IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 1 1970
JAMES R. COONEY, CLERK
BY DEPUTY Myra Barton

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

MOTION OF DEFENDANTS FOR EXTENSION OF TIME TO REPLY TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF'S MOTION TO TAKE JUDICIAL KNOWLEDGE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW FIBREBOARD PAPER PRODUCTS CORPORATION, EAGLE-PICHER INDUSTRIES, INC., ARMSTRONG CORK COMPANY, PHILIP CAREY CORPORATION, joined by all Defendants herein in the above captioned cause, and respectfully moves the Court to grant an extension of time within which to reply to Plaintiff's Motion for Partial Summary Judgment and Plaintiff's Motion to Take Judicial Knowledge and, if necessary, to file counter-motions and otherwise plead to Plaintiff's Motions referred to above, extending such time for a period of thirty-one (31) days, to and including December 31, 1970.

I.

Defendants would respectfully show unto the Court that additional time is necessary in which to respond to Plaintiff's Motion for Partial Summary Judgment and the Motion to Take Judicial Knowledge by reason of the

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fact that this suit involves numerous and complex issues and such time is needed to prepare appropriate response and briefs in order to properly and adequately reply to Plaintiff's Motions. Further, some Defendants may file, if necessary, countermotions, to be considered by the Court at the same time the Court hears and considers Plaintiff's Motions. Defendants would show that this Motion is not being filed for the purpose of delay, but to the contrary, would respectfully show to the Court that the time herein prayed for is essential in order to properly and adequately prepare responses and replies to Plaintiff's Motions and will do so within the time requested.

Respectfully submitted,

WELLER, WHEELUS, GREEN & BROCATO

By: _____
Attorneys for Defendant Fibreboard Paper Products Corporation

ROYSTON, RAYZOR & COOK

By: _____
Attorneys for Defendant Eagle-Picher Industries, Inc.

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI

By: _____
Attorneys for Defendant Armstrong Cork Company and Defendant Philip Carey Corporation

VINSON, ELKINS, SEARLS & CONNALLY

By: _____
Attorneys for Defendant Unarco Industries, Inc.

The Potter v. Fibreboard Case File (1969-1972), Motion for extension to reply to two of plaintiffs' motions
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served upon counsel for Plaintiff and counsel for the Defendants by mailing a copy of the same to the address shown below on each counsel of record by depositing the same in the United States Mail, properly addressed, with postage paid, on the 25th day of November, 1970.

Gerald P. Coley

Gerald P. Coley

Mr. Ward Stephenson
Stephenson & Thompson
Stephenson Building
Orange, Texas 77630

Mr. Gordon R. Pate
1119 Beaumont Savings Bldg.
Beaumont, Texas 77701

Mr. George E. Duncan
Wells, Duncan, Beard,
Greenberg & Hunt
P. O. Box 3708
Beaumont, Texas 77704

Mr. Dale Dowell
King, Sharfstein & Rienstra
707 Beaumont Savings Bldg.
Beaumont, Texas 77701

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

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

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

Mr. James W. Mehaffey, Sr.
Keith, Mehaffey & Weber
San Jacinto Bldg.
Beaumont, Texas 77701

Mr. George A. Weller
Weller, Wheelus & Green
P. O. Box 350
Beaumont, Texas 77704

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

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

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

Mr. George E. Murphy
San Jacinto Building
Beaumont, Texas 77701

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MOTION OF DEFENDANTS FOR EXTENSION OF TIME TO REPLY TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND PLAINTIFF'S MOTION TO TAKE JUDICIAL KNOWLEDGE

Gerald P. Coley
VINSON, ELKINS, SEARLS & CONNALLY
ATTORNEYS AT LAW
FIRST CITY NATIONAL BANK BUILDING
HOUSTON, TEXAS 77002