

CAUSE NO. 2000-05-1962-C

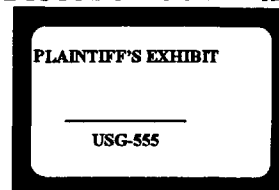
FILED 9:00 O'CLOCK 9 M
AURORA DE LA GARZA DIST. CLERK
JAN 18 2001
DISTRICT CLERK OF COMMERCE COUNTY, TEXAS
Elvira S. Ortiz DEPUTY

Plaintiffs,

vs.

Defendants.

IN THE DISTRICT COURT OF



CAMERON COUNTY, TEXAS

197TH JUDICIAL DISTRICT

**MOTION IN LIMINE OF DEFENDANT UNITED STATES
GYPSUM COMPANY TO EXCLUDE ALL POST-SALE EVIDENCE
AND ALL EVIDENCE RELATING TO PRODUCTS NOT AT ISSUE**

Defendant United States Gypsum Company ("U.S. Gypsum") moves as follows to exclude all post-sale evidence and all evidence relating to products not at issue:

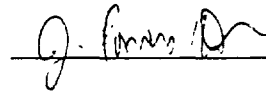
1. At the trial of this matter, plaintiff may attempt to introduce evidence concerning U.S. Gypsum's post-sale conduct or knowledge and evidence relating to products not at issue in this litigation.
2. Plaintiff may attempt to offer this evidence to show that the products at issue were defective, or that U.S. Gypsum was negligent.
3. All post-sale evidence and all evidence relating to products not at issue is inadmissible because this evidence is irrelevant.
4. Any probative value of post-sale or other-product evidence is substantially outweighed by the prejudicial effect of such evidence, and by the potential for delay and confusion of the issues and the jury.

5. Further support for this motion is contained within the accompanying memorandum of law, which is incorporated by reference herein.

WHEREFORE, U.S. Gypsum respectfully requests that the Court enter an order excluding any post-sale or other-product evidence.

Respectfully submitted,

POWERS & FROST, L.L.P.



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**ATTORNEYS FOR DEFENDANT UNITED
STATES GYPSUM COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct of Defendant United States Gypsum Company's Motion in Limine has been forwarded to Plaintiffs' counsel of record either by first class mail, return receipt requested, delivery or facsimile on this the 12th day of January, 2001.

