

HEARSAY HYPOTHETICAL

For those of you not familiar with popular culture, Elvis “the King” Presley was the most famous American celebrity and performer of the 1970's. He was worshipped like a god. He died from persistent drug abuse in 1977, but millions of people believed that he was not really dead. They thought Elvis came to realize that his celebrity lifestyle was killing him, so he faked his own death, entered drug rehabilitation, and moved to some remote place where he could live quietly. For years after his death, the tabloids were full of reports from places like Mt. Judea, Arkansas, from eyewitnesses who said they had seen Elvis. See <http://overmental.com/content/top-10-reasons-some-believe-that-elvis-presley-is-still-alive-part-ii-322>. He lived in a garish mansion in Memphis called Graceland, which is a huge tourist attraction. He had one daughter, Lisa-Marie, who married pop icon Michael Jackson, and lived in Trump Tower in NYC. You can't make this stuff up!

In this hypothetical, Lisa-Marie Presley has announced plans to sell Graceland to Donald Trump for development into a resort. The City of Memphis and Elvis' ex-wife, Priscilla Presley, have filed suit to stop the sale, claiming that Elvis is still alive so Lisa-Marie does not own Graceland and cannot sell it. The defendant denies that Elvis is still alive.

The first witness for plaintiffs is a recent graduate of the Maurer School, Newt Lawyer. After preliminary background testimony, Newt is asked what happened on July 15, 2015. Newt claims he saw an 80-year-old Elvis alive and well at a gas station in Mount Judea, Arkansas.

1. Q. Did you recognize the person?
A. It was definitely Elvis. He was pumping gas into an old Cadillac.
2. Q. Did he speak to you?
A: Yes
Q: What did he say?
A. He said, "How are you this fine night?"
3. Q: What did you say?
A: I said, "I thought you were dead!"
4. Q: Did Elvis respond?
A: Yes. He replied, "As you can see, I'm alive." I just stared at him. I couldn't believe it.
5. Q: Did he say anything else?
A: Yes. He said he was retired and living in Mount Judea.

6. Q: What happened next?
A: He looked me over carefully and looked at my Mercedes.
Q: What if anything did he say?
A: He said, "You're a lawyer, aren't you?"
7. Q: Did you respond?
A: I said yes, that I specialized in real estate law and was looking at a condo development.
8. Q: Did Elvis say anything else?
A: Yes. He said, "I heard that Lisa Marie is selling Graceland to Donald Trump, is that true?"
9. Q: Did you respond?
A: I nodded.
10. Q: Did Elvis say anything else to you?
A: Yes. He pulled out a wad of bills and said "I'd like you to represent me and help stop her. Trump will ruin my beautiful home."