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thegoodwife

Episode #104

"Crash"

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PRODUCTION DRAFT

WHITE: August 28, 2009

BLUE REVISIONS: September 3, 2009; p. 12, 32, 50, 52

PINK REVISIONS: September 7, 2009; p. 3, 5-5A, 6, 17-18A, 20-20A,
21-21A, 22-23A, 24, 30-30A, 35-36, 46-46A, 47-47A

YELLOW REVISIONS: September 8, 2009; p. 23-23A, 24, 27, 34-35, 44,
55

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THE GOOD WIFE #104
"Crash"
CAST LIST
9/9/09

ALICIA FLORRICK
WILL GARDNER
DIANE LOCKHART
CARY AGOS
KALINDA SHARMA
PETER FLORRICK
GRACE FLORRICK
ZACH FLORRICK

JACKIE FLORRICK

PATRICIA NYHOLM
SARAH CONLEY (formerly "Sarah Corry")
JUDGE ROBERT PARKS (formerly "Judge Raymond Parks")
JONATHAN ELDREDGE
DAVID MERRIMAN
MALCOLM OVERBY (formerly "Mark Overby")
LINDA UNDERWOOD
ROSE NERICH
TERESA REYES
COURTNEY WELLS
ALTON HOOD
BRIAN CONLEY (formerly "Brian Corry")
MARNE COMPTON
RUTH
THIRD YEAR ASSOCIATE
MR. HARKIN (V.O. only)

THE GOOD WIFE #104
"Crash"
SET LIST
9/9/09

Interiors:

ALICIA'S APARTMENT
ALICIA'S BEDROOM
LIVING ROOM
KITCHEN
ENTRY WAY
27TH FLOOR
CARY'S OFFICE
BULLPEN
ALICIA'S OFFICE
SMALL CONFERENCE ROOM
28TH FLOOR
HALL
LARGE CONFERENCE ROOM
DIANE'S OFFICE
WILL'S OFFICE
WORKSTATION AREA
HALLWAYS
RECEPTION
CIVIL COURTHOUSE
HALLWAY
COURTROOM #303
LADIES ROOM
TAMMS MINIMUM SECURITY PRISON
PROCESSING
VISITING ROOM
SUBURBAN CHICAGO HOUSE - STUDY
ALICIA'S CAR
DOWNTOWN CHICAGO HOTEL - RECEPTION ROOM
* LOCOMOTIVE GARAGE
MEETING ROOM

Exteriors:

TRAIN TRACKS - MEMORIAL SITE
SUBURBAN CHICAGO HOUSE
BROWNSTONE

TEASER

1 **OMITTED**

1

2 **INT. 27TH FLOOR - CARY'S OFFICE - DAY**

2

Alicia. She enters Cary's office, late, rushing...

CARY

Here she is. Alicia-- Marne Compton.

MARNE (26), young, intense, ready to conquer the world.

CARY (CONT'D)

Bowdoin, 2005. Summa cum laude. She worked for 3 years at Kaplan & Cohick. Personal assistant to Mr. Cohick.

Alicia nods, impressed, sits, scans the resume:

ALICIA

Three years? Why'd you leave?

MARNE

There was an opportunity with Habitat for Humanity. Building an orphanage in Tijuana.

CARY

(points to himself)
Peace Corps. Belize.

Cary, Marne share a chuckle. Alicia studies Marne whose eye-contact starts with Alicia, then after four words pans to Cary.

ALICIA

And you know we only have money for one assistant, Marne? We'll need to share you?

MARNE

Oh, yes. Don't worry...
(eye contact moves to Cary)
...I'm used to high-pressured environments. I like action.

Cary grins: loves that answer, as Alicia, um, feeling a bit invisible, scrapes her chair closer to get in Cary's eye-line.

ALICIA

And you think you can work for both of us-- *equally*?

MARNE

Oh, definitely. To me...
(back to Cary like true north)
...it's all about time management.

(MORE)

(CONTINUED)

MARNE (CONT'D)

I know you're juggling three or four cases at once. And it's my job to help catch any balls that get dropped.

Cary grins, as Alicia's cellphone buzzes. She glances at the IM: "45 seconds." Alicia gets up, makes one last attempt:

ALICIA

I love your boots, Marne. Where'd you get them?

MARNE

Why thank you.
(back to Cary)
I got them at Saks Fifth Avenue. They have a sale now, and you can't believe the options--

3 INT. 27TH FLOOR - BULLPEN - DAY 3

Alicia rushes out the door, grabs a piece of blank paper from a secretary station, folds it in half-- we don't know why-- as Cary rushes out after her, follows her toward the stairs:

CARY

Isn't she great?

ALICIA

Oh, yes.

CARY

So should I make it happen?

ALICIA

Well, actually, let's look at a few more people. I'll make some calls.

CARY

(disappointed)

Sure, but we should do this like voir dire or something. Have three peremptory challenges, you know.

4 INT. 28TH FLOOR - HALL - DAY 4

Alicia and Cary come off the stairs onto the executive floor.

CARY

Hey, you hear about the rumors: Stern is retiring.

ALICIA

Stern? Our Stern?

CARY

Yeah. We'll just be Lockhart, Gardner.

(MORE)

(CONTINUED)

4

CARY (CONT'D)

I saw this happen at my dad's firm:
two partners losing a third. It was
like "Dawn of the Dead". People
fighting over turf. Junior Associates
lining up against each other.

ALICIA

But not us?

CARY

Hey, I won't if you won't. We have
such a good working relationship.

They arrive at the conference room. Inside, we see Will
arguing with another lawyer, surrounded by trial exhibits.

CARY (CONT'D)

Wow, you're still on the Lakeshore
Crash. I thought we settled that
already.

ALICIA

(smiles at his undercutting)
Nope. Today.

And we follow Alicia into...

5

INT. 28TH FLOOR - LARGE CONFERENCE ROOM - DAY

5

...the large room, where the opposing lawyer points toward
one of Will's exhibits. The wreckage of a train crash.

NYHOLM

That's our train. It crashed.
Your clients crashed it. Do I have
to use simpler sentences?

WILL

Yes, please, I love it when you
patronize me, Patti.

PATRICIA NYHOLM (38). Professional, put-together,
sophisticated, sexy, and eight-months pregnant. Always has a
Mona Lisa smile for Will. History there. Behind her sits...
her assistant, COURTNEY WELLS (25), African-American.
Stylish.

NYHOLM

Cross National Freight entrusted your
clients to drive our train. They drove
it too fast. They derailed it--
causing millions in damage. Luckily it
was a freight train and nobody died--

WILL

--except for our clients--

(CONTINUED)

NYHOLM

--We should be suing you instead of you us.

Alicia places the folded piece of paper beside Will, but he ignores it for a moment, jumping up to point at another exhibit of enlarged time cards:

WILL

Yes, except for this nagging little problem, Patti. Your company overworked my clients with double-shifts and 18 hour days--

NYHOLM

Oh, yes, the sexy overtime evidence. Juries love that.

Will points to another exhibit: three photos of engineers.

WILL

Except for the fact that my clients are heroes. Except for--

But Will is distracted, seeing through the glass Diane talking with a casually distinguished lawyer, MALCOLM OVERBY (55). Alicia follows his gaze, sees him too.

NYHOLM

Yes?

WILL

Except for the fact that these three men--

NYHOLM

"Heroes" you called them--

WILL

--stayed with your train to keep it from crashing into a residential neighborhood, saving untold lives.

NYHOLM

"Untold?" Yes, love "untold."

WILL

My bet is a jury will too.

NYHOLM

Oh, Will. We're not picking a jury tomorrow. Judge Parks is a pro-business constructionist who detests nuisance suits as much as I do. He's going to grant my motion to dismiss, and you know it.

(CONTINUED)

Will pauses. Clearly true. He has a bad hand.

NYHOLM (CONT'D)
And I know you know it. So what
do you want?

WILL
Make an offer.

Nyholm laughs-- finally honesty. She gets up, stretches, her pregnancy making her uncomfortable in a chair, as Will finally looks at the folded paper. Sees it's blank.

WILL (CONT'D)
Dammit, Alicia, I thought I said 3
o'clock.

ALICIA
I'm sorry.

Nyholm smiles, eyes this little stageplay...

NYHOLM
Yes, it's fun to watch you, Will.
Like Shakespeare in the Park.

WILL
Well, this is awkward, Patti. I
tried to schedule it so you
wouldn't cross paths, but--

Will nods through the glass toward an assistant passing by with three somber-looking WOMEN, ranging in age from 20's to mid-30's. The widows.

NYHOLM
Oh, yes, heart-strings-- ouch,
ouch-- being tugged.

One of the widows looks in, makes eye contact with Alicia. LINDA UNDERWOOD (35). African-American, trying to maintain a Jackie O. reserve in the face of tragedy.

WILL
What time is their interview with
"60 Minutes"?

ALICIA
5 o'clock.

WILL
We may not need a jury, Patti. But,
hey, it's just "60 Minutes".
(MORE)

5

WILL (CONT'D)

And you know how friendly they are to high-powered executives, and how they hate grieving widows. Maybe you should just roll the dice.

Nyholm stares at Will. Nods. Okay: good point. She turns to Courtney, who quickly hits speed dial on an iPhone, hands it to Nyholm. Into the cell...

(CONTINUED)

5

NYHOLM

Mr. Harkin, I'm putting you on speaker.

She sets the iPhone in the middle of the table. To Will:

NYHOLM (CONT'D)

Even though it is my belief we could win a countersuit against your clients for negligence, we are willing to pay out their pension for ten years.

WILL

Ten--?! Are you kidding? Do they get double coupons with that?

NYHOLM

Are you comfortable with that, Mr. Harkin?

MR. HARKIN (V.O.)

80 cents on the dollar.

Alicia is appalled, staring at the phone, the tiny voice.

ALICIA

You know, their widows are having trouble paying their rent, sir. One is losing her house-- she has three children.

Will looks toward Alicia. Doesn't mind this bit of heart. But Nyholm quickly takes him off speaker, shoots Will a look:

NYHOLM

I'll get him up to a dollar. You get *them* to agree.

(glances at her watch)

I've got yoga in a half hour. After that, the offer's dead.

6

INT. 28TH FLOOR - HALL - DAY

6

Will pushes out the door, Alicia with him...

ALICIA

Their pension for ten years?!

WILL

It's a come-out offer.

DIANE

Anything?

DIANE returning to her office, the three walking together.

(CONTINUED)

6

WILL
Pension for ten years.

Diane winces: ouch.

DIANE
How much do we have in this?

WILL
Partner hours? Eighty-two.

DIANE
(an even bigger ouch)
Will they take it?

They both look to Alicia. Clearly the one who knows. She looks toward the three widows...

ALICIA
I don't know. I don't think so.

DIANE
(to Will)
We're bleeding here.

Will nods, but stops Diane before she can start off.

WILL
What was that about? With Overby?

DIANE
Oh, Malcolm? You know him? He's an old friend. Just catching up.

And Diane continues off. Will pauses only a second: not sure about that. And...

7

INT. 28TH FLOOR - WILL'S OFFICE - DAY

7

LINDA UNDERWOOD
I want an apology.

The widows. They sit in Will's glass office. Letters, records, pay stubs spread out on the table in front of them. Will and Alicia listening. Strong, not angry: past anger:

LINDA UNDERWOOD (CONT'D)
They worked my husband-- our husbands-- to death; they tried to blame them for this accident; and now they want to pay ten years on their pensions?

WILL
Mrs. Underwood, I'm sorry--

(CONTINUED)

LINDA UNDERWOOD

I don't want you to apologize. I want *them* to apologize.

WILL

They don't apologize, Mrs. Underwood. Money is their apology.

LINDA UNDERWOOD

Then they must not be very sorry.

ROSE NERICH

I think we should take it.

They all look toward ROSE NERICH (29), a pale realist.

ROSE NERICH (CONT'D)

I need the money. I'm a month away from sleeping in my car, my kids still cry for their dad at night-- And look at these bills. They're not even paying John's overtime.

TERESA REYES

Because they want to starve us into a settlement.

TERESA REYES (23), working class Hispanic. Will stands to leave. Alicia does too, but Will shakes his head: stay.

WILL

Let me talk to her again, see what they come back with. But I think we all know we're in the end game here.

LINDA UNDERWOOD

You lost faith.

WILL

No, Mrs. Underwood. I *believe* Cross National Freight overworked your husbands to the point of exhaustion. I *believe* that's why the train crashed. But we haven't been able to prove it. And they can prove the train was going too fast.

Will goes. Alicia frowns: pretty harsh.

LINDA UNDERWOOD

Why do I feel like we've just been good-cop, bad-copped?

(CONTINUED)

ALICIA

I'm sorry, Linda. I told you on the very first day I would always be honest with you, no matter what. I think unfortunately Will is right.

TERESA REYES

So... do you still want these?
(collected letters)

ALICIA

The denial of overtime claims?
Yes. Everything you have. We still have to build toward--

But Alicia pauses, stares at the letter Teresa slid toward her. Turns it around. Looks at the stack of eight names listed in the "cc's" at the bottom. Linda sees her look...

LINDA UNDERWOOD

What?

ALICIA

Um, I... Do you mind giving me a minute?

Alicia hurriedly slips out, passing...

INT. 28TH FLOOR - DIANE'S OFFICE - DAY

...Diane's office where Diane sits with KALINDA. An odd couple.

DIANE

So don't take a lot of time with it.
Just do a basic background check.

They look across toward Overby exiting into reception, talking on his cell. Kalinda nods:

KALINDA

What am I looking for?

Diane pauses, shoots a look toward Will. Kalinda notices this. What's going on? Diane chooses her word carefully:

DIANE

Stability.
(Kalinda nods, gets up)
Kalinda, one last thing. I need you to keep this... confidential.

Kalinda pauses, turns to Diane...

KALINDA

I'll be splitting time with Cross National Freight. I'm not sure that's possible.

(CONTINUED)

DIANE
If Will asks, just say I'm having
you do work on Sheffrin-Marks.

Kalinda makes eye-contact with Diane. Considers it. Nods.
As...

9 **OMITTED** 9

10 **INT. 28TH FLOOR - WORKSTATION AREA - DAY** 10

...Alicia hunts through the discovery piled up on a
secretarial workstation. Finding what she's looking for, she
plops it down as Will enters:

WILL
Alicia, this offer is walking out
the door in ten minutes.

But Alicia, running her finger down a memo, stops. Looks up.
Thrilled. Stunned. Something great.

WILL (CONT'D)
What?

Alicia turns both memos to him. Pointing:

ALICIA
This is the memo in our discovery. This
is the same memo sent to our client.

Alicia points to the CCs at the bottom. Clearly one is
longer. Three added names at the bottom. Will looks up.

WILL
(understatement)
Huh.

11 **INT. 28TH FLOOR - LARGE CONFERENCE ROOM - DAY** 11

Nyholm looks up as Will sticks his head back in:

WILL
You can go to yoga now. See you in
court.

And Will slips out. Nyholm trades a look with Courtney,
worried: what'd I miss? What she missed is...

12 **INT. CIVIL COURTHOUSE - COURTROOM #303 - DAY** 12

...two memos on a judge's bench. JUDGE ROBERT PARKS (50).
Looks and sounds like a Jesuit monk crossed with Dick Cheney.

(CONTINUED)

WILL

The bottom line is Cross National Freight deliberately denied us discovery by concealing Mr. Merriman and two other department heads--

Will, Alicia at the plaintiff's table. Nyholm at the defense.

NYHOLM

Your Honor, no one has been denied discovery here. If names were left off documents, it was inadvertent--

WILL

Inadvertent? Is that what you're calling "white-out" these days?

NYHOLM

Your honor, that is just...

But she pauses, raises her hand-- her pregnancy-- a "spasm." Will rolls his eyes: oh come on. There, it's past.

NYHOLM (CONT'D)

I'm sorry, but I find Mr. Gardner's charges personally offensive. Mr. Merriman and these other two people have nothing to do with overtime--

WILL

Then why are they being CC'd on a letter denying it?

Judge Parks clears his throat, and the court shuts up. He's never loud, never raises his voice, but when he clears his throat, you'd better listen. After a second...

JUDGE PARKS

Mr. Gardner, you don't have enough to convince a jury.

WILL

With all due respect, your honor--

JUDGE PARKS

Don't "all due respect" me, counselor. I'm not your high school gym teacher. On the other hand, Ms. Nyholm-- inadvertent my ass.

(Nyholm blanches)

Mr. Gardner, how long would it take to depose these witnesses?

Nyholm frowns as Will jumps up-- a new lease on life.

(CONTINUED)

WILL

To properly prepare and depose, your honor? I would say one month.

JUDGE PARKS

You have three days--

WILL

Three--? But, your honor, that isn't-- I don't think you're taking into account how--

JUDGE PARKS

Now you have two days. Want to try for one?

Will starts to open his mouth, stops. Sits:

WILL

No, your honor, thank you.

NYHOLM

If I could interject, your honor. These executives are busy people; even two hours out of their work day can--

JUDGE PARKS

Miss Nyholm, you just gave Mr. Gardner back his third day. Would you like to give him a fourth?

Nyholm opens her mouth to object, stops, then...

NYHOLM

No, your honor. I'll stop.

JUDGE PARKS

Good. We will return here on Friday to decide whether a dismissal is in order. Does anybody have anything to say?

Will and Nyholm shake their heads quickly.

JUDGE PARKS (CONT'D)

Okay, next case.

Other lawyers approach as Will whispers to Alicia:

WILL

Cancel everything. For the next seventy-two hours, we eat, sleep, drink this case.

END OF TEASER

And Jackie hangs up. We stay with her a second in the silence of the kitchen. Sad really. In the silence.

15 **OMITTED** 15

16 **INT. 28TH FLOOR - HALLWAYS - DAY** 16

Will, coming out of his office, joins Alicia, starts toward reception...

WILL
Okay, so the goal is this. I'll depose Merriman-- he's the VP of Operations. I think that's who Patti's hiding from us. The other two-- what's their names?

ALICIA
(checks a document)
Jonathan Eldredge and Sarah Conley. He's a systems engineer. She's in industry relations.

WILL
Find out what you can, but whatever you do, keep those depositions going. Just keep asking questions so Judge Parks doesn't pull the plug on this. Hopefully, I draw enough blood with Merriman, they'll up their offer. Remember the point isn't to get back to court; the point is to convince them to open their wallet further--

They come around the corner into...

17 **INT. 28TH FLOOR - RECEPTION - DAY** 17

...reception, to find a frowning Nyholm with her assistant, Courtney, and another LAWYER, pushing the elevator button:

NYHOLM
You're late. And we're leaving.

WILL
(looks at his watch)
Five minutes? My goodness, we're being exact these days. Here, I've got Judge Parks on speed-dial. Why don't we tell him how I kept you waiting for five minutes and see if he wants to give me *four* days instead of three?

Nyholm stares at him. Stalemate. Until...

18

INT. 27TH FLOOR - SMALL CONFERENCE ROOM - DAY

18

...an unhappy man on a video screen. Being deposited.

ALICIA

And you're a Mechanical Systems
Manager, is that correct, Mr.
Eldredge?

JONATHAN ELDREDGE (36), abrupt and blandly handsome. A key-
card necklace around his neck. Being deposited in the small
downstairs conference room.

ELDREDGE

Yes.

Five people in the room: Alicia, Eldredge, Eldredge's Lawyer,
the always silent Courtney, and a COURT REPORTER.

ALICIA

(a document)

This says you ordered a new public
address system for passenger cars,
Mr. Eldredge. Could you explain?

ELDREDGE

Standard upgrade.

That's it. Okay. Alicia turns to another document:

ALICIA

And this says you authorized a new
coupling mechanism, is that right?

ELDREDGE

Yes. Standard upgrade.

ALICIA

And this one says... let's see, you
replaced the Automated LRS, the Load
Regulator System?

ELDREDGE

Standard upgrade.

ALICIA

So that was a standard kind of
upgrade? Not an unusual upgrade,
just a standard one?

Eldredge and Courtney look up. Not in the mood for humor.

ELDREDGE

Yes.

(CONTINUED)

Okay, Alicia looks at her watch. Barely ten. This is going to be a long day. But upstairs...

19 **INT. 28TH FLOOR - LARGE CONFERENCE ROOM - DAY** 19

...Will questions DAVID MERRIMAN in the much larger conference room. 50's, imperious, sitting unhappily for a deposition:

WILL
So, Mr. Merriman, I-- first of all, are you comfortable?

NYHOLM
For the record, Mr. Merriman looks very comfortable. And Mr. Gardner looks... very desperate.

Will smiles at Patti-- master tacticians-- as she stands in a corner, her pregnancy making *her* uncomfortable.

WILL
So, Mr. Merriman, your rail traffic has doubled in the last decade, but you've cut your crews in half?

MERRIMAN
There's more automated equipment now. Trains are easier to drive.

WILL
And yet it still takes the same amount of time to drive them.
(Merriman shrugs)
Let the record reflect that Mr. Merriman shrugged.

NYHOLM
Let the record reflect, I shrugged too.

WILL
These men routinely worked 18 hour shifts, Mr. Merriman. So tell me: How many hours do your train operators get off between shifts?

MERRIMAN
Federal law requires 8 hours. That's what we give them.

WILL
Even though they're forced to be on for 18 hours again? Sometimes for eight, ten days straight.
(MORE)

(CONTINUED)

19 CONTINUED:

19

WILL (CONT'D)

And with travel, food, they might only get, what, five hours of sleep?

MERRIMAN

I couldn't say.

WILL

You couldn't, or you won't?

MERRIMAN

(temper)

Look, I don't--

But Nyholm shoots him a look, shutting him up. Will smiles-- as we go back downstairs to meet...

20 INT. 27TH FLOOR - SMALL CONFERENCE ROOM - DAY

20

...another depo victim: SARAH CONLEY (31), tough and overworked.

ALICIA

So, Mrs. Conley, you're saying you have nothing to do with approving or denying overtime?

SARAH

That's right.

ALICIA

What about David Merriman? Has he ever approved or denied overtime?

SARAH

I don't recall.

ALICIA

Did any of the accident victims work overtime the week before the Lakeshore Crash?

SARAH

I don't recall.

ALICIA

Did any of them routinely put in for overtime?

SARAH

I don't recall.

ALICIA

Ms. Conley, are you married?

SARAH

I don't--

(CONTINUED)

Sarah stops, looks up. Before her Lawyer can object --

ALICIA
Sorry, Ms. Conley. I've got three
clients who lost their husbands --
must have been a Freudian slip.

Sarah looks away. Nyholm's assistant, Courtney, hides an
agreeing look, which Alicia can't help but notice.
Meanwhile, back upstairs...

21 INT. 28TH FLOOR - LARGE CONFERENCE ROOM - DAY 21

WILL
So the truth is, these three employees
had gone 24 hours without rest when
this accident occurred--

MERRIMAN
No, they worked hard, sure, but--!

WILL
You worked them hard, didn't you?

MERRIMAN
I did my job, Mr. Gardner!

NYHOLM
Okay, let's pull this back--

WILL
And what was your job?! Tell us--!

MERRIMAN
We pay these people well-- we expect
results. You're a lawyer -- do you
work people hard at your firm?! You
bet your ass you do-- this is
America. You work hard and get the
job done, whatever it takes!

A beat, as Merriman composes himself again. Will stifles a
grin, glances at Nyholm, who taps a pen against the table.

NYHOLM
I think we should take a break.

WILL
Definitely. Let Mr. Merriman
recompose himself.

Nyholm frowns at Will who grins happily. And...

22

INT. 27TH FLOOR - SMALL CONFERENCE ROOM - DAY

22

WILL

This guy's a walking disaster. No
wonder they hid him from us!

(CONTINUED)

An excited Will, laughing, tossing a baseball up and down. Only Alicia still in the room. Depositions on break.

WILL (CONT'D)

You should've seen Patti. She looked like she was ready to give birth right there. How'd yours go?

ALICIA

I know more about trains than I ever wanted. And Mrs. Conley has forgotten more about her job than I'll ever know about mine.

WILL

(laughs)

Just keep it going. Patti's on the phone with her overlords trying to better the offer. If she does, can we get the widows on the line?

ALICIA

Linda said she'd stay by the phone.

WILL

Thanks. You kept them together. I know it wasn't easy.

ALICIA

I didn't do anything.

WILL

(laughs)

We gotta toughen you up, Alicia. You're too good a person. We've gotta work on that.

Alicia smiles, picks up the remote control, throws it at him. Will laughs, as BEHIND HIM -- Alicia sees Nyholm approaching.

ALICIA

Speak of the devil.

Will opens the door. Nyholm tosses him a document.

WILL

You could just tell us the number.

NYHOLM

Have you ever known a fishing expedition to be free, Will? Three more days for discovery-- that went both ways.

(CONTINUED)

WILL
(reads the document title)
Oh, come on, our clients passed
every company drug test--!

NYHOLM
Yes, but this wasn't the company's.
It was part of Underwood's
application to renew his health
insurance, a week before the crash.
It was never processed-- until now.

Alicia reads over Will's shoulder, in disbelief:

ALICIA
Amphetamines?

NYHOLM
That's right. Your client was on
speed. Want to keep rolling the
dice on two more days of
depositions? Because this can get
rougher.

Will stares at her, frustrated, and...

23 **OMITTED** 23

24 **INT. MEETING ROOM - DAY** 24

Malcolm Overby. The John Slattery lawyer. At a podium--
"CHICAGO TRIAL LAWYERS ASSOCIATION"-- giving a CLE lecture to
a group of LAWYERS. Impressive. Clarence Darrow reborn.

OVERBY
...why? Because we're trial lawyers.
We're always looking for an edge with
the jury--

But our attention is focused on the back of the room, where
Kalinda, playing innocent, whispers with a very interested
THIRD YEAR ASSOCIATE:

KALINDA
Who did you say he was again?

THIRD YEAR ASSOCIATE
Malcolm Overby.

KALINDA
Oh, yes. I think I've heard of him.
So you work with him?

(CONTINUED)

THIRD YEAR ASSOCIATE
Currently. Rumor is he might be going
to another firm. I just hope he takes
me with him.

Kalinda's cellphone humms.

KALINDA
Would you excuse me; that's my mom.
I'll be right back.

Kalinda backs away from the table, answers, normal voice now:

KALINDA (CONT'D)
What's up?

INTERCUT with...

25 **OMITTED** 25

26 **EXT. TRAIN TRACKS - MEMORIAL SITE - DAY** 26

...Alicia, on her cell, charging along train tracks:

ALICIA
It's me. Cross National is throwing
an insurance drug test at us, for
Underwood. Can you check it out?

KALINDA
Sure, tomorrow.

ALICIA
I-- why? What's up?

Kalinda pauses, decides-- what the hell? Intentionally stilted:

KALINDA
Diane asked me to do further work
on Sheffrin-Marks.

ALICIA
(odd)
She--? What?

But Kalinda hears applause, sees Overby, finished, starting
out of the meeting room.

KALINDA
Gotta go.

Kalinda hangs up. Alicia pauses, knows she was just told
something, but not sure what. She sees Linda tending to a
track-side memorial: three small CROSSES, three framed
photographs. Flowers in the fence. Seeing her approach:

LINDA UNDERWOOD
I can tell from your face it's not
good.

(CONTINUED)

THE GOOD WIFE #104 "Crash" YELLOW COLLATED 9/8/09 21A.
26 CONTINUED: 26

ALICIA
The company has a drug test. It
says Jimmy had amphetamines in his
system.

(CONTINUED)

Linda stares at her, stunned, doesn't move. A stoic quiet...

LINDA UNDERWOOD
For the longest time I didn't think
there was evil. I just thought there
were people doing good and bad things.
But now, I...
(stops)
Sorry. This is the kind of
conversation Jimmy and I would have.

Alicia nods, moved. But needs to get to the point.

ALICIA
Linda, I have to ask, did you know
about this?

LINDA UNDERWOOD
Alicia. Jimmy never took drugs.
There's nothing to know about.

ALICIA
Then do me a favor: go through your
medicine cabinet. Bring me every pill
he's ever taken, every pill he might
have accidentally taken of yours. Can
you do that?

LINDA UNDERWOOD
(nods)
Are we gonna win?

ALICIA
We're gonna fight.

27 **OMITTED** 27

28 **INT. 28TH FLOOR - WILL'S OFFICE - NIGHT** 28

Late. The office mostly empty. The skyscraper lights
twinkling outside.

ALICIA
*Cole versus Wolensky -- 'Judge may
exclude drug test if there's been a
violation of testing procedure...'*

Alicia on the couch, end of the day posture-- working on her
laptop, Will eating the last piece of delivery pizza.

WILL
No. Judge Parks would rather eat his
own foot than offer us relief on that.
(MORE)

(CONTINUED)

WILL (CONT'D)
Did Kalinda have any leads?

ALICIA
I-- No. She's doing something for Diane.

WILL
For Diane? What?

ALICIA
Something with Sheffrin-Marks.

Will pauses, considers it, as he reaches into a little fridge next to his desk.

ALICIA (CONT'D)
What?

Will shrugs: doesn't know. He gestures a beer toward Alicia. She nods. He tosses it to her, opens one for himself.

WILL
We've got a power vacuum here. It makes people do... interesting things. Did she say anything about Malcolm Overby?

ALICIA
No.

Will shoots his bottlecap toward the trash, plops down across from Alicia. They klink bottles, as Alicia continues to Nexus/Lexus, glancing up occasionally:

WILL
I'm giving up on the law anyway.
I'm sick of it.

ALICIA
(smiles)
Back to the minors? *

WILL
Hey, I could've been a contender. *

ALICIA
I loved watching you pitch. *

WILL
Yeah, I had some moments. *

Alicia and Will nod. Sip their beers. Look around for a second. *

WILL (CONT'D)
We're the last ones here... *

(CONTINUED)

ALICIA

Yes.

Will looks to Alicia but she quickly sips her beer. So he
does too. After a second...

ALICIA (CONT'D)

I should go.

WILL

Yeah, me too.

But they don't. Sitting across from each other.

*
*
*
*
*
*
*

(CONTINUED)

Will starts to say something when... the phone RINGS.
Startling them both. Will jumps up, answers.

WILL (CONT'D) *

Hello?

He listens, then hands the phone to a confused Alicia.

29 **INT. 28TH FLOOR - RECEPTION - NIGHT** 29

Alicia turns into reception to find a nervous woman standing
at the elevator door, holding it open. Sarah Conley.

ALICIA

Mrs. Conley? Did you forget
something?

SARAH

(looks around)
I'm not here. I have a family. I
can't get messed up in this.

(CONTINUED)

Oh, Alicia steps closer. As the elevator keeps bumping Sarah's hand, irritated at being held open. Alicia gestures her in.

ALICIA
Come on. Let's talk.

SARAH
No. It's wrong what they're doing.
Blaming them with that drug test.
Blaming them for something they...
(stops herself)

ALICIA
Something *they*...?

Sarah looks at Alicia, shakes her head. Can't, won't say.

SARAH
Newbury Heights.

Sarah retreats into the elevator.

ALICIA
Wait, what?

SARAH
Newbury Heights.

ALICIA
I don't know what that means.

SARAH
Find out.

And the elevator doors close. Alicia stares at them.

END OF ACT ONE

ACT TWO

30

EXT. SUBURBAN CHICAGO HOUSE - DAY (EARLY MORNING)

30

A baby laughing. Three months old. In an infant swing on the front lawn of a pretty suburban house. Sarah Conley hides her eyes again, then-- surprise. The baby laughs.

ALICIA

How old?

Sarah turns to see Alicia approaching. Frowns, to herself:

SARAH

I'm so stupid. I should've just shut up. I should've just... kept walking.

ALICIA

But that would've been wrong.

SARAH

I thought you'd be different. I thought after what you went through-- with your family--
(the worst part)
And you come *here*? To my house?

Alicia nods. She's right.

ALICIA

I'm sorry.

SARAH

Then go.

ALICIA

I can't. There are three mothers who are widows now, Mrs. Conley--

SARAH

That is not my fault!

ALICIA

But it's *somebody's* fault.

Sarah is silent. Looks at her son. Frowns.

SARAH

What do you want?

Alicia eyes her. Nods. Empathizing:

ALICIA

I looked into Newbury Heights. I can't find a thing.

(MORE)

(CONTINUED)

ALICIA (CONT'D)
I've gone back fifty years.
There's never been an accident
there.

SARAH
Because it wasn't one.

Alicia takes out a pen and notepad. Sarah frowns at this.
It all becomes more real with a pen and pad.

SARAH (CONT'D)
I watched you on TV. I liked you.
Standing there like that. When
people would say you knew about it,
about the prostitutes-- I'd defend
you. I'd say they're in love.
That's why she's doing it.

Alicia studies her. Doesn't want to correct her. Waits.

SARAH (CONT'D)
It wasn't an accident; it was a
near-miss. And it wasn't one of
our trains.

31 **INT. LOCOMOTIVE GARAGE - DAY** 31*

*WHIRRRR-- the din of power tools in the background as
mechanics work on locomotive engines.* *
*

HOOD
Coming into Newbury Heights,
there's a nine degree curve.

Alicia strains to hear over the **noise**: ALTON HOOD (40), the *
quietly professional African-American **engineer**. Yelling: *

HOOD (CONT'D)
That's where we jumped the track.
Just managed to get the brake on
before we hit the commuter train.

Alicia nods, cups her hand to his ear...

ALICIA
Did your company ever identify the
problem?

HOOD
Sure -- they identified me. Said I
was going too fast. Put a
disciplinary notice in my file.
But the speed gauge never went
above 32 m.p.h. I thought it was
mechanical. Maybe a faulty
pressure sensor--

(CONTINUED)

Alicia looks up. Really.

ALICIA
Isn't the pressure sensor part of
the Load Regulator Sensor?

Hood stares at her: Um, how did you know that?

ALICIA (CONT'D)
Trains, you know. Love trains. If
you upgraded the LRS, you'd be
replacing the pressure sensor too,
right?

HOOD
Yeah. Fact that's what they did,
after the near-miss: they upgraded
the LRS.

ALICIA
(nods, to herself)
A standard upgrade.
(Hood cups his ear: can't hear)
Did anyone from any other company know
about this near-miss?

HOOD
It's a small industry-- the day it
happened, lots of people came out--

ALICIA
Anyone from Cross National Freight?

HOOD
Coulda been. They were all in suits,
with those badges.

32 INT. 28TH FLOOR - HALL - DAY 32

Alicia follows a newly energized Will toward his office...

ALICIA
Cross National Freight authorized
the upgrade of the Load Regulator
System on all their trains a week
after this near-miss at Newbury
Heights. And guess who authorized
it? Jonathan Eldredge.

WILL
We've been going after the wrong
thing. Overtime records and not
faulty equipment! They erased
those memos not to hide Merriman,
but Eldredge.

(CONTINUED)

ALICIA

If he we can prove he was at
Newbury Heights--

WILL

Yep. "Previous knowledge." We'll
have a case even Judge Parks can't
kick.

Alicia nods. Sees Cary gesturing to her.

WILL (CONT'D)

Okay, so we can't let Patti see
we're changing strategy. I'll keep
deposing Merriman. You re-depose
Eldredge. Be ready in ten minutes.

Alicia nods, splits off, goes to Cary. With a resume...

CARY

I think I have someone you'll be more
comfortable with.

INT. 27TH FLOOR - CARY'S OFFICE - DAY

Alicia and Cary with a new applicant...

RUTH

I worked 19 years as an assistant. We
called them "secretaries" in my day.

She laughs. RUTH (61), with a persistent hack.

ALICIA

Are you comfortable with online
research, Mrs. Plack?

RUTH

On-line? Oh yeah, everything's
computers nowadays. Don't worry,
I'm a quick study. Hey, I like
your hair this way.

Alicia looks up at her.

RUTH (CONT'D)

Yeah, I do. It looked so dowdy on
TV. Pulled back that way. But
that musta been a hard day, huh?

Alicia turns slowly toward Cary: now you're not even trying.

RUTH (CONT'D)

What's the smoking policy here
anyway?

34 **INT. 27TH FLOOR - BULLPEN - DAY**

34

Alicia and Cary push out the door. Alicia shoots Cary a look.

CARY

What? I thought you two would have a
lot in common --

ALICIA

That doesn't count as a preemptory.

And Alicia continues off, turning a corner, while...

35 **OMITTED**

35

36 **EXT. BROWNSTONE - DAY**

36

...Malcolm Overby, leaving his elegant residence, picks up the *Chicago-Tribune* from his stoop, flops it open, starts toward his car, reading, watched by...

...a nonchalant Kalinda. Parked in her car. She's good at her job, never seeming like she's following you as she's following you. She watches, as...

...HONK-- a perky car honk comes from a parked luxury Buick up the street. He smiles, starts toward it. A friend? A workmate?

Kalinda gets out of her car, starts in that direction, crossing the street. She pauses at another car door, pretends to be looking for her keys. Eyes Overby in a car mirror, seeing...

...him lean down, kiss the driver in the other car.

Interesting. Kalinda, her back to the scene, unzips her coat, slips out her CAMERA, tucks the long telephoto lens under her arm, pointing it inconspicuously back toward Overby. She peers down at the camera's fold-out LCD, zooms in on...

...the two kissing. Overby's face blocking the lover. And--

--click-- click-- Kalinda snaps photos, waits... waits... for the kiss to end. Finally it does and Kalinda sees the person being kissed is...

...Diane.

Oh shit. Kalinda lifts her eye from the camera. Suddenly gets it. She starts to put her camera away, when...

...her phone bleets. Fuck. Kalinda shuts it off, but... Diane looks over, sees her. Frowns.

(CONTINUED)

Kalinda zips up her camera bag, starts away discreetly toward her car-- walking, faster. Forty feet away, she starts to smile, grin, laugh. To herself, sing-song fashion:

KALINDA
Diane has a boyfriend.

37 INT. 27TH FLOOR - SMALL CONFERENCE ROOM - DAY 37

Alicia sets up the video camera again, readying for a deposition when-- KLUNK-- the door bangs open. Patti Nyholm. Overloaded with a laptop case, depositions, Courtney behind her, carrying the rest...

ALICIA
Mr. Merriman's will be upstairs.

NYHOLM
Yes, I thought I'd sit in on this one today. Get to know you better.

Oh. Alicia doesn't flinch, offers her a chair:

ALICIA
Great.

NYHOLM
Uh, actually, chairs aren't my friends these days. I think I'll just stand.

Alicia nods, starts to unpack documents. Patti eyes her.

NYHOLM (CONT'D)
So you're Will's new one?

Alicia. She keeps working, strategically deciding to interpret it casually:

ALICIA
Yes. I'm his new Junior Associate.

NYHOLM
(grins)
Yep, that's what I meant. The way he looks at you: that's what I meant.

Alicia peers up at a grinning Nyholm. Then turns back to unpacking. Courtney acts like she's not there.

NYHOLM (CONT'D)
I guess he finds you a challenge. Too many blonde gigglers, and why not go for someone more substantial, someone with an interesting history--

ALICIA
Mrs. Nyholm. I know this is how it works: we try to get into each other's head, unnerve each other.
(MORE)

(CONTINUED)

ALICIA (CONT'D)

But can I just offer you a little advice: After the last eight months, I'm vaccinated.

Nyholm stares at her. Nods.

NYHOLM

Fair enough. Let's get started.

CUT TO LATER:

Alicia re-deposes Jonathan Eldredge. Nyholm stands, taking notes. Courtney sits in a corner.

ALICIA

Mr. Eldredge, two months before the Lakeshore Crash, you authorized an upgrade of the Load Regulator System on all Cross National Freight trains. Can you explain why?

ELDREDGE

There was no one reason. It's a change we'd planned for some time.

Alicia's cellphone ring-- Twilight Zone-- Jackie's ringtone-- Alicia quickly grabs it-- shuts it off. Nyholm smiles:

NYHOLM

Yes, I know the feeling.

ALICIA

And what about the LRS in the train that crashed, did you replace that one?

ELDREDGE

I don't believe we did. The upgrade takes time-- we can't have all our engines out of commission at once.

ALICIA

I understand. Tell me about Newbury Heights, Mr. Eldredge?

Eldredge stops.

ELDREDGE

What?

ALICIA

Newbury Heights, tell me about it.

ELDREDGE

It's uh... I don't know what you mean.

(CONTINUED)

Nyholm glances up. She's not sure what it means, but she doesn't like how it throws him.

ALICIA

On June 21st, you went to Newbury Heights to check out a near-miss collision, isn't that right?

Eldredge. Really nervous now. Nyholm seeing this. To him:

NYHOLM

Would you like to take a break?

ALICIA

If you were to learn there was a problem with a piece of equipment on your trains, Mr. Eldredge, you'd replace the part, wouldn't you?

ELDREDGE

Of course I would...

ALICIA

And you'd make sure no trains were operating with unsafe equipment?

ELDREDGE

Look, I know what you're thinking--

NYHOLM

(trying to stop him)
No, you don't.

ELDREDGE

--But I never once--

Argghhh! Nyholm grabs her stomach. Immense pain. As Alicia rolls here eyes.

NYHOLM

My apologies. A pang. We'll have to break this off.

ALICIA

Oh, come on! Objection.

NYHOLM

Let the record reflect: deposition suspended for medical reasons. And again, I apologize. Mr. Eldredge!

And they start out the door as Alicia stands. Dammit.

COURTNEY

Sorry.

(CONTINUED)

Oh. Alicia turns, forgot Nyholm's assistant, Courtney.

ALICIA
It's okay.

COURTNEY
The law, it's... a funny thing.

Alicia eyes her: something genuine there.

ALICIA
Yes, it is.

Courtney picks up her purse and briefcase and rushes out as Alicia eyes the door for a second. Then looks toward her cellphone, sees a voicemail. Alicia dials--

ALICIA (CONT'D)
Hi Jackie, it's me, returning your call...

And we find...

38 **INT. TAMMS MINIMUM SECURITY PRISON - PROCESSING - INTERCUT** 38

...Jackie's cellphone. It rests in a bin next to a metal detector, along with two others. **A GUARD picks up the bin, slides it onto a shelf next to dozens more just like it.** *
*

39 **INT. TAMMS MINIMUM SECURITY PRISON - VISITING ROOM - DAY** 39

PETER. He waits. Sitting at a visiting room table, foot tapping nervously. He looks over toward... another white collar prisoner hugging his visiting family. His kid.

Peter swallows. He's vulnerable and likable this way.

ZACH (O.S.)
Dad.

Peter closes his eyes-- that word, it pushes his heart up into his throat. He turns, finds **ZACH**, looking very tall, starting toward him. Peter gets up, goes to him. Reaches out. Hugs him tight. Zach hugs him back. *

PETER
I...

"--Missed you." But he can't get it out, words caught in his throat.

ZACH
I know.

Peter looks over Zach's shoulder, sees...

(CONTINUED)

...GRACE, turning a corner, pausing, with Jackie. Grace isn't sure why, but she unconsciously reaches out, takes Jackie's hand. A little girl. Jackie leans slightly, whispers to her: *

JACKIE

Go to him.

Grace. She looks at Peter's clothes. A blue prison outfit. Just absurd, the whole thing absurd. She sees her brother gesturing sharply at her: let's go.

Grace lets go of Jackie's hand. Takes a step forward. Then another. Peter, his eyes wet, reaches out for her.

She goes to him and Peter slips down to one knee, holds her. Emotionally overwhelmed. First time in a long time he's been emotionally overwhelmed.

GRACE

Happy Birthday, Dad.

Peter nods, holds her tight. Grace purses her lips to keep from crying, keep from feeling too much. Then, too quickly, she pulls away again, back to the safety of Jackie. Peter stands -- meanwhile, Zach looks around, curious --

ZACH

So are you still a fish, or what?

This takes the edge off things. Peter smiles, bemused, pulls Zach into a dad-son headlock, scruffs his hair.

PETER

Yep, it's just like Oz.

ZACH

They do shake-downs every day?

GRACE

Zach...

Peter chuckles: shake-downs? He shares a look with Grace, but she just looks away. Peter looks to Jackie instead...

CUT TO LATER:

Zach and Grace stand at the door, about to leave. Waiting for Peter and Jackie, who walk slowly over from the table. A FEMALE GUARD smiles at Grace. Grace smiles back. Oddly comforting. As Jackie and Peter approach, confer, intimate:

JACKIE

You trust him?

(CONTINUED)

PETER

For the appeal? Sure. As much as I can.

JACKIE

There are people out there who don't want you out.

PETER

I know, Mom. It's not going to be easy. Golden has hired a Reputation Management firm to help.

Jackie reaches out, touches his face. Warmly.

PETER (CONT'D)

How's everything at home?

JACKIE

Good. She's working too much, but that's about it.

PETER

Alicia.

JACKIE

Yes. What did I say?

PETER

Every time you refer to "Alicia" you say "she."

JACKIE

Do I? *Alicia* came home at midnight last night, left at 6 this morning.

PETER

(chuckles)

Yeah, I warned her about Diane Lockhart.

JACKIE

No, it's the other one. Will Gardner.

(Peter looks at her)

I'm glad they're friends and all, but he needs to give her a break. Day and night, she never stops.

Peter pauses as they reach the door. Stares at his mom. Jealous? While...

...Alicia and Will. In his office. Will on his phone; Alicia watching the replay of Eldredge deposition on the video camera: "I don't know what you mean--"

(CONTINUED)

ALICIA

He was lying. He knew exactly what Newbury Heights was.

WILL

(an answering machine)

Your honor, Will Gardner. This is my third message. Defense Counsel has interrupted deposition for the day-- Dammit.

The phone hangs up on him as Alicia gasps-- lightbulb going off-- freezing the Eldredge image, stares at it.

WILL (CONT'D)

What?

Alicia points to the image on the screen -- not Eldredge, but the KEY-CARD around his neck:

ALICIA

He said he was in the office all day. You have to swipe that every time you enter and exit. Which means we can tell exactly when he came and went.

She and Will share a look: that's it. Will glances at his watch, starts out...

WILL

I can't get the Judge on the phone, but if I hurry, I might catch him --

ALICIA

What are you doing?

WILL

Getting a court order for Cross National Freight's security records. Find Kalinda-- tell her to meet me at the courthouse--

Alicia nods, looks up, sees Kalinda in Diane's office, talking with Diane, and...

...we're in with them. Kalinda briefing Diane, both intent on not making this awkward. And yet... it's awkward.

KALINDA

Overby's firm is well capitalized, excellent client base, no ethics charges, no bankruptcies, no judgements-- But...

(MORE)

(CONTINUED)

KALINDA (CONT'D)
(careful)
...are you sure that's what you're looking for?

DIANE
(eyeing her)
I don't know. Should I be looking for something else?

KALINDA
Well, that's like asking a dentist whether you should brush.

But Kalinda pauses, seeing Alicia in the hall, pointing toward her, needing her. Kalinda shakes her head-- later. Alicia moves on as Diane notices the exchange...

DIANE
Okay. See what you can find out. And, Kalinda, again, this is just between you and me. Understand?

KALINDA
Yes.
(starts to leave, stops)
Do you know how much you pay jury consultants?

DIANE
No.

KALINDA
\$100,000 for three months work.

DIANE
Sounds about right.

KALINDA
Do you know how much I make?

DIANE
I have a feeling I'm finding out.

KALINDA
A fourth of that.

DIANE
That sounds outrageous.

KALINDA
Yes, it does, doesn't it?

And Kalinda leaves. Diane leans there. Considers that.

Klunk-- Kalinda drops large bound print-outs on Alicia's desk.

(CONTINUED)

KALINDA
Subpoenaed records of security
entrances from May to August.

ALICIA
Thanks.
(stops her from leaving)
So, Kalinda, can I ask you. This
thing you're doing for Diane, does
it involve Malcolm Overby?

KALINDA
No.

ALICIA
It doesn't?

KALINDA
No, you can't ask me.

ALICIA
(nods: okay)
It's just... if he's coming on as a
third partner, Will should know.

Kalinda pauses, doesn't want to give the wrong impression.

KALINDA
You can't ask me, and I can't tell
you, but don't conclude from what
I'm saying, it's what you think.

ALICIA
(ummm...)
Okay. Can you be anymore specific?

KALINDA
No.

And Kalinda starts away. Alicia watches her go, confused and
unsatisfied. She looks down toward the bound print-outs,
and...

...flips through them, now in Will's office. Working late.
The rest of the office dark. Just the skyscraper lights
outside. Will and Alicia on the couches in his sitting area,
flipping through print-outs:

ALICIA
Wait, here's the date. June 21st.

WILL
(peering over her shoulder)
It would take him about two hours
to get out to Newbury Heights.

ALICIA
(reading)
He left the office at 6:42 pm, and
came back...

WILL
(seeing it too)
...an hour later.

Damn. They both peer at the print-out. Disappointed.

ALICIA
That's not enough time.

WILL
How about the next day?

Alicia nods, flips the page. Frowns.

ALICIA
Same thing. He leaves at 9:48 pm.
Comes back at... 10:33 pm-- And...
(flipping the page)
...Thursday the same. He's out for
one hour.

WILL
(pointing)
No, wait, that's somebody else.

Oh. Alicia runs her finger across the line of numbers:

ALICIA
Oh, right, Sarah Conley.
(moves one line up)
There *he* is. Eldredge went out and
came back... a few minutes later.

WILL
That's... interesting.

ALICIA
What?

Will flips through his book.

WILL
Look, here it is again. Sarah
Conley leaves within a few minutes
of Eldredge, comes back a few
minutes after him--

(CONTINUED)

Curious, Alicia flips through her book.

ALICIA
Yep, here's another. 9:30 pm.

WILL
Me too. 8:45 pm.

ALICIA
(flipping pages)
And August 5th. The night of the
Lakeshore Crash. Same thing.

Alicia and Will pause, look up at each other.

WILL
They're always the last two working
together at night.

ALICIA
So are we.

WILL
Yeah, but they're leaving and
returning within a few minutes of
each other-- through the street
exit, not the parking garage, so
they're on foot. And you know
what's across the street from their
building?

ALICIA
(nods)
The Stanford Plaza hotel.

Alicia and Will sit back, look at each other.

WILL
They were having an affair.

END OF ACT TWO

ACT THREE

44 **INT. ALICIA'S APARTMENT - ALICIA'S BEDROOM - DAY (MORNING)** 44

Alicia finishes dressing when...

JACKIE
What's the occasion?

Does anyone knock? Jackie at her door. Alicia looks at her, confused by the question. Um, simply:

ALICIA
Work.

JACKIE
It's just so pretty.

ALICIA
(sounds like a criticism)
Thank you?

JACKIE
What time did you get in?

ALICIA
Late. You were asleep. Thanks, by the way. This'll be the last late night for a while.

JACKIE
I took Grace and Zach to see Peter.

Alicia. She freezes, momentarily unsure -- did she hear correctly? But Jackie just leaves the doorway.

45 **INT. ALICIA'S APARTMENT - KITCHEN - MORNING** 45

Alicia follows Jackie into kitchen. Angry:

ALICIA
You did what?

JACKIE
I took Zach and Grace to see their father for his birthday...

Alicia takes a second to tilt her head: am I crazy here?

ALICIA
Jackie, I... I'm thunderstruck.

JACKIE
I tried to phone you.

(CONTINUED)

ALICIA

You *tried* to phone me? Jackie, we discussed this. I was taking them next week.

JACKIE

It worked out perfectly, seeing him. They were perfect.

ALICIA

Jackie.
(a quiet explosion)
I am their mother.

Jackie stands hand on hip: first time in her life she knows she's wrong, but can't admit it.

ALICIA (CONT'D)

It is my decision. *This* more than anything is my decision.

JACKIE

I'm sorry, it was... spontaneous.

ALICIA

You don't supervise my kids *spontaneously*. You don't take them to prison. You don't just *try* to phone me. You *phone* me. You respect me as a mother. Or leave.

Jackie finds herself tearing up. Hates it.

JACKIE

I'm doing the best I can.

ALICIA

Join the club.

And Alicia leaves the room. Jackie wipes her eyes. Hates tears.

Alicia charges into work. No-nonsense. A world of heat behind her. She sees Cary chatting up three giggly blonde 23-year-olds, running through their resumes. He sees Alicia, smiles, starts to point toward the applicants, but...

ALICIA

No.

Okay, Cary can only nod as Alicia turns a corner.

Sarah starts to break down with the weight of it all. Alicia dreads what she has to say, but she has to say it:

ALICIA

Sarah, I need to demonstrate that Eldredge knew about the problem before the crash. But there's no document, no smoking gun. And I don't have time to find one. All I've got is you-- your testimony.

SARAH

I can't testify--!

ALICIA

This isn't about the affair, Sarah. It's about the accident.

SARAH

But the only way I know about the accident is because of the affair. And I'll have to talk about it. If I don't, they'll bring it up, they'll say I'm getting back at him, that I'm bitter... you know how they'll twist this around...

ALICIA

Sarah, I have no other way.

But just then we hear the baby crying, and the door opens, BRIAN, her handsome husband, enters the room, with baby:

BRIAN

Sorry, hon-- Dylan only wants you.
(looks between them)
Everything alright?

Sarah nods, smiles in spite of herself, takes the baby:

SARAH

Yes, fine. I love you.

Brian kisses her, leaves again. Alicia stares at Sarah. Stares at the baby.

ALICIA

How old did you say Dylan was?

SARAH

Three months.

ALICIA

The accident was a year ago...

Sarah stares at Alicia, nods, pleading, whispering:

(CONTINUED)

SARAH

It's not just me. It's my husband,
it's my other kids, it's a baby. They
have nothing to do with this, but if
you make me testify --

(then)

All that happened to you. Your
husband, your family. Please don't do
to me what somebody did to you.

Alicia stares at her. And...

50 INT. ALICIA'S CAR - DAY 50

...klunk-- Alicia slams her car door. Sits in it. Breathes
deeply. She looks toward the suburban house: for the moment,
a happy place. Alicia turns away, starts the car.

51 INT. DOWNTOWN CHICAGO HOTEL - RECEPTION ROOM - NIGHT 51

Malcolm Overby. There he is again, at a business cocktail
party. The most interesting man in the world. Laughing,
mingling. Watched by...

...Kalinda, in a spectacular outfit, chatting with the Third
Year Associate from earlier...

THIRD YEAR ASSOCIATE

Wow, you're really obsessed with him.

KALINDA

Not obsessed. Intrigued. So, is he
seeing anyone?

THIRD YEAR ASSOCIATE

So that's what this is about. You
want me to introduce you?

KALINDA

No, I just--

OVERBY

Introduce whom?

A smiling Overby. Kalinda turns. Oops. In the face of her
prey. Overby offers his hand:

OVERBY (CONT'D)

Malcolm Overby.

KALINDA

(pauses only a second)
Kalinda.

(CONTINUED)

51 THE GOOD WIFE #104 "Crash" YELLOW COLLATED 9/8/09 46A.
CONTINUED: 51

OVERBY
Kalinda what?

(CONTINUED)

KALINDA
Kalinda Smith.

Overby laughs. Likes her. Finds her monotone, non-flirting tone a challenge.

OVERBY
From your Indian-Irish ancestors?

KALINDA
Yep. All those lines at Ellis Island were alphabetized.

OVERBY
(smiles)
I'm a lawyer; my firm threw this party-- What do you do?

KALINDA
I crash other people's parties.

Overby laughs. Looks to the Third Year who nods, leaves.

OVERBY
If I gave you my card, what are the chances you'd use it?

KALINDA
When I don't have a toothpick? I'd say, pretty good.

Overby laughs. Hears his name being called across the room. He pulls out a card. Places it on the bar in front of her.

OVERBY
Use it any way you want.

Overby smiles, goes. And... Kalinda frowns. Shit.

52 **INT. ALICIA'S APARTMENT - ENTRY WAY - NIGHT** 52

A paper bag. Linda Underwood hands it to Alicia:

LINDA UNDERWOOD
This is everything. Every pill in our medicine cabinet. And this-- this was a prescription Jimmy got a month before the accident. For allergies. Could that be it?

Alicia in her apartment entryway, studies it.

(CONTINUED)

ALICIA

It could. The drug test didn't
screen for pseudoephedrine: not in
this dosage. Thanks, Linda. How're
you doing?

(CONTINUED)

LINDA UNDERWOOD
This week: not so bad. Next week--
it's our anniversary.

ALICIA
(studies her)
I'm sorry.

Grace watches from deeper inside the apartment. Alicia, finished saying good-bye to Linda, closes the door, sees Grace...

53 INT. ALICIA'S APARTMENT - LIVING ROOM - NIGHT 53

The two cuddled up against each other on the couch, Grace and Alicia. Both staring off at the quietly playing TV.

ALICIA
Was it frightening?

GRACE
No. It just... I don't like him in there. I like seeing dad in a suit.

ALICIA
(smiles)
Yeah, me too. So you're okay?

GRACE
Yeah. I mean, I'm mad at him, but --
he's still Dad.

Alicia kisses her on the forehead, looks off, preoccupied.

GRACE (CONT'D)
What about you? You look sad.

ALICIA
No. There's just a case I'm on-- I might have to do something I don't want to.

GRACE
(Not a lot of info)
Something?

ALICIA
Like what happened to us.

GRACE
Oh.

Grace gives it an adult think.

(CONTINUED)

GRACE (CONT'D)

You said "might?" Is there another way?

ALICIA

I can't think of any.

GRACE

Well, you're a lawyer, right? You have to represent your client.

ALICIA

Even if it hurts another family?

GRACE

Well, if you didn't, you'd hurt your client, right? You have to do your job. You can't just not do your job.

Alicia stares at her, considers it. And...

END OF ACT THREE

ACT FOUR

54

INT. CIVIL COURTHOUSE - COURTROOM #303 - DAY

54

Motions court. Crowded with LITIGANTS, ATTORNEYS, BYSTANDERS. Will and Alicia at the plaintiffs table stand, as do Nyholm and Eldredge at the defense table...

JUDGE PARKS

So three days later and you still have depositions to conduct?

WILL

Your honor. Ms. Nyholm stomped out of Mr. Eldredge's deposition two days ago, and we have been constrained in questioning Mrs. Conley and Mr. Eldredge ever since.

NYHOLM

As melodramatic as Mr. Gardner's account is, your honor, I think the last time I stomped out of anywhere was the third grade. Unless I've grown bigger than I thought.

Nyholm chuckles. Judge Parks doesn't.

NYHOLM (CONT'D)

We ask, your honor, for an open deposition, so you can rule on the admissibility questions as they arise.

Alicia. She looks back toward Sarah Conley, pale, sitting on the aisle. Whispering to Will:

ALICIA

They're going to force her to testify in open court?

WILL

If she denies the affair, they'll accuse her of perjury. Then everything she says gets thrown out.

Parks finally clears his throat. Everyone shuts up.

JUDGE PARKS

Who are you deposing?

Will looks to Alicia who stands, without looking back:

ALICIA

Sarah Conley, your honor.

(CONTINUED)

Sarah stands weakly and starts toward the stand, as Eldredge eyes her. Sarah doesn't meet his gaze, takes the stand.

Alicia approaches her, trying to muster the strength to do this. She looks out to the gallery, sees...

...Linda Underwood, standing at the back.

Finally, Alicia turns back to face Sarah. As she draws closer, Sarah whispers under her breath:

SARAH

Please don't do this...

ALICIA

(whispers back)

I'm so sorry.

She looks away, takes a deep breath, and then:

ALICIA (CONT'D)

Ms. Conley -- what did Mr. Jonathan Eldredge tell you on the night of August 5th, just a few hours after the Lakeshore Crash?

NYHOLM

Objection, your honor. No foundation. Mrs. Florrick hasn't established access.

WILL

Do we really need to establish access, your honor? They work in the same company.

NYHOLM

But in vastly different departments.

JUDGE PARKS

Sustained.

Alicia frowns. Damn. Looks at Sarah, her eyes welling up.

ALICIA

Ms. Conley, where were you on the evening of August 5th after the Lakeshore Crash?

SARAH

(beat)

I was in a hotel room, downtown.

ALICIA

And were you alone?

(CONTINUED)

A long beat. At defense table, Jonathan Eldredge swallows hard, praying she won't have the strength. But she does:

SARAH

No. I was with Jonathan Eldredge.

Eldredge closes his eyes. Damn.

55 **INT. CIVIL COURTHOUSE - LADIES ROOM - DAY** 55

Alicia washes her hands, dries them. Staring at herself in the mirror -- coming to terms with what she just did.

56 **INT. CIVIL COURTHOUSE - HALLWAY - SAME TIME** 56

Alicia exits the ladies room and finds Sarah Conley, seated on a bench. Crying, quietly. PASSERSBY ignore her -- courthouses are often places of strong emotion.

Hesitantly, Alicia approaches -- Sarah Conley looks up, sees her. They share a look. Then Sarah gets up and walks away.

57 **INT. 28TH FLOOR - DIANE'S OFFICE - DAY** 57

Diane and Kalinda. Back in Diane's office. One last scene to be played. A second passes.

DIANE

I assume you have some information.

KALINDA

Yes. I looked deeper into Mr. Overby, and... I don't think he's a good candidate for... partnership. Based on my investigation, he appears to be... non-exclusive.

DIANE

Non-exclusive?

KALINDA

In pursuit of other options.
(then)
Openly in pursuit.

A beat. Diane's hurt, though she tries to hide it:

DIANE

You're sure?

(CONTINUED)

KALINDA

Positive. The firm can do better.

Diane nods, taking this in. There's an awkward beat, then --

DIANE

Thank you, Kalinda. For your...
discretion in this matter.

KALINDA

(starts to exit)
Always.

DIANE

And Kalinda?
(Kalinda turns back)
Let's talk tomorrow about
renegotiating your contract.

KALINDA

I would like that.

Kalinda exits, leaving Diane alone as in the next office
over...

...Nyholm's cellphone again rests in the middle of Will's
table, turned to a speaker phone...

NYHOLM

Can you hear us, Mr. Harkin?

Just static on the phone. Nyholm, Will, and Alicia stare at
it. Nyholm shakes it.

WILL

Where's your assistant?

NYHOLM

I don't know. She quit. It's hard
to find a good assistant these
days. Mr. Harkin, I'm going to
make our last and final offer now.

Nothing from the phone. Nyholm shrugs, hands a sheet of
paper to Will. Alicia doesn't expect one, but Nyholm crosses
to her. Gives her one too. Alicia peers up at Nyholm who
nods with respect.

NYHOLM (CONT'D)

I think you can see, this meets all
your demands. And then some. Under
one condition. We don't go to trial.

WILL

I think we can handle that.

ALICIA

One other thing. They want an apology.

Nyholm stares at Alicia. Even Will's surprised.

NYHOLM

Excuse me?

But before she can say anything more, Mr. Harkin's voice comes over the speaker, cutting her off--

MR. HARKIN (V.O.)

Fine.

NYHOLM

Mr. Harkin?

MR. HARKIN (V.O.)

Just settle this thing, will you?

Click. We hear the phone go dead, the dial tone. Nyholm quickly shuts it off. Will suppresses a grin, stands. Alicia too.

WILL

Well, Patti, always a pleasure.

NYHOLM

Yep.

WILL

Until next time.

NYHOLM

Mrs. Florrick.

She nods. And they leave.

Alicia starts down the stairs toward her floor, unsmiling, not in a triumphant mood. She pauses, sees...

...Linda and the other two widows near her office. They look up, see her. She goes to them, seeing their expectant faces. And Alicia can't help it: she smiles-- who wouldn't. They smile too, thrilled. The group breaks out in hugs, cheers.

CARY

You got a moment? This one looks pretty good.

(CONTINUED)

Cary coming up behind her. With another resume. Alicia looks at him, reluctantly.

ALICIA
Sure.

CARY
Because if you don't like this one,
I think we need to be looking at
the new crop of Ivy Leaguers.

And they turn into...

60 INT. 27TH FLOOR - CARY'S OFFICE - DAY 60

...Cary's office where Courtney sits, ready to be interviewed.

CARY
Courtney, this is Alicia Florrick.

COURTNEY
Hi.

Alicia smiles back:

ALICIA
Hi.

61 INT. TAMMS MINIMUM SECURITY PRISON - VISITING ROOM - DAY 61

Prison. A gate *klangs* open. And... Peter enters the visiting room, then stops, surprised. It's Alicia. She looks up at him as he approaches --

PETER
Hey. I didn't expect you.

ALICIA
Spur of the moment. Sorry I missed
your birthday. The kids said the
visit went well?

PETER
(a wide smile)
Yeah, they look great. Zach's
almost as tall as I am.

ALICIA
(smiles)
Three months, just suddenly, boom. *

They sit in pleasant silence for a second. Peter needs to say something. Tries to sound casual:

(CONTINUED)

PETER

Mom said you were working hard on a case. I guess you and Will were putting in a lot of long hours.

Alicia. She looks up at Peter, shakes her head: only he could go there.

PETER (CONT'D)

It's just... you get a lot of time to think in here...

ALICIA

Yeah, out there too.

PETER

He's not what you think, Alicia.

ALICIA

Oh, Peter. If there's one thing I'm learning out there. Nobody is.

PETER

Gardner acts like a good guy, like everybody's friend. But I could tell you things.

ALICIA

Can we at least acknowledge how ironic this conversation is?

PETER

I love you, Alicia.

Alicia blinks. A whiplash from the sudden shift.

PETER (CONT'D)

I've been thinking about that old apartment on 81st. The air conditioning unit we had. That T-shirt you'd wear-- from the Mexican restaurant downstairs-- and all I could think was-- God, you were the most beautiful woman in the world.

Alicia stares at him. A clear memory to her too.

ALICIA

Then?

PETER

No, and now. And all I could think was: I don't want to lose you. Whatever I have to do, whatever I have to change. I made a mistake.

(MORE)

(CONTINUED)

61

CONTINUED: (2)

61

PETER (CONT'D)

I got this sickness. This power trip--

ALICIA

Oh, don't blame it on that.

PETER

You're right. It had nothing to do with that. It had to do with me. And I'm sorry.

Alicia studies him. Wants to believe him.

PETER (CONT'D)

Please. Don't give up on me.

Peter's hand reaches out, tentatively. Alicia stares at it.

PETER (CONT'D)

Please.

Alicia thinks about it. And we BACK OUT.

END OF SHOW