

In The State of Arizona  
Case Number CC2010-xxxxRC  
Portfolio Recovery Associates,LLC, Plaintiff  
vs. Consumer

**DEFENDANT'S FIRST SET OF INTERROGATORIES,  
REQUESTS FOR ADMISSIONS AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant

\*\*\*\*\*

The Defendant requests the following discovery of the Plaintiff, pursuant to Arizona 16 A.R.S. Rules of Civil Procedure, Rule 26.1(Prompt Disclosure of Information), Rule 26.1(a) Duty to Disclose, Scope,and 26.1b (Time for Disclosure; a Continuing Duty.) 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;

S. 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 in 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.

### **REQUEST FOR DOCUMENTS**

#### **Documents To Be Produced**

1. Please provide the actual credit card contract upon which your Complaint is based on.
2. Please provide a contract, agreement, assignment or other means of demonstrating that the Plaintiff has the authority and was legally entitled to collect on the alleged debt.
3. Please furnish reasonable proof, such as an original, or copies of the assignment agreement or assignment agreements, transferring the alleged contract and /or

account in question from Wells Fargo to show an Assignment has been made and that Portfolio Recovery Associates ,LLC.are the real party in interest.

4. Please provide a copy of the Assignment between Wells Fargo And Portfolio Recovery and Associates,LLC.
5. Please evidence proof of the defendants alleged debt to Plaintiff, including specifically the alleged contract, between the plaintiff and defendant or any other instrument constructed solely for the purpose of creating a loan agreement between the Plaintiff and Defendant bearing Defendants signature and /or Please produce the contract that legally requires the Defendant to pay the amount entered into the complaint.
6. Please provide the original or copy of the account agreement that states interest rate, grace period, finance charge, assignment, and specifically the State Laws that the agreement and account are governed plus other important facts.
7. Please provide copies of the amount paid and/or the consideration due for the alleged contract/account.
8. Please Provide an Itemized account of all transactions mentioned in Interrogatory Number Eighteen (18).
9. Provide the Record of Assignment that displays the information in Interrogatory No. 22.
10. Please provide all copies of manuals, procedures, and protocols used by Plaintiff regarding communication with Wells Fargo Bank regarding purchased debt.
11. Please evidence authorization of Plaintiff to do business, create loans, issue or extend credit, collect debts and/or operate in the State where the Plaintiff conducts their business.
12. Please evidence authorization of Plaintiff & Attorney to do business, create loans, issue or extend credit, collect debts and/or operate as a financial business in the State of Arizona.
13. Please provide a document or documents(s) that proves you did send the defendant a notification of assignment of the account or assignment of rights.
14. Please attach any and all notices sent to Defendant by Plaintiff in regards to this account demanding payment.
15. Please attach copies of all statements generated while this alleged account was open with Plaintiff.

16. Please attach a complete and accurate history of the interest charged on this alleged account with Plaintiff. Show the exact dates those interest rates changed and list the various rates that were charged during the this debt and the exact method of amortization.
17. Please attach any and all notices sent to Defendant by Plaintiff announcing changes in interest, fees or penalties and/or the terms of this alleged debt.
18. Identify each Credit Reporting Agency (credit bureau) to which the Plaintiff reported defendant's debt and the dates of each such report.
19. Please provide the original dunning letter that was sent to Defendant.
20. Please attach any and all notices sent to Defendant by Plaintiff in regards to account announcing transfer and/or assignment of credit card account from plaintiff to any collection agency or collection attorney.
21. Please attach a copy of the agreement with [attorney] Attorney(s) the authority to collect this alleged debt.

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed, first class postage prepaid, on  
12/6/2010  
to [plaintiff] by [defendant].