IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

JUL 12 1968

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

By [signature] DEPUTY

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL ACTION NO. 5402

REPLY TO OBJECTIONS OF PLAINTIFF TO CROSS-INTERROGATORIES PROPOUNDED BY DEFENDANTS TO DR. STANTON P. FISCHER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the defendant, Fibreboard Paper Products Corporation, and files this, its reply to objections made by plaintiff and plaintiff's attorney to Cross-Interrogatory No. 13 propounded by defendants to Dr. Stanton P. Fischer, and for such reply says:

1.

This defendant had no agreement with the attorney for plaintiff that the history or any facts pertaining to a prior examination by Dr. Leary would not be used in any way in the trial of this lawsuit.

Neither this defendant nor any other defendant had a medical examination of the plaintiff by a physician since this lawsuit was filed and it developed that Dr. Leary refused to make any further examination of the claimant. One of the counsel for one defendant arranged to have the plaintiff examined by Dr. Stanton P. Fischer.

There is no basis in fact for counsel's statement to the effect that any medical knowledge, medical history, X-rays

submitted to Dr. Leary, etc. would not be used upon the trial of this case and in defense of the plaintiff's claim.

WHEREFORE, this defendant prays that the plaintiff's objections to Cross-Interrogatory No. 13 directed to Dr. Stanton P. Fischer be overruled.

Respectfully submitted;

WELLER, WHEELUS & GREEN
P. O. BOX 350
BEAUMONT, TEXAS 77704

BY _____
GEO. A. WELLER,
ATTORNEY FOR DEFENDANT,
FIBREBOARD PAPER PRODUCTS
CORPORATION.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing reply to plaintiff's motion to strike interrogatories filed by the defendants was served on Mr. Ward Stephenson, Stephenson, Thompson & Morris, Stephenson Building, Orange, Texas, by mailing a copy to said address by certified mail on the 11th day of July, 1968, and a copy was likewise served on all other attorneys of record by regular mail.

_____
GEO. A. WELLER

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