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June 20, 1991

FILE:

G-01039.1

Mr. Rex Jones, President
C.A.S.I. - CHILI APPRECIATION SOCIETY INTERNATIONAL, INC.
10268 Vinemont
Dallas, Texas 75218

RE: C.A.S.I.

Dear Rex:

First, I apologize for my delay in getting back to you. Other litigation and a vacation intervened. When I re-read the correspondence of last year, particularly my correspondence of May 22, 1990, it became clear that there is simply nothing more to be said. It has all been said. My proposed enclosed letter to Al Hopkins is thus short and sweet.

Having followed CASI's instructions to prepare this letter, however, and on reviewing the facts, I am entirely unenthusiastic about sending it.

Unlike prior years where the Tolbert Group sent out cookoff kits to CASI cookoff promoters, thereby confusing the promoters, the current Tolbert postcard to CASI cookoff promoters clearly states in its first sentence that "CASI has a rule that prohibits cookoffs from being advertised as both CASI/Tolbert rules." It further states that "We will send our cookoff kits only when requested." [Emphasis added]. The letter then requests that the promoter send information about the cookoff to the Tolbert Group, the information being the winners of the cookoff.

Basically, therefore, the only thing the Tolbert Group's postcard requests is that the CASI promoter send information to the Tolbert Group, i.e. the names of the winners. If the names of the winners were a trade secret or were proprietary information, CASI would have a claim against the Tolbert group for this solicitation. The names of the winners, however, are known to all and are typically published in the Goat Gap Gazette.

Further, the postcard itself does not use the phrase "23rd Annual" or "Since 1967". It does say that it is the "Original Terlingua International Frank H. Tolbert - Wick Fowler Memorial Championship Chili Cookoff, Inc." [Emphasis added]. "Behind the store" is lawful as the Tolbert Group's cookoff is in fact behind the store. The cookoff which is behind the store is in fact the Frank H. Tolbert - Wick Fowler Memorial Championship Chili Cookoff. The dubious portion of their name is "Original Terlingua" because while it is accurate in that it is the original "Terlingua International Frank H. Tolbert - Wick Fowler Memorial Championship Chili Cookoff" it conveys the false impression that it is the "Original Terlingua ... Cookoff."

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Frankly, on reviewing the postcard, I had rather either send a rifle shot letter complaining only of the Tolbert Group's use of the term "Original" rather than a shot gun blast complaining about the various other items, or alternatively, not send a letter at all. If we do not send a letter at this time, we can take pictures of what the Tolbert Group uses as its large sign in Terlingua this Fall. If the sign continues to confuse the uninitiated into thinking that the Tolbert Group's Cook-off is the "Original" cook-off, we could then, using that sign as our primary trial exhibit, sue the Tolbert Group.

Litigation is sometimes referred to as a money tree for lawyers. I had rather that CASI spend its money installing running water at its Terlingua site and on promoting CASI than paying me several thousands of dollars to file suit against a Tolbert Group that appears to have somewhat modified its ways due to our complaints of last year and which Tolbert Group will likely be even less successful this year than it was last year.

I suggest that you include a copy of the Tolbert Group's postcard notice in your packet of materials that you give out to CASI cook-off promoters and chairmen together with a brief explanation concerning the dispute between CASI and the Tolbert Group, possibly including a copy of my letter of May 22, 1990. This may help immunize the cook-off promoters from being confused when they get the Tolbert Group's postcard. While this or some other method of telling CASI's story to promoters who might otherwise be confused is an extra burden it is much less of a burden than paying me to engage in litigation on your behalf.

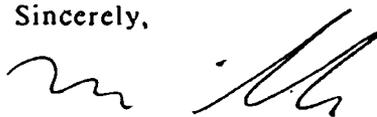
If you adopt this suggestion, please let me see any reference you intend to make to the Tolbert Group before using it.

IN CONCLUSION

The role of an attorney is to offer advice and to follow instructions. I enclose a proposed letter to be sent to the Tolbert Group if I am instructed to do so. My advice, however, is to promote C.A.S.I. to the fullest extent possible by giving C.A.S.I. patches to all cooks who enter C.A.S.I. approved cook-offs, selling C.A.S.I. T-shirts, hats, buckles, banners, etc. at all C.A.S.I. approved cook-offs, etc. particularly in light of the Tolbert Group having changed its behavior in response to our complaints of 1990.

Please give me a call with any changes you wish to be made in my enclosed proposed correspondence to Al Hopkins. Subject only to any changes you desire, I will promptly forward that correspondence to Al Hopkins upon hearing back from you.

Sincerely,



Mark H. Miller

MHM/sg
encls.
a:CASI\Jones13.ltr

cc: Ms. Pat Irvine
P.O. Box 1251
Seguin, Tx. 78155