JGT:DFG - 3/8/69

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
APR 7 1969 19
James R. Cooper, Clerk, U. S. Court
By Virginia R. Davis DEPUTY

CLAUDE J. TOMPLAIT,
Plaintiff §

vs. §

CIVIL ACTION 5402

COMBUSTION ENGINEERING, INC., ET AL,
Defendants §

BE IT REMEMBERED that in the above styled and numbered cause it was made known to the Court that certain defendants had entered into a final compromise and settlement of all claims and causes of action asserted against them by Claude J. Tomplait, as well as the claims asserted in the interventions of Texas Employers Insurance Association, The Travelers Insurance Company, and Queen Insurance Company of America, under the terms of which Combustion Engineering, Inc. and R & I Refractory & Insulation Corporation, as a single defendant, paid together $15,000; Johns-Manville Products Corporation, $15,000; Owens-Corning Fiberglas Corporation, $15,000; Eagle-Picher Industries, Inc., $15,000; Pittsburgh Corning Corporation, together with Unarco Industries, Inc. and Union Asbestos & Rubber Company, as a single defendant, $15,000; out of which sums Texas Employers Insurance Association was paid $1,000, The Travelers Insurance Company, $5,000, and Queen Insurance Company of America, $1500, and the balance, to wit, $67,500, was paid to Claude J. Tomplait and his attorney, Ward Stephenson; and in consideration of such payment Claude J. Tomplait fully and finally released said defendants contributing to such settlement, RESERVING, however, all of his claims and causes of action against the defendant, Fibreboard Paper Products Corporation, who did not participate in or contribute to such

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settlement; and it appearing to the Court that said defendants contributing to the settlement had finally discharged any and all claims which were or might be asserted against them, including the claims asserted by way of cross-action, and the Court having determined that such settling defendants should be in all things dismissed from this suit and that all cross-actions and counterclaims by, between and against said settling defendants should likewise be dismissed and that the suit and claim of Claude J. Tomplait should continue against Fibreboard Paper Products Corporation alone;

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the suit and claim of Claude J. Tomplait, plaintiff, against Combustion Engineering, Inc. and R & I Refractory & Insulation Corporation, Johns-Manville Products Corporation, Owens-Corning Fiberglas Corporation, Eagle-Picher Industries, Inc., Pittsburgh Corning Corporation, Unarco Industries, Inc. and Union Asbestos & Rubber Company, be and the same is hereby in all things dismissed.

It is further ORDERED that all counterclaims and cross-actions by, between and against said defendants above named be and the same are hereby in all things dismissed without prejudice to any right of Fibreboard Paper Products Corporation to reinstate such cross-actions.

It is further ORDERED that the interventions of Texas Employers Insurance Association, The Travelers Insurance Company and Queen Insurance Company of America, having been satisfied and paid, that the same be and are hereby dismissed.

It is further ORDERED that said defendants each pay 1/5th of the costs of court accrued herein to date, for all of which let execution issue as may be necessary and proper.

This judgment is entered as an interlocutory judgment and will not be final until final judgment is entered on the remainder of the case.

To which action of the Court in dismissing the cross-actions of Fibreboard Paper Products Corporation against the above named cross-defendants, the said Fibreboard Paper Products Corporation excepted.

SIGNED and ENTERED as an interlocutory judgment this 7th day of April, 1969.

Judge Presiding

#3-

APPROVED:

Attorney for Plaintiff

Attorney for Combustion Engineering, Inc. and R & I Refractory & Insulation Corporation

Attorney for Johns-Manville Products Corporation

Attorney for Owens-Corning Fiberglas Corporation

Attorney for Eagle-Picher Industries, Inc.

Attorney for Pittsburgh Corning Corporation

Attorney for Unarco Industries, Inc. and Union Asbestos & Rubber Company

approved as to form only
attorney for Fiberboard Pipe Products Corporation.

CIVIL ACTION 5402

CLAUDE J. TOMPLAIT, Plaintiff

vs.

COMBUSTION ENGINEERING, INC.,
ET AL, Defendants

JUDGMENT

ORGAIN, BELL & TUCKER
ATTORNEYS AT LAW

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