

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

JANET SIHLER, Individually and On  
Behalf of All Others Similarly Situated;  
CHARLENE BAVENCOFF,  
Individually and On Behalf of All  
Others Similarly Situated,

Plaintiffs,

v.

GLOBAL E-TRADING, LLC DBA  
CHARGEBACKS911, GARY  
CARDONE, MONICA EATON,

Defendants.

Case No. 8:23-cv-01450-VMC-UAM

**DEFENDANTS' ANSWER TO  
THIRD AMENDED CLASS  
ACTION COMPLAINT**

**DEFENDANTS' ANSWER TO THIRD AMENDED CLASS ACTION  
COMPLAINT**

**ANSWER TO THIRD AMENDED COMPLAINT**

Defendants Global E-Trading, LLC DBA Chargebacks911, Gary Cardone, and Monica Eaton (collectively, “Defendants”) hereby answer the numbered paragraphs of the Third Amended Class Action Complaint (“TAC”) (Dkt. No.102) filed by Plaintiffs Janet Sihler and Charlene Bavencoff (collectively, “Plaintiffs”) as set forth below.

**INTRODUCTORY STATEMENT**

The TAC contravenes the Federal Rules of Civil Procedure by improperly combining factual allegations with legal conclusions and argument. Many of the TAC’s allegations are overly broad, vague, conclusory, and/or contain terms that are undefined and susceptible to different meanings. Accordingly, by way of general response, all allegations in the TAC are denied unless expressly and specifically admitted. Any factual allegation admitted below is admitted only as to the specific facts and not as to any conclusions, characterizations, implications, or speculation contained in the allegation or the TAC as a whole. This Answer responds only to the numbered allegations in the TAC, and Defendants do not admit, and specifically deny, all allegations of fact contained in unnumbered section headings.

Unless otherwise noted, Defendants deny knowledge or information sufficient to form a belief as to the truth of any allegation relating to any other entity, any other defendants, or any other person. Defendants further respectfully submit that the TAC contains numerous purported allegations that constitute legal conclusions. Defendants are not required to respond to legal conclusions in this Answer, but to the

extent a response is required, Defendants deny such allegations, unless otherwise stated.

The TAC contains multiple references to purported descriptions and/or summaries of, and purported quotations from, various documents, including complaints, websites, press releases, manuals, advertisements, deposition testimony, emails, and Skype messages. In appropriate cases, Defendants respectfully refer the Court to the relevant documents for a description of their contents without admitting the truth, completeness, or accuracy thereof or the admissibility of those documents. Where defined terms are used in the TAC, they are repeated in the Answer and Defenses for ease of reference, except where otherwise defined herein.

The comments and objections in this Introductory Statement are incorporated into each numbered paragraph of this Answer.

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1. The allegations in paragraph 1 state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Plaintiffs purport to assert subject matter jurisdiction pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d).

2. The allegations in paragraph 2 state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Plaintiffs purport to assert claims under RICO and subject matter jurisdiction pursuant to 28 U.S.C. § 1331, which is a federal law.

3. The allegations in paragraph 3 state legal conclusions to which no

response is required. To the extent that a response is required, Defendants admit that Chargebacks911 is a Florida limited liability company with its principal place of business in Florida.

4. The allegations in paragraph 4 state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Mr. Cardone resides in Florida.

5. The allegations in paragraph 5 state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Ms. Eaton resides in Florida.

6. The allegations in paragraph 6 state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Chargebacks911 conducts business in the Middle District of Florida.

7. The allegations in paragraph 7 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 7.

8. The allegations in paragraph 8 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 8.

9. No response is required to the allegations in paragraph 9 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 9 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 9 also

purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that merchants can face various negative consequences—including fines, placement in monitoring programs, or loss of processing—for various reasons, including based on chargeback ratios, but otherwise deny the remaining allegations contained in paragraph 9.

10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 as they relate to “[t]hose selling and handling order logistics for the Keto Products.” The remaining allegations in paragraph 10 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Brightree and Chargebacks911 began having discussions about entering into a contractual relationship in or around August 2019, but otherwise deny the remaining allegations contained in paragraph 10.

11. The allegations in paragraph 11 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

12. No response is required to the allegations in paragraph 12 to the extent they relate to claims that were dismissed pursuant to the Court’s June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 12 also contain characterizations and

state legal conclusions to which no response is required. To the extent a response is required, the allegations in paragraph 12 purport to characterize the contents of a website, which speaks for itself. Defendants otherwise deny the allegations contained in paragraph 12.

13. The allegations in paragraph 13 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 had previously worked with an individual named Johnny De Luca, but otherwise deny the remaining allegations contained in paragraph 13.

14. The allegations in paragraph 14 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 14.

15. No response is required to the allegations in paragraph 15 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 15 also contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 15.

16. The allegations in paragraph 16 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 16 also purport to characterize the contents of a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent

a response is required, Defendants otherwise lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 16.

17. The allegations in paragraph 17 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17. To the extent a response is required, Defendants admit that Chargebacks911 had a contract with Brightree, but otherwise deny the remaining allegations in paragraph 17.

18. The allegations in paragraph 18 contain characterizations to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18. To the extent a response is required, Defendants deny the allegations contained in paragraph 18.

19. Defendants admit that on April 12, 2023, the Federal Trade Commission and the Office of the Attorney General for the State of Florida filed a complaint in the Middle District of Florida against Chargebacks911, Gary Cardone, and Monica Eaton. The allegations in paragraph 19 purport to characterize the contents of that complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents.

20. No response is required to the allegations in paragraph 20 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 20 purport to characterize the contents of a complaint, which speaks for itself. To the extent a response is required,

Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

21. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 21.

22. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22.

23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23.

24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24.

25. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25.

26. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26.

27. Defendants admit that Chargebacks911 is a Florida limited liability company with its principal place of business in Florida.

28. Defendants admit that Chargebacks911 offers chargeback prevention and related services to merchants. The remaining allegations in paragraph 28 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.



29. The allegations in paragraph 29 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Mr. Cardone was one of Chargebacks911's co-founders and former CEO and that he currently resides in this District, but otherwise deny the remaining allegations contained in paragraph 29.

30. The allegations in paragraph 30 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Ms. Eaton is Chargebacks911's CEO and former Chief Operating Officer, and that she resides in this District.

31. The allegations in paragraph 31 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31.

32. The allegations in paragraph 32 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32.

33. The allegations in paragraph 33 purport to characterize the contents of a report, which speaks for itself. Defendants refer the Court to such report for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

34. The allegations in paragraph 34 purport to characterize the contents of a

study, which speaks for itself. Defendants refer the Court to such report for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 34.

35. The allegations in paragraph 35 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35. To the extent a response is required, Defendants deny the allegations contained in paragraph 35.

36. The allegations in paragraph 36 purport to characterize the contents of a report, which speaks for itself. Defendants refer the Court to such report for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

37. The allegations in paragraph 37 purport to characterize the contents of a report, which speaks for itself. Defendants refer the Court to such report for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

38. The allegations in paragraph 38 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 38 also purport to characterize the contents of a report, which speaks for itself. Defendants refer the Court to such report for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is

required, Defendants otherwise deny the remaining allegations contained in paragraph 38.

39. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39.

40. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40.

41. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41.

42. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42.

43. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43.

44. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44.

45. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45.

46. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46.

47. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47.

48. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48.

49. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49.

50. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50.

51. The allegations in paragraph 51 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 51.

52. No response is required to the allegations in paragraph 52 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 52 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 52 also purport to characterize the contents of websites and Skype messages, which speak for themselves. Defendants refer the Court to such websites and messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 52.

53. The allegations in paragraph 53 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 provided backend services to Brightree, but otherwise deny the remaining allegations contained in paragraph 53.

54. The allegations in paragraph 54 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 54 also

purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 54.

55. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55.

56. Defendants admit that a MID is a unique identifier assigned to a merchant account by their acquiring financial institution.

57. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 as they relate to the Keto Associates. The allegations in paragraph 57 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that Brightree had multiple MIDs but deny the remaining allegations contained in paragraph 57.

58. The allegations in paragraph 58 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Brightree had multiple MIDs, but otherwise deny the allegations contained in paragraph 58.

59. The allegations in paragraph 59 purport to characterize the contents of

Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

60. The allegations in paragraph 60 purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 60.

61. The allegations in paragraph 61 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 61 also purport to characterize the contents of Skype messages, a speech, and a press release, which speak for themselves. Defendants refer the Court to such sources for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that Chargebacks911 was aware that Brightree had multiple MIDs at certain points in time, but otherwise deny the remaining allegations contained in paragraph 61.

62. The allegations in paragraph 62 contain characterizations to which no response is required. The allegations in paragraph 62 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required,

Defendants deny the remaining allegations contained in paragraph 62.

63. The allegations in paragraph 63 contain characterizations to which no response is required. The allegations in paragraph 63 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that Chargeback911 provides services which enable clients to track data associated with a specific MID, but otherwise deny the remaining allegations contained in paragraph 63.

64. The allegations in paragraph 64 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 64 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the allegations contained in paragraph 64.

65. The allegations in paragraph 65 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 65.

66. The allegations in paragraph 66 contain characterizations to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 at times speaks with its clients about the client's MIDs, but otherwise deny the allegations contained in paragraph 66.

67. The allegations in paragraph 67 purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

68. The allegations in paragraph 68 purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

69. The allegations in paragraph 69 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 69 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 69.

70. The allegations in paragraph 70 contain characterizations to which no response is required. The allegations in paragraph 70 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that Mr. Carroll communicated with Brightree about Brightree's MIDs, but otherwise deny the remaining allegations contained in paragraph 70.



71. The allegations in paragraph 71 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 71 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 71.

72. The allegations in paragraph 72 contain characterizations to which no response is required. The allegations in paragraph 72 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 72 regarding the Keto Associates' level of trust. Defendants otherwise deny the remaining allegations contained in paragraph 72.

73. The allegations in paragraph 73 state legal conclusions to which no response is required. The allegations in paragraph 73 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 regarding the Keto Associates' level of trust.

Defendants otherwise deny the remaining allegations contained in paragraph 73.

74. The allegations in paragraph 74 purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

75. No response is required to the allegations in paragraph 75 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 75 also contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Chargebacks911 on occasion spoke with Brightre about Brightree's MIDs, but otherwise deny the remaining allegations contained in paragraph 75.

76. The allegations in paragraph 76 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Mr. Cardone had two meetings over meals with individuals affiliated with Brightree. Defendants otherwise deny the remaining allegations contained in paragraph 76.

77. No response is required to the allegations in paragraph 77 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 77 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 77 also purport to characterize the contents of the Visa Product and Service Rule,

which speaks for itself. Defendants refer the Court to such Rule for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 77.

78. The allegations in paragraph 78 contain characterizations to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 78.

79. The allegations in paragraph 79 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

80. The allegations in paragraph 80 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

81. The allegations in paragraph 81 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

82. The allegations in paragraph 82 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent

inconsistent therewith.

83. The allegations in paragraph 83 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

84. The allegations in paragraph 84 state legal conclusions to which no response is required. To the extent that a response is required, the allegations in paragraph 84 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 84.

85. The allegations in paragraph 85 contain characterizations to which no response is required. To the extent that a response is required, the allegations in paragraph 85 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 85.

86. The allegations in paragraph 86 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 86 purport to characterize Skype messages, which speak for themselves. Defendants refer the

Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants otherwise deny the remaining allegations in paragraph 86.

87. The allegations in paragraph 87 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 87 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants otherwise deny the remaining allegations in paragraph 87.

88. The allegations in paragraph 88 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

89. The allegations in paragraph 89 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 89.

90. No response is required to the allegations in paragraph 90 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 90 also purport to characterize a manual, which speaks for itself. Defendants refer the Court to such manual for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that between 2013

and February 2019, Chargebacks911 provided a service to some of its clients called VAP, but deny the characterization of such services in paragraph 90, and otherwise deny the remaining allegations contained in paragraph 90.

91. No response is required to the allegations in paragraph 91 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 91 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Ben Scrancher introduced Brightree to Johnny De Luca, but otherwise deny the remaining allegations contained in paragraph 91.

92. The allegations in paragraph 92 contain characterizations and state legal conclusions to which no response is required. To the extent is required, Defendants deny the allegations contained in paragraph 92.

93. The allegations in paragraph 93 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 93.

94. The allegations in paragraph 94 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 94.

95. The allegations in paragraph 95 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95. To the extent a response is required, Defendants otherwise deny the remaining

allegations contained in paragraph 95.

96. The allegations in paragraph 96 purport to characterize the contents of an alert, which speaks for itself. Defendants refer the Court to such alert for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

97. The allegations in paragraph 97 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 97.

98. The allegations in paragraph 98 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98.

99. The allegations in paragraph 99 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 99.

100. The allegations in paragraph 100 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 100 also purport to characterize the contents of a website, which speaks for itself. Defendants

refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 100.

101. The allegations in paragraph 101 contain characterizations to which no response is required. The allegations in paragraph 101 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 101.

102. The allegations in paragraph 102 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 102.

103. The allegations in paragraph 103 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 103.



104. The allegations in paragraph 104 contain characterizations to which no response is required. The allegations in paragraph 104 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 104.

105. The allegations in paragraph 105 contain characterizations to which no response is required. The allegations in paragraph 105 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 105.

106. The allegations in paragraph 106 contain characterizations to which no response is required. The allegations in paragraph 106 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 106.

107. The allegations in paragraph 107 purport to characterize the contents of

a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 107.

108. The allegations in paragraph 108 contain characterizations to which no response is required. The allegations in paragraph 108 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 108.

109. The allegations in paragraph 109 contain characterizations to which no response is required. The allegations in paragraph 109 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 109.

110. The allegations in paragraph 110 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 110 also purport to characterize the contents of a website, which speaks for itself. Defendants

refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 110. To the extent a response is required, Defendants deny the allegations contained in paragraph 110.

111. The allegations in paragraph 111 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 111 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 111. To the extent a response is required, Defendants deny the allegations contained in paragraph 111.

112. The allegations in paragraph 112 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 112 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112. To the extent a response is required, Defendants deny the allegations contained in paragraph 112.

113. The allegations in paragraph 113 contain characterizations and state legal

conclusions to which no response is required. The allegations in paragraph 113 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 113. To the extent a response is required, Defendants deny the allegations contained in paragraph 113.

114. The allegations in paragraph 114 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 114.

115. The allegations in paragraph 115 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 115.

116. The allegations in paragraph 116 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 116.

117. The allegations in paragraph 117 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to

form a belief as to the truth of certain allegations in paragraph 117.

118. The allegations in paragraph 118 purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 118.

119. The allegations in paragraph 119 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 119. To the extent a response is required, Defendants deny the allegations contained in paragraph 119.

120. The allegations in paragraph 120 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 120 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

121. The allegations in paragraph 121 contain characterizations to which no response is required. The allegations in paragraph 121 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 121.

122. The allegations in paragraph 122 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 122. To the extent a response is required, Defendants deny the allegations contained in paragraph 122.

123. The allegations in paragraph 123 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 123. To the extent a response is required, Defendants deny the allegations contained in paragraph 123.

124. The allegations in paragraph 124 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 124. To the extent a response is required, Defendants deny the allegations contained in paragraph 124.

125. The allegations in paragraph 125 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 125. To the extent a response is required, Defendants deny the allegations contained in paragraph 125.

126. The allegations in paragraph 126 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 126 also

purport to characterize the contents of Skype messages, which speaks for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents. Defendants also lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 126. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 126.

127. The allegations in paragraph 127 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 127. To the extent a response is required, Defendants deny the allegations contained in paragraph 127.

128. The allegations in paragraph 128 contain characterizations and state legal conclusions to which no response is required. Defendants lack knowledge or information sufficient to form a belief as to the truth of certain allegations in paragraph 128 relating to whether Ms. Sihler and Ms. Bavencoff relied on certain statements. To the extent a response is required, Defendants deny the allegations contained in paragraph 128.

129. The allegations in paragraph 129 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 129 also purport to characterize the contents of Skype messages, which speaks for themselves. Defendants refer the Court to such messages for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants otherwise deny the allegations contained in paragraph 129.

130. The allegations in paragraph 130 purport to characterize the contents of Skype messages, which speaks for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

131. The allegations in paragraph 131 purport to characterize the contents of deposition testimony, which speaks for itself. Defendants refer the Court to such deposition testimony for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 131.

132. No response is required to the allegations in paragraph 132 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 132. To the extent a response is required, Defendants admit that merchants will sometimes be required to provide website information to banks when obtaining a merchant account, but otherwise deny the allegations contained in paragraph 132.

133. No response is required to the allegations in paragraph 133 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations also purport to characterize the contents of a website,



which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 133. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 133.

134. The allegations purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 134. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 134.

135. The allegations purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of such website and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 135. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 135.

136. The allegations in paragraph 136 purport to characterize the contents of a conversation, which speaks for itself. Defendants refer the Court to such conversation for a full and accurate rendition of its contents and otherwise deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph

136.

137. The allegations in paragraph 137 purport to characterize the contents of Skype messages, which speaks for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and otherwise deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 137.

138. No response is required to the allegations in paragraph 138 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 138 also contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 138. The allegations in paragraph 138 also purport to characterize the contents of websites, which speaks for themselves. Defendants refer the Court to such websites for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants otherwise deny the allegations contained in paragraph 138.

139. No response is required to the allegations in paragraph 139 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 139 also contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations

in paragraph 139. To the extent a response is required, Defendants deny the allegations contained in paragraph 139.

140. No response is required to the allegations in paragraph 140 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 140 also contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 140. The allegations in paragraph 140 also purport to characterize the contents of a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

141. No response is required to the allegations in paragraph 141 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 141 also contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 141. The allegations in paragraph 141 also purport to characterize the contents of Skype messages, which speaks for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 141.

142. No response is required to the allegations in paragraph 142 to the extent

they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 142 also purport to characterize the contents of a conversation, which speaks for itself. Defendants refer the Court to such conversation for a full and accurate rendition of its contents and otherwise deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the allegations contained in paragraph 142.

143. No response is required to the allegations in paragraph 143 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 143 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 143 also purport to characterize the contents of a conversation, which speaks for itself. Defendants refer the Court to such conversation for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 143.

144. Defendants incorporate all preceding and subsequent responses as if set forth fully herein.

145. The allegations in paragraph 145 contain characterizations and state legal conclusions to which no response is required.

146. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 146. To the extent a response is required, Defendants admit that Plaintiffs have defined certain terms in the TAC.

147. The allegations in paragraph 147 contain characterizations and state legal conclusions to which no response is required.

148. The allegations in paragraph 148 contain characterizations and state legal conclusions to which no response is required.

149. The allegations in paragraph 149 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 149.

150. The allegations in paragraph 150 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 150.

151. The allegations in paragraph 151 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 151.

152. The allegations in paragraph 152 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 152.

153. The allegations in paragraph 153 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 153.

154. The allegations in paragraph 154 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required,

Defendants deny the allegations in paragraph 154.

155. The allegations in paragraph 155 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 155.

156. The allegations in paragraph 156 contain characterizations and state legal conclusions to which no response is required.

157. The allegations in paragraph 157 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants admit that Plaintiffs purport to assert claims under RICO, 18 U.S.C. section 1961(c).

158. The allegations in paragraph 158 contain characterizations and state legal conclusions to which no response is required.

159. The allegations in paragraph 159 contain characterizations and state legal conclusions to which no response is required.

160. The allegations in paragraph 160 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 160.

161. The allegations in paragraph 161 contain characterizations and state legal conclusions to which no response is required.

162. No response is required to the allegations in paragraph 162 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 162 also contain characterizations and

state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 162.

163. The allegations in paragraph 163 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 163.

164. The allegations in paragraph 164 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 performed services for Brightree as a vendor and that, on October 8, 2019, Chargebacks911 received a payment from Brightree in the amount of \$105,024.00, but otherwise deny the remaining allegations in paragraph 164.

165. The allegations in paragraph 165 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 165.

166. The allegations in paragraph 166 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 and Brightree entered into a contractual relationship in or around August 2019, but otherwise deny the remaining allegations in paragraph 166.

167. The allegations in paragraph 167 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 167.

168. The allegations in paragraph 168 contain characterizations and state legal conclusions to which no response is required.

169. The allegations in paragraph 169 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 169.

170. The allegations in paragraph 170 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 170.

171. The allegations in paragraph 171 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 171 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 171 relating to the “Keto Associates.” To the extent a response is required, Defendants deny the allegations in paragraph 171.

172. The allegations in paragraph 172 contain characterizations to which no response is required. The allegations in paragraph 172 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the allegations in paragraph 172.



173. The allegations in paragraph 173 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 173.

174. The allegations in paragraph 174 contain characterizations and state legal conclusions to which no response is required.

175. No response is required to the allegations in paragraph 175 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 175 also contain characterizations and state legal conclusions to which no response is required. Defendants admit that Plaintiff purport to assert claims under the statutes they cite.

176. The allegations in paragraph 176 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Plaintiff purport to assert claims under the statutes they cite, but otherwise deny the allegations contained in paragraph 176.

177. The allegations in paragraph 177 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Plaintiff purport to assert claims under the statutes they cite, but otherwise deny the allegations contained in paragraph 177.

178. The allegations in paragraph 178 contain characterizations and state legal conclusions to which no response is required.

179. The allegations in paragraph 179 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required,

Defendants deny the allegations contained in paragraph 179.

180. The allegations in paragraph 180 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 180. To the extent a response is required, Defendants otherwise deny the remaining allegations in paragraph 180.

181. The allegations in paragraph 181 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 181. To the extent a response is required, Defendants otherwise deny the remaining allegations in paragraph 181.

182. The allegations in paragraph 182 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 182.

183. The allegations in paragraph 183 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 183.

184. The allegations in paragraph 184 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 184. To the extent a response is required, Defendants otherwise deny the remaining allegations in paragraph 184.

185. The allegations in paragraph 185 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 185. To the extent a response is required, Defendants otherwise deny the remaining allegations in paragraph 185.

186. The allegations in paragraph 186 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 186. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 186.

187. The allegations in paragraph 187 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 187.

188. The allegations in paragraph 188 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 188. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 188.

189. No response is required to the allegations in paragraph 189 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 189 also contain characterizations and state legal conclusions to which no response is required. Defendants also lack

knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 189. The allegations in paragraph 189 also purport to characterize the contents of a websites, which speak for themselves. Defendants refer the Court to such websites for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 189.

190. The allegations in paragraph 190 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

191. The allegations in paragraph 191 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 191. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 191.

192. The allegations in paragraph 192 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

193. The allegations in paragraph 193 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph

193. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 193.

194. The allegations in paragraph 194 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

195. The allegations in paragraph 195 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 195. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 195.

196. The allegations in paragraph 196 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

197. The allegations in paragraph 197 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 197. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 197.

198. The allegations in paragraph 198 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and

accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

199. The allegations in paragraph 199 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 199. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 199.

200. The allegations in paragraph 200 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

201. The allegations in paragraph 201 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

202. The allegations in paragraph 202 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 202. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 202.

203. The allegations in paragraph 203 purport to characterize a complaint, which speaks for itself. Defendants refer the Court to such complaint for a full and

accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

204. The allegations in paragraph 204 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 204. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 204.

205. The allegations in paragraph 205 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 205.

206. The allegations in paragraph 206 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 206 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 206.

207. The allegations in paragraph 207 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 207 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is

required, Defendants otherwise deny the remaining allegations contained in paragraph 207.

208. The allegations in paragraph 208 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 208.

209. The allegations in paragraph 209 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 209.

210. The allegations in paragraph 210 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 210.

211. The allegations in paragraph 211 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Plaintiffs purport to assert claims under the statutes they cite.

212. The allegations in paragraph 212 contain characterizations and state legal conclusions to which no response is required.

213. The allegations in paragraph 213 contain characterizations and state legal conclusions to which no response is required.

214. The allegations in paragraph 214 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the remaining allegations in paragraph 214.

215. The allegations in paragraph 215 contain characterizations and state legal



conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 215. To the extent a response is required, Defendants deny the allegations contained in paragraph 215.

216. The allegations in paragraph 216 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 216. To the extent a response is required, Defendants deny the allegations contained in paragraph 216.

217. The allegations in paragraph 217 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 217. The allegations in paragraph 217 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 217.

218. The allegations in paragraph 218 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

219. The allegations in paragraph 219 contain characterizations and state legal

conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 219.

220. The allegations in paragraph 220 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 220.

221. The allegations in paragraph 221 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 221 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 221.

222. The allegations in paragraph 222 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 222 also purport to characterize the contents of Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 222.

223. The allegations in paragraph 223 purport to characterize deposition testimony, which speaks for itself. Defendants refer the Court to such testimony for a full and accurate rendition of its contents and deny such allegations to the extent

inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 223.

224. The allegations in paragraph 224 purport to characterize deposition testimony, which speaks for itself. Defendants refer the Court to such testimony for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

225. The allegations in paragraph 225 purport to characterize deposition testimony, which speaks for itself. Defendants refer the Court to such testimony for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

226. The allegations in paragraph 226 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 226.

227. The allegations in paragraph 227 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 227.

228. The allegations in paragraph 228 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 228.

229. The allegations in paragraph 229 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 229.

230. The allegations in paragraph 230 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations in paragraph 230.

231. The allegations in paragraph 231 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 231 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 231.

232. The allegations in paragraph 232 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 232 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 232.

233. The allegations in paragraph 233 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 233 also purport to characterize an advertisement, which speaks for itself. Defendants refer the Court to such advertisement for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is

required, Defendants admit that they believe Chargebacks911 attended a conference or other industry event in November 2021, but lack knowledge of the specific details of any such attendance or presentation. Defendants deny the remaining allegations contained in paragraph 233.

234. The allegations in paragraph 234 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 234 also purport to characterize Skype messages and deposition testimony, which speak for themselves. Defendants refer the Court to such messages and testimony for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 234.

235. The allegations in paragraph 235 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 235 also purport to characterize Skype messages and deposition testimony, which speak for themselves. Defendants refer the Court to such messages and testimony for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 235.

236. The allegations in paragraph 236 contain characterizations and state legal conclusions to which no response is required.

237. The allegations in paragraph 237 contain characterizations and state legal conclusions to which no response is required. To the extent an answer is required,

Defendants deny the allegations contained in paragraph 237.

238. No response is required to the allegations in paragraph 238 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 238 also contain characterizations and state legal conclusions to which no response is required. To the extent an answer is required, Defendants admit that Ben Scrancher introduced Brightree to Johnny De Luca, but otherwise deny the remaining allegations contained in paragraph 238.

239. The allegations in paragraph 239 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 239 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

240. The allegations in paragraph 240 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit, on information and belief, that Ben Scrancher was in or around London, UK on September 26, 2019, but otherwise deny the remaining allegations contained in paragraph 240.

241. The allegations in paragraph 241 contain characterizations and state legal conclusions to which no response is required.

242. The allegations in paragraph 242 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 242 also purport to characterize Skype messages, which speak for themselves. Defendants refer

the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 242.

243. The allegations in paragraph 243 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Plaintiffs purport to assert claims under the statutes they cite.

244. No response is required to the allegations in paragraph 244 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 244 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 244.

245. The allegations in paragraph 245 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 245 also purport to characterize content from a website, which speaks for itself. Defendants refer the Court to the website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 245 relating to what acquiring banks would or would not have done. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 245.

246. No response is required to the allegations in paragraph 246 to the extent

they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 246 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 246.

247. The allegations in paragraph 247 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 247 also purport to characterize Skype messages and deposition testimony, which speak for themselves. Defendants refer the Court to such messages and testimony for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 247.

248. The allegations in paragraph 248 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 248 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 248.

249. The allegations in paragraph 249 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 249.

250. The allegations in paragraph 250 contain characterizations and state legal



conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 250. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 250.

251. The allegations in paragraph 251 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 251.

252. The allegations in paragraph 252 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 252.

253. The allegations in paragraph 253 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 253.

254. The allegations in paragraph 254 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 254. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 254.

255. No response is required to the allegations in paragraph 255 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 255 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is

required, Defendants deny the allegations contained in paragraph 255.

256. The allegations in paragraph 256 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 256.

257. The allegations in paragraph 257 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 257.

258. No response is required to the allegations in paragraph 258 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 258 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 258.

259. The allegations in paragraph 259 purport to characterize a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that merchants can face various negative consequences—including loss of processing—for various reasons, including based on chargeback ratios, but otherwise deny the remaining allegations contained in paragraph 259.

260. The allegations in paragraph 260 purport to characterize emails and deposition testimony, which speak for themselves. Defendants refer the Court to such emails and testimony for a full and accurate rendition of their contents and deny such

allegations to the extent inconsistent therewith.

261. The allegations in paragraph 261 purport to characterize deposition testimony, which speaks for itself. Defendants refer the Court to such content for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

262. The allegations in paragraph 262 purport characterize a manual, which speaks for itself. Defendants refer the Court to such manual for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

263. No response is required to the allegations in paragraph 263 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 263 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 263 also purport characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 263.

264. No response is required to the allegations in paragraph 264 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 264.

265. No response is required to the allegations in paragraph 265 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order

(Dkt. No. 128). The allegations in paragraph 265 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 265.

266. No response is required to the allegations in paragraph 266 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 266 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 266.

267. No response is required to the allegations in paragraph 267 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 267 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 267.

268. No response is required to the allegations in paragraph 268 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 268 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 268 also purport to characterize a press release, which speaks for itself. Defendants refer the Court to such press release for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 268.

269. No response is required to the allegations in paragraph 269 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 269 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 269 also purport to characterize a press release, which speaks for itself. Defendants refer the Court to such press release for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 269.

270. No response is required to the allegations in paragraph 270 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 270 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 270.

271. The allegations in paragraph 271 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 271.

272. The allegations in paragraph 272 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 272.

273. No response is required to the allegations in paragraph 273 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order

(Dkt. No. 128). The allegations in paragraph 273 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 273.

274. The allegations in paragraph 274 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

275. The allegations in paragraph 275 purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith.

276. No response is required to the allegations in paragraph 276 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 276 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 276.

277. The allegations in paragraph 277 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Chargebacks911 received notices through a system called Merlink about chargebacks for Brightree's products, but otherwise deny the remaining allegations in paragraph 277.

278. The allegations in paragraph 278 contain characterizations and state legal

conclusions to which no response is required. The allegations in paragraph 278 also purport to characterize emails, which speak for themselves. Defendants refer the Court to such emails for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 278.

279. No response is required to the allegations in paragraph 279 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 279 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 279 also purport to characterize an email, which speak for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 279.

280. No response is required to the allegations in paragraph 280 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 280 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 280.

281. No response is required to the allegations in paragraph 281 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 281 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is

required, Defendants deny the allegations contained in paragraph 281.

282. No response is required to the allegations in paragraph 282 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 282 also purport to characterize deposition testimony, which speaks for itself. Defendants refer the Court to such testimony for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 282.

283. No response is required to the allegations in paragraph 283 to extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 283 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 283 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 283.

284. No response is required to the allegations in paragraph 284 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 284 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 284.



285. No response is required to the allegations in paragraph 285 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 285 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 285.

286. No response is required to the allegations in paragraph 286 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 286 also contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 286.

287. No response is required to the allegations in paragraph 287 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 287 also contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 287 also purport to characterize statements, which speak for themselves. Defendants refer the Court to such statements for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 287.

288. No response is required to the allegations in paragraph 288 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 288 also contain characterizations and

state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 288.

289. The allegations in paragraph 289 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 289 purport to characterize a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

290. The allegations in paragraph 290 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 290.

291. The allegations in paragraph 291 contain characterizations and state legal conclusions to which no response is required.

292. The allegations in paragraph 292 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 292.

293. No response is required to the allegations in paragraph 293 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 293.

294. The allegations in paragraph 294 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 294.

295. No response is required to the allegations in paragraph 295 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 295.

296. The allegations in paragraph 296 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 296.

297. The allegations in paragraph 297 contain characterizations and state legal conclusions to which no response is required.

298. The allegations in paragraph 298 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 298.

299. The allegations in paragraph 299 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 299.

300. The allegations in paragraph 300 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 300 purport to characterize a website, which speaks for itself. Defendants refer the Court to such website for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 300.

301. The allegations in paragraph 301 contain characterizations and state legal

conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 301.

302. The allegations in paragraph 302 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Plaintiff purport to assert a claim under the statute they cite, but otherwise deny the allegations contained in paragraph 302.

303. The allegations in paragraph 303 contain characterizations and state legal conclusions to which no response is required.

304. The allegations in paragraph 304 contain characterizations and state legal conclusions to which no response is required.

305. The allegations in paragraph 305 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 305.

306. The allegations in paragraph 306 contain characterizations and state legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations contained in paragraph 306.

307. No response is required to the allegations in paragraph 307 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent that a response is required, Defendants admit that between 2013 and February 2019, Chargebacks911 provided a service to some of its clients called VAP, but deny the characterization of such services in paragraph 307, and otherwise deny the remaining allegations contained in paragraph 307.

308. The allegations in paragraph 308 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 308.

309. The allegations in paragraph 309 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants admit that Mr. Cardone had two meetings over meals with individuals affiliated with Brightree. Defendants otherwise deny the remaining allegations contained in paragraph 309.

310. No response is required to the allegations in paragraph 310 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants admit that, at certain times, Eaton and Cardone were officers of Chargebacks911. Defendants admit that Eaton and Cardone were at one time married. Defendants otherwise deny the remaining allegations contained in paragraph 310.

311. No response is required to the allegations in paragraph 311 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 311 as they relate to entities and individuals other than Defendants. To the extent a response is required, Defendants admit that between 2013 and February 2019, Chargebacks911 provided a service to some of its clients called VAP, but deny the characterization of such services in paragraph 311, and otherwise deny the remaining allegations contained in paragraph

311.

312. No response is required to the allegations in paragraph 312 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants admit that Monica Eaton was the registered agent for Tandium LLC and that Gary Cardone and Ben Scrancher used Vital Product Solutions e-mail addresses, but otherwise deny the remaining allegations contained in paragraph 312.

313. No response is required to the allegations in paragraph 313 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 313. The allegations in paragraph 313 also purport to characterize an agreement, which speaks for itself. Defendants refer the Court to such agreement for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

314. No response is required to the allegations in paragraph 314 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 314 purport to characterize an agreement, which speaks for itself. Defendants refer the Court to such agreement for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

315. No response is required to the allegations in paragraph 315 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order

(Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 315.

316. No response is required to the allegations in paragraph 316 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 316 purport to characterize an email from Monica Eaton, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 316.

317. No response is required to the allegations in paragraph 317 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 317 also purport to characterize a manual, which speaks for itself. Defendants refer the Court to such manual for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 317.

318. No response is required to the allegations in paragraph 318 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 318 also purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining

allegations contained in paragraph 318.

319. The allegations in paragraph 319 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

320. No response is required to the allegations in paragraph 320 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 320 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

321. No response is required to the allegations in paragraph 321 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 321 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

322. No response is required to the allegations in paragraph 322 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 322 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

323. No response is required to the allegations in paragraph 323 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 323 also purport to characterize an email,



which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 323.

324. No response is required to the allegations in paragraph 324 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 324 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

325. The allegations in paragraph 325 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 325 also purport to characterize a document, which speaks for itself. Defendants refer the Court to such document for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 325.

326. The allegations in paragraph 326 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 326.

327. No response is required to the allegations in paragraph 327 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 327.

328. The allegations in paragraph 328 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 328.

329. The allegations in paragraph 329 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 329.

330. The allegations in paragraph 330 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 330.

331. No response is required to the allegations in paragraph 330 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 331 also purport to characterize a manual and email, which speak for themselves. Defendants refer the Court to such manual and email for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants admit that between 2013 and February 2019, Chargebacks911 provided a service to some of its clients called VAP, but deny the characterization of such services in paragraph 331, and otherwise deny the remaining allegations contained in paragraph 331.

332. No response is required to the allegations in paragraph 332 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations

contained in paragraph 332.

333. The allegations in paragraph 333 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 333.

334. The allegations in paragraph 334 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 334.

335. No response is required to the allegations in paragraph 335 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 335.

336. No response is required to the allegations in paragraph 336 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants admit that between 2013 and February 2019, Chargebacks911 provided a service to some of its clients called VAP, but deny the characterization of such services in paragraph 336, and otherwise deny the remaining allegations contained in paragraph 336.

337. The allegations in paragraph 337 contain characterizations and state legal conclusions to which no response is required. Defendants also lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 337. To the extent a response is required, Defendants otherwise deny the remaining

allegations contained in paragraph 337.

338. The allegations in paragraph 338 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 338 also purport to characterize Skype messages, which speak for themselves. Defendants refer the Court to such messages for a full and accurate rendition of their contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 338.

339. The allegations in paragraph 339 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the remaining allegations contained in paragraph 339.

340. The allegations in paragraph 340 contain characterizations and state legal conclusions to which no response is required.

341. The allegations in paragraph 341 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 341.

342. The allegations in paragraph 342 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 342.

343. No response is required to the allegations in paragraph 343 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph

343.

344. No response is required to the allegations in paragraph 344 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). The allegations in paragraph 344 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 344.

345. The allegations in paragraph 345 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 345 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 345.

346. The allegations in paragraph 346 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 346 also purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 346.

347. The allegations in paragraph 347 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 347 also

purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

348. The allegations in paragraph 348 purport to characterize an email, which speaks for itself. Defendants refer the Court to such email for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith.

349. The allegations in paragraph 349 contain characterizations and state legal conclusions to which no response is required. The allegations in paragraph 349 also purport to document, which speaks for itself. Defendants refer the Court to such document for a full and accurate rendition of its contents and deny such allegations to the extent inconsistent therewith. To the extent a response is required, Defendants otherwise deny the remaining allegations contained in paragraph 349.

350. No response is required to the allegations in paragraph 350 to the extent they relate to claims that were dismissed pursuant to the Court's June 3, 2024 Order (Dkt. No. 128). To the extent a response is required, Defendants deny the allegations contained in paragraph 350.

351. The allegations in paragraph 351 contain characterizations and state legal conclusions to which no response is required. To the extent a response is required, Defendants deny the allegations contained in paragraph 351.

#### **PRAYER FOR RELIEF**

Defendants deny that Plaintiffs are entitled to the requested relief or any relief whatsoever.

**DEMAND FOR A JURY TRIAL**

Defendants deny that Plaintiffs are entitled to a jury trial on any issues not triable of right by a jury.

Defendants demand a jury trial on any claims and issues triable of right by a jury.

**SEPARATE DEFENSES**

By designating the following defenses, Defendants do not in any way waive or limit any defenses that are or may be raised by their denials and averments. These defenses are pled in the alternative, and are raised to preserve the rights of Defendants to assert such defenses, and are without prejudice to Defendants' ability to raise other and further defenses. Defendants expressly reserve all rights to re-evaluate their defenses and/or assert additional defenses upon discovery and review of additional documents and information, upon the development of other pertinent facts, and/or during pretrial proceedings in this action.

Without admitting any wrongful conduct on the part of Defendants and without conceding that they have the burden of proof on any of the following defenses, Defendants assert the following defenses to the TAC and reserve the right to add, alter and/or amend their defenses and affirmative defenses as the course of discovery so requires.

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**First Defense**

**(Failure to State a Claim for Relief)**

Plaintiffs' claims for relief are barred, in whole or in part, because they fail to state a claim against Defendants upon which relief may be granted.

**Second Defense**

**(Statute of Limitations)**

Plaintiffs' claims for relief are barred, in whole or in part, by the applicable statutes of limitation.

**Third Defense**

**(Statutes of Repose)**

Plaintiffs' claims for relief are barred, in whole or in part, by the applicable statutes of repose.

**Fourth Defense**

**(Doctrine of Laches)**

Plaintiffs' claims for relief are barred, in whole or in part, by the doctrine of laches.

**Fifth Defense**

**(Standing)**

Plaintiffs' claims for relief are barred, in whole or in part, insofar as Plaintiffs lack standing to assert the claims alleged in this action.

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**Sixth Defense**

**(Failure to Use Due Care)**

Plaintiffs' claims for relief are barred, in whole or in part, under equitable doctrines, including, without limitation, the failure to use due care.

**Seventh Defense**

**(Release)**

Plaintiffs' claims for relief are barred, in whole or in part, because Plaintiffs, by acts, omissions and/or conduct, have released, in whole or in part, their right to obtain relief sought in the TAC.

**Eighth Defense**

**(No Predicate Act)**

Plaintiffs' claims for relief are barred in whole or in part because Plaintiffs have failed to allege, and cannot prove, that Defendants committed any predicate acts of racketeering, including mail fraud, wire fraud, financial institutions fraud, and/or money laundering.

**Ninth Defense**

**(Absence of Due Diligence)**

Plaintiffs' claims for relief are barred, in whole or in part, because Plaintiffs failed to exercise appropriate due diligence.

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**Tenth Defense**

**(No Duty to Disclose)**

Plaintiffs' claims for relief are barred, in whole or in part, because Defendants had no duty to disclose, or cause the disclosure of, any allegedly omitted material information.

**Eleventh Defense**

**(No Material Misrepresentation)**

Plaintiffs' claims for relief are barred, in whole or in part, because Plaintiffs fail to allege actionable misrepresentations or omissions, and all statements alleged to have been made had a reasonable basis in fact, and because any alleged misrepresentations or omissions were not material.

**Twelfth Defense**

**(No Scierter)**

Plaintiffs' claims for relief are barred in whole or in part because Plaintiffs have failed to allege, and cannot prove, any facts showing that Defendants acted with the requisite scierter in the alleged misconduct.

**Thirteenth Defense**

**(Good Faith)**

Plaintiffs' claims for relief are barred, in whole or in part, because at all times mentioned in the TAC and with respect to all matters contained therein, Defendants acted in good faith and exercised reasonable care and diligence and did not know, and

in the exercise of reasonable care could not have known, of any alleged misconduct, untruth, omission, or any other action in the TAC that allegedly give rise to liability. At all relevant times, Defendants acted without intent to defraud and without recklessness or negligence, and did not directly or indirectly induce the acts constituting alleged violations of RICO.

**Fourteenth Defense**

**(Actual or Constructive Knowledge)**

Plaintiffs' claims for relief are barred, in whole or in part, because Defendants are not liable to Plaintiffs for any claims based on alleged misrepresentations or omissions for which Plaintiffs and/or their agents had, in whole or part, actual or constructive knowledge.

**Fifteenth Defense**

**(No Reasonable Reliance)**

Plaintiffs' claims for relief are barred, in whole or in part, because at all relevant times Plaintiffs and/or their purported agents did not reasonably rely on any material misrepresentations or omissions.

**Sixteenth Defense**

**(No Causation of Violation)**

Plaintiffs' claims for relief are barred, in whole or in part, because Defendants did not directly or indirectly cause the alleged violations complained of in the TAC.

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**Seventeenth Defense**

**(No Causation of Damages)**

Plaintiffs' claims for relief are barred, in whole or in part, because Defendants did not directly or proximately cause or contribute to any alleged damage, loss, or injury sustained by Plaintiffs.

**Eighteenth Defense**

**(No Economic Loss)**

Plaintiffs' claims for relief are barred, in whole or in part, because Plaintiffs suffered no economic loss.

**Nineteenth Defense**

**(Failure to Mitigate Damages)**

Any damage, loss, or liability sustained by Plaintiffs (which Defendants deny) must be reduced, diminished, and/or barred in proportion to Plaintiffs' failure to mitigate, reduce, or otherwise avoid any alleged damages.

**Twentieth Defense**

**(Duplicative Recovery)**

Any damage, loss, or liability sustained by Plaintiffs (which Defendants deny) must be reduced, diminished and/or barred to the extent Plaintiffs seek an overlapping or duplicative recovery pursuant to the various claims against Defendants or others.

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**Twenty-First Defense**

**(Proportionate Reduction of Judgment)**

Any judgment against Defendants must be reduced, diminished, and/or barred in proportion to the percentage of responsibility, if any, assessed by the jury as to Defendants pursuant to principles of equitable allocation, recoupment, set off, proportionate responsibility, comparative fault, any settlement credit, and/or any other applicable law or doctrine.

**Twenty-Second Defense**

**(Fraud of Others)**

If the allegations in the TAC are true (which Defendants deny), then Defendants were victims of fraud, deceit, misrepresentations, concealment, negligence, breach of contract, and/or breach of duties practiced upon them by others.

**Twenty-Third Defense**

**(Pre-Judgment Interest)**

Defendants deny that Plaintiffs are entitled to pre-judgment interest.

**RESERVATION OF RIGHTS**

Defendants reserve the right to add additional defenses as they become known during the course of this litigation.

**WHEREFORE**, Defendants respectfully seek judgment as follows:

- A. That Plaintiffs take nothing by virtue of the TAC;
- B. That Plaintiffs' claims against Defendants are dismissed with prejudice;

- C. That Defendants be awarded the costs of defending this action, including reasonable attorneys' fees, costs and disbursements; and
- D. For such other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Defendants hereby demand a jury trial.

Respectfully submitted,

Dated: June 17, 2024

*/s/ Neal R. Marder*

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Neal Ross Marder (*pro hac vice*)

Joshua A. Rubin (*pro hac vice*)

**AKIN GUMP STRAUSS HAUER & FELD LLP**

1999 Avenue of the Stars, Suite 600

Los Angeles, California 90067

Telephone: 310-229-1000

nmarder@akingump.com

rubinj@akingump.com

Corey Roush (*pro hac vice*)

**AKIN GUMP STRAUSS HAUER & FELD LLP**

2001 K St., NW

Washington, DC 20006

Telephone: 202-887-4115

croush@akingump.com

William J. Schifino Jr., Esq., Fl. Bar No. 564338

**GUNSTER, YOAKLEY & STEWART, P.A.**

401 E. Jackson St., Ste. 1500 - Tampa, Florida 33602

Telephone: 813-228-9080

wschifino@gunster.com

*Attorneys for Defendants Global E-Trading, LLC, Gary Cardone, and Monica Eaton*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2024, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

*/s/ Neal R. Marder*  
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Neal R. Marder, Esq.