NO. 26,836-B

SHARON LEE § IN THE DISTRICT COURT OF

V. § LIMESTONE COUNTY, TEXAS

PARKVIEW REGIONAL HOSPITAL, INC.; PROVINCE HEALTHCARE COMPANY; CHARLES RONALD SMITH, D.O.; ALPHA OMEGA LABS; GREG CATON; HERBOLOGICS, LTD.;

AND LUMEN FOOD CORP. § 87TH JUDICIAL DISTRICT

MOTION FOR LEAVE TO FILE THIRD PARTY ACTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lumen Food Corp., one of the Defendants in the above entitled and numbered cause, and asks leave of Court to file a Third Party Action against Hydro Products and Technologies, Inc. a/k/a HPT, a corporation not a party to the suit, and in support thereof shows:

١.

Plaintiff instituted this suit by filing her Original Petition on the March 26, 2003. Defendant Lumen Food Corp. answered the suit on July 1, 2003. By the latest Petition instituting this action, Plaintiff claims that she sustained damages as a result of manufacturing and/or design defects in the product sold by this Defendant.

II.

Hydro Products and Technologies, Inc. a/k/a HPT, the corporation against whom this Defendant intends to file a Third Party Action, is liable to Plaintiff for all of the Plaintiff's damages, if any, in that it was negligent in various acts and omissions, and in particular as the designer and/or manufacturer of the product in question.

In further support hereof, Defendant has attached hereto a true and correct copy of the intended Third Party Action setting forth the facts indicating that the said Hydro Products and Technologies, Inc. a/k/a HPT is liable to Plaintiff as above stated.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that the Court grant permission for its filing a Third Party Action against Hydro Products and Technologies, Inc. a/k/a HPT and make such other orders as the Court deems fair and just.

Respectfully submitted,

FULBRIGHT WINNIFORD A Professional Corporation Attorneys at Law P. O. Box 7575 Waco, Texas 76714-7575 (254) 776-6000 (254) 776-8555 [FAX]

BY: GERALD L. BOLFING
State Bar No. 02574850

ATTORNEYS FOR DEFENDANT, LUMEN FOOD CORP.

NOTICE OF HEARING

Hearing on Defendant's Motion For Leave To File Third Party A	ction i	is se	t for
o'clock, on theth day of,	, 2004	4, in	the
Courtroom of the 87th Judicial District Court, in Limestone County, Texas.			

CERTIFICATE OF SERVICE

This is to certify that a true	e and correct cop	ly of the above and foregoing instrumen
was this day forwarded in acco	rdance with the	Texas Rules of Civil Procedure to al
counsel of record, on this the	day of	, 2004.
	GERALD L. BO	DLFING