

# DEAD WEIGHT

## BY ROSEMARY REEVE

### CHAPTER ONE

"A woman doesn't kill herself when she's losing weight."

A long time ago, I learned never to leave a deposition without first asking the court reporter what she thinks of the witness. A court reporter isn't a machine, no matter how intent she is on taking down every word of every question you ask and every answer you get. She - they're usually shes, even these days - is your first audience, the first impartial person who listens to the witnesses.

So that's why I waited until the silk-clad deponent had glided toward our elevator, handkerchief fluttering but eyes dry. That's why I waited until her lawyer, Boyd Tate, had blustered out behind her, telling Cheryl over his shoulder that he wanted a copy of the dep, "ASAP. Preferably sooner." And that's why I waited until Donald Carter, the cadaverous attorney representing Puget Health Partners, had wished us both a gloomy good night and blotted himself from the room.

I looked at Cheryl over the exhibits, legal pads, coffee cups, and other detritus that accumulates during depositions. She was sorting the paper tapes on which she'd coded the sounds if not the sense of the testimony. It wouldn't make any sense to me until she'd translated it and sent me a copy.

"So, what do you think?" I asked her.

"She's a liar," Cheryl replied. "But by the time this goes to trial, if nothing else, Tate will have taught her how to cry."

Either Melanie Mayer's tear ducts had been surgically removed, or she cared little about her sister's death. True, some people just can't cry, even when distraught. But those people generally don't delay every answer while they dab their stiff, black lashes with stiff, white lace.

"What else?" I asked.

"All that lovey-dovey stuff about her sister was just crap," Cheryl said, snapping rubber bands around the paper tapes. "If she loved her sister so much, why didn't she even have a funeral for her? She just pulled the plug, had her cremated, and scattered her ashes - all in just a couple of days. It wasn't until she heard about the insurance policy that she saw any good in her fat little sister."

"Do you think it was suicide?" That was the critical issue for American Fidelity. If Carrie's fatal, ten-story plunge was an accident, my client was on the hook for the full face amount of her \$250,000 life insurance policy - doubled to a cool half-million by her rider for accidental death. But if Carrie had taken her own life, if she had thrown herself over the railing of her apartment balcony, then because it was a fairly new policy, the suicide exclusion would preempt coverage. We would owe her beneficiary only a reserve payment estimated to be a few thousand dollars, if that.

Cheryl didn't answer me right away. "Well," she began, softening the eventual blow, "I'm sure you've got some good solid evidence. She had written that article about suicide for The Stranger. She was still upset because of her mother, and things weren't going all that great at work. So I guess she could have been that desperate, that sad." She stopped.

"But?" I prompted.

"But," she said, "she was losing weight, Jack. She had taken off fifty pounds in six months. She would have been down to misses' sizes now. Do you know what that means?"

I shook my head.

"It means she could have strolled into any store and found her size right on the rack. It means she wouldn't have had to walk past all the cute clothes and slink into the Women's World or the Plus-Size Department or even -" she shuddered - "those awful places where they refer to you as a Big Beautiful Woman. She had lost a lot of weight, and she was still losing."

"And, therefore, she could not have killed herself?" I confess to a trace of irritation. Cheryl was seizing on a fraction of the testimony and using it to blow my whole case.

Cheryl gave me an indulgent look of sympathy. "Not could not have, but probably didn't, Jack. A woman doesn't kill herself when she's losing weight. Who has the burden of proof?"

"We do."

Cheryl patted me on the shoulder. "Go with God."

With Cheryl's warning ringing in my ears, I went into my office and called Leah Batson. Leah was American Fidelity's in-house counsel and was, far and away, my favorite client. Leah and I had bonded when we had suspected each other of killing my father. As it turned out, I had been wrong, she had been extremely wrong, and our mutual relief and embarrassment had forged an unspoken trust between us. She had given me all of American Fidelity's Washington litigation, and my fiancée and I were using that cornerstone of business to open our own firm. From a career perspective, it had all worked out very well - except that my father was still dead.

Leah did not waste time. "What's the sister's story on the suicide?"

"She claims she and Carrie were close, that she would have known if something was wrong. She said Carrie was weathering their mom's death pretty well. Sad about it, yes, but not suicidal."

"What's Melanie like as a witness?"

"Right now, she's obviously faking the loving sister routine. But she's still learning her role. Tate will have her in the groove by trial."

"Any other evidence that it wasn't suicide?"

"Well, maybe. Did you know that Carrie had dropped about fifty pounds since last summer?"

"No." Leah sounded surprised and impressed. "That's terrific. How did she do it?"

"I'm not sure. But the court reporter seemed to think that weight loss alone was a reason to live."

Leah was quiet for a while. "To the women on the jury, yeah, it might be," she said. "Unless we can tie it to depression or illness, they'll see it as the most positive thing that could happen to Carrie, something that would make everything better. Anything in the med recs that would account for the weight loss?"

"Nothing. But she hadn't seen a doctor for two years. That's why we didn't know about the weight loss until today."

"Anything in the autopsy?"

"Nope. 'Healthy, well-nourished female.' No tumors, no cancer."

"Any evidence of diabetes?"

"None. The sugar levels were normal."

I could hear Leah tapping the eraser end of her pencil on her desk. That meant deep thinking. She said, "Look, my gut feeling is that the poor girl jumped. She was too short to fall over that railing, even if she was standing on a stool to water her hanging plants. But if it really was an accident, then we'll pay the half-million, Jack. We'll still fight the bad faith claim, but we'll pay on the policy. But first, I need some evidence to take to my boss. I want you to take a week and find out everything you can about Carrie Mayer. Then I want you to come down to L.A. and give us the best case on both sides - suicide and accident. Then we'll go from there. OK?"

"OK," I said, looking at my calendar and starting to juggle my next five days around. "So you just want to know what happened, no matter what?"

"No matter what," Leah confirmed. "Suicide or accident, we want to know - no matter what."

I said goodbye, hung up, and pulled out a new legal pad. I wrote "Suicide" on the first page and "Accident" on the second, then set to work listing the evidence and issues under both. Just before I went home, I read over my plan of attack.

My roommate was a homicide detective with the Seattle Police Department. I don't know whether I was thinking of Mark when I did it, or whether I had absorbed his overall paranoia by osmosis, but for some reason, I turned to a clean page in my notebook and wrote, "Or murder."