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November 28, 1972

Mr. Harold Weisberg
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Route 8
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Dear Mr. Weisberg:

I am hoping to talk to you by telephone this afternoon or tomorrow. In case I don't reach you, I would like to explain the purpose of Friday's meeting.

I have requested another member of the firm, John Lewin, Jr., to assist me in the preparation and trial of this case. He will be available in this office all Friday morning. As I told you when you first came in to discuss your case, I am not a trial attorney and that if the case went to trial, I would seek assistance from an experienced trial attorney, either within or without this firm. Mr. Lewin has extensive trial experience.

One matter we must discuss Friday is whether or not this case can be ready for trial in less than a month. With the concentrated and coordinated efforts of you and your wife, Mr. Lewin and myself, it can be done. If at any time you feel strongly that it cannot, I am confident that Mr. Davis will have no objection to a postponement.

The reasons I moved to set the case in for trial were several:

First: In addition to yourself, both Mr. Davis and Judge Thomsen have indicated a strong desire to try the case promptly. As you know, this is Judge Thomsen's oldest case.

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Second: The lack of time between now and December 20 should hinder the government's preparation. Mr. Davis has done little preparation of the case to date and has a busy trial schedule in December. He has given no indication that he is taking the case seriously. If another U.S. Attorney took over the case, there would be delay while he familiarized himself with the case, but he might be prepared to defend it more vigorously.

Third: Having the case set in for trial is the only way to obtain a pre-trial conference in which Judge Thomsen can pressure the government into furnishing some of the information we will need. We will be far better prepared for that conference than the government.

Fourth: I recall how busy your wife's schedule is between January and April 15. Since your wife is needed to assist in compiling information from your records and to testify therefrom, I did not want to lose another four months while she was occupied with tax returns.

If you think, after our meeting on Friday, that we need more time, I am sure that we can have it.

My advise to settle the case is no indication that we will not try your case as vigorously and energetically as possible. I realize that \$5,000 appears to be small compensation for the damages and suffering you and your wife experienced. One reason for my recommendation was to spare you the frustrations and stresses of litigation. The other concerned the speculative nature of the damages properly recoverable. The research I have done convinces me that proof of the kind of loss you believe occurred will be very difficult, and I felt that acceptance of \$5,000 was warranted considering the risk of much less recover at trial. There are, of course, other considerations and that is why the decision to settle the case is ultimately one which must be made by you and your wife.

We are cataloguing for trial every document, record, affidavit and other items of information relating to this case. We will make an outline of the case and expect your assistance in lining up and interviewing witnesses to support it. We can discuss this at length on Friday.

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I look forward to seeing you on Friday.

Very truly yours,

H. R. Clapp, III
Harvey R. Clapp, III

HRC,III:bjw