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Attorney of Record: Philip D. Stern
Attorneys for Defendants, David Shaler and
Kaye Shaler

RECEIVED & FILED
SUPERIOR COURT
2010 JUN -3 PM 2:20
CIVIL DIVISION

NEW CENTURY FINANCIAL SERVICES,
INC.,
Plaintiff,
vs.
DAVID SHALER,
Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY**

Docket No. MRS-L-001265-10

**ANSWER, SEPARATE DEFENSES, JURY
DEMAND, DESIGNATION OF TRIAL
COUNSEL, R. 4:5-1 CERTIFICATION, and
PROOF OF SERVICE**

Defendant, David Shaler, residing in the Borough of Madison, Morris County, New Jersey, by way of Answer to the Complaint, says:

ANSWER

1. Defendant lacks information to form a belief as to the truth or falsity of Paragraph 1 and, therefore, the allegation is denied.
2. Defendant lacks information to form a belief as to the truth or falsity of Paragraph 2 and, therefore, the allegation is denied.

SEPARATE DEFENSES

3. Plaintiff fails to state a claim upon which relief can be granted.
4. In response to a letter from Plaintiff's attorneys dated August 26, 2009, Defendant's counsel sent a request on August 31, 2009 to Plaintiff's counsel requesting information concerning the alleged debt. Neither Plaintiff nor its counsel provided the requested information. Consequently, even if Plaintiff proves the existence of a debt, it should not

be entitled to recovery of interest or attorneys fees based on its failure to undertake reasonable efforts to mitigate damages.

JURY DEMAND

Defendant demands trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

In accordance with R. 4:25-4, Defendant hereby designates PHILIP D. STERN as his trial counsel.

R. 4:5-1 CERTIFICATION

The undersigned hereby certifies as follows:

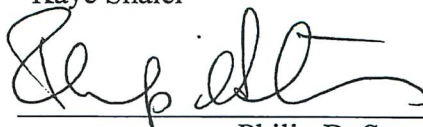
1. The matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated, except: Defendant anticipates filing an action in the United States District Court for the District of New Jersey against Defendant's attorneys for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 in connection with the manner in which those attorneys attempted to collect the debt alleged in the Complaint.
2. No other persons should be joined in this action pursuant to R. 4:28 or is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts, except: NONE.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the within pleading was served by Federal Express deposited with Federal Express on June 2, 2010 and addressed to:

Ralph Gulko, Esq.
Pressler & Pressler, LLP
7 Entin Road
Parsippany NJ 07054-9944

Philip D. Stern & Associates, LLC
Attorneys for Defendants, David Shaler and
Kaye Shaler



Philip D. Stern

Dated: June 2, 2010

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