

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

FORTUNE AVENUE, LLC,
Plaintiff,

Case No. 18 CV 1362

v.

HOWARD BEDFORD,
Defendant.

ANSWER AND AFFIRMATIVE DEFENSES

ANSWER

Howard Bedford (“Bedford”), by and through his attorneys, Godfrey & Kahn, S.C., hereby answers the Complaint as follows:

GENERAL ALLEGATIONS

1. Lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Complaint.
2. Bedford admits he is an adult resident of the State of Florida. Bedford denies the remaining allegations contained in Paragraph 2 of the Complaint.

VENUE

3. The allegations of Paragraph 3 of the Complaint state a legal conclusion to which no response is necessary.

CAUSE OF ACTION – BREACH OF PROMISSORY NOTE

4. Admits the allegations of Paragraph 4 of the Complaint.
5. Admits the allegations of Paragraph 5 of the Complaint.

6. Lacks knowledge or information sufficient to form a belief as to the truth or falsity of the first and third sentences of Paragraph 6 of the Complaint. Admits the remaining allegations of Paragraph 6 of the Complaint.

7. Admits the allegations of Paragraph 7 of the Complaint.

8. Denies the allegations of Paragraph 8 of the Complaint.

AFFIRMATIVE DEFENSES

Defendant Howard Bedford alleges the following Affirmative Defenses to Plaintiff's Complaint:

1. The Complaint fails to state a claim upon which relief can be granted.

2. The promissory note referenced in the Complaint is invalid and unenforceable for lack of consideration.

3. The Plaintiff's claim is barred by a release of its right to bring a claim against Bedford pursuant to the promissory note referenced in the Complaint.

4. The Plaintiff's claim may be barred by other legal and equitable defenses, including, but not limited to, unjust enrichment, waiver, estoppel, laches and accord and satisfaction.

5. Bedford reserves the right to amend his affirmative defenses as he learns information through discovery in this matter.

Dated this 11th day of September, 2018.

GODFREY & KAHN, S.C.

By: s/ Jonathan T. Smies
Jonathan T. Smies
State Bar No. 1045422

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