IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 1 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Bowers

CLARENCE BOREL	§	
	§	
VS.	§	CIVIL ACTION NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

ANSWER OF UNARCO INDUSTRIES, INC. TO
CROSS ACTION OF PITTSBURGH CORNING CORPORATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW UNARCO INDUSTRIES, INC., successor in interest to Union Asbestos and Rubber Company, one of the Defendants herein, and files this its Answer to the Cross Action of Pittsburgh Corning Corporation against Unarco Industries, Inc., and would respectfully show unto the Court and jury the following:

I

In answer to Paragraph I of the separate Cross Action of Pittsburgh Corning Corporation, Cross Defendant Unarco Industries, Inc., says that it can neither admit nor deny the allegations therein contained because it does not have personal knowledge of the citizenship of Pittsburgh Corning Corporation.

II

Cross Defendant Unarco Industries, Inc., admits the allegations contained in Paragraph II of said Cross Action, except that it denies the address of its principal place of business.

III

In answer to Paragraphs III and IV of the Cross Action, Cross Defendant Unarco would show that it is not required to respond to such allegations and facts inasmuch as such facts contained

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therein are merely a recital of the nature of the claim brought by Plaintiff against the Defendant Pittsburgh Corning Corporation and other Defendants, all of which claim of Plaintiff has been denied by the Defendant Pittsburgh Corning and all of which is here and now denied generally by Cross Defendant Unarco insofar as Plaintiff's claim against Unarco is concerned.

IV

In answer to Paragraph V of said Cross Action, Cross Defendant admits that it did at certain times manufacture an insulation material having a trade name of UNIBESTOS, but otherwise denies the remaining allegations contained in said Paragraph pertaining to contact with said insulation material by Plaintiff.

V

In answer to Paragraph VI of said Cross Action, Cross Defendant Unarco admits the allegations pertaining to the sale of the plant, patents and patent applications and the purchase of said plant in Tyler, Texas, in 1962, but otherwise denies all remaining allegations contained in said paragraph.

VI

Cross Defendant Unarco denies the allegations contained in Paragraph VII of the Cross Action of Pittsburgh Corning Corporation.

VII

In answer to Paragraph VIII of said Cross Action, Cross Defendant Unarco denies the allegations contained therein and specifically denies that the alleged indemnity provision has any application under the facts of this case and further denies that the Cross Plaintiff Pittsburgh Corning is entitled to any form of contractual indemnity as pertains to this cause of action.

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VIII

In answer to Paragraph IX of said Cross Action, Cross Defendant Unarco denies the allegations contained therein and the relief prayed in the concluding paragraph of said Cross Action.

WHEREFORE, PREMISES CONSIDERED, Cross Defendant Unarco Industries, Inc., prays judgment of the Court that the Cross Plaintiff, Pittsburgh Corning Corporation, take nothing by its Cross Action and that it go hence without day and recover its costs in its behalf expended and for such other and further relief as the Cross Defendant may show itself justly entitled.

Respectfully submitted,

VINSON, ELKINS, SEARLS & CONNALLY

BY Gerald P. Coley
Gerald P. Coley
First City National Bank Building
Houston, Texas 77002 - 225-2411

ATTORNEYS FOR CROSS DEFENDANT,
UNARCO INDUSTRIES, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Answer of Unarco Industries, Inc., to the Cross Action of Pittsburgh Corning Corporation has been mailed on this the 31st day of March, 1970, to Mr. George E. Duncan of Wells, Duncan, Beard, Greenberg and Hunt, 515 Beaumont Savings Building, Beaumont, Texas, 77004, postage prepaid, certified, return receipt requested, and to the other attorneys of record in this action.

Gerald P. Coley
Gerald P. Coley

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C. A. NO. 6449

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

ANSWER OF UNARCO INDUSTRIES, INC., TO CROSS ACTION OF PITTSBURGH CORNING CORPORATION

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