**CAUSE NO. 43,647**

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| **IN THE MATTER OF** | **§** | **IN THE DISTRICT COURT** |
| **THE MARRIAGE OF** | **§** |  |
|  | **§** |  |
| **ALLISON GELBE-Pinkus** | **§** |
| **AND** | **§** | **510th Judicial District** |
| **mark Pinkus** | **§** |
|  | **§** |  |
| **And in the interest of** | **§** |  |
| **todd pinkus, thomas pinkus,** | **§** |  |
| **and lucy pinkus, children** | **§** | **Denton County, Texas** |

**ALLISON GELBE-Pinkus’ OBJECTIONS TO MARK PINKUS’ MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING ENFORCEABILITY OF PREMARITAL AGREEMENT**

Petitioner, ALLISON GELBE-PINKUS (“ALLISON”), files this her Objections to the Motion for Partial Summary Judgment Regarding Enforceability of Premarital Agreement filed by MARK PINKUS (“MARK”) and would show unto the Court the following:

1. **OBJECTION TO “EXHIBIT 6” TO MARK PINKUS’ MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING ENFORCEABILITY OF PREMARITAL AGREEMENT**

ALLISON objects to “Exhibit 6” to MARK’s Motion for Partial Summary Judgment Regarding Enforceability of Premarital Agreement. “Exhibit 6” is an excerpt of the oral deposition of Saul Goodman.

Specifically, “Exhibit 6” to MARK’s Motion for Partial Summary Judgment consists of three pages taken from Mr. Saul Goodman’s alleged deposition transcript. This exhibit does not include the court reporter’s certification, nor is it certified and attested to by Mark’s attorney.

ALLISON objects to “Exhibit 6” as it fails to qualify as proper summary judgment evidence. “An attorney who wishes to rely on excerpted portions of a deposition should attach copies of the excerpted portions of the original deposition . . . together with a copy of the court reporter’s certificate, and his or her own original affidavit certifying the truthfulness and correctness of the copied material.” *See Grossman v. Grossman,* 799 S.W.2d 511, 513 (Tex. App.-Corpus Christi 1990, no writ); *Kotzur v. Kelly*, 791 S.W.2d 254, 255-57 (Tex.App.—Corpus Christi 1990, no writ); accord *Mendez v. Int’l Playtex, Inc*., 776 S.W.2d 732, 733 (Tex.App.—Corpus Christi 1989, error denied). As such, “Exhibit 6” to MARK’s Motion for Partial Summary Judgment Regarding Enforceability of Premarital Agreement should be stricken as incompetent summary judgment evidence.

Based upon the foregoing, ALLISON objects to “Exhibit 6” being admitted or considered as summary judgment evidence.

1. **PRAYER**

ALLISON GELBE- PINKUS prays that the Court sustain her objections and grant any and all further relief to which she may be justly entitled.

Respectfully Submitted,

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Attorney for ALLISON GELBE-PINKUS,

Petitioner

**Certificate of Service**

I certify that a true copy of the above was served on Cindy V. Tisdale through the electronic filing manager in accordance with the Texas Rules of Civil Procedure on February 14, 2019.

/s/Christopher K. Wrampelmeier

Christopher K. Wrampelmeier

Attorney for Petitioner