

FILE NAME: Cape Asbestos (CAPE)

DATE: 1978 May 24

DOC#: CAPE173

DOCUMENT DESCRIPTION: Telex to Cape Industries, London RE conditions set by judge in Tyler litigation [Legal - Tibbs Case Exhibit 71]

MAY 24, 1978

TELEX TO: CAPE INDUSTRIES LIMITED, LONDON
 TELEX NO.: 24811
 ATTN: A. J. PENNA

YOUR TELEX MAY 24, 1978 RECEIVED TODAY DURING MY ABSENCE IN DAVENPORT, IOWA, ON A PROTRACTED TRIAL. IT WAS READ TO ME BY TELEPHONE AND IN RESPONSE PLEASE BE ADVISED THAT THE TYLER LITIGATION THAT WAS SETTLED COVERED ONLY THE 459 PLAINTIFFS WHO HAD MADE CLAIM AND WERE ACTUALLY PARTIES IN THE LITIGATION AT THE TIME OF THE SETTLEMENT ON SEPTEMBER 22(?), 1977. JUDGE STEIGER ALSO MADE A CONDITION OF THE SETTLEMENT THAT NO OTHER PERSONS WOULD BE ALLOWED TO INTERVENE AS PLAINTIFFS AFTER THAT DATE AND ALL PLAINTIFF ATTORNEYS OF RECORD ALSO COMMITTED NOT TO PARTICIPATE IN LITIGATION ON BEHALF OF ANY OTHER PERSONS FORMERLY EMPLOYED AT THE TYLER PLANT. SUBJECT TO FOX-ANDREWS' CONFIRMATION, WE AGREE BEST INTERESTS OF CAPE COMPANIES OTHER THAN NAAC IS TO MAKE NO RESPONSE TO THIS NEW LITIGATION. IF SUMMONS SERVED ON NAAC, IT SHOULD BE DIRECTED PROMPTLY TO THE BROKER TO REFER TO THE APPROPRIATE INSURER AND WE WILL TAKE MEASURES TO SO INSTRUCT ALL NAAC PERSONNEL. IF ANY FURTHER INFORMATION REQUIRED, PLEASE ADVISE. I CAN ALWAYS BE REACHED BY MY OFFICE AND CAN CALL YOU WITHIN SEVERAL HOURS AFTER RECEIVING SUCH ADVICES.

BEST REGARDS,

S. A. MILWID