IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
JAN 30 1967 M. 19
James R. Cooney, Clerk, U. S. Court
By Virginia R. Lee DEPUTY

CLAUDE J. TOMPLAIT,
PLAINTIFF
VS.
COMBUSTION ENGINEERING, INC., ET AL.,
DEFENDANT

CIVIL NO. 5402

MOTION FOR MORE DEFINITE STATEMENT OF FIBERBOARD PAPER PRODUCTS CORPORATION

TO SAID HONORABLE COURT:

COMES NOW the defendant, Fiberboard Paper Products Corporation, and files this its Motion for More Definite Statement, and as grounds therefor would show the Court:

1.

The plaintiff in Paragraph 14 of his original complaint alleges that various types of insulation compounded, manufactured and placed in containers and sold by the defendants contained chemicals and minerals and deleterious substances and matter which were highly poisonous, dangerous and harmful to human beings and to the health of man; that such materials were defective and were not suitable for the purposes for which they were intended.

In Paragraph No. 6 plaintiff alleges that he is suing all defendants and alleging he is suing whichever one is responsible for the manufacture, production and distribution of insulation materials hereinafter mentioned, but it is not known by plaintiff at this time which of said corporations is responsible.

Published by AsbestosClaims.Law
asbestosclaims.law/library/10612/1

Said allegations are too vague and indefinite and do not inform this defendant of the name of the insulation or insulation material with which plaintiff contends he came into contact with, and which he alleges and contends caused injury to his body.

Said allegations wholly fail to allege a time and place or the name of the material or other means of identification of the alleged product which he claims caused his alleged injury.

Said allegations are too vague and indefinite to apprise this defendant of plaintiff's claims or to inform this defendant of either the day, the year, the place, the name of the product or any information whatever whereby this defendant can affirmatively answer plaintiff's said claims.

2.

Said petition in its entirety fails to allege a date or dates of alleged injury, a date or dates of alleged contact with a specific product, and the name of the product, or the areas or job where plaintiff allegedly received his injury, and it should not be incumbent upon this defendant to answer such vague and indefinite claims.

3.

Said petition is too vague and indefinite as to where plaintiff first suffered any injury as alleged, and definite information as to this alleged claim should be required of plaintiff before this defendant is required to answer this complaint.

WHEREFORE, this defendant prays that the court set this Motion for hearing and grant its Motion for More Definite Statement in order that defendant can know the nature of the claim, and

The Tomplait v. Combustion Engineering Case File (1962-1969), Motion for more definite statement Published by AsbestosClaims.Law
ACL Doc 10612 · Page 2 of 4 asbestosclaims.law/library/10612/2

have sufficient detail as to definite materials, dates, time and place that this defendant can investigate the claim and file an appropriate answer.

Respectfully submitted,

WELLER, WHEELUS & GREEN
P. O. BOX 350
BEAUMONT, TEXAS

BY _____
GEO. A. WELLER, ATTORNEY FOR
DEFENDANT, FIBERBOARD PAPER
PRODUCTS CORPORATION

CERTIFICATE OF SERVICE

A copy of this Motion for More Definite Statement was mailed to Mr. Ward Stephenson, Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, on the 28th day of January, 1967.

_____
GEO. A. WELLER, OF COUNSEL

CIVIL NO. 5402

CLAUDE J. TOMPLAINT,
PLAINTIFF

VS.

COMBUSTION ENGINEERING,
INC., ET AL.,
DEFENDANT

MOTION FOR MORE DEFINITE
STATEMENT OF FIBERBOARD
PAPER PRODUCTS CORPORATION

WELLER, WHEELUS & GREEN
ATTORNEYS AT LAW
GOODHUE BUILDING
BEAUMONT, TEXAS