

The King of Careful.

AFTER PICKING up their take-out order at the Chicken Shack in Detroit, Leroy caught his heel on the door step as he and his best friend were leaving. 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 Lester Buckholdtz, personal injury lawyer, who had Leroy come in to his office the same day. Within a matter of days, Attorney Buckholdtz 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. He 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. The attorney 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:

Attorney Buckholdtz: How far did you go in school?

Witness: About five blocks.

Written by K.G. Jones.

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Attorney Buckholdtz: No, I mean, did you finish school?

Witness: I dropped out in tenth grade.

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

Witness: Uh-huh.

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

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

Attorney Buckholdtz: Since 1956, the owner says. Mr. Sobeck. Do you remember that afternoon very well?

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

Attorney Buckholdtz: 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. He described how Leroy tripped at the step and fell face-first.

Attorney Buckholdtz: 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.

Attorney Buckholdtz: Objection noted. If sustained, the question and answer will be stricken from the record.

Attorney Buckholdtz (to the witness): Go ahead and answer the question.

Witness: Uh, what was the question?

Attorney Buckholdtz: Was Leroy being careful when he was leaving Chicken Shack.

Witness: Oh yes. Leroy was being very careful.

Attorney Buckholdtz: Okay. How do you know that Leroy was being very careful?

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

Attorney Buckholdtz: Counsel, can we go off the record?

No further questioning. Deposition concluded at 1:50 p.m.

Buckholdtz dropped the lawsuit the very next day.

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