

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Robin Karnette)
Diane McIntyre)
)
Plaintiffs)
)
vs.)
)
Wolpoff & Abramson, L.L.P.)
)
Defendant)
_____)

Civil Action No.: 3:06-CV-00044 REP

ANSWER TO FIRST AMENDED CLASS ACTION COMPLAINT

Your Defendant Wolpoff & Abramson, L.L.P. (“W&A”), in answer to the First Amended Class Action Complaint filed herein states as follows:

1. Defendant admits that it filed arbitrations on behalf of its clients and obtained an arbitration awards on behalf of its clients but denies the remaining allegations in Paragraph 1 of the Amended Complaint.
2. The allegations in Paragraph 2 of the Amended Complaint are jurisdictional in nature and do not require a response.
3. Defendant admits the allegations in Paragraph 3 of the Amended Complaint.
4. Defendant admits the allegations in Paragraph 4 of the Amended Complaint.
5. Defendant denies that it is a profession corporation but admits the remaining allegations in Paragraph 5 of the Amended Complaint.
6. Defendant admits the allegation in Paragraph 6 of the Amended Complaint.
7. Defendant admits the allegations in Paragraph 7 of the Amended Complaint.

8. Defendant admits the allegations that the debt was a consumer debt but denies the remaining allegations in Paragraph 8 of the Amended Complaint.

9. Defendant admits the allegations in Paragraph 9 of the Amended Complaint that Plaintiff fell behind in her payments but is without knowledge as to the reason why.

10. Defendant denies the allegation that it was “dunning” but admits the allegations that it pursued lawful collection efforts in Paragraph 10 of the Amended Complaint.

11. Defendant admits that it filed arbitrations on behalf of its client and obtained an arbitration award on behalf of its client but denies the remaining allegations in Paragraph 11 of the Amended Complaint.

12. Defendant admits that it filed arbitrations on behalf of its client and obtained an arbitration award on behalf of its client but denies the remaining allegations in Paragraph 12 of the Amended Complaint.

13. Defendant denies the allegations in Paragraph 13 of the Amended Complaint.

14. The allegations in Paragraph 14 of the Amended Complaint call for a legal conclusion and therefore a response is not required.

15. Defendant admits the allegations in Paragraph 15 of the Amended Complaint.

16. Defendant admits the allegations that the debt was a consumer debt but denies the remaining allegations in Paragraph 16 of the Amended Complaint. Admit.

17. Defendant admits the allegations in Paragraph 17 of the Amended Complaint that Plaintiff fell behind in her payments but is without knowledge as to the reason why.

18. Defendant denies the allegation that it was “dunning” but admits the allegations that it pursued lawful collection efforts in Paragraph 18 of the Amended Complaint.

19. Defendant admits that it filed arbitrations on behalf of its client and obtained an arbitration award on behalf of its client but denies the remaining allegations in Paragraph 19 of the Amended Complaint.

20. Defendant admits that it filed arbitrations on behalf of its client and obtained an arbitration award on behalf of its client but denies the remaining allegations in Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations in Paragraph 21 of the Amended Complaint.

22. The allegations in Paragraph 22 of the Amended Complaint call for a legal conclusions and therefore a response is not required.

23. Defendant denies the allegations in Paragraph 23 of the Amended Complaint.

24. Defendant denies the allegations in Paragraph 24 of the Amended Complaint.

25. The allegations in Paragraph 25 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

26. The allegations in Paragraph 26 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

27. The allegations in Paragraph 27 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

28. The allegations in Paragraph 28 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

29. The allegations in Paragraph 29 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

30. The allegations in Paragraph 30 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

31. The allegations in Paragraph 31 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

32. The allegations in Paragraph 32 of the Amended Complaint are jurisdictional as to a class action in nature and do not require a response. If a response is required, Defendant denies any allegations.

33. Defendants repeat and incorporate by reference all responses to the foregoing paragraphs.

34. Defendant denies the allegations in Paragraph 34 of the Amended Complaint.

35. Defendants repeat and incorporate by reference all responses to the foregoing paragraphs.

36. Defendant denies the allegations in Paragraph 36 of the Amended Complaint.

37. Defendant denies the allegations in Paragraph 37 of the Amended Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Plaintiff's Complaint fails to set forth a cause of action for which relief may be granted.

SECOND DEFENSE

Plaintiff Karnette's claims are barred by the statute of limitations under 15 U.S.C. § 1692k(d).

THIRD DEFENSE

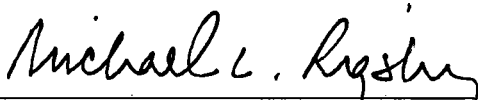
To the extent that Plaintiff is able to establish that Defendant committed any violation of the Fair Debt Collection Practices Act, Defendant is not liable for such violation because the violation was not intentional and resulted from a *bona fide* error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors. 15 U.S.C. § 1692k(c).

FOURTH DEFENSE

Defendants are entitled to immunity for statements made in the arbitration.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed with prejudice and that all attorneys fees and costs be awarded to Defendant.

Respectfully submitted,
WOLPOFF & ABRAMSON, LLP
By Counsel


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading was mailed this 20th day of March 2006 to:

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