

CASE NUMBER: 09-009463-CI-019

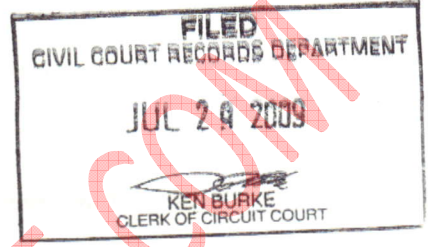
HSBC BANK,

PLAINTIFF,

VS.

CALVIN JOHNSON, ET AL.,

DEFENDANT(S).



\_\_\_\_\_ /

**DEFENDANT'S FIRST REQUEST FOR ADMISSIONS**  
**AND QUALIFIED WRITTEN REQUEST FOR ADMISSIONS**  
**UNDER THE FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT**  
**(RESPA)**

The Defendant, CALVIN JOHNSON ("Defendant"), by and through the undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.280 and 1.370 as well as the Federal Real Estate Settlement Procedures Act (RESPA), hereby propounds the following request for admissions upon the Plaintiff:

1.

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness does not have personal knowledge of the facts of this case.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness did not see the Defendant sign any document, including the credit agreement attached to the aforementioned affidavit.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

3.

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness was not present when the Defendant allegedly or purportedly signed any document, including the credit agreement attached to the aforementioned affidavit.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

4.

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness did not create any of the documents, date, information or records mentioned or in any way referenced in said affidavit.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

5.

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's representatives' Affidavit(s) did not state in said affidavit(s)/testimonial statement(s) any of the following information:

The specific data, documents, information or records consulted, examined, evaluated or reviewed in connection with the preparation of Plaintiff's Affidavit of Indebtedness.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

5.2.

The specific data, documents, information or records made, received or communicated to or from said representative.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

5.3.

The identity or identities of the persons from whom said representative received any communications, data, documents, information or records concerning or in any way relating to the facts of this case.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

6.

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness did not set forth how he/she knows the information that he/she has stated in said affidavit is true, correct and complete to the best of his/her knowledge and belief.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

Please admit that the Plaintiff's representative whose name appears on the Plaintiff's Affidavit of Indebtedness is unable to come into this Court and testify under oath and subject to cross-examination that he/she has actual personal knowledge of the facts of this case.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

8.

Please admit that the Plaintiff's purported promissory note (including by way of specific example but not limited to agreement to pay or promise to pay) contains an arbitration provision.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

9.

Please admit that the arbitration provision contained in the Plaintiff's purported promissory note (including by way of specific example but not limited to agreement to pay or promise to pay) contemplates binding arbitration of any and all disputes between the Plaintiff and the Defendant arising under, connected with or relating in any way to said credit agreement.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

10.

Please admit that the Defendant has not waived his contractual right to binding arbitration.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

11.

Please admit that the attorney of record for the Plaintiff in this case is authorized to represent the Plaintiff in this matter.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

Please admit that there is a written agreement in the nature of a contract for legal services or an engagement letter currently in effect between the Plaintiff and the attorney of record for the Plaintiff in this case.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

13.

Please admit that the Plaintiff pays the attorney of record for the Plaintiff in this case attorney's fees in the sum of less than \$750.00 per case that is resolved by either a final default judgment or final summary judgment.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

14.

Please admit that the Plaintiff is obligated to pay the attorney of record for the Plaintiff in this case attorney's fees in the sum of less than \$750.00 if this case is resolved by either a final default judgment or a final summary judgment.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

15.

Please admit that the Plaintiff is obligated to pay the attorney of record for the Plaintiff in this case attorney's fees in the sum of less than \$750 of this case is resolved in the Plaintiff's favor without the need for a trial.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

Please admit that the Plaintiff is obligated to pay the attorney of record for the Plaintiff in this case attorney's fees in the sum of less than \$600 of this case is resolved in the Plaintiff's favor without the need for a trial.

ADMITTED \_\_\_\_\_ DENIED \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's First Request for Admissions and Qualified Written Request for Admissions Under the Federal Real Estate Settlement Procedures Act (RESPA) was furnished by certified mail, first-class mail and by fax on July JP, 2009, addressed to: Mr. Glenn M. Lindsay, Esquire, SMITH, HIATT & DIAZ, P.A., P. O. Box 11438, Ft. Lauderdale, FL 33339-1438, Fax: (954) 564-9252.

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