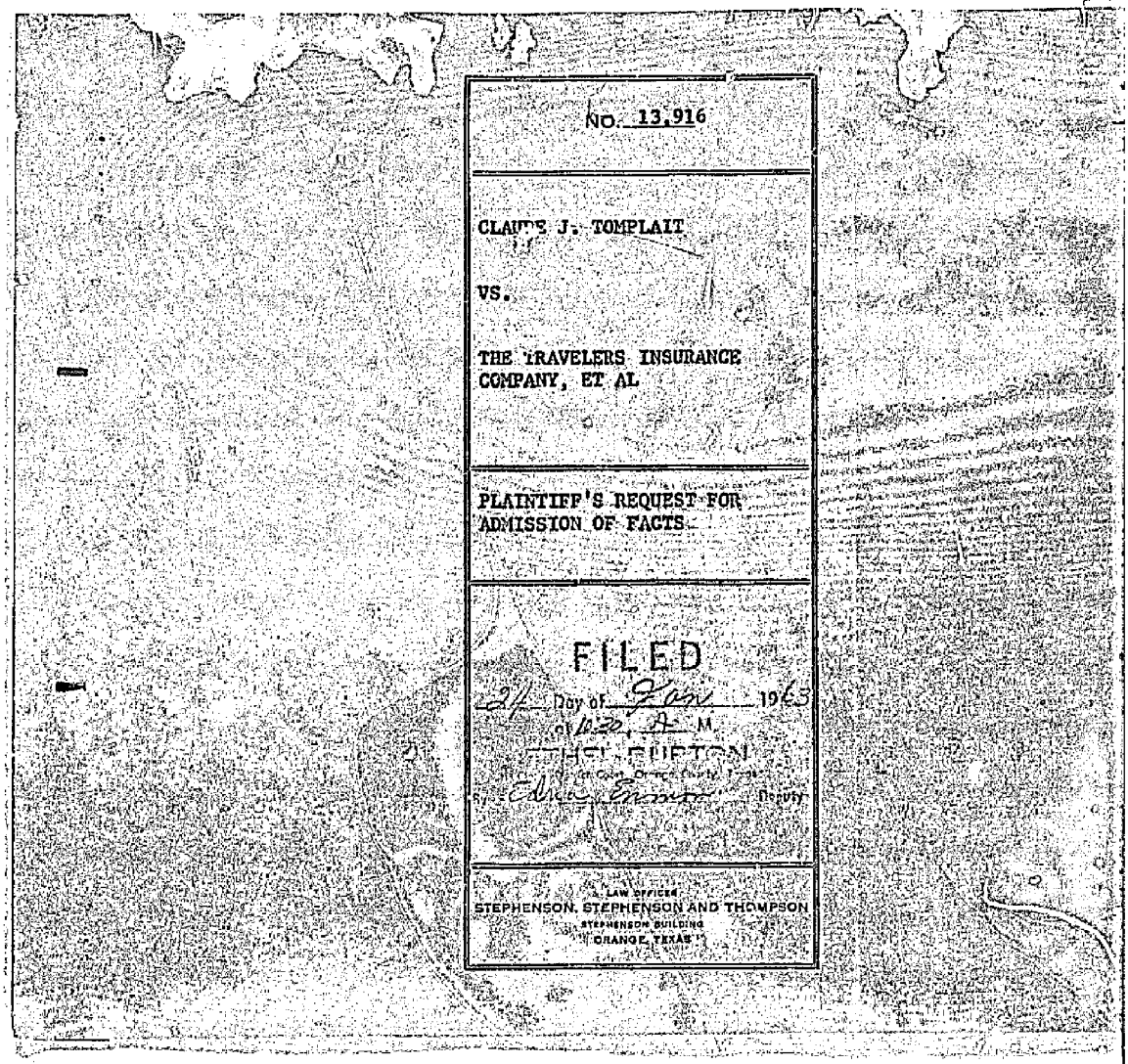


NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL

PLAINTIFF'S REQUEST FOR ADMISSION OF FACTS

FILED

24 Day of Jan 1963

o'clock A M.

CHESLEY BURTON

Clerk County Court Deputy

LAW OFFICES
STEPHENSON, STEPHENSON AND THOMPSON
STEPHENSON BUILDING
ORANGE, TEXAS

Published by AsbestosClaims.Law
asbestosclaims.law/library/10864/1

No. 13,916

IN THE 128TH DISTRICT COURT OF ORANGE COUNTY, TEXAS

CLAUDE J. TOMPLAIT	:	
	:	PLAINTIFF'S REQUESTS FOR
VS.	:	
	:	ADMISSION OF FACTS
THE TRAVELERS INSURANCE COMPANY, ET AL	:	

TO: THE TRAVELERS INSURANCE COMPANY
In care of Strong, Pipkin, Strong & Nelson
P. O. Box 1632, Beaumont, Texas

Comes now the plaintiff in the above entitled and numbered cause, and, in order to simplify the issues for the consideration of the Court and jury, makes the following requests for admission of facts under the provisions of Rule 169 of the Texas Rules of Civil Procedure, and demands that within eleven days after the service of these requests on the defendant insurance company or its attorneys, that the defendant insurance company admit under oath or deny under oath the following facts, and demands that each fact set forth be specifically admitted or denied. The defendant is here advised that a failure to specifically answer any request will be taken as an admission of the truth of the request. A true copy of this is being timely delivered to the Clerk of the Court for filing in this case.

1. That in the month of July, 1961, the plaintiff was an employee of Armstrong Contracting and Supply Corporation in Orange County, Texas.

2. That during the month above stated, certain physical conditions of the plaintiff became apparent while in the course of such employment in Orange County with the above named employer.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10864/2

3. That prior to the date above stated the defendant issued a policy of workman's compensation insurance to the plaintiff's employer, whereby said employer became a subscriber as that term is defined in the Employer's Liability Act of the State of Texas.

4. That such policy of insurance was in full force and effect on the date above stated.

5. That plaintiff's employer had actual notice of said personal injury and occupational disease within 30 days from the above stated date.

6. That if the plaintiff's employer did not have notice of said personal injury and occupational disease then that said employer was notified within thirty days of the date above stated that said plaintiff had sustained or was claiming to have sustained personal injury and occupational disease while in the course of his employment with said employer.

7. That the defendant herein had actual notice of the plaintiff's personal injury and occupational disease within thirty days from the above stated date.

8. That if the defendant herein did not have actual notice of said personal injury and occupational disease within thirty days of the above stated date then that the defendant was advised within thirty days of said date that the plaintiff was claiming to have sustained personal injury and occupational disease within the course of his employment with said employer.

9. That the books and records showing the number of days that plaintiff had been employed by said employer and the amount of money paid the plaintiff for such employment are available to the defendant insurance company for its inspection.

10. That the defendant insurance company has been furnished a record showing the numberof days that the plaintiff had worked for such employer during the year preceding the date of plaintiff's personal injury and occupational disease.

11. That the defendant insurance company has been furnished a record showing the amount of money that was paid the plaintiff for the time that the plaintiff worked for such employer during the year next preceding the date of plaintiff's personal injury and occupational disease.

12. That the plaintiff worked in the employment in which he was working at the time of his alleged personal injury and occupational disease for the same employer for at least two hundred ten (210) days of the year immediately preceding his injuries and earned at least $4.265 per hour during the days when so employed.

The Tomplait v. Combustion Engineering Case File (1962-1969), Requests for admission to Travelers Published by AsbestosClaims.Law
ACL Doc 10864 · Page 3 of 5 asbestosclaims.law/library/10864/3

13. That the plaintiff had been employed in the employment in which he was then working on the above stated date set out in Request No. 1, for the same or another employer, for at least two hundred ten (210) days of the year immediately preceding his personal injury and occupational disease.

14. That there was employed by plaintiff's employer at least one other employee of the same class as plaintiff, in the same or similar employment as plaintiff, in the same or a neighboring place, who worked for at least two hundred ten (210) days of the year immediately preceding the above date set out in Request for Admission No. 1.

15. That the employee inquired about in the preceding request for admission had an average daily wage of at least $34.12 during the days that he worked in the year next preceding the date of plaintiff's injuries inquired about in Request for Admission No. 1.

16. That an average weekly wage as a basisupon which to compute the compensation that the plaintiff is entitled to receive which would be just and fair to both the plaintiff and defendant would be $196.85.

17. That prior to, at the time of, and since the date specified in Request No. 1, the defendant had an agent with authority to investigate the plaintiff's claim for compensation.

18. That the defendant herein has authorized or solicited Dr. John C. Greco to examine and treat the plaintiff for his injuries.

19. That the defendant herein has paid or has agreed to pay Dr. John C. Greco for services rendered to the plaintiff herein.

20. That the plaintiff was directed by his employer, or his employer's agents having authority in the premises, to report to the above named doctor for examination or treatment.

21. That the plaintiff was directed by the defendant or its agent having authority in the premises to report to the above named doctor for examination or treatment.

22. That the above named doctor examined or treated the plaintiff for or on behalf of the defendant insurance company.

23. That the defendant insurance company has failed and refused to pay the plaintiff any compensation growing out of the personal injury and occupational disease alleged by the plaintiff in this suit.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10864/4

24. That the defendant insurance company has paid the plaintiff in this case compensation at the rate of $35.00 per week for a number of weeks for total disability growing out of the personal injury and occupational disease alleged by the plaintiff in his petition on file herein.

25. That the proper compensation rate for the plaintiff in this case for total disability as a result of the alleged injury in issue in this case is $35.00 per week.

26. That the defendant herein has secured from Dr. John C. Greco one medical report concerning the plaintiff's physical condition.

27. That the defendant herein has secured from Dr. John C. Greco two medical reports concerning the plaintiff's physical condition.

28. That the defendant herein has secured from Dr. John C. Greco three medical reports concerning the plaintiff's physical condition.

29. That within six months of the above stated date the plaintiff filed a claim for compensation, growing out of said personal injury and occupational disease with the Industrial Accident Board of the State of Texas.

30. That on the 18th day of December, 1962 the Industrial Accident Board of the State of Texas made a final ruling, decision and award on said claim for compensation filed by plaintiff.

31. That within twenty days of the date of said final award of the Industrial Accident Board, the plaintiff notified said Board that the plaintiff would not abide by the said final award and decision and would appeal therefrom.

32. That within twenty days after said notice of appeal was given to the Industrial Accident Board, the plaintiff filed this suit in this Court to set aside the said award and to have adjudicated his rights under the Workmen's Compensation Act of the State of Texas.

I certify that the above Requests for Admission of Facts were delivered to the above named defendant on this the 9th day of January, 1963, by mailing same on this date to Strong, Pipkin, Strong & Nelson, Beaumont, Texas Attorneys for Defendant, The Travelers Insurance Company.

STEPHENSON, STEPHENSON
AND THOMPSON

By Ward Stephenson
Attorneys for Plaintiff
Stephenson Building
Orange, Texas