

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (BALTIMORE DIVISION)**

GIOVANNI MONTOYA, et al.

Plaintiffs

v.

S.C.C.P. PAINTING CONTRACTORS, INC., et al.

Defendants

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Case No.: 1:07-cv-00455-RDB

ANSWER TO COMPLAINT

Defendants, S.C.C.P. Painting Contractors, Inc. and Giovanni Sulmonte, by and through their attorneys, G. Randall Whittenberger and Miles & Stockbridge P.C., answer the Complaint as follows:

FIRST DEFENSE

Answering the correspondingly numbered paragraphs of the Complaint, Defendants aver:

1. Denied.
2. Denied.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth of the first sentence. Second, third, and fourth sentences denied.
4. Denied.
5. Defendants are without knowledge or information sufficient to form a belief as to the truth of the first sentence. Second, third, and fourth sentences denied.
6. Denied.
7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the first sentence. Second sentence denied.
8. Denied.
9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the first sentence. Second, third, and fourth sentences denied.
10. Denied.
11. Defendants are without knowledge or information sufficient to form a belief as to what persons would purportedly represent Class members, and are thus without

knowledge or information to form a belief as to the truth of the averment, thereby denying same.

12. Denied, except admitted that S.C.C.P. Painting Contractors, Inc., is a forfeited Maryland corporation and that Ascenzo Sulmonte is listed in documents on file with Maryland's State Department of Assessments and Taxation as resident agent for S.C.C.P.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Denied.
27. Denied.
28. Denied.
25. Denied.
26. Denied.
27. Denied.
28. Denied.
29. Denied.
30. Defendants are without knowledge or information sufficient to form a belief as to Plaintiffs' proposal, and thereby deny same.
31. Denied.
32. Denied.
33. Denied.
34. Denied.
35. Denied, except admitted that Exhibit I attaches four documents entitled, "Consent to Act as Plaintiff".
36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. Denied.
41. Denied.
42. Denied.
43. Denied.
44. Denied.
45. Denied.

46. Defendants are without knowledge or information sufficient to form a belief as to truth of this averment.
47. Denied.
48. Denied.
49. Denied.
50. Denied.
51. Denied.
52. Denied.
53. Denied.
54. Denied.
55. Denied.
56. Denied.
57. Denied.
58. Denied.
59. Denied.
60. Defendants are without knowledge or information sufficient to form a belief as to truth of this averment.
61. Denied.
62. Denied.
63. Denied.
64. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
65. Denied.
66. Denied.
67. Denied.
68. Denied.
69. Denied.
70. Denied.
71. Denied.
72. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
73. Denied.
74. Denied.
75. Denied.
76. Denied.
77. Denied.
78. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
79. Denied.
80. Denied.
81. Denied.
82. Denied.
83. First sentence calls for legal conclusion. Second sentence denied.
84. Denied.
85. Denied.

86. Denied.
87. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
88. Denied.
89. Denied.
90. Denied.
91. Denied.
92. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
93. Denied.
94. Denied.
95. Denied.
96. Denied.
97. Denied.
98. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
99. Denied.
100. Denied.
101. Denied.
102. Denied.
103. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
104. Denied.
105. Denied.
106. Denied.
107. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
108. Denied.
109. Denied.
110. Denied.
111. Denied.
112. Defendants reallege and incorporate by reference each and every response set forth in the preceding paragraphs.
113. Denied.
114. Denied.
115. Denied.
116. Denied.
117. Denied.

SECOND DEFENSE

The Plaintiff's Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Plaintiff's claims are barred by the Statute of Limitations.

FOURTH DEFENSE

Plaintiff's claims are barred by laches.

FIFTH DEFENSE

Plaintiff's claims are barred by waiver and estoppel.

SIXTH DEFENSE

Plaintiff's claims are barred by accord and satisfaction.

SEVENTH DEFENSE

Plaintiff's claims are barred by illegality.

EIGHTH DEFENSE

Plaintiff's claims are barred by failure of consideration.

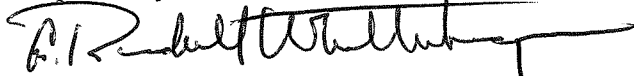
NINTH DEFENSE

Plaintiff's claims are barred by payment.

TENTH DEFENSE

This Court lacks jurisdiction.

Respectfully submitted,



G. Randall Whittenberger #02514

MILES & STOCKBRIDGE P.C.

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Attorneys for Defendants

DEMAND FOR JURY TRIAL

Defendants demand a trial by jury.



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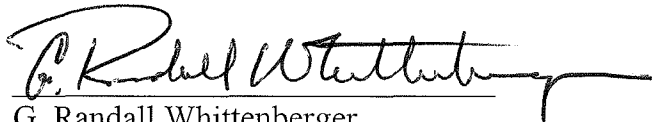
Attorneys for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this 14th day of May, 2007, a copy of the foregoing *Answer to Complaint* was automatically transmitted by the Court in accordance with the Local Rules for Electronic Filing, to:

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