

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:
RMA STRATEGIC OPPORTUNITY
FUND, LLC,
Debtor

Case No. 17-13328-FJB
Chapter 7

Response of Ryan J. Montoya to Trustee's Objection to Claim No. 57

Now comes Ryan J. Montoya ("Montoya"), through counsel, and hereby makes this Response to Trustee Mark G. DeGiacomo's Objection to Claim No. 57, Docket No. 212, (the "Objection"), pursuant to Fed. R. Bankr. P. 3007 and MLBR 3007-1(c). Montoya contests the Objection only with respect his filed claim as amended, Claim No. 57. Montoya asserts that the Objection should be overruled for the following reasons: 1) Montoya contributed funds to fund the retirement account balance which composes part of the claim, including, but not limited to, by depositing the balance of a previous IRA. Pursuant to MLBR 3007-1(c), Montoya attaches documentation of this deposit as Exhibits A and B; 2) Montoya is also owed money from the Debtor for services rendered pursuant to a written contract; 3) Montoya does not owe the Debtor money and his claim is not subject to disallowance pursuant to 502(d) – this issue is the subject of a pending adversary against him (and other defendants) in this Court, at Docket No. 18-AP-01019, which remains unresolved pending trial. Montoya respectfully suggests that the 502(d) issue and therefore the Objection cannot be resolved until the outcome of this adversary is determined.

Wherefore, for the foregoing reasons, Montoya requests that this honorable Court overrule the Objection and take whatever further action is proper and just.

Respectfully submitted,

Ryan Montoya,

Dated: August 19, 2020

By his attorney,

/s/ William C. Parks

William C. Parks (BBO# 679820)

100 State St, Suite 900, Boston, MA 02109

Phone: (617) 523-0712; Email: will@wparkslaw.com

Certificate of Service

I, William C. Parks, undersigned, hereby certify that on this day, August 19, 2020, I served a true copy of this Response by the Court's CM/ECF system upon the parties listed below:

John Fitzgerald (USTPRegion01.BO.ECF@USDOJ.GOV)

Eric K. Bradford (Eric.K.Bradford@USDOJ.gov)

Mark G. DeGiacomo (mdegiacomo@murthalaw.com)

Jonathan Horne (jhorne@murthalaw.com)

/s/ William C. Parks (BBO# 679820)



The Commonwealth of Massachusetts
Office of the State Treasurer
State Board of Retirement

Deborah B. Goldberg
Treasurer and Receiver General
Chair

Boston, Massachusetts 02108-4747

Nicola Favorito, Esq.
Executive Director

Ryan J. Montoya
1016 South Wayne Street
Apt 904
Arlington VA 22204

September 21, 2018
MSRB ID: 612295

Dear Ryan J. Montoya:

According to State Retirement Board records you received a lump sum refund of your retirement account on 09/05/2014. The total refund check was in the amount of \$16,255.89. The refund was employee contributions and interest. You are not eligible to receive a monthly retirement allowance. As of this date, there are no further benefits due to you through this agency.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa DeVescovi".

Lisa DeVescovi

Refunds



THE RMA STRATEGIC OPPORTUNITY FUND, LLC

RETIREMENT MONEY/TRUST FUND – IRA

CONFIRMATION OF SUBSCRIPTION TRANSACTION

The RMA Strategic Opportunity Fund, LLC, Retirement Money/Trust Fund - IRA is in receipt of your subscription in the principal amount of: **US \$16,255.89**. This is a rollover from Commonwealth of Massachusetts retirement plan with reference number 612295. The Fund will provide you with executed copies of the Fund Agreement and Subscription Agreement pursuant to the subscription procedure described in the Private Placement Memorandum.

Account #: **RMAG-2007RTI**

For Benefit of: **Ryan J Montoya, M.D.**

26 High Rock Way

Boston, MA 02134

Date: **9/9/2014**

Accepted by:

The RMA Strategic Opportunity Fund, LLC
26 High Rock Way
Boston, Massachusetts 02134-2415

By: _____
Ross Montoya, Managing Director

Date Subscribed: **9/9/2014**