

ADMINISTRATION OF JUSTICE

Opening Activity

Whodunit #7?

The Case of the Blackout

Name: _____ Period: _____ Row: _____

LADIES AND GENTLEMEN OF THE JURY:

A company that provides a public service, such as a power company, has special responsibilities. When the service fails, the company is responsible for any damages that may happen.

Keep this in mind as you decide the case before you today. Mark Mudd, the plaintiff and owner of Mudd's Cafe, claims that a power failure lasted sixteen hours and he was unable to serve his customers. Mr. Mudd wants to be paid for this lost business. Walnut Creek Utilities, the defendant, is a power company that provides electricity and gas to the people in Orange Grove County. Walnut Creek Utilities admits to the power failure. But it claims to have repaired it three hours after it was reported.

Mark Mudd has given the following testimony:

"My name is Mark Mudd. I'm the owner of Mudd's Cafe. On Thursday, February 16 at 9:30 p.m., just as I was about to close up for the night, the lights went out. Do you know that old joke: Where was Thomas Edison when the lights went out? Well, the answer is: In the dark. And that's exactly where I was, too. I immediately called the power company and was assured the power would be restored promptly."

Mr. Mudd returned to his cafe the following morning, opened the back door and flipped on the light switch. The room was totally dark.

He telephoned the power company several times, and each time the line was busy. After posting a "closed" sign on the front of the cafe, Mudd returned to the back room and tried to telephone the utility company again. The line was still busy.

Mr. Mudd kept phoning the utility company and after two hours finally got through. The company told him they had fixed the problem the night before, but they promised they would send a repairman right away.

It took two hours for the repairman to arrive. By that time, Mr. Mudd had turned away the noon lunch crowd.

The repairman again checked the outside cable. He tightened the couplings but found nothing to indicate further repairs were needed. When the repairman went back to the cafe to report his findings, the lights were on in the back room.

Mr. Mudd insisted the second visit was necessary to repair the lost power because the work had not been done properly the night before. He telephoned Walnut Creek Utilities and told them he planned to sue the company for lost business. A supervisor arrived at the cafe in five minutes.

EXHIBIT A shows the lost business at Mudd's Cafe during the time Mudd claims he had no power. You will note on that day he had only \$146.35 in business. Entries for other days show he usually had up to \$450.00 worth of business. This is the amount Mudd seeks from the utility company — \$450.00.

Mark Mudd was extremely angry when the supervisor arrived at the back room of the cafe. The man assured Mudd the power failure had been fixed the night before. Mudd strongly disagreed.

Walnut Creek Utilities enters as **EXHIBIT B** the repair work-order for the cafe. This is a record kept for each customer complaint. You will note that the first call came in at 9:35 p.m. The repair order shows that the power failure lasted only three hours during the time the cafe was closed. The utility company claims to have restored power by 12:36 A. M.

The company also enters **EXHIBIT C**, a photograph of the back room that was taken shortly after the supervisor arrived. You will note that the supervisor is holding up a light bulb. He had found it in a waste basket in the cafe's back room. Tests have shown this bulb is burned out and no longer in

working order.

The company contends that while its repairman was outside checking the power the second time, Mudd somehow realized he may have been mistaken about the power failure. The light in the back room had failed to go on because of a burned out bulb. Mr. Mudd then replaced the bulb with a new one but said nothing to the company so he could sue them for lost business. Walnut Creek Utilities refuses to pay the money Mark Mudd has requested.

LADIES AND GENTLEMEN OF THE JURY:

You have just heard the Case of the Power Blackout. You must decide the merit of Mark Mudd's claim. Be sure to carefully examine the evidence in EXHIBITS A, B, and C.

Should Walnut Creek Utilities pay Mr. Mudd for the income he lost during the power failure? Or did Mudd know that the power had been restored?

THESE ARE YOUR EXHIBITS OF EVIDENCE

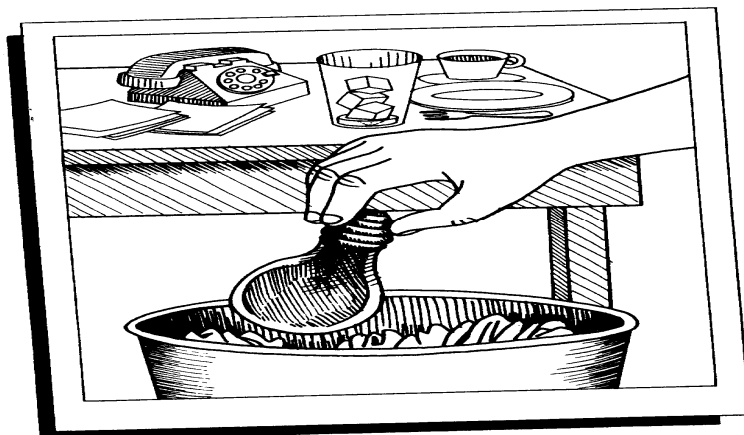
EXHIBIT A

GROSS RECEIPTS WEEK OF FEB. 12				
DATE	BREAKFAST 6-11	LUNCH 11-5	DINNER 5-9	TOTAL
2/12	93.25	116.40	170.50	380.15
2/13	123.00	88.25	225.20	437.45
2/14	85.25	116.45	248.20	450.90
2/15	47.65	93.25	286.45	427.35
2/16	48.00	106.75	254.00	408.75
2/17	—	20.00	126.35	146.35
2/18	94.45	123.20	204.20	421.85
WEEKLY TOTAL -				\$2,694.10

EXHIBIT B

TELEPHONE LOG						
DATE	TIME	NAME	ADDRESS	REPAIR MAN	DIS. TIME	COMP TIME
2/16	7:12 P	B. ROPER	186 CHEW ST.	8	7:30 P	7:50 P
2/16	7:29 P	G. MORRISI	S. POINT ST.	17	8:10 P	8:55 P
2/16	8:17 P	K. SPENGLER	294 8TH ST.	15	8:30 P	9:58 P
2/16	8:42 P	B. SEATED	26 BLAIR AVE.	8	9:30 P	10:15 P
2/16	9:35 P	M. MUDD	15 SOUTH ST.	17	10:43 P	12:36 A
2/16	9:55 P	R. LENON	7 W. POINT	9	10:55 P	11:30 P
2/16	10:30 P	H. RUBIN	19 2ND AVE.	8	11:15 P	11:35 P
2/16	10:47 P	D. CLARK	40 TOMS RD.	15	12:00 A	12:20 A

EXHIBIT C



THE VERDICT! (Explain your decision)
