

1 Christine Baker

2
3
4 Fax: (571) 222-1000
Email: christine@bayhouse.com

5 In Pro Per

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

9
10)
11) CIV-03-525-PCT-RCB

11 Christine Baker;

12 Plaintiff,

13 v.

14 Fair Isaac, et al;

15 Defendants.

16)
17) **PLAINTIFF’S RESPONSE TO**
18) **VERIZON WIRELESS’ SEPARATE**
19) **STATEMENT OF FACTS AND**
20) **PLAINTIFF’S CONTROVERTING**
21) **STATEMENT OF FACTS IN**
22) **OPPOSITION OF THE VERIZON**
23) **WIRELESS MOTION FOR**
24) **SUMMARY JUDGMENT**
25)
26)
27)
28)

18 Plaintiff hereby responds to Defendant’s Statement of Facts and for the purposes
19 of this Motion, admits and denies as follows:

- 20 1) Admitted.
21 2) Admitted – Plaintiff was 1 day late as she miscalculated the due date.
22 3) Admitted
23 4) Admitted
24 5) Admitted
25 6) Admitted
26 7) Admitted
27 8) Admitted
28 9) Admitted

- 1 10) Admitted
2 11) Admitted
3 12) Plaintiff admits that she filed her Responses on 1/25/06, but she can not locate
4 Exhibit C. Therefore, she attached her Responses as Exhibits AW to her
5 Objection.
6 13) Admitted
7 14) Admitted in part, denied in part. Plaintiff's loss of income was not brought on by
8 Dorothea's death, but by Verizon's collection activities and the failure to admit
9 that the debt was nonexistent despite Plaintiff's numerous disputes.
10 15) Admitted in part, Plaintiff cannot locate Exhibit C, she attached her Responses as
11 Exhibits AW to her Objection.
12 16) Admitted.
13 17) Admitted
14 18) Admitted in part, Plaintiff denies that the account was held in Dorothea's name.
15 See Plaintiff's Exhibit AU-11, Verizon's 6/1/2000 letter to the FCC and
16 Plaintiff's Affidavit ¶¶ 2-7.
17 19) Admitted.

18 **PLAINTIFF'S CONTROVERTING STATEMENT OF FACTS**

- 19 20) Plaintiff denied Verizon's Requests for Admissions 2, 3, 6, 7, 8 and 9 in her
20 Responses served on 1/25/06. [Exhibit AW-1]
21 21) Plaintiff opened and maintained the account at all times. [Affidavit ¶¶ 1-7]
22 22) In her 6/1/2000 response to Plaintiff's FCC complaint, Verizon's Kay Howe,
23 Administrator – Regulatory Department, stated “[we] have verified that Ms.
24 Baker's account was closed on 01-08-1999.” [emphasis added] [Exhibit AU-
25 11]
26 23) Plaintiff responded to Verizon Interrogatory # 1 with a detailed 35 point Factual
27 Summary of Verizon's collection efforts of this nonexistent debt. [Exhibit AV-
28 2]

- 1 24) Plaintiff also had actual out of pocket expenses and she responded to Verizon
2 Interrogatory # 10: “See Interrogatory No. 1, 4 and 6 – faxing, postage, copies,
3 phone calls and the cost of litigation when all else failed.
- 4 25) Verizon ignored Plaintiff’s numerous disputes. [Exhibits AU 7, 9, 14, 15, 17]
- 5 26) Verizon’s Kay Howe, Administrator – Regulatory Department, falsely stated in
6 her 6/1/2000 response to my FCC complaint: “Ms. Baker currently owes GTE
7 Wireless \$105.” [Exhibit AU-11]
- 8 27) Verizon’s own documents, provided with its Initial Disclosures, document that
9 the debt Verizon collected did not exist. [Exhibits AV - VER0008, VER0009,
10 VER0011, VER0012]
- 11 28) Despite Plaintiff’s many disputes, Verizon assigned the account for collection
12 with collection agency NAFS. [Exhibit AU-12, 13, 14]
- 13 29) Despite Plaintiff’s subsequent disputes, Verizon assigned the account for
14 collection with collection agency NCO. [Exhibit AU-15,16]
- 15 30) Despite Plaintiff’s subsequent dispute, including the 8-page printout about the
16 FCC dispute, Verizon assigned the account for collection with collection agency
17 Dymacol. [Exhibit AU-15,16]
- 18 31) Plaintiff supplemented her Responses to the Verizon discovery requests on
19 2/14/06 to include claims of Verizon negligence and gross negligence.
- 20 32) On 3/15/06, Plaintiff filed her timely Motion For Leave Of Court To File Her
21 First Amended Complaint, seeking to include violations of the Fair Debt
22 Collection Practices Act (“FDCPA”) by Verizon.
- 23 33) This Court has jurisdiction over FDCPA claims.

24
25 DATED this 20th day of March, 2006.

26
27 /s Christine Baker
28 Plaintiff Pro Per

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 20th day of March, 2006, I electronically transmitted the
3 attached document to the Clerk's Office using the CM/ECF System for filing and
4 transmittal of 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
9 Phoenix, Arizona 85004-4584
Attorneys for Defendant Verizon Wireless

10 John Fry
11 RYLEY CARLOCK & APPLEWHITE
12 1 N Central Ave Ste 1200
13 Phoenix AZ 85004-4417
Attorneys for Defendant Merchants Information Solutions, Inc.

14 Scott Kirkner
15 JONES DAY
16 3 Park Plz Ste 1100
17 Irvine CA 92614-2592
Attorneys for Experian Information Solutions and Consumerinfo.com

18 Philip Overcash
19 KUTAK ROCK LLP
20 8601 N Scottsdale Rd Ste 300
21 Scottsdale AZ 85253-2738
Attorneys for Nelnet Loan Services, Inc.

22
23 /s Christine Baker
24
25
26
27
28