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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 22 1970
JAMES R. GOONEY, CLERK
BY DEPUTY

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

CROSS-ACTION OF DEFENDANT,
UNARCO INDUSTRIES, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Unarco Industries, Inc., one of the Defendants herein, and supplementing its Original Answer to Plaintiff's First Amended Original Complaint, and complaining of COMBUSTION ENGINEERING, INC., R. & L. REFRACTORY AND INSULATION CORPORATION, JOHNS-MANVILLE PRODUCTS CORPORATION, OWENS-CORNING FIBERGLAS CORPORATION, EAGLE-PICHER INDUSTRIES, INC., PITTSBURGH CORNING CORPORATION, FIBREBOARD PAPER PRODUCTS CORPORATION, PHILIP CAREY CORPORATION, ARMSTRONG CONTRACTING AND SUPPLY CORPORATION, ARMSTRONG CORK COMPANY, RUBEROID COMPANY and STANDARD ASBESTOS MANUFACTURING & INSULATING CO., all hereinafter called Cross-Defendants, would respectfully show unto the Court and Jury the following:

I.

This Defendant says that if Plaintiff sustained any injuries or damages as alleged as the result of any act or omission on the part of the Defendant, Unarco Industries, Inc., which this Defendant specifically denies, then such injury and damages was caused or proximately caused or contributed to by the acts and omissions of the remaining Defendants named above, and each of them, and if any judgment is entertained herein against the Defendant, Unarco Industries, Inc., then

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in such event, this Defendant is entitled to indemnity from each and all of the other Defendants; or, in the alternative, is entitled to contribution against each and all of the other Defendants in accordance with the provisions of Article 2212, Vernon's Annotated Civil Statutes of Texas.

II.

This Defendant adopts and alleges each and every act against the Cross-Defendants herein as is alleged in Plaintiff's Original Complaint against each and all of said Defendants.

WHEREFORE, this Defendant prays judgment of the Court that Plaintiff take nothing against it and that it go hence with its costs; in the alternative, that it have judgment for indemnity; or, in the further alternative, that it have judgment for contribution as set forth above.

Respectfully submitted,

VINSON, ELKINS, SEARLS & CONNALLY

By: Gerald P. Coley

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ATTORNEYS FOR THE DEFENDANT,
UNARCO INDUSTRIES, INC.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Cross-Action of the Defendant, Unarco Industries, Inc., against all other Defendants, was mailed by Certified Mail, return receipt requested, on this the 30th day of March,

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1970, to the following attorneys of record:

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C. A. No. 6449

CLARENCE BOREL

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FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

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CROSS-ACTION OF DEFENDANT, UNARCO INDUSTRIES, INC.

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