

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT,
IN AND FOR FOSTER COUNTY, SUWANNEE

DYLAN ROBB,

PLAINTIFF,

vs.

CASE NO. 11-CA- 444

OZZIE MANDIAS COLLEGE OF LAW,

DEFENDANT.

COMPLAINT

Plaintiff, Dylan Robb, sues Defendant, Ozzie Mandias College of Law, and alleges:

1. This is an action for damages that exceed Fifteen Thousand Dollars (\$15,000), exclusive of interest, costs and attorneys' fees.
2. At the time of the incident hereinafter described and the time of Plaintiff's injuries, Plaintiff was a resident of Foster County, state of Suwannee.
3. Defendant, Ozzie Mandias College of Law, is a private for profit corporation, licensed to do business and doing business in the State of Suwannee. Defendant's main place of business is located at 123 Shylock Lane, White Waters, Suwannee.
4. At all times relevant, Defendant Ozzie Mandias was in ownership and control of the property commonly/formerly known as the Round Capitol Inn located at 456 Main Street, White Waters, Suwannee.
5. At all times relevant, Casey Jones was a student enrolled at Ozzie Mandias College of Law.
6. Defendant was aware as early as September, 2010 that Casey Jones, was in possession of firearms while on Defendant's campus, including the property known as the Round Capitol

Inn, yet took no action to exclude Casey Jones from its properties where he would have contact with other students and invitees.

7. On or around January, 2011, Defendant became aware that Casey Jones had recently been released from a hospital/mental health facility where he had been involuntarily committed for alcohol abuse and threatening to harm himself or others. Despite that knowledge, and the knowledge that Casey Jones was in possession of firearms on Defendant's properties, Defendant allowed Casey Jones to continue as a student at Ozzie Mandias, and participate in all student activities, including activities involving its students and invitees that took place on Defendant's property at the Round Capitol Inn on June 7, 2011.
8. On or before May 31, 2011, Defendant became aware that Casey Jones had made threats to harm the Plaintiff. Despite that knowledge, and the knowledge that Casey Jones was in possession of firearms on Defendant's properties, Defendant took no affirmative action to warn Plaintiff of the potential danger to his/her person or to prevent Casey Jones from having contact with Plaintiff.
9. Defendant hosted a social event at the Round Capitol Inn on June 7, 2011, for one of its student organizations, the Ozzie Mandias Mock Trial Team.
10. On June 7, 2011, Casey Jones was a student at Ozzie Mandias College of Law, and a member of the Ozzie Mandias College of Law Mock Trial Team.
11. Casey Jones, with the knowledge and invitation of Defendant, attended the June 7th Ozzie Mandias Mock Trial Team social event.
12. Plaintiff was Defendant's invitee, and attended the Ozzie Mandias social event June 7, 2011, on Defendant's property at the Round Holiday Inn.

13. Defendant, knowing that Casey Jones had a diagnosed mental condition, substance abuse/addiction issues, and access to firearms, allowed its agents to serve, or let Casey Jones have access to, excessive amounts of alcoholic beverages, causing Casey Jones to become intoxicated on June 7, 2011 while at the Round Capitol Inn.

14. On or around midnight, June 7, 2011, Casey Jones, while under the supervision of Defendant and while on Defendant's property, took a Glock pistol from his vehicle located in the parking lot of the Round Capitol Inn, and shot Plaintiff, causing Plaintiff severe and permanent injury.

15. Defendant had a duty to protect the safety of all invitees to its properties, including Plaintiff.

16. Defendant breached this duty owed to Plaintiff by:

A. allowing Casey Jones, a student with a serious diagnosed mental condition and known to carry firearms on school property, to participate in school activities sponsored by Defendant on school property, exposing Plaintiff and other invitees to harm;

B. failing to prevent Casey Jones from having in his possession the firearm used to seriously injure Plaintiff at the Round Capitol Inn on June 7, 2011.

C. failing to prevent the gathering of invitees, including Plaintiff, on June 7, 2011, when Defendant knew or should have known that Casey Jones would be present and have firearms in his possession at the Round Capitol Inn;

D. failing to properly supervise the social gathering on the evening of June 7, 2011;

E. serving, or allowing Casey Jones access to, excessive amounts of alcoholic beverages such that he became intoxicated, and as a result, shot and seriously injured Plaintiff;

- F. failing to warn Plaintiff that Casey Jones had in his possession a loaded firearm which could and would be fired, ultimately causing serious, permanent injury to Plaintiff.
17. Plaintiff's injuries as a result of Defendant's negligence were reasonably foreseeable.
18. As a direct and proximate result of Defendant's negligence, Plaintiff was shot, resulting in serious, permanent injury to Plaintiff.
19. As a direct and proximate result of Defendant's negligence, Plaintiff incurred medical expenses, and has suffered great mental pain and suffering from the date of his injury, and will continue to do so into the future and for the duration of his natural life.

WHEREFORE, Plaintiff demand judgment for damages, including punitive damages, against Defendant.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for all issues so triable.

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ANSWER, DEMAND FOR JURY TRIAL AND AFFIRMATIVE DEFENSES

COMES NOW Defendant, by and through its undersigned counsel, and hereby answers and otherwise responds to Plaintiff's Complaint as follows:

1. Admitted for jurisdictional purposes only, otherwise denied.
2. Admitted.
3. Admitted.
4. Admitted
5. Admitted.
6. Admitted that Defendant took no action to exclude Casey Jones from Defendant's properties. The remainder of paragraph six is denied.
7. Admitted that Casey Jones was a student at Ozzie Mandias during that time period and allowed to participate in all student activities. The remainder of paragraph seven is denied.
8. Denied.
9. Admitted.

10. Admitted.
11. Admitted.
12. Without knowledge.
13. Denied.
14. Denied.
15. Admitted that Plaintiff has some duties to protect invitees to its property. Without knowledge as to the remainder of paragraph 15.
16. Paragraph 16, and A through F, is denied.
17. Denied.
18. Denied.
19. Without knowledge as to Plaintiff's mental or physical injuries; the remainder of paragraph 17 is denied.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

To the extent that there was any negligence, all or part of that negligence was by Plaintiff for failure to exercise reasonable care for his/her own safety, and therefore any recovery by Plaintiff should be either barred or reduced under the doctrines of comparative fault and contributory negligence.

Specifically:

- Plaintiff, an adult, voluntarily participated in the circumstances of the subject events;
- Plaintiff, an adult, voluntarily participated in the subject events while too intoxicated for safe participation;
- Plaintiff, an adult, was voluntarily on Defendant's property with a person holding, using and/or misusing a firearm;

- Plaintiff, an adult, failed to remove himself/herself from the vicinity of the person holding, using and/or misusing a firearm;

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claim is barred by §768.36 Suwannee Statutes, which prohibits recovery where the claimant was under the influence of alcohol or drugs to the extent that his/her normal faculties were impaired or his/her blood or breath alcohol level was 0.08% or higher and as a result of his/her impairment was more than 50% at fault.

THIRD AFFIRMATIVE DEFENSE

The alleged damages and/or injuries, if any, were caused by unforeseeable, superseding and/or intervening causes over which Defendant had no control, and for which it is not legally responsible or liable.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff was responsible for, and had it within his/her power, to take adequate and appropriate measures to protect his/her own safety.

FIFTH AFFIRMATIVE DEFENSE

The condition described in the Complaint was open and obvious.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff had prior actual or constructive knowledge of the condition described in the Complaint.

SEVENTH AFFIRMATIVE DEFENSE

Defendant did not cause or create the condition described in the Complaint, it had no actual or constructive knowledge of any dangerous or unsafe condition, nor did it have sufficient control over any aspect of the subject event, the location, and/or participants during the relevant time.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff is estopped from recovery because as an adult, he/she voluntarily participated in the subject events.

NINTH AFFIRMATIVE DEFENSE

Plaintiff was not an invitee as to Defendant at the time of the subject event.

TENTH AFFIRMATIVE DEFENSE

If the condition described in the Complaint existed, parties other than Defendant and/or nonparties were negligent and unreasonable, and any liability should be correspondingly apportioned. Such nonparties identified include Casey Jones.

DEMAND FOR JURY TRIAL

Defendant demands a trial by jury for all issues so triable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 2011, a true and correct copy of the foregoing was served by U.S. Mail to Conti Rehm, of Danahy, Deloach, Milsap and Ravis, LLP. 444 Spring Street, White Waters, Suwannee, 32301.

Tor Barnes
Suwannee Bar No. 235006
tb@ blforthedefense
Barnes and Lewis LLP
Attorneys for Defendant
555 Spring Street
White Waters, Suwannee 32301
(850) 336-4595 (phone)
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Blood Alcohol Level

BAL .02 %-.03 %: You feel mildly relaxed and maybe a little lightheaded. Your inhibitions are slightly loosened, and whatever mood you were in before you started drinking may be mildly intensified.

BAL .05 %-.06 %: You feel warm and relaxed. If you're the shy type when you're sober, you lose your feelings of shyness. Your behavior may become exaggerated, making you talk louder or faster or act bolder than usual. Emotions are intensified, so your good moods are better and your bad moods are worse. You may also feel a mild sense of euphoria.

BAL .08 %-.09 %: You believe you're functioning better than you actually are. At this level, you may start to slur your speech. Your sense of balance is probably off, and your motor skills are starting to become impaired. Your ability to see and hear clearly is diminished. Your judgment is being affected, so it's difficult for you to decide whether or not to continue drinking. Your ability to evaluate sexual situations is impaired.

BAL .10 %-.12 %: At this level, you feel euphoric, but you lack coordination and balance. Your motor skills are markedly impaired, as are your judgment and memory. You probably don't remember how many drinks you've had. Your emotions are exaggerated, and some people become loud, aggressive, or belligerent.

BAL .14 %-.17 %: Your euphoric feelings may give way to unpleasant feelings. You have difficulty talking, walking, or even standing. Your judgment and perception are severely impaired. You may become more aggressive, and there is an increased risk of accidentally injuring yourself or others. This is the point when you may experience a blackout.

BAL .20 %: You feel confused, dazed, or otherwise disoriented. You need help to stand up or walk. If you hurt yourself at this point, you probably won't realize it because you won't feel pain. If you are aware You've injured yourself, chances are you won't do anything about it. At this point you may experience nausea and/or start vomiting (keep in mind that for some people, a lower blood alcohol level than .20 % may cause vomiting). Your gag reflex is impaired, so you could choke if you do throw up. Since blackouts are likely at this level, you may not remember any of this.

BAL .25 %: All mental, physical, and sensory functions are severely impaired. You're emotionally numb. There's an increased risk of asphyxiation from choking on vomit and of seriously injuring yourself by falling or other accidents.

BAL .30 %: You're in a stupor. You have little comprehension of where you are. You may suddenly pass out at this point and be difficult to awaken. (Passing out can also occur at lower BAL's. But, at lower blood alcohol levels, you may decide You've had enough to drink and go "pass out." With an alarming BAL like .30%, your body will be deciding to pass out for you.)

BAL .35 %: This blood alcohol level also happens to be the level of surgical anesthesia. You may stop breathing at this point.

BAL .40 % You are probably in a coma. The nerve centers controlling your heartbeat and respiration are slowing down, s-l-o-w-i-n-g d-o-w-n, s-l-o-w-i-n-g d-o-w-n. It's a miracle if you're not dead.

.40 % BAL coma

.30 %BAL in a drunken stupor

.25 % BAL emotionally and physically numb

.20 %BAL vomiting

.15 % BAL possible blackout (memory loss)

.10 % BAL lack of coordination and balance (legally drunk)

.05 % BAL warm and relaxed

.02 % BAL little lightheaded

MOCK TRIAL STIPULATIONS

This trial is bifurcated and will be tried on liability only.

The Federal Rules of Civil Procedure and the Federal Rules of Evidence apply.

Suwannee is a mythical state. The only statutes you may use are the ones provided in the packet.

Unlike Florida, and many other states, Suwannee does not have a Dram Shop Act or case law concerning social host liability.

You may use any case law you feel may be applicable to the facts of this case.

Dean Ozzie Mandias had a stroke shortly after Plaintiff's counsel took the depositions of Dean Harrington and Jordan Rivers. Dean Mandias is comatose, and unavailable to testify.

The exhibits in the packet are authentic, and may be placed into evidence by any witness with knowledge upon proper foundation.

The parties have stipulated that the crime scene photos depict the bullets fired from Casey Jones' 30 caliber Glock handgun on June 7, 2011. The parties have further stipulated that a 30 caliber casing was found in the room where the party was held, and this casing came from a 30 caliber Glock handgun. The parties have further stipulated that the exhibits showing the indentation in ceiling tile and supporting braces were where a bullet grazed the ceiling.

Judge Corleone's order dismissing the criminal prosecution against Dylan Robb is a stamped, certified copy obtained from the Suwannee Clerk of Court's office, and upon proper foundation, may be placed into evidence if admissible.

The parties stipulated at pretrial that the Foster County medical records/toxicology reports for Dylan Robb and Casey Jones are admissible.

The parties stipulated at pretrial that that if called to the stand, each party's expert on the effects of alcohol consumption on human behavior would testify consistent with Exhibit _____, and this exhibit may be entered by either party without laying a foundation.

The Baker or Marchman Act Records for Casey Jones are not public record. As of the date of the trial, Plaintiff has been unsuccessful in obtaining those records through court order or discovery. However, both parties agree that Casey Jones was involuntarily hospitalized very early January, 2011 for alcohol abuse, and for being a danger to himself or others, and was released in time to attend the third week of classes for the spring semester, 2011 at Ozzie Mandias College of Law.

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CASE NO. 11-CA- 444

DEPOSITION OF:

REESE CONNORS

TAKEN AT THE INSTANCE:

The Defendant, Ozzie Mandias

DATE:

April 12, 2012

TIME:

Commenced at 10:00 a.m.
Concluded at 12:00 p.m.

LOCATION:

301 South Main Street
White Springs, Suwannee

REPORTED BY:

Veronica Hernandez
Court Reporter, Notary Public

100% CORRECT STENOTYPE REPORTERS, INC.
301 SOUTH MAIN STREET
WHITE SPRINGS, SUWANNEE 32301

STIPULATIONS

The following deposition of Reese Connors was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing were not waived.

* * *

Thereupon,

REESE CONNORS

was called as a witness, having been first been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BARNES:

Q. Hello, Mr./Ms. Connors. My name is Tor Barnes, and I'm going to be taking your deposition today. Have you ever had your deposition taken before?

A. Yes. I was deposed in the criminal case against Professor Robb.

Q. So, you know the process. I get to ask you questions about things relevant to this negligence case, or things that might lead to relevant evidence, a pretty broad area. Would you agree with that statement?

A. Yes.

Q. And you're under oath today, just as you were in the criminal case. You'll be under oath if we go to trial on this case. If you say anything inconsistent today with your previous testimony, or inconsistent with your testimony in the civil trial, I could use the statements for impeachment purposes. Do you understand that?

A. Yes.

Q. I'm not going to try to purposefully trip you up. I realize this has been an ordeal for you. So if I ask you a question you don't understand, will you let me know so I can clear it up before you answer?

A. Of course.

Q. Where do you live at present?

A. I live in Hogtown.

Q. What is the address?

A. 1234 Alligator Alley.

Q. Who resides with you at that residence?

A. Dylan Robb.

Q. What reasons do you have for living in Hogtown?

A. Dylan needs a lot of medical care, and Shands Hospital is located there. They have some of the best medical care available in the United States for people with his type of internal injuries.

Q. Maybe you didn't completely understand my question. Why do you live in Hogtown with Dylan Robb?

A. I couldn't find a job after I graduated from law school. Dylan knew I needed work, and he offered a research assistant position to me.

Q. What kind of research are you performing for Mr. Robb?

MS. REHM: Objection, what's the relevance of this?

BY MR. BARNES:

Q. Your objection is noted, Ms. Rehm. You need to answer the question Mr./Ms. Connor.

A. Professor Robb is writing a book on gun violence, right to carry and stand your ground laws, and using his own experience and situation to illustrate his book. I have researched gun violence, right to carry and stand your ground law for months. My research has already resulted in several articles being published under my name in prominent law reviews and journals. My most recent is published in the Yale Law Journal, and is titled "If Not Now, When? The Argument for Gun Control". I consider myself somewhat of an expert on the subject.

Q. Isn't it true that violent crime rates have gone down, rather than up, in Suwannee since concealed carry and stand your ground laws were passed?

A. Actually, studies show that states with higher rates of gun ownership and weak gun laws have higher rates of gun violence. * That is true for Suwannee.

Q. Haven't you and Dylan Robb been contacted by the National Enquirer for exclusive rights to Mr. Robb's story?

A. Yes, among others. Several publishers have expressed interest. I will be involved in drafting any contracts for publication.

Q. Have any monetary figures been mentioned by any of these people?

A. Nothing firm.

Q. What range are we talking?

A. The highest figure thus far is \$500,000. But you have to realize, Professor Robb's medical bills to date equal or exceed that figure. Nobody is going to profit other than the doctors and the lawyers.

Q. Aren't you and Professor Robb lawyers?

A. Aren't you?

Q. I get to ask the questions.

A. Yes, Professor Robb and I are both members of the Suwannee State Bar.

Q. Do you have any other type of relationship with Professor Robb?

A. What do you mean?

Q. Anything other than research or professional.

A. No. I have known Professor Robb from being involved in the White Springs PETA chapter—that was before law school. I was a student in Professor Robb's Animal Rights Law clinic. I was his/her paid research assistant for one semester. If you are implying we had or have a romantic or sexual relationship, the answer to that is no. I do consider Professor Robb to be a friend. We live together simply because it is economically expedient right now. We have a lot of mutual interests.

Q. Such as?

A. Both of us have been involved for a long time with the PETA and animal rights law movements.

Q. Do you have any arrest record?

A. Yes, I was convicted of grand theft the year before I started law school. That would have been 2008. I freed—rescued—some lab rabbits at the Suwannee State University where I was working at the time. They were to be used for some cruel and horrific experimental drug research.

Q. Did Professor Robb help you get admitted to Ozzie Mandias Law School?

A. He wrote a recommendation letter for me. I don't know what, if any, influence his recommendation had. But, if you ask me, anyone who can pay the outrageous tuition fees gets admitted.

Q. If you feel that way, why did you choose Ozzie Mandias Law School?

A. I didn't think I could get into another law school with that particular arrest record, plus I knew that Ozzie Mandias offered an Animal Rights Law clinic, and I knew Dylan Robb was the professor.

Q. Did you know Casey Jones?

A. Yes.

Q. When did you meet him?

A. In elementary school. We were best friends for years. We even roomed together while we were students at Ozzie Mandias until somewhere around the end of January, 2011.

Q. You said “were best friends”. Did something change?

A. Many things changed. We grew apart as we grew older. Our interests changed. I love animals, and Casey loved to kill them. I liked things like yoga, meditation, and eating vegetarian. Casey liked guns and drinking alcohol. I think the final straw was New Year’s Day, 2011, when Casey brought a deer he had just shot back to our house to clean. And he had been bloodied. Plus, he had the deer’s heart wrapped in some tin foil, and he told me he was going eat it raw.

Q. “Bloodied?” What do you mean by that?

A. You obviously are not a deer hunter. Right after your first kill, the other hunters take the blood of the animal and cover you in it. It is really sick and disgusting, and I think he came back home like that knowing it would cause a final break in our relationship.

Q. What makes you think Casey was trying to cause a break in your relationship?

A. He suspected I told his uncle, Ozzie Mandias, that he was getting drunker than Cooter Brown on a regular basis, that he had a lot of loaded weapons lying around loose in the house that he liked to play with, and that I was afraid he was going to hurt someone either accidentally or purposely. He asked me if I told his Uncle Ozzie about the time he played with a loaded Glock when he’d been drinking—about the time he shot a hole in the ceiling. When he asked me, I didn’t respond, I just looked at him. I was afraid of his reaction, but the truth was, I did tell Ozzie Mandias all of those things.

Q. What made you think he might hurt someone?

A. It’s a long story. Casey had an alcohol problem. When we were in college, he might drink a couple of beers on the weekend except for the occasional binge at a fraternity party. By the time we were living together during law school, he was drinking on a nightly basis, and not just beer. Instead of studying, he would drink too much hard liquor and watch violent video games that involved guns, knives, bombs and killings. When he was drunk, he would become aggressive—if we argued, even about trivial things, he would poke or shove me and call me names like “Pansy”. One time when I and some other students complained to him about the graffiti the Students for Concealed Carry had drawn on the sidewalk outside the Students For Animal Rights’ office, his response was to make the shape of a gun with his fingers, put it against my forehead, and yell “Bang!”

Q. Did you tell anyone at the law school about this?

A. As I said, I told his uncle, Ozzie Mandias, about all of this, in early December 2010. And I know Ozzie denies I ever said a word. I guess Ozzie thinks he can get away with lying because we met at a coffee shop, and there were no other witnesses to that conversation. I thought Ozzie would do the right thing and get some help for Casey before he hurt himself or someone else—either me or others at the law school. I didn’t think I needed to make a formal complaint to the Dean of Students although I did complain to Dean Harrington, along with some other students, about the school’s not opting out of concealed carry, and about the school recognizing Students for Concealed Carry as an official Ozzie Mandias student organization.

Q. Why do you think Dean Mandias would lie about talking to you about these things?

A. Dean Mandias' one love and one child is that law school. He cares more about that law school than he does about anything else, even his own family. Based on my observations, law school was too stressful for Casey—I saw the effect it was having on him-- but Dean Mandias couldn't stand the professional embarrassment that might ensue if one of his own relatives had to drop or flunk out of school in order to get mental health and substance abuse treatment. Casey needed a long term mental health and substance abuse treatment program.

Q. Why do you think Casey suspected you talked to Dean Mandias?

A. Casey disappeared for about a week and a half around the first week of spring semester. By that time our relationship was estranged, so it didn't really surprise me that I didn't see him at the house or at school. I thought he'd gone off on a hunting trip or something. When he showed up around the end of the third week of January, I asked him where he had been, and he said "you know". I told him I didn't understand what he was talking about, and he told me he had been held in the hospital against his will, that he knew that either I or Professor Robb or both of us were out to ruin his life, and he had ways of getting even.

Q. Did he explain what he meant?

A. No, but he didn't have to. I took that as a serious sign that it was time to move out of the house I shared with him.

Q. When did you move out of the house?

A. I moved out of the house within a week of Casey's return .

Q. Did you share any of this information with Professor Robb?

A. That is one of my greatest regrets. Maybe if I had been more forceful in my actions, and made disclosures to the right people, instead of to Dean Mandias, Professor Robb wouldn't have these permanent injuries, and Casey might have gotten some real help and still be alive. Believe it or not, I really cared about Casey, despite our differences. I never wanted to hurt him. That is why I only spoke to Dean Mandias about Casey's problems, and my concerns. I didn't say anything to Professor Rob. I was afraid he would get Casey expelled.

Q. Did anything else happen after you moved out of the house that caused you any concern?

A. I walked out to the law school student parking lot near the end of May, 2011, and saw that my car had been keyed. There was a typewritten note on the windshield, "Paybacks are hell. I'll be back. The Arnold."

Q. Do you still have that note?

A. No, I threw it in the trash.

Q. Do you have any proof as to who keyed the car or wrote the note?

A. No, but Casey told me about a week before the June 7th mock trial party that I was responsible for his hospitalization which caused him to miss so much school that he couldn't complete his course requirements so he could graduate in the spring. He said as a result of that, the NRA retracted a job offer they had made. Also, just consider the content of the note. It was Casey.

Q. Did you make a report to law enforcement or the law school about your car and the note?

A. No. I was graduating in a few weeks, I was busy finishing a paper for my upper level writing course, and I didn't have the time or want to have to deal with this. I didn't even care about the keying; my car was a junker and it didn't really do much to the value.

Q. I'd like to talk to you now about what happened June 7th at the mock trial party at the Round Capitol Inn.

A. Okay.

Q. Were you a member of the mock trial team?

A. Yes. I was the vice-president of the team that academic year.

Q. Do you know how people get invited to that banquet or party?

A. Yes. We do an e-vite. We have a certain amount allotted to our mock trial budget for this party. It was my responsibility as vice-president to plan the party.

Q. Do you know why Professor Robb was at that party?

A. Yes. We all knew his law school contract was not renewed. But he was our faculty advisor that year! The e-vites were sent out weeks before the banquet, and he sent an e-mail response that he would be there. What was I supposed to do, disinvite him after all he'd done for the team over the years just because the Deans decided they didn't require his services anymore?

Q. Was Casey invited to this party?

A. Yes. He was also on the mock trial team.

Q. Did you see him at the party?

A. Yes.

Q. Do you know what time he arrived?

A. Yes. I was hoping he would realize that it was an awkward situation, and that he wouldn't be there. After all, he wasn't going to graduate, so the team couldn't recognize him as a graduating third year.

Q. So, what time did he arrive?

A. Sorry. I got ahead of myself. He got there around 6:30 p.m.

Q. Could you tell whether or not he had been drinking?

A. I don't think he had. Not at first. Although he did come dressed in his Terminator outfit, wearing dark shades inside, at night, and this wasn't a costume party.

Q. What do you mean, "not at first"?

A. I'd lived with Casey long enough to know the signs. After he's had a few, he gets really friendly, then boisterous. A few more, and his eyes turn red, and he starts slurring his words. Finally, he's just mean, staggering, and ready to provoke a fight. I didn't see any of that at 6:30 p.m.

Q. Did you at any time that night see any of those signs?

A. Yes. After Dean Harrington left the party, about the time the dancing began at 9:00 p.m., I heard Casey getting really loud. Screaming that he had a CD he'd put together that he was wanted to DJ for us. I went to find our team president, Jordan Rivers. Jordan was in charge of the alcohol, and he was good friends with Casey.

Q. Did you find him?

A. Not at first. I saw that the drink stand was unattended. I knew Jordan smokes, so I stepped outside to see if he was outside smoking a cigarette. And he was.

Q. What happened next?

A. I asked Jordan to talk to Casey; see if he could get him to go home.

Q. What did Jordan do?

A. Nothing. He told me Casey had a right to be at the party, and he might be being a little obnoxious, but he wasn't hurting anybody. I told Jordan he needed to keep an eye on the liquor, and he just laughed at me.

Q. Were there any persons from administration at the party by that time?

A. No. In fact, the only faculty or staff person there was Dylan Robb, and he technically wasn't even an employee any more.

Q. Do you know if there was any security for this party?

A. What do you mean?

Q. Off duty police, deputies, anybody like that?

A. I was never made aware that I needed to arrange security for any of our parties. The only person I know who might have been around is Mo McGuire. He's the Sonitrol guy who patrols around campus and checks for unlocked doors—things of that nature.

Q. What did you do after you talked to Jordan Rivers?

A. What could I do? I went back inside and checked the bar. People were just helping themselves. I did a quick count of the bottles, and it looked like the bottle of Wild Turkey was missing.

Q. How did you know there had been a bottle there?

A. Jordan gave me the Publix receipts for the liquor he purchased. We have to account to our fiscal office at the law school for purchases we make on the law school account.

Q. Does missing Wild Turkey have any significance?

A. Of course. Wild Turkey is 90 or 100 proof liquor. It was also Casey's favorite brand of whiskey. He liked to drink it straight.

Q. What did you do when you realized it might be missing?

A. Casey was at the DJ stand. He'd managed to intimidate the person who'd agreed to DJ. Casey was playing his own CD. He'd even managed to pull up some band videos of the songs he was playing. All of the songs had references to guns. I confronted him about the missing bottle. He just laughed at me, and started singing at the top of his voice. I could tell he was really drunk, and I mean staggering drunk. I started to become afraid that something really bad might happen.

Q. Why did you think that?

A. Have you not listened to anything I told you today? Maybe I didn't mention that Casey carries concealed weapons and drives with an arsenal in the back of his van. And now, here he is, mad, drunk, and taking over this party.

Q. What did you do next?

A. I went to look for Professor Robb. This was around 11:30 p.m. A lot of the students left when Casey started his drunken act. I didn't know who could control Casey, but I thought maybe Casey still had some respect for Professor Robb since he had been our faculty advisor for the two years Casey and I were on the team.

Q. Let me digress for a minute. Were you and Professor Robb dancing together at any time that night?

A. Maybe. A group of us was doing some line dancing.

Q. No dirty dancing, that kind of thing?

A. Absolutely not, and if anyone who was at that party told you that, they were probably drunk, too.

Q. Did you see the shooting?

A. No, I only saw or heard what led up to the shooting, and some of what happened afterwards.

Q. Please tell me everything you know about that.

A. As I was saying previously, I went to Professor Robb to ask him to do something about Casey. Professor Robb walked over to the DJ stand, and I saw them talking, though I couldn't hear what was said. Professor Robb then walked back towards me, and as that was happening, I saw Casey gave me a really evil look, and put his right hand inside his jacket, behind his back, like he was reaching for something. I thought Casey was trying to scare me; he knew that I knew he sometimes had a weapon on his person. I looked away, and a few seconds later, I heard a loud, banging noise, like a gunshot. I looked back towards Casey, and saw him running out of the room. He was shouting over and over "I'm going to get more fire!" Professor Robb ran after Casey. It was pure pandemonium in the room. I tried to calm everyone, and tell them everything was going to be okay. The next thing I heard was something that sounded like gunshots, but coming from the parking lot area. I walked out the entry way to the parking lot, and saw Casey and Professor Robb lying on the ground near Casey's van. Jordan Rivers was in the parking lot, and he told me to call the police. I called 911. Ambulances, fire trucks and police cars were there within less than five minutes. And that is all I know.

MR. BARNES: I have no further questions.

MS. REHM: No questions.

(Deposition concluded at 12:00 p.m.)

*The Violence Policy Center, vpc.org/press/1110gundeath.htm

CERTIFICATE OF OATH

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, the undersigned authority, certify that said designated witness personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 30th day of May , 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

CERTIFICATE OF REPORTER

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, VERONICA HERNANDEZ, Court Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages number 1 through 10 are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested, in the action.

DATED this 30th day of May, 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT,
IN AND FOR FOSTER COUNTY, SUWANNEE



DYLAN ROBB,
PLAINTIFF,

vs.

CASE NO. 11-CA- 444

OZZIE MANDIAS COLLEGE OF LAW,
DEFENDANT.

DEPOSITION OF:

BLAKE HARRINGTON

TAKEN AT THE INSTANCE:

The Plaintiff/Dylan Robb

DATE:

April 12, 2012

TIME:

Commenced at 2:00 p.m.
Concluded at 5:00 p.m.

LOCATION:

301 South Main Street
White Springs, Suwannee

REPORTED BY:

Veronica Hernandez
Court Reporter, Notary Public

100% CORRECT STENOTYPE REPORTERS, INC.
301 SOUTH MAIN STREET
WHITE SPRINGS, SUWANNEE 32301

STIPULATIONS

The following deposition of Blake Harrington was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing were not waived.

* * *

Thereupon,

BLAKE HARRINGTON

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. REHM:

Q. Dean, have you ever had your deposition taken before?

A. What kind of question is that? Of course I have. Do you really think you are the first former student who has ever sued the school? We just had a law graduate sue us because he couldn't get a job after he graduated! That one got kicked out on summary judgment.

Q. Let me just remind you, then, of the purposes of a deposition. You are under oath today, just like you will be if we try this case.

A. "If?" You don't think the law school is really going to settle this case, do you?

Q. And because you are under oath today, and will be in the courtroom, if you say something different today than you do in court, I will be able to use your deposition testimony to make it look as if you were lying today, or in court. Do you understand?

A. Who taught you evidence? Was it me?

Q. Is that a yes?

A. That is a yes. Good Lord.

Q. And as you pointed out, you taught me evidence--and civil procedure--at law school. So I am sure you understand that I am allowed to ask you a broad range of questions—anything that is relevant to the issues in this case, and anything that might lead to relevant evidence, without objection.

A. (Nods head). It appears you learned something, despite your class rank, and despite the fact you chose to file a frivolous lawsuit.

Q. Please answer verbally. No head shakes. The court reporter may not pick up a physical response.

A. (Nods head). Oh, okay, yes, of course.

Q. Tell me what the law school's relationship is with the Suwannee mock trial team.

A. They are an officially recognized student organization at the law school.

Q. Do they have a physical location on the law school campus?

A. Yes. We gave them their own building last year.

Q. Why did you do that?

A. They have won multiple state, regional and national championships in recent years. The law school has a benefactor who wanted contributions directed to the team. The team indicated they needed more space, so we gave it to them.

Q. Where did you house the team?

A. We bought the old Round Capitol Inn on Main Street in White Springs for them.

Q. Does that include the parking lot where the shooting incident took place?

A. Yes, if you are referring to the parking lot where Casey Jones died of gunshot wounds.

Q. Isn't that in a bad part of town?

A. What does that have to do with this case?

Q. Let me decide the relevance. Is that structure in a bad part of town?

A. For heaven's sake. Wake up, Tor. (Dean nudges his attorney, Mr. Barnes) Don't you recognize an ambiguous question when you hear one?

MR. BARNES: Objection, ambiguous.

BY MS. REHM:

Q. I'll rephrase. Prior to purchasing that property, did you check the crime statistics for that area?

A. No.

Q. Why not?

A. You do realize that the Round Capitol Inn is on a major city street, and just a few blocks from the law school? Maybe there are some issues in that area. I personally don't like having a homeless shelter so close to that facility, or to the law school. We constantly have to lock down the facilities, bring in

security, just to keep the theft rate down. Why last year alone, we had a break in where we lost several laptops and cameras.

Q. Besides purchase price, were there any other reasons for the purchase of that particular property?

A. It was an offer we couldn't refuse. Location, location, location. There was even enough money left over after the purchase to bring in an evidence scholar for a named professorship honoring the donor.

Q. What kind of security do you have at that building?

A. We have a security contract with a local agency here in White Springs. They are responsible for monitoring that property and protecting against criminal activity.

Q. Were they on patrol on June 7, 2011?

A. We've checked our records with that company, and yes, they were patrolling the law school properties that night. A man by the name of Mo McGuire.

Q. Were they on notice that there was a law school function at the Round Capitol Inn, and that alcohol was being served?

A. I couldn't find anything in our records concerning that, but we frequently have functions where alcohol is served, and the security company is aware of that.

Q. Who was the faculty advisor for the mock trial team immediately prior to the purchase of the Round Capitol Inn?

A. Dylan Robb.

Q. Was Dylan Robb's employment at Ozzie Mandias terminated?

A. His contract was not renewed.

Q. What is the difference between termination and non-renewal?

A. Most of the Ozzie Mandias faculty are on tenure or tenure track status. Dylan was a member of our clinical faculty, and clinical faculty are not on tenure or tenure track status. They are on what we call "rolling" contracts. If you get a good academic year-end performance review, your contract automatically renews for another year. However, the contract is written in such a way that if there is no longer a need for a particular clinic, the position is eliminated along with the clinic.

Q. So exactly what happened in Dylan's case?

A. Administration made the decision that the Animal Rights Law clinic Dylan taught was no longer needed at Ozzie Mandias. Enrollment had declined over the last few years. There just aren't that many vegetarians at Ozzie Mandias. (Laughs)

Q. Who at Ozzie Mandias was part of that administrative decision?

A. Ozzie Mandias, who founded this law school, and me.

Q. Is Ozzie Mandias a member of the Suwannee State Bar?

A. He has a law degree, but he is not licensed to practice.

Q. Why isn't he licensed?

A. Very few of the tenure or tenure track professors are. It isn't a requirement for teaching.

Q. What is Mr. Mandias' official position at the school?

A. He is the school President, and the Dean of the law school.

Q. Is the law school incorporated?

A. Yes. We are a Suwannee, for profit, private organization.

Q. Who has ultimate decision making authority for the school?

A. Ozzie is what you might call the chief executive officer. He has ultimate administrative authority, and I am the Dean of Students. I am also acting Dean when Ozzie is unavailable. Ozzie and I have worked together for years, and we make many decisions together.

Q. When did Dylan Robb's position officially end?

A. That would have been May 20th, 2011, after classes ended and after Dylan turned in his grades and his law school equipment such as his/her laptop and Sonitrol pass.

Q. Were there any other considerations involved in the decision not to renew Dylan's contract?

A. Dylan had become less and less of a team player over time. Dean Mandias expects all of the employees to be team players.

Q. Did either you or Dean Mandias have any verbal disagreements with Dylan Robb that academic year?

A. 2011? Yes, I'm sure we did.

Q. Do you recall having a disagreement about Casey Jones?

A. Yes.

Q. When would that have been?

A. That would have been around the end of the second week of the spring semester.

Q. What was the disagreement?

A. Casey Jones was enrolled in Dylan's animal rights clinic. Casey had a medical issue, and I asked Dylan to let Casey continue in the course even though he had missed approximately two weeks of classes. Dylan was opposed to that, but Dean Mandias insisted, so I insisted. Dylan told me he had interviewed Casey before allowing him to enroll in the clinic. He said Casey told him he was a member of the NRA, a fanatic about gun rights, and bragged about his prowess as a hunter. His belief was that Casey only enrolled in the clinic because it was Casey's last semester before he graduated, and that Casey evidently thought Robb's class was a "cream puff". He didn't think Casey took animal rights seriously. He said he didn't know how Casey would be able to make up the course requirements after missing that much class.

Q. Two weeks is a lot to miss, isn't it?

A. Yes, but Casey had a medical emergency.

Q. What was the nature of that emergency?

A. I didn't know at the time, but I now know that he had been temporarily committed—what we call "Marchman or Baker Acted", for excessive use of alcohol, and being considered a threat to himself or others. At the time, I only knew that he had been hospitalized for two weeks for some "personal issues". That was all Dean Mandias had conveyed to me.

Q. Didn't you think it was important to know why Casey was hospitalized?

A. No, because I already knew he was scheduled for release. Even if I had requested those records I couldn't have gotten them without a court order. Those are not public records.

Q. Did Dean Mandias know why Casey was in the hospital?

A. I don't know. You'd have to ask him.

Q. Were Dean Mandias and Casey Jones related?

A. Casey Jones is—was—Ozzie Mandias' nephew.

Q. Is that why he was admitted to the law school as a student?

A. The main thing we look at is combined LSAT score and grade point average. Casey was in the top ten percent of accepted students. He would have been admitted whether he was Ozzie's nephew or not.

Q. But isn't it true that admission applications for law school are declining nationwide?

A. Yes, that is true. I think the national average has been a 30% decline over the last several years.

Q. That is also true for Ozzie Mandias College of Law?

A. Yes.

Q. Did you do a background check on Casey Jones prior to admitting him to the law school?

A. You mean something along the lines of what the Suwannee State Board of Bar Examiners does? No, we don't have a hired staff of investigators. Students are required to self-report prior academic or law violations on their law school applications.

Q. I'm showing you Casey Jones' law school application which you supplied to me as part of discovery in this case. Is this his application?

A. Yes.

Q. Casey Jones checked "yes" to academic misconduct at a post secondary institution. What did he disclose to the law school?

A. He was on six months academic probation his senior year for hosting an underage drinking party at his fraternity.

Q. Casey also checked "Yes" on Law Violations. What did he disclose to the law school?

A. He disclosed a 2008 charge of driving under the influence. He also disclosed that a jury found him not guilty of that charge. He also disclosed that he was charged with a city open container violation in 2007, and that he paid a fine.

Q. Did you really think that Casey Jones would be admitted to the Suwannee State Bar with these things in his background?

A. First, many people go to law school for reasons other than practicing law. Maybe to become more knowledgeable about running a business, or to go into politics. Second, I personally know at least two lawyers in White Springs who make their living representing law graduates trying to get admission to the Bar. A few mistakes doesn't mean the end of the world for those students, or to us when considering an application.

Q. Did the law school offer substance abuse counseling to Casey Jones?

A. We invite a speaker from the Suwannee State Board of Bar Examiners to talk about the seriousness of substance abuse in our profession. They usually bring someone from the Suwannee Lawyers Assistance Program who offers advice on what services are available to help lawyers with substance abuse issues.

Q. But do you offer programs or counseling at the law school?

A. Not specifically. If we find out a student is having a problem, I will personally counsel the student and try to make helpful referrals.

Q. Did you do this with Casey Jones?

A. Nothing came to my personal attention that indicated he needed any counseling. As I stated previously, I was not aware of why he was hospitalized in January, 2011 until after this lawsuit was commenced. Casey had an absolutely spotless record while at the law school.

Q. Was Casey Jones involved in any student activities at the law school?

A. He started a student organization called "Law Students For Concealed Carry".

Q. Did the school support this organization in any way?

A. We gave them the use of a room for their meetings, and they had a small allowance from the school for things like supplies.

Q. I'd like to have the court reporter mark this picture as Plaintiff's Exhibit "A" and attach it to this deposition. Can you tell me what this is?

A. That is a picture of some graffiti I found on the law school sidewalk around the time we approved the student organization. A couple of students had complained about it.

Q. What was the complaint?

A. They were opposed to funding or recognition for Students for Concealed Carry. Every time we fund a new student organization, it means less money for those already in existence.

Q. Did they give you any other reasons for complaining?

A. They claimed they felt intimidated.

Q. Do you remember who those students are?

A. The only one whose name I recall is Reese Connors.

Q. What was your response to this complaint?

A. I asked Casey to clean the graffiti off the sidewalk, and he did.

Q. I'd like to have the court reporter mark this document as Plaintiff's Exhibit "B" to this deposition. Are you familiar with this document?

A. Yes, it is Suwannee State College of Law's published policy concerning carrying concealed weapons in vehicles parked on its properties. The policy prohibits concealed carry in vehicles on its campus.

Q. Does Ozzie Mandias have such a policy?

A. No.

Q. Why not?

A. Because Ozzie Mandias has a proud history of supporting constitutional freedoms, such as that set forth in the Second Amendment to the United States Constitution.

Q. Does every law school in Suwannee have this policy other than Ozzie Mandias College of Law?

A. That question is almost impossible to answer, because every time I turn around, I see a new law school popping up in Suwannee. What do we have now? Twelve? Thirteen?

Q. Do you know of any law school, or for that matter, any post- secondary school in Suwannee besides Ozzie Mandias that allows concealed carry on its properties.

A. Not that I know. But the legislature makes policy, and it authorized campus conceal carry in vehicles unless the school creates and publishes its own exception. Read the statutes.

Q. I'd like to turn your attention to June 7, 2011. Do you remember that night?

A. It would be pretty hard to forget.

Q. Were you present at the Ozzie Mandias end of the year mock trial party?

A. Yes.

Q. Why were you there?

A. As a Dean of the law school, I try to put at least a brief appearance in at official school organization events.

Q. Was this an official school organization event?

A. Yes. The end of the year banquet is where the mock trial team hands out awards and recognitions, and says good bye to the graduating third year law students.

Q. Was liquor served at this event?

A. Yes.

Q. Who purchased the liquor?

A. We have a school credit card with the Publix grocery chain. The mock trial president is authorized to use that account, as are the presidents of the other school organizations.

Q. Is there any system to monitor how much people drink at these parties or banquets?

A. What kind of system are you referring to?

Q. For instance, a few years back, the White Springs Bar Association had a problem at its monthly dinner meetings at the Golden Shoe. There was unlimited access to liquor, and as a result, there were some fights between lawyers in the Golden Shoe parking lot when the meetings ended. They fixed that by giving participants two drink tickets. Do you have a system like that, or any other system to control the amount of liquor to which a person attending one of these events has access?

A. No, but I am sure that no one would serve someone who was falling down drunk.

Q. Let's talk about that. Did you see Casey Jones at the party that night?

A. Yes.

Q. Do you remember the time?

A. I got there around seven p.m. I usually try to get to these things early, and leave when the ceremonies are over. Casey was there when I arrived, and I remember saying goodbye to him when I left.

Q. What time did you leave?

A. Probably around nine p.m.

Q. Did you see Casey drinking alcohol?

A. I really wasn't paying attention to what Casey was doing.

Q. What was his behavior like?

A. Perfectly normal.

Q. Did you see any evidence to indicate he was intoxicated?

A. No, absolutely none.

Q. I presume you were not there when Casey and Professor Robb were shot.

A. No, I wasn't.

Q. So, you don't have personal knowledge of what was going on when they were shot.

A. No.

Q. Do you have any suggestions about how this type of incident could be prevented in the future?

MR. BARNES: Objection. Calls for speculation since no one knows what caused this to begin with.

BY MS. REHM:

Q. You need to answer the question. Don't coach the Dean with a speaking objection, Tor.

A. I don't know that we would do anything different than we do now. I don't need to have Tor coach me; I see what you're getting at—causation and foreseeability—and I guess those will be questions for the jury. We did install some additional lights in the parking lot at the Round Capitol Inn, mainly to mitigate the theft problem.

MS. REHM: I have no further questions. Thank you for your time.

MR. BARNES: No questions.

(Deposition concluded at 5:00 p.m.)

CERTIFICATE OF OATH

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, the undersigned authority, certify that said designated witness personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 30th day of May , 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

CERTIFICATE OF REPORTER

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, VERONICA HERNANDEZ, Court Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages number 1 though 10 are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested, in the action.

DATED this 30th day of May, 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT,
IN AND FOR FOSTER COUNTY, SUWANNEE



DYLAN ROBB,
PLAINTIFF,

vs.

CASE NO. 11-CA- 444

OZZIE MANDIAS COLLEGE OF LAW,
DEFENDANT.

DEPOSITION OF:

JORDAN RIVERS

TAKEN AT THE INSTANCE:

The Plaintiff, Dylan Robb

DATE:

April 13, 2012

TIME:

Commenced at 10:00 a.m.
Concluded at 12:00 p.m.

LOCATION:

301 South Main Street
White Springs, Suwannee

REPORTED BY:

Veronica Hernandez
Court Reporter, Notary Public

100% CORRECT STENOTYPE REPORTERS, INC.
301 SOUTH MAIN STREET
WHITE SPRINGS, SUWANNEE 32301

STIPULATIONS

The following deposition of Jordan Rivers was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing were not waived.

* * *

Thereupon,

JORDAN RIVERS

was called as a witness, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. REHM:

Q. Good morning. My name is Conti Rehm, and I represent the Plaintiff in this case. Would you please state your name and spell it for the court reporter.

A. My name is Jordan Rivers. That's J-O-R-D-A-N, R-I-V-E-R-S.

Q. What is your current address?

A. Work or home?

Q. Why don't you give me both.

A. My work address is National Rifle Association 11250 Waples Mill Road, Fairfax, Virginia 22030. My home address is 1234 Pistola, Fairfax, Virginia 22030.

Q. You are a lawyer for the NRA?

A. That is correct.

Q. I'm sure you know why you are here today, and because you are a lawyer, you are aware of the purposes and uses of depositions. Would that be a fair statement?

A. Yes. I know that this involves a negligence lawsuit filed by Dylan Robb against Ozzie Mandias College of Law. Depositions may be used for discovery of relevant evidence, or evidence that might lead to relevant evidence, for impeachment purposes, and sometimes as evidence at trial, for instance with an expert, an unavailable witness, etc.

Q. You must have passed the bar exam on the first try!

A. No need to attempt flattery. I passed three bar exams on the first try. The Suwannee Bar exam, the Virginia Bar exam, and the DC bar. I graduated first in my class at Ozzie Mandias.

Q. Then let's cut straight to the chase. Did you, or do you, know Casey Jones, Dylan Robb, Reese Connors, Blake Harrington, and Ozzie Mandias?

A. I knew and know all of them.

Q. What was the nature and extent of your relationship with each of these persons?

A. I met Casey in undergraduate school at Suwannee State University. We were in the same fraternity/sorority, and became good friends. We continued good friends during our time at Ozzie Mandias College of Law. I met Reese Connors around the same time—at undergraduate school, and primarily knew Reese through my relationship with Casey. I met Dylan Robb while I was a member of the Ozzie Mandias College of Law Mock Trial Team. He was our faculty advisor during my time on the team which lasted until I graduated in 2011. Casey, Reese, and I were also students in Professor Robb's Animal Rights Law clinic during my last semester at Ozzie Mandias College of Law. Ozzie Mandias is the Dean of the law school, and Blake Harrington is the Dean of Students. I came to know them relatively well due to the positions I held as president of the mock trial team, and as vice-president of Students for Concealed Carry.

Q. How did Students for Concealed Carry become a student organization at Ozzie Mandias?

A. Students for Concealed Carry is student-run, and it's a national, non-partisan organization. Its mission is to advocate for concealed carry on college campuses in the United States as an effective means of self-defense. Casey and I were, and I still am, big advocates for the right to concealed carry. The Suwannee state legislature had been actively considering concealed carry during the time we were in law school, and we thought as a law school, especially being in the state capitol as we were, that we should organize a chapter of Students for Concealed Carry, and bring some recognition to our school for being in the forefront concerning concealed carry. Casey was the nephew of the President and Dean at the school, Ozzie Mandias, so we thought we had a real good shot at getting a chapter recognized as an official Ozzie Mandias student organization. After several very encouraging discussions with the Deans, we did get approval. Dean Mandias and Dean Harrington were all for concealed carry, and liked our ideas. Once we were an official Ozzie Mandias student organization, we became entitled to school funding and the right to have a seat on the Deans' Student Organization Board that decides student governance and funding issues.

Q. Okay. We'll get back to Concealed Carry in a few minutes. During the time you knew Casey Jones, were you aware he had a serious drinking problem?

MR. BARNES: Objection to the leading form of the question.

BY MS. REHM:

Q. I'll rephrase. How long did you know Casey Jones?

A. Approximately seven years.

Q. How often did you come in contact with him during that time period?

A. Frequently. During law school, almost daily.

Q. Did you spend time with him on a social basis?

A. Yes. As I said, we were in the same fraternity/sorority in undergraduate school, and were in several of the same law school organizations .

Q. Did Casey have a nickname?

A. We sometimes called him the Terminator.

Q. Why?

A. One of his favorite movies was The Terminator. At every costume party, every Halloween, he came dressed like Arnold Schwarzenegger, dark shades, toy gun and all.

Q. Did you ever observe him drinking alcoholic beverages?

A. Yes, I did.

Q. On what type of occasions?

A. Fraternity/sorority parties. Student organization events while at the law school. We might go out for a drink after a long night studying or after a weekend hunting.

Q. What about at the home he shared with Reese Connors?

A. I didn't socialize with either of them at their house. I had witnessed them having too many arguments over the years I knew them, and frankly, I just didn't like being around Reese that much.

Q. So that would be a no?

A. Agreed.

Q. What types of alcoholic beverages did Casey drink?

A. Beer. Occasionally, hard liquor.

Q. Did you ever observe him drinking a whiskey called Wild Turkey?

A. It's funny that you mention that. Casey used to joke that the only kind of turkey he had ever managed to kill was the one that came in a bottle. He did occasionally drink Wild Turkey.

Q. Did you ever see Casey drinking while in possession of a firearm?

A. Never .

Q. What about June 7, 2011?

A. I can't honestly answer that question. We had liquor at the party, but I wasn't watching Casey. I had a lot to do that night in my role as team president. But, I doubt seriously Casey knew he would end up in possession of a firearm that night. Who could have known?

Q. Did Casey have a reputation for getting intoxicated on a frequent basis?

A. No more so than your average law student. And that includes Reese Connors. Reese has a hollow leg.

Q. Did you know that Casey was involuntarily hospitalized in January 2011 for alcohol abuse?

A. No, I didn't, but I'd be willing to bet Reese had something to do with that.

Q. You sound bitter.

A. I am. I blame Reese for everything that happened to Casey.

Q. How so?

A. Reese is one of those people who think the pie is only so big. You're only going to get a fair share for yourself if you prevent someone else from getting their share or any at all. And that was so strange to me. Reese and Casey basically grew up together. They went to the same high school, the same college, and finally to the same law school. They lived together during law school until the last semester of our third year. It was obvious to everyone but Casey that he cared a lot more about their friendship than Reese did. I'm pretty sure Casey put a good word in to Ozzie Mandias so Reese could get into law school. Reese is one of the PETA fanatics. If you check Reese's record, you'll find a conviction for "freeing" some of Suwannee State University's lab rats. Or was it rabbits? Anyway, there are many reasons why I blame Reese for what happened to Casey.

Q. Can you be more specific about the reasons you blame Reese for what happened to Casey? Other than the general things you already mentioned?

A. Okay. Casey was really proud that he got a chapter of Students for Concealed Carry established on campus and recognized as an official Ozzie Mandias law student organization. The NRA offered Casey a job that he would start as soon as he graduated, partially based on his efforts for Concealed Carry. What did Reese do? Reese got a group of students together and complained to Dean Harrington that they felt intimidated by the presence of this group on campus. Reese complained about the right of concealed carry on campus. Reese was just mad that there was less pie left for the Students for Animal Rights organization. Reese didn't have a job lined up after law school, but everyone knew Reese would find something because Reese had a reputation as the ultimate brownnoser. But for Reese's efforts, Casey would have graduated on time, and gone to work for the NRA. Look who Reese is living with and working for now. Reese loved to rub that relationship in Casey's face. Right in front of me and Casey Reese would say "Professor Robb and I did this",

“Professor Robb and I did that”, implying Reese had a special relationship and influence over Robb. But for Reese’s inappropriate relationship with Dylan Robb, Casey would be alive today.

Q. Tell me what relationship you think Reese had with Dylan Robb.

A. There was a lot of whispering in the law school student community that Dylan Robb was a player.

Q. What do you mean by that?

A. The word was that Dylan Robb was a chicken hawk and law school was his favorite hunting ground.

Q. Do you have any proof that Dylan Robb had anything other than a professional relationship with Reese Connors?

A. Dylan Robb granted special favors to Reese while we were his students in the Animal Rights Law clinic. Professor Robb told us we would fail his class if we missed more than three classes unexcused. Reese habitually missed Friday classes, which were held at nine o’clock in the morning. I never missed a class, and I noticed that Reese missed at least six Friday classes. That’s two weeks’ worth of classes! Interestingly, the Student Bar Association had a weekly Thursday night beer keg party for all the law students, and I always saw Reese there having a good time until pretty late at night. Casey misses six classes at the first of the semester, and Dylan Robb fails him, causing him not to be able to graduate on time causing the NRA to retract its job offer to Casey. Reese invited Dylan Robb to the Mock Trial end of the year party even though he was no longer our mock trial faculty advisor or even a professor at the school. I saw Reese dancing with Dylan Robb shortly before the shooting. And it was the kind of dancing that most people would not consider to be professional, unless you’re a stripper.

Q. Was alcohol served at this end of the year party?

A. Yes.

Q. Who procured it?

A. I did. I was the mock trial president, and I was authorized to use the school account at Publix. I purchased the liquor at the Publix liquor store using the school’s account.

Q. What kind of liquor did you purchase?

A. We had beer, wine, and the usual variety of hard liquors such as vodka, gin, whiskey.

Q. Was Wild Turkey one of the liquors you purchased?

A. Yes. Casey had put in a special request. I felt sorry for him because he wasn’t graduating so I bought a bottle.

Q. Let me go back a little and address some things you said about weapons, hunting, and Students for Concealed Carry. Do you know what type of weapons Casey possessed while in law school, if any?

A. Yes, I do. Casey and I were both gun enthusiasts and weekend hunters. I still am, which I guess isn't surprising considering I work for the NRA. Both of us collected weapons. Both of us attended gun shows and purchased firearms at those shows. Casey showed me his collection. I specifically remember seeing an AK47, an Ouzi, and several Glock pistols at the home he and Reese shared.

Q. Are you familiar with the vehicle Casey drove while in law school?

A. Yes. He had a large white van.

Q. Do you know what firearms he may have had in the vehicle during times he was on the Ozzie Mandias campus?

A. Sure. As I said, we were both officers and founders of Students for Concealed Carry. We had a meeting off campus around March, 2011. It was one of those I'll show you mine if you show me yours type meetings where everyone could brag. And I have to say, I was really impressed by the size of what Casey had. He had the same type of firearms as at his house, plus guns with extended magazines, and multiple rounds of ammunition. He was loaded for bear, and ready to defend anyone at school if we ever had one of those shooting rampages. All the weapons and ammunition I saw were secured and concealed from view of any passerby.

Q. Are you familiar with Suwannee State gun laws?

A. Of course. While at Ozzie Mandias College of Law, I wrote an article that was published in the Harvard Law Review titled "The Old and the New South; the Continuation of a Grand Tradition" that detailed the history and development of Suwannee state gun laws. I was part of a group of law students that lobbied our legislature on the right to carry concealed weapons and the legislation that was passed in the state of Suwannee that allowed concealed carry on public and private premises was partially a result of research and legislation drafts we submitted to legislative committees. My job with the NRA requires me to keep abreast of gun laws and advise the NRA concerning threatened or pending lawsuits around the country that involve issues concerning the right to bear arms.

Q. To your knowledge, did what you saw in Casey's van in March 2011 comply with Suwannee concealed carry and other firearms laws?

A. Absolutely.

Q. Did you or do you ever worry that allowing concealed carry at post secondary schools might increase the likelihood of a shooting rampage on campus?

A. No. And let me give you some examples. Nine degree offering public colleges—20 campuses—and one technical college in Utah have allowed licensed concealed carry since 2006. Colorado State University has allowed concealed carry since 2003. Blue Ridge Community College has allowed concealed carry since 1995! None of these twelve schools had a single resulting incident of gun violence, a gun accident, or a gun theft! None of the forty “right to carry states” has had a resulting increase in gun violence since legalizing concealed carry, and people in those states are carrying guns to office buildings, movie theaters, grocery stores, shopping malls, restaurants, churches, banks and other places! A fair number of studies show concealed handgun license holders are five times less likely than non-license holders to commit violent crimes.*

Q. Let’s talk about the shooting June 7, 2011 on the Ozzie Mandias campus. Did you witness the events that led up to the shooting or the shooting itself?

A. Yes. I saw some of the things that led up to the shooting, and I did see the shooting. Right before the shooting I went outside the building to smoke a cigarette. I was standing right outside the entry doors when I saw Casey run outside. He was yelling, waving, screaming “I’m going to get McGuire!” over and over. He ran over to his van. I saw him look back towards the building, so I looked back, too, and that is when I saw Dylan Robb running really fast towards Casey, shaking his/her fists. I looked back at Casey, and I saw him open the doors to the back of his van. When he turned around, I saw that he had a Glock pistol in his hands, and he was saying something to Robb, but I couldn’t hear it or what I did hear was unintelligible. The next thing I saw was Dylan Robb trying to tackle Casey. The two of them were fighting, struggling. It looked like Dylan was trying to take Casey’s gun. Then I heard the gun go off multiple times. I saw Casey and Dylan fall to the ground. I ran over to them. I looked back towards the building to see if there was anyone nearby that I could call for help. That’s when I saw Reese and told him/her to call 911. It all happened in a matter of minutes.

Q. Who is McGuire?

A. The law school security person who was patrolling the grounds that night.

Q. Were there any other witnesses to the shooting other than you, Casey, and Dylan Robb?

A. I am not aware of any.

Q. Those are all the questions I have.

CROSS EXAMINATION

BY MR. BARNES:

Q. In your opinion, what was the cause of the shooting?

A. Dylan Robb attacking Casey for no known reason.

Q. Could Ozzie Mandias College of Law have done anything to prevent this shooting?

A. Not that I am aware of other than forbidding Dylan Robb from attending what was primarily a student party. But this whole thing was just crazy. I don't think anyone could have foreseen this happening.

Q. In your opinion, was Ozzie Mandias negligent in any way whatsoever concerning the shooting incident June 7, 2011?

A. Absolutely not.

MR. BARNES: I have no further questions. Thank you for your time.

(Deposition concluded at 12:00 p.m.)

*Information taken from Students for Concealed Carry at <http://concealedcampus.org/>

CERTIFICATE OF OATH

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, the undersigned authority, certify that said designated witness personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 30th day of May , 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

CERTIFICATE OF REPORTER

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, VERONICA HERNANDEZ, Court Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages number 1 through 8 are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested, in the action.

DATED this 30th day of May, 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT,
IN AND FOR FOSTER COUNTY, SUWANNEE



DYLAN ROBB,
PLAINTIFF,

vs.

CASE NO. 11-CA- 444

OZZIE MANDIAS COLLEGE OF LAW,
DEFENDANT.

DEPOSITION OF:

DYLAN ROBB

TAKEN AT THE INSTANCE:

The Defendant/Ozzie Mandias C.O.L.

DATE:

April 13, 2012

TIME:

Commenced at 2:00 p.m.
Concluded at 5:00 p.m.

LOCATION:

301 South Main Street
White Springs, Suwannee

REPORTED BY:

Veronica Hernandez
Court Reporter, Notary Public

100% CORRECT STENOTYPE REPORTERS, INC.
301 SOUTH MAIN STREET
WHITE SPRINGS, SUWANNEE 32301

STIPULATIONS

The following deposition of Dylan Robb was taken on oral examination, pursuant to notice, for purposes of discovery, and for use as evidence, and for other uses and purposes as may be permitted by the applicable and governing rules. Reading and signing were not waived.

* * *

Thereupon,

DYLAN ROBB

was called as a witness, having been first duly sworn, was examined and testified as follows:

BY MR. BARNES:

Q. Tell us your name, please.

A. My name is Dylan Robb.

Q. I assume you have had your deposition taken before.

A. No, I haven't. The only lawsuit I've ever been involved in until this one was the criminal prosecution that was filed against me where I was charged with second degree murder, and I couldn't be deposed. There was some talk about a wrongful death lawsuit being filed against me, but my public defender was successful with the stand your ground defense, so that's not going to happen.

Q. I don't want to insult your intelligence; I know you were a law professor, but I want to explain the uses and purposes of a deposition, and how the questioning works. That way, you don't come to court later and tell the judge Mr. Barnes didn't explain that to me, or I didn't understand his question or he didn't ask me this or that. Fair enough?

A. I've learned the hard way that life isn't always fair, but go ahead. Give it your best shot.

Q. Is that a joke?

A. I don't consider this a laughing matter.

Q. Okay. A deposition has several purposes. One is to discover any evidence relevant to the issues in this case, and any evidence that might lead to relevant evidence. The other is for impeachment. You are under oath today, you will be under oath in the courtroom, so if you testify differently in court than you do here today, I could use the statements to show that you lied here or at court. There are no objections except for those as to the form of the question, and those that relate to privilege. Even if Ms. Rehm objects to one of my questions, you must answer it unless she tells you not to because she believes it relates to a privileged matter. Of course if she thinks I am harassing or badgering you she could possibly terminate the deposition and ask for a ruling from the judge, but there are consequences

attached to that for whoever is on the losing end of the argument, so I don't think that's going to happen.

A. I didn't know I was going to get a free lecture on civil procedure.

Q. You would be surprised how many times I've gone to court and heard people change their stories then tell the judge 'but Mr. Barnes didn't ask me that question' or how many times I've been in deposition and someone or his or her lawyer thinks something is not relevant and therefore my question doesn't have to be answered. I like to explain the rules of the game upfront. Which brings me to another point. If I ask you a question, you answer it, then I ask you several times, is there anything else, it's not because I'm trying to badger you. It's what I call explore and exhaust. Again, I don't want you to go to trial, give some new and exciting version of events, and then when I complain about it, you tell the judge I didn't ask you about it at deposition. And if my questions are confusing—sometimes I even confuse myself—ask me to explain or clarify before you answer. So, are we agreed that these are the rules we operate under?

A. Yes, and I'm glad this is a contingency fee case and I'm not paying Ms. Rehm by the hour, because you seem rather longwinded.

Q. I'll try to get us out of here in a reasonable amount of time. Where do you reside at present?

A. 1234 Alligator Alley, Hogtown, Suwannee.

Q. Does anyone live with you?

A. Reese Connors.

Q. How long has Reese lived with you?

A. Since I was released from Shands Hospital. That was about a month after I was shot.

Q. Why is Reese living with you?

A. At first so I didn't have to rely on the kindness of strangers—my injuries were severe, and I was confined to bed with home healthcare limited to about an hour a day. Later, because Reese needed employment and I needed a research assistant.

Q. Are there any other reasons Reese is living with you?

A. Is that one of those explore and exhaust questions? I know where you're going with that and let's just put it on the table right now. Reese Connors and I are not involved in any sexual or romantic relationship, and we never have been. Why do people want to see things that aren't there? I've often wondered if Casey Jones targeted me—if he thought I broke up his friendship with Reese Connors. There are no other reasons why Reese and I live together other than what I have told you.

Q. No need to get angry. I'm just doing my job.

A. I understand that, but I also see why people hate lawyers.

Q. When did you meet Reese?

A. At a PETA meeting in 2006. We were, and still are, PETA members.

Q. What about Casey Jones?

A. I met Casey in 2007 when he successfully tried out for the Ozzie Mandias Mock Trial Team.

Q. Did you have any other contacts with him, other than through the mock trial team?

A. Unfortunately, yes. He enrolled in my Animal Rights Law Clinic for the spring 2011 semester.

Q. Why was it unfortunate that he enrolled in your clinic?

A. I don't think we would be here today if he hadn't. I didn't want him in my clinic, but I felt like I couldn't refuse him the opportunity.

Q. Why didn't you want him in your clinic?

A. I interview all students prior to allowing them to enroll in my clinic. I ask them questions about their background and their reasons for wanting to take my clinic. Casey freely admitted that he was a hunter. He told me he wanted to take the clinic to understand why people thought animals had rights, and to what extent they thought animals had rights when God had given man dominion over the fish of the sea, the fowl of the air, the cattle and every creeping thing! After the interview, I checked his transcript, and saw that his grades had steadily declined since his first year at Ozzie Mandias. I thought the real reason he wanted to take my clinic was because it was a pass/fail course, and he thought it would be easy. In short, I could tell Casey was going to be a hard sell and would not work hard on behalf of animals, and I was relieved when he didn't show up for the first day of class, in fact, for the first two weeks of class. I assumed he had dropped my course. You can imagine my surprise when Dean Harrington showed up in my office asking me to let Casey start class two weeks late.

Q. No, actually I can't. Why don't you tell me why you were surprised.

A. I told Dean Harrington it would be impossible for Casey to complete the requirements to pass my class when he had more absences than allowed by school curricular rules. He had missed six of my lectures. The students are required to devote twenty hours a week to the clinic so he would be starting out forty hours behind. Dean Harrington's response was, and I quote, 'nothing is impossible when you're Ozzie Mandias' nephew'. I asked him if he was issuing me an ultimatum. He said 'you do realize you are scheduled for a performance review, and enrollment in your animal law clinic has declined over the last several years.' I asked him if that was a threat. He didn't say anything. I asked him why Casey had missed two weeks of class. He told me Casey had been hospitalized. I said, for what? He told me it was none of my business, and Dean Mandias told him he was not authorized to disclose the reasons for the hospitalization. I asked him if Casey had some type of disease that might jeopardize me or my students—had Casey been medically released to return to school. Harrington laughed, and said what

Casey had was not contagious. Finally he said, 'Look, Dylan, you have no choice. He will be in your class next week.'

Q. Did you take attendance in your class?

A. No, but it is very noticeable when someone misses more than three classes. I take a maximum of eight students each semester.

Q. Was Reese Connors in your animal law rights clinic that semester?

A. Yes.

Q. Did she miss more than three classes?

A. No.

Q. Did Casey come back to class?

A. Yes, he did. He didn't miss another class that semester. However, he might as well have not been there. He made little to no effort. He didn't turn in any of his assignments, he turned in no time sheets, and he didn't bother to prepare transfer or closing memos to his files. The only thing he did turn in was some bizarre and frightening journals. He also sent me a playlist for our end of the year mock trial party. Dean's nephew or not, I felt I had no alternative other than to flunk him. So I flunked him.

Q. What you mean by bizarre and frightening journals and playlist?

A. I require my students to write a weekly journal reflecting on the class, their cases, and any ethical or other issues related to class. I also allow constructive criticism. These journals must be turned in on a weekly basis, they are placed in my student folders in my office, and I maintain those folders for at least five years in case some issue comes up. That has been my habit and practice for the entirety of my time at Ozzie Mandias. What Casey wrote in his journals appeared to me to be threats and certainly was in no way constructive. The playlist was all about guns. I was so concerned that I e-mailed both Dean Harrington and Dean Mandias, and attached copies of both the playlist and the journals. About a week later, I got notice that my contract would not be renewed as there was no continued need for the Animal Rights Law Clinic. After fifteen years of dedicated service, I was out the door without even a thank you.

Q. Did either Dean ever discuss those e-mails, journals, or playlist with you?

A. No, it was like they didn't even get them.

Q. Did you have any conversation with Casey Jones about those documents?

A. No. I didn't want to provoke a confrontation. That is why I sent those things to Blake Harrington. He is the Dean of Students, and it was his responsibility to take whatever action was needed where Casey was concerned.

Q. When did your employment end?

A. May 20, 2011.

Q. When did you next see Casey?

A. That would have been the night of the mock trial team end of the year party. June 7, 2011.

Q. Why did you go the party since you were no longer faculty advisor to the team or employed by Ozzie Mandias?

A. I was faculty advisor to the team for my entire career at Ozzie Mandias. I was invited by the team. Why wouldn't I go?

Q. Who invited you?

A. Reese Connors, for the mock trial team, in her capacity as vice-president of the team.

Q. What time did you arrive at the party?

A. I was there as early as 6:30 p.m. that night.

Q. Was Casey there when you arrived?

A. I don't recall. But I do remember when I first saw him, because I noted his appearance was strange.

Q. How so?

A. He looked pasty, white, like all the blood had been sucked out of him. He was wearing a black leather jacket. Most of the students dress up, not down, for this event. He was wearing black shades even though it was night, and, we were inside the Round Capitol Inn—almost like the light would hurt his eyes.

Q. What was his behavior like?

A. At first, it was okay. He didn't talk to me. But as the evening wore on, especially after all the faculty and staff were gone, his behavior became more and more erratic. He clearly had been drinking heavily while at the party.

Q. Did you see him drinking?

A. No, but I wasn't watching him the whole time I was there.

Q. Then what made you think he'd been drinking at the party?

A. At one point, he took off his shades and looked at me. His eyes were blood red. He had the strangest smile on his face. I saw him walk, or sway would be a better word, over to the DJ and push

him aside. He put on a CD. The music seemed to be the same songs that were on his playlist. All about guns. I noticed a lot of people left about the time he started playing that music.

Q. Were you drinking alcohol that evening?

A. I had a couple of drinks.

Q. Do you think those drinks affected your behavior in any way that evening?

A. What do you mean?

Q. Why on earth did you follow Casey out into the parking lot that night?

A. Wouldn't it be great if we all could pause the clock of time, and say to ourselves, is what I am doing the wise or best course of action? I am sure all of us wish we had hindsight, and had the luxury of a redo. Unfortunately, that is not the case.

Q. Do you think the fact that you, as you said, had imbibed some alcohol, might have influenced your decision to pursue Casey into the parking lot?

A. Not really. Maybe I need to give you a better explanation of why I did what I did.

Q. Maybe you should. Go ahead, and take your time. Don't leave anything out that you think is important.

A. I know, or you'll try to impeach me at trial, right?

Q. Just tell us why you did what you did.

A. Late in the evening, Reese approached me, and asked me to do something about Casey because he was scaring people with his behavior. I did go over to the DJ station and ask Casey if he didn't think it was time for him to go home. He said 'You and Reese don't want me here?' Then, I swear, he hissed at me and said 'I will see you sleep like the dead, teacher!'

Q. That sounds like something out of a Stephen King novel.

A. I wouldn't know. I don't read fiction. Anyway, I walked back over to Reese to tell her what he said, and all of a sudden I hear what sounded like a gun being discharged in the room. I saw Casey run out of the room towards the exit doors of the Round Capitol Inn. And he was shouting, "I'm going to get more fire!" over and over again. 20/20 hindsight, I would have tried to barricade the doors, get people into a safer area, called the police, but things happened so fast. Instinct took over. I knew—everyone knew—that Casey had weapons in his vehicle. It was common knowledge. I thought he was going to get one of those weapons and kill me and no telling how many other innocent people who'd just come there to have a little fun. So I ran after him.

Q. What happened next?

A. Casey was a big guy and more physically fit than me, plus he had a head start. He had opened the back of his van, and was fumbling around inside like he was trying to take something out. He must have heard me coming; he turned around towards me. He had a pistol in his hand, which I now know was a 30 caliber Glock. "Come and get it", he said, and he fired at me. I took a flying leap and tried to tackle him. I couldn't bring him down, so I tried to pull the gun from his grasp. We were both fighting for the gun. It went off I can't tell you how many times as we were struggling for control. I knew I had been shot. I was bleeding profusely; so was Casey. We fell to the ground simultaneously. I fainted. The next thing I remember was waking up in Shands Hospital where I had been lifeflighted. The emergency room doctor told me if I'd gotten there five minutes later, I would have bled to death. As it was, they had to perform major surgery to save my life because of the way he gut shot me. I lost a foot of my large intestine, and part of my small intestine as well.

Q. I am truly sorry for what happened to you. Had anything even remotely similar ever happened on Ozzie Mandias' property before?

A. Not to my knowledge.

Q. I don't have any further questions. Best of luck to you in the future, Mr. Robb.

MS. REHM: I have no questions.

(Deposition concluded at 5:00 p.m.)

EXHIBIT _____

From: Professor Robb

Date: April 4 , 2011

Re: Assignment: Read law review articles placed in your inbox on how to be a happy law student or happy lawyer. Write your own thoughts on how to be a happy law student and lawyer in this week's journal.

Casey Jones

Journal for April 11, 2011

"Happiness is a warm gun."

From: Professor Robb

Date: May 2 , 2011

Re: Last week assignment: Write a constructive critique of this class, and your suggestions on how to improve it.

Casey Jones

May 9, 2011 End of Semester Journal

Look in the mirror. Is it true that *you won't be here* next year? *Take care*, and happy trails *until we meet again*.

CERTIFICATE OF OATH

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, the undersigned authority, certify that said designated witness personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 30th day of May , 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

CERTIFICATE OF REPORTER

STATE OF SUWANNEE)

COUNTY OF FOSTER)

I, VERONICA HERNANDEZ, Court Reporter, certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages number 1 through 10 are a true and correct record of the aforesaid proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested, in the action.

DATED this 30th day of May, 2012.

Veronica Hernandez
Court Reporter
1-800-934-9000
(850) 878-3333

STUDENTS

CONICE ALLEN
GARRY



OP-C-14 WEAPONS IN VEHICLES

SPECIFIC AUTHORITY

S.S. 790.251

OBJECTIVE

To clarify SSU's weapon's policy while remaining consistent with Suwannee law and *The Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008* which became effective July 1, 2008.

OVERVIEW

Suwannee State University is a school based on the established definitions from Suwannee Statute 790.115. As such, students, staff and faculty must not have any type of defined weapon in their possession and cannot store a weapon in their vehicle while on any University property.

A. WEAPONS IN VEHICLES

Firearms and other weapons may **not** be carried in vehicles parked on University property.

Section 790.25(5), Suwannee Statutes, authorizes persons 18 years of age or older to possess a concealed firearm or other weapon in a private conveyance for self-defense if the weapon is securely encased and not readily accessible for immediate use. Section 790.115(2)(a), Suwannee Statutes prohibits possessing weapons or firearms on school property. Although Section 790.115(2)(a)3, Suwannee Statutes, provides that a person may carry a firearm in a vehicle pursuant to Statute 790.25(5), it provides that schools may provide policies waiving the exception.

Suwannee State University waives the exception in the previous paragraph and is a "school" based on established definitions from the Statute. Suwannee State University students, staff and faculty must not have any type of defined weapon in their possession and cannot store a weapon in their vehicle while on any University property. A weapon could include non-lethal weapons such as pellet guns, knives, metallic knuckles, slingshots, billie's, tear gas guns, chemical weapons or device, or other objects defined as a deadly weapon.

This policy does not apply to Suwannee State University Police Officers, municipal, county, federal or other state law enforcement officers while on or off duty or acting in an official capacity, since they are required to possess weapons and uphold the law.



EXHIBIT C



EXHIBIT D



EXHIBIT E



EXHIBIT **F**





EXHIBIT H









0 1 2 3
CASE# DIM



EXHIBIT W

0 1 # 7 / 3

CASE# _____ Date _____

EXHIBIT X

Patient: Casey Jones
Doctor: Michael Stone, M.D. - M.E. Rec. 06/08/2011
Hosp: Second Dist. Medical Examiner Rep
Room#: Lab#: ME-781997

DATE: 06/08/2011

COMPREHENSIVE TOXICOLOGICAL STUDIES

AN EXTENSIVE TOXICOLOGICAL STURY WAS PERFORMED BY MULTIPLE METHODS ON MULTIPLE SAMPLES WITH THE REPORTS AS LISTED. PERFORMED ON POSTMORTEM BLOOD AND URINE.

| | | THRESHOLD LIMITS |
|---------------------------|----------|------------------|
| METHAQUALONE: | Negative | 300 NG/ML |
| COCAINE (BENZOYLECGONINE) | Negative | 300 NG/ML |
| THC (CANNABINOIDS) | Negative | 100 NG/ML |
| AMPHETAMINES | Negative | 1000 NG/ML |
| BARBITUATES | Negative | 300 NG/ML |
| BENZODIAZEPINES | Negative | 300 NG/ML |
| OPIATES | Negative | 300 NG/ML |
| PROPOXYPHENE | Negative | 300 NG/ML |
| METHADONE | Negative | 300 NG/ML |
| PHENCYCLIDINE | Negative | 25 NG/ML |
| PHENOTHIAZINES | Negative | |
| ALCOHOL, OTHER VOLATILES | Positive | 0.14% |
| SALICYLATES | Negative | |
| ACETAMINOPHEN | Negative | |
| SYNTHETIC NARCOTICS | Negative | |
| ANTIDEPRESSANTS | Negative | |
| ANTI HISTAMINE | Negative | |
| ANTIARYTHMICS | Negative | |
| OTHER | Negative | |

FINAL REPORT OF TOXICOLOGY SCREEN
CERTIFYING SCIENTIST ___/S/_____

Patient: Dylan Robb
Doctor: Michael Stone, M.D. - M.E. Rec. 06/08/2011
Hosp: Second Dist. Medical Examiner Rep
Room#: Lab#: ME-781998

DATE: 06/08/2011

COMPREHENSIVE TOXICOLOGICAL STUDIES

AN EXTENSIVE TOXICOLOGICAL STURY WAS PERFORMED BY MULTIPLE METHODS ON MULTIPLE SAMPLES WITH THE REPORTS AS LISTED. PERFORMED ON BLOOD AND URINE.

| | | THRESHOLD LIMITS |
|---------------------------|----------|------------------|
| METHAQUALONE: | Negative | 300 NG/ML |
| COCAINE (BENZOYLECGONINE) | Negative | 300 NG/ML |
| THC (CANNABINOIDS) | Negative | 100 NG/ML |
| AMPHETAMINES | Negative | 1000 NG/ML |
| BARBITUATES | Negative | 300 NG/ML |
| BENZODIAZEPINES | Negative | 300 NG/ML |
| OPIATES | Negative | 300 NG/ML |
| PROPOXYPHENE | Negative | 300 NG/ML |
| METHADONE | Negative | 300 NG/ML |
| PHENCYCLIDINE | Negative | 25 NG/ML |
| PHENOTHIAZINES | Negative | |
| ALCOHOL, OTHER VOLATILES | Positive | 0.04% |
| SALICYLATES | Negative | |
| ACETAMINOPHEN | Negative | |
| SYNTHETIC NARCOTICS | Negative | |
| ANTIDEPRESSANTS | Negative | |
| ANTI HISTAMINE | Negative | |
| ANTIARYTHMICS | Negative | |
| OTHER | Negative | |

FINAL REPORT OF TOXICOLOGY SCREEN
CERTIFYING SCIENTIST ___/S/____

Blood Alcohol Level

BAL .02 %-.03 %: You feel mildly relaxed and maybe a little lightheaded. Your inhibitions are slightly loosened, and whatever mood you were in before you started drinking may be mildly intensified.

BAL .05 %-.06 %: You feel warm and relaxed. If you're the shy type when you're sober, you lose your feelings of shyness. Your behavior may become exaggerated, making you talk louder or faster or act bolder than usual. Emotions are intensified, so your good moods are better and your bad moods are worse. You may also feel a mild sense of euphoria.

BAL .08 %-.09 %: You believe you're functioning better than you actually are. At this level, you may start to slur your speech. Your sense of balance is probably off, and your motor skills are starting to become impaired. Your ability to see and hear clearly is diminished. Your judgment is being affected, so it's difficult for you to decide whether or not to continue drinking. Your ability to evaluate sexual situations is impaired.

BAL .10 %-.12 %: At this level, you feel euphoric, but you lack coordination and balance. Your motor skills are markedly impaired, as are your judgment and memory. You probably don't remember how many drinks you've had. Your emotions are exaggerated, and some people become loud, aggressive, or belligerent.

BAL .14 %-.17 %: Your euphoric feelings may give way to unpleasant feelings. You have difficulty talking, walking, or even standing. Your judgment and perception are severely impaired. You may become more aggressive, and there is an increased risk of accidentally injuring yourself or others. This is the point when you may experience a blackout.

BAL .20 %: You feel confused, dazed, or otherwise disoriented. You need help to stand up or walk. If you hurt yourself at this point, you probably won't realize it because you won't feel pain. If you are aware You've injured yourself, chances are you won't do anything about it. At this point you may experience nausea and/or start vomiting (keep in mind that for some people, a lower blood alcohol level than .20 % may cause vomiting). Your gag reflex is impaired, so you could choke if you do throw up. Since blackouts are likely at this level, you may not remember any of this.

BAL .25 %: All mental, physical, and sensory functions are severely impaired. You're emotionally numb. There's an increased risk of asphyxiation from choking on vomit and of seriously injuring yourself by falling or other accidents.

BAL .30 %: You're in a stupor. You have little comprehension of where you are. You may suddenly pass out at this point and be difficult to awaken. (Passing out can also occur at lower BAL's. But, at lower blood alcohol levels, you may decide You've had enough to drink and go "pass out." With an alarming BAL like .30%, your body will be deciding to pass out for you.)

BAL .35 %: This blood alcohol level also happens to be the level of surgical anesthesia. You may stop breathing at this point.

BAL .40 % You are probably in a coma. The nerve centers controlling your heartbeat and respiration are slowing down, s-l-o-w-i-n-g d-o-w-n, s-l-o-w-i-n-g d-o-w-n. It's a miracle if you're not dead.

.40 % BAL coma

.30 %BAL in a drunken stupor

.25 % BAL emotionally and physically numb

.20 %BAL vomiting

.15 % BAL possible blackout (memory loss)

.10 % BAL lack of coordination and balance (legally drunk)

.05 % BAL warm and relaxed

.02 % BAL little lightheaded



EXHIBIT LAB

EXHIBIT _____

**CASEY JONES' SUGGESTED PLAYLIST
FOR THE OZZIE MANDIAS MOCK TRIAL END OF THE YEAR PARTY
SUBMITTED TO DYLAN ROBB, OUR SOON TO BE DEARLY DEPARTED FACULTY ADVISOR**

1. Bang Bang (My Baby Shot Me Down)—Nancy Sinatra
2. Lawyers, Guns and Money—Warren Zevon
3. I Shot the Sheriff—Eric Clapton
4. Blaze of Glory—Jon Bon Jovi
5. Saturday Night Special—Lynyrd Skynrd
6. Roland the Headless Thompson Gunner—Warren Zevon
7. Shotgun—Jr. Walker & The All Stars
8. Billy, Don't Be A Hero—Bo Donaldson & the Heywoods (I'd like to dedicate this to our outgoing Mock Trial Faculty Advisor, is that okay with you, Robb?)
9. You Don't Mess Around with Jim —Jim Croce (I'd love it if you'd dedicate this one to me!)
10. The Man Who Shot Liberty Valance—Gene Pitney
11. Janie's Got a Gun—Aerosmith
12. Happiness is a Warm Gun—the Beatles
13. Point Blank—Bruce Springsteen
14. Hit Me With Your Best Shot—Pat Benetar
15. Guns, Guns, Guns—Guess Who
16. Bullet in the Blue Sky—U2
17. Shot in the Dark—Ozzie Osbourne
18. Love Gun—Kiss
19. Big Iron—Marty Robbins
20. I'm Gonna Get Me a Gun—Cat Stevens
21. Shooting Star—Bad Company
22. The Guns of Brixton—The Clash
23. Shoot'em Up, Baby—Andy Kim
24. Annie Get Your Gun—Squeeze
25. Who Shot You?—Notorious B.I.G.
26. (This one's going to be a killer! But, it's a surprise)

EXHIBIT _____

Circuit Court of Florida
Second Judicial Circuit
Foster County
State of Suwannee, Plaintiff

v.

Dylan Robb, Defendant.
No. 2011 CF 001234 NC
October 26, 2011

Order on Motion for Statutory Immunity from Prosecution

Don Corleone, Senior Circuit Judge.

The Defendant, Dylan Robb, is charged by an Information filed by the State Attorney with Second Degree Murder. If found guilty as charged, the Defendant could be sentenced to life imprisonment. The Defendant has filed a Motion for Statutory Immunity From Prosecution citing Section 776.032, Section 776.012 and Section 776.013, Suwannee Statutes.

Pursuant to recent decisions of the District court of Appeal, this Court conducted an evidentiary hearing on Defendant's motion.

Only two witnesses were at the scene of the events that occurred in the late evening of June 7, 2011. One was the Defendant, Dylan Robb, and the other was Jordan Rivers, who testified for the State.

The decedent was Casey Jones who the Defendant had known for approximately three years. The decedent, the Defendant, and the other witness to the shooting, Jordan Rivers were at a law school (Ozzie Mandias College of Law) party on the school's property on the night of the shooting. The Defendant was lawfully present at the party, having been invited by a member of the mock trial team who had authority to extend the invitation.

The Defendant testified that Casey Jones had threatened him with bodily harm on numerous occasions prior to July 7, 2011. While the party was going on, a gun shot was fired inside the room at the Round Capitol Inn where the party was taking place. The Defendant, knowing Casey Jones had a concealed weapons permit, suspected Casey Jones had fired a gun. When Defendant confronted Casey Jones, Mr. Jones told the Defendant that he was "going to get more fire", and rushed out of the building into the parking lot where his white van was parked. Defendant knew that Casey Jones had numerous firearms concealed in his vehicle. Defendant believed that Casey Jones planned to retrieve one or more of these weapons to kill Defendant and possibly others at the party. Defendant followed Casey Jones into the parking lot.

Both Mr. Rivers and Defendant testified that Casey Jones, upon seeing Defendant, pulled out a firearm. Both witnesses testified Mr. Jones pointed the gun at the Defendant, and the Defendant tried to tackle Mr. Jones. At that point, the gun discharged multiple times, severely injuring the Defendant, and causing mortal injury to Mr. Jones.

OTHER EVIDENCE

The Foster County Sheriff's Department recovered at least eleven shell casings from the Round Capitol Inn parking lot. They recovered one from inside the Round Holiday Inn in the room where a gun was apparently discharged. All of the casings were found by forensics to have come from one gun, that being a 30 caliber Glock firearm registered to Mr. Jones. This gun was retrieved from the Round Capitol Inn parking lot. The Sheriff's Department searched Mr. Jones' vehicle, a white van, and recovered numerous firearms and ammunition, including an AK-47, and an Ouzi.

The President and the Dean of the Law School, Ozzie Mandias, though not subpoenaed by either the State of the Defendant, stood and asked to be allowed to testify at this hearing. In an abundance of caution, this Court allowed him to do so. The Court had the Court Reporter transcribe his testimony, and that testimony is attached hereto as

Court's Exhibit "A" to this Order and incorporated by reference. The Court emphasizes that its decision was in no way affected by Mr. Mandias' testimony.

DISCUSSION

[Section 776.012, Suwannee Statutes](#), provides that a person is justified in the use of deadly force and has no duty to retreat if that person reasonably believes that such deadly force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.

[Section 776.013, Suwannee Statutes](#), provides that a person who is not engaged in an unlawful activity and who is attacked in any other place where the person has a right to be has no duty to retreat and has the right to stand his ground and to meet force with force, including deadly force, if the person reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or to prevent the commission of a forcible felony.

[Section 776.032, Suwannee Statutes](#), provides that a person who uses force as permitted in [Sections 776.012 and 776.013, Suwannee Statutes](#), is justified in using such force and is immune from criminal prosecution AND civil action for the use of such force. If a defendant in a civil action is found by the court to be immune from prosecution, that defendant can be awarded attorney's fees, court costs, compensation for loss of income, and all expenses incurred in the defense of that civil action.

In criminal cases, District Courts of Appeal have concluded that the immunity from criminal prosecution is to be determined by the Court before trial. [Martinez v. State, 35 SLW D2175 \(Suw. 1st DCA October 8, 2010\)](#). The trial judge is to conduct an evidentiary hearing at which the judge evaluates the testimony and other evidence, judges the credibility of witnesses, and determines if the defendant has established immunity under [Section 776.032, Suw. Stats.](#), by the "preponderance of the evidence." [Peterson v. State, 983 So.2nd 27 \(Suw.. 1st DCA 2008\)](#); [McDaniel v. State, 24 So.3rd 654 \(Suw..2nd DCA 2009\)](#).

This Court understands these cases to mean that the trial judge conducts the equivalent of a bench trial and that "preponderance of the evidence" is the same as "greater weight of the evidence" which means "more likely than not."

Applying the statutory and case law to the facts of this case, the Court finds that the Defendant has established his immunity from criminal prosecution pursuant to [Section 776.032, Suwannee Statutes](#).

The Defendant was in a place where he had a right to be and was not acting unlawfully. He had more than enough reason to believe he and possibly third persons were in danger of imminent death or great bodily harm. Under current Suwannee law, Defendant had no duty to retreat and was legally entitled to meet force with force and, certainly in this case, even with deadly force. By all accounts, the entire episode, beginning with the first shot, lasted a few minutes at the most. Defendant was under fire until he was able to wrest Casey Jones' Glock pistol from him and return fire. All of his actions were made in response to a reasonable fear of imminent death or great bodily harm.

It is, therefore,

ORDERED

That the Defendant, Dylan Robb, is immune from criminal prosecution in this case pursuant to the provisions of Section 776.013, Suwannee Statutes.

DONE and ORDERED this 26th of October, 2011.

Don Corleone, Senior Circuit Court Judge

EXHIBIT AE

"Exhibit A"

OZZIE MANDIAS

Was called as a witness, having been first duly sworn, testified as follows:

Judge Corleone, I ask you for justice. I know I didn't give money to your most recent campaign, but I beg you to hear me out. Casey Jones is—was-- my nephew.

Casey wasn't perfect. I knew he liked to drink too much, and he got depressed, but his family was trying to get him professional help. I knew Casey sent some unsavory notes to Dylan Robb in the spring of 2011. I did counsel Casey, and tell him how things like that could destroy his career if they got out. Maybe I should have done more and things would not have turned out the way they did. But just because Casey occasionally drank too much, and wrote some offensive journals, doesn't mean Casey deserved to be gunned down like an animal in the parking lot of my law school.

I beg you to let the State prosecute Dylan Robb to the fullest extent of the law. Let Dylan Robb suffer like my nephew suffered.

JURY INSTRUCTIONS

INTRODUCTION

Members of the jury, you have now heard and received all of the evidence in this case. I am now going to tell you about the rules of law that you must use in reaching your verdict. When I finish telling you about the rules of law, the attorneys will present their final arguments and you will then retire to decide your verdict.

It is your duty as jurors to decide the issues, and only those issues, that I submit for your determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you, to facts as you find them from the evidence.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received in evidence and all facts that may be admitted or agreed to by the parties.

In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence.

SUMMARY OF CLAIMS

The claims and defenses in this case are as follows. Plaintiff claims that Defendant was negligent by causing or contributing to the existence of a dangerous condition on its premises on June 7, 2011 while aware that Plaintiff was on the premises; by failing to properly supervise the event on its premises June 7, 2011; by failing to provide adequate security measures at its premises June 7, 2011; and by failing to warn Plaintiff of the dangerous condition on its premises on June 7, 2011, all of which caused harm to the Plaintiff. The Defendant claims that it is not liable for any harm to Plaintiff because it did not cause, nor could it reasonably foresee the events that took place on its premises on June 7, 2011 which caused harm to the Plaintiff; that the Plaintiff caused or contributed to his/her own injuries June 7, 2011; that Plaintiff was intoxicated during the event on June 7, 2011 to the extent that his/her normal faculties were impaired, and as a result, was more than 50% responsible for his/her injuries; that the condition on Defendant's premises was open and obvious, and that Plaintiff could have avoided any dangerous condition on Defendant's premises June 7, 2011.

STIPULATIONS

The parties agree that the following are laws that were in existence at all times relevant to this case:

- S.S. 768.36...In any civil action, a plaintiff may not recover any damages for injury to his or her person if the trier of fact finds that, at the time the plaintiff was injured, the plaintiff was under the influence of alcohol to the extent that the plaintiff's normal faculties were impaired or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and as a result of the influence of such alcoholic beverage the plaintiff was more than 50 percent at fault for his or her own harm.
- S.S. 394.467...("Baker Act") (1) CRITERIA.—A person may be placed in involuntary inpatient placement for treatment upon a finding of the court by clear and convincing evidence that:

JURY INSTRUCTIONS

- (a) He or she is mentally ill and because of his or her mental illness:
 - 1.a. He or she has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment; or
 - 1.b. He or she is unable to determine for himself or herself whether placement is necessary; and
 - 2.a. He or she is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or
 - 2.b. There is substantial likelihood that in the near future he or she will inflict serious bodily harm on himself or herself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm; and
- (b) all available less restrictive treatment alternatives which would offer an opportunity for improvement of his or her condition have been judged to be inappropriate.
- S.S. 397.675...("Marchman Act") **Criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment , involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment.**—A person meets the criteria for involuntary admission if there is a good faith reason to believe the person is substance abuse impaired and, because of such impairment:
 - Has lost the power of self-control with respect to substance use; and either
 - (2)(a) Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; or
 - (b) Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services.
- S.S. 790.06 **License to carry concealed weapon or firearm.**—The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section...For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not included a machine gun (Machine gun means any firearm which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.)
 - (10) A license issued under this section shall be suspended or revoked if the licensee is committed as a substance abuser under chapter 397 or is committed to a mental institution under chapter 394.

JURY INSTRUCTIONS

- (12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into any school, college, or professional athletic event not related to firearms.
- (12) 15(b) A person licensed under this section shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes. “Firearm” means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.
- S.S. 790.251 **Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.—**
 - (4) PROHIBITED ACTS.—
 - No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.
 - No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within that vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel, based upon due process and must comply with constitutional protections.
 - No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer’s place of business because the customer’s, employee’s, or invitee’s private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer’s employee’s , or invitee’s private motor vehicle.
 - No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.
 - (7) EXCEPTIONS.—The prohibitions in subsection (4) do not apply to:
 - Any school property as defined and regulated under s. 790.115.
- S.S. 790.115—**Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—**
 - (2)(a)...a person may carry a firearm:

JURY INSTRUCTIONS

- 3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges. For the purposes of this section, “school” means any ...post-secondary school, whether public or private.
- S.S. 776.012—**Use of force in defense of person.**—A person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat if:
 - He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony.

ISSUES ON PLAINTIFF’S CLAIM—PREMISES LIABILITY

The next issue for your consideration on the claim of Plaintiff against Defendant is whether Defendant was negligent and breached its duty of care to Plaintiff while aware that Plaintiff was present on the property; and, if so, whether such negligence was a legal cause of the injury sustained by the Plaintiff.

Dylan Robb (Plaintiff) claims that Ozzie Mandias College of Law (Defendant) was negligent in allowing a law student under its supervision, Casey Jones, to participate June 7, 2011 in an event sponsored by Defendant on its premises, by failing to properly supervise Casey Jones during that event, by failing to provide proper security at that event, and by failing to warn Plaintiff concerning Casey Jones. Plaintiff claims Defendant was aware that both Plaintiff and Casey Jones were present at the June 7, 2011 event on its property. Plaintiff claims Defendant knew or should have known that Casey Jones had a diagnosed substance abuse problem, had been diagnosed as dangerous to himself or others, and had previously carried firearms while on Defendant’s property. Plaintiff claims that despite this knowledge, Defendant did not prevent Casey Jones from participating in the event sponsored by Defendant on its property on June 7, 2011, did not provide proper security at the June 7, 2011 event, did not prevent Casey Jones from carrying firearms on Defendant’s property on June 7, 2011, did not prevent Casey Jones from having access to alcoholic beverages on June 7, 2011 but instead provided or allowed Casey Jones access to alcoholic beverages such that Casey Jones became intoxicated while on Defendant’s premises, and that Defendant did not warn Plaintiff of the danger all of the foregoing created to his/her person. Plaintiff claims as a result of Defendant’s acts or failure to act, Casey Jones became intoxicated, discharged a firearm while on Defendant’s property, and harmed the Plaintiff. Plaintiff claims that the harm caused to his/her person by Defendant’s acts or failure to act on or prior to June 7, 2011 was reasonably foreseeable by Defendant.

ISSUES ON PLAINTIFF’S CLAIM—NEGLIGENT SUPERVISION

For Plaintiff to establish that he was harmed by Defendant Ozzie Mandias College of Law’s negligent supervision of Casey Jones, Plaintiff must prove (1) that Defendant’s conduct was negligent and (2) that negligence was a substantial factor in causing harm to Plaintiff.

JURY INSTRUCTIONS

For Plaintiff to establish that he/she was harmed by Defendant's negligent supervision of Casey Jones, Plaintiff must prove (1) the Defendant observed dangerous behavior by Casey Jones that led to Plaintiff's injuries or else was aware that Casey Jones had habits or tendencies that created an unreasonable risk of harm to other persons; (2) that Defendant had the opportunity and ability to control Casey Jones' conduct; (3) that Defendant negligently failed to exercise reasonable care to prevent that conduct or to take reasonable precautions to prevent harm to others; and (4) that Defendant's negligence was a substantial factor in causing harm to Plaintiff.

ISSUES ON PLAINTIFF'S CLAIM—NEGLIGENT SECURITY

The issue for your determination on the claim of Plaintiff against Defendant is whether Defendant was negligent in its duty of care to protect Plaintiff from the criminal acts of others. Plaintiff was injured when he/she was involved in a physical altercation with another individual, Casey Jones. Defendant may be liable for Plaintiff's injuries if: (1) Criminal acts on invitees such as Plaintiff were reasonably foreseeable by Defendant because Defendant had notice of prior recent and similar criminal acts in the vicinity of the premises; and (3) Defendant negligently failed to provide adequate security for Plaintiff under the circumstances.

BURDEN OF PROOF ON PLAINTIFF'S CLAIMS

The Plaintiff must prove his/her claims by the greater weight of the evidence.

If the greater weight of the evidence does not support Plaintiff's claim(s) that Defendant was negligent, your verdict should be for Defendant on that/those claim(s). However, if the greater weight of the evidence supports the Plaintiff's claim(s), then your verdict should be for Plaintiff and against Defendant on that/those claim(s).

PREEMPTIVE CHARGE CONCERNING THE DUTY OWED TO PLAINTIFF WHILE ON DEFENDANT'S PROPERTY

The court has determined that Plaintiff was Defendant's invitee at all relevant times on June 7, 2011, and now instructs you that the circumstances at the time and place of the incident involved in this case were such that Defendant Ozzie Mandias College of Law had a duty to use reasonable care for Plaintiff's safety.

DEFENSE ISSUES

If, however, the greater weight of the evidence supports Plaintiff's claim(s), then you shall consider the defenses raised by Defendant.

On the defense, the issues for your determination are whether the Plaintiff was himself negligent, and if so, was such negligence the legal cause of his injuries. Or, whether the Plaintiff was himself/herself negligent, and if so, whether that negligence was a contributing cause to his/her injuries.

JURY INSTRUCTIONS

The Defendant claims the acts and events that took place on June 7, 2011 could not have been reasonably predicted or prevented by Defendant, that no act or failure to act by Defendant caused Plaintiff's injuries, that any dangerous condition was obvious and known to the Plaintiff and therefore avoidable, that the Plaintiff was a voluntary participant in the events that caused his/her injury, that Plaintiff was under the influence of alcohol to the extent that his/her normal faculties were impaired and as a result was more than 50% at fault, and that Plaintiff is solely responsible for his/her injuries.

The Defendant has raised the following issues you must decide

- (1) whether Plaintiff himself/herself was negligent in provoking and causing the physical altercation between himself/herself and Casey Jones and if so, whether that negligence was the legal cause of injury or damage to Plaintiff.
- (2) whether Plaintiff was aware of the danger presented by Casey Jones' actions while on Defendant's property; realized and appreciated the possibility of injury as a result of such danger; and, having a reasonable opportunity to avoid it, voluntarily and deliberately exposed himself to the danger complained of.
- (3) Whether Plaintiff was under the influence of alcohol to the extent his/her normal faculties were impaired and as a result, was more than 50% at fault.

The Defendant has the burden of proof on issues number one, two and three.

BURDEN OF PROOF ON DEFENSE ISSUES

If the greater weight of the evidence does not support the defenses of Defendant Ozzie Mandias College of Law and the greater weight of the evidence does support the claim of the Plaintiff, Dylan Robb, then your verdict should be for the Plaintiff, Dylan Robb.

COMPARATIVE NEGLIGENCE GENERALLY

If the greater weight of the evidence shows that the Plaintiff, Dylan Robb, and the Defendant, Ozzie Mandias College of Law, were both negligent, and that the negligence of each contributed as a legal cause to the injury of the Plaintiff, you should determine what percentage of the total negligence was attributable to both parties.

GREATER WEIGHT OF THE EVIDENCE

"Greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence in the case.

CREDIBILITY OF THE WITNESSES

In determining the believability of any witness and the weight to be given the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness, any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in the light of your own experience and common sense.

-

JURY INSTRUCTIONS

NEGLIGENCE

Negligence is the failure to use reasonable care. Reasonable care is that degree of care which a reasonably careful person would use under like circumstances. Negligence may consist either in doing something that a reasonably careful person would do under like circumstances or in failing to do something that a reasonably careful person would do under like circumstances.

Negligence is a legal cause of injury if it directly and in natural and continuous sequence produces or contributes substantially to producing such injury, so that it can reasonably be said that, but for the negligence, the injury would not have occurred.

CONCURRENT CAUSE

In order to be regarded as a legal cause of injury negligence need not be the only cause. Negligence may be a legal cause of injury even though it operates in combination with the act of another if the negligence contributes substantially to producing such injury.

INTERVENING CAUSE

Negligence may also be a legal cause of injury even though it operates in combination with the act of another occurring after the negligence occurs if such other cause was itself reasonably foreseeable and the negligence contributes substantially to producing such injury or the resulting injury was a reasonably foreseeable consequence of the negligence and the negligence contributes substantially to producing it.

FORESEEABLE CAUSE

In the context of legal cause, "foreseeability" means that a reasonable person would expect that a dangerous condition created by a person would likely lead to some injury. An injury is a foreseeable result of negligent conduct if the injury results in an ordinary, natural, and logical sequence from the negligent conduct. An injury may be reasonably foreseeable even though a person could not have known the exact series of events that would lead to the injury or the exact nature and extent of the injury. All that is necessary is that the person be able to see that some injury will likely result in some manner as a consequence of his or her negligent acts.

VERDICT

Your verdict must be based on the evidence that has been received, and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice, sympathy or any other sentiment for or against any party.

JURY INSTRUCTIONS

FOREPERSON

When you retire to the jury room, you should select one of your number to act as foreman or forewoman, to preside over your deliberations and sign your verdict. Your verdict must be unanimous, that is, your verdict must be agreed to by each of you. You will be given a verdict form, which I shall now read and explain to you.

(Court reads and explains verdict form)

When you have agreed on your verdict, the foreman or forewoman, acting for the jury, should date and sign it. You may now retire to consider your verdict.