NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL

ORIGINAL ANSWER OF DEFENDANT, QUEEN INSURANCE COMPANY OF AMERICA

FILED

8th Day of Jan 1962

at 9 o'clock A M.

ETHEL BURTON

Clerk, District Court, Orange County, Texas

By Edna Emmons Deputy

ORGAIN, BELL & TUCKER

ATTORNEYS AT LAW

BEAUMONT, TEXAS

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MTB/ja 1/7/63

NO. 13,916

CLAUDE J. TOMPLAIT	§	IN THE DISTRICT COURT OF
VS.	§	ORANGE COUNTY, TEXAS
THE TRAVELERS INSURANCE COMPANY, ET AL	§	128TH JUDICIAL DISTRICT

ORIGINAL ANSWER OF DEFENDANT, QUEEN INSURANCE COMPANY OF AMERICA

COMES NOW the defendant, Queen Insurance Company of America, and files this its original answer, and for cause would show the Court the following:

1.

Defendant denies each and all and singular the allegations in plaintiff's petition contained, and demands strict proof thereof, and of this puts itself upon the country.

2.

Further by way of answer herein, and in the nature of an affirmative defense, under the provisions of Rule 93, defendant says that it neither received notice of injury, nor did the plaintiff file claim for compensation within the time provided by law, and further, under the provisions of said Rule, defendant specifically denies that it was the insurance company or was the carrier for plaintiff's employer at the time he alleges, in his petition, that the symptoms manifested themselves, and further denies specifically that there was good cause for failing to file his claim within the six months period provided by statute, all of which is pled in bar of suit herein.

3.

Further by way of answer herein, and in the alternative, defendant says that the conditions alleged by plaintiff, which he contends caused or brought about his disability or incapacity, did not occur under such circumstances as to bring them under the provisions of Section 26,

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Article 8306, Revised Civil Statutes of the State of Texas, and that, therefore, he is not entitled to recover herein.

4.

Further by way of answer herein, and in the alternative, defendant says that plaintiff's incapacity, if any, was temporary and partial only.

5.

Further by way of answer herein, and in the alternative, defendant says that plaintiff's incapacity, if any, was solely brought about or caused by injuries, diseases, or conditions, or a combination of such, in nowise related to or caused by any condition or accident sustained while in the course of his employment with said employer as alleged.

WHEREFORE, premises considered, defendant moves and prays the Court that plaintiff take nothing by his suit, that defendant go hence with costs, and for such other relief as it may show itself entitled to receive.

Respectfully submitted,

ORGAIN, BELL & TUCKER
First Federal Savings Building
Beaumont, Texas

By Cleve Bachman
Cleve Bachman
Attorneys for Defendant, Queen Insurance Company of America

THE STATE OF TEXAS §
§
COUNTY OF JEFFERSON §

I, Cleve Bachman, attorney of record for the Queen Insurance Company of America, do state, and swear, under oath, that such denial is made on information and belief that the facts alleged in paragraph 2 are true and correct.

Cleve Bachman

SWORN TO AND SUBSCRIBED before me, the undersigned authority, this 7th day of January, A. D. 1963.

Jane Adams
Notary Public in and for
Jefferson County, Texas

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Citation—District Court — Port Printers

THE STATE OF TEXAS

To: QUEEN INSURANCE COMPANY OF AMERICA
Upon whom service may be obtained by serving anyone subject to service in the office of G. J. Henry, 2405 Cedar Springs Road, Dallas, Texas, Attorney for Service.
Served H.C. Watson - Agent
12-26-62 7:10 pm
16 miles

Greeting:

You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A. M. of the Monday next after the expiration of 20 days from the service hereof, before the Honorable District Court of Orange County for the 128th Judicial District of Texas, at the Court House in Orange, Texas.

Said plaintiff's petition was filed on the 21st day of December, 19 62

The file number of said suit being No. 13,916

The style of the case is

CLAUDE J. TOMPLAIT is - - - - - - - - - - - - - - - - - Plaintiff,

versus

THE TRAVELERS INSURANCE COMPANY, ET AL is - - - - - - Defendant

A copy of plaintiff's petition accompanies this citation.

If this Citation is not served within 90 days after the date of its issuance, it shall be returned unserved.

Issued this the 21st day of December, A. D., 19 62

Given under my hand and seal of said Court, at office in Orange, Texas, this the 21st day of December, A. D., 19 62

EXECUTE WHEN COPY IS DELIVERED:

This, a true copy of the original Citation, was delivered to Defendant:

_____

on the _____ day of _____ 19____

_____ Sheriff-Constable

_____ County, Texas

By _____ Deputy.

ETHEL BURTON, Clerk
District Court, Orange County, Texas

By _____ Deputy

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SHERIFF'S RETURN

Came to hand on the 22nd day of December, 19 62, at 9:49 o'clock A M., and executed in Dallas County, Texas, by delivering to ~~each of~~ the within named defendant in person, a true copy of this Citation together with the accompanying copy of the plaintiff's petition, at the following times and places, to-wit:, having ~~first endorsed on same the date of delivery~~:

NAME	DATE Month	Day	Year	TIME Hour	Min.	M.	Place, and Course and Distance From Court House	Mileage
Queen Insurance Company of America by delivering to H. C. Watson, its agent	December	26	1962	9	10	AM	16 miles	1.60

And not executed as to defendant, _____

the diligence used in finding said defendant, being: _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said defendant, being: _____

I actually and necessarily traveled 16 miles in the service of this Citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

FEES—Serving 1 cop y, $ 1.25

Mileage 16 miles, 1.60

Total, ... $ 2.85

Paid by SSF

Bill Decker, Sheriff

Dallas County, Texas

By J. F. Ramsey, Deputy

No. 13,916

DISTRICT COURT
Orange County, Texas
128th Judicial District of Texas

CITATION

CLAUDE J. TOMPLAIT

vs.

THE TRAVELERS INSURANCE CO., ET AL

Issued December 21, 19 62

Ethel Burton, Clerk

By _____ Deputy

Filed 8 Day of Jan, 19 62

Ethel Burton, Clerk

By Edna Emmons Deputy

Port Printers

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