



Featuring winning cases from the  
New Jersey State Bar Foundation's

# Law Adventure

2023 COMPETITION

# Mock Trial EXERCISES

FOR GRADES 7-8

# Preface



**IN 1995–96 THE NEW JERSEY STATE BAR FOUNDATION LAUNCHED A UNIQUE, LAW-RELATED EDUCATION PROGRAM FOR MIDDLE SCHOOL STUDENTS—THE LAW ADVENTURE COMPETITION.**

Students in grades seven and eight and their teachers are invited to create original mock trial cases. Each year the Foundation provides themes for 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 Adventure programs in the spring. The seventh- and eighth-grade audiences serve as juries.

Following are the winning cases from the Law Adventure 2023 Competition. The themes for the 2023 contest were (1) Students' Rights or (2) Defamation.

The cases may be used as a guide to prepare a submission to the Law Adventure Competition or as a classroom exercise. Please note that some of the cases may contain "laws" created by the students for the purpose 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 materials are produced for educational purposes only. To make the scenarios more meaningful and allow students to reflect on actual conflicts they may confront, the submissions sometimes touch upon issues reported in some of the challenging news stories of our day; however, please note that all characters, names, events and circumstances are fictitious. No resemblance or reference to real individuals, events or circumstances is intended or should be inferred.*

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

Law Adventure has won recognition in the Associations Advance America Awards program, a national competition sponsored by the American Society of Association Executives in Washington, D.C. This prestigious award recognized innovative projects that advance American society in education, skills training, community service and citizenship.

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

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

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# We Can Pump You Up: James v. Schwartz

**SCHOOL**

Great Meadows Middle  
Great Meadows  
Grade 7  
First Place



**TEACHER**

Bill Nutt

**STUDENTS**

Willow Butkosky  
Anna Crane  
Dylan DeSimone  
Sydney Dreitzler  
Isabelle Jean-Louis  
Adrienne Meador

Archer Morgan  
Ryleigh Nonez  
Gabriel Roguso  
Liliya Stepaniuk  
Sharon Vieira

## FACTS

Christopher James is a popular fitness influencer with a number of Internet followers. James uses videos and podcasts to promote weight-loss programs and fitness regimens, and through his website, he sells a variety of products to help people get and stay in shape.

Among James' followers is Bronson Schwartz, a 14-year-old from Stoney Brook with a relatively slight build. He is self-conscious about his body image; his older brother, Gusteau, is a star athlete with a muscular physique, and Bronson cannot help comparing himself to his sibling. Bronson is especially concerned about his appearance since he will begin high school in the fall. He is hoping to distinguish himself in the school sports program.

Last year, James began advertising Buff Energy Shakes, a pre-workout protein drink that he said aided muscle growth. James discussed Buff Energy Shakes in several videos. Bronson began using the drink to supplement his workout. Initially, Bronson was drinking one shake a day, but then he increased it to four shakes a day, which is the maximum recommended on the label.

One afternoon in May, Bronson's mother, Olga Schwartz, found him unconscious in his room in his workout clothes. Bronson was rushed to Stoney Brook Hospital, where his stomach needed to be pumped. Under the care of a gastroenterologist, Dr. Skyler Goodman, Bronson was found to have severe gastrointestinal problems, some of which were congenital and some of which were worsened by the energy shake. Bronson needed to stay in the hospital for more than a week, which caused him to fall behind in school work and further made him depressed.

Some time after his release from the hospital, the Schwartz family made a video explaining what had happened to Bronson, as a warning about the limits of the drink and the dangers of overusing it. In the video, they singled out Christopher James and claimed that his promotion of the drink was a major factor in Bronson's decision to use it. The video went viral, and Bronson's story became the subject of news stories on social media and in the national press. Not long afterward, James' business suffered a major decline. He lost followers, and some manufacturers dropped him as their spokesperson for their fitness products. As a result, James saw a significant loss of income.

Christopher James is suing the Schwartz family for defamation in the amount of \$150,000. He claims that they unfairly singled him out for his promotion of the drink and that Bronson's illness was the combination of a pre-existing condition and the incorrect use of the drink.

## ISSUE

Was Christopher James defamed by the Schwartz family in their publicizing of Bronson's illness from drinking the energy shakes that James promoted?

## WITNESSES

### ***For the Plaintiff***

Christopher James  
Geraldine Dean

### ***For the Defense***

Bronson Schwartz  
Dr. Skyler Goodman

## WITNESS STATEMENTS

### ***Testimony of Christopher James***

My name is Christopher James, and I am 42 years old. I am a retired major league baseball player, and I played during the steroid era of the late 1990s and the early 2000s. I understand the pressure to use products to enhance your skill, and that makes me sympathetic to what some young people are going through. For that reason, I post videos promoting safe workout regimens. I also, through my website, advertise and sell various products for health and fitness. Since starting my business nine years ago, I have approximately 2.5 million followers.

One of those products I advertise is Buff Energy Shakes. I have talked about these pre-workout protein shakes to supplement an exercise regimen as a healthy way to build up a physique. As I do whenever I advertise a new product, I always caution my followers to carefully read any warnings on the product label and to consult their physician if they have any questions.

About two months ago, I learned that a teenager named Bronson Schwartz was stricken with a gastrointestinal condition. Apparently, for about a month prior to his hospitalization, he was drinking Buff Energy Shakes up to the recommended maximum of four drinks a day. He and his family later made a video claiming that his use of the shakes triggered his condition, and that he only learned of the drink from my social media platform. That made it seem like I was irresponsible in promoting the product. That story went viral on social media and was also featured on at least two national news programs. As a result, sales of the protein shake decreased by 70 percent. In addition, I

have lost more than half of my followers, and some manufacturers of fitness products - including the makers of Buff Energy Shakes - no longer want me as their spokesperson.

My understanding is that Bronson has a rare digestive condition that caused him to be hospitalized. However, I also have learned that there is some doubt about how much his drinking Buff Energy Shakes contributed to this condition. It might have been the case that he would have required hospitalization at some point regardless of his use of the drink or not. Furthermore, he seems to have been drinking the shakes without first talking with his doctor.

I feel badly for Bronson, as I would for anyone with a medical condition. But for his family to lay all the blame on me and on my promotion of the drink is inaccurate and unfair. Considering that the Schwartzes have been making these statements in a public forum, and that these statements have directly led to a significant loss of income, I feel that I am justified in suing them for defamation in the amount of \$150,000.

### ***Testimony of Geraldine Dean***

My name is Geraldine Dean, and I am the producer of Christopher James' videos and podcasts. I've known Chris since we were children. He was always bright and athletic, and I was thrilled for him when he started playing major league baseball. However, at the time, steroids were prevalent, and Chris felt a great deal of pressure to use them. He started acting like a different person. Fortunately, he realized what the steroids were doing to him, so he voluntarily stopped and went into rehab. Some steroid users blame others for their problem, but Chris is quick to take full responsibility for his own

actions. I'm proud of him for that, and it's been a privilege for me to work with him.

Chris is very committed to promoting a healthy, active lifestyle. I think he does a great job relating to people and encouraging their self-improvement. Because of his experience with steroids, he and I are careful to advertise only natural products and to make sure his followers understand that they need to use these products properly.

Chris and I learned about what happened with Bronson Schwartz a couple of months ago. We were surprised to learn that Bronson and his family were blaming us for his hospitalization. I learned that he used Buff Energy Shakes without first consulting a physician, and he too quickly started using the maximum amount. That seems irresponsible on his part, and also on the part of his parents. We've learned that Bronson has an unusual medical condition, and we feel bad for him. But that is why we recommend people consult a physician.

The publicity surrounding Bronson has had a negative impact on our business to a significant degree. This loss in income is directly attributable to the Schwartzes' video, which we feel unfairly characterized the part Chris played in Bronson's illness. For this reason, we ask that the court find in our favor in this defamation suit.

### ***Testimony of Bronson Schwartz***

My name is Bronson Schwartz, and I'm 14 years old. I come from a very athletic family, though unlike my relatives, I'm rather scrawny. In school, I've been taunted and bullied for this, while one of my older brothers, Gusteau Schwartz, is praised for carrying on my family's legacy. Not only did this bullying affect my mental health, but

my grades suffered, as well. I've tried many other pre-workout products to bulk up, but I've barely noticed any change. I've been particularly concerned about my appearance because I'll be starting high school in the fall, and I was hoping to play at least one sport.

At Gusteau's suggestion, I started following Christopher James online. I guess I became a little obsessed with him, but I enjoyed his workouts. He also talked about different fitness products, including a pre-workout drink called Buff Energy Shakes. It sounded like a good way to supplement the exercises I was doing, so I started drinking it. Despite the fact that I'm slender, I never had any indications of any medical conditions, and my doctor actually encouraged me to work out more.

I began with one shake a day, but it didn't seem to make a difference. I gradually increased it to four a day, which was the maximum amount listed on the package. I didn't notice any improvements, but I did find that I was losing sleep and feeling nauseous. I concentrated on working out more, thinking that building myself up would overcome the nausea.

After one particularly strenuous session, I passed out in my room. My mother, Olga Schwartz, found me and had me taken to Stoney Brook Hospital. I needed my stomach pumped, and I was found to have a condition that will require further treatments and medication. Most upsetting of all, I was told to avoid participating in sports for a minimum of a year - which means I'll miss out on freshman sports in high school, when I thought I might have the chance to prove myself.

Although I've admired Mr. James and his



programs, I feel that he should have given more warning about the possible effects of the products he promotes. He should also have realized that not every person responds to food and drink in the same way. Mom and I made a video as a way to caution other young people who may have felt as I did. Though I didn't intend for him to lose so much of his audience, I think he needs to be aware of the possible consequences of the products and programs he promotes.

**Testimony of Dr. Skyler Goodman**

My name is Dr. Skyler Goodman, and I'm a gastroenterologist with more than 10 years of experience. I am on the staff of Stoney Brook Hospital. This past summer, I was notified about a 14-year-old named Bronson Schwartz who was admitted to the hospital to have his stomach pumped. I examined him and found that his digestive system was severely compromised. He will need to be on medications for at least the next year, and he might need more treatment. I also told him that he needed to avoid strenuous activity for a minimum of a year. He seemed especially distressed about missing a year of sports, since he will be attending high school in the fall.

From what I could determine, Bronson was born with a weakness in his digestive system. It might or might not have ever become an issue, but the combination of his exercise program and his consumption of protein energy drinks exacerbated his condition. I know he was drinking those shakes quite frequently before the hospitalization. From what I can tell, it's possible that even drinking only one protein shake a day might have set off his gastrointestinal problems.

I find that many young people like Bronson have unrealistic expectations about their bodies. I've seen a number of teenagers fall under the spell of influencers who irresponsibly promote fad products that either have not been adequately tested or are not for everyone. Fitness gurus such as Christopher James should be more conscious of the impact they have, especially on teenagers like Bronson who are overly conscious of their body image. For this reason, I think the Schwartz family was perfectly within their rights to let people know about the potential dangers and limitations of the products Mr. James promotes.

**INSTRUCTIONS**

The plaintiff, Christopher James, must set out such a convincing case that the jury believes by a preponderance of evidence that the defendant, Bronson Schwartz, and his family defamed James by claiming James was irresponsible in his promotion of Buff Energy Shakes. The plaintiff must also show that the decline in his business was the direct result of the Schwartz family's actions.

**SUB-ISSUES**

1. Was Christopher James irresponsible in promoting Buff Energy Shakes to his audience without emphasizing potential side effects?
2. Did James clearly warn his audience that the energy drink should be used according to recommended amounts?
3. Should James have researched the drink more to find out if it might trigger any pre-existing conditions, such as the one Bronson has?
4. Did Bronson make any attempt to learn



more about Buff Energy Shakes and its possible dangers?

5. Should Bronson's family have been more aware of the amount of the drink he was consuming?
6. Was Bronson's illness directly the result of drinking too much of the energy shake, or (as Dr. Skyler Goodman indicated) would he have become sick even if he had limited his intake of the drink?
7. Did the Schwartz family realize that posting a video about Bronson's experience might cause significant losses to James' business?
8. Were there any other factors that might have caused the drop-off in James' business and the decline in the number of his followers?

## CONCEPTS

1. Credibility of witnesses.
2. Defamation law.
3. Burden of proof: preponderance of evidence.

## LAW

Under defamation law, a plaintiff must show four elements: 1) a false statement purporting to be fact; 2) publication or communication of that statement to a third person; 3) fault amounting to at least negligence; and 4) damages, or some harm caused to the reputation of the person or entity who is the subject of the statement. A defendant found to have defamed a plaintiff must cover damages up to \$500,000. Depending on the nature of the defamation, the fine may also include community service not to exceed 100 hours.

# Cultural Clash: Jane Tan v. Board of Education

## SCHOOL

Harrington Park  
Harrington Park  
Grade 7  
Second Place



## TEACHER

Joan Dever

## STUDENTS

Talia Burke  
Cyla Cafuoco  
Charlotte Kwon

Chaerin Isabella Oh  
Caroline Ryu  
Ashley Weng

## FACTS

In September 2021, Jane Tan entered Wood High School in New Jersey as a new student. Jane was a freshman who recently immigrated from Singapore. She spoke Mandarin as her primary language along with English as a second, less fluent language. Jane's transcripts reflected a highly capable, advanced student. Jane Tan, as well as all Wood High School freshmen, was screened by the staff of Wood High School for their Gifted and Talented Program using the CogNav Test of Cognitive Skills. When Jane's test results were evaluated, it was determined that she did not score high enough to be included in the specialized program.

Jane and her parents were surprised and disappointed as Jane had participated in a similar program in Singapore. Jane shared with her parents that she felt the Wood High School evaluation was very different from the screening test used in Singapore. Jane felt that several topics on the evaluation were entrenched in white culture. In Wood High School, the Asian population is in the minority. Jane and her parents met with the administration to share their concerns about the tool used for identification. The Tans stated that they believed the test was biased and that Jane was a high ability student who belonged in the G and T Program. The school would not offer any alternate assessments to Jane and stated that all students must take the same evaluation.

The Tan family has filed a lawsuit against Wood High School for violating Jane's rights as a student. They claim that the evaluation tool used for the specialized program was discriminatory and they seek to have Jane evaluated using an alternate assessment.

## ISSUE

Did Wood High School violate Jane Tan's student rights by using a culturally biased evaluation to determine inclusion in a gifted program?

## WITNESSES

### *For the Plaintiff*

Jane Tan

Marcus Miller

### *For the Defense*

Katie Johnson

William Davis

## WITNESS STATEMENTS

### *Testimony of Jane Tan*

My name is Jane Tan. I am a 14-year-old student who recently moved from Kumar Secondary School in Bukit Timah, Singapore to Wood High School in Wood, New Jersey. At my high school, I take English as a Second Language class instead of the Language Arts class that my classmates take. I have a few acquaintances, but my best friend is Marcus Miller.

In early September, my grade was moved to a separate classroom according to my last name. The teacher explained that we all had to take the test to see if we would exceed into an advanced program. On my assessment, I found that there were many arithmetic questions I could answer with ease. However, as I moved through the exam, I realized the reading and grammar part of the test confused me. I wasn't able to finish the test in the allotted time. The school had known I could not speak English fluently, yet still put me with the others taking the same test.

By the end of the evaluation, the principal had walked in and told us there was no more

time for the test. As I was unable to finish, I knew I was not going to a learning experience fit for me.

Upon returning home, I told my mother, Alyssa Tan, and father, Kevin Tan, everything that had happened involving the cognitive test. My parents were outraged and called the school immediately. I was in my room doing homework, so I couldn't overhear their conversation. Soon, my mother called me to the kitchen to inform me I didn't get into the gifted program. I was devastated, as I couldn't believe I didn't get into something that I achieved so easily in Singapore. My mother's face was filled with fury and disappointment. My parents decided to bring a suit as the test was discriminatory and violated my rights as a student.

### ***Testimony of Marcus Miller***

My name is Marcus Miller and I am a freshman at Wood High School. I have lived in Wood, New Jersey, for all fourteen years of my life. The only language I am familiar with is English, along with a small portion of Spanish due to the school's curriculum. Jane Tan recently moved to New Jersey from Singapore, and although she doesn't speak English as fluently as the rest of my grade, she is a genuinely intelligent person.

On September 21, 2022, the entirety of my grade took the CogNav Test of Cognitive Ability. We were moved to different classrooms according to last names, and after a few checks for any devices that could be used to cheat, the test began.

Every student had a maximum of ninety minutes to complete it. As a person who fluently speaks English, I found most of the language proficiency portion quite easy to comprehend.

However, I do understand how a person like Jane Tan, who isn't as familiar with English as the rest of the school and I, could struggle with the reading and grammar portion of the test.

When the test was released, I was surprised to find that I had gotten into the program, considering that my average Language Arts grade was a B the year prior. Jane stated that she had gotten into a similar program at her last school in Singapore. She had said that the cognitive test that she took in New Jersey consisted of more questions pertaining to American culture than the evaluation she took in Singapore. I feel that the CogNav exam is extremely biased towards other cultures, and Jane's student rights were violated.

### ***Testimony of Katie Johnson***

My name is Katie Johnson and I am here today as the defense's witness. I have worked for the company that created the CogNav Test of Cognitive Ability for 16 years. I am the liaison between the company and the schools that utilize our test. As one of the veteran staff here, I must defend the integrity of our evaluation. Wood High School has long held a policy of administering the CogNav Test of Cognitive Ability to all incoming freshmen. Jane Tan, as a new member of the 9th-grade class, took the evaluation to determine if she would be eligible for the Gifted and Talented Program.

After completing the exam, Jane Tan reported that she did not have enough time to finish and she found the verbal reasoning questions to be biased. It is my understanding that Jane had passed English proficiency, but was challenged by weak vocabulary. Because of this, she failed the

verbal reasoning section of the test. However, she did well on the rest of the portions, for example, mathematical ability, visual/perceptual reasoning, logical reasoning skills, and pattern recognition skills.

Neither our company nor the school can be held at fault for this. Several other immigrants that were under the same circumstance as Jane outperformed her. This includes another immigrant student from South Korea who took the CogNav test with her. This not only proves that Jane Tan was at fault for her limited knowledge, but also the fact that our CogNav exams are not biased. We did not violate Jane's rights at all.

### ***Testimony of William Davis***

My name is William Davis and I am the President of the Wood High School Board of Education. The Tan family's claims of a culturally biased evaluation are unfounded. I would like to reason that Wood High School is not in the business of administering tests that discriminate against any of our minority populations. We have been purchasing the CogNav Test of Cognitive Skills for decades now, and the company is constantly updating and evaluating their exam to protect against such allegations.

Jane was taught English in Singapore from a very young age. She has demonstrated proficiency, even if English is not her first language. Selection for the Gifted and Talented Program is based on percentages. This is a very high functioning district with an exceptional student body. Jane did not fall into the top percentages and, therefore, missed the cutoff for the program. Having been in a similar program in Singapore, simply points to her being at the top of that

student body. The instrument used for the evaluation is not to blame.

We did not violate her rights; she was given the same opportunity as everyone else.

## **INSTRUCTIONS**

The plaintiff must show by a preponderance of the evidence that Wood High School violated Ms. Jane Tan's student rights when she was evaluated for the Gifted and Talented Program using measures that were discriminatory.

## **SUB-ISSUES**

1. Has anyone in other schools besides Wood High School had this same problem?
2. How different is the curriculum at Kumar Secondary School in Bukit Timah compared to Wood High School?
3. Did CogNav add culturally biased questions to the test?
4. Should Jane Tan have known that the context of the assessment would be different?
5. Should Jane Tan have had more warning that she was being tested?
6. Does the Asian population have representation in the Gifted and Talented Program at Wood High School?

## **CONCEPTS**

1. Burden of proof: preponderance of the evidence.
2. Rights of students in public schools.
3. Totality of the circumstances.
4. Credibility of the witness.

## LAW

### ***Student Rights in the State of New Jersey***

#### **“Freedom From Discrimination:**

Discrimination has many faces, and even its subtler forms can be harmful. Each school district must provide courses of study, instructional material and programs that are designed to eliminate discrimination and promote understanding among children of different races, colors, creeds, religions, sexes, ancestries, national origins, and social and economic status. The New Jersey Law Against Discrimination says that schools cannot treat students differently because of their race, creed, sex, handicap, or national origin.

If a student feels he or she is being treated differently from other students because of his or her race, sex, religion, national origin, social or economic status, pregnancy, family or marital status, physical, mental, or sensory handicap or affectional or sexual orientation, the student should immediately bring the matter to the attention of his or her teacher, counselor, principal or other school official.”

*American Civil Liberties Union (2011), Students’ Rights Handbook. Fourth Edition, p.8, sponsored by the New Jersey State Bar Foundation*

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# King v. Tinkertown School District

**SCHOOL**

Brookside  
Allendale  
Grade 7  
Honorable Mention



**TEACHER**

Alison Stein

**STUDENTS**

- Jack Bryan-Jones
  - Lillian Day
  - Jake Dreyer
  - Tori Hascup
  - Jack Heeb
  - Edward Keslo
  - Jacob Kim
  - Yash Korgaonkar
- Julianne Levine
  - Wilbur Lohrey
  - Andrei Makarovskiy
  - Ryan Morea
  - Madelyn Nisch
  - Ciara Perruzzi
  - Vince Wang



## FACTS

On December 13, in Tinkertown, New Jersey, R. Lupin Memorial High School senior Joseph “Joe” King wore a shirt to school that featured the work of a musical-artist-turned-politician, Cayenne South. South recently used his platform as a musical artist to promote hate and violence towards Muslim Americans, while also announcing his intention to run for President of the United States in 2024.

That morning, Ali Prince, another senior, approached his teacher, Miss Stacey Stake, to say that Joe’s shirt made him uncomfortable. Joe King wore a shirt from Cayenne South’s first album, *Seasoningz*. Miss Stake confronted Joe and told him not to wear that shirt to school anymore, but let him off with a warning and no disciplinary action.

That night, at 8:45 p.m. Joe King posted to social media about this interaction, “Got dress coded just for reppin my fave album in school. SMH. RLMHS is what’s wrong with this country” with the hashtag #CayenneSouth2024. The following week, on December 17, a group of students wore homemade T-shirts that said #CayenneSouth2024.

In the afternoon on December 16, one of the students who wore the #CayenneSouth2024 shirts to the school, Benny Fallowers, reported to Miss Stake that classmates have been threatening him through anonymous direct messages on social media. One message said, “Careful coming for my people when we know where you live.” Separately, groups of students who identify as Muslim have gone to Principal Reynolds Hazelwood and the Guidance Counselor Skylar Hamiltynne to say they no longer feel safe at school when people

promote figures like Cayenne South.

In response to these allegations, Principal Hazelwood initiated an investigation into the threats directed at Benny Fallowers and others wearing the #CayenneSouth2024 shirts, and a separate investigation on behalf of the students who find the shirts to be offensive and disturbing.

As a result of the investigation’s findings, Principal Hazelwood suspended Joe King for posting to social media and starting a movement of symbolic hate at R. Lupin Memorial High School. This suspension cost Joe, a senior, his scholarship at Kentford University because it violated their student code of conduct and ethics given it was qualified as “hate.”

Through the help of the Tinkertown School District’s technology director and the Tinkertown Police Department, Principal Hazelwood was also able to locate the source of the threats in the school. The students behind these messages, though they never acted on them and they were found not to be credible threats, were expelled. This caused great uproar on social media in the community, especially as these students were Muslim.

On December 21, 2022, in a message from the Superintendent of Schools, Graham N. Wright V, Tinkertown School District announced that they would be making a change to the dress code that all parents, guardians and students signed at the beginning of the year: “*Board of Education policy strictly prohibits clothing and grooming which presents a hazard to the health or safety of the student or others, interferes with schoolwork, creates disorder or disrupts the educational program.*” From now on, all clothing with messages that could be perceived as hurtful

or hateful would be banned from the district. The announcement named the #CayenneSouth as an example of unacceptable clothing. It also said that in January, there would be a district-wide referendum to decide if the district should transition to uniforms.

Joseph King's family is suing Tinkertown School District for wrongful suspension and damages related to defamation of character, and for the monetary losses the family faced after Joseph lost his scholarship to Kentford University.

## ISSUE

Did Tinkertown School District violate Joseph King's First Amendment rights in suspending him for a social media post?

## WITNESSES

### ***For the Plaintiff***

Elizabeth King  
Dr. Tia Ello

### ***For the Defense***

Ali Prince  
Skylar Hamiltynne

## WITNESS STATEMENTS

### ***Testimony of Elizabeth King***

My name is Elizabeth King, and the defendant in this case is my child. On Tuesday, December 13 my child wore a shirt showcasing his favorite artist Cayenne South's first album, *Seasoningz*, to school. During that day of school, I learned that a classmate, who never got along with Joey, was offended by my child's shirt and reported them to a teacher, Miss Stacey Stake. Miss Stake immediately took Ali Prince's side, then told my child to not wear

that specific shirt again. When she contacted me about the entire incident, I could not believe what I was hearing. Since when is it against school rules to wear an album T-shirt?

Later that night Joe posted a public comment saying "Got dress coded just for reppin my fave album in school. SMH. School is what's wrong with this country, #CayenneSouth2024." For all of the things he could have said, and all of the things his peers post on social media, I felt like it was an appropriate expression of his dissatisfaction with the uneven enforcement of school rules. On Monday, December 19, there were many students that supported Joe's tweet and wore T-shirts supporting South's run for president. I do not understand how supporting a political candidate could ever be a violation of school rules. Further, why is my son painted as a ringleader when plenty of other seniors, practically adults, made their own choice to create homemade T-shirts?

We learned just before the holidays that after an investigation, Joe was suspended from school. This meant that the scholarship that he had lined up for Kentford University was taken away. I was shocked, as he had worked so hard for it, and now my child may no longer be able to go to the school of his dreams, all because of a T-shirt and it may all be taken away because some peers did not support the artist. The school had no grounds to do this. Earlier this year we as parents had to sign a contract that said, "*Tinkertown Board of Education policy strictly prohibits clothing and grooming which presents a hazard to the health or safety of the student or others, interferes with schoolwork, creates disorder or disrupts the educational program.*"

When he posted on social media, he was not advocating for the harassment of Muslim students. He was simply voicing his frustration that he was dress coded. His use of #CayenneSouth2024 was him voicing his opinion when he was angry at the school. The suspension of my child was unreasonably harsh considering he was promoting an album, not the artist or what the artist says. The other students who took offense to this shirt as well as the school took this situation the wrong way.

### **Testimony of Dr. Tia Ello**

My name is Tia Ello and I am a constitutional law expert who has been called in for this case. I have a Doctor of Juridical Science degree from Harvard University and specialize in constitutional law. I have been practicing constitutional law at Kirkland & Ellis, which is one of the most prestigious law firms in America, for the past 22 years.

I was introduced to this case a few months ago, and I must say, I am stunned by how the school has acted, and how many times the school has violated the Constitution. The student in this case, Joseph King, was wearing a shirt with the Cayenne South's first album, *Seasoningz*. Cayenne South is a musical artist, public figure and, crucially, a presidential candidate. By wearing a *Seasoningz* shirt to school, Joe King was expressing himself and his musical preferences. By posting #CayenneSouth2024 on social media and wearing the hashtag on a T-shirt, Joseph and his friends were expressing support for a political candidate. Punishing a student for any of the forms of expression mentioned above is a gross violation of Joseph's First Amendment rights.

There is precedent to support my expert opinion. During the United States Supreme Court case *Tinker v. Des Moines* (1969), the Tinker siblings were suspended for wearing black armbands as a protest of the United States involvement in the Vietnam War. Siding with the students, the court opinion said that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Joseph King was in a similar situation. He was just wearing the shirt with the album because he supports a musical artist and a politician, which is his right under the First Amendment. Another relevant, more recent case that was taken up to the Supreme Court is *Mahanoy Area School District v. B.L.* (2021). In this case, the court again sided with the student and supported her right to post crude language about a school athletic group. The decision said that this student could express herself off school grounds if it did not threaten harm to others. An expression of dissatisfaction with school, a common sentiment among teens, and a hashtag in support of a musical artist and presidential candidate does not qualify as a substantial threat.

Finally, in reference to the school's dress code that all adults and students signed at the beginning of the year, Joseph King is not doing anything that presents a "hazard to the health or safety of the student or others, interferes with schoolwork, creates disorder, or disrupts the educational program." (School Dress Code) The student's suspension derives from the fact that he "started the movement of hate," but there is no proof that he told people to go to school wearing those shirts or that he even encouraged it. Even if he had, the argument

that he was creating disorder has not been demonstrated by the facts of this case. Therefore, it is my expert opinion that the suspension should be reversed immediately, and Tinkertown School District should contact Kentford University directly about restoring Joseph King's scholarship, in addition to any other damages owed as a result of damaging a young man's reputation.

### ***Testimony of Ali Prince***

I am Ali Prince, a senior at R. Lupin Memorial High School. I have known Joe King for about five years. We were best friends in middle school. However, one of my friends told me that Joe King had been rude to me behind my back, making fun of my family's accents, which ended our friendship. He has a history of bullying and being mean to others. I have seen him make mean-spirited comments on other Muslim students' social media pages.

Joe King deserved the punishment he got for starting what became a movement for hate in my high school. We have learned about the Constitution in school, and there is no way that the First Amendment protects Joe to spread the fear and anxiety my peers and I felt in our school every day. Also, Joe King was warned before he was suspended. He had the choice to put on a different shirt that did not disrupt school activity. He had the choice to not post to social media a call-to-arms for all of his other Islamophobic friends. He had the choice to not encourage his friends to spend a weekend designing and creating their own "#CayenneSouth2024 T-shirts. Instead, Joe King chose not to listen and violated my safety and that of my peers.

As a result of his choice to not think about

others and post a triggering, public post on social media, an unnecessary group formed around this protest, causing many interruptions in our school education. It is literally in the school dress code, "Board of Education policy strictly prohibits clothing and grooming which presents a hazard to the health or safety of the student or others, interferes with schoolwork, creates disorder or disrupts the educational program." Nothing disrupts an educational program like being too afraid to come to school. I am relieved our district worked to save the personal feelings and safety of the community, and personally believe his suspension should be upheld.

### ***Testimony of Skylar Hamiltynne***

My name is Skylar Hamiltynne and I have been a guidance counselor at R. Lupin Memorial High School for 16 years. I have a Ph.D. in child psychology from Tufts University in Massachusetts. I am the guidance counselor for half of the senior class.

On December 13, I received an email from Ali Prince saying that he wanted to come to talk to me at lunch. He did, and he reported that Joe King was wearing a shirt that made Ali feel unsafe in his class. Ali identifies as Muslim, which is relevant to this case because Cayenne South, who was on Joe King's shirt, has made Islamophobic and hateful comments on social media. I was able to console Ali and talk it out, but I felt compelled to tell Principal Hazelwood about this interaction. We have a decently sized Muslim community in Tinkertown, so I doubted that Ali would be the only student disturbed by the shirt. The next day, several more students expressed anxiety and a

feeling of being unsafe as a result of a social media post that Joseph King posted publicly the previous night. It seemed to be a rallying cry for Joseph’s friends to support him and Cayenne South, the Islamophobe. By Monday, December 19, these students’ fears and anxieties increased as they reported several students wearing homemade “#CayenneSouth2024” T-shirts. I could not help but notice the shirts myself and fear an extreme emotional reaction from the student body, Muslim and non-Muslim students alike. The following afternoon, more students came to me saying that they felt unsafe at school due to the threatening message put forward by their peers. Tuesday, December 20, a few chose to stay home.

Separately, on Tuesday, December 20, Benny Fallower asked to speak with me at lunch. I learned that he and others who wore the shirts promoting Cayenne had received several threatening messages through social media. In response to this, I held a meeting with Principal Hazelwood Monday evening, during which I advised them to initiate an investigation into the #CayenneSouth2024 shirts with a goal of unearthing the main source, and launch a separate investigation into the threatening messages sent to Benny Fallower and others.

As an expert in child psychology, I understand the effect that this widespread support of hate can cause children. Similarly, I know the danger that could come from adults not intervening and bringing justice to those who have been targeted. The constant wish to “fit in” in high school can make the students feel like they have to join in this hate to be “popular.” This can lead to a mob mentality, the spread of more hate, and an increase in fear of the Muslim

students who go to our school. This constant increase in hate and fear creates a horrible cycle of those feelings. This cycle has led to many horrible events in our history and takes a heavy toll on the mental health of a child. And it is my understanding that this all came about as a result of Joe King’s social media post as a call to action. The number of students who showed up to school on Monday wearing shirts that support an Islamophobic, hateful figure is all the proof we need.

When it comes down to it, this is simply bullying and intimidation. It is widely known that victims of intimidation and bullying tend to develop severe depression and anxiety which has led to suicide. Overall, this movement of hate will only harm the students in the school, and cause disruption. School is a place of safe learning, and students wearing shirts such as these are the cause of unsafe feelings. If the school had not chosen to impose a stricter dress code, students would have continued to be unable to learn. Tinkertown School District is doing the right thing by its students. Joseph King needed to know his actions have consequences, and that there is no place for hate in this district.

## INSTRUCTIONS

The plaintiff must set out such a convincing case against the defendant that the jury finds by a preponderance of the evidence that Tinkertown Public School District administration are liable for compensatory damages to the King family.

## SUB-ISSUES

1. Did Joseph King violate the school dress code?

2. Was Joseph's social media post a violation of school rules?
3. Does the school district have the right to discipline student speech off-campus?
4. Did Joseph King's social media post cause a movement of hate at the high school?
5. Are Joseph King's post and T-shirt protected as an expression of musical and political preferences?

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. First Amendment.
3. Constitutionality.
4. Expert witness.
5. Eyewitness.
6. Credibility of witnesses.

## LAW

Tinkertown School District Dress Code Policy: Board of Education policy strictly prohibits clothing and grooming which presents a hazard to the health or safety of the student or others, interferes with schoolwork, creates disorder or disrupts the educational program.

Amendment I, U.S. Constitution:  
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

# Defamation by Donuts: Mayor Pudgee v. Chamber of Commerce and Michael T. Tock

## SCHOOL

Harrington Park  
Harrington Park  
Grade 7  
Honorable Mention



## TEACHER

Joan Dever

## STUDENTS

Aidan Brackenburg  
Jennifer (Yaqi) Cao  
Jerry Chen

Colin Karpati  
Chaeran Alyssa Oh  
Mia Russo



## FACTS

In a small town named Dever Valley, Mayor Jonathan Pudgee had served in office for four years. In the fall of 2021, the mayor was running for re-election. The mayor didn't expect to lose this election because of his work ethic, outgoing personality and popularity with the citizens of Dever Valley. On the other hand, the mayor's competition was working hard for more constituents and was starting to gain people's confidence.

At about the same time, Auguste Gusteau opened a new local confectionery business in town called Donut Post. Donut Post hadn't gained much attention in its first few weeks of opening, so a local blogger, who worked for the Chamber of Commerce, attempted to promote the bakery by spreading the word through social media. Thinking of a way to make others want to go to the bakery, the blogger noted that the mayor, a well-known public figure, would come to the bakery every day. Included in his post was a joke about how you could see the mayor go to the bakery for multiple donuts every morning before work.

The Instagram post stated: "You can see Mayor Pudgee eating a donut... or two... or three," and included a nonconsensual photo of the mayor feeding on the bakery's donuts. Fortunately for the bakery, this post would go viral, stimulating the bakery's business. However, residents throughout the town were teasing the mayor about his weight. There were a countless amount of posts, memes, and comments on several social media platforms. Donut Post gained a lot of traction from the social media activity and business was up. Many people would come in the morning and throughout the day, posting whether the mayor was there or not.

Unfortunately, the mayor didn't find any of this amusing.

Mayor Pudgee feels that the blog started a chain of events that negatively impacted his reputation and has filed a defamation suit against the Dever Valley Chamber of Commerce and blogger, Michael T. Tock, stating that the post ruined his reputation and cost him the election.

## ISSUE

Was Mayor Jonathan Pudgee defamed when a blogger posted a comment and image of him eating donuts, and did that post negatively impact his reputation and cost him the election?

## WITNESSES

### ***For the Plaintiff***

Mayor Jonathan Pudgee  
Regina Callen

### ***For the Defense***

Michael T. Tock  
Mayor James Newman

## WITNESS TESTIMONY

### ***Testimony of Mayor Jonathan Pudgee***

I am the former Mayor Jonathan Pudgee of Dever Valley. I have lived in this town all of my life and have enjoyed being a public servant. About two months before election day, I became aware of a blogger who posted a negative comment along with a photo of me in the new bakery, Donut Post. I was infuriated to see a wretched local blogger had posted a vile post concerning me eating donuts in the media. I believe that this has had a massive impact on my votes, and therefore, why I lost the election.

In the weeks leading up to the election, I

became an outrageous Internet meme just because I enjoyed a donut or two! This is unacceptable. Just because I have a slow metabolism and decide to eat donuts in public, that causes me to lose my career? Although I acknowledge the fact that I am a bit overweight compared to my opponent, this is an embarrassing way of losing a job.

In my four years of being mayor, the town was nicely run, and I was confident that most civilians would re-elect me because of my leadership. Every morning since the grand opening of Donut Post, an ill-natured food blogger planned to defame my hard-earned reputation by recording me eating donuts casually and shaming my obesity in public. I believe my opponent had significantly less supporters, and he was running on a weak platform. I would've won if it weren't for that blogger! I believe I was defamed by Michael T. Tock and the Chamber of Commerce as my reputation has been dragged through the mud! They had no right to publish my photo with a derogatory statement!

### ***Testimony of Secretary Regina Callin***

My name is Regina Callin and I am the personal secretary to Mayor Pudgee. I'm quite active on social media and occasionally use platforms to promote advertisements and campaigns. In September, I was about to post information about the mayor's re-election on Instagram, but a post caught me by surprise. A local blogger that I had well respected had published an offensive post on Mayor Pudgee. The post spoke about how the mayor enjoyed one too many donuts in a newly opened confectionary.

I told Mayor Pudgee about this post, and he found it very agitating. He demanded that

the post should go down immediately and told me to contact the blogger about it.

Two days after I sent the "DM," the original post was taken down. However, the following memes and reposts were uncontrollable. It was horrible, people were teasing him in the comments, and it was very offensive. When I told the mayor of the effects of the post, he seemed like he already knew about it and was terribly upset.

In all aspects, the post had caused controversy about the mayor and destroyed his good reputation. I believe that the blogger has defamed his public image.

### ***Testimony of Michael T. Tock***

My name is Michael T. Tock, I'm 23 years old, and I have about 100,000 followers on Instagram. I gained around 50,000 followers after posting a promotion of the bakery, Donut Post. I signed a five-year contract with the Chamber of Commerce three years ago, and they asked me to create blogs to help the support of small businesses in the town. A few weeks back, I wanted to promote the new bakery, Donut Post, and I made a post about it, including a small joke at the end about the mayor eating there every morning. I thought maybe a well-known person, in this case, the mayor, would be a good way of advertising. There was no malicious intent. I simply stated an observation. The mayor is in the bakery in the morning and he has a fondness for donuts. I mean, who doesn't? To my surprise, this post had gone viral. I guess the mayor didn't like it because he wanted it taken down after he saw the post. I was contacted by his secretary to remove it, and I did as told because I thought it was the right thing to do.

Unfortunately, the post had already gone

viral, and it reached people outside of the town. I think that Mayor Pudgee blames me for making him lose the election, but the post was created in truth. I had no idea how popular it would become.

The bakery is now one of the most popular in the area. Hundreds of customers come in every day and buy the food which is exactly what I was hired to make them do. This is just a big misunderstanding and I hope that Mayor Pudgee can see my point of view, because quite frankly he was not defamed, as I was telling the truth; he is in the bakery most mornings enjoying a delicious donut.

### ***Testimony of Mayor James Newman***

My name is James Newman. I am the current mayor of Dever Valley. I believe that it is preposterous that Jonathan Pudgee thinks that the social media posts were the reason why he lost the election two months ago. Jonathan Pudgee was not a strong leader and his ineptness was spotted right away. It was visible that the town, under his leadership, was disorganized and at financial risk. I won the election fair and square, and it had nothing to do with Internet memes. The people of the town were ready for a change.

The ex-mayor is angry, but his allegations are not accurate. Throwing a tantrum about an Instagram post and laying blame on the blogger shows his lack of character. Mr.

Pudgee shouldn't be in office. Business in our downtown area of Dever Valley had become so bad that the Chamber of Commerce had to employ a blogger to help bring back customers. Mr. Pudgee was not defamed, the blogger posted what he witnessed. Mr. Pudgee may not have appreciated it, but that doesn't make it false.

## **INSTRUCTIONS**

The plaintiff must show by a preponderance of the evidence, that he, Mayor Jonathan Pudgee, was defamed when a blogger hired by the Chamber of Commerce posted a comment and image of him eating donuts and that post negatively impacted his reputation and cost him the election.

## **SUB-ISSUES**

1. Was the Instagram post the genuine reason Mayor Pudgee lost?
2. Did Michael T. Tock publish the post to benefit Donut Post or to negatively target Mayor Pudgee?
3. Was Mayor Pudgee a successful and well respected mayor?
4. Is Mayor Pudgee truly in the Donut Post everyday?
5. Was Mayor Pudgee on target to win the election prior to the posting?

## **CONCEPTS**

1. Credibility of the witnesses.
2. Preponderance of the evidence.
3. Burden of proof.
4. First Amendment rights.

## **LAW**

### ***New Jersey Defamation Law***

New Jersey defamation law states, "Defamation imposes liability for publication of false statements that injure the reputation of another."

In order to succeed in a defamation claim under New Jersey defamation law, plaintiffs must prove the following four elements:

1. The assertion of a false and defamatory statement concerning another;

2. The unprivileged publication of that statement to a third party;
3. Fault amounting at least to negligence by the publisher;
4. The Plaintiff was damaged by the statement.

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3. <https://fentoninprint.com/18676/features-2/students-have-limited-rights-on-school-property-to-ensure-the-safety-of-others/>
4. <https://examples.yourdictionary.com/examples-of-slander.html>

# Harley Wood v. Bubbles and Scrubbles Inc.

## **SCHOOL**

Chestnut Ridge Middle  
Sewell  
Grade 8  
First Place



## **TEACHER**

Lori Bathurst



## **STUDENTS**

Grade 8 Humanities Class of 2023

## FACTS

On Saturday March 23, 2021, actress Harley Wood hired the cleaning company, Bubbles and Scrubbles Inc., to come and clean her house in Hollywood, California. After cleaning the house, one lady on the cleaning crew and co-owner, Misty Cupp, took out the trash from the house to the curb, as instructed by Harley Wood.

Misty Cupp then found a letter addressed to Safia Simon where she and Harley Wood were expressing their political views and what they thought about the recently elected politicians. Misty Cupp found the letter extremely shocking, and she took it and wrote a social media post about Harley Wood. The post soon attracted the attention of Mr. Warr Bucks, the owner and producer of the new movie, *Galaxy Battles*. Mr. Warr Bucks was so enraged with everything that Harley Wood said in her letter that he fired her from the movie.

The post continued to spread and grabbed millions of people's attention. Harley Wood then started getting lots of backlash, stopped landing acting jobs, and became the center of news stories and articles. This angered Harley Wood so much that she sued the cleaning company for defamation. She claims that Misty Cupp made up the things in the post about her and that Cupp is the reason she was fired from her role in *Galaxy Battles*. She says that the letter was private and that the cleaning company had no right to take stuff from her house and put it online. The cleaning company responded by saying that the letter was already in the trash when they got there and everything in the post was truthful, as was found in the letter Harley Wood wrote.

## ISSUE

Did the co-owner of Bubbles and Scrubbles Inc. cleaning company, Misty Cupp, have the right to use information from the trash to post online about actress Harley Wood without her consent?

## WITNESSES

### ***For the Plaintiff***

Harley Wood  
Safia Simon

### ***For the Defense***

Misty Cupp  
Mr. Bubbles

## WITNESS STATEMENTS

### ***Testimony of Harley Wood***

I am an actress in Hollywood. I hired Bubbles and Scrubbles Inc. to clean my house because I was out on an errand. When I came back home, I noticed that the company cleaned off my desk, and organized all my personal files, as I had asked them to do. I did not think much about it at the time, but a few days later my film company called me about the new movie I was in. On this call, they also informed me about a post from Misty Cupp, co-owner of Bubbles and Scrubbles Inc., talking about a letter I had sent to an old friend. I quickly looked through my study and realized the letter had gone missing. My first thought was that the cleaning company had stolen the letter, considering they were the only other people in my study. I looked up the name of the company and found an overview of my letter.

I attempted to call my film company back and explain to them that this was not what I wrote. But they had terminated my contract with them, and I did not get to act out the

role I previously had. This sent me into a rage, and I decided to sue Bubbles and Scrubbles Inc. for defamation since they had spread lies about me, invaded my privacy, and cost me my job. I want an apology and financial compensation for how this has impacted me.

### ***Testimony of Safia Simon***

I am the high school best friend of the now famous Harley Wood. We were good friends and were both daughters of extremely political parents. We both had set ideas when we were growing up. We lived in the same neighborhood and were roommates in college. Instead of texting and emailing her, she wanted me to send letters to her because she has heard of celebrities getting hacked and their things and files being leaked. I sent a letter about our previous escapades at Democrat parades and on the conversations that we had about the current Republicans' decisions which we disliked very much. I think that the company should not have spread all the untrue lies about her. The worker should have minded her own business and Harley Wood should be able to get the acting job back.

### ***Testimony of Misty Cupp***

I am a housekeeper and co-owner of Bubbles and Scrubbles Inc. While the other members of the cleaning crew and I were finishing tidying up Ms. Wood's office, I was tasked with taking out the trash. After gathering the trash, I hurried outside to throw it out. A piece of paper fell out of one of the bags, and out of curiosity I picked it up and I read it. I noticed it was a letter addressed to a friend of Ms. Wood, Safia

Simon. Ms. Wood and Ms. Simon were exchanging letters for a good period, considering the words chosen in the letter. What caught my eye were the names of two politicians. It became clear that both Ms. Wood and Ms. Simon are very liberal and do not approve of some things these two politicians have said or done, with them being more conservative and all.

I decided that this information should be shared and posted an overview of the letter online. My post had received much attention from fans of Ms. Wood, and her film company. The owner of the company, Mr. Warr Bucks, was infuriated by my post and publicly posted that he would no longer have Ms. Wood as a client and terminated her contract. I did not do anything wrong in sharing the letter, with it being on the curb and in the trash, it is public property. People should have the right to know about a popular celebrity's position on significant issues like this, and if she did not want us to find it then she should have put it away instead of leaving it in the wastebasket, where it could have been thrown out and ended up on the curb.

### ***Testimony of Mr. Bubbles***

I am the co-owner of Bubbles and Scrubbles Inc, and I am the husband of Misty Cupp. We have provided housekeeping services to many celebrities throughout the United States; however, this was the first time Harley Wood has hired us. Ms. Wood included the area of her house and instructions on what she would like us to clean and organize. Her instructions included cleaning out the refrigerator, vacuuming all three floors of the house, polishing the windows and chandeliers, and



finally cleaning out and organizing her upstairs office. I sent over a crew of 15 people to clean the house in the requested five hours. One of these crew members was my wife, Misty Cupp.

About three days later, I was notified of a post Misty made on *Star Watch*, a popular website for housekeepers to use and tell people about their interactions with stars. I wanted to discuss what the post was about, and she explained what she found in Ms. Wood's house. After reading the post and hearing her explanation, I do not see what the issue of the matter is. Ms. Wood had written to Ms. Simon about very controversial politicians, Misty found it in the trash and reported on it. The letter was not on the desk as Harley Wood claims. It was in the wastebasket that Misty Cupp was directed to empty with the other trash into the trash can at the street curb, which makes it accessible to the public. I do sympathize with Ms. Wood about the loss of her job; however, she left the letter out in the open. She cannot blame my wife for discovering something that in her opinion needed to be shared, and that Ms. Wood had left out in the open.

## INSTRUCTIONS

The plaintiff, actress Harley Wood, must prove by a preponderance of the evidence that the owners of the cleaning company Bubbles and Scrubbles Inc. are responsible for defamation, specifically libel, and violated Harley Wood's right to privacy.

## SUB-ISSUES

1. Does a citizen forego all rights to privacy once property is put out on the curb?
2. Is a citizen allowed to declare that the right of privacy has been violated if

someone found an item with information about them out in the open?

3. If someone puts an item on the curb, does that give others permission to go through the trash and investigate said item?
4. Is it considered theft if the company's employees were instructed to take out the trash to the curb?
5. Is the information included in the social media post an example of defamation, specifically libel, if the information was true and accurate based on the letter that may or may not have been in the trash?

## CONCEPTS

1. Burden of proof.
2. Credibility of witnesses.
3. Defamation.
4. Slander.
5. Libel.
6. Invasion of privacy.

## LAW

1. Trash law—California:  
<https://www.ojp.gov/ncjrs/virtual-library/abstracts/california-v-verus-greenwood-did-united-states-supreme-court-trash>. According to the *California* vs. *Greenwood* lawsuit of 1988 the Fourth Amendment to the Constitution does not cover trash left on the curb and you should not expect privacy once it is put onto the curb.
2. Defamation law—California:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=45&lawCode=CIV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=45&lawCode=CIV)

1) CIVIL CODE - CIV

**DIVISION 1. PERSONS [38–86]**

*(Heading of Division 1 amended by Stats. 1988, Ch. 160, Sec. 12.)*

**PART 2. PERSONAL RIGHTS**

**[43–53.7] (Part 2 enacted 1872.)**

45. Libel is a false and unprivileged publication by writing, printing, picture, effigy, or other fixed representation to the eye, which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.

3. Privacy law—California:

<https://oag.ca.gov/privacy/privacy-laws#mainContainer>

1) Physical & Constructive Invasions of Privacy—California Civil Code section 1708.8. This law defines physical invasion of privacy in terms of trespassing in order to capture an image, sound recording or other impression in certain circumstances. It also defines constructive invasion of privacy as attempting to capture such an impression under circumstances in which the plaintiff had a reasonable expectation of privacy.

2) Public Records Act—California Government Code sections 6250–6268. This law applies to state and local government. It gives members of the public a right to obtain certain described kinds of documents that are not protected from disclosure by the Constitution and other laws. This law also provides some specific privacy protections.

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**EXHIBIT A**

Hi Safia,

How are you! I'm so glad we could meet up again! It was fun to remember all the fun times we had when we were younger, like when we mocked the fancy republicans and pointed out all the flaws in their plans. We may have to meet up again to discuss our new politicians. Honestly they are making some pretty bad decisions. In other news, I am getting starred in the new Galaxy Battles movie. Well, I hope you have a great day and write back soon!

Yours truly,  
Harley Wood

# Danielle Da'Sue v. Lily S. Nitch

## **SCHOOL**

Ramapo Ridge Middle  
Mahwah  
Grade 8  
Second Place



## **TEACHER**

Christina Ribitzki

## **STUDENTS**

Rithikka Eneyan  
Jillian Gunderman  
Lillian Lin  
Lysia Lin

Vaishnavi Mudumbi  
Avani Singh  
Davan Strommer

## FACTS

On January 12, 2018, Danielle Da'Sue achieved an extremely high score of 523 on the Medical College Admission Test (MCAT). Already being part of Brown University's undergrad class of 2019, Danielle applied to the Warren Alpert Medical School of Brown University and was accepted to the class of 2023.

After hearing that Danielle had been accepted, fellow test taker of the MCAT, Lily S. Nitch called Brown University's admission office and explained her point of view on Danielle Da'Sue's alleged cheating on her MCAT exams. Although Danielle had been already accepted into the extremely prestigious school, Brown chose to withhold her acceptance after learning about the new information.

A few days later, Danielle learned she had been dismissed from their medical program, due to the school refusing to accept a potential cheater on the exam. As a result, Danielle decided to sue Lily S. Nitch for starting a rumor of her cheating, which caused her removal from Brown University and therefore did not allow her to earn the money she potentially could have earned from attending the prestigious school.

## ISSUE

Did Lily S. Nitch spread a rumor to defame the reputation of Danielle Da'Sue, and is she liable for defamation of Danielle's credibility, a deed punishable with extensive costs paying for Danielle's further education at Brown University?

## WITNESSES

### *For the Plaintiff*

Danielle Da'Sue  
Terri P. Thyme

### *For the Defense*

Lily S. Nitch  
Sheila Aye

## WITNESS STATEMENTS

### *Testimony of Danielle Da'Sue*

I had a good future ahead of me and a spot in Brown University's Warren Alpert Medical School, but it all went down the drain when Lily S. Nitch reported to the college that I had cheated on the MCAT. Later that week, I received a call from the college that after a brief investigation, my acceptance to the medical school was being terminated. Already being part of Brown's undergrad class, I held high expectations for the next four years of my life. However, now that my acceptance has been withheld, this may reflect on other schools as well and I may be unable to pursue my dream career. I was not aware of who created this lie until Brown informed me that it was Lily S. Nitch.

I studied every day for hours with Miss Thyme, my tutor. When the MCAT came, my anxiety kicked in and I was very nervous. So, I would take breaks from the test and just try to relax by fidgeting with my sleeves. Ever since I was young, something that would calm me down is pulling my sleeves up and down my arm. The test was also incredibly difficult for me, but because of the amount of time I devoted to studying, I was well prepared and had an idea of what to expect. I would never cheat on a test, especially such an important one that could affect my career so much.

### *Testimony of Terra P. Thyme*

As a specialized tutor, I have spent my career tutoring students with hindrances such as anxiety to balance nerves during important exams. I have been helping

Danielle for roughly two years. Despite her anxiety concerning the life-affecting exam, I always knew Danielle would excel even in that exceptionally stressful environment. Danielle has always been quite an intelligent student. With several accomplishments and awards, it was no surprise when I was informed that Danielle was accepted into Brown University's Warren Alpert Medical School class of 2023. Since she was already a part of Brown's undergrad, I was even more sure that Danielle would be an exemplary student.

I was appalled that they had removed her from Brown because of suspicion of academic dishonesty because she would never cheat. I know she had achieved an impressive score, but that is only because she had been well prepared. On the day before the MCAT, I met with Danielle and we talked about the test and preparation. She had spent a lot of her time studying for the MCAT and had become quite familiar with the material. She was very well prepared and it's not likely that she would ever need to cheat on a test, especially since the MCAT was really important to her.

### ***Testimony of Lily S. Nitch***

I am currently a junior at Brown University. I hold high respect for Danielle for being a top student and a role model. However, when I saw Danielle at the MCAT, it was clear as day that she was cheating. Every time I glanced at the clock to check the time I had left, I saw Danielle sitting in the next row three chairs ahead of me. She was acting fidgety and moving nonstop. When I pulled my chair forward to get a better look, I saw Danielle pulling up her sleeves here and there staring attentively at

it. I decided to ignore it and continue my work, but every once in a while, I would see movement out of the corner of my eyes and see that it was Danielle pulling on her sleeves and then answering questions.

When the test results came in and Danielle got top marks, I knew something was up and told my friends about how suspicious the entire thing was. A few days later, I heard about Danielle's cheating all around the school, even though I only told a few of my friends. I had trusted my friends to not make it a big deal since it was only a suspicion, but somehow it became a big rumor. I didn't mean for the rumor to cause her to lose her spot at Brown University, but she doesn't deserve the spot since she cheated on the MCAT. I did not defame Danielle. She genuinely does not deserve a spot at such a prestigious school.

### ***Testimony of Sheila Aye***

I've been proctoring tests such as the MCAT for a long time now as a side hustle. I would say that I am very experienced in the task because of how many tests I have proctored. Throughout my experiences, I have encountered various cases in which students have cheated. Surprisingly, students who would cheat or attempt to sneak things in are very common, although they tend not to cheat much on very important tests. I have caught many people in the act and my instincts have never proved me wrong.

I do recall proctoring the MCAT, and the names Danielle and Lily are familiar. Being nervous and anxious is extremely common in students, particularly in exams, but there was no note saying that Danielle had severe enough anxiety to out rule her fidgeting. Additionally, one of the other people who

had been fidgeting in the room had been caught cheating by me and their test scores had been invalidated. This only raised my suspicions surrounding Danielle. Therefore, when I heard Lily S. Nitch's claim that Danielle might have been cheating, it supported my theory. Danielle seems like a great person. However, cheating on an exam is unfair to other students who studied hard to get into the program.

## INSTRUCTIONS

The plaintiff, Danielle Da'Sue, must prove by the preponderance of the evidence that the defendant, Lily S. Nitch, is liable for defamation against Da'Sue's reputation and her rejection into the Warren Alpert Medical school of Brown University.

## SUB-ISSUES

1. Was the proctor negligent in the supervision of the test takers in the MCAT?
2. Was the testing center liable for not installing a sufficient amount of security cameras to survey the testing area?
3. Is Lily S. Nitch's eyesight a reliable source of evidence when Danielle was sitting three seats in front of her?

## CONCEPTS

1. Burden of proof: preponderance of evidence.
2. Liability.
3. Credibility of witnesses.

## LAW

### RHODE ISLAND GENERAL LAWS

#### § 9-1-14

- (a) RHODE ISLAND GENERAL LAWS § 9-1-14  
Actions for words spoken shall be

commenced and sued within one year next after the words spoken. (b) Actions for injuries to the person shall be commenced and sued within three (3) years next after the cause of action shall accrue, and not after.

### 28 U.S. Code § 4101

The term "defamation" means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

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# Ayan Knew v. Diversity School District

## SCHOOL

Marlboro Middle  
Morganville  
Grade 8  
Honorable Mention



## TEACHER

Michelle Aguilar-  
Aasted

## STUDENTS

Alyssa Abadiotakis  
Jadielyn Chen  
Joyce Cho  
Avishi Choudhary  
Shreena Desai  
Avantika Gunturu  
Alexis Hannah  
Vaibhav Herugu  
Diana Hong  
Tihan Huq  
Ayden Hyett  
Sara Kachia-Patel

Simran Kannughatta  
Sohan Kannughatta  
Parthav Kartik  
Alicia Lo  
Deana Lurye  
Alex Oh  
Dmytro Osyka  
Rehan Pagarkar  
Bhavya Patel  
Riya Raina  
Nicolette Rogowski  
Allison Vaughan



## FACTS

Ayan Knew moved to Diversity, New Jersey, the summer before the 2022–2023 school year. On September 8, 2022, at 7:15 a.m., Ayan headed to his new public high school in Diversity Township. Over the summer, Ayan went on a family trip to India to visit his sick grandmother. During the visit, his grandmother was admitted to the hospital and died of heart disease. Before she died, his grandmother gave him a necklace ordained with a pendant of the swastika symbol. The charm was a connection between his cultural roots and a sign of good fortune. Ayan Knew wanted to wear the necklace as a sign of respect and to remember his grandmother.

When Ayan Knew walked into homeroom, his teacher, Mrs. Skool Rueil, introduced Ayan. Suddenly, a classmate, Adesa Gree, noticed his necklace and exclaimed, “Are you wearing the Nazi symbol?!” The rest of the students gasped at this remark. Ayan explained himself by saying it was a part of his religion and was not associated with the Nazis. Mrs. Rueil asked Ayan to remove his necklace because it upset other students and made them uncomfortable. When he refused, Mrs. Rueil set up a meeting with the Principal, Kip Order, to discuss the situation.

Principal Kip Order explained to Ayan that his necklace represented the Nazi Regime and went against school rules. The dress code prohibits wearing “jewelry, clothing, or accessories that would offend a population and cause disruption in the school.” Principal Order explained this symbol was incredibly offensive to the Jewish population of the school. He did note he understands that although the original

meaning of a peaceful symbol took on to mean hate and anti-Semitism, he cannot allow it in school. Principal Order told Ayan to stop wearing the necklace so there would be no conflict. Ayan Knew understood and took the necklace off.

A month later, however, Ayan decided it was not fair. Being told not to wear the necklace violated his student and constitutional First Amendment right of freedom of religion. Ayan Knew began wearing the necklace again. Consequently, he was sent to Principal Kip Order’s office.

Principal Order warned Ayan to take off the necklace because of the disruption it may cause in the school. Despite the principal’s warnings, Ayan Knew continued to wear the necklace in protest. As a result of his defiance, Ayan was suspended from school for five days.

Other Hindu students, who recognized that the symbol was rooted in their religion, found out about Ayan’s suspension and began protesting and arguing for *their* student rights and freedom of religious expression. Over the following days, the students who followed the Hindu religion wore the symbol to display their pride. Students met at Freedom Park on Sunday, October 10, to further demonstrate the violation of their rights and to hold a peaceful protest. Again, the students claimed the school was infringing upon their right to freedom of religion.

Unfortunately, as the afternoon went on, the peaceful protest soon escalated into a riot. Other groups of students who did not practice Hinduism began wearing the swastika symbol to offend the Jewish population of the school. This group started yelling hateful anti-Semitic speech, proudly

displaying the Nazi swastika on signs and flags. This group of students claimed they also have the First Amendment right of freedom of expression. Chaos and fighting ensued. After an hour, the police came and broke up the protest.

The next day in school, Principal Kip Order declared that under no circumstance should the swastika symbol be worn or displayed, regardless of the purpose or intention.

Ayan Knew and his family are now suing the Diversity School District for violating Ayan's First Amendment right to freedom of religion. They seek that Ayan's suspension be expunged from his school record and that he has the right to wear his necklace.

## ISSUE

Did the board of education violate Ayan Knew's right to freedom of religion by ordering him to remove his necklace and suspending him from school?

## WITNESSES

### ***For the Plaintiff***

Hester Ian  
Ayan Knew

### ***For the Defense***

Principal Kip Order  
Adesa Gree

## WITNESS STATEMENTS

### ***Testimony of Hester Ian***

Ayan is in my world history class, and he confided in me how hurtful it was that the principal ordered him to remove his necklace. He was distraught by the thought of not honoring his grandmother's wishes and respecting her memory. As a history

teacher, I knew that Nazis appropriated the swastika symbol from Hindu culture. From my knowledge of Hindu culture, the swastika symbolizes prosperity and good luck. Hindus use the swastika to mark the opening of pages, thresholds, doors, and offerings. Ayan Knew wore the swastika for a religious purpose to give him good luck and to remember his grandmother. He had no intention of offending the Jewish population in the school. The symbols, although similar, are not the same. The Hindu swastika and the Nazi symbol are each separate symbols; the Nazi swastika is rotated on an angle and does not contain the four dots the Hindu swastika has. My expert opinion as a historian and teacher is that Ayan's intention was not meant to offend anyone and was purely an act of expressing his religion.

### ***Testimony of Ayan Knew***

Over the summer, I visited my grandmother in India. She was very ill and subsequently died. Before she passed away, she gave me this necklace; it was her favorite one. My grandmother said it would bring me luck, honor my religion and culture, and is a sign of respect. If my school will not allow me to respect my heritage and honor my ancestry, it is an oppressive environment that violates my religious rights. The symbol I'm wearing has nothing to do with the Nazis. I have never mentioned the Nazis or supported them. Also, many of my friends are Jewish, and after I explained the symbol to them, they had no problem with me wearing it. I did tell Principal Order the meaning of the symbol and the importance of the swastika to my culture.

I believe we can all cooperate and settle

.....

this dilemma. When planning the peaceful protest, our First Amendment right to freedom of assembly, we had no way of knowing that other students would join in and start a riot. I believe I should not have been suspended. I know my rights, and demanding me to take off the necklace violated my First Amendment right, freedom of religion. Specifically, the free exercise clause requires public schools not to impinge upon the free exercise of any particular student's religious beliefs or expression.

### ***Testimony of Adesa Gree***

When Ayan Knew came to the school wearing the swastika necklace, my immediate reaction was panic. It was heavily offensive towards other Jewish students and me, especially with the rampant rise of anti-Semitism in the past year. Unfortunately, anti-Semitic incidents are on the rise. Although Ayan did not mean for the symbol to offend me or others, I believe that it is irresponsible at this time to wear anything that could incite more hatred and violence toward the Jewish people. According to the American Defamation League (ADL), in New York and New Jersey alone, there were 403 anti-Semitic incidents in the past year. This is extremely scary to me as a young student and makes me fear for my safety.

I went to the park the day of the protest to see what was happening, and I was terrified when a violent group of students came to claim "religious freedom" and displayed swastikas on clothing and flags. Many of my friends were also in the park. We confronted the troublemakers and were met with anti-Semitic slurs. Soon, chaos and violence began. Thankfully, the police came before anyone was too severely injured.

I sympathize with Ayan Knew and his wanting to honor his grandmother and religion. However, after witnessing the riot at the park, I believe it is too dangerous and disruptive in the school setting.

### ***Testimony of Principal Kip Order***

I first met Ayan Knew on the first day of the school year when he was sent to my office by Mrs. Skool Ruel for wearing a necklace with the swastika symbol. Ayan was new to the school and explained that he had just returned from India. He visited his grandmother, who was very ill and sadly passed away while he was visiting. According to Ayan, he was given the necklace from his grandmother to represent and provide him with strength, honor his culture, and have a symbol to remember her by.

I understood his necklace meant a lot to him, but I still asked him to take it off as it could be offensive to others. He could wear it outside of the school, of course, but my job as principal is to keep peace and order.

Ayan did take it off and did not wear it for a while. I thought he understood, and the situation was over. However, after a month, Ayan started wearing his necklace again. Several students came to me to tell me how uncomfortable they felt seeing the swastika symbol. So much so that it affected their schoolwork. I called Ayan down to the office and explained that he could not wear the necklace in school. I cited the student handbook to Ayan, which states, "Clothing that is controversial or degrades any culture, gender, religion, or ethnic values is not acceptable." Despite several warnings, Ayan continued to wear the necklace. I had no choice but to suspend Ayan.

Unfortunately, what I feared came true.

What started as a peaceful protest in Diversity Park on October 10, 2022, turned violent when a crowd, using religious freedom as an excuse, marched with flags and T-shirts displaying the Nazi symbol, the swastika. When I heard of this incident, I was distressed and knew it was my responsibility to keep all of our student body safe. This is why I implemented the rule that under no circumstance could the swastika be displayed for any reason.

## INSTRUCTIONS

The plaintiff, Ayan Knew, must prove by a preponderance of the evidence that his student right to freedom of religion was violated when he was asked to remove the necklace and subsequently suspended.

## SUB-ISSUES

1. If a religious symbol makes a segment of the school population uncomfortable and offended, does the student still have the right to freedom of religion?
2. Are students and their religious expression responsible for the violent and anti-Semitic acts of other students?
3. Does the school have the right to limit freedom of expression for religious or political reasons?
4. Does the school have the right to become involved in an incident (protest) not on school grounds or on school time?
5. Were other students so upset by the swastika symbol that they couldn't concentrate and perform well on school tasks?

## CONCEPTS

1. Freedom of religion and expression.

2. The credibility of the witnesses.
3. Preponderance of the evidence.
4. Public school policy regarding freedom of religion and expression.

## LAW

1. The First Amendment to the United States Constitution provides for freedom of religion, specifically the free exercise clause.
2. Diversity Township School District dress code displayed in the student handbook, "Clothing that is controversial or degrades any culture, gender, religion, or ethnic values are not acceptable."
3. *Tinker v. Des Moines* (1969) "The Supreme Court found that the First Amendment applied to public schools. School officials could not censor student speech or expression unless it disrupted the educational process." Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

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# Mail v. TCPA

## SCHOOL

Chestnut Ridge Middle  
Sewell  
Grade 8  
Honorable Mention



## TEACHER

Lori Bathurst



## STUDENTS

Grade 8 Humanities Class of 2023

FACTS

On October 21, 2022, at Treble Clef Private Academy in Kimberwood, New Jersey, the bell for 5th period rang at 11:30 a.m. All the students flooded out of the classrooms, preparing for either lunch or study hall. The period is split, so half of the students go to lunch while the other go to study hall. After that, the students who were in lunch go to their study hall, and the students who were in their study hall go to lunch.

Ben Snooping teaches advanced science in room 211 on the second floor. He was finishing grading papers for his first-period class, so he left his room a few minutes later than all the other teachers. He does not have a class 5th period, as it is his lunch period. As he made his way down the hall, he heard music playing from a nearby locker.

He walked closer to where the music was coming from and discovered that it was playing inside of locker 2-123, which was Melody Mail’s locker. He had a key that unlocked all the lockers, in case one of them was jammed or a student was having trouble opening it. He unlocked it with the key and saw the laptop lying on a shelf inside of the locker. Snooping opened the laptop to find music playing.

After he paused the video, he planned to put the laptop back, but an email from Connie Curr popped up on the bottom right corner of the screen:

New Mail from Connie Curr  
Sent at 11:37 a.m.  
I totally agree, girl! Mr. Snooping is *such* a...

Snooping saw his name pop up and found the email concerning. He clicked on the pop

up and was brought to an email chain between Melody Mail and Connie Curr.

From: Melody Mail      Sent at 11:24 a.m.  
To: Connie Curr  
I *swear* I’m going to lose my mind because of this stupid class!

From: Connie Curr      Sent at 11:27 a.m.  
To: Melody Mail  
Omg, what happened this time???

From: Melody Mail      Sent at 11:29 a.m.  
To: Connie Curr  
Mr. Snooping is literally not grading ANY of my assignments! I swear I’m gonna shoot him if he doesn’t raise my grade soon.

Mr. Snooping read through the emails that had been exchanged between the two students and found them quite concerning because Melody had made a threat against him. He decided to take the laptop out of the locker and bring it down to the principal’s office.

After the principal, Dean Fense, read through all the emails, he also decided that what the girls were saying was concerning. Principal Fense walked down to the cafeteria to get Melody and he walked to room 202, which is Connie’s study hall. He then brought them both down to the office.

They discussed the circumstances. Melody argued that it was her personal computer, as she bought it, so they had no right to go through her emails. The principal ignored this and decided that they would both be sent home for the day and would remain home while the investigation took place.



When Melody arrived home, after being driven home by her mother, she fully told her mother what had happened. Melody's mom was livid and thought her daughter was receiving unfair punishment. She decided to sue the school for invasion of privacy.

## ISSUE

Did Ben Snooping violate Melody Mail's student rights and invade Melody Mail's privacy by searching her private laptop, resulting in both Melody and Connie Curr getting sent home and losing in-school instruction?

## WITNESSES

### ***For the Plaintiff***

Gia Mail  
Melody Mail

### ***For the Defense***

Ben Snooping  
Dean Fense

## WITNESS STATEMENTS

### ***Testimony of Gia Mail***

My name is Gia Mail. I am the mother of the plaintiff, Melody Mail. On October 21, 2022, I received a call from my daughter's school, Treble Clef Private Academy, telling me my daughter has been searched for a gun, or anything considered to be a weapon, and needed to be picked up from school immediately.

I am retired from the military and currently work from home doing sales. I keep a gun in the house locked in a fingerprint safe. No one, not even my husband, has access to the safe, except for me. I allow my kids to know that I keep it in the house, but

they have never seen or touched the weapon.

My job gives me Fridays off, so I was home watching TV when I got the call. I was shocked, knowing my daughter is typically well behaved and stays away from trouble. I immediately got up and ran out the door to Melody's school. As soon as I arrived, there were police everywhere and Melody was hysterical. When I found out what happened, I was furious. It was clear to me that my daughter was in no way a threat and had no plan to harm anyone. Saying you are going to shoot someone is a figure of speech. People have gone too far when they turn a foolish figure of speech into a formal investigation. What made me even more furious was that Ben Snooping had been reading my daughter's private emails.

### ***Testimony of Melody Mail***

My name is Melody Mail. I am 13 years old and an eighth-grade student at Treble Clef Private Academy. I'm in Mr. Snooping's advanced science class. I am described as responsible, mature, and kind by most teachers and students at school. On October 21, 2022, Ben Snooping went into my locker, without asking for my consent, to turn off the music that was playing on my computer while I was at lunch. Mr. Snooping unnecessarily read through emails exchanged between me and my friend, Connie Curr, and found some of its content to be "disturbing."

At 11:30 a.m. the bell for fifth period rings and the eighth grade gets ready for lunch. The grade is split into two parts: when the first part has lunch, the other has study hall, and vice versa. I have lunch first, so I walk down to my locker and exchange my school supplies for my lunchbox and walk down to



lunch. I have advanced science fourth period with Mr. Snooping.

When we have independent work, Mr. Snooping lets us listen to music on our laptops with our headphones. I was still listening to my music when the bell rang for fifth period, and quickly unplugged my headphones, forgetting to turn off my music. I rushed to my locker, put my things away, grabbed my lunchbox, and hurried down to the lunchroom. I didn't realize my music was still playing, due to the loud noises of the hallway. My friend, Connie, has study hall first.

In the classes that we do not share, Connie and I send emails to one another about homework, grades, teachers, and mostly other school related topics. While I was at lunch, Connie sent me an email about our science teacher, Mr. Snooping, agreeing with something I had previously said. I can understand that Mr. Snooping had every right to read the email if the computer was the school's property, but it was not. The laptop was paid for by my family and thus is my property.

I assume when Mr. Snooping saw his name, he clicked on the email, breaching my privacy. As he read through our chat, he found one email to be alarming. The email reads, "Mr. Snooping is literally not grading ANY of my assignments! I swear I'm going to shoot him if he doesn't raise my grade soon." I think it is obvious that the statement was nothing but an exaggeration. On top of that, after they brought us down to the office, they searched me and my backpack "for anything that could be considered a weapon." Anyone can tell you that I am, in no way, violent and have no access to my mother's gun. My mother keeps it locked up

in a fingerprint safe, meaning there is no way I could have opened the safe and brought the gun to school. What isn't an exaggeration, however, is that my privacy was invaded by Mr. Snooping when he went through my private emails, and the school when they searched me and my belongings.

### ***Testimony of Ben Snooping***

My name is Ben Snooping, I am 49 years old, and I have been teaching science at TCPA for 17 years in Kimberwood, New Jersey. I am a well-liked teacher across the school's campus. I try my hardest to help my students exceed their limits and get exceptional grades. I usually am a laid-back teacher, and frequently allow my students to work while listening to music.

I usually am the last teacher in the school to eat lunch because I take some time to finish grading things for my first period, so I usually take time out of my day to shut any open lockers, shut classroom doors, and do other things to help the teachers. That is exactly what I did on October 21, 2022, as I was patrolling down the hall on the second floor. I have a key to unlock any locker in the entire school in case of an emergency or a locker is jammed shut. As I was walking down to lunch, I heard faint music coming from a locker down the hall. I stopped in front of Melody Mail's locker and opened it with my key. I only went into the locker to turn off the music, but then an email made by her best friend, Connie Curr, popped up in the corner of her screen. In my peripheral vision I read my name. It caught my attention, so I clicked on the email, and I read it. There was a threat made against me in the email, which concerned me. I took the laptop to the principal, Mr. Fense.

The principal who read the email was pretty concerned as well. He got up and out of his chair and rushed out of the room. Around seven minutes later, he arrived with Ms. Mail and Ms. Curr, along with the school resource officer. They took the seats next to me. They gave a confused look and asked Mr. Fense what they were doing here. They both gave a short look to each other and then proceeded to stare at the ground until Mr. Fense spoke. They looked up and turned white as a ghost when they heard him reading the emails sent between the two.

The school resource officers then searched both Ms. Mail, Ms. Curr, and all their belongings to look for anything that could be used as or considered a weapon. Mr. Fense told them that they were both being sent home while this matter was being investigated. Mr. Fense asks them both if any of their parents could be home at this time. Ms. Mail responds by telling him her mom is on her day off work, but her father was at work, and Ms. Curr said her dad is currently home. Ms. Mail and Ms. Curr got sent home and I then thanked Mr. Fense for investigating this issue.

As I continued to lunch, I heard faint police sirens arriving. As soon as I sat down, the entire faculty room went silent. I just started a conversation and went on with my day until I was told I had to go home until it was certain I was in no way of harm. Later that day the police arrived at my house and questioned me about what happened that day.

A week later, I learned that the Mail family was suing for invasion of privacy.

### ***Testimony of Dean Fense***

My name is Dean Fense and I have been a

principal at TCPA for about three years. All the kids that attend my school get outstanding grades and have a high chance of getting into great high schools and colleges. The majority of my students are all well behaved and usually do not have problems with behavior.

On October 21, 2022, Mr. Snooping, our general science and advanced science teacher, came down to my office with a concerned look. I asked him to calm down and to take a seat in front of me at my desk. I then realized he was holding one of our student's laptops. I became more concerned about what situation Mr. Snooping was so worried about. He set the laptop down and then turned it towards me. I read the emails and then got up to go get Ms. Mail and Ms. Curr, as well as the school resource officer.

Once I returned with them, they asked me what they were doing there in my office, and I started to read aloud the emails they sent to each other. They both went quiet and glanced at each other. Both students and their belongings were searched. After that, I asked them if any of their parents were home, and both gave me a phone number that I could call for them to get picked up.

Soon after, Mr. Snooping thanked me for handling the situation and I reassured him that I am always available to investigate safety concerns and work towards resolutions.

### **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that Ben Snooping and the school violated Melody Mail's student rights and her right to privacy when he searched her laptop without a warrant, which caused Melody Mail and

Connie Curr to be removed from in-school instruction.

## SUB-ISSUES

1. Did Melody Mail have a reasonable expectation of privacy on her self-bought laptop in the school?
2. Should Melody have been removed from school during the investigation?
3. Should Melody have been searched by the school resource officer?
4. Was Melody's email commentary an actual threat?
5. Should Melody have disciplinary actions taken because of the threats?
6. Does email messaging count as an online conversation, or is it protected by the Fourth Amendment, like a diary?

## CONCEPTS

1. Burden of proof.
2. Student rights.
3. Unreasonable search and seizure.
4. Invasion of privacy.
5. Credibility of witnesses.

## LAW

1. Fourth Amendment of the U.S. Constitution guarantees the right to secure persons, houses, papers, and effects against unreasonable searches and seizures.
2. Invasion of privacy is defined as the unjustifiable intrusion into the personal life of another without consent.
3. "Unauthorized access" entails approaching, trespassing within, communicating with, storing data in, retrieving data from, or otherwise intercepting and changing computer resources without consent. These laws

relate to these and other actions that interfere with computers, systems, programs, or networks.

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# Chirper Dee, Chirper Dumb

**SCHOOL**

East Amwell Township  
Ringo  
Grade 8  
Honorable Mention



**TEACHER**

Janet Higgins

**STUDENTS**

Julia Daumas  
Elizabeth Kellogg  
Cadence Murphy  
Ellie Pridachin

Angel Quinones  
Joshua Risbon  
Connor Symons  
Elijah Thompson

## FACTS

Christian Rofaldo, a popular soccer player for team Peperino, recently played in the World Mug. His team won after an upset against Salterino. Rofaldo is suing Pharah Dee-Dixon after he lost approximately \$3.7 million when his sponsors dropped him. They dropped him because of a Chirp from an account created by Pharah Dee-Dixon. Rofaldo is sponsored by Mikey. Pharah Dee-Dixon is the daughter of Mikey's competitor, Fadidas. Both companies make sports merchandise, and sponsor top world athletes.

Pharah Dee-Dixon, the daughter of the owner of Fadidas, Daniel Dee-Dixon, was living in the country of Salterino when she saw that Chirper had a new owner, Tess Las. Tess Las instituted a new feature, Chirper Red, which allows users to pay \$99.99 a month to be verified on the platform.

Verification on Chirp means that the account with a verification mark is the real company, person, brand, and or celebrity. When Pharah Dee saw that she could purchase a verified account, she created a verified account of Christian Rofaldo with the username being "RealOfficialRofaldo." Following Chirper's Terms of Service, she labeled the account as a parody in her bio.

After gaining followers, Pharah Dee wrote a Chirp on the Rofaldo account she created, stating, "Peperino is washed up. They are only successful because of me. Without me and my amazing skills, the World Mug would not be ours. #LOL."

An employee at Mikey, one of Rofaldo's biggest sponsors, read the Chirp and immediately contacted the chief financial officer of Mikey, CP Anderson, and shared the Chirp with her. She was shocked at his

mean-spirited gloating that did not fit in with the culture and vision of Mikey. As a result, Rofaldo was dropped from his sponsorship with them immediately and would no longer financially benefit from the sales of his merchandise.

All the national news stations ran the story along with pictures of the Chirp. CP Anderson was not a user of social media, but she knew the consequences of public backlash. Fans were outraged and posted Chirps expressing their disapproval of Rofaldo and shaming him and his Chirp. Fans cancelled tickets, sport outlets cancelled interviews, customers returned merchandise and fans expressed that they would never support him ever again. He even received several frightening death threats.

Rofaldo, his team, and his manager could not believe what was happening. Finally, his manager discovered that the account did not belong to Rofaldo. Rofaldo, his manager and legal team began collecting evidence for a defamation lawsuit.

Christian Rofaldo is suing Pharah Dee-Dixon for defamation that includes using deliberately false and malicious statements posted on Chirp.

## ISSUE

Did Pharah Dee-Dixon defame Rofaldo's reputation and cause him financial loss?

## WITNESSES

### *For the Plaintiff*

Christian Rofaldo  
CP Anderson

### *For the Defense*

Pharah Dee-Dixon  
Daniel Dee-Dixon

## WITNESS STATEMENTS

### ***Testimony of Christian Rofaldo***

My name is Christian Rofaldo. I am 26 years old. I play for my home country of Peperino. I have lived there for my entire childhood. When I was young, soccer was my only escape from the hard times my family faced. We were terribly poor, and every night I went to bed hungry, but with soccer in my dreams. At 19, I went to SSC, the Saffron Soccer Club, to start my professional soccer career. When I was 20, I earned my starting spot. By 22, all of the years of hard work in my life began to pay off and I got my biggest sponsor deal to date. MIKEY!

The sponsorship was an amazing opportunity for me, including my family. My life was going great. My trophies, along with titles, were racking up. The more I gained, the more I gave back to my roots. I started a program to teach the kids of Peperino soccer, and to give them higher education. Along with this I created a charity to help Peperino families in poverty. Mikey helped me gain everything that I have today.

Looking back I had everything except a World Mug win. But then in the 2022 World Mug, my amazing team and I won. But only two days after My World Mug win, I got a call from CP Anderson, the CFO of my biggest sponsor, Mikey. My heart slowly dropped as I was told that Mikey could no longer sponsor me anymore. I wasn't even given time to explain myself. I lost my biggest sponsor because of a Chirp that was not true nor did I type it. Pharah Dee-Dixon posted this Chirp.

I lost sponsors, \$3.7 million and that was only the beginning. I even received several frightening death threats. I don't know what the future may hold because of this Chirp.

Although Mikey took me back after it was proved that I didn't post this Chirp, the damage has been done. I am now suing Pharah Dee-Dixon for defaming my good name.

### ***Testimony of CP Anderson***

My name is CP Anderson, and I am the CFO of Mikey. I just turned 43 a week before this case started. I am not active on social media, nor do I follow Chirps or anything online whatsoever. Before this, I had never seen a parody account, and didn't understand what the concept was. Although I knew of public backlash, and didn't want to ruin our ability to sponsor and make sales. I have been a devoted worker as the CFO of Mikey for five years, and worked as an employee for 10 years before that.

For the past four years, Mikey has been a sponsor of Rofaldo, and we have advocated for him and his team. I enjoyed helping to sponsor him, as he was a very devoted player. Soon after the World Mug, an employee of Mikey contacted me about Rofaldo. They reported the Chirp to me, as our policy says to report something immediately if it could hurt the company. When my employee showed me that Chirp, my heart dropped. I had been sponsoring him for years, and I had never seen this type of disrespect. My employee also showed me the backlash Rofaldo and his sponsors were getting because of the Chirp.

In shock, I had no other choice but to drop him, because of the domino effect of social media. It would make our sales go downhill, and cause us as a company to lose money. As a growing company, we have to compete with others for the best sales. This includes Adidas, who is one of our greatest



competitors. We don't want our sales to go down, and our rival's sales to rise. The decision to drop Rofaldo was the right one. After further investigation, we decided to reinstate Rofaldo and regain his goodwill. Unfortunately, much damage had already been done to his reputation.

### ***Testimony of Pharah Dee-Dixon***

My name is Pharah Dee-Dixon, and I am 25 years old. I am the daughter of Daniel Dee-Dixon, owner of the popular sports brand Fadidas. I've been working behind the scenes with my father to make sure our company continues to be successful and bloom in the sports market. I've worked with other brands and popular celebrities to gather sponsors and collaborations. My father has trusted me to be his right hand in the Fadidas business.

One of the people I contacted was the famous Christian Rofaldo. I wanted to secure a sponsorship with him because of his influence in the sports world. I admired him and his many great achievements, and hoped to have a good monetary relationship with him. Unfortunately, I was informed that he had signed off on a sponsorship with Mikey, our business competitor. I congratulated him on his sponsorship and went on my way.

I was scrolling on Chirper one night, when I learned of a new interesting feature, Chirper Red. It was added after Tess Las bought out the company. It allowed me to pay a small sum of \$99.99 to verify myself on the platform. I was feeling kinda down and wanted a laugh so I thought of the idea of creating a parody account. The first person I thought of was Christian Rofaldo, since he recently won the World Mug. I created the

account, labeled it, and waited a couple hours until I had gained some followers because of my funny handle "RealOfficialRofaldo." Then, I made a lighthearted and obviously satirical Chirp. The Chirp read: "Peperino is washed up, They are ONLY successful because of ME! Without me and my amazing skills, the World Mug would not be ours. #LOL."

At the time, I had no idea this Chirp would cause so many issues. It was obviously satire, since I had overly exaggerated it, and only one click would prove this. I even had "parody" in my bio. After a while, the Chirp had gained a huge amount of traffic. Even news sources talked about it. It's not my fault that they didn't inform themselves about the account. But, people will be people, and not do their research. Now after all this attention, I am being wrongly sued for defamation by Rofaldo.

### ***Testimony of Daniel Dee-Dixon***

I am Daniel Dee-Dixon, father of Pharah Dee-Dixon. I turned 57 last month. As a busy man with a large business, with stocks and large economic growth, I am overworked. I live in Salterino, eight minutes south of the Fadidas headquarters.

Unfortunately, my car broke down one day so I decided to scroll through my FaceDictionary Feed, an app that I use regularly. I saw a post that told of the news of Tess Las's purchase of Chirper. Tess Las made a new feature called Chirper Red. This purchase allowed anyone to imitate or parody a celebrity and/or brand. I thought to myself how this idea can go south so fast, but kept it to myself. I continued to go through my feed. After fixing my car, I went back to work without any concern for Chirper's new policy.



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About two months later, I received a strongly worded email from Christian Rofaldo. He contacted the owner of Chirper and asked who was responsible for the account defaming him. The email led back to me. I told Mr. Rofaldo that I had no clue what he was talking about. He then asked me if I was Pharah Dee-Dixon. I contacted my daughter Pharah Dee and asked her what this was about, and she explained that she had in fact made the parody account. However, she said that she added the words parody account into her account description. Therefore, she had the assumption that all readers knew it was false. Although there was absolutely no malice, Rofaldo decided to take legal action against my daughter. This rash decision was completely, entirely impulsive and unthinkable for someone of this popularity to sue a 25-year-old who did nothing wrong.

## INSTRUCTIONS

The plaintiff, Christian Rofaldo, must prove by a preponderance of evidence that his rights were violated through defamation and malice.

## SUB-ISSUES

1. Did Pharah Dee-Dixon have a bias towards Rofaldo?
2. Was malice involved in the original Chirp?
3. Was CP Anderson at fault for not checking the owner of the Rofaldo account?
4. Is Mikey responsible for the damages caused by the Chirp?

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. Credibility of the witnesses.
3. Malice and defamation.

## LAW

In New Jersey, the elements of a defamation claim are:

1. a false statement about the plaintiff;
2. communication of the statement to a third party;
3. fault of the defendant amounting at least to negligence; and
4. damages suffered by the plaintiff.

# Quenn v. Overlaung County High School

## SCHOOL

Tinton Falls Middle  
Tinton Falls  
Grade 8  
Honorable Mention



## TEACHER

Josie Swanson

## STUDENTS

Jason Juachon  
Kyler LaMonte  
Jack Puleio

## FACTS

On January 17, 2023, one of the coldest days of the year, Jennifer Quenn wore her puffy parka coat to her school, Overlaung County High School. Jennifer entered her first period class, which was science taught by 32-year-old Jane Levie.

While Mrs. Levie was teaching, Jennifer put her coat under her desk. Near the end of the class, there was a fire drill. In the hurry Jennifer brought her bag as it was almost the end of class, but forgot to bring her coat.

Once the bell rang, the next class filtered into the classroom and student Alejandro Martinez found the coat and asked the teacher if she recognized the coat. The coat was brand new so the teacher did not recognize the coat. The teacher tried to figure out whose it was and asked around. Everybody said that they didn't know, so the teacher unzipped one of the pockets and looked in it. The teacher found a receipt for a vape pen in it, her student ID, and a piece of paper that had a list of names of people who have paid her, and who have not.

Upon finding the items, Mrs. Levie confronted Principal Smith about what should be done. He stated that they had no choice but to search Jennifer's backpack. Inside of the bag were five vape pen cartridges and three vape pens. Due to the evidence found in the bag, the student was expelled from school by a vote from the Board of Education. The only other option for education was a private school because the mother cannot quit her job to home school. Jennifer Quenn's parents are now suing the state for \$60,000 for the three years of tuition they will have to pay.

## ISSUE

Was Jennifer's right to privacy violated by the school?

## WITNESSES

### ***For the Plaintiff***

Rebecca Quenn  
Jennifer Quenn

### ***For the Defense***

Jane Levie  
Fernando Smith

## WITNESSES STATEMENTS

### ***Testimony of Rebecca Quenn***

My name is Rebecca Quenn. I am Jennifer's mother. I work as a waitress at The Blue Derby Diner. My husband and I have always been just getting by. We have been struggling financially for quite some time now, even getting to the point where we had to take multiple shifts to put food on the table. Our financial situation has also taken a toll on Jennifer as she has taken multiple after-school jobs to help out the family outside of her extracurricular activities and responsibilities as student council president.

Jennifer was the first freshman in her school to be elected as student council president. She has always prided herself on her work and accomplishments and hoped to be able to receive a college scholarship as we would not be able to afford sending her to college.

It is also important to note that Jennifer has had multiple free therapy sessions courtesy of the Peace of Mind Therapy for All program, where Jennifer was diagnosed with acute anxiety disorder. Episodes usually

occurred during times of extreme financial stress when work is slow. Despite this fact, the school did nothing to help her cope with this while at school. I can recall several occasions where I had to pick Jennifer up because she had a severe panic attack. Of course, Jennifer does not share this with many people and only her friends know as she blames it on some sort of stomach bug.

After Jennifer was expelled from Overlaung High School, we have had to take multiple jobs and work even more hours to be able to afford tuition for her new private school. The tuition has been so strenuous on our family that Jennifer has only been able to eat the school lunches that are provided. Although I cannot deny that the vapes were in Jennifer's bag, I have never seen Jennifer using a vape or having symptoms of vaping.

### ***Testimony of Jennifer Quenn***

My name is Jennifer Quenn. I was recently expelled from Overlaung County High School due to having vape pens and vape cartridges in my school bag. Prior to my expulsion I was a straight A student, participated in many extracurricular activities, and was my school's first freshman student council president. I also was in the National Junior Honor Society and frequently volunteer at my local shelter to get community service credits.

The day was January 17, 2023. My cousin Daniel picked me up after school and we went to a local vape shop. Because of the fact that I am 15 and not legally able to buy the vapes, my cousin went into the shop to buy them for me since he is 21 years old. He bought me three vapes and five vape cartridges. He gave me the vapes, vape cartridges and the receipt. I stuffed them all

in the pocket of my jacket. He brought me home and a few of my friends texted me, confirming if I could bring them the vapes and vape cartridges. I sell them at a higher price than they were originally bought. I then made a list of who I needed to hand them out to. My family's financial condition has been a large cause of stress for me, so I thought selling the vapes could help and alleviate some of that stress.

The next day, which was January 18, 2023, I woke up to go to school. It was extremely cold that day, so I decided to wear my jacket to school. I stuffed the vape pens and cartridges in my backpack. Little did I know that I left the receipt in my pocket. I got to school and took out my student ID. I showed it to the teacher who manned the door and then stuffed it in my pocket. I walked to my first period class which was taught by Mrs. Levie. I took my coat off and placed it on the back of my chair. Then there was a fire drill and we all rushed outside. Since I was in such a rush, I left my coat in the room. I didn't get to go back into the classroom because I was busy taking a quiz in my second period class. I soon realized that I left my coat in Mrs. Levie's room, so I decided that I was going to pick it up later in the day.

Later in the day I got called down to the principal's office. He then proceeded to seize my bag from me and search it. He found the rest of the vapes and cartridges in my bag's front pocket. I don't feel that I deserved to be expelled. I believe that I have a reasonable expectation of privacy when at school. If I zip up my pocket, I don't want people looking in it. I have always been a model student, so the school had no reason to want to search my bag.

### ***Testimony of Jane Levie***

My name is Jane Levie and I have been a teacher at Overlaung County High School for seven years. On the 17th of January I was teaching my first period class a lesson in chemistry when there was a fire drill. I was not concerned as I had heard we were having a fire drill from Principal Smith earlier that morning. This drill happened at the end of the class, so by the time the drill ended, it was already the next period. When my class came back from the drill, Jennifer must have been in a hurry to get to her next class, so she must have left her coat in the class.

About four years ago a similar thing had happened and as to not invade the privacy of the student, I put the coat in the back of the classroom so the student could claim it. The next morning a student came to me asking for their coat and when I explained what I had done, he told me the coat wasn't there. Apparently, the student had brought a family heirloom to class for show and tell and had left it in their coat pocket. I suppose someone must have taken the coat and the family sued me for the loss of their precious heirloom. Ever since then I have always made sure to do whatever I could to return students' coats to them to ensure the same thing did not happen again. While it is unfortunate for Jennifer, she brought the vapes to school and that is against school policy.

### ***Testimony of Fernando Smith***

My name is Fernando Smith. I am 47 years old. I have been the principal of Overlaung County High School for 17 years. During this time I have had to make many difficult decisions regarding my students. At times, my job can be quite stressful as many parents

do not agree with my decisions. Jennifer was always a star student, she always did her best work and her record was spotless. The school was well aware of her condition, but we don't have the funding to give her the proper help she needs. Jennifer's punishment was very hard on me, as she and I have worked together on many different school-wide events like bake sales and pep rallies. But as the principal, I must deliver a fair punishment. The possession or use of nicotine or nicotine products can be grounds for expulsion, based on the school rules. If Jennifer did not want anyone to find her vaping products, then she should not have brought them to school. Put simply, while one can have reasonable expectations of privacy at school, they should be aware that anything and everything brought to school can and will be looked at if the circumstances are right. While other schools may only have delivered minor suspensions in years past, we have been very strict with tobacco use and possession. Jennifer was no exception to the rule.

## **INSTRUCTIONS**

The plaintiff, Jennifer Quenn, must prove by a preponderance of evidence that her right to privacy was violated.

## **SUB-ISSUES**

1. Was Jennifer using the vapes herself during school hours?
2. What are the school's policies on vaping?
3. Did the school staff have a reasonable cause to search Jennifer's belongings?
4. Did Jennifer have a reasonable expectation that her bag and her coat pockets would be private at school?

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## CONCEPTS

1. Credibility of witnesses.
2. Reasonable expectation of privacy.
3. Burden of proof: preponderance of the evidence.
4. Right to privacy.

## LAW

All searches and seizures conducted by school staff shall comply with the Standard prescribed by the *United States Supreme Court in New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

# Battle of the Bowl: Bo L. Takur v. Candice Corn

**SCHOOL**

Valley Middle  
Oakland  
Grade 8  
Honorable Mention



**TEACHER**

Jena Boomhower

**STUDENTS**

Calvin Chang  
Olivia de los Reyes  
Mark Havel  
Rachel Kim

Iris Pascual  
Sanya Shekhar  
Robert Tanis



## FACTS

On October 31, 2022, a 13-year-old girl named Bo L. Takur and several of her friends met at Bo's house to trick-or-treat in the neighborhood around 7 p.m. After two hours, they arrived at the Corns' house on Deer Lawn Terrace. When Bo arrived at the Corns' front door to get some candy, there was a bowl full of candy with a note taped to the bowl, labeled, "Please take one only."

Candice Corn came home and noticed that the bowl was missing, so she took a look at the security camera. She noticed a teenage girl taking the bowl of candy. Candice proceeded to post a video of the girl to the Chadfield Mothers NoseBook page, asking if anyone recognized the girl who "stole" her bowl and candy. Many people commented and saved the post, some pointing out how horrible the act was and others berating Candice for posting unblurred footage of a child on NoseBook. Before the administrator of the group could take down the post, many of the parents from town viewed it.

One of the moms in the online group recognized Bo and told Mrs. Takur. Bo's parents are now suing Candice Corn for defamation of character and seeking damages for Bo's emotional distress.

## ISSUE

Did the video post of Bo on NoseBook cause damage to Bo's character and reputation, as well as subject her to emotional distress? Did Bo take the bowl with malice?

## WITNESSES

### *For the Plaintiff*

Bo Takur  
Tara Putic

### *For the Defense*

Candice Corn  
Reese Espieces

## WITNESS STATEMENTS

### *Testimony of Bo Takur*

It was Halloween, and I was out trick-or-treating in my neighborhood with the homies. We had already been trick-or-treating for at least two hours now. We were all pretty tired since the houses were such a long walk away from each other. When we got to the Corns' house, my friends had gotten distracted talking to each other, so I volunteered to go and get some candy for everyone. I walked up to the door and saw a big bowl of candy in front of it. I read the sign that said to take one. I took one, but then I grabbed the bowl to bring to my friends. When I got back to the street, they were a few houses ahead of me. I tossed the bowl down to the grass and ran to catch up with them. Some other kids who went by must've taken it, because I placed it down right at the edge of the Corns' property.

After Mrs. Corn posted that video, classmates started acting differently around me. I get weird glances and a lot of them pester me about Halloween night. My friend's parents even talked about me to my friends. These awful rumors have started going around and my parents noticed it as well. Other parents have started staring at them weirdly and even pointing when we are out in town. It isn't fair, and I won't stand for someone tarnishing my name for something I would never do.

### *Testimony of Tara Putic*

I am the guidance counselor at Chad Middle School. One of my students, Bo

.....

Takur, asked to speak to me, and, of course, I agreed. She told me about the NoseBook post on Halloween night that included a video of Bo “stealing” the Halloween bowl. I can’t confirm or deny whether she did this, but after talking with her, I could tell that she was devastated.

Throughout the school, I also noticed that students were asking Bo many questions and may have been pestering her. She seemed distraught and worried over the past several weeks. All I really know is that Bo is very clearly upset about this, and she has been ruminating about it constantly. I don’t believe that the children are upset or mad at her; from what I’ve heard, it’s more of an issue with the parents. I have even overheard some students say that their parents wouldn’t allow them to hang out with Bo due to thinking of her as a thief. I only hope that these accusations can be proven to be false so Bo’s life can go back to normal.

### ***Testimony of Candice Corn***

It was Halloween evening, and I was invited to a Halloween party. I thought the children needed a treat, too, so I left out my favorite, most festive bowl, and generously filled it to the brim with every full-sized bar I had. When I came back, I was shocked. My bowl was nowhere in sight. In a panic, I searched all around the porch, down by the front yard, around my hedges, and even my backyard. On my couch, I checked my Nest camera footage to see what on earth had happened. In the fisheye, I was met by a girl in a devil costume and watched her go on and take all the candy I had so kindly left out, along with the entire bowl as well. Later, after I calmed down a little bit, I went to the NoseBook Chadfield Mothers group chat

and wrote up my rant.

This is what I wrote under the video footage. “Does anyone know who this kid is? She took my bowl, and I would like to get it back. I left it on my front doorstep while I went to a Halloween party. I checked my Nest camera, and as you can see, she clearly paused to read the ‘Please take one’ sign, yet she took the entire bowl! The porch light illuminates her face. It’s clear as day, so do your thing, ladies. The bowl is very sentimental, and if anyone can get it back to me, I would be super grateful.”

Following that, a few moms left comments recognizing the girl and sent me a message. Others told me it was inappropriate to post the video. I was just trying to figure out what actually happened. I desperately wanted my bowl back, not really caring so much about the candy. A few weeks later, I received a certified letter from Mr. and Mrs. Takur’s attorney. I could not process the fact that they were suing me for defamation of character. I seriously did not think it would be that big of a deal, since this girl clearly had taken my bowl. I apologize for any inconvenience I might have caused that young girl, but I only had the best of intentions.

### ***Testimony of Reese Espieces***

It was Halloween, and I was getting my daughter ready in her costume. I left my eldest son, John, in charge of the trick-or-treaters. From the upstairs window, I watched as a clique of children stampeded up our front steps and aggressively rang the doorbell. I heard John open the door and listened as the commotion amplified from below me. I told my daughter that I’d be back, and then went downstairs to check out

what was going on. To my horror, I saw my son bombarded by their merciless hands, grabbing anything they could, all the while yapping like unhinged hyenas. I've never seen children behave in that manner my entire life.

I sprang to the door to lecture, but at the sound of my voice, they all scattered away with their handfuls of treats onto the next house. I asked my son if he was okay, and he slowly nodded. Later, when I was on my phone scrolling through NoseBook, I saw a post by my neighbor down the street, Candice, with a video of one of the girls from that group. It came to no surprise that one of those rebellious delinquents was responsible for stealing the bowl from Candice Corn.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that the posts made by the defendant defamed the plaintiff's character and reputation.

## SUB-ISSUES

1. Was there malicious intent by Candice Corn when posting the video of Bo?
2. Did Candice Corn write a false statement about Bo?
3. Did anyone see Bo leave the bowl on Candice Corn's property?
4. How much did the NoseBook post affect Bo's everyday life?
5. Did Bo misplace the bowl with malicious intent?
6. Did Bo and Ms. Corn have past issues with each other?

## CONCEPTS

1. Defamation of character.
2. Slander vs. libel.

3. Burden of proof—by preponderance of the evidence.
4. Statute of limitations: one year.
5. Punitive vs. compensatory damages.

## LAWS

"Defamation imposes liability for publication of false statements that injure the reputation of another." *Printing Mart-Morristown v. Sharp Elecs. Corp.*, 116 N.J. 739, 765 (1989). In order to succeed in a defamation claim under New Jersey defamation law, plaintiffs must prove the following four (4) elements:

1. The assertion of a false and defamatory statement concerning another;
2. The unprivileged publication of that statement to a third party;
3. Fault amounting at least to negligence by the publisher;
4. The plaintiff was damaged by the statement.

### ***New Jersey Per Se Damages***

Defamation plaintiffs in New Jersey can seek *per se* damages for libel or slander. This means the plaintiff can sue the defendant for falsely disparaging a plaintiff's promiscuity, health status (in certain circumstances), or alleged criminality. In these instances, plaintiffs can seek damages without proving economic loss.

### ***NJ: 8.46 DEFAMATION DAMAGES (PRIVATE OR PUBLIC) (06/2014)***

#### **A. Damages — General Instructions**

For the injury to reputation caused by [defendant's] alleged defamatory statement, [plaintiff] seeks to recover both compensatory and punitive

damages. Compensatory damages are sought by [plaintiff] for recovery of the money value of his/her loss(es). Punitive damages are sought to punish [defendant] for the wrongful act by imposing a further award to [plaintiff] over and above the CHARGE 8.46.

If [plaintiff] has established the essential elements of his/her claim as explained in these instructions, he/she is entitled to compensatory damages for all the detrimental effects of a defamatory statement relating to [plaintiff's] reputation which were reasonably to be foreseen and which are the direct and natural result of the defamatory statement. Damages awarded for such purposes are compensatory.

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# Raging Rumor: Crawfords v. Rover Cleveland Middle School

**SCHOOL**

Millstone Middle  
Millstone  
Grade 8  
Honorable Mention



**TEACHER**

Suman Kapoor

**STUDENTS**

Bayley Bonfante  
Rebecca Daniel  
Eleanor DelGandino  
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Jakub Hanulewicz  
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Mckenzie Knutson  
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Kayleigh Meagher  
Isabella Reid  
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## FACTS

Jamie Crawford, an 8th-grader at Rover Cleveland Middle school, has had past incidents with violence. Jamie has been in trouble with the school multiple times for not following the school's code of conduct, getting into fights, and has been suspended in the past for vaping in the bathroom. His father passed away last year in a car accident. Now, Jamie lives with his mother who is struggling financially. To cope with the grief of his father's sudden death, Jamie turned to drugs. The school's guidance counselor has enrolled him in a program called "Schools Against Drugs" to help him stop doing drugs. Jamie doesn't approve of the program, but to stay in school, he needs to be in the program and see a therapist every week. To make up for his incidents in the past, Jamie works in soup kitchens in his free time. Since Jamie's father brought in most of the income, Jamie has been helping his mom by delivering newspapers so they can pay the bills and make ends meet. He's thinking about stopping the therapy since his mother's low income is failing to fulfill the cost.

On October 19, 2022, a student named Robert Smith went to the school's guidance counselor, Mrs. Fennely. Robert was very nervous and claimed he overheard a conversation between Jamie and Timmy Cooperton in which Jamie was saying something about a firearm that his dad bought last year and shooting the students that were bullying him. Mrs. Fennely immediately contacted Dr. Hayes, Rover Middle School's principal. Dr. Hayes quickly contacted the school resource officer who called for backup to search a student with a possible firearm in his possession.

The police came and pulled Jamie out of

the classroom. The school resource officer held Jamie to the ground while the police searched his locker. Jamie was so distraught that he started to cry. In distress, he asked for his mother, but the officers continued their search. The police also patted him down to search for a possible gun on him. No gun was found either on Jamie or in his locker. After this incident, Jamie was sent back to the classroom and his mother was informed of the incident. Mrs. Crawford was livid from the whole incident.

Mrs. Crawford is suing Rover Cleveland Middle School for violating Jamie Crawford's Fourth Amendment right under the *New Jersey v. T.L.O.*, 469 U.S. 325 ruling. She is seeking compensation for social embarrassment and trauma caused to her son Jamie Crawford by unreasonable search done on his locker and his personal possessions by Rover Cleveland Middle School using unnecessary force. The school claims that they were abiding by the *New Jersey v. T.L.O.* ruling which states that "The search is permissible as long as there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." The school says that based on Jamie's school record and his suspensions, there was enough reasonable suspicion that a search would turn up a firearm in his possession.

Mrs. Crawford claims that just one student saying something to guidance was not a reasonable enough suspicion to call the police and to conduct a locker search using unnecessary force. Their family doesn't have a gun and the false suspicion of Jamie possessing a firearm has made her son a laughing stock on social media. He is now

embarrassed and afraid of other students making fun of him in school.

The District also claims that under crisis and emergency situations, the school district is allowed to search lockers as per 6A:16-5.1 school safety and security plans when the pupils' safety is at risk. Mrs. Crawford maintains that no one's safety was at risk in school as her son had no weapon and the school didn't need to call police and conduct search using unnecessary force. She is suing the school for violating her son's Fourth Amendment rights and causing him emotional trauma and social embarrassment.

## ISSUE

Is the Rover Cleveland Middle School liable for compensation to the Crawfords for trauma, social embarrassment, and emotional distress caused to their son by an unreasonable search done on his locker and his personal possessions and the violation of his Fourth Amendment rights?

## WITNESSES

### ***For the Plaintiff***

Emily Crawford  
Timmy Cooperton

### ***For the Defense***

Dr. Brian Hayes  
Sergeant Davis Conoley

## WITNESS STATEMENTS

### ***Testimony of Emily Crawford***

My name is Emily Crawford, and I am Jamie's mom. The events of October 19 were absolutely atrocious. My son would never bring a gun to school! Jamie is fully aware of our family struggles and the consequences of

making a wrong decision. Yes, my son is stressed because his father passed away suddenly, and we have been struggling financially but he would never bring a gun to school! And the fact that the school believed right away that he would bring a gun to school is completely ridiculous! At school, there was a rumor that Jamie would bring a gun, and the principal contacted the police. The police brutally patted down my son. They threw all his belongings out of his locker on the floor and forcefully held him on the ground, making him cry. I was not informed about this until after the incident.

Jamie came home crying, shaking, and afraid and didn't step out of his room for two days. My son said he was frightened, shocked, and had no idea what was going on. Social media is flooded with rumors about my son being dangerous and carrying a gun. Jamie now doesn't step out of the house, has nightmares about police searching him, and is afraid to come to school. The school authorities traumatized and searched him with unreasonable suspicion based on something incorrect heard by one student. They humiliated my son, causing social embarrassment, and emotional distress and violated my son's Fourth Amendment right.

### ***Testimony of Timmy Cooperton***

My name is Timmy Cooperton and I have been best friends with Jamie since third grade. We always sit at our lunch table together and joke around. Jamie has always helped me as a friend, but Jamie has become much quieter now. He is going through a lot of stress lately as his family is struggling financially.

The school therapist is helping him deal



with the stress and as a result, he is working in soup kitchens and is giving back to the community. Sometimes, Jamie gets sad and talks about kids that make fun of him because of his suspensions or him getting therapy. On October 19, while eating our lunch, Jamie was talking about how some boys passed comments about his therapy sessions. After that, Jamie was talking about this gun that his dad bought last year and how he feels like using it on these boys. Then the bell rang, and we went to our classrooms. Later, I came to know from other students that police came to the school and were looking for a firearm.

### ***Testimony of Dr. Brian Hayes***

My name is Dr. Brian Hayes and I have been the principal of Rover Cleveland Middle School for the past 10 years. Jamie Crawford is an 8th-grader in our school and currently has a record from being suspended multiple times for vaping in the bathroom and doing drugs. We have tried many times to help him by putting him in different programs and talking with him and his mom. On October 19, I received a call from Mrs. Fennely who informed me about a conversation that Jamie had with Timmy Cooperton. A student overheard him saying that he is bringing the gun to school and teaching his bullies a lesson.

The school's and the students' safety are the utmost priority for me. I immediately called the school's Resource Officer, Sergeant Conoley, and told him about this conversation. Sergeant Conoley called for backup. Jamie was called out from the classroom and his locker, including backpack, was searched. We didn't find any gun in his backpack or locker.

After this incident, I called Mrs. Crawford and informed her about this incident. As a school administrator, all staff and students' safety are my responsibility and anyone threatening to bring a gun to school requires immediate attention.

### ***Testimony of Sergeant Davis Conoley***

My name is Sergeant Davis Coloney, and I am the current School Resource Officer at the Rover Cleveland Middle School. I have been working with Cleveland County for about 14 years. On October 19, right after school lunch, I received a call from Dr. Hayes informing me about a conversation that Jamie had with Timmy Cooperton about bringing a gun to school. We needed to search Jamie's locker for a possible firearm in his possession. I called the local police for backup.

When the first responding officer arrived, we went to Jamie's locker and conducted the search. With Dr. Hayes present, we pulled Jamie out of class and searched his locker. We didn't find any gun in his locker. To make sure that he didn't have any firearm on him, Jamie was patted down. He was crying but we had to continue with the search. My job as a School Resource Officer is to ensure all students and staff are safe, especially when a student is overheard talking about bringing a firearm.

## **INSTRUCTIONS**

The plaintiff must set out a convincing case against the defendant that the jury believes "by a preponderance of the evidence" that Rover Cleveland Middle School Violated Jamie's Fourth Amendment right and are liable for the damages.

## SUB-ISSUES

1. Does the school have a code of conduct policy for lockers and personal possession searches?
2. Does the school code of conduct policy apply to searches for firearm possession?
3. Is the code of conduct policy signed by all the parents?
4. Does the school have a policy for students threatening to bring a firearm?
5. What are the specific facts that are used to justify the search?
6. What was the scope and the manner of the search?
7. Does the school district have an emergency safety and security plan under N.J. Admin. Code 6A:16-5.?

will turn up evidence that the student has violated or is violating either the law or the rules of the school.

3. N.J. Admin. Code 6A:16-5.1: Each school district shall develop and implement comprehensive plans, procedures, and mechanisms that provide for safety and security in the school district's public elementary and secondary schools.

## CONCEPTS

1. The credibility of witnesses.
2. Burden of proof—preponderance of the evidence.
3. Protections of the Fourth Amendment rights.

## LAW

1. The Constitution of the United States of America, Fourth Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
2. *New Jersey v. T.L.O.*, 469 U.S. 325: The search of student's belongings is permissible if there are reasonable grounds for suspecting that the search





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