

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CASE NO.: ED CV 05-15 RGK (SGLx)

- - - - -X  
PAUL MINNICK, :  
Plaintiff, :  
vs. :  
NELNET CORPORATION; :  
NELNET-I TRUST; EQUIFAX :  
INFORMATION SERVICES, LLC; :  
EXPERIAN INFORMATION SOLUTIONS, :  
INC.; TRANSUNION, LLC; and :  
DOES 1 to 10, :  
Defendants. :  
- - - - -X

Deposition of ALICIA FLUELLEN

(Taken by Plaintiff)

Atlanta, Georgia

August 31, 2005

Reported by: Mary K. Caldwell  
Court Reporter

1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 ROBERT STEMLER, ESQ. (By telephone)

4 Law Office of Robert Stempler

5 3400 Inland Empire Boulevard

6 Suite 101

7 Ontario, California 91764-5577

8 (909) 972-6841

9 stempler@earthlink.net

10

11 For Defendant Nelnet:

12 PAUL F. DONSBACH, ESQ. (By telephone)

13 Kutak Rock

14 18201 Von Karman Avenue, Suite 1100

15 Irvine, California 92612-1077

16 (213) 996-8478

17 paul.donsbach@kutakrock.com

18

19 For Defendant Equifax Information Services:

20 AMY GREENSTEIN, ESQ.

21 Kilpatrick Stockton

22 1100 Peachtree Street, Suite 2800

23 Atlanta, Georgia 30309

24 (404) 815-6500

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APPEARANCES OF COUNSEL:

(Continued)

For Defendant TransUnion:

KIRSTEN HEIKAUS WEAVER, ESQ. (By phone)

Crowell & Moring

3 Park Plaza, 20th Floor

Irvine, California 92614-8508

(949) 263-8400

kheikausweaver@crowell.com

Deposition of ALICIA FLUELLEN, taken by  
the Plaintiff, at Kilpatrick Stockton, 1100  
Peachtree Street, Suite 2800, Atlanta, Georgia, on  
the 31st day of August, 2005, at 9:30 a.m., before  
Mary K. Caldwell, Court Reporter.

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INDEX OF EXHIBITS

(No exhibits were marked for identification.)

1 P R O C E E D I N G S :

2 ALICIA FLUELLEN,

3 having been first duly sworn, was examined and  
4 testified as follows:

5 CROSS-EXAMINATION

6 BY MR. STEMLER:

7 Q Ms. Fluellen, could you please state and  
8 spell your name for the court reporter and the  
9 record.

10 A It's Alicia, A-L-I-C-I-A, last name  
11 Fluellen, F-L-U-E-L-L-E-N (spelling).

12 Q And are you employed by Equifax?

13 A Yes. I'm employed by Equifax Information  
14 Services, LLC.

15 Q Do you mind if we simply refer to your  
16 employer as Equifax today?

17 A Okay.

18 Q Great. How long have you been employed by  
19 Equifax?

20 A Since September 27th, 1993.

21 Q And since September 27th, 1993, what  
22 positions have you held within Equifax?

23 A I've held -- I started as a customer-  
24 service representative. I've held the position of  
25 maintenance reviewer. I've held the position of

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1 consumer relations specialist. I have held the  
2 position of quality-assurance observation  
3 specialist. I've held the position of function  
4 coordinator, which is a front-line supervisor. And  
5 then I've held the position as supervisor, I've held  
6 the position of manager, and I've held currently the  
7 director position.

8 MR. DONSBACH: I'm sorry. The current  
9 position is director of what?

10 THE WITNESS: Director of customer care.

11 MR. DONSBACH: Thank you.

12 BY MR. STEMLER:

13 Q Ms. Fluellen, how often have you had your  
14 deposition taken?

15 A I would speculate to say it might be 30 to  
16 40 times.

17 Q Is that an estimate or is that a guess?

18 A It's both. It's my educated guess.

19 Q Well, as you know, at a deposition, the  
20 important part is that I ask you questions. Your  
21 attorney has a chance to pose any objection. And  
22 other counsel may pose an objection, as well. And  
23 then -- and all the while -- and then you have a  
24 chance to answer, assuming you've been instructed  
25 not to answer the question due to some privilege or

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1       some other basis.

2                   And the court reporter, all the while, is  
3       typing everything down. Please be mindful of that,  
4       because what you just said was extraordinarily fast.  
5       The last time we met, which was about two years ago,  
6       I don't recall you talking this fast.

7           A       Really?

8           Q       Yeah. Maybe it's the additional cups of  
9       coffee this morning.

10          A       I don't drink coffee.

11          Q       Anyway, how long have you been director of  
12       customer care?

13          A       Since early part of 2003.

14          Q       So has it been about two years or more  
15       than two years?

16          A       Well, it's, what, October or -- September  
17       of 2005, so a little over two years.

18          Q       And before that your position was  
19       supervisor --

20                   What did you say you were supervising at  
21       the time?

22          A       Just prior to that, I was a manager. And  
23       I managed the telephone customer service, along with  
24       the mail room.

25          Q       Along with the what?

1           A     Mail room.

2           Q     I'm sorry. I'm really having a hard time  
3     hearing what you just said.

4           A     Mail room.

5           Q     Mail room?

6           A     Yes.

7           Q     I'm sorry. And how long did you manage  
8     telephone customer service and the mail room?

9           A     I believe that started in the latter part  
10    of 1999 up until the time I became a director, which  
11    was in 2003.

12                   MR. STEPLER: Is there any way you could  
13    move the telephone to be just a little bit more  
14    directly in front of the witness?

15                   THE WITNESS: It's on top of me.

16                   MR. STEPLER: Oh, okay.

17                   THE WITNESS: Is that better? We turned  
18    the volume up.

19                   MR. STEPLER: That is -- that is a little  
20    better. I don't know if your volume is going  
21    to assist how counsel and myself hear you over  
22    the phone, but I appreciate your speaking into  
23    the microphone. Thank you.

24                   THE WITNESS: It's okay. I mean, I am  
25    literally on top of the phone.



1 MR. STEPLER: Okay. Thank you.

2 BY MR. STEPLER:

3 Q Presently, what do your duties with  
4 Equifax include as the director of customer care?

5 A I oversee the office of consumer affairs,  
6 and I also oversee the reinvestigation process.

7 Q How many employees report to you in  
8 connection with your duties as director of customer  
9 care?

10 A There are approximately 25.

11 Q And these are the people that report to  
12 you?

13 A Yes.

14 Q Do you know how many people are, on behalf  
15 of Equifax, whether employed directly or at one of  
16 Equifax's outside contractors, are involved in the  
17 process of reinvestigating consumer disputes?

18 A Yes. There's currently about 850.

19 Q And of those 850, how many are direct  
20 employees of Equifax?

21 A Approximately a hundred.

22 Q The 750 that are not directly employed by  
23 Equifax, is there a particular company for whom they  
24 are employed?

25 A Yes. There are ICT, Convergys and DDC.

1 Q What are those initials, again?

2 A D like David, D like David, C like cat.

3 Q Do you happen to know what the initials of  
4 those two companies with initials stand for, the ICT  
5 and the DDC?

6 A Well, from my understanding, the ICT  
7 doesn't stand for anything. That's their company  
8 name. And DDC is Direct Data Capture.

9 Q Is there any specific company that handles  
10 telephone calls from consumers with respect to a  
11 dispute of an Equifax credit report?

12 A That would be Convergys and ICT.

13 Q And what about disputes by mail?

14 A That would be Convergys and DDC.

15 Q What about disputes from a consumer by  
16 fax?

17 A That would be ICT. And fax is used to  
18 supplement disputes that were processed by mail,  
19 e-mail or phone -- or I didn't mean e-mail, but I  
20 meant internet.

21 Q Okay. So ICT handles the faxes, although  
22 is it correct that a fax may go to the others to  
23 supplement something that was a previous dispute?

24 A No. Currently, the faxes are being  
25 processed by ICT. But what I stated was, we don't

1 normally have a mechanism where the consumer can fax  
2 in a dispute. If the consumer calls in in regards  
3 to a dispute and has some information that they  
4 would like for us to review, then at that point we  
5 would offer the fax number; and then the fax number  
6 is processed at ICT. And then we have some faxes  
7 that are processed in Atlanta, as well.

8 Q By employees of Equifax?

9 A Correct.

10 Q What about disputes that are received via  
11 the internet? Who would handle those?

12 A Yeah. Those are actually being handled by  
13 the consumer. The consumer is, through the web,  
14 interfacing with our ACIS system.

15 Q So your understanding is that when the  
16 consumer goes onto Equifax's website and interfaces  
17 with ACIS, there's no need for any Equifax employee  
18 or one of its subcontractors to forward the dispute  
19 to the appropriate party, such as a furnisher, and  
20 then make sure that the information is processed  
21 later on?

22 A That is correct. If a consumer logs into  
23 the internet and lodges a dispute, at that point  
24 what they enter in is forwarded to the credit  
25 grantor.

1 Q And when the credit grantor responds to  
2 the investigation or the verification request, who  
3 handles that?

4 A It could be handled in an automated  
5 fashion. If it's not handled in an automated  
6 fashion, then we have verification processors who  
7 will enter that information into ACIS.

8 Q I'm sorry. So is it an employee of  
9 Equifax that handles that if it's not handled in an  
10 automated fashion?

11 A Yes. There are employees of Equifax that  
12 will handle that.

13 Q We were just talking about the interface  
14 of consumers telephonically via fax or mail by  
15 Equifax and these various subcontractors of Equifax.

16 When there is a response by a furnisher of  
17 information to a verification request, who would  
18 handle those or is it the company that sent out the  
19 verification request initially?

20 A I'm sorry. I don't understand your  
21 question.

22 Q Okay. Let's talk about ICT as an example.

23 A Uh-huh.

24 Q ICT handles the telephone calls, many of  
25 the telephone calls, from consumers regarding

1 Equifax disputes.

2 When ICT sends out a verification request  
3 to the furnisher and the furnisher responds to that  
4 request, does ICT also handle the credit-report  
5 update or is that handled somewhere else?

6 A That would be handled somewhere else.

7 Q Okay. Where was -- where would that be  
8 handled?

9 A The majority of the verification  
10 processors that we have are in Costa Rica, and those  
11 are Equifax employees.

12 Q So if Equifax --

13 A I'm sorry. I apologize. I just wanted to  
14 go back a little bit because, as I think about the  
15 timeframe of this dispute, we did have another  
16 vendor, which was ACS, but we don't do business with  
17 ACS anymore; but I do have to mention it because I  
18 believe that's -- could have been some disputes that  
19 may have been handled. I don't remember.

20 Q Well, when did ACS get phased out from  
21 Equifax's dispute process?

22 A Mid April of 2005.

23 Q So was it before April 1st, 2005?

24 A No. It was mid April, around the 15th.

25 Q And what kinds of disputes did ACS handle

1 prior to April 15th, '05?

2 A They did handle mail disputes.

3 Q Any other types of disputes?

4 A No. They didn't handle phone disputes or  
5 faxes.

6 Q And the employees of Equifax in Costa  
7 Rica --

8 How many employees does Equifax have in  
9 Costa Rica?

10 A That's a moving target. That staff is  
11 growing a bit. Last I knew, it was about 50.

12 Q That's what it is presently?

13 A Yes, as of about a month ago; but I  
14 believe there might be some new staff that's going  
15 to be added, or has been added, in the next couple  
16 of weeks.

17 Q Approximately how many?

18 A Maybe 20. I'm really guessing there. I  
19 haven't -- I have not looked to check that out.

20 Q So the Costa Rica office of Equifax,  
21 that's where the reinvestigation process is  
22 completed and the responses from the furnishers are  
23 correlated with respect to the consumer reports?

24 A No. In Costa Rica, there is some  
25 disputing. There is some fulfilling or processing

1 requests for consumers who want a copy of their  
2 credit file. And then there is where the majority  
3 of our verification processors are, but they don't  
4 close out the reinvestigation process. That's the  
5 maintenance phase, and the maintenance phase is in  
6 Atlanta.

7 Q How many employees handle that maintenance  
8 phase?

9 A The maintenance phase? There are  
10 approximately, if I'm not mistaken, about 80 now.

11 And I need to correct myself. There is  
12 some of that being processed at DDC, as well.

13 Q You said UTC?

14 A DDC, the vendor we talked about earlier.

15 Q Oh, okay. So Equifax employees in Atlanta  
16 handle the maintenance phase in addition to some  
17 employees of DDC?

18 A Correct.

19 Q Would you please describe the maintenance  
20 phase one more time, as far as you understand it.

21 A Oh, sure. I used to do it, so I can -- I  
22 can describe it. That's where the reinvestigation  
23 is closed out, as you put it. Once we -- the  
24 consumer's dispute is entered into ACIS and the  
25 verification is -- or the request for verification

1 is forwarded to the credit grantor and we receive  
2 the response, the maintenance phase is where we make  
3 sure that the credit report looks like it's supposed  
4 to look, make sure that all the policies and  
5 procedures are followed by Equifax; and we send out  
6 the final copy to the consumer at that point.

7 Q So, ultimately, all of the credit reports  
8 in response to a consumer-dispute reinvestigation  
9 request come from Equifax in Atlanta or do some of  
10 them also come from DDC?

11 A Well -- okay -- the database is in  
12 Atlanta; but, yes, the actual processing could be  
13 from -- some from DDC and some from Atlanta. That's  
14 correct.

15 Q Where is DDC located?

16 A DDC is located in the Philippines.

17 Q Pardon me?

18 A The Philippines, Manila.

19 Q Manila?

20 A Yeah.

21 Q Oh. The Philippines?

22 A Yes.

23 Q Are any of the credit reports prepared in  
24 the Philippines by DDC?

25 A No. Well, can you define "prepared"?



1           Q     Well, you described part of the  
2 maintenance phase as making sure that the credit  
3 reports are in acceptable form to be sent out to the  
4 consumer after a reinvestigation has been completed.

5                     I wanted to find out if any DDC employees  
6 do that function from Manila, Philippines.

7           A     Yes. They do the function in Manila, but  
8 the actual updating of the database and the  
9 initiating of the printing is in Atlanta. They  
10 don't have the capability to print a credit report  
11 and send it out.

12           Q     Have you been shown the Notice of  
13 Deposition --

14           A     Yes.

15           Q     -- in the matter?

16           A     Yes.

17           Q     Have you reviewed the subject matters?  
18 There are approximately -- there are 52 subject  
19 matters that are listed in the Notice.

20           A     Yes. I did notice that.

21           Q     Are there any subject matters for which  
22 you will not be testifying?

23                     MS. GREENSTEIN: Robert, this is Amy,  
24 obviously. She will not be responding to the  
25 ones that we objected to, to the extent we

1           objected to them. We sent that notice to you  
2           via fax on Monday, I believe.

3           MR. STEMLER: Yes. I received your  
4           objections, and I was asking for -- obviously,  
5           I understand about it not -- being notwith-  
6           standing the objections. But I wanted to find  
7           out if there were any subjects for which she  
8           will not be testifying --

9           COURT REPORTER: I'm sorry. Could you  
10          restate that.

11          THE WITNESS: That was the court reporter.

12          MR. STEMLER: I wanted to find out,  
13          notwithstanding the objections, whether there  
14          were any subject matters specified for which  
15          she will not be testifying at all or is not  
16          capable of testifying at all.

17          MS. GREENSTEIN: Okay. Well, there were  
18          several -- this is Amy again. There were  
19          several subjects that I told you we would not  
20          be providing testimony on -- I'm looking -- I  
21          didn't bring my objections -- the costs of  
22          reinvestigation.

23          MR. STEMLER: Which -- could we talk  
24          about subject-matter number, please.

25          MS. GREENSTEIN: 44, 45, 46, 47, 48. I

1 mean, you know, for that matter, you can ask  
2 her. I don't know if she knows the answer to  
3 those questions, anyway.

4 MR. STEPLER: 44 through 48?

5 MS. GREENSTEIN: Let me let her look  
6 through the thing -- through the exhibit --  
7 through the request, you know. She -- you can  
8 ask, and I'll just put the objection on the  
9 record if -- because there's just so many right  
10 now, that she may not have knowledge.

11 MR. STEPLER: Well, it's pretty  
12 traditional for the witness to just say what  
13 she can't testify to.

14 MS. GREENSTEIN: That's why she's looking  
15 at it right now.

16 THE WITNESS: (Witness reviews document).

17 Yeah. That would be it, the cost on the  
18 information. Okay. Yeah, 44 through 48.

19 MR. STEPLER: Okay. So --

20 THE WITNESS: 52, the net worth, I have no  
21 idea.

22 MR. STEPLER: Is that the witness  
23 talking?

24 THE WITNESS: It's me, yes. That's it.

25 MR. STEPLER: Let's -- do you have, Amy,

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1 the documents that have been produced by  
2 Plaintiff in this case?

3 MS. GREENSTEIN: I believe I do.

4 MR. STEPLER: Great. I'd like to --

5 MS. GREENSTEIN: Actually, you know what,  
6 hang on one second, Robert. Hang on one  
7 second. I think I may have left those  
8 inadvertently in my office. I have some of  
9 them, so let me know --

10 MR. STEPLER: I wanted to go from the  
11 numbers that are itemized as 337-01 through  
12 357-01.

13 MS. GREENSTEIN: Okay. Hang on one  
14 second. I have 337-01 through 349-0 -- 349-14.  
15 Let me just --

16 MR. STEPLER: You know what, why don't we  
17 just start with those documents. And when we  
18 take a break, you can be getting those other  
19 documents.

20 MS. GREENSTEIN: That's great. Thank you.

21 BY MR. STEPLER:

22 Q Okay. Do you have those documents out,  
23 Ms. Fluellen?

24 A Yes, sir.

25 Q Great. Other than the handwriting that

1 appears on 337-01, does that exhibit appear to be  
2 one that was prepared through Equifax's -- one of  
3 Equifax's websites?

4 A Yes. From what I could tell, this was a  
5 document that was prepared by Equifax Consumer  
6 Services, which is another company of Equifax -- but  
7 the consumer -- that sells credit reports to  
8 consumers or credit files to consumers. And that  
9 appears to be what this is.

10 Q So, would you tell me, is Equifax Consumer  
11 Services a wholly-owned subsidiary of Equifax?

12 A Yes.

13 Q And that's the interface that the consumer  
14 sees when they go online to try to get directly from  
15 Equifax their consumer report?

16 A Yes.

17 Q And so is it correct that with respect to  
18 Exhibit 337-01, the consumer paid \$9 for the Equifax  
19 consumer report to this Equifax Consumer Services?

20 A That's what it appears here, yes, that  
21 there was \$9 that was charged.

22 Q With respect to 337-02 through 337-18,  
23 other than the faxes, there are some highlighting  
24 and maybe a few extraneous marks that have been  
25 added.

1                   Does this document appear to be a consumer  
2 disclosure prepared by Equifax through its Equifax  
3 Consumer Services website?

4           A     Yes. I don't know if you heard me. I did  
5 say yes.

6           Q     Yes. And --

7           A     Oh.

8           Q     -- how would you verify that the informa-  
9 tion contained in this credit report is the actual  
10 information derived from Equifax's data files?

11          A     I actually -- I can't. I just don't have  
12 reason to believe that it's not, but I can't.

13          Q     Why do you have reason to believe that it  
14 is?

15          A     Well, I'm recognizing the format of what's  
16 before me. And it is the format of an Equifax  
17 credit report printed by Personal Solutions, which  
18 is Equifax Consumer Services.

19          Q     Have you ever seen other credit reports  
20 that were prepared, to your knowledge, directly from  
21 this website?

22          A     Yes.

23          Q     Now, on Page 337-02, there is a -- in the  
24 upper left-hand corner, there is a report confirma-  
25 tion number.

1           Do you know if that corresponds to any  
2 information available at Equifax that would tie this  
3 report to maybe one of the documents that was  
4 produced in discovery through your law firm?

5           A     No.  If I'm not mistaken, we wouldn't --  
6 we don't -- we -- Equifax Information Services, we  
7 don't keep a copy of what the consumer gets because,  
8 remember, I told you, it's a different company.

9           Equifax Consumer Services, they may have a  
10 copy of this.  I'm not quite sure, but we don't have  
11 a copy of that -- of this.

12          Q     In the production of the documents through  
13 your law offices, there were several documents that  
14 refer to the credit-report information.  I'm  
15 referring specifically to EIS001 through -- well,  
16 let's see.

17                 Which of these documents are the ACIS  
18 cases?

19          A     Okay.  The ACIS cases are 001 through  
20 005 -- and I don't have this in any particular --  
21 well, okay, I've put it in order -- 006 through  
22 0012.  That's a case, a separate one.  Okay.  And  
23 then I have 0013 through 0022.  Okay.  And then  
24 there is 0023 through 0030, 0031 --

25                 This is what you're asking for; right?

1 Q I am. Thank you very much.

2 A Okay. I was just making sure. Okay.

3 -- through 0038, 0039 through 0046 and  
4 then 0047 through -- one second -- 0065.

5 Those are all ACIS cases.

6 Q The frozen scans that are included at  
7 EIS067 through EIS085 --

8 A Uh-huh.

9 Q -- are not considered ACIS cases; is that  
10 correct?

11 A No. They're not ACIS cases.

12 Q Nor are the frozen scans at EIS0193  
13 through EIS0233; correct?

14 A Okay. Hold on one second. Amy is looking  
15 flustered right now.

16 MS. GREENSTEIN: You're referring to the  
17 frozen scans; correct? I don't have the Bates-  
18 labeled ones in here.

19 But you're just talking about frozen  
20 scans; correct, Robert?

21 MR. STEPLER: Correct. I'm making sure  
22 that I'm excluding -- that those can be  
23 excluded from the ACIS cases discussion.

24 A Yes. They're -- yes. They're  
25 independently different from one another.



1 BY MR. STEMLER:

2 Q This might be a good time for you to  
3 please explain, what is the difference between an  
4 ACIS case and a credit report or consumer  
5 disclosure?

6 A Okay.

7 Q Would you, please.

8 A Yes. An ACIS case is our report or a copy  
9 of what transpired through the reinvestigation  
10 process. And then a disclosure is the snapshot of  
11 how a consumer's credit file looked that day that's  
12 sent to the consumer.

13 Q Is it correct that the ACIS case includes  
14 a snapshot of the consumer's disclosure at the time  
15 the revised disclosure is sent to the consumer  
16 following the reinvestigation?

17 A Yes. That is very right.

18 Q So in looking at this disclosure that  
19 appears, as we've been discussing a few minutes ago,  
20 at 337-02 through 337-18, that does not correspond  
21 directly to anything that was produced by Equifax  
22 through the law offices of Kilpatrick Stockton?

23 A No. That's correct.

24 Q Is it correct that Equifax does not have  
25 an independent copy of disclosures that were

1 provided to the consumer at the consumer's request,  
2 other than the reinvestigation consumer disclosures?

3 A That is correct, yes.

4 Q Turn, please, to Exhibit 338-01. And I  
5 think it actually starts on Page 01 and goes through  
6 338-11.

7 A Okay.

8 Q Does this document appear to be from one  
9 of Equifax's websites concerning the reinvestigation  
10 process for a consumer?

11 A Yes.

12 Q From reviewing this document --

13 Well, does this document here, 338-01,  
14 correspond to one of the ACIS cases that were  
15 produced through Kilpatrick Stockton?

16 A Well, this actual form is -- hold on one  
17 second.

18 Yes. It corresponds with 001 through 005.

19 Q There is a number, called the research  
20 request form for disclosure number, appearing on  
21 338-01 -- do you see that -- towards the middle?

22 A Yes.

23 Q Does that number correspond to anything on  
24 the ACIS case produced as EIS001 through EIS005? If  
25 I'm -- if I'm omitting a zero, I apologize for that.

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1 It's probably three zeroes and a one.

2 A No. That's okay.

3 From my understanding, the number that's  
4 on 001 is the disclosure number. A disclosure does  
5 have a confirmation number so -- but it does not  
6 correspond -- that number does not correspond with  
7 001. It's the number that's on 340-01 that  
8 corresponds with 001.

9 Q Do you know what, I'm not seeing it.  
10 There's also a number on EIS001 at the top. At the  
11 very top on that, it says 4124018453.

12 A Right. That's -- that's what I was  
13 talking about. If you look at 340-01 -- which I  
14 guess I'm jumping ahead of you -- but that number  
15 corresponds with the number you just pointed out to  
16 me.

17 Q Oh, okay. So is it correct that 340-01 is  
18 an Equifax-produced document following the start of  
19 the investigation request which is indicated at  
20 338-01 through 338-11?

21 A Yes.

22 Q Okay. So Equifax's online system, at the  
23 end of the session by the consumer, it then provides  
24 the consumer with a reference number. And that  
25 reference number is correlated on the ACIS case that

1 you have here at EIS001 through EIS0005; correct?

2 A Yes.

3 Q Page -- or Exhibit 339-01 refers to an  
4 Equifax credit report.

5 Does that page appear to be an actual page  
6 prepared by Equifax Consumer Services online?

7 MS. GREENSTEIN: What page are you asking  
8 her about?

9 THE WITNESS: 338-02; is that right?

10 MR. STEMLER: No. I'm at 339-01.

11 THE WITNESS: I'm sorry. Hold on. Hold  
12 on.

13 MR. STEMLER: No problem.

14 THE WITNESS: Okay. I apologize. I'm  
15 back. Can you repeat your question?

16 BY MR. STEMLER:

17 Q Yes. I just was asking if this document,  
18 339-01, appears to be a genuine document prepared by  
19 Equifax Consumer Services' website?

20 A Yes.

21 Q By the way, I should have said at the  
22 beginning, Ms. Fluellen, when you or somebody in the  
23 room there needs to take a break, please let me  
24 know. We'll take a break as required for you.

25 A Okay, because I --

1 Q When you want --

2 THE WITNESS: I'm sorry. I need to take a  
3 break.

4 MR. STEPLER: Then, let's do that. At  
5 this time, also, if I could ask Ms. Greenstein  
6 if she would get those other documents so --

7 MS. GREENSTEIN: Absolutely.

8 MR. STEPLER: -- that in five minutes  
9 we'll have that.

10 MS. GREENSTEIN: Perfect. I'll go do that  
11 right now.

12 MR. STEPLER: Okay. We're going off  
13 record.

14 (Whereupon, there was a recess  
15 in the deposition.)

16 MS. GREENSTEIN: All right. I believe,  
17 Robert, that I have the entire file; so let's  
18 hope that's true.

19 MR. STEPLER: I haven't heard that  
20 Kirsten is back on the line.

21 Kirsten, are you there?

22 MS. WEAVER: Yes, I am here.

23 MR. STEPLER: Okay. Let's go ahead and  
24 start and go back on the record.

25 BY MR. STEPLER:

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1 Q Turning, please, to Exhibit 341-03 --

2 MS. GREENSTEIN: Okay. Hang on. We've  
3 got to find it. It's not in there.

4 MR. STEPLER: Just one second, please.  
5 Well, actually, let's start at 341-01.

6 MS. GREENSTEIN: Okay. Hang on. We're  
7 looking for it.

8 Where was the other -- where was that  
9 stack that you were dealing with earlier of his  
10 stuff that we -- oh. That's 337.

11 THE WITNESS: Here it is. I have it. I  
12 have it.

13 MR. STEPLER: Okay.

14 BY MR. STEPLER:

15 Q Is that an authentic copy of the results  
16 of the Equifax reinvestigation dated May 3rd, 2004?

17 A Yes.

18 Q Is it correct that this document  
19 originates in Atlanta through Equifax Information  
20 Services, LLC?

21 A Yes.

22 Q Are you able to tell, either from looking  
23 at this or from the ACIS case to which it relates,  
24 where the processing was done for the reinvestiga-  
25 tion, in particular, the maintenance?

1           A     It appears that the maintenance was done  
2     in Atlanta, and the processing -- the actual  
3     processing was done via the internet.

4           Q     So you can tell, from the ACIS case which  
5     is at exhibit -- which is at Bates No. EIS0001  
6     through EIS0005, that this is an online consumer  
7     dispute?

8           A     Yes.

9           Q     What on the ACIS case indicates that to  
10    you, please?

11          A     On 0005, team I.D., AIT.

12          Q     What does AIT mean?

13          A     I don't know what the initials mean. I  
14    don't believe they mean anything, but that is the  
15    queue in which the internet disputes are processed  
16    in.

17          Q     What other team I.D.'s might appear  
18    depending upon the -- where the reinvestigation was  
19    initiated?

20          A     There are quite a few, sir.

21          Q     Well, let's talk about each one that I can  
22    think of.

23          A     Okay.

24          Q     What if it was sent in by mail from the  
25    consumer?

1           A     Well, it's not necessarily by mail. I  
2     would have to look at it. I know NP-1, NP-2, NP-3.  
3     There are many, many different queues. Just because  
4     the queue -- it's in a particular queue doesn't  
5     necessarily mean it's by mail or by phone. I would  
6     have to look at the case. It's not that simple.

7           Q     Okay. We'll take each one as it comes.

8           A     Okay.

9           Q     Included at Exhibit 341-01 through 341-08  
10    is a consumer report, starting on Page 03.

11                   Do you see that?

12          A     Yes.

13          Q     Does that appear to be the actual credit  
14    file pertaining to Paul C. Minnick, Jr., as of May  
15    3rd, 2004?

16          A     Yes.

17          Q     And it was prepared by Equifax out of  
18    Atlanta; is that correct?

19          A     Yes, sir.

20          Q     Turn now, please, to Exhibit 342-01  
21    through 342-10.

22          A     Okay.

23          Q     Does this appear to be the authentic  
24    results from Equifax of another reinvestigation  
25    request originated by Paul C. Minnick, Jr.?



1 A Yes.

2 Q Does it correlate to any of the ACIS cases  
3 that were produced through Kilpatrick Stockton?

4 A Yes, 47 through 66.

5 Q So you're referring to Bates No. EIS0047  
6 through EIS0066?

7 A Yes.

8 Q And looking at the ACIS case that we've  
9 just discussed, EIS0047 through 66, can you tell  
10 how the dispute was lodged by the consumer?

11 A Yes. It was also lodged or initiated via  
12 the internet.

13 Q And where do you see that indication,  
14 please?

15 A 0057, where it says disclosure type, www.

16 Q There is a page that we're looking at  
17 right now, EIS0057, that refers to ACRO maintenance  
18 transaction summary.

19 Could you please explain what ACRO means?

20 A ACRO is automated credit reporting online.

21 Q Is an ACRO maintenance transaction summary  
22 prepared for every ACIS case that is processed from  
23 an online consumer dispute?

24 A Yes.

25 Q Should there be an ACRO maintenance

1 transaction summary for the other ACIS case that we  
2 reviewed appearing on EIS001 through EIS0005?

3 A Yes. And we have one. It's on 005.

4 Q There is a difference, apparently, of four  
5 days.

6 How come the format appears different?

7 A I don't know. That's one of my age-old  
8 questions. That's a technical question. I truly  
9 don't know, because if you'll notice that the -- the  
10 copy of the credit file, it's formatted differently,  
11 as well.

12 Q The other question I have is: In looking  
13 at the ACRO maintenance transaction summary on  
14 EIS0057, it appears that it refers to the online  
15 dispute that was lodged on April 18th, 2004. I  
16 believe that's the same dispute for which the ACIS  
17 case is printed at EIS0001 through 5.

18 Is that your understanding, as well?

19 A You'll have to repeat that, because I  
20 don't see a correlation.

21 Can you just restate that question,  
22 please?

23 Q Yes. In looking at EIS0001 through 5 --

24 A Uh-huh.

25 Q -- I don't see a date on which the

1 consumer dispute was received by Equifax.

2 Do you?

3 A Yes. You can tell two ways. If you look  
4 at the EIS0005, up in the left-hand corner it says,  
5 date received, May 3rd, 2004.

6 And then, also, if you look at where the  
7 consumer's name and Social Security number is, where  
8 it says comments, that also confirms the date in  
9 which it was processed.

10 So it looks as though it was -- we started  
11 the investigation and received the request for the  
12 investigation on May 3rd, 2004. On the other one,  
13 the one -- the 47, the 00047 ACIS case, that  
14 appeared to have been received and started on April  
15 18th, 2004.

16 Q Well, what I find confusing -- and maybe  
17 you have an explanation, maybe you don't --

18 A Uh-huh.

19 Q -- is that the ACIS case, as reflected on  
20 the ACRO maintenance transaction summary on EIS0057,  
21 was started in mid April and completed on May 7th,  
22 whereas, the ACIS case that is on pages EIS0001  
23 through 5 was started on May 3rd and finished on May  
24 3rd. I'm not able to reconcile how that is.

25 Perhaps, you can do a better job.

1           A     Well, those are the dates. I mean,  
2     that's -- that is -- is what's happened.

3                     It appears as though, on EIS0005, the only  
4     update that was being made was the date of birth,  
5     where we changed the year from 1952 to 1953; so that  
6     took a shorter amount of time as opposed to on the  
7     00047. Yeah, it started earlier, but there were  
8     some accounts that were being reinvestigated during  
9     that time; so that might explain why the investiga-  
10    tion that started later ended earlier.

11           Q     Okay. So your understanding, from review  
12    of the ACIS case at EIS0001 through 5, that the only  
13    thing that Mr. Minnick had requested be corrected or  
14    updated was the date of his birth?

15           A     That's correct. And if you look at that  
16    maintenance sheet summary, that's it. But if you  
17    look at the maintenance sheet summary that started  
18    on -- for the 0047 case, it starts on 0057 and goes  
19    through 00066. Those were the requests at that  
20    time.

21           Q     Okay. So just to -- just to go back to  
22    the Plaintiff's documents, is it correct that the  
23    Exhibit 342-01 through 342-10 is following the -- in  
24    response to the online dispute of April 18th, 2004,  
25    by Mr. Minnick?

1           A     No. The 341, from 1 through 10, that's --  
2     that's in correspondence to the 001 because,  
3     remember, if you look at the dates, you know, that  
4     one was closed out on May 3rd, 2004, and then the  
5     date on that letter is May 3rd, 2004.

6           So then the 342-01, you know, the date on  
7     that letter is May 7, 2004. It corresponds with the  
8     reinvestigation that is EIS0047 because it closed  
9     out on May 7, 2004.

10          Q     And the May 7 report, ACIS case, appears  
11     to be originated from a dispute online on April  
12     18th.

13          A     Yes, sir.

14          Q     Is it correct that the Exhibit 342-05  
15     through 342-10 is a reflection of Equifax's database  
16     as of that date for Mr. Minnick?

17          A     Yes. Let me just make sure that we still  
18     have the same order here. Yes, because we have the  
19     same date on the credit file, which is May 7th.

20          Q     Turning to Exhibit 343-01 through 343-19,  
21     could you verify that that is -- appears to be an  
22     actual document that originated with Equifax  
23     Consumer Services' website?

24                 MS. GREENSTEIN: Robert, hang on one  
25     second. You said through 343-19?

1 MR. STEPLER: Yes. Did you say 343-01?

2 THE WITNESS: Okay. I have -- yes. I  
3 have 343-01, but mine ends through 343-15.

4 Do I need to look at my attorney  
5 cross-eyed again?

6 MR. STEPLER: I hope you're not doing  
7 that.

8 MS. GREENSTEIN: Okay. Wait, wait, wait.  
9 Here's some more. They were a different  
10 production. Hang on. So -- okay. Hold on --  
11 I'm pulling out 343-16 through 343-19, which  
12 were in a different production for us; so hang  
13 on. I'm going to hand those to the witness.

14 THE WITNESS: Okay. I have them now.

15 BY MR. STEPLER:

16 Q Great. Have you had the chance to look at  
17 the documents from 343-01 through 343-19?

18 A Yes. I'm looking at them now. I have  
19 them.

20 Q The question, again, is: Does this appear  
21 to be a actual document processed by Equifax through  
22 Equifax Consumer Services for Mr. Minnick, a credit  
23 report dated May 10th, 2004?

24 A Yes, sir.

25 Q Does the -- do the pages 343-01 through 15

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1 appear to be an accurate representation of Equifax's  
2 database for Mr. Minnick as of the report date May  
3 10th, 2004?

4 A Yes.

5 Q On Page 343-16 through 343-19 is informa-  
6 tion referring to Mr. Minnick's FICO score.

7 A Okay. I'm sorry. Maybe the phone cut  
8 out.

9 But you asked me is this information  
10 regarding Mr. Minnick's FICO score?

11 Q Yes.

12 A Yes. It appears to be a product that  
13 Mr. Minnick purchased from it looks like myFICO down  
14 here at the bottom -- or Score Power. I'm sorry. I  
15 see Score Power.

16 Q Do you know if this is --

17 Can you tell, from looking at these pages,  
18 if this is derived from Equifax's database, if the  
19 FICO score is based on the Equifax credit data?

20 A Well, the FICO score that's purchased via  
21 Score Power is -- it's, like, a partnership. It's  
22 Fair Isaac's scoring model based on the content of  
23 the consumer's credit file in the Equifax credit  
24 report.

25 So the answer to your question is yes.

1 Q So the statement on Page 343-16 that,  
2 quote, your FICO score of 531 summarizes the  
3 information on your Equifax credit report as of May  
4 10th, 2004, period, close quote, that is an accurate  
5 statement, as far as you know?

6 A Yes, sir.

7 Q I'm sorry. Did you answer or did you say,  
8 I need some time?

9 A Oh, no. I said, yes, sir.

10 Q Okay. Thanks.

11 Are you familiar with the interrelation-  
12 ship between myFICO.com and Equifax or Equifax  
13 Consumer Services?

14 A Yes. I'm a little familiar with it, yes.

15 Q Is there a link, internet link, between  
16 the Equifax Consumer Services' website and the  
17 myFICO.com website?

18 MS. GREENSTEIN: I'm going to object just  
19 to the extent that I believe this is outside  
20 your depo Notice. But if she knows the answer,  
21 she can answer.

22 A From my understanding, there is a link.  
23 And that is as far as I understand.

24 BY MR. STEPLER:

25 Q Have you ever used personally this website



1 for yourself or somebody you know?

2 A Yes.

3 Q So does it appear that these pages here  
4 are actual pages from myFICO.com?

5 A Yes. It's familiar from what I -- I got  
6 when I went online and got Score Power.

7 Q Are you familiar with the risk assessment  
8 that appears on Page 343-16 concerning the score of  
9 531?

10 A Just from what I read when I go onto the  
11 website.

12 Q Turning now to Page 344-01 through  
13 344-05 --

14 A Okay. One moment, please.

15 THE WITNESS: I need 344-01.

16 MS. GREENSTEIN: I'm sorry.

17 THE WITNESS: Through 344-05, is that what  
18 you said, Mr. Stempler?

19 MR. STEMLER: Yes, I did.

20 THE WITNESS: Okay. I had to wake her up  
21 again. Maybe I should just take the stack.

22 Okay. I'm sorry. Here I am.

23 BY MR. STEMLER:

24 Q First of all, does 344-01 appear to be an  
25 actual page obtained from Equifax's Consumer

1 Service's website?

2 A Yes.

3 Q Do the pages that follow at 344-02 through  
4 344-03 appear to be some of the pages that  
5 originated at the same time that an order was placed  
6 for an Equifax consumer report, as reflected on  
7 344-01?

8 A Yes. I was actually going to say, it  
9 looks a little bit thinner than what I had looked at  
10 previously; so, yeah, it looks like some of the  
11 pages.

12 Q Turning to 345-01 --

13 A Okay. Yes. I have that.

14 Q -- does that appear to be an actual page  
15 of an Equifax disclosure for Mr. Minnick dated  
16 August 26, 2004, other than, of course, the hand-  
17 written notations and the fact that some of the  
18 sections are highlighted?

19 A (Witness reviews document).

20 Yes. This is the results of a  
21 reinvestigation that we sent to the consumer.

22 Q Does this result page dated August 26,  
23 2004, correlate to any of the ACIS cases that were  
24 produced with the document production by Equifax?

25 A Yes, sir. It correlates with 006 through

1 012.

2 Q Can you tell, from looking at the ACIS  
3 case at 006 through 12, what the date of the dispute  
4 was from Mr. Minnick?

5 A Yes. It's August 26, 2004.

6 Q And do you know the manner in which -- how  
7 the dispute was lodged by Mr. Minnick?

8 A From what I could tell, it's -- it appears  
9 to be a fax dispute or information that the consumer  
10 faxed. ICT processed it.

11 Q I'm sorry. I did not catch what you just  
12 said.

13 ICT is what?

14 A Oh. Processed the dispute.

15 Q So that leads you to conclude it was a fax  
16 dispute?

17 A Well, yeah. It's saying -- I tell you  
18 what concludes -- or what leads me to conclude it  
19 was a fax dispute, was that they're saying that they  
20 received bankruptcy discharge and paperwork. And  
21 ICT takes, you know, majority of phone calls; so, of  
22 course, they wouldn't receive that via a phone call.  
23 So I am at this point speculating that it was a fax  
24 or mail that was received by ICT.

25 Q So it was either fax or mail?

1           A     Yes, sir.

2           Q     And do you know where the maintenance was  
3 performed on this particular ACIS case?

4           A     It would be in Atlanta. It was later in  
5 the year, much, much later, before DDC began  
6 processing maintenance for us, if not the earlier  
7 part of this year; so I believe the majority of --  
8 or, actually, all of the cases that we have here  
9 would be processed in Atlanta.

10          Q     What is your understanding of when DDC  
11 began handling the maintenance-phase function?

12          A     It was either -- if it was in 2004, it was  
13 around December. If not, it was the early part of  
14 the year -- oh, man. That's a good question. I  
15 want to say March or April. I believe it was closer  
16 to March or April of 2005. I don't think it was any  
17 of 2004. Well, I could be wrong. I'm sorry. I  
18 need to research that date, but, anyway --

19          Q     Okay. Was a consumer report provided in  
20 connection with the August 26th disclosure? Can you  
21 tell from the ACIS cases?

22          A     No. At that time, we would send the  
23 consumer the results, a confirmation letter of --  
24 explaining the results of their reinvestigation,  
25 along with how the trade line looked, a report of

1       how the trade line looked that they were disputing.

2           Q       So the only thing that was provided on the  
3       August 26th disclosure to the consumer was the one  
4       item that was disputed?  Would that be --

5           COURT REPORTER:  I'm sorry.  I'm having a  
6       bit of a problem hearing you on here.  I'm the  
7       court reporter.

8           THE WITNESS:  No.  Your phone cut -- the  
9       phone cut off.  Okay.

10          COURT REPORTER:  Could you just restate  
11       the question?

12       BY MR. STEMLER:

13          Q       So the only item provided with the  
14       disclosure dated August 26, 2004, was the item that  
15       was disputed, being CBUSA/Sears?

16          A       Yes.

17          Q       Please take a look at Exhibit 346-01 and  
18       2.

19                 Does that appear to be an actual document  
20       prepared by Equifax for Mr. Minnick as of September  
21       9th, 2004?

22          A       Yes, sir.  I said yes.

23          Q       Does this relate --

24          A       I don't -- okay.

25          Q       I'm sorry?

1           A     No.  I was just going to say, I said yes.  
2     I don't know if my phone cut off.

3           Q     Does this appear to be based on an ACIS --  
4     or reflected in an ACIS that was produced by  
5     Equifax?

6           A     Yes.

7           Q     Which one, please?

8           A     31 through 38.

9           Q     And can you tell, from looking at the ACIS  
10    case, when the dispute was received and the manner  
11    in which the dispute was made to Equifax?

12          A     (Witness reviews document).

13                   I believe it was in the same manner as the  
14    previous case, where that we either have -- probably  
15    fax.  It was processed by ICT.

16          Q     As to the previous one, you said it could  
17    either be fax or mail?

18          A     And that stands true, too, but I believe  
19    that it's probably fax.

20          Q     And the date received seems to be  
21    indicated on EIS0037 as 8/25/2004?

22          A     Yes, sir.

23          Q     Is it correct that the maintenance phase  
24    was performed by Equifax in Atlanta?

25          A     Yes.

1 Q Exhibit 347-01 through 02, other than the  
2 handwritten notations and additional highlighting  
3 that are apparent, does this appear to be a genuine  
4 document prepared by Equifax from Mr. Minnick's  
5 credit file dated September 14th, 2004?

6 A Yes.

7 Q And to which, if any, ACIS case does this  
8 refer in the documents produced by Equifax?

9 A 39 through 46.

10 Q Could you please tell me, from your review  
11 of the documents, particularly the ACIS case, when  
12 and the manner in which Equifax received the dispute  
13 from the consumer?

14 A It looks as though it was September 14th,  
15 2004, processed by ICT, either mail or fax; but,  
16 there again, I believe it was via fax.

17 Q And, again, the maintenance was done most  
18 likely or probably in Atlanta?

19 A Yes, sir.

20 Q Turning to page -- or Exhibit 348-01  
21 through 348-06, does that appear --

22 COURT REPORTER: Mr. Stempler --

23 MR. STEMLER: I'm sorry?

24 COURT REPORTER: -- I hate to interrupt

25 again, but there -- do you have the handset up

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1 to your ear or -- because it seems like you're  
2 fading away or something, and I'm having a hard  
3 time hearing.

4 Are y'all having a hard time hearing?

5 MR. STEMLER: Are you having a hard time  
6 hearing?

7 MS. GREENSTEIN: Just the beginning of  
8 some of your sentences.

9 COURT REPORTER: Yeah. I mean, it seems  
10 like there's some problem. You get louder, but  
11 at first it's kind of faint.

12 MR. STEMLER: I'll speak up.

13 COURT REPORTER: Sorry to have to  
14 interrupt, but I want to make sure I get an  
15 accurate transcript.

16 MR. STEMLER: I would like an accurate  
17 transcript. If you can't hear anything, let me  
18 know; and I'll speak up. Perhaps, I was  
19 getting lower in voice. I apologize.

20 THE WITNESS: Okay. You asked about 348  
21 through -- or zero dash -- excuse me -- -01  
22 through 06?

23 BY MR. STEMLER:

24 Q Correct.

25 A Okay. I have that.



1 Q Does that appear to be an actual document  
2 prepared by Equifax through Equifax Consumer  
3 Services' website?

4 A Yes, sir.

5 Q And is this document, as you can -- as you  
6 view it, does it appear to be an accurate -- a  
7 reflection of the Equifax database for Mr. Minnick  
8 as of October 9th, 2004?

9 A Yes.

10 Q Exhibit 349-01 through 349-14, does that  
11 appear to be an actual document that was prepared by  
12 Equifax for Paul C. Minnick as of October 22nd,  
13 2004?

14 A Yes, sir. This appears to be a  
15 disclosure.

16 Q And do you believe that to be an accurate  
17 reflection of Mr. Minnick's credit file of Equifax  
18 at the time?

19 A Yes, sir.

20 Q Page 350, or Exhibit 350, through --

21 A Okay.

22 Q -- 350-04, 350-01 through 350-04.

23 A Okay. One moment, please. Okay. I have  
24 that.

25 Q Would you please explain what this

1 document is.

2 A It appears to be confirmation of Equifax  
3 adding a fraud alert to the consumer's credit file,  
4 along with a summary --

5 Q Is this your --

6 A -- I'm sorry -- along with the summary of  
7 rights.

8 Q Does it -- so it appears that this is a  
9 document that originated with Equifax and was sent  
10 to Mr. Minnick?

11 A Yes, sir.

12 Q Next is 351 -- Exhibit 351-01 through 16.

13 MS. GREENSTEIN: 351-01 through 06?

14 MR. STEPLER: Yes.

15 MS. GREENSTEIN: Okay. That's --

16 Do you intend to cut a document off half  
17 way? It appears to go through --

18 MR. STEPLER: 16.

19 MS. GREENSTEIN: 16. I'm sorry. Thank  
20 you.

21 BY MR. STEPLER:

22 Q Other than the cover letter by Kilpatrick  
23 Stockton, which is on pages 01 and 02, do the  
24 documents starting at 351-03 through 351-16 appear  
25 to be an actual credit report for Mr. Minnick dated

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1 March 8th, 2005, prepared by Equifax?

2 A Yes, sir.

3 Q Can you tell, from looking at this, if  
4 this is in response to an investigation request?

5 A No. This is a disclosure copy. If it was  
6 in response to a reinvestigation request, it  
7 would -- the cover letter would read thank you -- or  
8 please find enclosed the results of your investiga-  
9 tion.

10 Q Can you tell, from looking at this or  
11 looking at the cover letter that was included at  
12 351-02, how this Equifax credit report -- why this  
13 credit report was prepared for Mr. Minnick?

14 A (Witness reviews document).

15 Well, evidently, at this particular point  
16 in time, we received notice of a lawsuit. And it's  
17 our attorney's attempt to -- along with Equifax, to  
18 get a copy or -- to the consumer so we can try and  
19 resolve the issues that were brought forth during  
20 the lawsuit.

21 Q Do you know if an ACIS case would have  
22 been generated in connection with either the lawsuit  
23 or this credit report?

24 A I don't recall seeing an ACIS case during  
25 this time in my research.

1 Q Do you have a record of all the ACIS cases  
2 for Mr. Minnick since January 1st, 2004?

3 A Yes, and they would -- they would show on  
4 the disclosure copies.

5 Q So is it correct that all of the ACIS  
6 cases are appearing at EIS0001 through EIS0066?

7 A Yes, sir.

8 Q That's the only ACIS cases prepared by  
9 Equifax, are for responses that were generated on  
10 May 3rd and May 7th, 2004, August 26, 2004,  
11 September 9th and September 14th, 2004?

12 A Yes.

13 Q Exhibit 352-01.

14 A Okay. One moment, please. Okay. I have  
15 that.

16 Q Do you know if Equifax received this fax  
17 approximately August 24th, 2004?

18 A It may be in reference to some of those  
19 ACIS cases that we've seen.

20 MR. DONSBACH: This is Paul Donsbach.

21 Can you read the question back?

22 (Thereupon, the designated  
23 portion was read back by the  
24 court reporter.)

25 MR. DONSBACH: Thank you.

1           A     Yeah. I believe, if I'm not mistaken,  
2     that it may be in correspondence to the ACIS case in  
3     the documents 0031 through 0038.

4     BY MR. STEMLER:

5           Q     Does Equifax retain faxes that are  
6     received concerning a reinvestigation from a  
7     consumer?

8           A     Yes. That would be retained -- I believe  
9     it was processed by ICT and sent to ICT. We should  
10    have a copy of that. Yes, sir.

11          Q     Do you know if your attorneys were given a  
12    copy of the documents that received -- if documents  
13    were received by fax, from Mr. Minnick dated August  
14    24th, 2004?

15          A     I don't believe they were. To be honest,  
16    I just realized that these were fax disputes. When  
17    I saw ICT, I assumed they were phone. So I don't  
18    know -- and I'll have to take the brunt of this. I  
19    don't know if my office has requested that fax from  
20    ICT.

21          Q     Let's talk about Exhibit 353-01.

22                    Can you tell, either from looking at the  
23    ACIS cases or other documents that you may have, was  
24    this document received by Equifax on approximately  
25    August 26, 2004?

1           A     Okay.  One moment.

2                     (Witness reviews documents).

3           Okay.  What I'm doing is -- it's probably  
4 going to take me a second.  I have to go back  
5 through these documents that we were looking at  
6 earlier because -- I'm going back through.  I don't  
7 know if you remember when I was saying that, you  
8 know, it was probably mail or fax.  But seeing these  
9 faxes is definitely confirming my initial reaction,  
10 was it was fax; so I've got to match up these faxes  
11 to these previous ACIS cases.

12           Q     Take your time.

13           A     Okay.  Okay.  What I believe has happened  
14 here is, if you look at 0037, they're making  
15 reference to receiving -- I believe that says same  
16 Nelnet's fax.

17                     I have three dates within this ACIS case.  
18 I have the August 25th, and then I have another  
19 reference to a fax received on August 26, and then I  
20 have another fax in reference -- or I have another  
21 date in reference to a fax received on August 27th.

22                     So within this case, I have quite a few  
23 reference to faxes that were received or documents  
24 that were received.  It's not saying faxes -- well,  
25 some do say faxes, but, anyway --

1 Q So it appears to you that there was a call  
2 or there was a contact, either fax or mail, on  
3 August 25th, and then there was a subsequent contact  
4 or fax on August 26th?

5 A Yes. If you look at -- I don't know if  
6 you're looking at 0037 or not. But if you go down  
7 to where you see the consumer's address, there are  
8 some notes there. And if you look to the right,  
9 that's when the dates are recorded for those notes.

10 Q Yes. I see what you're talking about.  
11 Under the comments?

12 A Yes, sir.

13 Q Below his address?

14 A Yes, sir. So I have three different dates  
15 in which they're making reference to receiving  
16 documents.

17 Q Have you ever heard of a part of Equifax  
18 called Team 2? It's referenced on Exhibit 353-01.

19 A Yes. I do know that our customer-service  
20 teams break up or -- break up into teams so that  
21 when the consumer makes reference to speaking to  
22 someone or the consumer wants to have the agent  
23 identified of who they spoke to, they'll say, you  
24 know, I'm on Sherry Team 2 or I'm on Alicia Team 4  
25 so that if there was any question, they know who to

1 go to.

2 Q So in this particular instance, the team  
3 leader is referenced; so it would be -- they would  
4 have said it was Sherry at Team 2.

5 That wouldn't have been the individual  
6 customer-service representative?

7 A It could have been or it could have been  
8 the team leader, if, you know, the team leader took  
9 the call or came in on the call.

10 Q Do you recognize the fax number (866) --  
11 or do you recognize the number as being a fax for  
12 Equifax, (866) 244-1477, which appears at the top of  
13 Exhibit 353-01?

14 A To be honest, we have a couple of fax  
15 numbers. I don't have them committed but -- to  
16 memory, but I would assume that it is a Equifax fax  
17 number. I shouldn't, but I don't --

18 Q Would you recognize also as a fax number  
19 the one that appears in the line for fax on this  
20 cover sheet of (866) 491-0294?

21 A I'd better double check. I really -- I'm  
22 sorry. I just don't have those fax numbers  
23 committed to memory. They change, and they  
24 certainly have changed since 2004 so --

25 Q Turning to page -- Exhibit 354-01.



1           A     Okay.

2           Q     Is there a way for you to tell if this fax  
3 was received by Equifax from Mr. Minnick?

4           A     (Witness reviews documents).

5                     This has a lot of the same information  
6 from the previous faxes that we received.  Actually,  
7 it looks like the same letter.

8           Q     It is very similar.

9           A     Yeah.  It's very similar.  The only thing  
10 I can say is, I see the notes that reference to the  
11 same things that this particular letter says, which  
12 leads me to believe that we did receive at least  
13 one, if not both, of them.

14                   MR. STEPLER:  Could we go off the record  
15 for a moment?

16                   MS. GREENSTEIN:  Sure.

17                                     (Whereupon, there was a recess  
18 in the deposition.)

19 BY MR. STEPLER:

20           Q     Turning, please, to page -- or Exhibit  
21 355-01.

22           A     Okay.

23           Q     It's a fax dated August 27th.

24                     Do you know if Equifax received that on or  
25 about August 27th?

1           A     One moment, please.  Let's see here.  I'm  
2     sorry.  I put the documents down when I went to the  
3     restroom, and I've got to pick them back up.  All  
4     right.  Here we go.

5                     (Witness reviews document).

6                     Did the consumer fax it twice?

7           Q     You said did the consumer fax what?

8           A     No.  I was just making mention to -- well,  
9     Amy had given me all the other ones; so I was  
10    looking -- kind of looking ahead.  I saw the result  
11    as being an error on 355-02.

12          Q     Oh.  Yeah.  Maybe there was a problem.

13                     Do you see that number that appears on  
14    355-01 as a confirmation number?

15          A     Uh-huh, yes.  I see it.

16          Q     Does that number relate to any of the ACIS  
17    case numbers that have been produced by Equifax or  
18    some other number?

19          A     Hold on.  Let me try and find the best way  
20    to answer that.  Now, it could be also a disclosure  
21    number that the consumer got on the credit file --  
22    on the -- on the internet because they have numbers,  
23    as well.

24                     I don't at this time see a ACIS case  
25    number that relates to that, but I bet if I -- I

1 might -- I don't know, if I'd go back and look at  
2 the credit reports, if I'd see that same number. I  
3 don't see a ACIS case number.

4 Okay. Was there another question on the  
5 table that I didn't answer?

6 Q No.

7 A Okay.

8 Q I was just seeing if I could find that  
9 number, but it probably will take too long.

10 Exhibit 356-01, there is an attachment  
11 referring to an error in transmission.

12 But can you tell me, from looking at the  
13 ACIS case, whether Equifax received this fax?

14 A Okay. Let's see. I'm looking at that  
15 same ACIS case. And I see on August 27th, they said  
16 they received the same Nelnet fax. And then on  
17 September 8th, 2004, they're saying something about  
18 receiving cover page NND. That's all I see right  
19 there in reference to the faxes. Hold on.

20 And we also talked about, on 0006 through  
21 00012, they received the -- what I thought was a fax  
22 at the time we first discussed this case number --  
23 or -- on August 26.

24 Q So it's hard to know specifically,  
25 assuming that the fax was re-sent by Mr. Minnick,

1       which of these faxes around August 26 and August  
2       27th relate to the ACIS cases?

3           A     Yes.  But I will tell you this, though,  
4       because I really just -- it just clicked today that  
5       these are faxes and not phone calls.  And it truly  
6       is my fault.  But I can immediately, you know, have  
7       my office request these from ICT to know exactly  
8       what they received.

9           Q     That would be appreciated if --

10           MS. GREENSTEIN:  We will, of course,  
11       produce them once we receive them from her  
12       office.

13           THE WITNESS:  I truly believe this was my  
14       fault.  I'm sorry.

15       BY MR. STEMLER:

16           Q     Thank you.  Turning to Exhibit 357-01, a  
17       September 9th fax, can you tell from the ACIS cases  
18       whether Equifax received this cover sheet and the  
19       associated documents?

20           A     Yes.  One moment.

21                   (Witness reviews documents).

22                   Now, I believe this one is a result of the  
23       ACIS case 0039 through 0046.

24           Q     Even though the fax is dated September 9th  
25       and the ACIS case seems to indicate a dispute of

1 September 14th?

2 A Yes, a five-day processing. That's right.

3 Q Let's go back, please, to Exhibit 337-04.

4 A I have it. Okay. Yes. I have that.

5 Q Do you see the references to Nelnet LNS?

6 A Yes.

7 Q And in the column to the -- the next-to-  
8 the-last column from the right, do you see it says,  
9 for each of those Nelnet accounts, 120-plus days  
10 past due?

11 A Yes. I see that.

12 Q Looking at the heading, which appears at  
13 the bottom of Page 337-03, does it seem correct to  
14 you, in reviewing these documents, that the column  
15 in which 120-plus days past due is the account  
16 status column?

17 A Yes, sir.

18 Q What would be the source of that account  
19 status field?

20 A That would be information received from  
21 the data furnisher.

22 Q In this case, Nelnet; correct?

23 A Yes.

24 Q Is there any way that Equifax would have  
25 added that notation to these trade lines had Nelnet

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1 not provided the information to Equifax?

2 A No. I can't think of a circumstance in  
3 which we would.

4 Q What about the column -- two columns to  
5 the left of that, which refers to 02/2002?

6 Is that the date reported by Nelnet of  
7 those accounts?

8 A For some reason, I don't see that.

9 Q See the column with 120-plus days past  
10 due?

11 A Okay. Yes, sir. I'm sorry. I do see  
12 that now.

13 That is the date reported.

14 Q So is it correct that that was the last  
15 time that Nelnet provided the information about this  
16 account to Equifax?

17 A Well, yes, as of the -- as of the date of  
18 that report, yes.

19 Q Turning to pages 337-06 at the bottom,  
20 which seems to continue on to the top of 337-07.

21 Does that appear to be a more complete  
22 representation of one of the Nelnet accounts  
23 reported by Nelnet concerning Paul Minnick?

24 A Yes. If I'm not mistaken, what you can do  
25 on the internet is expand the trade line and get

1 more information. And it appears as though that's  
2 what's been done here.

3 Q So online the consumer has several  
4 options, one of which is the columnar format that  
5 appears on 337-03 through 04 or a more detailed  
6 format, which starts on 337-05 and continues on?

7 A Yes. That's what it appears here, yes.

8 Q Is the information the same with respect  
9 to the -- the account status, that these four  
10 accounts reported by Nelnet Loan Services is  
11 120-plus days past due?

12 A Yes. That's the same.

13 Q There's also a box on pages 337-07 and  
14 337-08 for the high credit of these Nelnet accounts.

15 Do you see that box?

16 A Yes.

17 Q Do you know what information is provided  
18 when Equifax reports the box for high credit?

19 A Normally, for an installment allow -- an  
20 installment account, it is the loan amount.

21 Q And, also, that information has with  
22 the -- the account status field originated with  
23 Nelnet at the time -- correct -- or, actually, from  
24 February 2002?

25 A I'm sorry. I didn't follow that.

1           Q     Is it correct that this -- that  
2     information originated from Nelnet from February  
3     2002?

4           A     I'm not sure when it originated, but I'm  
5     showing the date reported as February of 2002, the  
6     last date reported.

7           Q     How does that relate to the last  
8     information --

9                     Well, how does that relate to this  
10    particular account reporting by Nelnet, that field  
11    of February 2002?

12          A     I mean, that field represents the last  
13    time we received information from the data  
14    furnisher.

15          Q     Regarding this account?

16          A     Regarding any account. I'm just going  
17    over the date reporting; but, yes.

18          Q     Well, I mean, isn't it possible that  
19    Nelnet has reported other account information for  
20    other consumers since February 2002?

21                     MR. DONSBACH: Objection, calls for  
22    speculation. This is Paul Donsbach.

23          A     Well, I guess I should go back to the  
24    previous question, when you're saying for that  
25    account.



1                   When we're looking at a specific trade  
2     line, then, yes, the answer is yes. For that  
3     account, that is the last date that we received  
4     information.

5     BY MR. STEMLER:

6           Q     Going to Page 338 --

7           A     You mean Page 8?

8           Q     No, 338 --

9           A     Oh, okay. I'm sorry. That's a whole  
10    nother document now. Sorry.

11           THE WITNESS: Oh, I have it.

12           MS. GREENSTEIN: You do have it?

13           THE WITNESS: Uh-huh.

14           A     Okay. I'm sorry. I have it.

15    BY MR. STEMLER:

16           Q     I'm trying to find the Nelnet accounts  
17    that were disputed by Mr. Minnick on these pages.  
18    Okay. I believe that the Nelnet accounts start on  
19    Page 338-06 at the bottom -- you see the -- it has  
20    student loan assigned to government -- and continues  
21    on through Page 338-08. The account number was  
22    redacted because it includes a -- includes a Social  
23    Security number as part of the account number.

24                   For some reason, the credit-grantor box  
25    does not appear to be filled in on the printout that

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1 Mr. Minnick obtained.

2 Does it appear that these are the Nelnet  
3 accounts that were reported on the credit report  
4 that we just saw at 337?

5 MR. DONSBACH: Objection, calls for  
6 speculation.

7 A Let me get that out. Okay?

8 (Witness reviews document).

9 Well, to be really honest, since the  
10 account numbers have been redacted, it's really kind  
11 of hard to tell. The only thing that I can match up  
12 are the comments that the consumer made in the  
13 boxes.

14 BY MR. STEMLER:

15 Q Can you find those comments appearing on  
16 any of the ACIS cases that have been produced by  
17 Equifax?

18 A I'm looking at 0062. And starting with  
19 the Nelnet loan, at the very bottom of that block of  
20 information, it says FCRA comments. And it just  
21 matches what's here for the student loan assigned to  
22 government. That's all I could match it up to.

23 Q Okay. So looking at the ACIS case for May  
24 7th, 2004, are the Nelnet disputes reflected on the  
25 bottom of Page EIS0062 and going to the top of

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1 EIS0065?

2 A Yes.

3 Q At the bottom of 0062, where it says FCRA  
4 comments, quote, I have all documentation on this  
5 loan from inception to payoff. I have never been  
6 late on this loan period. Records available upon  
7 request, period, close quote.

8 Is that what Mr. Minnick entered into the  
9 Equifax dispute -- the online dispute of the form?

10 A Well, I see part of that on Page 338-07  
11 through 08, and that is what the consumer does enter  
12 in.

13 Q That appears to be the same comments at  
14 the bottom of EIS0062 for Nelnet's account and on  
15 0063 for the Nelnet account there and 0064 for that  
16 Nelnet account and 0065, or the top part of that,  
17 for the Nelnet account; is that correct?

18 A Yes, sir.

19 Q Is that comment directly communicated to  
20 Nelnet once the consumer is complete making their  
21 disputes online?

22 MR. DONSBACH: Can you read that back,  
23 please.

24 (Thereupon, the designated  
25 portion was read back by the

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1 court reporter.)

2 MR. DONSBACH: Objection, vague and  
3 ambiguous, unintelligible.

4 A The FCRA comments that are a part of the  
5 dispute are also part of the consumer-dispute  
6 verification form. They're there under the FCRA  
7 relevant comments section.

8 MR. STEPLER: Move to strike as  
9 nonresponsive.

10 BY MR. STEPLER:

11 Q I wanted to find out if the information in  
12 that -- that appears as FCRA comments was  
13 communicated directly to Nelnet as part of the  
14 reinvestigation process of these four accounts?

15 A Yes. My previous answer stated so, yes.

16 Q And can you tell, from reading, how Nelnet  
17 responded on the first trade line that appears --  
18 well, the disputed account on EIS0062?

19 A Verified as reported.

20 Q So is it correct, from your reading of the  
21 ACRO maintenance transaction summary, EIS --  
22 EIS0062, that Nelnet verified this individual  
23 account as being accurately reported with 120-plus  
24 days late?

25 MR. DONSBACH: Objection, no foundation

1           and calls for speculation.

2           THE WITNESS: Do I answer?

3           MS. GREENSTEIN: Yeah --

4           THE WITNESS: Oh, okay.

5           MS. GREENSTEIN: -- if you can.

6           A     Well, the response to the reinvestigation  
7     request was that it was verified correct as  
8     reported.

9     BY MR. STEMLER:

10          Q     Did Nelnet verify the account as 120-plus  
11     days late on or about April 26, 2004?

12          A     Yes. That status was verified.

13          Q     Turning your attention, please, to  
14     EIS0063. Well, let's go back one more time to  
15     EIS0062.

16                 Can you tell the account number of the  
17     Nelnet loan appearing on that page?

18          A     5639285.

19          Q     Is there any way to tell what the last  
20     digits are, because there are some digits at the end  
21     which -- that's part of Mr. Minnick's Social  
22     Security number, and the last digit varies for the  
23     account number.

24                 Is there any way to tell what the last  
25     digits are?

1           A       (Witness reviews documents).

2                    Okay.  This account number is on Page 50,  
3   0050, 5632 -- excuse me -- 56392856103.

4           Q       Okay.  So it's -- this account appears, as  
5   you understand it, at the bottom of EIS0049 and  
6   continuing at the top of EIS0050?

7           A       Yes.

8           Q       And it's the one -- the account with the  
9   digit ending in 03 -- or the two digits ending in  
10  03; correct?

11          A       Yes.

12          Q       It appears also -- is that correct -- that  
13  the original balance reported by Nelnet is the same,  
14  11,728; is that correct?

15          A       Yes.

16          Q       Turning to the next page, EIS0063, and the  
17  Nelnet account reported there, is it correct that  
18  the account reported on this page by Nelnet has an  
19  original balance of \$10,000?

20          A       Yes.

21          Q       Does it also correlate to the account  
22  reported or appearing on EIS0050 and ending with 01  
23  at the top of that page or towards the top of that  
24  page?

25          A       Yes.

1           Q     How did Nelnet respond to the verification  
2 request with respect to this account, which I will  
3 call 01?

4           A     Verified as reported.

5           Q     So is it correct that Nelnet verified on  
6 April 26, 2004, that this account 01 was correctly  
7 reported with 120-plus days late?

8           A     Yes.

9           Q     Do you know, with respect to account 01,  
10 the manner used by Nelnet to respond to the  
11 reinvestigation request?

12                   MR. DONSBACH: Objection, calls for  
13 speculation, no foundation.

14           A     E-OSCAR. It was a automated E-OSCAR  
15 response.

16 BY MR. STEMLER:

17           Q     How can you tell that from looking at any  
18 of these documents, that it was using E-OSCAR?

19           A     The log-in that's next to the response is  
20 EOS, and that's a automated response.

21           Q     Which page are you actually viewing when  
22 you say -- oh, I see.

23                   Is it EOS on Page EIS0063?

24           A     Yes.

25           Q     The comment next to that date of 4/26/04

1 and the EOS is VER correct as reported.

2 Does that mean verified correct --  
3 correctly as reported?

4 A Yes.

5 Q What is the comment directly above that  
6 line VER correct as reported? What is that informa-  
7 tion?

8 A That is the comment that was sent as to  
9 what the consumer was disputing.

10 Q Is that -- was that comment forwarded to  
11 Nelnet?

12 A Yes.

13 Q Was it forwarded to Nelnet on April 18th,  
14 2004?

15 A Yes.

16 Q Was it forwarded in addition to the FCRA  
17 comments that appear on that page?

18 A Yes.

19 Q Who typed in or controls that comment,  
20 quote, disputes current/prev status/M, as in Mary, O  
21 P, as in Peter, space RAT./PAYM pattern, close  
22 quote?

23 Who entered that information?

24 A When the consumer checked off, I have  
25 never paid this account late, that is what was



1 translated to the credit grantor.

2 Q Is that done automatedly (sic) or is that  
3 done by somebody at Equifax or one of its  
4 contractors?

5 A No. It's done in an automated fashion.

6 Q So it translates portions of the FCRA  
7 comments into these other comments and also go to  
8 the furnisher along with the FCRA comments?

9 A Well, it will -- it won't translate the  
10 comments. It will transmit the comments that the  
11 consumer free-forms in directly. And then as the  
12 consumer is checking off one of the boxes, it will  
13 translate it into a standardized dispute.

14 Q Oh. So these refer, going back to our  
15 Exhibit 338-07, to a box that was checked on the  
16 online form?

17 A Yes, sir.

18 Q So Mr. Minnick checked the box that says,  
19 I have never paid this account late, and that's how  
20 that is forwarded to -- that's how that comment is  
21 forwarded to Nelnet?

22 A Yes, sir.

23 Q Looking at EIS0064 -- and we're going to  
24 break in a few minutes because I know it's almost  
25 noon your time -- this is a Nelnet loan that had

1       been reported with an original balance of 6,722.

2                   Can you tell, from looking at the other  
3       pages of this ACIS case, which account number that  
4       is?

5           A       You want me to give the full account  
6       number or the last three?

7           Q       It is the last two digits, actually.

8           A       Okay. 04.

9           Q       And after receiving the verification  
10       request from Equifax, how did Nelnet respond to  
11       this -- to Nelnet account 04?

12          A       They enter it was verified correct as  
13       reported.

14          Q       So is it correct that it verified that 04  
15       was correctly reported having a 120-day-plus late-  
16       payment history?

17          A       Yes, sir.

18          Q       And their response -- the response from  
19       Nelnet was received by Equifax on April 26th, 2004?

20          A       Yes.

21          Q       I just have one more question, and we'll  
22       conclude for the morning.

23                   Turning to Page EIS0065, that's the Nelnet  
24       loan having an additional balance of 8,500 -- is  
25       that correct -- reporting as having --

1           A     Well, I was going to say, that's not the  
2     balance spot. That's the high-credit loan amount.

3           Q     Original amount?

4           A     Yes, sir, 8,500.

5           Q     Following the verification request from  
6     Equifax to Nelnet, how did Nelnet respond to  
7     Equifax?

8           A     It's verified as reported.

9           Q     So is it correct that Nelnet verified to  
10    Equifax that the prior paying history of 120-days-  
11    plus late was accurate for account 02?

12          A     Yes.

13          Q     It says on EIS0065, I-5 with respect to  
14    the Nelnet loan.

15                    Do you see that?

16          A     Yes.

17          Q     What does that I-5 indicate to you?

18          A     The I is installment, and the five is --  
19    refers to 120 days past due.

20          Q     Is that on a scale, such as, zero through  
21    nine? Zero through ten? One through --

22          A     Yes, yes.

23          Q     What is the scale?

24          A     I was going to say sort of, but it doesn't  
25    go through ten.

1 Q What is the top of the scale as far as  
2 best for a particular account such as an installment  
3 account?

4 A An installment account, the best would be  
5 paid as agreed, which would be one.

6 Q And what is the worst?

7 A The worst would be, as some consider, it  
8 would be charged off, which would be a nine.

9 Q And this is in the middle because it's  
10 120-days-plus late but not a charge-off or a  
11 collection account; is that correct?

12 A Well, a five can be considered as a  
13 collection account.

14 MR. STEPLER: Okay. Well, why don't we  
15 break at this juncture and reconvene at 1:00  
16 o'clock Atlanta time.

17 MS. GREENSTEIN: Okay.

18 (Whereupon, there was a lunch  
19 recess in the deposition.)

20 BY MR. STEPLER:

21 Q Okay. Ms. Fluellen, let's turn to Exhibit  
22 341-06.

23 A Okay. One moment. Let me refamiliarize  
24 myself with the order of this --

25 MS. GREENSTEIN: Is that something we've

1 looked at previously?

2 MR. STEPLER: No.

3 MS. GREENSTEIN: Oh, okay.

4 THE WITNESS: Oh, okay.

5 MR. STEPLER: I mean, we looked at it  
6 this morning.

7 MS. GREENSTEIN: Yeah. That's what I  
8 mean, because we have that stuff in a different  
9 pile.

10 MR. STEPLER: Okay. It was looked at --  
11 it was reviewed this morning.

12 THE WITNESS: Okay. I have it.

13 BY MR. STEPLER:

14 Q You have Page 341-06?

15 A Yes, sir.

16 Q And is it correct that that is the  
17 sixth -- the sixth page of an eight-page consumer  
18 report prepared by Equifax for Paul C. Minnick, Jr.,  
19 dated May 3rd, 2004?

20 A Yes.

21 Q Do you see on the Nelnet trade lines where  
22 it says additional information in bold?

23 A Yes.

24 Q After the -- well, I said bold. I meant  
25 upper case.

1                   And after the upper-case additional  
2                   information, it then says, consumer disputes,  
3                   hyphen, reinvestigation in process.

4                   What is the source of that additional  
5                   information?

6                   A       That would be Equifax. I believe during  
7                   this time period, we had a couple of reinvestiga-  
8                   tions going on at the same time. I believe the one  
9                   that this may be reference to is the one that  
10                  started on April 18th, 2004.

11                  Q       So other than that additional information  
12                  and the information that follows, the comment that  
13                  follows, as to the four Nelnet accounts that appear  
14                  on Exhibit 341-06, is the source of all the -- all  
15                  of the other information, Nelnet Loan Services?

16                  A       Yes.

17                  Q       So just to verify, as to each of those  
18                  accounts, it says current status has been over 120  
19                  days past due.

20                  Is that -- is that information provided by  
21                  Nelnet Loan Services?

22                  A       Yes.

23                  Q       In the times that you've had your  
24                  deposition taken for Equifax, have any of those  
25                  cases, as you can recall, involved Nelnet Loan

1 Services or any organization named Nelnet?

2 MS. GREENSTEIN: Objection.

3 MR. DONSBACH: Objection, beyond the scope  
4 of discovery, not reasonably calculated.

5 MS. GREENSTEIN: And I believe beyond the  
6 scope of the 30(b)(6) Notice.

7 A Not that I can recall.

8 BY MR. STEMLER:

9 Q Turning now to Exhibit 342, it says on --

10 A Oh, wait a minute. I'm sorry. I don't  
11 have it.

12 MS. GREENSTEIN: We're looking for it.

13 MR. STEMLER: 342.

14 THE WITNESS: Okay. I have it now.

15 BY MR. STEMLER:

16 Q It references on Page 342-02 four trade  
17 lines referenced as UNIPAC at 3015 S. -- which  
18 probably stands for South -- Parker Road, Aurora,  
19 Colorado, 80014-2904.

20 Do you know if that is the same company as  
21 Nelnet?

22 MR. DONSBACH: Objection, no foundation,  
23 calls for speculation.

24 A I don't have firsthand knowledge of that,  
25 no.

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1 BY MR. STEMLER:

2 Q Do you know what the subscriber number is  
3 for the company called UNIPAC?

4 A No.

5 Q Would that be on any of the ACIS cases  
6 that may relate to this credit report from Equifax  
7 dated May 7th, 2004, concerning Atlanta?

8 A No.

9 Q So the subscriber number does not appear  
10 anywhere on EIS0047 through EIS0066?

11 A No, it doesn't.

12 Q Turning again to 342-07 and -08.

13 A One moment, please. Okay. I have that.

14 Q In reporting accounts that have late pays  
15 or collection in their -- in their trade line, is  
16 there a way that Equifax, in the consumer report,  
17 shows that separately from the other accounts, other  
18 than just reporting that information in the trade  
19 line?

20 A I'm sorry. I'm not following that  
21 question.

22 Q Well, for example, in other credit reports  
23 by other bureaus, such as, Experian and I believe  
24 also TransUnion, they have a separate way of  
25 indicating items with a native connotation, such as,

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1 late pays or collection accounts. They show them,  
2 perhaps, in a separate section or they distinguish  
3 them some way.

4 Does Equifax have a similar characteriza-  
5 tion of such accounts on the credit report?

6 A If I recall correctly, on the Equifax  
7 Consumer Services' website, they are categorized  
8 according to certain categories.

9 Q What categories do you recall? I mean, if  
10 you want to look back at the Equifax report that  
11 Mr. Minnick obtained from Equifax Consumer Services,  
12 such as, the one at 337 --

13 A (Witness reviews document).

14 Well, I'm looking at 337-13. And they're  
15 categorized as open accounts, closed accounts. And  
16 it goes so on and so forth through 15, where they  
17 have accounts categorized in certain categories.

18 Q But a closed account under this  
19 categorization may also include accounts that were  
20 closed without any adverse indications; correct?

21 A It looks as though they have both types of  
22 accounts, that were paid as agreed and charged off  
23 as closed.

24 Q So getting back to Exhibit 342-07, please  
25 take a look at the first -- the first Nelnet account

1       which appears on that page.  And the distinction  
2       is -- the one that I want you to see is the one that  
3       had a high-credit balance of 11,728.

4                       That's the first account?

5           A     Yes.

6           Q     I don't know if it's account one or not,  
7       but that's just the first one appearing on this  
8       page.

9           A     Okay.

10          Q     The current status indicated is over 120  
11       days past due.

12                    Is that information reported by Nelnet?

13          A     Yes.

14          Q     And then there's additional information  
15       which says -- there's an additional-information area  
16       which then says, student loan assigned to  
17       government, semicolon, account transferred or sold,  
18       semicolon.

19                    Do you know what the source of that  
20       additional-information field is?

21          A     That would be provided by the data  
22       furnisher, by the credit grantor.

23          Q     So in this particular account instance,  
24       that would be Nelnet Loan Services?

25          A     Yes.

1           Q     Is the same true for the next account on  
2     that page, which had a high-credit balance of  
3     \$10,000?

4           A     Yes.

5           Q     Turning now to Page 342-08.

6           A     Okay.

7           Q     Looking at the first account on that page,  
8     which is the Nelnet Loan Services high-credit  
9     balance of 6,722.

10                   Who provided the information that says,  
11     current status, over 120 days past due?

12                   MR. DONSBACH:  Objection, no foundation,  
13     calls for speculation.

14           A     The current status is provided by the data  
15     furnisher.

16     BY MR. STEMLER:

17           Q     In this case, that would be Nelnet Loan  
18     Services; correct?

19           A     Yes.

20           Q     There's a field there which says type of  
21     loan and then the field that's filled in with  
22     education loan.

23                   How come the -- that particular field  
24     doesn't appear on the loans on the preceding page  
25     for Nelnet?

1           A     That information wasn't provided for those  
2     loans.

3           Q     And at the end of that account that we're  
4     viewing at the top of Page 342-08, there's  
5     additional information which says, account closed at  
6     consumer's request, semicolon, collection account,  
7     semicolon, charge-off, hyphen, check presented was  
8     uncollectible, semicolon.

9                     What is the source of that additional  
10    information on this trade line?

11          A     From what I could tell, the reports that  
12    were entered or the reinvestigation that was  
13    completed during that time, that was a E-OSCAR  
14    response. And I just want to double check that that  
15    was provided via E-OSCAR -- one moment, please --  
16    from the credit grantor.

17                     (Witness reviews documents).

18          Q     What does it mean in that box for that  
19    account where there's a one under months reviewed?  
20    I believe that's what the words mean, MNTHS REVD.

21          A     The months reviewed is technically meant  
22    or defined as the number of accounts -- or the  
23    number of times an account was reviewed for late-  
24    payment history, but the one there is information  
25    that's provided from the data source.

1 Q On the previous -- loans on the previous  
2 page, 342-07, the two Nelnet Loan Service accounts  
3 that appear on that page say months reviewed, 58.  
4 And the other one says months reviewed, 70.

5 Do you see those?

6 A I do see that.

7 Q As to those two loans, how would you  
8 interpret those two --

9 COURT REPORTER: I'm sorry. What was the  
10 last thing?

11 BY MR. STEMLER:

12 Q How would you interpret those two fields?

13 A I mean, as the number of months that were  
14 reviewed.

15 Q Meaning what?

16 A I guess Nelnet would have to be the one to  
17 explain that. I don't know.

18 Q There isn't a -- there isn't a standard  
19 meaning for that particular field?

20 A Right. That's what I explained earlier.

21 Q I guess I didn't quite understand the  
22 prior explanation.

23 A Yes. The technical definition of months  
24 reviewed would be the number of times that the  
25 credit grantor reviewed the account for late

1 payments, if that's the definition that Nelnet used.  
2 I mean, I don't know. But that's what it means, and  
3 we see 58 here.

4 Q So the meaning, as you understand it,  
5 technical meaning for that field, is the number of  
6 months that somebody paid late?

7 A No, no, that the -- that the credit  
8 grantor reviewed the account.

9 Q So would it be the number of months that a  
10 person had an opportunity to make payments on a  
11 particular account?

12 A No. It doesn't have anything to do with  
13 the payment history. It's the number of times the  
14 credit grantor reviewed the account. It would be an  
15 internal thing for the credit grantor.

16 Q Okay. So if on the next page it means --  
17 it says one month reviewed, that means it was only  
18 one time that Nelnet reviewed the account for a late  
19 payment?

20 A And that's the technical definition, yes.

21 Q The next Nelnet Loan Service account on  
22 Page 342-08 has the high-credit balance showing of  
23 \$8,500.

24 Is it correct that the additional  
25 information that appears for that account of, quote,

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1 account closed by consumer, semicolon, collection  
2 account, semicolon, student loan assigned to  
3 government, semicolon, close quote, was provided by  
4 the furnisher, Nelnet Loan Services?

5 A Yes.

6 Q Is that a yes?

7 A Yes. That was a yes.

8 Q Okay. Please turn to Page 343-05 through  
9 343-07.

10 A Okay. One moment. Okay.

11 Q The first item of information -- the first  
12 account is on 343-05, the Nelnet Loan Services  
13 account. That's what I mean you to view.

14 It shows, in the rate or status box,  
15 120-plus days past due.

16 Was that information provided to Equifax  
17 from Nelnet Loan Services?

18 A Yes.

19 Q And in the comments section, it says  
20 student loan assigned to government.

21 Was that also provided by Nelnet Loan  
22 Services?

23 A Yes.

24 Q In the box months reviewed, it says 58.

25 But then there's a larger box below it that takes up

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1 the full width of the page that says, no 24-month  
2 payment data available for display.

3 Is there any way to reconcile the meaning  
4 of 58 months reviewed compared to no 20-month -- no  
5 24-month payment data available?

6 A No. There is no way to reconcile that.  
7 The 24-month payment-history grid would be here, and  
8 that would signify if there were any late payments  
9 that were reported to Equifax within the previous 24  
10 months and the actual date and the time limits of  
11 that payment. The months reviewed is independent of  
12 that.

13 Q And looking at the very bottom of 343-05,  
14 which seems to continue to the top of 343-06, Nelnet  
15 Loan Services account, it had a high balance or high  
16 credit of \$10,000, that 120-plus days past due also  
17 originated from Nelnet Loan Services?

18 A Yes.

19 Q And the comment about student loan  
20 assigned to government, that's also originated from  
21 Nelnet Loan Services?

22 A Yes.

23 Q Is the same true for the 120-plus days  
24 past due on the other two loans that appear on that  
25 same page below?



1           A     Yes.

2           Q     And the same is true for the comments that  
3     account closed at consumer's account --

4           A     Yes, sir.

5           Q     -- or, actually, that's one, and then the  
6     other says account closed by consumer?

7           A     Yes.

8           Q     We're going to go to the next credit  
9     report, consumer's production, which is at 344, the  
10    bottom half of Page 344-02, 344 -- and the entire  
11    page of 344-03.

12          A     Okay.

13          Q     Is it correct that Nelnet reported to  
14    Experian on all four of the accounts 120-plus days  
15    past due?

16          A     Did you mean Equifax?

17          Q     I mean Equifax. Thank you. I apologize.  
18    I'll just rephrase it.

19                 Is it true that Nelnet Loan Services  
20    reported to Equifax on all four of these accounts  
21    that each was 120-plus days past due?

22          A     Yes.

23          Q     And the comments section, of course, also  
24    originated with Nelnet Loan Services for each of  
25    these accounts?

1           A     Yes, sir.

2           Q     Turning to Page 345-01.

3           A     Okay.

4           Q     Do you know, from looking at this or  
5     looking at the ACIS case, what research Equifax did  
6     to come to the result that the account was updated  
7     to show included in bankruptcy or included in  
8     bankruptcy of another person?

9           A     We updated that per a document that we  
10    received by the consumer, and I'm looking at 006  
11    through 0012. I believe it was one of those faxes  
12    that we were talking about.

13          Q     Okay. Thank you.

14                 Turning to 346-01 and 02. This is, again,  
15    just the reinvestigation result concerning only  
16    these accounts on September 9th that were reviewed  
17    by Equifax; correct?

18          A     Yes.

19          Q     And the reinvestigation means that Equifax  
20    contacted Nelnet, and Nelnet verified the informa-  
21    tion that is now appearing for the accounts; is that  
22    correct?

23          A     One moment.

24                 (Witness reviews documents).

25                 No. Actually, I believe on -- in this

1 reinvestigation, we were processing a fax; and we  
2 were using the documents that the consumer provided  
3 to complete this reinvestigation. I do not -- I --  
4 looking at the documents from 031 through 038, it  
5 doesn't look as though Nelnet was contacted during  
6 this time period.

7 Q So Equifax did not contact Nelnet with  
8 respect to this particular reinvestigation?

9 A No, because the -- if we read these  
10 responses that we sent to the consumer, they were  
11 making reference -- the documentation was making  
12 reference to the late or -- excuse me -- the  
13 balance. And this account was already reporting  
14 balance -- the balances of zero, so at that -- at  
15 this time period, we advised the consumer that the  
16 account was already reporting a zero balance.

17 Q On all four or just the three that are  
18 indicating, current status, pays as agreed?

19 A It looks like on all four. We addressed  
20 all four accounts at that time.

21 Q On each of these trade lines, it appears  
22 in a bolded section right below the trade line, we  
23 have researched the credit account. Then it has an  
24 account number. The results are, this creditor --  
25 I'm reading from the very first one on Page

1 346-01 -- results are, quote, this creditor is  
2 currently reporting a zero balance for this account,  
3 period. If you have additional questions about this  
4 item, please contact, colon, UNIPAC, 3015 S. Parker  
5 Road, Aurora, Colorado, 80014-2904, and then a  
6 telephone number.

7 Why would Equifax refer the consumer to a  
8 company called UNIPAC concerning Nelnet Loan  
9 Services reports?

10 A Well, the information -- or the contact  
11 information that we give to the consumers regarding  
12 an account is the contact information that is  
13 provided to us by the credit grantor, so that would  
14 be information that the credit grantor provided to  
15 us.

16 Q So you received the information from  
17 Nelnet Loan Services that the consumer should  
18 contact UNIPAC for any questions?

19 A Yes, sir.

20 Q When did Nelnet provide that particular  
21 information to Equifax --

22 A Oh, I don't know.

23 Q -- because you're saying that this  
24 reinvestigation did not include contacting Nelnet?

25 A Well, it didn't include contacting the

1 credit grantor. Now, some reinvestigations may not  
2 be necessary for us to contact the credit grantor.  
3 For example, in a instance where, if a consumer is  
4 disputing a balance and they're saying an account is  
5 paid off and we look at the account and it's already  
6 showing a zero balance, it's not necessary. The  
7 consumer's concerns are already addressed; so we  
8 will contact the -- or the consumer and let them  
9 know that the account is showing what you want.

10 Q Well, as to the Nelnet Loan Services  
11 account at the top of Page 346-02, what caused you  
12 to say that Mr. Minnick was not disputing the status  
13 that appears as a charge-off?

14 A Well, I'm just going by the actions of  
15 this -- of the agent here.

16 Q I understand. I'm trying to understand --  
17 You said earlier that you didn't contact  
18 Nelnet because the consumer -- the trade line is  
19 reporting as the consumer had requested?

20 A Right. And without actually reviewing the  
21 fax, no. I mean, if the consumer on the fax is  
22 stating that the accounts -- they were also  
23 disputing the late payments, then it is possible  
24 that the agent that processed this work  
25 misinterpreted it and thought that they were just

1 disputing the balance. But if it turns out that the  
2 fax that we received only addresses the balance,  
3 then the agent processed that correctly.

4 Q Turning now to Page 347-01.

5 A One moment, please. I'm sorry, one  
6 moment.

7 MS. GREENSTEIN: What number?

8 THE WITNESS: 347-01. I think I have it  
9 over here somewhere. I have documents  
10 everywhere. Okay. It's finally happened. I'm  
11 lost in these documents. One moment, please.

12 Is it a credit file that I'm looking for?

13 BY MR. STEMLER:

14 Q You're looking for a two-page document  
15 with the credit-file date of September 14th, 2004,  
16 347-01 and 02.

17 A Okay. I have it now.

18 Q Is it correct that on this particular  
19 report of these Nelnet Loan Service accounts, that  
20 all of the trade lines reported by Nelnet show in  
21 the current status pays as agreed?

22 A Yes.

23 Q And that none of these accounts have a  
24 payment history of any late payments or delinquent  
25 fees?

1           A     That's correct.

2           Q     None of these accounts show any evidence  
3     of being a collection account or charge-off account?

4           A     No, they don't.

5           Q     Can you tell me what caused all of the  
6     accounts to be showing pays as agreed on this in  
7     light of the September 9th report which shows one of  
8     the accounts as a charge-off?

9           A     Well, again, we're still talking about a  
10    number of faxes that the consumer did send to us.  
11    And I'm matching up 0039 to 0046, and it appears as  
12    though the agent that processed this fax used the  
13    documentation that the consumer provided to update  
14    the accounts to one, to a one status -- well, the  
15    remaining one as --

16                    So they updated the one that was showing a  
17    charge-off from a charge-off to a I-1, and then they  
18    advised the credit grant or -- excuse me -- the  
19    consumer that the remaining three was reporting paid  
20    as agreed with no late payments.

21           Q     Was it the same operator who did the --  
22    handled the maintenance phase for the September 9th  
23    and the September 14th reports?

24           A     Huh. That's a good question. Hold on one  
25    second. I'll look and find out. Here it is.

1           The person that -- or that processed the  
2           faxes from the September 14th to the September 9th  
3           appear to be different. I can see that the person  
4           that processed the fax on September 14th, their  
5           log-in is OG-0 or OG --

6           Q     Where are you reading -- where are you  
7           reading that?

8           A     45, 00045. Under the name, where it says  
9           received letter from Nelnet, accept, the log-in is  
10          OG-0. And I don't see -- you know, as I look  
11          through the 0031 through 0038 ACIS case, I don't see  
12          the same reference to the OG-0 log-in; so it appears  
13          to me as though there was different people that  
14          processed it.

15          Q     What about on EIS0037 that refers to OG-6?

16          A     Okay. What about that, sir?

17          Q     What is -- does the OG refer to a  
18          particular group to which the employee is assigned?

19          A     No. They're not groups. They're people.  
20          They're individuals.

21          Q     OG is somebody's initials?

22          A     It's a log-in that's assigned.

23          Q     And what about the number that follows?

24          A     All three. It's a three-digit log-in. So  
25          OG -- OG-0 would be someone. What you made



1 reference to, OG-6, would be someone.

2 Q Somebody else?

3 A Yes. And if you're looking at the same  
4 thing --

5 Q The OG --

6 A I'm sorry.

7 Q The OG doesn't tie them to a particular  
8 team or anything of that nature?

9 A No, but traditionally the log-ins that  
10 begin with O would make reference to someone at ICT;  
11 but you need all three of those digits to figure  
12 out, you know, who the individual is.

13 Q Have you had occasion to contact any of  
14 the employees who's -- who were involved in the  
15 reinvestigations of Mr. Minnick's credit reports?

16 A No, I haven't.

17 Q Did you determine the names of the  
18 employees?

19 A No.

20 Q Has ICT provided you with any further  
21 information concerning the employees who performed  
22 these reinvestigations for Equifax or the actual  
23 content of what may have transpired telephonically  
24 with Mr. Minnick?

25 A No. As far as the names are concerned, I

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1 mean, that would be something that I could get.

2 As far as the telephone conversations, we  
3 do not have a call management system. We have a  
4 case management system. So there wouldn't be any  
5 notes in a system for every time, you know, a  
6 consumer would call. I mean, what we have -- I was  
7 going to say, what we have here is what we see.

8 Q Are there quotas for the individual  
9 operators at the calling centers?

10 A There are average targets that they  
11 produce. The average target for a phone call -- it  
12 depends on tenure and experience -- would be from --  
13 I believe now it's down from five to ten, depending  
14 on tenure and experience.

15 Q Five to ten what?

16 A Calls per hour. I take that back. Now --  
17 now it's 2.5 to 10.

18 Q So the least-experienced operator is given  
19 a target of 2.5 calls per hour, and the more-  
20 experienced or senior operators are expected to  
21 average 10 calls per hour?

22 A Yes, something of that nature, yes.

23 Q Were you ever an operator of the phones  
24 for customers when they called in their disputes to  
25 Equifax?

1           A     Yes.

2           Q     How long were you an operator, how many  
3     years or months?

4           A     Oh. I was an operator for a total of two  
5     years.

6           Q     Do you remember, by the time you were --  
7     just before that you had moved on from that position  
8     to your next position, how many calls per hour you  
9     were able to average?

10          A     I averaged about eight. I talk too much.

11          Q     Turning now, please, to 349-05 and 06.

12          A     Ah. Okay. I have it.

13          Q     Before we complete -- before we move on to  
14     this particular exhibit, on the previous exhibit,  
15     all four Nelnet accounts showed pays as agreed. And  
16     you said, in connection with that, that the status  
17     was now an I-1.

18                     Is that your recollection of what the  
19     status was for the four Nelnet accounts as of the  
20     September 14th report by Equifax?

21          A     Yes.

22          Q     In yesterday's deposition of Experian, the  
23     representative --

24                     COURT REPORTER: I'm sorry. Can you say  
25     that again.

1 BY MR. STEMLER:

2 Q -- the representative said that they had  
3 received information from Equifax and TransUnion  
4 concerning the Nelnet accounts about Mr. Minnick.

5 I wanted to find out if you know when and  
6 what Equifax provided to Experian concerning any of  
7 these four Nelnet accounts?

8 A Well, I do know the procedure is that when  
9 we investigate an account and the account is  
10 updated, that we would provide a carbon copy to  
11 TransUnion and Experian.

12 Q How would -- what's your understanding of  
13 the manner in which that information is transmitted  
14 to the other credit bureaus?

15 A I believe that would be done via E-OSCAR.

16 Q Can you tell, from looking at any of these  
17 documents that we have here today or anything else  
18 that we don't have here, what information was  
19 communicated to either of the other two credit  
20 bureaus about these four, or any of these four,  
21 Nelnet accounts?

22 A It should be what the update was to the  
23 accounts at the end of the reinvestigation.

24 Q So are you saying that at the end of each  
25 reinvestigation performed by Equifax, an E-OSCAR

1 transmission is sent to TransUnion and Experian  
2 concerning that particular account?

3 A Yes. I believe that's how it works, yes.

4 Q Is there any way to identify that  
5 occurrence from the documents that Equifax has  
6 produced?

7 A No, sir.

8 Q So the ACIS case doesn't disclose  
9 somewhere that that has occurred once the  
10 reinvestigation has been concluded?

11 A No.

12 Q What document would help you identify the  
13 information and the date of transmission of any  
14 information via E-OSCAR to the other bureaus about  
15 these Nelnet accounts?

16 A I'm not sure. I don't -- I don't know.

17 Q Do you happen to know the department that  
18 handles those communications to the other bureaus?

19 MS. GREENSTEIN: I'm going to object just  
20 to the extent it may be outside of the 30(b)(6)  
21 Notice.

22 But you can answer, if you know.

23 A That would be within Equifax Information  
24 Services department from which I work.

25 BY MR. STEMLER:

1           Q     Equifax Information Services department --  
2                    Was there something that you said right  
3     after that?

4           A     Yeah.  In the department where I work,  
5     there is a group called customer focus; and they may  
6     have that information regarding the carbon copies.

7           Q     Do you know if it is that particular group  
8     that also receives the E-OSCAR transmissions that  
9     may come from the other credit bureaus?

10          A     I believe, if I'm not mistaken, that that  
11     would be done electronically.  I don't know if a  
12     particular group would receive that.  That would go  
13     into the system automatically, but that group may  
14     actually own that project or own what happens within  
15     that system.

16          Q     In your review this morning of the ACIS  
17     cases -- and feel free if you need to review the  
18     ACIS cases again -- does it appear that Equifax  
19     received information from any of the other credit  
20     bureaus concerning any Nelnet account?

21          A     If we did, it wouldn't be within an ACIS  
22     case.  If we received a carbon copy, it would not be  
23     within an ACIS case.

24          Q     How would it --  
25                    So it would be reflected where?

1           A     It would go to bed on -- pardon the  
2     expression, but it would go directly to the credit  
3     file, the changes.

4           Q     So even if Nelnet had verified something a  
5     particular way, if you get information from the --  
6     another credit bureau updating the information as  
7     different, the information from that credit bureau  
8     would supersede the prior Nelnet verified informa-  
9     tion?

10           MS. WEAVER:  Objection.  That misstates  
11     her prior testimony.

12           A     I'm not a hundred percent as far as what  
13     would supersede when, but I do believe that it is  
14     possible that that information would be placed on  
15     the credit file.  I'm not quite sure, you know, how  
16     soon after reinvestigation.  I don't know the ins  
17     and outs of that, but it is possible.

18     BY MR. STEMLER:

19           Q     Okay.  Well, let's go back to Exhibit  
20     349-05.

21                     And is it correct that the Nelnet account  
22     that appears on 349-05 that had a high credit of  
23     6,722 is showing as, current status, pays as agreed?

24           A     Yes.

25           Q     And that this particular account has no

1 late payments or delinquencies being reported?

2 A Yes.

3 Q And that same fact is true of the account  
4 on Page 349-06 that had a high-credit balance of  
5 \$8,500 with loan -- Nelnet Loan Services on the top  
6 of that page?

7 A Yes.

8 Q The next account on that page, 349-06,  
9 with Nelnet shows a current status of charge-off of  
10 a former high balance of \$10,000.

11 Are you aware how that information  
12 became -- was received by Equifax?

13 A Is that the 103 account, I believe?

14 Q One second, please. No. I believe it's  
15 the account ending in 01 that had the 10,000-dollar  
16 balance --

17 A Oh, okay. Wait a minute.

18 Q -- a former high credit of 10,000.

19 A All right. I was looking at the wrong  
20 one.

21 Okay. Do you have what Equifax produced,  
22 234 through 236?

23 MS. GREENSTEIN: Robert, just for your  
24 information, that was part of the  
25 supplemental --



1 MR. STEPLER: I'm sorry?

2 MS. GREENSTEIN: That was part of the  
3 supplemental production last week.

4 MR. STEPLER: Yes. I have EIS0234  
5 through 236.

6 A Okay. Well, this is -- this is what  
7 appears to be the carbon copy that we were talking  
8 about. And if you look at 235, it appears as though  
9 we received a carbon copy on September 16th for that  
10 account number. I'm looking at the second block.  
11 It's reporting account status 13, which is paid and  
12 closed, and a payment rating of a nine, which is  
13 charged off, and it's showing the original bureau  
14 Experian.

15 Q So to go through some of the things that I  
16 see on this particular block --

17 First of all, it appears on EIS0234 that  
18 there are three separate items; is that correct?

19 A Yes.

20 Q And the same with 235?

21 A Yes.

22 Q And there are two on Page EIS236?

23 A Yes.

24 Q And what does each one of these blocks  
25 represent?

1           A     They represent carbon copies that Equifax  
2     received from the other credit-reporting agencies.

3           Q     So these are received only, not sent?

4           A     I think it has two dates.  If we look at  
5     234, the first block, it says date created.  I  
6     believe that's the date that TransUnion created it.  
7     And then if you look at the second -- there's a date  
8     that's in the lower left-hand corner of that block.  
9     It says DBM, database maintenance, received, and  
10    that would be September 3rd, 2004.

11          Q     And right below that it says, processed  
12    8/26/2005.

13          A     I believe that's when --

14          Q     Was that simply the printout date?

15          A     Correct.

16          Q     Okay.  So your read of that first block is  
17    that this is information originating with TransUnion  
18    on August 31st, 2004, which Equifax received on  
19    September 3rd, 2004.

20                 Am I right so far?

21          A     Yes.

22          Q     It says under Social Security number --  
23    actually, it's not under -- under the account  
24    number, I should say, which ended in 03 --

25          A     Yes.

1 Q -- account status, 13 equals PRC, NC-158,  
2 BAL, hyphen, zero.

3 Could you interpret those for the record?

4 A I know the account status 13 means paid  
5 and closed. PRC -- I'm sorry. I don't know what  
6 the initials PRC stand for. The NC means narrative  
7 code 158, which is a comment that says account  
8 closed and paid. And then the BAL would be zero.

9 Q So that account status, does it indicate  
10 paid as agreed?

11 A No. And then down at the bottom, the next  
12 group, it says payment rating, L equals charge-off.

13 Q L equals charge-off?

14 A Yes, rate nine, which would be the nine.

15 Q Oh. Is that L rate?

16 A Yes.

17 Q And what's NC-067 mean?

18 A NC is a narrative code. 067 is a  
19 description. It might mean student loan. I'm  
20 not -- don't quote me on that one. And then it says  
21 use 244 -- narrative code 244 if balance is zero.  
22 Narrative code 244, I know, is paid charge-off.  
23 Actually, I believe narrative 067 is charge-off.

24 Q There is a box that is described on the  
25 left as seven-year payment-history profile.

1 Do you see that box?

2 A Yes.

3 Q Do those little forward slashes in the  
4 boxes have meaning to you?

5 A It means no data available.

6 Q Okay. So if there's a little slash -- a  
7 little forward slash in there, it means the date is  
8 not available?

9 A No data, data, available.

10 Q What about the other boxes that are blank?

11 A It's the same thing.

12 Q So this particular item of information was  
13 received on September 3rd by Equifax from  
14 TransUnion, and it talked about account 03.

15 So would that explain what happened prior  
16 to this particular account on some of the credit  
17 reports that we've just viewed, because right now  
18 we're up to October 22nd.

19 If we go back to early September, do you  
20 believe that would explain some of the changes to  
21 the account?

22 MS. WEAVER: Objection, calls for  
23 speculation.

24 A Well, I don't know how far back you want  
25 to go.

1 BY MR. STEMLER:

2 Q September 9th.

3 A Well, we're looking at the 03 account.

4 You said September 9th. Okay. One moment.

5 See, we've got a couple of things going  
6 on. We've got carbon copies coming in, and we also  
7 have disputes taking place around the same time  
8 period; so it can get a little confusing.

9 Q Well, account 03 was the account that had  
10 an originally high -- original balance or high  
11 credit of --

12 A 11 --

13 Q -- 11,728.

14 A Right.

15 Q And on the September 9th, 2004 report from  
16 Equifax, it shows the account that had a balance of  
17 11,728 as having a charge-off status.

18 A Yeah.

19 Q Okay. You directed our attention to this  
20 particular page due to the item in the middle, which  
21 was created September 16th and received by Equifax  
22 through E-OSCAR on September 22nd.

23 A Yes.

24 Q Does that explain the charge-off of either  
25 the 10,000-dollar high-credit account or the 11,728

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1 high-credit account?

2 A I do believe it's possible that the  
3 account now is showing charge-off due to a carbon  
4 copy that was received.

5 Q Well, according to Page EIS0234, the lower  
6 two items were sent and received by Experian on the  
7 same date, according to that record; is that  
8 correct?

9 A Yes.

10 Q And then if we turn to the next page, we  
11 have two more account carbon copies via E-OSCAR from  
12 Experian of the same date, also received by Equifax  
13 on the same date of September 22nd, 2004.

14 Do these four carbon-copy boxes appear to  
15 cover all four of the Nelnet accounts for Mr. Paul  
16 Minnick?

17 A For that September 22nd time period?

18 Q Yeah, for -- the fact that Equifax  
19 received these on September 22nd, 2004, all four at  
20 the same day?

21 A It does seem that -- it does seem as  
22 though there's a carbon copy sent referring -- being  
23 referenced to the four accounts.

24 Q In your analysis of these four carbon  
25 copy --

1 Well, do you just call them carbon copies  
2 or is there a term that you normally use to refer to  
3 these --

4 A I'm sorry. On 230 --

5 Q -- transmissions? I'm sorry?

6 A I'm sorry. I referred to them as carbon  
7 copies.

8 Q Okay. Are these four carbon copies all  
9 reporting all four Nelnet accounts in the same way  
10 as being charge-offs?

11 A Yes. They're all reporting as -- or  
12 showing as payment rating L.

13 Q And based on the credit report that we  
14 have immediately preceding -- or a few days  
15 preceding that E-OSCAR transmission that Equifax  
16 received on September 22nd, 2004 --

17 I'm referring you specifically to the  
18 Equifax report dated September 14th.

19 A Uh-huh.

20 Q Prior to this transmission, wasn't Equifax  
21 showing all four of these accounts as paid as  
22 agreed?

23 A Yes. We updated those accounts to show as  
24 paid as agreed. Actually, some of them are already  
25 showing, with the exception of one; and then we

1 updated the other one.

2 Q You updated it on September 14th? Is that  
3 what you mean --

4 A Yes.

5 Q -- or are you talking about afterwards?

6 A Correct.

7 Q I'm not -- no. I'm confused now.

8 We're referring -- right -- to the  
9 September 14th report that shows all four Nelnet  
10 accounts paid as agreed; right?

11 A Yes.

12 Q And none of these accounts had any  
13 notation of collection or delinquency or charge-off;  
14 correct?

15 A Correct.

16 Q Then Equifax receives on September 22nd  
17 from Experian these carbon copies, all of which say  
18 all four accounts should be reported as a charge-  
19 off; is that correct?

20 A Yes.

21 Q How was the consumer notified about the  
22 fact that these accounts were being reported by  
23 Experian -- were being updated by Experian to show  
24 as a charge-off?

25 MS. GREENSTEIN: Objection to the extent



1           it's outside the scope of the 30(b)(6) Notice.

2           A     Actually, I'm only showing one account  
3           that was updated to report as to charge-off. And  
4           I'm not quite sure if the consumer was notified. I  
5           don't believe that consumers are notified via a  
6           carbon-copy update.

7           BY MR. STEMLER:

8           Q     Okay. You said --

9                     Now, are we referring now to the October  
10           22nd, 2004 credit report of Paul Minnick?

11          A     Yes.

12          Q     Does it appear to you that two of the  
13           accounts are paid as agreed and two of the accounts  
14           are charge-offs?

15          A     It is, but I'm not quite sure if they were  
16           updated via the carbon copy or a regular tape that's  
17           coming in. I can't say for certain.

18          Q     So you can't tell, from looking at the  
19           documents that you have available right now to you,  
20           whether -- why the two Nelnet Loan Service accounts  
21           show on the October 22nd, 2004 credit report pays as  
22           agreed after this carbon copy was received by  
23           Equifax; is that right?

24          A     Not a -- not a hundred percent, no.

25          Q     And you're not sure why the two Nelnet

1 Loan Service accounts that show charge-off are  
2 reporting as a charge-off by Equifax after these  
3 four carbon copies were received on September 22nd,  
4 2004, from Experian?

5 A That's correct. I mean, I see the carbon  
6 copies, but I just cannot -- I can't say with a  
7 hundred percent certainty that these carbon copies  
8 are the reason why these accounts are showing  
9 charge-off.

10 Q This credit report that we're seeing right  
11 now dated October 22nd, 2004, of Paul C. Minnick,  
12 Jr., was that provided to Mr. Minnick as part of a  
13 reinvestigation or simply because he requested the  
14 report directly from Equifax?

15 A It appears as though he requested a  
16 report, because of the cover letter.

17 Q Let's review the rest of these E-OSCAR  
18 carbon copies.

19 A Okay.

20 Q We've already reviewed the three on Page  
21 234 and the top two on Page EIS025. Let's review  
22 the one at the bottom, the third one, which appears  
23 to be originating with Experian approximately  
24 September 28th, 2004, and received by Equifax on  
25 October 5th, 2004.

1           What information did Experian provide to  
2           you about Nelnet account 04?

3           A     It doesn't appear as though there was any  
4           information that was provided.

5           Q     So based on your understanding of the  
6           carbon-copy process, was there any action to be  
7           taken upon receipt by Equifax of this carbon copy?

8           A     It doesn't appear as though there is  
9           anything to update.

10          Q     Turning to EIS0236, it appears that both  
11          of these are originating with TransUnion, created  
12          January 21st, 2005, and received by Equifax on  
13          February 7th, 2005.

14                 Is that your understanding, as well?

15          A     Yes.

16          Q     And this refers to Nelnet accounts 03 and  
17          02; correct?

18          A     Yes.

19          Q     On the first carbon copy, what account  
20          status is TransUnion trying to communicate  
21          concerning account 03?

22                 MS. WEAVER:  Objection, calls for  
23                 speculation.

24          A     It's reporting account status as 13, which  
25          is paid and zero balance, and payment rating one,

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1       which is paid as agreed, or zero, which is paid as  
2       agreed.

3       BY MR. STEMLER:

4           Q       So account 03 would be reported, based on  
5       TransUnion's carbon copy, paid as agreed?

6           A       Yes.

7           Q       And what about account 02, the account  
8       status and payment history?

9           A       Account status would be 13, paid and  
10       closed. And then the payment rating would be L,  
11       which is charge-off.

12          Q       So this was a charge-off -- 02 is a  
13       charge-off, and 03 is paid as agreed?

14          A       Oh. Can you say that again? I don't  
15       think that sounded right.

16          Q       Okay. So, to recap, account 03 would be  
17       reported by Equifax as pays as agreed. And account  
18       02 would be reported as a charge-off, with a zero  
19       balance, by Equifax?

20          A       Yes. That's what's -- according to these  
21       carbon copies, yes.

22          Q       Turning to Exhibit 351- --

23                   THE WITNESS: Okay. I have a real big  
24       mess here.

25                   MR. STEMLER: I'm sorry?

1 THE WITNESS: I have a big mess here.

2 Hold on.

3 MR. STEPLER: A big nasty what?

4 THE WITNESS: A mess. I have a mess on my  
5 desk.

6 MR. STEPLER: Oh. Okay. I'll let you  
7 clean it up. Oh. And let me know when you  
8 need to take a break, please.

9 THE WITNESS: Don't worry. I will.

10 You want me to look at 353? What did you  
11 want me to look at?

12 BY MR. STEPLER:

13 Q No. I was -- I was hoping you would look  
14 at 351-08.

15 A Oh. 351-08.

16 Q And while you're looking at that, you  
17 might also note that 351-05 indicates this March  
18 8th, 2005 credit report.

19 A All right. I have it.

20 Q On each of the Nelnet Loan Services  
21 accounts on this credit report, which appear on  
22 351-08, it shows items as of date reported, and it  
23 shows 03/2005.

24 What does that indicate, that notation?

25 A You said items as reported of March 2005?

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1 Q Yes.

2 A Okay. That's the date that that account  
3 was last reported to Equifax.

4 Q Is there any way to determine who reported  
5 it as of March 2005 -- yeah -- March 2005?

6 A I'm sorry. You mean --

7 What do you mean by "who"?

8 Q The source of the information reported?

9 A I mean, it would be the data furnisher  
10 that's listed here.

11 Q So it would not be the information that  
12 Equifax received from TransUnion via E-OSCAR in  
13 February of '05?

14 A Well, all the information that we receive  
15 is coming directly from the original source.

16 Can I look at this and tell if it's a  
17 carbon copy or if it's tape or if it's via  
18 reinvestigation? No.

19 Q Are all the accounts that appear for  
20 Nelnet on Mr. Minnick's March 8th, 2005 credit  
21 report pays as agreed?

22 A Yes.

23 Q Do any of them reflect a charge-off or  
24 collection or some other delinquency or late  
25 payment?

1 A No.

2 Q And Equifax has deleted --

3 When we go back to the September 14th,  
4 2004 credit report, which starts on Page 347,  
5 Exhibit 347 --

6 A Was there a question on the table?

7 Q Yeah. I wanted you to go back to it and  
8 see that they're all paid as agreed according to  
9 that report; is that correct?

10 A On September 14th?

11 Q Yes. You got it.

12 A Yes. We said they all are showing paid as  
13 agreed.

14 Q Isn't Equifax required to send notice to  
15 the consumer when it adds a designation of  
16 charge-off to this account on a subsequent report?

17 A No.

18 Q Why not?

19 A To my knowledge -- and I'm not an  
20 attorney -- but if we reinsert an item that's been  
21 deleted from the credit file, at that point we are  
22 to advise the consumer that an item has been  
23 reinserted to their credit file.

24 Q And do you know if that was done with  
25 respect to the new information -- the charge-off

1 information that shows up on the October 22nd, 2004  
2 Equifax credit file?

3 MS. GREENSTEIN: Objection, misconstrues  
4 her prior testimony.

5 A No, because the item was never removed  
6 from the credit file.

7 BY MR. STEMLER:

8 Q So the word charge-off, prior to October  
9 22nd, did not appear on the accounts one and three?

10 A When?

11 Q Prior to -- well, for example, prior to  
12 September 14th?

13 A Said the words charge-off?

14 Q Yeah. Why don't you take a look at the  
15 September 9th, 2004 credit report by Equifax.

16 A Okay. And look for what? What would you  
17 like me to look for?

18 Q The account that has a balance of 11,728.

19 A You mean the high credit? It's reporting  
20 charge-off.

21 Q High credit -- original high-credit  
22 balance of 11,728.

23 A Okay. Yes, sir. It's reporting  
24 charge-off.

25 Q And on the September 14th, that was gone,

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1 and it was pays as agreed?

2 A Okay.

3 Q And now in October it's charge-off again?

4 A Yes.

5 Q So I wanted to ask you, and I wanted to  
6 know from Equifax, when the consumer was notified of  
7 that change?

8 A Well, when the consumer received a copy of  
9 their credit file, they did see that the status was  
10 reporting a charged-off account at that time.

11 Q Do you know when the charge-off  
12 designation was added to the 01 and 03 accounts --

13 A Right. That's --

14 Q -- after the September 14th -- after the  
15 September 14th, 2004 report had been issued?

16 A Yeah. That's where we -- well, I won't  
17 speak for you. But I attempted to do that by  
18 looking at the carbon copies and the previous  
19 reinvestigation, and I wasn't able to tell with  
20 certainty when that was added.

21 Q Okay. I want to review with you the pages  
22 that follow EIS0236.

23 THE WITNESS: Do you have that?

24 MS. GREENSTEIN: Hold on. I've got to --

25 so what numbers do you want, 236 through what?

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1 MR. STEPLER: No. I'd like to start you  
2 off with EIS0237.

3 THE WITNESS: Wait. Are those scans?

4 MS. GREENSTEIN: Hang on.

5 THE WITNESS: Are we starting to go  
6 through scans?

7 MS. GREENSTEIN: I don't know which one  
8 we're looking at. Do you have any EIS  
9 documents over there?

10 THE WITNESS: Ah. I have it. It looks  
11 like CDV's.

12 MS. GREENSTEIN: Okay. She has 237.

13 BY MR. STEPLER:

14 Q Okay. This is an Equifax judgment dispute  
15 verification request sent August 9th, 2004.

16 What is the -- as you understand it, what  
17 is the request or -- what is Equifax requesting be  
18 verified?

19 A The disposition of the judgment.

20 Q And how was it verified, according to this  
21 document?

22 A As satisfied.

23 Q Do you know who verified it?

24 A What do you mean by "who"?

25 Q The name of the organization or the person

1 that verified the satisfaction of judgment?

2 A It's NDR.

3 Q Do you mean National Data Retrieval?

4 A Yes.

5 Q Turning to the next page, EIS0238 through  
6 0279, is that one package of documents that Equifax  
7 received from Mr. Minnick?

8 A Yes.

9 Q And is it correct that this was received  
10 by mail, based on the envelope on 279?

11 A Yes.

12 Q Do you know if any pages may have been  
13 missing from this package, such as, the second page  
14 of Mr. Minnick's letter?

15 A No, not to my knowledge, no.

16 Q So it's your understanding that the second  
17 page of Mr. Minnick's letter was not included in his  
18 envelope to you with the cover sheet dated July 26,  
19 2004?

20 A Yeah. I just caught on that there was a  
21 second page. I didn't see that until now.

22 No. I don't recall ever seeing a second  
23 page.

24 Q Turning to EIS0280, this is an ACDV that  
25 appears to have been processed 8/27/2004; is that

1 correct?

2 A Yes.

3 Q What account or accounts were being  
4 investigated with this ACDV?

5 A One moment. In this ACIS, there were four  
6 Nelnet accounts that were being disputed.

7 Q Could you tell me the page of the ACIS?

8 A 29.

9 Q So is it possible there were three other  
10 ACDV's that also were sent simultaneously to Nelnet?

11 A No. This one was printed for an agent to  
12 process, and the others appear to have been answered  
13 automatically in an automated fashion.

14 Q Where does that show up on the maintenance  
15 sheet summary?

16 A Well, if you see the -- on EIS29, for this  
17 particular Nelnet loan, the operator was CT-3 -- and  
18 that's a person -- as opposed to EOS.

19 Q Okay. So at the bottom of EIS0029, how do  
20 we know that this is for account 04, this Nelnet  
21 account 04?

22 A I'm sorry. What do you mean?

23 Q Well, on the ACDV, it talks about reported  
24 account and corrected account. And the account  
25 number ends in an 04.

1           A     Uh-huh.

2           Q     So at the bottom of the maintenance sheet  
3     summary on Page EIS0029, it doesn't really show the  
4     full account number.

5                     How do you know that those descriptions  
6     there refer to this ACDV?

7           A     Well, I mean, if you look at the ACDV  
8     closely, there are the same open dates, high credit  
9     that's being making reference to.

10          Q     Okay. So you're talking about the 6,722?

11          A     Yes.

12          Q     So looking at EIS0280, was this done by  
13     fax from Nelnet?

14          A     No. It was transmitted through E-OSCAR.  
15     But under certain conditions, when a credit grantor  
16     responds, ACDV may print out for an agent to review  
17     as opposed to being processed in an automated  
18     fashion.

19          Q     So this just happened to be printed out,  
20     whereas, the other three that were being  
21     reinvestigated were not?

22          A     Correct.

23          Q     And what changes did Nelnet request  
24     Equifax make to this account according to the ACDV  
25     on EIS0280?

1           A     They're changing the status or the type of  
2     the account from an I-1 to an I-9, and you can see  
3     that -- well, dead square in the center of the page,  
4     where it says narratives, if you look to the left of  
5     the narratives, it's type and account. The top  
6     shows what -- how the account was reporting, and  
7     then the bottom is the request from the credit  
8     grantor.

9           Q     Before we go on -- before we go on to the  
10    next issue, Nelnet requested --

11                   Is the date of their request, by the way,  
12    August 27, 2004, or is that the date you sent it to  
13    them?

14           A     Both. It's the date that we initiated the  
15    reinvestigation and sent to Nelnet.

16           Q     And sent it to Nelnet?

17                   And what was the date of their response?

18           A     The response was entered on August 31st,  
19    2004. There is a date at the bottom of August 30th.

20           Q     Okay. Next to that is the authorized  
21    representative, somebody Yetto [phonetic]?

22           A     Yes.

23           Q     So somebody from Nelnet said on this ACDV  
24    to change account 04 from pays as agreed to  
25    charge-off, because I-1 is pays as agreed and I-9 is

1 a charge-off; is that right?

2 A Yes.

3 Q Is the narrative also changed according to  
4 this -- this verification response from Nelnet?

5 A Yes. They're asking us to change the  
6 narratives to closed or paid account with zero  
7 balance.

8 Q To?

9 A To that.

10 Q Okay. They -- Nelnet requested that  
11 narrative be placed on this account?

12 A That -- yes, the one that's in the bottom  
13 box.

14 Q So they wanted an I-9 with a narrative  
15 code closed or paid account/zero balance; right?

16 A Yes.

17 Q What is in that box under FCRA relevant  
18 information?

19 A That's the information that we entered as  
20 a part of the reinvestigation.

21 Q Can you tell, from looking at this, the  
22 source of the letter from Nelnet dated August 7,  
23 2004?

24 A No.

25 Q So you don't know whether that was sent to

1 you -- to Equifax by Mr. Minnick or some other  
2 source?

3 A No. It would have been a letter that was  
4 sent to Equifax. And if we weren't going to use the  
5 letter or rely on the letter to make the changes to  
6 the credit file, then we would forward the content  
7 of that letter as relevant information to the credit  
8 grantor. And that's what was done here.

9 Q So you didn't forward a copy of the Nelnet  
10 letter dated 8/7/2004 to Nelnet. You simply made  
11 reference to it?

12 A Yes.

13 Q Okay. I'm done with that one, and I'd  
14 like to go on to exhibit -- or I should say Bates  
15 No. EIS079. It's a little hard to read the EIS079  
16 at the bottom of that one page.

17 THE WITNESS: What's that? Scans?

18 MR. DONSBACH: Robert, I think we're due  
19 for a break.

20 MR. STEPLER: Okay.

21 MR. DONSBACH: Off the record.

22 (Thereupon, a discussion was  
23 held off the record.)

24 MR. DONSBACH: Let's go back on the  
25 record. Is the court reporter there?



1 MS. GREENSTEIN: Yes, she is.

2 MR. DONSBACH: Are all counsel there?

3 MS. WEAVER: Yes.

4 MS. GREENSTEIN: Yes.

5 MR. DONSBACH: This is Paul Donsbach. I  
6 need to state for the record that it is now  
7 five minutes to noon California time. All  
8 parties have stipulated to have this deposition  
9 taken telephonically. Plaintiff's counsel,  
10 Robert Stempler, has indicated that he will not  
11 take a break longer than five minutes to  
12 accommodate counsel participating by phone to  
13 take a brief break to grab some food to -- in  
14 account of the noon hour. And I am going to be  
15 gone for the next 15 minutes to do that, and I  
16 object to any testimony taken in the next 15  
17 minutes. Thank you.

18 MR. STEMLER: Okay. So we'll resume in  
19 five minutes.

20 (Whereupon, there was a  
21 15-minute recess in the  
22 deposition.)

23 BY MR. STEMLER:

24 Q Please take a look, Ms. Fluellen, at  
25 EIS0179.

1 MS. GREENSTEIN: 0179?

2 BY MR. STEMLER:

3 Q It's kind of hard to read the bottom  
4 because I think the printing of those numbers was a  
5 little bit low or no.

6 A Okay. One moment, please. That's 76.

7 MS. GREENSTEIN: 01. Oh, crap. Where are  
8 they?

9 THE WITNESS: Is this them? No.

10 MS. GREENSTEIN: Those are Plaintiff's.  
11 Do you have any documents over there with EIS  
12 on them?

13 THE WITNESS: Okay. One moment.

14 Are these scans, Mr. Stempler?

15 MR. STEMLER: Are these scanned what?

16 THE WITNESS: Are these frozen scans that  
17 we're looking at?

18 MR. STEMLER: No, they're not. They're  
19 regular consumer disclosures.

20 THE WITNESS: Oh, okay. One moment.

21 MR. STEMLER: In particular, it's dated  
22 August 10th, 2005.

23 THE WITNESS: I don't think I've seen  
24 that. I don't have it, Camille -- Amy. Sorry  
25 about that.

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1 MS. GREENSTEIN: I'll answer to anything.  
2 I believe there's another document somewhere.

3 What production was that in, Mr. Stempler,  
4 from us?

5 MR. STEMLER: That was in one of the  
6 supplemental disclosures that you overnighted  
7 to me last week.

8 MS. GREENSTEIN: 0179? All right. I'm  
9 going to have to call my assistant. I don't  
10 have that right here.

11 MR. STEMLER: I can do -- I can go over  
12 other things if there's something not in the  
13 room with you.

14 MS. GREENSTEIN: Yeah. I don't think I  
15 have them. I have the four buckets of stuff  
16 here, but I don't see them; so let me e-mail my  
17 assistant to bring down everything that she can  
18 possibly find.

19 MR. STEMLER: Shall we go on to other  
20 things while your --

21 MS. GREENSTEIN: Yeah, please.

22 MR. STEMLER: -- assistant is getting  
23 that for you?

24 MS. GREENSTEIN: Yeah.

25 MR. STEMLER: Great. Do you have the --

1           one of the faxes I sent yesterday that is --  
2           has a Graves & King cover -- fax cover sheet?

3           MS. GREENSTEIN: Yeah. Hang on, please.

4           MR. STEMLER: And it's 448 in the lower  
5           right corner.

6           MS. GREENSTEIN: Yes.

7 BY MR. STEMLER:

8           Q     Okay. Please turn to Page 453-01 through  
9           03.

10          A     Okay. I have 453-01 and --

11          MS. GREENSTEIN: Wait, wait, wait. I'm  
12          sorry.

13          THE WITNESS: Okay. This is a complete --

14          A     Okay. All right.

15 BY MR. STEMLER:

16          Q     Got it?

17          A     Almost.

18          MS. GREENSTEIN: Yeah. We have it.

19          THE WITNESS: No, we don't. Wait a  
20          minute. Okay. All righty.

21 BY MR. STEMLER:

22          Q     453?

23          A     Yes. All right.

24          Q     Are you familiar, Ms. Fluellen, with  
25          subscriber-provided reports from Equifax?

1           A     Not really. I make do.

2           Q     Does this appear to be information  
3     obtained from Equifax concerning Paul Minnick on  
4     August 15th, 2003?

5                   MS. GREENSTEIN: Objection to the extent  
6     it's outside the 30(b)(6) Notice.

7                   You can answer, if you know.

8           A     It does seem -- seem to be a subscriber  
9     report. I do see Paul Minnick as the consumer name  
10    here.

11   BY MR. STEMLER:

12           Q     So reviewing the three pages that are  
13    attached at 453-01, 02 and 03, does that appear to  
14    be the information coming from Equifax for that  
15    point in time, August 2003?

16           A     I guess the --

17                   You're saying August 2003 or April?

18           Q     August 2003.

19           A     I can't --

20           Q     If you look on the last -- if you look on  
21    the last page of 453-03, you're going to see at the  
22    very end of the report the -- a date.

23           A     Okay.

24           Q     Now, I believe that's the date that it was  
25    obtained by this particular car dealership.

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1           A     Okay. I see it now. Yes. I see that  
2     date.

3           Q     Can you tell, from looking at the Nelnet  
4     accounts on 453-02, if any of those were reported  
5     with any late-payment information or charge-off or  
6     collection information?

7           MS. GREENSTEIN: Objection to the extent  
8     it's outside her -- the Notice, the 30(b)(6)  
9     Notice.

10          A     From what I could tell, I see a status  
11     here of Nelnet accounts, four accounts shown, 120 --  
12     the I installment account, 120 days past due.

13     BY MR. STEMLER:

14          Q     So there are four accounts with Nelnet  
15     showing an I-5, and that means that those four  
16     accounts are being reported as having 120-plus days  
17     past due?

18          A     Yes.

19          Q     What about the two accounts from Nelnet  
20     that show I-1 and have a balance of -- perhaps, it's  
21     an original-credit-limit balance of 18,500 each?

22          A     What about those accounts, sir?

23          Q     Are they showing pays as agreed according  
24     to Equifax's information at the time?

25          A     Yes.

1 Q Turning towards -- one second, please.

2 Going to Page 459-01 --

3 A Okay.

4 Q -- does that appear to be a report of  
5 Equifax provided on January 17th, 2003?

6 MS. GREENSTEIN: Same objection.

7 A Yes. That's what it appears to be.

8 BY MR. STEMLER:

9 Q And that was provided to a subscriber;  
10 correct?

11 A Yes.

12 Q On the very first page of 459-01, at the  
13 top, what does Beacon 96 (auto finance) mean?

14 MS. GREENSTEIN: Same objection, and also  
15 outside -- possibly outside her scope of  
16 knowledge.

17 A That is -- appears to be the version of  
18 Beacon that this particular credit grantor is using.

19 BY MR. STEMLER:

20 Q Is it provided by Equifax?

21 A Yes. I believe -- yes.

22 Q And what are those notes below the Beacon  
23 96 score, where it says serious delinquency and  
24 derogatory public record or collection files, amount  
25 owed on delinquent accounts, length of time since

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1 derogatory public record or collection is too short,  
2 proportion of balances to credit limits too high on  
3 bank --

4 COURT REPORTER: I'm sorry.

5 MR. STEMLER: Is that the court reporter?

6 COURT REPORTER: Yes.

7 MR. STEMLER: I'm sorry.

8 COURT REPORTER: I'm not understanding --  
9 when you're reading from the documents, it's  
10 very difficult.

11 MR. STEMLER: What did you -- where did  
12 you -- where did I lose you?

13 COURT REPORTER: Length of time since  
14 derogatory.

15 MR. STEMLER: Proportion of balances to  
16 credit limits too high on bank/other revolving  
17 accounts.

18 A Those are the reason codes as to what  
19 makes up the score.

20 BY MR. STEMLER:

21 Q What do you mean by "reason codes"?

22 A These are the top four reasons as to why  
23 the score is what it is.

24 Q Looking at Page 459-02, is it similar to  
25 the previous report that we just saw from August of

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1 '03, that there are four Nelnet accounts reporting  
2 with the status of I-5 and two Nelnet accounts  
3 reporting with the status of I-1 and --

4 A Yeah. Oh, I'm sorry.

5 Q I'm sorry. And those two I-1 accounts  
6 have a balance of -- original credit balance of  
7 18,500 apiece?

8 A Yes.

9 Q Do you have handy Exhibit 460-01?

10 MS. GREENSTEIN: What's the number, 460 --

11 MR. STEMLER: -01. That should be right  
12 behind that exhibit we were just discussing.

13 THE WITNESS: It's another fax, I'm sure.

14 A Okay. Yes. I have it.

15 BY MR. STEMLER:

16 Q Does this appear to have originated with  
17 Equifax Consumer Services' online access?

18 A Yes.

19 Q Is this the information that Equifax had  
20 on its credit files for Paul C. Minnick, Jr., as of  
21 January 31st, 2005?

22 A Yes.

23 Q Turning your attention to 460-03, the four  
24 Nelnet Loan Service accounts that appear at the top  
25 of that page --

1           A     I'm sorry. Can you repeat the page  
2     number?

3           Q     460 --

4           A     Uh-huh.

5           Q     -- -03.

6           A     03? Okay.

7           Q     Do you see the four Nelnet Loan Service  
8     accounts at the top of that page?

9           A     Yes, sir, I do.

10          Q     Do you see that two of them are reported  
11     pays as agreed and two are reported as a charge-off?

12          A     Yes.

13          Q     What's the name of the company furnishing  
14     that information for those four accounts?

15          A     Nelnet Loan Services.

16          Q     Could you find those accounts on the other  
17     pages for this consumer report by Equifax?

18          A     They're on Page 6, 7 and 8.

19          Q     So it's your understanding that these four  
20     Nelnet accounts are being reported under the name  
21     UNIPAC?

22          A     Yes, using the same information that we  
23     looked at earlier today.

24          Q     So this first account that appears on  
25     460-06, the one that had the original credit limit

1 of \$8,500, this account is being reported pays as  
2 agreed; correct?

3 A Yes.

4 Q What does that notation, 81-month payment  
5 history, indicate where it says -- where there's not  
6 a star? Do you see that?

7 A The 81-month payment history?

8 Q Yeah. Down below, on Page 460-06, it says  
9 81-month payment history.

10 Do you see that chart?

11 A Yes. I do see that.

12 Q On the year 2004, to the right there are  
13 stars from January to August. And then after that  
14 there are some -- there's a notation, and then after  
15 that there's three blanks.

16 What does the notation in that box mean,  
17 as you understand it?

18 A I don't know what CO stands for.

19 Q Does the fact that there are blanks in the  
20 three boxes after CO indicate anything to you about  
21 this account?

22 A No.

23 Q What do the stars mean on this report?

24 A Well, the stars mean that there's no late-  
25 payment history reporting during that time.

1           Q     At the bottom of that page is a UNIPAC  
2     account that continues onto the top of -- the top  
3     half of Page 460-07.

4                     Is it correct that this is being reported  
5     by the furnisher as a charge-off?

6           A     To be -- I'm not sure.  If you're talking  
7     about the 81 payment -- 81-month payment-history  
8     grid, sometimes the format is a little bit different  
9     from the EIS report.  And I don't know what the CO  
10    stands for.

11          Q     No.  I'm looking at the very top right  
12    corner of 460-07, where the words charge-off appear  
13    in a box after current status.

14          A     Oh.  Then, yes.  Current status, that's --  
15    the charge-off is the status of the account.

16          Q     And then the account furnished by UNIPAC  
17    at the bottom of 470-07 is, pays as agreed is the  
18    current status; correct?

19          A     Yes.

20          Q     And that's the account that had the high-  
21    credit balance of 6,722; right?

22          A     Yes.

23          Q     Then on Page 460-08, it's reported that  
24    UNIPAC had a charge-off on the account that had a  
25    balance of \$10,000 or -- excuse me -- a high-credit

1 balance originally of \$10,000?

2 A Yes.

3 MR. STEPLER: Amy, was your assistant  
4 able to --

5 MS. GREENSTEIN: Yes.

6 MR. STEPLER: -- come back with the  
7 documents?

8 MS. GREENSTEIN: Yep.

9 BY MR. STEPLER:

10 Q Let's go to EIS0179.

11 A Okay. I have it.

12 Q Okay. Does this appear to be a report  
13 prepared by Equifax dated August 10, 2005, regarding  
14 Paul Minnick, Jr.?

15 A Yes.

16 Q Do you know if this was mailed to  
17 Mr. Minnick?

18 A I'm not sure.

19 Q Do you know what prompted the preparation  
20 of this consumer report on August 10th, 2005?

21 A No. No, I don't.

22 Q Turning to EIS0184 --

23 A I'm sorry. I apologize.

24 Can you say that again, please?

25 Q EIS0184.

1           A     0184?

2           Q     Right.

3           A     Okay.

4           Q     Are any of the Nelnet accounts that appear

5           on that page showing anything other than pays as

6           agreed or a late payment or a derogatory indication

7           of any kind?

8           A     No.

9           Q     Going to the next set of documents, which

10          are frozen scans --

11                 Are these called frozen scans, by the way?

12          A     Yes, sir.

13          Q     -- here at EIS0193 through EIS0233?

14          A     Okay. I have them.

15          Q     What are these documents called in Equifax

16          vernacular?

17          A     It's frozen database scans.

18          Q     Explain what it is, please.

19          A     Each month the system takes a snapshot of

20          itself for disaster recovery purposes, and from that

21          we can request from the business unit a copy of how

22          a particular consumer's credit file looked for a

23          particular month. And when that's printed out,

24          that's when it's called a frozen scan.

25          Q     This page that we're -- that's on top is

1 EIS0193. It says, file activity 10/23/04.

2 Is that the date of this snapshot of  
3 Mr. Minnick's data file?

4 A I'm going to be honest. I've never  
5 actually seen that date. It possibly could be.  
6 I've never seen an actually date on those. I'll  
7 have to verify that. That's something new.

8 Q Is there any other information that you  
9 can get from looking at this first frozen scan on  
10 the date on which the snapshot was taken?

11 A No. Normally, what I've been provided is  
12 that the snapshot is normally taken at the end of  
13 the month; but it's never a specific date set in  
14 stone. Again, this is the -- I've been looking at  
15 frozen scans for quite a period of time now, and  
16 it's the first time I've seen an activity date on  
17 them.

18 Q Well, this is attached to several -- this  
19 page is attached to several other pages by staple on  
20 my copy. Towards the back of the stapled set is  
21 EIS0198 and EIS0199, which has different activity  
22 dates from the one appearing on the first page.

23 A (Witness reviews documents).

24 I believe these are --

25 UNIDENTIFIED SPEAKER: Please note that

1           your conference will expire in ten minutes.

2           MR. STEPLER: Oh, great. I guess that  
3           means that in a few minutes we'll be dialing  
4           the other number.

5           A     I think these are daily scans requested  
6           for a particular date as opposed to monthly scans.

7           BY MR. STEPLER:

8           Q     Oh. So there's a difference from -- from  
9           the frozen scans you've seen previously?

10          A     It's the same information. You're still  
11          looking at a snapshot of a consumer's credit file.  
12          They serve the same purpose, but I was just confused  
13          by the date.

14          Q     Is there any indication, from looking at  
15          this page, of when the snapshot is or do you have to  
16          do some further research on that file activity date?

17          A     I'd better say that I need to do some more  
18          research, but I believe it was August 23rd or --  
19          excuse me -- October 23rd, 2004.

20          Q     What does -- let's review the information  
21          on this just so I understand the format of a frozen  
22          scan.

23          A     Okay.

24          Q     I see that the first information is the  
25          name of the consumer.



1                   Does Equifax prepare a frozen scan for  
2 every consumer in its database?

3           A     No. Again, it's -- you can request a copy  
4 of a credit file for a consumer, but it's not  
5 prepared on a daily basis. I mean, these don't  
6 print out just because. You have to make a request  
7 for how a consumer's credit file looked for a period  
8 of time.

9           Q     But something you said earlier was that  
10 Equifax prepares these on a -- usually a monthly  
11 basis, in case of some kind of a catastrophe, they  
12 could -- they could use it to recover?

13          A     Correct.

14          Q     So does Equifax prepare one at that time,  
15 whatever date it decides to do it for that month,  
16 for every consumer within its database?

17          A     Well, yeah. I mean, it's -- every  
18 consumer makes up the database, but the intent is to  
19 make -- take a snapshot of the database itself.

20          Q     After the information concerning the name  
21 of the consumer and their address is reported a  
22 telephone number. So you have date of birth and  
23 Social Security number.

24                   And then we have the employment  
25 information; is that right?

1 A Yes.

2 Q And then they list the inquiries?

3 A Yes.

4 Q Where do the -- I see some of these are  
5 inquiries that only the Plaintiff or -- excuse me --  
6 only the consumer would see on their credit report  
7 versus the one that the subscriber would receive if  
8 it were requested.

9 Where did the other -- where do the other  
10 inquiries, the ones that appear on a credit report  
11 for two years, get viewed, get -- appear on this  
12 thing?

13 A They're there also.

14 Q Is there any delineation from the other  
15 inquiries?

16 A Not standardized; but, I mean, if you  
17 want, for example -- and there's so many here.

18 Q Are they just interspersed and it's,  
19 like --

20 A Well, they're listed according --

21 Q -- in chronological order?

22 A They're listed according to date,  
23 numerical order. I mean, you see that at the very,  
24 very bottom, the very, very last one is the Comcast  
25 inquiry.

1 Q What's that?

2 A What do you mean, what is that?

3 Q You said Comcast inquiry?

4 A Yes.

5 Q What is that or do you -- is that --

6 Is that the company that requested this

7 report?

8 A Correct.

9 Q And then the next section says payment

10 practice.

11 UNIDENTIFIED SPEAKER: Please note that

12 your conference will expire in five minutes.

13 BY MR. STEMLER:

14 Q Below that it says payment practice.

15 Do you see that?

16 A Yes.

17 Q Then there are the -- I see three Nelnet

18 Loan Service accounts. Is that how you see it? And

19 then there's a fourth one on Page EIS0195.

20 A Yes. You saw the one on the first page?

21 Q Yeah. There's one at the very bottom and

22 continuing onto the top of 194, two right below that

23 on 194 and a third --

24 A Yes, and then there's a fourth one on 195.

25 Q Oh, okay. There it is, 195.

1                   Can you tell me, is there a -- I have a  
2   package of --

3           A     The phone got cut off. I didn't hear your  
4   last word.

5           Q     I didn't even finish.

6           A     Oh.

7           Q     I have a package of seven of these frozen  
8   scans.

9                   Is that what you also show for this  
10   production of documents?

11                   MS. GREENSTEIN: Mr. Stempler, this is  
12   Amy. I don't have them arranged in terms of  
13   production of documents. I just have the  
14   Bates-labeled ones you identified you were  
15   going to refer to; so she can't -- she doesn't  
16   have any idea about that.

17                   MR. STEMLER: Oh. Are yours stapled?

18                   MS. GREENSTEIN: Yeah. They're stapled,  
19   but I don't have them stapled to the  
20   document -- or to the RPD response, per se.

21                   MR. STEMLER: Oh.

22                   MS. GREENSTEIN: I have all documents  
23   produced in one bucket.

24                   MR. STEMLER: Got it.

25   BY MR. STEMLER:

1 Q How many frozen scans -- well, I have --  
2 These frozen scans, they all come directly  
3 from what -- what department within Equifax?

4 A I see six -- oh, excuse me, sorry --  
5 seven -- okay -- eight, nine, ten and eleven.

6 Q You've counted 11 what?

7 A Different scans.

8 MR. STEPLER: Maybe I didn't get all of  
9 them.

10 MS. GREENSTEIN: Yeah, Robert, you did.  
11 They're Bates labeled 67 through 81 and then  
12 the ones 193 through whatever you asked for,  
13 233.

14 MR. STEPLER: Oh. You know what, I  
15 wasn't even looking at those ones that are  
16 early on.

17 When we get disconnected, we'll just dial  
18 back that other number. Okay?

19 THE WITNESS: That's fine. Can we take a  
20 break?

21 MR. STEPLER: Yeah. Let's take a break.  
22 Maybe we'll reconvene at, you know, maybe a  
23 couple of minutes before the hour. Okay?

24 MS. GREENSTEIN: Okay.

25 MR. STEPLER: Thanks.

1 (Whereupon, there was a recess  
2 in the deposition.)

3 BY MR. STEMLER:

4 Q I would like to -- so we could continue  
5 the review of these frozen scans, I see that I had  
6 overlooked EIS006 -- excuse me -- 0067 through  
7 EIS0085 when I was looking at the frozen scans  
8 because there was that Indicating Manual in between.

9 So you have a total of 11 frozen scans for  
10 Mr. Minnick?

11 A Yes.

12 Q And these are documents that were prepared  
13 by Equifax from Equifax's credit file -- credit file  
14 for Mr. Minnick; correct?

15 A From the database, yes.

16 Q Okay. And the documents that appear from  
17 EIS000 -- 0067 through EIS0085 are genuine Equifax  
18 documents?

19 A Yes.

20 Q And the frozen scans that appear from  
21 EIS0193 through EIS0233 are genuine Equifax  
22 documents?

23 A Yes, sir.

24 Q What is the Indicating Manual that has  
25 been produced in a redacted form at EIS0086 through

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1 EIS0178?

2 A It's a manual that is for -- the training  
3 manual that's provided to anyone that will process a  
4 dispute, whether written or via phone, from a  
5 consumer.

6 Q On what page would it explain how to  
7 handle a situation where the consumer is providing  
8 Equifax a copy of a furnisher letter saying that the  
9 account is in good standing or not delinquent but  
10 the furnisher is verifying a delinquency or  
11 non-good-standing?

12 A Okay. I'm disappointed because I thought  
13 we were going to talk about these scans, and now  
14 you've got me getting another document. One moment.  
15 Well, I had gotten these scans in order.

16 On Page 13 it's talking about how to  
17 update items, updating an item and sending it to  
18 maintenance. Now, within our policies, there are  
19 things that we lecture to the -- to the agents; and  
20 that is where they gain the knowledge of what to do  
21 with a document that a consumer provides to us.

22 Q When you said "Page 13", you're referring  
23 to EIS0112?

24 A Yes.

25 Q That information continues on EIS0113 at

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1 the top; correct?

2 A Yes. It's actual -- whole module two  
3 explains that.

4 Q Module two?

5 A Yes.

6 Q Does the Indicating Manual have any  
7 reference in it to the situation of receiving  
8 information on a carbon copy from one of the other  
9 credit-reporting agencies?

10 A No, sir. That's an automated process.

11 Q And when -- what --

12 What employees of Equifax are trained  
13 using this Indicating Manual?

14 A Again, anyone that will take a dispute via  
15 mail or phone from a consumer.

16 Q Does Equifax also insure that the  
17 employees of the contracting companies that also  
18 handle consumer disputes are trained using this  
19 Indicating Manual?

20 A Yes, anybody that was going to process a  
21 dispute via mail or phone from a consumer, anybody.

22 Q Is it correct that this is the same manual  
23 that was provided for training purposes to the  
24 individuals who handled the reinvestigations  
25 concerning Paul Minnick's disputes?



1           A     Yes.

2           Q     Do you have a fax that I sent to your  
3 attorney yesterday which has these long spread-  
4 sheets?

5                   MS. GREENSTEIN:  Yes.  Is this 520, 519,  
6           521, those?

7                   MR. STEPLER:  Yes, 519 particularly since  
8           that refers to Equifax.

9                   MS. GREENSTEIN:  All right.  Let me get it  
10          for her.  She has it.

11       BY MR. STEPLER:

12          Q     Do you see that first column on Page  
13 519-01 for the spreadsheet that is entitled, Equifax  
14 Consumer Disclosures About Paul C. Minnick?

15                   MS. GREENSTEIN:  I'm going to object to  
16          the extent that this is not a document prepared  
17          by Equifax.  To the extent that she can respond  
18          to any part of this document, she can, but --

19          A     I see the document, yes.

20       BY MR. STEPLER:

21          Q     Do you recall looking at a credit report  
22          from Hemborg Ford, one of the subscribers of  
23          Equifax, that was dated August 15th, 2003?

24          A     Briefly.  Actually, we've been looking at  
25          credit reports all day; so that one is coming to my

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1 mind a little bit.

2 Q Okay. To refresh your recollection,  
3 please take a look at the documents produced as  
4 Exhibit 453-01 through 453-03.

5 A Okay.

6 Q Do you have in front of you Page 453-02,  
7 which contains the Nelnet accounts reported by  
8 Equifax at that time to the subscriber?

9 A Are you asking me if I have 453-02 in  
10 front of me?

11 Q Yes, I am.

12 A Yes, I do.

13 Q Do you see how the spreadsheet, on the  
14 column that is entitled 8/15/2003, contains those  
15 six accounts that are reported on that page of that  
16 document?

17 MS. GREENSTEIN: Mr. Stempler, I'm going  
18 to object to this line of questioning. These  
19 documents were prepared by Mr. Minnick, and I'm  
20 not really sure how my witness can testify to a  
21 document prepared by your client.

22 MR. STEMLER: Okay.

23 BY MR. STEMLER:

24 Q Do you need the question read back?

25 A I don't see where you're talking about.

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1 Q Okay. Do you see the first Nelnet account  
2 on 453-02 which has a original balance of 6,722?

3 MS. GREENSTEIN: And I'm going to have the  
4 same objections to all your line of questioning  
5 regarding these documents. So if I could have  
6 a standing objection, it would probably save us  
7 a bunch of time.

8 MR. STEMLER: Fine.

9 A No, I don't.

10 BY MR. STEMLER:

11 Q Okay. Look at --

12 A Which cell are you looking at?

13 Q I'm sorry?

14 A Which cell are you looking at?

15 Q I'm looking at Exhibit 453-02, the first  
16 account reported by Nelnet on that report.

17 A Oh. I thought you were looking at the  
18 grid.

19 Yes. I see the first account, yes.

20 Q Okay. And that original balance was  
21 6,722; correct?

22 A Yes.

23 MS. GREENSTEIN: Objection, asked and  
24 answered.

25 BY MR. STEMLER:

1 Q And it says, in the comments section below  
2 the account number, student loan assigned to  
3 government; correct?

4 A Yes.

5 Q And you see now that account with the end  
6 designation 04; correct?

7 A Yes.

8 Q Do you see account 04 with that same  
9 balance and comment in that grid under the column  
10 8/15/2003 on Exhibit 519-01?

11 A Okay. Yes.

12 Q The next account on Page 453-02 has a  
13 balance of -- original credit balance of 11,728 and  
14 an account number at the end that says 03 and a  
15 comment that says student loan assigned to  
16 government.

17 Do you see account 03 with the same  
18 balance and similar account comment in that column  
19 with 8/15 -- for 8/15/2003 on Page 519-01?

20 MS. GREENSTEIN: Mr. Minnick, I'm going to  
21 object to this line of questioning.

22 Are you trying to get my client to  
23 authenticate a document created by your client?

24 MR. STEPLER: No. Only Mr. Minnick can  
25 do that.

1 MS. GREENSTEIN: And I'm confused. I  
2 mean, I'm going to object to this line of  
3 testimony as outside the 30(b)(6) Notice.  
4 She's -- these are not Equifax documents.

5 MR. STEMLER: You're not instructing the  
6 witness to not answer, are you?

7 MS. GREENSTEIN: No. But we've been here  
8 a really long time, and we've been going  
9 through a lot of documents. And, you know, it  
10 would be nice if there was some indication as  
11 to what -- the point of her reading or agreeing  
12 with you about what is printed on Mr. Minnick's  
13 created documents.

14 MR. STEMLER: Well, I'm trying to make  
15 sure that Equifax agrees that the information  
16 is fairly summarized on this spreadsheet.

17 MS. GREENSTEIN: She cannot -- my witness  
18 cannot, and Equifax cannot, authenticate his  
19 documents; so whether he summarized it  
20 accurately or not is really a question for  
21 Mr. Minnick.

22 MR. STEMLER: Are you telling the witness  
23 not to answer?

24 MS. GREENSTEIN: No, I'm not.

25 But are you going to go through every

1 single cell on these charts?

2 MR. STEPLER: Unless, of course, you want  
3 to do it in a more summary fashion. I actually  
4 can get through this a little faster -- once  
5 we've done it a couple of times, you'll see  
6 it's pretty self-explanatory; and we can get  
7 through this in about 10/15 minutes.

8 MS. GREENSTEIN: To the extent that my  
9 witness understands the documents created by  
10 your client and to the extent that she wishes  
11 to respond, she can answer your questions, if  
12 she has any idea.

13 THE WITNESS: What was the question? Was  
14 there a question? Is there a question on the  
15 table?

16 BY MR. STEPLER:

17 Q Ms. Fluellen, shall we continue or not?

18 A I was asking if there's a question on the  
19 table.

20 Q The question is: For account 03 in the  
21 column 8/15/2003 on the spreadsheet which is Page  
22 519-01, do you see the corresponding information on  
23 Exhibit 453-02 from that subscriber credit report?

24 A I see the -- it says dollar amount,  
25 11,728. I'm not quite sure if that's making

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1 reference to the balance or the loan amount. And I  
2 do see the student loan assigned to government.

3 Q Okay. With respect to account 02, do you  
4 see the original balance of 8,500 and student loan  
5 assigned to government, on 453-02?

6 A Yes.

7 Q And do you see for account 01, on this  
8 August 15th, 2003 column of this spreadsheet,  
9 correspond to 453-02, the fourth Nelnet account  
10 listed there?

11 A I do see it on 453-02. I see that  
12 account, yes.

13 Q And do you see the two accounts at the  
14 bottom of the spreadsheet on that column for  
15 8/15/2003 with the original balances each of \$18,500  
16 and the comment, account transferred or sold, both  
17 appearing on Page 453-02 of that subscriber credit  
18 report?

19 A Yes.

20 Q If you'd turn to page -- Exhibit 459-02  
21 and just verify that is part of 459-01 and 459-03.

22 A Yeah. I think this is the same one we  
23 looked at before.

24 You want me to verify what, now?

25 Q Just that the numbers -- the account

1 information for the six Nelnet accounts that appear  
2 on 459-02 are correlated, to the extent the  
3 information is produced, on the column 1/17/2003 on  
4 the spreadsheet which is 519-01.

5 A I mean, again, he -- on the 459-01, it's  
6 saying dollar amount. I'm not quite sure if they're  
7 meaning balance or high credit. But the numbers are  
8 the same, and the comments are the same.

9 Q Okay. Pulling out the Equifax credit  
10 report dated April 18th, 2004, which is at Exhibit  
11 337, particularly looking at 337-04.

12 A Okay. You -- one moment, please.

13 THE WITNESS: I need to take a break. I  
14 have a phone call.

15 MS. GREENSTEIN: Off the record.

16 MR. STEMLER: Okay. Yep.

17 (Thereupon, a discussion was  
18 held off the record.)

19 MR. STEMLER: I was opening the floor to  
20 Paul Donsbach, if he wanted to ask some  
21 questions of the witness or any questions of  
22 the witness.

23 MS. GREENSTEIN: Paul, are you there?

24 MR. STEMLER: Hello?

25 MR. DONSBACH: Yes.



1 MR. STEPLER: Did you have questions for  
2 Equifax's witness?

3 MR. DONSBACH: No, I don't.

4 MR. STEPLER: Ms. Heikaus Weaver, did you  
5 have some questions for Equifax?

6 MS. WEAVER: I just have maybe one or two  
7 just to clarify some things, if that's okay.

8 MR. STEPLER: Please.

9 MS. WEAVER: Ms. Fluellen, my name is  
10 Kirsten Heikaus Weaver, and I represent  
11 TransUnion. I just have a couple of questions  
12 just to clarify some things earlier that you  
13 were -- that you were talking about with  
14 Mr. Stempler.

15 CROSS-EXAMINATION

16 BY MS. WEAVER:

17 Q Do you recall talking about the carbon  
18 copies?

19 A Yes.

20 Q Mr. Stempler was referring to them as  
21 originating from TransUnion or Experian.

22 Do you recall that?

23 A Yes.

24 Q Would you -- can you tell me if -- the  
25 actual information that's reported on the carbon

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1 copies, do you know who is the source of that  
2 information?

3 A The actual person from TransUnion or  
4 Experian?

5 Q Well, is it your understanding that  
6 TransUnion or Experian is the conduit of information  
7 from another source or is --

8 A Oh. Yes. Well, the actual source of the  
9 carbon copies would come from the data furnishers.

10 MS. WEAVER: Okay. That's all I have,  
11 then. Thank you very much.

12 THE WITNESS: Thank you.

13 MR. STEMLER: This is Robert Stempler.

14 RE-CROSS-EXAMINATION

15 BY MR. STEMLER:

16 Q You're saying, Ms. Fluellen, that the  
17 source of the information from those carbon copies  
18 is something other than TransUnion or Experian?

19 A No. What I said a few minutes ago and I  
20 said earlier is that the credit grantor is the  
21 source of the information being provided through  
22 TransUnion and Experian.

23 Q How do you know that?

24 A Well, I mean, just as though -- when we  
25 send a carbon copy out, we're getting that

1 information from the data furnisher. It's not  
2 something that we are making up.

3 Q Well, what makes you believe that when --  
4 when Experian provides you information about a  
5 Nelnet account or TransUnion provides you informa-  
6 tion about a Nelnet account, that the source of  
7 their information was Nelnet?

8 A Well, sir, that's typically how it works.  
9 You're absolutely right. You know, I'm not there  
10 when TransUnion and Experian is giving me the  
11 information, but that's typically how it works.

12 Q How often have you seen carbon copies in a  
13 case in which you've given testimony?

14 A To be quite honest, this is the first  
15 time.

16 Q Turning to Page 337-04, which is an  
17 Equifax credit report for Mr. Minnick --

18 A One moment. I never did find that.

19 Q Okay.

20 MS. GREENSTEIN: I'm going to object to  
21 the extent you're considering it an Equifax  
22 credit report, and it misconstrues her prior  
23 testimony that it was from Equifax Consumer  
24 Services.

25 A Okay. I have it.

1 BY MR. STEMLER:

2 Q Page 337-04, which has --

3 Do you see the four Nelnet LNS accounts on  
4 that page?

5 A Yes.

6 Q Well, you know what, let's look at a  
7 different page. Please pull out pages 06 through  
8 08.

9 At the bottom of 06 and the top of 07 is a  
10 Nelnet account that had the high credit of 11,728.

11 MS. GREENSTEIN: You're fading out again.

12 MR. STEMLER: Fading out?

13 MS. GREENSTEIN: Yeah. It sounds like  
14 you're getting further -- closer and further  
15 away from the phone. We're having a difficult  
16 time hearing you.

17 MR. STEMLER: I wonder if my battery is  
18 going dead.

19 MS. GREENSTEIN: No. That's better. You  
20 just -- I think you're just stepping away from  
21 the microphone somewhat.

22 MR. STEMLER: Okay. Is this any better?

23 MS. GREENSTEIN: Yes.

24 MR. STEMLER: Thank you.

25 BY MR. STEMLER:

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1           Q     The bottom of 337-06 and the top of 337-07  
2     has a Nelnet account that has a high-credit balance  
3     of 11,728.

4                     Do you see that account summarized as  
5     account 03 on the spreadsheet under the column  
6     4/18/2004?

7                     MS. GREENSTEIN: Same objections as  
8     before.

9           A     Yes, with the same concern that it says  
10    amount. And I'm not quite sure what the amount is  
11    on the summary on 549-01, but the other information  
12    I do see.

13    BY MR. STEMLER:

14           Q     And the next Nelnet account that appears  
15    in the middle of Page 337-07, having an original  
16    high-credit balance of \$10,000, or I just -- I  
17    should say a high-credit balance of \$10,000, do you  
18    see that represented on the spreadsheet as account  
19    01?

20           A     I see an amount for \$10,000, not quite  
21    sure what the amount means.

22           Q     But other than the fact that you don't  
23    know what amount means?

24           A     I'm sorry?

25           Q     Other than the fact that you don't know

1        what amount means, do you see that account  
2        represented on the spreadsheet?

3            A        I see the \$10,000, the status and the  
4        comments.

5            Q        The next account on 337-07 at the bottom  
6        and printed partly at the top of 337-08, having a  
7        high-credit balance -- a high credit of 6,722, do  
8        you see that on the schedule -- on the spreadsheet  
9        as account No. 04?

10           A        Yes.

11           Q        And then the Nelnet account that's in the  
12        middle of 337-08 that had a high-credit balance of  
13        \$8,500, do you see that represented as account 02 on  
14        the spreadsheet?

15           A        Yes.

16           Q        Please turn to Page 341-06.

17           A        Okay.

18           Q        And do you see those --

19                    Do you see the first Nelnet account on the  
20        page that has a high-credit balance of 11,728?

21                    Do you see that represented on the  
22        spreadsheet page No. 519-01 under column 5/3/2004,  
23        account No. 03?

24           A        Yes.

25           Q        And do you see how the current status is

1 also represented on the spreadsheet over 120 days  
2 past due?

3 A Yes.

4 Q The next Nelnet account on 341-06 that had  
5 a high balance of \$10,000 -- high credit of \$10,000,  
6 do you see that as account 01 on the spreadsheet?

7 A Yes.

8 Q And the same as far as the next account  
9 from that -- that Equifax credit report that had a  
10 6,722-dollar balance, high credit.

11 Do you see that represented as account 04  
12 on the spreadsheet?

13 A Yes.

14 Q And the next one that had a high credit of  
15 \$8,500, do you see that represented on the  
16 spreadsheet for May 3rd, 2004, as account 02?

17 A Yes.

18 Q Please pull out Page 342-02 -- I'm sorry,  
19 I misspoke -- 342-07 and 8.

20 THE WITNESS: Can't we just stipulate that  
21 he put this stuff on here?

22 MS. GREENSTEIN: Mr. Minnick --

23 Mr. Stempler, how many more of these are you  
24 doing? I mean, it's getting late in the day,  
25 and she's been testifying for hours. And,

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1           again, this is Mr. Minnick's graph.

2           MR. STEPLER: Right. I'm not asking her  
3           to authenticate the --

4           MS. GREENSTEIN: Then, what are you having  
5           her do?

6           MR. STEPLER: Simply to indicate that the  
7           information was transferred from the credit  
8           reports, which she's authenticated, to the  
9           spreadsheet in a summary fashion.

10          MS. GREENSTEIN: There's no -- what is the  
11          point of that? She -- it doesn't matter  
12          whether -- I mean, she's not authenticating the  
13          document that your client created. I could do  
14          that. You could do that. I mean, this has  
15          been a long deposition.

16          MR. STEPLER: I can't do that, and you  
17          can't do that.

18          MS. GREENSTEIN: Well, neither can she  
19          because it's not his -- I mean, she didn't  
20          create this document, either. My point is, is  
21          that I'm in the same position that she is to go  
22          over this testimony. And it's getting -- you  
23          know, it's been a long day.

24          If you have questions regarding Equifax  
25          documents or procedures as noticed in the



1           30(b)(6), those would probably be more relevant  
2           questions that would be applicable to this  
3           case.

4           MR. STEPLER: Well, I'll go over those  
5           questions, as well. But to finish up with  
6           those questions, then, if you -- since you  
7           don't want -- you know, I understand what  
8           you're saying.

9 BY MR. STEPLER:

10          Q     Just to close a couple of loops that I  
11          have, did you ever speak to Paul Minnick regarding  
12          his credit reports?

13          A     I'm sorry. Did you say Paul?

14          No. I haven't spoken to Mr. Minnick.

15          Q     I'm just going through, really quickly,  
16          the subject matters to make sure that I covered it.  
17          One second, please.

18                 Do you know if Equifax is able to compute  
19          the effect --

20          COURT REPORTER: I'm sorry. Can you  
21          restate that? It's the court reporter. I  
22          didn't understand it.

23 BY MR. STEPLER:

24          Q     I asked: Do you know if Equifax is able  
25          to compute the effect of any adverse information on

1 any credit score --

2 MR. DONSBACH: Objection, calls for expert  
3 testimony, no foundation, calls for  
4 speculation.

5 MS. GREENSTEIN: And, also, objection,  
6 outside the scope of the 30(b)(6).

7 A No.

8 BY MR. STEMLER:

9 Q Do you know the companies to which Equifax  
10 provided adverse-action codes about any of the  
11 credit reports provided to a subscriber concerning  
12 Paul Minnick at any time since January 1st, 2001?

13 MS. GREENSTEIN: Same objection.

14 A No, sir. I don't have that, and I don't  
15 know.

16 BY MR. STEMLER:

17 Q Does Equifax keep track of the subscriber  
18 reports obtained about a consumer?

19 A No.

20 Q Other than, of course, noting that a  
21 report was provided to a particular subscriber and  
22 their address and sometimes their phone number;  
23 right?

24 A That's correct.

25 Q From what we've reviewed today, can you

1 please summarize your actions, you being Equifax,  
2 actions to correct, update or delete any of the  
3 Nelnet accounts that have been the subject of most  
4 of the examination that we've discussed today?

5 MS. GREENSTEIN: Objection, asked and  
6 answered. You've got -- she told you for hours  
7 what went on.

8 A I mean, my summary is that the consumer  
9 initiated some reinvestigations. And I believe in  
10 an instance or two -- I can't recall now -- that we  
11 did verify the account with the source, and then  
12 subsequently we used documentation provided by the  
13 consumer to update the account. And then --

14 I mean, I do echo what my attorney said.  
15 We've been talking quite a bit about what's happened  
16 specifically.

17 BY MR. STEMLER:

18 Q Do you know if Nelnet is a subscriber of  
19 credit reports from Equifax?

20 A If Nelnet is a subscriber?

21 Q Yeah.

22 MR. DONSBACH: Objection, no foundation,  
23 calls for speculation.

24 A I don't recall seeing them listed as a  
25 person that requested account information. I don't

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1 know if they're a subscriber or a data furnisher  
2 only. No. I don't know the relationship. I just  
3 didn't -- I don't know.

4 BY MR. STEMLER:

5 Q Nelnet could be a furnisher of information  
6 without being a subscriber; is that correct?

7 A Yes.

8 MR. DONSBACH: Objection, no foundation,  
9 calls for speculation.

10 BY MR. STEMLER:

11 Q Did you say yes?

12 A Yes. It's possible that a credit grantor  
13 can be a subscriber only or a data furnisher only  
14 or -- and it can be both.

15 Q Is there a separate contract that Equifax  
16 has with companies that are only data furnishers and  
17 not subscribers?

18 A Not to my knowledge. I guess we'd have to  
19 look at the contract specifically, and I don't know.

20 Q Do you know if Equifax received any  
21 universal data forms or automated universal data  
22 forms from Nelnet concerning any of these four  
23 accounts concerning Mr. Minnick?

24 A No, not to my knowledge, nothing other  
25 than the carbon copies.

1           Q     So there's no record at Equifax of receipt  
2 of a UDF from Nelnet concerning any of these  
3 accounts?

4           A     No, not to my knowledge, no.

5                     MR. STEMLER: Well, I think that  
6 concludes my examination. If the other  
7 attorneys have some questions to ask, I  
8 relinquish the floor now.

9                     MR. DONSBACH: No questions.

10                    MS. WEAVER: No questions. Thank you.

11                    MS. GREENSTEIN: Okay. So, then, we'll be  
12 off the record.

13                    (Deposition concluded at approximately 5:00 p.m.)

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E R R A T A S H E E T

I, Alicia Fluellen, the witness herein, have read the transcript of my testimony and the same is true and correct to the best of my knowledge.

\_\_\_\_\_ There are no corrections.

\_\_\_\_\_ Any corrections/additions are listed below.

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\_\_\_\_\_  
ALICIA FLUELLEN

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_

Notary Public.

My commission expires \_\_\_\_\_.

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C E R T I F I C A T E

STATE OF GEORGIA:  
NEWTON COUNTY:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to printing under my direction; that the foregoing pages 1 through 173 represent a true and correct transcript, to the best of my ability, of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

Pursuant to Article 8.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia and OCGA 15-14-37 (a) and (b), written disclosure is attached herein.

This, the 12th day of September, 2005.

\_\_\_\_\_  
MARY K. CALDWELL, CSR, B-1325