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STATE OF MICHIGAN  
IN THE 47TH JUDICIAL OF THE COUNTY OF OAKLAND

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MIDLAND FUNDING, LLC, As                      CASE NO.  
Assignee of CREDIT ONE BANK,              17-H1884  
N.A.,

Plaintiff/Counter-Defendant

VS.

DARRIN TUCKER,

Defendant/Counter-Plaintiff.

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DEPOSITION OF  
NICOLE HANKE

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Taken April 23, 2018 By Brandi Bigalke, RPR, RSA

**Deposition of Nicole Hanke - 4/23/2018  
Midland Funding LLC, et al. v. Darrin Tucker**

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1 APPEARANCES:  
2 On Behalf of the Plaintiff/Counter-Defendant:  
3 Joseph N. Tucker  
4 DINSMORE & SHOHL, LLP  
5 101 South Fifth Street  
6 Suite 2500  
7 Louisville, Kentucky 40202  
8 502-540-2300  
9 joseph.tucker@dinsmore.com  
10  
11 On Behalf of the Defendant/Counter-Plaintiff:  
12 Brian Parker  
13 LAW OFFICES OF BRIAN PARKER, P.C.  
14 4301 Orchard Lake Road  
15 #180-208  
16 West Bloomfield, Michigan 48323  
17 248-342-9583  
18 brianparker@collectionstopper.com  
19  
20  
21  
22  
23  
24  
25

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1 THE DEPOSITION OF NICOLE HANKE, is taken  
2 on this 23rd day of April, 2018, at Dykema  
3 Gossett PLLC, 90 South Seventh Street, 4000 Wells  
4 Fargo Center, Minneapolis, Minnesota, commencing  
5 at 8:52 a.m.  
6  
7 NICOLE HANKE,  
8 Called as a witness and having been first duly  
9 sworn, testifies as follows:  
10  
11 EXAMINATION  
12 BY MR. PARKER:  
13 Q. All right. Good morning.  
14 A. Morning.  
15 Q. What is your name for the record?  
16 A. Nicole Hanke.  
17 Q. Has that always been your name?  
18 A. Yes.  
19 U. All right.  
20  
21 MR. TUCKER: I'm just going to go  
22 ahead and get my appearance on the record.  
23 MR. PARKER: Oh, okay.  
24 MR. TUCKER: Joseph Tucker on  
25 behalf of Midland Funding.

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1 MR. PARKER: Are you on behalf of  
2 Midland Funding?  
3 MR. TUCKER: Midland Funding, LLC,  
4 the --  
5 MR. PARKER: Counterclaim or the  
6 whole thing?  
7 MR. TUCKER: Counter-Defendant.  
8 MR. PARKER: Counter-Defendant.  
9 But not for Midland Funding --  
10 MR. TUCKER: I'm here for this  
11 case. How is that? And for this deposition.  
12 MR. PARKER: But your appearance  
13 was very restrictive between you and Mr. --  
14 MR. TUCKER: Michael Stillman and  
15 Mimi and I are co-counsel on this case.  
16 MR. PARKER: On that --  
17 MR. TUCKER: Mimi is primarily  
18 handling the collection side of it, and I'm  
19 primarily handling the counterclaim that  
20 Mr. Tucker, no relation, filed against Midland  
21 Funding.  
22 MR. PARKER: Off the record.  
23 (Off the record.)  
24 BY MR. PARKER:  
25 Q. My name is Brian Parker. I

**Deposition of Nicole Hanke - 4/23/2018  
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1 represent Mr. Tucker the Defendant and  
2 Counter-Plaintiff in this case.  
3 You received notice for this  
4 deposition; is that correct?  
5 **A. Correct.**  
6 Q. Have you ever given or been part of  
7 a deposition before?  
8 **A. No.**  
9 Q. All right. I'm sure Mr. Tucker has  
10 gone over the ground rules. As far as I know  
11 them to be, first and foremost, if you don't  
12 understand me, which is going to be a lot because  
13 I mumble, then please do not respond. Say I  
14 don't understand you, Mr. Parker. Please repeat  
15 the question. Or if you just don't understand  
16 it, which you're going to say that a lot, because  
17 otherwise your response I will believe that you  
18 understood my question.  
19 Does that make sense?  
20 **A. Uh-huh.**  
21 Q. All right. So don't be afraid to  
22 just say yes or no or I don't understand.  
23 However -- whatever comes to your head.  
24 If you wanted to just -- I always  
25 tell my clients just talk to the court reporter.

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1 I don't want them looking at the attorney because  
2 she's the one that's most important as far as  
3 getting down what you have to say.  
4 And I have to say this deposition,  
5 it's in Minnesota, but we're giving it under the  
6 auspices of the Michigan Court Rules, Michigan  
7 Rules of Evidence.  
8 Have you ever been in Michigan?  
9 **A. I have not.**  
10 Q. Have not. All right.  
11  
12 correct?  
13  
14  
15  
16 **A. Yes.**  
17 **A. At Midland Credit Management.**  
18 Q. Is that in Minnesota?  
19 **A. Yes.**  
20 Q. And what do you do there?  
21 **A. I am a legal specialist.**  
22 Q. A legal specialist.  
23 What is a legal specialist?  
24 **A. I validate affidavits for law firms**  
25 **that request them.**

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1 Q. Validate affidavits for law firms  
2 that request them.  
3 Do you validate them before they  
4 request them?  
5 **A. No.**  
6 Q. So are you saying the affidavit is  
7 written before the attorney writes it -- requests  
8 it?  
9 **MR. TUCKER: Go ahead.**  
10 **THE WITNESS: We have templates**  
11 **that are written up and gone through our legal**  
12 **department.**  
13 **BY MR. PARKER:**  
14 Q. All right. And I just noticed  
15 something there, and you're not doing anything --  
16 you do enough of these depositions, you see all  
17 the silly quirks.  
18 Your attorney is to your left.  
19 He's not to answer for you. If you don't  
20 understand my question, you're going to let me  
21 know. He's not to assist you other than to place  
22 objections on the record.  
23 Is that clear with you?  
24 **A. Yes.**  
25 Q. You said you were in receipt of my

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1 deposition notice. When did you receive that?  
2 **A. I cannot remember the exact date.**  
3 Q. Was it this week?  
4 **A. No.**  
5 Q. Oh, wait. Today is Monday.  
6 Was it last week?  
7 **A. I don't believe so.**  
8 Q. Week before or a couple of weeks  
9 before?  
10 **A. Probably somewhere around that**  
11 **time.**  
12 Q. All right. And then who presented  
13 that to you?  
14 **A. My general manager brought it to my**  
15 **attention.**  
16 Q. All right. And what did they ask  
17 you to do with it?  
18 **A. To go through it, read through it.**  
19 Q. All right. And you did that?  
20 **A. Uh-huh.**  
21 **(Clarification by the court**  
22 **reporter.)**  
23 **THE WITNESS: Yes.**  
24 **BY MR. PARKER:**  
25 Q. I forgot to tell you that. Sorry.

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1 Affirmative responses are necessary so she can  
2 either hear you say yes or no. That's good,  
3 that's a learning experience. Again, I'm going  
4 to help you.  
5 I always tell my clients take five  
6 seconds before you answer because you might blurt  
7 out something you wish you hadn't. That's up to  
8 you. So think about if it's a yes or no  
9 response, and then that's good for the court  
10 record.  
11 Did you swear her in?  
12 (Affirmed by the court reporter.)  
13 BY MR. PARKER:  
14 Q. Are you a notary?  
15 A. **Yes.**  
16 Q. How long have you been a notary?  
17 A. **I started at Midland it will be two**  
18 **years in May, so a year and a half.**  
19 Q. As part of your job you became a  
20 notary?  
21 A. **Yeah.**  
22 Q. All right. So do you -- when you  
23 say you validate affidavits, do you also notarize  
24 them for whoever validates?  
25 A. **Yes.**

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1 Q. Tell me your entire job.  
2 A. **I validate affidavits, I do**  
3 **notarize from time to time, and I currently**  
4 **mentor.**  
5 Q. What does that mean?  
6 A. **I help onboard new employees.**  
7 Q. Are you a training supervisor or  
8 training?  
9 A. **More just the mentor. I kind of**  
10 **help them get access and start teaching them the**  
11 **basics.**  
12 Q. They're getting you to do the  
13 training without paying you?  
14 MR. TUCKER: Objection to the form.  
15 THE WITNESS: My --  
16 BY MR. PARKER:  
17 Q. Who asked you to mentor?  
18 A. **I volunteered to mentor.**  
19 Q. Why would you do that?  
20 A. **Because I enjoy it.**  
21 Q. Enjoy mentoring or enjoy the work?  
22 A. **I enjoy all of it. I like -- I**  
23 **find it rewarding to train people in.**  
24 Q. All right. You should get paid for  
25 that.

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1 So you're both a validator and a  
2 notary; is that correct?  
3 A. **Yes.**  
4 Q. And did you raise up your right  
5 hand when you swore in today?  
6 A. **Yes.**  
7 Q. Do you know what that means?  
8 A. **That I tell the truth.**  
9 Q. All right. To whom are you  
10 swearing to?  
11 A. **I'm not sure.**  
12 Q. So you don't know why you're  
13 raising your right hand?  
14 A. **Well, just for -- no.**  
15 Q. You don't. Even though that's your  
16 job is to have the person raise their right hand?  
17 MR. TUCKER: Objection to the form.  
18 THE WITNESS: They're swearing to  
19 me that everything that they just validated is  
20 accurate and true to their knowledge.  
21 BY MR. PARKER:  
22 Q. All right. So do you know why you  
23 raise your right hand having gone through the  
24 training of being a notary and asking someone to  
25 raise their right hand?

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1 MR. TUCKER: Objection to the form  
2 of the question.  
3 THE WITNESS: I -- can you rephrase  
4 that?  
5 BY MR. PARKER:  
6 Q. Sure. Why do you ask them to raise  
7 their hand?  
8 MR. TUCKER: Objection to the form  
9 of the question.  
10 THE WITNESS: It's just part of the  
11 process.  
12 BY MR. PARKER:  
13 Q. All right. For lack of a better  
14 way of saying it, you don't know why you ask them  
15 to raise their right hand; is that correct?  
16 MR. TUCKER: Objection to the form  
17 of the question.  
18 BY MR. PARKER:  
19 Q. Let me repeat.  
20 Is that correct what I'm saying,  
21 you don't know why?  
22 A. **I -- yeah, I guess I'm not sure how**  
23 **to respond to this question.**  
24 Q. It's either yes or no.  
25 Do you know why you ask them to

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1 raise their hand, or do you not know?  
2 MR. TUCKER: Objection to the form.  
3 Who do you mean by "you"? You mean -- you're  
4 looking at the court reporter. Why does the  
5 court reporter --  
6 MR. PARKER: No. That's her other  
7 job as a notary.  
8 MR. TUCKER: I don't know that she  
9 said she asks people to raise their right hand.  
10 BY MR. PARKER:  
11 Q. Do you ask people to raise their  
12 right hand and swear?  
13 A. **Yes, I do.**  
14 Q. And why do you ask them to do that?  
15 A. **It's just the process of swearing**  
16 **them in.**  
17 Q. All right. And do you know why you  
18 ask them to do that?  
19 A. **No.**  
20 Q. No. All right.  
21 And why would you ask them to do  
22 that if you don't know why you're asking them to  
23 do that?  
24 A. **I -- I don't know.**  
25 Q. Fair enough. Simple.

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1 Very quickly -- oh, no. Joe,  
2 excuse me, Mr. Tucker --  
3 MR. TUCKER: You know, you can use  
4 Joe. It might be easier in this case.  
5 MR. PARKER: Okay, maybe I will.  
6 MR. TUCKER: Well, we have the  
7 consumer who is Mr. Tucker, I'm Mr. Tucker. If  
8 you want to use Joe --  
9 MR. PARKER: JT?  
10 MR. TUCKER: JT, I go by that.  
11 BY MR. PARKER:  
12 Q. JT is going to interrupt -- it's  
13 going to sound like he's interrupting. He's  
14 actually doing his job to lay an objection on the  
15 record.  
16 And I'm sure he's told you just to  
17 stop, wait until he puts his objection, and then  
18 talk to the attorney; is that fair?  
19 A. **Uh-huh.**  
20 Q. All right.  
21 MR. TUCKER: Don't forget to say  
22 yes or no.  
23 (Clarification by the court  
24 reporter.)  
25 BY MR. PARKER:

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1 Q. That was my next.  
2 All right. In your job, do you  
3 just do what they tell you without understanding  
4 why you're doing it?  
5 A. **No.**  
6 Q. No.  
7 A. **I guess I didn't realize there was**  
8 **a technicality to -- I was just -- that's how**  
9 **we -- when they're swearing to me that everything**  
10 **that they're signing in front of me is valid,**  
11 **that's our notary process.**  
12 Q. How do you know they're telling the  
13 truth?  
14 A. **Because I'm swearing them in and**  
15 **they're swearing to the affidavits that they**  
16 **validated.**  
17 Q. They're swearing to -- that makes  
18 them tell the truth?  
19 I guess what I'm asking you is how  
20 when someone swears, you're a notary and now  
21 you're here and raising your -- how do I know  
22 you're going to be telling the truth?  
23 A. **Because it's a -- it's a crime not**  
24 **to.**  
25 Q. Not to what?

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1 A. **Tell the truth.**  
2 Q. In a deposition it's a crime?  
3 A. **I would assume so.**  
4 Q. So you don't know that either?  
5 Like I said you're assuming?  
6 A. **Sure.**  
7 Q. All right. Do you have an ID with  
8 you that I may see? And I'm not going to copy it  
9 or anything. If you want to cover anything up.  
10 MR. TUCKER: While we're still on  
11 the record, you can look at her ID to make sure  
12 that she is who she says she is, but I'd rather  
13 you not --  
14 MR. PARKER: Not going to copy.  
15 MR. TUCKER: Not going to copy it?  
16 Not going to write anything down?  
17 MR. PARKER: No.  
18 MR. TUCKER: Great.  
19 MR. PARKER: I mean, I got to do my  
20 job, is this who -- I'm going to touch this.  
21 THE WITNESS: Yeah.  
22 MR. PARKER: Cool. That's a nice  
23 picture. All right. Wow. That's pretty close.  
24 MR. TUCKER: What's pretty close?  
25 MR. PARKER: The signature.

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1 it's -- the variation. I do Calgary. I do all  
2 over the place.  
3 BY MR. PARKER:  
4 Q. Thank you, Ma'am.  
5  
6  
7  
8 Q. I'm not prying, but how long have  
9 you gone by Hanke?  
10 A. **Almost nine years.**  
11 Q. Whoa. All right.  
12 And what is your education?  
13 A. **I --**  
14 Q. That was a horrible question.  
15 Did you graduate high school?  
16 A. **Yes.**  
17 Q. Did you take any college?  
18 A. **I did.**  
19 Q. Did you graduate from a college?  
20 A. **Yes.**  
21 Q. And from where did you graduate?  
22  
23  
24  
25 A. **Uh-huh.**

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1 Q. Did you live in South Dakota  
2 previously?  
3 A. **Yes.**  
4 Q. And how long have you lived in  
5 Minnesota?  
6 A. **Since 2007.**  
7  
8  
9  
10  
11 A. **Nine years.**  
12 Q. And you've worked at Midland Credit  
13 Management for two years?  
14 A. **It will be two years in May.**  
15 Q. Sorry. And then you've had your  
16 notary, ability to swear someone in, I'll look at  
17 an affidavit for a year and a half; is that  
18 correct?  
19 A. **Yes.**  
20 Q. What made you get your notary  
21 certification?  
22 A. **It was a requirement.**  
23 Q. For the job?  
24 A. **Yes.**  
25 Q. But you got the job before you

Page 20

1 got -- or have you had another job previous to  
2 that?  
3 MR. TUCKER: Objection to the form.  
4 BY MR. PARKER:  
5 Q. So you came in as a legal  
6 specialist?  
7 A. **Yes.**  
8 Q. And it was required to be  
9 notarized -- be a notary?  
10 A. **Yes.**  
11 Q. But you weren't a notary?  
12 A. **I was not a notary when I started  
13 working at Midland.**  
14 Q. And then you waited six months to  
15 get your notary?  
16 A. **Yeah. It was like three to six...**  
17 Q. Even though it was a requirement of  
18 the job?  
19 MR. TUCKER: Objection to the form.  
20 THE WITNESS: We had 90 days.  
21 BY MR. PARKER:  
22 Q. 90 days?  
23 A. **To get our notary, I believe.**  
24 Q. All right. And I think you told me  
25 everything about the job is to validate

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1 affidavits, to swear people in that are signing  
2 the affidavit; is that correct?  
3 A. **Yes.**  
4 Q. You haven't been deposed before?  
5 A. **No.**  
6 Q. Have you ever been sued before?  
7 A. **No.**  
8 Q. Have you ever sued someone?  
9 A. **No.**  
10 Q. Have you ever been a witness?  
11 A. **No.**  
12 Q. You work for Midland Credit  
13 Management the whole two years?  
14 A. **Yes.**  
15 Q. So this fascinates me. How do I  
16 put this.  
17 Where is Midland Funding, LLC?  
18 MR. TUCKER: Objection to the form.  
19 THE WITNESS: I am not sure where  
20 they are actually located.  
21 BY MR. PARKER:  
22 Q. All right. Is there a liaison for  
23 Midland Funding that you deal with?  
24 A. **I don't know.**  
25 Q. Who is the person at Midland that

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1 you normally deal with?  
2 **A. What do you mean?**  
3 Q. Do you do work with Midland  
4 Funding, LLC?  
5 **A. Midland Funding is our sister**  
6 **company to Midland Credit Management.**  
7 Q. What does that mean to you, sister  
8 company?  
9 **A. That they're affiliated. Midland**  
10 **Funding owns the accounts, purchases the**  
11 **accounts. We service them. Midland Credit**  
12 **Management services them.**  
13 Q. All right. Midland Funding buys --  
14 did you say purchases?  
15 **A. Yes.**  
16 Q. Accounts?  
17 **A. And they own them. Yes.**  
18 Q. How do you know they own them?  
19 **A. Because it's the company I work**  
20 **for.**  
21 Q. You don't work for Midland Funding?  
22 **A. No, but Midland Credit Management.**  
23 **We're entities of -- they're entities.**  
24 Q. All right. They are entities.  
25 One is the separate companies?

Page 23

1 **A. Yes.**  
2 Q. You think they're affiliated even  
3 though they're separate entities. So I'm asking  
4 about your affiliation.  
5 Have you ever been presented with  
6 evidence or proof that they own the debts that  
7 Midland services?  
8 MR. TUCKER: Objection to the form  
9 of the question.  
10 THE WITNESS: Can you reword that?  
11 BY MR. PARKER:  
12 Q. Yeah. You said Midland Funding  
13 purchases the accounts and owns them.  
14 **A. Uh-huh.**  
15 Q. Have you ever been presented with  
16 proof that they own them?  
17 **A. The affidavits I sign call out that**  
18 **they are the plaintiff, we are suing on behalf of**  
19 **Midland Funding.**  
20 Q. Okay. But you don't question that?  
21 **A. I don't.**  
22 Q. You don't, okay.  
23 **A. Because -- yeah.**  
24 Q. It's just your job. You just do  
25 what they tell you to do?

Page 24

1 **A. No. When I started with the**  
2 **company I went through training, and the training**  
3 **involved knowing what my documentation was going**  
4 **to look like, why Midland Funding is the**  
5 **plaintiff, how we are different. They are the**  
6 **owners of the debt. We collect and service the**  
7 **accounts.**  
8 Q. All right. Do you write the  
9 affidavits that you sign, validate, or notarize?  
10 **A. I do not.**  
11 Q. You do not write them.  
12 Do you add anything to the  
13 affidavits that you validate, sign, or notarize?  
14 **A. No.**  
15 Q. Other than your signature?  
16 **A. Yes.**  
17 Q. All right. So the only thing you  
18 add to an affidavit as part of your job as a  
19 legal specialist is your signature?  
20 **A. And a date stamp.**  
21 Q. And a date stamp?  
22 **A. If it requires a notary, a notary**  
23 **stamp.**  
24 Q. All right. So you don't add  
25 anything to the information?

Page 25

1 **A. No.**  
2 Q. No. All right.  
3 You may want to think about that  
4 five second rule because you were about to --  
5 just give me some space for the court reporter.  
6 But you do what you want to do.  
7 Do you have any other tasks or  
8 responsibilities other than the validating, the  
9 signing, and the notary -- the notarizing?  
10 **A. I help mentor new hires, but.**  
11 Q. You volunteer to do that?  
12 **A. Yes.**  
13 Q. And you get paid for that, your  
14 regular pay an hour?  
15 **A. Yes.**  
16 Q. And how many times a week do you do  
17 that?  
18 **A. It varies.**  
19 Q. How many of these notaries do you  
20 do a day?  
21 The affidavits, how many of those  
22 do you sign a day?  
23 **A. That also varies.**  
24 Q. What is the cause of the variation?  
25 **A. Whether there are attachments. It**

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1 **takes longer to validate those, of course, versus**  
2 **ones that don't require any media attachments.**  
3 Q. All right. So if I hear you  
4 correctly, and please correct me if I'm wrong, if  
5 you're validating, it takes longer to validate  
6 than it does to notarize?  
7 MR. PARKER: Objection to the form.  
8 THE WITNESS: It does take longer  
9 to validate than it does to sign them, yes.  
10 BY MR. PARKER:  
11 Q. Because?  
12 **A. Because I have to go through the**  
13 **entire affidavit and read through every point and**  
14 **validate that against our records.**  
15 Q. All right. And do you sit at a  
16 desk?  
17 **A. Yes.**  
18 Q. In a cubicle?  
19 **A. Yeah.**  
20 Q. What decides or who decides whether  
21 you're going to validate or notarize?  
22 MR. TUCKER: Let me just interject  
23 something just to make sure that when you're  
24 saying validate, you're talking about the actual  
25 process of looking at the document and signing in

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1 front of a notary, and when you're saying  
2 notarize you're meaning where she will actually  
3 notarize somebody else's signature on an  
4 affidavit?  
5 BY MR. PARKER:  
6 Q. Is that correct?  
7 **A. Yes.**  
8 Q. All right.  
9 MR. TUCKER: I just want to make  
10 sure that you guys are on the same page when  
11 you're talking about the two different tasks.  
12 MR. PARKER: We're way ahead of  
13 you.  
14 MR. TUCKER: Good. I'm always  
15 behind.  
16 BY MR. PARKER:  
17 Q. So you're at a point where you're  
18 at your desk, you're at a cubicle.  
19 And how much of your day is  
20 validation and how much of your day is  
21 notarizing?  
22 **A. There are many days I do not**  
23 **notarize. That's probably -- the majority of my**  
24 **time is validating.**  
25 Q. What do you average a day of

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1 validating?  
2 **A. That also varies depending on**  
3 **requirements that the firms want for the**  
4 **affidavit.**  
5 Q. So your job is dependant on how  
6 many law firms are contacting you for validation?  
7 **A. Yes.**  
8 Q. So are there days when you just  
9 have nothing to do?  
10 **A. No, we always have work.**  
11 Q. All right. And then but you  
12 believe the majority of your day is validating?  
13 **A. Validating and I would say**  
14 **mentoring.**  
15 Q. Mentoring.  
16 So when you are sitting at your  
17 desk and it's time to validate, let's say you're  
18 going to do one validation that day, take me  
19 through completely from beginning to end how that  
20 occurs.  
21 If you want to use this -- I guess  
22 we should do some exhibits so we look like we're  
23 doing our job here.  
24 You know, you refer to the law  
25 firm. So what I'm going to do is make this

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1 exhibit -- let's do it the right way.  
2 Do you want to go off the record  
3 for a second.  
4 (Off the record.)  
5 (Deposition Exhibit 1 was marked  
6 for identification.)  
7 BY MR. PARKER:  
8 Q. I'm going to represent to you  
9 Exhibit 1 is 15 pages of a lawsuit that was  
10 served on my client. And if you have any  
11 information to say that's not the case, please  
12 let me know. While you're doing that, I'm going  
13 to add the same numbers to my sheets. I also  
14 handed it to your counsel.  
15 MR. TUCKER: For the record, I'll  
16 note that Exhibit Number 1, page number 1 is a  
17 Summons, Midland Funding as assignee of Credit  
18 One Bank versus Darrin Tucker. Page number 2 is  
19 a four-paragraph Complaint. Page number 3 and 4  
20 is the Affidavit of Ms. Hanke. And then page  
21 number 5 is -- I can't remember what they call  
22 this.  
23 THE WITNESS: The cover sheet.  
24 MR. TUCKER: The cover sheet. Page  
25 number 6 is a May 20 Bill of Sale and Assignment.



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1 Page number 7 is an April 30 Bill of Sale and  
2 Assignment from Credit One Bank to MHC  
3 Receivables. Page number 8 is a Bill of Sale and  
4 Assignment from MHC Receivables to Sherman  
5 Originator.  
6 Page number 9 and 10 is an  
7 Affidavit of Vicki Scott. Page number 11 is a  
8 Certificate of Conformity dated July 16 -- excuse  
9 me, July 27, 2016. Page number 12 is another  
10 May 20, 2016 Bill of Sale and Assignment signed  
11 by Jon Mazzoli, M-A-Z-Z-O-L-I.  
12 And page 13 and 14 is an affidavit  
13 signed by Mr. Mazzoli on May 27, 2016. And page  
14 15 is another Certificate of Conformity dated  
15 May 27, 2016.  
16 BY MR. PARKER:  
17 Q. Have you ever seen Exhibit 1  
18 before?  
19 A. No.  
20 Q. When you said that you based upon  
21 your request -- a law firm's request, they will  
22 send you what?  
23  
24  
25

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1 Q. All right. Is that reflected  
2 anywhere either on -- is it on your affidavit  
3 anywhere, that  
4 A. Affidavit or record.  
5 Q. All right. So you're just using  
6 your nomenclature, but what you're pointing to is  
7 A-F-F-R-E-C-O-R-D?  
8 A. Yes.  
9 Q. And above that looks like a  
10  
11 A. Yes.  
12 Q. And you're saying they will send --  
13 "they" meaning a law firm will send that to whom,  
14 you?  
15 A. They'll just send it over to our  
16 system.  
17 Q. System?  
18 A. Our internal system, yes.  
19 Q. All right. And is it all  
20 algorithms?  
21 MR. TUCKER: Objection to the form.  
22 THE WITNESS: Yes.  
23 BY MR. PARKER:  
24 Q.  
25

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1 system, then do?  
2  
3  
4  
5  
6 Q. And who decides whether  
7 Hanke takes it?  
8 A.  
9 Q. I mean is it --  
10 A. It's not anything structure -- it's  
11 not -- I don't just do affidavit of records. I  
12 do a variety of different affidavits.  
13 O. All right. So let's get back to  
14  
15 b The s  
16  
17  
18 A. Uh-huh.  
19 MR. TUCKER: Don't forget to say  
20 yes or no.  
21 THE WITNESS: Yes.  
22 BY MR. PARKER:  
23 Q. And then on your computer it pops  
24 up, or does it fax and then it comes to you, or  
25 is it printed and someone hands it to you?

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1 How do you get it?  
2 A. It gets printed.  
3 Q. It's printed.  
4 And then a person walks it over to  
5 your cubicle?  
6 A. Yes.  
7 Q. And generally do they just hand you  
8 one, or do they hand you a stack?  
9 Or how does that work?  
10 A. It's usually a stack of them.  
11 Q. Stack of them.  
12 How many, generally?  
13 A. There's a range. It can be  
14 anywhere from 1 to, you know, 50, 60. It just  
15 depends.  
16 Q. And have you done all 50 in one  
17 day?  
18 A. It depends.  
19 Q. All right. How many hours of the  
20 day do you work?  
21 A. Eight.  
22 Q. Eight hours. From when to when?  
23  
24 Q. How many can you generally knock  
25 out?

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1 Do you understand what I mean when  
2 I say "knock out"?  
3 **A. I do. It still depends on the**  
4 **requirements of the affidavit.**  
5 Q. Meaning how much is attached --  
6 **A. Yes.**  
7 Q. -- to the affidavit you've got to  
8 validate?  
9 **A. Yes.**  
10 Q. So now Stillman has sent the  
11 algorithm or sent word, an -- -- -- sent  
12 -- -- -- sent  
13 to a printer; is that correct?  
14 **A. Yes.**  
15 Q. And it's printed, and then a human  
16 being hands you either the one or a stack,  
17 correct?  
18 **A. Correct.**  
19 Q. And then I did it.  
20 Do you handle a certain region?  
21 **A. I do not.**  
22 Q. So you can -- you get them from all  
23 50 states -- sorry 49 -- 50. Yeah, 50 states?  
24 There's still 50 states.  
25 50 states?

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1 **A. Yes.**  
2 Q. Including Minnesota?  
3 **A. Yes.**  
4 Q. All right. And so you now receive  
5 the Exhibit 1, page 3 and page 4.  
6 Is that the form that it comes in  
7 without the signature?  
8 **A. Yes.**  
9 Q. What's the best thing to call that?  
10 Is that called an AFF Record, or  
11 what would you call that?  
12 **A. I call it an affidavit.**  
13 Q. An affidavit. All right. Because  
14 you referenced something -- all right.  
15 So you call it an affidavit. It's  
16 in a stack or it's alone.  
17 And then what makes you decide what  
18 your next step is with this stack of affidavits?  
19 **A. We have an internal system that**  
20 **handles each one of them.**  
21 **It's dependent on the type of**  
22 **affidavit.**  
23 Q. It's dependent on the type of  
24 re -- -- --  
25 **A. Yes.**

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1 Q. So what does Stillman request, and  
2 how do you know?  
3 **A. Based off of our internal database**  
4 --  
5 **affidavit ID.**  
6 --  
7 -- -- --  
8 he -- Stillman putting per affidavit what he  
9 wants?  
10 **MR. TUCKER:** And just as a point of  
11 clarification, Stillman is the Stillman law firm.  
12 Michael Stillman may not have been the actual one  
13 to request it.  
14 **MR. PARKER:** He wasn't. He  
15 actually lives in my neighborhood.  
16 **MR. TUCKER:** I've heard that.  
17 **BY MR. PARKER:**  
18 Q. Yeah, Michael didn't request this.  
19 We'll assume someone at Stillman law firm. And I  
20 will go back to my original question.  
21 You have a general need of  
22 Stillman, or does Stillman have a request per  
23 affidavit?  
24 Does Stillman always require  
25 certain things attached to the affidavit, or with

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1 each request is there -- they'll say what they  
2 want attached to the affidavit?  
3 **A. It depends on the affidavit that**  
4 **they send over. They could send over a different**  
5 **one that's not an affidavit of record that would**  
6 **maybe require attachments.**  
7 Q. So depending on the affidavit that  
8 you receive, that dictates what's going to be  
9 attached?  
10 **A. Yes.**  
11 Q. And who attaches the stuff to the  
12 affidavit?  
13 **A. I would attach it.**  
14 Q. Based upon what?  
15 **A. Based upon --**  
16 Q. The type of affidavit?  
17 **A. Yes.**  
18 Q. So what type of affidavit is that?  
19 **A. This is --**  
20 Q. On page 3, Exhibit 1?  
21 **A. What do you mean?**  
22 Q. As opposed to -- you said based  
23 upon the type of affidavit, so I'm asking you  
24 what type of affidavit is that?  
25 **A. This is like an affidavit of**

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1 record.  
2 Q. All right. So an affidavit of  
3 record gets a certain type of document?  
4 A. Yes. And in this case there  
5 wouldn't be any attachments to this affidavit.  
6 Q. Oh, okay. No attachments to this  
7 affidavit.  
8 Why is that?  
9 A. Because the affidavit doesn't call  
10 out attachments.  
11 Q. It doesn't say there's any  
12 attachments to it?  
13 A. Correct.  
14 Q. So you will know that by reading  
15 it, or there's a certain code that you look at?  
16 A. I would know that by reading it and  
17 referencing our internal database that breaks  
18 down what each firm wants. So it's kind of a  
19 double check.  
20 Q. It's like NASA, you have all these  
21 redundancies. If this goes wrong so check this,  
22 check this, check this.  
23 You've done double checking, and  
24 Stillman didn't want anything attached to the  
25 affidavit; is that correct?

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1 A. Correct.  
2 Q. All right. So in this case  
3 Stillman didn't want anything attached to the  
4 affidavit, right?  
5 A. Yes.  
6 Q. This is going to be a crazy thing  
7 to ask you.  
8 Do you recognize that affidavit?  
9 A. Do I remember validating this  
10 particular affidavit, no.  
11 Q. No. All right.  
12 Are you becoming familiar with it  
13 now that you're looking at it?  
14 A. Yes.  
15 Q. All right. And what are you  
16 noticing or remembering -- what's being refreshed  
17 from your review?  
18 MR. TUCKER: Objection to the form.  
19 THE WITNESS: What do you mean?  
20 BY MR. PARKER:  
21 Q. Does it remind you of anything in  
22 reviewing that?  
23 MR. TUCKER: Objection to the form.  
24 THE WITNESS: It's our processes.  
25 I follow the same process with validating all of

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1 my affidavits.  
2 BY MR. PARKER:  
3 Q. And this is one that you validated?  
4 A. Yes.  
5 Q. All right. So you've gone and done  
6 your redundancies, you've seen and you've  
7 checked.  
8 What's your next step after that?  
9 A. After I validated this entire  
10 affidavit?  
11 Q. No. Forgive me. I asked you --  
12 Stillman wants it a certain way. You've checked  
13 how he wants -- what he wants attached.  
14 Then what's your next step?  
15 A. Then I would go into our affidavit  
16 management system.  
17 Q. Affidavit management system.  
18 AMS? Do they call it AMS?  
19 A. Uh-huh.  
20 MR. TUCKER: Say yes or no.  
21 THE WITNESS: Yes or no.  
22 Yes.  
23 BY MR. PARKER:  
24 Q. Do you refer to it as AMS?  
25 A. I do.

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1 Q. Is that what it's referred to  
2 there?  
3 A. Yes.  
4 Q. Go into the AMS. All right. So  
5 I'll try to do that.  
6  
7  
8  
9 A. That is our firm -- our firm code  
10 for them.  
11 Q.  
12 A. I am not sure how that is all  
13 populated.  
14 Q. All right. If you saw MI133 but  
15 you didn't see Stillman Law Office, would you  
16 know it was Stillman?  
17 A. No.  
18 Q. All right. So you only know it's  
19 Stillman --  
20 A. Well, I would know that based off  
21 of our system. But just looking at ---,  
22 without that there, I wouldn't. We work with  
23 several firms.  
24 Q. All right. So I cut you off. You  
25 now have checked the system.

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1           You said -- what do you do now?  
2           **A. I read through my affidavit.**  
3           Q. Okay.  
4           **A. And check all the points against**  
5 **our affidavit management system.**  
6           Q. All right. Affidavit management  
7 system. You check off the points. I saw you  
8 point. Let's say you pointed to the top of  
9 page 3, Exhibit 1.  
10          What did you mean when you pointed  
11 to it?  
12          **A. That the first thing I would check**  
13 **is to make sure that I am suing in Michigan.**  
14 **That the consumer is in Michigan.**  
15          MR. TUCKER: Just as a point of a  
16 clarification, you don't mean you were suing in  
17 Michigan. You mean a lawsuit will be brought in  
18 Michigan?  
19          THE WITNESS: Yes.  
20          MR. PARKER: Well, that would be my  
21 question to ask you. You wouldn't tell her how  
22 to testify.  
23          MR. TUCKER: Okay. Well, you're  
24 correct. But I was saying when she says "I."  
25          MR. PARKER: Well, all right.

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1           Again, if I want to correct it.  
2           MR. TUCKER: I just don't want the  
3 record to be unclear.  
4           BY MR. PARKER:  
5           Q. Why is there no county designation  
6 in what you're pointing at, the top of the  
7 affidavit?  
8           **A. I don't know.**  
9           Q. How about a case number?  
10          **A. I don't know.**  
11          Q. But you just want to make sure  
12 you've got the right state you're suing in you  
13 said; is that correct?  
14          **A. Yes. That is one of my checks.**  
15          Q. All right. So this affidavit is --  
16 it's created for purposes of being attached to a  
17 lawsuit; is that correct?  
18          **A. Correct.**  
19          Q. And that's how you've been trained?  
20          **A. Yes.**  
21          Q. So Stillman is asking for this  
22 before he files a lawsuit?  
23          **A. Yes. Them requesting the affidavit**  
24 **is just the beginning of the litigation process.**  
25          Q. Okay. We're going to get to that

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1           later.  
2           So you said, and correct me if I'm  
3 wrong, that your next step is to review the  
4 affidavit; is that correct?  
5           **A. Correct.**  
6           Q. And then what you did, and I  
7 pointed it out is you go point by point. And you  
8 pointed to the top and I say, hey, what do you  
9 mean by that? And you say I want to make sure  
10 I'm suing in the right state. And then he  
11 corrects you because it's not you suing.  
12          What's your next step after you  
13 look at the State of Michigan, the top of  
14 Exhibit 1, page 3?  
15          **A. I read through the entire thing. I**  
16 **would check that's correct, that it wouldn't say**  
17 **Midland Credit Management.**  
18          Q. All right. I didn't video this  
19 today. You don't care. But when you point, and  
20 Joe will -- you've got to say what you're doing.  
21          **A. Okay.**  
22          Q. It's a horrible way to do things.  
23          **A. Okay.**  
24          Q. So you pointed.  
25          And what you meant to do, and

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1           correct me if I'm wrong, is you pointed to make  
2 sure that it says say Midland Funding, LLC; is  
3 that correct?  
4           **A. Yes.**  
5           Q. And why is that important to you?  
6           **A. Because they own the debt.**  
7           Q. And at that point have you seen any  
8 indication that they do own the debt?  
9           **A. It's just -- we're sisters, we're**  
10 **entities, and that's their side of it.**  
11          Q. All right. If you don't understand  
12 my question, let me know. But that point, it's a  
13 yes or no question.  
14          Have you seen any indication that  
15 Midland Funding as you're starting your  
16 validation process owns the debt, Mr. Tucker's  
17 debt, Mr. Darrin Tucker's debt?  
18          **A. No.**  
19          Q. No. All right.  
20          So why wouldn't it be Midland  
21 Credit Management?  
22          **A. Because Midland Credit Management**  
23 **services the account.**  
24          Q. They never sue?  
25          **A. No. No.**

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1 Q. Have you ever seen a Midland Credit  
2 Management in this case on top of the word  
3 "plaintiff" before?  
4 A. **Not to my knowledge, no.**  
5 Q. No. In the two years you've been  
6 doing this?  
7 A. **Right.**  
8 Q. All right. So your job is to just  
9 make sure, correct me if I'm wrong, that the  
10 words Midland Funding, LLC are on top of the word  
11 "plaintiff"; is that correct?  
12 A. **Correct.**  
13 Q. And you haven't checked to see if  
14 it owns the debt at that point?  
15 A. **We can check that against our**  
16 **system.**  
17 Q. But have you?  
18 When you do that you pressed your  
19 finger to Midland Funding and you said you had  
20 seen no indication that they owned the debt at  
21 that point?  
22 A. **Well, based off of our internal**  
23 **records they would be listed as the plaintiff or**  
24 **the --**  
25 Q. What did you mean when you said

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1 "no" when I asked that?  
2 A. **I misunderstood --**  
3 Q. You did?  
4 A. **-- what you were talking about.**  
5 Q. All right. So you did check to see  
6 that they own the debt? Because before you said  
7 you did and they didn't, now you're saying you  
8 did check at that point.  
9 MR. TUCKER: That's confusing to  
10 me.  
11 BY MR. PARKER:  
12 Q. All right. I'm not going to have  
13 her re-read what your answer was to my question.  
14 A. **No, I understand.**  
15 Q. Let me ask it again.  
16 You pressed your finger, because  
17 you're going to your internal check. The second  
18 thing you check -- the first thing is State of  
19 Michigan, and we joked around you're suing. And  
20 then second you said I want to make sure I've got  
21 the right name.  
22 At that point, as I asked you  
23 before, have you checked to see if they really do  
24 own the debt?  
25 A. **I apologize. I misunderstood.**

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1 **So yes, that is a point that would**  
2 **be cross-referenced into our system.**  
3 Q. You didn't answer the question.  
4 Did you at that point check to see  
5 if they owned the debt?  
6 A. **Yes.**  
7 Q. And how do you do that?  
8 A. **Against our affidavit management**  
9 **system.**  
10 Q. Okay. The AMS?  
11 A. **Yes.**  
12 Q. What is it you do then?  
13 You go into the AMS, or is it open  
14 the whole time?  
15 A. **Yes.**  
16 Q. And it's a computer screen?  
17 A. **Yes.**  
18 Q. So you have the affidavit in front  
19 of you in paper form?  
20 A. **Yes.**  
21 Q. Are you literally with your finger  
22 checking the next step and going and checking the  
23 AMS?  
24 A. **That's how I do it, yes.**  
25 Q. All right. That's what we're doing

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1 here.  
2 So what's the next thing you put  
3 your finger on?  
4 A. **The Defendant's name.**  
5 Q. Which is Darrin Tucker.  
6 And then you check AMS to make sure  
7 it's the right name?  
8 A. **Yes.**  
9 Q. All right. And I also noticed  
10 under the word "Midland Funding" is the word  
11 "plaintiff."  
12 What does that mean?  
13 A. **That means they are the ones that**  
14 **own the debt and they are the ones suing.**  
15 Q. They're the ones suing. Okay.  
16 Plaintiff means you're suing, okay.  
17 And when is that lawsuit filed?  
18 A. **This particular lawsuit?**  
19 Q. Yes, Ma'am.  
20 A. **It was October 16th, I believe.**  
21 Q. It should be on page 1.  
22 October 16. You were correct. To your left.  
23 Bottom under your fingers there.  
24 A. **Okay. Yeah. October 16th.**  
25 Q. And you signed this?

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1           **A. September 21st.**  
2           Q. So there was no lawsuit at that  
3 point?  
4           MR. TUCKER: At what point?  
5 BY MR. PARKER:  
6           Q. That you signed this?  
7           **A. There was not. But the purpose of**  
8 **this affidavit is to be attached to the**  
9 **complaint.**  
10          Q. To a lawsuit?  
11          **A. Correct.**  
12          Q. So the purpose is litigation?  
13          **A. Yes.**  
14          Q. All right. But at that point  
15 Midland Funding is not a plaintiff. And I asked  
16 you had you been sued before.  
17                So I can educate you, but they're  
18 not a plaintiff until the lawsuit is filed; is  
19 that correct?  
20          MR. TUCKER: Objection to the form.  
21 BY MR. PARKER:  
22          Q. If you know. Yes or no.  
23          **A. Can you reword that again?**  
24          Q. Sure. They're not a plaintiff  
25 until there's an actual lawsuit be filed, and you

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1 agreed that when you signed it there was not a  
2 lawsuit.  
3                So they're not a plaintiff at that  
4 point; is that correct?  
5           **A. By the time the consumer would**  
6 **receive this affidavit, the account would have**  
7 **been sued on.**  
8           Q. I agree.  
9           **A. It would be attached to the**  
10 **complaint.**  
11          Q. That could be true. But at the  
12 point you sign it, they're not a plaintiff; isn't  
13 that correct?  
14                You seem to know what a plaintiff  
15 is; is that correct?  
16          **A. Yes.**  
17          Q. But when you sign it, they're not a  
18 plaintiff; is that correct?  
19                It's a simple question. Either  
20 they are or they aren't?  
21          **A. At the time that this was signed,**  
22 **the complaint had not been filed.**  
23          Q. Right. And they weren't a  
24 plaintiff, correct?  
25          MR. TUCKER: Objection to the form.

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1                You can go ahead and answer.  
2           THE WITNESS: Correct.  
3 BY MR. PARKER:  
4           Q. Correct.  
5                And Mr. Tucker wasn't a defendant  
6 at the time that you signed this; is that  
7 correct?  
8           MR. TUCKER: Objection to the form.  
9           THE WITNESS: Correct.  
10 BY MR. PARKER:  
11          Q. All right. So you agree that  
12 they're not plaintiffs and not defendant at that  
13 point because it hasn't been served or even  
14 filed.  
15                If you would, could you go to the  
16 page 4. And above your name, what does it say?  
17          **A. "I certify under penalty of perjury**  
18 **that the foregoing statements are true and**  
19 **correct."**  
20          Q. Attorneys always yell at me because  
21 I ask people about raising their hand. But  
22 there's a reason I ask a notary that.  
23                That means you've got to tell the  
24 truth, correct?  
25          **A. Correct.**

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1           Q. Does it mean that the information  
2 you're signing your name to has to be true?  
3           **A. Yes.**  
4           Q. All right. So far we haven't got  
5 down to the information yet, and so far we've  
6 discovered that Midland isn't a plaintiff, and  
7 Darrin Tucker isn't a defendant at that point; is  
8 that correct?  
9           **A. Correct.**  
10          Q. All right. So let's go back to  
11 page 3.  
12                And what's your next point that  
13 you're checking?  
14          **A. My name is spelled correctly.**  
15          Q. All right. And do you have a  
16 middle initial?  
17          **A. I do.**  
18          Q. And what's that?  
19          **A. J.**  
20          Q. For?  
21          **A. Jean.**  
22          Q. And you don't go by that, so it's  
23 never in your signature?  
24          **A. No.**  
25          Q. All right. And it says your

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1 business address is 16  
2 **A. Yeah.**  
3 **Q. Is that where you are, at Suite**  
4  
5 **A. Yes.**  
6 **Q. How long have you been at Suite**  
7  
8 **A. Almost two years.**  
9 **Q. Two years.**  
10 **All right. And it's 16**  
11  
12 **A. Yes.**  
13 **Q.**  
14 **A. Yes.**  
15 **Q. And it's saying you certify all of**  
16 **this; is that correct?**  
17 **Do you know what that means?**  
18 **A. That I certified that I validated**  
19 **this.**  
20 **Q. Well, it doesn't say validate. It**  
21 **just says certifies.**  
22 **A. I interpret it as I'm certifying**  
23 **that everything here is true and accurate.**  
24 **Q. Okay. And so far we've discovered**  
25 **that everything isn't true and accurate.**

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1 Or are you saying everything below  
2 that is true and accurate?  
3 **MR. TUCKER: Objection to the form**  
4 **of the question.**  
5 **THE WITNESS: What do you mean?**  
6 **BY MR. PARKER:**  
7 **Q. All right. So we discovered that**  
8 **Midland is not a plaintiff and Tucker is not a**  
9 **defendant. That's not true and accurate.**  
10 **Are you saying when you certify**  
11 **only the stuff below Nicole Hanke whose business**  
12 **address, et cetera --**  
13 **MR. TUCKER: Same objection.**  
14 **BY MR. PARKER:**  
15 **Q. -- is true and accurate?**  
16 **MR. TUCKER: Same objection to the**  
17 **form of the question.**  
18 **THE WITNESS: The purpose of this**  
19 **affidavit is to be attached to a complaint. By**  
20 **the time the consumer would receive this**  
21 **complaint, it would have been sued on. You can**  
22 **change the wording and say the obligation to be**  
23 **sued upon, and it could have been --**  
24 **BY MR. PARKER:**  
25 **Q. Can I stop you a second. That's**

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1 what he wants you to say. But I haven't got to  
2 that yet, if you really want to jump to that.  
3 **A. Okay.**  
4 **Q. Do you want to jump to that now?**  
5 **A. We can.**  
6 **Q. All right. We can do that. You're**  
7 **a good listener.**  
8 **So it says you're employed as a**  
9 **legal specialist; is that correct?**  
10 **A. That is correct.**  
11 **Q. When your finger runs down the**  
12 **affidavit, is that the next point that you check?**  
13 **A. Yes.**  
14 **Q. You already know you're a legal**  
15 **specialist; is that correct?**  
16 **A. Yes.**  
17 **Q. Now I've got to jump ahead.**  
18 **You've repeated something a couple**  
19 **of times, twice, that when the consumer you say,**  
20 **but we're talking about Mr. Tucker receives this,**  
21 **then he is a defendant.**  
22 **Do you recall saying something like**  
23 **that?**  
24 **A. By the time he would receive the**  
25 **affidavit and the complaint, yes.**

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1 **Q. Is that something, the way you're**  
2 **saying it, that you believed at the time you were**  
3 **signing this? And remember you're under oath.**  
4 **A. Yes.**  
5 **Q. That's exactly how you believed --**  
6 **A. That this has -- this is the**  
7 **purpose of being served with the complaint and**  
8 **that the defendant would be the defendant in that**  
9 **case, yes.**  
10 **Q. For the purposes of litigation**  
11 **that's what this affidavit is?**  
12 **A. Yes.**  
13 **Q. All right. Okay. You've already**  
14 **testified that you wrote none of this affidavit;**  
15 **is that correct?**  
16 **A. That is correct.**  
17 **Q. Okay. All right. So your next**  
18 **finger point is, and correct me if I'm moving too**  
19 **fast, it says, "I am employed as a legal**  
20 **specialist and have access to pertinent account**  
21 **records for Midland Credit, Inc., MCM servicer of**  
22 **this account on behalf of plaintiff."**  
23 **Is that what it says?**  
24 **A. Yes.**  
25 **MR. TUCKER: Objection to the form.**

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1 BY MR. PARKER:  
2 Q. You told me what a legal specialist  
3 is as far as you're concerned.  
4 You're a validator, a notary, and  
5 on the side you do mentoring; is that correct,  
6 that's your job?  
7 A. **That is correct.**  
8 Q. Okay. On what date did MCM become  
9 a servicer for Midland on this debt?  
10 A. **We received this on 5/20/2016.**  
11 Q. How do you know that?  
12 A. **Based off of the chain of title**  
13 **information. And this is information I would**  
14 **have validated against our internal database.**  
15 Q. All right. Is that another finger  
16 where you look and see what date you became a  
17 servicer on the AMS?  
18 A. **Yes.**  
19 Q. And it says that on the screen,  
20 same screen, or you've got to move to another  
21 screen?  
22 A. **No.**  
23 Q. It will say --  
24 A. **It's on the AMS screen.**  
25 Q. And it will say date we became the

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1 servicer?  
2 A. **No.**  
3 Q. Okay. What will it say?  
4 A. **It will list out the issuer, you**  
5 **know, whatever the chain of title, if the debt**  
6 **was sold more than once, which --**  
7 Q. All right.  
8 A. **-- in this case it was.**  
9 Q. You're explaining to me with your  
10 fingers. So --  
11 MR. TUCKER: Let her.  
12 BY MR. PARKER:  
13 Q. -- could you be more specific,  
14 because I don't understand that.  
15 MR. TUCKER: And just as a point.  
16 MR. PARKER: I cut her off.  
17 MR. TUCKER: Try and let her finish  
18 the answer before you start to --  
19 BY MR. PARKER:  
20 Q. Explain this -- he's right.  
21 Explain this to me so I understand  
22 what you look at that says they're the servicer  
23 for Midland on Darrin Tucker's account.  
24 A. **I can see when we became the new**  
25 **owners of the account. I can see the date and**

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1 **who we got it from.**  
2 Q. And what is it you look at that  
3 shows you that?  
4 A. **My AMS screen.**  
5 Q. I know that. But is it a word, a  
6 nomenclature? What tells you when they purchased  
7 the debt and became the new owner, as you say?  
8 A. **I don't know what to -- my**  
9 **affidavit management system.**  
10 Q. Yes.  
11 A. **It's in there.**  
12 Q. But you're looking at it, right?  
13 A. **Yes.**  
14 Q. It says date we became new owner?  
15 A. **No, it lists the -- in this case it**  
16 **would have listed Credit One, MHC, Sherman, and**  
17 **then Midland, and then the dates of each of those**  
18 **transfers or sales.**  
19 Q. Specifically what would it say?  
20 A. **It would say exactly what I just**  
21 **said.**  
22 Q. It would say the actual date that  
23 they became owners?  
24 A. **Yes.**  
25 Q. In other words, the date that they

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1 purchased the debt?  
2 A. **Yes.**  
3 Q. It would say it, but would it show  
4 any documents to prove that?  
5 A. **Not on that screen.**  
6 Q. All right. So the AMS screen is  
7 what you look at?  
8 A. **Yes.**  
9 Q. To find out whether -- what date  
10 the debt was purchased?  
11 A. **Yes.**  
12 Q. Is that what you did in this case?  
13 A. **Yes.**  
14 Q. And it had a date next to each  
15 entity that purchased the debt?  
16 A. **Yes.**  
17 Q. All right. And so it doesn't say  
18 when Midland Credit Management became the  
19 servicer.  
20 It's your assumption that Midland  
21 Credit Management became the servicer; is that  
22 correct?  
23 MR. TUCKER: Objection to the form.  
24 THE WITNESS: We are sister  
25 companies and we do two different things. So



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1 they own it, we still service them.  
2 BY MR. PARKER:  
3 Q. All right. You've said three times  
4 now you're sister companies.  
5 Is this another case of you saying  
6 something and not really knowing what you're  
7 saying, or what does sister company mean to you?  
8 MR. TUCKER: Objection to the form.  
9 You can answer.  
10 THE WITNESS: That we're entities  
11 of one another. We each play a part when it  
12 comes to these accounts.  
13 BY MR. PARKER:  
14 Q. All right. You're not sister  
15 companies. You're separate entities.  
16 A. Okay.  
17 Q. Are you aware of that?  
18 Unless you think they are and you  
19 can correct me, but you're separate businesses?  
20 Are you trying to tell me we work  
21 together?  
22 A. Yes.  
23 Q. All right. And I'm not jousting  
24 with you or -- but it kind of means something.  
25 Your justification for doing things

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1 is that you work for both companies?  
2 MR. TUCKER: Objection to the form.  
3 BY MR. PARKER:  
4 Q. Do you work for both companies?  
5 A. I do not.  
6 Q. All right. So you recognize  
7 they're separate entities?  
8 A. Yes.  
9 Q. Right.  
10 And your assumption is because  
11 you're sister companies that when Midland Funding  
12 buys something, you automatically are the  
13 servicer.  
14 Is that your assumption?  
15 A. Yes.  
16 Q. And that's based upon what, other  
17 than being sister companies?  
18 A. It's based upon being with the  
19 company and going through the training of the  
20 company.  
21 Q. All right. So you don't ever talk  
22 to Midland Funding; is that correct?  
23 A. Correct.  
24 Q. And have you ever spoken with  
25 Midland Funding, LLC?

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1 MR. TUCKER: Objection to the form.  
2 THE WITNESS: No.  
3 BY MR. PARKER:  
4 Q. Have you ever visited Midland  
5 Funding, LLC?  
6 A. No.  
7 Q. It's going to sound like a wacky  
8 thing.  
9 How do you know they exist?  
10 A. Because of -- because -- because of  
11 who I work for. This is just through training,  
12 it's what I've learned.  
13 Q. Correct me if I'm wrong, your  
14 interaction with Midland Funding is all through a  
15 computer screen; is that correct?  
16 A. Correct.  
17 Q. Have you ever met anybody from  
18 Midland Funding?  
19 A. I have not.  
20 Q. All right. Is it just a computer  
21 that buys debts?  
22 A. I am not sure.  
23 Q. Have you ever asked?  
24 A. I have not.  
25 Q. It never occurred to you who is

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1 this sister company buying these debts?  
2 You've never spoken to anybody; is  
3 that correct?  
4 A. That's correct.  
5 Q. That's a kind of bad question.  
6 Sorry.  
7 You've never spoken to anybody at  
8 Midland. You've never been to Midland Funding?  
9 A. Correct. I guess I don't know how  
10 else to explain the relationship.  
11 Q. It's not part of your job really  
12 frankly to care who Midland Funding is, your job  
13 is to do the affidavits; is that correct?  
14 A. That is correct.  
15 Q. All right. So you have no evidence  
16 that Midland Funding exists?  
17 MR. TUCKER: Objection to the form  
18 of the question.  
19 THE WITNESS: I guess in that  
20 sense...  
21 BY MR. PARKER:  
22 Q. Has anybody ever explained to you  
23 the process of buying debts and servicing debts?  
24 A. No.  
25 Q. No.

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1           **A. Not necessary --**  
2           Q. It's going to blow your mind now  
3 every time you do one of these things.  
4           **A. I'm trying to rethink your question**  
5 **before. Can you reword it?**  
6           Q. No, if -- do you not understand it?  
7           **A. Just --**  
8           Q. All right. Sorry. I didn't mean  
9 speak rude about the "no." Because now I'm  
10 thinking about something.  
11           You're working for two people. And  
12 correct me if I'm wrong, you're working for  
13 Midland Credit Management doing the best job you  
14 can, and you're even doing mentoring. You're  
15 doing a great job there. You're a good worker  
16 for them.  
17           Is it true you also work for the  
18 law firms that are asking you to do work? Yes or  
19 no.  
20           MR. TUCKER: Objection to the form.  
21           THE WITNESS: Yes. In a sense,  
22 yes.  
23 BY MR. PARKER:  
24           Q. But you're not working for Midland  
25 Funding?

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1           **A. No.**  
2           Q. All right. Have you seen any  
3 paperwork that says from Midland Funding, hey,  
4 Nicole, do this affidavit for us?  
5           **A. No.**  
6           Q. Have you seen any paperwork from  
7 Midland Funding to your bosses or to Midland  
8 Credit Management saying go service this account?  
9           **A. No.**  
10          Q. No authority whatsoever has come  
11 from Midland Funding as far as you can tell?  
12          **A. Correct.**  
13          Q. All right. Again, we talked about  
14 the importance of two fingers. One is the finger  
15 that you're pointing -- are you right or  
16 left-handed?  
17          **A. Right.**  
18          Q. So you're using your left hand  
19 maybe to go down the different sections and  
20 paragraphs of the affidavit, and then are you  
21 clicking on a mouse to go down the AMS, or is it  
22 all on the screen?  
23          **A. Yes, I use my left hand to go down**  
24 **my affidavit, and then yes, to scroll through my**  
25 **screen.**

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1           Q. All right. Your right finger, your  
2 right hand to scroll.  
3           Okay. So it's not all there on the  
4 screen, you have to go down?  
5           **A. Correct.**  
6           Q. All right. Have you ever been in a  
7 situation where you're doing your job and you're  
8 doing it well, and the power goes out?  
9           **A. No.**  
10          Q. Have you ever been in a situation  
11 where your monitor turned off or your computer  
12 turned off while you're doing your job?  
13          **A. No, not that I know of, no.**  
14          Q. If it did, could you go back into  
15 the same AMS screen that you were working on?  
16          **A. Yes.**  
17          Q. Can you print that AMS screen?  
18          **A. I've never tried.**  
19          Q. All right. Can you get copies of  
20 that screen?  
21          **A. I honestly don't know.**  
22          Q. All right. Have you upgraded or  
23 used the same AMS system since you worked there?  
24          **A. Yes.**  
25          Q. Hasn't changed?

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1           **A. No.**  
2           Q. All right. Your next line -- and  
3 I'm sure you're not using your finger the whole  
4 time, but it says, "I'm a competent person over  
5 18 years of age" on page 3, Exhibit 1. And you  
6 make the statements, "Herein based upon personal  
7 knowledge of these account records," oh, boy,  
8 "maintained on plaintiff's behalf."  
9           Is that correct?  
10          **A. Correct.**  
11          Q. Do you understand what that  
12 statement means?  
13          **A. That I reviewed the information on**  
14 **this account.**  
15          Q. What -- who puts together the  
16 records for Midland Funding?  
17          **A. I am not sure.**  
18          Q. You said -- because you say  
19 knowledge of those accounts maintained on -- who  
20 is maintaining those records on plaintiff's  
21 behalf?  
22          **A. We are servicing the account.**  
23          Q. All right. Are you sure?  
24          MR. TUCKER: Just as a point of  
25 clarification and for the record, by "we" what

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1 did you mean?  
2 MR. PARKER: MCM.  
3 THE WITNESS: Yeah.  
4 MR. TUCKER: Midland Credit  
5 Management.  
6 THE WITNESS: Yeah.  
7 MR. TUCKER: Okay.  
8 BY MR. PARKER:  
9 Q. Do you prefer I say MCM or Midland  
10 Credit Management?  
11 A. MCM.  
12 Q. MCM, okay.  
13 So your personal knowledge of the  
14 account records maintained on plaintiff's behalf,  
15 who maintains the records on plaintiff's behalf?  
16 A. MCM.  
17 Q. MCM does?  
18 A. Yes.  
19 Q. So your personal knowledge of the  
20 records that are maintained by MCM is what it  
21 should say?  
22 MR. TUCKER: Objection to the form.  
23 THE WITNESS: Reword that for me,  
24 please.  
25 BY MR. PARKER:

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1 Q. All right. So you have personal  
2 knowledge of the account records maintained on  
3 plaintiff's behalf?  
4 A. Yes. Because I reviewed those  
5 records when I validated this affidavit.  
6 Q. And how long had plaintiff had  
7 those records when you did that?  
8 MR. TUCKER: Objection to the form  
9 of the question.  
10 THE WITNESS: I'd say since we  
11 bought it May 20, 2016.  
12 BY MR. PARKER:  
13 Q. All right. What records were  
14 created by plaintiff?  
15 MR. TUCKER: Objection to the form  
16 of the question.  
17 THE WITNESS: It could have been --  
18 BY MR. PARKER:  
19 Q. I didn't ask you to --  
20 MR. TUCKER: Hold on. Hold on.  
21 She was in the middle of a response.  
22 MR. PARKER: I apologize. I  
23 apologize.  
24 THE WITNESS: Records regarding  
25 this account would be phone calls made, letters

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1 sent, those sorts of things.  
2 BY MR. PARKER:  
3 Q. By MCM on behalf of Midland  
4 Funding?  
5 A. Correct.  
6 Q. All right. Do you put those  
7 together or create those, or are they already  
8 done by somebody?  
9 A. They're done by somebody.  
10 Q. And do you know who?  
11 A. I do not.  
12 Q. Have you ever seen these records  
13 put together or maintained or letters sent out?  
14 A. I can see when they've been sent  
15 out.  
16 Q. But you've never seen the  
17 accumulation or compilation or creation of these  
18 records?  
19 MR. TUCKER: Objection to the form.  
20 THE WITNESS: Aside from what our  
21 system shows me, no.  
22 BY MR. PARKER:  
23 Q. That's not your job?  
24 A. Correct.  
25 Q. All right. This affidavit doesn't

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1 really talk about what your job -- what your  
2 duties are as a legal specialist, does it?  
3 A. No. Aside from just me  
4 reviewing --  
5 Q. Doesn't say that --  
6 A. -- and validating. It says I have  
7 personal knowledge.  
8 Q. All right. Obviously you're over  
9 18, correct?  
10 A. Correct.  
11 Q. So are there records kept on  
12 Midland Funding's behalf, and are there records  
13 kept on MCM's behalf?  
14 A. I can't say for a fact.  
15 Q. Okay. And the thing you're ready  
16 for me for is the next line is, "Plaintiff is the  
17 current owner of and/or successor for the  
18 obligation sued upon, and was assigned all the  
19 rights, title, and interest to Defendant's Credit  
20 One Bank account," and then "XXXX77736 here and  
21 after the account."  
22 Is that what that says?  
23 A. Yes.  
24 MR. TUCKER: Objection to the form.  
25 MR. PARKER: What's wrong with it?

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1 MR. TUCKER: You misquoted one  
2 word.  
3 MR. PARKER: Which word?  
4 MR. TUCKER: But it's not material.  
5 MR. PARKER: But you objected  
6 anyway.  
7 MR. TUCKER: Well, you said on the  
8 line there that starts plaintiff is the current  
9 owner of and/or successor, I believe you didn't  
10 say the word "to."  
11 MR. PARKER: Oh, all right. You're  
12 helping me out. To, okay.  
13 MR. TUCKER: For.  
14 MR. PARKER: Damn, I didn't even  
15 know --  
16 MR. TUCKER: Regardless. It's not  
17 material.  
18 BY MR. PARKER:  
19 Q. So when you review this, your  
20 finger is going down to plaintiff is the current  
21 owner. You've already told us that you saw, at  
22 least according to the AMS, that plaintiff is the  
23 current owner; is that correct?  
24 A. **That is correct.**  
25 Q. And then and/or successor to, what

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1 does that mean?  
2 A. **That we are the owner of the debt.**  
3 Q. What does and/or successor to mean?  
4 A. **That we own the debt. That we**  
5 **are --**  
6 Q. Why not just say we're the owner of  
7 and the successor to? Why and/or?  
8 A. **I don't know.**  
9 Q. All right. But you signed it  
10 anyway?  
11 A. **To me that means the same thing.**  
12 Q. Okay. How were you trained?  
13 A. **What do you mean how was I trained?**  
14 Q. Did you ask about that during your  
15 training, or were you trained about that, why the  
16 and/or?  
17 A. **I guess it wasn't something that**  
18 **I -- like I said, to me it's stating that we are**  
19 **the owners of the account.**  
20 Q. At the time that you signed this on  
21 October -- September 21, 2017, the next line is  
22 the obligation sued upon?  
23 A. **Correct.**  
24 Q. Do you see that?  
25 A. **Yeah.**

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1 Q. What did you mean in September 21st  
2 before you met Mr. Tucker?  
3 A. **The obligation sued upon is the**  
4 **account that's going to be sued upon.**  
5 Q. Going to be sued upon?  
6 A. **Sued upon.**  
7 Q. All right.  
8 A. **The -- go ahead.**  
9 Q. That is what you were thinking when  
10 you were reading that in September 21st?  
11 A. **The account being sued upon?**  
12 Q. Yeah. Meaning you're under oath,  
13 right?  
14 A. **Yes.**  
15 Q. So you're telling the truth?  
16 A. **Yes.**  
17 Q. So when you review that on  
18 September 21st, what were you thinking about what  
19 that meant on September 21st under oath?  
20 A. **That this account is sued upon.**  
21 Q. Sued upon.  
22 Okay. That's -- even though it  
23 wasn't sued upon at that point; is that correct?  
24 A. **The purpose of this affidavit is to**  
25 **be attached to a complaint.**

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1 Q. Right, Ma'am.  
2 But at that point it was not sued  
3 upon; is that correct?  
4 A. **That is correct.**  
5 Q. All right. But it says obligation  
6 sued upon.  
7 And your belief September 21st was  
8 it's going to be sued upon?  
9 A. **My belief is that it was sued upon.**  
10 Q. It was already sued upon?  
11 A. **Well, my belief is that this**  
12 **affidavit is printed and given to me to be**  
13 **validated with the intent of being attached to a**  
14 **complaint.**  
15 Q. All right.  
16 A. **So by the time the consumer would**  
17 **receive this affidavit and the complaint, the**  
18 **account will have been sued upon.**  
19 Q. When the consumer receives it?  
20 A. **Correct.**  
21 Q. How about when it's filed with the  
22 court, is it sued upon then?  
23 MR. TUCKER: Objection to the form.  
24 BY MR. PARKER:  
25 Q. Is it filed then with the court? I

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1 think you said October 16th.  
2 **A. Yes.**  
3 Q. He's not served until -- in this  
4 case I think he was served in January.  
5 So is the obligation sued upon in  
6 October 16th when it's actually filed with the  
7 court?  
8 **A. That would be my -- yes.**  
9 Q. All right. So it hasn't been sued  
10 upon until it gets -- at least it gets to the  
11 court; is that correct?  
12 **A. Correct.**  
13 Q. All right. And was assigned all  
14 rights, title, and interest.  
15 What does that mean?  
16 **A. That the -- that Midland now owns**  
17 **the rights, title, and interest to the**  
18 **defendant's Credit One account.**  
19 Q. When you -- okay. You may be not  
20 doing this, but let's just say you are. Your  
21 finger is going down your left hand, you're  
22 clicking, scrolling down the AMS screen.  
23 Is there anything that you look at  
24 that shows that they have obtained all the  
25 rights, title, and interest to the Credit One

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1 Bank account?  
2 **A. My electronic records would**  
3 **indicate that.**  
4 Q. And do you go and look at that to  
5 make sure that they -- is that part of your job  
6 on every affidavit, when you validate you'll go  
7 to the AMS screen and then you'll go to the next  
8 screen to make sure they are the owners?  
9 MR. TUCKER: Objection to the form  
10 of the question.  
11 THE WITNESS: Are you talking about  
12 the bill of sale in this case, or what exactly  
13 are you referring to?  
14 BY MR. PARKER:  
15 Q. I'm not even there yet.  
16 What I'm saying is on every time  
17 you validate on every affidavit of record I think  
18 you called it, you go to the AMS -- you have to  
19 go to the AMS screen?  
20 **A. Correct.**  
21 Q. Do you always go to make sure that  
22 they are the current owner and own specifically  
23 the rights, title, and interest?  
24 Do you do that on every affidavit?  
25 **A. Yes.**

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1 Q. Why?  
2 **A. Because it's -- we're not going to**  
3 **sue on an account we don't own.**  
4 Q. All right. But you just said  
5 Midland says they own it?  
6 **A. Midland Credit Management services**  
7 **the account. Midland Funding owns it.**  
8 Q. Yeah. You just said Midland  
9 Funding on your first screen says they own it.  
10 And they bought it I think you said 5/20/2016?  
11 **A. Correct.**  
12 Q. What would make you then -- when  
13 it's telling you that Midland owns it even though  
14 you don't even know who Midland is --  
15 MR. TUCKER: Objection to the form.  
16 BY MR. PARKER:  
17 Q. All right. What would make you go  
18 to the next step to look at the bill of sale when  
19 it says in your first sale?  
20 MR. TUCKER: Objection to the form.  
21 MR. PARKER: I haven't finished.  
22 MR. TUCKER: Oh, I'm sorry. Go  
23 ahead.  
24 BY MR. PARKER:  
25 Q. What would make you go to the next

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1 screen when it already says they own it, what  
2 would make you go to the next screen?  
3 MR. TUCKER: Objection to the form.  
4 THE WITNESS: I did not have to  
5 reference bill of sales in this case.  
6 BY MR. PARKER:  
7 Q. Because?  
8 **A. Because it is not called out in the**  
9 **affidavit that it needed to be done or attached.**  
10 Q.  
11  
12  
13  
14  
15  
16 about the code that told you no  
17  
18 So in this case you would not have  
19 gone to the screen to check to see if they are  
20 the -- if they own all the rights, title, and  
21 interest; is that correct?  
22 MR. TUCKER: Well, that's a really  
23 long question. I'm going to object to the form.  
24 MR. PARKER: Wait a second.  
25 BY MR. PARKER:

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1 Q. Do you understand what I'm saying?  
2 A. **Reword it.**  
3 Q. You said something very important,  
4 and I thank you for that because it will take  
5 away all talking.  
6 You wouldn't have gone and checked  
7 the bill of sale is what you said because it  
8 wasn't required of your job in this case,  
9 correct?  
10 A. **Correct.**  
11 Q. You say it wasn't called out is  
12 what you said?  
13 A. **Yes.**  
14 Q. So you didn't check to see if they  
15 did own the rights, title, and interest; is that  
16 correct?  
17 MR. TUCKER: Objection to the form.  
18 THE WITNESS: That is incorrect.  
19 My AMS screen would reflect when Midland Funding  
20 became the owner of the account.  
21 BY MR. PARKER:  
22 Q. Certainly.  
23 But it doesn't say that they own  
24 all the rights, title, and interest, or does it?  
25 A. **In those words.**

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1 Q. It just says they're the owner?  
2 A. **Correct.**  
3 Q. All right. So you have no idea if  
4 they were assigned all the rights, title, and  
5 interest; is that correct, other than the fact  
6 that they're owners? You know they're owners?  
7 MR. TUCKER: Objection; compound  
8 question.  
9 MR. PARKER: About time.  
10 MR. TUCKER: Yeah, I'd say so.  
11 MR. PARKER: You're being very  
12 polite. Thank you.  
13 THE WITNESS: I guess I don't  
14 understand what you're referring to.  
15 BY MR. PARKER:  
16 Q. All right. We know what an owner  
17 is?  
18 A. **Yes.**  
19 Q. But you haven't read anything, and  
20 it's really lawyer picky, I will admit to that,  
21 that says that they own the rights, title, and  
22 interest, all you know is that they own  
23 something?  
24 A. **In this case we own the Darrin  
25 Tucker account.**

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1 Q. All right. You own the account.  
2 It isn't important, but a lot of  
3 times rights to indebtedness is ownership. It  
4 doesn't matter that you don't -- if you go on  
5 Google you'll see what I'm saying.  
6 So while it may not mean much to  
7 you, it's everything in this case.  
8 You have not seen anything about  
9 what rights or what interests Midland owns,  
10 you've only seen that they own an account; is  
11 that correct?  
12 A. **I guess in my position that is how  
13 I would see it, yes.**  
14 Q. All right. So you didn't look  
15 at -- I already -- you didn't look at any  
16 assignment from Credit One to MHC Receivables,  
17 from MHC Receivables to Sherman Originator III,  
18 LLC from Sherman Originator III, LLC to Midland  
19 Funding; is that correct?  
20 A. **I did not look at the bill of  
21 sales, no.**  
22 Q. All right. Okay. So you don't  
23 know if they even exist at that point?  
24 MR. TUCKER: Objection to the form.  
25 BY MR. PARKER:

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1 Q. On September 21, 2016?  
2 MR. TUCKER: Objection to the form.  
3 THE WITNESS: I didn't look for  
4 them. I have yet to see us not have a bill of  
5 sale or affidavit of sale from a --  
6 BY MR. PARKER:  
7 Q. From any account?  
8 A. **From a seller, yeah.**  
9 Q. But you didn't look?  
10 A. **But I did not look in this case.**  
11 Q. All right. So you wouldn't be able  
12 to say if there is an assignment?  
13 MR. TUCKER: Objection to the form.  
14 THE WITNESS: At this time, no.  
15 BY MR. PARKER:  
16 Q. All right. So if you know, where  
17 does Stillman, if it's part of your process,  
18 obtain all that stuff to attach to the lawsuit  
19 that you have in your hands?  
20 MR. TUCKER: Objection to the form.  
21 THE WITNESS: I do not know.  
22 BY MR. PARKER:  
23 Q. You do not know, okay.  
24 The records of the bill of sale and  
25 all that stuff, you say -- stuff, you can go to a

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1 separate screen to look at them, PDF?  
2 **A. Yeah. Are you referring to the**  
3 **data sheet?**  
4 Q. No.  
5 **A. Okay. I'm sorry.**  
6 Q. We can get to that. That's okay.  
7 Don't apologize to me. You're never going to see  
8 me again.  
9 So all that stuff, including the  
10 data sheet, you have access to on your AMS in  
11 another screen?  
12 MR. TUCKER: Objection to the form.  
13 THE WITNESS: In the different  
14 system.  
15 BY MR. PARKER:  
16 Q. And if Stillman wants it, are they  
17 allowed into that system to pull it?  
18 **A. I am not sure how they obtain their**  
19 **documents.**  
20 Q. All right. Is there anything  
21 indicating -- page 5, you said that was a cover  
22 sheet?  
23 **A. So if media is printed --**  
24 Q. All right.  
25 **A. -- this helps identify the account.**

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1 Q. All right. I'm old. So when you  
2 say if media is printed, what the hell.  
3 So explain that to me.  
4 **A. Media would be the bill of sale in**  
5 **this case. Statements.**  
6 Q. Meaning if you print that screen?  
7 **A. Yes. And I didn't have anything to**  
8 **do with this when I --**  
9 Q. I thought you said you didn't  
10 know -- oh, you've never printed it, but the  
11 screen can be printed?  
12 **A. No, no, no, no, no.**  
13 MR. TUCKER: Objection to the form.  
14 THE WITNESS: Are you referring to  
15 AMS?  
16 MR. PARKER: Uh-huh.  
17 THE WITNESS: No, this isn't from  
18 AMS.  
19 BY MR. PARKER:  
20 Q. That's why I'm asking these  
21 questions. You say media.  
22 **A. Okay. No. This would be pulled**  
23 **from a different systems, not AMS.**  
24 MR. TUCKER: Just as a point of  
25 clarification, by this can be pulled from a

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1 different system, she's referring to page 5 of  
2 Exhibit 1 which is the cover sheet.  
3 BY MR. PARKER:  
4 Q. So it's a cover sheet -- for lack  
5 of a better way of saying it, it doesn't look  
6 like a cover sheet to me.  
7 Are you saying -- tell me what you  
8 mean.  
9 **A. If I receive this cover sheet, this**  
10 **would be removed. It calls out the number that**  
11 **should be reflected on the affidavit to know that**  
12 **they are the records that would go to this if**  
13 **they were required, to the affidavit.**  
14 Q. What do you mean it should be  
15 removed?  
16 **A. It's not needed. It's there to**  
17 **identify that the media behind it belongs to the**  
18 **affidavit.**  
19 Q. And in this case it wasn't required  
20 or asked for?  
21 **A. Correct.**  
22 Q. And you don't know why they would  
23 attach it anyway?  
24 **A. I don't know why they attached it.**  
25 Q. And so the page number 5 of

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1 Exhibit 1 is about 7 inches wide and an inch  
2 long; is that correct, the information?  
3 **A. Yeah.**  
4 Q. Does it look like that as the cover  
5 sheet, or is there stuff missing?  
6 Is that how the cover sheet looks?  
7 It's just almost a white page with that 7 inches  
8 by 1 inch horizontal thing?  
9 **A. The only purpose of this is to**  
10 **identify the account and that we have the correct**  
11 **media for this account.**  
12 Q. Okay. And then page 6.  
13 MR. TUCKER: Just as a point of  
14 clarification, I'm having a really hard time  
15 reading page 5, the media page.  
16 MR. PARKER: That's what they gave  
17 me. That's what you guys served on Mr. Tucker.  
18 Darrin.  
19 MR. TUCKER: Well, through the  
20 various copying --  
21 MR. PARKER: She seemed to be  
22 having no trouble.  
23 BY MR. PARKER:  
24 Q. All right. So then your next  
25 sentence is if you go to page 3 of Exhibit 1 is,

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1 "I have access to and have reviewed the  
2 electronic records pertaining to the account  
3 maintained by MCM, and I'm authorized to make  
4 this affidavit on plaintiff's behalf."  
5 Who is authorizing you to make the  
6 affidavit on plaintiff's behalf?  
7 **A. I would say Midland.**  
8 Q. Do you know that for a fact?  
9 Attorneys, huh? Do you want me to  
10 repeat the question?  
11 **A. Yeah.**  
12 Q. Who is authorizing you to make the  
13 affidavit on plaintiff's behalf? If you don't  
14 know, you don't know.  
15 **A. I'm just going to say I don't know.**  
16 Q. All right. You don't know. So  
17 then you don't know if you're authorized to make  
18 this on plaintiff's behalf?  
19 MR. TUCKER: Objection to the form.  
20 BY MR. PARKER:  
21 Q. If you don't know?  
22 **A. So I am authorized to make this**  
23 **affidavit on plaintiff's behalf.**  
24 Q. By whom?  
25 **A. Through Midland.**

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1 Q. Midland Funding or MCM?  
2 **A. MCM, because Midland Funding does**  
3 **not have employees.**  
4 Q. All right. Midland Funding -- oh,  
5 all right. Let me ask the question again.  
6 So you're saying MCM is authorizing  
7 you to make this affidavit on plaintiff Midland's  
8 behalf; is that correct?  
9 **A. Correct.**  
10 MR. TUCKER: Brian we've been going  
11 for about 90 minutes.  
12 (Off the record.)  
13 MR. PARKER: Back on the record,  
14 please.  
15 BY MR. PARKER:  
16 Q. And I should have made this clear  
17 at the beginning. You can take a break any time  
18 you want. Joe did a good thing there. I  
19 apologize. You can take a break any time. I'm  
20 sure he told you that.  
21 All right. So your last response  
22 was you think you're authorized by MCM; is that  
23 correct?  
24 **A. I am authorized. That's my**  
25 **understanding of that sentence.**

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1 Q. All right. And have you seen  
2 anything, any writing or anything from Midland  
3 Funding authorizing MCM to authorize you to make  
4 something on their behalf?  
5 **A. I have not seen any writing.**  
6 Q. All right. Then the next sentence  
7 says, "The account records reviewed consist of  
8 data acquired from the seller when plaintiff  
9 purchased the account, together with records  
10 generated by MCM in connection with servicing the  
11 account since the date the account was purchased  
12 by plaintiff."  
13 Did I say that correctly?  
14 **A. You said account records. It's the**  
15 **electronic records, but.**  
16 Q. Electronic records reviewed, okay.  
17 So the records that you reviewed  
18 you're saying were acquired from the seller?  
19 **A. Yes.**  
20 Q. Is that correct?  
21 **A. Yes.**  
22 Q. And what do you mean when you sign  
23 off on that?  
24 **A. And they're referring to the AMS**  
25 **screen in this case, as well as the data sheet**

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1 **that I would have referenced.**  
2 Q. Oh. So you went to a data sheet as  
3 well as AMS. All right.  
4 So the electronic reviewed --  
5 electronic records reviewed consist of the data  
6 acquired from the seller when plaintiff purchased  
7 the account. All right.  
8 So what data did plaintiff acquire  
9 from the seller?  
10 **A. In this case we have the seller**  
11 **data sheet which is attached. Or is it not**  
12 **attached to this one?**  
13 Q. It was not attached to the lawsuit.  
14 **A. Okay. That's something --**  
15 Q. Do you want to see a copy?  
16 **A. I know what it looks like. That**  
17 **was another validation point.**  
18 MR. TUCKER: I'm going to object to  
19 the form of this statement that it was not  
20 attached to the lawsuit. I'm not sure that's  
21 accurate.  
22 MR. PARKER: Why is it determined  
23 on what you think is accurate?  
24 MR. TUCKER: It's not. But you  
25 just made a representation there that I believe



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1 is inaccurate, so --  
2 MR. PARKER: There was no data  
3 sheet.  
4 MR. TUCKER: -- I wanted to clarify  
5 that for the record.  
6 BY MR. PARKER:  
7 Q. You can see at the top -- well,  
8 okay. You're right.  
9 So in answer to my question, what  
10 information did the seller give plaintiff when  
11 they purchased the account? Let me ask you again  
12 the answer -- what is the answer to my question?  
13 A. **You're asking what I reviewed?**  
14 Q. Uh-uh.  
15 A. **Then reword that, please.**  
16 Q. All right. The electronic records  
17 reviewed consist of the data acquired from the  
18 seller when plaintiff purchased the account.  
19 Tell me all of the data that --  
20 A. **So that would be things like the**  
21 **charge-off balance, the last payment made, those**  
22 **types of things would be in the -- like my**  
23 **affidavit management system.**  
24 Q. What you're trying to tell me --  
25 MR. TUCKER: Hold on. I don't know

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1 if she was finished.  
2 THE WITNESS: That would be things  
3 that I would -- that would be brought into our  
4 electronic system.  
5 BY MR. PARKER:  
6 Q. From where?  
7 A. **From a file that was sent over from**  
8 **the seller.**  
9 Q. From the seller. And so when you  
10 say data acquired from a seller, are you  
11 referring to everything that the seller gave  
12 plaintiff?  
13 A. **I would be referring to what I can**  
14 **see on my AMS screen.**  
15 Q. Okay.  
16 A. **As well as the data sheet in this**  
17 **case.**  
18 Q. All right. So you'd go to your AMS  
19 screen and the data sheet as you say.  
20 Would that be on another AMS  
21 screen?  
22 A. **It would be on a -- brought up as a**  
23 **PDF.**  
24 Q. PDF?  
25 A. **Yeah.**

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1 Q. And who has created the AMS screen  
2 and the PDF?  
3 A. **The AMS is electronic. What was**  
4 **sent over gets integrated into our affidavit**  
5 **management system.**  
6 Q. By plaintiff, the seller, or MCM?  
7 A. **I am not certain of that.**  
8 Q. All right. So you don't know how  
9 it's created. Okay.  
10 And the PDF, does that come from a  
11 creation of the seller, MCM, or Midland?  
12 A. **The seller.**  
13 Q. The seller creates that.  
14 A. **Well, yeah.**  
15 Q. Yes or no?  
16 A. **Yes.**  
17 Q. Yes. How do you know that?  
18 A. **Because it is sent over in a format**  
19 **and Midland prints them -- or.**  
20 Q. Midland wouldn't do that. They  
21 don't have any people.  
22 A. **Midland MCM.**  
23 Q. Okay. MCM --  
24 A. **Prints them.**  
25 Q. Prints them.

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1 But who creates them? The PDF? Am  
2 I correct to say the data sheet?  
3 Who creates the data sheet that you  
4 say is in a PDF form?  
5 A. **It's an electronic process. It all**  
6 **comes over, my understanding is, a spreadsheet**  
7 **and then --**  
8 Q. Populated?  
9 A. **Yeah, populated into each account.**  
10 Q. Who creates -- if you know, great.  
11 If you don't --  
12 A. **I'm going to say I don't know.**  
13 Q. Let me ask you the question again.  
14 Who creates the data sheet, the  
15 PDF?  
16 MR. TUCKER: Objection to the form.  
17 THE WITNESS: I don't know.  
18 BY MR. PARKER:  
19 Q. You don't know.  
20 So you don't know really where it  
21 came from, the data sheet?  
22 MR. TUCKER: Objection to the form.  
23 Go ahead.  
24 BY MR. PARKER:  
25 Q. Let me hand you --

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1 MR. TUCKER: Wait. She can answer  
2 the question.  
3 MR. PARKER: You want her to, okay.  
4 THE WITNESS: The seller sends over  
5 the compilation of in this case Darrin Tucker's  
6 account. And it is put into what we call a data  
7 sheet.  
8 BY MR. PARKER:  
9 Q. Do you know who the seller is?  
10 A. **Sherman.**  
11 Q. Originator?  
12 A. **Originator III, LLC.**  
13 Q. All right. And you're saying that  
14 they created the sheet and sent it over -- or no,  
15 you don't know who created it, but they send  
16 information? Yes? No?  
17 A. **Correct.**  
18 MR. TUCKER: Objection.  
19 BY MR. PARKER:  
20 Q. And how --  
21 MR. TUCKER: I think we got it with  
22 the last phrase you said before she answered, but  
23 the question was compound and confusing to me.  
24 MR. PARKER: All right. Let me  
25 repeat it. Let me rephrase it.

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1 MR. TUCKER: But I think we got it.  
2 BY MR. PARKER:  
3 Q. Let me rephrase it.  
4 So this data sheet, we don't know  
5 who creates it, but you, for lack of a better  
6 word, correct me if it's the wrong word, you  
7 depend on it?  
8 MR. TUCKER: Objection to the form  
9 of the question. That's not what she said.  
10 BY MR. PARKER:  
11 Q. All right. You said you don't know  
12 who creates the data sheet, but you depend on it?  
13 MR. TUCKER: Objection to the form.  
14 BY MR. PARKER:  
15 Q. Do you depend on it?  
16 A. **I don't depend -- it's another**  
17 **validation check. It's almost like we're double**  
18 **checking.**  
19 Q. Like we talked about, redundancy.  
20 It's like NASA. They have all these  
21 redundancies. If something breaks -- all right.  
22 So --  
23 A. **We focus on quality, so we're going**  
24 **to add in that extra check when we can.**  
25 Q. Even though you don't know if it's

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1 accurate?  
2 MR. TUCKER: Objection.  
3 THE WITNESS: How would it not be  
4 accurate if it is lining up with my affidavit  
5 management system?  
6 BY MR. PARKER:  
7 Q. The affidavit management system,  
8 who puts that information into the affidavit  
9 management system?  
10 A. **To my knowledge, that's done**  
11 **electronically through a secure website that we**  
12 **pull from and integrate into our system.**  
13 Q. So you don't know who does?  
14 A. **I don't know who does it.**  
15 Q. Okay. You don't know who puts the  
16 information into the affidavit management system,  
17 correct?  
18 A. **Correct.**  
19 Q. And you don't know who put the  
20 information into the data sheet?  
21 MR. TUCKER: Are we talking about  
22 the name of a person, Brian?  
23 BY MR. PARKER:  
24 Q. Is that correct?  
25 A. **I don't know.**

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1 Q. If I hand you a data sheet -- so we  
2 know what we're talking about. I think it says  
3 field data sheet. Am I saying that correctly?  
4 I'm going to hand it to you.  
5 A. **Yeah.**  
6 Q. I'm going to call this -- boy, we  
7 got to number these. Number 2. You know what,  
8 why don't we wait a second. Let me think about  
9 this for a second.  
10 MR. PARKER: Sorry. I apologize.  
11 Exhibit 2.  
12 (Deposition Exhibit 2 was marked  
13 for identification.)  
14 BY MR. PARKER:  
15 Q. I'm going to hand you what's called  
16 Exhibit 2. I'm going to represent to you it's  
17 attached to what's called a Summary Disposition  
18 Motion filed by Midland Funding who doesn't  
19 exist.  
20 MR. TUCKER: Objection to the form.  
21 BY MR. PARKER:  
22 Q. It's a -- well, based on what  
23 you're telling me there's no employees and  
24 nothing.  
25 So it's going to be -- I'm going to

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1 hand you what's identified as Exhibit D in  
2 Exhibit 2.  
3 Tell me if this is the data sheet  
4 that you refer to generally -- not necessarily in  
5 this case, we'll get to that, but is that what  
6 we're talking about?  
7 **A. Yes.**  
8 Q. And it's called a field data sheet;  
9 is that correct?  
10 **A. We refer to it as seller data**  
11 **sheet, but.**  
12 Q. Seller data sheet.  
13 Why do you refer to it as a seller  
14 data sheet?  
15 **A. Because it's data that was sent**  
16 **over by the seller regarding the account.**  
17 Q. I'm just going to find my copy.  
18 I'm sorry for the delay. What is that, D? All  
19 right.  
20 All right. So you will refer to  
21 that as one of the screens that you look at; is  
22 that correct?  
23 **A. Correct.**  
24 Q. Is there any other data that you  
25 look at when you're saying the electronic records

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1 reviewed consist of data acquired from the seller  
2 when plaintiff purchased the account?  
3 **A. At the time I validated this**  
4 **affidavit, no. I referred to AMS and the seller**  
5 **data sheet.**  
6 Q. You're sure because?  
7 **A. Because that is what is required**  
8 **when processing these particular affidavits.**  
9 **Affidavit of record I'm strictly --**  
10 Q. You don't look at the bill of sale?  
11 **A. No.**  
12 Q. So when you do an affidavit of  
13 record like in this case, the Hanke affidavit of  
14 record, correct me if I'm wrong, the three things  
15 you look at are the AMS, the data sheet, and then  
16 there was some other AMS thing you said?  
17 **A. No, just the affidavit. The**  
18 **affidavit, and I validate it against those two.**  
19 Q. Just two things, the screen which  
20 is your left -- you're talking about you scroll  
21 down, and the data sheet are the only two things  
22 you look at?  
23 **A. In this case, yes.**  
24 Q. All right. So there's no  
25 information from Credit One that you look at?

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1 MR. TUCKER: Objection.  
2 THE WITNESS: No.  
3 BY MR. PARKER:  
4 Q. And there's no information from MHC  
5 Receivables, LLC that you look at?  
6 MR. TUCKER: Objection.  
7 THE WITNESS: No.  
8 BY MR. PARKER:  
9 Q. No.  
10 Is that correct? No?  
11 **A. No.**  
12 Q. All right. I kind of said that in  
13 a lawyer way.  
14 You do not look at information from  
15 Credit One Bank; is that correct?  
16 MR. TUCKER: Objection to the form.  
17 You can answer.  
18 THE WITNESS: No.  
19 BY MR. PARKER:  
20 Q. You do not look at information from  
21 MHC Receivables; is that correct?  
22 MR. TUCKER: Objection to the form.  
23 You can answer.  
24 BY MR. PARKER:  
25 Q. You keep saying no. That's why I'm

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1 trying to say it -- let me rephrase because  
2 you're actually saying no, no.  
3 Do you look at information from  
4 Credit One Bank?  
5 MR. TUCKER: Objection to the form.  
6 You can answer.  
7 THE WITNESS: If you're referring  
8 to this affidavit, I did not look at any bill of  
9 sales.  
10 BY MR. PARKER:  
11 Q. All right. So you didn't look at  
12 information from Credit One Bank; is that  
13 correct?  
14 **A. Correct.**  
15 MR. TUCKER: Objection to the form.  
16 You can answer.  
17 THE WITNESS: Correct.  
18 MR. PARKER: What is wrong with the  
19 form?  
20 MR. TUCKER: The question is  
21 misleading and assumes the facts. It's not --  
22 it's incorrect.  
23 MR. PARKER: I don't know how  
24 else...  
25 BY MR. PARKER:

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1 Q. Did you look at any Credit One Bank  
2 information prior to signing that affidavit?  
3 MR. TUCKER: Objection to the form.  
4 MR. PARKER: What's wrong with --  
5 MR. TUCKER: You can answer.  
6 MR. PARKER: -- form?  
7 MR. TUCKER: The information that  
8 you're referring to is ultimately from Credit  
9 One. The information --  
10 MR. PARKER: Now you're testifying.  
11 MR. TUCKER: You asked me to  
12 explain the objection. Now I'm explaining the  
13 objection.  
14 MR. PARKER: But you're testifying.  
15 MR. TUCKER: You asked the same  
16 question four times. I didn't elaborate.  
17 Finally you asked me twice to elaborate, so I  
18 did. So that's all I've done.  
19 BY MR. PARKER:  
20 Q. Do you look at information from MHC  
21 Receivables, LLC and these affidavit of records?  
22 MR. TUCKER: Same objection.  
23 THE WITNESS: I -- no. I didn't  
24 look at any bill of sale or any of --  
25 BY MR. PARKER:

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1 Q. Anything from those entities?  
2 MR. TUCKER: Objection.  
3 BY MR. PARKER:  
4 Q. On September 21st?  
5 A. No.  
6 Q. No.  
7 All right. So the data you looked  
8 at is two things. The data sheet, the field data  
9 sheet, or you call it the seller's data sheet?  
10 A. Seller data sheet.  
11 Q. And your AMS screen, yes?  
12 A. Yes.  
13 Q. Do you know if there was anything  
14 else that Sherman Originators sent to Midland  
15 Funding in this sale on September 21st?  
16 I think you testified you hadn't  
17 looked at anything else?  
18 A. I have not. And I -- no.  
19 Q. Okay. Then you said together with  
20 records generated by MCM in connection with  
21 servicing the account.  
22 You said you did not look at those  
23 records, you only looked at the AMS and the data  
24 sheet; is that correct? Two things?  
25 MR. TUCKER: Objection to the form.

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1 But you can answer.  
2 THE WITNESS: The records -- so the  
3 records I referenced were records that were sent  
4 over by the seller.  
5 BY MR. PARKER:  
6 Q. Right.  
7 A. And --  
8 Q. We've gone beyond that.  
9 MR. TUCKER: Let her finish.  
10 MR. PARKER: Sorry, go ahead.  
11 THE WITNESS: And this was another  
12 record, so to speak --  
13 BY MR. PARKER:  
14 Q. Back to your testimony --  
15 MR. TUCKER: Wait, wait. Hold on.  
16 THE WITNESS: So to speak that was  
17 sent over and that was validated.  
18 MR. TUCKER: And just as a point of  
19 clarification, when she said "this" she was  
20 putting her hand on the data sheet. I want the  
21 record to be clear because there's lots of use of  
22 pronouns in your questions and it can be  
23 confusing.  
24 MR. PARKER: What's a pronoun?  
25 MR. TUCKER: So go ahead.

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1 MR. PARKER: What's a pronoun?  
2 MR. TUCKER: Go ahead.  
3 BY MR. PARKER:  
4 Q. Do you know what a pronoun is?  
5 You actually do have your hands on  
6 the affidavit, you don't have to take them off,  
7 and the data sheet.  
8 You testified you looked at two  
9 things.  
10 The AMS and the data -- another  
11 screen you looked at the data sheet, correct?  
12 A. Correct.  
13 Q. Nothing else? Because of the  
14 affidavit type?  
15 A. Correct.  
16 Q. Correct? All right.  
17 So when you say together with  
18 records generated by MCM in connection with the  
19 servicing account since the date the account was  
20 purchased, you did not look at any records  
21 generated by MCM because these records were  
22 generated by the seller, correct?  
23 MR. TUCKER: Objection to the form  
24 of the question.  
25 THE WITNESS: You're still on this

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1 statement here, the electronic records reviewed  
2 consist of data acquired from the seller.  
3 BY MR. PARKER:  
4 Q. Purchased -- okay. Stop.  
5 And then you also say, "together  
6 with records generated by MCM in connection with  
7 servicing the account."  
8 But you've testified a number of  
9 times that you only looked at the data sheet you  
10 had your hand on and the AMS.  
11 Do you understand?  
12 A. **So what are you asking exactly?**  
13 Q. You didn't look at any records  
14 generated by MCM, you looked at records generated  
15 by the seller?  
16 MR. TUCKER: Objection to the form  
17 of the question.  
18 THE WITNESS: Midland pulls in the  
19 information from the seller into our database.  
20 BY MR. PARKER:  
21 Q. Into what database?  
22 A. **To affidavit management system.**  
23 Q. All right. Good. So you did look  
24 at records that were generated by MCM, not your  
25 system, by MCM.

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1 Like did you look at letters sent  
2 to Mr. Tucker? Yes or no.  
3 A. **No.**  
4 Q. Did you look at anything where you  
5 received money from Mr. Tucker, that MCM  
6 received?  
7 A. **No.**  
8 Q. All right. So you didn't look at  
9 records generated by MCM?  
10 MR. TUCKER: Objection.  
11 THE WITNESS: Had the consumer made  
12 a payment after we purchased the account, that  
13 would have been reflected on our screen which  
14 would have been a record of MCM.  
15 BY MR. PARKER:  
16 Q. All right. So they sent letters to  
17 him.  
18 Did you look at those records?  
19 A. **No.**  
20 Q. All right. Is it fair to say you  
21 did not look at records generated by MCM?  
22 A. **I don't understand it that way.**  
23 **AMS --**  
24 Q. What records were generated by MCM  
25 that you're referring to in connection with

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1 servicing the account?  
2 A. **The records that I looked at on my**  
3 **AMS screen.**  
4 Q. All right. So you looked at the  
5 AMS and you looked at the data.  
6 The field data report you said was  
7 created by the seller?  
8 MR. TUCKER: Objection to the form.  
9 BY MR. PARKER:  
10 Q. Yes? You said it was in PDF.  
11 A. **The information is sent over by the**  
12 **seller.**  
13 Q. All right.  
14 A. **And I don't know who compiles --**  
15 **MR. PARKER: Don't worry, Joe.**  
16 **We'll get to lunch.**  
17 BY MR. PARKER:  
18 Q. Together with records generated by  
19 MCM, you didn't look at any records generated by  
20 MCM?  
21 MR. TUCKER: Objection.  
22 THE WITNESS: My understanding of  
23 that statement is AMS is my record database that  
24 I reviewed.  
25 BY MR. PARKER:

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1 Q. So did you mean then that together  
2 with the records generated by MCM in connection  
3 with servicing the account you meant AMS?  
4 A. **That is how I understood it.**  
5 Q. So account means -- servicing the  
6 account means AMS?  
7 MR. TUCKER: Objection to the form.  
8 BY MR. PARKER:  
9 Q. Yes? No?  
10 A. **Can you reword that?**  
11 Q. Together with records generated by  
12 MCM. So your affidavit that you didn't create  
13 says that you looked at the data created by the  
14 seller together with records created by MCM when  
15 they service the account after May 20th.  
16 Do you recall looking at those  
17 records after May 20th, if they were generated?  
18 If anything was generated?  
19 A. **I guess I am confused as to what**  
20 **you're asking.**  
21 **When I refer to this statement, I**  
22 **understand it as I am validating these statements**  
23 **against our affidavit management system.**  
24 Q. All right. Excellent.  
25 Did the AMS say that there were

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1 letters sent out by MCM or anything showing the  
2 servicing the account?  
3 **A. That would not be reflected on --**  
4 Q. The AMS?  
5 **A. The letters would not be reflected.**  
6 **Had he made a payment, that would have been**  
7 **reflected on AMS.**  
8 Q. All right. There were letters sent  
9 out, but you didn't look at them because it  
10 wouldn't be on the AMS; is that correct?  
11 MR. TUCKER: Objection to the form.  
12 THE WITNESS: I wouldn't have  
13 looked because it wasn't a requirement when I  
14 process this affidavit.  
15 BY MR. PARKER:  
16 Q. All right. So what do you look at  
17 to see how the account was serviced?  
18 **A. Like I said, I reference the AMS**  
19 **system and the seller data sheet.**  
20 Q. All right. Would it be a fair  
21 statement to say that you didn't look at anything  
22 to see how the account was serviced?  
23 MR. TUCKER: Objection to the form  
24 of the question.  
25 THE WITNESS: When I validated this

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1 that together with records generated, produced,  
2 by MCM in connection with servicing the account.  
3 If I'm hearing what you're saying  
4 is you did not look at any records --  
5 **A. And I understand that.**  
6 MR. TUCKER: Hold on a second. I  
7 don't think Brian was finished with his question.  
8 BY MR. PARKER:  
9 Q. You did not look at any records  
10 generated by MCM servicing the account; is that  
11 correct?  
12 MR. TUCKER: Objection to the form  
13 of the question.  
14 BY MR. PARKER:  
15 Q. Is that correct?  
16 **A. I don't understand it that way.**  
17 **When I read that I understand it as I'm -- I'm**  
18 **validating this affidavit against the records**  
19 **that we have which would be in my mind affidavit**  
20 **management system records.**  
21 Q. Great. Then let me ask it the  
22 other way then.  
23 What records did you look at that  
24 were generated by MCM servicing the account?  
25 MR. TUCKER: Objection to the form

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1 affidavit I referenced the AMS screen and the  
2 data sheet.  
3 BY MR. PARKER:  
4 Q. Let me ask the question again, and  
5 correct me if you don't understand. He'll  
6 object.  
7 It's a fair statement to say that  
8 you did not look at records generated by MCM in  
9 connection with servicing the account?  
10 MR. TUCKER: Objection.  
11 BY MR. PARKER:  
12 Q. Correct?  
13 MR. TUCKER: Objection to the form  
14 of the question, asked and answered.  
15 THE WITNESS: I guess I'm just  
16 confused as to what you're asking. AMS doesn't  
17 break down -- doesn't have notes, it doesn't have  
18 activity that was done on the account, so.  
19 BY MR. PARKER:  
20 Q. Right. I can't think of -- I don't  
21 want to be disrespectful. Listen to what I'm  
22 asking. It's a yes or no.  
23 You've signed off on that you  
24 looked at two things. The data, we broke that  
25 down. And then you also said I also looked at

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1 of the question.  
2 THE WITNESS: Once again, that  
3 would be if he made a payment it would have been  
4 reflected in AMS. I would have seen that there  
5 was that activity that happened.  
6 BY MR. PARKER:  
7 Q. All right. If he didn't make a  
8 payment, what else would you have seen that was  
9 created by MCM servicing the account?  
10 **A. Probably nothing.**  
11 Q. Nothing. All right.  
12 So you didn't see anything --  
13 unless he made a payment, you didn't see anything  
14 from MCM servicing the account, correct?  
15 MR. TUCKER: Objection to the form  
16 of the question.  
17 BY MR. PARKER:  
18 Q. Correct?  
19 MR. TUCKER: Objection.  
20 THE WITNESS: Correct I would say,  
21 yeah.  
22 BY MR. PARKER:  
23 Q. All right. You're familiar with  
24 and trained on the manner and method by which MCM  
25 creates and maintains its business records

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1 pertaining to this account; is that correct?  
2 That's what number 2 says --  
3 **A. Correct.**  
4 Q. -- on page 3, Exhibit 1.  
5 You say, "I'm familiar with and  
6 trained on the manner and method by which MCM  
7 creates and maintains its business records."  
8 Please detail your training of how  
9 MCM creates and maintains its business records  
10 pertaining to the Tucker account.  
11 **A. High-level overview of that would**  
12 **be we have an agreement with a seller, the seller**  
13 **sends over the accounts in a secured file to a**  
14 **secured site that requires credentials, a**  
15 **password that only certain people can get into.**  
16 Q. Can I stop you?  
17 Do you have those credentials?  
18 **A. I do not.**  
19 Q. So you can't get in there?  
20 **A. I cannot.**  
21 Q. All right. Keep going.  
22 **A. Those records go through scrub for**  
23 **validity purposes, and then are integrated into**  
24 **the MCM systems.**  
25 Q. All right. Everything you just

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1 described, is that what MCM does?  
2 **A. That is my understanding.**  
3 Q. All right. So is it a fair  
4 statement that Midland Funding, whatever it is,  
5 somehow obtains a debt or an account, and correct  
6 me if I'm wrong, it gets scrubbed, among other  
7 things, right?  
8 **A. Yeah.**  
9 Q. Before it ends up on your desk or  
10 in your screen?  
11 **A. Correct.**  
12 Q. And how do you know any of that  
13 occurs?  
14 **A. Just through training.**  
15 Q. You've actually seen the scrubbing  
16 process?  
17 **A. I have not.**  
18 Q. All right. So how do you know that  
19 actually occurs?  
20 **A. Probably because we rarely -- I**  
21 **guess I can't say for sure. I don't -- I've**  
22 **never seen the process done.**  
23 Q. What did you mean when you agreed  
24 that the records are kept in the regular course  
25 of business? Because you've said that this

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1 document is for litigation.  
2 **A. That when the account is serviced,**  
3 **it's notated. The letter is sent out, it's**  
4 **notated.**  
5 Q. Do you not know what that means,  
6 the records are kept in the regular course of  
7 business?  
8 **A. That's how I understand it, is that**  
9 **anything that's done on the account is recorded**  
10 **and compiled and kept in the regular course of**  
11 **business.**  
12 Q. All right. Then you say, "It was  
13 in the regular course of business for a person  
14 with knowledge of the act or event recorded to  
15 make the record or data compilation."  
16 Do you see that?  
17 **A. Uh-huh.**  
18 **(Clarification by the court**  
19 **reporter.)**  
20 THE WITNESS: Yes.  
21 BY MR. PARKER:  
22 Q. What does "regular course of  
23 business" mean?  
24 **A. That data is unaltered, it's**  
25 **accurate. When -- like I said, a payment,**

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1 **something is made, a call is made, it is notated**  
2 **and just kept in the regular course of business.**  
3 Q. All right. For a person with  
4 knowledge of the act, you're not saying you when  
5 you say person with knowledge of the act, are  
6 you?  
7 **A. No.**  
8 Q. All right. And then it goes on,  
9 "Event recorded to make the record or data  
10 compilation, or for a person with knowledge to  
11 transmit information thereof."  
12 Again, you're not referring to you?  
13 **A. No.**  
14 Q. Do you know who the person is that  
15 scrubs or compiles all this data?  
16 **A. I do not know specific people.**  
17 Q. Have you ever met any of them?  
18 **A. No.**  
19 Q. All right. Have you ever seen any  
20 writing from them saying we're the person that  
21 scrubs and compiles all this?  
22 **A. No.**  
23 Q. No. All right.  
24 I will skip to the next sentence  
25 which is, "In the regular course of business, the

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1 record or compilation is made at or near the time  
2 of the act or event."  
3 What time, what act, what event?  
4 MR. TUCKER: Objection; asked and  
5 answered.  
6 THE WITNESS: That -- and my  
7 understanding with those is a letter is sent out,  
8 it's recorded, call is made, it's recorded.  
9 Those sort of things.  
10 BY MR. PARKER:  
11 Q. And that didn't occur with the  
12 Tucker debt?  
13 A. **What do you mean?**  
14 Q. Did any of that occur with the  
15 Tucker debt?  
16 A. **Were records kept? Yes.**  
17 Q. Yes?  
18 A. **All records are kept with all of**  
19 **our accounts.**  
20 Q. All right. We'll move on.  
21 And then your finger comes down to  
22 number 3. MCM's records show that defendants  
23 owed a balance, and then has a date.  
24 And then your other finger would be  
25 confirming that on the AMS or the data sheet?

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1 A. **AMS.**  
2 Q. AMS.  
3 So that would already be written  
4 in, and you would confirm it on the AMS?  
5 A. **Yes.**  
6 Q. Correct? All right.  
7 I forgot to ask you this: Do you  
8 have any meetings or conferences or education on  
9 the Fair Debt Collection Practices Act?  
10 A. **Yes.**  
11 Q. And how many times a year do you do  
12 that of the two years you've been there?  
13 A. **I can't say for sure. It's at**  
14 **least once a year for sure.**  
15 Q. Once a year.  
16 And is that personal instruction or  
17 do you go online?  
18 A. **Kind of both, but for sure there's**  
19 **an online.**  
20 Q. There's an online.  
21 And is there a followup with  
22 somebody?  
23 A. **We have trainings all the time.**  
24 Q. On FDCPA?  
25 A. **Well, just really anything. But I**

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1 **would just stick to the once a year on my course**  
2 **for the FDCPA.**  
3 Q. How long does that last?  
4 A. **I'm not sure.**  
5 Q. More than an hour?  
6 A. **I -- I'm not sure.**  
7 Q. So of the year that you worked  
8 there, just once a year you have FDCPA  
9 instruction online?  
10 MR. TUCKER: Objection to the form  
11 of the question.  
12 THE WITNESS: Yes.  
13 BY MR. PARKER:  
14 Q. All right. And do you go over any  
15 state's laws?  
16 Do you review any statutes or laws  
17 from the states that you operate in?  
18 A. **Not super specific.**  
19 Q. All right. You've trained with  
20 MCM; is that correct?  
21 A. **Yes.**  
22 Q. Obviously.  
23 You've done training, you are even  
24 a trainer now.  
25 Have you done any training with

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1 Credit One Bank?  
2 A. **Specifically, no.**  
3 Q. No. Have you done any training  
4 with MHC Receivables?  
5 A. **Aside from just knowing their**  
6 **documentation and going through trainings on**  
7 **that, no.**  
8 Q. No. All right.  
9 You don't store any records for  
10 MCM, you don't place anything in a data file for  
11 MCM; is that correct?  
12 MR. TUCKER: Objection to the form.  
13 THE WITNESS: Do I add anything to  
14 these records?  
15 MR. PARKER: Yes.  
16 THE WITNESS: I do not.  
17 BY MR. PARKER:  
18 Q. Okay. It says MCM's records  
19 show that -- number 3. Exhibit 1, page 3. MCM's  
20 records show that defendants or defendant owed a  
21 balance, and it says the balance. It doesn't say  
22 who it's owed to.  
23 Why doesn't it say who the money is  
24 owed to?  
25 MR. TUCKER: Objection to the form



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1 of the question.  
2 THE WITNESS: Because the plaintiff  
3 in this case is Midland Funding, so.  
4 BY MR. PARKER:  
5 Q. Not to belabor this, the thing  
6 says --  
7 MR. TUCKER: Nicole, were you  
8 finished with your answer?  
9 THE WITNESS: Yeah. I guess I  
10 don't know how to elaborate much on that.  
11 BY MR. PARKER:  
12 Q. Well, let me ask you this: It  
13 doesn't say that it's owed to plaintiff.  
14 MR. TUCKER: Objection to the form.  
15 THE WITNESS: It's an MCM  
16 affidavit. I guess I thought that -- in my  
17 opinion, that's pretty clear that it's -- we are  
18 the one that are suing.  
19 BY MR. PARKER:  
20 Q. You called it an MCM affidavit; is  
21 that correct?  
22 A. **It's a Midland Funding affidavit.**  
23 Q. Okay. Which one is it, a Midland  
24 Funding affidavit or an MCM affidavit?  
25 MCM created it; is that correct?

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1 A. **Yes.**  
2 Q. Midland had nothing to do with this  
3 creation of this; is that correct, Midland  
4 Funding?  
5 A. **To my knowledge, yes.**  
6 Q. They didn't have --  
7 A. **Yeah.**  
8 Q. All right. They had no connection  
9 to this.  
10 And why doesn't it say who the  
11 money is owed to?  
12 MR. TUCKER: Objection.  
13 THE WITNESS: I don't know.  
14 BY MR. PARKER:  
15 Q. All right. Then the obvious, it  
16 doesn't say who the money is owed to?  
17 MR. TUCKER: Objection.  
18 BY MR. PARKER:  
19 Q. Correct?  
20 A. **Correct.**  
21 Q. All right. I never noticed that  
22 before. All right.  
23 So I believe that six times in this  
24 affidavit the word "plaintiff" is used even  
25 though there's no lawsuit filed on September

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1 21st; is that correct?  
2 A. **Correct.**  
3 Q. You're probably ready for this.  
4 You say you look at two -- because  
5 of the nature of the request by Stillman Law  
6 Offices, the code above the AFF Record which is  
7 on page 3 of Exhibit 1, and also on page 4 of  
8 Exhibit 1, you only look at two things, the data  
9 sheet and the AMS.  
10 Am I correct about that?  
11 A. **That's correct.**  
12 Q. And is that what you look at to  
13 find out what date, at least what it says, each  
14 entity purchased or sold the debt, correct?  
15 A. **Correct.**  
16 Q. All right. Can you tell me why it  
17 doesn't say the date that it sold from your  
18 screen as opposed to saying why does it say on or  
19 about?  
20 Was there some problem with the  
21 information that you weren't sure if it was in  
22 this case 4/17/2016?  
23 A. **That's just the language they went**  
24 **with in the case of this account. 4/17/2016 was**  
25 **the date that Mr. Tucker's account charged off.**

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1 Q. All right. Thank you.  
2 What documents did you look at from  
3 Credit One that showed it to be charged off at  
4 that date?  
5 A. **I didn't look at documents. I**  
6 **looked at the information that was integrated**  
7 **into our internal database.**  
8 Q. From?  
9 A. **The seller.**  
10 Q. Which was Sherman Originators?  
11 A. **Correct.**  
12 Q. So you didn't see anything from  
13 Credit One saying when the debt was charged off,  
14 you saw it from the third owner of the debt  
15 saying when it was charged off; is that correct?  
16 A. **Correct.**  
17 Q. And you know that Mr. Tucker debt  
18 was charged off -- or maybe you don't know -- by  
19 Credit One?  
20 A. **Yes.**  
21 Q. All right. So you've never  
22 questioned why it says on or about, or has  
23 anybody instructed you as to why it says on or  
24 about instead of just saying 2/16/04-17?  
25 A. **I guess I've just never questioned**

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1 **that.**  
2 Q. All right. And then it does it  
3 again. It then says, "The account was then sold  
4 to the following debt buyers in order of  
5 occurrence on or about," and it gives two dates.  
6 Have you ever questioned why it  
7 says on or about instead of what's on your AMS?  
8 **A. I have not because that's not**  
9 **inaccurate to me.**  
10 Q. All right.  
11 **A. Or incorrect.**  
12 Q. Okay. All right. I think I'm done  
13 with the affidavit for now.  
14 MR. PARKER: What time is it?  
15 MR. TUCKER: 11:08. On or about  
16 11:08.  
17 BY MR. PARKER:  
18 Q. Have you seen the credit card  
19 agreement between Mr. Tucker and Credit One Bank?  
20 **A. I have not.**  
21 Q. All right. Do you know if it's a  
22 Visa, a Mastercard, Discover, or anything else?  
23 **A. Offhand, no. It would be -- it's**  
24 **possible it is reflected in the AMS screen, but**  
25 **obviously I don't have that.**

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1 Q. What did you look at to prepare for  
2 today's deposition?  
3 **A. The affidavit.**  
4 Q. Nothing else?  
5 **A. I read through the deposition, so**  
6 **everything that was in there. So I did glance at**  
7 **the media, but it's not stuff that I validated**  
8 **when I --**  
9 MR. TUCKER: Can I interject for  
10 just a second?  
11 MR. PARKER: Yes. What if I say  
12 no?  
13 MR. TUCKER: I thought she said she  
14 looked at the deposition.  
15 MR. PARKER: She meant the notice.  
16 MR. TUCKER: The deposition notice.  
17 THE WITNESS: Notice, okay.  
18 MR. TUCKER: And all of the  
19 attachments.  
20 THE WITNESS: Okay. Sorry.  
21 BY MR. PARKER:  
22 Q. All right. So did you go back to  
23 your AMS screen to update yourself?  
24 **A. I did go back in. It is not going**  
25 **to show me the same information that reflected**

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1 **the day I validated this.**  
2 Q. And why is that?  
3 **A. Because the suit is no longer --**  
4 **it's not active. Or I don't know how to word**  
5 **that.**  
6 Q. You are no longer servicing or  
7 collecting it?  
8 **A. Yes.**  
9 Q. All right. So the differences that  
10 you see now as opposed to back then, what are  
11 those differences?  
12 **A. The financial data is not there.**  
13 Q. Okay. Do you know why that is?  
14 **A. I don't know why that is.**  
15 Q. That's the only thing missing?  
16 **A. Yes.**  
17 Q. All right. So the only difference  
18 between the screen for let's say September 21,  
19 2017 and when you went back -- when did you go  
20 back? Last week? This week?  
21 **A. Yeah, couple weeks.**  
22 Q. Couple of weeks ago.  
23 Would be the financial data is  
24 missing; is that correct?  
25 **A. Correct.**

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1 Q. And if you don't mind --  
2 **A. The financial data and then the**  
3 **date that the firm requested this affidavit was**  
4 **missing as well, the 9/15/2017.**  
5 Q. That's the date they would have  
6 requested -- Stillman would have requested it?  
7 **A. Yeah.**  
8 Q. So you're that good, date it's  
9 requested you get the thing validated on the same  
10 day, or you --  
11 **A. No, no. Not necessarily. They're**  
12 **saying as of this date this is the amount that's**  
13 **due on the account, or that's on the account.**  
14 Q. So the fact that Stillman requested  
15 it has disappeared now?  
16 You're saying the financial data,  
17 how much is owed has disappeared?  
18 **A. Oh, yeah. Yeah, that part is not**  
19 **available for me.**  
20 Q. Anything else? Anything else  
21 missing?  
22 **A. Not to my knowledge.**  
23 Q. And so when you say financial data,  
24 you just mean how much they're claiming is owed?  
25 **A. Yes.**

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1 Q. Anything else when you say  
2 financial data?  
3 **A. If there was interest on the**  
4 **account, that would probably be reflected in that**  
5 **area. But there was no interest on the account.**  
6 Q. So the difference between September  
7 21st and when you looked at it a couple of weeks  
8 ago is just that the financial data is missing?  
9 That's it?  
10 **A. Yes.**  
11 Q. And you could have looked at either  
12 screen, and the only thing missing is the  
13 financial data today?  
14 If you looked at it today --  
15 **A. Yes.**  
16 Q. -- that would be the only  
17 difference?  
18 **A. And the date.**  
19 Q. And the date.  
20 The date of the financial being --  
21 **A. The firm requested this affidavit**  
22 **or -- yeah.**  
23 Q. Are you saying the date that a  
24 person or a firm requests an affidavit is always  
25 the date of the balance?

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1 **A. It depends on the affidavit.**  
2 **Some -- in this case this is as of 9/15/2017,**  
3 **\$612.36 was owed on the account.**  
4 Q. All right. And you're pretty sure  
5 because of the nature of the request based upon  
6 the AFF Record, that means that was usually --  
7 that's usually the date it's requested?  
8 **A. Correct.**  
9 Q. Okay. All right. And did you have  
10 an interest rate being charged on 9/15 that isn't  
11 reflected in your recent review of the AMS?  
12 **A. No.**  
13 Q. All right. Because you  
14 mentioned --  
15 **A. There's no interest on this**  
16 **account.**  
17 Q. So the only difference between the  
18 AMS review when you looked at it and -- back in  
19 September and a couple of weeks ago would be the  
20 balance that's owed is missing, that's it?  
21 **A. Yes.**  
22 Q. All right. You just piqued my  
23 interest about something.  
24 It was requested on 9/15 you're  
25 saying, Exhibit 1, page 3, but you signed it on

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1 September 21, 2017 -- wait a minute. I'm reading  
2 it. Okay. 2/17 -- because of the nature the way  
3 this is written it's done in an Asian format or a  
4 European format.  
5 It says 2/17/09, 15 is the date the  
6 balance of 612.36 is due on Paragraph 3, correct?  
7 **A. It's saying as of that date that is**  
8 **the amount that's owed on the account.**  
9 Q. And you put your finger and said  
10 that was the day that Stillman would have  
11 requested this document, and that's why the  
12 balance is of that date?  
13 **A. Yes.**  
14 Q. Yes. And when I say Asian or  
15 European, that's not the way we write our date  
16 and year in America. Do you understand what I'm  
17 saying when I say that?  
18 That's sort of a computerese or --  
19 I mean, I'm from England and that's how we'd  
20 write it in England. And then six days later is  
21 when you signed the affidavit.  
22 Can you tell me why six days  
23 delay -- delay. I don't mean to imply anything,  
24 but why the six-day gap?  
25 **A. It could be a variety of reasons.**

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1 **We -- priority would be for me to get through**  
2 **affidavits that were dated prior to this one.**  
3 Q. All right. It's just a matter of  
4 you have a lot of work to do before you can get  
5 to this one?  
6 **A. Correct.**  
7 Q. Do you ever -- do you -- I'm not  
8 talking MCM, do you ever receive requests for  
9 these affidavits after a lawsuit is filed?  
10 **A. I cannot say for a fact. I'm not**  
11 **sure.**  
12 Q. All right. And this may sound --  
13 how do you not know?  
14 **A. Because when the affidavits are**  
15 **sent, they're sent over by the firm. As for what**  
16 **action they're taking whether they filed the**  
17 **complaint or not, I'm not aware. I just know**  
18 **that they need this affidavit to file suit.**  
19 Q. Okay. To file suit. All right.  
20 So that's your job is to set up an  
21 affidavit prior to filing suit?  
22 **A. To attach it to their complaint.**  
23 Q. Okay. Do you know why they need  
24 the affidavit?  
25 **A. For validation purposes to show**

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1 **that we own the account. Just -- yeah. Gives**  
2 **all the information about the consumer's account**  
3 **and chain of title.**  
4 Q. But it doesn't say that Mr. Tucker  
5 owes the debt to Midland; is that correct?  
6 MR. TUCKER: Objection.  
7 BY MR. PARKER:  
8 Q. The amount, the balance?  
9 MR. TUCKER: Objection.  
10 THE WITNESS: It's not stated that  
11 way.  
12 BY MR. PARKER:  
13 Q. All right. And what date was the  
14 credit card account opened? You're referring to  
15 the data sheet?  
16 A. Yes.  
17 Q. Exhibit 2 marked as D.  
18 A. **It is 3/10/2015.**  
19 Q. You don't know if that's the truth  
20 or a fact, you do know it's written on the field  
21 data sheet; is that correct?  
22 A. **No. This is a field that can be**  
23 **validated against our affidavit management**  
24 **system.**  
25 Q. All right. So the information

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1 that's in your AMS comes from the seller is what  
2 you've testified?  
3 A. **Yes.**  
4 Q. So the seller also, you said the  
5 other document is the field data sheet. You  
6 called it a seller data sheet.  
7 That's created by the seller, too?  
8 A. **Correct.**  
9 MR. TUCKER: Objection to the form.  
10 BY MR. PARKER:  
11 Q. It isn't created by the seller?  
12 A. **It's sent over by --**  
13 Q. It says right on the bottom.  
14 A. **Yes. We print them, so they send**  
15 **over this information.**  
16 Q. All right. So as far as you know,  
17 it's created by the seller?  
18 A. **Correct.**  
19 MR. TUCKER: Objection to the form.  
20 BY MR. PARKER:  
21 Q. And there's nothing confirming that  
22 that's the actual charge-off date or the -- I  
23 don't know how they put it there, creation of  
24 obligation date, it's just what Sherman  
25 Originator has created? Yes?

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1 MR. TUCKER: Objection.  
2 THE WITNESS: All of these fields  
3 can be validated against our affidavit management  
4 system.  
5 BY MR. PARKER:  
6 Q. Right. Which is created from the  
7 seller's information?  
8 A. **That's correct.**  
9 Q. All right. So you've already  
10 testified that you didn't receive anything from  
11 Credit One saying when they say the debt was  
12 charged off, correct?  
13 A. **I said I didn't reference those**  
14 **documents. It didn't mean we didn't have them,**  
15 **but it's not something I looked at when I**  
16 **validated this affidavit.**  
17 Q. Do you believe you have them now?  
18 A. **Based off of the attachments here,**  
19 **yes.**  
20 Q. You're putting your hand on -- use  
21 Joe's words, you're putting your hands on  
22 Exhibit D.  
23 A. **Well, on this entire stack.**  
24 Q. Created by the seller.  
25 MR. TUCKER: Please let her -- you

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1 guys are talking over each other.  
2 MR. PARKER: My fault.  
3 THE WITNESS: So we basic --  
4 BY MR. PARKER:  
5 Q. So you haven't looked at anything  
6 from Credit One Bank that says -- you have not  
7 looked at anything from Credit One Bank telling  
8 you when the charge-off date was?  
9 MR. TUCKER: Objection to the form.  
10 At what time?  
11 BY MR. PARKER:  
12 Q. Have you?  
13 A. **Did I reference a bill of sale when**  
14 **I validated --**  
15 Q. No, you didn't.  
16 A. **What are you asking?**  
17 Q. I'm going to move on.  
18 At the time you signed this, which  
19 was we think September 21, 2017?  
20 A. **Correct. '17.**  
21 Q. What was your definition of the  
22 word "account"?  
23 A. **What's my definition of -- I would**  
24 **say this --**  
25 Q. 2017. September 21st when you

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1 signed this, what was your definition of the word  
2 "account"?

3 **A. Darrin Tucker's account.**

4 **Q. We can get to that.**

5 But the word "account," what does  
6 it mean to you?

7 **A. I don't know where you're going**  
8 **with this, I guess.**

9 **Q. Well, he would tell you don't try**  
10 **to get into the attorney's mind, just answer the**  
11 **question.**

12 What was your -- it's a simple  
13 question. If you didn't have one you'd say I  
14 didn't have a definition.

15 What was your definition of the  
16 word "account" on September 21, 2017?

17 **A. I don't -- I honestly don't know**  
18 **what you mean. An account would be this account**  
19 **has an account number, it belongs to Midland**  
20 **Funding. I guess I don't know how much more you**  
21 **want me to elaborate on that.**

22 **Q. Separate from Tucker, I don't want**  
23 **you to elaborate as much as you just did. And**  
24 **you can tell me I don't have a definition.**

25 All I want to know is in your job,

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1 you're asked to verify or validate accounts; is  
2 that fair?

3 **A. Yeah.**

4 **Q. Separate from assigning somebody's**  
5 **name, the word "account," how do you define the**  
6 **word "account" on September 21, 2017?**

7 **MR. TUCKER: Objection to the form.**

8 **THE WITNESS: I --**

9 **BY MR. PARKER:**

10 **Q. The word "account," what does it**  
11 **mean to you?**

12 **MR. TUCKER: Objection.**

13 **THE WITNESS: I -- to me it would**  
14 **be a profile or information on somebody.**

15 **BY MR. PARKER:**

16 **Q. Fair enough. All right. Profile**  
17 **is good.**

18 You testified that -- we can move  
19 along fast now.

20 You testified you did not look at  
21 any bill of sales?

22 **A. Correct.**

23 **Q. Is that correct, prior to September**  
24 **21st?**

25 **A. Correct.**

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1 **Q. And is it fair to say the next time**  
2 **you did was after September 21, 2016 regarding**  
3 **this account?**

4 **A. Correct.**

5 **Q. And that was because you received**  
6 **the deposition notice which had some bill of**  
7 **sales attached; is that correct?**

8 **A. Correct.**

9 **Q. I have given you Exhibit 2 which I**  
10 **represented to you was attached to what's called**  
11 **a summary disposition. And I am going to tell**  
12 **you, if I can find it, forgive me for the delay,**  
13 **I'm just presenting this the way it was provided**  
14 **in the summary motion. That's why I'm having**  
15 **trouble finding this. Sorry, Ma'am. I will be**  
16 **right there.**

17 All right. You refer to things --  
18 you know, I didn't ask you, Sherman Originator,  
19 do you know what that is?

20 Sherman Originator III, LLC, do you  
21 know what that is?

22 **A. The seller in this case.**

23 **Q. All right. Is it a company? Is it**  
24 **a computer? Have you met employees from it?**  
25 **What's your --**

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1 **A. My understanding of Sherman is that**  
2 **they are affiliates with Credit One and MHC.**

3 **Q. All right. And what evidence have**  
4 **you seen or read or heard that they are**  
5 **affiliated with Sherman Originator? Tell me**  
6 **everything.**

7 **A. Just -- I guess just training wise**  
8 **we have mergers that show the relationship.**

9 **Q. You're using computer words.**  
10 **Merger, what do you mean merger?**

11 **A. We have -- it's a document that was**  
12 **sent by Credit One, MHC that shows that they are**  
13 **affiliated.**

14 **Q. Affiliated. Like sort of like**  
15 **Midland Funding and MCM are affiliated?**

16 **A. Yes.**

17 **Q. Yes. All right.**  
18 **But we do know that they're**  
19 **separate companies?**

20 **A. Correct.**

21 **Q. All right. So do you know anything**  
22 **about the Sherman Originator company? Regardless**  
23 **of who its friends or sisters are, do you know**  
24 **who that is?**

25 **Have you ever met anybody from**

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1 Sherman?  
2 **A. No.**  
3 Q. Do you know if it is a company? Do  
4 you know where they're located? Are they brick  
5 and mortar?  
6 **A. I can't recall.**  
7 MR. TUCKER: There's about five  
8 questions there. Let's try one at a time.  
9 MR. PARKER: Thanks.  
10 THE WITNESS: I can't tell you  
11 where they're located.  
12 BY MR. PARKER:  
13 Q. Have you ever met an employee from  
14 Sherman Originator?  
15 **A. I have not.**  
16 Q. Have you ever done any training  
17 with them?  
18 **A. I have not.**  
19 Q. You have not. All right.  
20 In this case it says -- sorry. Go  
21 to Exhibit G of Exhibit 2, inside Exhibit 2. And  
22 this is just the way your counsel has set this  
23 up.  
24 MR. TUCKER: I'm sorry, what have I  
25 set up?

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1 BY MR. PARKER:  
2 Q. Your counsel created a --  
3 MR. TUCKER: You weren't talking  
4 about me, you were talking about the Stillman Law  
5 Office.  
6 MR. PARKER: Yes.  
7 MR. TUCKER: You're saying that  
8 Exhibit 2 to this deposition is an attachment to  
9 the Stillman Law Office's motion for summary  
10 disposition in this case.  
11 MR. PARKER: Correct.  
12 MR. TUCKER: Okay.  
13 BY MR. PARKER:  
14 Q. And Exhibit G appears to be a bill  
15 of sale and assignment.  
16 Do you see that?  
17 **A. Yes.**  
18 Q. And it says, and correct me if I'm  
19 wrong, Sherman Originator is the seller and  
20 Midland Funding, LLC is the buyer; is that  
21 correct?  
22 **A. Correct.**  
23 Q. And do you see anywhere that  
24 Midland Funding has signed this assignment?  
25 **A. I do not.**

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1 Q. All right. Have you seen anything  
2 signed by Midland where they're accepting  
3 ownership of this Tucker debt?  
4 **A. Not to my knowledge.**  
5 Q. All right. And there is a -- I  
6 don't know if you know about this. The bill of  
7 sale -- there was a bill of sale that maybe you  
8 could explain this to me.  
9 There's an affidavit of accounts by  
10 Sherman Originator which is Exhibit H. You've  
11 got it.  
12 Do you see Exhibit H?  
13 **A. Uh-huh.**  
14 Q. And go two pages. It says  
15 Certificate of Conformity.  
16 Have you ever seen something like  
17 that before?  
18 **A. Yes.**  
19 Q. It's usually attached to the bill  
20 of sales or assignments or affidavits?  
21 **A. Uh-huh.**  
22 Q. Do you know why they used someone  
23 from South Carolina specializing in proof of  
24 deeds of real property?  
25 MR. TUCKER: Objection to the form.

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1 THE WITNESS: I don't know.  
2 BY MR. PARKER:  
3 Q. You don't know. You said you were  
4 a notary. If you go back one page, is it common  
5 to see the notary stamp upsidedown like that? Do  
6 you do that?  
7 **A. I do not.**  
8 Q. Why not?  
9 **A. I -- if I were attaching media --**  
10 Q. Yeah, media.  
11 **A. -- I -- an affidavit of sale, bill**  
12 **of sale, any of that, I actually remove this.**  
13 Q. Remove it?  
14 **A. Because I don't -- I don't agree**  
15 **with that being upsidedown.**  
16 Q. Why?  
17 **A. I just see it as incomplete or just**  
18 **not done right, I guess.**  
19 Q. It's not following the rules?  
20 **A. In my mind, yes. I mean, it's**  
21 **acceptable. It's been cleared that we can take**  
22 **them.**  
23 Q. Upside down?  
24 The reason I ask you, I don't know  
25 Ms. Davis and I don't know her state, but does

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1 your state allow you to be upsidedown notary  
2 stamps?  
3 **A. I don't think it's wrong either**  
4 **way, but.**  
5 Q. Okay. But you wouldn't -- this  
6 would be unacceptable for you?  
7 **A. For me, it is.**  
8 Q. Okay. So you have looked at the  
9 bill of sales that we're looking at right now?  
10 **A. After the deposition notice, yes.**  
11 Q. You did, all right. I'll leave  
12 that alone for now. I'm going to try and finish  
13 this up.  
14 If you give me a minute I'm going  
15 to try and make this quick. If you want to take  
16 a break or something.  
17 MR. TUCKER: Yeah, why don't we do  
18 that.  
19 (Thereupon, a break was taken, and  
20 then the proceedings continued as follows:)  
21 MR. PARKER: On the record.  
22 BY MR. PARKER:  
23 Q. Have you ever been a custodian of  
24 records -- listed as a custodian of records in a  
25 case?

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1 **A. Yes.**  
2 Q. In a case in Michigan?  
3 **A. I'm not sure about that.**  
4 Q. What does that mean?  
5 **A. It means I have access to the**  
6 **records and I don't alter them but I just -- I'm**  
7 **able to see that we have them, that they're**  
8 **accurate, complete.**  
9 Q. And you've testified in court to  
10 that?  
11 **A. No.**  
12 Q. So you were listed as a custodian  
13 of records in litigation, or just in something  
14 else?  
15 **A. I just have seen it as language.**  
16 Q. Nicole Hanke is the custodian of  
17 records?  
18 **A. Yes.**  
19 Q. What kind of document was this  
20 written on?  
21 **A. I can't -- I don't recall.**  
22 Q. Do you remember when?  
23 **A. No.**  
24 Q. Do you remember why?  
25 **A. Why I would be listed as a**

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1 **custodian? Because it's just another form of**  
2 **legal specialist. I'm validating records, making**  
3 **sure they're complete and accurate.**  
4 Q. So is that what you think a  
5 custodian of the records is, is a person that  
6 validates records?  
7 **A. I mean, it could be a number of**  
8 **things. But as for me, that is what I do.**  
9 Q. Is you validate records.  
10 And you don't see a difference  
11 between a custodian of records versus a  
12 validation of records? If you do.  
13 **A. I guess I don't, but. I don't.**  
14 Q. For whom were you a custodian of  
15 records?  
16 **A. For MCM, we service the account.**  
17 Q. You seem -- are you sure it wasn't  
18 Midland?  
19 **A. I don't know.**  
20 Q. You don't know.  
21 Was it a bank?  
22 **A. That I've been a custodian of**  
23 **record before? I suppose you could say that -- I**  
24 **worked for a bank before.**  
25 Q. Oh, okay. What was the name of the

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1 bank?  
2 **A. ING Direct.**  
3 Q. What was the employer you worked  
4 for before Midland Credit Management?  
5 **A. St. Cloud Hospital.**  
6 Q. Oh. A nurse?  
7 **A. Patient care assistant.**  
8 Q. For how long?  
9 **A. Three years.**  
10 Q. What made you join Midland Credit  
11 Management?  
12 **A. I have a background or education in**  
13 **marketing management, and I wanted to get into**  
14 **the business.**  
15 Q. So that's your goal in this company  
16 is to learn everything and then move on up?  
17 **A. Yeah.**  
18 Q. Okay. So in your job though the  
19 last two years, you haven't been a custodian of  
20 records for anybody other than MCM and possibly  
21 Midland?  
22 **A. Correct.**  
23 Q. In the Tucker case, are you a  
24 custodian of records for anybody other than --  
25 you haven't been designated.

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1           Are you a custodian of records of  
2 anybody in the Tucker case?  
3       **A. I guess I don't know exactly what**  
4 **you're -- if you're --**  
5       Q. Have you been assigned the job to  
6 be the custodian of records -- apparently you  
7 don't do it that much.  
8           Have you been assigned the task to  
9 be a custodian of records in this case?  
10       **A. I would say yes.**  
11       Q. Of what records?  
12       **A. Of the records reflected on our**  
13 **affidavit management system.**  
14       Q. All right. But you haven't been  
15 assigned to be the custodian of the records by  
16 Credit One; is that correct? By Credit One.  
17       **A. Correct.**  
18       Q. Or by MHC, you haven't been  
19 assigned to be their custodian of record; is that  
20 correct?  
21       **A. Correct.**  
22       Q. How about Sherman Originator, have  
23 they assigned you to be the custodian of records?  
24       **A. No.**  
25       Q. No.

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1           You're not, correct?  
2       **A. Correct.**  
3       Q. All right. You're not familiar  
4 with their processes, how they accumulate data,  
5 Credit One, are you?  
6           Have you spent time training?  
7       **A. No.**  
8       Q. In this case you're not familiar;  
9 is that correct?  
10       **A. Correct.**  
11       Q. You don't know how they got  
12 together all their information on Mr. Tucker?  
13       **A. No.**  
14       Q. No. And in MHC, are you familiar  
15 how they got their information together, if they  
16 got anything together on Mr. Tucker?  
17       **A. No.**  
18       Q. No. Do you know how many debts  
19 were passed from Credit One Bank to MHC  
20 Receivables, LLC pursuant to the sale between  
21 Credit One and MHC -- before you answer that, I  
22 want to make sure I've got the date -- it says  
23 April 30th. We can go to your date if we want.  
24           You write on or about on  
25 Exhibit 4 -- excuse me. Exhibit 1, page 4 you

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1           say the debt between Credit One Bank and  
2 MHC Receivables.  
3           Do you know how many debts were  
4 sold between those two entities?  
5       **A. I do not.**  
6       Q. And why is that?  
7       **A. Because we receive them in bulk**  
8 **portfolios.**  
9       Q. So you're unable to say how many --  
10 what does bulk mean?  
11       **A. That we receive several at a time.**  
12       Q. More than ten?  
13       **A. I -- I have zero idea what the**  
14 **number would actually be.**  
15       Q. Why do you call it bulk?  
16       **A. Because there's more than one.**  
17       Q. More than one?  
18       **A. In a portfolio.**  
19       Q. Do you know what a portfolio is?  
20       **A. It's -- in my mind it's what's**  
21 **being sent over.**  
22       Q. Between the two entities?  
23       **A. From Sherman, yeah.**  
24       Q. Not from --  
25       **A. Well, it would be from -- the**

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1           **accounts that charged off throughout the month of**  
2 **April in this case would be documented on the**  
3 **30th of April.**  
4       Q. All right. And you're referring to  
5 Exhibit C -- excuse me. Exhibit 2, Exhibit C?  
6           MR. TUCKER: This is the document  
7 that he's looking at.  
8           THE WITNESS: Oh, okay.  
9           MR. TUCKER: It's the same  
10 document, I believe.  
11           THE WITNESS: Yeah, yeah.  
12 BY MR. PARKER:  
13       Q. Right? Is that correct?  
14           MR. TUCKER: And just for the  
15 record, it's the bill of sale and assignment from  
16 Credit One Bank to MHC Receivables.  
17 BY MR. PARKER:  
18       Q. So they're selling a chunk --  
19 you've seen something like the bill of sale and  
20 assignment form of the Exhibit C, you've seen  
21 this before?  
22       **A. Yes.**  
23       Q. And so you're saying they're  
24 selling a portfolio in bulk between the two  
25 entities?



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1           **A. Yes. That's how I understand it.**  
2           Q. All right. And you don't know what  
3 or how many were sold between the two entities?  
4           **A. I do not.**  
5           Q. How would you find out?  
6           **A. I'm sure there's a report somewhere**  
7 **I don't have access to.**  
8           Q. Why is that?  
9           **A. Because I'm not authorized to have**  
10 **access to it.**  
11          Q. It's not your job?  
12          **A. Correct.**  
13          Q. All right. So you wouldn't know  
14 what debts were passed from Credit One Bank to  
15 MHC Receivables; is that correct?  
16          **A. Correct.**  
17               MR. TUCKER: Objection.  
18 BY MR. PARKER:  
19          Q. And who is Vicki Scott?  
20          **A. She -- I think her title is on one**  
21 **of these pages.**  
22          Q. Do you know who --  
23          **A. She's vice president.**  
24          Q. All right. Have you ever met her?  
25          **A. No.**

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1           Q. Have you ever seen a picture of  
2 her?  
3           **A. No.**  
4           Q. Have you seen her name on these  
5 documents before?  
6           **A. Yes.**  
7           Q. Yes?  
8           **A. Yes.**  
9           Q. And have you ever talked to her on  
10 the phone?  
11          **A. No.**  
12          Q. E-mailed?  
13          **A. No.**  
14          Q. How about Jon Mazzoli, do you know  
15 who that is?  
16          **A. Do I know him?**  
17          Q. When I say know, we've both read in  
18 these documents Mazzoli's name.  
19               Have you ever met Mr. Mazzoli?  
20          **A. No.**  
21          Q. Have you ever talked to him on the  
22 phone?  
23          **A. No.**  
24          Q. Have you ever seen a picture of  
25 him?

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1           **A. No.**  
2           Q. Do you know he exists? I mean if  
3 you have any evidence of his existence.  
4           **A. I have his signature.**  
5           Q. Is that enough?  
6           **A. For me it is. These are legal**  
7 **documents.**  
8           Q. So in this giant world of robo  
9 signing --  
10               MR. TUCKER: Objection to form.  
11 BY MR. PARKER:  
12          Q. -- his signature -- not saying  
13 anybody is robo signing, signature means somebody  
14 exists; is that correct?  
15          **A. I believe so.**  
16          Q. And then Vicki Scott, you said  
17 you've never seen a picture.  
18               Ever talked to her, called her,  
19 anything?  
20          **A. No.**  
21          Q. Do you know if she exists?  
22          **A. I guess I don't.**  
23          Q. All right.  
24          **A. I don't know that it's -- okay.**  
25          Q. Have you contacted either one of

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1           these people regarding this portfolio of  
2 accounts?  
3           **A. No.**  
4           Q. And there's another guy, Rusty  
5 Kendall on Exhibit E of Exhibit 2.  
6               Do you know who Rusty Kendall is?  
7 Do you personally know him?  
8           **A. I do not.**  
9           Q. Have you ever heard of him before?  
10          **A. No.**  
11          Q. Ever seen his signature before  
12 today?  
13          **A. Yeah.**  
14          Q. On other documents?  
15          **A. Yes.**  
16          Q. Have you ever called him on the  
17 phone?  
18          **A. No.**  
19          Q. Ever e-mailed him?  
20          **A. No.**  
21          Q. Sorry about this.  
22               Have you ever e-mailed any of these  
23 individuals, Rusty, Jon Mazzoli, or Vicki Scott?  
24          **A. No.**  
25          Q. And how do you know, other than it

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1 says Vicki is vice president of collections, that  
2 she is vice president of collections?  
3 **A. Because we only purchase accounts**  
4 **from reputable sellers. We have open-ended**  
5 **relationships with that are required to keep**  
6 **their records in the regular course of business.**  
7 Q. You don't purchase accounts though,  
8 you service them.  
9 **A. Correct.**  
10 Q. So how do you know that Vicki Scott  
11 is a vice president of collections at Credit One  
12 Bank?  
13 **A. I would base it off of the document**  
14 **that she signed.**  
15 Q. Because it's written down you  
16 believe it?  
17 **A. Yeah.**  
18 Q. All right. Do you ever -- do you  
19 know who created the affidavit Exhibit 1, page 3  
20 and 4?  
21 **A. This. MCM creates them.**  
22 Q. MCM creates them.  
23 When you say MCM, is there a human  
24 being that creates them?  
25 **A. Yeah. We work with our legal team**

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1 **when we create these affidavits.**  
2 Q. Have you done that?  
3 **A. I have not.**  
4 Q. So when you say we, who do you --  
5 **A. These are templates. I don't know**  
6 **who is responsible for writing them up.**  
7 Q. When you receive them they're  
8 completely done, completed already by somebody  
9 other than your signature and the notary; is that  
10 correct? And the date stamp?  
11 **A. That is correct.**  
12 Q. So three things are added, it's  
13 completely done.  
14 It's added your signature, the date  
15 stamp, and the notary; is that correct?  
16 **A. That is correct.**  
17 Q. And you're saying that MCM and  
18 their own legal team have created this template?  
19 **A. Yes.**  
20 Q. Is that correct?  
21 **A. Yes.**  
22 Q. And how do you know that?  
23 **A. Through training, through affidavit**  
24 **training.**  
25 Q. When was the last time it changed?

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1 You said it's a template. When was  
2 the last time you noticed a change?  
3 **A. We have several templates. They**  
4 **don't all look like this.**  
5 Q. All right.  
6 **A. So when did this particular one**  
7 **change, I couldn't tell you.**  
8 Q. How long have you been using this  
9 particular template, meaning Exhibit 1, page 3,  
10 page 4? The one you've got your hand on.  
11 **A. I'm not -- I don't know.**  
12 Q. It's always been that way?  
13 **A. To my knowledge, yes.**  
14 Q. I hate the way this sounds, but  
15 have you been -- have you been instructed or  
16 cautioned or trained about court orders that tell  
17 MCM or Midland how the document should be  
18 created?  
19 Have you received any word of any  
20 court litigation that says something is wrong  
21 with the affidavits, now we've got to do it this  
22 way of any kind in your two years?  
23 **A. I know we have changed our**  
24 **templates a lot where they'll remove something,**  
25 **you know, take the firm name away or something.**

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1 **Changes do happen. I'm sure it's based off of**  
2 **feedback that they receive from --**  
3 Q. And that's good.  
4 But are you familiar with any court  
5 litigation that says you've got to change --  
6 **A. No.**  
7 Q. All right. So that's not part of  
8 your training?  
9 **A. Yeah, no. I don't have a part in**  
10 **changing the templates.**  
11 Q. Do you have to sit down with an  
12 attorney when you do your job?  
13 **A. Are you referring to training, like**  
14 **when I started validating?**  
15 Q. Yes.  
16 **A. There was a training.**  
17 Q. With an attorney.  
18 And what does the attorney say to  
19 you?  
20 MR. TUCKER: Objection to the form  
21 of the question.  
22 I'm going to instruct you not to  
23 answer.  
24 MR. PARKER: Privilege? You said  
25 form, you didn't say privilege.

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1 MR. TUCKER: Well, you're correct.  
2 Thank you. Object to the form of the question.  
3 If you're asking her what the  
4 attorney said to her in connection with any  
5 specific piece of litigation or this case, that  
6 would be attorney-client privilege.  
7 BY MR. PARKER:  
8 Q. All right. Separate from that.  
9 You said training. We weren't talking about  
10 that.  
11 Meaning has an attorney instructed  
12 you on how to do your job?  
13 A. **Yeah. What to watch for in**  
14 **affidavits and the language.**  
15 Q. Why would they instruct you what to  
16 watch for if it is a template that you said the  
17 legal team is creating?  
18 A. **Just so we have a good**  
19 **understanding of it.**  
20 Q. Excellent. And that's what we did.  
21 We went down as to why you -- you agreed to sign  
22 off on certain things.  
23 When was the last time you had that  
24 kind of a training where an attorney sat you down  
25 and said here's what you've got to watch for?

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1 MR. TUCKER: Objection to the form  
2 of the question. And I'm going to object on  
3 privilege grounds as it may relate to this  
4 litigation.  
5 If you're just asking about general  
6 FDCPA or data training done by an attorney, you  
7 can go ahead and answer.  
8 THE WITNESS: It was January, I  
9 believe.  
10 BY MR. PARKER:  
11 Q. Of this year?  
12 A. **Yes. We have annual trainings.**  
13 Q. All right. What was the purpose of  
14 the training?  
15 A. **A refresher.**  
16 Q. Of?  
17 A. **The affidavits, any changes, things**  
18 **to watch for.**  
19 Q. And did they present you new  
20 affidavits that you were going to use? Any  
21 changes?  
22 A. **Yes. It wasn't regarding this**  
23 **particular affidavit, but.**  
24 Q. Was it an attorney within the  
25 company or an outside attorney?

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1 A. **Within the company.**  
2 Q. Within the company. Okay.  
3 So once you've done your -- you've  
4 gone through the affidavit and you've -- it's now  
5 time to sign it, where do you sign the affidavit  
6 in your job?  
7 A. **We have a notary table area.**  
8 Q. And is he or she waiting there for  
9 you to take your stuff over or do you make an  
10 appointment? How does that go?  
11 A. **I would write my name on the board**  
12 **and they would come get me when they're ready.**  
13 Q. What does that mean?  
14 A. **They have a board.**  
15 Q. Not an electronic board, a  
16 chalkboard?  
17 A. **Yeah. Like a dry board. Dry-erase**  
18 **board.**  
19 Q. So you write your name on the  
20 board, and someone's job -- some notary and your  
21 job sometimes when you're the notary is to go  
22 look to see if Nicole needs some signing, is it  
23 as simple as that?  
24 A. **Yeah.**  
25 Q. Do you put a time or a date?

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1 A. **No.**  
2 Q. And how do they get to pull you  
3 from whatever job you're doing when they choose  
4 to as opposed to a predetermined date?  
5 A. **If I put my name on the board it**  
6 **gets notarized that day.**  
7 Q. Okay. And so at some point after  
8 you put your note -- is it a chalk?  
9 A. **Dry-erase board.**  
10 Q. Dry-erase board.  
11 Not electronic?  
12 A. **No.**  
13 Q. And when you put your name up  
14 there, in that day someone will come and get you?  
15 A. **Yes.**  
16 Q. So even if it's in the afternoon?  
17 A. **Yes.**  
18 Q. And when someone comes and gets  
19 you, what happens then?  
20 A.  
21  
22  
23  
24  
25 Q. By electronic mail?

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1           **A. Depends on the firm.**  
2           Q. You mail them?  
3           **A. Some.**  
4           Q. Really. Oh, the originals?  
5           **A. Yeah. It depends on the firm.**  
6           **Some of them get mailed electronically, some of**  
7           **them do actually require them to be mailed.**  
8           Q. Stillman?  
9           **A. I'm not sure what their --**  
10          Q. When you say hey, I'm on the  
11 chalkboard, guy or girl comes and gets you, do  
12 you go over the one or with a stack?  
13          **A. It depends. Typically a stack.**  
14          Q. And take me through the process.  
15 Is there a table you said?  
16          **A. Uh-huh.**  
17          Q. And is there a man or woman sitting  
18 at the table, or you both walk together when they  
19 come and get you?  
20          **A. Yeah. Depends. They might just go**  
21          **and I'll get my stuff and walk over there.**  
22          Q. Meet you over there?  
23          **A. Yeah.**  
24          Q. Because you don't have it sitting  
25 there. Okay.

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1           **A. Do you solemnly swear the**  
2           **statements set forth in these documents which you**  
3           **are about to sign before me are true.**  
4           Q. So the one on top, you open it, you  
5 sign in front of he or she?  
6           **A. Uh-huh.**  
7           Q. You hand it to her, and she  
8 notarizes?  
9           **A. Yes.**  
10          Q. Is that how it goes?  
11          **A. Yeah. I date stamp it, sign my**  
12          **name.**  
13          Q. Oh, you take a stamp with you?  
14          **A. Yeah.**  
15          Q. Stamp it.  
16                So when you go over there you go  
17 with a stack, a pen, and a date stamp.  
18                Anything else?  
19          **A. My little thumb thing so I can grip**  
20          **the paper.**  
21          Q. Rubber thing.  
22                Okay. And do you take an ID?  
23          **A. No.**  
24          Q. Why not?  
25          **A. Because I know everyone.**

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1                        So are they sitting at a table or  
2 standing?  
3           **A. Sitting.**  
4           Q. Sitting. Is there another chair  
5 for you to sit at?  
6           **A. Yes.**  
7           Q. And do you sit?  
8           **A. Yes.**  
9           Q. Across from them or next to them?  
10          **A. Across.**  
11          Q. Across. So now you've got your  
12 stack and it's to be signed and notarized.  
13                Is it true that you sign it in  
14 front of the notary?  
15          **A. It is.**  
16          Q. Or is it already signed?  
17          **A. No. We have to sign in front of a**  
18          **notary.**  
19          Q. Right. And you demand that of the  
20 people that sign in front of you, they sign in  
21 front of you?  
22          **A. Absolutely.**  
23          Q. Do they swear you in?  
24          **A. Yes.**  
25          Q. Tell me how that goes.

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1           Q. Right. And they know you is the  
2 point. All right.  
3                So he or she swears you, you sign,  
4 and you hand it for the notary.  
5                Then the next one, does she swear  
6 you in for the next one, you sign, you hand it  
7 in --  
8           **A. No. She just swears me -- he or**  
9           **she would swear me in the one time for all of**  
10          **those documents. If I had to get up and leave**  
11          **for any reason or my notary did, they'd come back**  
12          **and swear me in again.**  
13          Q. Cool.  
14                And so do you sign the whole stack  
15 and then give he or she the stack?  
16          **A. Yes.**  
17          Q. And then she notarizes each one?  
18          **A. It's usually as we go. So I sign**  
19          **it --**  
20          Q. Hand it?  
21          **A. Yeah.**  
22          Q. Sign it. All right. You've just  
23 explained the process.  
24                Okay. And then what happens? It  
25 goes eventually to the QC department?

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1 (Clarification by the court  
2 reporter.)  
3 THE WITNESS: Yes.  
4 BY MR. PARKER:  
5  
6  
7  
8  
9 **cart.**  
10 Q. So you just drop all this stack on  
11 a cart?  
12 **A. Next to the notary tables, yes.**  
13  
14  
15 And it's up to them from then on?  
16 You're not going to see it again. They're not  
17 going to ask any questions of you?  
18 **A. If there's something wrong with it.**  
19 **Like I had missed one or something, then that**  
20 **would come back to me. But otherwise, yeah, it**  
21 **would go to the mailroom.**  
22 Q. All right. And when you do the  
23 notary, that's what you go through as the notary?  
24 You come and get somebody, you sit  
25 them down at the desk, and you make them swear

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1 and go through their deal, right?  
2 **A. Yes.**  
3 Q. And then somebody puts it on that  
4 cart?  
5 **A. I would put it on the cart when**  
6 **we're done, yeah.**  
7 Q. The notary?  
8 **A. Uh-huh.**  
9 Q. Does the notary do it when you go  
10 over and swear?  
11 **A. Yeah.**  
12 Q. All right. Are you required to  
13 sign a certain amount during the week?  
14 **A. No.**  
15 Q. No. Have you ever signed an  
16 affidavit at your desk in two years and then  
17 taken it to the notary?  
18 **A. There are circumstances where it**  
19 **does not need a notary stamp. So yes, there are**  
20 **a few firms that we can do that with.**  
21 Q. What's an example of a firm that  
22 requires you not to notarize an affidavit?  
23 **A. I think it kind of comes down to**  
24 **more states. California I believe is one of**  
25 **them, and New Jersey.**

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1 Q. California where -- all right.  
2 **A. I can't give you firm names. I**  
3 **can't think of anybody. I think it boils down**  
4 **more to the state.**  
5 Q. They don't require a notary?  
6 **A. Yeah.**  
7 Q. Just your signature.  
8 Have you ever signed it at the desk  
9 and then taken it to the notary to be --  
10 **A. No.**  
11 Q. Never?  
12 **A. Never.**  
13 Q. In the two years?  
14 **A. Never.**  
15 Q. All right. So what's the longest  
16 time you've ever gone between your signature and  
17 the notary's signature?  
18 **A. Seconds.**  
19 Q. All right. Okay. I think you said  
20 you haven't seen a credit card agreement between  
21 Mr. Tucker and Credit One Bank?  
22 **A. I have not. I believe it's**  
23 **attached, but it wasn't something I referenced**  
24 **when I signed the affidavit.**  
25 Q. All right. You hadn't seen

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1 anything from Credit One?  
2 MR. TUCKER: Objection to the form.  
3 BY MR. PARKER:  
4 Q. When you signed the affidavit?  
5 **A. No.**  
6 MR. TUCKER: Same objection.  
7 BY MR. PARKER:  
8 Q. And you said you didn't know if it  
9 was a Visa, Mastercard, or Discover?  
10 **A. I do not know.**  
11 Q. All right. Exhibit 2. I am close  
12 to ending, and I keep promising that, and I'm  
13 trying to get it done.  
14 Exhibit 2C, there is no signature  
15 of anyone from MHC Receivables or representing  
16 themselves as MHC Receivables; is that correct on  
17 Exhibit C?  
18 MR. TUCKER: Objection; document  
19 speaks for itself.  
20 THE WITNESS: That's correct.  
21 BY MR. PARKER:  
22 Q. All right. Exhibit E of Exhibit 2,  
23 there is no signature of anybody representing  
24 themselves from Sherman Originator III or  
25 line-line-line, LLC; is that correct?

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1           **A. That is correct.**  
2           Q. And we already asked you, there's  
3 no signature from Midland Funding on Exhibit G?  
4           **A. Correct.**  
5           Q. This may sound like silly, but I  
6 know what the answer is but I'm going to ask it  
7 anyway.  
8           The records that you review, you  
9 said so this affidavit Exhibit 1, page 3, page 4,  
10 you looked at two things, and correct me if I'm  
11 wrong, the AMS and the seller's data report  
12 called the field data report; is that correct?  
13          **A. Correct.**  
14          Q. Those two things before you signed?  
15          **A. Correct.**  
16          Q. Right?  
17                Why didn't you attach those to the  
18 affidavit?  
19          **A. Because the firm didn't require it**  
20 **to be attached.**  
21          Q. All right. When you say firm, you  
22 say Stillman didn't want it attached?  
23          **A. Correct.**  
24          Q. If you don't mind my asking, how is  
25 the reader -- you may not know the answer to

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1 this.  
2                How is the reader of this  
3 affidavit -- or even a court because -- how are  
4 they supposed to know what you're referring to  
5 when you refer to certain electronic records?  
6          **A. I don't know.**  
7          Q. In other words, the reader doesn't  
8 know what you're looking at if they look at your  
9 affidavit; is that correct?  
10          **A. Yeah.**  
11          Q. Yes?  
12          **A. Yeah.**  
13          Q. All right. So nothing you've sworn  
14 to is attached to the affidavit?  
15                Nothing you say you review is  
16 attached to the affidavit?  
17          **A. What I reviewed is in the**  
18 **affidavit.**  
19          Q. Right.  
20                But what you reviewed is not  
21 attached --  
22          **A. Yeah.**  
23          Q. -- to the affidavit?  
24          **A. The seller data sheet is not**  
25 **attached --**

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1           Q. All right.  
2           **A. -- to the affidavit.**  
3           Q. And the AMS --  
4           **A. Is screenshot -- yeah.**  
5           Q. Are you able to get a screenshot?  
6           **A. I've never tried.**  
7           Q. All right. The question is: Are  
8 you able to get a screenshot? Is one able to?  
9           **A. You can take a screenshot of**  
10 **anything.**  
11          Q. Oh, okay.  
12          **A. I think.**  
13          Q. I just keep pressing that button.  
14 It doesn't work.  
15                If you go to page 3 of Exhibit 1  
16 again. We are almost done.  
17                You touched upon how -- do you see  
18 the part where it says obligation sued upon?  
19          **A. Uh-huh.**  
20                **(Clarification by the court**  
21 **reporter.)**  
22                THE WITNESS: Yes.  
23                MR. PARKER: Sorry. Sorry. Well,  
24 yeah, it's your fault, not mine.  
25                We're almost done.

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1 BY MR. PARKER:  
2           Q. We had some discussion on that.  
3                Is it your belief it's not a false  
4 statement to Mr. Tucker because when he obtains  
5 it, it is a true statement that it's been sued  
6 upon?  
7           **A. Correct.**  
8           Q. Right?  
9           **A. Correct.**  
10          Q. Is it your belief that it becomes a  
11 true statement once Mr. Tucker receives this?  
12          **A. Yes.**  
13          Q. But at the time in September 21st  
14 it's not a true statement; isn't that correct?  
15                MR. TUCKER: Objection to the form.  
16 BY MR. PARKER:  
17          Q. It is sued upon when Tucker gets  
18 it, but in -- that's -- what do we think,  
19 October 16.  
20                But in September 21 it isn't a true  
21 statement?  
22                MR. TUCKER: Objection to the form.  
23                THE WITNESS: The obligation sued  
24 upon is the account sued upon the complaint --  
25 the complaint wasn't filed, but the firm

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1 requested this to be attached to the complaint.  
2 BY MR. PARKER:  
3 Q. But it wasn't sued upon in October  
4 16th -- excuse me, October 21st; is that correct?  
5 A. **September 21st.**  
6 Q. Yes.  
7 A. **No.**  
8 Q. All right. So that's not a true  
9 statement.  
10 But you think -- your belief is it  
11 becomes a true statement once the consumer  
12 obtains the loss?  
13 MR. TUCKER: Objection to the form.  
14 You can answer.  
15 BY MR. PARKER:  
16 Q. Yes?  
17 A. **Yes.**  
18 Q. All right. The lawsuit, if you  
19 know, you made a point to me, yes, this is  
20 attached to -- this affidavit, it's supposed to  
21 be attached to a lawsuit; is that correct?  
22 A. **Yeah.**  
23 Q. And is that an attempt to collect a  
24 debt?  
25 A. **Yes.**

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1 Q. Mr. Tucker's debt?  
2 A. **Yes.**  
3 Q. Correct?  
4 So you're part of MCM that's  
5 collecting a debt with this affidavit for  
6 Mr. Tucker? Yes?  
7 A. **Yes.**  
8 Q. And you don't know if that  
9 affidavit traveled to Stillman through e-mail or  
10 by mail? Or do you know?  
11 A. **I don't know.**  
12 Q. You don't know. Okay. I already  
13 asked you that, but okay. I think I'm done.  
14 He's going to have questions for you, I think.  
15 The AMS thing -- we're almost done.  
16 The AMS that you report to -- you  
17 use as a tool when you're doing your job to  
18 validate, in the Tucker case you said it just  
19 changed when the -- I think you said the  
20 financial data dropped off when you looked at it  
21 again a couple weeks ago; is that correct?  
22 A. **Correct.**  
23 Q. Is the AMS -- it's called the AMS  
24 screen. Does it change after you've done your  
25 job to validate?

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1 A. **In what way?**  
2 Q. I guess the question again is:  
3 Does it change in any way, the information in the  
4 AMS?  
5 A. **Not right away. I can go back in  
6 and rework something. So -- and it's still  
7 there.**  
8 Q. Meaning --  
9 A. **It doesn't change.**  
10 Q. Nothing changes because it's --  
11 A. **Yeah. I don't know at what point  
12 it does. If it's when the firm files the  
13 complaint, I'm not sure, because I've never gone  
14 back and pulled up an account.**  
15 Q. In this case you did to get ready  
16 for the deposition?  
17 A. **Right.**  
18 Q. Right?  
19 A. **Right.**  
20 Q. So is that the only time you've  
21 ever gone and looked at another account after  
22 you've validated is when there's -- no, it  
23 wouldn't be -- is that the only time you've ever  
24 gone back and looked at an AMS screen?  
25 A. **After I've processed an account?**

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1 Q. Yes.  
2 A. **No. If there was something that I  
3 read through and I, you know, maybe I didn't  
4 catch it right away, I can go back in, rework it.**  
5 Q. Same day?  
6 A. **Yeah.**  
7 Q. All right. When you say "rework  
8 it," are you changing information on the --  
9 A. **No.**  
10 Q. -- AMS screen?  
11 You can't?  
12 A. **No, I can't change it. That's not  
13 an option for me.**  
14 Q. Who can change it? Or is it like a  
15 PDF?  
16 A. **I honestly don't know who can  
17 change it. If a payment is made, I don't know if  
18 that's an -- I don't know who updates that.**  
19 Q. All right. So however the  
20 information is created on the thing that you  
21 refer to, the AMS, you don't know how the  
22 information is compiled or changed or by whom?  
23 A. **I don't know the person that does  
24 that, no.**  
25 Q. All right. And you haven't met

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1 them or talked to them.  
 2 Is it done at 16 McLeland, or is it  
 3 some server out in Nevada or California or  
 4 something?  
 5 **A. I believe it's out at a different**  
 6 **location.**  
 7 **Q. Same state or different state?**  
 8 **A. A different state, I believe.**  
 9 **Q. All right. So it's somebody has**  
 10 **created this information and dropped it onto a**  
 11 **server that's populated in the thing that you**  
 12 **look at?**  
 13 **A. Yes.**  
 14 **Q. You understood what I said? That's**  
 15 **awesome. I'm learning a lot.**  
 16 **And so in this case you went in and**  
 17 **there was only one change, somehow they'd gotten**  
 18 **rid of the financial data?**  
 19 **A. Yes.**  
 20 **Q. All right. Is that the only time**  
 21 **that you've ever done that?**  
 22 **For example, you sign September**  
 23 **21st, and then you look sometime early April,**  
 24 **late March, that's about six months, have you**  
 25 **ever done a revisit of that long as opposed to**

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1 when you're going and correcting stuff?  
 2 **A. I haven't.**  
 3 **Q. What's the longest time before this**  
 4 **case that you've gone between visits?**  
 5 **A. Probably a day.**  
 6 **Q. A day?**  
 7 **A. Where it's still available for me**  
 8 **to look at everything without things missing.**  
 9 **Q. All right. Okay. Good. Okay.**  
 10 **All right.**  
 11 **MR. PARKER: At this time, I have**  
 12 **no other questions.**  
 13 **MR. TUCKER: You're done?**  
 14 **MR. PARKER: Yes, sir.**  
 15 **MR. TUCKER: All right. We're**  
 16 **done.**  
 17 **(Whereupon, the deposition was**  
 18 **terminated at 12:20 p.m.)**  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 I, the undersigned, NICOLE HANKE,  
 2 do hereby certify that I have read the foregoing  
 3 deposition and that, to the best of my knowledge,  
 4 said deposition is true and accurate (with the  
 5 exception of the following corrections listed  
 6 below):  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24 DATE \_\_\_\_\_  
 25 SIGNATURE \_\_\_\_\_

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1 DEPOSITION ERRATA SHEET  
 2 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_  
 3 Reason for change:\_\_\_\_\_  
 4 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_  
 5 \_\_\_\_\_  
 6 Reason for change:\_\_\_\_\_  
 7 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_  
 8 \_\_\_\_\_  
 9 Reason for change:\_\_\_\_\_  
 10 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_  
 11 \_\_\_\_\_  
 12 Reason for change:\_\_\_\_\_  
 13 Page No.\_\_\_\_Line No.\_\_\_\_Change to:\_\_\_\_\_  
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 24 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_  
 25 NICOLE HANKE