IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
M. JUN 29 1970 19
James R. Cooney, Clerk, U.S. Court
By Margaret Driver DEPUTY

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

CIVIL ACTION NO. 6329

FIRST AMENDED CROSS-ACTION OF DEFENDANT, FIBREBOARD CORPORATION

TO SAID HONORABLE COURT:

COMES NOW Fibreboard Corporation, erroneously sued herein as Fibreboard Paper Products Corporation, one of the defendants in the above styled and numbered cause, and supplementing its original answer to plaintiff's original complaint, complaining of Pittsburgh Corning Corporation; Owens-Corning Fiberglas Corporation; Johns-Manville Products Corporation; Philip Carey Corporation; Armstrong Cork Company; Eagle-Picher Industries, Inc.; Standard Asbestos Manufacturing and Insulating Company; Combustion Engineering, Inc.; Unarco Industries, Inc.; and Ruberoid Company, all hereinafter called cross-defendants, and says:

1.

This defendant says that if plaintiff sustained any injury as the result of any act or omission on the part of the defendant, Fibreboard Corporation, erroneously alleged as Fibreboard Paper Products Corporation, which this defendant denies, then such injury was caused and proximately caused and contributed to by the acts and omissions of the remaining defendants above named, and each of them, individually and separately, the

Published by AsbestosClaims.Law
asbestosclaims.law/library/10350/1

defendant, Unarco Industries, Inc., being a successor in interest to Unarco Asbestos and Rubber Company, and if any judgment is entered herein against the defendant, Fibreboard Corporation, then in such event this defendant is entitled to indemnity of and from each and all of the other defendants; or in the alternative, is entitled to contribution against each and all of the other defendants in accordance with the provisions of Article 2212, Vernon's Annotated Civil Statutes of Texas.

2.

This defendant, subject to its contention that the plaintiff has no cause of action against either of the defendants herein because of his use of products containing asbestos, and solely for the purpose of pleading, if necessary, alleges as against each of the cross-defendants each and every act herein as is alleged in the plaintiff's second amended complaint against each and all of said defendants.

WHEREFORE, this defendant prays judgment of the Court that plaintiff take nothing against it and that it go hence with its costs; in the alternative, that it have judgment for indemnity; or in the further alternative, that it have judgment for contribution as set out above.

Respectfully submitted;

WELLER, WHEELUS, GREEN & BROCATO
P. O. BOX 350
BEAUMONT, TEXAS 77704

BY _____
GEO. A. WELLER,
ATTORNEY FOR DEFENDANT,
FIBREBOARD CORPORATION.

The Potter v. Fibreboard Case File (1969-1972), Amended cross-action
ACL Doc 10350 · Page 2 of 4
Published by AsbestosClaims.Law
asbestosclaims.law/library/10350/2

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was served on the following attorneys by mailing a true and correct copy thereof to their respective offices on the 18TH day of JUNE, 1970.

Mr. Ward Stephenson
Stephenson & Thompson
Stephenson Building
Orange, Texas

Mr. George E. Duncan
P. O. Box 3708
Beaumont, Texas 77704

Mr. Gordon R. Pate
Beaumont Savings Building
Beaumont, Texas 77701

Mr. W. N. Arnold, Jr.
Fulbright, Crooker, Freeman, Bates & Jaworski
Bank of the Southwest Building
Houston, Texas 77002

Mr. Ben L. Reynolds
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002

Mr. Dale Dowell
707 Beaumont Savings Building
Beaumont, Texas 77701

Mr. James W. Mehaffy, Sr.
San Jacinto Building
Beaumont, Texas 77701

Mr. Charles S. Pipkin
P. O. Box 1632
Beaumont, Texas 77704

Mr. John G. Tucker
Orgain, Bell & Tucker
Beaumont Savings Building
Beaumont, Texas 77701

Mr. Gerald P. Coley
Vinson, Elkins, Searls & Connally
First City National Bank Building
Houston, Texas 77002

Mr. Robert E. Barnes, Jr.
P. O. Box 5098
Beaumont,Texas 77706

Mr. Frank Bean
Bean & Manning
500 Jefferson Building
Houston, Texas 77002

OF COUNSEL

Published by AsbestosClaims.Law
asbestosclaims.law/library/10350/3

CIVIL ACTION NO. 6329

SAMUEL R. POTTER

VS.

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL

FIRST AMENDED CROSS-ACTION OF DEFENDANT, FIBREBOARD CORPORATION.

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