IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
AUG 7 1967
M. James R. [illegible] U.S. DISTRICT COURT
By Virginia R. Sims DEPUTY

CLAUDE J. TOMPLAIT :

VS : CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

INTERROGATORIES

TO: CLAUDE J. TOMPLAIT, Plaintiff, and WARD STEPHENSON, of Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, His Attorney of Record

You are hereby notified to answer under oath the interrogatories hereinafter set forth within fifteen days after the time service is made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure.

1.

In paragraphs 15 through 36 of Plaintiff's First Amended Complaint, it is alleged that during the years 1959 through 1964, while working for various employers, plaintiff was required to come in contact with various materials described as Foamglas, magnesium, fireproofing, asbestos, Careytemp, Kaytherm, Aber 2 to 3, Sealfast 3149, aluminum ells, aluminum rolls, Overkote, Unibestos, Climaseal, steel bands, aluminum sills, calcium silicate, mineral wool insulating cement, aluminum jacketing, Thermoglas, Rock wool and fiberglas. It is further alleged in said First Amended Complaint that defendants, of whom there are eleven named, compounded, manufactured and prepared such materials and that said defendants were negligent and careless in regard thereto in various particulars.

With respect to defendant Johns-Manville Fiber Glass, Inc., please state:

a. What products or materials described by trade name or other identificable description does plaintiff claim were compounded, manufactured, prepared or distributed by Johns-Manville Fiber Glass, Inc. and with which he came in contact?

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b. On what date or dates does plaintiff claim he came in contact with any such products or materials of this defendant?

c. For what employer or employers was plaintiff working when he came in contact with any such products or materials of this defendant, setting forth the name and address of such employer or employers and the date or dates of employment by each employer.

d. At what place or places was plaintiff working when he came in contact with any such products or materials of this defendant?

e. At each time and place that plaintiff came in contact with any such products or materials of this defendant, what were the symptoms or manifestations of plaintiff that he will claim indicated any harm or injury to his body?

2.

With respect to any materials which you claim Johns-Manville Fiber Glass, Inc. compounded, manufactured and prepared, plase state in what manner said materials were defective.

3.

With respect to any materials which you claim defendant Johns-Manville Fiber Glass, Inc. compounded, manufactured and prepared, please state in what manner said materials were not suitable for the purpose for which they were intended.

4.

Please set forth the name and address of each employer you have worked for since 1964 and the type of work you did for each and the dates of employment.

5.

Please set forth the name and address of each doctor you have seen since 1964 and the approximate date you saw each doctor.



GORDON R. PATE
Attorney for Defendant,
Johns-Manville Fiber Glass, Inc.

1119 Beaumont Savings Building
Beaumont, Texas 77701

The Tomplait v. Combustion Engineering Case File (1962-1969), Interrogatories to plaintiff Published by AsbestosClaims.Law
ACL Doc 10722 · Page 2 of 7 asbestosclaims.law/library/10722/2

The foregoing interrogatories were served by mailing a copy thereof by certified mail, return receipt requested, on this _____ day of August, 1967, to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiff.

Gordon R Cates

Copies have also been mailed to the following counsel for defendants:

Mr. John Rienstra, Attorney for
Owens-Corning Fiber Glass Corp.

Mr. John G. Tucker, Attorney for
Gustin-Bacon Mfg. Co.

Mr. George Weller, Attorney for
Fibreboard Paper Products Corp.

Mr. Ben L. Reynolds, Attorney for
Eagle-Picher Industries, Inc.

Mr. George Duncan, Attorney for
Pittsburgh Plate & Glass Co and
Pittsburgh Engineering, Inc.

Mr. Charles S. Pipkin, Attorney for
Combustion Engineering, Inc.and
R & I Refractor & Insulation Corp.

Gordon Cates

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
AUG 7 1967
M. Cooney, Clerk
By Virginia K. Lewis Deputy

CLAUDE J. TOMPLAIT :

VS : CIVIL ACTION NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

INTERROGATORIES

TO: CLAUDE J. TOMPLAIT, Plaintiff, and WARD STEPHENSON, of Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, His Attorney of Record

You are hereby notified to answer under oath the interrogatories hereinafter set forth within fifteen days after the time service is made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure.

1.

In paragraphs 15 through 36 of Plaintiff's First Amended Complaint, it is alleged that during the years 1959 through 1964, while working for various employers, plaintiff was required to come in contact with various materials described as Foamglas, magnesium, fireproofing, asbestos, Careytemp, Kaytherm, Aber 2 to 3, Sealfast 3149, aluminum ells, aluminum rolls, Overkote, Unibestos, Climaseal, steel bands, aluminum sills, calcium silicate, mineral wool insulating cement, aluminum jacketing, Thermoglas, Rock wool and fiberglas. It is further alleged in said First Amended Complaint that defendants, of whom there are eleven named, compounded, manufactured and prepared such materials and that said defendants were negligent and careless in regard thereto in various particulars.

With respect to defendant Johns-Manville Products Corporation, please state:

a. What products or materials described by trade name or other identificable description does plaintiff claim were compounded, manufactured, prepared or distributed by Johns-Manville Products Corporation and with which he came in contact?

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b. On what date or dates does plaintiff claim he came in contact with any such products or materials of this defendant?

c. For what employer or employers was plaintiff working when he came in contact with any such products or materials of this defendant, setting forth the name and address of such employer or employers and the date or dates of employment by each employer.

d. At what place or places was plaintiff working when he came in contact with any such products or materials of this defendant?

e. At each time and place that plaintiff came in contact with any such products or materials of this defendant, what were the symptoms or manifestations of plaintiff that he will claim indicated any harm or injury to his body?

2.

With respect to any materials which you claim Johns-Manville Products Corporation compounded, manufactured and prepared, plase state in what manner said materials were defective.

3.

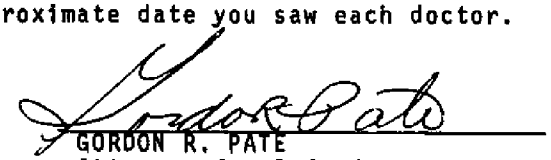
With respect to any materials which you claim defendant Johns-Manville Products Corporation compounded, manufactured and prepared, please state in what manner said materials were not suitable for the purpose for which they were intended.

4.

Please set forth the name and address of each employer you have worked for since 1964 and the type of work you did for each and the dates of employment.

5.

Please set forth the name and address of each doctor you have seen since 1964 and the approximate date you saw each doctor.



GORDON R. PATE
Attorney for Defendant,
Johns-Manville Products Corporation

1119 Beaumont Savings Building
Beaumont, Texas 77701

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The foregoing interrogatories were served by mailing a copy thereof by certified mail, return receipt requested, on this 8th day of August, 1967, to Mr. Ward Stephenson, Stephenson Building, Orange, Texas, attorney for plaintiff.

Gordon Bates

Copies have also been mailed to the following counsel for defendants:

Mr. John Rienstra, Attorney for
Owens-Corning Fiber Glass Corp.

Mr. John G. Tucker, Attorney for
Gustin-Bacon Mfg. Co.

Mr. George Weller, Attorney for
Fibreboard Paper Products Corp.

Mr. Ben L. Reynolds, Attorney for
Eagle-Picher Industries, Inc.

Mr. George Duncan, Attorney for
Pittsburgh Plate & Glass Co and
Pittsburgh Engineering, Inc.

Mr. Charles S. Pipkin, Attorney for
Combustion Engineering, Inc.and
R & I Refractor & Insulation Corp.

Gordon Bates

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
AUG 15 1967
James R. Gooney, Clerk, U. S. Court
By Hazel E. Stoddard
DEPUTY

CLAUDE J. TOMPLAIT	§	
	§	
VS.	§	CIVIL ACTION NO. 5402
	§	
COMBUSTION ENGINEERING, INC., ET AL	§	

MOTION FOR LEAVE TO INTERVENE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Texas Employers' Insurance Association, a corporation existing under and by virtue of law, and moves for leave to intervene in the above-styled and numbered cause, and in support of this motion alleges:

I.

This lawsuit is a claim for damages because of injuries to the plaintiff, Claude J. Tomplait.

II.

At the time of the said injuries, Claude J. Tomplait was an employee of Johns-Manville Corporation and Texas Employers' Insurance Association was the workmen's compensation insurer under the laws of the State of Texas, for the said employer. By way of agreed judgment in the District Court of Orange County, Texas, the said Texas Employers' Insurance Association paid to Claude J. Tomplait the sum of $1,000 in compromise settlement of claims made against the said Texas Employers' Insurance Association for the injuries mentioned in paragraph no. I.

III.

By virtue of Section 6A, Article 8307, V.A.T.S., Texas Employers' Insurance Association is subrogated to the rights of

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