FILED
MAR 25 1969
James R. Cooney, Clerk, U. S. Court
By Margaret Driver DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CLAUDE J. TOMPLAIT

VS.

COMBUSTION ENGINEERING, INC., ET AL

CIVIL NO. 5402

NOTICE

TO: Mr. Ward Stephenson
Stephenson, Thompson & Morris
Stephenson Building
Orange, Texas
Attorney for Plaintiff, Claude J. Tomplait

Mr. Ben L. Reynolds
Royston, Rayzor & Cook
877 San Jacinto Building
Houston, Texas 77002
Attorney for Defendant, Eagle-Picher Industries, Inc.

Mr. John D. Rienstra
King, Sharfstein & Rienstra
707 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Owens-Corning Fiber Glass Corporation

Mr. Charles S. Pipkin
Strong, Pipkin, Nelson & Parker
P. O. Box 1632
Beaumont, Texas 77704
Attorneys for Defendants, Combustion Engineering, Inc. and R & I Refractory & Insulation Corporation

Mr. George E. Duncan
Attorney at Law
Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Pittsburgh Corning Corporation

Mr. Gordon R. Pate
Attorney at Law
1119 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant, Johns-Manville Products Corporation

Mr. Gerald P. Coley
Vinson, Elkins, Searls & Connally
First City National Bank Building
Houston, Texas 77002
Attorney for Defendant, Unarco Industries, Inc.

Gentlemen: Please take notice that the deposition of Earl Herring, Business Agent of Local 22 of International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO, 6001 Gulf Freeway, Houston, Texas, will be taken on behalf of the defendant, Fibreboard Paper Products Corporation, upon certain interrogatories, of which a copy is herewith served upon you, and such cross-interrogatories as may be duly served herein, before Howard J. Boland and David E. O'Neal, Court Reporters, 711 Bankers Mortgage Building, Houston, Texas 77002.

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

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

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

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CIVIL NO. 5402

INTERROGATORIES

Interrogatories to be propounded to Earl Herring, Business Agent of Local 22 of International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO, 6001 Gulf Freeway, Houston, Texas, a witness to be produced, sworn and examined on the part of defendant, Fibreboard Paper Products Corporation, by Howard J. Boland and David E. O'Neal, Court Reporters, 711 Bankers Mortgage Building, Houston, Texas 77002:

1. What is your name?

2. Where do you live?

3. Are you the Business Agent of Local 22 of International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO?

4. How long have you held the position of Business Agent?

5. As Business Agent of Local Union No. 22, do you have custody or control or access to the pension and welfare fund records of Local No. 22?

6. Does Local No. 22 have any pension or welfare records on Claude J. Tomplait, Social Security No. [redacted] who resides in Orange, Texas, for the years 1957 through 1968?

7. Is it correct that the insulation contractors contribute to the pension and welfare fund, or the welfare fund, based on the hours worked by each individual employee?

8. Do you have a record showing the date of each employment by each member of the union which includes the name of the employer?

9. State when the insulation contractor employers first started contributing to the pension and welfare fund, or welfare fund?

10. State who has the possession and control of the pension and welfare fund records beginning with the year 1957, or the year such welfare fund began, up to the present time.

11. If you state that you have any records of the pension and welfare fund, or welfare fund, of Local 22 of the International Association of Heat and Frost Insulators and Asbestos Workers of America, AFL-CIO, then please produce such records and give the name of each contractor-employer and the period of times that Claude J. Tomplait, Social Security No. [redacted] of Orange, Texas, worked for each such contractor-employer during the period beginning with the year 1957 through the year 1968.

12. If you have stated that you do not have possession of any welfare fund records which will show the period worked by Claude J. Tomplait for each employer, then please state who does have possession of such welfare fund records.

13. Are these welfare fund records kept in the due course of business of the Union?

14. Please state under whose care, custody and control the records are held.

15. Are the entries made in these records made on a regular basis in the due course of the administration of the welfare fund?

16. If your Union does not have the pension fund or welfare fund records which would cover Claude J. Tomplait, who resides in Orange, Texas, then please state where such pension fund or welfare fund records would be kept, whether by the International Union or some other local Union.

17. Are the original records in such form that they could be reproduced by copying?

18. Is there a separate account in the welfare fund kept showing the contributions made for the benefit of each member of the Union?

19. If you have a separate account or separate sheet showing the contributions made for the benefit of Claude J. Tomplait by various employers, then please have the original account identified as an exhibit and attach a photocopy of this exhibit. If you state that it is not practical to photocopy the various records showing the contributions by contractors for the account of Claude J. Tomplait and the times worked and the name of the employers, and that a separate account is not kept showing the contributions for the benefit of Claude J. Tomplait, then please read into the record a summary of the various entries made showing the name of the employer, the period worked for such employer, and the contributions to Claude J. Tomplait.

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20. Please state the basis for the employer contributions to the pension fund or welfare fund for the benefit of each employee.

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

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

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VS.

COMBUSTION ENGINEERING, INC., ET AL

NOTICE OF TAKING DEPOSITION ON WRITTEN INTERROGATORIES AND INTERROGATORIES

WELLER, WHEELUS & GREEN
ATTORNEYS AT LAW
GOODHUE BUILDING
BEAUMONT, TEXAS 77704