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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

STEVEN SCHMIDT,
Plaintiff

vs.

JOHN DOE, a/k/a E.T. HOWELL
and CREDIT BUREAU OF ATHENS,
INC.,

Defendants

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DOCKET NO: 95-6-ATH(DF)

DEFENDANT CREDIT BUREAU OF ATHENS, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW Defendant CREDIT BUREAU OF ATHENS, INC. ("CBA") and Answers Plaintiff's Complaint as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Answering the enumerated paragraphs of the Plaintiff's Complaint, Defendants respond as follows:

1.

Defendant CBA admits that Plaintiff is bringing this action pursuant to the Fair Debt Collection Practices Act ("FDCPA"), but denies that Plaintiff is entitled to do so under the facts alleged in Plaintiff's Complaint.

2.

Defendant CBA admits this Court's jurisdiction is conferred by 15 U.S.C. §1692k and 28 U.S.C. §1331, but denies the remaining allegations contained in paragraph two of Plaintiff's Complaint.

3.

Defendant CBA admits that E.T. Howell is a natural person, and which is his true identity. Defendant CBA admits that it operates a collection agency which regularly attempts to collect debts due its clients, and is a "debt collector" as that term is defined under the FDCPA. Defendant shows that E.T. Howell has left the employment of Defendant CBA and therefore is not currently a debt collector as defined under the FDCPA.

4.

Based on information and belief, Plaintiff is a consumer as defined under the FDCPA. Defendant admits the purposes of the FDCPA, as outlined in paragraph four of Plaintiff's Complaint, but denies that either Defendant has violated any portion of the FDCPA as it regards Plaintiff.

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Defendant CBA denies that Defendant E.T. Howell was attempting to collect the Plaintiff's debt, by obtaining location information from Plaintiff's employer, at the time that the subject communication, on or about January 12, 1994, was sent to Plaintiff's employer, on behalf of Defendant CBA.

6.

Defendant CBA denies the allegations contained in paragraph six of Plaintiff's Complaint as stated.

7.

Defendant admits the venue is proper, but denies that Plaintiff has a proper cause of action against either Defendant.

8.

Defendant CBA admits that on or about January 12, 1994, Defendant Howell sent a letter to Plaintiff's employer seeking only location and verification of employment concerning the Plaintiff. Defendant denies the remaining allegations in paragraph eight of Plaintiff's Complaint as stated.

9.

Defendant CBA denies the allegations contained in paragraph nine of Plaintiff's Complaint.

10.

Defendant CBA admits that the subject letter sent by Defendant E.T. Howell was during the time he was employed with Defendant CBA. Defendant CBA denies that Defendant Howell was attempting to collect a consumer debt, owed by Plaintiff, when it sent the subject letter to Plaintiff's employer. Defendant CBA denies the remaining allegations in paragraph ten of Plaintiff's Complaint as stated.

11.

Defendant CBA denies the allegations contained in paragraph eleven of Plaintiff's Complaint.

12.

There is no paragraph 12 of Plaintiff's Complaint; therefore, a response is not required by CBA.

13.

There is no paragraph 13 of Plaintiff's Complaint; therefore, a response is not required by CBA.

14.

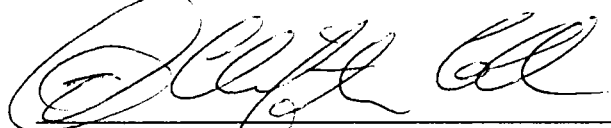
Defendant CBA admits that Plaintiff is seeking a jury trial.

Any allegation, language or paragraph contained in Plaintiff's Complaint not hereinbefore specifically responded to is expressly denied by these Defendants.

WHEREFORE, now having fully answered, Defendant CBA prays as follows:

- (a) that Plaintiff's Complaint against CBA be dismissed;
- (b) that Defendant CBA have judgment in its favor and against the Plaintiff;
- (c) that costs be assessed against the Plaintiff;
- (d) for such other and further relief as the Court deems just and proper.

GREER, KLOSIK AND DAUGHERTY



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