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MICHAEL OSBORNE

AIR MAIL

September 13, 1967

Mr. Harold Weisberg
Hyattstown, Maryland 20734

In Re: Dr. Carlos Bringuier vs. Gambi Publications,
Inc., Harold Weisberg and Dell Publishing Co.,
Inc., No. 67-648 United States District Court,
Eastern District of Louisiana, New Orleans
Division - Div. "F" - Our File 2801

Dear Harold:

Please pardon my delay in responding to your letter of August 25. I have out of town a good portion of time and on a "merry-go-round" the time I have been in town.

The thirty (30) days for appeal as to you and Dell Publishing Company expired on September 1. The thirty (30) days for appeal as to Gambi Publications, Inc., expired September 6. Accordingly, this matter is now concluded.

In response to your question as to whether I really think Bringuier and his Associates lost the suit, the answer is YES. Please bear in mind, however, that the suit was dismissed because of lack of jurisdiction. The United States District Court found that none of the Defendants had those "minimum contacts" with the State of Louisiana (as the term "minimum contacts" has been interpreted by the Courts) to vest jurisdiction in the United States District Court here in New Orleans.

There was no adjudication on the merits since the case simply didn't get that far and was decided on jurisdictional grounds. Thus, in theory there would be nothing to prevent the Plaintiff from filing suit in New York and/or Maryland, although I am sure you recognize that this is extremely unlikely from a practical point of view.

Whereas there are numerous pleadings, many of a technical nature, such as continuances, etc., and whereas I am thus not enclosing all pleadings which we filed, I am enclosing the following:

(1) Motion to Quash Service of Process and to dismiss the Action for Lack of Jurisdiction.

(2) Memorandum initially filed in connection with dismissing the Action for Lack of Jurisdiction and quashing the service.

Mr. Harold Weisberg

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(3) Affidavit of Harold Weisberg.

There were other Affidavits, of course, on behalf of Dell and Gambi (in fact three separate Affidavits on behalf of Gambi). I do not have extra copies of these documents but will make copies of same if you need them. Actually, these Affidavits simply go to establishing the fact that these companies did not have the minimum contacts with the State sufficient for jurisdiction to vest in the Court.

If you require any further documents or if I can assist you in any way, please let me hear from you.

Meanwhile, please be assured of my appreciation for your cooperation throughout this matter and of my pleasure and satisfaction with the results and of having had the opportunity of working with you.

With very best regards, I am

Yours sincerely,



WILLIAM M. LUCAS, JR.

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encs.
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