

Chuck, David, and Bill
February 4, 1991
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question on that score, Chuck, is whether you have telefax numbers for all the attorneys to which it will be addressed?

You may notice that I've deleted the language about meeting at the Cloister. The suggestion seems inconsistent with the present tone of the letter.

David, on your suggestion that you contact your Westinghouse executive directly, I think it's desirable in its possible effect but I'm somewhat concerned about the disciplinary rule prohibiting direct contacts with opposing parties represented by counsel. I know the rule has an exception for employees of public agencies, but I don't recall an exception applicable to present circumstances. Is this an issue? If you are going to do it, I would suggest that you be very open about it, sending it with a very brief "for your information" cover note, copy to the Westinghouse lawyer.

Carol and I agree that it's entirely likely that at least some of present defense counsel will be discharged as a result of our letter should the case not settle at this point and in that event, defendants' counsel from the insurance litigation will take over this case. That is probably going to be obvious to present counsel as well, and may negate their incentive to keep the case going in order to bill more hours.

Chuck, it looks to me like we should first put the polish on the pages of the draft brief we would send to defendants. I'll try to give that about an hour tonight and transmit them by the time you read this in the morning. If you want further changes, I'll be ready to crank them out in a hurry.

-- Paul