Filed in 1 counsel

13-2307

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December 29, 1978

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PRIVILEGED
J-M 83

RE: George Berringer v. Fibreboard; Howard Matthews v. Fibreboard; W.A. Sims v. Fibreboard; Wade H. Towler v. Fibreboard; Leroy Hebert v. Fibreboard.

Gentlemen:

I am enclosing the Motion which I have previously discussed with you by telephone for Partial Summary Judgment based on a theory of Collateral Estoppel which Judge Fisher indicated he was probably going to grant in the Beaumont asbestosis cases. We are filing a response which I will forward to you under separate cover, but it has been Judge Fisher's usual procedure to make up his mind prior to seeing any pleadings. As you will remember, of course, this was done at his suggestion, although I feel sure it was discussed in great detail on the weekend prior to the pre-trial conference when Judge Fisher spent the weekend duck hunting with Walter Umphrey, Plaintiff's counsel.

I will keep you advised of any developments on the Motion and will be in touch as we are selecting juries in the Matthews and Berringer cases on January 3, for trial on the merits January 15.

Very truly yours,

STRONG, PIPKIN, NELSON, PARKER & BISSELL

John G. Bissell

JGB/prn
Enclosure
cc: Mr. Lyman Field
- NOTE - redacted copy

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