JGT:DFG - 5/5/67

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
M. MAY 8 - 1967 19
James R. Cooney, Clerk, U. S. Court
By Virginia R. Lens DEPUTY

CLAUDE TOMPLAIT,
Plaintiff

VS.

COMBUSTION ENGINEERING, INC., ET AL,
Defendants

CIVIL ACTION 5402

SECOND MOTION FOR MORE DEFINITE STATEMENT
OF GUSTIN-BACON MANUFACTURING COMPANY

Comes now Gustin-Bacon Manufacturing Company, 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.

2.

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 cannot 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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3.

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 cannot reasonably be required to frame its answer thereto.

WHEREFORE, this defendant prays that its motion for more definite statement be granted.

Respectfully submitted,



ORGAIN, BELL & TUCKER
Beaumont Savings Building
Beaumont, Texas
Attorneys for Gustin-Bacon
Manufacturing Company

A copy of the foregoing motion was served on Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiff, by mailing a copy to his address on this 5th day of May, 1967, certified mail, return receipt.

A copy was served on the following attorneys for defendants by mailing a copy to their addresses on this 5th day of May, 1967, regular mail:

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CIVIL ACTION 5402

CLAUDE TOMPLAIT,
Plaintiff

VS.

COMBUSTION ENGINEERING, INC.,
ET AL,
Defendants

Second Motion for More Definite Statement of Gustin-Bacon Manufacturing Company

ORGAIN, BELL & TUCKER
ATTORNEYS AT LAW
BEAUMONT, TEXAS

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