

TRIAL 9.16

Products Liability (Semester-Long Exercise)

RILEY JOHNSON

v.

BEST HELMETS

Plaintiff's case file

MEMORANDUM

TO: You

FROM: Senior Partner

RE: Riley Johnson file

This file involves the accidental death of Ash Johnson, son/daughter of our prospective client, Riley Johnson.

Ash was killed on October 1, [-1] when he/she was riding his/her motorcycle in the Ronson River dry riverbed and hit a large rock or other large object. Ash was ejected over the handlebars and landed face down in the riverbed. The force of the landing broke his/her neck, and Ash died within minutes.

At the time of the accident, Ash was riding his/her Honda 300 cc motorcycle and was wearing a Best Helmets open-face helmet with a stiff 3-inch visor.

Last week, Riley Johnson came to our law firm to explore the possibility of a lawsuit against Best Helmets. He/She was interviewed by an intake paralegal. Johnson brought the police accident report.

Our firm has decided that the case should be investigated further and, if warranted, a lawsuit should be brought. The case has been assigned to you. Please take all timely steps to ensure that Mr./Mrs. Johnson's case is properly handled.

Initial Interview Form

S of L expires on: _____

Name: Riley Johnson

Date of Accident: October 1, [-1]

Place of Accident: Ronson River riverbed, east of Campbell Avenue bridge

Vehicle Involved: Honda 300 cc motorcycle

Person Involved: Ash Johnson, died at scene of accident

Narrative:

Ash Johnson was killed while riding his/her Honda CBR 300 cc motorcycle in the Ronson River dry riverbed when he/she hit a large object, was ejected from the cycle, and landed face down in the riverbed. His/Her neck was broken, and he/she died at the scene.

That day Ash was wearing a Best Helmet, an open-face model with a 3-inch, stiff, non-removable visor. Riley Johnson says this helmet is the cause of Ash's fatal neck injury.

Photographs of a helmet of the type worn by Ash and the accident scene are attached. These were provided by Riley Johnson, but we do not know who took them. The accident report provided by Johnson is also attached.





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