

Dear Jim, C.A.75-1448 - Interrogatories

9/10/76

When there was nothing in today's mail on this I decided to check to see when responses were due. I was right the other day. If they have 30 days and if these are working rather than calendar days the responses are overdue.

You filed them July 28. Today is 44 calendar days.

Dugan told us two days ago that Ryan is on vacation.

I did write Ryan once I did not hear from him as he promised. He has not responded nor has anyone for him.

Judge Robinson said he did not want any delays. I don't either. It is going to be a big enterprise for me to ~~arrange to pay for the deposition~~ ~~to prepare adequately for a hearing, especially before a tough judge who gives every appearance of wanting to be fully informed. On Nosenko alone it can be a big job.~~

So while I don't object to an extra day or two and I don't object to Ryan having his vacation, I don't want to conform to their traditional game of stalling.

My suggestion is that if you do not hear from Ryan by Tuesday's mail you call and ask him when we can expect answers. Unless there is a really solid reason for delays, like somebody having a broken leg, I'll be reluctant for you to agree to give them an extension. I'll go along with your judgement on this but my own disposition is to tell them to let something else go and finish this up. By the time you get this they will have had seven weeks. Do you think allowing them eight is fair enough if he has no certain date close to that?

Obviously they have to stall for Ford. Equally obviously I regard this as against the country's interest in an election year and in my interest. Also against yours. They want to keep you bogged down.

You discussed the possibility of filing a motion for a summary judgement on the 5/19 transcript alone. I don't recall what you believed best. I'm inclined to favor this, particularly if they do not guarantee interrogatory responses by a certain and a reasonable date.

If Ryan does not give you this assurance in a way you can accept, do you want to consider filing a motion to compel?

We will soon be quite occupied with the demands of the other two cases. I think this requires that we get as much of this one behind us as possible.

You may not think of this as I do but my belief is that the more they can keep us tied up the more from their ~~point~~ point of view they succeed. Stall ~~the~~ is the name of their game. On all but on this one in particular they have to stall past election day for Ford.

As I remember it, Robinson took a reasonable position: that they not be held to the exact date for response. I think that is fair enough. But fairness has to work two ways. I've been trying to get these records for nine years, at least eight under formal process. Fairness to me requires that they act in good faith as this relates to the timeliness of response as well as the content.

Their stalling in all these cases, their non-compliance, has made it impossible for me to do any writing for close to a half-year. I've even lost my typist over it. When my writing exposes them delaying it serves their purposes. Without all the stalling in 1996 I'd not now face the situation in which all others are commercializing my work - and with reasonable certainty also corrupting it...If you think other than I do on 1448 let me know your views after the hearing of 9/16-which I think may not be over in a single session.

Best,

B