

FILE NAME: Cape Asbestos (CAPE)

DATE: 1975 Dec 23

DOC#: CAPE160

DOCUMENT DESCRIPTION: Letter from Lawyer to Cape Industries Solicitor RE motions files on behalf of Cape [Legal - Tibbs Case Exhibit 58]

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December 23, 1975

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Re: Yandle/Kay Actions

Dear Tony:

At the meeting that Max Meyer and I had with Dr. Gaze and Mr. Dougherty several months ago, we informed them that Judge Steger at the resumption of the Fall Term of court indicated that he had taken the jurisdictional issues presented by the motions that we filed on behalf of Cape Industries and Egnep and the motions filed by certain other defendants under advisement and that he further informed all counsel that if any further documentary information or briefing were desired it should be done promptly. To date no one has filed any additional information. However, Judge Steger has not as yet indicated when he will rule on the pending motions. Dick Bernays and I have discussed the status of the matter recently and we agreed that steps should be taken after the first of the year to inquire as to when a ruling by the court on the jurisdictional issues may be expected.

We have given further consideration to the matters raised in your letters of November 4 and June 16, particularly as to what action should be taken in the event the Cape Egnep or Cape Fibres should be involved in any other U. S. litigation.

With reference to the Yandle/Kay suits, if the court should sustain the motions only on the ground of insufficient and improper service, while this would be tantamount to restarting the actions for purposes of effecting service of summonses it would not have, in our opinion, any limitation consequences, for the date of the initial filing of the complaints rather than the date of proper service governs any limitations questions. However, if such a ruling is handed

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