NO. A-13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL

MOTION TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES

FILED
14th Day of September 19 70
at 2 P M.
ETHEL BURT
Clerk
By [illegible] Deputy

MARCUS & WELLER
ATTORNEYS AT LAW
GOODHUE BUILDING
BEAUMONT, TEXAS


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NO. A-13,916

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

MOTION TO ALLOW ADDITIONAL PEREMPTORY CHALLENGES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Texas Employers' Insurance Association, one of the defendants in the above entitled and numbered cause, and would respectfully show unto the Court as follows:

I.

That this defendant is one of three defendants in the above styled and numbered cause and that, as shown by the pleadings on file herein by the plaintiff and defendants, there is not a unity of interest among the defendants, but the interests of each defendant towards the other defendants are conflicting, and there is or probably will be actual antagonism among defendants as to where the ultimate liability, if any, will fall, and in any event there is antagonism between this defendant, and the defendant, Travelers Insurance Company, in that said defendant has filed a pleading seeking indemnity or contribution from this defendant, and that this is a fact issue which the jury may be called upon to determine.

WHEREFORE, this defendant respectfully moves the Court to allow it six (6) peremptory challenges independent and apart from the other defendants.

Respectfully submitted,

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BY David C. Marcus
ATTORNEYS FOR DEFENDANT,
TEXAS EMPLOYERS' INSURANCE
ASSOCIATION


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