

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
IN RE PLATINUM-BEECHWOOD LITIGATION,	:	Master Docket No. 18 Civ. 6658 (JSR)
	:	
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SENIOR HEALTH INSURANCE COMPANY OF	:	
PENNSYLVANIA,	:	No. 18 Civ. 06658 (JSR)

Plaintiff,

v.

BEECHWOOD RE LTD., et al.,

Defendants.

**ANSWER OF DEFENDANT
KEVIN CASSIDY**

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MARTIN TROTT and CHRISTOPHER SMITH,	:	
as Joint Official Liquidators and Foreign	:	No. 18 Civ. 10936 (JSR)
Representatives of PLATINUM PARTNERS	:	
VALUE ARBITRAGE FUND L.P. (in Official	:	
Liquidation) and PLATINUM PARTNERS	:	
VALUE ARBITRAGE FUND L.P. (in Official	:	
Liquidation),	:	

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, et
al.,

Defendants.

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MELANIE L. CYGANOWSKI, AS	:	
RECEIVER, BY AND FOR PLATINUM	:	No. 18 Civ. 12018 (JSR)
PARTNERS CREDIT OPPORTUNITIES	:	
MASTER FUND LP, PLATINUM PARTNERS	:	
CREDIT OPPORTUNITIES FUND (TE) LLC,	:	
PLATINUM PARTNERS CREDIT	:	
OPPORTUNITIES FUND LLC, PLATINUM	:	
PARTNERS CREDIT OPPORTUNITIES	:	
FUND INTERNATIONAL LTD., PLATINUM	:	
PARTNERS CREDIT OPPORTUNITIES	:	
FUND INTERNATIONAL (A) LTD., and	:	

PLATINUM PARTNERS CREDIT :
OPPORTUNITIES FUND (BL) LLC, :

Plaintiffs, :

v. :

BEECHWOOD RE LTD., et al., :

Defendants. :

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SENIOR HEALTH INSURANCE :
COMPANY OF PENNSYLVANIA, :

Crossclaimant, :

v. :

BEECHWOOD RE LTD., B ASSET MANAGER :
LP, B ASSET MANAGER II LP, BEECHWOOD :
RE HOLDINGS, INC., BEECHWOOD :
BERMUDA LTD., BEECHWOOD BERMUDA :
INTERNATIONAL LTD., BEECHWOOD :
BERMUDA INVESTMENT HOLDINGS, LTD., :
BAM ADMINISTRATIVE SERVICES LLC, :
FEUER FAMILY TRUST, and TAYLOR-LAU :
FAMILY TRUST, :

Crossclaim Defendants. :

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SENIOR HEALTH INSURANCE COMPANY OF :
PENNSYLVANIA, :

Third-Party Plaintiff, :

v. :

PB INVESTMENT HOLDINGS LTD., :
BEECHWOOD CAPITAL GROUP, LLC, B, et al., :

Third-Party Defendants. :

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Defendant Kevin Cassidy, by and through his undersigned attorneys, as and for his Answer to the Amended Third-Party Complaint of Senior Health Insurance Company of Pennsylvania (“SHIP”) filed in this action on September 3, 2019 (“ATPC”), hereby states as follows:

1. Denies each and every allegation contained in paragraph 1 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

2. Denies each and every allegation contained in paragraph 2 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

3. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the ATPC.

4. Denies each and every allegation contained in paragraph 4 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

5. Denies each and every allegation contained in paragraph 5 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

6. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the ATPC.

7. Denies each and every allegation contained in paragraph 7 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

8. Denies each and every allegation contained in paragraph 8 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

9. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 9 of the ATPC.

10. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 10 of the ATPC.

11. Denies each and every allegation contained in paragraph 11 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

12. Denies each and every allegation contained in paragraph 12 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

13. Denies each and every allegation contained in paragraph 13 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

14. Denies each and every allegation contained in paragraph 14 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

15. Denies each and every allegation contained in paragraph 15 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

16. Denies each and every allegation contained in paragraph 16 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

17. Denies each and every allegation contained in paragraph 17 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

18. Denies each and every allegation contained in paragraph 18 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

19. Denies each and every allegation contained in paragraph 19 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

20. Denies each and every allegation contained in paragraph 20 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

21. Denies each and every allegation contained in paragraph 21 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

22. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 22 of the ATPC, except admits that Mark Nordlicht is a resident of New Rochelle and that Mark Nordlicht, Murray Huberfeld and David Bodner founded Platinum Management, admits that a criminal indictment was filed against Nordlicht in the Eastern District of New York, respectfully refers to Court to the indictment for its full contents, and neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

23. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 23 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

24. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 24 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

25. Denies each and every allegation contained in paragraph 25 of the ATPC to the extent it relates to Kevin Cassidy, admits that Platinum Management operated out of offices in New York, New York, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

26. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 26 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

27. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

28. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 28 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

29. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 29 of the ATPC.

30. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 30 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

31. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 31 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

32. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 32 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

33. Denies each and every allegation contained in paragraph 33 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal

conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

34. Denies each and every allegation contained in paragraph 34 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

35. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 35 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

36. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 36 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

37. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 37 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

38. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 38 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

39. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 39 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

40. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 40 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

41. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of the ATPC, except admits that Ottensoser served as general counsel of Platinum Management, and neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

42. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 42 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

43. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 43 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

44. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 44 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

45. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 45 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

46. Denies each and every allegation contained in paragraph 46 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

47. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 47 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

48. Denies each and every allegation contained in paragraph 48 of the ATPC, except admits that Michael Nordlicht is the nephew of Mark Nordlicht, Michael Nordlicht was employed by Agera Energy LLC as a Vice President, Legal and Operations Manager, between June 2014 and January 2019, Agera Energy LLC is a retail energy supplier and a wholly-owned subsidiary of Agera Holdings LLC, and that, from July 2014 through April 20, 2018, Michael Nordlicht was a member of Agera Holdings LLC and held 95.01% of the outstanding equity interest, and neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

49. Denies each and every allegation contained in paragraph 49 of the ATPC, except admits that Cassidy is a resident of Briarcliff Manor, New York, between June 2014 and June 2016, Cassidy was employed by Agera Energy LLC as its Executive Managing Director, Marketing and Acquisitions, and by judgment in a criminal case entered on April 26, 2012, Cassidy pleaded guilty to a single count information (conspiracy to commit wire fraud) and was sentenced to be imprisoned for a term of 30 months, respectfully refers the Court to the judgment for its full contents, and avers that allegations purporting to recite Kevin Cassidy's history are not relevant to the transactions or events at issue, are immaterial, impertinent, scandalous and unduly prejudicial, constitute an *ad hominem* attack upon Kevin Cassidy, and should be stricken from the ATPC pursuant to Fed. R. Civ. P. 12(f). Cassidy neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

50. Neither admits nor denies the allegations contained in paragraph 50 of the ATPC which consist of legal conclusions to which no responsive pleading is required.

51. Neither admits nor denies the allegations contained in paragraph 51 of the ATPC which consist of legal conclusions to which no responsive pleading is required.

52. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 52 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

53. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 53 of the ATPC.

54. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 54 of the ATPC.

55. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of the ATPC.

56. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 56 of the ATPC.

57. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 57 of the ATPC.

58. Denies each and every allegation contained in paragraph 58 of the ATPC, except admits between June 2014 and June 2016, Cassidy was employed by Agera Energy LLC as its Executive Managing Director, Marketing and Acquisitions, and by judgment in a criminal case entered on April 26, 2012, Cassidy pleaded guilty to a single count information (conspiracy to commit wire fraud) and was sentenced to be imprisoned for a term of 30 months, respectfully refers the Court to the judgment for its full contents, and avers that allegations purporting to recite

Kevin Cassidy's history are not relevant to the transactions or events at issue, are immaterial, impertinent, scandalous and unduly prejudicial, constitute an *ad hominem* attack upon Kevin Cassidy, and should be stricken from the ATPC pursuant to Fed. R. Civ. P. 12(f).

59. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 59 of the ATPC.

60. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 60 of the ATPC.

61. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 61 of the ATPC.

62. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 62 of the ATPC.

63. Denies each and every allegation contained in paragraph 63 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

64. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 64 of the ATPC.

65. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 65 of the ATPC.

66. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 66 of the ATPC.

67. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 67 of the ATPC.

68. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 68 of the ATPC.

69. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 69 of the ATPC.

70. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 70 of the ATPC.

71. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 71 of the ATPC.

72. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 72 of the ATPC.

73. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 73 of the ATPC.

74. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 74 of the ATPC.

75. Denies each and every allegation contained in paragraph 75 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

76. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 76 of the ATPC.

77. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 77 of the ATPC.

78. Denies each and every allegation contained in paragraph 78 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

79. Denies each and every allegation contained in paragraph 79 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

80. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 80 of the ATPC.

81. Denies each and every allegation contained in paragraph 81 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

82. Denies each and every allegation contained in paragraph 82 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

83. Denies each and every allegation contained in paragraph 83 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

84. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 84 of the ATPC.

85. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 85 of the ATPC.

86. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 86 of the ATPC.

87. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 87 of the ATPC.

88. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 88 of the ATPC.

89. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 89 of the ATPC.

90. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 90 of the ATPC.

91. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 91 of the ATPC.

92. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 92 of the ATPC.

93. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 93 of the ATPC.

94. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 94 of the ATPC.

95. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 95 of the ATPC.

96. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 96 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

97. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 97 of the ATPC.

98. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 98 of the ATPC.

99. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 99 of the ATPC.

100. Denies each and every allegation contained in paragraph 100 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the document referred to therein for its full contents.

101. Denies each and every allegation contained in paragraph 101 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

102. Denies each and every allegation contained in paragraph 102 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

103. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 103 of the ATPC.

104. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 104 of the ATPC.

105. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 105 of the ATPC.

106. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 106 of the ATPC.

107. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 107 of the ATPC.

108. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 108 of the ATPC.

109. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 109 of the ATPC.

110. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 110 of the ATPC.

111. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 111 of the ATPC.

112. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 112 of the ATPC.

113. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 113 of the ATPC.

114. Denies each and every allegation contained in paragraph 114 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the document referred to therein for its full contents.

115. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 115 of the ATPC.

116. Denies each and every allegation contained in paragraph 116 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

117. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 117 of the ATPC.

118. Denies each and every allegation contained in paragraph 118 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

119. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 119 of the ATPC.

120. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 120 of the ATPC.

121. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 121 of the ATPC.

122. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 122 of the ATPC.

123. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 123 of the ATPC.

124. Denies each and every allegation contained in paragraph 124 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

125. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 125 of the ATPC.

126. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 126 of the ATPC.

127. Denies each and every allegation contained in paragraph 127 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

128. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 128 of the ATPC.

129. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 129 of the ATPC.

130. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 130 of the ATPC.

131. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 131 of the ATPC.

132. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 132 of the ATPC.

133. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 133 of the ATPC.

134. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 134 of the ATPC.

135. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 135 of the ATPC.

136. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 136 of the ATPC.

137. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 137 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

138. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 138 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

139. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 139 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

140. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 140 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

141. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 141 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

142. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 142 of the ATPC.

143. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 143 of the ATPC.

144. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 144 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

145. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 145 of the ATPC.

146. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 146 of the ATPC.

147. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 147 of the ATPC.

148. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 148 of the ATPC.

149. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 149 of the ATPC.

150. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 150 of the ATPC.

151. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 151 of the ATPC.

152. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 152 of the ATPC.

153. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 153 of the ATPC.

154. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 154 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

155. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 155 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

156. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 156 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

157. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 157 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

158. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 158 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

159. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 159 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

160. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 160 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

161. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 161 of the ATPC.

162. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 162 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

163. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 163 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

164. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 164 of the ATPC.

165. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 165 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

166. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 166 of the ATPC.

167. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 167 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

168. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 168 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

169. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 169 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

170. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 170 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

171. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 171 of the ATPC.

172. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 172 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

173. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 173 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

174. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 174 of the ATPC.

175. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 175 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

176. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 176 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

177. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 177 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

178. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 178 of the ATPC.

179. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 179 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

180. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 180 of the ATPC.

181. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 181 of the ATPC.

182. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 182 of the ATPC.

183. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 183 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

184. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 184 of the ATPC.

185. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 185 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

186. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 186 of the ATPC.

187. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 187 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

188. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 188 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

189. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 189 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

190. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 190 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

191. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 191 of the ATPC.

192. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 192 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

193. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 193 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

194. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 194 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

195. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 195 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

196. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 196 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

197. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 197 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

198. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 198 of the ATPC.

199. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 199 of the ATPC.

200. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 200 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

201. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 201 of the ATPC.

202. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 202 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

203. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 203 of the ATPC.

204. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 204 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

205. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 205 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

206. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 206 of the ATPC.

207. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 207 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

208. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 208 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

209. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 209 of the ATPC.

210. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 210 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

211. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 211 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

212. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 212 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

213. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 213 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

214. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 214 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

215. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 215 of the ATPC.

216. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 216 of the ATPC.

217. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 217 of the ATPC.

218. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 218 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

219. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 219 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

220. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 220 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

221. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 221 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

222. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 222 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

223. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 223 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

224. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 224 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

225. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 225 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

226. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 226 of the ATPC.

227. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 227 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

228. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 228 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

229. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 229 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

230. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 230 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

231. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 231 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

232. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 232 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

233. Denies each and every allegation contained in paragraph 233 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

234. Denies each and every allegation contained in paragraph 234 of the ATPC to the extent it relates to Kevin Cassidy, except admits that Narain was a senior executive of BAM, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the documents referred to therein for their full contents.

235. Denies each and every allegation contained in paragraph 235 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

236. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 236 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

237. Denies each and every allegation contained in paragraph 237 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

238. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 238 of the ATPC.

239. Denies each and every allegation contained in paragraph 239 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

240. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 240 of the ATPC.

241. Denies each and every allegation contained in paragraph 241 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

242. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 242 of the ATPC.

243. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 243 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

244. Denies each and every allegation contained in paragraph 244 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

245. Denies each and every allegation contained in paragraph 245 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

246. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 246 of the ATPC.

247. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 247 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

248. Denies each and every allegation contained in paragraph 248 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

249. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 249 of the ATPC.

250. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 250 of the ATPC.

251. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 251 of the ATPC.

252. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 252 of the ATPC.

253. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 253 of the ATPC.

254. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 254 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

255. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 255 of the ATPC.

256. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 256 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

257. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 257 of the ATPC.

258. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 258 of the ATPC.

259. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 259 of the ATPC.

260. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 260 of the ATPC.

261. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 261 of the ATPC.

262. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 262 of the ATPC.

263. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 263 of the ATPC.

264. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 264 of the ATPC.

265. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 265 of the ATPC.

266. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 266 of the ATPC.

267. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 267 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

268. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 268 of the ATPC.

269. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 269 of the ATPC, except admits that Agera Energy LLC was formed on March 5, 2014 for the purpose of engaging in retail energy marketing and related services, and that, in June 2014, Agera Energy LLC acquired the ownership of certain assets of Glacial Energy Holdings and its affiliates and assumed the retail electric and gas business of Glacial.

270. Denies each and every allegation contained in paragraph 270 of the ATPC, except admits that Principal Growth Strategies LLC (“PGS”) was the holder of a Second Amended and Restated Secured Convertible Promissory Note issued by Agera Holdings LLC, dated June 9, 2016, which was convertible into 95.01% of the equity in Agera Holdings LLC (the “Convertible Note”), and respectfully refers the Court to the document referred to therein for its full content.

271. Denies each and every allegation contained in paragraph 271 of the ATPC, except admits that Principal Growth Strategies LLC (“PGS”) was the holder of a Second Amended and Restated Secured Convertible Promissory Note issued by Agera Holdings LLC, dated June 9, 2016, which was convertible into 95.01% of the equity in Agera Holdings LLC (the “Convertible Note”), and respectfully refers the Court to the document referred to therein for its full contents.

272. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 272 of the ATPC, except admits that Michael Nordlicht is the nephew of Mark Nordlicht, was employed by a Platinum entity prior to joining Agera, and admits that pursuant to a purchase agreement dated June 17, 2014 Michael Nordlicht acquired a 100% equity interest in Agera Energy LLC.

273. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 273 of the ATPC, except admits that Michael Nordlicht sold 4.99% of his equity interest in Agera Energy LLC to Beechwood re.

274. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 274 of the ATPC.

275. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 275 of the ATPC.

276. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 276 of the ATPC.

277. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 277 of the ATPC.

278. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 278 of the ATPC.

279. Denies each and every allegation contained in paragraph 279 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

280. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 280 of the ATPC.

281. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 281 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

282. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 282 of the ATPC.

283. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 283 of the ATPC.

284. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 284 of the ATPC.

285. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 285 of the ATPC.

286. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 286 of the ATPC.

287. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 287 of the ATPC.

288. Denies each and every allegation contained in paragraph 288 to the extent it relates to Kevin Cassidy, except admits that in May 2016 Kevin Cassidy was a managing director of Agera Energy LLC and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

289. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 289 of the ATPC.

290. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 290 of the ATPC.

291. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 291 of the ATPC.

292. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 292 of the ATPC.

293. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 293 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

294. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 294 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

295. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 295 of the ATPC.

296. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 296 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

297. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 297 of the ATPC, except admits that AGH Parent LLC amended its Limited Liability Company Agreement on June 9, 2016, and respectfully refers the Court to the document referred to therein for its full contents.

298. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 298 of the ATPC, except admits that PGS sold its interest in the Convertible Note to AGH Parent LLC on or about June 9, 2016, and respectfully refers the Court to the document referred to therein for its full contents.

299. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 299 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

300. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 300 of the ATPC.

301. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 301 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

302. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 302 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

303. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 303 of the ATPC.

304. Denies each and every allegation contained in paragraph 304 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

305. Denies each and every allegation contained in paragraph 305 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

306. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 306 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

307. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 307 of the ATPC.

308. Denies each and every allegation contained in paragraph 308 of the ATPC to the extent it relates to Kevin Cassidy, except admits that between June 2014 and June 2016, Kevin Cassidy was employed by Agera Energy LLC as an Executive Managing Director, Marketing and Acquisitions, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

309. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 309 of the ATPC.

310. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 310 of the ATPC.

311. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 311 of the ATPC.

312. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 312 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

313. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 313 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

314. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 314 of the ATPC.

315. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 315 of the ATPC.

316. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 316 of the ATPC.

317. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 317 of the ATPC.

318. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 318 of the ATPC.

319. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 319 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

320. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 320 of the ATPC.

321. Denies each and every allegation contained in paragraph 321 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

322. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 322 of the ATPC.

323. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 323 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

324. Denies each and every allegation contained in paragraph 324 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

325. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 325 of the ATPC.

326. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 326 of the ATPC.

327. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 327 of the ATPC.

328. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 328 of the ATPC.

329. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 329 of the ATPC.

330. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 330 of the ATPC.

331. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 331 of the ATPC.

332. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 332 of the ATPC.

333. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 333 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

334. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 334 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

335. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 335 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

336. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 336 of the ATPC.

337. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 337 of the ATPC.

338. Denies each and every allegation contained in paragraph 338 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

339. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 339 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

340. Denies each and every allegation contained in paragraph 340 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

341. Denies each and every allegation contained in paragraph 341 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

342. Denies each and every allegation contained in paragraph 342 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

343. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 343 of the ATPC.

344. Denies each and every allegation contained in paragraph 344 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

345. Denies each and every allegation contained in paragraph 345 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

346. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 346 of the ATPC.

347. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 347 of the ATPC.

348. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 348 of the ATPC.

349. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 349 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

350. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 350 of the ATPC.

351. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 351 of the ATPC.

352. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 352 of the ATPC.

353. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 353 of the ATPC.

354. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 354 of the ATPC.

355. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 355 of the ATPC.

356. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 356 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

357. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 357 of the ATPC.

358. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 358 of the ATPC.

359. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 359 of the ATPC.

360. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 360 of the ATPC.

361. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 361 of the ATPC.

362. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 362 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

363. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 363 of the ATPC.

364. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 364 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

365. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 365 of the ATPC.

366. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 366 of the ATPC.

367. Denies each and every allegation contained in paragraph 367 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

368. Denies each and every allegation contained in paragraph 368 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the document referred to therein for its full contents.

369. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 369 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

370. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 370 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

371. Denies each and every allegation contained in paragraph 371 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

372. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 372 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

373. Denies each and every allegation contained in paragraph 373 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

374. Denies each and every allegation contained in paragraph 374 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the document referred to therein for its full contents.

375. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 375 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

376. Denies each and every allegation contained in paragraph 376 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

377. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 377 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

378. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 378 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

379. Denies each and every allegation contained in paragraph 379 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

380. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 380 of the ATPC.

381. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 381 of the ATPC.

382. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 382 of the ATPC.

383. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 383 of the ATPC.

384. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 384 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

385. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 385 of the ATPC, except admits that Huberfeld was arrested on June 8, 2016, and respectfully refers the Court to the documents referred to therein for their full contents.

386. Denies each and every allegation contained in paragraph 386 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the documents referred to therein for their full contents.

387. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 387 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

388. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 388 of the ATPC.

389. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 389 of the ATPC.

390. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 390 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

391. Denies each and every allegation contained in paragraph 391 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the document referred to therein for its full contents.

392. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 392 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

393. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 393 of the ATPC.

394. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 394 of the ATPC.

395. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 395 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

396. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 396 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

397. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 397 of the ATPC.

398. Denies each and every allegation contained in paragraph 398 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

399. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 399 of the ATPC, and respectfully refers the Court to the document referred to therein for its full contents.

400. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 400 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

401. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 401 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

402. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 402 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

403. Denies each and every allegation contained in paragraph 403 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

404. Denies each and every allegation contained in paragraph 404 of the ATPC to the extent it relates to Kevin Cassidy, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the documents referred to therein for their full contents.

405. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 405 of the ATPC.

406. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 406 of the ATPC.

407. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 407 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

408. Denies each and every allegation contained in paragraph 408 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

409. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 409 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

410. Repeats and realleges the answers at paragraphs 1 – 409 as if fully set forth herein.

411. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 411 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

412. Denies each and every allegation contained in paragraph 412 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

413. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 413 of the ATPC.

414. Denies each and every allegation contained in paragraph 414 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

415. Denies each and every allegation contained in paragraph 415 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

416. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 416 of the ATPC.

417. Denies each and every allegation contained in paragraph 417 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

418. Denies each and every allegation contained in paragraph 418 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

419. Repeats and realleges the answers at paragraphs 1 – 418 as if fully set forth herein.

420. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 420 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

421. Denies each and every allegation contained in paragraph 421 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

422. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 422 of the ATPC.

423. Denies each and every allegation contained in paragraph 423 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the documents referenced therein for their full contents.

424. Denies each and every allegation contained in paragraph 424 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

425. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 425 of the ATPC.

426. Denies each and every allegation contained in paragraph 426 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

427. Denies each and every allegation contained in paragraph 427 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

428. Denies each and every allegation contained in paragraph 428 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

429. Repeats and realleges the answers at paragraphs 1 – 428 as if fully set forth herein.

430. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 430 of the ATPC.

431. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 431 of the ATPC.

432. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 432 of the ATPC.

433. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 433 of the ATPC, and respectfully refers the Court to the documents referred to therein for their full contents.

434. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 434 of the ATPC.

435. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 435 of the ATPC.

436. Denies each and every allegation contained in paragraph 436 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

437. Denies each and every allegation contained in paragraph 437 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

438. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 438 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

439. Repeats and realleges the answers at paragraphs 1 – 438 as if fully set forth herein.

440. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 440 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

441. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 441 of the ATPC.

442. Denies each and every allegation contained in paragraph 442 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

443. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 443 of the ATPC.

444. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 444 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

445. Repeats and realleges the answers at paragraphs 1 – 444 as if fully set forth herein.

446. Denies each and every allegation contained in paragraph 446 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations, and respectfully refers the Court to the documents referenced therein for their full contents.

447. Denies each and every allegation contained in paragraph 447 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

448. Denies each and every allegation contained in paragraph 448 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

449. Denies each and every allegation in paragraph 449 of the ATPC.

450. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 450 of the ATPC.

451. Denies each and every allegation contained in paragraph 451 of the ATPC to the extent it relates to Kevin Cassidy, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

452. Denies each and every allegation contained in paragraph 452 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

453. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 453 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

454. Repeats and realleges the answers at paragraphs 1 – 453 as if fully set forth herein.

455. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 455 of the ATPC.

456. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 456 of the ATPC.

457. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 457 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

458. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 458 of the ATPC.

459. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 459 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

460. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 460 of the ATPC, except neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

461. Repeats and realleges the answers at paragraphs 1 – 460 as if fully set forth herein.

462. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 462 of the ATPC.

463. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 463 of the ATPC.

464. Denies each and every allegation contained in paragraph 464 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

465. Denies each and every allegation contained in paragraph 465 of the ATPC, except admits that a Purchase Agreement was entered into between PGS and Starfish Capital, Inc. on June 9, 2016, and respectfully refer the Court to the document referred to therein for its full contents, and neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required.

466. Denies each and every allegation contained in paragraph 466 of the ATPC to the extent it relates to Kevin Cassidy, neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations.

467. Repeats and realleges the answers at paragraphs 1 – 466 as if fully set forth herein.

468. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 468 of the ATPC.

469. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 469 of the ATPC.

470. Neither admits nor denies those allegations that consist of legal conclusions to which no responsive pleading is required, and denies knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 470 of the ATPC.

471. Neither admits nor denies as the allegations in paragraph 471 consist of legal conclusions to which no responsive pleading is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

472. The ATPC fails to state a claim against Kevin Cassidy upon which relief may be granted.

Second Affirmative Defense

473. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, under the doctrine of *in pari delicto*.

Third Affirmative Defense

474. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, because Plaintiffs lack standing under the doctrine established in *Shearson Lehman Hutton, Inc. v. Wagoner*, 944 F.2d 114, 120 (2d Cir. 1991).

Fourth Affirmative Defense

475. The Seventh Count against Kevin Cassidy is barred because the unjust enrichment claim is duplicative of the alleged tort claims and/or an express contract governs the transfer of assets from PGS to Starfish Capital, Inc. in connection with the alleged “Agera Transactions.”

Fifth Affirmative Defense

476. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, because SHIP failed to mitigate its claimed damages.

Sixth Affirmative Defense

477. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, because SHIP lacks standing to pursue the claims.

Seventh Affirmative Defense

478. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, because SHIP consented to and/or ratified the conduct alleged to have been wrongful.

Eighth Affirmative Defense

479. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, by the doctrine of waiver.

Ninth Affirmative Defense

480. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, by the doctrine of estoppel.

Tenth Affirmative Defense

481. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, by the doctrine of laches.

Eleventh Affirmative Defense

482. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, by the doctrine of unclean hands.

Twelfth Affirmative Defense

483. The relief sought in the ATPC is barred, in whole or in part, because of any loss or damage sustained by SHIP was occasioned by the acts, omissions, and/or conduct of persons and/or entities over whom Kevin Cassidy exercised no control.

Thirteenth Affirmative Defense

484. The claims alleged in the ATPC against Kevin Cassidy are barred, in whole or in part, because Kevin Cassidy owed no duties to SHIP at any relevant time.

Fourteenth Affirmative Defense

485. SHIP's claimed damages are limited, in whole or in part, by the doctrine of setoff.

Fifteenth Affirmative Defense

486. SHIP's alleged damages, if any, are too speculative and too remote.

Dated: New York, New York
September 13, 2019

**MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.**

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