

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:

RMA STRATEGIC OPPORTUNITY  
FUND, LLC,

Debtor

MARK G. DEGIACOMO,  
CHAPTER 7 TRUSTEE FOR THE  
ESTATE OF RMA STRATEGIC  
OPPORTUNITY FUND, LLC,

Plaintiff,

v.

RAYMOND K. MONTOYA, ROSS  
P. MONTOYA, ALMA U.  
MONTOYA, RYAN J. MONTOYA,  
RESOURCE MANAGED ASSETS,  
LLC, RESEARCH MAGNATE  
ADVISORS, LLC, AND RMA  
GROUP, INC.,

Defendants,

CENTURY BANK AND TRUST  
COMPANY and SANTANDER  
BANK, N.A.,

Trustee Process Defendants

Case No. 17-13328-FJB  
Chapter 7

Adv. Proc. No. 18-01019

**Defendant Ryan J. Montoya's Answer**

*Now comes* defendant RYAN J. MONTOYA (“Defendant”), through counsel, and hereby answers the plaintiff’s Complaint as follows.

1. Denied.

2. Denied.
3. Admitted as to the filing of a Criminal Complaint, otherwise denied.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted that Ryan is an individual and Raymond and Alma's son, otherwise denied.
9. Denied.
10. Denied.
11. Denied.
12. Denied for lack of information.
13. Denied for lack of information.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.

21. Denied. Further answering, according to the Delaware Secretary of State, RMA Strategic Opportunity Fund, LLC was incorporated on 5/18/2007.

22. Admitted.

23. Denied for lack of information.

24. Admitted.

25. Denied.

26. Denied. Further answering, it is unclear what is meant by “certain members of this family.”

27. Denied for lack of information.

28. Denied for lack of information.

29. Denied for lack of information.

30. Admitted. Further answering, this allegation is misleading, as the Complaint also alleges other entities with “RMA” as part of their name, without alleging their dates of incorporation.

31. Denied for lack of information.

32. Denied for lack of information.

33. Denied for lack of information.

34. Denied for lack of information.

35. Denied for lack of information.

36. Denied for lack of information. Further answering, this allegation is unclear, referring only to “Montoya” without further clarification. Multiple defendants in this matter have this surname.

37. Denied for lack of information.

38. Denied for lack of information.

39. Denied for lack of information.

40. Denied for lack of information.

41. Denied for lack of information.

42. Denied for lack of information.

43. Denied for lack of information.

44. Denied for lack of information.

45. Denied for lack of information.

46. Denied for lack of information.

47. Denied for lack of information.

48. Denied for lack of information.

49. Denied for lack of information.

50. Denied for lack of information.

51. Denied for lack of information.

52. Denied for lack of information.

53. Denied for lack of information.

54. Admitted.

55. Admitted.

56. Denied for lack of information.

57. Denied for lack of information.

58. Denied for lack of information.

59. Denied for lack of information.

60. Denied for lack of information.

61. Admitted as to the contents of Exhibit A, otherwise denied.

62. Denied for lack of information.

63. Denied for lack of information.

64. Denied for lack of information.

65. Denied for lack of information.

66. Admitted.

67. Admitted as to the contents of Exhibit B, otherwise denied.

68. Admitted.

69. Admitted as to the contents of Exhibit C, otherwise denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

**Count I**

74. Defendant hereby repeats his answers to paragraphs 1 to 73, supra.

75. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

76. Denied.

77. Denied.

78. Denied.

79. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

80. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count II**

81. Defendant hereby repeats his answers to paragraphs 1 to 80, supra.

82. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

83. Denied.

84. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

85. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

86. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count III**

87. Defendant hereby repeats his answers to paragraphs 1 to 86, supra.

88. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

89. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count IV**

95. Defendant hereby repeats his answers to paragraphs 1 to 94, supra.

96. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

97. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

104. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count V**

105. Defendant hereby repeats his answers to paragraphs 1 to 104, supra.

106. Denied.

107. Denied.

108. Denied.

**Count VI**

109. Defendant hereby repeats his answers to paragraphs 1 to 108, supra.

110. Denied.

111. Denied.

112. Denied.

113. Denied.



**Count VII**

114. Defendant hereby repeats his answers to paragraphs 1 to 113, supra.

115. Denied.

116. Denied.

117. Denied.

118. Denied.

**Count VIII**

119. Defendant hereby repeats his answers to paragraphs 1 to 118, supra.

120. Denied.

121. Denied.

122. Denied.

123. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count IX**

124. Defendant hereby repeats his answers to paragraphs 1 to 123, supra.

125. Denied.

126. Denied.

127. Denied.

128. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count X**

129. Defendant hereby repeats his answers to paragraphs 1 to 128, supra.
130. Denied.
131. Denied.
132. Denied.
133. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count XI**

134. Defendant hereby repeats his answers to paragraphs 1 to 128, supra.
135. Denied.
136. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Count XII**

137. Defendant hereby repeats his answers to paragraphs 1 to 136, supra.
138. Denied.
139. This allegation is a conclusion of law, to which no response is required. To the extent it alleges facts, they are denied.

**Affirmative Defenses**

1. Transfers made by the plaintiff to the defendant, if any, were for a legitimate supervening purpose.
2. Transfers made to the defendant, if any, were for reasonably equivalent value, including, but not limited to, as consideration for defendant's employment and/or consulting services.
3. Transfers made by the plaintiff to the defendant, if any, were to an insider pursuant to an employment contract, not in the ordinary course of business, and are therefore not subject to 11 U.S.C. ¶ 548(a)(1)(A).
4. Transfers made by the plaintiff to the defendant, if any, have already been repaid, including, but not limited to, by payments to the plaintiff and to the United States Attorney, District of Massachusetts.
5. Transfers made by the debtor, if any, were not to the defendant, and therefore cannot be recovered from the defendant.
6. Transfers made to the defendant, if any, were not made with actual intent to hinder, delay, or defraud any person or entity to which the debtor was or become indebted.
7. Transfers of property to the defendant, if any, were not of an interest in property that belonged to the plaintiff.
8. The plaintiff was not insolvent at the time the transfers alleged were made to the defendant, if any.

9. Transfers of property from the plaintiff to the defendant, if any, have already been transferred to a subsequent transferee or transferees who were bona fide purchasers, in other words, who took in good faith for value.
10. The plaintiff's complaint, or any one of or several of its counts, fail to state a claim for which relief can be granted, and therefore must be dismissed under Fed. R. Bankr. P. 7012(b)(6).

**Jury Demand**

Defendant hereby claims the right to trial by jury for all issues so triable.

Respectfully submitted,  
Ryan J. Montoya,

Dated: Tuesday, June 5, 2018

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](mailto:will@wparkslaw.com)

**Certificate of Service**

I, William C. Parks, undersigned, hereby certify that on this day, Tuesday, June 5, 2018, I served a true copy of this Answer by the Court's CM/ECF system upon the parties listed below:

Jonathan Horne ([jhorne@murthalaw.com](mailto:jhorne@murthalaw.com))

And by first-class mail, postage pre-paid, to:

Susan R. Davison  
MA1 MB3-01-21  
PO BOX 841005  
Boston, MA 02284

Century Bank and Trust Company  
400 Mystic Avenue  
Medford, MA 02155