IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

M. FEB 2 1971 19

James R. Cooney, Clerk U. S. Court

By Hazel E Studdard DEPUTY

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6449

FIRST AMENDED CROSS-ACTION OF DEFENDANT, FIBREBOARD CORPORATION

TO SAID HONORABLE COURT:

COMES NOW Fibreboard Corporation, erroneously sued herein as Fibreboard Paper Products Corporation, one of the defendants in the above styled and numbered cause, and supplementing its original answer to plaintiff's original complaint, complaining of Pittsburgh Corning Corporation; Owens-Corning Fiberglas Corporation; Johns-Manville Products Corporation; Philip Carey Corporation; Armstrong Cork Company; Eagle-Picher Industries, Inc.; Standard Asbestos Manufacturing and Insulating Company; Combustion Engineering, Inc.; Unarco Industries, Inc.; and Ruberoid Company, all hereinafter called cross-defendants, and says:

1.

This defendant says that if plaintiff sustained any injury as the result of any act or omission on the part of the defendant, Fibreboard Corporation, erroneously alleged as Fibreboard Paper Products Corporation, which this defendant denies, then such injury was caused and proximately caused and contributed to by the acts and omissions of the remaining defendants above named, and each of them, individually and separately, the

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defendant, Unarco Industries, Inc., being a successor in interest to Unarco Asbestos and Rubber Company, and if any judgment is entered herein against the defendant, Fibreboard Corporation, then in such event this defendant is entitled to indemnity of and 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.

2.

This defendant, subject to its contention that the plaintiff has no cause of action against either of the defendants herein because of his use of products containing asbestos, and solely for the purpose of pleading, if necessary, alleges as against each of the cross-defendants each and every act herein as is alleged in the plaintiff's first amended 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 out above.

Respectfully submitted;

WELLER, WHEELUS, GREEN & BROCATO
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BEAUMONT, TEXAS 77704

BY _____
GEO. A. WELLER,
ATTORNEY FOR DEFENDANT,
FIBREBOARD CORPORATION.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was served on the following attorneys by mailing a true and correct copy thereof to their respective offices on the 18TH day of JUNE, 1970.

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FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

FIRST AMENDED CROSS-ACTION OF DEFENDANT, FIBREBOARD CORPORATION.

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The Borel v. Fibreboard Case File (1969-1972), Amended cross-action
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