

CHAPTER 32 ACTIVITY
Analyzing

Directions: Read the case study below, and then answer the questions that follow.

Kelly and Leon have been dating for six months and are of legal age to marry. At the beginning of their sexual relationship, Kelly told Leon that she has a disease that makes her infertile (unable to have children). Leon insisted that Kelly use birth control anyway. Leon never used any form of contraception.

Kelly becomes pregnant. Leon asks her to have an abortion, since he is not ready to marry and has plans to go to college. Kelly refuses to have an abortion. They break up, and Leon does not hear from Kelly until a year later, when he is served with papers in a paternity action against him. The suit asks that he be declared the father of the child and pay monthly child support. It also asks for reimbursement of Kelly's medical expenses during the pregnancy and for support for the six months since the baby was born. Kelly claims that she told Leon a few months after their sexual relationship began that she was no longer using contraceptives.

Leon hires an attorney to represent him because he feels he should not be required to support this child. He denies that Kelly ever told him that she had stopped using birth control.

Leon's attorney argues that Kelly breached an oral contract between them to use birth control. He also argues that her refusal to have an abortion increased Leon's damages caused by her breach of the contract. He also argues that Kelly was careless and negligent in failing to use birth control and that she intentionally lied to him about whether or not she was using it.

1. What are the arguments for Leon? Include those presented in the case study and any others you might want to add.

2. What are the arguments for Kelly? Include those presented in the case study and any others you might want to add.

3. How would you rule if you were the judge? Give your reasons.
