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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
JAN 30 1967 19
James R. Gosney, Clerk, U. S. Court
By Virginia R. Lewis DEPUTY

CLAUDE J. TOMPLAIT	(	
VS.	(	CIVIL ACTION 5402
COMBUSTION ENGINEERING, INC., ET AL	(	

Motion for More Definite Statement of the Defendant, Gustin-Bacon Manufacturing Company

Gustin-Bacon Manufacturing Company, named as one of the defendants in this action, files this its motion for more definite statement, showing unto the Court the following:

1.

Plaintiff's complaint is so vague and ambiguous in the respects hereinafter set forth that this defendant cannot reasonably frame a responsive pleading, and plaintiff should be required to file a more definite statement with respect to the matters hereinafter set forth, to wit:

(a) In Paragraph 15 of plaintiff's complaint and elsewhere, it is generally alleged that plaintiff was employed as an insulator and in the performance of his employment he was required to handle large quantities of insulation compounded, manufactured and prepared by defendants. In Paragraph 16 it is alleged that while employed as an insulator, through the negligence and carelessness of the defendants he was caused to come in contact with insulation produced by defendants. The complaint fails to set forth or specify in any manner the following:

(1) The date upon which plaintiff claims to have been exposed to any product manufactured by this defendant.

(2) The time, place or circumstances under which plaintiff claims to have been exposed to or received injury from any product manufactured by this defendant.

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(3) The job on which plaintiff was working, the name of his employer or any other facts sufficient to identify or inform this defendant as to the time, place or circumstances of plaintiff's exposure to or injury from defendant's product.

Defendant cannot reasonably be expected to file a responsive pleading to such general allegations, which fail to inform the defendant of any of the facts, circumstances, time, place or dates of the alleged exposure or injury, and plaintiff should be required to file a more definite statement informing the defendant of the time, place, date and circumstances under which he is alleged to have been exposed to or come in contact with or been injured by any product allegedly manufactured by this defendant.

2.

Plaintiff alleges generally in Paragraph 13 and elsewhere that plaintiff was employed as an insulator and was required to handle products manufactured by defendants. The complaint is so vague and indefinite that defendant cannot file a responsive pleading. Plaintiff has not named or identified in any manner, any of his alleged employers, nor does the complaint name, set forth or identify the time or place where plaintiff alleges he worked as an insulator whereby he is required to handle large quantities of insulation compounded or manufactured or prepared by this defendant. Such allegations are so vague and indefinite that defendant cannot reasonably be expected to file a responsive pleading. Plaintiff, accordingly, should be required to file a more definite statement, naming his alleged employer and identifying the job, time and place where he claims to have been required to handle large quantities of any product manufactured, compounded or prepared by this defendant.

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WHEREFORE, defendant, Gustin-Bacon Manufacturing Company, moves and prays the Court that upon hearing hereof that plaintiff be required to file a more definite statement in the respects above set forth, and for such other relief in the premises as it may be entitled to receive.

Beaumont Savings Building
Beaumont, Texas
Attorney for Defendant, Gustin-Bacon
Manufacturing Company

The foregoing motion for more definite statement was served by mailing a copy thereof in the United States mails on January 27, 1967, to plaintiff's attorneys, Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas.

Attorney for Gustin-Bacon
Manufacturing Company

CIVIL ACTION 5402

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

MOTION FOR MORE DEFINITE STATEMENT OF THE DEFENDANT, GUSTIN-BACON MANUFACTURING COMPANY

ORGAIN, BELL & TUCKER
ATTORNEYS AT LAW
BEAUMONT, TEXAS

The Tomplait v. Combustion Engineering Case File (1962-1969), Motion for more definite statement
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