

PHASE TWO OPENS IN SUIT BY MAHEU

Jury Will Decide if Hughes
Must Pay Him Damages

By WALLACE TURNER

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LOS ANGELES, Oct. 29—The second phase of Robert A. Maheu's defamation suit against Howard R. Hughes, the reclusive industrialist, opened today.

The first phase of the trial took four months, ending in June. A Federal court jury of six persons decided that the Summa Corporation, Mr. Hughes's personal holding company and actual defendant in the suit, had failed to prove the truth of Mr. Hughes's statement that Mr. Maheu "stole me blind" during their two decades of association. Mr. Hughes denounced Mr. Maheu in a telephone press conference after dismissing him in 1972.

Now the jury will decide if Mr. Maheu is entitled to recover damages and how much. It will also decide the merits of a Summa counterclaim for \$4,458,474 in which Mr. Hughes seeks to recover \$2.12-million he paid as salary to Mr. Maheu over the four years Mr. Hughes lived in Nevada, as well as other sums that the suit alleges were overcharged by Mr. Maheu.

Originally Mr. Maheu had asked more than \$17-million damages, but Judge Harry Pregerson has allowed a Summa Corporation motion that prevents Mr. Maheu from receiving punitive damages. The judge ruled some weeks ago that Mr. Maheu was a public person and that permitting punitive damages to such persons would have a "chilling effect" on the exercise of free speech rights.

Mr. Maheu then recalculated his damage claim. He now asks \$9,275,000 as the cash value of the loss of his earnings in his future productive years, which he estimates to be 17½ years. He calculated his earning powers at \$300,000 annually, after taxes.

He also asks \$825,000 damages for working time lost since January, 1972, when the defaming statement was made, and the opening of the trial of his suit. Finally, he asked \$1-million for impairment of his reputation, personal humiliation and anguish.

Judge Pregerson told the jury he hoped to hold this phase of the trial to about three weeks. He also overruled a motion by Mr. Hughes's attorneys to bar Mr. Maheu's claim for loss of future earning capacity.