

SEARS, ROEBUCK & CO.

Plaintiff

vs.

PHILLIP WEISS

Defendant

_____ /

COUNTERCLAIM

1. Defendant denies giving Plaintiff cause to sue;
2. Defendant denies owing Plaintiff a debt;
3. Defendant asserts that he is a victim of identity theft;
4. Defendant asserts that Plaintiff previously sued Defendant in another venue, to wit, in Broward County, Florida, to collect an alleged debt;
5. Defendant asserts that on November 14, 2001, the Broward County Court dismissed said case (Exhibit 1);
6. Defendant asserts that the Broward County Court notified Plaintiff's counsel of said Court's decision to dismiss said case;
7. Defendant asserts that Plaintiff, demonstrating disregard of said Court decision, has again sued Defendant to collect said alleged debt, shifting said litigation to another venue, to wit, to New York County (Exhibit 2);

8. Defendant asserts that said new litigation is frivolous and constitutes harassment;

9. Accordingly, Defendant PHILLIP WEISS demands that Plaintiff SEARS, ROEBUCK & CO. pay to Defendant the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) as compensation for subjecting Defendant to said harassment.

This counterclaim is dated the ____th day of _____, 2001.

Respectfully,

Phillip Weiss
Defendant

Defendant hereby certifies that true and correct copies of the foregoing counterclaim were mailed this ____th day of _____, 2001, by certified mail, return receipt requested, to:

SEARS, ROEBUCK & CO.
Plaintiff
45 Congress Street
Salem, MA 01970-5591

Rubin & Rothman, LLC
Attorneys for Plaintiff
1787 Veterans Highway
Islandia, NY 11749

Phillip Weiss
Defendant

