

THE SETTLEMENT

written by

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Revision Eight

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FADE IN:

INT. CONFERENCE ROOM - NIGHT

PETER SUTTON (38), an attorney for Zilman Industries sits dressed in a suit, waiting for someone.

Moments later, EVELYN WEST, (35) a partner at Samuels and West, LLC enters the conference room with a manila file folder in hand, and shuts the door.

EVELYN

Peter, I'm sorry I'm late.

PETER

Oh, no worries at all. I'm glad I finally get to meet you. It's nice to finally put a face to the emails.

The pair sit across from each other at the conference table. Evelyn places the file on the table.

EVELYN

Thank you again for meeting me so late. I just thought we might be able to negotiate better if it was just the two of us.

PETER

Oh, I've burned the midnight oil much later, as I'm sure you have.

(a beat)

I hope we're able to hash this whole thing out, and walk out with it done.

EVELYN

Well, Peter, that's part of the problem.

Evelyn opens the file folder.

PETER

Oh?

EVELYN

I've reviewed the settlement with my client, and she's unfortunately not inclined to take it at this point.

(a beat)

\$260,000 is just not what we had in mind for this case.

Peter sighs heavily.

PETER

I was worried that you might say that.

(a beat, then
patronizingly)

Unfortunately, Zilman can't really offer much more than that. I could make a phone call, but what I don't want is for John and Marshall to get frustrated and blow up what we've accomplished here already.

EVELYN

Peter, I've been litigating wrongful death cases for over a decade now.

(a beat)

We haven't accomplished anything yet, and your condescension and patronizing tone are neither welcomed, nor appreciated.

Peter puts his hands up in mock surrender.

PETER

(matter of factly)

What do you want me to do, Evelyn?

(a beat)

You know the position I'm in. My job is to protect the company. I can't just go around handing out multi-million dollar settlements to every factory worker who dies because they misuse a machine.

EVELYN

(incredulous)

First of all, the accusation that my client's husband misused a machine he'd been using every day for seven and a half years is insulting. Secondly, did you really think that I would call a meeting this late, and not have any leverage?

PETER

And what leverage would that be?

A beat. Evelyn tries to read Peter's expression.

EVELYN

They really didn't tell you, did they?

PETER

Tell me what?

EVELYN

OSHA cited the company's equipment months ago, and they ignored the citation, letting Dave work on a machine they knew to be defective--

PETER

Oh, come on, that? That's your angle?--

EVELYN

What?

PETER

You're going to try to use an unfounded rumor with no evidence to force the company into giving your client more money?

EVELYN

Who said I didn't have evidence?

PETER

Oh, okay, so you're going to use questionably acquired evidence to force us to give you more money?

(a beat)

What did your client do, crawl through ventilation ducts and take files from the management office? No judge would allow such evidence, and you know it.

Evelyn shakes her head and smiles.

EVELYN

You're assuming that increasing the settlement amount will make her go away.

(a beat)

The company shouldn't have kept the report a secret from its own employees.

(a beat)

She wants more than just money, Peter.

PETER

Oh, spare me the "money isn't justice" speech--

EVELYN

You don't believe it?--

PETER

No, I don't, because in my experience, when the number is high enough, it magically becomes the "justice" that everybody seeks.

EVELYN

Well, not tonight.

Peter throws up his hands and shrugs

PETER

What does your client want, then?

EVELYN

We know that Zilman Industries is scheduled to make their Initial Public Offering 48 hours from now. It's bad enough that John Willingham and Marshall Lutvick, the company's top two executives, hid such a damning report from their own employees. Not only was it supposed to be disclosed to the workers, but as the leaders of a company going public, they had a duty to disclose the report to SEC Regulators.

PETER

Who said they didn't?

(a beat)

And if the report is the only thing you have, then that's not much to go on.

Evelyn smiles.

EVELYN

I have to be honest with you, as the company's general counsel, I can't believe John and Marshall left you in the dark on this.

PETER

What do you mean? I don't understand.

EVELYN

Oh, I think you do, Peter. But just in case you truly don't, let me spell it out for you.

(a beat)

News of Zilman's IPO release date hit the Wall Street Journal a month ago, which was three months after my client's husband died, and roughly four months after OSHA released the report about the faulty equipment.

(a beat)

My client comes to me roughly six weeks ago, alleging that the company ignored the OSHA report, and forced him to work on a faulty machine.

(a beat)

Once the news of the company's IPO comes out, I call my friend at the SEC - "hey, can you do some digging for me." A few hours later, I get an email from her with one hell of a reply, and I mean holy shit. John and Marshall had been lying to SEC investigators, in writing no less, since the day after the OSHA report was issued to the company. The date and timestamps on their emails would be enough for any judge or jury to convict.

Peter's eyes go wide, and he starts to sweat.

PETER

(trying to save face)

If your friend shared emails that were supposed to be confidential between the company and the government, then she's in deep shit--

EVELYN

My friend shared emails that prove a cover up was occurring at the highest levels of what is soon to be a publicly traded company.

(a beat)

I'm fairly sure that a judge would side with the public's right to know, and at the very least the employees right to know, rather than protect a slimy executive's private email correspondence.

(a beat)

You ask me what my client wants? Let's start with ten and a half million, plus coverage of my legal fees. She also wants the company to pull its IPO, and shut down the Newton Plant until all of its equipment passes OSHA inspection.

(a beat)

Dave had friends at that plant, Peter. They have a right to a safe workplace.

Peter sits back in his chair and rubs his now sweaty forehead with his palm. He checks his watch.

PETER

I'm going to have to make a call--

EVELYN

Go ahead. You want to step out?

PETER

Yeah, just give me a few minutes.

Peter stands, takes off his suit jacket to cool off, and drapes it over the back of his chair. He then exits the conference room.

INT. ELEVATOR HALLWAY - MOMENTS LATER

Peter is seen on the phone with Zilman executives, speaking forcefully, but in a hushed tone.

PETER

(into phone)

John, I just walked into a buzzsaw in there. If Evelyn is telling the truth, and we call their bluff, there's no telling what they could do.

(a beat)

How can you be so sure that they have no way of knowing what's in the report?

(a beat)

I don't know if they have a copy of it or not. That's what makes me nervous, and it should make you nervous too!

(a beat)

I need both of you to answer my next question with complete honesty. Did you email the SEC and tell them everything was fine?

(a beat)

Jesus, Marshall a plaintiff's attorney would have a field day with that answer, what the hell does that mean?

(a beat)

Are you sure you never put it in writing, never on a phone call that could have been recorded?

(a beat)

What did you tell them, then?

(a beat)

Fine, what are my marching orders?

INT. CONFERENCE ROOM - MOMENTS LATER

Evelyn scrolls through her phone when Peter re-enters, sitting in the same chair over which his coat is draped.

He sighs heavily.

PETER

The company is prepared to come back and settle at \$7 million, and will not cover your legal fees. We'll shut down the Newton plant for a week, under the guise of retrofitting machinery for revised safety guidelines, but we're not pulling the IPO.

EVELYN

No deal.

Peter scoffs.

PETER

You aren't taking that back to your client?

Evelyn rises from her chair.

EVELYN

I was already authorized to say no--

PETER

You're serious?

EVELYN

Serious as a heart attack.

PETER

Evelyn, if the SEC was so concerned with the company's safety record, why didn't the SEC just call OSHA--

EVELYN

Oh, come on, Peter. The government's far too big with far too many regulations for one random SEC attorney to know that he or she needs to call OSHA to get the scoop on a company's safety audit. That's why it's incumbent upon the company to disclose. The SEC's too busy to chase government employees from other agencies for copies of reports.

(a beat)

You're grasping at straws here. Tell John and Marshall their counteroffer is rejected.

Evelyn leaves the conference room. Peter gets up, puts on his suit coat, and walks after her.

INT. ELEVATOR HALLWAY - MOMENTS LATER

Evelyn is in an elevator car, as Peter enters the elevator hallway.

PETER

You do know the old deal is off, too right? There's no deal on the table anymore.

The elevator doors start to close just as Evelyn sticks her hand out to stop them, and she says...

EVELYN

Quit posturing okay? Trust me, of the two of us, you are the one who's going to wish we had a deal. Check your inside jacket pocket.

Peter reaches inside his suit jacket, and produces an envelope.

Evelyn removes her hand from the elevator door.

EVELYN (CONT'D)

That's your copy. We have plenty.

The elevator doors shut.

Peter stands alone as he opens the envelope and reads the document contained inside.

INSERT - DOCUMENT

It is the damning OSHA report that Evelyn referenced. Peter flips through the pages, and attached are printouts of the emails between the SEC/OSHA and Zilman executives proving the cover up.

BACK TO SCENE

His eyes go wide again, and he runs over to the elevator call button, nervously slamming the button to call the elevator.

While he waits, he takes out his cell phone, scrolls through the contacts.

INSERT - CELL PHONE

He locates Evelyn's contact info, and calls her.

BACK TO SCENE

PETER
(to himself)
C'mon, pick up, pick UP!

INT. ELEVATOR - CONTINUOUS

Evelyn's phone buzzes. She takes it out of her purse.

INSERT - CELL PHONE

The caller ID reads "Peter Sutton."

BACK TO SCENE

Evelyn declines the call, and slips the phone back into her purse.

INT. PARKING GARAGE - MOMENTS LATER

Evelyn walks through a nearly empty parking garage to her car.

She takes her phone out of her purse and declines yet another call from Peter, before dialing another number.

EVELYN
(on the phone)
Steven, it's Evelyn West.

Evelyn smiles and continues to speak into the phone, but we don't hear the conversation as she walks to her car, and gets inside. We see her talking to Steven through the car's Bluetooth.

As Evelyn drives away, we see Peter step off the parking garage elevator, and try to run after her, but he is too late.

We then hear the following voice over, accompanied with the following...

MONTAGE

INT. HOME OFFICE - NIGHT

U.S. ATTORNEY STEVEN SULLIVAN opens an email in his home office late at night. Eyes wide as he reads the OSHA report and emails between the SEC and Zilman that Evelyn sent him.

NEWS REPORTER (V.O.)
Today, federal officials formally charged executives at Zilman Industries with purposely concealing an unflattering Occupational Safety and Health Administration inspection report, leading to the death of one of their factory workers, 32 year-old David Colms.

INT. PRESS BRIEFING ROOM - THE NEXT AFTERNOON

Steven is seen at a lectern giving a press conference announcing the charges

NEWS REPORTER (V.O.) (CONT'D)

In a 26 page indictment, U.S. Attorney Steven Sullivan charged John Willingham and Marshall Lutvick, the company's Chief Executive and Chief Compliance Officers respectively with criminal negligence in Colms's death. Willingham and Lutvick allegedly concealed OSHA's report so that neither Colms's direct manager, nor Colms himself had any knowledge of a lethal mechanical defect that led to Colms being trapped and crushed under the machine's two ton weight.

INT. ZILMAN INDUSTRIES OFFICES - CONTINUOUS

FBI agents are seen raiding the offices at Zilman Industries manufacturing plant, taking files, computers, etc.

NEWS REPORTER (V.O.) (CONT'D)

The pair is also charged with concealing the report from federal regulators in an effort to preserve it's stock price. The company was set to make its Initial Public Offering on Friday however, a spokesman for the company said that their IPO is now indefinitely on hold. Additionally, the company's Newton, PA plant has been closed indefinitely while OSHA officials work to ensure the safety of the plant's machinery. Late last night, Federal District Judge Melinda Locke also signed an emergency order requiring Zilman to pay all of the Newton Plant workers during the plant's closure.

INT. SUBURBAN HOME - CONTINUOUS

Agents are seen knocking at the front door of a suburban home. JOHN WILLINGHAM answers the door, and is read his Miranda Rights.

NEWS REPORTER (V.O.) (CONT'D)

Attorneys representing Willingham
and Lutvick said that the
executives will fight the
charges. If convicted, both men
could face up to 25 years in
federal prison.

END OF MONTAGE

FADE OUT.

THE END