FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

M. MAY 3 - 1967 19
James R. Cooney, Clerk, U. S. District Court
By Mildred A. Vere
DEPUTY

CLAUDE TOMPLAIT,
PLAINTIFF

VS.

COMBUSTION ENGINEERING, INC., ET AL, DEFENDANTS

CIVIL ACTION NO. 5402

SECOND MOTION FOR MORE DEFINITE STATEMENT OF OWENS-CORNING FIBERGLAS CORPORATION

Comes now Owens-Corning Fiberglas Corporation, one of the defendants in the above styled and numbered action, and files this its Second Motion for More Definite Statement directed to Plaintiff's First Amended Complaint filed herein, and in support hereof would respectfully show unto the Court the following:

-1-

The plaintiff, in Paragraph 14 of said Amended Complaint, alleges and sets forth twenty-two jobs on which the plaintiff claims to have been working, extending during the years 1959 through 1964, and during which he claims to have been exposed to various types of insulation compounded and manufactured by the various defendants.

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Nowhere in said Amended Complaint does the plaintiff identify any specific job or date on which he will claim that he was exposed to any insulation or material manufactured and distributed by this defendant, and consequently this defendant can not answer said complaint nor make its defense thereto until it is apprised of the specific date or dates and the specific job or jobs on which plaintiff claims that he was exposed and injuriously affected by materials manufactured and distributed by this defendant.

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Accordingly, the Court, by order to be entered herein, should require the plaintiff to file herein a more definite statement setting forth and identifying the specific jobs and the specific dates on which he claims that he was injuriously exposed to insulation materials manufactured and distributed by this defendant. In this regard, the Plaintiff's Amended Complaint is so vague and ambiguous that this defendant can not reasonably be required to frame its answer thereto.

WHEREFORE, this defendant prays that its Motion for More Definite Statement be granted.

Respectfully submitted,

KING, SHARFSTEIN & RIENSTRA

BY: John D. Rienstra

707 Beaumont Savings Building
Beaumont, Texas
Attorneys for Owens-Corning
Fiberglas Corporation

A true and correct copy of the above and foregoing Motion was on this the 2nd day of May, 1967, served upon counsel of record for the plaintiff by depositing the same in the United States Mail, postage prepaid, addressed to Honorable Ward Stephenson, Attorney at Law, Stephenson Building, Orange, Texas, and a true and correct copy was likewise on this day mailed to each of the other counsel of record in this action.

John D. Rienstra

Attorney for Owens-Corning
Fiberglas Corporation

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SECOND MOTION FOR MORE
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CORNING FIBERGLAS CORPORATION

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