

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:21-cv-01314-RBJ-NRN

GARY SCHWARTZ,  
Court-Appointed Receiver for Mark Ray,  
Custom Consulting & Product Services, LLC,  
MR Cattle Production Services, LLC,  
Universal Herbs, LLC,  
DBC Limited, LLC,  
RM Farm & Livestock, LLC,  
Sunshine Enterprises,  
and real property/equipment/inventory at 12700 East Lone Chimney Road, Glencoe, OK 74032,

Plaintiff,

v.

RONALD THROGMARTIN,

Defendant.

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**ANSWER & JURY DEMAND**

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Defendant Ronald Throgmartin (“Throgmartin”) states for his Answer:

**PARTIES, JURISDICTION, AND VENUE**

1. Throgmartin lacks sufficient information to either admit or deny the allegations in paragraph 1 of the Complaint, and, therefore, denies the same.

2. The documents attached to the Complaint as Exhibits 1 and 2 speak for themselves. To the extent paragraph 2 of the Complaint contains allegations to which a response from Throgmartin is necessary, they are denied.

3. Throgmartin admits the allegations in paragraph 3 of the Complaint.

4. Throgmartin denies the allegations in paragraph 4 of the Complaint to the extent this matter was removed to the United States District Court for the District of Colorado.

5. Throgmartin denies the allegations in paragraph 5 of the Complaint to the extent this matter was removed to the United States District Court for the District of Colorado.

### **GENERAL ALLEGATIONS**

6. The document attached to the Complaint as Exhibit 3, the “Colorado Complaint”, speaks for itself, and paragraph 3 of the Receiver’s Complaint misstates and mischaracterizes the content of Exhibit 3. Throgmartin denies the allegations in paragraph 6 that are directed at him. Throgmartin is not a party to the “Colorado Complaint” and denies there are allegations in the “Colorado Complaint” directed at him. To the extent the Receiver attempts to incorporate by reference the “Colorado Complaint” as allegations against Throgmartin, Throgmartin denies the allegations of the “Colorado Complaint” to the extent they are directed at him or his interest.

7. Throgmartin admits that on or about September 30, 2019, the “SEC Complaint” attached to the Complaint as Exhibit 4 was filed and names Throgmartin as a defendant. Throgmartin states that the content of the “SEC Complaint” speaks for itself. Throgmartin denies the remaining allegations in paragraph 7 of the Complaint and the allegations of the “SEC Complaint” that are directed at him or his interest.

8. Throgmartin states that the content of the “SEC Complaint” speaks for itself. Throgmartin denies the allegations in paragraph 8 of the Complaint.

9. Throgmartin states that the content of the “SEC Complaint” speaks for itself. Throgmartin denies the allegations in paragraph 9 of the Complaint.

10. The document attached to the Complaint as Exhibit 5, the Information filed against Mark Ray, speaks for itself, and Throgmartin admits that Mark Ray was charged criminally as alleged in paragraph 10 of the Complaint. Throgmartin denies the remaining allegations of paragraph 10 of the Complaint.

11. The document attached to the Complaint as Exhibit 5, the Information filed against Mark Ray, speaks for itself. Throgmartin denies the allegations in paragraph 11 of the Complaint that are directed at him or his interest.

12. The document attached to the Complaint as Exhibit 5, the Information filed against Mark Ray, speaks for itself. Throgmartin denies the allegations in paragraph 12 of the Complaint that are directed at him or his interest.

13. Throgmartin admits that Ray pled guilty and is awaiting sentencing. Throgmartin denies the allegations in paragraph 13 of the Complaint that are directed at him or his interest.

14. Throgmartin lacks sufficient information to either admit or deny the allegations in paragraph 14 of the Complaint, and, therefore, denies the same.

15. The document attached to the Complaint as Exhibit 1 speaks for itself. Throgmartin denies the allegations in paragraph 15 of the Complaint that are directed at him or his interest.

16. The document attached to the Complaint as Exhibit 2 speaks for itself. Throgmartin denies the allegations in paragraph 15 of the Complaint that are directed at him or his interest.

17. Throgmartin lacks sufficient information to either admit or deny the allegations in paragraph 17 of the Complaint, and, therefore, denies the same.

18. Throgmartin denies the allegations in paragraph 18 of the Complaint that are directed at him or his interest. Throgmartin lacks sufficient information to either admit or deny the remaining allegations in paragraph 18 of the Complaint, and, therefore, denies the same.

19. Throgmartin denies the allegations in paragraph 19 of the Complaint and denies the content of the “Spreadsheet” that is attached to the Complaint as Exhibit 6 to the extent it contains allegations against Throgmartin or his interest.

20. Throgmartin admits Phoenix Consulting is a Georgia limited liability company. Throgmartin denies the remaining allegations of paragraph 20 of the Complaint.

21. Throgmartin denies the allegations in paragraph 21 of the Complaint.

22. Throgmartin denies the allegations in paragraph 22 of the Complaint.

23. Throgmartin denies the allegations in paragraph 23 of the Complaint.

24. Throgmartin denies the allegations in paragraph 24 of the Complaint.

25. Throgmartin denies the allegations in paragraph 25 of the Complaint.

### **FIRST CLAIM FOR RELIEF**

#### **Colorado Uniform Fraudulent Transfer Act**

26. Throgmartin incorporates his responses to the allegations in paragraphs 1 through 25 as set forth above.

27. Throgmartin denies the allegations in paragraph 27 of the Complaint.

28. Throgmartin denies the allegations in paragraph 28 of the Complaint.

29. Throgmartin denies the allegations in paragraph 29 of the Complaint.

30. Throgmartin denies the allegations in paragraph 30 of the Complaint.

31. Throgmartin denies the allegations in paragraph 31 of the Complaint.

32. Throgmartin denies the allegations in paragraph 32 of the Complaint.

33. Throgmartin denies the allegations in paragraph 33 of the Complaint.

## **SECOND CLAIM FOR RELIEF**

### **Unjust Enrichment**

34. Throgmartin incorporates his responses to the allegations in paragraphs 1 through 33 as set forth above.

35. Throgmartin denies the allegations in paragraph 35 of the Complaint.

## **THIRD CLAIM FOR RELIEF**

### **Civil Theft**

36. Throgmartin incorporates his responses to the allegations in paragraphs 1 through 35 as set forth above.

37. Throgmartin denies the allegations in paragraph 37 of the Complaint.

38. Throgmartin denies the allegations in paragraph 38 of the Complaint.

39. Throgmartin denies the allegations in paragraph 39 of the Complaint.

40. Throgmartin denies the allegations in paragraph 40 of the Complaint.

41. Throgmartin denies the allegations in paragraph 41 of the Complaint.

42. Throgmartin denies the allegations in paragraph 42 of the Complaint.

WHEREFORE, Defendant Ronald Throgmartin respectfully requests that the Complaint be dismissed with prejudice at Plaintiff's cost and for any further relief the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Defendant Ronald Throgmartin hereby demands a jury trial on all issues so triable.

RONALD THROGMARTIN, Defendant.

By: s/ Michael J. Mullen  
Michael J. Mullen  
9850 Nicholas Street, Suite 305  
Omaha, NE 68114  
T: 402-558-5000  
F: 402-558-1100  
E: mike@mjmlawyer.com  
*Attorney for Defendant Ronald Throgmartin*

**Certificate of Service**

Michael J. Mullen certifies that on July 2, 2021, the foregoing Answer and Jury Demand was filed using the CM/ECF system, which sent notice to the following:

John Chanin  
Katherine Roush  
Jason Spitalnick  
Foster Graham Milstein & Calisher, LLP  
360 S. Garfield Street, 6<sup>th</sup> Floor  
Denver, CO 80209  
jchanin@fostergraham.com  
roush@fostergraham.com  
jspitalnick@fostergraham.com  
*Attorneys for Plaintiff*

Under D.C.Colo.LCivR 5.1, notice of such electronic filing constitutes a certificate of service.

s/ Michael J. Mullen