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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
SOUTHERN DIVISION

<p>18 FEDERAL TRADE COMMISSION,</p> <p>19 20 Plaintiff,</p> <p>21 v.</p> <p>22 LUCASLAWCENTER "INCORPORATED",</p> <p>23 <i>et al.,</i></p> <p>24 Defendants.</p>	<p>) Case No. SACV 09-0770 DOC</p> <p>) (ANx)</p> <p>)</p> <p>) PLAINTIFF FTC'S</p> <p>) OBJECTION TO EXHIBIT B</p> <p>) TO DEFENDANTS'</p> <p>) OPPOSITION TO</p> <p>) STATEMENT OF</p> <p>) UNCONTROVERTED FACTS</p> <p>) & CONCLUSIONS OF LAW</p> <p>) Discovery Cut-Off Date: 4-19-10</p> <p>) Motion Cut-Off Date: 5-24-10</p> <p>) Pretrial Conference: 6-21-10</p> <p>) Trial Date: 7-13-10</p>
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26 [Filed concurrently with
27 Plaintiff's Reply to Defendants'
28 Opposition to Motion for
Summary Judgment]

1 Plaintiff Federal Trade Commission submits the following objections to
 2 Exhibit B contained in Defendants LucasLawCenter “incorporated”, Future
 3 Financial Services, LLC, Paul Jeffrey Lucas, Christopher Francis Betts, and Frank
 4 Sullivan’s submission entitled “Defendants’ Opposition to Statement of
 5 Uncontroverted Facts & Conclusions of Law” (Defendants’ Opposition”), Dkt.
 6 #153. Plaintiff requests that the Court sustain these objections and strike the
 7 designated submission from the record.

8 Exhibit B 9	<ul style="list-style-type: none"> • Not authenticated: <i>See</i> Fed. R. Evid. 901.
10 11 12 13 14 15 16	<ul style="list-style-type: none"> • Lacks proper authentication for summary judgment: <i>See</i> Fed. R. Civ. Pro. 56(e)(1); <i>Orr v. Bank of Am.</i>, 285 F.3d 764, 773-74 (9th Cir. 2002) (holding documents submitted for summary judgment purposes must be properly authenticated).
17 18 19 20 21	<ul style="list-style-type: none"> • Hearsay: <i>See</i> Fed. R. Evid. 801(c), 802. Contains out of court statements. Defendants attempt to use these out of court statements to prove the truth of the matter asserted.
22 23 24 25 26	<ul style="list-style-type: none"> • Irrelevant: Fed. R. Evid. 402. <i>See</i> Plaintiff’s Memorandum of Points and Authorities in Support of Plaintiff’s Motion for Summary Judgment at 22-23. Dkt. #142.

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	<ul style="list-style-type: none">• Improper summary under Fed. R. Evid. 1006: Not produced during discovery and the underlying documents used to create the list were not identified and not made available for inspection.
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Plaintiff respectfully requests the Court sustain the above objections and strike Exhibit B to Defendants' Opposition.

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Respectfully submitted,

WILLARD K. TOM
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DEANYA T. KUECKELHAN
Regional Director

Dated: May 10, 2010

/s/ James E. Elliott
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Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

1 **CERTIFICATE OF SERVICE**

2 I, James E. Elliott, declare:

- 3 1. I am a citizen of the United States and I am an attorney employed by and
4 representing the Federal Trade Commission. I am not a party to this action.
5 2. My business address is 1999 Bryan Street, Suite 2150, Dallas, Texas 75201.
6 3. On May 10, 2010, the foregoing document entitled **Plaintiff FTC’s**
7 **Objection to Exhibit B to Defendants’ Opposition to Statement of**
8 **Uncontroverted Facts & Conclusions of Law** was served by ECF on the
9 following:

10
11 Richard C. Gilbert
12 [Attorney for Defendants LucasLawCenter “incorporated”,
13 Future Financial Services, LLC, Paul Jeffrey Lucas,
14 Christopher Francis Betts, and Frank Sullivan]
15 richardsoal1714@aol.com or rgilbert@gilbertandmarlowe.com

16
17 Gary O. Caris
18 [Attorney for Receiver, Robb Evans & Associates LLC]
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21 Lesley A. Hawes
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24
25 Allen C. Ostergar , III
26 [Attorney for Electronic Case Systems Inc.]
27 aostergar@ostergar.com

28
I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct.

Executed on this 10th day of May, 2010, at Dallas, Texas.

/s/ James E. Elliott
James E. Elliott