

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

This document pertains to:

City of New York v. Amerada Hess Corp. et al.,
Case No. NY-04-CV-03417

**NOTICE OF DEFENDANTS' JOINT MOTION IN LIMINE TO
PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OR ARGUMENT:
(1) RELATING TO NON-PARTIES AGAINST DEFENDANTS; OR (2) RELATING
ONLY TO ONE DEFENDANT AGAINST MULTIPLE DEFENDANTS**

PLEASE TAKE NOTICE that on May 11, 2009, at the United States Courthouse at 500 Pearl Street, New York, New York, Defendants to this action hereby move before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York for an Order precluding Plaintiff from presenting at trial testimony or other evidence relating to non-parties against Defendants or relating to one Defendant only against both Defendants. Defendants also request an instruction requiring that when Plaintiff introduces exhibits at trial, as well as when Plaintiff refers to exhibits during opening and closing statements, that Plaintiff specifies the Defendant(s) against whom each exhibit is offered.¹

Defendants rely on the grounds stated in the accompanying Memorandum of Law in Support of Defendants' Motion *in Limine* filed herewith, and all prior proceedings and pleadings in this matter.

¹ This motion is filed on behalf of Exxon Mobil Corporation; ExxonMobil Oil Corporation; Mobil Corporation; Lyondell Chemical Company; Equistar Chemicals, LP; Crown Central LLC; and Total Petrochemicals USA, Inc.

Dated: New York, New York

May 11, 2009

Respectfully submitted,


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on behalf of all remaining Defendants*