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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 WELLS FARGO BANK, N.A., and WELLS)
12 FARGO HOME MORTGAGE, INC.,)

13 Plaintiffs,)

14 vs.)

15 DEMETRIOS A. BOUTRIS, in his official)
16 capacity as Commissioner of the California)
17 Department of Corporations,)

18 Defendant.)
19)
20)

Civil Action No. S-03-0157 GEB JFM

) OBJECTIONS TO DECLARATIONS OF
) JOHN G. STUMPF AND PETER J.
) WISSINGER IN SUPPORT OF PLAINTIFFS'
) MOTION FOR PRELIMINARY INJUNCTION

) Hearing Date: March 10, 2003
) Time: 9:00 a.m.
) Location: Courtroom 10

21 Defendant, Demetrios A. Boutris, in his official capacity as California Corporations
22 Commissioner ("Commissioner") hereby submits his Objections to Declarations of John G. Stumpf
23 and Peter J. Wissinger in Support of Plaintiffs' Motion for Preliminary Injunction as follows:

24 **The Declaration of John G. Stumpf is objectionable for the following reasons:**

25 Page 2, paragraph 2, lines 8 – 11: Impermissibly provides expert testimony of a lay witness
26 that goes beyond opinions or inferences which are rationally based upon the perception of the
27 witness. Fed. R. Evid. 701(a).
28

1 Page 2, paragraph 3, lines 13 – 16. Impermissibly provides expert testimony of a lay witness
2 that goes beyond opinions or inferences which are rationally based upon the perception of the
3 witness. Fed. R. Evid. 701(a).

4 Page 2, paragraph 4, lines 22 – 25. Contains inadmissible hearsay. Fed. R. Evid. 802.

5 Page 3, paragraph 5, lines 4 – 5. Impermissibly provides expert testimony of a lay witness
6 that goes beyond opinions or inferences which are rationally based upon the perception of the
7 witness. Fed. R. Evid. 701(a).

8 Page 3, paragraph 7, lines 17 – 24: Impermissibly provides expert testimony of a lay witness
9 that goes beyond opinions or inferences which are rationally based upon the perception of the
10 witness. Fed. R. Evid. 701(a).

11 Page 4, paragraph 8, lines 2 – 4: Impermissibly provides expert testimony of a lay witness
12 that goes beyond opinions or inferences which are rationally based upon the perception of the
13 witness. Fed. R. Evid. 701(a).

14 **The Declaration of Peter J. Wissinger is objectionable for the following reasons:**

15 Page 2, paragraph 2, lines 6 – 8. Impermissibly provides expert testimony of a lay witness
16 that goes beyond opinions or inferences which are rationally based upon the perception of the
17 witness. Fed. R. Evid. 701(a).

18 Page 2, paragraph 3, lines 14 – 17. Impermissibly provides expert testimony of a lay witness
19 that goes beyond opinions or inferences which are rationally based upon the perception of the
20 witness. Fed. R. Evid. 701(a).

21 Page 2, paragraph 4, lines 20 – 21. Impermissibly provides expert testimony of a lay witness
22 that goes beyond opinions or inferences which are rationally based upon the perception of the
23 witness. Fed. R. Evid. 701(a).

24 Page 3, paragraph 5, lines 3 – 5. Impermissibly provides expert testimony of a lay witness
25 that goes beyond opinions or inferences which are rationally based upon the perception of the
26 witness. Fed. R. Evid. 701(a).

27 Page 4, paragraph 10. Irrelevant. Fed. R. Evid. 401, 402.
28

1 Page 5, paragraph 13, lines 8 - 10. Impermissibly provides expert testimony of a lay witness
2 that goes beyond opinions or inferences which are rationally based upon the perception of the
3 witness. Fed. R. Evid. 701(a).

4 Page 6, paragraph 14, lines 15 – 16. Impermissibly provides expert testimony of a lay
5 witness that goes beyond opinions or inferences which are rationally based upon the perception of
6 the witness. Fed. R. Evid. 701(a).

7 Pages 6 –7, paragraph 18. Irrelevant. Fed. R. Evid. 401, 402.

8 Page 7, paragraph 19, lines 8 – 9. Irrelevant. Fed. R. Evid. 401, 402.

9 Page 7, paragraph 19, lines 10 – 11: Lacks personal knowledge and impermissibly provides
10 expert testimony of a lay witness that goes beyond opinions or inferences which are rationally based
11 upon the perception of the witness. Fed. R. Evid. 602, 701(a).

12 Page 7, paragraph 20. Impermissibly provides expert testimony of a lay witness that goes
13 beyond opinions or inferences which are rationally based upon the perception of the witness. Fed.
14 R. Evid. 701(a).

15 Page 7, paragraph 20, lines 16 - 24. Calls for speculation and therefore, the witness lacks
16 personal knowledge. Fed. R. Evid. 602.

17 Exhibits A-G. Attached to the exhibit without reference, and therefore the witness lacks
18 personal knowledge of the documents. Fed. R. Evid. 602. Documents contain inadmissible hearsay.
19 Fed. R. Evid. 802.

20 Dated: February 24, 2003

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