FILE NAME: Eagle-Picher (EP)

DATE: 1962

DOC#: EP040

DOCUMENT DESCRIPTION: Legal - Peremptory Exception of No Cause filed by EP in Faciane vs Travelers Insurance

MRS. GLADYS FACIANE	:	NUMBER 77,004 DIVISION "C"
VERSUS	:	19TH JUDICIAL DISTRICT COURT
THE TRAVELERS INSURANCE	:	PARISH OF EAST BATON ROUGE
COMPANY, ET AL	:	STATE OF LOUISIANA
FILED: _____, 1962	:	_____ Deputy Clerk

PEREMPTORY EXCEPTION OF NO CAUSE OR RIGHT OF ACTION

Now into Court, through undersigned counsel, comes Eagle-Picher Company referred to in the supplemental and amended petition filed herein as Eagle Picher Company, Inc., named as a defendant herein, appearing herein solely for the purpose of this exception and hereby excepts to the petition and the supplemental and amended petition filed herein on the following ground, to-wit:

I.

That the petition and the supplemental and amended petition does not state a cause or right of action against Eagle-Picher Company inasmuch as there was no privity of contract or contractual relationship between defendant Eagle-Picher Company and decedent Clarence A. Faciane, Sr., or plaintiff.

WHEREFORE, exceptor, Eagle-Picher Company, prays that this peremptory exception of no cause or right of action be maintained and that, accordingly, judgment be rendered herein in favor of defendant, Eagle-Picher Company and against plaintiff, Mrs. Gladys Faciane, rejecting plaintiff's demands at her costs, and for all additional relief at law, equity and the nature of the case may permit.

MONROE & LEMANN
Malcolm M. Monroe
Benj. M. Slater, Jr.

Attorneys for
Eagle-Picher Company

1424 Whitney Building
New Orleans, Louisiana

CERTIFICATE

I hereby certify that a copy of the above and foregoing exception has been served upon each of the following persons: H. Alva Brumfield, Esq., 205 American Bank Building, Baton Rouge, Louisiana; Harry McCall, Esq., 1500 National Bank of Commerce Building, New Orleans, Louisiana; Edward W. Gray, 205 Roumain Building, Baton Rouge, Louisiana; Charles W. Phillips, 1100 La. National Bank Building, Baton Rouge, La.; Mary Bird Perkins, 304 La. National Bank Building, Baton Rouge, La.; F. S. Craig & R.F. Cangelosi, Jr., 801 Fidelity National Bank Building, Baton Rouge, La.; Aubrey McCleary, 201 Baton Rouge Savings & Loan Building, Baton Rouge, Louisiana; Maurice J. Wilson, Fidelity National Bank Building, Baton Rouge, La.; David W. Robinson, 137 St. Ferdinand St.; E. Leland Richardson, 410 Raymond Bldg.; Baton Rouge, Louisiana; Joseph F. Keogh, P. O. Box 2523, Baton Rouge, Louisiana; Paul B. Deal, 1836 National Bank of Commerce Bldg., New Orleans, La., Calvin E. Hardin, Jr., 408 La. National Bank Bldg., Baton Rouge, La.; and A. Leon Hebert, 118 St. Louis St., Baton Rouge, La., by depositing same in the United States Mail.

New Orleans, Louisiana, April 23, 1962.

Benj. R. Slater, Jr.