



United States District Court

Sam Booker v. Andy Goose

By Rachel Endick

UNITED STATES DISTRICT COURT

SAM BOOKER)
Plaintiff)
)
v.) No. HMCE-DC-09-02
)
ANDY GOOSE)
Defendant)

SUMMARY OF THE FACTS STIPULATED

Sam Booker was riding a public bus in Anderville, New Jersey on May 14, 2008. Upon exiting the bus Mr./Ms. Booker was struck by a backpack belonging to Andy Goose. Mr./Ms. Booker fell to the floor of the bus and 9-1-1 was contacted. Upon arrival, emergency medical workers placed Mr./Ms. Booker on a stretcher and transported him/her to Newtown Hospital. Mr./Ms. Booker was treated for swelling and contusions in her left upper thigh, and after x-rays and a CAT scan, doctors learned that Mr./Ms. Booker had a fractured hip. Mr./Ms. Booker was rushed into surgery and given a hip replacement. Several weeks of physical and occupational therapy followed, and Mr./Ms. Booker is now reliant upon a cane in order to walk. Doctors are unable to say for certain if Mr./Ms. Booker will ever be able to walk on his/her own again.

COMPLAINT BY THE PLAINTIFF

The plaintiff brings this civil action in tort, alleging that the defendant was negligent in his/her actions on May 14, 2008. Plaintiff in its complaint against defendant alleges:

1. The defendant, Andy Goose, acted negligently when (s)he used the iRock, a portable music device with earphones, when (s)he boarded a public vehicle.
2. The defendant knowingly and intentionally made the choice to listen to his/her portable music device at a volume that hindered his/her ability to hear the voices of other passengers.
3. The defendant acted in a further negligent manner when (s)he failed to remove his/her headphones and/or turn off the music device prior to exiting the bus.
4. The defendant's striking of the plaintiff with the backpack was the proximate cause of the plaintiff's injuries.

Therefore, the plaintiff is seeking \$25,000 in actual damages for medical bills and psychiatrist's fees, as well as \$150,000, the amount the plaintiff anticipated earning in 2008 prior to the injury.

ANSWER BY THE DEFENDANT

The defendant acknowledges that (s)he was listening to a portable music device on the bus, but denies that the volume interfered with his/her ability to be aware of his/her surroundings. Furthermore, the defendant asserts that (s)he acted in a reasonable manner while exiting the bus and that the *plaintiff's* injuries were a result of negligence on the part of the *plaintiff*.

APPLICABLE NEW JERSEY COMMON LAW

Negligence - Basic Definition

Negligence is a failure to exercise a degree of care for the safety of others which a person of ordinary prudence would exercise under similar circumstances. It includes both affirmative acts which a reasonably prudent person would not have done and the omission of acts or precautions which a reasonably prudent person would have done or taken in the circumstances. In order to establish negligence, it is not necessary that it be shown that the defendant had ill will or any intent to do harm. *Harpell v. Public Service Coord. Transport*, 20 N.J. 309, 316 (1956).

Reasonable Person Standard

The defendant's conduct is compared with that of a hypothetical person of reasonable vigilance, caution, and prudence acting in similar circumstances or conditions. *Overby v. Union Laundry Co.*, 28 N.J. Super. 100, 104 (App. Div 1953), *aff'd* 14 N.J. 526 (1954).

Foreseeability

In determining whether the defendant has exercised reasonable care, the jury must consider whether the defendant ought to have foreseen, under the attending circumstances, that the natural and probable consequence of his/her act or omission to act would have been some injury. It is not necessary, however, that the defendant has anticipated the *exact circumstances and resulting injury*, only that some harm might occur. If a reasonable person, under similar circumstances and by the use of ordinary care, should have foreseen the result, then the defendant's actions constitute negligence. *Lutz v. Westwood Transportation Co.*, 31 Super. 285 (App. Div. 1954).

Proximate Cause

It must be proven to the jury that the defendant breached a duty of reasonable care which was a proximate cause of the plaintiff's injuries. That is, the plaintiff's injuries were the direct result of an action or inaction on the part of the defendant. *Brown v. Racquet Club of Bricktown*, 95 N.J. 280, 288 (1984).

The mere fact that an accident happened does not constitute proof that the accident was a result of negligence. *Buckelew v. Grossbard*, 87 N.J. 512, 525 (1981).

INSTRUCTIONS TO THE JURY

The plaintiff has the burden of proof in this case. The plaintiff must prove his/her version of the facts by a preponderance of evidence. It is just enough evidence to make it more likely than not that the defendant committed those actions alleged by the plaintiff, and that those actions constitute a breach of the law. This is less evidence than is needed to prove something beyond a reasonable doubt. The plaintiff must prove by a preponderance of evidence that the defendant acted in a negligent manner, and that the negligence was the proximate cause of the plaintiff's injuries. If the instrument causing the injury was in the exclusive control of the defendant, and if the circumstances surrounding the incident were of such a nature that in the ordinary course of events the incident would not have occurred if the person in control of the instrument had used reasonable care, the law permits, but *does not require*, the jury to infer negligence. It is important to note that the occurrence of an accident itself is not enough to prove negligence. If the jury infers that the defendant was negligent, then the jury should consider the defendant's explanation of the accident. If the explanation causes you to believe that it is no longer reasonable to infer that the defendant was negligent, then you must find for the defendant. On the other hand, if upon weighing all worthwhile evidence it is more likely than not that the defendant was negligent, then the verdict should be for the plaintiff.

WITNESS LIST

Plaintiff

Sam Booker
Kelsey Sunshine
Sascha Stern

Defendant

Andy Goose
Danny Decker
Sydney Freud

NOTE ON THE WITNESSES

The order in which the plaintiff and the defendant call their witnesses is at the discretion of each side. That is, witnesses may be called in any order that a team finds advantageous. Furthermore, the witnesses' names are all gender neutral and may be portrayed as either a male or a female.

**AFFIDAVIT OF SAM BOOKER
WITNESS FOR THE PLAINTIFF**

Hi there, I'm Sam Booker, and I'm thirty-two years old. I live in Anderville with my two cats, Fred and Ginger. I named them after Fred Astaire and Ginger Rogers, of course. What fantastic dance partners those two were! Growing up I watched all of those old movies with the two of them, and that's what made me want to be a dancer. I started when I was three years old with ballet and tap classes, and then when I got older I made the transition to ballroom. Since I was 16 I've been competing in the international ballroom circuit, and my partner and I held the Latin title for seven years. We were great; I was great. I was living my dream and following in the footsteps of the dancers I idolized as a child. Now every time I see my dance shoes lying on the floor of the closet, I feel like I'm going to be sick.

Everything fell apart on May 14, 2008. I had my salsa lesson at 10 a.m. I wish I could say that my last time on the dance floor was a fond memory, but unfortunately it was anything but that. My partner and I had been butting heads for several weeks. Our big championship was coming up at the end of June, and our rumba number had scored poorly at qualifying rounds in April. My partner blamed me for being off-beat, but I thought the whole number needed to be re-choreographed. Anyway, we got into it again that morning, and we spent the last half-hour of our floor time arguing. I grabbed my dance bag and headed out the door at 2 p.m.

The bus came at 2:05, right on time, and I stepped on. I took my bag off my shoulder and sat down about eight or nine rows back. To tell you the truth I was kind of in my own little world during the bus ride. I was stewing over the situation with my dance partner, and I couldn't get it off my mind. The bus pulled onto Maple Avenue, and I was ready to get off. The bus stopped, and I started to move forward when I saw the passenger in the seat in front of me stood up and started to cut me off. I said something like "excuse me," and before I knew it, (s)he swung his/her bag into me, and I was knocked backward onto the floor.

Everyone came rushing over to me, and I could hear one lady calling 9-1-1 on her cell phone. I kept trying to get up, but I

couldn't move my left leg. I was in so much pain. My first thought was the championship and how stupid the whole argument with my partner had been.

The emergency medical personnel arrived, put me on a stretcher, and brought me to the hospital. Before we left, the kid who hit me kept saying how sorry he/she was and how it was all an accident. (S)he kept saying how foolish (s)he was. I'm not sure if I said anything or not; I was really out of sorts.

When I got to the hospital the doctors rushed me in for x-rays and a bunch of other tests. I couldn't believe it when they told me I had a fractured hip. I mean, that's an injury that old people get, not a thirty-two year old. I actually started crying when they told me, and I'm not an emotional person. But I do a lot of crying nowadays. It was my worst nightmare coming true.

After the hip replacement I was in the hospital for three weeks. I had physical therapy for six hours a day and occupational therapy four times a week so I could learn to get around. My proudest accomplishment was graduating from a walker to a cane. It was awful. The longer I was there, the worse I felt. I started having trouble sleeping. I kept dreaming about the accident, and pretty soon I wasn't sleeping at all. I started seeing Dr. Stern, a psychiatrist, and I guess it helped.

Since I left the hospital I've continued with outpatient physical therapy, but I haven't been able to walk without the cane yet. The doctors told me they don't know if I'll ever be able to walk without it. It goes without saying that I haven't been able to dance. I feel like a shell of my former self. I still see Dr. Stern to help me get through things.

You know, it's kind of ironic. I always wanted to be like Fred Astaire, dancing around with his cane. Now I can't get around without one. It's like they say; be careful what you wish for.

Sam Booker

Subscribed and sworn to me on this, the 27th day of November, 2008.

Tracy Kieber, Notary Public

**AFFIDAVIT OF KELSEY SUNSHINE
WITNESS FOR THE PLAINTIFF**

Hi! I'm Kelsey Sunshine, and I drive a bus in Anderville. I really enjoy my job. First of all, I get to do my part for the environment. Sure, the bus I drive is a smelly old thing, but it's a great way for the people of Anderville to avoid driving everywhere. It's like a big carpool! Second, I know everyone in the community. Even when I'm not working I get a "Hi, Kelsey" wherever I go. I get to know the "regulars" like Sam Booker pretty well. I used to pick him/her up and drop him/her off at his/her dance lessons several times a week. I always admired Sam; Sam was so graceful. I just love dancing. I watch that show *Dancing with Celebrities* every week, and I have been known to cut a rug at weddings! Oh, that Sam was really something. It's such a shame what happened.

May 14th was a typical day. I made all of the regular stops like I usually do. I noticed Andy Goose get on and I said hello, but (s)he didn't respond. Andy had those little white headphones sticking out of his/her ears, just like every other kid that is Andy's age. Don't even get me started on those iRocks. They're everywhere! No matter where you go people have them. The mall, the park, the grocery store. Nobody talks to each other anymore because they're too busy blasting they're eardrums with whatever off-color garbage they call music these days. It's really a pity.

Anyway, a few stops after Andy got on I saw Sam get on the bus. We said hello, but I could tell that Sam looked less than happy. Sam had his/her dance bag over his/her shoulder, and (s)he stumbled a little getting on the bus. I looked in my rearview mirror, watched Sam take a seat a row or two behind Andy, and I started driving again.

Right before I turned onto Maple Avenue I looked in my mirror. I always do that before I make a stop to see if anyone needs to be let off at that spot. As I began to decelerate I saw Sam start to stand up. Andy got up, too, and started to swing his/her backpack onto his/her shoulder. Andy still had the earphones plugged in. I don't think (s)he realized that Sam was standing behind him/her. I heard Sam say, "Watch out!" but I guess Andy didn't hear Sam. The next thing I knew the bag

slammed into Sam with an awful "thud" and Sam was on the ground unable to get up.

I put on the emergency brake and ran back to where Sam was on the ground. By that time Andy had unplugged him/herself. The kid seemed really nervous. (S)he was all apologies. Sam didn't seem to want to hear it. (S)he was moaning in pain. Sam kept trying to stand up, but (s)he couldn't really move. I told him/her to stay put. One of my passengers called 9-1-1 right away and told the operator what happened. The paramedics arrived, strapped Sam to a stretcher, and carried him/her off the bus.

I never liked those silly iRocks to begin with, especially given the way those kids use them in order to be anti-social and without thinking. It was only a matter of time before something like this happened. It's just a real shame that Sam had to get hurt in order to teach some teenager a lesson.

Kelsey Sunshine

Subscribed and sworn to me on this, the 12th day of December, 2008.

Tracy Kieber, Notary Public

**EXPERT REPORT OF SASCHA STERN
WITNESS FOR THE PLAINTIFF**

1. Qualifications:

My name is Dr. Sascha Stern. I am currently in private practice of psychology. I see patients for a wide variety of reasons, but I specialize in working with young adults with eating disorders. I received my undergraduate degree in psychology and sociology from Amherst College in 1994. I then received my Ph.D. from the University of Wisconsin, Madison. While at the University of Wisconsin, I interned with the forensic psychologist in the Madison Prosecutor's office.

I am an active member of the American Psychology Association. I am currently working toward my board certification in psychology.

2. Assignment:

Sam Booker has been my patient since late May of 2008. Aside from my normal duties of meeting with Ms./Mr. Booker and providing Sam with the psychological treatment that (s)he requires, I have been retained by counsel for the plaintiff in this matter to assess Ms./Mr. Booker's current psychological state, review the progress (s)he has made since therapy was started, and offer my recommendation for future treatment. In reaching my expert opinions I have relied upon my education, experience, and training in the field of psychology. I am being paid for my services in connection with this matter at the rate of \$600 per hour.

3. Data:

In connection with my work in this matter, I have reviewed the following:

- a. The medical records of Sam Booker (discharge summary)
- b. Statements/depositions of the potential witnesses in this case

- c. Reports of the defendant's expert
- d. Current research articles from the American Psychology Association in the areas of posttraumatic stress disorder and depression
- e. Psychology records of Sam Booker

4. Summary of Conclusions:

I have concluded that prior to May 14, 2008, Sam Booker was a physically and psychologically healthy adult. Due to the injuries sustained from the incident on May 14, 2008, as well as the length of the recovery period that is currently on-going, Sam Booker is suffering from posttraumatic stress disorder.

5. Discussion

On May 14, 2008, Sam Booker was travelling on a public bus in Newtown, New Jersey. While exiting the bus Sam was struck by the bag of another passenger and knocked to the ground. A fracture of the right hip resulted. The patient received a hip replacement and inpatient occupational and physical therapy. Sam now walks with a cane and still receives physical therapy; doctors are unsure if Sam will ever walk without the use of a cane again.

I first met Sam on May 28, 2008. Sam reported that (s)he was suffering from insomnia. (S)he reported constant and obsessive thoughts about the events surrounding his or her reaction. The more (s)he tried to block out said thoughts, the more frequent and intense, both emotionally and in duration, they became. I noted that this increase despite the patient's efforts to keep such thoughts at bay seemed to be consistent with the *Ironic Rebound Effect*, a well-proven and perfectly normal function of the human psyche.

I began seeing Sam on a weekly basis. During our sessions, I employed person-centered therapy. That is, our sessions were based around the patient's candid discussion of thoughts and emotions, and I offered neither advice nor judgment. Rather, I generally paraphrased what the patient

told me and allowed him/her to affirm that my representation was accurate.

The sessions revealed that the accident led to the fulfillment of Sam's biggest fear. Sam had been dancing since an early age, and dance had been both a personal passion and a profession. Sam seemed to think that dancing defined him/her, and that it was his/her only true skill. The cessation of Sam's dancing career also left Sam financially insecure. Prize money from various international dance championships provided the bulk of Sam's income.

Throughout the onset of our sessions, Sam continued to have feelings of terror and helplessness. (S)he continued to have difficulty sleeping. In addition, Sam not only refused to ride a public bus, but (s)he also was unable to walk past the public bus stops without experiencing intense physical symptoms such as breaking out in a cold sweat and extreme nausea.

Given my discussions with Sam, as well as the symptoms that (s)he expressed, I concluded that Sam is, in fact, suffering from posttraumatic stress disorder, or PTSD. It is important to note that not everyone who is exposed to a potentially traumatic event develops posttraumatic stress disorder. Some people live through traumatic events such as fighting in a war or being the victim of physical or emotional abuse are psychologically unaffected. While it is not fully-established, one theory is that this is the result of different people responding differently to emotionally-trying stimuli. In some studies of PTSD patients, the use magnetic resonance imaging, or MRI, has revealed that the brain region known as the hippocampus tends to be smaller in volume as compared to MRIs of individuals who do not suffer from PTSD. No such tests were conducted on Sam, as the significance of the results is unknown and has the potential to be misleading at this time.

6. Recommendation

PTSD by nature is difficult to treat. There is no definite length of time during which patients suffer symptoms. Likewise, there is no known drug that can eliminate, or even mitigate, the symptoms suffered by PTSD patients. Without proper treatment, some do not recover at all.

It is my recommendation that Sam remain in psychotherapy indefinitely. Weekly sessions should be effective in helping Sam cope with the realities that (s)he seems unable to deal with on his/her own.

The above opinions are all expressed within a reasonable degree of scientific probability.

Very Truly Yours,

Dr. Sascha Stern

Dated: January 12, 2009

**AFFIDAVIT OF ANDY GOOSE
WITNESS FOR THE DEFENSE**

What's up? My name is Andy Goose, and I'm 17 years old. I go to Anderville High School, and during the summers I work at the town pool. I've been a lifeguard there for the past two years. It's pretty easy money, and I get to tan while I'm there. I can't really complain. I'm also an EMT, that's an Emergency Medical Technician, a few nights a week. Basically I go to the scene of accidents and help temporarily treat and transport the victims to the local hospital so they can get the medical attention that they need. I've had my certification for a little over a year now.

Well, I guess you want to hear about the incident with Sam Booker. Let me start by saying that not a day goes by that I don't think about Ms./Mr. Booker. It's really sad what happened with him/her, and I feel awful that (s)he is having a slow recovery, not to mention the pain (s)he was in on May 14th.

That day I had been at the pool teaching swimming lessons. I teach the toddler class, and it's actually a lot of fun. Plus, the money is really good, and the parents tend to tip well. Anyway, I left the pool after I finished teaching, and I started to head home.

While I was waiting for the bus, I turned on my iRock. I got it for my sixteenth birthday, and I carry it everywhere I go. I don't see what the big deal is. Everyone has one. Everywhere I go I see people listening to their iRock or some copycat knock-off. Mine is the real thing, though. It's the big one that can hold up to 40,000 songs. And now the iRocks can even hold videos. Technology sure is amazing. Anyway, I was listening to my iRock at the bus stop. It sure beat standing there doing nothing.

I got on the bus, and sat down a few rows back. I still had my iRock on. Look, I really prefer to mind my own business in those types of situations, and people don't really bother you when you're listening to music. I was listening to my favorite rock mix on the ride home, so I guess it was pretty loud. I don't know. Loud is a relative term. I normally listen to my music at that volume, I guess.

Anyway, I saw the bus turn onto Maple Ave., which is where I get off. I stood up and started to lift my bag. I swung it

part of the way on my shoulder when I felt it stop. At first I thought I had struck the back of the seat with my bag, but when I looked back I saw someone on the ground. I didn't know what happened at first. I thought that the person had fallen or something.

I put my bag down on the seat, and turned off my iRock. I unzipped the front pocket of my bag, wrapped the earphones around the iRock, and zipped it in the bag with my cell phone. After I did that I asked the person if (s)he was ok. All (s)he kept saying is, "You hit me with your bag" over and over again. I tried to tell him/her that it was an accident, but it was no use. It was surreal. I was so confused by what had happened. One of the ladies on the bus called an ambulance, and the EMTs got there pretty quickly. The EMTs did a quick examination of Sam, elevated his/her left leg, and put him/her on a stretcher. I actually knew one of the paramedics. He said hello, and I told him I'd see him later. We were scheduled to work a shift together that night.

I can't believe Sam Booker is suing me. I know Sam is suffering, and I really do feel bad about that; however, that doesn't change the fact that it was an accident. I didn't even know that (s)he was standing behind me when I stood up. I was just minding my own business and listening to my iRock.

Andy Goose

Subscribed and sworn to me on this, the 5th day of December, 2008.

Tracy Kieber, Notary Public

AFFIDAVIT OF DANNY DECKER
WITNESS FOR THE DEFENSE

Yes, hi, I'm Danny, Danny Decker. I'm, uh, 17. Yeah, I'm 17. I'm sorry; I get nervous with things like this. I'm really no good at speaking. What I am good at, though, is chemistry. Most kids start taking chemistry class when they're in their junior year at Anderville High, but I took chemistry when I was a sophomore. With a little bit of independent studying I was able to take the advanced placement exam that year and scored a 5. I'm not sure where I want to go for college, but I do know I'll be studying chemistry. Here, let me ask you a question. What's a pirate's favorite element? Arr-gon. Get it? Argon is an element, and pirates are known for saying, "Arrr." I can't believe it when people say chemistry isn't fun. Clearly that's just not true.

On May 14th I was riding the public bus on my way home from my job. I do lab research for a professor at the community college. It's all very exciting. Well, at least I find it fascinating. I wish I could say the same for my peers. Sure, I have friends and all, but for some reason or another, it really bugs some people that I'm smart. It seems like some people's mission in life to taunt me. People like Andy Goose. One kid even spray-painted "nerd" on my locker. I'm positive it was Andy. That's what Andy calls me, and I know that Andy uses spray paint to color-code diving sticks at the public pool, but I had no hard proof. Look, I've got a tough skin and I try to let those types of things roll off, but I'd be lying if I said it didn't bother me a little; however, I take comfort in the fact that the people who go out of their way to give me a hard time are a bunch of fools that'll be working for me one day. Then they'll be singing a different tune.

Anyway, like I said, I was on the bus on May 14th. The ride was pretty uneventful. I was kind of distracted myself. I had had a really long day at the lab, and I was pretty tired. I had a book of crossword puzzles to do on the ride home like I normally do to pass the time, but my eyes were bothering me, so I didn't do any crosswords that day. When I saw Andy get on the bus I guess you could say I felt indifferent. It's obviously not like we're friends, but Andy's not dumb enough to start up with me in front of a busload of people.

My stop's the one after Maple Avenue, so I was still on the bus when the whole debacle unfolded. The bus started to slow down, but I saw Andy stand up before it stopped. The person behind Andy stood up, too. I remember thinking about how silly people can be sometimes. They sit on a bus for close to an hour, but then they jump the gun before the bus stops to save ten seconds. That's like people at the mall who circle the parking lot trying to find the spot that's closest to the door, but then they'll walk around from store to store for an entire day. It's ridiculous. Anyway, the bus stopped really sharply and the bus jolted back. The person behind Andy started to fall, and it wasn't until then that Andy swung his/her backpack.

Look I'm not surprised that Andy ended up in the middle of a mess like this. It was bound to happen sooner or later. I have to say, though, that from what I could tell, Andy didn't do anything wrong. After Andy realized that I was on the bus that day, suddenly (s)he's the one telling his/her buddies to back off of me in the hallways. Now that I'm telling you all of this, I'm sure (s)he'll be even nicer. You know, it's funny. That poor person on the bus ended up in the hospital and all, but the accident just might have been the best thing that has ever happened to me.

Danny Decker

Subscribed and sworn to me on this, the 24th day of December, 2008.

Tracy Kieber, Notary Public

**EXPERT REPORT OF SYDNEY FREUD
WITNESS FOR THE DEFENSE**

January 3, 2009

To Whom It May Concern:

I have been retained by counsel for Andy Goose to express my professional opinions regarding the current mental state of the plaintiff in the matter of *Booker v. Goose*. For my services I am being compensated at my usual rate of \$800 per hour. The opinions expressed throughout this report were all formulated within a reasonable degree of scientific probability.

I am well-qualified in the area of psychology. I graduated from Swarthmore College in 1970, where I received my undergraduate degree in psychology. From there I received my Ph.D. in psychology from Princeton in 1976. The field of psychology has changed drastically since the time that I was in school, and many of the theories that I studied have been completely discredited. To counter this I have taken numerous continuing education courses. I am a member of the American Psychological Society, or the APS, and I have been board-certified for over twenty-five years. Additionally I have been published in the *American Psychology Journal* on several occasions, most notably for my piece "You Can Say That Again- Slips that Reveal What You're Really Thinking."

In order to formulate the opinions expressed herein, I relied upon my extensive experience and education, as well as various documents which I reviewed thoroughly. Said documents include the plaintiff's discharge summary, as well as peer-reviewed journal articles and various texts dealing with posttraumatic stress disorder and other disorders that are distant cousins, so to speak, of PTSD. In addition I met with the plaintiff and evaluated him/her during three hour-long sessions.

During the sessions with the plaintiff, I talked with him/her about the events surrounding his/her accident as well as his/her life prior to the incident. I also administered several projective tests. The idea behind projective testing is that patients will assess generally ambiguous displays in a unique way that is indicative of the inner aspects of his/her psyche.

First, I administered the Rorschach Inkblot Test. Here I presented the patient with a series of unstructured inkblots and evaluated his/her interpretations of the displays. Second, I administered the Thematic Apperception Test. In this case I presented the patient with various pictures of people and had him/her create stories about the pictures. The idea behind this test is that patients will reveal hidden motives or concerns through the stories they craft. Projective testing has taken a lot of heat, especially in the modern world of psychology. Some contend that the patient's responses to projective tests must be interpreted by the psychologist who is administering them, thus creating inaccuracy. Also, both the Rorschach Inkblot Test and the Thematic Apperception Test have not been shown to be reliable or valid in predicting future behavior. Still, I find projective tests to be an important and revealing component of my psychological profiles.

Based upon the results of the projective tests and the conversations I had with the plaintiff, it is my opinion that the plaintiff is not suffering from posttraumatic stress disorder. I did not find that the plaintiff had an unusual number of thoughts about his/her accident. Rather, I thought the type of thoughts (s)he had (i.e. about falling, being unable to walk without a cane) and the frequency with which they occurred were generally normal given the situation. I attribute the intensity of these thoughts to the fact that physical movement (dancing) was such a large part of the patient's life, more so than with the average person. Additionally, I saw no direct symptoms of PTSD while I was evaluating the patient. Specifically with the Thematic Apperception Test I discovered that the financial aspect of this injury seemed most pressing to the defendant. There was no indication of this with the Rorschach Inkblot Test.

Furthermore, it is my opinion that the patient was in the midst of suffering a burnout at the time of the accident. Burnouts are common in individuals who have had a long-term involvement in an emotionally demanding situation, in this case the competitive dancing arena. As a course of treatment I do not find psychological therapy to be a necessity. Rather, stress management techniques would be helpful. I find that yoga tends to be very useful for my patients who have suffered a burnout,

though admittedly in this case the patient's current physical state would preclude such activity. Involving a psychologist to aid in this stress management could be helpful to the patient, though by no means is it required to make progress. Many patients I've seen are able to devise a stress management plan on their own.

Please allow me to express my gratitude for allowing me the opportunity to review this matter.

Very Truly Yours,

Dr. Sydney Freud