

LAURA LYNN HAMMETT 3/2/2022

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LAURA LYNN HAMMETT PLAINTIF

v. Civil Action No. 4:21-cv-00189-LPR

PORTFOLIO RECOVERY ASSOCIATES,
LLC; DOES 1-99 DEFENDANTS

ORAL DEPOSITION

OF

LAURA LYNN HAMMETT

(Taken March 2, 2022, at 10:04 a.m.)

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CAPTION

ANSWERS AND ORAL DEPOSITION OF LAURA LYNN HAMMETT,
a witness produced at the request of the Defendants,
taken in the above-styled and numbered cause on the 2nd
day of March, 2022, before Kristina R. Gray, Arkansas
Supreme Court Certified Court Reporter #725, at 10:04
a.m., at the law offices of Rose Law Firm, 120 East
Fourth Street, Little Rock, Arkansas, pursuant to the
agreement hereinafter set forth.

* * * * *

STIPULATIONS

IT IS STIPULATED AND AGREED by and between the
parties through their respective counsel that the oral
deposition of LAURA LYNN HAMMETT may be taken for any
and all purposes according to the Federal Rules of
Civil Procedure.

LAURA LYNN HAMMETT 3/2/2022

1 P R O C E E D I N G S

2 WHEREUPON,

3 LAURA LYNN HAMMETT,

4 Having been first duly sworn, was

5 examined and testified as follows:

6 EXAMINATION

7 BY MR. TREFIL:

8 **Q Ms. Hammond, can you please state your name for**
9 **the record?**

10 A Laura Lynn Hammett.

11 **Q Can you spell that?**

12 A L-a-u-r-a L-y-n-n H-a-m-m-e-t-t.

13 **Q Have you ever been known by any other names?**

14 A Yes. I was born Laura Judith Kramer. I was Laura
15 Judith Lynn when I was married for the first time. For
16 five minutes, I was Laura Abramson. I had a marriage
17 annulled, so I don't know if that's technically a
18 marriage. I have used Laura Pietrczak, though I wasn't
19 married to Mr. Pietrczak, and then Laura Hammett. I
20 think that's all the names I've ever used.

21 **Q Have you taken any medications this morning?**

22 A No, I have not.

23 **Q What was the medication that you told Judge**
24 **Rudofsky you were taking at the hearing the Friday**
25 **before last?**

1 A That was clonazepam and I had a tablet that was
2 .5 milligrams and I cut it in half and then I cut it in
3 half again, but I'm kind of a lightweight and I haven't
4 taken it for a long time, so -- and I think I was just
5 very upset, and so it just made me not feel right.
6 Sort of a symptom of PTSD is the kind of blanking out
7 when I have my triggers triggered. And one of the
8 triggers is having lies told about me, and so I got
9 very upset during that hearing because the Portfolio
10 Recovery attorneys were telling lies about me.

11 **Q What is clonazepam?**

12 A Clonazepam?

13 **Q What is it?**

14 A It's an anti-anxiety medication. It's like a -- I
15 think it's in the Valium class. It's slow-acting, so
16 like it's very similar to like Xanax, which is a very
17 popular medication. I think it's one of the most
18 highly prescribed medications, but clonazepam is more
19 of a slow-acting and gentle -- I like it, you know,
20 when I need to take something.

21 **Q So it's a benzodiazepine?**

22 A I believe you're right, yeah.

23 **Q When was the last time you took it?**

24 A That was the day of the hearing, so I think that
25 was February 18th.

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1 Q Okay. Thank you. Have you ever been deposed
2 before?

3 A I've been deposed once. I barely remember it. It
4 was in Santa Clarita, California. I'm guessing 2002 or
5 2003, and I honestly don't even remember what it was
6 about. I just remember going to the deposition and the
7 thing I remember most is that I was starving, and so
8 today I brought my snacks.

9 Q Well, since your one other deposition was so long
10 ago, let's go over some ground rules. The court
11 reporter -- you've been sworn in. Do you understand
12 what that means?

13 A Yes.

14 Q That means whatever you're saying you are
15 testifying that it's true under penalty of perjury; is
16 that correct?

17 A Yes.

18 Q Do you understand what perjury is?

19 A Yes.

20 Q The court reporter is taking down everything
21 anyone is saying in this room during this deposition,
22 so when I'm asking you questions, try not to talk over
23 me, let me finish my question before you give an
24 answer. I will let you finish your answer and
25 response. Do you understand?

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1 A Yes.

2 Q Please make your responses verbal. The court
3 reporter has a hard time taking down head nods, so do
4 your best to make sure that the court reporter can get
5 your answer clearly. And do you understand that you
6 have a duty to testify accurately and truthfully today?

7 A Yes.

8 Q Now, during the course the deposition, I may ask
9 you a question you don't understand. You're entitled
10 to a question that you understand because you're here
11 testified under oath, so if you don't understand a
12 question, tell me you don't understand and explain what
13 about the question you don't understand and I will do
14 my best to clarify what I'm asking you, agree?

15 A Yes.

16 Q If you don't tell me you don't understand the
17 question, I will assume that you understand what I'm
18 asking you.

19 A Yes, I understand.

20 Q Now, if you need to take a break to use the
21 facilities, you get tired, you need -- you know, we'll
22 probably take a break at lunch -- let me know. The
23 only thing I ask is if there is a question pending,
24 that you answer the question before the break. Is that
25 clear?

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1 A Yes.

2 Q Ms. Hammett, I'm showing you what's marked for
3 identification as Hammett Exhibit 1. Do you recognize
4 this document?

5 (WHEREUPON, a document was marked for
6 identification as Exhibit No. 1.)

7 A Yes.

8 Q And what is it?

9 A This is Defendant Portfolio Recovery Associates,
10 LLC's Notice of Deposition of Plaintiff Laura Hammett.

11 Q And did you receive this document?

12 A Yes.

13 Q And you are here testifying pursuant to this
14 deposition notice?

15 A Yes.

16 Q Ms. Hammett, I didn't remind you. The Zoom link
17 actually is recording so there is a video being taken.
18 I want to make that clear. I did not realize that when
19 it was being done. That's a camera right there.

20 A Oh.

21 MR. KOMISIN: We haven't started
22 recording yet, but I'm going to hit record
23 now.

24 THE WITNESS: Okay.

25 BY MR. TREFIL:

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1 Q And that was Mr. Komisin, my associate. So that
2 you understand that the deposition is, in fact, being
3 recorded.

4 A Okay.

5 Q Ms. Hammett, are you currently employed?

6 A No.

7 Q How do you support yourself?

8 A I'm living off of my savings. I have a small
9 pension, like \$600 a month, and I have a husband who's
10 very generous with me and who provides for me until I
11 can provide for myself.

12 Q Do you have holdings in a real estate trust?

13 A I have several trusts that I'm associated with.

14 Q What trusts?

15 A My house is in the Hammett -- I don't have my
16 documents with me, but off the top of my head, it's the
17 Hammett Family Living Trust. And I have the Rural
18 Revival Living Trust, which has one piece of property
19 and that's in dispute right now, so it might have no
20 property. I had a trust called the Laura Lynn Living
21 Trust of which the person who's disputing the Rural
22 Revival Trust property was the trustee, and I don't
23 know if he has absconded with funds or if there is
24 anything in there.

25 Q Are you familiar with a Silver Strand Plaza, LLC?

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1 A Yes.

2 **Q What is that?**

3 A That's a limited liability corporation. It was
4 put together by my parents and it held a 40,000 square
5 foot regional shopping center in Imperial Beach,
6 California. That property's been sold and right now
7 I'm in litigation with my partners because they are
8 holding \$70,000 and they were keeping -- they were
9 cooking the books, so they didn't distribute as much as
10 they were supposed to before we sold the property, and
11 so I'm just right now trying to get them to dissolve
12 the LLC.

13 **Q What was your interest in Silver Strand Plaza,**
14 **LLC?**

15 A Fourteen-point something percent.

16 **Q Do you currently -- you have a blog, don't you?**

17 A Yes.

18 **Q What is the -- forgive me, I'm a bit**
19 **technologically impaired. What is the web address or**
20 **IP address or whatever you call it for the blog?**

21 A Court Corruption by Laura Lynn dot WordPress dot
22 gov -- I'm sorry, dot com.

23 **Q How long have you had that blog?**

24 A I had it on and off, so I had it approximately
25 2011. I was writing on other blogs or boards before

1 that and I was actually a professional journalist on
2 Examiner.com, but Examiner.com is gone. I quit writing
3 anything at all and took my blog down in 2015, like the
4 end of 2014 because it was very stressful. I had a lot
5 of people contacting me every day with their problems
6 and, you know, the problems they'd been having in
7 court. It was really difficult listening to this and
8 I'm extraordinarily empathetic and compassionate and my
9 therapist recommended that I take a sabbatical is what
10 she called it, so I did. And I just recently started
11 writing again I'm guessing two or three months ago.
12 You might know better than I do when it was.

13 **Q You mentioned a therapist. Who was that?**

14 A I tried to find her. I don't recall her name, but
15 I think that the company was called Helping Hands and
16 it was in Escondido, California. And I've tried to
17 find that. Again, you might be able to find it better
18 than I can because you have magic tricks.

19 **Q When did she advise you to take your sabbatical
20 from blogging?**

21 A At the end of 2014.

22 **Q How many blog posts have you made since you first
23 asked Judge Rudofsky for an extension for your
24 opposition to PRA's motion for summary judgment?**

25 A I don't know.

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1 Q Would 13 sound about right?

2 A Sure, but I -- I don't know.

3 Q You have no reason to disagree with that number?

4 A I could look it up, but if you're telling me it's
5 13, I'm not going to disagree with you. I'm not
6 agreeing or disagreeing.

7 Q But you have no reason to disagree with that
8 number?

9 A Other than I don't trust anything that comes out
10 of your mouth. Sorry.

11 Q All right. I'm going to mark for identification
12 Hammett Exhibit 2. Ms. Hammett, the court reporter has
13 given you a document marked for identification as
14 Hammett Exhibit 2. Do you recognize this document?

15 (WHEREUPON, a document was marked for
16 identification as Exhibit No. 2.)

17 A Yes.

18 Q What is it?

19 A This is the First Amended and Supplemented
20 Complaint for Statutory Violations of the Telephone
21 Consumer Protection Act and Fair Debt Collection
22 Practices Act, Tort of Intentional Infliction of
23 Emotional Distress, Outrage and/or Negligent Infliction
24 of Emotional Distress and Invasion of Privacy
25 Intrusion.

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1 Q Did you write this document?

2 A Yes.

3 Q Did you file this document with the court?

4 A Yes.

5 Q For the record, how many paragraphs are in the
6 complaint?

7 A 316 with some subparts.

8 Q All right. Let's do the easy stuff first. You
9 previously brought a claim against Portfolio Recovery
10 Associates under the Telephone Consumer Protection Act;
11 is that correct?

12 A Yes.

13 Q And you do not as you sit here today -- you are
14 not opposing PRA's motion for summary judgment with
15 respect to your TCPA claim; is that correct?

16 A Correct.

17 Q And same questions with respect to your negligent
18 infliction of emotional distress claim. You --
19 actually, strike that.

20 You previously brought a claim against PRA for
21 negligent infliction of emotional distress under
22 Arkansas law; is that correct?

23 A Yes.

24 Q And as you sit here today, you do not currently
25 oppose PRA's motion for summary judgment with respect

1 to the negligent infliction of emotional distress
2 claim; is that correct?

3 A Correct.

4 Q I'd like to talk about some phone numbers. You
5 have a number ending in 6000; is that correct?

6 A Yes.

7 Q What is that number?

8 A That's my cell phone.

9 Q And how long have you had that number?

10 A Since, I think, 2000 -- I'm sorry, 1998. I think
11 about 1998.

12 Q There's also been discussion of a number ending in
13 8660. What number is that?

14 A That is a number that I used for about three
15 years. It was in the home of my fiancé, Michael
16 Williams, and I was not able to marry him at the time
17 because my divorce wasn't final and we did split up,
18 and so that's been his number until he disappeared.

19 Q And that 8660 number is -- and, I'm sorry, Michael
20 Williams, is that his name?

21 A Yes.

22 Q Was that registered in the name of Michael
23 Williams?

24 A I assume so.

25 Q It was not registered in your name?

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1 A No. I don't believe it was registered in my name,
2 but somehow you have it so that makes me wonder.

3 **Q Was it registered in your name or not?**

4 A I don't believe it was.

5 **Q What about the 6000 number?**

6 A That was registered in my name until a couple of
7 years ago and then --

8 **Q Now it belongs to your current husband; is that
9 correct?**

10 A We combined our plan and we put it under his plan.

11 **Q For the record, what's your current husband's
12 name?**

13 A James Michael Hammett.

14 **Q And he goes by Michael?**

15 A He goes by Mike.

16 **Q Mike okay. There's also a number that's been
17 discussed ending in 2653. Do you recall that number?**

18 A Yes.

19 **Q What number is that?**

20 A That's a landline in my cabin in Wood Springs that
21 I lived in for a few years and it's way up in the
22 mountains and there was bad reception, so I got the
23 landline in case of emergencies, but used it very -- I
24 didn't have long distance service on it, so I rarely
25 used it.

1 **Q Forgive me, I'm not familiar with Wood Springs.**

2 **Is that in Arkansas?**

3 A Wood Springs is this great little community in
4 Arkansas. It's got -- like my house was amazing. I
5 had 40 acres, a real nice, little cabin out in the
6 middle of nowhere and I had a spectacular view. And if
7 you made the effort to climb down to the bottom or
8 drive around on an ATV, there was like creeks and
9 waterfalls, caves. It's just amazing.

10 **Q Do you still own that property?**

11 A That's in contention right now.

12 **Q Is this part of one of the trusts we were talking**
13 **about previously?**

14 A Yes.

15 **Q Which trust?**

16 A It's in the Rural Revival Living Trust.

17 **Q So when you say you own that, that property was**
18 **actually owned by the trust; is that correct?**

19 A Yes. It's in contention, though, because I may
20 own it as a bailiff as an individual and with Michael
21 Pietrczak being the bailiff.

22 **Q What other properties do you personally own**
23 **outside of any trust?**

24 A I think right now I don't own any properties
25 outside of a trust.

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1 Q Where do you currently reside?

2 A At the house on Gold Lake Club Road.

3 Q Can you provide the full address letters for the
4 court reporter?

5 A Sixteen Gold Lake Club Road, Conway Arkansas
6 72032.

7 Q Are you familiar with the number ending in 1644?

8 A Vaguely. I think that belonged to my former
9 spouse, Timothy Lynn. If you know the other numbers --

10 Q How many times have you been married?

11 A Including now?

12 Q Including the current, yes.

13 A Twice plus an annulment.

14 Q Okay. I just want to get this clear on the
15 record. First husband's name, what was it?

16 A Timothy Matthew Peter Lynn.

17 Q And when did you marry him?

18 A I think in 1990 -- I'm sorry, 1986.

19 Q And the second marriage that resulted in the
20 annulment, what was your brief spouse's name?

21 A The man's name was Paul Abramson.

22 Q Can you spell that for the court reporter?

23 A A-b-r-a-m-s-o-n and Paul is P-a-u-l.

24 Q And you've already given the name of your current
25 husband. When did you and Mike get married?

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1 A I'm guessing April 2019, but I'm not real certain.

2 Q Getting back to the 1644 number, you believe that
3 may have belonged to your first husband?

4 A Yes.

5 Q Do you have any reason to think that number ever
6 belonged to you?

7 A No.

8 Q What about a number ending in 1148? Do you recall
9 that?

10 A I don't know what that number is.

11 Q You don't recall that number?

12 A No.

13 Q All right. Thank you. What about number ending
14 in 6822?

15 A I don't recall that number.

16 Q I just want to be clear, you are no longer
17 pursuing a claim against PRA under the TCPA either for
18 the use of an automatic telephone dialing system or for
19 prerecorded voice messages; is that correct?

20 A Correct.

21 Q All right. If you could turn to Paragraph 263 in
22 your first amended complaint, Exhibit 1. The reference
23 in the first amended complaint is to Section 807.10. I
24 will state for the record this is 15 USC 1692d(5)
25 harassment through continuous calls?

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1 A Excuse me. I'm not seeing the same thing. Did
2 you say 263?

3 **Q Excuse me. I'm sorry. I'm reading the wrong**
4 **number. 263, Section 806.5.**

5 A Yes. Thank you.

6 **Q Thank you very much. And for the record, that**
7 **correlates to 15 USC 1692d(5) as the statutory site.**
8 **Ms. Hammett, can you state all facts that you believe**
9 **support any claim under this particular section of the**
10 **FDCPA?**

11 A Yes. So this says it applies to, "without
12 limiting the general application that the following
13 conduct is a violation of this section causing a
14 telephone to ring or engaging any person in telephone
15 conversation repeatedly or continuously with intent to
16 annoy, abuse or harass any person at the called
17 number."

18 And the defendant called me hundreds of times. I
19 didn't realize until we got into discovery just how
20 often they had called me, but I became very aware of it
21 around October, September, October that they were
22 calling. I had just stopped my therapy and -- now, I'm
23 going to have to say -- I'm going to request
24 confidentiality from here on because we're going to
25 start talking about my medical record, which is

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1 confidential.

2 **Q Both parties will have an opportunity to designate**
3 **the transcript, portions of the transcript as**
4 **confidential after this is done. I will state that on**
5 **the record when we finish. The protective order has --**
6 **I think it's a 10-day period of time when you can**
7 **identify portions of a transcript that you wish to be**
8 **designated as confidential, so that's how that process**
9 **works. You don't need to do it during the course of**
10 **the deposition.**

11 A Okay. Thank you.

12 **Q Just to clarify, you mentioned September and**
13 **October. September and October of what year?**

14 A 2020. And so they -- to finish the answer, which
15 is probably lengthy, they called repeatedly. I asked
16 them not to call. I asked them not to call from a
17 recorded line. I told them it was a business line.
18 I --

19 **Q When? Actually, we're going to have to go through**
20 **each one of these points and ask you specifically when**
21 **you did each one of these things, or it might be easier**
22 **to say PRA has identified all the calls that were made**
23 **to you --**

24 A No. PRA has --

25 **Q Ms. Hammett, I am in the middle of my question.**

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1 Please let me finish. PRA has identified all the calls
2 it has made to you and has provided you all the call
3 recordings available. I need you to identify where and
4 when in that record you did these things. Please do
5 so.

6 A Okay. So on December 12, 2013, someone who
7 identified herself as Leta said -- called and I said,
8 "No, this is the estate sale. It's a business."

9 Q What was that date again?

10 A That was on 12/12/13.

11 Q So 2013?

12 A Yes.

13 Q So nine years ago?

14 A Yes.

15 Q Do you know what the statute of limitations is
16 under the FDCPA?

17 A Can I please finish my answer?

18 Q Do you know what the statute of limitations is
19 under the FDCPA?

20 A I'd like to answer the first question and then
21 I'll take your second question.

22 Q Let me rephrase the question to make this clearer.
23 Can you please tell me anything within the applicable
24 statute of limitations for the FDCPA you have to
25 support that claim?

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1 A For the FDCPA is one year.

2 **Q One year from the filing of your complaint.**

3 A Okay. So just for the FDCPA purposes, not for the
4 purpose of outrage.

5 **Q For the FDCPA, that's correct.**

6 A Right. So the complaint was filed in March of
7 2021, so anything from March 2020 and -- okay. The
8 specific dates that they called I have included in my
9 opposition to the motion for summary judgment. I don't
10 know that I have my own phone record here that I
11 underlined. I don't think I kept my notes because
12 they're work-product privileged and I didn't want to
13 have them -- actually, it wouldn't have mattered. But
14 yeah, so I'm sorry.

15 **Q Ms. Hammett, it might make this easier. I'm going
16 to give you your Verizon records and your supplemental
17 response where you identified some phone numbers.**

18 A Okay.

19 **Q So I do want to talk about that. I'm just trying
20 to see if sitting here you have any information other
21 than what's already in your opposition to our motion
22 for summary judgment.**

23 A No. My motion for -- the opposition to the motion
24 for summary judgment, I did include a list. I think it
25 was like 15 phone numbers that were before November 18,

1 2020, and then the calls that you made that are on your
2 list that you presented as Defense Exhibit 1D, so all
3 of those calls, which I believe is like 397 or
4 something.

5 **Q Is that exhibit referenced for the summary**
6 **judgment motion?**

7 A Yeah. It's your -- your reference.

8 **Q I just want to be clear on the record.**

9 A Right, right. And then I put a transcript of the
10 calls where I -- that you gave us a recording for that
11 I spoke to the defendant, and so the first one within
12 that applicable period was on November 18, 2020, but
13 that's not the first call that I had from them in 2020.
14 I had quite a few more and then feeling frustrated
15 turned on the recorder.

16 **Q What is your evidence for the statement that you**
17 **had quite a few calls before November 18, 2020, from**
18 **PRA?**

19 A Because I remember it. Because it was enough to
20 make me want to record the call before I spoke to them
21 and because I don't typically answer or talk to people
22 who just call in that I don't know, so the defendant
23 did not give me any meaningful identification of who
24 was calling. I didn't know who Gabriel was. I didn't
25 know who Risa Gore was. I didn't know who any of these

1 people were. And so my memory is good. I'm extremely
2 bright and it bothered me enough that I had, you know,
3 noticed it and -- I don't want to give up my spousal
4 privilege, but -- so I'm not going to say. But I was
5 very well aware of it and that's why I finally turned
6 on the recorder on November 18th.

7 And then I received the Verizon record and I went
8 through and called all the numbers that fit the pattern
9 of the calls that Portfolio Recovery had admitted to
10 that coincided. So first I looked at the calls that
11 Portfolio had admitted to. I saw what the pattern on
12 them was. I looked at my own record and a lot of the
13 calls were the same.

14 **Q Ms. Hammett, I need to ask you some questions**
15 **here.**

16 A Okay.

17 **Q What pattern are you talking about?**

18 A The pattern with the record is that on the calls
19 where I didn't speak to Portfolio Recovery but just
20 hung up on them or maybe said a couple of words like
21 stop calling me, those show up as -- on my record, they
22 show up as incoming CL with one minute.

23 **Q How do you know that any of those calls came**
24 **Portfolio Recovery Associates?**

25 A Because Portfolio Recovery gave me a list of calls

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1 they made and some of them showed up on my record and
2 that was the pattern. So going off of what Portfolio
3 Recovery said they had -- so, for instance, Portfolio
4 Recovery said they called me --

5 **Q Excuse me. Did anybody on any -- I need to have**
6 **this clear on the record. Are these the calls --**
7 **actually, let me go ahead and get this exhibit here.**
8 **Let's have this marked as Hammett Exhibit 3. Ms.**
9 **Hammett, the court reporter has handed to you what is**
10 **marked for identification as Hammett Exhibit 3.**

11 (WHEREUPON, a document was marked for
12 identification as Exhibit No. 3.)

13 A Yes.

14 **Q Have you seen this document before?**

15 A Yes. I generated it. It's Plaintiff's
16 Supplemented Response to Defendant Portfolio Recovery
17 Associates, LLC's First Set of Interrogatories Number
18 Nine.

19 **Q Now, this particular supplement is not sworn under**
20 **oath. Do you today affirm that -- under penalty of**
21 **perjury that this supplemental interrogatory response**
22 **is true and correct?**

23 A Yes. That was an oversight. I'm not an attorney.
24 Yeah, it is.

25 **Q We can fix it right here. You're under oath now.**

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1 A Okay. It's sworn under penalty of perjury.

2 **Q All right. Now are the calls that you're talking**
3 **about, the calls that are referenced on pages 2 and 3**
4 **of Exhibit 3?**

5 A No. The first calls that I was referring were
6 made before November 18, 2020, and the calls on this
7 document were made before November 18, 2020.

8 **Q So you think that there are additional calls that**
9 **PRA made to you after November 18, 2020, that don't**
10 **show up on its phone records; is that correct?**

11 A That's correct.

12 **Q Now, for any of these additional calls that you**
13 **think happened, did anybody on any of the calls --**
14 **well, first off, did you answer any of the calls?**

15 A Well, the question you just asked me -- I'm
16 confused now and don't understand because the question
17 you just asked me was whether the calls after
18 November 18th were on the call list, and so I don't
19 know. Are we talking about the calls before or after
20 November 18th?

21 **Q I'm talking about whatever you were talking about**
22 **when you were talking about a pattern.**

23 A Right.

24 **Q And so I want to discuss this pattern and I want**
25 **to understand exactly what you mean.**

1 A Okay.

2 Q So first question, on any of these calls that you
3 said showed a pattern that made you think it was PRA,
4 did you actually talk to anybody who made those calls?

5 A Yes.

6 Q How many times?

7 A I think four that were recorded by me and --

8 Q When you say "recorded," do you mean tape-recorded
9 or written down by you?

10 A No. Tape-recorded.

11 Q Have you produced those tape recordings?

12 A Yes.

13 Q When?

14 A I think my initial disclosures. I gave you some
15 on discs.

16 Q Okay. So you talked to people on four different
17 occasions and you think those are PRA calls?

18 A I know those were PRA calls and --

19 Q How do you know?

20 A Because they told me on those four calls, but
21 there were other calls also where they did not tell me.
22 There were many calls where they did not tell me who
23 they were, but they just identified by their given name
24 like Joe Smith. That's why I finally talked to them.

25 Q These calls where you say that someone identified

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1 themselves as being from PRA -- I'm trying to think of
2 how to ask this question to make this clear on the
3 record. Tell me each call you think PRA made to you
4 that does not show up on PRA's phone records.

5 A Okay. The list here.

6 Q And by "the list here," you're referring to
7 Exhibit 3, Deposition Exhibit 3, correct?

8 A Yes. And I have not had an opportunity to go
9 through the rest of my call log from Verizon to look to
10 see which calls might have come from Portfolio
11 Recovery, but I will do that.

12 Q Okay. So in answer to my question, I asked you to
13 identify every call you think that PRA made to you that
14 is not on PRA's phone records as produced in discovery.
15 You identified Deposition Exhibit 3 and your Verizon
16 records, which I still haven't made that an exhibit.

17 A So four --

18 Q Can you just wait for the court reporter?

19 A Okay.

20 Q Is that correct, you've identified those two
21 documents as what you think contains information
22 regarding additional calls PRA made to you that do not
23 show up on his phone records?

24 A Yes.

25 Q Is there anything else?

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1 MR. MITCHELL: Jim, do you want to
2 identify that as Exhibit 4? I might have
3 missed it.

4 MR. TREFIL: The Verizon phone records?
5 Oh, right.

6 BY MR. TREFIL:

7 **Q Ms. Hammett, the court reporter has provided you**
8 **with what's been marked for identification as**
9 **Exhibit 4. Have you seen that document before?**

10 (WHEREUPON, a document was marked for
11 identification as Exhibit No. 4.)

12 A Yes. This is the Verizon record.

13 **Q And there whose Verizon records?**

14 A It belongs to my husband.

15 **Q But it contains the records of calls to you,**
16 **correct?**

17 A Yes.

18 **Q And who obtained those records?**

19 A I did.

20 **Q When did you obtain those records?**

21 A I called in on February 15, 2022, and I think they
22 arrived around February 20th, 2022. I think that I let
23 the defendant know about the record coming in by e-mail
24 either the day or maybe the day after I received it.

25 **Q So I asked you for any evidence you had of calls**

1 that PRA made to you that do not show up on PRA's own
2 phone records as produced in discovery. You identified
3 Deposition Exhibit 3 and Deposition Exhibit 4. Is
4 there anything else?

5 A My memory. My testimony.

6 Q Any documentary evidence?

7 A Yes. I gave the defendant a handwritten list in
8 my production of documents of calls that I had. After,
9 you know, becoming aware that I was going to litigate,
10 I went back and went to the earliest that my log
11 showed, so it falls off, you know, pretty quick.

12 Q You said defendant's log. You meant plaintiff's
13 log, correct, handwritten log?

14 A Yes. I must have misspoke if I said defendants,
15 but yeah, I created a handwritten log that I gave to
16 the defendants in my production of documents.

17 Q When did you produce that?

18 A When Pivot came and picked up all of my boxes of
19 documents.

20 Q Okay. So let's go through these one at a time.
21 In Deposition Exhibit 3, which I believe is your
22 supplemental responses to interrogatory nine, I believe
23 it's correct there are -- you've identified 15 calls --

24 A Yes.

25 Q -- in this interrogatory response?

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1 A Yes.

2 **Q Tell me why you think these calls came from PRA.**

3 A Because when I compared the phone calls on the log
4 that the defense has put as Exhibit 1D in their motion
5 for summary judgment, I compared that to the Verizon
6 log and the -- I'm going to try to find one for an
7 example. Okay. So let me -- since I'm not coming up
8 with one real quick, but I am coming up with something
9 that will help. So, for example, if I look at January
10 19, 2021, on the defendant's call log and they show a
11 call was made at 4:32:38 p.m., which is Eastern time,
12 so it's going to be one hour different. So then I
13 would go to my log and look for a call on January 19th
14 at approximately 3:32. Sometimes it was one minute
15 different. I don't know how they, you know, came up
16 with the different numbers. But on this particular
17 call on January 19th, there was no call on my log, and
18 so that tells me -- now, the defendant wrote answering
19 machine voicemail no message on their log. On my log,
20 it doesn't show a call at all.

21 **Q So what you're talking about here is a call that**
22 **shows up on PRA's phone log, but it doesn't show up on**
23 **yours?**

24 A Correct.

25 **Q I'm asking for the opposite.**

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1 A Right.

2 Q I'm asking for calls that you think happened that
3 don't show up on PRA's record. I want to take a short
4 break here I think will help clarify the record. I
5 need to make copies of a couple of exhibits, so if we
6 can take a 15-minute break.

7 (WHEREUPON, after a break was taken, the
8 proceedings resumed as follows:)

9 BY MR. TREFIL:

10 Q Ms. Hammett, you said you wanted to finish your
11 answer.

12 A Yeah.

13 Q Just let me reframe the question to make sure that
14 your answer makes sense. I'm asking you to identify
15 calls that you believe were made by PRA that are not
16 reflected on its call history, which has been
17 identified Deposition Exhibit 5 and the court
18 reporter's provided that to you.

19 (WHEREUPON, a document was marked for
20 identification as Exhibit No. 5.)

21 A Okay. So --

22 Q Can you please use the deposition exhibit?

23 A So the method that I used to determine that the
24 defendant did not give an accurate record in Exhibit 5
25 is that I went through each call. Now, I did not order

1 enough months on my phone record, so some of the calls
2 are not addressed, but for the months, the six months
3 that I ordered, there was a call showing on Exhibit 5
4 for January 19th at 4:32 p.m. I'm not going to give
5 the seconds. That call does not show on the Verizon
6 log.

7 **Q And do you know why that is?**

8 A Yes.

9 **Q Why's that?**

10 A Because if a call doesn't show on the Verizon log,
11 it's because it went to voicemail. Now, that's the
12 interesting thing is that on the Defense Exhibit 5,
13 they have calls that were not reflected on the Verizon
14 log that they wrote were answered. So see how it goes.
15 It's all very confusing.

16 **Q Can you identify a specific call you're talking**
17 **about?**

18 A Oh. I haven't come to one yet. I did at home, so
19 if I had known, I should have brought my notes on that.
20 But --

21 **Q Take your time. If you want to identify a call**
22 **that shows up as answered by PRA -- actually, I just**
23 **want to make sure I understand what you're saying.**
24 **What you're telling me right now is that PRA's phone**
25 **records are more complete than your Verizon records; is**

1 **that correct?**

2 A No. It's that they sometimes -- they have calls
3 that don't show up on Verizon record and that's because
4 those calls that the defendant named on their record
5 that don't show up on Verizon are because they went to
6 voicemail.

7 **Q And that's because phone service providers such as**
8 **Verizon don't record all calls that come in and aren't**
9 **connected; is that correct?**

10 A Correct. It would show on Verizon's telephone
11 service provider's records because --

12 **Q On Verizon's?**

13 A On the defendants.

14 **Q PRA's?**

15 A Yes, because PRA, if they wrote answering machine,
16 voicemail, then that should show up on their third
17 party --

18 **Q Why do you think that?**

19 A Because it connected, and so they would get
20 charged for it. There would be a record. That's the
21 thing is when it goes to voicemail, the person who
22 receives the voicemail or receives -- you know, that
23 goes to voicemail, they don't get charged and it
24 doesn't show up on their record.

25 **Q What is the basis for what you're saying right**

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1 **now?**

2 A I called Verizon and asked them.

3 **Q Who at Verizon did you speak to?**

4 A I'm sorry. I didn't get the name. Just the
5 representative.

6 **Q What exactly did they tell you?**

7 A She said that calls that go to voicemail do not
8 register on the Verizon log. And some of the voicemail
9 calls did not register on the Verizon log. So, for
10 example, the January 14th and the January 12th calls on
11 PRA's log --

12 **Q And year, please. What year?**

13 A Just look at the --

14 **Q Of what year?**

15 A I'm sorry. 2021. The January 12th call on 2021
16 at 8:22 p.m., PRA said answering machine, voicemail, no
17 message. On the Verizon log at that same time, it does
18 not show up.

19 **Q That's not answering my question. My question is**
20 **I want to understand all the calls that you think PRA**
21 **made to you that do not show up on Deposition**
22 **Exhibit 5. And so far you've identified Deposition**
23 **Exhibit 3, which is your supplemental interrogatory**
24 **responses, Deposition Exhibit 4, which are your Verizon**
25 **records, and the court reporter has provided to you**

1 **what's been marked for identification as Deposition**
2 **Exhibit 6.**

3 **(WHEREUPON, a document was marked for**
4 **identification as Exhibit No. 6.)**

5 A I have three, five, one, two.

6 MR. TREFIL: Can we go off the record,
7 please?

8 (WHEREUPON, after a break was taken, the
9 proceedings resumed as follows:)

10 BY MR. TREFIL:

11 **Q The court reporter has provided to you what's been**
12 **marked for identification as Deposition Exhibit 6. Can**
13 **you identify that document?**

14 A Thank you. This is a handwritten note that I made
15 that answers the questions that you've been asking,
16 which is --

17 **Q When did you write this?**

18 A Sometime after February 20th of 2022 after I
19 received the Verizon record. Wait. Let me make sure.
20 No. No, no. I'm sorry. This was made before I got
21 the Verizon record. These are the handwritten notes
22 that I had told you that I had -- I don't know the date
23 that I did these, but it was after I knew I was in
24 litigation and I went back through my phone for my call
25 log and these were -- I called each of these numbers

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1 and then they all went to PRA. I got a recording that
2 said like we're a debt collector and your call may be
3 recorded and we're Portfolio Recovery Associates. And
4 so I went through all of the numbers that were still
5 showing up in my phone and checked to see who they came
6 from and this is a list of the calls that came from
7 PRA, so all of these calls --

8 **Q Excuse me, Ms. Hammett. I need to clarify.**

9 A Yes.

10 **Q You made this list after you already filed your**
11 **complaint; is that correct?**

12 A I don't know exactly when I made it, but I knew
13 that I was going to have to litigate, so it all was
14 happening very quickly because February 18th is when I
15 realized that, you know, I was going to have to
16 litigate probably.

17 **Q February 18th of 2020?**

18 A Of 2021.

19 **Q '21?**

20 A Yeah. That's when I wrote the first letter. I
21 think I wrote the first letter on February 20th, but I
22 had -- it was referring to the call from February 18th.
23 So I made this list by going through and calling back
24 all of these numbers, and so now all of these calls
25 should show up on PRA's list, but I don't believe that

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1 they do.

2 **Q Tell me which ones don't.**

3 A Okay. So the first one that I find is on
4 February 15, 2021. I received two calls from PRA. The
5 first was at 12:06 Central time and that does show up
6 on PRA's call log. One was at 12:32 p.m. Central time
7 and that does not show up.

8 **Q Okay. Let me follow up on these.**

9 A Yes.

10 **Q The way you did this is you went through the call
11 history on your phone and called the numbers, correct?**

12 A Yes.

13 **Q And your call history identified two calls with
14 PRA on February 15th, correct?**

15 A Correct.

16 **Q Are you certain that one of those two calls wasn't
17 you calling PRA?**

18 A You're right. That might be that and that's how I
19 would have figured out who they were. I don't know for
20 certain, but it still would show up on PRA's call log
21 if I --

22 **Q Well, I'm not ordinarily in the habit of
23 explaining this to you, but if you called in to PRA and
24 didn't identify yourself, PRA has no way of knowing
25 it's associated with your account. It would not show**

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1 up on your account records. Do you have any reason to
2 doubt that?

3 A No, but that's where we're having a problem
4 because if I called into PRA and then we were able to
5 subpoena PRA's third-party phone provider records, then
6 that call would show up, and so then we would know if
7 it was an incoming or outgoing call.

8 **Q Any other calls on Deposition Exhibit 6?**

9 A I have a call written down for January 27, 2021,
10 at 1:29 p.m. Central time. And -- oh, and I know that
11 the calls -- like the call that we were just discussing
12 where the two calls were made in one day, the reason
13 that I know that those were generated by PRA is because
14 I had the telephone number.

15 **Q Ms. Hammett, we just discussed that one of those**
16 **two calls on February 15th was a call from you to PRA.**
17 **PRA did not generate that call; isn't that correct?**

18 A Okay. So let me go back. So January 2017, that
19 one is not showing.

20 **Q Ms. Hammett, I need you to answer that question.**

21 A What?

22 **Q I want you to confirm you and I discussed the call**
23 **on February 15, 2021, the two calls. One of them was a**
24 **call from you to PRA; isn't that correct?**

25 A I don't know without seeing PRA's telephone

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1 service provider's call log. Let me look at the
2 Verizon record. So what was the date?

3 **Q February 15, 2021.**

4 A February 15th. I don't think it's going to show
5 up here. I ended at February 13th. I'm sorry. I will
6 get the rest of the Verizon numbers now that I see how
7 helpful they'll be for us. Hopefully we'll get the
8 third party service provider's calls and then there
9 won't be a question.

10 **Q Ms. Hammett, is there anything besides these**
11 **documents that you're referencing?**

12 A Let me -- let me finish this, please.

13 **Q Ms. Hammett, I'm in the middle of a question.**

14 A You didn't let me finish the last question.

15 **Q Ms. Hammett, I'm in the middle of a question. I**
16 **need to ask you this question.**

17 A I'm in the middle of an answer.

18 **Q Ms. Hammett.**

19 A Can you please let me answer the question?

20 **Q Ms. Hammett, I will let you answer the question.**
21 **I need to frame the question for you.**

22 A No. I'm still going through this log, and I am
23 not complete yet. Please give me an opportunity.

24 **Q Very well. Go ahead.**

25 A Thank you.

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1 **Q Take all the time you need.**

2 A Thank you. Okay. On February 1, 2021, at
3 3:15 p.m. Central time, there was a call that came from
4 PRA that you have in the log provided by the defendant.
5 There was also a return call that I made the note
6 recorded, asked to get no more calls. That call does
7 not show. There's only one call showing on February
8 1st at 4:15 p.m. Eastern time, but there were two calls
9 that should have recorded because one of them was from
10 you and one was to you, and if a call is connected and
11 we speak, then the defendant claims that they would
12 have made a notation, but there is no notation for that
13 call.

14 **Q Can you identify any other calls? So far you've**
15 **identified February 1st and February 15th; is that**
16 **correct?**

17 A So far, yes.

18 **Q And these are both inbound calls from you,**
19 **correct?**

20 A I don't know until I see a third-party record.

21 **Q You just referenced your notes right there**
22 **indicating that you called back and recorded it.**

23 A Yes. That --

24 **Q So that was definitely an inbound call.**

25 A That call was definitely inbound. Okay. On

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1 February 3rd, I have two calls.

2 **Q February 3rd what year?**

3 A Of 2021. On February 3rd, I show two calls, one
4 at 10:03 and one at 12:48 and Portfolio Recovery only
5 has the one that would be at 12:48 Central time.

6 **Q What page are you on, Exhibit 6, your handwritten**
7 **notes?**

8 A The pages aren't numbered. It's the third page.

9 **Q The third page?**

10 A Yes.

11 **Q You're referencing February 3rd.**

12 A The February 3rd telephone calls.

13 **Q All right.**

14 A And it's quite possible that one of those was
15 outgoing. I don't . . .

16 **Q By "outgoing," you mean you called PRA.**

17 A Me calling PRA. That's a possibility, so.

18 **Q Ms. Hammett, on the February 3rd call, the two**
19 **calls, the first one, the 10:03 call, why do you think**
20 **that the 5751 number is a PRA number?**

21 A I believe that I called these back, but I would
22 have to --

23 **Q You don't have any independent knowledge sitting**
24 **here today that is, in fact, a PRA number; is that**
25 **correct?**

1 A I don't recall. These are my handwritten notes
2 and I just lumped them all together, so I'm not certain
3 if this second group of calls were verified.

4 **Q So you don't have any independent basis sitting**
5 **here today to tell me that that 5751 number is a PRA**
6 **number; is that correct?**

7 A Not with 100 percent accuracy.

8 **Q What basis do you have for believing that is a PRA**
9 **number?**

10 A Because when I made these notes, I was writing
11 about PRA calls and --

12 **Q Did you make these notes contemporaneously? When**
13 **you call came in, were you writing down the number?**

14 A It doesn't look like that. I don't recall because
15 this is -- like I say, it's like one note in a whole,
16 big notebook full. And so like some of the pages, like
17 the first page of Exhibit 6, I wrote authenticated as
18 PRA, and so those are the ones that I remember I sat
19 and went and called each one. These later ones on page
20 3, I start with the calls where I had discussions, so
21 the call on December 16, 2020, January 5, 2021, and
22 January 25, 2021, I'm guessing just by my usual way of
23 doing things, it looks like I went off of other notes
24 and consolidated them down for this.

25 **Q What is your basis for any belief that that 5751**

1 **number is a PRA number?**

2 A That I wrote it down. I must have at the time had
3 some reason to believe that that was.

4 **Q But you can't tell me now?**

5 A I might be able to tell you after I go try the
6 number, see, you know, if it goes to a disconnected
7 line, which all of the other PRA numbers do now.

8 **Q Today is your deposition. I need to know what
9 basis do you have to believe that 5751 number is a PRA
10 number?**

11 A That I wrote it down.

12 **Q Nothing else?**

13 A I don't know if I called that one back, but I --
14 oh, let me see, February 3rd. Let me look at my call
15 log. I think I have February 3rd.

16 **Q And you're looking at Exhibit 4, your Verizon
17 records?**

18 A I'm looking at the Verizon records on page 4, my
19 handwritten number page 4.

20 **Q Okay. I'm looking at the actual deposition
21 exhibit. Can you tell me --**

22 A Let me go to that. Which exhibit is it? Six.
23 Okay. So on February 3rd at 10:03 a.m., there is no
24 record on Verizon of that call, so I know that the call
25 was not an outgoing call and that's how I could know

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1 with the other calls is also I could get my Verizon
2 record for all of those dates, and so like one of them
3 is -- oh, February 15th is this outside of the records
4 that I already obtained. But yeah, so like that call
5 on February 3rd at 10:03 a.m., I know that I did not
6 make that call because it's not on my phone record and
7 for some reason I think that I have -- like that I saw
8 my phone log in my telephone and I went down and made a
9 list of all the numbers that, so if I called them
10 back -- I need to get more complete records from
11 Verizon because I stopped on February 13th, so I should
12 get one more week in February and also the earlier
13 dates, but if I had the records from PRA from their
14 third-party service provider, I wouldn't need to do
15 that because PRA's records will show all the incoming
16 and outgoing calls that were connected. So this
17 February 3rd telephone call at 10:03 a.m., I did not
18 generate that and I don't know how I verified that that
19 one came from PRA. On this other list of calls I know
20 for a fact that I called them back and verified.

21 **Q Ms. Hammett, why didn't you order your Verizon**
22 **phone records when you first filed this litigation?**

23 A Because when we first filed the litigation, I just
24 didn't think of it, but I thought I would be able to
25 obtain the third-party telephone service provider

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1 records for PRA, which would be a lot easier than this
2 has been where I have to go through each phone call. I
3 mean, I literally called every number from before
4 November 18th on this record that you have as Exhibit
5 6 -- or 4, I'm sorry. And if I had PRA's telephone
6 service provider's record, then all I have to do is
7 look at -- you know, we asked them to give all the
8 times that PRA called or received a call from
9 (760)966-6000 or the other two telephone numbers
10 associated with my account, then that's easy. So I was
11 waiting to subpoena that. That's why, because I asked
12 -- I did ask in my first request for production of
13 documents, I asked for any document that had the name
14 of PRA's telephone service provider.

15 **Q Tell me which request that was.**

16 A I believe off the top of my head nine, but if I
17 had that in front of me, I could tell you, but I did
18 put it in my opposition to the motion for summary
19 judgment and I think that there were several requests
20 that named the -- that said, you know, different ways,
21 like tell me the telephone service provider that went
22 to 760-6000. Tell me all the telephone service
23 providers used by PRA. So I did -- I asked them a
24 number of times and then I wrote those down in my
25 opposition.

1 **Q And PRA objected to those requests, correct?**

2 A Yes, they did, based on relevance, which is
3 absurd.

4 **Q When did you move to compel? It was yesterday,**
5 **correct?**

6 A Yeah. I just filed the motion to compel
7 yesterday.

8 **Q The day before the close of discovery, correct?**

9 A Yes.

10 **Q Why did you wait that long?**

11 A Because Verizon had asked for -- well, they had
12 sent a subpoena to Verizon and they --

13 **Q When you say "they," you mean PRA, correct?**

14 A PRA. PRA first sent a subpoena to Verizon that
15 had what looked like a typo. I don't know if they did
16 purposefully or, you know, to lead me down the rosy
17 path because then I thought, oh, great, I'm going to
18 let PRA subpoena the documents because they know how to
19 do it. It's so easy for you. It's all very difficult
20 for me because I'm not a lawyer and this is my first
21 time doing a lot of this. And I don't have a lawyer,
22 so it's a lot of work. But anyways, back to the -- by
23 the time PRA realized their mistake, they filed a
24 second subpoena for the Verizon records and that one,
25 they asked for all my texts and e-mails and I didn't

1 see any reason that they needed to have all of my
2 texts -- that was intrusive -- and my e-mails.

3 **Q Well, you moved to quash, correct?**

4 A So I moved to quash and they fought me on that.

5 **Q Why didn't you order your Verizon records when PRA**
6 **subpoenaed them?**

7 A One reason is because the account is owned by my
8 husband and he's extraordinarily private, and so you
9 might notice that I took out all of his calls from the
10 document from, you know, the record.

11 **Q I didn't notice that actually.**

12 A Oh. Yeah.

13 **Q So Deposition Exhibit 4 is not a full and complete**
14 **record of what Verizon gave you?**

15 A It's a full and complete record of all the calls
16 from (760)966-6000 and that's what I requested from
17 them and there is a telephone call recording that we
18 could subpoena, but they went ahead and ran his phone,
19 which he does not approve of.

20 **Q Okay. So to answer my question, Deposition**
21 **Exhibit 4 is not a full and complete document? It is**
22 **not Verizon's entire response to your request; is that**
23 **correct?**

24 A It is Verizon's entire response to my request
25 concerning (760)966-6000. It does contain every call

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1 made or received from that number.

2 **Q That's not my question. Deposition Exhibit 4 is**
3 **not what Verizon gave you in response to your request**
4 **for your phone records; is that correct, yes or no?**

5 A Now I'm confused by the question, but my answer is
6 that I requested all the calls from (760)966-6000 and
7 they sent me all the calls to and from 966-6000. They
8 also sent other documents and those were not requested,
9 and I did not include them.

10 **Q So you did not provide to PRA everything that**
11 **Verizon gave to you, correct?**

12 A I didn't give the phone bills from Verizon. All I
13 requested from them was a list of the phone calls in
14 and out. They sent me other documents, but those are
15 not pursuant to a request by me.

16 **Q You requested telephone records from Verizon; is**
17 **that correct?**

18 A I requested just the phone records for the 6000
19 number.

20 **Q Or about February 15th of this year?**

21 A Yes.

22 **Q Okay. Verizon responded to you; is that correct?**

23 A Yes.

24 **Q Verizon provided you with a group of documents**
25 **identifying calls to different phone numbers; is that**

1 correct?

2 A Yes.

3 **Q You did not provide all of Verizon's response to**
4 **your request to PRA; is that correct?**

5 A No. That's incorrect. I made a request for a
6 certain thing. If Verizon decided to send me pictures
7 of their grandchildren, then I would not have included
8 those.

9 **Q I understand. It's a simple question. Verizon**
10 **gave you more than you asked for. I get it.**

11 A Yes.

12 **Q What I'm asking you is just to confirm mon the**
13 **record that Verizon provided more documents to you than**
14 **you provided to PRA.**

15 A Not responsive to my request. The documents
16 responsive to my request are all in this document,
17 Exhibit 4.

18 **Q And there were other documents that Verizon**
19 **provided to you --**

20 A That were not responsive.

21 **Q -- that you did not ask for and you did not**
22 **provide those to PRA; is that correct?**

23 A Correct. And so going back to the question that
24 you asked, why I didn't get them earlier is because my
25 husband is a third party and he does not -- he's not

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1 required to provide this. And if I had sent a subpoena
2 to Verizon instead of just calling and having my
3 husband stand there and say yes, it's okay to talk to
4 her, then I would have asked for only the phone number
5 6000. I would not have asked for his phone number on
6 the subpoena, and if I had asked for his phone number
7 on the subpoena, I would be required to send him a
8 notification as a third party and he would have denied
9 that request.

10 **Q So you believe that PRA made calls to you that are**
11 **not included in Deposition Exhibit 5, the phone**
12 **records; is that correct?**

13 A I'm sorry. Please repeat.

14 **Q You believe that PRA made calls to you that do not**
15 **show up on Deposition Exhibit 5, correct?**

16 A Yes, yes, most definitely.

17 **Q And I've tried to identify documents that contain**
18 **the calls that you believe PRA made that did not show**
19 **up on Deposition Exhibit 5, and so far you've**
20 **identified Deposition Exhibit 3, which is your**
21 **supplemental response to interrogatories. You've**
22 **identified Deposition Exhibit 4, which is the Verizon**
23 **response to your request, and Deposition Exhibit 6,**
24 **which is your handwritten notes. Is there anything**
25 **else?**

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1 A I'd like to say that I'm -- I had to respond to
2 the huge motion for summary judgment, and so I did not
3 have time from February 20th till now to go through the
4 entire call log. I intend to do so before trial, but I
5 did note -- and I don't have the record here, but I did
6 notice that there were calls that looked like they were
7 from parties who fit the pattern, and I will tell you
8 what the pattern is because I had an opportunity to
9 look through during our break.

10 **Q Please tell me what the pattern is.**

11 A Okay. So the pattern is that on the Exhibit 5,
12 which is the PRA call log, there's a call on
13 January 17th at 3:48.

14 **Q January 17th of what year?**

15 A 2022 -- no, 2021. 2021. I'm sorry. That does
16 show on Verizon as coming from (619)833-0521 incoming
17 CL, one minute. Then there were two calls that are on
18 the PRA log that don't show up on the Verizon log.
19 Then there's a January 11th, 3:24 p.m. from
20 (337)324-8139 that says incoming CL, one minute. And
21 then --

22 **Q And that call is on Deposition Exhibit 5?**

23 A It's on Deposition Exhibit 5 and it's also on
24 Deposition Exhibit 6 -- or 4, I'm sorry, 4. So both
25 parties agree that a call was made by PRA that day, but

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1 it would just show up with the phone number, incoming
2 CL, one minute. And then there was one more that I
3 noticed in our break that was January 7th, 4:06 p.m.
4 from (646)681-3007, incoming CL, one minute. So I'm
5 seeing the pattern, that there's a number that I don't
6 recognize and then it says incoming CL, one minute.
7 And I had enough time to go through -- because it was
8 so important to me to go through and find calls from
9 before November 18th to see if they, you know, were not
10 on the list and the reason that I didn't do all of the
11 calls, the ones after November 18th is because I was in
12 a time crunch and there's only one of me and PRA has
13 four attorneys and their support group. So I did do a
14 very thorough job on November 18th and before, but I
15 only did a few calls from earlier and I don't have my
16 notes with me at this time because I didn't want to
17 bring my work product stuff.

18 But the calls that I put onto the Exhibit 3, each
19 of those calls on the Exhibit 4, the Verizon log, all
20 said the same thing, a telephone number that I didn't
21 recognize, incoming CL, one minute, and I called every
22 single one of the calls that matched that pattern and
23 there were the 15 calls where the number was
24 disconnected, so then because I had -- earlier when I
25 generated these handwritten notes that you have as

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1 Exhibit 6, I had gone through and called all the
2 numbers to verify that they were PRA and they were
3 verified. Now when I call the numbers that I call that
4 are on PRA's list and that match on the Verizon list, I
5 only called maybe four of those, but each one of them
6 was disconnected.

7 **Q Okay. So I just want to make sure I get this**
8 **straight. Your testimony is that when you call the**
9 **numbers that showed up -- that you wrote in your**
10 **handwritten notes on Deposition Exhibit 6, you could**
11 **verify those as belonging to PRA with three exceptions**
12 **however. All of those calls appear on PRA's call logs,**
13 **correct?**

14 A Correct.

15 **Q Okay. Now, with respect to Deposition Exhibit 3,**
16 **your reason for believing that these are PRA calls is**
17 **because it says incoming CL, one minute?**

18 A And because --

19 **Q And you called back and got a disconnected number.**

20 A Correct. And all my other calls that fit that
21 pattern that connected were to nobody, you know, that
22 is related or anything like that. So those are the
23 calls that, you know --

24 **Q Isn't it possible those calls came from somebody**
25 **completely different?**

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1 A That's why I need the record from PRA.

2 **Q Isn't it possible those calls came from somebody**
3 **completely different?**

4 A There is a chance that it came from somebody
5 different.

6 **Q Would it surprise you to know that not a single**
7 **one of the numbers in Deposition Exhibit 3 has ever**
8 **belonged to PRA?**

9 A I believe that you're testifying and you're not
10 allowed to testify, so I object.

11 **Q I'm asking you a question. Would it surprise you**
12 **to learn that none of the numbers on Deposition**
13 **Exhibit 3 belong to PRA?**

14 A Yes, it would surprise me.

15 **Q All right. Let's go back to Exhibit 2, first**
16 **amended complaint -- actually, go back to Exhibit 2.**
17 **We were talking about Paragraph 263, which was Section**
18 **805, the claim under 1692d(5). In Paragraph 264, you**
19 **reference Regulation F. Do you know when that came**
20 **into effect?**

21 A Yes. It was -- I don't know the exact date, but
22 it was after the problems occurring. But Regulation F
23 is not law anyways. It's just persuasive.

24 **Q Do you know whether or not Regulation F had gone**
25 **into effect at the time period made any of those calls**

1 to you?

2 A No, it had not gone into effect.

3 Q Okay. That's fine.

4 A It was written and approved.

5 Q All right. I'd like to go to Paragraph 261 of the
6 first amended complaint. You identify this as Section
7 806. For the record, that's 15 USC 1692(d). And this
8 is -- these are your allegations about the recorded
9 line issue and the fraud affidavit. On what base did
10 you tell PRA not to record you?

11 A I believe that I told them not to call me -- not
12 to record me several times before I started keeping a
13 record of who they were and when they were calling me,
14 so I don't have the exact dates. In the transcript
15 that I presented in my opposition to the motion for
16 summary judgment --

17 Q Transcript of what?

18 A The transcript of the recordings that were
19 provided to me by PRA.

20 Q Who made those transcripts?

21 A My son.

22 Q Your friend?

23 A No, my son.

24 Q Oh, your son.

25 A Yeah. I hired him to make transcripts. And

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1 hopefully we get to reimburse him, reimburse me for
2 paying him. But if you would like, I could go through
3 these and find each time, but I did put it in my
4 opposition.

5 **Q Well, let me be more precise here. I've**
6 **identified on occasion in the year before you filed**
7 **your complaint where a call recipient on your account**
8 **asked not to be recorded. That was December 16, 2020.**
9 **Do you have any recollection of that call?**

10 A Yes. December 16, 2020?

11 **Q Uh-huh.**

12 A Yeah, I have recollection of it.

13 **Q Okay. Did you identify yourself during that call?**

14 A If you don't mind, I'm going to look for the
15 transcript notes on it.

16 **Q And by "transcript notes," what are you referring**
17 **to?**

18 A The recording -- the transcripts that my son made
19 of the telephone calls.

20 **Q If you're going to be referring to those during**
21 **the deposition, I want to have them copied and made an**
22 **exhibit.**

23 A Okay.

24 **Q All right. Can we take a short break?**

25 **(WHEREUPON, after a break was taken, the**

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1 **proceedings resumed as follows:)**

2 BY MR. TREFIL:

3 **Q Did you take any medication during our lunch**
4 **break?**

5 A No, I did not.

6 **Q Any alcohol? Any substance that might impair your**
7 **ability to testify truthfully and accurately?**

8 A No.

9 **Q Okay. Have you ever lived at 5757 Erlanger Street**
10 **in San Diego?**

11 A Well, I'd like to finish the last question.

12 **Q Ma'am, I'm asking the questions here.**

13 A Right, but we didn't finish the last question.

14 **Q Ma'am, can you answer the question, have you ever**
15 **lived at 5757 Erlanger Street in San Diego?**

16 A Okay. I'm going to object to the last question as
17 not having had an opportunity to complete the answer.
18 We left with a stipulation that we would come back to
19 the question.

20 **Q I already told you that you would have the**
21 **opportunity to make whatever statement you want at the**
22 **end, all right? This is --**

23 A No. I'm putting in my objection to not allowing
24 me to finish the answer to the question that we began
25 before lunch.

1 Q Can you answer my pending question? Have you ever
2 lived at 5757 Erlanger Street in San Diego?

3 A Yes, for a minute. I slept there two nights, I
4 think.

5 Q Two nights?

6 A Probably.

7 Q You didn't have communications with your landlord
8 at 5757 Erlanger Street?

9 A Yes.

10 Q Ms. Hammett, I'm showing you what's marked for
11 identification as Hammett Exhibit 7. Can you identify
12 this document?

13 (WHEREUPON, a document was marked for
14 identification as Exhibit No. 7.)

15 A Yes. This is an e-mail chain that -- well, it's
16 an e-mail chain between me and the landlord and --
17 okay.

18 Q All right. Do you want to -- just take a moment
19 to look at it, whatever information you gave to the
20 landlord in this e-mail. Do you want to restate your
21 answer that you've only slept at 5757 Erlanger Street
22 for two nights?

23 A No, I do not want to restate it.

24 Q So it's your testimony today that you couch surfed
25 at the Erlanger Street address for two nights and based

1 **on that alone, you were doing all this communication**
2 **with the landlord?**

3 A Yes. I wouldn't consider it couch surfing, but
4 what happened was we rented this very lovely townhouse,
5 but it had some issues, and so we didn't want to move
6 in until we fixed those. And "we" being Michael
7 Pietrczak and myself. I do remember sleeping there. I
8 definitely remember sleeping there one night, but I'm
9 thinking that it was more like two. And we had a
10 business that bought out estates, and so we had
11 decorated our office in the back of the store with this
12 beautiful bed, like -- that was the nice part of the
13 business is we got the highest quality of everything
14 because we got first dibs. So we had the back room set
15 up, and, as you know, I was writing and I was also
16 starting this new business and we were there all the
17 time, and I would just stay there and fall asleep, you
18 know. I would stay until I dropped and I would drop in
19 the bed.

20 And then Mr. Pietrczak fixed up the -- I think he
21 had already fixed up the shower room. So like before
22 we moved into the townhouse, we were all set up, you
23 know. We just had -- I wanted more of a normalcy, but
24 then I found that that wasn't really required and it
25 was kind of a waste of money and then before we decided

1 not to stay there at all, I got really sick like
2 physically ill and I couldn't move. Like I couldn't
3 lift my head, and so Mr. Pietrczak called 911 and they
4 sent an ambulance and that's the first time -- I think
5 they took me to Scripps La Jolla and then I was talking
6 to the EMTs about all of this really stressful stuff
7 that I'd been going through and they said -- they did a
8 CAT -- I think it's a CAT scan on my head.

9 **Q Ms. Hammett, I'm asking you about this property.**

10 A Right. Well, so I ended up going to the hospital
11 and then telling the landlord that because we weren't
12 using the property we were just not going to move in,
13 but we've already done a lot -- do you have any tissue,
14 please? I thought I brought some, but I don't see it.
15 Do you happen to have a box of tissue?

16 **Q Tissue is over there.**

17 A Thank you.

18 **Q Can you describe the property for me?**

19 A Yeah. It's a townhouse. It's on like a, not a
20 cul-de-sac, but like a -- there was only one way in and
21 there was like a street that went around in a circle, I
22 think. I'm doing this out of my memory from, what was
23 it, 2011.

24 **Q And you and Mike rented that property?**

25 A Yes, we did.

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1 Q And by Mike I mean Pietrczak. Is that his name?

2 A Yeah. And I call him Pietrczak because --

3 Q You've got two Mikes.

4 A I actually had Mike Williams also. We call my
5 husband now Mike number one.

6 Q All right. But you and Mr. Pietrczak rented that
7 property, correct?

8 A Yes.

9 Q And you ran a business out of it as well?

10 A No. We ran a business out of a commercial
11 building. The townhouse, no.

12 Q Okay. So 5757 Erlanger property was just
13 residential?

14 A It was just residential, yeah. That's why I
15 didn't recognize it when PRA asked me if that was my
16 address because I never really lived there.

17 Q So you recall telling PRA that you did not recall
18 that address?

19 A Yes.

20 Q Have you reviewed PRA's account notes for your
21 account?

22 A Yes.

23 Q Are you aware that -- I'm going to refer to
24 something as a G Notice. It's under 1692g. It is the
25 initial disclosure. It says you have the right to seek

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1 **verification of the debt within 30 days. Are you**
2 **familiar with that requirement of the FDCPA?**

3 A I'm familiar with the requirement and I'm saying
4 that PRA did not fulfill that requirement.

5 **Q Okay. And what is your basis for saying they**
6 **didn't fulfill that requirement?**

7 A Because they did not send it to me in a
8 communication where a communication is a conveyance
9 from one party to another. They claim that they put it
10 in the mail, but that somehow I just didn't receive it
11 and I know that if they put it in the mail to 5757
12 Erlanger, I did not receive because I don't believe I
13 ever collected mail there. But yeah. So they didn't
14 communicate that to me.

15 **Q But you have no reason to doubt -- do you have any**
16 **evidence that PRA did not send G Notices to you on**
17 **December 19, 2013, and February 5, 2014, to your**
18 **address at 5757 Erlanger Street in San Diego?**

19 A Yes.

20 **Q What evidence do you have?**

21 A That they have altered the -- that PRA has altered
22 that PRA net document of my account and there's things
23 on there that are missing. There are things on there
24 that are wrong. And like in particular, they said that
25 I filed for bankruptcy and I know you filed for

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1 bankruptcy, but I did not.

2 **Q We'll get into that.**

3 A So it's just wrong that they've put that on their
4 -- on that record, and so I can't trust anything that
5 they wrote and there is evidence that they sent a
6 letter and it was returned undeliverable.

7 **Q Do you know why it was returned undeliverable?**

8 A I don't know what PRA's saying now, but when I
9 spoke with -- I believe it might have been -- no, it
10 wasn't Risa Gore. The call on either April 10th or
11 April 12th, the account representative went through and
12 she just said that it was returned undeliverable and
13 that they updated an address.

14 **Q This would be one of the several calls you made to
15 PRA after you'd already filed the litigation, correct?**

16 A Yes.

17 **Q And you kept doing that even though we
18 specifically requested that you stop?**

19 A Yes. I'm under no obligation to stop.

20 **Q You're not a licensed attorney. I understand
21 that. Do you know an attorney would get disbarred for
22 doing that?**

23 A It's a good thing I'm not an attorney.

24 **Q It's a very good thing.**

25 **Do you have any evidence that PRA did not send G**

1 **Notices to you on December 19, 2013, and February 5,**
2 **2014?**

3 A Yeah. I didn't receive anything. That's
4 evidence.

5 **Q Were you living at that address in 2013 and 2014?**

6 A No. I do know in one of the cases PRA -- against
7 Portfolio Recovery that the plaintiff complained that
8 PRA did not heed her written notice and they said that
9 they didn't receive it and held that in court. I can't
10 quote you the case right now, but if I go home and do
11 the research again. I might have mentioned it in my
12 opposition to the motion for summary judgment.

13 **Q Are you talking about a written cease-and-desist**
14 **request?**

15 A Yes.

16 **Q Okay. Now, I'm not going to discuss the other**
17 **case. It's not relevant to this one, but you sent in a**
18 **written cease-and-desist request to PRA, didn't you?**

19 A Yes.

20 **Q They honored it, didn't they?**

21 A They honored the written one. They did not honor
22 the verbal ones.

23 **Q Now, you did not dispute your debt to PRA in 2013**
24 **and 2014, did you?**

25 A No. I had no idea that they thought I owed them

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1 anything.

2 **Q But you eventually did dispute your debt?**

3 A Yes.

4 **Q When? Generally. You don't need to give me an**
5 **exact date.**

6 A Well, I know for a fact there was the call -- I
7 don't know the exact date of it, but the call, I think
8 it was in early January.

9 **Q Of which year?**

10 A Of 2021.

11 **Q I'm really just looking kind of for the year. I'm**
12 **looking for the general timeframe.**

13 A Yeah. I told them like this is not my debt. I
14 have no debt. It was after the November 18th call
15 because I had ordered a copy of my credit report to see
16 what they were talking about.

17 **Q And after you disputed the debt, PRA sent you a**
18 **response, didn't they?**

19 A Are you talking about the identify theft letter?

20 **Q We can talk about that. I'm asking a question**
21 **about the response where they waived your debt and**
22 **changed the account balance to zero. Do you recall**
23 **that?**

24 A No, they did not waive my debt. They just changed
25 the account balance to zero and said they closed the

1 account.

2 **Q When did that happen, roughly?**

3 A Well, it happened kind of in a whole line. So
4 first they sent me a letter that -- roughly in -- oh,
5 actually, I have the letter here, I think.

6 **Q Ms. Hammett, I don't want to go through documents
7 that aren't exhibits.**

8 A We have exhibits of it. It's the Laura Lyman, the
9 letter that was -- well, okay. I won't give you the
10 exact date. I'll just tell you what happened. So
11 sometime after February 18th, Portfolio Recovery sent
12 me a letter that said we've -- and I'm paraphrasing,
13 but we've completed the investigation into your dispute
14 and your account has been closed. And I was like, wow,
15 that's great. I was so happy. And then the next day I
16 went to document the letter and I noticed that they had
17 written it to Laura Lyman, which looks exactly like
18 Laura Lynn when you sight read and especially because
19 it was all capitalized, and so it just really looked
20 like Laura Lynn, but when I saw it was Laura Lyman, I
21 checked the account number and that was different than
22 the purported account number that belonged to me. So I
23 sent an e-mail to Mr. Mitchell and asked him if he
24 could -- I think by then he was involved. I'm not
25 sure.

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1 But anyways, I did contact somebody who was with
2 Portfolio Recovery and I asked why it said Laura Lyman
3 and they sent me a corrected letter that said Laura
4 Lynn and had the account number that they purport to
5 have belonged to me. And it just said your account has
6 been closed. And so then I did send an e-mail, and I
7 have a copy of it here if you want to make it into
8 evidence or an exhibit. But I do have an e-mail that I
9 sent -- I think that I sent it to both -- there it is.
10 So I sent it to both the disputes department and then I
11 think that I also sent to Mr. Mitchell but under
12 different cover because this copy that I have is only
13 to the PRA disputes department.

14 And it says, "Dear Portfolio Recovery Disputes,
15 PRA's corrective letter of closure of my account
16 arrived today, but PRA omitted the words 'has concluded
17 its investigation of your dispute.' Are you assuring
18 me there will be no reopening of the account? I
19 realize the right column is a form with predetermined
20 fields, but calling PRA the current creditor is
21 inaccurate. To the best of my knowledge and belief,
22 PRA is not and has never been a creditor to me. Please
23 write 'not applicable' in that field or send a copy of
24 verification of the original debt including statements
25 from when the account was at zero and a purchase

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1 agreement between the alleged original creditor and
2 PRA. In good faith and fair dealing, Laura Lynn
3 Hammett." And then I put in parentheses "you used my
4 prior name Laura J. Lynn.

5 **Q Ms. Hammett, I'm going to go ahead and get that**
6 **made as an exhibit. I just e-mailed somebody.**

7 A Okay.

8 **Q But we'll hold off on that from the time being.**

9 **You have stated that you believe the fact that PRA**
10 **closed out your account indicates that you never owed**
11 **the debt in the first place; isn't that correct?**

12 A Yes.

13 **Q Okay. Why?**

14 A Because PRA's in the business of suing people to
15 recover debt and they don't typically just fold and
16 say, oh, okay, well, we're just going to be good guys
17 and let go of your debt, and they didn't have a
18 settlement agreement on the table. A company like PRA
19 would say, hey, if we, you know, zero out your account
20 for you, then will you forgive us our transgressions,
21 but they didn't do that. And instead they sent some
22 confusing letters, first, the Laura Lyman letter. Then
23 they sent -- you know, which confused me because it
24 wasn't my name, and so I didn't know like maybe they
25 had just gotten the whole thing mixed up. Maybe it was

1 Laura Lyman's account the entire time, but then they
2 sent the second letter that was just like Laura Lyman's
3 letter but with the right name and they dropped off the
4 part about the investigation, so then I thought, oh,
5 they're being really sneaky because for some reason,
6 they put Laura Lyman, and then when I figured that out,
7 I caught them in it, then they came back and they
8 dropped out the thing about we closed -- I mean, we
9 finished the investigation. So then I sent another
10 letter and asked for that to be corrected and then they
11 sent me a letter that looked just like the Laura Lyman
12 letter but with my name and the purported account
13 number.

14 **Q Did PRA ever tell you that you never owed any**
15 **money on the account?**

16 A To me, that's what that means.

17 **Q Did PRA ever tell you that you never owed any**
18 **money on the account?**

19 A Yes. That was what was communicated to me.

20 **Q Other than what you just testified about, did PRA**
21 **ever say anything else to the effect that you never**
22 **owed money on the account?**

23 A There's nothing in the PRA log that says we're
24 going to zero out her account and the reason why, so
25 that -- you know, because I did get a copy of that PRA

1 report and I didn't see anything on there that
2 discussed it. And I'm fairly bright and I understand
3 English and my dad, who was a physician and a really
4 brilliant man, always taught me that language is meant
5 to be understood, and so when PRA sends a letter that's
6 very confusing -- but I think that everyone on the jury
7 is going to think that -- when they see that letter,
8 they would say, oh, PRA agreed with Laura. So let's
9 bring it to a jury and let them look at it.

10 **Q Other than what you just said, is there anything**
11 **else that you can point to that you think that PRA told**
12 **you that you never owed any money on the account?**

13 A No. That was enough for me.

14 **Q Ms. Hammett, the court reporter has provided you a**
15 **document marked for identification as Hammett Exhibit**
16 **8. That is the e-mail that you were reading into the**
17 **record earlier; is that correct?**

18 (WHEREUPON, a document was marked for
19 identification as Exhibit No. 8.)

20 A Right.

21 **Q All right. I don't have any further questions on**
22 **that document.**

23 **When Capital One charged off your account, did --**

24 A I'm sorry?

25 **Q When Capital One charged off your account --**

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1 A You're assuming facts that aren't in evidence.

2 **Q When Capital One charged off your account, that**
3 **didn't mean that you never owed the debt, did it?**

4 A You're misstating testimony. Capital One did not
5 charge off my account that I'm aware of. Do you want
6 to use a different timeframe or a different reference
7 point?

8 **Q No, this isn't restricted to time. This is a**
9 **simple question. Capital One sold your debt to PRA.**

10 A I'm sorry. You're testifying again. Please stop
11 testifying.

12 **Q Ms. Hammett, I am not testifying. I'm asking you**
13 **questions.**

14 A Then ask me a question.

15 **Q Okay. When Capital One charged off your account**
16 **and sold it to PRA, that did not mean --**

17 A That's a pregnant question.

18 **Q Ms. Hammett.**

19 A They did not charge off my account.

20 **Q Ms. Hammett, I'm not going to argue with you. I'm**
21 **asking you questions. You are answering them. That's**
22 **the way the deposition works. Am I understood?**

23 A I'm objecting to a pregnant question. When you
24 beat your wife, what did she say?

25 **Q Ms. Hammett, when Capital One charged off your**

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1 **account and sold it to PRA, that did not mean that the**
2 **debt never existed in the first place, did it?**

3 A Capital One did not charge off my account, that
4 I'm aware of.

5 **Q You also brought up the question of your 1099 for**
6 **this last tax year; isn't that correct?**

7 A Yes.

8 **Q Can you tell me what your issue with that is?**

9 A Yes. In fact, that is another reason why I
10 believe that PRA did not zero out the account like
11 waiving the debt because the 1099 would be required
12 from there end, but they weren't going to file a 1099.
13 So when a debt collector -- my understanding is that
14 when a debt collector -- I mean, a creditor. I'm
15 sorry, not a debt collector but a creditor waives a
16 debt that they are required to file a 1099-C and then
17 if it's in dispute, that the debtor is the person who
18 tells the IRS no, this isn't accurate or it's in
19 dispute, but PRA didn't and they said they weren't
20 going to.

21 **Q Are you familiar with the contested liability**
22 **doctrine?**

23 A Yes. You brought that to my attention through
24 some of the court documents.

25 **Q Okay.**

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1 A In what I've read, to me, it seems like that what
2 I just said is the method. So if the debt is disputed,
3 that to creditor will file the 1099-C and then the
4 alleged debtor will say no, this is not my debt and
5 we're disputing it. I think that the IRS usually will
6 accept that.

7 **Q I think it's safe to say that you do contest the**
8 **Capital One that PRA owns for you, correct?**

9 A Yes.

10 **Q Would you feel better if PRA went and ahead and**
11 **issued the 1099? There's still time.**

12 A I think that PRA should do what is legally
13 required of them, and so if they did issue a 1099, I
14 would dispute it with the IRS. It would make one more
15 sentence that I have to write on my income taxes or if
16 they come back and audit me. But the interesting thing
17 is that they did not do that in 2011, and so that makes
18 me think that Capital One did not fill out a 1099-C
19 either. But I'm aware of no 1099-C from 2011.

20 **Q You didn't answer my question. Would you prefer**
21 **that they go ahead and issue the 1099 on your account?**

22 A I have no preference either way. Let me rephrase
23 that. If PRA is -- legitimately thinks that they
24 waived a debt, then they're required to file that. If
25 PRA knows that they are lying, then that would be a

1 very, very bad thing that would get them sent to jail,
2 or it could get them sent to jail. And I would go one
3 step further with the IRS and I would be very clear to
4 them what was going on and offer to show them my
5 records from this case to the extent that they're not
6 under seal.

7 **Q Ms. Hammett, the court reporter has just provided**
8 **you with documents, Exhibits 9, 10, and 11.**

9 (WHEREUPON, documents were marked for
10 identification as Exhibit Nos. 9-11.)

11 A Yes.

12 **Q Are you familiar with these documents?**

13 A Yes.

14 **Q How are you familiar with them?**

15 A PRA has produced them I believe in their initial
16 disclosures or maybe it was on December 8th. Then
17 they've put them in their motion for summary judgment
18 as well.

19 **Q The first exhibit, Exhibit 9, do you know what**
20 **that is?**

21 A Yes.

22 **Q What is it?**

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 Q Street address 5757 Erlanger Street. We just
10 discussed that. You have lived at that address before,
11 correct?

12 A For two nights.

13 Q Did you tile floor in two nights? because your
14 e-mail says that you tiled the floor.

15 A No. My e-mail says that Mr. Pietrczak tiled the
16 floor. He did it when I wasn't there.

17 Q Okay. City, San Diego, state, California. Is
18 that where the 5757 Erlanger Street address is?

19 A Yes.

20 Q Do you know if that's the correct ZIP Code,
21 92122-3801?

22 A The 92122, I'm sure of but the dash 3801, I
23 suppose.

24 Q The customer phone number, (760)966-6000. That is
25 your phone number, correct?

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1 A Yes.

2 **Q I'm not going to read out the date of birth on the**
3 **record.**

4 A That's my date of birth.

5 **Q That is your date of birth. Last four digits of**
6 **social security number 7803; is that correct?**

7 A Yes.

8 **Q That all matches your personal information?**

9 A Yeah. The Erlanger Street does not, but the rest
10 of it is.

11 **Q What you just said, you have resided there?**

12 A Yeah, but I wouldn't ever call it a customer
13 street address. I would not call that my address.

14 **Q But you have lived there before? You wrote**
15 **correspondence to the landlord at 5757 Erlanger Street**
16 **regarding your departure from the property.**

17 A Right. Well, we've gone over it. You have a
18 different definition of me than "reside." But actually
19 the legal definition of reside is that you plan to
20 return there and that it's your home. Like that's for
21 tax purposes. I've read before where you -- you know,
22 if you want to claim residency someplace -- and
23 actually, it's in court cases, too, where -- yeah. So
24 it's not my residence. It never was.

25 **Q Okay. I want to cut through semantics here. 5757**

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1 **Erlanger Street is not an address that is unknown to**
2 **you?**

3 A Correct.

4 **Q Okay. Have you ever had a Capital One account?**

5 A I believe I probably did.

6 **Q Does that mean yes or does that mean no?**

7 A It means I probably did. I have no evidence of it
8 anywhere. I've looked through every piece of paper
9 that I have and I've looked through all my e-mails.
10 There's not a single one from Capital One.

11 **Q When did you have the Capital One account?**

12 A If I had it, the 2001 sounds about right.

13 **Q Do you still have a Capital One account?**

14 A No.

15 **Q What happened to your Capital One account?**

16 A It -- I don't have any accounts now. I just quit
17 using credit at all.

18 **Q Well, you had a Capital One account and then you**
19 **didn't have a Capital One account. What happened?**

20 A I quit using -- Okay. So I quit using any credit
21 cards. I went to debit cards and around the time that
22 the 2010, 2011, I had this boyfriend. We called each
23 other husband and wife and I used his last name, but
24 now he's disputing that we ever did that even though
25 it's written a hundred times under penalty of perjury.

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1 Q Can I have a name for this --

2 A Yeah. Michael Pietrczak.

3 Q Oh, this is Pietrczak, okay.

4 A Yeah. So Pietrczak took all my money and put it
5 into his name and all the accounts -- like we have this
6 business, the estate sale, but he said he was worried
7 that my former spouse would get the money, and he's
8 probably right, and so I said fine. I trusted him. I
9 made him the trustee on my living trust, and he -- you
10 know, that's why I couldn't say with 100 percent
11 certainty that he didn't do identity theft or
12 something. You know, it's a possibility. That's a
13 possibility. But he had all of the money in his name
14 and all the cards were in his name.

15 Q Okay. Going back to Exhibit 9. We touched on the
16 open date. You said 2001 sounded about right for a
17 Capital One account; is that correct?

18 A Yeah, because -- the reason why I say that is
19 because I had just gotten divorced, and so I would
20 probably have been putting cards in my name. It might
21 have even been earlier than that, but, you know, around
22 then, probably more like 1998.

23 Q And this is for your Capital One account, correct?

24 A Any account that I had would have been opened
25 around that time like 1998 or thereabouts because

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1 before that, I had all of my accounts with my
2 ex-spouse, Timothy Lynn, and we had phenomenal credit
3 together. You know, I just know that that's when I
4 started opening my own accounts.

5 **Q Do you deny ever having a Capital One account?**

6 A I don't deny having a Capital One account, but
7 don't twist that into being this account.

8 **Q I'm simply asking you whether your deny having a
9 Capital One account.**

10 A No. I probably had a Capital One account. In
11 fact, I thought this was very funny. My son gave me
12 this key chain. It says "Capital One" on it. So, I
13 mean, everybody has a Capital one -- he has a Capital
14 One account. He gave me this thing from it. And his
15 ex-wife, Elizabeth Lynn, had a Capital One statement
16 sent to the Barnett address and I asked him about it
17 and he said, oh, just throw it out.

18 **Q Let the record reflect the witness was referring
19 to a lanyard for keys with the Capital One brand on it.**

20 A Yeah.

21 **Q All right. Do you see further down where it says
22 charge-off amount, \$1,916.05?**

23 A Yeah.

24 **Q You deny that that was a balance on your Capital
25 One account or charge-off, correct?**

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1 A You're misstating the testimony again. I did not
2 have an account that got charged-off. You want to
3 restate that?

4 **Q No. I think you can answer my question. It's**
5 **simple. Just deny what I asked you.**

6 A But I don't know that the rest of it --

7 THE WITNESS: Repeat the question, back,
8 please.

9 MR. TREFIL: Go ahead.

10 (WHEREUPON, the court reporter read back
11 the previous question.)

12 A Yes. That whole sentence I deny.

13 BY MR. TREFIL:

14 **Q The current total balance listed on the -- just**
15 **for reference. I'll be referring to this as load data.**
16 **The current total balance listed on the load debt is**
17 **\$2,297.63. That is, in fact, the amount that PRA was**
18 **trying to collect from you, isn't it?**

19 A No.

20 **Q What is the amount PRA was trying to collect?**

21 A Oh, I'm sorry. I was waiting for your trick
22 question and I interjected Capital One in there.

23 **Q No trick question.**

24 A Yeah. PRA was trying to collect 22,000 -- I mean,
25 I'm sorry \$2,297.63.

1 Q [REDACTED] says post charge-off
2 interest, \$381.58. Do you know what that means?

3 A It means that PRA is claiming that there was
4 \$381.58 in interest on the account that they're
5 claiming existed and that that was probably -- yeah,
6 that's what it is, just them saying that there was some
7 interest on a charged-off account.

8 Q Do you know who charged that interest?

9 A Well, I don't know that this interest was charged
10 at all. I don't know that any of this is accurate or
11 it wasn't just a figment of PRA or that it didn't
12 belong to Laura Lyman, but yeah, I don't know --

13 Q Do you know where the information in this load
14 data came from?

15 A No, I don't.

16 Q Let's move on to Exhibit 10. Have you seen that
17 document before?

18 A Yes.

19 Q What is it?

20 A It's a bill of sale. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

25 Q And turning to Exhibit 11. Have you seen that

1 document before?

2 A Yes.

3 Q That's an affidavit of sale, correct?

4 A Yes.

5 Q Do you know what that document is?

[REDACTED]

22 Q Ms. Hammett, I've shown you what's been marked as
23 identification as Hammett Exhibit 12. Have you seen
24 this document before?

25 (WHEREUPON, a document was marked for

1 **identification as Exhibit No. 12.)**

2 A Yes, I have.

3 **Q What is it?**

4 A It's a declaration of Meryl Dreano.

5 **Q Dreano is how you pronounce it.**

6 A Dreano, okay. I might get that wrong every time.

7 **Q She wouldn't mind. And I'm just going to refer**
8 **you to the second page, Paragraph 9. I want to ask you**
9 **about some background questions. Have you ever met Ms.**

10 **Dreano?**

11 A No.

12 **Q Are you familiar with her position at PRA other**
13 **than what you've seen in her declaration?**

14 A I've seen her declarations in other cases. I
15 can't remember offhand. I might have seen a deposition
16 with her, but I'm not certain on that. But yeah, I
17 know that she exists only through my research of this
18 case.

19 **Q And in Paragraph 9 of her declaration, she says,**
20 **"Based on my experience as custodian of records team**
21 **lead, the load data, bill of sale and affidavit of**
22 **sale," which are the last three exhibits we just talked**
23 **about, "are sufficient to establish the existence of**
24 **Plaintiff's delinquent debt and PRA's ownership of that**
25 **debt."**

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1 **Do you have any basis to dispute that assertion in**
2 **Ms. Dreano's declaration?**

3 A Yes.

4 **Q What is that?**

5 A Several. One is that it's hearsay. She does not
6 work for Capital One, and so she can't speak for
7 Capital One. Number two is that the Consumer Financial
8 Protection Bureau, CFPB, did a study and came to a
9 consent agreement with Portfolio Recovery in 2015 that
10 talks about the inaccuracy of the records that PRA --
11 when they buy these big portfolios and that the -- the
12 CFPB and PRA agreed that it was going to stop trying to
13 collect debts until they made a verification first of
14 the accuracy, especially with accounts that were
15 purchased before 2015, such as the alleged account
16 here, so they were -- yeah, they're very highly
17 inaccurate.

18 **Q Do you have any reason to dispute Ms. Dreano's**
19 **contention that Exhibits 9, 10, and 11 that we just**
20 **discuss are sufficient to establish PRA's -- the**
21 **existence of the delinquent debt and PRA's ownership of**
22 **such debt in a collection action?**

23 A I got confused with the -- which part? Maybe if I
24 read that sentence, I would understand or you can say
25 it again and I'll try to keep it straight.

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1 Q I will start off with a statement. Then ask my
2 question. What Ms. Dreano is saying is that the three
3 exhibits that we just discussed, 9, 10, and 11, are
4 sufficient in a collection action to establish the
5 existence of a debt and PRA's ownership of the debt.

6 A And I disagree with that.

7 Q I was about to ask, do you have any reason to
8 dispute that? And if so, tell me why.

9 A Yes. Okay. I dispute it because -- a few
10 reasons. One is that the CFPB thought that these
11 documents were inaccurate quite often and that
12 Portfolio Recovery was charged with like \$12 million
13 approximately that they had to restore to customers
14 that they had actually collected from, so like if they
15 had been successful in 2013 collecting from me, they
16 would have had to refund that money according to the
17 2015 consent agreement.

18 They have also had an action by the attorney
19 general in Massachusetts. I think that one was like in
20 2019, but it similarly, you know, said that they were
21 going after people inaccurately. When I was
22 researching to put together this lawsuit, just in the
23 Eastern District of Arkansas alone, I think there was
24 like 39 cases against them. One of the later cases
25 that was filed in 2020, they -- Portfolio Recovery sued

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1 the woman and then they -- the woman answered through
2 an attorney, I believe, and that was in state court.
3 And then Portfolio Recovery went into the state court
4 and said that she never answered and got a default
5 judgment. And then the woman came back and sued PRA.
6 I don't know if it's finalized now, if they settled,
7 but she was suing them for lying to the state court
8 about her not -- so basically I don't trust anything
9 that they put out because I know that they've lied to
10 me and I know that they've lied to a lot of people, and
11 so why would I believe somebody who just comes out and
12 says, hey, you owe me money. I mean, anybody could
13 tell me that. Before I pay somebody a supposed debt,
14 they're going to have to show me like a credit card
15 statement, something with my signature on it, something
16 that Capital One is saying we're absolutely certain
17 that this was a debt, but, you know, even the documents
18 that PRA has produced in this case, there are so many
19 inaccuracies that -- like there's no way that I would
20 pay them for a supposed debt based on that.

21 **Q It doesn't answer my question, Ms. Hammett. My**
22 **question was, Ms. Dreano was making the statement that**
23 **taken together, the load data, identifying you**
24 **personally, the personal information, with the bill of**
25 **sale and the affidavit of sale would be sufficient in a**

1 collection action in state court to enforce the debt
2 against you. Do you have any basis for disagreeing
3 with that other than what you've just discussed?

4 A Yes. And that's what -- you know, like I put in
5 my motion for partial summary judgment was saying that
6 they have not met their burden of showing that there
7 was, in fact, this debt and the burden's not on me.
8 It's on PRA.

9 **Q You are the plaintiff in this case, you know that?**
10 **I mean, you're aware of that?**

11 A Right, but I'm the plaintiff because PRA has
12 violated their mandate to be able to verify a debt
13 before they start calling people and really it wasn't
14 so much the amount of the debt that bothered me as
15 their obnoxious telephone calls that wouldn't end and
16 they're not telling me who they were.

17 **Q Ms. Hammett, I'm going to show you what's marked**
18 **for identification as Hammett Exhibit 13A. Have you**
19 **seen this document before?**

20 (WHEREUPON, a document was marked for
21 identification as Exhibit No. 13A.)

22 A Yes, I have.

23 **Q What is it?**

24 A This is -- it looks like a Capital One statement
25 at first glance.

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1 Q Okay. Whose name is on the account?

2 A Laura J. Lynn is what's written on this piece of
3 paper, but I don't know that it's not been Adobe
4 Acrobat.

5 Q What about the address, 45078 Mission Avenue,
6 Oceanside, California. Have you ever lived at that
7 address?

8 A That's 4507B.

9 Q 7B? My apologies.

10 A Yes. Yeah, it's a strange font. That's an
11 address that I did live at, again briefly. It's -- do
12 you want me to elaborate?

13 Q No, not particularly.

14 A Okay.

15 Q Do you see where it describes the balance,
16 \$1,916.5?

17 A It says new balance is that amount. That's what
18 they said the new balance is.

19 Q If you go back to Exhibit 9.

20 A Yes.

21 Q Where it says charge-off amount.

22 A Yes.

23 Q Do you confirm that is, in fact, the same number
24 of the charge-off amount in Exhibit 9?

25 A That's the same balance, yes.

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1 **Q Now, tell me why you don't like this document.**

2 A Okay. So a few reasons. First, when I printed it
3 out, there were problems with the way it printed out
4 and I kind of did a little bit of research since then.
5 I'm not a tech person. I'm definitely not a clerical
6 person, but it might be that Google -- when you try to
7 print things out on my Google something or other,
8 that -- like it looked like other people had that same
9 problem, so that might not be something wrong with
10 this, but it just kind of piqued my curiosity. And
11 then I tried doing the math, so there's a number --
12 previous balance is 1834.57, but then on the right-hand
13 column down about two thirds of the way, there's an
14 interest charge calculation that shows purchases and
15 cash and then balance subject to interest rates and it
16 gives an annual percentage rate of 29.40 percent, which
17 ought to be illegal, if it's not. And then it says
18 interest charge calculated on those balances. And if
19 you add up the two balances that they were subjecting
20 to an interest rate, they end up being more than
21 1834.57. So I don't know where they came up with that
22 number. And then I called Capital One and asked them
23 about it and they weren't able to give me any more
24 information about it.

25 **Q Was Capital One able to pull up your account?**

1 A They did say that they had a charge-off for the
2 \$2,297.63, but that -- you know, they didn't have
3 anything else. And I asked them if they had anything
4 that they could send to me, any statements, and they
5 said no. So I don't know if -- because this is eight
6 months later that PRA came up with this statement, and
7 so since they had already put in the letter to me that
8 they had concluded their investigation, well, why
9 didn't they find this statement when they were
10 investigating the first time?

11 **Q Do you know where PRA got the statement?**

12 A I do not know where they got the statement. I
13 have no idea. My thought was that they have a
14 statement from someone and they just used Adobe Acrobat
15 and put in some numbers and they used the numbers that
16 they had gotten on their big chart from Capital One,
17 but --

18 **Q You're referring to the load data, Exhibit --**

19 A Well, no, I'm referring to --

20 **Q Exhibit 9?**

21 A Well, I think -- and I don't know this for a fact,
22 but I think that PRA is the ones who input this load
23 data, that they took it off of -- like a giant list of,
24 you know, line items of different accounts and, you
25 know, maybe the person who put in Laura Lyman's name

1 instead of Laura Lynn also put in Laura Lyman's numbers
2 when they took it out of Capital One's sheet, like
3 their million accounts that they sold for pennies on
4 the dollar and then -- so yeah. So I don't know. I
5 mean, I wasn't there, but I see that PRA made a lot of
6 errors and that there are inconsistencies on this
7 because the balances subject to interest rate don't add
8 up and then I called Capital One again in the hopes
9 that maybe they could shed some light on this and for
10 some reason they just forwarded me to Portfolio
11 Recovery the second time, so they spoke to me once and
12 I did tape record it.

13 **Q Have you produced that recording?**

14 A I don't think so, but I will. I mean, it just
15 didn't -- I don't know if I produced it during the
16 production of documents. That was pretty lengthy, but,
17 I mean, yeah.

18 **Q So you called Capital One twice?**

19 A I think I called them three times because then I
20 called them the second time and was put through to
21 Portfolio Recovery and it was a very interesting
22 discussion where she told me that a lot of things on
23 the record were not accurate. And then that was with
24 Risa Gore, I believe. Then I called back again because
25 she said that I would have to speak to someone in the

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1 disputes department for any more information, and so --
2 and that all happened in February. That's why it's --
3 you know, like I haven't been on top of everything
4 because I was working on the motion for summary
5 judgment and all that.

6 **Q But yes, if you could, please.**

7 A Sure.

8 **Q I believe the recording with Capital One would be**
9 **responsive, if you could produce that.**

10 A Yeah, definitely. And if you don't mind, because
11 like right now this is my second deposition in my
12 entire life and I'm a little nervous and stuff, so if
13 you can, shoot me a note.

14 **Q Oh, absolutely.**

15 A Okay.

16 **Q Jed may send it your way before you're even done.**

17 A Okay.

18 **Q All right. You've got some concerns about the**
19 **interest charge here. Is there anything else about the**
20 **face of the document that you call into question?**

21 A Yes. So I'm a math whiz. I love math and I've
22 been through three years of college calculus and I
23 played poker like at a professional level and just
24 because like my number theory is phenomenal, but I
25 could not figure out for the life of me how they came

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1 up with those interest amounts because I used different
2 calculators on the Internet and I tried using formulas.
3 And honestly, one of my questions to whoever PRA
4 presents as their representative at trial, you know,
5 assuming that they have anybody come to the trial, I am
6 going to ask how did they come up with these because
7 you're going to be smarter than me.

8 **Q Well, this is a Capital One statement, correct?**

9 A No. I mean, this -- what I think is that maybe
10 PRA just went in there and made up numbers and what I
11 think that they did wrong to come up with these odd
12 numbers is that if you take a hundred and you add
13 25 percent, you have \$125, and if you subtract
14 25 percent, you have like \$93. So I think that whoever
15 filled in the blanks to try to make it come up to
16 whatever they were trying to make it come up to, that's
17 my best guess is that they started with the ending
18 number and then they subtracted the 29.4 percent per
19 year, and so they ended up with the wrong numbers. So
20 honestly, I spent hours trying to figure out how they
21 got this to work and I couldn't.

22 **Q But Capital One confirmed with you over the phone**
23 **that they had charged off this account, correct?**

24 A They confirmed with me over the phone that they
25 had an account for a Laura Lynn that had a charge-off

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1 amount of \$2,297.63. And there might be -- like I
2 think they had like the charge-off date. That's all I
3 remember. I've only listened to the tape once, but
4 yeah. It was almost like there was no information and
5 she just said, like, oh, sorry, we gave everything to
6 PRA and so go ask them.

7 **Q And I can confirm Mr. Komisin just sent you that**
8 **e-mail, so you have that in your inbox.**

9 A Okay. Great.

10 **Q All right. We've been at this an hour. Let's**
11 **take a 10-minute break.**

12 (WHEREUPON, after a break was taken, the
13 proceedings resumed as follows:)

14 BY MR. TREFIL:

15 **Q Ms. Hammett, the court reporter's provided you**
16 **what's been marked for identification as Hammett**
17 **Exhibit 14.**

18 (WHEREUPON, a document was marked for
19 identification as Exhibit No. 14.)

20 A Here? Is this it?

21 **Q Yes. It's another declaration from Meryl Dreano.**
22 **I just want to go to the last page and discussion of**
23 **Exhibit J. Now, Exhibit J is not attached to this**
24 **particular exhibit, but I'll just state for the record**
25 **that Exhibit J is Deposition Exhibit 13A, the Capital**

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1 **One charge-off statement.**

2 A Right. Unfortunately I know that by heart.

3 **Q Now, can you tell me -- Ms. Dreano states in**
4 **Paragraphs 51 and 52 of this declaration that PRA did**
5 **receive this charge-off statement from Capital One and**
6 **that documents of this type are regularly relied on PRA**
7 **in the ordinary course of its business. Is that**
8 **sufficient for you to establish reestablish the**
9 **foundation of this document?**

10 A Hold on a moment, please. Let me read it again.

11 No, it is not a basis for foundation.

12 **Q Can you explain why not?**

13 A So going through it, PRA received an account
14 statement from Capital One attached as Exhibit J, which
15 given the age of the account took significant time and
16 resources to identify. So first, again, I believe that
17 it's hearsay because she doesn't work for Capital One,
18 so she could say anything she wants about Capital One
19 and they haven't verified it, but also, it sounds like
20 a lie to me when -- like hedging, which given the age
21 of the account took significant time and resources to
22 identify. Yeah, it took eight months for a company
23 whose business it is to sue people to collect on debts
24 and they were sued themselves for not verifying -- in
25 part for not verifying the debt and yet it took them

1 eight months, and then all of a sudden, it showed up.
2 And they didn't say where they found it, so if I was
3 working for PRA and it was legitimate, I would have
4 said, just like I did with like different records that
5 I've come across later, you know, I would have said we
6 looked in this account, in this file 3678, and here's
7 the other statements from that file. I would somehow
8 have made -- like told more particulars and that's
9 something that I'm going to ask at the trial is like
10 where did you find this statement, how come it took
11 eight months.

12 **Q You would ask that of Capital One?**

13 A No. I would ask that of PRA because Meryl Dreano
14 doesn't work for Capital One. She works for Portfolio
15 Recovery.

16 **Q Right, but Ms. Dreano said that PRA received the
17 account statement from Capital One.**

18 A Of course, she's saying that. That doesn't mean
19 that it's true. If PRA really wanted to prove it, they
20 would have Capital One come in and swear on a stack of
21 Bibles that they had created this statement.

22 **Q So if Capital One --**

23 A Capital One told me that they didn't have any
24 record of it. I asked them in that recording that I'm
25 going to get to you.

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1 **Q** Okay. Well, you just said that they identified
2 the account as charged-off.

3 A They didn't have any statements. They said they
4 have no statements. The only thing that they had they
5 claimed on that recording was the line item from their
6 portfolio. You know, I think that you buy them in like
7 the millions.

8 **Q** Would it make a difference if Capital One provided
9 an affidavit and said that this was a true and correct
10 copy of your account statement? And by "this," I'm
11 referring to Exhibit 13A.

12 A It would have made a difference had they done that
13 prior to this, but I think that because they're in a,
14 you know, good, long-term relationship with Portfolio
15 Recovery that now that they've already told me, no, we
16 don't have any statements, well, then all of a sudden,
17 they find one. Sounds a little bit like collusion.

18 **Q** So in your mind, Capital One and PRA are colluding
19 together against you?

20 A No. Well, it's speculative anyway, so it calls
21 for speculation. But if -- you're saying if they came
22 up with one? So I should object as to it being a
23 speculative question. That being said --

24 **Q** This isn't a trial. This is a deposition. I want
25 to know what your speculation is.

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1 A Well, so I'm not going to speculate, but you're
2 saying if they came up with a statement?

3 Q If Capital One provided you with an affidavit that
4 said that Exhibit 13A is a true and correct copy --
5 actually, let me reframe that. Let's mark this as
6 Exhibit 13B. Ms. Hammett, the court reporter's
7 providing you what's marked for identification as
8 Exhibit 13B. I just want to be clear. 13A is the
9 production copy of your charge-off statement.

10 (WHEREUPON, a document was marked for
11 identification as Exhibit No. 13B.)

12 A I don't know what that means.

13 Q It has the Bates label in the upper left-hand
14 corner that says PRA Hammett and it has the
15 confidential designation at the bottom or actually, it
16 does not have a -- it has the Bates label at the top,
17 PRA Hammett 2110.

18 A Okay.

19 Q Are you familiar with what a Bates label is?

20 A Yes, I know only because you taught me.

21 Q You've seen them in everything we produced.

22 A Right, right. Yeah, I learned about them from
23 you.

24 Q I just want to be clear, Exhibit 13A is the
25 version that we produced to you. Exhibit 13B is the

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1 version that Ms. Dreano is referring to as the
2 charge-off statement received from Capital One.

3 A Okay. I understand that. Is there a difference
4 between them other than the Bates number?

5 Q No, just the Bates number.

6 A Oh, okay.

7 Q So if Capital One came forward with an affidavit
8 attesting to the fact that Exhibit 13B was a true and
9 correct copy of Laura Lynn's charge-off statement for a
10 Capital One account in 2011, would that make a
11 difference in your assessment of this document?

12 A I object that it calls for speculation, so I'm not
13 going to speculate.

14 Q Are you refusing to answer the question?

15 A I'm refusing to speculate.

16 Q I'm asking if it would make a difference. Would a
17 Capital One declaration make a difference to you? This
18 is not a trial. This is a deposition. I'm entitled to
19 ask these questions. I want to know whether it would
20 make a difference to you if -- because, Ms. Hammett,
21 what you've told me is Ms. Dreano doesn't work for
22 Capital One. She works for PRA.

23 A Right.

24 Q So if someone from Capital One who had knowledge
25 came forward and testified that Exhibit 13B is a true

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1 **and correct copy of your charge-off statement for the**
2 **Capital One account, would you accept Exhibit 13B as**
3 **genuine?**

4 A I'm sorry. I'm trying to choose my words
5 carefully. I think that the time has passed for that,
6 and so I wouldn't because for the same reason that I
7 question the veracity of Ms. Dreano that eight months
8 later you all of a sudden find a statement and Capital
9 One has already told me that they don't have any
10 statements, so now if they came back, I would say why
11 didn't you tell me about that when I asked you for it,
12 so that would be my question to them.

13 **Q Well, I wasn't looking for your question to**
14 **Capital One. I was looking for an answer to my**
15 **question.**

16 A Right. Well, does that give you the answer?

17 **Q Well, it sounds like what you're telling me is it**
18 **wouldn't make any difference if Capital One came**
19 **forward with an affidavit at this point. You would**
20 **still disbelieve this charge-off statement no matter**
21 **what anybody says; is that correct?**

22 A Not no matter what anybody said. I would say that
23 it is possible that Capital One had the one line item
24 on a list that they sold, but I can't say the accuracy
25 of how it got transferred or that it was accurate

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1 before because a lot of the debts -- most of the debts
2 on there I think were not accurate. That's what the
3 CFPD said. So yeah, I'd have a hard time with that,
4 besides that I think it's a moot point because even
5 if -- and this might be a better question is even if
6 Capital One was to say oh, look, here's where we kept
7 it and we found it behind that file cabinet and that's
8 why we didn't give it to you. Even this statement
9 itself does not verify anything because it doesn't have
10 any signature from me, it doesn't have any payments, it
11 doesn't -- like the load data that PRA claims is
12 correct says that the last payment was zero, which
13 makes no sense at all except for the -- unless PRA
14 invented a last payment because they wanted to be able
15 to report it to the credit reporting agencies and they
16 wanted to be within the statute of limitations, but
17 there's no old account level documentation with my
18 signature or any purchases that say what was paid for
19 by that \$2,297.63. I have no credit card agreement
20 that says what amount of interest they're allowed to
21 charge me and I definitely would not have ever paid
22 29.4 percent interest. I usually paid my credit cards
23 off on time. That was, you know, my -- I just don't
24 like credit. I never have. This was at a crazy time
25 in my life, so, you know, if they could have showed me

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1 something that -- if Capital One has any kind of
2 documentation that shows that I purchased something and
3 I remembered purchasing it, then that might convince
4 me.

5 **Q By "this" -- you said this was a crazy time in my**
6 **life -- you're referring to the 2011 period**
7 **thereabouts?**

8 A 2010, yeah. When this was going on -- so in 2010
9 is when my dad passed away and I was actually the one
10 who was there with them when he had his final heart
11 attack and I was holding his hand and praying. And
12 then I had met Mike Pietrczak at the end of 2009 and he
13 was kind of a crazy person. And I was in this big
14 deal -- I got the Commissioner Freudenthal -- the CJP,
15 the Commission on Judicial Performance, got him
16 disciplined for showing bias against me on my case, and
17 -- yeah, so all of that --

18 **Q I'm sorry. I was a little distracted there.**

19 A Oh, okay.

20 **Q What are you talking about?**

21 A The things going on in 2010, you know, that --
22 like it was kind of a crazy time because, first, you
23 know, I lost my dad who I love with all my heart. I
24 had this new boyfriend who was like -- you know, he was
25 a ball of energy and that was fun, but there was just a

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1 lot going on and then mostly because I was having
2 problems with this corrupt judge. He was an unethical
3 judge and he was found to be unethical and he was found
4 to be unethical against me, and so, you know, I had
5 other things on my mind. In fact, one of the calls --

6 **Q Which case was this?**

7 A That was the -- well, Alan Freudenthal was the
8 judge. Eventually they got him off the bench. That's
9 the one that -- I think I gave you a link to the story
10 that Fox News did about me because I exposed him. He
11 had done the same thing to a lot of other people and
12 the CJP found that he had violated the code of ethics
13 against me and four other people that are unrelated to
14 me, so yeah. And you know how hard that is to do, like
15 it's nearly impossible. So I don't know, but I'm
16 digressing a lot.

17 **Q That's okay. I'm going to show you what's marked**
18 **to your deposition as Hammett 14.**

19 A Yeah.

20 **Q Can you identify which of these pieces of**
21 **litigation you're referring to with this particular**
22 **judge?**

23 A Yeah. Well, I think these are all current
24 litigation. List lawsuits -- oh, wait, no. List all
25 lawsuits to which you've been a party. I might have

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1 misunderstood or, you know, just gotten the question
2 wrong. I think that when I answered it that I thought
3 it was just the current litigation. Let me make sure.
4 Oh, no, here it is. I'm sorry. I did get it right.
5 Oh, my gosh.

6 **Q Which number?**

7 A Number eight.

8 **Q Number eight, okay.**

9 A Yeah.

10 **Q So you're talking about that particular judge.**

11 **All right. Actually, while we're here on Exhibit 14,**
12 **drop down to number nine for a second.**

13 A Okay.

14 **Q Why did you reference me personally in your**
15 **response to this interrogatory?**

16 A Let me read it. Because I think that it's ironic
17 and hypocritical that you filed for bankruptcy and that
18 you're representing PRA, which is my -- I'm sorry,
19 there's no place for humor in lawsuits, but that's my
20 -- you know, it bothered me.

21 **Q I'm just wondering why you would take the time to**
22 **put my name in a response to a sworn interrogatory in a**
23 **case that I am not a party to.**

24 A Because you're the attorney and you're -- you keep
25 saying -- yeah, this is important. So, you know, I got

1 really upset on February 18th during that hearing and I
2 had to stop because I had a blank out, so I have PTSD.
3 I mean, I don't think that you can argue with that
4 after seeing my medical record. And my trigger is
5 people lying about me, especially like standing in
6 front of me and lying because that's what my former
7 spouse did in court a lot and it had horrible -- I
8 mean, we haven't even touched upon what happened in
9 that case. But I've told you it destroyed my
10 children's childhoods. So I just don't dig the fact
11 that you say -- and you've said you owe this money.
12 No, I didn't owe the money. You're lying. And that's
13 my trigger. And so that's why I said it, because I
14 just don't think that you should even -- like you're
15 accusing me of reneging on a debt and yet you've
16 reneged on a lot of debts and you went through the
17 legal hoops and you got it dismissed and, you know,
18 whatever happens. I've never been bankrupt. I've
19 never gone through bankruptcy. So I just don't --

20 **Q What else do you know about me?**

21 A I know that you wrote the amicus brief like I told
22 you that I agreed with your position on the cross issue
23 of having religious symbolism in government areas or in
24 public areas.

25 **Q The Keys cross case, yeah.**

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1 A Yeah. I agreed with you on that.

2 **Q Do you know where I live?**

3 A No. I know you live in Virginia.

4 **Q Do you know the names of my family members?**

5 A No.

6 **Q What else have you searched about me besides this**
7 **bankruptcy?**

8 A I read your cases. I read all of the -- I put in
9 your name on Westlaw and anything that came up, I read.

10 **Q So you found the bankruptcy in Westlaw?**

11 A Yes.

12 **Q You didn't search any other records?**

13 A A lot of times -- well, I'm going to have to
14 object on the grounds of privilege, to tell you my
15 methods of doing research.

16 **Q I'm asking you what records you searched about me**
17 **personally or my family.**

18 A Yeah. I just -- well, I mean, it's not like some
19 big secret, but I -- when I research, I use Westlaw and
20 I use Dogpile, and you can thank me for the Dogpile if
21 you ever start using that. So I just put your name in
22 on all Westlaw and Dogpile.

23 **Q Have you researched the background of any other**
24 **members of my team like Mr. Komisin or Ms. James?**

25 A I think that I researched all of them.

1 **Q Have you researched Mr. Mitchell?**

2 A With the researching, I mean, I put them into
3 Westlaw. That for sure and I see what people -- what
4 other cases they've had. And the reason that I do that
5 is because I find -- I mean, you did that to me. You
6 actually --

7 **Q You're a party, Ms. Hammett.**

8 A Yeah.

9 **Q You brought this case.**

10 A Right. Well, you're an attorney. So this is
11 where it becomes valuable to me. When I read another
12 case that you've had -- like I read all the PRA cases
13 that I could get my hands on. And when I read those
14 cases, I see what your position has been in the past
15 and then I can say, well, now you're being
16 inconsistent. So like with PRA, I read the cases that
17 you put in the motion for summary judgment. I didn't
18 have enough time to read every single one of them, but
19 that's where I saw the cases where PRA said, oh, if we
20 didn't receive the letter, then it doesn't count. Then
21 I say a-ha. Well, then how come you're saying that
22 when I didn't receive a letter from you, it did count.
23 You can't talk out of both sides of your mouth.

24 **Q Okay, Ms. Hammett. What I'm asking you about here**
25 **in your number nine in Exhibit 14, why you saw fit to**

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1 put personal information of counsel in your
2 interrogatory response.

3 A Because I don't believe that you -- I think that
4 you're hypocritical. I'm sorry, but I think that -- I
5 don't particularly --

6 Q Were you trying to embarrass me?

7 A No.

8 Q Were you trying to anger me?

9 A No.

10 Q Rattle my cage?

11 A No.

12 Q You also included that in your opposition to our
13 summary judgment motion, which I have to confess I
14 haven't read yet.

15 A You mean you haven't read 381 pages?

16 Q No, I haven't. Apparently it's in Paragraph 61.
17 You did that again. This time you're making the
18 reference to the Court itself, not simply in an
19 interrogatory response.

20 A What? Oh, yeah.

21 Q Why would you do that?

22 A Because I think it's hypocritical.

23 Q We'll see what Judge Rudofsky has to think about
24 personal attacks on counsel.

25 A No, I'm not attacking you. Sir --

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1 **Q There is no question pending.**

2 A No, but you just made a comment and it was a
3 highly inappropriate comment. And I'm not attacking
4 you. I'm attacking PRA. They have hired someone who
5 has filed for bankruptcy to come after me and tell me
6 -- and you're working for PRA when you say this to me,
7 because I think that if you and I just met somewhere,
8 you know, at a café, I don't think that you would say
9 you owed a debt to anybody, but you're saying that to
10 me over and over again. And so, to me, you're being
11 hypocritical and you're doing it on behalf of PRA.
12 You're trying to rattle my cage and you're being
13 successful at it. So you say things about me that are
14 highly inappropriate. I don't care if I'm a litigant.
15 That doesn't give you a right to lie about me.

16 **Q Are you through?**

17 A I think I'm through.

18 **Q I want to go back to the recorded line issue.**

19 **Now, you've made allegations that PRA coerced you into**
20 **talking on a recorded line. How could it coerce you to**
21 **do that?**

22 A Because they were not going to stop calling me. I
23 had already asked them probably and I -- okay. You
24 asked like did you ever say don't call us. Well, the
25 normal person, if you hang up on them, they might call

1 back one time. If you hang up on them a second time,
2 they eventually get the idea and quit calling you, but
3 not PRA. They want to just keep calling over and over
4 and over again and the only way that I was going to get
5 them to stop calling me was to speak to them on a
6 recorded line.

7 **Q I still don't understand how PRA could coerce you**
8 **into talking on a recorded line during a telephone call**
9 **when you had the option to hang up at any time?**

10 A Because they call back. How am I supposed to -- I
11 know I'm not interrogating you, so let me rephrase it.
12 There is no other way that I could stop them from
13 calling me. They would still be calling me today if I
14 had refused to ever talk to them. They would just
15 call. They'd call again. They'd call again. And they
16 keep waking me. And, you know, I do go see a sleep
17 specialist. I did have sleep apnea. I did have
18 insomnia. I did have frozen shoulder syndrome, and I
19 wanted them to stop and they would not stop. And
20 that's why I finally on November 18th decided I would
21 speak to them. I would have my tape recorder on in
22 case it was some kind of trick that Tim Lynn was
23 pulling or that Mike Pietrczak was probably and that
24 they were going to, you know, use my words and change
25 them around, alter the tape, whatever they were going

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1 to do, so I just wanted to be careful, and I
2 tape-recorded the call myself and that's the only
3 way -- if I had not tape-recorded the call myself, I'm
4 pretty sure that PRA would have dropped that call off
5 of their calling list also. They would have said we
6 never called you on November 18th. Prove it.

7 **Q And you've produced those call recordings,**
8 **correct?**

9 A Yes.

10 **Q Have you ever heard of Midland Credit Management?**

11 A Yes.

12 **Q Who are they?**

13 A They're a debt buyer also, I believe. I've heard
14 of them because -- the first time I heard of them was
15 when I started researching for this, and so yeah. But
16 the lectures that I've listened to talk about Midland.

17 **Q What about Enhanced Recovery Company?**

18 A Who?

19 **Q Enhanced Recovery Company.**

20 A You know, there's a whole mess of companies.
21 Again, I wouldn't have known any of them had I not been
22 going through this. Since I filed suit, I had one
23 company contact me and face the PRA -- I'm sorry.

24 [Telephone rings].

25 THE WITNESS: Hey, I'm in a deposition.

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1 I'll call you back when I get done. Love
2 you, bye.

3 A I'm sorry. So, oh, I had one call, but because of
4 all the research I'd already done, I handled it exactly
5 like I was supposed to and they handled it exactly like
6 they were supposed to.

7 **Q What does that mean?**

8 A They called and I said -- oh, that was
9 interesting. So they called and they said, you know,
10 is this Laura Lynn, I think, and I said yes. And then
11 they said, "Is your birthday [REDACTED], 1962?" And I
12 said no. And they said, "Okay. We're sorry. We've
13 got the wrong person." And they hung up.

14 **Q How do you know who that was from?**

15 A Well, I think they told me who they were.

16 **Q Before you identified yourself? You know debt
17 collectors can't do that, right? They have to make
18 sure who they're talking to before they identify
19 themselves.**

20 A Right, but they -- no, but they're required to
21 once you say that it's Laura Lynn, and I did. I told
22 him I was Laura Lynn. Then he identified himself. So
23 anyway, but what I recall is that he said is your
24 birthday [REDACTED], 1962? And I said no, because my
25 birthday is [REDACTED], 1962. And then he just got off

1 the phone. And then I received a letter that listed
2 like 20 different companies and I've since learned that
3 LVNV is connected with like Resurgent, and I don't know
4 if it's with Midland.

5 **Q I'm just asking about Midland and Enhanced**
6 **Recovery Company.**

7 A Oh. I don't know. Maybe that wasn't Midland that
8 called. Somebody called me, but I think --

9 **Q Can you wait for the court reporter?**

10 A Okay.

11 **Q Ms. Hammett, I'm showing you what's marked as**
12 **identification as Hammett Exhibit 16. Do you recognize**
13 **that document?**

14 (WHEREUPON, a document was marked for
15 identification as Exhibit No. 16.)

16 A Yes.

17 **Q For the record, this is a confidential document.**
18 **This is plaintiff's credit report. Are you familiar**
19 **with this document?**

20 A Yeah. I am the one who produced this to you and
21 it's my credit report that I obtained after the
22 November 18, 2020, phone call.

23 **Q Do you see where says it Midland Credit --**

24 A Yeah. That's probably how I got their name in my
25 head, so it might have been Midland that did that call.

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1 It might have been -- you know, because I'm doing it
2 out of memory, but I think it was the LVNV that did
3 that call. But not LVNV, but it was like one of their
4 spinoff companies because I noticed that.

5 **Q So what debt of yours does Midland Credit**
6 **Management hold?**

7 A None.

8 **Q It's showing up on your credit report.**

9 A It says, "The listing of a company's inquiry in
10 this section means that they obtained information from
11 your credit file in connection with an account review
12 or other business transaction with you. These
13 inquiries are not seen by anyone but you. They will
14 not be used in scoring your credit file except
15 insurance companies may have access," blah, blah, blah
16 about the insurance companies.

17 So I don't know why they made a soft inquiry, but
18 Portfolio Recovery also made a soft inquiry and it's on
19 the same report, isn't it?

20 **Q I don't see Portfolio on this report. I might**
21 **just be missing it.**

22 A Did I give you both? I got two -- I contacted all
23 three credit agencies, but I only got two reports back
24 and I don't think this is the one that has Portfolio
25 Recovery on it. I think it's the other one. Yeah,

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1 Portfolio Recovery made a soft inquiry on November 1,
2 2019. So Midland just is like Portfolio, a --

3 **Q My question is what debt of yours does Midland**
4 **hold?**

5 A None that I'm aware of.

6 **Q All right. But you acknowledge they are showing**
7 **up on your credit report?**

8 A As a soft inquiry.

9 **Q Understood.**

10 A They're allowed to -- anybody can look me up. In
11 fact, that might be the way that companies like
12 Portfolio Recovery find their marks is they go in and
13 they look at people's credit reports and then they
14 contact them and say, hey, you owe us \$2,297.63. How
15 do you want to pay for that? And they have -- because
16 they have access to these credit reports, they have a
17 whole mess of information about you, so they're --

18 **Q What about Enhanced Recovery Company?**

19 A Same thing. I have no clue who they are. I don't
20 have any debt, and so they could look.

21 **Q So it's your sworn testimony here today under oath**
22 **that you currently have no delinquent debt?**

23 A I am not aware of any delinquent debt. I have
24 found out --

25 **Q You sound an awful lot like the Capital One**

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1 **representative who wasn't aware of any mistakes.**

2 A That what?

3 **Q In the affidavit of sale, you were complaining**
4 **that the Capital One representative was saying he**
5 **wasn't aware of any mistakes in the records that they**
6 **were giving.**

7 A Right.

8 **Q You didn't like that response, but here, you're**
9 **giving that very response yourself.**

10 A No. The reason why is because I learned, and most
11 people don't know this, but after I started
12 researching, I learned that old debt, it's never gone,
13 like they still -- I don't want to get into -- it's
14 speculative, but my understanding is that -- now is
15 that if you owe money to somebody and that seven years
16 or whatever the limit is for them to go and like sue
17 you or put it on your credit report, if that time goes
18 by, then you still owe them the debt. It just won't
19 show up on your credit report. And so I know that I
20 pulled my credit report and it doesn't have any debt on
21 it, so. Like you could look through this entire thing
22 and try to find a debt that I owe and you won't find
23 any. But that doesn't mean that if in 2010, I owed a
24 debt, then it would have just fallen off of my credit
25 report, but I would still owe it. So like if somebody

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1 -- and I will take a step into speculation. So if
2 Portfolio Recovery Associates had told me that we have
3 this statement and it's got your signature here and
4 it's got that you purchased your car, whatever, you
5 know, like whatever the debt was, and I remembered, oh,
6 yeah, I did buy that, then I would probably pay them.
7 But they haven't given me anything. They have not
8 given me one bit of evidence that this is not just
9 another one of their hundreds of millions of bad debt
10 that they bought for pennies on the dollar.

11 **Q The court reporter has provided you with what's**
12 **marked for identification as Exhibit 15. I want to get**
13 **back to this recorded call thing and in particular,**
14 **requests not to be recorded within the one-year**
15 **limitations period. In other words, March 2020 or**
16 **later. And one date in particular December 16, 2020.**
17 **Before we broke for lunch, you said you wanted to take**
18 **a look at the transcripts that your son provided.**
19 **Those are Exhibit 15. Actually, can you identify this**
20 **exhibit for the record?**

21 **(WHEREUPON, a document was marked for**
22 **identification as Exhibit No. 15.)**

23 A Yeah. This is a transcript that I had given the
24 recordings that PRA had produced and it was turned into
25 this.

1 Q And your son did that?

2 A My son did that.

3 Q Okay. Which son?

4 A Brandon.

5 Q What else has he done for you on this case?

6 A I think that's work-product privilege, isn't it?

7 Q No, it's not work product. What else has he done
8 for you on this case?

9 A I'm going to object as it's work-product
10 privilege, but I'll answer the question.

11 Q I would like to know, for example, what access
12 he's had to confidential information since he's not
13 included on the protective order.

14 A Right.

15 Q All right. What else has he done?

16 A He's talked with me.

17 Q Anything else?

18 A I think mostly he worked on this. It took him a
19 long time.

20 Q By "this," you're referring to the transcript?

21 A Yeah.

22 Q Okay. What is Brandon's regular occupation?

23 A He's a real estate agent.

24 Q Does he transcribe things for a living as a side
25 hobby or something?

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1 A No. I just needed help because there was too much
2 work for me, and so he worked for me.

3 **Q Has he ever done something like this before?**

4 A No, but I did read through it and it's accurate
5 and I made him redo it a couple times. It should be
6 pretty close to accurate, but it was done -- the tapes
7 are still there, so you can listen to the tapes and see
8 if you find any problems with them. One of the cases
9 that you gave me had a transcript in there and both
10 parties had provided the transcript and they weren't
11 exactly alike, so. But I just did it as a courtesy.

12 **Q I'm just asking for his background. That's all.**

13 A Yeah.

14 **Q Asking for foundation for this exhibit.**

15 A Okay. So he's just a young real estate agent
16 and --

17 **Q How old is he?**

18 A He's like 25. He was born in '94. He's like 27,
19 oh, my God.

20 **Q Now, we're looking for December 16, 2020, call.**

21 A Okay. December 16, 2020?

22 **Q Yes.**

23 A Do you know what page it's on?

24 **Q No idea.**

25 A Okay. December 16, 2020.

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1 Q December 16th?

2 A Yes.

3 Q Okay. What page is that?

4 A That's on page 22. What about it?

5 Q Have you had a chance to review the transcript?

6 A Oh.

7 Q The December 16th call.

8 A Yeah.

9 Q This is the only time that we've been able to
10 identify where a recipient of a call on your account
11 asked not to be recorded. Looking through this
12 transcript --

13 A I'm sorry. You just testified again and that's
14 not true. And I put in my --

15 Q Ms. Hammett, I am asking a question. I'm telling
16 you. I'm laying the foundation for my question. On
17 this December 16, 2020, call, did you identify yourself
18 as Laura Lynn Hammett?

19 A No, I did not.

20 Q Did Benjamin Clay identify himself as calling on
21 behalf of PRA?

22 A No, he did not.

23 Q All right. In fact, the only way that you know
24 that this call came from PRA is because PRA told you;
25 isn't that correct?

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1 A No. This is exactly how I knew that -- I knew
2 before you gave me any call list. I knew that that
3 call was from PRA.

4 **Q How?**

5 A Because they read a script. It sounds exactly the
6 same. The tone is the same. It's just exactly alike,
7 and I don't get other calls. Like I don't have any
8 other like people calling me and asking these kind of
9 things. When I went through and called all of the
10 numbers to verify that they, you know, had maybe come
11 from PRA or not, I found one that sounded like it might
12 have been a debut buyer or a debt collection company,
13 one, on six months' worth of calls. So they're the
14 only ones who were doing this to me. That's how I
15 know. So the proof is in the pudding. I mean, I
16 thought that they were the ones calling me, and lo and
17 behold, I get a list and it wasn't just the calls that
18 I thought they had made. They had made hundreds of
19 calls to my Wood Springs number that I had attributed
20 to Mike Pietrczak, because they were all hangups. So
21 all the hangup calls I thought was Mike calling me and
22 hanging up, Mike Pietrczak. But when I got --

23 **Q Just hold on a second.**

24 A Yeah.

25 **Q Are you saying PRA called you and then hung up on**

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1 **you?**

2 A No. PRA was calling the Wood Springs house and it
3 would go to --

4 **Q It would go to voicemail.**

5 A My answering machine. And I made a mistake in
6 what I just filed yesterday, the 381 pages. I have as
7 an exhibit, and I didn't bring it in, but I wrote in a
8 thing that I have it as an exhibit, the phone, the
9 actual physical phone from Wood Springs and it's like
10 the old school, and so -- and I'm just not technically
11 very adept, so I would just go like erase, erase, erase
12 when I saw -- you know, like -- it gives us like
13 annoying thing if you don't leave a message. It's like
14 -- your number you're calling can't be dialed at this
15 time. Please hang up and try again. And so I kept
16 those messages on the phone from Wood Springs and
17 there's like 20 of them. You know, it only holds 20 or
18 they got erased. But I had my neighbor Naomi go down
19 and pick up the phone that was in the empty house and
20 that's -- so that's what I was getting was just the
21 hangup, that annoying noise. I hit delete. I didn't
22 even put together that it was Portfolio Recovery.

23 **Q Sorry. My question was about being recorded.**

24 A Yeah.

25 **Q The call on the recorded line. I want to get back**

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1 to that.

2 A Okay.

3 **Q In this December 16, 2020, call, you got the**
4 **so-and-so calling on -- Benjamin Clay calling on**
5 **recorded line and you hung up. How is that coercing**
6 **you into talking on a recorded line? Just explain to**
7 **me.**

8 THE WITNESS: Please repeat that
9 question back.

10 (WHEREUPON, the court reporter read back
11 the previous question.)

12 BY MR. TREFIL:

13 **Q Actually, I'll rephrase the question. On the**
14 **December 16, 2020, call, you picked up the phone and**
15 **heard Benjamin Clay say it's Benjamin Clay calling on a**
16 **recorded line. After a little back-and-forth, you told**
17 **him you didn't want to be called anymore and you hung**
18 **up. Please explain to me how that is being coerced**
19 **into talking on a recorded line?**

20 A Okay. That's one of the calls that I recorded, so
21 that's why I said, hold a minute please, I think. We
22 can play back the call because you have it.

23 **Q I'm just asking how you were coerced into doing**
24 **anything.**

25 A I'm telling you. So he called and because of the

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1 quality of the call and because nobody else calls me
2 like this, I knew it was that same person who's been
3 calling me, and so I was going to record it, I think.
4 And then I said, "I'm sorry. Please repeat. What did
5 you say?"

6 And he said, "This is Benjamin Clay. I'm calling
7 on a recorded line for Laura Lynn. Is she available?"

8 And I said, "Please delete the recording. You
9 have no permission to record me. Delete it now and I
10 will bring criminal charges if I ever get a copy of any
11 recording made by you."

12 So that's what I said to him. That part right
13 there, I didn't want to say that much to him, but I
14 want him to stop calling me. So, to me, I think I'm
15 logical and I've been to therapists a lot and my
16 therapist in California told me at the Women's Resource
17 Center -- that you don't have those records either.
18 That was in 2009. And she told me -- I said that I was
19 getting like letters from Paul Abramson and they were
20 nice. He was a very nice man and I feel horrible like
21 the problems that he has. But he was sending me
22 letters and it bothered me, and she said, "Well, why do
23 you even open them?" I'm like because he sent me the
24 letter. And she said, "You don't have to. When you
25 get an e-mail and you don't know the person, you just

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1 delete it," right? Yeah. So that's why I thought
2 that, you know, a normal person, a non-harassing person
3 that you don't have to get a restraining order against,
4 if you hang up on them when they call you, then they
5 don't call you back.

6 **Q Have you ever had a restraining order placed**
7 **against you?**

8 A Yes.

9 **Q When?**

10 A By Tim Lynn. They were just -- like during the
11 divorce. He got a restraining order against me every
12 time he got a chance.

13 **Q So 2012 thereabouts?**

14 A I think he had one in the very beginning. I think
15 he got one against Mike Williams and then he got one
16 against me, I think. He claims that he got like four
17 of them or something, but I don't remember that. But
18 it didn't bother me too much because I wasn't calling
19 him anyways and they give out those restraining orders
20 like candy. I had an attorney representing me on one
21 of them and the attorney went to Stanford and Hastings
22 and he earned like \$500 an hour and he was working for
23 me on a contingency because the ridiculous child
24 support order that Tim had gotten should have been
25 overturned and he thought that it would get like --

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1 made much less and he went into a restraining order
2 hearing just kind of as a favor. He said like --
3 actually, that he would -- he said let's wait and get
4 the transcript back because if it's as bad as it
5 sounded to me, I'm going to report him to the JDDC.
6 But the transcript came back and he didn't think that
7 -- you know, the intonation was different and you can't
8 tell how rude the judge was. And that lawyer said that
9 he had listened to another hearing right before and the
10 guy that got the restraining order against him was a
11 security guard and his ex-wife got a restraining order
12 that was not even -- like he shouldn't have gotten it,
13 but the judge gave it to him and the guy is a security
14 guard, so now he can't do his job.

15 **Q This was in California, correct?**

16 A That was in California. And I think -- you know,
17 I don't recall seeing that transcript, but I know he
18 got it, so. I mean, I've moved and, you know, I don't
19 have every paper that I've ever had. Yeah, the -- so
20 yes, I did have a restraining order.

21 **Q All right. Ms. Hammett, I'm showing you what's**
22 **marked for identification as Hammett Exhibit 17. And**
23 **I'm just going to refer to this just for ease of**
24 **reference, it's the fraud affidavit letter. Have you**
25 **seen this document before?**

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1 (WHEREUPON, a document was marked for
2 identification as Exhibit No. 17.)

3 A Oh, yes.

4 **Q What is it?**

5 A This is a letter that Portfolio Recovery
6 Associates mailed to me. I received it later than -- I
7 received it in March, but it was dated February 19,
8 2021, and --

9 **Q Why is that important?**

10 A Because, to me, backdating letters is --
11 especially if you're a litigating company like
12 Portfolio Recovery Associates, that they should put the
13 letter in the mail immediately upon the date that they
14 date it.

15 **Q How do you know they backdated the letter?**

16 A Because I had a discussion with two different PRA
17 representatives that you're not happy about, but I
18 believe that they both told me that the letter was
19 mailed out in March, and then we discussed -- and I
20 gave you a copy of the recordings. It's probably in
21 here, too, the April 10th one and the April 12th.

22 **Q I don't need to talk about the recording. What I**
23 **want to know about is you seem to take issue with the**
24 **fraud affidavit itself. Do you understand what a fraud**
25 **affidavit is?**

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1 A Yes. And I took issue with it for a few reasons.
2 One is because of the backdating issue, but more
3 importantly is that I never said that there was
4 identity theft or fraud. That's a possibility, but I
5 never said it. And if there was identity theft or
6 fraud, I would have no way of proving it now. That's
7 why there's a statute of limitations. And it would do
8 me no good. It would do PRA no good.

9 **Q At the risk of you're complaining about me**
10 **testifying again --**

11 A Then don't do it.

12 **Q -- I just want to explain to you what a fraud**
13 **affidavit is.**

14 A No.

15 **Q Isn't it pos- --**

16 A No.

17 **Q Excuse me. Isn't it possible that when you talked**
18 **to a customer service rep and said this debt is not**
19 **mine, they marked it as disputed and sent this out and**
20 **what the affidavit is for is to give you a chance to**
21 **offer evidence that is not your account so that PRA can**
22 **close your account. Is that possible?**

23 A They'd be idiots. It's possible, but they have a
24 really stupid way of doing things. That doesn't make
25 any sense. It doesn't make any sense because, first

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1 of, all I had Naomi Pike read through it and she
2 thought that it was a legal process. She thought that
3 I would be arrested if I didn't, you know, fill it out
4 and have it notarized or witnessed and she actually
5 said the words, like she read this part here that said
6 result in the imposition of fine, imprisonment or both
7 forms of punishment. Sounds a lot like I'm being asked
8 to be in a deposition like this and --

9 **Q It's an affidavit. Do you understand what an**
10 **affidavit is?**

11 A Yes.

12 **Q What is it?**

13 A Swearing under penalty of perjury.

14 **Q Swearing under oath, that's right.**

15 A Yeah. But Portfolio Recovery Associates, I didn't
16 owe any money to them. How incredibly presumptive of
17 them to expect me to fill out three pages of questions
18 about myself. If I wasn't as -- I'm not the least
19 sophisticated. I'm probably the most sophisticated,
20 but, you know, I'm very weary about my rights and I
21 don't like to have them violated. So they wanted --

22 **Q How did this violate your rights?**

23 A If I had complied with because I don't question
24 authority, then, you know, I would see it and I'd say,
25 oh, gosh, I better fill this out, and then would tell

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1 them my full legal name, my date of birth, my social
2 security number. Yeah. So these people who -- I have
3 no idea who they are except for that they buy debts and
4 get sued a lot for doing violations of the FDCPA and
5 that they sue 3,000 people a week and they claim that I
6 owe them a debt when I have no debt showing on my
7 credit report and I have no recollection of owing
8 anybody any money and they come in and say, so tell us
9 your social security number and your driver's license
10 and your current address. You know, there's this
11 really funny lady that does YouTube and she says, "I
12 ain't going to do it."

13 And so -- but just the fact that they gave me this
14 letter that would confuse the least sophisticated
15 person into answering it and thinking that they're
16 required to answer it and they gave it to me instead of
17 verifying the debt like I asked them to, getting any
18 kind of a statement. They didn't even give me a
19 statement without my signature on it. But I wanted a
20 statement that showed what I had supposedly bought with
21 the money that I borrowed, and I'm entitled to that.
22 Them putting this letter out is confusing and it looks
23 like legal process. I put it as an exhibit in the
24 opposition to the motion for summary judgment an
25 article from the FTC on FTC dot something -- dot gov.

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1 I think it's ftc.consumer.gov.

2 But the article says what do you do if a debt
3 collector calls you and you don't owe the debt? And it
4 said they're going to ask you for your address, and if
5 they give you the wrong address, do not give them the
6 right address because they're just trying to collect
7 information that they could use against you later. So
8 I was smart because I didn't answer these questions,
9 but if I had, I wouldn't have gotten this far because
10 PRA would have invented statements that they used Adobe
11 Acrobat to create and they would put in there my
12 current address or they would -- you know, they could
13 manufacture evidence. They're not nice people.
14 They're just greedy and they've been shut down over and
15 over and over again by government agencies and they
16 just settle with everybody for like a thousand dollars
17 or \$5,000 plus attorney fees.

18 So that's why this was very offensive to me that
19 they were asking me to give them information about
20 myself under the guise of that's it. Oh, we're just
21 really nice. We're here to help you. I mean, they
22 even they put that on a lot of their letters, we're
23 here to help. We're your friend. No, you're not my
24 friend. And the only purpose that they could have had
25 to have me fill this out is to gain more personal

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1 information about myself so that they could bolster
2 their case if they did decide to sue me and they could
3 manufacture evidence really well.

4 **Q You mentioned the FTC. Are you aware that the FTC**
5 **has an affidavit strikingly similar to the affidavit**
6 **that PRA provided to you that people can just pull off**
7 **the web and provide as an identity theft affidavit?**

8 A If I was claiming identity theft and they mailed
9 this to me, then yes, that's fine. But I wasn't
10 claiming identity theft. I was just saying I don't owe
11 a debt. That's all I said to her. And you have the
12 transcripts. You have the recordings. I said I do not
13 owe a debt.

14 **Q Who is this Naomi person you mentioned?**

15 A Naomi, she is my good friend. She lives up in
16 Wood Springs. We were neighbors. And she's a lovely
17 person. She's a Seventh-day Adventist. And so -- and
18 now I'm going to really piss the judge off maybe, sorry
19 Judge Rudofsky, but I'm from a secular Jewish family
20 and I, when I was 39, chose to follow Jesus Christ as
21 my Savior, and I think that's why -- I've had problems
22 with my family all along, but it's because who I am is
23 so different from who they are. And I sent an e-mail
24 to you like a day or two ago that I had just come
25 across where the doctor attending my father on his

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1 deathbed had sent an e-mail to my mom and said "Your
2 daughters are all great people, but they're so
3 different." And it's true. So like the person that
4 I've always been has been a Christian. I just didn't
5 know about it because I was born into a secular Jewish
6 family. They really hate Christians. I mean, they
7 literally hate Christians. But, you know, for me, this
8 is my choice, and if it means that I have to leave my
9 family, then I'm going to leave my family. And so
10 Naomi is kind of like my big sister that I never had.

11 **Q Do you need to take a break now? It's about time.**

12 A Yeah.

13 **Q Let's take a 10-minute break.**

14 A Thank you.

15 (WHEREUPON, after a break was taken, the
16 proceedings resumed as follows:)

17 BY MR. TREFIL:

18 **Q Ms. Hammett, I've spoken to my client and we are**
19 **agreeable to adjourning the deposition today. I'm more**
20 **than happy to complete it today, but I don't think**
21 **we're going to make it that far. And we can adjourn it**
22 **at any time that you feel is convenient, especially**
23 **after the last series of questions, subject to your**
24 **agreement to appear to complete it. Are you agreeable**
25 **to that?**

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1 A Yeah. That's great. Thank you.

2 **Q Do you want to adjourn now?**

3 A Yes. I wanted to say two things. One is just we
4 were talking about -- it's kind of like on a question
5 you were asking about my son doing the transcript and
6 while you were out, we were just talking about how much
7 it would cost me to have a professional make the
8 transcript and it turned out to be about the same cost
9 only I'd rather pay my son even though it took him
10 forever because I, you know, pay him less per hour, but
11 I'd rather -- you know, if I could pay somebody, I'd
12 rather pay him. But anyways, that's the one thing.

13 And then the other is I was saying, you know, I
14 think that I started getting upset obviously and I was
15 saying that my family hates Christians, but it wasn't
16 all of them. It's really just my mom and my oldest
17 sister and my baby sister, who's not a baby anymore,
18 but -- and the baby sister is not hateful to them. She
19 just doesn't want any -- like one time I said the word
20 "God" in front of her and she said [indicating noise].
21 So yeah. So it's not -- and my dad, I think,
22 because -- and this is the important part. I know I
23 talk a lot. My dad, before he got real sick, I said so
24 if you don't believe the Bible is true, then what stops
25 you from hitting an old lady over the head and grabbing

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1 her purse and he said, "Oh, I once read this thing
2 called the Sermon on the Mount and it sounded true to
3 me." And I just was like laughing inside and I didn't
4 tell him, but, you know -- you know who gave the Sermon
5 on the Mount?

6 **Q I'm well aware.**

7 A So I think he was a Christian. He just didn't
8 know it.

9 **Q Well, I won't show that transcript to anybody in**
10 **your family if you don't. And my client will not**
11 **object to your designating that particular portion of**
12 **the transcript as confidential.**

13 A Yeah.

14 MR. TREFIL: We'll go ahead and order a
15 transcript. We'll go ahead and adjourn now.
16 And we'll order a transcript and the parties
17 shall designate confidential portions within
18 10 days after receiving the transcript. We
19 will work out another date for continuing the
20 deposition. Today is officially discovery
21 cutoff. I know there's a pending motion to
22 extend. But can you confirm that the parties
23 agree to reconvene after discovery cutoff?

24 THE WITNESS: Yes. Definitely. And
25 I'll try to be better prepared.

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1 MR. TREFIL: All right. Well, thank you
2 very much, Ms. Hammett.

3 THE WITNESS: Thank you.

4 MR. TREFIL: And the deposition is
5 adjourned. Off the record.

6 (WHEREUPON, the proceedings were
7 concluded in the matter at 3:35 p.m.)

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CERTIFICATE

STATE OF ARKANSAS)

) ss

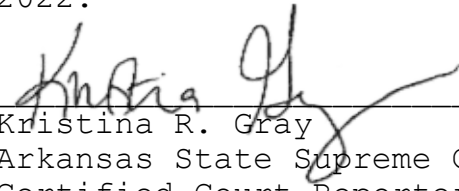
COUNTY OF PULASKI)

I, Kristina R. Gray, Arkansas Certified Court Reporter #725, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY that in accordance with Rule 30(e) of the Rules of Civil Procedure, review of the transcript was not requested.

I FURTHER CERTIFY that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 4th day of March, 2022.



Kristina R. Gray
Arkansas State Supreme Court
Certified Court Reporter #725



LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 UNITED STATES DISTRICT COURT
2 EASTERN DIVISION OF ARKANSAS
3 CENTRAL DIVISION
4 LAURA LYNN HAMMETT,)
5 Plaintiff,)
6 v) Civil Action No. 4:21-cv-00189-LPR
7)
8 PORTFOLIO RECOVERY ASSOCIATES,)
9 LLC; DOES 1-99,)
10 Defendants.)
11
12
13
14 ORAL DEPOSITION
15 OF
16 LAURA LYNN HAMMETT
17 VOLUME II
18 Taken March 24, 2022, at 8:58 a.m.
19
20
21
22
23
24
25

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 APPEARANCES

2

3 ON BEHALF OF THE PLAINTIFF PRO SE:

4

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8

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19 ALSO PRESENT:

20

21 KAREN MAYFIELD-JONES, GENERAL COUNSEL, PRA

22

23 ROBYN BRADLEY, CCR, AR LIC. NO. 726
24 LEXITAS

24

25

LAURA LYNN HAMMETT VOLUME II 3/24/2022

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12 INDEX OF EXHIBITS

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14 Exhibit 18 - Notice of Deposition. 5

15 Exhibit 19 - Business Records Affidavit. 6

16 Exhibit 20 - Experian Credit Report. 67

17 Exhibit 21 - Correspondence. 93

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19 PLAINTIFF'S EXHIBIT NO.: MARKED:

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25 (Exhibits except 2 and 3 attached.)

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 CAPTION
2 ANSWERS AND ORAL DEPOSITION OF LAURA LYNN
3 HAMMETT, a witness produced at the request of the
4 Defendants, taken in the above-styled and numbered
5 cause on the 24th day of March, 2022, before Robyn
6 Bradley, Arkansas Supreme Court Certified Court
7 Reporter No. 726, at 9:58 a.m., at the offices of The
8 Rose Law Firm, 120 East Fourth Street, Little Rock,
9 Arkansas pursuant to the agreement hereinafter set
10 forth.

11 * * * * *

12 REPORTER'S LEGEND:

13 DENOTES:
14 -- Interruption/change in thought
15 . . . Trailing off/incomplete statement
16 [sic] Word/phrase that seems incorrect
Written verbatim
17 (phonetic) Phonetic spelling, actual spelling
unsearchable
18 (indiscernible) Incapable of being understood
(overlapping crosstalk) Multiple speakers talking at
19 the same time, incapable of
being understood

20 REPORTER'S NOTE:
21 Any court, party, or person who has purchased a
transcript may, without paying a further to the
22 reporter, reproduce a copy or portion thereof as an
exhibit pursuant to court order or Rule or for
23 internal use, but shall NOT otherwise provide or sell
a copy or copies to any other party or person without
24 the express consent of the reporter and/or reporting
agency.

25

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 PROCEEDINGS

2 THEREUPON,

3 LAURA LYNN HAMMETT,

4 THE WITNESS HEREINBEFORE NAMED, having been first
5 duly cautioned and sworn by me to testify to the
6 truth, the whole truth, and nothing but the truth,
7 testified on her oath as follows, to wit:

8 EXAMINATION

9 (Defendants' Exhibit No. 18 is marked
10 for identification.)

11 MR. TREFIL: I would like to hand the
12 court reporter an exhibit marked for 18,
13 this being a continued deposition.

14 BY MR. TREFIL:

15 **Q Ms. Hammett, I have given you what the court**
16 **reporter has marked for identification as Exhibit 18.**

17 **Do you recognize this document?**

18 A Yes, I do.

19 **Q What is it?**

20 A This is the defendant, Portfolio Recovery
21 Associates, LLC's Notice of Deposition of Plaintiff
22 Laura Hammett.

23 **Q And that is the notice for the deposition we're**
24 **taking this morning; is that correct?**

25 A Correct.

1 Q And you are appearing pursuant to that notice?

2 A Correct.

3 Q All right. Ms. Hammett, I'm providing you what
4 has been marked for identification as Exhibit 19.

5 (Defendants' Exhibit No. 19 is marked
6 for identification.)

7 MR. KOMISIN: And before we get too far
8 into it, I just want to put you on notice
9 I'm going to start recording now, so I just
10 wanted to make sure you are aware of that.

11 MR. TREFIL: Okay. Thanks, Jed.

12 BY MR. KOMISIN:

13 Q Have you seen this document before, Ms. Hammett?

14 A No, I have not.

15 Q You have not seen --

16 A It may be something that you filed in the last
17 few weeks, but I have been ill the last three weeks
18 and I have been very busy with another case --

19 Q Okay.

20 A -- so.

21 Q Can you take a look at all the pages?

22 A Yes. (Complies.)

23 Yes, I do remember seeing this.

24 Q Okay. Do you know what this is?

25 A I know what I think it is.

1 **Q** **Okay? What do you think it is?**

2 A It's an affidavit from someone who says he is
3 from Capital One Services and I have no reason to
4 distrust that. And he says that, (as read:) the
5 documents attached were made at or near the time the
6 events they purport to describe occurred, by a person
7 with knowledge of the acts and events or by a computer
8 or other similar digital means, which
9 contemporaneously records an event as it occurs, are
10 kept in the course of regularly conducted business
11 activity of Capital One, and were made by Capital One
12 as a regular practice during its regularly conducted
13 business activity.

14 **Q** **Thank you, Ms. Hammett. I'm going to direct your**
15 **attention to the latter part of the second paragraph,**
16 **where it says that (as read:) the two documents**
17 **attached hereto represent true and accurate duplicates**
18 **of the original business records maintained by Capital**
19 **One, except for markings intended to identify the**
20 **document as a copy, or exhibit or redactions intended**
21 **to remove personal identifying information of the**
22 **account holder.**

23 Do you see that?

24 A I see that.

25 **Q** **Okay. So what is your understanding of the first**

1 **page of Exhibit 19?**

2 A That other than, like, where you wrote PRA
3 Hammett and then a page -- a Bates page number, that
4 he is saying that these documents were made in the
5 course of their business.

6 **Q And by "their," you mean Capital One, correct?**

7 A Yeah. He is saying that Capital One created
8 these documents.

9 **Q Okay. And you said you had no reason to -- I
10 believe the affiant is female, Kayla Campbell. And
11 you said you had no reason to believe that
12 Ms. Campbell did not work for Capital One, correct?**

13 A Correct.

14 **Q And can you identify the two records that are
15 attached to this Business Records Affidavit?**

16 A Yes, they are two completely separate documents.
17 One of them is -- we have talked about it before, I
18 think. It's the statement from April 7, 2011 that
19 says that there is an account ending in 6049 that has
20 my old name on it and an address that I have lived at,
21 but I did not receive mail at. But I did live there
22 and just briefly.

23 And it's got the -- what I don't understand
24 because the balances subject to interest rate add up
25 to more than the previous balance on the account. And

1 so, it's just an account statement, but I don't know
2 that it is accurate.

3 **Q Okay. And we will talk about the numbers a bit**
4 **later. But so all the information you just described**
5 **is on the document that came from Capital One,**
6 **correct?**

7 A They are saying that it did, but I don't know
8 that it did. Because when I called them, they said
9 that they did not have any account level documentation
10 and that they had sent it all to PRA at the time that
11 they sold this account to PRA.

12 And so I don't know where or who found this
13 document. And I don't know if you went to Capital One
14 and said, Does this look like it came from you? I
15 don't know what happened, so I would have to ask
16 somebody from PRA when they are the stand.

17 **Q Okay. You mentioned a call to Capital One?**

18 A Yes.

19 **Q Okay. How many times have you called Capital One**
20 **since you filed your lawsuit in March of 2021?**

21 A I think three. Maybe four, but I think it was
22 three. The first time you know about already and you
23 have discussed inaccurately, but you have discussed it
24 in some of your documents. I called them. I think it
25 was back in August, before we had our mediation, and I

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 asked them if they have the account level
2 documentation, and they said, no, that they sent
3 everything to you. I don't know why. But then when I
4 contacted them more recently, it was in February of
5 2022, early February, they -- when I call their
6 number, it asks me my Social Security number and then
7 they transfer me and they just automatically
8 transferred me to PRA, so, and then I talked to
9 somebody at PRA.

10 And then I think I called one more time and
11 talked to somebody at PRA again. And then -- I think
12 that's it. Though, you know, I'm saying that I might
13 have called a fourth time because it didn't go through
14 or they told me to call back or something like that.
15 I don't know what it was, but I know for sure that I
16 made three calls.

17 **Q Okay. The first call, the one that you described**
18 **as being before the mediation --**

19 A Yes.

20 **Q -- you think that was in August?**

21 A I think it was in August.

22 **Q Okay. Do you know who you spoke with at Capital**
23 **One?**

24 A I don't. Just, you know, a random employee.

25 Yeah, I don't recall.

1 Q Did you take notes of the call?

2 A I think that I have a tape of it.

3 Q Have you produced that?

4 A If you asked me to, I did. I don't recall
5 everything that I have produced to you --

6 Q Okay.

7 A -- but I think that I did.

8 Q Okay. When you called Capital One in August of
9 2021, did you tell them that you were involved in
10 litigation with PRA over your Capital One account?

11 A I don't think so. I don't recall telling them
12 that.

13 Q Okay.

14 A But I remember asking them about how to send a
15 subpoena, so maybe it was implied. But then I just
16 never got around to sending the subpoena because I'm a
17 layperson and it would be, like, my first subpoena
18 that I ever mailed, so.

19 Q Okay.

20 A If your next question is why didn't you subpoena
21 them, just lack of ability.

22 Q Okay. That would have been a question. I don't
23 know if it would have been the next question, but it
24 would have been asked at some point.

25 A Okay.

1 **Q** And when you spoke to the Capital One individual
2 back in August, they told you that there had been
3 account level documentation, but it had been
4 transferred to Portfolio Recovery Associates, correct?

5 A No. They just said they don't have any account
6 level documentation, anything that they had, they
7 would have sent.

8 **Q** Okay. Did Capital One confirm that you had an
9 account with them at some point?

10 A They confirmed that they had an account with my
11 name. So, you know, like I don't dispute the fact
12 that my name and an account number that may or may not
13 have belonged to me or may or may have belonged to
14 Laura -- we won't say her last name -- you know, that
15 that account might have been on -- I mean, obviously,
16 you found my name and number somewhere. So, it might
17 have been on one of their spreadsheets with another
18 million or a hundred million names.

19 **Q** Please clarify. Did you have a Capital One
20 account at some point in time?

21 A I would not dispute that I had a Capital One
22 account at some point in my life.

23 **Q** Okay. What happened to that account?

24 A I quit using any credit about -- I never really
25 used credit very much, but I just quit used credit and

1 I had debit cards and I would much rather use debit
2 cards. The whole idea of, like, only using money,
3 like, I never -- I never spent -- even when I had
4 credit cards, I never spent more than I could pay off.

5 **Q But what happened to the account itself?**

6 A I don't know.

7 **Q Okay. Did you close it?**

8 A I don't know.

9 **Q Did it go delinquent?**

10 A I don't know. I don't think so, but.

11 **Q Okay.**

12 A I just have no record of it.

13 **Q Okay. Now, Ms. Hammett, you have disputed the**
14 **authenticity of -- and this Exhibit 19 is composite,**
15 **as you recognized it, there are three separate**
16 **documents. There are the first two pages, which is**
17 **the Capital One Business Record Affidavit, and you**
18 **acknowledge that comes Capital One, correct?**

19 A The affidavit comes Capital One.

20 **Q Okay. The second document is three pages long,**
21 **and that is what I will refer to as the Charge Off**
22 **Statement.**

23 A Yes.

24 **Q Do you understand what I mean by that?**

25 A Yes.

1 **Q Okay. What does a charge off statement mean?**

2 A It means that -- the way that you are using it, I
3 think, is that they charged off an account and the
4 last statement that they sent on that account is
5 purportedly this one.

6 **Q Okay. And the last document, which I don't**
7 **really intend to talk much about, is the bill of sale.**
8 **So let's talk a bit about the charge off statement.**

9 **You dispute the authenticity of this document,**
10 **correct?**

11 A When Capital - I mean, when Portfolio Recovery
12 gave me this document recently, within the litigation,
13 that is my first time seeing this document. So, to
14 me, I have -- I still have some question about the
15 authenticity of it.

16 I think it is very easy to Photoshop stuff -- not
17 Photoshop, but, like, to go into Adobe -- and I've had
18 companies do that to me, and I happened to have the
19 originals, so, you know, I was able to prove that they
20 had gone in and altered it. But it's just,
21 unfortunately, very easy to do.

22 (Interruption. "Recording in progress"
23 is announced from speaker phone.)

24 MR. MITCHELL: So we had a technical
25 difficulty and just now, it will start

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 recording. Sorry for the interruption.

2 UNKNOWN SPEAKER FROM CONFERENCE PHONE:

3 You've got the (indiscernible) on here
4 (audio garbled).

5 A So, yeah. I mean, I -- I don't dispute that it
6 is completely made up out of thin air. I just don't
7 know if they, you know, used Adobe to put in, like,
8 the -- my name or the amounts. And I don't
9 understand, and that is why I called Capital One in
10 the first place, the second time.

11 You know, like after I called and asked if they
12 had account level documentation, and they said no,
13 then I was done with them. And then after PRA
14 presented this, I just cannot make the numbers match
15 up. I can't make the interest charge match up. And
16 so, I called to ask how do you -- you know, how did
17 they come up with these numbers.

18 **Q Okay. You called Capital One?**

19 A Yes, but they -- that's when they immediately
20 transferred me, without my speaking to anybody. It
21 was like an automated transfer, so. And then someone
22 at PRA spoke to me and they couldn't give me answers
23 either.

24 **Q Okay. And this would have been sometime in**
25 **February of 2022, correct?**

1 A Yeah. The first day was February 5, 2022, when I
2 spoke with Risa Gore.

3 Q Okay. So the three calls that were made in
4 February of 2022, there is one on February 5th, and
5 then we have two recordings on February 9th.

6 A Okay.

7 Q What you are telling me is that those calls all
8 originate -- that you initially called Capital One for
9 those three calls and then got bounced to PRA; is that
10 correct?

11 A Yes.

12 Q Okay. All right. Do you think this charge --
13 looking at this document, this charge off statement,
14 just at the face of it, can you identify anything that
15 suggests to you that it has been Photoshopped or
16 altered in any way?

17 A The first thing that made me think that was
18 because when I tried to print it off my computer, I
19 went through Google Docs and it came out crazy and I
20 did present that in one of my documents that I filed,
21 what it looked like. It just didn't -- the fields
22 didn't line up like the way that they do here. So,
23 that made me wonder, like, why -- why would that
24 happen?

25 Since that time, I tried to -- you know, like --

LAURA LYNN HAMMETT VOLUME II 3/24/2022

Page 17

1 and I'm not a very good tech person. I'm like, almost
2 (indiscernible). I guess, so is -- so is Bill Gates,
3 and he's a good tech person, but I'm -- I just -- I'm
4 not very technical and don't know computers that well,
5 but I was able to find a lot of other people had the
6 same issue when they tried to print out things with
7 Google Docs.

8 And so, I did get it to print out the same way,
9 some other way, and I couldn't tell you how I did
10 that. I just had to press every button on the
11 computer six times and then, magically, it worked
12 right. But that's what made me first, initially,
13 like, what? You know, why isn't this printing out?

14 And then I started looking at the numbers. And I
15 am really great at math and I love math. And so, you
16 know, I spent hours trying to figure it out and, you
17 know, it might be something simple, but nobody could
18 tell me and I couldn't figure it out myself.

19 And so it just made me -- what I thought was that
20 they made this common error that my Dad taught me
21 about advertising, where you say, if it is \$100 and
22 you add 25 percent, it becomes 125; and then if you
23 subtract 25 percent, it becomes like 93. Well, so
24 when you go forwards and backwards and you are using
25 your percentages, you can't just take the resulting

Laura Lynn Hammett Volume II 3/24/2022

1 number and subtract the same percentage.

2 And so that made me think that if somebody was
3 making this up, if they took, like, some -- like Laura
4 Lyman's statement and just the changed the name on it
5 to my name, that they would have said, Oh, how much
6 was the original balance? Oh. And then they did it
7 wrong because they worked backwards instead of
8 forwards. I don't know.

9 But, I mean, it might have been errors. It still
10 doesn't prove what you hope that it proves because it
11 doesn't show where my original balance was or what it
12 was paid for or -- I mean, it doesn't match up to
13 anything like they -- some of your -- what you call
14 load data shows that I had a last payment, that was in
15 like, I think, 2010 or 2011. And then it says, last
16 payment amount, zero. So I don't know where they got
17 these numbers from.

18 **Q Okay. Any other reasons you have to believe that**
19 **this charge off statement has been altered or**
20 **manipulated in any way?**

21 A Yes, because Portfolio Recovery Associates was
22 required by their consent agreement that was assigned
23 in 2015 to research into the accounts that they were
24 trying to collect on before they started the
25 collections and my account would have qualified for

1 that.

2 And so since they did not have this document --
3 PRA did not have this document until six months after
4 I started litigating against them, it makes me wonder,
5 where was it? And if you, as an attorney, have to
6 investigate, like, according to Rule 11 of the Federal
7 Rules of Civil Procedure, you have to make an
8 investigation before you start to defend against a
9 case.

10 And so this would be a very important piece of
11 evidence, I would think, that a competent attorney
12 like yourself would have found this document to put,
13 you know, some basis to your defense.

14 **Q Perhaps you are misunderstand my question. I'm**
15 **asking about what from the document itself here. Your**
16 **last answer was more circumstantial.**

17 A Right.

18 **Q I'm asking, is there any -- you have discussed**
19 **your printing problems with Google Docs and you have**
20 **discussed you have an issue with the numbers, and we**
21 **will talk about the numbers in just a second. But is**
22 **there anything else on the face of the document, to**
23 **you, that suggests that this been altered or**
24 **manipulated in any way? And by "this," I mean the**
25 **charge off statement.**

1 A Right. I was a little bit -- just the kind of
2 font that was used, I just thought it was odd that
3 they had -- they had kind of a strange font on the
4 address. And then, I guess, that's about it.
5 Otherwise, I mean, it just looks like a pretty typical
6 statement.

7 **Q Okay. You mentioned the numbers. Let's talk**
8 **about those. This has already been marked as**
9 **Exhibit 9. I'm giving you what has been previously**
10 **marked for identification as Exhibit 9 from your**
11 **deposition.**

12 This is the load data. And just to explain, this
13 load data is a .pdf turned into paper printout of
14 electric electronic data that is transmitted from
15 Capital One. It was transmitted from Capital One to
16 PRA at the time of purchase. And if you look towards
17 the middle of the page, it identifies --

18 MS. HAMMETT: I object to your
19 testimony, testifying as to what this is
20 because you weren't there.

21 BY MR. TREFIL:

22 **Q Okay. But you can answer my question.**

23 A Okay.

24 **Q I'm trying to direct you to the middle of this**
25 **document. There are three numbers. The first number**

1 is the charge off amount. Can you tell me what that
2 number is?

3 A \$1,916.05.

4 Q And if you compare that to the charge off
5 statement in Exhibit 19, can you tell me if that has
6 the same balance?

7 A At the top, it does.

8 Q All right. Where it says, New Balance?

9 A Yes.

10 Q So the load data number or the charge off amount
11 agrees with the balance number on the charge off
12 statement, correct?

13 A The number on Exhibit 9 matches the field that
14 says New Balance on Exhibit -- well, on this charge
15 off statement, on Exhibit 19.

16 Q Okay. Did you ever receive any communication
17 from PRA, written, verbal, whatever, seeking to
18 collect \$1,916.05?

19 A Not that I recall. I think they always tried to
20 collect \$2,297.63.

21 Q Okay. And I was going to get to that number
22 next. But in the load data, Exhibit 9, the current
23 total balance is identified as 2,297.63, which you
24 just testified as being the amount that PRA has tried
25 to collect from you, correct?

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 A Correct.

2 Q Did that number change at any time, the amount
3 that PRA was trying to collect from you?

4 A Not until they sent the closing letter.

5 Q Okay. And then it went to zero?

6 A Correct.

7 Q Okay. The last of these three numbers, post
8 charge off interest, can you read that amount?

9 A \$381.58.

10 Q Okay. You said -- you explained that you
11 couldn't figure out how the number got from the charge
12 off amount, the 1,916.05 to the 2,297.63, which is the
13 amount at the time this debt was sold by Capital One
14 to PRA, correct?

15 A No.

16 Q Okay. Explain your issue with the numbers to me
17 then.

18 A My issue with this statement's numbers is that
19 there is -- on the right-hand half, about halfway
20 down, it has Interest Charge Calculation and then it
21 says, Type of Balance; Annual Percentage Rate
22 29.4 percent D, which I think means daily compounding;
23 and then Balance Subject to Interest Rate; and the
24 interest charge.

25 Well, if you add together the two types of

1 balances that they were subjecting to interest, it
2 turns out to be a different number than in the
3 previous balance at the top, where they have previous
4 balance minus payments and credits of zero, plus fees
5 and interest charge of 81.48. Well, the 81.48 breaks
6 down to \$46.48 interest charged and a past due fee of
7 \$35.00, so that's the \$81.48.

8 So to go from a previous balance of \$1,834.57 and
9 then add on that interest charge and the fee, you end
10 up with the new balance of 1,916.05. The problem is
11 that you add up 1261.77, the purchase balance, and the
12 cash balance of 599.65, you don't end up with
13 1,834.57. So I'm saying, why is the amount subject to
14 an interest rate higher than the previous balance?

15 **Q Who was charging this interest at the time of**
16 **this statement?**

17 A I don't know because I don't even know that this
18 existed, so I don't know. That is what I'm asking
19 them to explain to me. Like, if I had gotten this in
20 the mail, I would have called Capital One and said,
21 you know, these two numbers don't add up. What are
22 you basing them on?

23 **Q Okay. You would call Capital One?**

24 A If they had sent me this back in 2011, yes.

25 **Q Do you have any reason to believe they didn't**

1 **send this to you back in 2011?**

2 A Just that I don't remember getting it.

3 **Q Okay.**

4 A And they don't have it. And I did go through --
5 because I do have a lot of litigation going on right
6 now, that you are aware of. I have been through every
7 piece of paper that I have and I did not see one thing
8 that said Capital One on it, nothing. No details,
9 nothing.

10 **Q Do you save all your email from -- or all your**
11 **mail from 11 years ago?**

12 A No, but I do carry -- I do keep my emails and I
13 checked my emails and I had nothing from Capital One,
14 like no statements, no, you know, friendly reminders,
15 nothing like that.

16 **Q Were you getting email statements from Capital**
17 **One in 2011?**

18 A No. That's what I'm saying is, I looked to see
19 if I had any and I did not.

20 **Q Were you getting email statements from anybody in**
21 **2011? That is quite some time ago.**

22 A Right. You know, I didn't check. And you said
23 something to me before our last deposition about if I
24 had brought my computer in, that you would be able to
25 look at because it had some --

1 **Q It's best not to do that, yes.**

2 A Yeah. So I don't have my computer here, but if I
3 did, I could search and see if, you know, I had other
4 statements. I'll go home and look for that. But I --
5 at this point, I'd say, you know, because I haven't
6 thought of looking for that, but I do know that I did
7 think of looking for Capital One statements and I did
8 not have any.

9 **Q Okay. I guess, let me put this question to you**
10 **another way. Do you think PRA had anything to do with**
11 **the fees and interests charged as described in this**
12 **charge off statement?**

13 A I believe that PRA very well might have made an
14 Adobe Acrobat version where they just took somebody
15 else's and put my name in there, but I don't have
16 proof of that.

17 **Q Okay. So, we're back to that. You think that**
18 **PRA forged this charge off statement?**

19 A I think that they could have forged it very
20 easily and I don't put it past them.

21 **Q Okay. Even though a Capital One litigation**
22 **specialist has testified under oath that the charge**
23 **off statement, Exhibit 19, is a true and accurate copy**
24 **of a Capital One business record?**

25 A Yes, even -- regardless of that, I don't think

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1 that Capital One has been nefarious, but I think that
2 Capital One believes that they had sold an account
3 that says that, you know, Laura J. Lynn had a charge
4 off with a balance of 1,916.05 -- or I guess when you
5 bought it, it was 2,297.63. But I believe that
6 Capital One thinks that they had an account with that
7 name.

8 And but I know that when PRA bought those
9 accounts that they were highly inaccurate. And I know
10 that because the CFPB got this consent agreement and
11 they charged like \$8 million in penalties and
12 \$12 million in restitution to people who had been
13 called by PRA, told that they owed money to Capital
14 One and that PRA bought it. And then those people
15 sent their money to PRA because they weren't as
16 cynical as I am, so they just didn't bother checking
17 further. And they believed it, they sent their money,
18 and then the CFPB got their money restored to them.

19 And if I had paid this, if I had gotten the --
20 or, like, taken the calls, the first calls that came
21 from PRA and I had sent them my money, then by that
22 consent agreement, they would have had to restore my
23 money to me.

24 **Q Back to my question. Exhibit 19 is a sworn**
25 **statement from a Capital One litigation specialist**

1 **attesting to the fact that the charge off statement**
2 **attached to Exhibit 19 is a true and accurate copy of**
3 **a Capital One business record. Do you have any**
4 **evidence to contradict that affidavit?**

5 A Yes. I called Capital One and asked them for
6 this exact statement and they said that they don't
7 have it.

8 **Q Who said that?**

9 A The representative at Capital One. So I will get
10 that recording to you.

11 **Q The person answering the phone?**

12 A Yes.

13 **Q Okay.**

14 A She looked and said that, no, we don't have
15 anything. And so this --

16 **Q Let me ask you a question.**

17 A Yes.

18 **Q Do you think customer service representatives**
19 **sitting at a phone and answering customer questions**
20 **have access to all the archived records of Capital**
21 **One?**

22 A I think that they could have told me, I don't
23 have access to that. Like, Risa Gore told me, I don't
24 have access to your statements right now.

25 **Q Okay. So you're basing this on the way the**

1 **Capital One customer service representative responded**
2 **to your question?**

3 A Yes. It sounded very much -- and I will give you
4 the -- if I didn't already give you the tape. I think
5 I did.

6 **Q Okay.**

7 A But it, to me, sounded very much like, Oh, we
8 don't have that. We sent everything on. It's gone.

9 **Q Okay. Again --**

10 A Now, maybe they just don't want to deal with it.
11 So I don't know how you got this. You didn't send me
12 a subpoena or, like, a notice of subpoena. So I don't
13 know how PRA got this record, but I don't think that
14 the person at -- this Kyla Campbell, I don't have any
15 reason to believe that she is just going to lie for
16 fun, so she probably believes that everything that
17 they sent you was true and accurate and she probably
18 doesn't question the veracity. Like, if you are the
19 ones who gave Capital One this statement and said, Is
20 this a true and correct statement? She would probably
21 go, Oh, yeah, that looks right.

22 **Q Do you have any basis for the statement that you**
23 **just made?**

24 A Yes.

25 **Q What?**

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1 A Common sense.

2 **Q Okay. Again, I'm going to ask this question.**

3 A Yes.

4 **Q This is a business record affidavit --**

5 A Yes.

6 **Q -- from a Capital One litigation specialist. In**
7 **other words, sworn testimony --**

8 A Right.

9 **Q -- that this charge off statement is a true and**
10 **correct copy of a Capital One business record. Do you**
11 **have any evidence, actual evidence, to dispute that?**

12 A I don't have evidence that Capital One has
13 purposefully lied. I believe that they just are
14 saying whatever we sent you, yes, those are the
15 records.

16 But they told me they don't have copies. So how
17 does Kyla Campbell know that this is an accurate
18 record? Like chain of custody, they have lost chain
19 of custody when they sent it to you in 2013. They
20 don't know what they sent you anymore. That's what
21 they told me.

22 **Q Okay. I'm going to show you what has previously**
23 **been marked as Deposition Exhibit 3. We talked about**
24 **these last time.**

25 A Okay.

1 Q All right. I have shown you what has been marked
2 for identification as Hammett Exhibit 3 from our prior
3 deposition. Do you recognize that document?

4 A Yes.

5 Q Okay. And you prepared this document, correct?

6 A Yes.

7 Q All right. Now, I just want to go through it.
8 There is a list of phone calls with phone numbers
9 attached and I want to go through them one by one.

10 Just briefly, can you explain to me what this is?

11 Because I believe there are 15 numbers. Can you
12 briefly explain to me what this list of 15 numbers is?

13 A These are telephone calls that are what I call
14 the "pattern" of the short PRA phone calls that were
15 on my Verizon log and that are before November 18,
16 2020, when I remember getting many calls that sounded
17 like they were from the same company, all of them.
18 And they are just numbers that I -- I called every
19 number on the list that I didn't recognize, you know,
20 as somebody that -- like my husband or my kids or
21 something like that.

22 Q Okay. Let me -- and you got these call dates,
23 times, and calling numbers from your husband's Verizon
24 phone records, which I have right here and I can give
25 to you if need to take a look at them.

1 A Yes.

2 **Q But can you describe for me what this pattern is**
3 **that you are talking about?**

4 A Yes, it is a one-minute call from -- just says,
5 like, incoming CL.

6 **Q One-minute CL?**

7 A One minute.

8 **Q Do you know what CL means?**

9 A I don't. I figured it's call. Do you know?

10 **Q I believe it means call length.**

11 A Oh.

12 **Q Did you call Verizon and ask them?**

13 A I did not ask. I just noticed that it was the
14 same CL, and I thought it had something to do with
15 call.

16 **Q Okay.**

17 A Yes.

18 **Q So this is a list of all the calls on your**
19 **Verizon bills for the -- I believe you retrieved six**
20 **months' worth of them?**

21 A I think I got six months' worth, yeah.

22 **Q And these are the ones before November 18, 2020**
23 **on those six months' worth of Verizon bills that you**
24 **retrieved, correct?**

25 A Correct.

1 Q Okay. All right. So the first one, August 18,
2 2020, 7:19 p.m., the number is 430-249-6462. And,
3 actually, just to make sure, if you want to cross
4 reference, this is Exhibit 4 from previously, which is
5 already in the prior record that this answer came
6 from.

7 A Okay. Thank you. That has to be changed. Okay.

8 Q All right. August 18, 2020, 7:19 p.m., dialed
9 number 430-249-6462. Does that call fit your
10 one-minute CL pattern?

11 A I'm not even seeing it. August 18, 2020.

12 (Reviewing documents.) It doesn't. On the log,
13 I don't see it, no. I have a copy. I'm not seeing it
14 at all.

15 Q Okay. The first number is not, in fact, a number
16 that meets your pattern?

17 A It's not even on this list. Where did I come up
18 with that -- August 19th at 12:52 p.m. Okay, the next
19 one shows up. I don't know what the August 18th,
20 7:19 --

21 Q All right. Let's put a pin in that one.

22 A Okay. I see another 430 number that fits the
23 pattern and that was at 2:19 p.m. So, oh, I might
24 have just done a typo.

25 Q Okay. So that August 18th number should be at

1 **2:19 p.m.?**

2 A Yeah. But it's a different number, too, but it's
3 430-249-0602. That's really weird. I don't know. I
4 made a mistake somehow.

5 **Q Okay. Let's go to the next one.**

6 A Okay.

7 **Q August 19, 2020, 12:52 p.m., dialed number**
8 **760-966-9735. Does that fit the one-minute CL pattern**
9 **that you describe?**

10 A Yes.

11 **Q Okay. Did you answer that call?**

12 A Apparently, so. I did ask Verizon about that and
13 they told me that if you don't pick up the phone or if
14 it goes to voicemail, that it won't show on this
15 record. So, apparently, I picked up the phone.

16 **Q Okay. Do you recall anything about that phone**
17 **call?**

18 A I don't recall particular calls. I remember
19 receiving a pattern of calls that all sounded alike to
20 me.

21 **Q Okay. Please describe that. Well, we'll do the**
22 **August 19th call. So you picked up the phone for a**
23 **call that lasted no more than a minute, and you have**
24 **no independent recollection of what was involved in**
25 **that call?**

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1 A It would be somebody saying, Hi. This is Joe
2 Smith on the recorded line for Laura Lynn and then I
3 would hang up. Or I might say, leave me alone or
4 don't call anymore, don't call on a recorded line, and
5 I'd hang up.

6 **Q Okay. Did you try to call that number back? And**
7 **by that number, I mean, 760-966-9735.**

8 A I don't see it, so I probably did not. At some
9 point, I did.

10 **Q Okay. That's what I'm asking because you have**
11 **since stated that these numbers are all disconnected.**

12 A Right.

13 **Q And I'm trying to figure out how you determined**
14 **that.**

15 A After we were litigating and I got this record,
16 then I called those numbers. And all of those numbers
17 that I listed were -- they said, like, (makes sound).
18 They were like mechanical, you know, and it said,
19 like, "The number you dialed is no longer in service,"
20 or something to that effect.

21 And then I asked my son to call all of the
22 numbers also, and he says he did, and he says he got
23 the same, like, hangups. You know, that they weren't
24 working numbers any longer.

25 **Q All right. Well, that will speed things up. You**

1 are -- I don't want to put words in your mouth and I
2 will go through each number if we need to. But my
3 understanding is, and please confirm this, your
4 testimony is that -- well, actually, we might want to
5 go through all of them just to make sure that they are
6 actually all on the Verizon record, now that the
7 August 19th call --

8 A The August 19th wasn't, yeah.

9 Q Okay. Let's go ahead and do it one at a time.
10 Do you recall when you tried to call the 760-966-9735
11 number back?

12 A If you would like, I could turn on my phone and
13 scroll through and --

14 Q I don't need a specific date. I'm looking for --
15 like, if you can, give me a month.

16 A As soon as I got the records, and I think that
17 was around February 20th-ish.

18 Q All right. So, it was after you received the
19 records, which you requested on February 15th,
20 correct?

21 A Yes.

22 Q Okay. All right. Let's do the August 24th
23 call. August 24, 2020 at 4:05 p.m., 210-634-0221.
24 Can you locate that in the Verizon record?

25 A Yes, I found it.

1 **Q** **Okay. Do have any independent recollection of**
2 **that call?**

3 A As I said, I remember getting calls, but I don't
4 remember -- I didn't make a log because I didn't know
5 what it was going to turn out to be. Like, it wasn't
6 that important. Until around November, I just
7 couldn't take it anymore.

8 **Q** **Okay. And actually, this --**

9 A And the beginning ones, I wouldn't have noticed a
10 pattern in the first three or four or five, you know.
11 I mean, it would have had to just be annoying before I
12 went to recording it.

13 **Q** **And I just ask this as a blanket question. On**
14 **any of these -- I guess, now 14 calls because we**
15 **excluded the first one.**

16 A Right.

17 **Q** **Did anyone in the one-minute calls identify**
18 **themselves as being from Portfolio Recovery**
19 **Associates?**

20 A No. That was my complaint. They wouldn't tell
21 me who they were.

22 **Q** **Okay. But you think they were from PRA because**
23 **they fit this one-minute call length pattern?**

24 A And because I was getting calls where they spoke
25 with the same cadence and they said the exact script,

1 which turns out to be the script that is in PRA's
2 manual. And so I noticed that script. I wrote about
3 in my letters before I had PRA's manual. I could have
4 wrote the manual for PRA because I knew exactly what
5 they were saying every time that they called me.

6 **Q Do you know what Midlands script is?**

7 A No.

8 **Q Okay.**

9 A But it shouldn't be exactly the same as PRA's
10 because they keep their --

11 **Q Why not?**

12 A Because they keep their manual highly
13 confidential and they have spent millions of dollars
14 developing it and it's top secret.

15 **Q Well, there's only so many ways you can say, Good
16 morning, my name is blank, calling on a recorded line.**

17 A So why is PRA keeping it so top secret and
18 confidential?

19 **Q Well, we have had that discussion and I'm not
20 here to answer that question, but --**

21 A Okay. Well, that's --

22 **Q -- would you agree there is only so many ways you
23 can start a conversation like that?**

24 A I would agree that there is. But there is --
25 everyone is going to write their own script, as PRA

1 has argued, that they have determined the exact --
2 what they are supposed to say. And then the other
3 part is that PRA doesn't actually follow their own
4 script because in their script, they are supposed to
5 tell people that they are calling from Portfolio
6 Recovery Associates and they don't.

7 But, there is -- like I say, there's a cadence.
8 So it's just like, if we were friends and I called
9 you, you would know who I was with some degree of
10 certainty because you know my voice. Now, it could be
11 wrong sometimes because my sisters sound identical to
12 me.

13 But for the most part, PRA has their exact way
14 that they want their employees to speak on the phone
15 and their employees do that. I -- and I wasn't
16 getting calls from anyone else. And the minute that
17 PRA stopped calling me, so did everybody else.

18 So it's got to be -- that's what makes me think
19 that they were all from PRA. It's possible other
20 people called me, but that's why I want the records
21 from PRA, I mean, from their third-party provider.

22 **Q In these 15, now 14 calls, was it same voice**
23 **every single time?**

24 A No. It was the same cadence and the exact same
25 words and the same, like --

1 Q Was it all male voices or was it female voices or
2 was there a mix?

3 A No, there was a mix.

4 Q Okay. All right. We were on the August 24,
5 2020, call. You have confirmed that that is on the
6 Verizon record?

7 A Correct.

8 Q And you attempted to call that 210-634-0221
9 number back?

10 A Correct.

11 Q And you got the --

12 A No longer in service.

13 Q -- automated "This not a working number"
14 response?

15 A Right.

16 Q August 28, 2020 at 3:06 p.m., number
17 774-378-9032, is that on the Verizon record?

18 A Yes.

19 Q Okay. And do you recall anything specific about
20 that conversation?

21 A No. But I could tell you one thing is that when
22 it says "origination," that's where I was sitting when
23 I picked up the phone. And it says North Little Rock,
24 so I was probably -- like, I know where I was
25 probably, but I don't recall this exact conversation

1 or this exact phone call and I wouldn't.

2 **Q Okay.**

3 A But you could tell where I have been. You know,
4 usually I am in Conway, but occasionally, I went out.
5 And what was this, in August 2020. So that was during
6 the peak of COVID, you know, I didn't go very many
7 places.

8 **Q All right. And, for the record, you were just**
9 **referencing the origination point on Exhibit 4. I'm**
10 **trying to get to the -- the identification of**
11 **origination is North Lit, AR, correct?**

12 A Yes.

13 **Q All right.**

14 A Do you want me to go to the next one?

15 **Q Then you get that individual, whoever was on the**
16 **line at that point, did not identify themselves as**
17 **calling from PRA, correct?**

18 A I don't remember ever hearing anyone say "PRA" or
19 "Portfolio Recovery Associates," and my frustration
20 was that they would not tell me. And I would ask
21 sometimes, I think, you know, "Who are you with?"

22 And now, you know, after listening to the
23 recordings that PRA did provide -- some of them from,
24 like, 2013, and some are from 2017 -- but when I did
25 answer, I always sound pretty much the same, like I

1 have my own pattern of answering.

2 Which, by the way, I altered, because of these
3 calls that I was getting from the recorded lines. And
4 so I used to answer the phone, "Hi, this is Laura.
5 How can I help you?" And after I started noticing all
6 of these calls from the recorded line, I quit saying
7 that it was Laura.

8 **Q Do you understand that when a PRA employee**
9 **identifies themselves as calling from Portfolio**
10 **Recovery Associates, they are effectively conveying**
11 **information about a debt collection effort?**

12 A I disagree with you on that issue.

13 **Q Why?**

14 A Because, for one thing, Portfolio Recovery's own
15 manual says to say that you are from Portfolio
16 Recovery Associates, and also if the person asks you,
17 you are allowed to respond. You just can't say, like,
18 Oh, we're calling this deadbeat Laura Lynn and she
19 owes us \$2,297. But if somebody asks you who you are,
20 then you are allowed to say Portfolio Recovery
21 Associates.

22 **Q Okay. Let's do a hypothetical in here. Suppose**
23 **PRA was trying to call me. Say, I had a debt and**
24 **Portfolio Recovery was trying to call me and they got**
25 **Mr. Mitchell instead. All right? So they call**

1 **Mr. Mitchell and they -- and maybe he is answering**
2 **my -- maybe he has got my cell phone. It's sitting**
3 **here.**

4 A Right. As you are sitting there, yeah.

5 **Q And he answers my phone and the customer service**
6 **rep just says, "Hi, this is so-and-so from PRA." And**
7 **Mr. Mitchell knows this is my phone. He now knows**
8 **that PRA is trying to collect a debt from me.**

9 **Do you understand that?**

10 A No. I didn't know what PRA was when they called
11 and did tell me. Because Portfolio Recovery in 2013,
12 in the recordings, and I think maybe in 2017, did say
13 Portfolio Recovery Associates. For some reason, they
14 decided to change that, but that is not a rule or a
15 law. I mean, unless you can tell me a law that says
16 that. I don't see it.

17 But if he answered your phone and they said --
18 okay, that's the bona fide error defense, that's why
19 Congress made a bona fide error defense is that if
20 inadvertently someone else answered your phone and
21 they thought that they were speaking with you but they
22 weren't, then they are allowed to accidentally tell
23 somebody something about you. That's why Congress put
24 that bona fide error defense in there.

25 **Q All right. But, needless to say, your testimony**

1 is that none of these calls that you have on Exhibit 3
2 did anybody at anytime identify themselves as calling
3 from Portfolio Recovery Associates, correct?

4 A I had heard some of them, not on these particular
5 calls, but I -- like I told you, there were calls
6 earlier that I didn't realize who Portfolio Recovery
7 Associates was, and when they said who they were and
8 they did say those words, I just hung up because I had
9 never heard of them before.

10 Q I understand. But right now, we are talking
11 about these 15 -- or 14 or 15 calls.

12 A Yes, these calls -- when I was getting them, they
13 would not tell me who they were.

14 Q Okay. Let's go to the next one, September 2,
15 2020, 12:36 p.m., 210-634-0221. Is that number on
16 your Verizon records?

17 A Yes.

18 Q And did you try to call that number back?

19 A And, by the way, that's the same number as on
20 August 24. Do you notice that?

21 And so, yeah, I did. I called everyone of these
22 numbers. Except for, apparently, I made some kind of
23 a mistake on August 18th, because that is not a call
24 or a number.

25 But, you know, unless I just made an error. And

1 I'm sorry, but I'm from a family where if you got a 98
2 percent on a math test, my dad would say, "Why did you
3 miss two?" So I'm very embarrassed that I missed one.
4 But as accurate as I can be, these are all -- if I
5 made any errors, they are bona fide errors.

6 **Q Okay. Do you have any evidence that any of the**
7 **telephone numbers listed in this 14 or 15 number list**
8 **on Exhibit 3 actually belong to PRA?**

9 A I'm sorry, do I have any?

10 **Q Any evidence that any of those numbers belong to**
11 **PRA?**

12 A Yes.

13 **Q What evidence is that?**

14 A What I have told you already, my own testimony
15 that I received many calls. I know that they were
16 coming from the same company. They were extremely
17 repetitive. The time of day was repetitive, you know,
18 everything about it was -- just made me know that this
19 is from the same company.

20 And so then when Portfolio Recovery Associates
21 lied and said they did not call me until
22 November 18th, and I know that is not true. Then I
23 went to look up my records and, you know, as accurate
24 as I can be, these are all from Portfolio Recovery
25 Associates and I have no reason to believe they are

1 from anybody else.

2 And, unfortunately, Portfolio Recovery Associates
3 dumped a bunch of numbers because even the numbers
4 that they admitted that they called me from, the same
5 thing happens, they dumped those numbers, too.

6 **Q Explain that.**

7 A I called numbers that were from after
8 November 18th that were on both lists, PRA's list of
9 calls, and then I went to the Verizon record and I
10 found the time that is on the PRA record and the
11 Verizon record and I would call that number. And I
12 only did four of them because I just have too much to
13 do in my life, but every one of them was disconnected.

14 **Q Has it ever occurred to you that some numbers
15 might be configured to only make outgoing calls and
16 not accept incoming calls?**

17 A That might be a possibility, but I have asked
18 PRA, like, "What number should I call you from?" And
19 you have the recording of this. I'm going to
20 paraphrase it. But he said, "We own every number.
21 Any number that we call you from, we own that."
22 Because I said, "What number should I call you from?"
23 And he said, "The number that I called you from, you
24 can call me back at that."

25 **Q All right. And you were just discussing PRA's**

1 call records. I will go ahead and give you that.

2 That has previously been marked as Exhibit 5.

3 When did you receive this document?

4 Q I don't remember independently, but it says,
5 3/11/2021 on it, so I don't know. That must be when
6 you printed it out.

7 Q If I told you that PRA produced this document to
8 you on December 8, 2021, would that --

9 A Yes.

10 Q -- would you have any reason to dispute that?

11 A No. And, actually, when you tell me the date, I
12 remember that that's when they made their production
13 of documents.

14 Q That was a production of confidential documents,
15 correct?

16 A Correct.

17 Q Yeah, okay. Did you review Exhibit 5 when you
18 received it?

19 A I looked at it, yes.

20 Q Okay. I mean, did you -- tell me your process.
21 Did you go through and take a look at the calls and
22 look to see what was on PRA's call log when you
23 received the document?

24 A Yeah. I mean, I looked at it and I saw, like,
25 the 6000 number. And then I -- that's the first time

1 that I realized that they had been calling up at the
2 Witts Springs house.

3 That's W-I-T-T-S, a new word, S-P-R-I-N-G [sic].
4 And people argue about if there is an S after each
5 word or not.

6 But, yeah. So I saw that they had called Witts
7 Springs house a number times, a lot of times. And I
8 had not realized that those calls were from them
9 because they just went to voicemail and I don't -- I
10 wasn't at the house a lot. And then if I got home, I
11 would -- I had one of those old-fashioned answering
12 machines and, pretty much, just hit the button and
13 said, like delete, delete. You know, because I would
14 hear, like, a mechanical voice and delete, delete,
15 delete (gesturing).

16 **Q Okay.**

17 A I noticed there were some other numbers on here.
18 I think the 1148 we talked about, that might have been
19 my former spouse's number. I can't remember, really,
20 but they only called that once.

21 **Q Would you describe yourself as a thorough person?**

22 A Extraordinarily, yeah.

23 **Q So when you reviewed these documents -- and by**
24 **"these documents," I am referring to PRA's call**
25 **record, Exhibit 5 -- you looked at them carefully,**

1 **correct?**

2 A I mean, yeah. You have to keep in mind that I do
3 have several lawsuits right now, and I am not an
4 attorney and I am not well. I'm, you know, borderline
5 with my health. I mean, I take great care of myself,
6 but we all die some day and mine might be sooner
7 rather than later. So, yeah. I mean, I gave it some
8 consideration.

9 **Q So you knew back in December of 2021 that PRA's**
10 **call records reflected that an initial call to you --**
11 **what is the date -- November 18, I think it is, 2021.**
12 **You were aware of it at that time, correct?**

13 A It didn't register to me at the time, no.

14 **Q Why wouldn't it register?**

15 A I just didn't look at that. I mean, I was -- I
16 had a whole bunch of things that I was looking at.
17 Remember, this was, like, thousands of pages. So that
18 is not something that occurred to me.

19 **Q The number of calls that PRA made to you wasn't**
20 **something that occurred to you?**

21 A The call to the 6000 number started -- the ones
22 that you put down here started 11/18/2020. That did
23 not occur to me when I saw it at first. And also, I
24 think about the same time and maybe in the same
25 production, you gave me 44 recordings, approximately

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1 40 -- 40-something recordings and I was listening
2 those. And I didn't think that those were all the
3 recordings, and so I didn't think that this was an
4 exhaustive list at the time that I saw it.

5 **Q Okay. So, you did not think that Exhibit 5,**
6 **PRA's call records, were exhaustive when you received**
7 **them on December 8, 2021, correct?**

8 A Correct.

9 **Q Okay. Why didn't you request the Verizon records**
10 **in December?**

11 A Because you had already had a subpoena for them,
12 I'd reviewed at the time.

13 **Q You moved to quash that, correct?**

14 A Only because you were asking for all of my texts
15 and emails, and I thought that was intrusive and there
16 was no reason for you to have pictures that I took and
17 sent to my husband, you know, or something like that
18 might be compromising in, you know, some way, like if
19 that was to my son or anyone else. Like, why would I
20 give you all of my texts and emails?

21 **Q But you filed a motion to quash. I didn't ask**
22 **why you filed a motion to quash. I asked you to**
23 **confirm that you did move to quash PRA's subpoena to**
24 **Verizon, correct?**

25 A Well, first I asked PRA if they would remove that

1 asking for my texts and emails.

2 **Q Did you file a motion to quash PRA's subpoena?**

3 A Yes.

4 **Q Yes. Okay.**

5 A And if you don't mind my elaborating more?

6 **Q Go ahead.**

7 A You know, in my mind, PRA knew what they were
8 doing and didn't want me to subpoena their records,
9 and so that's the only reason I could think of that
10 they would have not made the correction to the
11 subpoena that I was asking for. Because I almost feel
12 like I was trying to be tricked and I was tricked.

13 **Q How were you tricked?**

14 A I thought we were going to get the phone records,
15 but then Portfolio Recovery Associates has two law
16 firms, one -- your law firm is very well respected.
17 And Rose Law Firm, you know, the First Lady of the
18 United States was working here or a partner or
19 something. So you all know how to get through this
20 process of subpoenas and quashing subpoenas much
21 better than I do.

22 And so I'm just waiting, you know. I mean, I was
23 waiting for the judge to give us an answer or for PRA
24 to say, Yeah, you know, we really don't need the
25 pictures of you, you know, waiving at your husband,

1 whatever.

2 **Q PRA asked for your Verizon records at the**
3 **beginning of this case, didn't it?**

4 A I don't know. Did it?

5 MR. TREFIL: Let's go ahead and go off
6 the record.

7 (Whereupon, following a break, the
8 proceedings resumed as follows:)

9 BY MR. TREFIL:

10 **Q Ms. Hammett, when we went on break, Mr. Mitchell**
11 **correctly reminded me that I had not asked some**
12 **foundational questions at the beginning of this**
13 **continued deposition. So just for the record, are you**
14 **currently taking -- did you take any medications this**
15 **morning that would impair your ability to understand**
16 **my questions or answer them truthfully?**

17 A No.

18 **Q Okay. And have you, to the best of your ability,**
19 **understood my questions to this point?**

20 A Yes.

21 **Q All right. We were talking about your Verizon**
22 **records and PRA requested those from you. It's**
23 **Request For Production 48. Those were served on you**
24 **September 13, 2021, asking for your phone records from**
25 **2016 to the present.**

1 **Why didn't you request your Verizon records back**
2 **in September?**

3 A So, that was in September of?

4 **Q 2021.**

5 A 2021. And they asked me for them in what, the
6 requests for production?

7 **Q The Requests for Production Number 48, yes.**

8 A Because I think -- and, like I say, I'm doing
9 this spur of the moment. And so because the requests
10 for production, if I'm correct about this, and I'm not
11 a lawyer, is that you give everything that you have,
12 like the way that you keep it in business. And I
13 don't have any of my phone records because it went
14 over to my husband's account and I don't think he even
15 keeps records. But, you know, we just -- we're on
16 autopay and we just don't pay attention to our record.

17 **Q Okay.**

18 A And I did figure out a reason why it took --
19 when you gave me these documents, that document on
20 December 8th --

21 **Q You are referring to PRA's call records?**

22 A Yes. Yeah, and why I didn't, like, notice and
23 then go get more records is that right then is when I
24 put in my motion to modify the subpoena to include the
25 text messages and electronic mail. I filed that on

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1 December 13, and so I thought we were still going to
2 get those records. I just thought that it was going
3 to be delayed shortly. But as they say, the wheels of
4 justice turn slowly. I'm finding that is true. But
5 then, you know, like I told you, I have a lot else
6 going on.

7 But I thought I would get PRA's records, which
8 would be the best evidence and the easiest. Like, we
9 wouldn't have to go through and call all the numbers
10 on my record. You know, if we just got one subpoena
11 to the telephone service provider who made the phone
12 calls that are on your list and had them send us every
13 call to 760-966-6000 and the Witts Springs number and
14 the 8660 number.

15 So, if we got all three of those from a
16 third-party telephone service provider, we wouldn't
17 have to go through this process. We would see every
18 call that was made. And so my question would be, why
19 didn't PRA want to provide their records, which are
20 the easiest and best evidence?

21 And then the last thing is that, in that time
22 period, I had told the attorneys that I was in
23 discussion with a couple of attorneys that were very
24 interested in representing me and they said to, you
25 know, just chill for a little while so that they, you

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1 know, could take over the case. And then, I talked to
2 them once a week for three weeks. And then the fourth
3 week, they were supposed to talk to me again and they
4 vanished. So I have no idea what happened to them.
5 And, you know, I have sent them emails and it's like
6 they fell off the face of the earth, so maybe they
7 did.

8 But so I was just kind of, you know, slowing
9 down. And then I also, at that same time, had --
10 besides all my other cases -- and some of them are
11 extremely stressful -- I was sick. And I had -- from
12 December 8th, I had to read the 2,000 pages that you
13 sent me, listen to the 44 tapes. And then right --
14 you know, we went from Document Number 50 to now we're
15 on Document Number 108, so we had 50 documents and
16 some of them are hundreds of pages. And so I don't
17 know if you think that I'm Superwoman, but I'm not.

18 **Q How many attorneys have you spoken to or**
19 **approached to represent you in this case?**

20 MS. HAMMETT: I'm going to object on
21 the basis of work-product privilege
22 attorney-client privilege.

23 A But I will tell you that I have spoken to and I
24 have told you, so you know that I have spoken to the
25 two I just talked about. They were a team.

1 BY MR. TREFIL:

2 **Q Well, Ms. Hammett, if you are using them as an**
3 **excuse for why you didn't get your Verizon records, I**
4 **need to know their names.**

5 **Did they actually represent you?**

6 A No, they did not.

7 **Q Okay. So there's no attorney-client privilege at**
8 **all.**

9 A Well, they told me that there was attorney-client
10 privilege when you start speaking with somebody.

11 **Q I'm not asking you about what you talked with --**
12 **what you spoke with them about.**

13 A Yes.

14 **Q I just want to know who they were and when you**
15 **talked to them.**

16 A I'm sorry that I'm waiting so long. I'm trying
17 to figure out if this does fall under any privilege.
18 So I'll just, after making that objection -- and I
19 don't know that there's any harm, though. Just your
20 comment just now that there's no attorney-client
21 privilege makes me a little nervous having you talk to
22 somebody that -- and then go in and say, well, you
23 know, she gave up attorney-client privilege, so.

24 **Q No waiver of privilege. All I'm asking for is**
25 **who you spoke to and when, how many different**

1 **attorneys, who they were?**

2 A I'm trying to think of those. Okay. So the --
3 one was -- what?

4 **Q Go ahead.**

5 A That one was Joel Hargess. I think that's his
6 name. Do you know him?

7 **Q I do not.**

8 A Oh. Yeah, and he had someone that he was going
9 to work with, Kathy Cruz.

10 **Q Okay.**

11 A I wasn't too impressed.

12 **Q Okay.**

13 A Obviously, I'm not too impressed at all because
14 they just quit returning calls and then -- yeah.

15 **Q And with this, I recall you were discussing the**
16 **possibility of representation when we did the**
17 **mediation.**

18 A That was a different one. And that was -- that
19 person was -- and I don't remember his name offhand.
20 He is from someone who is -- he's from Alabama. I
21 think Alabama, and has won a case against Portfolio
22 Recovery where you settled, but the credit reporting
23 agencies did not settle, and he won \$3 million in
24 punitives. And --

25 **Q Against the CRAs?**

1 A What?

2 **Q Against the CRAs group?**

3 A Yeah. He got \$3 million in punitives and 5,000
4 in compensatory, so. And he was nice and I liked him
5 and I think he liked me, but we just -- he's from
6 another state and I was already well into it, and so
7 he was like, you know.

8 **Q So those three that you have spoken to?**

9 A Yeah. When I first got into it, I called a whole
10 bunch of people. I couldn't honestly tell you who
11 they were. But, you know, like I just called random
12 people and they mostly said, Oh, they offered you
13 \$1,000? Well, that's about all I'm going to get for
14 you, so you should take it.

15 And that's why I said no. I'm not going to, you
16 know, be just another in a long line of people who
17 takes \$1,000 and PRA just continues to do what they
18 are doing with impunity.

19 **Q Why did you only order six months' worth of**
20 **Verizon records?**

21 A I'm broke.

22 **Q How much did it cost you?**

23 A Five dollars a record. Five dollars a month.

24 **Q So that's \$30?**

25 A Yes.

1 **Q How much did you pay your son to do that**
2 **transcript?**

3 A I think the total I've paid him so far is about
4 \$1,200. I know.

5 **Q And did you pay a filing fee when you filed this**
6 **case?**

7 A Yes.

8 **Q How much was it?**

9 A About -- I think about \$402, maybe. So why not
10 spend more? I mean, why -- like, why haven't I
11 ordered more months? I really should.

12 **Q There's no pending question, but you can go**
13 **ahead.**

14 A Okay. Yeah. But that's it. The answer is why
15 didn't I get more? What do I -- I mean, how many
16 things do I need to buy, how many copies do I need to
17 make, how many jump drives do I need to buy? And I
18 am, you know, on the broke side. And so, yeah. I
19 mean, I'm just doing this on a shoestring.

20 And it's not the best record. The best record
21 would be the telephone service provider for Portfolio
22 Recovery Associates.

23 **Q Why do you think that?**

24 A Because you are going to have -- like all they
25 have to do is put in those three telephone numbers and

1 they will get a list that looks similar to the one
2 that PRA provided, only it will have all of the calls.
3 Like, they are not going to hit the delete button or
4 put in different parameters. They are going to give
5 exactly what they are supposed to.

6 **Q Did you serve a timely interrogatory on PRA**
7 **requesting it to identify its telephone service**
8 **provider?**

9 A I requested a timely request for production of
10 documents that would have the name of their telephone
11 service provider on one of the documents.

12 **Q Do you recall the specific request?**

13 A Yeah, I do. I can't tell you exactly what number
14 it is. I think, actually, it's Number 9, off the top
15 of my head. But, yes, it was my first batch. And the
16 reason why I did that, instead of an interrogatory, is
17 because my understanding is you get 25
18 interrogatories, and so you want to sort of make the
19 best use out of them.

20 **Q Do you understand that a request for**
21 **production -- PRA is under no obligation to create a**
22 **document in response to a response for production,**
23 **correct?**

24 A Right. But you have -- you are supposed to give
25 the documents that you keep in the course of business.

1 Q No --

2 A Yes.

3 Q -- my question is, that they under are no
4 obligation to create a specific document that you have
5 requested, if that document does not previously exist,
6 correct?

7 A Right. But their phone records do exist.

8 Q PRA provided you with its phone records.

9 A No. Not the -- not this one that you have as
10 Exhibit 5. I'm talking about a third-party phone
11 record.

12 Q When you spoke with Verizon, they told you that
13 unconnected calls wouldn't show up, correct?

14 A That's what she told me.

15 Q Okay. Do you have any reason to think that any
16 other telephone service provider is going to be any
17 different?

18 A Yes. In this instance if, let's say, that PRA
19 called me on August 21, 2020, and it went to my
20 voicemail, that is going to show up on PRA's record,
21 even though it doesn't show up on mine. So, there
22 will be more calls from PRA that show up on PRA's
23 telephone service provider's record than show up on my
24 Verizon record, because my Verizon record doesn't show
25 when PRA tried calling me and it goes to voicemail.

1 And that's another problem that I'm having with
2 the record that PRA generated, is that they are
3 showing some of the calls that should not show up on
4 my Verizon record did show up on the Verizon record.
5 And so where PRA is saying it went to voicemail,
6 according to Verizon, it would not have shown up, but
7 it did.

8 So, I have some -- and I think I gave you the
9 list somewhere of calls that PRA's record, Exhibit 5,
10 shows as going to voicemail, an answering machine
11 voicemail, and I would say half of them showed up on
12 my Verizon record. So those should not have shown up.

13 **Q So but what you are telling me is there are more**
14 **calls showing up on the PRA call records that you have**
15 **received, than actually showed up on your Verizon**
16 **records that came from the telephone service provider?**

17 A There are some calls that showed up on PRA's
18 record that did not show up on Verizon. There are
19 also calls on Verizon that did not show up on PRA.
20 And those are the ones that I can't prove it was you,
21 unless I have the telephone company's that they got
22 generated from.

23 **Q And these are the 14 or 15 calls we have**
24 **previously discussed, correct?**

25 A Yes. Plus--

1 **Q** Where you suspect it's PRA, based on a pattern in
2 the greeting on the call?

3 A Right. Plus, there was another approximately
4 three times as many calls. So let's say, another 30
5 calls where I --

6 **Q** When?

7 A Before November '18.

8 -- where I did not answer the phone. Those don't
9 show up on my Verizon record. And when PRA called and
10 I let it go to voicemail, that didn't show up on my
11 Verizon record. But it would show up -- if it went to
12 voicemail, it would show up on PRA's third-party
13 service provider record.

14 So that's why I think that it would, you know,
15 show everybody, without a doubt. If we got the
16 records from the third-party service provider that
17 show all the calls that are on PRA's record and
18 whatever other calls were made, they would all show up
19 and I wouldn't have to question it.

20 The only calls that would not show up on PRA's
21 third party service provider's record is if PRA dialed
22 and I did not answer, and they hung up before it went
23 to voicemail, which seems unlikely.

24 **Q** Okay. Ms. Hammett, I can identify three -- you
25 mentioned Requests for Production 9.

1 A Yes. Is that -- was I right on that number?

2 **Q Well, I mean, I will tell you what Request for**
3 **Production 9 says.**

4 A Okay.

5 **Q (As read:) Any tangible material or notes**
6 **evidencing your documented oral conversations between**
7 **plaintiff and PRA.**

8 A That's not the one I was thinking of.

9 **Q Okay.**

10 A Though, I mean, that's --

11 **Q There are two others. If you -- there are two**
12 **others. Number 75, (as read:) Documents listing you**
13 **as the account holder for any telephone number from**
14 **January 2013 to the present.**

15 A Yes, that would help.

16 **Q What if that document doesn't exist?**

17 A Well, apparently, I didn't do a very good job
18 being a lawyer because I haven't gotten this simple
19 record from you yet.

20 **Q What simple record are you talking about?**

21 A The one that I asked the judge to compel you to
22 produce, which is a record from the third-party
23 telephone service provider that shows the calls that
24 were made to those three telephone numbers.

25 And so, if you send -- now, you might have more

1 than one service provider --

2 **Q When did you file that motion to compel?**

3 A I don't remember offhand.

4 **Q It was untimely, wasn't it?**

5 A I don't think it was or I wouldn't have done it.
6 You might say it's untimely.

7 **Q You didn't file a motion to compel when PRA did
8 not provide documents in response to RFP-75 did you?**

9 A I don't know. I have done what I believe is
10 correct so far, to the best of my ability, and what is
11 reasonable. And so, to me, like, we're talking to a
12 jury. I don't know why anybody would be so hesitant
13 to just produce this record that will be -- I mean, we
14 have already spent thousands of dollars in attorney
15 fees for your client trying to not produce a piece of
16 evidence that, to me, is very obvious of, you know,
17 what happened.

18 **Q Okay. Now, there is one other request for
19 production --**

20 A It sounded like spoliation to me, but you said
21 I'm wrong.

22 **Q There is one other request for production I want
23 to ask you about, arguably touching on this. You
24 asked in Number 76, you asked for any documents
25 demonstrating payments you have made for any telephone**

1 **service from January 2013 to the present. Why on**
2 **earth are PRA's payments for its phone services**
3 **relevant to your claims?**

4 A I was trying to figure out the magic words,
5 pretty please with sugar on top, will you please tell
6 me who your telephone service provider is?

7 **Q Would you agree that PRA's payments for telephone**
8 **services are not relevant to your case?**

9 A You are allowed to ask for anything that may lead
10 to relevant information. And so the relevant
11 information that that question would lead to is who is
12 the service provider who helped PRA make these
13 telephone calls that they have acknowledged, because
14 that same party that is not a party to the case, but
15 that same service provider is going to be able to give
16 us an exhaustive list of all the calls that PRA made
17 to my three phone numbers.

18 **Q How many interrogatories did you serve in this**
19 **case?**

20 A I don't know. It hasn't been very many.

21 **Q Have you reached your limit?**

22 A No.

23 **Q Why didn't you just send an interrogatory to PRA**
24 **asking it identify its phone service provider at the**
25 **beginning of the case, if you thought it was so**

1 **important?**

2 A I told you, I am not an attorney. This is my
3 first time in federal discovery at all. All I knew is
4 from listening to lectures while I walk and they said:
5 Interrogatories, you only to get 25,, so use them
6 wisely. So I tried to do it through requests for
7 production of documents because I knew that I would
8 have more questions to ask.

9 I'm sorry. I failed my law 101 class, but I
10 don't think that a jury would think that it was
11 because I wasn't trying for some reason. It was
12 because, like, when I did put an interrogatory that
13 asked for the service provider, then PRA said
14 something to the effect that well, you're too late.
15 You should have asked this earlier. It sucks to be
16 you.

17 So my question is, why does PRA not want the
18 record? What are they hiding? And that's my evidence
19 that those are the calls from PRA. If PRA was not
20 trying to hide something, they would produce the best
21 evidence of the calls made.

22 MR. TREFIL: Can we go off the record a
23 few minutes?

24 (Whereupon, the proceedings resumed as
25 follows:)

1 (Defendants' Exhibit No. 20 is marked
2 for identification.)

3 BY MR. TREFIL:

4 **Q Ms. Hammett, I'm showing you what has been marked**
5 **for identification as Exhibit No. 20. Do you**
6 **recognize that document?**

7 A Yes.

8 **Q And the handwritten exhibit notation at the**
9 **bottom is from, I believe, your opposition to our**
10 **summary judgment motion; is that correct?**

11 A Yes.

12 **Q Now, I would like to turn your attention -- and**
13 **there are no page numbers, I apologize. But you**
14 **probably know where I'm going with this. Midway**
15 **through the document in the soft inquiries --**

16 A Yeah. It's actually one of my documents that I
17 brought today, too. So yes, I'm aware.

18 **Q Okay.**

19 A So to the soft inquiries, in of those, PRA.

20 **Q Midway through the document near the right of the**
21 **page -- again, there's no -- let me count the number**
22 **of pages.**

23 A There are page numbers on mine. On my copy that
24 you just handed me, there's numbers down in the
25 right-hand corner.

1 Q Oh, okay.

2 A Little tiny ones.

3 Q Those look like dates. All right. Then, page 6.
4 I think you produced this. In page 6, the middle of
5 the page, Portfolio Recovery Associates shows up on a
6 soft inquiry list. And this Exhibit 20 came from
7 Experian, correct?

8 A Correct.

9 Q All right. And you believe that this soft
10 inquiry on the Experian report demonstrates that PRA
11 had to have known that you lived in Alabama as of
12 November 1, 2019?

13 A You misspoke.

14 Q Okay. I'm not trying to misspeak. That's my
15 understanding, but tell me what you think that means.

16 A You just asked me about if I lived in Alabama and
17 I lived in Arkansas.

18 Q Arkansas, sorry. Thank you.

19 A Okay.

20 Q So if you swap out Arkansas for Alabama, am I
21 correct in understanding that your position is that
22 the soft inquiry on this Experian report dated
23 November 1, 2019, suggests to you that PRA had to have
24 known that you lived in Arkansas as of that date?

25 A Yes. That suggests to me that they did. The

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1 reason it suggests that to me is that I presume that
2 the information that Experian would give to Portfolio
3 Recovery when they made that soft inquiry would be the
4 same information that's on this report.

5 And on page 2, it says the 99 -- it actually has
6 the wrong address, but it says 99985 Lick Fork Road,
7 in Witts Springs, Arkansas. And it has the 16 Gold
8 Lake Club Road, which, of course, in 2019 -- yes, that
9 would be there in 2019. And it has a P.O. Box in
10 Witts Springs. So I think that PRA was on notice that
11 I might possibly live in Arkansas and PRA had my phone
12 number that was an Arkansas number.

13 **Q Do you know what a soft inquiry is?**

14 A Not exactly. I know that it is -- well, I think
15 what I think that it is and this is just from --

16 **Q Okay. What do you think that it is?**

17 A I think that it is a company -- well, like, what
18 I read on here is (as read:) Soft inquiries are
19 usually initiated by others, like companies making
20 promotional offers of credit or your lender conducting
21 period reviews of your existing credit accounts. Soft
22 inquiries also occur when you check your own credit
23 report, or when you use credit monitoring services
24 with companies like Experian. These inquiries do not
25 impact your credit score. Soft inquiries are not

1 disputable but are available here for reference (end
2 of reading).

3 So I think they are telling me that all of these
4 companies wanted to advertise to me or check up on me,
5 but that they are not companies that had permission
6 given to me -- like, I didn't apply for credit.

7 **Q Okay. Other than what Experian put on this**
8 **report that you have provided to us in this case, do**
9 **you have any other evidence that PRA actually did a**
10 **soft inquiry on your credit at any time?**

11 A Other than -- well, I gave you two credit
12 reports.

13 **Q Right.**

14 A The other one, I don't think had PRA on it.

15 **Q It didn't. There was exhibit previously. We can**
16 **talk about that one.**

17 A Yeah. I don't know, you know, why, if PRA only
18 uses Experian or it was a TransUnion. So, yeah. I
19 mean, I wouldn't know any other.

20 **Q Do you know -- do you have any evidence of any**
21 **information that PRA received from Experian in**
22 **response to any soft inquiry it did?**

23 A I do not have evidence of what Experian told PRA,
24 other than that they made a soft inquiry, so I just
25 assume that they sent this type of information.

1 Q Okay. You assume?

2 A Yes.

3 Q Do you have evidence?

4 A No. I don't know.

5 Q Okay. Now, let's go ahead and look at this,
6 page 2.

7 A Okay. I do have evidence that somebody gave PRA
8 information. I just don't know that it's Experian
9 that did.

10 Q Well, I'm asking you specifically about this
11 date.

12 A Just Experian.

13 Q Well, because it is the date here that matters in
14 your opposition to PRA's summary judgment motion,
15 correct?

16 A Okay. Yes.

17 Q All right. You're saying that PRA knew where you
18 lived, that you lived in Arkansas on November 1, 2019,
19 and you are relying on this report to do it?

20 A As of then, that is what I would assume, that
21 Portfolio Recovery should have known that I had an
22 Arkansas address as a potential address, just as -- I
23 mean, it was actually more valid than the Earlinger
24 address, for example. But my other evidence is that
25 they were calling the 870 phone number, which is in

1 Arkansas, so they got that number somewhere.

2 **Q Did they ever reach you at that number?**

3 A They reached my answering machine. And, yeah,
4 they did reach me. They reached -- I had somebody
5 staying there and we think that is who is on the
6 recording. But, yeah, there is a few recordings that
7 were --

8 **Q Did PRA ever reach you at that phone number?**

9 A I don't recall off hand, but if I had my computer
10 I would, you know, put in a search on the record -- on
11 the transcript, yes.

12 **Q Okay. So the only evidence that you have that**
13 **PRA actually did a soft inquiry is because Experian**
14 **says so in this report, correct?**

15 A Correct.

16 **Q Okay. And you don't have any evidence of what**
17 **PRA actually received, if it did, in fact, do a soft**
18 **inquiry, correct?**

19 A Correct.

20 **Q All right. Now, assuming for the sake of**
21 **argument, that PRA received all the information in**
22 **Exhibit 20, this whole report --**

23 A Yes.

24 **Q -- there are 20 addresses on -- oh, excuse me.**
25 **There are 21 addresses on pages 2 and 3?**

1 A Yes.

2 **Q Are any of them dated?**

3 A No.

4 **Q Okay. So there are no dates associated with any**
5 **of these addresses?**

6 A Correct.

7 **Q How many are from Arkansas?**

8 A Three.

9 **Q How many are from California?**

10 A The rest of them.

11 **Q So 18?**

12 A Yes.

13 **Q Okay. And based on this, you think PRA should**
14 **have known that you moved to Arkansas?**

15 A I think that they should have known I potentially
16 moved in Arkansas, just as much as they potentially
17 knew that I lived Earlinger Street, which I didn't.
18 But, you know, like so they -- yeah. I mean, they --
19 and I'm more concerned that they were dialing the 870
20 number repetitively and that they didn't trigger that.

21 So more than this record right here is PRA's own
22 record, where they redacted and you say it's because I
23 asked you to, but you redacted the 870 off of that
24 Witts Springs telephone number, and so PRA was calling
25 that number hundreds of times.

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1 **Q Again, did they ever reach you at that number?**

2 A It reached that one that we think it might be --
3 what's her name -- the little girl that stayed at my
4 house, she answered the phone. She doesn't even
5 remember answering, but it sounds a little bit like
6 her. And she said, she'll be back on the 21st of
7 September or September 11. She said, She'll be back
8 on September 11.

9 **Q Okay. But they didn't reach you?**

10 A I don't recall offhand, but I could look through
11 or you could do a search of that 140-page transcript
12 on your computer.

13 **Q No need.**

14 A Okay. But it's possible that they reached me.

15 **Q You also agree that on this Experian report,**
16 **there is nothing to indicate which are good addresses**
17 **and which are not?**

18 A Right. And, in fact, one of them is not good.
19 Well, two of them. I mean, the one -- is Earlinger
20 even on this one? Oh, no. So the bad Earlinger
21 address is not on this, but they did have a bad
22 105 Canal Street in San Rafael, California. I never
23 have been there. I have never even been to San
24 Rafael. I don't even know where it is. I think it's
25 Northern California.

1 Oh, when PRA was calling the Witts Springs
2 number, they definitely got my answering machine and
3 that would have said, one, is it's got my voice and
4 the other is it probably said, This is Laura, or, you
5 know.

6 **Q Okay. We can move on from that. You have -- as**
7 **one of your claims, you take an issue with the fact**
8 **that PRA did not refer to itself as Portfolio Recovery**
9 **Associates, LLC, correct?**

10 A Correct.

11 **Q Are you aware of another Portfolio Recovery**
12 **Associates?**

13 A There was one. It was -- they've changed their
14 name. It's the parent company of Portfolio Recovery
15 Associates, LLC, is owned by what changed their name
16 to PRA Group, Inc. That's who used to be Portfolio
17 Recovery Associates, Inc.

18 **Q When?**

19 A Off the top of my head, about eight years ago.

20 **Q Okay. When was the first time you ever heard of**
21 **PRA?**

22 A The first time that it clicked in my head --

23 **Q November 2018, wasn't it -- excuse me, 2020?**

24 A That's when it clicked in my head. In 2013, I
25 believe they told me that it was Portfolio Recovery

1 Associates in the recording. You could check that
2 out, you know, easier than I can out of memory. You
3 could just plug it in on your computer.

4 **Q Okay. So what I'm trying to get at is, is it**
5 **your position that PRA's customer service reps should**
6 **be identifying themselves as Portfolio Recovery**
7 **Associates, LLC, at all times?**

8 A No. And I have seen your response. In one of
9 your documents, you said, like, that there is case law
10 that says you don't have to say LLC to make meaningful
11 identification. And the LLC is not what I meant for a
12 meaningful identification. Like, to me, if they had
13 just said Portfolio Recovery Associates, that would be
14 a meaningful identification and so that's reasonable
15 case law.

16 But it's the -- one reason is because I wanted to
17 know who to look up, and so that's why I pressed him
18 on the issue. And I asked like, Is it an LLC or a
19 corporation? And he said, Why does that matter? That
20 doesn't matter. And I said, Yes, it does because I'm
21 going to look you up.

22 And so, now, I'm trying, just like we have a
23 motion pending to add PRA Group, Inc. as a defendant,
24 and Portfolio Recovery Associates, LLC, is arguing
25 that they should not be a defendant. But I'm saying,

1 if you are two totally separate companies then you
2 would distinguish yourself by LLC, you know.

3 And I understand why that would be awkward but
4 when somebody specifically asks you, are you --
5 because at the time that I was asking, I might have
6 heard of Portfolio Recovery Associates, Inc. or seen
7 that, you know, on the computer or something, but
8 that's why I wanted him to differentiate for me.

9 **Q Okay. Did you take any action or refrain from**
10 **taking any action based on the use of the term**
11 **Portfolio Recovery Associates versus Portfolio**
12 **Recovery Associates, LCC? Did it make a difference in**
13 **anything you did?**

14 A Yes.

15 **Q What?**

16 A I looked up Portfolio Recovery Associates, LLC,
17 to find out who to send my letter to.

18 **Q Did you look up Portfolio Recovery Associates?**

19 A Without the --

20 **Q Without the LLC?**

21 A Without the LLC?

22 **Q Won't you get to the same web page?**

23 A No. I was going on like the -- in California,
24 it's called the Secretary of State, but in Virginia,
25 it was something different, and in Delaware, it's

1 something different. But there is a government agency
2 that people file -- or entities file with. And like
3 on the search page -- I've used California more often.

4 But, you know, so I don't really remember exactly
5 with Portfolio Recovery, but on the search page in
6 California, you have to check off if it's an LLC or a
7 corporation. You know, they have like a different --
8 you have to do two searches if you don't know what
9 kind of formation it is.

10 But since the LLC doesn't seem to think that
11 there is a difference between the LLC and the
12 Corporation, neither do I, and that's why I think one
13 of the reasons that the Corporation ought to be
14 included.

15 **Q Did you suffer any real world injury because any**
16 **customer service representative failed to include the**
17 **LLC on the end of Portfolio Recovery Associates?**

18 A No. Because I pushed him on it and he finally
19 told me that. Had he refused to tell me, then I would
20 have suffered an injury.

21 **Q Really?**

22 A Yeah. I wouldn't have been able to find the
23 company.

24 **Q You wouldn't be able to find the company**
25 **Portfolio Recovery Associates?**

1 A Well, I would find one of the two defendants that
2 I'm suing, but I would -- maybe I would end up with
3 Portfolio Recovery Associates, Inc. and then I would
4 file the -- if I had filed the lawsuit against them
5 first.

6 **Q Do you understand the name of the parent company**
7 **is PRA Group, Inc.?**

8 A Right, but it wasn't always. And so they can sue
9 --

10 **Q We're not talking about eight years ago. We're**
11 **talking about now.**

12 A Except I didn't know that. And so when I'm
13 looking -- and I don't remember the exact day that I
14 saw Portfolio Recovery Associates, Inc., but I have
15 found lawsuits filed against them as a corporation and
16 I would not have known which one to file my lawsuit
17 against, but now I have answered that question,
18 supposedly.

19 **Q Okay. What facts, if any, do you have to support**
20 **the allegation that PRA Group, Inc. had any**
21 **involvement in the collection of your account?**

22 A I'm sorry?

23 **Q The parent company.**

24 A What evidence do I have?

25 **Q What evidence do you have that PRA Group, Inc.**

1 **had any involvement in the collection of your account?**

2 A They have one employee -- her name, I have it
3 written down. I think it's -- was her last name
4 White -- anyways, they have one employee who works for
5 both companies, in compliance, and the documents that
6 PRA sent me on December 8, that had their manuals.
7 Some of the manuals are written by PRA Group, Inc.

8 **Q Were they written by PRA Group, Inc. or was it**
9 **just that the word PRA Group, Inc. was somewhere on**
10 **the manual?**

11 A They are copyrighted by them. They own it. So
12 PRA, LLC is using PRA, Inc.'s.

13 **Q PRA Group, Inc.?**

14 A PRA Group, Inc., they are using their manuals and
15 the consent agreement with the CFPB from, I think it
16 was, September of 2015, they included PRA Group, Inc.
17 as the ones responsible for making policy for PRA,
18 LLC. And the annual reports discuss the income of
19 PRA, LLC when PRA Group, Inc. is trying to jack up the
20 price of their stock.

21 **Q So you're talking about a consolidated income**
22 **statement?**

23 A All I know is that I looked PRA Group, Inc.'s
24 annual report and it talks about the CFPB, the
25 investigation that the CFPB thinks that PRA, LLC has

1 gone back to doing all the same bad things that they
2 had signed the agreement for in the first place.

3 There was another lawsuit. And, again, there's
4 only one me. I haven't looked into a lot of stuff
5 that I would like to, but one of things is that there
6 is a lawsuit that's one of rare lawsuits that PRA, LLC
7 has gone through to a jury verdict and it is on appeal
8 right now. So, like, I just haven't gotten time to go
9 look at that.

10 **Q I don't understand what that has to do with PRA**
11 **Group, Inc.**

12 A PRA Group, Inc. is writing about this in their
13 annual report. So, as you know, I was heavily into
14 the stock market and one of the things that -- one of
15 the tools that I would use is annual reports.

16 And so if I was looking at PRA Group, Inc.'s
17 stock, it would direct to me to look at -- like, I
18 would say, Oh, they're getting a lot of their income
19 from PRA -- from Portfolio Recovery Associates, LLC.
20 That is where they get the majority of their income,
21 so then I would start looking at Portfolio Recovery
22 Associates, LLC, to see what they are doing. And I
23 would impute PRA, LLC's business plan to PRA Group,
24 Inc., if that makes sense to you.

25 **Q What facts do you have, if any, to support the**

1 **argument that CompuMail had any involvement in the**
2 **language PRA used in PRA's own collection letters?**

3 A That I looked at CompuMail's website and their
4 advertising to other debt buyers and debt collectors
5 and they say something to the effect of, we're not
6 just, like, a company that will send out your mail, we
7 actually get involved helping you to design and we
8 have all these years of experience in learning how to
9 get people to respond to the mail. And so we're going
10 to be your partner on this.

11 And then they use the CompuMail return address,
12 and so it appears that -- like the returned mail went
13 to CompuMail, not to PRA, Inc. So like when -- I
14 mean, I'm sorry, PRA, LLC, so that when PRA, LLC
15 starts talking about, you know, a letter got returned
16 from Earlinger Street as non-deliverable, then that
17 had to go through. Like it didn't go directly to PRA,
18 LLC. It went through CompuMail, who then, I don't
19 know what.

20 That's why I need to have discovery with them
21 involved because I want to ask them, like, how many
22 letters did you get back from Earlinger? And I could,
23 I suppose, if I knew how to do this better, I could
24 have sent them a subpoena for a deposition or duces
25 tecum or whatever it is. But I would win this case

1 hands down if I knew what I was doing, but I don't.
2 So the only reason that I haven't, like, sent out
3 those subpoenas is because I just don't have enough
4 time. I don't know how to do it.

5 But if they were a party, I would know how. So,
6 that's why I want them to be a party because I could
7 get all my answers.

8 **Q All right.**

9 A And they won't be -- right now, as it sits, there
10 is an empty chair. So we could make it to the trial
11 and then all of a sudden, PRA, LLC starts saying,
12 Well, we didn't send you those letters, CompuMail sent
13 them. Don't you see their address in the corner?

14 Well, let's get them here, too.

15 **Q All right. Let me move on a bit. In your**
16 **complaint and elsewhere, you refer to, I believe, two**
17 **different letters that you claim are backdated?**

18 A There were more than two, but I think it was
19 three.

20 **Q But you specifically referenced two. All right.**
21 **Why do you think they are backdated?**

22 A Because they have a date on them that is about
23 two weeks, approximately, before I received them.

24 And --

25 **Q Are you sure it couldn't just be slow delivery?**

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1 A Well, and I have the conversation on April 10
2 and/or -- I'm sorry I hate when people use and/or.
3 But it was either or both on April 10th and
4 April 12th where PRA's representative went through
5 and told me that the mail was sent out. Like, one of
6 the letters -- I'm just going to make up the date.
7 But let's say it was March 31st that it was sent out
8 and it was dated March 15, and they said, Oh, yeah, we
9 sent that on March 31st. And one of them was the
10 Laura Lyman letter and she said that they put that
11 wrong address into the system on the March 31st date,
12 not the March 15th date.

13 So, I'm just using -- the dates aren't exact, but
14 you know, she said that the later date is when they
15 made the error in inputting data and wrote Laura Lyman
16 with a different account number and the 6049 account
17 number in Laura Lynn.

18 **Q Okay. Assuming these letters were backdated,**
19 **what real world injury did you suffer as a result?**

20 A Anxiety, anger. Knowing, like with my history of
21 having people lie in court and having a really
22 difficult time, like I actually had had probably about
23 six judges recuse off my cases. So, like, I am not
24 comfortable with court. It's not like you called it,
25 a hobby. This is not a fun hobby for me. I would

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1 rather be playing poker on my little phone than doing
2 this, but I'm just trying to do what is right.

3 And so that's the reason that it harmed me, is
4 because I knew that PRA was going to lie and say, We
5 sent you that letter March 15th. Well, no you didn't.
6 You sent it to me March 31st. And so it's just a
7 really bad business practice to date a letter two
8 weeks before you put it in the mail.

9 **Q Okay. For any letter that you claim was**
10 **allegedly backdated, did you take any action or**
11 **refrain from taking any action as a result of that**
12 **backdating? Did it matter?**

13 A Yes.

14 **Q What?**

15 A I wrote another letter and said, Hey, you just
16 sent me a letter that says that you mailed it two
17 weeks ago and you didn't because I just got it.

18 **Q I guess I'm trying to figure out if there was any**
19 **injury to you at all, beyond anxiety? Did you pay PRA**
20 **when you wouldn't have if you had known the correct**
21 **date?**

22 A It's similar to the elements of fraud where if
23 somebody tries to defraud you but you are not fooled,
24 then you actually can't win for fraud because you had
25 no damage. So it sounds like you're saying the same

1 thing. Like, well, we tried to fool you, but you
2 weren't fooled so, you know, we aren't able to lie
3 about it because you documented it really well.

4 So, yeah, the damage was that I had to take my
5 time to document that you had backdated a letter, so
6 that later you couldn't come back and say, Oh, you
7 made that up. Why didn't you document it?

8 You made a new job for me.

9 **Q All right. I want to talk about the fraud**
10 **affidavit. Do you know what I'm referring to?**

11 A Yes.

12 **Q When I say the words "fraud affidavit," what does**
13 **it mean to you?**

14 A Well, in this context, it's the letter that PRA
15 sent that said there is a -- what is that called --

16 Do you have a copy of it, the letter?

17 **Q I'm working on it.**

18 A Identity theft is the word I was looking for. So
19 it's an identity theft or a fraud letter and they were
20 telling me to get it notarized or witnessed, to fill
21 out a document with all kinds of personal information
22 going back to -- in my mind, 2001, because I had no
23 idea what this was about and they had -- someone had
24 told me it was an account opened in 2001, so.

25 **Q Did you fill out the fraud affidavit?**

1 A No, but I did read it. And so it took my time,
2 it took my energy.

3 And the law is regarding documents that would be
4 deceptive to the least sophisticated consumer, and I'm
5 more like the most sophisticated consumer. So anyone
6 else getting that letter would have filled it out and
7 gotten it notarized and been scared that, you know,
8 the police were going to come and get them if they
9 didn't fill it out.

10 **Q I'm handing you what has been marked for**
11 **identification as Hammett Exhibit 17. It's from our**
12 **previous session. Is the affidavit you are referring**
13 **to?**

14 A Yes.

15 **Q All right. And do you understand what the**
16 **purpose of this document is?**

17 A I think the purpose of this document was to get
18 me to answer these questions: My full legal name, my
19 date of birth, my Social Security number, my driver's
20 license or identification card number.

21 **Q Didn't PRA already have all this information?**

22 A Not that I knew of at that time.

23 **Q Okay. Well, are you aware, now, that they had**
24 **all that information because they had your account?**

25 A Well, they didn't -- as of the time that they

1 sent this to me, I don't think that they knew. Let me
2 think about this -- that, like, that was me. Like, to
3 me, this letter was a way for PRA to get me to admit
4 that I'm the person that they were looking for and
5 that this was my account. And that, to me, it was
6 their, like, deceptive way of trying to trick me. And
7 I didn't get tricked.

8 **Q In fact, they sent that fraud affidavit to you**
9 **after you told them that you didn't owe the debt,**
10 **correct?**

11 A Correct.

12 **Q Okay. Did they explain to you that you could**
13 **fill that out and send it back in to PRA?**

14 A No. On the conversation, she said something to
15 the effect of, so I will send you a fraud letter. And
16 I paused and I thought, like, what? What does she
17 mean by that? And then I just said, Okay, whatever.
18 Just don't call me again. Do not call this number
19 ever again.

20 Now, do you want read it back and tell me what it
21 says exactly? And then the jury will know that my
22 mind is, like, really sharp.

23 **Q All right. PRA has presented evidence that the**
24 **purpose of this letter, the fraud affidavit, is to**
25 **allow a consumer to dispute a debt and get a charge**

1 off their account. Do you have any evidence to the
2 contrary?

3 A That -- I'm sorry. Please repeat.

4 Q PRA has presented evidence in this case that the
5 purpose of this fraud affidavit is to allow a consumer
6 to make a -- to dispute a debt that they owe so that
7 it can be discharged.

8 A I'm not aware of that.

9 Q Do you have any evidence to the contrary?

10 A I disagree that they presented evidence to show
11 that.

12 Q Okay. Do you have any evidence to the contrary?

13 A Yes, the evidence is in the letter itself. It
14 speaks for itself.

15 Q Your interpretation of the letter?

16 A Yeah. I'm a very bright person. And when I read
17 this letter, it says to me that we want you to give us
18 information about yourself. Because there is no other
19 logical reason, because PRA's excuse that, Oh, we
20 wanted to be helpful and help her find the person who
21 was -- you know, that had used the account, the
22 identity thief.

23 So I don't believe that PRA was trying to be
24 helpful to me because, for one thing, what would it
25 do? We're past the statute of limitations. So, and

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1 secondly, now, how am I ever going to have the -- I
2 mean, I don't even have credit card statements from
3 Capital One or any, you know, thing.

4 How am I going to have any kind of evidence to
5 prove -- and, really, I didn't want to. And, like I
6 say, at the time that I got this letter, I had the
7 2001 in my head because I didn't know that you were
8 claiming that the charge off was in 2011 and that you
9 bought it in 2013. All I had in my head was 2001,
10 because that's when -- the year that they told me.

11 And so it was harmful to me. There was concrete
12 harm because, in 2001, I had this horrifying
13 boyfriend. Like I'm the smartest person you have ever
14 met, but -- except for when it comes to men. So I
15 finally got it right with my husband, but I had a
16 horrifying boyfriend in 2001 and I had to think back
17 to, like, what was he doing and did he use a credit
18 card and, you know, was there like -- and then I had
19 to, like, think about all this terrible stuff that
20 just gets my PTSD going. And it was very hard on me.

21 So, yeah, it was. It was bad, yeah.

22 **Q Okay. Other than this PTSD from seeing a fraud**
23 **affidavit, any other real world injury?**

24 A Yes, my time. I had to read through --

25 **Q How much time?**

1 A Well, I had to drive to my P.O. Box. So it
2 probably cost me gas.

3 **Q To pick up these letters specifically?**

4 A Yes.

5 **Q Why? Didn't you just pick up your mail?**

6 A The only mail that I was getting there was from
7 PRA. I was going to cancel that P.O. Box and then --

8 **Q How did you know the letter was there to go pick
9 it up in the first place?**

10 A Because I have them contact me whenever I get a
11 piece of mail.

12 **Q Okay. And that was the only piece of mail in
13 your mailbox at the time that you picked up this?**

14 A Yes.

15 **Q This one specific thing, you remember that
16 specifically?**

17 A Yes.

18 **Q Okay.**

19 A I even have -- you know what I was doing?

20 **Q Keep going.**

21 A Yeah. I gave you a copy of the notary's letter.
22 On the Laura Lyman letter, we had her -- I wrote a
23 note, by hand on -- like, I made a copy and then I
24 wrote on the copy and then she -- like the notary
25 said, you know, This came on this date and -- oh, I

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1 was prepared. I knew PRA has a horrible reputation
2 for being deceptive cheats and liars and --

3 **Q Any other real world injury?**

4 A I had to pay the notary.

5 **Q To do what?**

6 A Notarize my thing that says that the letter came
7 to me on the day that it came to me so that PRA
8 wouldn't be able to lie and say, Well, that letter is
9 dated two weeks earlier. Why are you saying that you
10 didn't get it until two weeks later?

11 **Q That's the backdating issue. I'm asking you a
12 question about the fraud affidavit itself.**

13 A Right. Well, the fraud affidavit is one of the
14 backdated letters. I didn't get it until -- it's
15 dated February 19, 2021, and I didn't get it until, I
16 think, March 2nd or March 3rd.

17 **Q Okay. Did it harm you in any way to get it late?**

18 A Yes.

19 **Q How?**

20 A Because it triggers my PTSD. Those liars are
21 going to try to cheat in court and then it puts me on
22 high alert. I get vigilant and I start, like, being
23 where I document the shit out of everything and that's
24 a lot of work.

25 **Q Okay.**

1 A How many other people do you know that would get
2 to this point?

3 **Q Ms. Hammett, did you suffer any real world injury**
4 **from receiving that fraud affidavit from PRA?**

5 A I don't know if you would call this injury. But,
6 yeah. I mean, I -- so, I went through all of this
7 with Naomi Pike. And so we could have been doing
8 something else, but instead, we had to have her read
9 this. And she is the least sophisticated consumer,
10 and she said that she thought that I would be arrested
11 if I didn't fill it out.

12 **Q Naomi Pike is this person that you want to**
13 **introduce as some kind of expert, right?**

14 A She could be, yeah. I think she'd make a really
15 great least sophisticated consumer expert because she
16 is exactly what they are talking about.

17 **Q Okay. All right. Let's mark this Exhibit 21.**

18 **(Defendant's Exhibit No. 21 is marked**
19 **for identification.)**

20 A You know what? There is more damage.

21 BY MR. TREFIL:

22 **Q Okay.**

23 A I'm sitting here right now. I would rather be
24 out fishing with my husband or playing poker.

25 **Q You chose to file this lawsuit?**

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1 A Right. But if I didn't file this lawsuit then
2 PRA would continue to call me and call me and call me
3 and they would continue to put things, maybe, on my
4 credit report and they -- who knows what they would
5 do? I had to file this lawsuit to get stop PRA.

6 **Q PRA had it in for you specifically?**

7 A PRA is greedy and they are going to get money out
8 of people any way that they can and I just happen to
9 be one of their marks.

10 **Q Okay. Have they gotten a single cent out of you?**

11 A Yeah. I had to -- all these expenses.

12 **Q Have you ever paid PRA anything?**

13 A No, but I have had to pay a lot of money to get
14 them to stop bothering me.

15 **Q All right. I'm showing you what has been marked
16 for identification as Hammett Exhibit 21. Have you
17 seen this document before?**

18 A Yes.

19 **Q Okay. I believe it's actually -- it's a
20 composite. Just to be clear, there are two of them.**

21 A Okay. Yes.

22 **Q There's one dated 4/14 and one dated 4/23. Have
23 you had a chance to take a look at those?**

24 A Yes.

25 **Q Okay. Have you seen them both?**

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1 A Yes.

2 **Q All right. What are they?**

3 A I'm not positive on the dates. Okay. I think
4 these are correct. So these are after receiving the
5 Laura Lyman letter, I called PRA and asked them to
6 correct the name and the account number if that was
7 what they needed to do.

8 It was possible that the whole thing was supposed
9 to be going to Laura Lyman and, you know. But,
10 anyways, they did. They changed it, but the Laura
11 Lyman letter said Portfolio Recovery Associates, LLC;
12 PRA, LLC has concluded its investigation of your
13 dispute and is closing your account.

14 And then the second letter came to me. It's
15 dated 4/14/2021, but it came a little bit later than
16 that. And that one says, Portfolio Recovery
17 Associates, LLC, has closed this account.

18 So then I contacted, I believe, it was David
19 Mitchell and the disputes department, both, by email
20 and -- but I did ask for them to correct that letter
21 to make it look just like the Laura Lyman letter,
22 which they did, other than the name and the account
23 number. So they changed back the language.

24 **Q To add the "has concluded its investigation of**
25 **your dispute"?**

1 A Yes.

2 **Q Okay. All right. Focusing on the zero balance**
3 **part --**

4 A Okay.

5 **Q -- can you explain your theory on that?**

6 A Yes. When I saw the Laura Lyman letter and it
7 said zero balance, I got really happy and I was like,
8 Woo hoo, I won. And I thought that meant that they
9 realized I was right, because it said, we have
10 concluded our investigation. So, to me, their
11 investigation would be they looked for a document like
12 the statement here, the charge off statement, and they
13 couldn't find anything, and so they decided that their
14 investigation was complete, you don't owe anything.

15 Now, when I got the second letter -- well, when I
16 realized that they had the wrong name on there, then I
17 thought, Oh, those sneaky bastards, they're -- excuse
18 my language. They wanted to trick me and they almost
19 did.

20 But I only noticed it because I went to document.
21 And when I went to document, I noticed that it said
22 Laura Lyman instead of Laura Lynn because they look
23 exactly alike when you sight read.

24 So then with zero balance, I thought, Oh, they're
25 going to try to come back later say, we didn't tell

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1 you that your balance was zero. We just made a
2 mistake and sent you one for Laura Lyman, but your
3 balance is now up to \$3,700 because, you know, we are
4 just going to keep tacking on fees.

5 **Q Did PRA every charge you anything? PRA always**
6 **tried to collect the exact same amount from you,**
7 **correct, until it waived the debt? I believe we have**
8 **actually -- we've been through that.**

9 A Yeah, but they are claiming that I owed like 1916
10 to Capital One and then that went up \$381. So and
11 there is no explanation of why that should go up \$381.
12 So assuming that --

13 **Q I don't want to go over old ground here. But we**
14 **were talking about this before. The amount of your**
15 **debt when PRA purchased it was the 2200 amount. The**
16 **1900 and the 300 were with Capital One. When Capital**
17 **One sold it, it became -- it was 2200 -- you**
18 **acknowledged previously that PRA had not changed that**
19 **amount whenever it -- all of its letters said 2200**
20 **until they said zero, correct?**

21 A Correct. They only had that number for a short
22 while. But that doesn't guarantee for me that they
23 are not going to charge the number again because I
24 think the whole thing was created and made up. But,
25 anyways, now --

1 **Q** **Why does waiving the debt -- explain to me why**
2 **taking your balance down to zero was important?**

3 A Because, to me, that meant that I won, that they
4 agreed that I didn't have a debt.

5 **Q** **In either of these two letters, Exhibit 21, did**
6 **PRA ever tell you that you never owed the debt in the**
7 **first place?**

8 A No, but that's why I thought that they were very
9 deceptive letters. And one of FDCTA numbers, which I
10 don't have memorized, says that you -- that the debt
11 collection companies are not allowed to use deceptive,
12 matters.

13 **Q** **Okay. And what is deceptive about taking your**
14 **balance down to zero?**

15 A It's deceptive the way that they wrote it. It
16 didn't tell me that they were waiving a debt. Why
17 didn't they use the word "waiving" the debt? We're
18 going to waive the debt for you because we're really
19 nice guys.

20 But they didn't say that. It's like an
21 admission. Like if I said, You just killed that man.
22 You're supposed to say, No, I didn't. But if say, You
23 just killed that man. And you go, So, then that's
24 sort of an admission.

25 **Q** **Show me where, in either of these letters, PRA**

1 **admits that you never owed the debt in the first**
2 **place.**

3 A To me, and I think to any reasonable juror, it's
4 going to look like when I got the letter, that PRA was
5 admitting that I did not owe the debt because if they
6 were trying to be nice guys -- and, oh, so here's
7 another reason, and this really makes a lot of sense,
8 is that PRA's sole business is collecting money from
9 people who owe it. That's how they make their money.
10 And they sue people. They sue 3,000 people a week.

11 **Q Did they sue you?**

12 A And so -- no, they did not, but because they
13 didn't have an opportunity to. But if they --

14 **Q What does that mean?**

15 A They have sued a lot of people that were past
16 statute of limitations. If they thought they could
17 have gotten away with it, they would have. But, you
18 know, they -- because I came on strong. The best
19 defense is a good offense.

20 **Q Okay. So, in your opinion, the fact that PRA**
21 **reduced your balance to zero --**

22 A And didn't mention why.

23 **Q -- that means that it must be because you never**
24 **owed the debt in the first place, correct?**

25 A Correct.

1 Q Okay. All right. You also took issue with PRA's
2 decision not to issue a 1099 for you as a waived debt,
3 correct?

4 A Yes.

5 Q And, in fact, you spoke with one of PRA's
6 representatives about this at one point?

7 A Yes.

8 Q Let me see if I can get this right.

9 A That was one of the later calls, the February
10 2022 calls, probably on the 5th, Risa Gore. No, I
11 think actually it was the February 9, 2022.

12 Q It's February 9 at 3:00. This is --

13 A Right. (Indiscernible.)

14 Q Cara Patel -- Pasthel, whatever.

15 A Yeah.

16 Q P-A-S-T-H-E-L?

17 A Yes, I remember the P.

18 Q And didn't Ms. Pasthel tell you that -- and for
19 the record, I'm reading from a court reporter
20 transcript of call recordings.

21 A Right.

22 Q (As read:) "Putting it very simply, this account
23 is in a non-collectible status. It does not meet the
24 requirements to actually send a 1099C based off the
25 IRS requirements."

1 And then further down, "Because you disputed it,
2 that is one of the reasons why, ma'am, you are not
3 receiving one."

4 Do you recall having that discussion with
5 Ms. Pasthel?

6 A Yes.

7 Q Okay. Do you have any reason to doubt that
8 Ms. Pasthel was telling you the truth?

9 A Yes. I don't know for sure, but at that point,
10 we were already going to litigation and I assume that
11 there might be some --

12 Q Did you tell Ms. Pasthel that when you talked to
13 her?

14 A No, but she -- I don't know what your records
15 say. It seems like you would have marked it.

16 Actually, I know that there is something on there
17 that says that I filed for bankruptcy, which was a
18 lie.

19 Q You had, I believe, six calls total, with PRA
20 reps at different times. Did you ever bother to tell
21 any of them that the reason you were asking the
22 questions you were asking is because you were trying
23 to strengthen your lawsuit against PRA?

24 A No, I never said that because that's not true.

25 Q Well, why did you call them?

1 A The Laura Lyman letter, I called to find out,
2 like, why they sent me a letter that said Laura Lyman.

3 **Q I'm talking about the calls after you filed your**
4 **lawsuit.**

5 A I think that was right about the time that I
6 filed the lawsuit, and I had already told PRA I was
7 going to file a lawsuit. In my first letter -- first
8 or second letter, I said that there was going to be a
9 lawsuit. And I think I told them that I was going to
10 file a lawsuit -- I was wrong about this, but -- if I
11 got their recordings -- because I thought that it was
12 a criminal violation in California, but I was wrong
13 because it's only criminal if I had lived in
14 California.

15 **Q Okay. Now, I just want to make sure I'm clear on**
16 **this. When you called these PRA customer service**
17 **representatives after you already filed litigation --**

18 A Right.

19 **Q -- you did not tell them any of them that you**
20 **were currently suing their company, correct?**

21 A Correct.

22 **Q You figured they would be able to find it in**
23 **their records somewhere?**

24 A Either they would find it in their records -- but
25 it wasn't pertinent to what I was calling them about,

1 because one, I was only calling about the Laura Lyman
2 letter. I was calling about the -- I wanted to find
3 out about this statement. And so, I wanted -- I
4 didn't really -- like, I wanted to know the truth.
5 And so if they had note in there that I was suing
6 them, then they would know.

7 **Q Well, for example, this last call with**
8 **Ms. Pasthel when you are talking about the 1099 and**
9 **asking about it, why were you so interested in why PRA**
10 **was going to issue you a 1099?**

11 A Well, it became an issue. PRA made it an issue.
12 It was -- that was one of the reasons why I said that
13 the balance was to zero was not because of PRA's
14 supposed reason that they are just such good guys that
15 they decided that, this one, they wouldn't try to
16 collect. It was because if they had waived my debt,
17 then they would have sent me a 1099C.

18 **Q Okay. So the reason you were asking Ms. Pasthel,**
19 **a PRA employee, about whether or not you get a 1099**
20 **was because you were trying to show that you never**
21 **owed the debt in the first place?**

22 A I wanted to find out, like, why -- like what the
23 real reason was that they didn't send it. I was just
24 asking questions.

25 **Q I understand you were just asking questions. You**

1 were asking questions of PRA employees, after PRA
2 specifically asked you not to talk to its employees
3 except through counsel, correct?

4 A Yes.

5 Q Okay. And I understood you told us earlier today
6 that the reason you were talking to PRA employees is
7 because Capital One had forwarded those calls to them?

8 A Yes.

9 Q Okay. But why -- knowing that PRA had
10 specifically asked that you not speak with its
11 employees without counsel present, why did you
12 continue those phone calls with PRA employees after
13 that?

14 A Because I'm allowed to and because I'm trying to
15 get at the truth.

16 Q Why are you allowed to? What gives your the
17 right to do that?

18 A You don't have to subpoena people to ask them
19 questions, just like you have contacted people, you
20 know, to ask them about me. You have, like, looked
21 into all my old lawsuits. And I have one attorney
22 saying, like, Oh, I'm talking to the other lawyers on
23 the other cases and your cases can go to hell once I
24 win, and stuff like that. So, you know, why would I
25 not be able to call and talk to an employee there?

1 Q Because PRA specifically asked you not to do that
2 and you chose to ignore that. And I'm asking you what
3 gave you the right to do that?

4 A There is no law against it. Tell me a law
5 against it. Because you asked me not to?

6 Q Okay. So there is no law against it?

7 A There is no law against it.

8 Q Okay.

9 A There is a law that you are not allowed to call
10 me if I'm represented by an attorney. If I'm
11 represented by an attorney, you cannot call me --

12 Q Do you -- okay.

13 A -- because you are a lawyer.

14 Q Ms. Pasthel was represented by an attorney,
15 wasn't she? I am counsel for PRA. I represent her in
16 her activities during the scope of her employment, and
17 you talked to her anyway, didn't you?

18 A Yeah. I'm not an attorney.

19 Q I'm just asking, what gave you the right to do
20 that?

21 A The law. I'm allowed to talk to people.

22 Q Okay. And it would be fair to say that you feel
23 that PRA has injured you, correct?

24 A Yes.

25 Q Okay. That it owes you compensation for that?

1 A Yes.

2 **Q It owes you money?**

3 A Yes.

4 **Q And you are just trying to get that money from**
5 **PRA?**

6 A Of course. I'm trying to --

7 **Q And that gives you the right to call?**

8 A No. I just have the right to call. I don't have
9 any limitation on my freedom of speech.

10 **Q Oh, you don't?**

11 A That is not a limitation on my freedom of speech.
12 I'm not allowed to lie. Like, freedom of speech, you
13 know, like I can't slander somebody by -- but truth is
14 an absolute defense. It's actually not completely
15 absolute, but truth is a defense against defamation.
16 You know, like I couldn't do something completely
17 obnoxious.

18 And that is where, you know, PRA's legal argument
19 is. And you have said a similar thing to me before,
20 is that, you know, it's our free speech to call you.
21 Well, there are limitations to free speech. Like debt
22 collectors are not allowed to call you and lie.
23 That's a limitation to free speech. And lawyers are
24 not allowed to contact a represented litigant. That's
25 a limitation to your free speech.

1 But there is no limitation that says an
2 unrepresented litigant may not contact the party.
3 And, in fact, it is encouraged because, in the perfect
4 world, I wouldn't have to call a lawyer. I would call
5 the party that has aggrieved me and I would tell them,
6 Hey, you have done something wrong to me and you know
7 what? I would really like for you to make it right,
8 to, you know, make me whole again and even show some
9 remorse. But that is how it is supposed to work. And
10 then they are supposed to say, Oh, okay. Well, what
11 are you out?

12 And, you know, like, let's say that I had that
13 perfect conversation with PRA on February 20, 2021,
14 and PRA had come back to me and said, Oh, you're
15 right, we are so sorry, here is blank.

16 They could have made it right. They didn't have
17 to go lawyer up with two law firms and four attorneys
18 and all of their staff coming at me. They could have
19 just done what was right.

20 **Q Okay. Ms. Hammett, it's 12:07. I still have a**
21 **bit more to go. Do you want to take a break for**
22 **lunch?**

23 A When you say "a bit more," and you know how much
24 I talk, like 20 minutes?

25 **Q Likely less -- between half an hour and an hour.**

1 A Okay. Let's go eat.

2 **Q Okay. I'll take a little bit, finish up, and**
3 **then you can have your say. All right?**

4 A Okay.

5 MR. TREFIL: Off the record.

6 (Whereupon, following a break for
7 lunch, the proceedings resumed as follows:)

8 BY MR. TREFIL:

9 **Q All right. We talked previously about efforts**
10 **you have done to determine what happened to your prior**
11 **Capital One account. I believe we discussed email**
12 **searches and calling Capital One; is that correct?**

13 A Yes.

14 **Q Okay. Have you looked through anything else,**
15 **like your bank records, any other financial records?**

16 A I have looked through every piece of paper that I
17 have.

18 **Q Okay. And that includes electronic versions of**
19 **paper?**

20 A I don't have any website to go to other than my
21 emails, but if you have some suggestions for me, I am
22 all ears.

23 **Q I'm simply asking what you have looked through?**

24 A Just emails and paper. Like, boxes of paper.

25 (Defendants' Exhibit No. 22 is marked

1 for identification.)

2 BY MR. TREFIL:

3 **Q All right. Ms. Hammett, I'm showing you what has**
4 **been marked for identification as Hammett Exhibit 22.**
5 **Have you see this document before?**

6 A It looks like from me to you.

7 **Q And who else?**

8 A Oh, to all the attorneys on all the cases that I
9 am on, that I have.

10 **Q Okay. So there are (counting) 18?**

11 A Attorneys.

12 **Q Eighteen attorneys?**

13 A Yes.

14 **Q Does that sound right to you?**

15 A Yeah. And I started it by saying, I hope I did
16 not forget anyone.

17 **Q Did you forget anyone?**

18 A I hope not, but I never really heard back
19 anything substantive from it.

20 **Q Could you tell me what the purpose of this email**
21 **was?**

22 A To try to settle all of my cases at once because,
23 as you have pointed out, I'm asking for emotional
24 distress damages in a couple cases, probably. I mean,
25 I'm not really certain that I am. But I know I'm

1 asking for them in this case. But you have said that
2 I'm asking for them in other cases.

3 So, whatever the thing, you know, like I know
4 that a lot of my stress is caused by the other
5 parties. And so I thought it would be fair to let all
6 of the parties decide. Like, okay, how much is
7 this -- and you are all attorneys. Everybody who I'm
8 up against is represented by attorneys, some of them,
9 as you see, multiple attorneys. And so I thought,
10 like, if you all got together and decided, you know,
11 how to apportion it, then a jury doesn't have to. And
12 then there is not inconsistent verdicts and there is
13 not a potential for inconsistent verdicts. So, yeah.

14 **Q So these were all cases where you are the**
15 **plaintiff?**

16 A Except for one.

17 **Q Okay. Why were you asking for money from a case**
18 **where you were the defendant?**

19 A I was counterclaimant.

20 **Q Okay. All right. So you were a plaintiff of**
21 **sorts in that one?**

22 A Yes.

23 **Q All right.**

24 A Well, and if I stopped -- if they just said,
25 like, well, we'll stop suing you, then I would save

1 money. You know, like the -- whatever they would have
2 gotten if they kept suing me.

3 **Q Okay. You identified 8 lawsuits. I think we**
4 **have covered those previously.**

5 A Yeah. I don't think there's eight, but somewhere
6 like six or so. Did I say eight?

7 **Q Yeah. I'm just reading off your email.**

8 A Right. I said about eight. Okay.

9 **Q All right. And at the time, you were requesting**
10 **a global amount of \$2 million?**

11 A Yes.

12 **Q Okay. What is the Goodman case about?**

13 A Goodman was I had an HVAC replaced. And that's a
14 heater, you know, and an air conditioner?

15 **Q Right.**

16 A And they -- Goodman is the manufacturer and it
17 was really bad. After about two years, it broke down.
18 And then I had gone through Home Depot to get it
19 installed and they had sent me to a service provider
20 named Advantage Service who are in North Little Rock.
21 And Advantage kept coming out and not fixing it. And
22 they were, like, worse than bad. And then they would
23 charge us to fix it, even if they didn't fix it.

24 And so I looked up something and I found out
25 about the Magnuson Moss Warranty Act. And so I found

1 out that Goodman was supposed to, you know, make it
2 good if they sold us something that doesn't work from
3 the start, so -- or, you know, from as long as it is
4 expected to work.

5 So I just sued them in small claims for the money
6 that I have given to Advantage and I just sued
7 Goodman. And then Goodman said the empty seat
8 defense. Well, it wasn't us, it was somebody else.
9 And so I said fine.

10 **Q And Goodman is who?**

11 A They are the manufacturer.

12 **Q Okay. All right.**

13 A So I said, Well, fine, then I'll add the other
14 parties. And then when I added the other parties,
15 then Advantage Service, the ones who did the cut and
16 paste, they took, like, our signature blocks from when
17 we signed the credit card stuff or debit card.

18 And when I say "us," my husband was involved
19 because it was his money.

20 **Q Is your husband a party in that case, the Goodman**
21 **case?**

22 A Yeah, but it's gone now.

23 **Q How did that resolve?**

24 A Well, it got pretty nasty because Advantage
25 altered the invoices. But they didn't realize that I

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1 had the originals, because most people don't keep that
2 kind of stuff. And so then I brought it up to a
3 bigger court, to the circuit court, and I named
4 Advantage and I named Home Depot, even though I love
5 Home Depot and I used to buy their stock.

6 And Home Depot came through like champs and
7 they -- because they hadn't really known about the
8 problem. And so when they heard about it, they told
9 me, like, well, we'll pay for a whole new system for
10 you. And so they tried to get me to settle for just
11 that. And I said, Well, you know, I'll settle with
12 Home Depot, but I'm not going to settle with Goodman
13 and Advantage because they committed fraud and then
14 they had altered documents, which is violation of the
15 ADTPA, Arkansas Deceptive Trade Practices Act.

16 And so it just got dismissed and I don't
17 necessarily agree with that. I mean, I definitely
18 don't agree with it. But because my husband hates law
19 and he just wants to be out fishing, we're just going
20 to let it go.

21 **Q Okay. So that one got dismissed.**

22 **A** But, I mean, I did get the actual damages, you
23 know, I just didn't get like punitives and --

24 **Q Home Depot replaces your HVAC?**

25 **A** Yes.

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1 **Q Okay. How about the First American case?**

2 A That one is still going on. And that is the saga
3 of the HVAC, that's how it started. When I replaced
4 it with the Goodman, it was because I just bought the
5 house. This is before I had, you know, my tragedy and
6 the COVID crash.

7 And I just bought the house and, like, the first
8 week, the HVAC broke. And I had this home warranty
9 plan. And they were just jerks. They didn't -- well,
10 I'm not, like, thinking of that, like, all the
11 details. But basically, they lied and said that they
12 were going to come and fix it. And then they didn't
13 come out. And we were like three months without heat
14 or air conditioning, and it was like a hundred degrees
15 out. And then, of course, they lied, you know.

16 And so, again, I -- they offered finally, like
17 after I filed the lawsuit, they offered to pay me for
18 the new HVAC. But by that time, like, we were so mad
19 at them that we were like, no, you know, we're going
20 to keep going and try to get -- they didn't want us to
21 get collateral damage, like, for being hot or cold or
22 stuff like that.

23 And I don't know. That was basically it. So
24 that, though -- this is a really old case, but it went
25 to this Judge Susan Weaver and she is a horrible

1 judge, the worst. And I voted for her because I
2 didn't know anything about the judges.

3 **Q She is an Arkansas State Court judge?**

4 A Yeah. And so she just sat on it for -- well, the
5 First American, they wanted to make me go to
6 arbitration, but I started it in arbitration and then
7 I read bad things about arbitration, like, not giving
8 you any punitives. And so I said, like, No, we'll go
9 to a jury because I think the jury is going to really
10 dislike what you did. And they wanted to go to the
11 arbitrator, of course, because, like, they had a
12 reputation.

13 And actually, the arbitrator who we got was a
14 defense attorney before he became an arbitrator. So
15 they wrote a motion and Judge Weaver sat on it for
16 over a year, for 14 months. And then, finally, I had
17 a huge dispute with her and she is one of the
18 litigants.

19 **Q The judge is one of what?**

20 A Yeah. She was one of the litigants that was
21 included in this.

22 **Q But she's not a litigant in the actual First
23 American case that she was sitting on?**

24 A No. No.

25 **Q But you sued her separately?**

1 A Yes, for 1983 -- like a 42 USC 1983 Violation of
2 Civil Rights. And so, yeah. So she had, like,
3 started acting really poorly to me, like -- I'll tell
4 you about it a minute. But she finally came in and
5 gave them -- she moved it to arbitration.

6 And really, like, the question you asked me, Why
7 didn't you do this or why didn't you do that? I
8 haven't even contacted the arbitration, the AAA, to
9 get that one rolling because I'm so busy with
10 everything else. So, it's just -- there's only one of
11 me. And that's kind of why I wanted to have everybody
12 settle this and then I'm done and, you know, I can
13 just go live the rest of my years.

14 But, so, yeah, that was one. And then the one in
15 front of Judge Weaver, there is two more in front of
16 her. And that's why I'm having so much trouble,
17 because she is a terrible judge.

18 Well, to go back to Goodman, the Goodman district
19 court judge, Judge Charles Clawson, he recused himself
20 from that case finally.

21 **Q And what court was that in?**

22 A That was in District Court of Faulkner County.

23 **Q Okay.**

24 A And he had been having ex parte communications
25 with Goodman and I just happened to walk in on them.

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1 And he was emailing both me and the Goodman
2 representative, who is an attorney in Texas, but she's
3 not licensed in Arkansas. And so that's why that
4 turned into such a big deal, because she was, like,
5 making me a settlement offer on a filed claim, even
6 though she didn't work in the state.

7 And then when 120 days passed, Goodman and
8 Advantage jumped out and said, Oh, we didn't get
9 served properly. And the attorney who wrote the
10 answer wasn't even licensed, so, you know, it doesn't
11 even count. And yeah, so they were really messing up.

12 And that Judge Clawson was -- oh, and the reason
13 that they weren't served properly is because I had to
14 pay \$12.50 to get them served by paying the clerk.
15 And they were supposed to send it certified, and the
16 docket says that they sent it certified. And after
17 120 days, Goodman said, Ha ha, they didn't send it
18 certified. They sent it by regular mail, so it's no
19 good.

20 And so, like, I was like, Okay, that was my
21 fault. And in circuit court, by the circuit court
22 rules, if it's not the litigant's fault and they did
23 everything that they could to make it happen properly,
24 then they get off that rule, they don't have to follow
25 it. You know, it's not a reason to dismiss. But in

1 the district court, they don't have that little
2 provision, you know, so like they could have dismissed
3 the case in the district court based upon the clerk
4 not sending certified and sending it regular.

5 So, anyways that was one. And then the one with
6 Susan Weaver, a second case is an insurance bad faith
7 case and she's the judge. And it's really just
8 sitting there. But, like, I don't care what they say,
9 she agrees with them and what I say doesn't matter.
10 She just doesn't want to hear it. And but, you know,
11 it's, like, not something that I could particularly
12 put but my finger on.

13 But the case that she has that I can put my
14 finger on is against -- that's the one where I'm the
15 defendant. And so, like, with these cases where I'm
16 the plaintiff, I can just choose to let it sit. Like,
17 the one against First American, it's just sitting
18 there. I'm thinking, you know, eventually she's
19 getting off the bench and then I'll win it. But as
20 long as she's on the bench, I'm not going to win
21 anything.

22 So with this Pietrczak case, that's my
23 ex-boyfriend and he's got an attorney named William
24 White. And since you read my blog, you probably know
25 all of this stuff, but just for the jury or the

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1 record, that case is because when I met -- and this is
2 involved with this case, maybe, because if there was
3 an account opened in 2010, that's about when I met
4 Mike Pietrczak.

5 He was fresh out of prison where he was for --
6 like with the plea agreement was that he had used a
7 fake document at the border between the United States
8 and Mexico, but he told me that the reason he was
9 there was that he had gotten drunk and rolled, and
10 then put into some kind of compound and they forced
11 him to be a mule, like, to bring illegals across the
12 border.

13 And then, like, I should have gone like this
14 (gesturing). The story doesn't make any sense, but he
15 said that was coming back to Mexico to pick up his
16 paycheck and -- or his pay, and that's when they
17 caught him, and he was in a stolen vehicle. So they
18 got him for the stolen vehicle and the illegal
19 document with somebody else's name on it. I forget
20 the guy's name -- Goodwin is the name he used.

21 So but when I met him, he was the nicest guy in
22 the world. My oldest sister, who is one of the people
23 that I'm suing, who is not the nicest person in the
24 world, even said, You are the first one of Laura's
25 boyfriends who we like. So, like, he was so charming

1 and nice and good looking, and nine years younger than
2 me and I just fell in love.

3 And I didn't even believe his story. Like, I
4 thought maybe he worked for law enforcement and was
5 like undercover or something. I had no idea, but I
6 just couldn't believe it until he lost his sobriety,
7 and then he's a monster. So he went from -- like his
8 sister says, he's like Dr. Jekyll and Mr. Hyde.

9 So that was --

10 **Q And the suit where you are the defendant, he is**
11 **the plaintiff?**

12 A Yes. But so we had a lawsuit that you have seen,
13 probably, that settled and we won the arbitration
14 part, and then some people settled. And that was he
15 and I, and most of the time, he was drunk, but he was
16 a plaintiff. He just joined on everything I wrote.
17 But, you know, it was -- he did help, like, he talked
18 to me about it, but, like, I did the physical work of
19 writing it.

20 And then we won a bunch of money and moved out to
21 Arkansas. And that's when, like, my therapist had
22 said, like, I should just give up all the writing and
23 stuff and just take a sabbatical.

24 **Q How much money? You are talking -- I'm getting a**
25 **little fuzzy here. I thought we were talking about**

1 **Mr. Pietrczak suing you and now you're --**

2 A Right.

3 **Q -- talking about something earlier?**

4 A Right. So this is why he was suing me, because
5 so while we were together, he had started with \$3.71
6 in his pocket and had just gotten out of prison and
7 was living in a halfway house. And I had my money
8 coming in from Silver Strand Plaza, LLC, which was at
9 least \$3,000 a month, and for a year, it was like
10 \$7,000 month, sometimes more. So like, you know, I'm
11 flesh, right?

12 And we built up a business together. And because
13 I'm in real estate -- I have been in real estate,
14 like, most of my life -- I put in our lease agreement
15 that if -- a first right of refusal, like, if somebody
16 bought the property.

17 Well, someone bought it and they didn't tell us
18 about it. And so then they said, Hey, start sending
19 your check to the new owner. And we're like, What new
20 owner? You were supposed to tell us.

21 And they're like, Well, what are you going do,
22 sue us with every last penny you have? And I said,
23 You know what? You can't do that. I ought to file a
24 lawsuit, so I did. And then we went to arbitration
25 against one of them and won. So and then the other

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1 ones, you know, soon decided they were probably going
2 to lose, too.

3 So we went to -- we took the money and put it
4 into a house in Arkansas, but we put it in his name.
5 And so then when we started -- like, he was not
6 quitting his drinking. I thought moving to Arkansas
7 would, like, you know, help him sober up, but it
8 wasn't working.

9 And he was getting pretty bad. Like, I'd put his
10 phone number in on Craigslist to do a Craigslist
11 search and I'd find him advertising with \$6,000 cash
12 found out and saying, I'm down at the Marshall motel,
13 come and get me. So he was, like, advertising for
14 hookers on Craigslist with my money. And so I
15 finally, like, broke up with him.

16 And I don't want to get into too much detail,
17 because I don't want to take up all the time. But,
18 like, basically we had agreements. We had -- I did
19 give you the arbitration transcript in my production
20 of documents?

21 **Q Probably.**

22 **A** Yeah. So you could see in there. He said, under
23 penalty of perjury, that if we break up that I get
24 either all of everything or half of everything. But
25 then when I did break up, he wanted all of everything.

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1 So I had an attorney -- he had -- I'm leaving out
2 parts but, basically, you know, if comes down to he
3 got this that attorney, William White, to file a
4 lawsuit.

5 That was before I lost my money, so I hired an
6 attorney. He got it dismissed for lack of prosecution
7 and he said it was just a nuisance claim and, you
8 know, he had no complaint. Well, then in 2020 -- it
9 got dismissed in 2020. In 2021, I just went to see if
10 the statute of limitations was gone so I could go sell
11 the property and it was still -- and there was a
12 lawsuit filed by the same attorney, the same lawsuit.

13 But they issued -- it was against me and the
14 Rural Revival Living Trust and they only issued one
15 summons, to me. And they didn't issue a summons to
16 the Rural Revival Living Trust and they didn't serve
17 me the summons. Like, I found out about this on my
18 own, about a month and a half after it was filed.

19 And so I just answered for myself. Then I asked
20 for a continuance and Judge Weaver, who is the judge
21 on the case ignored my motion for continuance. And so
22 finally -- and it says, final hearing. So I found out
23 about it on June 10 and it said final hearing on
24 August 4th.

25 And so at, like, the end of July, I contacted her

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1 clerk or her assistant and she said, Oh, your motion
2 wasn't acceptable. So I wrote a different one. So I
3 wrote a second one and she still ignored it. So I
4 just got ready and I got a bunch of exhibits together
5 and I put them in like I was supposed to.

6 And he didn't -- the other attorney didn't put in
7 any exhibits. And then we went in a Zoom hearing on
8 August 4th. And then the other attorney asked for a
9 continuance and Judge Weaver granted it. And then, he
10 asked for an extension of time to serve the summons on
11 the Rural Revival Living Trust. And I said, well, he
12 didn't even issue the summons, so it's not my fault.
13 And he said, she's dodging service. I'm like, How am
14 I dodging service? You didn't even issue the summons
15 yet.

16 And Judge Weaver said, Well, I'm going to go for
17 a minute. And she left the bench, comes back a few
18 minutes later and she says, Well, I talked to the AOC,
19 that's the Administrative Office of Courts, and they
20 say that Laura -- that Mr. White has to put the motion
21 for extension of time to serve in writing and Laura
22 has to have an opportunity to respond.

23 And so I'm like, Who hoo, I won one, right? This
24 is the first time she's ever said anything nice to me.
25 So we leave. You know, we get done with the hearing

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1 and she gave him the continuance. And he waited to --
2 and I asked, in writing, a motion for her to make a
3 written order because she never -- she didn't even
4 write an order on the docket. And she didn't do it.

5 And so finally, like after two weeks passed,
6 Mr. White writes a proposed order that says, Pursuant
7 to what the judge ordered in the hearing, we're going
8 to have an extension of time to serve. And so I'm
9 like, she didn't say that.

10 And I had ordered the transcript and the court
11 reporter said she was like all backed up so she didn't
12 get me the transcript yet. So when the transcript got
13 to me a few days later, there were a whole bunch of
14 changes that were not like, Oh, I didn't hear that.
15 There were a bunch that were, like, dashed lines
16 wherever I said objection, or wherever he said nasty
17 things to me, then the court reporter didn't hear
18 those.

19 But more importantly, she didn't hear the whole
20 part about the judge talking to the AOC and learning
21 that Rule 4(i) to the Arkansas Rules of Civil
22 Procedure says you have to make a motion for extension
23 of time to serve in writing. So she didn't hear that.
24 That was all left out. But she did hear something
25 that I didn't hear. Way later, the judge said, I

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1 don't normally do this, but I'm going to Mr. White his
2 extension of time.

3 So then I, you know, put in another motion and
4 said, like, Hey, I want to oppose this. And Judge
5 Weaver wrote a letter and said, No, you have had ten
6 days and you didn't object in the ten days.

7 I'm like, but I didn't object because you didn't
8 actually say that in the hearing. So I put in a
9 motion to settle the record and she refused. And then
10 I put in a Freedom of Information Act request to get
11 the recording and she refused.

12 So actually, I intend to, as part of that file --
13 which I have told you all that I'm going to be able to
14 reduce my other case files -- I'm going to get the --
15 subpoena the recording because the recording is the
16 best evidence. It's better than the transcript and
17 even if the transcript is certified, the recording is
18 still better evidence.

19 So that brings me to the next case. Well, it got
20 worse from there and when I go into, you know, the
21 stuff that I brought with me, I will talk about it a
22 little bit more.

23 But in the meantime, the next case was -- I filed
24 against Judge Weaver, the court reporter, and the
25 attorney for colluding and making an inaccurate

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1 transcript. And I understand judicial immunity
2 completely, but there is an exception to judicial
3 immunity which is, if it's something that's
4 administrative that's not done from the bench.

5 So court reporters have been successfully sued
6 and the case law is that what they do, even though
7 it's difficult and important, is administrative. They
8 can't make any decision about what to write and what
9 not to write. They have to write exactly what is
10 said.

11 And so that's why I thought that I would be able
12 to get around that judicial immunity, but it was
13 horrible. I mean, it just -- it got kicked out.
14 Mr. White even filed his motion to dismiss or a
15 joinder to the judge's and the court reporter. They
16 had the district attorney representing them, you know,
17 for free. And --

18 **Q Who was the judge hearing your case against Judge**
19 **Weaver?**

20 A Judge Billy Roy Wilson. And so he dismissed it.
21 Even in his dismissal, he didn't mention the
22 transcript. He said, She is mad about things that are
23 happening in the circuit court and so it's
24 Rooker-Feldman, so he dismissed it.

25 And then I filed an appeal in Missouri, I think

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1 the Eighth Circuit, and they dismissed it sua sponte.
2 They didn't even let me brief it. So they probably
3 read what he said and that's probably very common.
4 You know, like that people are unhappy with their
5 circuit court decisions and then they try to appeal
6 or, you know, go to court against the judge.

7 But I don't think that it was right, but I'm not
8 going to bang my head against the wall anymore on that
9 because there are other ways that I can deal. Like, I
10 just got dismissed from the case. Well, it's
11 actually, I can knock on wood, Mr. White just put in a
12 motion to dismiss me. But Judge Weaver now has to
13 sign it, so who knows what their next little plan is.

14 So, yeah, that's -- you know, basically, I think
15 that's all the cases. Oh, my sister's. That's the
16 LLC. My oldest sister was the manager. She has been
17 lying to me since about 2010, around then, about the
18 income. Then, unfortunately, my sister who is an
19 attorney, she got sick, so they all decided to sell
20 the shopping center. And I wanted to anyways, because
21 I wanted to cut my ties with them.

22 And so we all decided to sell and my sister
23 passed away right after it got sold. So that's why I
24 am so eager, you know, making you so many offers of
25 like, let's settle. Let's settle. Because my sister

1 was 56 and she died, and I don't know how much longer
2 I have, you know, because I'm thinking about that.
3 But, yeah. So anyways, that's the other case.

4 **Q All right. And, again, one other item that you**
5 **touch on in this email, and you talk about it**
6 **elsewhere, is the hit your stock portfolio took. I**
7 **don't know exactly when, but can you just describe?**

8 A I can tell you exactly when.

9 **Q Okay.**

10 A So I was day trading on -- like, I was officially
11 a pattern day trader and I was in on margin, and that
12 was my huge mistake. I had half a million dollars in
13 there of my own money and half a million on margin.
14 And I think I had a really good theory and that it
15 actually would, you know, have worked. And part of
16 the theory, what I say is, I bought cockroaches that
17 would outlive an atom bomb. And so, like, one of them
18 was American Airlines and Walmart and Home Depot and,
19 you know, really good companies. And I didn't have
20 any PRA stock and I wouldn't. But I haven't looked at
21 their numbers, but I'd only go with companies that I
22 believed in.

23 And so my American Airlines stock was going down
24 and my theory was that, like, I was buying stocks that
25 took a huge hit at, like, the opening bell. Like if

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1 they went down ten percent in two seconds, then I
2 would buy them. And kind of like with that Reddit
3 where the guys were buying the GameStop stock, they
4 were following the big money managers.

5 Well, I wasn't like working with anybody else
6 like the Reddit boys were, but I had the same idea as
7 them. So I just was, like, following the pattern of
8 like what was going down. And then I'd buy it, and
9 then if it went up like half a percent or one percent,
10 if I had put \$100,000 in and it went up one percent, I
11 just made \$1,000. And I was doing that all day, every
12 day, and it was really working good.

13 I was, like, on top of the world, except for my
14 American Airlines stock. As it kept going down, I
15 kept buying more until I had, like, a quarter million
16 in American Airlines stock.

17 And then at the end of January 2020, I went to
18 Tunica for a World Series of Poker Tournament and I
19 remember -- I mean, I was having so much fun because I
20 had this little tablet, and I was doing the stock
21 market trading and playing poker at the same time.
22 And it was, like, crazy because I win a lot at poker,
23 but if I was, like, losing, it didn't even matter
24 because I'd be laughing because I'd be like, Oh my
25 God, I just made \$1,000, ha ha ha. You know, so, it

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1 was really fun.

2 And then when I got back, I got sick. And you
3 have seen my UAMS -- that's when I went there. I got
4 really super sick. And it's kind of before people
5 knew about COVID. And, like, I remember them asking
6 me if I'd been out of the country to China. I was
7 like, no. But they didn't ask me if I was just at a
8 poker tournament with people from all over the world.
9 So I probably got COVID. My chiropractor, Dr. Josie
10 Owens, thinks that I had COVID. And I was textbook
11 case of it.

12 And so that was -- I had a knee surgery scheduled
13 and I had to postpone it because I was sick. And it
14 was February 12th and I went to UAMS. I think I was
15 there on the 12th. It might have been the 14th. No,
16 I think my surgery was the 14th and I went to UAMS on
17 the 12th and they sent me home.

18 Well, I had been really sick, like where I
19 thought I was going to die, like, literally, like I
20 couldn't move, couldn't eat. You saw they gave me,
21 like, 500 liters or milliliters of fluids and, you
22 know, so. And, like, my husband had to carry me
23 downstairs and lay me down in the car to get me to the
24 emergency room.

25 And so I just wasn't on top of things, you know,

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1 with my stock trading and with the news. And like
2 part of what I was doing was following the news, and
3 so, you know, like when I got sick, I quit following.
4 And then in March, I was talking to my son, the one
5 that -- Sean, the older one. And he kept telling me,
6 like, get out of the market, get out, sell out, and he
7 convinced me on a Sunday. We were hanging out
8 together, and he convinced me to just sell everything
9 like the next day. And that's the day that the market
10 started dumping.

11 So, you know, I was like, Oh, gosh. And, like,
12 my whole theory was buy low sell high, like, hang on
13 to it. Don't sell lower than you paid. And so it
14 started dumping, so I was just like, Oh, I can't. And
15 then it just kept going down and down and every
16 morning, I'd wake up and it would be like \$60,000 at
17 the opening bell that I lost. And I was, like, crazy
18 sick, and I didn't know what to do.

19 And finally, I was getting margin calls. So, I
20 was like, I don't know. I mean, finally, I just
21 decided -- I'm sorry. I'm about to cry from this.
22 But finally I decided that, like, I had to sell
23 everything just so that we'd have enough money to
24 start something new. And my husband had already kind
25 of retired. He was just going to be a fisherman and

1 fish tournaments. So he went back to work doing
2 construction and that was it.

3 So I sold everything. And because I was on
4 margin and I had already been down on the American
5 Airlines stock. And but, like, if I had been able to
6 hang on to it, everything came back up. I would have
7 more money today than I did the day that the market
8 dumped. So, yeah.

9 But and that was one of the things with the debt
10 collectors calling me is that, like that last day that
11 I was looking at my stocks, just for a minute, my
12 balance was red, so, you know, meaning that like I
13 owed money. And it was like \$20,000. And I knew that
14 I had pulled out and still had \$75,00 in there when I
15 pulled out, so it was just some kind of glitch. Never
16 heard another word about it.

17 And then next -- when I -- like months and months
18 later when I finally could even handle like looking at
19 it, it was, you know, back to zero, which it should
20 have been because I took everything out but -- you
21 know, the 75,000, but.

22 **Q Thank you, Ms. Hammett. I'm close to being done**
23 **and I'm genuine in that statement. I just want to**
24 **talk -- well, we've discussed at some length -- I'm**
25 **not going to go through all of your medical records,**

1 but I just want to talk -- I want you to talk to some
2 extent about your -- sort of the history of PTSD and
3 emotional issues.

4 Like, for example, you mention in your -- I think
5 this is your opposition to our motion for summary
6 judgment, (as read:) Plaintiff's PTSD was caused in
7 part by abusive litigation tactics in her child
8 custody case in which her former spouse and friends
9 altered 84 documents in the court file, et cetera.

10 A Yes.

11 Q I don't necessarily want to go into a ton of
12 detail, but if you could just briefly explain, you
13 know, how long do you think you have been suffering
14 from PTSD or other emotional issues like that, how far
15 back does it go, when did you first start seeing
16 mental health counselors, things of that nature.

17 A Right. I have take good care of my physical
18 health and my emotional health, but my mom is bipolar,
19 I think. She hasn't been diagnosed bipolar, but
20 that's how she behaves. And, you know, one of my
21 therapists, the one that I can't find, she said that I
22 had generalized anxiety disorder by -- and I read
23 about it and it looked exactly like my childhood.
24 Like, I was saying, you know, if I got two wrong on a
25 math test, they would say, like, Why did you get two

1 wrong, instead of, Oh, great job. You know, like --

2 So and, you know, so I have always kind of had --

3 **Q And when did the therapist say that?**

4 A That was in 2014, but -- well, like 2013. And

5 then 2014, when I got done seeing her, she said, I

6 don't think that I was right. I don't think you have

7 generalized anxiety disorder. I think that you have

8 situational anxiety, because she had been hearing me

9 talking about the situations that were making me

10 anxious and they are very real and anybody would be

11 anxious. And that's what every psychiatrist that I've

12 seen has said. Like, I remember of them saying, If

13 you weren't anxious, I would think you were crazy.

14 So, you know, I have just had a lot of really

15 difficult things that happened to me, mostly starting

16 at about 2000--and -- well, when I got divorced, my ex

17 was just horrifying and -- which is funny because he

18 wasn't that bad when we were married. But I wasn't

19 Christian then when I got married to him or when we

20 got divorced. And I just didn't like him, so I left.

21 But when I left him, then he just went berzerk. And

22 so that was like 1998.

23 Then it wasn't that bad, you know, like until

24 about 2008. And then we ran into this judge on the

25 family law thing who was horrifying, and he did get

1 removed from the bench eventually. He retired early
2 and it was one of those, like, retire or we're going
3 to fire you things, I think. But he did get a severe
4 public admonishment, is what they said from the CJP,
5 which is the same as the JDDC here.

6 And I was writing about it and I don't know if I
7 sent you the Fox News link. I think I did. But I got
8 on Fox News about my writing and people just kind of
9 came out of woodwork and, eventually, the CJP gave him
10 this admonishment for an appearance of bias and
11 embroilment in my case, but also for his bad behavior
12 on four other cases. And so we got him out of there,
13 which was huge. But, you know, that's not easy.

14 **Q All right. When was the first time, if you can**
15 **recall, when you first saw a psychiatrist or other**
16 **mental health professional?**

17 A It was a psychiatrist. The first time was at
18 Kaiser, which is like a -- I don't know if you know
19 what Kaiser was?

20 **Q Yeah.**

21 A It's like a -- you go to the same people and you
22 just kind of -- whatever doctor happens to be there
23 that day. I saw a psychiatrist there --

24 **Q When was this?**

25 A -- and he's the one who said if you weren't

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1 feeling anxious -- that was about 2009, maybe, or
2 2010. I don't know. But it had to do -- stemmed
3 from that bad judge doing horrible things and my ex,
4 and so.

5 Then when I was with Mr. Pietrczak, the
6 alcoholic, I went -- I just felt horrible, like
7 physically. Because I think that, you know, your
8 emotions and your physical health all are intertwined.
9 And, like, I do yoga and, you know, so. I was just
10 feeling physically horrible. And, like, I couldn't
11 move. And so he called an ambulance and they took me
12 to Scripps and that was my first Scripps visit.

13 And then Scripps said, like, there's nothing
14 physically wrong with you, but do you want to go to
15 the behavioral health ward for a quick visit? So I
16 said, sure. You know, and that's where I met
17 Dr. Tadros. And he actually asked me if I'd heard
18 about this psychiatrist named Dr. Joseph Punin who had
19 been a crazy guy who -- and I said, Oh, as a matter of
20 fact, I'm the one who broke the story. I wrote about
21 it before the Los Angeles Times and, you know, the AP
22 picked it up. And so I think that's why he liked me.

23 So he was very kind to me. And so he -- that was
24 one stay. And then I saw him -- he saw me for free
25 once. That's why I say he was very kind to me, and

1 that's why I didn't go to see him a lot because I
2 didn't want to spend the money and I didn't have good
3 insurance, so.

4 Then when Mr. Pietrczak was doing his spinning
5 out of control, it was horrifying. And I mean, I'm
6 not going to do the dramatics for you, but I will at
7 trial. I will show how he acted. But, you know, if
8 you see someone on the street who is talking to God
9 and then, like, falling on the ground and eating bugs,
10 that's Mr. Pietrczak. And then he was, like, having
11 sex with hookers in our home.

12 And, finally, I checked in a second time and I,
13 again, saw Dr. Tadros, just because he was the one --

14 **Q When you say "checked in," do you mean were you**
15 **either voluntarily or involuntarily committed?**

16 A I was voluntarily. Voluntarily, yeah.

17 **Q How many times have you been voluntarily**
18 **committed?**

19 A Twice.

20 **Q Twice, okay.**

21 A And so, yeah. So I don't know if you call it
22 committed, but I voluntarily checked in to a
23 behavioral health ward. And you have read the -- you
24 know. And Dr. Tadros, he wanted me to leave Mike
25 immediately, and I should have listened to him.

1 That's why he gets paid the big bucks, right? But I
2 held on, and I thought that if we moved to Arkansas,
3 that would help.

4 And I am extraordinarily faithful and my religion
5 is like, you do not get a divorce except for
6 infidelity. And so finally when, you know, I got sick
7 of it, I said, well, he is being unfaithful and, you
8 know, I'm not going to stay anymore. So I broke up.

9 **Q Okay. Again, this is in your opposition to the**
10 **summary judgment motion. I'm not going to make it an**
11 **exhibit, but you list a series of conditions. I just**
12 **want to make sure that I understand what you are**
13 **talking about.**

14 **PTSD, I think is pretty straightforward.**

15 A Yes.

16 **Q Okay. You mention adjustment disorder. What do**
17 **you mean by that?**

18 A That was just a name that my psychiatrist that I
19 go to now, it's the Rice Clinic, but I see someone who
20 is not actually a psychiatrist. She's some kind of
21 like practitioner, but she's very nice and good and
22 she does a great job. She's the one who put that,
23 Cara Meckfessel.

24 **Q Okay. What does that mean?**

25 A I think that it's an adjustment disorder because

1 I had to adjust to being on top of the world and then
2 all of a sudden, COVID. And we all probably had --
3 well, I know that they said that a third of the
4 country was having, like, you know, emotional problems
5 of difficulty adjusting to the whole COVID pandemic
6 thing.

7 And mine was probably worse because I went
8 from -- you know, I was basically retired and just
9 doing something that I completely loved for work, just
10 to make extra money that I didn't need, you know. And
11 then all of a sudden, I'm like -- my husband had to go
12 back to a job. He was installing garage doors, which
13 it like lifting hundreds of pounds of weight and he's
14 50 -- you know, he's in mid-fifties. So, like, I
15 wasn't real thrilled about that.

16 **Q Okay. You mentioned insomnia.**

17 A Yes.

18 **Q Do you have the kind where you can't get to sleep
19 or the kind where you wake up early?**

20 A Oh. You know, it's funny you say that. I didn't
21 know there is a kind where you wake up early, but --

22 **Q That's mine.**

23 A Oh. Yeah, it's funny because I wanted to get on
24 the same sleep schedule as my husband. And I'm
25 successfully now where I wake -- so this morning, I

1 woke up at 3:00, but, because, you know, he's a
2 fisherman, so he gets up like at the crack of dawn or
3 before then.

4 Yeah, I couldn't fall asleep ever. Like,
5 basically, the only time that I would fall asleep was
6 like if -- just like, all the sudden, I just fell
7 asleep. You know, yeah.

8 **Q Was it chronic or did it come in episodes?**

9 A I'd say probably chronic. I mean, that's like --
10 like, I don't -- I was not sleeping for a long time.
11 I was a zombie.

12 **Q And this one I have no idea about, frozen**
13 **shoulder syndrome?**

14 A Oh, well, you're lucky you don't know about it.
15 I think it hits women more than men. I've had it in
16 both shoulders now. They don't know very much about
17 it. It could be stress-related. Like everything, you
18 know, like,, stress does not help.

19 It hurt my ability to sleep because I was in so
20 much pain. It is excruciatingly painful. And your
21 arm freezes. Like you cannot lift your -- I couldn't
22 lift my arm. I couldn't. Like I couldn't lift it
23 this much (indicating) out to my side.

24 It just freezes and they don't really know very
25 much about it and there's not much that you can do.

1 Sometimes a chiropractor helps. The first time I got
2 it was in California and it was on my right shoulder
3 and I didn't have the insurance. I paid the fee. As
4 cheap as I am, I paid a chiropractor for 8 visits.
5 And it worked and thank God my arm works.

6 But now I'm older and it wasn't healing and I was
7 doing everything that I could, you know. I have a
8 great chiropractor that I love, but it just wasn't
9 working. So I had to go in for a surgery and the
10 surgeon cut the muscles all around, kind of scored
11 them. Like, he said it's like scoring paper before
12 you tear it. And then he just grabbed my arm, while I
13 was under, and yanks it. And they just physically
14 manipulate it. I think it's called physical
15 manipulation under anesthesia.

16 **Q When did you have that surgery?**

17 A So that was right about the same time that
18 Portfolio Recovery was calling me. And I don't
19 remember the exact date that I got that one done, but
20 I know that --

21 **Q 2020?**

22 A I think I started going to see doctors about it
23 in December of 2020. I hope I'm getting the year
24 right. I think it -- yeah. Yeah, it was December
25 2020 because November 2020 is when I was -- when I had

1 that first conversation.

2 **Q Okay. These various conditions that you have,**
3 **these emotional conditions we have just discussed,**
4 **some of them are physical. Do you believe that your**
5 **condition meant that PRA had a greater obligation of**
6 **care with respect to you than, say, a customer that**
7 **wasn't suffering from PTSD?**

8 A No. I think that PRA should just treat everybody
9 as if they are fragile old ladies who might have
10 emotional issues. And especially because they are
11 calling people who might have debt and stuff, so I
12 think they should treat everybody with dignity and
13 courtesy.

14 I think that the difference between me and
15 someone who doesn't have, like, my predisposition to
16 anxiety is that when you talk about the legal outrage
17 and that the -- and I'm sorry if I get this not
18 exactly the way that it says in the book, but the
19 concept is that this is something like the behavior
20 has to cause a reasonable person extreme emotional
21 distress.

22 Well, even though I have PTSD, I'm still a
23 reasonable person. Like it actually -- something that
24 might not bother you so much, like you will think like
25 as annoying, but that's it. But it might send me over

1 the edge. And so but I'm still reasonable. Like, I'm
2 not just going over the edge because, you know, I
3 don't like the way you looked at me.

4 It's something that, you do something that's
5 inappropriate that causes me stress or that, like,
6 triggers some stress in me, and a reasonable person
7 could not handle that amount of stress without taking
8 clonazepam or THC or whatever it is that they're going
9 to do that's going to help them, or you know, going to
10 see a therapist.

11 So, like, the amount of harm that I felt is
12 probably more than you would have felt if they did the
13 exact same thing to you. But it's not unreasonable
14 for me to have gone to get therapy, to go ask my
15 therapist like I did. I asked Jamie Statts, what
16 would you do if this debt collection company was
17 calling you over and over again but they wouldn't tell
18 you who they were?

19 **Q We've got your medical records. I don't have**
20 **them as an exhibit.**

21 A Right.

22 **Q But we can take a break and print them out if you**
23 **need them.**

24 A No. No, I know it.

25 **Q There's nothing there about Portfolio Recovery**

1 **Associates.**

2 A Well, they -- when they write their notes, they
3 don't write the exact words. They are very general.
4 Like, she didn't write anything -- I don't think she
5 wrote Tim Lynn. I don't think she wrote Mike
6 Pietrczak. I don't think she wrote --

7 **Q I don't see debt collector in there either.**

8 A What?

9 **Q I didn't see the word debt collector in there**
10 **either. I mean, you can look through them and try to**
11 **point me in the right direction, but.**

12 A Yeah. I don't know that she wrote -- I didn't
13 see anything that she wrote particularly, like, debt
14 collector, but I think she wrote, like, litigation.
15 Like, Laura talked about her -- a few of them wrote
16 that. Like, Laura talked about her litigation. One
17 of the -- you know, because I saw a few therapists. I
18 saw Jamie Statts all -- like regularly.

19 But occasionally, I would go see someone named
20 John Knott and his notes were very brief. And he
21 wrote something to the effect of, like, Laura talked
22 about her legal case all day and I don't even know why
23 she was talking to me about it. He didn't seem -- you
24 know, like he didn't say. But I talked to him very
25 particularly about Portfolio Recovery. I talked to

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1 her very particularly about the phone calls from
2 Portfolio Recovery.

3 So what they put in their notes, I can't help.
4 But really, if you look through the notes and try to
5 find -- I don't even think Judge Weaver's name is in
6 there.

7 **Q Okay. All right. Thank you very much,**
8 **Ms. Hammett. I have no further questions.**

9 MR. TREFIL: We can take a break or you
10 can go ahead and get started with what you
11 want to do.

12 MS. HAMMETT: Let's just go through it.
13 I don't think that -- unless you need a
14 break?

15 MR. TREFIL: Nope.

16 MS. HAMMETT: Okay.

17 MR. TREFIL: And, again, just for the
18 record, I will not be asserting objections
19 at any point during your presentation.

20 Do you agree that PRA reserves its
21 right to raise objections later? Normally,
22 if there were counsel and they were cross
23 examining you here, I would be objecting if
24 I didn't like the form of the question. But
25 I don't want to do that and interrupt

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1 your -- whatever you are going to be doing.

2 So can you just let me reserve the
3 objections for later, just if necessary. I
4 don't want to waive them, let's put it that
5 way.

6 MS. HAMMETT: Right. Hold on. Let me
7 think for a moment.

8 Yeah, the benefit to me is that there
9 is a better flow. The benefit to you is
10 that you get to go back and get together
11 with four other attorneys and figure out all
12 of your objections later, but that's fine.

13 I just want to put my story out there,
14 so that you know what I'm talking about.

15 MR. TREFIL: Okay. So PRA will reserve
16 objections. And just I want to advise you
17 that we will have the right to do redirect
18 based on -- you know, following up anything
19 that you say here during your cross.

20 MS. HAMMETT: Right.

21 MR. TREFIL: So having said that. . .

22 MS. HAMMETT: Okay.

23 EXAMINATION

24 (Plaintiffs' Exhibit No. 1 is marked
25 for identification.)

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1 MS. HAMMETT: My first exhibit. I'm
2 going to let you do the numbers. I can't
3 chew gum and think at the same time.

4 COURT REPORTER: No worries.

5 BY MS. HAMMETT:

6 **Q When we were here last time, you had asked a**
7 **question about -- and this is on -- I'm sorry, let me**
8 **do this properly.**

9 **What I have here is three pages of the post**
10 **titles from my blog that I produced by -- I'm going to**
11 **have to back up a minute.**

12 MS. HAMMETT: I might want to ask you
13 to object now, when I do -- because then I
14 can correct what I'm doing wrong. So, like,
15 I don't want you to be able to come back
16 later and say, well, she forgot to say, you
17 know, pretty please with sugar on top, and
18 so she doesn't get any of that. So maybe --

19 MR. TREFIL: All right. Well, then
20 what I don't want is a record full of
21 objections because we're talking about
22 things that afar afield from the case.

23 MS. HAMMETT: Okay. Do you mind, say,
24 don't object on relevance but --

25 MR. TREFIL: Sure. I don't want to

1 waive any relevance objections. I will make
2 form objections if it's apparent to me that
3 the form of whatever -- I'm not sure how you
4 are going to be doing this.

5 MS. HAMMETT: Right.

6 MR. TREFIL: But if the form is
7 improper and I see a form objection, I will
8 make that objection.

9 MS. HAMMETT: Okay.

10 MR. TREFIL: And if I don't make it,
11 there is no form objection. We will waive
12 that, but I want to reserve the relevance
13 objections.

14 MS. HAMMETT: That's fine, yeah. Okay.
15 So and if I am doing this wrong, please let
16 me know.

17 BY MS. HAMMETT:

18 **Q So I have this printout from my blog. And I'm**
19 **able to go in there and I hit something that says,**
20 **like, "All posts," and it shows me a list. And there**
21 **is also -- so that's three pages.**

22 **And there's two pages of the transcript that was**
23 **produced by Alaris and it shows at the bottom of**
24 **page 13 where Mr. Trefil asked, "How many blog posts**
25 **have you made since you first asked Judge Rudolfsky**

1 for an extension for your opposition to PRA's motion
2 for summary judgment?"

3 I answered, "I don't know."

4 Mr. Trefil: "Would 13 sound about right?"

5 Me: "Sure. But I -- I don't know."

6 Mr. Trefil: "You have no reason to disagree with
7 that number?"

8 Me: "I could look it up. But if you're telling
9 me it's 13, I'm not going to disagree with you. I'm
10 not agreeing or disagreeing."

11 Mr. Trefil: "But you have no reason to disagree
12 with that number?"

13 Me: "Other than I don't trust anything that
14 comes out of your mouth. Sorry."

15 Okay. So I looked up the docket for this case
16 and it was February 2nd that I put in the motion that
17 you had talked about, the motion for extension for my
18 opposition to summary judgment. And then I looked to
19 see how many name posts I made between February 2nd
20 and March 2nd, which is when we were doing the
21 deposition, and there were 8.

22 So if you could look at that, that's how many.
23 And so it wasn't 13, it was 8. And so that was my
24 first point.

25 How did that make me feel? Like I really can't

1 trust what is said. Was it 13 posts or was it 8
2 posts? And was it 180 phone calls or was it 44 phone
3 calls? And I think that whatever the answer that PRA
4 gives, I don't really trust.

5 MS. HAMMETT: So my second exhibit,
6 this is a tape-recording of the February 1,
7 2021 telephone call between me and PRA that
8 I made. There's a copy for you and a copy
9 for you. And I don't know how you guys handle
10 those.

11 COURT REPORTER: Just digitally. I
12 turn it in to Alaris and they will scan it
13 in and send it with the transcript.

14 MS. HAMMETT: Okay.

15 (Plaintiffs' Exhibit No. 2, a thumb
16 drive, is marked for identification.)

17 BY MS. HAMMETT:

18 Q And so the reason why I'm bringing in this is
19 because the February 1, 2021 tape recording by PRA has
20 a lot of interference. The representative said, "I
21 don't -- I can't hear you."

22 And I said, "Well, I'm taping it, too, and
23 believe me, they're going to hear mine better." And
24 you can.

25 I think that if you look at the transcript that

1 PRA put in as transcript of all the recordings, it's
2 140 pages, that you will find that on page 104 to 105,
3 I asked how much was the last payment amount several
4 times.

5 I guess if I pose this as a question: Did you
6 find anything wrong with the transcript? Yes.

7 And there was something wrong with the transcript
8 that my son made, as well. So, you know, I'm not
9 faulting PRA for that. It was just a bad tape.

10 So on page 106, line 2, the transcript missed
11 when I said, "it was emailed." On page 107, line 14
12 and 15, I said "past due fee" twice. On page 111,
13 line 21, I said, "driving me bats," and they wrote
14 "driving me mad." On page 115, line 6, I think I
15 said, "left there." And instead of "left there,"
16 they wrote "lived there."

17 But I didn't listen to the entirety of the
18 transcript with the tapes, but I just -- those wer,e,
19 like, in a quick thing that I did this morning or
20 yesterday. I forget. I think yesterday. So those
21 were just some variances that I found.

22 (Plaintiffs' Exhibit No. 3, a thumb
23 drive, is marked for identification.)

24 BY MS. HAMMETT:

25 Q Then I made a copy of my February 5, 2022 tape

1 with Risa Gore. And I don't know. I don't remember
2 why I did this, if it was a bad transcription, too. I
3 don't think so though. I just, for some reason, I
4 wanted to -- maybe there were some words missing or
5 something. Oh, I have a couple of notes here about
6 what was wrong.

7 So one thing was on page 103, line 6. It said
8 "level documentation" instead of "documentation."
9 Oh, I asked if there was "any account level
10 documentation," and they wrote "is there any account
11 documentation," so they left out the word account
12 "level."

13 There on page 96, I said, on page 96, line 7, or
14 around line 7, I said, "Your name sounds familiar" to
15 Risa Gore. And they left that out.

16 And then on page 100, line 4, this is the one
17 that -- you know, I see why. Like, I don't think that
18 it was intentional, but it does change the meaning
19 drastically. She wrote, "You can get cash on credit
20 cards" and she said, "You can't get cash." And so
21 that was a line that I had written down.

22 That conversation -- why was that conversation
23 important to me? Because Risa Gore was reading off of
24 the PRA net and there were inaccuracies. Such as, at
25 around 21:15, I asked, "How much was the last payment

1 amount?" And she says, "It's not showing me the last
2 payment amount." So it's not like all the
3 documentation was there.

4 I asked, "Does it show what the last purchase
5 was, the amount?" "No, they don't have any signed
6 statements." So that is important to me, that there
7 was no signed statements anywhere, nothing that showed
8 what I purchased supposedly to get into that debt.
9 And as you can tell, I really pay a lot of attention
10 to what how much I am spending, so.

11 When I asked if balances -- oh. That was kind of
12 odd. This isn't along the same lines. But when I
13 asked if the balances on interest calculated should
14 match the previous balance, she said, "I never paid
15 that much attention before to her credit cards or to
16 the other statements."

17 But the part that really disturbed me was at 39,
18 and then again repeated at about 40:30, 40 minutes and
19 30 seconds, Ms. Gore said that she found a notice of
20 bankruptcy that I filed pro se. She said, "you," but
21 you know, so "found a notice of bankruptcy you filed
22 pro se." And then she repeats that I filed for
23 bankruptcy.

24 Have I ever filed for bankruptcy? No.

25 What does this make me think? That PRA's records

1 on PRA net are completely inaccurate and that they
2 could just as easily say that I owed them \$7,600, just
3 because something they feel like it. So PRA is the
4 one inventing what goes into the PRA net and they are
5 making things up, like that I filed for bankruptcy.

6 At about 43:20, I asked if notes are made for
7 every call. And at 44:55 or 45:00, she said, "Anytime
8 we dial a number, our system documents it." But I
9 know that's not true because I found some calls that I
10 know were made that didn't show up on PRA's log.

11 At 48:00, she says, "Our system documents every
12 number whether we're calling out or someone is calling
13 in."

14 Okay. To get to -- back to Susan Weaver, Judge
15 Susan Weaver. I have here a letter that was signed.
16 Did we even put in the date -- we didn't put in a
17 date. It was the day before yesterday. I mailed it
18 to -- I emailed it to some people. And so I will be
19 able to find the date that it was generated.

20 COURT REPORTER: That will be
21 Exhibit 4.

22 (Plaintiffs' Exhibit No. 4 is marked
23 for identification.)

24 BY MS. HAMMETT:

25 Q That's Exhibit 4. And what this is, is this a

1 confidential letter written by Naomi Pike, and
2 Ms. Pike went to the hearing in the Pietrczak case.
3 It was a hearing about damages on default judgment,
4 because I'm not allowed to represent the trust and so
5 they lost by default.

6 And the reason -- and it might be the reason that
7 I had trouble getting an attorney to take this case is
8 because, like, I had an attorney named Tre Kitchens
9 who was going to take all my cases and work with me
10 like as a -- like on the Pietrczak case, I was going
11 to represent myself and he was going to represent the
12 trust. And then he had agreed to do -- I forget the
13 name of it, but like a partial representation where he
14 would just help me with the mechanics of what I need
15 to do.

16 But he sent me an email on the morning of
17 August 4th that said, "Yeah, happy to work with you.
18 Just let me know and we'll get started." And I was
19 only waiting because I wanted to have the retainer in
20 my pocket before I retained him. And after that
21 horrible hearing about the continuance and all that,
22 and it got really nasty, I went to him with my \$5,000
23 check. And he had gotten cold feet about the whole
24 thing and didn't take my check.

25 And so I told Judge Weaver that I spoke to about

1 six or seven attorneys about taking that Pietrczak
2 case and a few of them told me, flat out, that they
3 didn't want to take it because she appears to hate me
4 so much, that they would never be able to win a case
5 in front of her again if they represented me or the
6 trust. So I don't think that -- and I asked her to
7 recuse herself twice through motions and she denied
8 both motions.

9 So Naomi wrote this letter. Well, I wrote the
10 letter she signed it. Well, she helped me write it,
11 like, she told me what to say.

12 (As read:) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

The judge -- Naomi didn't understand everything that was going on, but she understood the judge would not let me speak, even though I was named as a defendant jointly. And the Rural Revival Living Trust has to be represented by an attorney. I'm not -- even though I was a trustee, not allowed to represent. And so the judge would not let me even object, like, to leading questions that he was telling Mike Pietrczak patricide exactly what to say. It was as it he was testify and then Mike just said, yeah.

So it was horrifying. If Naomi Pike had not been there, I am absolutely certain that I would be incarcerated for contempt because she would say that I gave her a dirty look.

Okay. Why am I suing PRA? Is it for money, \$2 million or whatever I could get out of them? Well, of course, I'm going to like getting money, everybody does. But the reason I'm suing them is because they are repeat offenders and there's no way to make them stop what they doing because they have done it to me, but they have done it to thousands of people. And they have been penalized. They have entered a lot of agreements.

1 And I'm not going to go into, you know, like
2 every case right here. But just for an example, one
3 of the cases that I pulled up was Aylette Roper versus
4 Portfolio Recovery Associates, LLC and Lori Withrow,
5 individually and d/b/a. It's case number
6 4:14-CV-729-SWW.

7 And we don't need to make this an exhibit at this
8 time, but it's notes that remind me of the things that
9 they did to me that they do to other people. And so
10 this was the Defendants' Responses to the Plaintiff's
11 First Request for Admissions, and so Ms. Roper was
12 claiming that, okay. So (as read:) "Please admit
13 that no document originating with the original lender
14 as alleged in the underlying lawsuit that identified
15 the specific debt at issue was attached to the
16 complaint in the underlying lawsuit."

17 Well, I didn't have an underlying lawsuit, but
18 the theory the same. They just don't have
19 documentation originating with the original lender.
20 You know, six months later, they up came with one
21 document that does not show what was purchased, it
22 just shows the end result.

23 She asked, (as read:) "Please admit that the
24 affidavit attached hereto as Exhibit B was not
25 attached to the complaint. Please admit that at the

1 time of filing the underlying lawsuit, you had no
2 document in your possession specifically identifying
3 the account alleged in the underlying lawsuit as being
4 part of purported assignment to defendant PRA and you
5 have never seen any such document."

6 So I'm going to go back to an exhibit that PRA
7 produced today and it was Exhibit No. 19. And this is
8 affidavit of the Capital One bank employee who said
9 that the two documents attached were made at or near
10 the time of the events they purport to describe.

11 Okay. She didn't say anything wrong in her
12 affidavit in terms of tying these two together. So,
13 the affidavit does not tie the two documents together.
14 And on the bill of sale, the page we didn't discuss
15 much, there is no reference to account ending in 6049.
16 So this bill of sale does not tie in with my account
17 in any way. And that seems to be the same thing that
18 Ms. Roper was complaining about. Whether true or not,
19 she was complaining about the same thing.

20 And, you know, if you go on the internet and just
21 type time in Portfolio recovery Associates, there's a
22 slew of people that all have the same kind of
23 complaint, that there is no account level
24 documentation showing where they came up with their
25 numbers.

1 And that's the same thing that the CFPB said, is
2 that Portfolio Recovery knows that there are problems
3 with some of the portfolios, especially the earlier
4 ones like mine that they just keep acting as if those
5 portfolios that are riddled with errors are accurate.

6 And then trying to make the alleged debtor defend
7 herself for a negative. Like, how can I ever prove
8 that I did not owe a debt to PRA? How can I even
9 prove that I did not owe an outstanding debt to
10 Capital One that happened ten years ago, supposedly?
11 I just don't have the documentation.

12 So other reasons that I am suing them is not just
13 the harm that they did to me, but it's the economic
14 and/or physical harm that could have occurred. So if
15 I wasn't as vigilant as I am, I might -- if I was the
16 least sophisticated consumer and I wanted to do what
17 was right and somebody called and said that I owed
18 them money, then I might just go ahead and pay that,
19 which is what a lot of people did and then got
20 restitution through that 2015 agreement.

21 And the motivation for PRA to do this is because
22 they want money and that is all that they're doing it
23 for. They are not trying to help anybody, and it's
24 repulsive to me T.hey come in and say that they are
25 going to give me this identity theft affidavit to fill

1 out to help me, when there's no way that that
2 affidavit could help me in any way. And so they are
3 lying about trying to be good guys when really their
4 motivation is to find out where my money is.

5 Just the arguments that PRA has made during this
6 litigation show the extent of their disregard for the
7 rights and expectations of others. So they called me
8 at least 100 times and I never spoke to them. And if
9 one of my exes called me three times and I hung up on
10 them all three times, I would go out and get a
11 restraining order.

12 And they had no relationship with me. Even if
13 they had purchased an account from Capital One and
14 even if that account was accurate, which it's not, but
15 even so, PRA had no relationship with me. And for
16 them to call and expect me to give them or even verify
17 my Social Security number and my address is insane.

18 The duration of their conduct went on and on.
19 They have been calling me since 2013. I didn't
20 realize it, but they -- you know, it's a good thing
21 that in 2020, I decided to stop them, because
22 otherwise, they would be calling me until my last
23 breath. PRA has repeated this conduct. I'm not the
24 first, I won't be the last. But, hopefully, this will
25 slow them down.

1 At times when PRA was calling me, I had money.
2 But PRA -- actually, PRA Group, Inc. wrote in their
3 annual report for 2020 how great this COVID pandemic
4 was for them because people were going to get their
5 stimulus checks and PRA was going to grab it.

6 And so that's a connection between PRA Group,
7 Inc. cheering for PRA, LLC to go get the stimulus
8 check money from the people who are suffering
9 financially. And all of us were, and they had their
10 hand out.

11 And PRA has shown no remorse. Like I said, I
12 mean, they could have come in with a reasonable offer
13 to me, but they wanted to give me \$1,000 and go on to
14 the next person and keep doing the same thing over and
15 over. And they will. They will engage in similar
16 conduct towards others and we need to deter them.

17 I'm just looking at Defendant Portfolio Recovery
18 Associates, LLC's Reply in Support of its Motion for
19 Summary Judgment, and I didn't go through this
20 whole thing. I have been extremely busy and I have
21 been sick.

22 But, quickly, they said, (as read:) "Plaintiff
23 built her case on a fundamentally flawed foundation,
24 that according to her, PRA was attempting to collect a
25 nonexistent debt."

1 Well, all along -- I mean, since my first letter,
2 I have given PRA an opportunity to show me that the
3 debt exists. But what I've been saying -- I might say
4 at times, I didn't owe the money just because that's
5 an easier way to say it than, you know, being
6 perfectly exact.

7 But they can't validate that I owed a debt. If
8 they could have validated that I owed a debt, then I
9 would probably still be very upset with the way that
10 they made the phone calls and everything, but it just
11 makes it worse. Like, that they can't validate and
12 they are still just calling random people and not
13 saying who they are and expecting people to answer
14 them.

15 And I already mentioned this. I'm trying to skip
16 over the things I have already mentioned. But PRA
17 wrote, (as read:) "And while Ms. Hammett has admitted
18 that she is pursuing this case as a hobby to
19 ultimately write a book about litigating cases as a
20 pro se party."

21 Well, that's not why. I went into detail about
22 why I'm pursuing this case. And this is not a hobby.
23 I have told you what my hobbies are, and one of them
24 is not talking to lawyers. In fact, talking to
25 lawyers is the least thing that I want to do.

1 And then they went on to say, (as read:) "And as
2 a quick fix to her financial misfortune in the stock
3 market by securing \$2 million from her collective
4 litigation portfolio" -- which strikes me that PRA is
5 a hypocrite because all it does is sue people.

6 The entire existence of the company is to take
7 money from people by suit or threat of suit or, if
8 they are past the statute of limitations and they
9 decide not to violate that law as well, then they just
10 annoy the people until they finally throw their hands
11 up in the air give them money or, like, I did, sue
12 them back.

13 PRA said that "all call recipients must be
14 treated as third parties until identified." They
15 said, "At no point in this transcript does Ms. Hammett
16 identify herself, leaving PRA unable to implement any
17 request on her account."

18 So if I must be treated as a third party, then
19 they violated the rule about calling a third party
20 more than once because they called hundreds of times.

21 (Plaintiffs' Exhibit No. 5 is marked
22 for identification.)

23 BY MS. HAMMETT:

24 Q Now, I'm going to open a can of worms. This is
25 my last document that I want to enter. I

1 discovered -- this is a document that was filed on my
2 behalf in a case, the Pietrczak case and Kahia, the
3 one where we got the money. And this great attorney,
4 Michael D. Early, represented me. He went to Stanford
5 and then he went to Hastings and then he has worked
6 for 25 years representing such people as Walmart, and
7 is, obviously, a brilliant man and a good man. And he
8 took sort of a related case for me because he wanted
9 to get my child support arrears vacated or cut back
10 significantly.

11 I had -- with that horrible judge and the
12 aftermath of having to have him get reprimanded, and I
13 would say I wasn't popular around the courthouse after
14 that, which is like shooting the messenger. I was
15 ordered to pay child support based upon income of
16 \$34,000. And while I did well, I was nowhere near
17 \$34,000 a month. And so -- and that was a month, not
18 a year.

19 So he was going to get this child support reduced
20 on contingency and take half of whatever he saved me.
21 And, unfortunately, we sold the LLC and my oldest
22 sister who managed it, even though there was no lien
23 against that property, she went ahead and paid the
24 child support arrears in full, out of my portion,
25 which was like \$279,000. And so he wasn't able to

1 continue.

2 Well, we got this declaration from my son, Sean.
3 And I didn't realize it, but he had attached those
4 letters that I was so worried about that they were
5 from the juvenile court, and so this is all
6 confidential, except for that I don't know that he
7 even made it confidential. So, I'd have to check
8 that, but since he didn't, I'm going to assume that
9 I'm allowed to.

10 And I'm not using this for the truth of the
11 matter, but that it was said to me, and that this is
12 what caused my PTSD. I'm not going to read the
13 document that Mr. Early made, the declaration. I
14 think that Mr. Early wrote that. I don't know if I
15 helped him or not. But I want to read this letter.
16 And this is what caused, like, my initial PTSD you
17 were asking about.

18 This is my son speaking and it's in his hand.

19 (As read:) [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]

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That is what caused my PTSD was seeing -- I didn't get to see or talk to or have any contact, whatsoever, with my younger son for five years, from the time he was 13 until three days before he turned 18. If I sent him any birthday presents and cards, they did not get to him. He was told that I was a meth addict and a whore.

And my husband seemed to have magic powers with the court that were so bad that it looked like a judge appeared to be biased and embroiled in the case and was reprimanded by the CJP in the California Supreme

1 Court.

2 What I felt when I was getting these strange
3 calls increased my anxiety. I had to wonder, did I
4 owe more money that I didn't know about? Is one of my
5 stalkers after me? Am I going to have to go to court
6 against these people? And are they going to have to
7 special favor with a judge?

8 And that's why I want a jury. And I actually
9 respect Judge Rudolfsky immensely. But I still want a
10 jury to be the ones to decide if PRA is going to be
11 able to continue to do what they did to me, to anybody
12 else that they feel like doing it to.

13 Thank you for listening.

14 MR. TREFIL: Thank you, Ms. Hammett.

15 No further questions.

16 Off the record.

17 (Proceeding concludes at 3:25 p.m.)

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LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 C E R T I F I C A T E

STATE OF ARKANSAS)

2)SS

COUNTY OF PULASKI)

3 I, Robyn E. Bradley, Arkansas Certified
4 Court Reporter #726, do hereby certify that the facts
5 stated by me in the caption on the foregoing
6 proceedings are true; and that the foregoing
7 proceedings were reported verbatim through the use of
8 the voice-writing method and thereafter transcribed by
9 me or under my direct supervision at the time and
10 place set out on the caption hereto. Indiscernible
11 speech is duly noted when audio/video is distorted,
12 garbled, or signal is lost.

13 I FURTHER CERTIFY, that in accordance with
14 Rule 30(e) of the Rules of Civil Procedure, review of
15 the transcript was reserved by the deponent or any
16 party thereto.

17 I FURTHER CERTIFY that I am neither counsel for,
18 related to, nor employed by any of the parties to the
19 action in which this proceeding was taken; and,
20 further, that I am not a relative or employee of any
21 attorney or counsel employed by the parties hereto,
22 nor financially interested, or otherwise in the
23 outcome of this action; and that I have no contract
24 with the parties, attorneys, or persons with an
25 interest in the action that affects or has a
substantial tendency to affect impartiality that
requires me to relinquish control of an original
deposition transcript or copies of the transcript
before it is certified and delivered to the custodial
attorney, or that requires me to provide any service
not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 7th day of April,
2022.

19
20 Robyn E. Bradley
21 Robyn E. Bradley
22 Arkansas Certified Court Reporter #726
23 Lexitas
24 229 West Capitol Avenue, Suite B
25 Little Rock, AR 72201

LAURA LYNN HAMMETT VOLUME II 3/24/2022

Page 174

1 ALARIS LITIGATION SERVICES

2

3 April 13, 2022

4

5 LAURA LYNN HAMMETT
Thenext55years@gmail.com

6 IN RE: LAURA LYNN HAMMETT v. PORTFOLIO RECOVERY
ASSOCIATES, LLC; DOES 1-99

7

Dear Laura Lynn Hammett:

8

9 Please find enclosed a complimentary copy of your
10 deposition taken on March 24, 2022 in the
above-referenced case. Also enclosed is the original
signature page and errata sheets.

11 Please read your copy of the transcript, indicate any
12 changes and/or corrections desired on the errata
13 sheets, and sign the signature page before a notary
14 public.

15

16 Please return the errata sheets and notarized
17 signature page within 30 days to our office at 711 N
18 11th Street, St. Louis, MO 63101 for filing.

19

20 Sincerely,

21

22

23 Robyn E. Bradley

24

25 Enclosures

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 ERRATA SHEET
2 Witness Name: LAURA LYNN HAMMETT
3 Case Name: LAURA LYNN HAMMETT v. PORTFOLIO RECOVERY
ASSOCIATES, LLC; DOES 1-99
4 Date Taken: MARCH 24, 2022
5
6 Page # _____ Line # _____
7 Should read: _____
8 Reason for change: _____
9
10 Page # _____ Line # _____
11 Should read: _____
12 Reason for change: _____
13
14 Page # _____ Line # _____
15 Should read: _____
16 Reason for change: _____
17
18 Page # _____ Line # _____
19 Should read: _____
20 Reason for change: _____
21
22 Page # _____ Line # _____
23 Should read: _____
24 Reason for change: _____
25
26 Witness Signature: _____

LAURA LYNN HAMMETT VOLUME II 3/24/2022

1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, LAURA LYNN HAMMETT, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this ____ day of _____,

15 20____, at _____.

16

17

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19

20

LAURA LYNN HAMMETT

21

22

23

NOTARY PUBLIC

24 My Commission Expires:

25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LAURA LYNN HAMMETT,

Plaintiff,

-v-

PORTFOLIO RECOVERY ASSOCIATES,
LLC;
DOES 1-99.

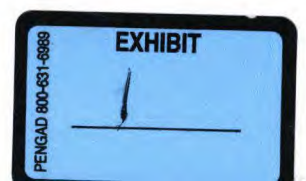
Defendants.

Civil Action No.: 4:21-cv-00189-LPR

**DEFENDANT PORTFOLIO RECOVERY ASSOCIATES, LLC'S NOTICE OF
DEPOSITION OF PLAINTIFF LAURA HAMMETT**

TO: Laura Lynn Hammett (via thenext55years@gmail.com)
500 Amity Road, Suite 5B #306,
Conway, Arkansas 72032

Please take notice that pursuant to Federal Rule of Civil Procedure 30, Defendant Portfolio Recovery Associates, LLC will take the oral deposition of Laura Lynn Hammett at the office of Rose Law Firm – 120 E. Fourth Street, Little Rock, Arkansas 72201, telephone (501) 375-0317, on **March 2, 2022 beginning at 10:00 a.m. CT**, and continuing on from day to day until completed. The deposition may be recorded audiovisually, by audio, or by stenographic means before a court reporter who is authorized to administer oaths and report oral deposition testimony pursuant to the Federal Rules of Civil Procedure.



Dated: February 16, 2022

TROUTMAN PEPPER LLP

By: /s/ James K. Trefil

James K. Trefil (VSB No. 36358)

(admitted *pro hac vice*)

John E. Komisin (VSB No. 84061)

(admitted *pro hac vice*)

TROUTMAN PEPPER HAMILTON SANDERS, LLP

1001 Haxall Point

Richmond, Virginia 23219

Tel: 804-697-1864 | Fax: 804-697-1339

Email: james.trefil@troutman.com

Email: jed.komisin@troutman.com

Counsel for Portfolio Recovery Associates, LLC

CERTIFICATE OF SERVICE

I certify that on the 16th day of February 2022, served via email to the following individual:

Laura Lynn Hammett
500 Amity Road, Suite 5B #306
Conway, Arkansas 72032
760-966-6000
thenext55years@gmail.com
Plaintiff Pro Se

/s/ James K. Trefil
James K. Trefil

Attorney for Portfolio Recovery Associates, LLC

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
APR 12 2021
JAMES W. MCCORMACK, CLERK
By: *[Signature]*
DE CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

LAURA LYNN HAMMETT, an
individual,

Plaintiff,

vs.

PORTFOLIO RECOVERY
ASSOCIATES, LLC, a Limited
Liability Company; DOES 1-99

Defendants

) Case No.: 4:21-CV-189-KGB
)
)
) **FIRST AMENDED AND**
) **SUPPLEMENTED COMPLAINT**
) **FOR STATUTORY VIOLATIONS**
) **OF THE TELEPHONE**
) **CONSUMER PROTECTION ACT**
) **AND FAIR DEBT COLLECTION**
) **PRACTICES ACT; TORT OF**
) **INTENTIONAL INFLICTION OF**
) **EMOTIONAL DISTRESS,**
) **OUTRAGE AND/OR NEGLIGENT**
) **INFLICTION OF EMOTIONAL**
) **DISTRESS; AND INVASION OF**
) **PRIVACY, INTRUSION**
)
) **JURY TRIAL DEMANDED**
)
)
)
)



1. Separate Defendant Portfolio Recovery Associates, LLC, one of the nation's largest credit purchasers and consumer debt collectors, has policies and practices they used to harass, annoy, intrude on the solitude, and deceive Plaintiff Laura Lynn Hammett. Plaintiff seeks damages under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"), the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* ("TCPA"), the tort of Intentional Infliction of Emotional Distress, known as Outrage, Negligent Infliction of Emotional Distress and the tort of Invasion of Privacy by Intrusion.

Jurisdiction and Venue

2. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, because this is a civil action in which Laura Lynn Hammett ("Plaintiff" or "Hammett") is a citizen of and residing in Arkansas; Defendant Portfolio Recovery Associates, LLC ("Defendant" or "PRA") is a Delaware Limited Liability Company with its headquarters in Virginia and is not registered with the Arkansas Secretary of State; and the amount in controversy exceeds \$75,000 exclusive of interest and costs; 28 U.S.C. 1331, because it involves federal questions; and specifically, 15 U.S.C. §1692k(d). This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in the Eastern District of Arkansas under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in Faulkner County, which is in the Eastern District.

4. In connection with the acts, transactions, and conduct alleged herein, Defendants directly and indirectly used the means and instrumentalities of interstate commerce, including the United States mail and interstate telephone communications.

The Parties

5. Laura Lynn Hammett is an individual residing in Faulkner County, Arkansas.

6. Hammett is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3). Any credit card debt or alleged credit card debt incurred by Hammett was for items of personal consumption.

7. Hammett was named Laura Lynn before her current marriage.

8. Hammett lived in California for her first 53 years, except for 3 years when she studied journalism out of state. She kept the California phone number that she has owned since 2001.

9. Separate Defendant Portfolio Recovery Associates, LLC is a Delaware Limited Liability Company with no registration in Arkansas. PRA is subject to

specific personal jurisdiction in Arkansas, because it availed itself of the rights and duties of a citizen of Arkansas by instigating profuse communications with a citizen of Arkansas by telephone, with the intent to inflict emotional distress through abusive debt collection practices and invade the privacy of the Arkansas citizen; and is licensed by the Arkansas State Board of Collection Agencies, subjecting it to long arm jurisdiction, A.K.A. § 17-24-401.

10. PRA is in the principal business of purchasing debt from original creditors and collecting that consumer debt. It has been sued for unlawful debt collection practices in Arkansas. PRA is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

11. PRA is liable for the acts of its employees by the theory of Respondeat Superior.

12. Plaintiff does not know the true names, legal capacities or exact nature of the involvement of the separate Defendants sued herein as DOES 1-99, inclusive, and therefore sues said Defendants by such fictitious names.

13. DOES 1-99 are believed to be employees and shareholders of PRA and may be named as individuals or in official capacities.

14. PRA and DOES 1-99 are collectively referred to as “Defendants”. For ease of reading, individual employees may be referred to by name, or their actions may be attributed to their employer, PRA.

General Allegations

15. PRA made incessant, obnoxious phone calls to the Plaintiff with the intent of inflicting extreme emotional distress; a goal that was achieved.

16. The abusive behavior was meant and did in fact coerce Plaintiff to be recorded against her will and answer deposition style questioning with PRA that Plaintiff was not required legally to answer.

17. Plaintiff now has more anxiety that PRA and its employees will use the private recording and information for purposes as unethical and unlawful as the violations of statutes outlined below.

18. PRA sent a letter that was clearly intended to encourage Hammett to admit a debt, resetting their time to use reporting if the debt was legitimate. PRA lied by claiming this was “NOT” an attempt to collect a debt.

19. PRA violated their obligations and Hammett’s rights and inflicted emotional distress for the sole purpose of attempting to collect an alleged \$2,297.63 debt that was allegedly incurred in or about 2001, that they allegedly purchased from a credit card company.

20. After the Complaint was filed, PRA sent a letter to Hammett on March 31, 2021, but it was dated “03/18/2021”. As described in detail below, it was deceptive and caused Hammett further aggravation.

21. On April 10 and 12, 2021, in telephone calls initiated by Hammett and recorded by both parties, PRA admitted, among other things, that it does not have account level documentation for the alleged debt, they closed the alleged debt, the “date” on letters they sent to Hammett is the date the order was put in, which is about 12 days before mailing, and they never sent the “Mini-Miranda” disclosure to Hammett, as required by the FDCPA.

Hammett’s Glass Head

22. Plaintiff was raised by a bi-polar mother and was abused as a child.

23. She developed several unhealthy relationships and Generalized Anxiety Disorder.

24. Hammett believes about eight people have stalked her since 2001.

25. She has prosecuted six of her alleged stalkers with varying degrees of success.

26. Hammett has represented herself in nine civil business disputes related to her real estate and construction business, the vast majority against entities that were represented by counsel. She prevailed on seven of these, one in Superior Court in California facing five separate law firms. Hammett was plaintiff in seven of the nine disputes.

27. None of Plaintiff’s awards were by default judgment.

28. Contrasted with PRA, whose Vice President of Collections once said “90% of our cases are default judgments.” By educated estimate, PRA has been a plaintiff in over a million lawsuits. PRA is Plaintiff in 200 cases filed since September 8, 2020 in Arkansas District Courts according to a search on caseinfo.arcourts.gov.

29. PRA has paid tens of millions of dollars in damages in jury awards as a defendant, settlements and administrative actions.

30. Hammett taught herself law by reading and watching material on the internet. She cannot afford to pay an attorney.

31. Every encounter in court is extremely stressful to Hammett.

32. On July 3, 2020, Hammett learned there was a small claims suit filed against her in California, asking \$10,000 in damages for a car accident that allegedly happened just under two years earlier. Two years would be the statute of limitations.

33. Hammett was in California on business at the time of the accident, but she flew there, so did not have her car and was not involved in any collision.

34. The car accident claimant was advised by a law firm that appears to be a lawsuit mill.

35. Hammett mailed a draft malicious prosecution suit to the law firm, sent a letter to the Court and the suit was dismissed without prejudice. But that took several months, with the slow wheels of justice during the COVID pandemic.

36. Stalkers and lawsuits are not an exhaustive list of stressors with which Plaintiff has dealt.

37. Before 2015, Hammett was self-hospitalized twice for acute anxiety, depression and suicidal ideation.

38. Plaintiff always took appropriate care of her mental health, practices yoga, is a devout Christian since 2002, eats healthfully, and exercises. She is just subjected to way too much stressful and inappropriate behavior.

39. In early 2015, on the advice of her therapist, Plaintiff moved to a remote property in Arkansas. She was an hour and ten minutes from the nearest Wal Mart.

40. For a year, she did not tell many from her past where she lived, not even her sons or her best friend. She told two lawyers. That is all.

41. Plaintiff called her property PTSD, for Peace Tranquility Serenity Divinity.

42. It worked like a charm and Hammett was living without any medication or therapy, just church and lots of exercise outdoors.

43. Then in 2017 stressors began again.

44. In 2018 Plaintiff moved to Faulkner County because her husband could not live at the remote property. Still, the Hammett's home is serene and private, with a wonderful view of a lake.

45. Unfortunately, Plaintiff had several stressors, including the bogus lawsuit against her and the COVID-19 pandemic that caused her to have what was diagnosed as an Adjustment Disorder. (In California she was diagnosed with Generalized Anxiety Disorder as per the Diagnostic and Statistical Manual of Mental Disorders.)

46. In addition to the stressors listed above, maybe due to the stress in part, Hammett had several physical medical conditions that started in early 2018. She had acute back ache for several years. She tore both meniscuses. She had surgery on one knee, but the other surgery was cancelled due to COVID-19 concerns. Around November 2020 she got Adhesive Capsulitis, commonly called Frozen Shoulder Syndrome, an extremely painful ailment that has no magic cure. Her blood shows an alarming vitamin D deficiency. And she had an abnormal sleep apnea test and is scheduled for more testing with a sleep clinic.

47. Because of the physical ailments, Hammett could not do her chosen work, which was restoring houses. She has been in construction and real estate her entire adult life and did the physical labor of "flipping" houses, along with her own legal work.

48. Instead of investing in real estate, Hammett invested \$575,000 of her own money into the stock market in what she termed “cockroaches”, companies that would survive an atom bomb. She took advantage of small incremental changes in price. She borrowed the maximum allowed on margin (non-consumer debt) to increase her opportunity for profit.

49. Hammett’s strategy was to buy on bad news, usually when a stock dropped about 10% at the opening bell, then hold until it came up above what she had paid. If the stock continued to fall, Hammett bought more. Hammett noticed the same thing as the Reddit investors who bought Game Stop stock, that hedge fund and other big money managers were manipulating the market. Hammett took advantage of perceived opportunities by following those big institutional investors on an individual basis.

50. Unfortunately, Hammett was holding about a quarter million dollars in American Airlines Group stock when the market crashed in March 2020. When her portfolio value fell to what she owed to the margin account plus \$75,000, Hammett sold everything. That was March 16, 2020. Half her net worth was wiped out.

51. The last time in March 2020 that Hammett looked at her account, it did not say there was a zero balance, as it should. It was a negative balance of about \$20,000. Hammett went in shock, closed the program, and did not log back into the account for about nine months.

52. Then Hammett received mail that said the bank account associated with her trading account was closed for inactivity. She was just beginning to feel like she could deal with the problem of the negative balance.

53. Hammett called her broker and found that the balance was indeed zero, and the representative could not tell why there had been that moment where it showed as a negative.

54. Luckily, the rest of Hammett's net worth was in real estate. Unfortunately, real estate is illiquid, and Hammett was not able to ready the properties she had for a profitable sale because of her physical ailments, stress and difficulty hiring tradespeople during the pandemic.

55. As of November 2020, probably much earlier, Hammett had no consumer debt that would be reportable to the credit reporting agencies and did not want any.

56. Hammett does not have an adequate record of the alleged debt to Capital One incurred in 2001 to litigate the issue.

57. The issue is irrelevant to Hammett's complaint, except to the extent that PRA refused to do their own due diligence and validate the debt.

58. PRA has not provided Hammett with a record of the alleged sale of the alleged debt from Capital One to PRA.

59. Mr. Hammett was tournament fishing full time in 2019 but had to start his construction company back up after the COVID pandemic started. He is extremely

busy subcontracting to one particular company. He helps Laura Hammett as much as he can with her projects but needs to give first priority to the other company that gives an immediate income stream. He started a landscaping service in April 2021 because his body is too old to do the heavy lifting required in the construction work much longer.

60. Mr. Hammett has been the sole provider in the household ever since the market crash. Laura Hammett writes, but has not made any money from it just yet.

61. The combination of stressors and physical ailments caused Hammett to have insomnia. It was difficult to fall asleep, and when she did, it was for only a few hours.

PRA Begins Stalking Hammett in 2020

62. It is against this backdrop that PRA began making incessant phone calls to Hammett.

63. The number PRA called is Hammett's cell phone.

64. Hammett does not know when the calls began. She has not sent a subpoena for her phone record yet.

65. Often PRA used a California number, but there were calls from several states.

66. Sometimes when Hammett answered there would be a long silence and then a shift in tone, sounding like the calls were made from an auto-dialer.

Occasionally, the call would drop before anyone spoke.

67. Each time someone did speak they would say “This is [John Doe], calling from a recorded line.”

68. Hammett did not want to be recorded by an unknown caller. She would hang up and block the number.

69. But she would receive another similar call from a different number the next day, sometimes twice per day.

70. Hammett, even though it meant being recorded, occasionally demanded the caller not call her from a recorded line.

71. Hammett let some calls go to voicemail.

72. Hammett did not check voicemails often, only when she saw a missed call from a known caller. Often there were messages from unknown numbers that were a recorded voice. The recording had the beginning truncated, as if the program does not differentiate when a human answers or when the call goes to a recorded voicemail, and the incoming message starts when the outgoing message is playing.

73. When Hammett heard the truncated message begin she immediately hit “7” to delete.

74. These messages have ceased since February 18, 2021, so they were more probably than not from PRA.

75. Finally, around November 18, 2020, Hammett realized that the annoying telephone calls were not going to stop unless she spoke to the callers on a recorded line against her will.

76. She estimated having received 120 calls from PRA in the original complaint but will subpoena their phone records to discover the accurate number.

77. On November 18, 2020, Hammett spoke to PRA and also recorded the call. She made three more recordings before filing suit and one after. She let PRA know they were being recorded on each of these calls, even though they gave implied consent by recording the call themselves.

78. When asked directly, the callers would tell Hammett that they were calling on behalf of "Portfolio Recovery Associates", but not what the call was about.

79. Hammett does not remember when, but she eventually called one of the numbers that the annoying calls came from and the recording said PRA is a debt collector.

80. Hammett conveyed to the caller on November 18, 2020 that she knew he was with a collection agency and he did not deny it.

81. She told the caller specifically that he had the right Laura Lynn, and that he "verified" that. But the caller continued to demand Hammett answer questions

before he would tell her what the alleged debt was. He demanded Hammett confirm her birthday so they could verify they were speaking to the correct “Laura Lynn” at the number they dialed to speak to Laura Lynn.

82. It was so incredibly bizarre. PRA called Hammett and asked if she was Laura Lynn. Hammett said yes. Then PRA asked if her birthday was a specific date. If Hammett said yes, that would be no more verification than when she said “ya, you’ve verified it” to her name. PRA had already given the date.

83. Hammett dreaded how many more personal facts she would be forced to confirm on a recorded line, basically a deposition, before this uninvited caller would tell her what rationale he had for calling her.

84. PRA did not inform Hammett that she could send a written request to find out the purpose of the calls.

85. It seemed like the caller got bonuses depending on how many questions he could coerce Hammett into answering, without disclosing the alleged reason he had to call her in the first place.

86. PRA said they thought Hammett was in California.

87. California requires both parties to consent to recording. Technically, the fact that the call was recorded did not make it a crime in and of itself, because she was not residing in California, but they did not know that. They flouted the law by

recording someone they thought was in California, even after she had asked them not to and hung up on them repeatedly.

88. Even if calling Hammett in a single party consent state, after the third, fourth or hundred-seventeenth time she hung up on them, PRA should have tried something else, or better yet, stopped altogether.

89. The notification laws of the FDCPA do not specify that a request to cease communicating by phone must be made by the alleged debtor. Even if Hammett was not “Laura Lynn”, PRA was required to stop calling her phone.

90. In fact, a debt collector may call a third party for location information once. FDCPA § 804. But the collector may not make repeated calls. *Id.* § 804(3)

91. PRA never asked Hammett if she knew the location of Laura Lynn. They just demanded the party they called give her social security number, birthday and address. If PRA doubted that the woman they dialed who said she was Laura Lynn at the number that belonged to Laura Lynn was not the right Laura Lynn, then they should have treated the woman as a third party. They should have asked if the person they dialed knew the location of Laura Lynn, and then stopped calling.

92. Hammett told PRA to stop calling her phone on several occasions before they actually complied with the request.

93. Regulation F that becomes effective in November 2021 or a few months later codifies that an alleged debtor can use whatever method of communication was used by the debt collector to give her cease and desist notice.

94. The ample surveys and analysis completed by the Bureau of Consumer Financial Protection prior to writing the proposed legislation are determinative that refusing to stop calling after being asked to stop is conduct that is not tolerable in a civilized society.

95. PRA was also in violation of the TCPA.

96. PRA is subject to the TCPA and they know they are because they have been sued for violations of the TCPA. (see *Meyer v. Portfolio Recovery Assocs., LLC*, 707 F.3d 1036 (9th Cir. 2012) injunctive relief granted).

97. After the Complaint was filed the Supreme Court of the United States of America decided *Facebook, Inc. v. Duguid*, No. 19-511, 2021 WL 1215717 (U.S. Apr. 1, 2021)

98. Facebook was determinative that a system that cannot or does not have the capacity to either store or generate random or sequential numbers to dial is not an automatic telephone dialing system subject to the TCPA.

99. If PRA's system did not store or generate random or sequential numbers at the time it made calls to Hammett, it may have had the capacity. The issue of capacity is percolating.

100. Regardless, the recorded voice messages left on Hammett's internal voicemail qualify as a violation of the TCPA, and Hammett should be allowed discovery to determine if those messages were generated by PRA.

How Plaintiff's Behavior Was Altered By the PRA Phone Calls

101. At first, Hammett was troubled by the calls because she did not know who was stalking her. Hammett had stopped seeing a therapist a few months earlier but started back.

102. One possibility was that one of her previous stalkers was back at it. Hammett felt nervous.

103. It was possibly someone trying to collect the false deficit from Hammett's stock account. Hammett felt mad and anxious. She had sold all her stock at a loss against her policy and missed the opportunities when the market rebounded, just so she would not lose all her money. Now she feared someone thought she owed about \$20,000.

104. Plaintiff often speaks to lawyers and doctors on the phone. The PRA calls would disrupt those calls, even if just for a few moments.

105. Plaintiff has children she speaks with on the phone. She wants to be available to them any time. But Hammett has insomnia and took naps whenever

she could fall asleep. PRA disrupted several of those naps. So, Hammett had to turn off her phone and maybe miss a call from her beloved family.

106. PRA would call after 9 p.m. in Hammett's time zone. This would disrupt her precious time when she was alone with her hard working, hard playing husband.

107. After PRA refused to tell Hammett what her alleged debt was, she spent time filling out a request for her credit report online. Hammett could not get all the verification questions right, so she had to fill out a paper request for Equifax, make copies of her identification, add postage and go to the post office. (Hammett's rural mailbox is not very secure.)

108. Hammett's credit report came back showing no credit extended, as she expected. Hammett was not sophisticated enough to know that debt collectors could try to collect debts that have already fallen off credit reports. She was extremely worried then that PRA was trying to collect on a non-existent debt.

109. The calls did not slow down after November 18, 2020. In fact, Plaintiff began to document many of the calls and there were at least 29 more. Plaintiff took the time to call each of these unknown numbers back and each was from PRA.

110. On February 18, 2021, Hammett told PRA her birthday, because that is the only way she could convince them to disclose what alleged debt Laura Lynn owed.

111. Hammett also gave PRA an address to which they should mail any further communication. Hammett had already told the UPS Store where she had a PO Box that she was not going to renew it in April but had to change her mind so she would not have to give PRA her home address.

112. Plaintiff will incur the cost of the PO Box until this matter is settled or adjudicated and any judgment paid.

113. Hammett did not want to give personal information to a company who had not validated their ownership of an alleged debt that was too old to collect through court and had fallen off her credit report.

114. Since PRA had no right to give Hammett a deposition, they should not have coerced her to answer personal questions as a prerequisite to making their own required disclosures.

PRA Continued to Violate the FDCPA After Plaintiff Told Them Her Address

115. As of March 10, 2021, PRA has not notified Plaintiff that she can write to them to request an address for the alleged original creditor and validation of the alleged debt.

116. Hammett had to research debt collection practices to discover this right for herself. There are actual monetary costs of researching in addition to time, such as the depreciation on her computer, however nominal.

117. Hammett wrote a seven-page letter dated February 20, 2021 to PRA. in which she made a settlement offer for their violations to that date.

118. Hammett told PRA to keep the envelope for the postmark, because a snowstorm might delay when the letter written on February 20, 2021 could be put in the mail.

119. Because Hammett's driveway was covered in snow, she did not drive to the post office until about February 22, 2021.

120. Hammett did not say the specific words "I refuse to pay any debt" or "don't contact me in any way"; but did specify not to contact her electronically and not to contact anyone else about her in any way "unless through discovery for any suit I am forced to file against you."

121. The settlement offer asked for "mutual release and no-contact orders for any related issues" and did not include any off-set for the alleged debt.

122. It should have been clear to PRA that Hammett did not intend to pay any alleged debt and did not want to be contacted, except for purposes of settling or litigating Plaintiff's claims against PRA.

123. Prior to the writing of the complaint on March 10, 2021, only a single letter from PRA arrived at Hammett's PO Box.

124. On March 1, 2021 at about 9:13 a.m., Hammett called the UPS store and asked if there was any mail in her box. There is a note on the box that says to call Hammett if she gets mail, but Hammett was extremely concerned about PRA.

125. There was no mail.

126. Plaintiff sent a second letter to PRA, certified, on March 3, 2021, dated March 2, 2021. This letter supplemented the letter dated February 20, 2021. It was sent to Portfolio Recovery Associates, LLC, 120 Corporate Blvd., Norfolk, Virginia, 23502.

127. The USPS tracking shows USPS was not able to deliver the letter to PRA. Probably PRA refused to accept until after the complaint was served on them.

128. Hammett wrote, inter alia, “It is two weeks later [after the February 18th conversation] and I have not received any correspondence from you.”

129. On March 4, 2021, Hammett went to the UPS store and found a letter from PRA in her box. The “associate lead” (manager) wrote a note that says she knows the letter did not arrive until at least March 2, 2021 because they went to a new system on March 1, 2021 to know who sorted the mail, and it was a new employee’s mark on the envelope.

130. The letter was in a standard #10 business envelope with a window. It had “presorted first-class mail U.S. postage paid cis” all capitalized, printed in the top right corner and no postmark.

131. The enclosed letter was dated “02/19/2021”. If the letter took five days to arrive and was delivered on March 2nd, it was not put in the mail until at least February 25, 2021. This was deception by PRA. (In their answer to original paragraph 109 PRA wrote : “PRA admits *sending* a letter to Plaintiff on February 19, 2021.” (italics added) Plaintiff emphasizes here that the letter from PRA was more probably than not posted on or after February 25, 2021, more than five days after Hammett gave her address to PRA.

132. Backdating is a deceitful practice.

133. It was more than five days after Hammett gave an address to PRA before they sent anything in writing.

134. What PRA sent did not have the required disclosures pursuant to 15 U.S.C. § 1692g(a).

135. What PRA sent was a letter that misstated the conversation Hammett had with their representative on February 18, 2021. They claimed they “understood” that Hammett wished to dispute the account because she was a victim of identity theft or fraud.

136. During the conversation Hammett said she had no debt. She repeated emphatically “I have no debt”. Hammett did not mention identity theft or fraud.

137. The PRA representative identified as Tabitha Voshears said “OK so we’ll put it in a dispute for fraud for you...just a second...”

138. Hammett did not respond to that statement. She thought Ms. Voshears meant the dispute was whether PRA committed fraud or not. Hammett had not called what PRA did “fraud” but could understand how PRA might think they were being accused of fraud. They have been accused of it numerous times before this.

139. The letter has a return address in the top left corner of the first page which showed through the envelope window. The address is in California.

140. There is a bold notice at the bottom of the first page sent. It says:

“This communication is from a debt collector. This communication is made for the limited purpose of responding to your dispute and is NOT an attempt to collect a debt.” (Capitalization of “NOT” theirs)

141. This was another bizarre and deceptive statement by PRA. It is highly unlikely that if they were NOT trying to collect a debt, they would send a form for Hammett to fill out that divulged detailed personal information about herself.

142. Reading through the forms PRA sent took more of Hammett’s time and limited energy.

143. Reading through the forms made Hammett think about a terrible time in her life, upsetting Hammett even more.

144. Hammett felt compelled to send a response letter to PRA, so they would not try to claim Hammett agreed with them by her silence. So, Hammett spent

more time writing the letter, driving to the post office and paid \$7.00 to send it certified, return receipt.

145. The letter was sent on March 5, 2021 to Portfolio Recovery Associates, LLC, 120 Corporate Blvd., Norfolk, Virginia, 23502, certified with return receipt requested.

146. The delivery of that letter was delayed until March 18, 2021, most probably because PRA refused to sign and accept until they were served with the complaint.

147. Hammett felt a lot of anger and sadness, knowing that PRA treats thousands of people this same way.

148. The form sent by PRA looks official, ~~like a legal process~~ and is titled an "affidavit". It demands that the affiant sign in the presence of a notary or witness. Most people of average sophistication would probably think they were obligated to fill this paperwork out. Especially if PRA omitted notice that the alleged debtor could demand verification of the debt first, as PRA did to Hammett.

149. Hammett has a 72-year-old friend who lived up the dirt road from Hammett in the remote rural area in 2015 and 2016 named Naomi Pike ("Pike").

150. Naomi Pike is "the least sophisticated" model. She has always lived remote and rural. She owns a cell phone, but it is a 3G with limited minutes and no internet capability. She has never had a credit card, bank account or earned more

than \$5,000 per year. Pike has no computer in her home and no internet service in her home.

151. Pike is intelligent and reasonable. She can name every wild plant and tell what medicinal properties it has. She can quote the King James Translation of the Holy Bible and apply it to life in a meaningful way. She coached “Laura Lynn” on what qualities to look for in a man and can take most of the credit for Hammett’s blessed marriage.

152. If the Court allows, Pike will be Hammett’s “expert witness” about what the communications from PRA mean to “the least sophisticated” consumer.

153. On March 12, 2021 Pike was surveyed at Hammett’s home in Faulkner County.

154. With no interpretation, Hammett played the four tapes for Pike and had Pike read the PRA letter dated 2/19/2021. Hammett asked Pike questions.

155. After listening to the tape made November 18, 2020;

Q: “What is he [the PRA representative] trying to do?”

A: “Sham you.” A moment later she corrected herself. “I meant scam you.”

Plaintiff assured Pike the two words had similar meaning.

156. After listening to the tape made December 16, 2020:

Q: “Any comments before I play the next one?”

A: “You mean he called you again?” Incredulous.

157. After listening to the tape made February 1, 2021:

Pike spontaneously: “Could it have been [one of Hammett’s stalkers] who got you in debt?”

158. After listening to the tape made February 18, 2021, stopped after the disclosure by PRA that any legal action by them on the debt is time barred which is required per consent order (The Court will be asked to take judicial notice of Consent Order entered on September 9, 2015, captioned In the Matter of: Portfolio Recovery Associates, LLC, File No. 20150-CFPB-0023) (“The Consent Order”):

Q: “What is the meaning of what she just said?”

A: “I don’t know.”

159. After the PRA representative said, “OK so we’ll put it in a dispute for fraud for you...just a second...”:

Q: “What did she mean by fraud?”

A: “A fraud is where they say you owe something, and you don’t.”

160. After reading the letter from PRA:

Q: “What is the meaning of the certification and requiring a notary or witness?”

A: “If you don’t do this right you are a criminal. They are saying you’re a criminal if you don’t sign it right.” Then Pike read a phrase near the end of the affidavit out loud.

“The imposition of fine, imprisonment, or both forms of punishment.”

161. Hammett asked if Pike thought she would have to fill out the affidavit and Pike said “yes.”

162. After speed speaking the Consent Order’s required disclosure, the PRA representative offered Hammett what PRA called a “settlement offer,” which could falsely imply that the underlying debt is enforceable in court.

Plaintiff Recalls Probable PRA Violations from 2014

163. After thinking about some of the distressing circumstances of her past, Hammett deduced that PRA made other unlawful efforts to collect a debt around 2014.

164. In late 2014, a man named Michael Williams came to Hammett’s boyfriend’s store. She worked there also.

165. Hammett had lived with Michael Williams from about 1997 to 2000. She broke up with Mr. Williams.

166. Mr. Williams did not take the break-up well. Hammett had to cut ties with him completely, as he would show up to her real estate business and lay on the floor in fetal position crying over the break-up. Hammett thinks she obtained a restraining order against him, but it would have expired by 2014.

167. Mr. Williams acted in a similar way during this visit in 2014. But he said the reason he looked Plaintiff up is that he had numerous calls from “bill

collectors” asking about her. He begged her to make them stop calling him. She said she did not know who the bill collectors were, and he could not be more specific. He said the callers would not identify themselves, but that they were looking for Laura Lynn because she owed money.

168. It is more probable than not that the incessant calls Michael Williams described were made by PRA, and PRA told a third party that Plaintiff owed money that she refused to pay.

169. After about 15 minutes of a rant where Mr. Williams professed his continued love for Plaintiff, peppered with demands to “pay your bills”, Plaintiff had to leave the property herself to do some work. Mr. Williams was gone when she got back.

170. The whole incident was extremely humiliating and distressing. PRA’s refusal to tell Mr. Williams who they were is good cause to toll the statute of limitations for this action.

171. Hammett is not able to locate Mr. Williams to ask if Portfolio Recovery Associates sounds familiar to any name the “bill collector” might have given. It is quite possible he has passed away.

172. It is notable that Mr. Williams, a man of average intelligence, was able to find Plaintiff after almost 15 years after they broke up.

173. If Mr. Williams could find Plaintiff, a debt collector with skip tracing capability could certainly find Plaintiff. Plaintiff does not know how many annoying hang-ups or unidentified caller calls she received back then.

174. Because PRA backdated the one letter they mailed to Hammett, it is plausible PRA will alter or destroy evidence of their prior misdeeds, which makes litigation even more daunting to the pro se litigant.

Portfolio Recovery Associates, LLC Has a History of Bad Faith Practices

175. PRA consented to an order in response to the Consumer Financial Protection Bureau's ("Bureau") review of "the practices of Portfolio Recovery Associates, LLC ('Respondent') regarding its purchase of charged-off consumer debts from original creditors and other debt buyers, and its subsequent collection efforts including filing lawsuits against consumers, [which] identified violations of sections 1031(a) and 1036(a)(1) of the Consumer Financial Protection Act of 2010 ('CFPA'), 12 U.S.C. §§ 5531(a), 5536(a)(1), and sections 807, 807(2)(A), 807(5), and 807(10) of the Fair Debt Collection Practices Act ('FDCPA'), 15 U.S.C. §§ 1692e, 1692e(s) and 1692(e)(10)). Under sections 1053 and 1055 of the CFPA, 12 U.S.C. §§ 5563, 5565, the Bureau issue[d] this Consent Order (Consent Order)."

(Administrative Proceeding File No. 2015-CFPB-0023 as cited by Portfolio Recovery Associates, LLC in Request for Judicial Notice in Support of

Defendant's Notice of Motion and Motion to Dismiss Complaint, Latasha Pariot v. Portfolio Recovery Associates, LLC, et al, 2:18-CV-09614 (CACD), ECF No. 10-1, Exhibit A, page 1. ("The Consent Order")

176. The 60-page Consent Order is extremely relevant and enlightening to the case at bar and Plaintiff intends to ask the Court to take judicial notice of it.

177. In the *Consent Order paragraph 3*, "affidavit" is defined as "those affidavits, declarations, verifications, or any sworn statements that are used in Legal Collection."

178. The "affidavit" sent by PRA to Plaintiff was meant to be a sworn statement used in Legal Collection, defined as "any collection efforts made by Respondent's internal legal department or a Law Firm to collect Respondent's Debt, including but not limited to []." *Id.*, ¶ 15.

179. PRA then exacerbated its bad conduct by claiming in the cover letter that "[t]his communication [] is NOT an attempt to collect a debt."

180. "'Clearly and Prominently' means: as to information presented orally, spoken and disclosed in a volume, cadence and syntax sufficient for an ordinary consumer to hear and comprehend." *Id.* ¶ 7.

181. The disclosure as to the alleged debt being time-barred was given at a cadence that caused Plaintiff to miscomprehend it. She heard clearly that PRA was

not going to file a lawsuit, but not that their reason was that they were not legally allowed to.

182. When Pike heard the disclosure, she did not comprehend that legal action was prohibited.

183. “Language in PRA's purchase agreements [at the time PRA allegedly purchased the Plaintiff's alleged debt, “the Time of Purchase”] puts PRA on notice that information in the Sale File might be inaccurate, incomplete, or otherwise unreliable.” Id. ¶ 29.

184. “PRA did not monitor its portfolios of debts for accuracy [at the Time of Purchase]. PRA relied primarily on consumer disputes to determine whether a portfolio was unreliable and would assume its accuracy unless consumers came forward with evidence of problems in material numbers.” Id. ¶ 33.

185. “Federal law prohibits using an auto-dialer to dial a Consumer's cell phone without that Consumer's express consent.” Id. ¶ 37.

186. It was ordered that “under Sections 1053 and 1055 of the CFPA, that: [PRA] and its officers, agents, servants, employees, and attorneys who have actual notice of this Consent Order, whether acting directly or indirectly, may not violate Sections 1031(a) and 1036(a)(1) of the CFPA, 12 U.S.C. §§ 5531(a) and 5536(a)(1); and Sections 807, 807(2)(A), 807(5), and 807(10) of the FDCPA, 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692(5), 1692(8), and 1692(10).” Id. ¶ 115.

187. It was further ordered that the entities and persons listed above “are **permanently** restrained and prohibited from [the following conduct]” *id. preamble to section XI, page 38*. Bold added. Each section of prohibitions was made permanent by the exact language of this section.

188. “Collecting or attempting to collect any Time-Barred Debt through any means, including but not limited to telephone calls and written communications without **Clearly and Prominently** disclosing to the Consumer: For those Time-Barred Debts that generally cannot be included in a consumer report under the provisions of the FCRA, 15 U.S.C. § 1681c(a) [which includes Plaintiff’s alleged debt], but can be collected through other means pursuant to applicable state law, Respondent will include the following statement: ‘The law limits how long you can be sued on a debt and how long a debt can appear on your credit report.’” *Id.* ¶ 126(a).

189. The disclosure given by PRA on February 18, 2021 was in a cadence that made it extremely difficult to understand.

190. After replaying the tape several times, and having the wording of the disclosure in front of her in writing, Plaintiff determined that representative Tabiltha Voshears said “the law limits how long you can be sued on a debt”, but omitted “and how long a debt can appear on your credit report.”

191. Sometime between November 18, 2020 and February 18, 2021, the first and last substantive calls, Plaintiff researched and read that any debt she had in the past was time-barred. So PRA's deceptive practice did not have its intended effect, to make Plaintiff think PRA was not going to file a negative credit report because they were nice guys, manipulating Plaintiff to be equally largesse in their dealings.

192. It did change Plaintiff's behavior. Plaintiff was put on notice that PRA is deceptive. Because of this mis-disclosure, combined with the other deceitful and annoying conduct of PRA, Plaintiff was hyper-vigilant in documenting, incurring additional costs.

193. This included but was not limited to having correspondence made to and received from PRA opened in the presence of a notary, stamped on each page by the notary (at \$5 each), copied and enclosed in a sealed notarized envelope as evidence later when PRA told further lies.

194. Further prohibition was made from "[m]aking any representation or statement, or taking any other action that interferes with, detracts from, contradicts, or otherwise undermines the disclosures required in Paragraph 126 of this section."

Id. ¶ 127.

195. Immediately after making the mis-disclosure, PRA representative Voshears made what she called a "settlement offer," which could falsely imply that the underlying debt is enforceable in court.

196. PRA was required to “reserve or deposit into a segregated deposit account an amount not less than \$19,045,443 for the purpose of providing redress to Restitution Eligible Consumers as required by this Consent Order.” Id. ¶ 136

197. PRA was required to pay an additional \$8,000,000 in other penalties. Id. ¶ 152.

198. PRA was required to distribute and obtain a signed acknowledgment of receipt of a copy of the Consent Order to and from each of its board members and each executive officer, as well as to any managers, employees, service providers, or other agents and representatives who have responsibilities related to the subject matter of the Consent Order for a period of five years from issuance date, September 8, 2015. Id. ¶¶ 163-165.

199. Compliance records were required for the same five-year period. Id. ¶¶ 166-168.

200. The Consent Order said it would “terminate 5 years from the Effective Date or 5 years from the most recent date that the Bureau initiates an action alleging any violation of the Consent Order by Respondent.” This is perhaps a contradiction to the language in Consent Order prohibitions such as section XI on page 38 that specify the prohibitions are permanent.

201. Whether permanent or not, the prohibitions are instructive as to conduct the defendants knew to be a violation of statutory law.

202. It was right around the time of the termination of the Consent Order that Hammett became acutely aware of the harassing calls.

Subsequent to Filing the Complaint

203. On April 1, 2021, Plaintiff received what might have been an April Fools prank by PRA. Plaintiff received a #10 envelope to her PO Box at 500 Amity Road, Suite 5B #306. The return address was Department 922, PO Box 4115, Concord, CA 94524, the same address as the first letter sent by PRA. Both addresses used all capital letters.

204. Plaintiff has many words that she reads by sight, instead of sounding out.

205. One phrase Laura Lynn Hammett reads by sight is her legal name from 1989 to 2019, LAURA LYNN.

206. Plaintiff opened the letter at the UPS Store so a notary could copy the contents and sign a sworn statement as to the contents of the envelope and date of receipt.

207. It was a single page, double sided.

208. In the top left corner in larger font than the rest of the type, it said “Portfolio Recovery Associates, LLC”.

209. Directly under, with capitalization exactly as quoted here, it said:

“Dear LAURA LYMAN,

Portfolio Recovery Associates, LLC (“PRA, LLC”) has concluded its investigation of your dispute and is closing your account.

Sincerely,

Disputes Department

Telephone: 1-800-772-1413”

210. The balance under “Account Details” was \$0.00.

211. Plaintiff was thrilled to see this, as it seemed to be an admission by PRA that she owed no debt.

212. The letter was dated March 18, 2021.

213. That means the letter with no postmark took up to 13 days to arrive.

Unlikely. It was more probably than not back dated.

214. Worse, when Plaintiff looked more closely in order to document the letter for this litigation, she noticed that it was mailed to LAURA LYMAN.

215. Not LAURA LYNN.

216. The account number did not match the account number on the other letter sent by PRA dated February 19, 2021.

217. Plaintiff worried about what trick PRA was playing.

218. Some ideas plaintiff had included:

219. PRA was trying to lull Plaintiff into believing they agreed the alleged debt was not valid, so Plaintiff would act upon this information by settling her lawsuit

quicker and for less money. Then, after a settlement was signed, they could jump out and say “gotcha! You still owe a debt.”

220. Or, PRA was going to claim this was a *bonafide* error, proving they make *bonafide* errors and therefore nothing they do wrong is a violation of the FDCPA.

221. If it was a bonafide error, Plaintiff wonders what personal information and allegations of a debt owed by Plaintiff PRA sent to the wrong address.

222. On April 9, 2021, at about 4:30 p.m., Plaintiff sent an inquiry email about this letter to PRA’s counsel, David Mitchell, Jr. At about 8:30 pm, Plaintiff forwarded the email to the Disputes Department at PRA.

223. There was no response before the morning of April 10, 2021. It was a Friday late afternoon when the email was sent to Mr. Mitchell, so that is reasonable.

224. Plaintiff thought to call the number on the letter and taped the call with consent of PRA.

225. Plaintiff spoke with a representative who identified herself as Debra Davis from the collections department.

226. Ultimately Ms. Davis told Hammett to call the Disputes Department on Monday, but she did make certain statements regarding PRA’s documentation of the collection activity, as including but not limited to:

227. Plaintiff asked if the letter dated March 18, 2021 that shows a zero balance was sent to the right address. Ms. Davis said, “yes. It was sent to the right address.”

228. Ms. Davis said, “the account is purged Ma’am.”

229. Ms. Davis said PRA spoke to Plaintiff on February 18th and noted a dispute response on February 19th. Ms. Davis said, “From February 19th it goes to the March... the 8th where you requested the C and D... March 11th... filed complaint.”

230. Then, “on March 15th there was a case number for the dispute of 14653791” and “On March 15th they say they received incoming customer mail.”

231. The only response from PRA noted was dated February 19th and there is a record of the letter misaddressed to “Laura Lyman” dated March 18, 2021. PRA did not note sending the required notification of how to ask for verification. PRA did not note sending verification of the alleged debt.

232. Apparently, as of March 18, 2021 PRA believed the debt was not verifiable.

233. Yet, on April 2, 2021, PRA filed an answer subject to FRCP Rule 11, that stated in paragraph 48: “PRA affirmatively states that Plaintiff was delinquent in her financial obligations to Capital One Bank (USA), NA. PRA further states that it lawfully acquired Plaintiff’s delinquent financial obligation to Capital One Bank (USA), NA” (omission of period theirs)

234. Either PRA was playing with words...so they could later claim “we never said we acquired the *delinquent* financial obligation; we bought it when it was at

zero balance”. Otherwise, their attorney wrongly certified that the denials of factual contentions are warranted on the evidence.

235. PRA noted three incoming letters received, one on each date of March 8th, 11th and 15th. This is consistent with Plaintiff’s Complaint, that she sent three letters prior to March 15th. (Plaintiff will investigate why the certified letters were not tracked properly by USPS.)

236. Yet again, on April 2, 2021, PRA filed an answer subject to FRCP Rule 11, that stated in each of paragraphs 98 to 101 that “PRA denies receiving a letter dated February 22, 2021.”

237. Plaintiff did not claim there was a letter dated February 22, 2021. She claimed she sent a letter dated February 20, 2021 but it did not get posted until about February 22, 2021 because of a major snowstorm. Either PRA made a typo or they were playing games that are unbecoming of an officer of the court.

238. Ms. Davis said there was only one noted letter sent by PRA to Plaintiff from February 18, 2021 to March 10, 2021.

239. Yet, on April 2, 2021, PRA filed an answer subject to FRCP Rule 11, that stated in paragraph 103 that “PRA denies that it sent only a single communication prior to March 10, 2021.”

240. Again, PRA may have purposefully left off the modifier “to the Plaintiff” or they feigned misunderstanding to think a “sent” communication in a paragraph

about a letter included telephone calls. Otherwise, their attorney wrongly certified that the denials of factual contentions are warranted on the evidence.

241. In PRA's answer paragraph 109 they claim "PRA admits sending a letter to Plaintiff on February 19, 2021." Plaintiff specifically said the letter dated February 19, 2021 was more probably than not sent no earlier than February 25, 2021. PRA was misstating the allegations in the complaint.

242. Ms. Davis said PRA was required to send a letter to Plaintiff when they bought the account. She said the letter was sent to "5757 Erlinger Street". She said it was returned undeliverable.

243. On November 18, 2020, PRA spoke to Plaintiff on a recorded line and demanded Plaintiff verify several questions before they would tell Plaintiff what the alleged debt was or that she could write to them to demand verification of the debt.

244. As mentioned earlier, the questions after "is this Laura Lynn" were gratuitous because if the receiver was not Laura Lynn but said "yes, this is Laura Lynn", then the same receiver could say "yes, that is my birthday and yes that is my old address" regardless of the veracity of those statements.

245. Worse, one question was if Laura Lynn ever had an address of "5757 Erlinger". PRA had a letter to that address returned undeliverable, so it doesn't seem like a reasonable verification question.

PRA Finally Comes Clean

246. On April 12, 2021, Plaintiff called the “Disputes Department” and spoke to “Tynedra”. Tynedra made the following statements on behalf of PRA.

247. PRA never sent Plaintiff the required disclosures about her right to request verification.

248. PRA changed the name to “Laura Lyman” and account number on the letter dated March 18, 2021 on March 31, 2021. (Which means they did not mail the letter with no postmark dated March 18 until March 31.)

249. PRA does not have account level information on the alleged debt Plaintiff owed.

250. PRA closed the account.

251. PRA will send a corrected letter to Hammett that shows the account closed.

First Claim for Relief: Violations of the FDCPA

All facts stated in paragraphs 1 to 251 above are incorporated by reference to paragraphs into the claims as if stated therein.

252. The Defendants’ actions violate the FDCPA, including but not limited to:

253. Section 804. *“Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the*

consumer shall identify himself, state that he is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his employer; not state that such consumer owes any debt; and not communicate with any such person more than once unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information.”

254. The Defendants violated this by speaking to Mr. Williams enough to cause him to search out the Plaintiff and beg her to pay her (alleged) bills.

255. Section 805(a). *“Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt after 9:00 p.m.”*

256. The Defendants violated this by calling Hammett after 9 p.m. in her local time.

257. Section 804(c). *“If a consumer notifies a debt collector in writing that the consumer refuses to pay a debt or that the consumer wishes the debt collector to cease further communication with the consumer, the debt collector shall not communicate further with the consumer with respect to such debt, except [exceptions not applicable].”*

258. Hammett could have made PRA cease communicating when they first called her if she knew they were a debt collector and knew their company name. PRA did not give a meaningful identification and thus gave Hammett no way to contact them in writing, until Hammett agreed to be recorded. Thus, PRA violated the intent of the law. Regulation F will enhance the statute to make any request to cease using a particular medium a mandate. (§1006.14(h)) The current statute did not make a verbal request ignored presumptively not harassing. In fact, the 653-page Regulation F, 12 CFR Part 1006 [Docket No. CFPB-2019-0022] goes into great detail as to the surveys that led to the decision to include the additional mandate.

259. Hammett clearly asked PRA in writing to cease electronic communications in the letter dated February 20, 2021.

260. PRA sent a letter on or after February 25, 2021 anyhow, deceptively backdated it, did not send it certified or even post marked, and made an absurd statement that it was not in an attempt to collect a debt.

261. Section 806: *“A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.”*

262. The Defendants violated this by contacting Hammett incessantly, coercing her into speaking on a recorded line, and mailing an “affidavit” for Hammett to fill

out that brought up horrible events from the past that she did not want to think about, even after she made it clear she was not going to pay them any money. The legislature used the words “any person”, not “the consumer” as in many other clauses of the act. It is even worse that the Defendants were willing to harass someone they thought might be an innocent third party.

263. Section 806(5): *“Without limiting the general application of the foregoing, the following conduct is a violation of this section: Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.”*

264. The Defendants violated this by making an insufferable number of calls to Hammett that Hammett refused to speak with them on. By the standard of Regulation F, PRA exceeded the limit of acceptable calls by making several calls in the seven consecutive days after having a conversation with the alleged debtor.

265. Section 807(10): *“A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.”*

266. The use of the Affidavit was deceptive.

267. The Legislature's language did not specify that the consumer be deceived. It specified that the communication may not be deceptive. Backdating the letter mailed sometime after February 25, 2021 was an attempt to deceive this Court and Jury.

268. Section 807(11): "*The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.*"

269. There is no exception if the person they dial refuses to be recorded or if the person they dial will not go through a verification process as if the consumer instigated the inquiry.

270. Section 807(13): "*The false representation or implication that documents are legal process.*" The "Portfolio Recovery Associates, LLC Identity Theft Affidavit" sent by the Defendants requires a signature of a "notary" or "witness". "Affidavit", "Notary" and "Witness" would imply legal process to an unsophisticated consumer and even to a sophisticated consumer.

271. Section 807(14): *“The use of any business, company, or organization name other than the true name of the debt collector's business, company, or organization.”* PRA representatives said the company name is “Portfolio Recovery Associates” instead of “Portfolio Recovery Associates, LLC” several times, even after Hammett asked them directly if they were an “LLC”. If PRA shareholders want to hide behind the veil of a Delaware LLC, they must let the consumer know they are a limited liability company and their true and correct name.

272. In fact, on the legal looking document the Defendants mailed, they write out their complete name and then shorten the name with a legal shorthand to “(‘PRA, LLC’)”. PRA must be just as forthcoming on their less legal sounding communications.

273. Section 809(a)(3): *“Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing: a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector.”*

274. PRA did not do this.

275. Section 809(a)(4): “*a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector.*”

276. PRA did not do this.

277. PRA did not send verification or a letter stating that they could not verify the debt even after Plaintiff researched her rights and sent a request for verification in writing.

278. Section 809(a)(5): “*a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor.*”

279. PRA did not do this.

Second Claim for Relief: for Violations of the TCPA, 47 U.S.C. 277

All facts stated in paragraphs 1 to 279 above are incorporated by reference into the claims as if stated therein.

280. PRA’s actions violate the TCPA, including but not limited to: Section b(1)(A)(iii): “**It shall be unlawful for any person within the United States, or**

any person outside the United States if the recipient is within the United States **to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party)** using any automatic telephone dialing system **or an artificial or prerecorded voice to any telephone number assigned to a paging service, cellular telephone service,** specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call, unless such call is made solely to collect a debt owed to or guaranteed by the United States.” (bold added)

281. Prerecorded messages were left on Plaintiff’s voicemail, more probably than not by PRA. The recordings stopped when PRA ceased calling Hammett after the call on February 18, 2021. The violations were made willingly, maliciously, with full knowledge that they were violating the law.

282. An Automatic Telephone Dialing System is defined as “equipment which **has the capacity**— (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers.” (bold added, *id.* section (a)(1).)

Third Claim for Relief: Tortious Infliction of Emotional Distress, Outrage

All facts stated in paragraphs 1 to 282 above are incorporated by reference into the claims as if stated therein.

283. The Defendants intended to inflict emotional distress or knew or should have known that emotional distress was the likely result of their conduct.

284. Anyone would hate to have PRA make these incessant phone calls to them. It was especially cruel when 33% of the population is reporting mental health issues and waiting with bated breath for a stimulus check.

285. The Defendants backdated a letter. This caused cognitive dissonance in Plaintiff. It is reasonable for Plaintiff to believe PRA will do more deceptive acts in these proceedings.

286. After receiving the letter mailed February 22, 2021, PRA had no right to mail anything but a validation requested or a letter stating they were closing the account. They certainly should not have mailed the prying “affidavit” to Plaintiff.

287. PRA has not to date validated a debt from Plaintiff to them. If they cannot validate a debt, they had no right to make any communication.

288. It is more probable than not that PRA made repeated calls to Michael Williams in which they said “Laura Lynn” owed a debt. Their calls caused Mr. Williams to seek Hammett out after more than a decade, and cause an embarrassing scene in Hammett’s place of business.

289. The statute of limitations on the 2014 actions should be equitably tolled for this tort.

290. The Defendants' conduct was "extreme and outrageous," was "beyond all possible bounds of decency," and was "utterly intolerable in a civilized community". That is why the legislature enacted the FDCPA and the TCPA and approved Regulation F.

291. Many people might have screamed, cursed, or cried if subjected to the same behavior. Plaintiff entered therapy, took pills and wrote this lawsuit, instead.

292. The actions of the defendant were the cause of the plaintiff's distress.

293. Plaintiff had several things contributing to her anxiety, but the Defendant takes the Plaintiff as they find her. Their actions were the tipping point. The trier of fact must decide what percentage of Plaintiff's emotional distress was caused by PRA.

294. The emotional distress sustained by the plaintiff was so severe that no reasonable person could be expected to endure it. One call is a nuisance. Somewhere after two calls is unacceptable. The number of calls made by PRA is beyond endurance. That is why Hammett finally succumbed and spoke to these reprehensible characters on a recorded line.

295. Backdating letters that PRA knew would be used in litigation was extraordinarily deceptive. It put Hammett in the position of "he said, she said" against a huge company, with access to over a billion dollars and an army of attorneys. Only because of Hammett's Generalized Anxiety Disorder and

Adjustment Disorder did she spend the hundreds of hours it took to investigate and was she able to document well enough to prove PRA lied. It caused sleepless nights and a need to take medication.

Fourth Claim for Relief: Additionally or Alternatively, Negligent Infliction of Emotional Distress

All facts stated in paragraphs 1 to 295 above are incorporated by reference into the claims as if stated therein.

296. To the extent any of the conduct from which the other claims arise was a bonafide error, Plaintiff claims negligent infliction of emotional distress.

297. PRA as a debt collector had a legal duty arising from the FDCPA to protect Plaintiff as an alleged debtor from harm, by verifying debt, notifying the alleged debtor of her rights, mailing verification of debt and the original creditor's address when requested and not subjecting their "customer" to harassment.

298. PRA breached that duty.

299. Their breaches caused Plaintiff severe emotional distress, including anger, confusion, anxiety, embarrassment, exhaustion (which is a physical condition as well as an emotional condition), and sadness for all the victims of PRA who are not capable of filing the proper paperwork in court and cannot afford an attorney.

300. PRA should have realized that their conduct involved an unreasonable risk of causing distress because they have been sued countless times and they already paid over \$19,000,000 in restitution and \$8,000,000 in penalties for similar conduct.

301. Plaintiff already spoke to her therapist about the emotional distress, spoke to the medical sleep clinic about her inability to sleep because she ruminates all night about this and other distressful conduct, and plaintiff took a prescription drug to help her sleep a few times since PRA started contacting her in 2020.

Fifth Claim for Relief: Tortious Invasion of Privacy by Intrusion

All facts stated in paragraphs 1 to 301 above are incorporated by reference to into the claims as if stated therein.

302. PRA invaded Hammett's privacy by refusing to stop calling her unless she spoke on a recorded line.

303. By calling Hammett repeatedly without meaningful identification, PRA forced Hammett to be taped in order to make the calls stop.

304. It is true that the credit *reporting* agencies require verification of who is asking for information. But that is because the inquirer instigates the transaction.

305. PRA instigated the transactions. PRA dialed the number that belonged to “Laura Lynn”. Hammett answered the phone “Hi this is Laura” the first few times PRA called her. Hammett said she was “Laura Lynn”.

306. PRA had no legitimate purpose or right to demand the person they called tell her birthday.

307. PRA had no legitimate purpose or right to demand Hammett to lend her voice to their recordings.

308. There is a “safe-harbor” clause in the FDCPA so that if PRA told someone who verified she was “Laura Lynn” what the debt was and then found that it was not the right person, they would not be liable for damages. PRA did not take care to verify “Laura Lynn” had any debt. Their efforts to verify they were speaking to the correct Laura Lynn at (760) 966-6000 was more probably than not an excuse to depose Plaintiff without issuing legal process.

309. If PRA asked Hammett to allow them to record her to use for training purposes, Hammett would demand compensation of \$10,000,000. PRA should have negotiated compensation before they made the tapes.

310. Hammett’s solitude is extremely important to her and PRA purposefully infringed upon it.

311. On March 15, 2021, Plaintiff emailed
PRA_Disputes@portfoliorecovery.com.

312. On April 2, 2021, PRA's attorney David Mitchell, Jr. emailed Hammett to a second email address owned by Hammett.

313. The email address Mr. Mitchell used was not owned by Hammett until about 2007, long after she signed any alleged agreement with Capital One.

314. Regulation F will prohibit a debt collector or their agents, employees, attorneys, etc. from using an email address without express permission. So, our legislators believe using an email address without permission to contact a person is invasive. It is bizarre that PRA refused to use the email address Plaintiff provided. Plaintiff felt like PRA was giving her a message that they will pry into every aspect of her life if she continues with this litigation.

Request For Jury

315. Plaintiff requests a jury of her peers rather than a bench trial. To alleviate some backup caused by the COVID-19 pandemic, Plaintiff requests the smallest jury allowed by Court rule or stipulation of the defendant.

Request for Relief

316. Plaintiff requests that this Court:

- a) Enjoin Defendants from contacting Laura Lynn Hammett except through their counsel for purposes directly connected to this litigation;

- b) Enjoin Defendant PRA from assigning any alleged right to collect any alleged debt against Plaintiff to any person or entity.
- c) Award actual damages for time lost, postage, mileage expenses and copies as proven at trial and \$1,000 statutory damages for violations of the FDCPA against PRA (actual damages for physical exhaustion and emotional distress will be sought through the tort claims);
- d) Award statutory damages of \$1,500 per phone call for the number of phone calls a jury believes were made by PRA to Hammett for violation of the TCPA;
- e) On the third, fourth and fifth claims Award actual damages compensatory for the physical exhaustion caused when Portfolio Recovery Associates, LLC called Hammett and woke her from her rare sleep.
- f) On the third, fourth and fifth claims award actual damages compensatory for the emotional distress caused by the Defendants, including PRA and DOES 1-99;
- g) Award actual damages compensatory for the invasion of Hammett's privacy by the defendants, including \$10,000,000 for recording her, from PRA and DOES 1-99 jointly and severally;
- h) On the third and fifth claims award punitive damages against each defendant severally, in an amount enough to deter them from continuing and repeating

their actions against others and to punish them for harassing the Plaintiff with malice and complete disregard for her rights. Doe defendants need to know that their earning minimum wage or a fat executive salary is not a good rational for their obnoxious, annoying, and distressful policies and practices. PRA paid over \$19,000,000 in connection with restitution on the Consent Order. PRA paid an additional \$8,000,000 in penalties. This did not deter PRA from repeating their harassing and deceitful behavior. Therefore, punitive damages against PRA should be no less than \$27,000,000;

- i) On the first and second claim award reasonable attorney fees and costs;
- j) Award other relief as the Court deems just and proper.

Respectfully Submitted,

Laura Lynn Hammett
500 Amity Road, Suite 5B #306
Conway, Arkansas 72032
(760) 966-6000
TheNext55Years@gmail.com

Plaintiff in Pro Se

Dated April 8, 2021



Laura Lynn Hammett

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LAURA LYNN HAMMETT,
Plaintiff,

Civil Action No.: 4:21-cv-00189-LPR

-v-

PORTFOLIO RECOVERY ASSOCIATES,

LLC;
DOES 1-99.
Defendants.

PLAINTIFF'S SUPPLEMENTED RESPONSE TO DEFENDANT PORTFOLIO
RECOVERY ASSOCIATES, LLC'S FIRST SET OF INTERROGATORIES No.
9

Plaintiff Laura Lynn Hammett ("Plaintiff" or "Hammett") in pro se makes this
supplement to PRA's First Set of Interrogatories.

Interrogatory No. 9:



Identify all telephone calls that you made to PRA or that PRA made to you, including for each such call the date, time, calling telephone number, called telephone number, and documents relating to such call.

ANSWER: On February 23, 2022 I received and served on PRA a Verizon accounting of calls made to (760) 966-6000. Though PRA should have a record of all calls it made to the -6000 number, there were several calls that fit the pattern of PRA calls that have all had the numbers disconnected and that PRA denied making. (The calls that appeared on the PRANet record produced by PRA that showed up on the Verizon account were also made from numbers that were disconnected.)

The numbers that showed up from before November 18, 2020 are as follows:
(Calls that went to voicemail do not show up on the Verizon log.)

Aug 18, 2020 7:19pm 430-249-6462

Aug 19, 2020 12:52pm 760-966-9735

Aug 24, 2020 4:05pm 210-634-0221

Aug 28, 2020 3:06pm 774-378-9032

Sept 2, 2020 12:36pm 210-634-0221

Sept 3, 2020 11:34am 800-535-6847

Sept 9, 2020 1:15pm 204-222-0309

Sept 22, 2020 3:34pm 373-445-6797

Sept 24, 2020 4:58pm 306-185-2005

Sept 24, 2020 6:41pm 652-502-2102

Oct 6, 2020 11:36am 463-983-6450

Oct 6, 2020 12:51pm 374-839-4861

Oct 6, 2020 1:46pm 707-914-8714

Oct 16, 2020 10:40am 402-813-5076

Oct 30, 2020 4:42pm 760-622-2433

Respectfully submitted,

February 24, 2022

/s/ Laura Lynn Hammett

Laura Lynn Hammett

Plaintiff in pro se

500 Amity Road Suite 5B #306

Conway, Arkansas 72032

TheNext55Years@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2022, a true and exact copy of the

foregoing was sent via email to the following individuals on behalf of Portfolio

Recovery Accociates, LLC:

David Mitchell DMitchell@RoseLawFirm.com

John Komisin Jed.Komisin@troutman.com

James Trefil James.trefil@troutman.com

Nick Mote Nick.Mote@troutman.com

/s/ Laura Lynn Hammett

Laura Lynn Hammett

Plaintiff in pro se

500 Amity Road Suite 5B #306

Conway, Arkansas 72032

TheNext55Years@gmail.com

[Defendant's Exhibit 4 Redacted]

[Defendant's Exhibit 5 Redacted]

Are these from PRA?

| | | | |
|---------|----------------|----------|---------------|
| 1/26/21 | (707) 436-4634 | 12:31 pm | disconnected |
| 1/25/21 | (760) 254-8309 | 2:36 pm | call rejected |
| 1/8/21 | (915) 888-7925 | 12:47 pm | |

Authenticated as PRA

Jan 17, 2021 (619) 833-0521 2:48 pm

Jan 14, 2021 (760) 263-3972 1:27 pm

Jan 11, 2021 (337) 324-8139 2:24 pm

Feb 4, 2021 (760)⁷⁴⁰⁻0270 2:45 pm

Jan 10, 2021 (760) 720-0270 2:33 pm

Jan 8, 2021 (313) 305-1334 1:15 pm

Jan 7, 2021 (646) 681-3007 3:06 pm

Jan 6, 2021 (262) 288-9124 8:42 pm



| | | |
|--------------|----------------|----------|
| Feb 10, 2021 | (760) 291-4107 | 3:36 pm |
| Feb 11, 2021 | (760) 823-3149 | 6:48 pm |
| Feb 13, 2021 | (760) 582-8129 | 2:46 pm |
| Feb 15, 2021 | (760) 227-1170 | 12:06 pm |
| Feb 15, 2021 | (760) 704-0270 | 12:32 pm |
| Dec 15, 2020 | (760) 760-9002 | 3:53 pm |
| Feb 17, 2021 | (760) 760-9002 | 6:57 pm |
| Jan 23, 2021 | (909) 352-1775 | 1:48 pm |
| Jan 24, 2021 | (845) 584-3348 | 2:36 pm |
| Jan 20, 2021 | (760) 760-9040 | 2:28 pm |
| Jan 19, 2021 | (760) 331-2599 | 3:32 pm |

Dec. 16, 2020 Portfolio recovery
called from (847) 201-2882, 7:46 pm
from recorded line. I told them
to delete the recording, they did
not have permission to record me.

Jan 5, 2021 Portfolio recovery
called from Calif Number (442) 253-6190
I immediately hung up after a woman
said her name calling from a recorded
line.

Jan 25, 2021 "Hello, this is Risa Gore calling on
a recorded line"
Alabama number (938) 222-0309 11:57 am Central

Jan 27, 2021 (760) 677-3517 1:29 pm

Jan 28, 2021 (518) 304-1182 9:19 pm

Feb 1, 2021 (442) 286-3194 3:15 pm

I returned call at 3:16 pm. Recorded,
asked to get no more calls

Feb 2, 2021 (760) 258-4596 9:14 p.m.

Feb 3, 2021 (661) 689-5751 10:03 a.m.

Feb 3, 2021 (760) 640-3194 12:48 pm

Feb 4, 2021 (760) 704-0270 2:45 pm

Portfolio Recovery Associates
LLC

(760) 230-5927

State Corporation Commission
of Virginia listing

Entity ID T0136947

120 Corporate Blvd, Norfolk
VA 23502

Nov. 18, 2020 4:16 pm

?? 57 Erlinger St 92122

Recorded call on camera roll.

Called Dec. 9, 2020 "from a recorded
line" 12:41 pm (978) 471-4567
a Massachusetts^{SP?} number.

I said I asked them not to call
"this" number and put anything
they had to say in writing.

(619) 309-1756 1:46 pm central Dec. 11, 2020

Called "Hi this is [name] calling on a recorded
line for Laura Ryan. Is she available?"

Then I hung up.

I already said "Hi this is Laura" before
they warned me it was recorded.

Feb 18, 2021

about 8:40

" You can expect to receive
documentation in the mail
in reference to this dispute."

Nov 18 2020 2:16 Dave Remains

"It may have popped up because you're in the state of California"

5:42 "Ya, you've verified it."

6:25 "Whatever this is about, send me a letter and don't use this phone number."

about 7:00 He tells me they do not need a do not call list because they are not telemarketers.

7:45 "and do not call this number again, ever."

Feb 1, 2021

I have asked in the past
that this number

Emphatically tell them not to
call my number, that the calls
are harrassing.

1. Answer to the complaint is inconsistent with the rule that PRA must make a reasonable investigation before pursuing a debtor.
2. Ramirez v. Transunion FARA claim punitive damages of \$52 million was reduced to \$32 million in 9th circuit
3. Laura Lynam letter was inherently shocking and confusing

Is PRA telemarketing?

Merriam-Webster - Telemarketing
"The activity or job of selling goods or services by calling people on the telephone."

TCPA claims for recorded messages only.

All other calls are violations of FDCPA, invasion of privacy, ~~solitude~~ and outrage.

I may plead "Primary jurisdiction doctrine" and

refer my complaint to the "Bureau" and other administrative agencies.
CFBA?

Phillip Larch

From: Laura Lynn <bohemian_books@yahoo.com>
Sent: Wednesday, December 15, 2021 3:50 PM
To: David Mitchell; Komisin, John (Jed); Trefil, James K.; James, Miranda G.
Subject: Hammett v PRA Fw: 5757 Erlanger

EXTERNAL SENDER

----- Forwarded Message -----

From: Laura Lynn
To: "yacpeter@aol.com"
Sent: Tuesday, October 11, 2011, 01:23:56 AM CDT
Subject: Re: 5757 Erlanger

Dear Peter and Sue,

Mike finished removing our property today. He is asleep and I do not know if he left the key.

I also do not know if he finished the grout in the bathroom.

We cleaned the carpet when we moved in. We did not spend much time there, which is one reason we are moving out. We work from early morning to late at night. The carpet is as clean as it will get without a professional, and even then, it won't get much better. The bathroom floor was also stained so bad, which is why we tiled over it. There was a constant leak from the toilet that probably caused the discoloration in the floor. Mike fixed that with a new toilet ring.

The neighborhood is quiet and the views are lovely. We know you will have no trouble finding a family to live there.

I'll ask Mike about the key in the morning.

Best to you,

Laura (for Laura and Mike)

From: "yacpeter@aol.com"
To: bohemian_books@yahoo.com
Sent: Monday, October 10, 2011 2:23 PM
Subject: Re: 5757 Erlanger

Hi Mike and Laura:

There is a family interested in taking over the lease. They would like to see the town house on Thursday, October 13, 2011.

Please clean up the house and carpet that will make the house presentable to this family. If they sign the lease, we will return whatever left over security deposit to you depends upon when they move in. The earlier they move in, the more refund you will receive.

If you can not clean the carpet before Wednesday, would you mind letting us know? We will find some one to clean the house before showing the house to them.

Thanks for your cooperation.



Have a great day.

Regards,

Peter & Sue

-----Original Message-----

From: Laura Lynn

To: yacpeter

Sent: Wed, Oct 5, 2011 8:01 pm

Subject: Re: 5757 Erlanger

Dear Peter and Sue,

Thank you.

Mike and Laura

From: "yacpeter@aol.com" <yacpeter@aol.com>

To: bohemia_books@yahoo.com

Sent: Wednesday, October 5, 2011 1:43 PM

Subject: Re: 5757 Erlanger

Hi Mike and Laura:

We are sorry to hear you are moving out.

We will try our best to get the 5757 Erlanger town house rented out as soon as possible.

Although one month advance notice will be easier for us, however, if we find new tenants immediately, we will refund your security deposit accordingly.

Please return all keys, especially the key to clubhouse/swimming pool/laundry room to us. Please notify us where you leave them in the house.

Have a great day.

Regards,

Peter & Sue

-----Original Message-----

From: Laura Lynn <bohemia_books@yahoo.com>

To: yacpeter <yacpeter@aol.com>

Sent: Wed, Oct 5, 2011 10:42 am

Subject: 5757 Erlanger

We are sorry to inform you, but we are not able to pay rent at 5757 Erlanger. We are moving out today and tomorrow.

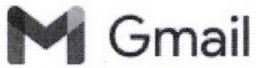
We hope you use the deposit toward last month's rent. We are leaving the townhouse in much better condition than when we moved in.

If you want Mike to change the refrigerator door swing back (which makes no sense) then he will gladly do it. He changed out the leaky toilet ring and tiled the bathroom floor. He also fixed the kitchen sink.

We just made the decision, as Laura was quite ill all last week and was hospitalized for a couple days.

Sincerely,

Laura and Mike



Laura Lynn Hammett <thenext55years@gmail.com>

Account Number [REDACTED] 6049

1 message

Laura Lynn Hammett <thenext55years@gmail.com>

Thu, Apr 22, 2021 at 3:26 PM

To: PRA_Disputes@portfoliorecovery.com

Dear Portfolio Recovery Associates, LLC ("PRA") Disputes,

PRA's corrected letter of closure of my account arrived today but PRA omitted the words "has concluded its investigation of your dispute".

Are you assuring me there will be no reopening of the account?

I realize the right column is a form with predetermined fields, but calling PRA the "Current Creditor" is inaccurate. To the best of my knowledge and belief PRA is not and has never been a creditor to me. Please write "Not Applicable" in that field, or send a copy of verification of the original debt, including statements from when the account was at zero, and a purchase agreement between the alleged original creditor and PRA.

In Good Faith and Fair Dealing,

Laura Lynn Hammett (You use my prior name, Laura J. Lynn)



[Defendant's Exhibit 9 Redacted]

[Defendant's Exhibit 10 Redacted]

[Defendant's Exhibit 11 Redacted]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LAURA LYNN HAMMETT,

Plaintiff,

-v-

PORTFOLIO RECOVERY ASSOCIATES,
LLC;
DOES 1-99.

Defendants.

Civil Action No.: 4:21-cv-00189-LPR

DECLARATION OF MERYL DREANO

I, Meryl Dreano, make this declaration pursuant to 28 U.S.C. § 1746:

1. I am the Custodian of Records, Team Lead, at Portfolio Recovery Associates, LLC ("PRA"). I have held this position since September, 2017. I have been a Custodian of Records since August 2010.
2. I am over the age of 18 and otherwise competent to make this Declaration.
3. I submit this declaration for PRA's Response in Opposition to Plaintiff's Motion for Partial Summary Judgment.
4. The documents attached as exhibits to this declaration are true and accurate copies, which are kept in the regular course of PRA's business activity.
5. These documents include the Bill of Sale setting forth the date of sale for Capital One Bank (USA), N.A. ("Capital One") Account -6049 (the "Account"). A true and accurate copy of the Bill of Sale is attached hereto as **Exhibit A**.



6. A true and accurate copy of the pool-level Affidavit of Sale is attached hereto as **Exhibit B**. The Affidavit of Sale indicates Capital One transferred electronic records and other records on individual accounts to PRA, including for Plaintiff's Account.

7. PRA receives load data ("Load Data") with information related to the Account, including but not limited to, the amount of outstanding debt and personal identifying information and contact information for the individual who owes the outstanding debt. PRA receives the Load Data at the time it purchases the account. A true and accurate copy of the Load Data for the Account that PRA received at the time of purchase is attached hereto as **Exhibit C**.

8. Specifically, with respect to the Capital One Account -6049, PRA received the Load Data on the Capital One Account at the time PRA purchased the Capital One Account. Among other information, the Load Data PRA received includes: (1) the name Laura Lynn; (2) a current balance of \$2,297.63; (3) that the underlying creditor is Capital One; (4) that the account was opened in 2001; (5) the Account number of -6049; and (5) a phone number belonging to Plaintiff of 760-966-6000.

9. Based on my experience as Custodian of Records, Team Lead, the load data, Bill of Sale, and Affidavit of Sale are sufficient to establish the existence of Plaintiff's delinquent debt and PRA's ownership of that debt.

10. On April 14, 2021, PRA sent a letter to Plaintiff attached hereto as **Exhibit D**. In this letter, PRA states it has closed Plaintiff's Capital One Account -6049. The letter provides no reason for the account closure and PRA does not state in this letter that Ms. Hammett never owed a debt to PRA.

11. On April 23, 2021, PRA sent Plaintiff a dispute response letter attached hereto as **Exhibit E**. In this letter, PRA states it has closed its investigation of Plaintiff's dispute and has

closed her account as previously indicated in the April 14 charge-off letter. The letter provides no reason for the account closure and PRA does not state in this letter that Ms. Hammett never owed a debt to PRA.

12. PRA closed Plaintiff's account and waived it in light of the ongoing litigation brought by Plaintiff. Prior to waiving Plaintiff's Capital One Account -6049 on March 11, 2021, any statement that Plaintiff owed PRA \$2,297.63 on a Capital One Account -6049 was true and accurate

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my personal knowledge.

Executed on December 6, 2021


Meryl Dreano

[Defendant's Exhibit 12(A-C) Redacted]

EXHIBIT D

543523060

Portfolio Recovery Associates, LLC

Dear LAURA J LYNN,

This letter is in reference to account number [REDACTED] 6049.

PORTFOLIO RECOVERY ASSOCIATES, LLC has closed this account.

Please contact us at 1-800-772-1413 should you need to contact PORTFOLIO RECOVERY ASSOCIATES, LLC about this account.

Sincerely,
PORTFOLIO RECOVERY ASSOCIATES, LLC

Account Details

Date: 04/14/2021

Account Number: [REDACTED] 6049

Seller: CAPITAL ONE BANK (USA) N.A.

Original Creditor: CAPITAL ONE BANK (USA) NA

Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC

Balance: \$0.00

Contact Us



Online:

www.portfoliorecovery.com



By Phone:

Call 1-800-772-1413



By Mail:

PORTFOLIO RECOVERY ASSOCIATES, LLC

120 Corporate Boulevard

Norfolk VA 23502

This communication is from a debt collector but is not an attempt to collect a debt.

Notice: See Reverse Side for Important Information

602

DEPT 922
PO BOX 4115
CONCORD CA 94524

Account Number: [REDACTED] 6049

CHANGE SERVICE REQUESTED



LAURA J LYNN
500 AMITY RD SUITE 5B306
CONWAY AR 72032-5965

PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541

HOURS OF OPERATION: Mon. to Fri. 8am - 11pm, Sat. 8am - 8pm, Sun. 11am - 10pm (EST)

FOR THE HEARING IMPAIRED: TDD: 1-800-828-1120

COMPANY ADDRESS: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

DISPUTES: Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

DISPUTES E-MAIL ADDRESS: PRA_Disputes@portfoliorecovery.com

QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 6 PM (ET)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at 1-800-772-1413 or by e-mail at PRACustomerCare@portfoliorecovery.com.

EXHIBIT E

Portfolio Recovery Associates, LLC

Dear LAURA J LYNN,

Portfolio Recovery Associates, LLC ("PRA, LLC") has concluded its investigation of your dispute and is closing your account.

Sincerely,
Disputes Department
Telephone: 1-800-772-1413

Account Details

Date: 04/23/2021
Account Number: [REDACTED] 6049
Seller: CAPITAL ONE BANK (USA) N.A.
Original Creditor: CAPITAL ONE BANK (USA) NA
Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC
Balance: \$0.00

Contact Us



Online:
www.portfoliorecovery.com



By Phone:
Call 1-800-772-1413



By Mail:
PORTFOLIO RECOVERY ASSOCIATES, LLC
120 Corporate Boulevard
Norfolk VA 23502

This communication is from a debt collector. This communication is made for the limited purpose of responding to your dispute and is NOT an attempt to collect a debt.

Notice: See Reverse Side for Important Information

D2

DEPT 922
PO BOX 4115
CONCORD CA 94524

Account Number: [REDACTED] 6049
Reference Number: 14653791

CHANGE SERVICE REQUESTED



LAURA J LYNN
500 AMITY RD SUITE 5B306
CONWAY AR 72032-5965

PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541



HOURS OF OPERATION: Mon. to Fri. 8am - 11pm, Sat. 8am - 8pm, Sun. 11am - 10pm (EST)

FOR THE HEARING IMPAIRED: TDD: 1-800-828-1120

COMPANY ADDRESS: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

DISPUTES: Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

DISPUTES E-MAIL ADDRESS: PRA_Disputes@portfoliorecovery.com

QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 6 PM (ET)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at 1-800-772-1413 or by e-mail at PRACustomerCare@portfoliorecovery.com.



Your account works differently now that you're 7 payments late.

Please see the next page for important account information.



Page 1 of 2 1-800-258-9319 www.capitalone.com/solutions Mar. 08 - Apr. 07, 2011 31 Days in Billing Cycle

| | | |
|-------------------------------|--------------------|-----------------|
| Platinum MasterCard 6049 | | |
| NEW BALANCE | PAYMENT DUE | DUE DATE |
| \$1,916.05 | \$1,916.05 | PAST DUE |
| Available Credit: \$0.00 | | |

IMPORTANT ACCOUNT UPDATES
Your full balance is due. Any payment you make will reduce your balance and help pay off your debt faster. The amount you owe may differ if you've entered into a separate payment agreement.

| | | | | |
|------------------|----------------------|---------------------------|--------------|-------------|
| Previous Balance | Payments and Credits | Fees and Interest Charged | Transactions | New Balance |
| \$1,834.57 | -\$0.00 | +\$81.48 | \$0.00 | \$1,916.05 |

TRANSACTIONS
PAYMENTS, CREDITS & ADJUSTMENTS FOR LAURA J LYNN #6049

| | | | |
|----------------------------|--------|--------------|----------|
| FEES | | | |
| 1 | 04 APR | PAST DUE FEE | \$35.00 |
| Total Fees This Period | | | \$35.00 |
| Total Fees This Year | | | \$140.00 |
| INTEREST CHARGED | | | |
| INTEREST CHARGE: PURCHASES | | | \$31.51 |
| INTEREST CHARGE: CASH | | | \$14.97 |
| Total Interest This Period | | | \$46.48 |
| Total Interest This Year | | | \$170.04 |

Help is Available.

Just pick up the phone.

Call 1-800-258-9319 and a specially trained agent will be happy to help you check your balance and make payments.

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| Type of Balance | Annual Percentage Rate (APR) | Balance Subject to Interest Rate | Interest Charge |
|-----------------|------------------------------|----------------------------------|-----------------|
| Purchases | 29.40% D | \$1,261.77 | \$31.51 |
| Cash | 29.40% D | \$599.65 | \$14.97 |

PLEASE RETURN PORTION BELOW WITH PAYMENT OR LOG ON TO WWW.CAPITALONE.COM/SOLUTIONS TO MAKE YOUR PAYMENT ONLINE.

1 [REDACTED] 6049 07 1916050024191916053



Account Number: [REDACTED] 6049

| | | |
|----------|-------------|-----------------|
| Due Date | New Balance | Amount Enclosed |
| Past Due | \$1,916.05 | . |

Manage your account online.



Visit www.capitalone.com/solutions to manage your account online. Have information at your fingertips 24/7 without picking up the phone.

400004

LAURA J LYNN
4507B MISSION AVE
OCEANSIDE, CA 92057-6763



Capital One Bank (USA), N.A.
P.O. Box 60599
City of Industry, CA 91716-0599



PENGAD 800-631-6888

EXHIBIT

13A

001
07

How can I avoid paying Interest Charges? Each month you pay your "New Balance" in full, you will have a minimum grace period of 25 days with no interest charge on all new 1) purchases, 2) balance transfers, 3) special purchases and 4) other charges. If you have been paying your account in full with no interest charges applied and you do not pay your next bill in full, prorated interest charges will be assessed. There is no grace period on cash advances, special transfers, or on any new transaction when there is an unpaid balance from a previous bill.

How is the Interest Charge applied? Interest charges accrue from the 1) date of the transaction, 2) date the transaction is processed or 3) first calendar day of the billing period. Interest charges accrue on every unpaid amount until it is paid in full. This means you may owe interest charges even if you pay the entire "New Balance" one month, but did not do so for the previous month. Unpaid interest charges are added to the proper segment of your Account. However, we reserve the right to not assess interest charges at any time.

Do you assess a Minimum Interest Charge? Yes. A minimum INTEREST CHARGE of \$0.50 will be assessed for each billing period your account is subject to an interest charge.

How did you Calculate the Interest Charge? There are several calculations that are used to determine your total interest charge. 1. To get your Daily Balance: For each segment, 1) take the beginning balance and add in new transactions and the periodic interest charge on the previous day's balance, 2) Subtract any payments and credits for that segment as of that day. The result is the daily balance for each segment. However, if you paid your previous month's balance in full (or if your balance was zero or a credit amount), new transactions which post to your purchase or special purchase segments are not added to the daily balances. Also, transactions that are subject to a grace period are not added to the daily balances. 2. To find your Average Daily Balance: 1) add the daily balances together and 2) divide the sum by the number of days in the billing cycle. 3. Estimate your Total Interest Charge: 1) multiply your average daily balance by the daily periodic rate and 2) multiply the result by the number of days in the billing period. NOTE: Due to rounding or a minimum interest charge, this calculation may vary from the interest charge actually assessed.

Is the "Payment Due" a Payoff Amount? No. All stated amounts are owed on the date of the statement. However, because interest, late charges and other charges might change from day to day as provided in your customer agreement, the amount due on the day you pay may be larger. For example, if you pay the amount stated in this statement, your account might still have a balance after your payment is received. Also note that the amount you owe may differ if you've entered into a separate payment arrangement. Please call the number on the front of the statement for an exact payoff amount.

How can my variable Annual Percentage Rate (APR) change? Your APR may increase or decrease based on one of seven standard indices reported in *The Wall Street Journal*. To find which index is used for your account, look for a code (P, L, C, S, D or F) on the front of this statement next to the APR(s). Then check the table below:

| Code next to your Annual Percentage Rate (APR) | Index which your rates are based on | When your Annual Percentage Rate will change |
|--|--|--|
| P | Quarterly Prime + margin previously disclosed to you | The first day of the billing periods that end in January, April, July and October. |
| L | Quarterly LIBOR + margin previously disclosed to you | |
| C | Quarterly CD + margin previously disclosed to you | |
| S | Bankcard Prime + margin previously disclosed to you | |
| D | Monthly Prime + margin previously disclosed to you | The first day of each monthly billing period. |
| F | Monthly LIBOR + margin previously disclosed to you | |
| G | Treasury LIBOR + margin previously disclosed to you | |

Are there Additional Fees associated with my account? Yes, under certain circumstances, you may be assessed a Late or Returned Payment Fee. You may also be assessed overlimit fees if permitted by law. You will also be required to pay all of our actual collection expenses, attorneys' fees and court costs unless the law does not allow us to collect these amounts. We reserve the right to not assess fees without prior notice and without waiving our right to assess a similar fee later.

What happens if my Account is Suspended? We may close or suspend your account and your right to obtain credit at any time and for any reason, even if you are not in default. Account suspension can be permanent or temporary. If your account is closed or suspended you must 1) stop using your credit card and account, 2) cancel all automatic payments, 3) destroy all credit cards and access checks, and 4) pay all amounts you owe us, even if they were charged after the account was closed or suspended.

How do I Make Payments? Payments you mail us will be credited to your account as of the business day we receive them, as long as: 1) you send the bottom portion of this statement and your check in the enclosed remittance envelope, and 2) your payment is received in Capital One's processing centers by 5pm local time. Please allow at least seven (7) business days for mail delivery. Mailed Payments received by Capital One at any other location or in any other form may not be credited as of the day they are received.

Do you Process Paper Checks as an Electronic Funds Transfer? When you provide a check as payment, you authorize us and our agents either to use information from your check to make a one-time electronic fund transfer from your deposit account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your deposit account as soon as the same day we receive your payment and you will not receive your check back from your financial institution. Your authorization is not limited by the date on the check. We may resubmit and electronically collect the returned payments.

What if I file for Bankruptcy? If you are entitled to bankruptcy protection, this communication is for information only, it is not an attempt to collect, assess or recover a debt or claim. Do not send us payments without speaking with your bankruptcy attorney or the Bankruptcy Court. If you have questions about your account or bankruptcy proceeding, please have your attorney contact us. If you or your attorney would like to contact our bankruptcy claims servicer directly, please contact: Capital One · PO Box 30285 · Salt Lake City, UT 84130-0285

BILLING RIGHTS SUMMARY (Does Not Apply to Small Business Accounts)

What To Do if You Think You Find A Mistake On Your Statement: If you think there is an error on your statement, write to us at:

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

In your letter, give us the following information:

- **Account information:** Your name and account number.
- **Dollar amount:** The dollar amount of the suspected error.
- **Description of Problem:** If you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake.

You must contact us within 60 days after the error appeared on your statement.

You must notify us of any potential errors in writing. You may call us or notify us electronically, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question.

While we investigate whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or report you as delinquent on that amount.
- The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that we made a mistake, you will not have to pay the amount in question or any interest or other fees related to that amount.
- While you do not have to pay the amount in question until we send you a notice about the outcome of our investigation, you are responsible for the remainder of your balance.

Your Rights If You Are Dissatisfied With Your Credit Card Purchases. If you are dissatisfied with the goods or services that you have purchased with your credit card, and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the purchase. To use this right, all of the following must be true: 1. The purchase must have been made in your home state or within 100 miles of your current mailing address, and the purchase price must have been more than \$50. (Note: Neither of these are necessary if your purchase was based on an advertisement we mailed to you, or if we own the company that sold you the goods or services.) 2. You must have used your credit card for the purchase. Purchases made with cash advances from an ATM or with a check that accesses your credit card account do not qualify. 3. You must not yet have fully paid for the purchase. If all of the criteria above are met and you are still dissatisfied with the purchase, contact us in writing at:

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

While we investigate, the same rules apply to the disputed amount as discussed above. After we finish our investigation, we will tell you our decision. At that point, if we think you owe an amount and you do not pay we may report you as delinquent.

Capital One supports information privacy protection: see our website at www.capitalone.com. Capital One is a federally registered service mark of Capital One Financial Corporation. All rights reserved © 2010 Capital One

TC-10
05/01/10



Now that your account is **7 payments past due**,
the changes detailed below will apply to your account.

Hopefully, these changes will make it easier for you to take control of your finances again.



Your balance is still due and you'll be contacted soon to discuss options for resolving your debt.

You are responsible for paying the full balance on your account as well as any associated collections expenses as provided in your customer agreement, unless the law where you reside does not allow us to collect such expenses.

If we continue to send you statements, you'll now receive them quarterly instead of monthly. We may continue to report the status of your account to the credit bureaus, unless prohibited by law. We will also report when your account is paid off.

Help is available. We understand that it can be challenging to manage your finances. Here are three important facts about your account that may help make it easier for you to repay your balance:

- 1) **Highest interest balances are paid first:** You will no longer be charged past due, over limit, or membership fees.
- 2) **No more compound interest:** Future interest charges will never accrue interest—making it easier to pay down your debt faster.
- 3) **Regular payments will resolve your debt:** Since your interest doesn't compound, making regular payments will get your balance paid.

Call 1-800-258-9319 to discuss your options. If a third-party agency is already managing your account, your call will be automatically routed to them. Remember, you can check your balance and make payments online any time at www.capitalone.com/solutions.



Help is available. Just pick up the phone.

Call **1-800-258-9319** and a specially trained agent will be happy to help you check your balance, make a payment and answer any questions you may have.



Your account works differently now that you're 7 payments late.

Please see the next page for important account information.



Page 1 of 2 1-800-258-9319
www.capitalone.com/solutions

Mar. 08 - Apr. 07, 2011 31 Days in Billing Cycle


| | | | |
|--------------------------|--------------------|-----------------|------|
| Platinum MasterCard | | | 6049 |
| NEW BALANCE | PAYMENT DUE | DUE DATE | |
| \$1,916.05 | \$1,916.05 | PAST DUE | |
| Available Credit: \$0.00 | | | |

IMPORTANT ACCOUNT UPDATES
Your full balance is due. Any payment you make will reduce your balance and help pay off your debt faster. The amount you owe may differ if you've entered into a separate payment agreement.

| | | | | |
|------------------|----------------------|---------------------------|--------------|-------------|
| Previous Balance | Payments and Credits | Fees and Interest Charged | Transactions | New Balance |
| \$1,834.57 | -\$0.00 | +\$81.48 | \$0.00 | \$1,916.05 |

TRANSACTIONS
PAYMENTS, CREDITS & ADJUSTMENTS FOR LAURA J LYNN #6049

| | | | |
|----------------------------|--------|--------------|----------|
| FEES | | | |
| 1 | 04 APR | PAST DUE FEE | \$35.00 |
| Total Fees This Period | | | \$35.00 |
| Total Fees This Year | | | \$140.00 |
| INTEREST CHARGED | | | |
| INTEREST CHARGE: PURCHASES | | | \$31.51 |
| INTEREST CHARGE: CASH | | | \$14.97 |
| Total Interest This Period | | | \$46.48 |
| Total Interest This Year | | | \$170.04 |

Help is Available. 

Just pick up the phone.

Call 1-800-258-9319 and a specially trained agent will be happy to help you check your balance and make payments.

INTEREST CHARGE CALCULATION

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| Type of Balance | Annual Percentage Rate (APR) | Balance Subject to Interest Rate | Interest Charge |
|-----------------|------------------------------|----------------------------------|-----------------|
| Purchases | 29.40% D | \$1,261.77 | \$31.51 |
| Cash | 29.40% D | \$599.65 | \$14.97 |


PLEASE RETURN PORTION BELOW WITH PAYMENT OR LOG ON TO WWW.CAPITALONE.COM/SOLUTIONS TO MAKE YOUR PAYMENT ONLINE.

1 [REDACTED] 6049 07 1916050024191916053



Account Number: [REDACTED]-6049

| | | |
|----------|-------------|-----------------|
| Due Date | New Balance | Amount Enclosed |
| Past Due | \$1,916.05 | . |

Manage your account online. 

Visit www.capitalone.com/solutions to manage your account online. Have information at your fingertips 24/7 without picking up the phone.

LAURA J LYNN
4507B MISSION AVE
OCEANSIDE, CA 92057-6763



Capital One Bank (USA), N.A.
P.O. Box 60599
City of Industry, CA 91716-0599



001
07

How can I avoid paying Interest Charges? Each month you pay your "New Balance" in full, you will have a minimum grace period of 25 days with no interest charge on all new 1) purchases, 2) balance transfers, 3) special purchases and 4) other charges. If you have been paying your account in full with no interest charges applied and you do not pay your next bill in full, prorated interest charges will be assessed. There is no grace period on cash advances, special transfers, or on any new transaction when there is an unpaid balance from a previous bill.

How is the Interest Charge applied? Interest charges accrue from the 1) date of the transaction, 2) date the transaction is processed or 3) first calendar day of the billing period. Interest charges accrue on every unpaid amount until it is paid in full. This means you may owe interest charges even if you pay the entire "New Balance" one month, but did not do so for the previous month. Unpaid interest charges are added to the proper segment of your Account. However, we reserve the right to not assess interest charges at any time.

Do you assess a Minimum Interest Charge? Yes. A minimum INTEREST CHARGE of \$0.50 will be assessed for each billing period your account is subject to an interest charge.

How did you Calculate the Interest Charge? There are several calculations that are used to determine your total interest charge. 1. To get your Daily Balance: For each segment, 1) take the beginning balance and add in new transactions and the periodic interest charge on the previous day's balance. 2) Subtract any payments and credits for that segment as of that day. The result is the daily balance for each segment. However, if you paid your previous month's balance in full (or if your balance was zero or a credit amount), new transactions which post to your purchase or special purchase segments are not added to the daily balances. Also, transactions that are subject to a grace period are not added to the daily balances. 2. To find your Average Daily Balance: 1) add the daily balances together and 2) divide the sum by the number of days in the billing cycle. 3. Estimate your Total Interest Charge: 1) multiply your average daily balance by the daily periodic rate and 2) multiply the result by the number of days in the billing period. NOTE: Due to rounding or a minimum interest charge, this calculation may vary from the interest charge actually assessed.

Is the "Payment Due" a Payoff Amount? No. All stated amounts are owed on the date of the statement. However, because interest, late charges and other charges might change from day to day as provided in your customer agreement, the amount due on the day you pay may be larger. For example, if you pay the amount stated in this statement, your account might still have a balance after your payment is received. Also note that the amount you owe may differ if you've entered into a separate payment arrangement. Please call the number on the front of the statement for an exact payoff amount.

How can my variable Annual Percentage Rate (APR) change? Your APR may increase or decrease based on one of seven standard indices reported in *The Wall Street Journal*. To find which index is used for your account, look for a code (P, L, C, S, D or F) on the front of this statement next to the APR(s). Then check the table below:

| Code next to your Annual Percentage Rate (APR) | Index which your rates are based on | When your Annual Percentage Rate will change |
|--|--|--|
| P L C S | Quarterly Prime + margin previously disclosed to you Quarterly LIBOR + margin previously disclosed to you Quarterly CD + margin previously disclosed to you Bankcard Prime + margin previously disclosed to you | The first day of the billing periods that end in January, April, July and October. |
| D F G | Monthly Prime + margin previously disclosed to you Monthly LIBOR + margin previously disclosed to you Treasury LIBOR + margin previously disclosed to you | The first day of each monthly billing period. |

Are there Additional Fees associated with my account? Yes, under certain circumstances, you may be assessed a Late or Returned Payment Fee. You may also be assessed overlimit fees if permitted by law. You will also be required to pay all of our actual collection expenses, attorneys' fees and court costs unless the law does not allow us to collect these amounts. We reserve the right to not assess fees without prior notice and without waiving our right to assess a similar fee later.

What happens if my Account is Suspended? We may close or suspend your account and your right to obtain credit at any time and for any reason, even if you are not in default. Account suspension can be permanent or temporary. If your account is closed or suspended you must 1) stop using your credit card and account, 2) cancel all automatic payments, 3) destroy all credit cards and access checks, and 4) pay all amounts you owe us, even if they were charged after the account was closed or suspended.

How do I Make Payments? Payments you mail us will be credited to your account as of the business day we receive them, as long as: 1) you send the bottom portion of this statement and your check in the enclosed remittance envelope, and 2) your payment is received in Capital One's processing centers by 5pm local time. Please allow at least seven (7) business days for mail delivery. Mailed Payments received by Capital One at any other location or in any other form may not be credited as of the day they are received.

Do you Process Paper Checks as an Electronic Funds Transfer? When you provide a check as payment, you authorize us and our agents either to use information from your check to make a one-time electronic fund transfer from your deposit account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your deposit account as soon as the same day we receive your payment and you will not receive your check back from your financial institution. Your authorization is not limited by the date on the check. We may resubmit and electronically collect the returned payments.

What if I file for Bankruptcy? If you are entitled to bankruptcy protection, this communication is for information only, it is not an attempt to collect, assess or recover a debt or claim. Do not send us payments without speaking with your bankruptcy attorney or the Bankruptcy Court. If you have questions about your account or bankruptcy proceeding, please have your attorney contact us. If you or your attorney would like to contact our bankruptcy claims servicer directly, please contact: Capital One · PO Box 30285 · Salt Lake City, UT 84130-0285

BILLING RIGHTS SUMMARY (Does Not Apply to Small Business Accounts)

What To Do If You Think You Find A Mistake On Your Statement: If you think there is an error on your statement, write to us at:

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

In your letter, give us the following information:

- **Account information:** Your name and account number.
- **Dollar amount:** The dollar amount of the suspected error.
- **Description of Problem:** If you think there is an error on your bill, describe what you believe is wrong and why you believe it is a mistake.

You must contact us within 60 days after the error appeared on your statement. You must notify us of any potential errors in writing. You may call us or notify us electronically, but if you do we are not required to investigate any potential errors and you may have to pay the amount in question.

While we investigate whether or not there has been an error, the following are true:

- We cannot try to collect the amount in question, or report you as delinquent on that amount.
- The charge in question may remain on your statement, and we may continue to charge you interest on that amount. But, if we determine that we made a mistake, you will not have to pay the amount in question or any interest or other fees related to that amount.
- While you do not have to pay the amount in question until we send you a notice about the outcome of our investigation, you are responsible for the remainder of your balance.

Your Rights If You Are Dissatisfied With Your Credit Card Purchases. If you are dissatisfied with the goods or services that you have purchased with your credit card, and you have tried in good faith to correct the problem with the merchant, you may have the right not to pay the remaining amount due on the purchase. To use this right, all of the following must be true: 1. The purchase must have been made in your home state or within 100 miles of your current mailing address, and the purchase price must have been more than \$50. (Note: Neither of these are necessary if your purchase was based on an advertisement we mailed to you, or if we own the company that sold you the goods or services.) 2. You must have used your credit card for the purchase. Purchases made with cash advances from an ATM or with a check that accesses your credit card account do not qualify. 3. You must not yet have fully paid for the purchase. If all of the criteria above are met and you are still dissatisfied with the purchase, contact us in writing at:

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

While we investigate, the same rules apply to the disputed amount as discussed above. After we finish our investigation, we will tell you our decision. At that point, if we think you owe an amount and you do not pay we may report you as delinquent.

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TC-10
05/01/10



Now that your account is **7 payments past due**,
the changes detailed below will apply to your account.

Hopefully, these changes will make it easier for you to take control of your finances again.



Your balance is still due and you'll be contacted soon to discuss options for resolving your debt.

You are responsible for paying the full balance on your account as well as any associated collections expenses as provided in your customer agreement, unless the law where you reside does not allow us to collect such expenses.

If we continue to send you statements, you'll now receive them quarterly instead of monthly. We may continue to report the status of your account to the credit bureaus, unless prohibited by law. We will also report when your account is paid off.

Help is available. We understand that it can be challenging to manage your finances. Here are three important facts about your account that may help make it easier for you to repay your balance:

- 1) Highest interest balances are paid first:** You will no longer be charged past due, over limit, or membership fees.
- 2) No more compound interest:** Future interest charges will never accrue interest—making it easier to pay down your debt faster.
- 3) Regular payments will resolve your debt:** Since your interest doesn't compound, making regular payments will get your balance paid.

Call 1-800-258-9319 to discuss your options. If a third-party agency is already managing your account, your call will be automatically routed to them. Remember, you can check your balance and make payments online any time at www.capitalone.com/solutions.



Help is available. Just pick up the phone.

Call **1-800-258-9319** and a specially trained agent will be happy to help you check your balance, make a payment and answer any questions you may have.

[Defendant's Exhibit 14 Redacted]

Transcript of All Recordings Produced By Defendant

Audio 8-----12-12-13

Micheal Pietrczak: (intoxicated sounding) YEAH!

Laura: The Estate Sale. hello?

Leeta: Hello Laura?

Laura: This is the Estate Sale [inaudible]

Leeta: I'm sorry this is who?

Laura: Who is this?

Leeta: My name is Leta. I'm looking for Laura Lynn. Is she available?

Laura: Uh no this is the Estate Sale. It's a business.

Leeta: Ok I'm sorry about that. Uh does she work there?

[No click to end noise. Maybe edited. Tape ends abruptly]

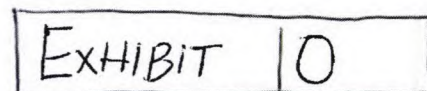
Audio 33-----3-13-17

Hello?

Joanna: Hi this is Joanna Moore calling on a recorded line for Laura Lynn. Is she available?



1



Your [disconnect]

Joanna: Hello? Hello? Ending call. No response. [waits 15 seconds] Hey Zak!

[clears throat] [disconnects]

Audio 37-----4-6-17

Sydney:

Hello?

Laura:

Hi!

Sydney:

Hello this is Sydney Graham calling on a recorded line for Laura Lynn. Is she available?

Laura:

Who are you with?

Sydney:

I'm calling from portfolio recovery associates.

Laura:

We don't accept any recorded calls on this line.

Sydney:

Uh is she available ma'am?

Laura:

Please destroy any tape you've already made. Thank you.

Sydney:

Ok ma'am I don't know who I'm speaking to so you have a wonderful day.

[end recording]

Audio 41-----8-10-17

Laura: Hello?

Abby: Hi this is Abby Baldwin calling on a recorded line for Laura Lynn. Is she available today? [hang up] Alright bye.

[end recording]

Audio 43-----8-24-17

Whitney: Hello?

Unknown (Maybe Rachel Matlock): Yes?

Whitney: Hi this is Whitney Hatch calling on a recorded line for Laura Lynn. Is he or she available?

Unknown: She won't be here until September 11th.

Whitney: you say their unavailable?

Unknown: Yes

Whitney: Thank you

Unknown: Bye

Whitney: Bye

[End recording]

Audio 42-----10-17-17

Laura: Hi?

Tamara: Hello this is Tamara Woods calling on a recorded line for Laura Lynn. Is this she? Hello?

[hang up]

Recorded voice: Sorry your call cannot be completed as dialed.

[end recording]

Audio 44-----10-19-17

Kevin: Hello?

Laura: Hi?

Kevin: Hi Kevin Malden calling on a recorded line for Laura Lynn.

Laura: Please don't call this number from a recorded line [inaudible] [disconnects]

Kevin: Hello? Hello?

Audio 40-----10-27-17

Laura: Hello?

Troy: Hello this is Troy Mitchell Calling on a recorded line for Laura Lynn. Is she available?

Laura: Who are you with? What's your name?

Troy: Portfolio Recovery associates.

Laura: From What?

Troy: Portfolio Recovery Associates

Laura: Can you please take this number off your calling list? Thank you.

Audio 45-----11-2-17

Laura: Hi?

Lavarn: Hello

Laura: Hi

Lavarn: My name is Lavarn Luis. I'm calling on a recorded line. Can I speak with Laura Lynn?

Laura: This phone does not accept any recorded calls. Thank you. Please remove it from the calling list.

Lavarn: Thank you.

[click] [waits a moment]

Lavarn: Hello my name is Larv Luis. May I speak to Jimmy Owens?

Female sounding voice: I'm sorry I think you have

[end recording]

Audio 2-----11-28-17

Mary Anne: Hello?

Laura : Hi

Maryanne: This is Mary Anne calling on a recorded line for Laura Lynn. Hello?

(inaudible, very low sound)

Thank you for calling Portfolio Recovery Associates Morgan Aire speaking. Our
callback number is 18007721413. How can I help you today? Hello?

[end recording]

Audio 1 (11-18-2020):

Gabriel:

Hi, this is Gabriel Manchaka calling on a recorded line for Laura Lynn. Is she available? Hello?

Laura:

Who is this? hold on a second.

Gabriel:

This is Gabriel. Go ahead. (about minute silence)

Laura:

Hold on. Hold on, Hold a moment please.

Gabriel:

Okay, I could wait.

Laura:

Okay. Hello?

Gabriel:

Okay. Yes. Hi, ma'am my name is Gabriel [inaudible]. I was calling for Laura Lynn.

Did you want the name of my company ma'am?

Laura:

Yes, please.

Gabriel:

Yeah, portfolio recovery associate. Am I speaking with her? Or may I Speak with her - Ma'am?

Laura:

um, sure. Yeah.

Gabriel:

Okay. I am speaking with her then. I apologize.

Laura:

Yeah, this is Laura. Okay.

Gabriel:

All right, well thank you for taking my call. Ma'am again, my name is Gabriel real quick formality. I do wanna make sure I'm calling for the correct. Ms. Lynn, uh, your date of birth, [REDACTED] of 62. Is that correct?

Laura:

Um, can you please give me more information about who you are before I start giving out information about myself?

Gabriel:

I gotcha. Ma'am well, I wasn't asking you to gimme your date of birth. I gave it to you, but I was calling in regards to a personal business matter. In order for me to continue. I'd have to verify I was speaking with the correct, Ms. Lynn, if your date of birth is an issue, I can verify a mailing address.

Laura:

What is your company's name?

Gabriel:

Portfolio Recovery Associates

Laura:

Portfolio Recovery

Gabriel:

Recovery. Yes. Ma'am

Laura:

Associates. Is that a LLC or a corporation?

Gabriel:

Yeah, we're a company. Ma'am so, um, I can further elaborate why I'm calling again, Ms. Lynn, is that the correct date of birth?

Laura:

Hello? Are you a llc or corporation?

Gabriel:

We're an LLC. Ma'am. I don't understand why that matters.

Laura:

Because I'm gonna look you up and make sure that you're actually who you say you are because you called me.

Gabriel:

Okay. That's fine. I'll wait for you.

Laura:

Yeah. Thank you. [pause] And you're a California company.

Gabriel:

Our home office, our home office is a Norfolk, Norfolk, Virginia. Ma'am you can look that up as well. You do? Okay. We may have an office in California.

Laura:

Well, it says your number... looks like a California number.

Gabriel:

Yep. Well, we own the phone number. Every number we call from, we own ma'am so it may have just popped up because you're in the state of California.

Laura:

Oh, okay. So let me find the secretary of state in Virginia. In Virginia you said?

Gabriel:

Virginia Norfolk. Virginia is our home office.

Laura:

Okay.

Gabriel:

[Long pause] And let me know when you're ready, Ms. Lynn.

Laura:

I'm sorry. It's taking me a minute. Cause uh, the corporation's commission maybe.

[distortion]

Gabriel:

I'm sorry.

Laura:

Um, I'm looking at the, in California. It's a secretary of state, but in Virginia it's uh, they call it state corporation commission. And so, um, I've got them now portfolio. I'm sorry, I just don't talk to anybody who calls me, you know, I have to check and see who they are.

Gabriel:

you're fine.

Laura:

Are you, and so you're at 120 corporate Boulevard, Norfolk Virginia?

Gabriel:

Yep. That'd be our home, our home office address. Yes ma'am.

Laura:

Okay. Okay.

Gabriel:

Okay. So I can continue?

Laura:

Yeah. So what number can I reach you now if I need to?

Gabriel:

The phone number I'm calling you on is a good contact number for us. I'm sorry.

Ms. Lynn is the date of birth, correct? [REDACTED] of 62.

Laura:

Um, what is this about?

Gabriel:

A personal business matter. I can further elaborate if I can verify that information.

Laura:

What's my address?

Gabriel:

5757 Erlanger street, San Diego, California. 92122.

Laura:

No.

Gabriel:

Was that a previous address?

Laura:

Um, I don't recall that address.

Gabriel:

Okay. All right, then it's the wrong address? We have a department that adds addresses on there. They may have got that incorrect. So ma'am the point of it is if that's your correct date of birth, then you're the correct person I'm calling for. And if I can even verify the last four of your social security, 7083. So is any of that information correct, Ms. Lynn?

Laura:

So, who is, uh, who do I supposedly owe money to?

Gabriel:

Well ma'am I can further elaborate why I'm calling. If I'm able to verify that information. Once again.

Laura:

Ya, you verified it.

Gabriel:

No, you haven't answered my question. I asked you if it was correct. Ma'am is it correct? [pause] Ms. Lynn?

Laura:

What?

Gabriel:

I'm asking you if it's correct your date of birth, your social seven zero eight three, or your date of birth of [REDACTED], 1962. Is that information correct? Ma'am

Laura:

Maybe, uh, I don't feel comfortable sharing my information with you.

Gabriel:

Ma'am I already have your information? Ma'am you're not sharing it with me. I'm not asking you to gimme your date of birth. I'm not asking you to provide me the last four of your social. If anything, I have it too, I have it. I'm providing it to you.

Laura:

Excuse me, sir. Um, whatever this is about, please send me a letter and don't use this phone number.

Gabriel:

No, ma'am I can't do that. I can't send you a letter cause you haven't. I'm sorry to interrupt cuz you haven't verified. If you're the correct Laura Lynn I'm calling for. So I cannot process your request ma'am so unless we're able to get over this first step, this first hurdle, we really can't do anything. Ms. Lynn, I don't think we're gonna be able to do that. So I'll go ahead and let you go then.

Laura:

Then don't call this number again please.

Gabriel:

Why ma'am? Why? We're calling for you. You're just unwilling to verify you're the person we're calling for. Ma'am okay. It's not a wrong number for the person we're calling for...

Laura:

Because I'm on a do not call list and --

Gabriel:

We're not telemarketers.

Laura:

It doesn't matter?

Gabriel:

It does matter. Ma'am we don't have a do not call list. We're not telemarketers.

Laura:

You're telling me that you're allowed to make a collections call, even if a person asks you not to and to put it in writing?

Gabriel:

Well ma'am you can most definitely put it in writing. If you would like you can send us a cease and desist. If you would like you have our address, you've looked up my company so you can do, as you see fit.

Laura:

I'm asking you and I'm recording the call and I'm telling you to remove me from your calling list.

Gabriel:

There is no calling list to remove you from.

Laura:

Anything that you want to say to me, needs to be put in writing and do not call this number again, ever.

Gabriel:

Okay. Ma'am again. Okay. Again, ma'am it's the same. Ma'am it's the same response I had earlier. Ma'am I? Regardless of how you put it or you format, it's the same response I had earlier. So I apologize, Ms. Lynn, I'll go ahead and let you go. You have a great day.

Laura:

Thank you.

Gabriel:

All right. Bye bye.

Audio 5-----11-29-20

[voicemail receiver]

Audio 3-----11-30-20

[ding]

[46 seconds of silence]

Audio 4-----12-5-20

[voicemail receiver]

Audio 6-----12-9-20

Lucenda: Hello

Laura: Hi

Lucenda: Hi this is lucenda chilfed calling on a recorded line for Laura Lynn.

Laura: What company are you with?

Lucenda: Uh, Portfolio Recovery Associates

Laura: I've asked you not to call this telephone number and to put anything you have to say into writing. Thank you.

Audio 7-----12-11-20

Brea: Hello

Laura: Hello

Brea: Hi. Hi my name is brea ease calling on a recorded line for Laura Lynn. Is she available?

Audio 10-----12-15-20

Anna: Hello?

Laura: Hi

Anna: Hello this is Anna Moreno calling on a recorded line for Laura Lynn. Is she available?

Audio 9-----12-16-20

Ben: This is Benjamin Clay calling on a recorded line for Laura Lynn.

Laura: Hold Please

Ben: I'm havin' a hard time hearin' ya'.

Laura: Hold please.

Ben: You said hold please?

Laura: Yes. hold please.

Ben: Ok ok.

Laura: I'm sorry please repeat. What did you say?

Ben: This is Benjamin Clay. I'm calling on a recorded line for Laura Lynn. Is she available?

Laura: Please delete the recording. You have no permission to record me. Delete it now. And I will bring criminal charges if I ever get a copy of any recording made by you.

Ben: [inaudible]

Audio 13-----12-18-20

[voicemail receiver]

Audio 11-----12-21-20

Autumn: Hello this is Autumn Harvey calling on a recorded line for Laura Lynn.

Hello? Disconnecting call.

Audio 12-----1-5-21

Mivy: Hello?

Laura: Hi! Who is this?

Mivy: Hi this is. Sorry. This is Mivy Calling on a recorded line for Laura Lynn.

Audio 14-----1-6-21

Hi this is Kathy Qualls callin on a recorded line for Laura Lynn please.

Audio 15-----1-10-21

Laura: Hello?

Lion Bread: Hello this is [inaudible] calling on a recorded line for Laura Lynn. Is she available?

Audio 18-----1-11-21

[ding] [disconnect]

Audio 19-----1-12-21

[voicemail receiver]

Audio 16-----1-14-21

[scratches phone] [disconnects]

Audio 20-----1-15-18

Laura:

Hello?

Akyria:

Hello this is Akyria [distortion]

Laura:

What

Akyria:

Hi this is Akyria callin on a recorded line for Lauren Lynn

Audio 17-----1-17-21

Laura:

Hello?

Unknown:

Hello this is [inaudible] calling on a recorded line for Laura Lynn. Is she available?

Audio 22-----1-20-21

[voicemail receiver]

Audio 21-----1-22-21

Hello this [inaudible] calling on a recorded line for Laura Lynn. Is she available?

Audio 23-----1-26-21

[voicemail receiver]

Audio 24-----1-29-21

Julie:

Hello? Hello?

Laura:

Hi

Julie:

Hello this is Julie Eperson calling on a recorded line for Laura Lynn. Is she available?

Laura:

{disconnects}

Julie:

Ending call goodbye

Audio 25-----1-25-21

Gourd:

Hello this is Risa Gourd calling on a recorded line for Laura Lynn. Is she available?

Audio 26-----2-1-21

Hello this is Michael Pool calling on a recorded line for Laura Lynn. Is she available?

One moment please [disconnects]

Audio 27-----2-1-21

Ivani:

Thank you for calling portfolio recovery associates. My name is Ivani Whitter, and I'm do have the pleasure of speaking with?

Laura:

Hi. I'm the owner of a telephone with the telephone number (760) 966-6000. I just received a phone and when I sent the to give me up, um, I received the number from the number. I just file through you from us to be able to turn on my paper for as well. Well, that, uh, called on a tape supported line and I was receipt call. Since that time, time to person identifies themselves, um, by their, and says call on a record of the so, um, I would like to have this number removed from this

calling list one, any, um, correspondence you have with this person to writing?

Um, hello?

Ivani:

Yes, hello I'm there. I'm sorry. It's breaking up. Um, quite a bit. I do believe I heard the gist of what you were saying. Um, you don't want to be recorded and you keep receiving calls after you stated that you did not want to be called on a recorded line is that, correct?

Laura:

Correct. And I did tape record that call that I requested that in and I am tape recording this call.

Ivani:

And that's no problem at all. Um, now it, you, you mentioned the name, Laura Lynn, is that you?

Laura:

That is the person that they keep asking for and it is, it is not my policy. It is not my policy to give any information whatsoever about my personal being with random people who call my telephone number.

Ivani: I understand

Laura:

No, who I am is no of their business until they could identify who they are, why they're calling. And then if I want to discuss who I am with them at that time, I will. Um, if not, and I think [inaudible] sometimes a court order that responds me to disclose who I am. And, uh, I, I, I'm going to file suit against your company for these calls that are made to number that is clearly on the do not call list, might have no business with your company that I am aware of. Um, um, you, the telephone call, I, I am writing down mom, I'm going thousand dollars for phone call, uh, penalty because I am on the, do not call list. [inaudible] without permission is illegal. It is criminal act. And each time that they call me and say, I'm calling on a recorded line. They, when I speak before they tell me that it's a recorded line, they are violating a criminal law. You need to ask the people first, if you can record them before you start recording.

Laura:

Hello?

Ivani:

Yes, ma'am, I'm still here. I do apologize. I was informing my manager, what you were telling me, just letting her know what was going on. Um, so I definitely understand that and I do apologize. now we don't actually have a do not call list. It could be that we are actually trying to reach the wrong per excuse me, the wrong person. Um, the number that you did call in the seven six zero nine six six, 6,000, um, that did populate something here. Um, now in order for me to, you know, mark it as the wrong number, I would need to know who I'm calling, who I'm speaking with. I do apologize.

Laura:

No, the number is on the do not call list for the national registry. That's a number, a registry that you required to look at. Um, and I have made a request that you do not call this number. Anything that you have to say to the person that you are trying to reach should be put in writing.

Ivani:

Yes, ma'am

Laura:

[inaudible] your company has disrupted telephone calls that I have been on the phone with law. I have been on the phone. No, just, um, and they have telephone

calls and still my sleep. And I have requested that say to the owner of that telephone number put, and for the owner of that telephone number that you believe is the owner that phone [inaudible]

Ivani:

I'm sorry. Ma'am, you're breaking up quite a bit.

Laura: Okay. Well, I I'm sure that my tape recording will be very clear when it's brought in this evidence. So, um, I just, that you stop making telephone calls to this number.

Ivani:

Yes ma'am. I understand.

Laura:

So it's [inaudible] actually it's [inaudible] nine, six any longer.

Ivani:

Thank you. Yes, ma'am and it's not me. That's called you. We do have call centers and in the call due to our spot.

Audio 30-----2-2-21

Hello? This is [inaudible] on a recorded line for Laura Lynn. Is she available? Hello?

Ending call. No response. Goodbye.

Audio 28-----2-3-21

[voicemail receiver]

Audio 29-----2-9-21

Laura:

Hello?

Miller:

Hi my name is Christy Miller. I'm calling on a recorded line for Laura Lynn. Is this she?

Audio 31-----2-13-21

[Voicemail receiver]

Audio 32-----2-16-21

Hello this is [inaudible] on a recorded line for Laura Lynn. Am I speaking with them?

Audio 35-----2-18-21

Tabitha:

Hi, this is Tabitha Bochears. May I have your first and last name please?

Laura:

Um, my first name is Laura. My last name that you have is Lynn L Y N N. And okay.

Um, I, um, can you please spell your name?

Tabitha:

T a B I T H a. And my last name is B O S H E A R S.

Laura:

Okay. Um, I have received several calls, repeated calls. Um, several is an understatement [inaudible] so rampant [inaudible] I'd like to ask, You're trying to collect. Okay.

Tabitha:

Hello? Um, well, yes, I can hear you now. Ma'am sorry. I'm sorry. You were breaking up there. You said you were receiving the calls and then I'm, what did you say after that? I apologize.

Laura:

What is the alleged debt that you are allegedly trying to collect?

Tabitha:

Okay. Um, I do see something with the name that you provided. Can you verify your address, our date of birth, or last four of the social?

Laura:

 1962.

Tabitha:

Okay. All right. Ma'am so we're showing, uh, capital one MasterCard. I do need to read you a disclosure, the law limits, how long can be sued on that debt because

of the eight of your debt. We will not see you for, and we will not report it to any credit reporting agencies, depending on the laws of your state. Certain actions, such as making a payment or promising to pay the debt may restart the time period for the filing of a lawsuit against you. But even that were the case, we still will not see you in this debt. The MasterCard has a balance of \$2,297 and 63 cent. And there is a settlement offer from our corporate office with three options here to help you save some money. The first one's a one time payment, \$1,493 and 46 cents, six payments hundred.

Laura:

[Inaudible] Give me the offer. You, you don't need to give me any offers because I don't owe any money. I do not have any you're debt.

Tabitha:

Are you familiar with this account?

Laura:

I'm not, I do don't have any debt. I actually know that I have no debt and you ran my credit report on Date was not, Uh, gimme a moment, please I have papers.

Okay. On 11/1/ 2019 portfolio recovery associates, associates ran my credit report. And so you are as well aware as I am that I have no debt for, for letter and

I guard my credit jealously. Um, and I do not want any more phone calls or electronic communication. I will give you an address that you can contact me at. Um, that address is Laura Lynn hamett. It's 500 Amity road in A M I T Y road, suite five, B as in Bravo, number 3 0 6. That's in Conway, Arkansas, 72032.

Tabitha:

Okay. Okay. Sorry. Ma'am you're going pretty fast. Bear with me just a moment, please.

Laura:

Okay.

Tabitha:

Okay. Let me tell you what I have of the address you gave me 500 Amber T road

Laura:

Ville. It's A M I T Y.

Tabitha:

Okay.

Laura:

You said road.

Tabitha:

Okay. And that was suite five B?

Laura:

yes.

Tabitha:

Number 3 0 6?

Laura:

Yes.

Tabitha:

Okay. And Conway, Arkansas?

Laura:

Yes.

Tabitha:

Okay. And 7 2 0 32?

Laura:

Yes.

Tabitha:

Okay. And then I need to give you an address if you don't want us to communicate with you, you just need to send that in writing. Tell us what you're wanting us to do as far as communications, if it's okay by mail.

Laura:

Okay.

Tabitha:

Okay. So you just need to send that to portfolio recovery associates, uh, 140 corporate Boulevard. Norfolk, Virginia.

Laura:

Is it N O R F O L K?

Tabitha:

Yeah. That's correct. And zip code is 23502

Laura:

2 3 5 7 2 72,

Tabitha:

Uh, 3502

Laura:

23502. Okay.

Tabitha:

Yes, ma'am. And the 760966000. That's your number? You're just not wanting any more calls, correct?

Laura:

Correct. And it's my business. I'm self-employed and I don't allow my employees, including myself to receive calls on this line for anything other than power business, which we have none with you.

Tabitha:

Okay. No problem. I can get that updated. No calls that work for you. Um, I do need to go over this with you. You said that you don't have any debt, so you don't know what this is. Is that correct?

Laura:

I have no debt. And so I know that whatever you have is not my debt. It is absolutely not my debt. I do not have any debt. And so anything that you allegedly have is not my debt.

Tabitha:

Okay. So I'll go ahead and place it in a dispute for fraud for you. Give me just a second here. Your account will not be sent to our disputes department and you can expect to receive documentation in the mail in reference to the dispute.

Laura:

Just don't call me, don't use any electronic form of communication and stop harassing me.

Tabitha:

All right. Ma'am I'm gonna put it in as a verbal full cease assist, and that will put it on a temporary hold to give you time to send it in writing. Once we receive it in writing, it'll be permanent.

Laura:

Thank you.

Tabitha:

You're welcome. Have a good day. Bye.

Audio 34-----4-1-21

Evan: Hello?!

Elsa: Hello this is Elsa Colliet calling for Evan Jackson.

Evan: That's me.

Elsa: Hello Mr. Jackson. I'm Elsa Colliet sir. And for verification your date of birth is
[REDACTED] correct?

Evan: That's correct.

Elsa: Thank you. I'm calling from portfolio recovery associates regarding your dell
account.

Evan: We're gonna pay you as soon as soon as we can. Ok? Thank you. Buh-bye.

[disconnects]

Elsa: [sighs]

Audio 36-----4-10-21

Deborah:

Thank you for calling Portfolio recovery associates. This is Deborah Davis. May I have your first and last name?

Laura:

Hi, um, my first name's Laura. And my last name that you have is Lynn, L Y N N.

Deborah:

Correct. And hi, Ms. Laura Lynn, how are you today?

Laura:

I'm fine. I just want some information. I have received a letter from you. Um, it, uh, it it's, it says that, um, [inaudible] to conclude this investigation, uh, you dispute closing account, it was actually to my address [inaudible].

Deborah:

So could you verify the address on file?

Laura:

Yeah, the address on file is 500 Amidy road, suite five, B 3 0 6, Conway, Arkansas,
72 32 5 9 65.

Deborah:

All righty. Thank you for verifying that information. And for the last four of your
social, I have the 7 0 83. Is that correct?

Laura:

Yes.

Deborah:

Yes. Okay. Alrighty. And you were calling in reference to the letter you received?

Laura:

Yes. Um, the letter dated 3/ 18/ 2021.

Deborah:

Correct. And did you have a question? Yes, ma'am. Did you have a question or
something?

Laura:

Yeah. You have a copy of the letter in front of you?

Deborah:

I do not have a copy of the letter that I can read to you in front of me. I do not, but how can I help you?

Laura:

Uh, is that letter from me?

Deborah:

Yes, it was sent to the right address.

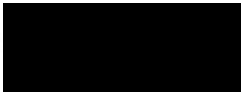
Laura:

And so you're saying that, um, you concluded the dispute and you closed my account?

Deborah:

Correct.

Laura:

Okay. The, the letter that was sent to me, the Laura  The other letter that you sent to me was on 2 [inaudible]. It was dated 2 19 2021. That letter

you had L Y N M. And Do you know why the name on this letter says [REDACTED]

instead of L Y N N?

Deborah:

I don't know why.

Laura:

Oh, can you find out why?

Deborah:

Um, I'm sorry, I don't have a copy of the letter. Um, I don't have a number that I can transfer you to. I can, um,

Laura:

[inaudible] Account Letter. the account number on the letter. I'm sorry, go ahead.

Sorry, go

Speaker 3:

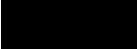
Ahead.

Deborah:

No, you could go ahead. I'm listening.

Laura:

The, the account number on this letter that says that you've closed. My account is

 I don't wanna give the whole number. I'll you the last four digits? Cause then I report the last four [inaudible].

Deborah:

I'm sorry. Repeat the last four

Laura:


Deborah:

Okay. That's totally different,

Laura:

Right? It's totally different than mine. My account number and nine,

Speaker 3:

Nine-

Deborah:

Correct.

Laura:

So someone else, I must that you have someone [REDACTED] an account number that [REDACTED] [inaudible echo] you had Laura J Lynn. So do you know why this letter says [REDACTED] instead of L Y N N?

Deborah:

Gimme one moment. Let me check with manager for you, okay?

Laura:

Thanks.

Deborah:

I'm gonna put you on a brief hold and you said this is a good contact number. I'm speaking to you on Ms. Lynn.

Laura:

Yeah. If we get disconnected, you could call me at (760) 966-6000. But this is a one time for permission.

Deborah:

Okay.

Laura:

You cannot use that. You cannot call this number for the [inaudible] if we get disconnected and you have to call

Deborah:

You. Okay. Alrighty, one moment. Okay.

Laura:

Thank you.

Speaker 4:

Enter. The five digit extension of the person you are calling Enter the five digit extension of the person you are calling now.

Laura:

Hello? It sounds like, Oh, Sorry about Hal. I haven't taken a shower yet today. If I have a need to use this recording in court, I will try to pass forward [inaudible] or we could play [inaudible] elevator music. You're still connected.

Deborah:

Hello, Laura.

Laura:

Hi. Yes.

Deborah:

Yeah. Thank you so much for patiently holding. Yes. Um, you would have to call back Monday through Friday between the hours of 8 to 5:00 AM. Um, 8 to 5:00 PM. We're on the Eastern standard time zone to speak to someone in the dispute department. I'm gonna give you their extension.

Laura:

Uh, this is the number that I have on the letter, but okay.

Deborah:

That is a good number. That that's a good number that you called, but there, the dispute handles that information. So that's the department that you need to speak to.

Laura:

Well, department, are you,

Deborah:

I'm the collections department. Ma'am customer service. I'm the customer service for the collections. We do not handle the dispute or the purge account. The dispute department handles that. So I'm gonna give you their direct extension. You have called the right number. So you could call that number again, but the, the dispute extension is one zero. Yes, 180 180

Laura:

1081.

Deborah:

Correct.

Laura:

Okay. Can I get Hello?

Deborah:

Yes. Ma'am.

Laura:

Can you please spell your name?

Debra:

Sure. It's Deborah, D E B, like boy, R a. And the last name is Davis.

Laura:

DAVIS

Debra:

V I S. Yes. Yes. Ma'am

Laura:

Like the, the university university

Debra:

Davis. Yes.

Laura:

Um, I have two sisters who went to Davis, went Davis.

Debra:

Okay.

Laura:

Okay. Um, anyway, so why you can't anymore? You can't

Debra:

Ma'am

Laura:

Tell.

Debra:

No ma'am I, No, ma'am it doesn't show me the letter. So I, I don't know.

Laura:

Okay. I've sent two emails to the dispute department and I have not received, um, anything back from them. Can you call, verify, tell what I have. And you told me if it's correct? Correct.

Deborah:

Okay.

Laura:

P P like portfolio R recovery, a I mean, R a associate dispute [inaudible] polio.com

Debra:

um. Correct.

Laura:

Okay. So I, I sent you have a notification there for like, do you have thing on incident report or something that shows that I've mail into email?

Deborah:

One moment. Let me see if they notated. Yeah, they notated, uh, incident report on March 11th. The just be department notated on March 11, filed complaint

Laura:

On March 11th, um.

Deborah:

Correct.

Laura:

Um, okay. What about yesterday?

Deborah:

Yesterday?

Laura:

Yeah, that was yesterday was April nine. I that's one. I wrote the second email.

Deborah:

I'm not showing anything notated for April the ninth.

Laura:

Does it show a

Deborah:

A complaint ID, a complaint ID number 423065 on March the 31st. I'm showing

Laura:

It's 4, 2, 3065. That's a complaint

Deborah:

ID number? Yes, on March the 31st. I see that on here

Laura:

On March 31st. Okay. But you just said March 11th, March 11.

Deborah:

I can see what March 11th. And I see that note March the 31st.

Laura:

What, what's the note on March 31st day.

Deborah:

That's that was it. I just gave it to you complaint case ID 423065.

Laura:

Oh, that's all they wrote. And then it's it. Yes. Ma'am. And then there's so there's too much, two notations, one March 11th, email received. And one is March 30 complaint ID ID?

Deborah:

Yes.

Laura:

Oh, okay. But they don't do they show where they responded, responded?

Deborah:

I don't know how they notate their information. Ma'am you will have to call them directly. As I stated, I do not work for that department at all.

Laura:

Okay. But, but you are able to do notations on your register there, like you see the notation that an email came in.

Deborah:

It doesn't say whether it was an email or not. It just says review, account and correspondence. And then it says here for the 31st complaints case ID number for the March, the 31st on March, the 11th, it states received file complaints.

Laura:

Okay. And so they, they, there's no notation there that they ever responded. And you're just not sure if they possib,

Deborah:

I don't know. I don't know how they handle it or where they put their notes or anything. I just able to see what I see and give you that information that I see, I see that this account was disputed on March the eighth.

Laura:

Okay. Account disputed March 8th,

Deborah:

March 8th. Correct. And that's when you put in the C and D and assist requested by Laura Lynn on March the eighth, the same day that the account was disputed. So that's what I see. Oh, as far as the notation on the account.

Laura:

Oh, okay. But, um, um, there was some talk we had talked about, um, I'm sorry. I just, I drew a blank. So March 8th, you've got us using to Show they a letter from, and its dated dated February 19th, 19th.

Deborah:

Yes. There is a note up here February the 19th letter dispute response.

Laura:

Oh I, so they, they sent out a dispute response dated September, I mean February 19th or is there any other, any other response notated?

Deborah:

So from February to 19th, it goes to the March, the eighth where you requested the C N D. March 11th filed complaint. And then on March, March the 15th, it was a case number for the dispute of 1, 4 6 5 3 7 9 1.

Laura:

3 7 9 1 Okay. Nine one. That number. Yeah. I don't have that number.

Deborah:

Okay. Okay. That was the dispute number.

Laura:

Yes.

Deborah:

Um, on March the 15th, they said they received incoming customer mail

Laura:

On March 15th, March 15th,

Deborah:

Correct.

Laura:

Okay. That was incoming,

Deborah:

Correct? It said incoming that's correct.

Laura:

Yeah. And I, I did send them a [inaudible]

Deborah:

I'm sorry,

Laura:

so there's no other response from them notated?

Deborah:

That's basically what I see. Ma'am and we talked to you February the 18th,

Laura:

Right? You, yeah, there was a conversation on February 18th. Okay. And that as,
as it goes, is that February 18th, February 18th,

Deborah:

The count goes off. The count. The count goes all the way to when the count,
what, when we got the count in our office

Laura:

Back in like 2014?

Deborah:

Um, let me look at, see for you. 2013, November the 19th, 2013th, actually.

Laura:

Oh, okay. Was, did you try, you told me before 21, 20 20, [inaudible]

Deborah:

I'm sorry. Say repeat that question. You're breaking the up really bad. So I'm like hearing every other word. Repeat the

Laura:

I'm sorry. Did, did they try to contact me before? Uh, 2020? So like, did they try to contact me?

Deborah:

And we, we have to notify the, a customer that we have their account. So we have to send a notification letter, um, to the customer to let them know that we do have their account, um, when we buy the debt. So, um, we, we do have to do that

Laura:

And, and it shows that you did that?

Deborah:

Yeah. Yeah. It would definitely show that we did that. It said that letter was, was, uh, sent returned address. It said the letter got returned. It was sent to 57, 57 Erlanger street. It came back undeliverable. And then, um, the new address was updated, um, in February of 2014.

Laura:

Oh, which did the, a new address? New address?

Deborah:

It just, it doesn't, it doesn't say it just said new address updated.

Laura:

Oh, okay. Okay. Okay. Um, so do think that it, that it says there, that they have now said, um, they finished to see account the balance of zero

Deborah:

And your account is in approach status. It's what, it's a, what here on our purge. It has been purged. So that, that means that you're not obligated to pay the debt.

It's an, a purge status. So anything else further to go to that? Um, you would have

to definitely talk to the apartment that is handling this account, which is the dispute of, and they will provide you any information that you will need. You can call the +1 800-772-1413 and their extension directly is one zero one eight one.

Laura:

And so I'll call them and ask them to send me the revised letter letter, um, with the correct name and account number on it. But you, I mean, this is kind of positive, but the, I mean, good positive in the sense of good that it sounds like the balance showing next collection standpoint is zero. Right?

Deborah:

I don't. So you, it, the account is Purg ma'am I don't see the balance being zero. I don't see that. All I can use is the terminology that I have. And that is the status of account is Purg. That's all I can tell you. It doesn't show on my end that the balance is zero. So I can't tell you yes. It zero to zero balance. I can tell you something that I don't know anything or speak about anything I know nothing about.

Laura:

Okay. So you, you, um, don't really know anything else. Thank you. So she's, uh, informative and no

Deborah:

No problem. I appreciate you, Laura.

Laura:

Yeah. Thank you. Thank you, bye.

Deborah:

Right. And you can reach them at eight o'clock on Monday morning eight. They come in on the Easter standard time zone eight to five, Monday through Friday.

Laura:

Okay. Thank you. Thank you. Bye.

Deborah:

You as well.

Laura:

Okay. Thanks, bye.

Deborah:

Thank you so much.

Audio 38-----4-12-21

Tony:

Hi, good morning. This is Tony [inaudible] department with portfolio recovery associates. Our calls may be monitored or recorded. This communication is with the debt collector, but it is not an attempt to collect the debt. My name is Tony. May I have your first name, last name and account number?

Laura:

My first name is Laura. The last name you have for me is Lynn L Y N N. And the account number is, um, five. Can I just give you the last four digits of it?

Tony:

No, I need the full account number ma'am.

Laura:

Okay. Um, [REDACTED] 6 0 4 9.

Tony:

All right. And I'm sorry, may you state your name once more for me please?

Laura:

Laura Lynn.

Tony:

Thank you. And may you verify your date of birth as well as the last four of your social?

Laura:

██████████ 1962 5. Um, sorry, just 7083. Thank you. I [inaudible] do that in that.

Tony:

All right. And are you calling about the capital one bank account that was open on May 8th, 2001. And the balance I see is \$2,297 and 63 cents.

Laura:

Um, that's what allegedly, there's an account of that, but, um, that, that's what you're alleging. Um, I'm calling because I received a letter, um, on April four. I, I had to do that one in my head too for on 4/1/2021. And, um, the letter was addressed to my address. 500 Amidy road, suite five, B number 3 0 6, Conway, Arkansas, 72 32. And it says, uh, uh, portfolio recovery associate fee has concluded its investigation of your dispute and is closing your account. And the balance shows a zero.

Tony:

That is accurate. Do you -

Laura:

Have a record having, so -

Tony:

Yes, I do show that this account was closed, um, in depth in favor. So in your favor.

Laura:

Okay. So then why, when I started the conversation with you, did you say, are you calling about the-

Tony:

Because I have -

Laura:

To account that has, -

Tony:

Because I have to provide that information to you. That's just a part of the protocol here. Um, because we have to conclude that this is the account that you're calling for. I didn't say it was open or closed. I just asked you, is this the account that you're calling for?

Laura:

Oh, okay. So, um, yeah, cause that makes it a little scary to me that, you know, like I like you didn't get rid of the account, so, so, um, what I need for you to do, oh, what happened is you actually wrote the letter, not you personally, but you know your company, but when I say you, I mean, portfolio recovery associates LLC, but, um, when you wrote the letter, dear Laura [REDACTED]. So the last name was [REDACTED]. So like when I first saw it, I thought it was me because I sight read, you know, I don't sound out the words, like my five year old granddaughter, I actually, you know, just see the Laura and then the [REDACTED] and I just presumed it was to me. Um, and, but then when I went to document it, I saw that the account number, uh, on the letter is, um, ends in [REDACTED]. And, and it, none of the digits are the same as mine and it actually starts with a four. So it's quite different than mine. Um, it is to the same bank. So the rest of the information looks just the same as, um, the original letter that I received from you. Um, but for some

reason, can you tell me why it has somebody else's account number and name on it?

Tony:

Okay. So what's, what is the name on the, um, hold on, let me take, hold on, gimme one second. So I can get, gather all this information.

Laura:

Okay. Okay.

Tony:

All right. So what is the actual name on the paperwork that you received?

Laura:

Laura L A U R A, just like my name then [REDACTED]. And then the last three letters are [REDACTED] like the word [REDACTED]. Wow. [REDACTED]

Tony:

Let me see something here.

Laura:

And the last four digits of that account number are [REDACTED]

Tony:

And that's on the paperwork that you received?

Laura:

Yes.

Tony:

Okay.

Laura:

And, and it's dated, it's dated 3 /18/ 21, but it did not arrive to my post office box until April 1st, 2021.

Tony:

Let's see, I'm taking a look here, cause that is pretty strange. Does it give you any, it doesn't give you the full account number. Just the last four.

Laura:

It does give me the full account number. Okay. If you want that,

Tony:

Please.

Laura:

[REDACTED]

Tony:

Okay. Allow me a moment. That is so strange. Um, I

Laura:

Do you have that with that account number?

Tony:

I did pull up that account number and I do see here where your address was updated on this account on March 31st. How that happened? I don't know how that person got your address. I don't, I, I really don't have a way to explain.

Laura:

Oh, you said that it was updated on March 31st?

Tony:

Yes.

Laura:

Okay. So somehow on March 31st, that person's address got updated to my address. What's on my account. Do you still have my address?

Tony:

Well, gimme a second address update. Let's see case cancel, enter on. Oh, I do see here. Okay. So it looks like, I guess it was a bit of confusing or just a mix up. Um, they did went ahead and on that same day on March 31st and they cancel, I guess a complaint came in some way and they, they entered, it says enter on wrong account. So it, somehow it got mixed up and whoever was responsible for doing that work at that time, um, had to, uh, they had to go back and review and they found out they had an yeah. Okay.

Laura:

I'm sorry. [REDACTED] does not necessarily have a zero balance. She has some other balance, right?

Tony:

Exactly correct.

Laura:

But, okay. So they meant this letter to come to Laura Lynn at my address with my account number. But when they went to generate the letter, they had to input the account number and name again or something? Is that what, when they go to generate the letter for me, did they like that person who entered the wrong data? When did they enter that wrong data?

Tony:

I mean, I really can't go into too much details on Ms. [REDACTED] account because that is a different person, but, um, the error was fixed. Yeah. The error was fixed.

Um, they did notice it, I guess they couldn't catch it before the letter went out.

Um, but I do see here that it was correct.

Laura:

And you won't, you aren't gonna send Laura, did you send anything else to me besides this letter and the one letter on, um, that's the there's one letter dated February 19th, 2021. I didn't receive that until like March 2nd, 2021.

Tony:

Is that the fraud after That yours speakin of?

Laura:

Yeah, that that's the, um, fraud affidavit. Okay. Uh, so that came to me and then this second letter that stated March 18th, 2001 came to me and it got to me on April 1st, 2021. And other than those two letters, were there any other letters sent out to me that might have gone to [REDACTED] instead?

Tony:

Well, as I'm looking over your account now, um, no. All I see to see is the fraud affidavit that was it's listed on two 18, but of course you got it dates later. That's just what it was requested for you. And let's see. Um,

Laura:

Oh, so those dates, aren't the mailing dates. Those are just like the,

Tony:

The request dates.

Laura:

Yes. That's when you generate the letter or request, oh, that's the request date.

Yes. But then yeah. Cause I wondered why it was so much further to when it got to me. Right. And I, you know, okay.

Tony:

So that's just, how come

Laura:

They never mailed,

Tony:

Oh, sorry, go ahead, miss.

Laura:

How come they never mailed that? Um, initial disclosure?

Tony:

I don't believe they're going to send a disclosure. Um, you talking about for the mix up of the account?

Laura:

No, the, the, they call it a mini Miranda where you you're supposed to disclose to the like no one ever told me that I could, um, ask for my, uh, verification of the,

Tony:

Of the, of the debt. Oh.

Laura:

But I did I down, I fell and I wrote three letters to you asking for the verification of the debt and I never got that.

Tony:

Oh, I'm so sorry. We have a specific male team that, um, should have, um, I believe they, um, should have put in a request to validate the debt for you. So I'm sorry that that didn't happen for you at that time. I'm not sure. You know, I can't see what happened cause I'm not sure what happened.

Laura:

Right. Are you able to do that now?

Tony:

Yes. Ma'am. Let's see here.

Laura:

Okay.

Tony:

Let me take a look at the account.

Speaker 3:

Let's see.

Tony:

So I'm trying to just pull up some statements from your account. All right, Ms.

Lynn, well, actually I don't even have any statements, um, on this account to even send to you. So that's probably why it was closed in your favor. Um,

Laura:

Oh, cause there is no statement, right?

Tony:

Right.

Laura:

Oh, yep. Okay.

Tony:

Yeah. So when there is a-

Laura:

So the whole thing is just-

Tony:

They purchased the old accounts that has charged off that. Some come with statements and some may not come with statements. So in your case, it didn't your account didn't come with any statements, but that doesn't mean that they can't try to collect on a debt unless you ask for validation. And when you ask for validation and if we have the inform to send you, we'll go ahead and send out the statements from the original creditor. If we don't have any statements to validated debt for you. And there is a dispute on the account, we'll just go ahead and close the, um, account for you because we don't have anything to say. Well, the original creditor stated that you owe this and this is how we validated it, cause we don't have any validation.

Laura:

Okay. So now can you, uh, are you, um, I wanna use the word forbidden, you know, are you, uh, not allowed anymore to sell this debt to anyone else? Like I don't go through this again in 10 more years,

Tony:

Right? This account is, is definitely closed with us. Yes.

Laura:

Okay. It will not be sold to anybody else.

Tony:

I'm not sure how that process works, but I know for a fact that here it's closed with us. I never seen a account here be sold. So I, I can't get, I can't say yes or no, cause I'm never seen an account get resold.

Laura:

Oh, you, you're not aware that your company does resell their right. Exactly. The ones that can't collect on.

Tony:

Exactly.

Laura:

Okay. So can you gimme one, one more, uh, a big favor. I don't know if I already asked you this, but um, can you send, generate a second letter that says, um, my, my name and my account number on it so that I have something in writing besides the recording. Yes. Ma'am you know, cause, uh, it's hard to show people recordings, you know what I mean?

Tony:

Right. Yeah, definitely.

Laura:

Yeah. So if you, her, then that would be, um, comforting to me because right now, if I, when, you know, if 10 years from now, uh, portfolio recovery associates LLC contacts me and says that I have this debt for \$2,297 and 63 cents. And I say, no, you've already closed that account. They will say, no, we didn't. We sent you a letter that says [REDACTED] with a different account number on it. We didn't close your account. Right. So that's what I'm afraid of. I understand. So if you could send me for next letter, then I will be able to sleep at night. Maybe

Tony:

I definitely understand that. Yes, I will go ahead and request that letter for you. And again, you should receive it within the next seven to 10 business days. Okay.

Ms. Lynn.

Laura:

Okay. Name again?

Tony:

My name is Tynedra. Tyra. I break it down to

Laura:

Sorry. Yes. Wait, will you spell your name for me?

Tony:

T Y

Laura:

I'm sure you have to spell it a lot

Tony:

N E D R A

Laura:

Tynedra. Yep. That's a beautiful name. thank-

Tony:

You so much. Okay.

Laura:

Well yeah, thank you. Um, and I, uh, hope to receive that letter and then I hope not to hear from your company ever again, except for in my litigation again. Um, okay. Thank you.

Tony:

No problem. Have a great day.

Laura:

You thank

Tony:

You. Bye-bye.

Audio 39-----4-12-21

Nikita:

Thank you for calling portfolio recovery. My name is Nikita Carter. My callback number is 1-800-771-FOUR one three. May I have your first and last name?

Laura:

Uh, my first name's Laura. And the last name you have for me is Lynn L Y N N.

Nikita:

Okay, thank you for that. Could you please verify your complete mailing address for me?

82

Laura:

It's um, 500, um, I'm sorry. 500 am road, suite five, B number 3 0 6, Conway,
Arkansas, 72 32.

Nikita:

Okay, thank you for that.

Laura:

Is this the disputes department? That extension one zero?

Nikita:

No, ma'am I'll connect you to the disputes department. Just gimme one moment.

Speaker:

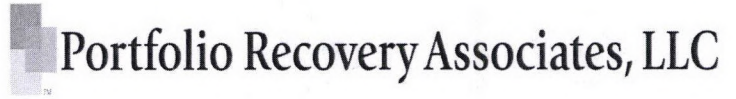
Are currently busy and your call is very important to us. Please hold for the next
available representative.

Nikita 4:

Hi, good morning. I a portfolio [inaudible].

[Defendant's Exhibit 16 Redacted]

DEPT 922
PO BOX 4115
CONCORD CA 94524



02/19/2021

CHANGE SERVICE REQUESTED

Account Number: [REDACTED] 6049
Reference Number: 14482413

D7



LAURA J LYNN
500 AMITY RD SUITE 5B306
CONWAY AR 72032-5965

Dear LAURA J LYNN,

The Disputes Department at Portfolio Recovery Associates, LLC ("PRA, LLC") understands that you wish to dispute this account because you have been a victim of identity theft or fraud. The following information is being provided in response to your recent communication concerning the account referenced above. Account Number [REDACTED] 6049 and its proceeds were sold, assigned and transferred by the Seller to PRA, LLC on 11/19/2013. At the time of the sale, the Seller provided an electronic file of its business records containing information concerning the account; a summary of which can be found below. Please contact us if you would like to receive a payment history of payments that have posted to this account since our company purchased this account.

Sincerely, Disputes Department
Telephone: 1-800-772-1413

Here is a summary of additional information listed in the electronic file for this account:

Account holder's Name Provided By Seller: LAURA J LYNN
Account holder's Last 4 Digits of SSN: 7083
Date Account Opened Provided by Seller: 05/08/2001

Account Details

Account Number: [REDACTED] 6049
Seller: CAPITAL ONE BANK (USA) N.A.
Original Creditor: CAPITAL ONE BANK (USA) NA
Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC
Balance: \$2,297.63

Contact Us



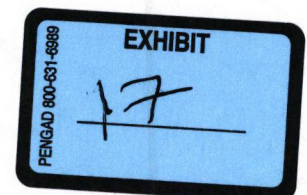
Online: www.portfoliorecovery.com



By Phone: Call 1-800-772-1413



By Mail:
PORTFOLIO RECOVERY ASSOCIATES, LLC
120 Corporate Boulevard, Norfolk VA 23502



This communication is from a debt collector. This communication is made for the limited purpose of responding to your dispute and is NOT an attempt to collect a debt.

Notice: See Reverse Side for Important Information

HOURS OF OPERATION: Mon. to Fri. 8am - 11pm, Sat. 8am - 8pm, Sun. 11am - 10pm (EST)

FOR THE HEARING IMPAIRED: TDD: 1-800-828-1120

COMPANY ADDRESS: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

DISPUTES: Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

DISPUTES E-MAIL ADDRESS: PRA_Disputes@portfoliorecovery.com

QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 6 PM (ET)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at 1-800-772-1413 or by e-mail at PRACustomerCare@portfoliorecovery.com.

To dispute an account due to issues related to fraud/identity theft, our company generally requires all customers to submit documentation for review as part of our company's investigation.

Please send a copy of an official Identity Theft Report OR Written Statement within 20 days of receipt of these instructions so the investigation related to this account may be completed in a timely manner.

OFFICIAL IDENTITY THEFT REPORTS INCLUDE:

- Any report to local, state, or federal law enforcement agency indicating that you have been a victim of identity theft.
- A copy of a report to the Federal Trade Commission indicating you have been a victim of identity theft.
- A copy of a Federal Trade Commission's Identity Theft Victim's Affidavit.
- A copy of a PRA, LLC Identity Theft Affidavit (attached).
- A police report.
- A copy of an Identity Theft Affidavit in accordance with the form approved by the Illinois Attorney General (IL Residents).
- A copy of an Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action) in accordance with the form approved by the Illinois Supreme Court (IL Residents).

OR

WRITTEN STATEMENTS INCLUDE:

- Letter from Credit Reporting Agency, Creditor, or Other Agency referencing a prior identity theft investigation related to this account.
- CA Office of Privacy Protection Consumer Information Sheet 3A: Requesting Information on Fraudulent Accounts—Identity Theft Victim's Request for Fraudulent Transaction/Account Information (CA Residents)
- Customer's Statement, which must include the following certification statement AND supporting documentation:

Certification Statement: "I certify the representations made are true, correct, and contain no material omissions of fact."

_____ (Customer signature/date)

Supporting Documents include:

- a. Statement that customer is victim of identity theft.
- b. Copy of customer's driver license or state ID card.
- c. Any other identification documents that support claim of identity theft.
- d. Specific facts supporting the claim of identity theft, if available.
- e. Any explanation showing customer did not incur debt.
- f. Any available correspondence disputing debt after transaction information provided to customer.
- g. Documentation of residence of customer at time of alleged debt. This includes copies of bills, statements, such as utility bills, tax statements, or other statements from businesses sent to customer to show that debtor lived at another residence at time debt incurred.
- h. Telephone number or address for contacting customer concerning additional information or questions.
- i. Information concerning person consumer believes is perpetrator of fraud.
- j. An express statement that customer did not authorize use of customer's name or personal information for incurring debt.

This communication is from a debt collector. This communication is made for the limited purpose of responding to your dispute and is NOT an attempt to collect a debt.

This page intentionally left blank.

Portfolio Recovery Associates, LLC Identity Theft Affidavit

Account Number: [REDACTED] 6049

Victim Information

(1) My full legal name _____
(First) (Middle) (Last) (Jr. Sr. III)

(2) When the events described in this affidavit took place, my name was

(First) (Middle) (Last) (Jr. Sr. III)

(3) My date of birth is _____
(Month/Day/Year)

(4) My Social Security Number is _____

(5) My driver's license or identification card state and number are _____

(6) My current address is _____
(Street) (City) (State) (Zip Code)

(7) I have lived at this address since _____
(Month/Year)

(8) When the events described in this affidavit took place, my address was

(Street) (City) (State) (Zip Code)

(9) I lived at the address listed in section (8) since _____
(Month/Year)

(10) My daytime telephone number is () _____
My evening telephone number is () _____

Check all that apply for items listed in sections 11-16

___ (11) I did not authorize anyone to use my name or personal information to seek money, credit, loans, goods or services described in this report.

___ (12) I did not receive any benefit, money, goods or services as a result of the events described in this report.

___ (13) My identification documents (debit card, birth certificate, drivers license, etc.) were stolen or lost on or about _____
(Month/Day/Year)

___ (14) To the best of my knowledge and belief, the following persons(s) used my personal information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

_____(Name) _____(Name)
_____(Address) _____(Address)
_____(Phone Number) _____(Phone Number)

___ (15) I do NOT know who used my personal information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.

(16) Additional Background Information Regarding Events:

(Please feel free to attach additional pages as necessary.)

Victim's Law Enforcement Actions (check all that apply for items 17 through 21)

- ____ (17) I am willing to assist in the prosecution of the person(s) who committed this fraud.
- ____ (18) I am **not** willing to assist in the prosecution of the person(s) who committed this fraud.
- ____ (19) I am authorizing the release of this information to law enforcement agencies for the purpose of assisting in the investigation and prosecution of the person(s) who committed this fraud.
- ____ (20) I am **not** authorizing the release of this information to law enforcement agencies for the purpose of assisting in the investigation and prosecution of the person(s) who committed this fraud.
- ____ (21) I have reported the events described in this affidavit to law enforcement agencies and have attached a copy of all reports made by these agencies.

(Name of Agency)

(Name of Officer)

(Address)

(Telephone Number)

Supporting Documentation Attached (Please Check & Attach Copies For Review)

- ____ (22) Governmental Issued Photo Identification Card (ID Card/Driver's License/Passport)
- ____ (23) Social Security Card
- ____ (24) Copy of Police Report or Report Made by Other Law Enforcement Agency
- ____ (25) Any Prior Written Communications with Previous Creditors Pertaining to the Events Described in this Affidavit
- ____ (26) Proof of Residency During Time Alleged Fraudulent Charges Occurred (Rental/lease Agreement, Utility bill, Insurance bill)

Signature (Please sign and date **IN THE PRESENCE OF** a Notary **OR** a Witness.)

I certify that to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, complete, and made in good faith. I also understand that this affidavit or the information contained may be made available to all law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statements or representations may constitute a violation of federal, state, or local criminal statutes, and may result in the imposition of fine, imprisonment, or both forms of punishment.

(Signature)

(Date signed)

Notary

(Notary signature / seal)

(My Notary Commission Expires)

(Signature)

(Printed Name)

Witness

(Date)

(Telephone Number)

If not signing in the presence of a notary, please have a witness, non-relative, sign that you completed and signed this affidavit.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LAURA LYNN HAMMETT,

Plaintiff,

-v-

PORTFOLIO RECOVERY ASSOCIATES,
LLC;
DOES 1-99.

Defendants.

Civil Action No.: 4:21-cv-00189-LPR

**DEFENDANT PORTFOLIO RECOVERY ASSOCIATES, LLC'S NOTICE OF
DEPOSITION OF PLAINTIFF LAURA HAMMETT**

TO: Laura Lynn Hammett (via thenext55years@gmail.com)
500 Amity Road, Suite 5B #306,
Conway, Arkansas 72032

Please take notice that pursuant to Federal Rule of Civil Procedure 30 and agreement of the parties on March 2, 2022, Defendant Portfolio Recovery Associates, LLC will take the oral deposition of Laura Lynn Hammett at the office of Rose Law Firm – 120 E. Fourth Street, Little Rock, Arkansas 72201, telephone (501) 375-0317, on **March 24, 2022 beginning at 9:00 a.m. CT**, and continuing on from day to day until completed. The deposition may be recorded audiovisually, by audio, or by stenographic means before a court reporter who is authorized to administer oaths and report oral deposition testimony pursuant to the Federal Rules of Civil Procedure.



Dated: March 18, 2022

TROUTMAN PEPPER LLP

By: /s/ James K. Trefil

James K. Trefil (VSB No. 36358)

(admitted *pro hac vice*)

John E. Komisin (VSB No. 84061)

(admitted *pro hac vice*)

TROUTMAN PEPPER HAMILTON SANDERS, LLP

1001 Haxall Point

Richmond, Virginia 23219

Tel: 804-697-1864 | Fax: 804-697-1339

Email: james.trefil@troutman.com

Email: jed.komisin@troutman.com

Counsel for Portfolio Recovery Associates, LLC

CERTIFICATE OF SERVICE

I certify that on the 18th day of March 2022, served via email to the following individual:

Laura Lynn Hammett
500 Amity Road, Suite 5B #306
Conway, Arkansas 72032
760-966-6000
thenext55years@gmail.com
Plaintiff Pro Se

/s/ James K. Trefil
James K. Trefil

Attorney for Portfolio Recovery Associates, LLC

[Defendant's Exhibit 19 Redacted]

[Defendant's Exhibit 20 Redacted]

Portfolio Recovery Associates, LLC

Dear LAURA J LYNN,

This letter is in reference to account number [REDACTED] 6049.

PORTFOLIO RECOVERY ASSOCIATES, LLC has closed this account.

Please contact us at 1-800-772-1413 should you need to contact PORTFOLIO RECOVERY ASSOCIATES, LLC about this account.

Sincerely,
PORTFOLIO RECOVERY ASSOCIATES, LLC

Account Details

Date: 04/14/2021
Account Number: [REDACTED] 6049
Seller: CAPITAL ONE BANK (USA) N.A.
Original Creditor: CAPITAL ONE BANK (USA) NA
Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC
Balance: \$0.00

Contact Us



Online:
www.portfoliorecovery.com



By Phone:
Call 1-800-772-1413



By Mail:
PORTFOLIO RECOVERY ASSOCIATES, LLC
120 Corporate Boulevard
Norfolk VA 23502

This communication is from a debt collector but is not an attempt to collect a debt.

Notice: See Reverse Side for Important Information

602

DEPT 922
PO BOX 4115
CONCORD CA 94524

Account Number: [REDACTED] 6049

CHANGE SERVICE REQUESTED



LAURA J LYNN
500 AMITY RD SUITE 5B306
CONWAY AR 72032-5965

PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541



HOURS OF OPERATION: Mon. to Fri. 8am - 11pm, Sat. 8am - 8pm, Sun. 11am - 10pm (EST)

FOR THE HEARING IMPAIRED: TDD: 1-800-828-1120

COMPANY ADDRESS: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

DISPUTES: Call 1-800-772-1413 or write to: Portfolio Recovery Associates, LLC, Disputes Department, 140 Corporate Blvd., Norfolk, VA 23502

DISPUTES E-MAIL ADDRESS: PRA_Disputes@portfoliorecovery.com

QUALITY SERVICE AVAILABLE Mon. - Fri. 8 AM to 6 PM (ET)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at 1-800-772-1413 or by e-mail at PRACustomerCare@portfoliorecovery.com.

Portfolio Recovery Associates, LLC

Dear LAURA J LYNN,

Portfolio Recovery Associates, LLC ("PRA, LLC") has concluded its investigation of your dispute and is closing your account.

Sincerely,
Disputes Department
Telephone: 1-800-772-1413

Account Details

Date: 04/23/2021
Account Number: [REDACTED] 6049
Seller: CAPITAL ONE BANK (USA) N.A.
Original Creditor: CAPITAL ONE BANK (USA) NA
Current Creditor: PORTFOLIO RECOVERY ASSOCIATES, LLC
Balance: \$0.00

Contact Us



Online:
www.portfoliorecovery.com



By Phone:
Call 1-800-772-1413



By Mail:
PORTFOLIO RECOVERY ASSOCIATES, LLC
120 Corporate Boulevard
Norfolk VA 23502

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Notice: See Reverse Side for Important Information

D2

DEPT 922
PO BOX 4115
CONCORD CA 94524

Account Number: [REDACTED] 6049
Reference Number: 14653791

CHANGE SERVICE REQUESTED



LAURA J LYNN
500 AMITY RD SUITE 5B306
CONWAY AR 72032-5965

PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541



HOURS OF OPERATION: Mon. to Fri. 8am - 11pm, Sat. 8am - 8pm, Sun. 11am - 10pm (EST)

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Phillip Larch

From: Laura Lynn <bohemian_books@yahoo.com>
Sent: Thursday, October 21, 2021 1:04 PM
To: Komisin, John (Jed); Trefil, James K.; DMitchell@roselawfirm.com; William Z. White; Daniel S. Agle; Alan Droste; Frank Polek; Daniel Forde; Corinne Bertsche; Keith Cochran; Mark Mayfield; Michael Mosley; Reece Owens; Cotten Cunningham; Joey Price; Cale Block; Dempsey Jamie (USAARE); R. Ryan Younger
Subject: Laura Lynn Hammett confidential settlement offer

EXTERNAL SENDER

Dear Counsel,

I hope I did not forget anyone.

As you know, I am not an attorney.

I taught myself law out of necessity when an unethical former judicial officer, a friend of my brother-in-law, infringed my my fundamental rights.

I have about 8 lawsuits filed right now, all but one as a plaintiff.

As you are probably aware, Judge Susan Weaver appears to me and a slew of attorneys to have a bias against me.

It seems like the defendants in all my cases have seized upon the opportunity to abuse the legal process to harass me, instead of trying to resolve our issues on the merits.

My sisters will probably tell you I am stubborn and some other not so nice words. I prefer "tenacious". I will sit here writing whatever I need to write , as long as it is true, until I feel as if I am made whole.

I would much rather be fishing with my husband or walking in the woods.

My suggestion is that you all conference and find a solution where I retire on \$2M. That includes whatever the sales price of the Lick Fork Property is and the value of my capital account in SSP, LLC. (It does not include anything from my father's irrevocable trust, my car, the Hammett Family Trust property or any of my husband's separate property.)

If I had a judge who was not making multiple errors against me and not bombarded with documents that violate Rule 11, I would prevail on each and every case. It is likely that an award in the PRA case will be over \$1M in punitives.

It is possible the Goodman case will be over \$1M punitives also.

First American may also go quite high.

The cases against court personnel should reimburse me for loss of awards on other cases, like Goodman. (I have not filed against the District court personnel yet, but intend to.)

As PRA knows, my emotional distress damages will need to be apportioned by the juries, so I am not collecting twice. I think the total will be over \$1M.



If you continue to torture me with your ridiculous defenses, your clients and the tax payers will lose not only the awards of damages, but probably more than \$2M in attorney fees for themselves.

I will also go to the Supreme Court trying to deem attorney fee statutes to include "reasonable attorney fees" for pro se litigants, even if the fees are not actually incurred.

It is unlikely that I will continue working for justice and then settle after my first big jury award. The work will be done already.

So, I know this is not like any other litigant Mr. White has ever seen, but I am suggesting a universal settlement of all my claims and the Pietrczak claim.

Your clients will need to look closely at their conduct, with input from other lawyers, and they will probably fare better than if they go to trial (or arbitration).

Consider this a sort of spin off of a class action settlement.

Sincerely,

Laura Hammett

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Published **103**

Drafts **7**

Scheduled **0**

Trashed **0**



Posts

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The Rant of Attorney William Zac White

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The Just Us System

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Deposition Testimony in Nielson v Portfolio Recovery Associates, LLC

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LAURA LYNN HAMMETT 3/2/2022

Page 13

1 that and I was actually a professional journalist on
2 Examiner.com, but Examiner.com is gone. I quit writing
3 anything at all and took my blog down in 2015, like the
4 end of 2014 because it was very stressful. I had a lot
5 of people contacting me every day with their problems
6 and, you know, the problems they'd been having in
7 court. It was really difficult listening to this and
8 I'm extraordinarily empathetic and compassionate and my
9 therapist recommended that I take a sabbatical is what
10 she called it, so I did. And I just recently started
11 writing again I'm guessing two or three months ago.
12 You might know better than I do when it was.

13 **Q You mentioned a therapist. Who was that?**

14 A I tried to find her. I don't recall her name, but
15 I think that the company was called Helping Hands and
16 it was in Escondido, California. And I've tried to
17 find that. Again, you might be able to find it better
18 than I can because you have magic tricks.

19 **Q When did she advise you to take your sabbatical
20 from blogging?**

21 A At the end of 2014.

22 **Q How many blog posts have you made since you first
23 asked Judge Rudofsky for an extension for your
24 opposition to PRA's motion for summary judgment?**

25 A I don't know.

ALARIS LITIGATION SERVICES

www.alaris.us

Phone: 1.800.280.3376

Fax: 314.644.1334

LAURA LYNN HAMMETT 3/2/2022

Page 14

1 Q Would 13 sound about right?

2 A Sure, but I -- I don't know.

3 Q You have no reason to disagree with that number?

4 A I could look it up, but if you're telling me it's
5 13, I'm not going to disagree with you. I'm not
6 agreeing or disagreeing.

7 Q But you have no reason to disagree with that
8 number?

9 A Other than I don't trust anything that comes out
10 of your mouth. Sorry.

11 Q All right. I'm going to mark for identification
12 Hammett Exhibit 2. Ms. Hammett, the court reporter has
13 given you a document marked for identification as
14 Hammett Exhibit 2. Do you recognize this document?

15 (WHEREUPON, a document was marked for
16 identification as Exhibit No. 2.)

17 A Yes.

18 Q What is it?

19 A This is the First Amended and Supplemented
20 Complaint for Statutory Violations of the Telephone
21 Consumer Protection Act and Fair Debt Collection
22 Practices Act, Tort of Intentional Infliction of
23 Emotional Distress, Outrage and/or Negligent Infliction
24 of Emotional Distress and Invasion of Privacy
25 Intrusion.

[Plaintiff's Exhibit 4 Redacted]

[Plaintiff's Exhibit 5 Redacted]