

*FYI: in cross examination ask yes or no questions (except for background). **Do Not** ask "why". These are professional witnesses and will do well with such a question. If they explain, ask the Judge to order them to answer the question.*

Despite repeated request, plaintiff has not provided the complete account sued upon or even evidence that it has received assignment of the claim at issue in this lawsuit. I will have to reserve comment until you have seen plaintiff's evidence.

1. By whom are you employed?
2. How many years have you worked for ____?
3. What is your job title?
4. Have you ever worked for CHASE (Original creditor)?
5. Have you ever lived at 2730 Gateway Oaks, Suite 100, Sacramento, California, 95833?
6. You have never been to that address ever in your life, correct?

Your honor, I would like to show the witness a copy of the affidavit of Ashley Lashinski in this matter.

Give the Judge a copy and give the plaintiff's attorney a copy.

8. Is that your signature at the bottom?
9. And you signed this affidavit on or about September 11, 2012?
10. And you signed it under penalty of perjury, correct?
11. Where have you been for the last 20 days?
12. What does it mean to be served with a subpoena?
13. You were never physically present at 2730 Gateway Oaks, Suite 100, Sacramento, California, 95833 during the last 20 days, correct?
14. It was not a true statement that you could be served at 2730 Gateway Oaks, Suite 100, Sacramento, California, 95833, was it?

Are you aware that 2730 Gateway Oaks, Suite 100, Sacramento, California, 95833 is vacant?

15. It was not a true statement that you could be served at 151 Bernal Rd San Jose, California, was it?

Your honor, I move to exclude this witness and all of his testimony as his affidavit was purposely false and intended to deceive the defendant and the court.

When the judge says no, say, thank you.

16. You have never been employed by CHASE, true? *(if he says yes. Stop here)*
17. What kind of computer system does CHASE have?
18. Has that computer system ever crashed?
19. Have hackers ever broken into CHASE computer system?

20. What is the job title of the CHASE employees that enter information into the bank's computer system relating to payments made on credit card accounts?
21. What is the job title of the CHASE employees that enter information into the bank's computer system relating to purchases made on credit cards?
22. How is interest calculated on those accounts?
23. Who reviews the data for accuracy?
24. How are mistakes handled?
25. Where does CHASE store paper records?
26. What is the name of the CHASE employee in charge of keeping its paper records?

Your honor, I move to strike the witness's testimony. She has absolutely no personal knowledge of the creation, maintenance or production of the records at issue here. Her testimony is speculation and involves multiple levels of hearsay. It is like testifying about a car accident after reading an account of the accident in the newspaper. Mrs. Lashinski has no first-hand knowledge of any facts at issue and his testimony should not be permitted.

CODE OF CIVIL PROCEDURE 2015.5

Whenever, under any law of this state or under any rule, regulation, order or requirement made pursuant to the law of this state, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may with like force and effect be supported, evidenced, established or proved by the unsworn statement, declaration, verification, or certificate, in writing of such person which recites that it is certified or declared by him or her to be true under penalty of perjury, is subscribed by him or her, and (1), if executed within this state, states the date and place of execution, or (2), if executed at any place, within or without this state, states the date of execution and that it is so certified or declared under the laws of the State of California.

The certification or declaration may be in substantially the following form:

(a) If executed within this state:

"I certify (or declare) under penalty of perjury that the foregoing is true and correct": _____ (Date and Place) _____ (Signature)

(b) If executed at any place, within or without this state:

"I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct": _____ (Date and Place)
_____ (Signature)