



Cross-examinations #3

**Excerpts from the Transcript of the  
Examination for Discovery of May Donoghue, June 6**

149. I will now ask about the delivery of the Scotsman's Float. Who brought it to your table?
- a. The owner, Mr. Minchella.
150. What was it?
- a. A dish of vanilla ice cream covered with ginger beer poured from a bottle.
151. Please describe the bottle which held the ginger beer.
- a. An opaque, like in the photo, Exhibit 1.
152. Who served it?
- a. Again, the owner.
153. I will now ask about when Mr. Minchella served the order. You were conversing with Audrey MacIsaac when he attended the table, correct?
- a. Yes, but we stopped as the owner served our desserts.
154. Did you pay attention to Minchella?

- a. Not really.
155. Was there ice cream already in the tumbler, Exhibit 2?
- a. Yes.
156. Who poured the ginger beer over the ice cream?
- a. Again, the owner.
157. Did you have the chance to inspect the bottle before he poured from it?
- a. No. He took the bottle from a tray and poured it without showing it to Audrey or me.

## Direct Examination of May Donoghue at Trial

57. I will now ask about when Mr. Minchella served the order. What were Audrey MacIsaac and you doing when he attended the table with your orders?

- a. We were chatting but stopped as the owner approached to serve our desserts.

58. Did you pay attention to Minchella?

- a. Yes, closely. Audrey had talked up the dish we ordered, and I was looking forward to tasting it.

59. Who poured the ginger beer over the ice cream?

- a. The owner.

## Cross-examination of May Donoghue at Trial

1. Mrs. Donoghue, I want to clarify what you said earlier today. When asked what you and Audrey MacIsaac were doing when the owner attended the table with your orders, you answered that you were chatting, but we stopped as the owner approached to serve our desserts. That's what you said, correct?
  - a. Yes, it is.
2. When asked whether you paid attention to Mr. Minchella, you answered that you did so closely. Audrey had talked up the dish we ordered, and you were looking forward to tasting it. Correct?
  - a. Yes.
3. Do you recall being questioned at an examination for discovery on June 6 last year?
  - a. Yes, I do.
4. My colleague, Ms. Trusdale, asked you questions about this case, correct?
  - a. Yes.
5. And you solemnly affirmed to tell the truth that day, correct?
  - a. Yes, I did.
6. And you did tell the truth, right?
  - a. I tried to, yes.
7. Because you knew you had to, correct?
  - a. Yes.
8. I will read questions 57 and 58 and your answers. They are on page 14 of the transcript I am handing the Clerk, your Honour. [Counsel hands transcript to Clerk to give to the Trial Judge, then reads the passage].

Now, Mrs. Donoghue, you were asked those questions, right?

a. Yes.

9. And you gave those answers, correct?

a. Yes.

10. And you believed them to be accurate, correct?

a. Yes.

**Stop there!**