was OK. I saw that Clyde was hurt, so I helped him out.

As I assisted him out of the pit, he said his arm was in a lot of pain. I took him home and his mom asked if anyone else was at the construction site when her son jumped in the hole. I told her that Graffiti Jim was also on the dirt pile and that when her son jumped in the hole, he started to laugh at him. She told me she was not surprised. She said that Graffiti Jim is a big bully and has been tormenting her son for over a year.

TESTIMONY OF GRAFFITI JIM

I apologize for not being so nice to Cautious Clyde a year ago. I guess he did not find my prank to be funny. But I did not make the hole he jumped into this time. I did not invite him to come look at this hole. I just happened to be there when he passed by. I was a few feet behind Clyde. Right before he jumped into the hole, I heard him say, "Who is cautious now?" and "look at me!" Then he jumped right into the hole.

I should not be sued. He made a bad decision to jump into the hole and hurt himself. He should have looked before he jumped. I did not draw a fake hole anywhere near the real hole. There was no

trick—just a regular hole that I had nothing to do with.

TESTIMONY OF MICHAEL FINN

I have been a construction worker for many years. I was working on the construction site on the school property for about four months. Apparently, while I was on break, the caution tape flew away. I did not notice it was missing before my shift ended and I went home.

The next morning, I noticed the missing caution tape. I was even more surprised when I saw a kid about to jump into the hole. I rushed to stop him but it was too late. I heard him yelling from the pit, saying he was hurt and that he could not believe it was a real hole. He must have been bullied terribly if he thought that hole was a fake created just to make fun of him. I really hope he feels better.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence whether Graffiti Jim is at fault for Cautious Clyde's injury.

SUB-ISSUES

1. Did anyone cheer Clyde on to jump into the hole?
2. Did Clyde look before he jumped?
3. What kind of look did Clyde give to Jim?
4. What was Jim's reaction when Clyde jumped in?
5. Was Clyde the only one getting bullied?
6. Did he trip on something inside the hole that made him break his arm or did he break his arm only from the fall?
7. Did Jim try to stop Clyde from jumping?
8. Did Clyde's parents do anything about the bullying?

CONCEPTS

1. Credibility of the witnesses.
2. Preponderance of the evidence.
3. Negligence and contributory negligence.

LAWS

Created in 2011, the New Jersey Anti-Bullying Bill of Rights Act, also known as P.L. 2010, Chapter 122, is a policy by New Jersey legislature to combat bullying in public schools throughout the State of New Jersey. This act is an extension of the state's original anti-bullying law, N.J.S.A. 18A:37-13, which was first enacted in 2002.

Negligence and Contributory Negligence—Acting negligently means not acting as a reasonable person would behave in a situation. Contributory negligence means the plaintiff's negligence must be less than the defendant's negligence to collect any compensation.


A Collision of Spokes and Feathers

FACTS

John Feathers was walking through Greenville Park in Greenville, New Jersey on Sunday afternoon, April 10, 2016. There are a lot of pigeons that live in this park, and have become quite comfortable with people. One day a starving pigeon grabbed John's bologna sandwich right out of his hands as he was sitting on the park bench about to take his first bite. John Feathers gave chase to the pigeon. Almost upon the pigeon, John dove for his lunch, but missed and instead landed in the bike path. At the same time, Dave Spokes was biking on the bike path as he was training for the New Jersey Bike Tour. John collided with Dave Spokes, breaking Dave's expensive customized, Cannondale racing bike. Dave is suing John Feathers for the damage to his bike. Additionally, he missed out on the opportunity to participate in and possibly win the New Jersey Bike Tour, which would have furthered his career as a professional racer.

ISSUE

Is John Feathers liable to pay for the cost of Dave Spokes' bike and missed opportunity to enter a big competitive race? Did he negligently run into the bike lane and crash into Dave as he was biking, causing damage to the bike?



SCHOOL
Yeshivat Noam
Paramus
Grade 5
Second Place

TEACHER
Margi Saks

STUDENTS
Zachary Benson
Shuly Braver
Eitan Danzger
Basil Edelstein
Moshe Frankl
Tani Katz
Josh Levy
Amitai Macklin
Ben-Tzion Reich
Joshua Stiefel
Benny Zelig

WITNESSES

FOR THE PLAINTIFF

Dave Spokes
Swype McDollars

FOR THE DEFENSE

John Feathers
Martha Sawyoo

WITNESS STATEMENTS

TESTIMONY OF DAVE SPOKES

I was happily biking while listening to music when I saw John Feathers diving onto the bike path. John hadn't been looking ahead. He seemed to be chasing something. His eyes were only fixed upon whatever he was chasing. I later heard it was a sandwich. Really, he went crazy chasing a pigeon for his lunch?

He slammed right into my brand new, customized, \$11,000 Cannondale bike, ruining it! I was supposed to race competitively in the upcoming New Jersey Bike Tour. I had to cancel since I did not have a bike. In order to be able to afford a new bike that would be nearly as good would take months of savings.

There was a parade right outside of the park. How could he expect me to hear him over the noise of the park? I never expected to need to look out for a person chasing a hungry pigeon, who stole a bologna sandwich while I was at the park. John was running, intent on retrieving his sandwich and not focused on his surroundings. As a result, he slammed into my bike. He caused the accident, he needs to compensate me for my loss.

TESTIMONY OF SWYPE MCDOLLARS

I am Dave's good friend and I was biking with Dave on the day John Feathers carelessly destroyed his bike. Dave was focused on his biking as he was training to race at the New Jersey Bike Tour. He was making great time and was focused on the path ahead of him. I barely heard John Feathers screaming stop. He should have screamed louder. It was such a noisy park, and there was a parade going on. Dave has been riding for years, and has never had an accident as long as I've known him. He has always been a careful and cautious rider.

TESTIMONY OF JOHN FEATHERS

I was walking through Greenville Park when a vicious pigeon stole my sandwich right as I was about to eat it. I was starving and have Type 2 Diabetes!! I needed to eat right away!! I ran after that pigeon. I kept my eyes on the bird that had my lunch so I would not lose track of him. I screamed out for help as I ran along, hoping someone could help me catch that bird. When I dove for my lunch, I didn't see Dave riding on his bike.

As soon as I realized I was in the bike lane, I screamed stop! stop! but he just ran over me, despite my persistent yelling. I noticed Dave was wearing earbuds. Why would he have earbuds on if he was in a noisy park? Is it responsible of him to wear earbuds while riding a bike? He shouldn't have been wearing earbuds and listening to music because there was a danger of a car that could have hit him or he could have hit a pedestrian. When I was a kid, my Dad would have never let me bike while listening to music because of the danger

involved, which proved true in my case. I did everything in my power to make my presence known, but Dave was listening to earbuds and could not hear my cries for help.

TESTIMONY OF MARTHA SAWYOO

I have known John Feathers for five years. I heard John screaming for his sandwich. I ran to the scene, just as John dove into the bike lane. I heard John screaming and came to help, so Dave should have heard him as well. Dave was going so ridiculously fast though, I am sure he could not have stopped in time, even if he wanted to.

INSTRUCTIONS

The jury must decide by the preponderance of the evidence whether Mr. Feathers is negligent for running into the biking lane, causing damage to Dave's bike.

SUB-ISSUES

1. Is John Feathers negligent enough that he should be liable for wrecking Dave's bike?
2. Does the fact that Dave was listening to music with earphones when he was biking make him liable?
3. Is a stolen sandwich a good enough cause for accidentally ruining an expensive bike?
4. Is Dave negligent for not looking around as he bikes?
5. Should John have made sure that everyone knew that he was chasing the pigeon?
6. Was John paying attention to his surroundings as he ran?
7. Did Dave try and apply the brakes?
8. Could John have waited for the bike to pass by?

CONCEPTS

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

LAW

Negligence is failing to act like a reasonable, normal citizen. Acting reasonably includes respecting and being mindful of other citizens around you. This failure can cause injury to others.

Comparative negligence is when each party is partially negligent. If the plaintiff's negligence is greater or equal to the defendant's negligence, then he may not be entitled to compensation. If the plaintiff's negligence is less than the defendant's negligence, he can be compensated but at a diminished amount.

The Case of the Downed Drone: State v. BB Gunnarson



SCHOOL

Valley View Elementary
Montville
Grade 5
Honorable Mention

TEACHERS

Carolyn Ford and
Patricia Gruszczynski

STUDENTS

Hayden Abfier	Ellie Manheim
Armaan Agarwal	Madison Musilli
Vedin Barve	Apurva Parasher
Saketh Boddu	Rachel Pett
Alexa Buonsanto	Lindsay Probst
Jeffrey Edelman	Vasil Popovski
Connor Faherty	Niels Restrepo
Ava Failla	Nina Romary
George Georges	Arathi Siluveru
Mia Grillo	Caroline Slunt
Isabella Guttilla	Nicole Slunt
Alli Hafley	Zoe Stark
Tanish Jawadekar	Giovanna Vespi
Elisa Lorenzo	Jason Vielee
Alexa Manheim	

FACTS

On January 1, 2016, at about 10 a.m. in Precippany, a rural suburb of Seattle, Washington, Skylar Roberts went outside to play with her new drone. Skylar had recently received the drone as a present from her brother. Her next door neighbor, Benjamin, was in his backyard practicing his skeet shooting at the same time. In Precippany, the houses have large yards, approximately five acres each. The two yards are divided by a row of low shrubs. The shrubs were lightly covered with snow from the night before. The ground was icy and it was snowing the morning of the incident. Benjamin shot the drone when it flew into the area where he was practicing.

The State has charged Benjamin with the crime of malicious destruction.

ISSUE

Is Benjamin responsible for the destruction of the drone he shot down while it was flying over his property?

WITNESSES

FOR THE PROSECUTION

Skylar Roberts
Ernest Roberts

FOR THE DEFENSE

Benjamin Brody Gunnarson, a.k.a. BB
Whitney Case

WITNESS STATEMENTS

TESTIMONY OF SKYLAR ROBERTS

I'm eight years old. For Hanukkah this year I got a white drone with purple polka dots from my brother; it was the best present I ever got! I was so excited to fly it! That morning, January 1st, I got up before everyone else and went outside to fly it. It was foggy and snowing, but I had watched my brother fly it the night before, so I thought I knew what I was doing. Plus, it was my drone and I wanted to fly it, so I did.

While I was out there, I slipped, there must have been ice under the snow. So, I fell *flat* on my face and I guess I lost control of the drone. I scraped my knee really bad, and when I got up, the drone was in a million pieces! I started to cry right away because I didn't even know what happened. One minute my drone was up in the sky and the next it was wrecked! It wasn't my fault; I didn't do anything wrong! I slipped! I was just playing with my toy in my yard!

TESTIMONY OF ERNEST ROBERTS

I am 21 and I am majoring in robotics at CalTech. I was home for winter break when this "incident" occurred. I had built the

drone myself and it cost a lot of time and money. I gave it to my sister for Hanukkah. I knew she would love it; how couldn't she? Drones are super popular right now and I painted it with her favorite colors, white and purple. Plus, I thought giving her a drone would inspire her to join the robotics club like I did. Skye's usually pretty responsible for a little kid, she does a lot of extracurricular activities; I thought this would be a fun way for her to relax *and learn*.

I flew the drone for Skylar the night before; she watched me fly it in the backyard. So I did show her how to do it, but I didn't really think she could fly it by herself yet. It's operated by a joystick with a camera for steering; it is kind of complicated.

That morning I woke up early to some noise from Skylar's room, but I wasn't ready to get up yet, so I stayed in bed trying to go back to sleep. But then I heard another noise, a crash or something, from outside. I put my slippers on and ran out. When I got to the backyard, I found Skye crying and the drone in pieces all over our yard.

I get so angry when I think about this "incident!" I am sure BB did this on purpose; I don't think he ever liked our family. In fact, I remember a couple of years ago, he even took shots with his gun at my old tree fort; there are still marks on the "No Girls Allowed" sign I hung outside it. He is absolutely guilty of destroying Skye's drone.

TESTIMONY OF BENJAMIN BRODY GUNNARSON

My name is Benjamin Brody Gunnarson, my friends call me BB; I'm 15 years old and I'm a freshman at Precippany High School.

My goals in life are to be a better student and a competitive sharpshooter some day. My dad inspired me because he was a rifleman in the army; he says I should be familiar with all kinds of guns and how they work.

Right now, I'm training as a skeet shooter; I practice in my yard almost every day. My yard's pretty big and my practicing has never been a problem before. Even when it snows and stuff, I just keep practicing; it rains or snows here practically every day. It's no big deal.

That morning, when I flung the skeet in the air I aimed for it, but I missed and I guess I hit the drone. The weather outside was kinda bad so I couldn't see very clearly, but I was aiming where I thought the target would be. In case you don't know, that's sorta how shooting works, you have to shoot in the direction you think the target is moving, you have to estimate and whatever.

Anyway, that drone was definitely flying over my property, 'cause it was in my target range. Isn't that trespassing? She shouldn't be flying her toys over my property. I don't think it's my fault that her drone is wrecked.

TESTIMONY OF WHITNEY CASE

I am 16 and a member of the Precippany High School's cross country team. Every day I train by taking a long run through my neighborhood and I always see BB shooting a gun. I think he's on a shooting team or something. We go to school together. I think he's pretty smart; he always seems to try his best anyway.

That morning was really quiet out, I guess most people were sleeping in after New Year's Eve parties and stuff. I did see something weird flying in the sky though, like a remote control helicopter or something. I was watching it when I heard a strange pop, a crashy-like noise and then the thing just sort of exploded and fell to the ground, in like a zillion pieces! OMG!

I looked around and saw BB with this surprised look on his face. Then I saw this little kid, his next door neighbor I suppose, maybe she was seven or so, on the ground crying with what looked like a remote control in her hands. She flew that drone over his property! From where I was standing, I could tell it was definitely on his side of those shrubs that separate their yards. That thing was definitely in BB's way; I'm positive, it was *legit* on his property. Like, I can't even; there's no way it wasn't!

Isn't that trespassing? In fact, isn't that like an invasion of privacy or something? That's so wrong. BB's not responsible for *her* drone invading *his* space and getting in the way of what *he* was doing on *his* own property.

INSTRUCTIONS

The prosecution must prove beyond a reasonable doubt that the defendant is guilty of the malicious destruction of the drone.

SUB-ISSUES

1. Is it appropriate for a teenager to be practicing skeet shooting (or any type

- of shooting) in his backyard unsupervised?
2. Is it appropriate for a young child to be flying a drone unsupervised?
 3. What is the relationship between the neighbors; does BB dislike them?
 4. Could the weather be responsible for the accident?
 5. Does it matter that the drone was primarily white and therefore maybe less visible?
 6. Is it appropriate to fly a drone with a camera in a residential neighborhood?
 7. Can a drone “trespass?”
 8. Can a drone “invade” someone’s privacy?

CONCEPTS


1. Burden of proof: beyond a reasonable doubt.
2. Malicious destruction of property.
3. Credibility of testimony of children and teenagers.

4. Rights of recreational gun owners.
5. Trespassing.
6. Invasion of privacy.

LAW

The town of Percippany defines the charge of malicious destruction of property as the willful destruction of another person’s property. Willful is determined by the extent to which the individual knows that his or her actions will result in substantial damage or destruction of the property. A conviction may result in a fine and/or restitution of the property.

Soccer at the Science Fair: The Tripped Family v. Townville Board of Education



SCHOOL
Hillside Elementary
Montclair
Grade 5
Honorable Mention

TEACHER
Lisa Frankle

STUDENTS
Christopher Borgen
Giselle Frazier
Jacob Kugelmass
Mack Mathisen

FACTS

On April 12, 2016, the S.T.E.M School in Townville, New Jersey hosted its annual science fair. Before the science fair, students were told that they were not allowed to go outside to play during the fair. A third-grade student named Jack Tripped arrived at the fair and ran ahead of his mother to set up his project. Jack looked out the window and saw a bag of balls on the field. He left the fair to go outside to play soccer. The teacher at the front door did not stop him from leaving the building.

Jack began playing soccer with friends on the field. During the game, Jack tripped on a mangled wire from the fence and broke his leg. His parents are suing the Board of Education for hospital bills and pain and suffering.

ISSUE

Is the Townville Board of Education responsible for Jack Tripped's medical bills and his pain and suffering from an injury he received on S.T.E.M. School of Townville property during the science fair?

WITNESSES

FOR THE PLAINTIFF

Jack Tripped
Susan Tripped

FOR THE DEFENSE

Ken Etic

Dr. Prince A. Pal

WITNESS STATEMENTS

TESTIMONY OF JACK TRIPPED

I am a third grader at the S.T.E.M. School of Townville. On April 12, 2016, I was at my school's annual science fair. The first thing I did was set up my project. For a second, I glanced out the window. I noticed a big bag of soccer balls just sitting in the middle of the field. Since the bag of balls was outside, I assumed that you could go out and play. Many other kids had the same thought as I did. When I walked through the front door of the school to go outside, the teacher standing by the door did not seem to care.

While I was playing soccer with my friends, not even a single teacher told my friends and me to come inside. During the game, I was chasing the ball near the edge of the field by the fence and I tripped over a mangled wire and broke my leg. Other people have tripped on the wire in the past two months and the school hasn't even fixed it! I agree with my parents that suing the Board of Education for my hospital bills, and pain and suffering, is the right decision.

TESTIMONY OF SUSAN TRIPPED

On April 12, 2016, my son, Jack Tripped, was badly injured at the S.T.E.M School of Townville's annual science fair. I told my son Jack to stay safe and to follow the rules that his teachers had told him. I didn't know the rules of the fair because I never got an

email stating them. Jack ran out of the car the second I parked. I figured he would be fine since there were many adults and teachers in the building.

When I walked into the school, I went through the hallways looking for Jack's science project. I couldn't find Jack or his project so I went to look for him outside. To my surprise, there he was, crying and holding his leg. I called an ambulance and it rushed him to the emergency room. Jack's foot got caught on mangled wire, which caused Jack to break his leg. Kids have gotten hurt on the wire before. I am suing the Board of Education for my son's hospital bills, and pain and suffering.

TESTIMONY OF KEN ETIC

I am Jack Tripped's science teacher. The day before the science fair, I went over the rules of the fair with my class. I clearly stated that you could not go outside during the fair and that you had to stay with your projects until I graded them. I asked the students if they understood and they all said yes.

The next day, at the science fair, I went over to Jack's project. He was gone! When I asked another student where Jack was, she said he went outside. A few moments later, I heard a siren. When I looked out the window, I saw Jack being put into an ambulance.

When I learned that his parents had sued the school, I was in shock. I was also surprised that Jack wouldn't follow the rules like he usually does. He was one of the best students in my class. His getting injured was the consequence of his breaking the

rules. It was not the school's fault that all of this happened.

TESTIMONY OF DR. PRINCE A. PAL

I am the principal of the S.T.E.M. School of Townville. On April 12, 2016, the school was holding its annual science fair. During the fair, Jack Tripped fell over a mangled wire and broke his leg on school property. I feel bad that Jack got hurt, but he should not have been on the field in the first place.

During the morning announcements, we told all of our students that they could not go outside on the night of the science fair and that they had stay with their parents at all times. Jack was breaking the rules by going outside. Every single person who went outside should've known better, and we are thinking about punishing the people who did go outside. I don't think it's fair that we should have to pay for Jack's rule breaking. It's just that simple.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence whether the Townville Board of Education is totally responsible for Jack Tripped's injuries and should pay his medical bills, and for pain and suffering, or whether Jack is partly to blame for his accident.

SUB-ISSUES

1. Were Jack Tripped's parents negligent in providing inadequate supervision?

2. Was Jack Tripped old enough to use common sense?
3. Did Jack Tripped show disregard for school authority by not following the school rules?
4. What is the legal obligation of a teacher to watch a student after school hours?
5. Were there adequate safety measures taken for the students' protection on the field at S.T.E.M. School?

CONCEPTS

1. Negligence.
2. Contributory negligence.

LAW

Negligence is the breach of the duty of care expected of reasonable people under similar circumstances, resulting in injury to another.

Contributory Negligence - If the plaintiff's negligence contributed to his or her injury, and he or she failed to act responsibly for his or her age, but the amount of his negligence is less than that of the defendant, he may still recover against the defendant, but damages will be reduced by the percentage of plaintiff's negligence.


The Case of the Uphill Battle: Ima Runner v. Coach Cutts

FACTS

Ima Runner is a sixth-grader in Steep Hill Township who recently entered Caution Middle School. Ima has a prosthetic (artificial) leg. She has had her prosthesis since fourth grade. Before her accident, she loved to run and belonged to a running club called Sole Sisters. After her accident, she worked hard in physical therapy and learned how to successfully use her artificial limb. She even began to run again. Ima knew when she entered middle school she would try out for the school's cross-country team.

At Caution Middle School, Coach Cutts is the middle school cross-country coach. Coach Cutts is an excellent coach who cares about the safety of all his runners. On the first day of tryouts, Ima stumbled on the school's steep hill at the beginning of the cross-country course. Ima and another runner's legs became entangled, both runners fell, and the other runner suffered a sprained wrist. Ima, who is full of determination, popped back up and continued, finishing her run.

Coach Cutts, after much thought, made a decision. It was not safe for Ima to run the hilly, uneven course at Caution Middle School. Coach Cutts spoke to Ima at school, and told her she was welcome to be the team manager. She was also welcome to run track in the spring for him because of the evenly paved track, but for her safety, and for the safety of the other runners on the cross-country-team, she could not participate



SCHOOL
Veterans Memorial Middle
Brick
Grade 6
First Place

TEACHER
Elayne Reilly

STUDENTS
Gianna Alton
Samantha Beale
Richard Cifrodella
Stella Daly
Madalyn Kiesche
Joshua Michigan
Isabella Nunzianta
Emma Santos
KC Trautweiler
Isabelle Wurmser

in cross-country. Ima was officially cut from the team.

Ima was devastated. Ima and her family have filed a civil law suit against Coach Cutts and Caution Middle School. Ima believes she is a victim of discrimination based on her handicap. Ima has never been afraid of an uphill battle. Ima wants Coach Cutts to put her on the team and let her run.

ISSUE

Can Coach Cutts and Caution Middle School forbid Ima Runner from participating in cross-country because of her prosthetic leg and their safety concerns, or is this a case of discrimination?

WITNESSES

FOR THE PLAINTIFF

Ima Runner
Petey Trainor

FOR THE DEFENSE

Coach Cutts
Sprailyn Wristle

WITNESS STATEMENTS

TESTIMONY OF IMA RUNNER

I have loved running since I was a little girl. Despite having a prosthetic leg for the past two years, I never lost my passion for running. In fact, after my accident I worked hard to learn how to walk, then run again with the prosthetic. I belong to a running

club in a neighboring town called Sole Sisters. We run on the beach and in a local park. I am proud to say I am one of the fastest girls in the club.

I was very excited to try out for Caution Middle School's cross-country team. So on September 12, 2016, I attended the first tryout. Coach Cutts explained tryouts would take place all week long, and on Friday he would post a list of the girls who made the team. My first day of tryouts, I was off to a quick start. As I ran down one of the hills on the course, I tripped. Sprailyn Wristle and I both fell to the ground. We were being timed, so I got right up after my fall and continued to run.

The next day Coach Cutts called me down to his office. He told me the school's course was too hilly for me to run safely. He said he was worried for my safety, and the safety of the other runners. He asked me to be the team manager and to run track in the spring. I was heartbroken. I believe Coach Cutts is discriminating against me because of my prosthetic leg. I think Coach Cutts should be forced to put me on the team. I am willing to take the risk that all the runners on the team take running the hilly course.

TESTIMONY OF PETEY TRAINOR

I am a board certified physical therapist. I have been Ima Runner's physical therapist for over two years. Since that time, I have watched Ima overcome the uphill battle of learning to use her new prosthetic leg. When Ima first became my patient, she told me her number one goal was to run again. Before her accident, Ima was a member of

the running club, Sole Sisters. She is now an active member again. I have attended many of her running events with the running club, and she is once again one of the fastest runners in the club. I have also observed that she has excellent stability and balance.

When Ima first started her physical therapy training, she had to adjust to her new prosthetic leg. We did all kinds of strength training exercises and stability exercises so she would be able to use her new leg and return to all normal activities. Ima controls her prosthetic leg very well, and she is always cautious of her surroundings. As part of her PT, I have put her through many rigorous activities, such as running on treadmills, running outside, and walking up and down stairs. Ima has achieved success in all areas.

I believe that Ima should be allowed to participate in cross-country. It is very hard to fall with the kind of prosthetic she uses, and this makes running a safe activity for Ima. As Ima's physical therapist, I absolutely medically clear her to participate in cross-country. She is very passionate about running and cutting her from the team will result in a little girl's dreams being crushed. If the coach does not let Ima run on the cross-country team, he doesn't know what he's missing out on.

TESTIMONY OF COACH CUTTS

I'm the girls' cross-country coach at Caution Middle School. I have been the coach for four years, and I love coaching there. As the coach of the team, I am responsible for the safety of all the runners. At Caution Middle School, we have one of

the most challenging courses in the county. We have a steep incline hill at the beginning of the course, and then the runners must make a sharp decline. Next my runners enter the woods that surround our school and run on a grassy path. The runners encounter branches and roots as they navigate the trail. Other coaches and runners in the county look forward to running on our challenging course. When I take my team to other schools in our division, their cross-country courses are unique and challenging as well.

When Ima came to try out for the team, I admired her determination and never-give-up attitude, but I was also anxious. As a coach, it is my responsibility to make sure all my runners are safe. I wasn't sure Ima would be able to handle the difficult course. I run right alongside my runners, so I was right behind Ima and Sprailyn as they ran up the first steep incline.

As they began to descend the steep hill, I saw Ima stumble. She crashed right into the best runner on my team, Sprailyn Wristle. Sprailyn and Ima both fell to the ground. Ima got up and continued the course, but Sprailyn was not so lucky. She had a sprained wrist. Our athletic trainer treated Sprailyn. Sprailyn is the top runner in the county, and she has a chance at scholarships in her future. She would now miss the first two weeks of our season.

I had to make a decision. I decided for the safety of Ima and my other runners to cut her from the team. Although I had to cut her from the team, I offered her a job as the team manager. I'm also the spring track coach, and I told Ima she could run track in

the spring. The track course is on smooth even pavement, and I knew that type of course would be safe for her. Ima was not happy with my decision, and she did not take on the role of team manager.

According to the International Association of Athletics Federations (IAAF), a group that governs athletics, the official definition of cross-country is, “Races, for both teams and individuals, are run on either grass or woodland courses and might also include stretches of gravel paths, road and hills.”

The sport of cross-country is meant to be run on hills and gravel paths. I can’t change it or modify it to make it safe for Ima.

Therefore, in my professional opinion as the school’s cross-country coach, I can’t let Ima run. I’m sorry for Ima, but it’s for her safety and the safety of the other runners.

TESTIMONY OF SPRILYN WRISTLE

I am an eighth-grader at Caution Middle School. I have been on the cross-country team since sixth grade; this is my last year. Every race since seventh grade, I mostly have come in first on my team with an occasional second- or third-place finish. I am always ahead of others on my team in practice. I am the best cross-country runner on my team, and Coach Cutts relies on me to help my cross-country team win our meets. It also makes me feel good to be a big contributor, and I support others on my team too. I also do track in the spring, but I do not participate in running clubs. I love to run whenever I have the chance to do so; it is my favorite sport. I have competed on many hilly courses, and I have never had a problem during a meet or at practices.

On September 12, 2016, the accident involving Ima happened; it was my first day of cross-country tryouts. Coach Cutts had us warm up before we began the course. I noticed we had many new runners trying out for the team including Ima. The next part of tryouts was a timed run of the school course. Before we began, Coach Cutts walked us through the course, pointing out obstacles and other areas of concern. He then lined us up at the start of the course, and he blew his whistle.

Everything was going just fine until we approached the steepest hill on the course. I was off to my usual quick start, but I noticed Ima was catching up. Midway down the hill, I heard Ima yell out in distress. Ima must have tripped on her way down and began to tumble. Soon enough, our legs became entangled in each other’s. She knocked me right to the ground. When I got up, I was in extreme pain. I slowly and cautiously finished the course despite my throbbing wrist. When I fell, I sprained my wrist severely. It took two and a half weeks to heal before I could run again. Our athletic trainer was there at tryouts. He provided me with ice.

I was very disappointed to miss gym and cross-country. It definitely affected my conditioning and ability to compete at a high level.

I completely support Coach’s decision not to allow Ima to run cross-country. Ima is a kind and lovely girl, but it would be a struggle for both her and the team if she were allowed to participate. It’s unreasonable to think it’s safe for her to run the difficult cross-country courses we

encounter throughout the season. She's going to get hurt, or she's going to hurt someone even worse than what happened to me. And the thing is, she's not the only one who was cut from the team. It's not all about her prosthetic either; lots of sixth-graders didn't make the team.

When we fell, it was in the beginning of the course, and Ima was sprinting, not pacing herself. She's more of a track runner; she just doesn't deserve a spot on the team. It would be a constant uphill battle for her. Coach isn't biased, he, in fact, is very fair. Coach Cutts is trying to keep everyone safe.

INSTRUCTIONS

The jury must decide by a preponderance of the evidence if the defendant, Coach Cutts, was protecting the safety of his runners, or was he discriminating against the plaintiff, Ima Runner, because of her disability.

SUB-ISSUES

1. Can running with a prosthetic limb make you faster than others?
2. If a coach deems a sport unsafe for someone based on their medical condition, does he have the legal right to deny them participation?
3. Does Ima Runner have experience running on steep hills and uneven ground?
4. If Ima Runner gets hurt running the course, will she sue the school? If other runners get hurt on the course because of Ima, will they sue the school?
5. How many players were cut from the team?
6. Is it more difficult to make the team as a sixth-grader?
7. Is Sprailyn Wristle jealous of Ima Runner's running abilities?
8. Could Coach Cutts modify the course to accommodate Ima?
9. Does a doctor's note override a coach's decision?
10. Does Coach Cutts favor Sprailyn Wristle?

CONCEPTS

1. Credibility of the witnesses.
2. Responsibilities of a coach.
3. Negligence.
4. Discrimination.

LAW

It's illegal to discriminate against someone with disabilities. Under the Americans With Disabilities Act, it's against the law to discriminate against disabilities for employment, transportation, public accommodations, communications, and government activities. In this case, school falls under the domain of government activities. Therefore, a school may not discriminate against a student based upon disability.

BIBLIOGRAPHY

PRIMARY SOURCES

Colleen Devins, School Nurse

Chad Cutts, Cross-Country Coach

Shauna VanDegraaff, Child Study Team Member

Alison Horta, Physical Therapist

Kailyn Kelley, Cross-Country Team Member and County Record Holder

HELPFUL WEBSITES

<http://www.cde.ca.gov/re/di/eo/dutytoprotect.asp>

<http://www.activepolicysolutions.com/know-your-rights-disability-in-sports/>

<http://www.espn.com/espnmag/story?id=3357051>


Slot Slip-up: Winn v. Lucky Casino

FACTS

On July 18, 2016, Mrs. Rosa Winn and a friend went to the Lucky Casino to celebrate Mrs. Winn's birthday. Mrs. Winn brought her 10-year-old son, Richie Winn, with her as she could not find a babysitter. Mrs. Winn checked Richie into Little Luckys, the children's section of the casino, before going to play poker. Mrs. Winn bought Richie \$50 worth of tokens to play video games. Mrs. Winn gave Richie another \$50 for food and additional token money if needed.

After Richie played some video games, including a Wheel of Fortune Nintendo Wii game, he needed to use the restroom. Richie walked up to the supervisor, Jeff Childers, of Little Luckys and Jeff allowed Richie to go by himself to the restroom. Supervisor Jeff provided directions to the restrooms, which were not located in the same area as the children's game room. Once Richie was finished, he tried to find his way back to Little Luckys but he got lost. Richie was attracted to a room that had signs with flashing lights and what seemed like video games.

Richie went in and found a game called Wheel of Fortune, similar to the game Richie was playing in the children's section. Richie inserted \$20 into the Wheel of Fortune video slot game. Richie had been playing for about 10 minutes and had spent \$40. Suddenly, the slot machine started playing loud music and flashing lights. A crowd gathered around Richie and people started to cheer.



SCHOOL
Round Valley
Lebanon
Grade 6
Second Place

TEACHER
Renee Sielaff

STUDENTS
Angelo Aralar
Rahul Battula
Danica Chakroborty
Max Delia
Jack Guan
Patrick Kochanowski
Avni Kondra
Anokhi Matta
Janie McSweeney
Kylie McSweeney

An employee, Ms. Lavender, noticed the video game's winning alert sound and walked over to the machine. Ms. Lavender realized that a juvenile won a \$50,000 jackpot. Ms. Lavender radioed for her supervisor, Mr. Rob Banks. Mr. Banks stopped the 10-year-old from taking the ticket to get the winnings and took Richie into his office. Mr. Banks eventually found Richie's mother and talked to her about what happened. Mr. Banks said that since Richie was under 21, he could not have the winnings from the slot machine. The casino refused to pay Richie or his family. The Winns are suing the Lucky Casino for the \$50,000 that Richie won.

ISSUE

Should Richie Winn and his family receive the winnings from the slot machine?

WITNESSES

FOR THE PLAINTIFF

Richie Winn
Rosa Winn

FOR THE DEFENSE

Jeff Childers
Rob Banks

WITNESS STATEMENTS

TESTIMONY OF RICHIE WINN

I am 10 years old. My mom wanted to go to a casino for her birthday with a friend. She tried to find a babysitter for me but couldn't

get one, so I had to tag along. When we walked into Lucky Casino, I was amazed at all of the flashing lights and loud music. It was such an exciting place! My mom dropped me off and checked me into the children's section, Little Luckys. She gave me \$50 worth of token money and another \$50 for food or extra money to play games. I played a lot of games, including video games and my favorite, a Wheel of Fortune Nintendo Wii game.

After about an hour, I had to go to the bathroom. I walked up to Supervisor Jeff and asked if I could go. He gave me directions on how to get to the restrooms because there weren't any in the children's section. I remembered the directions enough to get there. I forgot them the second I got out of the bathroom and immediately got lost.

I wandered around for a little bit until I saw a room with lots of flashing lights and a Wheel of Fortune game just like the one I had played in Little Luckys. I went over to the Wheel of Fortune game. The first time I played it, I put in one of the tokens my mom gave me, but it just kept coming out at the bottom and nothing happened. I inserted \$20 into the game. I thought it was weird that I had to insert money instead of tokens. After watching the wheel spin around, it finally stopped. \$20 worth of coins started pouring out and I pushed all of them back into the machine to play again. I was so excited! This game was so much more fun than the one in Little Luckys. I played it a third time.

I was almost out of the money my mom gave me when all of a sudden the wheel

stopped and lights started flashing. Loud music I recognized from the other Wheel of Fortune game started playing. People started cheering and crowding around me. I was getting nervous. People started slapping me on the back and yelling at me. I was getting really scared. I thought I had done something wrong. Some lady kept screaming at me that I hit the jackpot! I had no idea what she meant and why she kept screaming at me. I only thought I would win a couple hundred tickets like I did on the other Wheel of Fortune game, and I didn't think it was that big of a deal. I was happy because I thought I would get enough tickets to get that stuffed animal I wanted. I was disappointed when I saw that only one ticket came out. I looked at the slip of paper and it said, "Congratulations, you have won \$50,000. Please go up to the front desk to receive your winnings."

Some lady in a Lucky Casino uniform stood by me and told people to back up. Next thing I knew, a man grabbed me and my ticket and took me out of the big noisy room. The man took me into his office. By then I was crying and wanted my mom. The man said something about my mom into this weird microphone. A few minutes later, my mom opened the door and rushed into the office. I was so glad to see my mom. I ran into her arms. I was crying so hard I couldn't hear what the adults were saying. My mom picked me up and started swinging me around. I didn't know why she was so happy and excited.

The man told my mom that it was illegal for a minor to gamble and we would not be receiving the money. My mom looked angry all of a sudden, and I got mad at the

man too. She said, "My son won that \$50,000 under your watch, so he should get the winnings he deserves." I was still very confused and now terrified because the man first physically dragged me into a room, then he made my mom angry. I still had no idea what all of this commotion was for. Then, my mom told Mr. Banks that she would take him to court and sue him for my winnings.

TESTIMONY OF ROSA WINN

I am married and have one son, Richie, who is 10. For my birthday, my friend decided to take me to the Lucky Casino. I agreed, but as soon as she hung up, I realized that Richie would have nowhere to go since my husband would be at work. I frantically went from call to call trying to find a babysitter but I had no luck. I looked up Lucky Casino and found out there was a children's section, so I could take Richie.

The next day I met my friend at Lucky Casino and we dropped Richie off at Little Luckys, the children's section. I gave Richie \$50 worth of tokens and \$50 for food and additional token money if needed. My friend and I walked over to the poker room and got settled. I put out my five-dollar ante and got started. After about an hour of playing poker, I heard an announcement on the loudspeaker that the mother of Richie Winn should report to Little Luckys.

Once I arrived at Little Luckys, Jeff Childers, who checked Richie in earlier, escorted me down some halls to the office of the casino manager. My heart was beating so fast I thought something terrible had happened to my little Richie. I was

greeted very angrily by a man who said his name was Rob Banks. He was scowling at me. Richie ran into my arms sobbing. Now I was the one getting angry.

Mr. Banks told me that Richie snuck off and went into the main casino and started playing slot games. I kind of chuckled because I was so relieved that Richie was okay and nothing terrible had happened. Then Mr. Banks told me that Richie had won \$50,000 from the Wheel of Fortune slot machine. I started to get all excited and picked up Richie and swung him around. All I could think of was Richie was going to be able to go to any college now because we had the money! Mr. Banks then nastily told us that we would not be getting the money because it was illegal for a minor to gamble. Well, that did not sit well with me! I told Mr. Banks that the money was rightfully ours. If they did not want a child playing in their casino, they should have better security in their casino and more importantly, in the children's section. What would have happened if Richie had been kidnapped, or other terrible things?

Mr. Banks said to me that any good parent would not bring their child into a casino. I went ballistic! How dare he call me a bad mother! If Mr. Banks did not want children at the casino, why on earth would Luckys have a children's section? I got so mad I stormed out of the office with Richie and told Mr. Banks that he would be hearing from us again and our lawyer.

TESTIMONY OF JEFF CHILDERS

I work in Little Luckys, the children's section of Lucky Casino. My other co-

worker was on a break so I was the only one in charge at that time. Richie Winn had been playing the children's version of the Wheel of Fortune. He hadn't left that game since his mother checked him in. Richie had been here about an hour when he said he needed to use the restroom. As I could not leave the other kids without an adult, I did not accompany Richie Winn to the bathroom on July 18, 2016. I really enjoy being with the kids and with all my years of experience, it seemed that Richie was mature enough to go by himself. So I gave detailed instructions to Richie that would help him get to the bathroom and back to the children's section. Ten minutes went by and Richie had not returned. My co-worker had come back from lunch, so I asked him to supervise while I went to find Richie.

When I went into the casino, I saw a crowd by the Wheel of Fortune slot game, with everyone clapping and cheering. I saw Ms. Lavender, a friend and employee of Lucky Casino in the crowd, and another employee of the casino, looking concerned. I went over and asked Ms. Lavender what happened and that was when I saw Richie. Ms. Lavender said that this kid, Richie, whom I had been looking for, had won \$50,000. She told me she had contacted our boss, Rob Banks. I then realized that my job was in jeopardy thanks to a kid who couldn't get back from the bathroom. The directions that I gave him were very detailed and were not complicated at all. It should have been easy to remember to get to the bathroom and back to Little Luckys without any problems. When Mr. Banks arrived, he sent me back to the children's section. He told me he was going to page Mrs. Winn and I was to take her to his

office. He said he would deal with me later.

When Mrs. Winn arrived at Little Luckys, I could tell she was upset. I tried to tell her everything would be explained once I took her to see the casino manager. When Mrs. Winn walked into the office, Richie ran into her arms. Mr. Banks politely told Mrs. Winn what had happened. Mrs. Winn was laughing about what Richie did. How could a parent laugh when a child disobeyed rules? She thought this was all fun and games. When I was a kid, if you broke the rules or did something wrong, you would be in big trouble. Instead, Mrs. Winn was laughing and swinging Richie around.

When Mr. Banks told Mrs. Winn that they would not be getting the \$50,000, she went crazy. It was like all she cared about was the money and didn't care that something terrible could have happened to Richie because he did not follow the rules. Mr. Banks tried to be nice and explain to Mrs. Winn since Richie was obviously under 21 years old, he could not and would not receive the winnings. It is against the law for a minor to gamble. Mrs. Winn and her son angrily left the casino.

I received a two-day suspension without pay from Mr. Banks for not supervising Little Luckys better. Now you would think I would be angry but I am not. I understand that what Richie did by not following the directions was dangerous to all, especially himself. Now Lucky Casino is being sued for \$50,000 by the Winn Family for the money that they think Richie apparently deserves. I do not think that Lucky Casino owes the money to the Winn Family, as Richie Winn did not follow the rules and

gambling is illegal for a minor.

TESTIMONY OF ROB BANKS

I am the manager of Lucky Casino. On July 18, 2016, I was eating lunch when I received a radio call from one of my employees, Ms. Lavender, to get to the slot machine area immediately. As my employees steer clear from radioing me for small situations, I knew that I needed to take a look at the situation myself. When I reached the video slot game area, I saw one of our Wheel of Fortune games was dispensing a jackpot winning. I love it when these things happen because people are so excited and it makes everyone play the slot machines even more. Thank goodness it does not happen too often, if you know what I mean. I noticed a large crowd surrounding the machine and once I pushed through, I was shocked to see that a small boy had won the jackpot! I needed to get up to speed as to what and how this had happened. Two employees, Jeff Childers, supervisor of Little Luckys, and Ms. Lavender, a floor monitor, quickly informed me that the boy had left the children's section to go to the bathroom and never returned.

I gently took Richie's arm and walked him back to my office. I could tell the kid was scared so I was trying really hard to be nice. Once we were in my office, I summoned the boy's parent on the PA system to please go to Little Luckys. I had to make this announcement about five times before Mrs. Winn arrived. When Mrs. Winn arrived at my office, Richie ran into her arms. I asked her why she gave her son the money to play the adult video games and she laughed! I told her that Richie had won \$50,000 on the

slot machine, Wheel of Fortune, and she started dancing up and down and swinging Richie around. She was nuts!

I told her that Richie is a minor and it is illegal for minors to gamble and that neither Richie nor she would be receiving the winnings.

Mrs. Winn became angry. She accused us of not watching her son and that the money was hers and Richie's, fair and square. Once again, I tried to explain to her that legally I could not pay out the money because it is illegal for a minor to gamble. Mrs. Winn would not hear of it and stormed out of my office screaming I would hear from her lawyer.

I felt sorry for Richie and wish I could do more, but we would lose our gambling license if we gave Richie or his mother the money. If you ask me, I think Mrs. Winn cares more about the money than her own son. As a parent, I would be worried if my child did not follow the rules and did something like this.

INSTRUCTIONS

The plaintiff must prove to the jury by a preponderance of evidence that Lucky Casino made an unfair decision by not letting Richie Winn and his family receive the winnings from the video slot machine.

SUB-ISSUES

1. Should supervisor Jeff Childers let Richie go to the restroom by himself?
2. Do Richie and his family have the right to take the money since Richie is underage?
3. Should parents bring children to casinos?
4. Should the casino have restrooms in the children's section?
5. Should Richie have played the slot machine when he knew he wasn't where he was supposed to be?

CONCEPTS

1. Parental responsibilities.
2. Negligent supervision.
3. Underage gambling.
4. Innocent misrepresentation.

LAW

1. Only persons who have reached the age of majority may be present in bars, night clubs, casinos and similar places of entertainment. These entertainment establishments are meant for adults only. The parents (or legal guardians) are responsible for the presence of minors in these establishments.
2. Negligent supervision is a failure to provide adequate supervision under the circumstances. The level of adequate supervision is determined by a host of different variables such as age, experience level, nature of activity, and or outside factors. If a daycare facility has failed to provide adequate

supervision in a given situation, they are liable.

3. If a parent or a person who has custody or control of a person under the age of 21 allows an underage individual to gamble, that person can be charged with a disorderly persons offense. N.J.S.A. 5:12-119(c).
4. Pursuant to applicable law, persons under the age of 21 are not permitted to play at casinos, loiter in gaming areas, or consume alcoholic beverages.
5. Innocent misrepresentation—a representation that is neither fraudulent nor negligent. The court has a discretion to award damages in lieu of rescission—revoking or repealing a law. (Misrepresentation Act 1967)

Washington v. Wilkins



SCHOOL

Luis Muñoz Marin School
for Social Justice
Newark
Grade 6
Honorable Mention

TEACHER

Bridget S. Charles

STUDENTS

Jordan Armour
Alize Fao
Dayana Moscoso
Adrian Ramirez
Destiny Santiago
Eliel Serna
Jean Siguencia
Emmanuel Torres

FACTS

A surgeon, Dr. Joseph Wilkins, operated on a 56-year-old heart patient named Daniel Washington on Sunday, January 10, 2016, at Union Valley Hospital. The operation lasted five hours and was considered to be successful. Mr. Washington was discharged from the hospital on Wednesday, January 13, 2016.

One week later, the patient had to be brought back to the hospital in an emergency. He was suffering from severe chest pains, and there was a thick yellowish discharge oozing from his chest wound.

Dr. Wilkins happened to be on call at the hospital at the time. He ordered emergency x-rays and quickly examined the patient, Daniel Washington. After looking at the x-rays, Dr. Wilkins prepared immediately to perform a second surgery to fix the problem. During that surgery, Mr. Washington passed away. He was pronounced dead on Wednesday, January 20, 2016.

An autopsy was performed on Mr. Washington a few days later. It revealed that a small piece of the scalpel had been lodged in Mr. Washington's aorta since the first surgery.

Daniel Washington's wife, Daina Washington, is suing Dr. Wilkins and Union Valley Hospital for malpractice and wrongful death. She claims that her husband was the main wage earner in the family, and

now they are suffering a severe financial hardship without his salary because they have a son in college and a 30-year home mortgage to pay. She is suing for \$3 million.

ISSUE

This case is being brought before the court because Dr. Wilkins was allegedly negligent while performing surgery on Daniel Washington, which led to Mr. Washington's death.

WITNESSES

FOR THE PLAINTIFF

Henry Johnson
Daina Washington

FOR THE DEFENSE

Dr. Joseph Wilkins
Dr. Anthony Jones

TESTIMONY OF HENRY JOHNSON

I am a surgical technologist at Union Valley General Hospital. I have been in that position for the past nine years. My job involves helping the surgeon before, during, and after surgery. I prepare the instruments, help get the surgeon into his/her gown, and mask, and I assist during surgery by passing the required instruments as needed.

On Sunday, January 10, 2016, our chief surgeon, Dr. Wilkins, performed a surgery on a 56-year-old male patient named Daniel Washington. I assisted with that operation. Before the surgery, I prepared the instruments needed for the operation

Dr. Wilkins was about to perform.

During the operation, I was giving Dr. Wilkins the scalpel when I noticed an unknown stench coming from his breath. I didn't know what it was, but I suspected it was alcohol, so I leaned away from him as much as possible and he continued with the surgery. As I gave him the next instrument, I smelled the stench again, but I still could not determine what it was. I later identified the smell as alcohol. Dr. Wilkins continued operating on the patient.

After a few more hours, the surgery was completed. Dr. Wilkins declared it a success because the patient's vital signs were stable. The patient was discharged from the hospital three days later. A week later, while Dr. Wilkins was on call at the hospital, he was summoned to the emergency room. Mr. Washington had been rushed to the hospital due to severe chest pains and a yellow discharge oozing from his surgical wound. After examining him thoroughly and performing an x-ray, Dr. Wilkins determined that Mr. Washington needed to have immediate surgery. I started to prepare the instruments needed for the second surgery.

As we opened his wound, we found a large mass lodged in his aorta and blocking the blood flow from his heart. We started to remove it and found a major infection. We worked feverishly to save him, but a few minutes later Mr. Washington's heart stopped beating. Dr. Wilkins tried to revive him but unfortunately his efforts were unsuccessful. Mr. Washington was pronounced dead on January 20, 2016.

Hours later, an autopsy revealed that Mr. Washington had a piece of the scalpel blade lodged in his aorta. We explained the news to Mrs. Washington, and she was filled with disappointment and grief. A few months later Dr. Wilkins found out that he was being sued by Mrs. Washington for \$3 million due to malpractice and the wrongful death of her husband.

TESTIMONY OF DAINA WASHINGTON

I live at 58 Parker Street. I live with my 21-year-old son, who is now attending college at Riversdale University. I am 54 years old and I am a beautician. I met Daniel 26 years ago at a block party. We fell in love instantly, and were together often. Daniel was the love of my life.

On January 10, 2016, Daniel was preparing to have a surgery performed on his chest area. Dr. Wilkins was the doctor who was going to perform the surgery on Daniel. The surgery took about five hours. I went to consult with Dr. Wilkins about how the surgery turned out, and he told me it was successful. A week later I saw that Daniel was not feeling so well. He told me that he felt pain in his chest where he had gotten the surgery done. I lifted his shirt to see what was wrong, and I saw a thick yellow discharge oozing from his chest wound. I found that odd and unusual, especially since Dr. Wilkins told me that the surgery was successful.

My son and I rushed Daniel to the hospital as soon as possible. When we arrived at the emergency room, we asked for Dr. Wilkins, and he happened to be on call at the time. We saw him 30 minutes after we arrived. Dr.

Wilkins told me that he would need to examine Daniel to see what was wrong. They informed me that they would have to perform another surgery to fix the problem. I was fine with that as long as Daniel got better and would be able to come back home as soon as possible.

I got the news that my beloved husband passed away during the surgery. It made me extremely upset. Daniel was the biggest breadwinner. Daniel and I were still paying for our son's college tuition, and we also had a mortgage to complete. They had told me how it happened. Dr. Wilkins told me a small piece of a medical instrument called a scalpel was lodged in Daniel's aorta since the first surgery. I am suing Union Valley Hospital and Dr. Wilkins for \$3 million for malpractice and the wrongful death of my husband, Daniel Washington.

TESTIMONY OF DR. JOSEPH WILKINS

I am a surgeon at Union Valley Hospital. I was always considered a spectacular and helpful surgeon. All of my difficult operations were successful and they were always performed at a high standard. I do not cut corners when operating on a patient; I take my time.

On January 10, 2016, I was operating on a cardiac or heart patient, Daniel Washington, for five hours. I used a regular medical instrument called a scalpel to make the incision in his chest. That day I was fully prepared and I used the correct surgical instrument. A scalpel is a surgical instrument that is used routinely every day by surgeons throughout the world.

My mind was nowhere else but focused on the surgery of Mr. Washington. When I was finished with Mr. Washington's surgery, the team and I deemed it to be successful. Mr. Washington spent some time in recovery, and then once he was alert enough, he was transferred to the cardiac care unit.

The next week I came to the emergency room of the facility and Mr. Washington was in a very bad state. I immediately ordered emergency x-rays, and when I examined Mr. Washington, a yellowish discharge was oozing from his surgical wound. I thought I could fix it with a second surgery, but as I opened his chest for an emergency operation, Mr. Washington passed away.

I am not responsible for Mr. Washington's death. I used surgical instruments that are very common. In other words, surgeons all over the world use scalpels every day. It is unfortunate that a small piece of the instrument was found in Mr. Washington's aorta during the autopsy, but it was simply an accident. There was possibly a defect in the manufacture of that particular blade. No one is to blame for Mr. Washington's death. It was an accident.

TESTIMONY OF DR. ANTHONY JONES

On a Sunday of January 10, 2016, our surgeon Dr. Wilkins performed surgery on a 56-year-old man named Daniel Washington with a severe heart disease. When I was in the operating room, I was observing the surgery and assisting Dr. Wilkins.

While I was observing Dr. Wilkins, I noticed that there was nothing out of the

ordinary. He was performing to the best of his ability and with professionalism. I have never observed Dr. Wilkins being anything but professional.

After five hours the surgery was completed, and Dr. Wilkins announced that it was a success. He shared the news with Mrs. Washington, who was in the patient lounge, a waiting area for those family members who are waiting for their loved one during surgery. She was very relieved. We discharged Mr. Washington from the hospital a few days later.

One week after he went home, Daniel Washington came back to the hospital with another complaint. He was crying loudly from severe pain, and a thick yellowish discharge was oozing from his surgical wound. After a quick examination of him, Dr. Wilkins determined that Mr. Washington needed to have immediate surgery to repair whatever damage had been done.

While on the operating table, Mr. Washington unfortunately died. We tried our best to revive him more than once, but our efforts were unsuccessful. Mr. Washington was pronounced dead on January 20, 2016.

INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Dr. Joseph Wilkins failed to perform his duties in a professional manner in accordance with medical practice, and is responsible for the death of Daniel Washington.

SUB-ISSUES

1. Was Dr. Wilkins sober when he performed the surgery on Daniel Washington?
2. Were there any prior complaints about Dr. Wilkins' surgical skills?
3. Did Dr. Wilkins follow the proper procedures during the operation?
4. Was the operation completed within a reasonable amount of time?
5. Did Dr. Wilkins provide adequate follow-up care to Mr. Washington?

CONCEPTS

1. Medical malpractice.
2. Liability.
3. Credibility of witnesses.

LAW

Medical Malpractice Law 214-a
An action for medical, dental or podiatric malpractice must be commenced within two years and six months of the act, omission or failure complained of or last treatment where there is continuous treatment for the same illness, injury or condition which gave rise to the said act, omission or failure; provided, however, that where the action is based upon the discovery of a foreign object in the body of the patient, the action may be commenced within one year of the date of such discovery or of the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier.



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