IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS, BEAUMONT DIVISION.

FILED

MAR 10 1969

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

By _____ DEPUTY

CLAUDE J. TOMPLAIT, PLAINTIFF, §

VS. §

COMBUSTION ENGINEERING, INC., §

ET AL, DEFENDANTS. §

CIVIL ACTION NO. 5402.

MOTION OF THE DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R & I REFRACTORY AND INSULATION CORPORATION TO AMEND ANSWERS TO INTERROGATORIES, AND TO WITHDRAW SAMPLE OF PRODUCTS AND DEPOSIT ADDITIONAL SAMPLES.

Now come the defendants, Combustion Engineering, Inc., and R & I Refractory and Insulation Corporation, in the above-entitled and numbered cause, and make and file this, their Motion for Leave to Amend their Answers to Interrogatories, which answers were filed in this Court on February 14, 1968, and for leave to withdraw one of the samples of their products heretofore deposited with the Clerk of this Court in pursuance to order of this Court in such connection, and to deposit additional samples, and as grounds therefor would show unto the Court the following:

1.

Due to the age of some of the formulas involved in the insulation products of R and I Refractory and Insulation Corporation, certain errors occurred in the statements, in answer to the interrogatories, with reference to the composition of some of such insulation products) and defendants desire to correctly reflect the composition of such products by filing amended answers to said interrogatories.

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2.

Further, for the same reason, the samples of insulation products containing asbestos, heretofore deposited with the Clerk of this Court by R and I Refractory and Insulation Corporation, are not all of the representative samples of the products of said defendant containing asbestos, and defendants desire to deposit with the Clerk of this Court, two additional representative samples, to be numbered X-23 and X-24, and to withdraw therefrom the sample numbered X-21, as the latter does not, by its composition, contain asbestos.

3.

Defendants present herewith proposed Amended Answers to said Interrogatories, and have discussed the matter of this motion and the amended answers and depositing and withdrawing of the aforesaid samples of products with the attorney for the plaintiff, and he has advised counsel for these defendants that he has no objection to the granting of this motion.

WHEREFORE, defendants move and pray the Court for leave to file the attached Amended Answers to Interrogatories of the plaintiff under Rule 33, and to deposit with the Clerk the additional samples above-referred to and to withdraw therefrom the sample referred to above.

ATTORNEY FOR DEFENDANTS, COMBUSTION ENGINEERING, INC., AND R AND I REFRACTORY AND INSULATION CORPORATION;
1014 San Jacinto Bldg.,P.O.Box 1632,
Beaumont,Texas.

CERTIFICATE OF SERVICE.

True and correct copy of the foregoing motion has been mailed this date to Messrs. Stephenson,Thompson & Morris, Stephenson Bldg., Orange,Texas, plaintiff's attorneys of record, in a correctly addressed, stamped and sealed envelope, deposited in the U.S. Mail at Beaumont, Texas; and copies thereof furnished counsel for the respective defendants, this 10th day of March, 1969.

ATTORNEY FOR SAID DEFENDANTS.

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