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

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|---|---|---|
| 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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the plaintiff herein to the extent of its payment under the compensation law, and in effect Texas Employers' Insurance Association actually owns a portion of the cause of action herein asserted.

IV.

This intervention will not in any manner delay the trial of the case and will not raise any jurisdictional or venue questions.

V.

A copy of the proposed complaint in intervention is attached hereto.

WHEREFORE, premises considered, Texas Employers' Insurance Association prays that it be granted leave to intervene herein.

Respectfully submitted,

KEITH, MEHAFFY & WEBER,
Attorneys for Intervenor

By _____
Of Counsel

1400 San Jacinto Building
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C E R T I F I C A T E

A copy of the foregoing Motion was sent to the following attorneys of record:

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*The Tomplait v. Combustion Engineering Case File (1962-1969), Motion to intervene* Published by AsbestosClaims.Law
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