

4.3 EVIDENCE/OTHER/JUDICIAL NOTICE

Exhibits: Documents and other writings may also be used to support or oppose a motion. The relevant portions of the document are usually excerpted in the moving or opposing papers and then attached as an exhibit. The original document may be lodged with the court, but typically it is simply authenticated by way of declaration establishing the document is what it purports to be [Ev.C. §§250, 1401(a); see *TRG Civ. Pro. Prac. Guide* ¶9:53].

Use of copies: Photocopies of a document are generally permitted unless there is a genuine dispute concerning the material terms of the document and justice requires exclusion of copies, or their admission would be unfair under the circumstances [Ev.C. §1521(a)].

Judicial notice: A motion or opposition may be based upon judicial notice [Ev.C. §§ 452, 453]. A judicial notice request must be a separate document that is typically served with the moving or opposing papers [CRC 3.1113(m)]. Judicial notice of any materials under Evidence Code sections 452 or 453 requires the court and each opposing party be provided with copies of the material to be so noticed [CRC 3.1306(c)]. Most judges prefer certified copies [*TRG Civ. Pro. Prac. Guide* ¶9:56.2].