

MOCK MEDIATION FACT PATTERN

Parties:

Child Plaintiff: Jessica Lovejoy

Truck Driver: Otto Mann

*Bartholomew's Parents: Homer and Marge
Simpson*

...and their lawyers

Date of Loss: July 1, 2016

Facts:

Marge and Homer's son Bartholomew just graduated high school. As a graduation gift, Marge and Homer allowed Bartholomew to throw a party at their home for 20 of his closest friends. One of the invitees was Jessica Lovejoy, a 17-year-old graduate and Bartholomew's close friend. Jessica visited often and always rode her bicycle over, as she did not have a driver's licence.

As one of the more popular students, Bartholomew had friends in both his grade and the grade below his, so the party attendees ranged in age from 16 to 18.

Although Marge and Homer only provided chips and soda, the kids raided their liquor cabinet and partook in various drinking games. The parents remained upstairs for the entire evening, watching TV with the volume turned up to drown out the noise from the party below. At some point, Marge came downstairs and, upon witnessing a very inebriated Jessica wearing a lampshade as a hat, turned around and went back upstairs without saying a word.

After only drinking six wine coolers, Jessica left the party at 8 pm to go home. Her parents are strict and imposed a curfew of 8:30 pm. Jessica felt a little tipsy, but not enough to discourage her from riding her bike home. She put on her helmet but left the straps unclashed as she was still in view of her friends and wanted to look cool. She rode her bike westbound towards Maple Avenue, eventually turning right onto Maple Avenue and continuing on her way home.

Meanwhile, Shelbyville Shipping truck driver Otto Mann was having a pretty good day. Edibles were recently legalized and he decided to celebrate the occasion with a "special" donut as he drove. Although this was his first delivery to downtown Springfield and he was not familiar with the area (or bike lanes), he felt at ease consuming his "special" donut. At this time, he was driving north, along a desolate Maple Avenue.

Jessica was proceeding northbound in the green bike lane on Maple Avenue. She was cycling quickly because she wanted to be home before her curfew. She saw a truck up ahead, with the words "Shelbyville Shipping" and "How's my driving?" across the back. She attempted to pass the truck as she knew there were no bike lanes north of the intersection of Maple Avenue and Elm Street (the next intersection). As she needed to ride on the road, she did not want to be anywhere near a truck. She was not certain whether the truck was turning right or continuing straight, but it did not matter, as she intended to pass it.

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Otto slowed down as he approached Elm Street, in preparation for making a right turn at the light. As he turned right, he was suddenly startled by a loud bang on the right side of his truck. Jessica's unclipped helmet flew off her head and hit the ground. Jessica landed hard on the asphalt, breaking her leg and suffering a traumatic brain injury. Otto stopped the truck and stepped out to investigate. While he was feeling great only a moment ago, Otto began feeling terrible and anxious as he surveyed the scene. To make matters worse, while he was in the habit of using his turn signals, he could not remember whether his turn signal was on this time.

The injury forced Jessica to delay her entrance into college by one year. Upon beginning her sports program a year later, she realized she had trouble physically and cognitively, and was unable to continue in the program. She switched into a less demanding program which had fewer career prospects upon graduation. She had to give up on her dream of becoming a world-class tennis star.

Lawsuits Pending:

1. Jessica sues Marge and Homer for negligence as social hosts.
2. Jessica sues Otto for negligence as a driver and Shelbyville Shipping as owner.
3. Jessica sues the Town of Springfield for negligence in failing to provide a safe road.
4. Jessica is in a dispute with her mother's Accident Benefits Insurer, the Duff General Insurance Company, who has been invited to the mediation.