

ORAL ARGUMENT PREPARATION DOCUMENT

IN THE IDAHO SUPREME COURT

Docket No. 52552-2024

DPW ENTERPRISES LLC and MOUNTAIN PRIME 2018 LLC v. JEREMY L. BASS, et al.

Case No. CV35-24-1063

I. ARGUMENT STRUCTURE AND TIME ALLOCATION

A. Opening Statement (2-3 minutes)

1. May it please the Court, I am [ATTORNEY NAME] representing the Appellant, Jeremy L. Bass.
2. This appeal presents three critical issues:
 - The District Court’s premature grant of summary judgment without allowing essential discovery
 - Fundamental violations of procedural due process
 - Misapplication of Idaho Code § 45-1508’s good faith purchaser protections

B. Primary Arguments (23-24 minutes)

1. Summary Judgment and Discovery (8-10 minutes)

- a. Rule 56(d) Motion Denial
 - Demonstrate specific discovery needs related to:
 - Pre-auction communications
 - Trustee compliance documentation
 - Witness statements regarding auction irregularities
- b. Material Facts in Dispute
 - Video evidence of auction irregularities
 - Documentary evidence of pre-printed bid amounts
 - Witness testimony regarding trustee collusion

2. Procedural Due Process (5-7 minutes)

- a. Constitutional Requirements

- Article I § 13 of Idaho Constitution
 - Fourteenth Amendment protections
- b. Evidence Exclusion Impact
- Prejudicial effect on fundamental property rights
 - Denial of meaningful opportunity to present defense

3. *Statutory Interpretation (5-7 minutes)*

- a. Idaho Code § 45-1508 Analysis
- Legislative intent and statutory construction
 - Prerequisites for good faith purchaser status
- b. Procedural Violations
- Impact on sale validity
 - Relationship to statutory protections

C. Rebuttal Reserve (5 minutes)

1. Primary focus on:
- Responding to statutory interpretation arguments
 - Addressing factual mischaracterizations
 - Reinforcing procedural violations

II. EXHIBIT PREPARATION

A. Visual Aids

1. Auction Video Evidence
- Timestamp references: [SPECIFIC TIMES]
 - Key moments highlighting irregularities
 - Technical requirements for courtroom presentation
2. Documentary Evidence
- Email communications (chronological order)
 - Trustee deed discrepancies
 - Notice requirement documentation

B. Case Authority References

1. Primary Cases

- Trotter v. Bank of N.Y. Mellon
 - Mathews v. Eldridge
 - Jenkins v. Boise Cascade Corp.
2. Supporting Authority
- Idaho Code § 45-1506
 - Idaho Code § 45-1508
 - Idaho Rule of Civil Procedure 56(d)

III. ANTICIPATED QUESTIONS AND RESPONSES

A. Procedural Questions

1. Standard of Review
- De novo review for summary judgment
 - Abuse of discretion for discovery matters
2. Preservation of Issues
- Rule 56(d) motion filing
 - Objections to evidence exclusion
 - Constitutional claims raised below

B. Substantive Questions

1. Good Faith Purchaser Status
- Elements required under statute
 - Evidence of non-compliance
 - Impact of procedural violations
2. Discovery Necessity
- Specific documents sought
 - Relevance to material facts
 - Prejudice from denial

IV. CONCLUSION (2-3 minutes)

A. Relief Requested

1. Reverse summary judgment

2. Remand for discovery
3. Award costs and fees

B. Key Points Emphasis

1. Procedural fairness requirements
2. Constitutional protections
3. Statutory compliance necessity

V. TECHNICAL TERMS AND DEFINITIONS

A. Legal Terminology

1. Void ab initio
 - Definition: Legally void from inception
 - Application to trustee sale context
 - Relevant case law support
2. Good Faith Purchaser
 - Statutory definition under Idaho Code § 45-1508
 - Elements required for protection
 - Burden of proof requirements
3. Procedural Due Process
 - Constitutional foundations
 - Idaho-specific requirements
 - Application in foreclosure context

B. Specialized Concepts

1. Pre-Auction Collusion
 - Legal definition and elements
 - Evidence standards
 - Impact on sale validity
2. Rule 56(d) Requirements
 - Procedural prerequisites
 - Timing considerations

- Specificity requirements

VI. CONTINGENCY PLANNING

A. Alternative Arguments

1. Primary Position
 - Complete reversal of summary judgment
 - Full discovery rights
 - Constitutional violations
2. Secondary Position
 - Limited remand for specific discovery
 - Partial invalidation of sale
 - Procedural safeguards implementation

B. Factual Clarifications

1. Timeline of Events
 - Pre-auction activities: [DATES]
 - Discovery requests: [DATES]
 - Court rulings: [DATES]
2. Documentary Support
 - Record citations
 - Exhibit references
 - Witness statements

VII. PROCEDURAL SAFEGUARDS

A. Time Management

1. Timing Signals
 - Yellow light response protocol
 - Reserved time tracking
 - Priority point completion
2. Point Preservation
 - Essential elements for each argument

- Minimum necessary presentation
- Fall-back positions

B. Panel Interaction

1. Question Integration

- Immediate acknowledgment protocol
- Direct answer requirement
- Transition back to outline

2. Respectful Disagreement

- Acknowledgment of court's concern
- Alternative analysis presentation
- Supporting authority citation

VIII. EMERGENCY PROCEDURES

A. Technical Issues

1. Exhibit Malfunction

- Verbal description backup
- Written summaries
- Alternative presentation methods

2. Time Management Issues

- Priority point identification
- Abbreviated argument versions
- Essential conclusion elements

B. Unexpected Challenges

1. New Authority

- Distinguished case handling
- Statutory interpretation alternatives
- Policy consideration responses

2. Factual Disputes

- Record citation preparation

- Alternative support identification
- Clarification procedures

IX. POST-ARGUMENT PROCEDURES

A. Follow-up Submissions

1. Citation of Additional Authority
 - Idaho Appellate Rule compliance
 - Timing requirements
 - Format specifications
2. Supplemental Briefing
 - Court request response
 - Voluntary submission protocol
 - Page limit compliance

B. Order Implementation

1. Favorable Ruling
 - Proposed order preparation
 - Implementation timeline
 - Compliance verification
2. Adverse Ruling
 - Reconsideration standards
 - Alternative relief options
 - Further appeal considerations