Middle School Mock Trial Competition

The 2013 Mock Trial
Civil Case

IN THE COURT OF COMMON PLEAS
COUNTY OF STANTON
STATE OF NEW CAROLINA

Sidney Curie,	)
Plaintiff,	)
v.	)
Petzicon Products, Inc.,	)
Defendant.	)

NOTE: All characters, names, events, places, and circumstances in this Mock Trial case are fictitious.

A PROJECT OF THE
SOUTH CAROLINA BAR
LAW RELATED EDUCATION (LRE) COMMITTEE
AND THE MIDDLE SCHOOL MOCK TRIAL SUB-COMMITTEE

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South Carolina
BAR FOUNDATION
Lawyers Sustaining Justice

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MIDDLE SCHOOL MOCK TRIAL PAST WINNERS

2002 State Winner ..... Sneed Middle School
2003 Pee Dee Regional Winner..... Myrtle Beach Middle School
2003 Midlands Regional Winner ..... Lady's Island Middle School
2003 Upstate Regional Winner ..... Riverside Middle School
2004 State Winner..... Johnsonville Middle School
2005 State Winner..... Johnsonville Middle School
2006 State Winner ..... Hand Middle School
2007 State Winner ..... Springfield Middle School
2008 State Winner..... Springfield Middle School
2009 State Winner..... Forestbrook Middle School
2010 State Winner..... Forestbrook Middle School
2011 State Winner..... Johnsonville Middle School
2012 State Winner..... Forestbrook Middle School

2012 State Winner
Forestbrook Middle School

INTRODUCTION TO THE MOCK TRIAL COMPETITION

The Mock Trial competitions are sponsored by the South Carolina Bar Law Related Education (LRE) Division. Public schools, private schools and home school students throughout the state have been invited to participate in this Middle School Mock Trial program. Each participating school enters a team ideally composed of 14 to 16 students (and a minimum of 6 students) and requires a teacher coach sponsor. The SC Bar LRE Division will assist in locating attorney coaches to help teams prepare the case and will also provide the team with the case and other competition materials on the LRE Web site at http://www.scbar.org/LawRelatedEducation.aspx.

The Mock Trial competitions are divided into regional competitions with a culminating state competition. A total of twelve teams advance from the regional competitions to participate in the state competition using the same case. The top four teams from the State Middle School competition will represent South Carolina at the first Battle of the Carolinas Middle School Mock Trial competition using the same case used for regionals and state.

Teams are officially assigned to a region after the **drop date assigned assigned**. Once teams are assigned to a region, the team cannot switch regions without the approval of the state coordinator. *(Regions are subject to be split based on capacity of courthouses.)*

The Middle School Mock Trial competition schedule is as follows:

- Coastal — Conway..... Saturday, **November 2**, 2013
- Lowcountry — North Charleston ..... Saturday, November 9, 2013
- Midlands — Lexington..... Saturday, November 9, 2013
- Piedmont — Greenville ..... Saturday, November 9, 2013
- State — Lexington..... Friday and Saturday, December 6 and 7, 2013
- Battle of the Carolinas — Conway.....Friday and Saturday, April 4 and 5, 2014

The goals of this program are, first and foremost, to educate students about the basis of our American judicial system and the mechanics of litigation. The program also serves to build bridges of mutual cooperation, respect and support between the community and the legal profession. Through participation in the Mock Trial program students will increase their basic skills such as listening, speaking, writing, reading, and analyzing. All participants are encouraged to keep in mind that the goal of the Mock Trial program is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in a democratic republic through participation in our system of law and justice. All who participate in the Mock Trial program are winners in this sense.

Students – Through participation you will experience what it is like to prepare for and present a case before a presiding judge and scoring judges. Working with your team and coaches, you will learn to evaluate information and respond quickly. As you prepare, you will sharpen public speaking and presentation skills. The greatest benefit is the opportunity to learn how the legal system works. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of South Carolina's finest attorneys and judges will give you a glimpse of the different interpretations of trial procedure and different approaches of individual members in the legal arena.

Teacher Coaches, Attorney Coaches, and/or Judges – We strongly encourage you to focus on the goal of participation by students rather than stressing winning while preparing for the competition. Your contributions of time and talent are making many experiential educational opportunities available annually to many South Carolina students. Your participation is a key element to the success of this program. You can be proud of the impact you have made on the lives of these students.

DISCUSSION FORUM
The Mock Trial forum is a place to post questions concerning the content of the case materials, the rules, and the competition. The discussion forum is located on the LRE website, which is located at the following link:
http://www.scbar.org/LawRelatedEducation/AllPrograms/MiddleSchoolMockTrial/MiddleSchoolMockTrialForum.aspx

Once on the discussion forum page, click on the Middle School Mock Trial Discussion Forum. From there you will be taken to a registration page. It can take up to 48 hours to gain access to the forum once registered. The forum should be checked often for postings. Responses posted to the questions could change rules, case materials, and/or competition specifics that will apply on competition day. Forum questions may be posted up until **seven (7) business days prior** to a competition.

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Law Related Education (LRE) Division
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Competition, Case, Forum, and any Mock Trial Concerns

Marian Kirk, LRE Coordinator, mkirk@scbar.org
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Registration, Payment, Submission of Forms, and Updating Forms

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Handles the following types of Mock Trial Questions:
Webinar Registration, Forum Registration, Downloading Mock Trial Document(s), LRE Website Questions, and Securing an Attorney Coach

2013
MOCK TRIAL CASE
(Middle School)

2013 Middle School Mock Trial Case:

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CASE SUMMARY

Sally, a female West Highland Terrier, was purchased in October 2010, from a breeder in Chestnut Hill, Virginia, by Sidney Curie. After one year, Curie had successfully shown Sally in local, state, and regional dog shows. As a two-year old, Sally earned the nation's most coveted award, Best in Show, at the prestigious American Accredited Breed Dog Show. Shortly afterward, Curie observed some minor discomfort in Sally, which Curie initially thought to be anxiety related. Upon closer examination, Curie determined Sally was reacting to a minor flea irritation. Curie's first course of action was to apply Bright Blue Shampoo, a flea shampoo manufactured by Petzicon Products, Inc. Sally experienced no noticeable relief. Curie's second course of action was immediately to apply FleaX, a topical flea treatment also manufactured by Petzicon Products, Inc. Following the treatment, Sally began exhibiting neurological problems, the loss of function of her rear legs, and disorientation. The following day, Sally was examined by a veterinarian and remained at the clinic for intensive care for an "apparent toxic event." Two days following Sally's admission to the clinic, she died.

The Plaintiff has instituted a civil action and alleges liability on the part of the Defendant, Petzicon Products, Inc. for the manufacture and sale of FleaX, an "unreasonably dangerous product." The Plaintiff further alleges to have suffered damages as a result of the death of the dog.

The Defense denies any responsibility for the allegations stated in the complaint. The Defendant also alleges that, if the dog's death was related to the use of its product, it was caused by the Plaintiff's improper application of the flea treatment.

This case summary is not to be used as evidence in the case, but rather is provided for background purposes only.

PLEADINGS

COMPLAINT

(A complaint is the document that a Plaintiff files with the court to start a lawsuit.
It contains the Plaintiff's version of the facts of the case.
A Plaintiff must prove the facts in the case. It is up to the jury to decide the facts.)

AND

ANSWER

(An answer is the document that a Defendant files in response to the Complaint.
The Defendant must address each of the points in the Complaint
and give his/her version of the facts.)

STATE OF NEW CAROLINA COUNTY OF STANTON	)))	IN THE COURT OF COMMON PLEAS
Sidney Curie, Plaintiff,	))))	
vs.	))	COMPLAINT (Products Liability)
Petzicon Products, Inc., Defendant.	))))	JURY TRIAL REQUESTED

The Plaintiff alleges, and shall prove, that:

1. The Plaintiff is a citizen and resident of Stanton County, New Carolina.

2. Upon information and belief, the Defendant is a legal corporation, incorporated in New Carolina and operating under the name Petzicon Products, Inc. in Capital City, Stanton County, New Carolina.

3. On or about October 19, 2012, the Plaintiff applied the Defendant's topical flea treatment, FleaX, to his/her champion West Highland Terrier, Sally, as directed on the product label. Within an hour after application of FleaX, Sally began to exhibit symptoms of illness, including listlessness and lack of interest in food. By the following morning, Sally exhibited signs of lethargy and disorientation. She was unable to stand and could not walk. The Plaintiff sought immediate veterinary treatment for Sally. Upon examination, the treating veterinarian determined that Sally suffered from dyspnea, hind leg paresis, hyperthermia, tachycardia, and dehydration. Despite all reasonable and appropriate efforts, Sally died on October 22, 2012.

4. As a direct result of the use of the Defendant's defective product, FleaX, the Plaintiff suffered significant and compensable damages, including loss of personal property, and loss of future earnings in the amount of $500,000.

5. The Defendant's product, FleaX, was expected to and did reach the Plaintiff without substantial change in the condition in which it was distributed.

6. The Plaintiff used the Defendant's product FleaX, for the purpose for which it was intended and in the manner prescribed on the label.

7. The Defendant manufactured and distributed its product, FleaX, in an unreasonably unsafe condition. Specifically:

   a. FleaX contained pyrethroid pesticides, which cause neurological impairment and damage to vertebrates, including dogs and other pets.
   b. The Defendant manufactured and sold FleaX with toxic levels of pyrethroids, with full knowledge of the risks posed to dogs and other pets.
   c. The Defendant failed to use reasonable, effective alternatives in the manufacture of its product, specifically, insect growth regulators (IGRs), which do not contain neurotoxins and pose substantially less risk to dogs and other pets.

   All of which directly and proximately caused the damages incurred by the Plaintiff.

8. The Defendant manufactured and sold its product, FleaX, without adequate warnings or labels. Specifically, the Defendant failed to include on the label or packaging a warning that:

   a. FleaX contained toxic levels of pyrethroid pesticides;
   b. FleaX could cause neurological impairment and death to vertebrates, including dogs and other pets;
   c. FleaX presented a particular risk of impairment and death to smaller pets (including West Highland Terriers that are small dogs such as Sally); and,
   d. When used in combination with other pet care products, FleaX posed a substantial risk of harm or death to dogs and other pets.

   All of which directly and proximately caused the damages incurred by the Plaintiff.

WHEREFORE, the Plaintiff prays for judgment against the Defendant for actual damages as the jury deems appropriate.

The Brown Law Firm, LLC

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Capital City, New Carolina
August 18, 2013

STATE OF NEW CAROLINA COUNTY OF STANTON	)))	IN THE COURT OF COMMON PLEAS
Sidney Curie, Plaintiff,	))))	
vs.	))	ANSWER
Petzicon Products, Inc., Defendant.	))))	JURY TRIAL REQUESTED

The Defendant in this matter, answering the Plaintiff's Complaint, alleges as follows:

1. Each and every allegation in the Plaintiff's Complaint, unless specifically admitted herein, is denied.

2. The allegations in Paragraph 1 of the Complaint are admitted, upon information and belief.

3. The allegations in Paragraph 2 of the Complaint are admitted.

4. Upon information and belief that on or about October 19, 2012, the Plaintiff applied the Defendant's topical flea treatment, FleaX, to his/her champion West Highland Terrier, Sally. It is specifically denied that the Plaintiff applied the product as directed on the label. It is admitted that sometime after application of FleaX, Sally exhibited symptoms of illness. The nature and extent of those symptoms are unknown to the Defendant; therefore, the allegations in Paragraph 3 of the Complaint in that regard are denied. It is specifically denied that the Plaintiff sought immediate veterinary treatment for Sally. It is admitted that Sally died on October 22, 2012. It is specifically denied that all reasonable and appropriate efforts were made in the treatment of Sally.

5. The allegations in Paragraph 4 of the Complaint are denied.

6. The allegations in Paragraph 5 of the Complaint are admitted.

7. The allegations in Paragraph 6 of the Complaint are denied. Further, the Defendant will show that the damages sustained by the Plaintiff, if any, were due solely to the Plaintiff's own failure to read and follow the instructions and warnings on the FleaX label and packaging.

8. The allegations in Paragraph 7 of the Complaint are denied.

9. The allegations in Paragraph 8 of the Complaint are denied.

WHEREFORE, the Defendant prays for judgment from this Court in favor of the Defendant.

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September 25, 2013

STATE OF NEW CAROLINA COUNTY OF STANTON	))	IN THE COURT OF COMMON PLEAS
Sidney Curie, Plaintiff,	)))	
vs.	)	STIPULATIONS
Petzicon Products, Inc., Defendant.	)))	

The parties agree and stipulate as to the following:

Stipulations

1. This case is governed by the laws of the state of New Carolina. The parties are bound by the law set forth in the Jury Charges. The parties may not argue or present any statutory or case law other than what is cited in the Jury Charges.
2. Sally had no history of any significant medical problems.
3. Sally's original trainer, John Dalton, is not available to testify because he was severely injured in a car accident and remains hospitalized.
4. There are no defects in the pleadings. The Defendant has properly appeared and answered. The court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the court. No law may be argued other than what is contained in the jury charges in the case materials. [1]
5. All exhibits included in the case materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the case materials. The signatures on the witness statements and all other documents are authentic. No witness may be examined or cross-examined as to the contents of anything not included in the case materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, or other publications.
6. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.

[Stipulations are continued on the next page.]

[1] This means no additional legal research may be presented at the Mock Trial proceedings.

7. The words below are to be pronounced accordingly:

Word	Word Broken Into Syllables	Pronunciation
Chrysanthemum	chry·san·the·mum	kri-ˈsan(t)-thə-məm
Craniomandibular	Cran-io-man-dib-u-lar	Kran-ē-ō-man-dib-ū-lŭr
Diazepam	di·az·e·pam	dī-ˈa-zə-ˌpam
Dyspnea	dys·pnea	dis(p)-nē-ə
Dyspneic	dys·pne-ic	dis(p)-nē-ik
Eukenuba	Euk-e-nu-ba	ūk-ä-nū-bä
Multac	Mul-tac	Mūl-tack
Necropsy	nec·rop·sy	ne-ˌkräp-sē
Neurotoxicity	neu·ro·tox·ic·i·ty	nu̇r-ō-ˈtäk-si-city
Osteopathy	os·te·op·a·thy	äs-tē-ˈä-pə-thē
Paresis	pa·re·sis	pə-ˈrē-səs
Pekingese	Pe·king·ese	pē-kuh-ˈnēz
Petzicon	pet·zi·con	Pet-zə-con
Pyrethroid	py·re·throid	pī-ˈrē-ˌthrȯid
Pyrethrin	py·re·thrin	pī-ˈrē-thrən
Tachycardia	tachy·car·dia	ta-ki-ˈkär-dē-ə
Vertebrate	ver·te·brate	vər-tə-brət, -ˌbrāt

STATE OF NEW CAROLINA COUNTY OF STANTON	)))	IN THE COURT OF COMMON PLEAS
Sidney Curie, Plaintiff,	))))	
vs.	))	JURY INSTRUCTIONS
Petzicon Products, Inc., Defendant.	)))))	

Note:

Jury instructions are NOT to be read to the jury on the day of the Mock Trial Competition.

The Court hereby approves the following preliminary jury instructions in the above-captioned case. It notes that the presentation of evidence at trial may warrant additional instructions, and it will consider those instructions at a later date.

A. The Jury: Finders of the Facts

Under our Constitution and code of laws, only you -- the jury -- can make the findings of fact in this case. I am not permitted to tell you how I feel about the evidence which has been presented. And throughout this trial, I have intended to be fair and impartial toward each of the parties involved.

To determine the facts in this case, you will have to evaluate the credibility -- or believability of witnesses. You are the sole judges of the credibility of the witnesses, and, in passing upon their credibility, you may take into consideration many things, such as:

(1) How would you describe the appearance and manner of the witness on the stand, sometimes referred to as the demeanor of the witness?
(2) Was the witness forthright or hesitant?
(3) Was the witness' testimony consistent, or did it contain discrepancies?
(4) What was the ability of the witness to know the facts about which he or she testified?
(5) Did the witness have a cause or a reason to be biased and prejudiced in favor of the testimony he or she gave?
(6) Was the testimony of the witness corroborated or made stronger by other testimony and evidence, or was it made weaker or impeached by such other testimony and evidence?

You can believe as much or as little of each witness' testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses -- or just the opposite.

Of course, you do not determine the truth merely by counting the number of witnesses presented by each side. Throughout this process you have but one objective -- to seek the truth, regardless of its source.

B. Circumstantial Evidence

There are two types of evidence generally presented during a trial -- direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact in issue. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

You should weigh all the evidence in the case in arriving at a verdict.

C. The Judge: Instructor of the Law

The same Constitution and laws which designate and make you the finders of the facts also make me the instructor of the law. You must accept the law as I give it to you. If I am wrong, there is another place and time for that error to be corrected. But for now, you must accept the law as I give it to you -- and I caution you that that does not mean what you think the law should be, but what I tell you it is.

D. Elements of a Cause of Action

To state a cause of action against a Defendant, the law requires a Plaintiff to set out in his or her complaint the essential claims which make up that Cause of Action. In his or her complaint, the Plaintiff in this action has set forth the essential claims of each cause of action, each of which is denied by the Defendant.

E. Defenses

In his/her Answer to the Plaintiff's Complaint, the Defendant has set forth various defenses.

The first defense is what is called a qualified general denial. By this defense, the Defendant admits the truthfulness of certain claims --such as the time and date of the occurrence -- but denies each and every claim that would make the Defendant responsible for the Plaintiff's injuries.

By doing this, the Defendant is placing upon the Plaintiff the burden of proving those necessary elements I told you about earlier.

In addition to this qualified general denial, the Defendant puts forth defenses to the particular Causes of Action. Those will be discussed with the specific Causes of Action.

F. Burden of Proof

The Plaintiff has the burden of proof on his or her cause of action. She or he must meet this burden by proving his or her claims by the preponderance -- or the greater weight -- of the evidence. So, what do we mean by the greater weight of the evidence? Simply this,

imagine a traditional set of scales. When the case begins, the scales are even. After all the evidence has been presented, if the scales should remain even or if they should tip -- ever so slightly -- in favor of the other side, then the proponents will have failed to meet the burden of proof, and your verdict should be for the other side.

If, on the other hand, those scales should tip –no matter how slightly -- in favor of the proponents, then they will have met the burden of proof, and your verdict would be for the proponents.

Of course, there is no way to weigh evidence, except through the exercise of your good common sense and judgment. It is entirely a mental process -- and the evidence you should give the most weight to is that which convinces you of its truth, regardless of the source from which it comes.

G. Impartial Jury

Now you have been sworn to give all parties in this case a fair and impartial trial, and when you have done so, you will have complied with your oath, and no one will have a right to criticize your verdict. You must not be influenced by opinions or expressions of opinion you may have heard outside of this courtroom, but rather should base your verdict only on the testimony of the sworn witnesses who took the stand, along with the other evidence.

You must not be swayed by caprice, passion, prejudice or improper sympathy for or against any of the parties in this case. Remember, you have no friends to reward or enemies to punish, and all parties are entitled to a fair and impartial trial at your hands.

H. The Elements of Products Liability

The Plaintiff in this case is alleging that damages were incurred as a result of the use of the Defendant's defective product. This is called an action for products liability. In order to recover in an action for products liability in the state of New Carolina, a Plaintiff must prove the following four elements:

(1) The Defendant manufactured or sold a product with a defect that made the product unreasonably dangerous;
(2) The product reached the consumer or user without substantial change in condition from the time it was manufactured or sold;
(3) The product was being used for its intended purpose and was not being misused in any way; and,
(4) The defect in the product caused damages to the Plaintiff.

I. Element #1 – Defective Product that is Unreasonably Dangerous

In an action for products liability, the Plaintiff must first prove that the Defendant manufactured or sold a product that was defective and unreasonably dangerous. The Plaintiff in this case alleges two different kinds of defects in the Defendant's flea treatment product: a design defect and a warning label defect. The Defendant in this case denies that its flea treatment was defective. If the Plaintiff can prove either or both of these kinds of

defects and that the product was unreasonably dangerous, then the Plaintiff has proven element #1.

J. Design Defect

One of the allegations by the Plaintiff in this case is that the product in question contained a design defect. A design defect may be established by proof that, as a result of a defect or flaw in the design of the product, the product was unsafe for the use for which it was intended. The Defendant denies that its product contained a design defect.

To establish the claim for a design defect in this case, the Plaintiff must prove that the Defendant's flea treatment was designed in a way that made that product not reasonably safe. To determine if the Defendant's flea treatment had a design defect, you must consider whether there was something about how the product was made that rendered it unreasonably dangerous. If the answer is “yes”, then you have found the defendant's flea treatment to be defective. Plaintiff need not prove that Defendant knew of the defect, only that the defect rendered the product unsafe for the use for which it was intended.

K. Warning Label Defect

The other allegation by the Plaintiff in this case is that the Defendant failed to label its product adequately to warn of potential risks. If a product fails to contain an adequate warning or instructions, it is defective. The Plaintiff says that the Defendant's flea treatment did not contain an adequate warning or instruction because the potential that the dog may die was not disclosed. The Defendant says the Defendant's flea treatment did contain adequate warning or instruction.

The Defendant, as the manufacturer or seller of the product, has a duty to provide adequate warnings or instructions about the dangers the Defendant's flea treatment may present. The Defendant had this duty even if the Defendant's flea treatment were perfectly designed and manufactured. To decide the Plaintiff’s failure to warn claim, you must determine what warnings and instructions the Defendant provided and whether those warnings and instructions were adequate. Warnings or instructions may consist of statements that a product should not be used at all under certain circumstances, that it should be used only in a particular way, or that it should be used with particular care. Warnings or instructions may be in the form of words, symbols, or pictures. They must be in a form which will effectively convey the information essential to make the use of the product reasonably safe. An adequate warning or instruction will communicate sufficient information on the dangers of the product and how to use the product safely.

When deciding whether the information provided is adequate, you should take into account the characteristics of the people reasonably expected to use the product and ordinary knowledge. In deciding whether the warning or instruction given in this case was adequate, you must assume that the Defendant knew of the dangers of the Defendant's flea treatment at the time the Defendant's flea treatment was sold or distributed. With that assumption you must then decide whether the Defendant acted in a reasonable, prudent manner in marketing the flea treatment. In this case, the Defendant contends that the potential for the death of the pet was not known at the time the Defendant's flea treatment was manufactured or sold. If the Defendant proves that the danger in question was not known at the time of manufacture or sale, then it had no duty to warn of the danger and cannot be held liable for the failure to do so. In evaluating this defense of the Defendant, you may consider evidence relating to the Defendant’s knowledge of the danger of the Defendant's flea treatment. A duty to warn arises only if the Defendant actually knew or should have known of the need to issue a particular warning.

In determining what the Defendant should have known, you must understand that the law requires a manufacturer or seller to keep reasonably familiar with and to know reliable information generally available or reasonably obtainable in the industry. This information may come from experts and literature in the field. Moreover, information from other sources such as complaints from users, sellers or distributors of harmful effect of a product may be sufficient to require an appropriate warning.

A manufacturer or seller such as the Defendant may also have responsibility to warn purchasers and consumers of dangers discovered after the product was sold or distributed. This duty arises when subsequently obtained knowledge, either actual or constructive, was available either at the time of distribution or in sufficient time before the event so that an effective and reasonable supplemental warning could have been given. In this regard, it is the Defendant who must prove that the information about the danger was not reasonably available or obtainable either at the time of distribution or in sufficient time before the event herein.

Regardless of the nature of the defect, the Defendant in a products liability case is only liable if that defect rendered the product unreasonably dangerous. Many products present a risk of potential harm to the user or damage to the property of the user. An example is a chainsaw. A chainsaw is a dangerous product because its use creates a risk of harm. The manufacturer of a chainsaw, however, is not liable for all injuries caused by the use of its product. The manufacturer is only liable if the chainsaw is defective and that defect renders the chainsaw unreasonably dangerous even with proper use. In this case, the Plaintiff claims that the Defendant's flea treatment was defective and that it presented an unreasonable risk of harm. The Defendant denies that its product was defective and denies that the risk posed by use of the product, if any, was not unreasonable.

L. Element #2 – No Substantial Change in Condition

In an action for products liability, the Plaintiff must also show that when the product was used, it had not been substantially altered after it left the Defendant’s control. A substantial alteration is a change or modification made to the product after it was manufactured or sold which both alters the design or function of the product and has a significant or meaningful effect on the product’s safety when used. The Defendant in this case does not deny that the product was not substantially altered. Because this element is admitted, you do not have to determine whether or not the Plaintiff offered sufficient proof.

M. Element #3 – Proper Use of the Product

In an action for products liability, the Plaintiff must prove that, at the time of the event, the Defendant's product was being used properly for its intended purpose or for a reasonably foreseeable purpose. In this case, the Plaintiff claims that the product was used for the purpose for which it was intended and in accordance with the instructions on the label. The Defendant contends that the Defendant's flea treatment was not being used properly. In considering this issue, you must determine whether there has been a misuse of the product. If you find such to exist, you must determine whether such misuse was reasonably foreseeable at the time the product left the control of the defendant.

You may consider the general experience within the industry as to what was known or what could have been known with exercise of reasonable diligence when the Defendant's flea treatment was manufactured and distributed. Then decide whether a reasonably careful manufacturer could have anticipated the particular misuse of the Defendant's flea treatment alleged in this case. If the misuse reasonably could have been anticipated, and if that misuse made the product reasonably unsafe, the Defendant is still responsible. The Plaintiff has the burden to show that a typical manufacturer or seller of the product could foresee

that the product would be misused or that despite the misuse, the original defect was nonetheless a cause of the death of Sally, the Plaintiff's dog.

N. Element #4 – Causation

A Plaintiff in a products liability case must prove that the defect in the product was the proximate cause of the Plaintiff's damages. The Plaintiff in this case says that the Defendant's flea treatment was defective because it led to the death of the dog, Sally. The Defendant says that the Defendant's flea treatment was not defective and that application of the flea treatment was not the cause of Sally's death. You have the opportunity to rely upon the expert testimony of the parties in determining whether this element has been proven.

Proximate cause means that the defect was a substantial factor which by itself or in combination with another cause or causes brought about the Plaintiff's damages. In order to prove proximate cause, the Plaintiff must show that but for the defect in the product, the damages would not have occurred. The Plaintiff must also show that the damages sustained were reasonably foreseeable to the Defendant. In this case, the Plaintiff must show that if it were not for the defect in the Defendant's flea treatment, Sally would not have died and the Plaintiff would not have incurred damages. The Plaintiff must also show that the Defendant should have or could have reasonably anticipated that its flea treatment would result in the death of a consumer's dog and that the consumer, such as the Plaintiff would or could incur the type of damages alleged.

In this case, the Plaintiff is claiming two types of damages: loss of personal property, and loss of future earnings. In order to recover for damages related to loss of personal property, in this case the loss of the dog, the Plaintiff must prove the actual market value of the dog at the time of her death. The law of New Carolina states that an animal - even a family pet - is personal property; the value of which is determined by the marketplace. You may not consider sentimental value or emotional damages incurred by the Plaintiff as a result of loss of the pet. In order to recover for loss of future earnings, the Plaintiff must prove the amount of future income that was reasonably likely minus the expenses that would have been incurred in realizing that income.

Regardless of the type of damages claimed, in order to recover in this case, the Plaintiff must prove to your satisfaction that those damages would not have occurred if not for the defect in the Defendant's product and that those damages should have or could have reasonably been foreseen by the Defendant at the time of the manufacture and sale of the product.

If the Plaintiff has proven each of the above four elements by a preponderance of the credible evidence, then you must find for the Plaintiff. If, on the other hand, the Plaintiff has failed to prove any of these elements, then you must find for the Defendant.

STATE OF NEW CAROLINA COUNTY OF STANTON	)))	IN THE COURT OF COMMON PLEAS
Sidney Curie, Plaintiff,	))))	
vs.	))	JURY VERDICT FORM
Petzicon Products, Inc., Defendant.	))))	

We, the jury, find as follows:

1. **DESIGN DEFECT:** Did Sidney Curie prove by a preponderance of the credible evidence that the Petzicon Flea Treatment had a defective design?

   YES **NO**

   Regardless of answer, proceed to Question 2.

2. **FAILURE TO WARN:** Did Sidney Curie prove by a preponderance of the credible evidence that the Petzicon Flea Treatment did not contain an adequate warning or instruction?

   YES **NO**

   If your answer was “Yes” to either Question 1 or Question 2, proceed to Question 3.
   If your answer was “No” to both Question 1 and Question 2, answer no more questions, sign this verdict form, and notify the bailiff that you have reached your verdict.

3. Did Sidney Curie prove by a preponderance of the credible evidence that the product was used for its intended purpose and was not misused in any way?

   YES **NO**

   If “Yes” - proceed to Question 4.
   If “No” - answer no more questions, sign this verdict form, and notify the bailiff that you have reached your verdict.

4. Did Sidney Curie prove by a preponderance of the credible evidence that the defect in the Petzicon Flea Treatment was a proximate cause of the death of Sidney Curie's dog and related damages to Sidney Curie?

   YES **NO**

   If "Yes" - proceed to Question 5.
   If "No" - answer no more questions, sign this verdict form, and notify the bailiff that you have reached your verdict.

5. Enter the amount of money (if any) that will fully, fairly, and reasonably compensate Sidney Curie for harm proximately caused by Petzicon Products, Inc.

   Amount of damages incurred by Sidney Curie $_____.

_____
Jury Foreperson Signature

WITNESSES
and
AFFIDAVITS

WITNESS LISTING

PLAINTIFF	
Sidney Curie	Plaintiff – Dog Owner
Jamie Newton	Pres./CEO of Dog Show
Alex Darwin, D.V.M.	Veterinarian

DEFENSE	
Pat Kepler	Pres./CEO of Petzicon
Sam Tesla	Chemical Engineer
Terry Goodall	Accountant

1. My name is Sidney Curie and I live in Capital City, New Carolina. Let me start by telling you about my wonderful little dog, Sally. She was a beautiful, white-colored West Highland Terrier. She was eight weeks old when I purchased her in October 2010. I did a lot of research on the canine breeders in the area, so I know Sally came from a reputable seller. I purchased Sally from a breeder in Chestnut Hill, Virginia. They said this dog was exceptional in appearance and temperament, and I had to agree. The first time I saw her it was love at first sight. I knew we were to be friends forever. I wrote a check for $2,000, finalized the sale, and took her back to my home in New Carolina.

2. Sally was housebroken in just a few weeks, and I was able to train her to follow basic commands like sit, beg, lie down, and offer her little paw after another couple of months. From the start, it was clear that she just wanted to please me. We were very comfortable with each other and I was really delighted with how things were working out.

3. When Sally was five months old, I began to bring her for regular grooming and some professional puppy training sessions. The groomers would often comment on her exceptional lines and temperament. They suggested time and again that I should consider showing her, but I figured they said that about all the dogs. The puppy trainers were always impressed by her ability to focus on the task at hand instead of cavorting with the other pups. I mean she was a gorgeous pup, had fine lines and was quick to learn commands, but I did not really have time to look into showing her. Besides, I had no intention of showing her competitively.

4. As I was leaving one of Sally's regular grooming sessions in February 2011, one of the other owners approached me and introduced himself as John Dalton. He told me he was a dog trainer with experience working with dogs that have competed in the annual American Accredited Breed Dog Show (AABDS). He said he could not help but notice what a fine example of the Westie breed Sally was and asked if he could "handle" her. A handler is a kind of personal trainer and management agent all in one. I learned that all of the really successful show dogs have one. I thought it an odd request, coming out of the blue like that, but one of the groomers at the salon highly recommended him and told me how much he could do for Sally. Mr. Dalton remarked on Sally's excellent bone structure and showed me what judges look for when examining each dog. He told me that she would be a highly favored dog in competition and emphatically said it would be a wonderful experience for me to train Sally for shows. And while there would be some initial expenses such as training and entrance fees, he also mentioned that the prizes in some competitions exceeded $10,000. Sally was six months old, and he stressed that the time to begin was now. He gave me some information on dog shows and told me once Sally fully matured she would become harder to train specifically for competitions.

5. I took his card and pondered the possibilities. A few days later, I set up an initial training session with Mr. Dalton. Over the next several weeks, he was more convinced than ever about Sally's potential show career. He said she had a natural stride, perfect measurements, and would be sure to place or even win in our county dog show. For a small entrance fee, I entered her. There were about 40 dogs entered, basically broken down by size into five groups. To my delight, she won not only Best in Breed, but Best in Show! There was no monetary prize, but Sally did receive a lovely

trophy and really seemed to enjoy her time in the spotlight.

6. After that, there was no stopping us. I entered her in state and regional shows and she was winning in her division each time. Sally won Best in Show at the South Eastern Regional Breeder's Show in Atlanta in the spring of 2012. For that, Sally won $10,000, a nice plaque shaped like a dog bone, and a basket of dog food, dog treats, a collar, shampoo, conditioner, and flea treatment from the show's sponsor, Petzicon. Judges from all of these events continued to tell me that Sally was ready for "the big show" - that is, the American Accredited Breed Dog Show held every year in Washington, D.C. Winning that contest meant national recognition, a $100,000 Best in Show prize, and the possibility of endorsements from all the major dog food manufacturers in the country. I imagined Sally's face on every dog food can in every cupboard in America. A picture of her at two years old is marked as Exhibit #3.

7. It was a very exciting experience. On October 15, 2012, we arrived in D.C. with Sally's trainer and favorite groomer and checked into a four-star hotel (paid for by the winnings from her recent show). We checked out the convention center located next door and prepped Sally's grooming station for the next day. She was scheduled to compete with the Terrier Group scheduled for the afternoon of the first day of the show and we had high hopes. It was clear from the beginning that she was the front runner of her group. She excelled in every area and the judges smiled broadly whenever they looked at her. She won Best in Breed in the Terrier Group and we received a $10,000 check.

8. The next day it was time to judge Best in Show. Best in Show consists of all of the Best in Breed winners from each group. The buzz was that it was between Sally and a yellow Labrador from Ohio. I was so excited. Sally won Best in Show, which

came with $100,000! We were immediately inundated with press and photographers. The next morning, Sally was pictured in several national newspapers. We even appeared on the big network morning television shows. With all that exposure, I knew that we would get inundated with commercial offers from pet product representatives from all over the country.

9. When we got home from Washington on October 19, I noticed that Sally was scratching a lot and trying to gnaw at the top of her tail. I chalked it up to a little anxiety at first, but when I went to groom her, I noticed the telltale sign of fleas. She was around a lot of dogs at the show, of course, and I assumed she must have picked up a flea or two while there. I know she did not pick them up from my house. I have the whole house treated for pests every month and the exterminator specifically includes a flea treatment. In fact, they sprayed the house just before we left for Washington. I gave Sally a bath using the flea shampoo from the Petzicon prize basket we got earlier that year. I applied the shampoo as directed on the label in Exhibit #7. I rinsed and dried her off and hoped for the best. Unfortunately, I could see that the fleas were still there, only this time, she really seemed uncomfortable from all the bites.

10. I found one of those topical flea treatments in the prize basket. It was one of those treatments you apply directly to the skin near the base of the dog's neck. I made sure to apply it as directed on the package. An hour or so after applying the topical treatment, Sally seemed not to be her normal self. She seemed listless and quiet. I started to get worried when she would not eat. That was at about 6:30 in the evening, so I called Dr. Darwin, her veterinarian. Dr. Darwin told me to watch her and call back if the symptoms changed during the night. I placed Sally in her dog bed with some water and food nearby.

11. At 7 a.m. I awoke and could see immediately that things had worsened overnight. Sally could not stand up. Her hind legs seemed to be paralyzed. I scooped her up out of her bed and took her immediately to the vet.

12. Dr. Darwin examined Sally and said right away that this was the aftermath of an over-the-counter flea product. I remember Dr. Darwin asking me what products I had used, but I could not remember. I still had both packages at home and was able to bring them later that day. The shampoo that I used was Bright Blue Shampoo and the labels on that bottle are marked as exhibit #7. The flea treatment I used was FleaX and the labels on that box are marked as exhibit #6. Sally never had fleas before this, so I had never used a flea product on her in the past. I did read the labels on the FleaX box. It said not to use it with other flea treatments. Although I had tried a flea shampoo first, FleaX was the only flea treatment I used. In fact, the Bright Blue Shampoo label recommended the use of FleaX. I was just following the instructions. I had no idea I was putting my Sally in danger.

13. Dr. Darwin thought Sally's immune system could have been a little compromised from stress due to travel or that she was a little dehydrated causing her to have an adverse reaction. Dr. Darwin mentioned Petzicon by name. Dr. Darwin told me that anti-flea products, like those made by Petzicon, are dangerous pesticides and that many animals had become neurologically impaired or even died as a result of using this product. It differs from natural holistic anti-flea medicines in that those products do not kill vertebrates, unlike Petzicon products which kill everything.

14. I stayed by Sally's side as much as I could with my work schedule. I was at work on October 22nd when I received the call from Dr. Darwin that Sally had made a turn for the worse. I rushed over, but it was too late. Sally died within a few minutes of

my arrival. I lost the best pet I ever had. Sally was like a child to me.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Sidney Curie

Sidney Curie

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

Anthony Roberts

Anthony Roberts, Notary Public
State of New Carolina
My Commission Expires: 10/24/15

1. My name is Jamie Newton. I am 53 years old, and a resident of Washington D.C. For the past nine years I have been the President and CEO of the American Accredited Breed Dog Show (AABDS). I personally oversee the competition held every year in Washington D.C. as well as affiliated dog shows held throughout the country.

2. I received a business degree in finance and management from the College of William and Mary in 1982. I began working as a business consultant with a large management consulting firm in Alexandria, Virginia after college. In 1990, I received my master's degree in business administration from the executive graduate business program of Georgetown University.

3. I am well respected in the dog show community, and am at the forefront of the whole dog show world. Companies come to me to launch new products. I probably turn away 80% of the companies who come to me. I am fully accredited with the USA Kennel Club, as well as the National Feline Club, and have become a leading expert in the monetary valuation of dog and cat breeds. I have testified as an expert in over ten civil trials, in nine different states.

4. The AABDS has been running for the past 40 years. The previous CEO, Lou Wenhook, founded the competition as the Atlantic Kennel Club Dog Show in Baltimore, Maryland in the early 1970's. Unfortunately, Lou ran the show without much long term vision. What really ran the show were the owners and the dogs.

5. I competed in the old Atlantic back in the mid 1990's. I found a whole new world that I enjoyed. I had a dog named Albert, a Cardigan Welsh Corgi that was quite

successful. He had the most beautiful gait also known as quality of movement. As soon as I showed Albert for the first time, he seemed to thrive in the spotlight. He could not get enough of the attention. I showed Albert in a number of dog shows, including twice at the Atlantic. He won Best in Breed both times; however, he did not win Best in Show. One year we made it to the finals only to lose out to Laika, a Russian Beagle.

6. In 1997, my company was hired by the Board of Directors of the Atlantic Kennel Club. At that time they had about 2,500 members nationwide and ran three dog shows annually. The Board was concerned that attendance at these shows had fallen drastically over a five year period and annual revenues had fallen by 30%. Over the course of 12 months, I made a number of recommendations that were adopted. By the close of the 1998 fiscal year, live attendance at shows increased by 25%; the national Atlantic Kennel Club Dog Show began annual broadcasts of the show on an animal-themed cable channel; and, annual revenue increased by a third.

7. By the start of the 1999 fiscal year, some Board members and dog owners felt that the shows were being held back. I was approached by the personnel committee of the Kennel Club Board to see if I would be interested in taking control of the organization. I left my company, accepted their offer, and took over as President and CEO in early 1999. My first action was to increase the national scope of the Atlantic Kennel Club by changing the name of the organization to the American Kennel Club, and the large annual show became the American Accredited Breed Dog Show (AABDS).

8. I had brought a lot of change to the AABDS. A couple of the owners were upset that we still had Petzicon Products, Inc. as our primary corporate sponsor. I was aware of rumors circulating that Petzicon had an increasing number of complaints and

lawsuits pending against them over problems with some of their products. At first I did not give much thought to dropping them, but over time I got more and more requests to find another sponsor. Eventually I gave in and told Petzicon that we would be discontinuing our corporate relationship with them. Losing a major sponsor like Petzicon hurt the AABDS at first. I had to make a few cutbacks in competition services, which upset some of the dog owners. I was able to work out contracts with some of the other companies to make up the difference. Multac, Petzicon's biggest competitor, was signed on to be the official pet products of the AABDS. As the title sponsor, Multac's products would be exclusively provided to pet owners at each show, replacing Petzicon's products. Multac recently re-upped to be the title sponsor of the competition series for another six years…at $3.2 million a year. Multac is even going to run AABDS-labeled products in their next line. With this, the AABDS is set to thrive for the next decade.

9. In regards to this case, I am aware of the allegations that Sidney Curie has made. Sidney Curie is a member of the American Kennel Club, and won the 2012 Best in Show Award at the 2012 AABDS with a West Highland Terrier named Sally. I have been retained to determine Sally's value. I have detailed my findings in a report submitted to Sidney Curie's legal counsel, which is marked as Exhibit #1. Based on comparison with similar highly successful show winners, I estimate Sally's potential earnings as a champion Terrier over a normal lifespan would have been between $361,000 - $580,000. This range includes prize winnings, endorsements, and breeding revenue. Although Sidney Curie would have incurred some expenses in connection with showing and breeding Sally, those expenses would have been nominal given her high potential earnings. **[Witness Signature – Next Page]**

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Jamie Newton

Jamie Newton

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

William Smith

William Smith, Notary Public
State of New Carolina
My Commission Expires: 12/08/16

1. My name is Dr. Alex Darwin. I am the owner of the Darwin Veterinary Clinic in Capital City, New Carolina. I graduated from St. George's University in Grenada. I was the primary care veterinarian to Sally, a West Highland White Terrier belonging to Sidney Curie, from October 2010, until her death.

2. My background in veterinary medicine is with a mixed animal practice (both large and small animals). I have been a veterinarian for fifteen years, which included an internship and residency in small animal internal medicine, followed by ten years in an emergency care center for small animals. I currently run a large and small animal practice where my main focus is on canine and equine medicine. My practice is incredibly diverse and I see cases from flea allergies to equine colics. Although I feel my practice keeps me current on veterinary medicine, I attend veterinary medical conferences throughout the year. During one of these conferences I was part of a panel discussion on increased uses of holistic remedies to treat animal diseases.

3. I am a member of the American Holistic Veterinary Medical Association. I do not subscribe to non-holistic products except when needed for disease treatment and/or emergency care. I professionally do not condone the use of these products and this decision is based on experience with tragedies due to many over-the-counter veterinary products. I am constantly pushed by drug reps to use their products, and I routinely receive printed propaganda from Petzicon Products, Inc. and other companies that I am asked to give to pet owners. I am not going to do it. It all gets thrown away. I am well aware of the dangers of animal toxicity, and I am not going to be part of it. In Grenada, toxicity was common, due to availability of products in the Caribbean and a population of pet owners relatively uneducated about dangers of over-the-counter

products. I was there for three years and witnessed three fatalities due to pyrethroid toxicity. Later, during my clinical year at the University of Florida, similar cases did occur and 75% were fatal or left the animal with permanent neurologic damage.

4. Sally presented to me on October 20, 2012, with what I eventually concluded was acute pyrethroid toxicity, based upon Sally's examination and the history of recent exposure to pyrethroid-containing pesticides. Sally was a West Highland Terrier. She was two years old, weighing 15 pounds, with no history of medical problems. I do confirm that Exhibit #5 is a fair and accurate picture of Sally. Upon examination, she had no deformities or abnormalities that would indicate injury or physical trauma. Sally presented with the following clinical signs: dyspnea (difficulty breathing); hind leg paresis (slight or incomplete paralysis); hyperthermia (temperature of 103° F, normal temperature is 100 - 102° F); tachycardia (increased heart rate of 150 beats per minute, above the normal range of 60-100); dehydration; lethargy and overall disorientation.

5. Sidney Curie telephoned the previous evening (October 19th) and reported that Sally was not acting normally. Sidney told me that Sally was listless and did not want to eat or drink anything. I knew from reading the news that Sally had just won the big dog show in Washington so my initial diagnosis was stress from travel. I advised Sidney to watch Sally during the night and call the office if there were changes in Sally's condition. Part of my practice includes operating a 24-hour emergency service so if there were significant changes during the night Sidney could have brought Sally in to be treated. I did not hear anything until about 8:00 a.m. the next morning when Sidney brought Sally into the clinic. I knew immediately that Sally was in bad shape and that her symptoms were much worse than what Sidney described on the phone. Sally

appeared to have complete paralysis of the hind legs and was shaking. I immediately thought that she was experiencing a neurological seizure. I drew a blood sample and sent it to the lab for testing. During my examination Sidney reported to me that Sally's condition started shortly after Sally was given a bath. Sidney said that the bath did not appear to have provided any relief. Sidney then applied a topical spot-on flea treatment. Sidney could not remember who made either product; however, I learned from Sidney later that day that they were both produced by Petzicon Products, Inc. The shampoo labels marked as exhibit #7 indicated the shampoo contained a low level of pyrethroids. The topical flea treatment labels marked as exhibit #6 contained a high level of pyrethroids. Additionally, I ascertained that Sidney's home is routinely treated for fleas. Sidney reported seeing something "terribly wrong" about an hour after using the topical treatment. The clinical signs Sidney described were characteristic of advanced neuro-toxicity (e.g., hind leg weakness, disorientation, falling down).

6. I have treated on average two to three cases each year with pyrethroid toxicity. Each patient's toxicity was totally specific to that case and no generalized conclusions could be determined. I would also like to add that in my experience as an emergency room veterinarian and longtime pet owner, I would not personally use any over-the-counter products on my animal. However, this is common practice for many people, due to commercialization, cost, and ease of use. This is unfortunate. According to my research, the EPA reported that it received approximately 44,000 reports of harmful reactions associated with topical flea and tick products in 2008, the latest year for which that data is available. Reactions ranged from skin irritations to vomiting to seizures to death of an animal in about 600 cases. Unfortunately, the EPA data does not distinguish between dogs and cats. Cats are more susceptible to adverse reaction

to flea treatments; however, injury and death of dogs is not unheard of, particularly with smaller dogs.

7. It was obvious Sidney was very distraught over the decision to wait and I certainly wish that action had been taken more quickly. Sidney told me of the guilt that would ensue if, in fact, something did happen to Sally. I said that even if action had been taken earlier, there was no assurance that the outcome would have been different for Sally.

8. In situations where a product is used by an owner and a negative reaction occurs to the pet, I find the owner is more distraught than the patient and is almost as fragile as the patient. This is why these occurrences are so difficult to deal with as a primary care veterinarian with a long-term pet owner. I am often put in a position in which a good owner acted on the assumption of doing a good thing for a pet and at the same time having to explain that I do not sell these products, never have and never will. In these cases, the owner did something I never advised and of which I had no knowledge, although certainly the owner was not aware how dangerous this product could be. Based on this experience my practice will be drafting a pet owner mailer on dangers of over-the-counter products like those sold by Petzicon, and owners will be given information on the real and potential dangers of any over-the-counter products being sold to pet owners. I am aware that one of my duties as a veterinarian is pet owner education, and I plan to add this to my list of common dangers of pet care.

9. I advised Sidney of the severity of Sally's condition and recommended that Sidney leave the dog with me for intensive care. I explained my concern about Sally's condition, and while hopeful that I would be able to at least stabilize her, if not provide a complete recovery, warned Sidney of the possibility that Sally may succumb to this

apparent toxic event, which may have precipitated a severe allergic or immune-mediated reaction. Additionally, other compounding factors may have been involved, but could not be determined without the results of a blood test. Sally was initially evaluated and was given the proper supportive care. My conclusions were validated when the blood test marked as Exhibit #5 confirmed high levels of toxins in Sally's blood stream. A mild detergent bath with very slow rubbing (not scrubbing) motion was given with cool water, which is the normal first step for such toxicity in the earlier stages of exposure. However, Sally remained Dyspneic (difficulty breathing), her temperature increased to 104° F with the temperature of a healthy dog ranging from 99° F to 102.5° F, and she became more lethargic. Therefore, IV fluids were started immediately, and she was placed in an oxygen chamber, with her vital signs checked every 30 minutes. Sally experienced a seizure the following day at 11 a.m., which was controlled by diazepam (Valium), the indicated anti-seizure medication under these circumstances. Unfortunately, from this point on, Sally's condition deteriorated. I called Sidney Curie to come back to the clinic on October 22nd because Sally's condition was not likely to improve and her death was imminent. Sally had another seizure before Sidney returned and then collapsed in respiratory failure.

10. No necropsy was requested by Sidney. These are the events to the best of my knowledge, and I can only speak of my treatment with 100% accuracy, and the history, as provided by Sidney Curie. There is no medical record, to my knowledge, of previous medical conditions that could have made Sally more susceptible to any condition described here. I was able to confirm the ingredients comprising both the shampoo and the Petzicon flea treatment marked as Exhibits #6 and #7. I was told that all labeled directions were followed. Again, I only can say what I did with confidence,

and although I believe Sidney is a responsible pet owner, I cannot vouch for anything more than what was provided to me upon presentation of Sally at my clinic. I can find within a reasonable degree of medical veterinary certainty that it was the Petzicon topical flea product that was the proximate cause of death. The product contains a high enough level of pyrethroid chemicals to cause neurotoxicity in small animals such as Sally. Neither the shampoo nor the commercial extermination chemicals contain a high enough concentration of pyrethroid to cause such a severe reaction. A necropsy would only have been helpful in confirming this determination, but it was not requested, and was not necessary for me to make a determination of cause of death.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Dr. Alex Darwin

Alex Darwin, D.V.M.

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

C.H. Gallant

C.H. Gallant, Notary Public
State of New Carolina
My Commission Expires: 12/5/16

1. My name is Pat Kepler. I am the President and CEO of Petzicon Products, Inc., a publicly owned corporation, headquartered in Capital City, New Carolina. I have worked in the pet products industry for the past 35 years.

2. Petzicon is ranked third nationally among the top ten highest grossing pet products manufacturers with sales slightly over $2 billion in a $50 billion U.S. market. Most of Petzicon's revenue, approximately 75%, is generated from our pet food division. The remaining 25% comes from Petzicon's non-food products division, which includes pharmaceuticals. Both are marketed under our own brand through retail partnerships with all the leading domestic outlets.

3. When I assumed the leadership of this company ten years ago, my first priority was to ensure that pet owners were receiving the safest and highest quality pet products available. I created a corporate environment with a "zero tolerance" for unsafe products for both the pet and the pet owner. We annually set aside about 25% of our gross revenue for research and development. The majority of that money goes to our pet food division.

4. I also knew we had to educate pet owners. A few years ago, I started a cutting-edge consumer awareness program unheard of in the pet products industry at the time. Every single piece of media advertising that left Petzicon carried with it the message: "Be a responsible pet owner." We also reached out to veterinarians by providing them with all the product information they would need to make intelligent decisions.

5. Despite our best efforts, we would still hear the horror stories. For example, one pet owner decided that putting three flea collars on a pet would provide

24 “triple the protection.” Another pet owner took a topical flea and tick preventative liquid
25 meant to be applied between the pet’s shoulder blades and administered it on top of the
26 pet’s food. It goes on and on, but even in the most bizarre product misuse, we still
27 expect the pet to survive.

28 6. Five years ago, Petzicon produced a shampoo in a concentrate form with
29 specific instructions on the use and the amount of shampoo that should be applied. The
30 amount of shampoo was to be mixed with water; if too much of the liquid shampoo was
31 added or not enough water, the mixture became toxic and would cause dogs to lose
32 hair. Some dogs would eat less and lose body weight. Even though the product came
33 with instructions on the use of a specific amount of water, many users did not follow
34 instructions. Petzicon was sued in a class action lawsuit. The matter was settled without
35 any finding of negligence on the part of Petzicon Products, Inc.

36 7. Obviously, most Environmental Protection Agency (EPA) complaints
37 concerning Petzicon are usually related to our pesticide products. These include flea
38 collars, ointments, sprays, dusting powders, and dips; all of which are designed to
39 prevent, destroy, repel, or mitigate fleas or ticks. The chemicals in all of the products
40 are registered with the EPA and are approved by the EPA. In spite of our complete
41 confidence in the safety of our products, we are diligent in ensuring that customers are
42 warned about the dangers of overdose and misuse of the product through our labeling
43 as noted in Exhibits #6 and #7. All known and potentially harmful effects are disclosed
44 as part of the labeling of each Petzicon product. As with people, every dog is different
45 and a product can affect one animal but not others. Petzicon also has a 1-800 number
46 for anyone who wants to seek information on the use of one of our products.

47 8. I understand the family of chemicals currently getting most of the negative

48 attention at the moment is the organic compounds called pyrethroids, found in the
49 extract of the chrysanthemum. This compound is in all our flea and tick products to
50 some degree. It acts as a neurotoxin and is quite effective in incapacitating insects that
51 would normally feed on pets. The Type I pyrethroids are best suited to small-scale
52 individual applications. The Type II pyrethroids involve large-scale applications and are
53 much more potent, which we no longer use. Currently we are using only Type I
54 pyrethroids. Animals are far less sensitive to the effects of pyrethroids than the insects
55 they are intended to destroy. It would take a dose hundreds of times larger than one
56 application of one of our products before it would be toxic to animals.
57 9. Pyrethroids are derived from chrysanthemums. They are all-natural and
58 harmless to animals and humans if used properly. Pyrethroids have always been
59 regarded as a major advancement in the insecticide industry. Additionally, pyrethroids
60 are extremely cost effective and have allowed us to deliver to the consumer an excellent
61 product at a fair price.
62 10. So why do pets like Sally die? We simply do not know. What I do know is
63 that there are literally millions of pet owners using Petzicon flea and tick products on
64 their pets with no adverse effects. It is true that we have seen a decrease in our market
65 share over the last few years as a result of negative press coverage related to claims
66 against our company specifically, and reports about adverse effects of pesticides
67 generally. I admit that losing the AABDS sponsorship was a blow to our marketing
68 department. However, the lost sponsorship had nothing to do with complaints about our
69 products. Jamie Newton, CEO of AABDS, insisted that we use his logo on our product
70 labels. That was a deal breaker for us, as we have to remain open to all marketing
71 opportunities.

11. Of course, we will always continue to explore sensible alternatives to pesticides. One such alternative is the use of insect growth regulators (IGRs). These IGRs do not contain neurotoxins, but rather chemicals that arrest the growth and development of young fleas. At this point in time, we have not drawn any firm conclusions regarding the practicality of IGRs. Although preliminary studies indicate that IGRs are less toxic, no study has concluded that IGRs are as effective as pyrethroids in eliminating fleas. Also, IGRs are very expensive. From a business standpoint, IGRs are simply not yet a viable alternative to pyrethroids.

12. I would like to make it abundantly clear that when we do make product changes, it is not necessarily because of any attendant risks to humans and their pets. Rather, we are simply evolving as a business entity in a competitive marketplace. I would be remiss if I did not express my personal condolences to Sidney Curie and to all pet owners who may have lost a pet to an illness. As a corporation, Petzicon Products, Inc. will continue to do our part by assigning risk levels to any chemicals we use in our products. We will also continue to respond not only to needs of pet owners, but also to the veterinarians who care for their pets – whether it be exposure, ingestion or misuse of any product in our pharmaceutical line.

[Witness Signature – Next Page]

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Pat Kepler

Pat Kepler

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

Michala Watson

Michala Watson, Notary Public
State of New Carolina
My Commission Expires: 4/3/19

1. My name is Sam Tesla. I graduated from New Carolina State University earning both a bachelor's degree and a master's degree in chemical engineering. I have written articles and given lectures on the effects of special chemicals for animal health. I have investigated many of the products produced by Petzicon Products, Inc.

2. Twenty years ago, I was employed by Petzicon working in the chemical division in the area of research and development. In this position, I tested various chemicals for their effects and used these results in the development of a number of products for Petzicon. After three years, I left Petzicon and started my own independent research laboratory called Pet Tech. At Pet Tech, we do lab testing for several companies in the pet industry as part of their product development process. Occasionally, we are hired to investigate claims of injury, illness, or death related to pet food and pet care products. While we do have several clients, Petzicon is the only major manufacturer we are working with at the moment. About 80% of Pet Tech's revenue is generated from research on Petzicon products.

3. When an unusual reaction is discovered through the use of any product I am testing, I immediately advise that company of any harmful effects that can be caused. The decision to remove the product from further distribution or to recall the product is made by that company. Petzicon does extensive research before authorizing any product for the public's use, but research and experiments do not reveal every possible side effect that may be caused.

4. Petzicon Products, Inc. hired me to investigate the cause of Sally's death. This type of investigation is routine whenever a claim is made that an animal's injury,

illness, or death was caused by a product produced by Petzicon Products, Inc. Petzicon is very conscientious and would, of course, accept responsibility if it were at fault.

5. My investigation begins by contacting the owner of the dog to discuss the feeding, care, grooming, and general health of the animal. I am particularly interested in the manner in which the Petzicon product was used, the dosage, whether other products were used (including products from other companies), and the medical history.

6. At the time I was called to make this investigation, the body of the dog, Sally, was no longer available for viewing. This is unfortunate because if a necropsy had been performed, I would have known the definitive cause of death. The necropsy would have indicated if the death was from exposure to one or several products or the result of some physical abnormality not previously detected, or a combination of the two. Sally had just won a prestigious dog show. I know from attending some dog shows that the competition is very intense. The owners have their dogs looking their best. They each use different products, and will mix different products to achieve the look they are seeking. Petzicon provides specific information on the use of all of its products and which ones can be safely applied in conjunction with each other.

7. I traveled to Capital City to meet with the pet owner. In our meeting, Sidney Curie informed me that Sally had competed in a show starting on October 16, 2012. Sally was groomed for a competition over two days, but Sidney Curie did not know what the trainer had used to prepare Sally for the competition. Three days later on October 19, 2012, they arrived home and Sally began noticeably itching upon arrival. Itching is symptomatic of many conditions and cannot be used to identify any particular illness. Sidney Curie then used a flea shampoo, believing Sally had picked up fleas. The

labels of the shampoo product are marked as Exhibit #7. When this did not work, a flea treatment was then applied to the neck because Sidney Curie still believed fleas were the problem. The labels of the flea treatment are marked as Exhibit #6. This occurred late at night. After no change the next morning, Sally was brought to the veterinarian.

8. Other than the flea shampoo, Sidney Curie reported that only the flea treatment was used. Previous medical history from Sally's veterinarian revealed that Sally had been in good health. Sidney Curie had taken good care of Sally up to the time of the competition. When Sally continued to itch after the use of the flea shampoo that was a warning sign that Sally might be suffering from something more serious than a simple case of fleas. Sidney Curie stated that only one dose of the flea treatment was used. However, an adverse reaction developing in less than 15 minutes indicates overuse of flea treatment. Sally's small size made the reaction that much quicker.

9. In my opinion, there is insufficient evidence to conclude that Sally's death was caused by use of Petzicon products. The flea treatment and flea shampoo used by the pet owner both contained pyrethroids; however, unless multiple doses were used in a very short period of time, neither of these products contain enough of this chemical to cause a fatality.

10. Pyrethroids are a class of synthetic pesticides used widely in home insect-control products, including flea bombs, roach sprays, ant bait, flea-and-tick pet shampoos, and lice shampoos. The chemicals are also sprayed on crops. To be clear, although they are modeled after naturally occurring insecticides (pyrethrins) found in chrysanthemum flowers, pyrethroids are synthetic, not naturally occurring. Pyrethroids are generally longer-lasting in the environment and are more toxic than their botanical cousins; therefore, they are much more effective in eliminating fleas and ticks. The

chemicals kill insects by blocking the transmission of messages in the nervous system.

11. Of course, any chemical - particularly synthetic chemicals - can be dangerous. In extremely high doses, pyrethroids are toxic to humans and dogs, and they can be particularly lethal to cats, bees, fish, and other water-dwelling creatures. However, cases of illness or death of animals, particularly dogs, are extremely rare. In fact, using bug spray and other insecticidal products is the most common way that people come into contact with pyrethroids. Pyrethroids are found in roach, ant, and flying insect sprays; flea bombs; roach traps and baits; lice and scabies shampoos for humans; and, of course, tick-and-flea collars, treatments, and shampoos for dogs. Pyrethroids are also used for insect control in schools and restaurants, in mosquito-abatement programs, and on livestock. These are commonly used products, which is a testament to their safety.

12. The reason the nervous systems of humans and other mammals are less susceptible to pyrethroids is both because of our larger size and because humans and many other mammals have detox mechanisms to help rid the body of these chemicals. Although dogs are generally able to detoxify these chemicals, cats are more susceptible and can suffer tremors, twitching, convulsions, and death if owners misuse pyrethroid-containing products. That is why Petzicon's warning labels clearly identify pyrethroid products as for use on dogs only, not cats. In Petzicon's flea and tick products for cats, the company uses insect growth regulators (IGRs), which are less toxic and have no effect on the nervous system. Unfortunately, IGRs are simply less effective than pyrethroids.

13. A 2009 study by the American Society for the Prevention of Cruelty to Animals reported that the majority of illnesses linked to improper use of topical flea and

tick products were mild. Cats were more susceptible than dogs to illnesses and deaths from misuse of the products, the report said. Although adverse reactions can occur with all flea and tick products, most effects are relatively mild and include skin irritation and stomach upset. Admittedly, the majority of problems for dogs occur in smaller dogs weighing 10 to 20 pounds. Pet owners should only use these products as directed when faced with a flea infestation, including applying a product designed for the particular type and size of an animal. The fact is, the number of adverse events reported for Petzicon's over-the-counter flea treatments has remained consistently low since the introduction of the product line in 1996.

14. I acknowledge that the pyrethroid levels in Sally's blood were on the high end. Safety standards indicate that an acceptable level of pyrethroids or residual pyrethroids in the blood on the first day of treatment are 4.5 to 5.75 ml as seen on Exhibit #2, which is the research Pet Tech uses when conducting studies on particular products. This is indicative of the fact that two flea products were applied on the same day, which is specifically warned against on the flea treatment label. Further, the elevated blood levels as noted in Exhibit #5 could be a reflection of exposure to additional sources of the chemicals, such as use of insecticides in the hotel in Washington, DC, or in the Curie home.

15. From my investigation, the manner in which the products were used remains uncertain. For these reasons, I cannot find sufficient evidence of harm due to the use of a Petzicon product or to conclude that Sally’s death was caused by the use of a Petzicon product. There are simply too many unknown factors. In my professional opinion, the only way for the Petzicon products to have caused the death of Sally would be from a significant over-application by the owner. **[Witness Signature – Next Page]**

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Sam Tesla

Sam Tesla

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

Miriam Wrenn

Miriam Wrenn, Notary Public
State of New Carolina
My Commission Expires: 12/08/16

1. My name is Terry Goodall. I am 54 years old. I have a bachelor's degree in accounting as well as an MBA from the Wharton School at the University of Pennsylvania. For 25 years I have been a professional dog trainer and handler. I became interested in the professional side of dog ownership at an early age. My parents were dog breeders. It was not a business for them, just a hobby, but I was essentially raised around pedigree and show dogs. I studied accounting and business in college and worked in the corporate world for several years, but I soon learned it was not for me. I gradually migrated back into the dog show industry and eventually made a career of it. I travel the world showing top dogs. From Eukenuba to Westminster, I consistently produce champion show dogs for my clients.

2. About ten years ago, a friend of a client lost her dog as a result of veterinarian malpractice. I was asked to provide a valuation of the dog for use in her lawsuit against the veterinarian. Since that time, I have been consulted on approximately 11 legal cases. I have assisted both dog owners on the plaintiff side and defendants accused of negligence.

3. I was hired by Petzicon Products, Inc. following the death of the Westie, Sally. I was familiar with this particular Westie, having seen her show at the AABDS in DC. Sally was impressive enough, but I was a little surprised to see her place so well. I was handling two dogs at AABDS, both of whom did extremely well in their breeds, but were clearly superior dogs to the Westie.

4. I understand that Sidney Curie is claiming $500,000 as the value of the Westie based, primarily, on anticipated future earnings. In my opinion, the value of the Westie is significantly less, given that this figure is overly optimistic for future earnings

and it fails to take realistic expenses into account.

5. A typical high-performing dog will show four to six times each year. The estimated costs per show, without accounting for travel expenses, are $1,800 to $2,200. This includes registration fees, handler fees, equipment, and grooming fees. If the Westie maintained her health, she could have successfully competed for another three to five years. That means an estimated $20,400 to $36,000 just in the expenses of showing the dog over her professional lifetime. In addition to that, one could expect to incur travel and lodging expenses of approximately $5,000 per year for three to five years (professional life) and the regular care and maintenance expenses of approximately $2,500 per year for eight to ten years (life expectancy). I estimate the total expenses Curie would have incurred to be $47,900 to $76,000 had the Westie survived and maintained her health.

6. Regardless of breed, a show dog is not an investment. For many newcomers, the expenses of showing a dog are unexpected and underestimated, while show winnings and endorsements are fully expected. It is akin to expecting to win the lottery and ignoring the money you spend on the tickets. I suppose Curie expected revenue from sponsorships and endorsements. That is complete speculation. Some dog show winners get endorsements and some do not. It is my understanding that Curie had not been offered any endorsement deals at the time of Sally's death.

7. The Westie did win the AABDS. She essentially won the lottery - the top prize in the dog show industry of $100,000. The AKC Eukanuba National Championship last year awarded only $225,000 to all the winners combined, including the best of each of dozens of breeds represented there. Westminster, the most elite of all dog shows in the world, awards no prize money at all. Although some local and regional shows might

48 award a few hundred dollars to a handful of top dogs, even the top prizes are never
49 enough to cover the expenses of caring for and showing a dog. This is a hobby,
50 regardless of the quality of the dog. Assuming the Westie had not died and took the top
51 prize in every show in which she competed for the next five years, the maximum total
52 she could earn would be about $530,000. However, that would require that she take
53 Best in Show at AABDS all five years. That is not only unlikely, it is unheard of. No dog
54 has ever won AABDS more than once - ever. Realistically, at her peak performance,
55 Sally reasonably could have earned another $5,000 to $15,000 in prize money over her
56 professional life. But there is no certainty Sally would have won any competition in the
57 future.
58 8. Of course, there is some money to be made in breeding. Sally had an
59 excellent pedigree. With the AABDS win on top of that, her offspring likely would have
60 been sought after. Westies on the average have 3.5 puppies per litter. How much will
61 each whelp or puppy fetch? I cannot say for sure. While all the costs associated with
62 showing and breeding dogs are easily calculated, the valuation for puppies of high-
63 breed lineage fluctuates based upon supply and demand, the economy, and how cute
64 the puppy is. I would say that a reasonable fee for one of Sally's pups would be
65 approximately $2,000. She could be bred two times per year, for an average of seven
66 pups per year for three to five years. Estimated revenue for the Westie, assuming she
67 stayed healthy and was successfully bred, would be $14,000 per year. Those figures
68 would be reduced, of course, by the costs of breeding, including stud fees, pre-breeding
69 tests, and veterinarian expenses, which I estimate to be approximately $2,500 to $5,000
70 per year. Also, keep in mind that Curie could not show the dog and breed her at the
71 same time. Breeding would offset any chance of earnings from show winnings.

9. Also, Westies are prone to genetic maladies, and while Sally herself exhibited no genetic defects, that does not mean that she was not a carrier for such common defects as craniomandibular osteopathy, also known as “lion’s jaw” or “Westie jaw.” Such a dog would not only be precluded from being shown, but may not be able to chew or swallow food correctly. Other conditions include abdominal hernias and skin disorders like hyperplastic dermatitis and atopic dermatitis.

10. I have prepared a chart outlining future anticipated earnings and expenses for the Westie marked as Exhibit #4. In my professional opinion, I estimate that the Westie, Sally, would not have resulted in net earnings over her natural life expectancy. Therefore, in my professional opinion, the valuation of Curie's loss should be based on fair market value alone. Had Curie offered the Westie for sale immediately following the AABDS win, I believe she would have brought between $3,000 and $4,500.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

Terry Goodall

Terry Goodall

SIGNED AND SWORN to me before 8:00 a.m. on the day of this round of the 2013 Middle School Mock Trial Competition.

A.G. Molli

A.G. Molli, Notary Public
State of New Carolina
My Commission Expires: 12/15/17

EXHIBITS

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The Court will, therefore, not entertain objections to authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defendant, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

#	EXHIBIT DESCRIPTION
1	Examples of Retired Champion Show Dogs and Their Lifetime Earnings
2	Pyrethroids Residual Blood Level Chart
3	Sally at Age Two
4	Sally's Estimated Expenses and Revenues Over a Normal Lifespan
5	Blood Test Results
6	FleaX Treatment Package Labels
7	Shampoo Bottle Labels

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

EXHIBIT #1: Examples of Retired Champion Show Dogs and Their Lifetime Earnings

Examples of Retired Champion Show Dogs and Their Lifetime Earnings

Pekingese	
Female – “Lilly”	
AKC/Eukanuba Winner	
Westminster Kennel Club Best in Show – Runner-Up Silver Trophy	
Winnings and Endorsements	$400,000
Breeding Revenue	$42,000

Standard Poodle	
Female – “Miss Molly”	
AKC/Eukanuba Winner	
Winnings and Endorsements	$300,000
Breeding Revenue	$61,000

West Highland Terrier	
Female – “Mystic”	
AABDS Best in Show	
Winnings and Endorsements	$500,000
Breeding Revenue	$80,000

Exhibit prepared by: Jamie Newton

EXHIBIT #2: Pyrethroids Residual Blood Level Chart

PET TECH

1616 Meadow Lane
Woodland, New Carolina
(555) 576-4512

pet lab testing

product development testing

product research

claims investigation

Pyrethroids Residual Blood Level Chart				
Days From Application	**Day 1**	**Day 4**	**Day 7**	**Day 14**
Acceptable Limits	4.50 - 5.75 ml	2.75 - 3.75 ml	1.50 - 2.50 ml	0.75 - 1.25 ml
Bright Blue Shampoo	1.99 ml	1.06 ml	0.42 ml	0.03 ml
FleaX	5.48 ml	3.45 ml	2.07 ml	1.89 ml

EXHIBIT #3: Sally at Age Two

EXHIBIT #4: Sally's Estimated Expenses and Revenues Over a Normal Lifespan

Estimated Expenses and Revenues Over a Normal Lifespan	
Dog Owner	Sidney Curie
Name of Dog	Sally
Breed	West Highland Terrier
Report Prepared by	Terry Goodall
These figures are based on the following assumptions:	
Overall life expectancy remaining	8 – 10 years
Professional (show) life remaining	3 – 5 years
Competitive shows per year	4 – 6 shows
Breeding life remaining	3 – 5 years
Litters	2 per year
Progeny / Off Spring ** Breeding estimates assume no complications and no genetic abnormalities	3.5 per litter 7 per year
Costs of Regular Care & Maintenance	
Food	$500 per year
Grooming	$300 per year
Medical Care	$1,700 per year
Total Annual Regular Care and Maintenance	$2,500 per year
Total Care & Maintenance over Life Expectancy	$20,000 - $25,000
Costs to Show	
Registration, handler, equipment, and grooming fees	$1,800 - $2,200 per year
Travel and Lodging	$5,000 per year
Total Annual Costs to Show	$6,800 - $7,200 per year
Total Costs to Show over Professional Life	$20,400 - $36,000
Costs to Breed	
Stud fees	$1,000 – 2,000 per year
Prebreeding studies	$500 per year
Medical expenses	$1,000 - $2,500 per year
Total Annual Costs to Breed	$2,500 - $5,000 per year
Total Costs to Breed over Breeding Life	$7,500 - $15,000
Estimated Lifetime Revenue	
Competition Awards	$0 - $15,000
Breeding Revenue	$0 - $70,000

EXHIBIT #5: Blood Test Results

Pet Lab Corporation

4435 Main Street
Capital City, New Carolina
(555) 432-9876

BLOOD TEST RESULTS			
DATE:	October 20, 2012		
PREPARED FOR:	Alex Darwin, DVM		
SAMPLE NUMBER:	005847		
Substance	**Sample**	**Normal Limits**	**Results**
Pyrethroid/Pyrethrin	5.89 /ml	4.50 - 5.75 /ml	High

EXHIBIT #6: FleaX Treatment Package Labels

FRONT

fleaX

Topical Flea Treatment

Kills fleas, flea eggs & larvae, ticks, & chewing lice
Single Dose Pack

SAMPLE - NOT LABELED FOR RESALE

Active ingredients:
Pyrethriods 1.50%
Inert ingredients 97.50%

From your Pet Care Partner
Petzicon, Inc.

BACK

fleaX

Topical Flea Treatment

SAMPLE - NOT LABELED FOR RESALE

CAUTION
KEEP OUT OF REACH OF CHILDREN

USE ONLY ON DOGS 12 WEEKS OF AGE OR OLDER
FOR TOPICAL USE ONLY, DO NOT INGEST
DIRECTIONS FOR USE

Apply full dose by rubbing firmly to skin on back of head between ears.
Do not apply more than one dose. Do not combine with other flea treatments.
Misapplication, ingestion, or overdose may result in serious injury to your pet.
For full label precautions, call 1-555-738-9426 or 1-555-PET-ZICO.

EXHIBIT #7: Shampoo Bottle Labels

FRONT

Bright Blue Shampoo

Cleans, Freshens, Beautifies
Protects Against Fleas

For Dogs
Over 12 Weeks of Age

Active ingredients:
Pyrethrins..... .05%
Other ingredients..... 99.95%

Be a responsible pet owner!

CAUTION
KEEP OUT OF REACH OF CHILDREN

See back panel for precautions

For persistent flea problems, try

fleaX Topical Flea Treatment
From your Pet Care Partner
Petzicon, Inc.

BACK

Bright Blue Shampoo

Cleans, Freshens, Beautifies
Protects Against Fleas
READ ENTIRE LABEL BEFORE USE
USE ONLY ON DOGS
12 WEEKS OF AGE OR OLDER

FOR TOPICAL USE ONLY, DO NOT INGEST

DIRECTIONS FOR USE

Thoroughly wet your pet with warm water. Use full strength. Apply 1 tablespoon shampoo for each 5 pounds of weight. Do not apply shampoo around the eyes. Starting around the head and ears, work lather into coat for three to five minutes, then work over body to hindquarters, finishing with the legs. Rinse pet thoroughly with warm water.

GENERAL PRECAUTIONS

Apply this product only as specified on label. Consult a veterinarian before applying this product on old, pregnant, or nursing animals. Certain medications can interact with pesticides. Consult a veterinarian before using on medicated animals. Sensitivities may occur when using ANY pesticide for pets. If signs of sensitivity occur, bathe your pet with mild soap and rinse with large amounts of water. If signs continue, consult a veterinarian immediately.

HAZARDS TO HUMANS & ANIMALS

Causes moderate eye irritation. Harmful if absorbed through skin. Avoid contact with eyes, skin, or clothing. Wash hands thoroughly before eating, drinking, or chewing gum.
If in eyes, hold eye open and rinse slowly and gently with water for 15 minutes.

Call poison control center (1-800-222-1222) or doctor immediately if ingested.