

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

GRISEL ALONSO, as Receiver for
Dimitrouleas
Elm Tree Investment Advisors, et. al,

Plaintiff,

Case No. 16-cv-62603-

Proceeding Ancillary to
No. 15-CV-60082-Dimitrouleas/Snow

v.

JAMES BENVENUTO, et. al

Defendants.

_____ /

ANSWER AND AFFIRMATIVE DEFENSES

Defendant, TED GREENWALD, by and through the undersigned counsel hereby files this Answer to the Amended Complaint [DE 6] filed by the Plaintiff, GRISEL ALONOSO, as Receiver for Elm Tree Investment Advisors, Elm Tree Investment Fund, LP, Elm Tre 'e'conomy Fund, LP and Elm Tree Motion Opportunity, LP (collectively "Elm Entities") (hereinafter "Plaintiff") and answers as follows:

1. Defendant is without knowledge and demands strict proof thereof.
2. Defendant is without knowledge and demands strict proof thereof.
3. Defendant is without knowledge and demands strict proof thereof.
4. Defendant is without knowledge and demands strict proof thereof.
5. Defendant is without knowledge and demands strict proof thereof.

6. Defendant is without knowledge and demands strict proof thereof.
7. Defendant is without knowledge and demands strict proof thereof.
8. Defendant is without knowledge and demands strict proof thereof.

Jurisdiction

9. Defendant is without knowledge and demands strict proof thereof.
10. Denied.
11. Defendant is without knowledge and demands strict proof thereof.

Parties

12. Defendant is without knowledge and demands strict proof thereof.
13. Defendant is without knowledge and demands strict proof thereof.
14. Defendant is without knowledge and demands strict proof thereof.
15. Defendant is without knowledge and demands strict proof thereof.
16. Defendant is without knowledge and demands strict proof thereof.
17. Defendant is without knowledge and demands strict proof thereof.
18. Defendant is without knowledge and demands strict proof thereof.
19. Defendant is without knowledge and demands strict proof thereof.
20. Defendant is without knowledge and demands strict proof thereof.
21. Defendant is without knowledge and demands strict proof thereof.
22. Defendant is without knowledge and demands strict proof thereof.

23. Defendant is without knowledge and demands strict proof thereof.

24. Defendant is without knowledge and demands strict proof thereof.

25. Defendant is without knowledge and demands strict proof thereof.

26. Defendant is without knowledge and demands strict proof thereof.

27. Defendant is without knowledge and demands strict proof thereof.

28. Defendant is without knowledge and demands strict proof thereof.

29. Defendant is without knowledge and demands strict proof thereof.

30. Defendant is without knowledge and demands strict proof thereof.

31. Defendant is without knowledge and demands strict proof thereof.

32. Defendant is without knowledge and demands strict proof thereof.

33. Defendant is without knowledge and demands strict proof thereof.

34. Defendant is without knowledge and demands strict proof thereof.

35. Admitted for jurisdictional purposes only.

36. Defendant is without knowledge and demands strict proof thereof.

37. Defendant is without knowledge and demands strict proof thereof.

38. Defendant is without knowledge and demands strict proof thereof.

39. Defendant is without knowledge and demands strict proof thereof.

Facts

40. Defendant is without knowledge and demands strict proof thereof.

41. Defendant is without knowledge and demands strict proof thereof.

42. Defendant is without knowledge and demands strict proof thereof.

43. Defendant is without knowledge and demands strict proof thereof.

44. Defendant is without knowledge and demands strict proof thereof.

45. Defendant is without knowledge and demands strict proof thereof.

46. Defendant is without knowledge and demands strict proof thereof.

47. Defendant is without knowledge and demands strict proof thereof.

48. Defendant is without knowledge and demands strict proof thereof.

49. Defendant is without knowledge and demands strict proof thereof.

50. Defendant is without knowledge and demands strict proof thereof.

51. Denied.

52. Defendant is without knowledge and demands strict proof thereof.

53-123: The allegations of paragraphs 53 – 123 do not pertain to Defendant TED GREENWALD and as such no answer is required. To the extent the Court may require an answer, the Defendant is without knowledge and demands strict proof of these allegations.

124. Denied.

125. Denied.

126. Denied.

127-140. The allegations of paragraphs 53 – 123 do not pertain to Defendant TED GREENWALD and as such no answer is required. To the extent the Court may require an answer, the Defendant is without knowledge and demands strict proof of these allegations.

141-707. **(COUNTS 1-64)** The allegations of paragraphs 141-707 do not pertain to Defendant TED GREENWALD and as such no answer is required. To the extent the Court may require an answer, the Defendant is without knowledge and demands strict proof of these allegations.

COUNT 64

708. Defendant responds to the allegations of paragraphs 1-140 as set forth above.

709. Denied.

710. Denied.

711. Denied.

712. Denied.

713. Denied.

714. Denied.

715. Denied.

716. Denied.

717. Denied.

718. Denied.

COUNT 65

719. Defendant responds to the allegations of paragraphs 1-140 as set forth above.

720. Denied.

721. Denied.

722. Denied.

723. Denied.

724. Denied.

725. Denied.

726. Denied.

727. Denied.

COUNT 66

728. Defendant responds to the allegations of paragraphs 1-140 as set forth above.

729. Denied.

730. Denied.

731. Denied.

732. Denied.

733. Denied.

734. Denied.

735-842 (**Counts 67-78**) The allegations of paragraphs 141-707 do not pertain to Defendant TED GREENWALD and as such no answer is required. To the extent the Court may require an answer, the Defendant is without knowledge and demands strict proof of these allegations.

Affirmative Defenses

1. As and for his first affirmative defense, Defendant Greenwald states that he did not receive \$110,000.00 from the Plaintiff and that a wire transfer from the Plaintiff in the amount of \$55,000 was returned to Plaintiff's bank and did not credit to the account of Defendant Greenwald. The actual amount returned was \$54,975 which resulted from the bank deducting \$25.00 for the wire transfer fee. This transaction and the return of the funds should be evidenced in the Plaintiff's bank records.

2. As and for his second affirmative defense, Defendant Greenwald states that any payments he received were a contemporaneous exchange for value and constituted settlement of a claim for funds which had been fraudulently procured from the Defendant by the principal of the Plaintiff.

Respectfully Submitted,

/s/ JONATHAN B. LEWIS

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