

OPENING ADDRESS TO JURY

Good Morning Ladies and Gentlemen of the Jury.

Introduction:

My name is Geoff Mills. I, along with my Co-Counsel – Adrian Schofield, represent the Defendant, Samuel Bradley, in this action. On behalf of the Defence team – I'd like to thank you for taking time from your busy schedules to be with us here today.

Without question – You have an important role to play in today's proceedings. Before this day is finished, you will be asked to join together and reach a verdict in this case. Mr. Schofield and I know that you will perform your role seriously and with integrity. Listen closely to all the evidence that is presented today. And finally – come to a decision that you feel is fair and just.

Theory:

There is no dispute that Ms. Patterson did fall off her horse while riding at Mr. Bradley's Academy. There's no question that this was unfortunate. No one ever wants to see a person, especially a young woman, fall from a horse. You don't. I don't. And certainly Mr. Bradley doesn't. But rather than accept responsibility for Ms. Patterson's own recklessness, her family has instead chosen to point blame elsewhere – towards an easy target - Samuel Bradley. They say Mr. Bradley was negligent. We say that Ms. Patterson assumed the risk of riding and caused her own fall in the reckless manner that she behaved. That ladies and gentlemen is why we are here today.

Main Body:

You've already heard the Plaintiff's Opening, so I don't want to bore you going over in meticulous detail the background to today's events. However, a few points are worth re-mentioning. I think we can all agree:

- that on July 1, 2002, Ms. Patterson attended at Mr. Bradley's Riding Academy for a horse-riding lesson.
- She signed her name on a sign-in sheet that warned customers that they rode at their own risk.
- Then Ms. Patterson and her father, Jonathon, BOTH signed a contract for her riding lessons.
- A ranch-hand assigned Ms. Patterson a horse named Redd.
- Mr. Bradley taught a class about equipment maintenance and control of a horse - that Ms. Patterson was a part of.
- Ms. Patterson and her friend Mary Jo Williams separated themselves from the rest of the group.
- They rode to an unsupervised area and decided on their own to race their horses.

- During the race, Ms. Patterson fell off her horse.

- She not only was injured herself, but moments afterwards the horse she was riding suffered a heart attack and died.

- Those are the basic facts that you will hear about today.

MS. PATTERSON'S INJURIES:

Now - we expect that the Plaintiff's lawyers will parade Ms. Patterson's injuries in front of you today. And it would be natural for you to sympathize and feel sorry for June Patterson. But keep in mind - this trial is not about Ms. Patterson's injuries. This trial is about determining WHO WAS RESPONSIBLE for her fall. And as difficult as it may be for the Patterson family to accept – June Patterson herself was responsible. Not Samuel Bradley.

Ladies and gentlemen, we also anticipate that the Plaintiff's lawyers will try to raise concerns about how Mr. Bradley ran his Riding Academy. We anticipate that you'll hear the Plaintiff's say that on July 1, 2002 Ms. Patterson was given a horse she was unfamiliar with. That she was left unsupervised. That she was provided with defective equipment. They'll likely even say that she was allowed to wonder off – and it was during this time that her fall occurred.

But keep in mind that every story has two sides. You'll get to hear Samuel Bradley's side after the Plaintiff's rest their case. You will hear that on July 1, 2002 - Mr. Bradley gave Ms. Patterson the intermediate horseback-riding lesson that she had contracted for. You will learn that Ms. Patterson was provided with a properly functioning saddle, as well as Mr. Bradley's most valuable horse from his stable.

Not only will you hear from Mr. Bradley – but you'll also hear testimony from an experienced ranch-hand at the Riding Academy, Gary Stephens. You'll hear that Mr. Stephens himself saddled the horse rode by Ms. Patterson – and that there was nothing wrong with the saddle that would have caused her fall. And you will learn that Ms. Patterson was told not to leave the supervised group that she was riding with during her lesson, but ignored those instructions and chose to ride off instead, shortly before her fall occurred.

Ladies and gentlemen of the jury – while it may be convenient for the Patterson's to shift the blame towards Mr. Bradley – we ask throughout today that you do not lose sight of the role Ms. Patterson herself had in her fall.

You will hear evidence that Ms. Patterson was an accomplished horseback rider and indeed understood the risks of riding - what can sometimes be – a dangerous animal. You will hear testimony that both Ms. Patterson and her father, Jonathon Patterson – both signed a contract that relieved Mr. Bradley’s Riding Academy of any liability for loss or damage. You will learn that Ms. Patterson signed a sign-in book every time she rode at Mr. Bradley’s Academy, which acknowledged that the Academy was not responsible for any injury and that riders rode at their own risk. And you will learn that Ms. Patterson had been to the Defendant’s Academy nearly 100 times prior to her accident, and signed a similar sign-in sheet every single time.

The evidence will also show that at the time of Ms. Patterson’s fall – she and her friend, Mary Jo Williams, were engaged in racing their horses in a careless and reckless manner. You will hear how Ms. Patterson kicked and whipped her horse to run faster and faster before she herself finally fell off. And what was the fate of Ms. Patterson’s horse, Redd? You’ll hear how after the race was over. After Ms. Patterson had kicked Redd. After she had whipped Redd. After she had made Redd run faster and faster – you’ll hear that Redd suffered a heart attack and died.

Throughout the testimony today – as you sit and listen to the evidence - ask yourselves if you would even be here - but for Ms. Patterson’s own conduct and reckless behaviour? We submit that you would not. It is, of course, unfortunate that Ms. Patterson was injured. In this case however, her fall and resulting injuries were not Mr. Bradley’s fault.

Conclusion:

Ladies and gentlemen - after you’ve heard all the evidence – you will understand that Mr. Bradley did nothing wrong, and Ms. Patterson’s fall was caused entirely by the Plaintiff’s own reckless behaviour. Because of that, we will ask you to find against the plaintiff and in favour of the defendant, Samuel Bradley.

Thank you for your time and patience.