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LEGAL SERVICES

September 20, 1973

Mr. George A. Weller
Weller, Wheelus, Green & Brocato
Attorneys at Law
Beaumont, Texas 77704

Dear George:

We much appreciated your taking the initiative to call the conference last Monday, September 17 in your office and that we were able to be present.

I regret having to return to Kansas City before the conference concluded.

I told you I would promptly prepare a memorandum for your consideration in the preparation of the Petition for Rehearing

I enclose the same.

I specifically direct your attention to the fact that page references are all to Bloxom's notes, since I did not have a copy of the final Transcript on Appeal which of course has different pages. Therefore those of my suggestions which you include will have to be changed to conform to the actual page numbers from the Transcript on Appeal.

I earnestly hope that you all decide to not only file the Petition for Rehearing, either with or without extension of time, but that you will also file a separate motion to stay issuance of the mandate pending application by the

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defendants for certiorari to the Supreme Court of the United States in the event the Petition for Rehearing is denied.

I should say to you quite frankly that our principal practical ambition now is to achieve at least a 90 day delay before the Fifth Circuit opinion is printed in the advance sheets.

Unless we take the certiorari to the Supreme Court of the United States (and we have 90 days in which to do so) the mandate will come down from the Court of Appeals quite promptly and the West Publishing Company will rapidly proceed to place the opinion in the advance sheets.

On the other hand, if the mandate is stayed by appropriate motion pending application for certiorari, at least we can buy 90 days additional time. This is most vital from the national point of view, because as I am sure you know, there are many other cases pending elsewhere in the United States and we need as much time as we can get to marshall our forces "before the deluge starts".

It was a particular personal pleasure to see you and work with you again.

Yours very truly,

LF/peg
Enclosure

cc: Mr. Gordon R. Pate
Attorney at Law
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Beaumont, Texas

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