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5 *Attorneys for Defendant Nelnet, Inc.*
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8 **UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE DISTRICT OF ARIZONA**

10
11 Christine Baker,
12 Plaintiff,
13 v.
14 Fair Isaac and Company, Inc.; et al.,
15 Defendants.

NO.: CIV 03 0525 PCT RCB

**DEFENDANT NELNET, INC.'S
INITIAL RULE 26 DISCLOSURE
STATEMENT**

(Assigned to the Hon. Robert C. Broomfield)

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18 Pursuant to Rule 26, Fed.R.Civ.P., defendant Nelnet, Inc. provides the following
19 initial disclosures. This Disclosure Statement is preliminary only. Furthermore, the
20 information set forth herein is provided without waiving (1) the right to object to the use of
21 such information for any purpose, if a basis for objecting exists; (2) the right to object to any
22 request involving or relating to the subject matter or information contained in this Disclosure
23 Statement; or (3) the right to revise, correct, supplement or clarify any of the information set
24 forth below. No portion of this Disclosure Statement is intended to be read to a jury.

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1 **I. NAME, AND IF KNOWN, THE ADDRESS AND TELEPHONE NUMBER OF**
2 **EACH INDIVIDUAL LIKELY TO HAVE DISCOVERABLE INFORMATION THAT**
3 **THE DISCLOSING PARTY MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES,**
4 **UNLESS SOLELY FOR IMPEACHMENT, IDENTIFYING THE SUBJECTS OF**
5 **THE INFORMATION:**

- 6 1. Jack Simmons
7 c/o Kutak Rock, LLP
8 8601 N. Scottsdale Road, Suite 300
9 Scottsdale, AZ 85253

10 Jack Simmons serves as the Bankruptcy Coordinator for Nelnet, Inc. In this capacity,
11 among other things, Mr. Simmons services student loan accounts in which the consumer has
12 filed for bankruptcy. To the extent Mr. Simmons had direct involvement in servicing
13 plaintiff Christine Baker's student loan account during times relevant to her bankruptcy
14 filing in June 1996, he may testify regarding Nelnet's reporting to relevant credit reporting
15 agencies regarding Ms. Baker's account. Furthermore, he may also testify regarding
16 Nelnet's reasonable investigation into any disputes by Plaintiff to credit reporting agencies,
17 and/or to Nelnet directly, regarding alleged inaccuracies in her credit report. Mr. Simmons
18 may also testify regarding Nelnet's internal procedures for reporting student loan accounts
19 that have been listed in bankruptcy to the appropriate credit reporting agencies. He may also
20 testify regarding any other relevant information he may have regarding this case.

- 21 2. Barb Stromberg
22 c/o Kutak Rock, LLP
23 8601 N. Scottsdale Road, Suite 300
24 Scottsdale, AZ 85253

25 Barb Stromberg is a supervisor in Nelnet's Contact Center, which handles consumer
26 disputes. Ms. Stromberg prepared the Universal Data Form which Nelnet submitted to the
27 three major credit reporting agencies on or about April 3, 2003. The Universal Data Form
28 reported to the credit reporting agencies that Plaintiff's account was paid in full and had a
zero balance. Ms. Stromberg may testify regarding this and any other reports she provided
to the appropriate credit reporting agencies regarding Plaintiff's student loan accounts with

1 Nelnet, and/or any other relevant information she may have regarding this case.

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3 3. Nelnet Loan Services employees
4 c/o Kutak Rock, LLP
5 8601 N. Scottsdale Road, Suite 300
6 Scottsdale, AZ 85253

7 Nelnet, Inc. may call as witnesses any and all Loan Services employees which may
8 have had interaction with Plaintiff and/or appropriate credit reporting agencies concerning
9 the status of Plaintiff's student loan account, and/or any disputes concerning her accounts.
10 These employees will be identified by name at such time as they are identified by Nelnet.
11 Nelnet reserves the right to update this disclosure to provide all names of Loan Services
12 employees who are involved in this case.

- 13 4. Heather Nieto
14 c/o Kutak Rock, LLP
15 8601 N. Scottsdale Road, Suite 300
16 Scottsdale, AZ 85253

17 Heather Nieto is the E-Oscar Team Lead for Nelnet. Ms. Nieto is in charge of
18 reporting consumer loan information to the appropriate credit reporting agencies. She may
19 testify regarding any knowledge she may have about this case, and/or any general knowledge
20 she may have concerning Nelnet's reasonable investigation into consumer disputes.

- 21 5. Rodney Peffer
22 c/o Kutak Rock, LLP
23 8601 N. Scottsdale Road, Suite 300
24 Scottsdale, AZ 85253

25 Rodney Peffer is a Business Analyst for Nelnet, Inc. He works with Nelnet's
26 systematic automated report coding system, and insures that all data reported to credit
27 reporting agencies is transmitted in the appropriate manner and with the appropriate coding.
28 Mr. Peffer may be called to testify regarding the procedures used by Nelnet to report
consumer information to the credit reporting agencies, and any other relevant information he
may have about this case.

1 **II. COPY OF, OR DESCRIPTION BY CATEGORY AND LOCATION OF, ALL**
2 **DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS THAT ARE IN**
3 **THE POSSESSION, CUSTODY, OR CONTROL OF THE PARTY AND THAT THE**
4 **DISCLOSING PARTY MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES,**
5 **UNLESS SOLELY FOR IMPEACHMENT.**

6 1. Nelnet Loan Servicing, UNISTAR historical payment history (Bates numbered
7 NEL0001-NEL0005)

8 2. Letter from Christine Baker to William Munn dated May 27, 2003 (Bates
9 numbered NEL0006-NEL0007)

10 3. Letter from William Munn to Christine Baker dated May 30, 2003 (Bates
11 numbered NEL0008-NEL0010)

12 4. Universal Data Form dated April 3, 2003 concerning Christine Baker (Bates
13 numbered NEL0011)

14 5. Mail correspondence from Christine Baker to William Munn, Chief Legal
15 Counsel for Nelnet, dated July 15, 2003 (Bates numbered NEL0012)

16 6. Email correspondence from Christine Baker to William Munn dated July 18,
17 2003 (Bates numbered NEL0013)

18 7. Nelnet Loan Servicing, UNISTAR historical service history (Bates numbered
19 NEL0014-NEL0020)

20 **III. A COMPILATION OF ANY CATEGORY OF DAMAGES CLAIMED BY THE**
21 **DISCLOSING PARTY, MAKING AVAILABLE FOR INSPECTION AND COPYING**
22 **UNDER RULE 34 THE DOCUMENTS OR OTHER EVIDENTIARY MATERIAL,**
23 **NOT PRIVILEGED OR PROTECTED FROM DISCLOSURE, ON WHICH SUCH**
24 **COMPUTATION IS BASED, INCLUDING MATERIALS BEARING ON THE**
25 **NATURE AND EXTENT OF THE INJURY SUFFERED.**


26 Defendant Nelnet is not making a claim for damages, except to the extent that it will
27 seek its costs and attorneys fees incurred in connection with this action and such other
28 further relief as the court deems just and proper under the circumstances.

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2 **IV. INSPECTION AND COPYING AS UNDER RULE 34 ANY INSURANCE**
3 **AGREEMENT UNDER WHICH ANY PERSON CARRYING ON AN INSURANCE**
4 **BUSINESS MAY BE LIABLE TO SATISFY PART OR ALL OF A JUDGMENT**
5 **WHICH MAY BE ENTERED IN THE ACTION, OR TO INDEMNIFY OR**
6 **REIMBURSE FOR PAYMENTS MADE TO SATISFY THE JUDGMENT.**

7 Nelnet is not aware of any applicable insurance agreements which would satisfy this
8 section, but Nelnet reserves the right to supplement its response as necessary.

9 Dated this 6th day of December, 2005.

10 KUTAK ROCK LLP

11 By 

12 E. Scott Dosek
13 Philip A. Overcash
14 Suite 300
15 8601 North Scottsdale Road
16 Scottsdale, AZ 85253-2742

17 *Attorneys for Defendant Nelnet Loan
18 Services, Inc.*

19 **ORIGINAL** of the foregoing mailed/^{faxed}emailed
20 this 5th day of December, 2005 to:

21 Christine Baker
22 Suite A-150
23 989 South Main Street
24 Cottonwood, AZ 86326
25 *Pro Se*

26 **COPY** of the foregoing mailed/^{faxed}emailed
27 this 5th day of December, 2005 to:

28 Scott Kircher
Jones Day
3 Park Plaza
11th Floor
Irvine, CA 92614
*Attorneys for Experian Information Solutions, Inc.,
Craig Smith, and Credit Data Southwest, Inc.*

1 Rodrick J. Coffey
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2 Suite 2100
1850 North Central Avenue
3 Phoenix, AZ 85004-4584
Attorneys for Horizon Wireless

4 John Fry
5 Ryley Carlock & Applewhite
1 N. Central Ave., Suite 1200
6 Phoenix, AZ 85004-4417
Attorneys for Defendant Merchants
7 *Information Solutions and Consumerinfo.com*

8 Ursula Hurch
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VERIFICATION

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VERIFICATION

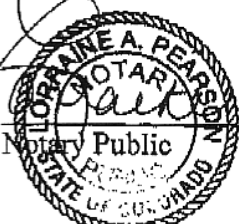
STATE OF COLORADO }
COUNTY OF ARAPAHOE }SS.

I, KARI KELLY, being first duly sworn upon my oath, do depose and say:

I am in-house legal counsel for Defendant Nelnet, Inc., and I have read the foregoing Initial Disclosure Statement and know the contents thereof. All of the contents therein contained are true to the best of my knowledge, except those matters alleged on information and belief, and, as to those matters, I believe them to be true.

Kari Kelly
Kari Kelly, Esq.

SUBSCRIBED AND SWORN to before me this 6TH day of DECEMBER, 2004.

Lorraine A. Pearson

My Commission Expires 03/22/2008