

Former Aide to Hughes Fails to Answer Subpoena At a Hearing on Estate

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LOS ANGELES, Oct. 6—John Holmes, one of the late Howard R. Hughes's long-time personal aides, failed to appear for a deposition scheduled for today in a lawyer's office here.

Superior Court Judge Neil Lake, presiding over the probate matter at stake in the beginning rounds of litigation over the Hughes estate, refused the initial requests for issuance of a bench warrant for Mr. Holmes. He agreed to issue an order directing Mr. Holmes to show cause why he should not be held in contempt.

Harold Rhoden, who represents Noah Dietrich, named executor in a purported will that some of Mr. Hughes's employees and surviving relatives have labeled a forgery, said the subpoena for the deposition

had been served by process servers who "staked out" Mr. Holmes's residence for days.

During the hearing before Judge Lake, it was developed that Howard Jaffe, a lawyer in Davis and Cox, the New York firm that represents the Summa Corporation, the Hughes holding company, had called Mr. Rhoden's office Tuesday to say that Mr. Holmes was not in California and would not be able to appear for the deposition today.

Mr. Holmes had been ordered by the subpoena to appear with records that showed who was with Mr. Hughes from Jan. 1, 1976, until his death April 5, 1976.

Mr. Hughes's survivors have said that it would have been impossible for Mr. Hughes to have been picked up alongside a Nevada highway by Melvin Dummar, the Willard, Utah, service station operator who is named beneficiary of one-sixteenth share of the Hughes estate.

Mr. Dummar has said he picked up a shabbily dressed man who said he was Howard Hughes. Mr. Dummar has said he could not put a precise date on the day the incident occurred.