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March 29, 1988

DRAFT

FILE:

Mr. Stephen Grimmer
Haynes and Boone
3100 InterFirst Plaza
901 Main Street
Dallas, Texas 75202-3714

Re: *C.A.S.I. v. Kathleen Ruth Tolbert, et al.*,
Civil Action No. SA-86-CA1403

Dear Steve,

Thank you for your letter of March 25. I had been wondering if you were going to respond to CASI's offer to share control of the Terlingua cookoff with the Tolberts.

Unfortunately, CASI cannot agree to your offer. The particular problem is item 6 of your proposal, in which you give the Tolberts exclusive control of the cookoff.

As you know, and as was the subject of considerable testimony at trial, the reason for CASI's role in the Terlingua cookoff was to further the interests of the participants. Part of the reason CASI continued to organize and grow was the cooks' desire to govern their championship in a non-arbitrary and democratic manner. In the early 1980's, with Mr. Tolbert's approval, before the split in 1983, the Terlingua championship was conducted under the CASI rules.

As the testimony proved, the cooks are represented by Great Peppers, who are responsible for the rules and thus, the conduct of the Terlingua championship. At their annual meetings in _____, they voted to support CASI. Shall we put the question to yet another vote: "Who do the cooks desire to control CASI?" I submit that you will neither agree to do this nor agree to the result. The basis for my belief is that there have already been such votes. The Tolbert's unwillingness to defer to the desires of the cooks is why the trial was necessary.

With regard to the rules, your item 5 fails to cure the problem. The Tolberts have copied our rules and theirs appear to be substantially similar

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to CASI's, at least on their face. The important issue now is how they are administered.

My bottom line is that for CASI to ignore the vote of the cooks would be contrary to its basic philosophy. A Tolbert-controlled cookoff will not be CASI's championship and therefore will not be the cooks' championship.

I will have to stand by our original proposal that control of the cookoff be administered by some sort of administrative body that is representative of CASI, but which will also include the Tolberts.

Sincerely,

Ann Livingston

AL/jb

cc: **Larry Burruss**
Tom Stanton