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March 31, 1977

Personal Attention, Please

Gearold Knowles, Esquire  
Office of General Counsel  
U.S. Railway Association  
21 Second Street, S.W.  
Washington, D.C. 20595

Dear Mr. Knowles:

First, let me extend my congratulations and sincere best wishes for success in your new endeavor.

As to the business at hand, I am enclosing copy of Motion of fee claimants, Irwin L. Langbein, Irmas S. Mason and Malcolm S. Mason, for Correction of Reporter's Transcript, which hopefully is self-explanatory.

By way of background, the Court Reporter's transcript of the last hearing was not completed until sometime late in January. I was shocked and dismayed when I read it, because of the errors and the omissions rampant throughout the transcript. Altogether it was one of the poorest jobs of court reporting in my experience. However, since I was on my feet most of the time, and at best am not a good notetaker and knowing that Malcolm Mason had taken meticulously and almost verbatim notes, I asked for and awaited Malcolm's comments.

Unfortunately, because of serious illness of Mrs. Mason, Malcolm could not get around to executing the enclosed Affidavit until late March.

Although the Court Reporter was requested to re-read his notes and effect corrections, his efforts resulted in comparatively minor modification.

We are, of course, concerned about the mistranscription and/or outright omissions, particularly of Judge Mehrstens' comments as is indicated in Malcolm's Affidavit, as those indicated at pages 181, 182, 193, 198, 203 and 221.

I might add that the Court Reporter was particularly reluctant to review his notes and had to be prodded by me several times in order for us to obtain even his foreshortened corrections. It appears to me that he followed a studied effort to omit comments of the Judge, even though he was not directed to keep them off the record, and, indeed, they should be on the record.

I vividly recall, without the benefit of notes, Mr. Kirkland's testimony that he would have been content to accept the trusteeship on the basis of stipulation that he would be paid \$47,000.00 a year and also call vividly Judge Mehrtens' comments with respect to the members of the Fifth Circuit, as well as his comment to you about not needing ten minutes to write your recommendation. These omissions and mistranscriptions I consider material and serious, as indeed would be the omission of any part of the testimony and colleague.

My clients and I would like to impose upon you to the extent of having you search both your memory and notes (perhaps at the SEC) to the extent that your memory is refreshed as to the matters outlined in Malcolm's Affidavit, prepare and forward a supporting Affidavit, which I feel will carry weight, if not with Judge Mehrtens certainly with the Fifth Circuit.

Please forgive me for being so prolix, but as you can discern I am disturbed about this shoddy transcript, and it is possible unfavorable impact on deserving and upright colleagues. Please again forgive me and with all good wishes, I am

Sincerely,

Alex S. Gordon

ASG:ri  
Encl. a/s