17,233 pmh

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

FILED
M. MAY 10 1967 19
James R. Cooney, Clerk, U. S. Court
By Virginia R. Lewis DEPUTY

CLAUDE TOMPLAIT,
Plaintiff

VS.

COMBUSTION ENGINEERING, INC., ET AL,
Defendants

CIVIL ACTION 5402

SECOND MOTION FOR MORE DEFINITE STATEMENT
OF EAGLE-PICHER INDUSTRIES, INC.

Comes now Eagle-Picher Industries, Inc., 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:

I.

The Plaintiff, in Paragraph 14 of the 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.

II.

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

Published by AsbestosClaims.Law
asbestosclaims.law/library/10628/1

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 the Plaintiff claims that he was exposed and injuriously affected by materials manufactured and distributed by this Defendant.

III.

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,

ROYSTON, RAYZOR & COOK
877 San Jacinto Building
Houston, Texas, 77002
Attorneys for Eagle-Picher Industries, Inc.

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 the 9th day of May, 1967, certified mail, return receipt requested.

The Tomplait v. Combustion Engineering Case File (1962-1969), Second motion for more definite statement Published by AsbestosClaims.Law
ACL Doc 10628 · Page 2 of 3 asbestosclaims.law/library/10628/2

A copy of the foregoing motion was served on the following attorneys for Defendants by mailing a copy to their addresses on this the _____ day of May, 1967, regular mail:

Mr. George E. Duncan
Wells, Duncan & Beard
515 Beaumont Savings Building
Beaumont, Texas, 77701

Mr. John D. Rienstra
King, Sharfstein & Rienstra
706 Beaumont Savings Building
Beaumont, Texas, 77001

Mr. Charles S. Pipkin
Strong, Pipkin, Strong & Nelson
P. O. Box 1632
Beaumont, Texas, 77704

Mr. Gordon Pate
Attorney at Law
1119 Beaumont Savings Building
Beaumont, Texas, 77701

Mr. Tucker
Orgain, Bell & Tucker
Beaumont Savings Building
Beaumont, Texas, 77701

Mr. George A. Weller
Weller, Wheelus & Green
P. O. Box 350
Beaumont, Texas, 77704



Of Royston, Rayzor & Cook

The Tomplait v. Combustion Engineering Case File (1962-1969), Second motion for more definite statement Published by AsbestosClaims.Law
ACL Doc 10628 · Page 3 of 3 asbestosclaims.law/library/10628/3