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News in pursuit of truth

A play named for Vermont's aid-in-dying law meditates on what death can teach us about life

Written by Circus Smirkus founder Rob Mermin and directed by Monica Callan, "Act 39" is named for the Vermont law that legalized medical aid-in-dying in 2013.

By [Olivia Q. Pintair](#) June 23, 2023, 9:19 am
(article below)



Donny Osman, right, and J.T. Turner perform in “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

When you toss a ball into the air during a live stage performance, actor J.T. Turner said, describing one of the first scenes in a play opening this weekend at Goddard College, you don’t exactly know where it will end up. There is a sort of unpredictability inherent in doing something live that requires unwavering presence.

According to cast members from “Act 39,” a new play presented by Pushcart Productions that follows the true story of a friendship eclipsed by death, the same could be said about human lives.

Written by Circus Smirkus founder Rob Mermin and directed by Monica Callan, “Act 39” is named for the Vermont law that legalized medical aid-in-dying in 2013. The play tells the true story of Mermin’s friendship with Bill Morancy, who, after a stage five pancreatic cancer

diagnosis in 2015, ended his life with Mermin's support through the process laid out in Act 39.

Act 39, or the Patient Choice and Control at End of Life Act, legally allows patients with terminal conditions such as cancer to obtain a prescription for lethal drugs in order to hasten their deaths.



J.T. Turner, left, and Donny Osman perform in “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

Premiering on Friday, June 22, and running through Sunday, July 2, at the college's Haybarn Theater, the autobiographical production follows two protagonists, Rob (J.T. Turner) and Bill (Donny Osman), as they navigate a friendship suddenly transformed by Bill's cancer prognosis.

Through vignettes that narrate the characters' loving platonic relationship, the story bears witness as Morancy makes the choice to utilize Act 39, eventually following Rob to the pharmacy where he picks up the drugs that will ultimately end his friend's life.

Cast members said that while the show focuses on death, it is also profoundly life-affirming and filled with humor, exposing "the vulnerability of the human spirit when facing mortality head-on."

In an interview with VT Digger, Mermin said that after Morancy died in 2015, Mermin began working in collaboration with Patient Choices Vermont, an end-of-life advocacy nonprofit, to speak with people interested in learning more about Act 39. After engaging in those conversations, Mermin said, he felt called to share his story with a wider audience. Writing the play, he said, was a "cathartic" means of processing grief.



J.T. Turner, from left, Donny Osman, Dominic Spillane and Maren

Langdon Spillane perform in “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

“A lot of the dialogue and the scenes in the play are really based on what really happened between me and Bill,” Mermin said, “We had such deep conversations about everything — about science and literature and art and music and life and death. Sometimes, during the last few weeks of his life, I would go back to my place and take notes on what we had said.”

Eventually, those notes became the script for the play.

“At first, I didn’t put myself into the play so much in a personal way. I wanted to tell Bill’s story,” Mermin said. The play also discusses his own experience with Parkinson’s. “But as I was writing it, I realized, ‘well, wait a minute. This really is a very, very personal story.’”

A few years after Mermin wrote and shelved a draft of the script, Osman, who is also the show’s producer, said he read a copy and immediately volunteered to produce it.

“(The script) had humor, intelligence, repartee, a heart, pathos — you name it,” Osman said, “I pretty much said to Rob, ‘if you give me the go-ahead, I will make it happen.’ And that’s what happened this year.”



Audience members watch a performance of “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

Cast members say the resulting work constitutes an exploration of what it means to support someone in life and in death, humanizing the political debate about bodily autonomy that has swarmed around aid-in-dying laws in the U.S. for decades.

“One of the reasons why it’s timely that the play is coming out now is because the issue is still controversial,” Mermin said, “Like *Roe v. Wade*, Act 39 has to do with our physical control of our bodies and our autonomy, and with how we live our lives.”

“I wanted to share the idea that Act 39 is an option for end of life if palliative care becomes ineffective,” Mermin said, “And, as I was telling the story, I wanted to make it clear that it’s not for everyone, but that people could use it as a choice.”



Donny Osman, right, and J.T. Turner perform in “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

“Bill wanted to be able to (die), in the same way that he was living — on his own terms, as he put it,” Mermin said.

Throughout the play, two additional actors embody multiple roles, including Rob’s lost love Marian and Mistress Death (Maren Langdon Spillane), and Samuel Morse, Sigmund Freud, and Hercules (Dominic Spillane). According to Turner, those figures represent the ideas and visions Mermin and Morancy conversed with as they processed their lives before Morancy died.

Focused as the show is on death, cast members say, the play never neglects the protagonists’ lighthearted friendship, which survives the weight of its circumstances through moments of laughter, bubble-blowing and boyish games of catch.

At one point during the play, Mermin said, Rob and Bill are talking about “After Life,” a film directed by Hirokazu Kore-eda in which characters are tasked with choosing only one memory from their earthly lives to carry with them into eternity.



J.T. Turner, left, and Donny Osman perform in “Act 39”, a play by Rob Mermin, on opening night at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

“In the play, the character of Rob says to Bill, ‘oh, so it’s just a story about what happens after we die,’” Mermin said. “And Bill says, ‘Well, no, not really. It’s more of an exploration into what we truly value in this life.’”

Turner said it feels like a “terrifying honor” to play Mermin, whom he described as a “circus legend.”

“To portray someone who’s often sitting in the room as I’m interpreting how he might say things or feel about things or do things, is very different,” Turner said. “Rob has been nothing but supportive.”



Maren Langdon Spillane and Dominic Spillane rehearse some steps before opening night of “Act 39”, a play by Rob Mermin, at the Haybarn Theater in Plainfield on Thursday, June 22, 2023. Photo by Glenn Russell/VTDigger

Original music by Burlington musician Johnnie Day Durand, stage managing by Jessica Della Pepa Clayton and set and lighting design by Cavan Meese bring the performance to life, Mermin said, with visual projections and haunting soundscapes animating some of the mysteries that the script engages with.

“Bill and I used to talk about metaphysics and paranormal activity,” Mermin said. “I come from the point of view of really loving to explore metaphysical things — talking about quantum theory and dowsing and

paranormal thoughts — and Bill is just the opposite. He's the rationalist. He responds to my musings about metaphysical stuff by saying, 'don't talk to me about that crap again.'"

Although the play doesn't arrive at any sort of conclusion regarding those mysteries, Mermin said, the questions themselves animate the joyous relationship between the two protagonists, just as they did in life.

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