

CAROLYN BAILEY

PLAINTIFF

-against-

ZUCKER, GOLDBERG & ACKERMAN, LLC;

(A New Jersey Law Firm)

MICHAEL S. ACKERMAN, ESQ.

In His Role As Managing Partner for
Zucker, Goldberg & Ackerman, LLC, And
In His Individual Capacity

JOHN DOES 1-100

DEFENDANTS

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ESSEX COUNTY**

Civil Action

DOCKET NO.

ESX-L-8231-13

**REPLY TO DEFENDANTS' ANSWER
AND RESPONSE TO DEFENDANTS'
AFFIRMATIVE DEFENSES**

JURY TRIAL DEMANDED

I, Carolyn Bailey, am the Plaintiff and Private Attorney General in the above-captioned matter. I make this Reply to Defendants' Answer, and Response to Defendants' Affirmative Defenses:

1) Defendants' cookie-cutter Answers' pervasive denials of the obvious are an affront to the Court. Paragraphs 1-5 of the Complaint states information easily available in public records, namely:

A) Zucker, Goldberg & Ackerman, LLC ("Zucker, Goldberg"), and Michael S. Ackerman, Esq., ("Michael Ackerman"), in his role as Managing Partner for Zucker, Goldberg & Ackerman, have been New Jersey legal representatives for Wells Fargo Bank and US Bank National and their related entities for many years.

B) On October 6, 2009 Wells Fargo Bank's 2006 case against Plaintiff was dismissed.

C) On October 22, 2009 Defendant's Michael Ackerman's fraudulent transfer of Plaintiff's property was recorded.

2) In Paragraph 6 of the Answer Defendants do at least admit that Plaintiff exists, but do not allow that Plaintiff is also acting as a Private Attorney General on behalf of the general and investing public, and the Clerks of the Courts of New Jersey.

3) Paragraphs 7-10 of the Answer Defendants at least admit to the identity of the Defendants, but leave the impression that one man, Defendant Michael Ackerman, worked alone, opening mail, answering the phone, typing documents, operating the copier, and on, and on.

4) In Paragraph 11 Defendants object to Plaintiff establishing Essex County in New Jersey as the appropriate venue, but they offer no alternative venue for litigation of this case.

5) In Paragraphs 12-15 Defendants disavow all knowledge of "The Great Recession" of 2007-2010, and ongoing. Defendants deem that destructive global economic catastrophe "irrelevant, speculative", and unworthy of their response. For Plaintiff's "Proof", enter any combination of "foreclosure", "RMBS", "HEAT", "bankrupt", "Wells Fargo Bank",

“predatory”, “adjustable rate mortgage”, “balloon mortgage”, “greed” or “homeless” into any search engine. Voila, there’s your “Proof” !

7) In the remaining paragraphs 16-90 of their Answer Defendants enter Ditto-Denials. Therefore Plaintiff will proceed to address their “Everything-But-The-Kitchen-Sink” Affirmative Defenses. Only two will be addressed in this filing because the others are primarily smoke screens and window dressing. Defendants’ house of cards stands or falls on Unclean Hands and the Statute of Limitations.

8) Affirmative Defense #18 – Unclean Hands

Just how unclean was the sham fraudulent transfer of Plaintiff’s property that was recorded on October 22, 2009 ??? Was there a traditional closing with the traditional closing documents ? Was there consideration ? Was there quid pro quo ? Was the transfer an arms-length transaction ? Was there a contemporaneous payment of or about \$207,000 by check or wire transfer from "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" to Wells Fargo Bank or a related entity ?

Discovery will reveal just whose hands are really, really dirty !

In the alternative, did Defendant Michael Ackerman misuse his insular status and stature as Managing Partner within Zucker Goldberg to rent a Back-To-The-Future Time Machine ? With that handy device, did he in 2009 deftly “Deep6” Plaintiff’s mortgage into a Residential Mortgage Backed Security (RMBS) created in 2006, namely "US Bank National Association, as Trustee for Credit Suisse First Boston Mortgage Securities Corp., HEAT 2006-1" ??? Did Defendant Michael Ackerman then role play musical chairs and pretend to first be James Murphy, witness to the recorded sham transfer of Plaintiff’s property in 2009, and secondly to be Lilian Diaz, notary to the recorded sham transfer ?

What a clever fellow, that Michael Ackerman ! There are few attributes in the world quite like versatility.

9) Affirmative Defense # 7 Statute of Limitation and Statute of Repose

Defendants' sham transfer of Plaintiff's property was recorded on October 22, 2009. That recording with the Essex County Clerk's office would be the earliest available public notice to Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey. Plaintiff filed the Complaint against Defendants Zucker Goldberg and Michael Ackerman on October 21, 2013. Therefore, Plaintiff filed her Complaint within a four year window. The Court has access to all of the original filed documents and can verify these dates. The Court can also demand to review the closing documents, if any, associated with the 2009 sham recorded transfer of Plaintiff's property.

The Statue of Repose is merely a "wind dummy" with regards to the facts of this case.

I certify that the above statements made by me are true and that if any of the statements are willfully false, I am subject to punishment.

Date: December 23, 2013

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General

CERTIFICATION OF SERVICE

I certify that on December 23, 2013 I sent a copy of Plaintiff's Reply to Defendants' Answer and Plaintiff's Response to Defendants' Affirmative Defenses, to Andrew C. Sayles, Esq., the Attorney for the Defendants, by:

Certified mail # 7007 0220 0001 5974 1612

Andrew C. Sayles, Esq.

Connell Foley LLP

85 Livingston Avenue

Roseland, New Jersey 07068

Date: December 23, 2013

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General