



High School Mock Trial 2020
Rory Maldonado v. Varga, et al.
Errata Sheet

Please note:

The errata sheet serves to clarify or correct errors in the Mock Trial case and/or rules, and does not address team strategy, coaching, or judging protocol. If a question received does not meet the criteria for Errata (e.g. pertains to an evidence question), an email response will be sent to the individual advisor.

Errata 12/17/2019

1. In which Circuit is the fictional State of Buckeye? Are 6th Circuit cases binding on the court?

Buckeye is in the fictional 14th Circuit. As a result, all circuit court cases are persuasive authority and are not binding.

2. According to Exhibit F, Rory's permit was not submitted within the 120 days outlined in the permit application. Was this an oversight or was it intentional?

The date on the permit in Exhibit F is correct and the permit was approved. Rory followed the guidelines for permits submitted less than three weeks prior to the event, which the city *may* deny or cancel.

3. In their witness statement on page 101, lines 12-13, Principal Varga states that they entered the Air Force through the service academy in Colorado Springs, Colorado. Is this referring to the Air Force Academy?

Yes.

4. Was Principal Varga honorably discharged from the Air Force?

Yes.

5. We have had several questions about which witnesses can testify about which exhibits. Can you give clarity on who can testify about what?

OCLRE does not stipulate which witnesses can testify to which exhibits. In order to introduce an exhibit to a witness, the attorney must lay the groundwork for that witness'

personal knowledge of that exhibit through their examination of the witness. Per the competition rules, witnesses are bound by their written statements.

6. How long has Blake Varga been a principal? Blake Varga and Finn Hansen's witness statements seem to be inconsistent regarding this matter.

Principal Blake Varga's statement about their career is controlling. Finn Hansen's testimony and timeline should be read in a manner that is consistent with Blake Varga's statement. Any inconsistencies are unintentional and should not reflect on the recollection or truthfulness of the witnesses.

Errata 12/3/2019

1. The witness statements are inconsistent when referring to the year of the vegetarian lunch changes. What year are the proposed changes supposed to take effect?

The vegetarian lunch options will be reduced beginning in the 2019-2020 school year. There is an error in Reese DiMattia's witness statement on page 110, line 26. It should read, "for the 2019-2020 school year..."

2. Was Twitter accessible at Trillium High School?

Yes.

3. Rory Maldonado states that they made the Facebook event public, but Exhibit D shows that the Facebook event was private. Which is correct?

The Facebook event was public. There is an error in Exhibit D. Please see the attached copy of the updated Exhibit D.

4. Rory's statement indicates that the rally was to take place immediately after school, but the Facebook event page in Exhibit D says 4pm. Which is correct?

These items are not in conflict. Rory anticipated that it would take some time to assemble and march to the park with the speeches beginning at approximately 4:00pm.

5. Exhibit D has conflicting days of the week for May 10. What is the correct day of the week?

May 10 was a Friday. Please see the attached copy of the updated Exhibit D.

6. Rory's statement says that they tagged the NGOA in their tweet announcing the rally. Exhibit A1 does not show that the NGOA was tagged.

An updated Exhibit A1 has been attached.

7. There is inconsistency in the witness statements (page 112, line 97) and Exhibit G1 regarding who brought Kelly Masterson to the nurse's office. Was it Lisa, Ms. Ray, or Finn Hansen?

There is no inconsistency. Both Lisa Ray and Finn Hansen escorted the students to nurse. The confusion is due to the use of Ms. Ray's first name, Lisa, by Reese DiMattia.

8. Is Exhibit D intended to be a complete record of all likes and comments posted to the Facebook event page?

No. The exhibit displays only the relevant posts made by Plaintiff Rory Maldonado.

9. When was the screenshot of Exhibit D, the Facebook event page, taken given that the location is not updated on the event itself? The change is only referenced in the comment on May 7.

Rory never went back to change the event details on the Facebook page. The comment was intended to be the correction. The details as shown on the exhibit are a true and accurate reflection of the event as it was on May 10.

Errata 11/19/2019

1. There is some confusion about the proper burden of proof in the case. While the case materials say that the plaintiff bears the burden of proof, the case-law section outlines situations where the school/defendant seem to bear the burden. Which is correct?

The burden of proof is correctly stated in the case introduction on page 8. The plaintiff must prove by a preponderance of the evidence that a deprivation of rights did occur. There are several defenses to such a claim, which can be marshaled by defendants, as outlined in the case law.

2. How old is Rory Maldonado?

At the time of the demonstration and suspension, Rory Maldonado was 17 years old.

3. Did Rory obtain the permit themselves or did an adult do it for them?

Rory obtained the permit themselves.

Errata 11/5/2019

1. In Exhibit G2, "Accident Report", both "yes" and "no" are marked as the answer to the question, "Did the child remain at site?" Is this an error or was this intentional?

There was an error in this exhibit. Only “no” should have been selected as an answer to “Did the child remain at site?”

2. Regarding Exhibit B, “Map of School and PawPaw Park,” it is unclear which parking lot corresponds to which campus. Please clarify.

The parking lot closest to the school is part of Trillium High School’s campus. The parking lot to the left of the park is reserved for PawPaw Park parking. The other parking lot is for public use.

3. Regarding Exhibit B, “Map of School and PawPaw Park,” is there a mile marker to show the distance between Trillium and PawPaw Park?

The map is not drawn to scale and there is no key or mile marker to indicate distance.

4. Is there an updated Exhibit B to clarify dead end roads and the road leading away from the school?

To clarify Exhibit B, “Map of School and PawPaw Park,” we have created an updated version of the exhibit. We have updated the map to indicate the continuous road as opposed to dead ends. Please see the attached copy of the updated Exhibit B.

5. The answer regarding the et al. question is unclear. Please clarify.

To clarify our response regarding the “et al.” question, the school district is a named party.

6. Do both sides agree that Rory was suspended because of the demonstration?

Both parties stipulate that Rory Maldonado was suspended from Senior Week activities and from walking at graduation as a result of their participation in the gun rights demonstration.

7. In addition to the case law provided, we are also including the First Amendment to the United States Constitution (please refer to the attached language). The First Amendment applies to the states through the incorporation doctrine via the Due Process Clause of the Fourteenth Amendment.

Errata 10/22/2019

1. In Principal Varga’s witness statement on page 106, lines 134-135 they reference 2 people who spoke to them about the cause of the food fight. Did someone other than Reese DiMattia also report the food fight to Principal Varga?

The two people referenced in lines 134-135 are Reese DiMattia and Peyton White.

2. Regarding Exhibit B, “Map of School and PawPaw Park,” is there a key that coincides with numbers 1-4 on the map?

There is no key to go with the map, the numbers are simply there to assist in referencing sections of the map during trial.

3. Witness statements indicate that there is only one road that leads away from Trillium High School but Exhibit B, “Map of School and PawPaw Park,” appear to show multiple roads leading away from the school. Is there an error in the map?

The map is not a complete representation of the area surrounding Trillium High School and PawPaw Park. All roads dead end into parking lots except for the one road that leads away from the school and past number 4 on the map.

Errata 10/8/2019

1. Is Blake Varga being sued or does the et. al. imply the whole school or district is being sued as well?

The principal is the named defendant acting in their capacity as an employee of the school district. The “et al.” indicates the school district’s liability (or lack thereof) as a result of their employee’s actions.

EXHIBIT B: Map of School and PawPaw Park

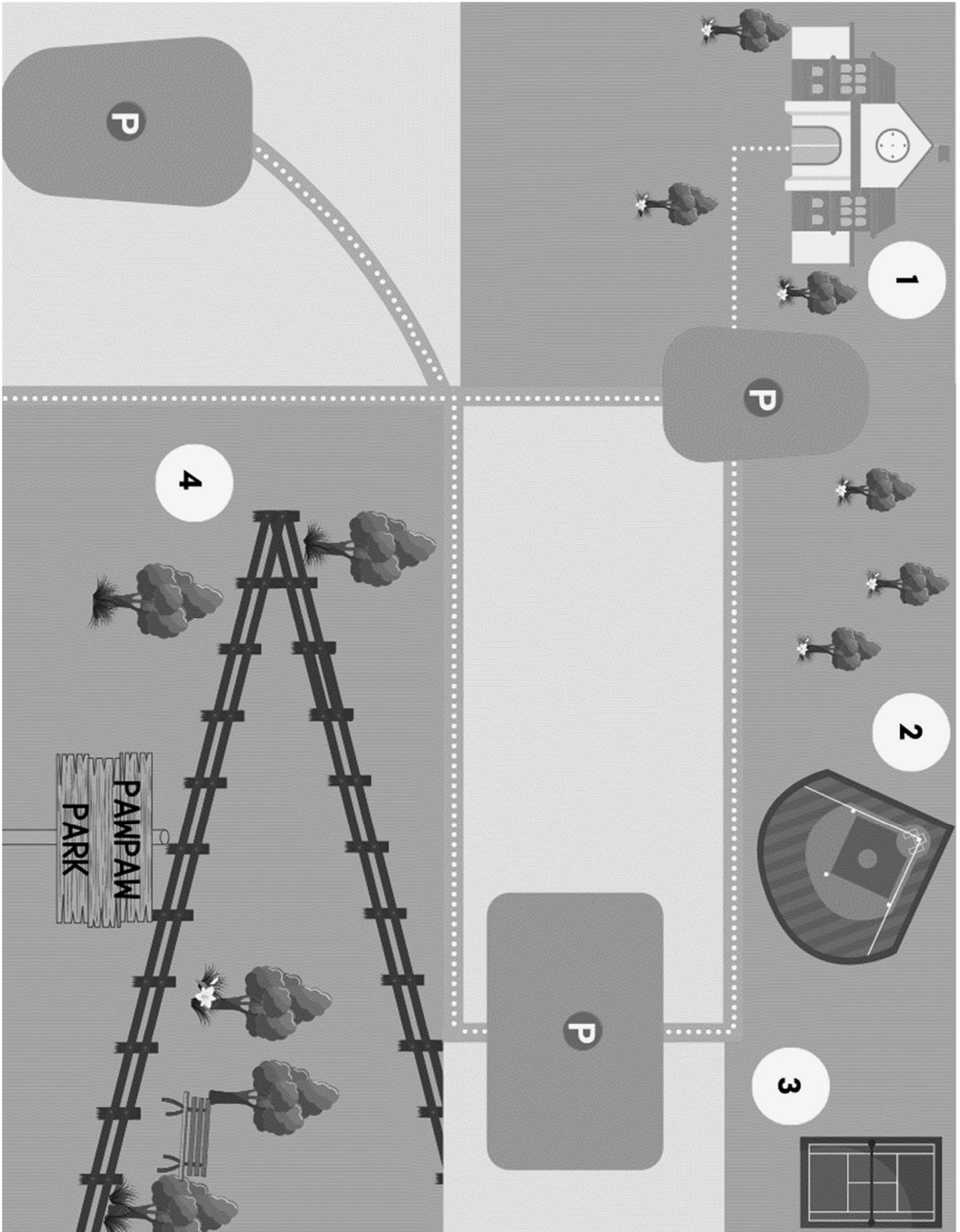


EXHIBIT A: Rory Maldonado Tweets and Replies

A1



A screenshot of a tweet from Rory Maldonado (@R0ryMald0nad0) posted on April 30, 2019, at 3:13 PM. The tweet text reads: "Calling all 2nd Amendment activists! If you want to share your opinion on why #GunRights matter, then join me on May 3. I'm hosting a meeting at my house to organize a #StandUpForGunRightsRally (DM for info). Let's make our voices heard! @THSConservatives @MsCharkov @BuckeyeGOA @NGOA". The tweet has 3 retweets and 4 likes. The interface includes a profile picture, name, handle, a 'Follow' button, and icons for replies, retweets, likes, and direct messages.

 **Rory Maldonado**
@R0ryMald0nad0 Follow 

Calling all 2nd Amendment activists! If you want to share your opinion on why #GunRights matter, then join me on May 3. I'm hosting a meeting at my house to organize a #StandUpForGunRightsRally (DM for info). Let's make our voices heard! @THSConservatives @MsCharkov @BuckeyeGOA @NGOA

3:13 PM - 30 Apr 2019

3 Retweets 4 Likes

 12  3  4 

EXHIBIT D: Stand Up for Gun Rights Facebook Event Page



MAY 10 Stand Up for Gun Rights Rally
Public · Hosted by Rory Maldonado

Friday, May 10, 2019 at 4 PM
Trillium High School to PawPaw Park

4 Going · 8 Maybe · 85 Invited
Invite your friends to this event

Emma, Harper, and Todd are going

I want to bring people together from Harmony and across the state of Buckeye to stand up for gun rights. The conversation around guns and the Second Amendment always seems to favor one side, so I am creating an outlet for our voices to be heard. Join the conversation by joining me for a rally on Friday, May 10, 2019. We will meet at Trillium High School and march to PawPaw Park. Speeches or prepared statements are encouraged!

Rory Maldonado
May 4 at 5:29 PM ·

Please remember that this event is open to everyone and anyone who attends will be treated with respect! Just because we have different opinions doesn't mean we have to be rude or disrespectful to each other. This will be a completely peaceful demonstration for us to share our views on the individual right to gun ownership. While we will be discussing gun rights, Trillium High School and PawPaw Park are both gun free zones. DO NOT bring any firearms to the demonstration. Thank you!!!

Like Comment

Rory Maldonado
May 7 at 7:14 PM ·

UPDATE!! In response to an announcement by Trillium High School's principal, we will no longer be meeting at Trillium High School to march to PawPaw Park. Instead, we will meet directly at the park at 4:00pm on Friday, May 10. Please spread the word!

Like Comment

The Constitution of the United States of America

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.