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# Meet Attorney David Lampley

Do you know Attorney David Lampley?

Many people in town certainly know him. David has been an attorney at Dellutri Law Group since 2007. What you may not know about him is that he is a Southwest Florida native (we have a lot of those in our office).

Prior to attending law school at Barry University, he attended Bishop Verot High School and Dunbar Middle School in Fort Myers.

After being in the “real world” for a while, he was looking to change careers and move closer to his Lee County roots. David decided to attend law school at Barry University. It’s important for us to let our clients know exactly who we are before they even hire us! That’s why we take the extra time to dive into who our

attorneys are when they aren’t working hard for us here at the office.

Prior to embarking on his legal career, David worked as an athletic trainer. His training career included being the head trainer for multiple teams as well as an assistant trainer for the NFL’s Carolina Panthers.

Though he may not work on the field anymore, he carried his love of sports over to a whole new generation. After becoming an attorney, he went from David to Dad and became a father to four boys (Dylan, Austin, Tyler, and Preston) who love sports as much as he does. If David isn’t at the office, our bet is you can find him coaching one of his kids somewhere. Baseball, soccer, football – you name it, he’s been there and coached that!



## Move Over Turkey — It’s Time for Chips! Why Thanksgiving Is My Junk Food Oasis

Let me tell you a secret about my wife: Unlike 99.9% of the U.S. population, she would *voluntarily* live in a world without potato chips. Can you believe that? Sometimes I’m shocked we’ve stayed married this long.

Unlike Marjorie, I consider myself a potato chip connoisseur and all-around junk food aficionado. Pringles’ 2018 Super Bowl ad is still my favorite commercial of all time. It introduced the idea of “flavor stacking” when the actors opened up three Pringles cans – barbecue, sour cream and onion, and original if I recall correctly – piled three different chips on top of each other, and chomped them all at once.

That ad opened up a whole new world for me. My first thought was, “I never even thought of doing that!” and my second one was, “How fast can I get my hands on some Pringles?” I’ll try any chip flavor, but that’s not where the junk food obsession stops. Cheez-It crackers are my ultimate downfall. I could live on them for breakfast, lunch, and dinner! Even my dog Petunia will go nuts for a Cheez-It.

Unfortunately, Marjorie does her best to keep me healthy, and that means taking away my soppressata, salami, cheeses, pasta, and bread, and keeping Cheez-Its out of the house. There’s only one time every year she lets her junk food dictatorship slide: Thanksgiving!

Thanksgiving is the ultimate cheat day. No matter what kind of diet you’re committed to, odds are

*My first thought was, “I never even thought of doing that!” and my second one was, “How fast can I get my hands on some Pringles?”*



mashed potatoes and gravy aren’t on it, but that’s not going to stop you from taking a big scoop. This loss of food control bothers some people, but not me! I love that I can sneak Pringles, Cheez-Its, and herb-crusted mozzarella cheese into our Publix cart.

In case you think I’m kidding, here’s a quick look at this year’s average Thanksgiving meal plan:

- 8 a.m.: Eggs and bacon
- 10 a.m.: Cheez-Its
- 12 p.m.: Pepperoni, salami, and mozzarella from the grazing table
- 2 p.m.: Smoked chicken wings (while watching football, of course)
- 4 p.m.: Big Fat Italian Thanksgiving – all of the turkey, mashed potatoes, stuffed shells, chicken Parmesan, and lasagna I can eat
- 6 p.m.: Pringles, more meats, and Lays in every flavor
- 8 p.m.: Thanksgiving dinner leftovers
- 10 p.m.: Cheez-Its (while watching “National Lampoon’s Christmas Vacation”)

Of course, I usually sneak in more snacks than I’ve listed here. Just assume that all day I’m grazing like a junk food junkie!

I’m sharing this with you today because I’m already looking forward to the Thanksgiving free-for-all. I even dropped a few pounds in preparation. At first Marjorie thought I was working out in order to actually be healthier, but nope! I fully intend to put the weight back on during Turkey Day. When I admitted that, she just shook her head.

“After 23 years of marriage, I should have known,” she said.

It’s true. She’s a good woman, though – no matter how much I eat, she never gives me grief on Thanksgiving. But on Friday, she turns into a dictator again.

Happy Thanksgiving, and happy snacking!

*-Carmen Dellutri*

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# Tenacity and Legal Acumen: Getting Results



Last month, we featured an article from our Debt Defense Attorney, Joe LoTempio. He's been with our office for over a decade and, in that time, has sued countless banks and creditors on behalf of our clients. Here is another one of Joe's incredible cases.

## The Statute of Limitations and Credit Card Companies

I've learned over the years that there are only two kinds of defendants: those who think they must have done something wrong if they're on the receiving end of a lawsuit, and those who will swear until the day they die they did nothing wrong whatsoever. Creditors and debt collectors know this, and that's why they like to pick on the elderly. Older folks immediately think they're in the wrong and have no legal defense.

One day early in my career, the boss called me into a consultation with a sweet older woman. She had just been served with a lawsuit from a debt collector who was trying to collect over \$40,000 allegedly run up on a big-box store credit card. Our client said she gave the credit card to her adult son, who proceeded to run up the charges. Unfortunately, she couldn't afford to pay it back — she was retired, could not work due to poor health, had no savings, and had only her Social Security income, barely allowing her to get by.

## Why Reviewing Contracts Matters

As the case was a breach of contract action, the first thing I did was thoroughly read the contract. In my review, I saw that it contained a "choice of law" provision, which clearly says what state law is to apply if a lawsuit has to be filed to enforce the agreement. That's important, especially in credit card cases, because each state has different laws when it comes to credit cards.

Fortunately, it stated that the law of a different state was to be used in the event of suit. I researched the law and found that the applicable statute of limitations — the specific law that gives a plaintiff an expiration date on its legal claims — allowed the debt collector in my case to file suit within three years after default. I discovered they had missed that deadline by several months, meaning they no longer had the ability to sue my client.

Upon finding this happy little nugget of information, I immediately filed defenses on behalf of my client, and further filed a counterclaim against the debt collector under the Fair Debt Collection Practices Act (FDCPA), saying the lawsuit was an effort to collect debt that could no longer legally be taken due to expiration of the statute of limitations. After sending the counterclaim, I heard nothing from the debt collector for several

weeks. But about a month later, the debt collector's attorney reached out to me to discuss settlement.

"Listen," he said. "Your client owes the money. We don't want to get into a big battle over this. If she pays us \$30,000.00 right now, we can be done with the case. We'll even give her a generous payment plan." I laughed. My client had zero money, and she wouldn't have paid even if she did, because the debt collector had missed its window to file suit and didn't want to admit it. I told the attorney as such, and we proceeded with the case.

A few weeks later the attorney contacted me again.

"Listen," he said. "We understand your client doesn't have a lot of money, but she owes us and we don't want this to get ugly. We'll take \$15,000.00 spread out over time, with no interest." I laughed again. I told the attorney that he didn't seem to be taking me seriously when I told him that my client had no money, and that the statute of limitations had expired. I reminded him that if the court agreed with me, not only would his client get no money, but it would have to pay my client her attorneys' fees for pursuing a claim that no longer existed.

Another week passed, and the attorney contacted me once again.

"Listen," he said. "We get that your client is on Social Security and has no assets, and we couldn't collect from her even if we got a judgment. So, we're willing to do a walk-away. We'll dismiss our case if you agree that everyone will pay their own attorneys' fees and costs." I laughed, harder than I had previously. I told the debt collector's lawyer that he was free to dismiss his lawsuit, but my counterclaim would live on, and I fully intended to pursue it on behalf of my client because she had been wronged and deserved justice.

## A Successful Resolution

To make a long story short, eventually the case settled. She did not have to pay a dime of the \$40K, and they paid all her attorneys' fees and costs plus some. It just goes to show you what a little legal acumen and a lot of tenacity can do. While not every case ends as well, I'm willing to bet many cases out there are just like this and never receive the proper attention. That's why it's so important to see an attorney when you're served with a lawsuit, no matter the circumstances!



# Testimonial

Our Clients Say It Best

"I was referred to the Dellutri Law Group and it was legitimately the best referral I've ever received. This firm is not only compassionate but also very straightforward and logical. They listen to your concerns and answer any questions you have in such a prompt way that it makes you feel important. It was a pleasure to connect with Mr. Dellutri as well. Carmen took the time to personally call and walk me through what to expect. Everyone at Dellutri Law Group sets the tone for a positive fresh start and I cannot thank them enough!"

—M.R. GOOGLE REVIEW, SEPTEMBER 2021



## What's the Good News?

"For we live by faith, not by sight."

2 CORINTHIANS 5:7

# Baked Cornbread and Chorizo Stuffing

Inspired by FoodNetwork.com

Spicy, savory, and sweet, this unique stuffing will level up your Thanksgiving table.

## INGREDIENTS

- 1 lb Mexican chorizo
- 1 white onion, chopped
- 1 carrot, chopped
- 1 celery rib, chopped
- 3 garlic cloves, chopped
- 2 cups premade cornbread, crumbled
- 1/4 cup cilantro, chopped
- 1/2 cup chicken stock
- 1 tbsp unsalted butter, for greasing
- Cilantro, for garnish
- Cotija cheese, for garnish

## DIRECTIONS

1. Preheat your oven to 350 F.
2. In a large skillet over medium heat, cook the chorizo for 5 minutes. Add the onion, carrot, celery, and garlic. Cook for 10 additional minutes. Stir in the cornbread and cilantro.
3. While stirring, slowly add the chicken stock. Stir until absorbed.
4. Butter a small casserole dish, then add the stuffing in an even layer. Bake for 20 minutes, garnish as desired, and serve!



## A Huge Thank-You to Our Referral Partners!

Last month we had ...

- 41 referrals from friends, family, or previous clients
- 16 returning clients for a new matter
- 19 referrals from other attorneys
- 10 referrals from other professionals in town
- **We sent out 91 referrals**

