

Fictional Character

From where I sit behind my desk typing on my computer, I can always hear the rumbling of his truck before I turn my head to see him shoving the articles of mail into the mail boxes. The mailman reaches our street everyday around eleven. I admire his driving skills, the way he maneuvers his little white truck to fit in between the two parked cars on either side of my mailbox. Once he attached a little pink note on the box letting me know that my car must be parked far enough from the mailbox to allow easy access. Sometimes, the moment I see him stop by my mailbox, I storm out in the nick of time to give him a piece of mail before he drives off. And on occasions, he knocks on my door to deliver a package that requires my signature.

Maybe I'm being too cynical but there's something about him that bothers me. I don't like the way he looks at me, I wish he wouldn't make eye contact with me. Although he seems to be a nice and quiet man, I feel like because of his job he knows too much about people. He may read my mail or at least pay attention to what I receive or send. How else can he add a little flavor to his boring job? I know I would do the same if I were in his shoes. Snooping in private lives of others may be wrong but surely is an intriguing hobby that the postal employees take for granted. In general, the main function of the postal service is to bring me junk mail, bills and bad news, neither of which I care for therefore I'm not particularly fond of the mail or the person who delivers it.

A few weeks ago, as I was drifting in my fantasies and feverishly typing my new story on my desktop computer, I noticed the mailman trudging toward my house with a letter in his hand. Before he had a chance to knock, I leaped to open the door and startled him.

He detached a green slip off the fat envelope, handed to me and said, "Please sign on the first line and print your name on the second." I sensed a wicked smirk of his face. He must've read the sender's address. It was from a law firm.

After he left, I opened the envelope, unfolded the neatly tucked in papers to learn I was sued. Hastily I glanced through the legal mambo jumbo to see why. Among the host of venomous phrases like justice and attorney's fees crawling all over the legal document waiting to bite the words defamation and slandering caught my attention.

I did what I usually do in similar circumstances. I put down the letter, closed my eyes and took a deep breath to calm down. Then I paced back and forth in the room, cursed my damn luck and screamed every phrase in my profane vocabulary. This therapeutic routine did not yield the comfort I expected as I realized I had to narrow down my cursing target list.

I snatched the letter off the coffee table and carefully read it to find out who I'd ticked off this time. I was sued by a character in a short story I wrote a few years ago, I could not stop laughing. This was the most ridiculous lawsuit I'd ever heard in my life. According to the letter, the personal traits of the villain I'd portrayed in my fiction exactly matched those of a man who I'd never met. The plaintiff claimed that his character had been too accurately portrayed in my fiction to be a simple coincidence in

an imaginative creation. I was held liable for knowingly vilifying an innocent man and damaging his reputation as a result.

Who would in his right mind take such a preposterous lawsuit seriously? I wondered. Yet the letter seemed real and my right-mindedness in question, so I had no choice but to authenticate the lawsuit and take action. The next day I flipped through the yellow pages to find an attorney specialized in defamation cases.

“Is it possible to get sued by an imaginary character?” I was equally infuriated and mystified.

“Anything is possible,” the attorney said.

“How could I get sued for what I imagined?”

“A real person is suing you and not a fictional character. But if have any doubts, you may contact the law firm representing the plaintiff to validate the lawsuit?”

“I already did. The law office is legitimate and the counselor whose signature is on the paperwork actually works there.”

“Then, you’re in a real legal bind,” I didn’t appreciate his inappropriate sarcasm.

“Are you experienced in litigating defamation cases?”

“I practiced in this area of law for more than two decades.”

“Can he prevail in court?”

“Depends on how accurately you portrayed him. Yes he may have a case.”

“What are my options? What’s the next step?”

“You need to respond to his allegations. If you wish to acquire my services, I transfer you to my secretary so you can make an appointment for next week. Bring the story in question and any other supporting document you may have. Did you have any income for writing this story, royalty or advance payment perhaps? “

“I’m a morbidly obscure writer. This damn piece was only once published in a magazine and I received one penny for each word of it. The grand total earning was a whopping forty five dollars and sixty three cents.”

“Let me ask you this question and I want you to be straightforward. Is it possible you inadvertently portrayed his character based on a real person in your life, someone you knew perhaps?”

“I made no conscious effort to portray a real person. I created him based on my perceptions only. That’s not my fault if a real person possesses such repulsive characteristics. Should I be punished because someone else is corrupt?”

“Well, this is the essence of this lawsuit. You’re being sued for character assassination. The Jury is interested to see if your characterization was with malicious intents.”

“I wrote a piece of damn fiction for crying out loud. The entire premise of the story was imaginary, events were all invented, characters fictitious and dialogues were all made up. And I’m a lousy writer, what I write can harm no one. I tell you sir on good authority my writing is weak, incoherent and utterly ambiguous. There is no way in hell I can realistically portray anyone let alone carry out a character assassination. You just present the copy of the crummy check I received for the piece of crap I wrote as evidence in court to slap him in his face. Is it not the best proof of my incompetence as a writer?”

“One word of advice, if this case goes to trial you should tone down your rhetoric. Judges frown upon emotional outburst.”

“You put me on the stand and let me have my moment in court. I’m a very credible person I swear to God. I’m not playing innocent I really am a lousy writer. Let me tell you a dirty secret about this story too. I purchased a three year subscription of the magazine that published it. I paid them more than they paid me. My net income for this literary affair was negative and I reported this loss on my tax form, these are all documented. The notion of me profiting from this transaction is simply ludicrous.”

He paused for a few moments, I could hear he sighing.

“I tell you right off the bat sir, your dry sense of humor and your belligerence will not resonate with the jury of your peers. Frankly speaking, this is going to be an uphill battle in court.”

“But I have no choice but to fight the monster I portrayed in my fiction. Would you represent me? “

“Of course I will. I charge \$250 per hour and require a \$7,500 retainer. And I want you to understand that I cannot guaranty a favorable outcome. After you sign the contract with me, any letter I send out on your behalf, you’ll be billed for it. Any correspondence our office has with the opposing party is billable. Every time I have a phone conversation with you, I charge you. Even when I think of your case in bed or in the shower, I charge you.”

He was more of a bloodsucker than the plaintiff. I did not hire him. I could not afford to go through a costly legal battle to defend myself against blunt accusations of some crook I’d created in one of my delusional flings. This charlatan whoever he was trying to legally blackmail me in court because he possessed my intricate thought process, well aware of my secrets and callously willing to carry out my own scheme in reality against myself. He knew my weaknesses and had no qualm about using them to blackmail me. The lone shark I crafted in the safest retreat to my imaginary world was now collecting his debt at high interest rate. How could I possibly exonerate from the literary travesty I’d knowingly committed? How could I deny the charges when I’d already confessed to the crime in writing?

The best way out of this predicament was to reason with the scumbag directly to end this charade. I searched his name on the internet and came across a database company that provided his

name, address, phone number and email for a nominal fee. For two full days I contemplated various ways to approach my worst nightmare. Then I called.

“Hello.”

It must have been him answering the phone. His voice was so familiar. I introduced myself.

“I know who you are. I expected this call but not interested in hearing anything you have to say.”

“Listen to me you son of bitch, I’m not a telemarketer that you can easily brush off. I need to have a word with you.”

“Call my attorney to discuss any concern you may have. I was advised not to have any direct contact with you.”

“Do you have any idea how these parasites operate? Every time I call your attorney, he’ll charge you,” I said.

“I’m not worried about that. I hired mine on contingency bases so in the end you’re the one who pays for the chat.”

“Oh I see how this scheme of yours hatches. A petty con artist hires a white collar swindler to milk an innocent writer whose main interest is writing, who writes for sheer pleasure of creating.”

“You’re neither innocent nor a writer, not a good one at least.”

“Shut the hell up you bastard.” He was getting on my nerves.

“Do you want me to pile the harassment charges too?” he threatened.

“The last thing I want is to listen to the literary critic of a scum like you,” I shrieked.

“You know what your problem is?” he asked.

“Yes, jerks like you.”

“Exactly, if you’d created decent characters, you wouldn’t be in this mess.”

“What I write is my business.”

“I’d already made it mine too.”

“Why are you doing this to me?” I was desperately pleaded.

“Don’t you remember how you characterized me? I’m as demon as you wrote. I’m doing this for money, to skim off your good fortune.”

“I’m not rich.”

"You have enough to share."

"I can legally fight this."

"You know it'll cost you more to fight. The large portion of the court settlement would actually be for my attorney's fees. And I bet you already know that. You've examined all your options and this call was your last resort and the least expensive alternative."

"You're so twisted," I said. Yet I found him quite interesting.

"I'm your best work, cream of the crop."

"How did you convince an attorney to take your case on a contingency basis?"

"Lawyers are unethical, shrewd, greedy and utterly opportunistic but not as smart as they lead to believe. They're not interested in justice but to make a quick buck by writing a few letters to the opposing party and intimidate them in settling out of court. If you're aware of their professional qualities, you can always lure one to represent you if he sees a lucrative opportunity. You just need to play your hand right."

"You truly are as evil as I depicted you."

"No wonder we understand each other perfectly."

"Let's settle this between the two of us. What figure you have in mind?"

"\$25,000."

"That's outrageous"

"That's the price."

"\$5,000," I cannot afford more than that.

"Yes you can."

"\$10,000."

"I don't believe in downward negotiations. I can up the ante though."

"You drop the lawsuit?"

"Yes sir."

"What about your lawyer?"

"I drop him like a bag of dirt."

I had no leverage in this negotiation. He had me completely figured out. He was more sophisticated and manipulative than the villain I portrayed. What terrified me the most was how much he knew about me and how far he would go to hurt me. I had to disentangle myself from this criminal. God knows what he was capable of. I wanted him out of my life for good. So I agreed to pay the ransom. He gave me a bank account number where I deposited the fund a week after.

Two weeks later I received a letter from the plaintiff's attorney indicating the dismissal of the lawsuit. When I was signing the certified letter, for the first time my mailman avoided making an eye contact.