

MEMORANDUM

TO: Jerry Policoff
FROM: Roger Feinman
SUBJECT: Groden v. Random House, et al.
CC:
DATE: May 6, 1994

I have sent you copies of the papers submitted by the attorneys for Random House, the New York Times, and Gerald Posner in support of their motion to dismiss Bob Groden's Complaint over the "Guilty of Misleading" advertisement. You'll be getting the package this afternoon. Don't be too impressed or deceived by the copious legal citations in their memo of law; they have an uphill fight, and the only way they can win it is if the Judge changes (i.e., modifies or extends) existing case law. Notice that they sent the Judge a copy of Posner's book to read, and notice also the pile of favorable book reviews they included. They are in a state of hysteria, although I grant that they made a very fine effort from their standpoint.

I'd like you to keep a set for yourself and send copies (with this memo) to: Bob Groden, Jane Rusconi, Eric Hamburg (Oliver Stone's lawyer), Cyril, Harold and Jim Lesar. I spoke to Jane last night, and am thrilled to say she's on board. I could confine my response to points of law, but I want to hit them hard on Posner's book. Today I will speak to Wallace Milam and ask him to draft the essence of an affidavit for Cyril. He does not need a copy of the papers for that. I will speak to Bob, Cyril, Harold and Jim within the next few days.

I'd like you to think about drafting an affidavit about The New York Times, perhaps including a few thoughts about the "leading media." Please note, I have a deadline of May 20, which means all contributions must be in my hands in final form no later than the day before, preferably two days. This whole thing should be quite a show.