

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA**

GEORGE CANSLER, on his own behalf,
and on behalf of a class of those similarly
situated,

Plaintiff,

v.

UNIVERSITY HEALTH SYSTEMS OF
EASTERN CAROLINA, INC., EAST
CAROLINA HEALTH-CHOWAN, INC.,
HALIFAX REGIONAL MEDICAL
CENTER, INC., ROANOKE VALLEY
HEALTH SERVICES, INC., PITT
COUNTY MEMORIAL HOSPITAL, INC.,
DUPLIN GENERAL HOSPITAL, INC.,
EAST CAROLINA HEALTH-
BEAUFORT, INC., EAST CAROLINA
HEALTH-BERTIE, INC., EAST
CAROLINA HEALTH-HERITAGE, INC.,
THE OUTER BANKS HOSPITAL, INC.,
VIDANT MEDICAL GROUP
AFFILIATES, LLC, VIDANT MEDICAL
GROUP, LLC, VIDANT INTEGRATED
CARE, LLC, and FIRSTPOINT
COLLECTION RESOURCES, INC.,

Defendants.

Case No. 4:22-cv-00014-FL

**DEFENDANT FIRSTPOINT COLLECTION RESOURCES, INC.'S
ANSWER AND AFFIRMATIVE DEFENSES**

NOW COMES Defendant, FirstPoint Collection Resources, Inc. (“Defendant”), by and through counsel, and hereby responds to Plaintiff George Cansler’s (“Plaintiff”) Complaint, with its Answer and Affirmative Defenses as follows, denying all allegations except as expressly admitted herein:

Responding to the unnumbered, introductory paragraph, Defendant admits Plaintiff alleges certain violations under the North Carolina Unfair and Deceptive Trade Practices Act

(“NCUDTPA”), N.C.G.S. § 75-1 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201(a) *et seq.*, the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and the North Carolina Collection Agency Act (“NCCAA”), N.C.G.S. § 58-70 *et seq.*, both individually and on behalf of a purported class, but Defendant denies the veracity and availability of those claims. Defendant denies any remaining allegations in the introductory paragraph.

I. RESPONSE TO NATURE OF THE ACTION

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding Vidant’s policies or knowledge, and therefore denies those allegations. Defendant denies the remaining allegations in Paragraph 1.

II. RESPONSE TO THE PARTIES

A. Plaintiff.

2. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies those allegations.

B. Defendants.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies those allegations.

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and therefore denies those allegations.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies those allegations.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 and therefore denies those allegations.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 and therefore denies those allegations.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and therefore denies those allegations.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and therefore denies those allegations.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore denies those allegations.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore denies those allegations.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and therefore denies those allegations.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 and therefore denies those allegations.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and therefore denies those allegations.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and therefore denies those allegations.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 and therefore denies those allegations.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and therefore denies those allegations.

18. Responding to Paragraph 18, Defendant admits it is a North Carolina corporation, admits its principal place of business is located at 225 Commerce Pl., Greensboro, NC 27401, and admits it can be served with process through its registered agent, Anthony Robertson, at the same address. Defendant admits it holds a North Carolina collection agency license under N.C.G.S. §

58-70-1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18 and therefore denies those allegations.

III. RESPONSE TO JURISDICTION AND VENUE

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and therefore denies those allegations.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and therefore denies those allegations.

21. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21 and therefore denies those allegations.

22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and therefore denies those allegations.

IV. RESPONSE TO FACTUAL BACKGROUND

23. Defendant denies the allegations in Paragraph 23 to the extent they are directed at Defendant. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23 and therefore denies those allegations.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24 and therefore denies the allegations.

25. Defendant denies the allegations in Paragraph 25.

A. Response to Allegations of How Prices of Medical Services Are Set for Patients with Commercial Insurance.

26. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 26 and therefore denies those allegations.

27. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 27 and therefore denies those allegations.

28. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 28 and therefore denies those allegations.

29. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 and therefore denies those allegations.

30. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and therefore denies those allegations.

31. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 31 and therefore denies those allegations.

32. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and therefore denies those allegations.

33. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 33 and therefore denies those allegations.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and therefore denies those allegations.

35. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore denies those allegations.

36. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore denies those allegations.

37. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 and therefore denies those allegations.

38. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and therefore denies those allegations.

39. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and therefore denies those allegations.

40. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and therefore denies those allegations.

41. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 41 and therefore denies those allegations.

B. Response to Alleged Background on Vidant, its Alleged Unreasonable Prices, and Alleged its Refusal to Disclose Prices.

42. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and therefore denies those allegations.

43. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 43 and therefore denies those allegations.

44. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and therefore denies those allegations.

45. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 45 and therefore denies those allegations.

46. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and therefore denies those allegations.

47. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 and therefore denies those allegations.

48. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and therefore denies those allegations.

49. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49 and therefore denies those allegations.

50. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and therefore denies those allegations.

51. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 51 and therefore denies those allegations.

52. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and therefore denies those allegations.

53. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and therefore denies those allegations.

54. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 54 and therefore denies those allegations.

C. Response to Alleged Background on Defendants' Alleged Unlawful Means of Attempting to Collect Debts.

55. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and therefore denies those allegations.

56. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 56 and therefore denies those allegations.

57. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and therefore denies those allegations.

58. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58 and therefore denies those allegations.

59. Responding to Paragraph 59, Defendant admits accounts are placed in its office by Vidant Health for collection purposes. Defendant further admits that it is permitted to report such accounts to credit reporting agencies and accurately provides such information to individuals owing such accounts. Defendant denies the remaining allegations in Paragraph 59.

60. Defendant admits that, at times, it seeks to collect financial obligations owed by individuals using the mail and telephone. Defendant lacks knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 60 and therefore denies those allegations.

61. Defendant admits that Vidant had the right to recall accounts placed with Defendant and, at times, it exercised that right. Defendant further admits that, at times, Vidant placed an account with Defendant which it had previously placed with Defendant. Defendant denies the remaining allegations in Paragraph 61.

D. Response to Alleged Facts Regarding Plaintiff and his Alleged Experience with Defendants' Allegedly Unlawful Conduct.

62. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 62 and therefore denies those allegations.

63. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 63 and therefore denies those allegations.

64. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 64 and therefore denies those allegations.

65. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 65 and therefore denies those allegations.

66. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66 and therefore denies those allegations.

E. Response to Mr. Cansler's Allegations of Receiving Care from Vidant Chowan Hospital.

67. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67 and therefore denies those allegations.

68. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68 and therefore denies those allegations.

69. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69 and therefore denies those allegations.

70. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70 and therefore denies those allegations.

71. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71 and therefore denies those allegations.

72. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72 and therefore denies those allegations. Further responding, Defendant denies any attempts to interpret or paraphrase the contents of the documents cited in Paragraph 72.

73. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73 and therefore denies those allegations.

74. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74 and therefore denies those allegations.

F. Response to Mr. Cansler's receiving bills with allegedly unreasonable prices to which he alleges he did not assent.

75. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75 and therefore denies those allegations.

76. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76 and therefore denies those allegations.

77. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 77 and therefore denies those allegations.

78. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 78 and therefore denies those allegations.

79. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 79 and therefore denies those allegations.

80. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 80 and therefore denies those allegations.

81. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 81 and therefore denies those allegations.

82. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 82 and therefore denies those allegations.

83. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 83 and therefore denies those allegations.

84. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 84 and therefore denies those allegations.

85. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 85 and therefore denies those allegations.

86. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 86 and therefore denies those allegations.

87. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 87 and therefore denies those allegations.

88. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 88 and therefore denies those allegations.

89. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 89 and therefore denies those allegations.

90. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 90 and therefore denies those allegations.

91. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 91 and therefore denies those allegations.

92. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 92 and therefore denies those allegations.

93. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 93 and therefore denies those allegations.

94. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 94 and therefore denies those allegations.

95. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 95 and therefore denies those allegations.

96. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 96 and therefore denies those allegations.

97. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 97 and therefore denies those allegations.

98. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 98 and therefore denies those allegations.

99. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 99 and therefore denies those allegations.

100. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 100 and therefore denies those allegations.

101. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 101 and therefore denies those allegations.

102. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 and therefore denies those allegations.

103. Defendant admits the allegations in Paragraph 103.

104. Responding to Paragraph 104, Defendant admits to sending a letter to Plaintiff but lacks knowledge or information sufficient to form a belief as to the truth of the allegations as to when Plaintiff received the letter. The letter speaks for itself and Defendant denies all allegations inconsistent with the letter's contents.

105. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 105 and therefore denies those allegations.

106. Responding to Paragraph 106, Defendant admits to receiving a letter dated October 17, 2020, which appears to be from Plaintiff. The letter speaks for itself and Defendant denies all allegations inconsistent with the letter's contents.

107. Responding to Paragraph 107, Defendant admits sending Plaintiff a letter dated November 11, 2020. The letter speaks for itself and Defendant denies all allegations inconsistent with the letter's contents.

108. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 108 and therefore denies those allegations.

109. Responding to Paragraph 109, Defendant admits sending Plaintiff a letter dated December 16, 2020. The letter speaks for itself and Defendant denies all allegations inconsistent with the letter's contents.

110. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 110 and therefore denies those allegations.

111. Responding to Paragraph 111, Defendant admits leaving a voicemail for Plaintiff. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 111 and therefore denies those allegations.

112. Responding to Paragraph 112, Defendant admits to receiving a letter dated February 20, 2020, which appears to be from Plaintiff. The letter speaks for itself and Defendant denies all allegations inconsistent with the letter's contents. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 112 and therefore denies those allegations.

113. Responding to Paragraph 113, Defendant admits it unsuccessfully attempted to call Plaintiff on or about May 26, 2021. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 113 and therefore denies those allegations.

114. Defendant denies Paragraph 114 to the extent it is addressed to Defendant. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 114 and therefore denies those allegations.

V. RESPONSE TO CLASS ALLEGATIONS

115. Responding to Paragraph 115 and its subparts, Defendant admits Plaintiff purports to bring this action on behalf of a class and admits Plaintiff attempts to define two classes in Paragraph 115. Defendant denies that any class exists and that any class should be certified pursuant to Fed. R. Civ. P. 23.

116. Defendant denies that any class should be certified pursuant to Fed. R. Civ. P. 23 and therefore denies the remaining allegations in Paragraph 116.

117. Responding to Paragraph 117 and its subparts, Defendant admits Plaintiff purports to bring this action on behalf of a class and admits Plaintiff attempts to define two classes in Paragraph 117. Defendant denies that any class exists and that any class should be certified pursuant to Fed. R. Civ. P. 23.

118. Responding to Paragraph 118, Defendant admits Plaintiff purports to bring this action on behalf of a class and admits Plaintiff attempts to define two classes in Paragraph 118. Defendant denies that any class exists and that any class should be certified pursuant to Fed. R. Civ. P. 23. Defendant denies all remaining allegations in Paragraph 118.

119. Defendant denies Paragraph 119.

120. Responding to Paragraph 120, Defendant admits Plaintiff purports to bring this action on behalf of a class and admits Plaintiff attempts to define two classes in Paragraph 120. Defendant denies that any class exists and that any class should be certified pursuant to Fed. R. Civ. P. 23.

121. Responding to Paragraph 121, Defendant denies that any class should be certified pursuant to Fed. R. Civ. P. 23 and denies that Plaintiff or the putative class is entitled to any relief.

122. Responding to Paragraph 122, Defendant admits Plaintiff purports to bring this action on behalf of a class and admits Plaintiff attempts to define two classes in Paragraph 122. Defendant denies that any class exists and that any class should be certified pursuant to Fed. R. Civ. P. 23.

123. Defendant denies that any class should be certified pursuant to Fed. R. Civ. P. 23 and therefore denies the remaining allegations in Paragraph 123.

VI. RESPONSE TO CLAIMS FOR RELIEF

RESPONSE TO COUNT ONE: ALLEGED VIOLATION OF THE NORTH CAROLINA UNFAIR AND DECEPTIVE TRADE PRACTICES ACT (UDTPA), N.C.G.S. § 75-1.1, *et seq.* (Vidant Defendants)

124. Defendant restates and incorporates its responses above as though fully stated herein.

125. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 125 and therefore denies those allegations.

126. Defendant denies Paragraph 126.

127. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 127 and therefore denies those allegations.

128. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 128 and therefore denies those allegations.

129. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 and therefore denies those allegations.

130. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 130 and therefore denies those allegations.

131. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and therefore denies those allegations.

132. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 132 and therefore denies those allegations.

133. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 and therefore denies those allegations.

134. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 and therefore denies those allegations.

135. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 and therefore denies those allegations.

136. Defendant denies Paragraph 136.

137. Responding to Paragraph 137, Defendant denies any violation of the UDTPA.

138. Defendant denies Paragraph 138.

139. Responding to Paragraph 139, Defendant denies any wrongdoing and denies Plaintiff or any of the putative class members suffered or continues to suffer any injuries or harm as a result of Defendant's actions.

140. Paragraph 140 does not contain any allegations towards Defendant; therefore, Defendant is not required to respond. To the extent a response is required, Paragraph 140 is denied.

141. Responding to Paragraph 141, Defendant denies any wrongdoing and denies Plaintiff or any of the putative class members suffered or continues to suffer any damages as a result of Defendant's actions.

142. Responding to Paragraph 142, Defendant denies that Plaintiff or any of the putative class members suffered or continues to suffer any damages as a result of Defendant's actions, and denies that Plaintiff or the putative class is entitled to any damages.

**RESPONSE TO COUNT TWO: DECLARATORY AND INJUNCTIVE RELIEF
(Vidant Defendants)**

143. Defendant restates and incorporates its responses above as though fully stated herein.

144. Paragraph 144 contains a statement rather than any allegation against Defendant. To the extent a response is required, Defendant refers to the text of the Declaratory Judgment Act and denies anything inconsistent therewith.

145. Paragraph 145 contains a statement rather than any allegation against Defendant. To the extent a response is required, Defendant refers to the text of the cited statute and denies anything inconsistent therewith.

146. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 146 and therefore denies those allegations.

147. Defendant denies Paragraph 147.

148. Defendant denies Paragraph 148.

149. Paragraph 149 does not contain any allegations towards Defendant; therefore, no response is required. To the extent a response is required, Paragraph 149 is denied.

150. Defendant denies Paragraph 150.

151. Defendant denies Paragraph 151.

152. Defendant denies Paragraph 152 and denies any relief is available to Plaintiff.

153. Defendant denies Paragraph 153 and denies any relief is available to Plaintiff or the putative class members.

**RESPONSE TO COUNT THREE: ALLEGED VIOLATION OF THE FAIR DEBT
COLLECTION PRACTICES ACT (FDCPA), 15 U.S.C. § 1692 *et seq.*
(Defendant FirstPoint)**

154. Defendant restates and incorporates its responses above as though fully stated herein.

155. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 155 and therefore denies those allegations.

156. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 156 and therefore denies those allegations.

157. Defendant denies Paragraph 157.

158. Defendant denies Paragraph 158.

159. Defendant denies Paragraph 159.

160. Responding to Paragraph 160, Defendant denies violation of the FDCPA, denies that Plaintiff has suffered any damages, denies Plaintiff or the putative class is entitled to recover damages, and denies that Plaintiff is entitled to any other relief.

**RESPONSE TO COUNT FOUR: ALLEGED VIOLATION OF THE NORTH
CAROLINA COLLECTION AGENCY ACT (NCCAA), N.C.G.S. § 58-70-1, et seq.
(Defendant FirstPoint)**

161. Defendant restates and incorporates its responses above as though fully stated herein.

162. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 162 and therefore denies those allegations.

163. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 163 and therefore denies those allegations.

164. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 164 and therefore denies those allegations.

165. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 165 and therefore denies those allegations.

166. Defendant denies Paragraph 166.

167. Responding to Paragraph 167, Defendant denies violation of the NCCAA, denies that Plaintiff has suffered any damages, denies Plaintiff is entitled to recover damages, and denies that Plaintiff is entitled to any other relief.

RESPONSE TO JURY DEMAND

Defendant admits that Plaintiff has demanded a jury trial but denies that Plaintiff has alleged any issues triable by a jury and denies Plaintiff has suffered an injury-in-fact to maintain standing.

RESPONSE TO PRAYER FOR RELIEF

To the extent Defendant is required to respond to Plaintiff's Prayer for Relief, Defendant denies that any class should be certified pursuant to Fed. R. Civ. P. 23, denies that Plaintiff should be appointed as class representative, denies that Plaintiff's attorneys should be appointed as class

counsel, denies that Defendant's actions violated the FDCPA or the NCCAA, denies that Plaintiff has suffered any damages, denies Plaintiff is entitled to recover damages, attorney's fees, or costs, and denies that Plaintiff is entitled to any other relief.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

Plaintiff fails to state a claim upon which relief can be granted and his claims should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

SECOND DEFENSE

Plaintiff denies all allegations set forth in Plaintiff's Complaint except as expressly admitted herein.

THIRD DEFENSE

Any violation of the law or damage suffered by Plaintiff, which Defendant denies, was due to the affirmative actions and/or omissions of Plaintiff or others, and does not give rise to any liability against Defendant.

FOURTH DEFENSE

While Defendant denies that Plaintiff has been damaged in any way, if it should be determined that Plaintiff has been damaged, then Defendant alleges such damage was not caused by Defendant, but was proximately caused or contributed to by the conduct of others for whom Defendant is not responsible or liable.

FIFTH DEFENSE

Defendant asserts the Court lacks standing to hear this case as the claims, as alleged, do not assert any actual or concrete injury or damage to the named Plaintiff and/or any of the purported class members.

SIXTH DEFENSE

Plaintiff's Complaint and purported claims for relief are barred in whole or in part because Defendant at all times acted in a reasonable manner and in good faith.

SEVENTH DEFENSE

Plaintiff's Complaint and purported claims for relief are barred because the named Plaintiff may not be a suitable class representative and/or the case cannot meet the standards required under Fed. R. Civ. P. 23 for the purported class representative or any of the alleged class members. Additionally, Defendant may assert specific affirmative defenses for alleged class members as they become known to Defendant.

EIGHTH DEFENSE

If the agreement(s) between Plaintiff and the creditor includes an arbitration provision, Plaintiff may not be able to maintain this action either individually or on a class basis.

NINTH DEFENSE

If and to the extent any act or omission by Defendant is determined to violation the FDCPA, NCCAA, or any other statute, which Defendant denies, any such violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably calculated to avoid any such error. More specifically, it is Defendant's policy to honor cease and desist requests. If and to the extent Defendant made any calls after a cease and desist request was received, such calls were accidental and in contravention of this policy.

TENTH DEFENSE

Defendant reserves the right to assert any other defenses that may become available during discovery proceedings, or otherwise, in this case and hereby reserves the right to amend its Answer to assert any such defenses.

PRAYER FOR RELIEF

WHEREFORE, having fully responded to Plaintiff's Complaint, Defendant prays that this Court:

1. Dismiss Plaintiff's claims with prejudice and award Plaintiff and any putative class members nothing from Defendant;
2. Award Defendant its attorneys' fees from Plaintiff to the extent allowed by law;
3. Tax the costs of this action against Plaintiff; and
4. Provide such other and further relief as this Court deems just and proper.

Dated: May 20, 2022

Respectfully submitted by:

/s/ David A. Grassi, Jr.
David A. Grassi, Jr. (N.C. Bar No. 38191)
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Counsel for Defendant FirstPoint Collection Resources, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon all counsel of record via the Clerk of Court's ECF system, this the 20th day of May, 2022.

/s/ David A. Grassi, Jr.
The Echols Firm, LLC