

Supplemental: Trial Transcripts

There are three different trial summaries for the three exposure conditions (in blue) with the mask mandate manipulation within each trial (in red).

Facts of the Case You will act as a juror on a civil case. Jennifer Paulson is suing her employer to cover hospitalization costs. In June 2020, a business owner (Barbara Bennett) and 2 employees contracted COVID-19. Although the owner and one of the employees had mild symptoms, Jennifer Paulson needed hospitalization and amassed \$72,000 in hospital bills. She is suing Barbara Bennett because it is alleged that Barbara Bennett's negligence led to Jennifer Paulson's illness and ensuing hospitalization. The Plaintiff is asking for \$72,000 in compensation to repay Jennifer Paulson's hospital bills that resulted from Barbara Bennett's alleged negligence.

Summary 1-Customer Exposure

Opening Statements

Plaintiff Attorney: Ladies and gentlemen, the plaintiff in the current case is Ms. Jennifer Paulson. Ms. Paulson is an employee at The Curio Shoppe, a local store owned by Barbara Bennett. Ms. Paulson contracted COVID-19 while working her shift at Barbara Bennett's store and was hospitalized due to her illness. Employers, like Barbara Bennett, have a duty to provide a safe environment for their employees. Unfortunately, Barbara Bennet allowed a customer to shop in her store unmasked. There was a county mandate for businesses to require masks in public places when my client, Jennifer Paulson, got sick, but Barbara Bennett did not take the appropriate precautions to ensure her employees would not be exposed to the virus. [mask mandate condition only] At the very least, the defendant, Barbara Bennett, is negligent in this case due to her failure to take appropriate precautions in her store.

But, I also argue that not only was she negligent, she also acted recklessly because she was aware of the potential harm her actions might cause. By the end of the trial, you will have no choice but to decide this case in favor of my client and make the defendant pay Ms. Paulson's medical bills due to Barbara Bennett's negligence and recklessness.

Defense Attorney: Ladies and gentlemen, the plaintiff has made serious accusations regarding my client's contribution to Ms. Paulson's COVID-19 illness. My client, Ms. Barbara Bennett, is an upstanding citizen in this community and has owned The Curio Shoppe for over 20 years. When Jennifer Paulson contracted COVID at The Curio Shoppe, there was not a county mandate that businesses require masks in public places. Therefore, my client, Barbara Bennett, has no obligation to require masks in her store. [no mask mandate condition only] The customer in the store that day that was not wearing a mask should be held responsible, not my client. In fact, my client was only doing her best to serve her community. She didn't feel as though she had a right to tell someone else to wear a mask against their will. Additionally, if Jennifer Paulson was uncomfortable working under these conditions, she could have sought employment elsewhere. I ask that you consider the situation closely before you make a decision regarding this case.

Witness for the Plaintiff: Jim Martin (Health Department)

Direct Examination by Plaintiff's Attorney:

Plaintiff's Attorney: Hello, will you please inform the court of your name and occupation?

Jim Martin: Yes, my name is Jim Martin, and I am an employee at the State Health Department.

Plaintiff's Attorney: And what do you do at the health department?

Jim Martin: I work in the public health division. I do contact tracing for the new COVID virus.

Plaintiff's Attorney: Can you please tell us about what contact tracing entails?

Jim Martin: As a contact tracer, I work with people who have tested positive for COVID. I help them remember everyone with whom they have had close contact with when they may have been contagious. Then, I warn these individuals about their potential exposure as quickly as possible.

Plaintiff's Attorney: And what do you tell these people with potential exposure to do?

Jim Martin: Well, given the current protocol, we tell them to stay home and self-isolate for 14 days to avoid further spread. We ask them to monitor themselves for symptoms such as a cough or shortness of breath, and to check their temperature twice daily. If they develop symptoms, they are told to notify the public health department and get tested.

Plaintiff's Attorney: Thank you. And from your experience, how easy is it to determine the source of someone's COVID infection?

Jim Martin: Sometimes it can be easy, and sometimes it can more difficult.

Plaintiff's Attorney: How about in the current case?

Jim Martin: In the current case it was rather straightforward.

Plaintiff's Attorney: Are you saying that it was easy to determine the source of Ms. Paulson's infection?

Jim Martin: Fairly easy, yes.

Plaintiff's Attorney: And why is that?

Jim Martin: Well, contact tracing results suggest that Ms. Paulson was most likely exposed at her workplace, The Curio Shoppe.

Plaintiff's Attorney: How did you determine that?

Jim Martin: An investigation into Ms. Paulson's activities and close contacts leading up to her getting sick doesn't suggest any risky activity besides her shifts at The Curio Shoppe.

Plaintiff's Attorney: Can you please explain a bit more?

Jim Martin: Well, in the current case we have a known customer of The Curio Shoppe who tested positive for COVID. This helped us determine the likely origin of Ms. Paulson's infection.

Plaintiff's Attorney: And why is that?

Jim Martin: Because this known customer became sick and reported her diagnosis to the health department, which triggered our contact tracing.

Plaintiff's Attorney: And how did you trace this customer back to Ms. Paulson at The Curio Shoppe?

Jim Martin: Well, in accordance with protocol, we used information obtained from interviews with the customer and Curio Shoppe employees. We also conducted a thorough review of sales receipts. These actions helped us trace the customer's whereabouts for the days leading up to their illness.

Plaintiff's Attorney: And what did an examination of all this information suggest about a timeline in the current case?

Jim Martin: Our contact tracing indicated that the customer was in The Curio Shoppe two days before the first person at the shop got sick.

Plaintiff's Attorney: And is that two-day period important?

Jim Martin: Yes, that two day period suggests that the customer was likely contagious when they were in the store.

Plaintiff's Attorney: With contact tracing, are you able to determine the specific customer who spread the virus?

Jim Martin: We use information about the timeframe, onset of symptoms, recent social interactions, and additional activities to determine the likely origin of COVID within those types of settings.

Plaintiff's Attorney: Given that investigation, how certain can you be that Ms. Paulson was infected by this specific customer at the Curio Shoppe, owned by Barbara Bennett?

Jim Martin: Well, we conducted extensive contact tracing for all other known customers of The Curio Shoppe in the days around the likely date of exposure. Our tracing did not reveal any evidence of risky behavior on their part for the days leading up to when the employees and Ms. Bennett reported having symptoms.

Plaintiff's Attorney: I see. So, overall, what do your contact tracing results suggest?

Jim Martin: Given our findings, I would say that it is highly likely Ms. Paulson was exposed to COVID by a customer at her workplace, The Curio Shoppe.

Plaintiff's Attorney: [Mask mandate condition only] One final question- Was there a county wide mandate in effect in June that required mask wearing in public places?

Jim Martin: Yes, there was. The county issued a mask mandate in late May. And masks were required in every public place in the county.

Plaintiff's Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Judge: Does the defense have any questions?

Defense Attorney: Yes your honor.

Cross Examination by Defense Lawyer:

Defense Attorney: Hello Mr. Martin. I am Ms. Bennett's attorney. I would like to ask you a couple questions about your job at the health department.

Jim Martin: Okay.

Defense Attorney: How long have you been conducting contact tracing for the public health department?

Jim Martin: I have been a contact tracer since the beginning of the pandemic.

Defense Attorney: And when was that?

Jim Martin: Since March 2020, when COVID was discovered in the United States.

Defense Attorney: So given your line of work, you talk with a lot of people who have tested positive for COVID is that correct?

Jim Martin: That is correct.

Defense Attorney: And from your experience would you say it's hard to figure out where someone who tested positive for COVID got infected?

Jim Martin: As I mentioned, sometimes it can be hard and sometimes it can be easy. It depends on the case.

Defense Attorney: And in the current case you stated that the plaintiff, Ms. Paulson, became infected during a shift at her workplace, The Curio Shoppe, correct?

Jim Martin: Yes, that's correct.

Defense Attorney: Isn't it true that Ms. Paulson was likely exposed to a good deal of people in the weeks prior to her becoming ill? How can you be sure it was a customer at The Curio Shoppe who infected her?

Jim Martin: Well, we looked into Ms. Paulson's activities leading up to her COVID infection and no other actions suggested risky behavior to become infected.

Defense Attorney: How can you be sure of this?

Jim Martin: Again, through the investigation into Ms. Paulson's onset of symptoms, recent social interactions, and additional activities, we are able to determine the likely source of the infection.

Defense Attorney: [No mask mandate condition only] One last question. At the time that the owner and employees contracted coronavirus, was there a mandate in the state or county that required people to wear masks?

Jim Martin: No, there was not. The county did not issue a mask mandate until August. After that masks were require in every public place in the county.

Defense Attorney: But there was not such mandate in June?

Jim Martin: No sir.

Defense Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Witness for the defense: Store owner Barbara Bennett

Direct Examination by the Defense's Attorney

Defense Attorney: Hello, can you please state your name and relation to the case for the court?

Ms. Bennett: My name is Barbara Bennett, and I am the defendant in the case.

Defense Attorney: Thank you. Can you tell us how you know the plaintiff, Ms. Paulson?

Ms. Bennett: Jennifer works for me at my store, The Curio Shoppe. She's worked for me for almost two years now.

Defense Attorney: And can you tell us what happened on June 17th?

Ms. Bennett: Well, that was the day that the health department thinks my employees were exposed to COVID.

Defense Attorney: Yes. Can you tell us what all you remember from that day?

Ms. Bennett: Sure. I was running late to open the store, so I was rushing my usual routine. When I parked my car, it was already 5 minutes after the store was supposed to be opened, so I ran in and got going.

Defense Attorney: Did you have any customers waiting?

Ms. Bennett: No, it was actually really slow that day. Jennifer came in around 11am, and we didn't have our first customer until almost noon.

Defense Attorney: Ok. What happened when the customer came in?

Ms. Bennett: Well, when she walked in, the first thing we noticed was that she wasn't wearing a mask. We have a sign on our door, asking people to wear masks, but she didn't seem to notice.

Jennifer and I looked at each other, but neither of us said anything to her. It had been so slow that day, we really didn't want to lose a sale, so we just decided to keep our distance.

Defense Attorney: So, neither you nor Ms. Paulson asked the customer to put on a mask?

Ms. Bennett: No, we didn't.

Defense Attorney: Approximately how long was the customer in your store?

Ms. Bennett: I'd guess around 15 minutes. She looked around for a little bit, grabbed a few items, and then I checked her out.

Defense Attorney: So not long?

Ms. Bennett: No, she was a pretty quick shopper.

Defense Attorney: Was the customer showing signs of COVID when she was in your shop?

Ms. Bennett: No, she seemed fine.

Defense Attorney: Were you and Ms. Paulson wearing masks?

Ms. Bennett: Yes.

Defense Attorney: Do you require masks in your store?

Ms. Bennett: Yes, I do.

Defense Attorney: Why?

Ms. Bennett: I believe they help slow the spread of COVID.

Defense Attorney: Were you or Ms. Paulson showing any signs of COVID that day?

Ms. Bennett: No, I felt just fine. And Jennifer seemed fine, too. I guess I didn't ask her if she felt sick, but she seemed her usual self.

Defense Attorney: So, you were not experiencing any COVID symptoms that day?

Ms. Bennett: No

Defense Attorney: What happened after that day, June 17th?

Ms. Bennett: A few days later I received a call from the State Health Department letting me know that a customer who had been in my store on June 17th had tested positive for COVID and the customer had not been wearing a mask.

Defense Attorney: Did you go get tested?

Ms. Bennett: Well, I wasn't going to, but then I started to feel sick the day after the woman from the health department called me, and it seemed like COVID symptoms, so I went to the urgent care and got tested.

Defense Attorney: And when did you get the results?

Ms. Bennett: The next day. It was positive. The nurse told me it was likely that I'd been exposed 5-7 days prior, and that I needed to start figuring out who all I had come in contact with.

Defense Attorney: Did you contact Ms. Paulson to let her know?

Ms. Bennett: Yes. I called her.

Defense Attorney: Thank you. No further questions, Your Honor.

Judge: Attorney for the plaintiff, do you have any questions for Ms. Bennett?

Plaintiff's Attorney: Yes, Your Honor, I do.

Judge: Proceed.

Plaintiff's Attorney: Thank you.

Plaintiff's Attorney: Ms. Bennett, to clarify, the customer was not wearing a mask while in your store for approximately 15 minutes.

Ms. Bennett: Correct.

Plaintiff's Attorney: And you did not ask her to put on a mask?

Ms. Bennett: No, Jennifer and I were wearing masks and it had been so slow that day...

Plaintiff's Attorney (interrupting): I just needed a yes or no.

Ms. Bennett: Sorry, no, I didn't.

Plaintiff's Attorney: And later you found out both you and your employees had COVID-19.

Ms. Bennett: Yes.

Plaintiff's Attorney: No further questions, Your Honor.

Judge: Any re-direct?

Defense's Attorney: No, your Honor.

Closing Statements

Plaintiff Attorney: Members of the jury, the evidence shows that Jennifer Paulson caught COVID-19 as a direct result of the actions of Barbara Bennett, the owner of The Curio Shoppe. [There was an active mask mandate for the county at the time of Jennifer Paulson's infection]. Barbara Bennett's failure to take the appropriate precautions in her store to prevent the spread of COVID-19 clearly shows both negligence and recklessness. Barbara Bennet allowed a customer to shop in her store unmasked Jennifer was exposed and contracted coronavirus, which led to her subsequent hospitalization. Employers have a duty to protect their employees from harm. If Barbara Bennett had abided by COVID-19 guidelines as provided by the Centers for Disease Control and our local health department, Jennifer Paulson might not have contracted this life-threatening illness. I ask that you think about the actions of Barbara Bennett and award my client compensatory damages to cover the medical costs associated with COVID-19 that she contracted at The Curio Shoppe as a result of the actions of her employer.

Defense Attorney: Ladies and gentlemen of the jury, I am not arguing that Jennifer Paulson is undeserving of compensation for her medical bills. I am arguing that my client, Barbara Bennett, is not responsible for Jennifer's exposure to COVID-19. The customer in the store that day that was not wearing a mask should be held responsible, not my client. In fact, my client was only doing her best to serve her community. She didn't feel as though she had a right to tell someone else to wear their mask against their will and successfully avoided confrontation. [Because the county did not have an active mask mandate at the time of Jennifer Paulson's infection /], the Plaintiff has not shown that Barbara's actions were reckless or negligent. If Jennifer did not feel comfortable with a maskless customer in the shop, she could have spoken up or attempted to find employment elsewhere. Jennifer's own actions led to her contraction of COVID-19, not the actions of Barbara Bennett.

Summary 2-Owner Exposure (forgot mask)

Opening Statements

Plaintiff Attorney: Ladies and gentlemen, the plaintiff in the current case is Ms. Jennifer Paulson. Ms. Paulson is an employee at The Curio Shoppe, a local store owned by Barbara Bennett. Ms. Paulson contracted COVID-19 while working her shift at Barbara Bennett's store and was hospitalized due to her illness. Employers, like Barbara Bennett, have a duty to provide a safe environment for their employees. **Unfortunately, Barbara Bennett forgot her own mask when working and remained without a mask until she left for lunch. She exposed her employees to the virus. There was a county mandate for businesses to require masks in public places when my client, Jennifer Paulson, got sick, but Barbara Bennett did not take the appropriate precautions to ensure her employees would not be exposed to the virus. [mask mandate condition only]** At the very least, the defendant, Barbara Bennett, is negligent in this case due to her failure to take appropriate precautions in her store.

But, I also argue that not only was she negligent, she also acted recklessly because she was aware of the potential harm her actions might cause. By the end of the trial, you will have no choice but to decide this case in favor of my client and make the defendant pay Ms. Paulson's medical bills due to Barbara Bennett's negligence and recklessness.

Defense Attorney: Ladies and gentlemen, the plaintiff has made serious accusations regarding my client's contribution to Ms. Paulson's COVID-19 illness. My client, Ms. Barbara Bennett, is an upstanding citizen in this community and has owned The Curio Shoppe for over 20 years. **When Jennifer Paulson contracted COVID at the Curio Shoppe, there was not a county mandate that businesses require masks in public places. Therefore, my client, Barbara Bennett, has no obligation to require masks in her store. [no mask mandate condition only]** **She was not wearing a mask on June 17th due to her forgetfulness, but when she went home for lunch, she grabbed a mask to wear.** Additionally, if Jennifer Paulson was uncomfortable with working under these conditions, she could have left the shop and taken that day off. I ask that you consider the situation closely before you make decisions regarding this case.

Witness for the Plaintiff: Jim Martin (Health Department)

Direct Examination by Plaintiff lawyer:

Plaintiff's Attorney: Hello, will you please inform the court of your name and occupation?

Jim Martin: Yes, my name is Jim Martin, and I am an employee at the State Health Department.

Plaintiff's Attorney: And what do you do at the health department?

Jim Martin: I work in the public health division. I do contact tracing for the new COVID virus.

Plaintiff's Attorney: Can you please tell us about what contact tracing entails?

Jim Martin: As a contact tracer, I work with people who have tested positive for COVID. I help them remember everyone with whom they have had close contact with when they may have been contagious. Then, I warn these individuals about their potential exposure as quickly as possible.

Plaintiff's Attorney: And what do you tell these people with potential exposure to do?

Jim Martin: Well, given the current protocol, we tell them to stay home and self-isolate for 14 days to avoid further spread. We ask them to monitor themselves for symptoms such as a cough or shortness of breath, and to check their temperature twice daily. If they develop symptoms, they are told to notify the public health department and get tested.

Plaintiff's Attorney: Thank you. And from your experience, how easy is it to determine the source of someone's COVID infection?

Jim Martin: Sometimes it can be easy, and sometimes it can more difficult.

Plaintiff's Attorney: How about in the current case?

Jim Martin: In the current case it was rather straightforward.

Plaintiff's Attorney: Are you saying that it was easy to determine the source of Ms. Paulson's infection?

Jim Martin: Fairly easy, yes.

Plaintiff's Attorney: And why is that?

Jim Martin: Well, contact tracing results suggest that Ms. Paulson was likely exposed at her workplace, The Curio Shoppe.

Plaintiff's Attorney: What do you mean by that?

Jim Martin: An investigation into Ms. Paulson's activities and close contacts leading up to her getting sick doesn't suggest any risky behavior besides her shifts at The Curio Shoppe.

Plaintiff's Attorney: What does that mean?

Jim Martin: Well, essentially, it is pretty easy to discover the origin of COVID within workplaces.

Plaintiff's Attorney: And why is that?

Jim Martin: Because it is likely that multiple employees will become sick.

Plaintiff's Attorney: And is there a typical time frame when the employees will become ill?

Jim Martin: We typically see people who work together getting sick within 4 to 10 days after the first person.

Plaintiff's Attorney: I see. And within a workplace, are you able to determine the specific individual who spread the virus?

Jim Martin: Yes, using contact tracing we can determine the likely source even within the workplace.

Plaintiff's Attorney: And how is that done?

Jim Martin: We use information about the timeframe, onset of symptoms, recent social interactions, and activities outside of work to determine the likely origin within the workplace.

Plaintiff's Attorney: And in the current case, what did your contact tracing investigation conclude?

Jim Martin: We found that Ms. Paulson was likely infected by her employer, Ms. Bennett.

Plaintiff's Attorney: How certain can we be that Ms. Paulson was specifically infected by Ms. Bennett?

Jim Martin: Well, we conducted extensive contact tracing for the other employees. Our tracing did not reveal any risky behavior on their part for the days leading up to when Ms. Bennett reported having symptoms.

Plaintiff's Attorney: I see. So, overall, what do your contact tracing results suggest?

Jim Martin: Given our findings, I would say that it is highly likely Ms. Paulson was exposed to COVID at work. Additionally, given the time frame, it is unlikely that any of her other coworkers who eventually became ill were the source of her infection. Rather, our findings suggest that Ms. Bennett was the likely source of her infection.

Plaintiff's Attorney: [Mask mandate condition only] One final question- Was there a county wide mandate in effect in June that required mask wearing in public places?

Jim Martin: Yes, there was. The county issued a mask mandate in late May. And masks were required in every public place in the county.

Plaintiff's Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Judge: Does the defense have any questions?

Defense Attorney: Yes your honor.

Cross-Examination by Defense Lawyer:

Defense Attorney: Hello Mr. Martin. I am Ms. Bennett's attorney. I would like to ask you a couple questions about your job at the health department.

Jim Martin: Okay.

Defense Attorney: How long have you been conducting contact tracing for the public health department?

Jim Martin: I have been a contact tracer since the beginning of the pandemic.

Defense Attorney: And when was that?

Jim Martin: Since March 2020, when COVID was discovered in the United States.

Defense Attorney: So given your line of work, you talk with a lot of people who have tested positive for COVID is that correct?

Jim Martin: That is correct.

Defense Attorney: Isn't it true that Ms. Paulson was likely exposed to a good deal of people during her work shifts? How can you be sure that it was my client who infected her?

Jim Martin: Well, we conducted extensive contact tracing with other employees of the store and the timeframe indicates that Ms. Bennett likely infected Ms. Paulson. This is because Ms. Bennett reported being sick prior to any of her employees becoming ill.

Defense Attorney: And what about customers at the store?

Jim Martin: Again, while Ms. Paulson came into contact with various customers at the store, our contact tracing results of all persons with known association to *The Curio Shoppe* suggest that Ms. Bennett was the likely source.

Defense Attorney: [No mask mandate condition only] One last question. At the time that the owner and employees contracted coronavirus, was there a mandate in the state or county that required people to wear masks?

Jim Martin: No, there was not. The county did not issue a mask mandate until August. After that masks were required in every public place in the county.

Defense Attorney: But there was not such mandate in June?

Jim Martin: No sir.

Defense Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Witness for the defense: Store owner Barbara Bennett

Direct Examination by the Defense's Attorney

Defense Attorney: Hello, can you please state your name and relation to the case for the court?

Ms. Bennett: My name is Barbara Bennett, and I am the defendant in the case.

Defense Attorney: Thank you. Can you tell us how you know the plaintiff, Ms. Paulson?

Ms. Bennett: Jennifer works for me at my store, The Curio Shoppe. She's worked for me for almost two years now.

Defense Attorney: And can you tell us what happened on June 17th?

Ms. Bennett: Well, that was the day that the health department thinks my employees were exposed to COVID.

Defense Attorney: Yes, can you tell us what all you remember from that day?

Ms. Bennett: Sure. I was running late to open the store, so I was rushing my usual routine. When I parked my car, I realized that I had forgotten to grab my mask in my rush out of my house. I was late already, so I just ran in to get the store open and figured I would just go home at lunch to grab a mask.

Defense Attorney: So, you typically wear a mask while at your shop?

Ms. Bennett: Yes, I do. I was just running late and forgot to grab it. When I realized I forgot, I checked my car for one but didn't see one. It was already 5 minutes after the store was supposed to be opened, so I just ran in and got going. I knew I could go home at lunch and grab one.

Defense Attorney: And did you go home at lunch and get a mask?

Ms. Bennett: Yes.

Defense Attorney: Do you require masks in your store?

Ms. Bennett: Yes, I have a sign on my door asking people to wear masks in the store.

Defense Attorney: Why?

Ms. Bennett: I believe they help slow the spread of COVID.

Defense Attorney: Were you or Ms. Paulson showing signs of COVID that day?

Ms. Bennett: No, I felt just fine. And Jennifer seemed fine, too. I guess I didn't ask her if she felt sick, but she seemed her usual self.

Defense Attorney: So, you were not experiencing any COVID symptoms that day?

Ms. Bennett: No.

Defense Attorney: And you went home to grab your mask at lunch?

Ms. Bennett: Yes.

Defense Attorney: And when you got back to your shop, you wore your mask?

Ms. Bennett: Yes.

Defense Attorney: What happened after that day, June 17th?

Ms. Bennett: Well, I started to feel sick the next day, and it seemed like COVID symptoms, so I went to the urgent care and got tested.

Defense Attorney: And when did you get the results?

Ms. Bennett: The next day. It was positive. The nurse told me it was likely that I'd had it for a few days now, and that I needed to start figuring out who all I had come in contact with.

Defense Attorney: Did you contact Ms. Paulson to let her know?

Ms. Bennett: Yes. I called her.

Defense Attorney: Thank you. No further questions, Your Honor.

Judge: Attorney for the plaintiff, do you have any questions for Ms. Bennett?

Plaintiff's Attorney: Yes, Your Honor, I do.

Judge: Proceed.

Plaintiff's Attorney: Thank you.

Plaintiff's Attorney: Ms. Bennett, to clarify, were you wearing a mask in your store on June 17th?

Ms. Bennett: No, not in the morning.

Plaintiff's Attorney: How did Ms. Paulson react?

Ms. Bennett: I don't remember. Probably fine. I'd remember if she was mad or something.

Plaintiff's Attorney: And later you found out both you and your employees had COVID-19.

Ms. Bennett: Yes.

Plaintiff's Attorney: No further questions, Your Honor.

Judge: Any re-direct?

Defense's Attorney: No, your Honor.

Closing Statements

Plaintiff Attorney: Members of the jury, the evidence shows that Jennifer Paulson caught COVID-19 as a direct result of the actions of Barbara Bennett, the owner of The Curio Shoppe. [There was an active mask mandate for the county at the time of Jennifer Paulson's infection]. Barbara Bennett's failure to take the appropriate precautions in her store to prevent the spread of COVID-19 clearly shows both negligence and recklessness. Barbara Bennet forgot her own mask and remained in her store unmasked until lunchtime. Employers have a duty to protect their employees from harm. If Barbara Bennett had abided by COVID-19 guidelines as provided by the Centers for Disease Control and our local health department, Jennifer Paulson might not have contracted this life-threatening illness. I ask that you think about the actions of Barbara Bennett and award my client compensatory damages to cover the medical costs associated with COVID-19 that she contracted at The Curio Shoppe as a result of the actions of her employer.

Defense Attorney: Ladies and gentlemen of the jury, I am not arguing that Jennifer Paulson is undeserving of compensation for her medical bills. I am arguing that my client, Barbara Bennett, Barbara Bennett was not wearing her mask that day due to her forgetfulness, but when she came back from lunch, she was wearing a mask like she usually does. [Because the county did not have an active mask mandate at the time of Jennifer Paulson's infection], the Plaintiff has not shown that Barbara's actions were reckless or negligent. If Jennifer did not feel comfortable when Barbara didn't have a mask on, she could have spoken up or attempted to find employment elsewhere. Jennifer's own actions led to her contraction of COVID-19, not the actions of Barbara Bennett.

Summary 3-Owner Exposure (no mask required)

Opening Statements

Plaintiff Attorney: Ladies and gentlemen, the plaintiff in the current case is Ms. Jennifer Paulson. Ms. Paulson is an employee at The Curio Shoppe, a local store owned by Barbara Bennett. Ms. Paulson contracted COVID-19 while working her shift at Barbara Bennett's store and was hospitalized due to her illness. Employers, like Barbara Bennett, have a duty to provide a safe environment for their employees. *Barbara Bennett does not require masks in her store. As a result, she exposed her employees to the virus. There was a county mandate for businesses to require masks in public places when my client, Jennifer Paulson, got sick, but Barbara Bennett did not take the appropriate precautions to ensure her employees would not be exposed to the virus. [mask mandate condition only]* At the very least, the defendant, Barbara Bennett, is negligent in this case due to her failure to take appropriate precautions in her store.

But, I also argue that not only was she negligent, she also acted recklessly because she was aware of the potential harm her actions might cause. By the end of the trial, you will have no choice but to decide this case in favor of my client and make the defendant pay Ms. Paulson's medical bills due to Barbara Bennett's negligence and recklessness.

Defense Attorney: Ladies and gentlemen, the plaintiff has made serious accusations regarding my client's contribution to Ms. Paulson's COVID-19 illness. My client, Ms. Barbara Bennett, is an upstanding citizen in this community and has owned The Curio Shoppe for over 20 years. *When Jennifer Paulson contracted COVID, there was not a county mandate that businesses require masks in public places. Therefore, my client, Barbara Bennett, has no obligation to require masks in her store. [no mask mandate condition only]* *Barbara Bennett, like many in our country, feels that wearing a mask is a personal decision, and that the government and business owners should not dictate health choices.* Additionally, if Jennifer Paulson was uncomfortable with working under these conditions, she could have sought employment elsewhere. I ask that you consider the situation closely before you make decisions regarding this case.

Witness for the Plaintiff: Jim Martin (Health Department)

Direct Examination by Plaintiff lawyer:

Plaintiff's Attorney: Hello, will you please inform the court of your name and occupation?

Jim Martin: Yes, my name is Jim Martin, and I am an employee at the State Health Department.

Plaintiff's Attorney: And what do you do at the health department?

Jim Martin: I work in the public health division. I do contact tracing for the new COVID virus.

Plaintiff's Attorney: Can you please tell us about what contact tracing entails?

Jim Martin: As a contact tracer, I work with people who have tested positive for COVID. I help them remember everyone with whom they have had close contact with when they may have been contagious. Then, I warn these individuals about their potential exposure as quickly as possible.

Plaintiff's Attorney: And what do you tell these people with potential exposure to do?

Jim Martin: Well, given the current protocol, we tell them to stay home and self-isolate for 14 days to avoid further spread. We ask them to monitor themselves for symptoms such as a cough or shortness of breath, and to check their temperature twice daily. If they develop symptoms, they are told to notify the public health department and get tested.

Plaintiff's Attorney: Thank you. And from your experience, how easy is it to determine the source of someone's COVID infection?

Jim Martin: Sometimes it can be easy, and sometimes it can be more difficult.

Plaintiff's Attorney: How about in the current case?

Jim Martin: In the current case it was rather straightforward.

Plaintiff's Attorney: Are you saying that it was easy to determine the source of Ms. Paulson's infection?

Jim Martin: Fairly easy, yes.

Plaintiff's Attorney: And why is that?

Jim Martin: Well, contact tracing results suggest that Ms. Paulson was likely exposed at her workplace, The Curio Shoppe.

Plaintiff's Attorney: What do you mean by that?

Jim Martin: An investigation into Ms. Paulson's activities and close contacts leading up to her getting sick doesn't suggest any risky behavior besides her shifts at The Curio Shoppe.

Plaintiff's Attorney: What does that mean?

Jim Martin: Well, essentially, it is pretty easy to discover the origin of COVID within workplaces.

Plaintiff's Attorney: And why is that?

Jim Martin: Because it is likely that multiple employees will become sick.

Plaintiff's Attorney: And is there a typical time frame when the employees will become ill?

Jim Martin: We typically see people who work together getting sick within 4 to 10 days after the first person.

Plaintiff's Attorney: I see. And within a workplace, are you able to determine the specific individual who spread the virus?

Jim Martin: Yes, using contact tracing we can determine the likely source even within the workplace.

Plaintiff's Attorney: And how is that done?

Jim Martin: We use information about the timeframe, onset of symptoms, recent social interactions, and activities outside of work to determine the likely origin with the workplace.

Plaintiff's Attorney: And in the current case, what did your contact tracing investigation conclude?

Jim Martin: We found that Ms. Paulson was likely infected by her employer, Ms. Bennett.

Plaintiff's Attorney: How certain can we be that Ms. Paulson was specifically infected by Ms. Bennett?

Jim Martin: Well, we conducted extensive contact tracing for the other employees. Our tracing did not reveal any risky behavior on their part for the days leading up to when Ms. Bennett reported having symptoms.

Plaintiff's Attorney: I see. So, overall, what do your contact tracing results suggest?

Jim Martin: Given our findings, I would say that it is highly likely Ms. Paulson was exposed to COVID at work. Additionally, given the time frame, it is unlikely that any of her other coworkers who eventually became ill were the source of her infection. Rather, our findings suggest that Ms. Bennett was the likely source of her infection.

Plaintiff's Attorney: [Mask mandate condition only] One final question- Was there a county wide mandate in effect in June that required mask wearing in public places?

Jim Martin: Yes, there was. The county issued a mask mandate in late May. And masks were required in every public place in the county.

Plaintiff's Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Judge: Does the defense have any questions?

Defense Attorney: Yes your honor.

Cross-Examination by Defense Lawyer:

Defense Attorney: Hello Mr. Martin. I am Ms. Bennett's attorney. I would like to ask you a couple questions about your job at the health department.

Jim Martin: Okay.

Defense Attorney: How long have you been conducting contact tracing for the public health department?

Jim Martin: I have been a contact tracer since the beginning of the pandemic.

Defense Attorney: And when was that?

Jim Martin: Since March 2020, when COVID was discovered in the United States.

Defense Attorney: So given your line of work, you talk with a lot of people who have tested positive for COVID is that correct?

Jim Martin: That is correct.

Defense Attorney: Isn't it true that Ms. Paulson was likely exposed to a good deal of people during her work shifts? How can you be sure that it was my client who infected her?

Jim Martin: Well, we conducted extensive contact tracing with other employees of the store and the timeframe indicates that Ms. Bennett likely infected Ms. Paulson. This is because Ms. Bennett reported being sick prior to any of her employees becoming ill.

Defense Attorney: And what about customers at the store?

Jim Martin: Again, while Ms. Paulson came into contact with various customers at the store, our contact tracing results of all persons with known association to *The Curio Shoppe* suggest that Ms. Bennett was the likely source.

Defense Attorney: [No mask mandate condition only] One last question. At the time that the owner and employees contracted coronavirus, was there a mandate in the state or county that required people to wear masks?

Jim Martin: No, there was not. The county did not issue a mask mandate until August. After that masks were required in every public place in the county.

Defense Attorney: But there was not such mandate in June?

Jim Martin: No sir.

Defense Attorney: Thank you, Mr. Martin. No further questions, Your Honor.

Witness for the defense: Store owner Barbara Bennett

Direct Examination by the Defense's Attorney

Defense Attorney: Hello, can you please state your name and relation to the case for the court?

Ms. Bennett: My name is Barbara Bennett, and I am the defendant in the case.

Defense Attorney: Thank you. Can you tell us how you know the plaintiff, Ms. Paulson?

Ms. Bennett: Jennifer works for me at my store, The Curio Shoppe. She's worked for me for almost two years now.

Defense Attorney: And can you tell us what happened on June 17th?

Ms. Bennett: Well, that was the day that the health department thinks my employees were exposed to COVID.

Defense Attorney: Yes, can you tell us what all you remember from that day?

Ms. Bennett: Sure. I was running late to open the store, so I was rushing my usual routine. When I parked my car, it was already 5 minutes after the store was supposed to be opened, so I ran in and got going.

Defense Attorney: Do you require masks in your store?

Ms. Bennett: No, I don't.

Defense Attorney: Why not?

Ms. Bennett: I believe everyone has the right to make their own choices, especially about their own health and own bodies.

Defense Attorney: Do you think masks are effective?

Ms. Bennett: No, not exactly. I've seen stories on the news that show that they don't 100% prevent people from getting COVID, so why force people to do things they don't want to do? To restrict their breathing? I just think people should make their own choice.

Defense Attorney: So, you do not require people in your store to wear a mask?

Ms. Bennett: No. I leave it up to folks. Most people wear one anyways. And folks don't even when they're told to. So, I just figure, why bother trying to force people?

Defense Attorney: What do you mean people don't when they're told to?

Ms. Bennett: I just mean, like, when you're in stores that do require it, like the grocery store, some people still don't wear a mask. So, why would I bother telling people to? There are so many reasons to just let people do what they want. I'm not going to infringe on their rights.

Defense Attorney: Were you or Ms. Paulson showing signs of COVID that day?

Ms. Bennett: No, I felt just fine. And Jennifer seemed fine, too. I guess I didn't ask her if she felt sick, but she seemed her usual self.

Defense Attorney: So, you were not experiencing any COVID symptoms that day?

Ms. Bennett: No.

Defense Attorney: What happened after that day, June 17th?

Ms. Bennett: Well, I started to feel sick the next day, and it seemed like COVID symptoms, so I went to the urgent care and got tested.

Defense Attorney: And when did you get the results?

Ms. Bennett: The next day. It was positive. The nurse told me it was likely that I'd had it for a few days now, and that I needed to start figuring out who all I had come in contact with.

Defense Attorney: Did you contact Ms. Paulson to let her know?

Ms. Bennett: Yes. I called her.

Defense Attorney: Thank you. No further questions, Your Honor.

Judge: Attorney for the plaintiff, do you have any questions for Ms. Bennett?

Plaintiff's Attorney: Yes, Your Honor, I do.

Judge: Proceed.

Plaintiff's Attorney: Thank you.

Plaintiff's Attorney: Ms. Bennett, to clarify, were you wearing a mask in your store on June 17th?

Ms. Bennett: No.

Plaintiff's Attorney: And did any of your employees ever ask you why you weren't wearing a mask?

Ms. Bennett: I think Jennifer did, but I just explained to her that I was feeling fine, so I didn't need one.

Plaintiff Attorney: Do you have a sign on the door to you store explaining your position on masks.

Ms. Bennett: Yes, I do.

Plaintiff Attorney: What does it say?

Ms. Bennett: “No Masks Required in This Store.”

Plaintiff’s Attorney: And later you found out both you and your employees had COVID-19.

Ms. Bennett: Yes.

Plaintiff’s Attorney: No further questions, Your Honor.

Judge: Any re-direct?

Defense’s Attorney: No, your Honor.

Closing Statements

Plaintiff Attorney: Members of the jury, the evidence shows that Jennifer Paulson caught COVID-19 as a direct result of the actions of Barbara Bennett, the owner of The Curio Shoppe. **There was an active mask mandate for the county at the time of Jennifer Paulson’s infection [Mask mandate condition only].** Barbara Bennett’s failure to take the appropriate precautions in her store to prevent the spread of COVID-19 clearly shows both negligence and recklessness. **Barbara Bennet forgot her own mask and remained in her store unmasked until lunchtime.** Employers have a duty to protect their employees from harm. If Barbara Bennett had abided by COVID-19 guidelines as provided by the Centers for Disease Control and our local health department, Jennifer Paulson might not have contracted this life-threatening illness. I ask that you think about the actions of Barbara Bennett and award my client compensatory damages to cover the medical costs associated with COVID-19 that she contracted at The Curio Shoppe as a result of the actions of her employer.

Defense Attorney: Ladies and gentlemen of the jury, I am not arguing that Jennifer Paulson is undeserving of compensation for her medical bills. I am arguing that my client, Barbara Bennett, **is not negligent and should not be found negligent in this case.** Ms. Bennett expected people to decide for themselves how to guard their health, and let people make their own decisions about whether to wear a mask. **Simply put, because the county did not have an active mask mandate at the time of Jennifer Paulson’s infection [No mask mandate condition only],** the Plaintiff has not shown that Barbara’s actions were reckless or negligent. If Jennifer did not feel comfortable **when Barbara didn’t have a mask on,** she could have spoken up or attempted to find employment elsewhere. Jennifer’s own actions led to her contraction of COVID-19, not the actions of Barbara Bennett.