

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CONSUMER FINANCIAL</b>	)	<b>CASE NO. 1:17 CV 817</b>
<b>PROTECTION BUREAU,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE DONALD C. NUGENT</b>
<b>v.</b>	)	
	)	<b>ADVISORY JURY PROCEEDING</b>
<b>WELTMAN, WEINBERG &amp; REIS,</b>	)	
<b>CO., L.P.A.,</b>	)	
	)	
<b>Defendant.</b>	)	

The above-captioned case came before this Court for an advisory jury trial. At the conclusion of the trial, the Advisory Jury returned two unanimous Interrogatory Answers.

The Consumer Financial Protection Bureau (the "Bureau") filed this action against Defendant Weltman, Weinberg & Reis Co., L.P.A. ("Weltman") alleging that Weltman violated Sections 807(3), 807(10) and 814(b)(6) of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692e(3), (10) and 1692(l)(b)(6), and Sections 1031(a), 1036(a)(1), 1054 and 1055 of the Consumer Financial Protection Act of 2010 ("CFPA"), 12 U.S.C. §§ 5531(a), 5536(a)(1), 5564 and 5565. The Bureau alleges that Weltman engaged in unlawful collection activities by misrepresenting the level of attorney involvement in demand letters it sent and calls it made to consumers requesting payment. Weltman denies the Bureau's claims asserting that its letters were truthful and the involvement of Weltman's attorneys in every step of the collection process

was sufficient to satisfy the requirements of law.

The trial commenced on May 1, 2018. The Plaintiff dismissed with prejudice Counts 4, 5 and 6, as well as its request for disgorgement. An Advisory Jury of twelve was duly impaneled and sworn pursuant to Fed. R. Civ. P. 39(c)(1). Opening statements of counsel were made. Plaintiff called the following witness(es): (1) Eileen Bitterman. Court was then adjourned until May 2, 2018 at 8:00 a.m.

The trial continued on May 2, 2018. Plaintiff called the following witness(es): (1) Eileen Bitterman, continued; (2) David Brian Tommer; and (3) Dr. Ronald Goodstein. Plaintiff rested. Defendant's motion pursuant to Fed.R.Civ.P. 50 was made and the Court reserved ruling. Defendant called the following witness(es): (1) Chuck Pona. Court was then adjourned until May 3, 2018.

The trial continued on May 3, 2018. Defendant called the following witness(es): (1) Chuck Pona, continued; and (2) Scott Weltman. The Defendant rested. The Court gives preliminary instructions to the Jury. Counsel made closing arguments to the Jury. The Court gives final instructions and the Jury thereafter retired to deliberate. Court was adjourned until May 4, 2014.

The trial continued on May 4, 2018. Jury deliberations continued. The Jury, in open court, returned the following unanimous Answers:

### **INTERROGATORIES**

1. Do you find that the Plaintiff proved by a preponderance of the evidence that the initial demand letter sent by Weltman contained any false, deceptive, or misleading representations or means in connection with the collection of a debt? YES (Enter "yes" or "no").


If your answer to Interrogatory 1 is yes, continue to Interrogatory 2. If your answer is no, your deliberations are finished and you should not answer any further questions.

2. Do you find that the Plaintiff proved by a preponderance of the evidence that Weltman's lawyers were not meaningfully involved in the debt collection process. NO (Enter "yes" or "no").

If your answer to Interrogatory 2 is yes, continue to Interrogatory 3. If your answer is no, your deliberations are finished and you should not answer any further questions.

The Court polled the Jury and accepted the Answers to Interrogatory No. 1 and No. 2 as advisory. The Jury was discharged. Inasmuch as this was an advisory jury, each party shall file proposed findings of fact and conclusions of law. Plaintiff shall submit its proposed findings by June 15, 2018 and Defendant to submit its proposed findings by June 29, 2018. Thereafter, the Court will rule on the remaining counts of Plaintiff's Complaint. (Counts 1, 2 and 3).

Court was adjourned.

  
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DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE

DATE: May 8, 2018