FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JAN 26 1972

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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

DESIGNATION OF DOCUMENTS TO BE PRINTED IN APPENDIX IN CONNECTION WITH APPEAL

The defendants, Fibreboard Corporation, Pittsburgh Corning Corporation, Philip Carey Corporation, Armstrong Cork Company, Johns-Manville Products Corporation and Ruberoid Company, appellants, designate the following documents to be printed in the appendix in connection with this appeal:

1. Plaintiff's Original Complaint, filed 10/20/69.

2. Each of the defendants who are parties to this appeal filed cross-actions for contribution against each and all of the original eleven defendants in this case and each of the cross-defendants filed an answer to the respective cross-actions, such cross-actions for indemnity and answers thereto are not being printed in the interest of brevity.

3. Interrogatories Propounded to Clarence Borel, Plaintiff, by His Attorney, filed 5/25/70.

4. Deposition and Answers of Plaintiff Taken Upon Written Interrogatories, filed 6/2/70.

5. Plaintiffs' Second Amended Original Complaint, filed 7/10/70.

6. Plaintiffs' Motion to Take Judicial Knowledge in Civil Actions 6329, 6449 and 6492, filed 11/18/70.

7. Reply to Plaintiffs' Motion to Take Judicial Knowledge, filed 11/30/70.

8. Order on Judicial Knowledge, filed 12/17/70.

9. Supplemental Motion For Summary Judgment of Defendant, Owens-Corning Fiberglas Corporation, filed 12/17/70.

10. Answer of Defendant, Ruberoid Company, to Plaintiffs' Second Amended Complaint, filed 1/21/71

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11. Pre-Trial Stipulation and Order, filed 1/28/71.

12. First Amended Original Answer of Defendant, Pittsburgh Corning Corporation, to Plaintiffs' Second Amended Original Complaint, filed 1/29/71.

13. Second Amended Original Answer of Johns-Manville Products Corporation to Plaintiffs' Second Amended Original Complaint, filed 2/11/71.

14. Second Amended Answer of Armstrong Cork Company to Plaintiffs' Amended Original Complaint, filed 4/23/71.

15. Second Amended Answer of Philip Carey Corporation to Plaintiffs' Second Amended Original Complaint, filed 4/23/71.

16. First Amended Answer of Defendant, Eagle-Picher Industries, Inc., to Plaintiffs' Second Amended Original Complaint, filed 4/30/71.

17. Second Amended Answer of Defendant, Fibreboard Corporation, to Plaintiffs' Second Amended Original Complaint, filed 5/11/71.

18. Letter of E. Judge Elderkin, Attorney, San Francisco, California, Concerning California Law, Addressed to Mr. George A. Weller, filed 5/18/71.

19. Order Granting Plaintiffs' Motion in Limine, filed 9/3/71.

20. Motion of Defendants to Submit Case Upon Special Interrogatories Under Rule 49(a), filed 9/15/71.

21. Defendants' Requested Special Interrogatories, filed 9/15/71.

22. Defendants' Requested General Charges, filed 9/15/71.

23. Defendants' Objection to Limiting the Number of Peremptory Challenges to be Exercised by Defendants to Nine, and to the Allowance to Plaintiff of More Than Three Peremptory Challenges, to-wit, Six, filed 9/20/71.

24. Second Supplemental Answer of Defendant, Fibreboard Corporation, Amending Its Second Amended Answer to Plaintiffs' Second Amended Petition, filed 9/27/71.

25. Order Overruling Defendants' and Cross-Plaintiffs' Objection With Respect to Peremptory Challenges, filed 9/20/71.

26. Motion of Defendant, Armstrong Cork Company, for A Directed Verdict at Close of Plaintiffs' Evidence (Adopted at the Close of All of the Evidence), filed 9/27/71.

27. Motion of Defendant, Philip Carey Corporation, for a Directed Verdict at Close of Plaintiffs' Evidence (Adopted at the Close of all of the Evidence), filed 9/27/71.

28. Defendant, Ruberoid's Specially Requested Instructions Nos. 1-9, filed 9/28/71.

29. Order Granting Motion of Defendants to Submit Case on Special Interrogatories, filed 9/27/71.

30. Motion of Defendant, Fibreboard Corporation, For a Directed Verdict at the Close of All of the Evidence, filed 9/27/71.

31. Motion of Defendant, Johns-Manville Products Corporation, For a Directed Verdict at the Close of All of the Evidence, filed 9/27/71.

32. Motion of Defendant, Ruberoid Company, For a Directed Verdict at the Close of All of the Evidence, filed 9/28/71.

33. Stipulation Signed by Parties and by Court in Regard to Compromise and Settlement Between Plaintiff and Intervener With Defendants, Owens-Corning Fiberglas Corporation, Standard Asbestos Manufacturing & Insulating Company, Unarco Industries, Inc., and Eagle-Picher Industries, Inc., filed 9/28/71.

34. Order Overruling Motions of All Defendants For an Instructed Verdict at Close of All of the Evidence, filed 9/28/71.

35. Verdict of the Jury, filed 9/29/71.

36. Defendant, Fibreboard Corporation's, Motion For Judgment on the Verdict of the Jury; In the Alternative, Motion For Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B; and in the Further Alternative, Motion For a New Trial, filed 10/13/71.

37. Motion of Defendant, Pittsburgh Corning Corporation, For Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B, filed 10/15/71.

38. Motion of Defendant, Pittsburgh Corning Corporation, For Judgment on the Verdict of the Jury; In the Alternative, Motion For Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B; And in the Further Alternative, Motion For a New Trial, filed 10/15/71.

39. Motion of Defendants, Armstrong Cork Company and Philip Carey Corporation, For Judgment on the Verdict of the Jury; In the Alternative, Motion For Judgment Notwithstanding the Verdict of the Jury Under Rule 30-B; And in the Further Alternative, Motion For New Trial, filed 10/18/71.

40. Motion of Defendant, Johns-Manville Products Corporation, For Judgment on the Verdict of the Jury; In the Alternative, Motion For Judgment Notwithstanding the Verdict of the Jury, filed 10/18/71.

41. Motion of Defendant, Ruberoid Company, For Judgment on the Verdict of the Jury; In the Alternative, Motion For Judgment Notwithstanding the Verdict of the Jury, filed 10/25/71.

42. Order Overruling the Separate Motion Filed on Behalf of Pittsburgh Corning Corporation For Judgment Notwithstanding the Verdict of the Jury Under Rule 50-B, filed 11/16/71.

43. Order Overruling Defendants' Motion For Judgment on the Verdict of the Jury; Defendants' Alternative Motion For Judgment Notwithstanding the Verdict of the Jury Under Rule 50(b); and Defendants' Further Alternative Motion For New Trial, filed 11/30/71.

44. Order Overruling Plaintiff's Motion For New Trial, filed 11/30/71.

45. Judgment, filed 11/30/71.

46. The Court's Charge.

47. Notice of Appeal, filed 12/8/71.

48. Appeal Bonds of Each Appellant, filed 12/8/71.

49. This Designation of Documents.

In addition to the foregoing instruments, and without printing the same, appellants-defendants request that the Clerk transmit to the Fifth Circuit copies of all trial briefs on file in this cause. Such trial briefs are not to be printed.

Respectfully submitted;

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The Borel v. Fibreboard Case File (1969-1972), Designation of documents for appeal
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Designation of Documents was served on Mr. Ward Stephenson, Stephenson & Thompson, Stephenson Building, Orange, Texas, 77630, attorney for plaintiff, by mailing a copy by certified mail, return receipt requested, to said address on the 25th day of January, 1972.

_____
OF COUNSEL

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