

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 17-60907-CIV-MORENO/TURNOFF

FEDERAL TRADE COMMISSION, and
STATE OF FLORIDA,

Plaintiffs,

v.

JEREMY LEE MARCUS, *et al.*,

Defendants and Relief Defendants

**RELIEF DEFENDANT, JAMES MARCUS', ANSWER AND AFFIRMATIVE
DEFENSES TO FIRST AMENDED COMPLAINT**

Relief Defendant, JAMES MARCUS, by and through his undersigned counsel, hereby files his Answer and Affirmative Defenses to First Amended Complaint and states;

1. It is admitted that Plaintiff seeks to state causes of action for relief, the propriety of which are denied.

2. It is admitted that Plaintiff seeks to state causes of action for relief, the propriety of which are denied

3. Relief Defendant is without knowledge of the allegations of paragraph 3 and therefore denies same and demands strict proof thereof.

4. Relief Defendant is without knowledge of the allegations of paragraph 4 and therefore denies same and demands strict proof thereof.

5. Relief Defendant is without knowledge of the allegations of paragraph 5 and

therefore denies same and demands strict proof thereof.

6. Relief Defendant is without knowledge of the allegations of paragraph 6 and therefore denies same and demands strict proof thereof.

7. Relief Defendant is without knowledge of the allegations of paragraph 7 and therefore denies same and demands strict proof thereof.

8. Relief Defendant is without knowledge of the allegations of paragraph 8 and therefore denies same and demands strict proof thereof.

9. It is admitted that Plaintiff seeks to state causes of action, the propriety of which is denied.

10. It is admitted that Plaintiff seeks to state causes of action, the propriety of which is denied

11. Denied.

12. It is admitted that the FTC is a governmental agency duly created. All other allegations are denied.

13. Relief Defendant is without knowledge of the allegations of paragraph 13 and therefore denies same and demands strict proof thereof.

14. Relief Defendant is without knowledge of the allegations of paragraph 14 and therefore denies same and demands strict proof thereof.

15. Relief Defendant is without knowledge of the allegations of paragraph 15 and therefore denies same and demands strict proof thereof.

16. Relief Defendant is without knowledge of the allegations of paragraph 16 and therefore denies same and demands strict proof thereof.

17. Relief Defendant is without knowledge of the allegations of paragraph 17 and

therefore denies same and demands strict proof thereof.

18. Relief Defendant is without knowledge of the allegations of paragraph 18 and therefore denies same and demands strict proof thereof.

19. Relief Defendant is without knowledge of the allegations of paragraph 19 and therefore denies same and demands strict proof thereof.

20. Relief Defendant is without knowledge of the allegations of paragraph 20 and therefore denies same and demands strict proof thereof.

21. Relief Defendant is without knowledge of the allegations of paragraph 21 and therefore denies same and demands strict proof thereof.

22. Relief Defendant is without knowledge of the allegations of paragraph 22 and therefore denies same and demands strict proof thereof.

23. Relief Defendant is without knowledge of the allegations of paragraph 23 and therefore denies same and demands strict proof thereof.

24. Relief Defendant is without knowledge of the allegations of paragraph 24 and therefore denies same and demands strict proof thereof.

25. Relief Defendant is without knowledge of the allegations of paragraph 25 and therefore denies same and demands strict proof thereof.

26. Relief Defendant is without knowledge of the allegations of paragraph 26 and therefore denies same and demands strict proof thereof.

27. Relief Defendant is without knowledge of the allegations of paragraph 27 and therefore denies same and demands strict proof thereof.

28. Relief Defendant is without knowledge of the allegations of paragraph 28 and therefore denies same and demands strict proof thereof.

29. Relief Defendant is without knowledge of the allegations of paragraph 29 and therefore denies same and demands strict proof thereof.

30. Relief Defendant is without knowledge of the allegations of paragraph 30 and therefore denies same and demands strict proof thereof.

31. Relief Defendant is without knowledge of the allegations of paragraph 31 and therefore denies same and demands strict proof thereof.

32. Relief Defendant is without knowledge of the allegations of paragraph 32 and therefore denies same and demands strict proof thereof.

33. Relief Defendant is without knowledge of the allegations of paragraph 33 and therefore denies same and demands strict proof thereof.

34. Relief Defendant is without knowledge of the allegations of paragraph 34 and therefore denies same and demands strict proof thereof.

35. Relief Defendant is without knowledge of the allegations of paragraph 35 and therefore denies same and demands strict proof thereof.

36. Relief Defendant is without knowledge of the allegations of paragraph 36 and therefore denies same and demands strict proof thereof.

37. Relief Defendant is without knowledge of the allegations of paragraph 37 and therefore denies same and demands strict proof thereof.

38. This Defendant is not named in the allegations contained herein and has no knowledge of them. Accordingly, Defendant can neither admit nor deny the allegations contained herein and therefore demands strict proof thereof.

39. Relief Defendant is without knowledge as to the allegations made herein and therefore denies same and demands strict proof thereof.

40. Relief Defendant is without knowledge as to the allegations made herein and therefore denies same and demands strict proof thereof.

41. Relief Defendant, JAMES MARCUS, admits that he is an individual and a resident of California. All other allegations are denied.

42. Relief Defendant is without knowledge of the allegations contained herein and therefore denies same and demands strict proof thereof.

43. The allegations contained herein relate to the listed Defendants and not this Relief Defendant. To that extent, this Relief Defendant has no knowledge as to the allegations and therefore denies same and demands strict proof thereof. Any allegations which relate to this Relief Defendant are denied.

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69. The statutory authority speaks for itself and is the best evidence of its content.

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74. Relief Defendant has no knowledge of the allegations contained herein and therefore denies same and demands strict proof thereof.

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77. The authority cited herein speaks for itself and is the best evidence of its content.

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80. The statutory authority speaks for itself and is the best evidence of its content

81. The allegations contained herein relate to the listed Defendants and not this Relief Defendant. To that extent, this Relief Defendant has no knowledge as to the allegations and therefore denies same and demands strict proof thereof. Any allegations which relate to this Relief Defendant are denied.

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85. This Relief Defendant responds to the allegations reincorporated herein as he has responded to those allegations as more fully set forth above. The remaining allegations contained herein relate to the listed Defendants and not this Relief Defendant. To that extent, this Relief Defendant has no knowledge as to the allegations and therefore denies same and demands strict proof thereof. Any allegations which relate to this Relief

Defendant are denied.

86. The statutory authority speaks for itself and is the best evidence of its content

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91. James Marcus is without knowledge of all allegations relating to the other relief defendants and therefore denies same and demands strict proof thereof. All allegations relating to James Marcus are denied.

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allegations relating to James Marcus are denied.

93. James Marcus is without knowledge of all allegations relating to the other relief defendants and therefore denies same and demands strict proof thereof. All allegations relating to James Marcus are denied.

94. The allegations contained herein relate to the listed Defendants and not this Relief Defendant. To that extent, this Relief Defendant has no knowledge as to the allegations and therefore denies same and demands strict proof thereof. Any allegations which relate to this Relief Defendant are denied.

95. The scope of the powers and jurisdiction of this Court are set forth by legislative fiat.

96. The legislative authority cited herein speaks for itself and is the best evidence of its content.

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99. The allegations contained herein relate to the listed Defendants and not this Relief Defendant. To that extent, this Relief Defendant has no knowledge as to the allegations and therefore denies same and demands strict proof thereof. Any allegations which relate to this Relief Defendant are denied.

100. Any and allegations not specifically admitted hereinabove are denied.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

101. Relief Defendant has a legitimate claim to any assets received from Defendants.

SECOND DEFENSE

103. There is consideration for any assets Relief Defendant may have received from Defendants.

THIRD DEFENSE

103. The court lacks personal jurisdiction over this Relief Defendant for failure of service process.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2018, I electronically filed the foregoing document with the Clerk of this Court by using the CM/ECF system. I also certify that the foregoing document is being served this date on the Plaintiffs' counsel via transmission of Notices of Electronic Filing generated by the CM/ECF system.

/s/ Mark Wilensky

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