NO. 13,916

CLAUDE J. TOMPLAIT

VS.

THE TRAVELERS INSURANCE COMPANY, ET AL

MOTION FOR DISCOVERY AND PRODUCTION OF DOCUMENTS

FILED

19th Day of Sept. A.D. 1964

at 8:30 A.M.

ETHEL BURTON

Clerk, District Court, Orange County, Texas

By Edna Emmons Deputy

M.U. Vol. 4 Pg. 90

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 DISCOVERY AND PRODUCTION OF DOCUMENTS

Defendant, Queen Insurance Company of America, makes this motion for an order described in the prayer hereof, requiring plaintiff to produce certain documents, and shows unto the Court the following:

1.

In this suit plaintiff seeks to recover damages, alleging that he sustained an injury on or about July of 1961. He alleges that he has lost earnings and his earning capacity has been diminished to his damage in the sum of $ 14,000.00. Under such allegations, records of his earnings are material.

2.

Plaintiff, Claude J. Tomplait, is in possession of or has control over and can obtain from the Director of Internal Revenue his income tax reports, or true and correct copies thereof, for the years 1961, 1962, and 1963. Such income tax reports are not privileged and the same constitute and contain material evidence, which is good cause for the order here prayed for, and for further good cause, defendant shows unto the Court that he does not have the original or copies of such reports, and cannot obtain the same other than from the plaintiff or under his direction.

Promises considered, defendant, Queen Insurance Company of America, moves and prays the Court that after due notice, this Court order the plaintiff to obtain, produce and permit defendant to inspect and copy his income tax reports for the years 1961, 1962, and 1963

or if the plaintiff does not have the same in his possession, that then the Court order plaintiff to obtain the same or sign a consent and permission for defendant to obtain the same.

ORGAIN, BELL & TUCKER
First Federal Savings Building
Beaumont, Texas

By _____
Attorneys for Queen Insurance Company of America

THE STATE OF TEXAS §

COUNTY OF JEFFERSON §

Cleve Bachman being duly sworn, upon oath states that he is the attorney of record for defendant, Queen Insurance Company of America, in the above styled cause, and authorized in the course of his employment to make and present the foregoing motion and affidavit thereto, which he does under said authority, and being cognizant of the facts therein alleged, says that the same are true and correct.

_____

SWORN TO AND SUBSCRIBED before me, the undersigned authority, this 16th day of September, 1964.

_____
Notary Public in and for
Jefferson County, Texas

The foregoing motion for discovery and production of documents was served by mailing copy thereof in the United States mail, certified mail, on September 16, 1964, to Mr. Ward Stephenson, Stephenson Bldg., Orange, Texas, attorney for plaintiff.

_____
Attorney for Defendant
Cleve Bachman

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