

## Reptile Theory: Using the Primitive Brain to Increase Plaintiff's Verdicts

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Jane Doe was the victim of a sexual assault while a guest at Marrilton Garden Inn & Courtyard Suites. She has filed a multi-million-dollar suit against Heavenly Hospitality Management, LLC d/b/a Marrilton Garden Inn & Courtyard Suites, Marrilton, Inc., (several subsidiaries of Marrilton, Inc.) and Gwen Causey (hotel manager).

Scenario: Jane Doe, a guest, checks into the hotel and is sexually assaulted by John Thug, a fellow guest. Through discovery, it is revealed that, due to a series of mishaps and internal breakdowns, staff inadvertently allowed J. Thug to discover the room number of Doe and gain access while Doe was asleep.

During check-in and while preparing Ms. Doe's electronic key, the front desk clerk loudly announced the room number. Shortly after Ms. Doe checked in, and after hearing the clerk reveal her room number, J. Thug approached the same front desk clerk, and having no reservation, requested the room adjoining Doe's room.

After checking into his room, Thug waited until he heard Doe leave her room. As he exited his room, he noticed a housekeeping cart was located at the end of the hall. He approached the housekeeper who was cleaning a room, indicated he just departed his room and forgot to take his key. The second mistake occurred when the housekeeper improperly granted Thug access to Doe's room where he proceeded to disengage the lock on the door adjoining his room.

Before leaving Ms. Doe's room, J. Thug noticed an open water bottle and spiked it with Rohypnol. After exiting Doe's room, J. Thug patiently waited until she returned and believed her to be incapacitated. He then spent the next several hours repeatedly sexually assaulting her.

Jane Doe filed a negligence action against the hotel and has made a demand for \$25,000,000 in compensatory damages and \$100,000,000 in punitive damages.

Witnesses who were deposed:

1. Front desk clerk: utilizing the Reptile Theory, Doe's attorney had this witness admit she had received no safety training, was not familiar with the hotel's policies and procedures, and as a result, failed to avoid needlessly endangering Doe.
2. General Manager /named Defendant: Doe's attorney skillfully utilized the Reptile Theory to have the Manager admit she failed to provide a safe premises for her guests.
3. Franchisee: his deposition was taken for the purpose of establishing the duty owed to the public in general and Doe in particular.
4. Disgruntled former employer/housekeeper: Her testimony, along with four other disgruntled former employees, was taken for the purpose of showing corporate was on notice of the safety issues and lack of appropriate training of key staff.

What is the Reptile Theory?

We like to believe we are run by logic and emotion. Sometimes we are. But when something we do or don't do can affect – even a little – our safety or the propagation and safety of our genes, the Reptile takes over. If your cognitive or emotional brain resists, the Reptile turns it to her will. The greater the perceived danger to you or your offspring, the more firmly the Reptile controls you. *From Reptile, Chapter 1, The Science.*

Major axiom: *When the Reptile sees a survival danger, she protects her genes by impelling the juror to protect himself and the community.*

Manipulation at its best: as demonstrated in the deposition clips, witnesses who are unprepared, disinterested, or both, can be utilized by the Plaintiff's attorneys to make all sorts of inflammatory admissions:

- Yes we needlessly endangered our guests;
- Yes our conduct was egregious;
- Yes our behavior shocks the conscience;
- Yes we violated our safety rules;
- Yes corporate was recklessly indifferent to the safety of our guest.

Faced with the above admissions, the Reptile asks jurors the following:

1. How likely was it that the act or omission would hurt someone? *Highly likely according to the Defendant's own employees.*
2. How much harm could it have caused? *See Doe's medical and psychiatric records.*
3. How much harm could it cause in other kinds of situations? *This question appeals to the community (i.e. send a message that this type of behavior is unacceptable).*

In a nutshell, the Reptile Theory is a way to inject punitive type testimony into the compensatory phase of the trial.