

3. This Defendant admits only that it is a law firm organized and existing pursuant to South Carolina law with its principal place of business in Columbia, South Carolina and denies all remaining and/or inconsistent allegations. Further responding, this Defendant admits only that it represents certain clients who collect certain debts from third parties.

4. In response to paragraph 42, this Defendant re-alleges all preceding paragraphs as if restated herein verbatim.

5. Denied.

6. In response to paragraph 44, this Defendant re-alleges all preceding paragraphs as if restated herein verbatim.

7. To the extent paragraph 45 is directed towards this Defendant, it denies the same. Further responding, this Defendant is a law firm engaging in the authorized practice of law on behalf of clients. Part of this Defendant's practice of law involves seeking recovery of money on behalf of the client, sometimes for debts owed or allegedly owed to the client.

8. This Defendant denies paragraph 46 – 51.

9. To the extent paragraphs 52 – 53 require a response from this Defendant, it denies the same. This action would not be appropriately maintained as a class action. There is no similarly situated class of potential Plaintiffs, no damages or actionable activity on behalf of this Defendant. Further, this is a foreclosure action to which this Defendant is an improper party.

10. This Defendant denies paragraphs 54 – 59, including all subparts.

11. In response to paragraph 60, this Defendant re-alleges all preceding paragraphs as if restated herein verbatim.

12. This Defendant denies paragraphs 61 – 62.

13. In response to paragraph 63, this Defendant re-alleges all preceding paragraphs as if restated herein verbatim.

14. Paragraphs 64 and 65 state conclusions of law which do not require a response from this Defendant. To the extent a response is required, this Defendant denies the same.

15. This Defendant denies paragraphs and 70, including all subparts. The Third-Party Complaint lacks paragraphs 67, 68, and 69. To the extent said paragraphs exist, this Defendant denies them.

16. The court should deny the request for a jury trial. This is a foreclosure, an equitable action, which Third-Party Plaintiff is attempting to manipulate into a claim concerning legal causes of action against this Defendant. To the extent valid legal claims are presented (which this Defendant denies), the court should sever the equitable and legal claims.

17. This Defendant denies the prayer for relief.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Failure to State a Claim)

18. The Third-Party Complaint fails to state facts sufficient to constitute a cause of action against this Defendant, and the Court should therefore dismiss it pursuant to SCRC P 12(b)(6).

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Lawyer Immunity)

19. This Defendant is immune from liability to Defendant Richardson, a third-party whom this Defendant did not represent, arising from the performance of his professional activities as lawyers on behalf of and with the knowledge of the client.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Unclean Hands)

20. The Defendant comes to this action with unclean hands, and therefore she cannot recover for equitable causes of action, including unjust enrichment. Further, this Defendant was not enriched, justly or unjustly, by the Defendant, and she is therefore barred from recovery for unjust enrichment.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Statute of Limitations/Statute of Repose)

21. The applicable statute of limitations and/or statute of repose bars or may bar Richardson's claims against this Defendant.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Lack of Duty)

22. There is no duty this Defendant owes Richardson that could serve as the basis for any claim of liability as asserted in the Third-Party Complaint. This Defendant represents the Plaintiff in this lawsuit. Naming this Defendant as a Third-Party Defendant is improper.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(FDCPA)

23. This Defendant hereby raises the defenses contained in the Federal Debt Collection Protection Act ("FDCPA"). This includes, but is not limited to: a) 15 U.S.C. § 1692(g), which provides that a communication in the form of a formal pleading in a civil action shall not be treated as an initial communication for purposes of the FDCPA and b) 15 U.S.C. § 1692k(c), which provides any act or omission by Defendant, if determined to be in violation of the Fair Debt Collection Practices Act ("FDCPA"), was not intentional and was the result of a *bona fide* error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Lack of Proximate Cause)

24. Nothing this Defendant did or failed to do proximately caused any damages to Richardson.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Intervening/Superseding Acts of Others)

25. Any alleged injuries sustained by Richardson were caused in whole or in part by the acts or omissions of persons other than this Defendant, over whom this Defendant had no control, or by superseding intervention of causes outside this Defendant's control.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Failure to Pay Debt)

26. The Defendant's claims are barred in whole or in part by her failure to pay the subject debt.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Failure to File Expert Affidavit)

27. To the extent the Third-Party Complaint states or implies a cause of action of legal negligence against this Defendant, the Court should dismiss the Third-Party Complaint with prejudice for failure to file an expert affidavit in compliance with S.C. Code § 15-36-100.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Estoppel)

28. The Defendant should be estopped in equity from recovery against this Defendant.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Lack of Standing)

29. Richardson lacks standing to sue this Defendant, who currently represents the Plaintiff in this action. As noted above, such an attempt to sue this Defendant in this situation is improper.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Punitive Damages Unconstitutional)

30. The Defendant's claim for punitive damages violates the Constitutions of South Carolina and the United States, and such claim should be barred and/or limited appropriately.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Sever)

31. This is an action arising out of a foreclosure, an equitable action. To the extent Richardson's claims against this Defendant are legitimate, they should be severed from the pending foreclosure action.

FURTHER RESPONDING TO THE THIRD-PARTY COMPLAINT
AND AS AN AFFIRMATIVE DEFENSE:
(Reservation and Non-waiver)

44. This Defendant reserves any additional and further defenses as may be revealed by information obtained during the course of discovery and investigation and as are consistent with the South Carolina Rules of Civil Procedure.

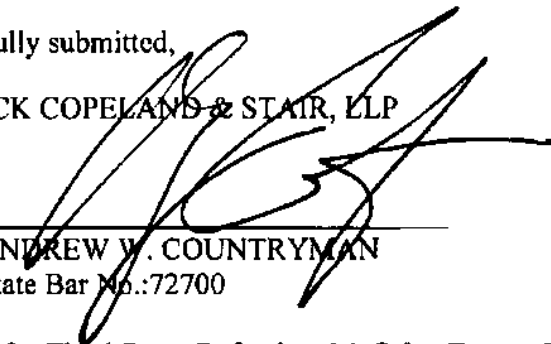
WHEREFORE, having fully responded to the Third-Party Complaint, this Defendant prays that this Court dismiss Richardson's claims against this Defendant with prejudice, as well as costs of this action and other such other further relief as it deems just and proper. This Defendant objects to Richardson's request for a jury trial.

[signature page to follow]

Respectfully submitted,

CARLOCK COPELAND & STAIR, LLP

By:



ANDREW W. COUNTRYMAN
State Bar No.: 72700

Attorney for Third-Party Defendant McCabe, Trotter &
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This 18th day of December, 2015.

Teri J. Rewt
Teri J. Rewt
Secretary to Andrew W. Countryman

RECORDED
2015 DEC 21 PM 1:04
CLERK OF COURT
DORCHESTER COUNTY