

Maggie and the Professor or conflict resolution, American style

by Phillip W. Weiss

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Characters

Maggie Ciernikova – s Slovakian-American graduate student

Professor Ernst Rheinhardt – a German-American graduate professor

Abner Yeabelman – an attorney representing Maggie

Zander O'Doul – an attorney representing Rheinhardt

Professor Sylvia Kleiderman – chairman of a hearing panel

Dr. Roger J. Repolsky – an expert witness

Dr. Conrad Begelhorn – an expert witness

Sunny Dubois – a waitress

Stepan Busoc – Maggie's friend or lover

Professor Harold Epler – member of the hearing panel

Professor Ronald Corkman – member of the hearing panel

Cyndy Goodday – a graduate student

Erdley O'Shay – a graduate student

Professor Lester McNally – a graduate professor

Synopsis: A dispute over an academic grade on a term paper mushrooms into a legal war.

Tagline: Here we go again.

This play is a work of fiction.

PART ONE

Scene 1

Time: the present.

Place: a classroom at an unnamed graduate school somewhere in the United States. On stage standing is Professor Ernst Rheinhardt. Sitting are three women: Cyndy Goodday, Erdley O'Shay and Maggie Ciernikova. They are students. Rheinhardt is lecturing the class; the students are listening and occasionally jot down notes.

RHEINHARDT

And now we come to a most controversial event in the history of Europe in the twentieth century: the 1938 Munich Conference. Today the Munich Conference is considered to be a disaster. But in 1938 it was viewed quite differently. At that time the results of the conference were received with universal acclaim. The men responsible for negotiating the pact were hailed as heroes who had managed to pull Europe away from the brink of disaster and preserve the peace. Can anyone tell me the names of the four men who participated in the conference?

MAGGIE

Yes, I can.

RHEINHARDT
(surprised)

Okay. Who were they?

MAGGIE

Adolf Hitler, Neville Chamberlain, Eduard Daladier and Benito Mussolini.

RHEINHARDT

Very good. Somebody has been doing their reading.

MAGGIE

It's more than that, Professor. I happen to be from Slovakia and so I know something about the Munich Conference. We were taught all about it in school. I'll tell you this: my country was sold out, by the English, the French, and by the Germans inside my country who were nothing but a bunch of traitors and Nazis. I can understand how the British and French could have turned their back on Czechoslovakia – we weren't worth fighting for. It was the people inside my country who were the problem. The Germans, Hungarians and Poles, all of whom wanted to carve up my country at the expense of the Czechs and Slovaks who wanted the country to survive. That's right – we wanted our country to survive, to make it work, to make it into something we could be proud of. A lot of people don't know nothing about Czechoslovakia. All everybody knows about is

Prague. Prague! Prague! Prague! It's as if everyone's been to Prague. They talk about how beautiful the city is and how nice the people are, etc, etc., but there's a lot more to that part of the world than Prague, let me tell you, and I know what I'm talking about because that's where I was born and raised.

RHEINHARDT

Excuse me, miss ...

MAGGIE

(Ignores Rheinhardt's interruption)

Slovakia is a beautiful place. Beautiful countryside, beautiful farms, majestic mountains, flowing rivers and streams. A virtual paradise. Incredible places where you can go and relax and have fun. And we have big cities too, as big as Prague. Have any of you ever heard of Bratislava?

CYNDY

Bratislava? I never heard of it.

MAGGIE

Bratislava is the capital of Slovakia. It's one of the most beautiful cities in Europe. It has over a million people. It has great museums, beautiful churches and cathedrals, top notch schools and universities and the best food in the world. You haven't lived until you've had yourself some buchty..

ERDLEY

What's buchty?

MAGGIE

They're cherry filled buns, very sweet and moist and extremely tasty, a lot like chocolate layer cake, except much better. I know people who got hooked on buchty. They can't stop eating it. It takes over your life. The problem is that once you start, you can't stop and you can quickly blimp out if you don't control yourself. But that's hard to do because it tastes so good! I know from personal experience. I used to be so fat. You wouldn't believe it. It's only after I came to the United States I was finally able to lose weight. I blame it all on the buchty. Of course, they got all kinds of cakes here too, but compared to the what they have in my country, it's like comparing sugar to sawdust. I hope you don't find that comment offensive. I mean, taste is taste and to each his own, but I will tell you that if you ever go to Slovakia and order buchty, you may not want to come back. You can't say you haven't been warned.

Erdley and Cyndy laugh.

RHEINHARDT

I think we need to get back to what we were ...

MAGGIE

(ignores Rheinhardt)

Anyway, I love food. My mother is a wonderful cook. I miss her. She is my best friend, the only person in the whole world I can depend on. Of course, I felt the same way about my father. His name was Henrik Ciernik. What a great man. Everyone who met him loved him. A real patriot and someone who taught me the value of hard work and being honest. My father was a hard worker. He worked in a tool and dye factory located outside of Bratislava. Even though he had little formal education, he was wise to ways of the world and was always there to answer the call to duty. He fought against the Nazis in World War Two and against the Russians in 1968. The Germans were trying to destroy our country and we rose up against them and we would have thrown them out if the allies had given us some support. My father was in the Slovakian army and fought like the dickens but he was captured, thrown in a concentration camp and then brutalized by the Germans. Nobody came to our aid. But after Munich, we knew we were considered expendable and that we had to depend on ourselves. The same goes for 1968. We get invaded and once again the West does nothing. My father told me it was awful. The people went to the street and ...

RHEINHARDT

Sorry. Class is over.

CYNDY

Wow, Maggie, really interesting stuff. This is best class we've had yet. Now I want to visit Slovakia!

ERDLEY

You've been around, girl! Whoa! You got me all excited now.

MAGGIE

Maybe I did too much talking.

Cyndy, Erdley and Maggie laugh and exit.

RHEINHARDT

(slams a book against the wall, shouts)

That damn little guttersnipe! That Slovakian slut, who does she think she is, upstaging me like that!

A man rushes in. His name is Lester McNally.

LESTER

(alarmed)

I heard a loud noise. Is everything okay?

RHEINHARDT

(angry)

No. Everything is not okay.

LESTER

What happened?

RHEINHARDT

I was lecturing the class. I then stopped and asked a question and then this twirp of a student answered the question and then wouldn't stop talking. She went on and on and on like a broken record. I thought I was going to lose my mind. I couldn't get her to stop. Her voice sounded like a drill that was being driven into my head. It was horrible. And the way she took over the class. The nerve of her! She did it on purpose to spite me. I know it!

LESTER

Now wait a minute. Don't you think you're kind of going aboard on this?

RHEINHARDT

No, I'm not. Everything she did was meant to mock me. She knows I'm German, so she hates me and so to hurt me she must humiliate me. I can't let her win. I must regain control of the class. Otherwise I'll be through. I'll be the laughing stock of the school. I won't be able to face the students. And besides, I have to think of my reputation. I'm a professor. The director of an institute of advanced studies. How can I get people to respect me if I let them shove me over to the side whenever they want?

LESTER

Professor, I think you're blowing this whole thing way out of proportion.

RHEINHARDT

Professor McNally, you don't understand.

LESTER

I do understand. Some of the students are difficult.

RHEINHARDT

But today was ignored. Ignored. Don't you understand? I was made to look like a fool. And it's all because of HER!

LESTER

I still think you're making a mountain out of a mole hill.

RHEINHARDT

(on the verge of tears)

I wish I could agree with you, but I can't. Please leave me alone so I can think.

End of scene 1.

MAGGIE

Well, if it's that important, then let me check my schedule.

RHEINHARDT

(becoming impatient)

Look, I can't wait while you check your schedule. I have to know now.

MAGGIE

Have I done anything wrong?

RHEINHARDT

Of course not, my dear. It's just that something has come up that requires immediate attention, and if we delay too much, then I don't what will happen.

MAGGIE

Are you in some kind of trouble?

RHEINHARDT

Oh, nothing like that. It's just that after class today a matter concerning you cropped up and as your professor I have a responsibility to discuss this matter with you.

MAGGIE

Well, what about meeting tomorrow?

RHEINHARDT

Tomorrow? *(pause)* That would be fine. At what time?

MAGGIE

7 PM? After I get off from work.

RHEINHARDT

That will work for me. Let's meet at Café Noir at Tenth and Main Street.

MAGGIE

Café Noir?

RHEINHARDT

Yes, Café Noir. It's a nice place.

MAGGIE

Will this be a dinner date?

RHEINHARDT

Sure. Why not.

MAGGIE

(excited)

Okay. Then it's a date! I'll see you then! Bye. *Maggie exits.*

RHEINHARDT

(to himself, out loud, scoffing)

A date! Indeed!

End of scene 2

Scene 3

Time: the following evening. Place: a restaurant. Maggie and Rheinhardt are seated at a table. They are facing each other. They have already been served food.

RHEINHARDT

You're looking lovely tonight.

MAGGIE

Thank you. I thought I would dress for the occasion.

RHEINHARDT

Of course, my dear. After all, a young lady like yourself always wants to make a good impression. Is that not so?

MAGGIE

Please, Professor Rheinhardt. You're making me blush.

RHEINHARDT

You can call me Ernst.

MAGGIE

Okay ... Ernst.

RHEINHARDT

I've asked you to meet with me so I could speak with you about some very important matters that came up in class. However, before doing that, I'd like to learn some more about you.

MAGGIE

Of course ... Ernst. What is it you would like to know?

RHEINHARDT

If I recall correctly, you said that you were from Slovakia.

MAGGIE

Yes, I was born and raised in a little town outside of Bratislava. It's really not even a town, just a village, a hamlet as they would say in England. By the way, a few years ago I spent four months in England. I lived with an English

family in a village outside of Coventry. I really loved it there. The people were so friendly and it gave me a chance to improve my English which at the time wasn't very good. In fact, I can't see how anyone can live in the United States without knowing English. It would be like trying to live in my country without knowing Slovak. Slovak is such a special language. Very few people outside of Slovakia know Slovak. Even in Bohemia very few people speak Slovak, and as for the Germans, forget it. They'd never learn it. The Germans were just a bunch of traitors anyway. They sold out my country to Hitler and afterwards tried to Nazify us, the fools. People think that Slovakia sold out to Hitler too, but that's not true! My father fought against the Germans, and became a POW and was beaten by German guards. It's a good thing we got rid of the Germans, and the Hungarians too, after the war. Good riddance to them. I know I shouldn't really be saying these things, it sounds really mean, but you're a professor and so I figure you should understand. So when you brought up the Munich Conference that really started me to thinking, and remembering what I had been taught. By the way, did I tell you that I have a younger brother? His name is Miroslav. Isn't that a beautiful name? It's a popular name in Slovakia. I love my brother and miss him so much. Presently he is living in Prague where he is a film maker. Maybe you heard of him. Miroslav Ciernikov? Such a talented man, and great singer too! If you met him you'd like him. As for me, I'm single, still looking for Mister Right as the saying goes. Don't get me wrong, I like American men, but I'm very choosy about who I go out with. Tonight I'm planning to ...

RHEINHARDT

(trying to suppress his rage)

Enough! I can't take your prattling anymore!

MAGGIE

(shocked, stunned and bewildered)

Ernest ... professor ... what's the matter? Have I said something to offend you?

RHEINHARDT

(enraged)

You're blabbering on and on, just like you did in class. That's what's wrong! Once you start you don't stop! It is outrageous! And I can't have that in my class. Do you hear me?

MAGGIE

Yes, professor, I hear you but I still don't understand why you're so angry. What have I done wrong?

RHEINHARDT

You've upstaged me, that's what, and by doing that you've made it impossible for me to teach the class.

MAGGIE

Professor, I think the world of you and would never want to show you up. Please believe me when I say that.

RHEINHARDT

Then you must prove it.

MAGGIE

How?

RHEINHARDT

I'll tell you how. Listen to me carefully. I have a proposal to make: if you remain silent for the remainder of the class, I will give you an A on your term paper, an A for the class and give you permission to use my name as an academic reference.

MAGGIE

You're not serious, are you?

RHEINHARDT

I am absolutely serious.

MAGGIE

But Ernst, professor Rheinhardt, what if I have something to say?

RHEINHARDT

Remain silent. You could speak with me after class.

MAGGIE

You're asking me to do something that is most unusual.

RHEINHARDT

But something that could benefit you immensely if you agree.

MAGGIE

(nervous giggling)

Now I'm feeling a little nervous. If I say yes, then I'm silenced, if I say no, then I don't know what will happen next. It makes me feel kind of queasy.

RHEINHARDT

You'll get over that.

MAGGIE

No, I won't. I'm remembering something my father taught me, to value personal integrity above all else, even if it means making difficult sacrifices. Professor, my silence is not for sale and I have a right to fully participate in class, without conditions.

RHEINHARDT

Your idealism is admirable but absurd. Let me warn you: if you refuse, there could be consequences.

MAGGIE

Well, professor, this has been a lovely dinner. *Maggie gets up, picks up a glass of water on the table and pours it over Rheinhardt's head.* There's my answer. See you in class. *Maggie exits.*

A waitress enters. Her name is Sunny.

SUNNY

Is everything all right?

End of scene 3

Scene 4

Time: later that night. Place: the apartment of Maggie's close friend, Stepan Busoc. He is also from Slovakia. Stepan is 6 feet 5 inches tall, weighs 275 pounds and is a former Czechoslovak weightlifting champion. Maggie and Stepan are seated on a sofa

MAGGIE

Oh Stepan, it was awful.

STEPAN

He actually told you that he wanted you to be silent?

MAGGIE

Yes, he did.

STEPAN

It's hard to believe.

MAGGIE

You must believe me.

STEPAN

I do believe you. It's just hard trying to imagine such a conversation even occurring.

MAGGIE

I know. I'm still in shock. I wonder if I did the right thing.

STEPAN

What do you mean?

MAGGIE

When I dumped the glass of water over his head.

STEPAN

That you didn't tell me about.

MAGGIE

I was so furious that I took the glass of water and dumped it over his head, then I left.

STEPAN

Hey, as far as I'm concerned, the guy got off lightly. If he had tried that with me, I can assure you it would have been a far different story.

MAGGIE

It's just that I need this course to graduate and if Rheinhardt makes it hard for me, it could ruin my plans.

STEPAN

What plans?

MAGGIE

To go for a Ph. D. in Central European Studies.

STEPAN

I thought you wanted to pursue a career in theater.

MAGGIE

I do, but that's not panning out and I need steady income, so I'm gonna go for a Ph. D.

STEPAN

If that is what you want to do, fine. But if this guy Rheinhardt makes things hard for you, you just let me know and he and I will have a talk.

MAGGIE

Stepan, I know I can always rely on you, but this is something I must attend to myself.

STEPAN

Stop being so proud. Sometimes people need help to deal with problems. From the sound of his name, he's probably German and you know how Germans think about us.

MAGGIE

You think that has something to do with it?

STEPAN

Yes, I do. You told me that you told the class where you are from. So he knows.

MAGGIE

But what could you do?

STEPAN

When I hear about stuff like this, I get so angry. I mean where do people get off treating other people so mean? I remember back in Slovakia there were these kids in school who would bully other kids, just for the fun of it. One day, one of the kids being bullied came to school with a saber and attacked the bullies. He almost killed one of them. After that the bullying stopped.

MAGGIE

I don't want you to do something like that on my behalf. You'd just get yourself into a lot of trouble. It's my problem and I have to deal with it.

STEPAN

You know I care about you.

MAGGIE

I know you do. You're my mountain man and I love you.

Stepan and Maggie embrace.

End of scene 4

Scene 5:

Time: one month later. Place: same as scene 1. It is the final day of classes. Rheinhardt is returning term papers.

CYNDY
(elated)

I got an A!

ERDLEY
YOU got an A? Who'd you copy the paper from?

CYNDY
Very funny! I wrote the paper myself.

ERDLEY
Yeah, right. Who'd you put out for?

CYNDY
You have such a dirty mind!

Rheinhardt gives Erdley her paper.

ERDLEY
(to Rheinhardt)

What? A B plus, and she got an A! No fair! She can't even write her own name! *(to Cyndy)* Maybe they're something going on between you and the prof.

CYNDY
You wish.

RHEINHARDT
Ladies, please, no more bickering. You both got very good grades. If you have any questions about your grades, see me after class. *Rheinhardt continues giving back papers. (to Maggie)* Here's your paper. *Maggie takes the paper, glances at it, then glances up at Rheinhardt.*

MAGGIE
You must be kidding.

RHEINHARDT

No joke, Maggie.

MAGGIE

You gave me an F? Are you fucking serious?

RHEINHARDT

Completely serious, and please watch your language. *(to the rest of class)*
My dear students, it has been a pleasure teaching you this semester. For the most part you were attentive and engaged, and demonstrated an understanding of the subject matter. With that said, I want to wish all of you the best of luck in the future studies. Class dismissed.

CYNDY

(to Erdley)

I'll meet you at the pop shop, okay?

ERDLEY

Fine. I still can't believe that you got an A.

CYNDY

When you got it, you got it.

Cyndy and Erdley exit. They can be heard laughing off-stage. Maggie is alone with Rheinhardt.

MAGGIE

There is no way this paper rates an F. My paper is twenty four pages long, with lots of sources and lots of footnotes, everything that's expected of a paper. I'm telling right you now that I will appeal this grade. You're not going to get away with this.

RHEINHARDT

My dear, appeal all you want. You'll just be wasting your time and making a fool of yourself in the process. You can always re-take the course.

MAGGIE

But you're the only one who teaches it.

RHEINHARDT

Yes, I am. Is that a problem?

MAGGIE

For me, yes, because you know I need to pass this course to graduate.

RHEINHARDT

You should have thought about that when we had our little get together.

MAGGIE

You wanted to shut me up! That's what the communists tried to do to my people in Slovakia. You're no different than them! In fact, you're worse because at least the commies were upfront about they were doing, not sneaky and pretentious like you.

Rheinhardt shrugs his shoulders.

RHEINHARDT

Complain all you want. My decision is final and that's that.

MAGGIE

If you think this is finished, well it isn't!

RHEINHARDT

(smug)

Suit yourself.

Rheinhardt gathers up his papers and exits. Maggie is alone. She is weeping.

End of Scene 5

Scene 6

Time: Afternoon, the following day.

Place: A law office. Seated behind the desk is an attorney, Abner Yeabelman. Seated on the other side of the desk is Maggie.

ABNER

Now, how may I help you?

MAGGIE

I'm currently a student at Downtown Graduate Center. This semester I was enrolled in a history class taught by Ernst Rheinhardt. He gave me an F on my term paper. As a result I'm going to fail the course. I want to appeal the grade and I think I need a lawyer.

ABNER

Why do you need a lawyer?

MAGGIE

Because if I go and file the appeal myself, the school will just rubber stamp what Rheinhardt did, that's all. I won't get a fair hearing.

ABNER

Sadly, that's probably true. An appeal is an administrative hearing. It's not the same as a trial. They have the trappings of due process but little of the substance. The presiding officers are not outside officials but employees of the agency, in this case, your school. Still, that doesn't mean you can't prevail. It just means that the likelihood of that happening is greatly reduced. Have you tried talking to your teacher? See if he'll change the grade.

MAGGIE

Yes, I did. It's useless. I told him I planned to appeal. He just shrugged his shoulders and said that I'd be wasting my time.

ABNER

He seems rather sure of himself.

MAGGIE

He's arrogant.

ABNER

What was your professor's name again?

MAGGIE

Ernst Rheinhardt.

ABNER

Rheinhardt. That's a German name. Is he German?

MAGGIE

I believe he is.

ABNER

And you? Where are you from?

MAGGIE

I'm from Slovakia.

ABNER

Okay. Do you have the term paper with you?

MAGGIE

Yes, I do.

ABNER

Could I see it?

MAGGIE

Of course.

*(Maggie opens her carrying bag, takes out the paper and gives it to Abner.)
Abner quickly glances at the front sheet, then thumbs through the rest of the
paper, and gives it back to Maggie.)*

ABNER

Lots of red markings. That's not a good sign.

MAGGIE

All nitpicking.

ABNER

Nitpicking to you. A big deal to him. (*pause*) Let me be frank with you. These kinds of cases are hard to win. It's hard to get a school instructor to reverse a grade. Professors are given wide latitude in these matters. You have to demonstrate that there is no evidence to support the failing grade or that the professor was motivated by malice, both of which are huge mountains to climb. If I agree to take your case, I can't promise you a successful outcome. Do you understand that?

MAGGIE

Yes, I do.

ABNER

So, do you still want to proceed?

MAGGIE

Yes. I have no choice in the matter. If I let him get away with this, my plans will be totally derailed.

ABNER

Okay. Now let's discuss my fee and have you sign some papers. (*pause*) Oh, before I forget, how did you happen to find my name?

MAGGIE

On line. I did a search under administrative law and your name came up.

ABNER

I guess it pays to advertise.

MAGGIE

Have you handled many cases like mine?

ABNER

I've been doing this for fourteen years, and I'll tell you: every case is different. The main thing is to put together the best possible case and hope that the hearing officers weigh the evidence with objectivity and arrive at a fair decision. That's it. Remember, it's not a court of law, and the burden of proof is on the complainant, not the respondent. Do you understand that?

MAGGIE

Yes, I understand. Let's proceed.

End of scene 6

Scene 7

Time: two weeks later. Place: an office at the school. The office serves as a hearing room. Seated behind a desk are three people, two men and woman. They are members of the History Department faculty. They are the hearing officers. The woman's name is Prof. Sylvia Kleiderman, the men are Prof. Harold Eppler and Prof. Ronald Corkman. Seated on the other side of the desk are Maggie and Rheinhardt. Seated next to Maggie is her attorney, Abner Yeabelman. Seated next to Rheinhardt is his attorney, Zander O'Doul (who is female).

KLEIDERMAN

This hearing will now come to order. My name is Professor Sylvia Kleiderman. I will be chairing this hearing. To my right is Professor Irving Eppler and to my left Professor Ronald Corkman. We comprise the panel that will hear and decide the case brought before us. Today we will hear the case Ciernikova versus Rheinhardt. Before we begin, I will call out names, and when you hear your name, you will answer "here" or "present." (pause) Maggie Ciernikova.

MAGGIE

Here.

KLEIDERMAN

Professor Ernst Rheinhardt.

RHEINHARDT

Present, madam chairman.

KLEIDERMAN

Abner Yeabelman.

ABNER

Here, madam chairman, as counsel for the plaintiff.

KLEIDERMAN

Zander O'Doul.

ZANDER

Here, madam chairman, as counsel for the respondent.

KLEIDERMAN

It is duly noted that both parties and their respective counsels are present. Before we start, however, just a few preliminary comments. First, during these proceedings, proper decorum will be maintained. No outbursts, interruptions or other improper conduct will be tolerated. Second, the hearing officers present may ask the witnesses questions. Third, although this venue is not a court of law, the decisions rendered by this body are final and are not subject to further administrative review. With that said, let us begin. The respondent will go first. (to Zander) Ms. O'Doul, are you ready to proceed?

ZANDER
(to Kleiderman)

Respondent is ready.

KLEIDERMAN

You may call your first witness.

ZANDER

We have no witnesses to call.

KLEIDERMAN

Duly noted. *(to Abner)* Are you ready to proceed?

ABNER

Yes, your honor. Plaintiff calls our first witness, Ms. Cyndy Goodday.

Cyndy enters and goes into the witness stand.

KLEIDERMAN
(to Cyndy)

Please raise your right hand. *(Cyndy raises her right hand)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

CYNDY

I do. *(Cyndy lowers her right hand.)*

KLEIDERMAN

You may be seated. *Cyndy sits.*

ABNER

Do you know the plaintiff?

CYNDY

You mean Maggie?

ABNER

Yes, Maggie. Do you know her?

CYNDY

Of course I do. You think I have a memory problem?

KLEIDERMAN

The witness is directed just to answer the questions.

CYNDY

Yeah, I know her from class.

ABNER

How did Maggie conduct herself in class?

CYNDY

She showed up to class. To tell you the truth I never took much notice of her until about a month ago when Professor Rhienhardt asked the class a question about some conference and Maggie answered and then kept talking.

ABNER

Do you recall what Maggie talked about?

CYNDY

Kind of. She said she was from Slovakia, that I remember clearly, and then a bunch of other stuff that I really can't remember.

ABNER

Did Maggie's comments bother you?

CYNDY

No, not at all.

ABNER

While Maggie was talking, what was Professor Rheinhardt doing?

CYNDY

I don't remember him doing anything except listening, like all the rest of us.

ZANDER

Objection, your honor. Calls for speculation.

KLEIDERMAN

Objection overruled. You may continue, Mr. Yeadelman.

ABNER

How do you know Professor Rheinhardt was listening?

CYNDY

Because he was standing in front of the class looking at Maggie.

ABNER

How long did Maggie talk?

CYNDY

I'm not sure.

ABNER

Estimate.

CYNDY

Ten, maybe fifteen minutes. Until class ended.

ABNER

When class ended, what did you do?

I got up and left.

CYNDY

What about the rest of the class?

ABNER

The rest of the class too.

CYNDY

Including Maggie?

ABNER

Except Maggie.

CYNDY

When class ended, what, if anything, did Professor Rheinhardt say to the class?

ABNER

I don't remember exactly. Something like class is over. That was it.

CYNDY

Did Professor Rheinhardt leave the room too?

ABNER

No, he didn't.

CYNDY

In subsequent classes, did Maggie participate in classroom discussions?

ABNER

Yes, she did.

CYNDY

Did you find anything she said inappropriate?

ABNER

CYNDY

No. In fact, sometimes she made us laugh.

ABNER

How so?

CYNDY

By the way she talked, real folksy like.

ABNER

Do you feel that she dominated the class?

CYNDY

Not at all. She just did a lot of talking.

ABNER

Did Maggie have permission to talk?

CYNDY

Yes, she did. She replied to questions from the professor.

ABNER

Did Professor Rheinhardt ever seemed displeased or annoyed by Maggie's replies?

ZANDER

Objection. Calls for speculation.

KLEIDERMAN

Mr. Yeadelman, please rephrase your question.

ABNER

Yes, madam chairman. (to Cyndy) Did Professor Rheinhardt ever tell Maggie to stop talking?

CYNDY

No.

ABNER

Express displeasure over the length of her comments?

CYNDY

No.

ABNER

Take offense over anything she said in class?

CYNDY

No.

ABNER

Thank you (*to Zander*) Your witness.

ZANDER

What are your academic credentials?

CYNDY

I have a BA degree in physical education.

ZANDER

Have you ever taught a class?

CYNDY

No.

ZANDER

Do you normally watch what other people are doing in class?

ABNER

Objection, madam chairman. Relevance?

ZANDER

Your honor, the witness is a student. I want to know if watching other people in class was part of the course.

KLEIDERMAN

Objection overruled. The witness will answer the question.

CYNDY

I'm no snoop, if that's what you're suggesting.

ZANDER

So, if you're not a snoop, then why were you watching Maggie and my client?

CYNDY

I wasn't watching anybody, okay? Let me tell you the truth.

ZANDER

Please do.

CYNDY

The class was boring and Maggie kind of livened it up.

ZANDER

How did she liven it up?

CYNDY

Every time she answered a question she would include all kind of other stuff, like where she came from up, foods that they ate, the scenery, stuff like that. I thought it was very interesting.

ZANDER

And what about the Professor? You testified that he listened too.

CYNDY

Yeah, that's right.

ZANDER

He never said anything?

CYNDY

Well, maybe.

ZANDER

Think very carefully. Are you absolutely certain that Professor Rheinhardt never said anything?

CYNDY

Now that I'm thinking about this, I kind of remember that occasionally Professor Rheinhardt would say things like, "Are you through?"

ZANDER

And what would Maggie say?

CYNDY

She seemed to ignore him.

ABNER

Objection. Speculation.

KLEIDERMAN

Sustained. *(to Cyndy)* Cyndy, what did Maggie say when the Professor asked. "Are you through?"

CYNDY

Nothing. She'd just keep on talking.

EPPLER

(to Cyndy)

When you say she kept on talking, could you elaborate?

CYNDY

What do you mean?

EPPLER

Did she talk nonstop, or were there interruptions?

CYNDY

I would say nonstop. Once Maggie got started, she was off to the races.

EPPLER

Did the plaintiff and the respondent ever argue in class?

CYNDY

You mean Maggie and the professor?

EPPLER

Yes, Maggie and the professor.

CYNDY

I don't recall them ever arguing.

CORKMAN
(to Cyndy)

No sharp words? No harsh exchanges?

CYNDY

No, nothing like that.

EPPLER

Did you pass the course?

CYNDY

I did.

CORKMAN

What about Maggie? Do you know if she passed the course?

CYNDY

Yes, I know now.

ZANDER
(to Kleiderman)

May I continue with my cross examination?

KLEIDERMAN

You may continue.

ZANDER
(to Kleiderman)

Thank you. (to Cyndy) Do you consider Professor Rheinhardt to be fair?

ABNER

Objection. Calls for speculation and an opinion.

KLEIDERMAN

Sustained.

ZANDER

During the class, did Professor Rheinhardt do or say anything that you found unfair.

CYNDY

No.

ZANDER

Did you complain about the grade he gave you on the paper?

CYNDY

No.

ZANDER

Thank you. (to Kleiderman) I have no more questions for this witness.

ABNER
(to Kleiderman)

Madam chairman, I have one or two more questions for this witness.

KLEIDERMAN

I thought you were finished with the witness.

ABNER

I thought so too, but Ms. O'Doul brought up a few points that require further examination.

KLEIDERMAN

Granted, but keep it brief.

ABNER

(to Kleiderman)

Thank you. (to Cyndy) Do you know if Professor Rheinhardt was fair with Maggie?

CYNDY

I don't know. I do know that he was fair with me.

ABNER

I have no more questions for this witness.

KLEIDERMAN

(to Zander)

Do you have any more questions for this witness?

ZANDER

(to Kleiderman)

None, madam chairman.

KLEIDERMAN

(to Cyndy)

The witness may step down.

Cyndy exits.

KLEIDERMAN

(to Abner)

You may call your next witness.

ABNER

I call Ms. Erdley O'Shay. (*Erdley enters and goes to the witness stand.*)

KLEIDERMAN

(to Erdley)

Please raise your right hand. (*Erdley raise her right hand.*) Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

ERDLEY

I do. (*Erdley lowers her right hand.*)

KLEIDERMAN

(to Erdley)

You may be seated. (*Erdley sits.*)

ABNER

You are acquainted with the plaintiff?

ERDLEY

Yes, I am.

ABNER

Is she a close friend?

ERDLEY

No.

ABNER

But you do know her?

ERDLEY

Only in class.

ABNER

(to Kleiderman)

Did my client ever say anything to you in class that you found offensive or strange?

ERDLEY

No.

ABNER

Did you ever laugh or giggle in class?

ERDLEY

I may have.

ABNER

Did you ever see or hear my client laugh or giggle in class?

ERDLEY

No.

ABNER

So what was so amusing in class that it caused you to laugh?

ERDLEY

When I got my term paper back. I was happy with my grade. So I laughed.

ABNER

Did you get an F?

ERDLEY

Of course not.

ABNER

Did the professor tell you to stop laughing?

ERDLEY

Yes.

ABNER

Did he express his disapproval over you laughing in class?

ERDLEY

Not exactly disapproval. He just said that if we had any questions we could talk with him.

ABNER

Did he ever speak with you outside of class about your laughing in class?

ERDLEY

No.

ABNER

I have nothing more to ask the witness.

KLEIDERMAN
(to Zander)

You may cross examine the witness.

ZANDER
(to Kleiderman)

Thank you, madam chairman. *(to Erdley)* You were in the same class as the plaintiff?

ERDLEY

Yes.

ZANDER

You had opportunity to hear her in class?

ERDLEY

Yes.

ZANDER

Was the plaintiff ever talkative in class?

ABNER
(to Kleiderman)

Objection. Calls for an opinion.

KLEIDERMAN

Objection sustained. (to Zander) Please rephrase.

ZANDER

(to Erdley)

During the class did the plaintiff ever respond to a question posed by Professor Rheinhardt regarding the Munich Conference?

ERDLEY

Yes.

ZANDER

Do you recall the question?

ERDLEY

Yes.

ZANDER

What was the question?

ERDLEY

Who participated in the Munich Conference?

ZANDER

What was plaintiff's reply?

ERDLEY

Well, she mentioned four names, and tell you truth I can't recall them, then went on to discuss her country, and food, and politics, whatever. It was all quite entertaining.

ZANDER

Why was it entertaining?

ERDLEY

Because she just went on and on and on talking.

ABNER
(to Kleiderman)

Objection. Opinion.

KLEIDERMAN
Overruled. (to Zander) You may continue.

ZANDER
And what did Professor Rheinhardt say?

ERDLEY
I recall him trying to cut in once a twice.

ZANDER
Cut in? What do you mean?

ERDLEY
He tried to interrupt her.

ZANDER
What was he trying to say?

ERDLEY
I don't recall for certain.

ZANDER
Did the same thing happen in subsequent classes?

ERDLEY
What same things?

ZANDER
That the plaintiff would go on and on and on talking?

ABNER
(to Kleiderman)

Once again, I must object to such a mischaracterization.

KLEIDERMAN

Objection overruled. *(to Abner)* Mr. Yaebelman, the witness is testifying as to what she observed and or heard. *(to Zander)* You may continue.

ZANDER
(to Kleiderman)

Thank you, your honor. *(to Erdley)* Did Professor Rheinhardt ever use any harsh words in class?

ERDLEY

No.

EPPLER
(to Erdley)

What did you think about Professor Rheinhardt as a teacher?

ERDLEY

He was okay. He taught the class.

EPPLER

Now, getting back to the question posed about the Munich Conference, besides the plaintiff how many other students responded?

ERDLEY

None.

CORKMAN

And so the only student who responded was the plaintiff?

ERDLEY

Yes.

CORKMAN

Were you surprised that anyone replied?

ERDLEY

Yes, I was.

CORKMAN

Why was that?

ERDLEY

Because you had to know something about the Munich Conference to answer the question.

CORKMAN

(to Kleiderman)

I'm finished asking questions.

KLEIDERMAN

(to Zander)

You may continue.

ZANDER

Thank you. *(to Erdley)* So the Professor usually lectured?

ERDLEY

Yes.

ZANDER

Did he ever discuss the requirements for the term paper?

ERDLEY

Yes, he did.

ZANDER

Did anyone in class have any questions about the term paper?

ERDLEY

Not that I can recall.

ZANDER

Do you know if the plaintiff was present on the day when the requirements for the term paper was discussed?

ERDLEY

She was present.

ZANDER
(to Kleiderman)

I have no further questions for this witness.

ABNER
(to Kleiderman)

Request to re-direct.

KLEIDERMAN
(to Abner)

Granted, but keep it brief.

ABNER
(to Erdley)

Did the respondent ever encourage classroom discussion?

ERDLEY

I don't know what you mean.

ABNER

Did he ever tell the class to feel free to ask questions or make comments?

ERDLEY

No.

ABNER

Did the respondent ever specifically prohibit classroom discussion?

ERDLEY

No.

ABNER

Did the respondent ever place any kind of restrictions on the length or nature of comments made in class?

ERDLEY

No.

ABNER

Did the respondent ever invite you to meet with him after class?

ERDLEY

No.

ZANDER
(to Kleiderman)

Objection. Relevance?

ABNER
(to Zander)

Maybe your client was making it a habit to meet with female students outside of class.

ZANDER

Stop trying to defame this witness or my client. The sole issue is the validity of a grade, that's all.

ABNER
(to Kleiderman)

With all due respect to learned counsel, the respondent's conduct is at issue because it goes to the question of intent.

ZANDER

(to Kleiderman)

What are you talking about? It's about a dispute over a grade, period.

KLEIDERMAN

The objection is sustained. Both of you will have ample opportunity to sum up your cases during closing. We have to keep the hearing moving forward. *(to Abner)* Are you finished with the witness?

ABNER

(to Kleiderman)

Soon, your honor. I still have a few more questions for this witness. *(to Erdley)* Now you say that my client went on and on talking. What did she do? Just go blah, blah, blah, blah, blah?

ERDLEY

I wouldn't say that she went blah, blah, blah.

ABNER

Then how did she sound?

ERDLEY

She sounded like someone who had a lot to say.

ABNER

And was that disruptive?

ERDLEY

I didn't find it disruptive.

ABNER

Did anyone in the class complain?

ERDLEY

Not that I know of.

ABNER

Did Profesor Rheinhardt act decisively to stop her?

ERDLEY

I don't understand what you mean.

ABNER

Did he tell my client to stop talking or use similar language?

ERDLEY

Not that I can remember.

ABNER

How was my client's demeanor?

ERDLEY

What's demeanor?

ABNER

Her behavior. How did she behave in class?

ERDLEY

Her behavior seemed fine to me. I don't remember her ever having an attitude or anything like that.

ABNER

So, during the class you never observed my client behaving badly?

ERDLEY

Yes.

ABNER

By yes, you mean no, you never observed her behaving badly?

ERDLEY

Yes, or no. Now I'm confused.

ZANDER
(to Kleiderman)

Your honor, I move that this witness's testimony be stricken from the record.

ABNER
(to Kleiderman)

I object to that motion.

ZANDER
(to Abner)

Sir, you are making mockery of these proceedings.

ABNER
(to Zander)

Young woman, that is, if you are a woman, you don't know what you're talking about.

ZANDER
(angered)

Oh, shut up!

KLEIDERMAN

Order in the court! I am directing both counsels to direct their remarks to the chair and not to each other. Is that clear? Any further outbursts and I will impose sanctions. Now, Mr. Yeabelman, are you finished with your re-direct?

ABNER

I am, your honor.

KLEIDERMAN
(to Zander)

Do you have any more questions for this witness?

ZANDER
(to Kleiderman)

None, madam chairman.

KLEIDERMAN

Good. *(to Erdley)* You are now excused. You may leave. *Erdley exits.*
(to Abner) You may call your next witness.

ABNER

Thank you, your honor. I call Professor Lester McNally. *(McNally enters and goes into the witness box.)*

KLEIDERMAN

(to McNally)

Please raise your right hand. *(McNally raise his right hand.)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

McNALLY

I do. *(McNally lowers his right hand.)*

KLEIDERMAN

You may be seated. *McNally sits.*

ABNER

Professor McNally, how long have you known Professor Rheinhardt?

ZANDER

Objection. Relevance.

ABNER

(to Kleiderman)

Your honor, I'm trying to establish the witness's credibility.

ZANDER

Respondent is willing to stipulate that my client and the witness know each other.

KLEIDERMAN

(to Abner)

The respondent is willing to stipulate that your witness and the respondent know each other.

ABNER

Fine, madam chairman.

KLEIDERMAN

Good. So stipulated. *(to Abner)* You may continue.

ABNER

Was there a time when you heard some commotion coming out of Professor Rheinhardt's class?

McNALLY

Yes.

ABNER

When?

McNALLY

About two months ago.

ABNER

What were the circumstances?

McNALLY

I was walking through the corridor when I heard what sounded like someone loudly yelling.

ABNER

What was being said?

McNALLY

I couldn't make it out; it was garbled, but it was loud enough to cause me concern.

ABNER

Then what did you do?

I went into the room. **McNALLY**

Who was in the room? **ABNER**

Professor Rheinhardt. He was alone. **McNALLY**

What did you do next? **ABNER**

I asked him what was the matter? **McNALLY**

What was Professor Rheinhardt's state of mind? **ABNER**

He was excited and angry. **McNALLY**

Did he explain why he was excited and angry? **ABNER**

He did. **McNALLY**

What did he say? **ABNER**

He complained about one his students having monopolized the class and making him bad. Something to that effect. I can't remember the exact words. **McNALLY**

Did he say anything else? **ABNER**

McNALLY

Yes, I recall him saying that she knew that he was German.

ABNER

No further questions. (to Zander) Your witness.

ZANDER

(to McNally)

Professor McNally, are you familiar with Professor Rheinhardt's style of teaching?

McNALLY

I am.

ZANDER

What style does he employ?

McNALLY

Lecture.

ZANDER

Is that considered the most effective method of teaching at the graduate level?

McNALLY

Well, that's really hard to say. Each professor has their own particular method that works well for them.

ZANDER

Has anyone ever complained to you about Professor Rheinhardt?

McNALLY

No. As a matter of fact he has an excellent reputation in the school.

ZANDER

So there is no official right or wrong way of teaching?

McNALLY

No, there isn't. It's what works best for you and the students.

ZANDER

Now you say that you went into the classroom and observed Professor Rheinhardt to be livid. Correct?

McNALLY

Yes.

ZANDER

And that caused you concern?

McNALLY

Yes.

ZANDER

Why did it cause concern?

McNALLY

Because I thought Professor Rheinhardt might need some assistance.

ZANDER

So you went into the classroom to provide assistance if necessary?

McNALLY

Yes.

ZANDER

And was your assistance necessary?

McNALLY

No.

ZANDER

Did Professor Rheinhardt request your assistance?

McNALLY

No.

ZANDER

So by what right or authority did you presume to go into that classroom?

McNALLY

What a minute! You're making it sound like I did something wrong!

ZANDER

Professor McNally, I'm just trying to sort out the facts, that's all. Nobody's questioning your motives.

McNALLY

Well, you could have fooled me.

ABNER

Objection to this whole line of questioning. Prejudicial.

ZANDER

(to Kleiderman)

Your honor, I'm trying to establish that my client was in full control of himself.

KLEIDERMAN

Objection overruled. *(to Zander)* You may continue.

ZANDER

(to McNally)

During your discussion with Professor Rheinhardt, did he specifically mention the name of any student?

McNALLY

No.

Did you ask? EPPLER

No. McNALLY

Why not? EPPLER

It didn't seem important. McNALLY

CORKMAN

I'm a little confused. You heard some noise coming from the respondents' classroom, then went into the classroom uninvited, and then decided that what was bothering the professor was unimportant?

No! You're misconstruing my words. McNALLY

I am? They're your words. CORKMAN

I heard what I thought was a commotion and I went in to investigate. McNALLY

CORKMAN

Now you're telling a different story. Before it was a noise, now it's a commotion; before you went in to help, now it was to investigate. Which was it?

You're twisting my words. McNALLY

I think not. CORKMAN

May I continue?
ZANDER
(to Kleiderman)

You may.
KLEIDERMAN

After entering the classroom, did you call the police?
ZANDER
(to McNally)

No.
McNALLY

Did you report this matter to your superiors?
ZANDER

No.
McNALLY

Did you do take any further action?
ZANDER

No.
McNALLY

I'm finished with this witness.
ZANDER

I would like to do a re-direct, if I may.
ABNER
(to Kleiderman)

Go ahead, but keep it brief.
KLEIDERMAN
(to Abner)

ABNER
(to McNally)

Why did you not report what you had heard and seen to your superiors?

McNALLY
Frankly, because I felt that Professor Rheinhardt just had a bad day, that's all.

ABNER
That he was agitated did not give you cause for concern?

ZANDER
Objection. Speculation.

KLEIDERMAN
Sustained.

ABNER
Yet you went into the classroom. You must have believed that something was amiss.

ZANDER
Objection. Calls for a conclusion.

KLEIDERMAN
Sustained. *(to Abner)* Are you finished with this witness yet?

ABNER
(to Kleiderman)
One more question, your honor. *(to McNally)* Did you believe that the respondent seemed troubled and that it had to do with a student?

McNALLY
I did.

ABNER

I'm finished with my re-direct.

KLEIDERMAN

(to McNally)

You may leave the witness stand. *McNally exits.* (to Abner) Are you ready to call your next witness?

ABNER

(to Kleiderman)

I am. I call Sunny Dubois.

Sunny enters and goes into the witness stand.

KLEIDERMAN

(to Sunny)

Please raise your right hand. (*Sunny raises her right hand.*) Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

SUNNY

I do. (*Sunny lowers her right hand.*)

KLEIDERMAN

You may sit. *Sunny sits.*

ABNER

Are you employed?

SUNNY

Yes.

ABNER

In what capacity?

SUNNY

Do you mean what's my job?

ABNER

Yes. What is your job?

SUNNY

I'm a waitress, or should I say a food server.

ABNER

Either one is fine. Where do you work?

SUNNY

At Café Noir downtown.

ABNER

Did the plaintiff and respondent ever have dinner at Café Noir?

SUNNY

What do you mean by plaintiff and respondent?

ABNER

The plaintiff is the lady seated at my desk, the respondent is the gentleman seated at the other desk.

SUNNY

Oh. *(pause)* You must think I'm a real jerk.

KLEIDERMAN

The witness is directed just to answer the questions.

SUNNY

(to Kleiderman)

Sorry, madam.

ABNER

So, did the lady and the gentleman ever have dinner at Café Noir?

Yes. SUNNY

When? ABNER

About three weeks ago. SUNNY

Were you their server? ABNER

Yes. SUNNY

What did they order? ABNER

Objection. Relevance? ZANDER

Sustained. KLEIDERMAN

ABNER
Did anything unusual occur while they were having dinner?

Not that I know of. SUNNY

No problems? ABNER

None that I saw. SUNNY

No commotions?
ABNER

None that I saw.
SUNNY

ABNER
At some point during their dinner did you go to the table and find the gentleman sitting alone?

Yes.
SUNNY

ABNER
Did you observe anything unusual or out of order?

SUNNY
Yes. He had water dripping from his head.

How much water?
ABNER

Not that much.
SUNNY

What did you say to him?
ABNER

Is everything alright?
SUNNY

And what did he say?
ABNER

SUNNY

Please get me a towel. So I got him a towel. That was it.

ABNER
(to Zander)

Your witness.

ZANDER

Ms. Dubois, did the gentleman seem upset?

SUNNY

I really couldn't notice because the lights were dimmed.

ZANDER

However, he did ask for a towel?

SUNNY

Yes.

ZANDER

Is it usual for customers in your restaurant to have water dripping from their head and asking for towels?

SUNNY

No, it is not usual.

ZANDER

Did the gentleman say anything else to you?

SUNNY

He said bring me the bill. So I brought him the bill.

ZANDER

Then what happened?

He got up and left.

SUNNY

I'm finished with this witness.

ZANDER
(to Kleiderman)

Your honor, I wish to re-direct.

ABNER

Okay, but keep it brief.

KLEIDERMAN

After you observed the gentleman with water dripping from his head, were the police called?

ABNER
(to Sunny)

No.

SUNNY

Why was that?

ABNER

There was no reason to call the police. He was wet, that's all.

SUNNY

Did you wonder why he was wet?

ABNER

I thought he might have been drunk.

SUNNY

Was he?

ABNER

ZANDER

Objection. Calls for speculation.

KLEIDERMAN
(to Abner)

Rephrase.

ABNER
(to Sunny)

Did you serve them any liquor?

SUNNY

Yes, I served the man a screw driver.

ABNER

Thank you. (to Zander) I'm finished.

ZANDER
(to Sunny)

Finding your customer with water dripping from his head was no reason to call the police?

SUNNY

No.

ZANDER

How do you think the water got on his head?

ABNER

Objection. I already asked the witness that question.

KLEIDERMAN

Overruled. You asked the witness why the respondent was wet.

ABNER

Same thing, madam Chairman. Just different words.

KLEIDERMAN

My ruling stands. (to Sunny) You may answer the question.

SUNNY

I really don't know.

ZANDER

Did you ask?

SUNNY

No.

ZANDER

Why not?

SUNNY

Because his guest was gone and all he wanted was the check, and a towel.

ZANDER

Then what did you do?

SUNNY

I gave him a towel.

ZANDER

Did he give it back?

SUNNY

No, he threw it on the table.

ZANDER

Threw it?

SUNNY

Yes.

ZANDER
(to Kleiderman)

I'm through with this witness.

KLEIDERMAN
(to Sunny)

You are excused. *Sunny exits.* (to Abner) You may call your next witness.

ABNER

I call Stepan Busoc.

Stepan enters and goes into the witness box.

ZANDER
(to Kleiderman)

I object to this witness being called. His testimony can only be hearsay.

ABNER

Madam chairman, the witness can testify as to my client's state of mind shortly after her meeting with the respondent.

ZANDER

The witness's testimony will be highly prejudicial.

ABNER

No, madam chairman. The witness's testimony will not be prejudicial. It will be truthful.

ZANDER

But, madam chairman, the witness has no connection with the school and was not directly involved with any of the events relating to this matter.

ABNER

That is irrelevant, madam chairman. This is not a criminal case and my client has a right to call whomever she wants.

KLEIDERMAN

I'll allow the witness to testify, provisionally. *(to Busoc)* Please raise your right hand. *(Stepan raises his right hand.)* Do you solemnly promise or affirm to tell the truth, the whole truth and nothing but the truth?

STEPAN

I do. *(Stepan lowers his right hand.)*

KLEIDERMAN
(to Stepan)

You may be seated. *(Stepan sits.)*

ABNER

Do you know my client?

STEPAN

Yes.

ABNER

How long have you known her?

STEPAN

All my life. We're from the same town in Slovakia.

ABNER

On the day my client met with the respondent, what were you doing?

STEPAN

During the day I was working.

ABNER

Where do you work?

STEPAN

At the United Nations.

ZANDER
(to Kleiderman)

Where is all this taking us?

KLEIDERMAN
(to Abner)

Mr. Yeabelman, Ms. O'Doul asks a legitimate question. Where are you taking us?

ABNER
(to Kleiderman)

Your honor, I'm trying to establish the witness's credibility.

CORKMAN

Credibility as to what?

EPPLER

I'm confused too. (to Kleiderman) Why is this witness testifying?

KLEIDERMAN
(to Eppler)

Because he may be able to testify on matters relevant to this case.

EPPLER

Yes, but if he didn't witness anything directly, wasn't even in the school, then what's the point of his testimony?

CORKMAN

We did allow the waitress's testimony, didn't we?

EPPLER

That was different. She actually worked at the place where the two parties met.

CORKMAN
(to Kleiderman)

Madam Chairwoman, I move that the witness's testimony be admitted.

So ordered. KLEIDERMAN

I object. EPPLER

Your objection is noted. (to Abner) You may proceed. KLEIDERMAN

Thank you, madam chairman. (to Stepan) So you have known my client since childhood. Is that correct? ABNER
(to Kleiderman)

That is correct. STEPAN

On the evening of the day when the my client and the professor met, did you and my client meet? ABNER

Yes, we met. STEPAN

Where? ABNER

In my apartment. STEPAN

Was this meeting planned? ABNER

No. STEPAN

ABNER

So, she just came over unannounced?

STEPAN

Yes.

ABNER

Were you surprised?

STEPAN

Yes.

ABNER

Yet you met with her. Yes?

STEPAN

Yes.

ABNER

After she arrived, what did the two of you discuss?

STEPAN

We discussed this dinner that she and this man had at a restaurant.

ABNER

What did my client say?

STEPAN

She told me about the situation with her grade and how her professor wanted her to stay quiet in return for an A, and how she dumped water over his head.

ABNER

Did she explain why she dumped water over his head?

She did. STEPAN

What did she say? ABNER

STEPAN
She was furious at him for trying to buy her silence.

ABNER
Have you ever known my client to behave that way in the past?

STEPAN
Behave in what way?

ABNER
Dump water over someone's head?

STEPAN
No. Never.

ABNER
So this was unusual?

STEPAN
Yes, For her.

ABNER
Have you ever had dinner with my client in a restaurant?

STEPAN
Many times.

ABNER
And how does she usually behave?

STEPAN

Like a lady. Never gets excited, never gets angry.

ABNER

Did she show you a term paper?

STEPAN

No.

ABNER

I'm finished with my direct. *(to Zander)* Your witness.

ZANDER

Mr. Busoc, you testified that you have known the plaintiff since your childhood in Slovakia. Yes?

STEPAN

Correct.

ZANDER

How would you describe your relationship with the plaintiff?

STEPAN

I don't understand the question.

ZANDER

Is your relationship with her close?

STEPAN

I still don't understand what you're asking?

ZANDER

Are you and the plaintiff intimate?

MAGGIE

Don't answer that!

ABNER

Objection!

KLEIDERMAN

Order! *(to Maggie)* Control yourself! *(to Abner)* Control your client!
(to Zander) Objection overruled. The witness may answer.

MAGGIE

No! *(to Kleiderman)* Please! That's personal!

ABNER

I appeal the objection!

KLEIDERMAN

The objection stands and as for you *(to Maggie)* one more outburst and I will declare these proceedings closed. Do you understand?

MAGGIE

This is outrageous. Why, in Slovakia if a gentleman was asked such a question he'd be horsewhipped.

KLEIDERMAN

You are trying my patience! *(to Abner)* Mr. Yeadelman, once again, I order you to control your client!

ABNER

I'll do what I can, Madam Chairwoman.

KLEIDERMAN
(to Stepan)

Please answer the question.

STEPAN

What was the question?

KLEIDERMAN

Are you and the plaintiff intimate?

STEPAN

What do you mean by intimate?

ZANDER

Mr. Busoc, do you know English?

STEPAN

Yes.

ZANDER

So you know the meaning of the word intimate?

STEPAN

Yes I do. It means warm or close.

ZANDER

That's correct. So, do you have a warm or close relationship with the plaintiff?

STEPAN

Yes, I guess I do.

ZANDER

How close?

STEPAN

Close. What more do you want me to say?

ZANDER

I want you to tell the truth. Once again, how close?

STEPAN

I can't answer that.

ZANDER
(to Kleiderman)

The witness is being evasive.

KLEIDERMAN
(to Stepan)

Stop being evasive and answer the question.

STEPAN

I did answer the question.

ZANDER

Are you single or married?

ABNER

Objection! Move to strike as irrelevant!

ZANDER
(to Abner)

Now what? *(to Kleiderman)* Madam Chairman, I'm trying to establish that the witness is biased in favor of the plaintiff.

STEPAN

I object! I am not biased! I am testifying truthfully!

KLEIDERMAN

Order! *(to Stepan)* Please refrain from any further outbursts. *(to Abner)* Your objection is overruled. *(to Zander)* Direct your comments to the hearing officer.

ZANDER
(to Kleiderman)

Thank you. *(to Stepan)* Now, are you single or married?

STEPAN

I refuse to answer.

ZANDER
(to Kleiderman)

I move that the witness be cited for contempt.

STEPAN
(angry)

This is outrageous. (to Kleiderman) I came here to testify and now I'm in trouble? What kind of court is this?

KLEIDERMAN
(to Stepan)

You will calm yourself now or I will have you removed.

ABNER
(to Kleiderman)

I move that the opposing counsel be ordered to stop pestering the witness.

ZANDER
(to Kleiderman)

I am not pestering the witness, Madam Chairman.

KLEIDERMAN
(to Stepan)

You are hereby excused.

ZANDER

But I'm not finished with the witness.

KLEIDERMAN
(to Zander)

Yes, you are.

STEPAN

That means I can leave?

KLEIDERMAN

Yes.

Good bye!

STEPAN

Sir, just leave.

KLEIDERMAN

I'm going! *(to Maggie)* Good luck. *Stepan exits.*

STEPAN

Are there any other witnesses?

KLEIDERMAN

Yes, Madam Chairman.

ABNER

Then call your next witness

KLEIDERMAN

End of part one.

