

EXERCISE

DRAFTING A DEPOSITION OUTLINE

Background

Your client had a contract with Whole Grocer to supply paper bags to Whole Grocer's stores. Your client is suing its competitor, Baggers, for tortious interference with that contract. Two of the elements that you need to prove are that Baggers knew about your client's contract with Whole Grocer; and that Baggers intentionally got Whole Grocer to breach the contract by accepting Baggers' competing bid.

You are going to depose Paul Castro, a Baggers employee. Mr. Castro approved the bid for Whole Grocers' business that was put together by another employee, Jane Dall. Ms. Dall attended an industry conference where you believe she learned about your client's contract with Whole Grocer.

Two days after the conference, you know that Mr. Castro had a recap session with Ms. Dall and their agenda included "new opportunities." After that meeting, Ms. Dall added Whole Grocer as a potential customer to an internal tracker, which she sent to Mr. Castro. Mr. Castro was also copied on the industry research that Ms. Dall did, which included that your client was Whole Grocer's paper bag supplier.

Mr. Castro is friends from college with one of Whole Grocer's in-house counsel. There are emails between the two and calendar entries that indicated they met a few times for lunch around the time of the bid meeting.

You're starting to prepare your deposition outline for Mr. Castro.

Instructions

Come prepared to discuss these questions:

- What steps will you take before beginning to draft the outline?
- What steps will you take to actually draft the outline?
- What are some things that you want to be sure to cover with Mr. Castro?