

Exhibit D

Christine Baker
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Pro Se

IN THE JUSTICE COURT OF MOHAVE COUNTY
STATE OF ARIZONA

Midland Funding LLC,
Plaintiff,
v.
Christine Baker;
Defendant.

CV 2012 - 1251
DEFENDANT'S FIRST SET OF
INTERROGATORIES

DEFENDANT'S FIRST SET OF INTERROGATORIES TO
MIDLAND FUNDING LLC

Defendant Christine Baker hereby requests that Plaintiff and Counter Claim Defendant Midland Funding LLC answer the following First Set of Interrogatories in accordance with the Definitions and Instructions which are by reference fully incorporated and restated herein separately and fully within each request, within forty (40) days pursuant to Rule 33 of the Arizona Rules of Civil Procedure. Words and phrases used in these Interrogatories that are not specifically defined below shall have their ordinary and customary meaning and usage.

INSTRUCTIONS

A. Answers to the Interrogatories must be furnished within forty (40) days of service.

- 1 B. Each Interrogatory should be answered upon your entire knowledge from all
2 sources and all information in your possession or otherwise available to you,
3 including information from your officers, employees, agents, representatives or
4 consultants and information which is known by each of them. An incomplete or
5 evasive answer is a failure to answer.
6
- 7 C. If any answer is qualified, state specifically the terms of each qualification and the
8 reasons for it. If an Interrogatory cannot be answered in full, state the part which
9 can be answered and answer the same in full to the extent possible; state further
10 and specifically the reason(s) why the remainder cannot be answered.
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- 12 D. Unless otherwise specified in a particular paragraph, provide the information and
13 documents requested for the period of one year prior to the date of filing the
14 complaint to the present. Exhibit A refers to Exhibit A attached to the Answer,
15 Affirmative Defenses and Counter Claims. Each Interrogatory is considered
16 continuing, and if Plaintiff and Counter Claim Defendant Midland Funding LLC
17 obtains information which renders its answers or one of them, incomplete or
18 inaccurate, it is obligated to serve amended answers on the undersigned.
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- 20 E. **“Correspondence”** means all written and unwritten but recorded whether in total
21 or in summary, communications, including non-duplicate drafts, versions not sent,
22 and copies that differ only in margin notes or annotations, including memos,
23 letters, analog or digital recordings, voice mail, e-mail, computer files, computer
24 disks, or other correspondence or things sent or received by you to or from any
25 entity, including correspondence or files maintained or exchanged internally
26 within your business or with your employees.

27
28 **“Document(s)”** shall mean and include any printed, typewritten, handwritten or
otherwise recorded matter of whatever character, including specifically, but not

1 exclusively, and without limiting the generality of the foregoing, letters, diaries,
2 desk and other calendars, memoranda, telegrams, posters, cables, reports, charts,
3 statistics, envelopes, studies, newspapers, news reports, business records, book of
4 account(s) or other books, ledgers, balance sheets, journals, personal records,
5 personal notes, any piece of paper, parchment, or other materials similarly used
6 with anything written, typed, printed, stamped, engraved, embossed, or impressed
7 upon it, accountants statements, accounting records of any kind, bank statements,
8 minutes of meetings or other minutes, labels, graphics, notes of meetings or
9 conversations or other notes, catalogs, written agreements, checks,
10 announcements, statements, receipts, returns, invoices, bills, warranties,
11 advertisements, guarantees, summaries, pamphlets, prospectuses, bulletins,
12 magazines, publications, photographs, worksheets, computer printouts, telex
13 transmissions or receipts, teletypes, telefaxes, file folders or other folders, tape
14 recordings, and any original or non-identical (whether different from the original
15 by reason of any notation made on such copies or otherwise), carbon, photostatic
16 or photograph copies of such materials. The term “documents” shall also mean
17 and include every other recording of, or means of recording on any tangible form,
18 any form of information, data, communication, or representation, including but not
19 limited to, microfilm, microfiche, any records stored on any form of computer
20 software, audio or video tapes or discs, digitally recorded disks or diskettes, or any
21 other medium whatsoever. For each “document” responsive to any request
22 withheld from production by you on the ground of any privilege, please state:

- 23 (a) the nature of the document (e.g., letter, memorandum, contract, etc.);
24 (b) the author or sender of the document;
25 (c) the recipient of the document;
26 (d) the date the document was authored, sent, and/or received; and
27 (e) the reason such document is allegedly privileged.

28 “**Data**” means the physical symbols in the broadest sense, that represent

1 information, regardless of whether the information is oral, written or otherwise
2 recorded.

3
4 “**Hardware**” means the physical components of a computer or any device
5 capable of maintaining recorded data.

6
7 “**Software**” means the entire set of computer programs, procedures,
8 documentation, or other recorded instructions which guide a mechanical device or
9 human in the operation of the computer or mechanical device.

10
11 “**Computer**” means any and all programmable electronic devices or apparatuses,
12 including hardware, software, and other databanks, that can store, retrieve, access,
13 update, combine, rearrange, print, read, process or otherwise alter data whether
14 such data maintained in that device or at some other location. The term
15 “computer” includes any and all magnetic recordings or systems, systems
16 operating on or maintaining data in digital, analog, or hybrid format, or other
17 mechanical devices, or other devices capable of maintaining writings or
18 recordings, of any kind, in condensed format, and includes any disk, tape,
19 recording, or other informational source, regardless of its physical dimension or
20 size.

21
22 “**Identify**” means that you should state:

23 (a) any and all names, legal, trade or assumed;

24 (b) all addresses used;

25 (c) all telephone and tele-fax numbers used; and, if applicable:

26 (d) brand, make, manufacturer’s name, address, phone number and the
27 manufacturer’s relationship to any and all plaintiffs in the above captioned action;
28 and

(e) employer’s name, address, phone number and the employer’s relationship to

1 any and all plaintiffs in the above captioned action.

2
3 “**Person(s)**” means any human being, sole proprietorship, limited partnership,
4 partnership, association, group of human beings, other legal or de facto entity, or
5 corporation, of whatever kind.

6
7 “**Explain**” means to elucidate, make plain or understandable, to give the reason
8 for or cause of, and to show the logical development or relationships thereof.

9
10 “**Describe**” means to represent or give an account of in words.

11
12 “**User**” means any person or computer which interacts with a different computer.

13
14 “**Account**” or “**Debt**” means the alleged debt referred to in the complaint.

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16 “**And**” as well as “**or**” shall be construed either disjunctively or conjunctively as
17 necessary to bring within the scope of these admissions any information which
18 might otherwise be construed to be outside its scope.

19
20 “**Any**” and “**all**” shall be construed to include “each” and “each and every.”

21 All other terms shall be construed as necessary to bring within the scope of these
22 admissions any information which might otherwise be construed to be outside its
23 scope.

24
25 “**Plaintiff**”, “**you**”, “**your**” or “**Midland Funding LLC**” mean or refer to Plaintiff
26 and Counter Claim Defendant Midland Funding LLC, its corporate or business
27 predecessors, if any, its affiliates, aliases, d/b/a, subsidiaries, employees,
28 contractors, attorneys, investigators, agents, officers, or any other person under its
control or direction, or acting or purporting to act on YOUR behalf.

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6. Describe any other business other than the collection of consumer accounts in which Plaintiff now engages or in the past has engaged.

7. State the names, aliases, job title, business and home addresses and telephone numbers, date of initial employment of all current employees who engage in the collection of consumer accounts for Plaintiff.

8. Describe the training content, timing and duration for new employees involved in the collection of consumer accounts, describe all training materials and identify each person involved in providing such training.

9. Identify and describe any documents used to describe, record or establish Plaintiff's methods and techniques to be used in the collection of consumer accounts.

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1 10. Identify and describe each document and record known to Plaintiff which is
2 related to the alleged debt.

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8 11. Identify all present and past contracts or agreements between Plaintiff and the
9 seller of the alleged debt.

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13 12. Identify the terms of the agreement between Plaintiff and the seller of the alleged
14 debt pursuant to which Plaintiff sought to collect the alleged debt.

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18 13. Identify and itemize the amount of each portion of the alleged debt and the
19 authority therefore.

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23 14. Describe how the interest rate for the alleged debt is determined and how interest
24 is calculated.
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1 15. Describe fully any system(s) Plaintiff maintains or operates to record contacts of
2 its employees with consumers or third parties in connection with the collection of
3 consumer accounts, and Plaintiff's policies for operating such a system.

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7 16. State the name(s) and address(es) of Plaintiff's liability insurer(s) for the last three
8 years and the dates of coverage, type and policy number(s) of each liability
9 insurance policy.

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12 17. Identify and describe each claim made under each liability insurance policy in the
13 last two years, including the date of claim, claim number, the subject of the claim,
14 the status of the claim, the resolution of the claim, and any amounts paid under
15 each policy.

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18 18. Identify the date, time, type (e.g., letter, telephone call), witnesses to or
19 participants in, and the substance of each contact with any person made in
20 connection with the collection of the account.

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23 19. Identify each document, record, recording and person furnishing information with
24 regard to your response to the immediately preceding Interrogatory.
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1 20. Identify Plaintiff's employee(s) who make(s) or approve(s) the decision to file suit
2 or to request an attorney to file suit.

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5 21. At what point in Plaintiff's collection process is the decision to sue made?
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9 22. State what criteria and policies are used in deciding whether to sue (e.g., minimum
10 dollar amount, distance of consumer from Plaintiff's office, contingency of claim,
11 debtor's assets, defenses to claim) and identify any documents discussing such
12 criteria and policies in use by Plaintiff since 2009.

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15 23. Identify the courts in which Plaintiff has initiated law suits since 1/1/2009.
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19 24. Identify by caption, court, civil action number and result all litigation filed against
20 Plaintiff alleging violations of the Fair Debt Collection Practices Act.
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23 25. Identify and describe any documents used to describe, record or establish
24 Plaintiff's methods and techniques to be used in the collection of consumer
25 accounts.
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1 26. Describe all procedures utilized by Plaintiff to avoid violation of the Fair Debt
2 Collection Practices Act.

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6 27. Identify all internal and external documents regarding Plaintiff's compliance or
7 noncompliance with the Fair Debt Collection Practices Act.

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11 28. List and explain all abbreviations and codes, letters, numerals, or symbols
12 regularly used by Plaintiff in its records and collection activities.

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16 29. If your response to the Requests for Admissions served simultaneously herewith is
17 anything other than an unqualified admission, then please state as to each denial
18 the specific facts forming the basis for such denial and identify each witness and
19 document upon which you will rely to support your denial.

20
21 Submitted on July 13, 2012

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23 
24 _____

25 Christine Baker
26 Defendant Pro Se
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28

1 **Barry Bursey**
2 **PCC No. 7328, SB No. 7617**
3 **BURSEY & ASSOCIATES, P.C.**
4 **6740 N Oracle Rd Suite 151**
5 **Tucson, AZ 85704**
6 **(520) 529-3600 Voice**
7 **(520) 529-1001 Fax**
8 **Email: litigation@bursey.org**

9 **Attorney for Plaintiff,**
10 **Midland Funding LLC**

11 **IN THE KINGMAN JUSTICE COURT OF THE STATE OF ARIZONA**

12 **IN AND FOR THE COUNTY OF MOHAVE**

13 **MIDLAND FUNDING LLC,)**
14 **a foreign entity,)**

15 **Plaintiff,)**

16 **vs.)**

17 **CHRISTINE BAKER and JOHN DOE,)**
18 **husband and wife,)**

19 **Defendants.)**

No. CV20121251UN

RESPONSES TO DEFENDANT'S
INTERROGATORIES

20 **RESPONSES TO INTERROGATORIES**

- 21 1. Sany Chay, authorized Representative for Midland Funding LLC, assisted in preparing
22 these responses to Defendant's interrogatories. Counsel for Midland Funding LLC also
23 assisted in preparing these responses to Defendant's interrogatories.
- 24 2. Objection, irrelevant. Notwithstanding and subject to the foregoing objection, see
25 Plaintiff's Complaint and ARCP 26.1 Disclosure Statement.
- 26 3. Objection, vague, ambiguous, improperly compound, privileged and irrelevant. The
27 request also seeks information that is confidential, proprietary, and commercially
28 sensitive. Notwithstanding the foregoing objections, see Plaintiff's Complaint and ARCP
26.1 Disclosure Statement.
- 29 4. Objection, vague, ambiguous, improperly compound, privileged and irrelevant. The
30 request also seeks information that is confidential, proprietary, and commercially
31 sensitive. Notwithstanding the foregoing objections, see Plaintiff's Complaint and ARCP
32 26.1 Disclosure Statement.
- 33 5. Objection, vague, ambiguous, improperly compound, privileged and irrelevant. The
34 request also seeks information that is confidential, proprietary, and commercially
35 sensitive. Notwithstanding the foregoing objections, see Plaintiff's Complaint and ARCP
36 26.1 Disclosure Statement.
- 37 6. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
38 privileged and irrelevant. The request also seeks information that is confidential,
39 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see

1 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
2 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
3 6763. Plaintiff reserves the right to supplement.

4 7. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
5 privileged and irrelevant. The request also seeks information that is confidential,
6 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
7 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
8 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
9 6763. Plaintiff reserves the right to supplement.

10 8. Objection, overly broad, overly burdensome, improperly compound, privileged and
11 irrelevant. The request also seeks information that is confidential, proprietary, and
12 commercially sensitive. Plaintiff reserves the right to supplement.

13 9. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
14 privileged and irrelevant. The request also seeks information that is confidential,
15 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
16 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
17 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
18 6763. Plaintiff reserves the right to supplement.

19 10. See Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's
20 possession relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-
21 0986-1435-6763. Plaintiff reserves the right to supplement.

22 11. See Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's
23 possession relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-
24 0986-1435-6763. Plaintiff reserves the right to supplement.

25 12. Plaintiff objects to this interrogatory on the grounds that information sought seeks
26 privileged, confidential and trade secret material, attorney-client privilege, thus
27 information which constitutes information protected by the work-product doctrine.

28 13. Plaintiff objects to this interrogatory on the grounds that information sought is already
known, in the possession of, in control of, or equally available to Defendant.

14. See Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's
possession relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-
0986-1435-6763. See ARS § 44-1201(A) Plaintiff reserves the right to supplement.

15. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
privileged and irrelevant. The request also seeks information that is confidential,
proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
6763. Plaintiff reserves the right to supplement.

16. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
privileged and irrelevant. The request also seeks information that is confidential,
proprietary, and commercially sensitive. Plaintiff reserves the right to supplement.

17. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
privileged and irrelevant. The request also seeks information that is confidential,

proprietary, and commercially sensitive. Plaintiff reserves the right to supplement.

1 18. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
2 privileged and irrelevant. The request also seeks information that is confidential,
3 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
4 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
5 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
6 6763. Plaintiff reserves the right to supplement.

7 19. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
8 privileged and irrelevant. The request also seeks information that is confidential,
9 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
10 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
11 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
12 6763. Plaintiff reserves the right to supplement.

13 20. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
14 privileged and irrelevant. Furthermore, Plaintiff objects to this interrogatory on the
15 grounds that it seeks disclosure of information not relevant to the subject matter of this
16 action.

17 21. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
18 privileged and irrelevant. Furthermore, Plaintiff objects to this interrogatory on the
19 grounds that it seeks disclosure of information not relevant to the subject matter of this
20 action.

21 22. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
22 privileged and irrelevant. The request also seeks information that is confidential,
23 proprietary, and commercially sensitive. Furthermore, Plaintiff objects to this
24 interrogatory on the grounds that it seeks disclosure of information not relevant to the
25 subject matter of this action.

26 23. Plaintiff objects to this interrogatory on the grounds that it seeks disclosure of
27 information not relevant to the subject matter of this action.

28 24. Plaintiff objects to this interrogatory on the grounds that it seeks disclosure of
information not relevant to the subject matter of this action.

29 25. Plaintiff objects to this interrogatory on the grounds that it seeks disclosure of
information not relevant to the subject matter of this action.

30 26. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
31 privileged and irrelevant. The request also seeks information that is confidential,
32 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
33 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
34 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
35 6763. Plaintiff reserves the right to supplement.

36 27. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
37 privileged and irrelevant. The request also seeks information that is confidential,
38 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see

1 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
2 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
3 6763. Plaintiff reserves the right to supplement.

4 28. Objection, vague, ambiguous, overly broad, overly burdensome, improperly compound,
5 privileged and irrelevant. The request also seeks information that is confidential,
6 proprietary, and commercially sensitive. Notwithstanding the foregoing objections, see
7 Plaintiff's ARCP 26.1 Disclosure Statement for documentation in Plaintiff's possession
8 relating to Defendant's HSBC BANK NEVADA N.A. account number 5491-0986-1435-
9 6763. Plaintiff reserves the right to supplement.

10 29. No interrogatory.

11 Dated: 10/17/12

BURSEY & ASSOCIATES, P.C.

By 

Barry Bursey, Esq.
George H. Bonsall, Esq.
Jason J. LeRoy, Esq.
Monica Derrick, Esq. -
Attorney for Plaintiff,
Midland Funding LLC