FILED

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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James R. Cooney, Clerk, U. S. Court

By Evelyn Walker DEPUTY

CLAUDE J. TOMPLAIT	:	CIVIL NO. 5402
VS.	:	PLAINTIFF'S REPLY TO OBJECTIONS TO INTERROGATORIES OF DEFENDANT
COMBUSTION ENGINEERING, INC., ET AL	:	OWENS-CORNING FIBERGLAS CORPORATION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the plaintiff and in answer to defendant Owens-Corning Fiberglas Corporation's objections to interrogatories, and would show unto the Court the following:

1.

That it is not difficult or inconvenient whatsoever for this defendant or any other defendant to answer the interrogatories propounded by the plaintiff. In substance, the reason said defendant does not wish to answer such interrogatories is because in doing so, it will have to admit that it was negligent, did not give warnings of the dangerous and deleterious matter that it manufactured, sold or distributed.

2.

In reply to said objections, particularly that portion that says that it would be difficult and costly, plaintiff would show unto the Court, and call to the Court's attention to the fact, that during the workmen's compensation case, one or more of the employers of the plaintiff found no difficulty whatever in answering similar questions, and in Paragraphs Nos. 21 and 22 of the plaintiff's first amended original complaint is set out in detail the materials that were manufactured, produced, sold or distributed by The Aber Company,

Inc., which was one of the employers of the plaintiff.

3.

That the technical name or names of the various products sold, used,manufactured or distributed by the various defendants go under various trade names, that all of the trade names are not known to the plaintiff but are well known to the defendants. That in answer to the interrogatories propounded by the plaintiff and to which the defendant Owens-Corning Fiberglas Corporation objects, it will be a simple matter for such defendant to set out the trade names and specific ingredients in the various products inquired about by plaintiff's interrogatories.

4.

Plaintiff requests the Court to read the interrogatories and plaintiff believes that it will become apparent that almost anyone in a position of authority with the defendant company could answer these questions; that it would not be burdensome and would certainly not be expensive. There are only eight questions involved and the period of time covered by the interrogatories is not in any place in the plaintiff's complaint alleged to be the first exposure. As a matter of fact, plaintiff has been an insulator for over twenty (20) years and during such period of time has consistently been exposed to various dangerous ingredients which the defendants herein manufactured, used, sold and distributed.

5.

In an attempt to comply with the previous ruling of the Court to be as specific as possible, the plaintiff went back through his work records which he had in his possession. This, however, does not mean that when the defendants answer the questions propounded that the plaintiff

will not recognize the material ingredients used in the various products and under the trade names which such products bore.

WHEREFORE, plaintiff prays that the Court allow the plaintiff to proceed with the interrogatories propounded, so that he can prepare his case more fully for trial.

STEPHENSON, THOMPSON AND MORRIS

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing plaintiff's reply to objections to interrogatories of defendant Owens-Corning Fiberglas Corporation was on this 10th day of November, 1967, served upon counsel for each of the parties herein, by depositing the same in the U.S. Mail, postage prepaid, addressed to John D. Rienstra, 707 Beaumont Savings Building, Beaumont, Texas; Mr. Ben L. Reynolds, Royston, Rayzor and Cook, 877 San Jacinto Building, Houston, Texas; Mr. John G. Tucker, Beaumont Savings Building, Beaumont, Texas; Mr. George A. Weller, P. O. Box 350, Beaumont, Texas; Mr. Charles S. Pipkin, P. O. Box 1632, Beaumont, Texas; Mr. George Duncan, Beaumont Savings Building, Beaumont, Texas; and Mr. Gordon Pate, Beaumont Savings Building, Beaumont, Texas.

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Attorney for Plaintiff

CIVIL NO. 5402

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COMBUSTION ENGINEERING, INC., ET AL

PLAINTIFF'S REPLY TO OBJECTIONS TO INTERROGATORIES OF DEFENDANT OWENS-CORNING FIBERGLAS CORPORATION