IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VALERIE MCMULLEN, individually and on behalf of others similarly situated Plaintiff v WAYNE BULLEN SNYCHRONY BANK f/k/a GE CAPITAL RETAIL BANK, d/b/a CARCREDIT, et al. Defendants	*	Case No.: 1:14-CV-01983-JDB Judge: Honorable John D. Bates

* * * * * * * * * * *

DEFENDANTS WAYNE BULLEN, BULLEN WELLNESS AND WASHINGTON CHIROPRACTIC'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT AND SUBSTITUTION OF COUNSEL

Now come the Defendants Wayne Bullen, Washington Chiropractic, and Bullen Wellness, (collectively "Bullen Defendants") by and through counsel, H. Jeffrey Ziegler, Esq., (replacing Sidney Friedman as lead counsel), and Weinstock, Friedman & Friedman, P.A., and do hereby file this Answer to Plaintiff's SECOND Amended Complaint, reiterating its responses to the Original and First Amended Complaints as if herein after included in this response and requesting, again, that these matters be DISMISSED and state as follows:

1. The Bullen Defendants deny the allegations in paragraph 1 "Preliminary Statement" to the effect that they address them directly. The Bullen Defendants do not have sufficient information to comment on the actions of the other Defendants in this matter.

2. The Bullen Defendants agree that this Court has jurisdiction over this claim as alleged in paragraph 2 of the Complaint.

3. The Bullen Defendants agree that this Court has personal jurisdiction over

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Defendants as alleged in paragraph 3.

4. The Bullen Defendants agree that the facts alleged in this Complaint occurred in the District of Columbia.

5. The Bullen Defendants are not aware of the current address of the Plaintiff, but agree that she is an adult.

6. The Bullen Defendants deny all allegations related to them directly, but have insufficient knowledge as to the allegations as to the other Defendants in this case.

7. The Bullen Defendants deny all allegations related to them directly as alleged, but have insufficient knowledge of any of the allegations against the other Defendants.

8. The Bullen Defendants admit that Dr. Wayne Bullen is the principal owner of Washington Chiropractic, and his principal place of business is located in the District of Columbia at 5008 Connecticut Avenue, N.W., Washington, DC 20008. The Bullen Defendants vehemently deny the remainder of the allegations in paragraph 8.

9. The Bullen Defendants admit that they are the principal owner of One World Fitness. However, the Bullen Defendants vehemently deny or have insufficient information to respond to the additional allegations in paragraph 9.

10. The Bullen Defendants admit that One World Fitness was a business located in the District of Columbia, organized under the laws of the District of Columbia, but deny that they were the alter ego of the Bullen Defendants.

11. The Bullen Defendants admit that Bullen Wellness was a business located in the District of Columbia, but is no longer operating. The Bullen Defendants deny that Bullen Wellness was the alter ego of the Bullen Defendants and Defendant

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Steward.

12. The Bullen Defendants admit that the Washington Chiropractic is a business located in the District of Columbia, but deny that it is the alter ego of the Bullen Defendants and Defendant Steward. The Bullen Defendants admit that Washington Chiropractic was a limited liability company organized under the laws of the District of Columbia.

13. The Bullen Defendants have sufficient information to respond to paragraph 13 of the Complaint.

14. The Bullen Defendants have sufficient information to respond to paragraph 13 of the Complaint.

15. The Bullen Defendants vehemently deny all of the allegations contained in paragraph 15 as they relate to the Bullen Defendants, but have insufficient information to respond to any part of the allegations not directly related to Bullen Wellness.

16. The Bullen Defendants vehemently deny all of the allegations contained in paragraph 16 as they relate to the Bullen Defendants, but have insufficient information to respond to any part of the allegations not directly related to Bullen Wellness.

17. The Bullen Defendants vehemently deny all of the allegations contained in paragraph 17 as they relate to the Bullen Defendants, but have insufficient information to respond to any part of the allegations not directly related to Bullen Wellness.

18. The Bullen Defendants deny all allegations related to the Bullen Defendants, but have insufficient information regarding the allegations against any other

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Defendants noted in paragraph 18.

19. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 19.

20. The Bullen Defendants deny that the financial statement received by the Plaintiff was billed by Bullen Wellness in the amount of $7,500.00. The Bullen Defendants do not have sufficient information to respond to any other allegations in paragraph 20.

21. The Bullen Defendants deny the allegations in paragraph 21 to the best of Dr. Bullen's recollection and copies of the records of the Plaintiff.

22. The Bullen Defendants have insufficient knowledge to respond to the allegations in paragraph 22 of the Complaint.

23. The Bullen Defendants have insufficient knowledge to respond to the allegations in paragraph 23 of the Complaint.

24. The Bullen Defendants have insufficient knowledge to respond to the allegations in paragraph 24 of the Complaint.

25. The Bullen Defendants have insufficient knowledge to respond to the allegations in paragraph 25 of the Complaint. The Bullen Defendants deny any allegation of fraudulent charges against the Plaintiff's account.

26. The Bullen Defendants have insufficient information to reply to the allegations contained on paragraph 26, except to say that the Bullen Defendants deny any unauthorized line of credit, and charge was made by Bullen Wellness against the Plaintiff's account.

27. The Bullen Defendants deny the allegations in paragraph 27 of the Complaint.

28. The Bullen Defendants have insufficient information to respond to paragraph 28

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of the Complaint.

29. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 29 of the Complaint.

30. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 30 of the Complaint.

31. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 31 of the Complaint.

32. The Bullen Defendants deny any allegations related directly to them, but have insufficient information to respond to allegations made against any other Defendant.

33. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 33 of the Complaint.

34. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 34 of the Complaint.

35. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 35 of the Complaint.

36. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 36 of the Complaint. The Bullen Defendants additionally deny the allegations in the excerpt as noted regarding financing in the individual's name, which is not noted.

37. The Bullen Defendants have insufficient knowledge to respond to the allegations in paragraph 37, except to deny the opening of an account with Bullen Wellness from this unnamed source.

38. The Bullen Defendants deny the allegations contained in paragraph 38.

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Class Action Allegations

39. The Defendant denies that a class of individuals was defrauded by the Bullen Defendants and demands strict proof of the existence of such a "Class"

40. The Defendant is without sufficient information to respond to paragraph 40 of the Complaint.

41 The Bullen Defendants deny the allegations in paragraph 41 of the Complaint.

42. The Bullen Defendants deny the allegations in paragraph 42 of the Complaint.

43. The Bullen Defendants deny that there was any defrauding of clients as part of a common scheme, but is unaware of any such allegations against the other Defendants in this matter.

44. The Bullen Defendants have insufficient information to respond to paragraph 44 of the Complaint.

45. The Bullen Defendants deny the allegations and the insinuation of the existence of a "Class" as described in paragraph of the Complaint.

46. The Bullen Defendants deny the allegations in paragraph 46 and respectully ask that all relief sought by the Plaintiff in this matter be denied and the Complaint dismissed

COUNT 1
Unlawful Trade Practices under the
D.C. Consumer Protection Procedures Act
Defendants GE Capital and Chase Health Advance

47. The Bullen Defendants incorporate by reference their responses to paragraphs 41 through 46 above as if fully set forth herein.

48. The Bullen Defendants deny any violation of DC or Federal Law pertaining to the Consumer Procedures Protection Act (CPPA) as it applies to the Bullen Defendants as stated in paragraph 48, subparagraphs A through G. The Bullen

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Defendants are unable to respond to any allegations under paragraph 48, subparagraphs A through G pertaining to the other Defendants in this matter.

49. The Bullen Defendants are unable to respond, and have insufficient information concerning the allegations in paragraph 49.

50. The Bullen Defendants deny the allegations in paragraph 50 regarding unauthorized charges, and have insufficient information concerning the allegations towards the other Defendants in this matter.

51. The Bullen Defendants deny the allegations in paragraph 51 as related to the Bullen Wellness Washington, DC, but have insufficient information concerning the allegations against the other Defendants.

52. The Bullen Defendants have insufficient information regarding the allegations against the other Defendants, but deny the allegations related directly to Bullen Wellness Washington, DC.

53. The Bullen Defendants have insufficient information regarding the bank Defendants in this matter.

54. The Bullen Defendants have insufficient information regarding the bank Defendants in this matter, and specifically deny any allegations of unauthorized charges as stated.

55. The Bullen Defendants have insufficient information regarding the bank Defendants in this matter, and specifically deny any allegations of unauthorized charges by Bullen Wellness.

56. The Bullen Defendants have insufficient information regarding the bank Defendants in this matter.

57. The Bullen Defendants have insufficient information regarding the bank

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Defendants in this matter, and specifically deny any fraudulent transactions by the Bullen Defendants.

58. The Bullen Defendants have insufficient information with which to respond to paragraph 58, but deny any allegations as related to the Bullen Defendants as regards to these allegations.

59. The Bullen Defendants have insufficient information with which to respond to paragraph 59, but deny any allegations as related to the Bullen Defendants as regards to these allegations.

60. The Bullen Defendants have insufficient information with which to respond to paragraph 60, but deny any allegations as related to the Bullen Defendants as regards to these allegations.

61. The Bullen Defendants have insufficient information with which to respond to paragraph 61, but deny any allegations as related to the Bullen Defendants as regards to these allegations.

62. The Bullen Defendants have insufficient information with which to respond to paragraph 62, but deny any allegations as related to the Bullen Defendants as regards to these allegations.

63. **THEREFORE**, the Defendant respectfully requests that this Court deny the relief sought by the Plaintiff in Count I of the Complaint.

COUNT II
Unlawful Trade Practices under the
DC Consumer Protection Procedures Act
Defendants Bullen and Steward

64. The Bullen Defendants incorporate by reference paragraphs 1 through 63 above, as if fully set forth herein.

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65. The Bullen Defendants deny the allegations in paragraph 65 as they directly relate to them and not to any other Defendant.

66. The Bullen Defendants deny the allegations in paragraph 66 as they directly relate to them and not to any other Defendant.

67. The Bullen Defendants deny the allegations in paragraph 67 as they directly relate to them and not to any other Defendant.

68. The Bullen Defendants deny the allegations in paragraph 68 as they directly relate to them and not to any other Defendant.

69. The Bullen Defendants deny the allegations in paragraph 69 as they directly relate to them and not to any other Defendant.

70. The Bullen Defendants deny the allegations in paragraph 70 as they directly relate to them and not to any other Defendant.

71. **THEREFORE**, the Bullen Defendants request that this Honorable Court deny all relief sought by the Plaintiff in this matter.

COUNT III
Common Law Fraud and Conspiracy to Commit Fraud

72. The Bullen Defendants incorporate by reference paragraphs 1 through 71 above as if fully set forth herein.

73. The Bullen Defendants vehemently deny all allegations related to them contained in paragraph 73, but have insufficient information regarding any other allegations against all other Defendants.

74. The Bullen Defendants vehemently deny all allegations related to them contained in paragraph 74, but have insufficient information regarding any other allegations against all other Defendants.

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75. The Bullen Defendants are without sufficient information to respond to paragraph 75 of the Complaint.

76. The Bullen Defendants are without sufficient information to respond to paragraph 76 of the Complaint.

77. The Bullen Defendants are vehemently deny the allegations in paragraph 77 of the Complaint as it relates directly to the Bullen Defendants themselves, but have insufficient information regarding the allegations against any other Defendants named in this paragraph.

78. The Bullen Defendants are vehemently deny the allegations in paragraph 78 of the Complaint as it relates directly to the Bullen Defendants themselves, but have insufficient information regarding the allegations against any other Defendants named in this paragraph.

79. The Bullen Defendants are vehemently deny the allegations in paragraph 79 of the Complaint as it relates directly to the Bullen Defendants themselves, but have insufficient information regarding the allegations against any other Defendants named in this paragraph.

80. The Bullen Defendants are unable to respond and have insufficient information to the allegations in paragraph 80, except deny any and all allegations which may relate to actions by the Bullen Defendants.

81. The Bullen Defendants deny the allegations in paragraph 81, subparagraph A, but have insufficient information to respond to the remainder of the allegations in paragraph 81.

82. The Bullen Defendants deny the allegations in paragraph 82 of the Complaint.

83. The Bullen Defendants deny the allegations in paragraph 83 of the Complaint.

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84. **THEREFORE**, the Bullen Defendants request that this Honorable Court deny the relief sought by the Plaintiff.

COUNT IV
Conversion

85. The Defendant incorporates by reference paragraphs 1 through 84 above as if fully set forth herein.

86. The Bullen Defendants deny the allegations in paragraph 86 as they relate to them, but have insufficient information as it relates to any other Defendants.

87. The Bullen Defendants deny the allegations in paragraph 87.

88. The Bullen Defendants deny the allegations in paragraph 88.

89. The Bullen Defendants deny the allegations in paragraph 89.

90. The Bullen Defendants deny the allegations in paragraph 90.

91. The Bullen Defendants deny the allegations in paragraph 91.

92. The Bullen Defendants have insufficient information to respond to the allegations in paragraph 92 related to the Plaintiff's credit.

93. **THEREFORE**, the Bullen Defendants request that this Honorable Court deny the relief sought by the Plaintiff.

COUNT V
Breach of Contract and Breach of Good Faith and Fair Dealing

94. The Bullen Defendants incorporate by reference paragraphs 1 through 93 above as if fully set forth herein .

95. The Bullen Defendants deny the allegations in paragraph 95 of the Complaint.

96. The Bullen Defendants deny the allegations in paragraph 96 of the Complaint.

97. The Bullen Defendants deny the allegations in paragraph 97 of the Complaint.

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98. The Bullen Defendants deny the allegations in paragraph 98 of the Complaint.

99. The Bullen Defendants deny the allegations in paragraph 99 of the Complaint.

100. **THEREFORE**, the Bullen Defendants request that this Honorable Court deny the relief sought by the Plaintiff.

COUNT VI
Alter Ego
Defendants Bullen, Steward, One World Fitness, Washington Chiropractic and Bullen Wellness

101. The Defendant incorporates by reference paragraphs 1 through 100 as if full set forth herein.

102. The Defendant denies the allegations in paragraph 102 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

103. The Defendant denies the allegations in paragraph 103 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

104. The Defendant denies the allegations in paragraph 104 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

105. The Defendant denies the allegations in paragraph 105 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

106. The Defendant denies the allegations in paragraph 106 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

107. The Defendant denies the allegations in paragraph 107 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

108. The Defendant denies the allegations in paragraph 108 as they related directly to themselves, but have insufficient information as it relates to the other Defendants.

109. The Defendant denies the allegations in paragraph 109 as they related directly to

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themselves, but have insufficient information as it relates to the other Defendants.

110. The Bullen Defendants incorporate by reference paragraphs 1 through 109 above as if fully set forth herein.

111. The Defendant denies the allegations in paragraph 111 as they related directly to themselves, but have insufficient information as it relates to the other Defendants, except as they may relate to the other Defendants.

112. The Bullen Defendants have insufficient information to respond to paragraph 112 of the Complaint.

113. **THEREFORE**, the Bullen Defendants request that the relief sought by the Plaintiff be hereby denied, and the Bullen Defendants request that the Plaintiff's prayer for relief under all counts be denied, and this matter be dismissed before the Court.

AFFIRMATIVE DEFENSES

Additionally; The Bullen Defendants reiterates that the Plaintiff's claims are barred by the following affirmative defenses:

a. accord and satisfaction;

b. assumption of risk;

c. collateral estoppel;

d. contributory negligence;

e. duress;

f. estoppel;

g. fraud;

h. illegality;

i. laches;

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j. payment;

k. release;

l. res judicata;

m. statute of frauds;

n. statute of limitations;

o. usury;

p. waiver;

q. privilege, and

r. failure to mitigate.

THEREFORE, The Bullen Defendants respectfully request that this Honorable Court:

A. Dismiss all actions brought against then as frivolous;

B. Deny all relief requested by the Plaintiff;

C. Order the Plaintiff pay reasonable attorney fees and costs related to the necessity of responding to this matter:

D. Grant any further relief as the Court deems just and proper in this matter.

/s/ H. Jeffrey Ziegler, Bar No. 450544
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2016, a copy of the foregoing Answer to the the Second Amended Complaint was filed by e-filing and mailed first class, postage pre-paid to: Brendan Klaproth; Klaproth Law PLLC 406 5th Street NW, Suite 350 Washington, DC 20001

Attorney for Plaintiffs; Robert D. Wick and Eric C. Bosset 1201 Pennsylvania Ave., N.W. Washington, D.C. 20004 *Counsel for Defendant JP Morgan Chase & Co.;* Brendan S. Everman, Esq. Marcos D. Sassos 200 S. Biscayne Blvd., Suite 3100 Miami, Florida 33131 Tel: 305.789.9355 Fax: 305.789.9302*Counsel for Defendant Synchrony Bank;* Kenneth Rosenau, 1304 Rhode Island Ave NW Washington, DC 20005, *Counsel for Defendant Steward & One World Fitness.*

/s/ H. Jeffrey Ziegler

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I DO SOLEMNLY DECLARE AND AFFIRM UNDER PENALTIES OF PERJURY, THAT THE FACTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.



DR. WAYNE P. BULLEN
Defendant