

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 05 2023

TAMMY H. DOWNS, CLERK
By: _____ DEP CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

LAURA LYNN HAMMETT, an individual,

Plaintiff,

VS.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC, a Limited
Liability Company; DOES 1-99**

Defendants

Case No.: 4:21-CV-00189-LPR

Affidavit Regarding Plaintiff's Motion to Settle the Record to Correct Errors and
Omissions in the Transcript of December 1, 2021 Hearing [260]

1. I, Laura Lynn Hammett am the self-represented plaintiff in the above captioned case.
2. I am over 21 years old, competent to testify and if called to do so would testify to the following facts under penalty of perjury.
3. I was on the telephone conference hearing of December 1, 2021.
4. I heard and participated in dialogue between the Court and myself that is not transcribed by the Court Reporter Stephen Franklin filed on 8/15/2023. The dialogue occurred between page 6 line 13 and page 8 line 13.
5. During the hearing I explained to the Court my hesitation with stipulation to the protective order that was written by PRA because I thought it would create a “Star Chamber”. I remember using that term because I thought I might be overusing it. I had written it in my response to PRA’s motion to adopt the protective order. I searched the document for the word “star” and got zero occurrences.
6. In my opposition to adopting the protective order, I quoted heavily from my emails that were presented as exhibits in PRA’s motion for protective order. One example: “PRA may not increase the burden to the unrepresented, modest means litigant by deeming everything 'Confidential' without first asking agreement of the other party or the Court.”

7. I specifically elicited an explanation of what evidence would be allowed to be deemed “Confidential” by asking the Court a direct question. The proposed protective order appeared to create confidentiality for everything in the documents designated “Confidential”. My question was whether facts already known to me or the public would become confidential by PRA’s arbitrary designation as confidential.

8. The Court gave a thorough answer. He confirmed the rule. The rule the Court confirmed is that if PRA designated account records as confidential, and the same form of account records was disclosed in another case, with different data, that the information is allowed to be shared with the public despite the confidential designation.

9. He explained that no confidentiality would be granted to information that I learned of independently of PRA’s production of documents.

10. The Court was eloquent. I understood his meaning but cannot quote him verbatim. That is why I ordered the transcript, to use the Court’s language in my appeal. I thought using the Court’s exact words as a quote would also show that allowing impermissible confidentiality to PRA was an abuse of discretion and evidence of bias, because the Court knows better.

11. I was disappointed, but sadly not surprised to see the significant exchange missing from the transcript.

12. I discussed the Court's instruction in "Plaintiff's Opposition to Motion to File Entire Exhibit Containing Emails (Doc. 159-3) Under Seal; Brief Within." I wrote: "In an earlier hearing, the Court patiently explained confidentiality to Hammett."

13. The Court's explanation is that I am not bound to confidentiality of the portions of "confidential" documents that are already a matter of public record.

14. It makes me uncomfortable that the dialogue was omitted from the transcript, because I foresee a need to protect myself from claims that I violated a court order, when based on the Court's words omitted from the transcript I am following the order as defined by the Court.

15. The Court admonished me at the hearing of March 16, 2022 that I was in danger of violating a court order and might be ordered to pay PRA's attorney fees and costs if I continued to follow the Court's words that were left out of the 12/1/2021 hearing.

16. The Court Reporter also transcribed a number for the amount that I gave as an example of the amount of the offer of judgment. The error may have been mine. I may have misspoken. The amount of the OOJ was \$5,000. It is the concept and not the actual number that I wanted to convey.

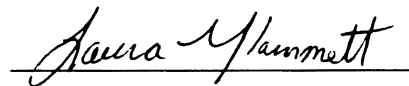
17. On page 24, line 11 the Court Reporter wrote that I said I "agreed" with the PRA response to my motion to compel substantial compliance with Rule 26(a) .

That word should have been “disagreed”. The true sentence will be used in my appellate brief, I preserved my argument for appeal and PRA might use the Court Reporter’s error to argue that I agreed with PRA, when I did not.

18. On page 30, line 14, 15, the Court Reporter quoted me as saying “when he said that they gave me a hundred documents, [.]” My actual sentence referred to Mr. Mitchell saying PRA produced “hundreds of documents”, plural. I made the same notation in my mind when reading the transcript page 27 line 19. I was preserving my right to appeal based on the violations of FRCP 11 by PRA’s counsel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my personal knowledge.

Dated September 5, 2023

A handwritten signature in cursive script, reading "Laura Lynn Hammett", written over a horizontal line.

Laura Lynn Hammett
16 Gold Lake Club Road
Conway, Arkansas 72032
760-966-6000
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Plaintiff Pro Se

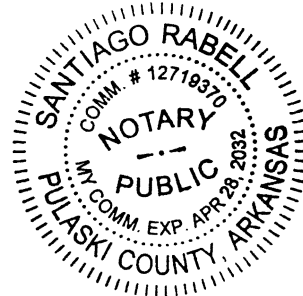
State of Arkansas

~~Faulkner County~~ ^{LH} Pulaski County

The foregoing affidavit was sworn to and subscribed before me this 5th day of September, 2023, by Laura Lynn Hammett who produced her driver's license as identification.

State of AR County of Pulaski
The foregoing instrument was acknowledged before me
this 5 day of September 2023
by Laura Hammett
Santiago Rabell Notary Public
My Commission Expires April 28 2032

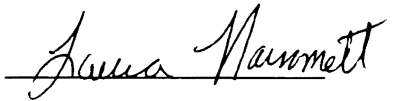
Santiago Rabell



My commission expires on April 28 2032

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2023, a true and exact copy of the foregoing was filed with the Clerk of the Court for entry on the electronic filing system which will cause service upon all counsel of record via email.

A handwritten signature in cursive script that reads "Laura Hammett". The signature is written in black ink and is positioned above a horizontal line.

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