

Assas

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**Discipline :** *Anglais juridique master*  
(Unité d'Enseignements Complémentaires 1)

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**Document(s) autorisé(s) :** Aucun

I. Complete the sentences. **ONE sentence** only, with a minimum of **15** words and a maximum of **45** words added.

1. Provided the amount in controversy...
2. Whereas in Erie v. Tompkins...
3. A case is said to be moot...
4. While beyond reasonable doubt...
5. To apply for parole...

II. Read the following facts and answer the questions below.

The Tomento factory is a factory located in the town of Derry, Maine which manufactures a well-known pesticide called Rounddown. Tomento's headquarters are in New Jersey and it is incorporated in Delaware. In July 2017 they began manufacturing a new product, Rounddown Extra-Plus. Local people believe that there is a history of pollution from the factory into the local air, and the Cherwell river which runs alongside the factory. The Cherwell river runs between Maine and Vermont.

During the summertime boy scouts swim in the river at a spot on the Maine-Vermont border, as part of an annual boy scouts camp. In August 2017, a group of twelve 10-year-old scouts from Vermont went swimming in the river under the supervision of the scout leader. Later in the evening the scout leader reported an unusually high level of aggressivity among the boys who had been swimming in the river. That evening they committed acts of vandalism within the cabins, which were located within the White Mountain US National Park, and set fire to a 2000-year old tree. They were arrested and charged with arson and damage to national park property.

The story received a lot of media coverage, linking the boys' behaviour to water pollution coming from the Tomento factory. Environmental activists from several nearby states gathered outside the factory. They then broke in in order to shut down production and stop the alleged dangerous pollution. The activists were arrested and charged with breaking and entering.

Following the media coverage the Boy Scouts of America experienced a 20% fall in applications. The headquarters of the Boy Scouts of America is in Nashville, Tennessee. It is seeking damages from Tomento for reputational harm, as they are non-for-profit organisation, and rely on their reputation for funding.

The boys' parents have also filed suit against Tomento on behalf of their children.

An association "Parents of Derry schoolchildren" have also filed suit seeking injunctive relief, as they believe the factory's continued operation puts their children in danger.

- 1. Discuss the civil actions arising from these facts. Include discussion of jurisdiction and justiciability. (40%)**
- 2. Discuss the criminal cases arising from these facts. Include discussion of jurisdiction and potential defences. (30%)**