

MOCK PRE-TRIAL - FACT SCENARIO

Date and Time of MVA

1:43 am on March 18, 2015

Location

At a cross-walk located approximately 200 metres south of the intersection of Oxford Street and Richmond Avenue in London, Ontario.

Weather Conditions

There was a half-moon that provided limited lighting at the time of the accident. The weather was clear and dry. The temperature was approximately 10 degrees Celsius.

Accident Summary

The defendant, Garrett Denison, while driving his 2009 Ford F150 truck, struck the plaintiff pedestrian, Frank Planter, within the cross-walk.

The Plaintiff's Particulars

Mr. Planter, a 21 year old Ivey Business School student at Western University, had been awake since approximately 10:00 am on March 17, 2015. He slept in later than usual that day as he had intended to spend the whole of St. Patrick's Day enjoying himself. Mr. Planter had not drank or gone out in months as he had been entirely focused on his studies. He had been working hard to secure a summer internship as an investment banker in New York. Three days prior, Mr. Planter secured a summer internship at Goldman Sachs. In the event that Mr. Planter succeeded with this summer internship, there was a possibility that he would be asked back to work at the bank full time as an analyst, a position that could lead to a very lucrative career.

In order to celebrate, Mr. Planter spent the day drinking at a small party at his friends' house. He arrived at the party at 5:00 pm. He wore a fluorescent green outfit. He brought his own alcohol to the party. Mr. Planter drank about 10 bottles of beer that he brought to the party. At approximately 1:37 am on March 18, 2016, Mr. Planter decided to leave his friends' house to get food at the local late night pizza restaurant. The house was located on the east side of Richmond Avenue. The restaurant was conveniently located directly across the street from his friends' house.

Mr. Planter intended to cross at the cross-walk located on Richmond Avenue between the house and the restaurant. The yellow lightbulbs above the cross-walk were burned out and did not

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The Plaintiff's Particulars ... continued

activate when the attached button was pushed. Mr. Planter was aware of the fact that the cross-walk was broken as he had used it before. In fact, his friend had contacted the City of London to inform them of the broken cross-walk two days prior. While the call was recorded by the City of London, they never sent anyone to repair the cross-walk.

Mr. Planter noticed a truck driving quickly toward him in the right-hand lane of Richmond. Nevertheless, Mr. Planter decided to cross the street.

The Plaintiff's Particulars

Mr. Denison, a 42 year old man, did not go to work on March 17, 2015. In order to avoid the student festivities in London, he went with his wife and daughter to the zoo.

Mr. Denison was employed as a factory worker in St. Thomas. He was scheduled to work the early morning shift at 2:00 am on March 18, 2015. He left his apartment building located on the east side of Richmond Avenue, several kilometres south of the subject cross-walk.

The front right headlight of his 2009 Ford F150 truck had burned out two days prior and Mr. Denison had not had a chance to replace the bulb. Nevertheless, Mr. Denison intentionally activated his headlights as he knew his left front headlight would still provide illumination of the road.

Driving from his apartment building, made a right-hand turn onto Richmond Avenue and proceeded to travel northbound in the right-hand lane.

The speed limit on Richmond Avenue was 60 km/h. Mr. Denison was behind his usual schedule. As a dedicated factory worker, he thought it necessary to travel at 65 km/h so to avoid being late.

Mr. Denison was travelling northbound in the right-hand lane of traffic on Richmond Avenue. He was approaching the intersection of Richmond Avenue and Oxford Street. He could see that he had a green light to proceed approximately 250 metres up the street. Mr. Denison noticed that his wallet had fallen to the floor and bent down to pick it up, turning his full attention to the floor of his truck.

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World's Collide

As Mr. Denison looked up, he saw that the traffic light had not changed and was still green. He then noticed a pedestrian in fluorescent green clothing standing in what appeared to him to be the middle of the street. He immediately slammed on his brakes. He brought his vehicle to a complete stop. Mr. Denison was unable to avoid the collision and struck Mr. Planter.

Post Accident Details

An ambulance and two police officers attended. No charges were laid. There were no witnesses to the accident.

Injuries & Results

As a result of the accident, Mr. Planter fell to the ground and struck his head against the pavement. He suffered a grade 3 severe concussion. Both the police and ambulance confirmed that Mr. Planter was dazed and barely conscious following the accident.

He also experienced two rib fractures and a broken left shoulder. The severe concussion sustained by Mr. Planter impaired his brain functioning. The treating doctors ordered that he spend several months in a dark room in order to recover from his traumatic brain injury.

As a result, he had to withdraw from his summer internship at Goldman Sachs.