



Cross-examinations #7

Excerpt from the Direct Examination of May Donoghue

Q. I want to ask you about when you poured the ginger beer onto your ice cream. Tell us about that.

A. I had finished most of the ginger beer, but there was still some in the bottle. I poured the rest into my tumbler when the rotten remains of a snail came out. I screamed and felt nauseous.

Q. Where was Audrey?

A. Still sitting opposite me.

Q. What did she do?

A. She screamed as I did.

Q. And what did Mr. Minchella do?

A. He came running to our table. He seemed very concerned, but there was nothing he could do. It was too late.

Q. Tell us what was in your ice cream tumbler then.

A. Ice cream, a bit of ginger beer, and the shell and remains of a snail.

Excerpt from the cross-examination of May Donoghue

Q. I want to discuss when you poured ginger beer onto your ice cream. Before you did so, there was still ice cream in the tumbler, right?

A. Yes.

Q. And still no foreign objects, am I right?

A. Yes.

Q. You did not inspect the bottle before you poured it out. Do you agree?

A. Yes.

Q. As you poured it out, you began to scream. Right?

A. Yes.

Q. Because you saw the remains of a snail?

A. Yes.

Q. You were in shock at what you saw?

A. Yes, I was.

Q. Now, let's talk about what Audrey MacIsaac did. You said she screamed, right?

A. Yes.

Q. As you did, right?

A. Yes.

Q. She had not consumed anything from your tumbler. Do you agree with that?

A. Yes.

Q. Now, let's talk about what Mr. Minchella did. He rushed right over, right?

A. Yes.

Q. And he asked what was wrong, right?

A. I don't recall. Maybe.

Q. If he says he did, he's likely correct. Do you agree?

A. I suppose so.

Q. And he looked into the tumbler to see what was wrong. Do you agree?

A. Maybe. I wasn't paying attention to him.

Q. He was standing right over your table, right?

A. Yes.

Q. And he had a clear view of your tumbler, right?

A. Yes.

Q. He appeared to be calm, right?

A. Yes.

Q. And he will say that he looked into your tumbler. Do you disagree with him?

A. No, I don't.

Q. He will say that he saw only ice cream and a clear liquid in your tumbler. What do you have to say to that?

[This is the request for an explanation that *Browne v. Dunn* requires]