



Two Friends and a Fender Bender

DEFENDANT’S CONFIDENTIAL FACTS: Aspen

Aspen genuinely believes that River's failure to stop at the stop sign was the primary cause of the accident. They are confident that if River had adhered to traffic regulations, the collision could have been avoided entirely. If this were taken to Court, Aspen’s counsel feels confident that River would be responsible, however, there is also a chance that a Judge would find Aspen responsible for interfering with the driver’s control of the vehicle. Furthermore, taking this dispute to court would likely be costly for Aspen since they would have to defend their side.

Aspen feels guilty for attempting to grab the steering wheel during the incident. Despite their intention to prevent a collision, they understand that their sudden movement startled River and may have contributed to the car veering off the road. Aspen just started a new job at a large tech firm. Their new role has allowed them to become more financially stable and thus can afford to contribute to the car repairs without significant strain. Aspen would have no issues paying for all the damages the truck sustained, however, Aspen doesn’t believe this is fair. Their counsel should not mention this point unless it helps come to a resolution. If Aspen pays for all the damages, then River should be willing to sign a release of all claims to Aspen so that it protects them from any possibility of future litigation on this matter.

It is unknown whether River needs to pay the \$4,320 upfront to get the truck fixed. Aspen also does not know whether River has the capability to pay any of that cost and if so, could pay River in monthly installments. However, Aspen is hesitant to volunteer payment, believing that River's actions were the main catalyst for the accident. Aspen values their friendship with River and is concerned about the potential strain the dispute over responsibility for the accident may place on their relationship. They are willing to consider compromises to maintain the harmony of their friendship, even if it means accepting partial responsibility for the damages. Aspen could make monthly payments or pay any upfront costs, but it must be fair, especially since they believe River is responsible for the accident. These fall under the condition that River signs a Release of All Claims and that they continue to drive Aspen and them to their weekly hiking spots. Additionally, Aspen should be prepared to bring creative solutions and openness to the mediation as the other side offers their creative solutions.