

227 Riverside Drive
New York City
January 24, 1938

Mr. David S. Galton
Benjamin & Galton
21 E. 40th St.
New York City

My dear Mr. Galton:

Since we are entering the month of February next week and, as I understand it, my case is supposed to be resumed against Louis Horch during the February term of the court, I should like to begin planning accordingly.

I would like to know something in general if possible as to your plan of action, and perhaps your opinion of the possibilities for success and the time which may be required.

If you are taking the case on a contingent fee basis I would like to know the percentage you will require. If you prefer to work on a basis of a separate fee for each appearance at court, as on the occasion of my examination in the other matter, perhaps you can estimate the approximate total within a reasonable margin. If you wish to fix a certain amount for the handling of the whole matter until its termination, I will appreciate your making your calculations before we start in and letting me know.

In looking over the papers the other day in your office I noticed that the copy of my "letter of February 6th" which was among the original papers given to George Lake was missing, and remembered that on the day I signed the original complaint in his office it was handed to me as "unnecessary" - and I gave it to Mr. Alexander who glanced through it and returned it to me. I thought the letter rather important, but said no more about it then. I have located this copy and am enclosing it herewith because I feel it should accompany the rest of the papers. One attorney's opinion may differ from another's on various points.

I do not know the exact date of the scheduled reopening of the proceedings, but I hope you will have plenty of time to write me in answer to the above inquiry about the fee.

Sincerely yours,

Dudley Fosdick

LAW OFFICES
BENJAMIN & GALTON

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CABLE "BENINGAL" NEW YORK
ASHLAND 4-0457-8

DAVID S. GALTON
HERMAN A. BENJAMIN

21 EAST 40TH STREET, NEW YORK

January 28,
1938

Mr. Dudley Fosdick
227 Riverside Drive
New York City

Dear Mr. Fosdick:

I have your letter of the 24th instant.

May I suggest that you come in at your earliest convenience so that we may discuss the entire matter. So that we may arrange for an appointment mutually convenient, please call me on the telephone before coming in.

Sincerely yours,

David S. Galton

dsg.gf

COPY

BENJAMIN & GALTON

21 E. 40th St., New York

March 1, 1938

Mr. Dudley Fosdick
% Hotel Roosevelt
Madison Ave. & 45th St.
New York, N. Y.

Re: Roerich Museum

Dear Mr. Fosdick:

Pursuant to your request, we estimate our charges in connection with the handling of the following matters as follows:

A. As to your judgment against the Museum:

(a) In the event of settlement on the basis of the offer made by the attorneys for the judgment-debtor, Roerich Museum, for the preparation of the necessary documents, our charge would be \$15.00. In the event of any other settlement involving negotiations, this would naturally be greater.

(b) In the absence of settlement, it will be necessary to

(1) Respond to the appeal from the order of Mr. Justice Madigan, notice of which appeal has been served by the attorneys for the Museum. Our charge for our services in connection with said appeal to the Appellate Term, including the preparation and filing of briefs and argument in court, would be \$75.00.

(2) Examine the judgment-debtor, by Mr. Horch, as President, in supplementary proceedings, irrespective of the outcome of the appeal aforesaid, for which our charge would be \$25.00.

(3) If, upon such examination, it appeared that someone had property belonging to the Museum and you wished to recover the same, and suit were necessary to that end, there would be an additional charge, which we cannot at this time estimate, as this would depend upon the amount involved, the nature of the action, etc.

B. As to your claim against Mr. Horch:

(a) If you settle the matter of your judgment against Roerich Museum, your action against Mr. Horch would also be discontinued. There would be no charge for our services in discontinuing this action.

(b) If you do not settle the matter of your judgment against the Museum, our charge for the preparation and trial of this action would be \$100.00. This does not include any additional services which may be required in the collecting of any judgment or the arguing of any appeal in this action.

C. As to the supplementary proceedings of Louis L. Horch against Sina Lichtmann:

(a) For attendance at your examination, as your counsel, our charge would be \$25.00.

(b) If, after such examination Mr. Horch commenced suit against you to recover property, he might claim was that of the judgment-debtor, you would require representation unless you were willing to turn over the property demanded. We cannot now estimate our charges for such representation.

Please note that all the above charges are estimates based on handling particular phases of the matter and that, if you prefer, we may be able to arrange for representation upon a time basis; also note that the above charges are exclusive of disbursements for out-of-pocket expenses actually incurred as telephones, fares, postage, printing briefs and records, filing fees, etc., which expenses would also be borne by you.

The above estimates do not take into consideration the amount now due and owing to us for our services rendered to date, bill for which is herewith enclosed, in the amount previously agreed upon.

If there is any information which you require in addition to the above, please do not hesitate to call upon us.

Very truly yours,

BENJAMIN & GALTON

dsg;sy

BENJAMIN & GALTON

21 E. 40th St., New York

March 1, 1938

Mr. Dudley Fosdick
Hotel Roosevelt
Madison Ave. & 45th St.
New York, N. Y.

-to-

BENJAMIN & GALTON, DR.

FOR PROFESSIONAL SERVICES RENDERED

Fosdick v. Moerich Museum - motion
before Hon. Justice Byrnes

Horch v. Lichtmann - attendance at
first examination

including all services in connection
therewith, conferences, preparation
of papers, etc.

FEE agreed upon \$50.00

DISBURSEMENTS, including fares,
telephones, postage, etc. 6.64

TOTAL 46.64

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Received payment,