IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

AUG 29 1968

James M.

By Virginia R. Lewis DEPUTY

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

ORDER ON PLAINTIFF'S MOTION FOR DISCOVERY

In connection with the plaintiff's motion for discovery, the attorneys representing all parties met in conference and agreed to adopt the following plans and procedures in an effort to save the Court's time and to avoid a lengthy hearing on this motion. In accordance with their joint efforts, they have agreed that they will try to pursue the following procedures in each of the matters concerning such motion. This agreement, however, is to be without prejudice to the rights of any of the parties to appear by motion or otherwise before the Court if for any reason any of such parties cannot comply with such agreement or in the event the plaintiff is not satisfied with the response to the questions propounded in his motion for discovery.

It is therefore DECREED that the following procedures be followed in regard to the questions in the motion for discovery, the numbers of the following paragraphs to correspond with the numbers of the questions propounded in the motion:

(1) All defendants will furnish to the plaintiff representative samples of each group of products which contain asbestos and will place such samples with the Clerk of this Court by September 3, 1968.

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(2) That the defendants will by some system of identification identify the products manufactured by each of them (in connection with this, plaintiff may seek additional relief in requiring the manufacturers to identify by name each of such samples of the representative group of products).

(3) The defendants will provide the plaintiff through his attorneys copies of current sales literature by September 3, 1968.

(4) The question asked in the motion in Paragraph 4 will be taken care of by submitting interrogatories to the representatives of each of the defendants, whose names and addresses will be given to the plaintiff's attorneys by September 3, 1968.

(5) Each defendant will produce the name and address of such person (where such company has such person) having sales knowledge and also such person having medical and/or technical knowledge of the products manufactured by each of the defendants; and in this regard if the head of such department or departments is not available, then the plaintiff will endeavor to obtain such information by deposing his assistant, whose name and address shall likewise be furnished to plaintiff. In this regard, the names and addresses shall be furnished to the plaintiff's attorneys by the 26th day of August, 1968.

(6) The information and description requested in Paragraph 6 of the motion will be given to the plaintiff's attorneys by the 26th day of August, 1968.

Although not contained in the motion for discovery but contained in an application by one or more of the defendants,

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plaintiff's attorneys agree that the depositions taken of the plaintiff in the compensation case may be used as though originally taken in this Court [redacted] in regard to the records of the Texas Employment Commission.

SIGNED AND ENTERED this 29th day of August, 1968.

JUDGE PRESIDING

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