Oral Argument Not Yet Scheduled

No. 23-CV-413

DISTRICT OF COLUMBIA COURT OF APPEALS

MA SHUN BELL,

Appellant,

v.

WEINSTEIN, FRIEDMAN & FRIEDMAN, P.A., et al

Appellees.

On appeal from
Superior Court of the District of Columbia, Civil Division

APPELLANT'S REPLY BRIEF

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Acronyms

Ma Shun Bell – "Ms. Bell" or "Plaintiff"

Weinstein, Friedman & Friedman, P.A.
Friedman & Framme & Thrush, P.A – "Law Firms" or "Defendants"

First Investors Servicing Corporation – "FISC"

Retail Installment Sales Contract – "RISC"

Consumer Protection and Procedures Act – "CPPA"

Unjust Debt Collection Practices Amendment Act of 2022 – "UDCPA"

Fair Debt Collection Practices Act – "FDCPA"

District of Columbia Municipal Regulations – "DCMR" or "Title 16"

FISC v. Bell,. 2017 SC3 001636 – "Small Claims Suit," "FISC suit

I. *Correction* of Law Firms "Statement of Facts"

Ms. Bell's lawsuit is based on the Law Firms laundering meritless claims through the court system by filing numerous false affidavits verifying junk debts not owed greedily lining Law Firms' pockets with illicit commissions from FISC on the backs of targeted marginalized communities. SAC does not concede Law Firms had no role in sale/financing/repossession/collect of the deficiency prior to Law Firms filing 2017 suit as falsely argued sans citations. The deceptive citations to *Bell I- III* and SAC for buy location is unsupported and should be ignored as Ms. Bell disputes the contention. Law Firms refuse to produce discovery for the five years this case has been pending. [JA196]. Ms. Bell plausibly pleads violations of the CPPA, AFRA, UDCPA, UCC, and abuse of process. "Actual and constructive knowledge" by Law Firms is also plead satisfying any outdated "willfulness" dispelling meritless arguments otherwise. SAC ¶¶42, 111; OPP Br. at 19. SAC is the operative complaint where UDCPA violations are alleged. [JA42]. SAC is the law of the case. As "persons," Law Firms are under a good faith duty not to enforce/collect barred deficiency amounts involving repossession of secured collateral where there is noncompliance with the UCC. The court did not resolve Ms. Bell's argument that as "persons" or as debt collectors for secured party are liable under the UCC.

Law Firms mischaracterize *Bell I-III* and the Court is urged to ignore depictions and refer directly to holdings. Law Firms concede remand calls for "analysis" not supplementing record. OPP. Br. 5. Accounts "placed" with Law Firms for a "6 month" collection period – no assignment. OPP Br. at 7. As a separate matter, *Bell I* cannot establish facts here. OPP Br. p.4. As Defendants cannot be bothered to oppose each of the dispositive arguments in the abbreviated 37-page opposition brief including a footnote confirming the deliberate choice to ignore the arguments, the non-rebuttal constitutes waiver. OPP Br., n. 1; Rose v. US, 629 A.2d 526,528 (D.C. 1993)(Declined consideration of arguments where no attempt to address issue, Court "will not remedy the defect").

II. Summary of Argument

Unfortunately for folks like Ms. Bell the entry barrier is higher than for sophisticated litigants like Law Firms. Ms. Bell's claims are often assumed frivolous regardless of 111 detailed factual allegations. [JA48-73]. However, FISC's five-line 2017 complaint drafted by Defendants is presumed valid and sufficient to force struggling Ms. Bell to pay over $8,000 she did not owe to FISC devastating her financially. [JA168]. Here, the clear just-us privilege is not enough for Defendants they must also cheat the process by denying Ms. Bell "evidence" used by Defendants in a dispositive motion.

The 111 SAC allegations of deception relating to Law Firms collecting and converting meritless claims of deficiency, excess repossession storage, and attorney fees put Law Firms on clear notice of UDCPA claims and make AFRA, CPPA, UCC and abuse of process claims plausible **if** accepted as true with all inferences construed in Ms. Bell's favor. Br. 3-7. That did not happen below. As stated, this is Ms. Bell's second appeal on the same question in the same procedural posture. As argued unrefuted, Law Firms also have no judgment upon which to base a res judicata defense. Br. 30.

III. Argument

A. Law Firms again fail to meet burden to establish res judicata

a. Law Firms do not prove mutuality of interests nor any other elements of res judicata to establish privity warranting reversal

Defendants again fail to meet the burden set in *Bell III* which confirms, "[a] privy is one so identified in interest with a party to the former litigation that he or she **represents precisely the same legal right in respect to subject matter of the case**." Bell v. Weinstock, Friedman & Friedman, 285 A.3d 505, 509(D.C. 2022)("*Bell III*"); Franco v. D.C., 3 A.3d 300, 305 (D.C. 2010). After falsely characterizing *Bell III* holding, Defendants make the same *Bell III* argument already rejected – for a *per se* non-party preclusion exception based merely on an attorney-client relationship. *Bell III*, 285 A.3d 510("award of attorney's fees insufficient to be the 'something more'

than an attorney-client relationship necessary to find privity."). Defendants recite the holding below without refuting Ms. Bell's showing of clear error. OPP Br. 32-33. Repeating the "enhanced contingency representation" term without explanation, Defendants circularly argue privity exists because "if FISC's suit ...in 2017 to recover...deficiency was unsuccessful," Law Firms cannot "assert its own claim against Ms. Bell to recover the deficiency." Or, privity exists because the Law Firms cannot sue because privity exists.[1] Law Firms' inability to sue Ms. Bell for a deficiency is not contingent on privity but on no legal claim upon which to base a lawsuit. [JA102 ("shall acquire no right, title or interest"]. FISC cannot represent Defendants' "**same legal right**" in the 2017 suit because Defendants had no rights against Ms. Bell during the suit or after. Ms. Bell is not a party to the FISC-Law Firms CA that Defendants base their privity claim nor is said CA the "**subject matter**" of the 2017 suit preventing a privity finding relating thereto.

Ms. Bell alleges independent repossession and notice-related violations against Law Firms prior to and after alleged vehicle sale. OPP Br. at 25. Outstanding discovery propounded five years ago, will shed light on extent of Defendants' involvement in repossessions. The Law Firms' burden is to

[1] If FISC does not pay the Law Firms, the Law Firms cannot sue Ms. Bell under the CA as Ms. Bell is not a party to the FISC-Law Firms agreement.

prove the total res judicata defense not just a "mutuality of legal interest" as falsely argued. The Law Firms fail. Claiming a "mutually shared interest in collecting amounts owed on the delinquent account" is the equivalent of a commission-based department store sales clerk claiming an interest in a dress simply because he/she attempts to sell the dress – doesn't exist. If a second clerk sells the dress the first can claim no legal interest in the dress nor to commission paid to second clerk by employer. The Law Firms and FISC's "'legal interests [are not] aligned" in FISC's 2017 suit. Law Firms claimed interest in the CA is different than the RISC interest sued upon in 2017 suit. Defendants' "authority" is the category of cases rejected in *Bell III.* Bell III, 285 A.3d 511 ("We find the reasoning in the first category of cases persuasive and in line with the District's law on privity."). The Law Firms do not contend Ms. Bell owed either any amount during 2017 suit nor under the settlement/RISC relied to assert res judicata. The record shows that under the CA, after the 2017 suit, FISC may/may not, in the future, owe Law Firms a 30% commission on amounts the Law Firms may eventually collect from Ms. Bell, if any. The CA disclaims any legal interest and the ability to acquire a legal interest by the Law Firms. At the time of the 2017 suit, the Law Firms had no "level of common interest ... [of] the kind of estate, blood, or legal interest that would give rise to privity." *Bell*

III, 285 A.3d at 511, n.8; Rucker v. Schmidt, 794 N.W.2d 114, 119 (Minn. 2011).Common objectives for favorable outcome does not equal privity. Id.

A contingency agreement between a law firm and client is also not the discrete type of "pre-existing substantive legal relationship[s]" between the person to be bound and a party to judgment narrowly defined in precedent. EdCare Manag., Inc. v. Delisi, 50 A.3d 448 (D.C. 2012). The CA disclaims "enhanced contingency representation" and anything more than standard "attorney-client relationship" rejected in *Bell III* as a basis for privity. *Bell III*, 285 A.3d at 510. CA "does not make/constitute Contractor as the agent of FISC.... for any purpose whatsoever," including for res judicata. [JA102]. No "assignment" of FISC's legal interest in 2018 judgment to Law Firms as falsely argued. [JA131]. Commissions are lost upon FISC's "recall" of the account at its "sole discretion." [JA102]. The dispositive language is ignored in opposition. The record does not support an agent- principal relationship, scope or assignment of interest equaling reversible error. Major v. Inner City Prop. Manag. Inc., 653 A.2d 379 (D.C. 1995)(reversed-no evidence by nonparty proving privity and scope of a principal-agent relation); Franco, 3 A.3d at 304-305; Redevelop. Land Agency v. Dowdey, 618 A.2d 153 (D.C. 1992); Patton v. Klein, 746 A.2d 866 (D.C. 1999). The court departs and

vastly expands narrow discrete exceptions for nonparty preclusion carefully and distinctly defined by Court precedent warranting reversal.

b. The court abused its discretion in denying the Rule 56(d) and extend motions warranting reversal

The record proves Ms. Bell timely filed the Rule 56(d) and extend time motions fourteen days after Law Firms Rule 12 motions and the untimely CA filing by Defendants after due date for opposition to preclusion motion. [JA13-15; JA20]. The court denied both motions in the final order denying Ms. Bell the opportunity to oppose. [JA20]. The claim that said motions were filed "28 days" after the res judicata motion is based on a false reading of the docket thus fails. [JA14]. The untimely CA filing after 56(d) motion refute Defendants' claims of lack of affidavit specificity and SAC "putting CA in issue" relying on false citations while definitively showing Law Firms' motive for moving to deny access to CA until after resolution of converted motion as already briefed. Br. 9-10,30-32. No reference to CA in SAC and Ms. Bell explicitly states requiring full "retainer" used by Glick and need to depose Glick and Poss about affidavits. [JA90, ¶¶1-2, 5, 7]. Travelers v. Utd Food Com'l, 770 A.2d 978, 994 (D.C. 2001). Law Firms preclusion claim put CA in issue. Arguing compliance with reasonable order to file evidence,

Defendants do not contend it is "reasonable" to cherry-pick and deny Ms. Bell the CA while relying on same to dismiss her claims. OPP Br. at 27. Denial of opportunity to oppose a motion converted by movant's evidence denied to nonmovant is abuse of discretion warranting reversal. Koppal v. Travelers Indem, Co., 297 A.2d 337, 339 (D.C.1972)(if error jeopardized fairness reversal warranted). Justice and fairness dictate that Ms. Bell was entitled to discovery relied on by Law Firms and an opportunity to oppose prior to dismissal. Ms. Bell shows diligence requesting discovery in 2020 and 2023. [JA196–215]. Only to be sandbagged by a motion for protective order filed simultaneous with converted Rule 12(d) motion so as to avoid Ms. Bell access to CA. Unlike Law Firms' authority in this jurisdiction, Ms. Bell filed affidavit, was diligent and specific as to discovery needed.[2] [JA90, ¶¶1-3, 5, 7]; Mahmood Nawaz v. Bloom Residential, LLC, 308 A.3d 1215, 1230 (D.C. 2024)(no affidavit, no diligence). Reversal is warranted.

B. Neither attorneys nor debt collectors are exempt from the CPPA by the Act's plain language and the decision is reversable error

a. No attorney immunity in the CPPA and the decision is error

[2] "requires discovery in relation to the "mutuality of interest" question as Defendants make multiple unilateral claims based on a retainer . to defend against the claims" and "need to depose..Glick relating to the affidavit." Law Firms made no opposition to time extension and leave to amend.

Ms. Bell alleges that Defendants are debt collectors and is not suing them as a client but as a consumer victimized by Defendants abusive debt collection practices. Defendants do not credibly argue the "professional services" exemption after filing a "**Collection Agreement**" showing fee as 30% of amounts collected. [JA88]; OPP Br. 14-15. Payment is not tied to purported legal services or the success/failure of the 2017 suit but on debt collection services or amounts collected during the "**6 Month Authorized Collection Period**" treating Defendants as debt collectors who also happen to be lawyers alleged to use law license to coerce payment of uncollectable junk debts. [JA122]; Andrews & Lawrence Prof. Servs. v. Mills, 223 A.3d 947, 958, 467 Md. 126 (2020)("a license to practice law is not a license to engage in deceptive or unfair debt collection activities with impunity."). The CA confirms Defendants acted as debt collectors as Ms. Bell alleges. [JA48-49]. Rebutted unrefuted in brief, Law Firms again argue Bergman, Banks and Pietrangelo. [3] Br. 34-37. Ms. Bell does not sue Law Firms for bad legal advice/malpractice involving professional services to Ms. Bell nor alleges to be a client. Bergman supports Ms. Bell as a generally applicable statute the

[3] Pietrangelo v. Wilmer Cutler Pickering Hale & Dorr, LLP, 68 A.3d 697, 703 (D.C. 2013)(legal malpractice re bad legal advice); Bergman v. D.C., 986 A.2d 1208, 1228 (D.C. 2010)(whether legislature "in ..exercise of its police power, is precluded by the HRA from enacting an otherwise valid statute.. **restricts,...certain practices by members of the Bar**." Answer: no).

CPPA can apply to "members of the Bar." Banks also does not support the claim holding "performance of legal services is a 'trade practice' under the Act." Banks v. Dep't of Cons. & Reg. Affairs, 634 A.2d 433, 437(DC 1993).

Ms. Bell sues Defendants for abusive debt collection. Lawyers are not "expressly exempted" from the CPPA as plain text confirms. D.C. Code § 28–3903(c)("professional services"). Jones and Assoc. v. D.C., 642 A.2d 130, 133 (D.C. 1994)(remedial legislation exemptions narrowly construed). Exemption does not immune lawyers from CPPA thus reversable error.

b. Debt collection is a trade practice and the decision is error

Defendants again ignore that Baylor is contrary to CPPA plain language deeming abusive "debt collection" violating the UDCPA is a "prohibited act" under the CPPA. D.C. Code § 28-3909("28-3814"). Defendants cite no language excluding debt collection as a trade practice. Nor explain why debt collection is not acts which does/would "create, alter.., make available, provide information about, or, directly or indirectly," solicit or offer for or effectuate, a credit sale of "consumer goods or services." D.C. Code § 28–3901(a)(6). Defendants ignore OAG, the body charged with administrative enforcement of the CPPA, interprets debt collection as a trade practice. Br. at 39; Wolf v. D.C. Rental Accom. Com., 414 A.2d 878, 880 (D.C. 1980) ("Commission's interpretation" is "given great deference."). Defendants do

not explain how such practices are not deceptive billing under District Cable Ltd. P'ship v. Bassin, 828 A.2d 714, 723 (D.C. 2003). Admitting AFRA is enforceable through the CPPA, Defendants do not explain why acts of billing and collecting deficiencies, excessive storage and repossession fees in violation of AFRA does not violate the CPPA. D.C. Code § 28-3904(dd). Defendants also do not explain why Defendants are not on the supply side of the credit transaction. Adam A. Weschler & Son, Inc. v. Klank, 561 A.2d 1003 (D.C. 1989). Ignoring the above Defendants instead continue arguing Baylor while admitting Baylor is not binding in this Court.

Defendants falsely contend not to "offer[] to sell or provide plaintiff with any goods or services, including consumer credit." OPP Br. at 15-16. First, this case is legally and factually distinguished from Baylor which does not involve deficiencies or Title 16 but a dunning letter. Baylor federal court improperly interprets a nonexistent debt collection exemption into CPPA contrary to its plain language – unrefuted. Br. at 38-39. Second, Defendants drafted settlement agreement literally "alters" and "provides information about" the terms of payment relating to the credit sale. Defendants served Ms. Bell a lawsuit "providing information" about the alleged debt, the RISC and the repossession. Defendants collected payments relating to the allege credit sale. And, dispositively, in further contrast to Baylor, Ms. Bell alleges

violations of Title 16 by billing excess storage and repossession fees and misrepresenting barred deficiencies as owed or prima facia "deceptive trade practices" under the CPPA. D.C. Code § 28- 3904 (dd);16 D.C.M.R. §340, 342. More than "mere filing of a lawsuit" is alleged. Defendants did "offer to sell/provide plaintiff with any goods or services," though not required to be a "trade practice." OPP Br. at 15. Defendants ignore these inconvenient truths thus concede all. Defendants are debt collectors engaged in the trade practice of debt collection. Multiple "coherent," arguments why Baylor is wrong on this question of pure local law to which the Court is final arbiter are presented unrefuted. Meiggs v. Assoc. Builders, Inc., 545 A.2d 631, 633 (D.C. 1988). Baylor is contrary to the CPPA's plain language, remedial framework, and statutory purpose to remedy "**all improper trade practices**" and deter continued use warranting reversal. D.C. Code § 28–3901.

C. Ms. Bell plausibly pleads AFRA violations warranting reversal

Defendants feign ignorance of basic concept if conduct is regulated by the AFRA it is part of repossession process to which Ms. Bell alleges Law Firms are a part. Throughout SAC, Ms. Bell allege AFRA repossession and debt collection violations against Defendants. [JA51, ¶¶17-25, 38, 40]. The conduct is not exempt from CPPA but purposely and specifically deemed a deceptive trade practice. D.C. Code § 28- 3904 (dd);16 DCMR § 340, 342.

SAC alleges Defendants are debt collectors engaged in repossession and debt collection. [JA48-54, ¶¶1, 17-25, 38, 40]; OPP Br. at 16. Defendants concede AFRA is "enforceable through the CPPA." Id. AFRA is also enforceable through the UDCPA and the UCC. Br. at 41, n.1; §16 DCMR 340.7 ("remedies"). Ms. Bell alleges Defendants filed false affidavits, failed to give notice, billed and collected barred deficiencies, excess repossession, storage and attorney fees in violation of the AFRA. [JA54, ¶¶38- 50, 64-70].

Ms. Bell alleges Defendants have significant involvement in repossession process. [JA51, SAC ¶¶ 17-24, verified and collected barred deficiencies, defective statutory notices]. But for Defendants, forced, coerced payments of barred deficiencies and other excess fees cannot happen. "Holder" status is not required to violate AFRA, the CPPA or the UDCPA. Deceptively billing for and collecting barred deficiency, storage, and retaking amounts violate AFRA the remedies for which are provided in the UDCPA, CPPA and UCC. Ms. Bell's allegations of false verifications, misrepresentations and omissions, and deceptive billing and collection by Defendants also independently violate the UDCPA and the CPPA notwithstanding the AFRA violations. District Cable Ltd. P'ship v. Bassin, 828 A.2d 714, 723 (D.C. 2003)(deceptive billing practices). Ms. Bell also alleges that the Law

Firms filed many lawsuits on the meritless claims. Accepting allegations as true, construing all inferences in Ms. Bell's favor, reversal in warranted.

D. Ms. Bell plausibly pleads UDCPA violations, decision is error

Defendants do not refute dismissal is for alleged failure to "match facts to every element of a legal theory" contrary to settled precedent equaling reversible error. Animal Legal Defense Fund v. Hormel Foods, 258 A.3d 174, 188 (D.C. 2021) ("ALDF"); Velcoff v. MedStar Health, Inc., 186 A.3d 823, 827(D.C. 2018). Defendants now admit willfulness is not required for UDCPA claims. OPP Br. at 20. So, the primary "no willfulness allegation" argument made below now concededly fails. 3rd 12(b), p.7. For the first time on appeal, Defendants untimely argue failure to plead facts consistent with prior version of the UDCPA as it existed "in 2017." First, Defendants failed to object in opposition to Ms. Bell's leave motion and cannot untimely do so now. Br. at 12, 45. Second, arguing for dismissal of a nonexistent version of the law in an operative complaint alleging new version is as confusing as it is meritless. Relying on dated arguments, Defendants moved to dismiss the SAC alleging the new version which was granted. Reversal is sought of that decision. The prior UDCPA is no longer live here based on the order granting leave now law of the case. [JA42]. Violation of the FDCPA, strict liability - no willfulness required, also violates the UDCPA. 15 USC 1692k.

Defendants present no plausibility challenge but incredibly argues "no notice" arguing "conclusory" and "no specific factual allegations" relying on *Bell I.* The pretense of confusion as to the inherent **coercion** of lawsuits to vulnerable unsophisticated distressed debtors is trivial. Law Firms also feign ignorance as to how knowingly misrepresenting in court-filed sworn avowals that a barred deficiency is owed is "unfair, fraudulent, deceptive, misleading method ...to collect a....debt" violating D.C. Code § 28-3814 (f)(5). Ms. Bell also pleads facts supporting inference of willfulness contrary to the attempt at the okey-doke arguing *Bell I.* SAC ¶¶42, 111; Br. at 43-46.[4] Law Firms do not credibly argue no notice of Ms. Bell's UDCPA claim.

As to untimely presumption against retroactivity argument, Law Firms do not argue any "substantive rights" affected. Nor is retroactivity argued and UDCPA is remedial and procedural not refuted. Br. 46. Law Firms argue a legal conclusion, "applying the new legislation would affect the Law Firm's substantive rights" without identifying any. "Willfulness" is "remedial/ procedural" regulating secondary not primary conduct thus "presumptively" applies to pending cases. Lacek v. Wash. Hosp. Ctr. Corp., 978 A.2d 1194,

[4] SAC ¶¶109("full knowledge of noncompliance" and "willfully failed to comply"), 43(actively conceals); SAC ¶¶ 1, 18-19, 27, 32, 33-36, 39-50, 100]. Alleged "standard policy and practice" to "falsely represent the character, amount or legal status of debt," "convert deficiency barred debts to enforceable judgments against no-show and pro se," ¶¶64-70.

1197-98 (D.C. 2009). Prior version of UDCPA and FDCPA have been law for decades providing ample notice of need to comply. Given foreseeability of violations under pre-existing law substantive rights unaffected. Landgraf v. USI Film Prod., 511 U.S. 244, 278 (1994). Defendants also waive the claim by failing to make it in opposition to leave motion. Br., 45.

E. Ms. Bell plausibly pleads U.C.C. violations warranting reversal

Ms. Bell makes two arguments of multiple as to plausibility of the UCC claim. OPP Br. at 10. As Defendants have not responded to discovery Ms. Bell cannot know the extent of Law Firms involvement in repossession. Br. at 18-19, 42-43. Ms. Bell alleges Defendants "did not provide 'reasonably authenticated notice' of sale of the Vehicle prior to collecting the alleged deficiency debts of Ms. Bell," no "reasonably authenticated notice' of redemption rights" "did not provide all required pre and post-sale notices prior to collecting" deficiencies, deprived consumers of "right not to pay a deficiency," excess storage and repossession fees, and "did not act in good faith pursuant to U.C.C. § 1-304." [JA64-65, ¶¶77-82]. These are "factual allegations" that Defendants are involved in the repossession process. Opp Br. at 11. Law Firms claim to be "enforcing" on behalf of a "secured party." SAC alleges Law Firms "regularly files lawsuits in DC/MD/VA to collect debts alleged to be owed..relating to deficiency amounts after repossession

and sale." JA49, ¶4]. Whether Law Firms are "secured party" despite UCC liability as "persons" is disputed. Also, Comment 1 of 1-304 further states:

> Rather, this section means that a failure to perform or enforce, in good faith, a specific duty or obligation under the contract, constitutes a breach of that contract or makes unavailable, under the particular circumstances a remedial right or power.

D.C. Code § 28:1-304. c.1. The extent to which Defendants are involved in repossession process will be determined in discovery propounded nearly five years ago. UCC violation plausibly pled and decision is reversible error.

F. Abuse of process is plausibly plead and the decision is error

Using courts as laundromats, Law Firms routinely file false affidavits to launder meritless claims to judgments against the vulnerable appearing *pro se* or not at all, to obtain unjustified commissions from FISC as alleged. [JA 61("policies and practices"); JA69, ¶100]. Law Firms do not refute decision below is based on conclusion SAC alleges no more than a knowing "filing of an unfounded/frivolous claim." [JA34]. As SAC alleges more such as routine false verifications by court officers to convert uncollectable debts to judgments disregarded so is not accepted as truth nor inferences construed in Ms. Bell's favor the decision is reversable error. [5] Equal Rights Center v.

[5] Sherwood v. Wash. Post, 871 F.2d 1144, 1147 (D.C. Cir. 1989)(court cannot deny existence of disputed material facts by making findings of fact and labelling them undisputed/nonexistent). Jury demand also made here.

Properties Int'l, *et al* 110 A.3d 599, 605 (D.C. 2015). Law Firms knowingly verify "amounts due and owing" on barred deficiencies and excess storage and repossession fees filing no/facially defective statutory notices providing a "factual base" for allegation Law Firms submitted false affidavits. [JA51-58, ¶¶37, 18-50]. [6] Court referred to Brief for full account unrefuted by Law Firms. Br. 46-49. Law Firms target consumers who have neither ability nor resources to fight back. JA58(class allegations). But for false verification*s* Ms. Bell is not compelled to pay un-owed debt to FISC. Law Firms admit collecting 2.6K in commissions from FISC after attaching Ms. Bell's wages. [JA88, n.2]. Knowingly filing an unfounded/frivolous claim can be abuse of process as argued citing District law.[7] Law Firms ignore court officer status and "routine" for improper purpose of laundering uncollectable junk debts and pocketing side commissions distinguishing the case from authority.

The allegations are more than "filing a counterclaim and subsequently withdrawing it." [8] Moradi and Page v. Comey, 628 F.Supp.3d 103 (D.D.C.

[6] Numerous SAC paragraphs allege deficiency is not owed facially apparent complaint due to AFRA/UCC. [JA51, 54, 62-65, SAC ¶¶17, 39-40, 71-83].
[7] Osinubepl-Alao v. Plainview Fin. Serv, Ltd., 44 F.Supp.3d 84, 94 (D.C. 2014)(submit deceptive documents to collect debt and attorneys' fees, is an end not "otherwise legally obtainable"); Shipe v. Schenk, 158 A. 2d 910 (D.C. 1960)(enforcing payment of debt known to be false/nonexistent is actionable abuse); Hall v. Field Enter. Inc., 94 A.2d 479, 481 (D.C. 1953).
[8] Morowitz v. Marvel, 423 A.2d 196,198 (D.C.1980). More than a creditor "exercising its right to attach." Jacobson v. Thrifty Paper Boxes, Inc., 230

2022) involve a claim filed against the law firm-principal for conduct of an "agent" who are not court officers nor alleged to do so as a matter of policy and practice as is alleged here thus inapplicable. Moradi v. Protas, Kay, Spivok & Protas, Ctd., 494 A.2d 1329, n.1(D.C. 1985). Court officers are held to a higher standard than their agents. Osinubepl-Alao, 44 F.Supp.3d at 87(DC "law firm" submitted deceptive documents to collect a debt they knew they were not owed"). Osinubepl-Alao applying DC law clearly took in account the law firm's court officer status finding abuse alleged. Law Firms' authority offers no basis for finding as a matter of law no abuse of process given precedent as courts do not offer junk debt laundering as a service to court officers. Law Firms perverted legal process using rampant deception to extort uncollectable debts from marginalized communities through the force and coercion of a lawsuit to line their own pockets. But for Law Firms Ms. Bell is not forced to pay the barred deficiency. An "end which process was not intended by law to accomplish (convert junk debts to judgments and/or enabling Law Firms to collect commission on junk debt).

A.2d 710, 711 (D.C. 1967)(decided after trial); false victim statement made in context of a criminal prosecution. Rauh v. Coyne, 744 F.Supp. 1186, 1194 (D.D.C. 1990); a single suit on an unfounded claim no court officers. Kopff v. World Res. Grp, LLC, 519 F.Supp. 2d 97, 100 (D.D.C. 2007) (one "suit on an unfounded claim is not by itself an abuse of process."); "initiat[ion of a] case without proper motive." Great Soc. People's Libyan Arab Jamahiriya v. Miski, 683 F.Supp.2d 1, 9 (D.D.C. 2010).

SAC ¶¶100, 102-103. SAC alleges more than cases where abuse is deemed alleged. [9] Law Firms do not explain how deceiving court "before judgment" to "record a judgment that did not exist" is different from "deceiving the court" through routine filings by court officers of false affidavits verifying nonexistent debts laundering meritless claims to judgments. Shipe, 158 A. 2d at 91. Both involve court deception except here it is more egregious in quantity and reprehensibility. Osinubepi-Alao does not conflict with Court precedent but relies on it. Osinubepi-Alao, 44 F.Supp.3d at 94.

Law Firms are both the lynchpin in con and perpetrator as creditors cannot thieve alone but need those willing to cheat process, law and rules for quick buck. Allegations not taken as true nor inferences drawn in Ms. Bell's favor as SAC alleges more than court's finding. Plain record deficits ignored reversal warranted. Pollock v. Brown, 395 A.2d 50, 52 (DC 1978).

G. Extra 12(b)(6) motions precluded, prayers not subject thereto

The plain language of Rule 12 does not permit second and third Rule 12(b)(6) motions. Super. Ct. Civ. R. 12(g)(2)("party that makes a motion

[9] Osinubepl-Alao, 44 F. Supp.3d at 94 (single suit); Shipe, 158 A. 2d at 911(single suit); Hall, 94 A.2d at 481(single suit); McCullough v. Johnson, Rodenburg & Lauinger, LLC, 637 F.3d 939, 956 (2011)(one suit filed to extract money not legally obtainable, "use of the process not proper in the regular conduct of the proceeding," same as District law); Hall v. Hollyood Cr. Cloth. Co., 147 A.2d 866, 868 (D.C. 1959)("use of process other than....as would be proper in the regular prosecution of the charge").

under this rule must not make another motion under this rule"). Law Firms do not refute prayers not subject to Rule 12 relief for dismissal of "claims."

IV. Conclusion

Wherefore, Ms. Bell respectfully requests that the order be reversed.

December 16, 2024

Respectfully Submitted,

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Certificate of Service

I, Radi Dennis, certify that on this 16th day of December 2024, a true and accurate copy of Appellants Reply Brief will be served electronically through the Court of Appeals C-Track electronic filing system upon:

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