



DANIEL MALDONADO

MAY IT PLEASE THE COURT

DANIEL MENDOZA THRILLERS BOOK 1

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This book is dedicated to my friends, family, and coworkers who encouraged me to turn back to my legal roots and write novels that reflect this genre. Thanks for all of your support and encouragement.

Content Advisory: This book is intended for mature audiences and contains graphic violence, explicit language, and disturbing imagery.

1 SWEET SIXTEEN

Scottsdale, Arizona

Present Day

“**M**ija, this is your special day, but you don’t have to be rude. Your Tía is just trying to help. I taught you better than that. Now apologize.” The stern, female voice pierced the room, dominating every other boisterous sound. Everyone in the cramped dressing room stopped and glanced up, taking heed of what Mrs. Clifton would say or do next.

Reyna Clifton was known to be a strong disciplinarian given her parents’ upbringing on the east coast. Her parents hailed from New York like their parents before them. The family grew up there before they moved to the mid-west when their kids were infants. Although they no longer lived in Spanish Harlem, Reyna’s parents raised her and her sister the same way. Despite the hectic atmosphere in the dressing room, Reyna, like her Puerto Rican parents, always demanded civility, especially from her children. Alejandra, Reyna’s oldest child, knew that.

When Alejandra instinctively twirled around in angst to unconsciously direct a piercing glare at her mother, she quickly stopped herself such that her floor-length, periwinkle blue dress suddenly jerked back. The diamond-studded, silver tiara on her head unexpectedly began to slip. Before it fell off, the nimble Tía Esperanza stood next to her holding it in place.

Alejandra’s eyes slightly welled up. She knew what was coming and did not

want a verbal lashing from her mother before her sweet sixteen ceremony. This would embarrass her, especially in front of all of her girlfriends and female cousins who were her damas. She braced herself.

“Reyna, it’s nothing. She’s just nervous. That’s all.” Esperanza straightened the askew tiara. “There. That’s better.”

Esperanza’s calming voice disarmed Reyna like it frequently did since their childhood. The sisters were many years apart in age, but the younger Esperanza was always mature in ways that evaded Reyna. Somehow, despite the age difference, they were still close.

“Doesn’t your daughter look beautiful?” Esperanza now sounded muffled as she stuffed a couple of bobby pins into her mouth so that both of her hands were free. She stepped aside so that Alejandra was in full view.

“Ay Dios mio. Yes, you’re lovely, beautiful. That dress is amazing. I’m glad you picked it.” Reyna stopped herself from saying anything untoward. The first dress that Alejandra selected was hideous according to her mother. But that seemed ages ago. There was no point in mentioning it now and dampening the mood even further.

Reyna walked towards Alejandra to hug her. As Mrs. Clifton walked closer to her daughter, Porsha, Alejandra’s dama de honor, followed with a set of earrings in her hand. Porsha had known Alejandra since the sixth grade when they were seated next to each other in Ms. Hittson’s class. They were inseparable since that day. Like Esperanza, Porsha was adept at keeping people calm and focused. The two classmates were also like sisters.

“Put these on. Frank will love them. They match your tiara.” Porsha smiled as she handed the diamond earrings to Alejandra.

“Tía Esperanza, can you do it? I’m shaking so badly.”

Her aunt dotingly complied.

Alejandra’s long, bronze neck was daintily revealed above the princess scoop neckline, giving the young woman an air of aristocracy uncommon for her age. She was pleased. Months of preparation had paid off.

There were the four dance rehearsals with Alejandra’s court as well as the rehearsals with her father, Anthony Clifton. Her party planner, Mariposa Aponte,

choreographed the entire affair including Alejandra's upcoming entrance. Every last detail of the sweet sixteen party was meticulously planned and paid for in advance. Her family spared no expense for the special occasion. Next would be her prom, her graduation party, and, of course, her wedding. But those events were far off and out of her mind. Today was Alejandra's sixteenth birthday.

Even though her sweet sixteen party was not in her hometown of Las Vegas, Nevada, Alejandra was still pleased. Her Aunt Esperanza insisted that the festivities be held in Scottsdale, Arizona where she lived. Esperanza relocated to Scottsdale after her parents sold the small, family home in Chicago. Of course, her sister, Reyna, obliged at the request because Esperanza and her husband insisted on paying the bulk of the expenses. Twenty years ago, Esperanza married a wealthy plastic surgeon, Efron Martinez. They treated Alejandra, her first-born niece, as one of their own because they were also Alejandra's godparents.

Despite the sweltering Arizona summers, Alejandra visited her aunt and uncle every summer for several weeks to a month. Sometimes the entire summer. That allowed her to become close with her cousins, Clarice and Elisa. They were only a year or two younger than Alejandra. Trips to Sedona, San Diego, Rocky Point, Hawaii, Europe, and even their native Puerto Rico made the trio inseparable. Clarice and Elisa were two of Alejandra's seven damas. Esperanza never insisted upon that as a condition of paying for the ceremony. She took for granted that her niece would ask her daughters as well as two of their high school classmates, Jennifer and Sequoia. Alejandra eagerly selected them without prodding. Two of Alejandra's girlfriends flew in from Vegas to attend and to also participate as part of her court. Their parents gladly chaperoned.

All of the damas were frantically putting on their evening dresses. Swathes of matching but lighter, periwinkle blue filled the room like a symphony of clothing floating effortlessly in the air. Giggles could be heard along with fits of anger from trying to squeeze into their clothing. Some had too much to eat when their nerves got the better of them during the past week or so. But in the end, nothing was more important to each girl than to be supportive of Alejandra on her birthday.

“Alejandra, we’re ready.” A loud knock at the door was heard before Mariposa cautiously entered. Mariposa saw the majestic Alejandra smiling and pleased with her dress. Without hesitation, Mariposa then sternly spoke into the microphone of her headset, “Cue the band. Superstar is ready.”

Superstar was the name Mariposa used to refer to every one of her sweet sixteen clients. That way her staff did not have to remember the various names of the family members, only the titles used to refer to their respective positions. Mariposa was different from her staff. Every client was memorable. She treated every event as special, as if it was her first and learned everyone’s name by heart.

Alejandra faced the door and gleamed after taking a deep breath. “I’m ready too.” She turned to Porsha. “Can you find Frank? I’ll need help with my dress.”

“No worries, Alejandra. That’s my job. I’ll have one of my guys bring him here,” Mariposa interrupted before Porsha could consent to the request.

“Thank you, Mariposa. You’re the best.”

“Hank. Can you bring Lancelot to the Superstar’s dressing room?”

A husky male voice responded in her headphones in the affirmative.

“I told you she is the best party planner. Worth every penny,” Esperanza gleefully whispered to Reyna and squeezed her arm.

They originally disagreed about hiring a party planner located in New York, but Mariposa came highly recommended and her references were impeccable. Esperanza promised that she would spare no expense. That included paying Mariposa’s hefty fee along with paying to fly her entire entourage in from New York. Reyna relented like she always did to Esperanza’s wishes.

The seven damas left the dressing room for the ceremony along with Reyna and Esperanza. When Frank finally arrived, he held up Alejandra’s dress while she walked so that it wouldn’t drag on the ground and get dirty. She walked briskly from the dressing room across the lawn towards the Grand Ballroom to avoid the newly arriving guests from accidentally seeing her. She wanted her dress and her entrance to be a surprise.

When all of the guests were finally seated after arriving from an earlier Mass at Saint Joseph's Cathedral, the announcer, Hector Perez, stood up and announced the first two damas as they entered the Grand Ballroom.

"Please clap for Melissa and Claudia."

The two Vegas damas and fellow classmates of Alejandra entered the room in tandem as they swayed their arms to the rhythmic music played by the band. They walked to the front of the ballroom on the matching periwinkle blue carpet runner placed in the middle of the wooden floor. After reaching the end of the carpet, both girls turned to opposite sides of the ballroom and walked along the side of the room towards the back and lined up on opposite sides of the carpet runner facing each other.

"Next up, Jennifer and Sequoia. Clap, clap, clap, everybody."

Hector mimicked how he wanted the audience to clap. They heartily obliged for the local girls.

The girls entered to rousing applause with the same rhythmic swaying of their arms. They stopped half-way into the room, shifted their hips in opposite sides, and placed their arms on their hips, making an arch with both of their bodies.

"Make some noise," Hector yelled into the microphone so that the audience could cheer again.

A professional photographer took pictures of both girls as they continued up the ballroom and then back around towards Melissa and Claudia, forming two separate lines on both sides of the periwinkle blue carpet. All four girls swayed in unison to the music.

Two more damas, Alejandra's cousins, Clarice and Elisa, entered the ballroom after Hector announced them. They twirled around after entering and then pointed both arms to the front of the ballroom.

"Oh yeah, nice," Hector exclaimed.

When Clarice and Elisa formed a line with the other four girls, all six girls twirled in unison.

Porsha was announced and entered by herself. She walked daintily up the carpet swaying her arms to her side.

“Next up, ladies and gentlemen, Alejandra’s parents. A resounding applause for Anthony and Reyna Clifton.”

The parents entered nervously, holding hands, then separated to join the other damas lined in a row.

“I think they deserve a bigger round of applause, ladies and gentlemen. Don’t you agree?”

The large crowd filling the Grand Ballroom of the Regal Phoenix Resort and Spa clapped louder at Hector’s urging.

“Next up, Wilhelmina.”

Hector’s voice echoed as a shy, seven-year-old girl walked through the door. Her mother, Josephine McIntyre, escorted her. Wilhelmina carried Alejandra’s changing shoes on a periwinkle blue, kneeling pillow. The little girl walked carefully so as not to accidentally drop the shoes.

“Ladies and gentlemen. How many of you are eager to celebrate Alejandra’s sweet sixteen? Make some noise.”

The crowd cheered and then suddenly became quiet.

“Ladies and gentlemen. Damas y Caballeros. It’s my pleasure to present to you, celebrating her sweet sixteen birthday ... Ladies and gentlemen, a big round of applause for Alejandra, Alejandra Clifton...” Hector said her last name louder and longer. “Accompanied by Frank.”

The double doors to the Grand Ballroom opened. Alejandra wearing her periwinkle blue, evening dress walked on the left side holding Frank’s hand. Frank, Alejandra’s Caballero de honor or escort, wore a white tuxedo with a periwinkle blue tie, cufflinks, and handkerchief. When they reached the middle of the ballroom, Frank stopped and bowed towards Alejandra, while she smiled. He then walked backwards towards the damas lined in a row on the right side of the ballroom. He walked to the back of the line near Melissa. Alejandra continued walking towards the front of the ballroom, both hands slightly lifting her dress.

“If you think Alejandra looks beautiful, then I need you to make some noise for me, ladies and gentlemen.”

Alexander nervously smiled as the crowd roared.

She walked towards a white throne and turned around, standing in front of it. “Everybody, repeat after me. Happy Birthday, Alejandra.”

Alejandra sat on the throne. Her parents were on each side of it. Standing next to her mother, Reyna, was Frank. They clapped as the crowd wished Alejandra happy birthday. Mariposa looked on in amazement, happy that the grand entrance was a success. She walked to the back of the ballroom and spoke something unintelligible into her headset.

After the photographer took pictures and the videographer recorded the entire family and court, Alejandra and her damas sat down at the head table near the front of the ballroom. Periwinkle candles were aglow. Arrangements of flowers were scattered around the head table. Frank sat next to Alejandra and poured her a glass of Cabernet Sauvignon from Maldonado Family Vineyards.

The room was silent as Reyna Clifton walked to the head table with a microphone in her right hand and a piece of paper in her left hand. Mr. Clifton was not too far behind his wife. Reyna stopped in front of her daughter, tears streaming down her cheeks. She briefly glanced at the paper but then spoke from the heart.

“Alejandra, it seems like just yesterday that I was changing your diapers and chasing you around the house.”

Reyna’s voice cracked. She paused to regain her composure.

“And now we are all here today, celebrating your sixteenth birthday and a new chapter in your life as a young lady. Your father and I are proud of the woman that you are becoming.”

Alejandra wiped her tears with a handkerchief as her mother spoke with heartfelt words. Several of the damas also wiped their tears.

“I pray that God will continue to guide you and protect you as you continue to walk the path of your life. I love you and I will always be here for you, my little muñeca.”

The crowd sighed when Reyna sobbed at the end of the toast and gave the microphone to her husband.

In the back of the ballroom, Esperanza watched impatiently as her older sister spoke. She turned and noticed that her husband, Efron, was surprisingly

gratified at the whole display of affection.

2 LATE FLIGHT

Chicago, Illinois
Earlier that Day

Dana tightly hugged her Cavalier King Charles Spaniel in her arms while she rested against the stainless steel arm of the lounge seating at the O'Hare International Airport. As she stroked her dog and spoke into her headphones, stares from seated passengers awaiting their flight to various destinations glared intensively toward her. Dana could eerily feel them on her body although she was not looking in their direction. Even the young pup, Denali, could feel the uneasiness. His chestnut brown ears were alert, eager to protect his master, but restrained due to the social setting. With every stroke of his body, he was pleased with his tongue out.

A snicker could be heard a couple of seats away. An elderly woman with a snarky frown shook her head vigorously in disapproval. Her beady eyes could barely be seen through her black, vintage glasses. She stared in amazement.

"Look, Dorothy. A dog. In an airport! Of all places. You can't go out anymore without seeing someone's pet. The grocery store, a restaurant, the mall. It's disgusting. Humph," the elderly woman said at a level higher than a whisper as she nudged her elderly female companion.

Her companion eagerly agreed with a nod of her head, but she did not vocalize her displeasure for all to hear.

Dana had taken pains to ignore the glares. But Dana heard the elderly

woman's comments despite her effort to whisper them to her companion. This latest comment was over the top. Dana was furious.

"Hold on, Anthony. I have to deal with something." Dana stopped talking into her iPhone and turned her head towards the elderly women. "He's my emotional support dog. It's not nice that you are making fun of me."

Denali stopped panting and gave the women a stern look. He instinctively understood his master's concerns and sensed that she was becoming distressed.

"Oh really," the elderly woman said as she rolled her eyes in disbelief.

"Excuse me. I don't have to explain it to you. It's none of your business."

Dana now refused to show people the certification anymore to prove it when they confronted her. She stopped after the first few times because it never really made a difference in their attitude towards her. Besides, the red and black, custom-made ESD vest clearly indicated that Denali was a service dog. Dana believed that the vest should be enough to discourage people from making insensitive comments or facial expressions. Apparently, it was not.

Anthony Clifton tried not to listen to the ruckus over the phone, but Dana's loud, stern voice was unavoidable. He had better things to do that day than to deal with airport drama.

"Sorry. These women are too much. I can't stand how people treat me. Nobody understands."

"It's okay, Dana. Don't let them get to you." Anthony hid his exasperation as he spoke. He wanted to admit that he understood but he knew that it would not make the situation better.

Dana breathed deeply and steadied herself.

"What was I saying? Oh yes. Our flight is late. We would have been in Phoenix yesterday, but Phillip's track meet ran late, and we had to miss the flight. He's in the regional finals and wants to go all the way to the championship. I think he can make it this year. He's a strong sprinter."

"I'm sure he is."

"Let Anthony go, honey. He has stuff to do," Dana's husband, Doug Jones, exclaimed. He always resented his wife's gregariousness. She talked to everyone about anything to his dismay. Doug was used to it after his many requests for

privacy over the years fell on deaf ears, but he never liked it, nonetheless.

“Hush. It’s Alejandra’s special day, not yours. Besides, I should be there right now.”

Dana stood up and plopped Denali on Doug’s lap. He reluctantly curled up to the secondary master. Although Denali considered himself higher on the family social hierarchy than his so-called male master, he relented when Dana placed him in Doug’s care. He did not want to upset her. A yelp almost escaped Denali’s mouth, but his training reminded him not to.

As Dana walked away, Dorothy coughed loud enough to alert her female travel companion. The elderly woman turned her gaze towards Dana as she walked empty-handed. She then looked over to Dana’s unoccupied seat and noticed that the dog was in Doug’s lap.

“Emotional support dog my a—,” the woman thought to herself.

Dana ignored the obvious look of disgust from the woman and every other person watching her as she walked away.

When Dana reached the gate caddy-cornered near the back of the concourse, she found a quiet place to sit down. An airplane had just departed that gate and the seating area was nearly empty with a few early birds awaiting the next flight.

“I’m serious. I’m happy for you and Reyna, but you know how I truly feel,” the conversation continued. “You have a great family but ... what if...” Dana hesitated. She knew that she had expressed her feelings towards Anthony many times before, but it never seemed to go anywhere. She feared that her declarations today would also be ignored.

“Dana... Dana... I know. We had our chance already, years ago.”

“That’s not fair, Anthony. You know why. She took advantage of the situation. I only meant to take a temporary break during the summer. I didn’t know that she would swoop in and steal you away.”

“Reyna didn’t steal me away. She was there when I needed her, when I needed someone. You weren’t there for me. You were distant. So upset about me studying with my lab partner.”

“Lilly had the hots for you. Don’t deny it. But I didn’t mean to force you into another woman’s arms. I just wanted you to appreciate what you had.”

“You left for Switzerland. What was I supposed to do? Wait for someone who didn’t want to talk to me? You didn’t even let me know you were going. I found out from Lorraine. She only knew because your sister told her. You didn’t bother to tell any of your friends, not even me and I was your boyfriend. You just left.”

“I was going to tell you eventually.”

“When? You never called. Not once. It’s as if I didn’t exist to you. But that was so long ago, Dana. We were just kids in college. There’s been too much water under the bridge. You’re married. I’m married. We both have our own family.”

“I know that you still love me, Anthony. I see it in your eyes; the way that you looked at me when we were at last year’s reunion. Even Doug noticed it. You stare at me all the time. And then there was the...”

“I was ... I shouldn’t have. I had too many shots of tequila that night. That’s all.”

“You didn’t have any hard liquor to drink, just champagne. Don’t lie about it. Be honest.”

She knew that Anthony was making excuses for his behavior. He always did. He didn’t want to admit to her that he still had feelings for her. It only made him feel guilty.

Dana was slim and fit despite having the same number of children as his own wife, Reyna. Anthony was undeniably still attracted to Dana’s petite, blonde looks. Her vivaciousness, love of life, and smarts won him over as a teenager and still tugged at him, despite the passage of time.

Reyna wasn’t heavy-set or fat, but she became a little chunky over the years. Her auto-immune disease wreaked havoc on her sleep patterns as well as her ability to exercise; it was a struggle at times. Despite these issues, Anthony still considered his Latina wife to be gorgeous. That was partly why he married her.

But it was Reyna’s willingness to be there for him when his father passed away the summer of their sophomore year at Loyola University that ultimately made him fall in love with her and see her as the wonderful woman that she is. She was tender, attentive, and understanding even though she knew that he was

very much in love with Dana at the time and still hurting from her sudden and unexpected departure.

It was happenstance that Reyna ran into him that summer night at the library. To occupy his mind after Dana fled to Switzerland, Anthony took a summer class in political science for fun. He made that decision before the fateful news about his father. Anthony buried himself in his studies even more so after his father's funeral. Late nights at the library were common.

Reyna was in his college group of friends at the time. They all originally attended high school together. Efron, Dana, Doug, Johnny, and Lorraine were also part of the high school clique. The group befriended Winfred and Josephine during their freshman year at Loyola.

So, it was not out of the ordinary for Reyna to speak to him that night despite not having a class of her own that summer. Someone told her that Anthony was distraught. She took the opportunity to comfort him and went looking for him. Anthony never knew that and just presumed that Reyna was at the college library for some other reason.

But over the past two decades together, Reyna and Anthony grew apart as husbands and wives normally do when children enter the equation. Reyna was a stay-at-home mom. Now that Alejandra and their son, Ashton, were older, Reyna spent more time running the two kids to different sporting events, social clubs, and other activities. It occupied her entire day and night, especially on the weekends. With Anthony's working late every night, the couple rarely saw each other. Although Anthony was used to being alone, he secretly longed to feel the attentiveness that attracted him to Reyna in the first place. But it was not forthcoming.

Anthony felt ashamed that he resented his own children's ability to spend time with their mother. With Alejandra's sweet sixteen party occupying most of Reyna's time for the past few months, Anthony welcomed the time that he was able to spend with Alejandra, practicing for the father-daughter dance. It brought them closer than ever. But it wasn't the same as the female companionship that he longed for.

He resisted the typical temptation to flirt with the younger women at work.

There were several eligible women at his office who could have eagerly given him the love and companionship that he needed. The late-night hours didn't help. But for some reason, when he thought back on his life, the only regret that rose to the fore was the beautiful, Dana. His first love.

They met in a history class in their sophomore year in high school. She sat in the seat adjacent to him. Every day, when Mr. Buckles called for volunteers to answer his questions, Dana would quickly raise her hand. All of the guys in the class would stare at her in awe, not just because she knew all of the answers, but because she was indescribably beautiful for her young age. She wasn't a cheerleader or a member of the thespian club. She didn't play sports and wasn't in any popular groups in school. Her only passion besides studying was journalism. She wrote for the high school paper. Being a student journalist gave her easy access to other students, teachers, board members, community activists, and the like.

So, when she turned and smiled at Anthony before answering a question about Napoleon and the Confederation of the Rhine one day in class, something snapped. Anthony realized that he had feelings for her; stupid, teenager feelings, but feelings, nevertheless. The rest was history so to speak. The two started dating shortly thereafter to the amazement of upperclassmen who previously tried to approach her for dates. But she rebuffed all of their efforts. Why she liked Anthony was always a mystery to him.

When she returned from the summer abroad while in college and learned about Reyna and Anthony's relationship, Dana was devastated. After that, she rarely participated in the study group activities especially Thursday study nights because it only reminded her of Anthony. It was a surprise when Doug and Dana announced their engagement near the end of their senior year. Many said that it was a desperate attempt to be engaged before college graduation, but no one really knew Dana anymore. Doug, ecstatic and known for his playboy ways, never told anyone about their relationship until after the engagement. Even Anthony was surprised.

"Dana, it's Alejandra's birthday. It's not about you or me. I'm her father. My attention should be on her and not anyone else."

“I’m not asking you to avoid your responsibilities. I just want a few moments together, alone. Just to talk. Nothing more. We deserve that.”

“I... I... I’m not promising that anything will happen. I’ll be busy, front and center. I’ll have everyone’s attention besides Alejandra and her mom. Everyone will expect me to be by their side. I don’t think it can happen.”

“It will. I know it will. Just let it happen. Don’t resist. Okay?”

“Dana...”

The announcement that the flight to Phoenix was now boarding interrupted the conversation.

“I have to go. I’ll be there in a few hours. Kiss Alejandra and Reyna for me. See you soon.”

The call abruptly ended.

Anthony stood outside of the male, dressing room at the Regal Phoenix Resort and Spa. As he paced near the front of the door, a tall male with a headset on quickly approached him.

“Have you seen, Frank?”

“He’s inside, Hank.” Anthony instinctively pointed to the door.

“I’ve got Lancelot,” Hank announced into his headset after he saw Frank in the distance.

3 FATHER-DAUGHTER

Scottsdale, Arizona

The Same Night

After the two-hundred-plus crowd of family members and friends calmed down with Hector's encouragement, the ballroom floor emptied. Stragglers sat down to watch with the rest of the crowd as Mr. Clifton confidently and resolutely walked to the head table. His smile beamed for all to see. When he reached the table, his right arm stretched out to summon his daughter, Alejandra, to dance the first dance of the evening.

The chair behind her was pushed back as Alejandra rose from the head table to meet her father in a traditional waltz which they had practiced many times before. The live Puerto Rican band began playing once Alejandra met her father's hand with her outstretched arm. Mr. Clifton bowed to his daughter, his left arm neatly and respectfully tucked behind his back. After rising, he continually turned his body to the left, while Alejandra spun in a wide circle around him on the dance floor. Her outstretched arms seemed regal as she gazed into the crowd while her diamond-studded tiara glistened as she turned.

When Alejandra completed a full circle and was facing her father again, he twirled her once in a small, tight circle. The crowd whistled as Alejandra approached her father and they began to dance to the music. Just then, unbeknownst to both Alejandra and her father, the seven damas, led by Porsha, left their respective seats and encircled father and daughter while they danced.

Each dama held a sparkler that glowed in the darkened ballroom. Alejandra's event planner, Mariposa, was pleased that both parents and the Superstar of the show were pleasantly surprised by this added touch. Mariposa looked at both the photographer and videographer to ensure that they both captured the moment. Luckily, they did.

Occasionally looking down at his feet, Mr. Clifton focused on the box step that the choreographer taught him in the preceding months. He stepped forward and to the side and then backward, leading his daughter appropriately and effortlessly. Alejandra smiled. She appeared happy and radiant as the father and daughter danced together. Although she mainly looked at her father while dancing, she couldn't help glancing at the audience at times; noticing that they were admiring her and taking pictures of their own. It was the spotlight that she waited for since she was a young child and attended other sweet sixteen parties waiting for her own someday.

Mr. Clifton stepped back and then pivoted as he led Alejandra in outside spins to the far left of the ballroom dance floor. When they reached that part of the dance floor, Mr. Clifton executed a series of lifts that twirled Alejandra back into the middle of the dance floor. The crowd was ecstatic. The two continued waltzing until Mr. Clifton stopped into a bended-knee position. Alejandra rested on his knee, one arm wrapped around her father. The left arm stretched out towards the crowd.

"Give them a round of applause," Hector's voice echoed from the speakers placed throughout the ballroom.

Father and daughter tightly embraced after they both stood up. The most anticipated moment of the evening ended in roaring applause with a few whistles and cheers from ardent supporters of the family.

After the father-daughter dance was over, Alejandra danced with her escort, Frank Colon. The young couple only started spending time together when Alejandra was in her freshman year. Frank was several years older and now a senior at Bishop Gorman High School. Alejandra was not allowed to date at her age, so they were not officially boyfriend and girlfriend. Frank was optimistic after being selected as her escort. He took that as a sign that he meant more to

Alejandra than just a male friend. Now that she turned sixteen and could date, he hoped they could formally announce their relationship shortly thereafter.

Once Frank and Alejandra began dancing, the entire dance floor was opened for all to dance.

Anthony Clifton proudly walked to the table where his wife, Reyna, and their son, Ashton, were seated. Esperanza and Efron were also seated at that table, facing the dance floor.

“Honey, you did a great job. I’m so proud of you.” Reyna cordially kissed her husband on the cheek while he sat in the seat next to her.

“Yes, you did,” Esperanza added.

He grabbed a handkerchief from his pocket and wiped the sweat from his brow.

“I was nervous. A little. But Alejandra was perfect. She’s so beautiful in that dress.”

“I can’t wait to watch it on video.” Efron smiled as he spoke. “These will be memories that last a lifetime.” A deep sense of pride engulfed him as he spoke.

“Yes, they will. I am so thankful for all that you guys have done for us. We couldn’t do it without you and Esperanza.”

Anthony sipped some water to relieve his parched throat.

“Ash, why aren’t you asking one of these lovely girls to dance?” Esperanza nudged her nephew and stealthily pointed to several available girls his age throughout the ballroom.

“I don’t know any of them,” the young Ashton shyly responded.

“It’s okay. They will be eager to dance with you. Just approach any of them. They will say ‘yes’ to such a handsome young man.”

“Okay, Tía.” He reluctantly stood up and walked to a cute girl seated quietly in the back of the ballroom. Ashton had been eyeing her since she entered earlier with her parents and a few girlfriends.

Once he was not in earshot, Esperanza spoke again, “I’m surprised Dana and

Doug aren't here. They were supposed to fly into Arizona last night."

Reyna's ears perked up at the mention of Dana's name, but she resisted the urge to say something smart at the time.

"She called me earlier. They will be here in a little bit. Their flight was delayed," Anthony added awkwardly.

"I wonder why she didn't call me rather than Anthony," Reyna wondered. Instead, she said, "Well, that's good. Ever since she was promoted at the newspaper, she no longer has time for anything. I'm surprised that she is coming at all. She doesn't even have time for her kids."

"It's not like that. She was just telling me that they were watching Phillip's track meet yesterday."

"Oh really. You believed her?"

"Yes, I do. Dana and Doug are great parents. You can't deny that."

Anthony looked away towards the dance floor to watch Alejandra as she danced with another boy from her high school who also flew in from Vegas. He was a little overprotective as fathers normally are. Luckily, the boy was respectful in how he danced with Alejandra. He was a good distance away from her. Confident that his daughter was in good hands, Anthony then turned his attention back to his wife.

"You're always defending her," Reyna voiced her opinion indignantly.

"What? I do no such thing. You're cra—" Anthony stopped himself before completing the obvious denigrating comment.

"Yes, you do. Everyone knows it. Don't you see it, Esperanza? Efron?" She looked at her sister and brother-in-law for tacit approval.

Efron placed his hand on Esperanza's thigh, non-verbally signaling her not to get involved in the budding argument.

"Let's not think about that right now. It's a beautiful party and you guys are great parents," Esperanza cajoled.

"I'm starving. Do you want to go with me to the buffet line?" Efron asked Anthony.

"Of course."

When Anthony stood up simultaneously with Efron, Reyna gave him a dirty

stare, but she refrained from saying anything to stop him from leaving.

After the two men walked away, Esperanza spoke up. “You don’t need to be jealous of Dana. She’s in love with Doug. They’ve been together forever.”

“I’m not so sure about that. I notice how clingy she is with Anthony. She talks to him all the time and rarely speaks to me. I know she blames me. She doesn’t say it to my face, but I can see it in her eyes. I’m so glad that she’s in Chicago. It took me forever to convince Anthony to move from Chicago to Las Vegas. He gave me every excuse in the book.”

“I don’t want you arguing with Anthony today. It’s Alejandra’s birthday. She needs her parents to behave in front of all of her friends.”

Esperanza grabbed her sister’s hand tightly.

“Anthony loves you. He always has. He’ll never forget how you were there for him after his father died.”

“I’m not sure anymore.” Esperanza showed a rare display of weakness. “He hasn’t touched me in a long time. We rarely see each other.”

“Men do that. They throw themselves into work. Efron does the same thing. But that doesn’t mean that he doesn’t love you.”

“I know that I’m not perfect. I’m a hard woman to live with. I’ll accept my part in it. Now that the kids are grown up and are so busy with stuff, I don’t have any free time. Do you think he resents me for not working like Dana?”

“Anthony’s never been a traditional husband. He believes in equality. But that means that he supports your decision not to work.”

Esperanza was aware that her sister always secretly compared herself to Dana. They were complete opposites. At least, that’s how Reyna felt at times.

“He’s never said anything about me not working all this time. I just have my doubts. I don’t know why. It’s because we are so distant now. I think he’s going through a mid-life crisis of sorts.”

“Why do you say that?”

“Well, he seems to want to spend time away from me. He is talking about going on vacations separately.”

“Are you serious?” Esperanza was aghast.

“Yes. He’s never said that before.”

“Why is that? You guys have a family. It makes no sense to vacation without the kids. Or his wife!”

“It’s so frustrating. I have doubts about him. He says that he’s not cheating and there is no other woman. He just feels like he can’t do anything that he wants to do while we are on vacation because it’s all about the kids. He just wants time alone to take care of himself and his happiness.”

The exasperation in Reyna’s voice was clear in the last statement.

“You guys need to go on a vacation together, just you and Anthony. Did you suggest that to him?”

“Not really. I can’t go without Ash and Alejandra. They are my heart. I would feel so guilty leaving them behind.”

“They are grown. Look at your daughter.” Esperanza turned towards the dance floor. “She’s grown now. She doesn’t need you to be with her 24-7. She’ll want her freedom now that she is a woman. Alejandra and Ash won’t mind if their parents go on a much-needed vacation alone together. They will be happy for the two of you.”

“I’m not ready to let go yet. They still need me.”

“I know, Reyna. I struggle with the same thing with Clarice and Elisa. But we have to let go. We asked our parents to let go too when we were their age. So, we know what they feel. You have to trust that you raised them right, that you taught them right from wrong, that they have grown in the Church and that the Holy Spirit will show them the way. Just like He did for us.”

“I’m trying to, but I can’t. Not right now. Not when they still need me.”

Esperanza knew that her older sister could be stubborn and unrelenting.

“So is Anthony really going to go on a vacation by himself?”

“He said that he’s not going by himself. Some guys from his job are going too.”

“Are they married too? Or are they single?” Esperanza became even more skeptical as she broached the question.

“I have no idea. He hasn’t told me who is going. Just that he hasn’t made up his mind on who to invite to the Caymans.”

Reyna paused and looked down at the table for a long time. She did not want

her sister to see her this way, especially in public. She grabbed a napkin on the table and held it tightly in her hand as if to tunnel her anger and angst through it. Esperanza looked helplessly at her sister. After she gathered herself, Reyna looked up again and continued.

“That was our spot. We went to the Caymans several times before the kids were born. Anthony loved Stingray City. We would take the boat to the cove and swim with the stingrays every summer. I can’t imagine him going there and doing that with another woman.”

“You don’t really think that he is taking Dana with him to the Caymans? Do you?”

“I really don’t know. But I’m sure she is up to something. I just don’t know what.”

While seated at the table, Reyna looked around the ballroom to find Anthony, and remembered that her husband accompanied Efron to the buffet. She saw her husband in line talking to some of the guests. Just then, Dana Jones entered the ballroom with her husband and her two teenage children in tow. As she surveyed the room, Dana noticed Efron and Anthony at the buffet and made a beeline towards them.

“See. I told you,” Reyna dejectedly exclaimed to her sister.

4 BUFFET LINE

Scottsdale, Arizona

The Same Night

The silver, rectangular chafing dish with its ornate handles was filled with succulent chicken breasts stuffed with chorizo. It wasn't the only main dish available for the sweet sixteen party. The Cliftons also wanted an assortment of traditional Puerto Rican food for their guests to eat. Most of their guests were family who expected to consume such fare at such an elegant ceremony. But some guests were casual friends or distant acquaintances. The evening's festivities would be their first experience with Puerto Rican culture and cuisine. This was a challenge. A local Phoenix restaurant provided the catering services. But this was only after Esperanza gave her approval after exhaustively tasting the handful of potential caterers in the area.

One chafing dish had pernil, a grilled pork shoulder seasoned with garlic, pepper, and crushed oregano. Another dish had empanadas, a pastry stuffed with beef or shrimp. There were also countless dozens of pasteles, alcapurrias, and rellenos de papas. Arroz con gandules and white rice with beans were also available. But the buffet line also had customary buffet food - various green salads, corn on the cob, potato salad, macaroni salad, green beans, and other vegetable dishes. Dessert included tembleque (a Puerto Rican coconut milk pudding) as well as numerous chocolate cupcakes - Alejandra's favorite. There was plenty of food given the moderate size of the guest list and the few,

unexpected party crashers that inevitably showed up.

“Sir, would you like some filet mignon?” asked the tall, stately dressed server assigned to the meat station. He slowly retracted the cover of the chafing dish revealing the delicious, steaming whole tenderloin. It had already been sliced for those earlier guests in line.

Efron turned to Anthony saying, “I know you love your beef. So, I made sure that we snuck some filet mignon in as part of the menu. Esperanza will kill me when she finds out. I never told her.”

Efron nervously giggled like a child who realized that his parents didn’t catch him sneaking dessert into his bedroom late at night. But unknown to the child, the parents would ultimately find out just like Esperanza would in this instance. She always did. It was only a matter of time.

“Thanks, man. I appreciate all that you’ve done.” Anthony gave Efron a glum smile. He turned to the server, “Yes, please. A hefty slice.”

“Yes, sir,” the server heartily replied and sliced the meat easily as if it was butter. He then placed it on the already packed plate that Anthony was holding in his hand.

Efron passed on the filet mignon. As the two men walked to the next station, Efron decided to broach the expected sore subject which brought them to the buffet line at this time.

“What’s going on? I noticed that you and Reyna haven’t been getting along lately. You guys used to be so close.”

Anthony breathed deeply. He knew that this subject would finally raise its ugly head. The stress of their marital relationship was obvious to the Chicago Four (the name of their study group which they gave themselves after college since it inevitably consisted of four married couples).

“I really don’t want to talk about it. Nothing’s going on.”

“Seriously, Anthony. That’s how you are going to play it? I’m godfather to your eldest child, Alejandra. We’ve known each other since we were young. Don’t tell me nothing is going on. I’m smarter than that. More importantly, I care about the two of you and how you are doing. My goddaughter deserves more from the both of you, especially on her birthday. I’m here to ensure that.”

The stare that Efron gave Anthony reeked not only of disgust towards Anthony's response but also of genuine love and affection.

Anthony looked down in shame. He was keenly aware of the special relationship that Efron had with Alejandra. Efron was asked to be her godfather before she was born. He and Esperanza were also in the delivery room as a gesture of their future commitment as godparents. Anthony also thought that strange, but his mind relented because Esperanza, after all, was Reyna's younger sister. Esperanza had always insisted on being in the hospital room during birth even when Reyna was pregnant. Anthony assumed Efron was just there along for the ride as a dutiful husband. But over the years, Efron showed that he took his role as godfather seriously.

"I... I'm only telling you this in confidence."

Anthony paused for a long time. Efron waited patiently even though he had to resist looking anxious or befuddled.

"I'm having doubts," Anthony continued. "Doubts about myself." He paused again. "Doubts about Rayna. Doubts about our marriage and why we ever got together in the first place."

The strain in Anthony's voice was genuine.

"Is there more to this? Am I missing something? Is there something else? Someone else?" Efron's eyes widened as he spoke.

"To be honest, I really don't know."

When it appeared that Anthony would not say anything further, Efron continued in order to break the awkward silence.

"Let me tell you, Anthony. I've been there. Twice. I know what you're going through."

Efron scooped some white rice onto his plate and made additional room on the plate for more food. The stress unexpectedly made him hungrier than he anticipated.

"It's not pretty. It's gonna get rougher before it gets better. But believe me when I say it will get better. It will."

"You're kidding me, right? When did you go through this?"

"Right after Alejandra was born. Esperanza was extremely jealous. She

thought that we would have a child first even though she, you know, is younger than Reyna. But it was a competitive thing between them. And I was in the middle of it.”

Anthony nodded in silence while listening attentively.

“She wanted to go to an infertility doctor. I had to get tested to see if my sperm count was high enough. It was. The doctor said that I was really fertile. Off the charts. That I should have no problem getting her pregnant. But I felt embarrassed having to go through all that. Esperanza didn’t trust me when I told her that I was fine. I felt like she was challenging my manhood. And of course, you were the perfect one because you got Reyna pregnant.”

“I never knew that.”

“Of course, you didn’t. Esperanza swore me to secrecy. And she wasn’t telling anyone especially not Reyna. She was too embarrassed. After the doctor said that I was fine, then Esperanza panicked. She worried she was at fault, that there was something wrong with her. So, she went to endless doctors with numerous tests after tests. They found nothing. After all that money. Nothing.”

“So, that’s good. But you had Clarice a year or so later. So, it all worked out in the end.”

“Yes, I am proud of our firstborn. But I felt like a piece of meat. It wasn’t romantic at all. Charts, thermometers. Having sex at odd hours of the day depending on when she was ovulating. It wasn’t what I wanted. It was just a ritual that I had to do to satisfy Esperanza. The sex wasn’t passionate the way we used to be before Alejandra was born.”

“Were you with someone else?” Anthony’s curiosity got the best of him. He surprisingly asked the question aloud to his chagrin.

“Are you kidding me? Esperanza watched me like a hawk. I couldn’t be anywhere without her knowing where I was. I had to be within fifteen minutes of her at all times in case she realized that she was ovulating. That seriously impacted my practice. Sometimes, I had to leave a patient in the middle of a consult. But, believe me, I longed for something more, for some romantic time if you could believe that.

“What made things worse was when we would babysit Alejandra. I love your

daughter like she was my own. When Esperanza would see us together, me holding her, changing her diaper, feeding her. Esperanza would get so insanely jealous. She was another person. It was like Dr. Jekyll and Mr. Hyde. She so desperately wanted a baby of her own. Anything that reminded her that she was not a mother made things worse. I just couldn't put up with it anymore."

Anthony expected to hear Efron say that they got into a verbal sparring or something even worse. He braced himself for what was next.

"I had to leave. I had to go. Somewhere. Anywhere. I spent a month with my mother on the island."

"Where," Anthony eagerly asked.

"Oh, I always forget that you aren't from Puerto Rico. Ponce. It's on the south side of the island. On the Caribbean side. The water there is beautiful and the women..."

"No, don't tell me that Esperanza was jealous about that too."

"Extremely. I heard that she wanted to fly down to surprise me or actually catch me, but luckily Reyna needed her. You and Reyna needed her. I felt so guilty leaving my wife, leaving my practice, leaving my goddaughter. But I had to. I had no choice. I needed to just get away from it all."

"I remember now. I was told that you were traveling for work. I had no idea what was really going on."

"Fortunately for me, when I got back, Esperanza finally got pregnant. She says it was my first night back. I really don't know. But she forgave me. She claims it was needed and that I was too stressed about getting her pregnant."

"You mean she made it seem like it was her idea?"

"Yes. Can you believe that? She said if it wasn't for her, I wouldn't have gone to Puerto Rico. Who knew? Maybe she was more relaxed not taking all those measurements every day. She was a slave to it."

"I bet. I'm sure she called you every day."

"Four, five, six times a day. I had to reassure her that I was faithful."

"And were you?"

"Anthony, I am no saint. I have my faults. But I wasn't cheating on her in Puerto Rico. My mother saw to that."

“So, you cheated though?”

“I don’t want to talk about it. It’s the past, the distant past before Clarice was born.”

“Will you two move it along? You guys are holding up the line. We want to eat too.” The gangly Winfred smiled as he tenderly nudged Anthony from behind.

Both men turned around and separately bear-hugged Winfred.

“It’s good to see you,” Anthony said, almost forgetting that he saw Winfred earlier that evening. The stress of the spat with Reyna and Efron’s surprising revelation made Anthony forgetful.

“Hey man, I’m just glad to be here. It’s a lovely ceremony. Alejandra’s so beautiful. Just like her mother.” Winfred laughed, the nervous laughter that he always displayed whenever he was not in the business scene which he was intimately more familiar with. But he inevitably learned to relax when around Anthony and Efron. Perhaps, that was why he and Josephine loved the Chicago Four even though they were the last couple to join.

“Have you seen Doug? I tried looking for him. I thought he was in the buffet line. I know he loves Puerto Rican food.” Winfred smiled as he plopped a Spanish olive into his mouth. “Can you believe it? Alejandra’s sixteen now. I remember when she was born. That seemed like yesterday. Where has the time gone?”

Winfred scanned the room for Doug and Dana.

“They should be here soon,” Anthony added.

“How’s Josephine?” Efron asked Winfred.

“She wants another child. Can you believe that? She has her hands full with Scott. He’s in his terrible twos. You know what I mean.”

“We sure do.” Anthony shook his head as he spoke. “But more power to you. She told you that she wanted a big family.”

“I know. I delayed it as much as I can, but she’s like a dog without a bone. I know that she loves me, but we need to spend more time alone together.”

“Here, here. I agree with that.” Anthony looked at Efron as he spoke.

Efron was concerned about showing any disapproval of Anthony’s

comments. He simply wondered whether Anthony's response to Winfred was indicative of the issues that the Cliftons were having.

"Don't tell me you and Josephine are having issues too?" Efron inquired.

"Not anything more than any couple with young kids."

"To be honest, let's be honest guys, we all deserve it since you both have been honest with me. I'm having issues with Esperanza too. I'm not proud of it. But like you said Winfred, nothing out of the ordinary."

Anthony's facial expression dropped. He wondered whether he and Reyna were having "ordinary issues" or was it something serious, something irreparable. His mixed feelings were new to him. Why was he so dissatisfied now? It didn't make any sense to him. Nothing did at this time. Was it simply a matter of age? Of growing older? Of growing apart?

"Hi, guys," the sweet, loving voice of Dana Jones interrupted Anthony's pensive thoughts.

She gave Winfred and Efron a side hug each as a way to greet them. Anthony watched, unsure of what was next. Did he want more? Was he going to make the time to spend alone with Dana as she requested? Should he?

5 COMFORT

Scottsdale, Arizona

The Same Night

“**Y**ou’re not going to stand there and not give me a hug, are you?” Dana whimsically mocked Anthony after hugging Winfred and Efron. “Come and give me a hug, sweetie.”

Anthony was reluctant and paused while he thought about whether to hug his childhood first love. As he was about to step forward and give her a bear hug, Doug, little Angela, and Scott straggled behind Dana and approached the group.

“I’m hungry, mom. When are we going to eat?” the teenage Scott whined as he approached his mother.

“In a little while,” she responded dismissively without even looking at him. “We are at the buffet now. Ask your father where the plates are and get in line.”

Without missing a beat, Dana stepped forward towards Anthony and then Doug tugged her backwards toward him.

“It’s been a long day, Dana. Let’s find a seat and get something to drink. I need a Piña Colada. Something to quench my thirst,” Doug insisted.

“Go ahead without me. I’ll be there in a moment.”

Before she finished speaking, Angela was already walking toward that part of the Grand Ballroom where the tables were located. She did not look back towards her mother or her father as if this was the expected, typical attitude that her mother always displayed whenever they were out in public.

Doug dutifully followed Angela. While walking, he looked around and saw Scott picking up a plate and heading towards the back of the buffet line.

“What were we saying?” Dana asked half-forgetting what they were doing before she was interrupted by her husband and children.

“You were trying to hug Anthony,” Efron sarcastically stated while glaring at Anthony and sizing Dana up and down out of a sense of determination. “What game is she playing?” he thought. “Are they trying to rekindle something?”

Efron was at a loss for what he should do or say to discourage it. But then he remembered that it wasn’t his responsibility to chaperone Anthony even though he was his brother-in-law. Anthony was an adult, going through some mid-life crisis apparently, but an adult, nonetheless.

“Hey, Winfred. I’m going to sit down and eat. Come with me,” Efron encouraged.

“Sure.”

Perhaps leaving Anthony and Dana to their own devices and giving them time to talk it out is what the two needed. Efron decided it was better to let this play out then interfere with former lovers.

“Bye, guys. See you later.” Dana waved as both Winfred and Efron walked away from the buffet. The two were finally alone.

“It’s good to see you, Anthony. You’re looking good.” She smiled deeply with a sigh of relief. “I’ve missed you.”

“Dana, please. Not now. I told you that I’m busy with the party. It’s Alejandra’s day. I don’t have time for this.”

Anthony stepped away from the buffet station and Dana followed. Despite his comments, Dana wasn’t discouraged. This apparent cat and mouse game between the two had been on display for the past few months, at least telephonically when they had the opportunity to speak on the phone. Today was the first time Dana was in Anthony’s presence since she first made known her desire to rekindle their lost relationship two months ago.

Putting his full plate on a solo table near the back of the ballroom, Anthony sat down facing the dance floor. He could make out Alejandra dancing with two of her damas. She seemed happy and preoccupied. “She won’t be missing me,”

he assured himself. He looked for Reyna but couldn't see her anywhere near the head table. "Perhaps, she doesn't want anything to do with me right now." He was readily aware that Reyna was still upset at him because of his comments. Her typical Latina fiery anger was slow to dissipate. He was surprised that Reyna hadn't exploded earlier.

When he was confident that they could have some privacy in the otherwise crowded ballroom, Anthony addressed Dana, "Sit down, please. Let's make this quick. I have to get back. I'm sure Reyna is missing me. Okay?"

Dana looked at Anthony and grinned, "Are you sure? You're not going to get grounded tonight, are you?"

Anthony was embarrassed by her typical mocking attitude.

"It's okay."

"If you say so."

Dana sat on the chair facing Anthony. Her back was towards the dance floor.

"It's good to see you, Anthony."

"You said that already."

"I know but you need to know how I feel about you. I've felt this way for so long. I don't know why it's taken me until now to let you know."

"You don't need to, Dana. I'll always love you because you were my first, but that isn't going to make a difference now."

"I love you too, Anthony. I haven't stopped loving you. It was a mistake to marry Doug. He's not half the man that you are. You were always so good to me. We were good together. You can't deny that. We still are good together."

Dana meticulously observed Anthony as she expressed her feelings for him.

The memory of Dana laying her head on a young Anthony's shoulder as they relaxed by the moonlight in the middle of the football field their senior year in high school filled Anthony's mind. It was the perfect moment for teenagers in love. It was a moment that Anthony and Dana believed would never end. That night, they vowed to be together forever just days before graduation. But teenage dreams, though hopeful, didn't come true.

The reality of their separate lives awakened Anthony from his spellbound daydream.

“I don’t know what you want from me, Dana. I’m not going to leave Reyna. I love her. I love Alejandra and Ash.”

“I’m not asking you to give up your family, Anthony.”

“Then what do you want from me?”

“I just want you to open up your heart towards me. Whatever the future brings, just be open to it.”

Anthony turned his head and gazed deeply into Dana’s eyes. He could sense her sincerity and the glowing love that was there from their youth. It surprised him but at the same time comforted him. He longed to be loved again. Instead, he felt like Reyna treated him as an afterthought, a scheduled encounter with her that lasted at most fifteen minutes until one of their children, or some community project, or some book club member interrupted her attention and distracted her from what was supposed to be a husband and wife intimate moment.

When those innumerable interruptions took precedence over their marital relationship, Anthony wondered whether Reyna was still in love with him. She loved him, and he loved her, but the spark was missing. He tried to renew it somehow, but nothing seemed to work. Not even the spontaneously planned romantic getaway to Carmel Beach made a difference. Unfortunately, the getaway ended prematurely when Ash was involved in a car accident with one of his classmates.

The prospect that Dana offered him seemed promising but the distance between Vegas and Chicago was insurmountable. There was no way that Anthony could leave for a weekend without Reyna wondering where he was going. She was always suspicious. And then there was Doug. Doug catered to Dana’s wishes, but he was not going to roll over and agree to end their marriage for a fling.

Or was it a fling? Was Dana really the woman that Anthony should have married from the start? Should he just have allowed Reyna to only comfort him after his father passed away and leave it at that? After all, he had a long-term girlfriend. Shouldn’t he have been more faithful to Dana and not throw it all away simply because he was mad that Dana went to Switzerland because of a jealous rage? Anthony always struggled with guilt about that decision. Doubt

filled his mind at that moment.

How would his life have turned out if he hadn't let the loss of his father consume his emotions? Would Ash and Alejandra still be his? Or would Scott and Angelica be his? He had to let those thoughts go. There was no point in dwelling on possibilities when they could never be a reality.

When she could see that Anthony was slipping away from her spell and about to leave, Dana quickly grabbed his arm.

"Please don't go, Anthony."

He stopped. Dana leaned in and kissed Anthony on the lips. At first, Anthony amorously kissed back as if it was an inescapable longing that he finally fulfilled. He was enamored by Dana's sweet lips. The lifelong passion resurfaced in him. But then he pulled back the way that a lover does when the guilt of infidelity roars inside of his heart.

At the moment when their lips parted, Dana's eyes opened out of confusion.

"What's wrong, babe?"

Anthony sat silent, embarrassed. He knew it was wrong even if it felt so right.

"We're married. We shouldn't be doing this. Our spouses are here."

"I'm sorry... But I'm not, not really."

Anthony rose from his seat and Dana's hand dropped from his arm. She watched as he walked towards the dance floor and towards the parent's table, which was next to the head table.

Dana sat quietly at the sole table in the back of the grand ballroom, aghast at what she thought was a good start with Anthony that ultimately turned into a disaster. She had waited for this opportunity for a long time and was worried that she had lost Anthony forever. He may not forgive her for making a bold overture so quickly and so publicly, in front of his entire family and friends, not to mention the Chicago Four. Who had seen them? Dana hoped that in the quiet corner out of the way, no one had seen them kiss. That would be great, and the

secret kiss would resolve itself without any repercussions. Unfortunately, she was mistaken.

In nearly a full-speed stride from the middle of the ballroom came Reyna, hot and angered. She was resolved to confront Dana for what could only be a betrayal of the worst kind. Reyna was determined, regardless of the circumstances and regardless of the pending public scene.

“No one. Absolutely no one kisses my husband.” That thought ruminated feverishly in her mind as she neared the table where Dana sat unaware.

When Reyna finally reached her destination, she swung her open hand swiftly and determinably, smacking Dana on her left cheek. The loud slap surprised Dana as well as stunned her. A red welt began forming on her face.

“How dare you kiss my husband? You think because you were here in the back that I couldn’t see you.”

“I don’t know what you are talking about.” Dana feigned ignorance.

“Don’t play stupid, Dana. I know that you’ve been pursuing Anthony all this time. I know your games.”

Dana quickly rose from the table.

“You’re mistaken,” she insisted.

Reyna forcefully pushed Dana backward against her chair, causing Dana to stumble onto her left side. Moments later, Esperanza was pulling Reyna back holding her arms as Reyna tried to wrangle them free so that she could lunge at Dana again.

“Get off of me,” Reyna screamed, unaware that it was Esperanza.

In the meantime, Josephine and Doug were helping the disheveled Dana get up from the floor.

“You don’t have to be a bully,” Dana angrily exclaimed.

“What are you doing?” Anthony said as he hurriedly rushed to the scene.

“Don’t take her side, Anthony. I’m your wife, not her.”

Efron came between Anthony and Reyna. “You guys need to calm down. It’s my daughter’s special day. Please control yourself for God’s sake.”

Even the normally calm Efron appeared upset by the lack of decorum.

Alejandra could be seen on the dance floor overhearing the commotion and

in tears that her sweet sixteen party had been ruined by, of all people, her own parents. She stormed off. Frank and Porsha followed quickly behind her. Clarice and Elisa pursued Alejandra as well.

“Oh my god.” Mariposa was stunned. Her well-planned event was ruined. She walked to Hector and asked him to have the band play some loud, energetic music so that the crowd could get on its feet and dance. He quickly obliged. Hopefully, the music would become a distraction and reenergize the party.

Out of the corner of her eye, Mariposa caught the videographer close to the commotion involving the parents. She hastily approached him.

“Oscar, I want you to delete any footage that you’ve filmed for the past few minutes.”

“What?” A puzzled look came over his face.

“I don’t want any record of what happened with the parents. That’s the last thing they need, a record of their debacle. Please delete any footage.”

“Okay, okay. I’ll delete what I have. I don’t believe that I recorded it.”

“Good.”

Mariposa watched to ensure that Oscar deleted the footage. He pushed the rewind button on the camera and then began filming over the pre-existing footage. When she was assured that it was deleted, Mariposa walked over to the Cliftons so that she could use her vast experience as a party planner to salvage the situation.

6 THE GRAND STAIRCASE

Scottsdale, Arizona
That Same Night

Reyna breathed deeply as she paced feverishly at the rear of the Grand Ballroom. Both Josephine and Esperanza tried to calm her down unsuccessfully. Doug, of course, was tending to Dana and so was Efron. Anthony stood with Winfred near the center of the dance floor, bending over in a sense of emotional exhaustion. Winfred stared helplessly.

“What happened, Hermana? I don’t understand,” asked Esperanza. She tried to get Reyna to sit down but she was resisting all such efforts.

“That whore kissed Anthony.” Reyna was still steaming as she spoke.

“Oh my god.” Esperanza was genuinely surprised that her brother-in-law would engage in blatant betrayal at his daughter’s sweet sixteen party. He was typically loyal to Reyna. At least, that was what Esperanza thought. This display of infidelity had her questioning it.

“Worse yet, he kissed her back. It’s as if he didn’t want to stop.” Reyna tried desperately to hold back tears. “I don’t know what I’m going to do. She’s been after him for months.”

“Are you sure? It could have been innocent. A peck on the cheek.”

Josephine listened to the sisters talking. She knew from past experiences not to interfere until both of them calmed down enough to reason with. That hadn’t happened yet.

“No, I saw it. It was a full-on kiss on the lips and everything. I should have gone with my woman’s intuition and confronted her a long time ago.”

“You guys have been going through a lot lately, with planning the party, rehearsals, work. You know how men are. I’m sure he loves you and it was just a mistake that he regrets.”

“He’ll regret it alright,” she snapped back.

Esperanza tried to wrap her arm around Reyna to comfort her. Josephine moved closer as well but stopped once she noticed that Reyna was pushing Esperanza away from her.

“Please, don’t. Let me think. Let me think.”

“Okay, amour,” Esperanza said helplessly as she took a step back. “Let’s give her some space,” she directed to Josephine and waved her away. “We’ll be back. Okay, sweetie.”

The two walked towards Dana and Doug.

“I can’t believe this. My mom. Ooh, I’m so mad,” Alejandra proclaimed as she sat in the female dressing room. “She ruined it. Everything. I’m a laughingstock now. This will be with me for the rest of my life.”

Frank handed her a glass of water to drink. She reluctantly smiled but politely declined.

Clarice sat down next to Alejandra. “I’m so sorry, cuz. Parents, they ruin everything. You don’t deserve this.”

The comforting words encouraged Alejandra to lean against Clarice’s shoulder and gently rub her arm.

“Thank you,” she sniffled while she touched the back of Clarice’s hand.

Alejandra took a deep breath and looked at each and every person in the room, reassured that this was true friendship. Frank, of course, was more special to her and proved his unwavering devotion at a young age. She hoped that he understood her feelings for him even in this moment.

Breaking the silence, the door to the dressing room opened. Efron walked in.

“Clarice. Elisa. Frank. Give me the room. I would like to talk to my goddaughter,” he said resolutely.

Efron watched as his children and Alejandra’s escort obediently filed out of the room without a sound. When the door closed behind them, Efron turned to Alejandra.

“I’m so sorry, sweetie. I don’t know what happened. But I promise to make this right.”

“Tío, I don’t think it can be made right, to be honest.”

Alejandra ran towards Efron and hugged him tightly, sobbing tenderly. He was pleasantly surprised by her rare display of vulnerability. Efron firmly embraced her as well as kissed her forehead.

“You’ve always been good to me, Tío. Even better than my father.”

The older, now more mature man could no longer contain himself or the secret that haunted him over the years. He had to reveal it at this moment even though the reasons why escaped him.

“Mija, I don’t know how to say this. I’ve dreamed of this since you were born. But I am afraid. Afraid that you will be angry with me, or ashamed of me. I understand if you don’t believe me after all these years, but I need to tell you. I should have made your mother tell you so long ago.”

The puzzled Alejandra looked up at her godfather as he spoke, perplexed by his words and his worried expression.

“What is it? I don’t understand.”

“I ... I am your real father, Alejandra. I know it doesn’t make sense, but your mother and I had a fling before you were born.”

“What do you mean? My parents were married when I was born. I’ve seen the wedding photos.”

“Yes, she was. And I was married to your Tía, but that didn’t change what happened. Your dad wasn’t around much, working long hours, starting his career. I was busy with my practice too, but your mom, your mom, needed me to comfort her. Frankly, I don’t understand exactly how it happened. But it did.

“Your mother told me that I was the father before you were born. She and your dad hadn’t been intimate in a while, but after she realized that she was

pregnant, she rekindled a romantic relationship with your dad so that he would believe that he was your father.”

Alejandra was dismayed and became physically agitated as Efron spoke.

“I can’t right now. Please, no more.”

“Okay, sweetie. I understand if you are mad at me.”

Just then, the door to the dressing room suddenly slammed shut.

Efron and Alejandra looked towards the door but could not make out who overheard their conversation.

“Anyone know where Prince Charming is? I can’t find him on the dance floor. He was here earlier,” Mariposa queried into her headset as she also frantically looked for Anthony Clifton.

“No, I don’t see him,” responded Hank. “He may not be in the ballroom.”

Another of her employees also answered in the negative to Mariposa’s inquiry. “Is he with Snow White?” the employee pondered. The question was really a stab in the dark.

“I just left her. She’s still visibly upset. Hector, can you announce that Prince Charming is needed at the center of the dance floor.”

After Hector registered the request, he rose from his seat.

“Ladies and gentlemen... Damas y Caballeros... Please excuse my interruption. If you see Mr. Clifton can you have him come to me? Thank you. Continue enjoying the fantastic live music.”

Mariposa surveyed the room after Hector’s announcement. Shortly thereafter, Anthony tepidly approached Hector and Mariposa walked over to them.

“Thank you, Hector.”

“De nada, Señorita.”

“Mr. Clifton. Thank you for meeting me here. I know a lot is going on, but I want to make this right so that the party is still a success.”

“Yes, Ms. Aponte. I’m so sorry.”

His embarrassment was obvious to her, but Mariposa was used to scandals as part of her career. She had to be prepared for every possible contingency.

“No need to apologize to me.” Mariposa left it at that without specifically indicating who Mr. Clifton should obviously apologize to.

“I understand.”

“Given the situation, I want to rearrange tonight’s program.”

“Okay.”

She looked over the printed program to double-check what was next.

“I think this is a great time for you to sing the song for Alejandra.”

“Are you sure? I don’t know if I am up to it right now,” Anthony remarked anxiously.

“You’ll be fine. Hector will rev up the crowd and the band will play the song just like we practiced.” Mariposa paused and spoke into the headset. “Hank, find Superstar and make sure she is back in the ballroom before the next song begins.”

Mr. Clifton was handed a second microphone while Hector escorted him to the center of the ballroom. The music stopped and the lights were turned brighter from their previously dimmed state. The crowd quieted, inquisitive about what was happening.

Hector stepped forward and announced, “Ladies and gentlemen... We have a special treat for you today.” Hector’s eyes glanced over the ballroom as he found Alejandra. He turned towards her and continued, “Please give a round of applause for Alejandra’s father...” Hector’s voice echoed in the room as he spoke.

Hector stepped aside and looked towards Anthony, nodding encouragingly in the affirmative. He then walked off the dance floor leaving Mr. Clifton all alone. The lights dimmed again with a warm spotlight focused on Anthony.

Anthony grabbed the microphone tightly; his knuckles whitened. He waited as the keyboard played the simple melody with a guitar playing a three-note chord. Once the graceful, synthetic intro finished, he slowly raised the microphone to his mouth and began singing to Alejandra: “There’s two things I know for sure...”

He sang gingerly and uncharacteristically soft, “She was sent here from heaven... And she's daddy's little girl.” When he sang the last line, the tone in his voice broke, displaying his joy and love for his daughter, perhaps also mixed with regret.

Alejandra wept uncontrollably. She listened to her father sing the rest of the song, paying close attention to the lyrics which touched her heart in an unknown, special way.

Reyna looked on from afar. She was still furious but secretly satisfied that her husband surprised both of them by singing a song without being pressured to do so.



Reyna became overwhelmed by a rush of confusing emotion: love for her first-born daughter, hatred toward her husband because of his betrayal, and yet an overwhelming sense of guilt for wanting to work out her marriage. Faced with these conflicting emotions, Reyna could do only one thing and that was leave the Grand Ballroom to get away from it all, the scene of her husband’s treachery - a forbidden kiss with Dana.

Reyna turned away from the dance floor and walked out of the ballroom aimlessly. Her heart beat erratically and uncontrollably, causing her to panic until she reached the exterior walkway that led to the Grand Staircase of the Regal Phoenix Resort and Spa. As she cautiously stepped forward, she could see the double staircase to her right; one staircase was on each side of the outdoor atrium. In the middle of the twin staircase was a bronze statue depicting an unknown aboriginal female, perhaps a member of the Pima or Maricopa tribes. The moonlight revealed that the female statue wore a shawl covering the length of her body. Her long, bronze hair swept past her left shoulder down to the middle of her abdomen.

Along the exterior walls of the hotel building were the woody, climbing wisteria vines, its violet flowers blooming with a fragrant smell similar to grape bubblegum. The wisteria flower and tree were the resort’s signature emblem and

formed a miniature garden around both staircases. Its aroma filled Reyna's nostrils mysteriously calling her forward. She walked closer to the stairs, occasionally stepping on knobby, brown pods that fell from the foliage. As she continued descending the stairs, her anxiety became paralyzing. Thoughts of divorce, of living alone, of Dana bearing Anthony's children, of her own children, Alejandra and Ash, resenting her for failing to forgive their father and refusing to reconcile with him swirled uncontrollably in her mind.

The flood of sentiment and remorse was unbearable even for the indomitable Reyna who was like a warrior undefeated in all of her life's battles. This battle, however, seemed un-winnable even for her. Her vision blurred from innumerable tears while her eyes also burned and became swollen. Nevertheless, Reyna progressed down the stairs until her right foot came out from under her, causing her body to heave forward. Reyna tumbled wildly down the circular, concrete stairs until she reached the bottom of the stairwell.

7 FOUND

Scottsdale, Arizona

The Same Night

After the crowd finished roaring and cheering when Anthony Clifton ended his song dedicated to his daughter, Alejandra, the lights were brightened again, illuminating the entire ballroom. Guests who had given him a standing ovation sat down to watch the continued affair. Others walked to the buffet line to serve themselves. The younger guests around Alejandra's age danced as the live music played. They were unfazed as if nothing really transpired between her mother and Dana.

With caution, Alejandra walked closer to her father and embraced him, tears continually flowing down both cheeks.

Her father gleefully reciprocated and whispered in her ear, "Please forgive me, Mija."

Alejandra was speechless. She did not know what to say. A part of her wanted to forgive him. A part of her wanted to confront him about the revelation that her godfather, Efron, recently made in the girl's dressing room. Was he really not her father? After all of these years, did the truth surface? She feared starting another scene and making things worse. So, Alejandra uncharacteristically bit her tongue for now.

"Thanks, Papi," the words stuck in her throat but that was all that she could muster at the moment. She was unsure whether that would suffice to stave off

any continued discussions with her father. But it had to do for now.

Porsha ran up to the Cliftons in the middle of the ballroom.

“That was marvelous, Mr. Clifton. I didn’t know that you could sing. Why didn’t you tell me, Alejandra?” Her voice was excited as she spoke.

“I didn’t know either. It was a complete surprise.”

The question and response brought a smile to Alejandra’s face as was anticipated by Mariposa.

“I’m glad that you liked it. I practiced singing as much as we practiced dancing. Maybe even more,” he chuckled nervously. After an awkward pause, “I will leave you guys. Have fun. Let me know if there is anything that you need. Or ask Mariposa. That’s what she is here for.”

Mr. Clifton sluggishly walked away, embarrassed, and pleased at the same time. It served him well to exit the situation and perhaps salvage things with Reyna. He frantically looked for her while circulating throughout the ballroom.

Winfred approached. His tall, lanky body was difficult for him to control when he was a teenager, but throughout the years, as he grew into a man, he could confidently stride into a room and easily summon respect. Unlike the rest of the Chicago Four, Winfred Winston McIntyre the Third came from money.

His father was a diamond exporter from a long line of diamond exporters. Some say that the McIntyre family had run-ins with Al Capone during Prohibition. Others claim that the McIntyre family was in bed with Al Capone. No one really knew the truth. Winfred really didn’t care what was the truth so long as the unsubstantiated rumors gave him an air of mystique and encouraged others to take him seriously.

Although he and Josephine became official members of the Chicago Four while in college with the Cliftons, Winfred already knew Anthony and Reyna before then. He attended a rival high school across town in the unincorporated village of Glenview only a few miles from where Anthony and Reyna attended school. Sometimes Winfred would see Anthony who was dating Dana at the time as well as Reyna and even Esperanza at cross-town rival football games or even gymnastics events which the then muscular Reyna competed in. They were only acquaintances at the time, although some suspected that Winfred had a crush on

Reyna. He adamantly denied it even to the present day. Of course, Reyna was initially flattered by such rumors until she seriously started dating Anthony during their junior year at Loyola University.

But, in reality, Winfred had a crush on Josephine. She was the exact opposite of Winfred, wild and passionate about life. Her numerous adventures encouraged Winfred to step out of his comfort zone and become more self-confident. Josephine also encouraged Winfred to maintain his relationship with Anthony even after they graduated from college. Winfred would call Anthony daily even after the Cliftons moved away to Vegas. On occasion, he would speak to Reyna when she answered the phone and Anthony was not available.

Because of Josephine's prodding, the McIntyres, Cliftons, Martinezes, and the Joneses would all meet several times each year. There were anniversaries, birthday parties, Christmas and Thanksgiving holidays, vacations together locally and abroad. The Chicago Four were unique in that they continued to have a close relationship despite the distances between them.

In the years after college, Winfred felt left out of the group when the rest of the couples started having children. The constant childish laughter and running noses seemed to attract him towards having a family of his own. Josephine was unwilling to impede her fast and furious lifestyle. At first, she rebuffed all of Winfred's arguments for starting their own family. She was adamant and the lovestruck Winfred could not resist her charms. But when Reyna started having cardiac issues in her mid-thirties, Josephine reevaluated her own life choices. Life was fleeting. She understood that at the time and relented.

Wilhelmina was born shortly thereafter. She was an easy pregnancy. Filled with the joy of a baby girl, Winfred wanted a boy, an heir to the family business. They tried for several years but could not get pregnant. Josephine refused artificial means of getting pregnant and Winfred refused to adopt. He wanted a child with his own DNA. In time, they had Scott five years later. By then, Josephine was so in love with the boy that she wanted even more children. In an unexpected 180, Winfred decided that he just wanted a nuclear family unlike his large one growing up. Something about not getting enough attention from his parents. Josephine, with her big heart and love for life, considered that nonsense.

She knew that it was only a matter of time before Winfred would relent. He always did.

“Have you seen Reyna?” Anthony asked Winfred even though his eyes were scanning the ballroom and not looking directly at him.

“No, not for a while. I have no idea where she is now.”

“I want to talk to her. I need to talk to her, Winnie.”

“Anthony, I know you do. This is a big mess. I can’t believe what you did. But It’s not my place, not now. You know how I feel about infidelity. We talked about that as kids growing up. Frankly, I’m disappointed.”

The tongue-lashing was expected. Anthony had known Winfred long enough. He just did not need it at this moment when he wanted to reconcile with Reyna or at least ask for her forgiveness.

“I understand.” Anthony stormed off, looking for his wife.

As he watched Anthony leave, Winfred spotted the table where he and his wife, Josephine, were seated. She was holding Scott while he sat on her knee. The joyous expression on her face encouraged him. “Maybe, I should just agree to more kids,” he thought. “She looks so happy.”

Winfred walked to the table and sat down next to her.

“Hey, hon, have you seen Reyna? Anthony’s looking for her.”

“Oh really? I bet he is.” The sarcasm in her voice was obvious, but the stare in her eyes revealed a subdued anger.

She restrained herself in front of Scott and Wilhelmina. They were too young to understand but Josephine did not want to ruin their mood. The kids were enjoying the party despite not many children their own age to interact with.

“I know. I kinda talked to him just right now about it.”

“Well, you need to do more than just a talk. You need to straighten him out. He knows better than this. Poor Reyna. She always seemed suspicious of Dana since she first started dating Anthony. Now this.”

Scott wanted to eat something off of Reyna’s plate. She leaned forward to allow him to reach it. He grabbed a piece of alcapurrias filling and tried to stuff it in his little mouth. Part of the beef filling fell on his shorts. Josephine wiped it off.

“Winnie, maybe you should ask Lorraine,” Josephine suggested and turned her eyes towards her.

Winfred stood up and moved to the chair closest to Lorraine, who was seated on the other side of the table. Lorraine and Johnny Meyers were part of the study group at Loyola, but they soon left the group unexpectedly after Winfred and Josephine joined. No one really knew why. They later married but were not officially a part of the Chicago Four and had no children of their own. Nevertheless, they were invited to some occasional events. The previous year, the Meyers invited the Chicago Four to their niece’s Bat Mitzvah. It was unknown whether Johnny was infertile, but they were still trying. In the meantime, they focused on being a good aunt and uncle to their siblings’ numerous children.

“Hmm. Hey, Lorraine. Do you know where Reyna went?”

She nodded in the affirmative and pointed to an ominous looking door at the back of the ballroom.

“Thanks.”

He wasn’t sure if Lorraine was actually paying attention to him. She went back to doing what she was doing before he interrupted her. Johnny was nowhere near her, but that wasn’t out of the ordinary. He was always socializing.

Winfred stared at the door, hoping that Reyna would magically appear through it. He waited for a while, but nothing happened. Looking around for Anthony, to reveal the revelation of Reyna’s presence, Winfred was unable to find him.

“I’ll be right back,” Winfred said as he kissed Josephine on the cheek. He then patted Scott on the head. “Behave Wilhelmina. You’ve been a good girl so far. Do you want daddy to bring you something?”

“More soda,” she quietly demanded, concerned that her mother would hear and object as usual.

Josephine indeed overheard and stared Winfred down. He understood not to oblige his daughter and reluctantly walked alone towards the eerie door in the back.

As he opened the door, he walked along the same lonely, outdoor walkway

that Reyna had earlier that evening. The smell of wisteria flowers filled the night air. Winfred continued through the walkway, past the first staircase, then past the second staircase. He walked through the double doors into the adjacent building, but Reyna was nowhere to be found.

“Excuse me, sir. Have you seen ... um ... a woman walking this way? She’s Latina wearing a red dress, black hair, and lovely brown skin.”

Winfred realized that the last description was unnecessary. He mentally chastised himself for it. “Dummy. What would Josephine say if she heard you?”

The security guard pondered and scanned the hallway.

“I don’t believe so. I’ve been here for the past fifteen minutes. When did you expect to be meeting her?”

“No, I am not meeting her. She left the sweet sixteen party in the Grand Ballroom. She’s the mother of the birthday girl,” Winfred explained, frustrated at his uncharacteristic lack of communication skills.

“I see. Well, I’m sorry. I can’t help you. I haven’t seen her.”

Without providing a salutation to the security guard, Winfred hurriedly walked back towards the exterior walkway realizing that he may have made a wrong turn in tracking down Reyna. The guard watched him with little interest and returned to his duties.

When he quickly arrived at the exterior walkway, Winfred could see the closed door leading back to the Grand Ballroom.

“The only other direction that Reyna could possibly take is this staircase,” he mused.

Winfred began walking down the staircase closest to him. He looked past the bronze statue in the middle of the dual staircases to the garden in the distance but couldn’t see any individuals outside.

“Reyna,” he called out. “Reyna.”

There was no answer.

As he reached that part of the staircase that curved toward the middle of the outdoor atrium, he could see a body sprawled on the ground in front of him. Winfred quickly rushed towards her. His adrenaline pumped faster, causing him to sprint towards Reyna. Blood was dripping from her head and pooling on the

concrete pathway.

“Oh my god, Reyna.” Winfred cradled her body and tried to wake her, but she was unconscious.

“Please, someone help me,” he yelled at the top of his lungs. He lifted his head, frantically turning from side to side in the hopes that someone, anyone, would hear his voice and render assistance. The security guard in the adjacent building had already left on his rounds.

When no one responded, Winfred realized that he needed to call 911 himself and took out his cellphone.

8 HOSPITAL

Las Vegas, Nevada

Three Weeks Later

The small, ICU room brightened once Anthony slowly opened the pale blue curtains, letting the sunshine in that early morning. This revealed the quiet courtyard below. He looked out to that familiar scenery from the only window that had been his wife's home for the past few weeks. A landscaper was busy trimming the bushes in the courtyard while newer visitors hurriedly and haphazardly approached the hospital in hopes of seeing their sick loved ones. Wheelchairs with seated patients entering or leaving the hospital could also be seen. Anthony was keenly aware what would be awaiting the solemn people visiting the hospital today. It may not always be the good news that they had hoped for, but news, nonetheless. It certainly was not good news for the Clifton family.

When he turned from the window to face Reyna, she was still asleep on the busy hospital bed. Tubes were coming out from various parts of her body. Six IV drip infusion pumps were silently injecting Reyna with multiple medications. Digital numbers blinked indicating that the pumps were working. They cluttered that part of the hospital room, but the nurses were nimble and used to it. The numerous pumps made it awkward for family members and friends to sit or stand next to Reyna while they comforted her or gave her spoonfuls of ice to quench her thirst.

Anthony contemplated waking Reyna with a kiss but knew that she had difficulty sleeping. Besides, it would only stroke his ego rather than ameliorate any of her unending pain and anguish. The ensuing weeks since Winfred found Reyna at the bottom of the stairs, bleeding, bruised, and unconscious, had taken their toll on the Clifton family and the other members of the Chicago Four. Winfred claimed it was a miracle that he found her so quickly. Everyone originally thought the worse. The family welcomed any prayers for her recovery.

Anthony sat down on the chair next to the window. He often spent the night sleeping on that chair when Ash and Alejandra had others to ensure they were doing okay at night by themselves. More often than not, it was Esperanza or Josephine who flew in from Chicago to take care of the Clifton children and, of course, to see Reyna. Dana offered to spend the weekend in Vegas taking care of the kids and watching over Anthony. Doug convinced her that, under the circumstances, it was not a good idea. Dana reluctantly agreed. Of course, after the fiasco at the Sweet Sixteen party, Doug was obviously suspicious of Dana's intention. He didn't want her spending the weekend with Anthony and his kids.

"Hello, Mr. Clifton," Dr. Seiff, the neurosurgeon who had been taking care of Reyna, said as he ushered a set of interns and medical students into the room. They were attentive while looking at Mrs. Clifton.

"Thank you." Anthony nervously stood up to greet Dr. Seiff, a typical daily routine that he came to dread.

"If you don't mind, I would like to introduce your wife to my new team."

"It's fine."

Anthony was aware that Summit View Hospital was a teaching hospital. Although this made him somewhat uncomfortable at times, the possibility that several up-and-coming medical minds were caring for Reyna and ensuring that she received the best state-of-the-art treatment also ameliorated his concerns.

Anthony watched as Dr. Seiff took charge. The doctor had done something similar many times before with his previous team. Anthony reassured himself that Reyna must be in good hands given Dr. Seiff's extensive knowledge and his keen interest in Reyna's fragile condition.

"Dr. Wilson, can you give everyone a summary of the patient's history."

“Yes, Dr. Seiff,” the intern paused as he collected his thoughts. “The patient was returning to her room at the Regal Phoenix Resort and Spa from a social event. She was going down a flight of stairs and somehow fell, striking her head on a hard surface and fracturing her skull. After being stabilized in Phoenix, she was medevacked to Las Vegas, her hometown.

“A CT of her head showed a large left occipital cephalohematoma. She had hemorrhagic contusions and extensive subarachnoid hemorrhage, but the first CT did not originally show a subdural hematoma. That was shown in a subsequent CT scan.”

Anthony understood from previous conversations with Dr. Seiff that Reyna had a hemorrhage of blood between the base of her skull and the membrane that covered the outer surface of her brain. He also was told that Reyna had a life-threatening stroke caused by bleeding into the space surrounding her brain. Remembering what his wife experienced over the past few weeks made Anthony anxious. All of those fears resurfaced as he listened attentively to Dr. Wilson. Anthony tried to repress them, especially in front of these unfamiliar doctors.

Dr. Seiff asked another doctor to continue. A shorter, younger, female doctor situated in the back of the team eagerly answered.

“A CT-Angio of the patient’s head and neck were done. They ruled out a cerebral aneurysm as the cause of her intracerebral bleed.”

“Anything else?” Dr. Seiff asked Dr. Brown inquisitively.

The other doctors looked on half-expecting that she would be stumped.

Dr. Brown continued, “The patient had a neurosurgical consult with Dr. Hott. Dr. Hott advised that no surgical intervention was needed.”

She was pleased with her recall of Mrs. Clifton’s medical history. Her facial expression showed it. Dr. Brown, however, knew that Dr. Seiff did not approve of outward expressions of confidence especially in front of a patient and their family. It was a sign of arrogance and not intelligence in his mind. Dr. Brown quickly became stoic again, losing her confident smile.

Before Dr. Seiff reacted to her outward signs, he asked the entire team, “My question is what treatment do you recommend?” After an awkward silence, “Anyone?”

The group struggled with various treatment options and discussed it among themselves. Dr. Seiff patiently waited until they came up with an acceptable answer.

As the group mulled over their response, a sigh could be heard from the hospital bed. Reyna's eyes blinked softly as she awakened. During her time in the ICU, Reyna complained of various cognitive dysfunctions with word-finding difficulties and difficulties pronouncing words. These issues arose from her stroke. The antiplatelet medication given to her helped reduce the risk of future strokes. She was also treated for persistent headaches and depression.

As she came too, a sharp pain radiated through her head making her wince. Dr. Seiff approached her.

"Good morning, Mrs. Clifton. How are you?"

She took time to respond but ultimately struggled to let him know that she was in pain as usual.

Dr. Seiff informed her and Anthony that they would continue treating her with intraarterial Verapamil to reduce spasms and hypertensive medication to bolster her circulation. When the doctors finally left the room, Anthony walked over to Reyna. He watched as her eyes met his. She followed him as he came closer to her side and held her hand. He was at a loss for words.

"I have some good news," he hesitantly muttered. He was unsure how Reyna would take it or whether she would understand. "Dr. Seiff thinks that you will be able to leave by the end of the week."

Reyna worked to show a smile.

She then struggled to say, "Water."

Anthony grabbed the white Styrofoam cup on the overbed food tray table. He swirled the cup to ensure that it still had ice as well as water.

"Here."

Anthony brought the cup to her mouth. When Reyna could not grab the protruding straw with her lips, he straightened it for her so that she could take a sip. She was pleased that he was so willing to care for her after all these years. It was a side of him that she had never seen before not even when their children were little. The simple expressions of love - helping her to the toilet or holding

her up while showering or fluffing her pillow or bringing her water - made Reyna realize that Anthony truly loved her. Her insidious doubts about whether he would leave her for Dana were far from her mind. She also blocked out the betraying kiss. It seemed so long ago.

“Thank you.” Her voice was barely discernible. But Anthony could see her lips move as she spoke the words.

“You’re welcome, sweetheart.”

He continued about the good news that Dr. Seiff had conveyed.

“The doctors think that you can fully recover eventually. Once you are home, you can start speech therapy and physical therapy. Isn’t that great?”

Anthony forwent telling Reyna that she may also need balance therapy if she had issues walking. He did not want to overwhelm her or discourage her by mentioning all of her physical limitations at this time.

Reyna tried to sit-up on the hospital bed. To make it easier, Anthony firmly grasped the support sheet underneath Reyna with both hands so that he could lift and slide her upwards towards the headboard. It worked somewhat but was awkward because there was no one on the other side of the bed to balance it out. After Reyna sat up as best as she could, she inquired about Esperanza and the kids.

“Ash went to the camp this week. I know you didn’t want him to go, but he was really wanting to get away. Alejandra will be here in a couple of hours. Esperanza took her to the math tutor today. They’re going to stop and get an In-N-Out burger for you. They know that you are tired of this bland hospital food.”

Reyna’s crooked smile brought some happiness to Anthony.

“Can I have two double-doubles, animal-style?”

The young, Hispanic female’s voice answered, “Anything else?”

Esperanza turned towards Alejandra and asked, “Do you want fries? I normally eat the fries animal-style as well, but I’m not sure you will like them. Not everyone likes the special spread that they are topped with.”

Alejandra was ambivalent. She couldn't care less about the fries or the burger. She obliged her aunt and went out to eat only because she knew that Esperanza would not let it go. Alejandra felt smothered every time she visited. All Alejandra wanted to do was leave, to go far away, perhaps to Puerto Rico, where no one would know her name. Perhaps, the small little town that her great grandfather was from, Santa Isabel. But that was out of the question. Nothing comforted her. Not Frank. Not even Porsha. She was inconsolable. She had gotten over the kiss and the incident at her Sweet Sixteen party, but she could never get over what truly bothered her. She regretted having the party in the first place.

"If I hadn't turned sixteen, there would be no party. There would be no kiss. There would be no fight. Mom would never have left all by herself, all alone in some strange hotel that she wasn't familiar with in a strange town. She would have never fallen down the stairs, never hurt her head, never had a stroke. It's all my fault."

That's what she told herself. That's what boiled inside of her. She could not contain it. She could not tell this to her father or even her aunt. When she mentioned it to Porsha, not even her best friend could understand. No one could. Not even Alejandra herself. Alejandra thought that the intervening weeks would make her feel better or at least lessen the pain. But because her mother wasn't getting any better and was still in the hospital, it only made Alejandra feel worse.

Esperanza could sense that Alejandra struggled internally, but she was not fully aware of its reality. She dared not ask Alejandra for fear that it would make things worse. That was why she took her niece to get some fast food. Not to fill her belly or to encourage Alejandra to share her feelings without prodding. She would eventually.

More importantly, Esperanza wanted to spend time with Alejandra and ultimately Reyna, perhaps to assuage her own indescribable feelings that her older sister had faced death and barely escaped it, forever changing the family dynamics.

9 LITIGATION

Rio Mar, Puerto Rico

A Month Later

Walking along the white, sandy, two-mile beach adjacent to the Wyndham Grand Rio Mar Resort on the east coast of Puerto Rico, Daniel Mendoza was characteristically pensive. He had evaded an early morning discussion with Layla Little and the inevitable, uncomfortable conflict by waking up at dawn, taking a quick shower, dressing, and then exiting the hotel room without waking her up. Layla had arrived very early in the morning after tending to her ex-boyfriend Leon Blackman's wounds from the confrontation that he had with Daniel the previous day. Daniel was already asleep and anxiously awoke when she entered the hotel room. But Layla undressed and slept on the far side of the kingsize bed without speaking to him before going to sleep.

Daniel knew that he had messed up and lost Layla's trust. Her uncomfortable demeanor immediately after seeing Leon's bloody head on the cement walkway at the Yokahu Tower was obvious. So, rather than awkwardly waiting for her to wake up, Daniel decided to think about his future, a future with Layla, or possibly without her.

At his age, in his early fifties, it meant a lot to finally have an understanding and compassionate woman in his life. For several years, Daniel was not in any meaningful, lasting relationship. His job as a litigation attorney made

relationships difficult to maintain. Long hours preparing for trial wreaked havoc on his body and mind. Sometimes Daniel would work until two or three o'clock in the morning preparing questions for examinations the following day or drafting a response to a last-minute trial memo filed by opposing counsel.

Daniel knew that this was not a lifestyle that he could maintain forever, at least not until his early seventies like some attorneys who continued to practice well into their retirement years. Daniel also knew that this was not the best lifestyle for a life partner who wanted time, security, and affection. The stress and strain of litigation made him more irritable and easily angered, which caused him sometimes to lash out at others and not always at work. That certainly complicated any relationship and Daniel knew it.

The vacation in Puerto Rico with Layla was a welcomed reprieve from his unending long days working. In the few days that Layla and Daniel were on the island, Daniel enjoyed their nighttime kayak excursion in Laguna Grande and even the initial time together at the El Yunque Rainforest until Leon arrived. Daniel wondered if the stress of work was the reason behind his aggressive response to Leon's confrontation. Would he have been calmer and more collected if he was not an attorney who was overworked and often overwhelmed? Would Daniel have been able to talk the jealous Leon down after Leon unexpectedly flew to Puerto Rico demanding Layla back? Would Daniel have been able to walk away and avoid the physical assault by Leon?

He was not sure. He only knew that Layla's displeasure and disappointment in him were crushing his spirit. He was also disappointed in himself.

The warm, refreshing aqua blue waters of the Atlantic refreshed him as he waded calf-deep while walking along the coastline. The crashing waves drowned out all of his worries as well as the noise of the few beachgoers that morning. Gazing towards the seemingly infinite horizon, Daniel wondered what would be next for him and Layla. Before his thoughts could wander further, his work cellphone in his swim trunk pocket rang. Daniel was obligated to take both his work cellphone and his work laptop on vacation for these such occasions. The vibration and ringing of his phone initially filled him with dread. But his natural knack for litigation instinctively kicked in as it always did, lowering his

adrenaline.

“Daniel Mendoza speaking.”

“Hey, Daniel.” Cheryl’s cheerful voice immediately calmed Daniel down. She was his receptionist whose friendly attitude disarmed anyone including Daniel.

“Hi, Cheryl.”

“Sorry to bother you on vacation... How’s Puerto Rico by the way?” She was eager to hear his exotic tales even though she was not aware that Daniel had gone to Puerto Rico with Layla. Everyone at the office assumed that he was vacationing alone as usual.

“Oh, it’s beautiful here. You know how I love my homeland.” Daniel’s voice finally displayed the excitement that inevitably surfaced when he talked about Puerto Rico.

“Yes, you do. But I have some good news. Good news for us at least.” Cheryl paused knowing the gravity of the situation. Her voice lowered as she spoke.

“Good news. I need that.”

“We received a call from Gerald Ravan.” Cheryl knew that Daniel recognized the name of the in-house counsel for the Regal Phoenix Resort and Spa. The resort was a longtime client. “He wants you to call him back to discuss a new lawsuit filed against the hotel.”

“Did you tell him that we need to run a conflicts check first?”

“Yes, I did. I’m having Lydia do that now.”

“Thanks, Cheryl. I appreciate that.”

“You’re welcome. Ok, I have another call. I’ll talk to you later.”

“Text me the results of the conflicts check.”

“I will.”

Daniel continued walking along the beach until he came to a point where a freshwater river emptied into the ocean. A few kayakers were meandering up the river. Daniel looked around and saw that someone had etched “Happy Thanksgiving” in the sand. The white, crooked tree limb used by the unknown author to write in the sand was adjacent to the holiday greeting. Seeing it

brought some sense of happiness to Daniel that was unexpected but welcomed given his recent despondency. He took a picture of it.

“Maybe Layla would appreciate this once everything has boiled over,” he mused.

Daniel resisted his typical negative response to such positive affirmations. He wanted to still have an enjoyable time with Layla even though he was unsure of the outcome.

As he returned to the part of the beach in front of the resort where the chaise lounges were, he received a text message from Cheryl: “Conflict cleared in the Clifton case.” Daniel looked at the message and sighed. He had to focus on work again amidst the serene beauty of the Caribbean.

Daniel grabbed his work phone and asked Siri to call Gerald Ravan.

“Hello,” the voice answered in an official capacity.

“Gerry. It’s me, Daniel. I heard that you were just served with a lawsuit.”

“Oh, Hi Daniel. Yes, I can’t believe it. I’m having my assistant email Cheryl the full complaint. I know you don’t have it in front of you, but I wanted to pick your brain about it.”

“Sure, tell me what happened.”

Gerry proceeded to discuss Mrs. Clifton’s fall down the exterior staircase at the resort and the severe injuries that followed.

“They are claiming that the resort was negligent because there was insufficient lighting. I can’t believe that. I’ve walked those stairs myself at night. Granted, I don’t live in Scottsdale and only go to the resort once or twice a year, but it’s not in a dangerous condition like they are alleging.”

Mr. Ravan took almost every lawsuit personally as if each and every plaintiff’s attorney was asserting that Mr. Ravan was negligent himself and directly caused the various incidents. Daniel was used to this and he knew how to deflect Gerry’s attention from himself to the specific circumstances of the lawsuit.

“Don’t worry about it, Gerry. I am going to put everything into this case. I’ve been to the resort many times myself and remember that staircase too. Is there any truth to this claim that the lightbulb was out?”

“No, there isn’t. We have a security service that walks the resort at night. It’s their responsibility to ensure that the lights are working.”

Daniel remembered that the resort’s arrangement with its security service was unique. The security service provided more than just security. It was more of a hospitality service. The security personnel would bring towels and other amenities to the guest rooms at the request of patrons. The security personnel also had a logbook of any unusual issues like burned-out light bulbs or spills or tears in the carpet. This hospitality service made the company more appealing to hotel companies like the Regal Wisteria Resorts which owned the Regal Phoenix Resort and Spa on Camelback Avenue in Scottsdale, Arizona. The upscale hotel was situated near the Phoenician Hotel and the Scottsdale Fashion Square. The high-end customer base demanded excellent customer service and this hospitality service by the security company met that need.

It also meant that the resort was open to allegations of cost-savings because of the lack of actual hotel employees who were present during late-night activities like Alejandra’s Sweet Sixteen party. The hospitality agreement with the security service also complicated the legal issues.

“Gerry. I’ll check the complaint once Cheryl receives it. But I suspect that the plaintiff’s counsel isn’t aware of the hospitality agreement with the security service and didn’t name the security service as a party to the lawsuit. We will have to name them as a non-party at fault. This way if it turns out that the light bulb was out, then we can point the finger to the security service for failing to notify us.”

“I hope that’s not the case,” Gerry disappointedly responded.

“It may not be, but we have to protect the hotel as much as possible. It will be up to the plaintiffs’ counsel to determine whether to sue the security service. I suspect that they will. I doubt that the plaintiffs’ counsel will want an empty chair for us to point to and blame at trial, should it go all the way to trial.”

Daniel was aware that ninety percent of his cases settled and never went to trial. That percentage was high because mediation was mandatory in Arizona. It had been that way for decades. Judges would not even schedule the trial unless and until the parties had conducted a mediation with a private mediator

(typically an experienced attorney) or the parties had a settlement conference with an experienced settlement judge. This was mandatory to avoid last-minute settlements on the eve of trial which ultimately wasted a lot of judicial resources not to mention the parties' legal fees.

But Daniel had to prepare each and every one of his cases as if they were all going to trial. That made litigation more costly but it also set him apart from various other litigation attorneys because opposing counsel knew that he was thorough and would turn over every stone to ensure that his client was either totally ready for trial or paid a fair settlement amount at a mediation.

“Well, I trust your judgment, Daniel. Do what you must. You have *carte blanche* as usual. Just send me your invoices and bills directly. I want to make sure that you have the resources that you need.”

The Regal Wisteria Resorts were headquartered in Japan with more than a dozen hotels just in Japan. The hotel chain also had resorts in China, Korea, Thailand, Singapore, England, the Caribbean, Hawaii, and the Eastern United States, including New York City, D.C., Chicago, and Boston. The Regal Phoenix Resort and Spa was the first Regal Wisteria Resort on the west coast. Because of that fact, the corporate headquarters insisted on plenty of oversight for its newest hotel, which was above and beyond the normal, heavy oversight of its other resorts.

Daniel knew how important the corporate image was. However, balancing his zealousness as an advocate on behalf of his client as well as still being compassionate and sympathetic towards injured individuals was difficult at times. Nevertheless, it was important to him to have that balance so that his clients would not come across as callous and also so that he could accurately advise his client how a jury would react should the case go to trial. Daniel was proud of that because it gave him insight that sometimes other attorneys did not have. It also encouraged him to step back and not be so personally vested in every lawsuit, which in some ways lessened the stress of being a litigation attorney.

“Gerry, I have an expert in mind who can do a great job for us. He will be able to give us an objective opinion on whether there was a lighting issue at the

resort. But I will have to reach out to him to see if he hasn't been retained by the plaintiff's counsel already."

"Sure, just keep me informed."

"I will."

Once the call was over, Daniel hoped that there were no other interruptions that would take him away from his Caribbean vacation and spending time with Layla again.

"Layla!! I don't know if she is up yet. I need to reach out to her," Daniel thought as soon as his mind was no longer focused on work.

Daniel texted Layla good morning and let her know where he was on the beach.

10 THE FLIGHT HOME

San Juan, Puerto Rico

A Few Hours Later

Because Layla no longer felt safe with Daniel Mendoza in a romantic and intimate setting after the physical confrontation with Leon, she requested that Daniel leave her. He obliged her request even though that secretly pained him. Daniel packed his luggage and arranged for the hotel shuttle to take him to the Luis Munoz Marin International Airport in San Juan. The thirty-five-minute ride gave him time to think and arrange a flight home to Phoenix, Arizona. Luckily, he had to only wait a few hours for another flight after canceling his original flight that was scheduled later in the week. He was charged a hefty \$250 fee, but that did not concern him at the time.

Money wasn't the issue. The issue in his mind was the lack of trust that Layla had in him as well as her unwillingness to listen to his side of the story. Leon charged him first and Daniel was only protecting himself. It must not have mattered in Layla's mind. Her instinctual nature to protect individuals who were injured kicked in because Layla was a nurse. Seeing Leon's head bleeding instantly triggered her compassion. Daniel's excuses were secondary to that.

Maybe he was wrong for rushing things with Layla even though it had been several years since Layla broke it off with Leon? Daniel thought she was over the past relationship when he asked her to vacation with him in Puerto Rico for Thanksgiving. Apparently, she was not over Leon.

To Daniel's surprise, Layla was not offended that Leon was stalking them. Nor was she concerned about how Leon knew that she was vacationing in Puerto Rico with Daniel. Who told him? How did he find out? Daniel certainly didn't tell Leon. He had absolutely no reason to. Daniel pondered whether Layla did. But that didn't make sense. Maybe she told Leon about the vacation to make him jealous? Or perhaps to get him to leave her alone? Oftentimes, Leon would call her or text her that he wanted to get back together. Layla would sometimes tell Daniel about Leon's efforts. Daniel really didn't know why she tolerated his persistent invasion into her personal life and Leon's reluctance to move on. Maybe she did truly love him and was unwilling to let Leon go herself?

These disappointing thoughts haunted Daniel's mind as he rode the hotel shuttle back to the airport. He tried not to think about Layla. Focusing on work, although not ideal, helped him to move on and avoid these haunting thoughts. However, he didn't want to seem heartless and unsympathetic. Layla had clearly made her choice and it wasn't Daniel. Right or wrong, he had to accept it himself. Otherwise, he would be a hypocrite for not moving on yet criticizing Leon for doing the same.

Sure, it sounded honorable and noble that Daniel was willing to respect Layla's feelings and her choice. But the reality was that Daniel was also protecting himself from the pain and vulnerability of this failed relationship. After his sudden divorce from Christine decades ago, Daniel was no longer able to see her or her son, Wisdom. Daniel was now guarded when it came to relationships. He would be in and out of relationships quickly if there were any lingering doubts. Sometimes the relationships were with good, solid women who cared for and loved him. Sometimes they were with women who just wanted to use him for money or for things that he could do for them. But whomever he dated, they had to unknowingly compete with Daniel's true mistress, his job as an attorney.

Daniel always threw himself into work. He wanted to escape the poverty and sad memories of Chambers Lane. To do that, he had to believe in himself. He had to believe in his future as an attorney, as someone who could rely upon his own self and not others, whose dedication and courage would give him the

things that he needed. That meant that relying on or being vulnerable with others was not always the route that he chose because the uncertainty was unsettling.

Instead of focusing on getting remarried and having a family of his own, he chose to focus on becoming a partner at the boutique law firm of Williams Brown. Daniel started working at Williams Brown when he was a fifth-year associate attorney, almost seventeen years ago. He had practiced at a few other law firms before moving to Williams Brown. He got the job when a small group of attorneys decided to merge with the firm to bolster its litigation practice. After a long career in complex litigation at Williams Brown, Daniel was promoted to a partner about seven years later. He was considered a rising star in the firm and was looking to develop his client base even further.

To his chagrin, five years earlier, the unexpected happened which rattled his future. The named partner, Richard Williams, passed away from a sudden and unexpected stroke. The loss of the founding partner had a ripple effect on the other partners in the firm, some of whom wanted to move on in their careers given the unique circumstances. One partner, Tim High, was appointed a trial judge by the Governor of Arizona. Another partner, Bill Dempsey, decided to change his legal practice altogether and left the firm to work for the Attorney General's office. Yet another founding partner left, Don Brown. Don had been practicing for over fifty years as an attorney and recently remarried a substantially younger woman from the Philippines. Given his age, he decided to retire to the island of St. Nevis with his beautiful bride. She, of course, did not disagree with the move.

As a result, the law firm disbanded leaving the rest of the attorneys, including Daniel, in the lurch. Daniel, as one of the older, remaining partners, decided to start his own law firm. One or two of the other younger associates who had worked with Daniel over the years agreed to join him in his new endeavor. A few other associate attorneys went their own way. One became a plaintiff's attorney. A couple joined various larger firms throughout the valley. To ensure there were enough experienced attorneys at the newly founded firm of Mendoza and Associates, PLLC, Daniel invited two law school buddies to join the firm. He also recruited a new attorney who had just graduated from the

Sandra Day O'Connor College of Law at Arizona State University.

Cheryl, the receptionist at Williams Brown, was eager to follow Daniel to his new firm. That decision gave continuity to the new firm although half of the attorneys were new and had no past working relationship with her. The familiarity was more so for Daniel and the other attorneys who transitioned from the old firm to the new one. It was needed stability in uncertain times. Besides, Cheryl was not only popular and friendly with all of the employees, but she also had extensive connections in the legal field with various paralegals and secretaries which the new firm also needed. She was still a stabilizing force some five years later when Daniel vacationed in Puerto Rico with Layla.

Once the phone was answered, Daniel eagerly spoke, "Cheryl, I am on my way back to Phoenix."

Cheryl was surprised.

"Oh really."

She was uncertain whether to ask him why he had ended his vacation so early. She knew that Daniel was private and would only volunteer any information if he felt comfortable doing so.

"Yes, it's a long story. I don't have time for it right now. My plane boards in about thirty minutes."

"Ok."

Cheryl wondered why Daniel was calling.

"Once I get back into the office tomorrow, I want a meeting in the large conference room for the Clifton case. Can you schedule that? Probably, um... around 10 a.m."

Daniel thought this would give him time to prepare for the meeting and analyze any documents provided by the hotel.

"Can you ask John and Marissa to attend? Oh, make sure Cynthia is also there. I want her involved in this case."

Cynthia was the attractive and smart paralegal that recently moved from Nogales, Arizona to Phoenix. Daniel assigned her to all of his complex cases. His trust in her was immovable.

"Sure, I'll get on that once we get off the phone. I'll also make sure to make

a carafe of Starbucks and have some doughnuts and breakfast goodies for all of you.”

“Thanks, Cheryl. I appreciate it.”

Daniel relied upon Cheryl a lot in the past. He was glad that she was there for him now, especially since the empty feeling inside made him somewhat unsure of himself. He dared not show that to Cheryl or anyone else at the firm, not even any of his family members or friends.

Daniel boarded the Delta Airlines flight to Atlanta, Georgia with the connecting flight to Phoenix.

“It’s too bad my layover is so short. It would be nice to see Sylvia,” he thought.

Like Daniel, Sylvia moved away from Los Angeles over twenty years earlier. She lived in Atlanta since and always tried to convince everyone to move there. Daniel resisted any such machinations. The distance and his busy schedule made it difficult for Daniel to visit Sylvia and her four children. He had not seen them in over a decade when his job brought him to Atlanta for a deposition. Despite that, Daniel realized that it would not be a good idea to see Sylvia even if he had a longer layover. Reminiscing about their childhood memories did not always make him feel good, although Sylvia enjoyed it. He also didn’t need any more emotional challenges.

Instead, he boarded the plane with half-hearted regrets.

When his flight finally arrived at the Sky Harbor Airport in Phoenix, it was extremely late, almost midnight. Daniel was extremely tired. He took the Sky Train from Terminal Three to the East Economy parking lot where his Acura had been parked earlier in the week. He put the black luggage and the chestnut leather briefcase into his trunk. Opening the driver's side door, Daniel then sat down and plugged his iPhone into the USB charger. He looked at the phone to see if any text messages or voicemails were received during the long four-hour flight. To his dismay, there was nothing. Not a call or text from Layla.

Secretly, he had hoped that there would be something from her. Anything. He didn't think there would be an apology because Layla was upset by what happened between him and Leon. Perhaps just a text asking if Daniel had arrived safely. But no such text was received. That, of course, disappointed him.

Daniel then struggled with whether he should text Layla anyway that he was now in Phoenix. Would she appreciate it? Would it matter to her? It didn't seem like it did to Daniel. So, he ultimately decided not to text or call Layla.

Daniel simply drove the forty-five minutes to his home in Gilbert, Arizona. All the while thinking of what he should do and say during the upcoming 10 o'clock meeting with the other associates later that day.

Several hours earlier, Layla and Leon were eating dinner at the Kasavista Restaurant overlooking the Atlantic in Fajardo, Puerto Rico. Layla decided to reunite with Leon given what she perceived as his gallantry in flying to a remote location to win her back.

"He must really love me," she convinced herself.

Before the meal was served, Leon stepped out to take a call, leaving Layla wondering whether he was being his normal, flirtatious self, talking to other women. Layla watched as he smiled exuberantly while chatting on the phone on the outdoor patio.

Layla was confused by his reaction and suspicious. Leon had cheated on her during their relationship. She then took her iPhone out of her purse and looked to see if Daniel had called or left a message. He had not. She wondered why because that was out of character for him. She expected that Daniel would have texted her even though she had asked him to leave the resort. Given his normal behavior, Layla was certain that Daniel would text her just to reassure her that he was okay.

The fact that Daniel had not reached out to her simply confirmed in Layla's mind that she had made the right choice and stayed with Leon rather than Daniel.

11 STRATEGY SESSION

Phoenix, Arizona

A Few Hours Later

That Same Morning

When Daniel finally arrived at the law firm that morning, he had only slept for about four hours. Puerto Rico seemed so long ago, but, in reality, it was still quietly on his mind. He exited the fifth-floor elevator and walked through the cramped hallway to the small office area in the back of the building. It wasn't grand or ostentatious like the former offices of Williams Brown, which was coincidentally just across the street. But Daniel was proud that he had a beginning of sorts on his own without the haggling and oppression of partners who wanted solely to fill their pockets with larger bonuses at the end of the year. Sure, finances drove the Mendoza firm like any other firm, but not to the same extent.

Daniel learned after being an attorney so long that sharing the wealth was better for everyone than simply hoarding it for himself. He truly believed in the adage that a rising tide lifts all boats. The firm was known to pay higher than average salaries and even higher bonuses to keep the existing attorneys and attract newer ones as the firm grew slowly over time. In the end, that engendered extreme loyalty and commitment.

In exchange, there were very few perks: modest Christmas luncheons, time off on certain holidays, including Good Friday and MLK day. But there were no

daily lunches, no annual weekend retreats with attorneys and their significant other in exotic locales, no front row tickets to sporting events like the Suns or the Cardinals, no happy hours at the local pubs. But the associates really didn't mind. They knew that the modest billing requirements, 1850 billable hours a year, was doable and gave them a great quality of life. The only time they had to work overtime or on the weekends was when they prepared for trial.

Daniel, on the other hand, single and childless, spent most of his free nights and every other weekend working. He put the burden on himself, perhaps because he trusted his own legal acumen above others, but mainly because it seemed unfair to require others to work late while he was at home, mostly just relaxing. He also felt that the members of the firm would appreciate his willingness to work hard and would give their all during regular work hours rather than socialize and waste valuable time. Their spouses and significant others appreciated that as well.

"Good morning, Cheryl," Daniel said as he slid his magnetic badge over the door access panel, unlocking the double glass doors to the atrium to his offices.

Cheryl was busy looking down at something or another on her desk and raised her head once she heard Daniel's voice.

"You're bright and early this morning. And tanned too." She smiled after the last comment.

"Yes, this is going to be a long day but I'm hoping to end early. I need to get more rest. This old grey mare ain't what she used to be."

Daniel laughed at his own comment, which made Cheryl reciprocate.

"I'll be in the conference room if anyone needs me." Daniel slid his badge again to open the door to the attorney's offices. He carried his briefcase over his left shoulder.

When he entered the conference room, Daniel could smell the aroma of Arabica beans. As promised, Cheryl had not one but two carafes of coffee. One carafe with caffeinated coffee and the other with decaf. Not a coffee drinker, Daniel grabbed an apple fritter from the tray of donuts and sat down at the far end of the conference room table. He pulled out the summons and complaint that he printed out on his personal printer at home and also read the incident report

prepared by the security service for the resort. Texts were highlighted yellow. Scribbled words in a blue pen were off on the margins. They were barely legible. Even Daniel couldn't read his own handwriting at times. Oftentimes, his secretary, Lydia, joked that his handwriting was so bad that he should have been a doctor. Daniel grimaced at the thought. He had grappled with going to medical school while in college but quickly dismissed it.

After reviewing the documents and sitting pensively for about a half-hour, John Davis entered the conference room. John was a fifth-year attorney and started with the firm only two years prior. His full white beard and peppered hair made others believe that he looked like Santa Claus even though John was only in his late forties. John was a former criminal defense attorney and had dozens of one- and two-day criminal trials under his belt. He transitioned to civil law because the pay was better, and the emotional roller coaster of sometimes unstable clients made going to work difficult at times. Daniel enjoyed John's humor and his doggedness.

"Hey, Daniel, how's it going? I didn't know that you'd be back so soon."

"Yeah, it's a long story. I'll have to tell you when I get a chance."

John, like the rest of the members of the firm, knew that this meant that Daniel wasn't in the mood to share and wouldn't in the future.

"Do you know if Marissa is here?" Daniel inquired.

"She was headed to the restroom after we got off the elevator. She'll be here soon."

No sooner had John finished saying that, Marissa entered the conference room. At six feet two inches, she towered over both Daniel and John. Marissa Robles was a young woman in her mid-twenties, eager to please, straight out of law school. She was top of her class and a Pedrick scholar. She was a winner of the moot court competition, where she got the nickname, "Commander", given her ability to command the courtroom and everyone's attention. Her height combined with her extreme self-confidence also helped.

"Good morning," her pleasant voice stopped their conversation.

Daniel and John looked up to silently greet her. Daniel pondered what to say but just let Marissa first sit down at the other end of the table, several yellow

legal pads in her hand. Once she was comfortable, he responded, “Thanks for coming Marissa. I need both you and John to do your best on this. The client wants us to put this case on our highest priority. With the holiday season in full swing, the client doesn’t need the bad press. It will tank patronage at the resort.”

Quick to understand, Marissa retorted, “We can’t help what the plaintiff’s counsel does in public. Have they gone to the media yet?”

“Good point. Luckily, they haven’t. I’m not sure why,” Daniel answered while tapping his pen on the table. Something puzzled him about why the plaintiff’s counsel didn’t make a media statement yet. He wondered if they were waiting for the right moment. Only time would tell.

“Who are they?” John asked inquisitively.

“I don’t know them personally. They are two attorneys from Vegas. They pro hac vice in, sponsored by the law firm of Wilkerson and Adams in Scottsdale. I understand that Tamela Wilkerson is the local attorney assigned to the case. I anticipate little involvement by her in the case. Just enough to earn her percentage of attorneys’ fees. I don’t expect her to be totally on the sidelines on this case either. The injuries in the case are substantial and Tamela wouldn’t have taken this case just for a small referral fee.”

Daniel looked towards Marissa, “Can you spearhead the research of the two Vegas attorneys. I want to know their reputation. Are they actual litigators? Do they try cases or just settle them? I want to know how many trials they’ve done and the verdicts for each trial.”

“I can do that. Do you want me to make some phone calls to some Vegas attorneys? I have some classmates who are from Vegas. I’m sure they can give me their reputation in the legal community.”

“That’s a great idea. Ask them if they are hard-nosed or if they are willing to work with opposing counsel.”

Daniel hated working with attorneys who were difficult and uncompromising, who challenged every little thing with little to no legal basis simply to make their opponent miserable in hopes that they would settle faster and get out of a contentious lawsuit. Unfortunately, it added unnecessary stress to an already stressful occupation. Daniel no longer took their shenanigans

personally. He learned that from his former partner, Tim High, who was even-keeled and very patient with opposing counsel no matter how difficult they were. Daniel tried to mimic Tim's patience but could not always do so.

The door to the conference room opened and Cynthia Gonzalez cautiously entered.

"Sorry, I'm late. Sophie was sick this morning."

"Cynthia, if you need to go home and take care of Sophie, that's fine. Family is more important than work. Work will always be here," Daniel proclaimed not only for Cynthia's sake but also for the sake of the other firm members in the room. They needed to know Daniel's priorities as the named partner in this new firm.

"No, she'll be fine. My grandma is with her." Cynthia sat down next to John.

"Are you sure?" Daniel asked.

"Yes."

Daniel left it alone and moved on to the next topic.

"Plaintiff is a mother of two. She fractured her skull in the fall, had a stroke, one of her fingers were amputated, she has a traumatic brain injury, and some memory issues."

The eyes of the other individuals in the room were astonished at the severity of her injuries. Most of their cases involved catastrophic losses or gruesome deaths. But no matter how callous they tried to be, it was always secretly difficult hearing about someone dying or getting severely injured. The plaintiffs were humans after all and not just blots of ink on a piece of paper. The members of the firm were frequently reminded not to dehumanize them no matter how easier it was to do in order to avoid any emotional struggles just being involved in the litigation.

Daniel continued, "She's alleging that the resort breached its duty to provide a safe environment for its guests and created an unreasonably dangerous condition by failing to properly illuminate the double exterior staircases. Now, I know we need a human factors expert who can address the illumination issues raised in the complaint."

Everyone knew who Daniel was referring to. Michael Cassell with 4C

Enterprises, Inc. was a man's man. He did everything adventurous: motorcycles, hang gliding, rock climbing, ATVs, skydiving, water skiing. Anything that was risky, Mike did it. He was infamous for trying anything out of the ordinary even at his age. Just that weekend, Mike Cassell had gone on a Living History Flight in a B-17 Bomber named "Sentimental Journey". The flight left out of Prescott, Arizona. Daniel was supposed to be on the flight but instead was vacationing in Puerto Rico.

But being adventurous not only gave Mike the rare insight into all sort of interactions people had while engaging in activities, but it also gave him the unique perspective of being objective. Mike was a straight shooter. He didn't hesitate to tell his paying clients when they had done something wrong and would be found responsible for it. Not all clients liked that in Mike. They figured that because they were footing the bill, they should be able to dictate Mike's opinions. They were dead wrong. If they were not willing to accept his objective opinions, then that was the end of Mike's engagement as their expert. He no longer worked for the client anymore. Never again.

But that's exactly why Daniel hired Mike on his cases. He needed to know the real strengths and weaknesses. Daniel knew that Mike wouldn't sugarcoat it. Not all of Daniel's clients appreciated that initially, but they came to also respect that brutal honesty in the long run was the best financially for their company. They also learned how to trust Daniel's instincts. It's what made Daniel and his team an invaluable resource.

"John, I need you to reach out to Mike and see if he has a conflict. Hopefully, the plaintiff's counsel hasn't gotten to him first."

"I'm on it. Are we going to use Matthew Simmons as our vocational rehabilitation expert?"

"Yes, you know where I'm going. I like that."

John smiled at the tacit praise.

"I'll contact him as well and his partner, Lora."

"Cynthia, we are going to need a neurological independent medical examination as well as an orthopedic one. Given the plaintiff's injuries, I don't think we can insist that the IMEs be conducted in Arizona even though the fall

occurred here, and the lawsuit was filed here.” Daniel explained his rationale as usual. This allowed the other attorneys to understand why and apply their own perspective on future cases.

“I can contact Exam Works and ask if they have any recommendations of any IME doctors in Vegas. Otherwise, we will have to fly Phoenix doctors to Vegas.”

“They would love that,” Daniel smiled.

Everyone else in the room laughed. They knew it was only a matter of time before they would have to fly to Vegas for some deposition or some other work-related reason. That pleased them.

In the end, Daniel knew that the case had a good chance of settling because the client wanted to avoid any negative publicity. Paying doctors upfront to fly to Vegas for an IME was an expense that he knew his client wanted to avoid. The likelihood that Vegas IME doctors had to fly to Phoenix to testify at trial was slim.

“Ask Exam Works about Vegas. Thanks again everyone for all of your hard work and willingness to jump on this on a moment’s notice. You guys already have a full plate. If you need additional resources, please don’t hesitate to let me know or let Lydia know.”

Everyone rose from the conference room table, gathered their things, and left one by one back to their own offices except Daniel. He stayed in his chair. His eyes glued to the complaint and deep in thought.

After a while, Daniel called out so that his voice carried into the hallway, “Lydia... Lydia...” The second time was louder in order to get her attention.

Lydia straggled in nonchalantly as if she didn’t have a care in the world.

Her eyes rolled as she said, “Yes, that’s me alright.”

“Sorry, I should have come out to you, but I was excited.”

“What is it?”

“Can you call Pamela White and schedule an in-person meeting tomorrow?”

“Pamela? The private investigator?”

“Yes, her. Something just doesn’t feel right. I can’t put my finger on it yet. But I think Pamela can find it for me if my hunch is correct.”

12 THE RESORT

Scottsdale, Arizona

The Following Week

“Good morning. How may I help you?” the polite, older woman said worriedly yet with a beaming smile indicative of the typical five-star hospitality provided to all of the customers of the Regal Phoenix Resort and Spa.

She seemed surprised when two well-dressed men in dark, double-breasted suits and a tall, female in a navy pantsuit approached. They looked official instead of the typical casual resort wear that patrons normally don. As a newer employee of the resort, she was apparently unfamiliar with the various members of the Mendoza law firm. This was not the first time that they had visited the resort for purposes of defending a lawsuit.

John Davis approached the female employee at the front desk with his disarming smile. “We are here to see the general manager, Adam Stamets.”

John paused to see if she would be cooperative or if additional measures were needed. He had called in advance and made an appointment to see Adam.

“Surely, he let the front desk know that we were coming?” he thought.

Apparently, Adam had not.

Somewhat confused, the woman flipped through a daily planner next to her station to determine if an appointment was entered for Adam at 10 a.m. When she could not locate one, she looked up and asked, “Can you please let me know your names and I can coordinate with Mr. Stamets’ assistant to see if he is

available?”

“No problem. My name is John Davis. I am with Daniel Mendoza and Marissa Robles. We are with the law firm of Mendoza and Associates. Mr. Stamets should be expecting us. I confirmed with Natalie yesterday.”

“Yes, Natalie. I will call her now.”

Within minutes, Adam arrived. Adam had just been appointed as the general manager only the month before. Nevertheless, Adam was very familiar with hotel management having been in the hospitality business for over twenty years with various hotel chains. Five years ago, Adam began his career with the Regal Wisteria Resorts. He trained at the corporate headquarters in Tokyo. He spent several years working in their Tokyo resort and then at the resort in Singapore. Up until last month, he was the general manager of the Regal Wisteria in Isabela, Puerto Rico.

“Gentlemen and Lady. Come in. I am so sorry. I guess I forgot about today’s meeting. But I definitely will make time for you.”

Adam had heard of the various victories that the Mendoza law firm had in the preceding five years on behalf of the company. Corporate management at the Regal Wisteria always sent emails to all the management employees whenever a favorable settlement was made, or a favorable verdict was entered. This served two purposes. It let the managers know that the company believed in them and was behind the defense of a lawsuit one hundred percent. It also let the managers know how expensive litigation was, encouraging them to ensure that the corporate procedures were fully followed, or new, more appropriate procedures were recommended by those managers on the front line.

“Please, follow me,” Adam added as he pointed to an inconspicuous door behind the front desk.

“Ladies first.” Daniel politely motioned to Marissa.

“Thank you.” She smiled awkwardly. Marissa secretly hated overtures of chivalry but tolerated them only to avoid uncomfortable discussions.

They all sat around Adam’s desk.

“How can I help you?” Adam hesitantly inquired. “I wasn’t the general manager at the time of the incident involving Mrs. Clifton. So, I have no

personal knowledge of what occurred or why she fell down the stairs.”

“We understand. We have other things that we would still like to address with you,” Daniel explained. “Do you know the previous manager, Jason Gould?”

“Not really. Just by reputation. I understand that Jason was a perfectionist. An OCD type. The employees here say that they loved working for him. But he had some conflict with the company a couple of months before he left. I am not sure if he is still on good terms with the company.”

Daniel wondered if this would be a problem.

“Do you think he would have let the hotel services suffer in those last days?”

“To be honest, I don’t know. He may have but I would be guessing. I don’t think he had an assistant manager at the time. I vaguely remember that this may have been one of the issues that he had with the company. They took forever to fill that position. It’s still not filled.”

The look on Adam’s face was pensive yet amused.

Upon hearing the last comments, Marissa wrote on her legal pad to contact corporate to get Jason’s last known address and phone number because he no longer worked for the company. If the information was outdated, she would ask Pamela to run a skip trace to locate him. She also noted to request Jason’s employment file to determine any prior disciplinary issues and to ask Gerry about the true reason why Jason quit the company. Marissa knew that Jason would be a critical witness at any trial.

Because Adam was not working on the date of the incident, Daniel informed him, “We will need the security services’ logbook and a list of names of all of the employees who were working that night.”

“I can get that to you.” Adam nodded after he spoke.

“Do you have any surveillance cameras?”

“Yes, but not in that area. They are only three. Two outside and one near the front desk.”

“Can we have that footage?”

“Why? It wouldn’t have captured the fall.”

“Yes, but it will hopefully show Mrs. Clifton entering the hotel. We can

figure out what clothes she was wearing and what shoes she had on that night. That will help us figure out whether she had high heels and possibly slipped.”

“Wow, you guys are impressive. More than I realized.”

Both John and Marissa smiled. Daniel, however, never showed emotions when speaking to the client.

He continued, “We will also need any credit card receipts for that night. I understand that it wasn’t an open bar and that the guests had to pay for their drinks. We will need to know if Mr. or Mrs. Clifton ordered any drinks that night, what type of drinks, the size, and how many. So that will help us know if she was tipsy that night when walking down the staircase.”

Daniel knew that this was a double-edged sword. Mrs. Clifton probably should have not been walking down the stairs alone at night if she was drunk. At the same time, the resort should not have served her any more alcohol if they knew or should have known that she was inebriated. Daniel needed to walk a fine line to also avoid any potential dram shop liability accusations against the resort should it turn out that they over-served her.

“I will have Nancy get those to you.”

“Can you also give us the list of hotel rooms the Cliftons and the other guests were assigned to that night? I want to know if she was in fact walking back to her room as alleged in the complaint. There is some other stuff that we will need. John has a complete list for you so that nothing is missed.”

“Here,” John said as his outstretched arm handed Adam a two-page list of things that the firm needed. “I will also email you the list for your convenience.”

Daniel added, “We will also need access to the rooms, the grand ballroom, and the stairs themselves. I anticipate that the plaintiffs’ counsel will also want to schedule an inspection once discovery is in full swing.”

“Do I need to be there?” Adam grimaced at the idea.

“Well, you personally don’t have to be here during the inspection. But someone from management or a trusted employee has to be here to give us access to the rooms or answer any questions.”

“Frankly, this is my first lawsuit, Daniel. I’m a little unfamiliar with the process.” Adam changed his mind and did not also express that he was

intimidated by the process as well. Daniel was used to clients who felt that way, so he expected it.

“No worries, Adam. That’s what Marissa, John, and I are here for. If you have any questions and concerns, feel free to call or email any of us. We will be happy to answer any questions, big or small. We are experienced attorneys and will handle all of this for the company.”

John and Marissa handed Adam their business cards. So did Daniel.

“That’s good.” Adam was relieved, but then a thought crossed his mind. “Will I have to testify at trial?”

“Chances are that this case may go to trial given her injuries. It may not. But it all depends. You still may have to testify at a deposition if the plaintiffs’ counsel wants to question you about company procedures if we can’t ever locate Jason. I’m sure that they will want to depose Jason first because he was the general manager at the time.”

“What’s a deposition?”

Daniel had John explain this to Adam.

“Good question. In simple terms, it’s like testifying at trial, but instead of testifying in court, you are testifying at the plaintiff’s counsel’s office in an informal conference room. He will ask you questions, and we may too. You’re still sworn to tell the truth and a court reporter is there to transcribe everything that you say, but it won’t be the same as what you see on television.”

Every client seemed to think that trials were like what occurs on the Perry Mason television show or the rantings of an angry defense attorney proclaiming that everyone is out of order as portrayed in the movie, *And Justice for All*.

“I really don’t want to do that,” Adam complained.

“I understand,” Daniel interjected. “Most people are not familiar with the process, but either Marissa or John will spend a few hours with you, going over the deposition procedure and possible questions. You’ll be fine. They’ve done hundreds already.”

Once Adam was reassured that the firm was familiar with the litigation process and in charge, they excused themselves from Adam’s presence and met outside in the parking lot where their cars were parked.

“I think that the meeting went well. Don’t you?” Daniel asked the other two.

“I’m concerned about what may have happened that night,” Marissa mentioned.

“I am too,” Daniel professed. “We won’t know exactly. The only person who really knows is Mrs. Clifton. She may not remember and if she does, her recollection may be skewed in her favor. That’s the downside of this type of case.”

“Is that why the client wants to settle?” she asked.

“That and the possibility of negative publicity.”

“Jason having an issue with the company also may hurt. Who knows what he is going to say?” John added.

“Exactly. He is a wild card. We need to plan for that contingency,” Daniel’s face frowned.

Both Marissa and John were used to Daniel expressing his thoughts and feelings in front of them. It engendered confidence that Daniel was open and honest with them. It also assisted them in understanding his thought process.

13 COMFORT

Las Vegas, Nevada

Two Weeks Later

When the counter stool was pulled backward, it screeched as its wooden legs dragged against the ceramic tile in the kitchen area. The brown cushion gave way as Anthony sat despondently on the stool and placed his plate full of food on the island countertop. It was a bachelor's dinner: Mac and Cheese, a heap of pork and beans, and some Rice-A-Roni. Anthony did not need to cook a full meal that Friday night because both Ash and Alejandra were out with their friends again. They were not expected to come home until the next day or even Sunday.

He ate slowly and contemplated his life. Although it was not what he thought it would be at this time, he wondered if things would get better. Would Reyna learn how to properly speak? Would she be a mom again? A wife again? Would she walk properly again? Would they be a married couple again: going out to dinner, to the movies, to concerts, and sporting events like they did before all of this happened? Would she be able to travel again and could they see the Chicago Four? The Chicago Four!!! What would it be like now?

"Surely, they would still love and be supportive of Reyna," Anthony reassured himself.

They had been friends from their youth and gone through almost everything together. Surprisingly, after all those years, none of them had gotten divorced.

That comforted Anthony. He resolved not to leave Reyna, no matter what. What would the kids think if he did? He could not imagine.

Anthony was unsure what the future would hold for his family now. In a few years, Alejandra would graduate and then ultimately Ash. He and Reyna would then have an empty nest and would be alone together. Her irritable outbursts were expected given the frustration and pain that she was enduring. But could he deal with that for the rest of her life, another forty years or more? Frankly, Anthony couldn't see him tolerating it for that long at least not now. He had to take one day at a time and muster the strength to endure it himself.

Isn't that what love was about? Isn't that what marriage was about? He had sworn before the church to love her in sickness and in health. He had certainly been with Reyna during the good times when she was healthy. Now was the era of sickness. But it wasn't the sickness that he contemplated on their wedding day. At that time, he thought of colds, diabetes, or even her monthly period. At worse, a broken leg because she was an active person. Not even her autoimmune issues were as trying as he initially thought they would be when they first were married. He had to adapt to eating different foods and her occasional flare ups, but that was bearable.

This was different. Her whole life had changed. She would no longer be the same person. Could she love him the same way? Could he love her the same way? Would they be intimate the way that they used to be? At least years ago, before Dana started aggressively pursuing him these past few months, Reyna and Anthony were very intimately involved. Several times a week. He wondered could they get back there again.

"Dana," he thought. "I was so silly to even think about being with her. I hope that Reyna forgives me."

Anthony scooped up some Mac and Cheese and chewed mindlessly. It wasn't the homemade Puerto Rican food that Reyna cooked practically every day and which he was accustomed to eating. But it would do for now. He wasn't eating for flavor, simply for sustenance. That scared him to an extent. For the past three months, he was in survival mode, doing the bare minimum at work and coming home early or going to the hospital to take care of Reyna when she

was in the ICU. Gone were the long showers, the calls with family and friends, or the happy hours with co-workers. Gone was Monday night football and the other television shows that he would sometimes watch with Reyna. Gone were the long walks in the neighborhood or the few nights a week at the gym. He hadn't gained any weight from the lack of exercise but actually lost weight. That was only because of the stress and worrying, which kept him up at night.

Earlier that morning, Reyna was admitted to the hospital for worsening headaches. The doctors ordered that she stay the night. She begged Anthony to go home rather than stay overnight at the hospital with her like he typically did. In part, it was out of embarrassment for having to be hospitalized again. She hated Anthony seeing her that way, weak and vulnerable, not the normal strong woman she always portrayed herself to be. In part, she asked him to leave out of concern for his emotional and physical well-being. Reyna could see the wear and tear that her physical issues had on Anthony. He looked gaunt and tired; bags were underneath his eyes. He also spoke softly which only revealed that his spirit was defeated.

Of course, at first, Anthony resisted Reyna's suggestion that he go home. He felt slighted by the suggestion. He couldn't understand why she would make such a request. Had he said or done something wrong? Was she mad at him the way that a fiery Latina can get, unexpected and sudden? He had no idea. All he could tell was that the more that he insisted on staying the night with her at the hospital, the more irritated Reyna became. He ultimately relented.

"Happy wife. Happy life," he reluctantly told himself.

But would that old adage really come true? Reyna was no longer happy, and anyone could tell that Anthony was no longer happy as well. What could he do to make her happy? Nothing. Absolutely nothing. He simply had to be there for her in any way that she needed. Tonight, she did not need him.

Dr. Seiff told Anthony that she might be in the hospital a day or two but would be back home by Monday at the latest. He reassured Anthony that all was well and that this was just a minor setback. Anthony had his doubts but those, he thought, were just his fears playing tricks on him and making him insecure. He undoubtedly saw Reyna's improvement albeit it was slower than expected. Even

the doctors begrudgingly acknowledged that. He had to do something, anything, to lift his spirits.

Just then, the doorbell rang. Anthony ignored it. He thought it was just a salesperson wanting to sell him something or worse yet, a religious person asking to save his soul. This was not the time for frivolous nonsense. He scooped up some more food and pulled out his cellphone. The doorbell rang again. He continued eating and checked his emails on his phone to distract himself. A third ring of the doorbell. Anthony was getting frustrated but tried to calm himself. Then his phone rang. Dana's name came up on the caller id.

"Great, this is not what I need now."

Anthony sent the call to voicemail. Dana just called back. He ignored it again. The doorbell rang a fourth time.

"I know you're in there," Dana exclaimed. "I can see you in the kitchen."

She pounded on the door several times. Anthony was confused. He walked to the front door after hearing her voice.

Reluctantly, he opened the door slightly and reprimanded her, "Dana, what are you doing here?"

She pushed the door wider and walked into the living room.

"I can't take it any longer. I need to see you."

Her eyes were transfixed like a jealous lover.

"Dana, this isn't right. Reyna's in the hospital right now. You need to go"

"I'm so sorry. I know she is okay. Doug called her. We spoke on the phone. I had to come out and be here for you, the both of you."

Anthony slumped down onto his couch after closing the door.

"I really don't know what to do, Dana," his voice cracking while he spoke.

"It's okay, Anthony. She'll be okay. She's a strong woman. Everyone has known that since she was a gymnast in elementary school. You've known that. Hell, even Doug knows that, and he isn't the brightest bulb."

"Does Doug know that you are here?"

"I didn't have the heart to tell him. He's been preventing me from seeing you after the kiss. I don't know why. It was just an innocent kiss. Wasn't it?"

The way Dana gazed at Anthony as she said that betrayed her question. She

knew that it was not innocent in her mind. She wanted more from Anthony. She had since she returned from Switzerland so long ago.

“No, it wasn’t innocent. We shouldn’t have done it. It was wrong. Now, look at us. Reyna is destroyed because of that kiss. I blame myself. I blame you.” His voice was muffled as he struggled to express his feelings, which he’d suppressed since the Sweet Sixteen party.

“Don’t say that, Anthony. It’s not our fault. It was a misstep. That’s all. God isn’t punishing us for a kiss. He would never do that. Would he?”

“I don’t know. I don’t know anything anymore.”

Anthony buried his head in his hands. He became more despondent as they spoke. Dana approached and sat down next to him. She put her arm around him to console him.

“It will be okay. I hate seeing you this way.”

She held him tighter.

“I don’t know if it will ever be okay.”

A single tear tracked down his left cheek and then dripped onto his shirt.

“Please don’t worry, my love.”

Anthony raised his head after the last comment and turned towards Dana. It took a few moments before he spoke.

“I really did love you, Dana.”

He held her hand and squeezed tightly, looking deeply into her blue eyes. Seeing them only rekindled what he felt as a young adult.

“I’m sorry for hurting you and not being patient when you left. I took it out on you. I shouldn’t have done that.”

“Thank you, Anthony. I’ve waited so long for that apology. It means a lot to me.”

“I’m sorry that I didn’t apologize long ago. I was scared. And I wasn’t allowed to.” He almost giggled at the last thought. It brought him a sense of relief and eased his heart. “I wanted to, but Reyna wouldn’t let me. She suspected that I was still in love with you.”

“She was right. I’ve known it all along. But I couldn’t figure out what to do with your feelings, what to do with my feelings. We were both married at the

time. I just wanted to bury them, but I couldn't."

"So why now? Why have you been sharing your feelings with me now?"

"I don't know. Because it feels right. I've held them in so long. I can't keep them in any longer. I can't betray myself anymore. I felt like I've betrayed you this whole time by marrying Doug. Maybe if I hadn't gotten engaged then you wouldn't have gotten engaged too. Maybe we could have gotten back together. I know it's a silly dream, but I can't keep going on knowing what would have been; what could have been."

"I can't deny that I thought those same things too. But you must know that I can't divorce Reyna." Anthony sighed a deep sigh. "Especially now that she needs me so much. That would be an unforgivable sin, the deepest betrayal."

"We don't need to think about those things right now. Just let the future go. Think about tonight. That's all that I am asking for. Tonight. You and I. Nothing more. Nothing less."

Dana moved closer to Anthony and kissed him. His right hand cupped her face as he kissed her more passionately. He gently lowered her to the cushions and pressed his body firmly against hers. Dana's arms tightly encompassed his back, pressing him even closer. He stopped kissing her and raised his upper body. Dana unbuttoned his shirt and Anthony removed it, dropping it on the floor. She caressed his chest and also kissed his pecs.

"I've wanted this for so long, sweetheart."

The two continued kissing and caressing each other.

The rental car parked on the opposite side of the road from the Clifton house seemed empty. But Pamela White was adept at giving that impression. She had investigated numerous cases. A majority of them were infidelity cases where a spouse hired her during divorce proceedings or sometimes just before filing for divorce to find out if their spouse was cheating. She hated bringing them the bad news, but always convinced herself that they already knew it and just needed physical proof. This assignment was a little different being a personal injury

case.

Pamela looked through the zoom lens of her Nikon camera. Click. She had been snapping pictures since Dana entered the Clifton residence. Luckily, the living room drapes were opened and the lights on, allowing her to continue taking pictures of Dana and Anthony sitting next to each other, kissing, and ultimately making love on the living room couch. They were apparently unaware of Pamela's presence or did not care.

Pamela planned on being there all night to take pictures of Dana leaving, if she even left by morning. She did not.

14 EARLY MEETING

Phoenix, Arizona

Earlier that Day

While Daniel was seated in his office near the corner of the Alterra Building on the fifth floor, Marissa stealthily entered, “When is the early meeting in Clifton v. The Regal Wisteria Resorts?”

“In about five minutes. Can you get John and bring him to my office?” Daniel instructed her without moving his eyes away from his computer screen.

Marissa complied, left Daniel’s office, and returned with John. They sat on the two chairs in front of Daniel’s desk.

“Have you spoken with plaintiff’s counsel yet,” John asked Daniel.

“No, this will be the very first time. I’m not sure which one of the two or both will be on the phone.”

Lydia patched in the call from her phone to Daniel’s phone around the corner. Daniel answered it and put on the speakerphone.

“Hey, Daniel. This is Thomas Lopez. I have my co-counsel, David Millerson on the line too. It’s good to finally speak to you. I know we’ve exchanged a couple of emails recently after I received your answer.”

“Good morning, Tom and Dave. I have my associates, Marissa and John, with me. You’re on a speakerphone so if you hear an echo or anything like that, please let me know.”

“You guys are fine. I’m a little tired so excuse me if I yawn a bit.” Thomas

yawned as he finished the last sentence. “So sorry. I just got back from hunting in Venezuela this morning. It was a long flight.”

“Well, I hope you are up to this. If you need to reschedule for later today or another day, I’m fine with that.”

John and Marissa knew that Daniel was just being polite. They were all a bit perturbed that plaintiff’s counsel hadn’t scheduled the early meeting on another day or later that afternoon if he knew that he was going to be on vacation out of the country.

“No, no. We agreed to 10 a.m. We are men of our word. We will stick to that. Dave may jump in if I forget today. Won’t you?”

He could be faintly heard in the background agreeing to Tom’s suggestion.

“Did you guys send me the draft joint report and proposed scheduling order? I didn’t see it in my mailbox this morning,” Daniel inquired.

“That’s something new for us. We don’t normally practice in Arizona. We’ll have Tammy’s office prepare something after this meeting. You should have it later today. Tomorrow at the latest.”

“Great. I’ll look out for it.”

“I guess you folks will want to depose the Cliftons and their children. I just want to let you know these are great people. I know that you probably hear that from plaintiff’s counsel all the time, but I mean it. They’re college sweethearts, have known each other since they were kids...”

Plaintiff’s counsel continued lauding the praise of his clients and why they were credible and believable. He also reminded Daniel that the only witness to the fall was Reyna herself and that this worked in their clients’ favor. But Daniel already knew that.

“Sure, we will want to do all that. We can fly to Vegas to take the depositions of Mr. and Mrs. Clifton and their two children. Under Arizona law, you guys are required to come to Phoenix since you brought the lawsuit here, but I’ve talked to my clients and we understand Mrs. Clifton’s fragile condition. We don’t want to put her through any unnecessary issues.”

“I appreciate that. And my clients are okay with a telephonic or video deposition if that is easier on you.”

Daniel was aware that his client would want him to access the Cliftons' credibility and demeanor himself so that Daniel could accurately report how they performed as witnesses. This was critical information that the client needed to evaluate trial strategies as well as settlement strategies. Poor witnesses meant the jury would be unsympathetic and unlikely to award significant damages. A jury can relate to witnesses who were friendly, likable, and down to earth. The jury would be more willing to award significantly more money to a plaintiff they could relate to. Consequently, Daniel politely declined the plaintiff's suggestion.

"Alright then, I will let you know that we intend on deposing the general manager, Jason Gould."

"I wanted to let you know that he is no longer with the company. So, I will disclose his last known address so that you can locate him."

All parties had to disclose any potential witnesses, exhibits that they intend on using at trial, and any legal theories and defenses that they planned on asserting during the litigation. It was out of the ordinary to give an opposing counsel the address and phone number of a key witness like a general manager, but these circumstances were different. Daniel didn't want to be in a position where Tom and Dave would accuse him of not doing enough to locate Jason. This way the plaintiff's counsel could utilize their own resources (time and money) to locate Jason themselves. If they located him, they would be obligated to provide his contact information but could not talk directly to Jason because he was the general manager at the time of the fall. This was the best of both worlds for Daniel's client. They didn't have to spend money locating Jason but knew that plaintiff's counsel couldn't get any privileged corporate policies and procedures or learn anything confidential about the case from Jason. Only unethical attorneys would ignore that responsibility and would try to glean information from a disgruntled, former manager.

"Was he fired for this incident," Tom asked eagerly.

"Not to my knowledge. I understand that he had already tendered his resignation before this incident occurred."

Daniel didn't want to volunteer the reasons why Jason had tendered his resignation. It would ultimately come out at his deposition. Plaintiff's counsel

would have to wait until then to find out why and would likely misconstrue the reason in a way that benefitted his clients.

“Well, if we don’t find him, then I will want a Rule 30(b)(6) deposition of the resort,” Tom explained.

Daniel expected that as well. A Rule 30(b)(6) deposition was a deposition of a corporate entity when a party doesn’t know of the exact witness who has knowledge about particular areas of interest related to the litigation. The plaintiff’s counsel would have to describe with reasonable particularity the areas of examination for the deposition so that the corporate entity could designate one or more individuals who were reasonably educated to testify on those matters. More than likely, the resort would designate Adam Stamets since he was the current general manager.

“No problem. Just let me know which way you want to proceed, and we can accommodate your request.”

Daniel motioned to John while speaking to Tom.

John scribbled on his legal pad, “Adam’s not going to like that.” He showed the legal pad to Marissa and she smirked at the thought.

“I received your notice of non-party at fault designating Arrowworks Security Services as a non-party who may have been negligent. I need to look into this. I may want to amend the complaint and add them as a party to the lawsuit. Then again, I may not. It all depends.”

“We will disclose the security services agreement with our initial disclosure statement. Once you get a chance to review the agreement, you will see the scope of responsibilities agreed to by Arrowworks.”

“I don’t know about this, Dan. I’ve never seen this type of arrangement before. I have my doubts.”

“Look, I’m not going to tell you how to litigate your client’s case, but I can tell you that the security personnel are responsible for logging in whether there was an issue with the light fixture in that area and ordering any light bulbs. I know that it’s unusual.”

“If that’s true, Dan, and I don’t have any reason to believe that you would mislead me about these things, but I will definitely want to amend the complaint

to add Arrowworks. Will you stipulate to allowing me to amend the complaint?”

“I’m fine with that, Tom. I’m not the type of attorney who is going to fight you on everything. You can count on my cooperation on most things.”

“I appreciate that, Dan.”

Tom motioned to his secretary who was in his office that she needed to task the paralegal to draft an amended complaint just in case.

“I’m also going to need to depose someone from Arrowworks.”

“I anticipate that, but as you know, once Arrowworks appears and files an answer in this case, then their counsel will coordinate with Arrowworks and get you the name of the individuals who you may want to depose. Just so you know, the Regal Wisteria has already tendered this case to them, but they haven’t accepted the tender.”

“Dan, I expect nothing less. One last thing before we go. Dave and I hired a human factors guy from San Diego. He is the best in the country. His father is a human factors expert too, so he comes from a long line of experts. Once Arrowworks is in the case, we will want to inspect the staircase where Reyna fell. We think this is critical to our case and know that it will change your client’s mind about liability. We hope so. We’re used to defendants who have a scorched earth mentality. We know that you have to do what you have to do, but we are advocates for our clients as well. We know what this case is worth and we want you guys to understand that, Dan. Our clients aren’t going to take anything less than what they deserve. And they deserve a lot.”

Dave silently agreed to Tom’s sentiment.

“Understood,” was Daniel’s only immediate response. He wanted Tom and Dave to think he was ruminating over their latest blustering. That was part of the “game” of litigation.

Daniel was accustomed to posing during conversations with opposing counsel, but never during an early meeting. These telephonic meetings typically lasted just a few minutes and focused solely on getting the requisite documents filed with the court. None of his previously early meetings lasted as long as this one. He wondered what he would be in for with these two. Only time would tell.

“Well, Tom. I assume you know that we will need your client’s medical

authorizations from her current and previous medical providers. Once we get all of her medical records, we will want to schedule her deposition and, of course, schedule some independent medical examinations. I don't know which ones offhand, but once we get the medical records, I will let you know. Remind me, is Mr. Clifton making a loss of consortium claim?"

"Of course. He's devastated by this. Their loving family has changed. You'll see that he is a doting husband who really loves his wife. I can't stress that enough, Dan. Your client needs to know that."

"Loss of consortium" was a fancy legal phrase meaning the deprivation of the benefits of a marital relationship, usually focused on the sexual relationship between the married couple, but it could include other marital services.

"I will let them know, Tom," Daniel glibly responded.

Daniel held close the card that he would play once Anthony Clifton's deposition was scheduled. Even Marissa and John were not aware that Daniel hired Pamela White. The salacious photos of Anthony and Dana taken by the private investigator would be shown to Mr. Clifton during his deposition and used to undermine the loss of consortium claim.

These types of claims were always difficult to pursue for just those reasons. Daniel dreaded having to question people about their sex life: how often they had sex, whether there was a history of infidelity or separation, whether there was domestic violence. Witnesses often got very emotional during those questions. What complicated the matter is the spouse was always at the deposition. Listening to testimony about how their spouse cheated or were physically or emotionally abusive towards them opened old wounds.

Sometimes they were fresh wounds when the spouse learned for the first time about infidelity that they never heard before which undermined the marriage. Oftentimes, those questions encouraged plaintiffs to settle rather than endure the personal intrusion by an unknown attorney. Some plaintiff's counsel didn't bother to even bring those claims for these very reasons.

Daniel suspected that neither Tom nor Dave knew of the sexual relationship between Dana and Anthony. Otherwise, they would not have asserted the loss of consortium claim.

“I don’t have anything else, Tom.”

Tom turned to Dave and asked if he had anything else. Dave shook his head.

“Me neither, Dan. It was nice meeting you, John and Marissa. I look forward to working with your team in the future.”

“Thanks, Tom. Me too.”

After the early meeting was over, John and Marissa went back to their respective offices and focused on other cases they were assigned to. Daniel, however, couldn’t stop thinking about what Tom said about the case. Something about the conversation gnawed at him. He dialed Michael Cassell’s cell phone number.

“Mike, tell me about this human factors expert in San Diego.”

15 THE SECOND

Las Vegas, Nevada

Two Days Later

Sunday Morning

“Do you want sausages or bacon with your Eggs Benedict?” the younger, naive server asked with a polite smile.

“What do you think, Anthony? Should I splurge and get some extra on the side? I don’t want to mess up my girlish figure,” Dana boastfully smirked as she questioned him about her options.

Dana knew that Anthony would compliment her like he used to do when they dated in high school. He couldn’t resist talking about how gorgeous she was. Of course, Dana exploited every opportunity to hear a compliment or two no matter whom it was from. Today was no different.

“Babe, you look gorgeous.” His grin was so embarrassing as he spoke that he almost stopped himself from saying anything more. Reyna was far from his mind. But he continued unabashedly, “What’s a piece of meat or two when it comes to your undeniably sexy figure?”

Even Anthony shocked himself when he realized what he had just said. Where was this coming from? He hadn’t spoken like this toward Reyna at any time during their twenty-year marriage. There was something about Dana that always brought the naughtiness out of him. He didn’t know what it was. Maybe it was her unquenchable, friendly demeanor that she exuded where she went

whether it was at a party or strolling down the street talking to complete strangers? Or how she just made him feel extremely loved in ways that Reyna never did even when they first started dating in college?

“Oh wow, you’re a tiger. My tiger.” She playfully roared and then turned to the server with a completely professional tone, “I’ll have both, please. Thank you.”

The server scribbled the order on his pad, and they walked away fully annoyed at the couple.

“I’m going to paw you when we get home,” Dana exclaimed while she used both of her hands to mimic the gesture.

“Stop it. Not in public,” Anthony laughed uncontrollably. He didn’t know why it didn’t matter to him who heard them or saw them act this way. So long as he was with Dana, finally, nothing really mattered anymore. To his dismay, not even Alejandra or Ash.

“Let me call Doug. He’ll want to know where I am.” Her voice deepened and became stern, reflecting the seriousness of what she had just proposed.

Nervously, she grabbed her iPhone from her purse and called her husband. It rang and rang, but no answer. Dana wondered where Doug was. It was only a little after noon in Chicago. Doug should be with Angela and Phillip eating lunch at home and not traipsing around the city. Dana wondered if Doug had gotten on a flight to confront her in Vegas.

“No, he wouldn’t do such a thing. That’s out of character,” she reassured herself.

“He’s not answering.” Her face uncharacteristically revealed her uncomfortableness as she addressed Anthony.

He stopped drinking from his glass of Bloody Mary, almost spitting some of it out in the process.

“Is he okay?” Anthony wondered. “I’m sure he’s okay. So are Phillip and Angela. There’s nothing to be worried about.”

There was no point in trying to persuade Dana. In some ways, she was always distant when it came to her family, including her children. Anthony was puzzled as to how she could be that way with them and be the complete opposite

with him now. He didn't have to deal with Dana's behavior over the past two decades, but at that moment it seemed so out of the ordinary and strangely disturbing.

"Am I breaking up a family?" he speculated.

Anthony knew that if he voiced this opinion, Dana would adamantly deny it and convince him that nothing had changed, she had always been that way, and would continue to be that way even if they weren't together.

"Together!!" he silently exclaimed. "Are we together?" That thought made him feel uneasy and ashamed.

Anthony grabbed the napkin from his lap, hurriedly stood up, and dropped the napkin on the table.

"I have to go." He looked at Dana's eyes intently and then started walking towards the exit.

She pressed her hand against his thigh before he made the second step. Anthony stopped in his tracks. He refused to look at her but struggled not to.

"Don't go. Please." Her sweet voice disarmed him.

Anthony's chest heaved as he unconsciously sighed.

"I... I don't know... I have to go, Dana."

Before Anthony could take another step, the server approached carrying two plates in his hands.

"Eggs Benedict."

Dana silently pointed to that part of the table in front of her and the server cautiously placed the plate there.

"That means the Huevos Rancheros are for you. Watch out. The plate is hot."

After the server placed the hot plate on Anthony's side of the table, Anthony felt obligated to sit down and finish the early brunch with Dana.

"Thank you." Dana expressed her gratitude with a wink and a smile, her normal flirtatious self.

Anthony ate his breakfast, slow and undetermined without speaking a word or looking at Dana. She watched, wondering if things would get back to normal. A part of her knew that it was only a matter of time. It was always that way until Reyna stole Anthony away from her.

“I should have fought harder for my man, for us, for our future,” she pensively contemplated while gazing at him across the table.

“Stop looking at me,” Anthony muttered. He could feel her penetrating gaze upon him even though he was looking down towards his plate rather than at her.

“I can’t help it. I miss you. I always have.”

“I miss you too, Dana. But now is not the time to think about that. You should be thinking about Doug and the kids. He hasn’t called you back. Aren’t you worried about them?”

“I’m not. They’ll be okay. I promise.”

Just then, Anthony’s phone rang. He suspected that it was Doug about to confront him about spending time with Dana. Instead, it was an unknown number. Anthony answered it.

“Hello.”

“Mr. Clifton. This is Trudy Williams from Summit View Hospital. Dr. Seiff asked me to call you.”

“Is there something wrong,” Anthony anxiously asked.

“Let me get Dr. Seiff. He would like to tell you himself.”

The call was placed on hold as the nurse quickly fetched Dr. Seiff.

“Good morning, Mr. Clifton.” Dr. Seiff was always polite when he spoke to patients or their family. His bedside manner was impeccable.

“Yes. Trudy said that you want to talk to me.”

“I do. I’m sorry to say but I have some bad news.”

Anthony braced himself.

“Reyna had a second stroke this morning. We have been trying to restore the blood flow to her brain. We’ve started an IV of recombinant tissue plasminogen activator. This will dissolve the blood clot. It may take several hours, but we are hopeful. There are other therapies available if the activator isn’t as successful as we’d like...”

“I’ll be right there,” Anthony interrupted and hung up the phone.

The anguish and frustration in his voice were apparent.

Dana watched perplexed as Anthony hurriedly left the table and rushed to his car.

“Anthony!! What happened? Tell me,” she exclaimed as she turned her body to face Anthony walking towards the front door.

He ignored her and continued undeterred.

“I’m here. I’m here now.”

Anthony excitedly walked to the side of Reyna’s hospital bed squeezing her hand tightly. She sighed, tears drawing down her face like a river of grief.

“Please...” her voice struggled to pronounce the word. “Please... Please hold me.”

As Anthony was about to wrap his arms around his wife, a nurse suddenly walked in.

“Excuse me. Can you step back? I need to check her IV,” the nurse’s southern accent was apparent as she spoke authoritatively.

Anthony hesitantly complied and stepped back so that the nurse had a straight shot to Reyna. He watched as the nurse pushed a couple of buttons on the IV pump closest to the bed. It beeped a sound that Anthony was familiar with the last time Reyna was in the ICU. The nurse then replaced the empty IV bag with a full one. She pushed a couple of more buttons to restart the pump. Grabbing her right wrist, the nurse then took Reyna’s pulse.

“How are you feeling dear? You doing okay?” she asked while executing the procedure.

Reyna slowly nodded in the affirmative and then looked towards her husband.

“Dr. Seiff will be here in a moment. Just hang on,” the nurse told Anthony before she exited the room.

Within moments, Dr. Seiff arrived, unusually, by himself. He looked at Anthony and then sat down on a chair near the foot of the hospital bed.

“Please, Mr. Clifton. I have something to talk to you and your wife about.”

Anthony walked closer to Dr. Seiff, leery of what was next.

When Anthony stood beside Dr. Seiff, he began explaining, “Your wife is

doing fine. We are happy about her progress. But our immediate concern is to decrease her risk of having another stroke. I've talked to my colleagues and they all agree that we should perform an angioplasty. Would you like me to explain what an angioplasty is?"

Dr. Seiff waited for Anthony's response.

Anthony glanced at his wife lying still on the hospital bed and listening attentively to every word. She gave him that familiar look she typically did when she wanted Anthony to do something important on her behalf. He understood.

"Yes, Dr. Seiff. Please explain."

Anthony sat down in the adjacent chair, steadying himself.

"There is a narrowing of Reyna's blood vessels in her brain, disrupting the flow of blood to her brain which caused the stroke. During an angioplasty, we will thread a catheter to your wife's intracranial artery through an artery in her neck. We will then inflate a balloon to expand the narrowed artery. To support the opened artery, we will insert a plastic stent.

"I'll be honest with you, Mr. Clifton. Arteries inside the brain are very small. They have a lot of twists and turns, making it difficult to navigate with a catheter. This procedure requires expertise and specialized equipment. I've done it a dozen times. I am confident that I can successfully perform the procedure. But I have a colleague from New York who specializes in intracranial stent placement. He's done this procedure hundreds of times. Maybe a thousand. Fortunately for you, he's in town for a conference. I just got off the phone with him. He's willing to do the procedure on Reyna if you consent. He doesn't have hospital privileges here, but the hospital president is willing to waive that requirement and take the unprecedented step of giving Dr. Stone temporary hospital privileges if you and Reyna agree to the procedure."

Anthony looked over to Reyna. He decided to stand next to her so that she could speak to him about this decision.

"This sounds scary. Are there any risks?"

"Yes. There are a number of complications. An artery can be punctured during the procedure. The stent can move. There can be damage to the lining of the blood vessel causing an artery dissection. But there are also risks if the

procedure isn't performed. We can continue to treat Reyna with medications alone but there is a very high probability that she will have another stroke. It is also possible that if the narrowing of an artery remains untreated, it may rupture.

"We think the angioplasty is the best for her. But you both should discuss the risks and benefits of the procedure before deciding."

Dr. Seiff stood up and proceeded to the door.

"I'll leave you alone. Dr. Stone won't be able to perform the procedure until tomorrow night anyway at the earliest. Take your time and let us know either later tonight or tomorrow."

"Thank you, Dr. Seiff," Reyna whispered.

"Yes, thank you."

Dr. Seiff smiled and exited the room, leaving the Cliftons alone.

16 INSPECTION

Scottsdale, Arizona

The Next Morning

Monday

“**L** ydia, can you let Mike know that I am at the resort, waiting for him?” Daniel said, leaving a voicemail message on Lydia’s work phone. He had been waiting at the resort for about a half-hour before calling the office to determine why Mike was late. That was uncharacteristic of him. Daniel already left a voicemail message on Mike’s cellphone but there was no answer.

After ending the call, Daniel scanned the resort for Michael Cassell, the human factors expert that he retained earlier in the case. A tall, burly, white male in casual clothes approached the double exterior staircase at the Regal Phoenix Resort and Spa and walked towards Daniel.

“Hey Daniel. Glad to see you again,” Mike announced as he extended his arm to shake Daniel’s hand.

“Thanks, Mike, for coming here,” Daniel commented as he shook Mike’s hand.

“Is plaintiff’s expert going to be here at this inspection,” Mike inquired.

“No. This inspection is just for us because we always have access to the resort. I’ll want you to be there when the plaintiff’s expert inspects the staircase to make sure that he’s being honest. I just want to anticipate what their expert will say and what the weaknesses are before we get their report,” Daniel

explained.

“No problem. I can be there at that inspection as well. Just let my wife know and she’ll make sure it’s on my calendar.”

Mike began to unload some of the equipment that he brought with him to measure the staircase and to take photos and video for his expert report which would be disclosed in the months to come.

“I will also need to come here at night to measure the illumination produced by the lamps,” Mike explained as he snapped photos of the various light fixtures in the area of the staircase.

“I’m fine with that. Just let me know what else you need. Can you send me a budget for that inspection?”

“I can do that. Is an email fine?”

“That’ll work.”

When Mike finished unloading his equipment, Daniel handed Mike a couple of photos.

“What are these?” he asked.

“I got these from Facebook. These are photos taken by some friends of the Cliftons who attended the Sweet Sixteen party,” Daniel declared.

Daniel had Pamela monitor the Cliftons Facebook account to see if there were any posts about the incident that would assist the litigation. Pamela found the photos on the Facebook accounts of friends of the Cliftons. Some photos were taken by Efron, Esperanza’s husband. The other photos were taken by Winfred.

“When were these taken?” Mike asked as he examined the photos one by one.

“Good question. I don’t really know. They aren’t date stamped. I’ll need to ask them during their depositions, but I’ll have Lydia send you the actual Facebook posts so that you can know when they were posted at least.”

“I’ll want to know. It makes a difference.”

Mike stared at a particular photo that made the staircase appear very dark compared to the rest of the photos.

“I imagine that the plaintiff’s expert...”

“Doctor Coen,” Daniel interrupted.

“Oh, geez. I know. Dr. Coen. He’s a hack. He’ll say anything so long as you pay him. I’m not surprised that the plaintiffs retained him. Anyway, Dr. Coen will want to replicate the lighting conditions in this photo during his inspection and measure the lighting.”

“Yeah, I figured that,” Daniel hid his frustration as he spoke.

Daniel watched as Mike took additional photos and made measurements, including measuring the individual steps. The process took about thirty minutes or so. During that time, Daniel took some photos of his own, but mainly answered emails on his work phone and made a few quick calls.

Daniel was aware that attending inspections were tedious but something that he had to do as part of his job. His clients expected the firm to report the preliminary results of any inspections before the formal report was finalized. This way they were aware of any pitfalls in their case and could act appropriately by either settling the case or hiring additional experts as needed.

The good thing about inspections is that it allowed Daniel to get out of the office and be outside in the nice, warm, December weather in Arizona. John and Marissa eagerly volunteered to attend the inspection, but the client insisted that the senior partner attend. Consequently, Daniel cleared his calendar to appease his client.

Closing the top of his equipment box, Mike turned towards Daniel.

“I know you’ll want my opinions. I can only tell you what I think now, but once I do the actual night inspection and take measurements to confirm my understandings, I can finalize my opinions. These stairs are part of the means of egress from the hotel. The building code section addressing means of egress provides a lower limit value for illumination. That is typically one foot-candle at ground level.”

Mike pointed to the various lighting fixtures, directing Daniel’s attention to them.

“The lower part of the stairs is not illuminated by a source directed at the stairs. The lower steps were illuminated by the luminaire located to the left of the upper stairs. I anticipate that once I take the measurements at the night

inspection that the values will be below one foot-candle on the lower flight of stairs. That's not good but not the end of the story. While it's likely that the light measurements will not comply with the building code for means of egress, remember these values are specified as minimums for emergency conditions.

"Let me give you a real-world example. The minimum value in an auditorium during a performance such as a movie theater is only 0.2 foot-candle. In looking at these photos and given the luminaries in this area, I anticipate that the measurements will be anywhere from three to four times that amount. That's plenty of light to see and walk down the stairs."

Daniel thought intently about what Mike was trying to explain. A confused look came over him.

"Think of it this way. When you are in a movie theater and the movie is playing, the stairs are lit. Correct?"

"Yes," Daniel agreed.

"Ever go to the concession stand to buy popcorn during the movie?"

Daniel grinned, "Yeah, sometimes, but I try to buy the popcorn and drinks before the movie so that I don't miss it." Daniel failed to mention that he loved eating Goobers and Raisinets when watching movies. That obviously wasn't relevant to their discussion.

"Sure, everyone does, but you know what I mean. Have you ever fallen down the stairs while walking to the concession stand during the movie?"

"No."

"That's because even at 0.2 foot-candle you can see the stairs and adequately maneuver them without falling."

"That's right. She should have been able to see the stairs even if there was bad lighting."

"Now you're catching on."

Daniel frantically took notes on a yellow legal pad as Mike spoke. His bad handwriting would be illegible, but the act of writing increased his memory of what was written. Mike waited to speak again until Daniel was finished writing.

Mike continued, "Both the lower and upper stairs have handrails and a yellow contrast stripe on the tread edge."

Daniel hadn't noticed the yellow stripe before. But that's why experts are retained to notice things that the untrained person may not realize are important. He looked at both sides and confirmed that the striping was on both staircases.

"My client will like that."

"There's more. While lighting may be a factor, each fall event has to be evaluated within the context of all the facts associated with that event. You will have to ask Mrs. Clifton during her deposition if she used the handrails and if not, why not."

Daniel grabbed the handrail next to him to confirm that it was securely fastened to the staircase. It was.

"But I don't always use the handrail when walking down the stairs."

"Not everyone does all the time. But if you couldn't see the stairway below you because of poor lighting, wouldn't you make sure you grabbed the handrail so that it could guide you down the rest of the stairs?"

The answer was self-evident.

"Inattention and distraction have also been known to be factors in falls on stairs. The features and conditions that Mrs. Clifton perceived before the fall are not known, and due to her experiencing a traumatic brain injury, reliance on what she will testify to provides a highly suspect basis for analysis. The complaint states specifically that she has memory loss issues so it's possible that she may not fully remember the event. Were there any witnesses to the fall?"

"None that we know of."

Scouring the areas for cameras, Daniel saw none. He remembered that the general manager of the hotel told him that there were only three cameras on the property: two in the parking lot and one near the front desk.

"That's not going to help, but I have one last thing to let you know. This may be a problem. I just don't know at this point. But I suspect that in the end it really won't matter. Once Dr. Coen inspects the stairs, he will notice that there are variations in step geometry in the upper stairs. They may not be compliant with OSHA specifications. He will make much of that to distract the jury. He's good at doing those things. But I think this is a moot point.

"In looking at pictures of where Mrs. Clifton landed after the fall and spatters

of blood, it's apparent that Mrs. Clifton did not fall because of the upper stairs. She must have fallen down the lower stairs. The lower stairs appear to be OSHA compliant. So she successfully navigated the upper stairs with the varying geometry issues without falling. So, I don't believe that there is any evidence that the geometry of the upper stairs has any relationship to the cause of the fall."

Daniel scribbled again in his legal pad to ensure that he reported it to Gerry accurately. Gerry would be disappointed by the OSHA complaint issues but pleased that it wasn't a factor causing Mrs. Clifton to fall.

"Is there anything else that you think I should need to know?" Daniel inquired.

"This scenario apparently does not involve the effects of lighting. Mr. McIntyre, who found Mrs. Clifton, was able to descend the staircase without any issues. This hotel has been here for several years. So countless others were also able to safely descend the stairs.

"Other scenarios possibly exist which better explain the fall. Mrs. Clifton's attention may not have been focused on the act of walking or was temporarily directed away from the task. Inattention and distraction can occur during daylight conditions as well as darkness. So, in my preliminary opinion, the effects of lighting or stair geometry are not established as the most probable factors in this fall event."

Everything sounded official and scientific. But Daniel knew that juries don't always agree with what experts testify to, especially paid defense experts. Plaintiff's attorney always pointed this out during closing arguments to try and sway the jury. Jurors needed a story to follow. Why did Reyna Clifton fall? The jury needed an explanation. Reyna was an attractive, mother of two with severe injuries. She made a very sympathetic witness. Without a plausible explanation of the fall, the jury could base their decision on sympathy and emotion rather than the legal rationale even though the jury would be specifically instructed not to consider sympathy in rendering their verdict. This was the Achilles heel of the legal system that Daniel was all too familiar with.

Daniel needed something more. Something to pin liability on someone other than his client. Mrs. Clifton's inattention was the easiest target. But what if there

was something more?

“What if she was pushed?” he mused.

“Now that’s an interesting question. I thought about it. I noticed that her injuries are not fully consistent with a normal fall down the stairs, but it’s hard to tell at this point. I will need to see her medical records first. When do you think we will get them?”

Daniel calculated in his mind how long it had been since he had filed the answer to the complaint.

“It’s almost been a month now. I expect to receive the plaintiff’s initial disclosure statement with her medical records in the next week or so. I will have Lydia send that to you as soon as we get them.”

“I will be out of the office for the next two weeks. My wife and I are going to Scotland for the New Years' holiday. I haven’t been there in a couple of years now. But when I get back, I’ll make sure to review her medical records.”

“No worries, Mike. We don’t have any deadlines in this case yet, so your report won’t be due for at least several months from now. I just want to personally know if there is any foul play in this case.”

Daniel had his suspicions from the start. But he was suspicious by nature. Now that Pamela sent him pictures of Mr. Clifton with another woman, that only made Daniel even more suspicious. Who was this woman? Did she play some part in Mrs. Clifton’s demise? Or was it just an innocent affair? Daniel did not know but once Pamela came back from Vegas, hopefully, she would shed some light on these issues.

Las Vegas, Nevada

The Same Day

Monday Morning

“**N**o mom, you don’t need to speak. It’s okay. Just hear me out. I am so sorry that I got upset after the kiss between dad and Dana. I know you were hurt. I was just thinking about myself and my party, my friends. But I shouldn’t have. I should have been thinking about you and how you were feeling. In the grand scheme of things, like you and dad always tell me, the party wasn’t as important as your relationship, your marriage, our family.”

Alejandra’s voice cracked as she thought about that night again. It was like an unending vivid dream. Screams by everyone present could be heard echoing in the garden even into the Grand Ballroom where the party was. Blood dripping from her mother’s lifeless body pooled around her like a ghastly shadow encircling her. She was gone. Or was she? Alejandra’s heart pumped ferociously at that moment as she relived seeing her mother sprawled out on the ground in the garden of the resort. It was an image etched in her teenage mind that she would never forget.

“I’m so sorry,” Alejandra continued once she composed herself. “I’m so sorry.”

Reyna heaved as she tried to hold back the tears. She was unsuccessful. But that didn’t matter to her anymore. What mattered was that her daughter was here,

the two of them together. That would only ever matter. She always taught Alejandra and Ash to forgive others, even strangers, and to show compassion in the face of extreme hardship, even if it wasn't easy to forgive. Forgiveness was good for the soul ultimately although it didn't always feel that way at the time. Reyna reminded herself of that and hoped that her daughter, her son, and even her husband remembered their many talks about forgiveness and the sermons that they heard while at church.

Finally, the mother/daughter forgiveness was genuine and true. It was meant to repair what should have been unbreakable even if it was broken for what was actually only moments. To a teenager, the broken relationship resulting from the disruptive festivities seemed to have lasted a lifetime. That was so long ago.

"Mom." Ash approached tenderly and ashamed. He was previously at the back of the hospital room near the door, hiding while his sister originally spoke to their mother.

Reyna cradled him, gently pressing the back of his head with her hand towards her body like she did when he was a fragile infant who needed her protection. She knew that he needed her protection even now.

"I know son. I know," she whispered as he sobbed uncontrollably on her chest.

A mirage of thoughts escaped her as if she could no longer contain them. How would she be with her children now? She was the one who cared for them when they were little, catered to them as they grew up and became teenagers, challenged them to exceed themselves and to be better than the sum of their parts. Now Reyna needed them to be her mom. She needed them to encourage her to move on, to move forward despite the many physical and mental challenges to come, despite the pain, despite the shame, despite everything that would discourage her from seeing hope amidst the hopelessness. How could she require that of them at such a tender age? They weren't ready for it. And neither was she.

She could only hope that Anthony was strong enough for all of them, that he would endure despite his own reservations, his own fears, and resentment. She had picked a good husband. Or so she tried to reassure herself. The tryst with

Dana at Alejandra's Sweet Sixteen party gave her the first doubts after all these years of knowing each other and being married. She, of course, was not aware of the romantic escapade that the two former lovers just had that weekend in her home, nevertheless.

Alejandra came forward and joined her mother and brother in a group hug as best as she could, given the IVs and other equipment clustered around the hospital bed.

"I love you, my little muñeca. I love you, Ash."

Her children echoed the sentiment with even tighter embraces. She kissed them both lovingly.

In the hallway, just outside the door, was Esperanza: listening, observing, enjoying the reunion of sorts. She had encouraged her niece and nephew to visit their mom before the pending surgery. At first, they were reluctant to see their mom as teenagers generally are. The excuses about upcoming activities and the need to visit friends were among their first responses. But in the end, it was really about the fear of seeing their always strong mother so helpless and vulnerable. When their protestations were unending, Esperanza pulled the "godmother" card and told Alejandra that she had to listen. Esperanza convinced them of the importance of seeing their mother and being supportive despite their own fears. Seeing them like this with their mother now only encouraged Esperanza that she was right. But a gnawing feeling, buried deep, still haunted her. She tried to suppress it at that moment.

"Kids. Your mother needs some rest. Besides, you guys must be hungry and need lunch," Esperanza cajoled as she walked to the door entrance. The door was slightly ajar.

"Just a few more minutes," Ash begged as he turned towards his aunt. "Please."

"Ok. I'll be right back."

Esperanza walked down the hallway towards the vending machine that was near the bank of elevators. She made a call to her husband to check in and let him know that they would be leaving the hospital shortly.

Several hours later, Dr. Seiff and his team left Reyna's hospital room after speaking to her and her husband about the upcoming angioplasty procedure. Reyna reluctantly agreed that morning after a long discussion with Anthony the night before. The welfare of her children was her foremost concern. Without the procedure, she would likely have multiple, debilitating strokes leaving her unable to take care of her children and unable to be the wife that her husband needed. Not to mention the inability to go to the social functions that she was accustomed to, being a stay-at-home wife. That was not the life that she wanted to live. She wanted a return to normalcy as best as she could. Only the surgery gave her that opportunity. She ultimately came to that conclusion.

Now alone, she was simply waiting for Anthony to return with items that she requested from home; meaningless, vain items, but items that she felt she needed to make her feel at home during the strangeness and isolation of a hospital stay. He reluctantly agreed to leave her side and fetch the items out of a sense of loyalty to his wife.

Reyna was finally relieved. She was still worried about the upcoming procedure, but that was still several hours away. Dr. Stone could not perform the angioplasty until ten that evening. The silence gave her some time to relax without having to worry about the expression and feelings of her family and friends. She had discouraged herself from calling her sister or even Josephine. A part of her regretted that decision because she still needed comfort of her own. A part of her, however, wanted to be by herself and so she was.

At that moment, she decided to close her eyes and rest; to relieve her soul of any doubts and abiding anguish. It was a serene feeling. Everything was eerily silent. She could not hear the sound of nurses rushing through the hallways, or the buzzing of the IV pumps in her room or in the adjacent hospital rooms like she could previously hear throughout this past weekend. They were annoying and unending. A sense of euphoria overcame her; a euphoria whose origin was unknown until she could feel a tightness on her face and her lungs gasping for air.

Reyna tried desperately to breathe, to open her eyes again, but she could not see. The heavy, cotton pillow was covering her eyes and mouth, darkening her vision, and hindering her ability to intake air. She flayed her arms in a hopeless effort to remove the pillow from her face. But the assailant pressed down even harder so that Reyna could not resist. And she could not. The life was draining out of her, quicker as the moments transpired. Her arms suddenly fell to her side, indicating that the struggle was finally over.

The assailant quickly moved the pillow off of Reyna's face to confirm the inevitable. It was true. Her cold, lifeless body lay on the hospital bed. With speedy determination, the assailant arranged Reyna's body so that it was in a normal sleeping position to avoid any suspicion. The pillow was hurriedly fluffed and neatly returned to its original position near Reyna's head.

Stepping quietly from the hospital room, unseen, the assailant stealthily took the stairs adjacent to Reyna's room so that none of the nurses or anyone else in the hospital could see the rapid escape.

18 ANNOUNCEMENT

Phoenix, Arizona

Two Weeks Later

While Daniel was watching an episode of Star Trek: Picard, the loud female voice from his Amazon Echo blared throughout the home, “Someone is at your front door.”

“Thank you,” Daniel replied even though he knew that Alexa would not acknowledge his comment. He responded instinctively out of habit.

Daniel hurriedly walked from his family room upstairs to the front door. The young man, Jarrod, stood at the front door waiting with a bag of pernil, arroz con gandules, some habichuelas, and tostones from Millie’s Cafe. Daniel originally planned on ordering a pasteles or two but decided at the last minute to instead order some alcapurrias. He didn’t get a chance to eat the tasty fritters made of green bananas and yuca and filled with ground beef while vacationing in Puerto Rico for Thanksgiving. So, he decided to order alcapurrias because at that moment, two months later, he was still missing his homeland.

The trip had been cut short after the incident with Leon so Daniel had been unable to do a lot of activities that he had planned to entertain Layla. He wasn’t sure if Layla would have agreed to go ziplining at the Toro Verde Nature Adventure Park. The zipline was one and a half miles long and nestled in the mountains of Orocovis in the middle of the island. The views were spectacular and the park well-known because it was the largest aerial park in the western

hemisphere. Daniel knew that he had a slight fear of heights, but he was willing to overcome that and go ziplining if Layla had agreed to go. Maybe she too had a fear of heights. Now that Layla chose Leon over him, Daniel would never know.

Snorkeling and relaxing at Flamenco Beach on Culebra were among the other activities that he planned. He thought Layla would love the ferry trip to the island just east of where they were staying at the Wyndham Grand Rio Mar Resort and Spa. It would have been a romantic getaway that could have brought them closer together. Daniel was unaware that Leon had taken Layla on a boat trip to Palominitos Island shortly after Daniel unceremoniously left Puerto Rico.

But what Daniel missed most of all about prematurely leaving Puerto Rico was just the food. That is why he placed an online delivery order with Millie's Cafe, a local Puerto Rican restaurant in Arizona.

When the door opened, the driver answered, "Hello, Mr. Maldonado. This is your order." He handed Daniel the bag and recounted the various items ordered.

"Thank you, Jarrod."

Daniel was aware that this "dance" was not only to ensure that the order was proper but also so that the driver could endear himself and get a better tip and review.

After selecting the tip amount on the app on his iPhone, Daniel closed the door and walked back to the family room so that he could continue watching television. He sat down on his electric recliner and began eating his dinner. A commercial jingle about automobile insurance came on. Daniel ignored it, anxious to watch some more Star Trek.

Unbeknownst to Daniel, his phone was ringing. Apparently, he was so enthralled with watching the television that he did not hear his phone ringing. The caller's name, Marissa Robles, flashed on his screen and then ended as the call went to voicemail. Instantly, another call came through. This time Daniel faintly heard what he understood was ringing and answered his phone.

"Hey, Marissa. What do you need on this beautiful Saturday? You shouldn't be working," Daniel scolded her in a soft voice.

"Hurry, turn your TV to Channel 8. Hurry," Marissa insisted.

“What is this all about? I’m eating,” Daniel mumbled as he took a bite of some pernil.

“Just do it,” Marissa uncharacteristically exclaimed.

Daniel could sense the urgency in her voice and so he quickly changed the channel after almost fumbling the remote.

Across the street from the front gate of the Regal Phoenix Resort and Spa was a makeshift podium cluttered with news microphones. Standing beside each other at the podium were plaintiff’s counsel, Thomas Lopez and David Millerson, dressed casually in jeans and Tommy Bahama shirts. Although they were dressed in resort attire, their tone was anything but casual. Thomas turned to his left and pointed to the huge sign indicating the entrance to the exclusive, upscale resort.

“This is where my client, Mrs. Clifton, fell because the lighting at this resort is insufficient. She came here to celebrate her daughter’s sixteenth birthday. What should have been a joyous occasion for the whole family and friends turned tragic. Reyna was simply heading back to her hotel room that Friday night when she walked down the exterior, double staircase and fell. This was the main staircase which the resort knew that its customers need to transverse every day and night. But instead of caring about the safety of their customers, the Regal Wisteria was being cheap and lazy and refused to replace a fifty-cent bulb to properly light the area.

“Tragically, Reyna hit her head and suffered a stroke. She not only suffered a stroke that night, but her injuries were so bad, she suffered a second stroke and recently passed away. She died because of the Regal Wisteria’s negligence and apathy towards their customers.

“She was once a bright, lovely, stay-at-home mom with two teenagers. But now she is gone because of the Regal Wisteria. They failed her. They failed her children, Alejandra and Ash, and they failed her husband, Anthony.”

Mr. Lopez turned towards his clients who were soberly standing near him next to the podium. They were overwhelmed with grief. He gave them each a hug.

“These good people shouldn’t have lost their mom, their wife because the

Regal Wisteria wanted to pinch pennies. It's not right. Reyna shouldn't have been at their mercy. No one should be.

"That's why we will be amending our lawsuit against the Regal Wisteria to assert a wrongful death claim. They are responsible for her death. And we want you all to support the memory of Reyna and support her husband, Anthony, and the rest of the family by boycotting every Regal Wisteria resort, not just the one here in Scottsdale..."

Daniel gasped when he heard it. He knew that Gerry and the other board members would not be happy. Not only because of the untimely death of Mrs. Clifton but also because of the barrage of publicity that would ensue given the plaintiff counsel's announcement. Daniel should have foreseen this, but, in all honesty, he knew there was nothing to prevent her counsel from going on television and announcing their intentions. Hopefully, his client understood and was willing to trust his judgment.

Secretly, Daniel feared that the Regal Wisteria would transfer the case to a larger, one-hundred attorney firm in Phoenix now that there was publicity about the lawsuit. A firm that size could immediately throw a dozen attorneys into the lawsuit with a handful of paralegals and other assistants. They would all be billing the resort and would be eager to have such a lucrative case. The lead partner could bill \$800 per hour, especially if the national media like Fox or CNN picked up the local broadcast and ran with it, putting extra pressure and demand for instant results.

Daniel remembered that he had already emailed Gerry the photos and preliminary report about Mr. Clifton's affair with Dana Jones. This pleased Gerry. He was ecstatic that the Mendoza firm had found this out so early in the case. But was it enough to satisfy the Regal Wisteria that Daniel and his legal team were up for the challenge? Hopefully, Daniel's past successes were enough to satisfy Gerry. But like all clients, past victories were not enough. It was the present that mattered. Nothing else.

These Vegas attorneys were an unknown commodity. What would they do next for their clients? During the early meeting, Tommy mentioned that he was an advocate for his clients. Now Daniel understood what he meant. But how far

would Tommy and Dave take their advocacy? Daniel didn't know.

"Hello. Hello." Marissa was still on the call. "Daniel, can you hear me?" she tried to speak louder without sounding like she was yelling at her boss.

Daniel was frozen in thought until he could hear a muffled Marissa coming from his phone in his pocket. He pulled it out.

"Oh, so sorry. I was enthralled with this news circus. I can't believe it."

"Are you going to call Gerry?" Marissa cautiously coaxed.

"Oh yes. Yes. I'm going to do that now."

Marissa had never heard Daniel frazzled the way he was at this moment.

"Please do. I am sure he is waiting for your call."

Daniel could picture the beet-red Gerry fuming from his mouth and barking orders to everyone around him. It wasn't a pretty sight. Daniel proposed to call him as soon as possible.

"Let me let you go," he retorted.

Without even ending the call with Marissa, Daniel dialed Gerry's number. It was late night on the east coast, but Daniel suspected that Gerry was still awake. He had to be. He monitored everything about the Regal Wisteria like a hawk. Some people thought that he must have clones of himself doing all the hard work because Gerry never seemed to sleep but was aware of every little thing. It was creepy.

The call was answered before even one ring was heard on Daniel's end.

"Did you hear that? What a mess? What a mess?" Gerry didn't even bother to give a salutation before speaking. "What are we going to do? Please tell me that you have a plan. We can't have customers leaving the resort or worse yet canceling their reservations."

Gerry covered his landline phone and gestured to the unknown woman in his bedroom. She left the room without a word.

Daniel hesitated before speaking. He was gathering his thoughts but was dumbfounded. Before he spoke, he was interrupted.

"Mr. Ravan. Daniel and I conferenced before calling you. We don't think this call for a boycott will pan out..."

"Yes, Gerry. Melissa's right. Let's face it. They are making much ado about

nothing. All they have at this time is a lightbulb that is out. That's absolutely nothing to be worried about. It was a pleasant evening with a full moon out that night. Anyone who wasn't blind could see the stairs. Our customers... customers worldwide already know the impeccable service that is provided in each and every one of our resorts. They won't abandon us. I promise you.

"It's a tragedy that Mrs. Clifton ultimately died, but that's not our fault. I suspect there is something else going on. You know that we talked about this already. Mr. Clifton had a sudden kiss the night of the birthday party with his former lover, Reyna's upset and walks out, and now her husband is having a weekend fling while his wife is in the hospital dying of a stroke. That doesn't add up."

"It doesn't," Marissa agreed without really previously knowing any of the facts that Daniel just mentioned.

She knew from experience that exuding confidence was an important part of being an attorney. Her boss was doing that now with a huge client at a critical time. She had seen him do this before with great success and trusted that he could pull it off again now.

"You're right. You're right, Daniel. I'm overreacting."

"I'm having our human factors expert, who also specializes in lighting, looking into the illumination of that particular staircase at that time. He assures me that the moonlight would add an extra 0.2 foot-candle of illumination."

"That's good." Gerry was even more relieved. "When will we get his expert report?"

"It's too early now. He will need various depositions before he can finalize his report. And we want to ensure that he has every piece of evidence and fact that he needs so that he won't be undermined at trial."

"I'm relying on you, Daniel. What about this motion to amend the complaint?"

"That complicates things. It will be granted as a matter of course. There really isn't anything we can do to fight it. I know that's not what you want to hear right now, Gerry. But I'm being straight with you. In the end, if we can show that it wasn't in unreasonably dangerous condition and Mrs. Clifton fell

because she was distracted or not paying attention, then we can defeat all this.”

Daniel knew that sympathy for the Cliftons was inevitable and that any juror would have difficulty putting all the blame on Mrs. Clifton. They would still find fault against his client no matter what he argued or what the experts testified to.

“Let’s see if we can get this case into an early mediation,” Gerry insisted.

“I don’t think that’s a good idea right now. The plaintiff’s counsel will think that they have us on the ropes. We should wait a month or two to suggest it. By then some favorable facts will come out and we will be in a better position to negotiate. I promise you.”

“I’m counting on you, Daniel.”

When it was apparent that Gerry hung up and was no longer on the line, Daniel proclaimed, “Thanks for covering me, Marissa. I’m glad that you were on the call. Oh, and thanks for being on top of things and letting me know about the news conference. I appreciate that a lot.”

“No worries. Just don’t forget about me during bonus time,” she laughed.

“I won’t.”

19 HEARING

Phoenix, Arizona

Two Months Later

“**A**ll rise, the Honorable Gregory Gerlich presiding,” the bailiff announced as everyone in the courtroom rose to their feet. A few stragglers entered the courtroom and stopped in place when the bailiff made the announcement.

The robed Judge Gerlich entered from a hidden doorway to his chambers just behind the judge’s bench. He sat down and gazed around the room. In addition to the counsel’s table full of attorneys and paralegals, the gallery had some visitors sporadically seated throughout, especially in the back rows. It was difficult for the judge to determine whether these visitors were family members, friends of the plaintiffs, or just representatives of the media. Private filming of the court proceedings was not allowed. Nevertheless, an official audio and video recording of all proceedings were made and were easily accessible to anyone at a request, including the media.

“Please be seated,” the judge proclaimed as he gestured towards everyone to obey his command. “Can counsel please introduce themselves starting with the plaintiff’s counsel?”

“Good morning, your honor. Thomas Lopez and David Millerson on behalf of the plaintiffs, Anthony Clifton, Alejandra Clifton, and Ashton Clifton. The Cliftons are unable to be here today. They live in Vegas. Mr. Clifton is working,

and the children are in school.”

Plaintiffs’ counsel both sat down after introducing themselves. Daniel and his team then stood up.

“Good morning, your honor. Daniel Mendoza, John Davis, and Marissa Robles on behalf of the defendant, the Regal Wisteria Resorts,” Daniel said while pointing to the individual attorneys as he mentioned their names.

“Thank you, gentlemen. I see there are two new faces in the courtroom,” the judge inquired.

“Yes, your honor. I am James Claus with Leonard, Brooks, and Brown on behalf of co-defendant, Arrowworks Security Services.” A male attorney in his late forties with a dark blue suit sat down after introducing himself. He was with several other attorneys from his national firm that was headquartered in Dallas, Texas.

An older gentleman in a frumpy, beige suit stood up. “Your honor. Frank Paseo with the Law Offices of James L. Parker...” He paused and riffled through the numerous, unorganized papers on his desk to ascertain the name of his client. “... I represent HQ Management, Inc.”

“Thank you. This is the time set for the oral argument on the Regal Wisteria Resort’s partial motion for summary judgment in CV010919. Mr. Mendoza, because this is your motion, I will let you speak first. You will have ten minutes each side and five minutes for rebuttal. But I wanted to address a couple of issues before we get to oral arguments.”

“Yes, your honor.” Daniel stopped himself from fully standing once the judge noted the additional items needed.

“I see that I granted the plaintiff’s motion to add the security company and the property manager on January 15.” The judge scrolled through a screen on his computer monitor looking for something. “But I don’t see an answer filed by HQ Management, Inc. which was due on February 14 based upon my calculations. Is there a reason for that?”

Mr. Lopez stood up and responded, “May I address that your honor.” The judge nodded. “Mr. Paseo is having difficulty getting ahold of his client and I granted him a two-week extension.”

“Was anything filed with the court? I don’t see anything.” The judge continued perusing the computer in front of him for any filings.

“No, your honor. It was an informal agreement.”

“I’m fine with that. In the meantime, Mr. Paseo, can you file a Notice of Appearance.”

He quickly stood up and replied, “Yes, your honor. I will file the Notice this afternoon.”

“One last thing,” the judge added. “Now that we have two new defendants in the case and a wrongful death claim added, the parties will need to file a new proposed scheduling order and extend the existing dates. I presume that is going to happen?”

“Your honor, once Mr. Paseo’s client files an answer, then I will circulate a new proposed scheduled order.” Mr. Lopez looked over to the defense counsel's table for their reaction.

“Do defense counsel agree?” the judge inquired.

Daniel and the other defense attorneys each separately told the judge “yes.”

“Let the record reflect that all defense counsel agree. Thank you. Now for oral arguments. Mr. Mendoza.”

Daniel walked to the podium in the well of the court with a binder containing the parties’ motions and his argument. “May it please the court. Daniel Mendoza on behalf of the Regal Wisteria Resorts. As your honor has our motion papers, I will try to summarize our arguments very quickly. We are requesting summary judgment only on Mr. Clifton’s claim of negligent infliction of emotional distress. I believe that is count three of the complaint, your honor.”

The judge pulled down his glasses, looked at Daniel, and nodded in the affirmative.

“We believe that this claim fails as a matter of law and that there are no factual disputes precluding summary judgment in our favor. As this court is well aware, in order to establish negligent infliction of emotional distress claim, Mr. Clifton must have witnessed an injury to a closely related person, been within the zone of danger so as to subject himself to an unreasonable risk of bodily harm created by Regal Wisteria, and suffer mental anguish manifested as

physical injury.

“Because Mr. Clifton was married to the deceased at the time of the accident, we aren’t contesting that part of the first element of the claim. We are contesting that part of the first element where he witnessed the fall and the second and third elements of the claim. We believe that Mr. Clifton cannot meet all three elements. First, your honor, it is undisputed that Mrs. Clifton walked down the staircase by herself. Mr. Clifton was nowhere in sight. He was in the Grand Ballroom at the time Mrs. Clifton fell. He wasn’t on the staircase. He was not in danger of falling himself down the stairs. So, both the first and second elements aren’t met.

“Second, the third element of the claim is also not met. Our motions papers cited the Keck v. Jackson case where the Supreme Court clearly held that, in Arizona, a plaintiff may not recover for the negligent infliction of emotional distress unless the shock or mental anguish is accompanied, or manifested as, physical injury. Plaintiffs’ cite case law from Nevada. I presume because they are Nevada attorneys and are familiar with that law. But this is Arizona and not Nevada. Those cases have absolutely no precedential value, your honor.

“There is absolutely no evidence that Mr. Clifton suffered any physical manifestation of any emotional injury. As the Arizona Supreme Court stated and I quote ‘Damages for emotional disturbance alone are too speculative.’ That is exactly this case, your honor. Mr. Clifton has only suffered emotional distress but that’s not enough.”

The photos taken of Dana and Anthony flashed before Daniel’s mind. He chose not to mention it at this moment and continued with his prepared arguments.

“In summary, plaintiffs cannot meet the burden of proving a negligent infliction of emotional distress claim against the defendant, the Regal Wisteria Resorts. I respectfully request that the court enter summary judgment in our favor. Thank you, your honor.”

Daniel sat down at the defense counsel’s table. John put his left hand on Daniel’s shoulder and whispered, “Great job.”

Daniel smiled.

Plaintiff's counsel, David Millerson, approached the podium.

"David Millerson, your honor. Mr. Clifton lost his wife because of the defendant's negligence. We are here because of them..."

"Let me stop you there, Mr. Millerson. What about Mr. Mendoza's argument that your client wasn't in the zone of danger? I'm having a hard time seeing that to be frank with you." The judge looked puzzled as he interrupted counsel.

"Well, Mr. Clifton and his children, Ash and Alejandra, used that exact staircase earlier in the day. They could have tripped at that time, just like Reyna. So, they definitely were in danger themselves. They also had to descend the staircase once Reyna was found bleeding on the ground. So, we definitely disagree with Mr. Mendoza and assert that he was in the zone of danger. They all were, judge."

"What about witnessing the injury?" the judge asked. "Did he see Mrs. Clifton fall?"

"No, he didn't your honor, but he did see her mangled body on the ground. It wasn't like he was miles away or at his home at the time of the fall. He was right there at the hotel."

Daniel rolled his eyes at the last comment.

"And your honor, this is a unique case. This is a case where Mrs. Clifton died as a result of the fall. That's undisputed. This isn't a case where she was just merely injured in a car accident. Reyna is dead. So certainly Mr. Clifton would have severe emotional distress related to the death of his wife of twenty years. No one can dispute that. It's not like he is faking it. He's going to counseling because of the death of his wife and so are his children. So no, we don't believe that in this type of case, a wrongful death case, that he needs to show a physical manifestation to recover. That physical manifestation requirement is only a safeguard to ensure that a plaintiff has a genuine loss before they can recover financially. Again, your honor, this is a genuine, heartfelt loss that neither I nor anyone else would want to endure."

Judge Gerlich seemed pensive after the last statement by Mr. Millerson. That pleased him.

"Do you have any other questions, your honor?"

“No,” the judge responded.

“It seems like your questions summarized my argument, your honor. So, with that, I have nothing further but simply to ask that you deny this frivolous motion and allow Mr. Clifton to pursue this claim and let the jury decide whether the defendant negligently inflicted emotional distress. Thank you, your honor.”

“Mr. Mendoza,” the judge stated as he turned his head towards defense counsel.

Daniel returned to the podium with a yellow legal pad with notes scribbled while the plaintiffs’ counsel was speaking.

“Thank you, your honor. I didn’t hear Mr. Millerson say that Mr. Clifton was right beside Mrs. Clifton when she fell. He was not. Mr. McIntyre found Mrs. Clifton at least thirty minutes after she fell. Mr. Clifton couldn’t be found for a while and didn’t arrive in the garden until at least an hour after the fall, maybe longer. We cited to you those cases in our motion papers where Arizona courts hold that coming onto the scene of the accident even ten minutes later is too late. You aren’t in the zone of danger. You have to be there present at the fall. Mr. Clifton certainly wasn’t present at the fall. And he didn’t see his wife fall.”

Daniel flipped the page on the pad so that he could read his notes on the following page.

“Granted, your honor, Mrs. Clifton did pass away... But that’s not what Arizona law says is sufficient. What Arizona law says is that there has to be a physical manifestation; loss of hair, weight loss, rash, something that physically verifies that Mr. Clifton is actually suffering emotionally. I didn’t hear Mr. Millerson mention anything like that when he spoke. Because there is nothing, absolutely no physical manifestation in any way. I feel for Mr. Clifton, I do...”

“I object, your honor.” Mr. Lopez jumped up as he interjected.

The judge glared at him from across the courtroom.

“Hold on, Mr. Lopez. Only one counsel per side can argue at this hearing. You aren’t the designated counsel today. Mr. Millerson is.” The judge looked at his co-counsel, but Mr. Millerson stood still.

“Your honor, this is a cheap trick to garner sympathy. Mr. Mendoza doesn’t know Mr. Clifton and has no idea how he feels or what he is going through, what

his client has put the Cliftons through because they are callous and insensitive to their customers...”

“Mr. Lopez. I let you have your say, but this isn’t closing argument before the jury. This is an oral argument before the court. And I can assure you that I am not persuaded by arguments based upon sympathy.”

Judge Gerlich was visibly perturbed but kept his composure.

Mr. Lopez sat down disappointed but still hopeful that his interruption would throw Mr. Mendoza off his game.

“Mr. Mendoza, can you proceed?”

“Thank you, your honor. As I was saying, Mr. Clifton is simply going to counseling. That is commendable for him and his family, but unfortunately, it is not legally sufficient to establish a claim of negligent infliction of emotional distress. The Arizona Supreme Court says there must be something more. There is nothing more in this case. Nothing at all.

“With that your honor, we rest on our motion papers and again reiterate our request that you grant the partial motion for summary judgment. Thank you.”

“Thank you, gentlemen, for your arguments. I will take this matter under advisement. But because I will be on vacation next week, I anticipate having a ruling either later today or after I return from vacation”

“All rise,” the bailiff said as the judge authoritatively and ceremoniously exited the courtroom.

The guests in the gallery quickly left as if they were in a hurry to get somewhere. Mr. Lopez approached the defense counsel’s table and greeted both James Claus and Frank Paseo.

“It was nice meeting you,” Thomas said as he shook Daniel’s hand and then reached out to shake both John and Marissa’s hands. “No hard feelings.”

“None whatsoever. It comes with the territory,” Daniel countered.

John and Marissa looked on in surprise. They knew that, once they were back in the office, Mr. Lopez’s comments would be a topic of conversation.

The attorneys and their team then exited the courtroom.

20 DEPOSITION

Las Vegas, Nevada
The Following Month

Anthony Clifton was escorted to a seat in a small conference room at the law offices of Lopez, Millerson, and Smith.

“Do you want anything to drink? Coffee? Water? There is soda on the credenza,” the receptionist asked Anthony while he sat down.

“No, thank you. I’m fine.”

“Well, if you need anything, feel free to let me know. The bathrooms are around the corner to the left.”

She quickly walked back to her desk at the entrance to the law firm so that she could greet other clients or answer the phones.

Seated in the rear of the conference room facing the door, Anthony was nervous because he was there by himself without Reyna. She would never be by his side again. It finally dawned on him at that moment. He was strong for Alejandra and Ash during her funeral and could not focus on his own feelings. This was the first time that he had to personally and directly address the death of his wife and the reason why.

The kids were not there either. They could not bear having to discuss what happened to their mother or hear their father discuss what transpired that night. Anthony couldn’t blame them. No child should have to deal with the death of their mother at that age. He felt guilty himself.

But secretly, Anthony wished that Dana was there by his side. She always gave him encouragement and strength like no other person could, not even Reyna. He needed that now. That, however, was impossible. How would it look to his own attorneys, let alone a jury, that he was with another woman so soon after his wife's death, a married woman at that? Dana was the woman who kissed him at his daughter's birthday party which eventually led to the death of his wife and the very reason that he was at the conference room to prepare for his upcoming deposition. Wanting her with him at this moment only fostered more guilty feelings commingled with the underlying exuberant feelings that he tried to suppress at that moment. He needed to snap out of it and be the man that his family needed him to be.

Mr. Millerson and Mr. Lopez entered the room along with one of their paralegals, Dawn. They had legal pads in one hand and coffee in another.

"Good morning, Anthony. What a great morning. The weather is nice this February, warm and typical Vegas weather." Tommy placed his right hand on Anthony's left shoulder before circling around him and sitting down on a chair across from the one that Anthony was seated on.

"Yes, it is," Dave echoed. "Did Jennifer offer you a cup of coffee?" He sipped from his own mug after he asked the question.

"Oh, yes, she did. I'm fine." But then his mouth seemed parched from the nervousness. "Can I have some water?"

"Sure. Dawn, can you get a water bottle for Mr. Clifton?"

"Cold or room temperature," she asked.

"Cold please."

Anthony was embarrassed that someone had to fetch him water. Other than when he was at a restaurant or a bar, no one else would bring him a drink besides Reyna. Having a paralegal whose job wasn't to serve anyone made him feel even more embarrassed. He didn't want her doing a demeaning task for her position.

"I know this is new for you, Anthony. Most people have never been deposed before. They don't even know what that is," Tommy discussed gingerly in an effort not to sound condescending. "It's the opportunity for the defense counsel to question you now in order to know what you will testify at trial."

“Just like you were testifying in court before a judge and jury,” Dave added. “It’s nothing to be worried about. The deposition will be here in our offices.”

Normally, the deposition would be taken at the office of the attorney who scheduled the deposition. In this instance, Mr. Mendoza had scheduled Anthony’s deposition. But his office was in Phoenix. That meant Mr. Clifton and his attorneys would have to fly to Phoenix, which was expensive. Daniel had already agreed to fly to Vegas for Reyna’s deposition when she was alive to prevent any discomfort due to her injuries. He extended the same professional courtesy after she died.

“Mr. Mendoza didn’t want to take a video deposition. He wanted to be here so that he could see you in person. The other defense attorneys may or not come in person. I really don’t know at this point.”

“Great!” Anthony grimaced at the thought of having to meet the various defense counsel. Being questioned was difficult enough.

“Don’t worry. That’s why we are here today to prepare you for your deposition. Mr. Mendoza can be a tough questioner. But you will do fine,” Tommy assured Anthony. “First, we are going to go over the rules of a deposition. That way you know what to expect.”

Dawn walked in and handed Anthony a cold bottle of water. He took a sip.

“Maybe, I should have asked for a beer instead.”

The room was filled with laughter. Even Anthony laughed at himself.

“We can take you out for lunch and get you a beer afterward,” Tommy assured him. “We will be here for a few hours. There’s this great Mexican restaurant just down the street. They have excellent food and, of course, Margaritas if you like that.”

Dave wanted to get back to business. The faster they were done with prepping Anthony, the sooner they could leave and focus on other things.

“There’s going to be a court reporter here during the deposition. She’s going to swear you in, so you have to tell the whole truth just as if you were testifying at trial,” Dave interjected.

“It’s that serious?” Anthony inquired.

“Yes. They can question you about what you say at your deposition if you

testify differently at trial. So, it's important that you know what to say at your deposition so that you don't change your answers later."

"Understood." The seriousness was reflected in Anthony's voice.

"Now, in normal conversations, people anticipate what the other person is saying and interrupt them. We all do it. I do it. Tommy does it. But at a deposition, that's something to avoid. You can't talk over each other because the court reporter is going to transcribe everything that is said. She can't take down two people talking at the same time. It will piss her off and we don't want to do that," Dave encouraged.

"We also want the record to be clear," Tommy added so that Anthony could understand the importance of this admonition. "If you're talking over each other, it not only looks bad to the jury but also makes it easier to manipulate what you testify to at your deposition when trial comes. We don't want that. We want you to appear calm and collected."

"Another thing, if you don't mind, Tommy?"

"No. Go right ahead, Dave. It's fine."

"Sometimes questions are unclear. It happens all the time. We don't want you to speculate or assume what Mr. Mendoza is asking you. If you don't understand a question, just let him know, and he will clarify it to you."

"One of the other things that is confusing with depositions. They don't have this here in Nevada. Arizona is different in that way. There are no speaking objections. We are only limited in saying 'form', 'foundation', or 'objecting to privilege,'" Tommy continued. "I asked our local counsel about that. Tammy said that the judges in Arizona are strict about speaking objections. So, we have to toe the line. Well, we will go as far as we can without crossing the line."

"What's a speaking objection," Anthony asked inquisitively.

"We'll get to objections later in the depo prep. For now, we want to focus still on the rules of a deposition. Okay."

Anthony nodded.

"Mr. Mendoza takes long depositions. Two, sometimes, three hours. He is allowed to question you for up to four hours. But I don't think he will take all four hours. But that doesn't mean that the other attorneys, the attorney for the

property manager and the attorney for the security service won't question you either. So, although Mr. Mendoza will take about two to three hours, the other attorneys may take up the rest of the time. So, plan to be here for at least four hours."

"Oh, I'm taking the entire day off. I will need a break afterward. I'm sure about that," Anthony insisted while trying to hide his contempt.

"That will work," Tommy continued. "I plan on taking a break after each hour. That way you and I can speak about how you are doing during the deposition. It also gives you a mental break. These depositions can be mentally grueling and draining especially in this situation because of the emotional issues, you know... involving Reyna."

Tommy paused after seeing Anthony well up with tears. He was trying to hold them back.

The entire room became silent. Dawn walked over to Anthony, bringing him a box of tissues. He grabbed one without looking at her directly and slowly wiped his tears. She left the box in front of him in case he needed more.

When Anthony composed himself, David explained, "If you need a break now, we can take one."

"No. I'm fine. I just want to get this over with. Let's continue," Anthony said as he straightened up to show that he was serious and ready for whatever was next.

"One thing I need to mention, because the court reporter is taking down everything that we are saying, it's important that you give a verbal response to Mr. Mendoza's questions. Don't nod or shake your head 'yes' or 'no'. Don't give a guttural response. The court reporter can't take that down."

"What's a guttural response," Anthony asked.

"A guttural response is like 'uhuh' or 'uh-huh'. If you nod your head or give a guttural response, I'll ask you do you mean 'yes' or 'no' so that the record is clear. Mr. Mendoza or one of the other attorneys may ask you to clarify. Comply if they ask, okay."

"Sure." Anthony was perplexed with all of the unfamiliar rules for a deposition. "I'll try to do my best."

“That’s all we’re asking for, Anthony. You’ll be fine.” Tommy looked at Dawn and asked, “Do you know if this is videotaped?”

Dawn looked into the redweld expanding pocket filled with documents to locate the notice of Anthony Clifton’s deposition. After flipping through several documents, she found it and skimmed it so that she could answer Tommy’s question.

“It’s not a videotaped deposition notice,” Dawn said. She handed it to Tommy so that he could confirm for himself.

Tommy looked at the three-page document and handed it back to her.

“Yes, but Tammy said that the local rules allow for a party to designate a videotaped deposition up until two days before the deposition. I wouldn’t put it past Mr. Mendoza to wait until the very last minute to change it to a videotaped deposition. That way he throws us off. Dawn, can you let Jane know that we want her to meet with Anthony in the next two days just in case.”

Jane Witherspoon was the firm’s jury consultant. She knew how jurors reacted to witnesses while testifying. As an additional service, she helped with videotaped depositions so that the firm’s clients were prepared on how to testify in front of the camera in such a way that the jury wasn’t turned off by inappropriate gestures or expressions. Tommy explained who she was to Anthony.

“Yes, Tom. I will do that.” Dawn noted in her legal pad so that she would not forget.

“One last thing before we begin the actual deposition part. Dave will play Mr. Mendoza and will ask you hardball questions the way that Mr. Mendoza does. I will be seated next to you and Dawn will be seated where the court reporter will be. That way you will be comfortable with the basic layout of how it will proceed. Okay?”

“Okay,” Anthony reluctantly agreed. “What kind of questions can they ask me?”

“That’s the tricky part. They can basically ask anything to be honest with you. Almost nothing is off-limits so long as it’s relevant to litigation. And what’s relevant can be practically anything especially because you are also making a

loss of consortium claim.”

Tommy paused and sat next to Anthony. In a lower voice, he continued, “I know that people take things personally during depositions. But try not to. They are just doing their jobs.”

“Yes, but what sorts of questions.” Anthony became increasingly nervous and upset.

“They can ask about your educational background, your professional background, where have you worked, how did you meet Reyna, how many children you have, brothers and sisters, those sorts of background questions in addition to what happened that night, the night of the Sweet Sixteen party.”

“I have to answer questions about what happened?”

“I know it’s tough having to relive that night, but that’s important. It’s important for the case, for the jury to know your side of the story.”

Anthony looked down towards the table. He grew increasingly upset and disheveled at the prospect of having to testify as part of the litigation. When he first spoke about retaining an attorney, he thought that the case was an open and shut one and that the resort would pay immediately. He didn’t realize that it would have gone this far, that he would have to testify at trial let alone a deposition so soon before the trial. He still didn’t understand the legal proceedings and why it was necessary.

“Do I have to?”

“Yes, unfortunately, you do. It’s the defendant’s right to take your deposition.” Tommy didn’t want to go into the sanctions should Anthony refuse to testify. At least not yet.

“Will they ask me about the ‘kiss’?” Anthony shyly asked. In reality, he was holding back the growing animosity he began feeling towards the whole process.

“Look, we’re all grownups in the room. We all know innocent kisses with a former lover happens. What I heard is that she stole a kiss. There isn’t anything to be ashamed of.”

“But that’s all that I have to testify about, right? Nothing more? I didn’t see what happened.”

“Well, that’s not all. I mean ... Mr. Mendoza can ask you if you are having

an affair with Dana, whether you slept with her, whether Reyna knew about any infidelity or suspected it, whether you had been unfaithful in the marriage before, whether...”

“Enough. Enough,” Anthony angrily declared while standing up from his seat. “I don’t want to go through all that. This isn’t right. This isn’t what I signed up for.”

He stormed out of the conference room with the eyes of everyone else in the room staring at him as he left.

21 CO-COUNSEL

Phoenix, Arizona

Later That Week

“Sandra, I’m having problems with this dumb Zoom app. It won’t recognize my camera.”

James banged his camera hoping that it would somehow make it work. He then looked behind him to see if his secretary was on her way to his office to fix the problem. He was tech-savvy when it came to playing video games on his iPad, but the new technology of videoconferencing on his laptop was different. At least, it seemed to confuse him more than he expected. He tried to remain calm at work. As a senior partner, any sudden outburst was frowned upon.

“I’ll be right there.”

He could hear her voice in the distance as if it was going in the opposite direction. James wondered where she was heading instead of his office. Sandra was always feisty and strong-willed when it came to the attorneys assigned to her. Rarely did she follow their instructions to the letter. She did things her way on her time. Perhaps, because she knew that they would never fire her. She knew that they were absolutely dependent on her. The firm needed her more than she needed the job.

“I have the call with co-counsel in five minutes. Please hurry.”

Sandra ignored his comment.

The Zoom app dinged. The video box of Daniel Mendoza appeared on the

blue row at the top of James' screen.

"Hey, Jim. Can you hear me? I can't see you."

"Good morning, Dan. I'm here. I can hear you. I just have some technical problems. If they don't resolve, we can still move forward with the conference call. I guess my camera doesn't like how I look."

James laughed. Daniel joined in. A third person's voice could be heard laughing.

"Is that you, Frank?"

"Yes, it is. I'm working from home today."

A male body blocked the camera turning that portion of the video box black leaving only his name "Frank Paseo" appearing at the bottom of the video box in white lettering. As Frank finally sat down, the video revealed his weary face. He adjusted the camera to ensure that everyone could see him properly.

"Thanks for the suggestion, Jim. I don't have a Zoom account. I would have had to reschedule this conference call if we needed to meet in person. I'm a little under the weather today. So, if I cough, please forgive me."

On cue, he coughed without covering his mouth.

"I hope it isn't serious," Daniel inquired.

"It better not be. I plan on attending the deposition of Anthony Clifton in person. I love Vegas. I'm not sure if I told you but I am an avid gambler. I gambled so much my wife divorced me."

Oddly, he chuckled at his comment. Daniel's face frowned. Jim was speechless.

"It's okay, guys. We are still friends. She still doesn't like it but oh well. Unfortunately, the pool championship won't start until March after his deposition. Maybe we can schedule the depositions of the other witnesses to correspond with that timeframe. That way the firm will pay for my trip." Frank smirked.

Daniel used the comment to segue into the real purpose of the conference call.

"Speaking of depositions, I have some bad news guys. Plaintiff's counsel asked to reschedule Mr. Clifton's deposition. Something about how an out-of-

town trip came up at the last minute that he has to attend for work. Are you guys okay with that? I don't see a problem accommodating the request."

As the attorney for the lead defendant, both Jim and Frank expected that Daniel would take Mr. Clifton's deposition. So, they deferred to him whether he would agree to reschedule it or not.

"I'm fine with that," Jim added. "That will give me more time to get up to speed with the case anyway. There's a lot to wrap my arms around."

"I'm just riding you guys' coattails," Frank explained. "I'm the property manager's attorney. I understand that we are going to tender the case to the resort owners. So that's you, Dan. I'm just hoping that it will be sometime after March so I can go to Vegas with you too. It's been so long since we've seen each other."

Daniel remembered the last time when the trio traveled to San Antonio together for the deposition of a witness on another case. Frank rushed through the deposition so that he could go to the bar at the hotel where they were staying. In no time, he was wasted and hitting on the waitress and every woman in sight. Both Dan and Jim had no idea that Frank was going through a divorce at the time. Daniel tried desperately to forget Frank's antics. He hoped that Frank wouldn't be the same way when they traveled to Vegas.

Always worried about being on schedule and billing the appropriate clients, Jim spoke up, "Hey guys, let's try to keep on track. I've got another call in about ten minutes or so."

"What's on today's agenda?" Daniel inquired.

"Well, I want to talk about the witnesses in this case. Of course, I assume that we are all going to agree that Winfred McIntyre needs to be deposed."

"Who is he?" Frank was still unfamiliar with the players.

"He's the guy who found Mrs. Clifton at the bottom of the stairs. He also claims that the light was dim when he went down the stairs to find her." Jim's iPad beeped. He was playing a video game while giving his explanation. Because his camera wasn't working, both Frank and Daniel couldn't see that he was looking down at his iPad the whole time rather than towards the camera on his laptop.

"I know that I want to depose Dana Jones," Daniel added. "Frank, she's Mr.

Clifton's ex-girlfriend from college and the woman who kissed him that night. I'm not sure if she has any relevant knowledge about the lighting but there is something fishy going on. A lover's kiss the night of a tragic fall. I can't put my finger on it."

Daniel hadn't disclosed the photos taken by his investigator, Pamela. He knew not to share the information with the other defense attorneys in case one of their clients settled with the plaintiffs. He was concerned that the settling defendant would give away his ace in the hole and alert Mr. Clifton that defense counsel knew about the affair.

"Do you really think that's a big deal, Dan? It seems much ado about nothing. The focus should be on the lighting and whether we knew or should have known that the light bulb was out."

"Jim, I appreciate that you represent Arrowworks and that's your position, but Dana has more information that we can use to assert comparative fault even if our clients were negligent. Dana was one of the last people to see Mrs. Clifton before she walked down the stairs. She can testify about her observations, including whether she was intoxicated, mentally or emotionally disturbed, what she was wearing, if she had high heels on. That kind of stuff. I don't want to focus just on what we did wrong but also on what she did that night."

"I agree." Frank sounded official even though he still had no idea about the underlying facts of the case. He was a seasoned litigator and knew that placing the fault on the plaintiff was the catchall strategy that every defense attorney relied upon regardless of the type of case. This "fall" case was no different.

"Okay... okay. I'm fine with deposing her, but I don't want to seem like we are attacking Mrs. Clifton. She's dead and we have a big hurdle of sympathy to overcome. I don't want the jury to find against our clients simply because their attorneys are overly aggressive."

"Jim, I have no problem toeing that line. I'll have my associate, Marissa, depose her. You guys know her. She can be aggressive when needed and compassionate at the same time. That way we don't give the impression that a male is bashing a female witness or the decedent."

"Nice. I knew you had it in you, Dan." Frank was easily impressed but it was

also his personality to charm people with his down-home personality which disarmed most attorneys and especially the jury.

Frank was perusing the plaintiffs' initial disclosure statement. The disclosure statement listed the witnesses that the plaintiffs' counsel disclosed who they may or may not call at trial. He found something interesting on the fifth page of the document.

"What about this Esperanza Martinez? She's the sister of the deceased and her husband is the one who took the pictures of the light fixtures. I say we depose her and her husband..." Franks scanned the page quickly to find the information. "Ef... Ef... Efron Martinez."

Jim lost a life while playing the video game. The game ended unexpectedly. Now he could focus entirely on the conversation. "Fine. Let's depose the Martinezes and Dana Jones. Is there anyone else that you think we should depose? I'm looking at this list. There are a lot of names, but I think a lot of these are quality of life witnesses. I normally don't take their depositions."

"It's a waste. All that does is help the plaintiff. I'm not spending any time or money so that the plaintiff's counsel can use their deposition at trial and bolster his assertion that the Cliftons' lives have changed dramatically as a result of this... this accident." Daniel became assertive about this point.

"Let the plaintiffs' counsel call them at trial at their own expense. If they don't show or can't afford the cost of the plane trip to Phoenix, oh well. That's not our fault." Jim agreed with that strategy and knew that Frank would fall in line.

"Hey, guys." Jim saw an email notification pop up on his laptop. "I think we just got the ruling from the court on the resort's partial motion for summary judgment."

"What does it say?" Daniel was anxious to report the results to his client, good or bad. They needed to know right away and plan accordingly.

"Hold on."

Jim quickly skimmed the two-page minute entry from the court.

"Great job, Dan. You won."

"Congratulations," Frank cheered and then followed with several coughs due

to the excitement.

“The court held that Mr. Clifton was not in the zone of danger because he was not at the staircase but was somewhere else on the hotel premises at the time of the fall. The court also held that he did not witness the accident but only heard of it and could not instantaneously perceive that Mrs. Clifton fell because of the lighting issues and that it could have been that she fell for other reasons, including being distracted.”

Daniel sighed. This was definitely good news albeit a small victory. Mr. Clifton and the kids still had their wrongful death and loss of consortium claims. But this was a victory, nonetheless. Gerry would be pleased. It would also vindicate his decision to stay with the Mendoza law firm, which the board was not initially pleased with after the media circus.

Fortunately, the Phoenix resort only had a few cancellations but nothing significant and nothing specifically tied to the Clifton lawsuit. The other resorts in the United States were not affected, not to mention the resorts worldwide. This temporary storm had passed, and this was the new beginning of sorts.

In the back of his mind, however, Daniel hoped that it was not the eye of the storm with the worse fast approaching. Litigation was a strange animal. No one could predict what would happen. Most cases were straightforward and easily litigated. But Daniel had a gnawing feeling that this case was extraordinary, very extraordinary.

“Thanks, guys. I have one last thing before we go. Jim, are you going to be disclosing the security log from that day? I understand that the security personnel are responsible for reporting whether any lightbulbs were out or any other safety issues.”

“I plan to disclose two months’ worth of security logs. I’ve looked at the log myself and there isn’t anything indicating that the bulb was out at that location or any other location that night. If you look at earlier logs, you can see that the security personnel report when the bulbs are out. So, we clearly did our job.”

“I understand that, Jim. But I suspect that the plaintiff’s counsel will argue that your guy missed it and failed to report that the bulb was out and that’s why Mrs. Clifton fell.”

“I anticipate that, Dan. I suppose the plaintiff’s counsel will want to depose the security personnel on duty that night. I’m expecting that. I’ll disclose their names as well as the name of the maintenance engineer who was responsible for ordering parts including light bulbs.”

Frank was concerned that the case was getting more complicated by the minute. “Guys, I hope this case settles now before we have to spend time and money doing all this stuff.” Frank struggled to speak as he coughed intermittently.

“Not at this time, Frank. My client will if it’s shown that we did something wrong. That hasn’t been shown yet.”

Daniel was perturbed by Frank’s comment but was accustomed to it. He knew that he would get pressured from his co-defense counsel and their clients to settle the case given the severity of the plaintiff’s injuries before she died. Daniel knew that it was only a matter of time before his own client would pressure him to settle the case. But he truly believed that they shouldn’t. He needed a miracle to show that there was something else that occurred, but he didn’t have it at this time.

22 WITNESSES

Chicago, Illinois

Two weeks Later

As the focus ring on the lens was slightly turned counterclockwise, a smiling young girl of around five years old clearly came into view. She was tightly gripping the gold-painted pole while seated on a prancing, tan horse. The horse was designed in the whimsical style of the 1920s, which was the style several years after the Navy Pier on the shoreline of Lake Michigan was originally opened to the public. The girl laughed as the carousel whirled around.

“Mommy, mommy. Look at me.”

Her mother waved and smiled as the horse’s mane and hooves gave the illusion that it was flying in the air. The little girl gleefully moved up and down with the horse.

The video camera lens turned to another location on the pier. An elderly couple struggled to walk and held each other’s hands. A waft of breeze inundated them. They steadied themselves so that they could still enjoy the afternoon stroll.

With one more swift movement, the lens was trained on a portion of the pier where two couples stood in a tight circle away from the rest of the crowd. The four individuals seemed agitated while speaking to each other. Pamela White turned on the specially designed shotgun microphone after finally locating them on the far side of the pier. She could hear the individuals speaking from a

distance of at least thirty feet.

“I’m not going to lie, Dana. I’m not going to testify that it was a quote innocent kiss on the cheek unquote.” Doug made the quotes with his hands as he spoke. He was visibly upset but that did not faze Dana.

“Come on, Doug. You won’t get in trouble if you do. There were very few people who saw it,” Winfred explained. “Hell, I didn’t see it. Did you?”

Josephine shook her head when her husband turned towards her.

“The only person who saw the kiss besides Reyna is Anthony and Efron,” Winfred added.

“You don’t know that. The ballroom was packed. There were people in line at the buffet,” Doug expressed his displeasure with the line of discussion. “I don’t want to be convicted of perjury. I know that happens. I’ve seen it on TV.”

“No one will find out. It’s not like they have a list of everyone who was at the birthday party. Even Tommy said that he didn’t have a list of attendees. Not even the party planner had a list. So, I don’t see how you can put yourself at risk.”

Dana was surprised how Winfred was so out of his element but forceful and taking charge. It made her see him in a different light for the first time. “Winnie’s right. We need to stick together and support Anthony. He needs us now.”

“I ... I ... I really wasn’t looking at anything ... anyone. I was too busy with Scott... and Wilhelmina was all over the place.” Josephine figured that if her role was to testify as if she was an ignorant witness then she wouldn’t have much to say or much to be cornered by when defense counsel questioned her. Besides, she was being honest. She was really busy with her young son and only heard about the infamous stolen kiss later that evening.

“Don’t worry, it will work out.” Dana looked over her shoulder ensuring that none of the passersby were too close to overhear their conversation. They walked further away from the crowd to enhance their privacy. They agreed to meet in a public place away from their homes in the suburbs where no one knew who they were.

Unbeknownst to Dana, Pamela was not only video recording the whole

conversation but also taking stills. She would prepare an interactive report later that evening and email it to Daniel for his review. The email would also include an invoice for her flight from Vegas to Chicago, her hotel bill, rental car fees, meals, and any other incidentals. The email would be surreptitiously forwarded to a secret, personal email account to avoid any need to disclose the report should any request to produce surveillance was made by the Cliftons' counsel.

Doug stepped away from the group. Winfred approached him even closer than before. He placed one hand on each of Doug's shoulders, squeezing tightly for emphasis. Looking him directly in the eyes, Winfred promised, "Nothing is going to happen to you. There won't be another witness to contradict you. I'm going to say what Josephine will say that I didn't see anything either. Nothing."

"What about Anthony? Efron?"

"Let me deal with Anthony." Dana's sweet, calming voice tried in vain to reassure Doug.

Doug abruptly looked at Dana crosswise, hiding his disgust at the implication of her suggestion. He was already suspicious after Dana's secret departure for the weekend months ago. Having to testify about any infidelity made him uneasy and angry.

"I'll convince him to say it was just a friendly peck on his cheek. It was no big deal. We all always kiss each other on the cheeks when we first meet. Don't we Winfred?"

Winfred strained his brain to remember if Dana had kissed him on the cheeks over the years. He couldn't remember any kiss other than the kisses that she gave to Doug and Anthony, possibly even Reyna once or twice. Those kisses weren't strange to him at the time but now, in this apparent circle of trust, it was bizarre how Dana, a married woman, seemed to show more affection to Anthony than any other member of the Chicago Four including her own husband.

Unconvincingly, he replied, "I guess."

She elbowed him in the ribs, something that she had always done to him since college whenever he wasn't supportive of her efforts.

"Umph, yes, yes..." Winfred grunted after the pain subsided.

Josephine chuckled as her husband almost doubled over in pain before

stopping himself. Showing weakness in front of Dana only encouraged her even further. Winfred didn't want to show weakness now after having man-handled Doug to an extent.

Doug was still impatiently waiting for an answer. He still wanted to know how Efron would testify at his deposition when asked about the kiss between Dana and Anthony. He stared at Dana to no avail.

After she was deep in thought, "I don't know what to say. Efron goes to church, but I don't know if he will lie for his brother-in-law. I'm sure he will. But he won't listen to me. He never does."

"Winnie, you talk to him. He'll listen to you," Josephine cajoled her husband even though she knew that he rarely listened to her as well.

"I'll try my best. But I don't know what he will do. Efron's strong-willed and principled after all."

A young man in his late twenties with a shoulder harness strapped to a vending tray filled with bags of popcorn approached the group.

"Popcorn. Garrett popcorn. Fresh popcorn. Hey guys, wanna buy a bag? I have CarmelCrisp, Buttery, and my favorite, CheeseCorn." He smiled and then tried to politely give Winfred a sample.

"Scram guy. We're not interested."

"I'll take some." Dana grinned as she popped a few kernels into her mouth. "How much?"

Right when the young man was going to indicate the price, Winfred unexpectedly shoved him. "I said scram." A bag or two of popcorn fell to the ground, spilling some kernels near their feet.

Pamela watched closely. "Oh no. I hope he doesn't mess this up," she thought. "I need just a little more."

There was nothing that Pamela could do but hope that this scuffle wouldn't garner the attention of pier security or worse yet, the cops. That would mean that the quartet would be disrupted and possibly arrested. "Would that be a bad thing?" Pamela pondered. "Daniel will want me to get as much as I can."

She lowered her equipment slightly so that she could look at the commotion with her naked eyes.

“Hey man. I’m just trying to do my job. No need to be a brute.” The disheveled male grabbed the bags of popcorn from the floor and stepped back. “You’re lucky I’m not gonna call the cops. I need this job. That’s why.” He quickly walked away and approached another group of people. “Popcorn. Garrett popcorn...”

“Good.” Pamela smiled.

The four friends were perturbed at the whole situation but resumed their conversation.

“That wasn’t nice, Winnie,” Josephine remarked with a sense of disgust. This was a moment that she had never before experienced with her husband. He was always respectful and professional when speaking with individuals, even total strangers. That was what attracted her to him. In the back of her mind, she excused his behavior today because of the stress of the meeting and the added stress of being the one who found Reyna. Finding Reyna somehow changed him, but Josephine did not fully understand how or why.

“I’m sorry.” His eyes lowered out of a sense of shame.

Josephine gently kissed him on the cheek.

“It’s okay, love.”

“If you guys are done, can we go back to discussing what’s important? Anthony needs us,” Dana pleaded.

“Alejandra and Ash need us too. Let’s not forget about them,” Doug added sternly. When that realization finally stuck in his mind, he relented. “Okay, okay. I’ll say that it was just a peck on the cheek. A normal greeting that Dana does to everyone including you, Winnie. Is everyone fine with that? Anything else we need to discuss or are we done here?”

“How are we going to explain Reyna’s overreaction?” Winfred insisted. “I didn’t think about that. Did you?” He looked towards Dana for guidance.

She shrugged her shoulders.

“I can’t think of everything guys. That’s why we’re here. Isn’t it?”

Winfred wanted to storm off in frustration. Instead, he kicked his right foot the way that a young child does when throwing a fit. In so doing, some of the popcorn kernels scattered on the ground causing a piece of paper to glide closer

to Winfred. Always the consummate environmentalist, Winfred picked up the paper so that he could toss it in the nearest trash can. While looking at it, he realized that the paper was a receipt, a receipt for some Garret popcorn.

He unfolded the receipt and noticed blue, bold print. It read: "Someone is watching the four of you."

Winfred's heart dropped. He slowly looked around the crowd. No one appeared suspicious.

"What's the matter?" Josephine asked unaccustomed to her husband's new demeanor.

He was afraid to read the words aloud but instead handed the receipt to Dana.

"What is this?"

"Just read it," Winfred insisted. He looked intently at her trying desperately not to openly appear frazzled. She ultimately complied although originally resisting the suggestion. Winfred's seriousness finally convinced her.

Dana in her typical fashion nonchalantly declared, "Oh my goodness. Where has the time gone? I need to get back to Denali. Poor baby must be missing his momma. And of course, I need his support."

She nudged Doug. He took the receipt from her trying to understand what was going on.

"It was nice seeing you guys. We must do this again sometime soon."

Dana walked briskly towards the entrance of the subterranean parking garage, her Gucci purse swinging vigorously with every step. Meanwhile, Doug hugged Josephine and Winfred and then suddenly followed his wife.

As the quartet broke up, Pamela was bewildered why the group dissipated quickly. She trained her camera towards Winfred and Josephine as they strolled towards the rear of the pier where their car was parked.

"Do you think someone is really watching us?" Josephine whispered in the hopes that she wouldn't be heard by whoever was watching them.

"Shush," Doug said nervously.

"Dammit. They know I'm here."

Pamela wondered how they found out, who had told them, and how Daniel

would react once he learned that she had failed this part of the assignment. She hurriedly gathered her equipment and surreptitiously faded into the growing crowd.

23 TESTIMONY

Chicago, Illinois

Later That Week

“Are we ready to go back on the record?” the older gentlemen stated as he put both hands on the Luminez Steno Writer to resume his court reporting duties now that the ten-minute break was over.

“Are you ready?” Daniel asked Winfred as he sat down on the chair across from him.

“Yes, I’m back in the hot seat again.” Winfred tried to laugh but it came across as nervousness instead.

“You’re doing fine,” Tommy added. He was seated next to Winfred.

“Thanks,” Winfred replied.

“Before the break, we were talking about where you had grown up. Can you answer that question?”

“Sure, Mr. Mendoza. I grew up in Glenview.”

“For the jury members who aren’t familiar with Chicago, can you let them know where Glenview is in relation to Chicago?”

Daniel often referred to the jury during depositions even though there were no jurors present during the deposition. It was just a legal ploy should the deposition be read to the jury during any upcoming trial.

“Glenview is in the northern suburbs of Chicago.”

“Did you grow up with Anthony and Reyna?”

“Well, yes and no. We didn’t go to elementary, middle school, or high school together. We met while in college. But we were still young, so yes, I consider that growing up together as young adults.”

Winfred was not sure if his response was adequate or whether Daniel Mendoza wanted that answer.

“Are you the same age as Reyna?”

“No, I’m about a year older, but that’s because I’m a December baby and you know how that works. They hold you back a year.”

“Did you ever date Reyna?”

“No... No. I mean we were friends. But nothing more.”

“So, you don’t have any personal knowledge of Reyna’s life while she was growing up? Did you know she was a gymnast?”

Tommy placed his hand on Winfred’s arm. “Hold on. Let me get my objection in first. Objection, form. At times I may object, but that’s for the record. Don’t worry about that. You can go ahead and answer unless I instruct you not to.”

Winfred was puzzled with the awkward rules of a deposition but continued, nonetheless.

“Well, I didn’t know Reyna personally. But I was aware of her while she was in high school. We were crosstown rivals. So, I knew that she sometimes competed as a gymnast while in high school, but I never interacted with her. I may have just seen one or two competitions. That’s all.”

“Since you graduated from Loyola University how many times have you seen Reyna and Anthony?”

“A couple of times a year.”

“What sort of things would you do together?”

“Stuff with their kids or our kids. My kids are younger so it would be birthday parties or baptisms. Stuff like that.”

“Anything else?”

“Yes. We would go to Vegas or Phoenix to see them and they would come to Chicago to see Dana and I. We would vacation together.”

“Would you characterize the relationship that this group of four married

couples as close?”

“Oh yes. Very close. We did everything together while going to college and unlike some couples that move away and go their separate ways, we continued to spend time together. So, I would say that we are very close.”

Winfred looked at Anthony while he testified. This seemed to comfort him.

“How often would you call Reyna on the phone?”

“I wouldn’t call Reyna directly. I would call Anthony about every day. When I would call, sometimes Reyna would pick up the phone and I would talk to her. Sometimes about the kids. Sometimes about how she is doing. You know things like that.”

“Did you come to Scottsdale, Arizona to attend Alejandra Clifton’s Sweet Sixteen party?”

“Yes, I brought my family, my wife and kids, to Arizona for the party and I understood that both Anthony and Reyna were coming to Arizona because that’s where they were having the party. I think at a place selected by Esperanza.”

“Do you know when you would have flown into Phoenix?”

“Let me try to remember. I think it may have been a Friday. Or a Thursday? I’m not exactly sure.”

“Well, if the Sweet Sixteen Party was on a Friday, would you have flown into Arizona that day or the day before?”

Winfred was pensive and turned to Tommy for guidance.

“Winnie, I can’t answer the question for you. You have to do the best that you can.”

Daniel looked at Winfred awaiting his answer.

“If the party was on a Friday, then I would have arrived the day before.”

“So, it would have been Thursday, correct?”

“Oh yes. It would have been a Thursday.”

“How would you describe the hotel amenities while you were there?” Daniel asked.

“It was a dump!”

“When you say it was a dump, what do you mean?”

“You know a dump. The fixtures were falling off. There were cracks on the

walls. Cement was crumbling. If Esperanza hadn't sent us there, I would have moved to another hotel, period."

Winfred was proud of his testimony and looked towards his wife for her approval. Josephine tried to avoid eye contact.

"Do you know how Esperanza selected the Regal Phoenix Resort and Spa as the location for the Sweet Sixteen party?"

"Who knows? I don't know."

"On the Thursday before the party, did you happen to walk down the stairs where Reyna fell?"

"Yes, I did. I remember walking down the stairs and it was dark. I was with my daughter, Wilhelmina, at the time. So, I grabbed her hand and walked down the stairs with her."

"Were you able to successfully walk down the stairs with your daughter?"

"Well, of course. I didn't fall or anything like that if that's what you are asking."

"Did you report to the hotel staff that the light was out on Thursday night?"

"No."

"Why not?"

"I wasn't going to walk back to the front desk in the dark. It was scary. Besides, I had my young daughter with me."

Winfred became nervous, concerned that he would be caught lying about the lightbulb being out on Thursday night.

"What about the next morning?"

"We all planned to have breakfast together at a restaurant near the cathedral where the mass was held. What was the name of the cathedral?" Winfred lowered his head to try to concentrate on the name. "Saint... Saint Joseph. Yes, Saint Joseph's Cathedral. So, I was busy that morning and didn't have the time."

"Did you go to the Sweet Sixteen party that Friday night?"

"Yes, I did."

"How many people were at the party?"

"I don't know. Hundreds I think."

"Did you drink at all that night?"

“Just one drink.”

“Was your daughter with you?”

“Yes, and my son. My wife was taking care of both of them, both of the kids.”

“Did you spend any time with Anthony and Reyna during the party?”

“I’m sure, yeah. They were busy with the festivities. But we said, ‘Hi’ and Reyna kissed me on the cheek like we all do when we greet each other.”

Winfred’s forehead began to sweat a little. He didn’t wipe the sweat off to avoid bringing attention to it.

“Did you see Reyna drinking that night?”

“No. She’s not a drinker.”

“Are you saying that she doesn’t drink alcohol at all?”

“I didn’t say that. I mean she isn’t a heavy drinker.”

“So, she normally consumes one or two drinks at social events?”

“I would say yes.”

“Do you know if she drinks fruity drinks or hard liquor drinks?”

“I really don’t know her alcohol preferences. I’ve seen her drink wine. But I’m not monitoring what she’s actually drinking. I just know that I’ve never seen her drunk at any social events. In fact, I’ve never seen her drunk period.”

“Did you ever go to the buffet that night?”

“I am not sure. I don’t remember if I did or not.”

“If there are things that you don’t remember, that’s fine. Just say that you don’t remember. I don’t want you to guess, okay.”

“Okay.”

“I’m just trying to reconstruct that weekend. Were you aware that there was an incident that happened at the buffet line between Reyna and Dana Jones?”

“I heard about the incident.”

“When did you hear about the incident?”

“I don’t remember.”

“On the night of the incident?”

“Oh no. I heard about it when I was back in the Chicago area?”

“So, you didn’t witness the incident?”

“No, I did not.”

“Tell me what you heard about the incident?”

“Well, I heard that Reyna slapped Dana.”

“Anything else?”

“What do you mean by anything else?”

“Did you hear why Reyna slapped Dana?”

“Something about Reyna being upset that Dana kissed Anthony. Can I add something?”

“Sure, go ahead.”

“That’s the strange part about it. We all greet each other with a kiss so I don’t know why Reyna would have been upset about that.”

“But you didn’t witness the kiss, did you?”

“No, I didn’t.

“So, you don’t have any idea what type of kiss it was, correct?”

“True.”

“It could have been a kiss on the lips because you never saw them kiss, correct?”

“Well, I didn’t see the kiss.”

“So, for all you know, it was a kiss on the lips.”

“I don’t think it was.”

“Do you have any evidence that it was a kiss on the cheeks?”

“No, I don’t.”

“And that’s because you never actually saw them kiss, correct?”

“Correct.” Winfred reluctantly agreed.

“Did you ever talk to Reyna herself about why she slapped Dana?”

“No, no. I didn’t talk to her.”

“So, you have no idea why she was mad at Dana, correct?”

“I don’t know why she was mad at her.”

“Could have been because of an improper kiss on the lips?”

“Yes. It could have been. But I don’t think so.”

“Have you ever seen Reyna slap Dana before?”

“No. Never.”

“Does she normally go around slapping people?”

“No. She isn’t like that. She’s a very proper woman.”

“So, you would expect that there was something that truly upset Reyna if she would have slapped Dana, correct?”

“Oh yes.”

“Like a kiss on the lips?”

“I don’t know.”

“Could be?”

“Yes, could be.”

“Hey, Dan. Can we take another break? I need to use the restroom.”

“Sure. I’m fine with that.”

Thomas Lopez walked out of the conference room along with Winfred, Josephine, and Anthony. They huddled in another area of the office where the depositions were taking place that day.

“How am I doing?” Winfred was proud of himself.

“You’re doing fine,” Thomas responded. “Try not to be so aggressive. Sometimes you come across smug. Be polite yet direct.”

Winfred listened attentively.

“One other thing. Try to just answer the question. Don’t volunteer any information.”

“Okay. Don’t volunteer,” Winfred repeated.

Anthony and Josephine listened without interfering.

“I appreciate everything, Winnie,” Anthony said while trying not to unduly influence Winfred. He gave him a side hug.

The group straggled back into the conference room and sat down. Mr. Mendoza continued.

“How many times did you go up and down the stairs?”

“Two or three times?”

“During the times that you went up and down the staircase, did you ever fall, trip, or injure yourself in any way?”

“No, sir.”

“Did your wife or any of your children fall, trip, or injure themselves while

walking up and down those stairs?”

“No, sir.”

“The fact that a light was out at the time you encountered the staircase, did that make you more careful in walking up and down?”

“Yes.”

“Did anyone in the group from Chicago tell you after the incident that they had any problem walking up and down the staircase?”

“Yes, we talked about it.”

“What do you recall anyone saying?”

Winfred took a sip of some coffee before answering.

“We talked about how the staircase wasn’t illuminated.”

“Did anyone else express to you that they had fallen or tripped or hurt themselves on the staircase?”

“No, sir.”

“I have no further questions.”

“Mr. McIntyre. My name is Frank Paseo and I represent the property manager. I have a few questions if you don’t mind.

“Okay.”

“Now, prior to arriving on Thursday, had you ever been to that hotel before?”

“No.”

“Have you ever stayed at that hotel again after checking out after the Sweet Sixteen party?”

“No.”

“While you were at the hotel, did you ever consider calling and finding another hotel to switch to?”

“Yes.”

“Did you, in fact, call any other hotel?”

“No, not really.”

“Why not?”

“I didn’t want to upset Esperanza’s applegart if you know what I mean.”

“No, I don’t. Can you explain?”

“Esperanza had planned the whole event, spent money catering it, getting the

party planner, making the hotel reservations. I just didn't want to upset her if I... my family left and went to another hotel."

"Well, the Cliftons left the hotel on Saturday and her sister, Esperanza left with her. You stayed after they left, correct?"

"Yes, I did."

"If you had left the same day as they did and moved to a different hotel, do you think that would have upset Esperanza?"

"No... no... I don't think we stayed at the hotel after that point. I think we left and switched to a different hotel. I don't think we stayed the entire weekend at the hotel. I think we went to... I... I really don't remember."

"Do you have any records indicating when you checked out the hotel and where you switched to?"

"That was last year. I could probably dig it up. I don't know."

"When you get home and you locate any records, a bill, a receipt, or anything like that, can you give it to Mr. Lopez?"

"Sure, I can do that."

"Thank you. After the accident, did you make any complaints to the front desk or anyone else at the hotel about the light being out?"

"I did not, no."

"Are you aware if anyone else in the group did?"

"I don't know."

"I have no further questions."

"Jim, do you have any questions?" Daniel asked.

He looked up from his iPad and answered, "Yes, just a couple. You didn't witness Reyna falling, correct?"

"Correct. I never saw it."

"Did you ever speak to her afterward about why she fell?"

"No."

"So, you have no idea whether the lighting was a factor in why she fell, correct?"

"Correct. I have no idea what factors contributed to her falling?"

"I have no further questions."

“I have a few follow up questions,” Daniel interjected. “So, Mr. McIntyre, you testified that you have no idea why Reyna fell, correct?”

“That’s correct?”

“She could have fallen because she was distracted, for all you know, correct?”

“True.”

“She could have fallen because she wasn’t looking where she was going, for all you know, correct?”

“Correct.”

“She could have fallen because she was drunk, for all you know, correct?”

“She wasn’t drunk.”

“She could have fallen because someone pushed her down the stairs, for all you know, correct?”

“Correct. I don’t think that happened, but yeah.”

“You simply have no personal knowledge as to why she fell down the stairs, correct?”

“Correct.”

“You’re just speculating it’s because of the lighting, correct?”

“Well, the light was out.”

24 ARGUMENT

Chicago, Illinois

Later That Day

After the deposition of Winfred McIntyre was completed, Doug Jones testified. He was nervous and fragile while testifying. But that was to be expected. Doug was not an alpha male. That was in part why Dana married him. She wanted to always be in control and marrying an alpha male meant more conflict and less control. The Chicago Four always said that Doug was what Dana needed. In reality, it wasn't. She needed an equal, someone who would stand up to her when she had outlandish ideas, and who would reign her in when she was out of control and self-absorbed. Doug wouldn't do any of that. Instead, he would let her run all over him. Of course, Dana didn't mind that at first, but in the end, she lost respect for him. That drove her into longing for others, including Anthony.

"No, I've never seen any inappropriate behavior between my wife and Anthony. They are just friends. Their romance was over when he married Reyna and moved on. They are a lovely pair. Anthony has been faithful to Reyna and loves her dearly."

He wondered whether Daniel Mendoza believed him. Even Doug had his doubts as he spoke.

"Have you ever seen Anthony and Dana kiss?" Daniel asked assertively.

"Sure, we all kiss each other on the cheeks. It's a cultural thing. You would

understand if you were from Chicago.”

“Did you see Anthony and Dana kiss the night of the Sweet Sixteen party?”

“Of course, I was next to her when she kissed him on the cheek. We were in the buffet line together. I was about to kiss him on the cheek myself.”

Doug added that last part to make the story sound believable even though he knew it was a lie.

“It wasn’t a kiss on the mouth? A romantic kiss?”

Daniel’s eyes pierced deeply into Doug’s eyes awaiting his answer.

“No. No, not at all.”

When the words caught in Doug’s mouth and they struggled to come out, Daniel continued in that line of questioning.

“So, if someone were to testify that it was a romantic kiss, then you would disagree with them?”

“Absolutely. It was not.”

“You would testify that they were lying, correct?”

“They would be. Absolutely.”

“Can you explain why Reyna slapped Dana and accused her of trying to steal Anthony away from her?”

“I have no idea. I don’t know why she was thinking that. You would have...” Doug stopped himself after realizing that Reyna could no longer speak for herself.

“Did Reyna ever get into a similar confrontation with Dana?”

“I object to the form. Misleading and mistakes the facts.” Tommy interrupted before Doug could answer.

Doug gave him a puzzled look.

“You can answer.”

“I admit that Reyna was sometimes jealous of Dana at times but that was so long ago before the marriage and before the kids. Once Anthony proposed to Reyna, she felt more secure about their relationship and any tension subsided.”

“So, things changed and that’s why Reyna started feeling jealous about Dana again?”

“Doug, only answer if you know. If you don’t know, then say you don’t

know. Don't guess." Tommy instructed Doug in a way that was consistent with the local rules for Arizona depositions. Be that he was almost crossing the line and he knew it. Daniel, however, let it go. He just wanted the answer.

"I have no idea if anything changed between them."

"Well, did Dana ever talk to you about whether her relationship with Reyna changed recently and why?"

"No. I have no idea that anything changed. Nothing changed in my mind."

"Did you ever speak to Dana about what happened that night?"

"No."

"Not once in the intervening months?"

"Well, we talked about how Reyna fell because of the lighting. But if you are asking me if I talked to Dana about Reyna's accusation, then no. I didn't."

"Why not?"

"Because it was silly in the grand scheme of things. It was a kiss on the cheek. Reyna was severely injured because of the hotel's negligence. Why would I focus on a misunderstanding? There was no reason to."

Once both depositions were completed, Doug, Winfred, Josephine, and Dana took the elevator from the court reporter's office to the lobby. They were silent during the elevator ride even though no one else was in the elevator with them. After everything was over, Tommy had instructed them to not discuss the depositions while in the building in case someone overheard them. Given what happened at the Navy Pier, they readily obeyed.

The court reporter was already in the lobby, towing her equipment in a silver rolling computer case. She waved goodbye to Tommy and David as they left the building. She continued behind them and entered an Uber waiting on the street adjacent to the front door.

Daniel, Frank, and James finally arrived in the lobby after taking a later elevator. They didn't want to share the elevator with the Chicago Four.

"I'm famished," Frank added. "Let's go get a drink. I know this pub not too

far from here. You guys would love it.”

“You promise to behave?” James added.

“Of course.” Frank’s big smile brightened his mood and was an attempt to cajole the others into agreeing.

“Jesus, don’t do it again this time, Frank. We need to get to the airport soon. We can’t miss the flight.”

“We won’t. I promise.”

“Let’s just go. What’s the harm if we are late?” Daniel inquired. “I’m in no hurry to get home. Are you?”

“Okay.” James relented, hoping that he wouldn’t regret it later. He obviously did.

As the three attorneys got into their shared taxi together, Daniel could see Pamela White in a semi-hidden location across the street. She was trying to be inconspicuous, but Daniel was familiar with her tricks and obviously knew who she was. He grinned as the taxi drove off.

“I’m mentally exhausted,” Doug groaned. “I didn’t know that it would take so much out of me.”

“Stop being a wuss. Winnie’s deposition lasted twice as long as yours.” Dana tried to hide her disdain, but she failed. Doug frowned.

“It’s okay, Doug. I totally understand,” Winfred concurred. “You don’t, Dana. You will once you go through the process. When is your deposition?”

“I have no idea. Tommy hasn’t told me anything.”

“Do you think they aren’t going to question us?” Josephine asked tepidly. She was concerned about being under the microscope.

“It’s only a matter of time,” her husband added. “I heard that Anthony listed all of us as witnesses. They seem to want to depose everyone.”

“He did?” Dana was shocked after learning that information.

The four walked to the front door and exited the office building. Doug and Dana took an Uber to their home while Josephine and Winfred had their car

waiting for them. The chauffeur driver pulled up once they were visible from the curb.

When Dana poured a large glass of Pinot Noir from Maldonado Vineyards, she was anticipating the flavor of smoky black plum, loganberry, vanilla, and coriander. It was her go-to wine ever since she purchased a case several years ago. She would mainly drink on a Friday or Saturday night. But the stress of the depositions made her want to relax even though it was only a Tuesday. She took a sip as soon as she finished pouring and then took another sip. Denali was at her feet, rubbing against her, and begging for her to pick him up. She ignored him and took another sip. Walking towards the living room, she sat down on the couch and placed her drink on a gray agate coaster on the coffee table. Dana reclined her head on the sofa looking towards the vaulted ceiling above. Denali sat on the sofa near her.

After a few minutes, Doug walked into the living room with two orange prescription bottles in his hand. He was reading them while he walked.

“What is this? Are you taking sleeping pills?” Doug spoke at a loud level that he had never spoken before. “I thought you were done with this.”

He noticed that the bottle of sleeping pills was half full.

“Answer me, Dana.”

“I don’t answer to you, Doug. I never have. I do what I want.”

“You promised me no more sleeping pills.”

Doug wanted to avoid bringing up the sensitive topic when he found Dana near lifeless on her bed the night before Anthony and Reyna’s wedding; an empty bottle of sleeping pills was near her hand. Dana assured Doug that it was only coincidence that she had taken the pills before the wedding. She begged Doug to understand that she had just miscarried and that she was depressed over that. Doug was uncertain whether this was true because Dana had never mentioned that she had gotten pregnant. They weren’t even trying to get pregnant at the time. Now, he sincerely had doubts whether she was honest with

him about the miscarriage.

“I never... I never promised you anything.”

“Yes, you did. Don’t make me...”

Doug read the label on the second bottle.

“Are you taking oxycodone? What do you need that for?” He was even more furious.

“I’m having anxiety.”

“It’s not for anxiety, Dana. You know that. It’s for pain.”

He continued reading the label.

“Who’s this Dr. Yusupov? I’ve never heard of him. He’s not your doctor.”

“He’s no one you need to know about.”

Dana stood up to confront Doug. Denali jumped off of the couch concerned for his master’s well-being.

“Dana, the kids need their mother. They don’t need you strung out on drugs.”

“I’m not a drug addict.”

Walking closer to Doug, she desperately tried to grab the bottles from him. He moved his arms and wouldn’t let them go.

“Give me those.”

“I’m not going to let you kill yourself. I need you too.”

“No, you don’t. You don’t need me. You just want a beautiful woman on your arm. I should have never...”

“Never. Never what, Dana?”

“I don’t want to argue with you. Just give me my pills. I need them now.”

“You can’t mix oxycodone with a sleeping pill. That’s fatal. You know better than that.”

Doug tried to remain calm, but he was boiling internally. He could hear one of the bedroom doors squeak as it opened. It was coming from Angela’s room. Concerned that she could overhear them, Doug lowered his voice.

“I’m going to throw these away.”

As he turned around and walked towards the master bathroom so that he could dump the pills in the toilet, Dana grabbed his arm, jerking him.

“Stop that.”

“I’m not going to let you destroy my pills. They are MY pills.”

“They are going to destroy you, destroy us, our family. We have enough on our plate now with Reyna’s death. We don’t need you dying too.”

“I’m not going to die. I just need to calm down, relax. These pills help me do that.”

“Why? Why Dana? Why are you so stressed out now? Is it because you can’t have Anthony?”

“What?!! What are you talking about?”

“Don’t play coy with me. I’ve seen how you’ve been looking at Anthony these past few months, talking to him by yourself in the room. You kissed him in the mouth. I saw that. I’m not dumb. I know when my wife refuses to give me attention and is giving it to another man. It’s not the first time, Dana.”

She slapped him hard, with an anger that she held deep inside; an anger that had dwelled in her from the first time that she announced she was marrying Doug rather than Anthony.

“See what you made me do. It’s your fault.”

Denali was barking and sometimes growling at Doug. That was not his normal, calm demeanor.

“Look what you’ve done, now. You’ve upset, Denali.”

She lifted him from the ground and petted him a couple of times. When he calmed down enough, she put him down again. Doug breathed deeply several times trying to calm himself down.

“You’re not going to put this on me. No more. I’m not going to have it anymore. I can’t deal with this anymore.”

“What are you going to do? Leave me?”

“I just might. I might leave you.”

“And go where? You can barely handle yourself. What would you do without me?”

Doug’s only thought was staying with his closest friend, Anthony. But that wouldn’t solve the problem but make things worse. He shunned the idea of moving back into his parents’ house. It would only make Dana lose even more respect for him.

“I’ll go to a hotel. The Drake.”

“You aren’t going anywhere unless I say so.”

“You aren’t the boss of me, Dana.”

“We’ll see.”

She grabbed the bottle of sleeping pills from Doug’s hand and popped three into her mouth. “Now, I don’t want to talk about it anymore.”

She walked angrily towards the master bedroom and plopped down on the bed. Doug watched helplessly as she stormed off.

25 LAYLA

Phoenix, Arizona

Later That Week

While driving home from work that early evening, Daniel received an unexpected call from Layla. They had not spoken in months. Earlier that day, Layla received an email from Daniel. In the email, Daniel expressed to Layla that he really missed her. Daniel also apologized for the incident with Leon, for pushing him, and for making Layla fear for her own safety while they were vacationing in Puerto Rico. More importantly, he asked for Layla's forgiveness and a chance to make it up to her. Despite pouring out his heart in the email, Daniel felt that the email could be misconstrued as focusing on his feelings rather than Layla's feelings. Because of these doubts, he intended on deleting it. Instead, unbeknownst to him, Daniel accidentally sent the email to Layla.

Initially, Layla struggled with whether she should read the email. Fortunately, she did. After realizing how sincere and open Daniel was in expressing his regret and concern for her, Layla resolved to give him another chance, give them another chance. She called him and asked if Daniel could visit her in New York for his birthday.

"You can fly into Jersey and I can pick you up if that's okay," Layla timidly suggested.

"Are you sure? That's a long drive from your house."

“Yes, but then we can spend a couple of nights in the city. I know of a great hotel close to my job near Times Square. We can take in the sights, walk along the Hudson River, and enjoy the views. If you want, we can head to my home in Middletown later that weekend. What do you think?”

Layla wasn't sure if she was being too aggressive in making plans for Daniel to visit her. Although she grew up in California, she was now a New Yorker so expressing herself came naturally. West Coast men did not always appreciate that. They normally wanted to take the lead or wanted passive women. But she had to be herself and follow her own desires. Spending time with Daniel was what she wanted. She wasn't ashamed to let him or anyone else know.

“That sounds nice, sweetheart.”

“Yes, it does.”

She was pleased with his response.

“I'm really looking forward to seeing you again, Layla. It's been so long.”

“Yes, it has been.” She smiled at the thought of seeing Daniel again after all this time.

During their conversation, Layla also apologized to Daniel for not giving him the opportunity to explain what really happened in Puerto Rico. If she had, she would have learned how Leon started the confrontation by first lunging at Daniel. Daniel was only protecting himself when he pushed Leon off of him. Although Layla did spend the rest of her vacation with Leon in Puerto Rico, Layla told Daniel that she had to break it off with Leon because of his anger management issues. Despite that, Leon persistently stalked Layla on Facebook and had his minions spy on her. Layla, however, was unaware of the depths to which Leon wanted to possess her. Nor did she realize that he would never give her up even if she went back to dating Daniel again.

“US Airways flies from Phoenix to Newark,” Layla informed Daniel. She didn't want to mention why she knew that fact. Many times, she had flown to Arizona to visit Leon during the years that she dated him. Daniel was aware of this fact anyway and wouldn't be surprised that Layla was familiar with the flight schedules.

“I'll look into a flight once I get home and eat dinner. I promise.”

Layla was reassured that things were going right and that she could spend the weekend with Daniel for his birthday. She wanted to make it a special weekend so that she could make it up to him for the betrayal of sorts. She was just happy that Daniel was willing to forgive her as well.

Over the years, Daniel had professed his feelings for her. That complicated things and made her feel uncomfortable at times even though she had feelings for Daniel as well. Her continued attachment to Leon was always a hindrance. Either Layla was willing to give Leon another chance or she was still struggling with the pain and anguish that she endured from his physical and emotional abuse. It always seemed like there was a reason why she and Daniel couldn't be together.

After a while, Layla knew that she was unconsciously pushing Daniel away. She was afraid that the distance was insurmountable. Did she really want to move to Arizona having lived in the bustling New York most of her adult life? Did she really want to give up her job at a top hospital in the nation when she was willing to give up everything, even her career, for Leon and he only destroyed her hopes and dreams? Did she really want to start again with Daniel when their friendship was so good, and he supported everything she did? Maybe starting a dating relationship would be a bad decision? She constantly struggled with these feelings but never spoke to Daniel about them.

The trip to Puerto Rico was the first time that Layla felt that she had finally gotten over Leon. But then he unexpectedly appeared, tearing her heart open again and destroying the budding relationship with Daniel. In the end, she had to give Daniel a chance again or she would regret it.

“Well, Daniel. I will let you go. Have a safe drive home.”

Layla wanted to add that she missed Daniel too, but she was afraid to express all of her feelings at that time. She wanted to ensure that she wasn't going to be too vulnerable too soon.

“Thank you, sweetheart. You have a great evening. Talk to you soon.”

When the phone call ended, Daniel was very pleased. Things had gone better than he had originally planned even though it was only by accident that Layla received his email.

The Jewel Eye LED headlights from Daniel's Acura TLX illuminated the darkened street. As he approached closer to his home in Gilbert, Daniel pushed the HomeLink button to open his garage door. He then grabbed his black catalog case from the trunk and opened the Kevo lock on the door to his house by touching the deadbolt rose. After placing the catalog case on the floor near the staircase, Daniel unbuttoned his shirt and walked towards the double patio doors. He opened them so that he could sit on the chaise lounge on his patio facing the spool. Unexpectedly, the overflow from the spool was already spilling over the dam wall into the trough, simulating the sound of the ocean.

"So, you're finally here. It's about time." Pamela's voice startled him.

She was lying on the second chaise lounge furthest from the patio doors. Her multi-colored blue sundress flowed along with her long blonde hair whenever a slight breeze wafted inside the patio. Her Steve Madden sunglasses hid her blue eyes but not the smile that she slyly gave Daniel when he turned his head towards her face.

"What are you doing here?" He lay down on the other chaise lounge next to her after kicking off his shoes.

"What does it look like I'm doing?"

She took a sip of a Midori sour and handed another glass of the sweet and tangy cocktail to Daniel.

"No thanks. I haven't eaten dinner yet."

"Suit yourself." She put the drink down. "Too busy thinking about Layla?"

Daniel was even more surprised by Pamela's latest comments.

"How did you know that? I never told you about her."

"I'm a private investigator, Daniel. I know everything about all of my clients. Even you."

"You're creepy. You know that. Don't you?"

"That's what I get paid for, to learn things most people don't know or things they don't really want to know. I know that you really care about her. A lot. Why didn't you tell me that you took a woman with you to Puerto Rico?"

Daniel wondered if Pamela had hacked his cellphone or perhaps his email account. Or worse yet, both.

“Because it’s none of your business. I don’t ask you about your personal affairs.”

“There’s only one man for me and you know that.”

“You mean, Phillip. Don’t you? Weren’t you dating him last year?”

“Oh please. We both know who I mean and it’s not Phillip.”

Pamela leaned over towards Daniel and lightly kissed him on the cheek. Daniel tried to hide his smile, but he ended up laughing. So did Pamela.

“Do you want me to take care of this Leon fellow? Sounds like he’s really messing up your game.”

The stern look on Pamela’s face indicated that she was no longer joking.

“No, no. No rough stuff. That will only make things worse between Layla and I.”

Pamela had been in the military but wouldn’t tell anyone what branch or how long. Her slim figure even at her age, early thirties, did not give the impression that she was ever physically fit enough to be in a combat role. But she had served for at least two tours in Iraq. She was also a black belt in aikido and had various other martial arts training. No one knew that about her as well. From his conversations with Pamela during investigations in other cases, Daniel knew that her knowledge of sophisticated technology and weaponry made her a fatal force. He did not want to unleash that on Leon although he struggled with the idea temporarily if he was being honest. Of course, letting Pamela know of his doubts could encourage her to do something despite his reluctance.

“I’m ready whenever you change your mind.”

A mated pair of mourning doves gently flew to the tile-covered spillover on the spool to quench their thirst. The salty pool water reminded Daniel of doves drinking brackish water from springs near the San Tan mountains just south of his home. They cooed before taking off to find some seeds for their evening meal.

“Let’s get down to business. That’s why you are here, right? Not to enjoy the desert views.”

“Why can’t I do both?”

“You can do anything you want, Pam. You know that.”

“Anything?”

She touched the back of his hand.

“Please, Pam.”

“Okay, Mr. All-Business. What do you want to know?”

“I want to know why Reyna fell that night.”

“Don’t we all want to know that?”

“I’m serious.”

“I know you are. I’m still working on that. I have a few leads, but I don’t want to say until they are solid. There’s a lot of dead ends in this business. You know that Daniel.”

“I do. But my client is getting impatient. I’m getting a lot of pressure to try and settle this case.”

“So why don’t you?”

“Because I don’t think it was the resort’s fault. At best, she was inattentive and fell down the stairs all by herself.”

“But if your client is willing to pay, then you should just get it over with. Shouldn’t you?”

“Well, they won’t formally accept liability. I’ll make sure of that. Any settlement release will ensure that there is no admission of fault. My client will also pay more for a confidentiality agreement so that her lawyers aren’t on the television claiming that we admitted fault and that the Cliftons were vindicated.”

“So, what’s preventing you from pushing the settlement? Sounds like you have everything covered. I’m sure your client is happy about that. Don’t they trust you?”

Pamela took another sip of her drink and gazed at Daniel awaiting his response. From past experiences, she knew that it would be a considered explanation.

“Because no matter how many confidentiality agreements I make with the plaintiffs, the public will ultimately find out that the case was dismissed without a trial and without a ruling in favor of my client. The public will figure out that

my client paid money to the Cliftons. And you know how the court of public opinion is. They will blame my client and claim my client was at fault for the fall. Who knows what the financial fallout will be?”

Daniel feared that he gave Pamela the impression that he was more concerned about losing a client rather than doing the right thing.

“I need you to pull a proverbial rabbit out of the hat. I need a miracle, Pam. I really do.”

Pamela could hear the desperation in Daniel’s voice. It was something that she was unfamiliar with.

“I can’t make any promises. But I can see what I can do. It won’t be cheap.”

“I know. I know. That won’t be an issue. You’ll get unlimited funds. But no foul play. I want everything above board. I need you to dot your ‘i’s and cross your ‘t’s. We’re going to be under the microscope. The both of us. Do you understand me?”

“Of course, I do.”

Eyeing the Midori sour on the bronze side table between the chaise lounges, Daniel contemplated taking a drink. He really needed one.

26 PROPERTY MANAGER

Tokyo, Japan

The Following Week

As Gerry Ravan walked from his dedicated, restaurant table facing the bold, long windows of the thirty-eighth floor of the Regal Wisteria Shinigawa hotel, he approached the Serbian delegation sitting at an oversized, maple wood table near the back of the restaurant. The bright red and white Tokyo Tower could be seen in the night sky in the distance. It was beautifully illuminated in warm orange lights at that time of the year rather than the bright white illumination during summer months. Even Mount Fuji seemed aglow of sorts. Perhaps, it was Gerry's good mood that made everything seem joyous and happy during this tepid celebration.

Seated at the table was the Serbian Ambassador, Andon Matkovic. He had been recently transferred from his post in Budapest, Hungary along with his Deputy Chief, Dusan Kuznik. During the intervening five months living in Tokyo, Andon had gotten to know Gerry really well. Daily luncheons were a regular encounter for the two of them because the Serbian embassy was only a stone's throw away from the Regal Wisteria Shinagawa hotel. Gerry gave Andon and his staff permission to use the various hotel amenities at any time of day or night. The sauna was an especially welcoming place for Gerry and Andon to meet and discuss politics, culture, or even religion, but truthfully their discussions mainly revolved around the hotel business.

Gerry was interested in obtaining property in Belgrade along the Danube River so that another Regal Wisteria resort could be opened in Europe. The hotel board had voted to build additional locations in Europe once the London hotel did very well within the first year that it opened. The ensuing months of secret negotiations paid off. The Serbian government had relented and allowed an old, foreclosed property to be purchased and renovated as a Regal Wisteria hotel so long as the local trades who supported the president were utilized for the project. Of course, at a higher percentage than typical wages for that area. That term was agreeable, making tonight a celebration now that the deal was finally closed.

“Andon, we need to toast. Champagne?”

“Of course,” Andon replied cheerfully.

His staff heartily agreed with slight smiles.

“Then, we will toast with the finest bottle of champagne that the hotel has.”

Gerry motioned to a waiter awaiting instructions. Several waiters brought bottles of Laurent-Perrier La Cuvee Brut and poured the pale gold champagne into tall champagne glasses in front of the six or so individuals seated with Andon. The fine bubbles flushed the air with hints of fresh citrus and white flowers.

“... to Serbia, to Belgrade, to President ...” Gerry cheered with his glass raised.

Andon quickly stood up and looked towards his companions. The rest of his staff obeyed and stood as well.

“... President Vučić... to a long-lasting relationship between our countries.”

“Yes, to our countries.” Andon tipped his glass towards Gerry.

“Živeli,” Gerry added as their glasses clinked.

“Živeli,” Andon shouted. “Živeli.”

“Živeli,” his staff echoed in unison as they all sipped the delicate fruity flavor of the champagne.

After hugs were exchanged and the atmosphere calmed a bit, Gerry proclaimed, “I’ve ordered a delicacy for all of you.”

“Oh, finally,” Andon exclaimed exuberantly. “You promised me this since the beginning. I cannot wait.”

“What is it?” Dusan inquired inquisitively.

“Is it okay to ruin the surprise?” Gerry sheepishly asked Andon.

“Of course.”

“Snake venom ice cream. Only the best aphrodisiac in all of Japan. From the deadly pit viper. Don’t let the unique taste inhibit you.”

“Oh my!!” Dusan gulped as if the words struggled to get out.

Andon laughed heartily.

“Yes, an aphrodisiac worthy of honor and worthy of this great celebration.” He gazed upon his staff for approval which he readily received.

As the waiters served the venomous delight, Gerry slipped away and returned to his private table. Seated on the left with his iPhone out was Daniel Mendoza, tired yet determined to appease his client’s concerns. Gerry approached quietly.

“How was the flight?” he inquired.

“Long, but I’m used to it after these past five years.”

“I don’t know why you insist on taking the train from the airport. I could send a car.”

“The station is just a short two blocks away from the hotel. Besides, the walk does wonders after a long flight.” Daniel didn’t want to sound unappreciative, but Gerry was familiar with this rationale which was given after every discussion upon Daniel’s arrival from Narita Airport.

He sat down adjacent to Daniel and went straight into business.

“I’m concerned about this tender from the property manager. What do you make of it?”

“My firm is thoroughly researching it. I have my best attorneys on it. The tender appears to be based solely upon the fact that the commercial general liability policy issued to the hotel states that any property manager is considered an additional insured for purposes of the hotel’s insurance policy. In simple terms, it means that the insurance carrier has to also defend the property manager and indemnify meaning pay any judgment or settlement in this lawsuit on behalf of the property manager. The insurance carrier isn’t just responsible for the hotel.”

“Did you know that?” Gerry asked.

“Yes, that’s standard language in any policy, but it’s not really anything to worry about.”

“I don’t understand.”

Daniel opened a large, manila envelope and pulled out a forty-page document to show Gerry. He flipped the document to a page near the end and oriented the page so that Gerry could easily read a pre-highlighted section.

“I reviewed the property management agreement. It has an indemnification provision that the property manager has a duty to defend and indemnify the hotel for any negligent acts, including willful acts.”

Gerry grabbed the property management agreement and pulled it closer to him. He squinted to quickly read Section 11.2 which contained the indemnification provision. He read it to himself a couple of times but with a confused look.

“Is that good?”

“Yes, the complaint alleges that the hotel was negligent in failing to properly illuminate the staircase. If the bulb wasn’t replaced, that’s because the property manager failed to notice it or failed to replace it in a timely manner. That’s negligence on the part of the property manager.”

“Good. Good.” Gerry nodded in approval.

“So, I’ll have one of my associates write a tender letter of our own requesting that HQ Management pay for our attorney’s fees and costs. But they may want to take over the defense of the entire case.”

“That’s not going to happen. I’m not going to trust such an important lawsuit to some other law firm, a firm that I don’t know.”

Daniel was pleased that Gerry inadvertently reaffirmed his commitment to the Mendoza law firm. This meant that the prospect of a national firm taking over because of the media coverage was non-existent. However, Daniel did not want to explicitly acknowledge his concerns because he wanted to focus on his client’s needs.

“I have an idea about that too.”

“Tell me about it.”

“Well, this idea has some potential downsides...”

A waiter brought two small bowls of ice cream and placed them in front of both gentlemen. Gerry slightly bowed his head while saying, “Arigato.”

Daniel quickly bowed his head too and also said the Japanese greeting albeit with an awkward accent. He had learned a Japanese phrase or two but was not as conversant as Gerry. Gerry lived on the island for the majority of each year for the past ten years but traveled throughout the country for several months a year.

When the waiter was far enough away, Daniel scooped up some ice cream and continued.

“Let me caution you, Gerry. The financial downside can be great, but I think in the end it won’t really matter.”

“I trust you.”

“The complaint has some boilerplate language that the design of the luminaires in that area was insufficient.”

“What does that mean?” A puzzled look came over Gerry’s face.

Daniel looked inside the Manila envelope for a copy of the complaint, but he had unfortunately left it at the office in Phoenix.

“Well, it’s unclear from the complaint. It could mean that the actual luminaires are defectively designed and failed to illuminate the area properly. It could mean that there are an insufficient number of luminaires in that area. I just don’t know at this point which of the two legal theories the plaintiff is pursuing. It could be both.”

Daniel pushed his glasses firmly back onto his nose after they loosened from leaning down towards the table. It gave him an air of authority while speaking.

“How are you going to figure that out?”

“Well, once we get the plaintiff’s expert report, they will hopefully make it clear.”

“You mean Dr. Coen.”

“Yes. That’s when we’ll definitively know. But at this point, when we tender the case to HQ Management, we will let them know about this allegation in the complaint.”

“I don’t see how that makes a difference.”

“The property manager isn’t responsible for the design of the lighting fixtures. Nor is he responsible for the number of lighting fixtures in that area. Those decisions were made well before this property management agreement was entered into. We, I mean, the board made those decisions through their architect who designed the property and actually selected the luminaires.

“Once we tender to the property manager, we will let them know that they have a conflict of interest.”

“A conflict of interest?”

“Yes. They have no skin in the game when it comes to the design, selection, and installation of the luminaires. In fact, it’s probably in their best interest to argue that the problem wasn’t because the light bulb was out but because of the design and installation of the luminaires. That’s why we still have the right and obligation to defend the hotel with our own attorneys who will ensure that both allegations are defended vigorously and that it’s not the hotel’s fault. The property manager’s carrier will just be obligated to pay for it all.”

Daniel paused when he saw Gerry turn his body to face the other direction. He was unaware of the reason for the distraction. Gerry stood up and waved as the Serbian delegation was leaving the restaurant. Andon smiled as well as the rest of his staff. They seemed pleased with the satisfying dessert and were eager to experience the rest of the night. They took the elevator down to the lobby.

“Who are they?” Daniel asked.

“That’s Ambassador Matkovic.”

“Oh, the hotel in Belgrade. I heard about that. Congratulations.”

“Thanks. I worked hard on that assignment. It will take me another two years to oversee the renovation.”

“I’m sure you’ll be very busy.”

“Very busy. That’s why I want this whole mess done with. I have better things to do. I need to focus on the hotel in Belgrade. We also want to build a hotel in Maui. The company wants to grow the brand faster and, in this economy, we can do it. But we are bogged down with this lawsuit.”

The exasperation in Gerry’s voice was apparent. He was more serious now than Daniel had ever seen him over the years while they worked on other

catastrophic lawsuits. That unsettled Daniel.

“Gerry. I know that this is important to you. But I need you to trust me about this. I know there is something else going on. I feel it deep in my bones. I just need time.”

Gerry was unsure about it. Given his experience with Daniel, he was willing to temporarily hold off with a settlement ultimatum.

“How much time?”

“I really don’t know how long. A few months at most. I have this private eye that is doing a great job for me, for us. She’s worked on a couple of cases for me in the past including the Sypher case. Remember that one.”

“Yes, I remember that. That was her?”

“Yes, Pamela does a great job. She’ll do a great job for us in this case as well.”

Daniel slid a USB drive across the wooden table to Gerry.

“What’s this?”

Daniel looked around the restaurant before answering. He wanted to make sure no one was listening to him or recording him. But he knew after working with Pamela that there was nothing he could do to prevent eavesdropping whether he was indoors, in a private restaurant, or on the bustling streets of Tokyo. He had no reason to suspect that the plaintiff’s counsel was aware of his international trip to visit his client or the reason for the trip. Even if they were, why would they be spying on him? Yet, Daniel wanted to be cautious.

“Take it to your home office and use that laptop that I gave you last year.”

“The HP?”

“Yes, that one.”

“It’s not connected to the internet.”

“That’s the point. I’ve got a memo written for you on the drive. It will explain everything on the drive. We can talk about it tomorrow before we get to the rest of our itinerary.”

Gerry was confused but took it in his stride. Daniel’s secretiveness was also unexpected, but it piqued his interest.

27 INTERVIEW

Tokyo, Japan

The Following Morning

After Daniel sat down in the conference room of the offices of his client in the Regal Wisteria Shinigawa Hotel in Tokyo, he noticed that Gerry was outside speaking with an armed, Japanese security guard. The conversation seemed menacing with the guard looking totally serious and nodding his head on occasion. Daniel could not hear the exchange but could tell that there was tension by Gerry's expression. When the guard finished bowing, he did an immediate about-face and walked quickly down the hallway ordering several of his subordinates to do something that Daniel did not understand. Daniel suspected that it had to do with the purpose of his meeting that morning. Gerry walked back towards the conference room and opened the door.

"Good morning, Daniel. Did you sleep well? I hope you weren't working too late last night."

"A little."

Daniel sat back trying to relax and get comfortable in his chair.

Gerry approached the conference room table and was about to sit down when a young female attendant came to the door.

"Yes, Ms. Takahashi. What do you need?"

"Mr. Ravan. He is here. Should I bring him in?"

Gerry frowned from disappointment. He had given explicit orders which

apparently were not followed.

“Yes, of course.”

When Ms. Takahashi pranced down the hall to the waiting area and was out of hearing range, Daniel turned to Gerry and inquired, “Who? Who is here?”

“Jason Gould.”

“Gould. You mean the former hotel manager of the Regal Phoenix?”

“Yes.”

“He’s here? In Tokyo? What is he doing here?”

“He’s here to talk to you. Why else do you think he would be here?”

“I don’t understand. I heard he was terminated because of...”

“He was never terminated. He voluntarily resigned. It was a mutual agreement with ... how would you say... with an incentive?”

“I hope you mean a financial incentive.”

“Of course. What other incentive did you think I mean?”

Daniel did not want to mention the scuttlebutt that he had heard over the years even when he was working at Williams Brown that the Regal Wisteria would sometimes act in questionable ways. They were considered Japanese cowboys of sorts. It was the cultural difference that Daniel did not always understand.

“How did you find him?”

The question was meant to change the topic and avoid any difficult conversation.

“We have our ways. We found him working at a dealership in Pennsylvania.”

Before Daniel could respond to the statement, a tall, older gentleman with a slight, abnormally rounded upper back walked into the room cautiously. Daniel recognized the condition as kyphosis from a lawsuit that he litigated while at his previous law firm. Kyphosis is commonly referred to as the derogatory term hunchback.

“Come in Jason. Sit down.”

“Thank you, sir.”

Jason seemed uncharacteristically docile compared to the impression that Daniel got about him when talking to the current hotel manager. He sat down in

the chair next to Daniel. Daniel felt somewhat uncomfortable.

“Jason, this is Daniel Mendoza. He is our attorney in Phoenix. He’s dealing with the Clifton lawsuit that we spoke about earlier. You remember the lawsuit. Don’t you?”

“Oh yes. Glad to meet you?”

Jason reached over to shake Daniel’s hand.

“Good morning, Mr. Gould.”

“Daniel would like to ask you some questions about the night that Mrs. Clifton fell down the main staircase. Is that okay with you?”

“Sure.”

Jason also nodded reluctantly. Daniel was not exactly sure by Jason’s mannerisms whether he was there of his own free will.

“Mr. Gould. Is it okay if I call you Jason?”

“Yes. Mr. Gould is my father.” He laughed uneasily.

“Jason, can you tell me how long you were the hotel manager at the Regal Phoenix Resort and Spa?”

“I think about nine... ten months. About that long.”

Daniel wished Marissa was with him in Japan. She had done all the leg work on Mr. Gould and reviewed his employment file once the resort provided it to the firm. Gerry would not take kindly if Daniel asked to conference in his associate in Phoenix. Gerry would likely get the impression that Daniel was not prepared. Besides, Phoenix was sixteen hours earlier. There was a possibility that Marissa was not at work or not even awake. Daniel tried to remember the briefing that she gave earlier in the year and decided to proceed with the interview.

“Mr. Gould... Jason... How long have you been in the hospitality business?”

“I’ve worked at various hotels for about thirty-six years or so.”

“Do you remember the security company that worked at the hotel, Arrowworks?”

“Oh yes. That was a unique arrangement. I’ve never seen that before.”

Jason looked at Gerry to see if his response was acceptable.

“When you were the hotel manager did you have any interaction with

Arrowworks personnel?”

“Yes.”

“Can you tell me the interactions that you had?”

“I would meet with Aaron Clark. He was the manager of the security company and my direct contact. We would meet biweekly. Sometimes more if it was needed.”

Daniel took out his legal pad and wrote the name Aaron Clark and encircled it. He scribbled “take his deposition” and added two question marks.

“Did you have any other interactions with Arrowworks?”

“Well, each day, a security person would discuss with me what they called post-orders. Post-orders are the daily duties of the security officers assigned to the hotel. After each shift, I would receive a report about what happened during that shift and any guest interactions.”

“How often would you receive these post-order reports?”

“Generally, I received one report every morning for the previous day’s issues.”

“Can you describe the general nature of those reports? What information was contained in them?”

“They would contain any security-related incidents: noise complaints; unsecured doors; employee incidents or accidents, should there have been any; guest service acts that were completed, such as delivering towels or pillows to a guest suite; maintenance concerns that the security officer noted during the rounds, leaking—such as a leaking pipe—a light bulb out, a sign unlit. Stuff like that.”

Daniel wrote feverishly trying to take down everything that Jason said.

“So, guests’ requests for towels were under the purview of Arrowworks?”

This seemed incredulous but Daniel remembered that Adam had mentioned this which is why the security company was named as a non-party at fault and was now a defendant in the lawsuit.

“The understanding that I had with Aaron when we entered into the contract with Arrowworks and throughout their tenure at the hotel was that they were ... Arrowworks ... did their best to assimilate into the hotel staff. Even though they

were a separate entity, they would assist in the delivery of amenities to guest rooms, especially on the overnight shift when we would have limited staffing at the hotel.”

“What areas of the hotel would they patrol?”

“The parking lot as well as all of the exterior corridors, the pool area, the interior guest spaces, the interior public space, including the conference suite, the restaurant, the back kitchen area, loading dock. It was a roving position. They were not posted at a specific point at any time throughout the night.”

Gerry listened as Jason spoke, but he seemed disinterested. He appeared to be working on something else that was partially distracting him.

Daniel continued.

“Let’s talk about any light bulbs being out, which is the specific situation alleged in the Clifton lawsuit. Was that information that was important to you as the hotel manager?”

“It depends ... multiple reasons. The first being guest impression. If there is a single light bulb out, it shows that the hotel staff doesn't care, so it lessens the hotel in the guests’ eyes. We are a luxury hotel, part of an international luxury hotel chain so, of course, our guest’s view of the hotel is important to me as the hotel manager. And depending on the location where the bulb was out, obvious safety concerns if there is a ... if an area is unlit.”

“During your nine-month tenure at the hotel, do you have a specific memory of there being reports where the security service indicated that there was a light bulb out?”

“Yes, I do. I believe two maybe three times a report indicated that a light bulb was out.”

“Would they also let you know where on the premises the bulb was out?”

“Yes, they would.”

Jason pulled out a cigarette and was about to light it when he saw Gerry glaring at him. He put the cigarette back in his pocket.

“Besides you, who else would have access to these daily reports?”

“The reports were distributed, at the time when I was at the hotel, to myself, as well as the senior leadership, including the chief engineer of the property.”

“Who was the chief engineer of the property when you were there?”

“For the majority of the time, it was Alan Myerson. I believe he retired towards the beginning of my time there. And Andrew Lopez was the assistant chief engineer. And Mr. Lopez was fulfilling that role while we were searching for a replacement for Alan.”

Daniel wrote additional names on his legal pad that he needed his staff to follow up with.

After he finished taking notes, he asked, “Do you have an understanding of where Mrs. Clifton fell?”

“Yes, she fell on one of the double staircases in the main area of the hotel.”

“How late did you work at that time?”

“I sometimes worked until eleven p.m. or midnight depending on the business needs, but my normal shift ended at five-thirty or six p.m.”

“If the light bulb was not illuminating the bottom part of the double staircase is that the type of information that you would expect Arrowworks to inform you about?”

“I would have expected, excuse me ... I would have expected someone to have reported it, either the security firm or one of their security officers on their evening rounds, the evening swing shift property engineer on their evening rounds, any number of team members that would have passed through that area, or myself on my early morning walk of the property.”

“Would you walk the property every day?”

“Yes.”

“Do you remember ever being alerted before leaving the hotel that night that the light bulb in question was not working or was burned out?”

“No, I don’t.”

“Would that be indicated in the report for that day?”

“Yes, it would be if the light bulb was out.”

“How many lamps, light poles were in the area of the double staircase?”

“It’s been a while and I don’t remember exactly how many. All of the walkways at the hotel, including that double staircase, had large pole lights that served two purposes. They had to illuminate, but they also had to be decorative

for the brand standard. And then there were walkway-illuminating lights that were the smaller - the smaller pole-style knee-high that would illuminate the walkways. But all of the staircases in the hotel were illuminated by light from above.”

“If you believed there was a need for additional illumination in the double staircase area, would you have been able to take steps to secure additional lighting?”

“Absolutely. I would have done that if additional lighting was needed.”

Jason again glanced towards Gerry for approval. None was forthcoming.

“Do you recall anybody ever complaining that there was not sufficient illumination or that it was dangerous in that area? Anything of that nature?”

“No.”

“If someone complained about the lighting in that area would you have taken steps to correct it?”

“Yes, I would.”

“If a light bulb was out, who would be responsible for replacing it?”

“It depends. If a suite attendant noticed a light bulb out and she was just a suite attendant charged with cleaning the rooms, she would report it to her supervisor or the inspector. The inspector, supervisor, and housekeeping manager would all be radio dispatched. And if they noted a light bulb out, they would immediately report it via radio to an engineer for replacement.

“If the burned-out light bulb was noted on a security report when engineering was not around, the report would be reviewed by all of the department heads in the morning as part of the daily lineup. And then engineering would be dispatched to correct the issue.”

“So, it would be the engineer who would go out and physically change the light bulb?”

“Correct.”

“Jason, can you give Daniel and I a moment to speak alone?”

Jason looked towards Gerry, who was suggestively nodding in the affirmative. Jason slowly walked out of the conference room and then towards the waiting area near the front of the office. Daniel read his notes again to

confirm his understanding of all of the procedures Jason had just told him.

“Do you think Jason is telling us the truth?” Gerry asked.

Daniel paused and looked directly into Gerry’s eyes.

“To be honest, Gerry, I don’t think he’s telling us the whole truth. He seems like he’s just telling us what we want to hear. He may be hiding something.”

“What do you think he is hiding?”

“I don’t know. But even if he is telling us the truth, I have two concerns. I think this is a weakness that we might not be able to overcome because we have no witnesses to support our position.”

“What are they?” he requested eagerly.

“There is a possibility that the light went out, the security officer failed to note it, and the light bulb was never replaced. There is also the possibility that, even if the security officer noted in the report, there was no engineer who could replace the bulb. No one else would know until the morning. We know Mrs. Clifton fell in the early morning. I think around one a.m. So, the department heads wouldn’t know until it was too late.”

“Is there anything else?”

“Now that I think about it, there is. What if the engineer knew but didn’t have any bulbs available for that light fixture and didn’t have time to replace it before the accident?”

“That’s certainly a possibility. But wouldn’t Jason know if there are supply issues.”

“We’ll need to ask Jason how long it takes to replace the bulb; whether it is in stock or something that has to be special ordered.”

“What if the light bulb was out for only minutes before Mrs. Clifton walked down the stairs?”

“That may not be enough time to put us on notice that it is out. We could argue that we weren’t negligent.”

“I like that.”

Gerry’s demeanor improved dramatically if only for a moment.

“There is some appeal to that argument, but a jury may believe that we should anticipate that under normal circumstances light bulbs go out and that it

may take some time to replace them even if it is only a few hours rather than days. The plaintiff's counsel may argue that we don't have enough lighting in the area so that if just one bulb goes out, the stairs aren't sufficiently illuminated so that a guest can safely traverse the stairs. We will be playing into their hands if we argue that the light was out, and she fell because we didn't have the time to replace it."

"Good point."

Gerry stared at Daniel wondering how they could get out of this conundrum. "I don't think we can let Jason testify at trial."

"How will we be able to do that?" Daniel inquired.

"Let me handle that."

San Diego, California

Two Months Later

“Dr. Coen, my name is James Claus. I represent Arrowworks which is the security company for the Regal Phoenix Spa and Resort. I understand that you have been retained as an expert witness for the Clifton family in this lawsuit. Is that correct?”

“Yes.”

Dr. Joseph Coen was casually dressed in an outfit fitting for the year-round nice weather in San Diego, California. He was a seasoned witness who had prepared hundreds of expert reports in lawsuits throughout the country. But like most experts, testifying at trial or even at a deposition was a rare opportunity because most cases settled well before then.

“I notice that you have a binder in front of you. For any of my questions, if you'd like to refer to your file or something else in order to answer it, please feel free. You don't need to check with me first. Just go right ahead.”

“Okay.”

He was pleased that this would not be an issue.

“Can you tell me why the plaintiff's counsel contacted you to be an expert witness in this case?”

“My father had worked for a former partner of Mr. Lopez in the past, and he recommended that Mr. Lopez, that's Tommy Lopez, call me for this particular

case.”

“What was your father's line of business?”

“My father is also a human factors expert like myself.”

“In looking at your report that you did, it looks like you're based in San Diego.”

“That’s correct.”

“Have you ever testified at trial?”

“Yes.”

“How many times?”

“I believe it was six, no seven times.”

“In any of the cases that you have worked on over the years, have you ever reached an opinion that a defendant was not at fault for the accident?”

“Well, I leave that up to the jury to decide. I don’t address fault. I simply say what happened and why.”

“So, after you were contacted in this case, what was the next step that happened in the case from your standpoint?”

“Well, in March, after my retention, I received some digital images and a copy of the complaint. Oh, I also received disclosure statements with materials disclosed by the parties.”

“When you say digital images, you mean photographs of the double staircase at the resort.”

“Yes.”

“Were you requested initially to do anything?”

“Yes, I was asked to inspect the premises, which I eventually did.”

“How many inspections did you attend?”

“Two. One was conducted to get an understanding of the layout. And then a second inspection about twelve days later was conducted.”

“What was the reason why you needed a second inspection?”

“To do additional lighting measurements.”

“Was there some reason the measurements that you did on April 8 couldn't have been done on March 27?”

“Well, they could have been, but I needed some time to regroup and analyze

and look at the evidence a little bit further. I just received the deposition transcripts. And when I was out at the scene I noticed an abundance of light on the stairway leading me to believe that there ... and looking at the photographic evidence, leading me to believe that I needed to regroup and try again next time.“

“After you were done on March 27, did you decide at that time you wanted to do a second visit?”

“No. I went home and mulled it over and then decided to inquire about doing a second inspection.”

“Can you help me understand what it was in your thought process after March 27 that made you think you needed to do a second visit?”

“Being out at the site I noticed that the top floodlight on the fixture adjacent to the staircase was pointed at the lower part of the staircase. When I looked at the photographs that were taken after the accident, I noticed that that wasn't likely the case at the time of the accident, that the particular lower floodlight was more likely than not pointed toward the middle of the staircase or even the other staircase. So, when I got out there the first time, the lower staircase was lit up pretty well. And it was represented to me that this was how it was at the time of the accident. I wasn't quite so sure.”

“So, I take it when you were out there on March 27 part of what you did was to unscrew the bulb in the lower floodlight.”

“Yes.”

“Did you physically do that?”

“No.”

“Who did?”

“I don't remember who did it, but it was done.”

“Did you ask for that lower floodlight to be removed?”

“Yes.”

“What was your purpose in doing that?”

“My understanding of the evidence that my clients were going to be bringing at trial that there was a ... that the lower floodlight was out at the time of the incident. And that's based on the photographs that they provided to me.”

“Okay. So, you were in your mind attempting to replicate the conditions that were present at the time of the accident?”

“Not necessarily. I wanted to get a range and understand how the movement of the upper floodlight affected the light falling on the lower part of the staircase and how in turn that would affect Mrs. Clifton’s perception or non-perception of the stairs.”

“Other than removing the bulb on the lower floodlight, did you make any other adjustments to that light on March 27?”

“Not on March 27.”

“So, you're taking measurements ... you took some measurements on March 27.”

“Yes.”

“What are you measuring?”

“Illuminance, i-l-l-u-m-i-n-a-n-c-e.”

“How do you measure that?”

“Illuminance is measured with a light meter. It's the amount of light falling on an object.”

“What objects were you making that study on?”

Mr. Claus passed a photograph of the staircase to the witness. He looked at it and pointed to the object as he testified.

“The landing, the entire staircase, and the treads of the lower staircase.”

“When you were there on March 27, in addition to the measurements you made with a light meter, were you making some type of measurements of the physical stairs and/or the landing themselves?”

“Yes, I did. I measured the rise and the run of both flights of stairs. I measured the distance that Mrs. Clifton would have walked from the top of the staircase to the bottom of the staircase. I measured the height of the handrail and other aspects of the handrail. Many of my measurements are documented in photographs I took.”

“Whatever conditions existed at the time of Mrs. Clifton's incident; do you know whether those... do you know how long those conditions had been present? Whatever conditions she encountered concerning lights, lights being on,

lights being off, staircase, et cetera, et cetera, what she encountered, had it been that way for thirty seconds, ten minutes, five hours, five weeks, five years, do you know?"

"No, I don't."

"Are you aware if prior to the fall whether Mrs. Clifton had any conditions that -- physical conditions, mental conditions, or otherwise that would make her more prone to falling than the average person?"

"I'm not aware of any and no history of any falls."

"So, if a person has a history of falls, is that in some way significant to you?"

"It may be. It's worth looking at."

"Why is that?"

"To look at what was the cause of their fall. I mean it could have been a bad stairway. Don't know but it's important to look at. If somebody has a history of falls in their medical record, I'm going to look at it, sure."

"What was your purpose or purposes in wanting to do the second inspection or the April 8 inspection? Let's call it that way."

"I later learned in looking at some of the other photographs that the lights could in fact be repositioned. I didn't even know that at the first inspection. So, once I realized that the lights could be repositioned, I wanted to reposition them in an alternate location to understand what the possibilities are. What could have happened here? Is it possible that the lower floodlight would be out, and the top floodlight could be swiveled away from the lower part of the staircase such that it produced a dangerous level, low level of illumination? That was my hypothesis."

"What did you find?"

The three defense attorneys were seated in the concourse at the San Diego International Airport with a flight to Phoenix. Unfortunately, their flight was delayed several hours because of maintenance issues with their airplane. Trying to relax from the grueling four-hour deposition of the plaintiff's human factors

expert, they tried to joke about other things but Frank Paseo was so excited about the outcome of the deposition that he could not stop talking about it and would turn every conversation back to Dr. Coen's deposition.

"I still can't believe it, Dan. You did such a great job."

"Thanks, Frank."

"I didn't notice that photo... the photo that Dr. Coen had in his expert report was based upon the photos taken by the Martinezes. He used those Martinez photos to determine that the bottom floodlight was out."

Frank laughed and couldn't continue talking. Both Daniel and James looked at him cross-eyed, impressed that he was amusing himself so much.

"Four... ha... ha... four and half-months... ha... ha... four and half-months later. That was a good one."

"Yeah, I couldn't believe it myself," Daniel added. "I thought he was going to base his second inspection on a photo that was taken a day after the fall, not a photo taken four months later."

"That's ridiculous," James proclaimed.

"Ha... ha... someone removed the light bulb. Ha... ha... probably Mr. Martinez."

Frank grabbed his belly because the pain from his laughter was too much.

Frank continued, "You got him to admit that the Martinezes removed the light bulb and could have done other manipulations that he was not aware of."

"Dan, I'm glad that he was honest enough to admit that if the Martinezes also manipulated the light fixture that it would significantly impact his analysis on how much light illuminated the lower part of the staircase. My client will be happy about that, Dan. I'm sure your client will be happy about that too." James sounded more serious and professional than the rambunctious, overexcited Frank.

"Yes, they will be."

"Hold on," Frank interrupted as he pulled out his laptop from his bag. "I had the court reporter send me a rough draft of Dr. Coen's deposition transcript."

Frank opened his email application and then double-clicked the attachment from the court reporter's email. He quickly scrolled towards the end of the depo

transcript and read aloud:

“Question by Mr. Mendoza: ‘So if Exhibit A is an inaccurate depiction of what happened on -- or how the lighting was on the date of the fall, it would be fair to say you shouldn't rely upon Exhibit A during your second inspection?’

Answer by Dr. Coen: ‘I tried to show the potential for moving the light and show how a movement in the light would put low light on the bottom part of the staircase.’

Question: ‘So it sounds like you're saying though that if there was no movement in the light, your initial readings would be accurate on March 27, but your secondary measurements on April 8 are unreliable.’

Answer: ‘That’s correct.’”

"Ha... ha... That’s correct alright. He knew that the second inspection was a farce meant to make the staircase look darker than it actually was.” Frank suddenly became serious as he spoke. He closed his laptop and put it away.

“Great job, Dan,” he added. “My client just emailed me that he wants me to file a motion to preclude Dr. Coen from testifying at trial because his entire report is based upon false premises and manipulation of the real conditions.”

“I think that I will join in your motion,” James indicated.

Daniel knew that he would have to join in the motion but wasn’t sure how successful it would be.

Two hours later, the three defense attorneys were still waiting at the airport for their flight.

“We could have driven to Phoenix and gotten there quicker,” Frank quipped.

“You’re telling me,” Daniel responded. “I just hate the drive.”

“Four hours aren’t that bad. Do you want me to rent a car?” James asked. He

was serious. "My firm will pay for it."

"I'm sure they will," Frank added. "But it looks like they are ready to board."

"That's what they've been saying every twenty minutes." James was obviously upset about the delay and his inability to work on other projects because he failed to bring his work laptop with him on the trip. At least he had his iPad to distract himself with video games.

Daniel unexpectedly received a call on his cellphone.

"Guys. I need to take this. Is it okay if I take it in private?" he asked.

"That's fine. Go ahead," James responded.

Frank looked at Daniel and nodded.

Walking towards a secluded area near the restrooms, Daniel answered the call, "Hello."

It was Marissa.

"Daniel. I hear you guys are stuck in San Diego. Poor thing." She was sarcastic yet jovial.

"It's not that bad, but I'm ready to go home. What's up?"

"I have some strange news."

"Just tell me."

"Ok. I just learned that Jason Gould fell overboard during a fishing trip in the Philippines and drowned."

"Are you serious? You're kidding me, aren't you?"

"No, I'm not."

The growing concern in Daniel's mind weighed heavily on him.

29 ASSIGNMENT

Phoenix, Arizona

Almost a Month Later

As the day finally began, the sun shone through the upper windows in Daniel's loft on the second floor. The loft was near his secondary, home office where he oftentimes checked his emails and did his serious work from home. His formal home office was on the first floor near the front of the house. It was mainly decorative with an oversized computer armoire and a cherry-wood desk. The walls were plastered with diplomas from UCLA and Arizona State University as well as framed law review articles that Daniel published while working at Williams Brown. Daniel was unsure why he kept two offices in his home when he never really used his formal office. Perhaps, it gave visitors the impression that he wanted to give rather than the messy secondary office which was full of cluttered documents, memos, and packages all over the floor making it difficult to walk into.

Having the loft nearby made things easier. Daniel could hang out in the loft, relaxing in the durable grey double recliners. His seventy-five-inch television was still in the box and not on the wall mount. It looked awkward at times, but Daniel never really watched television in the loft. He mainly watched television in his downstairs living room where he could garner snacks at any time while enjoying various movies.

Sleepily, Daniel climbed the staircase to the second-floor landing area with

his iPad in his hand. He walked like a robot to the recliner in the loft and unconsciously dumped himself down almost missing the seat and nearly falling to the floor. Daniel never drank coffee to wake him up because the taste was bitter and unpleasant to him. Instead, he had grabbed a can of hibiscus infused water from the kitchen before walking to the loft. Daniel imported the drink from Cayey, Puerto Rico so that he could taste the natural flavors from his homeland. The floral-laced drink finally gave him the kick that he needed to wake his senses and concentrate on what he needed to do that early Saturday morning.

But before he started work, Daniel decided to check voicemails. Rarely did he get any voicemail messages except for those robocallers informing him that this was the last chance for Daniel to purchase a warranty on a car that he never owned. Daniel instinctively deleted one or two voicemail messages. Expectedly, there was no voicemail message from Layla. Layla hated talking on the phone. In her old age, she preferred text messages. She never really explained why, but Daniel never pushed it. He enjoyed occasionally talking to Layla on the phone because her voice was sultry and calming. That was a rare treat that he savored all the more.

He closed the voicemail app and noticed that the iMessage app indicated that he had two messages. His heart skipped, hoping that Layla had messaged him about additional details for his birthday trip to New York City. After opening the iMessage app, Daniel could see that he had a message from his older brother, Jose Luis, who was always referred to as Junior because he was named after their father. Junior texted:

“I'm waiting for an important call this morning about my internet. I'll call you later when I'm done. Ok.”

This was typical of his older brother. Junior rarely answered his phone and would always claim that he was busy. More often than not, he was simply

watching basketball or MMA fighting, sometimes until the early morning hours. Daniel never minded because hearing his brother drone on for hours about his past, or some issue with their mother, or an unsavory girlfriend was too much at times. The text message was really Junior's way of saying that he would call Daniel whenever he came around to it, possibly later that week.

The other message received was from the pest control company indicating that it would perform the monthly service the following week and requested that Daniel confirm the appointment. Daniel typed "yes." The automated message appointment system responded with: "Thank you for confirming the appointment."

Daniel used his left thumb to scroll the list of message recipients until he saw Layla's name. There was no new message from Layla. She had not responded to Daniel's last message encouraging her to have a great day at work. Daniel found it strange that Layla was not responding to his text messages or returning his calls, especially after they had scheduled the weekend getaway for his birthday. It was unlike Layla not to respond. Well, she normally didn't respond immediately because of the time zone difference but mainly because of her work schedule. As a nurse manager, Layla worked the night shift from 7 p.m. to 7 a.m. This meant that she was busy when Daniel was free and free when Daniel was busy at work.

Not responding for nearly two weeks was unusual for Layla. Daniel worried that something was wrong. But unless and until Layla returned his calls or his messages, Daniel could not know if Layla was having issues with her children, her job, or even her ailing father. All he could do was be patient and wait for Layla to reach out and share. Perhaps, she may never open up to him the way that he wanted. That thought irked him especially because he had tried so hard over the years to earn Layla's trust. He had no choice but to accept it.

Daniel closed the iMessages app and opened Facebook. He checked his newsfeed and noticed that Layla had checked into the First Conservative Baptist Church of the Valley in Gilbert, Arizona. The church was Leon's church. Layla had obviously gotten back with her old fling despite her declaration that the relationship was over. Daniel's facial expression clearly exhibited

disappointment mixed with regret.

After the news that Layla was visiting her ex-boyfriend Leon in Daniel's hometown, Daniel decided to take a few hours off and just relax. He couldn't concentrate on work. If he did work, then he would likely make a mistake. His clients would not forgive him for a mistake that could potentially cause a case to go awry. So instead, Daniel changed into sweats and began jogging the neighborhood.

Turning left from his home, he jogged up the nearest street with his AirPods in his ears playing the rhythmic sounds of "La Dolce Vita" by Warren Hill from his Apple Watch. Daniel clicked the Workout app and selected "Outdoor Run." His heart was pounding faster than the pace of his run, mainly due to the adrenaline from his anger and disappointment. How could he be so stupid and stubborn at the same time? Layla refused to give up Leon despite all the issues that he had. Why didn't Daniel realize that years ago? She loved Leon in a perverted sort of way that Daniel could not understand. Perhaps, her gentle beauty also lured Daniel into the false hope that Layla could love him purely despite her longstanding hurt.

The street banked right as Daniel could see the larger, luxurious homes to his left in the adjacent subdivision as he jogged. A black BMW backed out of the garage and headed in the opposite direction. Two younger children were playing on their tricycles. Their mother watched attentively as Daniel jogged past their home. He waved, but she did not return the gesture. Daniel didn't mind. His thoughts were engulfed with Layla as well as Reyna Clifton. He tried to force those thoughts out of his mind.

"Breathe. Breathe."

Droplets of sweat streamed down his face, dropping to the ground and somewhat refreshing Daniel from the slightly warm, desert breeze. He wiped his forehead with his sleeve and continued. The San Tan Mountains seemed to follow him in all directions as if spying his every movement.

At the intersection, Daniel turned left and then made a quick right so that he could reach the dirt trail that followed along the circumference of his community. In the distance, two Arabian horses were slowly walking side by side. Their heads moved slightly up and down as their riders held the reins loosely while talking to each other. A Dalmatian walked alongside the pair of horses, sniffing the scent of previous dogs who had marked their territory on various bushes throughout the trail. When he fell behind, his master turned from the saddle and encouraged the dog to follow. The dog turned his head and then hurried on. The trio moved on well before Daniel even approached the dirt trail.

The Taptic Engine on the Apple Watch delivered a subtle tap to Daniel's wrist. A low buzzing sound could be heard indicating that he had reached the one-mile mark on his jog. Daniel brought his left arm up so that he could visually confirm it.

"Three... No, four more miles."

It seemed like Daniel could run forever even though his body would surely wear out before then. Where would he run to? He did not know. Back to Rio Grande, Puerto Rico if he could. But that was not an option.

When his feet transitioned from the cement sidewalk to the dirt trail, Daniel nearly lost his footing. The slightly softer surface absorbed the pounding with less wear and tear on Daniel's muscles, bones, and joints, allowing him to run even faster. Or so it seemed.

With tunnel vision, Daniel could only see the miles of trail in front of him. The hills to his left and the homes to the right blurred out of sight. His stride was unstoppable. His lungs worked effortlessly even though the dust from his feet commingled in the air.

As he was lost in thought and determined to resist the temptation to stop and return home, a camera flash caught his eye. And then another flash. Turning his head right and upwards towards the window where the flashes emanated from. Daniel quickly froze to determine who was taking pictures of him. He took a step forward and then another one until the curtains moved, revealing the culprit. A small, pre-teen boy smiled and continued clicking photos.

Daniel smiled back and waved. The dark-haired boy eagerly waved back

happy to make a new friend.

“I wonder why he does that. How many pictures of runners, bikers, and horseback riders has he taken today? Yesterday? Every weekend?”

The thought secretly amused Daniel. He checked his watch again to determine what time it was. Before he continued, it surreptitiously dawned on him.

Daniel opened the Phone app on his Apple Watch and then tapped Contacts. He scrolled the Digital Crown until Pamela White’s name appeared. He dialed her number.

“Hey, you busy?” he quickly inquired before she could even say “Hello.”

“I’m busy all the time. You know that.”

“Where are you?”

“I’m working on a project for Dwayne Erickson in Sedona.”

“That idiot. Don’t tell me that you still work for him?”

“He pays well. More than you do.”

“I have something important that I need you to do.”

“Right now?”

“Yes, right now.”

“I’m on this project for Dwayne for the rest of the week.”

Daniel was stumped by this. He knew that he was working on a hunch, something that could pan out and make a difference or something that could be an utter waste of his time and a waste of his client’s resources. He remembered that Gerry said that he should spare no expense and that the client’s resources should be used in any way to defend the lawsuit.

“Gerry will forgive me if this doesn’t pan out.”

“What?”

Daniel didn’t realize that he was speaking out loud.

“Oh, never mind. I’ll pay you double if you quit the job for Dwayne and work on the Clifton case.”

“Double. Are you serious?”

“Yes. Double.”

“It must be important. But Dwayne will get upset if I don’t finish the

assignment. I don't know. I don't like leaving my clients in a bind."

"Just tell him that you will do it the next week. This assignment is very important to me."

Pamela knew that money wasn't the issue. She did work for Daniel because of his sincere belief in his cases and his desire to prove what really happened. If the facts did not lead to where Daniel thought they would, he accepted that and convinced his clients to settle the case. Pamela liked that about Daniel. He didn't try to force her to do unethical things or compromise people in a way that forced them to recant their testimony.

"What is it?"

"I want you to contact the Regal Phoenix and obtain a list of customers who had hotel suites near the double staircase. Contact all of those customers and find out if they have any pictures of that night."

"You really think customers will have pictures."

"I don't know. But it was a unique Sweet Sixteen ceremony. People sometimes take photos of unique things for posterity's sake. Maybe something will come of it."

"Sounds like you are grasping at straws, Daniel."

"I understand. It might be nothing. But I would appreciate it if you can give it a try and find out if it leads to anything."

"You'll owe me."

"Dinner at Elements."

"That's just the start."

Pamela smiled. She relished having Daniel over a barrel.

When the call ended, Daniel could see the young boy still staring at him from his second-floor bedroom window. He was puzzled why the runner stayed there all this time. Waving goodbye, Daniel continued on his jog.

30 SETTLE, SETTLE, SETTLE!

Chicago, Illinois

The Following Week

The darkened hotel suite would occasionally turn a bright orange-yellow from the roaring flames emanating from the antique fireplace. The flames flickered wildly as the crackling birch logs would give way and consume themselves. The smell of burning wood permeated the room until it reached the king-sized bed and then it vanished into the midnight air through the adjacent, opened windows facing the waterfront. A cool breeze commingled with the warm air bringing a sense of awe for the couple enthralled with themselves. Their bodies were intertwined as if they were new lovers. But, in fact, they were seasoned lovers, somewhat familiar with each other's bodies even though that was decades ago.

Her pale white skin glistened from perspiration while her long, blonde hair flowed over him as if they were additional appendages, grasping him close and tight. Their supple kisses were exchanged with gasps of air.

Anthony grabbed Dana's face with both hands, softly kissing her cheeks, and then her chin as he worked his way down to her neck. Her blood boiled with every peck.

"I miss you, my love," she whispered between her violent pants of love.

He turned her head to expose the side of her face. He continued kissing until he reached her ear, gently gripping her hair so that she could not escape him. But

she had no intention of abandoning her first and only love. She had longed to possess him again. Now that she had him, she vowed never to let him go, never to stop loving him or being in love with him.

She vowed never to see him give his love to another, never to hurt him the way she did which forced him into the arms of another woman. She never wanted him to abandon her the way that he had in his youth. When the fear of abandonment overwhelmed her, Dana held Anthony even tighter, pressing her bony flesh into his.

“No, no... don’t go. Please don’t go.”

She panicked while her body writhed uncontrollably. Tears streamed down her face like a fountain of anguish finally relinquished for all to observe. She was willing to be vulnerable, to feel again, to love again. Not like the loveless, oppressive marriage to Doug which felt like bondage over the years. She could finally be herself, finally love herself, and not be ashamed of who she truly was.

At that moment, Anthony suddenly paused and raised his torso so that he was no longer pressing firmly against Dana’s flesh.

“What’s wrong, sweetheart?”

He looked deeply towards her, disturbed and confused. Dana’s eyes slowly opened as she struggled to focus on his face.

Subdued, she spoke softly yet inquisitively, unsure of herself, “It’s okay. Don’t stop. I am okay.”

Anthony rolled off of her and onto the bed next to Dana, his bare body seemed defeated. Dana sat up, pulling the satin sheets over her breasts.

She turned to Anthony and tried to touch his thigh. He pulled away.

“What’s wrong?”

Anthony could not bring himself to tell her what he was thinking, what hindered him at that moment. Was it the joy of being with Dana again? Was it the guilt of passionate lovemaking when his wife, the mother of his two children, had recently passed? Was it the knowledge that he was sleeping with a married woman, the wife of a dear friend? Was it the fear of the rude awakening that Dana was also struggling with those same guilty feelings and that was why she blurted out unexpectedly?

Anthony rose from the bed and began putting on his trousers. He grabbed his dress shirt and put it on, leaving it open and unbuttoned. Dana watched silently, ashamed.

He sat down on the mustard-colored, wingback chair, pushing aside the magenta bolster pillow. After scrunching up the black dress sock, Anthony put it on his toes and then quickly pulled the sock up towards his ankle. He adjusted the sock so that the heel and foot were properly aligned. After repeating the process for the second sock, Dana came up to Anthony and sat on his lap.

“You know that I love you. Don’t you?”

“I love you too, Dana.”

“So why are you leaving?”

“I have to go.”

“Just stay the night. One night.”

Before he could respond, his phone rang. Dana scooted over so that Anthony could grab his phone from his pant pocket. He collected himself before answering.

“Hello?”

“Anthony, how are you doing?”

“Esperanza.” He pointed to Dana and she got up from his lap and walked over to the next chair. “I’m fine. How are you?”

“Me and the kids are fine. I was calling because Alejandra and Ash are asking for you. They haven’t seen you since Friday. They told me that they’ve called a couple of times, but you haven’t answered.”

“Oh, I thought they were spending the weekend with their friends. Alejandra said that she was having a girls’ weekend with Porsha.”

“Yes, she’s with her now. But she still wants to talk to her father. So does Ash. They don’t know where you are. So, they asked me to find out. Where are you?”

“I’m in... I’m in Chicago.”

“Chicago!!”

Anthony knew that he could have lied to his sister-in-law and she would have been none the wiser. But Esperanza had a way of forcing the truth out of

people. Even Anthony fell prey to her devices.

“You never told Ash or Alejandra that you were going to Chicago. Are you with Doug?”

Her inquisitiveness got the best of her. She could not resist asking.

“No,” Anthony cautiously answered.

“I tried calling him, and he said that he hasn’t heard from you. Doug hasn’t seen Dana either. Have you seen Dana?”

“Dana? No.”

When she heard her name spoken aloud, Dana started haphazardly dressing so that she could hurriedly get home to her family.

“Are you with Winnie?”

“No.”

“He told me that he hasn’t heard or seen from you in a week or more. So where are you, Anthony?”

He wanted to say, “It’s none of your business.” But Anthony knew that Esperanza had gone out of her way to take care of his children all of these months after Reyna’s tragic fall, even traveling to Vegas several times. She deserved honesty but Anthony didn’t want to tell her what he was really doing.

The silence was deafening but Esperanza waited patiently.

When no response was forthcoming, Esperanza continued her interrogation, “Just tell me what you are doing in Chicago, Anthony.”

He could hear her huffing on the other end.

“I’m at the Drake Hotel.”

“By yourself?”

“Of course, by myself.” There was no reason for him to be completely truthful. “I... I... just needed to be myself. Away from Vegas. Away from it all. I didn’t want to be with Doug or Winnie. I just wanted to be by myself in my old neighborhood so that I can relax. I can think...”

Anthony’s voice cracked revealing his tepidness in discussing his feelings.

“Okay... okay.” Esperanza felt somewhat ashamed by her inquiry although she still had her suspicions. “I’ll let the kids know. When will you be back? They’ll want to know.”

“I don’t know... I mean... I will be back on Monday. Monday night. Can you assure the kids that I am okay? I don’t want them to worry about me.”

“Anthony, you should be worried about the kids. I know they are teenagers and spend a lot of time with their friends, but they still need their father. Now more than ever. They lost their mom. They don’t want to lose their father too. Just be there for them even if it means that you’re not with them 24/7. You know how kids are. They will come to you in their time and spend it with you.”

The guilt started consuming him.

“I appreciate that Esperanza. I know you mean well and that you sincerely care about your niece and nephew. You and Efron have been more than just godparents to Alejandra. You’ve been like her second mom. I promise you that I’ll be there on Monday. I just need another day or two. Just by myself.”

Dana smiled when she heard that Anthony would be in Chicago the entire weekend. However, she tried not to let Anthony see her facial expression. She stayed solemn and continued dressing.

As the door opened, the young, male waiter pushed the walnut trolley to the far side of the hotel suite towards the living room area. He silently looked around and noticed male and female clothing strewn on the floor. He ignored it and kept pushing towards the living room. Placing two silver domed plates with food on the coffee table, the waiter removed two wine glasses and a champagne bucket with a bottle of Pinot Grigio. Using the decorative knob, he then removed both silver domes and placed them back onto the trolley. The aroma of salmon and asparagus wafted from the bone china.

“Is there anything else you need, sir?”

Anthony approached the waiter wearing a white, plush robe. He handed the waiter a twenty-dollar bill.

“Thank you. We are fine.”

The waiter nodded and politely took the trolley back into the hotel hallway.

Before he closed the door, he added, “If there is anything you need sir, please

don't hesitate to ask. Just push the white service button on the hospitality phone."

Anthony ignored the comment and sat down on the leather couch beside Dana.

"I'm starving. You've made me hungry with all of this... this exercise." She giggled and ate a spoonful of black garlic celeriac purée. "Ahh, that's so good. Delicious." She looked over to Anthony saying, "You should try it."

Dana gave Anthony some of the purée which made him smile.

"Good, but I need some salmon."

He sliced a piece of the grilled salmon and greedily consumed it.

He then turned on some music. The sultry sound of Kenny Lattimore filled the room with the lyrics from "All I Want."

"This is what I want. I want to be like this with you every day not just this weekend." Anthony became teary-eyed as he declared his renewed love for Dana.

Dana moved closer to Anthony, wrapped her left arm around him, and leaned her head on his shoulder. Anthony placed his right hand on her left hand to reassure her that he appreciated her kindness.

"That's so sweet. It's what I want too."

The couple kissed.

"But I honestly... I honestly don't know what to do. This is a mess."

Anthony dropped his head in a desperate sense of despondency.

"We can figure this out. We can be together. Always."

"I don't want to be sneaking around like this. It's not good for you or the kids. I feel like I'm cheating. I'm being dishonest with everyone, even myself. You deserve better. Maybe you should stay with..."

Dana placed her index finger on his lips to prevent Anthony from saying her husband's name. She didn't want it sully the mood.

"I promise you. I'm going to file for divorce. This will all work out in time. Please give us time."

The thought of a divorce, of hurting Dana's children, Angela and Phillip, only made Anthony feel more despondent. Surprisingly, Anthony seemed to

forget about his own children during his emotional turmoil.

“I don’t know. All of this doesn’t make sense. My deposition is coming up soon. I can’t declare my love for you to all the world while declaring that I loved my wife. I’ll look like a fool.”

“Then you need to end this. All of this.”

“What do you mean?”

“You really don’t need to pursue the lawsuit anymore. It’s holding you back to the past, keeping you from moving forward. She would want you to move forward to leave the hurt behind you. You said that it may be another two years before the case goes to trial. Two years, Anthony. Do you really want to put yourself, everyone, through all of this for the next two years?”

“What should I do? I really can’t abandon it. Can I?”

“You can settle. Just ask your attorney to try to negotiate a settlement with the hotel.”

“But what about the kids? They have their own claims. I can’t force them to settle.”

“They’ll follow your lead. If you say it’s in their best interest to let it go and move on and you do the same, then they will do it too.”

“I don’t want to go through that deposition. I also don’t want the kids to go through their depositions either. It will devastate them.”

Anthony was uncertain whether he truly did want to end the lawsuit. A part of him wanted to vindicate Reyna. It was not right for a hotel to have dangerous conditions on its premises, allowing innocent victims like Reyna to become fatally injured. Should he think solely about himself and his own family rather than the other innocent families who could be injured in the future? Anthony was also unsure why Dana was pushing for an end to the lawsuit. He unconsciously reassured himself that it was because she loved him dearly.

31 INVESTIGATION

Phoenix, Arizona

Later That Week

“Good morning, Mr. Hamilton. My name is Virginia...”
“Good morning, Virginia.”

The older gentleman’s voice was calm yet eager to speak out of a sense of boredom rather than personal interest. He had answered the phone without looking at the caller id.

“Thank you, Mr. Hamilton. I’m reaching out to you from Phoenix, Arizona.”

“Is it lovely there?”

“Yes, of course. The weather is still cool before the hotter summer.”

“That’s nice. How may I help you, Virginia?”

“I’m calling from Investigators United. We are a private investigation firm based here in Phoenix.”

“You’re a P.I.? That’s great.”

His smile was beaming if Virginia could see him through the phone. Fortunately, she could not. She had been making calls all morning and this was her eighth, no ninth call. But she was used to cold-calling people and asking them questions. Being polite, engaging, and collected made it easier for her to connect to strangers like Mr. Hamilton.

“Yes, I am. I am investigating the unfortunate mishap involving a woman who fell down the stairs at the Regal Phoenix Resort and Spa in Scottsdale,

Arizona last year.”

“Oh wow. Is she okay?”

“To be honest, I don’t know.”

Virginia was reluctant to inform her interviewees that Mrs. Clifton had died as a result of the fall. She was worried that this tidbit of information may skew their willingness to help the resort. So, she conveniently omitted the outcome. She also omitted that she was calling on behalf of the resort.

“Well, I am so sorry. How can I help you?”

Mr. Hamilton sat down after he perceived the seriousness of the call.

“I’m trying to find out if anyone witnessed the fall or if they have any pictures or anything like that to find out what happened to this unfortunate woman. Our records show that you were at the Regal Phoenix and stayed in Room 202 on the night of the incident.”

“Really, it’s been a while since we were there. It’s a lovely resort. Have you stayed there?”

“Yes, it is. Do you remember your stay at the Regal Phoenix last year?”

“Oh yes, I do. We stay there every year. It’s our only vacation. I heard about the fall the next day from my wife, but I was in bed early that night ... Ethel, Ethel.” Mr. Hamilton yelled louder so that his wife could hear him on the other side of the house. “Do you remember that poor lady who fell down the stairs?”

“What? What did you say?”

Virginia could hear the faint voice of an older woman in the distant background. Little did she know that the elderly woman was pruning her hair in the master bathroom. Virginia had to stay patient in case the information was useful.

He spoke even louder. “I said did you see anything that night the lady fell down the stairs? Remember her.”

After pulling her grey hair down, using her fingers as a guide, and cutting the ends of her hair, Ethel placed the iron scissors on the countertop. She looked into the mirror to see if the length was even. It was. Pleased with herself, she then asked, “Was that the night of the party?” and continued pruning her hair.

Hearing the posed question, Virginia interrupted, “Yes, it was. The night of

the Sweet Sixteen party.”

“Ethel, the private investigator said it was the night of the Sweet Sixteen party.”

“Private investigator!” Ethel’s ears perked up.

“Yes, hon, a private investigator.”

“What does the private investigator want to know?”

“Did you see anything that night? I told her I didn’t because I was asleep. You know how my arthritis acts up. I should have taken some medication that ...”

“Yes, dear.”

“Did you see anything?”

“No, I went to bed shortly after you. When did she fall?”

Virginia told Mr. Hamilton that the fall occurred sometime after midnight, perhaps one in the morning. He relayed that information to his wife.

“That late.” Ethel walked closer to the living room where her husband was on the phone. “I was asleep by then. I woke up about an hour later but went back to bed.”

Her voice seemed louder to Virginia because she was nearer to the phone.

“Well, thank you for your assistance, Mr. Hamilton. If you remember something, anything, feel free to call me any time. Night or day.”

Virginia left the main number to Investigators United. Before she hung up the phone, Virginia glanced at her computer. She then remembered to ask the final question that was on her list of questions to ask hotel patrons.

“Did you see anything strange that day that may seem out of the ordinary now that you think about it?”

Without hesitation, Mr. Hamilton replied, “No, I didn’t.”

He was disappointed that he was not as helpful as he had hoped. Ethel was finally in the living room with her husband. He looked at her dumbfounded after answering Virginia’s final question. Ethel snatched the phone out of his hand.

“Now that you ask, I saw something that day. I think it may help. I really don’t know.”

Virginia was used to hearing mundane but useless information. She was an

expert at appeasing her interviewees and placating their need to play detective.

“Anything will be appreciated.”

“I just remember sometime that afternoon, maybe earlier in the morning, there were some people setting up something around the area where the staircase is located. I didn’t see what they were actually doing. I just know it seemed out of place. They weren’t resort employees. They were also speaking a weird kind of Spanish that I hadn’t heard before with some type of accent. It wasn’t the type of Spanish that I am used to hearing in California. So, it stood out to me.”

“That’s a start. Is there anything else that you noticed? Any small detail can help us figure out who they were and what they were doing.”

“Well, I remember they had a ladder and some equipment.”

“So, it wasn’t any decorations?”

“No, they weren’t putting up decorations. Those were already up.”

“Thank you, Mrs. Hamilton.”

“You’re welcome, dear. I just hope that helps.”

“Yes, it does.”

Virginia enthusiastically hung up the phone and turned to her co-worker, George, who was still on the phone with another interviewee.

“Where’s Pamela?” she inquired.

“Can you hold on please, ma’am?”

George placed his interviewee on hold and turned to Virginia, “I think she’s back in town. Give her a call.”

“I found out something interesting that she may want to know.”

She told George and he agreed.

That afternoon after speaking with Virginia, Pamela decided to personally visit the resort so that her employees could continue calling the numerous hotel patrons with the hopes of learning any additional information. Before entering, she sought permission from the general manager who ultimately gave her free rein of the resort.

“Anything for Mr. Mendoza,” Adam Stamets told her although he secretly believed the endeavor would be fruitless.

She casually walked to the grand staircase. As she neared, the aroma of the endless flowers filled the air enhancing her senses. The desert decor of Saguaro cacti was intermingled with twenty-foot tall, Queen Palm trees that swayed with the wind. A young couple walked by playfully touching each other and holding hands. Pamela suspected they were newlyweds honeymooning at the resort. She waved at them politely.

Because the sun was bright, she covered her eyes with her right hand to prevent the glare as she looked up towards the tops of the buildings surrounding the courtyard. She had forgotten her sunglasses in her car and did not want to walk back for them. The resort map indicated that she was near Room 202. The luminaries were obviously unlit given the time of day.

Pamela took a pair of Steiner tactical binoculars from her purse and scanned the buildings looking for something out of the ordinary that the mysterious people may have inadvertently left. It had been over six months since Reyna Clifton fell. But the resort looked exactly the same. Nothing had changed. Not even the luminaries.

Several of the suite windows had heavy drapes with valances reinforced with plywood to give a structured look. Pamela wondered if she should ask Adam for access to Room 202 so that she could get a view of the courtyard from Mrs. Hamilton’s perspective. She walked closer to the entrance of the building when she finally spotted a camera mount on the exterior of the building. It was located at a point on the building where the entire courtyard was visible from that high angle.

“This must be it,” Pamela thought. “How was this missed?”

She focused the binoculars so that she could read a metallic plate on the camera mount. It read: “The Property of Mariposa Aponte.”

Pamela smiled.

“I guess I’m heading to New York. But I need to confirm this before letting Daniel know,” she reassured herself.

The door to the spacious office opened and Pamela White confidently walked in. She had made an appointment to see Mariposa Aponte before leaving Sky Harbor Airport in Phoenix arriving in New York. Pamela, however, did not reveal the precise reason for the appointment out of concerns that it would hinder her search for evidence. She sat down on one of two chairs in the waiting area hoping that her hostess would be prompt. Pamela waited alone for a few minutes.

“¡Hola! Thank you for coming. Ms. Aponte is waiting for you.” The teenage Puerto Rican girl, Angela, approached Pamela and walked back down the hallway toward Mariposa’s office. Pamela followed.

When she reached Mariposa’s office, Angela opened the door and proclaimed, “Ms. White from Investigators United is here to see you.”

“Please let her in.”

Mariposa stopped what she was doing and faced the door.

“Thank you. My name is Pamela White. I am here about the tragic incident involving Reyna Clifton. I understand that you were retained by her sister, Esperanza Martinez, as the party planner for her niece’s Sweet Sixteen party.”

“Yes, I remember all of my parties but that one especially. Poor girl. That was a heartbreaker for everyone involved including our staff. I can’t believe that she didn’t make it.”

“Yes, that was unfortunate.”

“But how can I help you?”

“Well, I was at the resort yesterday and I noticed that there was a camera mount on one of the buildings in the courtyard facing the grand staircase.”

“Oh yes, we mount a camera when a customer purchases the video package. We surprise the birthday girl by secretly recording her last walk of the night towards her room. No one is the wiser. This footage would have been included in the digital compilation for the birthday girl. But as you know, the festivities were never concluded and there was never a video made for the birthday girl.”

“Why is that?”

“The Clifton family did not want to be reminded of that day. Can you blame them?”

Mariposa was a little ashamed of that entire night even though it had nothing to do with the professional planning services that she provided. It would forever be a stain on her reputation.

“Do you still have the footage from that night?”

“We would have archived it in case the Cliftons changed their minds and wanted a video.”

Pamela’s heart raced as she heard that the video footage could be available.

“Angela, can you ask Oscar if he can give you the video footage for the Clifton Sweet Sixteen party?”

After a few minutes, Angela walked back into the office with a USB drive containing the video footage. She handed it to Mariposa who inserted it into the computer on her desk. She clicked a few buttons and opened the folder with the mp4 files from the camera mounted on the building.

“This is strange.”

Pamela walked around the desk and stood near Mariposa.

“This is definitely strange,” she continued. “This camera recorded everything that day.”

The video began playing daylight footage from the resort of various customers and staff walking in the courtyard where the grand staircase was located. The workers who had installed the camera could later be seen in the video as they walked from the building towards the Grand Ballroom.

“We normally only record when the birthday girls are walking that night. The camera is remotely accessed at that point.”

“Can you fast forward to around one a.m.?” Pamela asked. “That’s when Ms. Clifton would have fallen down the stairs.”

Mariposa clicked the fast forward button on the mp4 player, and the video quickly scanned. A clock on the bottom right of the player indicating the time sped up. When the numbers reached “1:00 am”, Mariposa stopped pushing the fast forward button. The video began playing again. Mariposa’s voice from her headset could be heard on the video announcing to her staff that “Fairy” had left

the Grand Ballroom.

“Oh no,” Mariposa exclaimed as the realization came over her.

“Who is fairy?”

“Fairy is the name that I give the birthday girl’s godmother.”

Mariposa and Pamela continued watching the video.

32 THE FIFTH

Chicago, Illinois

The Following Week

“**M**rs. Jones, I am handing you what is marked as Exhibit 4 to your deposition.”

Daniel Mendoza pushed the color photo from his side of the conference room table to the other side where Dana Jones was seated. Next to her, was her attorney and next to the attorney was her husband, Doug. Doug's eyes widened as he watched the photo glide into his wife's hand. Anthony Clifton was seated to Dana's far left, next to his attorneys, Thomas Lopez and David Millerson. They strained their necks to see the photograph. Marissa, Daniel's associate attorney, handed them a copy of the photo for their convenience.

“Thank you,” Tommy remarked as he glanced at the photo in an effort to feign disinterest in its contents.

Daniel waited for Dana to soak in the entire photo before he asked his next question. Her face frowned but she tried to maintain her composure.

“Can you identify for me the home that is depicted in Exhibit 4?”

Daniel stared deeply into her eyes without flinching awaiting her response.

“This is the home of Anthony and Reyna Clifton.”

“Are you familiar with the home?”

“Yes, I am.”

“How many times have you visited the Clifton home?”

“Countless times.”

“Four, five, ten, a dozen?”

“Probably forty times or more since they moved to Las Vegas.”

“Is this a true and accurate depiction of the Clifton family home?”

“Yes, it is.”

“Mrs. Jones, if you look to the bottom right of Exhibit 4, it is bates labeled REG00310. Do you see that?”

“Yes, I do.”

“And above the bates label is a timestamp. Do you see that?”

“Yes, I do.”

“Can you read for me the time stamp on Exhibit 4?”

“It says December 28, 8:15 p.m.”

“Thank you. If you look at the Clifton house in this photo, you can see a large window. Can you tell me where in the Clifton house is this window located?”

“It’s in the living room.”

“Can you see that there are two individuals inside the Clifton home just inside the living room window?”

“Yes... yes, I do.”

“Can you identify the genders of the two individuals depicted in Exhibit 4, the exterior photo of the Clifton home?”

“Yes, one is a woman and the other is a man.”

“Can you identify the woman standing in that photograph?”

“Yes. It’s me.”

“And can you identify the man... he apparently looks seated in the photograph?”

“It’s Anthony... Anthony Clifton.”

Dana resisted the urge to gaze at him.

“Thank you. Were you at the Clifton home on December 28?”

“Yes. Yes, I was.”

She looked at her husband, embarrassed. After Dana answered, Doug became furious. He remembered that weekend and desperately trying to find his

wife because she was nowhere around. Dana wouldn't answer his phone calls or return his text. He also remembered the excuse she gave him and that she claimed she was in Chicago visiting "family."

"And December 28, that was several months after the Sweet Sixteen party, correct?"

"Yes, it was."

"Was Reyna Clifton home the night you visited Anthony Clifton on December 28?"

"No, she was not."

"Where was she?"

"I believe she was in the ICU at that time."

"Did you visit Mrs. Clifton at the ICU before this photo, Exhibit 4, was taken?"

"No, I don't believe that I had seen her at this point in time."

"You are friends with both Anthony and Reyna Clifton, correct?"

"Yes, we have known each other since high school."

"And you originally dated Anthony Clifton before he was married to Reyna, correct?"

"Yes, I did."

"Did you date him while you were in college?"

"Yes."

"Which years?"

"It's been a long time. I can't remember exactly when."

"I appreciate that. I'm not asking for precise dates. Just an estimate. Freshman year? Senior year?"

"We dated, I think, our freshman year and possibly our sophomore year. But I can't remember exactly when we broke up."

"Isn't it true that you broke up because Anthony broke it off with you and chose to be with Reyna?"

"Well, I think there is more to the story than that."

"We will get to that later in your deposition. But for now, you dated Anthony Clifton while you were an adult, correct?"

“Correct. I was nineteen, twenty when we broke up.”

“And as an adult, did you have a romantic relationship with Mr. Clifton while you were dating or was it just a platonic relationship?”

“No, we were romantic.”

“You held hands?”

“Yes.”

“You caressed and cuddled?”

“Yes.”

“You kissed?”

“Yes.”

“You had sex like typical young lovers in love?”

“Well, of course. What are you getting at?”

“Mrs. Jones. I am the one asking questions today. Your attorney can ask questions of you later in the deposition when I am finished. But I am not a witness today.”

Dana stared at her attorney confused. The attorney did not respond but pointed towards Mr. Mendoza as a quiet gesture to Dana to continue answering his questions.

“So, you’ve previously had an intimate relationship with Anthony Clifton, correct?”

“Yes, and I am not ashamed about that.”

“Can you tell me what you were doing at the Clifton home on the night of December 28, when this photo, Exhibit 4, was taken?”

“I went to visit Anthony because I knew he was upset and struggling with the issues Reyna was dealing with, her health, her emotional well-being, her memory issues. Stuff like that. With kids of my own, I know how hard it is to raise kids. Because Anthony was taking care of Alejandra and Ash by himself, I was sure he was getting overwhelmed and I wanted to offer my services to help him out. You know. Chauffeur the kids here or there. Go grocery shopping. Cook dinner. Stuff like that.”

“So, you were there to help him with the kids?”

“Yes, I was.”

“Were Alejandra and Ash at the Clifton house that evening on December 28?”

Daniel grabbed the photograph and lifted it, showing it to Dana. He was pointing to the large living room window featuring Anthony and Dana.

“Well, no. They weren’t there at that time.”

“Isn’t it true, Mrs. Jones, that both Alejandra and Ash were not at the Clifton home that entire weekend?”

“I don’t remember.”

“Isn’t it true that you never chauffeured the kids that weekend, correct?”

“I don’t recall.”

“Isn’t it true that you never cooked the kids any meals that weekend or went out to any restaurants with them that weekend?”

“I really can’t recall. It’s been so long.”

“Hasn’t it been only six months?”

“Yes... yes, it has.”

“But you can’t remember what happened six months ago.”

“I have had a lot on my plate since with my own kids.”

“Did you spend the entire weekend with Mr. Clifton?”

“I may have. I’m just not sure.”

Daniel opened his laptop. He clicked an mp4 file and moved to a particular point on the timeline of the video player. Daniel then turned the laptop towards Dana Jones.

“Mrs. Jones, I am going to show you a video that has been previously marked as Exhibit 5 to your deposition. I am starting at index 39:10.”

The video played showing Anthony and Dana kissing, caressing, and making love. The video also had audio of the couple’s intimate encounter.

Doug jumped up, “Dana, what the fuck? I can’t believe you did this to me. You betrayed me. You betrayed our family.”

Dana tried grabbing his arm to comfort him, but Doug tugged his arm away and stormed out of the conference room. Dana buried her face in her hands ashamed that her husband had to find out about the affair this way.

Anthony Clifton also stood up and started yelling, “You are a piece of shit,

Mr. Mendoza. You recorded me. You recorded Dana. In my home. How dare you?”

The court reporter continued transcribing the conversation. As a rule, everything said during the deposition had to be faithfully transcribed word-for-word by the court reporter until the proceeding was off the record. Mr. Mendoza knew this.

Mr. Clifton quickly rushed towards Mr. Mendoza, but he didn't get very far because his attorneys restrained him and took him out of the conference room.

Dana's attorney, still seated and unaffected by the commotion, said, “Mr. Mendoza. I think this is a good time to take a break.”

“Well, Ms. Lomeli, I have no issue with taking a break.”

“Are we off the record?” the court reporter asked.

“Yes,” Daniel replied as he stood up and walked over to Marissa.

About twenty minutes later, the conference room was filled again with the parties and attendees except for Doug Jones. He had taken an Uber home, leaving the family car for Dana to drive after the deposition.

Dana was seated in the witness seat again across from Mr. Mendoza. Her eyes were red and swollen as if she had been crying. She struggled to appear unaffected by the video or her husband's outburst. During the break, Doug confronted his wife. Unusually, Doug cursed and yelled at Dana like he never had before, using unsavory and unmentionable names.

“Are we ready, counsel?” the court reporter asked as she placed both hands on the stenograph machine.

Ms. Lomeli and the other attorneys all answered in the affirmative.

“Mrs. Jones, I want to remind you that you are still under oath,” Daniel asked as he again opened up his laptop and turned it towards Dana.

She took a sip of water from the glass in front of her before answering, “Yes.”

“Before the break, I had shown you a portion of the video that is marked as

Exhibit 5 to your deposition.”

“Yes, I remember. I don’t need to see the video again.”

Mr. Mendoza closed the laptop.

“Did you have sexual relations with Mr. Clifton on December 28?”

“Yes, I did. I am not ashamed of that.”

“Since the incident where Mrs. Clifton had fallen down the stairs at the Regal Phoenix Resort and Spa, how many times have you had sexual relations with Mr. Clifton?”

Now that her husband was no longer sitting next to her at the deposition, Dana felt free to testify fully.

“Five or six times.”

Hearing her honesty, Daniel decided to ask the question about the kiss.

“And you kissed Anthony on the lips on the night of the Sweet Sixteen Party?”

“Yes, I did.”

“It was a romantic kiss not one of those greeting kisses on the cheek, correct?”

“Yes, it was. I am not ashamed to say that I love Anthony. I always have.”

“And Reyna was upset at you for kissing her husband, correct?”

“Yes, she was.”

“She confronted you and slapped you, didn’t she?”

“Yes. I didn’t blame her for that. She knew that I loved her husband and that I was trying to get back together with him.”

“She stormed out of the Grand Ballroom in a jealous rage, didn’t she?”

“Yes.”

“I object. Lack of personal knowledge. There is no way Mrs. Jones knows what Mrs. Clifton was thinking or feeling,” Mr. Lopez interjected but not before Dana answered.

“Well, Mrs. Jones, she appeared jealous to you, didn’t she?”

“Yes, she did. She said so in so many words.”

“She appeared angry to you, didn’t she?”

“Yes, she did.”

“In fact, she was so mad at you that she slapped you, correct?”

“Asked and answered,” Mr. Lopez objected before Dana could respond this time.

“Go ahead. You can answer,” Mr. Mendoza retorted.

“Yes. You are correct. She slapped me.”

“And then she left the ballroom, didn’t she?”

“I never saw her leaving the ballroom.”

“But you later learned that she had fallen down the stairs?”

“Yes, I did.”

Mr. Mendoza opened up his laptop again and opened another mp4 file. He again turned the laptop towards Mrs. Jones.

“Mrs. Jones, I am going to show you a video that has been previously marked as Exhibit 6 to your deposition. Exhibit 6 is a video at the Summit View Hospital on December 30.”

“I think we need to take a break, Mr. Mendoza. I need to use the restroom. Is that okay?” Ms. Lomeli asked.

“I’m fine with that. A ten-minute break? Are you okay with that, Tommy?”

“Yes, I am,” Tommy agreed.

After the deposition was reconvened, Ms. Lomeli stopped Mr. Mendoza before he restarted his line of questioning.

“Mr. Mendoza. I have spoken to my client and she is going to assert her Fifth Amendment right and will be ending the deposition.”

Daniel looked towards Dana and asked, “Are you sure that is what you want to do?”

“I agree with my counsel,” Dana confidently added.

“What’s going on here?” Anthony exclaimed. “I don’t understand.”

He anxiously looked towards his attorneys for an explanation.

“It’s fine. We’ll talk about this later,” David stated.

Tommy agreed.

“Well, if that’s what you decide, if you refuse to answer my questions, then I have no choice but to end the deposition. We can continue with the next deposition.”

33 ADMISSION

Scottsdale, Arizona

Earlier That Same Day

“Clarice, go get your cousins and let them know that breakfast is ready,” Esperanza frantically placed the bowls of arroz and habichuelas on the dining room table while barking her command. Her husband, Efron, was already seated at the table busy reading a medical journal. He ignored his wife’s loud outbursts, being accustomed to it after all these years.

“Alejandra!!! Ash!! Breakfast is ready!!” Clarice yelled towards the staircase that led to the second floor as she continued playing on her phone and texting a friend.

“I could have done that myself,” Esperanza angrily retorted. “Go to their rooms and get them.”

“Do I have to?” She stared at her father in hopes of getting a contradictory command.

Without being prodded to interfere by his wife and without taking his eyes away from the article, Efron solemnly declared, “Listen to your mom.” He turned the page and let out a desperate sigh. Dealing with teenagers was always dreadful, but he knew refereeing was part of his job as a father. Esperanza expected nothing less when she came to an impasse.

“Okay.”

The seriousness in his voice convinced her that any further resistance would

be futile. Clarice sulked in a defeated manner as she walked away from the table to gather Alejandra and Ash for breakfast. Her cousins had been staying at the Martinez home while their father was away in Chicago attending the latest rounds of depositions. They were loath to leave their friends behind in Vegas and the comfortable beds. But Esperanza and Efron insisted on taking care of them given the serious tone the lawsuit had taken in the past weeks. Anthony finally relented once he was convinced that the teenagers were not ready to be in the house alone. His thoughts remembered his own mischief as a child. He also wanted them to be with family during this crucial time.

“Good morning, Tío. Good morning, Tía,” Alejandra greeted them unexpectedly cheerful.

She had been sullen the entire night before in part out of defiance of her father’s decision. But mainly what had bothered her was the empty feeling that her mother was no longer with them. Otherwise, she realized, why would they need to be with their aunt and uncle so far away from home when their father was out of town. He had gone out of town many times over the years.

At times, Alejandra’s angst about her mother’s passing overwhelmed her especially when Alejandra saw glimpses of her mother in her aunt’s face. Her anxious feelings were even more unbearable at those times. Fortunately, the typical, warm feelings of welcome and reassurance from the entire Martinez family ultimately won her over. It had the night before despite her sullen mood. She slept like a baby in a strange bed and her demeanor that morning reflected it.

“It smells delicious,” she added with a half-crooked smile that puzzled everyone.

“Thank you, Alejandra,” Esperanza remarked as she entered the dining room from the kitchen and placed a plate of fresh, hot tostones on the table.

It was an atypical breakfast that Alejandra was unaccustomed to having at home unless she was visiting her godparents who ate Puerto Rican food regardless of the meal.

“I know those are your favorite.” Efron smiled as he closed the journal and placed it on his lap. “Your Tía went out of her way to make them for you. You should thank her.”

“Thank you...”

Before Alejandra could finish, Elisa sarcastically revealed, “Yuk, I hate tostones. They are so dry.”

Her facial expression mimicked the disgust in her young voice. Nevertheless, she grabbed a handful of tostones, put them on her plate, and greedily took a bite out of one.

“What have I told you about eating before the blessing?” Esperanza’s stare reinforced the sternness in her voice.

“Sorry, mom.”

Elisa placed the half-eaten tostone on her plate and waited for affirmation from her mother for her complicity. None was forthcoming. She then turned to her father who gave her a polite, reassuring smile.

“Where’s Ash?” Esperanza inquired as she glanced around the first floor for her nephew as well as her oldest child.

“They’ll be here,” Efron reassured.

As the cousins slowly walked down the staircase, the doorbell rang.

“I’ll get it.” Clarice leapt to the front door like an eager teenager awaiting her childish crush to appear before her. In contrast, Ash bolted to the dining room once he saw the food-laden table.

“Wait...” Efron stood up in a fruitless effort to stop his daughter from answering the door. He thought that he had taught her better than that. “Clarice.”

The front door was opened before Efron could take his first step. Two uniformed police officers from the Scottsdale Police Department were at the door. Their patrol car could be seen in the driveway, haphazardly parked. Its lights flashing. A second patrol car approached and parked at the curb in front of the home.

“Good morning, Miss. Are your parents home?” the bulky, older police officer said as he surveyed the interior of the Martinez residence menacingly.

His partner stepped closer to the door, placing his right hand on his service pistol, a SIG Sauer P320. This frightened Clarice as she noticed his gesture. She nervously stepped back.

“My mom and dad... are inside.” Her voice trembled.

“Good morning, officers. My name is Efron Martinez,” he said as he glanced at their badges, reading their names. He resisted the urge to offer his hand. “Officer McGrady... and Officer... Maldonado, is there anything that we can help you with?”

“May we come in?” Officer McGrady requested. He was obviously in charge of his partner who was somewhat junior to him but not by much. Two officers from the other patrol car slowly approached from behind.

“Sure, officers. What is this about?”

“Well, Mr. Martinez,” he said with settled authority. “We are looking for your wife, Esperanza Martinez. Is she here?”

Officer McGrady remained polite to garner cooperation from Efron.

“Yes, she is. She’s serving breakfast to our kids.” Efron turned and yelled towards the back of the house, “Esperanza!! Come here.”

Officer Maldonado walked further into the living room. Efron stared but decided not to interfere. One of the other officers followed him. When Officer Maldonado spied Esperanza, he asked her to come to the front of the house near Officer McGrady. She willingly complied. The three children in the dining room came closer, cautiously observing. They were not too far from the living room but within earshot.

When Esperanza arrived in the living room, Officer McGrady turned towards Clarice and in a soft, gentle voice asked, “Can we talk to your parents alone?”

Clarice looked towards her father. He nodded his head and she complied. Officer McGrady waited until Clarice joined her younger sister, Alejandra, and Ash before he continued.

“Ma’am, we have a warrant for your arrest.”

Officer McGrady pulled out the warrant and showed it to the couple.

“Arrest!” Efron exclaimed as he held his wife back from stepping forward. “Arrest for what?”

“Mr. Martinez, we would rather do this at the station and not in front of your entire family.”

Officer Maldonado approached Esperanza to handcuff her.

“Officer, please. Please let me know now. I am a respectable doctor in this

town. I deserve to know.”

“Leave it alone, Efron,” Esperanza suggested as she willingly placed her hands behind her back, resigned to the inevitable.

The officer went behind her and handcuffed her.

“Mrs. Martinez, you have the right to remain silent...”

Officer Maldonado continued reading the Miranda rights. Efron listened in amazement as his wife was stone-faced and silent. When the officer began to escort Esperanza to the front door to place her into the patrol car, Esperanza resisted slightly and turned her head towards the rear of the house.

“I love you, Clarice. I love you, Elisa,” Esperanza tearily affirmed as her children looked on.

She continued walking once her children visually acknowledged her and also sobbingly declared their love for their mother.

“We’ll get you an attorney. The best in town. Don’t worry about it. I’ll be right behind you.”

“Don’t come, Efron. It’s okay.”

“Why are you saying that? What have you done?”

Hearing the anguish in Efron’s voice, Officer McGrady relented and explained, “Your wife is under arrest for the attempted murder of Reyna Clifton.”

“What?! That can’t be. Is this for real?” Efron shouted as he demanded an answer.

Clarice and Elisa rushed to their mother’s side. Alejandra and Ash stayed back in disbelief at what they just heard.

“Please don’t take her,” the youngest child sobbed, clenching her mother tightly around the waist.

“Did you do this, Esperanza? Answer me!!” Efron demanded.

“I did,” Esperanza unabashedly declared. “I pushed her down the stairs.”

The officers watched and did not interfere. Her husband was doing their job.

“Why? Why would you do that? You’re her sister.”

Esperanza suddenly bowed her head in shame, tears streaming down her angry face.

“I hate you, Efron. I hate you!” she finally blurted out after she failed to resist making a scene in front of the children. “I learned your dirty secret. You thought I would never find out after all these years. But I did.”

“What secret?”

“Don’t play dumb. I was there that night, the night of the Sweet Sixteen party when you admitted that you had an affair with Reyna. How could you? You screwed my own sister. You bastard!!”

Esperanza lunged towards her husband, but the officers quickly restrained her. Efron didn’t flinch. The officers held back their dismay despite hearing the family drama. They were accustomed to such outlandish behavior when they had domestic dispute calls.

“I’m not ashamed to admit that I made a mistake. That was such a long time ago. It was just a fling, nothing more. But I’ve been faithful ever since. I love you.”

“Just a fling! Is that all you have to say for yourself? You are Alejandra’s biological father. You knew that this whole time while you were Godfather to her. You’ve been playing me like a fool.”

Esperanza tried to kick her husband, but the officers dragged her backward to prevent her.

“I’m sorry... so sorry. But this is too much. You should have taken it out on me, not Reyna... not like this.”

Esperanza could see Alejandra and Ash from the corner of her eye. They were astonished, confused, and disturbed to hear that their aunt had harmed their mother.

34 CONFESSION

Chicago, Illinois

Later That Same Day

“Mr. Clifton, I want to remind you that you are under oath, sworn to tell the truth as if you were testifying in a court of law before a judge and jury. Do you understand?”

Daniel Mendoza’s voice was more serious than in any previous deposition taken during the Clifton lawsuit. He also wanted to cut to the chase given the recent events.

“Yes, I do. I just want to get this over with,” Mr. Clifton anxiously replied with a sense of cockiness that he had never displayed while attending the other depositions.

“Anthony, wait until there is a pending question, okay,” Tommy explained as he pressed his hand against Anthony’s chest as a gentle reminder. Anthony reluctantly nodded in agreement.

Before the deposition, both Tommy and David strenuously reminded their client not to volunteer any unnecessary information and to simply answer the questions with a “yes” or “no” if possible. Given this latest answer, the attorneys knew that they were in for a long afternoon. Tommy was especially perturbed by this after the unexpected revelation of the affair by Dana Jones which threw him for a curve. He realized that his client had not been truthful to him these past six months or so. Tommy knew that he wasn’t having a good day.

“Mr. Clifton, I’m not going to repeat all of the admonitions for a deposition because you’ve attended all of the depositions and have heard them all before.”

“I understand them.”

Anthony glared at Daniel as if it was a game of chicken. But Daniel was used to difficult witnesses over his long career and did not take such responses personally. He was just doing his job, even if it meant that others were displeased with the outcome. Unfortunately, witnesses like Mr. Clifton took prying into their lives as a personal infringement and were much more emotional than other witnesses whose testimony was merely dispassionately recounting facts.

“Mr. Clifton, you were here this morning for the deposition of Dana Jones, correct?”

“Yes. Yes, I was.”

“She was your former girlfriend, correct?”

“Yes, we dated in high school and college.”

“You dated Mrs. Jones before you married your wife, correct?”

“Yes.”

Before asking the next question, Daniel grabbed the infamous photo from his briefcase and showed it to Mr. Clifton.

“Do you agree that this picture, which was Exhibit 4 to Dana Jones’ deposition, is a picture of you and Mrs. Jones?”

“Yes, I do. That is me in the picture.”

He avoided looking at the picture before answering and gazed directly ahead.

“And that is Dana Jones?”

“That is her just like she testified.”

Anthony leaned back in his chair as if irritated by having to go through the same line of questioning that Dana recently testified about. Fortunately for him, the deposition wasn’t being videotaped so his contorted facial expressions and awkward body language couldn’t be transcribed by the court reporter.

Seeing this, Daniel regretted not requesting a videographer for Anthony’s deposition so that the videoed deposition could be played at trial if necessary. The jury would likely be offended seeing Mr. Clifton’s cavalier and arrogant

behavior. Daniel now realized that, should the case go to trial, Tommy would hire a jury consultant to teach Mr. Clifton how to respond to questioning and direct his responses to the jury so that he would have more appeal. Apparently, Tommy had forgotten to fully prepare his client for the deposition.

“And this picture was taken at your house?”

“Yes, my house,” Anthony’s voice mirrored his irritation.

“The house where you and wife lived, correct?”

“Yes, when Reyna was alive before your client killed her.”

“Move to strike,” Daniel interjected still trying to stay calm and collective.

“Do you deny that on December 28 you and Mrs. Jones had a sexual encounter at you and your wife’s home?”

“No, I do not.”

The other attorneys looked on, awaiting whether Daniel would open his laptop as he did during Dana’s deposition. There was no need to play the sordid video again given Mr. Clifton’s answer. During the break, Daniel contemplated playing it to get under Mr. Clifton’s skin. He decided against it now because the witness was already discombobulated from being questioned.

“And do you agree that you’ve had multiple sexual encounters with Mrs. Jones since the incident involving your wife’s fall at the Regal Phoenix Spa and Resort?”

“Yes, I don’t deny that.”

Tommy sighed. He knew that the answer was inevitable but a part of him secretly hoped that the testimony given by Dana earlier that morning was false statements of a former lover scorned. With Anthony’s testimony confirming the sexual encounters, Tommy knew that the lawsuit had taken a turn for the worse, at least for Mr. Clifton’s claims against the hotel. Mr. Clifton could no longer be betrayed as the doting, loving husband who was emotionally overwhelmed after the serious injuries his wife sustained and then devastated after her unexpected death. Nevertheless, Tommy still held out hope that the children’s claims against the resort were still viable and could still be pursued despite their father’s sordid affair.

“Did you have sexual encounters with Mrs. Jones before the incident?”

“You mean before Reyna fell at your hotel?”

“Yes.”

“No, never.”

Several knocks at the door to the conference room could be heard. Everyone looked towards that direction. Marissa peeked in. She then hurriedly walked into the conference room and sat next to Daniel. The court reporter noted in the official record that Marissa Robles had entered the room. Marissa whispered something into Daniel’s ear that she had learned during the break. He was secretly pleased with what Marissa told him but had a poker face to avoid tipping off opposing counsel and the witness.

“Excuse me.” Daniel shuffled some documents around until he got to one that he wanted to focus on. It was merely a distraction and a way to also settle down his excitement. He decided to skip some of the questions that he originally planned on asking given the news that he learned.

“Mr. Clifton, you were present during your daughter’s Sweet Sixteen party, correct?”

“Yes, everyone saw me there. I danced with my daughter, sang a song with her.”

“Were you present when your wife fell?”

“No, I was not.”

“So, you have no personal knowledge of how she fell, correct?”

“No, I don’t.”

“Mr. Clifton, were you aware that there was a video taken of your wife’s fall?”

Tommy interjected, “Objection. Counselor, I was not provided with this video that you are referencing. Can you immediately provide me with a copy? I’ll need to review that with my client first before any further questions.”

David fiddled through his file and texted his paralegal to confirm that the video had not been disclosed at the last minute.

“I apologize, Tommy. I now just learned of it myself. I plan on disclosing it as soon as I get a copy of it,” Daniel said with a hint of a smirk.

Tommy appeared disheveled by the revelation but knew that his objection

would still be on the record for later use if needed. He allowed the proceedings to continue.

“Mr. Clifton, are you aware that the video of the fall does not show that your wife tripped on the staircase as alleged in the lawsuit?”

“Well, I haven’t seen the video.”

“Mr. Clifton, are you aware that the video shows that your wife was pushed down the stairs?”

“What? What do you mean?”

Anthony became frantic after the last question and looked towards his attorneys for guidance. They were just as puzzled as he was.

“Are you aware that your sister-in-law, Esperanza Martinez, was arrested today for the attempted murder of your wife?”

“What is this counselor? When did this happen?” Tommy inquired.

“To my knowledge, just a few hours ago.” Daniel turned back towards Anthony, “She confessed to pushing your wife down the stairs as recorded on the video. Were you aware of that, Mr. Clifton?”

“No... no... I was not aware of that.”

He became increasingly agitated and unsettled by the disturbing news.

“Were you aware that Mrs. Jones, your former girlfriend, confessed after her deposition today that she smothered your wife in her room at the Summit View Hospital? Were you aware that Dana Jones confessed to killing your wife because she wanted you all for herself?”

“I object. What proof do you have of this, Mr. Mendoza? These allegations are outrageous. I move to strike. Do I need to get the judge involved in this deposition?”

“You can if you want, but I’m not lying to you, Tommy. It’s the truth. You can call the Chicago police if you want to verify it.”

“Yes, I’ll do that,” Tommy added.

He was about to make a call when Anthony angrily stood up and paced the room. He was seething and confused. Seeing his client increasingly getting out of control, David Millerson tried to calm him down to no avail.

“She didn’t do it. I... I did. I killed my wife,” Anthony blurted out in a fit of

rage.

The court reporter continued transcribing every word said during the deposition by all parties.

“Anthony, don’t say anything more. I instruct my client not to answer and invoke his Fifth Amendment right. I’m ending this deposition.” Tommy walked towards the exit. “Follow me, Anthony. We are leaving.”

“Don’t worry, Mr. Clifton. I know you didn’t do it. There is a video of Dana Jones walking out of your wife’s ICU room moments after she died.”

“You bastard,” Anthony berated Daniel. David pulled him out of the conference room before Anthony could attack Daniel Mendoza.

Daniel took a deep breath as he watched the trio exit the conference room. When the door closed, he stood up, grabbed his things, and placed them inside his briefcase.

“Madame court reporter. I apologize.”

“I guess this means that the deposition is over,” she inquired.

“I would say so. Nice job, boss.” Marissa gleamed with excitement. “Wait until John hears about this. He’s going to be so jealous that he wasn’t here.”

The overt competition between the two associate attorneys was obvious, even though Daniel seemed oblivious to it.

“It’s not something to gloat about. A woman is dead,” Daniel bemoaned.

“But it’s not our fault... not our client’s fault. Isn’t that good?”

“Yes, but a family... no, three families have been devastated as a result of this tragedy.”

Daniel knew that the painful effects would last a long time, possibly several generations.

35 CLIENT

Gilbert, Arizona

Several Weeks Later

Seated in his reclining chair in the loft listening to jazz, Daniel was trying to relax on a warm, sunny May morning. He was exhausted from the recent travels, dealing with various filings in the Clifton case, and what seemed like endless speaking engagements with the media over the revelation of Reyna Clifton's murder and the confession of both Esperanza Martinez and Dana Jones that they were separately involved in her fate. But today, all the hustle and bustle seemed to have died down. Daniel could finally relax again.

That pleased Daniel. It also allowed him to think about his own life such as the disastrous trip to Puerto Rico and the failed relationship with Layla. He wondered if she was still dating Leon. He had not seen any Facebook posts indicating that she had traveled to Arizona to visit Leon or that she had entertained a "male guest" in New York. But Daniel tried to ignore those nagging thoughts about her.

But once he did, his mind then focused on his own shortcomings. He wondered if those shortcomings made relationships with women harder. Surely his dedication to his job and the endless nights didn't give him time to focus on any relationship and meet his partner's needs. That could not be fair to any potential partner.

Perhaps it was too late to pursue relationships anymore. A part of him was

resigned to it. At least, he was not consumed about it like he was in the past when he was in his forties and starting a family was more important to him then. Now, he was more content with being alone. Being alone meant that he did not have to make unending compromises which always seemed to be to his detriment even if he didn't realize it at the time.

He could focus on himself, the things that he wanted to do, places he wanted to travel to so that he could explore and learn. He could focus on fun and exotic adventures that not everyone cared to enjoy, sometimes not even the women that he was interested in and wanted to court. In a sense, it pleased him that he had something to look forward to even if that meant having to do them alone. He knew that others could perceive this as selfishness but at that moment he didn't care. But before he could make a mental list of his future endeavors and dreams, the phone rang.

"Good morning, Gerry. You must be up late."

Daniel turned off the music so that he could focus on his client.

"I am actually up early. It's three a.m. here in Tokyo. I have a long day ahead of me. I'm flying to Serbia in a few hours and thought I'd call you before I leave."

"Congratulations on breaking ground on the new hotel. I heard from Jillian."

"Thanks, Daniel."

"You deserve it. You worked hard on that deal."

"But that's not what I am calling about. I wanted to congratulate you again on behalf of the board. We voted last night to renew your contract and, of course, a sizable bonus will be provided to you and all of your associates."

"Thank you, Gerry. I appreciate that. The firm appreciates your generous offer."

"You guys did a great job on this Clifton case, better than everyone expected. You know how much pressure I had to settle the case and... you..."

Daniel knew that Gerry would be at a loss for words. He was a shrewd businessman but had a heart of gold that he rarely showed to others. By trusting the Mendoza law firm, Gerry was putting his own job in jeopardy, but he would never openly acknowledge that. Daniel decided to change topics so that Gerry

wouldn't have to vocalize his feelings. Daniel was keenly aware of how Gerry felt, having worked for him for nearly a decade.

"I heard that the security company and the property management company were going to settle the case."

"Yes, they were. Can you imagine that?"

"I figured that's why they weren't attending the last round of depositions. I tried calling them about why they weren't flying to Chicago for Mr. Clifton's deposition. He was the lead plaintiff. That was strange. But they were silent and wouldn't talk about it. I don't blame them. I would do the same if I was in their position."

Daniel knew that he had not shared any of the information that he had learned from Pamela about her investigation. So, he understood that the other defense counsel definitely had a different perspective about the defensibility of the case.

"They were almost finalizing settlement negotiations when the news broke about the confessions," Gerry admitted to Daniel's chagrin.

"I take it that was your doing."

"Yes, it was."

"That was smart."

"They were the ones pressuring the board to settle and threatening to settle the case without us."

"I take it that they closed ranks after the revelations."

"Of course. They were happy not having to pay for a settlement on a case where there was absolutely no liability."

"I can imagine."

Daniel wished that he could have seen Gerry's facial expression upon learning that the other defendants changed their minds and supported the resort's position on liability. But that was just a small vice that he had to let go of.

"I'm glad that I listened to you, Daniel. I have to admit that I almost lost faith."

Gerry's voice tapered off towards the end, indicating his sincerity.

"It's nothing, Gerry. I'm glad that we proved you wrong." Daniel playfully

laughed. “But seriously, I’m just pleased that we could restore your faith in the firm, in all of us.”

“Yes, yes you did. We will be doing business together... for a long time.”

“I’m happy to hear that.”

Daniel also knew that both John and Marissa and the rest of the staff would be happy to hear that as well. Their job security was important to Daniel as well given the faith that they had shown him by supporting him when he started his law firm five years ago.

“Well, my limo is here.” Daniel could hear Gerry speak Japanese to one of his assistants at his office. “I’ll talk to you when I get back from Serbia.”

“How long will you be gone?”

“A month. Perhaps two.”

“Be safe.”

“Thanks, good friend.”

The phone call ended after Daniel returned the greeting. He was pleased to know that the firm was secure for now. The media buzz about the lawsuit would of course generate new clients. This would keep the firm busy. Daniel even contemplated having to hire new attorneys if the client growth was bigger than the firm’s capacity.

Overall, the day was starting off well. Daniel decided to take a swim in his spool to relax and enjoy and decided not to work that day. Walking downstairs to the master bathroom, he changed into swimming trunks and wrapped a beach towel around his waist. Opening the patio doors, Daniel could see Pamela already in the spool. Her bright smile was gleaming across the yard. Her long, blonde hair tied in a ponytail was wet at the tips.

“It’s about time you came outside. Come in and join me.”

Daniel shook his head in amazement.

“Oh please. I’m embarrassed,” he joked.

“Don’t be. It’s nothing that I haven’t seen before.”

Daniel walked towards the spool, unwrapped the beach towel, and placed it on one of the bronze chairs surrounding the fire pit table. He noticed that another beach towel was lying on a chair. The table had a carafe of orange juice, some

bagel sandwiches, and tater tots. He ate a tater tot.

“A woman after my own heart,” he managed to proclaim while eating.

Pamela secretly blushed.

Daniel walked into the spool. It was naturally warm from the Arizona weather at that time of the year. After sitting near Pamela who was in front of a spa jet, Daniel smiled.

“I forgot to say good morning. Good morning, Pam.”

Daniel was always awkward in front of her for some reason that he could not fully understand.

“Good morning,” she quietly added. “Congratulations by the way.”

“For what?”

“For the renewed contract and the big bonus. What else do you think I was congratulating you for?”

“Don’t tell me you were eavesdropping?”

“Of course not.”

Pamela deviously smiled the way that she always did after revealing someone else’s secret.

“I know. You have your sources.”

“Now you’re getting it.”

Daniel had to find out how she knew so much about him, but he decided to let it go and focus on the moment.

“I couldn’t have done it without you. You saved me.”

“How many times has that been?”

“I lost count anymore, to be honest.”

Before Pamela could say the number, Daniel placed his index finger over her lips.

“It’s not good to boast. Let’s just leave it at that, okay.”

“Sure, boss. Whatever you say.”

Daniel walked into the middle of the spool and lay on his back. The saltwater made it easier for him to float. He could see the entire azure sky as if he was floating in the Caribbean. Pamela joined him, also enjoying the expansive celestial views.

“Nice. I could stay like this all day,” she mused.

“Me too.”

“So, do you have any vacation plans?” Pamela prodded.

“No, not yet.”

“Are you going back to Puerto Rico for the holidays?”

“Maybe. But this time by myself.”

“Anywhere else?”

“Maybe. I have some friends who attend the Scripps Institution of Oceanography.”

“In La Jolla?”

“Yes. They’ll be graduating next year and want me to go kayaking with them before they graduate.”

“You should go. It’ll be fun.”

“I don’t know.”

Daniel didn’t want to mention the romantic night kayaking with Layla in Fajardo, but his mind turned to that experience. He wanted to forget it and forget her. Kayaking in La Jolla would only remind him of what he could have had.

“I’ll think about it.”

Daniel turned and gazed into Pamela’s eyes. She moved closer to him. Knowing that they would be working together on future cases, Daniel threw caution to the wind and the two kissed. It was unexpected.

THE END

BIBLIOGRAPHY

This is a list of books and short stories written and published by Daniel Maldonado:

The Palace of Winds and Other Short Stories - A collection of poignant short stories addressing romance, failures, intrigues, and beliefs from a male perspective.

Through Thunder and Light - A follow up to the original compilation “The Palace of Winds and Other Short Stories.”

From the Streets of Chambers Lane - The intriguing story of the Mendoza family's unexpected loss of their youngest son and sibling, Michael. Dealing with spiritual struggles and disillusionment as well as familial rivalries and quirky social interactions, the novella introduces the reader to each diverse family member's perspective of the tragic event while personalizing their cultural past and fears of the unknown future.

When Dreams Abound: A Return to Chambers Lane - Fatherless, Daniel Mendoza learns from a myriad of male friends and neighbors who come into his life from childhood to adulthood about what it actually means to be a man.

The Prodigal Son From Chambers Lane - The oldest son, Jose Luis Mendoza,

Junior, battles a haunting past secret that has hindered his growth even into his adult years. He must confront his unloving and hard-hearted mother and others who have betrayed his desire to be loved before he is able to escape it and embrace his future.

Butterflies Blue: An Interlude in San Juan, Puerto Rico - While vacationing on the tropical Caribbean island of Puerto Rico with her newest boyfriend, Layla unexpectedly encounters her former jealous boyfriend, Leon, who desperately wants her back.

May it Please the Court: A Mystery at a Regal Wisteria Resort

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Next in the Series:
The Fleeing Felon
(Daniel Mendoza Thrillers Book 2)



After Fredrick Prato gets involved with a local drug gang and fights with his girlfriend about the custody of their young child, he gets on his motorcycle and rides into the night.

Unknown to Frederick, the freeway offramp he takes is closed, and blocked by a truck owned by TransAde to prevent oncoming traffic, resulting in a fatal crash. Fredrick's parents and girlfriend are devastated by his unexpected death and sue TransAde for carelessly creating a dangerous situation with the truck.

Daniel Mendoza and his team of attorneys must solve the mystery of why the tragic accident occurred. But can Daniel find out what went wrong, and is there something more sinister behind the scenes?

The Fleeing Felon

ABOUT THE AUTHOR



Mr. Maldonado is an attorney in the Phoenix area that has practiced insurance coverage and employment discrimination law. He is a co-author/editor of *Couch on Insurance*, a multi-volume treatise on insurance law. Mr. Maldonado is also a contributing author on *CAT Claims: Insurance Coverage for Natural and Man-Made Disasters*. Mr. Maldonado also wrote the employment chapter for the *Arizona Tort Law Handbook*. He has contributed to various law reviews and other articles. Now, Mr. Maldonado takes his hand to an area of personal satisfaction: relationships and emotional experiences.

To learn more about Daniel Maldonado, visit his [author page on Next Chapter's website](#).