

RENDERED: SEPTEMBER 2, 2005; 10:00 A.M.  
NOT TO BE PUBLISHED

## Commonwealth Of Kentucky

### Court of Appeals

NO. 2004-CA-000631-MR

JOHNNY R. BAKER

APPELLANT

v. APPEAL FROM WAYNE CIRCUIT COURT  
HONORABLE VERNON MINIARD, JR., JUDGE  
ACTION NO. 02-CI-00150

NATIONAL CITY BANK

APPELLEE

OPINION  
AFFIRMING

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

BEFORE: TACKETT AND TAYLOR, JUDGES; HUDDLESTON, SENIOR JUDGE.<sup>1</sup>

TACKETT, JUDGE: Johnny R. Baker appeals from a Wayne Circuit Court summary judgment in favor of National City Bank for collection of a credit card debt. Baker appeals to this Court, arguing, among other things, that he did not receive requested documentation. We affirm.

---

<sup>1</sup> Senior Judge Joseph R. Huddleston sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

Baker's *pro se* brief contains a great deal of irrelevant material. He expounds on the evolution of the modern monetary system at great length, cites no authority, and spends much of the eighteen pages of his brief to this Court discussing anything but the matter before this Court. Nevertheless, this Court, rather than reject any possible good faith argument out of hand, has reviewed the record before it for anything that might support Baker's claim that he was denied requested documentation.

In resisting a motion for summary judgment, the non-moving party must present some affirmative evidence of the existence of a genuine issue of material fact for trial. Steelvest, Inc. v. Scansteel Service Center, Inc., 807 S.W.2d 476, 482 (Ky. 1991). A review of the record reveals that Baker did not do so, but instead repeatedly requested documentation of "accounting records" other than the records of the credit card account and application which had already been submitted by the bank in support of its claim that Baker had obtained a credit card and defaulted on the agreement to repay. Baker offered nothing to show the debt may not be valid or that he had not actually defaulted on the agreement, or any other issue that might be a genuine issue of material fact, and so the court granted summary judgment in favor of the creditor.

In short, it appears that the records Baker sought do not exist, and that his requests arose from a misunderstanding of how credit card accounts work. All of his requests, as evident from the interrogatories, requests for admission, and requests for production of documents he filed with the circuit court, appear to be premised on the idea that the system underlying credit card accounts has some relation to the lending practices for promissory notes, and that Baker was requesting records that might exist if the subject debt were, for example, a mortgage or other loan of cash, but would not be found in the case of a credit card account. Baker did not receive the records, naturally, because records of the type he sought do not exist. Put another way, it is as if, in a lawsuit about apples, the defendant were requesting records pertaining to oranges.

We are not without some degree of sympathy for Baker. The modern system of finance and credit is bewilderingly complex, and it appears that in trying to formulate a defense, Baker has chosen the wrong path through the labyrinth. We are nevertheless bound to follow established precedent in reviewing this matter, and hold that Baker is entitled to no relief from the judgment.

For the foregoing reasons, the judgment of the Wayne Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEE

Johnny R. Baker, *Pro Se*  
Monticello, Kentucky