IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED

SEP 20 1968

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

By DEPUTY

CLAUDE J.TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

PLAINTIFF'S ANSWERS TO REQUEST FOR ADMISSIONS

TO: DEFENDANT FIBERBOARD PAPER PRODUCTS CORPORATION and WELLER, WHEELUS AND GREEN, ATTORNEYS FOR DEFENDANT, P. O. BOX 350, BEAUMONT, TEXAS 77704:

In response to defendant's Request for Admissions, the plaintiff says the following:

1.

Request for Admission No. 1 is Admitted.

2.

Request for Admission No. 2 is Admitted.

3.

Request for Admission No. 3 is Admitted.

4.

Request for Admission No. 4 is Admitted.

5.

Request for Admission No. 5 is Admitted.

6.

Request for Admission No. 6 is Denied.

7.

Request for Admission No. 7 is Denied.

8.

Request for Admission No. 8 is Admitted.

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9.

Request for Admission No. 9 is Admitted.

10.

Request for Admission No. 10 is Denied.

11.

Request for Admission No. 11 is Admitted.

12.

Request for Admission No. 12 is Admitted.

13.

Request for Admission No. 13 is Admitted.

14.

Request for Admission No. 14 is Admitted.

15.

Request for Admission No. 15 is Admitted.

16.

Request for Admission No. 16 is Admitted.

17.

Request for Admission No. 17 is Admitted.

18.

Request for Admission No. 18 is Admitted.

19.

Request for Admission No. 19 is Admitted.

20.

Request for Admission No. 20 is Admitted.

21.

Request for Admission No. 21 is Admitted.

22.

Request for Admission No. 22 is Admitted.

23.

Request for Admission No. 23 is Denied.

24.

Request for Admission No. 24 is Admitted.

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25.

Request for Admission No. 25 is Admitted.

26.

Request for Admission No. 26 is Admitted.

27.

Request for Admission No. 27 is Admitted.

28.

Request for Admission No. 28 is Admitted.

29.

In reply to Request for Admission No. 29, the plaintiff says that he has not known and does not know now whether or not the damage done to his lungs has been aggravated or made worse since 1961 by his further work.

30.

In reply to Request for Admission No. 30, the plaintiff says that he has not known and does not know now whether or not the damage done to his lungs has been aggravated or made worse since 1961 by his further work.

31.

In reply to Request for Admission No. 31, plaintiff says that such request is admitted, but the damage was already done and as plaintiff understands the disease of asbestosis, once it starts to limit plaintiff's activities it does not retreat.

32.

Request for Admission No. 32 is Admitted.

33.

Request for Admission No. 33 is Admitted.

34.

In reply to Request for Admission No. 34, plaintiff

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ACL Doc 10786 · Page 3 of 6 **asbestosclaims.law/library/10786/3**

says that he cannot answer this question because as he understands, what may be excess dust to another may not cause as much damage to plaintiff or could cause more damage.

35.

Request for Admission No. 35 is Admitted.

36.

Request for Admission No. 36 is Admitted.

37.

Request for Admission No. 37 is Denied.

38 - 60.

In reply to Requests for Admissions Nos. 38 through 60, plaintiff refers the defendant to the deposition already given and to answers to written interrogatories, and says that this is a duplication of questions submitted previously in oral questioning and written questioning, but plaintiff says that whether or not the defendant directly supplied its products to these jobs is not known by him in every instance, because presumably the products could have been brought in by sub-contractors and others, and the way the questions are worded would require the plaintiff to have knowledge of the point of origin and the shipment of products, and he cannot do this.

DATED this the 19th day of September, 1968.

STEPHENSON, THOMPSON AND MORRIS

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

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ACL Doc 10786 · Page 4 of 6 asbestosclaims.law/library/10786/4

CERTIFICATE OF SERVICE BY MAIL

I certify that a copy of the foregoing Answers to Request for Admissions was served upon Weller, Wheelus and Green, P. O. Box 350, Beaumont, Texas, Attorneys for Defendant Fiberboard Paper Products Corporation, by mailing a copy by certified mail on this the 19 day of September, 1968.

Ward Stephenson

WARD STEPHENSON

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NO. 5402

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

ANSWERS OF PLAINTIFF TO REQUEST FOR ADMISSIONS

LAW OFFICES
STEPHENSON, THOMPSON & MORRIS
STEPHENSON BUILDING
ORANGE, TEXAS

The Tomplait v. Combustion Engineering Case File (1962-1969), Response to Fibreboard requests for admission
ACL Doc 10786 · Page 6 of 6
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