IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
SEP 14 1967
19__
James R. Cooney, Clerk, U. S. Court
By Emily G. Walker DEPUTY

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

COMPLAINT IN INTERVENTION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Queen Insurance Company of America, hereinafter styled, Intervenor, complaining of all defendants herein, and for its Complaint in Intervention, would show the Court the following:

I

The intervener is a business corporation duly organized by law and authorized to do business in the State of Texas. Plaintiff and defendants herein have entered general appearance thereby vesting in this Court jurisdiction over their persons. Both plaintiff and defendants may be served with summons and complaints by serving the same upon their respective attorneys of record herein.

II

Plaintiff was an employee of The Aber Company during the time he suffered the injuries, or some of the injuries, made the basis of this suit. During such time Queen Insurance Company of America was workmen's compensation insurer of The Aber Company under the laws of the State of Texas.

III

By way of agreed judgment in the District Court of Orange County, Texas, Queen Insurance Company of America

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ACL Doc 10575 · Page 1 of 5 asbestosclaims.law/library/10575/1

did pay to Claude J. Tomplait, the plaintiff herein, the sum of $1,500.00 as compensation for injuries received by him while in the employ of The Aber Company. These are the same injuries made the basis of this suit.

IV

By virtue of Section 6a, Article 8307, V.A.T.S., the said Queen Insurance Company of America is subrogated to the right of plaintiff herein, to the extent of its payment as aforesaid.

V

The intervenor herein adopts such allegations as the plaintiff has heretofore made or will in the future make, and further it says that the injuries to Claude J. Tomplait proximately were caused by the negligence of the agents, servants, or employees of the defendants herein.

VI

By virtue of law, the intervenor is entitled to assert this, its cause of action in the name of the workman, and this it desires to do. This complaint in intervention is for the purpose only of enforcing the intervenor's subrogation rights, and is not to be read to the jury.

VII

Further, in connection with this complaint in intervention, the intervenor would show that it is entitled to recover a reasonable attorney's fee in connection with the assertion of its subrogation rights and these attorney's fees may be fixed by the court.

WHEREFORE, premises considered, intervenor prays that the plaintiff and defendants be served with a copy of this

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ACL Doc 10575 · Page 2 of 5 asbestosclaims.law/library/10575/2

Complaint in Intervention and that upon final hearing hereof it do have and recover of and from the defendants the sum of $1,500.00, together with a reasonable attorney fee and for costs of court. Intervenor prays for such other and further relief to which it may show itself entitled.

Respectfully submitted,

George E. Murphy, Attorney
for Intervenor, Queen Insurance
Company of America

615 San Jacinto Building
Beaumont, Texas 77701

C E R T I F I C A T E

A copy of the foregoing Complaint in Intervention was sent to the following attorneys of record:

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The Tomplait v. Combustion Engineering Case File (1962-1969). Complaint in intervention
ACL Doc 10575 · Page 5 of 5

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