

**THE 12th ANNUAL
MIDDLE SCHOOL MOCK TRIAL COMPETITION
CASE MATERIALS**

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**IN THE CIRCUIT COURT FOR
CORPUS COUNTY, NEW JUSTICE**

**Shaun Spain, a minor
By and through his/her parents**

Plaintiff

v.

Case No. CR-08-7797

**Al/ly Anderson, a minor
By and through his/her parents**

Defendant

*Adapted with permission from an original case written by Charlanna Spencer, Esq. of
Montgomery, AL.*

CASE SUMMARY

This case is a civil action filed by Shaun Spain against Al/ly Anderson. Spain played for Pleasantville High School and Anderson played for Centreville High School in a semi-final playoff soccer game in May 2008. Spain was injured when Anderson made a play for the ball. Spain alleges that s/he suffered severe back injuries as a result of the incident. Generally, a player engaged in sports assumes the risk of injury from any contact normally associated with the play of that game. However, in this case, Spain alleges that Anderson was negligent because Anderson's contact was outside the rules of the game and that Anderson used force which was excessive and beyond the amount of force that a reasonable player would have used under the circumstances. Spain also alleges that the contact constitutes a battery. For the purposes of this case, the FIFA "Laws of the Game" apply. Anderson asserts that his/her actions were within the acceptable bounds of the game, that the force used was not excessive, and that the contact was legal within the rules of the game. Anderson asserts the defenses of assumption of risk and contributory negligence.

WITNESSES

The following witnesses may be called by the parties:

For the Plaintiff:

Plaintiff – Shaun Spain
ER Doctor-Blake Norman, M.D.
Rival Ream Coach-Terry Dillon

For the Defendant:

Defendant-Al/ly Anderson
Professional Athlete-Cameron Strong
Eyewitness-Dakota Brown

EXHIBITS

Exhibit 1 – ER report for Shaun Spain

Exhibit 2 – FIFA "Laws of the Game"

Exhibit 3 – Rules for Secondary School Athletic Soccer Association Referees

Exhibit 4 – Article Written by Cameron Strong

Exhibit 5 – Transcript of Voicemail from Shaun Spain to Al/ly Anderson

STIPULATIONS

1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
2. The ER report is admissible without further foundation. No hearsay objection to this document will be entertained. However, if any hearsay is contained in this report, hearsay objections shall be entertained as to those portions of the report, which may contain hearsay.
3. All witness statements are sworn affidavits and should be treated as such under proper rules of evidence. All statements are assumed to have been given shortly after the incident in question in the spring of 2008.
4. Dr. Blake Norman, Terry Dillon and Cameron Strong are considered experts in their fields and may be qualified after demonstrating the qualifications contained in these materials.
5. Stipulations may not be contradicted or challenged.

LEGAL AUTHORITIES AND JURY CHARGES

1. **NEGLIGENCE:** Negligence is the failure to discharge or perform a legal duty owed to the other party.
2. **FINDINGS:** If you are reasonably satisfied from the evidence that the defendant was negligent and that the defendant's negligence proximately caused the alleged injury (injury) (damage), then your verdict must be for the plaintiff; however if you find that the defendant was not negligent or if you find that the defendant's negligence was not the proximate cause of the plaintiffs (injury) (damage), then your verdict must be for the defendant.
3. **NEGLIGENCE AND ORDINARY CARE:** Negligence means the failure to exercise reasonable, ordinary care; that is, such care as a reasonably prudent person would have exercised under the same or similar circumstances. Therefore, "negligence" is the failure to do what a reasonably prudent person would have done under the same or similar circumstances, or the doing of something, which a reasonably prudent person would not have done under the same or similar circumstances.
4. **CHILD 14 YEARS OF AGE AND OVER:** All normal children 14 years of age and above are conclusively presumed by law to possess that maturity of discretion which belongs to adults of ordinary prudence; and the general rules of law applicable to adults also apply to them. If you are reasonably satisfied from the evidence that the defendant at the time of the occasion complained of was a normal child 14 years of age or older, then you would consider and determine whether or not s/he was guilty of negligence.
5. **BATTERY:** Any touching by one person of the person or clothes of another in rudeness, or in anger, or in hostile manner, is an assault and battery upon him/her. An intent to injure is not an essential element. The plaintiff has the burden of reasonably satisfying you by the evidence that the defendant committed an assault and battery upon him/her.

6. **DAMAGES – GENERAL:** Compensatory or actual damages are allowed and should be awarded where the plaintiff reasonably satisfies the jury from the evidence that plaintiff has been injured or damaged as a proximate result of an act of negligence on the part of the defendant, or where the plaintiff reasonably satisfies the jury from the evidence that plaintiff has been willfully or wantonly injured by the defendant. Punitive or exemplary damages are allowed to plaintiff and may be awarded in the sound discretion of the jury in cases where the plaintiff proves by clear and convincing evidence that the defendant consciously or deliberately engaged in oppression, fraud, wantonness, or malice with regard to the plaintiff.
7. **DAMAGES – COMPENSATORY:** The purpose of awarding compensatory damages is to fairly and reasonably compensate the injured party for the loss or injury sustained. Compensatory damages are intended as money compensation to the party wronged, to compensate him for his injury and other damages which have been inflicted upon him as a proximate result of the wrong complained of.
8. **DAMAGES – PUNITIVE:** The purpose of awarding punitive or exemplary damages is to allow money recovery to the plaintiff by way of punishment to the defendant, and for the added purpose of protecting the public by deterring the defendant and others from doing such wrong in the future. The imposition of punitive damages is entirely discretionary with the jury. Should you award punitive damages, in fixing the amount, you must take into consideration the character and degree of the wrong as shown by the evidence in the case, and the necessity of preventing similar wrongs.

For a plaintiff to be entitled to recover punitive damages the plaintiff must prove by clear and convincing evidence that the defendant consciously or deliberately engaged in oppression, fraud, wantonness or malice with regard to the plaintiff. Clear and convincing evidence means evidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt.

9. **PERSONAL INJURY – PHYSICAL AND MENTAL ANGUISH:** The law has no fixed monetary standard to compensate for physical pain and mental anguish. This element of damage is left to your good sound judgment and discretion as to what amount would reasonably and fairly compensate the plaintiff for such physical pain and mental anguish as you find from the evidence the plaintiff did suffer. If you are reasonably satisfied from the evidence that the plaintiff has undergone or will undergo pain and suffering or mental anguish as a proximate result of the injury in question, you should award a sum which will reasonably and fairly compensate him for such pain, suffering or mental anguish already suffered by him and for any pain, suffering or mental anguish which you are reasonably satisfied from the evidence that he is reasonably certain to suffer in the future.
10. **CONTRIBUTORY NEGLIGENCE:** Contributory negligence is negligence on the part of the plaintiff that proximately contributed to the alleged injury, death or

property damage. The defendant's answer raising contributory negligence is an affirmative defense. Therefore, the burden is upon the defendant to reasonably satisfy you from the evidence as to the truth of all the material allegations of this defense.

11. **CHILD 14 YEARS OF AGE AND OVER:** All normal children 14 years of age and above are conclusively presumed by law to possess that maturity of discretion which belongs to adults of ordinary prudence; and the general rules of law applicable to adults also apply to them. If you are reasonably satisfied from the evidence that the plaintiff at the time of the occasion complained of was a normal child 14 years of age or older, then you would consider and determine whether or not s/he was guilty of contributory negligence.
12. **ASSUMPTION OF RISK-ELEMENTS:** The three essential elements to assumption of risk or contributory negligence in cases of this kind are that the party charged with assumption of risk or contributory negligence (1) had the knowledge of the existence of the dangerous condition and (2) with appreciation of such danger (3) failed to exercise care for his/her own safety by putting himself/herself in the way of such known danger.

**IN THE CIRCUIT COURT FOR
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By and through his/her parents
Plaintiff**

v.

Case No. CR-08-7797

**Al/ly Anderson, a minor
By and through his/her parents
Defendant**

COMPLAINT

COMES NOW the Plaintiff, SHAUN SPAIN, by and through his/her parents, and alleges as follows:

PARTIES

1. Plaintiff Shaun Spain, a minor, is a resident of Corpus County, New Justice. Joshua and Jenna Spain, his/her parents and lawful guardians of Plaintiff, are residents of Corpus County, New Justice.
2. Defendant Al/ly Anderson, a minor, is a resident of Corpus County, New Justice. Samantha and Jeremy Anderson, parents and lawful guardians of Defendant, are residents of Corpus County, New Justice.
3. All of the acts complained of in this Complaint occurred in Corpus County, New Justice.

Therefore, venue is proper in this Court.

FACTS

4. Prior to and on the date of May 17, 2008, Plaintiff Spain was a member of the Pleasantville Panthers soccer team.
5. On or about May 17, 2008, the Pleasantville Panthers were engaged in playing a soccer game with the Centreville Stars. The game was being played at Pleasantville High School located in Pleasantville, Corpus County, New Justice.
6. Defendant Anderson was a member of the Centreville Stars soccer team.
7. During the play of the game, Defendant Anderson struck Plaintiff Spain with excessive force such that Plaintiff Spain was severely injured.
8. Said force used by Defendant Anderson greatly exceeded the amount of force considered reasonable and customary in a game of soccer.
9. As a result, Plaintiff has suffered extreme physical pain and mental anguish and suffering. Plaintiff has also incurred medical bills and continues to incur medical bills and expenses associated with the injuries inflicted by the Defendant.

COUNT ONE

10. Plaintiff asserts that Defendant is guilty of the tort of negligence based upon the excessive force used in the play of the game, which caused the injury to Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory and punitive damages in an amount determined by a jury, plus interest, attorneys' fees, costs, expenses resulting from the negligence and such other relief as this Court deems just and proper.

COUNT TWO

11. Plaintiff asserts that Defendant is guilty of the tort of battery as a result of Defendant's actions when s/he struck Plaintiff.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory and punitive damages in an amount determined by a jury, plus interest, attorneys' fees, costs, expenses resulting from the battery and such other relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,
THE PLAINTIFF
BY AND THROUGH HIS/HER ATTORNEYS

**IN THE CIRCUIT COURT FOR
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ANSWER

COMES NOW the Defendant, AL/LY ANDERSON, by and through parents Samantha and Jeremy Anderson, and responds to Plaintiff's Complaint as follows:

PARTIES

1. Admitted.
2. Admitted.
3. Admitted.

FACTS

4. Defendant has insufficient information upon which to admit or deny allegations contained in paragraph 4 of Plaintiff's Complaint and, therefore denies the same and demands strict proof thereof.
5. Admitted.
6. Admitted.
7. Defendant denies the material allegations contained in paragraph 7 of Plaintiff's Complaint, and, therefore, denies the same and demands strict proof thereof.
8. Defendant denies the material allegations contained in paragraph 8 of Plaintiff's Complaint, and, therefore, denies the same and demands strict proof thereof.
9. Defendant denies the material allegations contained in paragraph 9 of Plaintiff's Complaint, and, therefore, denies the same and demands strict proof thereof.

COUNT ONE

10. Defendant denies the material allegations contained in paragraph 10 of Plaintiff's Complaint and, therefore, denies the same and demands strict proof thereof. A response is not required from this Defendant to the ad damnum clause, but to the extent one is deemed to be required, Defendant denies the same and demands strict proof thereof.

COUNT TWO

11. Defendant denies the material allegations contained in paragraph 11 of Plaintiff's Complaint and, therefore, denies the same and demands strict proof thereof. A response is not required from this Defendant to the ad damnum clause, but to the extent one is deemed to be required, Defendant denies the same and demands strict proof thereof.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint, and various portions thereof, fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant asserts the doctrine of assumption of risk.

THIRD AFFIRMATIVE DEFENSE

Defendant asserts that any damages to Plaintiff were caused by the actions or inactions of a third party or an intervening cause.

FOURTH AFFIRMATIVE DEFENSE

Defendant asserts the claim of contributory negligence.

RESPECTFULLY SUBMITTED,
THE DEFENDANT
BY AND THROUGH HIS/HER ATTORNEYS

Statement of Shaun Spain

1. My name is Shaun Spain and on May 17, 2008 I was a junior at Pleasantville High
2. School. Pleasantville is my hometown and I have always dreamed of playing a sport
3. for Pleasantville High. I am involved in several activities at school, though I
4. concentrate most of my extracurricular efforts on playing soccer for the varsity team. I
5. have been playing soccer since the 5th grade, though I could not play my 7th grade year
6. because of the injury I sustained to my lower back in a car wreck. My mother was
7. driving she and me home from band practice when a car ran a stop sign and crashed
8. into us. The passenger airbag deployed and pushed me hard into the seat. After three or
9. four months of physical therapy, the doctor cleared me to play soccer again and I felt
10. pretty good, though I usually had to take a couple of Advils after each practice and
11. game. The doctor believed that one day I will have to give up soccer because of all
12. the running and pounding on my back, but for before May 15, 2008 I felt pretty good
13. and had the green light to go all out. I had not had to have an examination for a
14. couple of years.

15. The play during the semi-final game in which I was injured on May 17, 2008 was
16. pretty rough – a lot of grabbing and bumping. It seemed like the level of physicality
17. increased as the game progressed. I really wanted to perform well because I knew
18. there was a University of Minnesota recruiter at the game. The University had told
19. me I had a good chance of getting an athletic scholarship for soccer. So I wanted to
20. play my best.

21. I know that I had bumped Al/ly Anderson pretty hard when the Stars were attacking
22. our goal a few minutes before I was injured. I did not see his/her hit coming at all. I
23. was charging hard with the ball toward their net – we needed to win this game to get
24. into the finals and get revenge for losing to them last year in the championship game.
25. Time was running out and I was focused on the net when I was hit from behind – I
26. never saw it coming. Al/ly never even went for the ball. S/he just clipped me from
27. behind. I have never been hit like that before in all my years of playing soccer. But, I
28. was not surprised that it was Al/ly who sucker-punched me. S/he is a dirty player and
29. our coaches always tell us to watch out for him/her. I remember hearing about how in
30. another game s/he “accidentally” kicked an opposing player, who had slipped and
31. fallen, in the head while going for the ball. I am glad that s/he got kicked out of the
32. game, though my injury cost us a place in the finals. I may only be 5’7” and 145
33. pounds soaking wet, but I can kick a penalty shot with the best of them, if I say so
34. myself. My kick would have kept us even with Centreville. I know we would have
35. won if I would have stayed in the game.

36. I just hope that this pain in my back goes away at some point. The ER doctors said I
37. ruptured a disc. They were really concerned that I may not be able to walk normally
38. again, especially after the damage done to my back during the car wreck. With
39. intense physical therapy, however, they now think I will be able to walk without pain
40. in a few months. But they’ve told me I will never be able to play contact sports,
41. including soccer, again. And sometime in the future I will need back surgery to repair

42. the damage to the ruptured disc. Presently I am on real pain medication, not just
43. Advil. I worry about getting addicted to pain killers, but I struggle to function without
44. them. Even my studies have suffered because of my injury – I just cannot focus for
45. any length of time. I heard that Al/ly is bragging about knocking me out of the game,
46. and that because of him/her they were able to repeat as champions. S/he's also going
47. around saying that the University of Minnesota recruiter is calling *him/her* now. After
48. this lawsuit, neither s/he nor his/her coach is going to savor the win over us, or that
49. trophy.

SIGNED

Shaun Spain

Statement of Dr. Blake Norman

1. My name is Dr. Blake Norman. I am a medical doctor and have worked in the
 2. emergency room at Pleasantville Medical Center (PMC) for the past four years. I
 3. received my M.D. degree from Continental University a few months before I
 4. started working at PMC. I have taken numerous continuing education classes in
 5. emergency medical care since working at PMC and took one class in sports-
 6. related injuries while in medical school. My undergraduate degree is a B.S. in
 7. Biology, *magna cum laude*, from Envy University. I spent two years between
 8. college and medical school working with the Peace Corps in West Africa.
9. Centreville semi-final soccer game. I typically work in the ER on the night of
10. high school sporting events since I have the most experience of any ER doctor at
 11. PMC. Injuries during high school games are not uncommon, and in fact, seem to
 12. be becoming more prevalent. I think high school kids are more violent now than
 13. they used to be – probably has something to do with all those video games and
 14. action packed movies on the market today. I usually see at least one broken bone,
 15. major contusion, or concussion each night I work the ER during a high school
 16. sporting event. Soccer is supposed to be a “contact-free” sport, but that is far from
 17. the case, though it is less violent than football.
18. The injury sustained by Shaun Spain was significant and troubling. Shaun entered
19. the ER on a backboard, strapped down from head to toe to reduce mobility.
 20. Fortunately, such precautions were taken at the high school by the paramedics.
 21. Shaun suffered a deep contusion of ht spice with edema and a ruptured disc in the
 22. lower lumbar area. Shaun complained of sharp pain emanating down through the
 23. legs into the appendages.
24. Loss of motor skills were noted, though paralysis was not present to any real
25. degree. Shaun was kept in the hospital for two days, primarily for observation.
 26. Shaun’s injuries were unusual in that they were more commonly associated with
 27. those sustained during a major car wreck or someone falling backwards into a
 28. hard surface, rather than during a sporting event, especially a soccer match.
 29. Typically, soccer injuries are sprained ankles, twisted knees, blown ACLs, and
 30. deep contusions on the legs, with an occasional head injury. Shaun’s back injury,
 31. however, had to be caused by a sudden force to the lower lumbar region – an
 32. uncommon event in a soccer match. I played a lot of soccer while in Africa and
 33. never saw one back injury. Moreover, during my four years in the ER, I have
 34. never treated a soccer player for injuries like the one sustained by Shaun during
 35. this game.
36. The MRI and Xrays did show some degeneration and prior damage of the
37. vertebrae at L5, but Shaun’s injury spanned vertebrae L4 and L5. According to
 38. Shaun’s medical records, s/he injured his/her back in a car accident when s/he was
 39. in 7th grade.

40. Shaun had to leave the hospital in a wheelchair and I prescribed painkillers for the
41. first week out of the hospital. I have heard that Shaun has undergone extensive
42. physical therapy, though Shaun is not one of my regular patients since I only work in
43. the ER.

44. Shaun's parents were very distraught and agitated when they were in the ER. I heard
45. them talking in hurried, hushed voices to each other and Shaun's mother saying
46. something along the lines of "I knew we should not have allowed Shaun to continue
47. to play soccer. I thought the spine was just too sensitive to risk a jolt or sudden hit." I
48. was not really sure what they were talking about and I was just focused on making
49. sure that Shaun did not end up a paraplegic.

SIGNED

Dr. Blake Norman, M.D.
Emergency Room Physician

Statement of Coach Terry Dillon

1. My name is Terry Dillon. I am the head coach of the soccer team of the Mayberry
2. Mudcats and have been in this position for the past eight years. Prior to becoming
3. head coach at Mayberry, I served as a graduate assistant on the soccer team for
4. two years at Mayberry. I have a B.A. degree in physical education from
5. Continental State University and lack six hours from having my Masters degree in
6. education, which I hope to finish in the next couple of years. As part of my
7. college education, I took an overview course on sports medicine, which covered
8. everything from basic first aid to nutrition, as well as a “sports law” course which
9. taught on subjects such as player agents and the laws dealing with steroids and
10. performance-enhancing drugs.

11. I was in the stands watching the semi-final game between Pleasantville and
12. Centreville when Shaun Spain was injured. Our team, the Mudcats, had won the
13. earlier semi-final game, and was to play the winner of the
14. Pleasantville/Centreville game for the championship. I was sitting near the top of
15. the stands because I wanted a good view of the entire field and was around mid-
16. field, though I was a little more toward the side of the field away from where
17. Shaun was injured. I saw the play unfold from its beginning. Shaun, a scrappy
18. player, had made a nice slide tackle on the ball to steal it from the Centreville
19. striker, Anderson I believe, and started dribbling it down the field. Shaun had
20. been harassing the opposing team all night and the play was getting intense on the
21. field – after all it was scoreless game between two major rivals, what else is
22. expected. Anyway, Shaun was attacking the goal. I turned to my assistant coach
23. and said, “Just watch, there is no way Centreville is going to let the scrawniest
24. player on the field score the winning goal.” I turned back to look at the field just
25. in time to see a Centreville player, I know it was Anderson who received the red
26. card, punch Shaun in the back as Shaun was trying to stop herself/himself from
27. slamming into the goal while delivering a scoring kick. Unfortunately, Shaun
28. landed on Anderson’s leg when s/he fell. That Centreville player was going to
29. stop Pleasantville at all costs – that is their modus operandi. We play them every
30. year and I always tell my players to “watch their back” against that team.

31. The next thing I know. Shaun has lost the ball and is sprawled out on the field,
32. writhing in obvious pain. I always admired Shaun for playing soccer after hearing
33. about the car wreck, and was surprised with Shaun’s skill level after missing a
34. complete season. In all my years of coaching soccer, I have never seen such a
35. play or injury. Sliding tackles are part of the game, but a player is supposed to go
36. after the ball. There is no way to reach the ball directly behind a player. Anderson
37. was rightly thrown out of the game, and should have been banned from the
38. championship game as well. Don’t worry, we will get them next year. Anderson
39. will be gone and we will be ready for those hoodlums next season.

SIGNED

Terry Dillon

Head Coach Mayberry Mudcats

Statement of Ally Anderson

1. My name is Ally Anderson and on May 17, 2008 I was a junior at Centreville High
2. School. There are two schools in Pleasantville – Centreville High School and our rival,
3. Pleasantville High School. I am a pretty good student, but a much better soccer player.
4. I have only been in trouble once at school. I got two days of detention for a shoving
5. match between me and a player on the basketball team two years ago. The other
6. student said I was spreading a rumor about him/her using drugs with the basketball
7. team, which was a complete lie and I pushed him/her.

8. I have been playing soccer since I was four on the local YMCA Pee Wee team. I have
9. been on the varsity squad since I was in ninth grade. Before all this happened I had
10. hoped to get an athletic scholarship to play soccer at the University of Michigan or
11. University of Wisconsin. I have been contacted by both their coaches and have been
12. to camps at both colleges during the summer. And now that Shaun's soccer career is
13. basically over, the University of Michigan has quit recruiting him/her and has started
14. recruiting me instead. I swear the only reason Shaun and his/her parents brought this
15. case was out of pure spite.

16. Shaun and I go way back. Ever since Shaun started playing soccer we have been on
17. opposing teams. Shaun's dad goes to all the games and paces up and down the
18. sidelines the whole time. Shaun's dad has always had it out for me because I am
19. bigger, faster and a better player. Don't get me wrong, I'll be the first to admit that
20. Shaun is a god player and is very competitive, but Shaun's dad never liked that
21. Shaun's teams always came in second place behind mine. I heard through the
22. grapevine that Shaun's dad was furious when he heard that I was being recruited by
23. the two best Division I soccer teams in the country. He's got to be even angrier now
24. that the University of Minnesota is calling me too.

25. Games between Pleasantville and Centreville are always very competitive.
26. Pleasantville High and Centreville are the only two high schools in Pleasantville and
27. Pleasantville High is our biggest rival in every sport. However, this semi-final game
28. with Pleasantville was brutal. I had heard before the game that Pleasantville was
29. going to try their best to take me out early by whatever means necessary. Shaun's dad
30. ran into my mom at the mall the day before the game and said that, "Ally will either
31. be watching the game from the bench or the stretcher, either way, s/he's going to be
32. out of the game pretty early tomorrow."

33. The day of the game the stands were packed and everyone was jumping up and down
34. and screaming so loud we couldn't even hear our coach. Referees red-carded two
35. Pleasantville players within the first ten minutes. One of our players went down with
36. a sprained ankle from a Pleasantville hit. I got a yellow card a few minutes later, but
37. that is not unusual for me. I always play to win.

38. The game was scoreless going into the half. I got possession of the ball and was
39. charging towards the Pleasantville goal. Next thing I know, I get laid out right in front

40. of the goal by Shaun. Shaun just laughed and kept on running. My leg was a little
41. sore from the hit but Coach told me to just shake it off and get back at it. Later in the
42. game near the end, Pleasantville got possession and was headed towards our goal.
43. They passed it to Shaun and s/he was charging. There was no way I was going to let
44. them win. I took off as fast as I could towards the ball and was one step ahead of
45. Shaun when I slid to tackle the ball. I know Shaun says I came from behind and that
46. s/he never saw me but that is totally not true. If Shaun did not see me, why did s/he
47. stick his/her arm out when I came up beside him/her? I did get thrown out of the
48. game for the hit, but the call was completely wrong. I did not hit him/her any harder
49. than Pleasantville hit our players and absolutely no harder than s/he hit me earlier in
50. the game. I cannot help it if Shaun is smaller than me and that s/he fell on my leg and
51. hurt his/her back. I am 5'11" and I understand Shaun is around 5'7". I feel sorry for
52. Shaun but not because I did anything wrong. I am a physical player, but soccer is a
53. physical sport; it's not flag football. You hit and you get hit – that's the name of the
54. game.

SIGNED

Ally Anderson

Statement of Cameron Strong

1. My name is Cameron Strong. I have been a television sports commentator for ESTN
2. (Everything Soccer Television Network) for about nine years. Prior to my job at
3. ESTN, I was a professional soccer player for five years. I played on the Wo/men's
4. Olympic soccer team at the Atlanta Games in 1996. I blew out my right knee in a game
5. against Brazil in 1999 and became a sports announcer shortly after that for ESTN.

6. I was contacted by Al/Iy Anderson's lawyers about six months ago. They asked me to
7. review a videotape of the game and render an opinion on whether Al/Iy used excessive
8. or unreasonable force when s/he made a play for the ball during an incident when
9. Shaun Spain was injured. The videotape had been shot by one of the parents in
10. attendance at the game with a Sony handheld video camera. Not exactly the quality of
11. filming I am used to, but I could make out the play. From the vantage point of the
12. camera it appeared that Spain had the ball headed towards the goal and Anderson was
13. running parallel to Spain and then went for the ball. Fair play where I come from. I
14. could tell from the video that there were a lot of people at the game that day. There
15. was a lot of background noise and people jumping up in front of the camera, but it
16. looked like a good play for the ball.

17. I have had several segments on my program devoted to violence in sports in today's
18. world. Soccer is the hugest sport in the world. Only in the last twenty years has
19. America come on board and really soccer has only taken off in the last decade or so.
20. Most people think football is the most physical sport around, but that is not the case.
21. More broken bones, injuries and emergency room visits are attributable to soccer
22. every year than football or any other sport.

23. It is unfortunate that Shaun Spain was injured, but I am of the opinion that Shaun
24. Spain should not have been playing in the first place. Sure, Al/Iy Anderson appears
25. on the tape to be a very competitive, tough player, but no more so than some of the
26. players that I have played with and against. Spain should not have been on that field
27. with those pre-existing injuries. Anyone with that kind of pre-existing injury and in
28. that condition should not be playing soccer in the first place. Spain's small stature just
29. compounds the risk. Anytime you put a 5'7" small-framed player in a very physical
30. game against players who are 5'11" you are asking for trouble. Anderson may have
31. been playing the game a little fast and loose and maybe pushing the edge of
32. permissive physicality, but the play was legitimate. Anderson was parallel to Spain
33. and s/he made a play for the ball. Anderson actually made contact with the ball.
34. His/her contact with Spain was incidental to the play. These kids today should either
35. toughen up or bring their pom-poms and sit it out.

SIGNED

Cameron Strong

Statement of Taylor Brown

1. My name is Taylor Brown. I am 21 years old and a senior at Continental State
2. University. Continental State is a Division I school and I play striker on their
3. soccer team. I graduated from Pleasantville High School where I also played on
4. their soccer team. I was all-state while I was at Pleasantville and captain of the
5. team. I have accepted an assistant coaching position with a small college in
6. Mankato for their women's soccer team.

7. I have known Al/ly Anderson since s/he was in middle school. My little brother
8. played on the same YMCA Pee Wee team and I was the assistant coach. I have
9. also known Shaun Spain for years. My little brother went to middle school with
10. him/her. My parents moved to the other side of town when my little brother
11. started the tenth grade and now he does not go to school with Shaun anymore. I
12. went to the semi-final game between Pleasantville and Centreville where Shaun
13. Spain was injured. I was sitting in the stands on the Pleasantville side around mid-
14. field. The crowd was nuts that game. Everyone was jumping up and down yelling.
15. This game was huge because Pleasantville, the underdog, was a huge favorite. I
16. heard there were scouts from every major Division I soccer program in the tri-
17. state area. I even saw the coach from the Mayberry Mudcats there scouting out
18. the players. He was probably checking the team out since they were set to play the
19. winners in the state finals. The Mayberry Mudcats coach has supposedly harbored
20. a grudge against the Centreville Stars ever since they picked another coach over
21. him for the Stars' head coaching position. I don't know if that is true or not since
22. it was before my time.

23. Anyway, the game was tied at zero. Before halftime, Spain did hit Anderson when
24. Anderson was about to kick one in for a goal. Anderson had a clear shot and
25. would have made it. Everyone knows s/he is the best player in the state had it not
26. been for Spain's sliding tackle. Spain took out Anderson and I was sure that
27. Anderson was out of the game. Anderson got up and kept on going. Later in the
28. game, Spain had possession of the ball and was heading towards the Centreville
29. goal. Spain was really moving down the field, but Anderson was quickly catching
30. up with him/her. Spain went for the goal and Anderson went for the ball. The next
31. thing I saw was Spain on the ground. Anderson may have gone in for the ball
32. harder and faster than I would have, but it looked like a fair play. It was obvious
33. that Anderson was going for the ball.

SIGNED

Taylor Brown

EXHIBIT 1

PLEASANTVILLE MEDICAL CENTER (PMC)

131 East Fifteenth Street, Pleasantville, NJ 55501

INITIAL PATIENT DATA:

Name: Shaun Spain DOB: 2/15/1991 SS#: 999-XX-3423
Date: 5/17/08 Arrived by: Ambulance Time: 1652

Temp: 98.6 Pulse: 100 Reap: 22 B/P: 114/73 WT: 145

Allergies: NKA

Home Medications: Multiple Vitamins, Advil for previous severe back injury

TRIAGE ASSESSMENT:

Severe trauma to the lower lumbar region

ASSESSMENT-HISTORY BY NURSE:

1652- Arrived per ambulance. Pt involved in accident at soccer game. Pt strapped to backboard and rendered immobile. Pt complains of severe pain down back and legs. Contusions to the right forearm and right patella. Right ankle edema. Lower back edema and swelling. Pt says that s/he was previously involved in serious car accident and injured in same region approx. 5 years previous.

MEDICATIONS/PROCEDURES:

Demerol 25 nag. IM TID PRN

X-Rays: C-Spine, skull and rt. Ankle. MRI and X-rays show some degeneration and prior damage of the vertebrae at L5, injury spanned vertebrae L4 and L5.

DIAGNOSIS:

Contusions, possible soft tissue damage, edema

DISCHARGE:

5/19/08 home assisted by family via private vehicle

INSTRUCTIONS TO PATIENT:

DC'd to visit orthopedic specialist 1 week.

Continue pain meds as needed

Return PRN

Blake Norman, M.D.

Signature of Physician

Kay Turner, R.N.

Signature of Nurse

EXHIBIT 3

Rules for Secondary School Athletic Soccer Association Referees

(Abridged from Constitution and commented to emphasize for referees)

1. Unlimited substitution is permitted, but only at the following situations:

- Goal kicks
- Goals
- When play has been stopped for an injured player (only the injured player may be changed)
- Half-time

No substitutions are permitted on throw-ins. Substitutions **MUST** only be made according to FIFA standards. The player leaving the field **MUST** have left the field before the replacement player can enter the field. It is strongly advised that no players be allowed to enter until all players exiting the field have actually left the field. In high school games, some teams change seven players at one time, so insist all are off before anyone enters. Do **NOT** re-start play until all players have entered and have reasonably taken their correct position on the field. All players exiting must exit at or near the team bench, not on the opposite side of the field.

2. A maximum of 18 players are permitted per team for the game.

3. Yellow and Red Cards:

Players receiving a yellow card will be removed from the game until the next allowable substitution. The team will be permitted to put a substitute on the field at the time that the yellow card is given. The yellow-carded player is the only player who may be replaced at that time and may re-enter that game at a regular substitution. Players receiving a red card must leave the field for the remainder of that game (no substitution allowed) and may not play in his/her team's next game. A coach who is dismissed during a game causes the automatic forfeiture of the game. The coach will be brought before a Board of Reference for further disciplinary action.

4. Uniforms:

Teams must wear similarly colored jerseys numbered on the back. The entire team must dress in similarly colored shorts and similarly colored socks. Shorts may not be cutoffs. It is the responsibility of the home team to avoid conflicting colors. Jewelry may not be worn by participating players. Shin guards must be worn by participating players. Coaches may inspect the opposing teams' footgear and refer players to the referee for a final decision. Head gear worn for religious reasons is allowed providing there is no hazard to other players as determined by the referee.

5. Lines people:

Each team is responsible for providing a lines person for the entire duration of all games. Club lines people may be team players awaiting substitution provided their team shirts are not visible. Lines men must be used.

6. Procedures for Rainy Days:

- a) Home team is to advise the visiting team prior to 1:00 p.m. on the status of the game.
- b) Referees are instructed to call the school regarding the status of the game. The referee must talk either to the coach, assistant coach, head of Physical Education department, or secretary at the school to confirm that a game has been cancelled. If the game is cancelled, the referee must record the name of the person contacted, and the time contacted, to provide proof that they were notified that the game has been cancelled.

7. Responsibility of the Home Team:

The game sheet, supplied by each coach, must be completed by each head coach prior to the start of the game. Game sheets are to be given to the referee before the start of the game. The home team is responsible for providing a playable field with markings, mesh on nets, corner posts, game ball, first aid kit and game sheet. Failure to comply will result in a forfeiture of the game, as decided by the referee before the game.

The above point is from the district's constitution, BUT it is the referee's DUTY to make every attempt to play the game. Lines could be washed out by a storm, so play without them if you can. Nets are not required by FIFA, so play without them. Corner posts are mandatory by FIFA, but many local games have no corner flags, so be certain to play the game. Make certain that whatever you use as corner flags, that they are safe for the players.

Officiating expenses for all league and play-off games will be the responsibility of the home school.

8. Length of Game:

Each league game will consist of two 35-minute halves with at least a five-minute half time break. Each playoff game will consist of two 40-minute halves with a ten-minute half time break.

9. All semi-final and final playoff games shall have three qualified referees (two assistant referees, and one referee).

10. A game may be forfeited if a team does not arrive within 15 minutes of the starting time.

The team that forfeits must pay the referee cost. We must use our discretion in this matter. School buses may be delayed taking the team to a game, or an accident with the bus could delay the game. Referees are advised to make every reasonable effort to play the game.

11. Deportment (of teams):

Competitors and Coaches are expected to behave in a sportsmanlike manner. Teams will shake hands under the supervision of the coach and referee. School teams shall at all times be under the supervision of an approved staff member of the school which they

represent, prior to, during and after the completion of the competition and until all of the team has left the site.

12. Ties in Play-off Games:

In the event of a tie in a play-off game, extra time will consist of two ten-minute halves with golden goal in effect. If the score is still tied after extra time, each side will take five alternating penalty shots to declare a winner. If the score is still tied after five penalty shots from both teams, a series of sudden-death alternating penalty shots will be taken.

Additional responsibilities and requirements of the Referee or Assistant Referee:

1. Game appointments:

You are responsible for the game once you accept an appointment from the referee appointer.

If you cannot make the game, you must return the game to the appointer as soon as possible after becoming aware of your unavailability.

Returning games without a valid reason will have you removed from the list of officials for this league.

If an emergency occurs on the day of the game, please contact the appointer as soon as possible. If you cannot reach the appointer, try to find a qualified replacement for yourself.

Be aware that non-appearance at a game you have accepted to officiate could result in our being fined the game fee.

2. Status of Official:

Must be:

- A registered Official.
- Grade three level or higher
- An active member of his or her branch
- Recommended by the branch, if not currently on the list of officials from the league

3. Evaluation:

From time to time, each official must be assessed to maintain their status in this league. It will be necessary for each referee in the league to be assessed by the association once every three years, and to have a satisfactory performance on this assessment. This cannot be implemented this year, but will be necessary to be completed in the next soccer season for maintaining your place in the league in the following season.

Additional Information:

This league is well regulated. You must be certain to enforce the laws!

- A) A player who accumulates three yellow cards will leave the field for the remainder of the game in which he received the third card. Substitution will be allowed at this time. The player may not play in his/her team's next game.
- B) Yellow cards will not carry over from the season in which they were accumulated to the following season.
- C) If a player receives two red cards in one season, that player will be suspended for the remainder of the season including playoffs.
- D) Red cards will carry over from the season in which they were accumulated to the following season, up to a maximum of a two game suspension. (This is in the case of a player receiving his or her second red card in his or her last game of the season.) Any red card involving a violent act may result in a minimum three game suspension or a more severe penalty at the discretion of the Convenor.
- E) Any coach that plays a suspended player will forfeit the game in which the suspended player participates. The coach will be brought before a Board of Reference for further disciplinary action.
- F) Teams receiving a total of four red cards will complete the game, and their status must be reviewed by the Convenor. Each subsequent red card after four must also be reviewed.
- G) A coach who is dismissed during a game causes the automatic forfeiture of the game. The coach will be brought before a Board of Reference for further disciplinary action.

EXHIBIT 4

A Commentary on the Laws of the Game and the “BIG SIX”

By: Cameron Strong

So when do you get a direct free kick? The answer is rather simple at first glance – commit one of the “big six” and you are lining up for a direct free kick. The initial section of Law 12, “direct free kick,” lists a set of six offences which, if committed against an opponent in a manner that the referee judges to be “careless, reckless or with excessive force,” result in a DFK to the non-offending team. The offences are kicking or attempting to kick, tripping or attempting to trip, jumping at, charging, striking or attempting to strike, and pushing.

Law 12 further provides that, if a player commits any of these six offences inside his own penalty area (PA), the opposing team will be awarded a penalty kick (PK). While the offence must occur within the PA, the ball does not have to be in the PA for a PK to be awarded.

Commentary

So the word is out. Even in the “gentlemanly game of soccer, people sometimes lose control and do things that are not exactly appropriate. To be a foul, the first six of these, listed above, must not only occur, but must be committed in a manner “considered by the referee to be careless, reckless or using excessive force.”

First off, what’s “careless or reckless?” Synonyms for these words are rash, negligent, wild, unconcerned, neglectful, improvident, and a few others, but you get the idea. While excessive force is harder to define, let’s just agree that it’s a bit more violent than the norm since the referee makes the decision on the field anyway (and what’s an “excessive push in a U-8 game might not even be noticed in a professional match).

So there we have it. Three things that get you in trouble for even trying to do (kicking, tripping, striking) and a couple that you have to actually accomplish in order to create a foul (jump at, push). And by the way, possession of or proximity to the ball isn’t even involved in any of them. If A trips B while the ball is 60 meters away, it can still be a foul. However, all of these do require that the action be directed at an opponent. Therefore, if a keeper decides to strike her own defender for an especially poor play, **this** section of the law is **not** applicable. However, it’s quite likely that the referee will decide that this is violent conduct under a later section of law 12 and act accordingly.

Right from the git go, be aware that if a player stands there and sticks her foot out and clearly trips an opponent on the way past or runs up to another player and kicks her, the referee will judge this to be either careless, reckless or with excessive force and call a foul. It seems to get a little murkier, however, when the non-offending player has the ball, as wither the trip or kick might possibly be an unintended consequence of trying to get the ball. But have no fear intent has nothing to do with this one. If a player tries to steal the ball and, through carelessness or recklessness, misses and takes the attacker to the ground, the referee will call a trip. In fact, even if she “gets ball” prior to the opponent hitting the deck, the referee might judge the “getting ball” to be just an unintended consequence of the takedown and call a foul.

Now, with all of that said, be aware that any of these offences, if committed violently enough, can land the perpetrator on the bad side of a yellow or even red card for serious foul play or violent conduct.

