

ADMINISTRATION OF JUSTICE

Opening Activity

Whodunit #2?

The Case of the Treacherous Golf Ball

Name: _____ Period: _____ Row: _____

LADIES AND GENTLEMEN OF THE JURY:

If you are out on the golf course playing golf and are hit on the head by a golf ball, there is very little that you can do legally. That is because when you step onto a golf course, you accept certain risks that may occur. However, if you are standing in your living room and are hit on the head by a golf ball, that is a different story.

This is the issue before you today. Josh Salazar, the plaintiff, is one of the homeowners of Sunrise Homes. He is suing the developer because a stray golf ball from the golf course near his home hit him while he was in his living room. Sunrise Development Corporation, the defendant, claims that Mr. Salazar's injury is a complete fabrication, designed to harass them.

Mr. Salazar has testified as follows:

"My name is Josh Salazar. Two years ago, I bought one of the first homes in the Sunrise Housing Development. My home is one of fifty or sixty homes surrounding The Eagles Country Club a private nine-hole golf course. When the tract first opened home buyers were invited to join the golf club, which was to be a private recreation center for the housing development."

During its first year, very few people joined the golf club. The club soon realized it would go out of business unless more people joined, so it announced it would change its policies and open the club to the general public. To accommodate its plans to be more attractive to the general public, the club added an additional nine holes, clearing the trees near Mr. Salazar's property to help make room for the expansion. The course holes were re-numbered resulting in the 5th and 6th holes being within view of Mr. Salazar's patio.

Mr. Salazar was quite upset about this because when he had purchased his home, he could sit on the patio overlooking the wooded land, barely seeing the golf course in the distance. With the addition of the nine new holes to the course trees were cleared and he could now see the fifth green and sixth tee which were both within seventy-five yards of his back yard patio.

Before building the new course, Sunrise assured Mr. Salazar it would be designed so that all golf shots would point away from his property. But it said nothing about the view being impacted. In addition to seeing the fifth green and sixth tee from his patio, Mr. Salazar complained that when his windows were open, the constant chatter of golfers could be heard in his house.

Mr. Salazar was so angry that he tried to get Sunrise to move the fifth green and sixth tee farther away. Mr. Salazar claimed that the noise of the golfer's constant chatter caused him mental distress, and he was in danger of bodily harm from being hit by a stray golf ball.

One day, Mr. Salazar's prediction came true when he was in his living room hanging an expensive mirror. A golf ball hit by someone on the golf course shot through the living room window, hitting him on the head. Startled by the impact he lost his grip and the mirror crashed on the mantle and then fell to the floor. In addition to his injury, the mirror was completely shattered and the mantle was also heavily damaged from the mirror falling on it.

Mr. Salazar has sued Sunrise for his pain and suffering, the cost to replace the broken mirror and repair the damaged mantle. He further claims that the accident is proof of the unsafe location of the fifth green and sixth tee and demands that Sunrise redesign it moving them farther away from his house.

EXHIBIT A: shows the inside of Mr. Salazar's living room and the broken mirror. From the broken window, you can note the path the ball took directly across from where the mirror was being hung.

EXHIBIT B: is a photograph of Mr. Salazar, taken two days after the accident. Mr. Salazar's lawyer asks you to note the large bandage and dark circles around his eyes. His injury took more than two weeks to heal.

The management of Sunrise presents a different view of the case. They claim that it was impossible for the accident to have occurred. They also state that Salazar has repeatedly threatened the management.

The owner of the multi-million dollar Sunrise Development Corporation, Sara Donchey has testified:

"I don't need any photographs or EXHIBIT B's to recognize Salazar. I'd know him anywhere by his voice. At least once a day ever since the new course was built, Salazar has been telephoning our office complaining about the noise. Salazar also complained he would occasionally see a golfer in his backyard, looking for a stray ball and trespassing on his property."

Miss Donchey stated she authorized Sunrise to post a guard near Salazar's home for several months but was never able to confirm Salazar's complaints.

Ryan Wang, the attorney for Sunrise, argues that Mr. Salazar's complaining was staged for the sole purpose of bothering the club. Sunrise offers as proof **EXHIBIT C**, showing the location of the sixth tee in relation to Salazar's house. Because of the direction of the hole, it would be highly unlikely for a golfer to drive the ball into Mr. Salazar's window. The location of the fifth green also creates a high improbability of an errant golf ball injuring Mr. Salazar as claimed.

Sunrise further claims that Salazar had purposely faked the accident, and broke the mirror and mantle himself. They claim that Salazar had no witness to the accident.

Sunrise requests the Court to dismiss Salazar's charges, and asks that he be stopped from harassing the club and its golfers.

LADIES AND GENTLEMEN OF THE JURY:

You have just heard the Case of the Dangerous Golf Ball.

You must decide the merit of Josh Salazar's claim. Be sure to carefully examine the evidence in EXHIBITS A, B, and C.

Could a golfer on the sixth tee have accidentally driven a ball through Josh Salazar's window? Could a wedge shot onto the fifth green accidentally crashed through Josh Salazar's window? Or did he stage the accident to dramatize his unhappiness with the new golf course?

EXHIBIT A

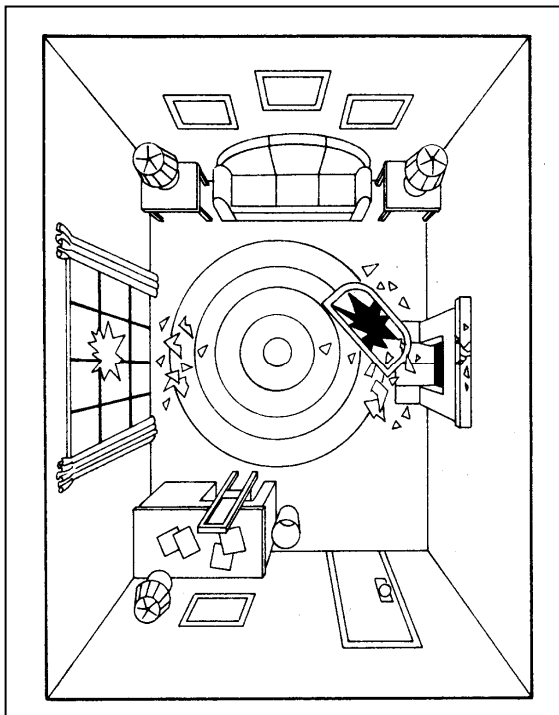


EXHIBIT B

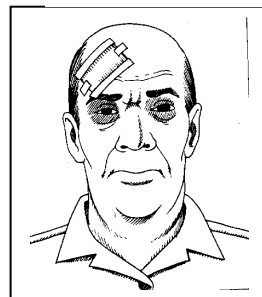
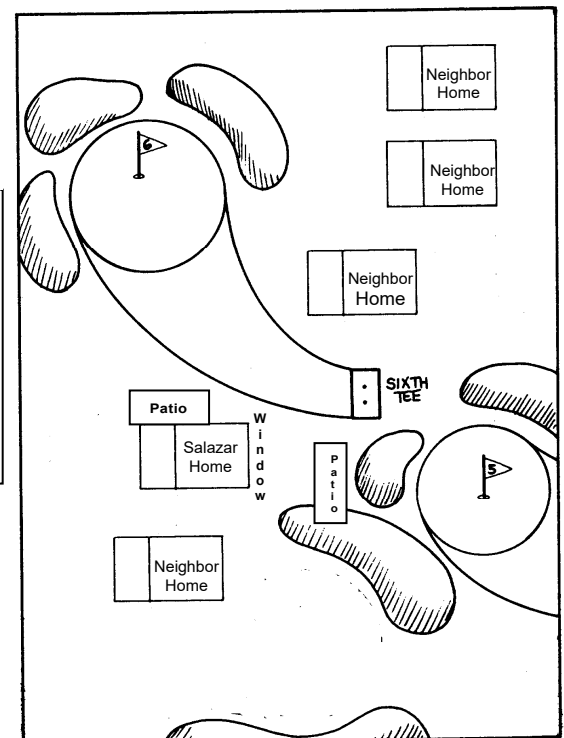


EXHIBIT C



THE VERDICT! (Explain your decision)
