

**SUPREME COURT FOR THE STATE OF NEW YORK
COUNTY OF GREENE**

CAVALRY SPV I, LLC

ANSWER

Plaintiff,

Index No. EF2022-3

vs.

ANNA MARTIN,

Defendant.

Defendant, ANNA MARTIN, by and through her attorneys, Law Offices of Robert S. Gitmeid & Assoc., PLLC, without waiving any affirmative defenses, as and for an Answer to the Plaintiff's Complaint, states the following upon information and belief:

AS TO THE FIRST CAUSE OF ACTION (BREACH OF CONTRACT)

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 1 and, therefore, DENIES the allegations on that basis.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 2 and, therefore, DENIES the allegations on that basis.
3. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 3 and, therefore, DENIES the allegations on that basis.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 4 and, therefore, DENIES the allegations on that basis.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 5 and, therefore, DENIES the allegations on that basis.
6. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 6 and, therefore, DENIES the allegations on that basis.
7. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 7 and, therefore, DENIES the allegations on that basis.
8. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 8 and, therefore, DENIES the allegations on that basis.

AS TO THE SECOND CAUSE OF ACTION (ACCOUNT STATED)

9. Paragraph 9 does not contain any allegations which require a response; to the extent that it does contain allegations requiring a response, however, Defendant DENIES them.
10. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 10 and, therefore, DENIES the allegations on that basis.
11. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 11 and, therefore, DENIES the allegations on that basis.
12. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 12 and, therefore, DENIES the allegations on that basis.

13. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 13 and, therefore, DENIES the allegations on that basis.

AFFIRMATIVE DEFENSES

First Affirmative Defense

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

Second Affirmative Defense

Defendant denies the amounts claimed by Plaintiff and the remaining allegations. Defendant demands that Plaintiff verifies the alleged debt and provides a detailed accounting of all alleged purchases, charges, credits, offsets and payments to the alleged account.

Third Affirmative Defense

Defendant alleges that the amounts claimed by Plaintiff are inflated to include improper charges and late payment fees inappropriately charged by Plaintiff. The Defendant submits that these charges created an unconscionable contract and that allowing Plaintiff to collect these amounts would be inequitable and against public policy.

Fourth Affirmative Defense

Defendant contends that Plaintiff charged excessive interest, late fees and penalties. As a result of the excessive amounts charged by Plaintiff, Defendant is unable to reduce the debt, making performance of any obligation impossible.

Fifth Affirmative Defense

This action is barred by the statute of limitations.

Sixth Affirmative Defense

Plaintiff's claims are barred by estoppel, unclean hands, and waiver.

Seventh Affirmative Defense

Defendant did not breach any duty or obligation allegedly owed to Plaintiff.

Eighth Affirmative Defense

Plaintiff's claims are barred by its failure to satisfy all conditions precedent.

Ninth Affirmative Defense

Plaintiff failed, refused and/or neglected to take reasonable steps to mitigate Plaintiff's damages, if any, thus barring or diminishing any recovery by Plaintiff against Defendants.

Tenth Affirmative Defense

Plaintiff is barred under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692f(1) and other relevant state and federal statutes, from collecting any interest and any amount unless it is expressly authorized by the agreement creating the alleged debt or permitted by law. Plaintiff has failed to attach proper documentation to verify such interest is permitted under the applicable rules.

Eleventh Affirmative Defense

Defendant reserves the right to assert additional defenses as discovery progresses.

PRAYER FOR RELIEF

WHEREFORE, the Defendant prays for relief from this Honorable Court as follows:

- A. That the Plaintiff takes nothing by way of this Complaint,
- B. To dismiss the Complaint with prejudice based upon the admissions, denials, and defenses as alleged herein,
- C. To award the Defendant's costs, and
- D. To award the Defendant such other and further relief as this Court deems just and equitable.

Respectfully Submitted,



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TO: CLERK
STATE OF NEW YORK
SUPREME COURT COUNTY OF GREENE

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