



2024

Wyatt Whinge

vs.

Cameron Anderson

CV 24-25738

Sponsored by the
Nebraska State Bar Foundation
and its State Center for Civics Education

<https://www.nebarfnd.org/civics-education/mock-trial-program/mock-trial-2024>

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NEBRASKA STATE BAR FOUNDATION
P.O. Box 95103
Lincoln, NE 68509-5103

MEMO

TO: ALL MOCK TRIAL PARTICIPANTS
FROM: Doris J. Huffman, Executive Director
RE: 2024 Judge Lyle Strom High School Mock Trial Program
DATE: August 2024

On behalf of the Nebraska State Bar Foundation, I welcome your participation in the 2024 Mock Trial Competition!

This year's Mock Trial problem is a personal injury civil case involving a motor vehicle vs. pedestrian collision. Plaintiff W. Whinge has sued Defendant Cameron Anderson after Plaintiff Whinge was struck while crossing the street by a vehicle owned and operated by Defendant Whinge. Plaintiff has alleged Defendant negligently operated the vehicle and that the alleged negligence was the direct and proximate cause of the collision and resulting injury. Defendant Anderson denies any negligence and affirmatively alleges Plaintiff Whinge's own negligence was the direct and proximate cause of the collision to the extent it bars any recovery by Plaintiff.

This is a bifurcated trial in which the only issue tried to the jury is the issue of alleged negligence of both parties. The issue of injuries and damages is not at issue in this problem. This problem includes several relevant issues facing drivers and pedestrians today, including distracted driving, use of electric vehicles, pedestrian inattentiveness, and the difficulty in navigating cases with differing eye-witness testimony.

Students – You will experience what it is like to prepare for and present a case before a jury. Additionally, you will learn to evaluate information, respond quickly, understand courtroom procedure and sharpen your public speaking skills. The greatest benefit of Mock Trial is the opportunity to learn how the legal system works, and this knowledge will help you as an adult. Your interaction with Nebraska's finest attorneys and judges will provide you with a glimpse of the different interpretations of trial procedure.

Teacher Coaches, Attorney Coaches and Judges – I strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing your case. Your contributions of time and talent are making this experiential educational opportunity available to Nebraska students. Plus, your participation is an essential element to the program's success, and you can be proud of the positive impact you've made. Thank you!

Student News Reporters Contest – Students will be able to participate in this educational component at both the Regional and State Competition.

This year, each Mock Trial Region will send **one** team to the State Championship. This is based upon the number of teams competing over the last couple of years. Every effort is being made to increase the number of teams to pre-pandemic numbers. The number of teams (10 or 12) competing at the State Championship will be evaluated on an annual basis.

If you have any questions, please contact me at doris@nebarfnd.org. **Good Luck and have fun!**

ACKNOWLEDGEMENTS

Participation in the Judge Lyle Strom High School Mock Trial Program is completely voluntary. The Mock Trial Program is administered and funded by the **Nebraska State Bar Foundation**. Over 350 lawyers and judges volunteer each year for this educational program.

Established in 1963, the Nebraska State Bar Foundation is a nonprofit corporation. Its mission is *to serve the citizens of Nebraska and the legal profession through the administration and funding of innovative and creative programs directed toward the improvement of justice and the fulfillment of the American vision of equal justice for all.*

Annually, the NEBRASKA STATE BAR FOUNDATION and the NEBRASKA COUNCIL OF SCHOOL ATTORNEYS provide financial assistance for the winning Nebraska Mock Trial team to attend the National High School Mock Trial Championship.

A sincere thank you is extended to the Nebraska Council of School Attorneys. Beginning in 1992, this statewide organization gave \$1,000 annually to the winning State Champion. Since 2018, the Council increased its gift to \$2,000. The Council’s continued support is a testament of the positive impact Mock Trial has on young Nebraskans.

The late Honorable Lyle Strom spent over 30 years (1997-2017) dedicated to enhancing Nebraska’s Mock Trial Program. His leadership and input were invaluable to the Bar Foundation. Serving as the Mock Trial Program Chair is The Honorable Susan Bazis. The Foundation sincerely appreciates all the time and involvement she spends on this educational program.

A special thank you is also extended to the members of the Mock Trial Case Writing Committee for all their time and creative ideas that made each case “come to life”:

Hon. Karen Flowers, (ret.), Lincoln, Chair	Michael Gooch, Omaha
Stephanie Hupp, Lincoln, Vice Chair	Cameron Guenzel, Lincoln
Stan Beeder, Lincoln	Mark Richardson, Lincoln
Kristi Egger, Lincoln	

The following organizations endorse the Nebraska High School Mock Trial Program:

Defense Counsel Association of Nebraska	Nebraska County Judges Association
Nebraska Association of School Boards	Nebraska Criminal Defense Attorneys Association
Nebraska Association of Trial Attorneys	Nebraska District Judges Association
Nebraska Council of School Attorneys	Nebraska State Bar Association
Nebraska County Attorneys Association	Nebraska State Council for the Social Studies

Nebraska Broadcasters Association – The Bar Foundation is most pleased to collaborate with the Nebraska Broadcasters Association to offer the student News Reporter Contest (SNRC) as an educational component of the Mock Trial program for students interested in a media career. The **SNRC** is available for teams at the state level, and any student participating is bound by the Code of Ethical Conduct. If interested in the SNRC please email Maggie at maggie@nebarfnd.org for more information.

MOCK TRIAL OATH

Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition?

EXPECTATIONS OF MOCK TRIAL THAT FOLLOW THE CODE OF ETHICAL CONDUCT

The purpose of the Judge Lyle Strom High School Mock Trial Program is to deepen students' understanding and appreciation of the legal system through an experiential learning opportunity. One of the Mock Trial Program's goals is to educate students through a **respectful** and **civil competition**.

Please refer to the Nebraska Rules that contain the Code of Ethical Conduct (CODE).

Below is an explanation of the expectations of competing teams.

- Team members (members) promise to compete with the highest standards of conduct, showing respect for their fellow team members, opponents, volunteer judges, attorney coaches, teacher coaches and Bar Foundation staff. All members will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the Rules, including the use of invention of facts. Members will not willfully violate the Rules of the Competition in spirit or in practice.
- Teacher Coaches agree to focus on the educational value of the Mock Trial Program and they shall discourage willful violations of the Rules. Coaches will instruct students as to proper procedure and decorum, and will assist their students in understanding and abiding by the Rules and the CODE.
- Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the Rules of the Competition and the CODE.
- Attorney and Teacher Coaches are in a position of authority and thus serve as positive role models for students.
- To have a level playing field, teams are prohibited from scouting any competing team or using any courtroom that will be utilized during the Regional or State competitions.

NEBRASKA MOCK TRIAL GOALS

- To increase student comprehension of the historical, ethical and philosophical basis of the American system of justice.
- To clarify operation of the law, court procedures and the legal system.
- To help students develop basic life and leadership skills, such as listening, speaking, writing, reading and analyzing.
- To build bridges of mutual cooperation, respect and support between the community (teachers, students, parents and schools) and the legal profession.
- To heighten appreciation for academic studies and promote positive scholastic achievements.
- To bring law to life for students through active participation in the program.
- To encourage participation and growth toward understanding the meaning of good citizenship in our democracy through the system of law. All students who participate are winners.
- To learn to lose a trial gracefully and accept defeat with dignity and restraint.

2024 MOCK TRIAL COMPETITION TIMELINE AND DATES

Registration deadline.....	September 12, 2024
Code of Conduct and Registration Fee Deadline.....	September 18, 2024
Regional Competition.....	October 1 – November 22, 2024
Regional winners announced	November 22, 2024
State Championship	December 9 th and 10 th , 2024
Hruska Federal Courthouse, Omaha	
National Championship	May 8 th – 10 th , 2025
Pheonix, Arizona	

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	COMPLAINT
)	
Cameron Anderson,)	
Defendant.)	

Plaintiff, W. Whinge, by his/her attorneys and for his/her causes of action against Defendant Cameron R. Anderson, alleges and states:

1. Plaintiffs, W. Whinge is a resident of Goldenrod, Wagon Wheel County, Nebraska.
2. Defendant Cameron R. Anderson is a resident of Goldenrod, Wagon Wheel County, Nebraska.
3. Venue is proper in Wagon Wheel County pursuant to Neb. Rev. Stat. 25-403.01(2) because the cause of action arose in Wagon Wheel County.
4. On August 26, 2022, Plaintiff was a pedestrian crossing 53rd Street, westbound, at its intersection with Market Avenue in Goldenrod, Wagon Wheel County, Nebraska.
5. At the same time, Defendant was operating Defendant's 2022 Alset Precursor (the "Vehicle") northbound on Market Avenue approaching the intersection with 53rd Street.
6. As Plaintiff was crossing Market Avenue, at an unmarked crosswalk with curb cuts on both sides of the street, Defendant approached the intersection, did not see Plaintiff, and struck Plaintiff (the "Incident").
7. As a driver upon the roadway, Defendant owed Plaintiff several duties at the time of the Incident, including, but not limited to:
 - a. Yielding the right-of-way to a pedestrian crossing the roadway within a crosswalk by bringing the vehicle to a complete stop pursuant to Neb. Rev. Stat. §60-6,153(1);
 - b. Driving in a careful manner with due caution to avoid endangering other persons pursuant to Neb. Rev. Stat. §60-6212;
 - c. Maintaining reasonable control of the vehicle under the conditions and circumstances;
 - d. Maintaining a proper lookout while operating a motor vehicle upon the roadway; and
 - e. Traveling at a rate of speed appropriate under the circumstances.
8. Defendant breached one or more of the above duties.
9. Defendant's breach directly and proximately caused the Incident.
10. As a direct and proximate result of the Incident, Plaintiff suffered injuries and damages, including injuries to Plaintiff's left leg (femur fracture) and contusions to Plaintiff's face, legs, and arms.

11. As a direct and proximate result of the Incident, Plaintiff suffered damages as more fully described below.

WHEREFORE, Plaintiff prays for a judgment against Defendant for:

- A. Special damages for medical bills paid to date and related to the injuries sustained by Plaintiff in an amount not less than \$35,000;
- B. Special damages for the costs of medical treatment reasonably expected to be incurred in the future to treat Plaintiff's injuries;
- C. General damages related to the injuries sustained by Plaintiff as provided by law, including:
 - a. The nature and extent of Plaintiff's injuries and their permanency, and the physical pain, mental suffering and inconvenience endured by Plaintiff due to injuries to date and likely to continue in the future;
- D. Interest at the maximum legal rate from the date of judgment until the judgment is paid in full; and
- E. Taxable costs of this action.

DATED: September 19, 2024.

W. WHINGE, Plaintiff,

By: _____

[Attorney Name]

Plaintiff's Attorney

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	ANSWER
)	
Cameron Anderson,)	
Defendant.)	

COMES NOW Defendant Cameron R. Anderson, by and through counsel, and in Answer to Plaintiff's Complaint, denies and alleges as follows:

12. Admits Paragraphs 1–5.

13. Admits that, on the day of the accident, s/he was driving a 2022 Alset Precursor which struck Plaintiff while s/he crossed Market Avenue.

14. Denies each and every other allegation in Plaintiff's Complaint.

15. Affirmatively alleges that Plaintiff suddenly left a curb or other place of safety and walked or ran into the path of a Defendant's vehicle, which was so close that it was impossible for Defendant to stop.

16. Affirmatively alleges that Plaintiff assumed the risk of the accident in his/her conduct described in Paragraph 4.

17. Affirmatively alleges that Plaintiff's recovery should be barred or reduced by Plaintiff's comparative negligence in his/her conduct described in Paragraph 4.

18. Affirmatively alleges that Plaintiff failed to mitigate his/her damages.

WHEREFORE, Defendant prays this Court enter an order dismissing Plaintiff's action with prejudice, awarding his/her costs expended herein, and granting such other relief as the Court deems just and equitable.

DATED this ____ day of _____, 2024.

CAMERON R. ANDERSON, Defendant,

By: _____

[Attorney Name]

Defendant's Attorney

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	Honorable Kristi Richardson
	)	Presiding Judge
Cameron Anderson,)	
Defendant.)	

Witnesses, Exhibits and Stipulations

Witnesses for Plaintiff/Prosecution

- 1: Wyatt Whinge
- 2: Riley Stanton
- 3: Jordan Jones

Witnesses for the Defendant

- 1: Cameron Anderson
- 2: Chris Summon
- 3: Billy/Billie Daniels

Exhibits

- | | |
|---|-------------------------|
| 1. Photo of Shoes | 8. Insurance Card |
| 2. Reconstruction Diagram | 9. Scientific Summary |
| 3. Hospital Report | 10. Billy/Billie's Text |
| 4. Stanton Reconstruction Consulting Report | |
| 5. Alset with Dent(s) | |
| 6. Screenshot of Sequence Posts | |
| 7. Alset Owner's Manual | |

Stipulations

Both sides stipulate to the following:

- 1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
- 2. In arguing legal issues, the parties may rely upon the legal authorities provided below and upon the jury instructions provided with this case.
- 3. In Nebraska, the prosecution is referred to as the plaintiff.
- 4. **This is a work of fiction.** Names, characters, businesses, places, occupational characteristics, events and incidents are either the product of the Case Committee members' imagination or are intended to be used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.
- 5. All witnesses may be played by any student regardless of gender. Students are to complete the team roster and designate the preferred pronoun to be used in connection with themselves or the witnesses they will be portraying.
- 6. All witnesses must testify.

Jury Instructions

Instruction No. 1

Citation: NJI.2d 1.00: Preliminary Instructions to the Jury Before Civil Trial w/Amended Section 9 – Statement of the Parties and What the Case is About

Members of the jury, before we go any further, I would like to make a few remarks about what we are going to do.

Near the end of the trial, you will be given detailed instructions explaining the rules of law that apply to this case. What I say now is not a substitute for those more detailed instructions, but only an introduction to this trial.

(1) It is my duty to see that this trial is conducted fairly and efficiently and in a manner consistent with Nebraska law. As part of that duty, I will rule upon objections and other legal questions that come up during the trial.

(2) It is the duty of the attorneys to use all honorable means to protect their clients' interests, including making any objections they deem proper.

(3) It is your duty to determine what the facts are. You, and you alone, are the judges of the facts. The only reason for a trial is that there is some dispute regarding the facts. It is your duty to resolve that dispute.

(4) In determining what the facts are, you must rely solely upon the evidence that is presented here within the four walls of this courtroom and that general knowledge that everyone has. Other than that general knowledge that everyone has, you must disregard your personal knowledge of any of the facts in this case.

Do not use any electronic device in any way to discover or share any information about this case. This includes cell phones, Blackberries, computers, and other electronic devices. This includes searching, blogging, emailing, texting, using Facebook, Twitter, My Space, LinkedIn, or any similar social network.

Do not conduct any of your own independent research about this case. Do not consult dictionaries, other reference materials, or electronic devices to obtain any information about this case—about the parties, the issues, the locations, or anything else that has to do with this case.

Do not pay any attention to any news reports regarding this case.

Any information obtained outside of this courtroom, whether through reference materials, newspapers, television, or computers or other electronic devices, could be misleading, inaccurate, or incomplete. For example, information found in newspapers or books, or on the internet, may be wrong. In addition, relying on any of this information would be unfair because the parties would not have the opportunity to refute, explain, or correct it.

(5) You are not allowed to use a computer, cell phone, or other electronic device at all while you are in the courtroom and during your deliberations near the end of the trial. You may use such devices during breaks or recesses, but you may not use them to obtain or disclose information about this case or any of the people involved in this case.

(6) The evidence in this trial will consist of the testimony of witnesses, documents, and other things received as exhibits, any facts that have been stipulated—that is, formally agreed to by the parties—and any facts that have been judicially noticed that is, facts I say you must accept as having been proved, even without further evidence.

Statements and arguments by the lawyers for the parties in this case are not evidence. Objections

to questions are not evidence. Do not be influenced by any objection. If I sustain an objection, disregard the question and do not speculate as to what the answer might have been. Testimony that I tell you to disregard is not evidence and you must not consider it.

(7) Do not take anything I say or do as expressing my opinion as to how this case should come out or how you should resolve any issue of fact.

Do not allow sympathy or prejudice to influence you. Do not indulge in any speculation, guess, or conjecture. Do not make any inferences that are not supported by the evidence.

Do not make up your minds in this case until it is submitted to you for your verdict.

(8) You alone will decide the credibility, that is, the believability, of the witnesses. You alone will decide how much weight to give each piece of evidence and how to resolve any conflicts in the evidence.

In determining this, you may consider: the sources of the witness's testimony, including the witness's ability to have seen, or heard, or known the things about which he or she testifies; the witness's ability to remember and to communicate accurately; the conduct and demeanor of the witness while testifying; whether the witness has an interest in the outcome of this case, a relationship to the parties, or any bias or prejudice; any previous statement or conduct of the witness, which tends to support or to contradict the witness's testimony at this trial; the reasonableness of the testimony of the witness; and any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

(9) The Plaintiff in this case is Wyatt Whinge. The Defendant in this case is Cameron R. Anderson. Plaintiff Whinge and Defendant Anderson were involved in a motor vehicle vs. pedestrian incident on August 26, 2022, in Goldenrod, Nebraska. Plaintiff Whinge alleges the incident was caused solely by Defendant Anderson's negligence. Defendant Anderson denies Defendant Anderson was negligent. Plaintiff Whinge also alleges the incident caused certain injuries and damages. This is a bifurcated trial solely on the issue of liability. The issue of any injuries or damages to Plaintiff will not be decided by this jury.

(10) The trial will proceed in the following order:

First, the attorneys for the Plaintiff and the attorneys for the Defendants will have an opportunity to present opening statements; this is their opportunity to outline what they think the evidence will show. This should help you to understand the evidence as it is presented to you during the trial.

Next, the plaintiff will introduce evidence in support of Plaintiff's contentions.

Following Plaintiff's presentation of evidence, Defendant will have the opportunity to present evidence in Defendant's behalf, but is not obligated to do so.

After all of the evidence has been presented, each party will have the opportunity to present a closing argument; that is where the attorneys tell you what they think they have proved.

Either just before or just after the closing arguments, I will tell you what the law is, as it relates to this case. Then you will begin your deliberations and consider your verdict.

(12) You will be allowed to take notes during trial. A notepad and pen have been provided by the Court. You will not be allowed to ask questions during this trial. A transcript of the testimony at this trial will not be provided at the close of the evidence.

(13) You may not discuss this case with your fellow jurors until the case is submitted to you for your verdict. You may not discuss it with anyone other than your fellow jurors until you have reached your verdict. Do not let others talk to you about this case, and do not listen to any conversations on the subject.

If anyone speaks to you about this case, tell that person that you are on the jury and that you are not allowed to talk about the case. If anyone keeps trying to talk to you about this case, please let me know.

During this trial, you must not talk with the lawyers, witnesses, or parties in this case. If you see any of them and they do not speak to you, do not think they are being rude.

Again, let me remind you that you must not discuss this case with anyone, not even with each other, until near the end of the trial when I tell you to do so and you go into the jury room to discuss your verdict. You must not send, search for, or receive any communication about this case, whether in person, on the phone, through any electronic device, or in any other way until such time as I instruct you that you may do so. You must not make up your minds regarding this case until after I submit it to you for your consideration and your verdict.

[(14) And finally, ... (if it has not already been done, introduce members of the court staff and describe briefly the function each performs.)]

Instruction No. 2

Citation: NJI.2d 1.00A – Admonition at Recess

Members of the jury, we will now (*insert phrase describing the recess, e.g., recess for the day, recess for lunch, take a brief recess, et cetera*). Before we do, let me [*again*] remind you that, as jurors, there are certain things you are not allowed to do:

1. Do not talk about or discuss this case among yourselves or with anyone else, either in person or through the use of an electronic device.
2. Do listen to any conversation about this case.
3. Do not do any of your own research into anything involved in this case. Do not consult any reference materials or use any electronic devices to obtain any information about anything involved in this case.
4. Do not read, watch, or listen to any reports about this case in the newspaper, on television, on the radio, on your computer, or on any other electronic device. If any information about this case does come to your attention, you must immediately disregard it.
5. You are not to go near any of the locations discussed in this case.
6. And you must not form or express an opinion on the case until all of the evidence has been received and I submit the case to you for your decision.

Instruction No. 3

Citation: NJI.2d 1.01 – Function of Judge, Jury, and Counsel

Members of the jury, now that you have heard all of the evidence [*and the arguments of counsel*], it is my duty to instruct you in the law.

(1) The law does not permit me to comment on the evidence, and I have not intentionally done so. If it appears to you that I have commented on the evidence, during either the trial or the giving of these instructions, you must disregard such comment entirely.

You must not interpret any of my statements, actions, or rulings, nor any of the inflections of my voice, as reflecting an opinion as to how this case should be decided.

(2) It is my duty to tell you what the law is. It is your duty to decide what the facts are and to

apply the law to those facts.

In determining what the facts are you must rely solely upon the evidence in this trial and the general knowledge that everyone has. You must disregard your personal knowledge of any other specific fact.

(3) You must apply the law in these instructions, even if you believe that the law is or should be different.

No one of these instructions contains all of the law applicable to this case. You must consider each instruction in light of all of the others.

The law demands of you a just verdict. You must not indulge in any speculation, guess, or conjecture. You must not allow sympathy or prejudice to influence your verdict.

(4) The attorneys have a duty to represent their clients. In arguing their clients' case, attorneys may draw legitimate deductions and inferences from the evidence.

The attorneys have a duty to make all objections they deem proper. Do not be influenced by any objection.

(5) During this trial I have ruled on objections to certain evidence. You must not concern yourselves with the reasons for such rulings, since they are controlled by rules of law. You must not speculate as to possible answers to questions I did not permit to be answered; you must not consider the fact that objections to evidence were overruled. You must disregard all evidence ordered stricken.

Instruction No. 4.

Citation: NJI.2d 1.02 – Evidence

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other things received as exhibits;
3. Any facts that have been stipulated—that is, formally agreed to by the parties; and
4. Any facts that have been judicially noticed—that is, facts I say you must accept as true even without other evidence.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections to questions;
3. Any testimony I told you to disregard; and
4. Anything you may have seen or heard about this case outside the courtroom.

Instruction No. 5

Citation: NJI.2d 1.31 – Direct and Circumstantial Evidence

There are two kinds of evidence, direct and circumstantial.

Direct evidence is either physical evidence of a fact or testimony by someone who has first-hand knowledge of a fact by means of his or her senses. Circumstantial evidence is evidence of one or more facts from which another fact can logically be inferred.

The law makes no distinction between these two kinds of evidence. A fact may be proved by either direct evidence or circumstantial evidence or both.

Instruction No. 6

Citation: NJI.2d 1.41 – Evaluation of Testimony – Credibility of Witnesses

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony. In determining this, you may consider the following:

1. The conduct and demeanor of the witness while testifying;
2. The sources of information, including the opportunity for seeing or knowing the things about which the witness testified;
3. The ability of the witness to remember and to communicate accurately;
4. The reasonableness or unreasonableness of the testimony of the witness;
5. The self-interest or lack of self-interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness, or the witness's relationship to the parties;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with testimony of the witness at this trial; and
8. Any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

Instruction No. 7

Citation: NJI.2d 1.42 – Expert Testimony

A witness who has special knowledge, skill, experience, training, or education in a particular area may testify as an expert in that area. You determine what weight, if any, to give to an expert's testimony just as you do with the testimony of any other witness. You should consider the expert's credibility as a witness, the expert's qualifications as an expert, the sources of the expert's information, and the reasons given for any opinions expressed by the expert.

Instruction No. 8

Citation: NJI.2d 1.44 – Evaluation of Deposition Evidence

During the trial, testimony was presented to you by deposition. Such testimony is under oath and is entitled to the same fair and impartial consideration you give other testimony.

Instruction No. 9

Amended NJI.2d Civ. 2.01 – Statement of the Case – Negligence

I. Plaintiff's Claims

A. ISSUES

This case involves a motor vehicle vs. pedestrian incident between Plaintiff and Defendant that happened on August 26, 2022, at the intersection of Market Avenue and 53rd Street in Goldenrod, Nebraska.

Plaintiff claims that Defendant was negligent, and that Defendant's negligence caused the incident.

Plaintiff seeks a judgment against the Defendant finding that Defendant was negligent, and that negligence was the sole proximate cause of the incident.

Plaintiff claims Defendant owed several duties to Plaintiff, including, but not limited to:

- a. A duty to yield to the right-of-way to a pedestrian crossing the roadway within a crosswalk, marked or unmarked, by bring his or her vehicle to a complete stop. Neb. Rev. Stat. § 60-6,153(1);
- b. A duty to drive in a careful manner with due caution to avoid endangering other persons pursuant to Neb. Rev. Stat. § 60-6212;
- c. A duty to maintain proper control over the vehicle under the conditions and circumstances;
- d. A duty to maintain a proper lookout; and,
- e. A duty to travel at a speed reasonable and prudent under the circumstances and at a safe and appropriate speed.

Defendant denies Defendant was negligent or that Defendant's negligence was a proximate cause of the incident. Defendant affirmatively alleges Plaintiff was negligent and that Plaintiff's negligence was sufficient to bar any recovery for potential damages.

B. BURDEN OF PROOF

Before the Plaintiff can recover against Defendant, Plaintiff must prove, by the greater weight of the evidence, each and all of the following:

1. That Defendant was negligent in one or more of the ways claimed by Plaintiff;
2. That this negligence was a proximate cause of the incident;

C. EFFECT OF FINDINGS

If the Plaintiff *has not* met this burden of proof, then your verdict must be for the defendants.

On the other hand, if the Plaintiff *has* met this burden of proof, then you must consider Defendant's affirmative defense of Plaintiff's contributory negligence.

II. Defendants Defenses

A. ISSUES

In defense to the Plaintiff's claims, Defendant claims Plaintiff was negligent in the following way:

1. In suddenly leaving a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop. Neb. Rev. Stat. § 60-6,153(2)
2. In failing to keep a proper lookout;

The Plaintiff denies she was negligent.

B. BURDEN OF PROOF

In connection with the defense the Plaintiff was negligent, the burden is on the Defendant to prove by the greater weight of the evidence, both of the following:

1. That the Plaintiff was negligent in one or more of the ways claimed by Defendant; and
2. That this negligence on the part of Plaintiff was a proximate cause of the incident.

C. EFFECT OF FINDINGS

If the Plaintiff has not met Plaintiff's burden of proof, then your verdict must be for the Defendant and you must complete Verdict Form No. 1.

If the Plaintiff has met Plaintiff's burden of proof and the Defendant has not met Defendant's burden of proof, then your verdict must be for the Plaintiff and you must complete Verdict Form No. 2.

If the Plaintiff has met Plaintiff's burden of proof and the Defendant has met Defendant's burden of proof and that the negligence of the Plaintiff was equal to or greater than the negligence of the Defendants, then the Plaintiff will not be allowed to recover and you must complete Verdict Form No. 3.

If the Plaintiff has met Plaintiff's burden of proof and the Defendant has met Defendant's burden of proof, and that the negligence of the Plaintiff was less than the negligence of the Defendant, then the verdict will be for Plaintiff. In this situation, you must determine the percent out of 100 that Defendant's negligence contributed to the incident and the percent out of 100 that Plaintiff's negligence contributed to the incident. You do this by completing Verdict Form No. 4.

Instruction No. 10

The Nebraska Rules of the Road, codified in Neb. Rev. Stat. §60-6,153(1) states that a driver has a duty, when traffic control signals are not in place or operation, to yield the right-of-way to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto by bringing his or her vehicle to a complete stop.

"Cross walk" shall mean:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(2) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices.

Instruction No. 11

The Nebraska Rules of the Road, codified in Neb. Rev. Stat. §60-6,153(2) states that a pedestrian has a duty to not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop.

Instruction No. 12

Citation: NJI.2d Civ. 2.12A.

Burden of Proof – Greater Weight of the Evidence

Any party who has the burden of proving a claim must do so by the greater weight of the evidence.

The greater weight of the evidence means evidence sufficient to make a claim more likely true than not true.

Any party is entitled to the benefit of any evidence tending to establish a claim, even though such evidence was introduced by another.

If the evidence upon a claim is evenly balanced, or if it weighs in favor of the other party, then the burden of proof has not been met.

Instruction No. 13

Citation: NJI.2d Civ. 3.01.

Right to Assume Another's Reasonable Care

A person may assume that every other person will use reasonable care and will obey the law until the contrary reasonably appears.

Instruction No. 14

Citation: NJI.2d Civ. 3.02.

Definition of Negligence

Negligence is doing something that a reasonably careful person would not do under similar circumstances, or failing to do something that a reasonably careful person would do under similar circumstances.

Instruction No. 15

Citation: NJI.2d 3.41 – Proximate Cause

A proximate cause is a cause that produces a result in a natural and continuous sequence, and without which the result would not have occurred.

Instruction No. 16

Citation: NJI.2d 7.03A – Negligence on the Part of a Driver – Lookout, Control, Conditions Affecting Visibility, and Other Considerations

Drivers are negligent if they do something a reasonably careful driver in the same situation would not have done, or fail to do something a reasonably careful driver in the same situation would have done.

For example, drivers are negligent if they fail to see or hear those things that would have been seen or heard by a reasonably careful driver in the same situation. They are also negligent if they fail to keep their vehicles under such control as a reasonably careful driver would have, in the same situation.

Reasonably careful drivers take into consideration such facts as their own speed, the condition of their vehicle, the condition of the road, the presence of snow, frost, fog, mist, smoke, et cetera, the presence of other vehicles, pedestrians, or objects, and any other factors that affect driving conditions.

Drivers must use reasonable care even when they have the right-of-way.

Instruction No. 17

Citation: NJI.2d 5.01 – Submission to the Jury

This case is now ready to be submitted to you for your consideration. As I said to you at the beginning of the trial, it is your duty to determine what the facts are. You must approach this task with open minds—consulting with one another, freely and honestly exchanging your views concerning this case, and respectfully considering the views of the other jurors.

Please remember that, you are not partisans or advocates. Do not hesitate to reexamine your own views and to change your mind if reason and logic so dictate.

You must reach your verdict based only on the evidence presented to you during this trial, within the four walls of this courtroom, and that general knowledge that everyone has.

No matter where you are—in the jury room, at home, or anywhere else—and until after you are discharged from this trial and I tell you that it is alright to do so, do not talk to anyone about this case except your fellow jurors. Do not use any reference materials [that are not in evidence] or any electronic devices to obtain information about this case.

While you are in the jury room, you may not use any electronic devices at all.

When you get to the jury room, the first thing you must do is to select one of you to be the presiding juror, the person who will preside over your deliberations. It is the presiding juror's job to see that a verdict is fairly reached and that each juror has a chance to speak fully and freely on the issues in this case.

A verdict reached during the first six hours of your deliberation must be agreed to by all of you, that is, it must be unanimous. After six hours of deliberation, you may reach a verdict agreed to by ten or eleven of you. If your verdict is unanimous, it should be signed by the presiding juror only. If your verdict is not unanimous, it should be signed by each of the ten or eleven jurors who do agree to it.

(If necessary) -- [If you do not agree on a verdict by _____ o'clock (this afternoon, this evening, .m.), you may separate, You may separate for noon and evening meals whenever you choose and, if you do not reach a verdict today, you may separate at any time you choose) and return for further deliberation at _____ o'clock (tomorrow morning, .m. tomorrow, etc.). If you do separate, then, during that time, you are not allowed to discuss this case with anyone, even another juror.

Two verdict forms have been prepared for you, and you will have them in the jury room. You are to complete only one of them, but you are to return both.

In the jury room, you will have these instructions and the exhibits in this case and forms on which you are to record your verdict (and here identify anything else the jury will take with them to the jury room).

If you have any questions, please write them out and give them to (here designate appropriate person), who will give them to me. I may need to assemble the attorneys and confer with them before I respond.

While you are in the jury room, do not attempt to contact anyone outside of the jury room on your own. Do not call anyone, text anyone, or use Facebook, Twitter, My Space, or any other social network to communicate with anyone. If you need to get a message to anyone outside of the jury room, for example, to tell a family member that you will be home late, let (here designate appropriate person) know.

This case is submitted to you at _____ o'clock __.m., at which time your deliberations are deemed to commence.

Dated _____, 2024.

BY THE COURT:

VERDICT FORM NO. 1

We the jury find that Plaintiff has not met Plaintiff's burden of proof, and our verdict is for the Defendant.

DATED: _____, 2024
 (month) (day)

_____	_____
Presiding Juror	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

VERDICT FORM NO. 2

We the jury find that Plaintiff has met Plaintiff's burden of proof and Defendant has not met Defendant's burden of proof, and our verdict is for the Plaintiff.

DATED: _____, 2024
 (month) (day)

_____	_____
Presiding Juror	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

VERDICT FORM NO. 3

We the jury find that Plaintiff has met Plaintiff's burden of proof and Defendant has met Defendant's burden of proof, and that Plaintiff's negligence is equal to or greater than Defendant's negligence, and our verdict is for the Defendant.

DATED: _____, 2024

(month) (day)

_____	_____
Presiding Juror	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

VERDICT FORM NO. 4

We the jury find that Plaintiff has met Plaintiff's burden of proof and Defendant has met Defendant's burden of proof, and that Plaintiff's negligence is less than Defendant's negligence, and our verdict is for the Plaintiff, with the fault allocation percentage (%) of each parties negligence assigned as follows:

Plaintiff's Fault Allocation: _____ %

Defendant's Fault Allocation: _____ %

(Total must equal 100%)

DATED: _____, 2024
 (month) (day)

_____	_____
Presiding Juror	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	Honorable Kristi Richardson
	)	Presiding Judge
Cameron Anderson,)	
Defendant.)	

Witness Statement of Wyatt Whinge

1 My name is Wyatt Whinge, and I was born 12-26-02. I can sincerely and honestly say that I
2 never thought I'd be in this position – having to sue some entitled rich person for running into ME!
3 Geez. They literally knocked me on my fanny AND out of my shoes. And they were mint, I mean,
4 for a poor college student. I got them as a gift from my best friend and basketball buddy, W.J.
5 Bryan, when we graduated from Cather High School. We always wore the knock-off brand
6 through school, and they splurged and bought me the real deal when we graduated. And now
7 they are being held in evidence. I see them in Exhibit #1, and I can't get them back until all this is
8 done. But, after all this trauma, I may never WANT to wear them again due to the PTSD that
9 seeing them will likely bring. Plus, I missed two weeks of school because I was in the Tallgrass
10 Prairie Hospital for 5 days with a broken leg, head trauma and contusions. Then I was discharged
11 to my parent's home (their names are Mari and Loren) for the rest of the time so they could get
12 me to physical therapy at the Pound and Neihardt Clinic and keep an eye on me. It has been
13 bad, all around, and the effects on me have been far-reaching.

14 Oh, yeah, my Mom (Mari) works as a graphic artist at Erne Gnome's ATP Marketing Solutions
15 company. Bad deal that Mr. Gnome passed away...Mom is really sad. My Dad, Loren, works at
16 Goldenrod University as an Animal Science professor where he helps students secure internships at
17 various feedlots in the Midwest. The family pets are Nitro and Bob, two house cats that were
18 once strays, and a Golden Retriever named Stanley that gives a mean side eye when irritated!

19 I'm now a second year here at Goldenrod University, and I live at Streeter Aldrich dorm, which is
20 located at 1963 Foundation Road. I'm an English major with a focus on Nebraska authors. I had
21 just barely started the Fall semester in 2022 when all this happened, and my life was forever
22 changed.

23 It was August 26, 2022, and I had just left my 9:30 a.m. Creative Writing 201 class at LaFlesche
24 Tibbles Hall. I took AP classes in high school, so it was rewarding to be a 1st year in a class with
25 mostly 2nd years. Anyway, it was a warm, clear late summer day, and I was in a good mood and
26 thought I'd splurge by going to DejaBrew and treat myself. Plus, I was hoping to see my friend,
27 Shoemaker, there, and we were going to talk about our favorite Sean Doolittle book. As I was
28 walking to the coffee shop, I'd been listening to Roger Welsch's book "It's Not the End of the
29 Earth, but You Can See It from Here" and was laughing to myself, having a great time, looking
30 forward to a Café Nebraskano – DejaBrew's classic black coffee with chocolate raspberry
31 creamer. Don't knock it until you've tried it. Sure, I had my earbuds in, but I could hear the traffic

32 and I was certainly aware of my surroundings. It's a busy part of town, what with the University
33 and a lot of businesses and parking garages all around.

34 So, I was on the corner of Market Avenue and 53rd Street, looked both ways and walked across
35 the street headed toward DejaBrew. In fact, I looked both ways twice, as I recalled seeing a car
36 coming out of the parking garage and was worried they wouldn't see me. I was being cautious.
37 Like I said, I was crossing at the intersection where pedestrians are SUPPOSED TO cross. When
38 BAM! I get hit by Jerkface and was thrown ONTO the car, then OVER the side of the car and
39 ended up by the driver's side door. I must have lost consciousness, because the next thing I
40 remember seeing was pavement, and, who I later found out was Cameron Anderson, the one who
41 HIT me, leaning over me asking me if I was OK and saying "sorry." What the heck?! I just got hit
42 by your freaking fancy electric car that I did NOT see or hear it coming, and I was thrown out of
43 my shoes and you ask me if I'm OK? No. I am not OK. I was not OK then, and I am NOT OK now.
44 For sheesh. The idiocy. And to add insult to injury, I see that BOTH of my shoes got knocked off
45 me from the violence of the impact, and I'm lying there in the street without any shoes on, my feet
46 stark naked in front of the perpetrator. So I said to them "Get your danged Richy Rich tush in
47 gear and find my shoes and call a dad-gummed ambulance." I might have used different words
48 than that. Getting hit by a car makes me a bit miffed, apparently. The ambulance people told
49 me I was in shock. Whatever. I was still quite put out. And I am still upset now, having to relive
50 this whole, terrible event. I have seen Exhibit #2, the diagram prepared by my expert – Riley
51 Stanton, and I agree with it as accurately depicting the scene of the accident and where this crime
52 was committed against me.

53 So, there I was, lying in the street, concussed, injured, scraped up and broken and bleeding, with
54 no shoes on. Apparently, my other shoe landed on top of the car that hit me. Hope it cracked
55 their windshield, because that thing did significant damage to me. Exhibit #3 is the report from
56 Tallgrass Prairie Hospital, where I spent 5 of the worst days of my life. I've reviewed Exhibit #3,
57 but I'm sure that nurse wrote down what I told them wrong, because I NEVER ran or hurried or
58 whatever across the street. Sure, I was hoping to see Shoemaker at DejaBrew, but I wasn't in any
59 rush.

60 What was the effect on me, you ask? What I already told you and so much more harm. I ended
61 up with a broken left leg that still hasn't properly healed – certainly no more competitive
62 basketball for me ever. My leg aches when it rains or is about to rain or if it snows or is about to
63 snow – any change in the barometric pressure, basically, causes me so much pain and suffering,
64 and my right leg and hip are starting to hurt, what with me favoring my left leg. It's putting more
65 stress on the right side of my body. I feel like an old person, with all the aches and pains. I had
66 contusions to my face, legs, feet, hands, and arms – it was August, so I had on shorts and a t-shirt
67 – and I still have scars from skidding on the pavement. Good thing I'm not vain, because we
68 couldn't afford the plastic surgery needed. It was pure luck that I didn't suffer any internal
69 injuries from Cam Anderson willfully and forcefully running into me – basically running me down
70 while I was in the prime of my life. Cam Anderson nearly killed me. Cam Anderson could have
71 killed me. Cam Anderson is lucky they didn't kill me, and I'm lucky to be alive.


72 In spite of all my injuries and all my trauma and pain and suffering, one thing always makes me
73 feel better . . . listening to Rudy Francisco's "Complainers", because I try really hard to not

74 complain about things. I am still alive. So just pay up, Cam Anderson, you're the one who ran into
75 me. This is all your fault.

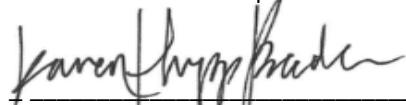
WITNESS ADDENDUM

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

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.



Karen Hupp Beeder, Notary Public

My Commission Expires: May 31, 2025

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	Honorable Kristi Richardson
	)	Presiding Judge
Cameron Anderson,)	
Defendant.)	

Witness Statement of Riley Stanton

1 My name is Riley Stanton. I live in Bluestem, Nebraska, at 1563 Otoe Blvd. Bluestem is about 8 miles
2 southwest of Goldenrod. I'm married to Alex and we have no children. We both enjoy competitive
3 pickleball and also attend college basketball games when we can. I travel a lot for my job and Alex, who
4 works remotely, likes to join me. We also like to go to concerts – especially, some of the older groups like
5 Aerosmith; Earth Wind & Fire; the English group Pink Floyd; the Beach Boys – have seen them 17 times; and
6 of course, Bon Jovi. Just some classic rock and roll.

7 It is true that sometimes I must drop everything and rush to the scene of a major accident, sometimes states
8 away. As an in-demand accident reconstructionist, sometimes millions of dollars or even human lives can turn
9 on my opinions. But I'm getting ahead of myself.

10 After graduating from Goldenrod University with a bachelor's degree in criminal justice in 1999, I dove into
11 the world of law enforcement as a deputy at Wagon Wheel County Sheriff's Office. Those early years were
12 a crucible, where I honed my instincts and developed a deep understanding of crime and justice. But after
13 five years, I felt a calling to broaden my horizons and pursue new challenges.

14 In 2004, I made the leap to the Nebraska State Patrol, seeking a more specialized avenue within law
15 enforcement. Assigned to the Accident Reconstruction Division, I found myself at the intersection of science,
16 law, and human tragedy. It was there that I discovered my passion for unraveling the mysteries hidden within
17 twisted metal and skid marks.

18 Under the mentorship of seasoned reconstructionists, I spent two years absorbing knowledge and refining my
19 skills in the field. But it wasn't until I underwent rigorous training with the Society of Automobile Engineers that
20 I truly cemented my expertise. Those intense weeks of learning and testing culminated in my certification as
21 an Accident Reconstructionist, a credential that would shape the trajectory of my career.

22 For eight years, I delved into the complexities of vehicular accidents, piecing together the fragments of
23 shattered lives and broken vehicles. Each case was a puzzle to solve. But as the years passed, I felt the urge
24 to forge my own path, to apply my expertise in a more independent setting.

25 In 2014, I made the decision to leave the State Patrol and establish my own accident reconstruction firm –
26 Stanton Reconstruction Consulting. It was a daunting leap into the unknown, but I really wanted to offer my
27 specialized expertise to those in need. Since then, I have helped in hundreds of cases, using my knowledge
28 and experience to bring clarity to the chaos of collisions.

29 I testify equally for plaintiffs and defendants. Anyone can be at fault for the accident. Sometimes, I have to
30 tell those who hire me - whether it is a lawyer or an insurance company - that their driver was the one at
31 fault. Or was equally at fault with the other driver. I will always be honest and explain exactly how the
32 accident happened.

33 Sometimes I will testify for criminal cases, where I am trusted to tell the judge and jury whether they should
34 put a criminally dangerous driver away for years - or not at all.

35 In this case, I was hired by the Plaintiff to investigate the cause of the accident in which s/he was struck while
36 crossing the street. Specifically, s/he was crossing Market Avenue in Goldenrod, Nebraska, when s/he was
37 struck by a 2022 electric vehicle (EV) which was traveling northbound. Exhibit #2 is the reconstruction
38 diagram I created.

39 On September 18, 2023, I visited the accident site and conducted my regular, thorough evaluation. The
40 same day, I inspected the electric vehicle involved in the collision. No Event Data Recorder (EDR) download
41 was available due to the impact not being forceful enough to trigger a report. I also examined the
42 photographs and measurements taken by the police at the scene.

43 Through my detailed investigation, and with my background, training, and experience, I have formed a
44 number of conclusions in this case. Exhibit #4 is my Report.

45 When I inspected the EV, I found a single minor dent near the center of the front bumper, consistent with
46 striking a person at around 25 miles per hour. Exhibit #5 shows the car with the dent. The Defendant claims
47 there are 2 dents, but the primary point of impact was clearly the middle. It is possible a limb contacted the
48 other part of the hood.

49 Based on photographs from the scene and measurements taken by the police, the EV struck the Plaintiff in the
50 crosswalk.

51 According to the police interview with the EV driver, s/he stated s/he saw the Plaintiff just in time to apply
52 the brakes but still collided with him/her. The posted speed limit on Market Avenue is 25 miles per hour, and
53 I do not have any reason to believe the vehicle was traveling faster than that just prior to the driver applying
54 the brakes.

55 Those are the easy conclusions. So now to peel back the onion a bit.

56 In the critical moments of an accident, when every fraction of a second counts, human reaction time plays a
57 pivotal role. It takes about 1.5 seconds for a driver to perceive and react to a danger. So, from the instant
58 the driver perceived the impending danger, it would have taken them 1.5 to perceive and react, during
59 which time the vehicle propelled 55 feet.

60 Testimony from the Plaintiff reveals s/he was walking at a normal pace. The average adult walking speed
61 clocks in at 3.1 miles per hour or 4.6 feet per second.

62 The Plaintiff walked 15 feet into the lane of travel before being struck, starting from the point of entering
63 the street. At 4.6 feet per second, that means the Plaintiff entered the street more than 3 seconds before

64 being struck, while the EV was over 108 feet away. This was adequate time and distance for the driver to
65 react by braking or swerving to avoid the collision.

66 In fact, the Plaintiff was visible to the driver even before entering the intersection, because the driver could
67 have seen her/him approach the intersection and cross a parking lane before even entering the driver's lane
68 of travel.

69 Sure, there was a vehicle parked alongside the crosswalk where the Plaintiff initiated their crossing. I looked
70 at that, of course. But based on photographs of the scene, that vehicle was a Slug Bug. The Plaintiff is 5'10"
71 tall, almost a foot taller than the Slug Bug, so s/he was clearly discernible to oncoming traffic, including the
72 driver.

73 The bottom line is that a reasonable, careful person in the driver's position should have seen the Plaintiff and
74 avoided striking her/him. The science is clear.

75 Of course I am being paid for my time. My rate is \$150 per hour. I have spent a total of 12.5 hours on this
76 case, between visiting the site, reviewing the evidence, performing calculations, and meeting with the
77 Plaintiff's attorney. I also charge a non-refundable \$2,500 flat fee to testify live at trial.

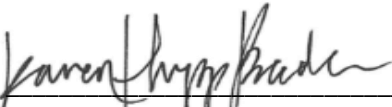
WITNESS ADDENDUM

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Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.



Karen Hupp Beeder, Notary Public
My Commission Expires: May 31, 2025

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	Honorable Kristi Richardson
	)	Presiding Judge
Cameron Anderson,)	
Defendant.)	

Witness Statement of Jordan Jones

1 My name is Jordan Jones. I live off campus in a duplex at 1997 Chokecherry Lane, Goldenrod. All my
2 friends, family, social media followers and faithful listeners of my growing podcast “Talks A Latte”, call me
3 “JJ”. I am now 22 years old, but at the time of the accident, I was 20 years old and a Junior at Goldenrod
4 University. I am from Miniwi, Nebraska. You really can’t get any smaller than my hometown – population of
5 2! My parents, Mike and Kristi, run the local newspaper, called the Miniwi Daily News. They still have a
6 printing press. They want me to follow in their footsteps, but I think the future of media is all electronic. They
7 need to shift into the future with an online presence and social media. That’s where it’s at and that’s where I
8 come in. I am enrolled in broadcast journalism at Goldenrod University, before heading back home to the
9 family business.

10 Oh, yeah, my Mom is very artsy and creates unique Lustre Silver & Gemstone Creations – this is a hobby for
11 her. She has her own shop at the house and also has a booth at the Hometown Market. Guess I got my eye
12 for paying attention to the details from my Mom! We have a Belgian Malinois named Blaze that has a
13 gorgeous mahogany coat with black ears. Blaze is a working dog and loves to run with Mom (a marathon
14 runner) every morning. He also is an incredible jumper, hence the 10-foot backyard fence.

15 It is a long way from my hometown to Goldenrod and I didn’t know anybody when I moved here for school.
16 On my first day on campus, I wandered into DejaBrew. I felt so comfortable, like I had already been there
17 before. Some of my closest college friends are the people I kept running into at DejaBrew, it sounds
18 unbelievable, but it was like I had already met them before.

19 For the Fall Semester of the 2022-2023 school year, my class schedule had a break around 10:30 a.m. on
20 Mondays, Wednesdays and Fridays, so I planned to meet my friends for a nice, honey lavender cold brew
21 and cream – my new fav flavor - and kill an hour or two between classes, like we had the previous years of
22 school.

23 I am very familiar with the corner of Market Avenue and 53rd Street. DejaBrew is just about half a block
24 south of the corner on Market Avenue. I cross the street there a latte, especially Mondays, Wednesdays and
25 Fridays. It is always a busy corner with cars and pedestrians. I always stop and look twice before entering
26 the intersection. It surprised me that Market Avenue still allowed cars on it in that area, especially during
27 class hours. Sooner or latte it was bound to happen.

28 This was the first week of school for the Fall semester. I didn’t have any early classes that semester, because
29 I quickly learned that I like to sleep A LATTE and I didn’t make it to many of my early classes. I had arrived

30 at DeJaBrew around 10:25 a.m. I was lucky to get a parking spot on the corner of Market and 53rd for my
31 baby blue 2002 Slug Bug convertible. I love that car. It is so small that it fits into campus parking spots
32 everywhere that those big pickup trucks can't fit in! I was meeting Joel, Sam and Ali. They were helping me
33 with my podcast that I was going to record later that day called "Talks A Latte". It was my first scheduled
34 podcast for the new semester. I already had 5,106 followers for my once a week podcast. I have been
35 trying to grow my followers by appearing on all the social media platforms, including Yoodell, Prontogram,
36 WallSpace, Sequence and SnappyGab. #ImEverywhere I give a shout-out to DeJaBrew and they allow me
37 to record my podcast there on Friday nights.

38 On August 26, 2022, I met Joel, Sam and Ali like normal, but that was the only normal thing about that
39 morning unfortunately. I was standing at the railing facing the street when I saw Cam Anderson driving
40 his/her Alset. I saw Wyatt Whinge approaching the intersection and then s/he was in the crosswalk, well,
41 there wasn't a marked crosswalk there, but it was the corner where students cross all the time. By the time I
42 saw Wyatt was going to get hit by the Alset, it was too latte. I couldn't do anything about it. I actually shut
43 my eyes right at impact because I didn't want to see what happened. Instinct I guess. I grabbed my phone
44 and posted on Sequence "I just saw a pedestrian run over in the street! Stay tuned for a major developing
45 story tonight on #TalksALatte" and I ran out to the street. Better latte than never. Exhibit #6 is a screen shot
46 of my posts on Sequence.

47 I heard Cam say "I'm so sorry. It is all my fault. I didn't see you." You could say that again, I saw Cam look
48 down before hitting Wyatt. I have seen that look before, I'm sure it was a cell phone. Drivers are distracted
49 a latte by their cell phones.

50 Anyway, I was happy to help in whatever way I could, so when I ran out to the street, I talked to everyone at
51 the scene, not just Wyatt and Cam, but the police officer, the EMT, and Cam's passenger Billy/Billie when
52 s/he was collecting Wyatt's shoes, just everyone to be sure they knew that I was a witness. I wanted to
53 testify at trial and spread the word about driver and pedestrian safety on campus when I was at the scene, I
54 took about 100 photos. I showed them to the police officer. I have reviewed the photos attached as Exhibit
55 #1 and Exhibit #5. I was the photographer of those photos and they are a true and accurate depiction of
56 the scene when I took the pictures. #distracteddriving #phonesdown

57 In my deposition, I was shown the diagram of the intersection where the accident occurred. It accurately
58 depicts where my car was parked. During the deposition, I marked my location in DeJaBrew with "JJ". It is
59 Exhibit #2. The diagram is not to scale, so it looks closer than I actually was. DeJaBrew is a half of a block
60 away or so.

61 By the end of the podcast that night, I had 1,500 more followers, which grew even more after my following
62 podcast about the road rage incident that happened in the traffic jam caused behind the accident. It was a
63 bad day to be a driver on Market Avenue!


64 Imagine how many followers I will get after I testify in this trial.....

65 Thanks a latte.

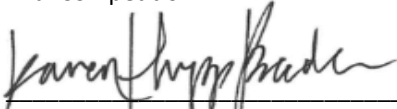
WITNESS ADDENDUM

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

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.



Karen Hupp Beeder, Notary Public
My Commission Expires: May 31, 2025

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,) Case ID: CV24-25738
Plaintiff,)
)
vs.) Honorable Kristi Richardson
) Presiding Judge
Cameron Anderson,)
Defendant.)

Witness Statement of Cameron Anderson

1 People need to watch where they are going. If the Plaintiff had just done that, we wouldn't be here. And now
2 I'm being told this is my fault? I am being sued?! I just don't get it.

3 My name is Cameron R. Anderson. I am 23 years old living in my own apartment at 2201 Arbor Drive in
4 Goldenrod. Just like my two older brothers, I'm a foodie at heart! Love Thai food (my fav place is the
5 Bangkok Bistro – love the Burmese Pad Thai, Yellow Curry Chicken, Spring Rolls and Thai Iced Tea) a couple
6 of great Italian places are Pasta Palooza and The Saucy Tomato (the Baked Ziti is to die for!! And the
7 Spinach Ravioli Royale is another fav and top this off with the Limoncello Mascarpone cake...yum), The
8 Indian Oven (chow down on the Spinach Naan, the Shrimp Vindaloo has some kick....never had a bad meal
9 there), and for some good ole American food, you can't beat Epic Burgers (love the bleu cheese burger with
10 an extra helping of bleu cheese crumbles and some bacon along with Sweet Potato fries....delish). Needless
11 to say, I'm always looking out for any new restaurants.

12 Ok, now back to reality. Life for me was pretty darn good before August 26 of 2022. I recently graduated
13 from Goldenrod University with a bachelor's degree in marketing. I originally declared as a theoretical
14 physics major but got out of there after all the recent controversy. I'm not going to say I found a calling in
15 marketing, but I found something I'm good at. My advisor told me I could sell anything. After graduation I got
16 a job at ATP Marketing and got my own apartment that isn't too far from campus.

17 My student loan debt isn't ideal, but that did not stop me from celebrating my new job by purchasing my first
18 new car – a new, all electric, Alset Precursor...just love the Artic Pearl color. Not exactly within my budget,
19 but with a little help from my parents, I'm able to swing it. This thing has all the bells and whistles! The car is
20 pure throttle, going from zero to sixty in 4.1 seconds. That is faster than the standard Camaro or Mustang.
21 The Precursor has a battery life range of 380 miles, best in the industry for its class. But where the Precursor
22 really separates itself is its self-driving. I can plug in the address, push a button, and the car does the rest.

23 I love the self-driving, it allows me to relax a little behind the wheel. Truth be told, the car is a better driver
24 than me. It keeps the car perfectly between the lines and always keeps the car at the posted speed limit.
25 Even though the car is a good driver, I do what I am supposed to. As the warning on the screen says "I'm
26 ready to take over the vehicle immediately" at all times. I always keep at least one hand on the steering
27 wheel. I keep my eyes on the road. I keep my feet close to the pedals.

28 The car is not perfect. I only had the car for about six months before this incident, but in that time I noticed
29 something truly annoying. There is an interior camera that basically acts like my babysitter. It supposedly can

30 tell if I'm not looking at the road, and sounds an alarm. If I don't correct my posture, it disables the self-
31 driving altogether. The darn self-drive mode shut off on me automatically while driving multiple times!
32 Problem is, the camera is mostly guessing. Sometimes I just have my head angled in a way it doesn't like, and
33 it yells at me. Ridiculous! And you can't just cover up the camera or the system really loses its mind. About two
34 weeks before this incident a friend told me there was a "fix" for this I could find online. Sure enough, there is
35 a pretty simple hack where you can connect to the car's computer and basically delete the line of code that
36 works as a bypass for the interior monitoring system. The "how to" UTube video I watched assured me that
37 minor edit did not affect any other functions of the car.

38 That brings me to August 26, 2022. It was a Friday, mid-morning, probably around 10:30 a.m. I was on my
39 way from the office to a funeral for the original founder of the company. I didn't personally know him well,
40 but everyone from the company was going to attend. Billy/Billie was with me in the car. I offered to give
41 him/her a ride to the funeral. S/he had asked me a lot of questions about my car and I figured this was a
42 chance to show what kind of a ride it was.

43 We'd only been on the road about five minutes when this happened. I say "I was driving," but the truth is I
44 had the self-driving engaged from the time we pulled out of the company parking lot. The car seemed to be
45 working fine. It turned itself onto Market Avenue and was approaching 53rd Street. Nothing in particular was
46 going on in the car at the time. I don't remember being actively involved in a conversation with Billy/Billie. I
47 know I wasn't on my phone, because that was resting in one of the two cupholders between me and the
48 passenger's seat.

49 I am familiar with this intersection. I bet I've been through the intersection more than 30 times in my life,
50 particularly when I was back in college. I've also been a pedestrian walking across that intersection. I will be
51 the first to admit that it is common for vehicles to stop for pedestrians at that intersection, but I certainly don't
52 think that is an expectation for either drivers or pedestrians familiar with the area. It still stuns me that there
53 is no traffic light or stop sign at the intersection. Although it certainly isn't lost on me that the city put up traffic
54 signals AND a marked crosswalk a month after this happened.

55 As we neared 53rd Street I did not notice anything out of the ordinary. I know the 53rd Street crossing has a
56 lot of pedestrian traffic. It is pretty close to the college campus, plus has a bunch of shops right there that
57 brings more foot-traffic to the area. I don't remember seeing many pedestrians on either side of Market
58 Avenue that particular day. I know I didn't see any pedestrians actually crossing Market Avenue at 53rd
59 Street as I was approaching the intersection. I don't really remember much about the traffic around me
60 either. It is possible there were cars behind me, I just don't remember one way or the other. Same thing for
61 traffic coming the opposite direction on Market Avenue. I just don't have a specific recollection.

62 I do know there was a line of parked cars to my right leading most of the way up to the 53rd Street
63 intersection. Those cars definitely would've blocked my view of pedestrians off to the right until I got closer to
64 the intersection. I did not notice any pedestrians at 53rd Street waiting to cross from right to left in front of
65 me on Market Avenue. As my car approached the intersection, I suddenly and unexpectedly saw motion to
66 my right out of the corner of my eye. I slammed on the brake as quickly as I could, but it was too late. My car
67 ran right into someone walking across the intersection, who I later found out was Wyatt Whinge. I swear
68 there was nothing I could have done. Wyatt just came out of nowhere. Even the self-drive function didn't
69 react in time.

70 As soon as my vehicle stopped, I rushed out of the car. I was going to call 911 but I saw two or three other
71 people already on the scene with their phones out. I turned my attention to Wyatt who was laying on the
72 ground. I'll admit I was freaking out, worried I may have killed someone. I could see right away Wyatt was
73 still alive, but I could also see at least one big injury because Wyatt's left leg was obviously broken. That
74 was really hard to see. S/he was still conscious though. I'm pretty sure I went up to him/her while laying on
75 the ground and started saying "I'm so sorry, I'm so sorry. I didn't see you until it was too late."

76 One of the other people at the scene was a nurse and took over care of Wyatt until an ambulance arrived. I
77 quickly backed away and started talking to Billy/Billie, who apparently didn't see anything before the
78 impact. I guess his/her head was down because they were texting until I slammed on the brake. I also turned
79 and saw the damage to my vehicle. I was surprised by what I saw. There were two dents in the front, but it
80 was their location which was surprising. One of the dents was just barely on the passengers' side, the other
81 one was actually center of the driver. Exhibit #5 is the photo of the dents. I would never have guessed Wyatt
82 would have made it so far out in front of my car based on the brief moment of what I saw before impact. I
83 would have guessed the very corner of the car would have been what impacted.

84 A police officer came to the scene and asked me a few questions. I don't deny saying what is on the police
85 report, but I was still incredibly shaken up when I made those comments, and I know I wasn't thinking straight.
86 The officer asked me about video from the car, which has about eight different cameras at various points.
87 Unfortunately, I did not have the USB memory card plugged in the right spot to save recordings. So, while the
88 cameras showed what happened in real-time, they didn't record anything. So frustrating! I have no doubt
89 videos would have shown just how fast Wyatt came out of nowhere.

90 Since the accident, I have been told the modification I made to bypass the interior camera monitoring should
91 not have affected the other self-driving functionality. See! I was right! I'm not an expert when it comes to this
92 car. I made that change more than two weeks before the incident, and other than the interior monitor
93 warning not going off again, I did not notice anything else wrong with the car. I didn't encounter any
94 emergency type situations during that time, but if the system was all out of whack, wouldn't I have noticed
95 something? I use the self-driving at least once a day. Yes, I received the User's Manual to the vehicle at the
96 time I first got it. Yes, I know there is a warning in there, prominently displayed that says not to make any
97 software changes to the vehicle and that should only be done by certified Alset technicians. But that just
98 seems like standard terms to me. People don't always pay attention to those instructions. Exhibit #7 is the
99 warning in the manual.

100 I have seen the diagram (Exhibit #2) from the Plaintiff's accident reconstructionist. I could not disagree with it
101 more. Wyatt could not have been that far out into the street before I reached the intersection. I surely would
102 have seen him/her way earlier than I did if that were true.

103 I guess at the end of the day, I'm not too worried about things. I did receive a citation for failure to yield,
104 which is unbelievable to me. I wasn't interested in getting into a huge fight with the city attorney's office, so I
105 pled no contest and paid the \$78.00 citation. Other than that, I shouldn't be out any money. I mean, this is
106 what I have car insurance for right? My agent told me my insurance coverage limits are so high, there is no
107 chance of a verdict coming back above those limits. I suppose I should thank my mom and dad for making
108 sure I had not only primary liability coverage with high limits, but also an umbrella policy providing even
109 more financial protection for me! Exhibit #8 is my insurance card.

110 All I can say is this was not my fault. Wyatt should have been paying more attention to traffic. When you
111 aren't paying attention, bad things can happen.

WITNESS ADDENDUM

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

Signed,

CAMERON R. ANDERSON

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.

Karen Hupp Beeder

Karen Hupp Beeder, Notary Public

My Commission Expires: May 31, 2025

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,)
Plaintiff,)
vs.) Case ID: CV24-25738
Cameron Anderson,)
Defendant.)
Honorable Kristi Richardson
Presiding Judge

Witness Statement of Chris Summon

1 My name is Chris Summon and I am an award-winning, Oxford-educated physicist. I am an experienced
2 expert witness and consultant whose areas of expertise include sensors, semiconductors, signal processing,
3 and medical imaging. I have extensive intellectual property experience including patent development,
4 analysis, licensing, strategy, and serving as an expert witness in both deposition and trial. I hold 22 U.S.
5 Patents with many more pending. I hold a BA and MA in Physics from Oxford, and a Doctorate from Oxford
6 in Materials Science. I am currently employed by Stream Sonics, LLC located in San Francisco, California.

7 I am a Brit, through and through, and have experienced many eye-opening experiences during my tenure in
8 California. I live at 6311 Cornwall Boulevard in the Stone Lodge. It is similar to the cottage that I grew up
9 in over in Cambridge, England. While Americans have good food, nothing beats a Cornish Pasty or roast
10 beef and Yorkshire pudding followed by some sticky toffee pudding. Ahhhh, I do miss my homeland. My
11 spouse, Logan, is a Data Analyst at Informatica UK and s/he works remotely. Semi-annually, Logan travels
12 to London for several weeks to meet with co-workers. Logan loves the sunshine in California, but like me
13 misses the British delicacies. We have one child named George, who is in high school. He is interested in the
14 sciences so will most likely follow in my footsteps. Oh, yes, we do have a Corgis named Dipper – just like the
15 late Queen did.

16 As we all know, California is often associated with stunning natural landscapes, beautiful beaches, and a
17 pleasant climate, which can be appealing to people in the UK, especially given the contrast with the often
18 gloomy weather in Britain. My attraction to California spawned from the state's known innovation and
19 technology reputation. It is no secret that California is known for being a hub of innovation and technology,
20 with Silicon Valley being a particularly prominent example. Many people in the UK admire California's
21 reputation as a center of technological advancement.

22 However, California is also home to Hollywood and the entertainment industry, which renders locals flaunty,
23 whimsical characters aping the leading celebrities, movie characters, music icons and popular culture. My
24 native colleagues are generally overly laid-back, dodgy, superficial, or materialistic. Dinner parties with
25 these folks are often a mind-numbing bore. This general "tomorrow is another day" attitude even permeates
26 the rife urban sprawl, traffic congestion, and general parade of excesses many of the state's residents have
27 created and perpetuate.

28 I, for one, generally think of the locals as gaudy vessels of veneered extravagance. Their lack of formality
29 and humility is distasteful and the furthest measure from posh one can imagine. I chuffed with my extended
30 visits to my brilliant homeland, which cleanse me with proper human interaction, a peng pint, late night
31 Cheeky Nandos, and the right dose of sarcastic and intellectual humor.

32 I have been engaged by the lawyers representing Cameron R. Anderson to provide testimony regarding the
33 Self-Driving Technology and its operation relative to an all-electric, Alset Precursor, vehicle. I am very
34 familiar with the technology used in these vehicles as well as in the electric automobile industry as a whole.
35 Indeed, one of my patents was technology I developed for Alset, in particular. I still get royalties from the
36 company, which have stepped up brilliantly in recent years. My scientific, technical, and other specialized
37 knowledge is based on years of research, publications and my own pursuit of patentable technologies
38 typically employed in the automobile and healthcare industries. My knowledge is also reflective and
39 supported by prevailing peer reviews of generally accepted principals and methods applicable to these
40 technologies and state of science.

41 I have been paid \$45,000.00 as a flat fee for my involvement in this matter, inclusive of my preparation of
42 materials and presence at this deposition and ultimately trial.

43 My conclusions in this matter, based on a reasonable degree of scientific certainty as well as that information
44 reflected in my scientific summary (Exhibit #9), are as follows:

45 1. The Self-Driving technology installed in the Alset Precursor of similar year to Cameron
46 Anderson's is effective to detect pedestrians, vehicle traffic, or other lane obstructions and stop within a
47 reasonable distance. Specifically, the technology is more than 99% operationally effective at distances as
48 close as 100 feet and can fully stop the vehicle traveling at speeds of 25 miles per hour within 1.5 seconds
49 at a distance of 85 feet. These reaction times are consistent with human response times tested and
50 documented in alert, focused, and otherwise unaffected human drivers.

51 2. Collisions occurring while the Alset Precursor is traveling within those parameters generally
52 suggest that the obstruction has suddenly appeared within the vehicle's detection and stopped range. For
53 instance, a soccer ball rolling out in front of the vehicle suddenly, or a pedestrian suddenly entering a lane of
54 traffic within the stopping zone of the traveling vehicle.

55 3. In this case, it is more likely than not that the collision occurring with the pedestrian was the
56 result of a sudden entry into the zone of the traveling vehicle in which the pedestrian could not be detected in
57 sufficient time to bring the vehicle to a complete stop.

58 **Anderson's Alset Precursor**

59 The Alset Precursor employs each of the foregoing technologies in its Self Driving operational modes.
60 Notably, the incidents involving Alset autopilot failures have only resulted in 736 crashes and 17 fatalities
61 nationwide since 2019. This number is far below those accidents involving driver-controlled vehicles even
62 accounting for the relatively small number of Alset's in circulation.

63 As is the case with many emerging technologies, the computer vision systems in these cars are extremely
64 brittle. "They will fail in ways that we simply don't understand," says Dr. Cummings, who has written that A.I.
65 should be subject to licensing requirements equivalent to the vision and performance tests that pilots and
66 drivers undergo.

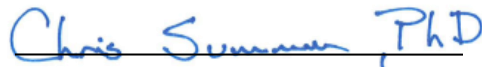
67 In addition, slight tweaks to installed technologies can hamper their reliability and function. In this specific
68 case involving Cameron R. Anderson, I understand that a slight variation in code was instituted by Mr./Ms.
69 Anderson, however, I was unable to determine the extent to which this variation could have impacted, if at
70 all, the vehicle functionality in this instance. My subsequent testing and review did not evidence any vehicle
71 failures in the Self-Driving components of the vehicle and, in any event, Mr./Ms. Anderson's focused presence
72 in the vehicle would have overridden any flaw at the time of the collision, particularly given the presence of
73 the denting on the trunk hood of the vehicle, which are located at the positions indicated in Exhibit #5.

74 The initial denting adjacent to the passenger front headlamp further bolsters my conclusion that the
75 pedestrian entered the vehicle's path without an opportunity for either the Self Driving technology or the
76 focused conventional human driver to react and stop to avoid impact.

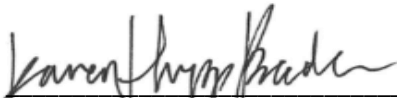
WITNESS ADDENDUM

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

Signed,

Chris Summer, PhD

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.



Karen Hupp Beeder, Notary Public
My Commission Expires: May 31, 2025

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

Wyatt Whinge,	)	Case ID: CV24-25738
Plaintiff,)	
)	
vs.	)	Honorable Kristi Richardson
	)	Presiding Judge
Cameron Anderson,)	
Defendant.)	

Witness Statement of Billy/Billie Daniels

1 My name is Billy/Billie Daniels. I was with Cam Anderson on August 26, 2022, when a person darted out in
2 front of us on Market Street. I am 23 years old and live in Goldenrod. I've lived there ever since I enrolled in
3 Goldenrod University (GU) five years ago. Before that I lived with my folks (Bob and Sue) in Columbus,
4 Nebraska. My Dad owns and is President of the Farm & Feast Grocery store. It is a mom and pop store that
5 everyone likes. Of course, my Dad is awesome at branding the store. He works with local farmers, bakers,
6 artisans who make cool arts and crafts, ironworkers, etc. and organizes the Saturday Hometown Market
7 during the summer months. My Mom is an accountant and works at the Goldenrod Community Foundation. I
8 have two sisters – Sharon and Julie – who are both younger than I am.

9 My sister Sharon is also attending Goldenrod University and she is majoring in non-profit management.
10 Guess Sharon is gonna take after my Mom and go the non-profit route. Sharon is a member of the GU
11 Speech and Debate team....and man is she good! My baby sister Julie is a senior in high school and she is a
12 star volleyball player.....she is 6 feet tall and has an awesome ace serve plus she is a great blocker. Julie is
13 planning on following in my footsteps and attending GU.....still not sure what she'll major in. Oh, and we
14 have two dogs, Loonie and Pound, and both are Golden Retrievers. Just love these pups!

15 Cam and I both work at ATP Marketing. I started working there right after I graduated. That's when I met
16 Cam. It turns out we were both enrolled at Goldenrod University at the same time. But I learned that Cam
17 spent most of her/his time in the computer lab where I have never set foot. I was busy trying to pass Physics
18 for Poets, so our paths never crossed. I ended up majoring in Theater with a minor in English. I chose those
19 majors because of my passion for the theater. I was in all of my high school's plays and musicals. While I
20 expect that one day I'm going to be a star, acting is not the only thing that gets my juices flowing. Writing is
21 my other passion and I hope to be able to combine the two. But for now, I need a steady paycheck while I
22 hone my craft or crafts as the case may be. I'm taking improv lessons and working with a vocal coach. I want
23 to be ready for any theatrical opportunity that comes my way. So far, I've played Baby Bear in an
24 adaptation of Goldilocks and Nana in Peter Pan. In addition, lately, I've been working on a screenplay
25 inspired by the events of August 26, 2022.

26 Back to the real world. Cam works in digital advertising, and I was hired to edit copy. I do a lot more than
27 that, though, I water the plants, I make a coffee run for myself and others about 10:30 a.m. each day (the
28 coffee in the break room is swill) and deliver hard copies of printed material throughout the office. ATP
29 Marketing is not what I would call a big operation. All the employees use the same breakroom and that's
30 where Cam and I got to know each other. We share a common interest in pickleball, a game my

31 grandmother taught me to play. But that's about the only thing we have in common. That and working for
32 ATP. Cam is heavy into tech whereas I am not. To celebrate getting her/his first job s/he went out and
33 bought an Alset Precursor - one of the self-driving cars on the market. How s/he afforded it is a mystery to
34 me. Cam was constantly talking about how much fun s/he was having with it - trying out its features and
35 playing with the on-board computers - turning this feature on and another feature off. I thought it sounded
36 fascinating (if not a little scary) and I had a thousand and one questions about how it works. Cam was happy
37 to answer all of them, though I can't say I understood what s/he said. S/He promised to show me one day
38 and that one day turned out to be August 26th.

39 On that day Cam and I were headed to the funeral of ATP's founder, Erne Gnome. I had seen Mr. Gnome in
40 the office quite a few times. I was always running from one place to another while I was delivering printed
41 material in the office and I would often run into him, literally. It didn't appear to me that he did anything. He
42 was just there, but everywhere. Then Mr. Gnome suddenly retired. I remember the day he left. He came into
43 the breakroom and said he had just grown tired of everything and wasn't coming back. It may be that the
44 whole office had grown tired of him, too, because there was no retirement party. I thought that was strange
45 given that he had started the company. One day he was there and the next day he wasn't. He died four
46 months later. The whole office was given the morning off to attend his funeral. Cam offered me a ride there
47 and said that would be a good opportunity to show me what the Alset could do. I jumped at the chance. I
48 had never been in a self-driving car before. And after hearing her/him talk about it so much, I couldn't wait
49 for a chance to ride in one.

50 When we got in the Alset that morning, Cam entered the address of the funeral home into the GPS and said
51 "watch this." H/she took his/her hands off the wheel and held them high in the air, s/he took his/her feet off
52 the pedals, and off we went. The car did everything, and I mean everything. After a while, Cam put his/her
53 hands in his/her lap, and I watched him/her and the car for quite a while. S/He was always paying
54 attention, cell phone on his/her thigh but eyes forward, checking the rear-view mirror now and again - You
55 know, the things you have to do to drive a car safely, but the car was doing all the work. When we came to
56 a four-way stop, the car somehow knew when it was its turn to go. It even went through a roundabout. Boy
57 did that blow my mind. I mean, I have trouble doing that. I thought to myself "this car can do everything but
58 talk" and then it hit me - what if it could talk? Suddenly we'd have the makings of a movie or television
59 series. Maybe a cop show, a rom-com, or a sitcom - the possibilities are endless. Like I said, an inspiration. I
60 thought if I could flesh out a semblance of a screenplay and then play the voice of the car, it could be my
61 ticket to fame and fortune.

62 Back to August 26. At some point I remember we were on Market Street near campus heading towards 53rd
63 Street. It was a sunny day. I remember being surprised that there weren't more people out. There were
64 usually a lot of students crossing the street near DeJaBrew. The diagram (Exhibit #2) accurately depicts
65 Market Street as it approaches 53rd, though it does not appear to be to scale. I was excited about my big
66 idea for a movie or show about a talking car and mulling over the possibilities in my mind when I got a text
67 from my friend, Carmen Argenziano, about auditioning to play Eeyore in Winnie the Pooh. I was beginning
68 to respond to it when suddenly I was thrown forward nearly into the windshield. My seat belt was the only
69 thing that stopped me. It was clear to me that Cam had slammed on the breaks, but I wasn't sure why. Until I
70 saw the shoes.

71 After we came to a stop, we both got out of the car. Cam first then me. I saw Cam talking to a person lying
72 on the street on the driver's side of the car near the front wheel who I later learned was Wyatt Whinge. I
73 heard Cam say s/he was sorry but I did not hear her/him say the accident was his/her fault. Wyatt was
74 talking back to Cam, something about not seeing him/her before s/he crossed the street. There was also this
75 other person at the scene. I don't know where s/he came from. Said his/her name was JJ and s/he saw the
76 whole thing. S/he was talking to everyone at the scene and was taking lots of photos. S/he was really
77 annoying if you ask me. S/he said something about listening to a podcast later that day if we wanted to get
78 the whole story, but I never got the name of it.

79 I never saw Wyatt before Cam hit the breaks, but then I wasn't watching the road, I was texting Carmen.
80 Exhibit #10 is a screenshot of the text. I never saw Cam look at his/her phone or have his/her eyes other
81 than forward the entire time I was in the car. I told JJ and a police officer who came to the scene the same
82 thing I'm telling you. Exhibit #1 is an accurate photo of the shoes I saw go flying. I don't think I'll ever forget
83 the shoes.

84 Since the accident I got the part of Eeyore and, if I do say so myself, I nearly stole the show. I still work at
85 ATP. I miss running into Mr. Gnome, but I don't think anyone else does. I've continued to work on my
86 screenplay. I haven't shopped it around yet, because it still needs a lot of work. Before I do that, I think I'll
87 run it by my old writing professor, Mr. Knight.


WITNESS ADDENDUM

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

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2024-2025 Nebraska State High School Mock Trial Competition.



Karen Hupp Beeder, Notary Public
My Commission Expires: May 31, 2025

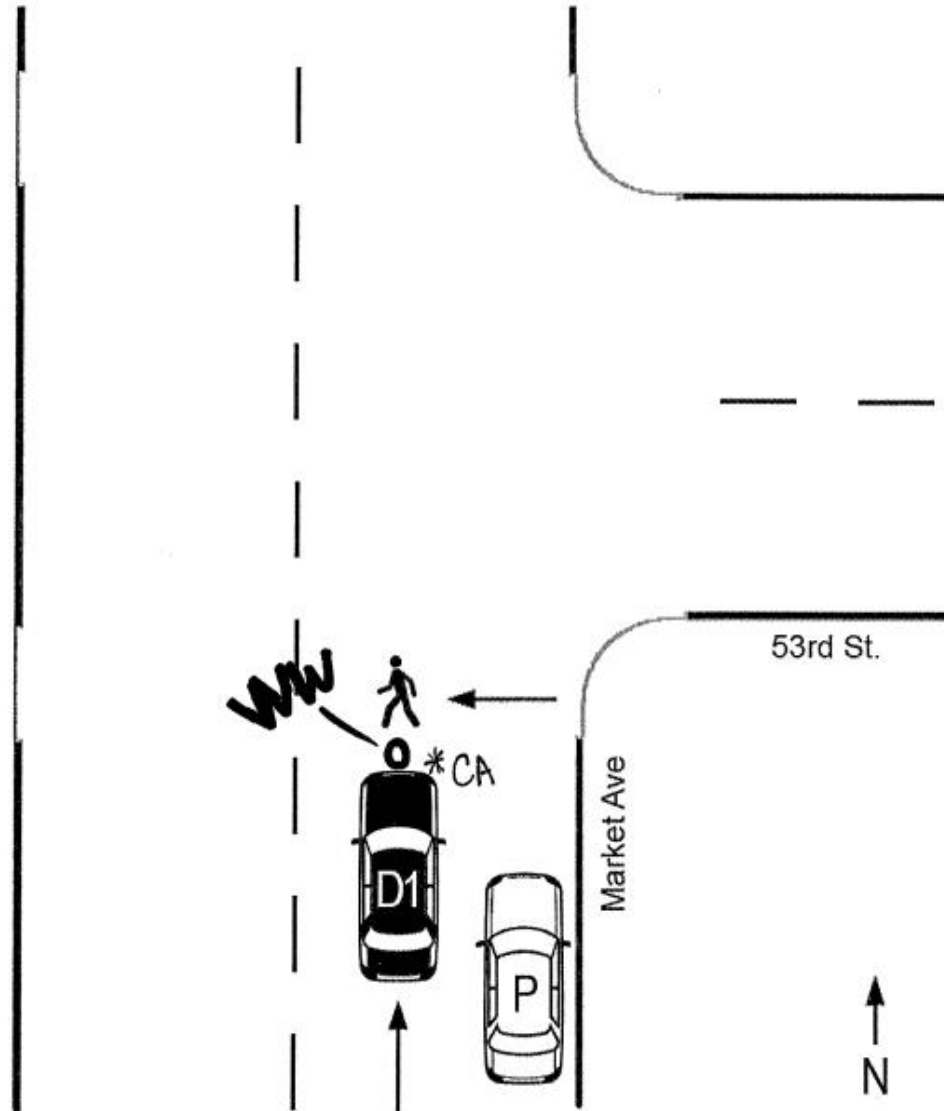
Exhibit #1

Shoes



Exhibit #2

Reconstruction Diagram



Note: Not to Scale

Deja
Brew
-JJ

Exhibit #3

Hospital Report



Tallgrass Prairie Hospital
Emergency Department
4100 Winthrop, Goldenrod, NE

Whinge, Wyatt m/f
12/26/2002 111-23-4567
brklegL-0207-2007
12345

EMERGENCY ROOM ADMITTANCE FORM

TO BE COMPLETED BY ADMISSION STAFF

Admission Date: 8.26.22 Admission Time: 1127 Admission Staff: Ratchett

PATIENT INFORMATION			
Patient's Last name: Whinge	First: Wyatt	Middle: W	<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.
MARITAL STAUTS: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Partnered <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
Birth date: 12.26.02	Age: 19	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Social Security No.: 111234567
Street Address: Streeter Alditch Dorm Rm535		Home Phone No:	
City: Goldenrod	State: NE	Zip:	Work Phone No:
E-mail:		Cell Phone No: 3338675309	
Pharmacy Name:		OK to leave message? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	
Occupation: Student	Employer:		Employer Phone No:
Street Address:		City:	State: Zip:
INSURANCE INFORMATION			
Primary Insurance Carrier: StudentHealthCare	Group No.: 57-8U964Z21	Policy No.: 15678493	
Patient's relationship to Insurance Holder: <input checked="" type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other			
Secondary Insurance Carrier: (if applicable) N/a	Group No.:	Policy No.:	
IN CASE OF EMERGENCY			
Name: Mari Whinge	Relationship to Patient: Mom	Daytime Phone No. 3338675308	Evening Phone No.



Tallgrass Prairie Hospital

402-475-1042

www.tallgrassprairiehospital.md



Tallgrass Prairie Hospital
Emergency Department
4100 Winthrop, Goldenrod, NE

Patient Label Here

EMERGENCY ROOM ADMITTANCE FORM

TO BE COMPLETED BY ADMISSION STAFF

Admission Date: 8.26.22 Admission Time: 1127 Admission Staff: Ratchett

MEDICAL INFORMATION

Primary Care Physician: Dr. House

Phone No.: 999-909-1111

Allergies: latex, Penicillin and camphor

Any previous problems with anesthesia: Y N

List any previous surgeries and causes: _____

List any serious trauma or broken bones: vague info re: basketball injuries

List all serious medical illnesses (e.g. pneumonia, heart attack etc.) and ongoing medical problems (e.g. diabetes, high blood pressure, epilepsy etc.): none

Date of Last Tetanus: 07/01/2022 Date of Last Covid-19: 11.26.21 Date of Last Flu: 11.26.21

Date of Last Pneumovax: _____ Date of Hepatitis B: _____

REASON FOR ADMITTANCE

Reason for ER visit today: PT struck by car while hurry acr street 4 coffe & friend. Compl of pain to left leg from assault, road rash, cuts bruises pain. hit head on street.

After X-ray - fractures to left femur and tibia, hairline fracture patella. Surgery recomm open reduction w/ internal fixatn. Pain thresh low, may need longer than normal hosp.

Pain Response: Normal Unique quite agitated, verbal compl of pain post IV & oral rx, comp of vision problem, other



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Exhibit #4

Stanton Reconstruction Consulting Report

STANTON RECONSTRUCTION CONSULTING

1445 Fortuna Blvd
Goldenrod, NE 68885

April 15, 2024

In Re: GAC Case No.: 23-109
Date of Accident: 8-26-2022

Introduction

I was asked to complete an investigation into the causative factors in this collision.

Accident Summary

The accident involved a 2022 Alset Precursor which was traveling northbound on Market Street in Goldenrod, Nebraska. The Precursor was driven by Cameron Anderson of Goldenrod. As the Precursor entered the intersection of 53rd Street, the Precursor struck W. Whinge, a pedestrian who was crossing the street in an unmarked crosswalk.

Investigation

I was tasked with reviewing the evidence received thus far, as well as to inspect the electric vehicle which struck Whinge, which I did on September 18, 2023. That same day, I visited the site of the accident. There was no Event Data Recorder (EDR) download available, because the impact on the vehicle was not forceful enough to generate a report. I also reviewed photographs and measurements taken by the police at the scene.

Findings

I have reviewed and analyzed the contents of my file and used my 19 years analyzing crashes of this nature, along with my years of training, experience, and knowledge of vehicle dynamics, performance, emergency driving training and experience to come to the following opinions, considering the facts presented in this case:

The Precursor was inspected on September 18, 2023, by myself. There was a small dent roughly in the center of front bumper, which was consistent with having struck a pedestrian at around 25 miles per hour. I did not observe any other dent, although it is possible one of Whinge's limbs caused a small dent.

I reviewed all scene photos available in this case, as well as the report of the police who investigated the accident, including measurements of the length of the skid marks the Precursor left on the road.

The accident occurred when the Precursor struck Whinge in a crosswalk. Anderson reported that s/he saw Whinge just in time to apply his/her brakes, but immediately struck him/her.

Anderson states he was traveling at 25 miles per hour, and there is no evidence which contradicts this.

Humans typically have a reaction time of 1.5 seconds, meaning that it takes humans 1.5 seconds to perceive a danger and react to it. In this case, that means it would have taken 1.5 seconds for the driver to perceive that a collision was imminent and apply the brakes or swerve. Traveling at 25 miles per hour, a vehicle covers 36 feet per second, or 55 feet in 1.5 seconds.

According to Whinge, s/he was walking across the street at a normal pace. The typical walking pace for an adult is 3.1 miles per hour, or 4.6 feet per second.

We can determine how far Whinge walked before s/he was struck. As Whinge began to cross the street, s/he had to walk 10 feet to cross the parking lane before entering the Precursor's lane of travel, which is 10 feet wide. Assuming the Precursor was traveling in the center of the lane, and Whinge was struck in the middle of the Precursor, that means s/he walked 5 feet into the lane of travel before s/he was struck, for a total of 15 feet between stepping out into the street and being struck.

STANTON RECONSTRUCTION CONSULTING

1445 Fortuna Blvd
Goldenrod, NE 68885

Walking at 4.6 feet per second, that means s/he had been visible to the driver for more than 3 seconds, while the Precursor was still more than 108 feet away (as the Precursor traveled 36 feet per second, which times 3 seconds, equals 108 feet). This would have been sufficient time and distance for the driver to perceive and react, either by braking or swerving to avoid striking Whinge.

While there was a vehicle parked adjacent to the crosswalk where Whinge entered the crosswalk, the vehicle was a Slug Bug, which is only 59 inches tall. Whinge stands at 5 foot 10 inches tall (70 inches), so s/he would have been visible over the roof of the vehicle at all times.

Please let me know if you have any questions.

Sincerely,



Riley Stanton

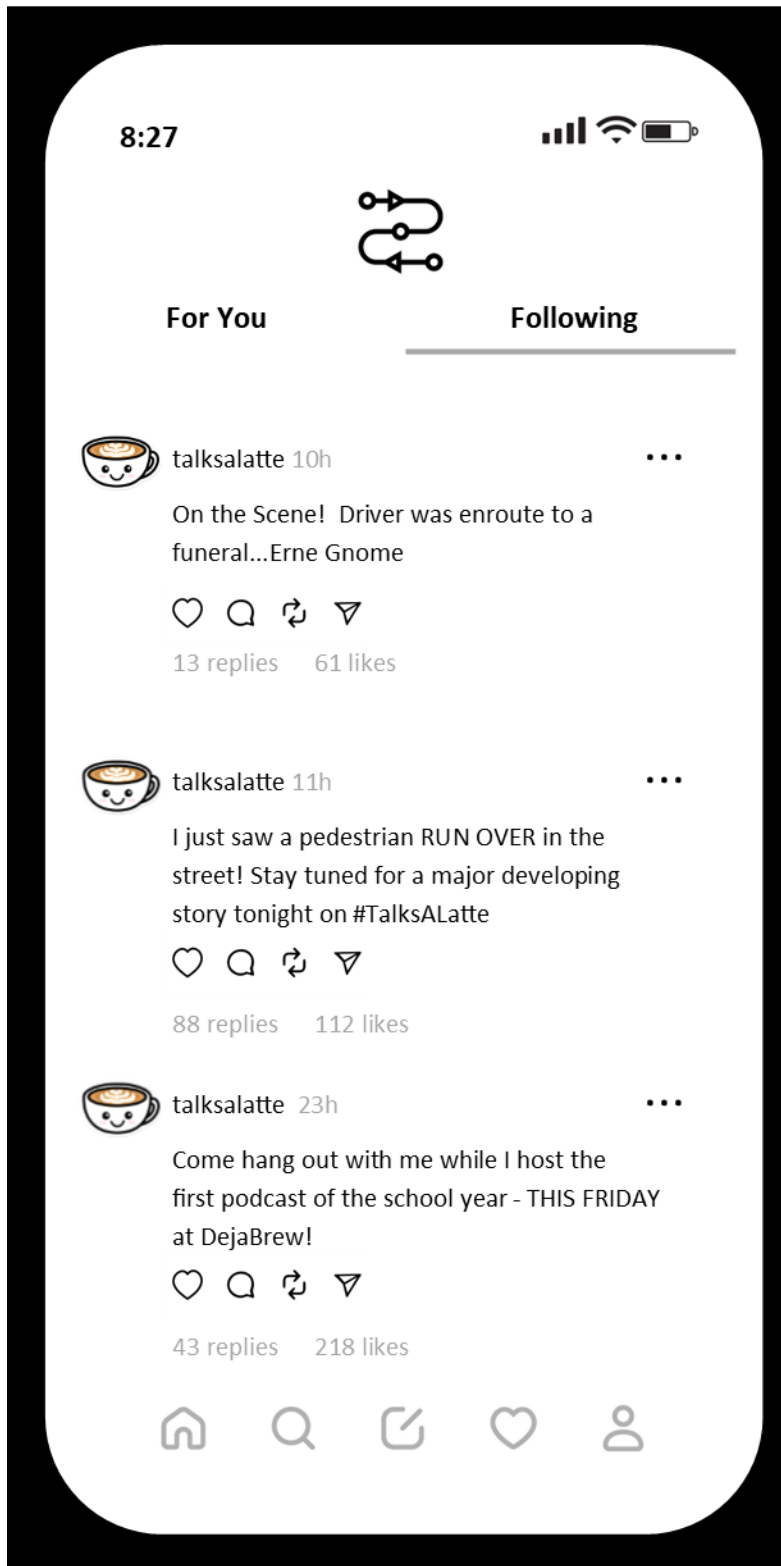
Exhibit #5

Car with Dent(s)



Exhibit #6

Screenshot of Sequence Post



8:27



For You

Following



talksalatte 10h



Driver = Cam Anderson
Victim = Wyatt Whinge



64 replies 172 likes



talksalatte 10h



Just heard driver tell victim its their fault
and drive said sorry



7 replies 91 likes



talksalatte 10h



Breaking...Ambulance has arrived. Person
HIT by car has a broken leg



41 replies 159 likes



talksalatte 10h



Found info on Erne Gnome...here is the
link: www.nebarfnd.org/node/162



8:27



For You

Following



talksalatte 9h



Pedestrian safety is no joke! Don't be in a hurry to cross the street - look twice 🙄🙄



55 replies 245 likes



talksalatte 10h



Just talked to police officer at the scene!
More on tonights EXTENDED episode
#TalksALatte



8 replies 22 likes



talksalatte 10h



I just got the exclusive with Cam's passenger..find out WHO on tonights #TalksALatte



47 replies 167 likes



Exhibit #7

Car Manual Warning

Alset

Precursor Owner's Manual

- o Alset Precursor Owner's Manual
- o Overview
- o Opening and Closing
- o Storage Areas
- o Seating and Safety Restraints
- o Connectivity
- o Driving
- o Autopilot
 - ≥ About Autopilot
 - ≥ Autopilot Features
 - ≥ Traffic Light and Stop Sign Control
 - ≥ Full Self-Driving (Supervised)
 - ≥ Autopark
 - ≥ Limitations and Warnings
- o Active Safety Features
- o Dashcam and Security
- o Climate
- o Navigation and Entertainment
- o Charging and Energy Consumption
- o Maintenance
- o Specifications
- o In Case of Emergency
- o Troubleshooting
- o Consumer Information

Limitations and Warnings

This topic includes warnings, cautions, and limitations pertaining to the following Autopilot features.

- Traffic-Aware Cruise Control
- Autosteer
- Navigate on Autopilot
- Autosteer on City Streets (Full Self-Driving (Supervised))



Warning

Do not attempt to modify or alter the code controlling the operation of the vehicle's systems. Unauthorized changes may result in malfunctions, loss of control, or other hazardous situations. Any alterations to the software could void the warranty, compromise the safety and functionality of the vehicle, and cause harm to others on the road.

Exhibit #8

Insurance Card


	RightCo Mutual Insurance 635 Martin Street Killeen, Texas 76541	Proof of Auto Insurance	
INSURED:	Cameron R. Anderson		
POLICY NUMBER:	12-A58723		
EFFECTIVE:	May 31, 2022 to December 1, 2022		
YEAR	MAKE	MODEL	VIN
2022	ALSET	PRECURSOR	402N475S10B42F
LIABILITY LIMITS:	\$250,000 per person \$500,000 per incident		
AGENT:	Evan Hruska	402-475-7106	
<u>This card must be carried in the vehicle at all times as proof of insurance</u>			

Exhibit #9

Scientific Summary

Background ¹

Self-driving and autopilot vehicles incorporate a raft of new technologies, most notably the many sensors necessary to provide “situational awareness” – the ability of the vehicle to act safely given its speed, heading, surroundings and weather. Many systems are involved in creating this awareness. Some are easy to understand – cameras of various sorts are the most obvious example. Full situational awareness involves additional sensing modalities like ultrasound, radar, and lidar. These may seem specific to the automotive realm, but there are deep similarities between these technologies and others such as medical imaging.

Autonomous vehicle technology

Start by breaking the technology down into its components. Each sends and receives waves: sound, radio and light waves. Gaining actionable information from this call-and-response needs several components:

- Sensors (also called transducers). These turn electrical signals – the currency of computerized systems – into the waves which travel into the local environment. Most sensors also do the reverse transformation, back into the electrical signals.
 - Semiconductors, which mediate between the sensor and the mathematical analysis that follows.
 - Signal processing. This takes the digital signals created by the semiconductors and creates the situational awareness. Artificial intelligence is applied after the scene around the car is reconstructed.
- **LIDAR technology (light detection and ranging)** allows autonomous vehicles to make calculated decisions with its ability to detect objects in its immediate environment. It truly enables the power of vision.
 - **Camera technology** that uses complex algorithms to interpret information collected through the system.
 - **RADAR (radio detection and ranging)** technology uses radio waves to determine the distance between object and obstacles.
 - **Infrared sensor technology** detects objects in the dark or other hard to see conditions.
 - **INS (inertial navigation system) technology** works with GPS to improve location accuracy and determine vehicle position, orientation, and velocity.
 - **DSRC (dedicated short-range communication) technology** works with V2I and V2V systems to send and receive information on current road conditions, accidents, traffic volume.
 - **Prebuilt mapping technology** relies on predefined road maps to limit the available routes that can be taken.
 - **Ultrasonic sensor technology** provides information at a short distance to assist with parking and backup warning.
 - **GPS (global positioning system) technology** uses satellites to relay the vehicle's position information.



Source: *The technologies behind autonomous vehicles*

Automotive Ultrasound Sensing

Ultrasonic sensors find obstacles, such as cars, pedestrians and features of buildings. They are useful for blind spot detection and parking. The technology is analogous to sending out a sound from a loudspeaker

and receiving it with a microphone. Available from many OEMs, this is the cheapest of the three technologies we are discussing. The system needs to compensate for ultrasound's sensitivity to temperature and humidity.

There is a close analogy with a diagnostic ultrasound system, as it uses the same waves, plus similar electronics and processing. Figure 1 illustrates how ultrasound sensors are fitted to an autonomous vehicle.

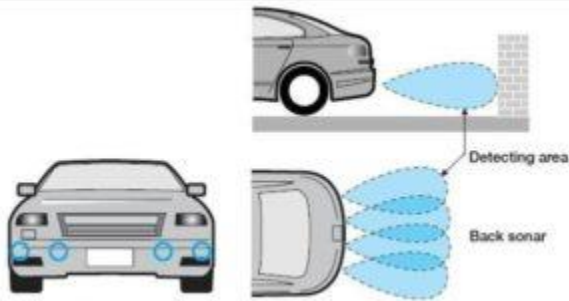


Figure 1: Common positions for ultrasonic sensors, and illustrations of the areas they can sense. Ultrasound is useful for sensing near the vehicle.

Automotive Radar Sensing

Radar (Radio Detection And Ranging) was arguably the most important innovation of World War II. Figure 2 shows how it operates in an autonomous vehicle. There is usually at least a short-range and a long-range radar system. Long-range radar finds vehicles in the distance, for example for cruise control based upon the locations of vehicles a hundred meters or more ahead. The short-range radar provides awareness of cross traffic and blind spots.



Figure 2: Radar in a car can be short- or long-range. This illustration shows some of the applications for the long-range (dark blue) and short-range (light blue) radars.

Radar reveals the distance from the car to objects, and their speed through the Doppler effect (the change in a train horn's pitch as it goes past.) Advantages of radar include resistance to light level, rain, fog, snow, and dust. Unfortunately, radar cannot provide height information: its output is only a two-dimensional map.

Like medical imaging:

- Electromagnetic fields are the basis of the sensing, as in an MRI scanner. Interestingly, diagnostic ultrasound began by copying radar techniques.
- The Doppler effect is used for blood flow velocity measurement in most ultrasound scans.

- Modern automotive radars no longer use rotating antennae like we see at an airport. Instead, arrays of elements are used, just as in clinical MRI and ultrasound, to electronically steer the beam.

Lidar

Lidar (Light Detection And Ranging) was originally a portmanteau of *light* and *radar*. It is sometimes called *3D Laser Scanning*. Figure 3 shows an outline of a lidar system.

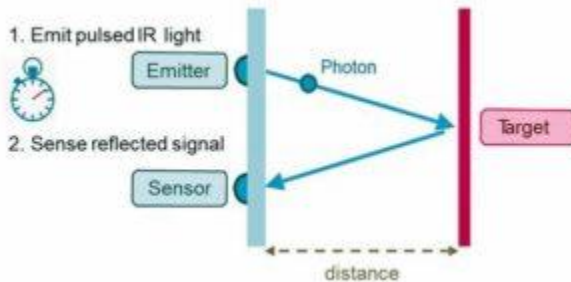


Figure 3: Basics of a lidar system. In many systems, the output of a laser is reflected by a rotating mirror to point the laser beam in different directions for scanning.

The key point about lidar is that it produces 3D data – an actual outline of pedestrians, other vehicles and features of the landscape. This is typically delivered as a “point cloud” which is simply a list of data points in space. A drawback is the need for multiple beams (up to 64) for reliable distance measurements in unfavorable weather.

Producing a scan is difficult for a lidar system because there is no counterpart to array-based electronic scanning used in ultrasound and radar. Many existing devices require a bulky rotating apparatus, but some newer systems replace this with MEMS micro-mirrors. Lidar cannot produce accurate speed measurements, unlike ultrasound and radar. In this sense, lidar is closer to X-ray medical imaging systems than ultrasound or MRI.

Regulations Applicable to the Automobile Industry

The Society of Automotive Engineers (SAE) has developed a widely-adopted classification system with six levels based on the level of human intervention. The U.S. National Highway Traffic Safety Administration (NHTSA) uses this classification system.²

Levels of Automation

The SAE AV classification system is broken down by level of automation:^{2,3}

Level 0	Vehicles equipped with no automated features, requiring the driver to be in complete control of the vehicle.
Level 1	Vehicles equipped with one or more primary automated features such as cruise control, but requires the driver to perform all other tasks.
Level 2	Vehicles equipped with two or more primary features, such as adaptive cruise control and lane-keeping, that work together to relieve the driver from controlling those functions.
Level 3	Vehicles equipped with features that allow the driver to relinquish control of the vehicle's safety-critical functions depending on traffic and environmental conditions. The driver is expected to take over control of the vehicle given the constraints of the automated features after an appropriately timed transition period.
Level 4	Vehicles equipped with features that allow the driver to relinquish control of the vehicle's safety-critical functions. The vehicle can perform all aspects of driving even if the driver does not respond to a request to intervene.
Level 5	Fully autonomous vehicles that monitor roadway conditions and perform safety-critical tasks throughout the duration of the trip with or without a driver present. This level of automation is appropriate for occupied and unoccupied trips.

Market Leaders

Waymo has tested its vehicles by driving over 20 million miles on public roads and tens of billions of miles in simulation.⁴ Teslas have driven over 3 billion miles in Autopilot mode since 2014.⁵ Other major contributors include Audi, BMW, Daimler, GM, Nissan, Volvo, Bosch, Continental, Mobileye, Valeo, Velodyne, Nvidia, Ford, as well as many other OEMs and technology companies.^{6,7} The Alset Precursor is also one of the leading market contributions.

Regulations, Liability, and Projected Timeline

Regulation of AVs is generally left to individual states – i.e. there are no national standards or guidelines for AVs.⁸

In 2018, Congress worked to pass the AV Start Act that would have implemented a framework for the testing, regulating, and deploying of AVs. The legislation failed to pass both houses. As of February 2020, 29 states and D.C. have enacted legislation regarding the definition of AVs, their usage, and liability, among other topics.⁹ Nebraska's rules are located at [Neb.Rev.Stat. § 60-3301, et. seq.](#)

Product liability laws need to assign liability properly when AV crashes occur, as highlighted by the May 2016 Tesla Model S fatality. Liability will depend on multiple factors, especially whether the vehicle was being operated appropriately to its level of automation.^{10, 11}

Although many researchers, OEMs, and industry experts have different projected timelines for AV market penetration and full adoption, the majority predict Level 5 AVs around 2030.^{12,13}

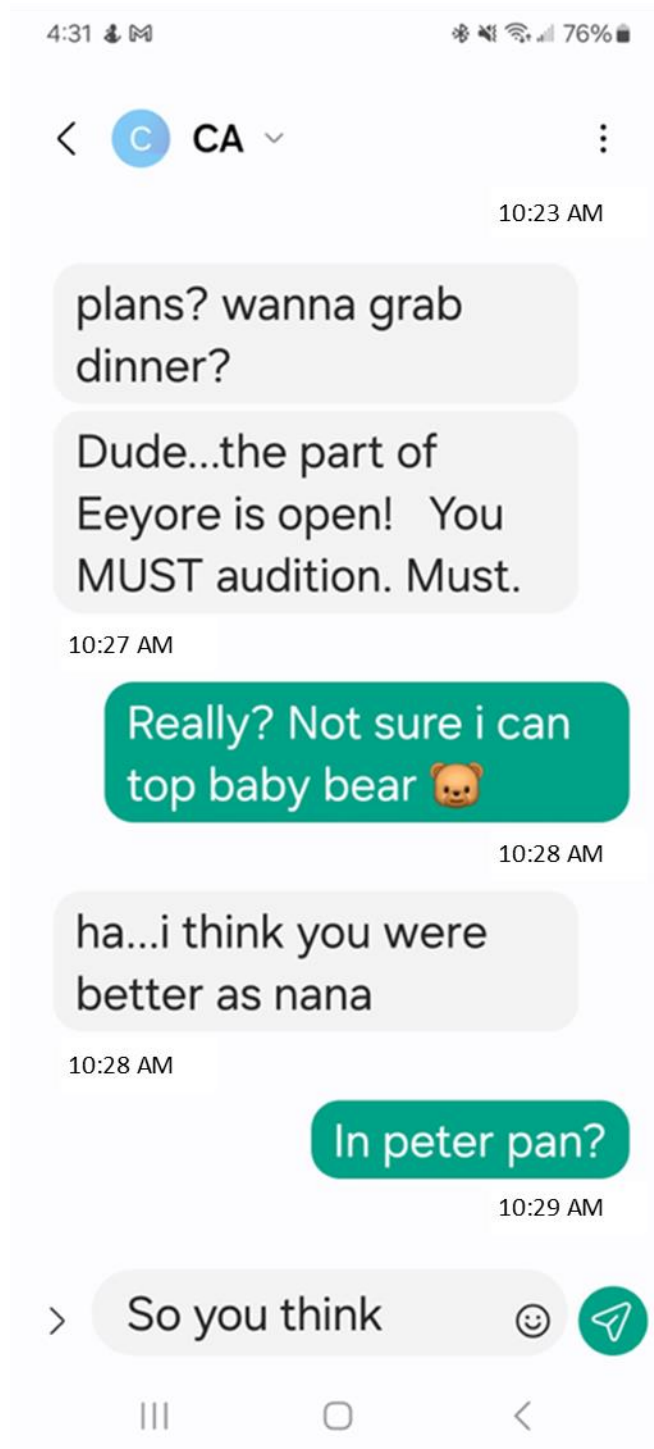
Authorities

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Exhibit #10

Billy/Billie's Text



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