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CHRISTINE BAKER

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

CHRISTINE BAKER,	)	
	)	
Plaintiff,	)	
	)	
	)	Case No.
vs.	)	3:07-CV-08032-JAT
	)	
EQUIFAX INFORMATION SERVICES	)	
LLC, et al.,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF CHRISTINE BAKER  
LAS VEGAS, NEVADA  
FRIDAY, MARCH 27, 2009

REPORTED BY: JANET C. TRIMMER, RPR, CRR  
NV CCR No. 864, CA CSR No. 4008

1 CHRISTINE BAKER  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF ARIZONA  
4  
5 CHRISTINE BAKER, )  
6 )  
7 Plaintiff, )  
8 )  
9 vs. ) Case No.  
10 ) 3:07-CV-08032-JAT  
11 )  
12 EQUIFAX INFORMATION SERVICES )  
13 LLC, et al., )  
14 )  
15 Defendants. )  
16 )  
17 Deposition of CHRISTINE BAKER, taken at Snell  
18 & Wilmer LLP, located at 3883 Howard Hughes Parkway,  
19 Suite 1100, Las Vegas, Nevada, on Friday, March 27,  
20 2009, at 10:03 a.m., before Janet C. Trimmer, RPR,  
21 CRR, Certified Court Reporter in and for the States of  
22 Nevada and California.  
23  
24  
25 TSG Reporting - Worldwide (877) 702-9580

1 CHRISTINE BAKER  
2 APPEARANCES:  
3  
4 For the DEFENDANT EQUIFAX INFORMATION SERVICES LLC:  
5 KING & SPALDING LLP  
6 BY: CARA L. HERGENROETHER, ESQ.  
7 (Appearance by telephone.)  
8 1180 Peachtree Street, N.E.  
9 Atlanta, Georgia 30309  
10 (404) 572-4600  
11  
12 For the DEFENDANT TRANS UNION LLC:  
13 STRASBURGER & PRICE LLP  
14 BY: TIFFANY L. HAWKINS, ESQ.  
15 2801 Network Boulevard  
16 Suite 600  
17 Frisco, Texas 75034  
18  
19 For the DEFENDANT NCO FINANCIAL SYSTEMS, INC.:  
20 SESSIONS, FISHMAN, NATHAN & ISRAEL LLP  
21 BY: JUSTIN H. HOMES, ESQ.  
22 (Appearance by telephone.)  
23 3850 North Causeway Boulevard  
24 Suite 200  
25 Metairie, Louisiana 70002-7227  
26  
27 For the DEFENDANT EXPERIAN INFORMATION SOLUTIONS,  
28 INC.:  
29 JONES DAY  
30 BY: EDWARD S. CHANG, ESQ.  
31 (Exited at page 183.)  
32 3 Park Plaza  
33 Suite 1100  
34 Irvine, California 92614-2592  
35  
36 ALSO PRESENT:  
37  
38 DUSTIN KITTLESON, VIDEOGRAPHER  
39 (Exited at page 17.)  
40  
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1 CHRISTINE BAKER  
2 INDEX OF EXAMINATION  
3 WITNESS EXAMINATION PAGE  
4 CHRISTINE BAKER BY MS. HERGENROETHER 91  
5 AFTERNOON SESSION  
6 BY MR. CHANG 113  
7 BY MS. HERGENROETHER 115  
8 BY MS. HAWKINS 123  
9 BY MR. CHANG 164  
10 BY MR. HOMES 183  
11  
12 INDEX OF EXHIBITS  
13 NO. PAGE DESCRIPTION  
14 Exhibit 1 9 "Defendant Equifax Information  
15 Services LLC's Second Renewed  
16 Notice of Deposition of  
17 Plaintiff," 4 pages  
18  
19 Exhibit 2 9 "Defendant Equifax Information  
20 Services LLC's Amended Second  
21 Renewed Notice of Deposition of  
22 Plaintiff," 5 pages  
23  
24 Exhibit 3 11 E-mail dated 3-17-09 and  
25 attachments, 4 pages  
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1 CHRISTINE BAKER  
2 INDEX OF EXHIBITS (CONTINUED):  
3 Exhibit A 14 Document titled "Nigger Whore,"  
4 1 page  
5  
6 Exhibit 4 38 "1st Amended Complaint,"  
7 13 pages  
8  
9 Exhibit 6 52 Letter dated 2-12-05 from  
10 Christine Baker to Rodrick J.  
11 Coffey, 2 pages  
12  
13 Exhibit 7 52 Redacted document, 2 pages  
14  
15 Exhibit 8 52 "Online Investigation Consumer  
16 E-mail Requests," 1 page  
17  
18 Exhibit 9 52 "Online Investigation Consumer  
19 E-mail Requests," 1 page  
20  
21 Exhibit 10 52 "Online Investigation Consumer  
22 E-mail Requests," 1 page  
23  
24 Exhibit 11 52 "2009 Credit Suit - the Facts  
25 about Credit," 32 pages  
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1 CHRISTINE BAKER  
 2 INDEX OF EXHIBITS (CONTINUED):  
 3 NO. PAGE DESCRIPTION  
 4 Exhibit B 59 Document titled "Welcome to  
 5 Equifax," 1 page  
 6  
 7 Exhibit C 60 Document titled "TransUnion  
 8 Login Help Step 2 of 3," 1 page  
 9  
 10 Exhibit D 60 Document titled "Experian Online  
 11 Personal Credit Report From  
 12 Experian For," 27 pages  
 13  
 14 Exhibit E 60 E-mail with copy of photo of  
 15 house, 1 page  
 16  
 17 Exhibit F 65 "Declaration of Kimberly Hughes  
 18 in Support of Experian  
 19 Information Solutions, Inc.'s  
 20 Notice of Motion and Motion For  
 21 Summary Judgment," 9 pages  
 22  
 23 Exhibit 5 80 "Plaintiff Christine Baker's  
 24 Initial Disclosure Statement,"  
 25 6 pages

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1 CHRISTINE BAKER  
 2 INDEX OF EXHIBITS (CONTINUED):  
 3 NO. PAGE DESCRIPTION  
 4 Exhibit 12 144 Credit report (confidential  
 5 document), Bates TU 0146 to -58,  
 6 13 pages  
 7  
 8 Exhibit 13 170 Letter dated 2-12-05 from  
 9 Christine Baker to Ryan  
 10 Stottlemeyer, Bates EXP-Baker  
 11 #2/0063, 2 pages  
 12  
 13 Exhibit 14 184 Junk fax, 1 page  
 14  
 15 Exhibit 15 187 Letter dated 12-30-04 from  
 16 Christine Baker to NCO Financial  
 17 Systems, 2 pages  
 18  
 19 Exhibit 16 191 Letter dated 1-20-05 from John  
 20 Emmons to Christine Baker, and  
 21 attachments, 33 pages  
 22  
 23  
 24 //  
 25

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1 CHRISTINE BAKER  
 2  
 3 INDEX (CONTINUED):  
 4  
 5 UNANSWERED QUESTIONS  
 6 Page Line  
 7 23 4  
 8 23 11  
 9 24 8  
 10 26 14  
 11 103 18  
 12 195 11  
 13  
 14  
 15 INFORMATION REQUESTED  
 16 Page Line  
 17 75 2  
 18 99 15  
 19 139 11  
 20 209 25  
 21 213 9  
 22  
 23  
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1 CHRISTINE BAKER  
 2 LAS VEGAS, NEVADA; FRIDAY, MARCH 27, 2009  
 3 10:03 A.M.  
 4 -oOo-  
 5  
 6 CHRISTINE BAKER  
 7 having been first duly sworn to testify to the truth,  
 8 was examined and testified as follows:  
 9  
 10 EXAMINATION  
 11  
 12 BY MS. HERGENROETHER:  
 13 Q. Ms. Baker, this is Cara Hergenroether. You  
 14 are refusing to proceed with this deposition if it is  
 15 videotaped; correct?  
 16 A. Yes.  
 17 MS. HERGENROETHER: Okay. Janet, do you have  
 18 Exhibits 1 and 2 that I e-mailed (to court reporter)?  
 19 (Discussion held off the record.)  
 20 (Exhibit 1 marked for identification  
 21 by the Certified Court Reporter.)  
 22 (Exhibit 2 marked for identification  
 23 by the Certified Court Reporter.)  
 24 BY MS. HERGENROETHER:  
 25 Q. Okay. Ms. Baker, did you receive those

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1 CHRISTINE BAKER  
 2 deposition notices?  
 3 A. Yes.  
 4 Q. And in Exhibit 2 it states that the  
 5 deposition will be recorded by video; right?  
 6 A. Yes.  
 7 MS. HERGENROETHER: Janet, do you have my  
 8 Exhibit 3, it was three e-mails?  
 9 THE REPORTER: No.  
 10 MS. HERGENROETHER: Hold on a minute.  
 11 (Discussion off the record.)  
 12 BY MS. HERGENROETHER:  
 13 Q. Ms. Baker, are you ready?  
 14 A. (No response.)  
 15 Q. Can you hear me?  
 16 A. Yes.  
 17 Q. Are you ready?  
 18 A. Yes.  
 19 Q. Great. All right. I think where we left off  
 20 was the deposition notices -- are we back on the  
 21 record?  
 22 THE REPORTER: Yes.  
 23 BY MS. HERGENROETHER:  
 24 Q. Okay.  
 25 -- which you acknowledged that you had  
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1 CHRISTINE BAKER  
 2 received. And now I wanted to go to Exhibit 3, which  
 3 is a series of e-mails, specifically pages 3 and 4.  
 4 They are not numbered, but 3 and 4 of that packet.  
 5 (Exhibit 3 marked for identification  
 6 by the Certified Court Reporter.)  
 7 MR. CHANG: It looks like it's a March 17th  
 8 e-mail, the first one.  
 9 MS. HERGENROETHER: The first one is, yes.  
 10 Q. If you could go to the start page. There is  
 11 another e-mail behind it, and then there is another  
 12 e-mail behind that. That is dated March 23rd --  
 13 MR. CHANG: That's right.  
 14 MS. HERGENROETHER: Okay. Could you hand her  
 15 the whole exhibit and let her take a look at it?  
 16 MR. CHANG: Yes, Ms. Baker is looking at it  
 17 now.  
 18 MS. HERGENROETHER: Okay. Great.  
 19 Q. Let me know when you are done.  
 20 A. What do I need to do?  
 21 Q. Just take a look at it, but specifically that  
 22 March 23rd e-mail from me to you.  
 23 A. Yes. What about it?  
 24 Q. In the e-mail it says:  
 25 "Federal Rule of Civil Procedure  
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1 CHRISTINE BAKER  
 2 30(b)(3)(A) states, "The party who notices  
 3 the deposition must state in the notice the  
 4 method of recording the testimony. Unless  
 5 the court orders otherwise, testimony may be  
 6 recorded by audio, audio-visual, or  
 7 stenographic means. The noticing party bears  
 8 the recording costs. Any party may arrange  
 9 to transcribe a deposition."  
 10 Did you receive this copy of the rule by  
 11 e-mail?  
 12 A. Yes.  
 13 Q. Okay. Do you understand that the defendants  
 14 are the ones that will pay the costs of videotaping?  
 15 A. Yes.  
 16 Q. Okay. And you see the videographer in the  
 17 room?  
 18 A. Yes.  
 19 Q. Why are you refusing to have the deposition  
 20 videotaped?  
 21 A. Did you read the e-mails that I sent to you?  
 22 Q. I did, but I would like you to tell us again  
 23 why you are having the -- refusing to have the  
 24 deposition taped.  
 25 A. Would you like me to read the e-mail or...  
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1 CHRISTINE BAKER  
 2 Q. You don't need to -- in your own words, why  
 3 are you refusing?  
 4 A. Do you recall that in 2003 I first sued  
 5 Experian, Equifax, and TransUnion along with a Robert  
 6 or Bobbie Graham? You might want to check that out if  
 7 you don't know about this. We've been mentioning my  
 8 previous litigation a lot.  
 9 This Robert Graham or however -- I don't know  
 10 his real name. That's how he identified himself to  
 11 me -- I later dismissed him because he had stated that  
 12 he obtained my Equifax credit report, and Equifax took  
 13 no measures whatsoever to assist with the situation.  
 14 And I would like to read into the record just  
 15 one of the Webpages he made about me that is a Webpage  
 16 that was made public in 5/2000. It is titled "Nigger  
 17 Whore," "Christine Baker the Nigger Whore." "You are  
 18 a big fat nigger whore. I am going to put you out of  
 19 business you nigger bitch I am watching you everyday.  
 20 We are going to rock all the way."  
 21 Now, this is one of many threats that I have  
 22 received because Equifax would not assist in any way  
 23 to even find out whether he did or didn't receive my  
 24 credit report, and as we all know, the purpose of my  
 25 litigation is to stop the credit reports [sic] from  
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1 CHRISTINE BAKER

2 giving my reports to anybody who is willing to pay for  
3 it.

4 Subsequently, Experian posted my entire  
5 unredacted credit report on PACER, on the public  
6 record to be downloaded by anyone.

7 I pleaded with the Court and I eventually  
8 dismissed all claims just to have those credit reports  
9 removed. Those credit reports contained my physical  
10 address, and it's one of the reasons why I had to  
11 move.

12 So please don't be surprised that I'm not  
13 going to allow you to video record me, because you are  
14 going to use the video against me, you are going to  
15 make it public and you are going to hope to get me  
16 killed. So that's why there's not going to be a  
17 video.

18 And for the record, here's the piece of  
19 paper. Here's a printout of the Webpage, it has  
20 the URL, so you can actually see it online. Like I  
21 say, it's one of many. And I'm not going to allow you  
22 to put my life in risk. You've done enough damage.

23 (Exhibit A marked for identification  
24 by the Certified Court Reporter.)  
25

1 CHRISTINE BAKER

2 BY MS. HERGENROETHER:

3 Q. Well, let me assure you, Ms. Baker, that I --  
4 and I feel I can speak for the codefendants -- have no  
5 intention of disseminating this video. We do not mean  
6 to harm you or to cause you any harm.

7 But moving on, do you understand that by  
8 refusing to have your deposition taped, the defendants  
9 can seek sanctions against you, including the costs  
10 for the videographer's appearance?

11 A. Nope.

12 Q. You do not understand that?

13 A. Nope.

14 Q. Okay. Well, knowing that, would you  
15 reconsider having your deposition videotaped?

16 A. Nope.

17 Q. No? Okay.

18 A. I believe you're lying to me like you have  
19 lied to me again and again and again and again and  
20 again. If I started to read all your lies into the  
21 record, we'd be here for the next week, and that's  
22 documented lies on the record to the Court. You had  
23 the nerve to claim that I didn't notify you that I  
24 would not attend the Phoenix deposition. You open  
25 your mouth and you lie. You go to a keyboard and

1 CHRISTINE BAKER

2 submit something to the Court and it's all lies. And  
3 that's not only you, that's the other attorneys,  
4 that's all of you.

5 Q. Well, Ms. Baker, we're here to discuss your  
6 deposition today. And since you are -- despite us  
7 explaining the fact that we can move for sanctions,  
8 including costs, and you are still refusing to  
9 videotaped deposition, I think it's best that we send  
10 Dustin, the videographer, home for the day, so that we  
11 can proceed.

12 THE VIDEOGRAPHER: Okay.

13 MS. HERGENROETHER: However, before you go:

14 Q. I think Justin Homes from NCO had an issue he  
15 wanted to address with you.

16 MR. HOMES: Actually -- this is Justin  
17 Homes -- I believe it was covered earlier when  
18 Ms. Baker agreed to submit to this deposition. So  
19 with that understanding, that she has agreed to submit  
20 to this deposition that we can take pursuant to the  
21 Federal Rules, I have no further objection to  
22 dismissing the videographer.

23 MS. HERGENROETHER: Okay. Well, that works  
24 out well.

25 I'm sorry for taking up your time.

1 CHRISTINE BAKER

2 THE VIDEOGRAPHER: No, that's okay.

3 MR. CHANG: Dustin looks really excited.

4 BY MS. HERGENROETHER:

5 Q. All right. While he packs up, we'll just  
6 take a minute.

7 THE VIDEOGRAPHER: I'll hurry. It should  
8 only take like 10 minutes.

9 MS. HERGENROETHER: Okay. Great.

10 (Discussion off the record.)

11 MR. CHANG: Cara, we're going to enter into  
12 the record the document Ms. Baker handed to the  
13 reporter. We're going to pass it around and review  
14 it, just myself and Tiffany, and we'll proceed from  
15 there.

16 (Discussion off the record.)

17 (The videographer exited the proceedings.)

18 MR. HOMES: I'm sorry to interrupt. It might  
19 be a good idea to talk about the check.

20 MS. HERGENROETHER: Yes. A big piece of  
21 housekeeping. I think Tiffany has it.

22 MS. HAWKINS: I do.

23 BY MS. HERGENROETHER:

24 Q. Ms. Baker, Tiffany has the check we agreed to  
25 to reimburse you for your travel expenses.

1 CHRISTINE BAKER  
 2 A. Okay.  
 3 Q. Justin Homes's firm issued it for us, and  
 4 we're all going to reimburse you.  
 5 A. Okay.  
 6 Q. All right?  
 7 A. Yes.  
 8 Q. All right. Then let's get started.  
 9 Ms. Baker, have you ever been deposed before?  
 10 A. Yes.  
 11 Q. Can you tell me when?  
 12 A. There was Experian. I'm not sure exactly  
 13 when. Few years ago.  
 14 Q. Two years ago?  
 15 A. Two, three. I'm not sure.  
 16 Q. Okay. Well, maybe it would be better to ask  
 17 you this:  
 18 How many times have you been deposed?  
 19 A. Once.  
 20 Q. Just the one time, okay. All right.  
 21 Do you have a copy of that deposition  
 22 transcript?  
 23 A. Do I have a copy of it?  
 24 Q. Yes, do you?  
 25 A. I'm sure I do -- it's online. No. Wait a  
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1 CHRISTINE BAKER  
 2 second. I'm not sure it's online, but I'm sure  
 3 Experian has it.  
 4 Q. All right. Now, you understand that you are  
 5 under oath; correct?  
 6 A. Yes.  
 7 Q. Are you on any medication or any other -- or  
 8 any medicine that would affect your ability to give  
 9 truthful answers to this deposition?  
 10 A. I don't know about medication, but you have  
 11 sure caused me a lot of stress this last week and I  
 12 have not had a lot of sleep.  
 13 Q. Well, since you have been deposed before,  
 14 this may be repetitive, but let me just go over it.  
 15 We both need to speak clearly so that the  
 16 court reporter can hear and record everything. So if  
 17 I ask you questions, say "yes" or "no" rather than  
 18 "uh-huh" or "huh-uh."  
 19 If you need to explain your answer, just tell  
 20 me. And let me know if you need a break at any time.  
 21 A. Okay.  
 22 Q. And do you have any questions about that?  
 23 A. No.  
 24 Q. Okay. Ms. Baker, what is your address?  
 25 A. 3880 Stockton Hill Boulevard, Suite 103-156,  
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1 CHRISTINE BAKER  
 2 Kingman, Arizona 86409.  
 3 Q. Is that where you reside?  
 4 A. No.  
 5 Q. Oh. But is that where you receive all your  
 6 mail?  
 7 A. Yes -- not all of my mail, most of my mail.  
 8 Q. Where else do you receive mail?  
 9 A. It's a box by the side of the road which I  
 10 don't want to disclose. I don't want any mail sent  
 11 there. There's too much mail sent.  
 12 Q. Okay. Do you own or do you rent your house?  
 13 A. I own.  
 14 Q. Do you have a mortgage?  
 15 A. No.  
 16 Q. Have you ever had a mortgage?  
 17 A. Yes.  
 18 Q. Yes?  
 19 A. Yes.  
 20 Q. When?  
 21 A. Until 1998.  
 22 Q. Did you pay off the mortgage in 1998?  
 23 A. Yes.  
 24 Q. Who was the mortgage with?  
 25 A. Who was the mortgage with? Home Savings, now  
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1 CHRISTINE BAKER  
 2 Washington Mutual, now Chase.  
 3 Q. Okay. And do you recall -- I know it's been  
 4 a while, but do you recall what your monthly payment  
 5 was?  
 6 A. Somewhat over 2,000.  
 7 Q. And was that for the house you live in now?  
 8 A. No.  
 9 Q. No?  
 10 Did you sell that house?  
 11 A. Yes.  
 12 Q. But you own the property you live in now?  
 13 A. Yes.  
 14 Q. And you purchased it without a mortgage?  
 15 A. Yes.  
 16 Q. Did you pay cash?  
 17 A. Yes.  
 18 Q. Do you have any other loans?  
 19 A. Do I have other loans?  
 20 Q. Yes.  
 21 A. Yes, although none are open anymore. I  
 22 wouldn't call them loans.  
 23 Q. All right. What would you call them?  
 24 A. Charged off accounts.  
 25 Q. Were they initially loans?  
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1 CHRISTINE BAKER  
 2 A. Yes.  
 3 Q. What were they for?  
 4 A. What do you mean?  
 5 Q. What kind of loans were they? Were they auto  
 6 loans --  
 7 A. Credit cards.  
 8 Q. Credit cards, okay.  
 9 How many do you think -- how many credit  
 10 cards do you have or had?  
 11 A. Many.  
 12 Q. How many credit cards do you have that were  
 13 charged off?  
 14 A. I don't know. Maybe 10. I don't know. I  
 15 never counted.  
 16 Q. And those -- when you say "loans," are you  
 17 only talking about credit cards?  
 18 A. Yes.  
 19 Q. Okay. Do you have any other outstanding  
 20 debts, any other real estate loans or liens or  
 21 collections?  
 22 A. Well, the credit cards are in collection.  
 23 Q. Are you married?  
 24 A. No.  
 25 Q. Are you divorced?  
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1 CHRISTINE BAKER  
 2 A. Yes.  
 3 Q. Yes.  
 4 What was your ex's name?  
 5 A. It's irrelevant.  
 6 Q. Irrelevant?  
 7 A. Yeah.  
 8 MS. HERGENROETHER: Court Reporter, would you  
 9 please mark that as we might need to address that with  
 10 the Court.  
 11 Q. Ms. Baker, do you have any children?  
 12 A. I think that's also irrelevant. I don't know  
 13 where this is going. This is my personal life, and it  
 14 has nothing to do with my claims.  
 15 MS. HERGENROETHER: Again, Court Reporter,  
 16 could you please mark that.  
 17 Q. For your ex and for your children that you  
 18 may or may not have, do they know about this lawsuit?  
 19 A. No.  
 20 Q. No? Okay.  
 21 A. Probably not. I don't know. How would I  
 22 know what other people know? Actually, let me correct  
 23 that. I have no idea.  
 24 Q. Okay. Well, have you ever told them?  
 25 A. I don't know. I don't -- I don't know why  
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1 CHRISTINE BAKER  
 2 this is relevant either. My lawsuit is on the  
 3 Internet, as you know. Just about every filing is  
 4 published.  
 5 Q. Well, we need to figure out potential  
 6 witnesses, so that's why we need to ask. But I'll  
 7 move on.  
 8 Have you ever been arrested?  
 9 A. That's irrelevant.  
 10 MS. HERGENROETHER: Please mark that.  
 11 MR. HOMES: I'm sorry. Just to clarify, is  
 12 the witness refusing to answer that question?  
 13 THE WITNESS: Yes, I refuse to answer  
 14 personal questions that have nothing to do with my  
 15 claims or this litigation.  
 16 MR. HOMES: Very good. Thank you.  
 17 BY MS. HERGENROETHER:  
 18 Q. Ms. Baker, you reside in Arizona; right?  
 19 A. Yes.  
 20 Q. What city?  
 21 A. I don't reside in a city.  
 22 Q. What is the closest city to you?  
 23 A. Kingman.  
 24 Q. Kingman?  
 25 About how far away do you live from Kingman?  
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1 CHRISTINE BAKER  
 2 A. About 60 miles.  
 3 Q. Okay. And how long have you lived in  
 4 Arizona?  
 5 A. Since 2000.  
 6 Q. Where did you live before that?  
 7 A. I traveled.  
 8 Q. Oh. Where did you travel?  
 9 A. You might want to read my bio sometime. It's  
 10 online. I traveled from -- how specific do you want  
 11 me to be?  
 12 Q. Well, I mean continents.  
 13 A. North America, Mexico.  
 14 Q. What was that? I'm sorry.  
 15 A. North America and Mexico --  
 16 Q. Mexico.  
 17 A. -- alaska and --  
 18 Q. How long did you travel?  
 19 A. -- Canada.  
 20 Q. Oh, sorry.  
 21 A. Two years, about.  
 22 Q. And where did you live before you traveled  
 23 for those two years?  
 24 A. In California.  
 25 Q. France?  
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1 CHRISTINE BAKER  
 2 A. California.  
 3 Q. Oh, sorry.  
 4 Okay. How long did you live in California?  
 5 A. Many years.  
 6 Q. Many years? Since the '80s? '90s?  
 7 A. '80s.  
 8 Q. '80s? Okay.  
 9 All right. Now we'll move into your  
 10 education a little bit. These are just standard  
 11 questions.  
 12 Are you a high school graduate?  
 13 A. Yes.  
 14 Q. What high school did you attend?  
 15 A. That's irrelevant.  
 16 MS. HERGENROETHER: Court Reporter, please  
 17 mark that question.  
 18 Q. Did you attend college?  
 19 A. Some.  
 20 Q. Some college?  
 21 A. Yeah.  
 22 Q. So you did not graduate?  
 23 A. I graduated with some certificates or -- I  
 24 don't know -- associate something. It's not very  
 25 important. It has nothing to do with what I do now.  
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1 CHRISTINE BAKER  
 2 I took real estate classes and mortgage and what have  
 3 you.  
 4 Q. Are you a mortgage broker?  
 5 A. I was.  
 6 Q. Okay. For how long?  
 7 A. Until 1995.  
 8 Q. Did you ever attend law school or  
 9 paralegal --  
 10 A. No. I took a real estate law class.  
 11 Q. As part of your real estate mortgage  
 12 training?  
 13 A. Yeah.  
 14 Q. Okay. Is there any other education that I  
 15 didn't ask about?  
 16 A. It's really irrelevant.  
 17 Q. All right. Who do you currently work for?  
 18 A. I'm self-employed.  
 19 Q. You're self-employed? Self-employed doing  
 20 what?  
 21 A. I used to try to get the credit bureaus to  
 22 correct my clients' credit reporting. But since I  
 23 can't get the credit bureaus to report accurately, I'm  
 24 now more in the business of advising people how to  
 25 stop paying their credit cards and file for bankruptcy  
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1 CHRISTINE BAKER  
 2 or otherwise become judgment proof and simply not pay  
 3 their debts, because it's not worth the hassle to try  
 4 to maintain a good credit rating. No matter how much  
 5 you dispute it, how timely you pay your bills, in many  
 6 cases it just can't be done.  
 7 Q. Okay. How do you solicit your clients? How  
 8 do you get your clients?  
 9 A. My clients contact me.  
 10 Q. How?  
 11 A. By e-mail usually.  
 12 Q. Do you have a business name or corporation?  
 13 A. Yes, Creditfactors.com.  
 14 Q. Creditfactors.com?  
 15 A. Yes.  
 16 Q. Are you incorporated?  
 17 A. No.  
 18 Q. Are you registered with any state?  
 19 A. No, not registered. I have a business  
 20 license but --  
 21 Q. You do have a business license?  
 22 A. Yeah.  
 23 Q. Okay. Now, we all understand that you have  
 24 several Websites. Are those all part of your  
 25 business?  
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1 CHRISTINE BAKER  
 2 A. No.  
 3 Q. No?  
 4 Okay. How many Websites do you have?  
 5 A. I have no idea. Probably 20, 30. There are  
 6 Websites I haven't even seen in years.  
 7 Q. And how long have you been maintaining these  
 8 Websites? I know it would vary per Website, but when  
 9 did you start your very first Website?  
 10 A. 1994.  
 11 Q. Okay. And what was that Website about?  
 12 A. It was about real estate, mortgages. How  
 13 brokers cheat consumers, how TransAmerica defrauded a  
 14 widow out of \$15,000 -- the same things I do now,  
 15 really -- fraud documentaries, consumer information  
 16 that they won't find anywhere else.  
 17 Q. What prompted you to start that Website?  
 18 A. I thought it was intolerable that banks can  
 19 go ahead and defraud people out of thousands of  
 20 dollars and foreclose on their homes. I thought it  
 21 was a bad thing to do, and I hoped that my  
 22 publications would cause the lenders to stop doing  
 23 that. Obviously, I was wrong, but I tried.  
 24 Q. Do you generate income from these Websites?  
 25 A. Not for the most part.  
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1 CHRISTINE BAKER

2 Q. In the cases where you do, how is the income  
3 generated?

4 A. Well, I have finally put Google ads on some  
5 of my Websites and -- as of last year sometime. I  
6 want to guess that on average I make a whopping \$100 a  
7 month. It doesn't pay for the server.

8 Q. From the Google ads?

9 A. Yeah.

10 Q. Okay. What is your -- from your business of  
11 giving people advice on not paying the credit cards  
12 and becoming judgment proof, etc., what is your  
13 monthly income from that?

14 A. Well, I don't really have an average, because  
15 my main Website was shut down for two months in  
16 December and January, and my combined income for the  
17 two months was \$250. Now, since my -- and that's my  
18 CreditSuit.org, which is my main Website about all the  
19 litigation that I've had since 2004. And that's where  
20 most people get to my Websites in terms of the single  
21 Webpage that has the most traffic.

22 Q. Creditsuit is?

23 A. Yeah.

24 Q. Okay. Do you file tax returns?

25 A. I haven't filed it in the last couple of

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2 years. I haven't had enough income.

3 Q. In the last how many years? I'm sorry.

4 A. Probably two years.

5 Q. Two years?

6 A. Since I've been building.

7 Q. What are you building?

8 A. My house.

9 Q. Oh. Is this the house you live in?

10 A. Yes.

11 Q. How are you financing that house?

12 A. I financed it with credit cards and with the  
13 sale of my -- the proceeds from the sale of my old  
14 property.

15 Q. All right. Are you filing taxes for 2008?

16 A. For 2008? Probably not.

17 Q. Now, on your Websites, do you give advice --  
18 you mentioned earlier that you are self-employed and  
19 you give advice on how to stop paying the credit cards  
20 and becoming judgment proof.

21 Is that the kind of advice you are giving on  
22 your Website?

23 A. Well, why don't you go read it, yes. I mean,  
24 as a matter of fact, I have several articles on the  
25 fact that you cannot find justice in court. It was in

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2 December 2007, I believe, on my way back from Phoenix,  
3 when I had four hours to sit in my car and realize  
4 that I can never win in court. Even if I win I don't  
5 win, because the judges are corrupt, the lawyers lie.  
6 There is no point to even trying to find justice in  
7 America. It is not happening.

8 So, yes, that was when I decided to publicly  
9 state for the first time that people should vote with  
10 their money and stop paying their credit cards. And  
11 it's specifically the people that are near judgment  
12 proof or judgment proof, which is probably, I don't  
13 know, 20 million, 50 million, 100 million. Most  
14 Americans are a lot more judgment proof than they  
15 know, and I hope that thousands of my readers took my  
16 advice and stopped paying their credit cards.

17 Q. Do you keep a count on the number of visitors  
18 to your Website?

19 A. Not really.

20 Q. No?

21 So could you tell us on average how many  
22 weekly visitors you get?

23 A. Not really, because as I say, I have so many  
24 different Websites, I --

25 Q. How about CreditSuit? You said that was your

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2 main Website.

3 A. Yeah, and it seems to be -- I used to have  
4 access to logs and I used to have -- to show like  
5 3,000, 4,000 visitors a month -- not a month -- a day.  
6 Sorry -- per day, but there seemed to be a lot of  
7 different methods of counting, and apparently many of  
8 the visits are robots and I'm actually not really sure  
9 how many visitors I actually get and how much is just  
10 search engine traffic and crawlers.

11 Q. All right. Now, you mentioned earlier your  
12 deposition in the Experian case. I understand you  
13 have been a litigant in other cases.

14 How many lawsuits total have you filed?

15 A. I don't know, but you can look them up if you  
16 go to CreditCourt, which is linked at CreditSuit.org,  
17 and the top menu bar is a link to CreditCourt. And  
18 I'd say that all of the lawsuits that I filed since  
19 I've had Websites are linked there.

20 Q. Could you give me an estimate?

21 A. A what? An estimate?

22 Q. Yes.

23 A. I don't know. I can look it up and count.

24 Q. No, you don't need to do that.

25 All right. How many times have you sued

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1 CHRISTINE BAKER  
 2 Equifax?  
 3 A. Probably three times, I want to say.  
 4 Q. And how about TransUnion?  
 5 A. TransUnion, well, three times too, yeah,  
 6 because I had the small claims, I believe.  
 7 Q. And Experian?  
 8 A. Once -- I think Experian once in federal  
 9 court previously, and then once before -- well, there  
 10 was a small claims that I dismissed before I took it  
 11 to federal court.  
 12 Q. So one time against Experian?  
 13 A. Well, and then the small claims just  
 14 before --  
 15 Q. Right. Okay.  
 16 And then did you say three times against  
 17 TransUnion?  
 18 A. I believe. I'm not really sure. I mean,  
 19 you're the expert at looking up these. Ask the  
 20 attorney for TransUnion. Maybe she knows.  
 21 Q. Well, sometimes the small claims cases and  
 22 the state court cases don't come up, so that's why I'm  
 23 asking.  
 24 How about NCO Financial, the other  
 25 codefendant?

1 CHRISTINE BAKER  
 2 A. Have I sued them before? I don't think so.  
 3 I don't know. I don't remember suing them before.  
 4 Q. Okay. So you --  
 5 A. I would think they would know. I don't  
 6 believe so.  
 7 Q. You think this is the first time. Okay.  
 8 Aside from the four companies I just  
 9 mentioned, who else have you sued?  
 10 A. Some collectors. You might want to look up  
 11 the docket. As I say, it's all listed on my Websites.  
 12 If you don't want to spend the money for PACER, there  
 13 is the docket for my federal lawsuits.  
 14 In the first lawsuit I had like 20-some  
 15 defendants, including the FTC, the FCC, the Federal  
 16 Reserve Bank of Richmond, James MacAfee, the vice  
 17 president of the Federal Reserve Bank of Richmond,  
 18 which was the Capital One regulator. Those are all  
 19 the people who failed to take action and failed to  
 20 read my complaint.  
 21 And you see what we have now. We have a  
 22 major crisis and America is being brought down because  
 23 nobody acted on my lawsuit. That was back in 2003, by  
 24 the way, when I asked that these things be fixed.  
 25 Q. When was that lawsuit filed that you just

1 CHRISTINE BAKER  
 2 mentioned with the 20 defendants?  
 3 A. That was in 2003, March 2003. It was the day  
 4 the Iraq war started.  
 5 Q. Oh.  
 6 A. It's been a long time for me.  
 7 Q. Have you ever had an attorney?  
 8 A. No.  
 9 Q. No?  
 10 Have you ever been sued personally?  
 11 A. Yes, just recently.  
 12 Q. What were the claims in that lawsuit?  
 13 A. Dr. Tameira Hollander, a Colorado doctor,  
 14 sued me and filed a verified complaint and stated  
 15 under oath that I had said horrible things about her  
 16 on my Website, that she had asked me to remove these  
 17 false statements and that I refused, and every  
 18 allegation was perjury, which was why my Website was  
 19 shut down for two months. And this is a pending case,  
 20 and you can read it online at  
 21 Doctor-tameira-hollander-litigation.info, I believe it  
 22 is, and there is a hyphen in between each word. And,  
 23 of course, it is prominently linked in CreditSuit.org  
 24 in the left side-bar.  
 25 Q. Okay.

1 CHRISTINE BAKER  
 2 A. You can read all about it. All the filings  
 3 are posted.  
 4 Q. How did you become so computer savvy? Did  
 5 you take any courses?  
 6 A. Yes.  
 7 Q. Was that when you were in college or was that  
 8 later?  
 9 A. No. I've used computers since the '80s.  
 10 Q. Okay. All right.  
 11 Now, obviously we're here because you filed a  
 12 lawsuit against everybody here. Why did you sue  
 13 Equifax?  
 14 A. Because it sold my credit report to those  
 15 same criminals that I previously notified it to not  
 16 sell credit reports to, because I was trying to get a  
 17 mortgage so I could pay off my credit cards and finish  
 18 my house.  
 19 Q. Any other reason?  
 20 A. Yeah. Because Equifax put a fraud alert --  
 21 yeah, fraud alert on my credit report.  
 22 Q. Okay. I think I'm going to go to your  
 23 complaint, the first-amended complaint, which I have  
 24 in my exhibits as number 4.  
 25

1 CHRISTINE BAKER  
 2 (Exhibit 4 marked for identification  
 3 by the Certified Court Reporter.)  
 4 THE WITNESS: Yes, I'm at the complaint.  
 5 BY MS. HERGENROETHER:  
 6 Q. Okay. Do you recognize this?  
 7 A. Yes, I recognize it.  
 8 Q. Is it a true and correct copy of your  
 9 complaint?  
 10 A. Do you want me to read it?  
 11 Q. Read as much as you need to figure out if  
 12 it's the right copy. How about that?  
 13 A. Well, I mean, as much as I need to, it's,  
 14 what, 12 pages. (Witness examined document.)  
 15 Well, it looks like my complaint, but like I  
 16 said, I haven't read every word. Is that important?  
 17 Q. I'm sorry. Removed what?  
 18 A. I said I haven't read every word, and I'm  
 19 wondering how that is important.  
 20 Q. Well, I printed this off of PACER. So we're  
 21 probably okay.  
 22 Now, earlier, just a few seconds ago, you  
 23 mentioned that one of the reasons why you sued Equifax  
 24 is that we -- that Equifax sold your credit data to  
 25 these companies without a permissible purpose, and if  
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 2 you would -- I'd like to direct your attention to  
 3 paragraph 73, which is on page 10 of your complaint.  
 4 A. Yes.  
 5 Q. Do you see it? All right.  
 6 In that paragraph you claim:  
 7 "Equifax willfully and negligently sold  
 8 Baker's credit data to persons without  
 9 permissible" -- and I think you meant to say  
 10 "purpose," but I'm not sure -- "in violation  
 11 of FCRA Section 1681b."  
 12 A. Yes.  
 13 Q. Do you see that? Okay.  
 14 When do you claim Equifax sold this credit  
 15 data?  
 16 A. Well, that's probably the incident described  
 17 on the earlier pages in the complaint, on or about  
 18 3/5/07, paragraph 49 on page 7.  
 19 Q. So, okay, March 5th, 2007. Okay.  
 20 And who do you believe Equifax sold the  
 21 credit report to?  
 22 A. Well, at the time, I applied for a mortgage  
 23 with Trinity Financial, which obviously does not  
 24 exist. And according to the NCO discovery responses  
 25 and to the credit report, I believe, it was sold to  
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 2 Dana Capital. It may not say so on the credit report,  
 3 but that is -- the application that NCO provided lists  
 4 Anthony Paduano as branch manager for Dana Capital, if  
 5 I remember that right.  
 6 Q. Now, why were you applying for this mortgage?  
 7 A. Because I was building a house.  
 8 Q. All right. Going back to the permissible  
 9 purpose, then, why do you claim Dana Capital did not  
 10 have permissible purpose to get your information from  
 11 Equifax?  
 12 A. Because they engage in illegal practices, and  
 13 I notified all credit bureaus and NCO that they were  
 14 engaging in illegal practices.  
 15 Q. When did you notify them?  
 16 A. Well, I don't have my initial disclosures in  
 17 front of me. Well, it's probably in the complaint too  
 18 somewhere.  
 19 Q. Do you have any documents from Dana Capital  
 20 showing that we produced a credit report to them or  
 21 any credit information?  
 22 A. I just found on page 5 paragraph 33:  
 23 "Finally, Baker sent her complaints to  
 24 Experian, Equifax, and TransUnion on or about  
 25 2/12/05 requesting that the accounts for Dana  
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1 CHRISTINE BAKER  
 2 Capital and NCO be terminated to prevent  
 3 future sales of consumer credit reports to  
 4 persons without permissible purpose."  
 5 Q. Okay. Now, why did you believe that they  
 6 were engaging in illegal practices?  
 7 A. Because they were nationally known as  
 8 telemarketers, illegal telemarketing; illegal junk  
 9 faxing; they have been sued many times and I have  
 10 received countless of their junk faxes back in 2005; I  
 11 filed a complaint, I believe, even with the California  
 12 Department of Real Estate; and their advertisements  
 13 were false; they lied to people; and they are one of  
 14 the major contributors to the mortgage foreclosure  
 15 crisis.  
 16 Q. You said that they are nationally known as a  
 17 junk faxer. How do you know that they are nationally  
 18 known?  
 19 A. Because they were sued from all over the  
 20 United States. Dana Capital was a mortgage banker who  
 21 advertised throughout the United States their  
 22 mortgages, in violation of the TCPA, the Junk Fax  
 23 Prevention Act, and I have personally received many of  
 24 these faxes, and that's how I know.  
 25 As a matter of fact, I want to add to that.  
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2 If you go -- as I put in my disclosures, in my initial  
3 disclosures, there is an entire section at my  
4 Fight-back forum dedicated just to mortgage junk faxes  
5 and there is a significant section about Dana Capital.

6 And I have received numerous e-mails from  
7 people who were trying to sue them or otherwise were  
8 interested in shutting down these false advertisements  
9 and illegal advertisements, and that's, of course,  
10 another reason why I know that they have been  
11 marketing nationwide.

12 Q. Where did you get the information that  
13 complaints or lawsuits across the country have been  
14 filed against them?

15 A. Because people contacted me after finding the  
16 information at my Website.

17 Q. All right. Do you have a copy of any credit  
18 information that Dana Capital received from Equifax?

19 A. I'm not sure what you're asking. Do I have  
20 the credit report that was provided to Dana Capital?

21 Q. Yes.

22 A. I don't believe so because it would have had  
23 to be submitted through discovery, and I don't think  
24 anybody submitted it. I'm not sure. Maybe NCO. None  
25 of the other parties submitted any documents regarding

1 CHRISTINE BAKER

2 that credit report.

3 Q. So how do you allege that NCO was involved  
4 through Dana Capital?

5 A. It sold the credit report to them.

6 Q. That NCO reports the credit to Dana Capital?

7 A. NCO -- isn't that in the complaint? Let me  
8 look at the complaint.

9 In paragraph 30 in the complaint:

10 "On or about 12/24/04 Baker wrote to  
11 NCO, requesting that it terminate the Dana  
12 Capital account so that it would no longer be  
13 able to access consumer credit reports under  
14 false pretenses."

15 Q. Okay. Now, how were you damaged by the  
16 alleged impermissible disclosure of your credit data  
17 to Dana Capital?

18 A. Well, first of all the person who got my  
19 credit report told me that he was not even licensed as  
20 a mortgage broker, and he was very rude, and he kept  
21 calling me -- obviously, they approved me without ever  
22 asking for my income, employment, or any other  
23 information, other than having my credit report, and  
24 they approved me at one percent.

25 And that's, of course, one of my initial

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2 disclosures. That is, the point of the lawsuit, was  
3 really to try to get these people to stop advertising  
4 these false terms, because obviously nobody got a  
5 one-percent mortgage. That should probably be clear  
6 to everybody by now. This is how people were duped.

7 When I did not accept the mortgage, he wanted  
8 me to pay a few hundred dollars for an appraisal. I  
9 started getting calls from people who identified  
10 themselves as other mortgage brokers or lenders, and  
11 they wanted me to refinance or -- it was very strange,  
12 because they claimed they had purchased the entire  
13 credit file, they had my credit report and everything,  
14 they had my physical address. They were just being  
15 rude and trying to force me or talk me into  
16 refinancing. They knew how much I owed, obviously.  
17 At the time I already owed a lot on credit cards.

18 And when I asked who they were, they usually  
19 called from a number that was a private number,  
20 blocked caller ID. And I could -- I spent a lot of  
21 time trying to find them. They gave mortgage company  
22 names that I could never track down, but I was very  
23 worried because obviously my -- or apparently my  
24 entire credit report and whatever else information  
25 they had from my application was being sold to anybody

1 CHRISTINE BAKER

2 who was willing to pay a few dollars. And I could not  
3 stop these people. I could not even track down who  
4 they were.

5 Q. Are you still there?

6 A. Yeah.

7 Q. Okay. I'm sorry. It cut off. It sounded  
8 like you had disconnected.

9 Did I miss anything? Were you finished?

10 A. I don't know where you --

11 Q. I heard all of it. It just sounded like it  
12 dropped off, but I think you were just done.

13 A. Oh, those were the initial damages.

14 Obviously, the subsequent damages were that I did not  
15 want to even try to apply anywhere else, because all  
16 these brokers and bankers just, you can't get anybody  
17 to even in writing give you true mortgage terms.

18 And ultimately, due to this lawsuit and all  
19 of the work that was created, ultimately I just could  
20 no longer pay my bills. I never did get a mortgage.

21 Q. Okay. So let me understand. By getting  
22 Equifax's credit report, Dana Capital offered you a  
23 mortgage at one percent based purely on your credit  
24 report; is that right?

25 A. Yes.

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2 Q. And when you refused to accept that mortgage,  
3 you were made to pay fees or they would try to bill  
4 you for fees?

5 A. No, they weren't trying to bill me for fees.  
6 They sold my credit report, apparently, that's what  
7 the people who called me -- my home phone number is  
8 not on my credit report, and it's going to stay that  
9 way. I've gone through great expense to keep my phone  
10 number off the public record. I pay to have it  
11 private. Nobody gets it, no client, nobody.

12 And I started getting all these phone calls.  
13 The only reason, of course, for the mortgage, I gave  
14 them my real phone number, and that's when I started  
15 getting all these more or less harassment calls,  
16 people telling me I needed to refinance because of how  
17 much I owed.

18 And, like I say, they told me -- I asked -- a  
19 few times I asked how they got my information and they  
20 said they purchased it, the credit report and the --  
21 an entire file about me, it was being resold.

22 One company claimed to be in Washington  
23 State. I have no idea if it's true because I never  
24 got a working phone number or they gave me a name and  
25 I searched -- I spent endless hours trying to track

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2 these people down and trying to figure out where my  
3 credit information was, but I was unable to do so. I  
4 could not find -- none of them checked out.

5 It seemed like they were all criminals,  
6 unlicensed outfits that just brokered these mortgages  
7 just like that guy Vincent or Vince -- whatever, he  
8 was one of the defendants that I dismissed because  
9 there's no point, I couldn't even find them, because  
10 in violation of California law he was not licensed  
11 with the department of real estate.

12 Q. So you didn't sue them -- well, dropped them  
13 from the case because you couldn't find them?

14 A. They were part of -- if you look at the  
15 complaint.

16 Q. Yes.

17 A. I don't know if -- on the amended complaint  
18 if they are still on there.

19 Q. Yes, I see that.

20 A. Paduano, Anthony Paduano, I had people e-mail  
21 me or through ListMail I found out that several people  
22 had sued him for junk faxing. He had threatened them.  
23 He had shown up at the hearings and he was very  
24 intimidating.

25 And I tried to have him served and the

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2 process server refused to serve him because he had  
3 served him before and he was convinced that it was  
4 Anthony Paduano who beat the crap out of him.

5 So eventually I just dropped him too, because  
6 I don't like to get beaten up.

7 Q. Okay. Have you ever calculated your damages  
8 based on the allegations that we released your  
9 information without permissible purpose?

10 A. I don't know how to calculate my damages. I  
11 think that should be done by the jury.

12 Q. Now, how do you know that, when Equifax sold  
13 the credit information, that it was with an  
14 impermissible purpose?

15 A. Because I had already notified Equifax that  
16 these people are crooks.

17 Q. All right.

18 A. What else can a person do? I think by  
19 certified mail I sent 25 pages of documentation that  
20 these people are crooks by any definition and  
21 originating mortgages illegal -- through illegal  
22 marketing but, a lot worse, advertising mortgages with  
23 terms that are entirely false.

24 Q. Okay.

25 A. And using unlicensed -- and using unlicensed

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2 brokers, in violation of state law.

3 Q. How do you know that that was a violation of  
4 state law?

5 A. Because I used to be a California real estate  
6 broker, mortgage -- I had a real estate broker  
7 license, which also licensed me to originate  
8 mortgages, and I was very familiar with the laws back  
9 in the early '90s and I attended many department of  
10 real estate continuing education classes and speeches  
11 about advertising.

12 And at the time many brokers actually  
13 submitted their ads for review and for approval to the  
14 department of real estate. The department of real  
15 estate would actually call on ads that they saw in the  
16 paper that didn't look quite right. If every "i"  
17 wasn't dotted and "t" crossed in an advertisement, the  
18 department of real estate would go after the brokers.  
19 That was until about 1994/1995.

20 And like I say, I took the courses, I was a  
21 practicing broker. And one of the reasons I stopped  
22 brokering was that too many people were advertising  
23 rates that did not exist, and I was not going to do  
24 business in this way.

25 And another reason was, of course, the credit

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2 bureaus not correcting my clients' credit reports,  
3 FICO scores becoming mandatory, and it didn't matter  
4 how many cancelled checks my clients gave me and I  
5 forwarded to the lender/underwriter because the score  
6 was too low, and because the credit bureaus didn't  
7 correct the reporting my clients got denied.

8 So there were several issues, but one was  
9 definitely that even the president of the California  
10 mortgage women organization, who taught a class, a  
11 university class at Cal State Hayward -- which I  
12 attended and I was thrilled to go there and learn more  
13 about mortgage brokering -- and that woman had the  
14 nerve to teach an entire class of future or acting,  
15 practicing mortgage brokers how to lie to people and  
16 give them a half a point less in the original  
17 telephone quote just to get them to come into the  
18 office. And then when the customers, the borrowers  
19 sit down, then they say, oh, the rates went up and  
20 then they quote them the real rate.

21 And that was one of those life-altering  
22 moments in my life when I decided that I need to get  
23 out of the mortgage business.

24 Q. All right. That kind of leads me to the next  
25 line of questioning I had. Still on your complaint,

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2 on page 5, I think it's the paragraph you mentioned  
3 earlier, the paragraph 33 -- let me know when you are  
4 there.

5 A. Paragraph 33?

6 Q. Paragraph 33 on page 5.

7 A. Yeah.

8 Q. Got it?

9 A. Yeah.

10 Q. All right. There you say that you sent your  
11 complaint to the three credit reporting agencies,  
12 Experian, Equifax, and TransUnion, around February  
13 15th [sic], 2005, requesting that Dana Capital and NCO  
14 be terminated -- or have their accounts terminated to  
15 prevent future sales of credit reports. Is that  
16 right?

17 A. Yeah. It was 2/12/05.

18 Q. Okay. Oh, sorry. Thank you.

19 Now I'd like to have exhibit -- what exhibit  
20 number are we on? Exhibit 6 is a letter.

21 A. What are we looking for now?

22 Q. Sorry. It was Defendant's Exhibit 6. It was  
23 a letter from you to Rodrick Coffey. Do you have  
24 that?

25 A. Yes.

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2 (Exhibit 6 marked for identification  
3 by the Certified Court Reporter.)

4 (Exhibit 7 marked for identification  
5 by the Certified Court Reporter.)

6 (Exhibit 8 marked for identification  
7 by the Certified Court Reporter.)

8 (Exhibit 9 marked for identification  
9 by the Certified Court Reporter.)

10 (Exhibit 10 marked for identification  
11 by the Certified Court Reporter.)

12 (Exhibit 11 marked for identification  
13 by the Certified Court Reporter.)

14 BY MS. HERGENROETHER:

15 Q. Okay. Two pages. So we've marked this as  
16 Exhibit 6.

17 Is this the letter you were referring to in  
18 paragraph 33?

19 A. Yes.

20 Q. Okay. Do you recognize this letter?

21 A. Yes.

22 Q. What is it?

23 A. It's my letter requesting that NCO and Dana  
24 Capital be terminated.

25 Q. Okay. And is this a true and correct copy?

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2 A. Apparently. I don't have anything to compare  
3 it to.

4 Q. All right.

5 A. But I would have to, you know, compare it to  
6 my initial disclosures, which I assume this is what  
7 that is.

8 Q. Yes. I did get this from your initial  
9 disclosures.

10 Who wrote this letter?

11 A. I wrote the letter.

12 Q. Did you consult anybody when you were writing  
13 the letter?

14 A. No.

15 Q. No?

16 And who is Rodrick Coffey?

17 A. The Equifax attorney representing Equifax in  
18 my lawsuit at the time.

19 Q. Have you spoken to him since you sent this  
20 letter?

21 A. I have no idea.

22 Q. Did you receive any response?

23 A. No, I don't think so. I don't believe I did.

24 I don't believe any of the credit bureaus responded,  
25 except for a strange letter from TransUnion and, of

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2 course, then from NCO, but nothing from Equifax that I  
3 know of.

4 Q. When you sent this letter to Mr. Coffey, what  
5 did you expect Equifax to do as a result?

6 A. Terminate NCO and Dana Capital or, at the  
7 very least, have a long talk with NCO and put in  
8 writing that if they sell again to certain parties  
9 that engage in illegal activities, that they will be  
10 terminated.

11 Q. Did you attach any evidence of your claims  
12 against NCO and Dana Capital?

13 A. Yes.

14 Q. Are these the documents that you refer to  
15 towards the bottom of the first page?

16 A. Yes.

17 Q. Where are these attachments?

18 A. Didn't I provide them to you in the initial  
19 disclosures? I'm sure I did.

20 Q. I don't believe so. I only have this letter.

21 A. Well, what is the papers that -- (witness  
22 examined document.) I think I'm looking at them right  
23 now in that one stack of papers that you had sent over  
24 earlier.

25 Q. Okay. Yeah, I think I see them. All right.

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2 How have you been damaged by -- well, let me  
3 go back.

4 In paragraph 34 of your complaint you state  
5 that you received no response from the CRA regarding  
6 your complaint, and you go on to mention TransUnion's  
7 notice.

8 How were you damaged by that?

9 A. Didn't I just explain to you that -- what are  
10 we talking about? -- that you gave the credit report  
11 to criminals who sold my entire credit data and kept  
12 calling me and harassing me, and that in the end I  
13 never even got a mortgage and I now defaulted on over  
14 \$90,000?

15 As a matter of fact, I brought a credit  
16 report to actually enter into the record. It's  
17 nothing compared to my perfect credit rating at the  
18 time. I had been in court for, I don't know how many  
19 years, since 2002 or 2001 originally with TransUnion  
20 to get my credit reports corrected and to get the  
21 credit report I deserved after paying all my bills on  
22 time.

23 And here I am, and my credit report is worse  
24 than -- I don't think any of my clients have ever had  
25 a credit report as bad as what I got yesterday. And

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2 by the way, I have to add something.

3 I tried to get my Equifax credit report last  
4 night, but I was unable to do so. And I got an error  
5 message stating -- I'd like to enter that into the  
6 record -- that I could not be identified. And as long  
7 as I've been in litigation with Equifax, I find it  
8 inconceivable that I'm the only person who cannot get  
9 my credit report. I have to laugh now. I'm sorry,  
10 but this is beyond bizarre.

11 You are selling my credit report or your  
12 client is selling my credit report to anybody willing  
13 to pay for it, whether licensed or not, and here I am,  
14 and it was once again declined. That's the free  
15 annual credit report that I'm referring to.

16 Q. Did you try calling Equifax?

17 A. No. You know what? I have better things to  
18 do. I have a house to build. I have -- right now I  
19 have a deposition to attend. Last night Equifax was  
20 closed. And if you think that I'm going to waste my  
21 time calling Equifax and talk to these morons, who  
22 knows where, who transfer you and transfer you.

23 If you want to search for Equifax at my  
24 CreditSuit blog, you can read about some of the  
25 experience that I've had on the telephone with

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2 Equifax.

3 And I simply don't have it in me to put up  
4 with the aggravation, and they would probably tell me  
5 to do the exact, same thing that it tells me on this  
6 printout here, that I have to send in, to prove my  
7 identity, my Social Security card, a pay stub or a  
8 W-2.

9 And since I'm self-employed I don't have one,  
10 and I'll be darned if I'm going to spend half a day or  
11 two days looking for my Social Security card, which is  
12 somewhere in a box in my unfinished house, and this is  
13 just pure -- this is so typical, the harassment one  
14 has to go through just to get the annual free credit  
15 report that I'm entitled to by law.

16 Q. Ms. Baker, if you would like, I can get a  
17 credit report for you and e-mail it to you or mail it,  
18 however you prefer.

19 A. I don't want you to e-mail it on an unsecure  
20 e-mail because it's almost pointless at this point,  
21 but I still don't want it to go through the Internet  
22 on an unsecured connection where anybody can --

23 Q. We'll get you a copy when we're done. And  
24 we'll just move on.

25 A. I just want to enter that printout into the

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2 record, because you are asking about damages.

3 And in fact, while we are at it, I was  
4 successful obtaining my Experian credit report, and I  
5 would like to enter that into the record too.

6 Q. But you stated earlier that the -- did you  
7 obtain both -- attempt to obtain both credit reports  
8 through the free annual credit report Website?

9 A. Yes.

10 And also TransUnion -- maybe we should do  
11 that all at the same time. TransUnion also failed to  
12 provide my credit report, and the reason being that at  
13 one point I apparently had a TransUnion subscription  
14 and it demanded, the Website demanded that I enter my  
15 user name and password, which I did not have, and  
16 there were numerous steps to go through and pages to  
17 fill out. And I finally ended up at a page entitled  
18 "log in help step 2 of 3, confirm identity, please  
19 provide the information requested in the spaces  
20 below."

21 Unfortunately, there were no spaces below to  
22 enter any information. I actually went back and  
23 started over again and did the whole thing, because I  
24 thought maybe the page got hung up.

25 But the second time I got to the same error,  
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2 and so I was unable to proceed.

3 Q. But just to clarify, you attempted to get  
4 these three reports through the free annual credit  
5 report Website, so you did not have to pay for the  
6 credit report before trying?

7 A. No.

8 Q. Okay. And you didn't try to call any of the  
9 three, so you didn't have any charges for your phone?

10 A. They are closed at night.

11 Q. Okay.

12 A. As a matter of fact, TransUnion is often  
13 closed after 3:00 p.m. That was one of my many  
14 issues with TransUnion when I used to try to call  
15 them. But I gave up on that. I don't have it in me  
16 anymore.

17 THE REPORTER: Should I mark these documents  
18 that Ms. Baker provided?

19 MS. HAWKINS: Just an idea. Would it be  
20 easier to use letters for Ms. Baker's exhibits?

21 MS. HERGENROETHER: Yes, I think so, like A,  
22 B, C.

23 (Exhibit B marked for identification  
24 by the Certified Court Reporter.)  
25

1 CHRISTINE BAKER  
2 (Exhibit C marked for identification  
3 by the Certified Court Reporter.)

4 (Exhibit D marked for identification  
5 by the Certified Court Reporter.)

6 THE WITNESS: One more -- that's my next to  
7 last. I have one more paper here, which is an e-mail  
8 I recently received, and I believe it has to do with  
9 that lawsuit against me for -- by that Colorado  
10 doctor. And somebody e-mailed me the pictures that  
11 were taken by the process server, apparently taken by  
12 the process server while he was on my property. And  
13 it is titled "your house looks like crap," and then it  
14 says, "Do you really live in that shit hole?" And  
15 then there is the picture attached, it's a composite  
16 picture of my house under construction on my property.  
17 And it would have been nice if I could have actually  
18 gotten a mortgage and finished my house and if people  
19 wouldn't subject me to that kind of harassment.

20 (Exhibit E marked for identification  
21 by the Certified Court Reporter.)

22 BY MS. HERGENROETHER:

23 Q. But to clarify, Dana Capital approved you for  
24 the mortgage?

25 A. Yes, it approved me for a mortgage at one

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2 percent. I repeatedly asked for more information, but  
3 I couldn't get any more. And I believe that's what I  
4 submitted with my initial disclosure, didn't I, the  
5 fax from Mutual Benefit or whoever sent the fax,  
6 stating that the mortgage was one percent?

7 You think I should have taken that mortgage  
8 and I should now live in a ditch because I couldn't  
9 make the real payments and the real interest, like so  
10 many other thousands and maybe soon millions of  
11 people?

12 Q. Was it a variable rate?

13 A. I assume so. You might want to look. I  
14 got -- I received no disclosures. The law requires  
15 that everybody who applies for a mortgage must receive  
16 the disclosures with the exact terms, the interest  
17 rate, if it's an adjustable, the margin, the index,  
18 the lifetime cap, the adjustment rates, whatever, the  
19 whole enchilada is supposed to be disclosed.

20 But because they are criminals, as I advised  
21 the credit bureaus, they did not provide this  
22 information, they did not provide a single disclosure.

23 Q. All right. I'm going to move on to paragraph  
24 74 of your complaint. It's on page 10.

25 A. Page 10?



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Q. Yes. Paragraph 74.

A. Seventy-four, yes.

Q. Now here you are claiming:

"Equifax willfully and negligently failed to maintain reasonable procedures to avoid violations of Section 1681b in violation of FCRA Section 1681e."

What evidence do you have to show that Equifax failed to maintain reasonable procedures?

A. Well, in my opinion, reasonable procedures would have been to at minimum terminate the Dana Capital access to credit reports after receiving my notice of the illegal activities.

Q. So how do you know that they failed to follow any reasonable procedures?

A. Because they gave the credit report to Dana Capital again, obviously. I did not know that they did not do anything until I applied with Trinity Financial and found out again that the credit report was obtained by Dana Capital.

That was the whole scam that Dana Capital was running. That was part of my initial complaint, that all these unlicensed mortgage brokers with totally fictitious business names, meaning not a dba that's

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registered, but a name that is entirely fictitious, not registered anywhere, so that they cannot be found. And they sent out these faxes and these approvals and then brokered the loans through Dana Capital. And that's why so many people cannot pay their mortgages today and are being foreclosed on, because they also thought that they were getting a one-percent rate or a two-percent rate or whatever, they were lied to.

It can't be that hard to understand, because they did it to me once in 2004. I filed the complaints. I spent literally hundreds of hours tracking these people down, when it eventually -- I figured out what was going on, and I notified the credit bureaus to stop selling the credit reports.

Two years later I go to apply for a mortgage with a totally different company, and it hit me like a hammer when I saw that it was Dana Capital again.

Q. Okay. Now go to paragraph 75.

A. Okay.

Q. Here you claim:

"Equifax willfully and negligently reported an entirely fictitious fraud alert in violation of FCRA Section 1681c-1."

A. Yes.

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Q. What is your understanding of a fraud alert?

A. My understanding as it pertained to that situation was that I tried to order my Experian credit report and it was blocked, and then Experian told me, the attorney for Experian told me that Equifax had advised it that there is a fraud alert on my file, and that's why I could not obtain my own credit report.

Again, everybody else can get my credit report except me. And I actually -- that's the -- I think the last document I brought.

The Kimberly Hills affidavit or declaration from the other case where she states that:

"On October 26, 2005, Experian received notification that the credit reporting agency, Equifax Credit Information Services had added a fraud alert to plaintiff's credit file. As a result of notification by Equifax, Experian also added a fraud alert to plaintiff's Experian credit file. Fraud alerts do not block a consumer's access to his or her credit file. It simply alerts creditors that the consumer may have been a victim of fraud and, thus, that the credit should be particularly -- the credit should

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be particularly vigilant in confirming the consumer's identity in dealing with the consumer."

I believe that's a typo and it should read the "creditor" and not the "credit."

"After plaintiff informed Experian through its attorney of record in this case that she did not want the fraud alert on her file, the fraud alert was removed on November 10, 2005."

Now, coincidentally, while she says that it would not affect me on being able to get my credit report, once they removed the fraud alert I was able to get my credit report. I was, once they removed the fraud alert. So this is the declaration of Kimberly Hughes under penalty of perjury on August 30, 2006.

THE REPORTER: Exhibit F.

THE WITNESS: Yeah, I guess.

(Exhibit F marked for identification by the Certified Court Reporter.)

BY MS. HERGENROETHER:

Q. So based on what you just read from Ms. Hughes's declaration, you understand that the fraud alert is placed on the credit file to advise

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2 potential creditors that a person may be a fraud  
3 victim?

4 A. Exactly. And I don't want people to think  
5 that I'm a fraud risk, obviously. A fraud alert is  
6 very damaging. This was actually during a time when I  
7 was looking for a mortgage, and who wants to make a  
8 loan to somebody who is likely to be a fraud victim?

9 Obviously, that's a really -- hurts the  
10 borrower, the applicant. But not only that, it  
11 prevented me from obtaining my own credit report.

12 And then after this happened, I had a lot of  
13 communications with the Equifax attorney at the time,  
14 Lewis Perling, and he denied putting a fraud alert on  
15 my credit report. And I, obviously, don't know  
16 whether Kimberly Hughes at Experian committed perjury  
17 or whether he lied. That is for somebody else to find  
18 out if anybody wants to know.

19 Q. Did anybody other than Ms. Hughes tell you  
20 that you had a fraud alert on your file?

21 A. Probably Marc Carlson initially during the  
22 e-mail, the Experian attorney at the time, because I  
23 believe I had e-mails with him to find out what was  
24 going on, why I could not get my credit report. And  
25 then he eventually somehow got it fixed, and I'm not

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2 quite sure why it's even addressed in that  
3 declaration.

4 Maybe it was one of my -- yeah, it probably  
5 was one of my claims against Experian, because I could  
6 not get my Experian credit report and then they  
7 provided the declaration so that claim would be  
8 dismissed.

9 But Experian, especially Ms. Hughes, is known  
10 to make false statements under penalty of perjury. So  
11 I have no idea who is lying and what really happened.

12 Q. So did you ever see a fraud alert on your  
13 credit file?

14 A. I don't know how I would see that.

15 Q. Okay.

16 A. Actually, there may have been. I'm not  
17 really sure. TransUnion may have had a fraud alert on  
18 me too. I always have to call the fraud alert,  
19 because I remember having the most horrible time with  
20 TransUnion because I always had to -- ever since my  
21 first lawsuit back in 2001 or '2, whenever that was,  
22 in small claims court, they put me in a special  
23 division where I could never get anything done on the  
24 phone and would only get to voice mails, and it was a  
25 nightmare.

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2 That's one of the reasons why I don't even  
3 bother calling credit bureaus anymore, because it's  
4 impossible to get anything done on the phone.

5 Q. So do you have any documents showing a fraud  
6 alert on your Equifax credit report?

7 A. No, I don't know. I don't think so.

8 Q. You kind of touched on this earlier, but I'm  
9 just going to ask again:

10 How were you damaged by having this fraud  
11 alert on your file? I mean, you said that you had  
12 been looking for a mortgage and you couldn't get your  
13 Experian credit report.

14 Was there anything else, or could you  
15 elaborate on the reason --

16 A. At the time I was trying to get my FICO  
17 scores so that I could apply for a mortgage, and  
18 instead of taking my time to actually get a mortgage,  
19 I just wasted endless hours e-mailing attorneys and  
20 trying to figure out what's going on.

21 I don't know why it is so difficult to -- for  
22 somebody to say, well, this is what happened and just  
23 say, okay, maybe somebody made a mistake, maybe  
24 somebody hit a wrong button.

25 But all I ran up against was Lewis Perling

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2 stating that it wasn't Equifax, and Experian saying it  
3 was Equifax. Well, I kind of would like to know who  
4 is messing with my credit file, because it could, of  
5 course, be it's just the guy at the "nigger whore"  
6 page or one of the many other peoples who have  
7 threatened me over the years because I spoke up  
8 against their fraudulent enterprises. And I'm always  
9 concerned when something happens to my credit that was  
10 not initiated by me, because it could have been  
11 somebody else.

12 Q. Okay. Have you ever calculated the amount of  
13 damages based on having the fraud alert on your  
14 file --

15 A. No.

16 Q. -- allegedly?  
17 No?

18 A. Headaches, aggravation, frustration. You can  
19 read all about it on my -- not all about it. Often --  
20 I did post quite a bit about it on my blog at  
21 CreditSuit.org. It's not the kind of stuff I even  
22 want to read because it's just -- it's depressing,  
23 it's frustrating, it's aggravating, what I have to go  
24 through to find out who messed with my credit and who  
25 put a fraud alert on my file.

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2 Q. Now, have you ever been the victim of  
3 identity theft or any other sort of credit fraud?

4 A. Yes.

5 Q. When was that?

6 A. I've had several times where credit cards  
7 were involved, Capital One specifically.

8 Q. How do you mean? What happened with Capital  
9 One?

10 A. Well, somebody else used my credit card, and  
11 I just -- and I had to report it and file a police  
12 report and get the credit for the charges and get a  
13 new card.

14 I've also had people -- I've also, in terms  
15 of identity theft -- what's actually a lot more  
16 harmful, to me, is when people start impersonating me  
17 and submitting posts to forums, to collector forums  
18 under my name and get a whole bunch of collectors fed  
19 up with -- that's the kind of stuff I really don't  
20 need and I don't do. I don't frequent other sites  
21 just to cause trouble. But that's happened a number  
22 of times, that people pretended to be me and...

23 Q. They pretended to be you on Websites; right?

24 A. Yeah, on Internet forums.

25 Q. Did anybody ever pretend to be you to open

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2 credit besides the Capital One card where they took it  
3 over?

4 A. Not that I can remember right now.

5 Q. Okay. When did --

6 A. Not that I know of, let me put it that way.

7 Q. When did your Capital One card account number  
8 get stolen?

9 A. It was a few years ago. It actually happened  
10 a couple of times.

11 Q. Was it in the 2000s? In the '90s?

12 A. It was a few years ago. Not the '90s. It  
13 was after 2000.

14 Q. And you said you filed a police report. Was  
15 anybody ever prosecuted?

16 A. I tried to. I tried to find out how that  
17 happened, because -- interestingly enough, I could  
18 have found out if Capital One had cooperated, because  
19 I checked online my account and I saw the charges that  
20 I did not make, and I immediately called Capital One,  
21 and that was a big mistake because they removed all  
22 the information about the charges and they were not  
23 printed on my statement.

24 I did talk to -- I did an investigation and I  
25 talked to at least one of the merchants that were

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2 listed, and somehow there was a shipping address  
3 involved that I don't normally use.

4 And it would have been fairly easy for me to  
5 find out which merchant had their system compromised  
6 just based on the information that was used for the  
7 orders, but unfortunately, Capital One refused to  
8 provide any information, and it was actually litigated  
9 as part of that Equifax/Capital One lawsuit. And  
10 Judge Wake ruled that Capital One has no fiduciary  
11 duty to me and, therefore, did not have to assist with  
12 my investigation.

13 And that explains why there is so much  
14 identity theft. The banks want the identity theft.  
15 They don't want to help find those criminals or at  
16 least secure the merchant sites and find out where the  
17 breach occurs, but they actively refuse even when sued  
18 to provide the information that they have readily  
19 available, and it wouldn't have taken them more than  
20 two minutes to send me a printout, but they did not.

21 Q. Well, if you had been a victim of fraud, why  
22 wouldn't you want a fraud alert on your file, just to  
23 let people know, hey, there might be somebody out  
24 there claiming to be me and it's not me?

25 A. Because I wanted credit. Does that make

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2 sense? I want credit. I don't want merchants or  
3 lenders to not make the loans to me because I'm a  
4 high-risk borrower.

5 Q. How does being an identity theft victim make  
6 you a high-risk borrower?

7 A. Because they don't know if it's really me  
8 applying. Obviously, why would they want to do the  
9 work and do the extra work? This has been well  
10 documented. As a matter of fact, it may be at the FTC  
11 site. I've seen it at official sites, stating that  
12 fraud alerts are damaging to borrowers. And, of  
13 course, the first thing that happened was that I  
14 couldn't obtain my own credit report.

15 I do not want, ever, a fraud alert. At this  
16 point it makes no difference because my credit is so  
17 shot it would be irrelevant, but at the time I had  
18 excellent credit and I was looking for credit, and the  
19 last thing I needed was to make me look like a  
20 high-risk borrower.

21 Q. And this was back in 2007 when you were  
22 shopping for a mortgage that you are saying you had  
23 excellent credit?

24 A. Well, when that happened -- yes, I had not a  
25 single late payment, collection, charge-off,

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2 bankruptcy, judgment. There was not a single  
3 derogatory item on my credit. I had the most perfect  
4 credit you can imagine.

5 Q. Have you ever been late paying a bill --

6 A. Yes.

7 Q. -- either a loan or a mortgage?

8 A. Yes, I have been late paying my bill. There  
9 is a letter on the Internet, also prominently linked  
10 from my CreditSuit Website, I believe -- it should  
11 be -- addressed to Washington Mutual in, I believe it  
12 was December 2007, when I advised them that I would  
13 stop paying on my credit card because they raised my  
14 interest rate to 26 percent despite my perfect credit  
15 and despite my sincere efforts and several phone  
16 calls, including a very long call with the supervisor,  
17 who told me that they had made a business decision to  
18 increase my interest rate from about 11 percent to 26  
19 percent, and I advised them that I had made my  
20 business decision to no longer pay them.

21 Q. Do you have any credit report around that  
22 time that they increased your credit -- I mean, your  
23 interest rate?

24 A. I probably do, around that time. I don't  
25 know. I'd have to look.

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2 Q. If you have them, would you please produce  
3 them?

4 A. As a matter of fact, I don't know whenever --  
5 if you want to take a break sometime, I can look and  
6 see if I have it on my computer, although I don't want  
7 to e-mail it and I don't know if I can print it out  
8 here.

9 Q. Okay. Well, we were thinking about maybe  
10 taking a break at 12:30 your time, but we can talk  
11 about that in a bit. It's almost time.

12 Do you have any adverse action letters or any  
13 documents from Washington Mutual stating why they were  
14 increasing your interest rate?

15 A. Yes. They had sent me a letter stating that  
16 it was based on the TransUnion credit report.

17 Q. Do you have a copy of that letter?

18 A. I don't know if I submitted it with my  
19 initial disclosures or if it's in one of my many  
20 boxes, somewhere in my unfinished house. I understand  
21 that TransUnion requested documents from Chase. Did  
22 Chase produce anything? I didn't receive any -- you  
23 don't supplement your --

24 MS. HAWKINS: I just now received them.

25 THE WITNESS: You just received them?

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2 MS. HAWKINS: Uh-huh.

3 THE WITNESS: Is there something in there?  
4 Are there any letters that might be helpful to answer  
5 this question?

6 MS. HAWKINS: I'll let you look at them  
7 during the break.

8 THE WITNESS: Okay.

9 MS. HAWKINS: I'm not sure.

10 THE WITNESS: Yes, at any rate, I did receive  
11 a letter from Washington Mutual, and it stated that  
12 the decision was based on my -- I think it was in May  
13 2007 when they first raised my rate, and I just paid  
14 the higher rate because I was too busy to deal with  
15 it. And it took me until October or November to  
16 finally call them up and to demand that they reduce  
17 the rate back to my original rate.

18 BY MS. HERGENROETHER:

19 Q. Okay. Have you ever had an account go into  
20 collections?

21 A. Yes.

22 Q. Who was it with?

23 A. Washington Mutual.

24 Q. And when was that?

25 A. I wasn't kidding when I sent them that

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2 letter. I don't make jokes like that. When I tell  
3 somebody that I'm going to stop making payments,  
4 that's what it means. That was my first account that  
5 went delinquent.

6 And subsequently, as the other creditors  
7 received the credit reports with -- showing the  
8 Washington Mutual account delinquent, they all  
9 increased my rates based on the credit reporting, and  
10 so I just -- at that point it was pointless of getting  
11 a mortgage or applying for a mortgage. I was in  
12 default with Washington Mutual. There went my credit  
13 rating. And I just -- I tried to keep paying some of  
14 the accounts, and I think the last account was just  
15 charged off last month.

16 Q. Okay.

17 A. But you can see that the credit report that I  
18 provided, the Experian report gives a very nice  
19 picture of the number of accounts and the amounts and  
20 all that is right on there.

21 Q. All right. Have you had any other accounts  
22 go into collections?

23 A. Well, yes. Like I say, all my credit cards  
24 went to collection. I get about five collection calls  
25 on average, between three and five. Maybe on Sundays

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2 I might get fewer. But during the week, three to five  
3 collection calls every day.

4 Q. We know the issue with the Washington Mutual,  
5 but with the other credit cards, why did you stop  
6 paying on those if that was the case?

7 A. Well, there was no point anymore.

8 Q. Why do you say that?

9 A. Well, I didn't see any reason to pay --  
10 actually, I did try. There was a point, to keep a  
11 couple of accounts in good standing in terms of  
12 convenience, benefits that come with the account, but  
13 they all raised my interest rates. And specifically  
14 the very last one, it was almost absurd, was my  
15 Advanta business card, and they had this wonderful  
16 eight percent interest rate and they gave me cash back  
17 on every purchase. And I finally started to use it  
18 for my server, my monthly billing, and some other  
19 business expenses, and they raised my rate to 20  
20 percent or something. And I thought, well, they don't  
21 deserve to get paid either. So that was the last card  
22 I quit paying.

23 Q. Have you ever had an account charged off?

24 A. Yes, they all were charged off.

25 Q. All the ones that went to collections?

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2 A. Yes.

3 Q. So the same ones.

4 Are there any others that maybe you weren't  
5 thinking about?

6 A. I don't know what you mean. I mean, my  
7 credit was perfect until I stopped paying in 12/07.

8 Q. 12/07, okay.

9 A. I filed all these lawsuits against the credit  
10 bureaus because there were all these bogus  
11 collections, whatever, incorrect reporting, and it  
12 took me years to get all that, at least -- even though  
13 I didn't prevail in court on every issue, at least  
14 they deleted from the credit reporting or from the  
15 credit reports or they corrected the reporting. But  
16 it didn't take long.

17 Q. All right. How are you doing? Do you need a  
18 break?

19 A. I don't really care. I don't know how much  
20 more you have. I mean, your time...

21 Q. Okay. I might go for a little bit longer,  
22 and then maybe we'll take a lunch break and go from  
23 there. How does that sound? Maybe about 15 more  
24 minutes before a break?

25 A. Sounds good to me.

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2 Q. Okay. All right. Now I'd like to go  
3 backwards to what would be Exhibit 5. That's your  
4 initial disclosures.

5 A. Yes.

6 Q. Do you have those?

7 A. I'm looking at them.

8 (Exhibit 5 marked for identification  
9 by the Certified Court Reporter.)

10 BY MS. HERGENROETHER:

11 Q. If you could turn to page 5.

12 A. Yes.

13 Q. Do you see that? All right. On that page  
14 you say you are working on a book with a tentative  
15 title "Resistance: 20 reasons to stop paying your  
16 credit cards."

17 A. Yes.

18 Q. Are you still working on this book?

19 A. Theoretically, yes, but I changed my plans.  
20 I don't have time to write a book. I was hoping I  
21 would have had time this last winter, but I still  
22 didn't have time. And instead I decided to make  
23 it almost like chapters on the Internet, and that's  
24 where, for example, I have the new Website about this  
25 litigation, and I'm starting a new Website about

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2 published FTC complaints where I will be summarizing  
3 specific systemic violations by credit bureaus, by  
4 creditors, FICO credit scoring problems.

5 And so I'm hoping that eventually it will  
6 turn into a book, but unfortunately I just don't have  
7 the time to write a book at this point. I'm late on  
8 starting the FTC Website. I have actually a client  
9 who I really promised to -- his will be the first  
10 complaint and about some really bizarre student loan  
11 reporting, and you should probably be able to see that  
12 online by next week.

13 But I just want to add I'm still encouraging  
14 people to stop paying their credit cards if they are  
15 struggling to get by as it is, if they are judgment  
16 proof, near judgment proof.

17 The banks are the last ones that should get  
18 paid. They should always pay -- buy food, store up  
19 some food for at least a few months, get their car in  
20 working condition, make sure they go see the dentist,  
21 get their medical treatment, whatever they need. The  
22 banks are the last ones to pay. And there are many  
23 postings about that on my Websites.

24 Q. All right. You mentioned a client. Is he  
25 one of the clients you are assisting with trying to

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get him judgment proof and all of that?  
A. No. He's actually somebody who I tried to help improve his FICO score. But this is one of the examples why it does not work. It's the perfect -- and you will see that in my complaint, and it is already actually on the CreditSuit site. It's the DeVry student loan credit reporting.

The guy, he tried so hard, he made his payments on time, and DeVry -- I'm not sure if you are familiar with them, they are like a vocational technical school.

Q. Yes, I know who they are.

A. And they -- even though he made all the payments on time, they reported him late, because the loan was in collection. He basically started getting back on a schedule and paid \$100 and then \$50 a month and all the payments were on time, and they are arguing that because he was delinquent from many years ago, they can report him as late all this time.

And we disputed it with Experian factually and I got the accounting history from DeVry, and it showed that he paid on time. And I eventually -- they verified the incorrect reporting.

It is his most recent late payment, that

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basically the only major derogatory -- he has a couple of really old 30-day late payments, but he has his major late student loan that is really lowering his credit score, his FICO score, and we cannot get Experian to produce an accurate report based on his real payment history. This is the perfect example why I'm telling people to just not bother.

Now, I'm doing the work for free in terms of doing the FTC complaint. I already charged him for contacting DeVry and sending them a letter and getting all the information from them and confirming that they are deliberately reporting him as late, even though they know that he paid on time.

And that's the kind of perfect example why people pay me to tell them what's wrong with -- he would have never known what to even look for, but I told him it's those late payments that they -- even though the loan is paid in full, he did pay it off in full, but it's those 120-plus-day late payments that make his Experian FICO scores 20 to 30 points lower than the other two reports, where DeVry only reports to Experian. So it's not an issue with Equifax, because they don't report to Equifax and TransUnion.

But that is the perfect example why I'm

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telling people to not waste their money on trying to get their credit reporting corrected, because the credit bureaus just will not produce accurate reports, and it's not worth their while.

It's incredibly frustrating. I've had many clients who actually came close to suicide, because they really wanted to buy a house and it just did not -- there was nothing I could do.

I sent it twice, sometimes three times, the factual dispute to the credit bureaus, and they will not correct the reporting. And obviously, I cannot advise my clients to go to court, because I'm the perfect example what happens when a consumer goes to court. They bankrupt you.

So they might as well just stop paying their credit cards and plan and use their money wisely and prepare to live without credit and to minimize collection harassment, take some preventative measures, get a new phone number, get a new address, get a mailbox, and just try to get as little harassment as possible and maybe file for bankruptcy.

So that is a perfect example right there, and you'll be able -- like I said, next week that should be up on my new FTC Website.

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Q. Okay. About how many clients do you have?

A. Well, it's hard to say, because I usually work with one client at a time because I focus on their specific problem.

Q. Okay.

A. I don't -- I'm not a Lexington or Bradley Ross credit repair outfit. I have very few clients. If I've had 50 clients over the last two, three years, that's probably high. I don't count them.

But I generally only work -- I may work with maybe two or three at the same time if we're doing the actual credit disputes, and we have to then wait for the results to come in and then I have to review the results and we have to take it from there, but I don't do that many of those anymore because the results are just not what they should be.

So now I'm doing more of people just pay for a few hours of my time and I go over their financial situation, their personal -- their family, their job, what their outlook is, what -- you know, what they can do, what they want to do, and I tell them best I can what they should do.

Q. Okay. Now I'm going to go back to page 3 of your initial disclosures.

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2 Go towards the bottom. It's where you talk  
3 about the WaMu Visa card that was increased to 26  
4 percent.

5 A. Yes.

6 Q. Okay. Do you know what your credit rating  
7 was at the time?

8 A. It was perfect -- well, my credit rating was  
9 low. My FICO score was low. My credit report did not  
10 contain any derogatory information, but due to the  
11 way -- the inquiries -- every time somebody runs my  
12 credit it lowers my credit score -- and due to the  
13 amounts owed and various factors that are not  
14 derogatory, my TransUnion credit FICO score was  
15 apparently low enough to make them increase my rate to  
16 26 percent.

17 And there was a second account that was  
18 actually closed. I had a Barclays account that was  
19 closed based on my TransUnion score, and I had just  
20 been paying on it until sometime last year. And once  
21 I stopped WaMu payments I stopped paying Barclays too.

22 But it was two accounts that were -- one was  
23 closed based on a TransUnion credit report and WaMu  
24 had the interest rate increased.

25 And during both times my -- of course, I

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2 don't really know what the creditors get, because the  
3 disclosures that I get when I buy credit reports are  
4 not necessarily the same as what creditors get.

5 And as a consumer, I am not able to get the  
6 credit report from the creditor, but I don't know if  
7 Chase supplied anything to TransUnion now.

8 Q. Okay. What do you consider to be a perfect  
9 credit rating?

10 A. Well, that really depends on what one needs.  
11 Right now my credit rating is perfect for where I'm at  
12 in my life. So it's exactly where it should be.

13 Q. So you are saying relative to your situation  
14 it's perfect?

15 A. Yes, it is exactly where it is just perfect,  
16 it is exactly what -- considering everything that's  
17 going on, it just fits.

18 But for most people, a perfect credit rating  
19 is that they have the credit score, the FICO score to  
20 get approved at the lowest rate.

21 Q. For most people. Is that what you consider  
22 it to be?

23 A. Well, it depends on what someone -- I have  
24 clients, that they say their credit is perfect if they  
25 don't have collectors calling them, or their credit is

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2 perfect if they can get a car loan and they don't  
3 really care if it's 10 or 15 percent.

4 And then there are other people that do care.

5 Q. What about you? You said your credit is  
6 perfect right now.

7 A. But I'm not looking for a loan. I don't want  
8 a loan. It is perfect because I actually lead the  
9 way, I walk my talk. There are other people who say  
10 stop paying the banks, all the bailout money goes to  
11 the banks, but they don't walk their talk. I walk my  
12 talk, and I know it's hard and it actually -- it's  
13 good for me to experience what it's like when your  
14 phone rings all day long and you have collectors  
15 calling you and harassing you and humiliating you.  
16 And in my line of work that's the kind of personal  
17 experience that is appropriate.

18 Q. All right. I'm just going to ask you about  
19 one more topic and then I think it will be a good time  
20 for a break. You've been going for a while.

21 Does anybody else -- I know you talked to a  
22 lot of people on your Website, but is there anybody in  
23 your personal life or business -- you know, that knows  
24 about these problems that you have been having?

25 A. I think that everybody knows about the

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2 problems that I'm having. Anybody who wants to know  
3 can read it all on my Websites.

4 I try not to bother my neighbors, and  
5 actually I try not to -- they are aware of my  
6 lawsuits, but people don't really want to hear about  
7 that kind of stuff. It frustrates them. They don't  
8 understand it.

9 And I try not to have -- not to be presented  
10 in my local community as a deadbeat, and so I've told  
11 people, I say read my letter to Washington Mutual.  
12 But I am concerned that like collectors are calling  
13 neighbors who don't know, who don't know why I stopped  
14 paying my bills. That is a concern to me.

15 But other than that, I actually have very  
16 little -- to be honest, I work probably 14 to 15 hours  
17 a day. I don't go out. I don't -- there is no place  
18 to go. I live in the desert, and my neighbors are  
19 retired people who like to watch TV or a ball game,  
20 and I don't have a TV. I don't watch TV. It's not  
21 what interests me. I have other things to do. I have  
22 a house to build, among other things.

23 Q. Okay. So really, I mean, nobody -- you  
24 haven't spoken to anybody in your personal life about  
25 these lawsuits other than just saying they're out

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 2 there?  
 3 A. Yeah. I mean, nobody cares. Why would  
 4 anybody want to listen to that? I mean, it's painful.  
 5 Q. Okay.  
 6 A. The people who do care -- obviously some  
 7 people care. They read about it. But I can't say  
 8 that my friends have an interest to watch me getting  
 9 slaughtered and abused year after year after year.  
 10 MS. HERGENROETHER: All right. Well, I think  
 11 now is a good time to take a break. How long does  
 12 everybody want to take? It's 3:40 here, so it's past  
 13 lunch time. So I'm indifferent. But I know for you  
 14 guys it's lunchtime.  
 15 THE REPORTER: Go off the record?  
 16 MS. HERGENROETHER: Yes.  
 17 (Discussion off the record.)  
 18 (A lunch recess was taken at 12:41 P.M.)  
 19 //  
 20  
 21  
 22  
 23  
 24  
 25

1 CHRISTINE BAKER  
 2 LAS VEGAS, NEVADA; FRIDAY, MARCH 27, 2009  
 3 1:22 P.M.  
 4 AFTERNOON SESSION  
 5  
 6  
 7 EXAMINATION (CONTINUING)  
 8  
 9 MS. HERGENROETHER:  
 10 Q. Ms. Baker, just to go back to something we  
 11 talked about earlier very briefly, have you ever  
 12 requested a fraud alert be placed on your file?  
 13 A. No.  
 14 Q. I'm going to switch subjects now.  
 15 Now, back to your complaint, on page 10 -- do  
 16 you have that?  
 17 A. I'm looking for it. Page 10?  
 18 Q. Yes.  
 19 A. Yes.  
 20 Q. Okay. Paragraph 84, the very last one on  
 21 that page.  
 22 A. Yes.  
 23 Q. You state:  
 24 "Baker is entitled to recover actual or  
 25 statutory damages, costs and attorney's fees

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 2 pursuant to 15 USC Section 1681n and/or  
 3 Section 1681o."  
 4 Correct?  
 5 A. Yes.  
 6 Q. Right now I'm going to focus on the actual  
 7 damages. What are those damages?  
 8 A. Well, the actual damages are my out-of-pocket  
 9 expenses, filing fees, legal subscription fees,  
 10 emotional distress. I don't know what the value of  
 11 ultimately the loss of my credit rating is.  
 12 You know what my biggest -- I thought about  
 13 that during lunch. The biggest damages to me are that  
 14 I always thought that if you learn the court rules,  
 15 you will surely prevail at least to a certain extent,  
 16 and I thought that the people who didn't want to go to  
 17 court were just being afraid for no reason or too lazy  
 18 to do the work or liars and it didn't really happen to  
 19 them.  
 20 And now I realize obviously that's not true.  
 21 And to see that the entire court system, the entire  
 22 justice system is designed to help the corporations  
 23 not comply with the laws.  
 24 And you have on the one side the rules of  
 25 civil procedures that won't allow me to charge for the

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 2 time that it takes to litigate because I'm too poor to  
 3 hire an attorney, which makes me a slave, and I don't  
 4 like to be a slave. That in itself is really  
 5 offensive.  
 6 And I see the judges accept lies, obvious  
 7 lies as facts by the attorneys, while at the same time  
 8 I hear of many consumers who go to court and they are  
 9 being sanctioned for lying or doing something stupid.  
 10 And I think, to me, the biggest damages are  
 11 to realize that there's nothing a person can do to  
 12 find justice in the so-called civilized world, and  
 13 that's probably -- I mean, that is really the essence,  
 14 that's where I'm at now, that's what I realize now,  
 15 that you cannot expect justice just because you are  
 16 saying the truth and you pay your fees and you comply  
 17 with the rules.  
 18 And I want to say nothing personal but it is  
 19 personal: You guys, in the hundreds of thousands of  
 20 attorneys out there, make all the evil and  
 21 exploitation and torture possible. If it wasn't for  
 22 the lawyers, the world would be so much of a better  
 23 place.  
 24 And I've always kind of -- I've had people  
 25 post on my blogs, well, there is the stupid lawyer



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2 jokes, how many ways to kill them, and Shakespeare  
3 quote and this and that, but I'm beginning to think  
4 that they're right.

5 And that is really something that I find it  
6 shouldn't be that way and that's hard to understand,  
7 because at least the ones that I see in prison look  
8 like normal people.

9 And I don't understand how there can be so  
10 many people without a conscience, without any  
11 scruples, who will do anything for money, destroy  
12 lives, drive people to commit suicide, and still go to  
13 bed at night and sleep well.

14 And that's something I don't know what to do  
15 about other than to write about it. And that's  
16 currently where I'm at, that's where we are after this  
17 litigation.

18 And if I never have to go to court again,  
19 I'll be just as happy. But on the other hand, I can't  
20 say what I'll do or won't do, because it just -- it is  
21 so unfair to be wronged and to have no recourse, to  
22 have no power, and to just have to accept it like a  
23 slave or a subhuman, just because of a corporation or  
24 a billionaire, and that is something that's probably  
25 the biggest damages.

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2 I had not realized until I got involved in  
3 all this litigation in recent years -- at first I  
4 thought it was only Judge Wake and the attorneys in  
5 that case, but it seems to be the norm. And that's  
6 difficult to grasp and to live with. And I don't know  
7 what kind of amount of money you put on that. I'd  
8 like the jury to decide that.

9 Q. Okay. So do you know what amount of money  
10 you are seeking from Equifax?

11 A. No.

12 Q. What about Experian?

13 A. I don't have a specific amount of money I'm  
14 seeking. I have read complaints where people put in  
15 how many millions of dollars they want, and I always  
16 kind of thought it was a bit obnoxious. But I just  
17 feel that the jury should be deciding.

18 Q. And is that the case too for NCO and  
19 TransUnion?

20 A. Yes.

21 Q. Okay. Paragraph 81 of your complaint, in  
22 that you talk about you suffered credit denials and  
23 higher interest rates.

24 Do you see that?

25 A. Yeah.

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2 Q. Now, earlier we discussed the Washington  
3 Mutual credit rate increasing.

4 Are there any other cards or loans where your  
5 interest rates were increased?

6 A. Well, on all my cards the rates were  
7 increased, but at that point it was irrelevant. The  
8 issue was really that I needed to get the credit to  
9 finish my house, and the last thing I needed was like  
10 having anything that would lower my credit score.

11 And as I'm sure you know and as I mentioned  
12 today, it's not the derogatories that I didn't have,  
13 it has to do with other score-lowering factors and  
14 getting the offers -- and I believe one of the effects  
15 of a fraud alert is that the credit bureaus no longer  
16 send out promotional offers.

17 Do you know whether that's correct?

18 It's my understanding that once you put a  
19 fraud alert on your credit report, you no longer get  
20 the promotional offers. And that was one of the  
21 things I needed the most to finish my house. I was  
22 hoping I would get another pre-approved credit card.

23 It's difficult to say why I did or didn't,  
24 when you get an offer -- all of a sudden I started  
25 getting offers from the debt consolidation attorneys,

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2 and I always wondered how they knew how much money I  
3 owe, and there is really only one explanation and  
4 that's that the credit bureaus sold that information  
5 too, even though they don't offer any credit  
6 whatsoever.

7 At any rate, that's really what it comes down  
8 to, getting promotional offers, getting approvals,  
9 getting higher interest rates -- not interest rates --  
10 getting higher credit limits.

11 And I know that a few times I tried to get  
12 higher limits, because I was just trying to finish my  
13 house and see whether I could get -- still get the  
14 mortgage at that time.

15 But -- oh, you also asked me about other  
16 loans earlier. Yeah, I do have another loan. I  
17 borrowed some money from my dad. I forgot about that.  
18 It's not on my credit report. But, yes, I still owe  
19 him...

20 Q. How much did you borrow?

21 A. Well, I got money, actually, several times.  
22 I'd have to look it up. But 10,000 here, 2,000 there.  
23 Just, I don't know, maybe 15-, 20,000.

24 Q. Okay. So when you had your interest rates  
25 increase, can you tell us which credit cards or loans

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2 specifically did that besides Washington Mutual?

3 A. Not offhand.

4 Q. Do you have any documents from these  
5 creditors showing that the interest rates were  
6 increased?

7 A. Well, it depends on what time frame you're  
8 looking at. I certainly have documents for the last  
9 year, I'm sure. I pretty much just kind of filed them  
10 away. I didn't try to negotiate lower rates anymore.  
11 I gave up on that.

12 Q. Okay.

13 A. But mainly, more important is getting credit  
14 limit increases, and I think I was trying to get some  
15 increases during 2006, 2007 that were declined, and I  
16 did not get any more new offers.

17 Q. Okay.

18 A. Because basically all the credit cards I had  
19 were obtained by accepting their pre-approvals, you  
20 know, the kind of stuff you get in the mail and they  
21 say just go online or call us and activate your  
22 account.

23 Q. So you never sought out credit on your own  
24 without a promotional offer?

25 A. Not usually. I don't know. I was looking

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2 for business loans at one point. I don't know if I  
3 got offers for those.

4 But for the most part I just accepted the  
5 offers that I got. Not all of them, but if it was a  
6 good offer, I kept getting offers by the pound, but I  
7 just picked good credit lines and good interest rates  
8 or benefits.

9 Q. Okay. And then you mentioned a second ago  
10 that you were looking for higher credit limits to  
11 finish your house around 2006, 2007.

12 Do you have any adverse action letters  
13 related to those denials?

14 A. I really don't know.

15 Q. Would you mind checking and seeing if you  
16 have them at home?

17 A. Well, I have to find -- I used to have a  
18 special place for all that stuff, and I still do.  
19 It's just I have to go through some boxes, try to find  
20 the paperwork. It's not easy when you have an  
21 unfinished house and most of your stuff is in boxes in  
22 the garage.

23 Q. Now, you also said you had been denied  
24 credit, and I know we talked about the denials of the  
25 higher limits.

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2 Were you ever denied outright for credit?

3 A. Probably. You know, ever? I'm sure, I'm  
4 sure I've been denied.

5 Q. But do you have any evidence that it was  
6 because of an Equifax credit report?

7 A. Well, if you go back in time, I'm certain,  
8 but that's not really relevant to this lawsuit.

9 Q. Okay.

10 A. It's not one of my claims, that your  
11 report -- previous lawsuits, including the one that's  
12 still pending on appeal about the Capital One credit  
13 reporting. I'm sure that -- you know, but that was  
14 then and now is now.

15 Q. Were you ever denied credit as a result of an  
16 inquiry from NCO or Dana Capital?

17 A. Well, the inquiries obviously lower credit  
18 scores. Nobody sends you a letter and says your  
19 credit was denied because of an inquiry. They just  
20 say it was denied, or you don't get the offer. You  
21 just -- when a creditor looks for people to make loans  
22 to and says to Equifax I want everybody with a score  
23 above 700 and your score is below 700, you don't get  
24 the offer. Nobody sends you a letter saying you  
25 didn't get an offer because your score wasn't high

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2 enough. You just don't get the offer.

3 Q. Okay. Now, earlier before our break you  
4 mentioned that -- you mentioned that the -- your  
5 definition of perfect credit was basically that  
6 perfect credit is what you need for your situation?

7 A. Yes.

8 Q. Okay. Now, when you were looking for your  
9 mortgage in 2007, did you have -- were all of your  
10 credit accounts paid as agreed with no late payments?

11 A. Yes.

12 Q. Did you have any collections on your credit  
13 file?

14 A. No. And I can only speak for the reports  
15 that I have received, because, as we all know,  
16 especially Equifax is infamous for sending different  
17 information to creditors than to consumers. So --

18 Q. Do you have any evidence of that?

19 A. Yes, I have evidence of that, but not in my  
20 case. So -- I did not receive the credit report  
21 that -- the mortgage credit reports or my credit card  
22 credit reports. I don't have -- I don't know what  
23 they got.

24 But I can only speak about what I have seen  
25 on the credit reports that I ordered from Fair Isaac,

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2 usually about my credit file. And I did not have any  
3 late payments; I had no collections; I had no  
4 charge-offs; I had no judgments. I had what one could  
5 consider perfect credit if you define perfect credit  
6 as having no derogatory information.

7 Q. Also in paragraph 81, the paragraph we were  
8 just discussing, you allege that you suffered  
9 humiliation, embarrassment, emotional distress, and  
10 anxiety.

11 Who were you humiliated in front of?

12 A. Well, it's kind of like when you run out of  
13 money and you have to tell your contractor that --  
14 well, you just have to finish the house by yourself  
15 because you can't afford to pay him anymore, that  
16 would be a good situation.

17 It's not exactly -- and especially when you  
18 get these phone calls three to five times a day from  
19 people telling you to get a job, and just being rude  
20 and continually harassing you and telling you that  
21 there is nothing you can do to stop the calls other  
22 than make payments, that's not exactly fun.

23 As a matter of fact, one guy got so upset he  
24 went to the creditor and set himself on fire. It's  
25 blogged on my Website.

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2 Q. Now, your contractor, was this just one  
3 contractor?

4 A. Well, it's basically my neighborhood. I just  
5 had some neighbors that helped here and there, and it  
6 just got to the point where I had to tell them I'm out  
7 of money.

8 Q. And could you not explain what was going on,  
9 your stance on credit cards and the position you were  
10 taking?

11 A. Of course, I told them, but the thing was  
12 that, you know, you tell them that, yeah, I'm in court  
13 and I spent all that money on litigation and all that  
14 time, and obviously sometimes I couldn't be there and  
15 had to deal with litigation issues and write motions  
16 and this and that, and I never get paid. It kind of  
17 makes you look stupid.

18 Q. What are the names of your neighbors who have  
19 been working on your house?

20 A. This is completely irrelevant. If you think  
21 I'm going to haul my neighbors to court, I think I'd  
22 rather blow my brains out. At that point if you want  
23 to depose my neighbors, I might as well kill myself.

24 MS. HERGENROETHER: Would the court reporter  
25 just please mark that section in case we need to

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2 address it later.

3 THE WITNESS: I need some more humiliation, I  
4 really would like to see my entire neighborhood hauled  
5 into court, maybe videotaped.

6 BY MS. HERGENROETHER:

7 Q. Have you ever been to a doctor for emotional  
8 distress?

9 A. I don't have health insurance, which I cannot  
10 afford, due to all that litigation.

11 Q. So you have not discussed it?

12 A. No. And for that matter, I don't believe in  
13 taking drugs. As a matter of fact, I am a big  
14 advocate, if you go to my Website at Trado.ifo, about  
15 people stopping taking all these Prozac and happy  
16 pills. It's part of that problem that people don't  
17 care what's going on. I don't want to be a zombie. I  
18 don't want to be on drugs or alcohol. And I  
19 understand how people get that way, that they want to  
20 forget. But I want to -- I want to know what's going  
21 on, I want to be awake.

22 Q. Okay. Have you ever -- have you been  
23 diagnosed -- well, I guess you haven't seen a doctor,  
24 so never mind.

25 How has the emotional distress been

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2 manifested?

3 A. Well, last week I had a headache every night,  
4 almost every night. All your e-mails, constant -- the  
5 constant -- I have -- actually, I'm 50 years old, and  
6 for the last couple of years I've been seeing  
7 floaters, which is something that happens to people in  
8 their 70s.

9 Q. You've had what? I'm sorry.

10 A. Floaters, when you see black spots in front  
11 of your eyes due to aging.

12 Q. Oh.

13 Anything else?

14 A. Anything else what?

15 Q. Any other manifestation of the emotional  
16 distress.

17 A. Manifestation? I've yelled at my dog. I've  
18 yelled at clients. I've actually told clients -- I've  
19 just turned the business away. Cost me a lot of money  
20 too.

21 Q. Is there anybody who can testify to this, the  
22 headaches, the floaters, the yelling?

23 A. Try my dog. I actually did spend a 100 bucks  
24 to -- I was so afraid when it first happened with the  
25 floaters, I took some of my last money and went to a

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2 doctor in Kingman. And he was the one who explained  
3 to me that it's normal as you're aging. And then I  
4 talked to all my retired neighbors and they say, yeah,  
5 they started seeing them when they turned 70 or 65,  
6 and I didn't even know what it was until then. But I  
7 was afraid that I would lose my retina, that my retina  
8 was peeling off or something when I started seeing  
9 these black spots all of a sudden.

10 And then I learned to live with it and I  
11 learned that every time I have an emotional something,  
12 I'm sitting at the computer for a week dealing with  
13 legal issues, I start seeing floaters again.

14 And the doctor told me that it had nothing to  
15 do with work, but it's really funny how every time  
16 when I go outside, when I stop spending all day at the  
17 computer, I go outside, I actually pick up a shovel  
18 and get sunshine and get away from all the stress, the  
19 floaters go away.

20 It's amazing that it happens several times a  
21 year depending every time when I have a litigation  
22 issue, and it's gotten to the point where there have  
23 been times when I didn't even want to drive, when I  
24 felt like -- it's like flying bugs -- actually I see  
25 them now, like bugs flying in front of you, but

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1 CHRISTINE BAKER

2 there's no bugs in here. So that's another side  
3 effect.

4 Q. What's the name of that doctor?

5 A. Oh, I'd have to look it up. I could  
6 probably -- I'm trying to think of how I would find  
7 him, because I didn't go to Wal-Mart. I thought he  
8 would be a better doctor, but I actually was not  
9 impressed. So it wasn't the Wal-Mart where I usually  
10 get my contact lenses.

11 Q. Have you ever suffered the headaches before  
12 your litigation with us?

13 A. Actually, I hardly ever have any headaches,  
14 and that's a very good thing. I like it that way. I  
15 can't even understand how people can live with  
16 migraines. And I was very surprised to have headaches  
17 last week, because it just rarely happens.

18 Q. About how much time have you spent on this  
19 case with Equifax, Experian, TransUnion, and NCO?

20 A. I'd have to guess. I'm not a lawyer, so I  
21 don't bill by the minute and I don't write it down.

22 Q. Right.

23 A. But I'd want to say probably a few hundred  
24 hours, several hundred hours.

25 Q. And how much money has it cost you?

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2 A. Well, that depends on when I put in the  
3 hours, because there have been times when I've made  
4 good money, there have been times when I've turned a  
5 lot of clients -- in 2006 when I first bought my lot  
6 and started building, I actually had a backlog and I  
7 had a note up on my business Website in Creditfactors  
8 that it would be like several weeks until I would get  
9 to new clients because I was just -- first of all, I  
10 can only work with one at a time, and then trying to  
11 build a house at the same time, and I had people  
12 working there, I just had to be there and see what was  
13 going on.

14 So I was turning away business, and just  
15 every hour I worked on litigation I couldn't work on  
16 client matters, obviously.

17 So there were times when it cost me more  
18 money than others, but I'd always rather be outside  
19 and grow some food or work on my house than dealing  
20 with the litigation.

21 See, if you look at it that way, the hours  
22 that I have spent on the litigation and what I paid  
23 contractors just to get the place ready so I could at  
24 least sell my own place and move over, if I didn't  
25 have to work on the litigation, I wouldn't have had to

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2 pay the contractors, I could have done a lot of the  
3 work myself.

4 So there are many ways to look at that, but  
5 obviously I can't give an exact number.

6 Q. Okay. What are your out-of-pocket expenses  
7 for the litigation?

8 A. Well, obviously I've had to pay filing fees  
9 and subscribe to some legal research online services.

10 Q. Which ones are you subscribed to?

11 A. I subscribe to -- what is it called? --  
12 Fastcase.com.

13 Q. Okay.

14 A. And probably -- I may have tried some -- it's  
15 been a couple of years now. I may have tried some  
16 other services too, but that's the one that I've had  
17 for the most part.

18 Q. Okay. Now, you touched on this earlier a  
19 little bit, but do you understand that pro se  
20 plaintiffs don't recover attorney's fees?

21 A. Yes.

22 Q. Okay. Because in your paragraph -- hold  
23 on -- in paragraph 84, you say "Baker is entitled to  
24 recover actual or statutory damages, costs, and  
25 attorney's fees." Is that right?

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1 CHRISTINE BAKER

2 A. Yes, and actually I have previously paid  
3 attorneys --

4 Q. Was that in this case?

5 A. -- to just -- for legal advice, and that  
6 probably was one of the biggest waste of money. But I  
7 don't think that it had to do with this case. I  
8 thought I might do it again if I could find an  
9 attorney who actually knows something. But I don't  
10 think that I did any legal consulting fees for this  
11 case.

12 Q. When was that that you hired an attorney  
13 briefly?

14 A. That was a few years ago. I sent him a  
15 retainer. He was a referral from Prepaid Legal, which  
16 is just another scam, and I lost a few hundred  
17 dollars, gave me a bunch of incorrect information and  
18 sent me some money back. So -- but that was a few  
19 years ago. It must have been before this, because it  
20 didn't have anything to do with this case.

21 Q. Okay. All right. I'm coming towards the end  
22 but --

23 A. Also, if I had -- these are things, if I  
24 would have had more time to prepare actually for the  
25 deposition, I probably would have saw that.

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2 I also paid -- you know, a few hundred  
3 dollars here and there for legal -- for some CDs that  
4 was a few hundred dollars. Nothing really big, but a  
5 few hundred dollars here and there for various  
6 services or educational materials.

7 Q. Okay. Do you know anybody who works for  
8 Equifax?

9 A. Who works for Equifax? No, not aside from  
10 you.

11 Q. Okay. Do you know anybody at Equifax --  
12 understanding I don't work -- I mean, I work for King  
13 & Spalding.

14 A. But you are close as it gets to knowing  
15 somebody who has anything to do with Equifax.

16 Q. Okay. So you don't know anybody there who  
17 would intentionally try to harm you?

18 A. Well, I have to say, if you're asking it that  
19 way, I routinely get blog comments, submissions or  
20 e-mails from people that -- actually, I got one that I  
21 think may have been either from Equifax or Jones Day  
22 just a few weeks ago, because I looked up the IP  
23 number, and it came out of -- what is it, Woodland  
24 Hill?

25 Where is your firm at in California?

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1 CHRISTINE BAKER

2 MR. CHANG: We have three offices in  
3 California: San Francisco, Los Angeles -- actually,  
4 we have four -- Irvine, and San Diego.

5 THE WITNESS: Because I was thinking it was  
6 the Equifax -- not Equifax -- Experian, it might have  
7 been somebody from Experian, because -- in response to  
8 a post about me having to drive to Phoenix. And  
9 sometimes I look up IP numbers and, you know, I can  
10 just kind of guess that it's people that either work  
11 for law firms or credit bureaus. And I've had some  
12 people actually e-mail me and tell me that they work  
13 for credit bureaus, but I don't know if that's true.

14 And they usually were not very happy about my  
15 Websites, obviously. So -- but I can't say that I  
16 know anybody at Equifax. They know me, but I don't  
17 know them.

18 BY MS. HERGENROETHER:

19 Q. Okay. Do you know anybody at TransUnion?

20 A. No. I mean, I have spoken to people there,  
21 but I don't know anybody there. The same as  
22 Experian --

23 Q. What about Experian?

24 A. I don't know anybody, no. Not personally.

25 Q. And earlier when you mentioned that when you

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2 looked up the IP, you believed it was Equifax, did you  
3 mean Experian?

4 A. Experian, I thought it was Experian, out of  
5 California. It just sounded -- I looked up the IP,  
6 and I think that it was the Experian headquarter town,  
7 whatever it is, I can't remember it right now.

8 MR. CHANG: Can I interject? This is Edward  
9 Chang.

10 MS. HERGENROETHER: Sure.

11 EXAMINATION

12 BY MR. CHANG:

13 Q. A follow-up question:

14 You said the IP, it looked like it came out  
15 of Woodland Hills?

16 A. Maybe it was Woodland Hills. I'm trying to  
17 remember. I can't remember right now. It's really  
18 not that important. But I do get people that, you  
19 know, are telling me to -- that particular person had  
20 some kind of objection to me not wanting to go to  
21 Phoenix, and it read funny and I get a sense for those  
22 kinds of people.

23 People, sometimes like they support me but

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1 CHRISTINE BAKER

2 not on this issue, but they really don't support me on  
3 any issue, they just try to get their posting more  
4 credibility, and they never write back, they don't  
5 follow up.

6 Yeah, I've just had occasionally people  
7 e-mail who actually said or claimed to be with the  
8 credit bureau. It's not important to me. It's like I  
9 get -- I have probably 300,000 e-mails received over  
10 the last three years. So it's one of many.

11 Q. And so how did you exactly figure out or did  
12 you guess that it was Woodland Hills? You checked an  
13 IP address --

14 A. I checked the IP, yeah.

15 Q. Okay. How would looking at the IP address  
16 let you figure out what city --

17 A. Well, it tells you what city it is.

18 MR. CHANG: All right. Thanks, Cara.

19 MS. HERGENROETHER: All right.

20 THE WITNESS: And I don't look up every  
21 comment that I receive or every e-mail. It's just  
22 that it was one that just made me curious about where  
23 that came from.

24 //

25

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1 CHRISTINE BAKER  
2 EXAMINATION (CONTINUING)

3  
4 BY MS. HERGENROETHER:

5 Q. Has anybody at any of the credit reporting  
6 agencies ever been rude to you?

7 A. Yes.

8 Q. Was it anybody at Equifax?

9 A. Well, I know that I've been on hold a lot at  
10 Equifax too trying to get -- but it was, again, prior  
11 to this lawsuit. I have stopped calling -- like I  
12 said earlier, I have stopped calling the credit  
13 bureaus because I cannot take the aggravation and not  
14 being able to accomplish anything.

15 But I remember one call was Equifax, because  
16 I was transferred around forever and the attorneys had  
17 to give permission to clear sums and what have you.  
18 It was just another unpleasant -- it's on my blog. If  
19 you check CreditSuit, I'm pretty sure that's the kind  
20 of stuff that I would have blogged.

21 Q. But you said it was prior to this lawsuit?

22 A. I think it was, yeah, prior.

23 Q. All right. Has anybody at any of the credit  
24 reporting agencies ever told you that they would or  
25 would not help you?

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1 CHRISTINE BAKER

2 A. Well, they've often told me that they would  
3 not help me.

4 Q. Was it anybody at Equifax?

5 A. Well, they usually say they couldn't help me  
6 because of the litigation, that they weren't  
7 authorized to help me, they could not -- somehow they  
8 would have to go to some special people to be cleared,  
9 what have you.

10 Q. And did somebody eventually help you?

11 A. Probably not. I don't recall a big success  
12 story. It probably had to do -- I know that I spent  
13 many times calling because I couldn't get my Fair  
14 Isaac, my FICO report, that kind of stuff.

15 I stopped doing telephone disputes, because  
16 then you can't prove that you dispute it, and that's  
17 why I sent my disputes in writing over the last few  
18 years. And to be able to document, it's a lot easier  
19 to make a photocopy of a paper, to print something out  
20 from the computer than to transcribe a phone call and  
21 save it and all that.

22 Q. Do you believe that anybody working for the  
23 credit reporting agencies has anything against you,  
24 like has a grudge against you?

25 A. Probably. I would be very surprised if they

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1 CHRISTINE BAKER

2 didn't.

3 Q. But do you have any evidence of that?

4 A. Well, like I say, I can't -- I can't pull up  
5 and print out an e-mail right now. You know, if I  
6 really look hard I could find it and trace it and  
7 whatever, but how many hours do I want to spend on  
8 that.

9 Q. Are you referring to the blog comments?

10 A. Not the -- just e-mails over time that I have  
11 received, and I can't see how anybody at Equifax would  
12 not have some kind of negative feelings towards what I  
13 do.

14 Q. Okay.

15 A. If they read my Websites.

16 Q. Do you have any evidence to support your  
17 claim that any of the credit reporting agencies tried  
18 to intentionally harm you?

19 A. I don't know whether -- it seems to me that  
20 when somebody receives that letter that I sent in and  
21 does not act on it, my complaint about Dana Capital,  
22 and does not act on it, then that seems to be somewhat  
23 intentional, when you get 20 pages or so of  
24 documentation and you do nothing with it.

25 With respect to the fraud alert, I don't even

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1 CHRISTINE BAKER  
2 know what happened there, because nobody actually  
3 provided a meaningful answer to my discovery.

4 Q. Okay.

5 A. So all I have is the Experian declaration and  
6 Lewis Perling's denials for Equifax, and I have no  
7 idea what really happened.

8 It would be -- this would be -- this is what  
9 I don't understand, with the legal system. This seems  
10 to me the kind of stuff that judges should be  
11 interested in just finding out and ordering people to  
12 just spit it out and not willfully not disclose these  
13 types of really simple issues.

14 How many hours is somebody supposed to work  
15 on trying to get this information from a company that  
16 handles the credit reports for 200 million Americans  
17 and who knows how many millions of people all over the  
18 world. It seems like it should not be a big deal, but  
19 apparently it is. And I still don't know who actually  
20 put that fraud alert there and why. So I can't answer  
21 your question.

22 Q. Okay. Do you have any evidence that Equifax  
23 consciously disregarded your rights?

24 A. Consciously? Well, yes, of course, otherwise  
25 they would have investigated my -- at least

1 CHRISTINE BAKER  
2 investigated the Dana Capital complaint.

3 Q. Do you have any evidence that they did not  
4 investigate the Dana Capital complaint?

5 A. Well, the evidence is that Dana Capital ran  
6 my credit again, and I have not received any  
7 documentation to show that there has been any  
8 investigation or any attempt whatsoever to follow up  
9 and investigate my complaint.

10 I kind of feel like that's the utmost  
11 disrespect, when you send to a major corporation that  
12 has all your personal data a letter -- that was a  
13 lot -- I worked many hours. I remember working on  
14 that complaint and getting it ready to all three  
15 credit bureaus by certified mail, filling out all the  
16 paperwork, writing the letter, the exhibits. And you  
17 don't even get a response. I think I got nothing from  
18 Equifax, nothing whatsoever.

19 Q. What about TransUnion and Experian?

20 A. Well, from TransUnion I got a strange letter  
21 that they couldn't find my credit report, which I  
22 don't know how it is related to my complaint because  
23 my complaint had nothing to do with my credit report.

24 That's because you are dealing with complete  
25 idiots. It's like these people just -- I don't

1 CHRISTINE BAKER  
2 understand how somebody could read my complaint and  
3 respond with a letter saying that they can't find my  
4 credit file.

5 If you have an explanation, clue me in, but  
6 to me it is simply inexplicable.

7 Q. And what about Experian? Do you have any  
8 evidence that they consciously disregarded your  
9 rights?

10 A. What did Experian do? I don't think -- I  
11 don't think Experian provided any information about  
12 any investigation or anything either. Same thing.  
13 Got nothing, as far as I remember right now.

14 Q. Do you have any evidence that any of the  
15 credit bureaus intentionally sought to injure you?

16 A. Well, considering the litigation history and  
17 what all has happened, it would not at all surprise  
18 me, but I don't know how I could have any evidence  
19 other than --

20 Q. Has there been any animosity in  
21 communications from Equifax?

22 A. I haven't had any communications with  
23 Equifax. When was the last that I had any -- except  
24 through you, and yes, in that respect.

25 Q. What about TransUnion, any animosity in

1 CHRISTINE BAKER  
2 communications from TransUnion?

3 A. I haven't dealt directly with TransUnion in a  
4 long time either. Same thing.

5 Q. And Experian, any animosity in communications  
6 with them?

7 A. I guess the fact that they won't take my  
8 calls, in a way that's kind of punishment in itself,  
9 that I can't just call up and submit a dispute or ask  
10 a question and get an answer.

11 Q. Do you have any reason to believe that  
12 Equifax, TransUnion, or Experian has been acting  
13 deliberately to injure you?

14 A. I hate to have to say it, but yes. They  
15 hired you guys and you guys have done everything you  
16 could as attorneys to injure me, and you specifically.

17 And that's really -- let me just add here. That's  
18 what I was saying earlier, they have the lawyers do  
19 all their dirty work. That is exactly it. They hire  
20 you. They pay you to harass me, to ignore my e-mails,  
21 to lie to the Court, to make these completely false  
22 statements about me in the court. And it's just  
23 incredible. And yes, obviously they are paying you to  
24 do this. You are not doing this on your own, I'm  
25 assuming.

1 CHRISTINE BAKER  
 2 Q. What did Equifax do that was willful?  
 3 A. Well, it apparently willfully did not  
 4 investigate my complaint about Dana Capital. I'm  
 5 assuming that it was willful that somebody put a fraud  
 6 alert on my credit report.  
 7 Q. What did they do that was malicious?  
 8 A. Not doing anything about that complaint about  
 9 Dana Capital, because -- and that it was not only  
 10 about me, but to simply ignore in the complaint these  
 11 allegations and not do -- that is what I call  
 12 malicious, because it obviously hurt an awful lot of  
 13 people, not just me. It wasn't just about me. It was  
 14 obvious from my complaint that they were hurting many  
 15 people. And that's pretty malicious, when you want to  
 16 sell your credit report for 50 cents and it's more  
 17 important than seeing that people don't get foreclosed  
 18 upon or don't commit suicide when they can't make  
 19 their mortgage payment anymore. That's my definition  
 20 of malicious.  
 21 Q. Do you feel that Equifax singled you out in  
 22 any way?  
 23 A. Well, I don't know that, because I don't know  
 24 how many of these complaints are being ignored. Are  
 25 there 50 other complaints of a similar nature that  
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1 CHRISTINE BAKER  
 2 have also been ignored?  
 3 So I don't -- I can't say that. It could  
 4 well be that I'm the only one. I don't think that  
 5 many people spend hundreds of hours researching  
 6 mortgage brokers and advertisements and filing  
 7 complaints. And then I would say, yeah, that might  
 8 well have to do with where the complaint came from.  
 9 MS. HERGENROETHER: Okay. Well, Ms. Baker, I  
 10 think I've wrapped it up for me. I think Tiffany  
 11 Hawkins is going to go next?  
 12 MS. HAWKINS: If it's okay if take a short  
 13 break?  
 14 MS. HERGENROETHER: That's fine with me.  
 15 (A brief recess was taken.)  
 16  
 17 EXAMINATION  
 18  
 19 BY MS. HAWKINS:  
 20 Q. Ms. Baker, I'm Tiffany Hawkins, and I'm  
 21 representing TransUnion in this lawsuit.  
 22 Do you understand that?  
 23 A. Yes.  
 24 Q. I want to go over some of the allegations in  
 25 your complaint that are specific to TransUnion.  
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1 CHRISTINE BAKER  
 2 If you will go to your complaint, which has  
 3 been admitted as Exhibit 4, and go to page 6.  
 4 A. Okay.  
 5 Q. In paragraph 39 you allege that TransUnion  
 6 split your credit file into two reports for several  
 7 years and it failed to merge the reports "despite  
 8 Baker's numerous requests."  
 9 Is that correct?  
 10 A. Yes.  
 11 Q. When did you first learn that TransUnion  
 12 maintained two files for you?  
 13 A. During my first lawsuit in small claims in  
 14 2001 or 2002 when Amanda Lewis-Stamps at the time  
 15 first sent me disclosures, and it turned out that  
 16 there were two reports and I asked for them to be  
 17 merged again and again and again, and that is actually  
 18 part of the TransUnion disclosures. The documents  
 19 TransUnion provided to me are a number of references  
 20 to my request to have the file merged.  
 21 Q. And you said that litigation was in 2001 or  
 22 2002?  
 23 A. Yes.  
 24 Q. And when you say that you had two credit  
 25 reports that were produced to you by TransUnion in  
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1 CHRISTINE BAKER  
 2 2001 or 2002, do you recall the approximate length of  
 3 each credit report?  
 4 A. Yes, exactly.  
 5 Q. And what was that?  
 6 A. The second report had my JC Penney account on  
 7 it, which is my oldest account. And I'm really sorry,  
 8 but before I forget, I have to change the subject  
 9 quickly.  
 10 Here's my Experian credit report that I  
 11 submitted earlier. I suppose you'll get a copy of  
 12 that, that I obtained last night. And I could not  
 13 find the JC Penney account on it. And that is one of  
 14 my most valuable accounts. And I don't know, maybe I  
 15 was just really tired last night, but I looked and  
 16 looked for the JC Penney account, it should be JE&B,  
 17 JCP, something like that, because I would really like  
 18 to know what happened to that account, because I did  
 19 not dispute it and it's an open account and it should  
 20 be on my Experian credit report. Sorry about that. I  
 21 just did not want to forget about that.  
 22 So, yes, that was the account, and then I  
 23 found at one point you also had, I think, the Mervyn's  
 24 account and the JC Penney account on the second  
 25 report.  
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2 And apparently it's a matter of -- I don't  
3 really know what -- you would have to ask TransUnion  
4 how it decides which credit report it provides to a  
5 creditor for pre-approval for promotional inquiries or  
6 for any other purpose, for that matter.

7 I have no idea how TransUnion makes the  
8 selection, but obviously that's what happened when  
9 Chase sent me the pre-approval that was later  
10 declined.

11 Q. Okay. We'll get to that in just a moment.

12 But it sounds like on your second report  
13 there would be one to two accounts on your second  
14 report. Is that --

15 A. From what I have seen in the disclosures that  
16 were provided to me. I have no idea what happened on  
17 the thousands of other days.

18 Q. And then in your first report -- how long  
19 would your first credit report be?

20 A. It had most of my accounts that should have  
21 been on there, or all of them that should have been --  
22 I don't really know what if anything -- I can't say  
23 that I missed an account, let me put it that way.

24 Q. Did you ever compare the two reports side by  
25 side to see if there were any differences in your

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2 personal information, for example, or address, name?

3 A. Well, I was told by Attorney Lewis-Stamps  
4 that it had to do with JC Penney having a name  
5 variation for me, and that they would get it fixed,  
6 but that really doesn't make any sense at all, because  
7 then why would one time another account be on that  
8 report too.

9 So, to me, I just don't see how that could be  
10 the reason. And from my client work I know that  
11 everyone has name variations. People get married,  
12 change their names, have nicknames, creditors  
13 constantly misspell, turn their last names around, and  
14 that does not usually cause a problem and should not  
15 cause a problem.

16 Q. Do you know what the name variation was that  
17 JC Penney's had?

18 A. I don't know. I'd have to look. You have  
19 the reports. Have you looked at them? I think  
20 misspelled or added a letter, maybe a missed letter.  
21 Maybe it was that they missed the E at the end of  
22 Christine or something like that. Same last name,  
23 same Social Security number, everything else was the  
24 same.

25 Q. When was the last time you used your

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2 JC Penney's account?

3 A. Probably last year.

4 Q. In 2008?

5 A. I'm trying to remember, because I ordered  
6 some items, some mail-order items that was horrible,  
7 because JC Penney is incapable of having more than one  
8 line for the address when you order online. So it was  
9 a real nightmare. And that was as I was getting my  
10 house -- my old place ready for sale in 2007.

11 I may have been in the store. They have a  
12 real dinky, little store in Kingman. There is nothing  
13 for me there, but I tried to use the card so they  
14 don't close it for nonuse. So I make an effort once a  
15 year or so to use it.

16 Q. And do you say that you sold your home in  
17 2007?

18 A. Yeah.

19 Q. Was that a house that was located in Arizona?

20 A. Yeah. I only moved a few blocks.

21 Q. And did you have enough equity in that home  
22 to reinvest it towards your new house that you are  
23 building?

24 A. That is a poorly phrased question. Not  
25 enough to finish the house, obviously, or I would be

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2 finished. Unfortunately, I should have stopped paying  
3 my credit cards then. It was really stupid of me to  
4 pay over \$2,000 a month on my credit cards for another  
5 year or something until I finally realized that it was  
6 just -- it was time to -- I'm trying to -- I want to  
7 make sure I have my timeline right, because I stopped  
8 paying on WaMu in December 2007, but I was still  
9 paying all these other cards for quite some time.

10 So I was kicking myself that I spent all my  
11 good money on credit cards. If I had just quitting  
12 paying all of them right then when I quit WaMu or even  
13 sooner, as soon as I sold my house, I would have been  
14 better off.

15 Q. So the proceeds from the sale of your home,  
16 did that serve as a source of income for you for some  
17 time after the sale of the home?

18 A. Well, I paid my credit cards and I used the  
19 money to build until it was gone, basically, and then  
20 I stopped paying everybody.

21 Q. And how long have you owned the land that you  
22 live on?

23 A. Since 2006.

24 Q. So you bought the land prior to selling your  
25 home?

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2 A. You need a place to live when you go build a  
3 house, you have to...

4 Q. And did you start building your house in  
5 2006?

6 A. Yeah.

7 Q. How long have you been self-employed?

8 A. The late '80s, '88 or so, '88, '89.

9 Q. And when was the last time you held a job  
10 where you had a third-party employer?

11 A. I did some work after I quit my mortgage  
12 broker and real estate business, but that was -- I  
13 sold my house -- until '98.

14 Q. So you were working for an employer until  
15 1998?

16 A. Part time. Just kind of waiting for the  
17 market to get better so I could sell my house.

18 Q. Is that the house in Arizona?

19 A. No, the house in California.

20 Q. In 1998 when you became self-employed, what  
21 kind of -- or how were you employed at that time?

22 A. In '88? That was before I became  
23 self-employed. I was doing accounting work, primarily  
24 doing temp work for various companies. It kind of got  
25 boring after a few months. So I was looking for a

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2 permanent job somewhere where I would want to stay,  
3 but I didn't find that particularly exciting.

4 Accounting is my background, bookkeeping. That's  
5 actually where I -- what I originally would consider  
6 my profession.

7 Q. Would you agree that being self-employed,  
8 your income, your monthly income varies month to  
9 month?

10 A. Yes.

11 Q. When was the last time you held a job where  
12 you had a regular source of income every month?

13 A. Actually I haven't had that like since the  
14 '80s. I wasn't really -- actually, come to think  
15 about that, I had a job after -- before I sold my  
16 house and after I quit mortgage brokering, but it was  
17 commission based and it wasn't -- you can't say that  
18 it was a regular income that you could count on.

19 So I don't really think that qualifies as --  
20 you know, not the kind of work where you know what  
21 your paycheck is going to be.

22 And I never had that. I have to say I had  
23 various temp jobs and it was with different companies  
24 and different pay, and I found that to be a lot more  
25 interesting because you've got to learn about

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2 different companies and what they do and how they  
3 operate and you've got to simply -- it was more  
4 interesting, which is probably why I became  
5 self-employed, so I could -- I started out as a real  
6 estate agent, became a broker, then I started  
7 brokering mortgages, then I got involved in the  
8 credit, whatever. Wherever there was a problem, I  
9 tried to solve it and learn all about it and make the  
10 problems go away. That's what I still do today,  
11 trying.

12 Q. I believe you testified earlier that there  
13 was a period of time where you traveled the country  
14 for about two years.

15 Is that correct?

16 A. Yes.

17 Q. What time period was that?

18 A. From '98 till 2000.

19 Q. And then after that you moved to Arizona?

20 A. Yeah, I bought my first place in Arizona. I  
21 tried to get away from the real estate, the mortgage,  
22 in California, the rat race.

23 And everywhere I went people had the same  
24 problems. I couldn't go anywhere, and it didn't  
25 matter if I was in the middle of the bush in Alaska

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2 with a bunch of gold miners. It wouldn't take more  
3 than a day until somebody would start talking about  
4 their NSF fees at the bank or they can't open a bank  
5 account or they have this credit problem or that  
6 credit problem.

7 Everywhere I went. I remember going into  
8 laundromats in New Mexico and a bunch of probably  
9 Mexicans and they'd be talking -- I don't even speak  
10 Spanish. They must have been speaking in English.  
11 But they were talking about credit and credit cards  
12 and the bank fees. Doesn't matter where you go,  
13 people have the same problems everywhere.

14 Q. If we go back to your complaint and your  
15 allegation about having two credit reports, how many  
16 times did you contact TransUnion about having two  
17 credit reports and wanting them to be merged?

18 A. If you go through those disclosures that you  
19 sent me, there is a pretty accurate description.  
20 There may be more times, but certainly -- I kind of  
21 try to forget about these things. I mean, I could  
22 look on my blog to see if there is anything missing,  
23 but I notice that in the disclosures that were  
24 provided by TransUnion it lists my calls or whatever  
25 attempts, letters to have the credit file merged.

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2 Q. Can you give me just an approximation based  
3 upon your memory of how many times you think you have  
4 contacted TransUnion about merging your files?

5 A. Well, I know that back when Ms. Lewis-Stamps  
6 was handling the case, I discussed it with her in  
7 detail, and probably with the other attorneys  
8 afterwards. That probably is not reflected in --  
9 actually, I'm sure it's not reflected in the  
10 TransUnion communication logs.

11 As a matter of fact, isn't it mentioned in my  
12 lawsuit, 2003 and 2006? I mean, every time I sue  
13 TransUnion, it must be in the complaints. I'm kind of  
14 hoping that somebody at TransUnion reads my  
15 complaints. Maybe not. But to me, I always kind of  
16 hope that when I file a complaint in court, that that  
17 would actually do more than if I just sent my letter  
18 to the regular dispute address.

19 I don't know how many times I've actually --  
20 I sued TransUnion in small claims and then in 2003 --  
21 and I don't really count the one where TransUnion was  
22 dismissed because it was -- what was that called? The  
23 claims were not related to the collection, claims, and  
24 I just had to file a separate case and spend another  
25 350 bucks. I don't really count that as a separate

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2 lawsuit. In my mind, it's the same thing. I just had  
3 to submit a new filing and another check.

4 But I'm sure that in every complaint I  
5 mentioned the split files.

6 Q. Do you know whether or not today TransUnion  
7 still maintains two credit files for you?

8 A. I have no idea. I tried to get my report  
9 last night, as I mentioned earlier. I could not get  
10 it.

11 And when I get it online, I only get one.  
12 The only time that I know that there are two is when I  
13 get it through the litigation or directly from  
14 TransUnion, one of those printed reports.

15 When I go online to get a report, I don't  
16 think I ever got two reports. I think I only get one.  
17 That's because of that strange, however TransUnion  
18 decides which report it's supposed to use.

19 Q. So the only time that you have ever received  
20 two credit reports from TransUnion has been in  
21 connection with documents produced in litigation?

22 A. Well, in litigation or in response to a  
23 dispute that I had sent to TransUnion.

24 Q. Okay.

25 A. I believe. Because the only thing that I can

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2 tell is, when I get my TransUnion report, I usually  
3 look for the JC Penney account. Okay. It's either on  
4 there or not on there. And then I can guess whether  
5 it's merged or not. But for me there is really no  
6 other way to tell, and I have no way of telling what  
7 creditors receive.

8 Q. In your complaint on page 6, paragraph 40 you  
9 state that you accepted a pre-approved offer for a  
10 Chase credit card based on a TransUnion promotional  
11 inquiry in August 2005 -- I misread that. Let me  
12 start over.

13 When you accepted a pre-approved offer for a  
14 Chase credit card based upon a TransUnion promotional  
15 inquiry in August 2005, you were declined due to your  
16 bankruptcy; is that right?

17 A. When I accepted the offer that they made me.

18 Q. I guess, can you just run through what  
19 happened in connection with receiving a pre-approved  
20 offer from Chase?

21 A. Well, like I mentioned earlier, for the most  
22 part, I got my credit cards through pre-approvals,  
23 because I don't want to apply somewhere and then get  
24 a -- I wasn't too worried about getting declined, but  
25 I didn't want to get an account with a \$1500 credit

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2 line. I was looking for accounts with 7 or 10 or  
3 whatever amount, a decent amount that I could actually  
4 use to build my house.

5 And so I accepted the offer, and then I got  
6 the decline saying declined because of the bankruptcy.  
7 And then I could tell from the way -- that's right,  
8 because they had my name wrong again, they had again  
9 my first name misspelled on the approval.

10 And that was another reason why after I got  
11 declined I'm going, okay, that's why, because they got  
12 the report with the JC Penney account to pre-approve  
13 me and then I got the other report that showed that I  
14 already had -- well, it showed some debt and it showed  
15 the bankruptcy that was still being reported until  
16 2006.

17 Q. To break that up a little bit, when you  
18 received the pre-approved credit application in the  
19 mail, that was in August 2005?

20 A. Well, maybe it was in July. I don't know  
21 when it was. But I got it and I accepted it, and then  
22 they declined me.

23 Q. And you said that you wanted a credit card  
24 with a higher limit so that you could build your  
25 house?

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2 A. Well, actually, at that time I wasn't  
3 building it, but I had planned on doing something,  
4 because I knew that the bankruptcy would no longer be  
5 reported as of early 2006 and I needed to -- or I  
6 wanted to move because my address had been made public  
7 on my credit reports for some reason, and that that  
8 was really one of the main reasons why I wanted to  
9 move, I didn't want my information to be out there, my  
10 physical location.

11 So I started to in 2005 look for credit, and  
12 I accepted that offer, I was thrilled to get that  
13 offer. That was a nice offer. Much better than those  
14 crappy Capital One cards that I was having at the  
15 time.

16 Q. Do you remember what the terms of the offer  
17 were?

18 A. I'm trying to remember what -- I can't  
19 remember what the exact terms were, but it was a good  
20 offer and I was really happy to get that offer. I  
21 don't think it was sitting around -- see, I can't tell  
22 when I got the offer, because I only get my mail,  
23 often, once a month, my snail mail. My debt goes to  
24 my billing address.

25 So I can't tell when they made the offer, but

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2 once I received the offer, I was thrilled to get it  
3 and I'm sure it didn't take me long to apply for it.

4 Q. Did you happen to keep a copy of that  
5 application?

6 A. I probably did keep a copy, but the question  
7 is where. I throw very little away, which is the  
8 problem. I have about 20 boxes just full of papers  
9 just from the litigation and just my bills and  
10 whatever records.

11 Q. Would you be able to look to see if you have  
12 the credit application you received from Chase in  
13 2005?

14 A. Didn't they send it to you? You requested  
15 documents from them.

16 Q. And I'll make you a copy of those during the  
17 break, but they did not send the credit application.

18 A. See, I only have so much time. How many  
19 hours do I want to go through boxes and through  
20 papers? And if I had nothing else to do, I would  
21 gladly do it. But I have spent so much time on this,  
22 and it's now almost April, and I have actually ordered  
23 50 strawberry plants, which I'm afraid sit in my  
24 mailbox in Kingman because they shipped it to the  
25 wrong place. But at any rate, I have things to do.

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2 I don't have -- it's not my job to sit  
3 there -- I can't just say I'm going to take the next  
4 20 hours and go through all these boxes of paperwork  
5 and organize everything, which at one point or  
6 another -- I'm actually highly organized. It's  
7 amazing the kind of stuff I do have, and I'm sure it's  
8 in a special place, because I don't throw these things  
9 away. It would have to be a really strange  
10 coincidence if I threw away -- it would be an  
11 accident.

12 Q. Do you recall whether or not the credit  
13 application that you received from Chase, was it  
14 termed "pre-approval" or "pre-qualified"?

15 A. It was a pre-approval. Otherwise, I wouldn't  
16 take it. I know that I did not -- that's why I was  
17 trying to tell you earlier, I only take the  
18 pre-approvals, because I don't want to have a credit  
19 inquiry that lowers my score that -- and just to get a  
20 \$500 credit line or something.

21 Q. What is your understanding of pre-approved  
22 credit offers?

23 A. Well, it means that I will get -- whatever it  
24 says. I read what it says. If it says you are  
25 pre-approved for a minimum of \$5,000, then that's what

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2 I expect to get.

3 Q. When you applied for the pre-approved credit  
4 application with Chase, did you expect Chase to pull  
5 your credit report?

6 A. Yes. They always do that. They always --  
7 they sent -- because they want to make sure that  
8 nothing changed. Their offer always says in the small  
9 print "subject to no changes in the credit report."

10 Q. So you understand that a pre-approved offer  
11 is subject to that credit report before you are  
12 actually approved with the --

13 A. Well, it's subject to no changes. Meaning if  
14 I had -- if they sent out the pre-approval -- and  
15 there is usually a lag, from what I understand,  
16 sometimes several months from the time that they  
17 actually get the credit -- the promotional credit --  
18 what was it? It's on the -- the date's actually on  
19 the report. It's not like they immediately send out  
20 the offer the next day.

21 So they require that you have no adverse  
22 changes, is what they term it on the credit report,  
23 meaning if you stopped paying your bills or a  
24 collection showed up, they are not going to approve  
25 you anymore.

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2 Q. When did you file for bankruptcy?

3 A. In '96.

4 Q. Is that the only time you filed for  
5 bankruptcy?

6 A. Yes, so far.

7 Q. And you understand that bankruptcies are  
8 reported on your credit report for 10 years?

9 A. Yes.

10 Q. So you -- is it fair to say that when you  
11 applied for the Chase card in 2005, you knew that the  
12 bankruptcy remark would still be reported on your  
13 credit report?

14 A. Yes. That's why I was so happy that they  
15 approved me anyway.

16 Q. So you thought when you received the  
17 pre-approval letter that you had been approved despite  
18 the bankruptcy remark?

19 A. Yes.

20 Q. How had the bankruptcy filing affected your  
21 ability to get credit prior to the point in time when  
22 you received that pre-approval from Chase?

23 A. Well, the bankruptcy filing didn't really  
24 affect me very much at all. What affected me was the  
25 incorrect credit reporting after the bankruptcy. That

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2 was the problem, that creditors would not report  
3 correctly as -- including the bankruptcy and all that,  
4 but that's why I filed the lawsuit in, whenever, 2001,  
5 2002, 2003.

6 And eventually all of that got corrected, and  
7 by the time -- in 2005, the discharged accounts were  
8 no longer being reported because they were over seven  
9 years old. So the only thing left was on --  
10 derogatory left was the bankruptcy filing.

11 And the other issue was that Capital One  
12 would not report the credit limits and that all three  
13 credit bureaus refused to report the credit limit  
14 despite my disputes.

15 I don't know if you are aware of -- that's  
16 what the previous litigation was about primarily.  
17 That was the major item, that Capital One refused to  
18 report my credit limit despite me even sending in  
19 copies of my Capital One statement, and that severely  
20 lowered my credit score.

21 So that's another reason why I was trying to  
22 get away from Capital One. At that time Capital  
23 One -- then later were the class actions and they  
24 started reporting the credit limits, after I was done  
25 with the litigation I want to say in 2006, I believe.

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2 It wasn't until later. But that was one reason why I  
3 really was happy to have Chase send me the  
4 pre-approval.

5 Q. In paragraph 40 you state that the  
6 pre-approval offer was based upon a TransUnion  
7 promotional inquiry. How do you know that the Chase  
8 pre-approval was based upon a TransUnion credit  
9 report?

10 A. Because it says so on the credit report.

11 Q. Do you have a copy of that credit report?

12 A. You have a copy of that credit report. You  
13 gave it to me. It's right on there.

14 MS. HAWKINS: I'll introduce this credit  
15 report dated August 25th, 2005, as Exhibit 12, and ask  
16 that it be marked confidential since it is Ms. Baker's  
17 credit report.

18 (Exhibit 12 marked for identification  
19 by the Certified Court Reporter.)

20 MS. HAWKINS: Let's go off the record to give  
21 her a moment to review it.

22 (Discussion off the record.)

23 BY MS. HAWKINS:

24 Q. I've given you a moment to review the credit  
25 report dated August 25th, 2005, and I believe you have

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2 testified that you have in your complaint that you  
3 responded to a pre-approval credit application sent  
4 from Chase in August of 2005.

5 Do you see either Chase or First USA under  
6 the promotional inquiry section of this 8/25/05  
7 TransUnion credit report?

8 A. Not on this one. It does say that First USA  
9 requested my report on 8/17, and it lists my name  
10 incorrectly.

11 Q. And that's under the inquiry analysis  
12 section?

13 A. Yes. And it lists the name that I believe --  
14 if you look at one of those split reports with the  
15 partial with the JC Penney account, that's how it is  
16 spelled there.

17 So that's where they must have received my  
18 information, because I'm unaware of any credit bureau  
19 ever giving out that name, and it's not on any of my  
20 bills. It's the only place that I have ever seen it  
21 spelled like that, is on -- it's not even on my  
22 JC Penney bill. The only place where I've seen it  
23 spelled like that is on the second TransUnion reports  
24 with the JC Penney account.

25 Q. Do you understand that if Chase or First USA

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2 had obtained a TransUnion credit report to do a  
3 pre-approved offer, that their request would be under  
4 the promotional inquiry section?

5 A. Well, it should -- oh, you know why it's not  
6 here? Duh. Put that in capital letters. That's the  
7 wrong report. It couldn't be here, because that's not  
8 the report they got. They didn't get the whole  
9 argument. They did not get this report. They got the  
10 other report.

11 Q. Well, I'll direct your attention to the first  
12 page of this credit report.

13 A. Page 1?

14 Q. Yes. It's TransUnion's internal input.  
15 Do you see where it says "number of files"  
16 "01"?

17 A. Yeah, on this report.

18 Q. Meaning -- do you understand that that means  
19 you only had one credit report with TransUnion at the  
20 time?

21 A. That's what this means?

22 Q. Sorry. Credit file.

23 A. No, I did not know that.

24 Q. If I represent to you that the number of  
25 files, 01, means that you only had one credit file

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2 with TransUnion as of August 25th, 2005 --

3 A. Well, what that means -- where is the  
4 JC Penney account? Do you see it? You show me where  
5 the JC Penney account in this one file is? Because I  
6 just looked through it twice, and I don't see it.

7 Q. If you assume with me for a moment that you  
8 only had this one credit file with TransUnion as of  
9 August 25th, 2005, would you agree that the absence of  
10 a promotional inquiry from either Chase or First USA  
11 would mean that they did not access this one credit  
12 report for purposes of a pre-approved offer?

13 A. No.

14 Q. Why not?

15 A. Because Chase obtained my -- first of all,  
16 two reasons:

17 One, Chase obtained the credit report on  
18 8/17, not on 8/25.

19 And second of all, I suspect that the  
20 promotional inquiry is hiding with the JC Penney  
21 account. Before you go to sleep, you look too. I  
22 mean, I've only slept like two and a half hours, but  
23 I've just looked three times through that report and  
24 I'm looking for the JC Penney account, and I can't see  
25 it. Maybe you got more sleep than me, but I can't see

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2 the inquiry and I can't see the JC Penney account.

3 Q. Do you understand what a regular inquiry is  
4 on your credit report?

5 A. Yes, it's the ones that lower my scores  
6 because they are reported to certain parties, the  
7 creditors, anybody else.

8 Q. The regular inquiry that is identified on  
9 this 8/25/05 credit report from First USA is dated  
10 8/17/2005.

11 Do you believe that that is the date that you  
12 applied for credit with Chase in response to the  
13 pre-approved offer?

14 A. No, that's the date they obtained the credit  
15 report to decline me.

16 Q. Okay. That was a bad question on my part.

17 A. After they received my application, whenever  
18 they processed it, they ran the credit and then  
19 decided to decline me because the bankruptcy showed up  
20 on this report.

21 Q. I'll just ask a better question.

22 Do you agree that this regular inquiry on  
23 8/17/05 was in response to that application you  
24 submitted to Chase?

25 A. Yes.

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2 Q. Okay. So to the extent that Chase or First  
3 USA used a TransUnion credit report for a promotional  
4 inquiry, that would have had to occur before  
5 8/17/2005?

6 A. (Witness nodded head up and down.)

7 Q. Is that a "yes"?

8 A. Yes.

9 Q. I'm sorry about fussing at you.

10 A. Don't you have the second report that goes  
11 with this that has the JC Penney account? I know it's  
12 in there in the disclosures because I was like, I  
13 don't need to ask for anything more, because all the  
14 evidence I need was given to me directly from  
15 TransUnion.

16 Q. I'll represent to you that the last time --  
17 well, I don't have the whole file with me of our  
18 disclosures, but I'll represent to you that as of  
19 August 25th, 2005, we only have records of you having  
20 one credit file with TransUnion on that date.

21 A. At the next break I'm going to go to my  
22 truck, and I have a file box full of filings.

23 Q. Okay.

24 A. I'm going to see what I can find in there on  
25 short notice.

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2 Q. Did you receive a denial letter from Chase?

3 A. Yes.

4 Q. Do you have a copy of that denial letter?

5 A. Somewhere in one of my boxes. I do remember  
6 that it stated that I was denied because of the  
7 bankruptcy.

8 Q. You don't dispute that you had filed for  
9 bankruptcy before?

10 A. No. That's not the problem at all. The  
11 problem is that Chase approved me based on the second  
12 file that did not have the bankruptcy and, therefore,  
13 caused me to apply and get another hard inquiry that  
14 lowered my credit scores, aside from the fact that I  
15 wasted my time on it.

16 Q. What evidence do you have that you did have  
17 two credit reports at the time that Chase obtained the  
18 promotional inquiry?

19 A. It's in those -- it's in the disclosures that  
20 TransUnion provided to me. The evidence is clear if  
21 you look on it. If you look at how the name is  
22 spelled and you look at the split file, you know that  
23 they used the information from the second file with  
24 the JC Penney account. It could not have come from  
25 this report (indicating).

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2 Q. I believe you testified earlier that just  
3 from your experience with your clients, that it's  
4 fairly common for there to be name variations --

5 A. Yes.

6 Q. -- on credit reports. Is that right?

7 A. But then they don't split -- I mean,  
8 everybody, you don't really have to be a credit expert  
9 to know that people get married and their names change  
10 and they get divorced and their names change again and  
11 there are typos.

12 And it's just -- I don't know if you have  
13 ever looked at an Experian report, but Experian has a  
14 lot more data on the disclosures and there are so many  
15 different variations, but somehow it's still all in  
16 one file.

17 And I have never had this problem with any  
18 other credit bureau for some reason, and I just know  
19 that when I see my name misspelled like that, that's  
20 my second credit file, that's where the information  
21 came from, because no creditor uses it on my statement  
22 and it's not a name I use and it's just someone's typo  
23 when they first opened the JC Penney account, maybe.  
24 According to the attorney in the first case,  
25 Ms. Lewis-Stamps, there was some kind of a name

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2 misspelling that caused the problem and caused the  
3 file to split. I don't know if that's true. She  
4 could have been just telling me more stories, but  
5 that's what she said.

6 And I have eyes and I can see that every one  
7 of the split reports has the name incorrectly, and  
8 that's the name that's here. And if you look through  
9 your disclosures, you will see that there is a split  
10 file with the inquiry on it. I'm convinced that  
11 that's where I have seen it.

12 Q. Are you positive that you've seen a  
13 promotional inquiry on a split file from TransUnion?

14 A. I'm pretty sure. I mean, it's not that hard.  
15 You have all that stuff right there. You want to take  
16 a quick break? I'll go to my truck and I'll look  
17 through my documents, if you don't want to look  
18 through yours. I think we have the same documents,  
19 because I have what I have from --

20 Q. I'm just saying I don't have all the  
21 documents with me that TransUnion previously produced.  
22 Since I was traveling I only brought some of them. So  
23 I don't have the luxury of flipping through every  
24 document.

25 A. I mean, the absence of the inquiry here on

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2 this report means that they got it from the other  
3 report.

4 Q. It's not possible that they obtained it from  
5 another credit reporting agency?

6 A. No, because nobody has ever used -- like I  
7 say, I have never seen that name anywhere else except  
8 on the split credit reports from TransUnion.

9 Q. You don't believe it's possible that Chase  
10 may have obtained a credit report from another credit  
11 reporting agency albeit under your correct name for  
12 purposes --

13 A. Then I would see their inquiry, and I didn't  
14 notice their inquiry on any other report. And if they  
15 had obtained my credit report from another credit  
16 bureau, they would have got the bankruptcy. They all  
17 had the bankruptcy. I made a point of advising my  
18 clients -- I often have bankruptcies added. It's a  
19 good thing to have the public record on there. It's  
20 good for FICO scores.

21 You want to have it -- people always just  
22 think they have to dispute it. It helps the credit  
23 scores to have the bank- -- I would never want it  
24 removed, unless it just drops off. After seven years  
25 I suppose you could have it removed, it would be a

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 2 good thing. But as long as you have discharged  
 3 accounts reported, it's much better to have the  
 4 bankruptcy on there for FICO scores.  
 5 So I did not try -- you can check all of my  
 6 other credit reports. They all had the bankruptcy. I  
 7 never would have been pre-approved from Chase based on  
 8 another credit bureau. The only way I could have  
 9 gotten approved or pre-approved was by them getting a  
 10 report without the bankruptcy on it.  
 11 Q. But do you know that the credit report that  
 12 Chase obtained in the pre-approval offer did not  
 13 contain the bankruptcy remark?  
 14 A. Well, yeah, otherwise they would not have  
 15 denied me for having a bankruptcy. Why would they  
 16 send me an offer to then deny me? That's not a  
 17 pre-approval.  
 18 Q. Well, but aren't you just making that  
 19 assumption?  
 20 A. Well, it's a pretty logical assumption. I'm  
 21 50 years old. I've gotten my share of credit cards.  
 22 You don't just get an approval. In fact, most of  
 23 these, if not all of them, most of them, of the credit  
 24 cards that I've obtained after the Chase decline, I  
 25 got from pre-approvals. And when you have -- I've  
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 2 never been declined for a pre-approval.  
 3 Q. But just going back to my initial question,  
 4 do you have any evidence that the pre-approval -- or  
 5 that the credit report that Chase --  
 6 A. I don't know why you don't want to look. If  
 7 you take your arm off that pile of paper, it's in  
 8 there.  
 9 Q. I told you I don't have all this with me.  
 10 MR. CHANG: Maybe it would be fruitful to  
 11 take a break and have Ms. Baker go to her vehicle and  
 12 see if she's got it.  
 13 THE WITNESS: I'll go to my truck and I'll  
 14 see what I can find in there.  
 15 MS. HAWKINS: We can go off the record.  
 16 (A recess was taken.)  
 17 BY MS. HAWKINS:  
 18 Q. I know that Cara asked you similar questions,  
 19 but do you know what procedures TransUnion has in  
 20 place for ensuring the accuracy of your credit report?  
 21 A. What should be in place?  
 22 Q. No. Do you know what they have in place?  
 23 A. Well, I know what they don't have, and I'm  
 24 not aware of anything, actually, that's in place that  
 25 would ensure the accuracy. There is no -- to my  
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 2 knowledge and based on my experience, there is  
 3 absolutely no automatic error checking. And that's  
 4 for all three credit bureaus.  
 5 There is no automatic error checking for such  
 6 things as having a high balance of 500 and a current  
 7 balance of 5,000, which every fifth grader should  
 8 understand, that your high balance or your high credit  
 9 limit should be at least the amount of your current  
 10 credit limit.  
 11 There is absolutely nothing to kick out  
 12 accounts that show as closed and charged off and then  
 13 have late payments reported after the charge-off date,  
 14 which is another thing that simply can't happen once  
 15 an account has been charged off, you can't have any  
 16 more late payments.  
 17 Even the most simple things that computers  
 18 could have done 40 years ago, that kind of error  
 19 checking is not being done.  
 20 I can dispute, I know from my clients, the  
 21 most obvious incorrect reporting, and they will verify  
 22 it. When you can see from the account when you look  
 23 at it, you say this can't be right, and there is a  
 24 consumer report pointing out exactly what is wrong,  
 25 and they will still verify it as correctly reported.  
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 2 And that's the kind of stuff I'll be  
 3 featuring on my new FTC complaint site. I'll be  
 4 taking the screen shots, I'll be posting the actual  
 5 dispute and what came back, the scan from the credit  
 6 bureau, because it is unbelievable the kind of stuff  
 7 that comes back, where these people never even looked  
 8 at anything.  
 9 Then again, it's not surprising. I heard the  
 10 other day that the cost of the investigation has gone  
 11 down to as little as, what, 50 cents per  
 12 investigation. I don't know if that's true. Some  
 13 kind of a ridiculously low number.  
 14 So I don't see any measures to assure the  
 15 accuracy of reports, and I in fact see measures to  
 16 deliberately have inaccurate reporting such as the  
 17 Capital One not reporting the credit limits.  
 18 Every credit bureau knew about it, and they  
 19 refused to report the credit limits until there was  
 20 finally several big class actions, and it would have  
 21 cost them major money. As long as people like me came  
 22 along and said please report it, they just didn't  
 23 care.  
 24 So that's what I can tell you after 20 --  
 25 well, about 20 years of dealing with credit reports on  
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2 my own behalf and on behalf of my real estate,  
3 mortgage, and credit clients. That's what I have  
4 seen. And if anybody has anything different to say,  
5 I'd love to hear it, but I haven't seen it.

6 Q. Would I be correct in characterizing the  
7 testimony you have just given as what you view  
8 TransUnion or the other credit reporting agencies as  
9 not having in place to assure the accuracy of credit  
10 files?

11 A. I'm not quite sure what you just said.

12 Q. Well, my original question was, did you  
13 know -- or my original question was do you know what  
14 procedures TransUnion has in place now to ensure the  
15 accuracy of your credit file.

16 A. Yeah, and the short answer is none.

17 Q. None, okay.

18 Other than the pre-approved offer from Chase  
19 that we talked about, did you receive other  
20 pre-approved credit offers following the point in time  
21 when you filed bankruptcy in 1996 up until August 2005  
22 when you completed that application with Chase?

23 A. Well, I've received many offers, but they  
24 were real crappy cards, like Capital One, like First  
25 Premier, or whatever, some kind of sub-prime credit

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2 card with a \$100 application fee and \$15 a month. So  
3 not the kind of stuff that interested me.

4 I mean, I had some cards. You can see them  
5 on my credit reports. I had the Capital One cards, I  
6 had First Consumer cards, I had Household cards, but  
7 just kind of not really sub-prime, I suppose, but not  
8 great either.

9 Q. The other credit cards that you had, had  
10 those been instances where you had obtained the credit  
11 card in response to a pre-approval offer?

12 A. Yes.

13 Q. And do you know whether or not your ultimate  
14 approval for those credit cards were based upon credit  
15 reports that reflected your bankruptcy filing?

16 A. Yes. Well, all credit reports did reflect  
17 the bankruptcy filing except for that TransUnion split  
18 report. But that was the only time, was Chase, where  
19 I was pre-approved and got declined, and that's how it  
20 all -- how I figured out what was going on.

21 Q. After you were denied credit with Chase in  
22 August 2005, did you ultimately obtain a credit card  
23 with Chase?

24 A. Yes.

25 Q. And when did you obtain that credit card?

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2 A. Well, actually, I got a pre-approval from  
3 Upfront Rewards card, which gave me this wonderful  
4 Dell computer. I'm being sarcastic. But it was a  
5 free computer. And I'm glad I have it since I can't  
6 afford a new one since my regular notebook motherboard  
7 recently broke down.

8 But I don't know if Chase -- I think Chase  
9 always owned the account, that Chase was the bank that  
10 actually put up the money. But for some reason after  
11 a while they were horrible, Upfront. I wanted to pay  
12 them off, I wanted to pay them in full, but they  
13 wouldn't let me. It was the kind of deal where I  
14 would have had to pay \$600 if I had paid them off.

15 Well, that was a bad decision for them to not  
16 make the money, because they are one of those cards  
17 that I did not pay.

18 But eventually Chase took over the servicing  
19 and it's Chase now, no longer Upfront Rewards, but  
20 that I believe was approved by Chase, but I'm not  
21 really sure.

22 Q. And do you recall when that was?

23 A. Well, it was sometime then after the  
24 bankruptcy had been deleted from all the reports, and  
25 I started getting all these pre-approvals for numerous

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2 credit cards.

3 Q. So that would have been sometime after --

4 A. 2006.

5 Q. Okay.

6 A. Spring of 2006, summer of 2006. As a matter  
7 of fact, that's how I paid for the last -- for the  
8 Experian deposition, I believe. If I recall, I was in  
9 Dallas accepting a credit card application -- a credit  
10 card pre-approval while I was -- that was in 2006,  
11 summer 2006, yeah.

12 Q. And what kind of credit limit did you get on  
13 that Chase credit card?

14 A. I think it was 10,000, something like that.

15 Q. And is that what you had been seeking in  
16 terms of a credit line when you made the application  
17 in August 2005?

18 A. I'm not sure that it was that much. I would  
19 have been happy with 5,000, but just it was better  
20 than what I had with Capital One and Household and  
21 these other cards that I was having. So it would have  
22 been an improvement.

23 Q. And did you use the Chase credit card for  
24 some of your home building?

25 A. Chase, actually, in order to accept the

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2 offer -- how did that work? I think they put money in  
3 my bank account or something like that. I can't say  
4 what I used the money for, but that was -- you had  
5 to -- it was the kind of offer you had to take a  
6 balance transfer or a transfer to your bank account.

7 And, like I said, I wanted to pay off -- I  
8 was so sick of the problems I had on their Website  
9 trying to make my payment, because I was terribly  
10 stressed out over having late fees or any kind of  
11 credit problem.

12 And their Website kept being down and their  
13 customer service was horrible, and I finally -- I  
14 remember being on the phone with them, and they said  
15 because I got this computer when I accepted the card,  
16 I would have had to pay them like \$600 extra to pay  
17 off the account.

18 So I couldn't pay it off. But I just know  
19 that they had -- when they opened it, they made me  
20 take the money. Maybe it was a balance transfer to  
21 Capital One or maybe it was my bank account. I don't  
22 remember. But they wouldn't allow me to pay it off.  
23 Bad business decision.

24 Q. And what's the status of your Chase account  
25 now?

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2 A. That's what I'm saying. It's charged off.

3 Q. Okay.

4 A. They should have taken the money when I  
5 wanted to pay them and they refused unless they could  
6 charge me an extra \$600.

7 Q. And when was that?

8 A. When that happened, when I wanted to pay them  
9 off?

10 Q. Yes.

11 A. I really -- if I looked really hard, it's  
12 probably somewhere in my notes or maybe it's even on  
13 my blog. I don't know. But I, obviously, still had  
14 the money then. I had -- you know, it wasn't a  
15 problem for me to pay them off. I would have paid  
16 them off, because I was sick and tired of them, and  
17 they just would not let me.

18 MS. HAWKINS: All right. I'll pass the  
19 witness for now. Thank you.

20 MR. CHANG: All right, Justin. I'm going to  
21 wrap up for the CRAs.

22 //

23 //

24

25

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1 CHRISTINE BAKER  
2 FURTHER EXAMINATION

3  
4 BY MR. CHANG:

5 Q. As you know, I'm Edward Chang. I represent  
6 Experian Information Solutions in your suit against  
7 them. I'm going to try to not be redundant with the  
8 questions that have been asked by Ms. Hergenroether  
9 and Ms. Hawkins regarding TransUnion and Equifax.

10 Generally speaking, would you say that your  
11 dispute with Experian is -- strike that.

12 Would you say that your dispute against the  
13 three CRAs, the problems you were having with the  
14 CRAs, they are all the same but for the split file  
15 issue with TransUnion?

16 A. Well, the Capital One problem always was the  
17 same, although that's not part of this lawsuit. But  
18 in terms -- I'm not sure what you are referring to.  
19 Just the claims here?

20 Q. The claims in this lawsuit, yes.

21 A. Yeah.

22 Q. So the answer is yes?

23 A. Yeah, yes.

24 Q. And it's pretty safe to say, then, that the  
25 questions that were asked that were generally related

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2 to Equifax or TransUnion would apply, your answers  
3 would apply equally to Experian?

4 A. Yes, yes.

5 Q. Okay. So we've had time to review your  
6 complaint. I won't have you re-review it. But can  
7 you just tell me generally in your words what your  
8 claims against Experian are?

9 A. No, it's really the same we've been talking  
10 about, that Experian did not follow up on my notice of  
11 the Dana Capital complaint.

12 Now, Experian is a little bit different  
13 because Experian actually had been accessed, that was  
14 the only credit bureau that was accessed back in 2004  
15 by Dana Capital.

16 Q. In 2004 --

17 A. That led to my complaint. The other credit  
18 bureaus didn't actually -- they weren't accessed by  
19 Dana Capital at that time. It was only Experian that  
20 was obtained by Mortgage Center.

21 Q. And that was the subject of your prior  
22 lawsuit?

23 A. No, no. That led up to my complaint about  
24 Dana Capital.

25 Q. In your prior lawsuit?

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2 A. In this lawsuit.

3 Q. In your prior lawsuits, what -- is that the  
4 answer -- it's just --

5 A. Okay. What's different between TransUnion  
6 and Equifax and Experian with regards to my claim of  
7 not having any procedures to prevent releasing credit  
8 reports to persons without a permissible purpose is  
9 that Experian had more of a reason to investigate,  
10 because my credit report was actually obtained in 2004  
11 by Experian, which led me into the whole Dana Capital  
12 investigation, otherwise why would I have cared or  
13 known or done anything about it.

14 But I applied for this funky outfit that  
15 operated out of Phoenix and sent me -- it happens to  
16 be sitting here, Mortgage Center, this fax  
17 (indicating) in 2004 that's dated 11/29.

18 And when I eventually applied with them, they  
19 ran the Experian credit report, and that's how I find  
20 out or found out that Dana Capital was involved at  
21 all. Otherwise I -- it doesn't say Dana Capital here.  
22 It says Mortgage Center, which is a fictitious company  
23 that never existed anywhere. They operated out of an  
24 office in Phoenix.

25 And when I filed my complaint with the

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2 Arizona Department of Financial Services about this  
3 outfit to find out who they are, those people at the  
4 department of financial institutions told me that they  
5 got hung up on when they called there to find out who  
6 they are and whether they were licensed to be in  
7 compliance with the law.

8 And then eventually they just packed up and  
9 left, because I said -- well, I called them in Phoenix  
10 at the department of financial institutions. I said,  
11 "Why don't you just go in there and walk in their  
12 office?" And they said, "Well, we don't have time, we  
13 don't have the resources."

14 And the next thing I know these people moved  
15 and they moved to be California, to be closer to Dana  
16 Capital, I suppose. And if you ever take the time to  
17 actually read my exhibits with that complaint, I mean,  
18 I spent probably at minimum 100 hours just trying to  
19 find out who these people were.

20 Then I applied for the loan. That's how I  
21 found out that they got the credit reports through  
22 Dana Capital. Then I wrote all these letters to Dana  
23 Capital. I found out that they have a straw  
24 corporation set up ready to take over business if the  
25 main corporation for some reason became unable to

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2 conduct business for whatever reason, the regulators  
3 shut them down.

4 They had a second corporation set up here.  
5 They responded to me on the letterhead for the second  
6 corporation from Arizona. And the whole thing was so  
7 obvious that their entire business setup was so that  
8 they could not be traced down.

9 Q. So let me -- I'm sorry. Let me interrupt  
10 you.

11 So you are saying you spent about 100 hours  
12 trying to --

13 A. At least.

14 Q. -- at least 100 hours with this,  
15 quote-unquote --

16 A. Just trying to figure out who they were.

17 Q. -- straw corporation?

18 A. Yeah.

19 Q. And apparently some either state or federal  
20 regulatory agency also had a tough time tracking --

21 A. Well, they said they didn't have the  
22 resources and then -- to actually go there physically  
23 and that they were hung up on when they called.

24 Q. So if it was so difficult for you to  
25 determine that about the permissible purpose claim,

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2 you know, how does Experian figure that out with the  
3 information --

4 A. Well, I told them. I let them run my credit  
5 to be able to find out who they were. Well, I kind of  
6 wanted to see if I could get a mortgage, what was -- I  
7 was getting ready to -- that was in 2004. All of the  
8 discharged accounts were already deleted, and I  
9 thought, well, I'll apply with them.

10 And that's how I found out that they got the  
11 credit reports through Dana Capital. And then I took  
12 all this information, all this research, and I mailed  
13 it to each credit bureau. What I'm saying, the  
14 difference between Experian and the others is that  
15 these people have actually accessed my Experian credit  
16 report. They did not access TransUnion or Equifax. I  
17 notified everybody because I knew that they were  
18 scamming people and defrauding people.

19 Q. Okay. But prior to your informing Experian  
20 about your dispute about this inquiry, is there any  
21 way Experian could have known?

22 A. Well, not prior to the 2004 inquiry, but  
23 prior to the 2007 inquiry, because after the 2004  
24 inquiry, I sent the complaint in 2005 with all this  
25 documentation, after all that work I did, and then

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 2 Experian did nothing.  
 3 MR. CHANG: Okay. I'm going to -- I'd like  
 4 to -- and everyone has these documents. These are the  
 5 documents that Experian produced to Ms. Baker and to  
 6 the parties. We'll mark Exhibit 13 as Experian-Baker  
 7 number 2/0063.  
 8 (Exhibit 13 marked for identification  
 9 by the Certified Court Reporter.)  
 10 THE WITNESS: Yes, that's the letter.  
 11 BY MR. CHANG:  
 12 Q. So the letter you are looking at, that's the  
 13 initial dispute that you had --  
 14 A. Yeah.  
 15 Q. -- informing Experian?  
 16 A. Yes.  
 17 Q. Who is Ryan Stottlemyer, listed at the top of  
 18 the certified mail letter you sent?  
 19 A. He was the attorney handling the legal  
 20 matters with Experian at the time.  
 21 Q. Okay. Now, that letter is dated February 12,  
 22 2005. You had stated earlier that you had made a  
 23 dispute in 2004?  
 24 A. In 2004 is when Dana Capital ran my credit.  
 25 Q. Okay.

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 2 A. Which is what led up to my investigation to  
 3 find out what Dana Capital had to do with Mortgage  
 4 Center and putting all of that paperwork together for  
 5 the credit bureau so they would know what is going on.  
 6 Q. Now, if you turn to the second page of that  
 7 e-mail, you will see "Amanda Smith," and I think  
 8 you've stated who Ms. Smith is in prior testimony.  
 9 A. She was the person I spoke with at Dana  
 10 Capital supposedly in the legal department and  
 11 probably related, but I don't know that for sure, with  
 12 the owner of the company whose name is Dana Smith.  
 13 Q. I see.  
 14 Okay. So in your prior lawsuit that was  
 15 filed in 2003 where you named Experian as a defendant  
 16 along with the other credit reporting agencies -- and  
 17 that case number is 03-0525, and that was also filed  
 18 in the same district, the District of Arizona -- do  
 19 you remember making similar allegations against  
 20 Experian regarding NCO and Dana?  
 21 A. No.  
 22 Q. You don't remember that?  
 23 A. That had nothing to do with that, because  
 24 that was about Capital One not reporting the credit  
 25 limit. Primarily it was about collections reported

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 2 that should not have been on there, about discharged  
 3 accounts not reported as in -- reported as included in  
 4 bankruptcy, and all the other incorrect reporting that  
 5 was on my credit when I first looked at it in 2001 or  
 6 so, five years after the bankruptcy. And they would  
 7 not correct it.  
 8 Q. Okay. So you've never -- your testimony  
 9 today is that you never made similar allegations  
 10 against Dana --  
 11 A. I had issues about inquiries, other inquiries  
 12 that were given out. As a matter of fact, I got paid  
 13 by Wells Fargo, I think \$1,000 for an inquiry, and I  
 14 believe that was for an Experian inquiry prior to --  
 15 that was probably in 2001, 2002.  
 16 But it had nothing to do with my request to  
 17 have Dana Capital, their account terminated, to have  
 18 their account terminated.  
 19 Q. Is this the only time that you -- this  
 20 February 12, 2005, letter, is that the only time you  
 21 contacted Experian regarding the inquiry issue you  
 22 had?  
 23 A. Well, by letter, I may have had, through the  
 24 attorneys, but it really wasn't part of that lawsuit.  
 25 So I just assumed that they would -- until they ran my

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 2 credit again in 2007, I did not know that they didn't  
 3 take no action at all. I had no way of knowing. It  
 4 was a pure coincidence that I ended up with another  
 5 front company for Dana Capital just like Mortgage  
 6 Center. The next one was Trinity Financial.  
 7 Q. Okay. So it sounds like the prior testimony  
 8 you gave me about the reasonableness of Experian or, I  
 9 think you qualified it as unreasonable in not removing  
 10 the NCO/Dana Capital inquiry from your report, it  
 11 sounded like you've inferred that this straw  
 12 corporation issue has apparently perplexed you,  
 13 several regulatory agencies -- why should Experian be  
 14 held to a different standard if apparently, however  
 15 you want to characterize it, Dana Capital and NCO are  
 16 defrauding people or setting up straw corporations so  
 17 nobody can track them down; how can Experian be held  
 18 to a higher standard?  
 19 A. Because I sent them this information. And  
 20 this is now why I'm now starting the new Website for  
 21 my FTC complaints, because from now on -- I'm sorry, I  
 22 didn't have time. I was actually going to bring you a  
 23 copy of my proposed FTC complaint regarding the  
 24 Experian reporting of the DeVry school loan that I  
 25 talked about earlier. And I'll probably just e-mail

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2 it to you for review. You can send it to your client.  
3 A copy will go to DeVry. Just like I did here.

4 But I'm not going to wait three years for  
5 another 500,000 people to lose their homes. I'm going  
6 to give maybe a week or so for a response. And if I  
7 don't get one, it goes to the FTC.

8 It's just I'm not really sure why I'm doing  
9 all this, because I'm not the one making money off it.  
10 It's Experian that's making money off the sale of the  
11 reports, and it's Experian that by law, under my  
12 understanding, has the duty to only provide credit  
13 reports to legitimate businesses.

14 Now, if Experian is arguing that because the  
15 regulators failed to investigate my complaint, it did  
16 not have to investigate my complaint, well, that's a  
17 good argument, and that is something that Congress  
18 should look at. And that's the whole point of my new  
19 Website. It's going to go to the FTC and to Congress.

20 This is going to be an issue. This is going  
21 to be -- all these documents are going to be there,  
22 and it's going -- if the FCRA is currently not  
23 requiring credit bureaus to investigate complaints of  
24 sales of consumer credit reports to businesses who  
25 engage in fraud, misrepresentation, false advertising,

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2 don't have a real business name, start straw  
3 corporations, start engaging in illegal marketing, and  
4 credit bureaus can say "we don't care," then we  
5 obviously have to change something in the law.

6 Q. I just want it made clear. I hope you don't  
7 misconstrue my questions as Experian doesn't care or  
8 Experian --

9 A. It sounds like Experian doesn't feel that it  
10 should care, because it doesn't look like it did  
11 anything.

12 Q. And I'll get to that.

13 The point of my questioning is, the standard  
14 of reasonableness which Experian is held to. Experian  
15 can't purport to be perfect. I don't think any of the  
16 other CRAs are purporting to be perfect. The system  
17 clearly isn't perfect, it has flaws. But that is why  
18 the legislative intent was to hold them to a standard  
19 of reasonableness, not perfection.

20 A. And if it's not reasonable to expect the  
21 credit bureau to get -- to at least conduct an  
22 investigation and at least be able to show me that  
23 they sent a letter to NCO and said, look, there is a  
24 problem with Dana Capital and I think we're going to  
25 shut them off, don't sell any credit reports anymore,

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2 which I happen to know -- do you even know this? --  
3 that Experian shut me off, blacklisted me, because I  
4 gave my clients, who paid for the credit report, their  
5 credit report. Do you know that? Back in about  
6 1996 -- it's in my bio, I believe, on my BayHouse  
7 Website -- Experian shut me off without ever sending  
8 me notice. Nothing whatsoever. I came back into my  
9 office to run a credit report. My account was  
10 terminated.

11 And after numerous phone calls to Experian,  
12 one of their -- talk about people being rude. One of  
13 their security people said I will never have access to  
14 Experian credit reports again.

15 And what I did, my clients, not only did they  
16 pay me for the credit report, they signed an  
17 authorization. Now, how many people, companies do you  
18 know that actually get the signature of the applicant  
19 before they run a credit report?

20 But Experian did not like that I gave the  
21 credit reports to the clients, and that at the time  
22 was an issue because that's when FICO scores were not  
23 yet available online. And the credit bureaus and  
24 creditors did not want consumers to know what their  
25 FICO score was. As a mortgage broker, my account was

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2 set up to get the FICO scores, and that's why I was  
3 forever blacklisted.

4 So that's how easy it is for Experian to shut  
5 down an account, and I did nothing wrong. The only --  
6 if you want to call it that it's wrong to give the  
7 person their own credit report, well, then, I did  
8 something wrong.

9 But that is how quickly and easily Experian  
10 shuts down accounts, and there has been a number of  
11 litigations which I'm sure you are aware of against --  
12 by Experian against Credit Repair or whatever other --  
13 so why not go after Dana Capital? Why was that  
14 ignored?

15 And I can only draw conclusions, and that is  
16 they were such a huge account, they did a lot of  
17 mortgages, they did a lot of junk faxing, I'm sure  
18 they ran many, many credit reports. It's a  
19 conclusion. I don't know that for sure, but it's a  
20 reasonable conclusion.

21 Q. So your assertion, though, based on that  
22 testimony is that Experian conducted no investigation?

23 A. Well, not to my knowledge.

24 Q. Not to your knowledge, okay.

25 A. All I can say is that I applied again in

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2 2007, two years after I submitted all my evidence and  
3 documentation, and Dana Capital again ran my credit  
4 report.

5 Q. Okay. I'll refer you back to the first page  
6 of Exhibit 13. You list seven things that were  
7 apparently included with this letter.

8 A. Yes.

9 Q. And your presumption was that these seven  
10 things should be sufficient for Experian to remove the  
11 Dana Capital/NCO account?

12 A. Well, at minimum the Dana Capital account.

13 Q. Okay.

14 A. NCO is, of course, an even bigger  
15 money-maker. So I did not really expect them to  
16 actually shut down or terminate the NCO account, but I  
17 did expect that they would write a letter and let them  
18 know to be a little more careful.

19 Well, especially because I notified NCO ahead  
20 of time. I notified -- I spent Christmas Eve  
21 12/24/04, I think it was, writing my complaint to NCO,  
22 and they sent me a collection letter and totally  
23 ignored me.

24 So I think there should have been some action  
25 taken and Experian and all the credit bureaus should

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2 have said, look, you have to investigate these  
3 complaints. When somebody -- you are a reseller and  
4 somebody files a complaint about one of your  
5 customers, you need to investigate it. You can't just  
6 ignore these people or send them a collection letter.

7 Q. So did you get any guidance as to what you  
8 were going to include in this letter that you thought  
9 would be sufficient --

10 A. No.

11 Q. -- information?

12 No?

13 A. I just used my brain. I looked at what would  
14 be reasonable. I mean, it was a lot of paper, it was  
15 a lot of copying; I remember that. But I wanted to  
16 have a complete picture, the actual advertisements  
17 that anybody could see that we're not in compliance  
18 with the law, what I called on, that it says here  
19 Mortgage Center, and that then -- I included the  
20 Experian credit report that showed the Dana Capital  
21 inquiry, I included the correspondence with Amanda  
22 Smith.

23 And, of course, if anybody had any questions  
24 about it, I end my letter with "feel free to contact  
25 me by fax to (571) 222-1000 if you have any

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2 questions." And I also listed the URLs for my  
3 Websites, and nobody ever contacted me.

4 Q. So you never got any response to this letter?

5 A. None.

6 Q. You understand that the reasonableness aspect  
7 of the FCRA and the legislation, it applies to  
8 investigating and re-investigating and -- I guess I'll  
9 have a question shortly. You know that the standard  
10 that Experian is measured by, if the information that  
11 you submit does not comply with the criteria that --  
12 of the type of information Experian needs in order to  
13 act or move in the way a consumer wants, you know, a  
14 dispute to have resolved, you understand Experian has  
15 to follow those criteria?

16 A. No. I have no idea what you are talking  
17 about. What criteria?

18 Q. The criteria in the FCRA.

19 A. What are they?

20 Q. The investigation criteria, the reasonable  
21 procedures.

22 A. I really can't follow you. It seems to me  
23 when you get a letter like that, if that doesn't go  
24 within the criteria that would warrant a follow-up and  
25 then investigation, then I don't know what would.

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2 Q. Okay.

3 A. But again, I mean, it is a subjective -- if  
4 you are saying that the credit bureaus can simply  
5 ignore these types of letters and that much evidence,  
6 then that is certainly an argument and it would be up  
7 to the jury to decide whether it was reasonable to  
8 ignore this letter and all my documentation.

9 Q. Other than what you have just stated, is  
10 there anything else that you -- any other complaints  
11 that are relevant to this lawsuit that you have  
12 against Experian?

13 A. Well, I'm not sure about that entire fraud  
14 alert issue, as I -- we went through that in great  
15 detail earlier. I have the declaration of Kimberly  
16 Hughes, and I know that she has committed perjury on  
17 previous occasions. So I don't know if it's true who  
18 actually put the fraud alert on my credit, but how  
19 hard can it be for a credit bureau to determine what  
20 really happened?

21 Q. Okay.

22 A. That is perplexing to me, and it just looks  
23 to me like everybody is saying, it wasn't me, it  
24 wasn't me. Well, it must have been somebody, and  
25 there is a declaration from Kimberly Hughes. And what

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2 can I say? I don't know whether she lied or didn't  
3 lie or whether Attorney Perling lied.

4 Q. You did state in earlier testimony, I believe  
5 it was in questioning from Ms. Hergenroether, that you  
6 were the victim of identity theft.

7 A. Yes.

8 Q. And it was an approximation of time to when  
9 that fraud alert was issued?

10 A. No.

11 Q. Do you remember when you were a victim of  
12 identity theft? I'm sorry if this is repetitive.

13 A. That was much earlier, and for that matter,  
14 whether I'm a victim of identity theft or not, nobody  
15 has the right to put a fraud alert on my credit report  
16 without my permission. The way I understand it -- is  
17 there anything in the FCRA that allows credit bureaus  
18 on their discretion to add fraud alerts?

19 Q. That's apparently a subject of a lawsuit in  
20 the Lifelock -- it's the lawsuit that you mentioned.

21 A. And I see that guy's advertisement and it  
22 drives me crazy that he still has the nerve to keep  
23 going and --

24 Q. It drives us crazy too.

25 A. I got a postcard the other day advertising

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2 just Lifelock. That's how much they market.

3 Q. Sure.

4 So I guess I can wrap up the questioning  
5 with, again, you would say in terms of the answers you  
6 gave for damages and emotional distress and the harm  
7 you've suffered, are the same answers you would give  
8 if I restated those questions based on Experian's  
9 conduct --

10 A. Yes.

11 Q. -- or alleged conduct in this case?

12 I think that's all I have, Justin. As I  
13 stated -- we'll take a five-minute break.

14 (A recess was taken.)

15 (Edward Chang, Esq., exited the  
16 proceedings.)

17 EXAMINATION

18  
19  
20 BY MR. HOMES:

21 Q. Ms. Baker, my name is Justin Homes. I  
22 represent NCO, and I have a few questions for you.

23 A. Okay.

24 Q. I'd like to ask Tiffany to hand you the first  
25 page of a stack of exhibits that I had brought to the

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2 deposition.

3 Tiffany, can you do that?

4 Let's mark it as Exhibit 14.

5 (Exhibit 14 marked for identification  
6 by the Certified Court Reporter.)

7 BY MR. HOMES:

8 Q. Ms. Baker, do you recognize this page?

9 A. Yes.

10 Q. Is this one of the junk faxes you received?

11 A. Yes.

12 Q. Is this similar to many other junk faxes that  
13 you received?

14 A. Yes.

15 Q. You received dozens, if not more junk faxes?

16 A. Hundreds.

17 Q. Hundreds?

18 A. Yes.

19 Q. How about during the time frame that you  
20 received this, in late 2004, let's say the last couple  
21 of months of 2004; hundreds during that period?

22 A. I can't really say. This is not anything  
23 I've prepared for. It's been five years almost, over  
24 four years, but I got enough to get really, really  
25 irritated.

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2 Q. Did you save all of them?

3 A. Not all of them.

4 Q. Is this the only one that you saved?

5 A. No. I have other junk faxes. I've actually  
6 filed a couple of lawsuits against other junk faxes.

7 Q. Can you remember the names of all the  
8 companies that sent you junk faxes?

9 A. No, absolutely not. For one, they don't have  
10 any names, not real names. It's just something like  
11 Mortgage Center or Mortgage Services or --

12 Q. Okay. So as far as you know, you could have  
13 received a fax from Dana Capital?

14 A. Oh, I'm sure I've received many faxes from  
15 Dana Capital, like that Mortgage Center is a fax from  
16 Dana Capital. Mortgage Center is Dana Capital.

17 Q. At the top of the fax that you provided in  
18 your initial disclosures that you have in front of  
19 you, Exhibit 14, there is no "to" or "from" fax  
20 information on this case. Why is that?

21 A. That's so people cannot identify them and sue  
22 them.

23 Q. So this is how the fax came to you?

24 A. Yes.

25 Q. You did not delete any of this information --

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2 A. I don't think I --

3 Q. Ma'am, let me finish the question. It would  
4 be much easier for the court reporter to take down,  
5 and plus it's going to be hard for you and I to talk  
6 over each other. And I appreciate the difficulties of  
7 me being on the phone, and I'd appreciate your help  
8 with this. I'll do my best to do the same.

9 A. Okay.

10 Q. My question is, is this the manner in which  
11 you received the fax? There is no "to" or "from"  
12 information at the top of the page.

13 A. I have no reason to delete anything on any  
14 fax, especially not the "from." There have been times  
15 when on my Website -- actually, if you are looking for  
16 similar faxes, you can go to the Website that is  
17 linked -- or a link is listed on my letter to NCO at  
18 Fight-back, and there are many other junk faxes. And  
19 you will note that I often delete the "to" if it's my  
20 fax number, because obviously I don't want to  
21 advertise my fax number so that more people could send  
22 me junk faxes.

23 But I would never delete the "from"  
24 information. I have no reason to delete here the "to"  
25 information.

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2 MR. HOMES: Would you please present the  
3 witness with the next two pages from my materials.

4 MS. HAWKINS: Is it the ones marked 1 and 2?

5 MR. HOMES: Yes.

6 MS. HAWKINS: Do you want to introduce those  
7 as 15.

8 MR. HOMES: Yes, please.

9 (Exhibit 15 marked for identification  
10 by the Certified Court Reporter.)

11 BY MR. HOMES:

12 Q. Ms. Baker, do you recognize this document?

13 A. Yes.

14 Q. You authored this document?

15 A. Yes, I did. On December 24, 2004 --

16 Q. Thank you.

17 A. -- which most people spend celebrating  
18 Christmas Eve, I spent writing my letter to NCO legal  
19 department.

20 Q. See paragraph 4 in the middle of the page  
21 where it begins "in Ms. Smith's 10/15/04 fax to me"?

22 A. Yes.

23 Q. The second sentence of that paragraph, would  
24 you read it aloud, please.

25 A. (Reading):

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2 "However, NCO Financial Systems provided  
3 my credit report to, quote, Mortgage Center,  
4 quote, and you claim to have obtained the  
5 report on behalf of Dana Capital Group."

6 Q. What documents do you have that indicate that  
7 NCO Financial Systems provided a credit report to  
8 Mortgage Center?

9 A. I have no document other than my credit  
10 report that shows that NCO -- the Experian credit  
11 report, which was submitted as one of my initial  
12 disclosures and attached to my complaint that I mailed  
13 to the NCO legal department showing that NCO provided  
14 the credit report to Dana Capital.

15 Q. That was not my question, Ms. Baker.

16 My question is, what evidence do you have  
17 that NCO Financial Systems provided a credit report to  
18 Mortgage Center?

19 A. Mortgage Center obtained my credit report. I  
20 did not give authorization to obtain any -- I did not  
21 apply with Dana Capital. I applied with Mortgage  
22 Center.

23 Q. I understand.

24 What evidence or documents do you have --

25 A. I have no documents other than my credit

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2 report and, of course, my personal knowledge of my  
3 conversation with the people at Mortgage Center.

4 Q. So if I understand your testimony correctly,  
5 you do not have any evidence that NCO provided your  
6 credit report to, quote, Mortgage Center?

7 A. Well, I have a functioning brain. Does that  
8 count?

9 Q. Pardon me?

10 A. I have a functioning brain, a memory.

11 Q. I understand, ma'am, but I'm asking for the  
12 documents that you have supporting that.

13 A. Do I need any documents? I have the credit  
14 report. Let me put it this way:

15 If you're questioning whether NCO provided  
16 ultimately my credit report to Mortgage Center, then  
17 we have -- if that's your argument, that you did not  
18 or NCO did not do that, but that it only provided the  
19 credit report to Dana Capital, then obviously Dana  
20 Capital had no permissible purpose whatsoever, because  
21 I did not apply for anything with Dana Capital, ever.

22 It's a company I hate with a passion, and I  
23 would never, ever apply knowing that they would  
24 originate the loan.

25 Q. Ms. Baker, do you have any evidence or



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2 documents demonstrating that NCO provided a credit  
3 report to Mortgage Center?

4 A. I don't understand your question. I know  
5 that Mortgage Center had ordered the credit report  
6 after I authorized them to run my credit report so I  
7 could find out who they really are.

8 Q. Okay. What evidence do you have to show that  
9 Mortgage Center ordered your credit report?

10 A. Well, the inquiry on my credit report, it's  
11 right there.

12 Q. What credit report? Can you direct me to it,  
13 please?

14 A. The Experian credit report that I provided  
15 with my initial disclosures and which I also included  
16 as item 3. If you look at page 2, it says item 3  
17 enclosures, 12/6/04, the inquiry on my Experian credit  
18 report identifying Dana Capital Group.

19 Q. My question, ma'am, is, do you have any  
20 evidence showing that Mortgage Center ordered your  
21 credit report; not Dana Capital, Mortgage Center?

22 A. Well, I authorized Mortgage Center, and  
23 within a few hours I checked my credit report and the  
24 inquiry was there. So I would say that's pretty good  
25 evidence.

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2 Q. Okay. Now I understand.

3 So you relate directly your request for  
4 credit with Mortgage Center with a credit pull shown  
5 by Dana Capital?

6 A. Yes.

7 Q. And according to your testimony, the time  
8 differential between your request for credit and a  
9 pull on your credit report was a mere few hours?

10 A. Yes.

11 Q. Did you receive a response to this letter,  
12 December 24, '04, from NCO?

13 A. Yes, I did, something about collecting a  
14 debt, "thank you for your debt." That would be the  
15 next page, then.

16 Q. And that's the page, at the bottom, the  
17 number 30?

18 A. Yes.

19 MR. HOMES: I'd like to mark this as exhibit  
20 16, if I'm correct.

21 (Exhibit 16 marked for identification  
22 by the Certified Court Reporter.)

23 BY MR. HOMES:

24 Q. Ms. Baker, can you read for me the third  
25 sentence of this letter?

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2 A. (Reading):

3 "Please provide us with further  
4 identifying information such as your social  
5 security number, the creditor's account  
6 number and/or reference number and the  
7 billing address of this account -- of the  
8 account."

9 Q. Did you understand when you read this letter  
10 that NCO was having trouble identifying you or  
11 relating any of these activities to the conduct you  
12 allege in your December 24, '04, letter?

13 A. I understood that NCO is a debt collector and  
14 apparently on a one-track mind and you can send them a  
15 complaint with 15 pages of documentation and the only  
16 thing they can do is send you a debt collection  
17 letter.

18 Q. Did you understand when you received this  
19 letter from NCO that NCO could not identify your  
20 account --

21 A. I understood that I don't have an account  
22 with NCO. NCO was not collecting an account. NCO --  
23 I have -- nothing in my letter had anything to do with  
24 the collection. It had to do with NCO selling my  
25 credit report to Dana Capital, who operated as a front

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2 for -- or the other way around, Mortgage Center  
3 operated as a front for Dana Capital.

4 Q. In your opinion -- I take it your opinion is  
5 that you don't know why you received this letter.

6 A. I was very upset when I received that letter,  
7 because it meant that nobody -- whoever read my  
8 complaint must have had an IQ below 50 or a really,  
9 really bad day, because there was nothing in my letter  
10 about a collection or my social security number, which  
11 I would never give to any collector for any reason.

12 Q. Did you call NCO and talk to them about this?

13 A. I did.

14 Q. Who did you speak to?

15 A. That is, I think, detailed in my -- either my  
16 complaint or on the Website. There's very detailed  
17 information. It was one of the most frustrating  
18 experiences ever, talking to NCO and trying to get  
19 past the point that you need to pay your collection.  
20 It seems like there is hardly anybody at NCO who could  
21 possibly conceive that there are other problems on the  
22 planet than them collecting on debts.

23 Q. I'm sorry. Did you say who you spoke to at  
24 NCO?

25 A. I spoke with a whole bunch of people. I made

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2 numerous phone calls. Didn't you read what's online?

3 Q. How many phone calls did you make?

4 A. Oh, I don't know how many I made. I made  
5 several. We may even have had some e-mail.

6 Q. How many is several? More than 10?

7 A. No, I didn't make 10 phone calls. I don't  
8 have the patience to make 10 phone calls.

9 Q. Would you say it's more than five?

10 A. I don't know how long it took to get -- I  
11 made several calls, and eventually I got to a person  
12 who actually understood that NCO was reselling and who  
13 then assured me that they would -- I was under the  
14 impression they might actually do something.

15 Q. When did you have that conversation where you  
16 had that belief?

17 A. I'd have to go -- it's probably on the  
18 Website or on my blog.

19 Q. Was it in January '05?

20 A. It was probably -- it probably was -- what  
21 did I write in my letter? Probably was before I sent  
22 my complaint to the credit bureaus, because otherwise  
23 I wouldn't have sent my complaint to the credit  
24 bureaus.

25 Q. Okay. So at that time you learned that this

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2 letter had to do with your December 24, '04, letter  
3 concerning credit sales to Dana Capital; correct?

4 A. Yes.

5 Q. And you will admit to me that you did not  
6 provide NCO with any further information in response  
7 to this January 20, 2005, letter, Exhibit 16 --

8 A. No.

9 Q. -- correct?

10 A. No.

11 Q. You did provide additional information?

12 A. I just told you, I don't know when I spoke to  
13 these people, but I made several phone calls. And  
14 there was absolutely -- I do not know if -- I'm  
15 looking at this letter, and it doesn't reference any  
16 telephone calls.

17 So I would almost think that -- why don't  
18 you -- didn't you do -- you didn't read any of my  
19 publications about that, my disclosures, what's on the  
20 Web?

21 Q. The purpose of this meeting is for us to  
22 talk, for me to ask some questions of you and find out  
23 what are your answers are.

24 My question is --

25 THE WITNESS: Objection.

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2 BY MR. HOMES:

3 Q. -- did you provide NCO with anything in the  
4 nature of a social security number, an account number,  
5 any sort of records, anything in response to this  
6 January 20, 2005, letter?

7 THE WITNESS: On the record, I'm objecting to  
8 the questioning and I think I'm done with this  
9 gentleman. He did not notice this deposition. I did  
10 not even know that anybody would ask about this until  
11 they sent me an e-mail. When was that, two days ago  
12 or something?

13 So I am not prepared to answer your  
14 questions.

15 BY MR. HOMES:

16 Q. Are you refusing to answer all of my  
17 questions at this point?

18 A. I am not prepared to answer your questions.  
19 You did not properly notice this deposition. I did  
20 not have time to research these matters. You  
21 obviously knew that you were questioning me, but you  
22 haven't done any of your homework. You haven't even  
23 looked at my initial disclosures and what this is all  
24 about.

25 Q. Ma'am, I believe I have a right to ask

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2 questions and participate in this deposition.

3 Are you refusing to answer my questions?

4 A. I just told you I cannot answer your  
5 question, because for one I've been dealing all week  
6 long with your stupid video recording and all these  
7 idiotic e-mails and your attempts to want to set up a  
8 conference call with the Court in violation of the  
9 Court's order, trying to set up that call even though  
10 I had already called the Court and I had already  
11 notified you that the judge would be out on Thursday.  
12 You were acting like a bunch on druggies on meth or  
13 coke and you have taken up a tremendous amount of my  
14 time. You have given me headaches. I have only slept  
15 about two and a half hours last night. I got up at  
16 5:30 this morning, and I am tired.

17 Q. I understand.

18 Is it simply a question of you being  
19 unprepared to answer my questions today, ma'am?

20 A. And one more thing: You couldn't even get  
21 your ass over here. That is the other thing. At  
22 least you could have let me know that you were -- this  
23 is difficult. You are not even here. We are not even  
24 looking at the same papers. I could show you on the  
25 computer, give you some answers. If you were really

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2 interested in getting answers, you would be here.

3 Q. Ma'am, if this is a question of being  
4 unprepared to answer my questions, I'd be happy to  
5 work with you and come up with another date for you to  
6 provide these answers.

7 A. Discovery ends on Monday, I believe, and I  
8 have had enough of you. Do what you want. File your  
9 motions. Submit more lies. I do not care.

10 Q. Ma'am, I hate to beat a dead bush, but do I  
11 understand that you are unwilling to answer my  
12 questions at this time?

13 A. How many times did I just say I cannot answer  
14 your questions. Excuse me for not having a perfect  
15 memory of what happened over four years ago. Maybe  
16 you could tell me about the phone calls you have made  
17 four years ago.

18 Q. Ma'am, I don't expect you to have a perfect  
19 memory. I expect some cooperation and a reasonable  
20 attempt to work with me in discovering, in learning  
21 about your knowledge and your ability to recollect  
22 these things, and I think these are fair questions.

23 What I gather from what you are saying is  
24 that you are unwilling to answer them. I'm trying --

25 A. Maybe you are just being a little stupid, but  
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2 I said about three times that I'm unable to answer  
3 your question because I do not know.

4 Q. Okay. If you don't know the answer to that  
5 question, I can move on to another.

6 A. Okay.

7 Q. One moment, please.

8 Does your complaint or amended complaint in  
9 this matter seek to redress any liability or damages  
10 you think you or claim that you suffered relating to  
11 the credit pull in 2004?

12 A. In 2004, no. I'm not the kind of person who  
13 goes and runs out and sues people for everything. I  
14 was kind enough to spend my Christmas Eve to notify  
15 NCO just so it can do the right thing.

16 Q. And we thank you for that, ma'am.

17 Ms. Baker, are you aware of incurring debt  
18 with Providian or Chase/Providian in the amount of  
19 approximately \$20,000?

20 A. I got the discovery documents that were  
21 submitted to me yesterday evening by e-mail around  
22 6:30 p.m., and they are completely contradicting the  
23 previous discovery responses.

24 So, yes, I am aware of this discharged  
25 account that was written off in 1995, discharged in  
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2 1996, and that apparently was the reason for the  
3 inquiry on -- in June of 2005.

4 Q. So if I understand you correctly, you admit  
5 incurring that debt?

6 A. Yes, I do.

7 Q. Did you list that debt in your bankruptcy?

8 A. Yes, I did.

9 Q. Do you have a copy of your schedules?

10 A. You know what? The other attorneys, I'm  
11 sure, have them. The stuff has been printed and  
12 produced so many times in this lawsuit, but it  
13 absolutely was discharged.

14 Nobody ever collected it. In fact, Providian  
15 reported it correctly as discharged, but I believe it  
16 re-aged the account, and I settled with Providian the  
17 incorrect credit reporting in 2003 or 2004; but it was  
18 part of the 2003 lawsuit.

19 Q. Have you at any time advised NCO that you had  
20 filed bankruptcy?

21 A. Did I do what?

22 Q. Have you at any time prior to filing your  
23 lawsuit advised NCO that you had filed for bankruptcy?

24 A. No. Why would I do that? After all, I've  
25 been asking for four years, almost four years, three  
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2 and a half years what this inquiry is for.

3 And on the record in the discovery responses,  
4 as well as in response to all these litigations  
5 throughout three and a half years, NCO has denied  
6 collecting an account until yesterday evening at about  
7 6:30 or whenever I got the e-mail with the discovery  
8 supplements.

9 So I had no reason -- or do you suggest I  
10 should have notified NCO and the other 3,000 debt  
11 collectors just in case?

12 Q. Ma'am, do you have any evidence that NCO knew  
13 about your bankruptcy at any time prior to your filing  
14 the lawsuit?

15 A. I don't know anything about NCO. All I know  
16 is that NCO denied collecting an account and denied  
17 running my credit until yesterday.

18 Q. So if you didn't hear anything about NCO  
19 until yesterday on this account, you will admit then  
20 that you did not receive any collection calls from NCO  
21 regarding this account?

22 A. I can't admit that because NCO actually did  
23 call me not that long ago, and I have no idea what it  
24 was about.

25 Q. Do you have any evidence of that, please,  
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2 ma'am?

3 A. Of what?

4 Q. Of that phone call.

5 A. Do I have an obligation to record all calls?  
6 I might have it recorded maybe.

7 Q. You may have it recorded?

8 When you say "recorded," do you have a voice  
9 recorder on your phone?

10 A. Yes, sometimes.

11 Q. And do you keep recordings from years back?

12 A. Some of them.

13 Q. Do you have recordings that date back several  
14 years?

15 A. Yes, I do.

16 Q. Do you also keep a diary outside of your  
17 online logs?

18 A. Not really. I put most -- most everything --  
19 I don't lie. I'm not an attorney, so I just tell the  
20 truth as it is when it happens, and it's public. I do  
21 have some notes on minor items that I didn't get to  
22 blog, but for the most part I'd say 90 percent of what  
23 I do is online, in terms of disputes, that is. Not  
24 all my work.

25 Q. Ms. Baker, would you be willing to produce

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2 your audio recordings you have maintained and kept  
3 since 2004?

4 A. No.

5 Q. Other than the phone call that you believe  
6 you may have had with someone from NCO recently, do  
7 you recall any other conversations with NCO?

8 A. Isn't that what we just went through? Are we  
9 talking again about the calls after I got the  
10 collection letter?

11 Q. No, ma'am.

12 A. I believe that my seven hours are long up and  
13 these are not really constructive questions.

14 Q. Ma'am, I'm really not trying to be difficult.  
15 I'm just trying to find out if you recall any other  
16 conversations with NCO other than --

17 A. Not right now. I don't recall any other  
18 conversations right now other than on behalf of  
19 clients, but not related to this matter.

20 Q. Okay. That's fair enough. That's good.

21 Okay. Moving on, it is not your contention,  
22 Ms. Baker, that your credit score was lower because of  
23 the credit pull from NCO in 2005, is it?

24 A. It is my contention that my credit score was  
25 lowered.

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2 Q. What was your credit score before the NCO  
3 pull?

4 A. I have no idea, and I don't know what it was  
5 after. But if you go to the Fair Isaac Website, you  
6 can read the detailed explanation on how credit  
7 inquiries that are reported to creditors, according to  
8 Fair Isaac, will lower credit scores.

9 Q. And you believe this was a hard inquiry by  
10 NCO on June 17, 2005?

11 A. Yes.

12 Q. What is Bay Area Housing and Finance Center?

13 A. That was a nonprofit that I started back in  
14 the mid-'90s or '94, and my first and only major  
15 project was to document the TransAmerica fraud that I  
16 had mentioned earlier, which is still at BayHouse  
17 linked as the \$15,000 TransAmerica, in quotes, error  
18 which was an outright fraud to foreclose on an elderly  
19 black widow in one of the poorest neighborhoods in the  
20 San Francisco Bay Area.

21 Q. What is Golden Gate Funding?

22 A. That was my mortgage company. That is the  
23 company that I quit, as I explained earlier. Weren't  
24 you here the entire time?

25 Q. Yes, ma'am.

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2 A. Well, I explained earlier that I had a real  
3 estate and mortgage brokerage and why I stopped  
4 originating loans in about 1995.

5 Q. What is Office Report Services?

6 A. That's a really good question, because that  
7 is so old I would not have remembered it if you hadn't  
8 mentioned it. But I was processing mortgage loans for  
9 brokers; that's how I learned how to broker loans.

10 Q. Did you use Calyx Point?

11 A. Calyx? Yes, I use Calyx.

12 Q. Is that primarily the software that you use?

13 A. Point, Calyx, yeah, that's primarily what I  
14 use.

15 Q. Were you set up with credit reporting  
16 agencies to get credit reports when you were a loan  
17 broker?

18 A. Yes.

19 Q. Who were you set up with?

20 A. I used a number of different companies.

21 Q. Do you remember any of them?

22 A. PCI -- oh, God. There were three or four of  
23 them that I really should remember because they caused  
24 me a lot of problems. Financial Data Bank I think was  
25 one of them. It may have been the last one.

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2 Q. As you are sitting here today, that's all you  
3 can recall?

4 A. Yes. Is that relevant in any way?

5 Q. It might be. I appreciate your telling me,  
6 though.

7 If I understood you correctly, in some of  
8 your documents and in your testimony earlier, you  
9 acknowledge that in approximately March of '07 you did  
10 apply for credit with some agency or some broker or  
11 some loan officer?

12 A. I applied with Trinity Financial.

13 Q. Yes. And as with the -- as with your  
14 experience with -- strike that.

15 Did you research Trinity Financial's  
16 corporate status before you applied with them?

17 A. No.

18 Q. Why not?

19 A. Am I supposed to?

20 Q. I'm just asking, ma'am, if you -- why you  
21 didn't if...

22 A. I didn't know it was a normal thing to always  
23 research a corporate status.

24 Q. Did you check around to see if they existed,  
25 if it was a legitimate company?

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2 A. If they existed?

3 Q. Yes, ma'am. I'm just trying to get a sense  
4 of whether or not you did any kind of background  
5 research on your own to make sure that the company  
6 that you were submitting your information to was a  
7 real company and it wasn't a fraud and otherwise make  
8 sure that you were dealing with a legitimate company.

9 A. Basically you are saying that's what you are  
10 supposed to be doing before you apply?

11 Q. I'm asking if you did that. That's all.

12 A. No, I didn't. Obviously, they are not a real  
13 company. Trinity Financial is a fictitious, entirely  
14 fictitious company.

15 Q. I understand, ma'am.

16 My question is, did you make an effort to  
17 investigate them on your own before you applied with  
18 them? That's the question.

19 A. You know, I may have talked with them,  
20 because everybody gives you a Website and they all  
21 look the same, and I don't really know.

22 MR. HOMES: Tiffany, I think the amended  
23 complaint is already marked as an exhibit.

24 MS. HAWKINS: Yes, it's Exhibit 4.

25 BY MR. HOMES:

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2 Q. Can we take a quick look at Exhibit 4,  
3 please.

4 A. Yeah.

5 Q. Please turn to paragraph 76, please. Let me  
6 know when you are there.

7 A. Yes.

8 Q. Okay. In paragraph 76 you allege that NCO  
9 wilfully and negligently sold Baker's credit data to  
10 persons without permissible in violation of FCRA  
11 Section 1681b.

12 Which credit -- which instances are you  
13 speaking of or referring to there? Would that be all  
14 three that we've talked about this afternoon, the  
15 instance in 2004, the instance in March of 2007, and  
16 the instance on June 17, 2005?

17 A. At the time, I was referring to the mortgage  
18 application and credit report to Dana Capital.

19 Q. Would that be just the --

20 A. The 2007.

21 Q. Got it.

22 Do you have any evidence that NCO acted  
23 willfully in this respect?

24 A. Well, it appears to me that despite my  
25 complaint and despite my phone calls and all my

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2 efforts, NCO chose to continue to sell credit reports  
3 to Dana Capital. So I'd say that's pretty willful.

4 Q. Do you have any evidence other than that  
5 suspicion?

6 A. I think the jury is just going to have to  
7 figure out whether it's reasonable to act on such a  
8 complaint or to whether it's okay to just ignore it.

9 Q. Do you have any documents to provide the jury  
10 that would assist them in that determination?

11 A. I have the credit report. I have my  
12 complaint. Certainly I have the receipt of NCO, the  
13 certified mailing receipt. I have 25 papers at least,  
14 plus all of the documents that are in my Website about  
15 all of my efforts to find out what Dana Capital is  
16 really doing and which I referenced in my complaint  
17 and in my initial disclosures. And by "complaint" I  
18 mean my 2005 or 2004 complaint to NCO, all the  
19 information was there.

20 So I could probably come up with a few  
21 hundred pages of evidence that Dana Capital and all of  
22 their fronts were deliberately selling -- originating  
23 these mortgages under false terms and leading to all  
24 these thousands and maybe millions of foreclosures.

25 Q. Will you identify -- not now, but separately

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2 in correspondence to me all of the documents to which  
3 you are referring now?

4 A. Well, they are already identified if you go  
5 to the link at Fight-back, there are all kinds of  
6 letter and communications about Dana Capital, and it's  
7 been there since 2005, since I started this  
8 investigation, or 2004.

9 Q. Do you have a list that you keep of all the  
10 documents that you can provide to me?

11 A. The listing is online. All you have to do is  
12 go click on the link that's in the 12/24/04 letter and  
13 in my initial disclosures.

14 MR. HOMES: I think that might be all I have.  
15 Give me five minutes to go through my notes and then  
16 come right back.

17 MS. HAWKINS: Okay.

18 THE WITNESS: Okay.

19 MR. HOMES: Give me five minutes.

20 (There was a pause in the proceedings.)

21 BY MR. HOMES:

22 Q. I asked you to identify the incident you were  
23 referring to in paragraph 76 and I think you told me  
24 the credit report issue in March 2007.

25 The same question with regard to paragraph 77

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2 and 78. Would that March 2007 report be the incident  
3 to which those paragraphs refer?

4 A. Well, NCO obtained the credit report. That  
5 would be the one it ran in 6/05, I believe it was,  
6 which was the Providian collection. So it kind of  
7 turned into a Fair Debt Collection Practices  
8 complaint, and I have no idea what to do about this  
9 yet.

10 Q. Okay. So paragraph 76 deals with March 5,  
11 '07; paragraph 77 deals with June 17, 2005.

12 And I have an idea what 78 applies to, but  
13 why don't you tell me.

14 A. Well, it actually applies to both.

15 Q. Okay.

16 And the evidence that you would have in  
17 support of paragraph 78 would be the same evidence you  
18 referred to a moment ago, the hundreds of pages of  
19 documents, the complaint, the other documents you  
20 mentioned?

21 A. Well, and of course I have no information  
22 about the Providian account in terms of what happened  
23 there. I was stunned last night, totally stunned when  
24 I saw that account, because like I say, after three  
25 and a half years of asking what happened there and

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2 even filing a lawsuit and not getting an answer, that  
3 that is beyond me, and especially to wait until the  
4 evening before the deposition to provide me with that  
5 information.

6 So I have some serious questions about that,  
7 and I'd especially like to know who verified -- I  
8 don't have a verification for the discovery  
9 supplemental responses from yesterday. I'm not sure  
10 about the others. I didn't have time to look them up.  
11 But obviously there is something wrong when you get  
12 completely different answers in those discovery  
13 responses.

14 Q. What letters did you write after June 17,  
15 2005, and before you filed your lawsuit; what letters  
16 did you write to NCO regarding that credit inquiry?

17 A. I'm not sure that I wrote any letters to NCO.  
18 I don't know. I really don't know. Doesn't it say?  
19 The complaint should pretty much outline what I did.

20 Q. So if it's not mentioned in the complaint,  
21 you didn't do it?

22 A. Not necessarily, but probably.

23 Q. So if the complaint didn't specify dates of  
24 phone calls and letters with NCO, in all likelihood,  
25 such phone calls or letters didn't occur; correct?

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2 A. Yeah. And I probably would have included  
3 them in my initial disclosures.

4 Q. Got it.

5 A. Because I filed -- it didn't take too long  
6 until I first filed the lawsuit against NCO.

7 MR. HOMES: Thank you, Ms. Baker. I  
8 appreciate your patience. I'm finished.

9 THE WITNESS: Already? Are you going to get  
10 me that verification?

11 MS. HAWKINS: Before we go off the record --  
12 I will address that.

13 The court reporter will send a transcript to  
14 you for your review. Do you want to state on the  
15 record the address that you want that sent to?

16 THE WITNESS: Do you have to send it by  
17 mail -- can you send it to me electronically? Because  
18 I don't have mail delivery where I'm at.

19 MS. HAWKINS: And I just wanted to put on the  
20 record that I was getting Ms. Baker her check for her  
21 travel expenses.

22 MR. HOMES: I'm going to sign off. Thanks  
23 again. I appreciate it.

24 (The deposition was concluded at 4:59 p.m.)

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CHRISTINE BAKER  
CERTIFICATE OF DEPONENT  
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DECLARATION OF DEPONENT

I, CHRISTINE BAKER, deponent herein, do hereby certify and declare under penalty of perjury the within and foregoing transcription to be my deposition in said action; that I have read, corrected and do hereby affix my signature to said deposition.

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CHRISTINE BAKER, Deponent, Date: \_\_\_\_\_

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CHRISTINE BAKER  
I, the undersigned, a Certified Shorthand Reporter of the States of Nevada and California, Registered Professional Reporter, and Certified Realtime Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that before completion of the proceedings, review of the transcript was requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.  
Dated: 04-08-09

\_\_\_\_\_  
JANET C. TRIMMER, RPR, CRR  
NV CCR No. 864, CA CSR 4008

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