FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 3 - 1971
JAMES R. COONEY, CLERK
BY DEPUTY Margaret Driver

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

SAMUEL R. POTTER :

VS. : CIVIL ACTION NO. ~~6449~~ 6329

FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL :

PLAINTIFF'S MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the plaintiff in the above entitled and numbered cause, and before commencement of the voir dire examination of the jury panel, respectfully moves that counsel for the defense, and through such counsel any and all defense witnesses, be instructed by appropriate order of this Honorable Court to refrain from making any mention or interrogatoin, directly or indirectly, in any manner whatsoever, concerning any of the matters hereinafter set forth, without first approaching the Bench and obtaining a ruling from the Court outside the presence and outside the hearing of all prospective jurors and jurors ultimately selected in this case in regard to any alleged theory of admissibility of such matters, to-wit:

1.

That your plaintiff has received, has been entitled to receive, will receive, or will become entitled to receive benefits of any kind or character from a collateral source, including, but not limited to such collateral source benefits as the following:

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(a) Benefits from collateral insurance coverage.

(b) Social Security and Pensions.

2.

That the plaintiff has been accused or, in fact, guilty of any misconduct or criminal conviction, and in this connection, it is shown that the plaintiff has never been convicted of any crime involving moral turpitude so as to make proof thereof admissible for purposes of impeachment or any other legitimate purpose, and the mere questioning of him concerning any alleged crime or misconduct would be incurably prejudicial even though objection were timely made and sustained.

3.

That the plaintiff has had unrelated, prior or subsequent claims, suits or settlements, or the amount thereof, for the reason that the same would be immaterial and irrelevant to any issue in this cause and would be incurably prejudicial even though objection were timely made and sustained.

4.

The time or circumstances under which plaintiff employed his attorney.

5.

The plaintiff's personal habits, such as his drinking habits.

6.

That any recovery by plaintiff either would or would not be subject to Federal income taxation, or any other form of taxation. (M.K.&T. Railroad vs. McFerrin, 291 S.W. 2d 931 [Texas Supreme Court 1965].)

7.

That this motion has been filed or any ruling by

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the Court in response to this motion, suggesting or inferring to the jury that the plaintiff has moved to prohibit proof or that the Court has excluded proof of any particular nature.

WHEREFORE, premises considered, plaintiff prays that this motion be granted and sustained by appropriate order of this Honorable Court.

Respectfully submitted,

STEPHENSON AND THOMPSON

By _____
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CERTIFICATE OF SERVICE BY MAIL

I, Ward Stephenson, hereby certify that a true and correct copy of the foregoing instrument, was on this the 1st day of December, 197 1, mailed to the following named attorneys:

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