

negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.c. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to follow good manufacturing procedures, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.d. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant manufactured and distributed a product which it knew was being used for purposes it was not intended, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the

Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.e. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to warn unsuspecting consumers of the dangers of its products, including H₂O, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.g. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to include a Material Safety Data Sheet ("MSDS") with its product in violation of federal law, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.h. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to conform to federal and state laws regarding the distribution and manufacturing of products which are shipped interstate, for

the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.i. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant mislabeled its product, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.j. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant distributed a highly corrosive material without the proper federal licenses, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 22.k. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant misrepresented its products, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.a. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant misrepresented material facts relating to the character and quality of "H3O" solution, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.d. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant failed to promptly and adequately notify potential users of the risks associated with the use of the solution, and failing to promptly and adequately advise the physicians of such risks, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as

to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.e. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant utilized improper manufacturing techniques, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.f. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant undertook no or inadequate quality control, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable

time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.g. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant provided on or inadequate warnings, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.h. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant failed to disclose this information with the intent that others, including Sharon Lee, would rely upon such concealment, suppression, or omission, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 25.i. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant engaged in an unconscionable course of

conduct, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 27. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 35. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged,

and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 31.a. of Plaintiff's Fourth Amended Petition wherein it is alleged that the H3O designed, manufactured, marketed, distributed and sold by this Defendant was unfit for its intended purpose because of its design, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 31.b. of Plaintiff's Fourth Amended Petition wherein it is alleged that the H3O designed, manufactured, marketed, distributed and sold by this Defendant was unfit for its intended purpose because of the manufacturing (including sterilization) process, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it

and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 31.c. of Plaintiff's Fourth Amended Petition wherein it is alleged that the H3O designed, manufactured, marketed, distributed and sold by this Defendant was unfit for its intended purpose because of its marketing, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 31.a. of Plaintiff's Fourth Amended Petition wherein it is alleged that the H3O designed, manufactured, marketed, distributed and sold by this Defendant was unfit for its intended purpose because of this Defendant's failure to warn of obvious and non-obvious defects, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special

Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 32.d. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant, as the designer, manufacturer, marketer, distributor and sellers, warranted and represented that the H3O made the basis of this action was harmless to humans, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 34. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable

time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 36.b. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to promptly and adequately notify Plaintiff of the risks associated with the use of the H3O and failed to promptly and adequately advise the physicians of such risks, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 36.c. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant utilized improper manufacturing techniques, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 36.d. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant undertook no or inadequate quality control, for the reason that same alleges negligence generally, and is insufficient to apprise this

Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 36.e. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant provided no or inadequate warnings, for the reason that same alleges negligence generally, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 38. of Plaintiff's Fourth Amended Petition wherein it is alleged that Defendant failed to comply with the applicable provisions of the Food, Drug & cosmetics Act, Uniform Commercial Code, the Texas Deceptive Trade Practices Act, and other applicable state and federal law, for the reason that same alleges negligence per se, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 39. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 40. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant affirmatively misrepresented the risk, danger and sterility of the H3O, for the reason that same constitutes a mere general allegation of misrepresentation and does not set forth a material fact so as to sufficiently apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 41. of Plaintiff's Fourth Amended Petition wherein it is alleged that this Defendant failed to disclose and actively suppressed and concealed certain facts, for the reason that same constitutes a mere general allegation of

misrepresentation and does not set forth a material fact so as to sufficiently to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, this Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 45. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 50. of Plaintiff's Fourth Amended Petition wherein negligence per se is alleged against this Defendant under various state and federal regulations, for the reason that same is a mere general allegation of negligence per se, and is insufficient to apprise this Defendant of the proof to be presented at the time of trial. In connection with this Special Exception, Defendant requests the court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth

Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 50. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 54.d. of Plaintiff's Fourth Amended Petition wherein it is alleged that the conduct of this Defendant proximately caused substantial injury to Plaintiff for which she seeks damages for past and future mental impairment, for the reason that no legal rule justifies a recovery on a claim of the type alleged. In connection with this Special Exception, Defendant requests that the Court enter an order sustaining it and that the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

Defendant specially excepts to Paragraph 57. of Plaintiff's Fourth Amended Petition in which Plaintiff generally alleges the loss of damages stating only "in an amount in excess of the minimum jurisdictional limits of this court", for the reason that said allegation is general in nature and fails to apprise this Defendant of the amount of damages sought to be recovered by Plaintiff for each specific element of damages alleged or to be alleged, and for said reason Defendant is unable to anticipate the proof to be presented at the trial of this cause and to properly defend against same. In connection with this Special Exception, this Defendant requests that the Court enter an order sustaining it and the Plaintiff be ordered to replead her Plaintiff's Fourth Amended Petition within a reasonable time in conformity with the Court's ruling on the Special Exception, or said pleading should be stricken in its entirety, of which exception Defendant prays judgment of the Court.

WHEREFORE, Defendant requests that this matter be set for hearing, with notice to the Plaintiff, and that upon completion of the hearing on Defendant's Special Exceptions, the Court order Plaintiff to replead Plaintiff's Fourth Amended Petition within a reasonable time or said pleading should be stricken in its entirety, and that Defendant have such other relief, both in law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

FULBRIGHT WINNIFORD
A Professional Corporation
Attorneys at Law
P. O. Box 7575
Waco, Texas 76714-7575
(254) 776-6000
(254) 776-8555 [FAX]

BY: _____
GERALD L. BOLFINING
State Bar No. 02574850

ATTORNEYS FOR DEFENDANT

NOTICE OF HEARING

Hearing on Defendant's Special Exceptions be and the same is set for ____ o'clock on the ____ day of _____, 2003, in the Courtroom of the 87th Judicial District, in Groesbeck, Texas.

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing instrument was forwarded to all attorneys of record in accordance with the applicable Texas Rules of Civil Procedure on this the ____ day of _____, 2003.

GERALD L. BOLFING