

9/6/68

Dear John,

I haven't been in the mood for creative work for several days. That does not mean I haven't stayed busy, but not writing. In the short period before lunch I'll fill you in on the Bringuier situation, for it may come up out there.

As I once wrote you, he has not, repeat, NOT, served me in either of the frivolous suits he has filed. I was in New Orleans three times after he filed the first, and he made no effort to serve me there, either.

Dell, which has not paid me, owes me money and doesn't even account, hired a lawyer who is both a fine lawyer and a fine man and a high-priced one. So, the suit against Dell is being defended, with my money. I have, I repeat, not been served and hence am not, in reality, a defendant. There have been a number of court actions, all against Bringuier. The final disposition will probably be next month. He tried to withdraw the suit and we would not permit it.

Canyon, on the other hand, are "progressive", and, I am told, my friends. So, they started dealing with him behind my back. I found out about it and they denied it, then they admitted it, then they made a deal they denied they made, then, when I threatened them, they withdrew that, then they made another one and, fearing doing this behind my back, decided to let me see it. They were trying to save a legal fee, half of which would have been at my cost. They had a simple thing to do: contest ~~the~~ serving and jurisdiction. We have been through that in the Dell case and established the precedents. The federal court, not the state court, had jurisdiction, service was illegally accomplished, so there was no defendant, hence no suit. But they were too cheap to do even that. Meanwhile, the thing has already been settled, is res judicata, and he lost, the real reason he is trying to withdraw the new Dell suit. Well, when I read what they proposed I suggested they consider where their likely legal expenses would be greater, in Louisiana, where there was no real case against them, or in New York and Maryland, where there certainly would be when they signed such a libel of me. They solved their dilemma by ignoring the Louisiana suit on the fairly solid reasoning that since they do no business in that state, have no property or accounts there, they could forget about the whole thing.

So, there was the pretense of a suit, in which Bringuier produced a psychiatrist who testified that Bringuier was quite distraught over the entire thing, that his wife had a miscarriage over it - no kidding, and this from the man who has yet to claim he was injured in any way or to even allege error in what I wrote about him. The judge  $\Theta$  and he had been delaying the case to get it before this judge-handed down what I believe is called a default judgement for \$5,000. No the interesting thing, aside from the law, which is all against Bringuier, is that this judge is indebted to Bringuier's lawyer, who for no reason other than that delayed the case until it would come before that judge.

Aside from the propaganda benefits they can get from it, this is a meaningless thing, unless it ~~can~~ can sometimes be used against me. There was a decision, even if an illegal, meaningless one. If anything is used out there, please let me know. Remember, I was not a defendant, there was no judgement against me, and I want to watch those irresponsible carefully. This is the kind of thing that can be misused and they are the kind to do it.

Meanwhile, what happened to my Charlie Benks film and tape? I still want it. Anything else new out there?

Sincerely,