

The King of Careful.

LEROY TRIPPED and fell as he and his best friend left the Chicken Shack in Detroit. He caught his heel on the step outside the door as they headed out. He pitched forward, the chicken flew for the first time in its life, Leroy landed on his face, and it wasn't pretty. He was treated at the hospital emergency room, after which his friend, who had a Polaroid instant camera, took pictures of Leroy's colorful and disfigured maw. The next morning, Leroy called a personal injury lawyer, who had Leroy come in to her office the same day. Within a matter of days, the PI lawyer filed a lawsuit against Chicken Shack. The Complaint alleged that there should've been a sign on the door warning about the step and that the step should've been painted yellow. Within a matter of weeks, Leroy's friend found himself in the attorney's office to give deposition testimony.

The court reporter administered an oath to Leroy's friend that he would tell the truth. The attorney explained that a deposition was part of the discovery process in a lawsuit so that they could understand what happened on the day of the accident. She ran through several *pro forma* statements and foundational questions to identify the names of the parties to the lawsuit, the attorneys, and Leroy's friend. She asked questions about his background, such as how long he'd known Leroy, and his education. The court reporter typed every word that was said:

Q. How far did you go in school?

A. About five blocks.

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Q. No, I mean, did you finish school?

A. I dropped out in tenth grade.

Q. Okay, let's get to the day of the accident. You were with Leroy at Chicken Shack that afternoon when he fell?

A. Uh-huh.

Q. That's a yes? You have to answer yes or no for the court reporter to write your answer.

A. Yes. We love Chicken Shack. It's been there forever.

Q. Since 1956, Mr. Sobeck says. Do you remember that afternoon very well?

A. Yes. I even remember the music they had playing. Elvis Presley.

Q. You and Leroy bought some chicken?

Leroy's friend testified in detail about the chicken they'd bought and what happened after they paid for it. He explained that Leroy had been in front of him on their way out, and how he'd seen everything when Leroy fell. He described how Leroy tripped over the step and fell face-first.

Q. Was Leroy being careful when he was leaving the restaurant?

MS. FLUGEL (attorney for defendant Chicken Shack): Objection. You're asking the witness for an opinion.

Q. Objection noted. If sustained, the question and answer will be stricken from the record.

Q. (To the witness) Go ahead and answer the question.

A. Uh, what was the question?

Q. Was Leroy being careful when he was leaving Chicken Shack.

A. Oh yes. Leroy was being very careful.

Q. Okay. How do you know that Leroy was being very careful?

A. Because he was drunk. Leroy's always careful when he's drunk. When he's drunk, he's the King of Careful.

Q. Counsel, can we go off the record?

(No further questioning and testimony. Deposition concluded at 1:50 p.m.)

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