

**INSTRUCTIONS FOR PRE-TRIAL STIPULATION FOR OTHER THAN  
CREDIT CARD USE UNDER 11 U.S.C. 523(a)(2)(A)**

The parties to an adversary proceeding must comply with the following instructions in preparing a Pre-Trial Stipulation. These instructions are intended to supplement, not supplant, the requirements contained in Local Bankruptcy Rule 7016.

1. A model Pre-Trial Stipulation (“Model”) is attached. Please see the separate “Judges Forms & Instructions” for a Pre-Trial Stipulation for credit card use under 11 U.S.C. 523(a)(2)(A). All other Pre-Trial Stipulations must follow the Model.
  
2. Each Pre-Trial Stipulation must contain the following:
  - a. **Section I** - underlying issues of fact common to all claims for relief:
    - i. Each fact should be stated in a separate paragraph.
    - ii. State whether each fact is contested or not contested. If the fact is contested, provide a brief statement of each party’s position, and list proposed witnesses and exhibits.
    - iii. Only facts fundamental to the adversary proceeding should be included.
    - iv. No legal issues/assertions should be listed in this section.
  
  - b. **Section II** - claims for relief:
    - i. Elucidate each claim for relief. The elements establishing each claim for relief must be specified.
    - ii. State for each element of the claim for relief whether it is contested or not contested. If it is contested:
      - Provide a brief citation of authority for each counsel’s position.
      - List the witnesses, admissions, and exhibits that reasonably pertain to each contested element.
      - Note the elements established by pleading, admissions, and stipulations.If it is not contested, you only need to state that the element is not contested.
  
  - c. **Section III** - Damages
    - i. Plaintiff should state what its claimed damages are.
    - ii. Plaintiff should set forth how Plaintiff calculated the damages claimed.
  
  - d. **Section IV** - Affirmative Defenses:
    - i. Elucidate each affirmative defense. The elements establishing each affirmative defense must be specified.
    - ii. State for each affirmative defense whether it is contested or not contested. If it is contested:
      - Provide a brief citation of authority for each counsel’s position.
      - List the witnesses, admissions, and exhibits that reasonably pertain to each contested element.
      - Note the elements established by pleading, admissions, and stipulations.If it is not contested, you only need to state that the element is not contested.

c. **Section V** - exhibits:

- i. List each party's exhibits.
- ii. After each list, the opposing party must state whether he stipulates to the admission and authenticity of each exhibit. Copies of each exhibit must be attached unless the exhibit is to be used for impeachment purposes only. Copies must be legible.
- iii. If a party does not stipulate to the admission of an exhibit, recite in a separately filed document any evidentiary objections and any response to said objections. See the model for filing and serving requirements. The court shall rule upon these objections at the Pre-Trial Conference. Any objections that could have been raised at this stage of the proceeding and are not shall be deemed waived.

d. **Section VI** - list of witnesses:

- i. List the witnesses each party shall call to testify at trial.
- ii. Summarize their intended testimony.
- iii. Estimate time needed for the direct and cross examination of each witness.

e. **Section VII** - rebuttal testimony and Stipulation. See Model.

3. Motions to exclude evidence at trial must be filed and served before or concurrently with the pre-trial stipulation. Any response to the motion shall be filed and served two court days prior to the pre-trial conference.

### **SETTLEMENT INSTRUCTIONS**

4. If the parties are considering or in the process of settling, the following instructions must be followed:

Unless a settlement is reached prior to the pre-trial conference date, a pre-trial stipulation must be timely filed and served. Failure to timely comply may result in sanctions.

A request for continuance of the pre-trial conference rarely will be granted if the reason for the request is that the "parties are discussing settlement" or "in the process of settling".

5. If the parties *have settled*:

The pre-trial conference may be continued to allow for execution and filing the written settlement if the request for continuance contains a copy of the settlement or a substantial recitation of its terms.

The Request for Continuance must be filed at least two (2) court days prior to the pre-trial conference.

If the adversary is based on 11U.S.C. §523(c), then the settlement or stipulated judgment must contain an admission of liability under §523(a)(2), (4), (6) or (15) on behalf of the Defendant for it not to be treated as a reaffirmation agreement controlled by §524. If no admission is present, then the requirements of §524(c) and (d) must be followed.

## **TRIAL INSTRUCTIONS**

6. Trial dates are firm and continuances at the parties' request are rarely granted.
7. The court generally will contact counsel the week before the scheduled trial date to determine any revised trial estimate times. If the parties reach a settlement prior to trial, they must inform the court promptly at (213) 894-3635. A written stipulation and proposed order must be filed at least two (2) court days prior to the trial date. A written settlement may be subject to review as discussed above in paragraph 5.
8. Trial exhibits and deposition transcripts must be marked in advance in compliance with the local rules. Please prepare at least four (4) exhibit sets (for counsel, opposing counsel, the court, and the witnesses). If the exhibits are longer than ten (10) pages, they should be assembled in binders and tabbed (with exhibit numbers for the plaintiff and letters for the Defendant). An exhibit register must also be prepared in accordance with the local bankruptcy rules.
9. All trial briefs must be filed and served not less than four (4) court days in advance of the trial date, with conformed courtesy copies delivered to chambers.
10. Opening statements are welcome (but not usually necessary). Counsel should be prepared to complete closing argument as soon as the parties have rested. Post-trial briefs are appropriate only if ordered by the court.
11. Counsel are to instruct their witnesses to pause briefly before answering the question asked of them to allow opposing counsel to object. Objections are signaled to the court by standing prior to the witness's answer. In the event the witness begins the answer prior to counsel raising an objection, opposing counsel must wait until the witness is finished answering the questions before standing and raising the objection.

1 **This is a model Pre-Trial stipulation. Please submit all stipulations, other**  
2 **than for credit card use under 11 U.S.C. 523(a)(2)(A), in this format.**  
3 **Please note: Any text in *italics* is for instructional purposes only and**  
4 **should NOT be included in the Order.**

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9

10 In re  
11 DAVE DILL,  
12 Debtor(s).

BK. No. LA 00-00000-VZ  
Adv. No. LA 00-00000-VZ

Chapter 7

13 **PRE-TRIAL STIPULATION AND**  
14 **ORDER FOR CLAIMS FOR RELIEF**

15 **DATE: FEBRUARY 29, 20[xx]**  
16 **TIME: 11:00 a.m.**  
17 **PLACE: 255 E. Temple Street**  
18 **Courtroom 1368**  
19 **Los Angeles, CA 90012**

20  
21 **JOAN JONES,**  
22 **Plaintiff(s),**  
23 **v.**  
24 **DAVID DILL,**  
25 **Defendant(s).**  
26

**PRE-TRIAL STIPULATION**

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\_\_\_\_\_, plaintiff in this adversary proceeding ("Plaintiff") and \_\_\_\_\_,  
Defendant in this adversary proceeding ("Defendant") SUBMIT THE FOLLOWING PRE-TRIAL  
STIPULATION AND ORDER through their respective counsels pursuant to Local Bankruptcy Rule 7016-  
1(b)(2).

**I. UNDERLYING ISSUES OF FACT COMMON TO ALL CLAIMS FOR RELIEF**

A. Defendant filed a petition for relief under Chapter 7 on December 31, 20[xx] (the "petition date").

Not Contested: See I.J below for an example of the format for an issue that is contested.

B. Plaintiff commenced this adversary proceeding by filing a complaint on January 31, 20[xx].

Not Contested

C. Prior to the petition date, on October 1, 20[xx], Plaintiff and Defendant entered into an oral  
agreement pursuant to which Plaintiff loaned Defendant \$10,000 for Defendant to purchase a car.

Not Contested

D. Defendant was to make monthly payments of \$500 beginning on November 1, 20[xx] until the loan  
was repaid.

Not Contested

E. The loan was to bear simple interest of 5%.

Not Contested

F. In connection with the loan, D signed a security agreement which provided that the car purchased by  
Defendant with the loaned funds was to be collateral for the loan.

Not Contested

G. Prior to making the loan, Plaintiff asked Defendant what his annual income was.

Not Contested

H. Defendant told Plaintiff his annual income was \$34,000.

Not Contested

I. Defendant's tax return for 20[xx] reflects Defendant's income for that year was \$20,000.

Not Contested

J. Defendant failed to make any payments on the loan.

Contested

Plaintiff: After receiving the \$10,000 loan, Defendant failed to make any payments on the loan and to date has not made any payments to reduce the balance of the loan which currently remains \$10,000. The payments made by Defendant to Plaintiff in 11/1/20[xx] and 12/1/20[xx] were for Defendant's portion of the rent.

**Evidence:**

Testimony of Joan Jones

Exhibit 1: Canceled Check dated 10/1/20[xx]

Defendant: A month after receiving the \$10,000 loan, Defendant began making monthly payments of \$500 for two months and repaid \$1,000 to Plaintiff. Plaintiff then told Defendant to "forget" the amount he owed Plaintiff, that it was a gift.

**Evidence:**

Testimony of Dave Dill

Exhibit A: Canceled Check dated 11/ 1/20[xx]; Exhibit B: Canceled Check dated 12/1/20[xx]

K. Plaintiff demanded Defendant either make the payments due on the loan or turn over the car.

Not Contested

L. Defendant to date has not made any payments on the loan and has not turned over the car to Plaintiff.

Not Contested

M. Defendant sold the car to a third party.

Not Contested

N. Plaintiff and Defendant have been friends for approximately ten years, and lovers for the past five.

Not Contested

**II. CLAIMS FOR RELIEF**

1  
2       A. **First Claim:** The debt should not be discharged because the debt was for money which was  
3 obtained by actual fraud. (523(a)(2)(A))

4               **1. ELEMENTS OF THE CLAIM**

5                   **a. Defendant represented that his annual income was \$34,000 (the**  
6 **“representation”).**

7                               Not contested

8                   **b. D knew the representation was false when made**

9                               Contested

10                               Plaintiff: The Defendant lied about his income to convince Plaintiff to make the  
11 loan. Defendant’s tax return for 20[xx] reflects that he made only \$20,000 that year.

12                               **Evidence:**

13   Testimony of Joan Jones

14   Exhibit 1: Canceled check dated 10/1/20[xx]

15                               Defendant: Defendant is self employed and he based his statement of annual  
16 income on what he made the year prior to 20[xx]. Defendant’s business suffered in 20[xx] because  
17 Defendant developed a serious illness and there were many days that Defendant could not work which  
18 caused him to loose clients.

19                               **Evidence:**

20   Testimony of Dave Dill

21   Testimony of Dr. Joe

22   Exhibit C: Tax Return for year prior to 20[xx]

23                   **c. Defendant made the representation with the intent to deceive**

24                               Contested

25                               Plaintiff: Defendant knew that his annual income for 20[xx] was not going to be  
26 anywhere near \$34,000 when he made the representation to Plaintiff.

**Evidence:**

Testimony of Dave Dill

Exhibit 2: 20[xx] Cash Flow Statement of Dave Dill Co.

Defendant: Defendant believed that his health would be better than it turned out to be in 20[xx] and believed that his income would be approximately \$34,000 for that year.

**Evidence:**

Testimony of Dave Dill

**d. Plaintiff justifiably relied on the representation**

Not Contested

**e. Plaintiff was injured**

Not Contested

**f. The Defendant's conduct was the proximate cause of the injury**

Not Contested

B. **Second Claim:** The debt should not be discharged because the debt was obtained by fraud or defalcation while the Defendant was acting in a fiduciary capacity. (523(a)(4))

**1. ELEMENTS OF THE CLAIM**

**a. Defendant owed a fiduciary duty to Plaintiff**

Contested

Plaintiff: The Defendant and Plaintiff have been friends and lovers for many years. Their relationship is based upon trust. It was reasonable for Plaintiff to believe that the loan would be repaid.

**Evidence:**

Testimony of Joan Jones

Testimony of Annie Applegate

Defendant: Recently, the relationship between Defendant and Plaintiff has been very strained. At the time Plaintiff filed his bankruptcy petition, he was in the process of moving out of

1 Plaintiff's house, and ending their relationship. On numerous occasions prior to the petition date,  
2 Plaintiff accused Defendant of seeing other women. Plaintiff would call work to see if Defendant had  
3 left for the day and be outraged if Defendant didn't come straight home. Defendant frequently stated  
4 that she "didn't trust Defendant as far as she could throw him."

5 **Evidence:**

6 Testimony of Dave Dill

7 Testimony of Sally Smith

8 **b. Defendant breached the fiduciary duty.**

9 Contested

10 Plaintiff: Plaintiff believed that based upon the loving, trusting relationship  
11 between Plaintiff and Defendant, the Defendant would repay the debt.

12 **Evidence:**

13 Testimony of Joan Jones

14 Testimony of Annie Applegate

15 Defendant: Defendant didn't breach any fiduciary duty as Plaintiff knew that the  
16 relationship was ending. Plaintiff knew that Defendant was moving into his own apartment, and that  
17 he was interested in pursuing other relationships. Plaintiff loaned Defendant the money hoping that  
18 Defendant would feel obligated to her and thus would not end their relationship.

19 **Evidence:**

20 Testimony of Dave Dill

21 **c. Plaintiff was injured.**

22 Not Contested

23 **d. Defendant's breach was the proximate cause of Plaintiff's injury.**

24 Not Contested

25 C. **THIRD CLAIM:** The debt should not be discharged because the debt was obtained by  
26 willfully and maliciously injuring another. (523(a)(6))

**1. ELEMENTS OF THE CLAIM**

**a. By selling the car that was security for the loan, Defendant converted it.**

Not Contested

**b. Defendant knew or reasonably should have known that his actions would cause injury to Plaintiff.**

Contested

Plaintiff: The Defendant knows that Plaintiff's salary is very low. He also knows that the \$10,000 was over one-half of Plaintiff's life savings.

**Evidence:**

Testimony of Joan Jones

Defendant: Defendant had absolutely no reason to believe that Plaintiff would be injured if he didn't repay the loan. He thought she was extremely wealthy. She was constantly buying expensive clothing, jewelry, and furniture. Her most recent purchase was a \$100,000 Porsche.

**Evidence:**

Testimony of Dave Dill

Testimony of Sally Smith

**c. Defendant's act caused Plaintiff's injury.**

Not Contested

**d. Defendant's action was the proximate cause of Plaintiff's injury.**

Not Contested

**III. DAMAGES**

A. By reason of Defendant's actions, Plaintiff has been damaged in the sum of \$10,000 plus 5% simple interest from and including October 1, 20[xx].

Contested

Plaintiff: Defendant has paid no portion of the \$10,000 loaned to him by Plaintiff on October 1, 20[xx] which was to bear simple interest from that date until the loan was paid in full.

**Evidence:**

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Testimony of Joan Jones

Exhibit 1: Canceled check dated 10/1/20[xx]

Defendant: Defendant made two months of payments and the Plaintiff told Defendant to consider the balance owed a gift and as such Defendant owes nothing to Plaintiff. Even if Defendant owed any amount to Plaintiff, it would be no more than \$9,000 as Defendant paid \$1,000 on toward the \$10,000 loan.

**Evidence:**

Testimony of Dave Dill

Exhibit A: Canceled Check dated 11/ 1/20[xx]; Exhibit B: Canceled Check dated 12/1/20[xx]

**IV. AFFIRMATIVE DEFENSES**

A. **FIRST AFFIRMATIVE DEFENSE:** The debt has been paid and/or forgiven.

Contested

Defendant: Defendant made two months of payments on 11/1/20[xx] and 12/1/20[xx] then Plaintiff told Defendant to consider the balance owed a birthday gift (Defendant's birthday is New Year's Day). Accordingly, Defendant owes nothing to Plaintiff. Even if Defendant owed any amount to Plaintiff (which Defendant denies), it would be no more than \$9,000 as Defendant paid \$1,000 on toward the \$10,000 loan before Plaintiff forgave the balance as a gift.

**Evidence:**

Testimony of Dave Dill

Exhibit A: Canceled Check dated 11/ 1/20[xx]; Exhibit B: Canceled Check dated 12/1/20[xx]

Plaintiff: The payments made by Defendant to Plaintiff in 11/1/20[xx] and 12/1/20[xx] were for Defendant's portion of the rent. Defendant has paid no portion of the \$10,000 loaned to him by Plaintiff on October 1, 20[xx] which was to bear simple interest from that date until

the loan was paid in full.

**Evidence:**

Testimony of Joan Jones

Exhibit 1: Canceled check dated 10/1/20[xx]

**B. SECOND AFFIRMATIVE DEFENSE:** Any amount claimed as owing by Plaintiff is subject to set-off.

**1. Elements of the Affirmative Defense:**

**a. Plaintiff owes Defendant \$6,972.89 by reason of charges made by Plaintiff on Defendant's credit card.**

Contested

Defendant: On September 23, 20[xx], Plaintiff charged \$6,972.89 on Defendant's credit card to purchase a plasma television. Defendant did not authorize Plaintiff to make the charges which Defendant considers an extravagant frivolity.

**Evidence:**

Testimony of Dave Dill

Exhibit D: Credit Card Statement dated 9/23/20[xx]

Plaintiff: Defendant allowed Plaintiff to charge the plasma television on Defendant's credit card in satisfaction of amounts Defendant owed Plaintiff by reason of Defendant owing Plaintiff four months rent and having broken Plaintiff's big screen television which the plasma television was purchased to replace.

**Evidence:**

Testimony of Joan Jones

Testimony of Annie Applegate

**b. Defendant has made demand for the payment of the \$6,972.89, but Plaintiff has failed and refused and continues to fail and refuse to pay that sum.**

Not Contested

**C. THIRD AFFIRMATIVE DEFENSE:** Plaintiff waived the right to collect on the debt.

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**1. Elements of the Affirmative Defense:**

**a. Plaintiff intentionally relinquished the right to be paid by forgiving the balance on the loan as a gift to Defendant .**

Contested

Defendant: Defendant made two months of payments on 11/1/20[xx] and 12/1/20[xx] when Plaintiff told Defendant to consider the balance owed (\$9,000) a birthday gift; therefore, Defendant owes nothing to Plaintiff.

**Evidence:**

Testimony of Dave Dill

Plaintiff: Since Defendant was having financial difficulties, Plaintiff agreed that as a gift, Defendant did not have to make any further payments on the loan for as long as Defendant was living with Plaintiff. Defendant has since moved out of the residence that Plaintiff and Defendant had shared, so the balance owing on the loan is due and payable.

**Evidence:**

Testimony of Joan Jones

**b. Plaintiff knew she had the right to be paid on the loan.**

Not Contested

**c. Plaintiff was aware of the facts and circumstances involving the debt and that Defendant had an obligation to pay the debt.**

Not Contested

**V. EXHIBITS TO BE OFFERED BY EACH PARTY AND OBJECTIONS TO EXHIBITS**

A. Plaintiff'S EXHIBITS: Plaintiff's exhibits are attached to this order as Appendix 1. Defendant stipulates to the admission and authenticity of the exhibits listed in Appendix 1.

B. DEFENDANT'S EXHIBITS: Defendant's exhibits are listed in and attached to Appendix 2 of this order. Defendant stipulates to the admission and authenticity of the exhibits listed in Appendix 2 [and contests the admissibility of the exhibits listed in the concurrently filed "Motion to Exclude Evidence."] *Include the language in brackets ONLY if there are objections to the admission of exhibits.*

1 If there is a dispute as to the authenticity or admissibility of either party's exhibits, the  
2 objecting party shall file and serve concurrently with this pre-trial stipulation any motion to exclude  
3 evidence with a supporting memorandum of points and authorities. Any response to the motion  
4 shall be filed and served two court days prior to the pre-trial conference. All objections to the  
5 admission of exhibits shall be resolved at the pre-trial conference. The failure to so object to the  
6 admission of exhibits listed on Appendices 1 and 2 shall be deemed a waiver of any objection.

7 **VI. WITNESSES TO BE OFFERED BY EACH PARTY**

8 A. Plaintiff:

9 A list of the only witnesses Plaintiff shall call to testify at trial, a summary of their intended  
10 testimony, and an estimate of the length of direct and cross-examination is attached to this order as  
11 Appendix 3.

12 B. Defendant:

13 A list of the only witnesses Plaintiff shall call to testify at trial, a summary of their intended  
14 testimony, and an estimate of the length of direct and cross-examination is attached to this order as  
15 Appendix 4.

16 **VII. REBUTTAL TESTIMONY**

17 Plaintiff, who has the burden of establishing each element of its claim(s) for relief, will  
18 be the first to introduce evidence to prove the facts necessary to enable Plaintiff to recover. When  
19 Plaintiff rests, Defendant may then present evidence to contravene any of Plaintiff's claims or in  
20 support of any affirmative defenses which the Defendant has included in this pre-trial stipulation.  
21 After the close of Defendant's case, Plaintiff may present rebuttal testimony only to counter evidence  
22 previously submitted by Defendant on issues not raised in Plaintiff's original presentation of its case.

23 **STIPULATION**

24 The foregoing admissions have been made by the parties, and the parties have  
25 specified the foregoing issues of fact and law remaining to be litigated. Therefore, this order shall  
26 supersede the pleadings and govern the course of trial in this adversary proceeding, unless modified to  
prevent manifest injustice.

**IT IS SO STIPULATED.**

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for

Plaintiff

**IT IS SO STIPULATED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

**ORDER**

**IT IS SO ORDERED.**

DATED:

\_\_\_\_\_  
**VINCENT P. ZURZOLO**  
United States Bankruptcy Judge

**APPENDIX 1**

**Plaintiff OFFERS:**

Exhibit #1: Canceled Check dated 10/1/20[xx]

Exhibit 2: 20[xx] Cash Flow Statement of Dave Dill Co.

Defendant stipulates to Plaintiff's Exhibits 1 and 2

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**APPENDIX 2**

**DEFENDANT OFFERS:**

Exhibit A: Canceled Check dated 11/ 1/20[xx]

Exhibit B: Canceled Check dated 12/1/20[xx]

Exhibit C: Tax Return for year prior to 20[xx]

Exhibit D: Credit Card Statement dated 9/30/20[xx]

Plaintiff stipulates to Defendant's Exhibits A-C, but objects to Defendant's Exhibit D. (*See Model for motion to exclude evidence.*)

**APPENDIX 3**

**Plaintiff'S WITNESS**

1. Joan Jones - Will testify that:

- A. The Plaintiff has a sterling reputation for truthfulness in the community.
- B. The Plaintiff and Defendant have a loving, trusting relationship.
- C. The Plaintiff is not a wealthy woman.

Estimated Direct: 30 minutes

Estimated Cross-examination: 45 minutes

2. Annie Applegate - Will testify that:

- A. She introduced Plaintiff and Defendant.
- B. The Plaintiff and the Defendant appeared to have a good relationship.
- B. She saw the Defendant break Plaintiff's television.

Estimated Direct: 15 minutes

Estimated Cross-examination: 30 minutes

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**APPENDIX 4**

**DEFENDANT'S WITNESSES**

1. Dave Dill - Will testify:

- A. That the Defendant has a good reputation in the community.
- B. The Defendant is not a person who would mislead someone, and if he did, it would not have been intentional.
- C. Plaintiff and Defendant fought on many occasions during the months prior to the end of their relationship.
- D. Plaintiff and Defendant did not have a loving, trusting relationship.

Estimated Direct: 30 minutes

Estimated Cross-examination: 45 minutes

2. Sally Smith - Will testify:

A. She is a business associate of the Defendant's.

B. Plaintiff has frequently called Defendant at work. If the Defendant was not available, the Plaintiff would scream obscenities into the phone, and slam down the receiver.

C. She helped the Defendant locate an apartment.

D. She has frequently seen the Plaintiff wear expensive designer clothing and jewelry.

Estimated Direct: 45 minutes

Estimated Cross-examination: 1 hour

3. Dr. Joe: will testify:

A. In 20[xx] Defendant developed a serious illness which was severe enough to prevent him from being able to work for many days.

Estimated Direct: 30 minutes

Estimated Cross-examination: 1 hour

**MOTION TO EXCLUDE EVIDENCE (to be filed as a separate document)  
AND RESPONSE**

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A. Plaintiff moves to exclude Defendant's Exhibit D based upon the following:

1. It has not been properly authenticated (FRE 901)
2. It is hearsay (FRE 801)
3. It violates the Best Evidence Rule (FRE 1001)

Defendant's response to the above motion is:

1. The Credit Card Statement dated 9/30/20[xx] will be authenticated by the Defendant at trial.
2. The Credit Card Statement dated 9/30/20[xx] is not hearsay, because it falls within the business record exception (FRE 803(6)).
3. The Credit Card Statement dated 9/30/20[xx]]does not violate the Best evidence rule because a duplicate is admissible to the same extent as the original (FRE 1003)

**JUDGE ZURZOLO'S PROCEDURES REGARDING  
TRIAL EXHIBITS**

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Please read the attached Rule 9013-2 regarding trial exhibits.

Note: If these instructions are not followed explicitly, you may be liable for sanctions.

Exhibit tags may be obtained from either the calendar clerk on the 9th floor or the court recorder prior to the trial.

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**TRIAL BRIEFS AND EXHIBITS.**

**Rule 9013-2**

**(a) TRIAL BRIEFS.**

Unless otherwise ordered by the Court, at least five (5) Court days before trial is scheduled to commence, each counsel may file and serve a trial brief which may contain:

- (1) A concise statement of the facts of the case;
- (2) All admissions and stipulations;
- (3) A short summary of the points of law involved, citing authorities in support thereof; and
- (4) Any anticipated evidentiary problems.

In appropriate cases, the court may require submission of trial briefs.

**(b) TRIAL EXHIBITS.**

Unless otherwise ordered by the Court, all trial exhibits shall be numbered as set forth in Local Bankruptcy Rule 1002-1(f) and marked for identification with tags available from the Clerk’s Office. (\*Tag should be placed on the back of the document.)

It shall be the responsibility of all parties presenting exhibits to tag the exhibits and prepare an “exhibit register” on the form available from the Clerk’s Office prior to the hearing.

The tagged exhibits and completed “exhibit register” are to be turned over in the courtroom to the Court Room Deputy or Court Recorder prior to the beginning of the hearing.

Each party shall bring sufficient copies (\*five copies) of each exhibit for all counsel, the witness and the Judge

ATTORNEY FOR: \_\_\_\_\_

**\*this language is not part of the original Local Rules, but is a part of Judge Zurzolo’s instructions.**

United States Bankruptcy Court  
Central District of California

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In re:

Debtor(s)

Plaintiff/Movant(s)

v.

Defendant/Respondent(s)

Case No. \_\_\_\_\_

Adversary/Motion No. \_\_\_\_\_

Chapter 7 11 13

**EXHIBIT REGISTER AND NOTICE**

**RE: DISPOSITION OF EXHIBITS**

Hearing Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

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LIST OF EXHIBITS (\*Numbered, Tagged and a Brief Description)

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
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- 12. \_\_\_\_\_
- 13. \_\_\_\_\_
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_

*\* Exhibits of Plaintiff/Movant shall be marked numerically*

*\* Exhibits of Defendant/Respondent shall be marked alphabetically B-3024 Rev. 2/21/96 A.S.*

**NOTICE RE: DISPOSITION OF EXHIBITS**

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Notice is hereby given that exhibits presented to the Court must be withdrawn from the Clerk's Office after the expiration of the time for appeal, or where no appeal is taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of the appeal, or by order of the Court, (Rule 5003-2(b)). Exhibits must be withdrawn within 30 days of this notice. Exhibits which are not withdrawn shall be destroyed.

DATED: \_\_\_\_\_

JON D. CERETTO  
CLERK OF COURT

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Disposed of on \_\_\_\_\_

Deputy Clerk \_\_\_\_\_

Withdrawn on \_\_\_\_\_

By: \_\_\_\_\_