

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division

**JAMES A. SMITH,**

Plaintiff

v.

**COHN, GOLDBERG & DEUTSCH, LLC,**

Defendant

**Case No. 1:17-cv-02291-RDB**

**ANSWER**

Defendant Cohn, Goldberg & Deutsch, LLC, (“Cohn”), by its attorneys, James E. Dickerman Esq., Laura E. Gagné, Esq., and Eccleston and Wolf, P.C., hereby answers the allegations and claims set forth in the Complaint.

1. Paragraphs 1 and 2 state a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn denies the allegations in Paragraphs 1 and 2.

2. Cohn does not have sufficient information or knowledge to admit or deny the allegations in Paragraphs 3 and 4.

3. Paragraphs 5 through 8 state a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn denies the allegations in Paragraphs 5 through 8.

4. Cohn does not have sufficient information or knowledge to admit or deny the allegations in Paragraph 9.

5. Cohn denies the allegations in Paragraph 10.

6. Cohn does not have sufficient information or knowledge to admit or deny the allegations in Paragraph 11.

7. Cohn denies the allegations in Paragraphs 12 as Plaintiff has satisfied the debt at issue.

8. Paragraphs 13 and 14 state a legal conclusion to which no response is required.

9. Cohn admits the allegations in Paragraphs 15.

10. Paragraph 16 states a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn admits the allegations in Paragraph 16.

11. Cohn admits the allegations in Paragraphs 17 through 18.

12. Paragraphs 19 through 21 state a legal conclusion to which no response is required.

13. Cohn admits the allegations in Paragraph 22 through 23.

14. Cohn does not have sufficient information or knowledge to admit or deny the allegations in Paragraphs 24 and 25 as Plaintiff is unaware of the date that Plaintiff received any communication from Cohn.

15. The November 26, 2016 Letter speaks for itself and therefore no response is required.

16. The November 26, 2016 Letter speaks for itself and therefore no response is required.

17. Paragraph 28 states a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn denies the allegations in Paragraph 28.

18. Cohn denies the allegations in Paragraphs 29.

19. Paragraphs 30 and 31 state a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn denies the allegations in Paragraph 30 and 31.

20. The November 26, 2016 Letter speaks for itself and therefore no response is required. Cohn denies the other allegations in Paragraph 32.

21. Paragraphs 33 and 34 state a legal conclusion to which no response is required. To the extent an answer is necessary, Cohn denies the allegations in Paragraph 33 and 34.

22. Cohn denies the allegations in Paragraph 35.

23. Cohn admits the allegations in Paragraph 36.

24. Paragraphs 37 through 49 are legal conclusions to which no response is required. To the extent an answer is required, Cohn denies the allegations in Paragraphs 37 through 49.

### **COUNT I**

25. Cohn incorporates by references its responses to the allegations in the prior Paragraphs as if fully stated herein.

26. The language of the 15 U.S.C. § 1692g speaks for itself and therefore no response is required.

27. Cohn admits the allegations in Paragraphs 52 through 54.

28. Cohn denies the allegations in Paragraphs 55 through 61.

29. Cohn denies that Plaintiff is entitled to any of the relief sought in the prayer for relief.

30. Cohn denies each and every allegation of the Complaint that is not specifically admitted in the foregoing paragraphs of the Answer.

### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

Plaintiff has not been damaged by an act or omission by Cohn.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by payment and release.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by waiver.

**WHEREFORE**, having answered, Cohn requests that the Court deny Class Certification and dismiss the Complaint with prejudice and order that Cohn be awarded its cost of defense.

Respectfully submitted,

*/s/James E. Dickerman*

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*/s/Laura E. Gagné*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of November, 2017, a copy of the foregoing Answer was served electronically to:

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