Law He said She Said

Main Arguments

* Your honor as the plaintiff in this case today
  + I am taking civil action against the parents of Billy for the damages he caused
    - After I was visiting with my neighbor outside, I came inside and noticed Billy on my fence playing with his cat
    - Billy then proceeded to leap off the fence and land on my $200 award winning flowers
    - As I was very astonished I proceeded to scold Billy however he continued to jump around in my beautiful backyard causing further damage.
    - Billy committed trespass to land and trespass to chattel
  + I am here today asking the courts for
    - $300 in compensatory damages
      * Total damage caused by destruction of the backyard and flowers
    - $100 in punitive damages
      * For the failure of Billy’s parents to supervise him and to encourage them to do so
* Your honor the defendants in this case have shown a brutal disregard for their child’s safety and education
  + This 8 year old child was left alone outside and open to the world
  + No attempt was made to check on Billy
  + No one knew what Billy was doing, they had no knowledge he had stopped playing Basketball
  + As I talked to Billy’s mother his child had disappeared but she had no knowledge of this and did not appear to care
  + Billy’s parents have never taught Billy the rules of the world
    - This lack of supervision and education has caused Billy to lack the expected social norms and rules he should conform to at that age.
* Determine Guilt
  + The facts of the case are clear
    - Billy trespassed on my private property without my consent
    - Billy damaged my private property including my flowers
    - These events happened because Billy had been left alone and made these decisions without supervision
    - If these facts are found to be true by the court then Billy’s parents must be found liable for the damages he caused

Rebuttal

* Intent vs Motive
  + Your honor does the defendant know
  + For an intentional tort to occur motive does not matter there simply must be intent
    - Motive is the reason for an act to occur
      * Saving the cat
    - Intent is the purposeful commission of the act
      * Jumping over the fence
    - Billy’s motive is irrelevant since there was an intent to jump
* Doing it to protect his cat
  + Trespass and damage to property is no excuse to protect a cat
  + The cat was in no real danger, the height was not significant to cause an imminent threat
* Child Excuse
  + Children are held to a lesser responsibility as adults
  + This means there parents are responsible for them and must attempt to supervise and prevent their children from causing damage
  + Billy’s parents have shown complete disregard for the location or actions of their child
    - They had no knowledge of anything he was doing
* Allurement
  + There was no allurement
    - No structure or object to attract a child

Conclusion

* I would like to thank the court for hearing my case
  + The case is clear and undisputable
    - Billy clearly intended to and did cause damage to my property
    - Billy clearly has shown a disregard for authority or property rights that must be remedied
    - Billy’s parents failed to supervise their child and indirectly allowed his actions to occur
  + I know the court will realize that
    - Billy’s parents must be taught the lesson that they cannot allow their child to roam free
    - Billy’s parents are responsible for their child’s actions
    - For the benefit of the child he must be taught what is wrong and what is right
* I rest my case