

3/26/76

Dear Ed,

I was in NYC yesterday for a couple of yours. Jim had suggested that I phone you for some help but there simply wasn't time.

The purpose was to tape half of the Gil Noble Show, to be aired on WABC-TV on 4/4. Les Payne, a Newsday reporter friend, also was on that half the program. Les and I work together. If you did not read his stories I think what he says will interest you. I developed the initial proof, beginning with what turned out to be a correct analysis, he carried it further remarkably well and successfully, and we have been working together ever since. Once the taping was over we cabbied to Penn Station and as soon as I checked in for the Metroliner worked again for the short period before the return trip, to DC. (Leaving in 75-19916, which went rather well, this a.m.)

The problem is getting a sample of a request for an injunction against use of my work.

It is with Playboy, which contracted with me to be its consultant on a terrible series described to me as something entirely different when I agreed. The stuff is plagiarized from all sources and the pretense is of Playboy's own work. In the JBK stuff they used what they had declined to buy and never returned from Post Mortem, among other things. By the time I learned they had set type, so I accepted a cash payment and warned them not to do it again, esp. on the next segment, on King. So, when I get copy on that it is worse, including even my unpublished work I had told their writer about, specifying confidence and explaining so that he'd understand what he had to write around.

Their notice is both verbal and about 4 certified written warnings and explanations, none answered until the end of the day before yesterday one of their lawyers called me, apologetically and promising the hope to eliminate the problem but no guarantee. I had told them that without assurances I'd ask for an injunction. He is to get back to me this evening or Monday. No, not today, Monday or Tuesday. While I hope this will settle, Jim can't practise in Md and I'll have to file fast and pro se. So, he suggested that I ask you if you can send a sample from another case, a book of forms, whatever means speedily available. I'll attach an affidavit on the facts if necessary.

The damage exceeds \$10,000 in terms of the work I've done only. It does all over again in terms of the work I've done on a more than half-drafted new book on which I'm rushing as much as I can. What led to the consultancy happened here, as I forgot to tell Jim, when the author and the articles editor were here a year ago February on my offer of Post Mortem. However, there is diversity of citizenship.

One of the rushes is to get it filed, if necessary, before they go into galley. Another is to get them to change. The theft presents possible physical dangers to me and is not major parts of the largely-written book. I don't want to sue them, even set the stage for larger collection in the future. I want to prevent their use of my work and the consequent harm.

I hope this is clear. I'm tired from the rapid movements and little sleep and I want to get this done before someone I expect arrives. I Okay. Just tiredness. I also hope you can send something I can use xxx as a model and perhaps any authorities you do not have to take time to look up. I'll probably not have time to consult with Jim if I have the need to file. I'll be doing it by mail, too.

Thanks and best,