

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 INITIAL
DISCLOSURES**

Defendant Christine Baker hereby makes her Initial Rule 26.1 Disclosure:

I. FACTUAL BASIS OF DEFENSES AND CLAIMS

I never had a contract with Midland Funding and it did not extend credit to me. Midland cannot substantiate its claim to have purchased an HSBC account, I had no written agreement with HSBC and I had not used any of my charged off accounts since at least mid 2008.

My counterclaims revolve around Midland's unfair practices and false and misleading statements in the complaint and in subsequent pleadings and communications to me as well as to credit bureaus, including but not limited to reporting an incorrect date of first delinquency to Equifax despite notice in the pleadings. Additionally, Midland and its servicer Midland Credit Management ("MCM") continued to collect after receiving my written, they failed to validate the alleged debts and failed to report another account as disputed to the credit bureaus.

1 **II. LEGAL THEORIES OF DEFENSES AND CLAIMS**

2 The plaintiff cannot substantiate the alleged amount owed.

3 The complaint should be dismissed with prejudice based on the doctrine of
4 failure of consideration.

5 Plaintiff's claim is time barred in whole or in part by the doctrine of unclean
6 hands.

7 Plaintiff's claim is barred in whole or in part by the doctrines of comparative
8 and/or contributory negligence.

9 Plaintiff failed to state a claim upon which relief can be granted.

10 Plaintiff lacks standing.

11 Plaintiff's damages, if any, were caused by its acts.

12 Plaintiff's claims are barred by the statute of limitations.

13 My claims are based on violations of the Fair Debt Collection Practices Act
14 and I incorporate by reference my response to #1 above.

15 **III. WITNESSES**

16 Christine Baker, 3880 Stockton Hill 103-156, Kingman, AZ 86409

17 **IV. OTHER PERSONS WITH RELEVANT KNOWLEDGE**

18 Midland, MCM and their employees

19 **V. STATEMENTS**

20 None

21 **VI. EXPERT WITNESSES**

22 I have not yet designated any expert witnesses. This Disclosure will be
23 supplemented as required by Rule 26.1.

24 **VII. DAMAGES**

25 I am seeking \$1,000 in statutory damages, actual damages for the loss of
26 income due to the time required to represent myself in this action and for
27 emotional distress and mental anguish as determined at jury trial and costs.
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1 **VIII. EXHIBITS**

- 2 1) Exhibit A: Communications with Midland attorneys
- 3 2) Exhibit B: Jefferson collection letter
- 4 3) Exhibit C: MCM collection letter
- 5 4) Exhibit D: MCM / Midland Equifax credit reporting
- 6 5) Exhibit E: MCM refusal to validate the disputed debt
- 7 6) Exhibit F: Midland Experian credit reporting
- 8 7) Exhibit G: MCM / Midland updated Equifax reporting
- 9 8) All documents provided by Midland

10 **IX. OTHER RELEVANT DOCUMENTS**

11 None.

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16 Christine Baker

17 Defendant Pro Se

18 Emailed on 12/31/12 to:

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20 Barry Bursey, Esq.

21 6740 N. Oracle Rd. Suite 151

22 Tucson, AZ 85704

23 _____

24 Christine Baker

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