



## Two Friends and a Fender Bender

### PLAINTIFF'S CONFIDENTIAL FACTS: River

River secretly knows that their distraction while driving, specifically singing, and pretending to be in a music video, contributed to missing the stop sign. They recognize that their behavior was irresponsible and could have been avoided. River is aware that Aspen's attempt to grab the steering wheel was a reflexive reaction to the imminent collision. If this went to court, River's counsel is confident that Aspen would be held responsible for some portions of the cost, however, proving this fact may not be worth the cost. It would also be uncertain whether Aspen would be required to pay very much. However, River believes Aspen's sudden movement exacerbated the situation, causing them to overcorrect and veer off the road. River's recent financial situation is strained due to unexpected expenses, including the expiration of the warranty on their truck. Paying for the car repairs would significantly impact their budget and cause further financial strain. River has a family member's wedding coming up in the next few weeks they need to leave the State for. Repairing the damage would hurt their chances of attending since they need to pay for a flight, rent a suit, rent a car, etc. Additionally, River recently left a job and does not have any active income. They were recently hired for a new job but that does not start for another 3 weeks. This situation would put a financial strain on River if they had to pay for it on their own.

Further, River fears that reporting the accident to their insurance and accepting fault could lead to increased insurance rates, which they cannot afford now. They are motivated to avoid any actions that could result in higher insurance premiums. Bringing this issue to court would likely require insurance to be involved. Furthermore, River does not want to take their friend to court because the friendship matters more than the truck itself. River's counsel should recommend that Aspen pay for at least half of the costs, and more, if possible. It can be paid in one lump sum or in monthly installments. Aspen does not know this, but to get the repairs started on the vehicle, River needs to pay an upfront cost of \$1,250. River can only pay for \$400 of the initial \$1,250. Accordingly, River should be prepared to bring creative solutions and openness to the mediation as the other side offers their creative solutions.