

PS  
PS/LADY YOUNG  
PS/PUS

*AF*

~~MR O'NEILL~~  
MR ~~MAES~~ O'NEILL  
MR AUST, Legal Advisers  
MR FREELAND, Legal Advisers  
ED/MAED (2)  
ED/NAD

RESIDENT CLERK

MR HEALEY } DTI  
MR AYKIN }  
PS/S of S }  
*MR STEVENS* }  
MR LAZARUS, PUS } DEPT OF  
MR KNIGHTON } TRANSPORT  
MR ~~PORTER~~ FORTNAH } ~~SECRET~~

MR ROBERTS } DTI  
MR ~~SUNDERLAND~~ } *AC HUTTON*  
MR BECKETT (Solicitors)  
*POWELL*  
MR ~~COLES~~ 10 DOWNING ST  
MR GARDINER, ATTORNEY  
GENERAL'S OFFICE

CONFIDENTIAL  
DESKBY 080900Z  
FM WASHINGTON 071600Z OCT 84  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 3005 OF 7 OCTOBER

ADVANCE COPY

IMMEDIATE

LAKER: CIVIL ACTION  
SUMMARY

1. JUDGE GREENE HEARD ORAL ARGUMENT ON 5 OCTOBER ON LAKER'S MOTION FOR A PRELIMINARY INJUNCTION RESTRAINING BA AND BCAL FROM TAKING ANY STEPS "IN A FOREIGN COURT OR OTHERWISE" THAT WOULD INTERFERE WITH THE JURISDICTION OF THE DC COURT. A DECISION WILL BE GIVEN ON 9 OCTOBER.

DETAIL

BA AND BCAL ARE ALREADY ENJOINED BY A TEMPORARY RESTRAINING ORDER ISSUED IMMEDIATELY FOLLOWING THE HOUSE OF LORDS DECISION. BUT THEY ARGUED THAT THE PROPOSED TERMS OF THE PRELIMINARY INJUNCTION WERE TOO BROAD. THE PHARSE "IN A FOREIGN COURT OR OTHERWISE" COULD PREVENT BA AND BCAL FROM COMMUNICATING WITH HMG AND FROM INITIATING OR LOBBYING FOR UK LEGISLATION DESIGNED TO INTERFERE WITH LAKER'S SUIT. A SUBSTANTIAL PART OF THE HEARING WAS DEVOTED TO THIS MATTER

OR LOBBYING FOR UK LEGISLATION DESIGNED TO INTERFERE WITH LAKER'S SUIT. A SUBSTANTIAL PART OF THE HEARING WAS DEVOTED TO THIS MATTER WHICH GREEN CHARACTERISED AS A "WEIGHTY AND UNIQUE ISSUE".

3. GREEN CONCLUDED THE HEARING BY PROMISING THAT A NEW INJUNCTION WOULD BE ISSUED ON 9 OCTOBER: ITS SCOPE, HOWEVER, REMAINS UNCERTAIN AND COULD ADDRESS THE ISSUE OF THE AIRLINES DEALINGS WITH HMG. HOWEVER ROSDEITCHER (BA) CONSIDERS THIS UNLIKELY.

4. ROSDEITCHER HAS EXPLAINED TO COUNSELLOR (CAS) THAT THE POSSIBILITY OF THE AIRLINES INITIATING OR PROMOTING UK LEGISLATION WAS ALLUDED TO IN THE WRITTEN BRIEFS SUBMITTED TO THE COURT (COPIES HELD BY AYLING DTI) BUT WAS HIGHLIGHTED BY ROSDEITCHER TO PROVIDE AN EXAMPLE OF THE OVER-BROAD NATURE OF THE PROPOSED INJUNCTION. THERE WAS NO INTENTION ON THE PART OF THE AIRLINES TO LOBBY IN THIS WAY AND, INDEED, THE TEMPORARY RESTRAINING ORDER PREVENTED IT.

ROSDEITCHER RECOGNISED THAT JUDGE GREENE, HOWEVER, MIGHT CONSIDER THE AIRLINES CAPABLE OF SUCH TACTICS. THE HEARING CONTAINED A NUMBER OF BARBED REMARKS BY GREENE ABOUT THE "INGENIOUS TACTICS" OF THE AIRLINES AND THEIR WILLINGNESS TO TAKE ACTION "IN THE DARK OF THE NIGHT".

5. NEVERTHELESS, ROSDEITCHER CONSIDERS THAT THE INJUNCTION ON 9 OCTOBER WILL REFRAIN FROM RESTRAINING BA AND BCAL DEALING WITH HMG. ROSDEITCHER HAS UNDERTAKEN TO GREENE THAT BA WILL ACT AS IF THE CURRENT RESTRAINING ORDER HAD CONTINUED AND TO PREPARE A BRIEF ON THE ISSUE WITHIN 30 DAYS. UNLESS GREENE CONSIDERS ROSDEITCHER'S UNDERTAKING WITHOUT VALUE, WHICH SEEMS UNLIKELY, THE INJUNCTION SHOULD NOT BE CONTRAVERSIAL.

FCO PLEASE ADVANCE TO AYLING, HEALEY DTI. KINIGHTON, STEVENS, FORTNAM DTP. GRAY MAED FCO. AUST LEGAL ADVISORS. GARDINER LOD

WRIGHT

NNNN