

1 Christine Baker

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5 In Pro Per

6  
7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9  
10 Christine Baker;

11 Plaintiff,

12 v.

13 Fair, Isaac & Company, et al;

14 Defendants.  
15

CIV-03-0525-PCT-RCB

**AFFIDAVIT OF PLAINTIFF  
CHRISTINE BAKER IN SUPPORT OF  
HER OPPOSITION TO THE  
VERIZON WIRELESS MOTION FOR  
SUMMARY JUDGMENT**

16  
17 I, Christine Baker, being first duly sworn upon oath, depose and state as follows:

- 18 1. I am the Plaintiff pro per in this action and my statements are based on my personal  
19 knowledge, my records and notes.
- 20 2. I personally opened the Verizon account 415-816-1973 in 1996 or 1997 and I made  
21 all payments for this account.
- 22 3. Dorothea Weidinger's communications with Verizon regarding this account were  
23 limited to one phone call when I opened the account and she provided her social security  
24 number so that Verizon could obtain her credit report and did not have to access my credit.
- 25 4. Verizon did not advise me or Dorothea Weidinger that this was not my account.
- 26 5. I understood that Dorothea was liable for the account if I failed to pay as agreed.
- 27 6. I repeatedly changed the billing address for this account and at all times I provided  
28 my address, not Dorothea's, I disputed the billing on several occasions and I closed the

1 account without Verizon ever indicating that I was not authorized to do so or that I was not  
2 the primary account holder.

3 7. Dorothea Weidinger never resided at my Arizona address, the address on the  
4 Verizon billing and collection letters.

5 8. In late 1998 I sold my house and most of my belongings to travel full-time, I left  
6 California for Arizona and after several attempts to close my Verizon cell phone account  
7 due to the limited service area in Northern California, Sandy at Verizon finally closed the  
8 account on 3/25/99 retroactively and issued credits for its failure to process my previous  
9 requests to have the account closed. [Exhibit AU-1]

10 9. My final Verizon bill dated 3/25/1999 included several credits and was for \$84.58.  
11 [Exhibit AV - VER0008, my Exhibit AU-2]

12 10. I was banking online, I had very limited internet access and I only received my mail  
13 about once a month. When I finally received the final Verizon statement, I submitted  
14 online instructions to Union Bank to issue a check to Verizon for \$90 because I did not  
15 have the Verizon bill with me, but I remembered that the final bill was less than \$90.

16 11. Union Bank sent the \$90 check from my closed account in error and it was posted  
17 by Verizon to my account on 5/25/1999. [Verizon Initial Disclosures VER0009, VER0012  
18 and my Exhibit AU-6 p. 3]

19 12. As soon as I discovered Union Bank's error, I instructed Union Bank to send a  
20 check from my open account and the 6/9/99 Union Bank check # 5178 for \$85 [Exhibit  
21 AU-5] was posted to my account by Verizon on 6/10/99. [Verizon Initial Disclosures  
22 VER0009, VER0012 and my Exhibit AU-6 p. 3]

23 13. Verizon waited until 7/25/99 [Verizon Initial Disclosures VER0005, Exhibit AU-8]  
24 to bill for the \$90 returned check and at that time I was on my way to Alaska after verifying  
25 the \$0 balance on 7/16/99. [Exhibit AU-4]

26 14. Verizon issued refund check # 727569258 for \$90.42 on 7/23/99, [Exhibit AU-7], 4  
27 days after it posted the returned check charge on 7/19/99. [Verizon Initial Disclosures  
28

1 VER0007]

2 15. I received the Verizon check upon my return from Alaska and I explained to  
3 Verizon's Ryan, ext. or employee ID 4172, [Exhibit AU-7], that I did not cash the Verizon  
4 \$90.42 refund check because it did not owe me a refund.

5 16. Verizon continued to bill me for \$105 and I disputed with Verizon via fax on  
6 1/13/2000. [Exhibit AU-9]

7 17. Greatly frustrated by Verizon as it continued to ignore my disputes and sent more  
8 invoices, I finally filed my complaint with the FCC on 4/22/2000. [Exhibit AU-9, page 3].

9 18. In its 6/1/2000 response to my FCC complaint [Exhibit AU-11], Verizon's Kay  
10 Howe, Administrator – Regulatory Department, stated “[we] have verified that Ms. Baker's  
11 account was closed on 01-08-1999.” [emphasis added]

12 19. Dorothea Weidinger is not mentioned in this letter.

13 20. Ms. Howe falsely stated in this letter to the FCC that I owed \$105 for a NSF check.

14 21. The FCC subsequently refused to assist me unless I paid a \$165 fee for a formal  
15 complaint and it advised that I should retain an attorney due to the complexity of the  
16 proceedings.

17 22. Verizon assigned the account for collection with NAFS. [Exhibits AU 12-14]

18 23. Upon my return from Alaska, I disputed this fraudulent account on 10/13/2000 with  
19 NAFS. According to my notes on the 9/12/2000 NAFS collection letter [Exhibit AU-14], I  
20 also spoke with Torry at Verizon.

21 24. Despite my disputes, Verizon assigned the account to collection agency NCO.

22 25. When I received the 11/27/2000 NCO collection letter, [Exhibit AU-15], I disputed  
23 with NCO and I included the 8 page printout of my published FCC dispute [Exhibit AU-9]

24 26. Apparently NCO did not receive or process my dispute until after it had sent the  
25 next collection letter, dated 12/7/2000 [Exhibit AU-16].

26 27. I incorrectly assumed that Verizon had finally determined that it was collecting a  
27 debt that did not exist and had ceased its collection efforts.  
28

1 28. Verizon assigned the account to collection agency Dymacol, I received 2 Dymacol  
2 collection letters dated 8/5/02 and 10/7/02 and I disputed with Dymacol. [Exhibit AU-  
3 17,18]

4 29. Verizon's own documents show that my final bill was \$84.58, I made two payments  
5 of \$90 and \$85, the \$90 check was returned unpaid, leaving the account with a \$.42 credit  
6 balance.

7 30. I am in possession of the original 6/9/99 Union Bank cancelled check # 5178 for \$85  
8 [Exhibit AU-5] and the original uncashed Verizon refund check # 727569258 for \$90.42.  
9 [Exhibit AU-7]  
10

11 31. While I was a Verizon customer, I continually struggled with Verizon service and  
12 billing problems and I was truly looking forward to be able to cancel this account. Instead  
13 of enjoying the vacation of a lifetime, Verizon continually caused aggravation and stress,  
14 just about every time I got my mail it included another Verizon bill or collection letter and  
15 good times with friends were overshadowed by my disputes, worries and rants about this  
16 fraudulent debt and my frustration because Verizon ignored my disputes and continued to  
17 collect. But those damages pale compared to the emotional distress I suffered when I  
18 received the collection letters from Dymacol in 2002 after Dorothea was diagnosed with  
19 breast cancer and I could not possibly discuss the Verizon collection with her, as she was  
20 already tremendously stressed over her credit and increasing interest rates.

21 32. I have not received an apology from Verizon and instead it demands that I pay its  
22 attorneys fees. [Verizon Motion for Summary Judgment, p. 12]

23 33. Verizon's entirely false claims regarding the account ownership and its failure to  
24 admit that it collected a nonexistent debt and to apologize are causing me to suffer even  
25 more frustration, stress and mental anguish.

26 34. All my exhibits are true copies of documents I received from Verizon, including my  
27 notes, correspondence from the FCC or the Verizon collectors and my disputes of the  
28 alleged debt.

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Christine Baker  
Plaintiff Pro Per

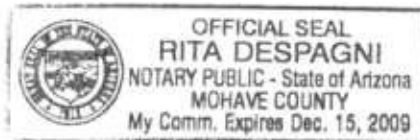
SUBSCRIBED AND SWORN TO before me this 20th day of March, 2006.



Notary Public

My Commission Expires:

12-15-2009



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 21st day of March, 2006, I electronically transmitted  
3 the foregoing to the Clerk's Office using the CM/ECF System for filing and transmittal of  
4 a Notice of Electronic Filing to the following CM/ECF registrants:

5  
6 Rodrick J. Coffey  
7 STINSON MORRISON HECKER LLP  
8 1850 N. Central Avenue, Suite 2100  
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10 Scott Kirkner  
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14 Philip Overcash  
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16 8601 N Scottsdale Rd Ste 300  
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Attorneys for Nelnet Loan Services, Inc.

18 A copy mailed USPS to:

19 HONORABLE ROBERT C. BROOMFIELD  
20 United States District Court  
21 Sandra Day O'Connor U.S. Courthouse, Suite 626  
22 401 West Washington Street, SPC 61  
23 Phoenix, AZ 85003-2158

24  
25 s/ Christine Baker  
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