

Case 9.16

Products Liability (Semester-Long Exercise)

RILEY JOHNSON

v.

BEST HELMETS

Defendant's case file

MEMORANDUM

TO: You

FROM: Managing Partner

RE: Best Helmets: Riley Johnson / Ash Johnson

I have recently learned from Best Helmets, a major client, that one of their helmets, an open-face helmet with a 3-inch, stiff, non-detachable visor, was involved in an accident. Ash Johnson died when he/she hit a large object in the Ronson River riverbed and he/she was ejected over the handlebars, breaking his/her neck.

If Riley Johnson in fact files suit against Best Helmets, we will represent Best on our usual hourly basis and terms. If suit is filed, we will waive formal service of the complaint and summons. You will then handle the case.

The client provided the attached photos of a helmet of the type believed to be worn by Johnson and the alleged accident scene. Someone working for or on behalf of the client presumably took the helmet photograph. We do not know who took the other photo. The client also provided the attached accident report.

Please take all timely steps to ensure that this case is properly defended and keep A. Wilder informed of developments in the case.





County Sherriff's Department

Accident Report

Case No: 22-837
Responding Officer: T. Riley, #226
Date of Accident: October 1, [-1]
Location of Accident: Ronson Riverbed, East of Campbell Ave.
Persons involved in accident: Ash Johnson
Witnesses to accident: H. Smith
Citation issued: none

Narrative:

On 10/1/[-1], 1500 hrs, R/O was on routine patrol in the foothills section of the city when he/she received a radio message of an accident involving a motorcycle in the Ronson River riverbed, about ¼ mile east of Campbell bridge.

On arrival R/O observed a young male/female lying motionless in the riverbed. A Honda motorcycle lay nearby. A witness, H. Smith, was standing next to the body, and explained that he/she had been walking his/her dog in the riverbed and had seen the motorcyclist doing fast starts and "wheelies" in the riverbed, in both directions.

He/She was about 100' away, standing on the bank. He/She did several fast starts, "wheelies," and reaching about 20 mph, when the motorcycle hit a large rock, and the motorcycle stopped suddenly, ejecting the rider over the handlebars. He/She landed face down in the wash, where he/she lay motionless and unconscious. He/She then called 911 and waited for police and ambulance.

R/O called to dispatch, requesting EMT, which arrived about 5 minutes later. The motorcyclist was not breathing and had no detectable pulse. EMT took body, on stretcher, to University Hospital E.R.

Motorcycle was a Honda CBR 300 cc registered to Ash Johnson; helmet was a Best Helmet open-face with a fixed, rigid 3-inch visor. No damages to visor.

R/O searched body before taking from scene. Wallet identified him/her as Ash Johnson, 22-year-old male/female. Telephone also searched, called number for Riley Johnson, who answered and said he/she was Ash's father/mother. R/O explained the situation and told Johnson his/her son/daughter had been injured and was being taken to University Hospital.

R/O returned to station to prepare this report. While writing this report R/O learned that Ash Johnson had been pronounced DOA at University Hospital. Cause of death was a fracture of the neck.

Signature _____
Date: 6/1/[-1] Time: 2100 hours