

'Prove You're Alive'

Suit Hits Hughes

New York

Two Manhattan stockholders have filed suit contending that Howard R. Hughes is dead.

If the recluse billionaire doesn't surface to respond to their suit, they intend to ask the courts to appoint an administrator for his estate.

The civil complaint in state Supreme Court alleges that while Hughes is reputed to be residing at the Hotel Xanadu in the Grand Bahamas, he has been dead for an indefinite period and is claimed to be alive "for the personal profit of various and sundry persons."

The suit was brought by Victor and Ellen Kurtz, minority stockholders of Air Liquidation Co., formerly known as Air West Inc. In the suit, they seek from the company's stockholders as a class, damages of \$100 million. Air West was taken over by Hughes in 1969.

"You're kidding," was the only comment from an attorney for the New York law firm of David Cox, which represents Hughes in Air West matters.

And in Los Angeles, Hughes spokesman Richard Hanna said, "Of course he's alive. His office is in touch with him all the time."

The Kurtzes' suit contends that Hughes and some of his associates deliberately depressed the price of stock in Air West to make the sale of the airline to Hughes more attractive to stockholders and eliminate opposition to the sale.

Several suits are pending in federal court in San Francisco growing out of the Air West takeover by Hughes, including an antitrust action brought by the Kurtzes.

I. Walton Bader, attorney for the Kurtzes, said conspiracy is at the heart of the litigation and, "without Hughes, how can you prove a conspiracy?"

"The man — as far as we know — has no children. We don't even know if there is a will," said Bader. "Nobody has seen him for ten years or more. Unless it can be proved otherwise, he is either dead or incompetent and the burden of proof must rest with Mr. Hughes or those acting in his behalf."

Associated Press