

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,  
ET AL,

Defendants

Case No. 17-13328-FJB  
Chapter 7

Adv. Proc. No. 18-01019

**Statement of Defendants Raymond K. Montoya, Alma U. Montoya, Ross Montoya, and Ryan Montoya**

*Now comes* the defendants, Raymond K. Montoya, Alma U. Montoya, Ross Montoya, and Ryan Montoya (together, the 'Montoya Defendants'), and hereby file this Statement pursuant to the Court's order issued on 6/23/2020 at Docket No. 133.

The Montoya Defendants consent to a trial conducted by remote means with appropriate procedural safeguards. They strongly prefer that witnesses, especially adverse parties, be required to testify by video if possible, to avoid even the suggestion of witness coaching that could result from telephone appearances. Undersigned counsel has never

consented to telephone depositions for this reason, although he has conducted a brief video deposition of a defendant located in a remote location.

Raymond K. Montoya is presently incarcerated in a Federal Bureau of Prisons facility at FCI Lompoc, in Lompoc, CA. Any remote appearance by him will have to accommodate the time difference between California and Massachusetts, and he will have to be notified sufficiently in advance to allow him to make arrangements with the warden for his appearance. Without such advance preparations, even his access to a telephone is restricted sufficiently to make it difficult to testify for more than a few minutes at a time. While he would appear by video conference, it may be that telephone is the only remote means available to him.

Ryan Montoya resides in Virginia, where he is a physician doing front-line COVID work. He consents to a remote appearance to avoid putting others at risk of infection by traveling. Any time difference between his location and Massachusetts needs to be accommodated, and he also needs advance notification to allow him to schedule his appearance.

Alma U. Montoya and Ross Montoya consent to a trial conducted by remote means.

Respectfully submitted,

The Montoya Defendants,  
By their attorney,

Dated: 6/25/2020

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

I, William C. Parks, undersigned, hereby certify that on this day, 6/25/2020, I served a true copy of the above Statement by the Court's CM/ECF system on the parties listed below:

Jonathan Horne (for Mark G. DeGiacomo) ([jhorne@murthalaw.com](mailto:jhorne@murthalaw.com))

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