

INSTRUCTIONS FOR G. SOMMERS (Defendant's Engineering Expert)

[Note: do not let anyone see these instructions.]

1. Case Summary

Ash Johnson was in a fatal accident on October 1, [-1] when the motorcycle he/she was riding in the dry riverbed of the Ronson River (in Springdale, XX) hit a large rock. He/She was ejected over the handlebars and fell face down in the gravel breaking his/her neck. At the time of the accident, Ash Johnson was wearing an open-faced helmet with a 3-inch rigid visor made by Best Helmets.

2. Personal Background

You have been an engineer focusing on design and safety issues for many years. Your current resume setting out your professional background and experience is attached to these instructions.

3. Your Story

You talked to a lawyer in the firm representing Best Helmets and agreed to evaluate their open-face helmet with the 3-inch stiff visor to determine whether the helmet is unreasonably dangerous. You will charge \$400/hr. to make this evaluation.

You have come to the following conclusions:

1. Open-face helmets with stiff 3-inch visors are not unreasonably dangerous.
2. A warning on a helmet is not necessary to make it reasonably safe.
3. Operating a street bike at 25 mph in an area with gravel and rocks is negligent.

You agree to provide a current resume and an expert report that meets the requirements of Rule 26.

4. Documents

You have seen, and are familiar with, the documents attached to these instructions. If there is a circumstance where, while you are staying in character, you would show one of the documents below to an attorney, you can do so, but you cannot show any attorney this set of instructions.

5. Instructions on role-playing

In role-playing G. Sommers, please stay "in character" at all times.

To play this expert witness role, you will probably need to do some computer research to “get up to speed” so you can realistically play the role of an engineer. You will want to become familiar with issues regarding the open-face v. close-face design, the stiff visor v. the flexible visor, warnings, Underwriters Laboratories, federal and state regulations, etc.

**G. SOMMERS
Acme Helmets
1400 Palo Verde Road
Springdale, XX**

RESUME

Education:

University of XX, BA, [-23]
Massachusetts Institute of Technology, MA, [-19]

Licenses:

XX Engineering License, [-18]

Employment History:

Acme Helmets, [-18] – present
Head of product design, development, [-11] – present

**G. SOMMERS
Acme Helmets
1400 Palo Verde Road
Springdale, XX**

I have been asked by defendant's lawyers to evaluate the Best motorcycle helmet involved in the case of *Riley Johnson v. Best Helmets* and am being compensated for my evaluation at the rate of \$400 an hour. It should be noted that my company, Acme Helmets, is a competitor of Best Helmets. Both companies make closed-face and open-face helmets and are price competitive.

Plaintiff experts, P. Newsome and S. Cohen, in their expert reports, concluded that the Best helmet open-face helmet with the stiff 3-inch visor is unreasonably dangerous, and that the Best helmet has no warnings on the helmet which makes it unreasonably dangerous. I disagree with both conclusions.

First, a safety helmet for motorcycles should be designed to protect against the most serious injuries, and the most common injuries.

In motorcycle accidents, the most common injuries are injuries to the face, eyes, and chin. Such abrasion injuries are common and often disfiguring. The addition of a stiff, fixed visor three inches long will give protection from such injuries. Research has shown that a visor less than three inches will not adequately protect the face from abrasion injuries, and a visor more than three inches increases the risk of the neck being twisted downwards in a face-down accident. The three-inch stiff visor design, permanently attached to the helmet of an open-face helmet, is the best design that protects against the most common and serious injuries.

A product warning should be clear and obvious. We put our warnings on the instruction manual for all our helmets. We do not put them on the helmet, where riders frequently remove them. We have not put warnings on helmets for a number of years.