

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

SECOND

**CERTIFICATION IN OPPOSITION
TO DEFENDANTS'
MOTIONS TO DISMISS**

(ORAL ARGUMENT REQUESTED)

I, CAROLYN BAILEY, hereby respond as follows to the captioned matter, in my individual capacity, and in my role as a Private Attorney General, on behalf of the general and investing public, and the Clerks of the Courts of New Jersey. (“Plaintiff”) I hereby enter my Second Objection to the two Motions to Dismiss filed by Defendants, again request that those Motions be denied, and that the Defendants and their Attorneys be sanctioned for intentionally and flagrantly attempting to mislead this Court:

1. Zucker Goldberg & Ackerman, LLC and Michael S. Ackerman, Esq., (Defendants), either did or did not commit **RICO level fraud** while functioning as a debt collector for Wells Fargo Bank and “*US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1*”. Period. End of story. **If the Motions to Dismiss are granted, this Court may never establish the true level of fraud. That would result in a miscarriage of justice for Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey. **This case is not ripe for dismissal.****

2. The pleadings in Plaintiff’s October 21, 2013 Complaint speak for themselves. Further clarifications is provided within Plaintiff’s December 23, 2013 Reply To Answer and May 27, 2014 Certification. Those documents point out the egregious and fraudulent efforts of Defendants to pursue an **invalidated and unverified debt that was dismissed not once, but twice** ! (October 6, 2009 and July 5, 2013.)

3. It speaks volumes that thus far, Defendants’ legal representative, Connell Foley LLP, has failed to adequately, or otherwise:

a) Address whether a Complaint against a debt collector necessitates an Affidavit of Merit.

b) Address whether they will produce a credible witness on Defendants’ behalf to “explain” Zucker Goldberg’s **“Sewer Service”** to Plaintiff of Wells Fargo Bank’s January 4, 2012 Amended Complaint and July 5, 2013 Notice of Dismissal.

c) Address why Plaintiff lacks standing as a Private Attorney General.

d) Address why any party should respond to intentionally inappropriate Discovery.

4. For a real tongue twister, this Court might try to decipher Defendants' legal counsels' various renderings and re-renderings of when 4years are not really 4 years ! Their attempts to undo and re-write the **RICO** statute of limitations, smack more of desperation than of humor.

5. Defendants' legal counsels' laborious history of the basis for this **RICO** related litigation offers a graphic timeline to an atypical "Goliath vs. David" slugfest. Wells Fargo's case against Plaintiff was dismissed not once, but twice. **David 2 points, Goliath -0- !!!**

More details of that case are found at – www.HurtingHomeOwners.com

6. This is a **RICO** case against debt collectors. And that's all that it is. Such distinction that can be made is that these particular debt collecting Defendants are the long term legal reps for multiple trillion dollar lenders. That's not exactly praiseworthy. But it's **HOW** Defendants have gone about plying their trade that is at issue in this litigation. It is OK for a barber to shave the beard of a crook, but not use that same glistening switch blade to slice the throats of the client's/crook's enemies !

7. Plaintiff's Complaint and subsequent Court filings ably establish that Defendants crossed the line from legitimate efforts in service to its clients, Wells Fargo Bank and "US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1". Defendants' utilized **unethical and illegal means** while attempting to collect on an **invalidated and unverified debt**. Hundreds, even thousands of pages of "pea-in-shell" court filings by Defendants' legal counsels at Connell Foley LLP cannot obscure or change that ground level scenario. Period. End of story.

7. During the December 3, 2013 swearing in of new attorneys, New Jersey Supreme Court Justice Anne Patterson shared some good advice that the attorneys at Zucker Goldberg and Connell Foley may well heed.

Patterson counseled them to always "stay on the right side of every ethical line" and to be nice to colleagues and adversaries because "what goes around really does come around."

"New Jersey has more than 80,000 lawyers — that's a lot of lawyers on paper," Patterson said. "But you will find that in your world, your county courthouse, your practice area, your city, your town, the legal community in our bustling state is very small."

Bending the rules, she warned, can quickly become a slippery slope that ends in disbarment.

"They are often ordinary men and women who started out with good intentions but crossed a little line here and a little line there, initially unnoticed, in order to get or keep a client, or to win a hopeless case or to try to resolve a personal or financial crisis," Patterson said. "If you are candid with everyone you deal with, you never have to worry about remembering what you said, you never have to worry about covering your tracks because you don't have any tracks to cover, and you'll never be disappointed in yourself."

The full Star Ledger article by Salvador Rizzo is available at –

http://www.nj.com/politics/index.ssf/2013/12/hundreds_of_lawyers_join_the_ranks_in_new_jersey.html

WHEREFORE PLAINTIFF BESEECHES THIS COURT to deny Defendants' Motions to Dismiss, grant Plaintiff permission to amend the Complaint to include **RICO** Counts relating to the "**Sewer Service**" of Defendants' fraudulent January 4, 2012 Amended Complaint for Wells Fargo Bank, Wells Fargo/Defendants "Ta-Da" "Corrective" Assignment, Defendants' role as debt collectors, and to address other related and relevant issues.

I further **BESEECH THIS COURT** to ascertain the proper sanction(s) to deter the New Jersey attorneys associated with Defendant Zucker Goldberg, and also the New Jersey attorneys

associated with their legal counsel Connelly Foley, from intentionally and flagrantly attempting to mislead this Court.

I hereby respectfully serve Notice of my intent to appeal in the event that the Motions to Dismiss are granted.

Pursuant to R. 1:6-2(d), the undersigned requests oral argument for reasons contained within the May 27, 2014 Certification and this 2nd Certification.

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

Date: June 17, 2014

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General

CERTIFICATION OF SERVICE

I certify that on June 17, 2014 I sent a copy of Plaintiff's 2nd Certification in Opposition to Defendants' Motions to Dismiss, to Andrew C. Sayles, Esq. and Steven A. Kroll, Esq., the Attorneys for the Defendants, by:

Certified mail # 7012 3050 0001 5761 5249

Andrew C. Sayles, Esq.

Steven A. Kroll, Esq.

Connell Foley LLP

85 Livingston Avenue

Roseland, New Jersey 07068

Date: June 17, 2014

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General