No. 88, Original

In the Supreme Court of the United States

OCTOBER TERM, 1981

STATE OF CALIFORNIA,
Plaintiff,

v.

STATE OF TEXAS, *et al.*,
Defendants

Notice of Dismissal of Certain Defendants

Of Counsel:

MYRON SIEDORF
Chief Inheritance Tax Attorney
Division of Inheritance & Gift Tax
107 South Broadway
Los Angeles, CA. 90012

JEROME B. FALK, JR.*
MARTIN R. GLICK
STEVEN L. MAYER
HOWARD, RICE, NEMEROVSKI, CANADY & POLLAK
A Professional Corporation
650 California Street, Suite 2900
San Francisco, Calif. 94108
(415) 434-1600

Attorneys for Plaintiff

*Counsel of Record

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Notice of Dismissal of Certain Defendants

Pursuant to Rule 41(a)(i) of the Federal Rules of Civil Procedure and Rule 9.2 of the Rules of this Court, the State of California, Plaintiff herein, hereby dismisses as defendants in this action William Rice Lummis, individually, Howard Hughes Gano, Doris Gano Wallace, Annette Gano Gragg, Janet Houstoun Davis, Aileen Lummis Russell, Annette Gano Lummis Neff, Frederick Rice Lummis, Sarah Houstoun Lindsey, Mrs. William Kent Gano, Executrix of the Estate of William Kent Gano, John McIntosh Houstoun, Margot Houstoun (Ritchie), James Wilkin Houstoun, Richard Alexander Houstoun, Southern National Bank of Houston, independent Executor of the Estate of James Patrick Houstoun, Jr., George Neff, Executor of the Estate of Annette Gano Lummis, Summa Corporation, Barbara Cameron, Elspeth DePould, Agnes Roberts, and Richard C. Gano, individually. Said defendants have executed the Stipulation

attached hereto as Exhibit A which, among other things, provides that each of said defendants (other than Summa Corporation) will be bound by a final judgment of this Court on the issue of domicile at death of Howard R. Hughes, Jr. for state death taxation purposes.

DATED: August 12, 1982

HOWARD, RICE, NEMEROVSKI,
CANADY & POLLAK
A Professional Corporation

By: JEROME B. FALK, JR.
Jerome B. Falk, Jr.
Attorneys for the
State of California

EXHIBIT "A"

No. 88, Original

In the Supreme Court of the United States

OCTOBER TERM, 1981

STATE OF CALIFORNIA,
Plaintiff,
v.
STATE OF TEXAS, *et al.*,
Defendants

STIPULATION

Plaintiff State of California and Defendants William Rice Lummis, individually, Howard Hughes Gano, Doris Gano Wallace, Annette Gano Gragg, Janet Houstoun Davis, Aileen Lummis Russell, Annette Gano Lummis Neff, Frederick Rice Lummis, Sarah Houstoun Lindsey, Mrs. William Kent Gano, Executrix of the Estate of William Kent Gano, John McIntosh Houstoun, Margot Houstoun (Ritchie), James Wilkin Houstoun, Richard Alexander Houstoun, Southern National Bank of Houston, independent Executor of the Estate of James Patrick Houstoun, Jr., George Neff, Executor of the Estate of Annette Gano Lummis, Summa Corporation, Barbara Cameron, Elspeth DePould, Agnes Roberts, and Richard C. Gano, individually and as California General Administrator of the Estate of Howard R.

Hughes, Jr. ("Defendants"), hereby stipulate and agree as follows:

1. Plaintiff, on or before August 13, 1982, shall file a notice of dismissal of the above enumerated Defendants (except Richard C. Gano as California General Administrator) from the above styled and numbered cause presently pending in the United States Supreme Court. Plaintiff will take no action to enter default or seek default judgment against such Defendants prior to the consummation of such dismissal. In the event the Court shall not allow dismissal as to any or all Defendants, any such Defendants shall have thirty (30) days from the date of any communication from the Court denying dismissal in which to answer or otherwise plead to the Complaint.

2. Defendants (except Summa Corporation), following dismissal from this action, will be bound by a final judgment of the United States Supreme Court in this action on the issue of the domicile at death of Howard R. Hughes, Jr. for state death taxation purposes.

3. Nothing contained herein shall be considered an admission or acknowledgement by Defendants of tax liability of any kind or character to any state or official or agency of any state.

4. Nothing contained herein shall be considered an appearance in or submission to the jurisdiction of any state or other federal court.

5. Discovery requests made in this proceeding of the Administrators of the Estate of Howard R. Hughes, Jr. in Texas, Nevada, Delaware and Louisiana will be considered to extend to documents and records of Summa Corporation and the California General

Administrator, or in their possession, subject however, to any objections which otherwise could be asserted as to such requests were they to continue as parties to this action.

6. The commitments of the dismissed Defendants set forth in paragraphs 2 and 5 above shall inure to the benefit of the State of Texas and all other parties to this action.

7. The agreement of the California General Administrator to be bound by this stipulation is subject to approval of the California Superior Court, which the California General Administrator shall use his best efforts to obtain. Should such approval not be obtained, this agreement shall be of no force and effect regarding the California General Administrator and said administrator shall be entitled to respond to the Complaint in this action within thirty (30) days of the Superior Court's order denying approval. Once such approval is obtained, Plaintiff shall file in the United States Supreme Court a notice of dismissal dismissing its action against the California General Administrator.

HOWARD, RICE, NEMEROVSKI,
CANADY & POLLAK

By: STEVEN L. MAYER
Steven L. Mayer
Attorneys for the State of California

ANDREWS & KURTH

By: O. CLAYTON LILIENSTERN

O. Clayton Lilienstern

Attorneys for William Rice Lummis, individually, Howard Hughes Gano, Doris Gano Wallace, Annette Gano Gragg, Janet Houstoun Davis, Aileen Lummis Russell, Annette Gano Lummis Neff, Frederick Rice Lummis, Sarah Houstoun Lindsey, Mrs. William Kent Gano, Executrix of the Estate of William Kent Gano, John McIntosh Houstoun, Margot Houstoun (Ritchie), James Wilkin Houstoun, Richard Alexander Houstoun, Southern National Bank of Houston, Independent Executor of the Estate of James Patrick Houstoun, Jr., George Neff, Executor of the Estate of Annette Gano Lummis, and Summa Corporation

KINDEL & ANDERSON

By.....s/.....

John W. Armagost

Attorneys for Barbara Cameron, Elspeth DePould and Agnes Roberts

GIBSON, DUNN & CRUTCHER

By.....s/.....

Ronald E. Gother

Attorneys for Richard C. Gano, individually, and as California General Administrator