



Final Argument #5

Final Argument #5 – Demonstration

Here is a brief argument demonstrating how counsel for Mr. Stevenson might address Mrs. Donoghue's positions as raised in Episode #4 of Final Argument.

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Now I will turn to the positions advanced on behalf of Mrs. Donoghue. Effectively, she is making three points that dismiss altogether the critical role played by the merchant, the Wellmeadow Café.

First, she contends that she was really Mr. Stevenson's customer, with the Wellmeadow Café serving as some kind of agent. That argument should fail. There was a contract of sale, and Mrs. Donoghue was not a party to that contract. Mr. Stevenson and Mr. Minchella chose the terms of the bargain. Mrs. Donoghue was nowhere in sight. It was Mr. Minchella who chose how to serve customers of his

café like any other. As my legal argument will demonstrate, that degree of separation defeats Mrs. Donoghue's argument.

Mrs. Donoghue's second point was that the ginger beer passed through the hands of the café untouched. That was entirely Mr. Minchella's choice; indeed, he took the extra step to pour the ginger beer from the bottle into the dish of ice cream. Had there been a contaminant, as Mrs. Donoghue claims, there was ample opportunity for Mr. Minchella to interrupt the service and replace the bottle. All these actions were outside the scope of Mr. Stevenson's care.

Mrs. Donoghue's third point is that Mr. Stevenson delivered a defective product. Defective because it contained the remains of a decomposed snail. We heard ample testimony to doubt this. Miss MacIssac's uncertainty and Mr. Minchella's denial should suffice to establish that Mrs. Donoghue's version of what happened is unreliable. Where Miss MacIsaac is conflicted by her friendship with the pursuer, Mr. Minchella is entirely independent of the relationships with the parties to this litigation.

If Mrs. Donoghue's case prevails, it will saddle manufacturers and distributors with all of the liability that arises from the choices made by merchants who deal with the customers.

[Of course, the final argument would go on much longer than this, but note how this portion of the argument has its own introduction, roadmap and call to action].