



“that’s what she said”

a ford & harrison blog about the popular television series “the office”

Michael and Holly, Sitting in a Tree

April 08, 2011 - by: Jaclyn West

Litigation Value: A narrow escape from Michael burning the office down (twice) and, as always, plenty of lost productivity while the employees held a garage sale, played “Dallas” and helped Michael propose to Holly.

Since last night’s “Office” was another rerun, I thought I would take this opportunity to talk about the “Garage Sale” episode. This, folks, was the big one. The epic proposal that we have all been waiting for. Now, I know I’ve given Holly a pretty hard time about her relationship choices. And I’m not saying, even now, that I approve of an HR rep dating within the office. But I’m also an “Office” fan and I’ve waited a long time for Michael to find some happiness. So I’m going to take off my employment lawyer hat for a moment and confess that I am giddy about Michael and Holly finally getting engaged.

Of course, since this is Michael Scott we’re talking about, the proposal was going to have to be the most elaborate, dramatic event he could dream up. Michael’s first idea was to write his proposal in fire. Pam found Michael “preparing” (i.e., drizzling gasoline in the parking lot) and — fortunately for Dunder Mifflin/Sabre, Vance Refrigeration, and the rest of the building tenants — was able to gently dissuade Michael from that course. Pam quickly convened a meeting with Jim, Oscar, and Ryan to help Michael brainstorm ways to propose to Holly that would be epic but also “safe.”

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Ultimately, Michael took Holly on a tour of his favorite places in the office — the place where Toby announced he was going to Costa Rica, the window from which Michael first saw Holly, the place where they first kissed (and...), and then led her into the kitchen, where the employees were waiting with lit candles. As Holly walked through the employees, each of them proposed to her, and she said “no.” Finally, Michael led Holly into the annex, which was filled with hundreds of lit candles. He knelt down to pop the question ... and the sprinklers went off. But a little water has never scared the Michael Scott we know (remember when he drove into that lake?!) and he went on to propose in his Yoda voice. Holly, proving once again that those two are made for each other, said yes ... in her Yoda voice. And viewers all over the world were thrilled to see Michael and Holly finally engaged ... and relieved that Michael managed to propose without burning the office down.

Yes, not to get all Toby on you guys, but I was cringing when I saw those candles. Hey, I love candles as much as the next girl, but all I could think about was all that paper catching fire. If the office had in fact caught fire as a result of Michael’s proposal, I shudder to think of the injuries that could happen to everyone inside. And from a litigation perspective, there could have been quite a lot of liability there. While I’m sure Sabre has a workers’ compensation policy, most policies make exceptions for injuries caused by “intentional acts” of the employer. An “intentional act” would, of course, include the rare situation in which a supervisor assaults a subordinate, but it’s broader than that.

Depending on the state and the policy, “intentional acts” could encompass injuries caused by management’s knowingly unsafe activities... such as, for instance, lighting 1,000 candles to propose to your girlfriend and requiring the entire office to participate in the proposal. If Michael had actually burned the office down, Sabre could have found itself in court fighting off any number of traditional tort claims, regardless of its workers’ comp policy.

But, fortunately, the sprinklers came on, the Yoda voices came out, and all's well that ends well! Congratulations to Michael and Holly, and let's hope they manage to make it through the wedding without any wanton property destruction!

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