

6/18/69

Dear John,

I got through to Bair who, in his words and manner, is being reasonable about the legal fees. He acknowledges I got a raw or dirty deal, offers without prompting that there is no reason for me to get stuck with all of it, emphasizing there is no reason for me to be paying Sage's cost (and I noted to him that the money had come from Dell), and says he will speak to and handle Gross. He is going to speak to Lucas (I told him of my call to Lucas and he approved) and try and get some kind of breakdown as between the three of us. I reminded him I was not party to the second suit, described what I had had to do in preparation and asked for consideration of that in the final accounting (he indicated okay), and I showed him the proportion of costs in the bills that fortunately you had gotten for the phone calls.

He agreed that I should not get in touch with Gross, for as he put it, that would just mean a fight. This is what I have been seeking to avoid. After first trying to interpret Gross' letter to mean he had done this work for and had billed Sage, he dropped that pretense when I read it to him again. I think he agrees with me that the probability is that Gross screwed Sage, which is what makes this sticky.

He agreed to discuss the breakdown with me, to be in touch after he speaks to and hears from Lucas, and that if there is any disagreement on the pro rata we will work it out. I emphasized that the work I did investigating the plaintiff, while it was not disagreeable to me, was really on behalf of Dell and Sage, since Bringuier, even if he won, which was improbable, could not collect from me but that they had money. He knows that he and Sage and Lucas all asked or wanted my investigation, and I offered him access and a description of what I developed.

So, I think that maybe, before too long, this part will be settled and we can proceed with the rest.

My real purpose in writing is to keep you au courant. I have been thinking of other things and may be confused, but it is my present recollection that your records will tell us is right or wrong, that you would be entitled to 10% on withheld royalties.

Hurriedly,