

In short, this plaintiff who has filed more than 30 ADA/access lawsuits became disabled by a gunshot wound to the back, inflicted while he was committing an armed robbery (see the comments in red, below). The exact text of the deposition testimony is shown below. In making the attached video clip, the conversation between the two attorneys, shown below, was removed, and the picture was obscured, to protect the identity of the plaintiff.

Defense attorney. "Let me see. What is the exact nature of your disability?"

Plaintiff. "Paralyzed from the waist down."

Defense attorney "Okay."

Plaintiff. "Paraplegia."

Defense attorney. "Do you mind my asking how that happened?"

Plaintiff. "**A gunshot wound to the back.**"

Defense attorney. "So sorry. Can you tell me about the circumstances in which it happened?"

Plaintiff's attorney: "Objection, Attorney. Why is that important? You are certainly entitled to know whether or not he's disabled. I have allowed you to ask him how he's disabled, but to go into the intimate details, I don't think that's relevant at all. Can you lay a foundation for that?"

Defense attorney: "I just wanted to know generally. The scope of discovery is broad, and we are entitled to inquire into that. I was hoping to avoid going into the details of the medical nature of the disability. I felt it was warranted. If you are uncomfortable with it, I don't have strong feelings on it."

Plaintiff's attorney: "It's not a matter that I am uncomfortable. I just don't think it's appropriate. How he was injured or what the origin of his injury is has nothing to do with the current lawsuit. He is disabled. If you want to ask him how he is disabled, whether or not there is any medical evidence that he is disabled, I think that's fair."

Defense attorney: "Well, I think the scope of discovery is broad. Are you instructing the witness not to answer?"

Plaintiff's attorney: "With respect to going into details as to how he was injured, gunshot wounds, et cetera, the circumstances of what happened, yes."

Defense attorney: "Okay."

Plaintiff's attorney: "He's indicated that it was a gunshot wound. He's paralyzed from the waist down. You can ask him when he was -- incurred the injury. That's fair."

Defense attorney: "Okay."

Plaintiff's attorney: "Beyond that I am not going to allow it."

Defense attorney. "When did it occur?"

Plaintiff. "[date]"

Defense attorney. "Was that the crime that you talked about earlier?"

Plaintiff. "No."

Defense attorney. "Okay. **Were you committing a crime at the time?**"

Plaintiff. **"Yes, I was."**

Defense attorney. "Okay. **What sort of crime?**"

Plaintiff. **"Attempted robbery"**.

Defense attorney. "Okay. Where did this take place?"

Plaintiff. "[street], [city], [city]."

Defense attorney. "[street]?"

Plaintiff. "Uh-huh."

Defense attorney. "Okay. **Were you convicted in that case?**"

Plaintiff. **"Yes, I was."**