

0322

Dear Jim,

11/24/82

LeHale's 11/16 does not indicate a copy to Judge Smith

I notice also that he says what is not necessary, that he does not waive a right to conduct discovery on me. Of course, this would be limited to the search issue and I think there is no chance they'll want to or need to.

However, if the time comes when they do, do not oppose it. Instead ask that they state their need, in writing. I ask this because they have no such need. If they seek to exercise discovery it will be for other and ulterior purposes. But if they do state a seemingly legitimate need, I prefer live testimony for a number of reasons, all related to my limitations. Unless you object, I will not object to their deposing me here.

They have and can use their own court reporters, so they won't have to pay a commercial outfit.

We'll know better whether some of his self-serving language has any other purpose when we initiate discovery. I think he may be signalling the intent to oppose discovery. This is another reason I want you to begin the interrogatories as I've indicated. They can't now claim to have made searches when Phillips has already sworn that they substituted Brasson for searches.

I think he may also be indicating the character of their opposition.

Best,