

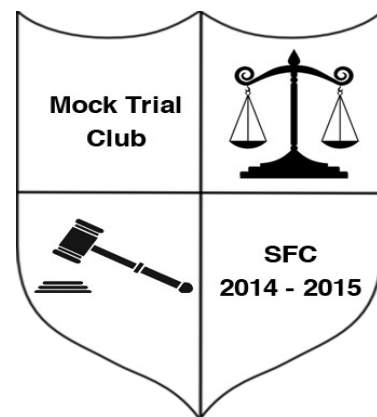
**Saint Frances Cabrini**  
**Fall 2014 Mock Trial Competition**

**Homestead Operation Wolf Life Sanctuary, Inc.**  
**d/b/a HOWLS, Inc.**

**v.**

**Noel Woods**

*Sponsored by the Wilson McLean Law Firm*  
*Authored by Daina Wilson-McLean, Esq.*



**OATH OF OFFICE**

**SFC STUDENT ATTORNEYS**

*I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, the Constitution of this Commonwealth, and the St. Frances Cabrini Regional Catholic School Student Handbook and that I will discharge the duties of my office as a student attorney with fidelity.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**2014-2015 SFC STUDENT ATTORNEY LICENSE**

<b>VALIDATED</b>	<b>EXPIRES</b>	<b>GROUP NO.</b>	<b>CLUB</b>
10/01/2014	06/30/2015	FS14151	SFCMT

**THIS IS TO CERTIFY THAT**

\_\_\_\_\_  
(Print Name in Ink)

**HAS MET ALL REQUIREMENTS AND HAS THE RIGHT TO PRACTICE LAW AS A STUDENT ATTORNEY IN THE SFC MOCK TRIAL CLUB AND DURING THE SFC MOCK TRIAL COMPETITION.**

## INTRODUCTION

Welcome to the Fall 2014 Saint Frances Cabrini Regional Catholic Elementary School Mock Trial Competition. This semester's case problem, *Homestead Operation Wolf Life Sanctuary, Inc. d/b/a HOWLS, Inc. v. Noel Woods*, is a civil action brought by the plaintiff in an attempt to recover compensatory damages for destruction of property.

The Plaintiff, HOWLS, Inc., provides protection, food, and medical care to pups that have been separated from their wolf packs and injured wolves. HOWLS, Inc. is owned by Jamie Hill, a retired Wildlife Veterinarian. On June 27, 2013, Hill was informed that a wolf from the sanctuary may have been involved in the killing of a neighbor. Upon arriving at the neighbor's house, Hill discovered the burned remains of what appeared to be a wolf. DNA testing confirmed that the wolf belonged to HOWLS, Inc. Robin Woods, the child of Defendant Noel Woods, has admitted to killing the wolf.

In the upcoming weeks before trial, student attorneys will review evidence, create arguments for preliminary objections and stipulations, write case memoranda applying Pennsylvania statutes and court decisions to underlying issues, and conduct pre-trial hearings to resolve issues.

### NOTE:

All questions regarding the mock trial case problem or competition are to be directed to Daina Wilson-McLean, the SFC Mock Trial Coach & Competition Coordinator.

Daina Wilson-McLean, Esquire  
Chief Legal Counsel  
**WILSON MCLEAN LAW FIRM**  
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## Plaintiff's Legal Research

1. A client schedules an appointment with you to discuss whether they can file a lawsuit against the child of a neighbor. The client is the owner of a wolf sanctuary that is headquartered in Philadelphia. The child is accused of luring one of your client's rescue wolves outside of the sanctuary, stabbing it, and setting it on fire. The child is 13 years old. The client believes they have suffered a property loss of \$10,000.

What your client is describing is an **intentional tort**. An intentional tort is an act that is committed with the intent to harm a person or property. It is also known as a willful tortious act.

There are actually many kinds of intentional torts and they are summarized in a book called the Restatement (Second) of Torts. For your case, we will discuss an intentional tort to property called **trespass to chattel**. In Pennsylvania, pets and wild animals are considered chattel. The word **chattel** means property. **Trespass** is any act that is done to a person, their property, or their rights without permission and results in injury to the person, their property, or their rights.

Restatement (Second) of Torts §§ 217 – 218 (1965)

### § 217: Ways of Committing Trespass to Chattels

A trespass to a chattel may be committed by intentionally

(a) dispossessing another of the chattel, or

(b) using or intermeddling with a chattel in the possession of another, where intermeddling is intentionally bringing about a physical contact with the chattel.

Intention is present when an act is done for the purpose of using or otherwise intermeddling with a chattel or with knowledge that such an intermeddling will, to a substantial certainty, result from the act. It is not necessary that the actor should know or have reason to know that such intermeddling is a violation of the possessory rights of another.

### § 218: Liability to Person in Possession

One who commits a trespass to a chattel is subject to liability to the possessor of the chattel if, but only if:

(a) he dispossesses the other of the chattel, or

- (b) the chattel is impaired as to its condition, quality, or value, or
- (c) the possessor is deprived of the use of the chattel for a substantial time, or
- (d) bodily harm is caused to the possessor, or harm is caused to some person or thing in which the possessor has a legally protected interest.

Damages from a trespass claim are limited to the actual harm sustained by the plaintiff. In cases of dispossession, the plaintiff is always entitled to damages if they can prove the dispossession occurred, even if no quantifiable harm can be proven.

Now, that you've had a chance to research this new area of law, does your client have a case?

2. Next, you must determine whether the client can sue the 13 year old child for this tort. To help you make a decision, you will need to review the Pennsylvania Consolidated Statutes. These laws are called statutory laws. The Pennsylvania Consolidated Statutes are official laws passed by the Pennsylvania General Assembly. The Pennsylvania General Assembly is our state's legislature. You can view the entire Pennsylvania Consolidated Statutes at [http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/LI/Public/cons_index.cfm).

Let's take a look at Title 23 of the Pennsylvania Consolidated Statutes, which covers issues related to families in Pennsylvania.

**TITLE 23**  
DOMESTIC RELATIONS

**Part**

- I. General Provisions
- II. Marriage
- III. Adoption
- IV. Divorce
- V. Support, Property and Contracts
- VI. Children and Minors
- VII. Abuse of Family
- VIII. Uniform Interstate Family Support
- VIII-A. Intrastate Family Support

Which Part should you review for your client? \_\_\_\_\_

3. Each Part of the Pennsylvania Consolidated Statutes are divided into Chapters. These Chapters are further divided into Sections (§). For your client, you will focus on Chapter 55, Liability for Tortious Acts of Children.

### **Chapter 55. Liability for Tortious Acts of Children**

- § 5501. Definitions.
- § 5502. Liability of parents.
- § 5503. Establishing liability in criminal or juvenile proceedings.
- § 5504. Establishing liability in civil proceedings.
- § 5505. Monetary limits of liability.
- § 5506. Double recovery for same injury prohibited.
- § 5507. Indemnity or contribution from child prohibited.
- § 5508. Liability of parent not having custody or control of child.
- § 5509. Other liability of parent or child unaffected.

Can the 13 year old be sued by your client? How would you advise your client?

**PHILADELPHIA MUNICIPAL COURT  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

Homestead Operation Wolf Life Sanctuary, Inc.	:	
DBA HOWLS, Inc.	:	
P.O. Box 1345	:	
Philadelphia, PA 19103	:	Case Docket # <u>SC13-10-09-0001</u>
Plaintiff	:	
V.	:	
Noel Woods	:	CIVIL DIVISION
6790 Sugar Road	:	
Philadelphia, PA 19103	:	JURY TRIAL DEMANDED
Defendant	:	

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**COMPLAINT**

1. Plaintiff, Homestead Operation Wolf Life Sanctuary, Inc. (“HOWLS”) is a non-profit entity headquartered in Philadelphia County, PA and owned by Jamie Hill. HOWLS provides protection, food, and medical care to injured wolves and pups that have been separated from their wolf packs throughout Pennsylvania.

2. Defendant, Noel Woods, is an adult individual currently residing in Philadelphia County, PA.

**FACTUAL AVERMENTS**

3. On June 27, 2013, the remains of a wolf was found by local authorities in the backyard of a home during the course of a murder investigation. The wolf had been set on fire.

4. DNA testing confirmed that the wolf belonged to HOWLS.

5. The home, where the wolf was found, belongs to Defendant's mother, who is the subject of the murder investigation.

6. Robin Woods, the minor child of Defendant Noel Woods, lured the wolf to grandmother's home, stabbed the animal, and then set it on fire.



**COUNT ONE – WILLFUL TORTIOUS ACTS OF CHILDREN**

- 7. Plaintiff incorporates by reference the foregoing paragraphs.
- 8. As a parent, Defendant has the duty to prevent their child from destroying property belonging to others.
- 9. Defendant's minor child willfully killed a wolf belonging to Plaintiff.
- 10. As a direct result of Defendant's failure to supervise their child, Plaintiff has suffered a loss of property.
- 11. Defendant is liable for the willful tortious acts of their child.

**COUNT TWO – TRESPASS TO CHATTEL**

- 12. Defendant's child committed a trespass to chattel by using or intermeddling with Plaintiff's property by luring the wolf to to her grandmother's home.
- 13. By causing harm to the wolf, in which Plaintiff had a legally protected interested, Defendant is liable to the Plaintiff for the child's willful tortious act.

WHEREFORE, Plaintiff respectfully requests that judgment against Defendant in the amount of ten thousand dollars (\$10,000), plus interest and costs, be entered in their favor.

---

Attorney for Plaintiff

## Judicial Venue and Rules of Civil Procedure

After conducting legal research and deciding that your client has a case, you will need to bring your case to court. You must decide where your case will be heard. There are many courts in Pennsylvania.

Pennsylvania Supreme Court	It is the oldest appellate court in the nation.
Pennsylvania Superior Court	It hears cases that are appealed from lower courts.
Pennsylvania Commonwealth Court	It hears cases filed by or against Pennsylvania and cases involving state and local government and agencies
Pennsylvania Courts of Common Pleas	Each district of Pennsylvania has a Court of Common Pleas that hears cases related to crimes, civil actions, and family matters.
Pennsylvania Minor Courts	It hears cases related to bail hearings, traffic violations, and small claims.

(To learn more about each court, please visit: <http://www.pacourts.us/learn>.)

The Pennsylvania Rules of Civil Procedure are instructions used by attorneys to properly bring a case to court. Pa. R.C.P. 1006 determines the **venue** of a case. The venue is the county or district where a case will be heard. Rule 1006 states that a lawsuit may be brought in the county where the person who commits a wrong is located or the county where the wrongful act took place.

We learned from our client that the wolf sanctuary is located in Philadelphia. We also know that the wolf was killed by the child of a neighbor. Because of these two facts, we can conclude that the neighbor also lives in Philadelphia. So, we have to file our complaint in a Philadelphia County court.

Philadelphia County has two main courts: the Philadelphia Court of Common Pleas and the Philadelphia Municipal Court. The Philadelphia Municipal Court hears civil cases where the amount in controversy is less than \$12,000. The **amount in controversy** is the amount of money that a person is suing for in a lawsuit. If you'd like more information about the court system in Philadelphia county, please visit: <http://www.courts.phila.gov/index.asp>.

Since your client believes that they have suffered \$10,000 in loss, this is the amount in controversy. So, you will bring your case to be heard in front of the Philadelphia Municipal Court.

Pa. R.C.P. 1007 states that, in order to begin your lawsuit, the first thing you will need to do is file a complaint. A **complaint** is a document that allows a person to bring their case to court.

All complaints have three main sections:

- 1) the caption,
- 2) the pleadings, and
- 3) the relief.

The **caption** contains the name of the venue, the names and addresses of the **parties** involved in the lawsuit, the type of action, and a **docket number**. The parties involved in a lawsuit are called the **plaintiff** (Π) and the **defendant** (Δ). The plaintiff is the person that is suing in the lawsuit and asking the court for its help. The defendant is the person that is defending themselves against the lawsuit. The docket number is the number assigned to each case that will be heard in front of the court. The type of action means the kind of case that will be heard. Your client's type of action is a civil case.

The **pleadings** are the facts and allegations in your client's case. Pa. R.C.P. 1019 states that the pleadings must be concise and in summary form. Attorneys list each fact in a separate numbered paragraph.

The **relief** is the request that a party is asking the court. The relief can be for money, an order to stop doing something (an injunction), or an order stating who has the right to do something (a declaratory judgment). Your client is asking for relief in the amount of \$10,000 plus interest and court costs.

Please review the plaintiff's complaint on p. 4.

## **Defendant's Legal Research**

A client schedules an appointment with you to discuss a complaint that they recently received. The client is the parent of a 13 year old child. The child was attacked by a wolf in the client's mother's home. In self-defense, the child stabbed the wolf during the attack. In order to prevent the wolf from escaping and hurting someone else, the child set the wolf on fire. The client is being sued for \$10,000 and wants to know what to do next.

1. Every complaint that is filed in court must be sent with a **Notice to Defend** form. This requirement is found in Pennsylvania's Rules of Civil Procedure. The Notice to Defend form puts the defendant on notice that they are being sued and there will be consequences if they choose not to defend themselves against the complaint.

### **Pa. R.C.P. 1018.1. Notice to Defend. Form.**

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

Looking at the Notice to Defend, what action must the client take to defend themselves against the complaint?

What will happen if the Defendant does not take this action?

How much time does the client have to take this action?

2. Your client wants to know why they are being sued, instead of their child. They did not kill the wolf. How do you advise them? Please review 23 Pa.C.S. § 5504(d).
3. Your client also reveals to you that they haven't had contact with their child in years. They abandoned their child years ago. They believe that since they weren't around to parent the child, then they should not be sued. What does the statute say about the liability of parents that don't have custody or control of their children? Please review 23 Pa.C.S. § 5508(a),(b).
4. While reviewing §5504(d), you notice that there is a limit to the amount of money that the plaintiff can receive in § 5505. How much money is the limit?
5. Your client needs a defense to this lawsuit. They said that their child acted in self-defense, so let's discuss this defense and determine whether it applies to your client's situation.

Restatement (Second) of Torts § 65 (1965)

**§ 65. Self-Defense By Force Threatening Death Or Serious Bodily Harm**

(1) Subject to the statement in Subsection (3), an actor is privileged to defend himself against another by force intended or likely to cause death or serious bodily harm, when he reasonably believes that:

(a) the other is about to inflict upon him an intentional contact or other bodily harm, and that

(b) he is thereby put in peril of death or serious bodily harm or ravishment, which can safely be prevented only by the immediate use of such force.

(2) The privilege stated in Subsection (1) exists although the actor correctly or reasonably believes that he can safely avoid the necessity of so defending himself by:

(a) retreating if he is attacked within his dwelling place, which is not also the dwelling place of the other, or;

(b) permitting the other to intrude upon or dispossess him of his dwelling place, or;

(c) abandoning an attempt to effect a lawful arrest.

(3) The privilege stated in Subsection (1) does not exist if the actor correctly or reasonably believes that he can with complete safety avoid the necessity of so defending himself by:

(a) retreating if attacked in any place other than his dwelling place, or in a

place which is also the dwelling of the other, or;

(b) relinquishing the exercise of any right or privilege other than his privilege to prevent intrusion upon or dispossession of his dwelling place or to effect a lawful arrest.

**PHILADELPHIA MUNICIPAL COURT  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

Homestead Operation Wolf Life Sanctuary, Inc.	:	
DBA HOWLS, Inc.	:	
P.O. Box 1345	:	
Philadelphia, PA 19103	:	Case Docket # <u>SC13-10-09-0001</u>
	:	
Plaintiff	:	
	:	
V.	:	
	:	
Noel Woods	:	CIVIL DIVISION
6790 Sugar Road	:	
Philadelphia, PA 19103	:	JURY TRIAL DEMANDED
	:	
Defendant	:	

---

**ANSWER TO COMPLAINT WITH NEW MATTER**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

6. Admitted in part and denied in part. Defendant admits that Robin Woods is their minor child. Defendant denies that Robin Woods lured the wolf to grandmother's home. Defendant admits that Robin Woods stabbed the animal, and then set it on fire.

**COUNT ONE – WILLFUL TORTIOUS ACTS OF CHILDREN**

7. Defendant incorporates by reference the foregoing paragraphs.
8. Denied as stated. This averment is a legal conclusion to which no response is required.
9. Denied as stated. This averment is a legal conclusion to which no response is required.

10. Denied.

11. Denied.

**COUNT TWO – TRESPASS TO CHATTEL**

12. Denied.

13. Denied.

**NEW MATTER**

14. Plaintiff was negligent in keeping the wolf within the sanctuary.

15. Plaintiff allowed the wolf to freely roam the surrounding neighborhoods.

16. Plaintiff's wolf was found in Defendant's mother's home by Defendant's child.

17. Defendant's child was attacked by Plaintiff's wolf as soon as she entered Defendant's mother's home.

18. Defendant's child stabbed the wolf in self-defense.

19. Plaintiff's wolf jumped out of a window into the backyard.

20. Defendant's child feared that Plaintiff's wolf had killed Defendant's mother and would kill others if it got out of the backyard.

21. Defendant's child lit a kerosene lamp and threw the lamp at Plaintiff's wolf, setting the wolf on fire.

22. Because Defendant's child acted in self-defense, Defendant is not liable to Plaintiff for any torts.

WHEREFORE, Defendant requests that judgment be entered in its favor against Plaintiff on Count I and Count II of the Complaint and that Defendant be awarded the costs of defending this action.

---

Attorney for Defendant



## **Admissions and Denials**

Now, that you have discussed a possible defense with your client, you must prepare a **responsive pleading** to the complaint and file it in court. A responsive pleading is done in the form of an **Answer**. The answer is a document which allows the defendant to admit or deny any claims made in the complaint. The Pennsylvania Rules of Civil Procedure provides guidelines on how to properly respond to a complaint.

### **Pa. R.C.P. 1029. Denials. Effect of Failure to Deny.**

(a) A responsive pleading shall admit or deny each averment of fact in the preceding pleading or any part thereof to which it is responsive. A party denying only a part of an averment shall specify so much of it as is admitted and shall deny the remainder. Admissions and denials in a responsive pleading shall refer specifically to the paragraph in which the averment admitted or denied is set forth.

(b) Averments in a pleading to which a responsive pleading is required are admitted when not denied specifically or by necessary implication. A general denial or a demand for proof, except as provided by subdivision (c) and (e) of this rule, shall have the effect of an admission.

(c) A statement by a party that after reasonable investigation the party is without knowledge or information sufficient to form a belief as the truth of an averment shall have the effect of a denial.

(d) Averments in a pleading to which no responsive pleading is required shall be deemed to be denied.

(e) In an action seeking monetary relief for bodily injury, death or property damage, averments in a pleading to which a responsive pleading is required may be denied generally except the following averments of fact which must be denied specifically:

- (1) averments relating to the identity of the person by whom a material act was committed, the agency or employment of such person and the ownership, possession or control of the property or instrumentality involved;
- (2) if a pleading seeks additional relief, averments in support of such other relief; and
- (3) averments in preliminary objections.

In addition to responding to each numbered paragraph in the complaint, the Defendant is required to add a section to the answer with the heading **New Matter**. New matter is all facts and defenses that the Defendant wants to use to defend themselves against the complaint.

### **Pa. R.C.P. 1030. New Matter.**

(a) Except as provided by subdivision (b), all affirmative defenses including but not limited to the defenses of accord and satisfaction, arbitration and award, consent, discharge in bankruptcy, duress, estoppel, failure of consideration, fair comment, fraud, illegality, immunity from suit, impossibility of performance, justification, laches, license, payment, privilege, release, res judicata, statute of frauds, statute of limitations, truth and waiver shall be pleaded in a responsive pleading under the heading "New Matter." A party may set forth as new matter any other material facts which are not merely denials of the averments of the preceding pleading.

Please review the Answer To Complaint With New Matter on p. 11.

**PHILADELPHIA MUNICIPAL COURT  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

Homestead Operation Wolf Life Sanctuary, Inc.	:	
DBA HOWLS, Inc.	:	
P.O. Box 1345	:	
Philadelphia, PA 19103	:	Case Docket # <u>SC13-10-09-0001</u>
Plaintiff	:	
V.	:	
Noel Woods	:	CIVIL DIVISION
6790 Sugar Road	:	
Philadelphia, PA 19103	:	JURY TRIAL DEMANDED
Defendant	:	

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**REPLY TO NEW MATTER**

- 14. Denied.
- 15. Denied.
- 16. Denied. Defendant's child led Plaintiff's wolf to Defendant's mother's home.
- 17. Denied.
- 18. Denied.
- 19. Denied.
- 20. Denied.
- 21. Admitted.
- 22. Denied.

WHEREFORE, Plaintiff respectfully requests that judgment against Defendant in the amount of ten thousand dollars (\$10,000), plus interest and costs, be entered in their favor.

\_\_\_\_\_  
Attorney for Plaintiff

## **REPLYING TO NEW MATTER**

The Pennsylvania Rules of Civil Procedure allows a plaintiff to reply to an answer that contains New Matter.

### **Rule 1017(a)(2). Pleadings Allowed.**

(a) Except as provided by Rule 1041.1, the pleadings in an action are limited to:

(2) a reply if the answer contains new matter a counterclaim or a cross- claim,

The Plaintiff will simply admit or deny each numbered paragraph in the New Matter section of Defendant's Answer.

**PHILADELPHIA MUNICIPAL COURT  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

Homestead Operation Wolf Life Sanctuary, Inc.	:	
DBA HOWLS, Inc.	:	
P.O. Box 1345	:	
Philadelphia, PA 19103	:	Case Docket # <u>SC13-10-09-0001</u>
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Plaintiff	:	
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	:	
Defendant	:	

---

**EVIDENTIARY STIPULATIONS**

The parties have stipulated to the authenticity of the following items:

1. The map and pictures of the Woods' home is a fair and accurate representation of the area.

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

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Attorney for Plaintiff

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Attorney for Defendant

## LIST OF WITNESSES

A **witness** is a person who has knowledge of an event. In most cases, a witness is called to court to testify and give evidence about what they know. The list of witnesses below is a full disclosure of all witnesses that may be asked to testify in court. Each mock trial team will prepare three witnesses for the day of trial. The plaintiff and defense teams will determine which witnesses they want to call at trial. Team members are not limited to calling only their side's witnesses. For example, a student attorney on the plaintiff's team may call Casey Hunter to testify, even though Casey is listed as a defense witness.

### For the Plaintiff:

Jamie Hill  
Officer Shaine Smith  
Dr. Dale Davis

### For the Defense:

Noel Woods  
Robin Woods  
Casey Hunter

### **Plaintiff's Witness: Statement of Jamie Hill**

1. My name is Jamie Hill. I have a bachelor's degree in zoology from Drexel  
2. University, a master's degree in veterinarian science from the University of  
3. Pennsylvania, and a doctorate in veterinary medicine from Temple University. I  
4. worked as a wildlife veterinarian for over 30 years. Throughout my career, I worked  
5. at various zoos and national parks providing veterinary care to wild animals. It was  
6. my job to monitor the behavior and eating habits of animals, develop meal plans for  
7. animals to meet their nutritional needs, give physical exams, conduct blood tests and  
8. x-rays, and also perform surgery, when necessary. I am retired right now, but I still  
9. work closely with wild animals. I am the founder and owner of Homestead Operation  
10. Wolf Life Sanctuary (HOWLS), Inc. My organization provides protection, food, and  
11. medical care to pups that have been separated from their wolf packs and injured  
12. wolves. I got the idea for HOWLS when I worked at the Philadelphia Zoo. They  
13. hired me to help them prepare to bring wolves to the zoo. Their exhibits couldn't hold  
14. all of the wolves. I wondered what would happen to the wolves that could not live at  
15. the zoo. I was told that they would be released back into the wild. There were some  
16. wolves that were injured, and I knew that those wolves would have a difficult time  
17. trying to survive in the wild. So, I created HOWLS, Inc. in 1996 to give wolves a  
18. place to stay and recover from injuries. One day, I received a phone call about a wolf  
19. that needed a place to stay. The wolf had lived with its owner since it was a pup. But,  
20. as the wolf got older, it grew larger and the owner couldn't hide the fact that it was a  
21. wolf and not a dog. It was illegal for the owner to keep the wolf as a pet in his state,  
22. so the wolf was taken away and sent to my sanctuary. That's how I came to own  
23. Volchitsa. Volchitsa was a very special wolf. She was shy and wouldn't run with the  
24. other wolves. Her previous owner treated her like a dog, so she was used to eating  
25. and drinking out of bowls and being close to humans. Most of the other wolves loved  
26. running throughout the sanctuary. I have a 7ft metal fence surrounding the 20 acres  
27. of fields in the sanctuary. There is only one way in and out. None of my wolves have  
28. ever been outside of the enclosed sanctuary, except Volchitsa. They rarely ever come  
29. close to the fence. Besides, I have cameras everywhere in the sanctuary that helps  
30. me to locate the wolves. But, Volchitsa loved staying close to the fence and watching  
31. the visitors who came to see her and the other wolves. She loved the attention.  
32. Because she was so friendly, I decided that I could use Volchitsa to bring more money  
33. in to the sanctuary. I started giving information seminars with Volchitsa in  
34. attendance. I would put her on a metal leash and take her out of the sanctuary  
35. grounds. The visitors loved the show because they got to see a wolf up close and  
36. personal. And to be honest, the metal leash was more for show than anything else.  
37. Volchitsa was used to walking by my side without a leash, but I don't think my  
38. visitors would have appreciated that. After all, Volchitsa was about as tall as your  
39. average 4th grader when she was on all fours. She was exactly 8 feet when she stood

40. on her hind legs. I never allowed the visitors to touch her. They were only allowed to  
41. look as I showed them her enormous paws and long canine teeth. Once all the  
42. visitors left and we shut down for the day, I would let Volchitsa follow me around the  
43. sanctuary without the leash. She loved coming into my office and laying next to my  
44. desk while I finished working for the day. Every night, when I was ready to go home,  
45. I would unlock the entrance to the sanctuary so Volchitsa could walk inside. Then, I  
46. would lock the gate by securing it with a padlock. No one could open the gate  
47. without a key. I did the same thing on June 26, 2013. I locked Volchitsa inside the  
48. sanctuary and went home. The next day, which was June 27, 2013, I received a phone  
49. call from Officer Shaine Smith telling me that one of my wolves was somehow  
50. involved in a murder investigation and had been killed. I had just arrived to the  
51. sanctuary when I received the call. I rushed out to the entrance of the sanctuary and  
52. saw that the gate was still locked but the padlock had been cut. I checked the video  
53. cameras to see if all my wolves were in the sanctuary. All of them were there, except  
54. Volchitsa. I couldn't find her on any of the video cameras. With a heavy heart, I went  
55. to the location where Officer Shaine said Volchitsa was located. Officer Shaine took  
56. me into a home, and we walked through a small living room and into a kitchen. I saw  
57. a broken window with blood on the counter and floor beneath it. The officer led me  
58. outside where there was even more blood. In the far corner of the backyard, I saw a  
59. wolf laying on its side. It was dead. More than half of its body was burned. When I  
60. got closer to the body, I recognized Volchitsa. I don't know how someone could be so  
61. cruel to kill Volchitsa. She was such a lovely animal. She wouldn't hurt anyone. I  
62. don't know how she got to that house. I believe that she was led there by the person  
63. who killed her. There's no way that she would have or could have left the sanctuary  
64. on her own.

### **Plaintiff's Witness: Statement of Officer Shaine Smith**

1. My name is Officer Shaine Smith. I've worked for the Philadelphia Police Department  
2. for 18 years now. I'm a patrol officer. On June 27, 2013, at approximately 3:30 AM, I  
3. received a call from dispatch stating that there was a domestic disturbance at 1323  
4. Hidden Road. I accepted the call because I was only a ten minute drive from there.  
5. When I pulled up to the house, I was greeted by an adult male and a teenager. Both  
6. the adult and the teenager appeared to be calm. The teenager said she lived at 1323  
7. Hidden Road with her grandmother. She told me that her name is Robin Woods.  
8. Woods told me that she killed a wild animal, and it's body was in the backyard. She  
9. also told me that she couldn't find her grandmother and feared that the wild animal  
10. may have eaten her. The man identified himself as Casey Hunter. He said that he was  
11. walking down the street when he heard glass breaking in the Woods' home. He  
12. thought maybe they were being robbed so he went to check it out. While he walked up  
13. to the front door, he said he heard an animal whimpering in the backyard. Once he got  
14. in the backyard, he saw a very large animal engulfed in flames. I asked Woods to lead  
15. me to the backyard. In the far corner of the backyard, I saw the remains of a very  
16. large animal. When I got closer to the body, I recognized Volchitsa. I knew about  
17. Volchitsa from visiting the local sanctuary with my son. My son loves wolves, and  
18. Volchitsa was his favorite one. Volchitsa seemed friendly, but I guess looks are  
19. deceiving when it comes to wild animals. There was a trail of blood that stopped at  
20. Volchitsa's body. The blood was coming from the direction of the house. I noticed  
21. that the back door to the house was wide open and a window was broken. I walked  
22. through the back door and into a kitchen. Even though the lights were off, I could see  
23. blood on the counter and the floor. Woods told me that there was more blood  
24. upstairs. I was led to an upstairs bedroom. Woods said it was her grandmother's  
25. room. There were dried blood splatters on the sheets. It wasn't fresh blood like in the  
26. kitchen. I didn't see any signs of a struggle. The sheets were turned down as if  
27. someone was about to get in bed to go to sleep. But, the bed did not look as if it had  
28. been slept in. The room was clean and tidy and everything seemed to be in its place.  
29. Woods claimed that she last saw her grandmother around 8:00 PM in the living room.  
30. She said her grandmother usually goes to bed around that time after she finishes  
31. watching Wheel of Fortune. Woods told me again that she believes the wolf ate her  
32. grandmother. She did not know how the wolf came to be in the house. I called the  
33. Department's Crime Scene Investigation Unit to process the house. I only took a basic  
34. crime scene class when I first became a police officer. So, I wouldn't say that I was an  
35. expert on processing scenes.



**Plaintiff's Witness: Statement of Dr. Dale Davis**

1. My name is Dr. Dale Davis. I am a Certified Wildlife Biologist and I work for the  
2. Pennsylvania Game Commission. I graduated from Penn State University with a  
3. Bachelor of Science degree in Wildlife Sciences. I also minored in Forest Science  
4. while I was at Penn State. I have a Master's degree in Fish and Game Science from  
5. Howard University. After graduating from Howard University, I earned a Ph.D. in  
6. Biological Science with a minor in Wolf Science. For my dissertation, I researched  
7. wolf survival and human interaction. Since then, I've written seven books on the  
8. behaviors of wolves in the wild throughout my career. I accept many invitations from  
9. various colleges to speak about wolves. I am also a proud member of The Wildlife  
10. Society and the National Wildlife Federation. Part of my job at the Pennsylvania  
11. Game Commission is to investigate the killings of wild animals. It is illegal in our  
12. state for anyone to kill a wild animal, unless it's for self-defense. So, I review the area  
13. where the killing occurred, and I also complete a necropsy on the wild animal's body  
14. to determine how it died. The Pennsylvania Game Commission will then use my  
15. findings to determine whether the animal was killed in self-defense. On June 27,  
16. 2013, I was informed by the Philadelphia Police Department that a resident had killed  
17. a wolf. I was told that the animal's location was in a backyard at 1323 Hidden Road. I  
18. was surprised that a wolf would be in a residential area. When I arrived, the officers  
19. on the scene led me to the backyard. I saw the wolf, or at least what was left of it. It  
20. seemed as if it had been set on fire. There was blood near the wolf that led to the  
21. house. I walked inside and saw more blood near a broken window. The officers told  
22. me that a teenager had stabbed the wolf in the kitchen, and the wolf jumped out of the  
23. window. Once it was in the backyard, the teenager set the wolf on fire. No one was  
24. able to tell me how the wolf got into the kitchen. The officers also took me to an  
25. upstairs bedroom where there was more blood. They told me that the bedroom  
26. belonged to the owner of the house, the teenager's grandmother, and she was missing.  
27. At that moment, a young girl came into the bedroom and started shouting that the wolf  
28. ate her grandmother. She was hysterical and seemed very angry. The officers took  
29. her outside and I began collecting my evidence. I took pictures of the home and the  
30. backyard. With the exception of the kitchen, the home was very neat and tidy  
31. considering a wild animal was inside of it. I collected blood samples. Then, I took the  
32. wolf's body to my lab. I performed a necropsy on the wolf. A necropsy is an autopsy  
33. performed on animals. After I dissected the wolf, I found that it was a healthy animal  
34. before it died. There was a deep wound near the wolf's stomach. I believe this is  
35. where it was stabbed. The location and angle of the wound makes me believe that the  
36. wolf was stabbed either from the side or from behind. There was some bruising and  
37. minor cuts on the wolf's face and shoulders. Those bruises and cuts were most likely  
38. the result of the wolf jumping out of the window. The wolf did not die from the  
39. stabbing. Being lit on fire is what ultimately killed the wolf. I examined the contents  
40. of the wolf's stomach and did not find any human tissue. So, the wolf definitely did  
41. not eat the teenager's grandmother. Besides, a hungry wolf can only eat up to 20  
42. pounds of meat in a single meal. That's like a human eating 100 hamburgers. I'm sure

43. the missing grandmother weighed more than 20 pounds. If the wolf did try to eat the  
44. grandmother, her body or what was left would still be nearby. Also, the blood found  
45. in the kitchen and the backyard belonged to the wolf. There was no human blood  
46. found anywhere on the wolf's body. The blood found in the upstairs bedroom is  
47. human blood. The results of my investigation were written in my necropsy report,  
48. which was filed with the Pennsylvania Game Commission on July 15, 2013.

**Defendant's Witness: Statement of Noel Woods**

1. My name is Noel Woods. I am the mother of Robin Woods. To be honest, I haven't  
2. been involved in Robin's life. I wasn't ready to be a parent, so I left her with my  
3. mother to take care of her. My mother always told me how Robin was doing through  
4. the years. My mother loved her very much, but she said that Robin could be a handful  
5. at times. One time, my mother called and said I would have to come and get Robin  
6. because she wasn't sure if she would be able to care for her anymore. My mother said  
7. that she caught Robin coming into the house at 4:00 that morning. She said that she  
8. was very upset and let Robin know. Robin didn't want to hear what my mother had to  
9. say and yelled at her and pushed her out of the way before running upstairs. I live  
10. about two hours away, so by the time I got there, Robin had already left the house.  
11. While I waited for Robin to come back home, my mother told me that Robin was not  
12. listening to her anymore, and that she was always sneaking out of the house at night.  
13. She said that this was the first time that she had ever pushed her. Later that evening,  
14. Robin came back to the house. She apologized to my mother and said she was  
15. embarrassed that she had yelled and pushed her. My mother forgave her and told her  
16. that she was still going to be punished. Robin seemed accepting of the punishment  
17. and went to her room. She didn't speak to me while I was there. My mother told me  
18. that she changed her mind about sending Robin with me. She said she was just upset,  
19. but she believed everything would be okay. So, I left. I don't remember exactly when  
20. this happened. Maybe, a year or two ago. I can't remember. My mother has called me  
21. a few times since then. She complained that Robin was still sneaking out and that she  
22. thought she might have a boyfriend. My mother said one time she was on her way  
23. home from her doctor's appointment and saw a boy sitting on her porch steps. She was  
24. still a block away. Then, she saw Robin come out of the house, and her and the boy  
25. walked up the street together. Later, she asked Robin who the boy was and I think she  
26. said his name was Casey, but I'm not sure. Anyway, she said that Robin said that he  
27. was just a friend and not her boyfriend. Now, that my mother is missing, I have  
28. custody of Robin. She definitely doesn't like living with me. She has had tantrums  
29. and a few violent outbursts because I won't let her hang out with her friends and she  
30. can't sneak out anymore. But, it's not anything I can't handle. I am a little surprised at  
31. how strong she is. During one of her tantrums, she knocked over my china cabinet  
32. with very little effort. Then, she ran to the kitchen and pulled a knife out of the  
33. drawer. She threatened to stab me if I didn't drive her to see her friends two hours  
34. away. I asked her how would I be able to drive if she stabbed me. While she was  
35. distracted thinking about my question, I grabbed her hand that held the knife and tried  
36. to get the knife away from her. We wrestled for a bit, but I am stronger than her and  
37. eventually I got the knife. She's been grounded ever since. I wonder how my mother  
38. was able to handle her when she acted out like this. My mother was in good health,  
39. but she was in her seventies and not as strong as she used to be. I know she had

40. problems with arthritis in her wrists and knees. I just pray that they find her soon or  
41. give us answers.

**Defendant's Witness: Statement of Robin Woods**

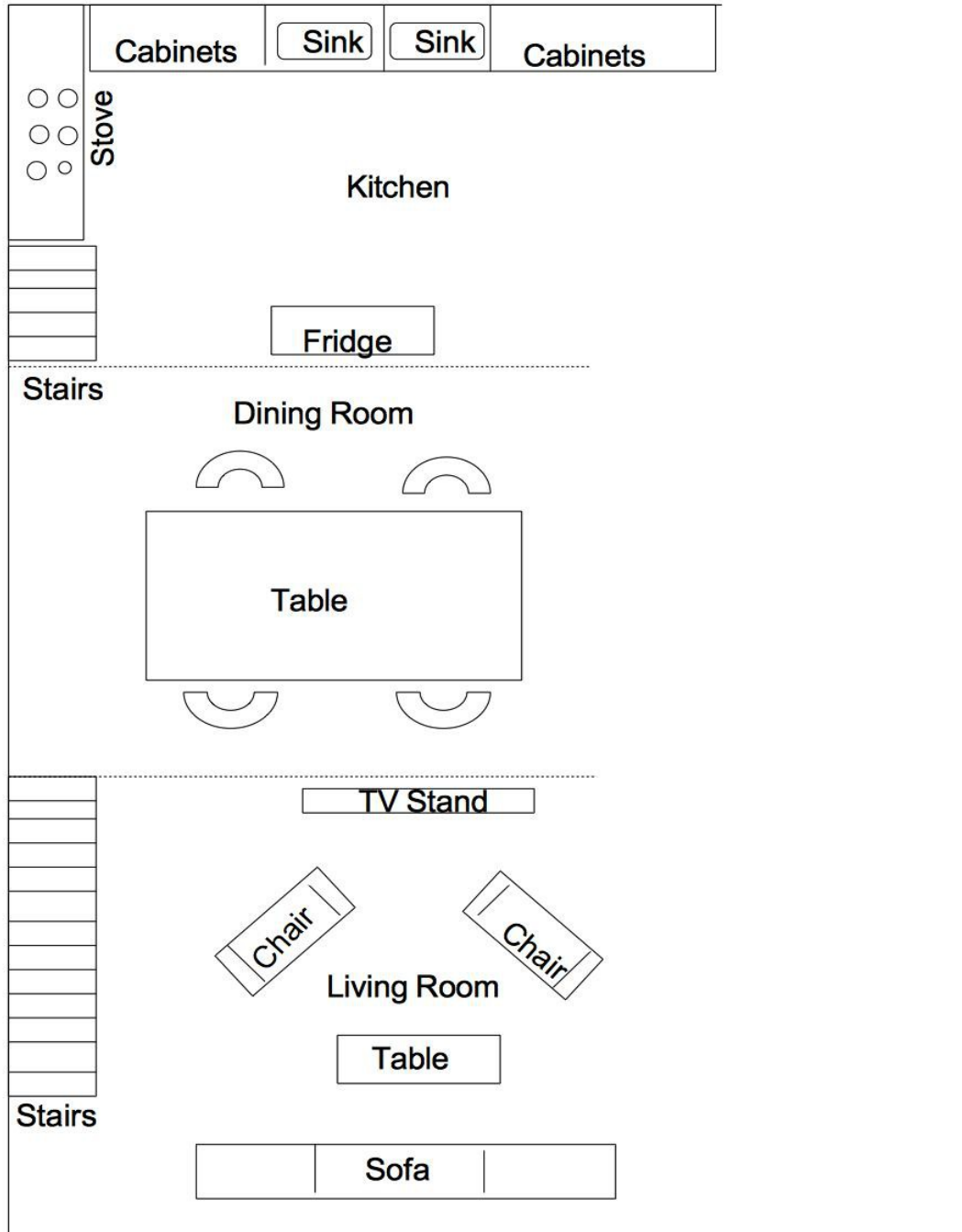
1. My name is Robin Woods. I am 13 years old. I used to live with my grandmother.  
2. My grandmother is dead. That bad wolf ate her. That's why I killed the wolf.  
3. Everyone keeps trying to tell me that she is just missing and will come home soon.  
4. But, I know that the wolf ate her. June 26, 2013 was the last time I saw my  
5. grandmother. We were watching Wheel of Fortune together like we always do. My  
6. grandmother goes to bed very early at 8:00 every night. She lets me stay up until  
7. 10:00. I get bored sometimes so I sneak out of the house when she goes to bed. I'm  
8. not supposed to leave the house, but I have nothing else to do. I like walking around  
9. our neighborhood after dark. Sometimes, I walk for hours before I come back home.  
10. My grandmother didn't like it because she says that bad things happen to young people  
11. on the streets after dark. But, I think bad things can happen to anyone at any time of  
12. day. I've met some really cool people during my walks. My friends and I like to go in  
13. the woods and run around with flashlights. It's so cool! One time, we heard the  
14. wolves from the sanctuary howling. I love when they do that. I've visited the  
15. sanctuary many times after it closes. Sometimes with my friends and sometimes by  
16. myself. I also went there on a field trip with my class. That's the first time that I saw  
17. that wolf that ate my grandmother. One of the workers had it on a leash like it was a  
18. dog. It was huge. The worker said that the wolf was not like the other wolves,  
19. because it was used to being around people. But, the worker said that they still had to  
20. treat it like a wild animal. I don't know how that wolf got in my home. I don't know  
21. the exact time that I got back home on June 27, maybe 2:00 or 3:00 in the morning.  
22. Anyway, the house was dark when I walked onto the porch. When I was about to put  
23. my key in the front door's lock, I noticed that the front door was unlocked and pushed  
24. back slightly. I know I locked the door before I left. There have been many times  
25. where my grandmother caught me sneaking back in, but she never left the door  
26. unlocked. Normally, she would sit on the couch waiting for me to come in. I opened  
27. the door wider so I could see the entire living room. My grandmother wasn't there. I  
28. didn't see anything out of the ordinary so I walked in. As I shut the door behind me, I  
29. heard a low growl. It was coming from upstairs. I tip-toed across the room to the  
30. stairs. When I looked up the stairs, there were two tiny lights at the top. It wasn't until  
31. I heard another growl that I realized that the lights were actually eyes belonging to  
32. some creature. I started to run, and I heard the beast running down the stairs. It was  
33. right behind me. I ran into the kitchen and grabbed a knife from the drawer. As soon  
34. as the wolf was about to jump on me, I lunged to the side and stabbed it. I don't know  
35. exactly where I stabbed it because it was dark, but it started whimpering and then  
36. jumped out of the kitchen window. I was so angry that I followed it outside into the  
37. backyard. It was in the far corner of the yard. It was just sitting there looking at me,  
38. like it was laughing at me. I knew at that moment that it ate my grandmother. I don't  
39. know how I knew, but I knew it. So, I went for my grandmother's lamp and I lit it and  
40. threw it at the wolf. The wolf caught on fire and it was rolling around on the ground  
41. making really loud noises and then it stopped. My friend, Casey, was there. I told  
42. Casey everything and we went inside the house to find my grandmother. But, she

43. wasn't there. The wolf ate her.

### **Defendant's Witness: Statement of Casey Hunter**

1. My name is Casey Hunter. I am eighteen years old and an orphan. No one has ever  
2. adopted me. When I turned eighteen, I had to leave the orphanage to make room for  
3. younger kids. I work, but it's not enough to afford an apartment on my own or even  
4. with a roommate. So, I sleep in the woods sometimes. It's safer than sleeping on the  
5. streets or in homeless shelters. There are other kids like me sleeping in the woods too.  
6. We usually stay up really late and hang out with each other. Robin started hanging out  
7. with us too even though she's not an orphan. She had her grandmother to take care of  
8. her, and her mother is still alive. On the night of June 26, 2013, Robin met us at the  
9. usual spot near the wolf sanctuary. She seemed a little moody, but she's always like  
10. that whenever she argues with her grandmother, which is often. It was about  
11. midnight. We like making the wolves howl at that time. If you know how to howl like  
12. a wolf, the whole wolf pack will start howling. It's so cool. But, there's this one large  
13. wolf that doesn't really howl. It always comes to the gate when we walk nearby. It  
14. seemed very friendly, and it never growled at us. Whenever we put our hands through  
15. the fence, it came really close so we could pet it. I'm really shocked that the wolf  
16. killed Robin's grandmother. I don't even know how it got into her house in the first  
17. place. That night, we did our usual howling and then we ran in the woods with our  
18. flashlights playing tag. At some point, I noticed that Robin wasn't with us. I figured  
19. she had walked back home. This was odd because we usually walk her home. But, it  
20. was getting late. Maybe she was tired. It was about 2:00 AM. Plus, she seemed to be  
21. deep in thought most of the time we were together. I could tell she wasn't having as  
22. much fun as everyone else. When we went to the sanctuary, she stayed and petted the  
23. wolf longer than any of us. I'm almost sure that she was playing tag with us though. It  
24. was dark, but I think I remember flashing my light on her back once or twice.  
25. Anyway, I decided to leave the woods and see if I could catch up with her before she  
26. got home. I took a shortcut to her house. I thought I saw someone walking a large  
27. dog towards her house. But, I was far away so I'm not sure. It could have been her  
28. next door neighbor. I don't know what kind of dog the neighbor has, but whenever I  
29. walk by that house, I could hear it barking inside. It sounds like a large dog. Anyway,  
30. as I got closer to Robin's house, I heard a loud noise, like glass shattering in the back  
31. of the house. I walked down the path between her house and the neighbor's house that  
32. led to the backyard. I could hear an animal that sounded like a dog whimpering.  
33. When I opened the gate, I saw the wolf in the corner of the yard. It was leaning on the  
34. cement wall whimpering and breathing heavily. There was blood everywhere. Then,  
35. Robin ran out of the house with a cup and a lit lamp. She threw a liquid from the cup  
36. onto the wolf and then threw the lamp. She threw the lamp so hard that it broke  
37. against the wolf and the wolf caught on fire. I asked Robin what happened and how  
38. did the wolf get here. She said she didn't know, but it ate her grandmother. She took  
39. me inside the house. I saw a lot of blood in the kitchen. I asked her where was her  
40. grandmother's body. She said she couldn't find it, but there was blood upstairs in her  
41. grandmother's room. When I went upstairs, I saw a few drops of blood on the bed.

**Exhibit A: First Floor of Grandmother's House**





**Exhibit B: Grandmother's Bedroom**



**Exhibit C: Blood on Grandmother's Bed**



### Exhibit D: Robin Woods' Diary Entries

April 17, 2013: She's so mean! Why can't I do what I want to do! I can't watch what I want on tv. I can't go to bed when I want. I can't hang out with my friends. I can't wait until I turn 18 and move out of her house. I just feel like screaming. I want to go running in the woods and howl. I love howling with the wolves. There's this one wolf that I really like. It's so friendly and even licked my hands once. I wish I could have a pet. But, of course, my grandmother won't let me.

May 3, 2013: I saw my friend, Casey, on the way home from school. He's so nice. I feel sorry for him because he has nowhere to live. We're going to meet up later at the wolf sanctuary. My grandmother is getting on my nerves. She saw Casey at the house and yelled at me for like an hour about me being too young to have a boyfriend. I don't even want a boyfriend. I just want to move out of this house and be on my own, like Casey. Casey is so lucky that his family is dead and it's just him.

June 25, 2013: I am so excited! Tomorrow can't come soon enough. FREEDOM! I just need to make sure I act normally and that I don't forget anything.

June 29, 2013: Adults are so dumb and will believe anything. I'm so over this. I can't believe I have to go live with my mom. She doesn't even want me. I wanted to live on my own like Casey.

## Exhibit E: Necropsy Report

NR-13-62

### WOLF NECROPSY REPORT FORM Pennsylvania Game Commission

Investigator: Dr. Dale Davis

Date Collected: June 27, 2013

Collection Site: 1323 Hidden Road

Estimated Age of Wolf: 14 Specimen: Grey Wolf

Sex: Female

#### MEASUREMENTS

Body Length: 8 ft. (from tip of nose to tip of tail)

Body Height: 50 inches (from shoulder to paws)

Weight: 115 pounds

Teeth: All 42 teeth are present. Extremely Sharp. 3 inches in length.

#### NECROPSY EXTERNAL EXAM:

The wolf has a deep wound near it's stomach. The length, width, and depth of the wound indicates that a sharp instrument was used to stab the animal. The angle of the wound shows that the animal was stabbed by someone standing to its right, slightly behind the animal. There is bruising and blood present on the wolf's mouth and shoulders. The blood found on the wolf's body is not human blood. The fur of the wolf and its tail is severely burned. The size of the wolf suggests that it was a well-fed and healthy animal.

#### NECROPSY INTERNAL EXAM:

Heart: Normal Liver: Normal Lungs: Congested Stomach: Normal Kidney: Normal

Bladder: Normal Intestines: Normal Muscles: Normal Skeleton: Normal

Stomach Contents:

The stomach contained digested meat. The meat came from a rabbit. There is no human tissue in the wolf's stomach.

#### Comments:

This wolf was killed by a resident that did not have a hunting permit. The resident is a minor and is claiming self-defense. There is no physical evidence that the minor was attacked by this wolf. This is not to say that the wolf was not being aggressive towards the minor. There is no physical evidence that the wolf ate the minor's grandmother. The blood found in the upstairs bedroom is human blood. Further investigations by the Commission and the Police Department will be needed to make a determination whether the minor acted legally.

Person Performing Necropsy: Dr. Dale Davis, Ph.D., TWS

Date Submitted: 07/15/2013