IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
MAY 29 1968
James R. Cooney, Clerk, U. S. Court
By Evelyn Walker DEPUTY

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the plaintiff in the above entitled and numbered cause, and before trial, and moves the Court in Limine to instruct the defendants and all their counsel as set forth below on the following grounds:

1.

Since it is immaterial to this suit whether or not:

(a) Plaintiff's medical expenses or any part thereof were covered by insurance or paid by plaintiff's employer or employers;

(b) Plaintiff receives Social Security benefits or pensions;

(c) Plaintiff has income taxes to pay out of his earnings, or that taxes are withheld from his salary;

(d) That plaintiff was covered by or received Workmen's Compensation benefits;

(e) Any award in a damage suit or for injuries is not subject to income tax;

(f) That other companies other than the defendants manufacture asbestos and that this is a source of injury to plaintiff, because no cross-action has been filed herein by any of the defendants against any manufacturer of asbestos except the defendants named by the plaintiff;

(g) That no mention be made of the examination of plaintiff by Dr. Leary because by agreement the defendants have had plaintiff examined by another doctor due to the fact that Dr. Leary is now teaching.

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2.

Were any of the above facts made known to the jury, it would be highly improper and prejudicial to the plaintiff, even though the court were to sustain an objection and instruct the jury not to consider such facts for any purpose.

3.

This motion should also be granted because there is no other way the problems mentioned can be properly handled at the trial of this cause, and in all probability any such attempt would result in a mistrial.

WHEREFORE, plaintiff respectfully requests the court to instruct the defendants and all their counsel not to mention, refer to, interrogate concerning, or attempt to convey to the jury in any manner, either directly or indirectly, any of the above mentioned facts, without first obtaining permission of the Court outside the presence and hearing of the Jury, and further instruct the defendants and all their counsel not to make any reference to the fact that this motion has been filed and granted, and to warn and caution each and every one of their witnesses to strictly follow the same instructions.

STEPHENSON, THOMPSON AND MORRIS

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

O R D E R

The above motion in limine is hereby GRANTED / ~~OVERRULED~~.

5/24/68

_____
JUDGE PRESIDING

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CERTIFICATE

Motion In Limine

A copy of the foregoing ~~Amendatx Complaint~~ has been forwarded to the following attorneys of record; on this 20th day of May, 1968, by United States Mail:

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Attorney for Defendants JOHNS-MANVILLE PRODUCTS CORPORATION AND JOHNS-MANVILLE FIBER GLASS, INC.

Attorney for Plaintiff

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LAW OFFICES STEPHENSON, THOMPSON & MORRIS STEPHENSON BUILDING ORANGE, TEXAS	

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