

A Lawyer's Attempt to Flush Out Howard Hughes

A New York City lawyer said here yesterday he is going to ask U.S. District Judge Alfonso J. Zirpoli to hold a hearing here to determine if billionaire industrialist Howard Hughes is dead or alive.

"If he is alive, I want the judge to decide whether he is mentally competent," Madison avenue attorney I. Walton Bader told reporters after an aborted hearing before the Securities and Exchange Commission.

His comments came shortly after Hughes failed to appear — to no one's surprise — for a deposition on a series of multimillion dollar damage suits against him for his takeover of Air West Airlines.

Bader said there is no recent evidence to show that Hughes is still alive and that it is known that "doubles" have been used to impersonate him.

Bader said he had heard one report that Hughes has been dead for years and had been secretly buried by Aristotle Onassis.

Bader represents two New York clients, Victor and Ellen Kurtz, in a \$50 million law suit against Hughes stemming from Hughes' purchase of Air West — now Hughes Air West — in 1970.

The commission, along with a number of private individuals, is suing Hughes and his Summa Corp. on grounds that Hughes gained control of Air West by deceit and fraud.

Among other matters, the suit alleges that Air West stockholders were told they would get approximately \$22 per share for their stock, but wound up getting \$10.13.

The elusive Hughes was supposed to appear and give a deposition at an SEC hearing on the 14th floor of the Federal Building yesterday.

Marvin Pickholz, an SEC attorney, said Hughes had last filed a motion in the case in August and had given his address as the Xanadu Hotel, Nassau, Bahamas.

E. Judge Elderking, a Hughes lawyer, was on hand.

Asked if Hughes would appear, where he is now, whether he is dead or alive and whether he would ever show up for any of the hearings, Elderking would only say: "I have no comment."

Bader said after the brief hearing that he would ask for a default judgment against Hughes. Pickholz and Zirpoli might have to specifically order Hughes to appear before a default could be entered.