

2/15/88 - c: E. D. DeLoughy  
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Margaret Marchie (Kemper - Summit)  
F. S. Provenzano/N.R. Pittillio  
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f: G. J. Triplett

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G-11,738  
UNION CARBIDE CORPORATION  
(Jerlean Clay v. American  
Motorists Insurance Company,  
Union Carbide Corporation  
and Foley Provenzano)  
Cause No. 87-CV-0488  
In the 122nd District Court  
Galveston County, Texas

February 8, 1988

RECEIVED  
FEB 15 1988  
G. J. TRIPLETT

Hon. R. J. Beninati, Jr.  
District Clerk  
Galveston County Courthouse  
722 21st Street  
Galveston, Texas 77550

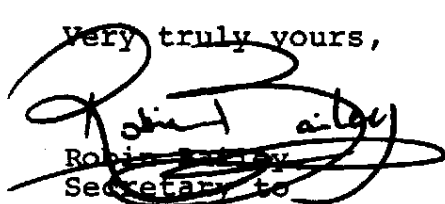
BY MESSENGER

Dear Sir:

Enclosed for filing please find Defendant American Motorists Insurance Company's Original Answer. By copy of this letter, all attorneys of record are being advised of this filing.

Please indicate date of receipt on the enclosed copy of this letter and return same for our files. Thank you very much for your attention to this matter.

Very truly yours,

  
Robin L. Burkhalter  
Secretary to  
Kay L. Burkhalter

KLB:522  
Enclosure

035KLBBI/179E01

UCC 070951

NO. 87-CV-0488

|                          |    |                          |
|--------------------------|----|--------------------------|
| JERLEAN CLAY             | \$ | IN THE DISTRICT COURT OF |
|                          | \$ |                          |
| V.                       | \$ |                          |
|                          | \$ | GALVESTON COUNTY, TEXAS  |
| AMERICAN MOTORISTS       | \$ |                          |
| INSURANCE COMPANY, UNION | \$ |                          |
| CARBIDE CORPORATION and  | \$ |                          |
| FOLEY PROVENZANO         | \$ | 122ND JUDICIAL DISTRICT  |

DEFENDANT AMERICAN MOTORISTS  
INSURANCE COMPANY'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW American Motorists Insurance Company, defendant in the above-styled and numbered cause, and in answer to plaintiff's petition on file herein would respectfully show unto the Court the following:

I.

Defendant generally denies the material allegations of the plaintiff's petition and requests this Honorable Court to require plaintiff to prove all of her allegations by the laws of the State of Texas.

II.

Defendant further states that the injuries to Clausby Clay did not arise out of the course and scope of employment of Clausby Clay by Union Carbide Corporation.

III.

Defendant further states that the injuries to Clausby Clay were solely caused by the pre-existing medical condition of Clausby Clay.

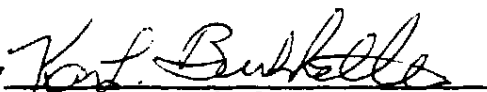
IV.

Your defendant at this time reserves the right to amend its answer to plaintiff's allegations after it has had an opportunity to more closely investigate these claims, as is its right and privilege under the Rules of Civil Procedure and the laws of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, defendant prays that upon final trial and hearing hereof it have judgment in accordance with the law and the facts as determined by this Honorable Court and Jury, that it have its costs in this behalf incurred, and for such other and further relief to which it may show itself justly entitled.

Respectfully submitted,

BAKER & BOTTS

By   
Kay L. Burkhalter  
State Bar No. 03415300  
3000 One Shell Plaza  
Houston, Texas 77002  
(713) 229-1171

ATTORNEYS FOR DEFENDANT,  
UNION CARBIDE CORPORATION,  
and AMERICAN MOTORISTS  
INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 8 day of February, 1988<sup>KL</sup>, I mailed, postage prepaid, certified, return receipt requested, a true and correct copy of the above and foregoing pleading to all counsel of record.

  
\_\_\_\_\_  
Kay L. Burkhalter