**COMMONWEALTH OF KENTUCKY**

**22ND JUDICIAL CIRCUIT**

**FAYETTE CIRCUIT COURT, DIVISION 4**

**CASE NO. 15-CI-003382**

NATIONAL COLLEGIATE STUDENT LOAN TRUST

 2006-3 PLAINTIFF

**DEFENDANT'S SECOND DISCOVERY**

**SERVED ON PLAINTIFF**

MARIA TORRES, *ET AL* DEFENDANTS

 \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

Defendant, Maria Torres, by and through counsel, serve the following Second Discovery on Plaintiff, consisting of Requests for Production, Requests for Admission, and Interrogatories:

Pursuant to the Civil Rule 34 and applicable law, Defendant request that Plaintiff produce at the office of the undersigned counsel within the time period prescribed by the Civil Rules, the documents listed below. In the alternative, within the time period provided by the Civil Rules, Plaintiff may provide Defendant by mail legible copies of both sides of the requested documents.

The term “document” is to be construed in its broadest form within the meaning of CR 34 and means the original and any non-identical copy, regardless of origin or location. It includes, without limitation, all written or printed material including material stored electronically on computer or otherwise, drawings, graphs, charts, photographs, phono records, books, and other data compilations from which information can be translated through detection devices into reasonably usable form.

Pursuant to CR 34(2) you are required to designate and label each document produced to correspond with each numbered request for production. If the same document corresponds with one or more requests, please designate the response to which it already has been producedor re-produce that same document each time it is requested**.**

With respect to any information or document which Plaintiff withholds on the ground of privilege, please identify the subject matter of the information, identify the subject matter of each document, identify the author and addressee of each document, identify each other person who received or saw copies of the document or to whom the content of the document was communicated, and state the basis of the claim of privilege and identify each natural person having personal knowledge of the facts upon which the claim for privilege is based. To the extent that any request calls for the production of documents which, while known to the Plaintiff, are not within the Plaintiffs possession, custody, or control; Plaintiff shall so state in response to such request and shall further state all information known to Plaintiff by which such documents may be identified and shall state the name and present or last known address of the present or last known custodian of such documents.

If you are unable to produce a document requested because it has been lost or destroyed you are to expressly state that this is the case and explain the facts and circumstances of how such document became lost or destroyed.

These requests are deemed continuing, requiring supplemental responses in the event requested documents become available, or become known to you, particularly upon completion of the proceedings in 17-CV-01323.

DEFINITIONS:

“CONSENT ORDER” The proposed Consent Order filed by the Consumer Financial Protection Bureau in Civil Action No. 17-CV-01323-UNA in the District Court of Delaware. The proposed consent Judgment has been objected to by the Defendant National Collegiate Student Loan Trust, as of October 2, 2017, but the matter has not yet been submitted to the District Court Judge for final approval.

“YOU” National Collegiate Student Loan Trust

“SUBJECT LOANS” Loans of Defendant Jimmy Murphy that are subject to the instant consolidated action filed in Fayette Circuit Court.

“AUDITOR” Third party appointed through Consent Order.

 **REQUESTS TO PRODUCE**

1. Please produce any and all communications received by NCSLT that references the Consumer Financial Protection Bureau’s Consent Order proposal, and that references the subject loans.
2. Please produce any and all correspondence sent to Defendant Jimmy Murphy regarding his loans involvement in action taken by you as a result of the consent order.
3. Please produce any and all documents sent to the auditor, or the CFPB, or any third party contracted through the consent order to review compliance, that reference Mr. Murphy or the subject loans.
4. Please produce all documentation requested in Section II of the Compliance Audit Section of the Consent Order that was submitted to the Auditor, CFPB or any other third party contracted to enforce the consent order, including but not limited to: 1) the documents necessary to prove the trust owns the loans, including full chain of title from origination to the specific trust claiming ownership; 2) documents signed by consumer.
5. Please produce any and all redress letters required under Section V of the consent order that are or were sent to Defendant Jimmy Murphy on the subject loans.
6. Please produce all compliance determinant letters issued by the auditor, CFPB, or other third party contracted to ensure compliance with the consent order, that reference Defendant Mr. Murphy or the subject loans, once they are issued under 17-CV-01323 in the Delaware District Court Action.
7. Please provide any evidence you maintain exempts you from the terms of the consent order.

**INTERROGATORIES**

1. Explain if under the current terms as proposed by the CFPB is the subject loans would be eligible for direct redress by Plaintiff, and if so what terms of the consent order would Mr. Murphy’s redress fall: origination to current assignment, statute of limitation, or other.
2. Explain whether the redress available to Mr. Murphy for the subject loans includes dismissal of the suit, refund of any payments, or any other relief available under the consent order.

 Respectfully submitted:

 \_\_/s/Stefanie Ebbens Kingsley\_\_\_\_\_\_\_\_\_\_\_\_\_

 Stefanie Ebbens Kingsley

 **STEFANIE EBBENS KINGSLEY LAW**

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 Corbin, KY 40701

 (606) 260-2565

 stefanie@sek-law.com

CERTIFICATE OF SERVICE

True and correct copies of this Discovery were mailed this Wednesday Nov 1 to;

Javitch Block, LLC

1100 Superior Ave, 19h Floor

Cleveland, OH 44114

And:

Emailed to local counsel

Hon. John Sienkiewicz

\_/s/Stefanie Ebbens Kingsley\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stefanie Ebbens Kingsley