

Flash Trial Fact Patterns:

The following fact patterns are prepared in a “flash trial” format (designed to be tried in less than an hour) and available for licensing at \$500 each per year. Please contact Spencer Pahlke at spahlke@walkuplawoffice.com if you are interested in licensing one of these fact patterns.

Clark v. State of Eureka, a Civil Case of Gross Negligence

Steph Clark was a 54-year-old resident of Piedmont, Eureka. On January 13, 2018, Clark and their partner Jamie Walkup were driving to the beach to spend the day together. At 8:07am, they received emergency messages on their cell phones which read, “BALLISTIC MISSILE THREAT INBOUND TO EUREKA. SEEK IMMEDIATE SHELTER. THIS IS NOT A DRILL.” The alert was false and sent in error. But at the time, Clark and Walkup thought the message was true and believed they were going to die. Minutes later, Clark suffered from a heart attack and died of cardiac arrest that morning. Clark’s family now brings a wrongful death claim against the State of Eureka, asserting that their gross negligence before and after sending the false missile alert caused Clark’s heart attack and subsequent death.

Logan Day v. Mountain Trakkers, LLC, a Civil Case of Negligence

In November 2021, experienced backpacker Logan Day, known on trail as Eagle, was caught in a blizzard while attempting a thru-hike of the Continental Divide Trail. Knowing the storm spelled trouble, Eagle hit the SOS button on his Trakker device, an emergency GPS tracking device created and sold by Mountain Trakkers. Eagle’s SOS message never made it to local search and rescue authorities. Eagle died waiting for rescue. Eagle’s family now brings a claim of negligence against Mountain Trakkers.

Dressel v. Redbond, a Civil Case of Private Nuisance

In May of 2018, Ryan and Kris Dressel moved into their dream home overlooking the beach. Their neighbors, Alex and Lou Redbond, maintained a grove of citrus trees that interfered with the Dressels’ view of the ocean. After the relationship between the neighbors soured, the Redbonds stopped maintaining their trees. The Dressels now alleged that the Redbonds created a private nuisance by way of erecting a spite fence.

Hardwicke v. Paz’s Pizzas and Pies, LLC, a Civil Case of Negligence

Andy Hardwicke spent the summer before Andy’s freshman year of college working at Paz’s Pizza and Pies, a local pizza joint in their hometown, to save money for college. When Luis Paz, the restaurant’s owner, purchased a mascot costume to promote the restaurant, Andy jumped at the lucrative (and sweaty) opportunity to become the skeleton of the face of Paz’s. As the days got hotter, the heat and humidity inside the costume became too much for Andy to bear, culminating in a trip to the Emergency Room on the Fourth of July. Andy has sued Paz’s for negligence.

Arya Kazemi v. Mickey Li, a Civil Case of Defamation

Arya Kazemi is a criminal defense attorney who owns their own practice, Kazemi Defenders, LLC, and teaches first year criminal law at Bear State University’s Klaus College of Law. Since

2013, Kazemi has owned and maintained a popular legal Twitter account. On November 11, 2021, Kazemi became aware of another Twitter account impersonating Kazemi by using their name and likeness. After discovering this Twitter account, Kazemi lost clients at their law practice. Kazemi now brings a claim of defamation by internet impersonation, asserting that the fake Twitter account was a substantial cause of the harm to their law practice.

Murphy v. Wells, a Civil Case of Contract Dispute

This problem involves an inventorship and contract dispute between two former roommates, Plaintiff Morgan Murphy and Defendant Avery Wells. Murphy alleges that Murphy invented a critical “stuttering” limitation in Wells’ 3-D printing patent. Murphy claims Murphy told Wells about the idea over brunch and that Wells signed a contract agreeing to pay Murphy 50% of any profits from licensing the patent. Murphy has hired a handwriting expert to verify that Murphy drew the invention on a napkin and that Wells signed the contract. Wells denies both allegations and claims that Wells independently invented stuttering and never signed any contract.

United States v. Davy Jones, a Criminal Case of Confederating with Pirates

On Halloween night in 2022, Anne Bonny fulfilled her dreams of becoming a pirate when she boarded millionaire Marty Tuckerberg’s Yacht and stole a diamond encrusted watch. Tuckerberg alerted the authorities. In need of a place to hide, Bonny texted her best friend, Davy Jones, and asked if she could stay at Jones’s place. Coast Guard investigator Michael Matheny tracked Bonny to Jones’ home and, after learning that Jones provided Bonny with a Barbacoa burrito, arrested Jones for confederating with pirates, 18 U.S.C. 1659, 1657.

State v. Breyer, a Criminal Case of Involuntary Manslaughter

Jordan Breyer is a prominent film producer and actor in Elmwood, Eureka. On October 21, 2021, Breyer was at the Strawberry Creek Ranch working on their new project, *Spur*, a western film in which Breyer was also the lead actor. During rehearsal, a prop gun that Breyer was holding accidentally discharged. The gun fired a live round that shot and killed Jay Yoo, a cinematographer on the movie. Yoo was taken to the hospital by helicopter immediately following the shooting and was pronounced dead after their arrival. Following an investigation by the Ross County Sheriff’s Office, the State of Eureka has filed criminal charges against Breyer for involuntary manslaughter.

State v. Dobbs, a Criminal Case of Shooting While Hunting

On October 22, 2022, Cal Dobbs was hunting deer in the San Isabel Wilderness when Dobbs shot a trail runner, Bernie Westford, in the leg. Though Westford survived the blow, doctors had to amputate Westford’s leg. Officer Peyton Love was called in to investigate the shot. Officer Love interviewed Westford, conducted a follow-up investigation, and arrested Cal Dobbs for shooting another person while hunting. The State of Eureka charged Cal Dobbs.

State v. Lu, a Criminal Case of Driving While Intoxicated

On June 21, 2022, Officer Jean Kahler from the Landon City Police Department observed a crashed vehicle engulfed in flames on the other side of the highway. The officer identified two

individuals, defendant Jackie Lu and Lu's friend Justine Chou, standing outside the vehicle. Upon contact, both provide inconsistent stories as to the identity of the driver. Following an investigation by the Simon County Sheriff's Office, the State of Eureka has filed criminal charges against Lu for DWI causing injury and criminal vehicular operation.

Tanabe v. Eureka Eagles Baseball Club, LLC, a Civil Case of Premises Liability

Kohei Tanabe was a 30-year-old outfielder for the Eureka Eagles professional baseball team. Tanabe was a star athlete in college, a highly regarded prospect, and played in the National Baseball League ("NBL") from 2015 through 2019. On April 24, 2018, the Eureka Eagles were playing the rival Palo Alto Cardinals at Memorial Park. During the game, Tanabe chased a fly ball heading down the left field foul line, running over 100 feet in a full sprint in an attempt to make the catch. As they crossed into foul territory, Tanabe fell over the bullpen mound located adjacent to the field, collided headfirst with the left field line wall, and suffered a concussion. Tanabe now brings claims of premises liability, asserting that by placing bullpens in the field of play, the baseball club cut short Tanabe's promising career.