IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
DEC 19 1969
James R. Cousar, Clerk, U. S. District Court
By Virginia R. Sims DEPUTY

SAMUEL R. POTTER	§	
	§	
VS.	§	CIVIL ACTION NO. 6329
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL.	§	

CROSS ACTION OF STANDARD ASBESTOS MANUFACTURING AND INSULATION COMPANY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, Standard Asbestos Manufacturing and Insulating Company, and, leave of Court being first had and obtained, file this, its cross action over and against the defendants, Fibreboard Paper Products Corporation, Combustion Engineering, Inc., Johns-Manville Products Corporation, Owens-Corning Fiber Glass Corporation, Eagle-Picher Industries, Inc., Pittsburgh Corning Corporation, Unarco Industries, Inc., Philip Carey Corporation, Armstrong Contracting and Supply Corporation and Ruberoid Company, and would respectfully represent unto the Court the following:

I.

While this defendant denies that it or any of the defendants are liable in any way to the plaintiff, this defendant alleges that in the event judgment should be rendered against it, it is entitled to judgment over and against all other defendants for indemnity and/or contribution.

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WHEREFORE, PREMISES CONSIDERED, this defendant prays that in the event any judgment is rendered against it, it have judgment over and against all other defendants for indemnity and/or contribution.

Respectfully submitted,

JAMES W. MEHAFFY, Attorney for
Defendant, Standard Asbestos
Manufacturing & Insulating Co.

MEHAFFY, WEBER, KEITH & GONSOULIN
1400 San Jacinto Building
Beaumont, Texas
Of Counsel

CERTIFICATE OF SERVICE

A copy of this cross action was mailed to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiff, on this the 15th day of December, 1969, and a copy of the cross action was mailed to all other counsel for defendants of record on the same date.

James W. Mehaffy

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MEHAFFY, WEBER, KEITH & GONSOULIN
ATTORNEYS
BEAUMONT, TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 16 1969
JAMES R. COONEY, CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER §
§
VS. § CIVIL ACTION NO. 6329
§
FIBREBOARD PAPER PRODUCTS §
CORPORATION, ET AL §

MOTION FOR LEAVE TO FILE CROSS ACTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, Standard Asbestos Manufacturing and Insulating Company, and moves the Court to grant leave to file the attached cross action for indemnity and contribution as against all other defendants.

Respectfully submitted,

MEHAFFY, WEBER, KEITH & GONSOULIN

By _____
Attorney for Standard Asbestos
Manufacturing & Insulating Co.

1400 San Jacinto Bldg.
Beaumont, Texas

ORDER

Leave is hereby granted for defendant, Standard Asbestos Manufacturing and Insulating Company, to file the cross action for indemnity and contribution as against all other defendants.

DONE this 19th day of December, 1969.

JUDGE PRESIDING

FILED
DEC 19 1969
19__
James R. Cooney, Clerk, U. S. Court
By Virginia R. Lewis
DEPUTY

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FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 19 1969
JAMES R. COONEY, CLERK
BY DEPUTY Imogene L. Jones

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DIVISION OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6329

ANSWER OF DEFENDANT PHILIP CAREY CORPORATION TO THE CROSS-ACTION OF DEFENDANT OWENS-CORNING FIBER GLASS CORPORATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Philip Carey Corporation, one of the defendants herein and files this its original answer to the cross-action of defendant Owens-Corning Fiber Glass Corporation and would respectfully show unto the Court as follows:

I.

With respect to the allegations contained in the cross-action of the defendant, Owens-Corning Fiber Glass Corporation, your defendant denies the same.

II.

For further answer your defendant hereby adopts en toto and incorporates herein its original answer to plaintiff's complaint, the same as though set forth herein haec verba.

WHEREFORE, your defendant prays that the defendant Owens-Corning Fiber Glass Corporation take nothing by its cross-action and that your defendant go hence and recover its costs.

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI

By _____
W. N. Arnold, Jr.

Bank of the Southwest Building
Houston, Texas 77002 224-7070

Attorneys for Defendant Philip Carey Corporation

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THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared W. N. ARNOLD, JR., who after being by me duly sworn, says that he is one of the attorneys of record for the defendant, Philip Carey Corporation, in the foregoing numbered and entitled cause, and that the statements made in the foregoing answer to cross-action of Owens-Corning Fiber Glass Corporation are true and correct and that he is authorized to make this affidavit.

W. N. Arnold, Jr.

SUBSCRIBED AND SWORN TO before me, the undersigned authority, by the said W.N.ARNOLD, JR. on this 18 day of December, 1969, to certify which witness my hand and seal of office.

NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, T E X A S

I certify that the above and foregoing Answer of Defendant, Philip Carey Corporation, to cross-action of Owens-Corning Fiber Glass Corporation was served upon Mr. Dale Dowell, King, Sharfstein & Rienstra, 707 Beaumont Savings Building, Beaumont, Texas, attorneys of record for defendant Owens-Corning Fiber Glass Corporation, by certified mail, return receipt requested, on the 18 day of December, 1969.

W. N. Arnold, Jr.

The Potter v. Fibreboard Case File (1969-1972), Motion to file cross-action
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CIVIL ACTION NO. 6329

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

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS
CORPORATION, ET AL

ANSWER OF DEFENDANT PHILIP CAREY
CORPORATION TO THE CROSS ACTION
OF DEFENDANT OWENS-CORNING FIBER
GLASS CORPORATION

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

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