

In The State of Arizona

Case Number CC2010-xxxxRC

Portfolio Recovery Associates,LLC, Plaintiff

vs. Consumer

#### DEFENDANT'S FIRST SET OF INTERROGATORIES

The Defendant requests the following discovery of the Plaintiff, pursuant to Arizona 16 A.R.S. Rules of Civil Procedure, Rule 26.1

Plaintiff is directed to serve its verified answers, and to produce the requested documents in conformance with the above-cited rules, on or before forty (40) days from the date certified below, to the Defendant's Residence xxxx, Az,85xxx.

In the event you become aware of or acquire in your possession, custody or control, of additional responsive documents, you are asked promptly to produce such additional documents for inspection and copying.

#### **INSTRUCTIONS AND DEFINITIONS**

1. For the purposes of these discovery requests, the following definitions apply:

A. "Defendant" means [Consumer]. The alleged original creditor is Wells Fargo Bank and the account means any alleged account related to the debt.

B. "Plaintiff" or "Plaintiffs" refer to Portfolio Recovery Associates,LLC as well as any person in their agency or employ.

C. "Creditor" refers to as well as any person in their agency or employ.

D. " FDCPA" refers to the Fair Debt collection Practices act in it's entirety.

E. "Document" as used herein means, original, copies of original, or copies of any records, minutes, notices, books, papers, contracts, memoranda, invoices, correspondence, notes, calendars, photographs, drawings, charts, graphs other writings, recording tapes, recording discs, mechanical or electronic information storage or recording elements (including any information stored on a computer), written and recorded telephone messages, and any other "documents". If a document has been prepared in several copies, or additional copies have been made that are not identical (or are no longer

identical by reason of subsequent notation or other modification of any kind whatsoever, including with out

limitation notations on the backs of pages thereof) each non-identical copy is a separate document.

F. "And", "or", and "and/or" shall be construed as broadly as possible so that information otherwise within the scope of the request is not excluded.

G. "Statement" or "Statements" means the periodic monthly statement issued by the plaintiff

H. "Assignment Agreement" includes but is not limited to bills of sale, the actual purchase and assignment agreement document (s) including the terms and conditions of the sale, and the schedule of accounts included in sale. Assignment Agreements shall also mean the complete documentation of the chain of custody between the original creditor and plaintiff.

I. "Application" means the document or documents submitted to the original creditor for the purposes of acquiring the account.

J. "Person" includes natural persons, corporations, partnerships, associations, or any type of entity, and agents, servants, employees, and representatives thereof.

K. The "debt" means the alleged debt that is the subject of this lawsuit.

L. The term "identify", when used in reference to an individual person or business entity means to state the person's or entity's full name, and if applicable, present occupation or position, professional qualifications, employer, employees, present business address, and present and past business affiliations with or relationships to any of the parties in this action known.

M. When used in reference to a document, "identify" means to describe the type of document (e.g., "letter"), date, author and addressee, to state the location of the documents and the name, address and relationship to each party in this action of each and every person who has such document in his or her possession, custody or control.

N. "Attorney" means [Attorneys on the other side] or any other Arizona Licensed Attorney employed by Debt Collector.

O. Please remember that answering the interrogatories, you must furnish all requested information, not subject to valid objection, that is known by, possessed by, or available to you or your subsidiaries, employers, employees, managers, attorneys, consultants, agents, or representatives.

P. If you are unable to fully answer any of these interrogatories, please answer them to the fullest extent possible, specify the reasons for your inability to further answer and state whatever information, knowledge or belief that you have concerning the portion not fully answered. Each numbered subpart of a numbered interrogatory is to be considered a separate interrogatory for the purpose of objection. Thus, you must object separately to each subpart; and if you object to less than all of the subparts of a numbered interrogatory, answer the remaining subparts.

R. If any information called for in these interrogatories is withheld on the ground that such information is for any reason exempt from discovery, then:

1. State the ground or grounds for withholding such information;
2. Describe the type of information being withheld;
3. Identify all persons who have knowledge of the information being withheld;
4. Furnish such other information as may be required to enable the court to adjudicate the propriety of your refusal to furnish such information;
5. Please remember that you are under a duty to seasonably supplement your response to each questions directly addressed to the identity and locations of persons having knowledge of discoverable matters, and other information that may come to you in the future.
  1. For persons, state the person's name, residence address, business address, telephone number, and the name of his/her employer;
  2. For entities, state the name and address of its principal place of business, telephone number (if the person's entity's present address is known, please give his/her last known address);
  3. For documents, state the author, addressee and recipient, date, a general description, a brief summary of its contents, the name and address of the custodian or the original, or best copy, any any other descriptive information necessary in order to adequately describe it in a subpoena duces tecum or in a request or motion for its production; in lieu of such identification, you may attach a copy of each document to your answer to these interrogatories;
  4. For oral communications, state exactly what was said, when, where, by whom, to whom, and who else was in hearing distance; and identify all documents that mention, relate to, or have any connection with each such communications.
  5. Whenever appropriate in these discovery requests, the singular and plural forms of words shall be interpreted interchangeably so as to bring within the scope of these requests any matter which might otherwise be construed outside their scope.
  6. Unless otherwise indicated, these discovery requests apply to the time period commencing when the Defendant allegedly opened the account, through the present.
  7. Except as expressly provided in a particular discovery request, all of the terms utilized in these discovery requests shall have the meaning given to them in the Arizona Trial Rules of Civil Procedure.

## **CLAIMS OF PRIVILEGE**

If an objection to a request is based upon a claim of privilege or attorney work product, identify each document so withheld. With regard to all documents or portions of documents withheld on this basis, identify its creator; provide a brief description of the document, and state with particularity the basis of the claim of privilege, work product, or other ground of nondisclosure.

## **LOST OR DESTROYED DOCUMENTS**

If any document requested has been lost, discarded, or destroyed, identify such document. State the type of document, its date, the approximate date it was lost, discarded, or destroyed, the reason it was lost, discarded or destroyed, a summary of its substance, and the identity of each person having knowledge of the contents thereof.

## **INTERROGATORIES**

### **Interrogatory No. 1**

Is Portfolio Recovery Associates, LLC the direct assignee of an original creditor? Or, is Portfolio Recovery Associates, LLC an assignee of an assignee? If there are additional assignees, identify each assignee, their business address, and telephone number.

### **Interrogatory No. 2**

Identify when the alleged account was originally opened by the defendant and was subsequently charged off by Wells Fargo.

### **Interrogatory No. 3**

Identify the person or persons answering these interrogatories. Include their business address, business phone number, and title within the Plaintiff's Organization.

### **Interrogatory No. 4**

Please provide the following information for each person known to the Plaintiff who has knowledge of facts relevant to this case, including but not limited to all persons interviewed by you, by your counsel, or by any person cooperating with you in this action, giving a brief description thereof, for each person you may call as a witness in this case.

1. Name, address, and telephone number.
2. Place of Employment
3. Relation to the Plaintiff
4. The subjects and substance of the testimony the witness will give; and whether the witness is to be tendered as an expert witness.

**Interrogatory No. 5**

Please provide the following information.

1. Your Full Name
2. Your Full Business Name
3. Your Business Purpose (e.g. Creditor, Lender, Collection Agency, etc.)
4. Form of Business Organization (e.g. corporation, partnership, LLC, sole proprietorship, etc.)

**Interrogatory No. 6**

In regards to the contract or agreement alleged in this action, please state the following:

1. Terms of the Contract or Agreement:
2. Credit Limit Amount Financed in the Alleged Contract or Agreement:
3. Date and Monetary value of any valuable consideration received on the contract or agreement:
4. Date and Monetary value of any payments or credits alleged to be executed on the contract or agreement:

**Interrogatory No. 7**

Please provide the following information for each person who has had any involvement in any manner in any efforts on your behalf to collect or attempt to collect any debt (s) purportedly owing by Defendant.

1. His/Her Position
2. His/Her work address, telephone numbers

3. Nature and purpose of his/her involvement.

**Interrogatory No. 8**

Identify the persons or entities, regarding any debt(s), which you have attempted to collect from Defendant, identify all documents related or relevant to your contractual agreement(s) (Servicing, Assignment(s), etc.), or other business relationships with said persons or entities.

**Interrogatory No. 9**

Plaintiff or Attorney. Please Identify each person who has had any contact or communication on your behalf regarding Defendant's purported debt(s), state when, how, where, and with whom said contact or communication occurred and in detail and with particularity the substance thereof.

**Interrogatory No. 10**

Attorney. Describe all collection activities, which you were authorized to perform for Portfolio Recovery Associates, LLC, and identify the terms of the agreement.

**Interrogatory No. 11**

Describe Portfolio Recovery Associates, LLC's procedure and policy with respect to the Maintenance, preservation, and destruction of documents, stating in your Answer whether any documents or things relating to any information Requested in these interrogatories, or related in any way to this lawsuit, have ever been destroyed or are no longer in your custody. For each such document, please identify the document, how, when and why each document was destroyed or otherwise left your control, the identity of any person who participated in any way in the destruction and/or action for destroying the document or to transfer it out of your control or custody; and if the document still exists, identify the person now having control or custody of the document.

**Interrogatory No. 12**

What document states in writing in support of your Complaint that the Defendant is indebted to pay the Plaintiff and when was this agreed statement in writing entered into?

**Interrogatory No. 13**

On what date did the defendant become indebted to the plaintiff for \$7xxx.03?

**Interrogatory No. 14**

Identify all witnesses with evidence in support of your Complaint that the Defendant, entered into a contract and is indebted to the Plaintiff.

**Interrogatory No. 15**

State all actions taken to verify the accuracy and completeness of the accounts reported and state your procedures designed to assure the maximum possible accuracy of the information reported by you.

**Interrogatory No. 16**

What is the date that the defendant allegedly defaulted on the original account?

**Interrogatory No. 17**

What was the status of the alleged contract/account when acquired.

**Interrogatory No. 18**

What credit card purchases and/or cash advances were made on this account? When where they made?

**Interrogatory No. 19**

Please identify and describe each exhibit you will use in the trial of Case Number CC2010-xxxxRC.

**Interrogatory No. 20**

State fully, completely and at length the factual basis of each defense which you now assert or intend to assert in this action.

**Interrogatory No. 21**

As to each defense set out in response to Interrogatory Twenty (20), above, state the following as to notification to Defendant of such defenses; (a) the date or dates when notification was given; (b) the manner in which notification was given; and (c) the specific party or parties to whom notification was given.

**Interrogatory No. 22**

How much was this account purchased for?

**Interrogatory No. 23**

Do you have the Actual Contract between the Defendant and Wells Fargo?

In addition do you have the Assignment Agreement between Wells Fargo Bank and Portfolio Recovery Associates,LLC?