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AURORA DE LA GARZA DIST. CLERK
JAN 18 2001
DISTRICT COURT OF CAMERON COUNTY, TEXAS
Aurora de la Garza
DISTRICT COURT OF

JAN 18 2001

IN THE DISTRICT COURT OF

PLAINTIFF'S EXHIBIT

UC-2004

CAMERON COUNTY, TEXAS

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197<sup>TH</sup> JUDICIAL DISTRICT

## DEFENDANTS' MOTION TO BIFURCATE

I.

## II.

Defendants, in good faith, believe it would be unfairly prejudicial to allow evidence relevant only to the amount of punitive damages to be considered by the jury along with other issues in this matter. According to the Texas Supreme Court in *Transportation Ins. Co. v. Moriel*, 879 S.W.2d 10 (Tex. 1994), "evidence of a defendant's net worth, which is generally relevant only to the amount of punitive damages, by highlighting the relative wealth of a defendant, has a very real potential for

prejudicing the jury's determination of other disputed issues in a tort case." *Id.* at 30. Thus, if presented with a timely motion, the trial court should bifurcate the determination of the amount of punitive damages from the remaining issues. *Id.*

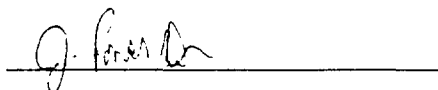
### III.

In *Moriel*, the Texas Supreme Court provided that the jury should first hear evidence relevant to liability for actual damages and liability for punitive damages, and then return findings on those issues. The same jury should then be presented with evidence of a defendant's net worth, and any other evidence relevant to the amount of punitive damages, only if it answered the punitive damage liability question in the plaintiff's favor. *Id.*

WHEREFORE, Defendants respectfully request that the court order a bifurcation of the determination of the amount of punitive damages from the remaining issues in this matter, and make such other orders as the court deems fair and just.

Respectfully submitted,

**POWERS & FROST, L.L.P.**



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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct of Defendants' Motion to Bifurcate has been forwarded to Plaintiffs' counsel of record either by first class mail, return receipt requested, delivery or facsimile on this the 12<sup>th</sup> day of January, 2001.

