FILED
JUN 14 1968
M
James R. Cooney, Clerk, U. S. Court
By Virginia K. Deal
DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

NOTICE OF MOTION AND MOTION FOR LEAVE TO AMEND COMPLAINT

TO THE DEFENDANTS IN THE ABOVE ENTITLED AND NUMBERED CAUSE AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

You and each of you will please take notice that the plaintiff in the above entitled case will, in the offices of the United States District Judge, Federal Building, Beaumont, Texas, on the 1st day of July, 1968, at 10:00 a.m., or as soon thereafter as the court will hear counsel, move for an order permitting the plaintiff to file his proposed amendment to his complaint, a copy of which is hereto annexed and herewith served upon you.

Dated: June 11, 1968.

STEPHENSON, THOMPSON AND MORRIS

By Ward Stephenson

Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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MOTION FOR LEAVE TO AMEND COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the plaintiff and moves the Court to allow him to file his third amended complaint and would show unto the Court:

1.

The plaintiff says that the doctrine of res ipsa loquitur applies in this case, and he respectfully requests that this court allow him to amend his complaint and include the said doctrine of res ipsa loquitur.

2.

In addition, the plaintiff says that he believes the evidence upon the trial of this cause will show that he is entitled to recover exemplary damages from the defendants, and he respectfully requests that this court allow him to amend his complaint and pray for the recovery of exemplary damages from the defendants.

3.

That a copy of plaintiff's proposed third amended complaint is hereto attached and made a part hereof.

WHEREFORE, plaintiff prays that this motion be granted by this Court.

STEPHENSON, THOMPSON AND MORRIS

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that on the 11th day of June, 1968, I served the attached notice and motion upon each of the attorneys for the defendants (whose names and addresses appear on the last page of the proposed third amended complaint attached), by placing a true and correct copy thereof in an envelope with proper postage affixed thereto, and depositing said envelope in a regular depository for the United States Mail, addressed to said attorneys, which was mailed by certified mail, return receipt requested.

_____
Ward Stephenson