

STATE OF MICHIGAN
IN THE 28th DISTRICT OF THE COUNTY OF WAYNE

MIDLAND FUNDING, LLC

Plaintiff/Counter-Defendant,

Case No. Case No. 18-000000
HON. JAMES A. KANDREVAS

-vs-

PRE-TRIAL QUESTIONNAIRE

Defendant/Counter-Plaintiff.

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COUNTER PLAINTIFF'S PRE-TRIAL QUESTIONNAIRE

Counter Plaintiff and Defendant ("Plaintiff") by and through counsel, brings Answers to the Court's Pre-Trial Questionnaire herein:

I. PRELIMINARY STATEMENT

Midland Funding has violated the Bassett Rule based on the two *Midland v Bassett* Court of Appeals Opinions at **Exhibit 2**. Midland has filed a lawsuit against Mr. [redacted] that is based upon a false Affidavit and False Assignment Documents that do not align with the information in Midland's Affidavit that is sworn to under oath saying an obligation was sued upon on January 9, 2018 but the actual lawsuit was not filed until two months later March. 22, 2018, Midland Funding has violated the *Bassett* Rule that requires proof of the assignment of the Specific Debt of the Defendant be shown between the debt buyers. That does not exist here between Comenity and Midland Funding, LLC. **Please see Exhibit 3.**

The Counter Plaintiff brings this action for damages based upon the Defendant's

violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692 *et seq*, violations of the Regulation of Michigan Collection Practices Act (“RCPA”), M.C.L. § 445.251 *et seq*, and the Michigan Occupational Code, M.C.L. § 339.901 (“MOC”) and seeks actual damages, punitive damages, costs and attorney’s fees because of Midland.

1. Plaintiff is being sued is being sued on a debt Midland has no proof it owns in violation of the FDCPA, RCPA and MOC.
2. The *Bassett Rule*-where is the specific debt of Mr. [redacted] mentioned in the paperwork of the lawsuit? Proof of use of the card does not mean Midland owns the debt.
3. Mr. [redacted] would like to amend the pleadings to include a Third-Party claim against the law firm as a debt collector.
4. N/A.
5. FDCPA, RCPA and MOC. Recovery shall include attorney fees and costs.
6. N/A.
7. N/A.
8. N/A.
9. N/A.
10. N/A.
11. N/A.
12. See the Preliminary Statement.
13. Mr. [redacted] does not owe the debt to Midland. The *Bassett Rule*.
14. No proof of ownership of the debt.
15. N/A.
16. Would like a Jury Trial.
17. Mr. [redacted] would accept \$5,000 (includes attorney fees and costs) and elimination of the debt at this point.
18. N/A.

19. None from Mr. [redacted]. Will depend upon Midland's lack of proof.

Under 1692e(2)(A), A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

- (2) The false representation of—
(A) the character, amount, or legal status of any debt;

Midland' affidavit states the lawsuit was sued upon months before it actually was. That is a misrepresentation of the legal status of a debt. Further, the Bassett Rule requires proof of the specific debt assigned between the seller and midland. That does not exist here.

WHEREFORE, Counter Plaintiff prays that the Court grants the following relief against the Defendants:

1. For compensatory damages under the FDCPA;
2. For statutory and emotional damages under the FDCPA, MOC and RCPA;
3. For attorney's fees and costs incurred in this action under the FDCPA, MOC and RCPA;
4. For Triple Damages under the RCPA and MOC, and
5. For such other and further relief as the Court may deem just and proper.

June 10, 2018

Respectfully submitted,
/s/Brian P. Parker
BRIAN P. PARKER
Attorney for Plaintiff

