IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. GOONEY, CLERK
BY DEPUTY Mildred A. Verret

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6449

NOTICE OF APPEAL

Notice is hereby given that each of the defendants in the above entitled and numbered cause, Fibreboard Corporation, Pittsburgh Corning Corporation, Johns-Manville Products Corporation, Philip Carey Corporation, Armstrong Cork Company and Ruberoid Company, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the final judgment entered in this action on the 30th day of November, 1971.

DATED this 8th day of December, 1971.

GEO. A. WELLER,
WELLER, WHEELUS, GREEN & BROCATO
P. O. BOX 350
BEAUMONT, TEXAS 77704
ATTORNEYS FOR DEFENDANT,
FIBREBOARD CORPORATION

GEORGE E. DUNCAN
WELLS, DUNCAN, BEARD, GREENBERG & HUNT
P. O. BOX 3708
BEAUMONT, TEXAS 77704
ATTORNEYS FOR DEFENDANT,
PITTSBURGH CORNING CORPORATION

W. N. ARNOLD, JR.
FULBRIGHT, CROOKER & JAWORSKI
BANK OF THE SOUTHWEST BUILDING
HOUSTON, TEXAS 77002
ATTORNEYS FOR DEFENDANTS,
PHILIP CAREY CORPORATION AND
ARMSTRONG CORK COMPANY

2003

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JOHN G. TUCKER
ORGAIN, BELL & TUCKER
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS 77701

AND

GORDON R. PATE
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS 77701

BY Gordon R. Pate
ATTORNEYS FOR DEFENDANT,
JOHNS-MANVILLE PRODUCTS CORPORATION

Robert E. Barnes, Jr.
ROBERT E. BARNES, JR.
BARNES & BARNES
P. O. BOX 5098
BEAUMONT, TEXAS 77704
ATTORNEYS FOR DEFENDANT,
RUBEROID COMPANY

2004

The Borel v. Fibreboard Case File (1969-1972), Bond for costs on appeal
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CIVIL ACTION NO. 6449

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

NOTICE OF APPEAL

WELLER, WHEELUS, GREEN & BROCATO
ATTORNEYS AT LAW
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS 77704

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
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JAMES R. COONEY, CLERK
BY DEPUTY Mildred C. Verret

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6449

BOND FOR COSTS ON APPEAL

We, the undersigned, jointly and severally, acknowledge that we and our personal representatives are bound to pay Thelma Freida Borel, plaintiff, and National Surety Corporation, intervener, the sum of TWO HUNDRED FIFTY AND NO/100 ($250.00) DOLLARS.

The condition of this Bond is that, whereas defendant has appealed to the Court of Appeals for the Fifth Circuit by Notice of Appeal filed December 8TH, 1971, from the Judgment of this Court entered November 30, 1971, if defendant shall pay all costs adjudged to it if this appeal is dismissed or the judgment affirmed, or shall pay such costs as the Appellate Court may award if the judgment is modified, and upon such payment this Bond is to be void, but if defendant fails to perform this condition, payment of the amount of this Bond shall be forthwith.

FIBREBOARD CORPORATION, PRINCIPAL

BY _____
ATTORNEY OF RECORD

NATIONAL SURETY CORPORATION
~~INSURANCE COMPANY~~,

SURETY

BY _____
ATTORNEY IN FACT Arthur J. Beach

2005

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Taken and acknowledged as to the Principal, Fibreboard Corporation, by the attorney of record, before me, the undersigned authority, on this, the 6th day of December, 1971. My commission expires June 1, 1973.

Ouida L. Swope
NOTARY PUBLIC IN AND FOR JEFFERSON COUNTY, TEXAS

OUIDA L. SWOPE, Notary Public
In and for Jefferson County, Texas

Taken and acknowledged as to the Surety, by Arthur J. Beach before me, the undersigned authority, on this 12th day of November, 1971. My commission expires June, 1973.

Martha Dobson
NOTARY PUBLIC IN AND FOR Harris COUNTY, Texas

2006

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RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name

Street Address

City State Zip

GENERAL POWER OF ATTORNEY

NATIONAL SURETY CORPORATION

KNOW ALL MEN BY THESE PRESENTS: That NATIONAL SURETY CORPORATION, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, New York, and its Home Office in the City and County of San Francisco, California, has made, constituted and appointed, and does by these presents make, constitute and appoint

----ARTHUR J. BEACH----

HOUSTON, TEXAS

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, undertakings, recognizances or other written obligations in the nature thereof

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

This power of attorney is granted pursuant to Article VIII, Section 30 and 31 of By-laws of NATIONAL SURETY CORPORATION adopted on the 6th day of September, 1962, and now in full force and effect.

"Article VIII, *Appointment and Authority of Resident Assistant Secretaries, and Attorneys-in-Fact and Agents to accept Legal Process and Make Appearances.*

Section 30. *Appointment.* The Chairman of the Board of Directors, the President, any Vice-President or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice-President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

Section 31. *Authority.* The Authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

This power of attorney is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of NATIONAL SURETY CORPORATION at a meeting duly called and held on the 28th day of September, 1966, and that said Resolution has not been amended or repealed:

"RESOLVED, that the signature of any Vice-President, Assistant Secretary, and Resident Assistant Secretary of this Corporation, and the seal of this Corporation may be affixed or printed on any power of attorney, on any revocation of any power of attorney, or on any certificate relating thereto, by facsimile, and any power of attorney, any revocation of any power of attorney, or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Corporation."

IN WITNESS WHEREOF, NATIONAL SURETY CORPORATION has caused these presents to be signed by its Vice-President, and its corporate seal to be hereunto affixed this 28th day of June, 19 71.

NATIONAL SURETY CORPORATION

By James H. Wells

JAMES H. WELLS, Vice-President

STATE OF CALIFORNIA,
CITY AND COUNTY OF SAN FRANCISCO } ss.

On this 28th day of June, 19 71, before me personally came JAMES H. WELLS, to me known, who, being by me duly sworn, did depose and say: that he is Vice-President of NATIONAL SURETY CORPORATION, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year herein first above written.

ETHEL L. WATKINS
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
My Commission Expires March 1, 1975

Ethel L. Watkins

ETHEL L. WATKINS, Notary Public

CERTIFICATE

STATE OF CALIFORNIA,
CITY AND COUNTY OF SAN FRANCISCO } ss.

I, the undersigned, Resident Assistant Secretary of NATIONAL SURETY CORPORATION, a NEW YORK Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore that Article VIII, Sections 30 and 31 of the By-laws of the Corporation, and the Resolution of the Board of Directors, set forth in the Power of Attorney, are now in force.

Signed and sealed at the City and County of San Francisco. Dated the _____ day of _____, 19_____.

Winifred H. Browne

WINIFRED H. BROWNE, Assistant Secretary

360545 (HO) — NS — 4-71

2007

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CIVIL ACTION NO. 6449

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

BOND FOR COSTS ON APPEAL

WELLER, WHEELUS, GREEN & BROCATO
ATTORNEYS AT LAW
BEAUMONT SAVINGS BUILDING
BEAUMONT, TEXAS 77704

The Borel v. Fibreboard Case File (1969-1972), Bond for costs on appeal
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GED/skh O&4&f 12-2-71

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

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. COONEY, CLERK
BY DEPUTY Mildred C. Vincent

CLARENCE BOREL

vs.

FIBREBOARD PAPER PRODUCTS CORPORATION, et al

CIVIL ACTION NO. 6449

BOND FOR COSTS ON APPEAL

KNOW ALL MEN BY THESE PRESENTS:

That we, Pittsburgh Corning Corporation, as principal, and Travelers Indemnity Company, as surety, are held and firmly bound unto Freida Borel in the full and just sum of Two Hundred and Fifty ($250.00) Dollars to be paid to said Freida Borel, her heirs, executors, administrators and assigns; to which payment, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally by these presents.

Sealed with our seals and dated this 3rd day of December, 1971.

WHEREAS, on November 30, 1971, in an action pending in the United States District Court for the Eastern District of Texas, Beaumont Division, between Freida Borel, successor to Clarence Borel, deceased, as Plaintiff, and Pittsburgh Corning Corporation, as Defendant, a judgment was entered against the said Pittsburgh Corning Corporation, and the said Pittsburgh Corning Corporation having filed a notice of appeal from such judgment to the United States Court of Appeals for the Fifth Circuit;

NOW THEREFORE, the condition of this obligation is such that if the said Pittsburgh Corning Corporation shall prosecute its appeal to effect and shall pay costs if the appeal is dismissed or the judgment affirmed, or such costs as the said Court of Appeals may award against the said Pittsburgh

2007

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Corning Corporation if the judgment is modified, then this obligation shall be void; otherwise to remain in full force and effect.

PITTSBURGH CORNING CORPORATION

By George E. Duncan
Its Attorney of Record

TRAVELERS INDEMNITY COMPANY

By Wayne W. Brown
Its Attorney In Fact

TAKEN and ACKNOWLEDGED before me, this 3rd day of December, A. D. 1971, as to PRINCIPAL.

Barbara A. Barnett
Notary Public in and for
Jefferson County, Texas

TAKEN and ACKNOWLEDGED before me, this 3rd day of December, A. D. 1971, as to SURETY.

Barbara A. Barnett
Notary Public in and for
Jefferson County, Texas

2009

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The Travelers Indemnity Company
Hartford, Connecticut

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That THE TRAVELERS INDEMNITY COMPANY, a corporation of the State of Connecticut, does hereby make, constitute and appoint

Wayne W. Brown, Wayne W. Brown, Jr., both of Beaumont, Texas, EACH

its true and lawful Attorney(s)-in-Fact, with full power and authority, for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto, if a seal is required, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof, as follows:

Any and all bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof not exceeding in amount One Hundred Thousand Dollars ($100,000) in any single instance

and to bind THE TRAVELERS INDEMNITY COMPANY thereby, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This appointment is made under and by authority of the following by-laws of the Company which by-laws are now in full force and effect:

ARTICLE IV, SECTION 11. The Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President, any Second Vice President, any Secretary or any Department Secretary may appoint attorneys-in-fact or agents with power and authority, as defined or limited in their respective powers of attorney, for and on behalf of the Company to execute and deliver, and affix the seal of the Company thereto, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof and any of said officers may remove any such attorney-in-fact or agent and revoke the power and authority given to him.

ARTICLE IV, SECTION 13. Any bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when signed by the Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President or any Second Vice President and duly attested and sealed, if a seal is required, by any Secretary or any Department Secretary or any Assistant Secretary or when signed by the Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President or any Second Vice President and countersigned and sealed, if a seal is required, by a duly authorized attorney-in-fact or agent; and any such bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when duly executed and sealed, if a seal is required, by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority granted by his or their power or powers of attorney.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Directors of THE TRAVELERS INDEMNITY COMPANY at a meeting duly called and held on the 30th day of November, 1959:

VOTED: That the signature of any officer authorized by the By-Laws and the Company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, THE TRAVELERS INDEMNITY COMPANY has caused these presents to be signed by its proper officer and its corporate seal to be hereunto affixed this 22nd day of September 19 65.

THE TRAVELERS INDEMNITY COMPANY

By G. Roger Wheeler

Secretary, Fidelity and Surety

THE TRAVELERS INDEMNITY COMPANY SEAL

State of Connecticut, County of Hartford—ss:

On this 22nd day of September in the year 1965 before me personally came G. Roger Wheeler to me known, who, being by me duly sworn, did depose and say: that he resides in the State of Connecticut; that he is Secretary (Fidelity and Surety) of THE TRAVELERS INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of his office under the by-laws of said corporation, and that he signed his name thereto by like authority.

MARGARET D. TUTTLE NOTARY PUBLIC HARTFORD, CONN.

Margaret D. Tuttle

Notary Public

My commission expires April 1, 1969

S-1869 REV. 7-65 PRINTED IN U.S.A.

(Over)

2010

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CERTIFICATION

I, Wm A. Shrake, Assistant Secretary (Fidelity and Surety) of THE TRAVELERS INDEMNITY COMPANY certify that the foregoing power of attorney, the above quoted Sections 11. and 13. of Article IV of the By-Laws and the Resolution of the Board of Directors of November 30, 1959 have not been abridged or revoked and are now in full force and effect.

Signed and Sealed at Hartford, Connecticut, this day of 19 .

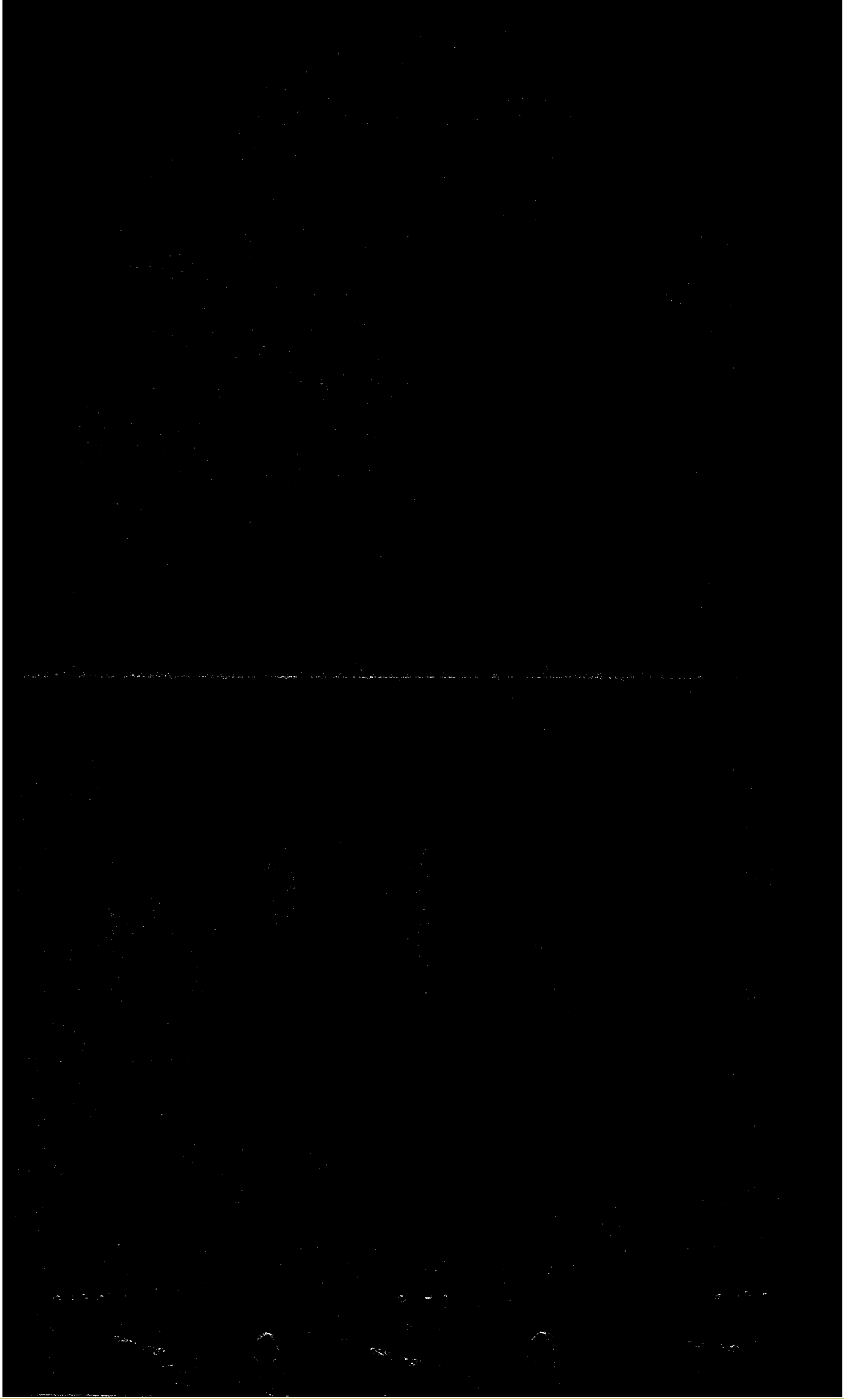
THE TRAVELERS INDEMNITY COMPANY SEAL

wm a. Shrake

Assistant Secretary, Fidelity and Surety

F-1869 (BACK)

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. COONEY, CLERK
BY DEPUTY Mildred A. Verret

CLARENCE BOREL	§	
	§	
V.	§	CIVIL ACTION NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

BOND FOR COSTS ON APPEAL

We, the undersigned, jointly and severally, acknowledge that we and our personal representatives are bound to pay Thelma Freida Borel, plaintiff, and National Surety Corporation, intervenor, the sum of TWO HUNDRED FIFTY AND NO/100 ($250.00) DOLLARS.

The condition of this Bond is that, whereas defendant has appealed to the Court of Appeals for the Fifth Circuit by Notice of Appeal filed December 8TH, 1971, from the Judgment of this Court entered November 30, 1971, if defendant shall pay all costs adjudged to it if this appeal is dismissed or the judgment affirmed, or shall pay such costs as the Appellate Court may award if the judgment is modified, and upon such payment this Bond is to be void, but if defendant fails to perform this condition, payment of the amount of this Bond shall be forthwith.

PHILIP CAREY CORPORATION, PRINCIPAL

By _____
ATTORNEY OF RECORD

FIDELITY & DEPOSIT COMPANY OF MARYLAND
SURETY

BY _____
ATTORNEY IN FACT
WILLIAM C. GERKE

2011

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Taken and acknowledged as to the Principal, Philip Carey Corporation, by the attorney of record, before me, the undersigned authority, on this, the 3rd day of December, 1971. My commission expires June 1, 1973.

Barbara J. Hull
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, T E X A S

Taken and acknowledged as to the Surety, FIDELITY & DEPOSIT COMPANY OF MARYLAND before me, the undersigned authority, on this 3rd day of December, 1971. My commission expires June, 1973.

Pat Coslett
NOTARY PUBLIC IN AND FOR
Harris, TEXAS

2012

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Power of Attorney

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by S. R. MINSKER, Vice-President, and R. D. GILLISS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint William C. Gerke of Houston, Texas.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of ONE HUNDRED THOUSAND DOLLARS ($100,000)....EXCEPT bonds on behalf of Independent Executors, Community Survivors and Community Guardians.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the aforegoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 8th day of December, A.D. 1969

ATTEST: **FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

(SIGNED) R. D. GILLISS — *Assistant Secretary*

By S. R. MINSKER — *Vice-President*

(SEAL)

STATE OF MARYLAND
CITY OF BALTIMORE } SS:

On this 8th day of December, A.D. 1969, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED) ELENOR K. MITCHELL

(SEAL) Notary Public Commission Expires July 1, 1970

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 8th day of December, 19 71

L1419—Ctf.

Assistant Secretary

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAMONT DIVISION

CLARENCE BOREL	§	
	§	
V.	§	CIVIL ACTION NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

BOND FOR COSTS ON APPEAL

PHILIP CAREY CORPORATION

FULBRIGHT, CROOKER & JAWORSKI
ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON, TEXAS 77002

Bond No. 61 S 21703 BCA

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. COONEY, CLERK
BY DEPUTY Mildred A. Verret

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLARENCE BOREL	§	
	§	
V.	§	CIVIL ACTION NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

BOND FOR COSTS ON APPEAL

We, the undersigned, jointly and severally, acknowledge that we and our personal representatives are bound to pay Thelma Freida Borel, plaintiff, and National Surety Corporation, intervenor, the sum of TWO HUNDRED FIFTY AND NO/100 ($250.00) DOLLARS.

The condition of this Bond is that, whereas defendant has appealed to the Court of Appeals for the Fifth Circuit by Notice of Appeal filed December 8TH, 1971, from the Judgment of this Court entered November 30, 1971, if defendant shall pay all costs adjudged to it if this appeal is dismissed or the judgment affirmed, or shall pay such costs as the Appellate Court may award if the judgment is modified, and upon such payment this Bond is to be void, but if defendant fails to perform this condition, payment of the amount of this Bond shall be forthwith.

ARMSTRONG CORK COMPANY, PRINCIPAL

By _____
ATTORNEY OF RECORD

THE AETNA CASUALTY AND SURETY COMPANY

BY _____
Jo Newbern SURETY Attorney-in-Fact

2013

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Taken and acknowledged as to the Principal, Armstrong Cork Company, by the attorney of record, before me, the undersigned authority, on this, the 3rd day of December, 1971. My commission expires June 1, 1973.

Barbara J. Hull
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, T E X A S

Taken and acknowledged as to the Surety, The Aetna Casualty and Surety Company, before me, the undersigned authority, on this 3rd day of December, 1971. My commission expires June, 1973.

Marlene Hucks
NOTARY PUBLIC IN AND FOR
Houston, TEXAS

2014

Ætna
LIFE & CASUALTY

THE ÆTNA CASUALTY AND SURETY COMPANY
Hartford, Connecticut 06115

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, THAT THE ÆTNA CASUALTY AND SURETY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, hath made, constituted and appointed, and does by these presents make, constitute and appoint **John E. Stuntz or Jo Newbern - -**

of **Houston, Texas** , its true and lawful Attorneys-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated , the following instrument (s):
by his sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any and all consents incident thereto **not exceeding the sum of FIFTY THOUSAND ($50,000.00) DOLLARS -**

and to bind THE ÆTNA CASUALTY AND SURETY COMPANY, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of THE ÆTNA CASUALTY AND SURETY COMPANY, and all the acts of said Attorneys-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following provisions of the By-Laws of the Company which provisions are now in full force and effect and are the only applicable provisions of said By-Laws:

ARTICLE IV—Section 8. The President, any Vice President, or any Secretary may from time to time appoint Resident Vice Presidents, Resident Assistant Secretaries, Attorneys-in-Fact, and Agents to act for and on behalf of the Company and may give any such appointee such authority as his certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors may at any time remove any such appointee and revoke the power and authority given him.

ARTICLE IV—Section 10. Any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President or a Vice President or by a Resident Vice President, pursuant to the power prescribed in the certificate of authority of such Resident Vice President, and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary or by a Resident Assistant Secretary, pursuant to the power prescribed in the certificate of authority of such Resident Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact pursuant to the power prescribed in his or their certificate or certificates of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Resolution voted by the Board of Directors of THE ÆTNA CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 22nd day of November, 1968.

VOTED: That the signature of William O. Bailey, Senior Vice President, or of Andrew H. Anderson, Vice President, or of D. N. Gage, Assistant Vice President, or of Neil H. Pfanstiel, Secretary, or of Benjamin I. Radding, Secretary, or of Curtis K. Shaw, Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, THE ÆTNA CASUALTY AND SURETY COMPANY has caused this instrument to be signed by its **Secretary** , and its corporate seal to be hereto affixed this **23rd** day of **July** , 19**71**

THE ÆTNA CASUALTY AND SURETY COMPANY

State of Connecticut }
County of Hartford } ss. Hartford

THE ÆTNA CASUALTY AND SURETY COMPANY HARTFORD, CONN.

By Benjamin I Radding
Secretary

On this **23rd** day of **July** , 19**71** , before me personally came **BENJAMIN I. RADDING** , to me known, who, being by me duly sworn, did depose and say: that he is **Secretary** of THE ÆTNA CASUALTY AND SURETY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; and that he executed the said instrument on behalf of the corporation by authority of his office under the By-Laws thereof.

MARY J. KINGSTON NOTARY PUBLIC HARTFORD, CONN.

Mary J Kingston
Notary Public

My commission expires March 31, 19 **75**

CERTIFICATE

I, the undersigned, **Secretary** of THE ÆTNA CASUALTY AND SURETY COMPANY, a stock corporation of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that Article IV—Sections 8 and 10, of the By-Laws of the Company, and the Resolution of the Board of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this **3rd** day of **December** , 19 **71**

THE ÆTNA CASUALTY AND SURETY COMPANY HARTFORD, CONN.

Benjamin I. Radding
Secretary

(S-1922-B) (M) 1-69

CAT. 187259
PRINTED IN U.S.A.

2015

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLARENCE BOREL	§	
	§	CIVIL ACTION NO. 6449
V.	§	
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

FULBRIGHT, CROOKER & JAWORSKI
ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON, TEXAS 77002

BOND FOR COSTS ON APPEAL

Armstrong Cork Company

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. COONEY, CLERK
BY DEPUTY Mildred C. Verret

CLARENCE BOREL §

VS. §

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL § CIVIL ACTION 6449

COST BOND OF JOHNS-MANVILLE PRODUCTS CORPORATION

We, Johns-Manville Products Corporation, as Principal, and The Travelers Indemnity Company, a surety company, duly authorized to execute surety bonds in this State and District, as Surety, jointly and severally promise to pay Thelma Freida Borel, Appellee, for the benefit of whomever it may concern, a sum not exceeding Two Hundred Fifty Dollars ($250) in lawful money of the United States for the cost on appeal to the Court of Appeals for the Fifth Circuit from the judgment in this action rendered and entered on November 30, 1971, wherein Thelma Freida Borel was awarded damages of $58,534.04 and the Court denied Appellant's motion to reduce damages by 4/10ths the total damages assessed, if the appeal is dismissed or the judgment affirmed, or if the judgment is modified, and for the costs that the appellate court may award pursuant to the Federal Rules of Appellate Procedure 7 and 8 (b).

DATED this 8th day of December, 1971.

JOHNS-MANVILLE PRODUCTS CORPORATION

By _____
Attorney

Principal

THE TRAVELERS INDEMNITY COMPANY

BY _____
Its attorney in fact

Surety

2.016

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The Travelers Indemnity Company
Hartford, Connecticut

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That THE TRAVELERS INDEMNITY COMPANY, a corporation of the State of Connecticut, does hereby make, constitute and appoint

Wayne W. Brown, Wayne W. Brown, Jr., both of Beaumont, Texas, EACH

its true and lawful Attorney(s)-in-Fact, with full power and authority, for and on behalf of the Company as surety, to execute and deliver and affix the seal of the Company thereto, if a seal is required, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof, as follows:

Any and all bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof not exceeding in amount One Hundred Thousand Dollars ($100,000) in any single instance

and to bind THE TRAVELERS INDEMNITY COMPANY thereby, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This appointment is made under and by authority of the following by-laws of the Company which by-laws are now in full force and effect:

ARTICLE IV, SECTION 11. The Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President, any Second Vice President, any Secretary or any Department Secretary may appoint attorneys-in-fact or agents with power and authority, as defined or limited in their respective powers of attorney, for and on behalf of the Company to execute and deliver, and affix the seal of the Company thereto, bonds, undertakings, recognizances, consents of surety or other written obligations in the nature thereof and any of said officers may remove any such attorney-in-fact or agent and revoke the power and authority given to him.

ARTICLE IV, SECTION 13. Any bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when signed by the Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President or any Second Vice President and duly attested and sealed, if a seal is required, by any Secretary or any Department Secretary or any Assistant Secretary or when signed by the Chairman of the Board, the President, the Chairman of the Finance Committee, the Chairman of the Insurance Executive Committee, any Vice President or any Second Vice President and countersigned and sealed, if a seal is required, by a duly authorized attorney-in-fact or agent; and any such bond, undertaking, recognizance, consent of surety or written obligation in the nature thereof shall be valid and binding upon the Company when duly executed and sealed, if a seal is required, by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority granted by his or their power or powers of attorney.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Directors of THE TRAVELERS INDEMNITY COMPANY at a meeting duly called and held on the 30th day of November, 1959:

VOTED: That the signature of any officer authorized by the By-Laws and the Company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, THE TRAVELERS INDEMNITY COMPANY has caused these presents to be signed by its proper officer and its corporate seal to be hereunto affixed this 22nd day of September 19 65.

THE TRAVELERS INDEMNITY COMPANY

By G. Roger Wheeler

Secretary, Fidelity and Surety

State of Connecticut, County of Hartford—ss:

On this 22nd day of September in the year 1965 before me personally came G. Roger Wheeler to me known, who, being by me duly sworn, did depose and say: that he resides in the State of Connecticut; that he is Secretary (Fidelity and Surety) of THE TRAVELERS INDEMNITY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of his office under the by-laws of said corporation, and that he signed his name thereto by like authority.

Margaret D. Tuttle

Notary Public

My commission expires April 1, 1969

S-1869 REV. 7-65 PRINTED IN U.S.A.

(Over)

2017

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CERTIFICATION

I, Wm A. Shrake, Assistant Secretary (Fidelity and Surety) of THE TRAVELERS INDEMNITY COMPANY certify that the foregoing power of attorney, the above quoted Sections 11. and 13. of Article IV of the By-Laws and the Resolution of the Board of Directors of November 30, 1959 have not been abridged or revoked and are now in full force and effect.

Signed and Sealed at Hartford, Connecticut, this day of 19 .

THE TRAVELERS INDEMNITY COMPANY SEAL

wm a. Shrake

Assistant Secretary, Fidelity and Surety

F-1869 (BACK)

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FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DEC 8 1971

JAMES R. COONEY, CLERK
BY DEPUTY Mildred C. Brunt

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

CLARENCE BOREL

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6449.

BOND FOR COSTS ON APPEAL

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, Ruberoid Company, as PRINCIPAL, and Insurance Company of North America, as SURETY, jointly and severally, acknowledge that we and our personal representatives are bound to pay to Thelma Freida Borel, Plaintiff, and National Surety Corporation, Intervenor, the sum of Two Hundred Fifty Dollars ($250.00).

The condition of this Bond is that whereas the Defendant has appealed to the Court of Appeals for the Fifth Circuit at New Orleans, by Notice of Appeal filed December 8TH, 1971, from the Judgment of the United States District Court for the Eastern District of Texas, Beaumont Division, entered November 30, 1971, if Defendant shall pay all costs adjudged against it if this appeal is dismissed or the judgment affirmed, or shall pay such costs as the Appellate Court may assess if the Judgment is modified, then upon such payment this Bond is to be void, but if Defendant fails to perform this condition, payment of the amount of this Bond shall be forthwith.

RUBEROID COMPANY

BY _____
Its Attorney of Record.
PRINCIPAL.

INSURANCE COMPANY OF NORTH AMERICA

BY _____
Its Attorney in fact,
SURETY.

2019

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Done and acknowledged as to the Principal, Ruberoid Company, by its attorney of record, before me, the undersigned authority, on this 4th day of December, 1971.

Gladys B. Barnes

Notary Public in and for
Jefferson County, Texas.
My Commission expires
June 1, 1973.

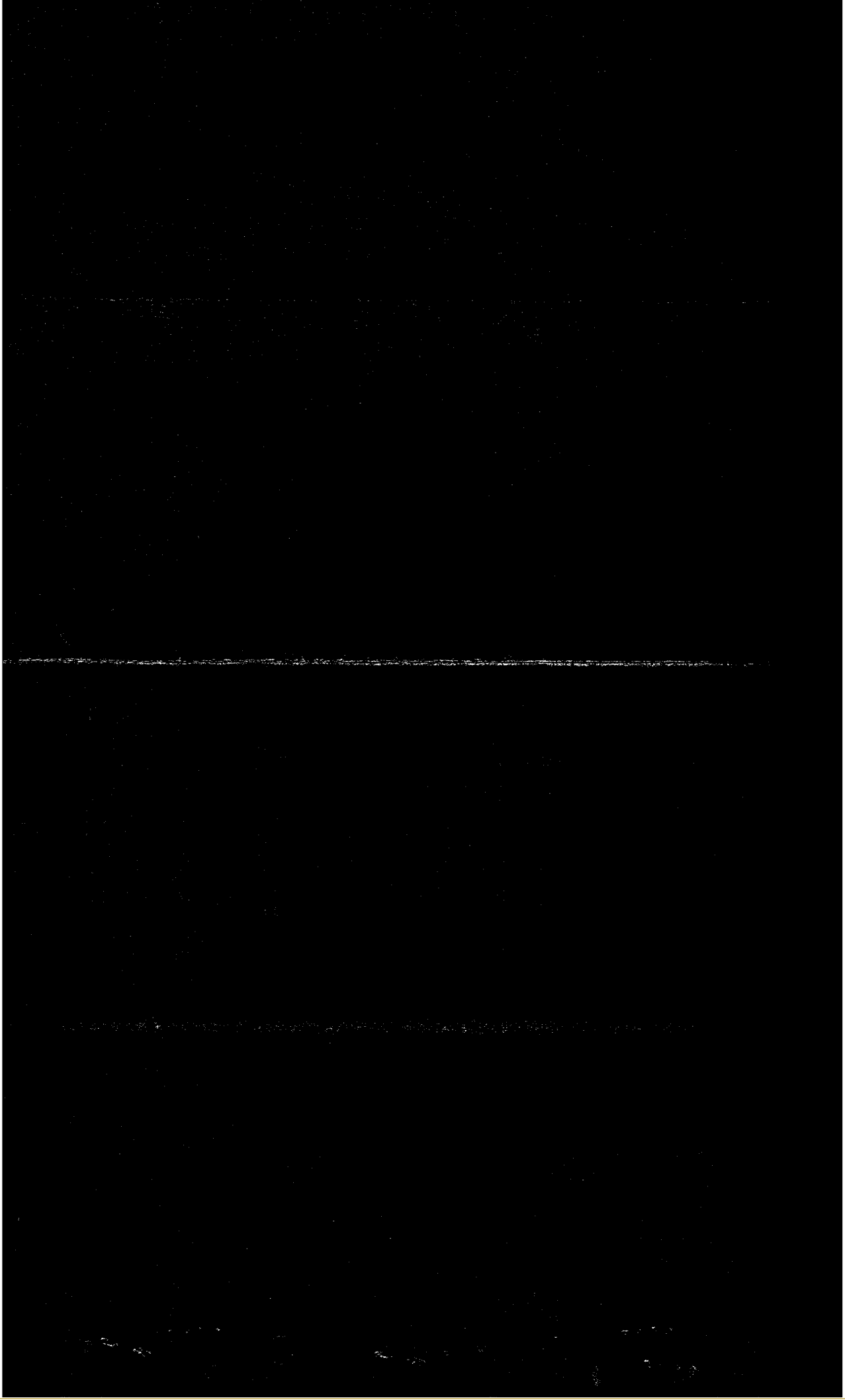
Done and acknowledged as to the Surety, Insurance Company of North America, by its attorney-in-fact, before me, the undersigned authority, on this 4th day of December, 1971.

Gladys B. Barnes

Notary Public in and for
Jefferson County, Texas.
My Commission expires
June 1, 1973.

2019

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
M. OCT 10 1971 19
James R. Cooney, Clerk, U. S. Court
By Hazel E. Stoddard DEPUTY

CLARENCE BOREL :

VS. : CIVIL ACTION NO. 6449

FIBREBOARD PAPER PRODUCTS :
CORPORATION, ET AL :

AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

I, Thelma Freida Borel, being first duly sworn, depose and say that I am the plaintiff and appellee in the above entitled cause; that in support of my motion to proceed on appeal as appellee without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; and I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the costs of such appeal are true:

(1) Are you presently employed? No.

(2) Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? I have received no income from business, profession or self-employment, rents, interests or dividends. I received $9,600.00 in partial settlement of my case, out of which I paid $2,947.45 for past due medical expenses of my deceased husband and other

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2020

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expenses, leaving $6,652.55 to me. I also receive the amount of $93.00 a month from the Asbestos Workers Union.

(3) Do you own any cash or checking or savings accounts? Yes, I have a checking account with $183.00 on deposit. I have a savings account at First State Bank of Groves and have on deposit $2,755.00. I have a savings account in Fidelity Savings & Loan In Groves and have on deposit $10,771.48. However, I still owe the approximate amount of $2,500.00 on my deceased husband's medical expenses which are not paid.

(4) Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property? (excluding ordinary household furnishings and clothing). I have a house and lot located at 4500 Lawndale Street in Groves. I also have a 1968 Ford automobile.

(5) List the persons who are dependent upon you for support and state your relationship to those persons. None.

I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Thelma Freida Borel
THELMA FREIDA BOREL

SUBSCRIBED AND SWORN TO before me, this 8th day of December, 1971.

Jackie Bean
NOTARY PUBLIC, ORANGE COUNTY, TEXAS

LET THE APPLICANT PROCEED WITHOUT PREPAYMENT OF COSTS OR FEES OR THE NECESSITY OF GIVING SECURITY THEREFOR.

UNITED STATES DISTRICT JUDGE

12-10-71

2021

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