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

FILED
— M. July 2 1969
James R. Cooney, Clerk, U. S. Court
By Joyce Johnson
DEPUTY

SAMUEL R. POTTER,
PLAINTIFF

VS.

FIBREBOARD PAPER
PRODUCTS CORPORATION,
ET AL, DEFENDANTS

CIVIL ACTION NO. 6329

ORIGINAL ANSWER OF DEFENDANT OWENS-
CORNING FIBERGLAS CORPORATION
TO PLAINTIFF'S COMPLAINT

Comes now Owens-Corning Fiberglas Corporation, one of the defendants in the above styled and numbered action, and answering Plaintiff's Complaint on file herein respectfully says:

1.

Answering Paragraph 1, this defendant says that it does not know whether this Court has jurisdiction of this controversy inasmuch as it does not have knowledge as to the citizenship of parties defendant other than this defendant.

2.

Defendant admits the facts stated in Paragraphs 2 and 3 of said complaint.

3.

Answering Paragraph 4, this defendant admits that it manufactured and sold insulation materials but denies that any of them caused any injury to the plaintiff.

4.

This defendant denies the facts stated in Paragraphs 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of said complaint.

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5.

This defendant denies that plaintiff is entitled to the relief prayed for in the concluding paragraph of said complaint.

6.

For further affirmative defense herein, this defendant says that any cause of action which plaintiff may have had against this defendant accrued more than two years prior to the filing of this action and this defendant pleads the two year statute of limitations of the State of Texas in bar of plaintiff's right to recover.

7.

For further affirmative answer herein, this defendant says that the plaintiff's physical condition, of which he complains, was due solely to causes other than any negligence, fault or breach of warranty on the part of this defendant.

8.

For further affirmative defense herein, this defendant says that the injuries, conditions and damages of which plaintiff complains were solely and alone caused, or, in the alternative were proximately caused, by negligent acts and omissions committed by the plaintiff himself while working with and around insulation materials incident to his trade.

9.

For further affirmative defense herein, this defendant says that the injuries, conditions and damages of which plaintiff complains were solely and alone caused by negligent acts and omissions committed by the various employers for whom the plaintiff alleges that he worked and during the course of which work he claims that he was exposed to various insulating products.

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10.

For further grounds of relief, this defendant says that if any judgment is entered herein jointly and severally against it, and other defendants, then and in such event this defendant is entitled to contribution against such other defendants according to the provisions of Article 2212 of Vernon's Civil Statutes of Texas.

WHEREFORE, this defendant prays judgment of the Court that plaintiff take nothing against it by his said complaint and that it go hence and recover its costs in this behalf expended, and in the alternative that it have judgment for contribution as set forth above.

Respectfully submitted,

KING, SHARFSTEIN & RIENSTRA

BY: _____

707 Beaumont Savings Building
Beaumont, Texas
Attorneys for Owens-Corning
Fiberglas Corporation

A true copy of the above and foregoing answer was on this the 1st day of July, 1969, served upon counsel for the plaintiff by depositing the same in the United States Mail, postage prepaid, addressed to Honorable Ward Stephenson, Attorney at Law, Stephenson Building, Orange, Texas, and also a true copy served on all other interested counsel of record.

_____

Attorney for Defendant
Owens-Corning Fiberglas Corporation

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