

MOCK TRIAL SCRIPT

**MOM A. BEAR POP A. BEAR
and
BABE E. BEAR**

v.

GOLDEN LOCKS a/k/a

GOLD E. LOCKS

(For Pre-School Children Through Primary Grades)

Prepared by

Attorney Richard D. Torpy
Denver, Colorado

PARTICIPANTS IN TRIAL

Judge

Mom A. Bear

Pop A. Bear

Babe E. Bear

Gold E. Locks

Plaintiff's counsel

Defendant's counsel

Jurors

Bailiff

SCENE: The Arapahoe District Courthouse. The Bailiff comes out and calls the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks, also known as Gold E. Locks. The Bears are seated at the Plaintiff's table. Golden Locks and her parents, Mr. and Mrs. Locks are sitting at the defense table.

JUDGE: This is the case of Mom A. Bear, Pop A. Bear and Babe E. Bear vs. Golden Locks. As I understand the pleadings, the charge against Golden Locks is that she showed bad manners. Are there any opening statements?

ATTY FOR BEARS: Your Honor, in this case we will show that one crisp fall Morning Mom A. Bear got up early and made a steaming bowl of porridge. She intended to serve the bowl of porridge to Pop A. Bear and Babe E. Bear for breakfast. We will further show that because the porridge was too hot, the Bears decided to take a walk in the forest. While walking in the forest, Gold E. Locks entered the home of the three Bears and ate some porridge out of the bowls of Mom A. Bear and Pop A. Bear. She ate all the porridge from the bowl of Babe E. Bear. After eating Babe E. Bear's porridge, Gold E. Locks sat down in Babe E. Bear's chair and broke it. After breaking the Babe E. Bear's chair, Gold E. Locks went upstairs and fell asleep in Babe E. Bear's bed. Through our evidence we will show that Gold E. Locks did not use good manners in her actions. Thank you, your Honor.

JUDGE: Does the attorney for Gold E. locks have any opening statement?

ATTY FOR LOCKS: Your Honor, these charges of bad manners against Gold E. Locks are ridiculous. We will show that the Bears invited Gold E. Locks into their homes by leaving the door open. Gold E. Locks was out walking in the forest, minding her own business, and picking flowers, when she smelled the sweet aroma of porridge cooking. She had been in the forest many times before and she knew where the Bears lived. Gold E. Locks merely thought she was invited for breakfast. We will further show that the porridge was so good that Gold E. Locks decided to take a nap so that she could sleep off her breakfast. We will show that Gold E. Locks was a guest -- and certainly did not demonstrate any bad manners.

JUDGE: Very well. Call your first witness.

ATTY FOR BEARS: I call Mom A. Bear as my first witness.

(Mom A. Bear gets up, goes forward to be sworn in.)

JUDGE: Please raise your right paw.

(Mom A. Bear raises her right paw.)

JUDGE: Do you swear that the evidence you are about to give is the truth, the whole truth, and nothing but the truth?

MOM A. BEAR: I do.

JUDGE: Please be seated.

ATTY FOR BEARS: Please state your name.

MOM A. BEAR: My name is Mom A. Bear. That's first name Mom, middle initial A., last name Bear. They also call me Momma Bear.

ATTY FOR BEARS: Where do you live?

MOM A. BEAR: I live in a little bungalow House in the forest. The forest is surrounded by flowers and trees. It is a pretty little house.

ATTY FOR BEARS: Is that forest located in (insert local city & state)

MOM A. BEAR: Yes, it is.

ATTY FOR BEARS: Who else lives in the house?

MOM A. BEAR: My husband, Pop A. Bear, and our little bear, Babe E. Bear, live with me.

ATTY FOR BEARS: On the Morning of October 26, 1977, did you make breakfast for your family?

MOM A. BEAR: Yes, I did. I always make a wholesome nutritious breakfast for my family. As they are very fond of porridge, I made porridge on that particular day, and as I always do, I sprinkled the porridge with honey, a pinch of cinnamon and two pawfuls of raisins. Pop A. Bear especially likes the two pawfuls of raisins.

ATTY FOR BEARS: Please state your name.

POP A. BEAR: My name is Pop A. Bear. (growling)

ATTY FOR BEARS: Do you live in the forest with Mom. A. Bear and Babe E. Bear?

POP A. BEAR: Yes, that's our home. It's located out in (insert local place).

ATTY FOR BEARS: Very well. When you got back from your walk in the forest what did you notice?

POP A. BEAR: Well, first I noticed that the door was open. I told Babe E. Bear to close it several times, but I guess she forgot again. I'm going to have to speak to Babe E. Bear about her forgetting to close the door when I tell her to!

ATTY FOR BEARS: Did you smell porridge in the house?

POP A. BEAR: Oh, yes! It smelled delicious. Mom A. Bear is the best porridge-maker in the whole forest. I especially like the two pawfuls of cinnamon and raisins she puts in it.

ATTY FOR LOCKS: Your Honor, we know Mom A. Bear makes good porridge. We will stipulate for the record that Mom A. Bear's porridge is the best porridge in the whole wide world, not to mention the best porridge in (insert local place)

ATTY FOR BEARS: When you got back to the house what did you notice first?

POP A. BEAR: Well, I went over to eat my bowl of porridge. When I looked in the porridge bowl there was none there.

ATTY FOR BEARS: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been eating my porridge!"

(Attorney for Bears takes bowl of porridge labeled "Pop A. Bear" and has it marked as an exhibit.)

ATTY FOR BEARS: Pop A. Bear, I now hand to you what has been marked as "Bear's Exhibit A." Is that your bowl?

POP A. BEAR: Yes, can't you see it says "Pop A." on it?

ATTY FOR BEARS: Oh. Is this the bowl of porridge that was sitting on your table?

POP A. BEAR: Yes, it is. I never eat my porridge from any bowl except that bowl.

ATTY FOR BEARS: And when you came back from your walk in the forest, is this the way you found it?

POP A. BEAR: Yes, it was empty, just like it is now!
(Attorney gives bowl to Court.)

ATTY FOR BEARS: Your Honor, I ask that our exhibit be admitted as evidence.

JUDGE: All right.

ATTY FOR BEARS: Pop A. Bear, after you discovered your porridge bowl empty, what did you do?

POP A. BEAR: I walked into my living room.

ATTY FOR BEARS: And what did you see?

POP A. BEAR: My favorite Pop A. Bear chair that Mom A. Bear and Babe E. Bear gave me for Father's Day last year.

ATTY FOR BEARS: Did you say anything upon noticing that somebody has been sitting in your chair?

POP A. BEAR: Yes I growled, "Somebody's been sitting in my chair!"

ATTY FOR BEARS: Then what did you do?

POP A. BEAR: Well, I was getting suspicious, so I went upstairs.

ATTY FOR BEARS: What did you notice upstairs?

POP A. BEAR: I noticed that my bed had been messed up.

ATTY FOR LOCKS: Your Honor, I object. We all know that Pop A. Bear never makes his bed, and that the bed just sits there until Mom A. Bear makes it in the morning. How do we know that the bed had not been messed up from Pop A. Bear's sleeping in it?

ATTY FOR BEARS: Pop A. Bear, did you make your bed that morning?

POP A. BEAR: Yes. I made a special effort that morning to make the bed as a birthday present for Mom A. Bear.

ATTY FOR BEARS: And when you got back was the bed messed up?

POP A. BEAR: Yes, it was.

ATTY FOR BEARS: Did you say anything?

POP A. BEAR: Yes, I growled, "Somebody's been sleeping in my bed!"

ATTY FOR BEARS: Did you see anybody sleeping in your bed?

POP A. BEAR: No, I didn't. I went back downstairs

ATTY FOR BEARS: Pop A. Bear, that's all the questions I have for you.

JUDGE: You may step down.

(Pop A. Bear gets off the witness stand.)

ATTY FOR BEARS: Next I will call Babe E. Bear to the stand

(Babe E. Bear goes forward, raises her right paw and is sworn in.)

ATTY FOR BEARS: What is your name?

BABE E. BEAR: (babyish tone) My name is Babe E. Bear. I live with my Mommy and Daddy Bear in a little cottage in (local place).

ATTY FOR BEARS: Do you go to school?

BABE E. BEAR: Yes. I attend the (insert name of particular school) in (insert local city and state).

ATTY FOR BEARS: I see. And who are your teachers at pre-school?

BABE E. BEAR: My teachers are (insert name of teacher)

ATTY FOR BEARS: And do you always mind your teachers at pre-school?

BABE E. BEAR: Well, most of the time I do.

ATTY FOR BEARS: And have your teachers told you to close the door when you leave a room?

BABE E. BEAR: Well, they are trying to teach me to do that, but sometimes I forget. You see, I am still a baby bear.

ATTY FOR BEARS: Did you go for a walk with your mommy and daddy in the forest?

BABE E. BEAR: Yes, I did. The porridge was too hot and I could not eat it, so I thought we could go for a walk and see the birdies, the bunny rabbits and the other animals that live in the forest. I like to watch the birdies and the bunny rabbits. One time I even saw a deer in the forest.

ATTY FOR BEARS: When you got back from the forest what did you see?

BABE E. BEAR: I went with my daddy to sit down to eat my breakfast, and when I sat down, my porridge bowl was empty.

ATTY FOR BEARS: And what did you say?

BABE E. BEAR: (whines) I said, "Somebody's been eating my porridge, too, and they ate it all up!"

(Attorney takes bowl labeled Babe E. Bear and hands it to Court Reporter.)

ATTY FOR BEARS: Please mark this as Bear's Exhibit B.

(Attorney hands bowl to Babe E. Bear.)

ATTY FOR BEARS: And, is this your porridge bowl?

BABE E. BEAR: Yes, it is. My grandma gave it to me when I was a tiny baby. I was just a little cub when she gave it to me She gave it to me because she knew I liked to eat porridge for breakfast.

ATTY FOR BEARS: And, is that the bowl that was empty when you came back into your house from your walk in the forest?

BABE E. BEAR: Yes, it is.

(Attorney hands bowl to Judge as Exhibit B.)

ATTY FOR BEARS: And then what did you do, Babe E. Bear?

BABE E. BEAR: I went into my living room and I saw that my favorite chair was broken! Grandpa gave me the chair for my second birthday so that I could sit with Mom A. Bear and Pop A. Bear. I mainly used it when I watched television. You know, my favorite programs are Yogi Bear and football games between the Chicago Bears and the (insert name of local team). Of course, I had to root for the Bears.

ATTY FOR BEARS: Yes, I know. And when you saw your chair what did you say?

BABE E. BEAR: I said, "Somebody's been sitting in my chair and they broke it!" I was really sad about my chair being broken, because it was my favorite.

(Attorney picks up broken chair and has it marked as Exhibit C.)

ATTY FOR BEARS: Babe E. Bear, is that your chair?

BABE E. BEAR: (pouting) Yes, it is. I really feel sad because it, 5 broken. Pop A. Bear was going to fix it, but he is very slow at doing these things sometimes. I guess Mom A. Bear will have to talk to him about it.

ATTY FOR BEARS: And then what did you do?

BABE E. BEAR: I went upstairs to my bedroom.

ATTY FOR BEARS: And did you make your bed on that Morning?

BABE E. BEAR: Yes, I did on that Morning because it was Mom A. Bear's birthday. Daddy Bear and I wanted to surprise her because we sometimes, well, most of the time, forget to make our beds. Mom A. Bear scolds us for it.

ATTY FOR BEARS: I see. But you did make your bed that Morning?

BABE E. BEAR: Well, Daddy Bear helped me, but we made it, yes. I even put my little pillow neatly at the top of the bed.

ATTY FOR BEARS: And, when you went back upstairs, what did you see?

BABE E. BEAR: (agitated) When I went back upstairs, my little pillow was gone! When I approached the bed I saw these golden locks. I then peeked under the covers and I saw a little girl, and I shouted, "Somebody's been sleeping in my bed, and there she is! It's a little girl!"

ATTY FOR BEARS: And, what did the little girl do?

BABE E. BEAR: She got up and ran so fast that I hardly saw her. I just saw these golden locks as she ran out the door.

ATTY FOR BEARS: Is the little girl who was sleeping in your bed here today?

BABE E. BEAR: Well, that little girl over there with the golden hair looks like her, but I really didn't get a very good view. It could be her.

(Attorney hands pillow, which has been marked as Exhibit C to Babe E. Bear.)

ATTY FOR BEARS: Is this your pillow?

BABE E. BEAR: Yes, it is. My Aunt Cubby made it for me when I was a baby.

ATTY FOR BEARS: Babe E. Bear, you don't have golden hair, do you?

BABE E. BEAR: No, I don't. My hair is brown and furry like my Mommy and

Daddy's.

ATTY FOR BEARS: There is golden hair on this pillow. Could that be Gold E. Locks' hair?

BABE E. BEAR: I guess so, it's not mine.

ATTY FOR BEARS: Very well, Babe E. Bear. Do you have anything further to say?

BABE E. BEAR: Well, I don't blame the little girl for wanting to eat the porridge and Mommy can always make more porridge, but I wish she hadn't broken my chair. That really is my favorite chair.

ATTY FOR BEARS: Thank you, Babe E. Bear.

(Babe E. Bear gets down.)

ATTY FOR BEARS: Your Honor, that is all of our evidence. The Bears rest.

JUDGE: Very well. We will now hear Gold E. Locks' side of the case.

ATTY FOR LOCKS: Your Honor, as my first witness I will call Gold E. Locks.

(Gold E. Locks gets up, walks forward, raises her right hand to be sworn. Judge administers the oath. Gold E. Locks then sits down.)

ATTY FOR LOCKS: What is your name?

GOLD E. LOCKS: My name is Golden Locks. I am also called Gold E. Locks. When I was born my mother said I had golden locks. And so from that day forward I have been known as Gold E. Locks.

ATTY FOR LOCKS: I see. You have very pretty gold locks.

GOLD E. LOCKS: Thank you.

ATTY FOR LOCKS: Where do you live?

GOLD E. LOCKS: I live with my mother Locks, my father Locks, my little baby brother Locks, my kitty cat Spook Locks and Funny locks at (insert a local address). Oh yes, I also live with my dog, Melissa Locks. Melissa needs a haircut right now.

ATTY FOR LOCKS: Oh, that's very interesting. And is your house located anywhere near the house of Babe E. Bear?

GOLD E. LOCKS: Oh, yes, Babe E. Bear and I see each other quite often while walking in the forest. I like to walk through the forest and pick flowers. I also like to watch the bunny rabbits and deer in the forest. Babe E. Bear and I also attend the same pre-school, that is (insert the name of a local school). My mommy takes me every day in the station wagon to pre-school. Sometimes I take some of the flowers, which I have picked in the forest with me.

ATTY FOR LOCKS: And, are your teachers also (insert name of teacher).

GOLD E. LOCKS: Yes, they are. We play games and play in the toy kitchen and sing and have a snack.

ATTY FOR LOCKS: And, I'm sure your teachers, along with your mother and father, have told you never to go into a strange house.

GOLD E. LOCKS: Yes, they have. But sometimes I forget, especially when the porridge smells so good!

ATTY FOR LOCKS: Now Gold E., on the day in question, were you out walking in the forest?

GOLD E. LOCKS: Yes, I was. I was out picking flowers in the forest early one fall morning. I like to go out early in the morning because that's when I see the most bunny rabbits and sometimes I even see a deer.

ATTY FOR LOCKS: And, as you were walking in the forest what did you smell?

GOLD E. LOCKS: I smelled the most yummy porridge coming from a house in the forest. I followed my nose until I came to a brown house, which had the name "Bear" on the front. I knocked on the door, but I did not see anybody at home. The smell was so good and I had not had any breakfast that Morning since Mommy does not fix breakfast until I get back from my Morning walk. In fact, sometimes she even goes with me.

ATTY FOR LOCKS: I see. And then what did you do?

GOLD E. LOCKS: I knocked on the door several times but nobody answered. As the door was open, I figured that the people who lived in the house must be close by.

ATTY FOR LOCKS: Did you enter the house?

GOLD E. LOCKS: Yes, I did, but the door was wide open. followed my nose right to the kitchen. There I saw three bowls of porridge.

ATTY FOR LOCKS: When you saw the three bowls of porridge, what did you say?

GOLD E. LOCKS: I said, "Oh, my porridge!"

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I tasted some porridge from Papa Bear's great big bowl. It was too hot. Then I tasted the porridge in Mom A. Bear's medium sized bowl, but it was too cold. Then I tasted some porridge in Babe E. Bear's bowl. It was just right, and I was so hungry I ate it all up.

ATTY FOR LOCKS: Were the Bears in the house while you were eating the porridge?

GOLD E. LOCKS: No, but I figured they must be nearby. I guess I got so excited eating the porridge that I forgot about the Bears.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: Well, my tummy was so full of yummy porridge that I went into the living room to thank the person who had made the porridge and to tell her how good the porridge was. My mother said I always should say thank you when somebody does something nice for me.

ATTY FOR LOCKS: Did you find anybody?

GOLD E. LOCKS: No, I didn't. So I decided to sit down in a chair to wait for the person to come home so I could tell her how good the porridge was. I wanted her to give me the recipe so I could give it to my Mommy. My Mommy makes good porridge but it doesn't taste quite as good as the porridge I had at the Bears' house. I think it's the pawfuls of raisins that makes it taste so good.

ATTY FOR LOCKS: Did you sit down?

GOLD E. LOCKS: Yes, I did. In fact I sat in this great big chair. But it was too hard and too big. I did not feel comfortable in it. It looked like a poppa's chair. My daddy has one like it at home. Then I sat in a smaller chair, but it was too soft. It was kind of like the chair my mommy sits in at home. Then I sat down in this little chair which seemed to be just right.

ATTY FOR LOCKS: What happened when you sat in the chair?

GOLD E. LOCKS: It broke. But I think the chair was already broken when I sat in it and that it was just sitting there as a decoration. As little as I weigh I am sure my weight would not have broken it if it had not already been broken. I was really sad when I saw the broken chair.

ATTY FOR LOCKS: Then what did you do?

GOLD E. LOCKS: I was so sad when I saw the broken chair that I decided to go upstairs and wait for the Bears to come home so I could tell them about it. I went into a room which was decorated a lot like my room at home and sat down on a bed to wait for the Bears to come home. I think I was crying a little bit too, about breaking the chair. Well, the bears did not come home right away and I must have closed my eyes to wait for them. I fell asleep on Babe E. Bear's bed. The next thing I remember before I fell asleep on Babe E. Bear's bed was that I also tried Pop A. Bear's bed and Mom A. Bear's bed. But they were too hard. I guess I messed their beds up a little bit too, although Pop A. Bear's bed had not been made very well. It looked like he did it himself.

ATTY FOR LOCKS: What do you remember next?

GOLD E. LOCKS: The next thing I remember there were three bears standing around me. Pop A. Bear looked very, very mad and he said, "Somebody's been sleeping in my bed!" Then I heard Mom A. Bear say, "Somebody's been sleeping in my bed!" I was so frightened that I got up and ran right out the door to my mother.

ATTY FOR LOCKS: Gold E. Locks, as I recall your testimony, you ate the porridge because it smelled so good and you were hungry. You had not knocked the door down, but walked in the open door thinking the people would not care. The chair was broken when you sat down to wait for the maker of the porridge to tell her how good the porridge was, and you accidentally fell asleep on the bed.

GOLD E. LOCKS: That's right.

ATTY FOR LOCKS: You didn't mean anybody any harm did you, Gold E. Locks?

GOLD E. LOCKS: Of course not! It looked like such a friendly house and I knew that Babe E. Bear lived there. I see her at pre-school many times. She even told me that sometime I should come over and have some porridge with her because her mother made it so good! I really didn't mean to harm anything and I'm really sorry about the chair, but I still don't think I broke it.

ATTY FOR LOCKS: Thank you, Gold E. That's all the questions. Next I will call Mrs. Locks to the stand.

(Mrs. Locks goes forward and is sworn in.)

ATTY FOR LOCKS: What is your name?

MRS. LOCKS: My name is Curl E. Locks.

ATTY FOR LOCKS: Where do you live, Mrs. Locks?

MRS. LOCKS: We live at (insert localized address).

ATTY FOR LOCKS: And are you the mother of Gold E. Locks?

MRS. LOCKS: Oh, yes, I am. She is my little girl

ATTY FOR LOCKS: What kind of a little girl is Gold E. Locks?

MRS. LOCKS: Gold E., essentially, is a good little girl. She is mischevious like most little girls, but she tries to always do the right thing. Sometimes she forgets. I do have one trouble with her and that is that she likes to wander through the forest picking flowers. She tells me that she likes to look at the bunny rabbits and the deer. Most of the time I go with her but on the Morning in question I was getting ready for a bridge club meeting.

ATTY FOR LOCKS: You say Gold E. is essentially a good girl. Does she say please?

MRS. LOCKS: Most of the time.

ATTY FOR LOCKS: And does she say thank you?

MRS. LOCKS: Oh, I have taught her to say thank you and her teachers at school have taught her to say thank you, and she says thank you most of the time when she remembers. But like most little girls, sometimes she forgets.

ATTY FOR LOCKS: Does she help you with the dishes?

MRS. LOCKS: Well, most of the time. But sometimes; especially when the Muppets are on television, she runs downstairs and watches television and forgets to help me with the dishes. But I understand -- especially when the Muppets are on television. That's her favorite show, you know.

ATTY FOR LOCKS: Does she attend pre-school?

MRS. LOCKS: Oh, yes. She goes to (insert local school) every day. She enjoys the music and swinging on the swings and the art classes and all the activities. She's really excited about her pre-school.

ATTY FOR LOCKS: Well, this trial is about Gold E. Locks having bad manners. Do you think she has bad manners?

MRS. LOCKS: Oh, goodness no. She does forget occasionally like most little girls do but I know she tries to use good manners. I think the only reason she went into the Bear' house was because the porridge smelled so good. And after she ate the porridge she simply wanted to stay there until the Bears returned to tell them how good the porridge was. She certainly didn't intend any harm and I know that she didn't mean to break the chair. But Gold E. has told me that the chair was already broken when she sat in it. You know she's not very big and I don't think she could break the chair.

ATTY FOR LOCKS: Where is Mr. Locks today?

MRS. LOCKS: Oh, he wanted to be here, but he had a very important meeting. He's a lawyer, you know, and lawyers are always going to very important meetings -- at least that's what he tells me. I'm sure he would say the same thing about Gold E. Locks if he were here.

ATTY FOR LOCKS: Is there anything else you would like to say, Mrs. Locks?

MRS. LOCKS: Well, we're sorry that the Bears were inconvenienced, but if they would like to come to our house for breakfast I would be glad to fix them some of my porridge. Maybe Mrs. Bear could even show me how she makes it so yummy.

ATTY FOR LOCKS: Thank you, Mrs. Locks, you may step down

(Mrs. Locks steps down.)

JUDGE: Are there any summaries?

ATTY FOR BEARS: Your Honor, we have shown that Gold E. Locks, without being invited, walked into the Bear's home, ate Babe E. Bear's porridge, broke Babe E. Bear's chair, and slept in her bed. She did all of this without being invited and I certainly think that meets the test of bad manners. Even though Gold E. Locks knew better, that is no excuse. I'm sure the jury agrees that one who displays good manners does not do such things.

ATTY FOR LOCKS: Your Honor, we have shown that Gold E. Locks is basic all a good little girl. She has said that she meant no harm in going into the house, and the door was open. The porridge was so good that she could not resist it and after she ate the porridge she merely wanted to wait for the Bears to come home to thank them. She didn't mean to break Babe E. Bear's chair, and in fact there is no real evidence that she broke the chair. I think the chair was broken when she Sat in it. She certainly is not big enough to have broken the chair. She is sorry she fell asleep in the bed, but she was merely waiting for the Bears to come home so she could thank them and to

ask them how they make the yummy porridge. She certainly did not display any bad manners, in fact she showed good manners by waiting to thank the bears.

JUDGE: Thank you. Does that conclude the evidence?

ATTORNEYS: (both) Yes, it does.

(Judge turns to jury)

JUDGE: You now have heard the evidence. Now it is your job to decide whether Gold E. Locks has bad manners. Will you please go with the Bailiff to the jury room and after you have decided, would you please come back and inform the Court whether Gold E. Locks showed bad manners by entering the house of the three bears and eating the porridge, sitting in Babe E. Bear's chair, and sleeping in Babe E. Bear's bed.

(Bailiff takes the jurors to the jury room. After a while, jurors come back with a verdict.)

JUDGE: Have you reached a verdict?

JUROR: Yes, we have, your Honor.

JUDGE: What is that verdict?

JUROR: The jury has voted and has determined that. . .