

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

JAN 18 2001

IN THE DISTRICT COURT OF

PLAINTIFF'S EXHIBIT

CAMERON COUNTY, TEXAS

USG-553

197TH JUDICIAL DISTRICT

Defendant **United States Gypsum Company** (“U.S. Gypsum”) hereby moves as follows to exclude all evidence and argument relating to a U.S. Gypsum facility in Jersey City, New Jersey and purported claims regarding a bookkeeper employed by a prior owner of the facility:

1. At the trial of this matter, plaintiff may seek to introduce documents and testimony relating to conditions existing in 1936 at a Jersey City, New Jersey manufacturing facility purchased by U.S. Gypsum from another company earlier that year.

2. Plaintiff may also seek to introduce documents relating to claims that a bookkeeper employed by the former owner of the facility developed asbestosis.

3. An extensive report on conditions at the Jersey City facility prepared by a noted expert retained by U.S. Gypsum demonstrates that conditions at the facility bear no resemblance to those in which plaintiff allegedly was exposed to U.S. Gypsum products.

4. No U.S. Gypsum products of the type to which plaintiff allegedly was exposed were manufactured at the Jersey City plant.

5. The evidence regarding the Jersey City plant and the bookkeeper threatens confusion, delay and unfair prejudice to U.S. Gypsum.

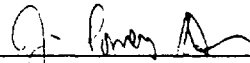
6. The allegations regarding the purported medical condition of the bookkeeper, and its cause, constitute inadmissible hearsay.

7. Additional support for this motion is contained in 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 evidence or argument relating to the Jersey City plant, conditions there, or the bookkeeper, his claims or condition.

Respectfully submitted,

POWERS & FROST, L.L.P.



James H. Powers

TBN: 16217400

Sharla J. Frost

TBN: 07491100

Gwendolyn S. Frost

TBN: 07488750

2600 Two Houston Center

909 Fannin

Houston, Texas 77010

Telephone: (713) 767-1555

Facsimile: (713) 767-1799

**ATTORNEYS FOR DEFENDANT
UNITED STATES GYPSUM COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent to counsel for Plaintiffs, by certified mail, return-receipt-requested, on this the 17th day of February, 2001

