

How to First Approach a Case

- Read everything!
 - Case is not only about the affidavits. From the synopsis, complaints, case laws to exhibits, please try to read them all even if they do not make sense at first, although some are less important as outlined below. This doc is precisely to guide you through them.
 - (If you're really short on time, do read the affidavits first... that is the *minimum*.)
- Know the sides
 - The Plaintiff is the Estate of Genesis Petrillo, and the Defense is Harper Martini OR Peony Estates (Not both! We shall see how this is the case below.)
 - Once you get a sense of what each side is about (or what the burden/claim is), bear it in mind as you read through the affidavits. You might want to make highlights with different colors or notations for good/bad facts, or Plaintiff/Defense.
- Start thinking about your roles
 - While reading through the affidavits, try to imagine how you'll play around certain characters, facts or evidence based on your role (or role preference).
 - For the first tournament, chances are the team will decide the role for you. But, do pay attention if you feel gravitated towards a certain witness or side — maybe you'll get to play one in the future!

Case Components

- Special Instructions, Captain's Meeting Form, Notice of Intent to Offer Character Evidence
 - Feel free to ignore for now. They are more so about procedures and technicalities; your coaches will go over this prior to tournament
- Complaint & Answer
 - These are what the Plaintiff claims happened, and the Defense's reply to that claim. It's a useful summary, particularly on Plaintiff, while the response will mostly be "denial" by Defense.
- Available Law
 - Feel free to skim over for now. It can become relevant later on — see "Negligence Per Se" below.
- Midlands Case Law
 - Read through them. They are binding precedents, and are effective in our trials. They help explain the counts and burden — but feel free to skim if you're not sure what they're about.
- Stipulation
 - Very important! These are things that both sides have already agreed on before trial.

- Summary Judgement (2 versions)
 - No need to pay attention too much; coaches will go over what they mean.
 - Essentially, there are 2 options for what count the Plaintiff can pursue — battery and negligence.
- Affidavits
 - Technically, we have 7 affidavits, 1 investigative report, 2 expert reports, as well as 1 deposition. For now, feel free to regard all of them as “affidavits”.
 - This means there are 11 available witnesses, from which each side will choose 3.
- Exhibits #1-24
 - These are documents/photographs that are available as evidence. Do read them through carefully.

Battery? Negligence? Let’s Talk Burden!

There are TWO possible counts/claims the Plaintiff can raise, and your team will choose ONE of them in preparation. This means that the Defense will have to prepare for both options, as we won’t know what the other schools are doing.

It is very important that you are aware of these BEFORE going into reading the affidavits. While you are reading them, try to look for facts that support and refute either of these counts.

Option #1. BATTERY

“The elements of civil battery are:

- (1) an act by a defendant;
- (2) an intent to cause harmful or offensive contact on the part of the defendant; and
- (3) harmful or offensive contact to the plaintiff.”

(Burdette v. Copenhaver, 1975)

If P pursues BATTERY, you are claiming that Harper Martini (not Peony Estates) did something wrong to Genesis Petrillo. Harper did something. They intended it as harm. And such harm occurred. You MUST prove all the above 3 elements.

Option #2. NEGLIGENCE PER SE

“The elements of negligence per se are the following:

- (1) the defendant violated a statute;
- (2) the statute in question is a safety statute;
- (3) the defendant’s acts and/or omissions caused the type of harm that the statute was intended to prevent; and
- (4) the plaintiff is a member of the statute’s protected class.”

(Wandro v. Cornforth, 1955)

If P pursues NEGLIGENCE PER SE, you are claiming that Peony Estates (not Harper Martini — although Harper is a part of it) violated a statute.

What statute, you ask? This is where the “Available Law” comes in. You will be arguing that the defendant violated this “Midlands Buildings Code Section 12-100 — Pests and Pesticides”. The statute will be kept referred to throughout the affidavits, so you can come back to it if you’re confused about what they’re talking about.

There are a lot more nuances in proving these that we’ll delve into, and your team will have some discussion about what count to choose. But for now, this should get you ready to delve into the case materials and affidavits.

Have fun!