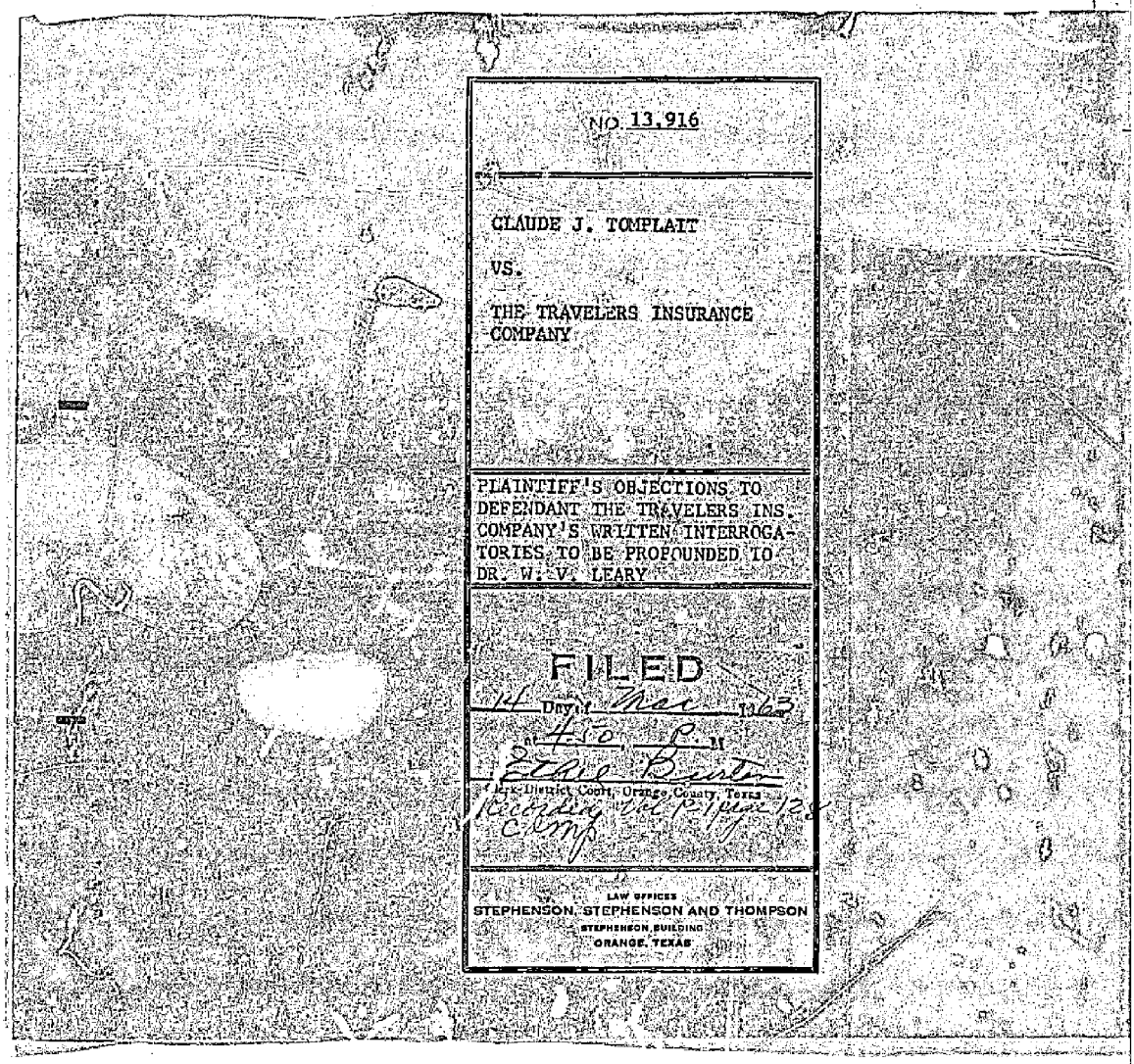


NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY

PLAINTIFF'S OBJECTIONS TO DEFENDANT THE TRAVELERS INS. COMPANY'S WRITTEN INTERROGATORIES TO BE PROPOUNDED TO DR. W. V. LEARY

FILED

14 Day of Mar 1963

at 4:50 P. M

Earl Burton

Clerk District Court, Orange County, Texas

Recording Vol P/Page 12

Comp

LAW OFFICES

STEPHENSON, STEPHENSON AND THOMPSON

STEPHENSON BUILDING

ORANGE, TEXAS

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No. 13,916

IN THE 128TH DISTRICT COURT OF ORANGE COUNTY, TEXAS

CLAUDE J. TOMPLAIT	:	PLAINTIFF'S OBJECTIONS TO DEFENDANT THE TRAVELERS INSURANCE COMPANY'S WRITTEN INTERROGATORIES TO BE PROPOUNDED TO DR. W. V. LEARY
VS.	:	
THE TRAVELERS INSURANCE COMPANY	:	

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now CLAUDE J. TOMPLAIT, plaintiff in the above entitled and numbered cause, and makes the following objections to certain written interrogatories to be propounded to Dr. W. V. Leary in behalf of the defendant Travelers Insurance Company, served herein by said defendant:

1.

Plaintiff objects to Interrogatory No. 21 because the same is too vague and uncertain and does not inquire as to the source of the information; whether or not this is a medical opinion; and if it is a medical opinion, it is not based upon proper form as to reasonable certainty.

2.

Plaintiff objects to Interrogatory No. 26 because the same is not a proper inquiry in that the Workmen's Compensation Statute provides that the employer for whom the employee was last injuriously exposed shall assume responsibility for occupational disease of this type; and this would serve only to prejudice the plaintiff in his case, and the same is improper.

3.

Plaintiff objects to Interrogatory No. 27 because the same is not a proper inquiry in that the Workmen's Compensation Statute provides that the employer for whom the employee was last injuriously exposed shall assume responsibility for occupational disease of this type; and this would serve only to prejudice the plaintiff in his case, and the same is improper.

WHEREFORE, plaintiff moves the Court for an order striking said Interrogatories Nos. 21, 26 and 27 and excusing the

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said Dr. W. V. Leary from answering the same.

STEPHENSON, STEPHENSON
AND THOMPSON

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas

* * * * * * * * * * * * * * * * *

ORDER OF THE COURT

On this the 14th day of March, 1963 came on to be considered plaintiff's request for a hearing on the objections of plaintiff to defendant Travelers Insurance Company's written interrogatories to be propounded to Dr. W. V. Leary, Houston, Texas, and the Court being of the opinion that such objections constitute sufficient grounds for a hearing thereon,

It is therefore ORDERED that plaintiff's request for a hearing be granted, and that plaintiff's objections to said defendant's written interrogatories to be propounded to DR. W. V. LEARY be heard on the 15th day of March, 1963 at 9 o'clock A .m.

It is further ORDERED that said defendant's written interrogatories shall not be propounded to the said Dr. W. V. Leary nor answered by said witness prior to the date of the hearing as above set out.

DATED this 14th day of March, 1963 .

James N. Neff
JUDGE PRESIDING

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