MEMORANDUM

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| to: | Mock Trial Participants & Coaches |
| from: | Mock Trial Writing Committee |
| subject: | Mock Trial Case Changes |
| date: | 1/6/2020 |

This Memorandum addresses changes to the case that are current as of 1/6/2020. The changes will be made to the case and the updated case will be posted on the State Bar website within one week. Page number references are to the original case materials; page numbers are likely to change in the updated case. No additional changes to the case will be made prior to the regional competition.

Stipulation #7, page 2: “The opinions offered herein have no bearing on the issue of whether Jonah Stark’s death was accidental or a suicide. I offer no professional opinion on that issue.” – This sentence will be added following the last sentence of the stipulation.

Stipulation #14 (new), page 3: “It is stipulated by the parties that Sam Swimplebun, Parker Posie and Buzzy McBatt were employed by Clearwater Hills Country Club and were, at all times that they were present at Clearwater Hills Country Club and in all actions that are relevant to Special Verdict #2, they were acting within the scope of their employment.”

Stipulation #15 (new), page 3: “The locker room at Clearwater Hills Country Club is unisex. Multiple individual separate rooms with locks are provided for purposes of showering and changing.”

Complaint, pages 6-7:

* Paragraph 18: deleted
* Paragraph 19: deleted
* Paragraph 20: renumbered, word “also” deleted in first sentence.
* Paragraph 21: renumbered.
* Paragraph 22: renumbered.

Jury Instructions, page 9: CAUSE: First sentence replaced with: “In answering questions 3 and 5 on Special Verdict #1, or questions 2 and 4 on Special Verdict #2, you must decide whether someone’s actions caused either a death or certain conduct.” (*Note: just replacing references to special verdict question numbers*).

Jury Instructions, page 9: SERVANT: VICARIOUS LIABILITY OF EMPLOYER: first sentence replaced with “In this case, Clearwater Hills Country Club is liable for any negligence of its employees, if that negligence occurred while the employees were employed and acting within the scope of their employment.”

Jury Instructions, page 9: EMPLOYER NEGLIGENCE: NEGLIGENT HIRING, TRAINING, OR SUPERVISION: Paragraph two, first sentence replaced with: “Question 2 on Special Verdict #1 asks you to determine whether Kris Marks emotionally abused Jonah Stark while Kris Marks was a servant of Clearwater Hills Country Club.” (*Note: just replacing references to special verdict question numbers*).

Jury Instructions page 10: First full paragraph, first sentence replaced with “Question 3 on Special Verdict #1 asks whether the conduct of Kris Marks was a cause of the death of Jonah Stark.” (*Note: just replacing references to special verdict question numbers*).

Jury Instructions, page 10: Second full paragraph, first sentence replaced with “Question 4 on Special Verdict #1 asks whether Clearwater Hills Country Club was negligent in training or supervising Kris Marks.” (*Note: just replacing references to special verdict question numbers*).

Jury Instructions, page 10: Third full paragraph, first sentence replaced with “Question 5 on Special Verdict #1 asks whether the negligence of Clearwater Hills Country Club was a cause of Kris Marks’s emotional abuse of Jonah Stark on and/or before August 8, 2019.” (*Note: just replacing references to special verdict question numbers and reflecting a change in the wording of the special verdict question*).

Special Verdict, pages 12-14: Deleted and replaced with the attached forms.

Affidavit of Elliot Fünke-Keyworth, page 27, line 134, delete the following: “A copy of that publication is attached.”