



## Indiana High School Mock Trial 2023-2024 Q&A Round 1 (December 2023)

The case Q&A serves to clarify or correct errors in the Mock Trial case and/or rules, and does not address team strategy, coaching, or judging protocol. Questions submitted might have been reworded from the original submission for clarity and conciseness. Duplicative questions from multiple advisors might have been combined using different phrasing.

**1. Q: There are several non-substantive typos in this case. Can that be corrected?**

A: Typos have been corrected and noted via footnotes in the case.

**2. Q: Do we need to argue damages in this case or just the liability?**

A: You can assume the case is bifurcated and will only deal with liability, not damages.

**3. Q: In the Dr. Earnhardt CV (exhibit 1), there isn't the title "Dr." before their name like Dr. Aaron/Erin Parker. Since Earnhardt has a PhD, is it a given that they should be referred to as "Dr."?**

A: Yes, when someone earns a Ph.D., they are given the honorific "doctor" and can be referred to as such. Typically, one does not write both Dr. and Ph.D.

**4. Q: In Exhibit 2 under Publications: How was the article *Sleep in the 21st Century* published in 1992?**

A: The dates are correct and should be seen as a forward-looking magazine and article.

**5. Q: In Exhibit 1, the Earnhardt CV lists Valparaiso University as their undergraduate institution. There is no mention of this in Earnhardt's statement. Is this a typo?**

A: Students can use all parts of the case, including statement and exhibits, in any permutation, to support the argument they're trying to make. As noted in the stipulations, all exhibits are authentic and accurate, and all witness statements are true, accurate, and authentic.

**6. Q: Is the screenshot as Exhibit 4 a part of the marketing brochure Wong references in their statement?**

A: No, Exhibit 4 is the visual based on Earnhardt's statement, line 88-91.

**7. Q: Is there a pronunciation guide available for some names?**

A: Use the following pronunciations:

- Bikwell: Bick-well
- Alameda: Al-uh-mee-duh

**8. Q: Was Bikwell available as both a prescription and OTC medicine?**

A: Bikwell is an OTC medication.

**9. Q: Is there a clear timeline for when Blake Toomey saw an attorney advertisement for a suit related to Bikwell compared to when Alameda first marketed commercials for Bikwell and when Alameda received patient reports about Bikwell's possible connection to RLS?**

A: No elaboration necessary.

**10. Q: In exhibit 3, the box does not have any text in the lower lefthand corner of the picture. However, in exhibit 4 features a portion of text in the lower lefthand corner. Is there a difference.**

A: There is no difference in the medication and the text is illegible because it is irrelevant.

**11. Q: What is the status of the negligence claim, since it appears that it is superseded by the Indiana product liability statute?**

A: No elaboration necessary.

**12. Q: Toomey refers to taking Bikwell from a bottle. If so, does the bottle have the same information on it that is contained on the box as shown in Exhibit 3?**

A: No elaboration necessary.

**13. Q: Is Dr. Parker being paid to testify?**

A: Yes, Dr. Parker is being paid \$800/hr for their time, as added to their statement (Pg 43, line 24-25).

**14. Q: Is Blake Toomey in the 98th percentile or the 2nd percentile for health?**

A: Blake Toomey is in the 98<sup>th</sup> percentile of health, which is to be considered poor health, clarification added (Pg 46, line 89).

**15. Q: Was Blake Toomey actually diagnosed with restless leg syndrome?**

A: Yes, Toomey is diagnosed with RLS as clarified in their statement (Pg 23, Line 94).



## Indiana High School Mock Trial 2023-2024 Q&A Round 2 (January 2024)

The case Q&A serves to clarify or correct errors in the Mock Trial case and/or rules, and does not address team strategy, coaching, or judging protocol. Questions submitted might have been reworded from the original submission for clarity and conciseness. Duplicative questions from multiple advisors might have been combined using different phrasing.

**16. Q: Multiple questions were asked regarding strategy items such as timelines and payment amounts. Can these be addressed?**

A: We will not elaborate on issues that may contain strategies for teams to utilize. The team is responsible for identifying the facts in the case and defending them during the trial.

**17. Q: Can you please clarify the "independence" of the research firm mentioned in Wong's statement? Specifically, whether Alameda had donated to firms who had provided the independent reports on Bikwell.**

A: No elaboration necessary.

**18. Q: In Exhibit 2, under Parker's Experience in their own practice at the Indy Sleep Center, should the next to the last bullet point, "Taught more than 200 medical students and residents about sleep medicine" actually be listed in his/her experience at IU University Hospital? (It seems like that would make more sense at a teaching hospital versus a private practice.)**

A: One of the goals of mock trial is to provide an authentic and real life experience, one as close as possible to that in every courtroom every day. Lawyers and their clients must assess the facts they have and make a determination about the appropriate strategy.

**19. Q: Who is Beau in Blake's testimony? In Blake Toomey's statement, they are mentioned, and we have always assumed it was Angel. We just want to confirm it is Angel.**

A: Beau is a different person than Angel. Beau is a foster child (as noted in Blake's statement pg 22, line 70). Angel is Blake's child (as noted in Blake's statement, pg 19, line 7).

**20. Q: Can you explain to us what the package of Bikwell is like on the inside? Is it a blister pack or a bottle?**

A: One of the goals of mock trial is to provide an authentic and real life experience, one as close as possible to that in every courtroom every day. Lawyers and their clients must assess the facts they have and make a determination about the appropriate strategy.

**21. Q: Would it be possible to have some type of medical report on Toomey as an exhibit?**

A: No additional exhibits are needed.

**22. Q: The Case Q&A contains material conclusions of both fact and law. Are we able to cite these during trial? If so, what is the proper procedure for doing so?**

A: Answers in response to the Q&A can be incorporated into a team's strategies as if they're a part of the materials. The Q&A itself is not an admissible exhibit.

**23. Q: There is no response to paragraphs 26, 27, and 28 in the defendant's answer to the complaint. Was this an oversight?**

A: A response has now been updated within the defendant's answer to the complaint.

**24. Q: Points 18 and 19 in the plaintiff's complaint seem to contradict Toomey's statement. Is this accurate?**

A: No elaboration necessary.