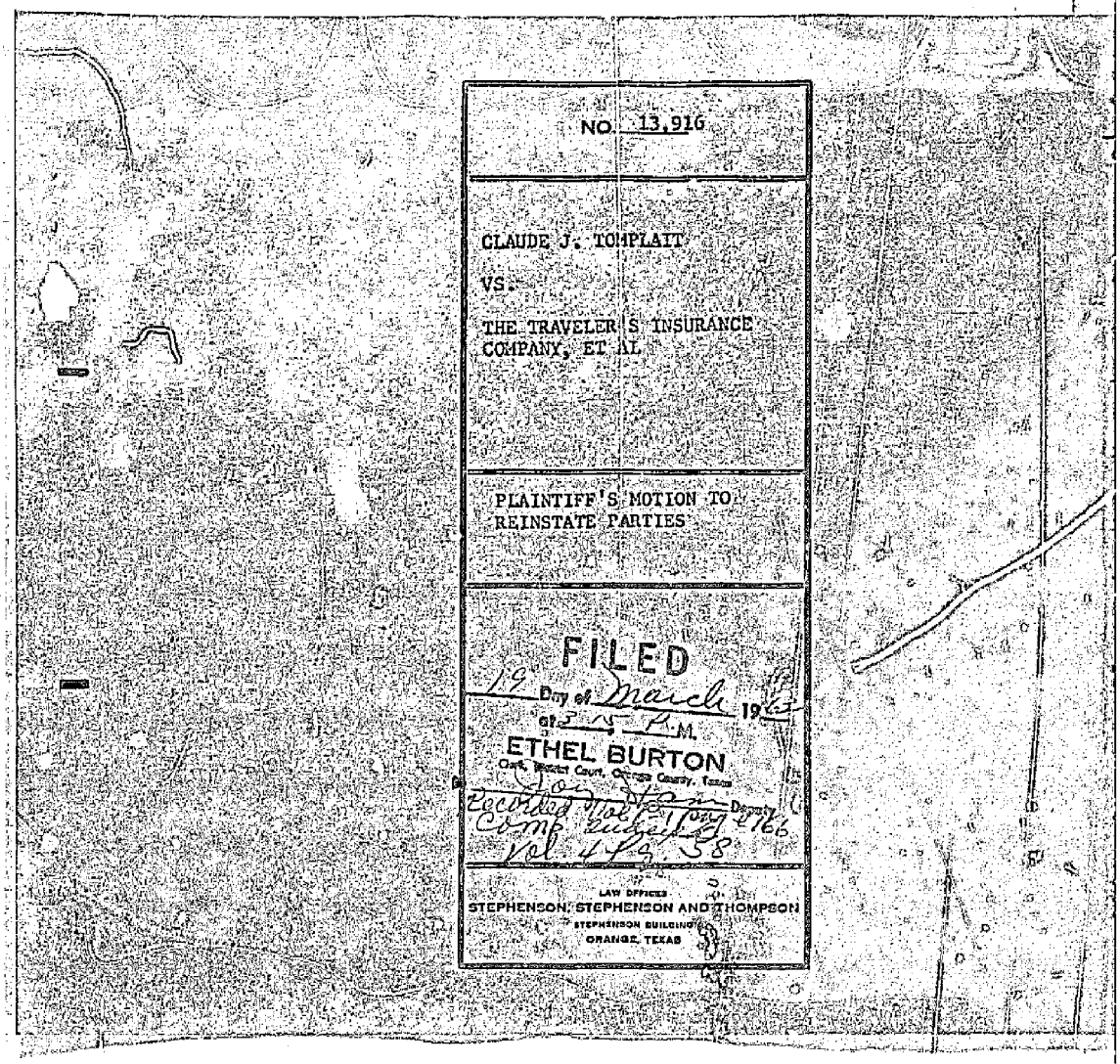


NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELER'S INSURANCE COMPANY, ET AL

PLAINTIFF'S MOTION TO REINSTATE PARTIES

FILED

19 Day of March 19 68

at 3:45 P.M.

ETHEL BURTON

Clerk, District Court, Orange County, Texas

By Joan Dixon Deputy

Recorded March 19 1968

Comp. Index 9

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LAW OFFICES

STEPHENSON, STEPHENSON AND THOMPSON

STEPHENSON BUILDING

ORANGE, TEXAS

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No. 13,916

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

PLAINTIFF'S MOTION TO REINSTATE PARTIES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, Claude J. Tomplait, and files this his Motion to Reinstate Parties and as grounds would show unto the Court the following:

That on the 1st day of March, 1963, after due and proper notice, come on to be heard the various motions for Summary Judgment filed by the defendants in the above entitled and numbered cause, to-wit: Traveler's Insurance Company; Queen Insurance Company of America; and Texas Employers Insurance Association; and the Court was of the opinion that the Motions for Summary Judgment filed by the Queen Insurance Company of America and Texas Employers Insurance Association should be and was granted; and that the Motion for Summary Judgment of the defendant Traveler's Insurance Company should be and was denied and overruled.

That on the 14th day of March, 1963, the Court entered an order sustaining the defendant, Queen Insurance Company of America and Texas Employers Insurance Association Motion for Summary Judgment and overruling the defendant, Traveler's Insurance Company's Motion for Summary Judgment.

Plaintiff would herein show the Court that said Order was signed and rendered on the 14th day of March, 1963; that said order was interlocutory in nature and was not a final order, and that this Motion is presented within 30 days from

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the rendition of said order; and further that a final order has not been rendered in the above entitled and numbered cause.

Plaintiff would show unto the Court that the defendants, Queen Insurance Company of America and Texas Employer's Insurance Association should be reinstated as party defendants in this cause, and that the Motion for Summary Judgment of these defendants should be overruled and that the Court should enter an Order reinstating said defendants as party defendants in this cause since the Court at this time is unable to ascertain as a matter of law or fact which of the defendants provided Workman's Compensation Insurance for the employer for whom the plaintiff, Claude J. Tomplait was last injuriously exposed for the occupational disease described in this cause.

Plaintiff further requests the Court to reinstate all party defendants in this cause in order that a proper finding may be made by the Court or a jury and that the proper party defendant or defendants would be before the Court when a final order for judgment is rendered in this cause.

A copy of the foregoing Motion for Reinstatement of Parties and Order setting hearing thereof was delivered - mailed to David C. Marcus, Marcus & Weller, Attorney for Defendant, Texas Employers Insurance Association; Gordon Pate, Strong, Pipkin, Strong & Nelson, Attorneys for Defendant, Traveler's Insurance Company; and Cleve Bachman, Orgain, Bell & Tucker, Attorneys for Defendant, Queen Insurance Company of America, on the 19th day of March, 1963.

STEPHENSON, STEPHENSON
AND THOMPSON

By Jim L. Stevenson
Attorneys for Plaintiff
Stephenson Building
Orange, Texas

ORDER

ON THIS the 19th day of March, 1963, the Court hereby sets the foregoing Motion for Reinstatement of Parties for hearing on the 22nd day of March, 1963, at 9 o'clock A.m.

James N. Bell
Judge Presiding

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