

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FLAGSTAR BANK,
Plaintiff,
v.
THE LOAN EXPERTS CORP., ET AL.,
Defendants.

No. C 10-03190 CRB
**ORDER RE: JOHNSON
DECLARATION EXHIBITS L, M, N
AND O**

Defendant and Cross-Defendant Stewart Title is hereby ORDERED to submit to the Court by 12:00 p.m. on **Friday, September 21, 2012** any evidence it has that Johnson Declaration exhibits L, M, N and O fall under the business records exception to the hearsay rule, including evidence that such documents were “kept in the course of a regularly conducted activity of a business,” as “shown by the testimony of the custodian or another qualified witness. . . .” See Fed. R. Evid. 803(6); see also Latman v. Burdette, 366 F.3d 774, 787 (9th Cir. 2004) (bank records not admissible where no evidence offered that they were generated as part of bank’s “regularly conducted activity” and requisite testimony did not come from custodian of records or other qualified witness).

IT IS SO ORDERED.

Dated: September 19, 2012


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE