

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DANA LONG)	
)	
Plaintiff)	
)	
v.)	CV-07-BE-1596-S
)	
SYNDICATED OFFICE SYSTEMS)	
D/B/A CENTRAL FINANCIAL CONTROL;)	
FIRST PREMIER BANK)	
)	
Defendants)	

ANSWER

COMES NOW, Syndicated Office Systems, Inc. ("SOS") and in response to the Complaint states as follows:

1. The allegations set forth in Paragraph 1 regarding jurisdiction do not require a response from this Defendant.
2. The allegations set forth in Paragraph 2 regarding jurisdiction do not require a response from this Defendant.
3. The allegations set forth in Paragraph 3 regarding jurisdiction do not require a response from this Defendant.
4. This Defendant is without sufficient information to admit or deny the allegations set forth in Paragraph 4.
5. The allegation set forth in Paragraph 5 are admitted.
6. This Defendant is without sufficient information to admit or deny the allegations set forth in Paragraph 6.
7. This Defendant is without sufficient information to admit or deny the allegations set forth in Paragraph 7.

8. The allegations set forth in Paragraph 8, along with its sub-parts, are denied as to this Defendant.

9. The allegations set forth in Paragraph 9 are denied as to this Defendant.

10. The allegations set forth in Paragraph 10 are denied as to this Defendant.

11. The allegations set forth in Paragraph 11 are denied as to this Defendant.

12. The allegations set forth in Paragraph 12 are denied as to this Defendant.

13. The allegations set forth in Paragraph 13 are denied as to this Defendant.

14. The allegations set forth in Paragraph 14 are denied as to this Defendant.

15. The allegations set forth in Paragraph 15 are denied as to this Defendant.

16. The allegations set forth in Paragraph 16 are denied as to this Defendant.

17. The allegations set forth in Paragraph 17 are denied as to this Defendant.

18. The allegations set forth in Paragraph 18 are denied as to this Defendant.

19. The allegations set forth in Paragraph 19 are denied as to this Defendant.

20. The allegations set forth in Paragraph 20 are denied as to this Defendant.

21. The allegations set forth in Paragraph 21 are denied as to this Defendant.

22. The allegations set forth in Paragraph 22 are denied as to this Defendant.

23. The allegations set forth in Paragraph 23 are denied as to this Defendant.

24. The allegations set forth in Paragraph 24 are denied as to this Defendant.

25. The allegations set forth in Paragraph 25 are denied as to this Defendant.

26. The allegations set forth in Paragraph 26 are denied as to this Defendant.

27. The allegations set forth in Paragraph 27 are denied as to this Defendant.

28. The allegations set forth in Paragraph 28 are denied as to this Defendant.

29. This Defendant admits that it is characterized as a "debt collector" as that term is described within the Fair Debt Collection Practices Act. The remaining allegations set forth in Paragraph 29, along with its sub-parts, are denied.

30. The allegations set forth in Paragraph 30 are denied as to this Defendant.
31. The allegations set forth in Paragraph 31 are denied as to this Defendant.
32. The allegations set forth in Paragraph 32 are denied as to this Defendant.
33. The allegations set forth in Paragraph 33 are denied as to this Defendant.
34. The allegations set forth in Paragraph 34 are denied as to this Defendant.
35. The allegations set forth in Paragraph 35 are denied as to this Defendant.
36. The allegations set forth in Paragraph 36 are denied as to this Defendant.
37. The allegations set forth in Paragraph 37 are denied as to this Defendant.
38. The allegations set forth in Paragraph 38 are denied as to this Defendant.
39. The allegations set forth in Paragraph 39 are denied as to this Defendant.
40. This Defendant denies that the Plaintiff is due the relief sought in Paragraph 40.
41. This Defendant denies that the Plaintiff is due the relief sought in Paragraph 41.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

This Defendant pleads the general issue.

SECOND AFFIRMATIVE DEFENSE

This Defendant denies the material allegations contained in the Complaint and demands strict proof thereof.

THIRD AFFIRMATIVE DEFENSE

The Complaint fails to state a cause of action upon which relief may be granted.

FOURTH AFFIRMATIVE DEFENSE

The Complaint fails to state a claim.

FIFTH AFFIRMATIVE DEFENSE

This Defendant is not guilty or liable for the matters pled in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

This Defendant pleads the applicable statute of limitations.

SEVENTH AFFIRMATIVE DEFENSE

This Defendant asserts that any damages allegedly suffered by the Plaintiff are the results of the acts or omissions of third persons over whom this Defendant had neither control or responsibility.

EIGHTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to mitigate her damages.

NINTH AFFIRMATIVE DEFENSE

The Complaint and each claim for relief therein is barred by laches.

TENTH AFFIRMATIVE DEFENSE

This Defendant pleads the Doctrine of res judicata.

ELEVENTH AFFIRMATIVE DEFENSE

This Defendant pleads estoppel.

TWELFTH AFFIRMATIVE DEFENSE

This Defendant pleads judicial estoppel.

THIRTEENTH AFFIRMATIVE DEFENSE

This Defendant pleads The Doctrine of Unclean Hands.

FOURTEENTH AFFIRMATIVE DEFENSE

This Defendant pleads the affirmative defense of truth of statement.

FIFTEENTH AFFIRMATIVE DEFENSE

The Plaintiff's claims are barred by the privilege afforded this Defendant by the FRCA and by state law.

SIXTEENTH AFFIRMATIVE DEFENSE

This Defendant asserts the defense of the qualified immunity provided by the FRCA and by state law.

SEVENTEENTH AFFIRMATIVE DEFENSE

At all relative times, this Defendant maintained and followed reasonable procedures to assure maximum possible accuracy of the information concerning the Plaintiff in preparing consumer reports related to the Plaintiff.

EIGHTEENTH AFFIRMATIVE DEFENSE

This Defendant at all times acted in compliance with all federal and state laws regarding the consumer reports of the Plaintiff.

NINETEENTH AFFIRMATIVE DEFENSE

This Defendant has not published any false, inaccurate or defamatory information to a third party regarding the Plaintiff and has not acted with negligence, actual malice, or any willful intent to injure.

TWENTIETH AFFIRMATIVE DEFENSE

The Plaintiff's claims for punitive damages are subject to the limitation and protections set forth in applicable law, including but not limited to, the protections contained in Alabama Code Section 6-11-20; 6-11-21 and other applicable state and statutory law.

TWENTY FIRST AFFIRMATIVE DEFENSE

The Plaintiff's claim for exemplary or punitive damages violate the Fourteenth Amendment, The Excess Fines Clause, The Eighth Amendment, and The Due Process Clause of United States Constitution.

RIGHT TO ASSERT ADDITIONAL DEFENSES

This Defendant reserves the right to assert additional affirmative defenses at such time and to such extent as warranted by discovery and factual developments in this case.

/s/ C. Steven Ball

C. Steven Ball (asb-5126-a64c)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2007, I have served a copy of the above and foregoing on counsel for all parties by:

_____ Placing a copy of same in the United States Mail, properly addressed and first class postage prepaid to;

 X Using the CM/ECF system which will send notifications of such to the following:

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/s/ C. Steven Ball

OF COUNSEL