

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT

SAMUEL K. LIPARI)	
)	
<i>Plaintiff</i>)	Case No. 0916-CV38273
)	Division 16
vs.)	
)	RICO Mail and Wire Fraud
CHAPEL RIDGE MULTIFAMILY, LLC,)	RICO Conspiracy
<i>dcl</i>)	Under U. S. C. § 1961, <i>et seq.</i>
)	
<i>Defendants.</i>)	

ANSWER TO AMENDED PETITION

Separate defendant, Chapel Ridge Multifamily, LLC ("Chapel Ridge"), by and through its undersigned counsel of record, provides its answer to the amended petition filed on January 20, 2010 by *pro se* plaintiff Samuel K. Lipari.

I. INTRODUCTION

Chapel Ridge denies the allegations in paragraph 1 through 19.

II. AVERMENTS

20. This paragraph does not contain any allegations directed to Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

A. JURISDICTION

21. Denied.

Subject Matter Jurisdiction

22. Denied.

Subject Matter Jurisdiction Standing of Plaintiff

23-25. Chapel Ridge denies the allegations of paragraphs 23 through 25.

Subject Matter Jurisdiction Over Defendants

26-38. Chapel Ridge denies the allegations in paragraphs 26 through 38.

Personal Jurisdiction

34. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations in paragraph 34, and, therefore, denies same.

35. Chapel Ridge admits that it is a Missouri corporation, but is without sufficient information, knowledge or belief to admit or deny the remaining allegations of this paragraph and, therefore, denies same

36. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations in paragraph 36, and, therefore, denies same.

37. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations in paragraph 37, and, therefore, denies same.

38. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations in paragraph 38, and, therefore, denies same.

Venue

39.-44. Chapel Ridge denies the allegations in paragraphs 39 through 44.

Timeliness

45. This paragraph does not contain any allegations directed to Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

46.-49. Chapel Ridge denies the allegations in paragraph 46 through 49.

Governing Law

50.-56. Chapel Ridge denies the allegations in paragraphs 50 through 56.

B. STATEMENT OF FACTS

57. This paragraph does not contain any allegations directed to Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

Parties

58. This paragraph does not contain any allegations directed to Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

59.-86. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 59 through 86, and, therefore, denies same.

87. Chapel Ridge denies the allegations in paragraph 87.

88.-96. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 88 through 96, and, therefore, denies same.

97. Chapel Ridge denies the allegations in paragraph 97.

98.-104. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 98 through 104, and, therefore, denies same.

FBI AGENT KEVIN PERKINS HOBBS ACT
EXTORTION IN PARTICIPATION WITH THE RICO
CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION

105.-122. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 105 through 122, and, therefore, denies same,

FBI SENIOR FIELD AGENT'S HOBBS ACT
EXTORTION IN PARTICIPATION WITH THE RICO
CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION

123.-129. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 123 through 129, and, therefore, denies same.

THE LATECOMER DEFENDANTS ENTER INTO
AGREEMENT TO JOIN RICO CONSPIRACY JULY 24, 2009

130. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 130, and, therefore, denies same.

THE LATECOMER DEFENDANTS'
APARTMENT/OFFICE EVICTION MAIL FRAUD of
REGUS PLC, REGUS MANAGEMENT GROUP LLC, and LIANNE ZELLMER

131. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 131, and, therefore, denies same.

THE LATECOMER DEFENDANTS'
APARTMENT/OFFICE EVICTION MAIL FRAUD of
SWANSON MIDGLEY LLC and CHRISTOPHER BARHORST

132.-135. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 131 through 135, and, therefore, denies same.

THE LATECOMER DEFENDANTS'
AUTOMOBILE REPOSSESSION MAIL FRAUD
WELLS FARGO, WACHOVIA DEALER SERVICES INC.,
TROPBITO & MILLER, LLC,
CHRIS M. TROPBITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER

136.-141. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 136 through 141, and, therefore, denies same.

THE LATECOMER DEFENDANT
CHAPEL RIDGE MULTIFAMILY LLC's FAILED
ATTEMPT TO WITHDRAW FROM THE RICO CONSPIRACY

142.-143. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 142 through 143, and, therefore, denies same.

144.-154. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraph 144 through 154 and, therefore, denies same.

155. Chapel Ridge denies the allegations of paragraph 155.

COMPLETION OF FRAUD ON THE 16TH CIRCUIT COURT
BY CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC,
CHRISTOPHER BARHORST, and HOLLY L. FISHER

156.-158. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 156 through 158, and, therefore, denies same.

MISSOURI ATTORNEY GENERAL CHRIS KOSTER'S PARTICIPATION
IN THE RICO CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION

159.-181. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 159 through 181, and, therefore, denies same.

COMPLETION OF SECOND FRAUD ON THE 16TH CIRCUIT COURT by
CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC,
CHRISTOPHER BARHORST, and HOLLY L. FISHER

182. Denied.

183.-184. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 183 through 184, and, therefore, denies same.

THE RICO CONSPIRACY'S CONTINUED DEPRIVATION
OF LEGAL REPRESENTATION FOR THE PLAINTIFF

185.-186. Chapel Ridge is without sufficient information, knowledge or belief to admit or deny the allegations of paragraphs 185 through 186, and, therefore, denies same.

CAUSES OF ACTION

169. [sic] Paragraph 169, which is apparently misnumbered, does not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

COUNT I
Civil RICO violations of 18 U.S.c. § 1962(c)

170.-182 [sic]. Although the allegations of plaintiff's petition contain duplicate numbers, defendant Chapel Ridge will follow the numbering system in the petition. Chapel Ridge denies the allegations of paragraphs 170 through 182.

184.-193 [sic]. Paragraphs 184 through 193 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

Second § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act

194.-197. Chapel Ridge denies the allegations of paragraphs 194 through 197.

Second § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act

198.-200. Chapel Ridge denies the allegations of paragraphs 198 through 200.

201.-252. Paragraphs 201 through 252 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

18 U. S. C. § 1961 section 1343 Wire fraud

253. Chapel Ridge incorporates by reference its responses to the previous paragraphs referenced by plaintiff.

254.-257. Chapel Ridge denies the allegations of paragraphs 254 through 257.

258.-263. Paragraphs 258 through 263 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

264.-270. Chapel Ridge denies the allegations of paragraphs 264 through 270.

18 U. S. C. § 1961 section 1346 Wire fraud theft of honest services

271.-272. Chapel Ridge denies the allegations of paragraph 271 and 272.

Hobbs Act (against Extortion) 18 U.S.C. §1951

273.-279. Paragraphs 273 through 279 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

COUNT II
Civil RICO violations of 18 U.S.c. § 1962 (d)

280. Chapel Ridge incorporates by reference its responses to the previous paragraphs referenced by plaintiff.

281.-290. Chapel Ridge denies the allegations of paragraph 281 through 290.

291.-298. Paragraphs 291 through 298 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

Chapel Ridge expressly and specifically denies any allegations not admitted in this Answer.

Allegations and Claims Against the Original Novation, LLC Cartel Defendants,
GE, GE Capital, GE Transportation, and Jeffrey R. Immelt

229.-433. Paragraphs 299 through 433 do not contain any allegations directed to defendant Chapel Ridge, but to the extent any such factual allegations exist, they are denied.

AFFIRMATIVE DEFENSES

1. Plaintiffs petition fails to establish any cause of action against defendant Chapel Ridge upon which relief can be granted.

2. Plaintiff s petition is undertaken without legal basis or factual justification.

3. The acts of Chapel Ridge in evicting plaintiff for failing to pay his rent were justified.

4. Plaintiff has undertaken this action maliciously and without legal cause, and Chapel Ridge specifically reserves the right to pursue claims for malicious prosecution and/or abuse of process, and to seek costs, expenses and attorneys' fees as a result of plaintiffs frivolous claims.

5. Plaintiff has wrongfully asserted a lis pendens/lien on Chapel Ridge's property.

6. The claims are subject to federal jurisdiction.
7. Service of process was not properly obtained.
8. Chapel Ridge reserves the right to assert any additional affirmative defenses that may be learned during discovery.

Respectfully submitted,

HORN AYLWARD & BANDY, LLC



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via first class mail on this 12th day of February, 2010, to the following:

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