

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARK W. RASMUSSEN, RECEIVER §
FOR ARISEBANK §
Plaintiff, §
v. § Case No. 3:18-CV-1034
RICHARD SMITH, JR., and §
KURT F. MATTHEW, JR. §

DEFENDANT SMITH’S ORIGINAL ANSWER TO THE COMPLAINT

COMES NOW the Defendant RICHARD SMITH, JR., and files this Original Answer the Plaintiff’s Complaint (“Complaint”).

ANSWER

1. This is a legal conclusion to which no response is needed.
2. This is a legal conclusion to which no response is needed.
3. This is a legal conclusion to which no response is needed.
4. This is a legal conclusion to which no response is needed.
5. Defendant admits that he is a resident of Syracuse, New York.
6. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 6 of the Complaint.
7. This is a legal conclusion to which no response is needed. Also, Defendant

lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 7 of the Complaint.

8. This is a legal conclusion to which no response is needed. Also, Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 8 of the Complaint.

9. This is a legal conclusion to which no response is needed.

10. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant admits that he engaged in discussions with Rice about the sale of KFMC. Otherwise, Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant admits that he signed a term sheet regarding bank acquisition, which listed a thirty (30) day completion date. Otherwise, Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 13 of the Complaint.

14. Defendant admits that he received PIVX coins, but otherwise Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Defendant admits he received some value from PIVX coins transferred to him, and that he transferred some U.S. dollars to Matthew. Otherwise, Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 15.

16. Defendant admits that the subject transaction has yet to be completed, but denies that there is a basis for returning the monies.

17. Defendant reincorporates his respective responses to Paragraphs 1 -17.

18. Defendant denies that he has been unjustly enriched.

19. Defendant admits that he received PIVX coins, but denies unconscionability and unjust enrichment and other allegations in Paragraph 19 of the Complaint.

20. Defendant admits that he received some PVIX coins, but denies the allegations otherwise in Paragraph 20 of the Complaint.

21. Defendant denies the allegations contained in Paragraph 21.

22. Defendant reincorporates his respective responses to Paragraphs 1 -16.

23. This is a legal conclusion to which no response is needed.

24. Defendant admits he received some PVIX coins, but denies the allegations contained in Paragraph 24 of the Complaint.

25. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendant denies the allegations contained in Paragraph 26 of the Complaint.

27. Defendant reincorporates his respective responses to Paragraphs 1 -16.

28. Defendant admits that he received some PIVX coins, but otherwise, this allegation contains legal conclusions to which no response is needed. Beyond that, Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations contained in Paragraph 28.

29. This allegation is a request for relief. Otherwise, the Defendant denies the allegations contained in Paragraph 29.

30. This allegation contains legal conclusions to which no response is needed.

WHEREFORE, Defendant SMITH prays that Plaintiff take nothing by this suit, that the Defendant recovers costs of court without delay, and for such other and further relief, both at law and in equity, to which the Defendant is justly entitled, and demands a trial by jury.

Respectfully submitted,

/s/ John Teakell
JOHN TEAKELL
Law Office of John R. Teakell
2911 Turtle Creek Blvd.
Suite 300
Dallas, TX 75219
Tele. (214) 523-9076
Fax (214) 523-9077

CERTIFICATE OF SERVICE

I, John Teakell, hereby certify that on this the 28th day of May, 2018, a copy of the foregoing Defendant Matthew's Original Answer to the Complaint was served on the all parties of record.

/s/ John Teakell
John Teakell