

Trial Outline

Chavez-Porter v. Sutton

Page _____

Plaintiff's Case

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Cause of Action: Wrongful Death

Standard of Proof: Preponderance

Source: Chapter 69, Section 1, *et seq.*

Chapter 70, Sections 1 and 2, *et seq.*

Elements

Duty

- To yield right of way
or
- To exercise ordinary care

Breach of duty

Injury

Proximate Cause

Plaintiff's Case
(continued)

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Damages

Hospital Costs

Pain and Suffering of
Decedent

Funeral Expenses

Loss of expected net
income

Loss of services, protection,
care and assistance

Loss of society, companionship, comfort,
guidance and kindly offices

Punitives

Punitive damages

Defendant's Affirmative Defense

Comparative Negligence

Standard of Proof: Preponderance

Source: Chapter 140, Section 3

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Elements

Duty

•K. Chavez-Porter to yield
right of way to all vehicles

•K. Chavez-Porter to exercise
ordinary care to avoid stepping
into path of Sutton's truck

Breach of duty

Proximate cause

Chavez-Porter's Theory of the Case

Legal Theory

Factual Theory

Sutton's Theory of the Case

Legal Theory

Factual Theory

Complete a Document Analysis Form for these documents:

1. Diagram

2. Medical Records

3. Coroner's Report

4. Photos 1 - 4

#1 Pickup truck in
relation to pool of blood.

#2 Pickup truck after it
moved.

#3 K. Chavez-Porter 18 months
before accident.

#4 K. Chavez-Porter in
pool of blood.

5. Depositions

Sutton

Schrackle

Glenn (with report)

6. Statements

Miller

J. Willard

V. Willard

M. Kahn

A. Mallory

Trial Outline

Roberts v. Powell

Plaintiff's Case

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Cause of Action:
Standard of Proof:
Source:

Elements

Defendant's Affirmative Defense

Standard of Proof:

Source:

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Elements

Robert's Theory of the Case

Legal Theory

Factual Theory

Powell's Theory of the Case

Legal Theory

Factual Theory

Complete a Document Analysis Form for these documents:

1. Application of
Pam Roberts
2. Application of
Jacqueline Jackson
3. Jones' Report
4. Answers to
Interrogatories
5. Memo to File (p. 39)
6. Depositions

R. L. Powell
Jayne Jones
7. Declarations

Washington
Duncan
Reese

Trial Outline

Martin v. Smith

Page _____

Cause of Action: Unlawful Detainer
Standard of Proof: Preponderance
Source: Civil Code of Euphoria Sec. 1161

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Elements:

- 1. Owner of Dwelling**
- 2. Entered into Agreement**
- 3. Performed all covenants and conditions; maintained premises in habitable condition**
- 4. Defendant has not paid rent and rent due and owing**
- 5. Served three day notice**

6. Damages
Actuals

Punitives

**Possession is willful, intentional,
deliberate**

Defendant's Case

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

First Affirmative Defense

Breach of Implied Warranty of Habitability

Standard of Proof: Preponderance

Source: Statute: §509.10

**1. Material defect affecting
habitability exists**

**2. The effect on habitability
of the defective condition
not apparent on reasonable
inspection**

**3. Notice was given to the landlord
within a reasonable time after
D discovered the breach**

**4. Landlord was given a reasonable time
to correct the defect**

5. Damages

Defendant's Case

**Facts
Must Prove**

**How
Proven**

**Potential
Problems**

Second Affirmative Defense

Retaliatory Eviction

Standard of Proof: Preponderance

Source: Statute

1. Landlord is evicting tenant

2. Tenant has reported health and safety violations on the rented premises to health and safety authorities

3. Eviction is solely in retaliation for tenant reporting violations

Martin's Theory of the Case
Legal Theory

Factual Theory

Smith's Theory of the Case

Legal Theory

Factual Theory

Complete a Document Analysis Form for these documents:

1. Smith to Martin Letter
2. Martin to Smith Letter
3. Notice to Quit
4. Hatcher to Martin Letter
5. Complaint - 95 Ninth Street
 - Official Notice and Order
 - Report of Bernard Hatcher
 - Housing Official Inspection Report
6. Official Report of Weather Conditions
7. Statements
 - J. May
 - P. Jones
 - G. James
 - J. Roberts
8. Interrogatories
 - Martin's Answers to
9. Depositions
 - Hatcher
 - Smith
10. Diagram of 95 Ninth Street