

Ciccone v. Rosen,
Excerpted and Arranged
by Dave Cohen

[deposition excerpt]

Hundt: Why did you choose Madonna?

Rosen: Well, she was someone most people would recognize. It was like using a familiar landmark, like the Statue of Liberty.

Hundt: Was it a malicious choice?

Rosen: No, not at all. I have nothing against Madonna. I think she's very good. I have several of her tapes.

Hundt: Did your choice have anything to do with her behavior as reported in the tabloids or in televised entertainment magazines?

Rosen: No. Like I said, it was the fact of her celebrity. It didn't have to be Madonna at all. It could have been any other celebrity. It could have been Celine Dion. Or Julia Roberts. It didn't matter.

Hundt: But certainly choosing Madonna specifically influenced the story.

Rosen: Sure, of course. But I mean that I could have written basically the same story about Celine Dion, I just would have set it in Canada somewhere instead of Miami. Or Julia Roberts, wherever she's associated with. Georgia?

Hundt: But why didn't you chose Celine Dion or Julia Roberts?

Rosen: I don't know, I guess I thought Madonna was just better. Funnier. More in line with the story I wanted to write.

Hundt: How's that?

Rosen: She's got more, I don't know, she's got more energy. She's a more interesting character.

Hundt: How do you know this?

Rosen: Just from what I've seen of her on television and movies and things like that.

Hundt: So you've never actually met Madonna.

Rosen: No. Not until this case.

Hundt: How did you research the story, Mr Rosen?

Rosen: Well, I didn't really do much research for it. I went on what I already knew mostly. For some of the specifics I asked my sister who knows more about Madonna than I do. I got the names of the clubs from my sister's friend, who's from Miami. Really, there's not a lot in the story that requires knowledge of things. It's mostly a character piece.

[exhibit A]

One Night I Had in 1999

by Daniel Rosen

I like to go to clubs and dance. It is declared that I am a very good looking guy; women have told me this, and it is generally accepted among my friends. I have had my share of sexual partners. I am Latino. My name is: Oskar.

So I am from Miami. And it is a Friday night, and so I am all set to go to this discotheque called Thump. It is not my favorite discotheque-- I like better The Grunt, on Washington-- but usually it does the trick. You can't always go to the same place; that would be boring and people would start to look funny at you.

But I have made myself ready: I have on my nicest clothes (a short sleeve David Severese original with buttons, good tight black pants by Zvendi), and I have washed myself very thoroughly, and scented myself with just the right stuff (this I will keep secret), and my hair is looking good, I had it cut the week before. My friend OJ is going to pick us up, because he has the best car to ride in: a convertible 1965 Corvette which is red. We have called OJ OJ since he was little, and though he gets a lot of shit for it since OJ Simpson went bad, we still call him OJ and he doesn't mind. What are you going to do? He's been OJ since he was five.

So he picks me up and already there are Jake and Manny in the car, Manny in the shotgun seat and Jake in the back.

"Why didn't you pick me up first, maricón?" I say to OJ. Whoever is picked up first rides shotgun. Usually I am the one and nobody minds because I am the best looking of my friends (people have said this) and so it is best for the whole group if I do.

"It would have been out of my way, don't worry about it, you'll be alright."

I give him a look but I leave it at that.

So we arrive at Thump. OJ pulls up front and we all get out and OJ drives around to find some parking. Parking is a bitch at this time of night (12:00) and usually you end up in a packed parkinglot which just this afternoon was a regular Dominos Pizza parkinglot, paying 10 bucks for a few hours, and so I am glad it is OJ and not me with the nice car.

There is a wait to get in but it is not too bad. OJ catches up right as we're next in line. The people behind us make a fuss about him joining our group, but I tell them: Mind your own business alright? We go inside.

Thump plays Latin techno, and it is loud, but you get used to it. We could hear the music from outside the club and we could really hear it inside. I mean, we couldn't hear anything else. But that is how these clubs are.

We break up into two groups: me and Manny and OJ and Jake. Always groups of two, until you find a girl. When your partner finds a girl, then you wait for someone in the other group to find a girl and then you partner up with whoever is leftover. Usually I make it in the first round, but this is not bragging, just the way it is. Whoever is last has to do it on his own, which is harder but not too bad. Sometimes there are girl groups of two, and that works fine, unless one of them is bad to look at and you get stuck with her. But you can always lose her, try again on your own. But sometimes when you do that that will end things between her friend and yours—and that is very bad. These things you need to negotiate and sometimes it is hard to do the right thing.

So like I said, it is me and Manny tonight. And the first stage is walking: but a very specific kind of walking. It is a slow walk with purpose and with the arms loose, maybe one hand flat against your chest as you do it. Maybe the most important part of the walk is the look on your face: like *I walk this way because this is my house, okay?* You walk around the edges of the place, looking for people you know so you can nod to them and maybe say a few words. It is good to be seen knowing people, having a relationship with them.

I walk first, Manny right behind me. First we run into Juan and his girl. His girl has had implants since she was fifteen; that's how everyone thinks of her: the implant girl from 15. Nobody knows her name, except maybe for Juan. I say hello to them. (Really, it's all shouted because of the loudness.)

“Hey man, have you seen who's here?”

“No,” I tell him.

“Shit! Well I don’t want to ruin the surprise. All I’m saying is: keep your eyes open for someone you’ll recognize, that’s all I’m saying.”

I look at him but I can’t figure out what that means, if it is a good thing or a bad thing. He’s smiling about it, but not big enough to be about some girl I had last week who turned out to be somebody else’s little sister. I would definitely recognize that smile.

“I’ll be looking, then.” We slap hands and me and Manny move on.

“What the fuck was he talking about?” Manny says to me.

“The fuck I know,” I say back.

So we continue to walk. I see a few people I know, and I nod and raise my eyebrows at them. But before we reach even halfway around the place, Manny runs into this girl he knows from a few times before. I know her too, but from a long time ago, several months. I see her first: I nod to her and make to keep going, but Manny wants to talk to her. This is it, probably, for him. He’s found someone. It’s a cheap one, since he knows her already (not to say anything about this girl), but if that’s the way he wants to play it, there’s nothing I can say. It’s Manny and this girl, and I’ve got to go find Jake or OJ, whoever lost in the first round. It hasn’t been very long that we’ve been inside Thump, so there’s also a good chance that neither of them have found anyone, and I’ll be on my own for a while.

When you’re on your own it’s very similar to when you’re with someone-- you still move around the place with the same walk. It’s less convincing though because you don’t have someone at your back; but you make do. There are some tricks. One of them is to get a drink.

Now I am not the sort of guy who likes to lose myself in drinks: that is not why I come to these places. There are people like that, and good for them is my attitude, but it is not for me. I come for dancing and for women and to see people and for them to see me, and none of that is helped by too much drinking. Same with too much coke or X or whatever. Never too much at these places; it is not the right time.

That said, I do like to have a little something in me. I am not a baby about it. Plus most of the women like it: they like to drink some and they like it when you’ve had a little. And there is one other good thing about the drinks: there are plenty of women who wait at the bar.

So I head over there to get a bottle of something. The bar is in a separate room from the dancing room, connected by a wide corridor. People are leaning against both sides of the corridor, lining it, making it hard to get through. When I do, I see: the bar is crowded tonight. But I have come to this place enough so that the

bartender recognizes me and serves me quick with no problem. I get my beer and move out to the corridor and back to the dancing room. Now I am walking with a beer.

I am sort of with one eye looking for either OJ or Jake so I can connect with them, but I can't see them. But I do see something which is perhaps better: a girl who is very pretty leaning against a wall sort of near where the bathrooms are, by herself. She looks like she is waiting for somebody, which could be good or bad, depending on if she is waiting for a guy or a girl.

I come up to her with my beer between two fingers. She looks older than me, but this is not a problem, I've had older girls before, and sometimes they are better.

"Hey, my name is Oskar, what's yours?" I say it just like that. I like being direct, no bullshit lines or anything. That is for Italian Greaseballs.

"Melody," she says but she doesn't look at me when she says it. Right off I can tell about her.

Sometimes that's it for me: I just say thank you and goodbye and move on. Sometimes I harass a girl if her being a bitch catches me at the right moment. This can be trouble when the boyfriend comes back, but I'm okay most times.

So I lean up against her: "Melody. That's a pretty name but you probably get that all the time so forget about that. What is it, French?"

"Yeah, I'm French," she says. She's still looking at something else.

"Well, Melody, why don't you tell me about yourself."

Now she looks at me.

"Yeah," I go on, "I want to know all about you and your, you know, history."

She looks at me and doesn't say anything. Then she looks away.

I say to her "What are you, waiting for someone? You can tell me. It's me, Oskar."

"Yeah, I'm waiting for someone."

"Good, then we'll wait together, me and you. Oskar and Melody."

"Look Oskar, why don't you fuck off, okay?"

Usually it takes a girl longer to get to saying that. So I'm only just even more happy to keep talking to her.

"Come on, baby," I say, "I think we could really have something here. Let's go dance me and you. Let's groove ourselves out. Let's go out to the dance floor and show these people--"

At this point, Madonna comes out of the bathroom and walks up to Melody. This is a very big surprise, since Madonna is not someone you would normally see in your life, not in person. The closest to Madonna that I have ever seen was a very tall transvestite on South Beach I saw once. I said to OJ who was with me: “that bitch looks like Madonna!”

But this is the real actual Madonna, and I know it right away. I am very surprised by this. Who wouldn't be, right? So there is this one moment of *holy shit am I fucking surprised*. But I control myself right away. The last thing I want to do, especially in front of Melody, is look like a regular asshole.

Madonna says to Melody but also a little to both of us, “Am I interrupting something?” She looks at Melody when she says it but when she's done she looks at me.

“Yeah,” I say, “I was just getting to know your friend here, Melody.”

“Yeah?” says Madonna.

“Let's go somewhere,” Melody says to Madonna and she pauses and looks at me as she finishes: “Else.”

“You want to go dance?” I say it to both of them. I even put my hands on both their shoulders. I have to say, I probably normally wouldn't have had the balls to be like this, but Melody really has me going.

“Yeah,” says Madonna. “I'd like to dance. Why don't we all dance?”

Melody shrugs my hand off her shoulder and says to Madonna: “Listen baby, this one's a real asshole. If you dance with him, I'm going somewhere else.”

“Is that true?” Madonna says to me, “Are you a real asshole?”

My hand is still on her shoulder. “Yes. But mostly to your friend here.”

“She's not really my friend. I just like her tits.”

Madonna moves to grab Melody's tits but Melody gets really mad at all of this and she shrugs Madonna off and steps back. She makes a face of *you are a fucking bitch beyond belief and you, you Oskar, can go fucking die*. She says something as she leaves but she doesn't say it loud enough and we don't hear her and then she's gone.

“She did have nice tits though,” I say.

Madonna shrugs. “Yeah. Let's go dance.”

So we go out on the dance floor. This is normal; this is where you go with a girl when you find one, this is obvious. The way I dance is usually to start out pretty slow, depending on the music, and work up as it goes. The key to all of this is the look on my face: my eyes are most of the time right on the girl's eyes, sometimes on

the floor and sometimes on the girl's body. Girls like to catch you looking a little at their bodies. The key is for the girl to see in your look *I am only looking at you, I am not looking at any other girl and I am not looking for a friend to see me with you.* Of course you do both, but very quietly, out the sides of your eyes, and to her it looks like it is just her in your eyes.

But this is Madonna, and I for some reason feel stupid giving the look to her. Who am I to give this look to Madonna? But the thing was, right after we started up dancing, I saw the look on *her*. I have seen girls do this before-- very upfront girls who like to try to shock you with their upfrontness, the kind that say things like "so when are we going to fuck, me and you?" Mostly I do not like this kind of girl. But whatever, this is Madonna and she can have whatever the fuck kind of look she wants, right?

So I look around a little to see if anyone is watching this and everyone around us is watching us. Not like open mouth stares, but most of them are looking at us sideways, especially the girls. And Madonna is really laying it on. She keeps staring at me really hard and dances really close, so that we're face to face. She grabs my ass pretty hard, so I put one hand on her waist and back and the other in the air. We move together like we're fucking standing up, but really exaggerated. We're like this for a little while. Everyone is really looking at us now.

Then she moves around my back and grabs my chest from behind and strokes that for a while, then moves down to my stomach and to my balls. First she grabs at them over my pants, rough, but in the right way. Then she slides her hand down inside the front of my pants and checks things out with it.

"Not bad," she says.

Now this is not something I really want to go into, but lets just say that when it comes to that, I do all right for myself. No one has ever accused me of not having enough. Some of the guys I have seen in porno magazines, they have ones that are just too big for anything. Mine is not like that. It is more like the ones that smaller, more regular porno guys have. But enough with that.

We've been dancing for probably five minutes, and she says to me, "How about going someplace else?"

"Like what kind of other place?"

"My limo."

I am just about to say You have a limo? but I catch myself because of course she does. Instead I say, "Your limo is good to me."

"Come on, sailor boy."

What the fuck is Sailor Boy I want to say but I don't. Usually I say what I want, but this whole situation is fucked up and I'm thinking funny. She grabs my hand and we head for the exit. She has her other hand on my ass as we walk and she's squeezing to the rhythm of our steps. Right there at the exit I see OJ with a girl and he is staring at us and she is staring at us. I smile at him and try not to let the smile say *I mean sometimes crazy shit happens what can you do?* but instead say something more confident like *that's right, yes*. They watch us pass by. Pretty much everyone is watching us.

On the other side of the exit is a photographer. He's been waiting for us-- really he's been waiting for her. I've never seen someone like this: he's right up in our faces snapping away like an asshole. He's pretty fat. I almost trip over him.

"You want me to take his camera and do something with it?" I ask Madonna.

She doesn't say anything but she holds my hand tighter and walks faster and pulls me harder towards the street. I don't see her limo until we're right on it-- the photographer is right in my face. It's a light pink limo. The door opens and we climb inside and I feel better.

"Fucking Christ," she says, and then we are moving.

"You get that every day?" I say to her.

"Sometimes it's worse. I recognized that guy. Fat bastard. I'll have someone send him shit in the mail."

She sits back in her seat and lets out a big breath. She's sitting next to me, facing the front of the car. It's a big limo. Now I haven't been inside too many limos, in fact before this night I haven't been in any at all, but it's a fucking big limo. There's more room in the backseat here than in all of OJ's car, and I can see a bar and a TV and a phone and what looks like some kind of radio and all sorts of knobs for I don't even know what. She's still leaning back and she reaches over and hits some of the buttons and twists a knob and when she's done Like A Prayer is playing in the limo. Then she flips open a cabinet and takes out a silver M. I can't describe it any better than that: it's like a box made out of silver in the shape of an M, about as big as two cellular phones next to each other. Then she pops it open: the top comes off. Inside is a short thin silver straw and all this cocaine, it's just filled with coke.

She does a lot of it and leans back even further and says "SHIT!" She takes a big breath and holds the M out to me. I take it and do a little, not even close to what Madonna did, but that's some good shit. I can really feel it now. I tell her Thank you and give it back to her and she takes another hit from it and puts it away.

She rolls down the window and yells “FUCK!” out the window, but we’re on Mcarthur Causeway now so it’s not like anyone hears her. She rolls up the window and looks right at me like *I’m about to climb on top of you and fuck you and just go ahead and stop me*. It’s a long stare, and about 10 seconds into the stare she starts to sing along to her music, except she’s not singing it, she’s just saying the words: “When you call my name, it’s like a little prayer, I’m down on my knees, I want to take you there.” But she does it at the same time that her voice is singing it from the stereo, so it overlaps for an effect I don’t like. The whole time she doesn’t stop staring at me.

Then she starts towards me and goes for my pants and undoes the belt and gets it so that my dick is out of my pants and standing up. There it is: Madonna is blowing me in the back of her limo. She’s going really hard and fast because of all the coke she did, but it’s all right. Then all of a sudden she stops.

“What the fuck,” I ask her.

“Wait,” she says, and she goes for the cabinet again and takes out the M and pops it open and grabs a pinch of the coke and lays it on my dick. Right away it starts to tingle, especially on the tip, but then she gives a short laugh like *hih!* then she snorts it up and the tingle is gone and she throws her head back and then gets back to sucking my dick, which she does in a more or less regular way until I get off.

There’s a wall between the driver and us and as I’m putting my pants back on she bangs on it and says “Are we almost there Leroy? For Christ’s fucking sake are we almost there?” She keeps at it for a good ten seconds of banging. I’m feeling active myself but I try to keep it in control. Plus, she has done about three times the coke as me.

She leans back and says, “Leroy is my driver. He drives me everywhere. He’s driving us right now!”

I look at her and I say, “Well, fuck.”

A new song comes on: Express Yourself. She turns a knob and the volume goes up, then she rolls down all the windows and the sunroof and sticks half her body out a window. She’s yelling her song at the cars we pass: “DON’T GO FOR SECOND BEST, BABY, PUT YOUR LOVE TO THE TEST!” She comes back inside.

“For Christ sake Leroy,” she says to me, “Sing!”

Then she sticks herself back out the sunroof.

I say to her ass which is pointed at me, “My name is Oskar, not fucking Leroy,” and I smack her on her ass.

She comes back in. “What? Sing, Leroy! Go sing!”

“No fucking way,” I tell her.

She says “Fine. Then make yourself useful.” She stands up so that she is half out of the sunroof and starts yelling again “FANCY CARS THAT GO VERY FAST YOU KNOW THEY NEVER LAST NO NO!” and as she’s yelling she’s taking off her pants. She’s got on these very regular looking panties, like white and gray. Then she takes them off too, and she’s not shaved hardly at all, which I have to admit was a very surprising thing to find; I thought Madonna would be one to shave herself there.

She bends down back into the limo and says to me: “Go to work Leroy, go to work!” And then she stands up and gets back to her sing-yelling. I guess this means she wants to me eat her out, which I don’t really mind, since I have to say it is something that I happen to have talent at. Again this is not big talking; I base this on what girls have told me. I’ll just say: I’ve been practicing at it since I was 13, and I’ve had a lot of practice, all right?

So I have all this energy from the coke, and I go at it really hard, a lot of movement. I get on my knees and grab her ass, which is pretty tight, and get to work. I’m working it pretty much like she worked me: hard and fast. I can hear her really yelling to her music, even louder than before. We turn a corner and I fall back away from her against the door.

When we’re straight again I get back to work, but like a minute after that she bats my head and comes back inside and says, “We’re almost there.”

“Where?”

“My mansion, you fucking asshole!” Then she starts laughing like my question or her answer is the most funny thing that has ever been said. She can’t stop laughing. She’s banging on the seats laughing: *ha ha ha!*

We stop moving and she yells out the window, “I want this door opened, Leroy! NOW!” and then the driver comes and opens the door for her. She says Thank you to him in this obnoxious voice that if it were me, I would smack her for, if I were the type who hit girls and I didn’t care about getting fired by Madonna. She gets out and she still has no pants on.

There is a long path that leads to the front door of the house, which is the biggest goddamned fucking house I’ve ever seen, probably bigger than the club we just came from, all pink and white. The door is white and I can hear a dog barking from somewhere.

She opens the door and inside facing us is this huge twisting staircase and a room to the right and a room to the left, and both rooms look like the same kind of room, with couches and pianos and tables. The walls are painted pink.

“Would you like the grand tour, Leroy?”

“My name is fucking Oskar.”

“Well?”

“All right then.”

“Well, the bedroom is up the stairs this way. Come.”

I follow her up the stairs and to a long hallway.

“This is the hallway. That is a door on the right... and this a door on the left... and here is the bedroom.”

So obviously the bedroom is huge, the biggest bedroom I’ve ever seen, and it’s all pink. There’s a round bed as big as one of those backyard above-the-ground pools, and it’s all fucking pink. There’s a piano near the corner, and a stereo system taller than I am (more than 6 feet) across from it. The ceilings are probably 20 feet high.

“And that’s the bed. Are you paying attention?”

She reaches for a remote control that’s on a table near the bed and she points it at the giant stereo and in a second more Madonna music is playing: something electronic that I don’t recognize but definitely her doing the singing. It starts off really slow but then gets moving. The words say: *Put your hand on my skin*. During the slow part Madonna takes off her shirt and bra really slow, like she’s acting out the music. She’s got that hard *I’m going to fuck you* look the whole time. I take off my clothes.

“Come here, Leroy, I’m going to FUCK you.”

Right then I decide to really give it to her, do it to her really rough, whatever she thinks. There’s only so many times a man can be called Leroy, you know?

She leans back on the bed and makes herself ready. I don’t know how old she’s supposed to be, but she looks good for whatever age it is. The stomach is flat and tight, which is something I like in a girl. And she has really big tits, which I also like.

I come to the bed and we start going at it. She’s really rough at the beginning which is fine with me because that way I can be really rough and there’s nothing she can say. But after a little while she says, “Wait!” and she climbs over to the table with the remote control and hits a button and the song changes to another song

which sounds pretty much the same as the last song, electronic and slow, then electronic and fast. She comes back over and she's got the remote control in her hand.

"I want you on top to start," she says.

Fine with me. I climb on her and go at it really good. This is all right!

Then she hits me: she slaps me on the side hard.

"What?"

"Slow down."

I look at her like *shit, woman* and I keep going.

"Keep to the music. Slow DOWN."

I notice that the music has gotten quiet and slower. She starts to sing along to it, quiet: "Something in the sky at night, I wonder..."

I stop totally because what the fuck is she doing? She doesn't seem to notice that I've stopped. I see that in one hand she's got the remote and she's pointing it at the radio and I can hear that she's turning the volume up.

Then the music starts really going again; it is saying "AND I FEEL!" and she shouts "GO!" and slaps me on the side again. The music is so loud now that it is making everything shake. It is louder than at the club.

So I go, and I decide not to listen to her anymore, to do my thing and not worry about her and her music and her screams and slaps or any of it.

She's screaming, "Do it to my music! Listen! Fuck me to my music!" but I don't think she's really talking to me or to anyone. I decide: she is a crazy bitch.

I also decide that maybe this is Madonna, so what, I'm going to get off and be done with her. I'm going home. This isn't as easy as I'd like because of the blow job I'd just gotten in the limo, but I really work at it and I manage it all right.

I climb off her. She looks at me like *did you just seriously do what I think you just did?*

"Did you just come in me?" She sits up. "Did you just come in me?"

"Probably I did." I walk over to my clothes and put on my boxer shorts.

"You fucking ANIMAL. You stupid fucking BASTARD."

"I'm clean," I tell her.

"I'm going to fucking KILL YOU. I'm going to have you ARRESTED."

“Listen to me you crazy bitch,” I say to her and I point my finger at her. “You could have said something at any time, all right? But you were too busy--”

She cuts me off: “Be quiet. I can’t BELIEVE you. You’re fucking DEAD.”

I’ve got my pants on now. “Shut the fuck up,” I tell her.

“You shut the fuck up. YOU shut the fuck up! You... you’re going to wake the fucking baby!”

“Baby? What the fuck are you talking about?”

“My baby!”

“I’m not the one who’s fucking shouting like a fucking crazy bitch,” I shout. “You’re the one who’s going to wake the fucking baby. Not like I give a fuck anyway.”

“Get out of my mansion. GET OUT.”

“Fine the fuck with me,” I say.

I start to button my shirt. What a crazy bitch!

She watches this and doesn’t say anything. Just when I get it buttoned up and sit down on a chair to put on my shoes and socks she says to me, “Wait, don’t go yet.”

“What is it?” I say to her.

“I want to do it one more time.”

“NO WAY!”

I continue with my shoes and socks. She gets up out of the bed and walks over to me really slowly, trying to be all sexy.

“Oskar, please, before you go, do it to me one more time!”

“No way, okay? No way.”

She puts her hands on my shoulders and gives me a kiss. I don’t stop her, but I don’t kiss her back either. She sits on my lap facing me and sort of rubs herself up against my body.

“Come on Oskar, one more time.” She pushes her breasts up against my chest. “I’m sorry I got angry. Do you forgive me? I want you to forgive me, Oskar.”

It is at this point that I think of a really good line to say to her. I set it up just right: I look into her eyes and I don’t say anything for a second, and then I say to her, “Baby, why don’t you go ask Leroy.”

Then I stand up, and since she's on my lap, she falls to the ground and thumps down on it. I walk out of the room and down the hall. Something smashes behind me but I don't turn to look what it is. Then a silver alarm clock bounces past me very fast. I still don't look; I just keep walking.

"FUCK YOU!" she screams at me. "FUCK YOU FUCK YOU FUCK YOU!"

I hurry to the door and open it and close it behind me. I walk down the path. A window opens up and Madonna comes out of it and she's still yelling Fuck You at me. I turn to look and she's still naked.

"I'm going to have you killed, you worthless shit!" That is the last thing that Madonna says to me.

I walk down the driveway to the gate, and there is man in a booth next to it watching a television.

I say to him, "Can you open the gate? I'd like to leave."

"How did you get in here?" he says to me. He's old looking and he looks Latino.

"I came in with her in the limo. We, you know, had an encounter. But she was too crazy so now I want to leave."

"All right." The gate starts to open.

"She's one crazy bitch, that woman."

The guard smiles at me. I walk out and think: *how the fuck am I going to get home?*

So I walk for a while until I get to a gas station and then I page OJ, who hasn't had good luck with the woman he was with and really wants to know about my night anyway, and I get him to pick me up and drive me home, and that is the end of that.

[transcript excerpts]

Lippman: When your story appeared in print Mr Rosen, it was prefaced with the words, "This story is a work of fiction. Any resemblance to any actual persons living or dead is purely coincidental."

Rosen: Yes.

Lippman: This is obviously a lie.

Rosen: It was a joke.

Lippman: I don't get it.

Rosen: Because obviously it was a lie. Ha ha, get it?

Lippman: No.

Lippman: Have you always had a fascination with Madonna, Mr Rosen?

Rosen: What do you mean by fascination?

Lippman: An interest that goes beyond liking her music or her movies or her work. A fixation.

Rosen: No. I liked some of her music, I thought she was interesting to watch, I liked how she handled fame. I thought she was an interesting character, that's all.

Lippman: That's all? How many Madonna albums do you have, Mr Rosen?

Rosen: I don't know, probably three or four. Including the greatest hits. The Immaculate Collection.

Lippman: Eleven, Mr Rosen.

Rosen: Eleven? No, that's too many.

Lippman: I have an affidavit from Jennifer Stewart swearing you have eleven Madonna albums. She listed them all. Please review the list and let me know if it is accurate, Mr Rosen.

[Exhibit D]

- Like a Virgin
- True Blue
- You Can Dance
- Who's That Girl (Motion Picture Soundtrack)
- Like a Prayer
- The Immaculate Collection
- Dick Tracy: I'm Breathless--Music From and Inspired by the Motion Picture
- Evita: The Complete Motion Picture Soundtrack
- Erotica
- Bedtime Stories
- Ray of Light

[transcript excerpts]

Rosen: I don't see how having a certain number of Madonna albums says anything about anything, frankly. And there's no way she could remember all that. She's making that up. She's got a special kind of memory that I don't even want to begin to get into.

Lippman: She also said that you confided in her that in several instances you have masturbated to Madonna. Is that true?

Hundt: Objection: what is the relevance to the issue of libel?

Lippman: It goes towards motive. I'm trying to establish a particular attitude and disposition in the defendant. It goes towards malicious intent.

Judge Lowe: Objection overruled.

Lippman: Mr Rosen?

Rosen: Jesus. Jen would say something like that. We had a nasty break-up. She's got issues. Jesus Christ.

Lippman: So you are testifying that you have never masturbated to my client?

Rosen: Well, I'm not ruling out the possibility that her image may have crossed my mind while I've—do I have to answer this question? Is this a question I am legally required to answer?

Judge Lowe: Yes, Mr Rosen, answer the question.

Rosen: Well, not intentionally, no, I haven't masturbated to Madonna.

Lippman: Not intentionally. Okay. Is this your Penthouse, Mr Rosen?

Rosen: I doubt it.

Lippman: How about this Playboy?

Rosen: No. No it isn't.

Lippman: We had these issues fingerprinted, and your fingerprints are all over them.

Rosen: How did you get that? I cannot believe that that was obtained legally.

Lippman: The magazines—

Rosen: And how did you get my fingerprints?

Lippman: The magazines were given to us by Ms Stewart.

Rosen: Jesus Christ. Okay? Jesus Christ.

Lippman: I will ask you again: are these your magazines?

Rosen: Apparently those magazines belong to Ms Stewart, then, don't they?

Lippman: All right, Mr Rosen, were these magazines at any point in your possession?

Rosen: Look, I have a couple of those magazines, all right? It is possible that they are mine. But I don't see why they couldn't be anyone else's, either. People save them. I bet a million people have them.

Lippman: I request that the July 1985 issues of Penthouse and Playboy, containing unclothed pictures of my client taken when she was 19, be entered into evidence. These issues are old and rare enough to list for 35 dollars on Ebay, currently. Now, Mr Rosen, is it your contention that these two very valuable articles of pornography just so happened to fall accidentally in your possession, by chance?

Rosen: I honestly do not recall how they came into my possession. Ask Jen.

Lippman: Good morning ladies and gentleman. Thank you all for coming out today. I know we've got a lot to get through, so I'll try to make this introduction a short one. Okay. Now, we all know a lot of things are written about Madonna—a lot of untrue things, a lot of cruel things. This appeared in last September's Star, for example: Madonna's Secret Bulimia Diet. Nothing all that surprising, right? Nothing we haven't seen in one form or another at the supermarket for the last fifteen years, right? Well, that was before the publication of Mr Rosen's story. Now let's take a look at some of the tabloid headlines which came afterwards. Here: Madonna on Coke Binge Kills Own Cat; Exclusive: Madonna's Secret Swedish Abortion; Madonna Loses 20 Pounds in 2 Weeks Thanks to Secret Cocaine Diet. Now I'm no scientist ladies and gentlemen, but it seems pretty obvious that there is something going on here. And we just have to look at Mr Rosen's story. I think it speaks for itself. It is the work of a jealous, obsessive, vindictive, unkind man. Folks, this story doesn't only promote untruths, it proposes the exact mathematical opposite of truth. This story is an insult to the decades of safe-sex crusading Madonna has crusaded for. This story is an slap in the face to her public stance on narcotics. Ladies and gentlemen, this story is slander. That is what the evidence will show, and that is what legal precedent will demand that you decide in this case. Thank you very much ladies and gentlemen.

Lippman: Mr Rosen, could you please tell the court how you came up with the idea for One Night I Had?

Rosen: Well, I don't remember where I was, but once when I was listening to Ray of Light on the radio, and I got to wondering if Madonna would listen to it when she had sex. I wrote the story around that.

Lippman: Was it supposed to be humorous?

Rosen: Yes.

Lippman: And where would the humor come from?

Rosen: Well, the characters, mostly. I wanted to write funny characters.

Lippman: So, in effect, you tried to get laughs at the expense of my client.

Rosen: No. Yes. Yes. But other things too.

Lippman: But it was your purpose to manipulate my client's character into a buffoonish drug-addled egomaniac, for laughs.

Rosen: No. That wasn't my purpose at all, no.

Lippman: Mr Rosen, have you written any other stories about celebrities?

Rosen: No, not specifically.

Lippman: But celebrities have been featured in your writing.

Rosen: I make reference to them sometimes. It's an easy way to give the story authenticity, a connection to reality. It's useful.

Lippman: But that's not what you were doing here, was it Mr Rosen?

Rosen: To some degree. But also there was more that I was doing, yes.

Lippman: Like assassinating my client's character, for one.

Hundt: Objection.

Judge Lowe: Sustained.

Lippman: What then is the point of your story Mr Rosen? Why don't you tell us that.

Rosen: Not all stories are supposed to have points. Plenty of stories, most stories, don't have explicit points, per se.

Lippman: Is that so?

Rosen: Yes.

Lippman: Is that your expert opinion, as a writer?

Rosen: It is my opinion.

Lippman: So then you wrote a pointless story, to defame my client.

Rosen: I am being badgered here, your honor. This is badgering.

Lippman: Withdrawn, your honor.

Lippman: Mr Delahunt, I didn't realize celebrity was a field in which one could be an expert.

Delahunt: Are you questioning my professionalism?

Lippman: Not exactly. I guess I'm just wondering about the authenticity of your profession. Is that what you have on your business cards—celebrity expert?

Delahunt: I earn a living at it, I'm paid for my expertise, so if that's not a profession, then I don't know what you consider one to be.

Lippman: How exactly do you earn a living, Mr Delahunt?

Delahunt: I am a paid consultant. Various periodicals and television programs solicit my knowledge and opinions and insight. And I write a regular column for celebrityviews.com.

Lippman: On the subject of celebrity?

Delahunt: Yes.

Lippman: Why couldn't I, for instance, hire myself out like that? Call myself a *celebrité* or what have you, and give my opinions on celebrity? I watch Entertainment Tonight. I read Entertainment Weekly.

Delahunt: You are a dilettante in the field of celebrity. I am an expert. I have lectured on college campuses.

Lippman: Well perhaps you could just outline for us your qualifications then. What makes you an expert?

Delahunt: Diligent study, for one. I read a myriad of periodicals and journals on the subject. I am a savvy denizen of the internet. I was raised in Los Angeles. And I am on familiar terms with a host of actual celebrities, who provide information and insights. This is my job. I am paid to be maximally informed.

Lippman: So, in a sense Mr Delahunt, you are a gossip columnist.

Delahunt: I would say that I'm closer to an academic than a gossip columnist. I was an advisor to the University of California Los Angeles when they created their Popular Culture Studies Department.

Lippman: That exists?

Delahunt: Yes sir. Since 1997.

Lippman: But you don't actually teach there.

Delahunt: No I don't.

Lippman: Thank you.

[deposition excerpt]

Lippman: You go by the name Dale Delahunt.

Delahunt: Yes I do.

Lippman: Was that your given name?

Delahunt: No, it was originally William Delahunt.

Lippman: But you changed it, at some point.

Delahunt: Yes.

Lippman: It's snappier now: Dale Delahunt. Much snappier than William.

Delahunt: I suppose.

Lippman: Tell me Mr Delahunt: how did the name change affect your business?

Delahunt: I changed my name before I entered this business.

Lippman: So there's no telling what impact your name-change actually had on things.

Delahunt: Well I suppose there isn't, Mr Lippman.

Lippman: I'll bet a lot of celebrities changed their names, to maximize their fame.

Delahunt: They did.

Lippman: Bob Dylan, for one.

Delahunt: Yes.

Lippman: Can you think of others?

Delahunt: Sure; Tom Cruise was born Tom Mapother. Bruce Willis' real first name is Walter. Albert Brooks was once Albert Einstein. There is very thorough list of them at celebritynames.com, if you are curious.

Lippman: So you, in a sense, did what so many others seeking fame have done: you made your name more celebrity-ready.

Delahunt: Dale is my middle name. I've been called Dale since I was little. My father's name was also William.

Lippman: But you legally changed it.

Delahunt: Yes.

Lippman: Yes, you did.

[transcript excerpts]

Lippman: So explain to me again why you say that it's "useful" to use celebrities in stories.

Rosen: When you're writing stories, celebrity is like a locator. It's a way to connect your story to real life, to fuse the two. It's one of the tricks. It's like writing about a McDonald's hamburger and calling it a McDonald's hamburger. People read it and say, oh, yeah, McDonald's hamburger, sure, I know about those. They don't take it seriously as a commentary on the product itself.

Lippman: But do you think they might, might take it seriously, if the story were solely about a McDonald's hamburger, and in the story, the hamburger was made to look soft and green and to taste like turd?

Rosen: I don't see—

Lippman: Don't you think McDonalds would get upset? And sue?

Rosen: This is totally different, I think, from hamburgers.

Hundt: Mr Delahunt, in your most recent book, you write about something called the Braumer Ratio. Could you explain what that is?

Delahunt: Braumer was a twentieth century German sociologist. He developed a scientifically approximate method of measuring fame. It is a logarithmic scale, similar to the Richter Scale.

Hundt: How does it work?

Delahunt: Well, you plug figures into a formula, essentially. Would you like me to go into the workings of the mathematics?

Hundt: No, thank you. How about a basic layman's overview of how it works.

Delahunt: Well, the Braumer Ratio is predicated on the idea that popularity can be quantified, and celebrity is just a grotesque incarnation of popularity. You can think of it in terms of high school popularity: imagine the most popular, well-known student in the school. The football team quarterback, say. Let's say he knew one hundred people. Not that he was personally friends with them, but that he knew of them, of their existence. Now, think of all the people who knew of his existence—there are, say, five hundred. That is a five to one ratio. Now, you take that ratio, factor in various ancillary influences and agents, and you have your BR. But the basic premise is, the higher the ratio, the more famous the subject.

Hundt: How about some real-life Braumer Ratios—how does Michael Jackson rate?

Delahunt: Well, it takes to time to actually work through the formula, but if I had to guess, I'd put his BR at about an 8.3.

Hundt: And Madonna?

Delahunt: About the same.

Hundt: What about Michael Jordan?

Delahunt: 8.5, maybe.

Hundt: The Pope?

Delahunt: Upper sevens.

Hundt: You?

Delahunt: I'm probably a .2.

Hundt: Me?

Delahunt: .1.

Hundt: That's a bit unkind, Mr Delahunt.

Delahunt: It's not a matter of kindness, Mr Hundt. This is scientific. You have to understand that the scale is calibrated so that the average, completely unfamous person is a 0.00. And this is a global measurement. Joe Q Average is from someplace like Honduras, or China, someplace supra-Americana. Baumer noted that the average American starts out with a 0.002. You registered a .1 because of your role in this trial. So even though BR of 5 might not seem impressive, it represents some truly enormous theoretical figures.

Hundt: Now in your book, you speculated on the effect of high Braumer Ratios on people. Could you go into that a little?

Delahunt: I believe, it has been my observation, that once a person passes a certain BR threshold, we begin to see material and quantifiable changes in behavior. There is no question that high BRs affect brain operations. The person is responding to a new set of demands and expectations.

Hundt: How deep is this change?

Delahunt: Once you pass BR 4 or 5, it is irrevocable. What happens is, when the ordinary, real-world Joe or Jane is confronted with an absurd number of strangers suddenly caring about, and having access to, his slash her life, the person forges a new meta-identity to cope with it. This new creature, the celebrity, is not quite a persona, and

it is not quite a genuine human being. It is something new entirely. And it is very real; it is not affected. What it is is a mish mash of the person's pre-fame character, together with standard mores of celebrity behavior: a shallow and paradoxical need for privacy, a false and genial modesty, a prominent sex drive. Name changes are often a hallmark. Name changes are a very common symbolic means of announcing the inauguration of celebrity. Madonna, of course, was born with a middle and last name that no one has mentioned since she passed a certain BR threshold.

Hundt: What about people who are born with high BRs? Who never undergo this change?

Delahunt: They are very rare. The late John Kennedy Jr comes to mind. Or William and Harry, the English princes. They present an interesting anomaly because a real-world character is never allowed to develop. These people are pure persona. There is no substance, no actuality to the character they exhibit. They are, in a sense, characters in a play, with no actors playing them. They are a special breed of celebrity. It is a very special postmodern, metaphysical condition.

Hundt: So, are you saying that people with exceptionally high Baumer Ratios—they are in fact not like the rest of us? That they are a different kind of person?

Delahunt: Exactly. Yes.

Lippman: Please state your name for the court.

Stewart: Jennifer Stewart.

Lippman: And what is your relation to the defendant?

Stewart: He's my ex-boyfriend.

Lippman: How long were you together?

Stewart: Four years.

Lippman: That's a lot of time to get to know someone.

Stewart: It sure was.

Lippman: Ms Stewart, did you notice any strange tendencies in the defendant, in relation to Madonna?

Stewart: Well, he talked about her a lot. About how he liked her, liked her music. He knew a lot about her personal life. A disturbing amount. And there were those pornos with Madonna in them, which I guess he

thought I didn't know about. But we lived together for two years, and there were a lot of pornos in general, so I don't know how he expected me to not know. And he took me to a Madonna concert once.

Lippman: What was that like?

Stewart: It was all right. It wasn't really a Madonna concert; it was the MTV video awards, and all these famous people were going to be there, but all he seemed to care about was that Madonna was going to be there. It was very weird.

Lippman: Did he talk to you at all about the story he was writing about Madonna?

Stewart: A little. He told me that he'd had the idea to write about her. He said she probably wouldn't like it. He was talking as if she was going to read it. He said it was going to be funny. He thought it was so funny.

Lippman: Was there anything else?

Stewart: Well, he kept a diary, and there was some stuff written about her in it.

Rosen: You read my journals? I can't even believe you.

Judge Lowe: Mr Rosen.

Lippman: I would now like to enter into evidence portions of the diaries of Mr Rosen pertaining to the composition of his story "One Night I Had in 1999."

Hundt: Objection. This was not on the evidence list.

Lippman: Your honor, it just recently came into our possession, not more than two days ago.

Rosen: You goddamn bitch. You goddamn fucking—

Judge Lowe: Mr Rosen that is enough.

Rosen: She stole my fucking journals. I can't believe what a fucking whore bitch—

Judge Lowe: Mr Rosen you are in contempt. This trial will recess until 9:00 AM tomorrow morning and Mr

Rosen is to be escorted to a holding facility until then. Mr Rosen, there are some kinds of behavior—

Rosen: What an evil, evil slut of a—

Judge Lowe: Remove Mr Rosen. Court is adjourned for the day.

Hundt: Before these journals are entered into evidence, my client would like it recorded that that these are journals, not diaries.

Judge Lowe: All right.

Hundt: These are a record of his thoughts and ideas, not a diary-like regurgitation of his emotions and hopes and such. These journals are for Mr Rosen what a sketchbook is to a painter.

Judge Lowe: That will be noted.

[Exhibit M]

Excerpts from Rosen's journal:

Jan 1

...idea for story: sex with Madonna. Make her a total whore. Denouement: Madonna drunk at party on houseboat, lip-synching into vibrating vibrator "Cherish."

Jan 3

... Madonna in blue movie. Unclear at first whether is movie or real life. End: M's Oscar thank-you speech. ("I couldn't have done it without my own sex drive.")

Jan 13

This is the first thing I've written in 10 DAYS. What the fuck? Maybe give myself 2 weeks to throw away all non-collectable pornos? And stop buying new ones. Decide tomorrow.

Jan 14

Picked up Madonna Revealed: the Unauthorized Biography by Douglas Thompson at Salvation Army. Skimpy on pictures—mostly b/w. Looks like drippy drivel. Possibly useful.

Jan 15

opening (?): I am Madonna. This is the first thing I tell myself when I get up in the morning, and the last thing before I got to bed. It is my mantra. *I am Madonna*. I spend hours considering exactly what this means.

[also: incorporate real-life Madonna quotes]

Jan 18

Rented Evita. Not EVEN a piece of SHIT. It ASPIRES to SHIT. Music's alright though.

Jan 21

All it takes to be famous is a secure belief in your own fame. And to be good-looking. A Fuck You attitude helps... All this comes (ironically) with being famous... self-perpetuating. The Famous even start to believe that they have done something to merit/deserve their fame. Which, again, helps perpetuate their own fame. It gives them the necessary attitude/disposition.

Q: Why is it that I want very badly to A) kick their asses, take them down a notch and B) be famous?

A: ???

Feb 1: Madonna story in voice of Hispanic (Carlos?). He is player. M = clown. unnecessarily explicit. "My name is: Carlos."

Feb 2

[M]: Lots of drugs. DRUGS!

Cocaine in M-shaped box, adorned with the finest jewels of all Ethiopia.

[transcript excerpt]

Lippman: You said that celebrity changes your brain chemistry, did you not?

Delahunt: I said that extended exposure to—

Lippman: But that's the gist of it, that being famous makes you a different person physically.

Delahunt: Physioschematically.

Lippman: Do you have any scientific evidence to back up this claim?

Delahunt: Yes.

Lippman: Yes? You do? Could I see it? This evidence?

[Exhibit L]

Selected Endnotes, Delahunt, Dale, *The Mythology of Celebrity*, University of California Press, 1999.

Lee, Nancy and Richard Berg, "The Effects of Mental Trauma on Persons of Prominence," *Journal of American Psychology*, Vol LIIIV, pp 219-257.

Von Eschermann, Alfred "Relational Survey of Neuronal Regeneration in Professional Athletes and Welfare Receivers," *New England Journal of Medicine*, Vol CXXVI, pp 331-390.

Lee, Nancy and Richard Berg, "The Effects of Physical Trauma on Persons of Prominence," *Journal of American Psychology*, Vol LVI, pp 77-157.

Budnitz, Jeanette "Freedom of Speech: Manifestation of Speech Pattern Shifts in Public Officials Elected to High or Semi-High Office" *Contemporary Academic Politico*, Fall 1999, pp 15-61.

Tara Benedict, "Every Interview George Clooney's Ever Given on Record," *The Ultimate George Clooney Fanpage and Resource Center*,
<http://www.clooneyclooneyclooney.com/transcripts/interviews/index.html>

Yang, Martin "Mental Illness in Celebrities: From Greta Garbo to Margot Kidder," *Psychology Today*, March 1997, pp 134-157.

[transcript excerpt]

Lippman: I wonder what other reasons you may have had to make this story so outrageous, so sensational.

Rosen: Is that a question? Or a public rumination?

Lippman: You wrote the story to be famous, did you not?

Rosen: Not specifically, no.

Lippman: But if that were a consequence, would you be disappointed?

Rosen: No. Of course I'd like to be famous, just like everybody. But that has nothing to do with why I wrote the thing.

Lippman: So it wasn't a calculated ploy on your part to feed off my client's celebrity, like so many leeches? To use this trial to make a name for yourself, to feed your own ego?

Rosen: I'm the one getting sued here, Mr Lippman.

Lippman: And I'm sure it's done wonders for your business.

Rosen: My business. Look Mr Lippman, if that bothers your client, may I kindly suggest that she drop the suit?

Lippman: In fact, isn't it true that you've been contacted by Extra, Tabloid!, National Enquirer TV Magazine, and Hollywood movie producer Elie Samaha regarding a your story, and more importantly, your participation in this trial?

Rosen: It's possible. I've talked to a lot of people about this, this situation.

Lippman: Do you recognize these documents, Mr Rosen? Could you read them to jury?

[exhibit F]

Dear Mr Rosen,

We at Extra are committed to providing the American People with the kind of Truth that they deserve to be informed about; and with regard to M.'s pending case against you, we would just like to offer you the opportunity to tell Your Side of the story to a National Audience of over 1.7 million people daily. Compensatory remuneration, for your legal defense, of course.

W. Mitchel Teege
exec producer
EXTRA

[exhibit G]

Dear Mr Rosen,

At the NATIONAL ENQUIRER TV NEWSMAGAZINE, a Hollywood-themed televised news magazine reaching an estimated 1.2 million households each day, we dedicate ourselves to the propagation and dissemination of popular "Infotainment." Compensation, perhaps for your legal woes, to be discussed.

Lisa Barbash
Executive Producer
NATIONAL ENQUIRER TV NEWSMAGAZINE

[Exhibit H]

Mr Rosen,

We will give you \$15,000 to appear on our show exclusively. The interview will become the property of Tabloid! TV Daily/www.tabloid!tv.tv. Please take a moment to read the enclosed contract.

Best,
Lucien Taylor
Exec Producer

Enclosure: contract

[transcript excerpt]

Hundt: Consider how much of this whole issue here is self-created. Sure, you can say, if this were just an unimportant, harmless story, would Madonna be suing over it? But think about it: isn't it really the fact that Madonna is suing over it what makes the story harmful and important? The plaintiff has to prove, among other things, that a quantifiable damage was done to her reputation, but how much of the damage, if there really is any, has she caused herself by bringing this suit?

[Exhibit L]

From *The Mythology of Celebrity*, Chapter 11: "Celebrity Schematics"

...People believe, without considering it, that beneath each celebrity is a human person with all the attending features of a human person. In fact, this (questionable) assumption turns out to be critical to the sustaining of the Mythology of Celebrity: *celebrities are people too*. But in many respects, celebrities have much more in common with fictional characters: they exist in a place where they can be observed but can't be interacted with. We can keep vigil over their lives, their triumphs and failures, et cetera, but that is the extent of it—we can have no real contact. Celebrities exist outside of our sphere of influence—outside of our sphere of existence. They are, to us, storybook characters living storybook lives, *literally*.

...In a sense, celebrities are better than fictional characters—they are a postmodern improvement of them—because unlike a David Copperfield or a Roskolnikov, or even a Chastity from *As the World Turns*, these celebrity characters are supported by the underlying subconscious acknowledgement of reality. We believe in them. Celebrities are *real* fictional characters.

...This allows us to see People Magazine for what it really is: a postmodern fiction magazine. This kind of fiction permits a creative canvas bigger than any single conventional fiction writer could conceive, posits a nearly limitless array of characters, and does so in a venue that is not media-specific. The characters exist in the public domain, in the collective consciousness, and one can read about them in any variety of formats. But the underlying purpose of this postmodern fiction is no different from its more conventional cousin: to showcase the lives of curious and interesting people, people whose stories might edify or inspire us, may disappoint or surprise us. This is the new genre of *fictive vérité*—of modern celebrity.

[transcript excerpts]

Lippman: Did Mr Rosen ever seem to be unusually preoccupied with becoming famous?

Stewart: It's not something he ever really talked about, like, openly. But I could tell he wanted to be famous. We lived together for two years; you really know someone after that. Why else would he be writing all those stories?

Lippman: I am unsure where all of this is going, Mr Delahunt. Are you contending that libel does not apply to my client, because she is a celebrity, and celebrities don't exist? I am finding this hard to follow, to be honest.

Delahunt: Mr Lippman, in order to prove libel, you need to establish that public statements have been made that cause injury to a person.

Lippman: All right.

Delahunt: Well, the law makes no provisions for quasi-fictional characters, which is I suppose where my argument is headed.

Lippman: Are you folks listening to this? Are you getting this?

Judge Lowe: Ladies and gentlemen, please try to contain yourselves in my courtroom.

Lippman: Mr Delahunt wants us to believe that the woman, sitting right here in this courtroom, does not exist. That she is a figment of public imagination.

Delahunt: That is not what I meant to claim at all. The woman in this courtroom absolutely exists. How could she not? We can see her sitting right there. What I am arguing is that her celebrity, the being and persona created by a grotesque public interest in herself, does not exist on the same plane that the rest of us do. She does not have any claims to our lives, our reality, or to the American legal system. Madonna exists only within the matrix of celebrity. It is not the woman sitting in the courtroom here today, not Ms Ciccone, who took umbrage at Mr Rosen's story, or really is claiming to suffer damages from it—

Lippman: Mr Delahunt—

Delahunt: It is her celebrity. And her celebrity is not a real thing. Not in the way you and I are real, or this courtroom is.

Lippman: Mr Delahunt—

Delahunt: Think of it this way. Could Hulk Hogan sue someone for writing unflattering things about the character of Hulk Hogan? No, because Hulk Hogan is an unreal wrestling identity. That would be a very silly, stupid, absurd lawsuit, Hulk Hogan suing someone for slandering Hulk Hogan.

Lippman: Mr Delahunt, thank you for this very entertaining bit of reasoning. It was most entertaining.

Lippman: Please state your name for the court.

Ebbitt: Harold Ebbitt.

Lippman: Mr Ebbitt, what is your occupation?

Ebbitt: I am a lawyer.

Lippman: What kind?

Ebbitt: I am civil lawyer. I specialize in copyright law.

Lippman: What does the law have to say about intellectual property, with respect to personalities?

Ebbitt: Well, a lot, actually. The first case in what came to be known as Personality Property Rights occurred in 1934. It was tried here in Los Angeles. A Mr Abner Nelson sued Columbia Pictures for attempting to produce a screenplay based on his life. Abner Nelson had once been a professional baseball player and, simultaneously, a spy for the United States government in the years leading up to the war. The movie, which was to be called “Double Play” and star James Cagney, was never made because the court found that Abner Nelson owned by default the primary rights to the personality and personal history of Abner Nelson. It might be added that Mr Nelson tried to sell those rights to a number of movie studios in the 1960s, and was unsuccessful.

Lippman: So according to the law, each individual owns the rights to his own personality.

Ebbitt: Yes. But the law makes clear that these personalities have to be distinctive in some way.

Lippman: So if someone made a movie about the life of, say, Tom Hanks, they would have to come to some arrangement with Tom Hanks. They would have to pay him.

Ebbitt: Yes.

Lippman: Now, what does the law have to say about the misappropriation of meta-identities?

Ebbitt: I’m sorry?

Lippman: Nothing. Sorry. Silly question.

Lippman: Please state your name for the court.

Cicccone: Madonna.

Lippman: Briefly, please tells us what makes you an expert on celebrity.

Hundt: Your honor, I was not told that Madonna would be offering expert testimony.

Lippman: She was on the witness list.

Hundt: Well then I object to the notion that the plaintiff can also stand as her own expert witness. This is just about the most gross instance of a biased witness I have ever heard of. This is, this is a caricature of a biased witness, your honor. That is what this is.

Lippman: Who has more knowledge and experience in the field of celebrity than my client? I believe that there is no one living today who can provide more useful insights on—

Judge Lowe: Objection sustained. You will have to find another expert in this field Mr Lippman.

Rosen: What I did, I wrote a story. A fiction. And when you lose the ability to differentiate between what is real and what is a make-believe story, actually, that there, that is a symptom of insanity. Which is exactly what this suit is: insanity.

Lippman: Good one there, Mr Rosen. Very snappy.

Lippman: Please state your name for the court.

Harrelson: Woody Harrelson.

Lippman: Mr Harrelson, what is your occupation?

Harrelson: I am an actor primarily.

Lippman: Do you consider yourself a celebrity?

Harrelson: Yes, I guess I am.

Lippman: Do you also consider yourself a human being?

Harrelson: Excuse me?

Lippman: Let me phrase it this way: do you consider yourself a different person now than you did when you were growing up?

Harrelson: I've got more money now. And people recognize me when I go places. But I imagine I'm the same person. How could I not be the same person?

Lippman: An expert witness for the defense claimed earlier that celebrities are not in fact people, but something like characters in a book, or professional wrestlers. How would you respond to that?

Harrelson: Well I'm no expert in literature, but I am pretty familiar with my life, and I can tell you all one thing: as far as I'm concerned, that sounds like shit from a dog.

Judge Lowe: Please, Mr Harrelson.

Harrelson: Sorry your honor. What I mean is, the man who said that, he's not famous. I've never heard of him. So where does he get off making up theories about being famous? What he said, that's just ridiculous. I happen to know for a fact that I am a real person. I am not fictional. And I know Madonna, and can tell you also for a fact that she is not fictional either. She is very real. I can promise you that.

Hundt: Mr Ebbitt, Michaelangelo admitted that he stole noses and ears and eyes, and sometimes, entire faces and bodies, for his painting The Last Supper.

Ebbitt: That is not my area of expertise.

Hundt: Well, he did. Now, under the current laws of this country, could one of those people whose likeness Michaelangelo copied, could they sue him?

Ebbitt: Yes. If they had a distinctive face.

Hundt: Could someone sue him, if he felt that Michaelangelo had stolen his likeness, but painted him in an unflattering way? Made him ugly?

Ebbitt: He could sue him for stealing his features, but not for any artistic decisions. The law has nothing to say about aesthetics.

Hundt: Everyone has a right to his own likeness.

Ebbitt: Yes.

Hundt: Now, about Abner Nelson, someone could have written a biography of him and not have had to pay him, could they not?

Ebbitt: Yes. Biography and fiction differ significantly, according to the law.

Hundt: How so?

Ebbitt: Mostly this difference comes down to artistic intent. The law views biography as journalism, which has been historically off limits to copyright issues. There are first amendment issues. But fiction is art, and if you try to make money stealing someone else's ideas, or their personality, as it were, you have to pay.

Hundt: So if Mr Rosen had attempted to present his story as factual reportage, he couldn't be sued for personality property infringement, right?

Ebbitt: Right. But he could be sued for libel.

Hundt: Why is that?

Ebbitt: In general, biographies fall under libel law, because biographies purport to report the truth. And if, within that framework of truthfulness, you make up something nasty, well, then you can get into legal trouble. But the notion of libel does not apply to works of fiction. In general, the assumed framework of truth is not there, so it is impossible to lie.

Hundt: What was that? About libel applying to works of fiction?

Ebbitt: Libel does not apply to works of fiction.

Hundt: Libel does not apply to works of fiction?

Ebbitt: Yes Mr Hundt. There was an attempt, in 1919. A woman, a New York society girl, sued a former lover because he wrote a novel in which the woman appeared, quite recognizable, as prostitute. She lost the case.

Hundt: Because libel does not apply to works of fiction.

Ebbitt: Yes.

Hundt: After she lost the case, because of libel not applying to fiction, did she then try to sue over personality property infringement?

Ebbitt: She didn't. That hadn't come into play yet. She could have, I suppose, if she were comfortable arguing that the prostitute in the story was based on her unique personality.

Lippman: Who is to say what is fiction and what is not? What is creative lying and what is malicious lying? I mean, why would Mr Rosen have gone so far out of his way trying to make the story seem realistic? That's the part I don't understand. That part I don't get. Explain that to me.

Judge Lowe: Has the jury reached a verdict?

Jurist: Yes your honor, we have.

Harrelson: This is all a little confusing to me, to be perfectly honest. I'm not sure I get what's being argued here. That people are not real people? That famous people are, what did he say, made up? When did that happen? What kind of a world are we living in where that happened? I'll admit that all I've got to go on is my own personal perspective, but I can tell you this: that attitude is wrong-headed. I'm sorry. You couldn't get any further from the truth if you made it your life's work. I'm sorry. No.