

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BURTON W. WIAND, as Receiver for)
OASIS INTERNATIONAL GROUP, LTD.;)
OASIS MANAGEMENT, LLC; AND)
SATELLITE HOLDINGS COMPANY,)
)
Plaintiff,)
v.)
)
CHRIS AND SHELLEY ARDUINI, et al)
)
Defendant.)

Case No. 8:20-cv-00862-VMC-TGW

BY SPECIAL APPEARANCE

**DEFENDANT, TIM HUNTE DBA KATT DISTRIBUTION:
ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT (DKT. 1)**

NOTICE: Per Fed. R. Civ. Proc. Title II, Rule 7.1(2) notice is given that there is no such corporation as “Tim Hunte DBA KATT Distribution” (contrary to assertions made in the **Endorsed** Order filed on 08/14/20 (Dkt. 333)). Thus, there was no violation of Local Rule 2.03(e) as reported to this Court in Defendant’s Motion to Quash filed on 07/20/20 (Dkt.233). Defendant Hunte’s Motion was inappropriately stricken. (Dkt. 333)

COMES NOW by Special Appearance, Tim Hunte, DBA KATT Distribution (not incorporated), Defendant pro per in the instant case pursuant to Fed. R. Civ. Proc.

Title II, Rules 7(a)(2), 8(b)(1)(A)-(B), 8(b)(2), 8(b)(4), 8(b)(5), 8(c)(1), 8(d)(2)-(3), 8(e), 10(b)-(c), 11(a), 11(b)(1)-(4), 12(b)(1)-(2), 12(b)(4), and 12(b)(6)-(7), being responsive to this Court's Endorsed Order (Dkt. 333) and in accordance with Endorsed Order (Dkt. 550), files this timely Answer and Affirmative Defenses to Plaintiff's Complaint ("Complaint"), as follows (the numbered paragraphs below correspond to those numbered in the Complaint):

1. Without knowledge, therefore denied.

2. Denied:

- a. The "CFTC Act" is encoded in Title 7 U.S.C.. The statute sections "4b(a)(2)(A)-(C), 4k(2), 4m(l), 4o(l)(A)-(B), and 2(c)(2)(iii)(I)(cc)" do not exist as identified in 7 U.S.C.
- b. Referring to (§6b(a)(2)(A)-(C)": Defendant knows of no contract for sale of any commodity or swap by the Commodity Futures Trading Commission ("CFTC") as identified in Paragraph 1 of the Complaint. Defendant is without sufficient knowledge as to the truth or falsity of the allegations in reference to the alleged statute and therefore denies said allegation.
- c. Referring to "§ 6(k(2) [sic]" and "7 U.S.C. § 6m(l)" make certain activities performed by a "commodity pool operator" illegal. The definition of "commodity pool operator" requires the party to be engaged in a business for the purpose of trading commodity interests. None of identified activities prohibited by 7 U.S.C. §6(k)(2), nor any of those defining a "commodity pool operator" are known by Defendant to have been practiced by Defendants. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by these statutes and therefore denies

said allegation.

- d. Referring to “7 U.S.C. § 6o(l)(A)-(B)” has been transferred out of the United States Code and is therefore inapplicable and denied.
- e. Referring to “7 U.S.C. § 2(c)(2)(iii)(I)(cc)” does not exist and is therefore denied.
- f. Referring to “CFTC Regulations”, which are known and redundantly identified in Paragraph 2 as “17 C.F.R. § 4.20(b)-(c)” and “17 C.F.R. § 4.21. These regulations require that the CFCT Defendants be defined as “commodity pool operators” AND that the CFTC has jurisdiction over them. No evidence of either of these conditions has been identified. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by these Rules and, therefore, denies said allegation.
- g. Referring to another of the “CFTC Regulations” referenced as “17 C.F.R. § 5.2(b)(1)-(3)”: No contracts for sale of a commodity for future delivery or option is known to have been executed by the CFTC Defendants. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.
- h. Referring to “7 U.S.C. § 2(c)(2)(C)”: 7 U.S.C. § 2(c)(2)(A) defines the CFTC’s jurisdiction. Absent jurisdiction as defined under this section, the subsequent § 2(c)(2)(C) is inapplicable. As Defendant knows of no operations of the CFTC Defendants that accords with the activities thereunder identified or affords CFTC authority under 7 U.S.C. § 2(c)(2)(A). Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.

- i. Referring to one of the “CFTC Regulations”, identified as 17 C.F.R. § 5.3(a)(2): If the CFTC Defendants are not proven “commodity pool operators”, as defined in § 5.1(d)(1) of this part [17], this allegation is inapplicable. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.
 - j. Referring to “Section 6c [sic] of the CFTC Act”, redundantly referred to as “7 U.S.C. § 6c [sic]”: Defendant knows of no instance in which the CFTC Defendants acted or participated in the activities specifically identified in 7 U.S.C. §6(c)(a)(1). Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.
 - k. Referring to “7 U.S.C § 13a-1”, the Defendant knows of no known registration(s) made or registration requirements that the CFTC Defendants failed to make in violation of this section. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.
 - l. Referring to “7 U.S.C. § 2(c)(2)(C)”: Defendant knows of no offering entered into in violation of the defining subsection (I)(aa) to this section. Defendant is without sufficient knowledge as to the truth or falsity of the allegations referenced by this statute and, therefore, denies said allegation.
- 3. Without knowledge, therefore denied.
 - 4. Being that there exists no known authority for the “reappointment” of a receiver either in 28 U.S.C., the Federal Rules of Civil Procedure, nor Local Rules for the

Middle District Court of Florida, Defendant denies the allegations.

5. Without knowledge, therefore denied.
6. Defendant denies that this lawsuit can properly be considered “clawback” litigation or that Receiver has a claim under the Florida Uniform Fraudulent Transfer Act, Fla. Stat. § 726.101, *et seq.* (“FUFITA”). Otherwise without knowledge, therefore denied.
7. Defendant denies that Receiver is entitled to recover the transfers allegedly made to Defendant. Otherwise without knowledge, therefore denied.
8. Defendant denies the allegations regarding jurisdiction with respect to Defendant. Otherwise without knowledge, therefore denied.

JURISDICTION AND VENUE

9. Defendant, having received no “false profits,” denies the accuracy of the portion of Exhibit A pertaining to Defendant. Defendant also denies that anything in Exhibit A accurately reflects any transfer to him and that any alleged transfers to him were “fraudulent.” Defendant is without knowledge regarding the accuracy of the remaining portions of Exhibit A, and whether the transfers reflected therein were “fraudulent.” Therefore, Defendant denies the allegations in this paragraph.
10. Defendant lacks sufficient knowledge as to the truth or falsity of the allegations in this paragraph of the Complaint, which is not directed to him, and therefore, to the extent a response is required, denies said allegations.
11. Defendant lacks sufficient knowledge as to the truth or falsity of the allegations in this paragraph of the Complaint, which is not directed to him, and therefore, to the extent a response is required, denies said allegations.

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48. Admitted as to residency information provided respecting Tim Hunte, DBA Katt Distribution and James Jackson. Denied that Receiver is entitled to recover from Defendant the funds set forth in Exhibit A at 42-43.
49. Defendant lacks sufficient knowledge as to the truth or falsity of the allegations in this paragraph of the Complaint, which is not directed to him, and therefore, to the extent a response is required, denies said allegations.
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84. Defendant lacks sufficient knowledge as to the truth or falsity of the allegations in this paragraph of the Complaint, which is not directed to him, and therefore, to the extent a response is required, denies said allegations.
85. In accord with Paragraph 2, above, the applicability of allegations in this paragraph 85 of the Complaint, being challenged, the Defendant is without sufficient knowledge as to the truth or falsity of the allegations in paragraph 85 of the Complaint and therefore Defendant denies said allegations.
86. Defendant is without sufficient knowledge as to the truth or falsity of the allegations in said paragraph and therefore denies said allegations.

OTHER PARTIES AND RELATED INDIVIDUALS AND ENTITIES

87. Without knowledge, therefore denied.
88. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.
89. Denied.
90. Defendant denies participating in any commodity pools. Defendant denies that Exhibit A is factual or that any transfers reflected therein to Defendant were fraudulent. Otherwise without knowledge, therefore denied.
91. Defendant denies that Oasis Management is a creditor of its “Insiders” under “pertinent fraudulent transfer law,” or that Oasis Management has been “cleansed” of DaCorta’s wrongdoing. Otherwise without knowledge, therefore denied.
92. Without knowledge, therefore denied.
93. Without knowledge, therefore denied.
94. Without knowledge, therefore denied.

95. Defendant merely admits that DaCorta was involved with Oasis International Group (“OIG”) in some manner. Otherwise without knowledge, therefore denied.
96. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.
97. Without knowledge, therefore denied.
98. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.
99. Defendant denies that Satellite Holdings is a creditor of the “Insiders” under “pertinent fraudulent transfer law,” or that the entity has been “cleansed” of Insiders’ wrongdoing. Otherwise without knowledge, therefore denied.
100. Defendant denies that Exhibit A is factual. Otherwise without knowledge, therefore denied.

FACTS COMMON TO ALL CAUSES OF ACTION

101. Without knowledge, therefore denied.
102. Defendant denies that he received any form of “false profits.” Otherwise without knowledge, therefore denied.
103. Defendant denies that he received any “false profits” or that the funds he received from the Oasis entities are voidable under Florida’s Uniform Fraudulent Transfers Act (“FUFTA”). Defendant also denies that he was unjustly enriched. Otherwise without knowledge, therefore denied.

A. Insiders Operated The Oasis Entities As A Common Enterprise

104. Without knowledge, therefore denied.
105. Defendant denies participating in any commodity pools. Otherwise without

knowledge, therefore denied.

106. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.

107. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.

108. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.

B. The Insiders Operated The Oasis Entities As A Ponzi Scheme

109. Without knowledge, therefore denied.

110. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.

111. Defendant denies participating in any commodity pools. Otherwise without knowledge, therefore denied.

112. Defendant denies participating in any commodity pools. Per subparagraph 5, Defendant denies that the described transactions “were inconsistent with OIG’s stated purpose”. Rather, such transactions were fully endorsed by OIG’s Agreement And Risk Disclosures, page 4, paragraph 3: Use of Funds, which, upon information and belief every Lender was required to sign or their loan was returned in full. Defendant further denies that any money returned to him was wrongful or improper. Otherwise without knowledge, therefore denied.

113. Defendant denies that any money returned to him was wrongful or improper. Otherwise without knowledge, therefore denied.

114. Defendant denies that any money returned to him was wrongful or improper. Otherwise without knowledge, therefore denied.

- 115. Defendant denies that any money returned to him was wrongful or improper.
Otherwise without knowledge, therefore denied.
- 116. Defendant denies that any money returned to him was wrongful or improper.
Otherwise without knowledge, therefore denied.
- 117. Defendant denies that any principal returned to him was wrongful or improper.
Otherwise without knowledge, therefore denied.
- 118. Without knowledge, therefore denied.
- 119. Defendant denies that any money returned to him was wrongful or improper.
Otherwise without knowledge, therefore denied.
- 120. Without knowledge, therefore denied.
- 121. Defendant denies that any money returned to him was wrongful or improper.
Otherwise without knowledge, therefore denied.
- 122. Without knowledge, therefore denied.
- 123. Defendant denies the implication that Oasis “stated purpose” was to “conduct profitable forex trading”. Oasis’ Agreement And Risk Disclosures, page 4, paragraph 3 clearly indicate that the Company’s purpose was not thus limited.
Otherwise without knowledge, therefore denied.
- 124. Without knowledge, therefore denied.
- 125. Without knowledge, therefore denied.

C. Insider Anile’s Guilty Plea and Insider DaCorta’s Indictment

- 126. Without knowledge, therefore denied.
- 127. Without knowledge, therefore denied.

D. Transfers To The Defendants

128. Defendant denies that any money returned to him was wrongful or improper. Otherwise without knowledge, therefore denied.
129. Defendant denies that he received false profits, fraudulent transfers, or any improper funds. Defendant denies that Exhibit A is either accurate or factually applicable to Defendant. Otherwise without knowledge, therefore denied.
130. Defendant denies that he received false profits, fraudulent transfers, or any improper funds. Defendant denies that Exhibit A is either accurate or factually applicable to Defendant. Otherwise without knowledge, therefore denied.
131. Defendant denies that Exhibit A is factual, or accurately represents Defendant's investments, transfers, or redemptions, or that any alleged transfer is "avoidable." Defendant further denies that the Receiver is entitled to recover any alleged transfers. Otherwise, without knowledge, therefore denied.
132. Defendant denies that he received false profits and further denies that it would be "inequitable" to let Defendant keep returned funds, whether principal or earnings. Otherwise, without knowledge, therefore denied.
133. Insofar as principal balances, or portions thereof, were returned, Defendant denies that "all money transferred or paid to the Defendants were improperly diverted assets". Otherwise, without knowledge, therefore denied.

COUNT I

Florida Statutes §726:

Uniform Fraudulent Transfer Act

False Profits

134. Defendant re-asserts his answers, explanations, qualifications, and responses to

Paragraphs 1 through 133, above.

135. Defendant denies that Exhibit A is factual, or accurately represents Defendant's investments, transfers, or redemptions, or that any alleged transfer to Defendant was improper. Defendant further denies that the Receiver has "a right" to recover any alleged transfers from Defendant. Otherwise without knowledge, therefore denied.
136. Allegations of conduct are not evidence of conduct. Prima facie evidence, such as provided by Mr. Anile's plea and subsequent conviction, may be rebutted by material evidence following discovery, which is thus far been unavailable to Defendant. Defendant denies that "Oasis Entities", now under the control of the Receiver, have a claim against anyone or that the "Insiders", being merely accused, have in fact embezzled, breached their fiduciary duty, defrauded, breached contract or otherwise committed violations of law. As such illegal activities have yet to be substantiated by material evidence known to Defendant or factually tried before a jury, Defendant denies any presumed "right to repayment" herein alleged. Beyond this, Defendant is without knowledge, therefore denied.
137. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.
138. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.
139. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and

therefore said allegations are denied.

140. Denied

141. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

142. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

COUNT II
Unjust Enrichment
False Profits

143. Defendant re-asserts his answers, explanations, qualifications, and responses to Paragraphs 1 through 133, above.

144. Without knowledge, therefore denied.

145. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

146. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

147. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

148. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.
149. Denied with respect to Defendant. Without sufficient knowledge as to the truth or falsity of the allegations in said paragraph respecting other Defendants and therefore said allegations are denied.

AFFIRMATIVE DEFENSES

1. **FIRST AFFIRMATIVE DEFENSE**

No Subject-Matter Jurisdiction: Statutes alleged in Paragraph 2 applied to activities or operations of the CFCT Defendants. As Paragraph 2 provides the foundation for this case, there is no subject-matter jurisdiction. Per Rules 801 (definitions) and 802 of the Federal Rules of Evidence, Plaintiff is a “declarant” promulgating “hearsay” allegations set forth as facts, which, having not been made during testimony at trial or during a hearing in the precedent case, 8:19-cv-00886, are inadmissible. Discovery in the precedent case is stayed and has been since 04/30/19 (Dkt. 44) and 07/12/19 (Dkt. 179), respectively. `

Further, though violations of Florida’s Uniform Fraudulent Transfer Act (FUFTA) is cited as the sole authority outside the grant of the “Receivership Court” by which the instant Complaint is authorized (see ¶ 6), no case was first brought before a Florida state court to try the facts before filing in this federal court. Without statutory foundation, the Complaint states no cause of action.

Ancillary to and wholly dependent upon a similarly malformed Complaint filed by the CFTC in April of 2019, the instant case is based entirely on three rebuttable presumptions: (1) CFTC Defendants were running a Ponzi scheme; and (2) Oasis International Group was insolvent; and (3) “value” transfers are limited to the principal investment in the CFTC Defendant operations. Allegations derived from these presumptions are conclusions without foundation. Evidence may yet be shown that all three presumptions are false and that the CFCT Defendants acted in good faith with respect to OIG lenders through the operation of a solvent, diversified company, which was never solely dependent upon foreign exchange earnings nor required new loans to meet its financial obligations.

2. **SECOND AFFIRMATIVE DEFENSE**

Lack of Personal Jurisdiction: Absent sufficient process or, in the alternative, voluntary appearance by Defendant, the Court lacks personal jurisdiction over Defendant. Defendant has not voluntarily appeared nor has Plaintiff provided sufficient process.

3. **THIRD AFFIRMATIVE DEFENSE**

Insufficient Process: Plaintiff was statutorily divested of his conditional authority to issue summons when he did not follow the requirements of 28 U.S.C. § 754. The statutory time limit began at the Receiver’s permanent appointment on April 30, 2019 (Dkt. 44) as established in *SEC v. Am. Capital Invs., Inc.*, 98 F.3d 1133 (9th Cir. 1996). Summons issued to Defendant was insufficient process because Plaintiff failed to adhere to the 10 day filing requirements in Defendant’s

respective district court. There is no authority for the reappointment of a receiver except under two limited conditions. (See Exhibits A & B.)

4. **FOURTH AFFIRMATIVE DEFENSE**

Failure to State a Claim upon which Relief can be Granted: Claims against Defendant are generally asserted. Plaintiff failed to state the elements of his Claim as required under Florida's Uniform Transfer Act or its alternative, unjust enrichment, with citations to legal authority needed to provide well-pleaded allegations establishing each element. Florida Law Title XLI §726.110. §726 provides three different subsections identifying separate time limits upon which extinguishment of the cause of action may be affected. Plaintiff's claims fail to identify which parts of §726 of the cited Florida law pertain to Defendant and no facts exists in the record to substantiate claims against Defendant.

5. **FIFTH AFFIRMATIVE DEFENSE**

Failure to Join a Party under Rule 19: Plaintiff seeks to recover money from Defendant allegedly transferred by "Insiders" not joined. Judgment against Defendant may prejudice the proprietary interests of insiders not joined in violation of Rule 19 as judgment against Defendant may produce the presumption of a crime not otherwise in evidence and thus subject CFTC Defendants to potential criminal prosecution.

6. **SIXTH AFFIRMATIVE DEFENSE**

Fraud: (1) Plaintiff presented no facts in support of the allegations in the Complaint. (2) Plaintiff's fiduciary duty toward Defendant required his awareness that many of the allegations are untrue. Indeed, Plaintiff represents that his "forensic accountants" provided the necessary expertise to establish principle allegations (§ 113). (3) These and other representations, inferences, and references embedded in the allegations give clear evidence of Plaintiff's intent to deceive Defendant into believing the presumption that OIG was insolvent and operated a Ponzi scheme by which this lender was defrauded and through which Defendant is alleged to have received "fraudulent transfers". For maximum effect, the word "Ponzi" is referenced by name 14 times in the Complaint. (§§ 5, 7, 102, 106, "B", 109, 111, 112, 126, and 127). The Receiver induced reliance by Defendant upon the veracity of the allegations, resulting in emotional, physical, and financial injuries to Defendant.

7. **SEVENTH AFFIRMATIVE DEFENSE**

Contributory Negligence: The accident and damages alleged in the Complaint resulted from the actions and negligence of the plaintiff, his experts, and his employees. The plaintiff was, and remains, guilty of negligence and conduct which proximately contributed to and continues to contribute to the damages alleged in the Complaint. Generally, Defendant had no control over the accidents and damages which are a result of the negligence and/or actions of third parties.

8. **EIGHTH AFFIRMATIVE DEFENSE**

Estoppel by Laches: Plaintiff's misrepresentations and neglect have prejudiced the defendant by alleging as fact what is merely untested hearsay. Plaintiff has omitted facts necessary to support the allegations, resulting in detrimentally serious emotional and financial stresses upon Defendant.

9. **NINTH AFFIRMATIVE DEFENSE**

Misrepresentation: Plaintiff's misrepresentation to Defendants induced reliance on the correctness of statements pertaining to OIG and alleged violation of statutes and misrepresentation that Receiver is in good faith acting for Defendant's benefit. It is reasonable that Defendant relied on the misrepresentation of Receiver and CFTC which has resulted in pecuniary loss to the Defendant

10. **TENTH AFFIRMATIVE DEFENSE**

Lack of Ripeness: Courts are expected not to enter a controversy before it has solidified or before other available remedies have been exhausted. In disputes where a state court remedy is available, a controversy is not ripe for federal court review until all state court remedies have been exhausted. FUFTA violations are alleged, but no remedy was sought in a Florida state court. Allegations are based on hearsay as defined by Rule 801 of the Federal Rules of Evidence and are therefore inadmissible and no foundation upon which the instant case may be tried.

11. **ELEVENTH AFFIRMATIVE DEFENSE**

Good Faith: To the extent Defendant received any alleged voidable transfers under Fla. Stat. § 726.101, *et seq.*, Defendant took such transfer in good faith and for reasonably equivalent value or is a subsequent transferee or obligee. Any alleged transfers from the Oasis Entities to Defendant were in return for reasonably equivalent value, including without limitation, Defendant's initial investments. To the extent the Defendant received any alleged voidable transfers under Florida Statutes Section 726.101, any judgment is limited to the value of the transferred assets or amounts necessary to satisfy the individuals claims, whichever is less. To the extent the Defendants received any alleged voidable transfers under Florida Statutes Section 726.10 I, *et seq.*, Defendants are entitled to the remedies and offset/s for any value given as to the exchange for the alleged transfers.

12. **TWELFTH AFFIRMATIVE DEFENSE**

Equitable Estoppel: The Receiver, standing in the place of the Oasis Entities, is equitably estopped from recovery based upon the actions, inactions, and representations of Anile, DaCorta and the officers, employees, and agents of Oasis Entities done or made with respect to Defendant. The Receiver, standing in the place of the Oasis Entities, is estopped from asserting inconsistent positions, including, but not limited to, allegations that any transfers to Defendant were false profits and not the return of prior investments or that any such prior investments did not convert to shares of the Oasis Entities.

13. **THIRTEENTH AFFIRMATIVE DEFENSE**

Offset: If the funds received by Defendant are adjudged to constitute a voidable transfer, then Defendant is entitled to an offset of the amounts paid to the entity or entities connected to CFTC Defendants and any judgment must be limited to the value of the amount transferred or the amount necessary to satisfy the creditor's claim, whichever is less.

WHEREFORE, having fully answered the Complaint herein and raised affirmative defenses thereto, Defendant requests the instant action be dismissed and that he be awarded costs, expenses and reasonable attorneys' fees.

RESERVATION OF RIGHT TO SUPPLEMENT

DEFENSES AND RAISE CLAIMS

Defendant reserves the right to supplement this Answer with additional defenses learned in the course of discovery or further investigation.

JURY TRIAL DEMANDED



11/30/2020

Date: _____

Timothy Hunte, Defendant
2155 Rainlylly Drive
Center Valley, Pennsylvania 18034
Email: timhunte@yahoo.com
Phone: (646) 469-3513

EXHIBIT A

TITLE 28 U.S.C.

STATUTES PERTAINING TO REAPPOINTMENT

There are no statutes for reappointment of any office other than judge.

“Reappoint” – no occurrences

“Reappointing” (1 occurrence)

1. §153: re reappointing incumbent bankruptcy judges

“Reappointed” (11 occurrences)

2. §158: re reappointed bankruptcy judges
3. §178: re reappointed judges in the Court of Federal Claims (2 occurrences)
4. §373: re territorial judges not reappointed
5. §377: re retirement upon a judge’s failure to be reappointed
6. §377: re bankruptcy or magistrate judge not reappointed
7. §631: re limitations upon reappointment of magistrate judge
8. §631: re exception to reappointment of over-age 70 judge
9. §631: re substitution of words related to service of judges within a Federal Agency
10. §632: re qualification of magistrates to exercise jurisdiction under 28 U.S.C. §636(c)
11. §632: re special reappointment of magistrate judge

“Reappointment” (17 occurrences)

12. §135: re reappointment of judges in Puerto Rico.
13. §152: re reappointment of bankruptcy judge after vacancies.
14. §153: re reappointment to fill vacancies for judge in a court of appeals (2 occurrences of word).
15. §178: re reappointment as judge of the Court of Federal Claims.
16. §373: re judge failure of reappointment (2 occurrences).
17. §375: re Puerto Rican judge failure of reappointment.
18. §376: re territorial judge failure of reappointment.
19. §377: re failure of judicial reappointment (2 occurrences).
20. §377: re willingness of judge to accept reappointment
21. §631: re appointment or reappointment of territorial judges by a concurrence of the majority of all judges.
22. §631: re reappointment of magistrate judge under a Federal agency by the concurrence of a majority of judges.
23. §632: word occurs in section re reappointment of magistrate judges (2 occurrences).
24. §636: re: reappointment of magistrate judge under § 631.

EXHIBIT B

FEDERAL RULES OF CIVIL PROCEDURE

There are NO occurrences of the word “**Reappoint**” or any derivative thereof in the Federal Rules of Civil Procedure.

LOCAL RULES FOR THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA

There are NO occurrences of the word “**Reappoint**” or any derivative thereof in the Local Rules for the United States District Court for the Middle District of Florida.

CERTIFICATE OF SERVICE

I certify that I filed an electronic copy of the foregoing document with the Clerk of the Federal District Court of Middle Florida, Tampa Division:

A handwritten signature in black ink, appearing to read 'Timothy Hunte', is written over a horizontal line.

Timothy Hunte

Date: **11/30/2020**