IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
JUN 4 1969
James R. Cooney, Clerk, U.
By Virginia R. Lewis DEPUTY

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

MOTION OF DEFENDANTS TO ISSUE A SUBPOENA TO THE ADMINISTRATRIX OF THE ORANGE MEMORIAL HOSPITAL TO REQUIRE PRODUCTION OF X-RAYS

TO SAID HONORABLE COURT:

COME NOW the undersigned defendants and file this, their motion requesting that this Court issue a subpoena duces tecum requiring that Mrs. Bess Scofield, Administratrix of Orange Memorial Hospital, deliver all X-rays taken of the chest of Claude J. Tomplait beginning in 1961, to Dr. Stanton P. Fischer, Kelsey-Seybold Clinic, 6624 Fannin Street, Houston, Texas 77025.

In this connection, these defendant would show the Court that written interrogatories are being taken of Dr. Stanton P. Fischer, a medical witness for the plaintiff, and these defendants have propounded questions to said medical witness which require him to examine and compare X-rays taken of the plaintiff on July 26, 1961, and subsequent thereto. These defendants have requested that the hospital Administratrix mail these X-rays to the physician for purposes of examination, but she has refused to voluntarily do so.

WHEREFORE, these defendants pray that the Court enter an order directing that a subpoena duces tecum be issued requiring

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the Administratrix of the hospital to produce said X-rays and mail the same to Dr. Stanton P. Fischer at the expense of these defendants, or failing this, to deliver the X-rays to the United States Marshal into the custody of the Court, and that the Court then direct that said X-rays be mailed to Dr. Fischer.

Respectfully submitted:

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Attorneys for defendants certify that a copy of this motion of defendants to issue a subpoena to the Administratrix of the Orange Memorial Hospital to require production of X-rays was served upon Mr. Ward Stephenson, Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, attorney for plaintiff; and to Mrs. Bess Scofield, Administratrix of Orange Memorial Hospital, MacArthur Drive, Orange, Texas, by mailing a copy to their respective addresses by Certified United States Mail on the 4th day of June, 1968.

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OF COUNSEL

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