

12/10/73

Dear Ed,

I presume you remain busy. I know I remain with problems. So I write again about one you said you'd help me with when you were here last month. I didn't show you the files because it was Thanksgiving.

I saw Diamondstein Book Co. in early May. I gave them copies of some of the files and of two things they did not have: pictures of the damaged returns (I'd written them promptly to make claim with the trucker); and proof I had just gotten the day before that they actually got from me a shipment of 1,000 books (approx. \$2,500) that had been shipped by us to Bookazine.

I don't know what the statute of limitations is or what applies, contract, purchase, etc. I do know that this is old and one of the questions you were to give me the answer to is does an inquiry from their accountant (we have it) as to the state of the account and our response, sending the previous bill, toll the statute?

In one state where I was pro se, this kind of thing did constitute acknowledgement, did toll the statute, and I accepted a 2/3 two-third settlement rather than risk myself in court.

I have an identical situation in California now, where something like \$5,000 plus interest is at stake. very much for us. I have just been billed on these transactions. I asked you if their sending me a bill for several hundred dollars constitutes their acknowledgement of the uncompleted transaction. If telling me what the California law is is too much trouble, then please let me know and I'll try to learn in other ways. If it tolls the statute, then I can offer to waive interest for the principal and tell them I'll sue if they don't settle. And then look for a lawyer. Do you know one in the Los Angeles area?

Diamondstein was to get back to me after their bookkeeper's vacation. When they did not I wrote, reminded their comptroller, asked him for the return of the pictures so I would not be put to the cost of having new prints made, sent it certified, have a receipt but no other answer. I have witnesses only to the fact that I was there in May, the two men who drove me there and waited in the car for me.

On another matter, you were going to xerox the list of what you took when you were here and send me a copy. I am not concerned about your honesty, but when I look for files and can't find them, then I am concerned. Another friend has some the identification of which I don't know. He has ego problems and got mad at me when I warned him a course of conduct would be counterproductive and I was right. His self-esteem requires him to be a schmuck, so I don't know when I look for something and can't find it if he has it or there is some other explanation. But looking for what I don't have takes time I could better spend in other ways. So, when you can, would you please send me the copy?

I have been sent a Publishers' Weekly note reporting that Szulc's book is now due next month. It thought poorly of the book.

If you have the Vidal piece in NY Review, don't bother making a copy for me. Jim has it and is making one today. I have also seen the Village Voice trash by Golz, 11/29/73. It is largely Noyes' even trashier.

Hope you have a nice holiday ahead. Our best to you both,

sincerely,