



Final Argument #4

Final Argument #4 – Demonstration

Here is the text of a demo presentation of some of the points that might be made on behalf of the pursuer, May Donoghue.

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My first point is that May Donoghue was a customer like any other. When Mr. Stevenson distributed his ginger beer to cafés across Paisley, it was precisely customers such as the pursuer that Mr. Stevenson wanted as end-users. He had May Donoghue in mind. Thus there was a direct and foreseeable connection between bottler and consumer, as in most such transactions.

My second point is that the Wellmeadow Café, as the retailer, was simply acting as a pass-through. It took no action to modify the ginger beer. Nor was it supposed to. Mr. Minchella did what Mr. Stevenson intended – he handed the

opaque bottle of ginger to his customer for consumption. Mrs. Donoghue received what Mr. Stevenson delivered. No more and no less.

My third point is that Mr. Stevenson delivered a defective product to Mrs. Donoghue. It had the remains of a decomposed snail. We know this because the testimony of Mrs. Donoghue and Miss MacIssac was unequivocal. Mr. Minchella said that he didn't see such remains, but he had no reason to look, did he? Indeed, he had a reason not to look, as anything unusual that appeared in the ice cream dish would reflect poorly on his establishment.

[Of course, the final argument would go on much longer than this].