

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Citibank South Dakota N.A.,)
)
Plaintiff,)
v.) Case No. : CJ 2003- 10413
)
Christy L. Martin,)
)
Defendant,)

PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT

TO: Christy L. Martin

Pursuant to 12 O.S. § 3236 and 12 O.S. § 3233 of the Oklahoma Discover Code, the Plaintiff requires the defendant(s) hereinabove to answer the following interrogatories, requests for production and requests for admission fully and separately, under oath, and serve a copy of said answers/documents to the undersigned attorney(s) within forty-five (45) days after the date of service hereof if this Discovery was served with the Petition and Summons, or within thirty (30) days of the service hereof if this Discovery was served after the date of service of the Petition and Summons being served on the defendant(s).

INSTRUCTIONS

1. Sanctions. You have an obligation to respond to this Discovery in good faith and provide full and complete answers. You are required to review all materials available to you in making your response. If you fail to answer or make improper objections to discovery you may be subject to sanctions which may include taxing attorney fees and costs, excluding evidence and/or entering judgment against you. An evasive or incomplete answer is considered a failure to answer. As a consequence, if you are uncertain as to what is required or if you have an objection to any portion of this Discovery, you should contact the undersigned attorney for Morgan and Associates, A Professional Corporation, 2601 Northwest Expressway, Suite 25E, Oklahoma City, Oklahoma 73112, telephone: (405) 425-0700 and make a good faith effort to resolve that question or dispute in advance of your response date. You should also review these instructions and comply with them in making your answers. Failure to comply with these instructions may result in the Court imposing sanctions against you.

2. Definitions.
 - a. “You” or “your” shall refer to the named defendant(s) as well as any other person answering these interrogatories.
 - b. “Name and address”, when used with reference to:
 - i. An individual person, means to state that persons’ full name, their residential address and their business address, or,
 - ii. A corporation, firm, or other entity, means its full name, form of organization, and its present or last known address.
 - c. “Identify” or “identification”, when used in reference to a writing, means a description of that writing in a matter sufficient for a subpoena duces tecum or for production pursuant to § 3211 of the Oklahoma Discovery Code. Also give its present location or custodian. If any such writing was, but no longer is, in your possession or control, state:
 - i. What disposition was made of it;
 - ii. The date the item was transferred to another person or entity; and,
 - iii. The person responsible for the document at this time.
 - d. “Issues(s)”, unless otherwise specified, refers to any and all factual matters contained within the Petition, any Counter or Cross-Petition, any Motion, any Answer, any Reply and any evidentiary motion filed in this case regardless of who may have filed that document.
 - e. “Date of filing petition” or “date petition was filed” refers to Date Petition Was Filed, the date the petition was filed in this case.
1. Format. As required by § 3233, in responding to this requested Discovery, you must recite each Interrogatory, Request for Admission or Request for Production and part thereof in writing and insert your answer in writing immediately after the request for production or part which is being answered.
2. Signature. As required by §§ 3226 (G) and 3233 (A), the response to these discovery requests must be signed, under oath, by the party making such responses and by the attorney for the party.
3. Duty to Supplement Answers. 12 OS § 3226 (E)
 - a. You have a duty to supplement your answers if the answers given initially are later found incomplete with regard to those questions relating to:
 - i. The identity and location of persons having knowledge of discoverable matters; and,
 - ii. The identity of each person expected to be called as an expert witness at trial, the subject matter on which he is expected to testify and the substance of the expert’s testimony.
 - b. You further must supplement your answers at any time you discover that:
 - i. A response or any portion thereof was incorrect when made; or
 - ii. You discover that the response, which was correct when made, is no longer true.

- c. Any supplementation must be in writing and under oath and in the same form as the original answers, and such supplementation should take place as soon as possible after such new information is obtained.
4. Exhibits. Within the time for responding to the requests for production set forth hereafter, you are advised that you may attach to your response copies of all such photographs, charts, records, documents or other tangible evidence which will assist you in your responses. If the item required to be produced is a model or other piece of tangible evidence not capable of being attached to such answers, then you must identify a reasonable location and reasonable times within the time frame set forth in paragraph one hereinabove, unless an earlier time is designated by the court, at which time it may be viewed by this party or counsel.
5. Requests for Admissions. Pursuant to § 3236(A), with regard to each Requested Admission, you are advised that you must admit or deny said matter in writing and under oath within forty-five (45) days from service hereof, unless the Court orders a greater or lesser time for such response, if the Requests are served at the same time as the Petition and Summons, or within thirty (30) days if the Requests are served after the date of the service of the Petition and Summons. If you fail to respond within the time, the matter will be deemed admitted. You are further advised that:
 - a. If you cannot either admit or deny the requested admission, you must set forth reasons why you cannot respond and you must show that you are acting in good faith and have utilized due diligence in attempting to discover information which would allow you to either admit or deny the same;
 - b. If you dispute a part, but not all of the requested admission, you must admit the part you do not dispute and deny only the part in controversy; and,
 - c. Pursuant to § 3237(d), if you fail to admit any fact that is later proven at trial, the cost of making such proof, including a reasonable attorney's fee, may be taxed against you by the Court unless you can show a proper excuse for your failure to admit.

INTERROGATORIES

INTERROGATORY NO. 1: Please state the name, address, social security number and telephone number of the person to whom this discovery is directed hereinabove and the person who is assisting in answering or answering these discovery requests.

Name: *Christy L. Martin*

Address: *2704 N. Council Road, Bethany, Oklahoma 73008*

Social Security number: *objection, the information is privileged.*

Person who is assisting in answering or answering these discovery requests: *objection.*

The interrogatory cannot lead to the discovery of evidence which would be material to the court's determinations.

INTERROGATORY NO. 2: Have you received monthly statements on Account Number 5424180441867857 from Citybank (South Dakota) N.A. as the original creditor or from Citibank's predecessor(s) as prior creditors? *Objection: the interrogatory is onerous, calling for information that is either not now, nor has it ever been in the possession of Christy L. Martin.*

If no, please state/provide the following;

- (a) Date(s) of the statement(s) not received: *Objection, see above.*
- (b) Date that you notified plaintiff or its predecessor: *Objection, see above.*
- (c) Copies of any documentation that you provided to Citibank or its predecessor(s) notifying it/them that you did not receive a statement, including but not limited to : written correspondence, e-mails, facsimiles, telephone records or any other documents whatsoever. *Objection, see above.*

INTERROGATORY NO. 3: List each charge, date, amount and description of the items charged on said credit card listed in Interrogatory Number 2 hereinabove. *Objection: the interrogatory is onerous, calling for information that is either not now, nor has it ever been in the possession of Christy L. Martin.*

INTERROGATORY NO. 4: Has any other person been allowed to use your credit cards or sign your name under a power of attorney? If yes, list the person's name, address, telephone number, place of employment, address of employment, and telephone number of employment. *Objection: the interrogatory is vague and confusing failing to identify by number and type the credit cards inquired about.*

INTERROGATORY NO. 5: If you contend that another person was not granted explicit or implicit authority to charge on the above credit card, please list the date, amount and item(s) charged on each transaction and the person who made that charge, including his/her name, address, telephone number, place of employment, address of employment, and telephone number of employment, and describe in detail the basis for your contention that this person did not have permission to make the charge(s). *Objection: the interrogatory is vague and confusing failing to identify by number and type the credit cards inquired about.*

INTERROGATORY NO. 6: List each address and landlord, landlord's address and telephone number (or mortgage holder, account number, mortgage holder's address and telephone number) at which you have resided since the above referenced account was opened. *Objection: the interrogatory cannot lead to the discovery of evidence which would be material to the plaintiff's claims.*

INTERROGATORY NO. 7: List the number of charge cards which were issued by the Plaintiff or its predecessor on the above referenced account and the name, address and telephone number of each person was authorized to charge on the account. *Objection: the interrogatory is vague and confusing failing to identify by number and type the credit cards inquired about.*

INTEROGATORY NO. 8: State the date and amount of the last statement from the Plaintiff that had the correct balance of your account and the amount on that statement. *Objection: the interrogatory requests information that either is now nor never was in the possession of the defendant.*

INTEROGATORY NO. 9: List and identify all documents, including but not limited to: letters, billing statements, contracts, etc. that you have received from or sent to Plaintiff or its predecessor(s) since opening of the above referenced account. *Objection: the interrogatory is onerous, calling for information that is either not now, nor has it ever been in the possession of Christy L. Martin.*

INTEROGATORY NO. 10: List each and every payment that you made to the plaintiff or its predecessor(s) on the above referenced account including attaching a copy of the check, money order, cashier's check, etc. to the request for production. *Objection: the interrogatory is onerous, calling for information that is either not now, nor has it ever been in the possession of Christy L. Martin.*

INTEROGATORY NO. 11: Have you ever disputed any billing that has been sent to you by the Plaintiff or its predecessor(s)? If yes, state the date, address to which the dispute was mailed, person to whom the communication was directed to and statement item(s) that were disputed and the basis for disputed item on the billing summary. *Objection: I, Christy L. Martin, cannot recall whether information exists which is being inquired about.*

INTEROGATORY NO. 12: List each and every defense that you may or intend to assert in this matter and brief summary of the facts which support your defense, including any documentation supporting a defense and the federal and/or state statutes supporting your defense.

Citibank South Dakota N.A lacks standing to sue in foreign courts. *Starr Fireworks, Inc. v. Midwest Fireworks Mfg. Co., Inc.* 1997 WL 184767 (Ohio App. 11 Dist.), *Richard Gill Co. v. Miller* (March 9, 1988, Lorain App. No. 4255, 1988 WL 29823, Ohio Rules of Civil Procedure, rule 56(c), *Dot Sys., Inc. v. Adams Robinson Ent., Inc.* (1990), 587 N.E. 2d 844, *World Point Trading PTE, Ltd. v. Credito Italiano*, 225 A.D.2d 153, 649 N.Y.S.2d 689, 31 UCC Rep.Serv.2d 200, *Benefit Management Consultants, Inc. v. Gencorp, Inc.*, 1996 WL 267747 (Ohio App. 9 Dist.), *Browning, Ektelon Div. v. Williams*, 628 N.E.2d 878, *Fred Anthony Associates, Ltd. v. Becker Powders, Inc.*, 91 WL 101601 (Ohio App. 10 Dist.), *Atlantic Commercial Development Corp. v. Boyles*, 103 Nev. 35, 732 P.2d 1360, Nev., Feb 24, 1987, *Goode v. Universal Plastics, Inc.*, 445 S.W.2d 893, *FLORIDA Quality Const., Inc. v. Chiasson*, 250 N.E.2d 785. Sep 03, 1969.

Citibank South Dakota, N.A. is not the true party in interest for reason that Citibank South Dakota, N.A. is not the present holder of a contract with Christy L. Martin. *Tex. Div.-Tranter, Inc. v. Carrozza*, 876 S.W.2d 312, 314 (Tex.1994), *Brownlee v. Brownlee*, 665 S.W.2d 111, 112 (Tex.1984), *Geiselman*, 965 S.W.2d at 537) *In re: Jernigan*, 803 S.W.2d at 777, G.S. §§ 25-1-201(20), 45-21.16(d), G.S. 45- 21.16(d), *In re Foreclosure of Burgess*, 47 N.C.App. 599, 267 S.E.2d 915, appeal dismissed, 301 N.C. 90 (1980), G.S. 25-1-201(20), *Hotel Corp. v. Taylor and Fletcher v. Foremans, Inc.*, 301 N.C. 200,

271 S.E.2d 54 (1980), *In re Foreclosure of Connolly v. Potts*, 63 N.C.App. 547, 306 S.E.2d 123 (1983), *Liles v. Myers*, 38 N.C.App. 525, 248 S.E.2d 385 (1978), Uniform Commercial Code § 1-201: 105 through 116, *In re Staff Mortgage and Investment Corp.*, 550 F.2d 1228 (9th Cir. 03/30/1977), *Allegaert v. Chemical Bank*, 657 F.2d 495 (2nd Cir. 08/19/1980), *In re Maryville Savings & Loan Corp.*, 743 F.2d 413 (6th Cir. 09/12/1984), *In re Maryville Savings & Loan Corp.*, 760 F.2d 119 (6th Cir. 04/29/1985), *In re Golden Plan of California Inc.*, 829 F.2d 705 (9th Cir. 11/14/1986), *In re Staff Mortgage & Investment Corp.*, 625 F.2d 281 (9th Cir. 08/11/1980), *In re Bruce Smart Corp.*, 612 F.2d 1197 (9th Cir. 02/01/1980), *In re Allen*, No. 90-1980 (9th Cir. 12/04/1991), *In re Kennedy Mortg. Co.* 17 B.R. 957 Bkrcty.N.J., 1982., and *In re Investors & Lenders, Ltd.* 156 B.R. 145, Bkrcty.D.N.J.,1993, *McCay v. CAPITAL RESOURCES COMPANY, LTD.* 96-200 S.W.2d 1997, *Mortgage Securities Inc. v. Hartley LORD*. No. 4D02-4051. July 23, 2003, *LORRAINE C. TILLMAN v. VIRGINIA SAVAGE SMITH* (07/25/85), *Ehrhardt, Florida Evidence* § 953.1 (2d ed. 1984), *Lowery v. State*, 402 So.2d 1287 (Fla. 5th DCA 1981). *Mason v. Rubin*, 727 So.2d 283, 37 UCC Rep.Serv.2d 1087 (Fla.App. Dist.4 02/10/1999), *FIGUEREDO v.BANK ESPIRITO SANTO* No. 88-1808.Jan. 31, 1989. FL Third District, *Slizyk v. Smilack*, 825 So. 2d 428, 430 (Fla. 4th DCA 2002), *Mason v. Rubin*, 727 So. 2d 283 (Fla. 4th DCA 1999), *RAYMOND E. SHORES AND MARCENE G. SHORES v. FIRST FLORIDA RESOURCE CORPORATION* (10/11/72), *CHASE MANHATTEN MORTGAGE CORPORATION vs.LYNN E. GOODRICH and LEANA M. GOODRICH*, 247 U.S. 142; 38 S. Ct. 452;62 L. Ed. 1038, *MARIN v. AUGEDAHL* No. 227, *Thompson v. Whitman*, 18 Wall. 457, *National Exchange Bank v. Wiley*, 195 U.S. 257, *Buck v. Beach*, 206 U.S. 392, *Pelham v. Way*, 15 Wall. 196, *Matter of Bronson*, 150 N.Y. 1, *Matter of Fearing*, 200 N.Y. 340, *Selliger v. Kentucky*, 213 U.S. 200, 204, *People v. Ogdensburgh*, 48 N.Y. 390, 397, *Wyman v. Halstead*, 109 U.S. 654, 656, *Louisville & Nashville R.R. Co. v. Barber Asphalt Paving Co.*, 197 U.S. 430, 434, *New Orleans v. Stempel*, 175 U.S. 309, 322, 323. *Bristol v. Washington County*, 177 U.S. 133, 141, *State Board of Assessors v. Comptoir National d' Escompte*, 191 U.S. 388, 403, 404, *Metropolitan Life Insurance Co. v. New Orleans*, 205 U.S. 395, 400, 402, *Attorney General v. Bouwens*, 4 M. & W. 171, 191; *Hunter v. Supervisors*, 33 Iowa, 376, *Hanson's Death Duties* (4th ed.), p. 239, and *Selliger v. Kentucky*, 213 U.S. 200, *Regina v. Watts*, 6 Cox, C.c. 304.

Morgan and Associates, P.C. has unclean hands. O.S. Title 21, Chapter 19, § 554, “Attorney Buying Evidence of Debt-Misleading Court. Every attorney who either directly or indirectly buys or is interested in buying any evidence of debt or thing in action with intent to bring suit thereon is guilty of a misdemeanor. Any attorney who in any proceeding before any court of a justice of the peace or police judge or other inferior court in which he appears as attorney, willfully misstates any proposition or seeks to mislead the court in any matter of law is guilty of a misdemeanor and on any trial therefore the state shall only be held to prove to the court that the cause was pending, that the defendant appeared as an attorney in the action, and showing what the legal statement was, wherein it is not the law. If the defense be that the act was not willful the burden shall be on the defendant to prove that he did not know that there was error in his statement of law.” Any person guilty of falsely preparing any book, paper, [(record,)], instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced as genuine upon any [(trial, proceeding or inquiry whatever,)] authorized

by law, SHALL BE GUILTY OF A FELONY. See Oklahoma Statutes Title 21. Crimes and Punishments, Chapter 13, Section 453.

INTEROGATORY NO. 13: List each and every witness that you may or intend to call at the trial of this matter, as well as the name, address and telephone number of the witness, and a detailed summary of the anticipated testimony of the witness. *Keith A. Daniels, 2601 Norwest Expressway, Suite 205E, Oklahoma City, Oklahoma 73112, (405) 425-0700. Expected testimony: Keith A. Daniels is expected to confess violations occurring under O.S. Title 21, Chapter 19, § 554 and Oklahoma Statutes Title 21. Crimes and Punishments, Chapter 13, Section 453.*

INTEROGATORY NO. 14: If you are alleging that any charges on the card were committed by fraudulent acts of another person, please state the date, item disputed, date you notified Citibank and/or its predecessor(s) of the fraud, when you completed an affidavit of fraud, how you relayed/transmitted the affidavit of fraud to the Plaintiff and/or its predecessor(s). *N/A.*

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that you (defendant) entered into an open-end credit card account, designated as account number 5424180441867857 with Citibank South Dakota, N.A. or its predecessor whereby Citibank South Dakota, N.A. or its predecessor agreed to provide a revolving line of credit to you (defendant) to purchase various goods or services or obtain cash advances on said card. *Objection, I can neither admit or deny absent presentment of the de facto contract 5424180441867857.*

REQUEST FOR ADMISSION NO. 2: Admit that you (defendant) agreed to pay the account balance plus finance charges and other charges and fees in monthly installments according to the terms of the agreement. *Objection, I can neither admit or deny absent presentment of the de facto contract 5424180441867857.*

REQUEST FOR ADMISSION NO. 3: Admit that you (defendant) are indebted to the Plaintiff in any amount. *To the best of my knowledge, I don't presently owe Citibank South Dakota, N.A. money.*

REQUEST FOR ADMISSION NO. 4: Admit that the Plaintiff and/or its predecessor sent you monthly statements indicating a balance due on the account which showed items purchased, any cash advances, finance charges, total amount owed and minimum payment due. *I can neither confirm or deny absent presentment of the documents inquired about.*

REQUEST FOR ADMISSION NO. 5: Admit that you failed to dispute any amounts on the statements. *I cannot recall whether I did or did not dispute amounts on statements absent presentment of the statements.*

REQUEST FOR ADMISSION NO. 6: Admit that you are currently indebted to the Plaintiff in the amount of \$10,979.94 on the credit card account referenced in Request for

Admission No. 1 hereinabove. *To the best of my knowledge, I don't presently owe Citibank South Dakota, N.A. money.*

REQUEST FOR ADMISSION NO. 7: Admit that you (defendant) are currently in default on the payment on the credit card account referenced in Request for Admission No. 1 hereinabove. *To the best of my knowledge, no credit card account survives today naming me as a debtor to Citibank South Dakota, N.A.*

REQUEST FOR ADMISSION NO. 8: Admit that you (defendant) have not been given an extension of time by the Plaintiff to pay the current payment on the credit card account referenced in Request for Admissions No. 1 hereinabove. *I can neither confirm or deny; in fact, I have no idea what is being ask.*

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Documents supporting any claim or defense in the answers to interrogatories. Please produce all documentation, including but not limited to: copies of cancelled checks, money orders, cashier's checks, etc. for payments made on the account to Plaintiff or its predecessor(s) since I was opened, copies of e-mails to Plaintiff or its predecessor(s), copies of letters to the Plaintiff or its predecessor(s), copies of facsimiles to Plaintiff or its predecessor (s), copies of telephone records of calls to Plaintiff or its predecessor (s), copies of affidavits of fraud sent to Plaintiff or its predecessor(s), copies of any letters of dispute on billing statements sent to Plaintiff or its predecessor(s), copies of any documentation (green card from post office, facsimile transmittal confirmation, ect.) sent to Plaintiff or its predecessor(s), or any other documentation which supports a claim or defense that you made in the interrogatories alleging that any amount is not owed by you to the Plaintiff on the referenced account. These documents shall be brought to the offices of Morgan and Associates, P.C., 2601 Northwest Expressway. Suite 205E, Oklahoma City, Oklahoma 73112 by the defendant(s) or his/her/their agent for copying within forty-five (45) days if this discovery was served at the same time as the Petition and Summons or within thirty days from the date of service if this discovery was served after the date of service of the petition and summons. *To the best of my knowledge, I have no such documents either because they have been lost, destroyed, or were never in my possession in the first place.*

REQUEST FOR PRODUCTION NO. 2: Payment History: Please produce for copying and inspection all originals or complete copies of all records, including but not limited to: all statements, cancelled checks, receipts, cashier's checks, money orders or other evidence of payments on the account referenced in the interrogatories since the opening of that account. These documents shall be brought to the offices of Morgan and Associates, P.C., 2601 Northwest Expressway, Suite 205E, Oklahoma City, Oklahoma 73112 by the defendant(s) or his/her/their agent for copying within forty-five (45) days if this discovery was served at the same time as the Petition and Summons or within thirty

days from the date of service if this discovery was served after the date of service of the petition and summon. *To the best of my knowledge, I have no such documents either because they have been lost, destroyed, or were never in my possession in the first place*

REQUEST FOR PRODUCTION NO. 3: Exhibits that you may or intend to use for trial. These exhibit shall be brought to the offices of Morgan and Associates, P.C., 2601 Northwest Expressway, Suite 205E, Oklahoma City, Oklahoma 73112 by the defendant(s) or his/her/their agent for copying within forty-five (45) days if this discovery was served at the same time as the Petition and Summons or within thirty days from the date of service if this discovery was served after the date of service of the petition and summons. *As per my answer to the petition of the plaintiff, I demand strict proof.*

Christy L. Martin

Notary _____

Expiration _____