

Creative Group Project -- Part II: SCENARIO RESEARCH & ANALYSIS

Background Requirements:

- A. Determine which of the two trial scenarios from Part I of this project seems the most interesting, well-balanced, or likely to work as a class Mock Trial.
- B. For the chosen Scenario, choose four witnesses (two for each side) that will provide the testimony needed to explain necessary facts at trial.
- C. Review the legal elements of your chosen scenario and divide them among your group members.

Written Assignment:

I. Identify Key Witnesses/Testimony [20%]

As a group, you must add details to the situational part of your mock trial by identifying key witnesses along with any major facts that will later be included in witness statements.

Key witnesses should include one client and one friendly witness for each side of the trial, for a total of four key witnesses. Their witness statements will provide key information for later testimony during trial. Although you will not be developing detailed witness statements for this assignment, you must determine the core evidentiary knowledge that each one will know so that it may be relied upon (or uncovered by the other side) later. For this assignment, you should summarize in a few sentences the key facts that the witnesses will need to know.

Plaintiff witnesses Statements

Jessie Jones – I was the driver of vehicle at the time of the crash. After eating at a restaurant we decided to drive over to James' place since he lived the closest and the weather was turning for the worse. As I was driving James asked me to show the cool self-driving feature of the car. I was hesitant to do so at first due to the weather but he convinced me saying that it should be safe, as advertised in the commercials of Plasma, Inc. I placed it in the self-driving mode and everything was going fine. The road was covered with a thin layer of snow but the vehicle was driving well. After a few minutes the car lost traction and swerved into a tree. It happened so fast that I could not regain control of the vehicle.

Key Facts Jessie: Ate before driving, Hesitant to place autopilot on, road filled with snow, was in a conversation with her passengers.

James Smith- I was one of the passenger in the vehicle. We had a few drinks with our meals at the restaurant. Since my house was the closest we decided to head over there and wait a bit before sending everyone home. On our way to my house it started snowing. When I saw the snow, I remembered that Plasma, Inc. cars can be driven in autopilot. So I pleaded Jessie into driving in autopilot. She ended up doing so, then we started up a conversation on how nice and convenient autopilot really is. She was constantly glancing back and forth from the rode to the passengers while she was talking. The car was going downhill and lost traction and then when we swerved into a tree.

Key Facts James: Convinced Jessie to place car in autopilot, talked to (distracting) driver

Defendant witnesses Statement

Andre Fisher – From the multiple groups of testers, I am the lead tester for the autopilot feature. My group was in charge specifically for unsafe roads. We tested with icy and wet roads, as well as potholed on the ground, with addition to debris on the road. The car was able to handle itself in all these types of scenarios and we also advertised that the car can be safely driven in inclement weather. However, we encouraged the driver to pay attention to the road and act like they are still driving it. For we cannot test for the unpredictable scenarios.

Key facts Mr. Fisher: Advertised car safe in inclement weather, supposed 100% tested on dangerous roads

Claire Watson – I am the lead software engineer for autopilot feature in the Plasma, Inc. cars. We have spent years on years developing this software. We have placed multiple error handling procedures within the software so that it can avoid accidents. We tested many scenarios with a software replica as our foundation for the code. We then later took into account real-world data and refactored the software. Eventually leading up to the perfection of autopilot we have today in our self-driving cars.

Key facts Ms. Watson: Tested with software then with real world, Long time development and a lot of effort into making self driving feature respond appropriately.

II. Identify Basis of Case and Legal Elements [10%]

Identify the reason(s) the plaintiff is suing the defendant, and describe exactly what each side needs to prove or disprove in order to win the case.

Plaintiff is suing Plasma, Inc for physical and emotional damages as well as a written formal apology signed by the CEO of Plasma Inc. Additionally would like the company to recall the appropriate cars that have a self-driving feature and to either: remove the software, or update it so the accident would not happen again.

Plaintiff victory:

Jessie needs to prove that Plasma, Inc was negligent when creating the feature of auto-pilot. To do so, she needs to prove four things: Duty, Breach, Causation, and Damages. Each with their own way of proving. Duty, the manufacturer has a duty to its customers to provide the safest cars possible. The car that Jessie was driving clearly was not safe to be driven in auto-pilot with inclement weather. Breach, Jessie needs to prove that the manufacturer failed to act accordingly with the implementation of the auto-pilot feature. Causation, Jessie needs to show that due to the negligence of Plasma, Inc, she and her passengers were harmed. Jessie and her passengers were harmed while the car was in control. Damages, this is shown through the ability that monetary compensation can be achieved through a trial. Here, Jessie is suing for the coverage of her hospital bills as well as for emotional damages, thus there exists monetary value to this case.

Defendant victory:

Since in Virginia, we have not adopted a strict liability form in the liability policy, the defendant simply needs to prove that the car was not at fault, but rather the driver. In order to do this, they need to prove the driver was negligent while driving the car, and that any reasonable person would want to be in control of their car in inclement weather. Additionally prove that the auto-pilot feature is not defective and that the accident could have been an unforeseeable accident, thus nobody is at fault in the case.

III. Research Case Law [20%]

Each member of your group must locate TWO cases relevant to your group's trial scenario. Specifically, the sub-parts of the legal elements must be divided among the group members, and each group member should find one case that supports proof of that element and one case

that helps to defeat that element. (If it appears impossible to find a case helping to defeat a particular legal element, then explain this and provide a second case that serves to prove a different legal element.) [Please note: group members may work together to locate these cases, but you must locate overall a total of two unique cases for each member of your group, or cases that are used in unique ways for different legal elements.]

IV. Individual Case Analysis [40%]

For EACH case, write 1-2 paragraphs explaining

- A. Which legal element is affected by the case and how it is affected;
- B. What the current precedential status of the case is; and
- C. How this case affects the overall Trial Scenario. (In other words, which side does it help and how?)

Important Note: Although you will be given a group grade, this is an individual part of the assignment. Every case should be properly shepardized, and each group member should submit an individually prepared write-up explaining how each case it helpful in proving or defeating the associated legal element. (Make sure to clearly identify the name of the group member responsible for each case write-up.)

Emmanuel Meneses

Case 1:

The Margaret Jones V. Ford Motor Company was brought to court because of an allegedly defective part of the car caused severe damages to Jones, paralyzing her from chest downward. With an allegedly defective product, Ford had to prove that the car functioned normally and Jones was at fault.

This case is used as a precedence for multiple cases, which is cited numerous amount of times. It helps show that the manufacturer's allegedly defective product was not defective at the time of the incident and that the manufacturer was not at fault. The outcome of the case was that the jury ruled in favor of Ford. This scenario is well made for the side of Plasma, Inc. to follow suit.

Please note, it is very hard/impossible to find a case pertaining a defective car that lead to an accident and was ruled in favor of the plaintiff suing the manufacturer in Virginia. Basically, finding a case with a similar situation but with a different ruling is hard/impossible.

Shepardization:

1-100 of 121 Total Cites

⚠ Jones v. Ford Motor Co., 2002 Va. LEXIS 34

Jones v. Ford Motor Co., 263 Va. 237, 559 S.E.2d 592, 2002 Va. LEXIS 34, CCH Prod. Liab. Rep. P16284 (2002)

SHEPARD'S SUMMARY [Hide Summary](#)

Unrestricted Shepard's Summary

No negative subsequent appellate history.

Citing References:

⚠ Cautionary Analyses:

Distinguished (2)

Positive Analyses:

Followed (4)

Neutral Analyses:

Dissenting Op. (2), Explained (1)

Other Sources:

Law Reviews (3), Treatises (44), Court Documents (44)

LexisNexis Headnotes:

HN1 (4), HN2 (1), HN3 (5), HN4 (7), HN6 (1), HN7 (1), HN8 (2), HN9 (8)

[Show full text of headnotes](#)

PRIOR HISTORY (0 citing references) [Hide Prior History](#)

▶ **(CITATION YOU ENTERED):**

Jones v. Ford Motor Co., 263 Va. 237, 559 S.E.2d 592, 2002 Va. LEXIS 34, CCH Prod. Liab. Rep. P16284 (2002)

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=4593-NN50-0039-426C&csi=270944,270077,11059,8411&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perm a=true>

Emmanuel Meneses

Case 2:

This case of, STEVEN K. FUNKHOUSER, ADMINISTRATOR OF THE ESTATE OF EMILY N. FUNKHOUSER, DECEASED v. FORD MOTOR COMPANY, ET AL. also rules in favor of Ford, however, it was difficult for Ford to win this case. Mr. Funkhouser filed suit multiple times, and in one instance he filed under negligence and breach under warranty. This is important because this is one way for Jessie, in our case, to win her case if done well. But also this is an example for Plasma, Inc. to prove themselves not at fault.

This case revolves around a defective vehicle that starts a fire and Ford allegedly knows this information but does not disclose it to the public. Additionally Ford filed a motion in limine, which was granted, thus not allowing some “evidence” that the plaintiff wishes to be used in court. In response to this, Mr. Funkhouser sued under a different reason. Ultimately he still failed to win, but he showed resilience and this case can be used as a reference as to how/what to sue a car company for when having evidence that may or may not be easy to fight with.

Shepardization:

1-44 of 44 Total Cites

Funkhouser v. Ford Motor Co., 2013 Va. LEXIS 7

Funkhouser v. Ford Motor Co., 285 Va. 272, 736 S.E.2d 309, 2013 Va. LEXIS 7, CCH Prod. Liab. Rep. P19003 (2013)

SHEPARD'S SUMMARY [Hide Summary](#)

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No subsequent appellate history. Prior history available.

Citing References:

Positive Analyses:	Followed (4)
Other Sources:	Law Reviews (1), Statutes (1), Treatises (27), Court Documents (7)

LexisNexis Headnotes: HN2 (5), HN6 (2)

[Show full text of headnotes](#)

PRIOR HISTORY (2 citing references) [Hide Prior History](#)

1. *Funkhouser v. Ford Motor Co.*, 2011 Va. LEXIS 230 (Va. Nov. 2, 2011)

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=57G5-RMH1-F04M-61KN&csi=10810&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

Daniel Boakye [Legal Element : Strict Liability]

Case 1:

A strict liability is usually based on a products faultiness. A victim can make a strict liability claim, without having to prove any carelessness on the part of the manufacturer., if the following conditions are true.

1. The product had serious defect that injured the victim.
2. The defect can be due to poor design during manufacture.
3. The injury occurred while the product was being used in the exact manner it was intended.
4. The product hadn't been altered or reconfigured in a manner that deviates from what was originally sold, which affects the performance.

An example of a successful strict liability case against the manufacture is the case between

Le Bouef v. Goodyear Tire & Rubber Co

Mrs. Lillie Duhon brought Action against (Ford) and Goodyear Tire and Rubber Company for her son's death in an accident caused by defective tires of the above company." The accident occurred when the tread on the left rear tire of her son's vehicle separated from the carcass of

the tire when he was over speeding, causing the vehicle to veer of the road to crash into a culvert. The tire exploded few seconds after veering off the road.

The judgment went in favor of the plaintiff, Dubon. The Judge ruled that since the car could go as fast as 105 miles an hour, Goodyear and Ford should have had reasonable expectation that the tire should be able to handle that speed.

This case has been cited in many strict liability cases including Hefren v Mourphy Exploration and Prod. Co. This case shows that a manufacturer can be held liable for defects whether negligent or not.

This case helps the plaintiff Jesse, if he can prove that the above bulleted conditions are true. He also has to prove that he was using the vehicle as intended by the manufacturer.

Citation

Le Bouef v. Goodyear Tire & Rubber Co

451 F. Supp. 253; 1978 U.S. Dist. LEXIS 17824. LexisNexis Academic. Web. Date Accessed: 2017/03/10.

Link to Lexis Nexis :

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=3S4N-M740-0054-74XW&csi=6323&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

Other citation : Manley, Marisa. "Product Liability: You're More Exposed Than You Think." Harvard Business Review. N.p., 01 Aug. 2014. Web. 10 Mar. 2017.

Shepardization :

1-25 of 25 Total Cites

Le Bouef v. Goodyear Tire & Rubber Co., 1978 U.S. Dist. LEXIS 17824

Le Bouef v. Goodyear Tire & Rubber Co., 451 F. Supp. 253, 1978 U.S. Dist. LEXIS 17824 (W.D. La. 1978)

SHEPARD'S SUMMARY Hide Summary

Unrestricted Shepard's Summary

No negative subsequent appellate history.

Citing References:

Citing Decisions: Citing decisions with no analysis assigned (11)

Other Sources: Law Reviews (6), Treatises (3), Court Documents (4)

PRIOR HISTORY (0 citing references) Hide Prior History

(CITATION YOU ENTERED):

Le Bouef v. Goodyear Tire & Rubber Co., 451 F. Supp. 253, 1978 U.S. Dist. LEXIS 17824 (W.D. La. 1978)

SUBSEQUENT APPELLATE HISTORY (1 citing reference) Show Subsequent Appellate History

CITING DECISIONS (11 citing decisions)

5TH CIRCUIT - COURT OF APPEALS

2. Cited by:

Le Bouef v. Goodyear Tire & Rubber Co., 623 F.2d 985, 1980 U.S. App. LEXIS 14966, CCH Prod. Liab. Rep. P8752 (5th Cir. La. 1980)

Case 2: [Daniel Boakye- Strict Liability Defense]

The mere fact that a product failed does not mean it was defective. If the defendant can prove gross negligence on the part of the plaintiff in a strict liability case, he may win.

An example is the case between

McDevitt v. Standard Oil

MacDevitt (plaintiff) appealed a jury verdict which relieved the defendant from liability when he (plaintiff) sustained injury in an accident when his automobile tires failed. However, the supreme court affirmed the decision of the district court stating that MacDevitt was negligent for using improper size of the tire for his vehicle after he was warned.

This case has been used a precedence and cited in about 26 decisions.

How can this case be beneficial to Plasma?

1. if they provided adequate warning to Jesse (plaintiff) with regards to driving without care.
2. if they have evidence to support gross negligence on the part of the plaintiff for using the car for what it was not intended for?

Citation

391 F.2d 364; 1968 U.S. App. LEXIS 7919. LexisNexis Academic. Web. Date Accessed: 2017/03/11.

Link to case:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=3S4W-W5G0-0039-Y126&csi=6320&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

1-44 of 44 Total Cites

McDevitt v. Standard Oil Co., 1968 U.S. App. LEXIS 7919

McDevitt v. Standard Oil Co., 391 F.2d 364, 1968 U.S. App. LEXIS 7919 (5th Cir. Tex. 1968)

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Unrestricted *Shepard's* Summary

No subsequent appellate history.

Citing References:

Citing Decisions:

Citing decisions with no analysis assigned (26)

Other Sources:

Law Reviews (6), Treatises (4), Court Documents (8)

LexisNexis Headnotes:

HN1 (5), HN2 (1), HN3 (10)

Show full text of headnotes

PRIOR HISTORY (0 citing references) Hide Prior History

(CITATION YOU ENTERED):

McDevitt v. Standard Oil Co., 391 F.2d 364, 1968 U.S. App. LEXIS 7919 (5th Cir. Tex. 1968)

CITING DECISIONS (26 citing decisions)

4TH CIRCUIT - U.S. DISTRICT COURTS

1. Cited by:

McHugh v. Carlton, 369 F. Supp. 1271, 1974 U.S. Dist. LEXIS 12470, 14 U.C.C. Rep. Serv. (CBC) 638 (D.S.C. 1974) LexisNexis Headnotes HN2


Kuntharith Buon

Case 1:

This product liability case of, CLYDE W. HINDS and MARY LEE HINDS v. GENERAL MOTORS CORPORATION, was brought to court because of serious injuries sustained as a result of an allegedly defective restraint system. With a case similar to this, the manufacturer, General Motors, must provide sufficient evidence to prove that their equipment functioned normally and meets legal regulations. The lower district court had originally ruled in favor of the driver, in which, the manufacturer appealed.

This case has been cited by 159 other court cases. The outcome of this case was that the court affirmed the district court's judgement as the manufacturer failed to object in a timely fashion. This case helps the plaintiff, such that the plaintiff must show that the software was defective.

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=3S4X-HCM0-003B-P4JR&csi=6496&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

 **Hinds v. General Motors Corp.**, 1993 U.S. App. LEXIS 4721

Hinds v. General Motors Corp., 988 F.2d 1039, 1993 U.S. App. LEXIS 4721, CCH Prod. Liab. Rep. P13445, 38 Fed. R. Evid. Serv. (CBC) 516 (10th Cir. Okla. 1993)

SHEPARD'S SUMMARY [Hide Summary](#)

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No subsequent appellate history.

Citing References:

◆ Positive Analyses:

Neutral Analyses:

Other Sources:

Followed (11)

Dissenting Op. (1)

Law Reviews (4), Treatises (15), Court Documents (65)

LexisNexis Headnotes: HN1 (35), HN2 (74), HN3 (10), HN5 (7), HN6 (21), HN7 (52), HN9 (7), HN10 (19)

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▶ **(CITATION YOU ENTERED):**

Hinds v. General Motors Corp., 988 F.2d 1039, 1993 U.S. App. LEXIS 4721, CCH Prod. Liab. Rep. P13445, 38 Fed. R. Evid. Serv. (CBC) 516 (10th Cir. Okla. 1993)

CITING DECISIONS (159 citing decisions)

2ND CIRCUIT - U.S. DISTRICT COURTS

Kuntharith Buon

Case 2:

The court case of LAURIE A. AKE, Individually and As Administratrix of the Estate of Kenneth C. Ake v. GENERAL MOTORS CORP. was brought to court on the claims of a defective design and failure to warn. General Motors provided sufficient evidence that the manufacturer was compliant with all safety standards. The outcome was that the court ruled in favor of the manufacturer as a result of the admitted evidence and the fact that the decedent was intoxicated and failed to wear a seat belt. This case has been cited by 14 other court cases. This case helps Plasma, such that the defendant must prove that their software functioned as expected,

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=3S4N-96T0-006F-P0M5&csi=6496&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

Ake v. GMC, 942 F. Supp. 869, 1996 U.S. Dist. LEXIS 16017, CCH Prod. Liab. Rep. P14922, 45 Fed. R. Evid. Serv. (CBC) 1270 (W.D.N.Y. 1996)

SHEPARD'S SUMMARY [Hide Summary](#)

Unrestricted *Shepard's* Summary

No subsequent appellate history.

Citing References:

◆ Positive Analyses: **Followed (1)**
Other Sources: Law Reviews (14), Secondary Sources (1), Statutes (3), Treatises (13), Court Documents (91)
LexisNexis Headnotes: HN11 (2), HN13 (2), HN14 (1), HN18 (1)

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▶ **(CITATION YOU ENTERED):**

Ake v. GMC, 942 F. Supp. 869, 1996 U.S. Dist. LEXIS 16017, CCH Prod. Liab. Rep. P14922, 45 Fed. R. Evid. Serv. (CBC) 1270 (W.D.N.Y. 1996)

CITING DECISIONS (14 citing decisions)

2ND CIRCUIT - U.S. DISTRICT COURTS

Marcus Domingo

Case 1:

This software malfunction case of CREATE-A-CARD, INC., et al. v. INTUIT INC. was filed due to claims of software malfunctions that were caused by receiving a defective update signal from Intuit for the software QuickBooks Pro 2006 or QuickBooks New User Edition 2006. This software malfunction resulted in their files allegedly being inaccessible, damaged, corrupted, or lost. After Intuit filed for a motion to dismiss and the plaintiffs opposed the motion the parties negotiated a settlement agreement and the courts reviewed the settlement agreement as fair. Then the plaintiffs realized more people were affected than they thought so they filed for a revision of the settlement as well as a motion for attorney's fees along with the motion for final approval of the settlement.

This original settlement case for the software malfunction has been cited by 24 other court cases and the motion for attorney's fees has been cited by 3 other cases. This case helps the plaintiff's side. This shows software malfunction in a credible company causing data issues within other credible companies and therefore a settlement was reached between the two. Thus showing the plaintiff should be compensated for physical and mental damages.

Original Settlement:

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?oc=00240&hnsd=f&hgn=t&lni=4XDM-MVT0-TXFP-C36H&hns=t&perma=true&hv=t&hl=t&csi=6496&secondRedirectIndicator=true>

Shepardization:

Create-A-Card, Inc. v. INTUIT, Inc., 2009 U.S. Dist. LEXIS 93989

Create-A-Card, Inc. v. INTUIT, Inc., 2009 U.S. Dist. LEXIS 93989 (N.D. Cal. Sept. 22, 2009)

SHEPARD'S SUMMARY [Hide Summary](#)

Unrestricted Shepard's Summary

No negative subsequent appellate history.

Citing References:

Positive Analyses:	Followed (5)
Neutral Analyses:	Harmonized (1)
Other Sources:	Treatises (2), Court Documents (10)

PRIOR HISTORY (0 citing references) [Hide Prior History](#)

▶ **(CITATION YOU ENTERED):**
Create-A-Card, Inc. v. INTUIT, Inc., 2009 U.S. Dist. LEXIS 93989 (N.D. Cal. Sept. 22, 2009)

SUBSEQUENT APPELLATE HISTORY (1 citing reference) [Show Subsequent Appellate History](#)

CITING DECISIONS (11 citing decisions)

Motion For Fees:

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?oc=00240&hnsd=f&hgn=t&lni=5DJ0-JF01-F04C-T196&hns=t&perma=true&hv=t&hl=t&csi=6323&secondRedirectIndicator=true>

Shepardization:

Create-A-Card, Inc. v. Intuit, Inc., 2009 U.S. Dist. LEXIS 133446

Create-A-Card, Inc. v. Intuit, Inc., 2009 U.S. Dist. LEXIS 133446 (N.D. Cal. Sept. 22, 2009)

SHEPARD'S SUMMARY [Hide Summary](#)

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No subsequent appellate history. Prior history available.

Citing References:

Cautionary Analyses:	Distinguished (1)
Positive Analyses:	Followed (1)

PRIOR HISTORY (1 citing reference) [Hide Prior History](#)

1. Create-A-Card, Inc. v. INTUIT, Inc., 2009 U.S. Dist. LEXIS 93989 (N.D. Cal. Sept. 22, 2009)

▶ Costs and fees proceeding at **(CITATION YOU ENTERED):**
Create-A-Card, Inc. v. Intuit, Inc., 2009 U.S. Dist. LEXIS 133446 (N.D. Cal. Sept. 22, 2009)

CITING DECISIONS (2 citing decisions)

Marcus Domingo

Case 2:

This case for software/hardware failure case of DAVID ELIAS v. HEWLETT-PACKARD COMPANY, et al. was filed due to claims of the defendants selling computers with inadequate power supplies. The plaintiff alleges that with these power supplies the computer may experience hardware and software failure, overheat, crash, and can even catch fire, resulting in permanent damage and a complete loss of the computer. The court rejected the plaintiff's claims and because they could not prove the claims were true, Hewlett-Packard had many warranties and labels stating that all its products were defective free, and certain products state they require certain power supplies which Hewlett-Packard provides.

This case has been cited 62 times and has only been distinguished once. This case helps the defendant's side. If the defendant has the necessary cautionary labeling, product

labeling, and warranty statements then the defendant can prove that the car crash was not a software error.

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?oc=00240&hnsd=f&hgn=t&lni=56SX-B561-F04C-T34V&hns=t&perma=true&hv=t&hl=t&csi=6496&secondRedirectIndicator=true>

Shepardization:

The screenshot shows the LexisNexis interface for the case *Elias v. Hewlett-Packard Co.*, 903 F. Supp. 2d 843, 2012 U.S. Dist. LEXIS 146811, 78 U.C.C. Rep. Serv. 2d (CBC) 869 (N.D. Cal. 2012). The page displays the Shepard's Summary, which includes a table of citing references and a list of prior history.

Unrestricted Shepard's Summary	
No negative subsequent appellate history.	
Citing References:	
Cautionary Analyses:	Distinguished (1)
Positive Analyses:	Followed (7)
Neutral Analyses:	Conflict Authority (1), Explained (1)
Other Sources:	Treatises (2), Court Documents (19)

PRIOR HISTORY (0 citing references) Hide Prior History

(CITATION YOU ENTERED):
Elias v. Hewlett-Packard Co., 903 F. Supp. 2d 843, 2012 U.S. Dist. LEXIS 146811, 78 U.C.C. Rep. Serv. 2d (CBC) 869 (N.D. Cal. 2012)

SUBSEQUENT APPELLATE HISTORY (3 citing references) Show Subsequent Appellate History

Saweel Ahmed

Case 1:

In the case of *RICHARD SKIDMORE, ET AL. v. GENERAL MOTORS, INC, AND NATIONAL CAR RENTAL SYSTEM, INC*, plaintiff Richard Skidmore was injured driving a vehicle with a design defect. The car pulled immediately to the right and caused him to lose control and get injured. Plaintiff believes general motors is liable for his injuries because of a defective design. Plaintiff also argued because it was a rental, they were responsible as well for renting an unsafe car. Defendants argue that because the rental company had not part in the design of a vehicle, they cannot be held liable for a design defect. But the court decided the plaintiff recover against rental company for costs of damage by a defect in a leased vehicle. This demonstrated that a plaintiff can recover against a car company for damages sustained because of a defect which was well known. For Jessie Jones to win her case, she will need to prove the defect to make a case.

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=3S4N-CBX0-001T-72MC&csi=6496&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

Shepardization:

Skidmore v. General Motors, Inc., 1991 U.S. Dist. LEXIS 9133

Skidmore v. General Motors, Inc., 1991 U.S. Dist. LEXIS 9133 (E.D. La. June 28, 1991)

SHEPARD'S SUMMARY Hide Summary

Unrestricted *Shepard's* Summary

No subsequent appellate history.
Citing References: None

PRIOR HISTORY (0 citing references) Hide Prior History

(CITATION YOU ENTERED):
Skidmore v. General Motors, Inc., 1991 U.S. Dist. LEXIS 9133 (E.D. La. June 28, 1991)

Signal:
Citation: 1991 U.S. Dist. LEXIS 9133
Trail: 1991 U.S. Dist. LEXIS 9133, * > Shepardize® 1991 U.S...
Location: 0 - 0 of 0 Total Cites
Date/Time: March 11 2017 19:30:48

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Saweel Ahmed

Case 2:

In the case of MARCUS SCIROCCO, et al., PLAINTIFFS v. FORD MOTOR COMPANY, DEFENDANT, plaintiff Scirocco was driving a car downhill when she heard noises. The car suddenly de accelerated to a stop, throwing both Scirocco and Marcus forward causing injury. They allege that it was due to a defect in the control module system of the car. The plaintiff filed claims of negligence and strict liability. The plaintiff did not make a strong enough claim and show that the product did not live up to its warranty user breach of express warranty. The court granted defendants motion for summary judgement. The plaintiff for our case would need to make a strong enough claim to show duty, breach, causation, and damages.

Link:

<http://www.lexisnexis.com.mutex.gmu.edu/lnacui2api/api/version1/getDocCui?lni=5G1X-M141-F04D-N0PN&csi=6496&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>

Shepardization:

Scirocco v. Ford Motor Co., 2015 U.S. Dist. LEXIS 66561

Scirocco v. Ford Motor Co., 2015 U.S. Dist. LEXIS 66561 (S.D. Miss. May 21, 2015)

SHEPARD'S SUMMARY Hide Summary

Unrestricted *Shepard's* Summary

No negative subsequent appellate history.

Citing References:
Citing Decisions: Citing decisions with no analysis assigned (4)
Other Sources: Treatises (7)

PRIOR HISTORY (1 citing reference) Hide Prior History

1. Scirocco v. Ford Motor Co., 2014 U.S. Dist. LEXIS 158890 (S.D. Miss. Nov. 10, 2014)

Summary judgment granted by, in part (CITATION YOU ENTERED):
Scirocco v. Ford Motor Co., 2015 U.S. Dist. LEXIS 66561 (S.D. Miss. May 21, 2015)

SUBSEQUENT APPELLATE HISTORY (1 citing reference) Show Subsequent Appellate History

CITING DECISIONS (4 citing decisions)

V. Overall Summary of Legal Basis for Scenario [10%]

This is a group part of the assignment. As a group, determine how balanced the law appears to be, now that the group has identified a number of relevant cases, and how the group plans to correct any imbalances with a corresponding slant to the facts to allow both sides a reasonable chance to win in a mock trial.

A majority of these cases, which deal with a possible defect in the physical parts of the car, are in favor of the defendant, Plasma Inc. However, with the issue that this car crash occurred due to a possible software error, the plaintiff has a good chance of winning. Currently, it seems very hard for Jessie to win this case, but as we progress further with this assignment, we may come up with more ways to make it balanced. We may change up the facts/witness statements for the defendant's side so that it may be more balanced for both teams.