FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
NOV 30 1970
JAMES R. COONEY, CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER V. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§ § § § § §	CIVIL ACTION NO. 6329
CLARENCE BOREL V. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§ § § § § §	CIVIL ACTION NO. 6449
J. J. CRAWFORD V. FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§ § § § § §	CIVIL ACTION NO. 6492

REPLY TO PLAINTIFFS' MOTION TO TAKE JUDICIAL KNOWLEDGE

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW the defendants in the above entitled and numbered actions, and file this their reply to the plaintiffs' motion to take judicial knowledge of the fact that various states of the United States have enacted Workmen's Compensation laws covering employees who contracted asbestosis in the course of their employment, and for such reply would show unto the Court:

I.

The plaintiffs have listed some eighteen (18) states which they allege have enacted Workmen's Compensation laws relating to asbestosis, setting forth the alleged dates of enactment. Similarly, the plaintiffs further allege that they have "xerox copies of exerpts from the Workmen's Compensation laws of each states so listed."

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II.

Defendants respectfully submit to the Court that the motion filed herein by plaintiffs' counsel does not conform or comply with the terms and provisions of Rule 44, et seq. of the Federal Rules of Civil Procedure, in that plaintiffs herein have not alleged that the copies of such state laws have been duly certififed by an appropriate officer or official of such state, and said motion wherein it refers to the experts of the alleged Workmen's Compensation laws of each of the states set forth above does not reflect that the same have been appropriately certified as being in full force and effect at all times material hereto.

III.

Further, your defendants would show unto the Court that at prior pre-trial hearings, the Court stated that it would not take judicial knowledge of the fact that the various states had enacted Workmen's Compensation laws unless a proper certificate of the passage of such law and the effective date of the act was presented.

IV.

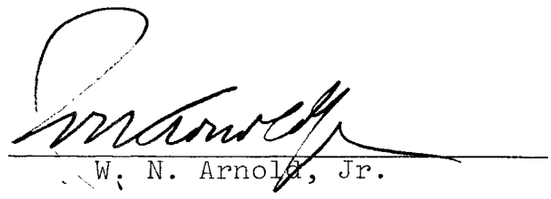
Your defendants say that the motion in its present form should be denied. In this connection, however, counsel for defendants will not require the taking of the depositions of the various directors of the Industrial Accident Boards throughout the various states, but earnestly assert that the Act of the particular states should be produced to show that asbestosis is specifically mentioned as an occupational disease in that particular state.

WHEREFORE, PREMISES CONSIDERED, defendants pray that said motion be in all things denied.

Respectfully submitted,

FULBRIGHT, CROOKER, FREENAN,
BATES & JAWORSKI

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CERTIFICATE OF SERVICE

I, W. N. ARNOLDS, JR., hereby certify that a true and correct copy of the above and foregoing reply was on behalf of all of the defendants' counsel mailed on this 27th day of November, 1970, mailed to Messrs. Stepheson & Thompson, attorneys at law, Orange, Texas.

W. N. Arnold, Jr.

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