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REPLY TO:  
New York Office

May 9, 1996

BY TELEFAX

Mr. Ken Follett  
P.O. Box 708  
London SW10 0DH, ENGLAND

Re: Follett with Crown  
(The Third Twin)

Dear Ken:

On the basis of Daniel Starer's supplemental report, I recommend that you consider changing the following names:

- Donna-Marie Dickson
- Aventine Clinic
- ✓ Russell Brewer (Runciman Brewer is fine)

I am faintly uncomfortable with Command Data Center. However, the fact that there are three small companies with the same name would make it hard for anyone to prove, as they must in a libel-in-fiction claim, that the publication was "of and concerning" any one of the three.

Since I assume that the reference in the manuscript does not identify any of the three companies ". . . in such a way as to let those who know [it] understand that [it] was the [entity] meant," even if the reference to Command Data Center in the manuscript were defamatory (and I do not believe it is), I do not think that a case can be made out that the manuscript could have been written "of or concerning" one of the three entities identified by Dan Starer. See *Fetler v. Houghton-Mifflin*, 364 F.2d 650, 651 (2nd Cir.

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1966); *Welch v. Penguin Books USA Inc.*, \_\_\_ Misc.2d \_\_\_,  
1991 N.Y. Misc. LEXIS 225 (Sup. Ct. N.Y. Co. 1991). More-  
over, I assume that the name is important as a description  
of the fictional institution. For that reason, I do not  
think it is necessary to change the name. If, however, I  
am wrong in thinking the name is important to you, a change  
would obviously eliminate any issue whatsoever.

The same comments apply -- but in spades -- to  
"Forest Lawns" and/or "Green Lawns." There are so many  
cemeteries with those names that it would be very diffi-  
cult -- even if the description were defamatory -- to prove  
that it was published "of and concerning" any specific one.  
Since there is a retirement home named "Green Lawn," but  
none named "Forest Lawn" or "Lawns," I do not see any need  
for you to change the name "Forest Lawns." However, if you  
do, I would avoid "Green Lawns."

I hope the foregoing is helpful.

Cordially,



Kenneth David Burrows

KDB/ss

cc: Mr. Daniel Starer