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 :

FILED

NOV 4 1969

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

By Hazel E. Studdard DEPUTY

MOTION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Claude J. Tomplait, plaintiff in the above civil action, and files this his motion to require the defendant Eagle-Picher Industries, Inc. to answer a written interrogatory propounded to said defendant, and would respectfully show unto the court the following:

1.

That the second set of written interrogatories propounded by plaintiff to said defendant Eagle-Picher Industries, Inc., being Question No. 4, asked the following:

"In your answer to our previous Interrogatory No. 7, you deny that prolonged use of materials manufactured by you containing asbestos can cause or contribute to cause the disease asbestosis. Please explain the medical basis for such answer, giving the list of medical authorities which support your position and upon which you base your negative answer."

2.

That the defendant Eagle-Picher Industries, Inc.

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in answer to said Interrogatory No. 4 stated the following:

"Objection is made to this Interrogatory for the reason that the scope of the inquiry is improper and it is too broad and general and not a proper Interrogatory."

3.

The plaintiff says that the scope of the inquiry is not improper and not too broad and general, and that the said defendant should be required to forthwith answer said interrogatory.

WHEREFORE, plaintiff prays that this Court grant this motion, and that the Court enter its order requiring said defendant Eagle-Picher Industries, Inc. to answer said interrogatory without delay.

STEPHENSON, THOMPSON AND MORRIS

By Ward Stephenson
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

CERTIFICATE OF SERVICE BY MAIL

A copy of the foregoing Motion has been forwarded to Royston, Rayzor and Cook, 877 San Jacinto Building, Houston, Texas, on this the 1st day of November, 1968, by certified mail, return receipt requested.

Ward Stephenson
Ward Stephenson

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