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Apr. 14 2000 02:52PM P1

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April 14, 2000

BY MAIL AND FACSIMILE

David J. Cowan  
3780 Wilshire Boulevard  
Suite 910  
Los Angeles CA 90010

Re: *Minovitch v. Battin* (LASC Case No. BC 224528)

Dear Mr. Cowan:

Pursuant to our conversations, Dr. Battin will make the following materials available for your consultant's inspection for a reasonable period of time at the Draper Laboratory in Boston, MA:

1. **Slides Prepared by Draper Laboratories**
  - A. Nos. 14929-14934.
  - B. Nos. 15812, 15814, 15818-15820, 15823, 15825, 15876.
  - C. Nos. 17152-17154.
  - D. Nos. 18831-18836.

These slides were prepared for Dr. Battin's use at the time he requested them from the Draper Laboratories. As I believe you understand, these requests are the basis for the entries in the Draper Laboratory logs your document consultant intends to examine. The slides will be available in whatever form Dr. Battin has kept them over the years. As I understand it, the slides were mounted between two pieces of glass and sealed with tape when he received them from the Laboratory.

Dr. Battin does not have in his possession any of the other slides referenced in your request for production.

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2. Computer Printout.

Two original pages of a computer printout, one that contains trajectory calculations, the other bearing the date January 26, 1961.

3. Letters Between Drs. Battin, Lees re: "Trajectory Problem" Paper.

Dr. Battin does not have any of the described letters.

I will need to discuss with you whether your consultant will be allowed to conduct tests on the materials Dr. Battin makes available. At the present time, I can only allow your consultant to make a non-destructive examination. Please let me know the results of your discussion on this issue with the Draper Laboratory attorney.

As an aside, several of the above slides were requested and prepared at times outside of the January 1, 1960-December 31, 1962 time frame stated in your request for production. The slides were used as illustrations for many of Dr. Battin's presentations, papers, and classes, including the following:

- Presented* January 1959: "The Determination of Round-Trip Planetary Reconnaissance Trajectories," by R. H. Battin  
[*Published* -- The Journal of the Aerospace Sciences, September 1959].
- Presented* August 1959: "A Navigation Theory for Round Trip Reconnaissance Missions to Venus and Mars," by R. H. Battin and J. H. Laming, Jr.  
[*Published* -- The Proceedings of the Fourth AFBMD/STL Symposium, Advances in Ballistic Missile and Space Technology, Pergamon Press, New York, 1961].
- Presented* August 1960: "A Comparison of Fixed and Variable Time of Arrival Navigation for Interplanetary Flight," by R. H. Battin  
[*Published* -- The Proceedings of the Fifth AFBMD/STL Aerospace Symposium on Ballistic Missile and Space Technology, Vol. 3, Academic Press, Inc., New York, 1960].
- Presented* October 1961: "A Statistical Optimizing Navigation Procedure for Space Flight," by R. H. Battin  
[*Published* -- American Rocket Society Journal.

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November 1962].

**Published 1963:**

"The Trajectory Problem As It Relates to the Mission for Interplanetary Flight," by R. H. Battin and J. H. Laning, Jr., Air, Space and Instruments, S. Lees, Editor, McGraw-Hill Book Company, Inc., New York, 1963.

I mention the above because even a cursory review of Dr. Battin's writings, including the illustrations, would lay to rest the claims in the Complaint. The claim that Dr. Battin falsified his research and writings is preposterous.

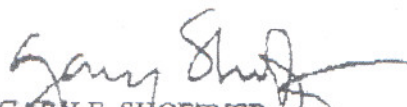
The lawsuit is legally and factually spurious and there was no objectively tenable basis for filing it. Certainly there is no objectively tenable basis for continuing to maintain it.

Malice can be the only motive for the allegations, so I must request that you review Dr. Battin's published writings promptly. Having done so, you will then be in a position to agree with me that we should immediately discuss how your client's lawsuit can be dismissed without further expenditure of time and attorney's fees on either side.

My client and I appreciate the professional courtesies you have extended over the last month or two. However, my client is nevertheless incurring fees and costs for which your client could be held liable if a court agrees with me that there was no objectively tenable basis for the lawsuit. I urge you to advise your client to immediately consider a dismissal of the lawsuit before Dr. Battin's attorney's fees become any greater.

I understand your consultant's examination will not take place on April 19<sup>th</sup> as I suggested in my telephone message earlier this week. Please let me know other dates you would like me to clear with Dr. Battin in light of this letter and your discussions with the Draper Laboratory attorney.

Sincerely yours,

  
GARY E. SHOFFNER  
Of Counsel, Kobarra & Associates

cc: Dr. Richard Battin