

Case Clarifications

These are the final clarifications. No more questions will be entertained.

1. For any given trial, which team determines the gender of Jordan Anderson?
The gender of Jordan Anderson shall be determined by the Plaintiff and notice shall be given to the court and the defense team during Pre-Trial matters.
2. At page 38 of the case materials, the Jury Instructions indicate that the law of Anabolica provides no recovery for the plaintiff if the jury finds the plaintiff's negligence is greater than 50% and that the court will reduce the damages by the percentage of plaintiff negligence found by the jury if it does not exceed the 50% level.

At page 40 of the case materials, a Special Verdict Form has lines for allocation of % fault among each of the two defendants, the plaintiff and Jordan Anderson.

What is not clear is whether any allocations of % of fault to the plaintiff and to Jordan Anderson are aggregated in connection with determining whether the 50% level has been exceeded.

One can read the instructions as providing no recovery to the plaintiff only if the plaintiff's own negligence exceeds the 50% limitation. Thus, for example, if the jury found Jordan 60% responsible and the school/coach 20% responsible and the plaintiff 20% responsible for Jordan's death; the plaintiff would recover, but have his/her recovery reduced by 20%.

Is that the way the instruction should be read?

The law of Anabolica provides no recovery for the plaintiff if the jury finds the plaintiff's negligence, including any assumption of risk by the decedent, is greater than 50% and that the court will reduce the damages by the percentage of plaintiff's negligence found by the jury if it does not exceed the 50% level.

3. I am wondering about page 20 line 87. I suspect that the dates are a typo and that it should be 2007-08.
The dates on line 87, page 20 should read: 2007-08.
4. Dale Rockford's affidavit was submitted on January 4, 2009. At that time he is 55 years old. Two questions with regards to this.

When we are in trial in 2010, are witnesses expected to state that they are 56 years old when asked? If he graduated from Drake University with his bachelor's degrees in 1972 (lines 9&10 on page 19) he would have been 18 years old at his college graduation. Is this correct?

Rely on the information presented in the case materials.

5. *The date of death of Jordan Anderson is May 6, 2008. The date of death on Exhibit 5 (number 3) should be changed to 05/06/08*
6. Exhibit Numbers:
Students should rely on the exhibit numbers presented through the Table of Contents and on the exhibits themselves for reference numbers.
- 7) There are some date discrepancies between the affidavits and curriculum vitae. Which dates/facts are correct?
The affidavits are the controlling documents. Any incorrect dates/facts in the curriculum vitae is superseded by the facts in the affidavits.

- 8) In Parker Vang's affidavit there are some statements that allude to Jordan Anderson being the same gender as Parker Vang. Parker states that he/she noticed body acne and that Jordan didn't shower. Should the gender of Jordan Anderson be determined by that of Parker Vang?
See clarification number #1.
- 9) If Dale Rockford and Parker Vang are played by witnesses of opposite gender, is it fair to bring this up in court as a reason not to notice body acne, etc., in the locker room?
No. If you consider the uniform of a runner it's likely that body acne would be noticed by a teammate, particularly if they were your best friend, regardless of gender.
- 10) On page 11, in Kelly Anderson's statement (line 84); the bank withdrawals should be referred to as Exhibit 11, not 9.
The bank withdrawal records are Exhibit 11.
- 11) In Jamie Hagar's affidavit on line 71 there is reference to exhibits 1,2,5,6,7 that Hagar picked up for Coach Rockford at a pre-season workshop...are they referencing the right materials? Should it be exhibit 1, 2, 7, 8, and 9? Also, exhibit 1 is the one that requires a signature, not exhibit 2.
Jamie Hagar picked up exhibits 1,2,7,8,9. This is simply a typographical error.
- 12) Does #4 of the Pre-Trial Conference recitation mean that everything in the witness statements is now admissible? If so, why do we still have a Relevancy objection? Or are we supposed to stop making that objection?
Teams are not supposed to stop making the relevancy objection. Number four of the Pre-Trial Conference recitation addresses the instances at trial where teams have objected to relevancy and the judge has sustained the objection and instead of keeping out a small piece of evidence, the witness no longer has anything to testify to. Each witness must tell their story so as to allow the team to earn points for that performance.