

Hofstra Fall 2024 Intramural Competition Agenda:

Wednesday, September 11th

6:10 P.M. Trial Lecture: Openings & Closings - Room 238¹

Thursday, September 19th

4:00 P.M. Trial Lecture: Direct & Cross Examinations - Room 238

Monday, September 23rd

6:00 P.M. Trial Lecture: Evidence - Zoom

Friday, September 27th

4:00 P.M. Preliminary Rounds (Round 1) - Rooms to be assigned

Saturday, September 28th

10:30 A.M. Preliminary Rounds (Round 1) - Rooms to be assigned

Sunday, September 29th

10:30 A.M. Preliminary Rounds (Round 1) - Rooms to be assigned

Wednesday, October 16th

6:00 P.M. Semi-Final Rounds (Round 2) - Room 202

Wednesday, October 23rd

6:30 P.M. Finals (Round 3) - Room 308

¹ Trial Lectures will be taught by the interscholastic coaches covering topics of Openings & Closings, Direct and Cross examinations, and Evidence. Attendance is not mandatory, but you are strongly encouraged to be there, and attendance will be taken. These lectures are to help you prepare for the intramural and have the opportunity to ask questions to practicing attorneys.

Case Summary
HiveMind Transportation v. Nicky Gates

HiveMind Transportation (“HiveMind”) is a cutting-edge transportation company in an old industry. HiveMind prides itself in leading the industry in both technology and driver training. HiveMind is headquartered in Washington State. HiveMind has developed a proprietary speed-tracking technology called Self-Automated Momentum (“SAM”). The technology tracks the driver’s speed and can automatically reduce the speed of the truck if the driver exceeds the speed limit. SAM’s technology works without wifi, and is built into the truck.

HiveMind’s business model is to hire experienced drivers. HiveMind chose to hire Marisa MacLaren as an employee due to her years of experience and extensive knowledge of the transportation of hazardous materials. MacLaren is a seasoned trucker with a glowing reputation among the trucking industry, with a resume to reflect this.

On June 17, 2024, MacLaren drove a shipment of highly hazardous pesticides, Compound V, from a factory in Forks, Washington to the town of Clearwater, Terminus. MacLaren secured the chemicals in the back of her truck using the methods that HiveMind instructed her on. On her ride, MacLaren used HiveMind’s SAM. HiveMind directed MacLaren to take Route 66 on her way to Clearwater. At roughly 10 P.M., MacLaren was traveling north on Route 66 just outside of Clearwater. MacLaren was growing tired, having driven almost 12 hours straight. At this point, MacLaren unplugged the automatic speed adjuster feature of SAM, wanting to finish her route as soon as possible and knowing SAM would slow her down.

MacLaren was traveling down Route 66 going 50 miles per hour, 10 miles per hour above the speed limit of 40 miles per hour. At 10:30 P.M., MacLaren was approaching the Schiedo Bridge. As she approached the bridge MacLaren saw a pair of high beams approaching her in the opposite lane on Route 66. She noticed that the car, which was driven by Nicky Gates, was driving a little erratically, so she pressed a button on her dashboard that put her in touch with HiveMind COO, the chief operating officer, Taylor Valenti, who was in charge of support and training, for help. Valenti was only able to exchange a few words before they heard a crash on the other end of the phone. The truck slid into the main support beam for the Schiedo Bridge with such force that it caused the beam to collapse.

Valenti claims that while on the phone with MacLaren, MacLaren stated that Gates swerved into her lane. As part of Valenti’s job they are in charge of implementing a two-part

training and monitoring system to ensure that drivers are safe while driving for HiveMind. The first part of that system is training, which instructs their drivers on how to properly use SAM.

The second part is a monitoring system that uses HiveMind's GPS system, SAM. SAM is hardwired into the trucks to track speed, however there is a separate component that automatically adjusts speed that drivers can turn off by unplugging a cord. It is common practice for HiveMind drivers to unplug the cord if they feel the need to speed. However, Valenti states during training that it is a violation of company policy to do so whilst completing their trips.

As the beam collapsed, large chunks of concrete poured onto MacLaren's truck, puncturing the trailer and causing fatal injuries to MacLaren. These punctures caused the pesticides to flow out of the truck, onto the road, and into the Rosenblatt River, which runs through the town of Clearwater. A bystander, Bobby Harris, saw the whole accident happen. Harris is a Clearwater local and a recent Army Veteran. Harris claims to have tried to save MacLaren after the accident, speaking to her before she succumbed to her injuries.

Police Officer Andy McDonough was the first responding officer to this accident. They spoke to Gates who claimed that it was all MacLaren's fault. They say that MacLaren swerved left and right before crashing into the Schiedo Bridge. Smelling alcohol on Gates' breath, Officer McDonough conducted a field sobriety test and performed a breathalyzer on Gates. Their BAC, blood alcohol content, came back as a .16. Upon discovering this, Officer McDonough placed Gates under arrest and they were ultimately charged with Reckless Homicide.

After the accident, the Town of Clearwater led cleanup efforts, to clean up both the damage caused to Route 66, the Rosenblatt River, and the Schiedo Bridge. They anticipate it will take years to fix the damage. Prior to their criminal trial, Gates pled guilty in a deal that would allow them to avoid a lengthy prison sentence. The prosecution contacted Harris in preparation for their case and were unable to reach them to get their statement.

Here, HiveMind, upon direction of CEO Brian O'Regan, brings suit against Gates for contribution to the civil penalty HiveMind paid in a suit brought by the Town of Clearwater, as a result of this accident and the damage it caused. HiveMind has been absolved from any future liability to the Town of Clearwater as a result of this incident.

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES HIVEMIND TRANSPORTATION, Plaintiff herein, complaining of NICKY GATES, Defendant herein, and for cause of action would respectfully show the Court and jury the following:

I.

PARTIES

1. Plaintiff HiveMind Transportation is a national company headquartered in Washington and is suing, in their individual capacity.
2. Defendant Nicky Gates is an individual residing in the Town of Clearwater in the State of Terminus.

II.

FACTUAL BACKGROUND

3. At or around 8:00 p.m. on June 17, 2024, Gates attended a dinner hosted by a local charity. At that dinner, Gates bought ten alcoholic drinks and consumed them. Gates then departed from the charity dinner at or around 10:30 p.m.
4. At or around 10:30 p.m., Marisa MacLaren, a driver employed by HiveMind Transportation, was driving on the Schiedo Bridge on Route 66 transporting Compound V, a hazardous pesticide. Marisa MacLaren was utilizing HiveMind's proprietary speed-tracking technology, SAM, on her trip. She unplugged the automatic speed adjuster component of SAM prior to the incident.
5. At or around 10:30 p.m., MacLaren noticed a car with its high beams on, approaching her in the opposite lane. Observing that the car was swerving and driving erratically, MacLaren called the support team at HiveMind using a button located on her dashboard.
6. Taylor Valenti, the COO of HiveMind Transportation answered her call. MacLaren told Valenti that she needed help immediately, as she believed the driver of the car was possibly driving under the influence and could potentially drive into her lane. Valenti then heard sounds of a crash, followed by silence.
7. Just after MacLaren called for support, Gates swerved into her lane, causing her to swerve toward the main support beam of Schiedo Bridge to avoid colliding with Gates. MacLaren's truck then hit the support beam, causing damage to the Bridge and killing Maclaren.

8. The pesticide, Compound V, began to spill out of the damaged truck, spilling into the Rosenblatt River and onto surrounding private property.
9. Officer McDonough arrived and performed a Horizontal Gaze Nystagmus test on Gates and administered a breathalyzer. Gates blew a 0.18 BAC at the station, was placed under arrest, and ultimately charged with reckless homicide.
10. Before their criminal trial, Gates accepted a plea deal, pleading guilty to an aggravated D.W.I., with a sentence of 3 years probation, a \$1,000 fine, and their license suspended for 1 year.

III.

ACTION FOR CONTRIBUTION

11. Plaintiff adopts and incorporates by reference all previous paragraphs of the complaint as if set forth in their entirety.
12. At the time of the accident, MARISA MACLAREN was operating within the scope of her employment transporting pesticides to the Town of Clearwater from Forks, Washington.
13. At all times relevant and material hereto, NICKY GATES, acting individually was negligent and breached applicable standards of care in a number of ways, including, but not limited to, the following:
 - (i). Consuming ten drinks at a charity dinner before driving.
 - (ii). Driving erratically on the Schiedo Bridge on June 17, 2024.
 - (iii). Driving into the opposite lane of oncoming traffic on June 17, 2024.
14. NICKY GATES is at fault for the damages caused to the Town of Clearwater. HiveMind Transportation is in no way at fault for the damages sought by the Town of Clearwater.
15. Upon information and belief, the damages alleged by way of the Town of Clearwater stem from actions NICKY GATES took on June 17, 2024, not the actions of HiveMind Transportation through its apparent agents, servants, and/or employees.
16. As a direct and proximate result of NICKY GATES' conduct, HiveMind Transportation has incurred and will continue to incur damages and expenses, including attorney's fees and costs in defending and prosecuting the instant lawsuit. Further, if and to the extent HiveMind Transportation is found civilly liable on claims asserted by the Town of

Clearwater or any of the putative class members, such civil liability was directly and proximately caused by NICKY GATES, and HiveMind Transportation is entitled to contribution for such liability.

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF THIS COURT:

Defendant, NICKY GATES, files this Original Answer to Plaintiff's Original Complaint:

1. Admitted.

2. Admitted.

3. Denied as to consuming the ten drinks on June 17, 2024. Otherwise admits that they bought ten drinks, arrived at the charity dinner around 8:00 p.m. and left the charity dinner around 10:25 p.m.

4. Admitted.

5. Admitted only that they were driving in the lane opposite of MacLaren with their high beams on. Defendant maintains they were not swerving or driving erratically.

6. Admitted as to the factual background of MacLaren calling HiveMind COO Taylor Valenti. All allegations of wrongful conduct by Defendant are expressly denied.

7. Denied. Any and all allegations of wrongful conduct by Defendant are expressly denied.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied. Defendant maintains: (i) they did not consume ten drinks at the charity dinner on June 17, 2024; (ii) they were not driving erratically on Schiedo Bridge on June 17, 2024; and (iii) they did not drive into MacLaren's lane causing her to swerve.

14. Denied. All allegations of wrongful conduct by Defendant are expressly denied.

15. Denied. All allegations of wrongful conduct by Defendant are expressly denied.

16. Admitted as to HiveMind Transportation's potential liability. Any other allegations are expressly denied.

AFFIRMATIVE AND OTHER DEFENSES

1. Defendant is not liable to the Plaintiff because MARISA MACLAREN's own acts and/or omissions proximately caused or contributed to damages to the Town of Clearwater. On the occasion in question, MARISA MACLAREN failed to exercise that degree of care which a person of ordinary care and prudence would have exercised under similar circumstances, and such failure to use ordinary care for their own safety was a proximate cause of the alleged injuries.

RULES OF THE COMPETITION/PRETRIAL ORDER

A. Time Limits

Each team, plaintiff and defense, has a total of 30 minutes within which to: (i) present its opening statement; (ii) present direct testimony of its two witnesses; (iii) cross-examine the two witnesses presented by the opposing side; (iv) read into the record any relevant stipulations, including convictions; and (v) give its closing argument.

Each team is allowed five minutes to present and argue no more than two pre-trial motions. The five minutes will not count against the team's total of 30 minutes. The clock will stop for arguments of objections. It is within the discretion of the presiding judge to allow or deny lengthy arguments. If a team appears to be making frivolous objections or extended argument in an attempt to run the clock against its opponent, judges may take this into account when scoring and may award additional time to an aggrieved team. A team need not use all its allocated time. No rebuttal case is permitted.

B. Scope of Examinations

It is left to the discretion of the presiding judge to determine the scope of cross examination pursuant to Federal Rule of Evidence 611. The scope of cross-examination should not be strictly limited to the matters to which the witness testified in direct if it would curtail impeachment or other reasonable inquiry. The re-direct examination cannot go beyond the scope of cross-examination, assuming the cross-examiner makes an appropriate objection. Re-cross is not allowed unless the party seeking re-cross contends that the witness has invented one or more material fact(s) on re-direct examination. In that event, the party should ask the judge for leave to re-cross for the purpose of impeachment. Re-cross must be strictly limited to impeaching the witness about the alleged invented fact(s). The presiding judge will make the initial determination as to whether re-cross is permitted. All scoring evaluators will independently determine whether, based upon the impeachment, the fact is invented and/or material. Each evaluator will then independently determine what, if any, score adjustments ought to be made based upon the gravity of the rule violation, if any (this includes potential deduction from the advocate who invoked the re-cross procedure if the evaluator deems the challenge to be meritless). All scoring evaluators will be instructed consistent with this rule.

C. Objections

Objections during the direct and cross-examination of a witness must be made and argued only by the advocate who is responsible for the direct or cross-examination of the particular witness. Objections during the other side's opening statement and closing argument must be made only by the advocate who is responsible for handling his or her team's opening or closing.

This rule does not prohibit advocates from the same team from conferring with each other regarding any matter during the course of trial. The defendant may confer with the advocates during the trial. As a matter of courtesy, counsel should request permission to approach the bench for side-bar conferences with the judge, although sidebars will be constructive so that the scoring members in the jury box may hear the arguments of counsel.

D. Order of Trial

The presiding judge and the scoring evaluators will enter the room. There will be no housekeeping matters. All parties are allowed to move about the well, must ask to approach witnesses on cross examination, but not on direct examination, and must ask permission to have a constructive side-bar. Next, the presiding judge will entertain motions in limine, if any. Opening statements will then be presented: plaintiff, then defense. The plaintiff will present its case in chief first, then the defense. There is no rebuttal case for the plaintiff. After both sides have rested, each side will present closing arguments. The order of closing argument is: defense, then plaintiff. After the scoring ballots and comments are finished, the students will get brief feedback from the evaluators.

E. Presiding Judge to Rule on Motions in Limine and Objections

1. During the course of the trial, motion and objection arguments are matters exclusively decided by the presiding judge. At the judge's discretion, the clock may be stopped for such matters, but please keep in mind that the competition is on a tight schedule and trials cannot be permitted to exceed the designated time frames. The presiding judge shall cut off the competitors' arguments if appropriate.
2. The current Federal Rules of Evidence, the Federal Rules of Civil Procedure, and the U.S. Constitution apply.
3. Each side may present no more than two pre-trial motions in limine and has five minutes to argue such motions. These motions may be in writing, but they may not be any longer than one page, double-spaced, exclusive of caption and signature.
4. Given the time constraints, outside case law may not be used in arguing motions or objections.

F. Witnesses

The witnesses shall testify, as best as possible, in a manner consistent with the trial materials. Witnesses may be impeached by omission. If a witness makes a statement inconsistent

with a statement the witness has signed, the witness must admit that the document in the case file is authentic, that he or she read the statement before signing it, and that the signature belongs to the witness. If a statement is a “sworn” statement, the witness must admit to making such a statement under oath. The witness must admit, if questioned, to fabricating a statement of material fact that is not in the file. Where the trial materials are inconsistent, the witness must make a choice as to which scenario to follow. In some instances, this choice will expose the 4 witnesses to the possibility of being impeached. Otherwise, the witness is free to make reasonable assumptions about the background and personality of the character the witness is portraying. A witness may not invent facts not provided in the fact pattern. Nor, while testifying, may a witness invent an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that invented individual.

G. Exhibits

Competitors should assume that the exhibits in the file are reasonably accurate and fair representations of the matters they purport to represent. If asked, the witnesses must admit that the photographs, maps, and/or diagrams of the locale are fair and accurate representations of that which they purport to represent. There is no requirement that the teams use every exhibit, and no adverse inference may be drawn from a failure to use every exhibit.

SUBSTANTIVE STIPULATIONS

The parties stipulate to the following facts and points of law. These stipulations may be raised in support of legal arguments, and stipulated facts may be read into the record at each side's discretion, with permission of the Court.

1. This is a closed universe fact pattern. All motions in limine and objections shall be limited to the Federal Rules of Evidence.
2. All exhibits are fair and accurate representations of the matters they purport to represent. All exhibits included within the problem are what the proponents claim them to be for the purposes of authentication, and the Court will not exclude any exhibit on the basis that it has not been properly authenticated.
3. All physical evidence, statements, and identifications were constitutionally obtained and the admissions of them as evidence at trial cannot be objected to on those grounds.
4. All signatures that appear on any admissible document are genuine and all documents are originals unless otherwise stated.
5. Parties may not bring any additional evidence for the trial. Any demonstrative exhibits, other than enlargements of the materials in the file, must be created during the trial. All demonstrative exhibits created during trial are subject to the Federal Rules of Evidence. Parties may not raise the argument that the opposing party has failed to call a particular witness or witnesses to testify at trial.
6. All photographs are fair and accurate representations of the people or things depicted therein.
7. All depositions taken in this case are signed and sworn by each representative deponent as being accurate and authentic. None of the witnesses made changes or corrections to their deposition testimony.
8. The breathalyzer obtained at the police station has been deemed admissible by the trial court.
9. This case has been bifurcated into a liability phase and damages phase. For purposes of this trial, the parties will try the liability phase only.

10. Defendant may pursue all or none of its affirmative defenses listed in its Answer to Plaintiff's Complaint.
11. All witnesses have personally seen and reviewed all Exhibits contained in the case file.
12. The trial court has determined that Marisa MacLaren was working within the scope of her employment during all times relevant to the case.
13. For purposes of this trial, the transport of Compound V is not an ultrahazardous activity and therefore does not carry strict liability.
14. HiveMind Transportation is headquartered in Washington State and the trial court has determined that Diversity Jurisdiction applies.
15. This trial is one of many trials concerning the June 17, 2024 spill of Compound V. HiveMind Transportation has been absolved of any further liability to the Town of Clearwater after the conclusion of this trial and their initial damages.

WITNESS LIST

Plaintiff:

1. Taylor Valenti
2. Andy McDonough

Defendant

1. Nicky Gates
2. Bobby Harris

NOTE: All characters in the fact pattern can be either female or male. Any discrepancy between the gender stated and the physical appearance of the competitor shall be ignored for the purposes of this competition. The team calling the witness decides the gender of the witness based upon the gender identity of the competitor playing the witness.

The Plaintiff and Defendant must call the two witnesses listed on each party's witness list. Each Party may determine the order of witnesses, but may not recall witnesses or call witnesses for the other party.

EXHIBIT LIST

1. Photos of Schiedo Bridge
2. Top Down View of Accident
3. HiveMind Call Transcript
4. Police Report and Breathalyzer Results
5. HiveMind Training Manual
6. HiveMind Report of MacLaren's History of Speeding/Unplugging Adjuster
7. Letter from Bobby Harris to Clearwater DA's Office
8. Allocution of Facts from Criminal Court
9. Bar Receipt

WHAT A CLAIM OF CONTRIBUTION ENTAILS

HiveMind has already been and anticipates to be held liable for the damages caused to the Rosenblatt River and the residents of the Town of Clearwater. HiveMind has brought this suit to show that they were not the cause of the accident, that it was in fact Nicky Gates, and therefore Nicky Gates should be the one who has to pay the damages that HiveMind has paid and will pay in the future. The purpose of this trial is to determine liability, i.e. who was responsible for the accident. This trial is NOT to discuss the amount that should be paid or the effects of the accident on the bridge, the surrounding town or the river.

Deposition of Taylor Valenti

- 1** Q: Good Afternoon, please state your name for the record.
- 2** A: Taylor Valenti
- 3** Q: How old are you?
- 4** A: I'm 56 years old.
- 5** Q: What do you do for a living?
- 6** A: I'm the COO, the chief operating officer, of HiveMind Transportation.
- 7** Q: What kind of business does HiveMind Transportation conduct?
- 8** A: We are a nationwide trucking company. Our business model is to hire experienced drivers to
- 9** transport materials across the country. We are based in Washington State, and run trucks to 48
- 10** states. Our drivers transport various materials, most of them consisting of pesticides. We are a
- 11** pioneer in the trucking industry as we are the first to implement our technology, Self Automated
- 12** Momentum, or SAM, for short.
- 13** Q. What are your duties as COO of HiveMind?
- 14** A. I oversee the hiring and support of our employees. I also oversee and personally conduct all
- 15** employee training.
- 16** Q. Do you do anything else in your role as COO?
- 17** A. Yes, as part of my role as COO, I frequently answer support calls along with my support team
- 18** to make sure our transports go off without a hitch, offering immediate support to our drivers.
- 19** Q. What does the support team do?
- 20** A. The support team answers calls and assesses what a driver may need at the moment, from
- 21** directions to the nearest rest stop to getting in contact with local police. To be honest, our most
- 22** frequent calls are from our drivers asking for directions to a rest stop.
- 23** Q. How many total members work on the support team?
- 24** A. We have 20 employees on our staff that we rotate out. We have 5 members of the support
- 25** team working in the call center at a time. We want to cover our bases just in case there's an
- 26** influx of calls for some reason.
- 27** Q. How long have you been with HiveMind?
- 28** A. I've been with HiveMind since its inception in 2017. You could say I witnessed the birth of
- 29** something truly incredible. I'm proud of how far we've come.
- 30** Q. Did you work anywhere before HiveMind?

1 A. Yes, I worked for another trucking company, called Flynn's Transports, as their Training
2 Coordinator, similar to what I do now but without the technology that HiveMind offers. I was at
3 that company for 15 years, so I'm fairly experienced in the trucking field, not to brag or anything
4 like that.

5 Q. What does HiveMind's driver training program consist of?

6 A. Well, we give all of our drivers a training manual to read in addition to 40 hours of on-site
7 training with the company. The 40 hour training consists of both powerpoint presentations and
8 hands-on training. The powerpoints go over the topics discussed in our safety manual and teach
9 our drivers how to properly secure the cargo, what to do in the case of an accident, our protocol
10 in handling SAM, and general safety training relating to the transportation of cargo. The
11 hands-on training is conducted by myself or a member of my team and it focuses on how to use
12 SAM properly.

13 Q. I'm showing you Exhibit 5, do you recognize this?

14 A. I better recognize it, I made it myself. This is the handbook we give to our drivers that they
15 are required to become familiar with as part of their job responsibilities.

16 Q. You mentioned that they're required to go over the handbook. How do you make sure the
17 drivers go over this manual?

18 A. Well we can't really police them about doing required reading. We trust that they will read it
19 but if not that's why we have the 40 hours of training. I toyed around with the idea of having a
20 multiple choice quiz at the end of the training, but I didn't want our drivers to feel like we didn't
21 trust them.

22 Q. Earlier you mentioned SAM. What is SAM?

23 A: It is a speed-tracking technology that we use to monitor the speed of our drivers and
24 automatically reduces their speed if speeding is registered. All of our drivers are trained in the
25 use of SAM and are instructed on the proper way to use it on the road.

26 Q. How does this technology work in the truck?

27 A. It works without wifi and is built into our trucks. Drivers know that we receive real-time
28 notifications of their speed and can contact our support with a click of a button on the console.

29 Q. What equipment does SAM consist of?

30 A. Well, the trucks have the built-in tracker that gives us notifications of our drivers' speeds, and
31 the adjuster that is able to be unplugged in the event that our mechanics need to service that

1 specific component. We receive notifications if the adjuster is unplugged. Like I said before, we
2 also have a button that drivers can use to contact me or my support team in the event of an
3 emergency, which rarely happens. If a driver calls, we keep transcripts of that call just in case
4 and we keep all of those transcripts in our records.

5 Q. Were you working on the night of June 17th, 2024?

6 A. Yes, it's impossible for me to forget that night. I distinctly remember taking the call from
7 Marisa MacLaren, our driver who unfortunately passed.

8 Q. Who is Marisa MacLaren?

9 A. Like I said, she's our driver who unfortunately passed away in an accident. She was with the
10 company since 2018, and was always reliable. She was never late on a delivery during her time
11 at the company. That's got to be over 500 trips that she hasn't been late on. I don't even think I
12 could do that.

13 Q. Why does it matter if deliveries are on time?

14 A. Our employees receive a \$1,000 bonus if they make their deliveries on time. That means
15 MacLaren has received at least \$50,000 in bonuses at the time of the accident.

16 Q. What route was she driving that night?

17 A. She was transporting Compound V, a pretty dangerous pesticide that's produced in our home
18 state of Washington. She was supposed to drive it from Washington to Clearwater, Terminus. It
19 was due to the customer on June 17th by 11:00 p.m. She was almost there, just crossing over
20 Schiedo Bridge, which is on Route 66 in Clearwater, when a drunk driver took her life.

21 Q. What time did the call come in?

22 A. I believe it was around 10:30 p.m. because I remember thinking she was definitely cutting it
23 close with her delivery time.

24 Q. What did you two discuss?

25 A. She called me in a panic. I remember that she said something about bright lights approaching
26 her as she was getting onto Schiedo Bridge, there was a car in the other lane swerving
27 uncontrollably and drifting into her lane. Then, I heard a crash. I remember thinking "This
28 cannot be good."

29 Q. I am showing you Exhibit 3, do you recognize this?

1 A. This is the transcript of my call with MacLaren from that awful night. It has our entire
2 conversation up until that idiot drove into her lane. She recounted all the details of what she saw
3 that night leading up to the crash, including the other driver, Gates' behavior while driving.
4 Q. Did she say anything else?
5 A. She said something about needing to swerve out of the way of Gates before I heard the crash.
6 It's all there in the transcript.
7 Q. Were you able to see MacLaren's speed at the time of the call?
8 A. We have the report of her speed, as well as the fact that she had unplugged our automatic
9 speed adjuster. I don't know why she did that, we tell our drivers in their training specifically not
10 to unplug the adjuster. It's there to keep the drivers and our cargo safe. She was going about 50
11 miles per hour, which was over the 40 miles per hour speed limit. But everyone goes at least 5
12 miles over the speed limit. I assume she wanted to make her delivery time of 11:00 p.m. We tell
13 our drivers that the cargo needs to be delivered on or before that delivery time. We have
14 customers waiting.
15 Q. Is there any reason that MacLaren couldn't have just stepped on the brakes?
16 A. Well, big semi-trucks like the ones our drivers operate take much longer to slow down than a
17 regular car. She might have realized that even with her brakes, she would have hit Gates. She
18 probably tried to swerve out of the way to avoid hitting Gates head on.
19 Q. Is this the first time MacLaren has been documented speeding during a trip with cargo?
20 A. Unfortunately, no. She's a great driver with a good track record of on-time deliveries, but
21 she's consistently been over the speed limit of wherever she was driving at the time. We've
22 spoken with her in the past and have reminded her of the monetary penalty we have put in place
23 for speeding, but we can't account for drunk drivers. We didn't want to lose one of our best
24 drivers just because they go a little over the speed limit.
25 Q. Is this the first time MacLaren has been documented unplugging the speed adjuster?
26 A. Again, no. We can't always penalize drivers for making little mistakes. I'm sure she had a
27 good reason to unplug that adjuster. I've spoken to her multiple times in the past and told her that
28 she can't unplug the adjuster. It's only for maintenance purposes that it's even able to be
29 unplugged.
30 Q. Okay, I am showing you Exhibit 7, do you recognize this?

1 A. Of course I do. This is our report showing MacLaren's history of speeding and tampering with
2 S.A.M. It also shows her actions on her very last drive where she had unplugged the adjuster and
3 had been speeding on June 17th.

4 Q. You said that there are penalties for speeding, as well as tampering with SAM, did MacLaren
5 receive any penalty as a result of the actions we can see on this report?

6 A. No, we did not penalize her for her actions. Like I said, she was a good driver and we want
7 good drivers in our company.

8 Q. Have you understood all of my questions?

9 A. Yes

10 Q. Do you have anything to add regarding this matter that you have not already said?

11 A. No.

12 Q. And have you given complete answers to every question without leaving anything out?

13 A. Yes.

14 Q. Thank you, no further questions.

15 A. Thank you.

16

17 Dated: 7/20/24

18 Clearwater, Terminus

× Taylor Valenti

Taylor Valenti

Deposition taken on: 7/20/24

Deposition of Andy McDonough

- 1** Q. Good Afternoon, please state your name for the record.
- 2** A. My name is Andy McDonough.
- 3** Q. How old are you?
- 4** A. I'm 40 years old.
- 5** Q. What do you do for a living?
- 6** A. I'm a police officer for the Town of Clearwater in the State of Terminus.
- 7** Q. What are some of your responsibilities as a police officer?
- 8** A. I conduct traffic stops and patrol the highways in and around Clearwater. I'm normally
- 9** stationed on Route 66 near Schiedo Bridge, which is next to the main residential neighborhood in
- 10** Clearwater called Godric's Hollow.
- 11** Q. How long have you been a police officer for the Town of Clearwater?
- 12** A. Ever since I was a kid I dreamed of being a police officer. I used to pretend to drive around in
- 13** an imaginary police car and do whatever I could to protect the town I truly loved. But to answer
- 14** your question, around 20 years.
- 15** Q. Did you receive any training in order to conduct your job?
- 16** A. Oh yeah, of course I did! I went to the Police Academy for 6 months and regularly received
- 17** on the job training. I'm trained in conducting D.W.I. investigations and emergency medical
- 18** Q. What does a D.W.I. investigation consist of?
- 19** A. I learned how to conduct the standardized field sobriety tests to determine whether someone is
- 20** fit to drive on Clearwater's roads or not. There are several different types of tests that we
- 21** conduct. There is the Horizontal Gaze Nystagmus (HGN) Testing and the Divided Attention
- 22** Testing.
- 23** Q. You just said a word, astigmatism? Or something. What is that?
- 24** A. Nystagmus. It's the involuntary jerking or bouncing of the eyes. It's caused by drinking
- 25** alcohol.
- 26** Q. What do each of these tests consist of?
- 27** A. For the HGN, we ask drivers to follow a moving object in our hand, usually a pen or a
- 28** flashlight, slowly from side to side. For the Walk-and-Turn Test, we ask drivers to take nine
- 29** steps, heel-to-toe, along a straight line, turn on one foot, and return nine steps in the opposite

1 direction. For the One-Leg Stand Test, we ask drivers to stand with one foot about six inches off
2 the ground and count from 1,001 for the next 30 seconds.

3 Q. Did you conduct any of these examinations on the night of June 17, 2024?

4 A. I did, yeah! There was a pretty bad accident on the Schiedo Bridge that night. One of the
5 drivers, Nicky Gates, reeked of booze, so I decided to conduct a field sobriety test on them,
6 specifically the HGN and I also asked them to blow into a breathalyzer.

7 Q. What does a breathalyzer do?

8 A. Well, I learned how to use one during my training. Basically, it measures how much alcohol is
9 in the air you breathe out. The device uses that measurement to estimate how much alcohol is in
10 your blood. That number is known as your B.A.C., or Blood Alcohol Content. I used an
11 electronic version that was about the size of a walkie-talkie that night.

12 Q. Where were you working the night of June 17, 2024?

13 A. I was working the overnight shift that night. I was stationed on Route 66 near the Schiedo
14 Bridge on the north side, right as the highway merges into the Town of Clearwater. The speed
15 limit on Schiedo Bridge is 40 mph versus 30 mph as you enter into Clearwater, so I'm there to
16 catch any delinquents that think they can ignore the rules of the road.

17 Q: How long did your shift last the night of June 17th?

18 A: It was from 5:00 p.m.-12:00 a.m. I hate those shifts. I miss the bulk of my night.

19 Q. What were you doing when the accident occurred?

20 A. It's pretty hard to ignore an accident if you're close enough to it. I was just sitting there, as I
21 do. I remember it was 10:30 p.m. on the dot because that's when my favorite radio station plays
22 my favorite song, Rattlin' Bog, every night. I make the request every time. I heard tires squealing
23 and loud crashes. The accident happened toward the middle of the bridge. I was far enough away
24 that I missed what led up to the accident and the accident itself. By the time I got there at 10:35
25 p.m., it was too late to observe anything but the aftermath.

26 Q. How long is the bridge?

27 A. It's a pretty massive bridge. It takes about 5 minutes to get from one side to the other when
28 you're traveling the speed limit of 40. I traveled a little slower, to be cautious, so it took me
29 around 5 minutes to get to the middle. You never know what you're walking into.

30 Q. What did the scene of the accident look like as you arrived?

1 A. Well, it was pretty gnarly. It wasn't my first time at the rodeo, if you know what I mean, but it
2 was still a sight to behold. It was too late for the truck driver, but I noticed Gates immediately.
3 They had just barely gotten out of the car and just seemed in shock. I would be too, you know? It
4 was pretty awful and there was a lot of destruction. A bright green liquid was spilling out of the
5 truck, onto the road and into the Rosenblatt River. I was surprised I was able to get to Gates at all
6 considering the state of the bridge. It looked just like the one in Connecticut, that accident that
7 happened a couple of months ago, you know the one.

8 Q. I am showing Exhibit 1b, do you recognize this?

9 A. I do. It's a photo of the damage to the bridge. It looks much worse than I remember, but it
10 seemed like it was on the verge of collapsing when I got there. The driver for HiveMind had
11 crashed right into the main support beam for the bridge. It's a suspension bridge, so when you hit
12 one of those beams it all comes down. Not to mention the green liquid that was spilling out.
13 From what I hear, it got into the Town's water supply and onto people's land. I wonder what the
14 side effects of consuming bright green liquid are.

15 Q. I'm showing you Exhibit 2, do you recognize this?

16 A. I do, yes. This is an aerial view of what the accident scene looked like, made by the accident
17 reconstruction team at the Police Department. You can see the semi-truck that MacLaren was
18 driving, as well as Gates' red Corvette and my police car. The big white things are the support
19 beams. You can see how the truck hit the support beam.

20 Q. Was there anyone else there besides Gates and the driver for HiveMind?

21 A. There was no one else there when I arrived. Apparently, there was another witness but by the
22 time I got there, they had left.

23 Q. What are the lighting conditions on the bridge?

24 A. It's pretty dark compared to Route 66, the road leading up to the bridge. There are a couple
25 streetlights throughout the bridge, but that's about it.

26 Q. I am showing Exhibit 4, do you recognize this?

27 A. Yeah, I do. This is the police report I filled out following my eventual arrest of Gates and the
28 results of the breathalyzer. In my opinion it has some pretty damning statements that Gates told
29 me after I Mirandized them. They were pretty drunk, swaying and stumbling. They failed all of
30 the field sobriety tests. I felt like a real superhero that night. Who knows what Gates would've
31 done if I hadn't swept in?!

- 1** Q. What did Gates say?
- 2** A. It happened right after the crash, so I think they were just trying to make sense of everything
- 3** at that moment. As Gates exited the vehicle, they yelled “Do you know who I am? I was just
- 4** having a good time at this dinner, c’mon, I only had a handful of martinis.”
- 5** Q. What happened after you arrested Gates?
- 6** A. I took them to the station, fingerprinted them, the whole nine yards. They were yelling at me,
- 7** saying things like “Do you know who I am?” They were very rude, in my opinion. They blew
- 8** into a breathalyzer at the station a second time, and this time their BAC went up to a 0.18.
- 9** Q. Have you understood all of my questions?
- 10** A. Yes.
- 11** Q. Do you have anything to add regarding this matter that you have not already said?
- 12** A. No.
- 13** Q. And have you given complete answers to every question without leaving anything out?
- 14** A. Yes.
- 15** Q. Thank you, no further questions.
- 16** A. Thank you.
- 17**
- 18** Dated: 7/21/24
- 19** Clearwater, Terminus

× *Andy McDonough*

Andy McDonough

Deposition taken on: 7/21/24

Deposition of Nicky Gates

- 1** Q. Good Afternoon, please state your name for the record.
- 2** A. Hello, my name is Nicky Gates.
- 3** Q. How old are you?
- 4** A. I'm 30 years old.
- 5** Q. What is your occupation?
- 6** A. I'm self-employed. My parents died a couple years ago and left me a handsome sum of
- 7** money. I used that to start my own business. I make NFTs, or non-fungible tokens. I got into the
- 8** business early and I could retire any time I wanted. I have a net worth of around \$200 million,
- 9** humble brag. I'm also a philanthropist; I donate considerable funds of money to charities and
- 10** projects that the Town of Clearwater undertakes.
- 11** Q. Where were you on June 17th, 2024?
- 12** A. I was at a charity dinner. It was a good night, until, you know, the accident.
- 13** Q. What time did you arrive at the charity dinner?
- 14** A. It was around 8:00 p.m., give or take a couple of minutes.
- 15** Q. Do you remember how many drinks you consumed that night?
- 16** A. Well, I like to treat my friends. I bought 10 drinks that night. Now, I only drank 2 of them, and
- 17** I can hold my liquor. I wasn't drunk. That accident was not my fault.
- 18** Q. I'm showing you Exhibit 9, do you recognize this?
- 19** A. I do, yes. This is the receipt from the bar at the charity dinner. As you can see, there are only 2
- 20** Pickle Martinis here. That's my drink of choice. I love a good Pickle Martini. The rest of these,
- 21** the 4 Long Island Iced Teas and the 4 Green Tea Shots, those weren't me. I don't like either of
- 22** those drinks, especially the Green Tea Shots. I don't even know what's in those. I have refined
- 23** taste, as you can see.
- 24** Q. What time did you leave the charity dinner?
- 25** A. I left at 10:25 p.m. I wanted to stay to party a bit more, schmooze, you know, but I think they
- 26** wanted us to leave. The waitstaff was ushering people out. I remember thinking that the night
- 27** was still young, I could've partied for much longer, but you know. Most of the crowd is old, like
- 28** 40 or so, they have bedtimes, whatever.
- 29** Q. What happened after you left the charity dinner?

1 A. I had a short drive home. Sure, I was a little tipsy, but I wasn't drunk. I had just gotten this
2 gorgeous Corvette and I wanted to impress the ladies, so I drove home. I couldn't have expected
3 that crazy driver was going to be driving like THEY were drunk. They were going what seemed
4 like 80 miles per hour on the Schiedo Bridge. Who does that? I didn't have any time to react
5 before who I later learned to be Marisa MacLaren swerved into part of the bridge.

6 Q. How did MacLaren look as she approached you in the other lane?

7 A. I can't really remember what she looked like. It all happened so fast.

8 Q. How were you driving as you approached the bridge?

9 A. I think I was driving perfectly fine. I could tell everything that was happening around me and
10 let me reiterate, I was NOT DRUNK. Or, at least, I didn't feel drunk. I felt like I could fly a
11 plane with how sober I felt.

12 Q. Did you observe anything else about MacLaren?

13 A. Other than the fact that she was driving like an idiot? No, not really. Like I said, she was
14 swerving all over the place. She really did NOT look like she had a good handle on that giant
15 truck. It was only a matter of time before she hit something or someone. It just happened to be
16 the giant support beam of Clearwater's main bridge. It's crazy that I'm even here. She probably
17 could've killed me. Divine intervention, or something like that.

18 Q. What happened after she swerved into the bridge?

19 A. I was stunned. I mean, you never really know how you're going to react in situations like this
20 until it happens. I remember gripping the steering wheel. I was right in the middle of it all. I
21 don't know how I survived without any injuries. I was very lucky that night. What seemed like
22 hours later, a police officer ran up and started asking me questions. I had just gotten out of my
23 car and was bombarded with questions. I'm sure he didn't know who he was talking to.

24 Q. Do you remember being asked to do Field Sobriety Tests?

25 A. Yeah, I do. I nailed them, I think. The cop then asked me to blow into a breathalyzer, and I
26 did. He told me my BAC came back as a .16. I was shocked. I told him there must have been
27 something wrong with his little machine, but he put me in handcuffs and advised me of my
28 rights. He told me I was under arrest for Reckless Homicide. I wanted to clear up that little mess
29 as soon as possible, so I explained everything that happened.

30 Q. What did you tell them?

1 A. I told them the truth! It was MacLaren that was swerving and speeding. I didn't do anything
2 wrong. Maybe I was a little more intoxicated than I thought, but I did NOT cause Marisa
3 MacLaren's death. I didn't do anything. I was driving perfectly fine.

4 Q. After you got arrested, what happened next?

5 A. Well, they clearly didn't know who I was. They were treating me like a common citizen. It
6 was ridiculous. I literally fund the Clearwater Police Department! Anyway, they took me to the
7 station and asked me to blow into a breathalyzer again.

8 Q. What time did you arrive at the station?

9 A. I believe it was around 11 p.m.

10 Q. What happened when you blew into the breathalyzer for a second time?

11 A. It was a much bigger machine this time, so I figured it would be more accurate, you know?
12 But it went up to a .18 which makes no sense. They added that to the police report I believe. I
13 saw them write it down. After that, I spent the night in jail and got arraigned. I posted bail,
14 obviously.

15 Q. Can you explain what happened during your criminal trial?

16 A. Of course. I knew that I wasn't guilty, but the evidence was against me. The prosecution tried
17 to contact the only other witness on the scene, but they didn't show up. It was my word against a
18 cop. I had to do what I had to do. I took a plea deal. I was facing way too much prison time for
19 my liking. I was offered a pretty generous deal. I pled guilty to an aggravated DWI. It was my
20 first offense, so the sentence was pretty light. I received 3 years probation, a \$1000 fine, and I
21 lost my license for a year.

22 Q. I'm showing you Exhibit 8. Do you recognize this?

23 A. Yes, I do. This is an allocution of facts from my plea deal. Like I said, I pled guilty to an
24 aggravated DWI.

25 Q. You pled guilty, but in your plea you admitted to driving under the influence. Why would you
26 change your story now?

27 A. Like I said, the evidence was against me. But now, Bobby Harris, the other witness, is back
28 from his deployment or whatever. He was driving right behind me, and saw what really
29 happened. So, I bet I can win this suit coming from those greedy guys at HiveMind. They just
30 want a piece of my self-made fortune to pay for their mistakes. It's just not my fault their driver
31 was swerving and speeding with toxic pesticides in their truck. Not my fault at all.

1 Q. Why would Bobby Harris testify on your behalf?

2 A. Well, I'm not sure. He's just a good guy I guess. I'm sure he doesn't want to see a self-made
3 millionaire like myself get knocked down by some big corporation.

4 Q. Have you understood all of my questions?

5 A. Yes.

6 Q. Do you have anything to add regarding this matter that you have not already said?

7 A. No.

8 Q. And have you given complete answers to every question without leaving anything out?

9 A. Yes.

10 Q. Thank you, no further questions.

11 A. Thank you.

12

13 Dated: 7/22/24

14 Clearwater, Terminus

x Nicky Gates

Nicky Gates

Deposition taken on: 7/22/24

Deposition of Bobby Harris

- 1** Q. Good Afternoon, please state your name for the record.
- 2** A. Hello, my name is Bobby Harris.
- 3** Q. Can you tell us how old you are Mr. Harris?
- 4** A. Sure, I am 42 years old
- 5** Q. Are you a resident of the Town of Clearwater?
- 6** A. I sure am! I've lived here for most of my life.
- 7** Q. And what is your occupation?
- 8** A. Well, I am actually a veteran of the United States Army. I was deployed overseas for a period
- 9** of about 3 months.
- 10** Q. When did you return?
- 11** A. I returned a month ago after receiving an honorable discharge.
- 12** Q. Why did you receive an honorable discharge?
- 13** A. See, my eyes have never been great. I've had some chronic eye problems my entire life and
- 14** I'm lucky I even passed my last eye exam. I was told to leave the army because of the risks
- 15** involved.
- 16** Q. When was your last eye exam?
- 17** A. I believe it was before the accident. It might've been June 1, 2024. I can't exactly remember.
- 18** All I know is that the last eye exam I had while in the army they told me my eyes were no good.
- 19** Q. What kind of problems do you have with your eyes?
- 20** A. Well unless I am wearing my glasses my eyes tend to strain to see perfectly clearly.
- 21** Thankfully, I was able to get some new glasses to use back in May.
- 22** Q. Are you familiar at all with the collapse of the Schiedo Bridge that occurred on June 17th,
- 23** 2024?
- 24** A. It's hard to have missed it, to be honest. I was actually on the bridge at the time of the crash,
- 25** driving my old truck at around 10:30 p.m. Man oh man, I love that truck. I had just begun
- 26** crossing the bridge and was behind who I now know to be Nicky Gates, one of the drivers on the
- 27** bridge that night. I think they were driving a rather sick Corvette.
- 28** Q. What was the weather like that night?
- 29** A. It was a gorgeous summer night. It wasn't too hot or too cold, and it hadn't rained all day. I
- 30** remember that because I went out on my friend's boat that day. It was a pretty clear night.

1 Q. What were the lighting conditions like on the bridge?

2 A. Oh there were a couple streetlights on the bridge, but it was pretty bright out from the moon.

3 It was a full moon that night. I'm a big astrologist so I keep up with the lunar cycle. I'm a

4 scorio.

5 Q. Were you wearing your glasses that night?

6 A. No, I wasn't. I was on a short drive. I didn't think I really needed them.

7 Q. What else did you see prior to the accident?

8 A. I noticed a giant tanker truck crossing the bridge coming in the other direction, you know one

9 of those giant rigs with a dozen wheels at least, and a giant tank on the back? It sure looked like

10 it was in quite the hurry. I didn't even know a truck that size could go that fast!

11 Q. Did you see who was driving the truck?

12 A. Oh you know my eyes have had problems for years, but I couldn't tell who it was at first

13 because I was behind the Corvette. I later learned that it was someone named Marisa MacLaren

14 after the accident happened. Regardless, she was going pretty fast and right before she crashed,

15 the truck jerked suddenly and next thing I know, the giant crash happened. I ran over to

16 MacLaren who somehow got out of the vehicle. Unfortunately, she did not make it much longer

17 after that.

18 Q. Did MacLaren say anything to you during that time?

19 A. Yes, I didn't catch every word, but I'll never forget how she immediately told me "I'm going

20 to die, this is it. It all happened so fast, I knew I should not have unplugged that cable in the

21 truck. This was all my fault..."

22 Q. Did MacLaren say anything else?

23 A. It was hard to make out anything after that. She died a few seconds later and it was then I

24 realized that I was the last person to ever speak to her. It was really traumatic to even witness

25 that, and I've seen some action while deployed. The Veterans Association is providing therapy

26 and that's helped a bit.

27 Q. Are you familiar with Nicky Gates?

28 A. Yes I am.

29 Q. How were they driving as they crossed the Scheido Bridge on the night of June 17th?

30 A. I mean, they weren't driving perfectly by any means. I remember they were swerving a little

31 bit, and at one point they did kinda drift into the other lane, but they fixed it pretty quickly. I

1 don't know if maybe the other driver, MacLaren, got nervous and tried to avoid them. It all
2 happened pretty quickly.

3 Q. How far away from MacLaren's truck was Gates' car?

4 A. At the time of the accident, I would say about 50 yards, or half a football field. Yeah, that
5 seems right.

6 Q. And you are aware of the criminal trial brought by the People of the State of Terminus against
7 Nicky Gates?

8 A. Yes, I actually received some kind of letter from the District Attorney's Office asking me to
9 speak with them about the incident, however, I was unable to give my testimony for Gates' plea
10 as I was still deployed abroad. I was unable to return even temporarily. I actually sent a letter to
11 the District Attorney's office to try and give a statement, but I never received any response.

12 Q. I am showing you Exhibit 8. Do you recognize this?

13 A. Of course I do. This is the letter I sent to the DA's Office explaining my circumstances. Like it
14 says here, I expressed my interest in speaking virtually, you know, like over Zoom? But I didn't
15 get a response. The explanation is all right here in the letter.

16 Q: Why did you choose to testify for this trial?

17 A: Well, after the plea deal, Gates reached out to me and we discussed everything that happened.
18 They were clearly still in shock from that night and I wanted to do everything I could to help
19 since I was unavailable to give my recollection of that night when it mattered the first time. They
20 seemed desperate for help, and even offered some money for me to help them out.

21 Q: Did you accept any payment from Gates to be a witness to this trial?

22 A: Heck no! My eyes might be causing problems, but I am an honest man. No way would I ever
23 accept a bribe!

24 Q. Have you understood all of my questions?

25 A. Yes.

26 Q. Do you have anything to add regarding this matter that you have not already said?

27 A. No.

28 Q. And have you given complete answers to every question without leaving anything out?

29 A. Yes.

30 Q. Thank you, no further questions.

31 A. Thank you.

- 1 Dated: 7/23/24
- 2 Clearwater, Terminus

x Bobby Harris

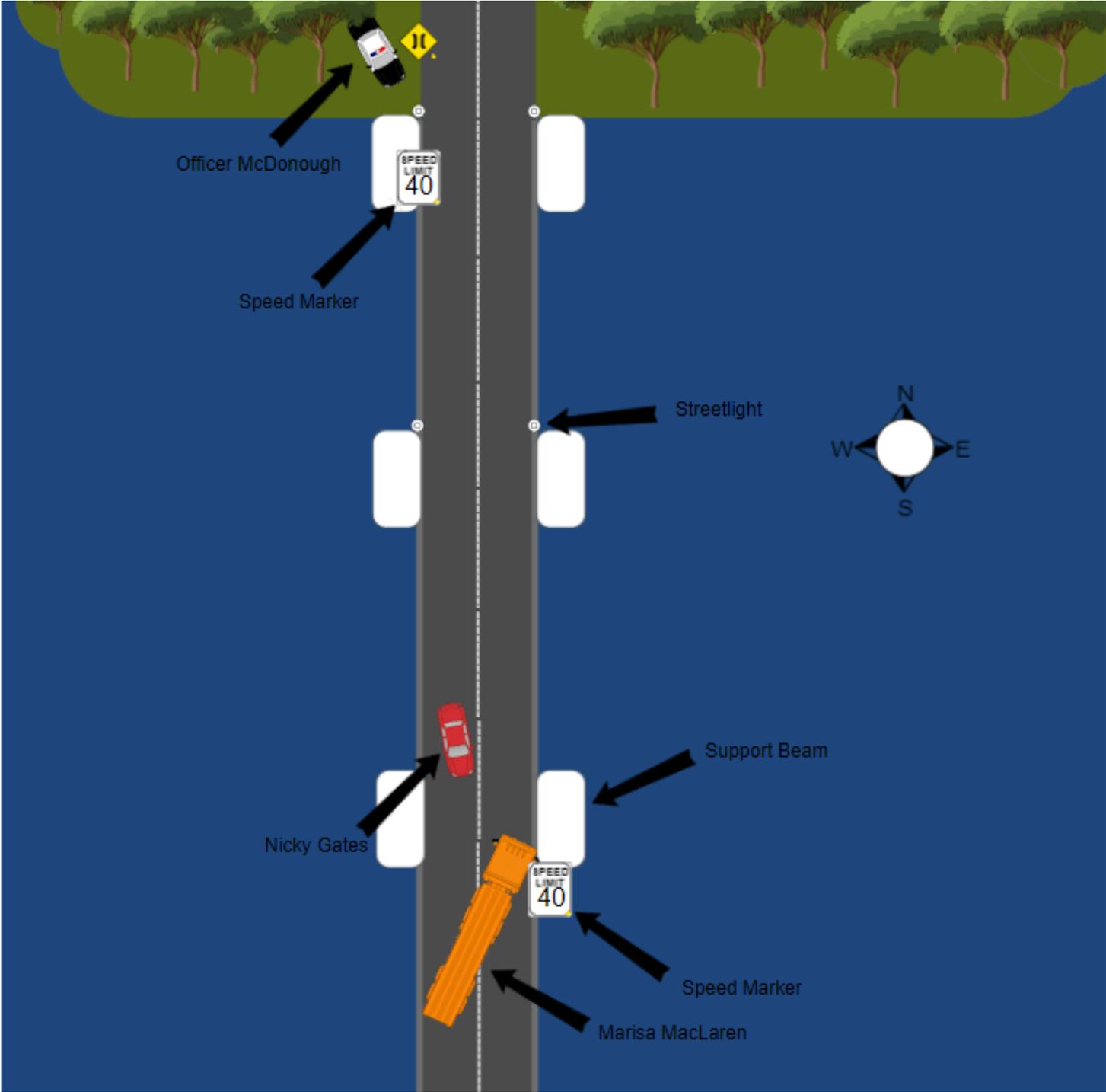
Bobby Harris

Deposition taken on: 7/23/24





EXHIBIT 2



Transcript of Call to HiveMind

1

2 10:30 p.m.

3

4 MacLaren: Hivemind HQ! Hivemind HQ! We got a dangerous situation
5 over here! Does anyone Copy?

6

7 Valenti: MacLaren, is that you? What's going on?

8

9 MacLaren: I am heading Northbound and just got onto the Schiedo
10 Bridge on the way to the Town of Terminus. I see this lunatic
11 driving a convertible and swerving with their brights on in the
12 other lane, they have to be going at least 60 mph!

13

14 Valenti: Are you almost to your delivery point? Why did you turn
15 off your speed adjuster? We can see you're going too fast. Slow
16 down and we'll call the cops for you. Just stay focused.

17

18 MacLaren: They're going into my lane, I'm about to-

TERMINUS STATE POLICE REPORT FOR THE DISTRICT OF CLEARWATER	
Incident Report Number:	062700
Date/Time of Report:	June 17, 2024, at 11:10 P.M.
Reporting Officer: Name: Badge Number:	Andy McDonough 24601
Incident Details:	Collision between a Corvette convertible driven by Nicky Gates who was seen driving erratically and appeared to be under the influence. A truck being driven in the other lane reacted to Nicky Gates' driving and crashed into a support beam on the bridge and there was extensive damage to her truck and the bridge, ultimately succumbing to her injuries. I then approached Gates' vehicle and after viewing their license and registration and noticing an intense smell of alcohol coming directly from Gates, asked them to step out of the car to conduct some field sobriety tests. They were swaying the whole time and stumbling getting out of the car. Gates was yelling from the moment I began asking them questions. They clearly didn't belong behind the wheel, so I had them do the HGN test as well as a breathalyzer test. Gates exhibited the markers for failing the HGN test and blew a .16 into the breathalyzer. I then promptly placed Gates under arrest.
Comments:	As Gates exited the vehicle, they yelled "Do you know who I am?!!" "I was just having a good time at this dinner, c'mon I only had a handful of martinis."
Date/Time of Incident:	June 17th, 2024 at 10:30 P.M.
Location of Incident: Address: City:	1776 Schiedo Bridge Lane, Route 66 Terminus
Type of Incident:	Traffic Incident/Vehicle Collision
Victim(s)	Marisa MacLaren (Deceased upon arrival)
Injuries:	Marisa MacLaren: Deceased Nicky Gates: Minor injuries, severe intoxication
Action Taken:	I arrested Gates and brought them to the station. Gates was fingerprinted and we readministered the breathalyzer test, the result was a 0.18 this time.

Officer's Signature: *Andy McDonough*

Officer Badge Number: 24601

Date: 06/17/2024

HiveMind Training Manual

Cargo Delivered Safely with the Aid of Technology



Section 2.25 - SAM Operation

When operating HiveMind's SAM, Self Automated Momentum, under no circumstances can you unplug the automatic speed adjuster. The mechanism that allows for the unplugging of the adjuster is for maintenance purposes only. HiveMind receives reports of the unplugging of the speed adjuster. If any truck driver is found to have unplugged their adjuster, they will be met with disciplinary action, including, but not limited to, a reduction in pay and/or termination.

SPEEDING

HiveMind's mission statement is "Cargo delivered safely with the aid of technology." To help carry out our mission, drivers are asked to not attempt to speed under any circumstances. HiveMind receives reports of our drivers' speeds. If any truck driver is found to have gone over the speed limit during any of their trips, they will be met with disciplinary action, including, but not limited to, a reduction in pay and/or termination.

ASSISTANCE

If, at any time during the course of a trip, drivers need immediate assistance, HiveMind's trucks have a button located on the dashboard to contact our support team. Members of our team will work diligently to assist with any problems that may arise. The transcripts of these calls will be recorded for future reference.

CARGO

HiveMind truck drivers will be transporting materials that may consist of toxic and/or hazardous materials. We ask all of our drivers to travel with the utmost care for their cargo. If any truck driver is found to have been driving carelessly through reports of other drivers on the road calling our company, they will be met with disciplinary action, including, but not limited to, a reduction in pay and/or termination.

HiveMind Transportation**Employee Analytics**

Marisa MacLaren

Hire Date 05/31/23**Job Title:** Delivery Truck Driver**Status:** N/A**Documented Speeding**

- 11/19/23 - 70 mph in a 55 mph zone at 19:22 hours
- 2/14/24 - 60 mph in a 55 mph zone at 18:01 hours
- 4/03/24 - 70 mph in a 65 mph zone at 13:10 hours
- 6/17/24 - 50 mph in a 40 mph zone at 22:30 hours

Documented Adjuster Tampering

- 11/19/23 - Adjuster Unplugged at 19:00 hours
- 2/14/24 - Adjuster Unplugged at 18:00 hours
- 4/03/24 - Adjuster Unplugged at 13:00 hours
- 6/17/24 - Adjuster Unplugged at 22:00 hours

Disciplinary History

11/20/23 - Spoken to about tampering with adjuster and speeding.
Reminded of monetary penalty if behavior continues.

4/03/24 - Spoken to again about tampering with adjuster and speeding.
Told that if behavior continues, pay will be reduced.

EXHIBIT 7

July 4, 2024

*Clearwater District Attorney's Office
100 South Rutland St.
Clearwater, Terminus 10000*



To Whom It May Concern:

I have received your letter about coming in to speak about the accident on June 17, 2024. Unfortunately, I am deployed at this time and will not be returning until September 1, 2024. Please reach out to my commanding officer, Sergeant Weiss for verification of my deployment. If needed, I can speak via video conference. I apologize for the inconvenience.

*Best,
Bobby Harris*

FOR THE DISTRICT OF CLEARWATER

----- X

:

PEOPLE OF THE DISTRICT OF CLEARWATER

CR-23-722

-against-

:

NICKY GATES

Clearwater COURTHOUSE
124 Conch St.,
Clearwater, Terminus

Defendant.

:

June 30, 2024
9:30 a.m.

----- X

Before:

Honorable William Maniatis

APPEARANCES:

For the People of the State of Terminus
Kathleen DeWitt, Esq.
Assistant District Attorney

Schmidt & Associates LLP.
Allison Schmidt, Esq.
for the Defendant

Reported by:

Carissa Danesi
Senior Court Reporter

- 1 MS. DEWITT: Mx. Gates, I'm going to direct
- 2 your attention to the date of June 17, 2024,
- 3 10:30 p.m., at the location of Route 66, Town of Clearwater,
- 4 District of Clearwater, State of Terminus. Do you recall that
- 5 date, time and location?
- 6 THE DEFENDANT: Yes.
- 7 MS. DEWITT: At that date, time and location, did you operate a
- 8 2024 red Corvette?
- 9 THE DEFENDANT: Yes.

1 MS. DEWITT: Prior to operating that motor vehicle had you
2 consumed alcoholic beverages?
3 THE DEFENDANT: Yes.
4 MS. DEWITT: What alcoholic beverages and how much?
5 THE DEFENDANT: It was ten mixed drinks.
6 MS. DEWITT: Containing alcohol?
7 THE DEFENDANT: Yes.
8 MS. DEWITT: Did the consumption of those alcoholic beverages
9 cause you to become intoxicated?
10 THE DEFENDANT: Yes.
11 MS. DEWITT: Were you, in fact, intoxicated when you operated
12 that motor vehicle?
13 THE DEFENDANT: Yes.
14 MS. DEWITT: Were you thereafter involved in a motor vehicle
15 crash?
16 THE DEFENDANT: Yes.
17 MS. DEWITT: Were you thereafter placed under arrest for the
18 offense of reckless homicide?
19 THE DEFENDANT: Yes.
20 MS. DEWITT: Were you taken to the police precinct after being
21 placed under arrest?
22 THE DEFENDANT: Yes.
23 MS. DEWITT: While at the police precinct, did you consent to a
24 chemical breath test?
25 THE DEFENDANT: Yes.
26 MS. DEWITT: Counsel, do you stipulate that the results of that
27 test were .18 blood alcohol content?
28 MS. SCHMIDT: Yes.
29 THE COURT: The blood alcohol limit in Terminus is .08. You
30 realize that you have the right to dispute this test at trial
31 and you are specifically waiving that right.
32 THE DEFENDANT: Yes.
33 THE COURT: And you are doing that because you acknowledge those
34 test results are correct.
35 THE DEFENDANT: Yes.
36 MS. DEWITT: I'm holding in my hand a one-page document labeled
37 as Waiver of Right to Appeal. Have you had an opportunity to
38 review this document with your attorney?
39 THE DEFENDANT: Yes.
40 MS. DEWITT: Do you understand the terms contained in this
41 document?

1 THE DEFENDANT: Yes.

2 MS. DEWITT: Do you understand that by signing this document
3 you're waiving your right to appeal your misdemeanor conviction
4 here today?

5 THE DEFENDANT: Yes.

6 MS. DEWITT: Did you knowingly, intelligently and voluntarily
7 sign this?

8 THE DEFENDANT: Yes.

9 MS. DEWITT: People satisfied.

10 THE COURT: Have you had the opportunity to go over the Waiver of
11 Right to Appeal with your attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: You signed it knowingly, intelligently and
14 voluntarily in open court this morning?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand the consequence of this waiver?
17 With this waiver of your right to appeal, the rights you're
18 giving up are separate and apart and distinct from the
19 constitutional rights that you forfeited a few moments ago. Do
20 you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand by entering this plea of guilty and
23 signing the Waiver of Right to Appeal you're giving up any
24 and all rights you have to appeal this conviction as well as the
25 sentence imposed? Do you understand that?

26 THE DEFENDANT: Yes.

27 THE COURT: In other words, after today it is final. You cannot
28 bring this to a higher or to an appellate court. Do you
29 understand that?

30 THE DEFENDANT: Yes.

31 THE COURT: Based on the foregoing, as to indictment 001 of 2024,
32 Count One, aggravated driving while intoxicated as a
33 misdemeanor, how do you plead, guilty or not guilty?

34 THE DEFENDANT: Guilty.

**Lobster's Bar
810 Water Place
Clearwater, Terminus**

06/17/2024 10:20 PM

TAB 2 HOST ENZO

AMEX #####20000

QTY	DESC	AMT
1	Long Island Iced Tea	\$10.00
1	Long Island Iced Tea	\$10.00
2	Green Tea Shot	\$15.00
1	Long Island Iced Tea	\$10.00
1	Pickle Martini	\$12.00
1	Pickle Martini	\$12.00
1	Long Island Iced Tea	\$10.00
2	Green Tea Shot	\$15.00

AMT \$101.52

SUBTOTAL \$94.00

TAX \$7.52

BALANCE \$101.52

JURY INSTRUCTIONS

1. It is your duty to determine the facts from the evidence and apply the law to those facts.
2. Evidence consists of witness testimony and exhibits the Court received. Opening statements and closing arguments are not evidence. You should consider all evidence in light of common sense and your own experience in life.
3. Plaintiff's claim is for contribution. Contribution asserts the party is entitled to contribution from the defendant for any money damages awarded to the Town of Clearwater.
4. Plaintiff claims that negligent acts or omissions by Defendant were a substantial factor in causing the accident that damaged the Town of Clearwater. The Plaintiff has the burden of proof on their claim of negligence. That is, the Plaintiff must prove the Defendant was negligent by a preponderance of the evidence.
5. "Negligence" is the failure to exercise ordinary care under the circumstances. Negligence is a "cause" of a harm if it is a substantial factor in bringing it about. A harm may have more than one cause.
6. Ordinary care" means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.
7. The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.
8. "Proximate cause" means a cause, unbroken by any new and independent cause, that was a substantial factor in bringing about an injury, and without which cause such injury would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the injury, or some similar injury, might reasonably result therefrom. There may be more than one proximate cause of an injury.
9. Defendant has raised affirmative defenses, alleging that the accident was caused by negligence of Plaintiff.
10. Failure to comply with laws or regulations is a factor you may consider when deciding if a person or company has exercised ordinary care.
11. Intoxication is a factor you may consider when deciding if a person has exercised

ordinary care.

12. An employer is liable for the actions of its employees done in the scope of their employment.

CREDIBILITY OF WITNESSES

When I say you must consider all the evidence, I don't mean that you must accept all the evidence as true or accurate. You should decide whether you believe what each witness had to say, and how important that testimony was. In making that decision you may believe or disbelieve any witness, in whole or in part. To decide whether you believe any witness, I suggest that you ask yourself a few questions:

- Did the witness impress you as one who was telling you the truth?
- Did the witness have any particular reason not to tell the truth?
- Did the witness have a personal interest in the outcome of this case?
- Did the witness's testimony differ from other testimony or other evidence?

HIVEMIND TRANSPORTATION,)
)
 PLAINTIFF,)
)
 V.)
)
 NICKY GATES, IN THEIR INDIVIDUAL)
 CAPACITY)
)
 DEFENDANT.)
)

Civil Action No. HOF-CV-001-24

VERDICT FORM

1. Did Plaintiff prove that Defendant’s negligence was a substantial factor in causing the accident?
 YES
 NO

If NO, stop here. If YES, proceed to Question #2.

2. Did Defendant prove that Plaintiff’s negligence was a substantial factor in causing the accident?
 YES
 NO

If NO, stop here. If YES, proceed to Question #3.

3. For all parties or individuals whose negligence caused damages, divide liability among them by assigning percentages below. Percentages must sum to 100%.
 Defendant Nicky Gates
 Plaintiff HiveMind Transportation

FOREPERSON

DATE