

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

|   |   |                               |
|---|---|-------------------------------|
| <i>In re:</i>                               | ) | Chapter 11                    |
|   | ) |                               |
| WOODBIDGE GROUP OF                          | ) | Case No. 17-12560 (BLS)       |
| COMPANIES, LLC, <i>et al.</i> ,             | ) |                               |
|   | ) |                               |
| Remaining Debtors.                          | ) |                               |
|   | ) |                               |
| <hr/>                                       | ) |                               |
| MICHAEL GOLDBERG, as Liquidating            | ) |                               |
| Trustee of the Woodbridge Liquidation       | ) |                               |
| Trust, successor in interest to the estates | ) |                               |
| of WOODBRIDGE GROUP OF                      | ) |                               |
| COMPANIES, LLC, <i>et al.</i> ,             | ) |                               |
|   | ) |                               |
| Plaintiff,                                  | ) | Adv. Proc. No. 19-50594 (BLS) |
|   | ) |                               |
| v.  | ) |                               |
|   | ) |                               |
| ASCENSUS, LLC d/b/a PROVIDENT               | ) |                               |
| TRUST GROUP, CUSTODIAN FOR                  | ) |                               |
| THE BENEFIT OF PATRICIA SIMMONS )           | ) |                               |
| IRA and PATRICIA SIMMONS,                   | ) |                               |
|   | ) |                               |
| Defendants.                                 | ) |                               |

**DEFENDANT PATRICIA SIMMONS’ ANSWER TO COMPLAINT  
FOR AVOIDANCE AND RECOVERY OF PREFERENTIAL  
AND FRAUDULENT TRANSFERS PURSUANT TO 11 U.S.C §§ 544, 547, 548 & 550**

Patricia Simmons (the “Answering Defendant”) hereby answers the above-referenced complaint as follows:

**Nature of the Action**

1. Paragraph 1 purports to be a summary of the relief requested by the Complaint to which no response is required. To the extent a response is deemed required, the allegations in paragraph are denied.

**The Parties**

2. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 2 and on that basis denies them.

3. Denied that Answering Defendant is a resident of the State of Washington. Answering Defendant does not live in the United States. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in the second sentence of paragraph 3 and on that basis denies them.

**Jurisdiction and Venue**

4. Admitted.

5. Admitted.

6. No response required.

7. Admitted.

8. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 8 and on that basis denies them.

**Case Background**

9. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 9 and on that basis denies them.

10. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 10 and on that basis denies them.

**Facts**

11. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 11 and on that basis denies them.

12. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 12 and on that basis denies them.

13. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 13 and on that basis denies them.

14. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 14 and on that basis denies them. Answering Defendant additionally denies the legal conclusions proffered in paragraph 14.

15. Admitted only that Answering Defendant invested with the Debtors. The remainder of the allegations in paragraph 15 are denied.

16. Denied.

17. Admitted only that the defenses in 11 U.S.C. § 547(c) are available to Answering Defendant.

18. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 18 and on that basis denies them.

19. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 19 and on that basis denies them.

**FIRST CLAIM FOR RELIEF**

**(Avoidance of Preferential Transfers-11 U.S.C. § 547)**

20. Answering Defendant realleges and incorporates by reference the responses in the paragraphs above, as if fully set forth herein at length.

21. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 21 and on that basis denies them. Answering

further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

22. Paragraph 22 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 22. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

23. Paragraph 23 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 23. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

24. Paragraph 24 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 24. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

25. Paragraph 25 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 25. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

26. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 26 and on that basis denies them. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

27. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 27 and on that basis denies them. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

28. Answering Defendant is unable to admit or deny this request because Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

29. Denied.

**SECOND CLAIM FOR RELIEF**

**(Recovery of Property-11 U.S.C. § 550)**

30. Answering Defendant realleges and incorporates by reference the responses in the paragraphs above, as if fully set forth herein at length.

31. Paragraph 31 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 31.

32. Paragraph 32 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 32. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

33. Denied.

**THIRD CLAIM FOR RELIEF**

**(To Avoid Intentionally Fraudulent Transfers under 11 U.S.C. §§ 544(b) and 548(a)(1)(A) and Cal. Civ. Code § 3439, *et seq.*)**

34. Answering Defendant realleges and incorporates by reference the responses in the paragraphs above, as if fully set forth herein at length.

35. Answering Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 35 and on that basis denies them. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

36. Paragraph 36 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 36.

**FOURTH CLAIM FOR RELIEF**

**(To Avoid Intentionally Fraudulent Transfers under 11 U.S.C. §§ 544(b) and 548(a)(1)(A) and Cal. Civ. Code § 3439, *et seq.*)**

37. Answering Defendant realleges and incorporates by reference the responses in the paragraphs above, as if fully set forth herein at length.

38. Paragraph 38 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 38. Answering further, the Trustee improperly lumps together the Defendants in this action and Answering Defendant cannot answer on behalf of the other Defendant herein.

39. Paragraph 39 states a legal conclusion to which no response is required. To the extent a response is deemed required, Answering Defendant denies the allegations in paragraph 39.

The WHEREFORE clause purports to be a summary of the relief sought by the Trustee to which no response is required. To the extent a response shall be deemed required, Answering Defendant denies that the Trustee is entitled to any of the relief the Trustee seeks.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The Complaint fails to state a claim upon which relief can be granted.

**Second Affirmative Defense**

The Trustee's claims and requests for relief under the Complaint are barred because reasonably equivalent value was given in exchange for any Transfer.

**Third Affirmative Defense**

The Trustee's claims and requests for relief under the Complaint are barred because the transfers at issue were in payment of a debt incurred in the ordinary course of business or financial affairs of the Debtors and Answering Defendant and/or the other Defendant that is lumped into the Trustee's definition of "Defendant" and were made (i) in the ordinary course of business or financial affairs of the Debtors and Answering Defendant and/or the other Defendant that is lumped into the Trustee's definition of "Defendant" or (ii) according to ordinary business terms.

**Additional Affirmative Defenses**

Answering Defendant reserves the right to assert additional defenses that become known to Answering Defendant through discovery or otherwise.

WHEREFORE, Answering Defendant respectfully request that the Trustee's claims be dismissed with prejudice, and that Answering Defendant be awarded her fees and costs reasonably incurred in defending against them.

Dated: January 2, 2020  
Wilmington, Delaware

KLEIN LLC

*/s/ Julia Klein*

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