



Two Friends and a Fender Bender

GENERAL FACTS:

River and Aspen, childhood friends with a shared love for the outdoors, made a pact at the start of the year to embark on a hiking expedition every weekend for six months. As part of this endeavor, they planned a day trip to explore a scenic trail in Sedona, a couple of hours away from their city. Given Aspen's unease with highway driving following a car accident last year, River, who typically chauffeurs them on their outdoor excursions, volunteered to drive for the journey. Grateful for the offer and excited for the adventure ahead, Aspen readily accepted, looking forward to their hiking escapade amidst the stunning landscapes of Sedona.

As they were driving to the hiking trail, River became distracted in a conversation with Aspen about their plans for the day. Aspen reminded River to mind their surroundings which River playfully acknowledged. Sometime later, River heard their favorite song and began singing the lyrics while pretending to be in a music video. During this performance, however, River accidentally missed a stop sign at an intersection, causing them to brake suddenly to avoid colliding with another vehicle. Aspen, who was seated in the passenger seat, saw an approaching car and instinctively reached out to grab the steering wheel, thinking they could help River avoid the collision. However, this sudden movement startled River, causing them to overcorrect their steering and veer slightly off the road, where the car ended up in a ditch. The car that approached the intersection continued to drive, not realizing what had happened.

The impact was minor, but it left a dent on the front bumper, cracked one of the headlights, and left scratches on the rim of River's car. Both Aspen and River were shaken by the incident and immediately reversed out of the ditch to assess the damage. As they inspected the car, they realized that both of their actions contributed to the accident – River's failure to stop at the sign and Aspen's sudden attempt to intervene. Now faced with a dilemma, River and Aspen find themselves in disagreement over who should take responsibility for the damage to the car.

River argues that Aspen's sudden movement caused them to lose control of the vehicle, while Aspen insists that River's failure to stop at the sign initiated the chain of events leading to the accident. Despite their friendship, tensions rise as neither Aspen nor River is willing to accept full responsibility for the incident. With conflicting perspectives on the events leading up to the collision, they realize that they need help resolving the dispute and restoring their damaged trust in each other.

The Issue:

The issue now is determining who will pay for the damage to River's 2020 Toyota Tacoma. The total damage was quoted around \$4,320. River's warranty on the truck just expired a few weeks ago and reporting the accident to their insurance would likely cause their rates to go up. Since no one else's car was involved in the accident the insurance would likely blame River and increase their rates. Both parties are uncertain about who should bear responsibility for the accident, leading to a dispute that requires mediation. This mediation is private and neither want to take it to court. Nevertheless, they each found separate, non-profit organizations with counsel that agreed to present with them at this mediation to represent their interests.

Mediation Interests:

(Plaintiff) River's interest lies in establishing that Aspen's sudden intervention, grabbing the wheel, contributed significantly to the accident. River seeks acknowledgment of Aspen's role in the collision to alleviate any potential financial responsibility for car repairs.

(Defendant) Aspen's interest is to demonstrate that River's failure to stop at the stop sign was the primary cause of the accident. They want to avoid taking financial responsibility for the damage to River's car and instead place the blame on River. Additionally, Aspen may be concerned about the potential repercussions on their friendship and may seek a resolution that maintains their trust and mutual respect with River. Aspen hopes to absolve themselves of any liability and shift the burden onto River for the damages incurred.