NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL

MOTION FOR SUMMARY JUDGMENT

FILED

18 Day of Feb 1963

at 4:45 P M.

ETHEL BURTON

(Clerk) District Court, Orange County, Texas

By Vera Semprez Deputy

Recorded Vol 17-1 page 37

Judgment Comp

ORGAIN, BELL & TUCKER

ATTORNEYS AT LAW

BEAUMONT, TEXAS

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NO. 13,916

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

MOTION FOR SUMMARY JUDGMENT

COMES NOW the defendant, Queen Insurance Company of America, and files this its motion for summary judgment under the provisions of Rule 166-A of the Texas Rules of Civil Procedure, and as grounds therefor would show unto the Court the following:

1.

Your defendant moves for a summary judgment in this cause, contending that it was not the insurance carrier for the plaintiff's employer during the period or at the time which he alleges and contends the occupational disease causing or bringing about incapacity or disability manifested itself, and, therefore, this defendant is not in law liable for any benefits under the provisions of such act.

2.

In connection with this motion for summary judgment, defendant attaches hereto and makes a part hereof Exhibit "A", which is an affidavit from the Industrial Accident Board of the State of Texas.

WHEREFORE, premises considered, defendant moves and prays this Honorable Court set this hearing for summary judgment down ten (10) days from date of notice to the opposing parties, and that judgment be entered that the plaintiff take nothing by his claim against Queen Insurance Company of America, and that said company 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
Attorneys for Defendant, Queen Insurance Company of America

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I, Cleve Bachman, do hereby certify that a copy of this Motion for Summary Judgment has this date been served on the firm of Stephenson, Stephenson & Thompson, Counsel for the Plaintiff, by delivering a copy in person to said firm, this the _____ day of February, A.D., 1963.

Cleve Bachman

The above captioned cause is set for hearing on the 1st day of March, 1963, at ten o'clock A.M.

James N. Neff
Judge Presiding

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STATE OF TEXAS I

COUNTY OF TRAVIS I

I, LES MORELAND, Secretary and Custodian of the Records of the Industrial Accident Board of the State of Texas, DO HEREBY CERTIFY that:

ARMSTRONG CONTRACTING AND SUPPLY CORPORATION

1824 NORTH INDUSTRIAL BOULEVARD
DALLAS, TEXAS

311 LEELAND AVENUE
HOUSTON, TEXAS

9140 PREMIER ROW
DALLAS 7, TEXAS

7310 ARDMORE
HOUSTON 21, TEXAS

610 NORTH MEDINA
SAN ANTONIO 7, TEXAS

was for the period of January 1, 1961 through December 31, 1962 a subscriber to the Texas Workmen's Compensation Act under a policyof insurance issued by the Travelers Insurance Company, and which was at all times in force during the period according to the records in this Department in the Subscriber's File captioned:

SUBSCRIBER FILE NUMBER 95284
ARMSTRONG CONTRACTING AND SUPPLY CORPORATION

I FURTHER CERTIFY that according to the records of this Department such Workmen's Compensation Insurance Coverage was based on policies issued to ARMSTRONG CONTRACTING AND SUPPLY CORPORATION by Travelers Insurance Company and not Queen Insurance Company of America.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of the Industrial Accident Board at its offices in the State Insurance Building in Austin, Texas, on this 14th day of February A. D. 1963.

LES MORELAND, SECRETARY

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