

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:

RMA STRATEGIC OPPORTUNITY  
FUND, LLC,

Debtor

Case No. 17-13328-FJB  
Chapter 7

**Objection of Ryan Montoya**

*Now comes* interested party, and, with respect to adversary proceeding 19-01115, proposed intervenor-defendant Ryan Montoya (“Montoya”), through counsel, and hereby makes this Objection to the linked Motion to Approve Compromise (the “Motion”). Briefly stated, as further developed in Montoya’s Motion to Intervene, incorporated herein by reference, the Trustee has already sued Montoya alleging fraudulent transfers to him or for his benefit in another adversary proceeding pending trial before this Court, Adv. No. 18-01019 (the “Montoya Adversary”), and the proposed compromise proposes to compromise transactions involving Montoya that are still at issue in that proceeding. This improperly pulls the rug out from under Montoya in the defense of claims that have been presented as claims against him, which he has not agreed to compromise, and will likely lead to liability for him, as well a potential double recovery by the Debtor for the same transactions.

Although the complaint filed in 19-01115 obscures this somewhat, the Motion openly acknowledges that the transfers sought to be compromised were for Montoya’s benefit. This adversary cannot be fairly resolved independently of the Montoya Adversary and Montoya anticipates filing a Motion to Consolidate. Besides this violation of due process, the proposed compromise also falls below the lowest range of reasonableness because it

presents an unacceptable risk of litigation over these issues, which the Motion does not account for at all. The purpose of compromises is to avoid costly litigation, not create it. The proposed compromise should therefore not be approved.

WHEREFORE, Montoya respectfully requests this honorable Court DENY the Motion, and take whatever further action is proper and just.

Respectfully submitted,  
Ryan Montoya,  
By his attorney,

Dated: May 15, 2020

/s/ William C. Parks  
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**Certificate of Service**

I, William C. Parks, undersigned, hereby certify that on this day, May 15, 2020, I served a true copy of this Objection by the Court's CM/ECF system upon the parties listed below:

John Fitzgerald ([USTPRegion01.BO.ECF@USDOJ.GOV](mailto:USTPRegion01.BO.ECF@USDOJ.GOV))  
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/s/ William C. Parks (BBO# 679820)