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7 **IN THE JUSTICE COURT OF MOHAVE COUNTY**
8 **STATE OF ARIZONA**

9 MIDLAND FUNDING LLC,)

10 Plaintiff,)

11 v.)

12 Christine Baker;)

13 Defendant.)

CV 2012 - 1251

) **DEFENDANT'S CONTROVERTING**
) **STATEMENT OF FACTS IN SUPPORT**
) **OF HER OPPOSITION TO MIDLAND**
) **FUNDING LLC'S MOTION FOR**
) **SUMMARY JUDGMENT**
) **AND**
) **IN SUPPORT OF HER CROSS**
) **MOTION FOR SUMMARY**
) **JUDGMENT**

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18 I am the defendant Christine Baker and I hereby submit my Separate
19 Controverting Statement of Facts in support of my opposition to plaintiff Midland
20 Funding LLC's ("Midland") Motion for Summary Judgment and my Cross Motion for
21 Summary Judgment filed herewith.

22 **Defendant's response to plaintiff's separate Statements of Facts ("PSOF"):**

23 Response to PSOF 1: Objection. While I had an account with HSBC, Midland
24 failed to document that it owns the account, its Exhibit 1 is not authenticated
25 and it constitutes hearsay. Notably, the amount owed as per Exhibit 1, an
26 HSBC statement, differs from the amount claimed by Midland.
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1 Response to PSOF 2: Objection, denied. Exhibit 2 is the Affidavit of Carina
2 Bowman, an employee of Midland Credit Management who is not qualified to
3 testify and failed to provide any admissible documentation.

4 Response to PSOF 3: Objection, denied. I owe Midland nothing. Exhibit 2 is
5 the Affidavit of Carina Bowman, an employee of Midland Credit Management
6 who is not qualified to testify and failed to provide any admissible
7 documentation.

8 Response to PSOF 4: Objection, denied. I owe Midland nothing. Exhibit 2 is
9 the Affidavit of Carina Bowman, an employee of Midland Credit Management
10 who is not qualified to testify and failed to provide any admissible
11 documentation.

12 Response to PSOF 5: Objection, denied. Exhibit 3 is **not** a "HSBC BANK
13 NEVADA N.A. Cardmember Agreement", but a 2003 "HOUSEHOLD"
14 agreement that clearly has nothing to do with the alleged debt.
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17 **Defendant's Statements of Facts [DSOF] in support of her Response in**
18 **Opposition to Midland's Motion for Summary Judgment and her**
19 **Cross Motion for Summary Judgment**

20 DSOF 1: Midland has no admissible evidence to substantiate its claim of
21 ownership of the alleged debt.

22 DSOF 2: Any HSBC employee or contractor could use the unauthenticated
23 account documentation to sell charged off accounts without authorization and
24 to multiple buyers.

25 DSOF 3: Midland has no admissible evidence to establish the amount owed
26 for the alleged debt.
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