FILE NAME: Cape Asbestos (CAPE)

DATE: 1977 July 5

DOC#: CAPE164

DOCUMENT DESCRIPTION: Reference to Telex confirming EGNEP still safe from South African judgment enforcement if withdrawal from Texas Proceedings [Legal - Tibbs Case Exhibit 62]

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JUL 5 1977
LORD, BISSELL & BROOK

ATTENTION STEPHEN MILWID

THANKS FOR YOUR RECENT TELEX WHICH SHOULD CONFIRM PREVIOUS ADVICE THAT EGNEP STILL SAFE FROM SOUTH AFRICAN JUDGEMENT ENFORCEMENT IF WITHDRAWAL FROM TEXAS PROCEEDINGS DECIDED UPON AT THIS STAGE. COUNSEL MR FOX-ANDREWS IS KEEN TO CONFER WITH YOU BEFORE FINALLY CONFIRMING HIS ADVICE THAT CAPE WOULD BE SUBJECT TO UK ENFORCEABILITY IF WITHDRAWAL NOW. WE HERE, HAVING HEARD MORE DISTURBING INFORMATION RECENTLY ABOUT THE VALUE OF TEXAS AWARDS ARE RAPIDLY COMING TO THE CONCLUSION THAT CAPE AND CAPE FIBRES SHOULD TAKE A RISK ON THE UK ENFORCEABILITY AND WITHDRAW, AS IN PRACTICE WE CANNOT FORSEE ANY COURT OR GOVERNMENT HERE ENFORCING A JUDGEMENT WHICH WOULD HAVE ENORMOUS FINANCIAL AND EMPLOYMENT REPURCUSSIONS, WHEN WE REALLY CANNOT BE SAID TO HAVE MORAL RESPONSIBILITY AND ARE SIMPLY VICTIMS OF THE US PRODUCT LIABILITY CULT.

AN URGENT MEETING IS OBVIOUSLY ESSENTIAL AS CLEARLY YOU CANNOT INDEFINITELY CONTINUE MY INSTRUCTIONS OF TAKING NO FURTHER STEP IN THE PROCEEDINGS. SUGGEST 21ST AND 22ND JULY IN LONDON.

NOTE
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THIS IS URGENT - PLEASE CONTACT MR MILWID URGENTLY IN CALIFORNIA FOR REACTION.

T J PENNA
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LOWIRCO CGO

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PLAINTIFF'S EXHIBIT #205
CAPED00486