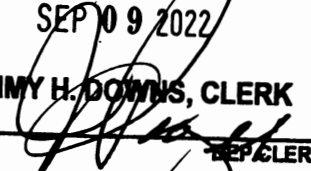


**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS  
SEP 09 2022  
TAMMY H. DOWNS, CLERK  
By:  CLERK

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

LAURA LYNN HAMMETT,  
Plaintiff,

-v-

Civil Action No.: 4:21-cv-00189-LPR

PORTFOLIO RECOVERY  
ASSOCIATES, LLC;  
DOES 1-99.  
Defendants.

PLAINTIFF'S REDACTED<sup>1</sup> COUNTER STATEMENT OF UNDISPUTED  
FACTS TO DEFENDANT PORTFOLIO RECOVERY ASSOCIATES, LLC'S  
MOTION FOR SUMMARY JUDGMENT

Plaintiff Laura Lynn Hammett ("Plaintiff", or "Hammett"), in pro se, respectfully  
submits this Counterstatement of Undisputed Material Facts pursuant to Local  
Rule 56.1. As the non-moving party, Hammett makes the following responses to  
Defendant Portfolio Recovery Associate, LLC's ("PRA" or "Defendant")

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<sup>1</sup> All redacted statements can be read in the Counter Statement of Undisputed Facts Filed Under Seal Doc. 100

Statement of Uncontroverted Facts and Conclusions of Law in Support of Motion for Summary Judgment. (Dkt. No. 78.)

RESPONSE TO DEFENDANT'S STATEMENT OF FACTS

Defendant No. 1: Ms. Hammett opened a Capital One Bank (USA), NA (“Capital One”) credit card account ending in -6049 in May of 2001. (Declaration of Meryl Dreano ¶ 8 (“Dreano Decl.”)(Exhibit 1); Dkt. No. 37 ¶ 19; Dkt. No. 39 ¶ 2.)

Hammett’s Response and Evidentiary Support for No.1: Hammett DENIES that she opened an account ending in -6049 (“-6049 Account”). Declaration of Meryl Dreano ¶ 8 is inadmissible hearsay. Ms. Dreano is not an employee of Capital One. Capital One did not make any assurance of the accuracy of the “load data” and the “-6049 Account” was not mentioned in the Capital One affidavit and bill of sale. Hammett said she probably had a Capital One account opened about 2001 but did not state her Capital One account had an account number ending in -6049 in Dkt. No. 37 ¶ 19 nor Dkt. No. 39 ¶ 2. In fact, she stated by affidavit, Dkt. No. 39, ¶ 3 that she had no documentation regarding the 20-year-old account. (Hammett Affidavit, Exhibit 1 ¶ 2)<sup>2</sup> SAFF ¶¶ 3, 8, 9, 22

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<sup>2</sup> The Exhibits other than “SAFF” refer to the same exhibits filed with the Counter Statement of Undisputed Facts filed under seal as Doc. 99 or Doc. 100. Plaintiff is unaware of what order the clerk filed the documents. The exhibits are incorporated here by reference as if fully set forth. References to “SAFF” are to the Supplemental Affidavit filed concurrently as Exhibit AA.

Defendant No. 2: After Ms. Hammett stopped making payments and became delinquent on this account, PRA lawfully purchased Capital One's rights and interests in the -6049 account on November 19, 2013 and began appropriate collection efforts. (Dreano Decl. ¶¶ 5-9.)

Hammett's Response and Evidentiary Support for No. 2: Objection, compound. Plaintiff DENIES she stopped making payments on her Capital One account. (Hammett Affidavit ¶ 3) Plaintiff DENIES she became delinquent on her Capital One account. (Hammett Affidavit ¶ 4) Plaintiff DENIES PRA lawfully purchased Capital One's rights and interests in the -6049 account on November 19, 2013. The Bill of Sale referenced in Dreano Decl. ¶ 5 does not reference the -6049 Account. In fact, the Bill of Sale has the name of the file transferred whited out, so even if the -6049 Account was on a list purchased by PRA, it was not shown on the Bill of Sale. The Affidavit of Sale referenced in Dreano Decl. ¶ 6 is not an "account-level" document as claimed by Dreano. The Affidavit of Sale does not mention the -6049 Account. The load data document referenced in Dreano Decl. ¶ 7 does not say who generated the document and Ms. Dreano did not say who generated the document. The document is consistent in style with PRA forms submitted in other cases that were not addressing Capital One Accounts. It is likely the same person

who sent a letter to Laura Lynn with data from Laura Lyman's account is the same person who transferred data from a spread sheet to the PRA form. It is therefore hearsay and inadmissible as evidence for the purpose proposed by PRA. It is admissible as evidence that PRA did not enter accurate data. There was no "Last Payment" made on "06/04/2010". PRA invented the "Last Payment Date" to make a report to the credit reporting agencies look as if it was within the statute of limitations for reporting debt. The 5757 Erlanger address is a home Plaintiff rented briefly in 2011 but did not make her residence. (Hammett Affidavit ¶ 6 and 7) There is no documentation that shows Capital One was ever aware of the 5757 Erlanger address, an address that was not associated with Hammett until after the alleged charge-off date. It is therefore probable that the Data Load was manufactured by PRA, not Capital One and is therefore hearsay. Plaintiff DENIES that PRA began to make "appropriate collection efforts". (See Hammett Affidavit and all exhibits produced for rebuttal to this overbroad claim. Dreano Decl. ¶ 9 cited is a baseless conclusionary statement, unsupported by the voluminous evidence produced below.)

Defendant No. 3: Plaintiff has produced no recordings of an artificial or prerecorded voice message from PRA, cannot identify a single call recording from PRA that uses one, and admits to not having any evidence to support the claim that

PRA used an artificial or prerecorded voice to call her. (Pl.'s Req. for Admission Nos. 3-8, Exhibit 2.)

Hammett's Response and Evidentiary Support for No. 3: Plaintiff ADMITS

Plaintiff has produced no recordings of an artificial or prerecorded voice message from PRA, cannot identify a single call recording from PRA that uses one, and admits to not having any evidence to support the claim that PRA used an artificial or prerecorded voice to call her.

Defendant No. 4: PRA has confirmed Ms. Hammett's account and delinquent debt, that it purchased Ms. Hammett's account from Capital One, and verified the amount of delinquent debt purchased from Capital One. (Dreano Decl. ¶¶ 5-8.)

Hammett's Response and Evidentiary Support for No. 4: Objection, compound.

Plaintiff DENIES that PRA has confirmed Ms. Hammett's account and delinquent debt, that it purchased Ms. Hammett's account from Capital One, and verified the amount of delinquent debt purchased from Capital One. (SAFF ¶¶ 22, 23) Plaintiff DENIES she became delinquent on her Capital One account. (Hammett Affidavit ¶ 4; SAFF ¶¶ 3, 8, 9, 22) Plaintiff DENIES PRA purchased Capital One's rights and interests in the -6049 account on November 19, 2013. The Bill of Sale referenced



in Dreano Decl. ¶ 5 does not reference the -6049 Account. In fact, the Bill of Sale has the name of the file transferred whited out, so even if the -6049 Account was on a list purchased by PRA, that list was not shown on the Bill of Sale. The Affidavit of Sale referenced in Dreano Decl. ¶ 6 is not an “account-level” document as claimed by Dreano. The Affidavit of Sale does not mention the -6049 Account. The load data document referenced in Dreano Decl. ¶ 7 does not say who generated the document and Ms. Dreano did not say who generated the document. The document is consistent in style with PRA forms submitted in other cases that were not addressing Capital One Accounts. It is likely the same person who transferred data from a spread sheet to the PRA form is as incompetent as the same person who sent a letter to Laura Lynn with data from Laura Lyman’s account or that the PRA employees purposefully entered inaccurate data. Data that PRA claims was in some unspecified documentation from Capital One and input by PRA employees is hearsay and inadmissible as evidence for the purpose proposed by PRA. It is admissible as evidence that PRA did not enter accurate data. There was no “Last Payment” made on “06/04/2010”. PRA invented the “Last Payment Date” to make a report to the credit reporting agencies look as if it was within the statute of limitations for reporting debt. The 5757 Erlanger address is a home Plaintiff rented briefly in 2011 but did not make her residence. (Hammett Affidavit ¶ 6 and 7) There is no documentation that shows Capital One was ever aware of

the 5757 Erlanger address, an address that was not associated with Hammett until after the alleged charge-off date. It is therefore probable that the Data Load was manufactured by PRA, not Capital One and is therefore hearsay. Plaintiff DENIES that PRA verified the amount of delinquent debt PRA purchased from Capital One. Defense Exhibit J, "Account Statement" was not authenticated by Capital One, and is therefore inadmissible hearsay for purposes of validating debt. Regardless of admissibility, the Account Statement has inaccuracies. The Interest Charge Calculation balances of \$1,261.77 and \$599.65 total \$1,861.42, but the "Previous Balance" is \$1,834.57. The Annual Percentage Rate shows "29.40%" compounded daily. Plaintiff, who studied math through Calculus 3 at Colorado State University and used several different financial calculators could not figure out how the statement interest charges were calculated. Plaintiff brought this deficiency to PRA's attention and PRA did not respond. (Hammett Affidavit ¶ 8) PRA provided no credit card agreement showing what interest was allowed. The Data Load interest rate shows "00.000". This is inconsistent with the Account Statement. Plaintiff produced more evidence that she contends, reasonably, that \$2,297.63 is not verifiable in Dkt Nos. 37, 38, 39, 39-1 to 5, and 58, her Motion for Partial Summary Judgment and supporting documents. SAFF ¶ 17.

Defendant No. 5: As of October 21, 2021, Ms. Hammett was prosecuting eight lawsuits and asked defense counsel in those matters in an email to confer and find a solution allowing her to retire on \$2,000,000. (Exhibit 3.)

Hammett's Response and Evidentiary Support for No. 5: Objection, compound.

Plaintiff DENIES that as of October 21, 2021, Ms. Hammett was prosecuting eight lawsuits and asked defense counsel in those matters in an email to confer and find a solution allowing her to retire on \$2,000,000. Not to quibble, but Hammett believes she had six lawsuits active on October 21, 2021 in which she was plaintiff. One lawsuit in the group was as a defendant and counterclaimant. (Hammett Affidavit ¶ 8) Plaintiff ADMITS she offered to let her adversaries pay combined damages of \$2,000,000. That way the court's and litigant's would save resources, Hammett would be compensated less than the total should be if she went to trial on all matters, but enough to finish out her life in peace, even if her sisters loot their father's irrevocable bypass trust. (Hammett Affidavit ¶¶ 16, 17)

Defendant No. 6: Ms. Hammett's only phone number from 2016 to the present is the telephone number ending in -6000, which was identified in paragraph 308 of her Amended Complaint. (Pl.'s Supplemental Interrog. No. 10 (Exhibit 4).)



Hammett's Response and Evidentiary Support for No. 6: Plaintiff DENIES Ms.

Hammett's only phone number from 2016 to the present is the telephone number ending in -6000, which was identified in paragraph 308 of her Amended Complaint. The interrogatory No. 10 and response cited asked only for Hammett to "Identify all of your telephone numbers from 2016 to the present called by PRA **for which you allege PRA violated the TCPA**, including the applicable telephone service provider, what type of phone it is, whether that number has been ported, and the name of the account holder." (emphasis added) Hammett had a second number, a landline, which PRA did not call in violation of the TCPA. PRA called that number, (870) 496-2653, about 267 times of which they provided documentation. (Defense Exhibit 1D, Hammett Affidavit ¶¶ 9 to 15)

Defendant No. 7: Plaintiff did not know PRA was attempting to call her until November 18, 2021. (Pl.'s Req. for Admission No. 45 (Exhibit 5).)

Hammett's Response and Evidentiary Support for No. 7: Plaintiff DENIES

Plaintiff did not know PRA was attempting to call her until November 18, 2021. First, "2021" was a bona fide error. The responses in Defense Exhibit 5 were signed and served on September 25, 2021, before November 18, 2021, so Plaintiff obviously knew PRA was attempting to call her prior to November 18, 2021. The

request for admission No. 45 mentioned February 20, 2021, and 2021 was stuck in Hammett's head as she typed her response.

Hammett's error aside, PRA made a subtle change to what Hammett wrote that changes the meaning completely. The true response: "I did not know who was making the calls until November 18, 2020." Hammett knew someone was trying to call her before November 18, 2020; she did not know it was PRA. She thought the calls were from disgruntled exes and an alcoholic sister. (Hammett Affidavit ¶15.)

Defendant No. 8: Plaintiff filed her original complaint on March 10, 2021. (Dkt. No. 1.)

Hammett's Response and Evidentiary Support for No. 8: Plaintiff ADMITS

Plaintiff filed her original complaint on March 10, 2021.

Defendant's No. 9: The last call PRA made in connection with Ms. Hammett's account to the number ending in -8660 was on May 4, 2018. (Dreano Decl. ¶ 12.)

Hammett's Response and Evidentiary Support for No. 9: Plaintiff ADMITS that the last call PRA made in connection with Ms. Hammett's account to the number ending in -8660 was on May 4, 2018.

Defendant's No. 10: The first time Plaintiff answered a call made by PRA on Plaintiff's account to the telephone number ending in -6000 was on December 12, 2013. Plaintiff stated the number was "for a business" and then hung up when PRA asked if Plaintiff was present. (Dreano Decl. ¶ 13.)

Hammett's Response and Evidentiary Support for No. 10: Objection, compound. Plaintiff cannot confirm or deny that "the first time Plaintiff answered a call made by PRA on Plaintiff's account to the telephone number ending in -6000 was on December 12, 2013. Plaintiff stated the number was 'for a business' and then hung up when PRA asked if Plaintiff was present." Therefore, Plaintiff DENIES the statement, with an explanation. PRA produced recordings of over 40 phone calls it seems to claim were made by PRA. Each and every recording produced by PRA is presented as Exhibit 3. There is a transcript of Exhibit 3 attached. The file numbers begin with the date of the call. The December 12, 2013 call was answered by Hammett. But the caller identified herself only as "Leeta". Not knowing a "Leeta" Hammett hung up. Importantly, there is a recording of Micheal Pietrczak sounding drunk, yelling something at the start of the call and Hammett sounds disoriented and worried. Hammett vaguely remembers this call. (Hammett Affidavit ¶ 18.)

Defendant's No. 11: PRA did not call the phone number ending in -6000 on Plaintiff's account between December 12, 2013 and November 18, 2020. (Dreano Decl. ¶ 14.)

Hammett's Response and Evidentiary Support for No. 11: Plaintiff DENIES that PRA did not call the phone number ending in -6000 on Plaintiff's account between December 12, 2013 and November 18, 2020. Plaintiff received numerous calls in the months leading up to November 18, 2020 that followed the script PRA reads to alleged debtors when PRA dials a California telephone number. (Hammett

Affidavit ¶¶ 19 to 24, Defense Exhibit 1I page 125, Bates No.

PRA\_HAMMETT\_001700, Hammett's Verizon Call Log, Exhibit --, Motion for Extension of Discovery or Sanctions filed concurrently) PRA refused to provide Hammett with the information to subpoena PRA's Telephone Service Provider ("TSP"). (Defendant's Objections and Responses to Plaintiff's First Requests for Production of Documents No. 75, a true and correct copy attached as Exhibit 1G and email of February 4, 2022 attached as Exhibit H which went unanswered and email chain of February 24, 2022 attached as Exhibit I)

Defendant's No. 12: When PRA began calling the number ending in -6000 again starting on November 18, 2020, Plaintiff eventually admitted the -6000 number was hers in subsequent calls. (Dreano Decl. ¶ 15.)

Hammett's Response and Evidentiary Support for No. 12: Objection, compound.

Plaintiff DENIES that when PRA began calling the number ending in -6000 again starting on November 18, 2020, Plaintiff eventually admitted the -6000 number was hers in subsequent calls. PRA made a pregnant statement. PRA did not begin making calls to -6000 starting on November 18, 2020. It started months earlier as detailed in Hammett's response No. 11. (Hammett Affidavit ¶¶ 19 to 24, Defense Exhibit 1I page 125, Bates No. PRA\_HAMMETT\_001700, Hammett's Verizon Call Log, Exhibit --, Motion for Extension of Discovery or Sanctions filed concurrently, Defendant's Objections and Responses to Plaintiff's First Requests for Production of Documents No. 75, a true and correct copy attached as Exhibit 1G and email of February 4, 2022 attached as Exhibit H which went unanswered and email chain of February 24, 2022 attached as Exhibit I) Plaintiff ADMITS that she admitted the -6000 number was hers during the call on November 18, 2020. She just refused to speak her admission to her birthday to a random person with whom she had no previous business relationship. (Call recording beginning 11\_18\_20 Exhibit 14, transcribed for the Court's convenience). Hammett said



“Yeah, this is Laura. Okay.” And when PRA asked “If I'm able to verify that information [the last four digits of Plaintiff's social security number, Hammett said, “Ya, you've verified it.” Of note, when Plaintiff said she did not recognize the 5757 Erlanger address, PRA said: “All right, then it's the wrong address? We have a department that adds addresses on there. They may have got that incorrect.” Then PRA continued on the call asking more personal information.

Defendant's No. 13: During a February 18, 2021 call, Plaintiff disputed the validity of any account owned by PRA – stating that she had “no debt.” (Dreano Decl. ¶ 6.)

Hammett's Response and Evidentiary Support for No. 13: Objection compound.

Plaintiff DENIES that during a February 18, 2021 call, Plaintiff disputed the validity of *any account* owned by PRA. Plaintiff disputed the validity of any account owned by PRA that states Plaintiff owed money on a credit card account because Plaintiff had no debt that she was aware of at the time of the call.

(Hammett Affidavit ¶ 33 and Exhibit 2 recording beginning 2\_18\_21) PRA might own valid accounts for other alleged debtors. Plaintiff ADMITS she stated that she had “no debt.”

Defendant's No. 14: PRA sent a letter to Plaintiff dated February 19, 2021 which instructed Plaintiff how to dispute her debt with PRA. In this letter, PRA identifies itself by its full name as "Portfolio Recovery Associates, LLC." This letter does not (1) contain any request for payment; (2) threaten any action for failure to repay debt; (3) lay out any payment schedule to bring the account current; or (4) contain any overt, or implied, inducement to make payment. This letter simply outlines the procedure by which Plaintiff can dispute her account. The Dispute Process Letter also makes no mention of summons, court proceedings, nor a lawsuit. (Dkt. No. 39-1; Dreano Decl. ¶ 30.)

Hammett's Response and Evidentiary Support for No. 14: Objection, compound.

Plaintiff DENIES the compounded statement that PRA sent a letter to Plaintiff dated February 19, 2021 which instructed Plaintiff how to dispute her debt with PRA. In this letter, PRA identifies itself by its full name as "Portfolio Recovery Associates, LLC." This letter does not (1) contain any request for payment; (2) threaten any action for failure to repay debt; (3) lay out any payment schedule to bring the account current; or (4) contain any overt, or implied, inducement to make payment. This letter simply outlines the procedure by which Plaintiff can dispute her account. The Dispute Process Letter also makes no mention of summons, court proceedings, nor a lawsuit.

The letter, Dkt. No. 39-1, is backdated (not dated) February 19, 2021. PRA said the letter backdated February 19, 2021 was mailed on March 8, 2021, seventeen days after the feigned date. (Recording, Exhibit 3, beginning 4\_10\_21)

The letter was not how to dispute a debt. It is specifically called “PORTFOLIO RECOVERY ASSOCIATES, LLC (“PAA, LLC”) INSTRUCTIONS FOR FILING A DISPUTE RELATED TO IDENTITY THEFT/FRAUD”. It includes three pages of interrogatories and demands for productions of documents, is called an “affidavit” and must be notarized or witnessed. There is a threat that the affiant, Plaintiff in this case, must acknowledge: “I understand that knowingly making any false or fraudulent statements or representations may constitute a violation of federal, state, or local criminal statutes, and may result in the Imposition of fine, imprisonment, or both forms of punishment.” It looks like a legal document to the least sophisticated consumer.

The Federal Trade Commission gave this advice at <https://www.consumer.ftc.gov/blog/2015/12/dont-recognize-debt-heres-what-do?page=1>: (A true and correct copy of the post is attached as Exhibit K)

“The collector might ask you to confirm personal information. If the collector has the wrong information, like an address or phone number you’ve never used, don’t correct the mistake with the **right** information. And don’t give any other personal

information. If it's not your debt, but the collector now has the right personal information for you, it could be harder for you to dispute the debt later.”

The Identity Theft or Fraud letter PRA sent to Hammett outside the statute of limitations for prosecuting anyone for Identity Theft or Fraud was not helpful. It was a thinly veiled attempt to give PRA more ammunition to collect an invalid debt or, as PRA tried to do here, find evidence to help justify its initial intent of collecting on a debt it had no Old Account Level Documentation to support.

Defendant's No. 15: After treating the validation request made in 2021 by Plaintiff as timely, PRA closed Plaintiff's account and waived it on March 11, 2021 in light of the ongoing litigation brought by Plaintiff. (Dreano Decl. ¶ 17.)

Hammett's Response and Evidentiary Support for No. 15: Plaintiff DENIES that after treating the validation request made in 2021 by Plaintiff as timely, PRA closed Plaintiff's account and waived it on March 11, 2021 in light of the ongoing litigation brought by Plaintiff. PRA sent four letters to Hammett “closing” the account. (Including Dkt. No. 39-2 and Exhibit L) Exhibit L is the fourth letter dated 02/06/2022. The letter was mailed after PRA claimed in court documents that PRA “waived” the debt. None of the letters said the debt was “waived” or “cancelled”. PRA said it did not intend to issue a 1099-C, cancellation of debt

notification to the IRS. PRA files thousands of lawsuits per week to try to collect similar alleged debt and is paying attorneys and experts many times the alleged Hammett debt fighting this suit. It is highly unlikely that PRA would unilaterally gift Hammett \$2,297.63 without making the “waiver” an element of a settlement. (Exhibit M and common sense) Further, in the hearing of February 28, 2022, page 29, Doc. 98 (transcript page attached as Exhibit BB), PRA gave an explanation of whether PRA intended to issue a 1099-C to Plaintiff or not. PRA said “[ ] if a debtor contests the existence of a debt in good faith, no 1099 [will] be issued.” This statement coupled with the fact that no 1099-C was issued by PRA to Hammett means that PRA agrees Hammett’s contesting the alleged debt was in good faith. SAFF ¶¶ 21, 30, 31

Defendant’s No. 16: Between March 10, 2020 and March 11, 2021, there were seventeen (17) connected calls regarding Plaintiff’s account when a person answered the phone – this includes calls initiated by both PRA and the Plaintiff. (Dreano Decl. ¶ 18.)

Hammett’s Response and Evidentiary Support for No. 16: Plaintiff DENIES that between March 10, 2020 and March 11, 2021, there were seventeen (17) connected calls regarding Plaintiff’s account when a person answered the phone – this



includes calls initiated by both PRA and the Plaintiff. Technically, the statement is true, because there were more than 17 connected calls regarding Plaintiff's account when a person answered the phone during that year. PRA did not say "only 17". As of this writing Plaintiff has documentation of 41 connected calls, including 15 that were made before November 18, 2020. Hammett also recalls answering many more than 17 calls. (Plaintiff's Supplemented response to Interrogatory No. 9, Exhibit N, and Hammett Affidavit ¶¶ 19 to 32, Discovery Motion)

Defendant's No. 17: In all but one of those seventeen calls (on February 18, 2021), Plaintiff either: (1) refused to verify her identify (sic); or (2) hung up abruptly without warning early in the call. (Dreano Decl. ¶ 19.)

Hammett's Response and Evidentiary Support for No. 17: Plaintiff DENIES that in all but one of those seventeen calls (on February 18, 2021), Plaintiff either: (1) refused to verify her identity; or (2) hung up abruptly without warning early in the call. Plaintiff verified her identity on November 18, 2020 and March 10 2021, as well as on February 18, 2021, and did not hang up abruptly. (Recordings Exhibit 3, files beginning 11\_18\_20, 2\_18\_21 and 4\_10\_21)

On December 9, 2020 Hammett did not hang up abruptly. She said "I've asked you not to call this telephone number and to put anything you have to say in

writing.” On December 16, 2020 Plaintiff spoke to Benjamin Clayton for about ten minutes. On February 1, 2021 Plaintiff said “hold a minute please”, then PRA disconnected the call. Plaintiff called back and asked not to be called and not to call from a recorded line. The PRA representative said “I understand”. (Recordings Exhibit 3, files beginning 12\_9\_20, 12\_16\_20, and 2\_1\_21.)

Defendant’s No. 18: On a February 18, 2021 phone call, Plaintiff verified her identity and PRA thereafter disclosed it was a debt collector. (Dreano Decl. ¶ 16).

Hammett’s Response and Evidentiary Support for No. 18: Plaintiff ADMITS that on a February 18, 2021 phone call, Plaintiff verified her identity and PRA thereafter disclosed it was a debt collector. Plaintiff DENIES the implication that February 18, 2021 was the first time Plaintiff verified her identity to PRA.

Defendants No. 19: PRA has not filed a lawsuit against Plaintiff, falsified any documents substantiating Ms. Hammett’s financial obligation, caused Ms. Hammett to be arrested, nor committed any wire fraud in connection with the collection of Ms. Hammett’s account. (Dreano Decl. ¶ 20.)

Hammett's Response and Evidentiary Support for No. 19: Objection, compound.

Plaintiff DENIES the statement: "PRA has not filed a lawsuit against Plaintiff, falsified any documents substantiating Ms. Hammett's financial obligation, caused Ms. Hammett to be arrested, nor committed any wire fraud in connection with the collection of Ms. Hammett's account." Plaintiff ADMITS that PRA has not filed a lawsuit against her, **but** PRA has threatened to collect significant court costs from Plaintiff for "malicious prosecution" through emails, and in Def. Brief at 14. PRA also left the possibility of filing suit against Plaintiff open in its proposed settlement release, Exhibit CC. Plaintiff ADMITS that PRA has not caused Ms. Hammett to be arrested. Plaintiff DENIES that PRA has not falsified any documents substantiating Ms. Hammett's financial obligation (which is a pregnant phrase, because Ms. Hammett had and has no financial obligation to PRA.) PRA falsified the PRANet record and may have falsified the Capital One Statement, Defense Exhibit J. (The records on their face and Hammett Affidavit ¶¶ 23-32) Plaintiff DENIES that PRA has not committed any wire fraud in connection with the collection of Ms. Hammett's account. Plaintiff in pro se is not an attorney and has little experience or knowledge of criminal law, but believes when someone knowingly files false statements on PACER, through its employee or representative, it is fraudulent and it is by wire. PRA has made a profuse number of

fraudulent statements in documents filed in this case, including the statements in the SUMF that Plaintiff denies. (Dkt. No. 18)

Defendant's No. 20: PRA has not spoken with anyone named Michael Williams in connection with Ms. Hammett's account. (Dreano Decl. ¶ 21.)

Hammett's Response and Evidentiary Support for No. 20:

Plaintiff DENIES that PRA has not spoken with anyone named Michael Williams in connection with Ms. Hammett's account. (Hammett Affidavit ¶¶ 34, 35)

Defendant's No. 21. Ms. Hammett indicates that Michael Williams has a phone number ending in -8660. (Pl.'s Interrog. No. 1, Exhibit 6.)

Hammett's Response and Evidentiary Support for No. 21:

Plaintiff DENIES that Ms. Hammett indicates that Michael Williams has a phone number ending in -8660. In the interrogatory answer cited, Hammett indicates that Michael Williams *had* a phone number which she shared with him for three years. Past tense. Michael Williams may be deceased, but the -8660 number does not belong to him dead or alive.

Defendant's No. 22: PRA made phone calls to Ms. Hammett at her -6000 number on January 28, 2021 and February 2, 2021. If the person receiving those calls was located in California, these calls would have been received at 7:19 p.m. PT and 7:14 p.m. PT respectively. (Dreano Decl. ¶ 22.)

Hammett's Response and Evidentiary Support for No. 22:

Plaintiff ADMITS that PRA made phone calls to Ms. Hammett at her -6000 number on January 28, 2021 and February 2, 2021. If the person receiving those calls was located in California, these calls would have been received at 7:19 p.m. PT and 7:14 p.m. PT respectively.

Defendant's No. 23: PRA has called a phone number ending in -8660 in connection with Plaintiff's account, but those calls were never answered. (Dreano Decl. ¶ 23.)

Hammett's Response and Evidentiary Support for No. 23:

Objection, compound. Plaintiff ADMITS that PRA has called a phone number ending in -8660 in connection with Plaintiff's account, but DENIES those calls were never answered. PRA's self-generated telephone records are highly inaccurate. For example, compare the two calls discussed in the preceding



statement, No. 22, between PRA's phone log and the Verizon record Hammett obtained. PRA wrote "No Contact" and "No Answer" to the February 2, 2021 call and "Answering Machine/ Voice Mail" and "No Message" on the January 28, 2021 call. The Verizon record shows both calls were received. There was an answer and the voicemail did not pick up the call.

A jury seeing these records would probably not believe a word PRA employee Meryl Dreano said.

On the other hand, a jury will likely believe Hammett. And Hammett's testimony by affidavit is that Mr. Williams received calls from an unidentified bill collector in 2014, and it was probably PRA. (Hammett Affidavit ¶¶ 34, 35)

Defendant No. 24. When PRA first purchased Ms. Hammett's account, it called a number ending in -6000 twice in 2013 – on December 8, 2013 and December 12, 2013. (Dreano Decl. ¶ 24.)

Hammett's Response and Evidentiary Support for No. 24:

Objection, compound. Plaintiff DENIES that when PRA first purchased Ms. Hammett's account, it called a number ending in -6000 twice in 2013 – on December 8, 2013 and December 12, 2013. The statement implies PRA purchased Ms. Hammett's account. PRA provided no original account level documentation

that it purchased Ms. Hammett's account. PRA and the CFPB agreed to the definition of original account level documentation as "any documentation that a Creditor, or that Creditor's agent (such as a servicer) provided to a Consumer about a Debt; or a complete transactional history of a Debt created by a Creditor, or that Creditor's agent (such as a servicer); or a copy of a judgment, awarded to a Creditor." None of those documents was produced. The flimsy documentation that was produced is riddled with inconsistencies. (Consent Order, Dkt. No. 39-5, ¶ 16, pg. 4)

Defendant's No. 25: From November 18, 2020 to February 17, 2021, PRA called Plaintiff's -6000 number forty-five (45) times. (Dreano Decl. ¶ 25.)

Hammett's Response and Evidentiary Support for No. 25:

Plaintiff ADMITS that from November 18, 2020 to February 17, 2021, PRA called Plaintiff's -6000 number AT LEAST forty-five (45) times. Plaintiff DENIES that there were *only* 45 calls, as implied. The PRANet record generated by PRA shows 45 calls in the stated time frame. Comparing to Verizon's record, there were probably many more calls than that. Verizon said calls that went to voicemail did not register. That is consistent with some of PRA's data, such as a call placed on January 19, 2021 at 4:32:38 PM ET that was documented by PRA as "Answering

Machine / Voice Mail”. It does not show on the Verizon record. The Verizon record shows a probable PRA call on January 20, 2021 at 1:44 PM CT (2:44 PM ET) which was for 1 minute, generated from a Carlsbad, CA number (neighbor spoofing) that is unknown to Hammett and now disconnected. The call is not logged by PRA. Because PRA did not supply information requested by Plaintiff to be able to subpoena PRA’s phone records from a third party TSP, and “Mike” Hammett did not obtain his phone records for Laura Hammett until February 15, 2021, there is not enough time to go through every call before writing this lengthy document. Since there were at least 15 connected calls in 2020 before November 18<sup>th</sup> that fit the criteria of being from PRA that PRA claimed did not happen, it is likely there are many more unclaimed calls that were made in the stated time period. (Exhibit J and E, Hammett Affidavit ¶¶ 23 to 32, Motion to Compel Discovery or Sanctions filed concurrently)

Defendant’s No. 26: PRA called numbers associated with Plaintiff’s account three hundred forty-seven (347) times in the three years before Plaintiff filed her original complaint on March 10, 2021. (Dreano Decl. ¶ 26.)

Hammett’s Response and Evidentiary Support for No. 26:

Plaintiff ADMITS PRA called numbers associated with Plaintiff's account AT LEAST three hundred forty-seven (347) times in the three years before Plaintiff filed her original complaint on March 10, 2021. Plaintiff DENIES that PRA called numbers associated with Plaintiff's account ONLY three hundred forty-seven (347) times in the three years before Plaintiff filed her original complaint on March 10, 2021, as implied. (Exhibit J and E, Hammett Affidavit ¶¶ 23 to 32, Motion to Compel Discovery or Sanctions filed concurrently)

Defendant's No. 27: Plaintiff's first written correspondence with PRA was on February 20, 2021, and PRA (other than its counsel for purposes of this litigation) has not called Plaintiff since this February 20, 2021 correspondence. (Pl.'s Requests for Admission Nos. 45-46, Exhibit 7.)

Hammett's Response and Evidentiary Support for No. 27:

Plaintiff ADMITS that Plaintiff's first written correspondence with PRA was on February 20, 2021, and PRA (other than its counsel for purposes of this litigation) has not called Plaintiff since this February 20, 2021 correspondence.

Defendant's No. 28: PRA provided the disclosures required under Sections 1692g(a) and 1692e(11) by letter initially on November 30, 2013. The November

30, 2013 notice was returned as undeliverable on December 18, 2013. After changing the address' zip code from "921223801" to "92122-3801," PRA immediately resent the same letter on December 19, 2013 with a corrected address, and then sent a second correspondence with these same disclosures on February 5, 2014. (Dreano Decl. ¶ 28.)

Hammett's Response and Evidentiary Support for No. 28:

Objection, compound. Plaintiff DENIES that PRA provided the disclosures required under Sections 1692g(a) and 1692e(11) by letter initially on November 30, 2013. The November 30, 2013 notice was returned as undeliverable on December 18, 2013. After changing the address' zip code from "921223801" to "92122-3801," PRA immediately resent the same letter on December 19, 2013 with a corrected address, and then sent a second correspondence with these same disclosures on February 5, 2014. Meryl Dreano does not work for CompuMail Information Services, Inc. ("CompuMail") The return address on the letters sent on behalf of PRA belongs to CompuMail. The PRANet record generated by PRA as Bates No. PRA\_HAMMETT\_000212 shows the mail was processed by Compu Mail. Therefore Ms. Dreano's declaration ¶ 28 is impermissible hearsay.

Regardless, the required disclosures must be sent in a communication.

**"communication (14c) 1.** The interchange of messages or ideas by speech,



writing, gestures, or conduct; the process of bringing an idea to another's perception.” COMMUNICATION, Black's Law Dictionary (11th ed. 2019) The letters PRA claims were mailed did not reach Plaintiff, as the address was not her residence and the letters were not forwarded. (Hammett Affidavit ¶ 36, Defense Exhibit E)

Defendant's No. 29: The letters sent on December 19, 2013 and February 5, 2014 were not returned as undeliverable. Plaintiff did not request validation of her debt – or otherwise respond in any way – to these two letters within the 30 days after either communication was sent. (Dreano Decl. ¶ 29.)

Hammett's Response and Evidentiary Support for No. 29:

Objection, compound. Plaintiff can neither admit nor deny that the letters sent on December 19, 2013 and February 5, 2014 were not returned as undeliverable, and must therefore DENY. Plaintiff ADMITS that Plaintiff did not request validation of her debt – or otherwise respond in any way, ever, because she did not receive the letters. (Hammett Affidavit ¶ 36)

Defendant's No. 30: PRA provided Plaintiff with a dispute process letter dated of "02/19/2021" which outlined the process by which Ms. Hammett could dispute the validity of her debt. (Dreano Decl. ¶ 30.)

Hammett's Response and Evidentiary Support for No. 30:

Plaintiff DENIES that PRA provided Plaintiff with a dispute process letter dated of "02/19/2021" which outlined the process by which Ms. Hammett could dispute the validity of her debt. The letter was not how to dispute a debt. It is specifically called "PORTFOLIO RECOVERY ASSOCIATES, LLC ("PAA, LLC") INSTRUCTIONS FOR FILING A DISPUTE RELATED TO IDENTITY THEFT/FRAUD". Plaintiff did not tell PRA there was identity theft involved, though that was a possibility had there been account level documentation of purchases on the account ending -6049. If there was identity theft in 2010, when Plaintiff was in a new relationship with Micheal Pietrczak, who was on probation after serving time for using a fraudulent document at the U.S. – Mexico border, it is outside the statute of limitations and a reason for a statute of limitations is that evidence deteriorates after a certain amount of time. The letter did not include the required "Dunning" statements and gave no alternative to the dispute of identity theft or fraud. It is reasonable to believe the letter was meant to collect evidence that PRA could use to manufacture validation documents. (Exhibit K)

Defendant's No. 31: Plaintiff's sole alleged "physical, mental, or emotional damage[s]" from PRA's conduct were an "exacerbation of my anxiety," her "physical health [was harmed] to be awoken from much needed sleep by a ringing telephone on several occasions," and that "[b]eing woken from rare sleep exacerbated my extremely painful physical condition of 'frozen shoulder syndrome.'" (Pl.'s Supplemental Interrog. No. 13, Exhibit 8.)

Hammett's Response and Evidentiary Support for No. 31:

Plaintiff DENIES that Plaintiff's sole alleged "physical, mental, or emotional damage[s]" from PRA's conduct were an "exacerbation of my anxiety," her "physical health [was harmed] to be awoken from much needed sleep by a ringing telephone on several occasions," and that "[b]eing woken from rare sleep exacerbated my extremely painful physical condition of 'frozen shoulder syndrome.'" In the answer to interrogatory No. 13 cited, Plaintiff claimed "[b]eing in pain [when PRA woke the plaintiff who suffered from insomnia and frozen shoulder syndrome] caused my emotional health to suffer." Plaintiff also said that PRA's litigation tactics caused Plaintiff to stop therapy. (Plaintiff resumed therapy, but is concerned and guarded knowing PRA will probably publish or share

Plaintiff's medical record with her adversaries and the public, as PRA published Plaintiff's confidential credit report, social security number and birthdate on PACER. PRA has also shared information about three other alleged debtors with Hammett, Laura Lyman, Evan Jackson and Jimmy Owens. (Pl.'s Supplemental Interrog. No. 13, Exhibit 8, Hammett Affidavit ¶ 37, Recordings Exhibit 3, file beginning 4\_1\_21\_1\_1 talking to alleged debtor Evan Jackson, end of call beginning 11\_2\_17 asking for alleged debtor Jimmy Owens )

Defendant's No. 32: Plaintiff received medical treatment for insomnia and anxiety prior to November 18, 2020. (Pl.'s Req. for Admission Nos. 20, 24, Exhibit 9.)

Hammett's Response and Evidentiary Support for No. 32:

Plaintiff ADMITS that Plaintiff received medical treatment for insomnia and anxiety prior to November 18, 2020. (Pl.'s Req. for Admission Nos. 20, 24, Exhibit 9.)

Defendant's No. 33: Plaintiff intentionally did not disclose to most people she was moving from California to Arkansas. (Dkt No. 6 ¶ 40; Affidavit of Allison Kitching ¶¶ 9, 16 (Exhibit 10).)

Hammett's Response and Evidentiary Support for No. 33:

Plaintiff ADMITS that Plaintiff intentionally did not disclose to most people she was moving from California to Arkansas.

Defendant's No. 34: The area code the alleged cell phone identified by Plaintiff in paragraph 308 of the Complaint is 760. This area code corresponds to Southeastern California. (Dkt No. 6 ¶¶ 8, 308; Fed. R. Evid. 201(b)(2).)

Hammett's Response and Evidentiary Support for No. 34:

Objection, compound. Plaintiff ADMITS that the area code the alleged cell phone identified by Plaintiff in paragraph 308 of the Complaint is 760. Plaintiff DENIES that this area code corresponds to Southeastern California. The 760-area code covers Southeastern California and North San Diego County, which is Southwest California. (Hammett Affidavit ¶ 38 and Fed. R. Evid. 201(b)(2).)

Defendant's No. 35. Conway, Arkansas is in the Central Standard Time Zone. (Fed. R. Evid. 201(b)(2).)

Hammett's Response and Evidentiary Support for No. 35:

Plaintiff ADMITS that Conway, Arkansas is in the Central Standard Time Zone.



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Defense No. 43: In the year prior to Plaintiff filing her original complaint on March 10, 2021, PRA made 188 outbound telephone calls to numbers associated with Plaintiff's account. (Dreano Decl. ¶ 39.)



Hammett's Response and Evidentiary Support for No. 43:

Plaintiff ADMITS that in the year prior to Plaintiff filing her original complaint on March 10, 2021, PRA made 188 outbound telephone calls to numbers associated with Plaintiff's account; But, Plaintiff DENIES the implied statement that PRA made a maximum of 188 outbound calls to numbers associated with Plaintiff's account prior to March 10, 2021. There are 407 outbound calls listed on the log produced by PRA. The log produced by PRA is highly inaccurate, and the number of placed calls was probably in the thousands. (Motion for Extension of Discovery or Sanctions filed concurrently, Defense Exhibit D, Hammett Affidavit ¶¶ 23 to 32)

Defense No. 44: In the year prior to Plaintiff filing her original complaint on March 10, 2021, PRA never called the same telephone number more than once per day. (Dreano Decl. ¶ 40.)

Hammett's Response and Evidentiary Support for No. 44:

Plaintiff DENIES that in the year prior to Plaintiff filing her original complaint on March 10, 2021, PRA never called the same telephone number more than once per

day. The phone log presented by PRA is highly inaccurate. (Motion for Extension of Discovery or Sanctions filed concurrently, Hammett Affidavit ¶¶ 23 to 32)

Defense No. 45: When a debtor disputes her PRA account on the basis of identity theft or fraud, PRA typically sends the debtor a blank fraud affidavit for the debtor to complete in support of their claim that the account was fraudulently opened. The fraud affidavit allows the debtor to provide more information about the alleged identity theft or fraud while providing PRA with the debtor's promise that they are not responsible for the account. Debtors are not required to complete a fraud affidavit in order for PRA to conduct an investigation into the debtor's dispute. (Dreano Decl. ¶ 41.)

Hammett's Response and Evidentiary Support for No. 45:

Objection, compound. Plaintiff ADMITS that when a debtor disputes her PRA account on the basis of identity theft or fraud, PRA typically sends the debtor a blank fraud affidavit for the debtor to complete in support of their claim that the account was fraudulently opened. The fraud affidavit allows the debtor to provide more information about the alleged identity theft or fraud while providing PRA with the debtor's promise that they are not responsible for the account. Plaintiff ADMITS that Debtors are not required to complete a fraud affidavit in order for

PRA to conduct an investigation into the debtor's dispute, but the Identity Theft or Fraud letter does not tell the Debtor that and the Least Sophisticated Consumer would think completing the fraud affidavit is mandatory.

Defense No. 46: PRA's account representatives typically refer to PRA as "Portfolio Recovery Associates" during telephone calls with debtors. (Dreano Decl. ¶ 42.)

Hammett's Response and Evidentiary Support for No. 46:

Plaintiff DENIES that PRA's account representatives typically refer to PRA as "Portfolio Recovery Associates" during telephone calls with debtors. In the numerous calls Hammett received from PRA prior to November 18, 2020, there were only two in which PRA identified itself as "Portfolio Recovery Associates", and those were in 2017 to Hammett's Arkansas number. In all other calls, PRA identified itself as the name of the representative. PRA specifically said it would not identify itself unless Plaintiff answered personal questions about herself besides her name. (Call Recordings, Exhibit 3)

Defense No. 47: PRA is not aware of any other entity that uses the name "Portfolio Recovery Associates." (Dreano Dec. ¶ 43.)

Hammett's Response and Evidentiary Support for No. 47:

Plaintiff ADMITS that PRA is not aware of any other entity that uses the name "Portfolio Recovery Associates." The parent company, PRA Group, Inc., changed its name from Portfolio Recovery Group, Inc. a few years back.

Defense No. 48: Plaintiff admits that "Arkansas does not recognize the tort of Negligent Infliction of Emotional Distress." (Request for Admission No. 15 (Exhibit 11).)

Hammett's Response and Evidentiary Support for No. 48:

Plaintiff ADMITS that "Arkansas does not recognize the tort of Negligent Infliction of Emotional Distress."

Defense No. 49: A consumer may indicate he or she does not wish to be recorded on a phone call, and PRA will transfer that person to a non-recording line. (Dreano Decl. ¶ 44.)

Hammett's Response and Evidentiary Support for No. 49:

Objection, compound. Plaintiff ADMITS that a consumer may indicate he or she does not wish to be recorded on a phone call. Plaintiff DENIES that when a consumer indicates that she does not wish to be recorded PRA will transfer that person to a non-recording line. Plaintiff asked not to be recorded on several phone calls, demanded not to be recorded on several phone calls and was never transferred to a non-recorded line. A PRA representative called on February 1, 2021 and repeated back to Plaintiff: “I do believe I heard the gist of what you were saying. Um, you don't want to be recorded and you keep receiving calls after you stated that you did not want to be called on a recorded line with that, correct?” Then PRA called on a recorded line several more times, including but not limited to February 9, 16 and 18, 2021.

(Call Recordings Exhibit 3, files beginning 4\_6\_17, 10\_19\_17, 11\_2\_17, 12\_16\_20, 2\_1\_21, 2\_9\_21, 2\_16\_21, and 2\_18\_21)

Defense No. 50: In the three years before Plaintiff filed her original Complaint on March 10, 2021, there was only one phone call made in connection with Ms. Hammett’s account where the recipient of a call from PRA asked not to be recorded. That call occurred on December 16, 2020, and the recipient of that phone call did not identify themselves, promptly stated PRA did not have permission to record the call, and then immediately hung up. (Dreano Decl. ¶ 45.)



Hammett's Response and Evidentiary Support for No. 50:

Objection, compound. Plaintiff DENIES that in the three years before Plaintiff filed her original Complaint on March 10, 2021, there was only one phone call made in connection with Ms. Hammett's account where the recipient of a call from PRA asked not to be recorded. Plaintiff also DENIES that call occurred on December 16, 2020, and the recipient of that phone call did not identify themselves, promptly stated PRA did not have permission to record the call, and then immediately hung up. Plaintiff asked not to be recorded on several phone calls and demanded not to be recorded on several phone calls. A PRA representative called on February 1, 2021 and repeated back to Plaintiff: "I do believe I heard the gist of what you were saying. Um, you don't want to be recorded and you keep receiving calls after you stated that you did not want to be called on a recorded line with that, correct?" Then PRA called on a recorded line several more times, including but not limited to February 9, 16 and 18, 2021.

On the call of December 16, 2020, this is exactly what was said:

Audio 9-----12-16-20

Ben: This is Benjamin Clay calling on a recorded line for Laura Lynn.

Laura: Hold Please.

Ben: I'm having a hard time hearin ya.

Laura: Hold please.

Ben: You said "hold please"?

Laura: Yes, hold please.

Ben: Ok ok.

Laura: I'm sorry please repeat. What did you say?

Ben: This is Benjamin Clay. I'm calling on a recorded line for Laura Lynn. Is she available?

Laura: Please delete the recording. You have no permission to record me. Delete it now. And I will bring criminal charges if I ever get a copy of any recording made by you.

Ben: [inaudible]

(Call Recordings Exhibit 3, files beginning 4\_16\_17, 10\_19\_17, 11\_2\_17, 12\_16\_20, 2\_1\_21, 2\_9\_21, 2\_16\_21, and 2\_18\_21)

Defense No. 51: PRA has not used any recording of Ms. Hammett for training purposes. (Dreano Decl. ¶ 46; Pl.'s Req. for Prod. Nos. 90-91 (Exhibit 12).)

Hammett's Response and Evidentiary Support for No. 51:

Plaintiff cannot confirm or deny that PRA has not used any recording of Ms. Hammett for training purposes, and therefore DENIES the same.

Defense No. 52: Plaintiff filed a lawsuit in 2019 in the Southern District of California. On the first page of this complaint, Plaintiff identifies her email address as bohemian\_books@yahoo.com. (Exhibit 13.)

Hammett's Response and Evidentiary Support for No. 52:

Plaintiff ADMITS that Plaintiff filed a lawsuit in 2019 in the Southern District of California. On the first page of this complaint, Plaintiff identifies her email address as bohemian\_books@yahoo.com. (Exhibit 13.)

Defense No. 53: On April 2, 2021, PRA's counsel provided Plaintiff with a courtesy copy of PRA's answer to the complaint along with other case documents. (Exhibit 14.)

Hammett's Response and Evidentiary Support for No. 53:

Plaintiff ADMITS that on April 2, 2021, PRA's counsel provided Plaintiff with a courtesy copy of PRA's answer to the complaint along with other case documents. The documents were emailed to an email address Hammett had not shared with

PRA. Plaintiff DENIES that Defense Exhibit 14 shows the documents emailed to Hammett on April 2, 2021. Exhibit 14 is a reply email Hammett sent to PRA counsel requesting that PRA use Hammett's secondary email. This was to keep the offensive company's emails segregated and easier to identify.

Defense No. 54: PRA advised Plaintiff of her ability to send a written cease communications request in a November 18, 2020 telephone call and provided instructions for how to do the same. (Dreano Decl. ¶ 47.)

Hammett's Response and Evidentiary Support for No. 54:

Plaintiff ADMITS that PRA advised Plaintiff of her ability to send a written cease communications request in a November 18, 2020 telephone call and provided instructions for how to do the same. (Dreano Decl. ¶ 47.)

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Defense No. 69: The -6000 number was obtained from Capital One when PRA purchased the account. (Dreano Decl. ¶ 50.)

Hammett's Response and Evidentiary Support for No. 69:

Objection, compound. Plaintiff DENIES the -6000 number was obtained from Capital One when PRA purchased the account. PRA has not provided adequate proof that it purchased Hammett's account and the supporting documents are

riddled with known errors. The -6049 account number is not mentioned on the Bill of Sale or Affidavit of Sale.<sup>3</sup> (Defense Exhibits 1A and 1B) It is plausible that there was a mix-up between Laura Lynn and Laura Lyman's accounts when the data was loaded, as there was when the account closing letter was generated. (Exhibit P)

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<sup>3</sup> The Bill of Sale and Affidavit of Sale are designated "Confidential" and Plaintiff is therefore not disclosing what is on the documents. PRA has made public statements implying that the account -6049 is on the documents. Plaintiff is allowed to rebut that misinformation publicly as well.



[REDACTED]

[REDACTED]

[REDACTED]

Defense No. 72: Between December 3, 2018 and December 11, 2019, PRA did not make any calls to any numbers associated with Plaintiff's account. (Dreano Decl. ¶ 53.)

Hammett's Response and Evidentiary Support for No. 72:

Plaintiff DENIES that between December 3, 2018 and December 11, 2019, PRA did not make any calls to any numbers associated with Plaintiff's account. (Dreano Decl. ¶ 53.) Because of the inaccuracies Plaintiff found in PRA's call log, Defense Exhibit 1D, Plaintiff believes a third-party TSP's records must be obtained through subpoena to know when PRA placed calls to numbers associated with Plaintiff's account. (Motion for Extension of Discovery or Sanctions filed concurrently)

Defense No. 73: PRA did not initiate any call to Plaintiff using an artificial or prerecorded voice from January 1, 2015 to the present. (Dreano Decl. ¶ 54.)

Hammett's Response and Evidentiary Support for No. 73:

Plaintiff ADMITS that PRA did not initiate any call to Plaintiff using an artificial or prerecorded voice from January 1, 2015 to the present.

Defense No. 74: PRA received an account statement from Capital One on Plaintiff's account on Plaintiff's account (sic), identifying Plaintiff by her former name "Laura Lynn" and including her address of record at the time. In the regular course of PRA's business activity, PRA receives account documents created by original creditors, such as Capital One. As a successor business, PRA regularly relies upon and integrates such records within its own recordkeeping for accounts and business operations. (Dreano Decl. ¶¶ 51-52 and Exhibit J.)

Hammett's Response and Evidentiary Support for No. 74:

Objection, compound. Plaintiff DENIES that PRA received an account statement from Capital One on Plaintiff's account, identifying Plaintiff by her former name "Laura Lynn" and including her address of record at the time. PRA waited eight months after the suit was filed to "find" the Capital One Statement. PRA altered the PRANet report for Hammett's account and it is inconsistent with PRA's phone log filed as Defense Exhibit 1D. The numbers on the Capital One Statement are not consistent, with the "previous balance" being less than the total of balances upon which the interest was calculated. PRA has not explained how the interest was

calculated, and Plaintiff, a math whiz, cannot make the numbers work out. It is likely that whomever fabricated the statement worked backwards, trying to find the balance subject to interest from the number he wanted to end up with. As an example, If \$100 was owed at 25% interest, then after one period, the amount owed would be \$125. But, if he started with \$125 and subtracted 25% he would have a “previous balance” of \$93.75. (Details of the errors are presented in the Motion for Extension of Discovery or Sanctions filed concurrently and its supporting documentation.)

Plaintiff ADMITS that in the regular course of PRA’s business activity, PRA receives account documents created by original creditors, such as Capital One. Plaintiff ADMITS that as a successor business, PRA regularly relies upon and integrates such records within its own recordkeeping for accounts and business operations. In fact, PRA relies too heavily upon and integrates lists of debts that are allegedly in default. That is why several government agencies have pursued actions against PRA for collection activities on portfolios PRA knows are highly inaccurate, which have settled for multi-million dollar settlements, but the government agencies are paper tigers. If PRA had collected on the -6049 account in 2013, PRA would have been required to reimburse Plaintiff. (Consent Order, Dkt. No. 39-5)

Defense No. 75: Plaintiff states the telephone number with a 760 area code (identified in Paragraph 308 of the Complaint) is a California phone number. (Dkt. No. 6 ¶¶ 8, 308.)

Hammett's Response and Evidentiary Support for No. 75:

Plaintiff ADMITS that Plaintiff states the telephone number with a 760 area code (identified in Paragraph 308 of the Complaint) is a California phone number. (Dkt. No. 6 ¶¶ 8, 308.) Plaintiff means the number uses an area code that is distributed to residents of California. It is attached to a cell phone, so the phone was an Arkansas phone with a California number.

Plaintiff makes these admissions and denials of statements of undisputed facts based upon her knowledge and belief and under penalty of perjury according to the laws of the United States of America.

September 9, 2022

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

Laura Lynn Hammett

16 Gold Lake Club Road  
Conway, Arkansas 72032  
760-966-6000  
thenext55years@gmail.com  
Plaintiff Pro Se

## CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, a true and exact copy of the foregoing was delivered to the Clerk of the Court who filed it electronically causing service upon all attorneys of record.

  
\_\_\_\_\_

Laura Lynn Hammett  
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Conway, Arkansas 7202  
760-966-6000  
thenext55years@gmail.com  
Plaintiff Pro Se