IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAY 15 1970
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Lowen

CLARENCE BOREL §

VS. § CIVIL ACTION NO. ~~6649~~ 6449

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL §

REPLY OF UNARCO INDUSTRIES, INC. TO MOTION OF PLAINTIFF TO COMPEL ANSWERS TO FIRST SET OF INTERROGATORIES TO DEFENDANTS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, Unarco Industries, Inc., and files this its Answer and reply to Plaintiff's motion to compel answers to the first set of interrogatories directed to the Defendants herein, including this Defendant, Unarco Industries, Inc., and in this connection would respectfully show unto the Court as follows:

I.

This Defendant objects to the filing of a motion to compel answers to interrogatories by this Defendant, based upon the answers of one of the other Defendants herein, and would show that such motion is not directed to this Defendant's independent answers to such interrogatories. For further reply, this Defendant would show that Plaintiff's motion is based upon quoted portions of the answers and objections of another Defendant, and that it is improper to charge the other Defendants, including this Defendant, Unarco Industries, Inc., with the

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responsibility for answers of some other Defendant. It is improper to assume that the answers and objections of all the Defendants herein are the same when the motion is based solely upon the answers and objections of one Defendant herein. This Defendant would further show that it has made certain objections to Plaintiff's interrogatories, which this Defendant believes to be valid and good. Therefore, this Defendant would show that the motion of the Plaintiff is premature and assumes and presumes that the Court should compel answers before the Court has had an opportunity to review the objections and make rulings thereon. This Defendant will certainly comply with any order of this Court to the best of its ability, but would show that this motion to compel answers before the Court has entered any order on the objections is wholly improper.

WHEREFORE, premises considered, this Defendant prays that the Plaintiff's Motion to compel answers to interrogatories be denied as to the Defendant, Unarco Industries, Inc.

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 THE DEFENDANT,
UNARCO INDUSTRIES, INC.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served upon counsel for Plaintiff and counsel for the Defendants by mailing a copy of the same to the address shown below on each counsel of record by depositing the same in the United States Mail, properly addressed, with postage paid, on the 13th day of May, 1970.

Gerald P. Coley

Mr. Ward Stephenson
Stephenson & Thompson
Stephenson Building
Orange, Texas 77630

Mr. Gordon R. Pate
1119 Beaumont Savings Bldg.
Beaumont, Texas 77701

Mr. George E. Duncan
Wells, Duncan, Beard,
Greenberg & Hunt
P. O. Box 3708
Beaumont, Texas 77704

Mr. Dale Dowell
King, Sharfstein & Rienstra
707 Beaumont Savings Bldg.
Beaumont, Texas 77701

Mr. W. N. Arnold, Jr.
Fulbright, Crooker, Freeman,
Bates & Jaworski
Bank of the Southwest Bldg.
Houston, Texas 77002

Mr. Ben L. Reynolds
Royston, Rayzor & Cook
877 San Jacinto Bldg.
Houston, Texas 77002

Mr. Frank Bean
Bean & Manning
500 Jefferson Building
Houston, Texas 77002

Mr. James W. Mehaffey, Sr.
Keith, Mehaffey & Weber
San Jacinto Bldg.
Beaumont, Texas 77701

Mr. George A. Weller
Weller, Wheelus & Green
P. O. Box 350
Beaumont, Texas 77704

Mr. Charles S. Pipkin
Strong, Pipkin, Strong & Nelson
P. O. Box 1632
Beaumont, Texas 77704

Mr. Robert E. Barnes, Jr.
P. O. Box 5098
Beaumont, Texas 77706

Mr. John G. Tucker
Orgain, Bell & Tucker
Beaumont Savings Bldg.
Beaumont, Texas 77701

Mr. George E. Murphy
San Jacinto Building
Beaumont, Texas 77701

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