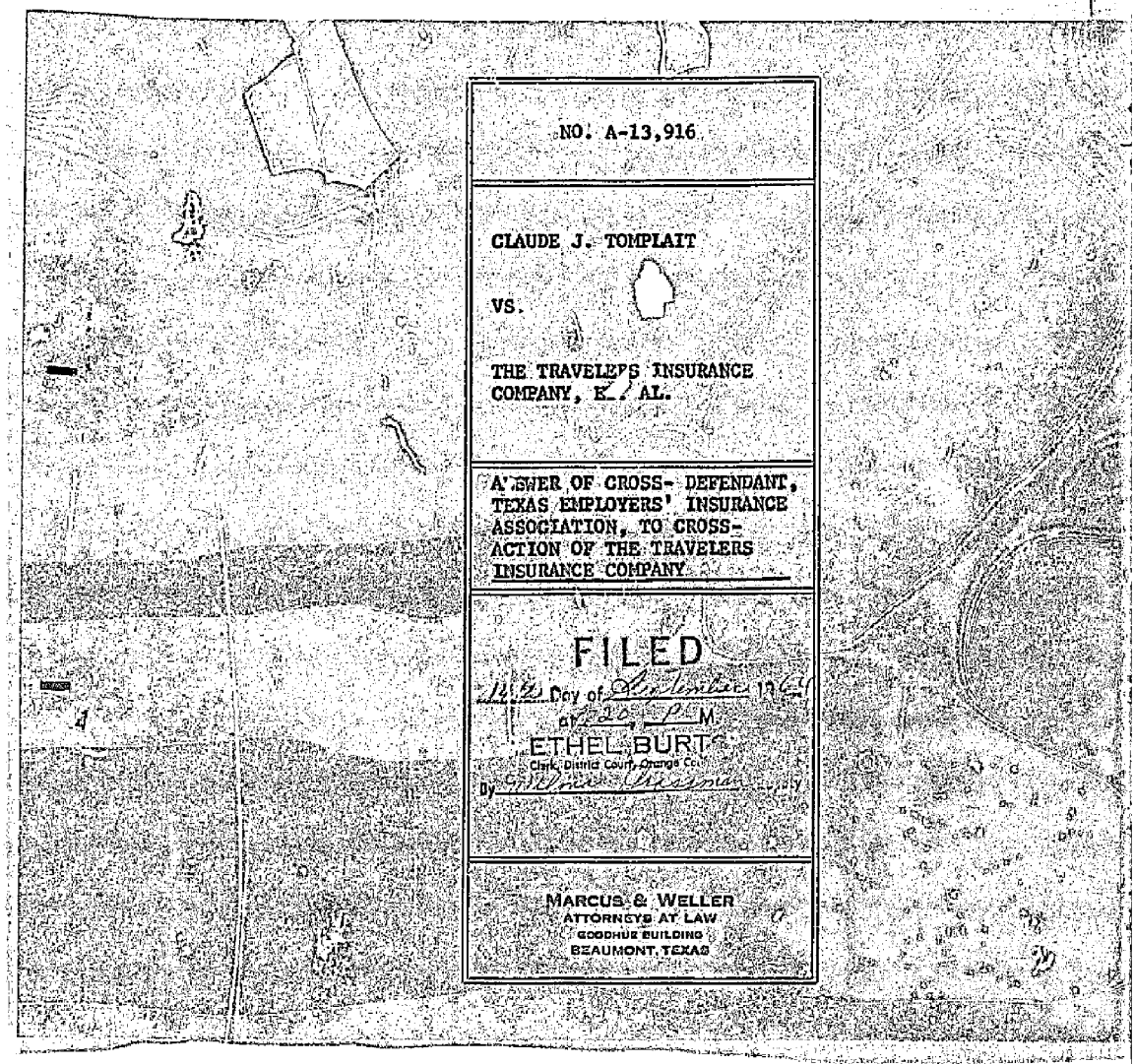


NO. A-13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL.

ANSWER OF CROSS- DEFENDANT, TEXAS EMPLOYERS' INSURANCE ASSOCIATION, TO CROSS-ACTION OF THE TRAVELERS INSURANCE COMPANY

FILED

12th Day of September 1964

at 2:20 P M.

ETHEL BURT

Clerk, District Court, Orange Co.

By Gilbert Chesman Deputy

MARCUS & WELLER

ATTORNEYS AT LAW

GOODHUE BUILDING

BEAUMONT, TEXAS

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NO. A-13,916

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

ANSWER OF CROSS-DEFENDANT, TEXAS EMPLOYERS' INSURANCE ASSOCIATION, TO CROSS-ACTION OF THE TRAVELERS INSURANCE COMPANY

COMES NOW Texas Employers' Insurance Association, named as a cross-defendant in a pleading filed herein and designated as Cross-Action of The Travelers Insurance Company against Texas Employers' Insurance Association and Queen Insurance Company of America, and for answer to said cross-action or purported cross-action, says:

I.

This cross-defendant specially excepts to said cross-action and says the same should be dismissed or stricken from the pleadings, for the reason that the same wholly fails to state any cause of action as against this cross-defendant, in that it seeks to obtain judgment herein against this cross-defendant for indemnity or contribution for any amount of workmen's compensation benefits the plaintiff, Claude J. Tomplait, is found to be entitled to receive, and under the applicable statutes and laws of the State of Texas, there is no provision for indemnity or contribution as between various insurance carriers in an occupational disease case, such as is involved herein; on the contrary, Section 24 of Article 8306, Revised Civil Statutes of Texas, expressly provides for liability of only one insurance carrier.

Of this exception, this cross-defendant prays judgment of the court.

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II.

Without waiving the foregoing, this cross-defendant denies all and singular the allegations in said cross-action and demands strict proof thereof.

WHEREFORE, this cross-defendant prays that said cross-plaintiff, The Travelers Insurance Company, take nothing as against it by reason of said cross-action.

MARCUS & WELLER
P. O. BOX 350
BEAUMONT, TEXAS

BY _____
ATTORNEYS FOR CROSS-DEFENDANT,
TEXAS EMPLOYERS' INSURANCE
ASSOCIATION