# 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)

1. Rule 56(d) Motion Denial
   * Demonstrate specific discovery needs related to:
     + Pre-auction communications
     + Trustee compliance documentation
     + Witness statements regarding auction irregularities
2. 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)

1. Constitutional Requirements
   * Article I § 13 of Idaho Constitution
   * Fourteenth Amendment protections
2. Evidence Exclusion Impact
   * Prejudicial effect on fundamental property rights
   * Denial of meaningful opportunity to present defense

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

1. Idaho Code § 45-1508 Analysis
   * Legislative intent and statutory construction
   * Prerequisites for good faith purchaser status
2. 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