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

FILED
FEB 2 1971
M.
James R. Cooney, Clerk, U. S. Dist.
By Hazel E. Studdard DEPUTY

CLARENCE BOREL, PLAINTIFF

V.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL., DEFENDANTS

CIVIL ACTION NO. 6449

CROSS-ACTION OF DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION

COMES NOW Owens-Corning Fiberglas Corporation, one of the defendants in the above styled and numbered action and files its cross-action against Fibreboard Paper Products Corporation, Combustion Engineering, Inc., Johns-Manville Products Corporation, Eagle-Picher Industries, Inc., Pittsburg Corning Corporation, Unarco Industries, Inc., Philip Carey Corporation, Armstrong Cork Company, Standard Asbestos Manufacturing and Insulating Company and Ruberoid Company, all hereinafter called cross-defendants and for cross-action would show this Honorable Court the following:

1.

Defendant, Owens-Corning Fiberglas Corporation, alleges and avers that if Clarence Borel sustained any injury and died as a result of any act or omission on the part of this defendant, Owens-Corning Fiberglas Corporation, which defendant specifically denies, then such injury and death was proximately caused and contributed to be caused by the acts and omissions of the remaining defendants above named and each of them, and if any judgment is entered herein against this defendant, Owens-Corning Fiberglas Corporation, then, and in such event, this defendant is entitled to indemnity from each and all

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of the other cross-defendants; or, in the alternative, is entitled to contribution against each and all of the other cross-defendants in accordance with the provisions of Article 2212 of Vernon's Annotated Civil Statutes of Texas.

2.

This defendant adopts and alleges each and every act against the cross-defendants as alleged in the plaintiffs' second amended original complaint against each and all of said defendants.

WHEREFORE, this defendant prays judgment of the Court that plaintiffs take nothing against it and that it go hence with its costs; in the alternative, that it have judgment for indemnity; in the further alternative, that it have judgment for contribution as set forth above, and for such other and further relief in the premises as this defendant may show itself justly entitled to receive.

KING, SHARFSTEIN & RIENSTRA

BY: Dale Donnell

707 Beaumont Savings Building
Beaumont, Texas 77701
ATTORNEYS FOR DEFENDANT,
OWENS-CORNING FIBERGLAS CORPORATION

CERTIFICATE OF SERVICE

A copy of this cross-action was mailed to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiffs, by certified mail on the 30th day of July, 1970, and a copy of this cross-action was mailed to all counsel of record for defendants on the same date.

Dale Donnell
OF COUNSEL

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CROSS-ACTION OF DEFENDANT, OWENS-CORNING FIBERGLAS CORPORATION

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