

**Other Areas of Practice****Toying with troubles | Marcel Strigberger**By **Marcel Strigberger**

Marcel Strigberger

(November 20, 2020, 2:35 PM EST) -- And now for something completely paranormal. A matchmaking service for unwanted toys.

A couple in Portland, Ore., has started a business of accepting weird, broken and spooky dolls and other items and handing them over for "adoption" to interested parties. We are talking items such as a ventriloquist's dummy with a broken jaw, a doll that looks like Scarlett O'Hara always staring at its owner and a "haunted yo-yo."

The outfit is called Unsettling Toys. You go to their website and you don't just press "buy." You have to start a conversation and if you pass the social screening, for a fee you may proceed to adopt. Some of the original owners were freaked out by their toys, having nightmares that their dolls were walking the house at night or having their dog throw a fit when he saw something like a square frisbee. Quite understandable.

I see legal issues here. The most obvious is the potential for getting sued for damages for mental distress. We are obviously dealing with strange merchandise here. Imagine someone adopting a Monopoly game with the board missing Marvin Gardens. I'd soon get rattled wondering whether another board space is next to vanish. I don't know what I'd do if one morning I would wake up and no more St. Charles Place. This would be an anxiety disorder waiting to happen. I'd sue their pants off. (I suppose this too would be a weird action).

Or what if someone picks up a strange chess set with a bishop's mitre broken? Given the eerie experiences of some of the former owners of stuff, I'd say there is a good chance the bishop would leave the box holding the rest of the pieces, at night and come over to the owner's bed and shout, "Confess!"

There is no lawyer in the land who would not take this one on, on a contingency.

And speaking of lawyers, I am looking at a fine Royal Doulton barrister on my desk. As much as I love Royal Doultons, I'd never recommend anybody adopting one from Unsettling Toys. I can just see the adopting person bringing an action against the matchmaker claiming he suffered nervous shock as within a week of arrival the barrister sent him a bill.

The outfit might be wise to get adopters to sign a release from all claims. It might read in part,

"I ('the adopting parent') hereby release and forever discharge Unsettling Toys ('the matchmaker') from any and all claims. I certify that I am of sound mind and body and of reasonable fortitude and that I would not be disturbed at all by any unusual and unexpected situations our products ('the children') may create, including but not limited to, a boomerang that refuses to come back, a one eyed teddy bear who cheats at backgammon or a tricycle rolling into my bedroom at night and asking me for a Pepsi. ..."

I think execution of such a release is a must, in order to cover their derrières (before someone sues their pants off).

There may be other issues as well, such as adoption regret. What if the original owners want their firetruck with the missing ladder back? Should the names of the adopting parents be sealed and

remain anonymous? Some legislation to the pertinent Adoption Act would be in order.

There could also be custody issues in the event of a separation of the adopting parents. Will the courts take the position that they will decide on what is the best interest of the vintage locomotive with the inaudible whistle? And should they split siblings, such as a pair of dice where one die has two sixes?

All good questions.

At least this outfit is real, with an actual address in Portland. I fact checked this one to make sure and no, it wasn't in Loch Ness.

*Marcel Strigberger retired from his Greater Toronto Area litigation practice and continues the more serious business of humorous author and speaker. Visit [www.marcelshumour.com](http://www.marcelshumour.com). Follow him @MarcelHumour.*

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