

DEFENSES

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2 1. Defendant(s) hereby incorporate(s) by reference those affirmative defenses
3 enumerated in JCRCP 8 as though fully set forth herein, as applicable upon discovery. In the
4 event further investigation or discovery reveals the applicability of any such defenses,
5 Defendant(s) reserve(s) the right to seek leave of court to amend this Answer to more
6 specifically assert any such defense. Such defenses are herein incorporated by reference for the
7 specific purposes of not waiving any such defenses.

8 _____. Accord and satisfaction.

9 _____. Arbitration and award.

10 _____. Assumption of risk.

11 _____. Contributory negligence.

12 _____. Discharge in bankruptcy.

13 _____. Duress.

14 _____. Estoppel.

15 _____. Failure of consideration.

16 _____. Fraud.

17 _____. Illegality.

18 _____. Injury by fellow servant.

19 _____. Laches.

20 _____. License.

21 _____. Payment.

22 _____. Release.

23 _____. Res judicata.

24 _____. Statute of frauds.

25 _____. Statute of limitations.

26 _____. Waiver.

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POTENTIAL DEFENSES

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2 1. _____. Failure to state a claim upon which relief can be granted.

3 2. _____. The amounts claimed in the Complaint violate the doctrine of
4 unconscionability and should not be enforced. Johnson v. Cash Store, 68 P.3d 1099 (Wash. Ct.
5 App. 2003); Pinkett v. Moolah Loan Co., 1999 U.S. Dist. LEXIS 172276, 1999 WL 1080596
6 (D. Ill., 1999).

7 3. _____. The late charges sued upon, if any, when charged on top of exorbitant interest,
8 are liquidated damages and void as a penalty under In re Bryant, 39 B.R. 313 (D. Nev. 1984);
9 Golden v. McKim, 37 Nev. 205, 141 Pac. 676 (1914).

10 4. _____. Defendant may be entitled to a setoff and/or offset.

11 5. _____. The Plaintiff's claim is offset by statutory damages available to Defendant
12 under the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, et seq., for Plaintiff's
13 failure to provide Defendant with a written notice of and/or verification of the alleged debt that
14 meets the requirements of 15 U.S.C. § 1692g.

15 6. _____. This debt was incurred prior to my active military duty, and under the Service-
16 members Civil Relief Act, 50 U.S.C. § 501, interest on that debt must be reduced to 6% and any
17 amount higher must be forgiven.

18 7. _____. Plaintiff is a purchaser of credit card debt, and the Complaint fails to contain
19 the below checked information required by NRS Chapter 97A as amended by AB 472 (effective
20 7/1/09):

- 21 The name of the issuer;
- 22 The last four digits of the account number originally assigned by the issuer;
- 23 All subsequent account numbers assigned to the credit card debt by all
24 assignees of the credit card debt; and
- 25 The date of the default on the credit card debt.

26 8. _____
27 _____
28 _____

