

## EXERCISE

### TIPS FOR PERSUASIVE WRITING

#### *Background*

You're representing plaintiffs in a class action lawsuit against a pharmaceutical company. The company produced a removable continuous glucose level monitor sensor. The sensor, however, did not accurately record glucose levels and often failed to continually update as the company had promised. Your clients suffered serious injuries as a result of the company's false claims and the defective sensor.

Your team has brought several products liability claims against the company. Through discovery, you've learned that there was significant pressure within the company to develop a product that could turn a higher profit than prior iterations of the device. The executives in the company wanted a device that they could market as cutting edge, and they rushed through the medical trials, skipping at least one phase of the required trials altogether, as a result.

#### *Instructions*

Your team is planning to move for summary judgment on your clients' claims. Come prepared to discuss these questions:

- What theme can you use to tell your clients' story in the brief? What makes that a good theme?
- How will you appeal to the judge's principles with your theme?
- Would you include the following language in your motion? Why or why not?  
"Defendant has displayed a complete and utter lack of humanity and a callous and total disregard for the safety of others."