.GED:MB 4/23/70

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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 23 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Lowe

CLARENCE BOREL :
:
vs. :
:
FIBREBOARD PAPER :
PRODUCTS CORPORATION :

CIVIL ACTION NO. 8449

MOTION OF DEFENDANTS REGARDING THE TAKING OF ORAL DEPOSITION OF PLAINTIFF, CLARENCE BOREL

TO THE HONORABLE JUDGE OF SAID COURT:

Come now the Defendants and file this their Motion with the Court requesting that the Court establish guidelines for counsel in taking the oral deposition of the Plaintiff, Clarence Borel, and as grounds therefor, would show the court:

1.

Defendants gave due and timely notice to take the oral deposition of Plaintiff at the office of Plaintiff's attorney on the 23rd day of April, 1970. On the 22nd day of April, 1970 counsel for Plaintiff advised that it would be necessary to take the deposition of Mr. Borel at his home, 4500 Lawndale, Groves, Texas.

All counsel for the defendants appeared and for the first time were advised by Plaintiff's attorney that the Plaintiff could be examined only for a period of one hour on the 23rd of April and on subsequent dates additional questioning could proceed only for a period of one hour on any given date.

All counsel for Defendants sought to enter into a stipulation to the effect that no part of the deposition would be admissible until and unless the examination of the Plaintiff by the Defendants was fully completed. Counsel for the Plaintiff did not agree to this stipulation.

2.

Defendants request the Court to consider the foregoing and to

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outline for all counsel the guidelines for the taking of this deposition and to order that no part of the deposition shall be admissible until and unless the examination of the Plaintiff is completed by the Defendants.

3.

The Defendants have heretofore agreed and stipulated with Plaintiff's counsel that they would limit the examination of the Plaintiff to three Defendants' counsel, to be selected by agreement among the Defendants.

4.

The Defendants have been furnished with a medical authorization and income tax authorization by Plaintiff's attorney as of April 23, 1970 and if the time for the taking of this deposition is delayed for a period of thirty (30) days, Defendants can discover documentary evidence and information which may hopefully shorten the period of time necessary for the examination of the Plaintiff. Defendants respectfully request the Court to order that the deposition, either by the Defendants or by the Plaintiff's attorney of the Plaintiff be delayed for a period of thirty (30) days, and thereafter that the Defendants be allowed to proceed under their original notice on an agreeable date, based upon the guidelines set by the Court.

Respectfully submitted,

George E. Duncan
George A. Weller
Dale Dowell
Gordon R. Pate
W. N. Arnold, Jr.
Ben L. Reynolds
James W. Mehaffy, Sr.
Charles S. Pipkin
John G. Tucker
Gerald P. Coley
Robert E. Barnes, Jr.

George E. Duncan
By Gordon R Pate

Attorneys for Defendants

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CIVIL ACTION NO. 6449

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION

MOTION OF DEFENDANTS REGARDING THE TAKING OF ORAL DEPOSITION OF PLAINTIFF, CLARENCE BOREL

LAW OFFICES OF
WELLS, DUNCAN AND BEARD
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS
77701

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