

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

<b>Director of the Manufactured Housing</b>	)	
<b>and Modular Units Program of the</b>	)	
<b>Public Service Commission,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. MC-2004-0079</b>
	)	
<b>Amega Sales, Inc.,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Respondent.</b>	)	

**MOTION TO EXCLUDE EVIDENCE FROM RECORD**

COMES NOW Respondent Amega Sales, Inc., and for its motion in this cause states the following:

1. Counsel for Respondent is in receipt of a letter dated June 10, 2004 addressed to the Secretary / Chief Regulatory Law Judge of the Missouri Public Service Commission (the "Commission") from chief counsel for the Consumer Protection Division of the Missouri Attorney General. Counsel for Respondent also is in possession of a document filed with the Commission by the Missouri Attorney General entitled "Attorney General's Response to the Commission's Request for Petition and Complaints." Finally, Respondent understands that the Missouri Attorney General has filed with the Commission a copy of a petition filed in the Circuit Court of Boone County, Missouri by the Missouri Attorney General against Respondent and others.

2. In the letter of June 10, 2004 referenced above, the chief counsel for the Consumer Protection Division of the Missouri Attorney General states that certain consumer complaints allegedly filed against Respondent have been filed with the Commission. However, the undersigned counsel for

Respondent did not receive copies of those consumer complaints from the Missouri Attorney General's office and, therefore, the undersigned counsel for Respondent is not aware of exactly what documents have been filed with the Commission or what those documents provide or contain.

3. A hearing in this case was held on June 2, 2004. Extensive evidence was presented at that hearing.

4. The only transaction at issue in this case concerns a transaction between Respondent and consumers named Higginbotham.

5. Respondent does not know whether any of the documents that the Missouri Attorney General filed with the Commission in connection with the Missouri Attorney General's June 10 letter relate to the Higginbotham matter. To the extent those documents do not relate to the Higginbotham matter and to the extent the documents were not admitted in evidence at the June 2 hearing in this case, Respondent objects to the filing of those documents, the receipt thereof by the Commission, the introduction thereof into evidence, and the consideration of any such documents by the Commission for the following reasons:

a. Upon information and belief, such documents are wholly outside the scope of the pleadings in this case in that they do not relate in any way to the Higginbotham matter.

b. Such documents are wholly irrelevant to any material issue before the Commission in this case.

c. Such documents constitute hearsay, have not been authenticated, and do not represent reliable evidence or information.

d. Respondent has not had an opportunity to cross examine witnesses or investigate the contents of those documents.

- e. Such documents have not been offered in evidence by any party in this case.
- f. Upon information and belief, the contents of those documents are highly prejudicial.

WHEREFORE, Respondent prays and respectfully requests that the Commission not consider, not review, and exclude from evidence in this case all documents produced by the Office of the Missouri Attorney General as described above, and further relief as the Commission deems just and proper.

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/s/ Thomas M. Harrison

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The undersigned certifies that a complete and conformed copy of the foregoing document was faxed and mailed to each attorney who represents any party to the foregoing action, by U.S. Mail, postage prepaid in the proper amount, at said attorney's business address.

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/s/ Thomas M. Harrison

Dated: June 14, 2004