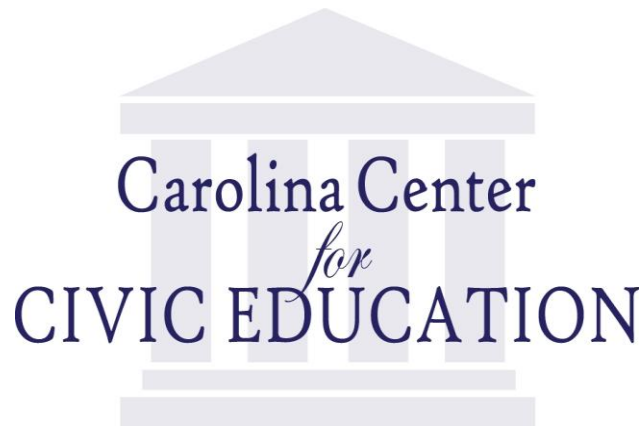


# *2010-2011 Competition Case*



*PRESENTS*

## *The North Carolina Advocates for Justice High School Mock Trial Competition*



**2010 – 2011**

***North Carolina Advocates for Justice  
High School Mock Trial Program***



***MALCOLM***

***V.***

***UTOPIA ZOO***



The Carolina Center for Civic Education and the North Carolina Advocates for Justice sincerely thank the NCAJ Mock Trial Case Committee for adapting and developing this mock trial case. This case was created by Lionel F. Earl, III, a 2008 graduate of Terry Sanford High School and participant in the High School Mock Trial Program. Mr. Earl is currently attending the University of North Carolina at Chapel Hill, pursuing a degree in Political Science. Mr. Earl also serves on the Executive Board of UNC's Collegiate Mock Trial Team. We are very pleased to be able to use this case with Mr. Earl's permission and to have his participation on our Case Committee. Many thanks to Gordon Widenhouse, our Case Committee Chair, and to Lionel F. Earl, III, Katy Parker, Michelle Robertson and Ken Campbell for their leadership and talents in adapting and finalizing this case for use this mock trial season.

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## **MALCOLM V. UTOPIA ZOO**

### **CASE SUMMARY**

In 2003, successful business-person Jordan Hammond purchased the Utopia Zoo. In addition to acquiring exotic animals for new exhibits, Hammond constructed a safari tour on which visitors could closely see animals in a simulated habitat. During construction, Hammond employed engineer Devin Grant to assess the safety of the new attraction. Grant expressed doubts about the security of the safari tram and was promptly fired.

On August 9, 2009, star basketball player Taylor Malcolm visited the safari at Utopia Zoo. During the tour, Malcolm imitated the call of the gorillas as a prank. Upon hearing Malcolm, the gorillas became agitated and approached the tram. Malcolm continued making noise and the gorillas attacked the tram. Unable to manually drive the tram to safety, tour guide Sammy Dundee shot a tranquilizer dart in the direction of the gorillas.

The tranquilizer dart hit Malcolm causing the student to slump over the side of the tram where Malcolm's arm was bitten by one of the gorillas. Dundee quickly recovered and tranquilized the attacking gorilla. Malcolm was taken to the hospital and received months of physical therapy for the arm injury. As a result of those injuries, Malcolm was unable to pursue a promising career in basketball.

Malcolm has now brought a claim of negligence, arguing that the zoo failed to ensure Malcolm's safety during the tour. Malcolm further alleges that the injuries from the gorilla bite could have been prevented if proper regulations had been followed. Utopia Zoo denies the allegations, asserting that its employee, Sammy Dundee, followed

proper protocol. They further allege that Malcolm endangered other guests by his negligent actions and caused his own injuries.

**Stipulations**

1. The fact summary provides background information only. Witnesses may testify to information contained in the fact summary only if it is also found in their witness statement.
2. All exhibits included in the case materials are authentic and accurate in all respects and no objections to the authenticity of the exhibits will be honored. The chain of custody of the evidence may not be contested.
3. All exhibits, if offered, shall be admitted.
4. The signatures on the Witness Statements and other documents are authentic. If asked, a witness must acknowledge signing the document(s) and must attest to the contents of the document(s) and the date(s) indicated thereon. The statements are deemed to be given under oath or affirmation.
5. The stipulations cannot be contradicted or challenged.

**Witnesses**

**PLAINTIFF**

Taylor Malcolm

Devin Grant

Robin Thomas

**DEFENDANT**

Jordan Hammond

Dr. Morgan Goodall

Sammy Dundee

## **Exhibits**

1. Medical Record for Taylor Malcolm
2. Utopia Zoo Safety Evaluation Memorandum
3. Utopia Zoo Safari Map
4. Utopia Zoo Quality Standard Statement
5. Abbreviated Curriculum Vitae for Dr. Morgan Goodall
6. Warning sign posted in all tram cars

## **THE APPLICABLE LAW**

### **Utopia Civil Code**

#### **Elements of Negligence:**

##### **DUTY:**

Negligence refers to a person's failure to follow a duty of conduct imposed by law. Every person is under a duty to use ordinary care to protect himself/herself and others from injury. Ordinary care means that degree of care which a reasonable and prudent person would use under the same or similar circumstances to protect himself/herself and others from injury.

##### **BREACH OF DUTY:**

A person's failure to use ordinary care is negligence. On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, that the defendant was negligent and that such negligence was a proximate cause of the plaintiff's injury.

Ordinarily a person has no duty to anticipate negligence on the part of others. In the absence of anything which gives or should give notice to the contrary, he/she has the right to assume and to act on the assumption that others will use ordinary care and follow standards of conduct enacted as laws for the safety of the public.

However, the right to rely on this assumption is not absolute, and if the circumstances existing at the time are such as reasonably to put a person on notice that he cannot rely on the assumption, he is under a duty to use that degree of care which a reasonable and prudent person would use under the same or similar circumstances to protect himself and others from injury.

##### **PROXIMATE CAUSE**

The plaintiff not only has the burden of proving negligence, but also that such negligence was a proximate cause of the injury.

Proximate cause is a cause which in a natural and continuous sequence produces a person's injury, and is a cause which a reasonable and prudent person could have foreseen would probably produce such injury or some similar injurious result.

There may be more than one proximate cause of an injury. Therefore, the plaintiff need not prove that the defendant's negligence was the sole proximate cause of the injury. The plaintiff must prove, by the greater weight of the evidence, only that the defendant's negligence was a proximate cause.

## **DAMAGES**

**\*\*For purposes of the mock trial exercise, student competitors need only prove the fact of injury. The amount of damages need not be proven or argued by participants and will not be determined by our mock trial juries. The element of damages is included here for educational purposes only.**

Actual damages are the fair compensation to be awarded to a person for any past, present, and/or future injury proximately caused by the negligence of another. In determining the amount, if any, to be awarded to the plaintiff, evidence is considered as to each of the following types of damages: medical expenses, loss of earnings, pain and suffering, scars or disfigurement, partial loss of use of part of the body, and/or permanent injury. The total of all damages are to be awarded in one lump sum.

### **Available Case Law**

#### **Walton v Playground World (1996)**

Plaintiff, mother of an injured minor, brought suit against the defendant after her child sustained injuries for not following instructions at local playground slide. Utopia Supreme Court upheld the trial judge's verdict for the plaintiff, finding that the cautionary signs at the entrance to the park alone did not constitute the fulfilling of the defendant's duty of care.

#### **Albert v Springmeadows Swimming Club (2002)**

Plaintiff sued defendant swimming pool for breach of duty after the plaintiff ignored the whistle-blowing of the on-duty lifeguard and slipped off a broken diving board. Plaintiff conceded the diving board was roped-off but argued the life guard should have done more to ensure he did not approach the board in the first place. Court determined that vocal warnings and physical barriers satisfied the defendant's duty of care.

#### **Gliebeck v Moonbucks Tea Shop (2000)**

After the defendant served the plaintiff tea, another customer robbed the plaintiff and caused the plaintiff to spill tea on herself which caused moderate burns. Unable to identify and pursue charges against the assailant, the plaintiff brought a case of negligence against the defendant on two counts: failing to protect against the robbery and causing the burns from the tea. The Court of Appeals rejected the plaintiff's arguments because she did not prove causation for negligence as there was not the requisite clear link between the incident and the damages sufficient for the defendant to be liable for negligence.



**Roscoe v Mariano (1993)**

Plaintiff, a singer, brought suit against a local club after sustaining injuries on stage that prevented the plaintiff from continuing her singing tour. The Court maintained that the defendant was still liable even though the plaintiff, relying only on estimates, could not place a precise price value on the damages presented in the trial.

**Raja v Owens United (1999)**

The plaintiff, an employee at a sporting goods store, sued the company after a shelf fell and injured him. The plaintiff cited the defendant's failure to implement measures recommended by a former employee as a factor to the defendant's culpability; the defendant argued that the former employee was not qualified to make assessments on the store's safety and ignored him. The court determined the professional qualification of an evaluator, or lack thereof, is not grounds for dismissing recommendations for improving duty of care.

**Staird v Coward (1987)**

At trial, the plaintiff sought to exclude the testimony of a lay witness concerning the self-destructive nature of the plaintiff which the defendant intended to highlight as the reason he was hurt at the defendant's skate park. Utopia Supreme Court allowed the defendant to include previously inadmissible evidence on the plaintiff's past behavior as it was relevant in determining the cause of negligence.

## **AFFIDAVIT OF TAYLOR MALCOLM**

Taylor Malcolm, being duly sworn, hereby deposes and states as follows:

1. My name is Taylor Malcolm. I was born in 1989 and I live at Jordan Hall at the University of Utopia. I am a basketball player and I have been playing since I was big enough to dribble a ball. My dad always told me to work hard and I guess it paid off. After my senior year in high school, I was given a full scholarship to play basketball at the University of Utopia. It was my dream-come-true! I gave it my all during freshman year both on and off the court. During my first season, we were the Division Champions for the first time since 2001.
2. Naturally with all the success came a lot of attention. Every time I went out for a walk on campus, students would stop me and ask for an autograph. Pictures of me at the dining hall would randomly appear on the internet. Even when I went to visit my small hometown, strangers would tag along just so they could claim they knew me. I guess you could say it went to my head. Whenever I wanted to show off, my teammates and I would do stupid stunts at parties to see who was crazier. I always won.
3. The only time I actually got in trouble with the law was after winning the game against our rivals at Utopia State. Everyone on the team was having a great time at the party. We were on the balcony of someone's house and could see straight into the neighbor's yard. Being a basketball player, I can jump fairly high, so a friend bet me I couldn't jump into the other yard and land on the trampoline. I admit, I had a little to drink, but that wasn't what motivated me. Once I am challenged, I can never back down. So I climbed over the balcony and jumped from the ledge onto the neighbor's trampoline. The neighbors called the police for trespassing, but I was let off with a warning. Mostly, everyone was just grateful I wasn't hurt or else I would have missed the next game.
4. Towards the end of sophomore year, I tried to tone down the crazy lifestyle. I made more of an effort to volunteer in the community and I devoted more time to my true friends. On August 9, 2009, my friends decided to surprise me with tickets to Utopia Zoo. We had not been there since we were kids and I heard that there were new exhibits since the new owner bought the place.
5. We arrived just after lunch. My friend, Tom, darted straight for the snake exhibit. I am terrified of snakes, but I did not want to seem like a wimp so I went anyway. Once inside we stopped to look at the anaconda. It was asleep, so Tom dared me to knock on the glass. I pointed

out the sign above the display and read aloud “No Flash Photography or Disturbing the Animals.” Tom said I was getting soft. I waited to make sure no one was nearby and then I tapped the glass. The snake did not move, but a zoo worker rounded the corner, so all of us ran from the exhibit. I had forgotten how much fun getting in trouble could be.

6. Later we went to the safari part of the zoo where you can ride a tram and see the animals up close. While waiting in line, the signs said disturbing the animals was prohibited and cause for expulsion from the zoo. But when we boarded the tram, the tour guide never explained exactly what the sign meant. The antelopes were fairly boring and by the time we got to the gorilla exhibit, my friends and I were ready to see something exciting. Most of the gorillas were in the far corner of the exhibit, but there were two that were closer to us. Tom said we should try to get their attention so they would get closer to the tram, so I started making a gorilla sound.

7. The two larger gorillas came closer to the tram. My friends thought it was hilarious that my gorilla calls were working, so I kept making the noise. When one of the gorillas started howling back at me, I stopped yelling. I only wanted to see the animals up close, not make them angry.

8. The next thing I remember is waking up at the hospital with my left arm bandaged. Apparently, the incompetent tour guide shot me with a tranquilizer dart instead of the gorilla. How do you miss a 500 pound gorilla? After I was hit with the dart, I passed out and slumped over the side of the tram. That’s when the gorilla attacked me. It bit my arm before they finally were able to tranquilize him. My personal sports doctor, Jesse Cruz, told me it would take weeks before I would be able to fully move my hand and months before my arm would recover. Dr. Cruz went over my medical records with me when he explained my injuries and the treatment and physical therapy I would need. The hospital bills were insane. Even though I have a full scholarship, my family is not rich and it has been difficult paying off the bill. To make matters worse, I missed most of the pre-season workouts because of my injuries. Even though it has been some time since the injury my game is still off and I don’t think I’ll ever reach the level of playing I was at before I was hurt. I had so much going for me and it’s hard to take.

9. Of the available exhibits, I am familiar with the following, and only the following: “Medical Record for Taylor Malcolm”, which my doctor showed to me, and “Utopia Zoo Safari Map” which I received in my brochure when I was at the zoo.

10. I hereby attest to the having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

*Taylor Malcolm*

Taylor Malcolm

## **AFFIDAVIT OF DEVIN GRANT**

Devin Grant, being duly sworn, hereby deposes and states as follows:

1. My name is Devin Grant. I was born in 1971 and live in Houston, Texas. I attended the Trinity School of Engineering at Duke University where I received a degree in Mechanical Engineering. I left for MIT, but I only completed the masters program. My first job was in Michigan overseeing the collision testing of automobiles. Through this line of work, I became familiar with various safety standards and construction processes that determine whether a structure is safe. In 2000, I noticed a flaw in the production of my company's newest vehicle. I notified my superiors of the problem with the vehicle, but I was told to keep quiet. The company had invested a lot into this specific car and if I delayed production, the company would lose money. I independently submitted a report expressing my lack of faith in the automobile's design. Less than a year later, a lawsuit was filed against the company. A politician was injured in a car wreck due to the very flaw I noticed in the car. My report was discovered and I was called upon by the plaintiff's lawyers to testify. For my time in court and evidence that I provided, I earned \$50,000! This money allowed me to finally quit my job and start my own consulting business.

2. The type of jobs I took with my own business varied. Sometimes I was flown out west to consult with architects about the structural integrity of buildings along the fault lines where there are often earthquakes. Other times, I was hired by amusement parks to run tests on attractions to see if they were safe for the public. Although my training is in mechanical engineering, I consider myself a jack-of-all-trades. I am by no means an expert in any field, but I have experience in physics and civil engineering that allows me to be knowledgeable in any situation.

3. In 2003, I received a phone call from Jordan Hammond, a business-person in Utopia. He/she discussed hiring me to inspect the safari feature of his/her zoo. I offered to fax Hammond my credentials and asked for background information on the zoo to prepare for my inspection. Hammond ignored me. I was annoyed by Hammond's rudeness but I'm not one to refuse a job, so I booked my flight to Utopia for the next day. After our phone conversation, I didn't expect a warm welcome, and I wasn't disappointed. Hammond led me to the construction of the new exhibits and safari and left me alone to conduct my inspection. My investigation of the zoo exhibits yielded no significant conclusions. The steel fences and concrete moats enclosing the animals were sufficient to ensure the safety of both the guests and animals. However, I deemed the safari ride unsafe for visitors.

4. The first problem was the tram itself. Instead of the usual gas propelled vehicle, the tram was a train-like vehicle that ran on an automatic track. This meant that the tour guide has no control over the movement of the vehicle. Secondly, I noted that given the size of the tram and railing, it was likely that the tram could malfunction and become locked on the track. In addition, any animal of significant size could prevent the tram from moving. Thirdly, I noticed that the tram itself was too long for the tour guide to adequately monitor the zoo visitors. Using precise measurements, I found a tour guide sitting at the front of the tram had an approximate 25 degree blind spot. Finally, I inspected the walls of the tram itself. Hammond boasted that the “money-maker” of the safari was the lack of fences. The visitors would be able to view the animals in a simulated habitat without any barriers. The structural integrity of the tram’s body was sound, but the height of the car doors was too low. At three feet from ground level, I felt visitors would be in danger of animals reaching into the car.

5. Hammond was too busy to speak with me after my inspection, so I summarized my findings in a report. Additionally, I made recommendations to remedy the problems I found. I suggested changing the tram to a manual vehicle, redesigning the head car of the tram to allow the tour guide more visibility and adding landscaping to elevate the track on higher ground. I offered to continue consulting during this process to ensure that the changes were appropriate and safe.

6. When I returned home, I received a nasty phone call from Hammond. Hammond asked me how I came up with these conclusions after only one afternoon of inspections. I was accused of underestimating the safety standards of the safari and Hammond finished by shouting “You’re not going to make an extra buck out of me!” Hammond paid the price we originally negotiated and told me my services were no longer needed. That was the last I heard from Hammond or the Utopia Zoo.

7. Back in summer of 2009, I was contacted by a reporter. A college student was attacked at Hammond’s safari and somehow my name was brought up. The reporter asked about my connections to the zoo and we discussed how I was briefly hired as a consultant. Given Hammond’s treatment of me and my lack of surprise at the attack, I didn’t hold anything back. I was completely clear about my views regarding Hammond’s lack of safety standards and expressed my opinion that the situation could have been avoided if Hammond followed my advice.

8. I am currently hired by the Plaintiff Taylor Malcolm. In addition to my \$500 per hour fee for appearing in court, I have received \$3,000 for my time in preparation for this case for which I have done 10 hours of work reviewing my documents and figures from the inspection of the zoo.

9. Of the available exhibits, I am familiar with the following, and only the following: “Utopia Zoo Safety Evaluation Memo” which I wrote, and the “Utopia Zoo Safari Map” which I referenced during my day at the zoo.

10. I hereby attest to having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

*Devin Grant*

Devin Grant

## **AFFIDAVIT OF ROBIN THOMAS**

Robin Thomas, being duly sworn, hereby deposes and states as follows:

1. My name is Robin Thomas. I graduated in 1997 from the School of Journalism at the University of North Carolina at Chapel Hill. After a few small jobs around the area, I landed a job in Utopia as a newspaper reporter. It was my dream job! I was able to use my sleuth skills to expose lies and reveal the truth to the people. However, my boss felt my zealous search for the truth tended to be overly dramatic. As a result, I was told to be cautious in the stories I wrote.

2. Back in 2003, I was sent to report on the new expansions of Utopia Zoo by the new owner Jordan Hammond. It was an odd assignment since usually my work is investigative. I have done reports on embezzlement, fraud, and crime, but nothing on something as mundane as a zoo reopening. I supposed it was given to me since my other stories had been controversial. Nevertheless, I took the assignment because I was confident in my ability to manipulate words to create an interesting story. Luckily enough for me, the story created itself.

3. I arrived at Utopia Zoo around 8:00 am just before the gates opened for visitors. I spoke to one of the employees and asked if I could take a look around the zoo for my story. He let me inside the zoo and I went straight for the safari. Rumor had it that naturalist and TV personality Sammy Dundee was running the safari attraction. Sure enough, Dundee was in one of the facilities outside the safari. I asked Dundee for a quick interview and Dundee obliged. I first asked whether Dundee felt qualified for the job. Dundee said, "not necessarily, but when you have a pretty face, things turn out well for you." Upon hearing this comment, I pressed further and asked what type of training Dundee had completed to lead the safari attraction. Dundee stumbled for a moment and admitted there was not much training, but years of traveling the world was more than enough experience for the job. I asked Dundee if there was any pressure after the incident with Dundee's cameraman almost getting killed on a shoot, but Dundee refused to answer. I thanked Dundee and terminated the interview.

4. After Dundee left, I looked around the building for any information that would help me with the story. I looked through some files relating to the employees at the zoo. I didn't find anything on Sammy Dundee, however I found a document on an engineer named Devin Grant and I took it with me. Right after I put the paper away, an office worker caught me as I was looking through the files and told me to leave.



5. It was nearly 8:30 a.m. and the guests arrived in the zoo. Based on the interview, I felt that Dundee was not qualified for the safari. I knew that I could write a great story about the dangers involved with Utopia Zoo hiring Sammy Dundee. So I bought a hat at the gift store for a disguise, cut in line at the safari, and managed to get a front seat on the safari tram. Surprisingly, Dundee was very calm at the beginning of the safari. Dundee gave a rehearsed speech about the importance of nature and also warned the guests to be safe during the ride. I do recall seeing warning signs posted in the tram cars.
6. However, Dundee's confidence vanished once the safari arrived in the gorilla sector. From my seat, I could see a small family of gorillas near the trees. But the main focus was on two gorillas that were directly on the tram tracks. Based on their size, it appeared that they were male. The larger male was beating his chest and the smaller gorilla was roaring. Upon seeing this, Dundee became red faced and began to sweat. I asked what was wrong and Dundee snapped back, "not now, the males are about to fight again." Dundee must have realized that the guests were worried because Dundee turned back and told them it was not a problem. However, I saw Dundee tremble and reach for a tranquilizer gun.
7. The tram must have been on an automated system because we did not slow down, even as we approached the two male gorillas on the track. As we got closer, the larger gorilla walked away, but the smaller one continued to roar and even swiped at the tram. The rest of the safari went without incident. As I left, however, I noticed a dent where the gorilla hit the tram.
8. I went straight to my office after leaving the zoo and wrote my entire story in one hour. I wrote about the near accident with the gorilla, Dundee's interview, and the inherent danger involved with allowing Dundee to lead the Utopia Zoo safari. It was a great story and consistent with the other stories I produced. The only problem was the stories for the following day's paper were already selected. I called in a few favors, went behind my bosses' backs, and got my story submitted for the paper. The next day, I was called into my supervisor's office. My boss found out about my snooping at the zoo. Not only was I told that my story was too sensational, but I was told I needed to seek other employment.
9. After getting fired, I started work as an internet blogger. It was not my ideal job, but it allowed me to continue writing stories. I usually covered local events, and my recognition in the area gained me limited advertising and sponsorships that allowed me to support myself. However, I'm still not happy about the way things turned out and I blame Utopia Zoo for my situation.

10. In August 2009, I finally got my chance to expose Utopia Zoo. A basketball player from the University of Utopia was in the news for getting attacked by a gorilla at the safari. This was exactly the situation I predicted when the safari first opened. I looked back for the document I took from the office and contacted the engineer, Devin Grant, whose name was mentioned. Grant was in Houston, but agreed to speak by telephone. It turns out that Grant was hired to assess the safety of the safari, but was ignored after making recommendations that the zoo did not like.. At this point, I knew I had my story. After posting the article, I received three job offers from local news stations. I never got my original job back as a newspaper reporter, but as an investigative journalist, I still have a rewarding career.

11. Of the available exhibits, I am familiar with the following, and only the following: “Utopia Zoo Safety Evaluation Memo”, which I took from the office, and “Utopia Zoo Safari Map” which I received at the entrance to the zoo.

12. I hereby attest to having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

Robin Thomas

Robin Thomas

## **AFFIDAVIT OF JORDAN HAMMOND**

Jordan Hammond, being duly sworn, hereby deposes and states as follows:

1. My name is Jordan Hammond. I was born in 1959. I live at 218 Cambrian Park in Utopia. I graduated from Campbell University with a degree in economics and a minor in biology and then received an MBA from Stanford. My family owns a string of restaurants in California, that I ran for about ten years, learning the trade, but business grew stagnant. My spouse noticed that many older celebrities were retreating from Hollywood and moving to Utopia. Utopia seemed like a nice enough place, so I packed up and decided to move my business there. The money was good, but I soon grew tired of running restaurants and catering to Utopia's "fat cats." I had always loved working with kids, so I decided to buy out a local amusement park.

2. In 1999 I became the owner of Hedge Gardens. Hedge Gardens used to be a sleepy amusement park that had extensive landscaping and scenery, but few rides and attractions. It had virtually no marketing department and relied on locals and word-of-mouth for business. That's where I came in. I completely revamped the park's image into an exciting theme park to attract visitors from all over Utopia. I spent thousands of dollars constructing new rides to cash in on the need of today's youth for extreme fun.

3. But the papers said my ambition to remake the park went too far. In 2001, construction was completed on a ride called "The Slayer." The Slayer boasted the fastest speeds of any rollercoaster in the nation! I hired a panel of engineers to ensure the ride's safety. All but two claimed it was safe. I later found the two engineers that did not approve of the ride's safety had connections with a competitor amusement park in a neighboring county, so I disregarded those opinions as unreliable. In June 2001, three months after The Slayer's debut, seven park guests received broken noses when their restraints became loose and they slammed their faces on the ride. Fortunately, they all recovered quickly, but the group sued and was awarded a small amount of damages. Less than a year later, another suit was brought against the park when a costumed employee allegedly harassed a small child. The charges were dropped, but the incident brought bad publicity to the park. I began to seek other opportunities.

4. In late 2002, I learned the owner of Utopia Zoo was planning to close it. Public interest in the zoo had declined sharply and it was becoming more difficult to care for the animals and maintain the zoo. I immediately sold Hedge Gardens and bought the zoo. It seemed risky, but I have always loved animals and I decided it would be much easier to care for animals than people.

Over a period of five weeks, I used all my contacts abroad to acquire rare and exotic animals so the people of Utopia would be interested in the zoo again. I coordinated with local schools to plan discounts for field trips so business would thrive. Even with these elements, I still felt something was missing.

5. In addition to the main zoo exhibits, I decided to feature a safari and began construction on it. The safari is an interesting concept because it allows the guests to encounter the animals without fences and barriers. I recognized the risk involved, but with careful planning I knew this was my chance to make it big and to offer something new and exciting at the zoo! My plans for the safari included sections for animals from diverse niches with the most notable exhibits hosting the antelopes, alligators, and gorillas. The antelopes and alligators were easy enough to bring to the zoo. But I wasn't able to acquire the group of gorillas until I contacted an associate from abroad.

6. I wanted to avoid any other "incidents" and I also wanted to be sure when the public visited the zoo and the safari that they would be safe. At the suggestion of a colleague, I hired engineer Devin Grant to ensure my safety precautions and regulations would protect the guests. I had already spent a fortune hiring new employees and buying the gorillas, so I hired Grant in a strictly advisory role and not as a full-time employee. That being said, Grant's only job was to inspect the current zoo structures and observe the construction of the safari in which the gorillas would be displayed. Grant rated most of the zoo's exhibits as "satisfactory," but claimed the structures of the new safari were insufficient to protect guests. Beyond the scope of his job, he proposed a new plan that would cost me an additional \$500,000. Considering the money I had already invested in the project and the precautions I had taken, Grant's plan was out of the question. As part of that cost, he also expected to be kept on retainer until the proposed changes were completed. As a part time advisor, Grant never really seemed on board like the rest of the employees, and I suspected he didn't have my company's best interest in mind. I promptly dismissed Grant and proceeded with construction.

7. Even though I did not follow through with Grant's plan, I did establish safety guidelines for the zoo. I placed over fifty signs around the park warning guests about disturbing the animals. In light of recent zoo accidents, I created an emergency plan that all new employees were required to learn before they began working. I also established a company motto of caution, care, and credibility. Each employee was taught that caution for the guests, care for the animals, and credibility as knowledgeable animal caretakers are the paramount concerns for Utopia Zoo. For

guests on the safari, there were warning signs in each car stating: WARNING! STAY INSIDE THE TRAM CAR AND DO NOT EXTEND ARMS OR HANDS OUTSIDE THE TRAM. DO NOT PROVOKE THE ANIMALS. DO NOT ATTEMPT TO FEED THE ANIMALS.

8. With the security situation taken care of, the only thing my park did not have was a recognizable face. I decided to hire naturalist and TV personality Sammy Dundee to run a new exhibit at the zoo. Dundee had some trouble getting a job with the usual TV networks because of a stunt that put a cameraman in danger. I saw the footage and personally thought blaming Dundee was absurd, so I was glad to hire Dundee. Despite the recent notoriety, Dundee's charisma and dedication to the animals brought new life to the zoo. Dundee also had significant knowledge of the animals in the park as well as their behaviors. For six years my management, Dundee's personality, and the safari solidified a renewed success for the zoo.

9. On August 9, 2009, I received a phone call from Dundee. Dundee told me that there was an accident at the zoo. I was furious, but I kept it together long enough to drive down town from my office to the zoo. The paramedics were leaving just as I arrived and I rushed to the safari. I saw Dundee at the scene and Dundee told me that a kid upset the gorillas and got hurt. Fortunately, no one else was injured, but I knew the gorilla would have to be put down. It was very sad, especially when there had been no other incidents and, because of this one kid deciding to torment the gorillas, the zoo and the safari would suffer.

10. If matters weren't bad enough, the media went berserk over the incident because the victim was Taylor Malcolm, a star on a university basketball team. What really irked me was the interview with none other than Devin Grant. Some blogger contacted Grant and posted a story all over the internet. Grant went on a rant completely trashing my zoo and claiming my standards were so low, it was a wonder that it took so long for someone to get hurt. Grant's claims and this lawsuit are absurd. The precautions at the zoo were more than enough to protect the guests. Malcolm got hurt because Malcolm did not follow the zoo regulations and Dundee's instructions. The injuries were unfortunate, but that's what happens when you don't follow the rules.

11. Of the available exhibits, I am familiar with the following, and only the following: "Utopia Zoo Safety Evaluation Memo" which I received from Devin Grant, "Utopia Zoo Safari Map" which I designed, "Utopia Zoo Quality Standard Statement" which I wrote, and "Curriculum Vitae for Dr. Goodall" which I saw prior to hiring Dr. Goodall, and the "Warning" sign posted in the tram cars.

12. I hereby attest to having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

\_\_\_\_\_ *Jordan Hammond*

Jordan Hammond

## **AFFIDAVIT OF MORGAN GOODALL**

Morgan Goodall, being duly sworn, hereby deposes and states as follows:

1. My name is Morgan Goodall and I am a professor of Zoology at North Carolina State University. My specialty is primate behavior, specifically gorillas and chimpanzees. My studies consist of how these primates interact within small social groups found both in the wild and captivity. I have been a professor since 1975 and have published a textbook and articles on the subject of primates. I was asked by the lawyers defending Utopia Zoo to examine and evaluate the condition of the gorillas at the zoo.

2. Primate behavior is determined by a number of factors such as group size, daily activity cycle, and the ecological niche in which the primates live. In terms of the gorillas, an average group consists of about a dozen gorillas: one dominant male, a few adult females, and offspring. Gorillas are, in fact, diurnal animals and are active during the day. Their time is spent almost equally between feeding, traveling, and resting. Gorillas' diet consists of fruit and various vegetation. They are not carnivorous animals. Therefore, aggression is determined by security and not by feeding patterns.

3. On September 16, 2009, I was contacted by Jordan Hammond's attorneys. They asked me to visit the zoo so I could evaluate the gorillas in the safari exhibit. Usually, when I observe a primate community, I will spend a week noting the primates' diet, watching their interactions, and observing any external factors that may influence the community's behavior. However, I wasn't able to meet these conditions when I visited the zoo. Jordan Hammond was under intense pressure to put down the gorilla responsible for the student's injury, so I only had three days of observation with the full community.

4. My first observation was the composition of the gorilla community. Most groups have a single male with multiple females. This particular group, however, had multiple females with two males. One male was older and was the traditional alpha male of the group. The second male gorilla was younger. Traditionally, when a younger male gorilla reaches maturity, he will leave the group and seek out mates from another community. Due to the fact the safari is a closed environment, the younger male had no such opportunity to leave. I believe this was a source of tension within the safari's community. Upon questioning the safari guide Sammy Dundee, I learned this conflict between the older and younger males occurred occasionally.

5. Contrary to popular belief, gorillas are not violent animals. I blame Hollywood for this misconception. Gorillas rarely commit violence against other animals and, instead, resort to making noise and trampling the ground. When a conflict does arise between two male gorillas, chest-beating is common, but the display rarely ends in a fight. Because of this typical behavior, I was surprised to find out that the younger male not only attacked a guest, but also bit the guest. I decided to see the younger gorilla individually.

6. When I visited the gorilla exhibit, the zoo keeper accompanied me to see the younger male gorilla named Joe. Joe appeared to be a healthy male of about 17 years old. His head is defined by a large sagittal crest by which the muscles for a powerful jaw are attached. These jaws are strong enough to snap bamboo, so it did not surprise me that the victim's arm was so badly injured. Despite his health, Joe exhibited general irritation and an inability to focus, even while eating. Unlike the other gorillas, Joe had difficulty sleeping and was highly disturbed by loud noises during the day. Since Joe has spent most of his life in captivity, he is unaccustomed to the behavior of gorillas outside of his community. It is likely that an encounter with another gorilla, or even the call of another male, would greatly upset him. While not notable in their own right, I believe these factors may have arisen due to Joe's captivity and possibly contributed to his attack.

7. Based on my observations my conclusion is that Joe did not put the patrons of the zoo in any significant danger. While the conditions of his captivity were not optimal for his well-being, he appeared to be a healthy animal and most likely attacked under stress and fear. I believe that a disturbance of an obnoxious and overt nature would have been necessary to prompt Joe to violence. However, since I was not present for the attack, I cannot be 100% sure if the blame can be attributed to Joe or the guest.

8. Of the available exhibits, I am familiar with the following, and only the following: "Utopia Zoo Safari Map" which I received upon visiting the zoo, and "Curriculum Vitae for Dr. Goodall" which I wrote and delivered to Jordan Hammond.

9. I hereby attest to having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

Morgan Goodall  
Morgan Goodall



## **AFFIDAVIT OF SAMMY DUNDEE**

Sammy Dundee, being duly sworn, hereby deposes and states as follows:

1. My name is Sammy Dundee. I was born in 1980 in London, but I have lived all over the world. Both of my parents are naturalists, so my family has traveled around the world filming videos for National Geographic and BBC. Growing up in front of the cameras made me a ham, and I always enjoyed being in the spotlight. So when it came time for me to move out of the house, instead of going to college, I went straight into the television business. Even though I was young, my charisma and knowledge of animals scored me a position on an Animal Adventure show. Within a year, it was clear that I was too big time for the show. I knew more about animals than the host! The executives at Animal Adventure recognized my talent and gave me my own show.

2. I was thrilled at being the host and my parents were proud that I was following in their footsteps. It wasn't all fun and games. Traveling eight months out of the year took its toll. After spending nearly three years stalking lions, crawling in jungles for snakes, and hiking through caves to see reclusive species of bats, I considered seeking another program to host. Unfortunately, things did not turn out as I hoped.

3. In 2002, my crew was filming elephants in Africa. Normally, the elephants are docile and I told my cameraman to move closer to the herd to get some better footage. Something must have spooked the elephants, because the next thing I knew, the herd was charging toward us. As scary as it was, I realized it was a great opportunity to catch a first-hand view of a stampede on film. I yelled at my cameraman not to move and get everything on camera. He didn't listen and ran away, nearly getting trampled by the elephants. Once the stampede had cleared, I screamed and cursed at him for not following my orders. I told him that he ruined my chance to make a big break so I could find another job. Unfortunately, he caught my rant on camera. Christian Bale's outburst pales in comparison to my rant. Once the footage was leaked, I was fired for endangering the lives of my crew.

4. The following year I struggled to find a job. It was a surprise when I received a phone call from Jordan Hammond, an up-and-coming business-person in America. Hammond told me about the purchase of the Utopia Zoo and offered me a job as a guide on the safari. I had always been a global person and going to Utopia did not appeal to me. However, I needed a job, so I agreed to work for Hammond. Despite my initial reservations, working at the Utopia Zoo was a

great job. Leading the safari was fun and it allowed me to show off my knowledge of animals. My original contract was for three years to help bring publicity to the zoo, but I signed on for an additional three years.

5. Other than some nervousness on my first day, I never had any trouble leading the safari until August 9, 2009. When the tour started that day, I gave my usual speech about the safety precautions for the safari and urged the visitors not to disturb the animals. In the first sector of the safari, we stopped briefly to see the antelopes. Usually, the antelopes are skittish, but this time they actually approached the tram. Just as some of the guests were taking pictures, someone yelled and scared the animals away. I used the intercom to notify the guests that disturbing the animals is cause for expulsion from the zoo. I also reminded them to read and review the warning signs at the front of each tram car.

6. We continued on the safari and stopped at the swamp sector with the alligators. No one yelled this time, but I turned around quickly enough to see a person in a University of Utopia shirt throwing food towards the gators. The gators splashed towards the food, and I heard someone scream, "Stop it, Taylor!" I didn't know if this was the same person from before, but I was determined to confront this person for failing to follow the rules. The only problem is that the tram runs on an automatic track, so there is no way for me to end the tour to remove offenders. I decided to wait until the end of the tour. We reached the gorilla sector last. This time I heard someone imitating gorilla calls. It was the person in the UU shirt again. I announced over the intercom to stop or else the gorillas would become angry. The person didn't stop and the gorillas approached the tram.

7. I knew we were in trouble. Unlike the antelopes, the gorillas are powerful and, when angry, can easily damage the tram or even harm a guest. I used my radio to notify the staff that we had an incident on our hands. When I turned back, the student was still yelling and the two gorillas were within ten feet of the tram. The gorillas were males and started beating their chests, so I knew I had to do something to prevent them from attacking. I reached for my tranquilizer gun which I had never had to use before. It was extremely difficult to aim the gun accurately from my seat at the front of the tram. It happened so quickly but I had to do something to help that youngster. I aimed and fired the gun, but I wasn't sure if I hit the gorilla. I stopped for a moment and saw that I had missed and hit the student instead. The student slumped over the side of the tram. The closest gorilla reached for and bit the person's arm. I panicked for a moment and fired

a second shot. This time, I hit the gorilla. He was knocked unconscious and the second gorilla ran away.

8. By now, someone at HQ overrode the tram's controls and brought us back to the entrance. One of the guests had already called the police by cell phone and the paramedics were waiting for us. I told the policeman at the scene everything that happened and waited until the student was taken to the hospital. I later found out that the student was Taylor Malcolm, a star basketball player at the University of Utopia. It's a shame that Malcolm got hurt, but star or not, if Malcolm had listened to me in the first place, we would not have had an incident at the zoo. Malcolm was not following the rules after being told repeatedly. The student and other innocent visitors and animals were put in danger as a result.

9. Of the following exhibits, I am familiar with the following and only the following: "Utopia Zoo Safari Map" which I referenced on a regular basis and "Utopia Zoo Quality Standards Statement" which Jordan Hammond required me to read as part of my job, and the "Warning" sign posted in all tram cars.

10. I hereby attest to having read the above statement and swear or affirm it to be my own. By signing this document I swear to or affirm the truthfulness of its content. I understand that I have an opportunity to update this affidavit and that unless such is done prior to such a time whereas I may be called upon to testify in court, and that in such an event a copy of my updated statement is given to all parties involved in this case, I am bound by the content herein.

*Sammy Dundee*

Sammy Dundee

## **EXHIBITS**

1. Medical Record for Taylor Malcolm
2. Utopia Zoo Safety Evaluation Memo
3. Utopia Zoo Safari Map
4. Utopia Zoo Quality Standard Statement
5. Abbreviated Curriculum Vitae for Dr. Goodall
6. Warning sign posted in all tram cars

# EXHIBIT 1

## UTOPIA GENERAL HOSPITAL

DATE: 8/9/09 TIME: 1643 ROOM: 7  EMS Arrival  
 HISTORIAN:  patient  parent  paramedic  other  
 AGE: 21 SEX: (M) F  
 History limited by  
**HPI**

**chief complaint:** Bite Gorilla bite LUE

**duration / occurred:**  
 just prior to arrival  home  school  
 today  neighbor's  park  
 yesterday  work  street ZOU

**animal:** dog cat  other: gorilla  
 family pet  neighborhood animal  unknown animal  
 Appearance of animal: appeared well appeared ill unknown  
 Description:  
 Animal's immunization status UTD unknown not immunized  
 Observation / capture... animal is known; can be observed for 10 days  
 animal unknown; not captured animal control notified

**context of attack:** unprovoked attack   
 "provoked" attack (see below)   
 approached animal  entered animal's domain  animals fighting  
 playing with or teasing animal  other

**severity of injury:**  
 bitten  scratched  mucous membrane contact

**pain level:** current      /10 max      /10

**location of injury:**  
 head face neck shoulder R/L  
 chest abdomen hip R/L  
 back (upper, mid- lower) RUE LUE RLE LLE

Agree w/ nurse's note for PFSH / ROS

**ROS**  ROS below otherwise negative  
 tingling / numbness distally  suspected FB (skin lac.)  
 painful / unable to bear weight  headache  nausea / vomiting

**PAST HX**  Tetanus UTD  
 prior records reviewed:       
 diabetes Type I       
 other       
 Meds-      none /      see list - confirmed  
 Allergies-      NKDA /      see list - confirmed

**PHYSICAL EXAM**  
 Agree w/ vital signs BP      Resp      PO%      Temp      Pulse       
 Other       
 Pulse Ox time      % RA      O<sub>2</sub> L/min  
 Interpretation:  normal  abnormal Dx       
 Exam limited by     

**CONSTITUTIONAL**  
 no acute distress  mild / moderate / severe distress

**NEURO VASCULAR-TENDON**  
 awake and alert  lethargic  
 oriented x3  disoriented to person / place / time  
 no vascular  abnml color / warmth / cap refill  
 cap refill  pulse deficit  
 sensation intact  sensory / motor deficit  
 CN's nml as tested  facial droop / EOM palsy / anisocoria  
 ROM nml  ROM limited by pain / tendon injury

**PSYCH**  
 mood / affect nml  depressed affect  
  anxious

**SKIN**  see diagram  
 intact

**HEENT**  see diagram  
 normocephalic  TM obscured by cerumen (R/L)  
 atraumatic  
 PERL  
 ENT nml external  
 Inspection  
 eye lids/conj.   
 uninjured

**NECK**  see diagram  
 uninjured,  
 nml inspection

**CHEST**  see diagram  
 uninjured,  
 nml inspection  
 wheezes / rales / rhonchi

**ABDOMEN**  see diagram  
 uninjured,  
 nml inspection  
 non-tender

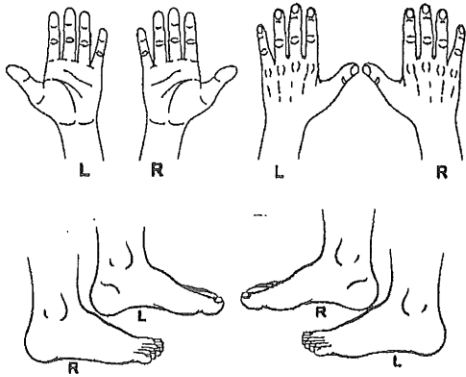
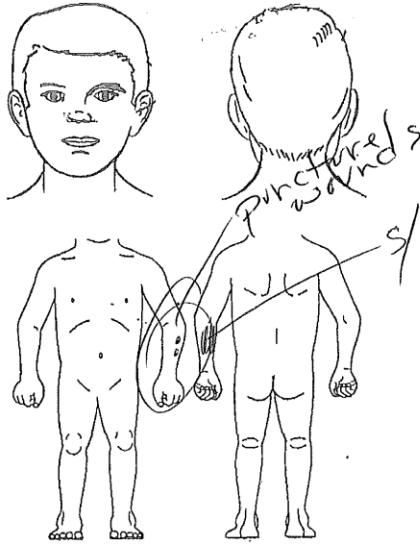
**BACK**  see diagram  
 uninjured,  
 nml inspection

**MUSCULOSKELETAL / EXTREMITIES**  
 uninjured,  foreign body suspected  
 nml inspection  joint penetration suspected

EMERGENCY PHYSICIAN  
 RECORD  
 Animal Bite  
 Page 1 of 2

Malcolm, Taylor

# UTOPIA GENERAL HOSPITAL



T=Tenderness Pt=Point Tenderness S=Swelling E=Echymosis  
 C=Contusion Lac=Laceration A=Abrasion M=Muscle spasm  
 (E=without m=mild mod=moderate sv=severe)  
 Example: Tsv = Tenderness on palpation (severe)

## PROCEDURES

Wound Description/Repair  
 length 8 cm location L forearm  
 superficial  subcut  muscle  linear  stellate  irregular  
 clean  contaminated moderately /  heavily  
 distal NVT:  sensation nml distally  motor nml distally  
 vascular intact  no muscle / tendon injury  
 anesthesia:  local  digital block  mL  
 lidoc 1% 2% epi / bicarb  marcaline 0.25% 0.5% LET  
 prep:  Hibiclen / Betadine / Other \_\_\_\_\_  
 irrigated / washed w/ saline  debrided  
 minimal / mod. /  extensive  minimal /  mod. /  extensive  
 wound explored  undermined  
 foreign material removed  minimal / mod. /  extensive  
 partially completely  wound margins revised  
 minimal / mod. /  extensive  
 repair: Wound closed with:  wound adhesive /  strip-strips  
 SKIN- # \_\_\_\_\_ -0 nylon / prolene / staples \_\_\_\_\_  
 \*SUBCUT- # \_\_\_\_\_ -0 vicryl \_\_\_\_\_  
 MUSCLE/FASCIA- # \_\_\_\_\_ -0 vicryl \_\_\_\_\_  
 \*max indicate intermediate repair. \*\*max indicate complex repair.

## XRAYS

# of views L ulna  
 no fracture  fracture  
 nml joint  dislocation  
 nml alignment  soft-tissue swelling  
 nml soft tissue  fat pad sign  
 NAD  effusion  
 foreign body

PRIOR XRAY-  unchngd  unavall.  changed:  
 interp contemporaneously by me  discussed w/ Radiologist  
 interp by Radiologist  personally reviewed by me

## ED COURSE

Time \_\_\_\_\_ re-examined \_\_\_\_\_ unchanged \_\_\_\_\_ improved \_\_\_\_\_  
Sprts Med & Ortho notified  
 police / animal control notified  
 see conditions sedation sheet  
 prophylactic antibiotics given

Discussed with Dr. C. V. [Signature] Time \_\_\_\_\_  
 patient will be seen in: ED / hospital / office \_\_\_\_\_  
 Counseled patient / family regarding: Rx given Alex  
 lab/rad results diagnosis need for follow-up  Prior records ordered  
 EMTALA EMC present  EMTALA EMC absent

## CLINICAL IMPRESSION

Animal Bite  Laceration  Puncture Wound  
Concussion

Follow up with Dr. [Signature]  
 DISPOSITION-  discharge  admit  transfer

ARNP / PA \_\_\_\_\_  
 PHYSICIAN- [Signature] Time \_\_\_\_\_  
 PHYSICIAN- \_\_\_\_\_ Time \_\_\_\_\_  
 Complete  1 Sheet Add-On  Copy PMD  Dictated

EMERGENCY PHYSICIAN  
 RECORD  
 Animal Bite  
 Page 2 of 2

Malcolm, Taylor

## UTOPIA GENERAL HOSPITAL – EMERGENCY DEPARTMENT

Consultation:

Patient: Taylor Malcolm

Date: August 9, 2009

Time: 1700 hours

Consulting Physician: Jesse Cruz, M.D., Sports Medicine

EXAMINATION:

### External Evidence of Injury

1. Puncture Wound: There are two distinct punctures on the left forearm and a pattern consistent with a bite mark.
2. Fractured Ulna L: X-ray revealed fracture along ulna. Possibility of infection. May require bone grafting procedure.
3. Bruising: Slight bruising above the 7<sup>th</sup> rib on the left side. No other bruising or fractures have been identified.

SUMMARY/PLAN:

Injury will require up to 6-8 weeks to heal and an additional 10 weeks of intensive rehabilitation and therapy. Will follow in office and prescribe physical therapy when healing sufficient. Will monitor for infection. There is a high probability that the injury will prevent the patient from performing at previous capability.

Jesse Cruz, M.D.

Dr. Jesse Cruz

## EXHIBIT 2

To: Jordan Hammond, Utopia Zoo

From: Devin Grant, Consultant. 713.234.589. Houston, TX 77054

CC: Utopia Zoo Office File

Date: March 3, 2003

This memorandum outlines the assessment of safety features in Utopia Zoo.

Main Zoo: Satisfactory-The steel fence and concrete moat security scheme is sufficient for the safety of park guests.

Safari:

A number of features on the tram were noteworthy.

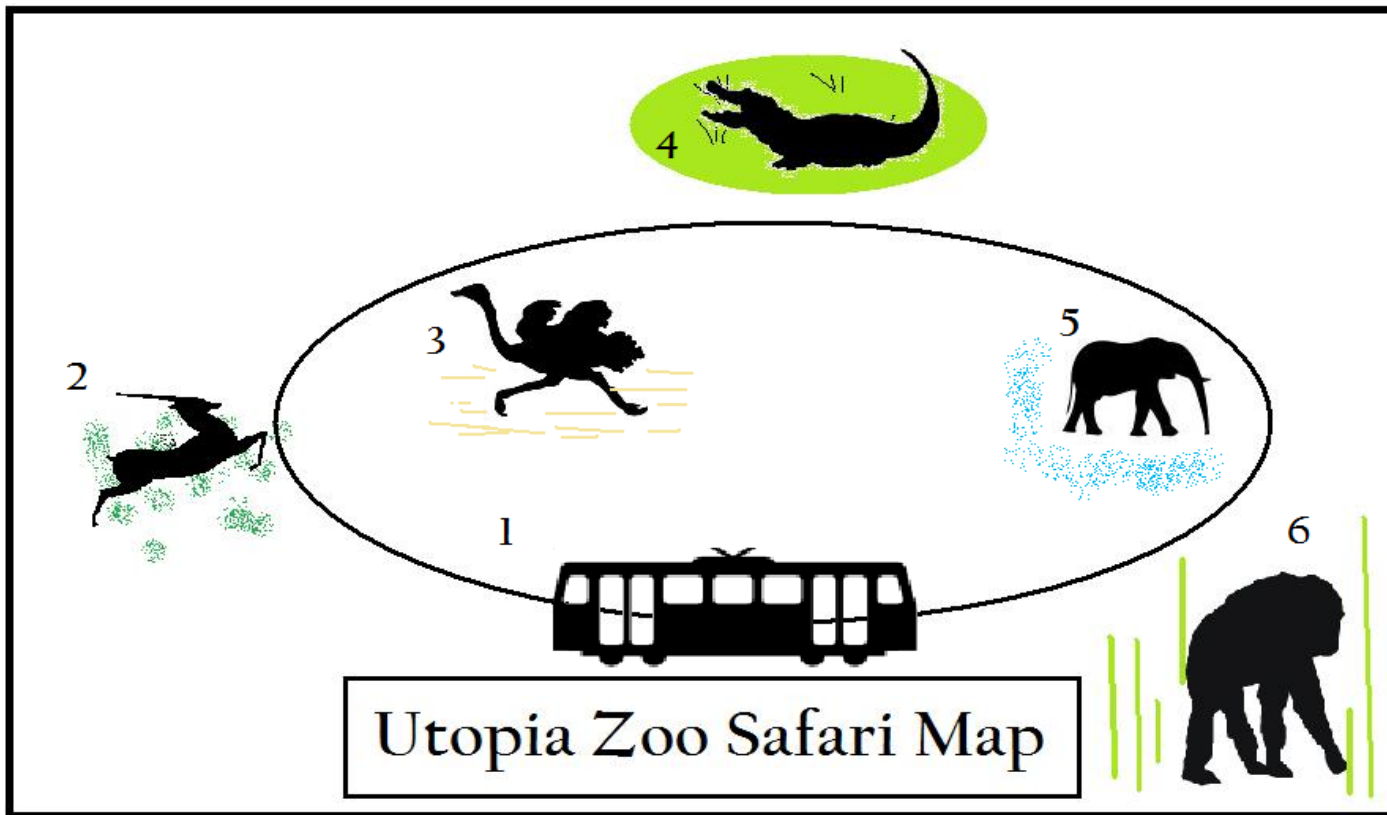
- 1) Automatic Track- Prevents tour guide from controlling the tram
- 2) Small tram railing- Potential for the track to become locked
- 3) Tram length too long- The tour guide has 25% blind spot
- 4) Thin & short tram walls- insufficient protection from safari animals

Recommendations:

- 1) Change to a gas propelled tram
- 2) Redesign head car of tram for increased visibility
- 3) Landscape route so tram will be elevated

Estimated costs: \$500,000





- 1. Main Station
- 2. Antelopes
- 3. Ostriches
- 4. Alligators
- 5. Elephants
- 6. Gorillas

**EXHIBIT 3**

## **EXHIBIT 4**

### Utopia Zoo Quality Standards

Dear Guest,

Welcome to Utopia Zoo! In order to make the most of your stay, Utopia Zoo has established a number of signs and learning stations throughout the park. Please use caution and heed all warnings and instructions provided to keep you safe while you learn more about our animal friends. Our company motto is Caution, Care, and Credibility. Through our actions, we hope to demonstrate caution for our visitors, care for the animals, and credibility as knowledgeable animal caretakers.

During your stay, we ask that you heed the warning signs at the entrance to each exhibit. If there is an emergency, please approach any of the blue safety boxes located throughout the park, or find one of our highly trained employees to handle the situation.

We hope that you enjoy your day at Utopia Zoo!

Sincerely,

Jordan Hammond and the Utopia Zoo Staff

**Exhibit 5**

**Morgan Goodall**

*Abbreviated Curriculum Vitae*

**EDUCATION:**

**Princeton University**

Bachelor of Science, Biology, 1968

**Cornell University**

Ph.D. Zoology, 1973

**FACULTY POSITIONS:**

University of Florida 1975-1980

Assistant Professor of Zoology

National University of Singapore 1981

Visiting Professor, Research on Orangutans

Emory University 1982

Visiting Professor, Seminar on Animal Ethics

Miami University 1982-1990

Professor, Development Ecology & Primate Physiology

North Carolina State University 1990 – present

Department Chair

**AFFILIATIONS:**

Dian Fossey Gorilla Fund International

People for the Ethical Treatment of Animals

## HONORS

### **Charles Darwin Award, 2001**

Original Research in Evolutionary Genetics

### **Stamford Raffles Award, 1981**

For Contributions outside the Scope of Professional Activities

## PUBLICATIONS:

From King Kong to Congo: Perception of Violent Gorillas in Film, 2005

Only 2%, A Look Into Human and Chimpanzee Genetics, 2000

Primates: A Comprehensive Study, 1997

Monkey See, Monkey Do: Cultural Learning in Chimpanzee Groups, 1989

A Practical Guide for Handling Apes in Zoos

Disappearance of the Forest Man: Effects of Deforestation on Orangutan Populations,  
1981

The Missing Link, 1978

EXHIBIT 6

# WARNING!!!!

FOR YOUR SAFETY PLEASE FOLLOW THESE  
RULES!!!

**STAY INSIDE THE TRAM CAR AT ALL  
TIMES**

**DO NOT EXTEND ARMS OR HANDS OUTSIDE  
THE TRAM**

**DO NOT PROVOKE THE ANIMALS**

**DO NOT ATTEMPT TO FEED THE ANIMALS.**