



YAAAAAAAAAAAAA

BY JERRY BUCHMEYER

THE TITLE ET CETERA THIS MONTH is from **Judge Tom Bacus** of Wichita Falls. The other contributions are from **Beaumont (Wendell C. Radford, Jr.)**, **Dallas (Jill Adams)**, **Fort Worth (J. Frank Kinsel, Jr.)**, **Galveston (Douglas W. Poole)**, **Houston (Lillie Knight, Michael R. Ross, Susanne L. Tetzlaff)**, **Odessa (Justin W. Low)**, **Vidor (Rodney Price)** and **Fort Collins, Colo. (Amy K. Rosenberg)**.

DID THEY REALLY SAY THAT?

From **Jill Adams** of Dallas, this excerpt from the deposition of the plaintiff in a personal injury case that was taken by **Adam McKinney** of Dallas (David, Goodman & Madole).

Q. Okay. And I also understand you have a niece living with you, Lawanna Hannah?

A. Well, she's actually my daughter, my first child. ...

Q. I believe on your Answers to Interrogatories it lists Lawanna as a niece?

A. I know, because my sister adopted her.

Q. Oh, okay

A. My sister is dead now, so I have her now.

From **Justin W. Low** of Odessa, this excerpt from the deposition of a J.C. Penney "loss prevention officer" in a False Imprisonment case.

Q. Is the first guideline, make sure

that you have a witness present?

A. Yes.

Q. Now, isn't — doesn't that also say that if possible have a female witness present when the subject is female?

A. Correct. ...

Q. Do you know why you would rather have a female there keeping an eye on you than another male?

A. If we have a female in custody, it places a male in *comprehensive* — comprehending situation.

MR. ARMSTRONG: You mean compromising?

A. — compromising — I'm sorry — to be in a room — a secluded room with a female.

From **Susanne L. Tetzlaff** of Houston (Wickliff & Hall), this marvelous (!!!) excerpt from the deposition of a plaintiff who was alleging age, sex, and national origin discrimination.

Q. Do you have any evidence to believe that it was either your race, your sex, your national origin or your age that led to the reclassification?

A. The reclassification, no. I think that it was done not because of discrimination; but, however, I do want to add it was done wontonly.

THE REPORTER: Excuse me?

A. I'm sorry. It's a Chinese word, I guess, wontonly.

Q. (By Mr. Paul Hash) Wontonly?

A. Yes. In other words —

Q. Incorrectly?

A. — incorrectly.

A. I know some Chinese, I guess.

From **Wendell C. Radford, Jr.** of Beaumont (Wendell is an assistant criminal district attorney for Jefferson County), this excerpt from the cross-examination of a witness in an assault case:

Voluntary Statement by Grandmother of child in trial testimony in front of jury:

Mr. Radford, I have to be honest with you about something ... when (.....) told me what happened, I called my brothers ... and I was going to have my husband and his brother killed ... but I am a devout Jehovah's Witness, and I prayed to Jehovah, and he told me that if I did that, I would be punished, so I thought I'd let the law handle it.

Cross by Defense Attorney:

Q. "Ma'am, you were going to have your husband and his brother killed by your brothers?"

A. "Yes I was."

Q. "Are your brothers Jehovah's Witnesses?"

A. "Of course not, if they were, they wouldn't have killed them for me now would they have?"

SOMETIMES IT DOES

TAKE A "ROCKET SCIENTIST"

This deposition excerpt comes from **J. Frank Kinsel, Jr.** of Fort Worth

(Cantey & Hanger). It happened in a recent lawsuit between Lockheed Martin Company and Raytheon Company; the Lockheed attorney (Ms. Mann) is trying to ask the witness, a Raytheon scientist, whether the Raytheon "TOW missile" has an "infrared imaging seeker."

MS. MANN: It's about his RFI response. We're talking about how he's moving the people in to work on the RFI response.

MS. AMMETER: If you —

MS. MANN: Surely he can tell me if the RFI response has a component called a seeker, so I can ask him to tell me about taking the Javelin seeker people and where he's putting them in the Raytheon seeker group.

MS. AMMETER: He —

MS. MANN: This is not rocket science here.

MS. AMMETER: Yeah, as a matter of fact, it kind of is. But if you want to ask him that question, then ask him that question.

MS. MANN: But you're just not going to let him tell me that the

TOW missile doesn't have an infrared imaging seeker, which we all know it doesn't?

CLASSIC TYPOS

From **Lillie Knight** of Houston (Lillie is an assistant city attorney), this typo in a letter she received from a property tax consultant:

Dear Ms. Knight:

... Thank you for your business, and please send your fiends our way. Please return before May 31st.

From **Michael R. Ross** of Houston, this typo he discovered in a business record affidavit executed by a record custodian and "competent computer operator" for an insurance company:

... "I am a competent computer operator, able to retrieve this information and the payments were checked for accuracy prior to the information being imputed."

From **Douglas W. Poole** of Galveston (McLeod, Alexander, Powel & Apffel), this typo in the petition of

the plaintiff, an injured railroad employee, in his Federal Employers' Liability Act case:

VII. Plaintiff suffered injuries to his lover and upper back and other parts of his body ...

Douglas adds: "I am thinking about filing exceptions to Paragraph VII since loss of consortium is not recoverable in F.E.L.A. cases."

PRAYING WITH

JUDGE BUDDIE HAHN

The contribution from **District Judge Buddie J. Hahn** of Orange (260th Judicial District) that was printed in the May 1999 *et cetera* — where the defendant being sentenced said, "I would like to just bow in prayer before I start" — caused **Rodney Price** of Vidor to send me the following story:

The account of Judge Buddie Hahn and the prayerful defendant brought to mind the Judge's own praying incident of several years ago. Judge Hahn was called upon to give the opening prayer in a men's Sunday School class at First Baptist Church of Vidor. Those present bowed their heads expecting to hear the customary "Dear Lord" or "Dear Father," but instead Judge Hahn began to pray by addressing the Deity as "Your Honor ..."

THE DOCTOR'S CERTIFICATE

From **Judge Tom Bacus** of Wichita Falls (County Court At Law No. 2), this excerpt from a doctor's certificate in a civil commitment case — in which the "doctor graphically documented the results of his personal interview with the patient."

"1. On or about _____, the above named person said the following:

A. YAAAAAAAAAAAAA"

Judge Bacus adds: "Needless to say, the subsequent hearing was fairly short."

Contributions to *et cetera* should be mailed to: **Chief Judge Jerry Buchmeyer**, U.S. District Court, Northern District of Texas, 1100 Commerce St., 15th Floor, Dallas, Texas 75242

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