

RECEIVED

RECEIVED

OCT 1 2013

SEP 30 2013

CLERK U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT COURT

District of Minnesota

1 Mr. Mark Stoltenberg
2 1517 W Jacinto Ave
3 Mesa AZ 85202
4 602.295.4527
5 Pro Se Defendant

6 **R. J. ZAYED,**

7)
8)
9)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Case No. 0:13-cv-01896-SRN-JJG

v.

ANSWER

**DAVID ALLEN....., and
MARK STOLTENBERG, et al.,**

Defendants.

Pro Se Defendant, Mr. Mark Stoltenberg hereby answers the above-referenced complaint as follows. Paragraph numbers correspond to the paragraph numbers in the complaint.

1.through 9., inclusive.

Defendant does not have sufficient information to form an opinion as to the truth of this allegation and therefore denies same.

10. through 13, inclusive.

Defendant does not have sufficient information to form an opinion as to the truth of this allegation and therefore denies same.

SCANNED
OCT - 1 2013
U.S. DISTRICT COURT MPLS

1 14. through 40., inclusive.

2 Defendant does not have sufficient information to form an opinion
3 as to the truth of this allegation and therefore denies same.
4

5 41. Defendant admits he is a resident of Maricopa County, Arizona.
6 Further, Defendant admits he may possibly have received funds from
7 an entity that qualifies as a "Receivership Entity" in this
8 lawsuit. As to the rest and remainder of this paragraph, Defendant
9 does not have sufficient information to form an opinion as to the
10 truth of this allegation and therefore denies same.
11

12 42. through 49., inclusive.

13 Defendant does not have sufficient information to form an opinion
14 as to the truth of this allegation and therefore denies same.
15

16 50. through 64, inclusive.

17 Defendant does not have sufficient information to form an opinion
18 as to the truth of this allegation and therefore denies same.
19

20 65. through 71., inclusive.

21 Defendant does not have sufficient information to form an opinion
22 as to the truth of this allegation and therefore denies same.
23

24 72. Defendant denies that he received "Exhibit A.. a table
25 summarizing transfers to the Winning Investors from Receivership
26 Entities".
27

1 Defendant denies that he received any transfers "in excess of any
2 transfers made by the Winning Investors to Receivership Entities".

3 Defendant denies he is a "Winning Investor".

4 As to the rest of this paragraph, Defendant does not have
5 sufficient information to form an opinion as to the truth of this
6 allegation and therefore denies same.

7
8 73. through 102., inclusive.

9 Defendant does not have sufficient information to form an opinion
10 as to the truth of this allegation and therefore denies same.

11
12 103. Defendant admits he received money, in some amount, at some
13 time, from DBS Diversified Growth, LLC. As to the rest of this
14 paragraph, Defendant does not have sufficient information to form
15 an opinion as to the truth of this allegation and therefore denies
16 same.

17
18 104. through 120., inclusive.

19 Defendant does not have sufficient information to form an opinion
20 as to the truth of this allegation and therefore denies same.

21
22 121. Defendant denies that he is a "Winning Investor" and denies
23 that transfers made to this Defendant exceeded the amount he
24 invested. As to the rest of this paragraph, Defendant does not
25 have sufficient information to form an opinion as to the truth of
26 this allegation and therefore denies same.

1 122. Defendant does not have sufficient information to form an
2 opinion as to the truth of this allegation and therefore denies
3 same.

4
5 123. Defendant denies he is a "Winning Investor". As for the rest
6 of the paragraph, Defendant does not have sufficient information
7 to form an opinion as to the truth of this allegation and
8 therefore denies same.

9
10 124. Defendant denies he is a "Winning Investor". As to the rest
11 of the paragraph, Defendant does not have sufficient information
12 to form an opinion as to the truth of this allegation and
13 therefore denies same.

14
15 125. through 127., inclusive.

16 Defendant does not have sufficient information to form an opinion
17 as to the truth of this allegation and therefore denies same.

18
19 128. Defendant does not have sufficient information to form an
20 opinion as to the truth of this allegation and therefore denies
21 same.

22
23 129. Defendant denies he is a "Winning Investor".

24 Defendant denies he, "...received transfers in excess of any
25 investment (he) made". As for the rest of the paragraph, Defendant
26 does not have sufficient information to form an opinion as to the
27

1 truth of this allegation and therefore denies same.

2
3 130. Defendant denies he is a "Winning Investor".

4 As for the rest of the paragraph, Defendant does not have
5 sufficient information to form an opinion as to the truth of this
6 allegation and therefore denies same.

7
8 131. through 132., inclusive.

9 Defendant denies he is a "Winning Investor".

10 Defendant denies he, "...received transfers in excess of any
11 investment (he) made". As for the rest of the paragraph, Defendant
12 does not have sufficient information to form an opinion as to the
13 truth of this allegation and therefore denies same.

14
15 *****

16 Defendant denies all the rest and remainder of the complaint
17 unless specifically treated otherwise herein.

18
19 AFFIRMATIVE DEFENSES

20 Subject to a better understanding based on later discovery,
21 Defendant nevertheless asserts the affirmative defenses of;

- 22 1. Accord and Satisfaction,
23 2. Laches,
24 3. Payment,
25 4. Defendant asserts that Receiver has sued him without
26 sufficient evidence of wrongdoing, without performing due
27

1 diligence, and without a good faith basis for suing Defendant.

2
3 Further, Defendant reserves the right to assert any additional
4 affirmative defenses that may surface through discovery.
5

6 **WHEREFORE**, having fully answered the complaint against him,
7 Defendant requests that the allegations against him be dismissed,
8 with prejudice, and that the Court award this Defendant his costs,
9 expenses, attorney's fees, and pre-, and post-judgement interest
10 at the maximum allowable rate, and such further relief as the
11 Court deems just.
12

13
14 Dated this 30 day of September, 2013.

15
16
17 
18 Mark Stoltenberg, Pro Se Defendant

19
20 Copy of the foregoing
21 Mailed this 30 day
of September, 2013 to:

22 Tara C. Norgard
23 225 S 6th St Ste 4200
Mpls, NM 55402
24 Attorney for Plaintiff

25
26 By: 
27 Mark Stoltenberg