

RECKLESS
DISREGARD

ALSO BY ROBERT ROTSTEIN

Corrupt Practices

RECKLESS DISREGARD

——
A Parker Stern Novel

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ROBERT ROTSTEIN



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To my mother

PROLOGUE

The intro drags on too long, but everything else about the game is perfect. The woman is sexy, especially to a ten-year-old boy like Brighton. There are 3D anime-style graphics and an awesome metal-rock soundtrack. It's another soon-to-be classic video game by the developer known as Poniard.

What Brighton especially loves about *Abduction!* is how hard it plays. No super-easy, easy, or intermediate stages. Just one mode, tagged *Unattainable*. Leave it to Poniard to disrespect his audience by branding them losers. And what better way to attract their attention? *Abduction!* has already gone viral. According to the gamer blogs, no one has beaten the game yet, though it's already been out for three days. That's a long time—usually the top experts crack a new game in a couple of hours. Some bloggers write that there's no solution even though Poniard has promised there is. Brighton doesn't really expect to beat the game, but why not try?

He dims the monitor and goes down the hall to check on his aunt, who's really his great-aunt. She's in the living room, still snoring away, asleep in her ratty armchair. A cooking show is on TV, the emcee loud and energetic. An empty bottle of sauvignon blanc teeters on the edge of an end table. Several times a month, Aunt Greta drinks too much wine, letting Brighton steal a few hours of freedom. Aunt Greta doesn't approve of computer games or much of anything else that's fun.

He goes back to his bedroom, powers on the monitor, and starts *Abduction!* from the beginning. The game, like all of Poniard's offerings, starts with a short burst of classical music. Brighton read online that this music is a goof on the major studios' old-fashioned fanfares. The game itself opens with a long shot on a neon sign that says *The Tell Tale*

Bar, the *B* flickering on and off. The scene quickly shifts to an empty bar, dark and dingy. There are footsteps, and the hot woman, visible from the neck down, struts in. She's wearing a green leather jumpsuit, the neckline plunging to just above the navel, exposing a lot of breast. Her back toward the screen, she sits down on a bar stool, swivels toward the camera, and with flair scissors her legs before crossing them. Her hair, the color of animated fire, is styled in dreadlocks that fall to mid-back. Her skin is fair and freckled. Around her neck, she wears a silver chain, to which a small cross is attached.

"I'm Felicity, and this is my story." Her voice is singsong, kind of like a canary. "It's a story of love and betrayal. And blood. My blood." With her head still facing the viewer, she turns her body sideways and rests her right forearm on the bar, her green eyes narrowing to sultry slits. "Did you ever get lost? So lost you can't find your way out of the darkness? I did. One day when . . ." She sits up with a start, places an index finger to her lower lip, and shakes her head vigorously, each computer-generated dreadlock swaying in perfect rhythm to her movements. Nobody but Poniard can make a game seem so real.

"That's *so* wrong," she says in her fluty voice. "That's what they want you to think. But it's a lie. I didn't get lost at all. I was taken. Abducted by William the Conqueror and his band of thugs. You see, in this game, you not only know what the crime was, you know who committed it. But this game's not over, it's just beginning. All *you* have to do is find out how it all happened. Easy, huh? Hardly. An unattainable goal, because you can't rescue me. But there's an answer to what happened to me, I assure you. Let me show you something."

She swivels to face the bar and raises an arm toward the wall. When she snaps her fingers, a big-screen television lights up, displaying a view of the same bar, this time crowded with patrons. The picture zooms in, and the images on the TV and the computer screen merge.

Brighton pauses the video and checks the time. A few minutes after eight. He listens. Another Food Network cooking show. Aunt Greta must still be asleep, because at eight on Mondays she always watches that show with the celebrity dancers. Safe for now, he rewinds the game

to get another look at Felicity's boobs and then advances to the next cutscene.

Felicity sits in a booth alone, sipping a glass of amber liquid. Everything in the scene is old-fashioned. Felicity's hair, auburn now, is piled on top of her head. She wears a black jacket over a tight black dress. The scene starts with a classic rock song, *Money for Nothing*. He knows from an Internet search that the song, by a band called *Dire Straits*, came out in 1985. So the *Abduction!* story must have happened in the eighties, a clue. One of the things that make Poniard's games so hard to beat is that you often have to get outside knowledge to advance from level to level.

Felicity gulps down her drink and slams it on the table with a cartoonish clatter. Immediately, the bartender, a tiny man with a mullet, thin face, and rattish moustache, walks out from behind the bar and brings her another.

She continues to stare straight ahead. "Thanks, Dexter." She slurs the words.

"This has to be the last one, Felicity," the bartender says in a squeaky voice that clacks at the end of each sentence. "And I shouldn't say this, but Billy's not coming. He's too much the all-powerful pooh-bah to come into a place like this anymore."

She shrieks, her laugh all the more frightening because Poniard increases the decibel level for the sound effect. Brighton flinches every time he hears it.

"Oh, Billy will come," she says. "He knows if he doesn't, he'll regret it."

The bartender shakes his head and clears the empty glass. When he turns to the side, his overlong apron string resembles a rat's tail. Poniard is really playing the rodent card with this character. Over the next minute, a succession of men approach Felicity. Each time, she shakes her head and they leave.

Two goons in identical suits sit down on each side of the booth, one blocking Felicity from leaving. Slasher film music starts playing. Brighton knows this because he secretly watched *Saw* on TV one night when Aunt Greta fell asleep. The man who sits next to Felicity is tall and burly; the one who sits across from her is short and slim. Both men

are white. They have the same exaggerated kinky hair—buzz cut on the sides and absurdly high and cylindrical on top.

“Well, if it isn’t George and Lennie,” Felicity says.

“You’re coming with us, doll,” the little one rasps. “Now!”

“If you think I’m going anywhere with you, you’re dumber than I thought. Now get out of my way, Einstein.” She makes a move to get up, but the hulk puts his hand on her shoulder and pushes her down again. Her scarlet lips open in a newborn scream, but then there’s an old-fashioned iris-in like from a silent movie, the click of a switchblade, and a starburst gleam on metal. The big man touches the pointed blade just below her left breast. Her hardened nipples poke through her dress. Aunt Greta hates Poniard’s video games because she says they have too much sex and violence.

“You won’t get away with this,” Felicity says. “I’ve left—”

“Shut up,” the small man says.

They stand up, making their way through the crowd of tough guys and skanky girls. The bar is filled with cigarette smoke and the sounds of loud laughter and clinking dishes. The scene shifts outdoors, skid row at nighttime, the street empty except for a homeless man—drunk, asleep, or both—curled up in the alcove of a building. Then the scene cuts to the beach, where the men drag a struggling Felicity across the sand toward the black ocean. Halfway across the beach, she loses one of her gold high-heel shoes. They half-carry her down to a motorboat tied to a pylon on the pier. Her shoulders slump, and her body caves into itself. Literally. That’s the beauty of animation—no live actor could do that.

Just as she’s about to step into the boat, she turns and raises her hands. Her black-polished nails extend from her fingers, and she makes a catlike swipe at the big man’s eyes, hitting the mark. Blood showers down from his face, a dark red. He bellows and falls to his knees, grabbing at her as he goes down. His fingers catch in her silver chain, which breaks and falls to the sand. She runs, but the small man catches up to her and pushes her against a slimy concrete pylon. Her head hits the pylon with a sickening thwack. The blood from her head spurts out like fiery streamers from a skyrocket. Her eyes widen and fade. The picture

goes dark except for the fountain of scarlet droplets that continue to cascade down the screen.

“So gross,” Brighton says aloud, though he’s watched the cutscene twice before.

The screen lights up again. The earlier Felicity reappears, again dressed in green leather and sporting dreadlocks.

“I disappeared,” she says. “And I haven’t been seen since. Oh, a few reported sightings here and there, but nothing verified. Where am I? What happened? A puzzle. But I do promise that William the Conqueror won’t get away with this.” She points at the viewer. “Retribution is up to *you*.” There’s an extreme close-up on her face, and she lowers her voice as if speaking confidentially. “Here’s a tip—don’t start in the bar. That’s the end of the journey, not the beginning. That’s all I can tell you, now and forever.” She smiles sadly. A single sparkly tear slides down her cheek. Then the screen shifts to gameplay mode: *Level One—Felicity’s Appointment*.

There’s a shatter of glass. Brighton has never heard that sound effect before, and he’s about to click the rewind arrow until he realizes the sound came not from the computer but from the living room. He gets up and runs down the hall. Aunt Greta is still sleeping, still snoring, but it’s not a snore that he’s ever heard before. And her arm is extended, dangling over the end table where the bottle was. There’s a snuffling, more animal than human. Afraid to touch her but knowing that he must, he takes a step forward. A shard of glass from the wine bottle pierces the ball of his foot. He yelps and then reaches down and pulls the sliver of glass out of his foot. The blood is nothing like that fake stuff in the video game.

He nudges her. “Aunt Greta. Aunt Greta. Wake up!”

She snorts, almost an oink. And then nothing. He fixates on her chest, willing her to breathe, willing himself to believe she’s breathing. He grabs her shoulders and feebly shakes her, still hoping that she’ll feel pain if he shakes too hard. Then he remembers her pulse. How do they do it on TV? The arm? The neck? Which side? He feels her wrist and probes at her neck with his fingers. Her skin is the texture of the raw

chicken breast that he helped her prepare for dinner the night before. He tries to find her pulse, but he's forgotten what a pulse is.

Brighton is an intelligent boy. He knows he must dial 911, knows it will be futile. He understands now that actual death is ordinary, and for that reason more horrifying than anything he can ever see in a video game.

CHAPTER 1

Judicial Alternative Dispute Solutions employs three kinds of mediators. There are the retired judges—former jurists who are sick of government bureaucracy and civil servants’ wages. They get the most lucrative cases. The title *Judge* and the salutation *Honorable* can make an imbecile seem credible. Then there are the idealists, mostly law professors and young lawyers with undergrad psychology degrees who naively believe that they can transform the legal system from adversarial to conciliatory. They do almost as well as the ex-judges—many cases need a touchy-feely facilitator who can convince even the most misguided litigants that their legal positions matter. On the bottom rung are the burnouts like me: the once-driven trial lawyers who can no longer cope with the stress of a courtroom, though I’m not yet forty and supposedly just hitting my prime. We get the dross—the slip and falls, the unlawful detainers, the Worker’s Comp disputes. No matter. There are no winners or losers in mediation, so no pressure. If the case settles, fine. If not, let the judge and jury decide.

I recently became a JADS mediator so I wouldn’t have to try cases anymore. I used to love trials. Everything changed three years ago, when my mentor Harmon Cherry died and our law firm Macklin & Cherry—my only family—broke up when the clients deserted us. Since then, every time I walk into a courtroom, I battle stage fright. I only got through that last trial because of passion-induced adrenaline, in its own way more destructive than the terror. So I began settling cases *before* they get to trial. Parker Stern, warrior turned pacifist.

JADS is housed in a brick and glass low-rise building adjacent to the Santa Monica Municipal Airport. My cubbyhole has a window with a partial view of the north runway, the walls and glass insulated

so thickly that you can't hear the planes take off. I filled the particle-board shelves with books about famous lawyers. I can use the conference rooms so long as I reserve them forty-eight hours in advance. I can call on a case assistant to schedule mediations and manage my docket. I can drink all the tepid coffee I want. What JADS doesn't provide is a salary. Instead, I pay them thirty percent of all revenue I bring in from my mediations. The "eat what you kill" system, they call it.

Except for a computer, my Formica-top desk is empty. Until a few weeks ago, I attributed my lack of mediations to the summer lull. But Labor Day has come and gone, and the lawyers and judges and litigants have returned from vacations, ready to resume battle in their lawsuits. And yet, my workload hasn't picked up. So on this day, I take sips from my fourth cup of coffee, watch the Cessnas and the occasional Learjet take off, and listen to alternative rock music on my computer.

At 10:47 a.m., the synthesized message alert rings. Why do computer notifications always sound like church bells, door chimes, a child's xylophone? Do the tech companies want to convey innocence?

The chat is initiated by someone who uses the handle *Poniard*.

>Mr. Stern, I'm looking for a top trial lawyer to represent me in a possible new lawsuit and you're number 1 on my list

I pride myself on my ability to suss out online phishing schemes or mail spam or a virus-infected file. If the message had arrived in an e-mail, I would've deleted it immediately and blocked the sender from forwarding future e-mails. But this message has come in through the internal JADS chat program, so I assume that someone in the company has sent it. I don't know a Poniard working at JADS, but that doesn't mean anything, because it's a large company.

PStern

>I'm free now. Your office or mine?

Poniard:

>Not that simple. I'm not with your company

PStern

>Then how did you gain access to ResolutionChat?

Poniard:

>I'm good with computers

PStern

>You hacked into our system?

Poniard:

>Not saying yes to that . . . given my circumstances, I used the best method to get your attention

I reach for the telephone to call the head of Information Technology. Even if she can't trace the source of the hack, she can take immediate corrective measures to minimize the damage from the breach. But then:

Poniard:

>You must think this is bizarre. If I were you, I'd be calling IT and running around your office like Paul Revere before Lexington and Concord. But before you do that or shut down the chat program, PLEASE give me a chance. Check your e-mail and read the attachment. I PROMISE you no virus . . . no Trojan horse. Just a pdf image file I'm sure you'll be interested in . . . and you'll see I'm legit

Harmon Cherry always said that a good lawyer must have a relentless drive to uncover the truth. I embraced that advice, often to my great regret. I'm interested in the truth about this Poniard. And without work to do, I'm mightily bored. But there's something else. For the past six weeks, I've been caught in the throes of a low-grade despair that makes the days flatten out, makes the nights sere and empty. The woman I adore left me. Anyway, this silly chat with a hacker is the most amusing thing to happen in weeks, and I want to hold onto it for a while longer.

I switch to Microsoft Outlook. An e-mail from Poniard is at the top of my inbox. The message contains an attachment called *scan.pdf*. I

click the icon. If *scan.pdf* contains a malicious virus, JADS will just have to deal with it.

As soon as the file launches, I recognize the gold-embossed letter-head: *The Louis Frantz Law Office*. Lou Frantz is a bully and a blow-hard. Also one of the top trial lawyers in the country, and someone who'll never forgive me for what I did to him in the case we tried against each other a couple of years ago. I'm sure that Frantz would welcome a rematch, but I have no intention of giving him one. I'm now a mediator.

September 12, 2013

Via e-mail

The Individual known as Poniard

Dear Poniard:

This office represents William M. Bishop, Chairman and Chief Executive Officer of Parapet Media Corporation. We write to demand that you retract certain statements made against Mr. Bishop and that you immediately cease and desist from making false and defamatory statements of and concerning Mr. Bishop, to wit, that Mr. Bishop is responsible for the disappearance of an actress by the name of Paula Felicity McGrath. Such statements are made, and continue to be made, in a video game called *Abduction!* (the "Video Game.")

More specifically, the Video Game depicts the circumstances of McGrath's disappearance in 1987, and then contains various levels and scenes that a reasonable person would understand as accusing Mr. Bishop of criminal activity. The language is false and defamatory and has been uttered with malice, i.e., with knowledge of its falsity or with reckless disregard for its truth, all to the grave damage to Mr. Bishop's reputation.

Please acknowledge by September 19 before

the close of normal business hours that you will refrain from all publication, distribution, or other dissemination of the Video Game. Please also make all efforts to retrieve all versions of the game that you have distributed. If you do not do so, Mr. Bishop will have no choice but to file a lawsuit seeking tens of millions of dollars in compensatory damages to his reputation, plus punitive damages. Please also be aware that you will be subject to deposition and other discovery and the obligation to testify in court. The deposition will be recorded on video and will become a matter of public record. Be governed accordingly.

When I finish reading, I can barely steady my fingers to type into the keyboard. William Bishop is a billionaire, in control of a movie studio, a television network, seven newspapers, thirty radio stations, and a record company, among other businesses. And I certainly remember Felicity McGrath. She was an up-and-coming star, breaking out in 1983 in the role of a drug-addicted young housewife in *The Fragile Palace*. She got rave reviews, but after that she became typecast. By 1987 her once promising career was on the decline. And then she vanished.

PStern

>*Who are you?*

Poniard:

>*You read the letter?*

PStern

>*Yes. Who are you?*

Poniard:

>*So you don't play video games*

PStern

>*You're right about that.*

Poniard:

>*I'm simply Poniard, a video game developer of some renown among some people*

PStern

>Legal name, address, telephone?

Poniard:

>I exist here in cyberspace . . . no other address than the e-mail you already have, no other name but Poniard

I should call security or maybe the cops. But I keep typing.

PStern

>And yet you're real enough to accuse William Bishop of kidnapping Felicity McGrath? In a video game? And real enough to get a cease and desist letter from Lou Frantz?

Poniard:

>True

PStern

>Why??!!

Poniard:

>Why what?

PStern

>Why did you accuse him?

Poniard:

>He's guilty

PStern

>You have proof?

Poniard:

>Some. I will share that info if you take on my case

PStern

>What motive would Bishop have to do such a heinous thing?

Poniard:

>One theory . . . Bishop was a married man back then; still is to the same woman, an heiress. An affair with Felicity he wanted to keep quiet?

PStern

>Implausible. And even if I thought you could win I wouldn't take it on. I don't try cases anymore. I settle them.

Poniard:

>You've won some high-profile cases recently

PStern

>I've retired.

Poniard:

>You're only thirty-nine . . . looked it up on the Web. Too young to retire! In fact, in the prime of your career

He's right that most trial lawyers don't begin to reach their prime until their mid-forties. They do their best work well into their late sixties and even past that. Lou Frantz, for example, is seventy-two. But I'm not one of those lawyers. Even when I'm performing well in court, the fear is like a dormant virus residing in my nerve cells ready to flare up at any time. As much as I love trying cases, I can't afford to stir up the virus.

PStern

>I can recommend some topnotch trial attorneys.

Poniard:

>I want you! I did my research . . . you know how to handle Frantz better than any lawyer around. And that motherfucker William the Conqueror Bishop killed Felicity. Truth is still a defense to libel, right?

PStern

>Yes, if you can prove it, which you won't going up against those two. My free advice to you is to retract immediately and make this go away. Bishop and Frantz are letting you off easy.

Poniard:

>Will not happen! Bishop has to answer for his crimes!!

PStern

>Why do you care about McGrath? What's your interest in this?

Poniard:

>I want to see justice done . . . that's what all my games are about, and life is the ultimate video game

This particular game has gone on long enough. It's never wise to engage vindictive madmen in conversation.

I switch back to Frantz's letter. I'm not sure why I read it again, why I look at it more closely the second time, but when I see what I've missed, I jerk back in my chair. My limbs thrill with a mixture of anger and excitement, an intoxicating brew. I return to the chat program. Poniard is still there, waiting. How did he know to wait?

PStern

>Still there?

Poniard:

>Still

PStern

>I'm thinking of taking this case on after all if Frantz files

Poniard:

*>Awesome!!! I have resources. I'll advance legal fees in any amount you
say*

PStern

*>Not necessary yet. Notify me immediately if you're sued. How do I
reach you?*

Poniard:

>E-mail

He signs off. Not even a *thank you*.

Harmon Cherry taught me that there are many legitimate reasons for an attorney to take on a lawsuit—to earn a legal fee, to gain experience, to get public exposure, sometimes even to serve justice. But he also said that a lawyer should never take on a case for personal reasons, because the results are more often than not disastrous for both attorney and client. My reasons for taking on Poniard's case are purely personal. Harmon said something else—don't waste time groping for what's been irretrievably lost. I'm not following that advice either.