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

FILED
M. JAN 4 1972 19
James R. Toomey, Clerk U. S. Court
By Hazel E. Studdard
DEPUTY

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

AMENDED CROSS-ACTION OF
UNARCO INDUSTRIES, INC.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW UNARCO INDUSTRIES, INC., one of the Defendants in the above-styled and numbered cause, and with leave of the Court having first been had and obtained, files this, its Amended Cross-Action over and against the Defendants, Combustion Engineering Company, Inc., Johns-Manville Products Corporation, Owens-Corning Fiberglas Corporation, Eagle-Picher Industries, Inc., Pittsburgh Corning Corporation, Fibreboard Paper Products Corporation, Philip Carey Manufacturing Company, Armstrong Contracting and Supply Corporation, Armstrong Cork Company, Standard Asbestos Manufacturing and Insulation Company and Ruberoid Company, all hereinafter called Cross-Defendants, and would respectfully show unto the Court the following:

I.

This Defendant says that if Plaintiff sustained any injury as a result of any act or omission on the part of the Defendant, Unarco Industries, Inc., which this Defendant denies, then such injury was caused or proximately caused or contributed to by the acts and omissions of the remaining Defendants above-named, and each of them,

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and if any judgment is entered herein against the Defendant, Unarco Industries, Inc., then, in such event, this Defendant is entitled to indemnity 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, Revised Civil Statutes of the State of Texas.

WHEREFORE, this Defendant prays judgment of the Court that Plaintiff take nothing against it and that it go hence with its cost; in the alternative, that it have judgment for indemnity; or in the further alternative, that it have judgment for contribution, as set forth above.

Respectfully submitted,

VINSON, ELKINS, SEARLS & SMITH

By Gerald P. Coley
Gerald P. Coley
2001 First City National Bank Building
Houston, Texas 77002 225 - 2411
ATTORNEYS FOR DEFENDANT UNARCO INDUSTRIES, INC.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Answer of the Defendant Unarco Industries, Inc., to Plaintiff's Second Amended Original Complaint and Cross-Action was served on this 3rd day of January, 1972, to Mr. Ward Stephenson, Stephenson & Thompson, Stephenson Building, Orange, Texas, and on the attorneys of record for all Defendants herein.

Gerald P. Coley
Gerald P. Coley

The Potter v. Fibreboard Case File (1969-1972), Amended cross-action
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