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7 Federal Home Loan Mortgage Corporation, its assignees and/or successors

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN MATEO**

10 **SAN MATEO SOUTHERN BRANCH JUDICIAL DISTRICT**

11 Federal Home Loan Mortgage Corporation,
its assignees and/or successors,

12 Plaintiff,

13 vs.

14 Alexander B. Paragas, Perla O. Paragas, Arlene
15 Hari
and DOES 1-10, inclusive,

16 Defendant(s).

Case No. CLJ205995

**PLAINTIFF'S MOTION IN LIMINE 6
OF 6 TO EXCLUDE EVIDENCE
RELATED TO DEFENSES AND FACTS
NOT RAISED IN THE ANSWER**

Settlement Conference: 9/20/2012
Time: 1:30 pm
Dept.: presiding

Jury Trial: 9/24/2012
Time: 9:00 am
Dept.: presiding

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19 Plaintiff, Federal Home Loan Mortgage Corporation, its assignees and/or successors
20 ("Plaintiff" and/or "Federal Home Loan Mortgage Corporation"), submits the following Motion in
21 Limine to limit Defendants to the four corners of the filed Answers.

22 **SUMMARY OF ARGUMENT**

23 Plaintiff moves to exclude Defendants Alexander B. Paragas, who is the former borrower,
24 and Arlene Hari, who is an occupant residing with the former borrower ("Defendants") from
25 asserting references to any issues not raised in the Answer. It would be improper to allow
26 Defendant to raise issues during trial which were not raised in his Answer.

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SUMMARY OF FACTS

Plaintiff seeks a Judgment for Possession and an issuance of a Writ of Possession for the real property commonly known as 39 Santa Ana Avenue Daly City, CA 94015 ("Subject Property"). Plaintiff purchased the Subject Property at a properly held Trustee's Sale on 04/23/2012, and Defendant is holding over possession, preventing Plaintiff from possessing its property.

POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S SIXTH MOTION IN LIMINE

In order for Plaintiff to successfully prepare for trial, Defendant must be limited to only those issues raised in the filed Answer. The policy of the law and the preference of the Courts is towards full disclosure of issues sought to be addressed rather than springing him on opposing counsel at the last moment in order to gain a strategic advantage. Defendant must be limited to addressing only those matters raised by the filed Answer.

CONCLUSION

Defendant must be limited to addressing only those matters raised by the filed Answers.

Dated: September 11, 2012

Respectfully submitted,
McCARTHY & HOLTHUS, LLP

By: _____
Gayle E. Jameson, Esq.
Attorney for Plaintiff,
Federal Home Loan Mortgage Corporation